FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA
FAYETTEVILLE CITY COUNCIL
NOVEMBER 16, 1999

A meeting of the Fayetteville City Council will be held on November 16, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the November 2, 1999 City Council meeting.

2. **SWIMMING POOL PAINT SETTLEMENT:** A resolution approving an offer by Wilks Construction in the amount of $5,000 in lieu of painting the Wilson Park Swimming Pool. This will be the final settlement of their contract with the City.

3. **LAKE SEQUOYAH BOAT DOCK:** A resolution awarding a contract to Frank Thorpe for the management of Lake Sequoyah Boat Dock.

4. **MULTI-USE TRAILS:** A resolution authorizing the Mayor to execute an Agreement of Understanding with the Arkansas State Highway and Transportation Department for the implementation of Fayetteville Multi-Use Trails as Federal-Aid Transportation Enhancement project in the amount of $600,000. This agreement supersedes the agreements signed previously for the use of these funds. The City is required to furnish a 20 percent match or $150,000 making total funds available of $750,000. Approval of a budget adjustment establishing the project is also required.

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 and 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 second reading at the October 19, 1999 City Council meeting.

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

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A meeting of the Fayetteville City Council will be held on November 16, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Approved.

A. CONSENT AGENDA

1. ✓**APPROVAL OF THE MINUTES:** Approval of the minutes of the November 2, 1999 City Council meeting.

144-99

2. ✓**SWIMMING POOL PAINT SETTLEMENT:** A resolution approving an offer by Wilks Construction in the amount of $5,000 in lieu of painting the Wilson Park Swimming Pool. This will be the final settlement of their contract with the City.

145-99

3. ✓**LAKE SEQUOYAH BOAT DOCK:** A resolution awarding a contract to Frank Thorpe for the management of Lake Sequoyah Boat Dock.

146-99

4. ✓**MULTI-USE TRAILS:** A resolution authorizing the Mayor to execute an Agreement of Understanding with the Arkansas State Highway and Transportation Department for the implementation of Fayetteville Multi-Use Trails as Federal-Aid Transportation Enhancement project in the amount of $600,000. This agreement supersedes the agreements signed previously for the use of these funds. The City is required to furnish a 20 percent match or $150,000 making total funds available of $750,000. Approval of a budget adjustment establishing the project is also required.

B. OLD BUSINESS

FAILED.

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 and 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 second reading at the October 19, 1999 City Council meeting.

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

PASS. 4201

2. **RZ 99-29:** An ordinance approving 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. The ordinance was left on the second reading at the November 2, 1999 City Council meeting.

C. NEW BUSINESS

PASS 4202

1. **RZ 99-31.00:** An ordinance approving rezoning request RZ 99-31.00 submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Bleaux Barnes for property located south of Appleby Road and east of Appleby Apartments. The property is zoned A-1, Agricultural and contains approximately 8.37 acres. The request is to rezone the property to R-1, Low Density Residential.

PASS 147-99

2. **AD 99-25:** A resolution approving an amendment to the Master Street Plan as submitted by Dave Jorgensen in request AD 99-25. The request is to remove a proposed minor arterial street from the Master Street Plan. The proposed street is located north of Howard Nickel Road and west of Highway 112.

PASS 4203

3. **SYCAMORE CONDEMNATION:** An ordinance authorizing the City Attorney to seek possession of certain land located along Sycamore Street in the City of Fayetteville, Arkansas, by the power of Eminent Domain, in association with the required right-of-way and easements for the Sycamore Street Improvements at Leverett Avenue. Such property is owned by Charles G. Palmer Trust, the Linda J. Palmer Trust, the Ralph Freeman Trust, and the Arlie Freeman Trust.

TABLED

4. **WASHINGTON ELEMENTARY SCHOOL GYM:** A resolution authorizing the City's contribution for the construction of a gymnasium at Washington Elementary School and approval of a budget adjustment funding the contribution.

PASSED 148-99

5. **BOTANICAL GARDEN:** A resolution approving $15,000 matching funds for an Arkansas Department of Parks and Tourism Grant to support the Botanical Garden Society of the Ozarks, Inc.

PASSED 149-99

6. **CITY OF CHARACTER:** A resolution to establish the City of Fayetteville as a City of Character with the International Association of Character Cities.

FAYETTEVILLE CITY COUNCIL NOV. 16, 1999

	Roll				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
MAYOR HANNA	✓				
	HDRB. Consent				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
MAYOR HANNA					
	3RD R2 99-78.00.				
DAVIS	N				
TRUMBO	N				
DANIEL	N				
SANTOS	✓				
YOUNG	N				
RUSSELL	N				
REYNOLDS	N				
AUSTIN	N				
MAYOR HANNA					
	1-7-0.				

FAYETTEVILLE CITY COUNCIL NOV. 16, 1999

Joanne La Tourne.
Kathleen Parker.
Tim Sweethall
Steve Davis

	RZ 99-29				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	A				
RUSSELL	N				
REYNOLDS	N				
AUSTIN	✓				
MAYOR HANNA					
	5-2-1 BD H. 2nD RZ 99-31	RA HD 320.	PASS		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
MAYOR HANNA					
	8-0.	8-0.	8-0.		
	HP VS. AD 99-25				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
MAYOR HANNA					
	8-0.				

FAYETTEVILLE CITY COUNCIL NOV. 16, 1999

	1RD 2ND SYCAMORE	HD BD. CONDEMNATION	PASS.		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
MAYOR HANNA					
	8-0	7-0.	8-0.		

1R HD. WASH. motion to approve SYM withdrawn # KS to table

	Withdrawn		✓		
DAVIS			✓		
TRUMBO			✓		
DANIEL			✓		
SANTOS			✓		
YOUNG			✓		
RUSSELL			✓		
REYNOLDS			✓		
AUSTIN			✓		
MAYOR HANNA					
			8-0.		

Steve Frankenberg
ANNE LITLE.
Jeff Erf.
MARLYN BLACKWELL
JULIA ABRAM
Dan Cody.
Rick ALXANDER.
Roy Mar
Judith LAVINE

	4D/KS BOTANICAL GARDEN.				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
MAYOR HANNA					
	8-0.				

FAYETTEVILLE CITY COUNCIL NOV. 16, 1999

	KR HD. City of	RA RB to pass	H BD. to amend	CY KS. to remove whereas.	
DAVIS	N	✓	✓	N	BRUCE DONE.
TRUMBO	N	✓	✓	N	
DANIEL	✓	N	✓	✓	
SANTOS	✓	N	✓	✓	
YOUNG	✓	N	✓	✓	
RUSSELL	✓	N	✓	✓	
REYNOLDS	N	✓	✓	N	
AUSTIN	N	✓	✓	N	
MAYOR HANNA		✓		N	
		5-4-0.		4-5-0.	
DAVIS					
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
RUSSELL					
REYNOLDS					
AUSTIN					
MAYOR HANNA					
DAVIS					
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
RUSSELL					
REYNOLDS					
AUSTIN					
MAYOR HANNA					

adjourned 10:10 pm.

MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
NOVEMBER 2, 1999

A meeting of the Fayetteville City Council was held on November 2, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

ITEMS	**ACTION TAKEN**	
Approval of the Minutes	Approved	
Bid 99-76: Williams Ford Tractor Purchase	Approved	Res. 137-99
Solid Waste Container Maintenance Building	Approved	Res. 138-99
Blue Cross / Blue Shield Contract	Approved	Res. 139-99
Fixed Assets Policy Change: $500 to $5,000	Approved	Res. 140-99
Hanna Moore Development Lease	Approved	Res. 141-99
RZ 99-28: 2200 & 2201 W. Deane Street	*Postponed to November 16, 1999*	
2000-2004 Capital Improvements Program	Approved	Res. 142-99
RZ 99-29: Planning Commission Appeal	*Item was left on second reading*	
Community Access Television Contract	Approved	Res. 143-99
RZ 99-30: 1854 S. Garland Avenue	Passed	Ord. 4196
Bid Waiver: Heavy-Duty Cab / Chassis Purchase	Passed	Ord. 4197
Bid Waiver: Serenity Place Collector Street	Passed	Ord. 4198
Park Land Dedication Ordinance	Passed	Ord. 4199
VA 99-14: Lots 40 to 44 in Candlewood Development	Passed	Ord. 4200
Multi-Use Trails	*No action*	

MINUTES OF A MEETING
OF THE
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NOVEMBER 2, 1999

A meeting of the Fayetteville City Council was held on November 2, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

CONSENT AGENDA:

APPROVAL OF THE MINUTES
Approval of the minutes of the October 19, 1999 City Council meeting.

BID 99-76
A resolution accepting Williams Ford Tractor as the lowest qualified bidder for the purchase of the Tractor/Backhoe/Loaders per Bid 99-76. These units will be utilized by the City of Fayetteville Water/Sewer Maintenance Division and Street Maintenance Division.
RESOLUTION 137-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

MAINTENANCE BUILDING
A resolution approving an engineering services contract with McClelland Engineers in the amount of $25,567 for services associated with the design and construction of the solid waste container maintenance building, and a budget adjustment in the amount of $25,567.
RESOLUTION 138-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

BLUE CROSS/ BLUE SHIELD
A resolution renewing the Blue Cross / Blue Shield contract for policy year 1/1/2000 through 12/31/2000 and increase employer contribution to cover escrow account differential.
RESOLUTION 139-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

FIXED ASSETS POLICY CHANGE
A resolution approving a policy change to increase the threshold for fixed assets from $500 to $5,000. Items purchased under the $5,000 amount are now considered minor equipment. Approval of a budget adjustment is required to recognize the budget impact for 1999.
RESOLUTION 140-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

HANNA MOORE LEASE
A resolution approving a lease agreement with Hanna Moore Development for a six-month lease for heated storage located at 1671 Fred Hanna Drive per bid 99-77. The agreement will be for the period from November 1, 1999 to April 30, 2000.
RESOLUTION 141-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

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

OLD BUSINESS:

RZ 99-28
An ordinance approving rezoning request RZ 99-28.00 submitted by Michele Harrington on behalf of William M. Weatherford and Larry and Brenda Swain for property located at 2200 and 2201 W. Deane Street. Item was postponed until November 16, 1999 City Council meeting.

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.

Alderman Austin moved to approve the resolution. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

RESOLUTION 142-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

RZ 99-29 PLANNING COMMISSION APPEAL
An ordinance approving 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 six-unit residential Planned Unit Development. The ordinance was left on the first reading at the October 19, 1999 City Council meeting.

Mr. Rose read the ordinance for the second time.

Mayor Hanna stated he had received a petition from the Board of Directors of the Richardson Center. He had also received a number of letters concerning the rezoning.

Chris Parton of Crafton, Tull and Associates, Inc. requested that the property be rezoned to

R-1.5. The purpose for the rezoning was to construct two additional townhouses on the property. Four units were allowed under the current R-1 zoning. The R-1.5 zoning would allow two additional units. He believed this was a good fit for this area. He thought it would be a good transition from the commercial zoning along College Avenue to the low-density residential zoning further west.

Alderman Reynolds asked if the developer had ever met with the neighbors and presented their proposal to them.

Alderman Russell asked if it was feasible for the developer to build two duplexes rather than the triplexes.

Alderman Davis asked if this was going to be a property-owned association.

Mr. Parton replied that it would be maintained by a POA.

Alderman Austin asked if they had done a traffic impact study.

Mr. Parton replied they did not conduct a formal study. By just looking at the number of units they felt it would generate very little traffic compared to what was already there.

Mr. Francis Ferguson, Atlas Construction, stated these were not townhouses. They were single family homes. Each unit would be sold to individuals. They simply had a common wall. He was not sure if the firm would consider building duplexes. He had made a car count; the traffic moved through very easily.

Mayor Hanna asked Mr. Ferguson if he would be willing to meet with the neighbors if the Council left the ordinance on the second reading.

Mr. Ferguson replied he would be glad to meet with them.

Mayor Hanna stated the Council's agenda session was at 4:30 p.m. the next Tuesday. He suggested making the room available to the neighbors at 3:30 p.m.

Mr. Ferguson agreed to the meeting. He stated he wanted to be a good neighbor. He intended to live there.

Mr. Steve Parker, an area resident, stated he would not be able to attend the meeting next week, but would like to address the Council tonight. He added he was also speaking for Dr. Raylee. He presented a map illustrating the surrounding zoning, noting all the low-density residential areas.

Mayor Hanna stated the Planning Department had found out today, by going back to the original zoning map, that there had been an error in the map which had originally been presented. All of the property to the east of the proposed development was currently zoned R-O, Residential Office.

Mr. Parker stated the property was their buffer zone from the commercial properties. He questioned the logic of marketing multi-story units to elderly people. He stated they had been told that they would try to preserve most of the trees and that all of the large trees would be preserved. If the units were as large as they proposed along with the parking, they would not have room to preserve most of the trees. No one had contacted them for a meeting. The proposed bill of assurance would only limit the number of units and did not mention the quality of the development. He still had not heard any reason why the City needed this development and how this would benefit the citizens.

Mr. Nate Allen, an area resident, stated that they were a diverse neighborhood. They were concerned that a complex of multiple dwelling units would inflict hazards on the children of the Richardson Center and the children at Woodland Junior High, on traffic, on property and on the trees. He had lived in the area for over 25 years and he had never heard of any problems in the area. He expressed concern about this development creating new problems for the neighborhood.

Alderman Russell asked if there was a way to guarantee that the units would remain owner-occupied.

Mr. Rose replied he was not aware of any way to guarantee that.

Alderman Davis questioned even if there was, how they could enforce it.

Alderman Russell stated his position on the rezoning was that if he was a neighbor he would not have a huge problem with it. However, he did not think the two additional units were a compelling enough reason to not do what the neighbors wanted. He was against the project unless the developer could convince the neighbors that it was okay.

In response to questions from aldermen, Mr. Ferguson stated he did not know if the developer would only build duplexes. He added it was a matter of economics. The developer was in the business to make money. When they paid a certain amount of money for land they had to use it. That was the reason for the six units. It would fit on the property. This was not a multi-family housing. They were single family residences which would be sold.

Alderman Austin asked if anyone was adjacent to the property.

Mr. Parker answered that they were not present, but they had their signatures on the petition.

There were a number of people that had been told that they did not have to come tonight, but could be there next week.

ITEM WAS LEFT ON THE SECOND READING

NEW BUSINESS:

Alderman Russell stated he had received a request from some of the members of Community Access Television to move the CAT contract to the beginning of New Business.

The Council consented to the change and there was no objection from the audience.

COMMUNITY ACCESS TELEVISION
A resolution accepting a contract with Community Access Television for public access television services.

Mayor Hanna asked Mr. Rose if the Council normally discussed this contract every year, since it was a five-year contract.

Mr. Rose replied under the terms of the contract, there were renewal terms which were subject to favorable recommendation from the Cable Board, approval of the renewal by the City Council, and budget approval by the City Council.

Alderman Reynolds stated he had requested this item be removed from the Consent Agenda during the Council's agenda session. He had since met with Mr. Dale Porter. Mr. Porter had explained things to him. He personally like Mr. Porter and thought he was doing a good job. He would like for the Council to vote in favor of this. Mr. Porter had gotten some things resolved.

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

Mr. Joey Dutton stated he had formed an organization and would like to take over the CAT contract. Both he and his partner had had experience in media. He stated he had had disagreements with the Board and other members of the organization in the past, mostly over spending and money. He asked the Board if they thought the money they had been given had been well spent and if they were doing a good job in fundraising. He believed they could do a lot more fundraising. He thought it would be easy to raise the money on their own. He thought they could step in and manage the channel without any interruption of services. He wanted to bring the station into the 21st century. They wanted to continue to teach people to use the media.

Alderman Daniel asked Mr. Dutton if he had talked with the Cable Board.

Mr. Dutton replied he had.

Alderman Reynolds stated he had received several letters from Mr. Dutton, but when he asked questions at the CAT station no one acknowledged any of his statements.

Mr. Dutton replied he had tried to handle everything in a professional manner.

Alderman Reynolds stated he was going to support the existing manager.

Mr. Dutton stated he had not had any problems with Mr. Porter since he had taken over the station.

Mr. Grant Patterson stated he was Mr. Dutton's partner and they had formed a corporation. He believed they could run the station next year without funding from the City. He did not see what the problem was. He did not see the reasoning behind not having some sort of fundraising going on. They had everything in place. He did not see why they were not taking advantage of it. The current atmosphere was very negative. They needed to change it. He had seen a slight change since Mr. Porter had taken over, but there was room for more improvement. The quality should be better. The programing needed to be more professional. There needed to be community involvement with the station.

Alderman Reynolds asked if next year the two of them could produce their own $63,000.

Mr. Patterson replied he was not saying that they could for sure, but that they probably could. They would take a $20,000 cut, then they would come up with their own additional funding. He thought that with a creative marketing scheme and aggressive action the money could be brought in.

Alderman Austin stated he was not inclined to accept an offer from them. If he thought it was time to change, then it would be appropriate to open the contract to all qualified applicants. He was not sure they would be successful in getting the contract. He thought one thing they would look at was his professionalism. They had brought some personal things into the meeting tonight. He stated next time they needed to take those issues through the proper channel. He did not believe this was the appropriate channel.

Mr. Patterson stated they were here to give the Council a proposal to give them something to think about.

Alderman Daniel stated she thought they had some fresh faces and a new start at the station. She

had not received any negative phone calls. Last year when they were looking at renewing the contract, she had received some negative criticism.

Mr. Dale Porter, CAT manager, stated they had done some fundraising. They had another sone scheduled for later this month. They had generated funds this year through contract productions. They had taken over the program in April. None of the other commercial stations could show some of the programs they did. It was not always the best of quality, but it came from the community. They did not generate the program and they did not discriminate. The way they received programming was from people using their facilities. They were getting underwriters from individual businesses or communities. They wanted to see certain events shared. They were currently teaching classes at the Walton Arts Center. They had focused this year on trying to get as many people involved as possible. They had approached some of the citizens and businesses and they were underwriting some of the performances and events that went on in town. They made about fifty percent of the underwriting as fundraising for CAT. The rest of the money went for paying for the production and the shooting of it. As a result they were getting some great events around town. They were beginning to see some great programming. They were raising a little money. They were getting more people involved. He thought they had made some good headway into the community. An organization like this did not run itself. They had put a lot of hard work and effort into it. They were contracted to be open forty hours to the community. They were open seventy-five hours plus, just to make themselves more acceptable. They had doubled the amount of classes they taught. They had doubled the amount of time they were on the air. Their numbers spoke well and they were working hard to maximize everything they had. There was not a ton of money out there to fund all of the non-profit organizations. Some people were not aware of all the things offered to the community. Their focus at this time had been to go out into the community and to the businesses to get them to help underwrite programming. As they had made friends, they had more people out there to help them. He had been involved in a lot of fundraisers. Because they had a fundraiser or had an event did not mean they were going to make money.

Alderman Russell asked how many people were on staff now.

Mr. Porter replied: himself, his assistant, and two part-timers, and the rest were volunteers. In response to questions from Alderman Austin, Mr. Porter stated he had been managing since April. Every month they assessed their financial report, classes, programming, and every quarter he did that with the Cable Board.

Alderman Daniel stated fundraising did take a lot of time and energy, but there was only so much money to go around. She felt citizens had been hit up hard. She was happy that the City was favorable to supporting the CAT channel.

Alderman Trumbo stated he was impressed with Mr. Porter's conviction and compassion.

$63,000 had always been a shoestring budget. He thought it was one of the best investments that the City had, especially this last year. The programming had gotten a lot better. He thought the fundraising would start to come in because he had done an outstanding job in a short amount of time.

Mayor Hanna called for the vote. Upon roll call the motion carried unanimously, 8-0-0.

RESOLUTION 143-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

RZ 99-30
An ordinance approving rezoning request RZ 99-30.00 submitted by Austin Schader for property located at 1854 S. Garland. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 2.36 acres. The request is to rezone the property to R-2, Medium Density Residential.

Mr. Rose read the ordinance for the first time.

Alderman Austin moved to suspend the rules and move to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the second time.

Alderman Reynolds moved to suspend the rules and move to the third and final reading. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

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

Mayor Hanna stated this was a down zoning, but it also had to do with a transfer of family property so they could build a house on the property.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously, 8-0-0.

ORDINANCE 4196 AS RECORDED IN THE OFFICE OF THE CITY CLERK

BID WAIVER
An ordinance approving a bid waiver to purchase heavy-duty cab and chassis and compartmentalized body for use in the Curbside Sort Recycle Program from SAC Recycling System.

Mr. Rose read the ordinance for the first time.

Alderman Russell moved to suspend the rules and move to the second reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the second time.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Russell 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 called for the vote. Upon roll call the ordinance passed unanimously, 8-0-0.

ORDINANCE 4197 AS RECORDED IN THE OFFICE OF THE CITY CLERK

SERENITY PLACE BID WAIVER
An ordinance approving a budget adjustment, cost share, and bid waiver in the amount of $80,477.00 with the developer of the Serenity Place PUD, Tim Reynolds/Prestige Properties, for the construction cost difference to construct Serenity Way to collector street standards in lieu of a local street.

Mr. Rose read the ordinance for the first time.

Alderman Austin moved to suspend the rules and moved to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the second time.

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

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

Alderman Russell questioned the budget adjustment and where the funds would be returned to.

Mr. Crosson answered that the money would go back into the Street Fund fund balance.

Mayor Hanna called for the vote. Upon roll call the motion carried unanimously, 8-0-0.

ORDINANCE 4198 AS RECORDED IN THE OFFICE OF THE CITY CLERK

PARK LAND DEDICATION ORDINANCE
An ordinance amending the Park Land Dedication Ordinance increasing fees an average of 25% to reflect current market value.

Mr. Rose read the ordinance for the first time.

Alderman Santos moved to suspend the rules and move to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the second time.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Young seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

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

Alderman Austin asked how many cities in our area had this type of ordinance.

Ms. Edmonston, Parks and Recreation Director, stated Fayetteville was the only city. As of the last two years they were the only city in Arkansas that had this ordinance.

In response to questions from Alderman Austin, Ms. Edmonston explained they had wanted to enhance their Parks and Recreation system. Over the last eighteen years that they had it they had added over ninety-six acres of park land. They had over $885,000 that went into development or land acquisition.

Alderman Santos explained this was an impact fee. As people moved into town they created a demand for more park land and this was how they met the demand.

Alderman Austin stated there were a number of people that had a question about the validity of the ordinance.

Ms. Edmonston replied the ordinance had been tried before the Arkansas Supreme Court and was upheld. She felt that it was a very sound ordinance for their city. Many cities marveled at it.

Alderman Trumbo stated he was in favor of the ordinance. He thought it was well spent. He added it had been very good for the Parks Department. He thought it had worked very well. This amendment was only bringing the rates up to the market values for the land.

Alderman Russell stated he supported the ordinance.

There was no public comment.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously, 8-0-0.

ORDINANCE 4199 AS RECORDED IN THE OFFICE OF THE CITY CLERK

VA 99-14.00
An ordinance approving a vacation request submitted by Dave Jorgensen and Associates on behalf of Candlewood Development, LLC for property located on Lots 40 to 44 in Candlewood Development. The request is to vacate a 25' sewer easement.

Mr. Rose read the ordinance for the first time.

Alderman Davis moved to suspend the rules and move to the second reading. Alderman Austin seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the second time.

Alderman Austin moved to suspend the rules and move to the third and final reading. Alderman Davis 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 called for the vote. Upon roll call the ordinance carried unanimously, 8-0-0.

ORDINANCE 4200 AS RECORDED IN THE OFFICE OF THE CITY CLERK

MULTI-USE TRAILS
A presentation and discussion of a petition regarding multi-use trails.

Mr. Rex DuFour, an area resident, presented a petition to the Council requesting bike trails along Crossover Road, south of Mission Boulevard. The petition had been left around restaurants and

bicycle shops for about six weeks. He had also spent a couple of mornings at the Farmers Market. He presented why the citizens wanted these multi-use trails.

Mayor Hanna thanked Mr. DuFour for the presentation. He did not believe they could disagree with what he had said. There were a couple of things he wanted to mention. They had their funds restored to them for their bicycle trails that they had to spend by the end of next year. Some of their long range plans were going to come to fruition more quickly than they had before. As far as Highway 265 was concerned, they were way past the point to make changes. However, it was unclear what could be done about future paths along state highways. The state will allow them to construct trails along state highways, if they paid for the land and constructed the trails themselves. He expected to see the City's trail system improve over the next couple of years because they had dedicated the money to it.

Mr. DuFour replied he was of the thinking that it was never to late to change things. Once the expansion of Highway 265 was complete there was very little chance to go back and construct any other type of corridor. There were federal monies that could be applied for.

Mayor Hanna stated they had gone through this a few years ago and it had cost them three years on the widening of Highway 265. He doubted they wanted to go through that again.

Alderman Russell replied that was not what a spokesman from the Highway Department had said. He quoted from a newspaper article that it was never too late, until they let the contract.

Mr. Venable stated the right-of-way had already been acquired. The trail would require a redesign and an additional right-of-way. The utilities were being relocated at this time. This would require them to be relocated again.

Alderman Russell replied it was his understanding that this would not require an additional right-of-way.

Mr. Venable replied it would require additional 10' of right-of-way. It would be very involved. A typical section would be the width of the pavement, each side would have a 6' berm with sidewalks. They normally did not put sidewalks along the road, but the City was paying for that. In order to put a trail on they would need an additional 10' on one side. There was a two foot green space between the curb and the sidewalk.

Ms. Laura Kelley, an area resident, suggested putting the two four-foot sidewalks together.

Ms. Terry Easton, an area resident, stated she had spent several hours on the phone this week with representatives from the State Highway Department. According to the district engineer Mr. Harold Beaver, the bid had been let on the Highway 265. The bid opening date was November

17. Therefore contractors were currently preparing estimates for submission. In the matter of Highway 265, everyone she had spoken with felt there had been a significant amount of public input over of the past thirteen years regarding this project. If a change were to occur now, the project would have to be stopped before November 17. What they must consider was whether the need for widening Highway 265 at this point was so great that they could risk putting this project on hold. All three of the people she had spoken with had told her that they had identified a need for fourteen billion dollars worth of state highway road work over the next ten years. They had estimated approximately four billion dollars worth of revenue available for these types of projects. The highway department preferred to work with people who were grateful to get what they could. They could move forward or they could ask the highway department to stop and wait a number of years.

Alderman Davis stated his constituents felt it was time to widen the road because the need was so great. It was too late in his opinion to change Highway 265, but in the future they needed to look at alternatives. He thought the City needed to make a conscious effort to do this.

Alderman Russell noted that the City's 2020 plan did call for a network of multi-use trails connecting schools and parks. He questioned what they needed to do in the future to ensure that this would be looked at.

Alderman Austin stated he was in favor of multi-use trails, but he was not in favor of putting a hold on Highway 265. He encouraged people in the interim to mark their bikes because currently unmarked bikes were a problem.

Ms. Easton suggested getting the support of the highway department. He thought a request from the City would get Mr. Weston of the state highway department to come to Fayetteville.

Alderman Santos suggested getting Mr. Weston to meet with the City.

Mr. DuFour stated he had spoken with Mr. Weston before. Mr. Weston had stated the highway department would go along with the state if the city presented the case. The City needed to approach the state with their requests.

NO ACTION WAS TAKEN ON THE ITEM.

Meeting adjourned at 8:45 p.m.

FAYETTEVILLE

file

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
FAYETTEVILLE CITY COUNCIL
NOVEMBER 16, 1999

A meeting of the Fayetteville City Council will be held on November 16, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the November 2, 1999 City Council meeting.

2. **SWIMMING POOL PAINT SETTLEMENT:** A resolution approving an offer by Wilks Construction in the amount of $5,000 in lieu of painting the Wilson Park Swimming Pool. This will be the final settlement of their contract with the City.

3. **LAKE SEQUOYAH BOAT DOCK:** A resolution awarding a contract to Frank Thorpe for the management of Lake Sequoyah Boat Dock.

4. **MULTI-USE TRAILS:** A resolution authorizing the Mayor to execute an Agreement of Understanding with the Arkansas State Highway and Transportation Department for the implementation of Fayetteville Multi-Use Trails as Federal-Aid Transportation Enhancement project in the amount of $600,000. This agreement supersedes the agreements signed previously for the use of these funds. The City is required to furnish a 20 percent match or $150,000 making total funds available of $750,00. Approval of a budget adjustment establishing the project is also required.

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 and 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 second reading at the October 19, 1999 City Council meeting.

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

2. **RZ 99-29:** An ordinance approving 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. The ordinance was left on the second reading at the November 2, 1999 City Council meeting.

C. NEW BUSINESS

1. **RZ 99-31.00:** An ordinance approving rezoning request RZ 99-31.00 submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Bleaux Barnes for property located south of Appleby Road and east of Appleby Apartments. The property is zoned A-1, Agricultural and contains approximately 8.37 acres. The request is to rezone the property to R-1, Low Density Residential.

2. **AD 99-25:** A resolution approving an amendment to the Master Street Plan as submitted by Dave Jorgensen in request AD 99-25. The request is to remove a proposed minor arterial street from the Master Street Plan. The proposed street is located north of Howard Nickel Road and west of Highway 112.

3. **SYCAMORE CONDEMNATION:** An ordinance authorizing the City Attorney to seek possession of certain land located along Sycamore Street in the City of Fayetteville, Arkansas, by the power of Eminent Domain, in association with the required right-of-way and easements for the Sycamore Street Improvements at Leverett Avenue. Such property is owned by Charles G. Palmer Trust, the Linda J. Palmer Trust, the Ralph Freeman Trust, and the Arlie Freeman Trust.

4. **WASHINGTON ELEMENTARY SCHOOL GYM:** A resolution authorizing the City's contribution for the construction of a gymnasium at Washington Elementary School and approval of a budget adjustment funding the contribution.

5. **BOTANICAL GARDEN:** A resolution approving $15,000 matching funds for an Arkansas Department of Parks and Tourism Grant to support the Botanical Garden Society of the Ozarks, Inc.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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STAFF REVIEW FORM

RECEIVED
OCT 29 1999
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

xx AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of November 16, 1999

FROM:

Connie Edmonston	Parks and Recreation	Public Works
Name	Division	Department

ACTION REQUIRED:
Approval of Wilson Park Swimming Pool Paint Settlement

COST TO CITY:

$ 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 Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marilyn J. Cramer, Accounting Manager	10-28-99 Date	Yolanda Fields, Internal Auditor	10-28-99 Date
City Attorney	10-28-99 Date	ADA Coordinator	Date
Purchasing Officer	10-29-99 Date		

STAFF RECOMMENDATION:
Approval of settlement,

Connie Edmonston, Division Head	10-27-99 Date
Department Director	10-27-99 Date
Administrative Services Director	29 OCT 99 Date
Mayor	11/29/99 Date

Cross Reference

New Item: Yes (No)

Prev Ord/Res #: 52-99

Orig Contract Date:_

Orig Contract Number: ____

STAFF REVIEW FORM

Description Wilson Park Swimming Pool Paint Meeting Date 11/16/99

Comments: Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Hanna and City Council

THRU: Charlie Venable, Public Works Director CV

FROM: Connie Edmonston, Parks & Recreation Superintendent

DATE: October 27, 1999

RE: Wilson Park Swimming Pool Paint Settlement

The Parks and Recreation Division requests approval of an offer by Wilks Construction in the amount of $5,000 in lieu of painting the Wilson Park Swimming Pool. This will be the final settlement of their contract with the City.

The swimming pool surface was renovated by Wilks Construction in 1997. The old plaster was removed, new plaster was applied and the pool floor and wall were painted. After the pool closed in the fall of 1997, hollow areas in the plaster work appeared and the paint bubbled causing it to peel from the plaster. Wilks Construction returned in the spring of 1998 to repair the plaster work and repaint the pool. The paint peeling problem reoccurred during the 1998 season. KTA-Tator pool consultants were hired to analyze the problem in November of 1998. It was determined the plaster was not etched properly, and the paint was not applied according to manufacturer's specifications. In preparation of the 1999 pool season, more hollow areas in the plaster work appeared and therefore were repaired by park staff. Meanwhile, a meeting was held with Wilks Construction in which the City was to sandblast off the old paint and Wilks Construction was to repaint the pool after the 1999 pool season. City Council approved this contract in April 1999.

This fall, Park staff has met and talked to local pool plaster specialists concerning our pool plaster and paint problems. Luther Stems, Pools and Spas from Ft. Smith, and Norman Cline from Springdale, the contractor who initially applied the plaster and repaired the hollow areas, visited the site and advised us to repair/replace the plaster work and not paint the pool. We also visited with John Payne, Instructor for the Certified Pool Operators course in Jonesboro, and he too recommended not to paint the pool. We visited with numerous pool consultants and vendors at the National Parks and Recreation Association conference last week, and they all concurred not to paint the pool. With these recommendations from pool professionals, we concluded the City should not paint the pool. Mr. Wilks estimates labor costs to be $5,000. This $5,000 would be used to partially fund the most appropriate solution to solving our pool plaster problems. We will continue to investigate the best method of resolving this situation. If further information is needed, please call me at 444-3473.

Attachment:
Wilks Construction Letter
Resolution No. 52-99

451 Hudson Road
Hwy. 62 East

Telephone (501) 636-3826
(501) 636-2024

WILKS CONST., INC.
P. O. Box 1685
Rogers, Arkansas 72757

Oct 15, 1999

City of Fayetteville
C/O Connit Edmonston

Wilks Const will dend a Check for $5,000.00 to the City of Fayetteville Parks Department. This will be in exchange for paintingthe pool at Wilson Park. It will also terminate our Contract with the City of Fayetteville Parks Department.

THANKS,

Howard E. Wilks
WILKS CONST., INC.

RESOLUTION NO. 52-99

MICROFILMED

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $17,000; AND APPROVING A SETTLEMENT AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND WILKS CONSTRUCTION COMPANY FOR PAINTING THE WILSON PARK SWIMMING POOL.

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

Section 1. The City Council hereby approves a budget adjustment in the amount of $17,000 increasing Park Improvements, Acct. No. 4470 9470 5806 000, Project No. 96032 1 by decreasing Building Costs, Acct. No. 4470 9470 5804 00, Project No. 97019 1. A copy of the budget adjustment is attached hereto marked Exhibit "A" and made a part hereof.

Section 2. The City Council hereby approves a settlement agreement between the City of Fayetteville and Wilks Construction Company for painting the Wilson Park swimming pool; and authorizes the Mayor and City Clerk to execute said agreement. A copy of the agreement is attached hereto marked Exhibit "B" and mad a part hereof.

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

APPROVED:

By: Fred Hanna

Fred Hanna, Mayor

ATTEST:

By: Heather Woodruff

Heather Woodruff, City Clerk

EXHIBIT B

AGREEMENT

WHEREAS, the City of Fayetteville (the "City") entered into a contract with Wilks Construction, Inc., ("Wilks") on March 18, 1997, for certain repairs, including preparation and painting, to the Wilson Park pools; and,

WHEREAS, the City has experienced problems with the paint job on the pools; and

WHEREAS, a dispute exists as to the cause of the paint problems; and

WHEREAS, the parties agree that the health, safety and welfare of the citizens of Fayetteville require the work to be performed according to the contract specifications and with a satisfactory result.

NOW, THEREFORE, the parties agree to the following terms in resolution of this matter.

1. The City will have the pools sandblasted to remove the existing paint.

2. Wilks Construction, Inc., shall provide all labor, equipment and materials for the pool preparation work, except sandblasting, (i.e. etching, washing, primer coating, etc.).

3. Wilks Construction, Inc., shall provide all labor, equipment and material for painting the pools.

4. All work shall be performed and materials provided in accordance with the specifications set forth in the March 18, 1997, contract, which is made a part of this agreement by reference as if set forth word for word.

5. The City shall have the pools sandblasted prior to the season opening of the pools.

6. Wilks shall perform the preparation and paint work prior to the season opening of the pools, unless, upon consultation with the Parks and Recreation Superintendent, it is determined that time and weather conditions will not allow for proper preparation and painting prior to the opening. In such case the preparation and paint work shall be coordinated with the Parks and Recreation Superintendent and shall be performed as soon as reasonably possible after the pools are closed for the season.

7. The parties acknowledge that timing, weather and temperature are essential to the successful completion of this project; and, therefore, will work diligently to accommodate these factors.

8. The City shall have the right to provide staff or a pool specialist to monitor the process and application of preparation materials and paint.

5. An inspection shall be done jointly by the parties 90 days after completion of the preparation and painting. If upon inspection the job presents satisfactory results, the City shall issue a full release to Wilks.

Wilks Construction, Inc.

By: Donald E. Wilks
Title: Pres.

ATTEST:

By: [illegible]
Title: Sec.

City of Fayetteville

By: Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: Heather Woodruff
Heather Woodruff, City Clerk

STAFF REVIEW FORM

RECEIVED
NOV 04 1999
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

✓ AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of November 16, 1999

FROM:

Connie Edmonston	Parks and Recreation	Public Works
Name	Division	Department

ACTION REQUIRED:

Approval of Request for Proposal #99-14 and contract for Lake Sequoyah Boat Dock Operator to Frank Thorpe in the amount of $22,800.

COST TO CITY:

$$22,800	$53,548-2000 Budget	Contract Services
Cost of this Request	Category/Project Budget	Category/Project Name
1010-5250-5315.00	$ 0	Lake Maintenance
Account Number	Funds Used To Date	Program Name
	$53,548	General
Project Number	Remaining Balance	Fund

BUDGET REVIEW: xx(2000) Budgeted Item ___ Budget Adjustment Attached

Budget Manager — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: ___

Accounting Manager	11-3-99 Date	Internal Auditor	11-3-1999 Date
City Attorney	11-3-97 Date	ADA Coordinator	Date
Purchasing Officer	11-3-99 Date		

STAFF RECOMMENDATION:

Approval of contract.

Division Head	Date	Cross Reference
Department Director	11-3-99 Date	New Item: Yes No
Administrative Services Director	4 Nov 99 Date	Prev Ord/Res #: ___
Mayor	11/4/99 Date	Orig Contract Date:_
		Orig Contract Number: ____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Hanna and City Council

THRU: Charlie Venable, Public Works Director

FROM: Connie Edmonston, Parks & Recreation Superintendent

DATE: November 3, 1999

RE: Award of Lake Sequoyah Boat Dock Operator's contract

Two bids were received for the contract of the Lake Sequoyah Boat Dock Operator. The selection committee recommends the contract be awarded to Frank Thorpe in the amount of $22,800. Frank has operated the boat dock for the past five years under Boat Yard, Inc. The term of this contract is one year beginning on January 1, 2000. The contract may automatically be renewed for five consecutive one year terms, with compensation being adjusted each renewal period by three percent of the contracted amount for the prior year.

Attachment:

Request for Proposal #99-14 and Contract

Lake Sequoyah Boat Dock Operator Contract

CITY OF FAYETTEVILLE, ARKANSAS

Request for Proposal #99-14

RFP #99-14

City of Fayetteville, Arkansas

LAKE SEQUOYAH BOAT DOCK OPERATOR CONTRACT

The City of Fayetteville, Arkansas is now accepting bids for the Lake Sequoyah Boat Dock Operator Contract. The bids will be evaluated using the City's Professional Services Selection Policy, PUR-13. In evaluating the qualifications of each bid, a review committee will consider the following criteria, as detailed in PUR-13, with the assigned point values that total 100 percent. Evaluation factors outlined shall be applied to all eligible, responsive bidders in comparing proposals and selecting the successful bidder. While the City reserves the right to interview any or all bidders, award of a contract may be made without discussion with bidder after proposals are received. Proposals should, therefore, be submitted on the most favorable terms available.

1. Qualifications **20%**

Qualifications in relation to project to be performed. Information reflecting qualifications of the proposer. Indicate specialized experience of the proposer in connection with the type of service required as outlined in the contract.

2. Experience, Competence, and Capacity **20%**

Experience, competence, and capacity for performance. Information reflecting the names and qualifications (including experience) of the major personnel assigned to this specific project.

3. Proposed Work Method **20%**

Proposed method of doing work. A proposed work plan describing how the project would be conducted as well as other facts concerning approach to scope you wish to present.

4. Past Performance **25%**

Previous evaluations (as set forth in PUR-13.08) shall be considered a significant factor. If previous evaluations with the City are not available, past performance records with others will be used, including quality of work, timely performance, diligence, ability to meet past budgets, and any other pertinent information. Proposer will provide a list of similar jobs performed and person whom we can contact for information.

5. Price **15%**

The City requires all vendors and contractors doing business with the City not to discriminate against any person on the basis of race, age, color, religion, sex, ancestry, non-job-related handicaps, or national origin. The City requires the contractor to be familiar with and comply in every respect with Civil Rights Laws.

The City requires proof of liability insurance.

If you are interested in submitting a bid for the Lake Fayetteville Boat Dock Operator contract, your bid must be submitted to the City of Fayetteville Purchasing Department **no later than 5:00 p.m. on November 1, 1999.**

If you have any questions or need additional information, please contact Peggy Vice at 575-8289.

Attachment: City of Fayetteville Professional Services Selection Policy: PUR-13

CITY OF FAYETTEVILLE

Lake Sequoyah Boat Dock Operator Contract

OPERATING CONTRACT FOR LAKE SEQUOYAH BOAT DOCK

For the total amount of $1900 per month, Frank Thorpe (the "Contractor") agrees to provide the list of services and requirements to the City of Fayetteville beginning January 1, 2,000 and ending on December 31, 2,000. Either party may cancel this contract by giving the other party thirty days written notice of cancellation. The Contractor further certifies possession of the initial capital monies to commence boat dock operations.

The City agrees to pay the Contractor in current funds for the performance of the listed services and requirements by making payments to the contractor no later than the 15th of each month.

CONTRACTED SERVICES AND REQUIREMENTS

1. Operate and manage the Lake Sequoyah Boat Dock. Shall be an independent contractor not an employee of the City. Must open and close the lake gates seven days a week at sunrise and sunset. The Lake Sequoyah Boat Dock is closed each year from December 24 through January 14. The operator is responsible for supervising the boat dock during this time.

2. Collect boat stall rentals, storage rentals, fishing permits, and boating permits. These fees are submitted to the Parks and Recreation Office on a weekly basis.

3. Prepare reports and keep records as required by the Parks and Recreation Superintendent.

4. Enforce lake rules and regulations as adopted by the Fayetteville Code of Ordinances Chapter 97, Section 97.070 and 97.999.

5. Provide proof of liability insurance with a minimum coverage of:
   $300,000 for one person involved in death or injury.
   $500,000 for two or more persons involved in death or injury.

6. Receive prior approval from the Parks and Recreation Superentendent, or his designee, for any special event conducted at Lake Sequoyah.

6. Mow the yard surrounding the boat dock office and dock area to maintain a manicured appearance.

7. Pick-up trash and clean the office and bathroom on a daily basis.

8. Conduct the following business at the Lake Sequoyah Boat Dock:

   a. Sell concessions in compliance with all applicable State & Federal Laws, Municipal Ordinances, Health Department Regulations and the rules and

regulations of all authorities having jurisdiction over the performance of this project.

b. Sell fish bait.

c. Provide other services which the Parks and Recreaction Superintendent determines will enhance the operation of Lake Sequoyah.

9. On call 24 hours a day.

10. The initial annual term of the Contract shall be January 1st through December 31st, 2000. Compensation for the first renewal period will be $ 1900.00 per month. However, said Contract may automatically renew for five (5) consecutive one (1) year terms, with compensation being adjusted each renewal period by three percent (3%) of the contracted amount for the prior year. Such automatic renewal shall be subject to budget approval by the City Council.

11. Either party may terminate this contract at any time by giving the other party thirty (30) days written notice of termination.

IN WITNESS WHEREOF, the parties to these presents have executed this contract in three (3) counterparts, each of which will be deemed an original, in the year and day first above mentioned.

CITY OF FAYETTEVILLE, ARKANSAS
(City)

ATTEST:

_____
(City Clerk)

By: _____

_____
(Title)

_____
(Witness)

Frank thorpe
(Contractor)

By: Frank Thorpe

Beat Dock manager
(Title)

1385 Lake Sequoyah Drive,
(Address and Zip Code)
Fayetteville, AR 72701

PROPOSAL FOR OPERATING LAKE SEQUOYAH BOAT DOCK

For the amount of $ 1900 per month. I, Frank Thorpe agree to provide the aforementioned list of services to the City of Fayetteville. The term of this agreement is for a twelve month period. Automatic extension provisions for five (5) additional one year terms is contained in the agreement. Either party may cancel this contract by giving the other party thirty days written notice of cancellation. I further certify that I have the initial capital monies to commence boat dock operations.

Frank Thorpe

Signature of Proposer

LAKE SEQUOYAH BOAT DOCK OPERATOR CONTRACT

1. QUALIFICATIONS: I, Frank Thorpe, have been operating the Lake Sequoyah Boat Dock for the past five years and seven months under the auspices of Boat Yard, Inc. Lake Sequoyah has been conducted in a business-like way during this period of time treating the wants and will of the customers we serve with utmost importance.
Prior to operating Lake Sequoyah, I was a fishing guide and tournament fisherman for over 20 years, did an outdoor radio show for 12 years six days a week and still write outdoors for the Morning News of Northwest Arkansas. In the mid-70's, I managed Starkey Marina on Beaver Lake so have been involved with people, lakes and fishing practically all my life.

2. EXPERIENCE, COMPETENCE, AND CAPACITY: Part of this I covered in qualifications. Boat Yard, Inc., initially purchased needed equipment such as cash register, refrigerators and aerators for beginning operation. This equipment, in its entirety, was purchased from Boat Yard, Inc., by me at the end of the first seven months. No further equipment is necessary at this time for operation.
Major personnel, other than myself, will be Richard Utley who has worked for me for the past two years and has been a great addition to the operations of Lake Sequoyah. Utley and I have agreed to terms under which he will continue to work at Lake Sequoyah for the term of this lease. He is highly qualified, being a hunter and fisherman all of his life, is extremely knowledgable about fishing and the rules and regulations of the lake. He has held various jobs dealing with the public, is experienced with retail operations and excellent in dealing with all different types of people. Utley also spent 22 1/2 years in the U.S.Army.
It is also an asset that I live on Lake Sequoyah Drive about three minutes from the lake.

PROPOSED WORK METHOD: To continue to serve the needs of the people who utilize the Lake Sequoyah resource in any possible way that is reasonable. I will continue to sell crappie and bass minnows, goldfish in season, liver, worms, etc., along with hooks, sinkers and other terminal tackle. My aim is to also keep the public informed about fishing conditions and what is biting and to promote the lake using newspapers and the Arkansas Game and Fish Commission. Both the Morning News and the AGFC call each week for a fishing report which goes both locally and statewide. Various other publications call from time to time. The Lake Sequoyah office is also a source of information for area outdoorsmen and we keep current state fishing regulations on hand free of charge.
Bottom line is that work will be done as instructed.

PAST PERFORMANCE: I think most of this has been covered. It is my intention to make Lake Sequoyah a safe and desirable spot for fishermen and a place where

families can spend quality time together. This is already being accomplished, but there is certainly room for growth.
I would be more than happy to appear before the selection committee and answer any further questions you might have.

PRICE: $22,800 anually which breaks down to $1900 per month.

Sincerely,
Frank Thorpe

Frank Thorpe
1385 Lake Sequoyah Drive
Fayetteville, AR 72701

Bidder's List

Jim Nixon
3820 E. Huntsville Rd.
Fayetteville, AR 72701

Mark Pifer
17131 Tyson Hog Farm
Winslow, AR 72959

Chris Bell
3374 Remington St.
Springdale, AR 72764

Oscar Lisle
2361 Brandi Circle
Fayetteville, AR 72701

Jim Blackston
14148 Mhoon, WC 3329
Fayetteville, AR 72701

Marty Andreason
Boat Yard, Inc.
612 N. Concord St.
Lowell, AR 72745

Jim Black
P. O. Box 483
Johnson, AR 72741

Frank Thorpe
1385 S. Lake Sequoyah Dr.
Fayetteville, AR 72701

Ernest Jones
Hickory Creek Boat Dock
Route 2, Box 253 D
Lowell, AR 72745

Sammie, Cliff, & Kevin Callenghan
Horseshoe Bend Boat Dock
Route 1, Box 820
Rogers, AR 72756

Robert Bauer
Lost Bridge Boat Dock
P. O. Box 95
Garfield, AR 72732

Wade Young
Marine Services Unlimited, Inc.
P. O. Box 1459
Rogers, AR 72757

Jim Lemon
Starkey Boat Dock
Route 2, Box 170
Eureka Springs, AR 72632

William Urban
War Eagle Boat Dock
23151 War Eagle Marina Road
Springdale, AR 72764

Malinda Lefave
2260 N. 2nd St.
Rogers, AR 72756

STAFF REVIEW FORM

__X__ Agenda Request
_____ Contract Review
_____ Grant Review

FOR THE FAYETTEVILLE CITY COUNCIL MEETING OF November 16, 1999

FROM:

Charles Venable		Public Works
Name	Division	Department

ACTION REQUESTED: Approval of a Resolution authorizing the Mayor to execute an Agreement of Understanding with the Arkansas State Highway and Transportation Department for the implementation of Job No. 04013, Fayetteville Multi-Use Trails, as a Federal-Aid Transportation Enhancement project in the amount of $600,000. This agreement supersedes the agreements signed previously for the use of these funds. The City is required to furnish a 20 percent match or $150,000, making total funds available of $750,000. Approval of a budget adjustment establishing the project is also requested.

COST TO THE CITY:

$750,000	-0-	Fayetteville Multi-Use Trails
Cost of this request	Category/Project Budget	Category/Project Name
4470-9470-5814-00	-0-	
Account Number	Funds used to date	Program Name
99081-1	-0-	Sales Tax Capital Improvement
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

_____ Budgeted Item __X__ Budget Adjustment Attached

Budget Coordinator _____ Administrative Services Director _____

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Approval of the Resolution and Budget Adjustment

Division Head	Date	**Cross Reference**
Charles Venable	11-3-99	
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 Fred Hanna

From: Charles Venable CV

Date: November 5, 1999

Subject: Federal Aid Funding for Multi-Use Trails in Fayetteville

---

The City of Fayetteville received funds in the amount of $612,881.60 from the Federal Aid Enhancement Program covering the following projects:

1. Job No. 040195 - for bike trails in the amount of $400,000
2. Job No. 040195 - railroad corridor preservation in the amount of $99,792
3. Job No. 040221 - railroad corridor preservation in the amount of $113,089.60

Since we were unable to construct the St. Paul Trail along the old railroad corridor, a request was made on October 11, 1999, to the Arkansas Highway and Transportation Department (AHTD) to allow the use of the remaining funds for the development of several trails as shown on the attached map. The AHTD responded in a letter dated October 28, 1999, that funds in the amount of $600,000 were approved for use in constructing these trails. A copy of this letter and agreement is also attached hereto.

In accordance with their letter, a new Agreement of Understanding needs to be executed since the job and federal aid numbers have changed, and the time for plan preparation and letting of the project has also been revised.

Therefore, the attached resolution authorizing the Mayor to enter into this new agreement should be approved at the November 16, 1999, City Council meeting.

CV:msm

Attachments: A. Resolution
B. Letter from AHTD and Agreement
C. Map of proposed trails

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF FAYETTEVILLE, ARKANSAS, TO UTILIZE FEDERAL-AID TRANSPORTATION ENHANCEMENT FUNDS.

WHEREAS, the City of Council of Fayetteville, Arkansas, understands Federal-Aid Surface Transportation Enhancement funds are available at 80 percent federal participation and 20 percent local cash match for the following:

State Job No. 040313 - F.A.P. STPE-ENHN (154) Fayetteville multi-use trails (ATEP-95) (S) - Washington County

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

Section 1. The City Council of Fayetteville, Arkansas, will participate in accordance with its designated responsibility, including maintenance of this project.

Section 2. The Mayor of Fayetteville, Arkansas, is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated improvement.

PASSED AND APPROVED this _____ day of _____, 1999.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

ARKANSAS STATE HIGHWAY COMMISSION

HERBY BRANSCUM, JR., CHAIRMAN
PERRYVILLE

JOHN "M" LIPTON, VICE CHAIRMAN
WARREN

J.W. "BUDDY" BENAFIELD
HICKORY PLAINS

MARY P. "PRISSY" HICKERSON
TEXARKANA

JONATHAN BARNETT
SILOAM SPRINGS

DAN FLOWERS
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

P.O. BOX 2261
LITTLE ROCK, ARKANSAS 72203-2261
TELEPHONE NO. (501) 569-2000
FAX NO. (501) 569-2400
October 28, 1999

The Honorable Fred Hanna
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: Job 040313
F.A.P. STPE-ENHN(154)
Fayetteville Multi-use Trails
(ATEP-95) (S)
Washington County

Dear Mayor Hanna:

Reference is made to your request to allow previously approved enhancement funds to be used for trails at locations other than those originally approved. Your request is approved. The job name and number shown above will replace the City's three previously approved projects and federal funding in the amount of $600,000 is available for the work at the new locations.

The enclosed Agreement of Understanding for the referenced new project must be signed by you and the City Attorney and returned to us as soon as possible. The City will now have 12 months to submit final plans, specifications and a cost estimate and should have the work under contract within 18 months.

If you have any questions, please contact Steven Morgan or Bill Bradberry at (501) 569-2261.

Sincerely,

Dan Flowers
Director of Highways
and Transportation

Enclosure

c: Commissioner Jonathan Barnett
Chief Engineer

RECEIVED
NOV 03 1999
CITY OF FAYETTEVILLE

AGREEMENT OF UNDERSTANDING
BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U. S. Department of Transportation
Federal Highway Administration

RELATIVE TO

Implementation of **Job 040313, Fayetteville Multi-use Trails (ATEP-95) (S), F.A.P. STPE-ENHN(154),** (hereinafter called "the project") as a Federal-aid transportation enhancement project.

WHEREAS, the Arkansas State Highway Commission has made available 80% Federal-aid funds to be matched with 20% non-federal funds (cash match) for certain transportation enhancement projects, and

WHEREAS, the **City of Fayetteville** (hereinafter called "Sponsor") has expressed its desire to use Federal-aid funds for the eligible project and to provide necessary matching cash share for such funds, and

WHEREAS, funding participation will be as follows, subject to a limit of $600,000.00 maximum Federal-aid approved for the project:

	Federal %	Sponsor %
Project Design:	0	100
Right-of-Way/Utilities:	0	100
Project Implementation:	80	20
Project Inspection:	0	100
Department Administrative Cost (1% of Total):	0	100

, and

WHEREAS, the Sponsor knows of no legal impediments to the completion of the project, and

WHEREAS, the Sponsor understands that the Arkansas State Highway and Transportation Department (hereinafter called the "Department") is willing to undertake all plan review, project bidding and construction inspection subject to reimbursement by the Sponsor and within a time schedule established by the Department. However, the Sponsor desires to accept responsibility for all project phases in order to expedite project implementation, and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions of any part of the agreement to create the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement, and

WHEREAS, it is understood that the Sponsor and the Department will adhere to the General

Requirements for Recipients and Sub-Recipients Concerning Minority Business Enterprises (MBEs) (Attachment A) and that, as part of these requirements, the Department may set goals for MBE participation in the project ranging from 0% to 100% that are practical and related to the potential availability of MBEs in desired areas of expertise.

IT IS HEREBY AGREED that the Sponsor and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation of the project and will accept the responsibilities and assigned duties as described hereinafter.

THE SPONSOR WILL:

1. Submit a letter to the Right-of-Way Division of the Department which either (1) stipulates the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the Sponsor will assume or (2) requests that the Department handle some or all of these services. Acquisition of property must be accomplished in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (commonly referred to as the "Uniform Act"). **NOTE: Failure to notify the Department prior to initiating this phase of work may result in all project expenditures being declared non-participating in federal funds.**

2. Provide a copy of the registered deed or an appropriate certification stating the Sponsor's clear and unencumbered title to any right-of-way to be used for the project.

3. Contact the Arkansas Historic Preservation Program (AHPP) to execute a Deed of Conservation Easement for enhancement projects involving certified historic properties or obtain a waiver from the AHPP.

4. Prepare plans, specifications, and a cost estimate for construction. A registered professional engineer or a licensed architect must sign the plans and specifications for the project. (See Attachment B for items to be included in the bid proposal.)

5. Certify that the plans and specifications comply with the Americans with Disabilities Act (ADA), the American Association of State Highway and Transportation Officials (AASHTO) design standards, and all other applicable state and federal regulations, including Airport Clearance when necessary, for the type of work involved.

6. Submit a certification letter (Attachment C), including all items noted, to the Department when requesting authority to advertise the project for construction bids.

7. Advertise for bids in accordance with federal procedures as shown in Attachment D.

8. Forward a copy of all addenda to the project during the advertisement to the Department.

9. After bids are opened and reviewed, submit a certification (Attachment E), including all items noted, to the Department and request concurrence in award of the contract.

10. Maintain accounting records to adequately support reimbursement with Federal-aid funds and be responsible for the inspection, measurement and documentation of pay items, and certification of all work in accordance with the plans and specifications for the project and for monitoring the Contractor and subcontractor(s) for compliance with the provisions of

FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements.

11. Make payments to the contractor for work accomplished in accordance with the plans and specifications and then request reimbursement from the Department on the Enhancement Construction Certification and Reimbursement Request form (Attachment F).

12. Submit change orders to the contract to the Department's Resident Engineer in charge of reimbursements for review and approval for program eligibility.

13. Upon completion of the project, submit the Final Estimate and certify that the project was accomplished in accordance with the plans and specifications. (See Attachment F.)

14. Indemnify and hold harmless the Arkansas State Highway Commission, the Department and its officers and employees from all suits, actions, or claims of any character brought because of any damage sustained on account of the operations or actions of the said Sponsor; or because of any act of omission, neglect, or misconduct of said Sponsor; or from any claims or amounts arising or recovered under any law, ordinance, order, or decree. The Sponsor and Department shall at all times protect as sacred the immunity from civil suits afforded the State of Arkansas and its several Agencies, Commissions and Departments, such as the Department, the Arkansas State Highway Commission, and the Sponsor, as mandated by Article 5, §20 of the Constitution of Arkansas, Ark. Code Ann. §19-10-305, and the 11th Amendment of the Constitution of the United States. Any claim awarded against the Arkansas State Highway Commission or the Department or its officers and employees for the above, including but not limited to, claims before the Arkansas State Claims Commission shall be borne by the Sponsor.

15. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.

16. Retain all records relating to inspection and certification, the Contractor's billing statements, and any other files necessary to document the performance and completion of the work in accordance with requirements of 49 CFR 18.42 - Retention and access requirements for records (Attachment G).

17. Grant the right of access to Sponsor's records pertinent to this project and the right to audit by the Department and Federal Highway Administration officials.

18. Be responsible for its portion of the total project cost and 1% of the award amount for Department administration.

19. Be responsible for 100% of all project costs incurred should the project not be completed as specified.

20. Be responsible for 100% of any and all expenditures which are declared non-participating in federal funds, including awards by the State Claims Commission.

21. Repay to the Department the federal share of the cost of any portion of this project if, for any reason, federal participation is removed due to actions or inactions of the Sponsor, its agents, its employees, or its assigns or the Sponsor's consultants or contractors or their agents. Such actions or inactions shall include, but are not limited to, federal non-participation arising from problems with design plans, specifications, construction, change orders, construction inspection, or contractor payment procedures. The Sponsor understands and agrees that the Department may cause necessary funds to be withheld from the Sponsor's gasoline tax allotment should the Sponsor fail to pay to the Department any required funds, fail to complete the project as specified, or fail to adequately maintain or operate the project.

22. Repay all federal funds if this is determined necessary for any reason.

23. Retain total, direct control over the project throughout the life of the improvements and **not, without prior approval from the Department**:

    - sell, transfer, or otherwise abandon any portion of the project;
    - change the intended use of the project as stated in the approved project application;
    - make significant alterations to any improvements constructed with Federal-aid funds; or
    - cease maintenance or operation of a project due to the project's obsolescence.

24. Be responsible for satisfactory maintenance and operation of all improvements and for adopting regulations and ordinances as necessary to ensure this. Failure to adequately maintain and operate the project in accordance with Federal-aid requirements may result in the Sponsor's repayment of federal funds and may result in withholding all future Federal-aid.

25. Promptly notify the Department if the project is rendered unfit for continued use by natural disaster or other cause.

THE DEPARTMENT WILL:

1. Be responsible for administering Federal-aid funds.

2. Provide the appropriate environmental documentation for the project.

3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments in accordance with the Uniform Act and be reimbursed for costs involved in performing these services.

4. Upon receipt of the Sponsor's certification of right-of-way (property) ownership, provide the appropriate documentation to the file.

5. Review plans and specifications for project/program eligibility.

6. Advise the Sponsor when to proceed with advertisement of the project for construction bids.

7. Review bid tabulations and concur in award of the construction contract for the project.

8. Visually verify (insofar as is reasonably possible) that the work meets contract requirements before reimbursement is made to the Sponsor.

9. Reimburse the Sponsor 80% (Federal-aid share) for eligible costs up to the maximum Federal-aid amount as approved in the Enhancement Construction Certification and Reimbursement Request form (Attachment F).

10. Pay the Sponsor the remaining amount due upon completion of the project and submittal of the certified Final Estimate.

IT IS FURTHER AGREED that should the Sponsor fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the Sponsor from receiving all future Federal-aid funds administered by the Department.

IT IS FURTHER AGREED that should the Sponsor fail to pay to the Department any required funds due for implementation of the project or fail to complete the project as specified in this Agreement or fail to adequately maintain or operate the project, the Department may cause funds as may be required to be withheld from the Sponsor's gasoline tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement on this _____

day of _____, 1999.

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

RECOMMENDED:

_____
Steve Teague
Assistant Chief Engineer for Planning

_____
Dan Flowers
Director of Highways and Transportation

CITY OF FAYETTEVILLE

RECOMMENDED:

_____
City Attorney

_____
Fred Hanna
Mayor

Attachment A

GENERAL REQUIREMENTS FOR RECIPIENTS AND SUB-RECIPIENTS CONCERNING MINORITY BUSINESS ENTERPRISES

It is the policy of the U. S. Department of Transportation that minority business enterprises (MBEs) as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this Agreement.

The recipient or its contractor agrees to ensure that MBEs as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that MBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 23, Subpart E, which sanctions many include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in Subsection 23.43(a) shall substitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

REQUIRED CONTENTS OF BIDDING PROPOSALS
FEDERAL-AID ENHANCEMENT PROJECTS

1) FHWA-1273. Each set of contract documents shall include FHWA-1273, "Required Contract Provisions, Federal-aid Construction Contracts," and such supplements that may modify the FHWA-1273. Copies of FHWA-1273 and supplements will be provided by the Department.

2) Anti-Collusion and Debarment Certification. The certification shall either be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the State to administer oaths or in the form of an unsworn declaration executed under penalty of perjury of the law of the United States. The required form for the Anti-Collusion and Debarment Certification will be provided by the Department. The certification includes:

   - Anti-collusion. A statement executed by, or on behalf of the person, firm, association, or corporation submitting the bid certifying that such person, firm, association, or corporation has not, either directly or in-directly, entered into any agreement, participated in any collusion, or otherwise taken any action, in restraint of free competitive bidding in connection with the submitted bid.

   - Debarment. A statement regarding debarment, suspension, ineligibility and voluntary exclusion as required by Title 49 of the Code of Federal Regulations, Part 29 (49 CFR 29).

   Failure to submit the executed Certification <u>as part of the bidding documents</u> will make the bid nonresponsive and not eligible for award consideration.

3) Lobbying certification. This certification is required by 49 CFR 20. The form for this certification will be provided by the Department.

4) Davis-Bacon predetermined minimum wage rates. The applicability to a transportation enhancement project is dependent on the relationship or linkage of the project to a Federal-aid highway. When necessary, the Davis-Bacon wage rates will be provided by the Department.

   - Davis-Bacon requirements apply to all projects greater than $2,000 that are physically located within the existing right-of-way of a federal aid highway, regardless of the transportation enhancement characteristics.

   - Davis-Bacon requirements also apply to projects "linked" to a federal aid highway based on proximity or impact (i.e., the project would not exist without the federal aid highway). Examples of such projects include removal of outdoor advertising, wetlands to filter highway drainage, etc.

   - Davis-Bacon requirements <u>do not apply</u> to projects not "linked" to a particular federal aid highway and which are eligible for transportation enhancement funding based solely on function (i.e., a transportation facility, such as an independent bike path, the restoration of a railroad station, etc.).

Attachment C

CERTIFICATION LETTER
REQUESTING AUTHORITY TO ADVERTISE

DATE

Mr. Robert L. Walters
Chief Engineer
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, AR 72203

Re: ***Job #***
Job Name
County

Dear Mr. Walters:

The following documents are submitted concerning the referenced project:

1. One set of plans and specifications.
2. A copy of the preliminary estimate of cost.
3. An unexecuted copy of the bid proposal form.

I certify that the plans, specifications and estimate were prepared by or under the direct supervision of a Professional Engineer/Architect licensed to practice in the State of Arkansas and that the plans and specifications comply with the Americans with Disabilities Act (ADA), the American Association of State Highway and Transportation Officials (AASHTO) design standards, and all other applicable state and federal regulations, including Airport Clearance when necessary, for the type of work involved. Additionally, I certify that all necessary right of way has been acquired in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and arrangement for adjustment of existing conflicting utilities has been accomplished.

I understand that if any project items are declared non-participating in federal funds due to failure to comply with any State or federal requirements, the City will promptly repay such funds to the Arkansas State Highway and Transportation Department (AHTD). Further, I hereby authorize the Director of the Arkansas State Department of Finance and Administration to transfer such funds from the City's State Turnback Funds to the AHTD's RRA Fund upon notification by the Director of Highways and Transportation that such funds are due AHTD and have not been paid by the City.

Approval to proceed with advertisement of the project for bids is requested.

Sincerely,

NAME
OFFICE

Enclosures

Attachment D

GUIDELINES FOR ADVERTISING AND OPENING BIDS FEDERAL-AID PROJECTS

Upon receipt of written authorization from the Arkansas State Highway and Transportation Department, the project may be advertised for bids. The following minimum guidelines for advertising must be met:

- The minimum advertising period is three weeks.

- In addition to meeting the State requirements for advertising for construction projects, the project must be advertised a minimum of <u>two times</u> in a statewide newspaper.

- The notice must contain: (1) the time, date, and place that sealed bids are to be accepted, opened, and publicly read; (2) a brief description of the kind or type of work contemplated; and (3) the place at which prospective bidders may obtain plans and specifications.

- The Sponsor will include the following language in the solicitation for bids:

  "The Sponsor hereby notifies all bidders that this contract is subject to applicable labor laws, non-discrimination provisions, wage rate laws and other federal laws including the Fair Labor Standards Acts of 1938. The Work Hours Act of 1962 and Title VI of the Civil Rights Act of 1964 also apply."

- All bids received in accordance with the terms of the advertisement shall be publicly opened and at a minimum, the total amount bid must be read (the sponsor may choose to read the bids item by item).

- If any bid received is not read aloud, the name of the bidder and the reason for not reading the bid aloud shall be publicly announced at the letting.

- **Negotiation with contractors during the period following the opening of bids and before the award of the contract shall not be permitted.**

Attachment E

CERTIFICATION LETTER
REQUESTING CONCURRENCE IN AWARD OF THE CONTRACT

DATE

Mr. Robert L. Walters
Chief Engineer
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, AR 72203

Re: ***Job #***
Job Name
County

Dear Mr. Walters:

The following documents are submitted concerning the referenced project:

1. One set of bid tabulations.
2. A check in the amount of 1% of the low bid as the AHTD administration fee.
3. Justification of award (if low bid amount is greater than 10% over the estimate).

I certify that the referenced project was advertised and bids were received in accordance with the regulations governing Federal-aid projects and all other applicable state and federal regulations, and that this process has been reviewed and approved by the City Attorney. Additionally, I certify that the bid is being awarded to the lowest responsive and qualified bidder and that there has not been, nor will there be, any negotiations with the contractor or other bidders regarding the amount bid.

Your concurrence in the award of this contract to ***CONTRACTOR*** is requested.

Sincerely,

NAME
OFFICE

_____
City Attorney

ENHANCEMENT CONSTRUCTION CERTIFICATION AND REIMBURSEMENT REQUEST

Job No.: _____
FAP: _____
County: _____
Job Name.: _____

Sponsor: _____

Contractor: _____

DATE: _____

PAY REQUEST # _____

FROM: _____ TO: _____

SPONSOR'S REQUEST FOR PAYMENT

1 Original Contract Amount
2 Net Amount - Change Orders to Date
3 Present Contract Total

4 Maximum Federal-aid Amount

5 Work Completed to Date

6 Federal Match (80% of Line 5 or amount on Line 4, whichever is less)
7 Previous Request for Payments

8 ***Amount Due this Estimate***

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes previously approved		
Total approved this Request Period		
TOTALS		
NET CHANGES by Change Order		

Interim Estimate Request and Certification

Payment is requested from the Arkansas State Highway and Transportation Department for the Amount Due. I certify that the Contractor and/or subcontractor(s) are complying with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements; that the work has been completed by the Contractor in accordance with the plans and specifications; and that the Contractor has been paid for this work.

By: _____ Date: _____

Title: _____

Final Estimate Request and Certification

Final payment is requested from the Arkansas State Highway and Transportation Department for the Amount Due. I certify that the Contractor and/or subcontractor(s) have complied with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements; that the project has been completed by the Contractor in accordance with the plans and specifications; and that the Contractor has been paid for this work.

By: _____ Date: _____

Title: _____

DEPARTMENT USE ONLY

Examined, Checked and Approved: _____
Resident Engineer

Examined, Checked and Approved: _____
Construction Engineer

Approved for Payment: _____
Asst. Chief Engineer-Operations

PAID
Voucher No. _____
Date:

ICEMENT CONSTRUCTION CERTIFICATION AND REIMBURSEMENT REQUEST

AIL ESTIMATE

JOB NUMBER: _____
FAP: _____
JOB NAME: _____
_____

SPONSOR: _____

REQUEST NO: _____ DATE: _____

FROM: _____ TO: _____

CONTRACTOR: _____

	B	C	D	E	F	G	H	I
	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STOCKPILED (NOT IN D or E)	TOTAL COMPLETED & STOCKPILED TO DATE (D+E+F)	% COMPLETED (G ÷ C)	BALANCE TO FINISH (C - G)
			PREVIOUS REQUESTS	THIS PERIOD				
	GRAND TOTALS							

49 CFR 18.42

UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Post-Award Requirements

Retention and access requirements for records.

(a) *Applicability.* (1) This section applies to all financial and programmatic records, supporting documents, statistical records, and other records of grantees or subgrantees which are:

(i) Required to be maintained by the terms of this part, program regulations or the grant agreement, or

(ii) Otherwise reasonably considered as pertinent to program regulations or the grant agreement.

(2) This section does not apply to records maintained by contractors or subcontractors. For a requirement to place a provision concerning records in certain kinds of contracts, see Sec. 18.36(i)(10).

(b) *Length of retention period.* (1) Except as otherwise provided, records must be retained for three years from the starting date specified in paragraph (c) of this section.

(2) If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

(3) To avoid duplicate recordkeeping, awarding agencies may make special arrangements with grantees and subgrantees to retain any records which are continuously needed for joint use. The awarding agency will request transfer of records to its custody when it determines that the records possess long-term retention value. When the records are transferred to or maintained by the Federal agency, the 3-year retention requirement is not applicable to the grantee or subgrantee.

(c) *Starting date of retention period*--(1) *General.* When grant support is continued or renewed at annual or other intervals, the retention period for the records of each funding period starts on the day the grantee or subgrantee submits to the awarding agency its single or last expenditure report for that period. However, if grant support is continued or renewed quarterly, the retention period for each year's records starts on the day the grantee submits its expenditure report for the last quarter of the Federal fiscal year. In all other cases, the retention period starts on the day the grantee submits its final expenditure report. If an expenditure report has been waived, the retention period starts on the day the report would have been due.

(2) *Real property and equipment records.* The retention period for real property and equipment records starts from the date of the disposition or replacement or transfer at the direction of the awarding agency.

(3) *Records for income transactions after grant or subgrant support.* In some cases grantees must report income after the period of grant support. Where there is such a requirement, the retention period for the records pertaining to the earning of the income starts from the end of the grantee's fiscal year in which the income is earned.

(4) *Indirect cost rate proposals, cost allocations plans, etc.* This paragraph applies to the following types of documents, and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(i) *If submitted for negotiation.* If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the grantee) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.

(ii) *If not submitted for negotiation.* If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the grantee) for negotiation purposes, then the 3-year retention period for the proposal plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

(d) *Substitution of microfilm.* Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.

(e) *Access to records*--(1) *Records of grantees and subgrantees.* The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and subgrantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts.

(2) *Expiration of right of access.* The right of access in this section must not be limited to the required retention period but shall last as long as the records are retained.

(f) *Restrictions on public access.* The Federal Freedom of Information Act (5 U.S.C. 552) does not apply to records unless required by Federal, State, or local law, grantees and subgrantees are not required to permit public access to their records.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

October 11, 1999

Mr. Dan Flowers, Director
Arkansas Highway & Transportation Department
PO Box 2261
Little Rock, AR 72203-2261

RE: Federal Aid Enhancement Funds

Dear ~~Mr. Flowers~~: Dan

The City of Fayetteville received approval for funding of Federal Aid Enhancement Funds from the 1991 ISTEA Program. These funds were made available for the following projects:

1. Job No. 040195 (ATEP-94) for bike trails in the amount of $400,000;
2. Job Nos. 040198 (ATEP-94) in the amount of $99,792, and 040221 (ATEP-95) in t amount of $113,089.60 respectively for railroad corridor preservation.

A consultant was hired to develop plans under Job No. 040195 and a total of $87,829.86 in the Federal Funds have been expended. The City of Fayetteville reimbursed the AHTD for this amount on August 19, 1999.

As stated in our previous letter dated June 23, 1999, the plans to construct a trail along the abandoned railroad spur (St. Paul) have been eliminated. The Raven Trail (Errol Street) is still a viable project. The City's Engineering Division is currently developing the plans which should be completed in November 1999, and will then be submitted to you for approval.

Since we have not received a response to our letter of August 19, 1999, our question is still as follows: Can the funds appropriated under Job No. 040195 for bike trails, and Job Nos. 040198 and 040221 for railroad corridor preservation be used by the City to construct trails at other locations within the City? We are hopeful that we will be permitted to use these funds in this manner.

In our letter of June 23, 1999, we listed several trail locations that could possibly be constructed. Since that time, we have revised this list and we believe all of these trails listed by priority could be designed and placed under contract within a year. The City already has the right-of-way needed for the trails. Enclosed is a map showing the location of the trails, and following is a brief description of each.

1. Raven Trail (Errol Street): A multi-use-trail for pedestrians and bicycles. This trail would provide access for school children living in the many subdivisions east of Butterfield Elementary School. It would also provide a shorter pedestrian access for many pedestrians between Katherine Avenue and Old Missouri Road. This trail has a distance of approximately 1,400 feet in length and the estimated cost is $70,000.

2. Completion of a multi-use-trail along Mud Creek Tributary going eastward connecting Gulley Park to Azalea Terrace. This trail has a distance of approximately 1,700 feet in length and the estimated cost is $75,000.

3. Completion of the Joyce Boulevard multi-use-trail located on the north side of Joyce Boulevard between a tributary to Mud Creek and Old Missouri Road. Again, no additional right-of-way will be required, however, a T.C.E. may be necessary to actually build the trail. Completion of this segment will connect a trail that begins at Front Street and traverses to the Mud Creek Tributary, and a trail that begins at Old Missouri Road and ends at Highway 265. This trail has a distance of approximately 2,700 feet in length and the estimated cost is $115,000.

4. A multi-use-trail that begins at Old Missouri Road and proceeds westward to connect with the existing trail on the north side of Mud Creek presently ending at Front Street. This trail has distance of approximately 4,000 feet in length and the estimated cost is approximately $220,000, including a bridge across Mud Creek Tributary which will also be required on this segment.

5. A multi-use-trail that begins at Front Street to connect with the existing trail and proceeds westward along Mud Creek to Gregg Avenue. This trail has a distance of approximately 5,800 feet in length and the estimated cost would be $245,000. The project will be split into two phases, with Phase I running from Front Street to Steele Boulevard, a distance of approximately 3,800 feet, and Phase II would continue on to Gregg Avenue. Phase I is estimated to cost approximately $160,000.

The total amount of federal funds originally available to the City was $612,831.60. The total estimated costs of the five (5) trails, not including Phase II of Trail 5, is $640,000. Since we reimbursed $87,829.86 to you on August 19, 1999, it is assumed these funds will not now be available. Therefore, the actual Federal Aid Funds still available are $525,001.74, which will cover the Federal Aid portion of the estimated costs of the five trails.

Phase II of Trail 5 will require acquisition of right-of-way and it is doubtful this phase could meet the time frame required for obligation of the funds. A request for this phase will be made at a later time asking for TEA-21 funds.

The construction of these trails will provide the beginning for what we hope will eventually be a trail network throughout the City. I also want to assure you that every effort will be made to place these trails under construction within the required time frame.

I look forward to hearing from you in the near future and, hopefully, with the news that the existing funds can be utilized as set forth in this letter. I will be more than happy to furnish any additional information or answer any questions you may have.

Sincerely,

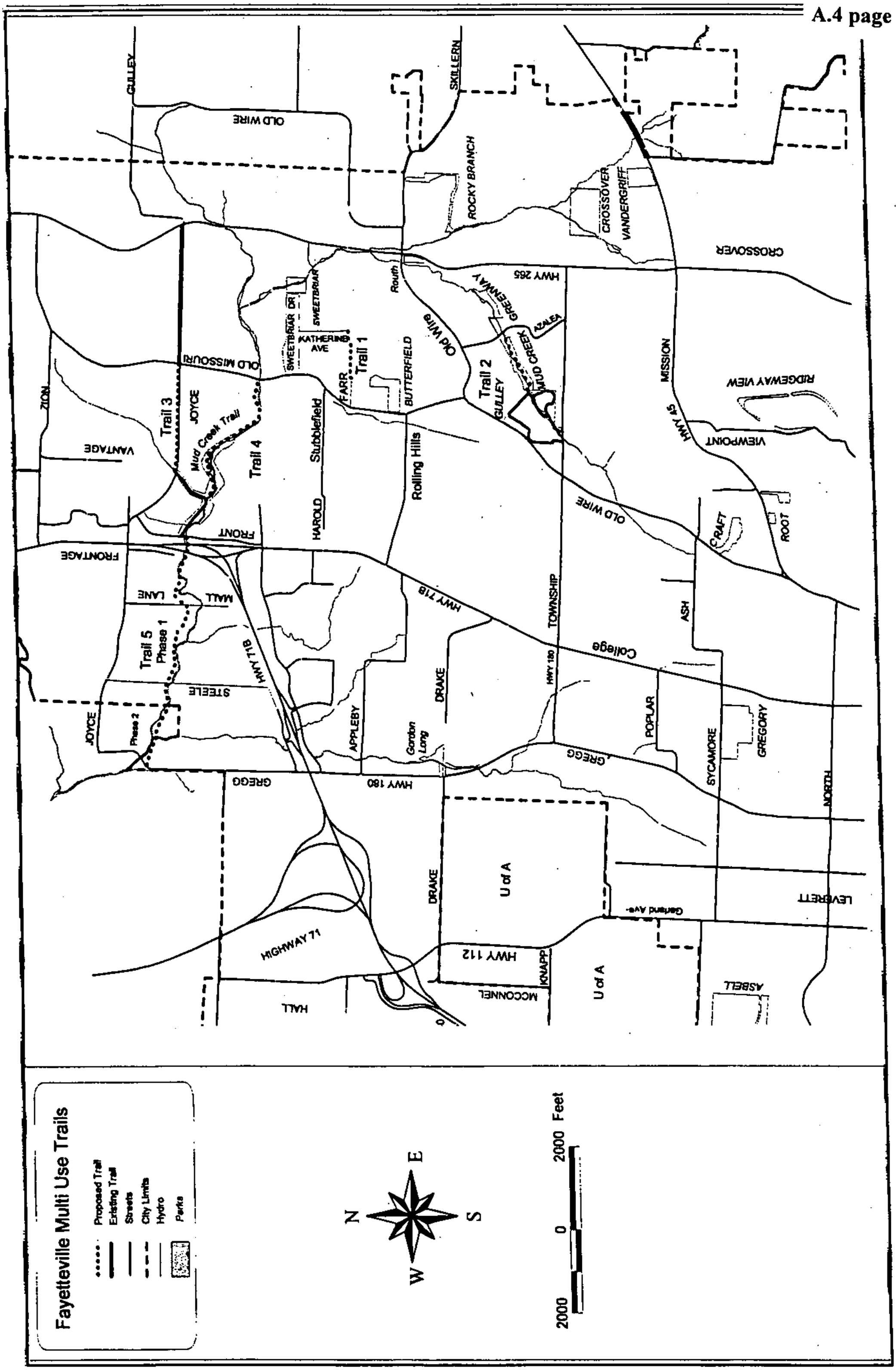
Fred

Fred Hanna
Mayor

FH:msm

enclosure

c Trail Advisory Committee
Charles Venable, Public Works Director


Fayetteville Multi Use Trails
Proposed Trail
Existing Trail
Streets
City Limits
Hydro
Parks
N
E
S
W
2000
0
2000 Feet
HIGHWAY 71
HWY 112
U of A
U of A
MCCONNEL
KNAPP
HALL
ASBELL
Central Ave.
LEVERETT
HWY 180
GREGG
DRAKE
Gordon Long
APPLEBY
HWY 71B
STEELE
Phase 2
JOYCE
Trail 5
Phase 1
MALL
LANE
FRONTAGE
FRONT
HAROLD
Rolling Hills
Stubblefield
Trail 4
Mud Creek Trail
JOYCE
Trail 3
VANTAGE
ZION
OLD MISSOURI
SWEETBRIAR DR
SWEETBRIAR
KATHERINE AVE
FARR
Trail 1
BUTTERFIELD
Old Wire
Trail 2
GULLEY
MUD CREEK
AZALEA
GREENWAY
HWY 265
Routh
ROCKY BRANCH
SKILLERN
OLD WIRE
GULLEY
CROSSOVER
VANDERGRIFF
CROSSOVER
MISSION
HWY 45
RIDGEWAY VIEW
VIEWPOINT
OLD WIRE
CRAFT
ROOT
TOWNSHIP
HWY 180
College
ASH
POPLAR
SYCAMORE
GREGORY
NORTH

STAFF REVIEW FORM

_X_ Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of November 16, 1999.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZ 99-31.00 submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Bleaux Barnes for property located south of Appleby Road and east of Appleby Apartments. The property is zoned A-1, Agricultural and contains approximately 8.37 acres. The request is to rezone the property to R-1, Low Density Residential.

COST TO CITY:

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

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

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

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	Date 10-29-99	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission voted unanimously to approve the request with a vote of 8-0-0.

Division Head	Date 10-29-99	**Cross Reference**
Department Director	Date 11-1-99	New Item: **Yes** **No**
Administrative Services Director	Date 1 NOV 99	Prev Ord/Res#: _____
Mayor	Date 11/1/99	Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Tim Conklin, City Planner
DATE: October 25, 1999

RZ 99-31.00: Rezoning (Barnes, pp 250) was submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Bleaux Barnes for property located south of Appleby Road and east of Appleby Apartments. The property is zoned A-1, Agricultural and contains approximately 8.37 acres. The request is to rezone the property to R-1, Low Density Residential.

RECOMMENDED MOTION:

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

PLANNING COMMISSION ACTION: YES Required
_____Approved _____Denied

Date: October 25, 1999

Comments:

_____

_____

CITY COUNCIL ACTION: YES Required
_____Approved _____Denied

Date: / /

BACKGROUND :

The applicant requests the rezoning of approximately 8.37 acres from A-1 to R-1 (Low Density Residential). The owner is Paul Martin and the applicant is Bleaux Barnes. The property has 564 feet of frontage on Appleby Road and is located between apartments to the west and Quail Creek Subdivision/single family homes to the east.

ADJACENT LAND USE AND ZONING:

North: Washington Regional Medical Center, zoned A-1
South: Vacant land, zoned Gregory Park is directly south and zoned R-1.5
East: Quail Creek Subdivision, zoned R-1
West: Apartments, zoned R-2

INFRASTRUCTURE:

Streets: Appleby Road is a two lane street and classified as a collector which is designed to carry 4,000 to 6,000 vehicles per day.

Water: There is a 6" waterline to the east located within Quail Creek Subdivision and an 8" waterline to the west located within the apartment complex.

Sewer: There is a 16" sewer line to the west and a 6" sewer line to the south.

LAND USE PLAN:

The General Plan 2020 shows this area as Residential

§ 161.04 DISTRICT R-1: LOW DENSITY RESIDENTIAL.

A. Purpose. The Low Density Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 26	Single-Family Dwelling

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
Unit 8	Single-Family and Two-Family Dwellings

C. Density.

SINGLE-FAMILY DWELLINGS	TWO FAMILY DWELLINGS
4 or Less Families Per Acre	7 or Less Families Per Acre

D. Bulk and Area Regulations.

	Single-Family	Two-Family
Lot Minimum Width	70 ft.	80 ft.
Lot Area Minimum	8,000 sq. ft.	12,000 sq.ft.
Land Area Per Dwelling Unit	8,000 sq. ft.	6,000 sq. ft.

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	20

F. Building Area. On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031)

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 (Low Density Residential) is consistent with the plan.**

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

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

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

Finding: **The proposed zoning R-1 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 to R-1 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**

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.

City of Fayetteville
113 W. Mountain
Fayetteville, AR. 72703

10-4-99

Att: Planning Dept.
Re : Rezoning request on Appleby Rd.

Enclosed herewith is the application for the rezoning of 8.37 acres on Appleby Road. The request is to rezone from A-1 to R-1. The property to the west is R-2)Appleby Apts). The property to the south is R1.5, to the east is R1.5 and to the north is A-1.

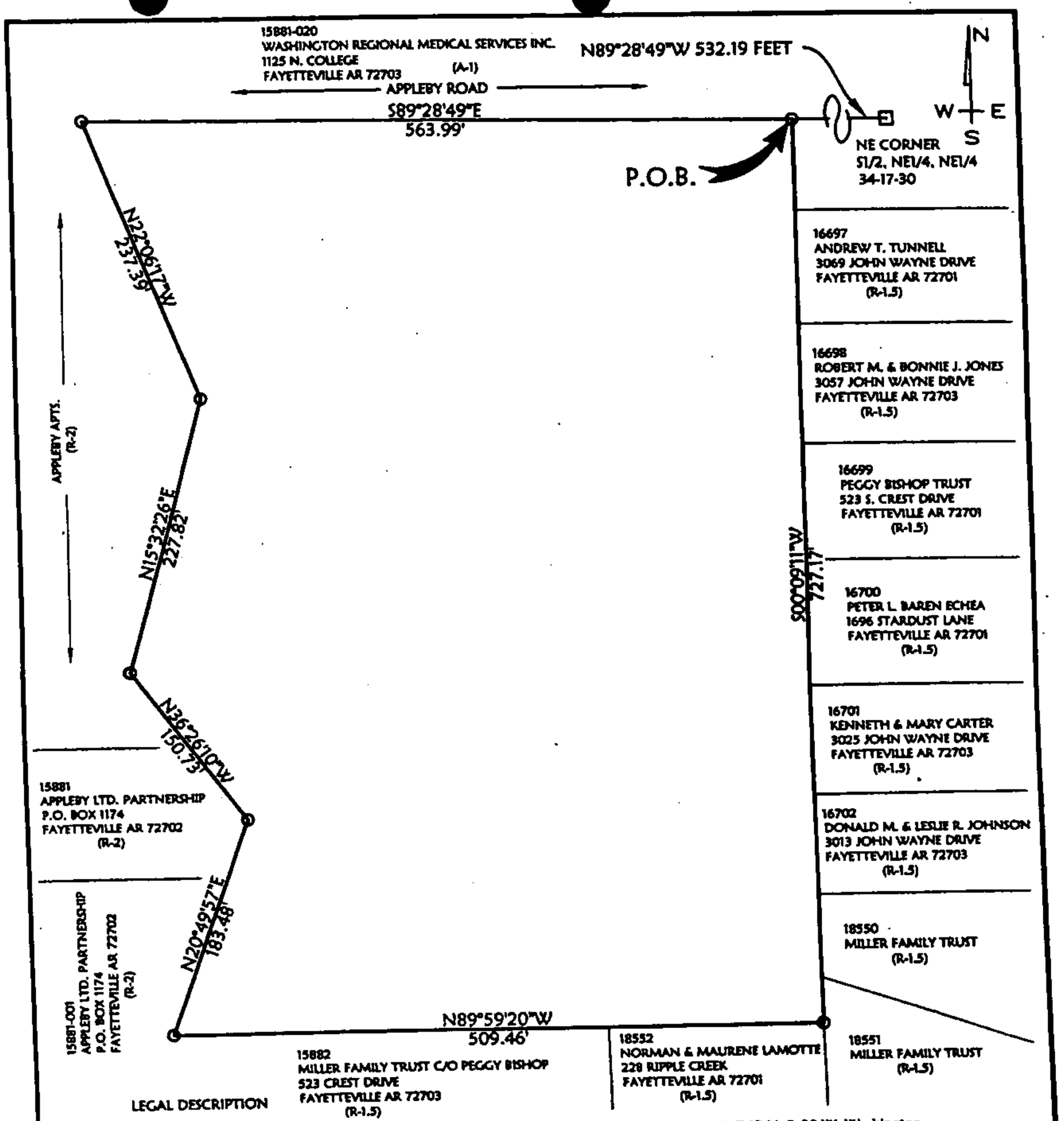
Water and sewer service is available and will be adequate for the planned use, which is single family residential.

Please review and call me concerning any additional questions you may have.

Thank you.

Sincerely;

David L. Jorgensen, P.E.



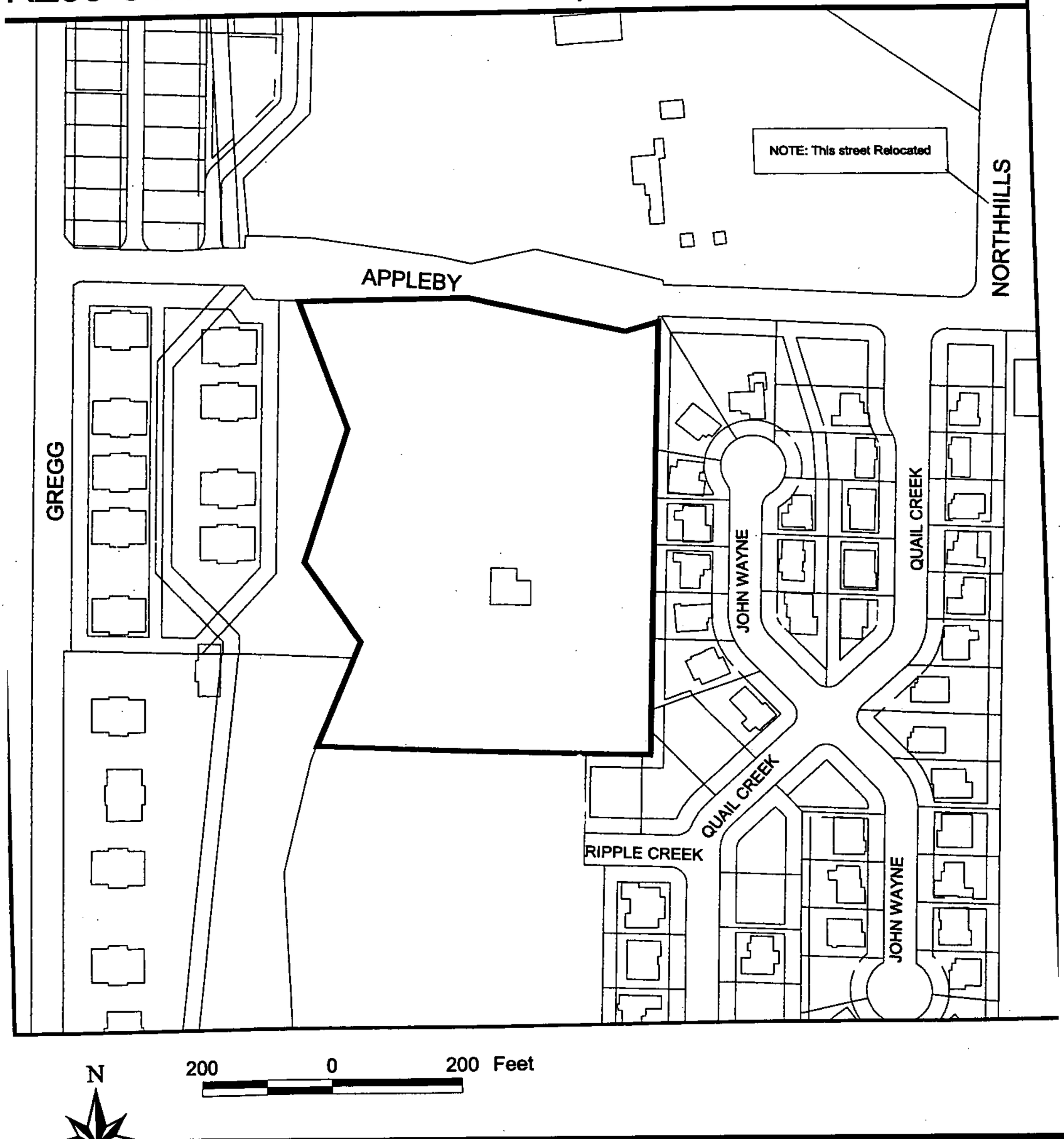
LEGAL DESCRIPTION

Part of the S 1/2 of the NE 1/4 of the NE 1/4 and part of the SE 1/4 of the NE 1/4 of section 34, T-17-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: From the NE corner of said S 1/2, NE 1/4, NE 1/4, Section 34, run thence N 89° 28' 49" W 532.19 feet along the North line of said 20 Acre tract to the P.O.B; thence S 00° 09' 11" W 727.17 feet, thence N 89° 59' 20" W 509.46 feet to the East side of a creek; thence along said East side of creek the following courses: N 20° 49' 57" E 183.48 feet, thence N 36° 26' 10" W 150.73 feet, thence N 15° 32'26" E 227.82 feet, thence N 22° 06' 17" W 237.39 feet, thence S 89° 28' 49" E 563.99 feet along said North line to the P.O.B containing 8.37 Acres more or less and being subject to the Right-of-Way of Appleby road on the North side thereof and to all easements of record.

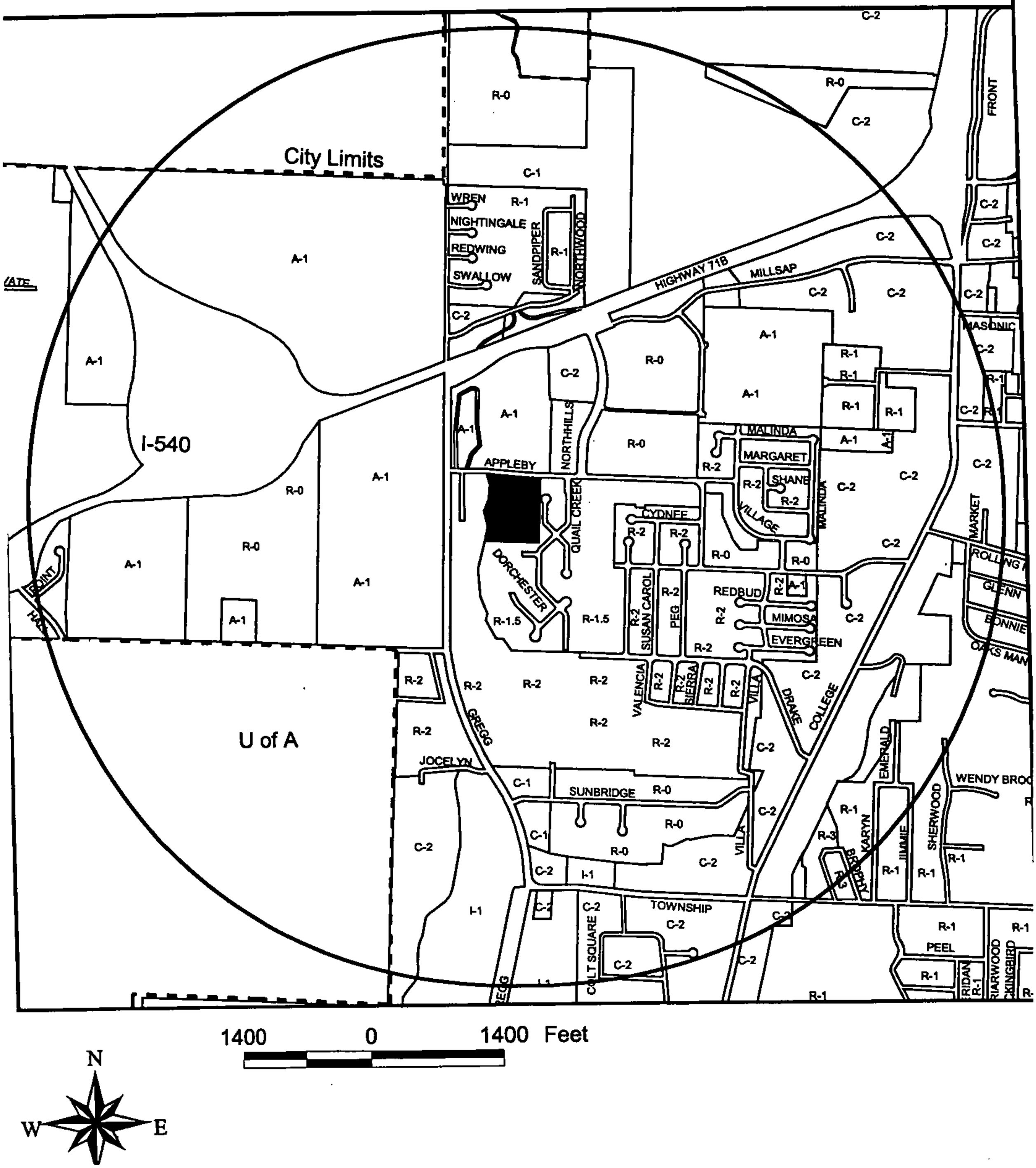
JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.

SURVEYORS

RZ99-31.00 - Barnes - Close Up



RZ99-31.00 - Barnes - One Mile Diameter



RZ99-31: REZONING
BARNES, PP250

This item was submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Bleaux Barnes for property located south of Appleby Road and east of Appleby Apartments. The property is zoned A-1, Agricultural and contains approximately 8.37 acres. The request is to rezone the property to R-1, Low Density Residential.

Dave Jorgensen was present on behalf of the request.

Staff Recommendation

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

Commission Discussion

Johnson: This property is on the south side of Appleby and is across from the Washington Regional development. This across the street from the old farm house. The adjacent land use is A-1 where the medical park is located across Appleby and otherwise it's adjoined by R-1.5, R-1, and R-2 properties. Staff, do you have additional information for us on this proposed rezoning.

Conklin: Staff has no additional information on this rezoning.

Jorgensen: We're here to answer questions and it's a relatively simple R-1 request, we hope.

Johnson: Relatively simple would be appreciated. Are there initial questions to the staff or Mr. Jorgensen?

Public Comment

None.

MOTION

Marr: I'll make a motion to recommend approval of RZ99-31.

Hoffman: Second.

Johnson: We have the motion by Commissioner Marr and the second by Commissioner Hoffman to approve RZ99-31. I will remind everyone that rezoning require 5 positive vote and

are merely a recommendation to the City Council who takes the final action on the rezoning request.

Roll Call

Upon roll call, the motion passed with a unanimous vote of 8-0-0.

STAFF REVIEW FORM

_X_ Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of November 16, 1999.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve a resolution for AD 99-25.00 submitted by Dave Jorgensen of Jorgensen and Associates. The request is to remove a proposed minor arterial street from the Master Street Plan. The proposed street is located north of Howard Nickle Road and west of Highway 112.

COST TO CITY:

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

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator Administrative Services Director

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

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	10-25-99 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the request on the Consent Agenda with a unanimous vote of 7-0-0.

Division Head	10-29-99 Date	**Cross Reference**
Department Director	11-1-99 Date	New Item: **Yes** **No**
Administrative Services Director	11/01/99 Date	Prev Ord/Res#:_____
Mayor	11/1/99 Date	Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Tim Conklin, City Planner
DATE: October 25, 1999

AD 99-25.00: Administrative (Master Street Plan Amendment) was submitted by Dave Jorgensen of Jorgensen and Associates. The request is to remove the proposed minor arterial street from the Master Street Plan. The proposed street is located north of Howard Nickle Road and west of Highway 112.

RECOMMENDED MOTION:

Staff recommends approval of the request to remove the minor arterial from the Master Street Plan.

Staff would support designating Washington County Road 892 as a collector street to the west.

BACKGROUND :

The applicant requests to amend the master street plan by removing a proposed north/south minor arterial street that is located between Highway 112 and Howard Nickle Road. A minor arterial street is a four lane street, 52' wide, with 90 feet of right-of-way designed to carry through traffic with volumes expected to be 12,200 to 14,800 vehicles per day.

The Fayetteveille City Council Street Committee did meet on October 12, 1999 and voted to recommend the amendment to the City Council and classify W.C. Road 892 as a Collector Street.

STAFF FINDINGS:

The recommended distance between arterial streets is generally 2 to 3 miles apart in the suburban fringe. This proposed street is 0.12 to 0.33 miles from Highway 112 classified as a principal arterial.

The recommended minimum length of arterial streets is generally two miles or more. This street, if constructed, would be approximately 0.5 mile long.

The existing terrain in this area also limits future street construction to the north in the location as presently shown on the Master Street Plan. Property to the north has areas of steep slopes over 30%.

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.

City of Fayetteville
113 W. Mountain
Fayetteville, Ar. 72701

10-4-99

Att: Planning Dept.
Re : Master Street Plan (Woodlands Addition)

Enclosed herewith please find a sketch which shows a ten lot subdivision that is planned at the NW Corner of Hwy 112 and Howard Nickel Road on 80 acres. The master street plan shows a 90' wide minor arterial extending through this property. The owner wishes to request a review of this and to utilize the existing paved county road that is 720' west of our west boundary line. This is County Road 892 and would seem to accomplish what the planned minor arterial shows on the master street plan.

Please review and call concerning any questions you may have.

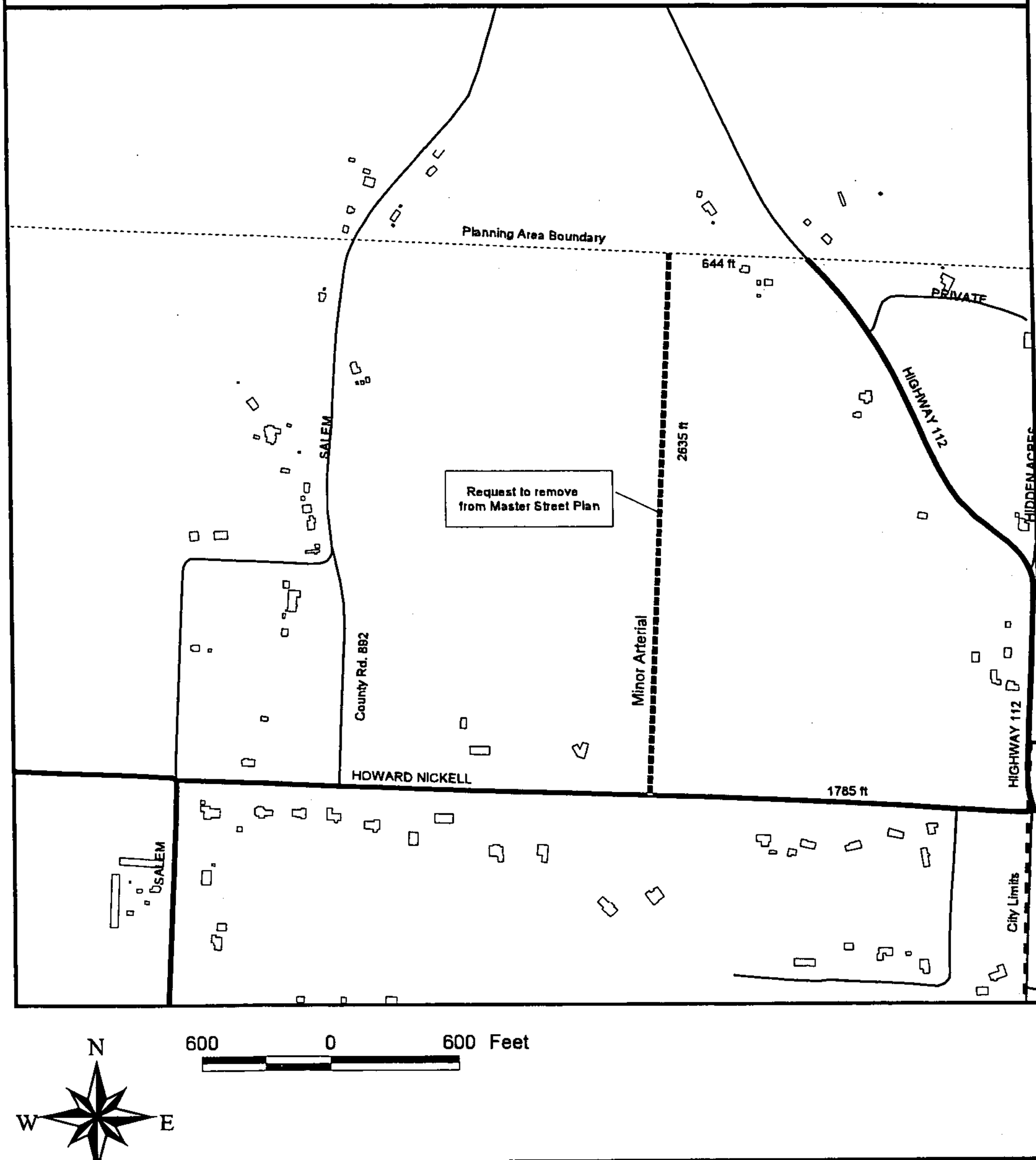
Thank you.

Sincerely;

David L. Jorgensen, P.E.

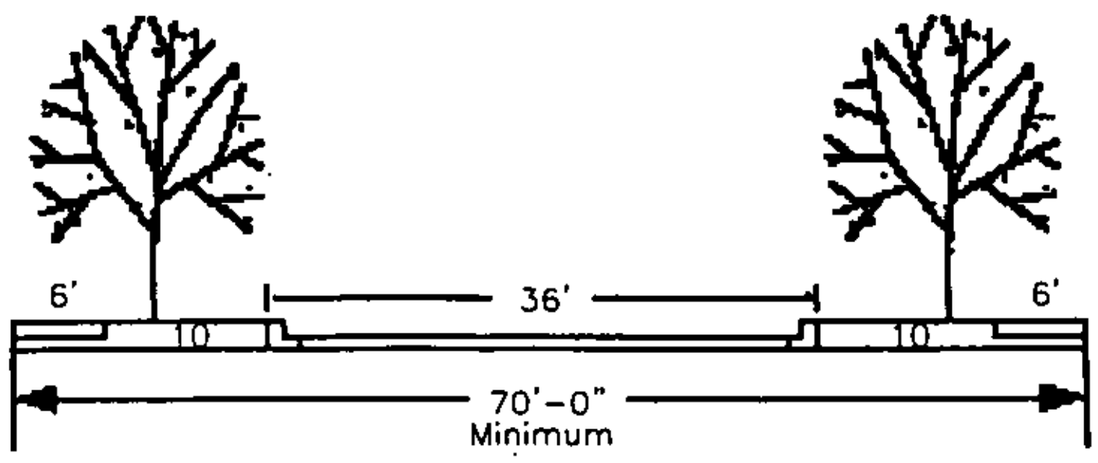
2013 GREEN ACRES RD., SUITE A • FAYETTEVILLE, ARKANSAS 72703 • (501) 442-9127

AD99-25 - Master Street Plan Amendment



COLLECTOR STREETS provide traffic circulation within residential, commercial, and industrial areas. They collect traffic from local or residential streets in neighborhoods and channel it into the arterial system. Connections between arterials should be indirect to discourage use by traffic from outside the neighborhood. In residential neighborhoods, frontage along collectors is discouraged; houses should front on local or residential streets.

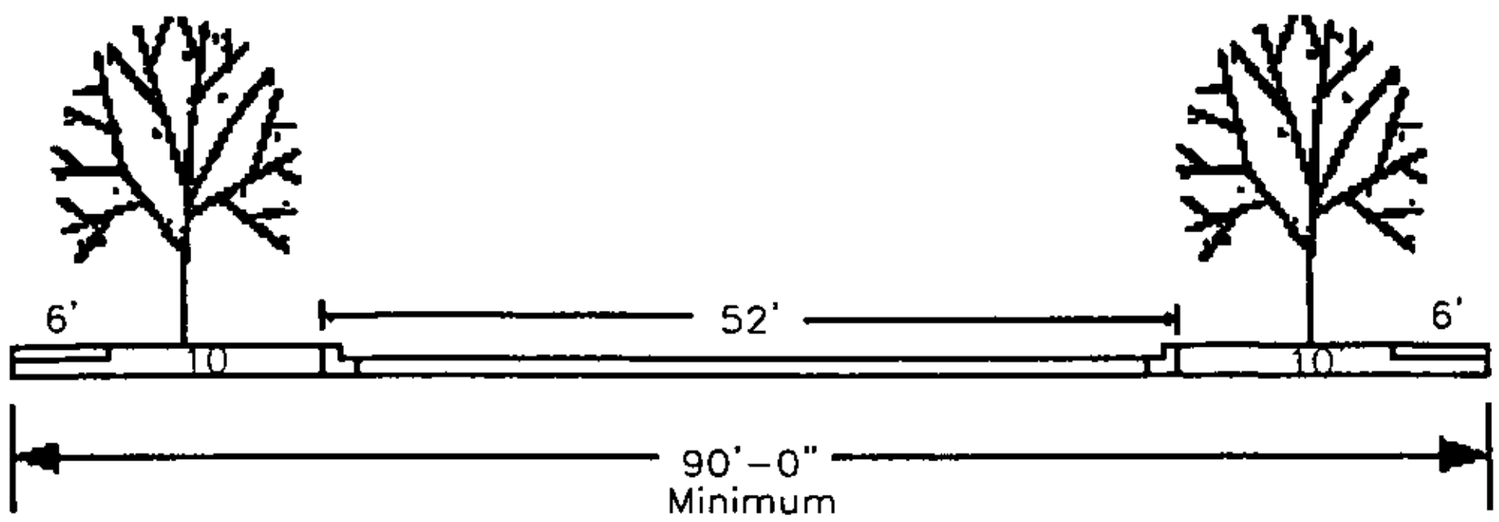
Design Service Volume:	4,000 vpd, 6,000 vpd with left turn bays
Speed:	25-30 mph
Traffic Lanes:	Two 11' travel lanes, 10' turn bays where warranted
Parking Lanes:	Two lanes provided. None when turn bay exists
Paved Width:	36' from back of curb
Right of Way:	At least 70'
Multi-use trail:	Two at least 6' wide, at least 10' from curb
Tree Planting areas:	Two, at least 10' wide



Collector

MINOR ARTERIAL STREETS connect higher functional class facilities, etc. Residential frontage is strongly discouraged. Access should be from perpendicular local or residential streets.

Design Service Volume:	12,200 vpd, 14,800 vpd with left turn bays
Speed:	35-40 mph
Traffic Lanes:	Four 12' travel lanes, 11' turn lanes possible at intersections
Parking Lanes:	None
Paved Width:	52' from back of curb, 59' with turn lane
Right of Way:	At least 90'
Multi-use Trail:	Two at least 6' wide, at least 10' from curb
Tree Planting Areas	Two, at least 10' wide



Minor Arterial

CONSENT AGENDA

Approval of Minutes - October 11, 1999

Johnson: The first item is the approval of the Minutes from the October 11, 1999 meeting. Are there any changes or corrections? If not, then they'll stand approved as distributed last week.

AD99-25: ADMINISTRATIVE
MASTER STREET PLAN AMENDMENT, PP168

This item was submitted by Dave Jorgensen of Jorgensen and Associates. The request is to remove a proposed minor arterial street from the Master Street Plan. The proposed street is located north of Howard Nickle Road and west of Highway 112.

VA99-14: VACATION
CANDLEWOOD DEVELOPMENT, LLC, PP294

This item was submitted by Dave Jorgensen of Jorgensen and Associates on behalf of David Chapman of Candlewood Development, LLC for property located on lots 40 to 44 in Candlewood Development. The request is to vacate the 25 foot sewer easement.

Johnson: Is there any member of the Commission who would move to remove an item from the Consent Agenda? Is there anyone in the audience who would request that we remove either of these two items from the Consent Agenda? Seeing none and we will vote on the Consent Agenda.

Roll Call

Upon roll call, the consent agenda was passed with a vote of 7-0-0. Commissioner Hoover and Commissioner Odom were not present.

STAFF REVIEW FORM

X AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of November 16, 1999

FROM:

Name	Division	Department
Jill Goddard	Engineering	Public Works

ACTION REQUIRED: Passage of an ordinance authorizing the City Attorney to seek possession of certain land located along Sycamore Street in the City of Fayetteville, Arkansas, by the Power of Eminent Domain, in association with the required right of way and easements for the Sycamore Street Improvements at Leverett Avenue. Such property is owned by the Charles G. Palmer Trust, the Linda J. Palmer Trust, the Ralph Freeman Trust, and the Arlie Freeman Trust (each with ¼ interest). (Parcel No. 765-13971-000)

COST TO CITY:

$ 2,800	$ 692,351	Sycamore Street-Leverett to Garland
Cost of this Request	Category/Project Budget	Category/Project Name
4470-9470-5809-00	$ 610,632	Street Improvements
Account Number	Funds Used To Date	Program Name
97030-30	$ 81,719	Sales Tax Capital Imp.
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

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

Accounting Manager	Date: 10-20-99	Internal Auditor	Date
City Attorney	Date: 10-21-99	ADA Coordinator	Date
Purchasing Officer	Date: 10-21-99		

STAFF RECOMMENDATION: Have been unable to reach agreement with property owner for reasons as explained in the following memorandum. Staff recommends condemnation approval, along with an emergency clause, on this property such that contractor will not be delayed in initiating this project.

Division Head	Date: Oct 20 '99	Cross Reference
Department Director	Date: 10-21-99	New Item: Yes X No ___
Administrative Services Director	Date: 21 OCT 99	Prev Ord/Res #: _____
Mayor	Date: 10/21/99	Orig Contract Date: _____

STAFF REVIEW FORM

Description Condemnation--Sycamore Street-Leverett to Garland

Meeting Date November 16, 1999

Comments:

Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

DATE: October 19, 1999

TO: Fayetteville City Council

THRU: Fred Hanna, Mayor
Charles Venable, Public Works Director
Donald Bunn, Assistant Public Works Director
Jim Beavers, City Engineer

FROM: Jill Goddard, Land Agent

SUBJECT: Sycamore Street - Leverett to Garland
Project No. 97030
Charles G. Palmer Inter Vivos Trust, Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust, Arlie Freeman Inter Vivos Trust

The City has been acquiring additional right of way and drainage easements for improvements at the Sycamore Street and Leverett Avenue intersection.

There is one property without signed documentation (although verbally the owners are apparently not opposed). As the construction contract has already been awarded on this job, it is necessary that the City initiate condemnation proceedings as soon as possible in order to obtain court possession of this land so as not to interfere with the construction schedule.

Initially, the Palmers and the Freemans were offered $2,100.00 for the acquisition of a 10 foot wide strip of additional right of way (1400 square feet). This offer was originally mailed on July 8, 1999. (See attached case history.)

There have been several phone conversations regarding the drainage project (located within the existing right of way) and the additional right of way. There has been apparently some confusion as to existing right of way line, new right of way line, and location of back of curb. There have been several attempts to clarify this verbally, pictorially, and with staking. Mr. Freeman (primary contact with the property owners) did not show up for a meeting scheduled for October 13, 1999, with Kip Guthrie, Garver Engineers; nor was Mr. Freeman able to be contacted by phone.

An independent appraisal was prepared by Mark Risk, of the Real Estate Consultants. This was received October 12, 1999. A revised offer is being presented to include an amount for landscape damages as a tree will have to be removed. New offer amount to be $2,800.00.

CASE HISTORY
Palmer/Freeman Property
Sycamore Street Improvements

7-6-99	Date of original offer letter.
7-8-99	Mailed packet with offer letter, drawings, and warranty deeds to Charles Palmer, Fort Smith.
7-19-99	Ralph Freeman called. He had questions regarding location of drainage ditch & pipe and back of curb--requested staking of right of way and back of curb. Garver Engineers contacted to do staking.
7-20-99	Side letter sent covering concerns stemming from phone conversation.
8-16-99	Reminder letter sent (no phone number on record).
8-19-99	Ralph Freeman called. Staking apparently not in place. Garver Engineers to stake on 8-20-99. Freeman to be in town in a couple of weeks.
8-24-99	Construction contract bid opening. (Awarded to Sweetser Construction.)
9-16-99	Requested appraisal from the Real Estate Consultants.
10-1-99	Notification letter sent (via certified mail).
10-7-99	Talked to Mark Risk, appraiser regarding specifics to the property. He noted that Arkansas Western Gas was working on the property. Inquired as to staking and Risk informed that there was none--apparently taken down by gas company to move their line. Talked to Ralph Freeman. He saw staking previously in place and was still confused as to location of right of way and back of curb. He and Kip Guthrie, of Garver Engineers, will coordinate to meet at property and stake back of curb and new right of way. Kip to answer questions and help clear confusion. They are to meet 10-13-99.
10-12-99	Received appraisal from the Real Estate Consultants.
10-15-99	Talked to Kip Guthrie. Freeman did not show up on 10-13-99. Guthrie never heard from Mr. Freeman nor could he get an answer at Freeman's number. Neither Garver nor the City has heard from Freeman since 10-7-99.
10-19-99	New offer presented based on appraisal.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

October 19, 1999

Charles G. Palmer Inter Vivos Trust,
Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust,
and Arlie Freeman Inter Vivos Trust
c/o Charles Palmer
4120 Roberts Avenue
Fort Smith, AR 72903

RE: Sycamore Street Improvements
Job No. 97030
Tract No. 5
Notification of Council Meeting

Dear Mr. Palmer:

This letter is to inform you that an ordinance authorizing the City Attorney to seek possession of the area required for additional right of way from your property is being presented to City Council for first reading at their meeting on November 16, 1999, at 6:30 p.m., Room 219, City Hall, 113 W. Mountain Street, Fayetteville, Arkansas.

However, please keep in mind that condemnation proceedings can be stopped at any time if an agreement is reached before the court date.

A City Land Agent will be glad to meet with you to discuss all phases of this project and the associated right of way and easements. Please contact Jill Goddard at (501) 444-3407 or Ed Connell at 444-3415.

Sincerely yours,

Jim Beavers

Jim Beavers
City Engineer

JB/jsg

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

October 19, 1999

Charles G. Palmer Inter Vivos Trust,
Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust,
and Arlie Freeman Inter Vivos Trust
c/o Charles Palmer
4120 Roberts Avenue
Fort Smith, AR 72903

RE: Sycamore Street Improvements
Job No. 97030
Tract No. 5
Revised Offer Letter

Dear Mr. Palmer:

The City of Fayetteville is in receipt of an appraisal conducted by the Real Estate Consultants (copy of the cover page is enclosed). In an effort to negotiate this offer without legal action, the City is prepared to make a revised offer based on this appraisal.

Included is a general map of the subject area, as well as a drawing of your specific property depicting the anticipated area required for right of way. The existing right of way is considered public property by prescription. (This 20 foot strip of existing right of way was acquired through Deed Ref. 887/744; however, not from all four parties.) The City of Fayetteville hereby offers **$2,100.00** for the acquisition of additional right of way (1400 square feet), and **$700.00** in landscape damages; making the total revised offer **$2,800.00**.

Should you elect to accept this offer, the *Warranty Deeds* contained herein should be executed by all parties with current ownership interest in the particular property. As the ownership of this property is now divided between four trusts, there are four Warranty Deeds enclosed--each for one-fourth interest. The documents should be notarized and returned to the City of Fayetteville. A City Land Agent will be pleased to witness and notarize the execution of the documents if you will advise our office accordingly. Upon receipt of these documents, checks will be requested and each owner will be paid one-fourth of the amount indicated in this offer letter.

If you make a final rejection of this offer, you do have certain legal rights which are outlined hereafter. Upon your final rejection of this offer, and if the City of Fayetteville elects to do so, a suit of condemnation may be filed. The amount of just compensation for the use of your property will be determined by an independent appraisal and deposited with the Registry of the Circuit Court of Washington County. You may, at that time, elect to accept the amount deposited as just

If you do not elect to accept the amount deposited as just compensation, then you may withdraw the amount placed on deposit without prejudice to your rights to claim additional compensation. In this event, you will be entitled to a trial by jury in the Circuit Court to determine just compensation for your lands condemned. In either event, payment of the estimated just compensation will be made available to you.

We, however, ask that you accept the offer made herein by executing the attached *Warranty Deeds*. Reduced copies of the documents are included for your records. We can provide copies of the recorded documents upon your request and at the appropriate time. Please provide us with Tax Identification Numbers (Corporation) or Social Security Number for each trust so that checks can be written. Vendor Forms are provided for this purpose.

A City Land Agent will be glad to meet with you at your convenience and discuss all phases of this project. Please contact Jill Goddard at (501) 444-3407, Ed Connell at 444-3415 or I can be reached at 575-8206.

Sincerely yours,

Jim Beavers

Jim Beavers
City Engineer

JB/jsg

Attachments

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

October 19, 1999

Charles G. Palmer Inter Vivos Trust,
Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust,
and Arlie Freeman Inter Vivos Trust
c/o Charles Palmer
4120 Roberts Avenue
Fort Smith, AR 72903

RE: Sycamore Street Improvements
Job No. 97030
Tract No. 5
Offer Letter #2

Dear Mr. Palmer:

Upon further examination of the construction plans for the above mentioned project, the following is a list of concerns expressed relating to the construction of the proposed drainage project as it crosses your property (this letter is in addition to the *Side Letter* dated July 20, 1999):

- Construction of the drainage project will necessitate the removal of a certain tree within the right of way. The City tries to avoid damage to and the loss of trees and other vegetation; however, there are times when circumstances leave no other choice. The City cannot adequately compensate you for the loss of any mature trees that are in landscaped areas; however, the following proposed compensation will allow you, at your discretion, to have a local nursery plant similar trees (2" diameter) as a substitute for the tree that will have to be removed (outside of the right of way):

1 - maple tree	= 3 @ $150 =	$ 450
Nursery installation		$ 250
Total Proposed Compensation for Landscape Damages		$ 700

If you have any further concerns or comments, please contact Ed Connell at 444-3415, Jill Goddard at 444-3407, or in their absence, Paul Libertini, Project Engineer, at 575-8352.

Sincerely yours,

Jim Beavers

Jim Beavers
City Engineer

APPRAISAL REPORT
FOR
CITY OF FAYETTEVILLE

Limited Summary Appraisal Report

PROJECT	Sycamore Street Right of Way
COUNTY	Washington
PARCEL #	765-13971-000
LOCATION	833 Sycamore Street Pt. of the NW1/4, NW1/4 Sec. 9-T16N-R31W Fayetteville Outlots
FEE OWNER	Ralph Freeman ET UX CO-TR ET AL C/O Charles Palmer
ADDRESS	4120 Rogers Avenue, Fort Smith, AR
ESTATE APPRAISED	Fee Simple

AREA OF WHOLE 4.42 acres **AREA OF RESIDUAL** 4.39 acres

AREA OF PERMANENT ACQUISITION 1,400 SF
(Descriptions attached)

ESTIMATED FAIR MARKET VALUE OF THE PROPERTY:

Before		
Land	$243,000	
Improvements	$ 0*	
Total		$243,000
After		
Land	$240,500	
Improvements	$ 0*	
Total		$240,500

FAIR MARKET VALUE OF PERMANENT R-O-W & UTILITY ACQUISITION **$ 2,500**

As of 7th *day of October, 1999*

ALLOCATION OF F.M.V. OF TOTAL ACQUISITION

R-O-W	1,400 SF @ $1.26/SF	= $ 1,764	Say	$ 1,800	
T.C.E	None			$ 0	
Trees	(1) Maple Tree			$ 700	
Improvements:	None			$ 0	
Total R-O-W, T.C.E., Trees, & Improvements					$ 2,500
Damages or Benefits:					$ 0
Total Compensation					**$ 2,500**

ATTACHMENTS:
- X Certificate of Appraiser
- X Photographs
- X Site, Improvement, H&B Use Narrative
- X Legal Descriptions
- X Market Data Approach
- X Survey
- X Tax Assessment Card

Appraiser, Mark E. Risk GAA, #CG0202

* The appraiser has not determined the value of the existing subject improvements due to his opinion that they are not significantly affected by the partial taking.

ARKANSAS APPRAISER LICENSING & CERTIFICATION BOARD
STATE CERTIFIED GENERAL No. CG0202
MARK E. RISK

SYCAMORE CON.
C.3 page 10

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

October 1, 1999

VIA CERTIFIED MAIL

Charles G. Palmer Inter Vivos Trust,
Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust,
and Arlie Freeman Inter Vivos Trust
c/o Charles Palmer
4120 Roberts Avenue
Fort Smith, AR 72903

RE: Sycamore Street Improvements
Job No. 97030
Tract No. 5
Notification

Dear Mr. Palmer:

As of this date, the City of Fayetteville has not received signed documentation from you on the above mentioned project.

An independent appraisal has been requested and is being prepared at this time. This is the first requirement to obtain possession through the courts. However, please keep in mind that condemnation proceedings can be stopped at any time if an agreement is reached before the court date.

The construction contract has been awarded on this job, with construction completion intended for later this fall. However, all additional right of way and easements must be acquired prior to start of construction.

Please feel free to contact me at (501) 444-3407 or Paul Libertini, Project Engineer, at (501) 575-8352 if you have any questions or need additional information regarding this project. Thank you for your consideration in this matter.

Sincerely yours,

Jill S. Goddard

Jill S. Goddard
Land Agent

/jsg

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

August 16, 1999

Charles G. Palmer Inter Vivos Trust,
Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust,
and Arlie Freeman Inter Vivos Trust
c/o Charles Palmer
4120 Roberts Avenue
Fort Smith, AR 72903

RE: Sycamore Street Improvements
Job No. 97030
Tract No. 5

Dear Mr. Palmer:

In follow up to the *Offer Letter* (dated July 6, 1999) and the *Side Letter* (dated July 20, 1999), this letter is to serve as a gentle reminder that I have not received signed documentation on the above mentioned project.

The construction contract bid opening is scheduled for August 24, 1999, with construction completion intended for later this fall. However, all additional right of way and easements must be acquired prior to start of construction.

Please feel free to contact me at (501) 444-3407 or Paul Libertini, Project Engineer, at (501) 575-8352 if you have any questions or need additional information regarding this project. Thank you for your consideration in this matter.

Sincerely yours,

Jill S. Goddard
Land Agent

/jsg

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

SYCAMORE CON.
C.3 page 12

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

July 20, 1999

Charles G. Palmer Inter Vivos Trust,
Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust,
and Arlie Freeman Inter Vivos Trust
c/o Charles Palmer
4120 Roberts Avenue
Fort Smith, AR 72903

RE: Sycamore Street Improvements
Job No. 97030
Tract No. 5
Offer Letter

Dear Mr. Palmer:

As per a phone conversation between Ralph Freeman, property owner, and Jill Goddard, City of Fayetteville Land Agent, on Monday, July 19, 1999, the following is a list of concerns expressed relating to the construction of the proposed drainage project as it crosses your property:

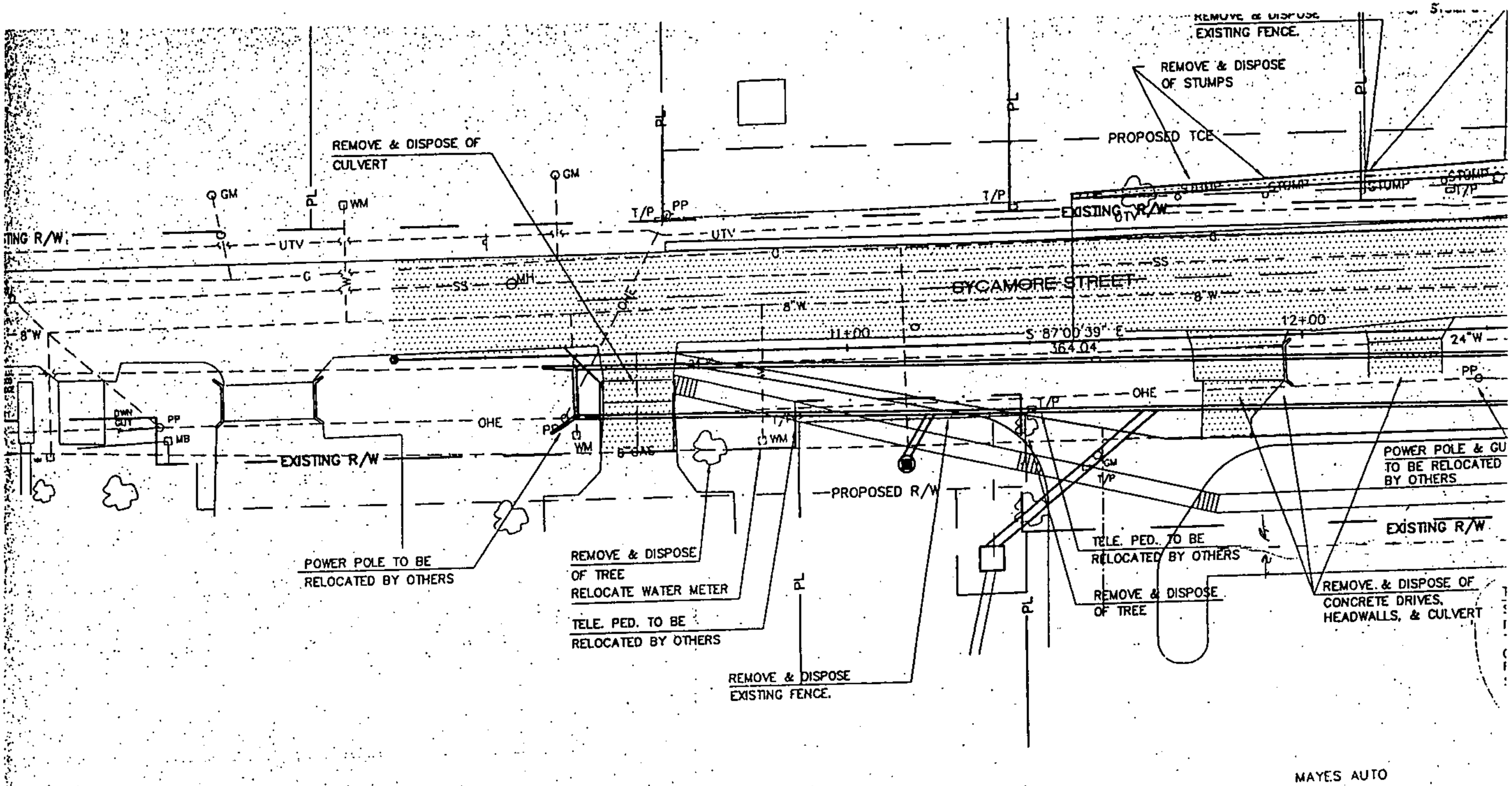
- The existing culvert under the easternmost driveway and the open ditch to the east will be replaced with underground drainage pipe (see enclosed sketch). The ditch to the west of the easternmost driveway will remain open.
- The contractor will contact the tenants of the house at 833 W. Sycamore prior to construction as the tenants will need to park within the apartment complex parking lot while the drainage system is being installed under their entrance.
- The engineering/surveying firm has been asked to stake the new south right of way line for visual clarification.

If you have any further concerns or comments, please contact Ed Connell at 444-3415, Jill Goddard at 444-3407, or in their absence, Paul Libertini, Project Engineer, at 575-8352.

Sincerely yours,

Jim Beavers

Jim Beavers
City Engineer



SYCAMORE CON.
C.3 page 13

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

July 6, 1999

Charles G. Palmer Inter Vivos Trust,
Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust,
and Arlie Freeman Inter Vivos Trust
c/o Charles Palmer
4120 Roberts Avenue
Fort Smith, AR 72903

RE: Sycamore Street Improvements
Job No. 97030
Tract No. 5
Offer Letter

Dear Mr. Palmer:

The City of Fayetteville is planning improvements along Sycamore Street at the Leverett Avenue intersection. It is therefore necessary to obtain a small amount of additional right of way across a portion of your property for this project.

Included is a general map of the subject area, as well as a drawing of your specific property depicting the anticipated area required for right of way. The existing right of way is considered public property by prescription. (This 20 foot strip of existing right of way was acquired through Deed Ref. 887/744; however, not from all four parties.) The City of Fayetteville hereby offers **$2,100.00** for the acquisition of additional right of way (1400 square feet)

Should you elect to accept this offer, the *Warranty Deeds* contained herein should be executed by all parties with current ownership interest in the particular property. As the ownership of this property is now divided between four trusts, there are four Warranty Deeds enclosed--each for one-fourth interest. The documents should be notarized and returned to the City of Fayetteville. A City Land Agent will be pleased to witness and notarize the execution of the documents if you will advise our office accordingly. Upon receipt of these documents, checks will be requested and each owner will be paid one-fourth of the amount indicated in this offer letter.

If you make a final rejection of this offer, you do have certain legal rights which are outlined hereafter. Upon your final rejection of this offer, and if the City of Fayetteville elects to do so, a suit of condemnation may be filed. The amount of just compensation for the use of your property will be determined by an independent appraisal and deposited with the Registry of the Circuit Court of Washington County. You may, at that time, elect to accept the amount deposited as just compensation and the amount will be paid to you thereby disposing of the condemnation suit.

If you do not elect to accept the amount deposited as just compensation, then you may withdraw the amount placed on deposit without prejudice to your rights to claim additional compensation. In this event, you will be entitled to a trial by jury in the Circuit Court to determine just compensation for your lands condemned. In either event, payment of the estimated just compensation will be made available to you.

We, however, ask that you accept the offer made herein by executing the attached *Warranty Deeds*. Reduced copies of the documents are included for your records. We can provide copies of the recorded documents upon your request and at the appropriate time. Please provide us with Tax Identification Numbers (Corporation) or Social Security Number for each trust so that checks can be written. Vendor Forms are provided for this purpose.

A City Land Agent will be glad to meet with you at your convenience and discuss all phases of this project. Please contact Jill Goddard at (501) 444-3407, Ed Connell at 444-3415 or I can be reached at 575-8206.

Sincerely yours,

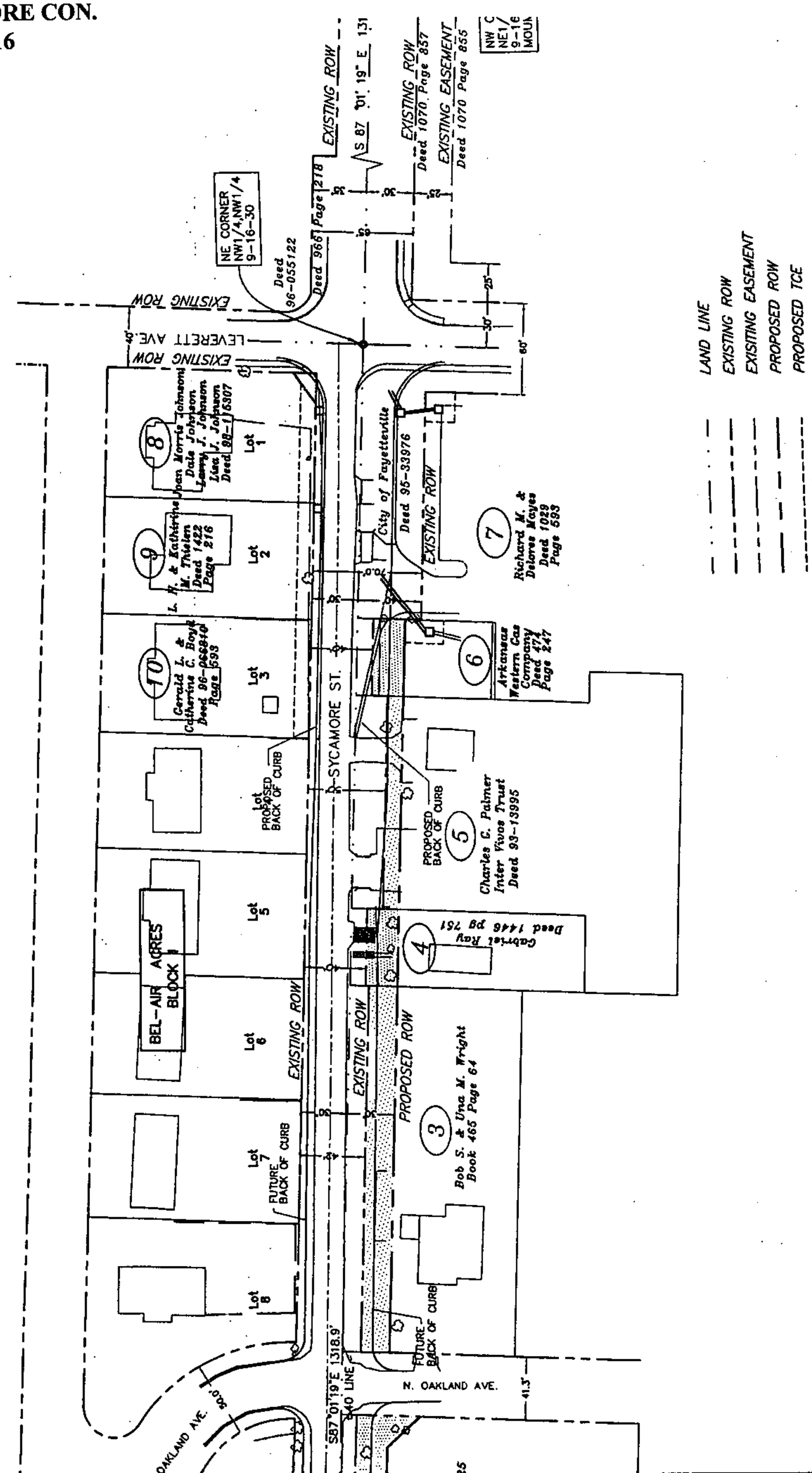
Jim Beavers

Jim Beavers
City Engineer

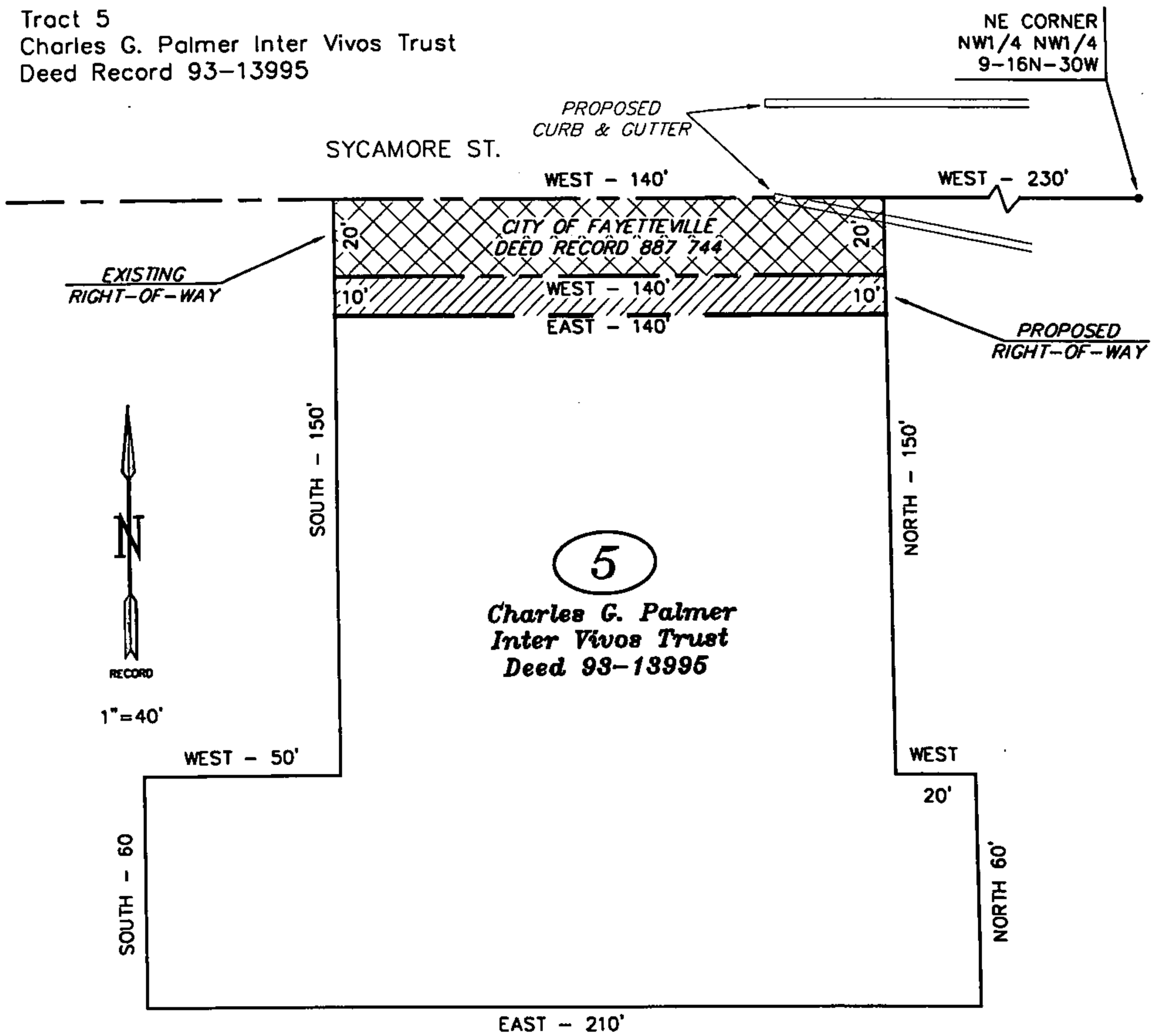
JB/jsg

Attachments

SYCAMORE CON.
C.3 page 16



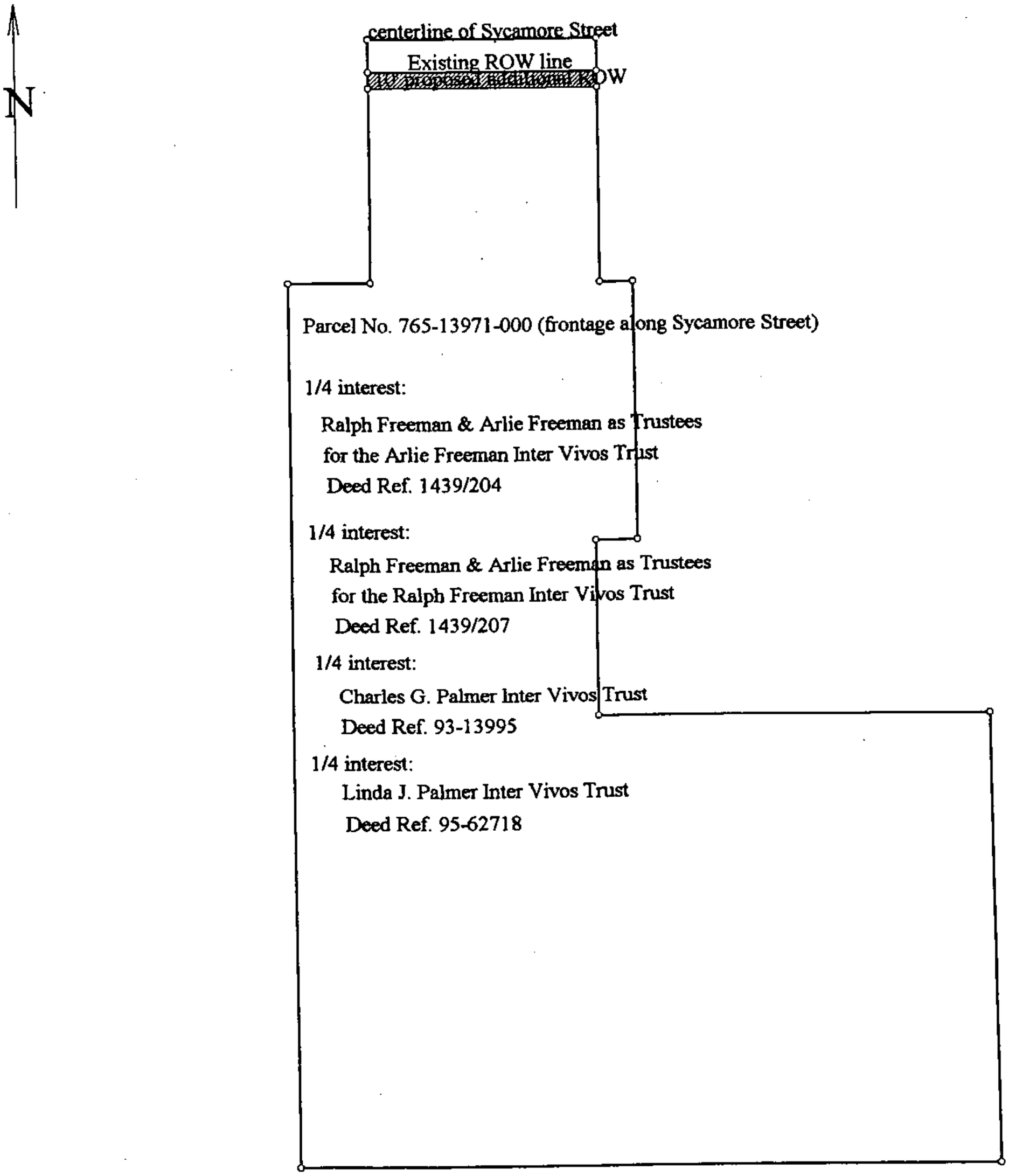
Tract Map



PROPOSED RIGHT OF WAY DESCRIPTION

Part of the Northwest Quarter (NW-1/4) of the Northwest Quarter (NW-1/4) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, more particularly described as follows: Beginning at a point 230 feet West and 20 feet South of the Northeast corner of said forty acre tract, and running thence West 140 feet; thence South 10 feet; thence East 140 feet; thence North 10 feet to the point of beginning, containing 0.03 acres (1400 square feet), more or less.

SYCAMORE CON.
C.3 page 18



Data and Deed Call Listing of File: SYCA-05.DES

Tract 1: 4.420 Acres: 192550 Sq Feet: 17888.5 Sq Meters: No significant closure error. : Perimeter = 2290 feet
Tract 2: 0.096 Acres: 4200 Sq Feet: 390.2 Sq Meters: No significant closure error. : Perimeter = 340 feet
Tract 3: 0.064 Acres: 2800 Sq Feet: 260.1 Sq Meters: No significant closure error. : Perimeter = 320 feet
Tract 4: 0.032 Acres: 1400 Sq Feet: 130.1 Sq Meters: No significant closure error. : Perimeter = 300 feet

001=/S90.00W 230
002=S90.00W 140
003=S00.00W 150
004=S90.00W 50
005=S00.00W 550
006=N90.00E 420
007=N00.00E 280
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026=@1
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028=/S00.00W 20
029=S90.00W 140
030=S00.00W 10
031=N90.00E 140
032=N00.00E 10

Project No. 97030
Project: Sycamore Street Right of Way
Part Parcel No. 765-13971-000
Tract No. 5

TRUSTEE'S WARRANTY DEED

BE IT KNOWN BY THESE PRESENTS:

THAT I, **Charles G. Palmer**, Trustee of the **Charles G. Palmer Inter Vivos Trust u/a dated March 12, 1993**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

An undivided one-fourth (¼) interest in and to the following described real estate:

Part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, in Washington County, Arkansas, more particularly described as follows: Beginning at a point 230 feet West of the Northeast corner of said forty acre tract, and running thence West 140 feet; thence South 30 feet; thence East 140 feet; thence North 30 feet to the point of beginning, containing 0.096 acres (4,200 square feet), more or less.

It is the intention of this deed to convey both the present Sycamore Street right of way and an additional area of 1,400 square feet (0.064 acre), more or less,

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And said Trustee, in behalf of the said Trust, hereby covenants with the said Grantee that said Trust is lawfully seized of said lands and premises; that the same is unencumbered, and that the said Trust will forever warrant and defend the title to the said lands against all legal claims whatsoever.

WITNESS the execution hereof on this _____ day of _____, 1999.

Charles G. Palmer Inter Vivos Trust
u/a dated March 12, 1993

BY: _____
Charles G. Palmer, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Charles G. Palmer**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that **he** is Trustee of the **Charles G. Palmer Inter Vivos Trust u/a dated March 12, 1993**, and that **he** is duly authorized to execute the foregoing instrument for and in the name and behalf of said Trust, and further stated and acknowledged that **he** had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 1999.

_____
Notary Public

MY COMMISSION EXPIRES:

_____

Project No. 97030
Project: Sycamore Street Right of Way
Part Parcel No. 765-13971-000
Tract No. 5

TRUSTEE'S WARRANTY DEED

BE IT KNOWN BY THESE PRESENTS:

THAT I, **Linda J. Palmer**, Trustee of the **Linda J. Palmer Inter Vivos Trust u/a dated November 17, 1995**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

An undivided one-fourth (¼) interest in and to the following described real estate:

Part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, in Washington County, Arkansas, more particularly described as follows: Beginning at a point 230 feet West of the Northeast corner of said forty acre tract, and running thence West 140 feet; thence South 30 feet; thence East 140 feet; thence North 30 feet to the point of beginning, containing 0.096 acres (4,200 square feet), more or less.

It is the intention of this deed to convey both the present Sycamore Street right of way and an additional area of 1,400 square feet (0.064 acre), more or less,

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And said Trustee, in behalf of the said Trust, hereby covenants with the said Grantee that said Trust is lawfully seized of said lands and premises; that the same is unencumbered, and that the said Trust will forever warrant and defend the title to the said lands against all legal claims whatsoever.

WITNESS the execution hereof on this _____ day of _____, 1999.

Linda J. Palmer Inter Vivos Trust
u/a dated November 17, 1995

BY: _____
Linda J. Palmer, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Linda J. Palmer**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that **she** is Trustee of the **Linda J. Palmer Inter Vivos Trust u/a dated November 17, 1995**, and that **she** is duly authorized to execute the foregoing instrument for and in the name and behalf of said Trust, and further stated and acknowledged that **she** had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 1999.

_____
Notary Public

MY COMMISSION EXPIRES:

_____

Project No. 97030
Project: Sycamore Street Right of Way
Part Parcel No. 765-13971-000
Tract No. 5

TRUSTEE'S WARRANTY DEED

BE IT KNOWN BY THESE PRESENTS:

THAT WE, **Ralph Freeman and Arlie Freeman**, Trustees of the **Arlie Freeman Inter Vivos Trust u/a dated October 10, 1991**, hereinafter called GRANTORS, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

An undivided one-fourth (¼) interest in and to the following described real estate:

Part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, in Washington County, Arkansas, more particularly described as follows: Beginning at a point 230 feet West of the Northeast corner of said forty acre tract, and running thence West 140 feet; thence South 30 feet; thence East 140 feet; thence North 30 feet to the point of beginning, containing 0.096 acres (4,200 square feet), more or less.

It is the intention of this deed to convey both the present Sycamore Street right of way and an additional area of 1,400 square feet (0.064 acre), more or less,

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And said Trustees, in behalf of the said Trust, hereby covenant with the said Grantee that said Trust is lawfully seized of said lands and premises; that the same is unencumbered, and that the said Trust will forever warrant and defend the title to the said lands against all legal claims whatsoever.

WITNESS the execution hereof on this _____ day of _____, 1999.

Arlie Freeman Inter Vivos Trust
u/a dated October 10, 1991

BY: _____
Ralph Freeman, Trustee

_____
Arlie Freeman, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Ralph Freeman and Arlie Freeman**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are Trustees of the **Arlie Freeman Inter Vivos Trust u/a dated October 10, 1991**, and that **they** are duly authorized to execute the foregoing instrument for and in the name and behalf of said Trust, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 1999.

_____
Notary Public

MY COMMISSION EXPIRES:

_____

Project No. 97030
Project: Sycamore Street Right of Way
Part Parcel No. 765-13971-000
Tract No. 5

TRUSTEE'S WARRANTY DEED

BE IT KNOWN BY THESE PRESENTS:

THAT WE, **Ralph Freeman and Arlie Freeman**, Trustees of the **Ralph Freeman Inter Vivos Trust u/a dated October 10, 1991**, hereinafter called GRANTORS, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

An undivided one-fourth (¼) interest in and to the following described real estate:

Part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, in Washington County, Arkansas, more particularly described as follows: Beginning at a point 230 feet West of the Northeast corner of said forty acre tract, and running thence West 140 feet; thence South 30 feet; thence East 140 feet; thence North 30 feet to the point of beginning, containing 0.096 acres (4,200 square feet), more or less.

It is the intention of this deed to convey both the present Sycamore Street right of way and an additional area of 1,400 square feet (0.064 acre), more or less,

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And said Trustees, in behalf of the said Trust, hereby covenant with the said Grantee that said Trust is lawfully seized of said lands and premises; that the same is unencumbered, and that the said Trust will forever warrant and defend the title to the said lands against all legal claims whatsoever.

WITNESS the execution hereof on this _____ day of _____, 1999.

Ralph Freeman Inter Vivos Trust
u/a dated October 10, 1991

BY: _____
Ralph Freeman, Trustee

_____
Arlie Freeman, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Ralph Freeman and Arlie Freeman**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are Trustees of the **Ralph Freeman Inter Vivos Trust u/a dated October 10, 1991**, and that they are duly authorized to execute the foregoing instrument for and in the name and behalf of said Trust, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 1999.

_____
Notary Public

MY COMMISSION EXPIRES:

_____

Washington County Real Estate Assessment Record

Parcel Number 765-13971-000

Property Type CR

Location Address 833 SYCAMORE ST

Owner FREEMAN, RALPH ET UX CO-TR ET AL

Mailing Address C/O CHARLES PALMER
4120 ROGERS AVE
FORT SMITH AR 72903

Value Information

Current year 1995

	Appraised	Assessed
Land value	47,500	9,500
Imp. value	537,100	107,420
Total value	584,600	116,920

Legal Description

Lot Block

Section-Township-Range 09-16-30

Addition 9-16-30 FAYETTEVILLE OUTLOTS

Legal PT NW NW .94 A PT NW NW 140 X 130 PT NW NW 60 X 210

Deed 03/17/93 93-13995 QC 0.00 0

School District FAYETTEVILLE SCHOOLS

City description CITY OF FAYETTEVILLE

6308

1 Conv.

QUITCLAIM DEED

RELINQUISHMENT OF CURTESY, HOMESTEAD AND DOWER

KNOW ALL MEN BY THESE PRESENTS:

THAT we, RALPH FREEMAN AND ARLIE FREEMAN, husband and wife, hereinafter called GRANTORS, for and in consideration of the sum of TEN AND NO/100 ($10.00) DOLLARS and other good and valuable consideration in hand paid by RALPH FREEMAN AND ARLIE FREEMAN AS TRUSTEES FOR THE ARLIE FREEMAN INTER VIVOS TRUST, UNDER AGREEMENT DATED OCTOBER 10, 1991, hereinafter called GRANTEE, receipt of which is hereby acknowledged, do hereby grant, bargain, sell and quitclaim unto GRANTEE and unto its heirs, successors and assigns forever an undivided one-fourth (1/4) interest in the following lands lying in Washington County, Arkansas to wit:

A part of the NW1/4 of the NW1/4 of Section 9, Township 16 North, Range 30 West, Fayetteville, Washington County, Arkansas more particularly described as follows:
Beginning of a point which is 230.0 feet West of the Northeast corner of said 40 acre tract and running:
Thence West 140.0 feet
Thence South 150.0 feet
Thence West 50.0 feet
Thence South 550.0 feet
Thence East ~~520.00~~ feet 420.00
Thence North 280.0 feet
Thence West 235.0 feet
Thence North 110.0 feet
Thence East 25.0 feet
Thence North 160.00 feet
Thence West 20.0 feet
Thence North 150.0 feet to the point of beginning, containing 4.42 acres, more or less.
Subject to street Rights-of-Way and Easements of record.

To have and to hold the same unto the said GRANTEE, and unto its successors and assigns forever, with all appurtenances

FILED FOR RECORD
'91 OCT 29 PM 12 18
WASHINGTON COUNTY, ARK.
LILLIE REED, CLERK

SYCAMORE CON.
C.3 page 26

(2)
env.

QUITCLAIM DEED

RELINQUISHMENT OF CURTESY, HOMESTEAD AND DOWER

KNOW ALL MEN BY THESE PRESENTS:

THAT we, RALPH FREEMAN AND ARLIE FREEMAN, husband and wife hereinafter called GRANTORS, for and in consideration of the sum of TEN AND NO/100 ($10.00) DOLLARS and other good and valuable consideration in hand paid by RALPH FREEMAN AND ARLIE FREEMAN AS TRUSTEES FOR THE RALPH FREEMAN INTER VIVOS TRUST, UNDER AGREEMENT DATED OCTOBER 10, 1991, hereinafter called GRANTEE, receipt of which is hereby acknowledged, do hereby grant, bargain, sell and quitclaim unto GRANTEE and unto its heirs, successors and assigns forever an undivided one-fourth (1/4) interest in the following lands lying in Washington County, Arkansas to wit:

FILED FOR RECORD
'91 OCT 29 PM 12 10
WASHINGTON COUNTY
JACK NIXON, CLERK

A part of the NW1/4 of the NW1/4 of Section 9, Township 16 North, Range 30 West, Fayetteville, Washington County, Arkansas more particularly described as follows:
Beginning of a point which is 230.0 feet West of the Northeast corner of said 40 acre tract and running:
Thence West 140.0 feet
Thence South 150.0 feet
Thence West 50.0 feet
Thence South 550.0 feet
Thence East ~~520.00~~ feet 420.00
Thence North 280.0 feet
Thence West 235.0 feet
Thence North 110.0 feet
Thence East 25.0 feet
Thence North 160.00 feet
Thence West 20.0 feet
Thence North 150.0 feet to the point of beginning, containing 4.42 acres, more or less.
Subject to street Rights-of-Way and Easements of record.

To have and to hold the same unto the said GRANTEE, and unto its successors and assigns forever, with all appurtenances

EW 3

FILED FOR RECORD
'93 MAR 19 PM 1 17
WASHINGTON CO AR
A. KOLLMEYER

QUITCLAIM DEED
SINGLE PERSON

NOW ALL MEN BY THESE PRESENTS:

THAT I, Charles G. Palmer, a single person, hereinafter called Grantor, for and in consideration of the sum of Ten and no/100 ($10.00) Dollars and other good and valuable consideration in hand paid by the Charles G. Palmer Inter Vivos Trust u/a dated March 12, 1993 hereinafter Grantee, receipt of which is hereby acknowledged, do hereby grant, sell and quitclaim unto the Grantee and unto its heirs, successors and assigns forever the following lands lying in Washington County, Arkansas to wit:

A part of the NW1/4 of the NW1/4 of Section 9, Township 16 North, Range 30 West, Fayetteville, Washington County, Arkansas more particularly described as follows:
Beginning of a point which is 230.0 feet West of the Northeast corner of said 40 acre tract and running:
Thence West 140.0 feet
Thence South 150.0 feet
Thence West 50.0 feet
Thence South 550.0 feet
Thence East ~~520~~.00 feet 420.00
Thence North 280.0 feet
Thence West 235.0 feet
Thence North 110.0 feet
Thence East 25.0 feet
Thence North 160.00 feet
Thence West 20.0 feet
Thence North 150.0 feet to the point of beginning, containing 4.42 acres, more or less. Subject to street Rights-of-Way and Easements of record.

Subject to all easements, rights of way and oil and gas leases of record.

Grantor owns an undivided interest in the above described property and it is intended by this deed that all of Grantor's undivided interest be conveyed to Grantee.

To have and to hold the same unto the said GRANTEES, and unto its heirs, successors and assigns forever, with all appurtenances thereunto belonging.

93 13995

SYCAMORE CON.
C.3 page 28

FILED FOR RECORD
'95 NOV 20 PM 1:37
WASHINGTON CO AR
K. HARNESS

Ryan Barry Smith, Kerber
P.O Box 848
Fayetteville Ark 72 902

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Linda J. Palmer, a single person, hereinafter Grantor, for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable consideration, in hand paid by the Linda J. Palmer Inter Vivos Trust U/A dated November 17, 1995, hereinafter Grantee, the receipt and sufficiency of which is hereby acknowledged, do hereby grant, sell and quitclaim unto the Grantee and unto its heirs, successors and assigns forever the following described lands lying in Washington County, Arkansas, to-wit:

A part of the NW 1/4 of the NW 1/4 of Section 9, Township 16 North, Range 30 West, Fayetteville, Washington County, Arkansas more particularly described as follows:

Beginning of a point which is 230.0 feet West of the Northeast corner of said 40 acre tract and running:
Thence West 140.0 feet
Thence South 150.0 feet
Thence West 50.0 feet
Thence South 550.0 feet
Thence East ~~520.0~~ feet 420.0
Thence North 280.0 feet
Thence West 235.0 feet
Thence North 110.0 feet
Thence East 25.0 feet
Thence North 160.0 feet
Thence West 20.0 feet
Thence North 150.0 feet to the point of beginning, Containing 4.42 acres, more of less. Subject to street Rights-of Way and Easements of record.

Subject to all easements, rights of way and oil and gas leases of record.

Grantor owns an undivided interest in the above described property and it is intended by this deed that all of Grantor's undivided interest be conveyed to Grantee.

To have and to hold the same unto the said Grantee, and unto its heirs, successors and assigns forever, with all appurtenances thereunto belonging.

95062718

Washington County Real Estate Assessment Record

SYCAMORE CON.
C.3 page 29

Parcel Number 765-13972-000

Property Type EX

Location Address 0

Owner CITY OF FAYETTEVILLE, ARKANSAS

Mailing Address PO DRAWER F
FAYETTEVILLE AR 72702

Value Information

Current year 1995

	Appraised	Assessed
Land value	0	
Imp. value		
Total value	0	0

Legal Description

Lot Block

Section-Township-Range 09-16-30

Addition 9-16-30 FAYETTEVILLE OUTLOTS

Legal PT NW NW .06 A 20 X 140

Deed 01/01/85 887-744 WD 0.00 0

School District FAYETTEVILLE SCHOOLS

City description CITY OF FAYETTEVILLE

SYCAMORE CON.
C.3 page 30

FILED
FOR RECORD
'75 JUN 26 PM 1:50
WASHINGTON COUNTY
ARKANSAS
ALAN KOLMEYER
CIRCUIT CLERK

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That we, Ralph Freeman and Charles Palmer, for and consideration of the sum of One Dollar ($1.00) and other good and valuable consideration to us in hand paid by City of Fayetteville, Arkansas, A Municipal Corporation, do hereby grant, bargain and sell unto the said City of Fayetteville, Arkansas, A Municipal Corporation, and unto its heirs and assigns, the following described lands, situate in Washington County, Arkansas, to-wit:

> Twenty (20) feet of equal and uniform width off the North side of Part of the Northwest Quarter (NW-1/4) of the Northwest Quarter (NW-1/4) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, more particularly described as follows: Beginning at a point 230 feet West of the Northeast corner of said forty acre tract, and running thence West 140 feet; thence South 150 feet; thence West 50 feet; thence South 60 feet; thence East 210 feet; thence North 60 feet; thence West 20 feet; thence North 150 feet to the point of beginning.

TO HAVE AND TO HOLD The said lands and appurtenances thereunto belonging unto the said City of Fayetteville, Arkansas, a Municipal Corporation, and unto its heirs and assigns forever. And we, the said Ralph Freeman and Charles Palmer, do hereby covenant that we are lawfully seized of said land and premises; that same is unincumbered, and we will forever warrant and defend title to said lands against all claims whatever.

WITNESS our hands and seals this 5th day of June, 1975.

Charles Palmer

Ralph Freeman

ACKNOWLEDGMENT

STATE OF ARKANSAS)
COUNTY OF ~~WASHINGTON~~ Sebastian) SS

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public, within and for the County aforesaid, duly commissioned and acting, Charles Palmer to me well known as the Grantor in the foregoing Deed, and stated that he had executed same for the consideration and purposes therein mentioned and set forth.

WASHGTON. GYM
C.4 page 1

STAFF REVIEW FORM

X Agenda Request
____ Contract Review
____ Grant Review

FOR THE FAYETTEVILLE CITY COUNCIL MEETING OF November 16, 1999

FROM:

Charles Venable		Public Works
Name	Division	Department

ACTION REQUESTED: Approval of a Resolution authorizing the City's contribution for the construction of a gymnasium at Washington Elementary School and approval of a budget adjustment funding the contribution.

COST TO THE CITY:

$317,529	$225,000	Washington School Community Gym
Cost of this request	Category/Project Budget	Category/Project Name
2250-9250-5804-00	-0-	
Account Number	Funds used to date	Program Name
99005	$225,000	
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

X Budgeted Item X Budget Adjustment Attached

Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Division Head	Date	Cross Reference
Department Director	11-3-99 Date	New Item: Yes No
Administrative Services Director	Date	Prev Ord/Res #:
Mayor	Date	Orig. Contract Date:

WASHGTON. GYM
C.4 page 2

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Fred Hanna/City Council Members

From: Charles Venable, Public Works Director

Date: November 5, 1999

Subject: Washington Elementary School Gymnasium

Attached hereto is a letter from Roy Karr, the Associate Superintendent of the Fayetteville Public Schools, regarding the subject matter.

According to Mr. Karr, bids were received from five contractors with Crossland Construction Company submitting the lowest bid. All bids came in over the budget of $475,000, of which $225,000 had been committed by the City as our share of the costs. Mr. Karr is requesting from the City of Fayetteville an additional $92,529 as our portion of the overall overrun of $185,059.

CV:msm

attachment

CELEBRATING THE PAST WHILE EMBRACING THE FUTURE

To: Mayor / City Council Members
From: Roy Karr, Associate Superintendent
Re: Washington Gym
Date: 11/1/99

Last April, the city and school district agreed to budget a combined total of $475,000 to construct a gymnasium at Washington Elementary School. The school budgeted $250,000 and the city budgeted $225,000. The gym was to be used by school children during school hours and by the community after school hours.

Our first plan was to build a gym with split-face brick and metal at an estimated cost of $500,000. When the plans were submitted to the School Board in July, 1999, a patron suggested that we build the gym with all brick to match the school. In August we asked the architect to design an all brick building and have it ready for bidding by October, 1999.

Five contractors bid on the project. Crossland Construction Company had the lowest bid of $664,000. The base bid of $664,000, plus $47,826 for the architect and engineer fee and $30,000 for gym equipment (goals) brought the total cost of the project to $741,826. With a total budget of $475,000, the project was over budget by $266,826.

Since the project was over budget we had Crossland Construction Company give us a bid on a gym designed with partial brick and metal siding. They gave us an estimated base bid of $582,233. The base bid of $582,233, plus $47,826 for the architect and engineer fee and $30,000 for gym equipment put the total cost of the project at $660,059. This total was $185,059 over budget.

We are currently looking at two bids that are over budget. The school district cannot afford to build the $741,826 gym; therfore, so we are trying to find a way to fund the $660,059 project. This will not be possible unless we get the support from the city. If the city agrees to increase their commitment to the project, they will need to fund an additional $92,529. The city's total commitment to the project would be $317,529. The school's total commitment would be $342,529.

1000 WEST STONE STREET PO BOX 849 FAYETTEVILLE, ARKANSAS 72702 (501) 444-3000

BOTANICAL GARDEN SOCIETY OF THE OZARKS, INC.
P.O. Box 3079 • Fayetteville, Arkansas 72702-3079 • 501-443-6638

November 3, 1999

TO: Fayetteville City Council

FROM: Donna Porter, Director
Botanical Garden Society of the Ozarks

RE: Matching Funds

The effort to establish and develop The Botanical Garden of the Ozarks is now in its seventh year and making progress. The Botanical Garden Society has recently hired the Portico Group, a landscape architectural firm out of Seattle, to develop the master plan for the garden. This firm was chosen due to their knowledge and experience in this specialized area of planning. The master planning has begun and will continue contingent on funding availability.

Two firms have been sub-contracted by Portico to complete this planning team. One is AldrichPears, who will develop the interpretive plan for the garden, and the other is Dean Runyan Associates, who will conduct the feasibility study for the garden. The resulting work of these two firms is essential in developing a comprehensive, final master plan.

I was recently informed by Alett Little of a matching grant program from the Arkansas Department of Parks and Tourism which provides up to $15,000 from the state for tourism attraction feasibility studies. The grant application must be submitted by an incorporated Arkansas city. This up-to-$15,000 in state funding must be matched by the city submitting the application. In the grant's guidelines it specifically states that botanical gardens are eligible for this funding. The Botanical Garden Society cannot apply on its own behalf, but will work with the city 'agent' submitting the proposal to provide certain information that is required.

The total cost of the Feasibility Study will be $29,O49.78. **The Society is asking the City of Fayetteville to assist in this essential planning element of the Botanical Garden of the Ozarks and match half of the total amount, which would equal $14,524.89**. The remaining half is what will be applied for, through the city, from the state's Parks and Tourism Department.

If this request is approved by the city council the city agent must submit, along with the application, a statement of the minutes from the city council meeting approving the matching fund request and provide a statement affirming the amount of funds held by or committed to the project. Deadline for application is November 26, 1999.

For more detailed information, I have attached the application guidelines.

ARKANSAS TOURISM ATTRACTION FEASIBILITY STUDY MATCHING GRANT PROGRAM

Rules and Regulations

INTRODUCTION

Welcome to the Arkansas Department of Parks & Tourism's "TOURISM ATTRACTION FEASIBILITY STUDY MATCHING GRANT PROGRAM." This information is designed to assist you through the application process. If you have questions, please feel free to call or write to: Tourism Attraction Feasibility Study Grant Program; Arkansas Department of Parks & Tourism, Tourism Development Section; One Capitol Mall, Little Rock, Arkansas 72201; Telephone: 501-682-5240; Fax: 501-682-2523.

AN OVERVIEW OF THE BASICS

I. WHO MAY APPLY?

Eligible Applicants

The only entities eligible to apply for financial assistance for a tourism attraction feasibility study are:

- Incorporated Arkansas Cities
- Arkansas Counties

Unincorporated cities or communities must seek county sponsorship of the study. Of course, incorporated cities may submit a joint application with counties or other incorporated cities for the sponsorship of the study.

Ineligible Applicants

The following may not make application for the Tourism Attraction Feasibility Study Grant Program:

- Chambers of Commerce
- Regional Tourist Associations
- Advertising and Promotion Commissions
- Convention and Visitors Bureaus
- Colleges and Universities
- Other private non-profit corporations, foundations, clubs or organizations
- Any other private entity

Only one grant per fiscal year (July 1 - June 30) will be allowed per applicant unless a county is applying on behalf of separate cities. Only one grant per project will be allowed during the life span of the project.

II. HOW MUCH MAY WE APPLY FOR?

Applicants may apply for up to $15,000 in reimbursable matching funds. The applicant must be able to match the grant amount with a like amount of cash. In-kind contributions are ineligible as a match. Other state funds received by a city or county qualifying or utilizing funds under this program are also ineligible as a match. Grant awards will be made to eligible applicants on the basis of available appropriated funds. Each grant will be given on a matching one-for-one basis. For example, if a city applies for $15,000 in matching funds, it must be able to match the grant with $15,000.

III. WHAT TYPES OF PROJECTS MAY WE APPLY FOR?

Only tourism attraction feasibility studies can be funded through this program. A tourism feasibility study is defined as research conducted for the purpose of determining the possibility and potential of a specific tourism attraction within the city or county boundaries. Tourism attraction means cultural or historical site, recreational or entertainment facility, area of natural phenomenon or scenic beauty, theme park, amusement or entertainment park, indoor or outdoor play or music show, botanical gardens, or cultural or educational centers.

IV. WHEN IS THE APPLICATION DUE?

There will be three grant award periods per fiscal year with a maximum of $15,000 per grant being awarded. The fiscal year for the Arkansas Department of Parks & Tourism is July 1 through June 30. The deadline for receipt of applications is 5:00 p.m. on the last Friday in July, the last Friday in September, and the last Friday in November. All applications must be physically received in the Parks & Tourism office by these dates. Appli-

BOTANICAL GDN.
C.5 page 4

cations simply postmarked by these dates are not acceptable. Applications may be faxed to 501-682-2523, but they must arrive prior to the above deadlines. If the application is faxed, all forms containing original signatures must be postmarked on or before the application deadlines.

V. WHERE TO SEND THE APPLICATION:

Tourism Attraction Feasibility Study Grant Program
Arkansas Department of Parks & Tourism
Tourism Development Section
One Capitol Mall
Little Rock, Arkansas 72201

Arkansas.
THE NATURAL STATE

VI. HOW THE APPLICATION CAN BE PREPARED:

The application can be prepared locally or by consultants (grant preparation cannot be paid for with grant funds). The Tourism Development staff will be available to assist with any questions about the grant application.

VII. WHAT TO INCLUDE IN THE APPLICATION:

All requests for state grant funds under this program must be submitted on the enclosed application form. Each applicant must submit a statement of the minutes or administrative order from the governing city or county board approving the matching fund grant request and a statement affirming the amount of funds held by or committed for the project. Each city or county must appoint an agent to act as a coordinator between the city or county and the Arkansas Department of Parks & Tourism. The agent's name, mailing address, and phone number must be listed on the application form.

A statement of procedures that will be used by the party conducting the study must be submitted with the application. In addition, a summary of how the study will be utilized and benefit the grantee must be submitted. When the study is contracted to a vendor outside of the city or county governmental operation, the name of the professional firm, a brief history and list of clients and experience, and the procedures it will use to perform the study must be presented with the application.

VIII. WHAT ARE OUR OBLIGATIONS?

The Tourism Director of the Arkansas Department of Parks & Tourism will appoint a panel to review and approve qualifications of all grant applications. Recommendations by this panel will be made to the Tourism Director or his appointee for the awarding of the grants within fifteen (15) days of the application due date.

All feasibility studies must be completed within 120 days/4 months of the awarding of the grant, or they may be considered void and canceled. The Tourism Director or his appointee may approve an extension of the completion date, but in no case may the completion date be extended beyond June 30 of the fiscal year in which the grant is awarded. Matching funds may only be expended for the purpose as reported in the application and approved by the Tourism Director or his appointee.

In some instances, the Department may require standard or special procedures to be used in completing grants. In such cases, these procedures will be issued before the grant is approved, accepted, and made a part of the application.

A copy of the tourism attraction feasibility study must be submitted to the Arkansas Department of Parks & Tourism within thirty (30) days after its completion. In addition, a summary of how the study will be used must be submitted.

IX. REQUEST FOR PAYMENT:

Within thirty (30) days of completion of the study, the city or county must submit the following:

(1) A completed, legible Request for Payment Form (enclosed), verifying that the city or county has completed and spent at least one-half of the grant amount or total project cost from funds provided by the city or county.

(2) Copies of itemized invoices reflecting the total cost of the project.

(3) A copy of the city or county's canceled checks (front and back) or cashier's checks reflecting that one-half or more of the grant amount has been expended as required in the application.

(4) A copy of the tourism attraction feasibility study and a summary of how the study will be used.

DRAFT TENTATIVE AGENDA
FAYETTEVILLE CITY COUNCIL
NOVEMBER 16, 1999

A meeting of the Fayetteville City council will be held on November 16, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the November 2, 1999 City Council meeting.

2. **SWIMMING POOL PAINT SETTLEMENT:** A resolution approving an offer by Wilks Construction in the amount of $5,000 in lieu of painting the Wilson Park Swimming Pool. This will be the final settlement of their contract with the City.

B ~~A.~~ OLD BUSINESS

Space

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 and 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 second reading at the October 19, 1999 City Council meeting.

C ~~B.~~ NEW BUSINESS

1. **RZ 99-31.00:** An ordinance approving rezoning request RZ 99-31.00 submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Bleaux Barnes for property located south of Appleby Road and east of Appleby Apartments. The property is zoned A-1, Agricultural and contains approximately 8.37 acres. The request is to rezone the property to R-1, Low Density Residential.

2. **AD 99-25:** A resolution approving an amendment to the Master Street Plan as submitted by Dave Jorgensen in request AD 99-25. The request is to remove a proposed minor arterial street from the Master Street Plan. The proposed street is located north of Howard Nickle Road and west of Highway 112.

3. **SYCAMORE CONDEMNATION:** An ordinance authorizing the City Attorney to seek possession of certain land located along Sycamore Street in the City of Fayetteville, Arkansas, by the power of Eminent Domain, in association with the required right-of-way and easements for the Sycamore Street Improvements at Leverett Avenue. Such property is owned by Charles G. Palmer Trust, the Linda J. Palmer Trust, the Ralph Freeman Trust, and the Arlie Freeman Trust.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
FAYETTEVILLE CITY COUNCIL
NOVEMBER 16, 1999

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3. **LAKE SEQUOYAH BOAT DOCK:** A resolution awarding a contract to Frank Thorpe for the management of Lake Sequoyah Boat Dock.

4. **MULTI-USE TRAILS:** A resolution authorizing the Mayor to execute an Agreement of Understanding with the Arkansas State Highway and Transportation Department for the implementation of Fayetteville Multi-Use Trails as Federal-Aid Transportation Enhancement project in the amount of $600,000. This agreement supersedes the agreements signed previously for the use of these funds. The City is required to furnish a 20 percent match or $150,000 making total funds available of $750,00. Approval of a budget adjustment establishing the project is also required.

B. OLD BUSINESS

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

2. **RZ 99-29:** An ordinance approving 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. The ordinance was left on the second reading at the November 2, 1999 City Council meeting.

C. NEW BUSINESS

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4. **WASHINGTON ELEMENTARY SCHOOL GYM:** A resolution authorizing the City's contribution for the construction of a gymnasium at Washington Elementary School and approval of a budget adjustment funding the contribution.

5. **BOTANICAL GARDEN:** A resolution approving $15,000 matching funds for an Arkansas Department of Parks and Tourism Grant to support the Botanical Garden Society of the Ozarks, Inc.

STAFF REVIEW FORM

RECEIVED
OCT 29 1999
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

xx AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of November 16, 1999

FROM:

Connie Edmonston	Parks and Recreation	Public Works
Name	Division	Department

ACTION REQUIRED:
Approval of Wilson Park Swimming Pool Paint Settlement

COST TO CITY:

$ 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 Manager — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

Marilyn J. Cramer — Accounting Manager — 10-28-99 Date
Yolanda Fields — Internal Auditor — 10-28-99 Date
City Attorney — 10-28-99 Date
ADA Coordinator — Date
Purchasing Officer — 10-29-99 Date

STAFF RECOMMENDATION:
Approval of settlement,

Connie Edmonston — Division Head — 10-27-99 Date
Department Director — 10-27-99 Date
Administrative Services Director — 29 OCT 99 Date
Mayor — 11/2/99 Date

Cross Reference

New Item: Yes (No)

Prev Ord/Res #: 52-99

Orig Contract Date:_

Orig Contract Number: ____

STAFF REVIEW FORM

Description Wilson Park Swimming Pool Paint Meeting Date 11/16/99

Comments: Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Hanna and City Council

THRU: Charlie Venable, Public Works Director CV

FROM: Connie Edmonston, Parks & Recreation Superintendent

DATE: October 27, 1999

RE: Wilson Park Swimming Pool Paint Settlement

The Parks and Recreation Division requests approval of an offer by Wilks Construction in the amount of $5,000 in lieu of painting the Wilson Park Swimming Pool. This will be the final settlement of their contract with the City.

The swimming pool surface was renovated by Wilks Construction in 1997. The old plaster was removed, new plaster was applied and the pool floor and wall were painted. After the pool closed in the fall of 1997, hollow areas in the plaster work appeared and the paint bubbled causing it to peel from the plaster. Wilks Construction returned in the spring of 1998 to repair the plaster work and repaint the pool. The paint peeling problem reoccurred during the 1998 season. KTA-Tator pool consultants were hired to analyze the problem in November of 1998. It was determined the plaster was not etched properly, and the paint was not applied according to manufacturer's specifications. In preparation of the 1999 pool season, more hollow areas in the plaster work appeared and therefore were repaired by park staff. Meanwhile, a meeting was held with Wilks Construction in which the City was to sandblast off the old paint and Wilks Construction was to repaint the pool after the 1999 pool season. City Council approved this contract in April 1999.

This fall, Park staff has met and talked to local pool plaster specialists concerning our pool plaster and paint problems. Luther Stems, Pools and Spas from Ft. Smith, and Norman Cline from Springdale, the contractor who initially applied the plaster and repaired the hollow areas, visited the site and advised us to repair/replace the plaster work and not paint the pool. We also visited with John Payne, Instructor for the Certified Pool Operators course in Jonesboro, and he too recommended not to paint the pool. We visited with numerous pool consultants and vendors at the National Parks and Recreation Association conference last week, and they all concurred not to paint the pool. With these recommendations from pool professionals, we concluded the City should not paint the pool. Mr. Wilks estimates labor costs to be $5,000. This $5,000 would be used to partially fund the most appropriate solution to solving our pool plaster problems. We will continue to investigate the best method of resolving this situation. If further information is needed, please call me at 444-3473.

Attachment:
Wilks Construction Letter
Resolution No. 52-99

451 Hudson Road
Hwy. 62 East

Telephone (501) 636-3826
(501) 636-2024

WILKS CONST., INC.

P. O. Box 1685
Rogers, Arkansas 72757

Oct 15, 1999

City of Fayetteville
C/O Connit Edmonston

Wilks Const will dend a Check for $5,000.00 to the City of Fayetteville Parks Department. This will be in exchange for paintingthe pool at Wilson Park. It will also terminate our Contract with the City of Fayetteville Parks Department.

THANKS,

Howard E. Wilks
WILKS CONST., INC.

RESOLUTION NO. 52-99

MICROFILMED

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $17,000; AND APPROVING A SETTLEMENT AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND WILKS CONSTRUCTION COMPANY FOR PAINTING THE WILSON PARK SWIMMING POOL.

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

Section 1. The City Council hereby approves a budget adjustment in the amount of $17,000 increasing Park Improvements, Acct. No. 4470 9470 5806 000, Project No. 96032 1 by decreasing Building Costs, Acct. No. 4470 9470 5804 00, Project No. 97019 1. A copy of the budget adjustment is attached hereto marked Exhibit "A" and made a part hereof.

Section 2. The City Council hereby approves a settlement agreement between the City of Fayetteville and Wilks Construction Company for painting the Wilson Park swimming pool; and authorizes the Mayor and City Clerk to execute said agreement. A copy of the agreement is attached hereto marked Exhibit "B" and mad a part hereof.

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

APPROVED:

By: Fred Hanna

Fred Hanna, Mayor

ATTEST:

By: Heather Woodruff

Heather Woodruff, City Clerk

EXHIBIT B

AGREEMENT

WHEREAS, the City of Fayetteville (the "City") entered into a contract with Wilks Construction, Inc., ("Wilks") on March 18, 1997, for certain repairs, including preparation and painting, to the Wilson Park pools; and,

WHEREAS, the City has experienced problems with the paint job on the pools; and

WHEREAS, a dispute exists as to the cause of the paint problems; and

WHEREAS, the parties agree that the health, safety and welfare of the citizens of Fayetteville require the work to be performed according to the contract specifications and with a satisfactory result.

NOW, THEREFORE, the parties agree to the following terms in resolution of this matter.

1. The City will have the pools sandblasted to remove the existing paint.

2. Wilks Construction, Inc., shall provide all labor, equipment and materials for the pool preparation work, except sandblasting, (i.e. etching, washing, primer coating, etc.).

3. Wilks Construction, Inc., shall provide all labor, equipment and material for painting the pools.

4. All work shall be performed and materials provided in accordance with the specifications set forth in the March 18, 1997, contract, which is made a part of this agreement by reference as if set forth word for word.

5. The City shall have the pools sandblasted prior to the season opening of the pools.

6. Wilks shall perform the preparation and paint work prior to the season opening of the pools, unless, upon consultation with the Parks and Recreation Superintendent, it is determined that time and weather conditions will not allow for proper preparation and painting prior to the opening. In such case the preparation and paint work shall be coordinated with the Parks and Recreation Superintendent and shall be performed as soon as reasonably possible after the pools are closed for the season.

7. The parties acknowledge that timing, weather and temperature are essential to the successful completion of this project; and, therefore, will work diligently to accommodate these factors.

8. The City shall have the right to provide staff or a pool specialist to monitor the process and application of preparation materials and paint.

5. An inspection shall be done jointly by the parties 90 days after completion of the preparation and painting. If upon inspection the job presents satisfactory results, the City shall issue a full release to Wilks.

Wilks Construction, Inc.

By: Donald E. Wilks
Title: Pres.

ATTEST:

By: Eric Sager
Title: Sec.

City of Fayetteville

By: Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: Heather Woodruff
Heather Woodruff, City Clerk

STAFF REVIEW FORM

RECEIVED
NOV 04 1999
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

✓ AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of November 16, 1999

FROM:

Connie Edmonston	Parks and Recreation	Public Works
Name	Division	Department

ACTION REQUIRED:

Approval of Request for Proposal #99-14 and contract for Lake Sequoyah Boat Dock Operator to Frank Thorpe in the amount of $22,800.

COST TO CITY:

$$22,800	$55,548-2000 Budget	Contract Services
Cost of this Request	Category/Project Budget	Category/Project Name
1010-5250-5315.00	$ 0	Lake Maintenance
Account Number	Funds Used To Date	Program Name
	$53,548	General
Project Number	Remaining Balance	Fund

BUDGET REVIEW: xx(2000) Budgeted Item ___ Budget Adjustment Attached

Budget Manager — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — 11-3-99 Date

City Attorney — 11-3-99 Date

Purchasing Officer — 11-3-99 Date

GRANTING AGENCY: ___

Internal Auditor — 11-3-1999 Date

ADA Coordinator — Date

STAFF RECOMMENDATION:

Approval of contract.

Division Head — Date

Department Director — 11-3-99 Date

Administrative Services Director — 4 Nov 99 Date

Mayor — 11/4/99 Date

Cross Reference

New Item: (Yes) No

Prev Ord/Res #: __

Orig Contract Date:_

Orig Contract Number: ____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Hanna and City Council

THRU: Charlie Venable, Public Works Director

FROM: Connie Edmonston, Parks & Recreation Superintendent

DATE: November 3, 1999

RE: Award of Lake Sequoyah Boat Dock Operator's contract

Two bids were received for the contract of the Lake Sequoyah Boat Dock Operator. The selection committee recommends the contract be awarded to Frank Thorpe in the amount of $22,800. Frank has operated the boat dock for the past five years under Boat Yard, Inc. The term of this contract is one year beginning on January 1, 2000. The contract may automatically be renewed for five consecutive one year terms, with compensation being adjusted each renewal period by three percent of the contracted amount for the prior year.

Attachment:

Request for Proposal #99-14 and Contract

Lake Sequoyah Boat Dock Operator Contract

CITY OF FAYETTEVILLE, ARKANSAS

Request for Proposal #99-14

RFP #99-14

City of Fayetteville, Arkansas

LAKE SEQUOYAH BOAT DOCK OPERATOR CONTRACT

The City of Fayetteville, Arkansas is now accepting bids for the Lake Sequoyah Boat Dock Operator Contract. The bids will be evaluated using the City's Professional Services Selection Policy, PUR-13. In evaluating the qualifications of each bid, a review committee will consider the following criteria, as detailed in PUR-13, with the assigned point values that total 100 percent. Evaluation factors outlined shall be applied to all eligible, responsive bidders in comparing proposals and selecting the successful bidder. While the City reserves the right to interview any or all bidders, award of a contract may be made without discussion with bidder after proposals are received. Proposals should, therefore, be submitted on the most favorable terms available.

1. **Qualifications** **20%**

   Qualifications in relation to project to be performed. Information reflecting qualifications of the proposer. Indicate specialized experience of the proposer in connection with the type of service required as outlined in the contract.

2. **Experience, Competence, and Capacity** **20%**

   Experience, competence, and capacity for performance. Information reflecting the names and qualifications (including experience) of the major personnel assigned to this specific project.

3. **Proposed Work Method** **20%**

   Proposed method of doing work. A proposed work plan describing how the project would be conducted as well as other facts concerning approach to scope you wish to present.

4. **Past Performance** **25%**

   Previous evaluations (as set forth in PUR-13.08) shall be considered a significant factor. If previous evaluations with the City are not available, past performance records with others will be used, including quality of work, timely performance, diligence, ability to meet past budgets, and any other pertinent information. Proposer will provide a list of similar jobs performed and person whom we can contact for information.

5. **Price** **15%**

The City requires all vendors and contractors doing business with the City not to discriminate against any person on the basis of race, age, color, religion, sex, ancestry, non-job-related handicaps, or national origin. The City requires the contractor to be familiar with and comply in every respect with Civil Rights Laws.

The City requires proof of liability insurance.

If you are interested in submitting a bid for the Lake Fayetteville Boat Dock Operator contract, your bid must be submitted to the City of Fayetteville Purchasing Department **no later than 5:00 p.m. on November 1, 1999.**

If you have any questions or need additional information, please contact Peggy Vice at 575-8289.

Attachment: City of Fayetteville Professional Services Selection Policy: PUR-13

CITY OF FAYETTEVILLE

Lake Sequoyah Boat Dock Operator Contract

OPERATING CONTRACT FOR LAKE SEQUOYAH BOAT DOCK

For the total amount of $1900 per month, Frank Thorpe (the "Contractor") agrees to provide the list of services and requirements to the City of Fayetteville beginning January 1, 2,000 and ending on December 31, 2,000. Either party may cancel this contract by giving the other party thirty days written notice of cancellation. The Contractor further certifies possession of the initial capital monies to commence boat dock operations.

The City agrees to pay the Contractor in current funds for the performance of the listed services and requirements by making payments to the contractor no later than the 15th of each month.

CONTRACTED SERVICES AND REQUIREMENTS

1. Operate and manage the Lake Sequoyah Boat Dock. Shall be an independent contractor not an employee of the City. Must open and close the lake gates seven days a week at sunrise and sunset. The Lake Sequoyah Boat Dock is closed each year from December 24 through January 14. The operator is responsible for supervising the boat dock during this time.

2. Collect boat stall rentals, storage rentals, fishing permits, and boating permits. These fees are submitted to the Parks and Recreation Office on a weekly basis.

3. Prepare reports and keep records as required by the Parks and Recreation Superintendent.

4. Enforce lake rules and regulations as adopted by the Fayetteville Code of Ordinances Chapter 97, Section 97.070 and 97.999.

5. Provide proof of liability insurance with a minimum coverage of:
   $300,000 for one person involved in death or injury.
   $500,000 for two or more persons involved in death or injury.

6. Receive prior approval from the Parks and Recreation Superentendent, or his designee, for any special event conducted at Lake Sequoyah.

6. Mow the yard surrounding the boat dock office and dock area to maintain a manicured appearance.

7. Pick-up trash and clean the office and bathroom on a daily basis.

8. Conduct the following business at the Lake Sequoyah Boat Dock:

   a. Sell concessions in compliance with all applicable State & Federal Laws, Municipal Ordinances, Health Department Regulations and the rules and

regulations of all authorities having jurisdiction over the performance of this project.

b. Sell fish bait.

c. Provide other services which the Parks and Recreaction Superintendent determines will enhance the operation of Lake Sequoyah.

9. On call 24 hours a day.

10. The initial annual term of the Contract shall be January 1st through December 31st, 2000. Compensation for the first renewal period will be $ 1900.00 per month. However, said Contract may automatically renew for five (5) consecutive one (1) year terms, with compensation being adjusted each renewal period by three percent (3%) of the contracted amount for the prior year. Such automatic renewal shall be subject to budget approval by the City Council.

11. Either party may terminate this contract at any time by giving the other party thirty (30) days written notice of termination.

IN WITNESS WHEREOF, the parties to these presents have executed this contract in three (3) counterparts, each of which will be deemed an original, in the year and day first above mentioned.

CITY OF FAYETTEVILLE, ARKANSAS
(City)

ATTEST:

_____
(City Clerk)

By: _____

_____
(Title)

_____
(Witness)

Frank thorpe
(Contractor)

By: Frank Thorpe

Beat Dock manager
(Title)

1385 Lake Sequoyah Drive,
(Address and Zip Code)
Fayetteville, AR 72701

PROPOSAL FOR OPERATING LAKE SEQUOYAH BOAT DOCK

For the amount of $ 1900 per month. I, Frank Thorpe agree to provide the aforementioned list of services to the City of Fayetteville. The term of this agreement is for a twelve month period. Automatic extension provisions for five (5) additional one year terms is contained in the agreement. Either party may cancel this contract by giving the other party thirty days written notice of cancellation. I further certify that I have the initial capital monies to commence boat dock operations.

Frank Thorpe

Signature of Proposer

LAKE SEQUOYAH BOAT DOCK OPERATOR CONTRACT

1. QUALIFICATIONS: I, Frank Thorpe, have been operating the Lake Sequoyah Boat Dock for the past five years and seven months under the auspices of Boat Yard, Inc. Lake Sequoyah has been conducted in a business-like way during this period of time treating the wants and will of the customers we serve with utmost importance.
Prior to operating Lake Sequoyah, I was a fishing guide and tournament fisherman for over 20 years, did an outdoor radio show for 12 years six days a week and still write outdoors for the Morning News of Northwest Arkansas. In the mid-70's, I managed Starkey Marina on Beaver Lake so have been involved with people, lakes and fishing practically all my life.

2. EXPERIENCE, COMPETENCE, AND CAPACITY: Part of this I covered in qualifications. Boat Yard, Inc., initially purchased needed equipment such as cash register, refrigerators and aerators for beginning operation. This equipment, in its entirety, was purchased from Boat Yard, Inc., by me at the end of the first seven months. No further equipment is necessary at this time for operation.
Major personnel, other than myself, will be Richard Utley who has worked for me for the past two years and has been a great addition to the operations of Lake Sequoyah. Utley and I have agreed to terms under which he will continue to work at Lake Sequoyah for the term of this lease. He is highly qualified, being a hunter and fisherman all of his life, is extremely knowledgable about fishing and the rules and regulations of the lake. He has held various jobs dealing with the public, is experienced with retail operations and excellent in dealing with all different types of people. Utley also spent 22 1/2 years in the U.S.Army.
It is also an asset that I live on Lake Sequoyah Drive about three minutes from the lake.

PROPOSED WORK METHOD: To continue to serve the needs of the people who utilize the Lake Sequoyah resource in any possible way that is reasonable. I will continue to sell crappie and bass minnows, goldfish in season, liver, worms, etc., along with hooks, sinkers and other terminal tackle. My aim is to also keep the public informed about fishing conditions and what is biting and to promote the lake using newspapers and the Arkansas Game and Fish Commission. Both the Morning News and the AGFC call each week for a fishing report which goes both locally and statewide. Various other publications call from time to time. The Lake Sequoyah office is also a source of information for area outdoorsmen and we keep current state fishing regulations on hand free of charge.
Bottom line is that work will be done as instructed.

PAST PERFORMANCE: I think most of this has been covered. It is my intention to make Lake Sequoyah a safe and desirable spot for fishermen and a place where

families can spend quality time together. This is already being accomplished, but there is certainly room for growth.
I would be more than happy to appear before the selection committee and answer any further questions you might have.

PRICE: $22,800 anually which breaks down to $1900 per month.

Sincerely,

Frank Thorpe
1385 Lake Sequoyah Drive
Fayetteville, AR 72701

Bidder's List

Jim Nixon
3820 E. Huntsville Rd.
Fayetteville, AR 72701

Mark Pifer
17131 Tyson Hog Farm
Winslow, AR 72959

Chris Bell
3374 Remington St.
Springdale, AR 72764

Oscar Lisle
2361 Brandi Circle
Fayetteville, AR 72701

Jim Blackston
14148 Mhoon, WC 3329
Fayetteville, AR 72701

Marty Andreason
Boat Yard, Inc.
612 N. Concord St.
Lowell, AR 72745

Jim Black
P. O. Box 483
Johnson, AR 72741

Frank Thorpe
1385 S. Lake Sequoyah Dr.
Fayetteville, AR 72701

Ernest Jones
Hickory Creek Boat Dock
Route 2, Box 253 D
Lowell, AR 72745

Sammie, Cliff, & Kevin Callenghan
Horseshoe Bend Boat Dock
Route 1, Box 820
Rogers, AR 72756

Robert Bauer
Lost Bridge Boat Dock
P. O. Box 95
Garfield, AR 72732

Wade Young
Marine Services Unlimited, Inc.
P. O. Box 1459
Rogers, AR 72757

Jim Lemon
Starkey Boat Dock
Route 2, Box 170
Eureka Springs, AR 72632

William Urban
War Eagle Boat Dock
23151 War Eagle Marina Road
Springdale, AR 72764

Malinda Lefave
2260 N. 2nd St.
Rogers, AR 72756

STAFF REVIEW FORM

__X__ Agenda Request
_____ Contract Review
_____ Grant Review

FOR THE FAYETTEVILLE CITY COUNCIL MEETING OF November 16, 1999

FROM:

Charles Venable		Public Works
Name	Division	Department

ACTION REQUESTED: Approval of a Resolution authorizing the Mayor to execute an Agreement of Understanding with the Arkansas State Highway and Transportation Department for the implementation of Job No. 04013, Fayetteville Multi-Use Trails, as a Federal-Aid Transportation Enhancement project in the amount of $600,000. This agreement supersedes the agreements signed previously for the use of these funds. The City is required to furnish a 20 percent match or $150,000, making total funds available of $750,000. Approval of a budget adjustment establishing the project is also requested.

COST TO THE CITY:

$750,000	-0-	Fayetteville Multi-Use Trails
Cost of this request	Category/Project Budget	Category/Project Name
4470-9470-5814-00	-0-	
Account Number	Funds used to date	Program Name
99081-1	-0-	Sales Tax Capital Improvement
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

_____ Budgeted Item __X__ Budget Adjustment Attached

Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Approval of the Resolution and Budget Adjustment

Division Head	Date	**Cross Reference**
Charles Venable	11-3-99	
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 Fred Hanna

From: Charles Venable CV

Date: November 5, 1999

Subject: Federal Aid Funding for Multi-Use Trails in Fayetteville

---

The City of Fayetteville received funds in the amount of $612,881.60 from the Federal Aid Enhancement Program covering the following projects:

1. Job No. 040195 - for bike trails in the amount of $400,000
2. Job No. 040195 - railroad corridor preservation in the amount of $99,792
3. Job No. 040221 - railroad corridor preservation in the amount of $113,089.60

Since we were unable to construct the St. Paul Trail along the old railroad corridor, a request was made on October 11, 1999, to the Arkansas Highway and Transportation Department (AHTD) to allow the use of the remaining funds for the development of several trails as shown on the attached map. The AHTD responded in a letter dated October 28, 1999, that funds in the amount of $600,000 were approved for use in constructing these trails. A copy of this letter and agreement is also attached hereto.

In accordance with their letter, a new Agreement of Understanding needs to be executed since the job and federal aid numbers have changed, and the time for plan preparation and letting of the project has also been revised.

Therefore, the attached resolution authorizing the Mayor to enter into this new agreement should be approved at the November 16, 1999, City Council meeting.

CV:msm

Attachments:
A. Resolution
B. Letter from AHTD and Agreement
C. Map of proposed trails

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF FAYETTEVILLE, ARKANSAS, TO UTILIZE FEDERAL-AID TRANSPORTATION ENHANCEMENT FUNDS.

WHEREAS, the City of Council of Fayetteville, Arkansas, understands Federal-Aid Surface Transportation Enhancement funds are available at 80 percent federal participation and 20 percent local cash match for the following:

State Job No. 040313 - F.A.P. STPE-ENHN (154) Fayetteville multi-use trails (ATEP-95) (S) - Washington County

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

Section 1. The City Council of Fayetteville, Arkansas, will participate in accordance with its designated responsibility, including maintenance of this project.

Section 2. The Mayor of Fayetteville, Arkansas, is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated improvement.

PASSED AND APPROVED this _____ day of _____, 1999.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

ARKANSAS STATE HIGHWAY COMMISSION

HERBY BRANSCUM, JR., CHAIRMAN
PERRYVILLE

JOHN "M" LIPTON, VICE CHAIRMAN
WARREN

J.W. "BUDDY" BENAFIELD
HICKORY PLAINS

MARY P. "PRISSY" HICKERSON
TEXARKANA

JONATHAN BARNETT
SILOAM SPRINGS

DAN FLOWERS
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

P.O. Box 2261
LITTLE ROCK, ARKANSAS 72203-2261
TELEPHONE No. (501) 569-2000
FAX No. (501) 569-2400
October 28, 1999

The Honorable Fred Hanna
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: Job 040313
F.A.P. STPE-ENHN(154)
Fayetteville Multi-use Trails
(ATEP-95) (S)
Washington County

Dear Mayor Hanna:

Reference is made to your request to allow previously approved enhancement funds to be used for trails at locations other than those originally approved. Your request is approved. The job name and number shown above will replace the City's three previously approved projects and federal funding in the amount of $600,000 is available for the work at the new locations.

The enclosed Agreement of Understanding for the referenced new project must be signed by you and the City Attorney and returned to us as soon as possible. The City will now have 12 months to submit final plans, specifications and a cost estimate and should have the work under contract within 18 months.

If you have any questions, please contact Steven Morgan or Bill Bradberry at (501) 569-2261.

Sincerely,

Dan Flowers
Director of Highways
and Transportation

Enclosure

c: Commissioner Jonathan Barnett
Chief Engineer

RECEIVED
NOV 03 1999
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

AGREEMENT OF UNDERSTANDING
BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U. S. Department of Transportation
Federal Highway Administration

RELATIVE TO

Implementation of **Job 040313, Fayetteville Multi-use Trails (ATEP-95) (S), F.A.P. STPE-ENHN(154),** (hereinafter called "the project") as a Federal-aid transportation enhancement project.

WHEREAS, the Arkansas State Highway Commission has made available 80% Federal-aid funds to be matched with 20% non-federal funds (cash match) for certain transportation enhancement projects, and

WHEREAS, the **City of Fayetteville** (hereinafter called "Sponsor") has expressed its desire to use Federal-aid funds for the eligible project and to provide necessary matching cash share for such funds, and

WHEREAS, funding participation will be as follows, subject to a limit of $600,000.00 maximum Federal-aid approved for the project:

	Federal %	Sponsor %
Project Design:	0	100
Right-of-Way/Utilities:	0	100
Project Implementation:	80	20
Project Inspection:	0	100
Department Administrative Cost (1% of Total):	0	100

, and

WHEREAS, the Sponsor knows of no legal impediments to the completion of the project, and

WHEREAS, the Sponsor understands that the Arkansas State Highway and Transportation Department (hereinafter called the "Department") is willing to undertake all plan review, project bidding and construction inspection subject to reimbursement by the Sponsor and within a time schedule established by the Department. However, the Sponsor desires to accept responsibility for all project phases in order to expedite project implementation, and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions of any part of the agreement to create the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement, and

WHEREAS, it is understood that the Sponsor and the Department will adhere to the General

Requirements for Recipients and Sub-Recipients Concerning Minority Business Enterprises (MBEs) (Attachment A) and that, as part of these requirements, the Department may set goals for MBE participation in the project ranging from 0% to 100% that are practical and related to the potential availability of MBEs in desired areas of expertise.

IT IS HEREBY AGREED that the Sponsor and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation of the project and will accept the responsibilities and assigned duties as described hereinafter.

THE SPONSOR WILL:

1. Submit a letter to the Right-of-Way Division of the Department which either (1) stipulates the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the Sponsor will assume or (2) requests that the Department handle some or all of these services. Acquisition of property must be accomplished in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (commonly referred to as the "Uniform Act"). **NOTE: Failure to notify the Department prior to initiating this phase of work may result in all project expenditures being declared non-participating in federal funds.**

2. Provide a copy of the registered deed or an appropriate certification stating the Sponsor's clear and unencumbered title to any right-of-way to be used for the project.

3. Contact the Arkansas Historic Preservation Program (AHPP) to execute a Deed of Conservation Easement for enhancement projects involving certified historic properties or obtain a waiver from the AHPP.

4. Prepare plans, specifications, and a cost estimate for construction. A registered professional engineer or a licensed architect must sign the plans and specifications for the project. (See Attachment B for items to be included in the bid proposal.)

5. Certify that the plans and specifications comply with the Americans with Disabilities Act (ADA), the American Association of State Highway and Transportation Officials (AASHTO) design standards, and all other applicable state and federal regulations, including Airport Clearance when necessary, for the type of work involved.

6. Submit a certification letter (Attachment C), including all items noted, to the Department when requesting authority to advertise the project for construction bids.

7. Advertise for bids in accordance with federal procedures as shown in Attachment D.

8. Forward a copy of all addenda to the project during the advertisement to the Department.

9. After bids are opened and reviewed, submit a certification (Attachment E), including all items noted, to the Department and request concurrence in award of the contract.

10. Maintain accounting records to adequately support reimbursement with Federal-aid funds and be responsible for the inspection, measurement and documentation of pay items, and certification of all work in accordance with the plans and specifications for the project and for monitoring the Contractor and subcontractor(s) for compliance with the provisions of

FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements.

11. Make payments to the contractor for work accomplished in accordance with the plans and specifications and then request reimbursement from the Department on the Enhancement Construction Certification and Reimbursement Request form (Attachment F).

12. Submit change orders to the contract to the Department's Resident Engineer in charge of reimbursements for review and approval for program eligibility.

13. Upon completion of the project, submit the Final Estimate and certify that the project was accomplished in accordance with the plans and specifications. (See Attachment F.)

14. Indemnify and hold harmless the Arkansas State Highway Commission, the Department and its officers and employees from all suits, actions, or claims of any character brought because of any damage sustained on account of the operations or actions of the said Sponsor; or because of any act of omission, neglect, or misconduct of said Sponsor; or from any claims or amounts arising or recovered under any law, ordinance, order, or decree. The Sponsor and Department shall at all times protect as sacred the immunity from civil suits afforded the State of Arkansas and its several Agencies, Commissions and Departments, such as the Department, the Arkansas State Highway Commission, and the Sponsor, as mandated by Article 5, §20 of the Constitution of Arkansas, Ark. Code Ann. §19-10-305, and the 11th Amendment of the Constitution of the United States. Any claim awarded against the Arkansas State Highway Commission or the Department or its officers and employees for the above, including but not limited to, claims before the Arkansas State Claims Commission shall be borne by the Sponsor.

15. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.

16. Retain all records relating to inspection and certification, the Contractor's billing statements, and any other files necessary to document the performance and completion of the work in accordance with requirements of 49 CFR 18.42 - Retention and access requirements for records (Attachment G).

17. Grant the right of access to Sponsor's records pertinent to this project and the right to audit by the Department and Federal Highway Administration officials.

18. Be responsible for its portion of the total project cost and 1% of the award amount for Department administration.

19. Be responsible for 100% of all project costs incurred should the project not be completed as specified.

20. Be responsible for 100% of any and all expenditures which are declared non-participating in federal funds, including awards by the State Claims Commission.

21. Repay to the Department the federal share of the cost of any portion of this project if, for any reason, federal participation is removed due to actions or inactions of the Sponsor, its agents, its employees, or its assigns or the Sponsor's consultants or contractors or their agents. Such actions or inactions shall include, but are not limited to, federal non-participation arising from problems with design plans, specifications, construction, change orders, construction inspection, or contractor payment procedures. The Sponsor understands and agrees that the Department may cause necessary funds to be withheld from the Sponsor's gasoline tax allotment should the Sponsor fail to pay to the Department any required funds, fail to complete the project as specified, or fail to adequately maintain or operate the project.

22. Repay all federal funds if this is determined necessary for any reason.

23. Retain total, direct control over the project throughout the life of the improvements and **not, without prior approval from the Department**:

    - sell, transfer, or otherwise abandon any portion of the project;
    - change the intended use of the project as stated in the approved project application;
    - make significant alterations to any improvements constructed with Federal-aid funds; or
    - cease maintenance or operation of a project due to the project's obsolescence.

24. Be responsible for satisfactory maintenance and operation of all improvements and for adopting regulations and ordinances as necessary to ensure this. Failure to adequately maintain and operate the project in accordance with Federal-aid requirements may result in the Sponsor's repayment of federal funds and may result in withholding all future Federal-aid.

25. Promptly notify the Department if the project is rendered unfit for continued use by natural disaster or other cause.

THE DEPARTMENT WILL:

1. Be responsible for administering Federal-aid funds.
2. Provide the appropriate environmental documentation for the project.
3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments in accordance with the Uniform Act and be reimbursed for costs involved in performing these services.
4. Upon receipt of the Sponsor's certification of right-of-way (property) ownership, provide the appropriate documentation to the file.
5. Review plans and specifications for project/program eligibility.
6. Advise the Sponsor when to proceed with advertisement of the project for construction bids.
7. Review bid tabulations and concur in award of the construction contract for the project.

8. Visually verify (insofar as is reasonably possible) that the work meets contract requirements before reimbursement is made to the Sponsor.

9. Reimburse the Sponsor 80% (Federal-aid share) for eligible costs up to the maximum Federal-aid amount as approved in the Enhancement Construction Certification and Reimbursement Request form (Attachment F).

10. Pay the Sponsor the remaining amount due upon completion of the project and submittal of the certified Final Estimate.

IT IS FURTHER AGREED that should the Sponsor fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the Sponsor from receiving all future Federal-aid funds administered by the Department.

IT IS FURTHER AGREED that should the Sponsor fail to pay to the Department any required funds due for implementation of the project or fail to complete the project as specified in this Agreement or fail to adequately maintain or operate the project, the Department may cause funds as may be required to be withheld from the Sponsor's gasoline tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement on this _____

day of _____, 1999.

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

RECOMMENDED:

_____
Steve Teague
Assistant Chief Engineer for Planning

_____
Dan Flowers
Director of Highways and Transportation

CITY OF FAYETTEVILLE

RECOMMENDED:

_____
City Attorney

_____
Fred Hanna
Mayor

Attachment A

GENERAL REQUIREMENTS FOR RECIPIENTS AND SUB-RECIPIENTS CONCERNING MINORITY BUSINESS ENTERPRISES

It is the policy of the U. S. Department of Transportation that minority business enterprises (MBEs) as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this Agreement.

The recipient or its contractor agrees to ensure that MBEs as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that MBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 23, Subpart E, which sanctions many include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in Subsection 23.43(a) shall substitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

REQUIRED CONTENTS OF BIDDING PROPOSALS
FEDERAL-AID ENHANCEMENT PROJECTS

1) FHWA-1273. Each set of contract documents shall include FHWA-1273, "Required Contract Provisions, Federal-aid Construction Contracts," and such supplements that may modify the FHWA-1273. Copies of FHWA-1273 and supplements will be provided by the Department.

2) Anti-Collusion and Debarment Certification. The certification shall either be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the State to administer oaths or in the form of an unsworn declaration executed under penalty of perjury of the law of the United States. The required form for the Anti-Collusion and Debarment Certification will be provided by the Department. The certification includes:

   - Anti-collusion. A statement executed by, or on behalf of the person, firm, association, or corporation submitting the bid certifying that such person, firm, association, or corporation has not, either directly or in-directly, entered into any agreement, participated in any collusion, or otherwise taken any action, in restraint of free competitive bidding in connection with the submitted bid.

   - Debarment. A statement regarding debarment, suspension, ineligibility and voluntary exclusion as required by Title 49 of the Code of Federal Regulations, Part 29 (49 CFR 29).

   Failure to submit the executed Certification <u>as part of the bidding documents</u> will make the bid nonresponsive and not eligible for award consideration.

3) Lobbying certification. This certification is required by 49 CFR 20. The form for this certification will be provided by the Department.

4) Davis-Bacon predetermined minimum wage rates. The applicability to a transportation enhancement project is dependent on the relationship or linkage of the project to a Federal-aid highway. When necessary, the Davis-Bacon wage rates will be provided by the Department.

   - Davis-Bacon requirements apply to all projects greater than $2,000 that are physically located within the existing right-of-way of a federal aid highway, regardless of the transportation enhancement characteristics.

   - Davis-Bacon requirements also apply to projects "linked" to a federal aid highway based on proximity or impact (i.e., the project would not exist without the federal aid highway). Examples of such projects include removal of outdoor advertising, wetlands to filter highway drainage, etc.

   - Davis-Bacon requirements <u>do not apply</u> to projects not "linked" to a particular federal aid highway and which are eligible for transportation enhancement funding based solely on function (i.e., a transportation facility, such as an independent bike path, the restoration of a railroad station, etc.).

Attachment C

CERTIFICATION LETTER
REQUESTING AUTHORITY TO ADVERTISE

DATE

Mr. Robert L. Walters
Chief Engineer
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, AR 72203

Re: ***Job #***
Job Name
County

Dear Mr. Walters:

The following documents are submitted concerning the referenced project:

1. One set of plans and specifications.
2. A copy of the preliminary estimate of cost.
3. An unexecuted copy of the bid proposal form.

I certify that the plans, specifications and estimate were prepared by or under the direct supervision of a Professional Engineer/Architect licensed to practice in the State of Arkansas and that the plans and specifications comply with the Americans with Disabilities Act (ADA), the American Association of State Highway and Transportation Officials (AASHTO) design standards, and all other applicable state and federal regulations, including Airport Clearance when necessary, for the type of work involved. Additionally, I certify that all necessary right of way has been acquired in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and arrangement for adjustment of existing conflicting utilities has been accomplished.

I understand that if any project items are declared non-participating in federal funds due to failure to comply with any State or federal requirements, the City will promptly repay such funds to the Arkansas State Highway and Transportation Department (AHTD). Further, I hereby authorize the Director of the Arkansas State Department of Finance and Administration to transfer such funds from the City's State Turnback Funds to the AHTD's RRA Fund upon notification by the Director of Highways and Transportation that such funds are due AHTD and have not been paid by the City.

Approval to proceed with advertisement of the project for bids is requested.

Sincerely,

NAME
OFFICE

Enclosures

Attachment D

GUIDELINES FOR ADVERTISING AND OPENING BIDS FEDERAL-AID PROJECTS

Upon receipt of written authorization from the Arkansas State Highway and Transportation Department, the project may be advertised for bids. The following minimum guidelines for advertising must be met:

- The minimum advertising period is three weeks.

- In addition to meeting the State requirements for advertising for construction projects, the project must be advertised a minimum of <u>two times</u> in a statewide newspaper.

- The notice must contain: (1) the time, date, and place that sealed bids are to be accepted, opened, and publicly read; (2) a brief description of the kind or type of work contemplated; and (3) the place at which prospective bidders may obtain plans and specifications.

- The Sponsor will include the following language in the solicitation for bids:

  "The Sponsor hereby notifies all bidders that this contract is subject to applicable labor laws, non-discrimination provisions, wage rate laws and other federal laws including the Fair Labor Standards Acts of 1938. The Work Hours Act of 1962 and Title VI of the Civil Rights Act of 1964 also apply."

- All bids received in accordance with the terms of the advertisement shall be publicly opened and at a minimum, the total amount bid must be read (the sponsor may choose to read the bids item by item).

- If any bid received is not read aloud, the name of the bidder and the reason for not reading the bid aloud shall be publicly announced at the letting.

- **Negotiation with contractors during the period following the opening of bids and before the award of the contract shall not be permitted.**

Attachment E

CERTIFICATION LETTER
REQUESTING CONCURRENCE IN AWARD OF THE CONTRACT

DATE

Mr. Robert L. Walters
Chief Engineer
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, AR 72203

Re: ***Job #***
Job Name
County

Dear Mr. Walters:

The following documents are submitted concerning the referenced project:

1. One set of bid tabulations.
2. A check in the amount of 1% of the low bid as the AHTD administration fee.
3. Justification of award (if low bid amount is greater than 10% over the estimate).

I certify that the referenced project was advertised and bids were received in accordance with the regulations governing Federal-aid projects and all other applicable state and federal regulations, and that this process has been reviewed and approved by the City Attorney. Additionally, I certify that the bid is being awarded to the lowest responsive and qualified bidder and that there has not been, nor will there be, any negotiations with the contractor or other bidders regarding the amount bid.

Your concurrence in the award of this contract to ***CONTRACTOR*** is requested.

Sincerely,

NAME
OFFICE

_____
City Attorney

Enclosures

ENHANCEMENT CONSTRUCTION CERTIFICATION AND REIMBURSEMENT REQUEST

Job No.: _____
FAP: _____
County: _____
Job Name.: _____

Sponsor: _____

Contractor: _____

DATE: _____

PAY REQUEST # _____

FROM: _____ TO: _____

SPONSOR'S REQUEST FOR PAYMENT

1 Original Contract Amount
2 Net Amount - Change Orders to Date
3 Present Contract Total

4 Maximum Federal-aid Amount

5 Work Completed to Date

6 Federal Match (80% of Line 5 or amount on Line 4, whichever is less)
7 Previous Request for Payments

8 ***Amount Due this Estimate***

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes previously approved		
Total approved this Request Period		
TOTALS		
NET CHANGES by Change Order		

Interim Estimate Request and Certification

Payment is requested from the Arkansas State Highway and Transportation Department for the Amount Due. I certify that the Contractor and/or subcontractor(s) are complying with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements; that the work has been completed by the Contractor in accordance with the plans and specifications; and that the Contractor has been paid for this work.

By: _____ Date: _____

Title: _____

Final Estimate Request and Certification

Final payment is requested from the Arkansas State Highway and Transportation Department for the Amount Due. I certify that the Contractor and/or subcontractor(s) have complied with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements; that the project has been completed by the Contractor in accordance with the plans and specifications; and that the Contractor has been paid for this work.

By: _____ Date: _____

Title: _____

DEPARTMENT USE ONLY

Examined, Checked and Approved: _____ Resident Engineer

Examined, Checked and Approved: _____ Construction Engineer

Approved for Payment: _____ Asst. Chief Engineer-Operations

PAID

Voucher No. _____

Date:

HANCEMENT CONSTRUCTION CERTIFICATION AND REIMBURSEMENT REQUEST

DETAIL ESTIMATE

JOB NUMBER: _____
FAP: _____
JOB NAME: _____
_____

SPONSOR: _____

REQUEST NO: _____ DATE: _____

FROM: _____ TO: _____

CONTRACTOR: _____

A	B	C	D	E	F	G	H	I
			WORK COMPLETED					
TEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	PREVIOUS REQUESTS	THIS PERIOD	MATERIALS PRESENTLY STOCKPILED (NOT IN D or E)	TOTAL COMPLETED & STOCKPILED TO DATE (D+E+F)	% COMPLETED (G + C)	BALANCE TO FINISH (C - G)
	GRAND TOTALS							

49 CFR 18.42

UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Post-Award Requirements

Retention and access requirements for records.

(a) *Applicability*. (1) This section applies to all financial and programmatic records, supporting documents, statistical records, and other records of grantees or subgrantees which are:

(i) Required to be maintained by the terms of this part, program regulations or the grant agreement, or

(ii) Otherwise reasonably considered as pertinent to program regulations or the grant agreement.

(2) This section does not apply to records maintained by contractors or subcontractors. For a requirement to place a provision concerning records in certain kinds of contracts, see Sec. 18.36(i)(10).

(b) *Length of retention period*. (1) Except as otherwise provided, records must be retained for three years from the starting date specified in paragraph (c) of this section.

(2) If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

(3) To avoid duplicate recordkeeping, awarding agencies may make special arrangements with grantees and subgrantees to retain any records which are continuously needed for joint use. The awarding agency will request transfer of records to its custody when it determines that the records possess long-term retention value. When the records are transferred to or maintained by the Federal agency, the 3-year retention requirement is not applicable to the grantee or subgrantee.

(c) *Starting date of retention period*--(1) *General*. When grant support is continued or renewed at annual or other intervals, the retention period for the records of each funding period starts on the day the grantee or subgrantee submits to the awarding agency its single or last expenditure report for that period. However, if grant support is continued or renewed quarterly, the retention period for each year's records starts on the day the grantee submits its expenditure report for the last quarter of the Federal fiscal year. In all other cases, the retention period starts on the day the grantee submits its final expenditure report. If an expenditure report has been waived, the retention period starts on the day the report would have been due.

(2) *Real property and equipment records*. The retention period for real property and equipment records starts from the date of the disposition or replacement or transfer at the direction of the awarding agency.

(3) *Records for income transactions after grant or subgrant support*. In some cases grantees must report income after the period of grant support. Where there is such a requirement, the retention period for the records pertaining to the earning of the income starts from the end of the grantee's fiscal year in which the income is earned.

(4) *Indirect cost rate proposals, cost allocations plans, etc*. This paragraph applies to the following types of documents, and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(i) *If submitted for negotiation*. If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the grantee) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.

(ii) *If not submitted for negotiation*. If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the grantee) for negotiation purposes, then the 3-year retention period for the proposal plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

(d) *Substitution of microfilm*. Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.

(e) *Access to records*--(1) *Records of grantees and subgrantees*. The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and subgrantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts.

(2) *Expiration of right of access*. The right of access in this section must not be limited to the required retention period but shall last as long as the records are retained.

(f) *Restrictions on public access*. The Federal Freedom of Information Act (5 U.S.C. 552) does not apply to records unless required by Federal, State, or local law, grantees and subgrantees are not required to permit public access to their records.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

October 11, 1999

Mr. Dan Flowers, Director
Arkansas Highway & Transportation Department
PO Box 2261
Little Rock, AR 72203-2261

RE: Federal Aid Enhancement Funds

Dear ~~Mr. Flowers~~: Dan

The City of Fayetteville received approval for funding of Federal Aid Enhancement Funds from the 1991 ISTEA Program. These funds were made available for the following projects:

1. Job No. 040195 (ATEP-94) for bike trails in the amount of $400,000;
2. Job Nos. 040198 (ATEP-94) in the amount of $99,792, and 040221 (ATEP-95) in t amount of $113,089.60 respectively for railroad corridor preservation.

A consultant was hired to develop plans under Job No. 040195 and a total of $87,829.86 in the Federal Funds have been expended. The City of Fayetteville reimbursed the AHTD for this amount on August 19, 1999.

As stated in our previous letter dated June 23, 1999, the plans to construct a trail along the abandoned railroad spur (St. Paul) have been eliminated. The Raven Trail (Errol Street) is still a viable project. The City's Engineering Division is currently developing the plans which should be completed in November 1999, and will then be submitted to you for approval.

Since we have not received a response to our letter of August 19, 1999, our question is still as follows: Can the funds appropriated under Job No. 040195 for bike trails, and Job Nos. 040198 and 040221 for railroad corridor preservation be used by the City to construct trails at other locations within the City? We are hopeful that we will be permitted to use these funds in this manner.

In our letter of June 23, 1999, we listed several trail locations that could possibly be constructed. Since that time, we have revised this list and we believe all of these trails listed by priority could be designed and placed under contract within a year. The City already has the right-of-way needed for the trails. Enclosed is a map showing the location of the trails, and following is a brief description of each.

1. Raven Trail (Errol Street): A multi-use-trail for pedestrians and bicycles. This trail would provide access for school children living in the many subdivisions east of Butterfield Elementary School. It would also provide a shorter pedestrian access for many pedestrians between Katherine Avenue and Old Missouri Road. This trail has a distance of approximately 1,400 feet in length and the estimated cost is $70,000.

2. Completion of a multi-use-trail along Mud Creek Tributary going eastward connecting Gulley Park to Azalea Terrace. This trail has a distance of approximately 1,700 feet in length and the estimated cost is $75,000.

3. Completion of the Joyce Boulevard multi-use-trail located on the north side of Joyce Boulevard between a tributary to Mud Creek and Old Missouri Road. Again, no additional right-of-way will be required, however, a T.C.E. may be necessary to actually build the trail. Completion of this segment will connect a trail that begins at Front Street and traverses to the Mud Creek Tributary, and a trail that begins at Old Missouri Road and ends at Highway 265. This trail has a distance of approximately 2,700 feet in length and the estimated cost is $115,000.

4. A multi-use-trail that begins at Old Missouri Road and proceeds westward to connect with the existing trail on the north side of Mud Creek presently ending at Front Street. This trail has distance of approximately 4,000 feet in length and the estimated cost is approximately $220,000, including a bridge across Mud Creek Tributary which will also be required on this segment.

5. A multi-use-trail that begins at Front Street to connect with the existing trail and proceeds westward along Mud Creek to Gregg Avenue. This trail has a distance of approximately 5,800 feet in length and the estimated cost would be $245,000. The project will be split into two phases, with Phase I running from Front Street to Steele Boulevard, a distance of approximately 3,800 feet, and Phase II would continue on to Gregg Avenue. Phase I is estimated to cost approximately $160,000.

The total amount of federal funds originally available to the City was $612,831.60. The total estimated costs of the five (5) trails, not including Phase II of Trail 5, is $640,000. Since we reimbursed $87,829.86 to you on August 19, 1999, it is assumed these funds will not now be available. Therefore, the actual Federal Aid Funds still available are $525,001.74, which will cover the Federal Aid portion of the estimated costs of the five trails.

Phase II of Trail 5 will require acquisition of right-of-way and it is doubtful this phase could meet the time frame required for obligation of the funds. A request for this phase will be made at a later time asking for TEA-21 funds.

The construction of these trails will provide the beginning for what we hope will eventually be a trail network throughout the City. I also want to assure you that every effort will be made to place these trails under construction within the required time frame.

I look forward to hearing from you in the near future and, hopefully, with the news that the existing funds can be utilized as set forth in this letter. I will be more than happy to furnish any additional information or answer any questions you may have.

Sincerely,

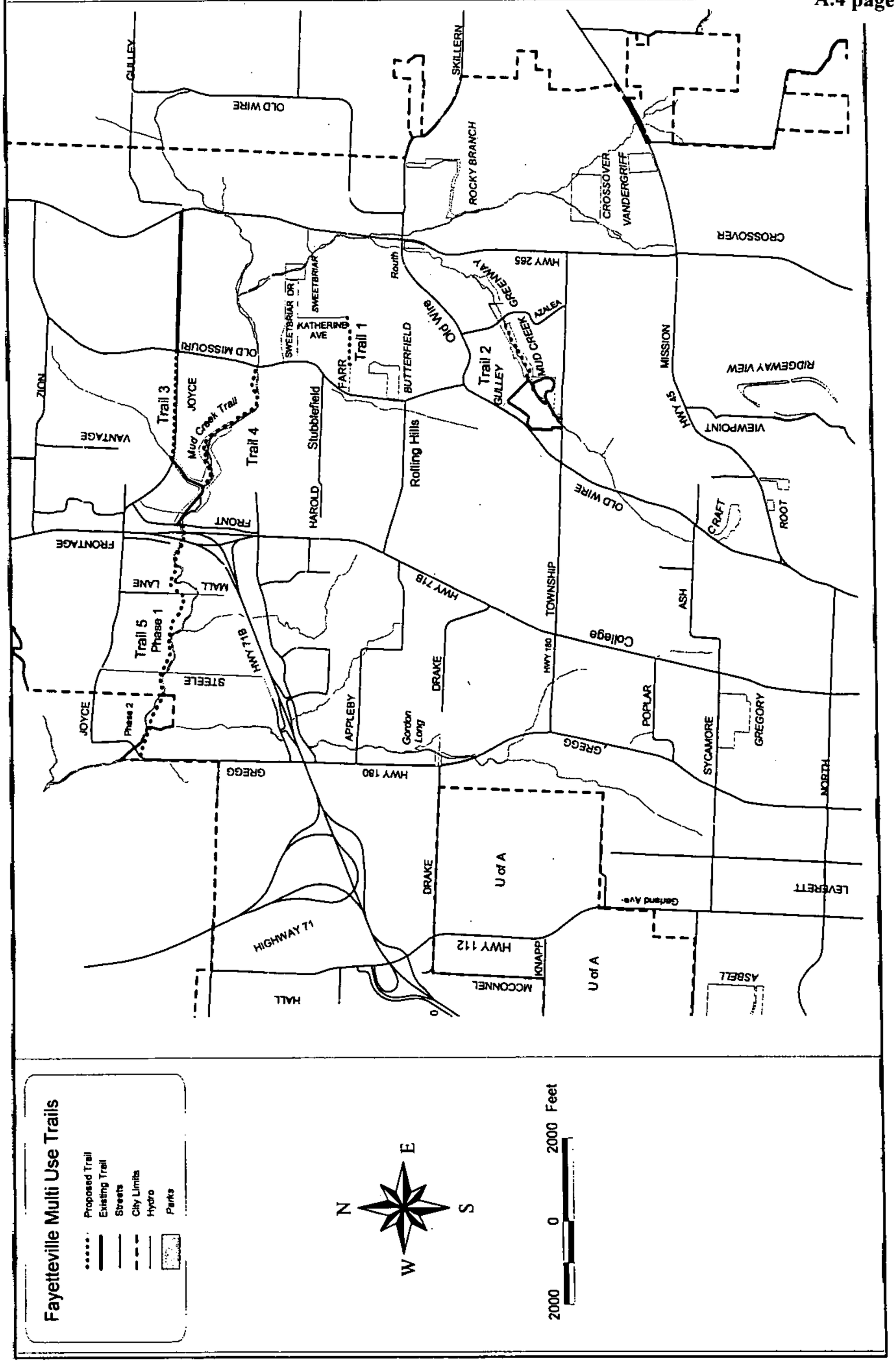
Fred

Fred Hanna
Mayor

FH:msm

enclosure

c Trail Advisory Committee
Charles Venable, Public Works Director


Fayetteville Multi Use Trails
Proposed Trail
Existing Trail
Streets
City Limits
Hydro
Parks
N
E
S
W
2000
0
2000 Feet
GULLEY
OLD WIRE
SKILLERN
ROCKY BRANCH
CROSSOVER
VANDERGRIFF
CROSSOVER
HWY 265
GREENWAY
AZALEA
MUD CREEK
SWEETBRIAR DR
SWEETBRIAR
KATHERINE AVE
Routh
Old Wire
Trail 1
BUTTERFIELD
Trail 2
GULLEY
OLD MISSOURI
FARR
Stubblefield
Rolling Hills
MISSION
HWY 45
RIDGEWAY VIEW
VIEWPOINT
ZION
VANTAGE
Trail 3
JOYCE
Mud Creek Trail
Trail 4
HAROLD
OLD WIRE
CRAFT
ROOT
FRONT
FRONTAGE
MALL
LANE
HWY 71B
TOWNSHIP
ASH
College
Trail 5
Phase 1
STEELE
HWY 71B
HWY 180
DRAKE
JOYCE
Phase 2
APPLEBY
Gordon Long
POPLAR
SYCAMORE
GREGORY
GREGG
GREGG
HWY 180
NORTH
DRAKE
U of A
Garland Ave.
LEVERETT
HIGHWAY 71
HWY 112
KNAPP
U of A
ASBELL
HALL
MCCONNEL

R299-28

RECEIVED
NOV 16 1999
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

BILL OF ASSURANCES

This declaration of a Bill of Assurances made and published on this 16 day of November, 1999, by William Weatherford and Barbara J. Weatherford, Husband and Wife, and Larry F. Swain and Brenda M. Swain, Husband and Wife, the owners of certain real estate ("the Property") located in the City of Fayetteville, Washington County, Arkansas, and more particularly described as follows:

SEE ATTACHED EXHIBIT A.

WHEREAS, the owners of the Property propose to sell the Property to developers who will be constructing a multi-family residential development on the Property in accordance with the ordinances if the City of Fayetteville; and

WHEREAS, although the City of Fayetteville's R-2 zoning district permits up to 24 units per acre, the owners are willing to restrict the Property so that fewer units are built than are permitted by law; and

WHEREAS, the owners intend to set forth herein its agreement to limit the number of dwelling units to be constructed in said multi-family residential development on the Property, and the number of bedrooms per acre, which shall run with the land and be binding on all successors in interest to the Property.

THEREFORE, it is hereby agreed that the owners of the Property are desirous of making a declaration in the form of this Bill of Assurances that the number of dwelling units to be constructed on the Property shall not exceed a maximum of Fifteen (15) units per acre and Forty (40) bedrooms per acre, with the intention of binding the owners of the Property described in this Bill of Assurances, and all subsequent owners of the Property, concerning the obligations of

restrictions set forth herein, as such shall be covenants running with the land, thereby guaranteeing the preservation of certain values and amenities in the community.

It is further agreed that the above-described real property shall be developed, transferred, sold, conveyed and occupied subject to the restriction contained herein that the number of dwelling units and bedrooms per acre in any multifamily development to be constructed thereon be limited to a maximum density of Fifteen (15) units per acre and Forty (40) bedrooms per acre.

WITNESS our hands on the date first above written.

William Weatherford

Larry F. Swain

Barbara J. Weatherford

Brenda M. Swain

ACKNOWLEDGMENT

STATE OF ARKANSAS)
Benton)ss.
COUNTY OF ~~WASHINGTON~~)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, duly commissioned and acting within and for the County and State aforesaid, William Weatherford and Barbara J. Weatherford, Husband and Wife, personally known to me to be the persons subscribing to the foregoing Bill of Assurances, and who stated to me that they had executed the same for the purposes and considerations therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 16th day of November, 1999.

MARILYN MOTHERSHEAD
COMM. EXP.
NOTARY
PUBLIC
2-1-2003
BENTON COUNTY, ARKANSAS

Marilyn Mothershead
Notary Public

My Commission Expires: 2-1-2003

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)ss.
COUNTY OF ~~WASHINGTON~~ Benton)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, duly commissioned and acting within and for the County and State aforesaid, Larry F. Swain and Brenda M. Swain, Husband and Wife, personally known to me to be the persons subscribing to the foregoing Bill of Assurances, and who stated to me that they had executed the same for the purposes and considerations therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 16th day of November, 1999.

Marilyn Mothershead
Notary Public

MARILYN MOTHERSHEAD
COMM. EXP.
NOTARY
PUBLIC
2-1-2003
BENTON COUNTY, ARKANSAS

My Commission Expires: 2-1-2003

EXHIBIT "A"

Land located on Deane Street, Fayetteville, Arkansas consisting of approximately 11.64 acres and being Lots 1,2,3,10, and 17, replat of University Acres Subdivision as shown on Maps 364 & 403, and as shown on Sketch SK-1 attached hereto

STAFF REVIEW FORM

_X_ Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of November 16, 1999.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZ 99-31.00 submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Bleaux Barnes for property located south of Appleby Road and east of Appleby Apartments. The property is zoned A-1, Agricultural and contains approximately 8.37 acres. The request is to rezone the property to R-1, Low Density Residential.

COST TO CITY:

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

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator Administrative Services Director

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

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	10-29-99 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission voted unanimously to approve the request with a vote of 8-0-0.

Division Head	10-29-99 Date	**Cross Reference**
Department Director	11-1-99 Date	New Item: **Yes** **No**
Administrative Services Director	1 NOV 99 Date	Prev Ord/Res#: _____
Mayor	11/1/99 Date	Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Tim Conklin, City Planner
DATE: October 25, 1999

RZ 99-31.00: Rezoning (Barnes, pp 250) was submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Bleaux Barnes for property located south of Appleby Road and east of Appleby Apartments. The property is zoned A-1, Agricultural and contains approximately 8.37 acres. The request is to rezone the property to R-1, Low Density Residential.

RECOMMENDED MOTION:

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

PLANNING COMMISSION ACTION: YES Required
_____Approved _____Denied

Date: October 25, 1999

Comments:

_____

_____

CITY COUNCIL ACTION: __YES_ Required
_____Approved _____Denied

Date: __/__/__

BACKGROUND :

The applicant requests the rezoning of approximately 8.37 acres from A-1 to R-1 (Low Density Residential). The owner is Paul Martin and the applicant is Bleaux Barnes. The property has 564 feet of frontage on Appleby Road and is located between apartments to the west and Quail Creek Subdivision/single family homes to the east.

ADJACENT LAND USE AND ZONING:

North: Washington Regional Medical Center, zoned A-1
South: Vacant land, zoned Gregory Park is directly south and zoned R-1.5
East: Quail Creek Subdivision, zoned R-1
West: Apartments, zoned R-2

INFRASTRUCTURE:

Streets: Appleby Road is a two lane street and classified as a collector which is designed to carry 4,000 to 6,000 vehicles per day.

Water: There is a 6" waterline to the east located within Quail Creek Subdivision and an 8" waterline to the west located within the apartment complex.

Sewer: There is a 16" sewer line to the west and a 6" sewer line to the south.

LAND USE PLAN:

The General Plan 2020 shows this area as Residential

§ 161.04 DISTRICT R-1: LOW DENSITY RESIDENTIAL.

A. Purpose. The Low Density Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 26	Single-Family Dwelling

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
Unit 8	Single-Family and Two-Family Dwellings

C. Density.

SINGLE-FAMILY DWELLINGS	TWO FAMILY DWELLINGS
4 or Less Families Per Acre	7 or Less Families Per Acre

D. Bulk and Area Regulations.

	Single-Family	Two-Family
Lot Minimum Width	70 ft.	80 ft.
Lot Area Minimum	8,000 sq. ft.	12,000 sq.ft.
Land Area Per Dwelling Unit	8,000 sq. ft.	6,000 sq. ft.

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	20

F. Building Area. On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031)

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 (Low Density Residential) is consistent with the plan.**

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

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

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

Finding: **The proposed zoning R-1 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 to R-1 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**

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.

City of Fayetteville
113 W. Mountain
Fayetteville, AR. 72703

10-4-99

Att: Planning Dept.
Re : Rezoning request on Appleby Rd.

Enclosed herewith is the application for the rezoning of 8.37 acres on Appleby Road. The request is to rezone from A-1 to R-1. The property to the west is R-2)Appleby Apts). The property to the south is R1.5, to the east is R1.5 and to the north is A-1.

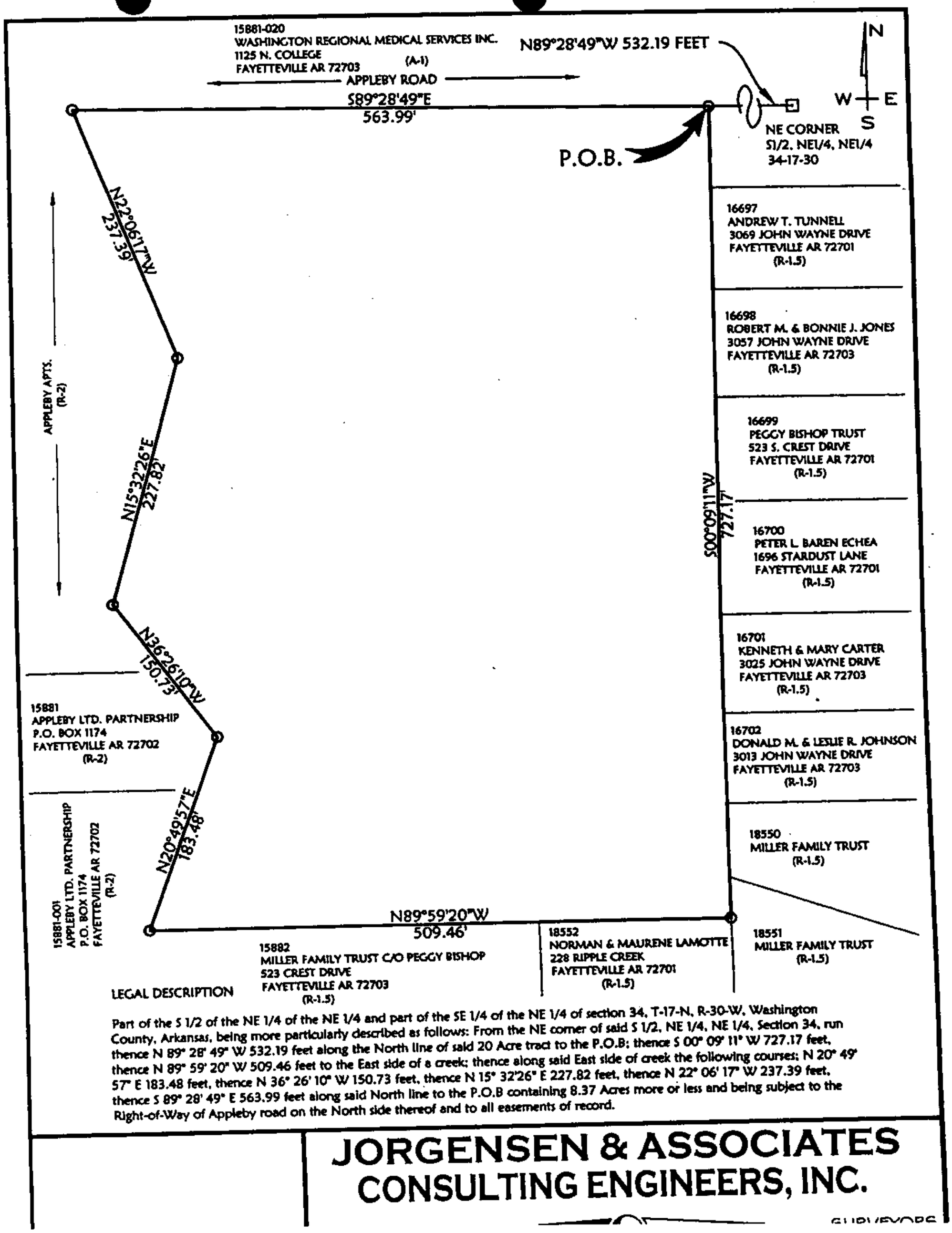
Water and sewer service is available and will be adequate for the planned use, which is single family residential.

Please review and call me concerning any additional questions you may have.

Thank you.

Sincerely;

David L. Jorgensen, P.E.



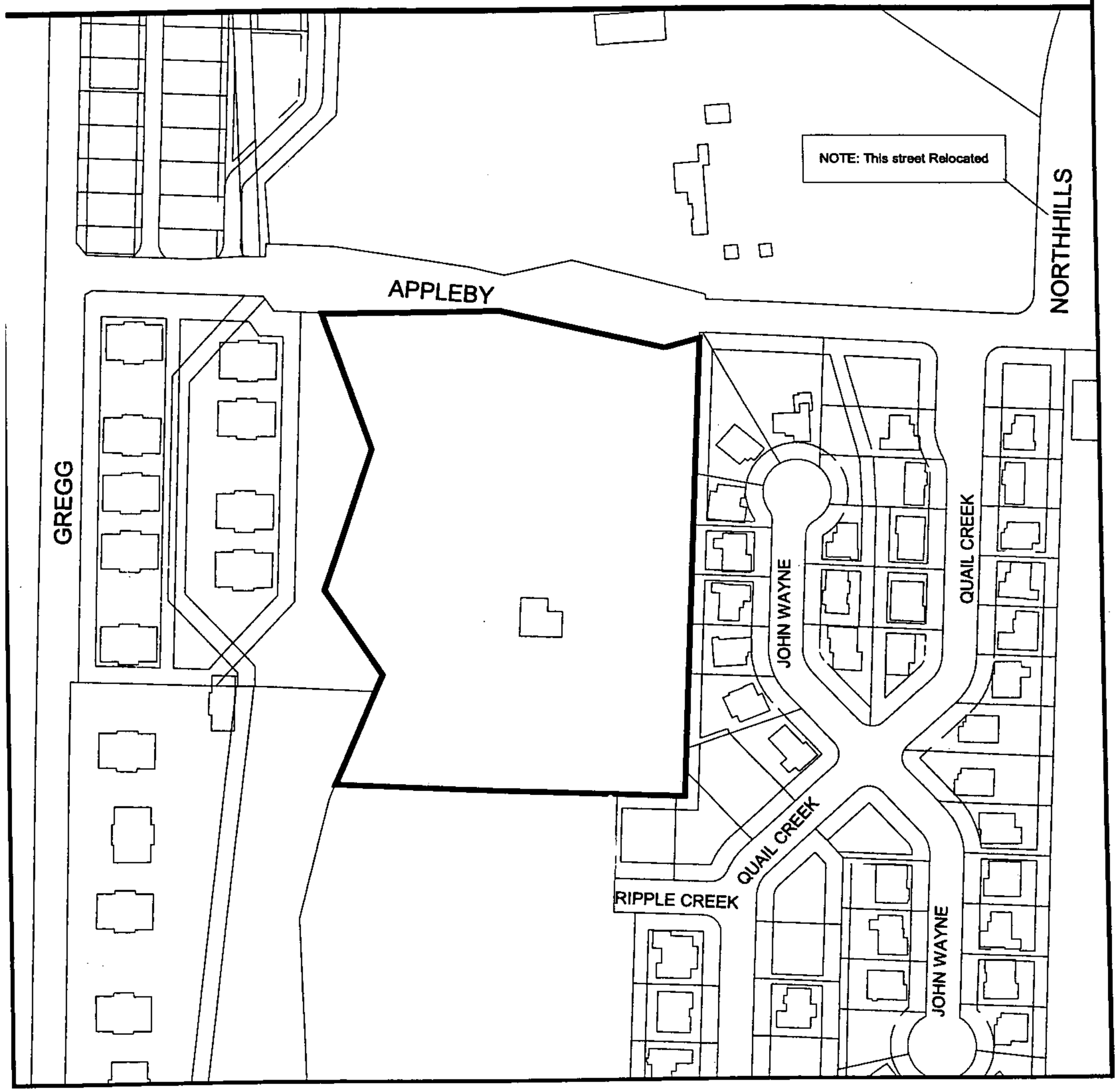
LEGAL DESCRIPTION

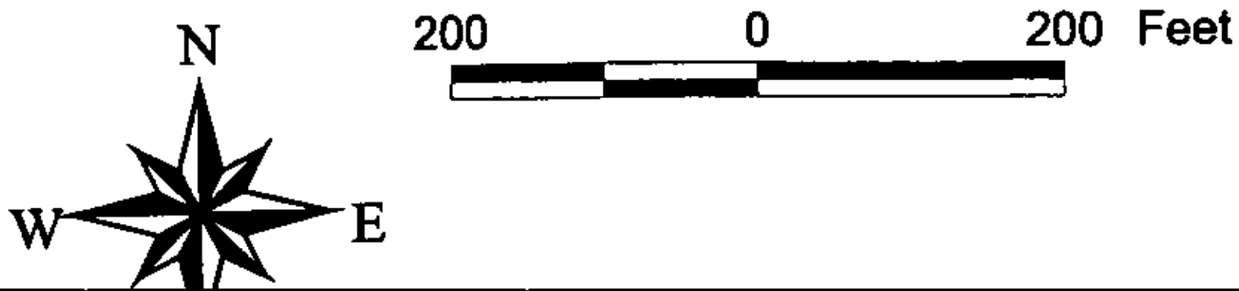
Part of the S 1/2 of the NE 1/4 of the NE 1/4 and part of the SE 1/4 of the NE 1/4 of section 34, T-17-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: From the NE corner of said S 1/2, NE 1/4, NE 1/4, Section 34, run thence N 89° 28' 49" W 532.19 feet along the North line of said 20 Acre tract to the P.O.B; thence S 00° 09' 11" W 727.17 feet, thence N 89° 59' 20" W 509.46 feet to the East side of a creek; thence along said East side of creek the following courses; N 20° 49' 57" E 183.48 feet, thence N 36° 26' 10" W 150.73 feet, thence N 15° 32'26" E 227.82 feet, thence N 22° 06' 17" W 237.39 feet, thence S 89° 28' 49" E 563.99 feet along said North line to the P.O.B containing 8.37 Acres more or less and being subject to the Right-of-Way of Appleby road on the North side thereof and to all easements of record.

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.

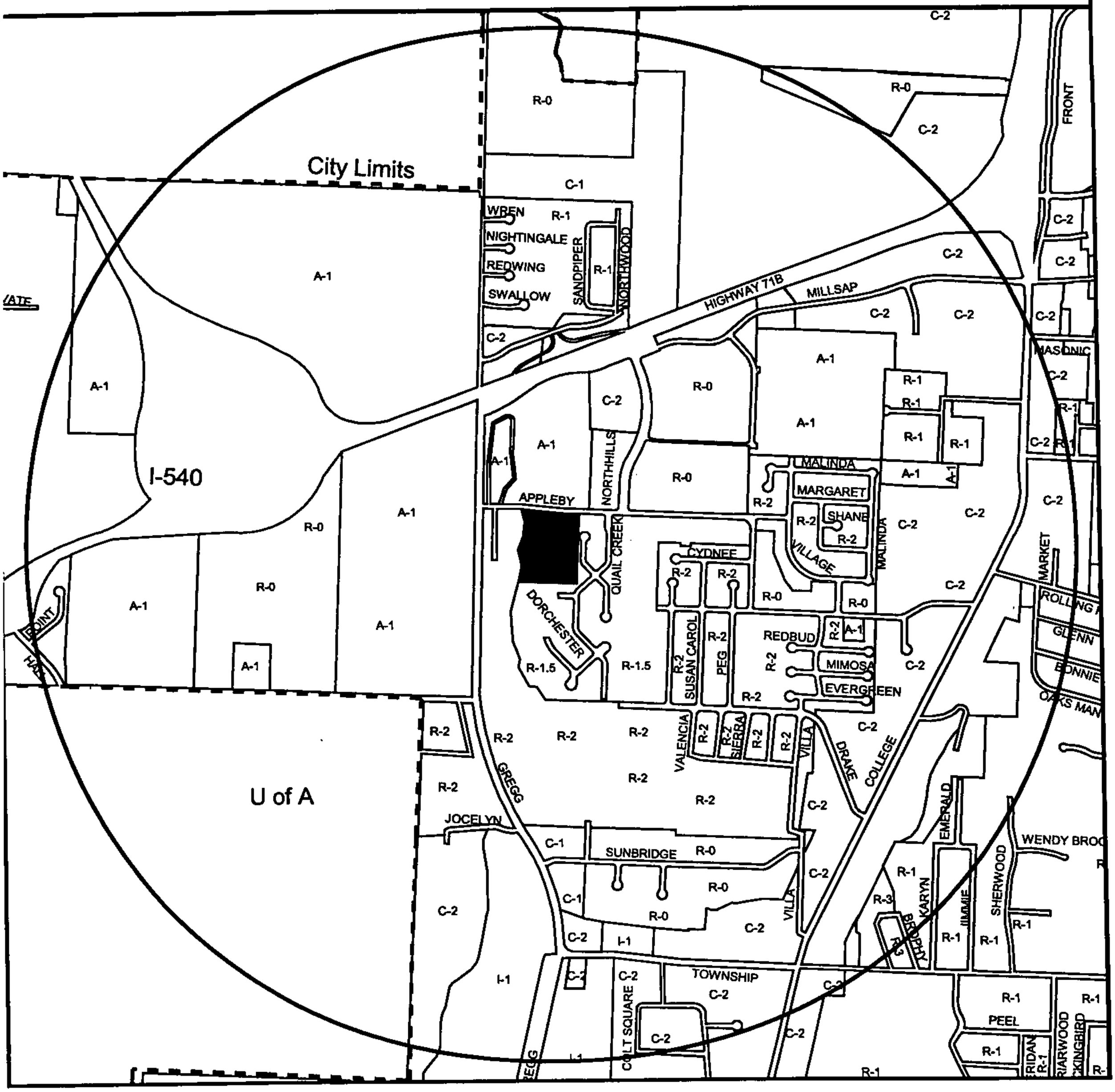
SURVEYORS

RZ99-31.00 - Barnes - Close Up





RZ99-31.00 - Barnes - One Mile Diameter



RZ99-31: REZONING
BARNES, PP250

This item was submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Bleaux Barnes for property located south of Appleby Road and east of Appleby Apartments. The property is zoned A-1, Agricultural and contains approximately 8.37 acres. The request is to rezone the property to R-1, Low Density Residential.

Dave Jorgensen was present on behalf of the request.

Staff Recommendation

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

Commission Discussion

Johnson: This property is on the south side of Appleby and is across from the Washington Regional development. This across the street from the old farm house. The adjacent land use is A-1 where the medical park is located across Appleby and otherwise it's adjoined by R-1.5, R-1, and R-2 properties. Staff, do you have additional information for us on this proposed rezoning.

Conklin: Staff has no additional information on this rezoning.

Jorgensen: We're here to answer questions and it's a relatively simple R-1 request, we hope.

Johnson: Relatively simple would be appreciated. Are there initial questions to the staff or Mr. Jorgensen?

Public Comment

None.

MOTION

Marr: I'll make a motion to recommend approval of RZ99-31.

Hoffman: Second.

Johnson: We have the motion by Commissioner Marr and the second by Commissioner Hoffman to approve RZ99-31. I will remind everyone that rezoning require 5 positive vote and

are merely a recommendation to the City Council who takes the final action on the rezoning request.

Roll Call

Upon roll call, the motion passed with a unanimous vote of 8-0-0.

STAFF REVIEW FORM

X Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of November 16, 1999.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve a resolution for AD 99-25.00 submitted by Dave Jorgensen of Jorgensen and Associates. The request is to remove a proposed minor arterial street from the Master Street Plan. The proposed street is located north of Howard Nickle Road and west of Highway 112.

COST TO CITY:

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

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator Administrative Services Director

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

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	10-25-99 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the request on the Consent Agenda with a unanimous vote of 7-0-0.

Division Head	10-29-99 Date	**Cross Reference**
Department Director	11-1-99 Date	New Item: **Yes** **No**
Administrative Services Director	1 Nov 99 Date	Prev Ord/Res#:_____
Mayor	11/1/99 Date	Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: **Fayetteville Planning Commission**
FROM: **Tim Conklin, City Planner**
DATE: **October 25, 1999**

AD 99-25.00: Administrative (Master Street Plan Amendment) was submitted by Dave Jorgensen of Jorgensen and Associates. The request is to remove the proposed minor arterial street from the Master Street Plan. The proposed street is located north of Howard Nickle Road and west of Highway 112.

RECOMMENDED MOTION:

Staff recommends approval of the request to remove the minor arterial from the Master Street Plan.

Staff would support designating Washington County Road 892 as a collector street to the west.

BACKGROUND :

The applicant requests to amend the master street plan by removing a proposed north/south minor arterial street that is located between Highway 112 and Howard Nickle Road. A minor arterial street is a four lane street, 52' wide, with 90 feet of right-of-way designed to carry through traffic with volumes expected to be 12,200 to 14,800 vehicles per day.

The Fayetteveille City Council Street Committee did meet on October 12, 1999 and voted to recommend the amendment to the City Council and classify W.C. Road 892 as a Collector Street.

STAFF FINDINGS:

The recommended distance between arterial streets is generally 2 to 3 miles apart in the suburban fringe. This proposed street is 0.12 to 0.33 miles from Highway 112 classified as a principal arterial.

The recommended minimum length of arterial streets is generally two miles or more. This street, if constructed, would be approximately 0.5 mile long.

The existing terrain in this area also limits future street construction to the north in the location as presently shown on the Master Street Plan. Property to the north has areas of steep slopes over 30%.

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.

City of Fayetteville
113 W. Mountain
Fayetteville, Ar. 72701

10-4-99

Att: Planning Dept.
Re : Master Street Plan (Woodlands Addition)

Enclosed herewith please find a sketch which shows a ten lot subdivision that is planned at the NW Corner of Hwy 112 and Howard Nickel Road on 80 acres. The master street plan shows a 90' wide minor arterial extending through this property. The owner wishes to request a review of this and to utilize the existing paved county road that is 720' west of our west boundary line. This is County Road 892 and would seem to accomplish what the planned minor arterial shows on the master street plan.

Please review and call concerning any questions you may have.

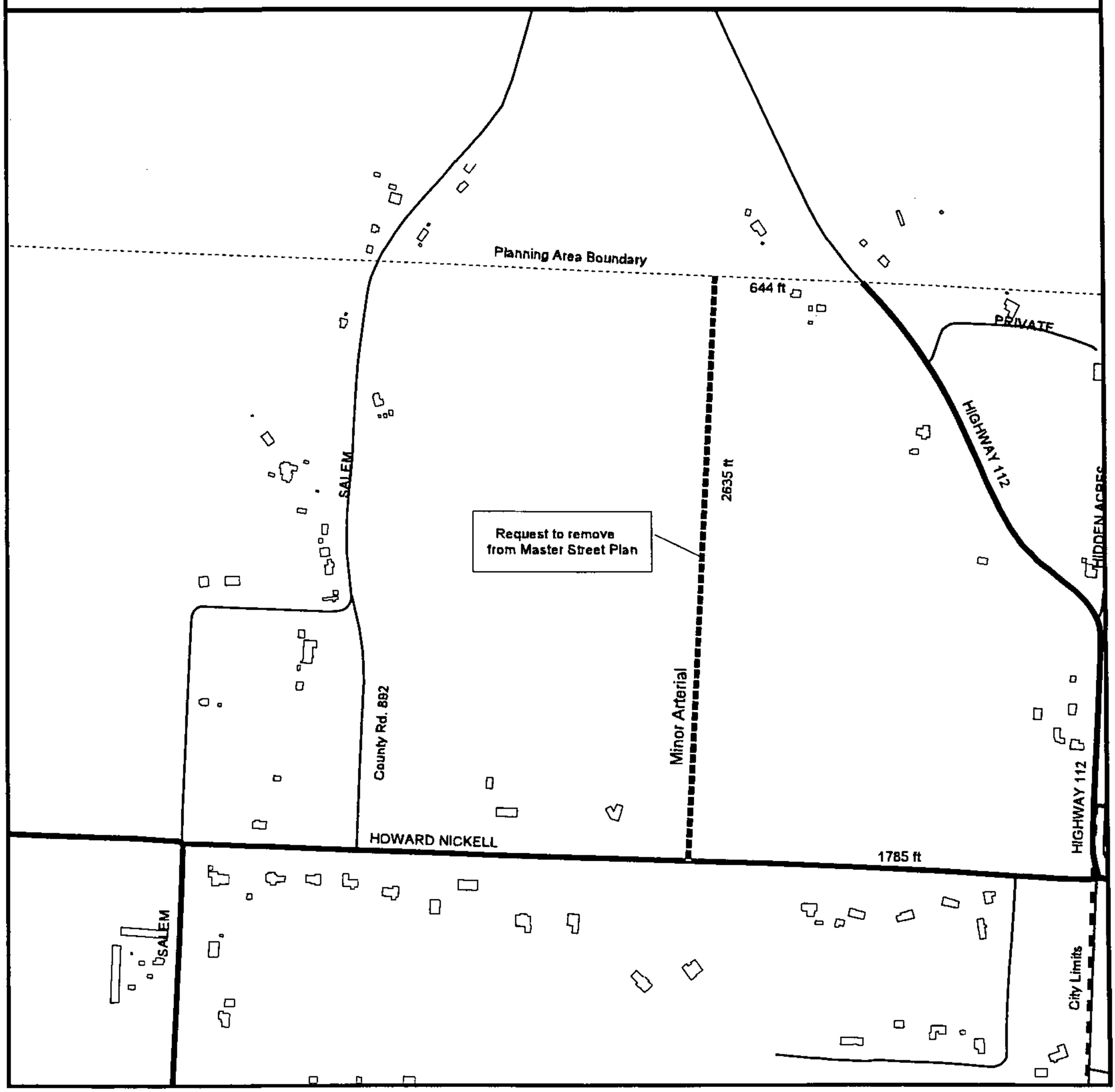
Thank you.

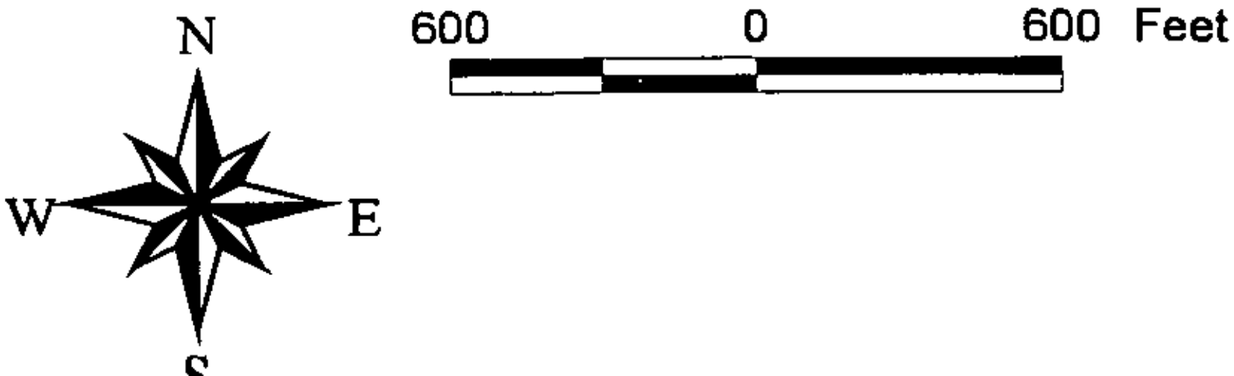
Sincerely;

David L. Jorgensen, P.E.

2013 GREEN ACRES RD., SUITE A • FAYETTEVILLE, ARKANSAS 72703 • (501) 442-9127

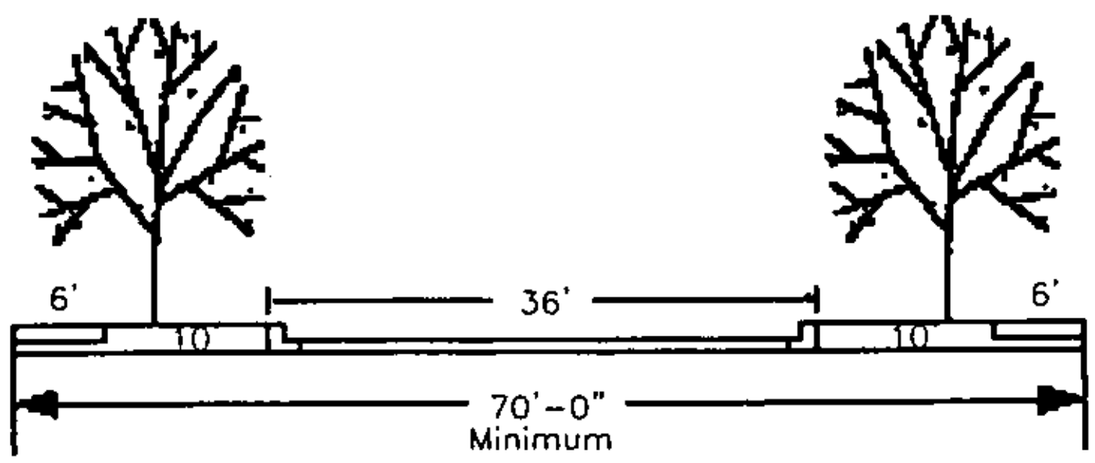
AD99-25 - Master Street Plan Amendment





COLLECTOR STREETS provide traffic circulation within residential, commercial, and industrial areas. They collect traffic from local or residential streets in neighborhoods and channel it into the arterial system. Connections between arterials should be indirect to discourage use by traffic from outside the neighborhood. In residential neighborhoods, frontage along collectors is discouraged; houses should front on local or residential streets.

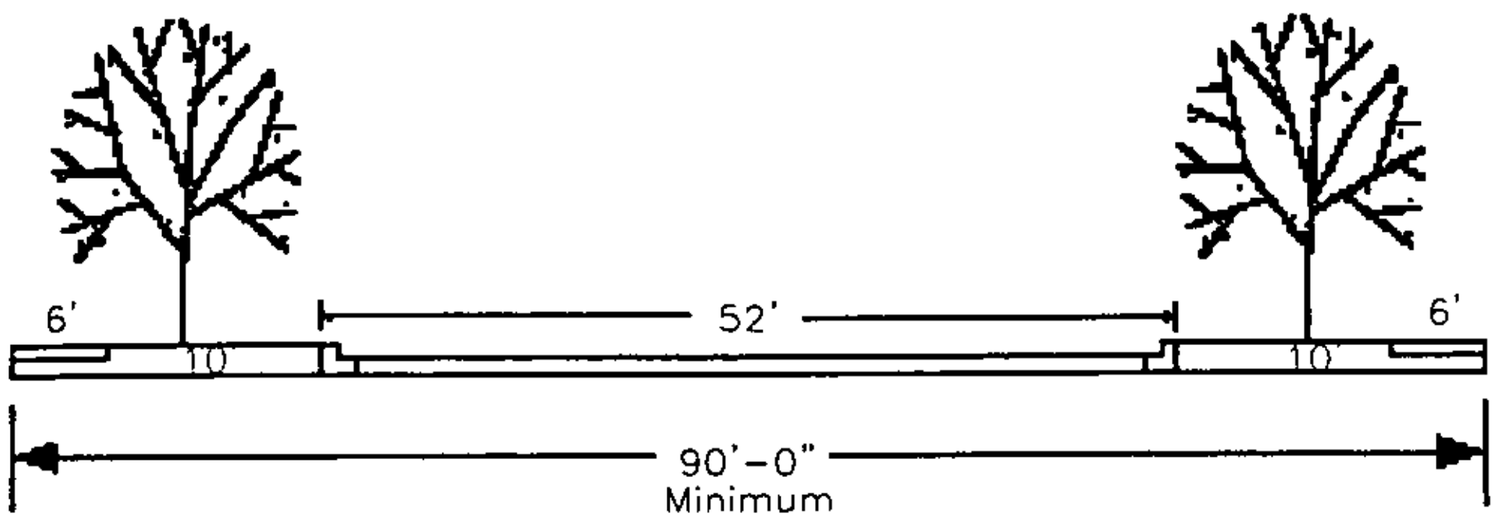
Design Service Volume:	4,000 vpd, 6,000 vpd with left turn bays
Speed:	25-30 mph
Traffic Lanes:	Two 11' travel lanes, 10' turn bays where warranted
Parking Lanes:	Two lanes provided. None when turn bay exists
Paved Width:	36' from back of curb
Right of Way:	At least 70'
Multi-use trail:	Two at least 6' wide, at least 10' from curb
Tree Planting areas:	Two, at least 10' wide



Collector

MINOR ARTERIAL STREETS connect higher functional class facilities, etc. Residential frontage is strongly discouraged. Access should be from perpendicular local or residential streets.

Design Service Volume:	12,200 vpd, 14,800 vpd with left turn bays
Speed:	35-40 mph
Traffic Lanes:	Four 12' travel lanes, 11' turn lanes possible at intersections
Parking Lanes:	None
Paved Width:	52' from back of curb, 59' with turn lane
Right of Way:	At least 90'
Multi-use Trail:	Two at least 6' wide, at least 10' from curb
Tree Planting Areas	Two, at least 10' wide



Minor Arterial

CONSENT AGENDA

Approval of Minutes - October 11, 1999

Johnson: The first item is the approval of the Minutes from the October 11, 1999 meeting. Are there any changes or corrections? If not, then they'll stand approved as distributed last week.

AD99-25: ADMINISTRATIVE
MASTER STREET PLAN AMENDMENT, PP168

This item was submitted by Dave Jorgensen of Jorgensen and Associates. The request is to remove a proposed minor arterial street from the Master Street Plan. The proposed street is located north of Howard Nickle Road and west of Highway 112.

VA99-14: VACATION
CANDLEWOOD DEVELOPMENT, LLC, PP294

This item was submitted by Dave Jorgensen of Jorgensen and Associates on behalf of David Chapman of Candlewood Development, LLC for property located on lots 40 to 44 in Candlewood Development. The request is to vacate the 25 foot sewer easement.

Johnson: Is there any member of the Commission who would move to remove an item from the Consent Agenda? Is there anyone in the audience who would request that we remove either of these two items from the Consent Agenda? Seeing none and we will vote on the Consent Agenda.

Roll Call

Upon roll call, the consent agenda was passed with a vote of 7-0-0. Commissioner Hoover and Commissioner Odom were not present.

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of November 16, 1999

FROM:

Name	Division	Department
Jill Goddard	Engineering	Public Works

ACTION REQUIRED: Passage of an ordinance authorizing the City Attorney to seek possession of certain land located along Sycamore Street in the City of Fayetteville, Arkansas, by the Power of Eminent Domain, in association with the required right of way and easements for the Sycamore Street Improvements at Leverett Avenue. Such property is owned by the Charles G. Palmer Trust, the Linda J. Palmer Trust, the Ralph Freeman Trust, and the Arlie Freeman Trust (each with ¼ interest). (Parcel No. 765-13971-000)

COST TO CITY:

$ 2,800	$ 692,351	Sycamore Street-Leverett to Garland
Cost of this Request	Category/Project Budget	Category/Project Name
4470-9470-5809-00	$ 610,632	Street Improvements
Account Number	Funds Used To Date	Program Name
97030-30	$ 81,719	Sales Tax Capital Imp.
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

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

Accounting Manager	10-20-99 Date	Internal Auditor	Date
City Attorney	10-21-99 Date	ADA Coordinator	Date
Purchasing Officer	10-21-99 Date		

STAFF RECOMMENDATION: Have been unable to reach agreement with property owner for reasons as explained in the following memorandum. Staff recommends condemnation approval, along with an emergency clause, on this property such that contractor will not be delayed in initiating this project.

Division Head	Oct 20 '99 Date	Cross Reference
Department Director	10-21-99 Date	**New Item: Yes** X **No** ___
Administrative Services Director	21 OCT 99 Date	Prev Ord/Res #: _____
Mayor	10/21/99 Date	Orig Contract Date: _____

STAFF REVIEW FORM

Description Condemnation--Sycamore Street-Leverett to Garland Meeting Date November 16, 1999

Comments: **Reference Comments:**

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

DATE: October 19, 1999

TO: Fayetteville City Council

THRU: Fred Hanna, Mayor
Charles Venable, Public Works Director
Donald Bunn, Assistant Public Works Director
Jim Beavers, City Engineer

FROM: Jill Goddard, Land Agent

SUBJECT: Sycamore Street - Leverett to Garland
Project No. 97030
Charles G. Palmer Inter Vivos Trust, Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust, Arlie Freeman Inter Vivos Trust

The City has been acquiring additional right of way and drainage easements for improvements at the Sycamore Street and Leverett Avenue intersection.

There is one property without signed documentation (although verbally the owners are apparently not opposed). As the construction contract has already been awarded on this job, it is necessary that the City initiate condemnation proceedings as soon as possible in order to obtain court possession of this land so as not to interfere with the construction schedule.

Initially, the Palmers and the Freemans were offered $2,100.00 for the acquisition of a 10 foot wide strip of additional right of way (1400 square feet). This offer was originally mailed on July 8, 1999. (See attached case history.)

There have been several phone conversations regarding the drainage project (located within the existing right of way) and the additional right of way. There has been apparently some confusion as to existing right of way line, new right of way line, and location of back of curb. There have been several attempts to clarify this verbally, pictorially, and with staking. Mr. Freeman (primary contact with the property owners) did not show up for a meeting scheduled for October 13, 1999, with Kip Guthrie, Garver Engineers; nor was Mr. Freeman able to be contacted by phone.

An independent appraisal was prepared by Mark Risk, of the Real Estate Consultants. This was received October 12, 1999. A revised offer is being presented to include an amount for landscape damages as a tree will have to be removed. New offer amount to be $2,800.00.

CASE HISTORY
Palmer/Freeman Property
Sycamore Street Improvements

7-6-99	Date of original offer letter.
7-8-99	Mailed packet with offer letter, drawings, and warranty deeds to Charles Palmer, Fort Smith.
7-19-99	Ralph Freeman called. He had questions regarding location of drainage ditch & pipe and back of curb--requested staking of right of way and back of curb. Garver Engineers contacted to do staking.
7-20-99	Side letter sent covering concerns stemming from phone conversation.
8-16-99	Reminder letter sent (no phone number on record).
8-19-99	Ralph Freeman called. Staking apparently not in place. Garver Engineers to stake on 8-20-99. Freeman to be in town in a couple of weeks.
8-24-99	Construction contract bid opening. (Awarded to Sweetser Construction.)
9-16-99	Requested appraisal from the Real Estate Consultants.
10-1-99	Notification letter sent (via certified mail).
10-7-99	Talked to Mark Risk, appraiser regarding specifics to the property. He noted that Arkansas Western Gas was working on the property. Inquired as to staking and Risk informed that there was none--apparently taken down by gas company to move their line. Talked to Ralph Freeman. He saw staking previously in place and was still confused as to location of right of way and back of curb. He and Kip Guthrie, of Garver Engineers, will coordinate to meet at property and stake back of curb and new right of way. Kip to answer questions and help clear confusion. They are to meet 10-13-99.
10-12-99	Received appraisal from the Real Estate Consultants.
10-15-99	Talked to Kip Guthrie. Freeman did not show up on 10-13-99. Guthrie never heard from Mr. Freeman nor could he get an answer at Freeman's number. Neither Garver nor the City has heard from Freeman since 10-7-99.
10-19-99	New offer presented based on appraisal.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

October 19, 1999

Charles G. Palmer Inter Vivos Trust,
Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust,
and Arlie Freeman Inter Vivos Trust
c/o Charles Palmer
4120 Roberts Avenue
Fort Smith, AR 72903

RE: Sycamore Street Improvements
Job No. 97030
Tract No. 5
Notification of Council Meeting

Dear Mr. Palmer:

This letter is to inform you that an ordinance authorizing the City Attorney to seek possession of the area required for additional right of way from your property is being presented to City Council for first reading at their meeting on November 16, 1999, at 6:30 p.m., Room 219, City Hall, 113 W. Mountain Street, Fayetteville, Arkansas.

However, please keep in mind that condemnation proceedings can be stopped at any time if an agreement is reached before the court date.

A City Land Agent will be glad to meet with you to discuss all phases of this project and the associated right of way and easements. Please contact Jill Goddard at (501) 444-3407 or Ed Connell at 444-3415.

Sincerely yours,

Jim Beavers

Jim Beavers
City Engineer

JB/jsg

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

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

October 19, 1999

Charles G. Palmer Inter Vivos Trust,
Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust,
and Arlie Freeman Inter Vivos Trust
c/o Charles Palmer
4120 Roberts Avenue
Fort Smith, AR 72903

RE: Sycamore Street Improvements
Job No. 97030
Tract No. 5
Revised Offer Letter

Dear Mr. Palmer:

The City of Fayetteville is in receipt of an appraisal conducted by the Real Estate Consultants (copy of the cover page is enclosed). In an effort to negotiate this offer without legal action, the City is prepared to make a revised offer based on this appraisal.

Included is a general map of the subject area, as well as a drawing of your specific property depicting the anticipated area required for right of way. The existing right of way is considered public property by prescription. (This 20 foot strip of existing right of way was acquired through Deed Ref. 887/744; however, not from all four parties.) The City of Fayetteville hereby offers **$2,100.00** for the acquisition of additional right of way (1400 square feet), and **$700.00** in landscape damages; making the total revised offer **$2,800.00**.

Should you elect to accept this offer, the *Warranty Deeds* contained herein should be executed by all parties with current ownership interest in the particular property. As the ownership of this property is now divided between four trusts, there are four Warranty Deeds enclosed--each for one-fourth interest. The documents should be notarized and returned to the City of Fayetteville. A City Land Agent will be pleased to witness and notarize the execution of the documents if you will advise our office accordingly. Upon receipt of these documents, checks will be requested and each owner will be paid one-fourth of the amount indicated in this offer letter.

If you make a final rejection of this offer, you do have certain legal rights which are outlined hereafter. Upon your final rejection of this offer, and if the City of Fayetteville elects to do so, a suit of condemnation may be filed. The amount of just compensation for the use of your property will be determined by an independent appraisal and deposited with the Registry of the Circuit Court of Washington County. You may, at that time, elect to accept the amount deposited as just compensation and the amount will be paid to you thereby disposing of the condemnation suit.

If you do not elect to accept the amount deposited as just compensation, then you may withdraw the amount placed on deposit without prejudice to your rights to claim additional compensation. In this event, you will be entitled to a trial by jury in the Circuit Court to determine just compensation for your lands condemned. In either event, payment of the estimated just compensation will be made available to you.

We, however, ask that you accept the offer made herein by executing the attached *Warranty Deeds*. Reduced copies of the documents are included for your records. We can provide copies of the recorded documents upon your request and at the appropriate time. Please provide us with Tax Identification Numbers (Corporation) or Social Security Number for each trust so that checks can be written. Vendor Forms are provided for this purpose.

A City Land Agent will be glad to meet with you at your convenience and discuss all phases of this project. Please contact Jill Goddard at (501) 444-3407, Ed Connell at 444-3415 or I can be reached at 575-8206.

Sincerely yours,

Jim Beavers

Jim Beavers
City Engineer

JB/jsg

Attachments

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

October 19, 1999

Charles G. Palmer Inter Vivos Trust,
Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust,
and Arlie Freeman Inter Vivos Trust
c/o Charles Palmer
4120 Roberts Avenue
Fort Smith, AR 72903

RE: Sycamore Street Improvements
Job No. 97030
Tract No. 5
Offer Letter #2

Dear Mr. Palmer:

Upon further examination of the construction plans for the above mentioned project, the following is a list of concerns expressed relating to the construction of the proposed drainage project as it crosses your property (this letter is in addition to the *Side Letter* dated July 20, 1999):

- Construction of the drainage project will necessitate the removal of a certain tree within the right of way. The City tries to avoid damage to and the loss of trees and other vegetation; however, there are times when circumstances leave no other choice. The City cannot adequately compensate you for the loss of any mature trees that are in landscaped areas; however, the following proposed compensation will allow you, at your discretion, to have a local nursery plant similar trees (2" diameter) as a substitute for the tree that will have to be removed (outside of the right of way):

1 - maple tree	= 3 @ $150 =	$ 450
Nursery installation		$ 250
Total Proposed Compensation for Landscape Damages		$ 700

If you have any further concerns or comments, please contact Ed Connell at 444-3415, Jill Goddard at 444-3407, or in their absence, Paul Libertini, Project Engineer, at 575-8352.

Sincerely yours,

Jim Beavers

Jim Beavers
City Engineer

JB/jsg

APPRAISAL REPORT
FOR
CITY OF FAYETTEVILLE

Limited Summary Appraisal Report

PROJECT	Sycamore Street Right of Way
COUNTY	Washington
PARCEL #	765-13971-000
LOCATION	833 Sycamore Street Pt. of the NW1/4, NW1/4 Sec. 9-T16N-R31W Fayetteville Outlots
FEE OWNER	Ralph Freeman ET UX CO-TR ET AL C/O Charles Palmer
ADDRESS	4120 Rogers Avenue, Fort Smith, AR
ESTATE APPRAISED	Fee Simple

AREA OF WHOLE 4.42 acres **AREA OF RESIDUAL** 4.39 acres

AREA OF PERMANENT ACQUISITION 1,400 SF
(Descriptions attached)

ESTIMATED FAIR MARKET VALUE OF THE PROPERTY:

Before		
Land	$243,000	
Improvements	$ 0*	
Total		$243,000
After		
Land	$240,500	
Improvements	$ 0*	
Total		$240,500

FAIR MARKET VALUE OF PERMANENT R-O-W & UTILITY ACQUISITION **$ 2,500**

As of 7th *day of October, 1999*

ALLOCATION OF F.M.V. OF TOTAL ACQUISITION

R-O-W	1,400 SF @ $1.26/SF	= $ 1,764	Say	$ 1,800	
T.C.E	None			$ 0	
Trees	(1) Maple Tree			$ 700	
Improvements:	None			$ 0	
Total R-O-W, T.C.E., Trees, & Improvements					$ 2,500
Damages or Benefits:					$ 0
Total Compensation					**$ 2,500**

ATTACHMENTS:
- X Certificate of Appraiser
- X Photographs
- X Site, Improvement, H&B Use Narrative
- X Legal Descriptions
- X Market Data Approach
- X Survey
- X Tax Assessment Card

Appraiser, Mark E. Risk GAA, #CG0202

* The appraiser has not determined the value of the existing subject improvements due to his opinion that they are not significantly affected by the partial taking.

ARKANSAS APPRAISER LICENSING & CERTIFICATION BOARD
STATE CERTIFIED GENERAL
No. CG0202
MARK E. RISK

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

October 1, 1999

VIA CERTIFIED MAIL

Charles G. Palmer Inter Vivos Trust,
Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust,
and Arlie Freeman Inter Vivos Trust
c/o Charles Palmer
4120 Roberts Avenue
Fort Smith, AR 72903

RE: Sycamore Street Improvements
Job No. 97030
Tract No. 5
Notification

Dear Mr. Palmer:

As of this date, the City of Fayetteville has not received signed documentation from you on the above mentioned project.

An independent appraisal has been requested and is being prepared at this time. This is the first requirement to obtain possession through the courts. However, please keep in mind that condemnation proceedings can be stopped at any time if an agreement is reached before the court date.

The construction contract has been awarded on this job, with construction completion intended for later this fall. However, all additional right of way and easements must be acquired prior to start of construction.

Please feel free to contact me at (501) 444-3407 or Paul Libertini, Project Engineer, at (501) 575-8352 if you have any questions or need additional information regarding this project. Thank you for your consideration in this matter.

Sincerely yours,

Jill S. Goddard
Land Agent

/jsg

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

August 16, 1999

Charles G. Palmer Inter Vivos Trust,
Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust,
and Arlie Freeman Inter Vivos Trust
c/o Charles Palmer
4120 Roberts Avenue
Fort Smith, AR 72903

RE: Sycamore Street Improvements
Job No. 97030
Tract No. 5

Dear Mr. Palmer:

In follow up to the *Offer Letter* (dated July 6, 1999) and the *Side Letter* (dated July 20, 1999), this letter is to serve as a gentle reminder that I have not received signed documentation on the above mentioned project.

The construction contract bid opening is scheduled for August 24, 1999, with construction completion intended for later this fall. However, all additional right of way and easements must be acquired prior to start of construction.

Please feel free to contact me at (501) 444-3407 or Paul Libertini, Project Engineer, at (501) 575-8352 if you have any questions or need additional information regarding this project. Thank you for your consideration in this matter.

Sincerely yours,

Jill S. Goddard
Land Agent

/jsg

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

SYCAMORE CON.
C.3 page 12

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

July 20, 1999

Charles G. Palmer Inter Vivos Trust,
Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust,
and Arlie Freeman Inter Vivos Trust
c/o Charles Palmer
4120 Roberts Avenue
Fort Smith, AR 72903

RE: Sycamore Street Improvements
Job No. 97030
Tract No. 5
Offer Letter

Dear Mr. Palmer:

As per a phone conversation between Ralph Freeman, property owner, and Jill Goddard, City of Fayetteville Land Agent, on Monday, July 19, 1999, the following is a list of concerns expressed relating to the construction of the proposed drainage project as it crosses your property:

- The existing culvert under the easternmost driveway and the open ditch to the east will be replaced with underground drainage pipe (see enclosed sketch). The ditch to the west of the easternmost driveway will remain open.

- The contractor will contact the tenants of the house at 833 W. Sycamore prior to construction as the tenants will need to park within the apartment complex parking lot while the drainage system is being installed under their entrance.

- The engineering/surveying firm has been asked to stake the new south right of way line for visual clarification.

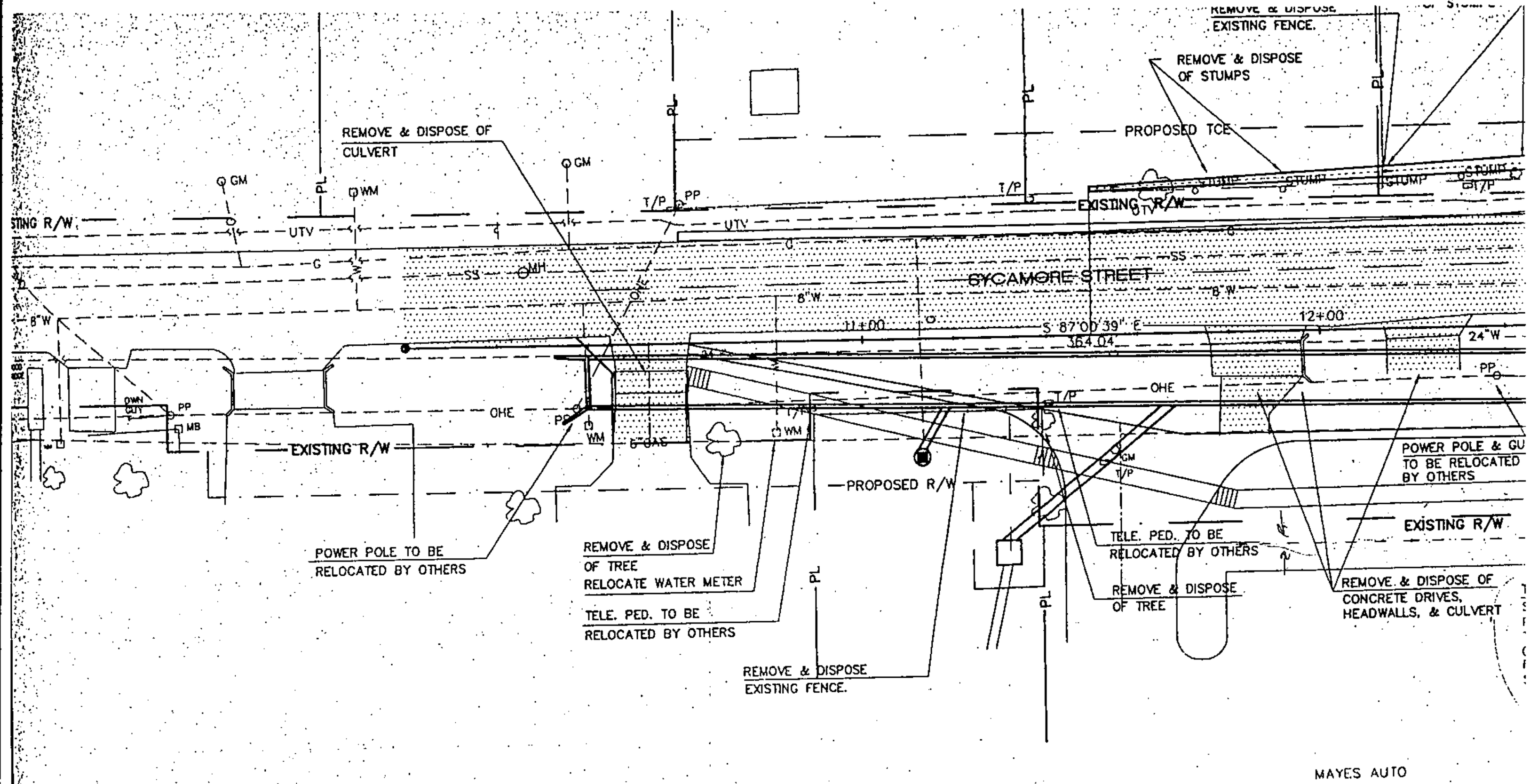
If you have any further concerns or comments, please contact Ed Connell at 444-3415, Jill Goddard at 444-3407, or in their absence, Paul Libertini, Project Engineer, at 575-8352.

Sincerely yours,

Jim Beavers

Jim Beavers
City Engineer

JB/jsg



SYCAMORE CON.
C.3 page 13

SYCAMORE CON.
C.3 page 14

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

July 6, 1999

Charles G. Palmer Inter Vivos Trust,
Linda J. Palmer Inter Vivos Trust,
Ralph Freeman Inter Vivos Trust,
and Arlie Freeman Inter Vivos Trust
c/o Charles Palmer
4120 Roberts Avenue
Fort Smith, AR 72903

RE: Sycamore Street Improvements
Job No. 97030
Tract No. 5
Offer Letter

Dear Mr. Palmer:

The City of Fayetteville is planning improvements along Sycamore Street at the Leverett Avenue intersection. It is therefore necessary to obtain a small amount of additional right of way across a portion of your property for this project.

Included is a general map of the subject area, as well as a drawing of your specific property depicting the anticipated area required for right of way. The existing right of way is considered public property by prescription. (This 20 foot strip of existing right of way was acquired through Deed Ref. 887/744; however, not from all four parties.) The City of Fayetteville hereby offers **$2,100.00** for the acquisition of additional right of way (1400 square feet)

Should you elect to accept this offer, the *Warranty Deeds* contained herein should be executed by all parties with current ownership interest in the particular property. As the ownership of this property is now divided between four trusts, there are four Warranty Deeds enclosed—each for one-fourth interest. The documents should be notarized and returned to the City of Fayetteville. A City Land Agent will be pleased to witness and notarize the execution of the documents if you will advise our office accordingly. Upon receipt of these documents, checks will be requested and each owner will be paid one-fourth of the amount indicated in this offer letter.

If you make a final rejection of this offer, you do have certain legal rights which are outlined hereafter. Upon your final rejection of this offer, and if the City of Fayetteville elects to do so, a suit of condemnation may be filed. The amount of just compensation for the use of your property will be determined by an independent appraisal and deposited with the Registry of the Circuit Court of Washington County. You may, at that time, elect to accept the amount deposited as just compensation and the amount will be paid to you thereby disposing of the condemnation suit.

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

If you do not elect to accept the amount deposited as just compensation, then you may withdraw the amount placed on deposit without prejudice to your rights to claim additional compensation. In this event, you will be entitled to a trial by jury in the Circuit Court to determine just compensation for your lands condemned. In either event, payment of the estimated just compensation will be made available to you.

We, however, ask that you accept the offer made herein by executing the attached *Warranty Deeds*. Reduced copies of the documents are included for your records. We can provide copies of the recorded documents upon your request and at the appropriate time. Please provide us with Tax Identification Numbers (Corporation) or Social Security Number for each trust so that checks can be written. Vendor Forms are provided for this purpose.

A City Land Agent will be glad to meet with you at your convenience and discuss all phases of this project. Please contact Jill Goddard at (501) 444-3407, Ed Connell at 444-3415 or I can be reached at 575-8206.

Sincerely yours,

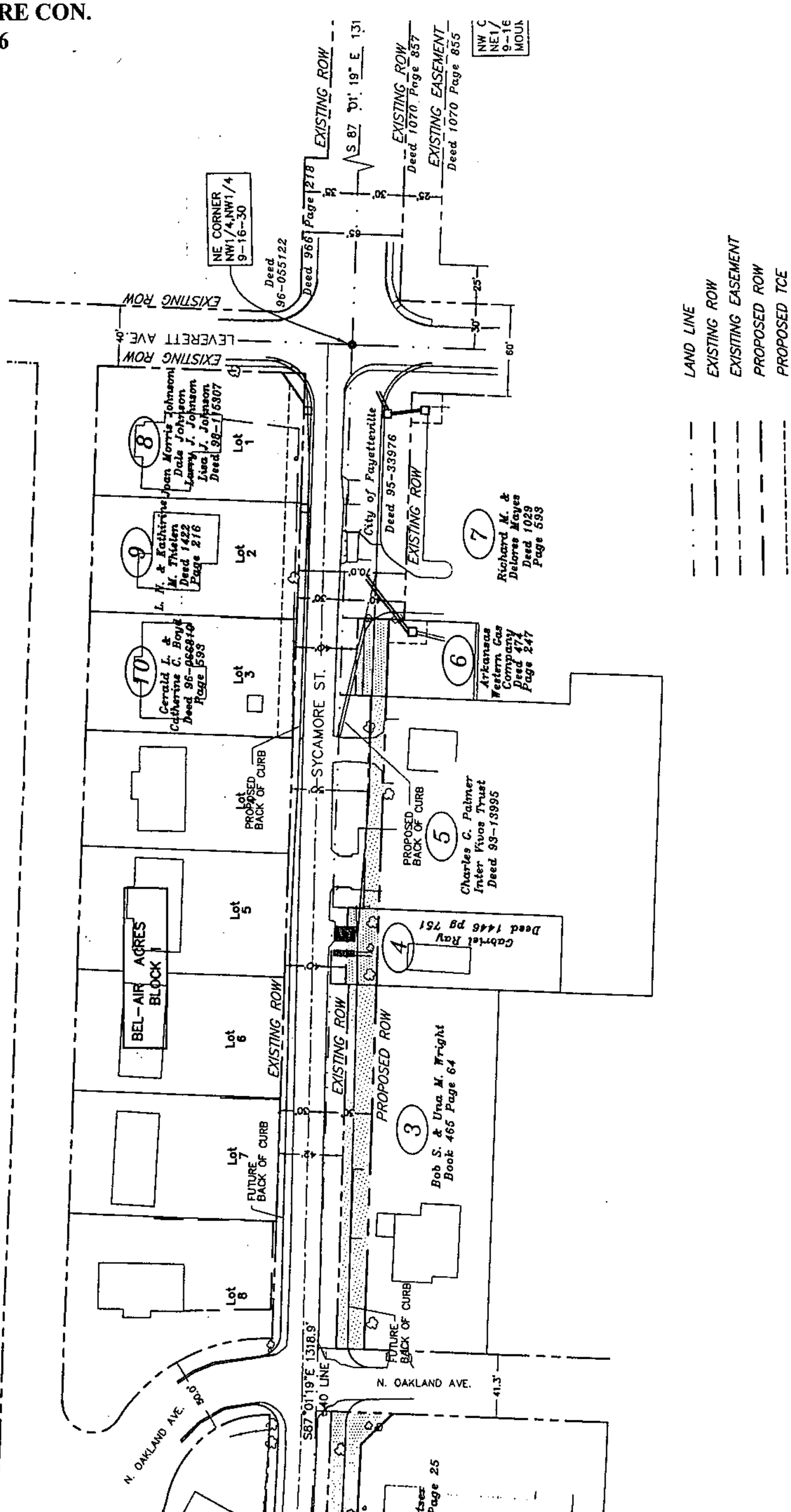
Jim Beavers

Jim Beavers
City Engineer

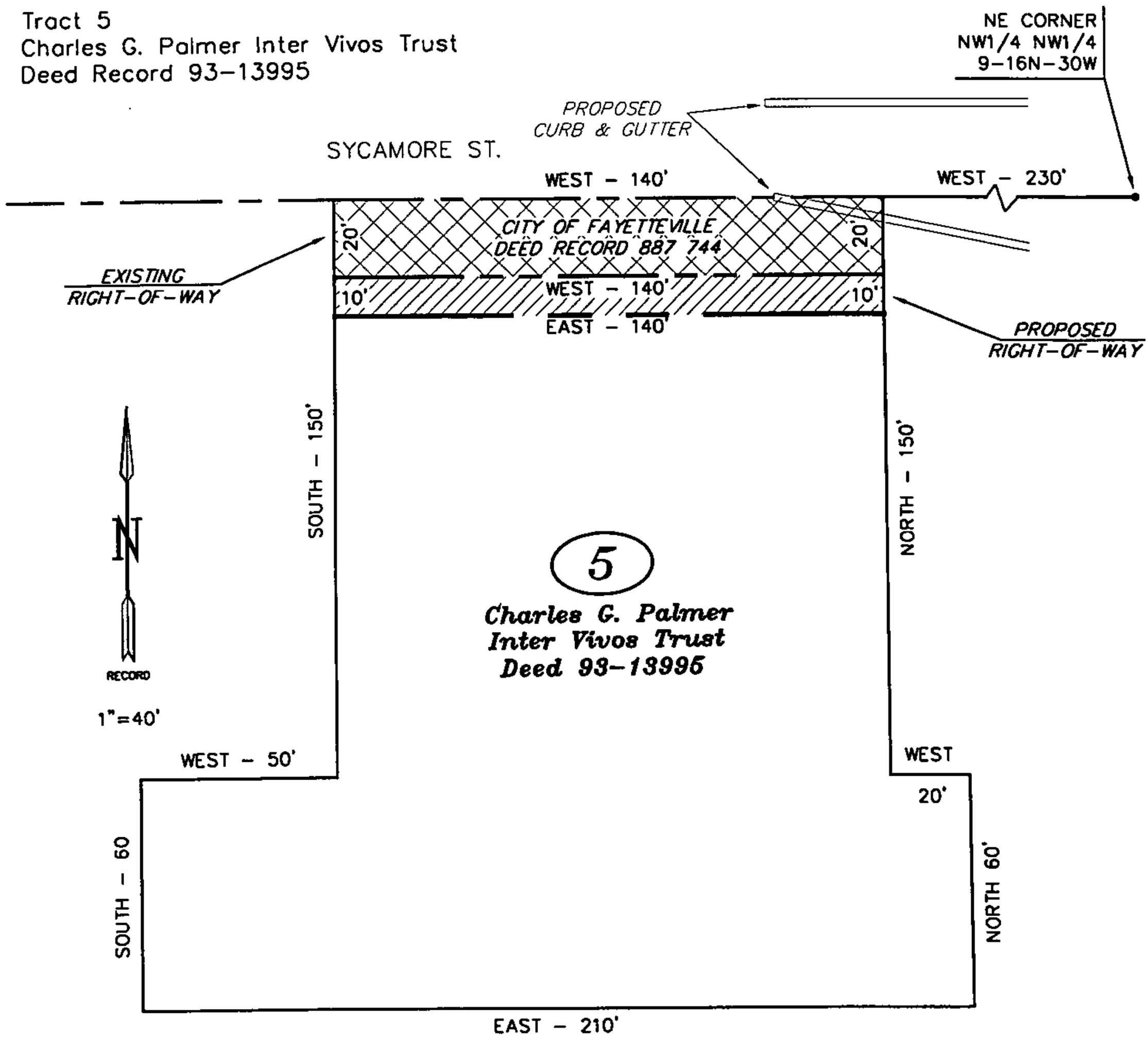
JB/jsg

Attachments

SYCAMORE CON.
C.3 page 16

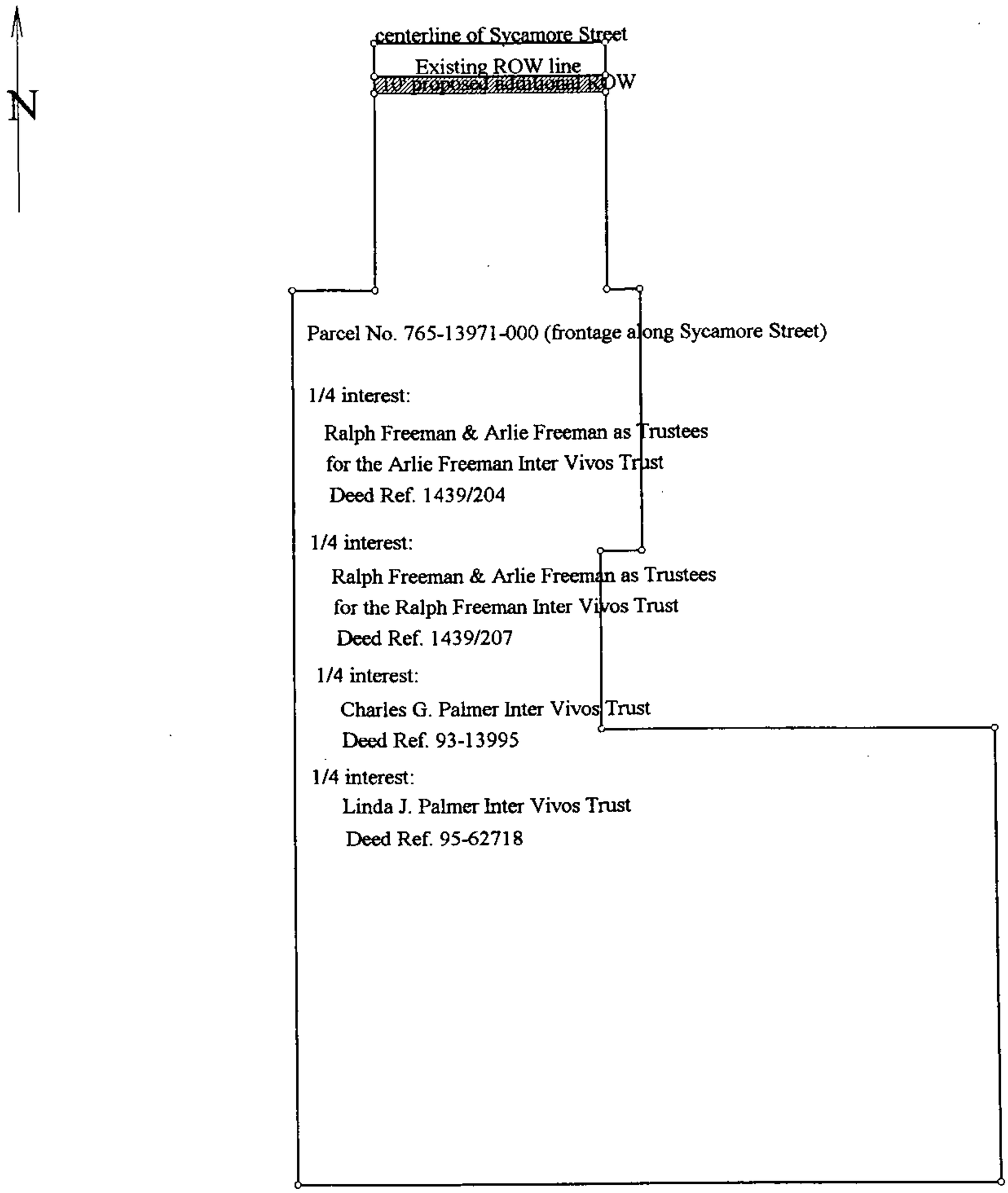


Tract Map



PROPOSED RIGHT OF WAY DESCRIPTION

Part of the Northwest Quarter (NW-1/4) of the Northwest Quarter (NW-1/4) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, more particularly described as follows: Beginning at a point 230 feet West and 20 feet South of the Northeast corner of said forty acre tract, and running thence West 140 feet; thence South 10 feet; thence East 140 feet; thence North 10 feet to the point of beginning, containing 0.03 acres (1400 square feet), more or less.


N
centerline of Sycamore Street
Existing ROW line
10' proposed additional ROW
Parcel No. 765-13971-000 (frontage along Sycamore Street)
1/4 interest:
Ralph Freeman & Arlie Freeman as Trustees
for the Arlie Freeman Inter Vivos Trust
Deed Ref. 1439/204
1/4 interest:
Ralph Freeman & Arlie Freeman as Trustees
for the Ralph Freeman Inter Vivos Trust
Deed Ref. 1439/207
1/4 interest:
Charles G. Palmer Inter Vivos Trust
Deed Ref. 93-13995
1/4 interest:
Linda J. Palmer Inter Vivos Trust
Deed Ref. 95-62718

Data and Deed Call Listing of File: SYCA-05.DES

Tract 1: 4.420 Acres: 192550 Sq Feet: 17888.5 Sq Meters: No significant closure error. : Perimeter = 2290 feet
Tract 2: 0.096 Acres: 4200 Sq Feet: 390.2 Sq Meters: No significant closure error. : Perimeter = 340 feet
Tract 3: 0.064 Acres: 2800 Sq Feet: 260.1 Sq Meters: No significant closure error. : Perimeter = 320 feet
Tract 4: 0.032 Acres: 1400 Sq Feet: 130.1 Sq Meters: No significant closure error. : Perimeter = 300 feet

001=/S90.00W 230
002=S90.00W 140
003=S00.00W 150
004=S90.00W 50
005=S00.00W 550
006=N90.00E 420
007=N00.00E 280
008=S90.00W 235
009=N00.00E 110
010=N90.00E 25
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028=/S00.00W 20
029=S90.00W 140
030=S00.00W 10
031=N90.00E 140
032=N00.00E 10

SYCAMORE CON.
C.3 page 20

Project No. 97030
Project: Sycamore Street Right of Way
Part Parcel No. 765-13971-000
Tract No. 5

TRUSTEE'S WARRANTY DEED

BE IT KNOWN BY THESE PRESENTS:

THAT I, **Charles G. Palmer**, Trustee of the **Charles G. Palmer Inter Vivos Trust u/a dated March 12, 1993**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

An undivided one-fourth (¼) interest in and to the following described real estate:

Part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, in Washington County, Arkansas, more particularly described as follows: Beginning at a point 230 feet West of the Northeast corner of said forty acre tract, and running thence West 140 feet; thence South 30 feet; thence East 140 feet; thence North 30 feet to the point of beginning, containing 0.096 acres (4,200 square feet), more or less.

It is the intention of this deed to convey both the present Sycamore Street right of way and an additional area of 1,400 square feet (0.064 acre), more or less,

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And said Trustee, in behalf of the said Trust, hereby covenants with the said Grantee that said Trust is lawfully seized of said lands and premises; that the same is unencumbered, and that the said Trust will forever warrant and defend the title to the said lands against all legal claims whatsoever.

WITNESS the execution hereof on this _____ day of _____, 1999.

Charles G. Palmer Inter Vivos Trust
u/a dated March 12, 1993

BY: _____
Charles G. Palmer, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Charles G. Palmer**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that **he** is Trustee of the **Charles G. Palmer Inter Vivos Trust u/a dated March 12, 1993**, and that **he** is duly authorized to execute the foregoing instrument for and in the name and behalf of said Trust, and further stated and acknowledged that **he** had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 1999.

_____
Notary Public

MY COMMISSION EXPIRES:

_____

Project No. 97030
Project: Sycamore Street Right of Way
Part Parcel No. 765-13971-000
Tract No. 5

TRUSTEE'S WARRANTY DEED

BE IT KNOWN BY THESE PRESENTS:

THAT I, **Linda J. Palmer**, Trustee of the **Linda J. Palmer Inter Vivos Trust u/a dated November 17, 1995**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

An undivided one-fourth (¼) interest in and to the following described real estate:

Part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, in Washington County, Arkansas, more particularly described as follows: Beginning at a point 230 feet West of the Northeast corner of said forty acre tract, and running thence West 140 feet; thence South 30 feet; thence East 140 feet; thence North 30 feet to the point of beginning, containing 0.096 acres (4,200 square feet), more or less.

It is the intention of this deed to convey both the present Sycamore Street right of way and an additional area of 1,400 square feet (0.064 acre), more or less,

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And said Trustee, in behalf of the said Trust, hereby covenants with the said Grantee that said Trust is lawfully seized of said lands and premises; that the same is unencumbered, and that the said Trust will forever warrant and defend the title to the said lands against all legal claims whatsoever.

WITNESS the execution hereof on this _____ day of _____, 1999.

Linda J. Palmer Inter Vivos Trust
u/a dated November 17, 1995

BY: _____
Linda J. Palmer, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Linda J. Palmer**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that **she** is Trustee of the **Linda J. Palmer Inter Vivos Trust u/a dated November 17, 1995**, and that **she** is duly authorized to execute the foregoing instrument for and in the name and behalf of said Trust, and further stated and acknowledged that **she** had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 1999.

_____
Notary Public

MY COMMISSION EXPIRES:

_____

Project No. 97030
Project: Sycamore Street Right of Way
Part Parcel No. 765-13971-000
Tract No. 5

TRUSTEE'S WARRANTY DEED

BE IT KNOWN BY THESE PRESENTS:

THAT WE, **Ralph Freeman and Arlie Freeman**, Trustees of the **Arlie Freeman Inter Vivos Trust u/a dated October 10, 1991**, hereinafter called GRANTORS, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

An undivided one-fourth (¼) interest in and to the following described real estate:

Part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, in Washington County, Arkansas, more particularly described as follows: Beginning at a point 230 feet West of the Northeast corner of said forty acre tract, and running thence West 140 feet; thence South 30 feet; thence East 140 feet; thence North 30 feet to the point of beginning, containing 0.096 acres (4,200 square feet), more or less.

It is the intention of this deed to convey both the present Sycamore Street right of way and an additional area of 1,400 square feet (0.064 acre), more or less,

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And said Trustees, in behalf of the said Trust, hereby covenant with the said Grantee that said Trust is lawfully seized of said lands and premises; that the same is unencumbered, and that the said Trust will forever warrant and defend the title to the said lands against all legal claims whatsoever.

WITNESS the execution hereof on this _____ day of _____, 1999.

Arlie Freeman Inter Vivos Trust
u/a dated October 10, 1991

BY: _____
Ralph Freeman, Trustee

_____
Arlie Freeman, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Ralph Freeman and Arlie Freeman**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that **they** are Trustees of the **Arlie Freeman Inter Vivos Trust u/a dated October 10, 1991**, and that **they** are duly authorized to execute the foregoing instrument for and in the name and behalf of said Trust, and further stated and acknowledged that **they** had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 1999.

_____
Notary Public

MY COMMISSION EXPIRES:

_____

Project No. 97030
Project: Sycamore Street Right of Way
Part Parcel No. 765-13971-000
Tract No. 5

TRUSTEE'S WARRANTY DEED

BE IT KNOWN BY THESE PRESENTS:

THAT WE, **Ralph Freeman and Arlie Freeman**, Trustees of the **Ralph Freeman Inter Vivos Trust u/a dated October 10, 1991**, hereinafter called GRANTORS, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

An undivided one-fourth (¼) interest in and to the following described real estate:

Part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, in Washington County, Arkansas, more particularly described as follows: Beginning at a point 230 feet West of the Northeast corner of said forty acre tract, and running thence West 140 feet; thence South 30 feet; thence East 140 feet; thence North 30 feet to the point of beginning, containing 0.096 acres (4,200 square feet), more or less.

It is the intention of this deed to convey both the present Sycamore Street right of way and an additional area of 1,400 square feet (0.064 acre), more or less,

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And said Trustees, in behalf of the said Trust, hereby covenant with the said Grantee that said Trust is lawfully seized of said lands and premises; that the same is unencumbered, and that the said Trust will forever warrant and defend the title to the said lands against all legal claims whatsoever.

WITNESS the execution hereof on this _____ day of _____, 1999.

Ralph Freeman Inter Vivos Trust
u/a dated October 10, 1991

BY: _____
Ralph Freeman, Trustee

_____
Arlie Freeman, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Ralph Freeman and Arlie Freeman**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that **they** are Trustees of the **Ralph Freeman Inter Vivos Trust u/a dated October 10, 1991**, and that **they** are duly authorized to execute the foregoing instrument for and in the name and behalf of said Trust, and further stated and acknowledged that **they** had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 1999.

_____
Notary Public

MY COMMISSION EXPIRES:

_____

Washington County Real Estate Assessment Record

Parcel Number 765-13971-000 Property Type CR

Location Address 833 SYCAMORE ST

Owner FREEMAN, RALPH ET UX CO-TR ET AL

Mailing Address C/O CHARLES PALMER
4120 ROGERS AVE
FORT SMITH AR 72903

Value Information

Current year 1995

	Appraised	Assessed
Land value	47,500	9,500
Imp. value	537,100	107,420
Total value	584,600	116,920

Legal Description

Lot Block Section-Township-Range 09-16-30

Addition 9-16-30 FAYETTEVILLE OUTLOTS

Legal PT NW NW .94 A PT NW NW 140 X 130 PT NW NW 60 X 210

Deed 03/17/93 93-13995 QC 0.00 0

School District FAYETTEVILLE SCHOOLS City description CITY OF FAYETTEVILLE

6308

QUITCLAIM DEED

RELINQUISHMENT OF CURTESY, HOMESTEAD AND DOWER

KNOW ALL MEN BY THESE PRESENTS:

THAT we, RALPH FREEMAN AND ARLIE FREEMAN, husband and wife, hereinafter called GRANTORS, for and in consideration of the sum of TEN AND NO/100 ($10.00) DOLLARS and other good and valuable consideration in hand paid by RALPH FREEMAN AND ARLIE FREEMAN AS TRUSTEES FOR THE ARLIE FREEMAN INTER VIVOS TRUST, UNDER AGREEMENT DATED OCTOBER 10, 1991, hereinafter called GRANTEE, receipt of which is hereby acknowledged, do hereby grant, bargain, sell and quitclaim unto GRANTEE and unto its heirs, successors and assigns forever an undivided one-fourth (1/4) interest in the following lands lying in Washington County, Arkansas to wit:

A part of the NW1/4 of the NW1/4 of Section 9, Township 16 North, Range 30 West, Fayetteville, Washington County, Arkansas more particularly described as follows:
Beginning of a point which is 230.0 feet West of the Northeast corner of said 40 acre tract and running:
Thence West 140.0 feet
Thence South 150.0 feet
Thence West 50.0 feet
Thence South 550.0 feet
Thence East ~~520.00~~ feet 420.00
Thence North 280.0 feet
Thence West 235.0 feet
Thence North 110.0 feet
Thence East 25.0 feet
Thence North 160.00 feet
Thence West 20.0 feet
Thence North 150.0 feet to the point of beginning, containing 4.42 acres, more or less.
Subject to street Rights-of-Way and Easements of record.

To have and to hold the same unto the said GRANTEE, and unto its successors and assigns forever, with all appurtenances

FILED FOR RECORD
'91 OCT 29 PM 12 19
WILLIAM E. CAMPBELL
CIRCUIT CLERK

SYCAMORE CON.
C.3 page 26

(2)
env.

QUITCLAIM DEED

RELINQUISHMENT OF CURTESY, HOMESTEAD AND DOWER

KNOW ALL MEN BY THESE PRESENTS:

THAT we, RALPH FREEMAN AND ARLIE FREEMAN, husband and wife hereinafter called GRANTORS, for and in consideration of the sum of TEN AND NO/100 ($10.00) DOLLARS and other good and valuable consideration in hand paid by RALPH FREEMAN AND ARLIE FREEMAN AS TRUSTEES FOR THE RALPH FREEMAN INTER VIVOS TRUST, UNDER AGREEMENT DATED OCTOBER 10, 1991, hereinafter called GRANTEE, receipt of which is hereby acknowledged, do hereby grant, bargain, sell and quitclaim unto GRANTEE and unto its heirs, successors and assigns forever an undivided one-fourth (1/4) interest in the following lands lying in Washington County, Arkansas to wit:

A part of the NW1/4 of the NW1/4 of Section 9, Township 16 North, Range 30 West, Fayetteville, Washington County, Arkansas more particularly described as follows:
Beginning of a point which is 230.0 feet West of the Northeast corner of said 40 acre tract and running:
Thence West 140.0 feet
Thence South 150.0 feet
Thence West 50.0 feet
Thence South 550.0 feet
Thence East ~~520.00~~ feet 420.00
Thence North 280.0 feet
Thence West 235.0 feet
Thence North 110.0 feet
Thence East 25.0 feet
Thence North 160.00 feet
Thence West 20.0 feet
Thence North 150.0 feet to the point of beginning, containing 4.42 acres, more or less.
Subject to street Rights-of-Way and Easements of record.

To have and to hold the same unto the said GRANTEE, and unto its successors and assigns forever, with all appurtenances

FILED FOR RECORD
'91 OCT 29 PM 12 1
WASHINGTON COUNTY
KEN ...

EW 3

FILED FOR RECORD
'93 MAR 19 PM 1 17
WASHINGTON CO AR
A. KOLLMEYER

QUITCLAIM DEED
SINGLE PERSON

NOW ALL MEN BY THESE PRESENTS:

THAT I, Charles G. Palmer, a single person, hereinafter called Grantor, for and in consideration of the sum of Ten and no/100 ($10.00) Dollars and other good and valuable consideration in hand paid by the Charles G. Palmer Inter Vivos Trust u/a dated March 12, 1993 hereinafter Grantee, receipt of which is hereby acknowledged, do hereby grant, sell and quitclaim unto the Grantee and unto its heirs, successors and assigns forever the following lands lying in Washington County, Arkansas to wit:

> A part of the NW1/4 of the NW1/4 of Section 9, Township 16 North, Range 30 West, Fayetteville, Washington County, Arkansas more particularly described as follows:
> Beginning of a point which is 230.0 feet West of the Northeast corner of said 40 acre tract and running:
> Thence West 140.0 feet
> Thence South 150.0 feet
> Thence West 50.0 feet
> Thence South 550.0 feet
> Thence East ~~520~~.00 feet 420.00
> Thence North 280.0 feet
> Thence West 235.0 feet
> Thence North 110.0 feet
> Thence East 25.0 feet
> Thence North 160.00 feet
> Thence West 20.0 feet
> Thence North 150.0 feet to the point of beginning, containing 4.42 acres, more or less. Subject to street Rights-of-Way and Easements of record.
>
> Subject to all easements, rights of way and oil and gas leases of record.
>
> Grantor owns an undivided interest in the above described property and it is intended by this deed that all of Grantor's undivided interest be conveyed to Grantee.

To have and to hold the same unto the said GRANTEES, and unto its heirs, successors and assigns forever, with all appurtenances thereunto belonging.

93 13995

SYCAMORE CON.
C.3 page 28

FILED FOR RECORD
'95 NOV 20 PM 1:37
WASHINGTON CO AR
K. HARNESS

Ryan Berry Smith, Kanber
P.O Box 848
Fayetteville Ark 72902

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Linda J. Palmer, a single person, hereinafter Grantor, for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable consideration, in hand paid by the Linda J. Palmer Inter Vivos Trust U/A dated November 17, 1995, hereinafter Grantee, the receipt and sufficiency of which is hereby acknowledged, do hereby grant, sell and quitclaim unto the Grantee and unto its heirs, successors and assigns forever the following described lands lying in Washington County, Arkansas, to-wit:

A part of the NW 1/4 of the NW 1/4 of Section 9, Township 16 North, Range 30 West, Fayetteville, Washington County, Arkansas more particularly described as follows:

Beginning of a point which is 230.0 feet West of the Northeast corner of said 40 acre tract and running:
Thence West 140.0 feet
Thence South 150.0 feet
Thence West 50.0 feet
Thence South 550.0 feet
Thence East ~~520.0~~ feet 420.0
Thence North 280.0 feet
Thence West 235.0 feet
Thence North 110.0 feet
Thence East 25.0 feet
Thence North 160.0 feet
Thence West 20.0 feet
Thence North 150.0 feet to the point of beginning, Containing 4.42 acres, more of less. Subject to street Rights-of Way and Easements of record.

Subject to all easements, rights of way and oil and gas leases of record.

Grantor owns an undivided interest in the above described property and it is intended by this deed that all of Grantor's undivided interest be conveyed to Grantee.

To have and to hold the same unto the said Grantee, and unto its heirs, successors and assigns forever, with all appurtenances thereunto belonging.

95062718

Washington County Real Estate Assessment Record

Parcel Number 765-13972-000

Property Type EX

Location Address 0

Owner CITY OF FAYETTEVILLE, ARKANSAS

Mailing Address PO DRAWER F
FAYETTEVILLE AR 72702

Value Information

Current year 1995

	Appraised	Assessed
Land value	0	
Imp. value		
Total value	0	0

Legal Description

Lot Block

Section-Township-Range 09-16-30

Addition 9-16-30 FAYETTEVILLE OUTLOTS

Legal PT NW NW .06 A 20 X 140

Deed 01/01/85 887-744 WD 0.00 0

School District FAYETTEVILLE SCHOOLS

City description CITY OF FAYETTEVILLE

FILED
FOR RECORD
'75 JUN 26 PM 1:50
WASHINGTON COUNTY
ARKANSAS
ALAN KOHMEYER
CIRCUIT CLERK

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That we, Ralph Freeman and Charles Palmer, for and consideration of the sum of One Dollar ($1.00) and other good and valuable consideration to us in hand paid by City of Fayetteville, Arkansas, A Municipal Corporation, do hereby grant, bargain and sell unto the said City of Fayetteville, Arkansas, A Municipal Corporation, and unto its heirs and assigns, the following described lands, situate in Washington County, Arkansas, to-wit:

> Twenty (20) feet of equal and uniform width off the North side of Part of the Northwest Quarter (NW-1/4) of the Northwest Quarter (NW-1/4) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, more particularly described as follows: Beginning at a point 230 feet West of the Northeast corner of said forty acre tract, and running thence West 140 feet; thence South 150 feet; thence West 50 feet; thence South 60 feet; thence East 210 feet; thence North 60 feet; thence West 20 feet; thence North 150 feet to the point of beginning.

TO HAVE AND TO HOLD The said lands and appurtenances thereunto belonging unto the said City of Fayetteville, Arkansas, a Municipal Corporation, and unto its heirs and assigns forever. And we, the said Ralph Freeman and Charles Palmer, do hereby covenant that we are lawfully seized of said land and premises; that same is unincumbered, and we will forever warrant and defend title to said lands against all claims whatever.

WITNESS our hands and seals this 5th day of June, 1975.

Charles Palmer

Ralph Freeman

ACKNOWLEDGMENT

STATE OF ARKANSAS)
COUNTY OF ~~WASHINGTON~~ Sebastian) SS

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public, within and for the County aforesaid, duly commissioned and acting, Charles Palmer to me well known as the Grantor in the foregoing Deed, and stated that he had executed same for the consideration and purposes therein mentioned and set forth.

STAFF REVIEW FORM

__X__ Agenda Request
_____ Contract Review
_____ Grant Review

FOR THE FAYETTEVILLE CITY COUNCIL MEETING OF November 16, 1999

FROM:

Charles Venable		Public Works
Name	Division	Department

ACTION REQUESTED:Approval of a Resolution authorizing the City's contribution for the construction of a gymnasium at Washington Elementary School and approval of a budget adjustment funding the contribution.

COST TO THE CITY:

$317,529	$225,000	Washington School Community Gym
Cost of this request	Category/Project Budget	Category/Project Name
2250-9250-5804-00	-0-	
Account Number	Funds used to date	Program Name
99005	$225,000	
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

__X__ Budgeted Item __X__ Budget Adjustment Attached

Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Division Head	Date	**Cross Reference**
Department Director	11-3-99 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 Fred Hanna/City Council Members

From: Charles Venable, Public Works Director

Date: November 5, 1999

Subject: Washington Elementary School Gymnasium

Attached hereto is a letter from Roy Karr, the Associate Superintendent of the Fayetteville Public Schools, regarding the subject matter.

According to Mr. Karr, bids were received from five contractors with Crossland Construction Company submitting the lowest bid. All bids came in over the budget of $475,000, of which $225,000 had been committed by the City as our share of the costs. Mr. Karr is requesting from the City of Fayetteville an additional $92,529 as our portion of the overall overrun of $185,059.

CV:msm

attachment

CELEBRATING THE PAST WHILE EMBRACING THE FUTURE

To: Mayor / City Council Members
From: Roy Karr, Associate Superintendent
Re: Washington Gym
Date: 11/1/99

Last April, the city and school district agreed to budget a combined total of $475,000 to construct a gymnasium at Washington Elementary School. The school budgeted $250,000 and the city budgeted $225,000. The gym was to be used by school children during school hours and by the community after school hours.

Our first plan was to build a gym with split-face brick and metal at an estimated cost of $500,000. When the plans were submitted to the School Board in July, 1999, a patron suggested that we build the gym with all brick to match the school. In August we asked the architect to design an all brick building and have it ready for bidding by October, 1999.

Five contractors bid on the project. Crossland Construction Company had the lowest bid of $664,000. The base bid of $664,000, plus $47,826 for the architect and engineer fee and $30,000 for gym equipment (goals) brought the total cost of the project to $741,826. With a total budget of $475,000, the project was over budget by $266,826.

Since the project was over budget we had Crossland Construction Company give us a bid on a gym designed with partial brick and metal siding. They gave us an estimated base bid of $582,233. The base bid of $582,233, plus $47,826 for the architect and engineer fee and $30,000 for gym equipment put the total cost of the project at $660,059. This total was $185,059 over budget.

We are currently looking at two bids that are over budget. The school district cannot afford to build the $741,826 gym; therfore, so we are trying to find a way to fund the $660,059 project. This will not be possible unless we get the support from the city. If the city agrees to increase their commitment to the project, they will need to fund an additional $92,529. The city's total commitment to the project would be $317,529. The school's total commitment would be $342,529.

1000 WEST STONE STREET PO BOX 849 FAYETTEVILLE, ARKANSAS 72702 (501) 444-3000

STAFF REVIEW FORM

RECEIVED
NOV 09 1999
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

X Agenda Request
____ Contract Review
____ Grant Review

FOR THE FAYETTEVILLE CITY COUNCIL MEETING OF November 16, 1999

FROM:

Charles Venable		Public Works
Name	Division	Department

ACTION REQUESTED: Approval of a Resolution authorizing the City's contribution for the construction of a gymnasium at Washington Elementary School and approval of a budget adjustment funding the contribution.

COST TO THE CITY:

$317,529	$225,000	Washington School Community Gym
Cost of this request	Category/Project Budget	Category/Project Name
2250-9250-5804-00	-0-	
Account Number	Funds used to date	Program Name
99005	$225,000	
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

X Budgeted Item X Budget Adjustment Attached

Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Emma Bagley for Marilyn Stamer	11/5/99	Yolanda Fields	11-8-99
Accounting Manager	Date	Internal Auditor	Date
	11-8-99		
City Attorney	Date	ADA Coordinator	Date
PVice	11-8-99		
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Division Head	Date	**Cross Reference**
	11-3-99	
Department Director	Date	New Item: Yes No
	11/8/99	
Administrative Services Director	Date	Prev Ord/Res #:
	11/8/99	
Mayor	Date	Orig. Contract Date:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Fred Hanna/City Council Members

From: Charles Venable, Public Works Director

Date: November 5, 1999

Subject: Washington Elementary School Gymnasium

Attached hereto is a letter from Roy Karr, the Associate Superintendent of the Fayetteville Public Schools, regarding the subject matter.

According to Mr. Karr, bids were received from five contractors with Crossland Construction Company submitting the lowest bid. All bids came in over the budget of $475,000, of which $225,000 had been committed by the City as our share of the costs. Mr. Karr is requesting from the City of Fayetteville an additional $92,529 as our portion of the overall overrun of $185,059.

CV:msm

attachment

Fayetteville Public Schools

CELEBRATING THE PAST WHILE EMBRACING THE FUTURE

To: Mayor / City Council Members
From: Roy Karr, Associate Superintendent
Re: Washington Gym
Date: 11/1/99

Last April, the city and school district agreed to budget a combined total of $475,000 to construct a gymnasium at Washington Elementary School. The school budgeted $250,000 and the city budgeted $225,000. The gym was to be used by school children during school hours and by the community after school hours.

Our first plan was to build a gym with split-face brick and metal at an estimated cost of $500,000. When the plans were submitted to the School Board in July, 1999, a patron suggested that we build the gym with all brick to match the school. In August we asked the architect to design an all brick building and have it ready for bidding by October, 1999.

Five contractors bid on the project. Crossland Construction Company had the lowest bid of $664,000. The base bid of $664,000, plus $47,826 for the architect and engineer fee and $30,000 for gym equipment (goals) brought the total cost of the project to $741,826. With a total budget of $475,000, the project was over budget by $266,826.

Since the project was over budget we had Crossland Construction Company give us a bid on a gym designed with partial brick and metal siding. They gave us an estimated base bid of $582,233. The base bid of $582,233, plus $47,826 for the architect and engineer fee and $30,000 for gym equipment put the total cost of the project at $660,059. This total was $185,059 over budget.

We are currently looking at two bids that are over budget. The school district cannot afford to build the $741,826 gym; therfore, so we are trying to find a way to fund the $660,059 project. This will not be possible unless we get the support from the city. If the city agrees to increase their commitment to the project, they will need to fund an additional $92,529. The city's total commitment to the project would be $317,529. The school's total commitment would be $342,529.

1000 WEST STONE STREET PO BOX 849 FAYETTEVILLE, ARKANSAS 72702 (501) 444-3000

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department:	Public Works	Date Requested	Adjustment #
1999	Division:	Parks & Recreation	November 16, 1999	
	Program:	Parks Capital		

Project or Item Requested:

$92,529 in additional funding for the Washington Elementary School capital project.

$176,000 for the Walker Park Senior Complex, $24,000 for the Lake Fayetteville /Sequoyah Improvements, & $25,000 for the Master Park Plan capital project all of which to be placed in the Parks Development Fund.

Project or Item Deleted:

$92,529 from the Parks Maintenance Complex capital project.

$176,000 from the Walker Park Senior Complex, $24,000 from the Lake Fayetteville /Sequoyah Improvements, & $25,000 from the Master Park Plan capital project all of which to be transferred from the Sales Tax Capital Fund.

Justification of this Increase:

The bids came in for this project at a cost of $660,059. The Fayetteville Public School District has asked for an additional $92,529 in City contribution for this project.

Several project budgets will be moved from Sales Tax Capital Fund to the Parks Development Fund in order to keep all of the Washington School Gym funding in one source.

Justification of this decrease:

Sufficient funding remains to meet project objectives.

The funding sources for these projects will be moved from Parks Development Fund to Sales Tax Fund. The project budgets will not be changed.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Washington School Gym	317,529	4470	9470		5806	00	99005	1
Walker Pk Senior Complex	176,000	2250	9250		5806	00	96092	1
Lk Fay/Seq Improvements	24,000	2250	9250		5806	00	97017	1
Master Park Plan	25,000	2250	9250		5806	00	99025	1

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Parks Maint Complex	92,529	4470	9470		5804	00	97019	20
Walker Pk Senior Complex	176,000	4470	9470		5804	00	96092	1
Lk Fay/Seq Improvements	24,000	4470	9470		5806	00	97017	1
Master Park Plan	25,000	4470	9470		5806	00	99025	1
Washington School Gym	225,000	2250	9250		5806	00	99005	1

Approval Signatures

Requested By	Date
Budget Manager	11-5-99 Date
Department Director	11-8-99 Date
Admin. Services Director	11/16/99 Date
Mayor	Date

Budget Office Use Only

Type: A B C (D) E

Date of Approval _____

Posted to General Ledger _____ _____

Posted to Project Accounting _____ _____

Entered in Category Log _____ _____

Blue Copy: Budget & Research / Yellow Copy: Requester

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WASH. GYM.
GIVEN OUT AT
COUNCIL

THE WILSON PARK NEIGHBORHOOD ASSOCIATION

November 16, 1999
To Mayor Hannah and the Fayetteville City Council
Re: Gymnasium at Washington School

On November 14, 1999, the Wilson Park Neighborhood Association adopted the following resolution:

We resolve to support the building of a brick-faced gymnasium adjacent to Washington School so as to maintain the integrity of the surrounding neighborhood by erecting a structure that is both physically and esthetically compatible with the existing historic school building. Furthermore, we applaud the efforts of City Council to create durable and attractive public buildings.

Sincerely,

Steve Frankenberger

Steve Frankenberger
President,
Wilson Park Neighborhood Association

BOTANICAL GARDEN SOCIETY OF THE OZARKS, INC.
P.O. Box 3079 • Fayetteville, Arkansas 72702-3079 • 501-443-6638

November 3, 1999

TO: Fayetteville City Council

FROM: Donna Porter, Director
Botanical Garden Society of the Ozarks

RE: Matching Funds

The effort to establish and develop The Botanical Garden of the Ozarks is now in its seventh year and making progress. The Botanical Garden Society has recently hired the Portico Group, a landscape architectural firm out of Seattle, to develop the master plan for the garden. This firm was chosen due to their knowledge and experience in this specialized area of planning. The master planning has begun and will continue contingent on funding availability.

Two firms have been sub-contracted by Portico to complete this planning team. One is AldrichPears, who will develop the interpretive plan for the garden, and the other is Dean Runyan Associates, who will conduct the feasibility study for the garden. The resulting work of these two firms is essential in developing a comprehensive, final master plan.

I was recently informed by Alett Little of a matching grant program from the Arkansas Department of Parks and Tourism which provides up to $15,000 from the state for tourism attraction feasibility studies. The grant application must be submitted by an incorporated Arkansas city. This up-to-$15,000 in state funding must be matched by the city submitting the application. In the grant's guidelines it specifically states that botanical gardens are eligible for this funding. The Botanical Garden Society cannot apply on its own behalf, but will work with the city 'agent' submitting the proposal to provide certain information that is required.

The total cost of the Feasibility Study will be $29,049.78. **The Society is asking the City of Fayetteville to assist in this essential planning element of the Botanical Garden of the Ozarks and match half of the total amount, which would equal $14,524.89**. The remaining half is what will be applied for, through the city, from the state's Parks and Tourism Department.

If this request is approved by the city council the city agent must submit, along with the application, a statement of the minutes from the city council meeting approving the matching fund request and provide a statement affirming the amount of funds held by or committed to the project. Deadline for application is November 26, 1999.

For more detailed information, I have attached the application guidelines.

ARKANSAS TOURISM ATTRACTION FEASIBILITY STUDY MATCHING GRANT PROGRAM

Rules and Regulations

INTRODUCTION

Welcome to the Arkansas Department of Parks & Tourism's "TOURISM ATTRACTION FEASIBILITY STUDY MATCHING GRANT PROGRAM." This information is designed to assist you through the application process. If you have questions, please feel free to call or write to: Tourism Attraction Feasibility Study Grant Program; Arkansas Department of Parks & Tourism, Tourism Development Section; One Capitol Mall, Little Rock, Arkansas 72201; Telephone: 501-682-5240; Fax: 501-682-2523.

AN OVERVIEW OF THE BASICS

I. WHO MAY APPLY?

Eligible Applicants

The only entities eligible to apply for financial assistance for a tourism attraction feasibility study are:

- Incorporated Arkansas Cities
- Arkansas Counties

Unincorporated cities or communities must seek county sponsorship of the study. Of course, incorporated cities may submit a joint application with counties or other incorporated cities for the sponsorship of the study.

Ineligible Applicants

The following may not make application for the Tourism Attraction Feasibility Study Grant Program:

- Chambers of Commerce
- Regional Tourist Associations
- Advertising and Promotion Commissions
- Convention and Visitors Bureaus
- Colleges and Universities
- Other private non-profit corporations, foundations, clubs or organizations
- Any other private entity

Only one grant per fiscal year (July 1 - June 30) will be allowed per applicant unless a county is applying on behalf of separate cities. Only one grant per project will be allowed during the life span of the project.

II. HOW MUCH MAY WE APPLY FOR?

Applicants may apply for up to $15,000 in reimbursable matching funds. The applicant must be able to match the grant amount with a like amount of cash. In-kind contributions are ineligible as a match. Other state funds received by a city or county qualifying or utilizing funds under this program are also ineligible as a match. Grant awards will be made to eligible applicants on the basis of available appropriated funds. Each grant will be given on a matching one-for-one basis. For example, if a city applies for $15,000 in matching funds, it must be able to match the grant with $15,000.

III. WHAT TYPES OF PROJECTS MAY WE APPLY FOR?

Only tourism attraction feasibility studies can be funded through this program. A tourism feasibility study is defined as research conducted for the purpose of determining the possibility and potential of a specific tourism attraction within the city or county boundaries. Tourism attraction means cultural or historical site, recreational or entertainment facility, area of natural phenomenon or scenic beauty, theme park, amusement or entertainment park, indoor or outdoor play or music show, botanical gardens, or cultural or educational centers.

IV. WHEN IS THE APPLICATION DUE?

There will be three grant award periods per fiscal year with a maximum of $15,000 per grant being awarded. The fiscal year for the Arkansas Department of Parks & Tourism is July 1 through June 30. The deadline for receipt of applications is 5:00 p.m. on the last Friday in July, the last Friday in September, and the last Friday in November. All applications must be physically received in the Parks & Tourism office by these dates. Appli-

cations simply postmarked by these dates are not acceptable. Applications may be faxed to 501-682-2523, but they must arrive prior to the above deadlines. If the application is faxed, all forms containing original signatures must be postmarked on or before the application deadlines.

V. WHERE TO SEND THE APPLICATION:

Tourism Attraction Feasibility Study Grant Program
Arkansas Department of Parks & Tourism
Tourism Development Section
One Capitol Mall
Little Rock, Arkansas 72201

Arkansas.
THE NATURAL STATE

VI. HOW THE APPLICATION CAN BE PREPARED:

The application can be prepared locally or by consultants (grant preparation cannot be paid for with grant funds). The Tourism Development staff will be available to assist with any questions about the grant application.

VII. WHAT TO INCLUDE IN THE APPLICATION:

All requests for state grant funds under this program must be submitted on the enclosed application form. Each applicant must submit a statement of the minutes or administrative order from the governing city or county board approving the matching fund grant request and a statement affirming the amount of funds held by or committed for the project. Each city or county must appoint an agent to act as a coordinator between the city or county and the Arkansas Department of Parks & Tourism. The agent's name, mailing address, and phone number must be listed on the application form.

A statement of procedures that will be used by the party conducting the study must be submitted with the application. In addition, a summary of how the study will be utilized and benefit the grantee must be submitted. When the study is contracted to a vendor outside of the city or county governmental operation, the name of the professional firm, a brief history and list of clients and experience, and the procedures it will use to perform the study must be presented with the application.

VIII. WHAT ARE OUR OBLIGATIONS?

The Tourism Director of the Arkansas Department of Parks & Tourism will appoint a panel to review and approve qualifications of all grant applications. Recommendations by this panel will be made to the Tourism Director or his appointee for the awarding of the grants within fifteen (15) days of the application due date.

All feasibility studies must be completed within 120 days/4 months of the awarding of the grant, or they may be considered void and canceled. The Tourism Director or his appointee may approve an extension of the completion date, but in no case may the completion date be extended beyond June 30 of the fiscal year in which the grant is awarded. Matching funds may only be expended for the purpose as reported in the application and approved by the Tourism Director or his appointee.

In some instances, the Department may require standard or special procedures to be used in completing grants. In such cases, these procedures will be issued before the grant is approved, accepted, and made a part of the application.

A copy of the tourism attraction feasibility study must be submitted to the Arkansas Department of Parks & Tourism within thirty (30) days after its completion. In addition, a summary of how the study will be used must be submitted.

IX. REQUEST FOR PAYMENT:

Within thirty (30) days of completion of the study, the city or county must submit the following:

(1) A completed, legible Request for Payment Form (enclosed), verifying that the city or county has completed and spent at least one-half of the grant amount or total project cost from funds provided by the city or county.

(2) Copies of itemized invoices reflecting the total cost of the project.

(3) A copy of the city or county's canceled checks (front and back) or cashier's checks reflecting that one-half or more of the grant amount has been expended as required in the application.

(4) A copy of the tourism attraction feasibility study and a summary of how the study will be used.

ATTACHMENTS: (1) Application for Funding; (2) Request for Payment Form

given out at Council

Address to City Council about Character Cities
November 16, 1999

I'm Judith Levine. I was born in Fayetteville and so were my children. First of all, I'd like to say how very grateful I am that Mayor Hannah has brought the issue of character-building to the attention of all of Fayetteville. Thank-you. I think character-building is a great idea.

No one could possibly argue with the desire and need for us all to be educated about the importance of good character. It should be a matter of course to teach and live by certain basic tenets of good character:

trustworthiness, respect, responsibility, fairness, caring, citizenship

I learned all these things at home and at school and it was all reinforced in my religious education. I teach them to my children and I hope that everyone is doing that..... but, maybe everyone isn't doing that anymore.... maybe there are even adults who never learned all that.... so how can they teach their children? I know that Mike Mason, the principal at Washington School emphasizes character every day. There is a character word of the month and students are rewarded for showing how well they display those traits. I think all the schools should be doing character-building. All the community and civic organizations and government offices should have this kind of training as well. Maybe we should be asking Mike what program he uses!

I did a little investigation. I got on the web and did a search for "CHARACTER". There were some 17 thousand possible sites to look at! There were many programs that encourage character-building and I looked at a few.

One interesting organization is called "CharacterCounts!". It has a list of 371 coalition members. Its membership includes:

largest Protestant denomination in the country, the Southern Baptist Convention, launched a mission to convert Jews. This is one reason why I am a little touchy about any kind of public program that has even been perceived to have its roots in religion. I do not mean to unduly condemn the International Association of Character Cities. However, if there are any religious organizations that are hiding their proselytizing intentions so as to circumvent the Supreme Court decisions about separation of church and state, they are not being particularly honest, and circumventing authority is not a character trait that I would wish to have endorsed by my community. I merely wish to illustrate the need for truly non-partisan ways to teach character-building.

These are divisive issues and Fayetteville desperately needs unifying programs. In light of the fact that there are apparently other well-established programs out there that may better fit our needs, I suggest that we do some more investigation so that we can all be sure that the programs we embrace, if indeed any, are as inclusive as possible.

If we are listed as affiliates of a particular Character program, everyone will assume that our City endorses all of its tenets. I was unable to ascertain what the character traits are that the proposed program will teach, although I understand that if Fayetteville does adopt a program, it will not include the traits of "Faith" or "Obedience" and I agree because "Faith" is clearly not a proper tenet for a municipality to adopt and I think the Supreme Court still agrees. As far as "Obedience" goes, although following rules and laws as well as respect for authority are important -- indeed vital for our very existence-- I would like to leave you with the thought that blind obedience is what allowed horrors such as the Holocaust to happen; and in fact it still allows women and children to be abused and battered, sometimes, to death.

American Association of School Administrators,
American Federation of Teachers,
American Red Cross,
Big Brothers and Big Sisters of America,
Boys & Girls Clubs of America,
Camp Fire Boys and Girls,
4-H,
Little League Baseball,
International Assn.. of Chiefs of Police,
Points of Light Foundation,
United Way of America,
YMCA of the USA,
Youth Volunteer Corps of America...

and those are just a few of the national organizations... then there are school districts from all over the country, cities and community organizations... the list was impressive, very diverse and very inclusive.

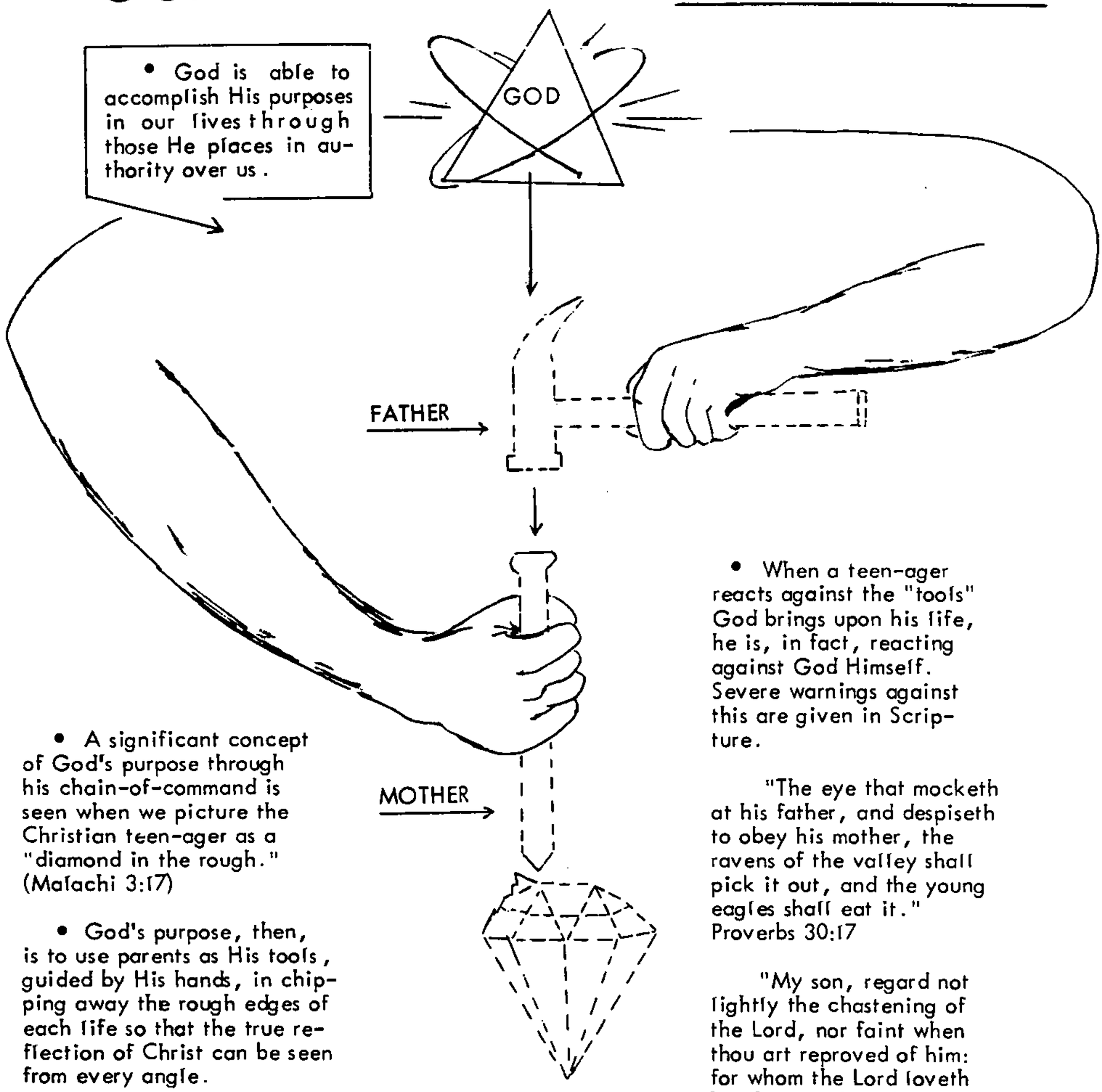
I called the mayor's office and some aldermen, I left messages asking if what we were becoming involved with was this organization called CharacterCounts!. Several aldermen called me back and I got a lovely call from Mrs. Hannah in response to my call to the mayor's office. They all said that CharacterCounts! is not the program we are considering. They each promised to try to look at the CharacterCounts site as well as several other promising organizations. I told each of them that I was extremely interested in Fayetteville endorsing character-building programs and that I would love to be included in a committee to find some good ones. I have since taken a look at the International Association of Character Cities site and was not able to ascertain much from the web-site. Their educational program, CharacterFirst has a web-site which is still under construction. They do have several other cities that are affiliated with them, but nothing like the list I saw on the CharacterCounts site.

Now some unpleasant background: during the summer of 1996, at their annual meeting, incredible as it may seem, the

HOW BIG IS YOUR GOD?

GOD'S PURPOSE IN HIS CHAIN-OF-COMMAND

• God is able to accomplish His purposes in our lives through those He places in authority over us.



Copyright 1969 Institute in Basic Youth Conflicts

• A significant concept of God's purpose through his chain-of-command is seen when we picture the Christian teen-ager as a "diamond in the rough." (Malachi 3:17)

• God's purpose, then, is to use parents as His tools, guided by His hands, in chipping away the rough edges of each life so that the true reflection of Christ can be seen from every angle.

• When a teen-ager reacts against the "tools" God brings upon his life, he is, in fact, reacting against God Himself. Severe warnings against this are given in Scripture.

"The eye that mocketh at his father, and despiseth to obey his mother, the ravens of the valley shall pick it out, and the young eagles shall eat it."
Proverbs 30:17

"My son, regard not lightly the chastening of the Lord, nor faint when thou art reproved of him: for whom the Lord loveth he chasteneth and scourgeth every son whom he receiveth."
Hebrews 12:5 (Phillips)

• SEVERAL SIGNIFICANT INSIGHTS ARE ESSENTIAL FOR PROPERLY IDENTIFYING THE HAND OF GOD IN THE AUTHORITY OVER US. →

RZ99-28

RECEIVED
NOV 16 1999
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

BILL OF ASSURANCES

This declaration of a Bill of Assurances made and published on this 16 day of November, 1999, by William Weatherford and Barbara J. Weatherford, Husband and Wife, and Larry F. Swain and Brenda M. Swain, Husband and Wife, the owners of certain real estate ("the Property") located in the City of Fayetteville, Washington County, Arkansas, and more particularly described as follows:

SEE ATTACHED EXHIBIT A.

WHEREAS, the owners of the Property propose to sell the Property to developers who will be constructing a multi-family residential development on the Property in accordance with the ordinances if the City of Fayetteville; and

WHEREAS, although the City of Fayetteville's R-2 zoning district permits up to 24 units per acre, the owners are willing to restrict the Property so that fewer units are built than are permitted by law; and

WHEREAS, the owners intend to set forth herein its agreement to limit the number of dwelling units to be constructed in said multi-family residential development on the Property, and the number of bedrooms per acre, which shall run with the land and be binding on all successors in interest to the Property.

THEREFORE, it is hereby agreed that the owners of the Property are desirous of making a declaration in the form of this Bill of Assurances that the number of dwelling units to be constructed on the Property shall not exceed a maximum of Fifteen (15) units per acre and Forty (40) bedrooms per acre, with the intention of binding the owners of the Property described in this Bill of Assurances, and all subsequent owners of the Property, concerning the obligations of

restrictions set forth herein, as such shall be covenants running with the land, thereby guaranteeing the preservation of certain values and amenities in the community.

It is further agreed that the above-described real property shall be developed, transferred, sold, conveyed and occupied subject to the restriction contained herein that the number of dwelling units and bedrooms per acre in any multifamily development to be constructed thereon be limited to a maximum density of Fifteen (15) units per acre and Forty (40) bedrooms per acre.

WITNESS our hands on the date first above written.

William Weatherford

Larry F. Swain

Barbara J. Weatherford

Brenda M. Swain

ACKNOWLEDGMENT

STATE OF ARKANSAS)
Benton)ss.
COUNTY OF ~~WASHINGTON~~)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, duly commissioned and acting within and for the County and State aforesaid, William Weatherford and Barbara J. Weatherford, Husband and Wife, personally known to me to be the persons subscribing to the foregoing Bill of Assurances, and who stated to me that they had executed the same for the purposes and considerations therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 16th day of November, 1999.

MARILYN MOTHERSHEAD
COMM. EXP.
NOTARY
PUBLIC
2-1-2003
BENTON COUNTY, ARKANSAS

Marilyn Mothershead
Notary Public

My Commission Expires: 2-1-2003

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)ss.
COUNTY OF ~~WASHINGTON~~ Benton)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, duly commissioned and acting within and for the County and State aforesaid, Larry F. Swain and Brenda M. Swain, Husband and Wife, personally known to me to be the persons subscribing to the foregoing Bill of Assurances, and who stated to me that they had executed the same for the purposes and considerations therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 16th day of November, 1999.

Marilyn Mothershead
Notary Public

MARILYN MOTHERSHEAD
COMM. EXP.
NOTARY
PUBLIC
2-1-2003
BENTON COUNTY, ARKANSAS

My Commission Expires: 2-1-2003

EXHIBIT "A"

Land located on Deane Street, Fayetteville, Arkansas consisting of approximately 11.64 acres and being Lots 1,2,3,10, and 17, replat of University Acres Subdivision as shown on Maps 364 & 403, and as shown on Sketch SK-1 attached hereto

What will a botanical garden offer you and your community?

Education: Through demonstrations, workshops, interpretive signage, guided tours and a library, an atmosphere of learning will be created for visitors to the garden. Innovative educational programs for area children will heighten their appreciation and awareness of the plant world. Everything you want to know about plants and gardening will be all in one place.

Recreation: Designed in a park-like fashion, the plant displays, theme gardens, architectural and landscape features, greenhouses, trails, and natural areas will offer local residents, children, and visitors to the area access to a safe and affordable place in which to find amusement and inspiration. The garden will have a special ability to excite your senses, as well as calm your soul.

Scientific research: The public's knowledge of plants and their usages will be enriched by our practical research programs. Uniting with university researchers on special projects will increase research potential. Advancements in horticulture throughout the state, will be a product of this research and shared knowledge.

Economic Growth: Employment opportunities in the plant sciences, education, administration, marketing, construction, clerical, and maintenance will become available. Local merchants will benefit by an increased, year-round flow of visitors to the area.

Volunteer opportunities: People of all ages will find pleasure and satisfaction in conducting garden tours, maintaining plant displays, assisting at special events or working in the garden's gift shop.

Therapeutic benefits: Specially designed gardens and programs for the elderly and people with disabilities will offer unique experiences for these special garden visitors. However, anyone who enters the garden's gates will reap the therapeutic benefits of being in touch with nature.

A place to host special events: Your group, business, or family can rent an indoor or outdoor garden space for a business luncheon, wedding, garden club meeting, art exhibit, or fund raiser. All who attend will be enchanted by this unique garden setting.

Environmental conservation and preservation: Thought-provoking practices will be illuminated throughout the garden. Being good stewards of this land will be a top priority. The garden will be a living museum, preserved and cherished for generations to come.

Aesthetic beauty: The botanical garden will be a beautiful addition to our Northwest Arkansas community and will encourage more beautification and environmental thoughtfulness throughout our region.

Increased quality of life in Northwest Arkansas: Through all the above benefits, our area will become a better place to live, work, and visit.

How can you help build Northwest Arkansas' first & only Botanical Garden?

Join as a member now! Just fill out and return the attached membership application with your membership fee. Many volunteer opportunities are available. Also, pass the word and get others to join or contribute. This will be a phenomenal place for everyone to enjoy—and it will take everyone's help to make it materialize and grow.

FOR MORE INFORMATION:
Call the BGSO office at 501-443-6638
See the BGSO web site at www.bgso.org
or e-mail info@bgso.org

Name _____

Address _____

City, State, Zip _____

Phone _____ Date _____

MEMBERSHIP CATEGORY

- ❑ Senior Citizen (age 62+) $10
- ❑ Student $10
- ❑ Individual $25
- ❑ Family $35
- ❑ Small Business/Organization $100
- ❑ Sustaining $125
- ❑ Corporate $500
- ❑ Patron $1000
- ❑ Renewal

AMOUNT ENCLOSED _____

All contributions are tax-deductible to the full extent of the law.
We are a 501(c)(3) organization.

MAKE CHECKS PAYABLE TO:
Botanical Garden Society of the Ozarks, Inc.
P.O. Box 3079 • Fayetteville, AR 72702-3079
PHONE: 501-443-6638

WE ACCEPT VISA AND MASTERCARD

Card # _____ Exp. _____

Botanical Garden Society of the Ozarks, Inc.
P.O. Box 3079 • Fayetteville, AR 72702-3079

MISSION STATEMENT

The Society's mission is to establish and operate a botanical garden in Northwest Arkansas, where diverse collections of plants will be displayed, utilized and preserved for educational, environmental, recreational and scientific purposes, thereby promoting public awareness of the vital and unlimited roles that plants perform.

NON PROFIT
ORGANIZATION
U.S. POSTAGE
PAID
FAYETTEVILLE AR
PERMIT NO. 927

The Botanical Garden of the Ozarks

Help It

Make It

See It

GROW!

A Botanical Garden . . . a place that celebrates plants

Where will the botanical garden be located?

The Botanical Garden of the Ozarks will be centrally located between Fayetteville and Springdale, Arkansas. The 100-acre site, which has been leased to the Botanical Garden Society of the Ozarks, Inc. by the city of Fayetteville, lies on the south and southeast shore of Lake Fayetteville. The garden's core area will be accessed from highway 265, just north of Zion Road.

Who will operate the garden?

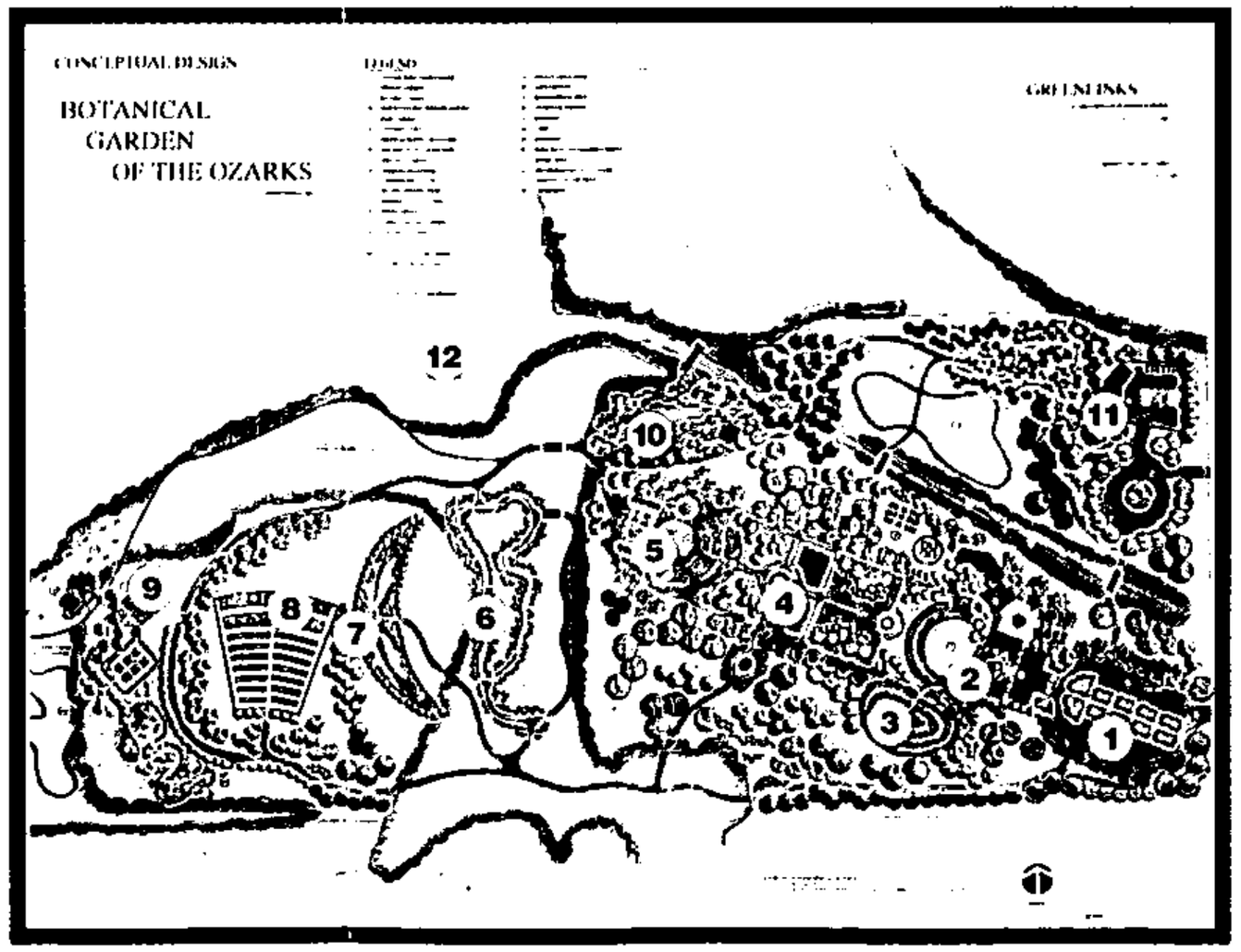
The garden will be staffed and operated solely by the Botanical Garden Society of the Ozarks' personnel and volunteers from our Northwest Arkansas region.

How will funding be generated to build and operate the garden?

Funding sources to build the garden include: government and corporate grants, individual and corporate contributions, special event revenues, planned giving donations, and membership fees. Once the garden is operational, these funding sources will be supplemented by admission and program fees, rental fees, and gift shop income.

This Conceptual Plan, designed by Kay Curry, represents approximately 60 of the 100-acre site. The remaining 40 lies to the west of the Children's Garden. This wooded area will be restored and maintained as the garden's natural area.

1. Hwy. 265 Entrance & Parking
2. Visitor/Education Center
3. Horticulture Therapy Garden
4. Display Gardens
5. Conservatory
6. Woodland Gardens & Collections
7. Moon Garden
8. Demonstration Gardens
9. Children's Garden
10. Japanese Garden
11. Maintenance/Greenhouse & Plant Nursery Area
12. Lake Fayetteville



Garden Elements

FALL 1999 VOLUME 6, ISSUE 1

Master Planning Begins—New Concepts Unfolding

by Donna Porter

After what seems like years of preparation and anticipation, Master Planning for the Botanical Garden of the Ozarks has begun. The Portico Group, an award-winning landscape architectural firm from Seattle, was selected this past June by the Society's Master Planning Committee and Board to develop the Master Plan for the garden. This plan will serve as the overall framework for the garden's layout and programming, and after a week of working along side the Portico team, the absolute necessity of this phase of planning has become very apparent.

Five members of the Portico team visited Fayetteville during the week of September 27th. They included Becca Hanson, the founding Principal of the firm who is, in essence, the mastermind of the group; Sara Myhre, a bright, young landscape architect originally from Little Rock; and Catherine Kenyon, a competent researcher and writer who formerly worked for the Smithsonian Institute. The other portion of the team was sub-contracted by Portico and included Dean Runyan, from Dean Runyan Associates in Portland, and Phil Aldrich, with Aldrich and Pears from Vancouver, B.C. Dean is working on the market analysis and business planning aspects, while Phil adds essential interpretive planning. The interpretive plan brings to life the stories or lessons we want our garden to teach its visitors. The new concepts that unfolded from these five creative minds throughout the week of their stay were quite phenomenal. I was in awe of how the information gained through their own research, site walks, brainstorming sessions, and meetings (with our Master Planning Committee, Board, and outside interest groups) was all assimilated and refined into a new vision for the garden.

Sarah Myhre (left), Catherine Kenyon (center), and Becca Hanson, all with The Portico Group, stop in th wildflower meadow on the botanical garden site to look at maps and get perspective of the property.

Phil Aldrich, the Portico team's interpretive planner

Dean Runyan, the Portico team's economic and market researcher

To receive input and to assess comments and concerns from people not directly associated with the Society, an all day "Team Building" workshop (see page 2) was held at the botanical garden office. This entailed conducting hour long sessions with representatives from area public schools, garden clubs, the nursery industry, the city of Fayetteville, and the University of Arkansas. These sessions were very helpful to the master planners in getting a better picture of what people from outside the organization feel is important in the development of this garden. Valuable insight was gained from this high energy day, and Portico immediately embraced and incorporated these thoughts and concerns into the new conceptual plan for

continued on page 7

HIGHLIGHTS IN THIS ISSUE

2 Workshop

3 Funding News

4 Volunteers

5 Timberframe Construction

6 Taubus House Event

7 Hello

BGSO IS ONLINE! See our Web site at www.bgso.org

"Team Building" Workshop Reveals Ideas

On Wednesday, September 29, the Botanical Garden office on 44 N. School Ave. was buzzing with activity during a "Team Building" workshop conducted throughout the day. The workshop was part of the schedule of activities for the master planning of the garden and was facilitated by the Portico team. They believe that at this point in our planning stage it is essential to gather input from groups that have real interests in this botanical garden. One hour sessions ran from 9:00am to 5:00pm and included individuals representing Northwest Arkansas public schools, Garden Clubs & Plant Societies, the nursery industry, as well as the City of Fayetteville and the University of Arkansas.

Portico team members Catherine Kenyon and Sara Myhre listen to input from Gerald Klingaman, professor of Horticulture at the U of A, and Kim Hesse, Landscape Administrator for the City of Fayetteville, at the "Team Building Workshop."

The information that was conveyed by representatives of these five groups was quite revealing and inspiring. Principals, superintendents, science teachers, and curriculum coordinators from Fayetteville, Rogers, West Fork, Elkins, and Farmington school districts expressed a deep interest in the botanical garden as a potential source of new and innovative ways to inspire and teach their students. They expressed how teachers want to explore new ways to excite kids into learning, and many are proposing a "teaching through inquiry" method be added to their curriculum. The public school representatives were very receptive and eager to begin coordinating activities with the botanical garden.

The office was the liveliest when over a dozen members of regional garden clubs readily shared their thoughts about programs and ideas for the garden. Members of the Master Gardeners of Washington County were also present and emphasized the importance of utilizing and demonstrating the use of organic pesticides and composting at the garden.

Representatives of the nursery indus-

Garden Elements

is the newsletter of the Botanical Garden Society of the Ozarks, Inc., a non-profit organization working towards establishing a botanical garden in N.W. Arkansas. Publication and editing is currently done by BGSO staff and Board. Published 3 times yearly. Comments and questions welcomed.

Managing Editor: Donna Porter
Editor: Janine Lorince
Design: Ellen Beeler/EB Graphics

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P.O. Box 3079
Fayetteville, AR 72702-3079
443-6638
Office: 44 N. School Ave., Fayetteville
www.bgso.org
dporter@bgso.org

BGSO...IN MOTION

by Donna Porter, Director

If there has been any one week out of the seven years since I first started this botanical garden endeavor that has held me in a total state of euphoria, it has to be the week of master planning initiation. To gain new perspectives on our vision of the garden has been refreshing and enlightening. Our visions and planning talents are at their limits, and we are now benefiting from professional help that will coherently and creatively pull all our ideas together so that we can see this garden come to fruition within the next 3-5 years. It is all pretty darn exciting. An open invitation stands to anyone interested in participating in this exhilarating process.

Since our last newsletter published in May, a few revelations have surfaced. One is the reality of the grand cost of all of this planning and the ensuing construction costs. The old adage "you get what you pay for" is so absolutely true. Like I have said repeatedly, I want this garden to be something of which people of Northwest Arkansas will truly be proud. We can live up to our promise to build one of the most innovative botanical gardens in the nation, but we will need hefty financial support to do what we envision. My hope is that this garden will not be limited by funding—limited creativity is surely not a factor that will stifle this project. The creative juices are flowing, and we need to keep this momentum. All we need now are a few angels to take us under their wings. And yes, I do believe in angels, and I know ours are out there.

try that did attend stressed utilizing the garden as a place to display mature plant specimens and educate the public about plant material, especially native plant material, that can be used in the landscapes throughout Northwest Arkansas.

We were pleased by participation of representatives from the City of Fayetteville. Showing a sincere interest in this development were Alett Little, Economic Development Director; Kevin Crossin, Finance Administrator; Virgil Neuroth, Chamber of Commerce; Kim Hesse, Landscape Administrator; Heather Daniels, City Council woman; and Eric Schultz, Parks and Recreation Department. Their collective emphasis was on promoting this garden as a regional facility.

Faculty from the University of Arkansas Landscape Architecture Department and Horticulture Department attended the last session. They shared their thoughts about ways in which they could utilize the garden to teach, and the Landscape Architecture faculty were ready to dig in and help wherever they were needed. We were pleased with their willingness to participate.

More workshops for public feedback will be scheduled in the following stages of the master planning process. Stay tuned!

McIlroy Bank/Walton Family Foundation Contribution

Even though Jim Glenn is no longer the president of McIlroy Bank, he left his position on a grand note with BGSO supporters. Due to his voice of support for the botanical garden project, the Botanical Garden Society of the Ozarks received a check in the amount of $15,000 from the Walton Family Foundation through McIlroy Bank. Ann Henry and Carl Totemeier offered additional support in achieving this funding. These funds, which were received in August, are earmarked for payment of master planning services. Our most sincere appreciation and thanks go to Jim, Ann, and Carl, plus The McIlroy Bank Board and Jim Walton who have the insight to make such a worthy investment in Northwest Arkansas.

PHOTO BY PAULA MARINONI

Flower, Garden & Nature Society Board (from left) Paula Marinoni, Wanda Dixon, Dick Walters, Charlotte Quattlebaum (and from right) Cheryl Phillips and Gwynne Ledbetter present $3,000 check to Donna Porter and BGSO president Bill Wickizer.

Flower, Garden and Nature Society Tour Contribution

On June 5th, The Flower, Garden, and Nature Society of Northwest Arkansas held their third annual "Through the Garden Gate" Garden Tour—a tour of private gardens throughout Northwest Arkansas. Once again, the event was a huge success, and seventy-five percent of the proceeds from the tour went to the botanical garden efforts. This year, the Botanical Garden Society received a check in the amount of $3,000. This money has been designated for the ongoing construction of our maintenance building.

We are all so appreciative of Paula Marinoni, president of the Flower, Garden, and Nature Society and garden tour organizer, all the FGNS volunteers, and the owners of the six gardens that were on the tour. All the hard work that they put into this event helps the garden tour get bigger and better every year.

Bradberry Family Foundation Chips In

A check in the amount of $1,000 was received by the BGSO from the Bradberry Family Foundation to go towards payment of master planning services. The Society is elated to be gaining support from local foundations such as this and is very grateful to members of the Bradberry Family for having faith to contribute to this essential planning process of the botanical garden.

Other donations received

The Society is thankful for the financial support contributed by the Flaming Hills Garden Club in the amount of $50.00, as well as $67.00 received by Ozark Natural Foods through their Community Share Program. Through a contribution matching program of United Parcel Service, the BGSO also received a check for $167.00, matching a donation made by BGSO Board member Tammy Lorince and her husband Tommy who works for UPS.

All of the above donations were placed in our operations account.

Grant Proposals Submitted

BGSO Director Donna Porter does find the time to write grant proposals between event planning, master planning activities, newsletter publishing, office duties, and other tasks. In fact, it is definitely a priority for any Director of an establishing garden. Since May, funding proposals have been submitted to:

- The UPS Foundation for funding in the amount of $20,000
- The Stanley Smith Horticultural Trust for funding in the amount of $20,000
- Fayetteville's Advertising & Promotions Commission for funding in the amount of $20,000

Seventy-five percent of the requested monies received will go towards payment of master planning services. If anyone has experience in grant writing and would like to help in this area of garden development, please call the BGSO office.

Fall—A Busy Time for Volunteers

by Linda Gardner, Volunteer Coordinator

I hope everyone stayed cool this summer! As some of you may have realized, our June's "Site Work" Day was canceled due to rain. I hope this did not cause any inconveniences for anyone who may have made plans to work out on the site that day. We normally do not have site work during the months of July and August due to the high temperatures that we usually experience during those months, but some of our dedicated volunteers did work throughout those hot summer months assisting Michael Langford (our timber-frame craftsman) and Clancy McMahon (Chair of our Plans & Properties Committee) in preparing the posts and beams that serve as the frame for our timber-frame maintenance shed. These beams were all fitted together and 'raised' on a special work day in September. A special thanks to those volunteers who have helped during this construction project.

Our volunteers that worked at our "Meet the Master Planners" Social at the Faubus House on October 2nd got a chance to see this wonderful house, eat good food, hear great music, and be a part of a very special day. Ten of the volunteers worked as valet parkers at the event. This was a real change for our volunteers and even though none of them had really done this type of work before, they managed to organize it and pull it off all-so-beautifully. They were all pros at it by the end of the night. Other volunteers worked the door, helped the caterers, and did other assorted tasks. To all those volunteers who helped that night, thank you, we could have never done it without you. An additional thanks to Richard Maynard who volunteered his services as one of our bartenders for the event and donated his tips as well. We regret to say that we do not have any photos for this newsletter of our volunteers working at the Faubus House event. They all looked so professional dressed in black and white.

We have also been getting some new volunteers from Northwest Arkansas Community College through their Service Learning Program. Through this program, students can use volunteer service to a local non-profit organization as part of their course work. Three of our volunteers at Autumnfest were provided through this program. They all did a fine job at our booth. We hope to see more students get involved.

Well, September and October have been very busy for our volunteers. We foresee activities slowing down just a little as we move towards the holidays. So, our volunteers will get a well-deserved break.

A great big thank you to all of you who have volunteered. We could not do it without you!

May newsletter mailing:

George Cowen, Cindy Kalke, Maureen Anderson, Nannette Bhaumik, Barbara & Fred Jarvis, and Amanda Walrod

Maintenance shed construction:

Michael Langford, Ralph Odom, John Adam, Andrea Adam, Nan Lawler, Richard Covey, Nannette and Alisha Bhaumik, Mike Shirkey, Bob Galbraith, Leah Hughey, Hank Gardener, Quin Thompson

"Meet the Master Planners" Social:

George Cowen, Witten Schrum, Hank Gardner, Deb King, Cheryl Phillips, Suzy Jones, Nannette Bhaumik, Leah Karnes, Judith Parker, Laurin Wheeler, Libby Wheeler, Alice Beetz, Leslie Rose, Cindy Kalke, and Leah Hughey.

Autumnfest:

Laura Eason, Amanda Laubach, Christi Weaver, Hank Gardner

Welcome to new volunteers:

Joshua Durham & Carol Andrews, David Richerson, Emily Collins and Angela Barenberg

NOTE: NO "SITE WORK" IN DEC. & JAN.

FieldNotes

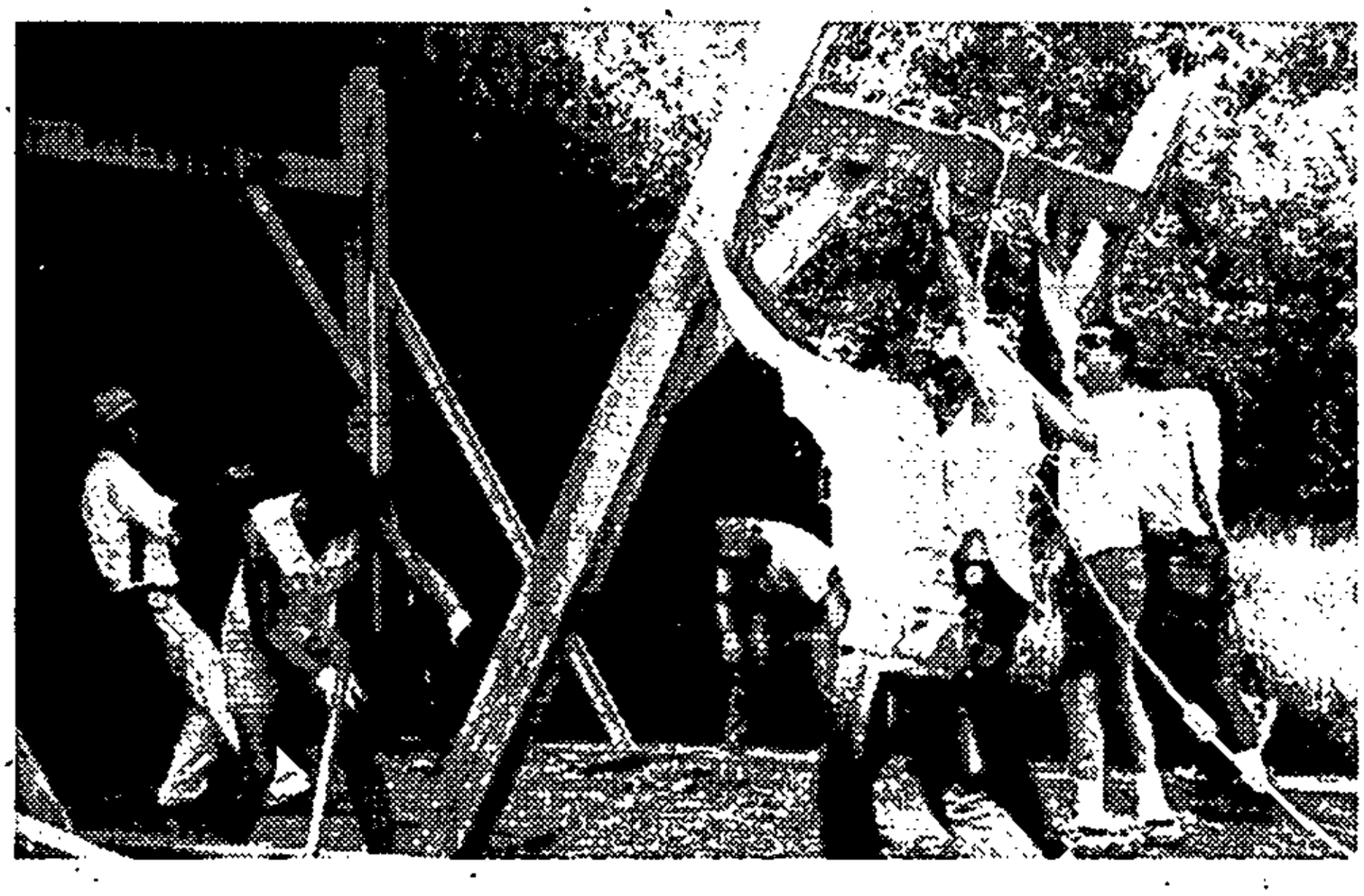
by Clancy McMahon, Plans & Properties Chair

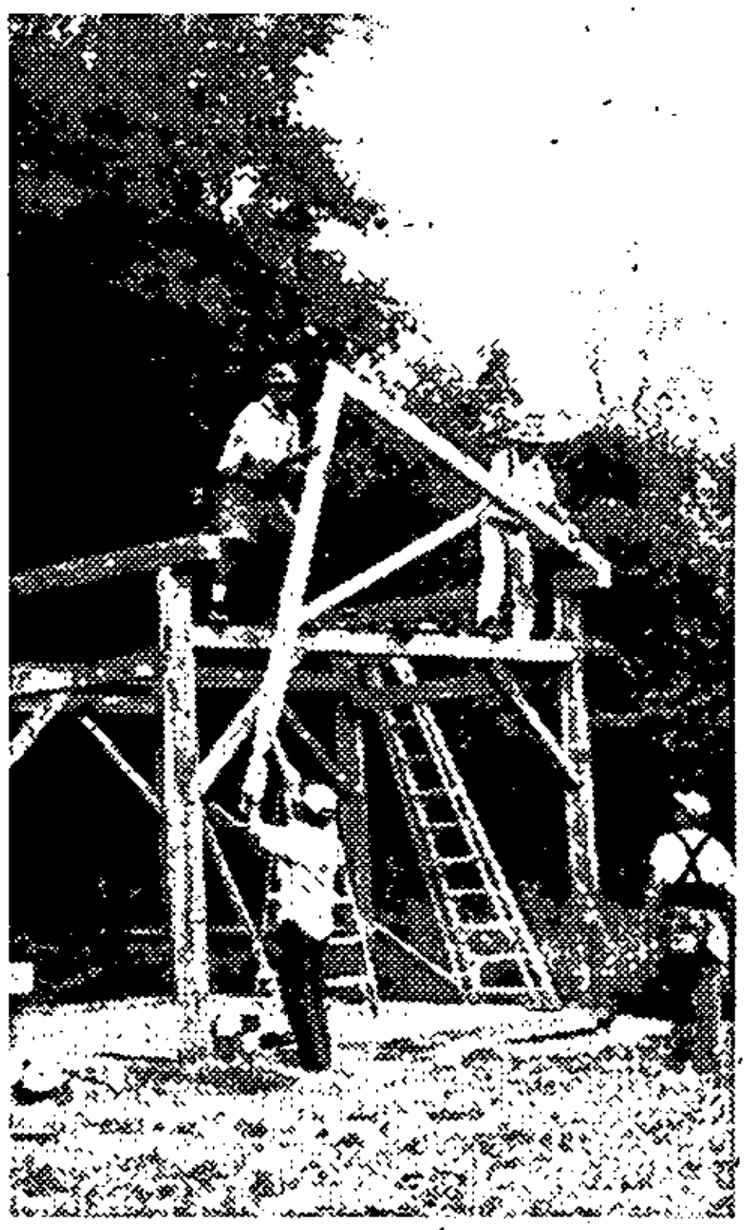
The tool shed is up! On September 4th, a crew assembled on the site for the "barn raising." Raising the tool shed—a timber-frame structure—was like putting together the pieces of a very heavy puzzle. There were three bents (two posts connected at their tops by a beam) to assemble and stand. We raised them in a planned sequence starting at one end and working to the other. Ropes were then used to stabilize the bent as it was lifted. Crew members with steel bars guided the bottoms of the posts into place, and crew members on the posts and beam did the "heave—ho" and raised the bent into standing position. After it was braced, we raised the next two bents.

Once all of the bents were standing and braced, some of the crew climbed up onto boards, laid across the beams, and hoisted the top plates into place using ropes. The top plates tie together the tops of the posts by running lengthwise along the building. They also provide the structure upon which the roof rests.

Part of the beauty of timber-frame construction is the opportunity to use local materials for building. We used white oak, a wood that is strong and easy to work with when still green. Being a dense wood it is heavy but also weather resistant. The techniques used in timber-framing go way back. This type of construction was typical in Medieval Europe but is thought to predate even the traditional stone architecture of Ancient Greek civilization. To our benefit, this expertise was brought to the maintenance shed project by Micheal Langford, a local timber-frame craftsman.

After a lunch break, we raised the roof. We made it steep to give the shed plenty of loft space inside. To give the "Gilded Lily" (carpenters' pet name ?) a touch of grace and a good luck charm, we fastened an evergreen bough to the peak.





A couple of weeks later we were back to add a permanent brace between two of the bents and to deck the roof with pine car siding, which looks great. The diehard aerial crew returned again the following week to cover the roof with felt paper to weatherproof it.

My sincerest thanks to everyone who came out to partake in the construction of the botanical garden's first structure.

With timber-frame craftsman Michael Langford on the rope, BGSO volunteers, Board member, and staff assist in the "raising" of the maintenance shed's framing.

The first rafter for the roof is hoisted up to Clancy and Michael (top) by Richard Covey

–PHOTOS BY NAN LAWLER–

BGSO volunteer Mike Shirkey happily pounds out a few frustrations. (Try the bigger one Mike!)

Construction crew members take time to observe their work of art.

BGSO volunteer Bob Galbraith takes a well deserved break from roofing.

Members of the Portico team, Donna Porter, and Jonathan Formanek offer words of inspiration to guests at the social.

An Event with Elegance

by Tammy Lorince, Event Organizer

With perfect autumn weather, a fabulous setting, fine food, beautiful music, and wonderful guests, the "Meet the Master Planners" Social at the Faubus House in Hunstville was an event to remember. Jonathan Formanek graciously opened his architecturally renowned home to us as an essential element of this event.

Sarah Burnside (BGSO Advisory Council Member) and Jan Mitchner excitedly exchange ideas.

John and Helen Lewis, honorary hosts of this afternoon-and-evening affair, provided charm and appeal in entertaining the many guests.

Four members of the Portico team, Becca Hanson, Sara Myhre, Catherine Kenyon, and Phil Aldrich were available to answer questions about the new, preliminary conceptual plans that were displayed for the garden. They warmly welcomed input and ideas from guests, which was a main objective of the event. An automated slide show featuring botanical gardens from around the country amused guests passing through the house on their way out to the south decks.

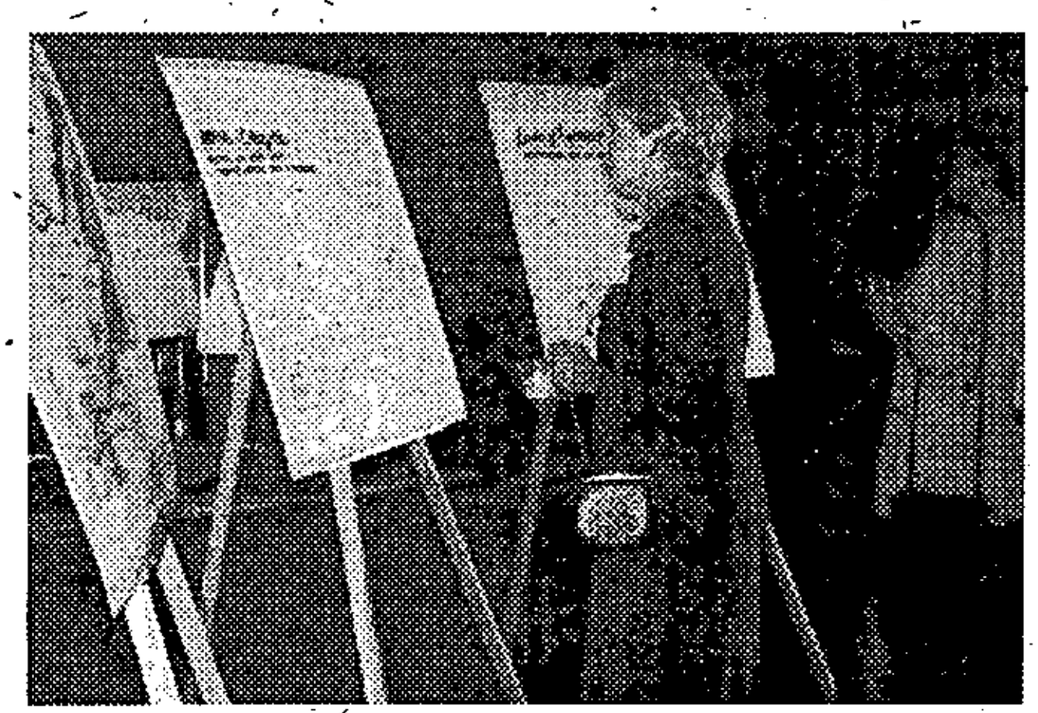
By the south gardens jazz music, lead by Jim Jernigan on saxophone, filled the autumn air. On the north side of the house overlooking spectacular bluffs, soft sounds of two very talented folk musicians, Steve Fisher and Jamie Byrd, graced the outdoor area, while inside the house, the sweet melodies of Mike Shirkey on dulcimer and Scott Newby on guitar enchanted guests. A big thanks to Mike and Jim who both donated their talents.

A delicious array of culinary delights was provided by Ozark Baking and Catering including almond crusted chicken, five-spiced pork, autumn vegetable skewers, and various dips and desserts. Our thanks to the Brew Pub for the donation of a keg of their fine, micro-brewed ale.

Mike Tatum from Ray's Flowers and Gifts made sure that the house had a festive appearance with gorgeous flower arrangements and center pieces artfully placed throughout the house and gardens (half of the cost was donated by Ray's Flowers). We appreciate Mike's generous support and his outstanding talent.

A special thanks goes out to Michael Dabrishus and The Special Collections Department at the University of Arkansas for assisting in the facilitation of an E. Fay Jones exhibit during the evening. Along with photographs and drawings of Fay Jones' previous works, Mr. Jones donated two signed prints, and he signed a copy of his most recent publication *Outside the Pale*. These items were on display at the event and will will be available for bid at our "Greening of the Garden" silent auction this April.

If you missed our first social held for the botanical garden effort, be sure to attend next year's. It will be an event you will not soon forget.



Guests of the Social got the first chance to view Portico's new conceptual plans for the garden.

Unique architectural features like this overhanging deck at the Faubus House were great places for guests to socialize and enjoy the views.

PHOTOS BY PHILIP WALROD

YES! I WANT TO GET INVOLVED AS A BGSO VOLUNTEER!

Please fill out the following information and return this form to: BGSO, Inc., PO Box 3079, Fayetteville, AR 72702. For more information call the BGSO office at 443-6638.

Name: _____

Address: _____

Phone: _____ A good time to call me is: _____

I AM INTERESTED IN GETTING INVOLVED IN:(please circle specific activity)

1) BGSO Board of Directors

2) **A Standing Committee**: Membership; Fundraising; Plans & Properties; Education; Finance; Board Development

3) **Volunteer Activities**: Trail work; Wildflower meadow maintenance; Mailings; Events; Community Support; Newsletter; Construction Projects; Tree Planting; Master Planning; litter control

_____

_____

_____ Member _____ Non-member

Join in the Effort

and help support the development of N.W. Arkansas' first and only not-for-profit Botanical Garden

MEMBERSHIP / RENEWAL / UPGRADE FORM

Name _____

Address _____

City, State, Zip _____

Phone _____

Student	$10.00	❑
Senior Citizen	$10.00	❑
Individual	$25.00	❑
Family	$35.00	❑
Small Business/ Organizational	$100.00	❑
Sustaining	$125.00	❑
Corporate	$500.00	❑
Patron	$1,000.00	❑

Amount Enclosed _____

Make Checks Payable to:
BGSO, INC.
P.O. Box 3079
Fayetteville, AR 72702-3079

❑ new member
❑ renewal
❑ upgrade

All contributions are tax-deductible to the full extent of the law.
We are a 501(c-3) organization

We accept Visa or Mastercard

Card# _____ Exp. date _____ Signature _____

Fall Glory with Spring Bulbs

by Renee Elbaum

There are few things more beautiful than an Autumn garden. The flush of summer is over, and cool winds start to kiss the leaves away from the trees. The garden is now even more precious as the days remaining to spend in it dwindle. Now is the time of richly colored mums and pansies. The sages are still in full bloom, and Mexican mint marigold adds its touch of golden flowers. Witch hazel is turning yellow and red, while morning glories and moon flowers shout their praises of blue, white, and magenta. Autumn roses remind me of their beauty by scent and flower, and I can't resist buying just one or two more shrubs.

Every gardener understands the importance of the changing of the seasons. With the wide variety of colorful autumn plants available, it is understandable that most gardeners are so overcome with what is flowering now that they give little thought to spring. As we appreciate the fall garden, we must also remember that this is the season to designate places in your landscape for easy to grow bulbs.

Tulips offer a wonderful opportunity

to add vivid color to your spring landscape. A wide variety of types and styles are available from fringed-edged to multi-petaled forms. Colors range from white to black with many colors in between. What other bulb offers this color palate to the gardener?

Daffodils may be more limited in color, but the incredible scents of these flowering bulbs should not be missed. The older varieties will have more fragrance, but the flower sizes are slightly smaller than the newer varieties. Daffodils are available in many heights and several colors. The new horticultural favorite is a peach salmon color.

Daffodils and Tulips are ready to go in the ground the minute you buy them. Bulbs should be firm, large, and dry to touch. Try to purchase the largest bulbs of a single variety. These bulbs will reward you with the largest, healthiest flowers.

Try planting garlic and onions for a daringly old-fashioned touch. These bulbous plants have white, blue, yellow, or purple flowers, which at a distance look like a ball on a green stick. On closer inspection, the ball is make up of hundreds of trumpet shaped flowers connected by their bases to the center of the ball. These flowers are not usually fragrant and grow in a range of 1 to 4 feet tall. They will last through late summer.

Grape Hyacinths, oxalis, and snowbells are some of the more diminutive bulbous plants. They offer bright spots of color from early spring to mid-summer. It is not unusual to see snowbells coming up through February snows.

Explore the world of spring bulbs this fall and choose a few to add to your garden.

Master Planners

continued from page 1

the garden. This new plan includes ingenious ideas on how to make this garden appealing to a variety of audiences, and it looks at the big picture of the garden, which includes the overall layout of high impact versus low impact areas. The new plan cleverly addresses the parking issue as well. Ideas about interpretive themes that would connect The Botanical Garden of the Ozarks in a global manner materialized, as did the messages that we want to convey that we believe are important and relative here in Northwest Arkansas.

It is obviously premature to estimate development costs at this point in time, but by researching other gardens, Portico did arrive at some very broad development cost ranges for the new conceptual plan.

Thorough walks (one which included an introductory encounter of the Portico team with seed ticks—welcome to Arkansas ya'll) and site analysis were essential in this first phase of the master planning process. It was interesting to hear Portico's fresh ideas and visions for our site. Issues like trail access and mountain bikers were kept in consideration, and the Portico team was very attentive in addressing these and other major issues.

This five day visit was packed full of activities, and it ended on a grand note at our "Meet the Master Planners" Social at the Faubus House in Huntsville (see page 6). Here members of the Portico team were able to share these fresh new concepts with members of the community while keeping attuned to any other concerns that attendees of this event may consider relevant to this planning process.

Once again, I feel assured that the right selection was made in the hiring of The Portico Group to develop our master plan. I was continuously amazed by the way in which they worked so fluently together to immediately develop new conceptual drawings. I rarely use the word 'magical' to describe or define many things, but in attempting to find the right word to capture the essence of what I felt during their visit, that would have to be the best word to define this experience. It is all falling into place—beautifully.

OCTOBER IS . . . THE TIME TO JOIN

by Bill Wickizer, President and Membership Chair

The lifeblood of any organization is its membership, and the value and effectiveness of the membership is a function of both its numerical strength and the degree of commitment by its members. Growth in the membership of an organization brings new ideas and vitality, improves financial support, expands the ever-important volunteer base, and confers credibility when approaching foundations and trusts for grants.

BGSO has grown appreciably during each year of its existence, and we must continue to grow. October has been declared "Join the Botanical Garden Society of the Ozarks month" (yes, we declared it). Kicked off in early October at Autumnfest (where 23 new members joined the Society), this membership drive has as its goal the addition of 100 new members to our current enrollment of 350. Brochures explaining the Botanical Garden Society's efforts will be sent to nearly 4,000 people. Other interested individuals can pick up membership brochures at nurseries, garden centers, and other businesses that have agreed to display them. All current members of BGSO are being asked to contribute by recruiting just one new member, be it friend, family, business, or organization. Promotional spots on the radio and press releases in area newspapers will encourage joining in the support of the Society through membership.

How can you help? Join us, if you are not already a member; recruit a new member if you already belong. Either way, you will be contributing significantly to the improvement in the quality of life in Northwest Arkansas.

BOTANICAL GARDEN SOCIETY OF THE OZARKS, INC.
P.O. Box 3079 • Fayetteville, Arkansas 72702-3079
501-443-6638

Nonprofit Organization
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MISSION STATEMENT

The Society's mission is to establish and operate a botanical garden in Northwest Arkansas, where diverse collections of plants will be displayed, utilized and preserved for educational, environmental, recreational and scientific purposes, thereby promoting public awareness of the vital and unlimited roles that plants perform.

Printed on recycled paper

PRESENTED TO PRAB 11/1/99

BOTANICAL GARDEN SOCIETY OF THE OZARKS, INC.
P.O. Box 3079 • Fayetteville, Arkansas 72702-3079 • 501-443-6638

1999 ANNUAL REPORT

- The Portico Group, out of Seattle, was selected to develop the Master Plan for the Botanical Garden of the Ozarks. Members of that firm working on this project are: Becca Hanson, the founding principal; Sara Myhre, the landscape architect; and Catherine Kenyon, the researcher and writer. Two firms were sub-contracted to complete the team. They are Phil Aldrich of AldrichPears & Assoc. out of Vancouver, BC and Dean Runyan of Runyan & Assoc. of Portland. Phil is the interpretive planner, while Dean is the economic and market researcher. Master Planning is part of our Phase One Development.

- Work on Master Planning began in June, and continued with a five day visit by the Portico team during the last week of September.

- **New concepts proposed for the site include**: alternative parking and entry; an arboretum that will serve as a buffer; separate trail for mountain bike use; alternative route for existing trail to bypass core garden area; early utilization of western property for public school programs (utilizing Veterans Memorial); alternative location for visitor center; collaborative efforts with Environmental Study Center.

- Final estimations for these services are around $140,000. Contingent on funding, we hope to have the master planning completed by the end of 2000.

- Phase one development projects have also included: the planting and establishment of 12,000 square foot wildflower meadow; continued trail work; commemorative tree planting; general site clean-up (along shoreline as well); the construction of the 12' x 16' timber-frame maintenance shed. (Permit for this structure has been applied for. As of 10-21-99, the inspection is still being done).

- Funding for a Site Manager position is being sought for the year 2000. This person will be responsible for keeping the site well maintained and any other tasks that pertain to the site.

- Liability Insurance was renewed at the beginning of the year.

- The Society will be having its first outside financial audit done in January of 2000.

- Included with annual report: copies of Society's 1999 fall newsletter, year-to-date financial report, and current sources of support income chart.

Statement of Revenues, Expenses, and Fund Balance	9901	9902	9903	9904	9905	9906	9907	9908	9909	9910	9911	9912	
	Jan	Feb	Mar	April	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ytd
410.00 Contribution Revenue	(775.00)	(185.00)	(1,251.50)	(510.00)	(85.00)		(3,125.00)	(15,308.00)	(1,082.00)				(22,321.50)
420.01 Membership Renewals	(1,120.00)	(1,480.00)	(815.00)	(310.00)	(175.00)	(825.00)	(260.00)	(715.00)	(275.00)				(5,975.00)
420.02 New Memberships	(240.00)	(695.00)	(210.00)	(150.00)	(162.00)	(35.00)		(35.00)	(85.00)				(1,612.00)
430.00 Grant Revenue							(1,000.00)						(1,000.00)
440.01 Ticket Sales		(4,439.00)	(20.00)	(1,158.00)					(3,190.00)				(8,807.00)
440.02 T-Shirt / Bag Sales	(102.00)	(232.00)		(32.00)	(178.00)	(15.00)	(16.00)						(575.00)
440.03 Tree / Plant Sales													0.00
440.04 Trip Income		(338.00)	(1,336.00)		(2,163.00)								(3,837.00)
440.05 Other Sales	(172.00)	(48.00)		(6,235.50)	(276.00)	(222.77)	(10.00)		(35.98)				(7,000.25)
440.06 Designated Funds													0.00
450.00 Other Revenue	(330.60)	(315.32)	(313.82)	(308.60)	(304.79)	(309.16)	(310.11)	(332.78)	(357.27)				(2,882.45)
Total Revenues	**($2,739.60)**	**($7,732.32)**	**($3,946.32)**	**($8,704.10)**	**($3,343.79)**	**($1,406.93)**	**($4,721.11)**	**($16,390.78)**	**($5,025.25)**	**$0.00**	**$0.00**	**$0.00**	**($54,010.20)**
510.01 Promotional Items Expense	145.00	575.78	5.67	130.00									856.45
510.02 Other Fund Raising Expense		75.00											75.00
520.01 Printing / Typesetting/ Copying	914.22	239.52	155.23	637.35	839.65	1,421.84	5.52	164.76	1,082.54				5,460.63
520.02 Postage & P.O. Box Rental	243.08	120.51	135.48	250.32	292.11	39.60	72.70	38.15	320.00				1,511.95
520.03 Office Expenses	84.30	18.09	54.31	27.41	201.24	(9.32)	240.00	(10.00)	105.99				712.02
520.04 Telephone / Fax	50.54	173.10	115.81	136.73	117.33	124.53	137.10	122.26	164.98				1,142.18
520.05 Office Equipment				50.00									50.00
520.06 Utilities	144.08	142.40	133.67	126.39	87.52	77.83	71.53	139.89	123.58				1,046.89
520.07 Project Construction Materials				236.40	783.75	128.87			636.97				1,785.99
520.08 Project / Capitol Equipment		1,258.14											1,258.14
520.09 Project plants, seeds, etc.				126.75					39.20				165.95
530.00 Event Expense	751.00	2,352.86	30.00	1,023.44					500.31				4,657.61
540.01 Rent / Lease Office	450.00	450.00	450.00	450.00	450.00	450.00	450.00	450.00	450.00				4,050.00
540.02 Professional Fees			150.00										150.00
540.03 Volunteer Expenses		4.19	319.19	91.57									414.95
540.04 Other Operations		15.99											15.99
540.05 Travel / Entertainment	150.50	200.50	140.00	263.00	3,842.68	571.90							5,168.58
540.06 Photo Processing			65.56	67.39		57.68	27.19	67.52					285.34
550.01 Visa & Bank Charges	7.17	5.20	5.69	22.32	27.83	60.17	8.66	4.50	4.50				146.04
550.02 Miscellaneous Expenses		31.99											31.99
550.03 Legal / Consulting													0.00
550.04 Master Planning									138.92				138.92
550.05 BGSO Services / Meeting Expense					40.00								40.00
550.06 Continuing education				735.00									735.00
550.07 Insurance	338.00							650.00					988.00
SUBTOTAL	**3,277.89**	**5,683.27**	**1,760.41**	**4,374.07**	**8,682.11**	**2,923.10**	**1,012.70**	**1,627.08**	**3,568.99**	**0.00**	**0.00**	**0.00**	**30,887.62**
560.00 Payroll Expense	1,982.20	1,548.20	1,548.20	1,548.20	1,725.85	1,725.85	1,725.85	1,725.85	1,725.85				15,256.05
560.01 Payroll Taxes	151.64	118.44	118.44	118.44	132.02	132.02	132.02	132.02	132.02				1,167.06
Total Expenses	**$5,411.73**	**$7,329.91**	**$3,427.06**	**$6,040.71**	**$8,539.98**	**$4,780.87**	**$2,870.57**	**$3,484.98**	**$5,424.86**	**$0.00**	**$0.00**	**$0.00**	**$47,310.73**
Fund (Surplus) / Deficit	**$2,672.13**	**($402.41)**	**($519.27)**	**($2,663.39)**	**$5,196.19**	**$3,374.04**	**($1,850.54)**	**($12,905.83)**	**$399.61**	**$0.00**	**$0.00**	**$0.00**	**($6,699.47)**
Beginning Fund Balance	**($30,542.19)**	**($27,870.06)**	**($28,272.47)**	**($28,791.74)**	**($31,455.13)**	**($26,258.94)**	**($22,884.90)**	**($24,735.44)**	**($37,641.27)**				
Resulting Fund Balance	**($27,870.06)**	**($28,272.47)**	**($28,791.74)**	**($31,455.13)**	**($26,258.94)**	**($22,884.90)**	**($24,735.44)**	**($37,641.27)**	**($37,241.66)**				

PRESENTED TO PRAB 11/1/99

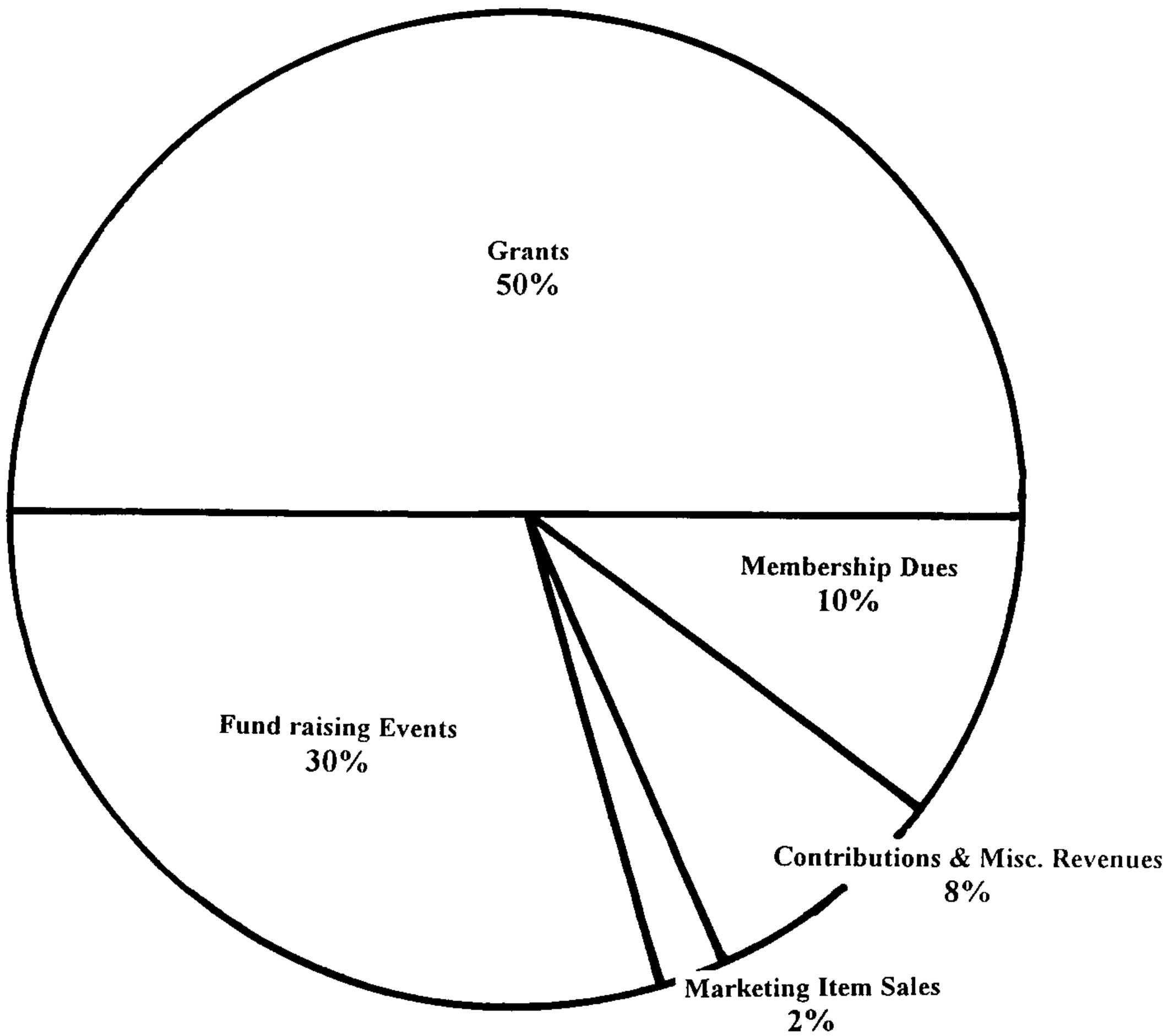
Balance Sheet	9901	9902	9903	9904	9905	9906	9907	9908	9909	9910	9911	9912
	Jan	Feb	Mar	April	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
110.00 Cash in Bank - Operating Account	$5,875.69	$7,879.42	$10,001.31	$14,272.94	$10,879.08	$9,304.75	$12,953.05	$27,633.97	$28,984.96			
111.00 Cash In Bank - Payroll	18,886.56	17,218.84	15,614.97	14,006.73	12,268.81	10,469.10	8,661.23	6,896.25	5,145.65			
120.00 Petty Cash	21.00	21.00	21.00	21.00	21.75	21.75	21.75	21.75	21.75			
130.00 Stock	3,560.34	3,560.34	3,560.34	3,560.34	3,560.34	3,560.34	3,560.34	3,560.34	3560.34			
140.00 Misc Receivables												
150.00 Due to / Due From Other Funds												
170.00 Assets												
Assets	$28,343.59	$28,679.60	$29,197.62	$31,861.01	$26,729.98	$23,356.94	$25,196.37	$38,112.31	$37,712.70	$0.00	$0.00	$0.00
210.00 Accounts Payable												
220.00 Payroll Taxes Payable	(473.53)	(407.13)	(405.88)	(405.88)	(471.04)	(471.04)	(471.04)	(471.04)	(471.04)			
230.01 Encumberance - Office												
230.02 Encumberance - Consulting / Legal												
230.03 Encumberance - Operations												
230.04 Encumberance - Fund Raising												
230.05 Encumberance - Projects												
Liabilities	(473.53)	(407.13)	(405.88)	(405.88)	(471.04)	(471.04)	(471.04)	(471.04)	(471.04)	0.00	0.00	0.00
310.00 Retained Equity	(24,254.76)	(24,254.76)	(24,254.76)	(24,254.76)	(24,254.76)	(24,254.76)	(24,254.76)	(24,254.76)	(24,254.76)			
320.00 Prior Year Equity	(6,287.43)	(6,287.43)	(6,287.43)	(6,287.43)	(6,287.43)	(6,287.43)	(6,287.43)	(6,287.43)	(6,287.43)			
Current Operating (Surplus)/Deficit	2,672.13	2,269.72	1,750.45	(912.94)	4,283.25	7,657.29	5,816.86	(7,099.08)	(6,699.47)			
Fund Equity	($27,870.06)	($28,272.47)	($28,791.74)	($31,455.13)	($26,258.94)	($22,884.90)	($24,725.33)	($37,641.27)	($37,241.66)	$0.00	$0.00	$0.00
Fund Equity and Liabilities	($28,343.59)	($28,679.60)	($29,197.62)	($31,861.01)	($26,729.98)	($23,356.94)	($25,196.37)	($38,112.31)	($37,712.70)	$0.00	$0.00	$0.00

PRESENTED TO PRAB 11/1/99

PRESENTED TO PRAB 11/1/99

Botanical Garden Society of the Ozarks

Current Sources of Support Income



The CHARACTER CITIES MOVEMENT

Cities of Character*

Aiken, SC
Augusta, GA
Avon Park, FL
Baker, LA
Bartlesville, OK
Baton Rouge, LA
Belton, TX
Bethany, OK
Bonney Lake, WA
Bull Shoals, AR
Burleson, TX
Clatskanie, OR
Compton, CA
Douglasville, GA
Edmond, OK
Elizabethton, TN
Elizabethtown, KY
Elk City, OK
Florence, SC
Fresno, CA
Guthrie, OK
Leedey, OK
Madison, MS
McDonough, GA
North Chicago, IL
Olathe, KS
Pawhuska, OK
Peoria, IL
Sebring, FL
Shawnee, OK
Skiatook, OK
Temple, TX
Titusville, FL
Warner Robins, GA

Two hundred eighty-nine cities have been represented at the past four Mayors' Conferences, and many are in the process of becoming Cities of Character.

Character First!®

States involved with *Character First!®*

Alabama
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maryland
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
New Jersey
New Mexico
New York
Nevada
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
South Carolina
Tennessee
Texas
Virginia
Washington
West Virginia
Wisconsin
Wyoming

Countries involved with *Character First!®*

Australia
Bahamas
Canada
China
Honduras
Mexico
Moldova
Mongolia
New Zealand
Romania
Russia
Singapore
Sri Lanka
Taiwan
Trinidad
United States

Character First!® Education is being used in 59 cities nationwide to date. *Character First!®* is being implemented in 355 businesses around the country and the world.

*A City of Character is one in which the city council or governing body has passed a resolution to become known as a City of Character and is implementing community-wide character initiatives to that end.
Rev. 6/99 (partial listing)

IACC™
INTERNATIONAL ASSOCIATION OF CHARACTER CITIES

Building Cities of

A Resolution

To establish our city as a CITY OF CHARACTER with
the International Association of Character Cities

WHEREAS, the people of our city recognize the importance of honorable character qualities based upon the moral standards held by our Founding Fathers on which they established our nation and legal system; and

WHEREAS, we recognize the validity of the statement by Alexis de Tocqueville that "America is great because she is good. When America ceases to be good, she will cease to be great;" and

WHEREAS, we desire to build upon our heritage and make our city a place where families are strong, homes and streets are safe, education is effective, business is productive, neighbors care about one another, and citizens are free to make wise choices for their lives and families; and

WHEREAS, we recognize that individuals are responsible for their actions and that daily decisions should be based upon objective moral standards which are the basis of universally-recognized character qualities, including obedience, honesty, truthfulness, diligence, generosity, kindness, loyalty, and courage; and

WHEREAS, lack of commitment and irresponsibility have resulted in an increasing number of family problems causing personal, social, and financial consequences to individual family members and to this city as a whole; and

WHEREAS, there is a need for more positive role models among our young people to help prevent juvenile rebellion and delinquency; and

WHEREAS, if people fail to demonstrate positive character qualities and if they make wrong moral choices, the health, safety and welfare of the citizens are endangered, resulting in a financial burden upon the taxpayers for the costs of law enforcement; and

WHEREAS, many current societal problems will be alleviated when the citizens of this city live by positive and constructive character qualities which distinguish between right and wrong; and

WHEREAS, teaching positive character qualities to juvenile delinquents has been shown to produce a change in behavior, reducing recidivism rates; and

WHEREAS, our schools should be a safe atmosphere where character is exemplified, taught and strengthened, and where learning is encouraged; and

WHEREAS, encouraging employees by recognizing positive character qualities has resulted in an increase in workplace morale, employee safety, and corporate profits; and

WHEREAS, the emphasis of positive character qualities in every sector of society can only occur as individuals commit themselves to exemplifying character in their personal lives and inspiring others to do the same;

HEREFORE, BE IT RESOLVED that the people of this city pledge our commitment to character and to doing all in our power to become known as a City of Character by promoting character in our schools, businesses, homes, churches, city government, media, and community groups, and we urge the leaders of each of these jurisdictions to do likewise.

Adopted by the City Council This ____ Day of _____ 1999.

Signed, _____
City Council Chairman

09/22/1999 09:45 630-323-7271 IBLP SEMINAR OPS PAGE 06/15

IIS CONFERENCE

AIKEN, SOUTH CAROLINA

Each month a character trait, such as responsibility, truthfulness, and respect, is being spotlighted throughout the community. Newspapers highlight the trait on the front page and display full-color ads. Television stations give further explanation of the quality.

A CHIEF OF POLICE

"I have found this conference to be the most comprehensive and informative leadership conference I have ever attended. Not only were leadership problems discussed, but simple, rational, and viable solutions were explored. A must for any leader who wants to make a difference."

Chief Robert Noonan—Wentzville, Missouri
(Law Enforcement Leadership Conference)

A CITY COUNCIL MEMBER

"This conference gave my city team specific ideas and programs that can be implemented on a local level. . . . I am so thankful to have had the opportunity to meet leaders from around the nation and world. No matter what your specific city struggles with, there is hope and there are answers."

Councilwoman Linda Cooper—Clackamas, Oregon

FRESNO, CALIFORNIA

Two years ago the Fresno Police Department began character training which allowed leadership to prevent potential problems before they developed into lawsuits or increased spending. Since implementing the program, Fresno has also seen benefits beyond departmental boundaries—this sixth largest city in California has had a dramatic reduction in violent crime, theft, and murders.

Proven programs to make your community a safer, better place to live.

YOU WILL LEARN HOW TO . . .

- BUILD COMMUNITY TEAMWORK THROUGH CHARACTER PROGRAMS
- STRENGTHEN MARRIAGES BY PROMOTING CHARACTER FAMILIES
- REDUCE YOUTH CRIME BY RESOLVING ROOT PROBLEMS
- ELIMINATE SCHOOL VIOLENCE WITH A TEN-PART PROGRAM
- INCREASE PRODUCTIVITY IN BUSINESSES AND AGENCIES
- ENHANCE THE EFFECTIVENESS OF LAW ENFORCEMENT OFFICIALS
- DRAMATICALLY DECREASE CRIME BY REMOVING ITS CAUSES
- DEVELOP A SPIRIT OF SERVING AND GIVING AMONG YOUTH
- COORDINATE PUBLIC SERVICE ANNOUNCEMENTS IN THE MEDIA
- GLEAN IDEAS FROM MAYORS OF OTHER CHARACTER CITIES

CITIES OF CHARACTER

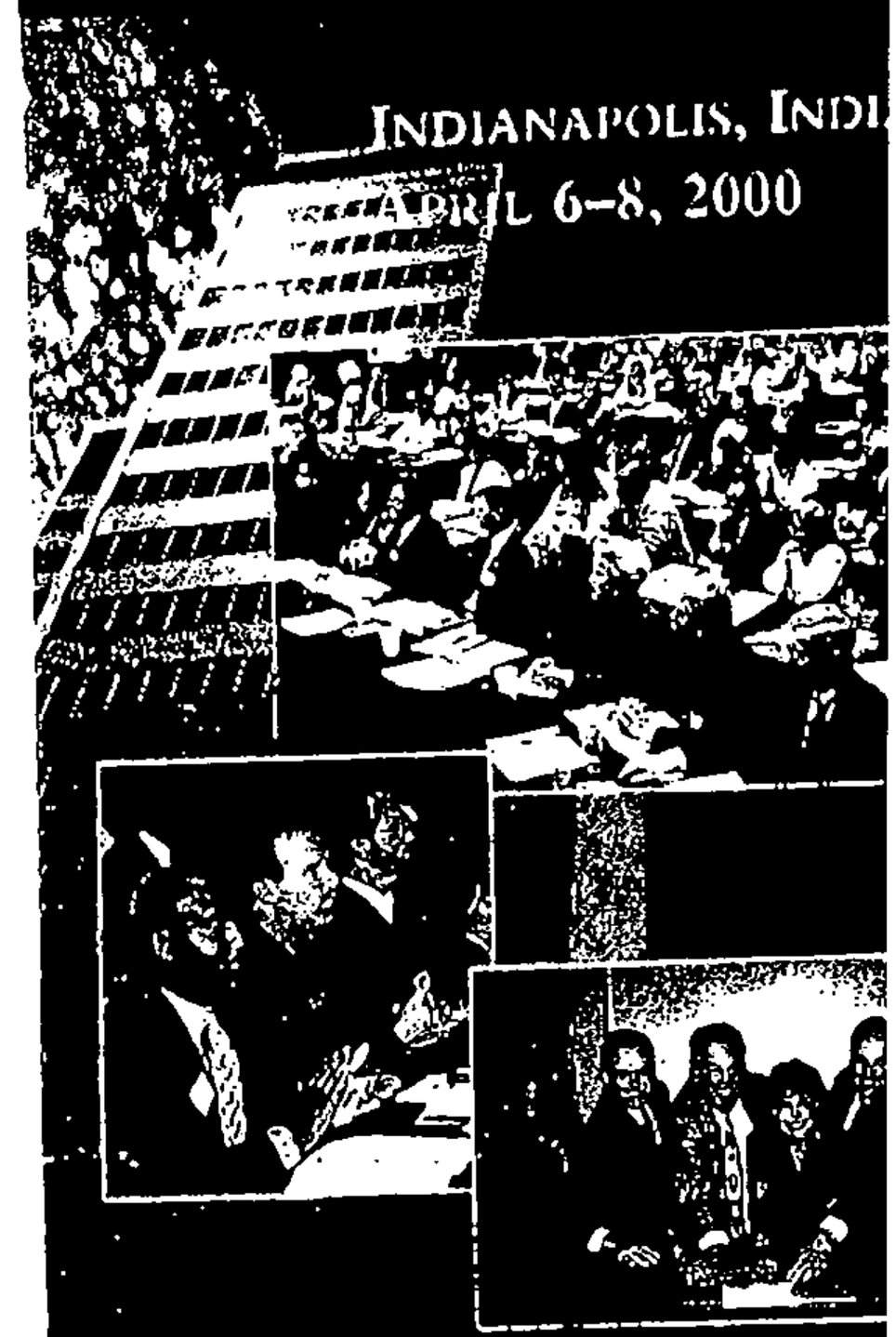
IACC™
INTERNATIONAL ASSOCIATION OF CHARACTER CITIES

Fifth Annual

INTERNATIONAL CONFERENCE F

Building Cities of Character

Family by Fam



FOR MAYORS AND GOVERNMENT LEADERS

Lasting Rewards From Th

A Mayor From South Carolina

"I highly recommend this conference to any city and its leaders who want to improve their community and raise the level of character in all the citizens."

Mayor Fred Cavanaugh—Aiken, South Carolina

A Mayor From New Zealand

"Never in my wildest dreams had I seen myself involved in such a magnificent conference with so many excellent speakers demonstrating and talking proven success. Thank you again."

Mayor Duncan Taylor—Waitaki, New Zealand

A Mayor From Washington

"An incredible conference on the basic issues facing our society and our cities. Here are ideas and answers that work, proven by experience and shared by mayors that are doing it."

Mayor Robert Young—Bonney Lake, Washington

Temple, Texas

Not only has the city of Temple taken hold of the City of Character concept, but the school district and the county have also passed resolutions committing to develop character.

A Social Development Director

"Thank you for the excellent conference. I am returning to my country with a lot of ideas and projects."

Director Julio Cesar—San Pedro Sula, Honduras

A State Superintendent of Schools

"From experience, I have found this program to be an excellent tool for filling the void of moral character within our state's youth. . . . I recommend the implementation of [this program] within every level of state and local government."

Superintendent Sandy Garrett—Oklahoma

The IACC

The International Association of Character Cities was developed to support leaders who want to promote a community consensus of universally recognized character qualities, such as attentiveness, initiative, responsibility, gratefulness, and truthfulness.

The IACC facilitates communication between mayors and provides resources for character building programs. Through the IACC network, leaders can share information, ideas, and solutions for strengthening the character of those they serve.

Building Cities of Character Conference

This conference will give you the how-tos for building your city on character. Leaders from around the world have come together at past conferences to discuss a strategy for integrating good character into all sectors of a community.

Training will be provided to meet the specific needs of both leaders who are just beginning character initiatives and those who already have well-established programs. Through keynote speakers, break-out sessions, and round table discussions, you will be given steps of action and learn about the resources available to you. Experienced leaders will pass on the vision and strategy needed for obtaining lasting success.

The conference will be held at the Indianapolis Training Center located just north of downtown Indianapolis. The 300-room conference center is a former Stouffer Inn which provides comfortable accommodations for all attendees. You will also have opportunity to meet outstanding youth who are serving Indianapolis through character initiatives facilitated by Mayor Stephen Goldsmith.

Conference Growth In Four Years

Featured Speakers

Mayor Tom Ed McHugh
Baton Rouge, Louisiana

Under Mayor McHugh's leadership, Baton Rouge became the first city to be known as a Character City. In 1997 the leaders of Baton Rouge piloted a program that focused on a different character trait throughout the city each month. This initiative was successful due to community involvement in all sectors, including schools, businesses, the faith community, and the media. Mayor McHugh gives an excellent practical presentation explaining how Baton Rouge became a Character City and how other cities can do the same.

Roger Magnuson

Roger Magnuson is an attorney and senior partner of the law firm Dorsey & Whitney and a well-respected member of the law community. He received his law degree from Harvard Law School, where he was an editor of the Harvard Law Review, and did his postgraduate work at Oxford University. Mr. Magnuson is the dean of Oak Brook College of Law, a correspondence school based in California. He has an excellent grasp of legal and historical precedents in America, and is the author of several books and a much sought-after speaker.

Wes Lane

As assistant district attorney, Wes Lane serves as the director of the Juvenile Division of the Oklahoma County District Attorney's Office. He is a Governor's appointee to the State Advisory Group on Juvenile Justice and he and his colleagues have done extensive research on the partnership of the church, state, and the private sector. Through their findings, they are addressing the causes of and solutions to juvenile delinquency.

Representative Dianne White Delisi
Temple, Texas *(will attend as legislative schedule permits)*

Representative Delisi is active in turning people's attention to moral issues on both the local and state levels. She introduced legislation in Texas to encourage schools to implement character and citizenship programs, and she is involved in Temple as a member of the committee to develop character programs for the community. As part of this effort she hosted a community event to introduce educators and community leaders to character programs for Temple area schools.

Sheriff Ray Nash
Dorchester County, South Carolina

Sheriff Nash has successfully implemented a character-training program in his office that recognizes success based on character. This program has reduced crime and increased the community's trust in officers. Sheriff Nash has become internationally recognized as leaders from across America and other countries ask him to share his keys to success.

Mayor Bob Young
Augusta, Georgia

Mayor Young is enthusiastically le Augusta, Georgia's second-largest ci develop a systematic approach to beco known as a City of Character. He will municate how all sectors of the comm have rallied together to develop a strategy to carry out this i tive, based on an evaluation of the city's strengths and weakn

Lee Roland

As principal of Oklahoma City's Kaiser Elementary School and idente of the Oklahoma Principals' Association, Lee Roland l the priority of teaching children character and is successfully l Kaiser in implementing a character-education program. Realizing that all aspects of education will be benefited by character training, he has valiantly overcome obstacles and given his entire staff a new vision for training children.

Mayor Jim Dailey
Little Rock, Arkansas

As mayor of Little Rock, Jim Dailey sought to find answers that addressed the causes—not just the symptoms—of societ within the city, and he implemente grams which focus on preventative surv for crime and juvenile delinq His insight on the methods for reb the moral foundation within a comm and the benefits of doing so, will prov inspiration and how-to for you to doing the same.

Conference Schedule

4 p.m. Thursday, April 6
through
2 p.m. Saturday, April 8.

REGISTRATION FORM

Conference registration is $450. You will be given a $100 discount when we receive your registration postmarked on or before November 10, 1999. The registration fee includes accommodations, meals, materials and resources, and a $75 non-refundable deposit. Confirmation of attendance and lodging arrangements will be sent after your registration is received and processed. For more details please call the conference center at 317-923-7301, and ask for a Cities of Character conference representative, or e-mail conferences@charactercities.org.

☐ **Yes, I would like to register now and receive my $100 early-registration discount. Enclosed is $350 for registration.**

☐ Mr. ☐ Mrs. ☐ Miss
☐ Dr. ☐ Other *(please state)* _____

Name _____

Title _____

Department/Organization _____

Population of your jurisdiction _____

Length of time in your position _____

Mailing address _____

Street address _____

City, State, ZIP _____

Phone number ( ) _____

Fax number ( ) _____

E-mail _____

Mayors' Conference alumnus/alumna *(list year)* _____

What needs relating to character do you see in your jurisdiction?

_____

_____

☐ **I would like my spouse to attend with me, and I have enclosed the additional $100 registration fee.**

Name _____

☐ **My check or money order is enclosed.** Ck # _____
Make payable to International Association of Character Cities (IACC).

☐ **Please bill my credit card.** ☐ MasterCard ☐ Visa Exp date _____

Account # _____

Signature _____

Detach this form and mail with appropriate payment to:
Mayors' Conference Registration • Indianapolis Training Center
2820 North Meridian St. • Indianapolis, IN 46208

LEADERS CURRENT

December 1998

Volume 1, Number 1

Exploding Interest in Character Cities

Accomplishing our mutual goal of building Character Cities as examples to the world is becoming increasingly important. In light of this, we have designed the *Leaders Current* to provide you with practical ideas, solutions, and suggestions for how you can build character in your city. We hope to accomplish this goal through providing real-life examples and updates about approaches leaders are using in other cities to successfully launch character initiatives.

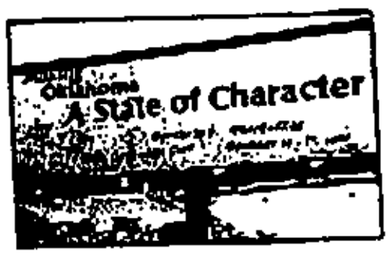
Our objective is to provide each other with the necessary tools, ideas, and solutions that will allow each of our cities to be successful in accomplishing our goal of building character.

IACC™

Character City Initiatives Up and Running

Following are a few of the many highlights from Character Cities around the nation:

Oklahoma—First State of Character



The Governor's Conference for Oklahoma Mayors and Government Leaders was held in Oklahoma City this fall. Sponsored by Gov. Frank Keating and Mayor Kirk Humphreys of Oklahoma City, this event was the kick-off for making Oklahoma the first State of Character—city by city.

The broad-based expressions of support from community leaders offer proof that with all the division in our society, character is one thing people can unite around:

- Billboard companies donated signs to advertise the conference.
- Nightly news anchors from the three major TV stations did a joint PSA promoting the initiative.
- OSU's and OU's head football coaches together aired a radio commercial across the state urging citizens to call their local officials and encourage them to attend.
- Many Oklahoma businesses provided scholarships for attendees.

Baton Rouge—Charting New Waters

Over 200 businesses and 150 churches receive a fax from the mayor's office every month explaining the character quality which they then incorporate into their programs for that month. All visitors arriving at the Baton Rouge airport are now greeted by a welcome sign reading "A Community of Character. A Community That Cares." *Character First!*® clubs for middle- and high-school students are also in operation.

Learn more about Baton Rouge's extensive character program at www.ci.baton-rouge.la.us.

Little Rock—Taking Hold of the Vision

Mayor Jim Dailey brought a delegation of top Training Center to learn how they can implement the *Character First!*® program among the city's 2,000 public service employees.

Mayor Dailey has wisely emphasized that *Character First!*® must not be another passing program but a long-term commitment to a new way of life which will restore the moral fabric of his community.

Temple, TX—Mounting Enthusiasm

The Temple Chamber of Commerce is showing full support for the character city initiative by featuring the quality for the month in their monthly newspaper supplement as well as all fax transmissions out of their office and by sponsoring character training seminars. A resolution passed by the Temple Independent School District supports their being known as a "School District of Character."

Compton, CA—Moving Forward

Compton students and teachers are ecstatic about the *Character First!*® pilot program that has been launched in the schools.

McDonough, GA—Laying a Good Foundation

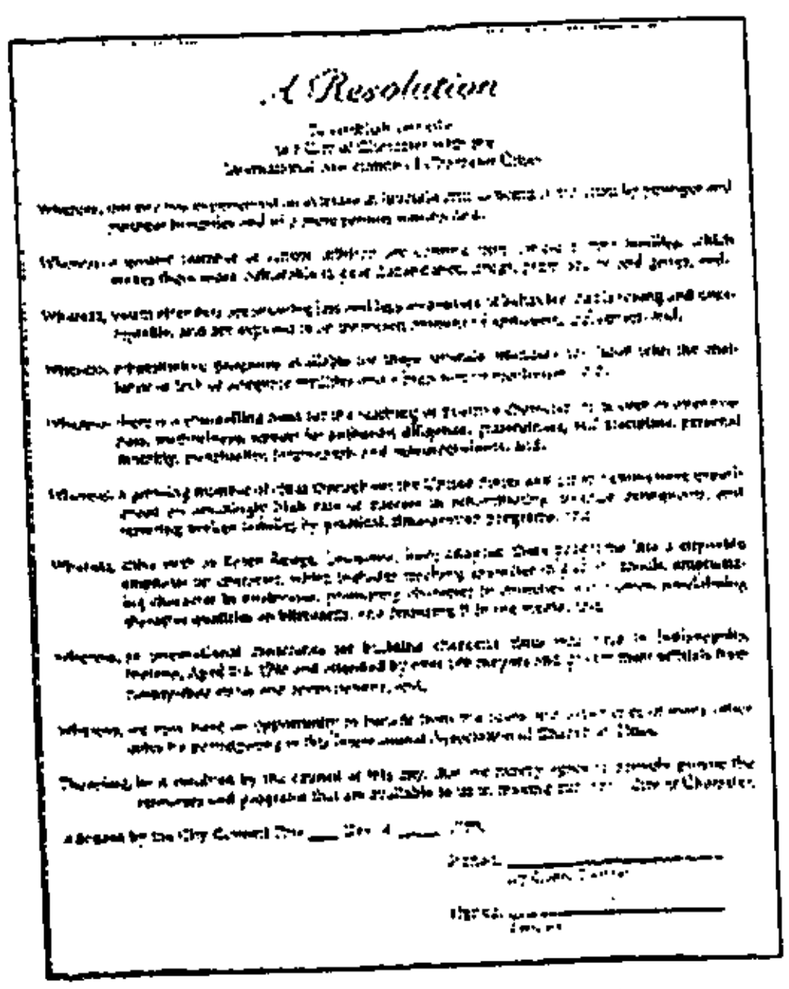
The groundwork for a successful character initiative has been laid with the upgrading of fifty low-income homes since June by dedicated volunteers from the community, including members of an ALERT team.

Building Cities of Character™

Character in Law Enforcement

More than 130 delegates representing twenty-seven states and eight nations gathered in Indianapolis last month for the Law Enforcement Leadership Conference. International delegates represented the countries of Honduras, Mexico, Moldova, New Zealand, Russia, Romania, and Taiwan.

"Police administrators are becoming increasingly aware of the importance of character in building the trust-based relationships essential to establishing peaceful and stable neighborhoods," said keynote speaker Sheriff Ray Nash of Dorchester County, South Carolina. "This conference, focusing on the power of character, is a singular event that promises to impact the law enforcement profession internationally."


A Resolution

City councils across the country are unanimously passing Character City resolutions with bipartisan support.

Fourth Annual Mayors' Conference

Mark your calendar now for April 8–10, 1999, the dates of the Fourth Annual International Conference for Mayors and Government Leaders, being held in Indianapolis. This year's conference will help you map out a practical plan for moving your initiative forward. Specific steps necessary for creating an atmosphere within your city where character is promoted and encouraged will be presented. The conference will feature several outstanding speakers who are authorities on the issue of character and how to integrate it into each area of the community. Look for the conference brochure along with a copy of the "1998 Conference Summary" video coming to your mailbox soon!

Info Ideas

As leaders catch the vision for encouraging character within their jurisdictions and take the first steps of implementation, more ideas on how to promote character are generated. Some of these innovative ideas are . . .

Screen-savers for employee computers highlighting the character quality for the month and its definition.
Senator Daniel Webster
Florida State Senate

Development of a list of questions based on each character quality to be used in selecting prospective city government employees.
City of Baton Rouge, LA

Young people of character representing the mayor stationed at the airport to welcome visitors to a Character City and put character-promoting literature into their hands.

Share the innovative ideas you have implemented in your city's character initiative. Write the *Current* at the address below or e-mail us at Current@CharacterCities.org.

If outward restraints were lifted . . . Would your city be a safe place to live?

What would happen if there was a sudden disabling of the police force or other external deterrent to crime in your city? Is there any way to ensure a peaceful society without having to depend on the night stick and the force of law?

There is a way. *Character* is the inward restraint on lawlessness and the inward motivation to do good. No amount of policing can make up for a lack of character, but when good character is present, the people will police themselves.

"He therefore is the truest friend to the liberty of his country who tries most to promote its virtue . . . ."

—Samuel Adams
Founding Father

IACC™

LEADERS CURRENT

March 1999

Volume 2, Number 1

urrent onference

As we draw within a month of the Fourth Annual International Conference for Mayors and Government Leaders, it is becoming increasingly clear that this conference will be significant in determining the destiny of our nation and world at the close of this century.

We are looking forward to welcoming representatives from sixty-eight cities, twenty-one states, and seventeen nations.

The goal of this year's conference is not only to send newcomers home with the vision for establishing character within their jurisdictions, but also to focus on further equipping those who are already building Cities of Character. We look forward to seeing each of you there April 8–10!

(See back for more details.)

Keeping Character in the Public Eye

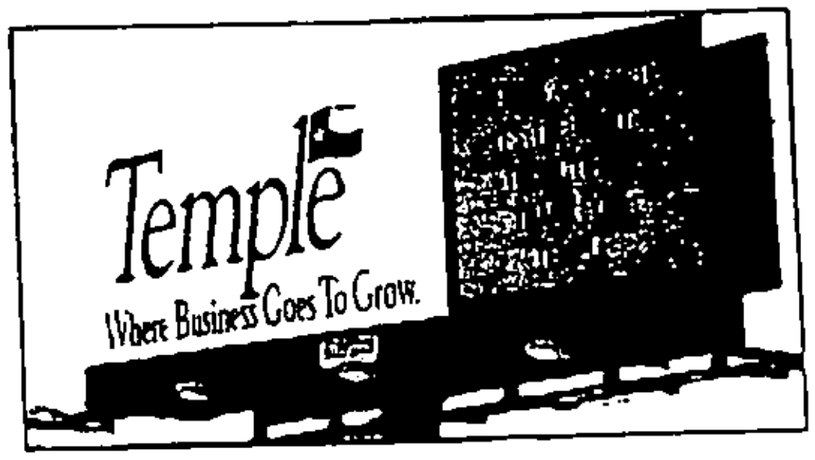
Following are current highlights from Character Cities around the nation:

Well Under Way in OK

On February 23, the Oklahoma House of Representatives unanimously passed a resolution that officially declared Oklahoma a State of Character.

A follow-up Character Summit is being held this month in Oklahoma City, to which the cities represented at the Governor's Conference are sending their Mayors, City Managers, Superintendents of Schools, Chiefs of Police, and other officials. Here they are developing a practical plan with which to move forward in their communities. Excitement is growing for this conference being sponsored by Governor Keating's administration.

Character-training programs are now being implemented across the state in many sectors—not only on a citywide basis in cities such as Services, with their staff of 8,000; the Office of Juvenile Affairs; the Oklahoma State Bureau of Investigation; and the Oklahoma County Juvenile Bureau and District Attorney's office.



Occupants of the 80,000 vehicles that travel I-35 each day get a good idea of what is important in Temple, Texas, as they pass this billboard located in the heart of the city.

Just prior to passing the resolution to declare Oklahoma a State of Character, the House learned the definition of attentiveness.

Taking Root in Temple, TX

Word of Temple's successful focus on character is spreading into a broader jurisdiction, as the Bell County government recently passed a resolution to become a County of Character. As more and more people get involved, ideas are generated that other cities can implement. For example, high schools and middle schools in the Temple Independent School District will begin including character lessons developed from the *Character First!*™ corporate bulletins in their morning announcements. *Character First!*™ training was recently given to the district's 1,250 employees and also to high school teachers on

CURRENT Cities of Character

Aiken
SOUTH CAROLINA
Fred Cavanaugh, Mayor

Baton Rouge
LOUISIANA
Tom Ed McHugh, Mayor

Belton
TEXAS
Bill Holmes, Acting Mayor

Bethany
OKLAHOMA
Don Willis, Mayor

Bonney Lake
WASHINGTON
Bob Young, Mayor

Compton
CALIFORNIA
Omar Bradley, Mayor

Edmond
OKLAHOMA
Bob Rudkin, Mayor

Elizabethtown
KENTUCKY
David L. Willmath, Jr., Mayor

Building Cities of Character™

The sports and news anchors of a major TV station are airing public service announcements promoting the quality of the month.

Gaining Ground in Elizabethtown, KY

Another city whose example has ignited its entire county is Elizabethtown. Hardin County is one of a growing number of Counties of Character which is promoting character within county government. Their program includes inserting a *Character First!*® bulletin with each paycheck to their 200 employees, who are encouraged to talk to their children about the quality.

Pumped in Pawhuska, OK

Enthusiasm for Pawhuska's character emphasis is sweeping the entire town, from the mayor to the forty elementary schoolchildren who showed up to do a character presentation for a civic group that will be involved in promoting character in the community. The whole town is abuzz about character, as the quality of the month is printed in every issue of the newspaper—accompanied by anecdotes illustrating its application, highlighted in church bulletins, and posted on business marquees and storefronts all across town.

Elizabethtown
TENNESSEE
Ken Wandell, Mayor

Elk City
OKLAHOMA
Teresa Mullican, Mayor

Florence
SOUTH CAROLINA
Frank Willis, Mayor

Fresno
CALIFORNIA
Jim Patterson, Mayor

Guthrie
OKLAHOMA
Evelyn Nephew, Mayor

McDonough
GEORGIA
Richard Craig, Mayor

North Chicago
ILLINOIS
Jerry Johnson, Mayor

Temple
TEXAS
Kiefer Marshall, Jr., Mayor

Does Your Building Have a Blueprint?

If a builder expects his structure to be useful, attractive, and permanent, he cannot afford to make up the blueprints as he builds the structure. Only by having a clear vision of the end result and by investing whatever time and energy is necessary to plan each phase of the building process will the builder be able to direct those under him, make wise decisions, and be successful in reaching his goal.

We encourage you to take advantage of the Fourth Annual International Conference for Mayors and Government leaders, as you will have the opportunity to evaluate how your character initiative is progressing so far and plan the next steps for your city. Furthermore, new material will be shared on how every societal problem directly corresponds to specific character qualities that are lacking in that situation. If you have not yet registered, call 317-923-7301 to do so now!

"The only foundation of a free Constitution is pure Virtue [character], and if this cannot be inspired into our People in a greater Measure than they have it now, they may change their Rulers and the forms of Government, but they will not obtain a lasting liberty."

John Adams
Founding Father

Edmond, OK: An Example to Follow

Each year the father of a young handicapped boy in Edmond had taken him on a hunting trip. Due to the death of his father, he was no longer able to go hunting. His mother, upon learning about a deer hunt the city held each year, requested that her son be able to attend. The city had to decline, since he could not participate unattended. One of the city supervisors relayed this story at a meeting. As a result, five of the employees went together and took the young boy hunting on their own time.

For these employees, "generosity" was more than a *Character First!*® poster on the wall or training in staff meeting. It was a choice they made that benefited a young boy, his family, and a whole community.

Although initially reluctant to begin Character First!® in city government, Edmond City Manager Leonard Martin has never looked back after seeing the positive changes such as the one above that have resulted in his city.

Building Cities of Character™

IACC™
INTERNATIONAL ASSOCIATION OF CHARACTER CITIES
Box One · Oak Brook, IL 60522-3001
Tel: 630-323-4144 · Fax: 630-323-7271
info@charactercities.org

LEADERS CURRENT

July 1999

Volume 2, Number 2

Stirring the Waters

Municipal conventions are excellent places to spread the word about your character initiative with other leaders who are looking for lasting change in their cities.

Mayor Fred Cavanaugh of Aiken, South Carolina, was asked to speak at a break-out session on Character Cities at his state's municipal convention. He was also instrumental in getting Mayor Young of Augusta involved. Other leaders are sharing the idea with fellow city officials.

Riding the Current of a Groundswell

Following are current highlights from Character Cities around the nation:

Augusta: With Wide Support

After passing their Character City resolution as recently as May 4, Mayor Young, a new mayor with no previous political experience, has already enlisted the involvement of almost every sector of the community.

Character First!® will be taught this fall throughout the school system, and the superintendent especially appreciates how the citywide character emphasis will reinforce classroom training. The local city-county hospital foundation is intending to underwrite the costs for Character First!® in 60 classrooms. Having sent invitations to their 1,800 members, the Chamber of Commerce is hosting a breakfast dedicated

his is the easiest thing we've ever done. We can hardly get the words out of our mouths before people want to get involved!"

—Lane Hutchins, wife of Augusta Character City Coordinator

The city will soon begin character training for its 1,200 employees.

Visit their new Web site at www.ccboe.net/grants/character.

Temple Daily Telegram

School bill gets hearing

Shooting at school kills 25

Character: the difference between life and death. The same day that a wanton lack of character took the lives of school students in Colorado, Texas officials were debating if character bill H.B. 911 could come to the rescue for their school children.

Fresno: With a Message

Results speak for themselves in the Fresno Police Department, where "Character Standards for Police Officers," developed by Sheriff Ray Nash, has been implemented with dramatic success. Implementing the character principles has allowed the leadership to identify potential problems within the police force and deal with them before they turn into lawsuits and increased spending. In the two years since they began the program, crime in this large California city has dropped 50 percent. Murders have dropped from 75 people killed two years

Burleson, TX: Representatives of the city, school district, Chamber of Commerce, and ministerial alliance together signed the first Character City joint resolution.

most-CURRENT Cities of Character

Augusta
GEORGIA
Bob Young, Mayor

Baker
LOUISIANA
Bobby Simpson, Mayor

Bartlesville
OKLAHOMA
Ron Nikkel, Mayor

Bull Shoals
ARKANSAS
Loren Thompson, Mayor

Burleson
TEXAS
Byron Black, Mayor

Douglasville
GEORGIA
Charles L. Camp, Mayor

Leedey
OKLAHOMA
Orin Patton, Mayor

Madison
MISSISSIPPI
Mary Hawkins-Butler, Mayor

Olathe
KANSAS
Larry L. Campbell, Mayor

Pawhuska
OKLAHOMA
Jack Shoemate, Mayor

predicted for this year. Auto theft is down 60 percent from a couple of years ago, whereas Fresno was the auto theft capital of the nation in the 1980s. Last month the city had no murders to report. Council President Ken Steitz attributes these results largely to the character training principles that are affecting the whole community.

"m impressed with how fast this program has gotten off the ground."
—Byron Black, Mayor of Burleson, Texas

Councilman Steitz's strategy for his community is to lay the groundwork with character training throughout city government. Once results are evident, the city will be able to recommend the character programs to other sectors of the community with the authority of experience.

GEORGIA
Character

Statewide Impact

The Georgia Municipal Association donated a prime location for our booth at their annual convention, and IACC staff members were able to interact with mayors and city council members from all over the state. Officials were excited about the State of Character resolution passed by the legislature in March and the example of four Character Cities already underway in Georgia.

If you have a municipal convention in your state and would like to share the Character Cities idea, please contact the IACC office, and we would be glad to work with you.

Nothing is more IMPORTANT for the public weal than to form and train youth in wisdom and virtue. Only a *virtuous* people are capable of freedom.
Benjamin Franklin
Founding Father

IACC™

1999 MAYORS' CONFERENCE in Review

A Catalyst for Character Kickoff

City officials have been busy acting upon the vision they caught at the April conference, and one-third of current Character Cities have been launched as a result.

With the 237 attendees representing 119 cities, 27 states, and 13 nations, the international character movement has received another significant boost. Favorite speakers at the conference included David Barton, who spoke on the sacrificial commitment of America's Founding Fathers; Roger Magnuson, who gave a historical perspective on character movements in America and their effects; and Wes Lane, who urged leaders to act upon what they had heard and move forward with what they knew was best for their communities.

ttendee feedback

"I have been wondering why I continue in the Georgia State House and have contemplated leaving. This conference has given me a clear vision for my new call as a public servant and five years of working to solve what I now know is a character problem."
—State Representative Bob Snelling, Douglasville, GA

"The principles are universal. . . . The results of this conference have been wonderful in my personal life. The next step is the application in my life, my family, my work, and especially in my community."
—Luis Maestro, City Councilman, Tonala, Jalisco, Mexico

"It is absolutely imperative that this initiative . . . is carried forth and taught throughout the world."
—Dan Furr, Chief of Police, Georgetown, SC

"If we had 20 percent of these character qualities in our authorities and in ourselves, we would almost be living in heaven."
—Luisa Olivia Alvarez, City Manager, San Pedro Sula, Honduras

Peoria
ILLINOIS
Lowell "Bud" Grieves, Mayor

Sebring
FLORIDA
George Hensley, Mayor

Shawnee
OKLAHOMA
Chris Harden, Mayor

Skiatook
OKLAHOMA
Don Billips, Mayor

Titusville
FLORIDA
Larry D. Bartley, Mayor

Warner Robins
GEORGIA
Donald Walker, Mayor

AIKEN, SC
AVON PARK, FL
BATON ROUGE, LA
BELTON, TX
BETHANY, OK
BONNEY LAKE, WA
COMPTON, CA
EDMOND, OK
ELIZABETHTON, TN
ELIZABETHTOWN, KY
ELK CITY, OK
FLORENCE, SC
FRESNO, CA
GUTHRIE, OK
MCDONOUGH, GA
NORTH CHICAGO, IL
TEMPLE, TX

Mark your calendars: Next year's Building Cities of

Building

How to Begin Building Cities of Character™

What is a City of Character?

A City of Character is a city where good morals and integrity are held high—a city where citizens have the inward motivation to do right and are known for demonstrating good character. Citizens display good character through the choices they make, which result in positive effects for themselves and the community as a whole. The problems faced today by many cities, such as juvenile delinquency, violent crime, poor work ethic, and collapsing families, are dealt with by addressing the underlying cause—a lack of character in citizens.

The community has a concerted focus on the qualities—attentiveness, resourcefulness, diligence, etc.—that define good character. The traits are highlighted throughout the community, one at a time, and applied to daily activities at school, home, and the workplace. As a result of integrating these traits into all walks of life, character in the community is revealed in a reduction of societal ills and an increase in community teamwork.

Steps to Building a City of Character

1. The concept is introduced to community leaders and the city council passes a resolution to make their city known as a City of Character.
2. A Community Coalition is established to coordinate activities and programs which will emphasize character traits throughout the community.
3. A character quality of the month is promoted through the media (radio, television, newspaper, billboards), business, churches, and schools.
4. City leadership models character for the citizens under their jurisdiction, and city administration adopts character training for employees.
5. Character training is implemented in businesses through training, business marquees, payroll checks, payroll inserts, and character recognition.
6. Character curriculum is approved for use in schools by the school board. Teachers and Character Coach volunteers are trained to present character lessons in the classroom and school assemblies.
7. Juvenile delinquents are given purpose and direction through rehabilitation programs that focus on making right decisions based on positive character traits.
8. Law enforcement officers are taught the importance of modeling good character and thereby building community trust and overcoming the tolerance and fear of crime which allow crime to flourish.
9. Public policy and laws are written and revised in alignment with the character traits upheld by the community.
10. Assistance is given to other cities, and information, experiences, and ideas for becoming known as a City of Character are exchanged.

IACC™
International Association of Character Cities

The CHARACTER CITIES MOVEMENT

Cities of Character*

Aiken, SC
Augusta, GA
Avon Park, FL
Baker, LA
Bartlesville, OK
Baton Rouge, LA
Belton, TX
Bethany, OK
Bonney Lake, WA
Bull Shoals, AR
Burleson, TX
Clatskanie, OR
Compton, CA
Douglasville, GA
Edmond, OK
Elizabethton, TN
Elizabethtown, KY
Elk City, OK
Florence, SC
Fresno, CA
Guthrie, OK
Leedey, OK
Madison, MS
McDonough, GA
North Chicago, IL
Olathe, KS
Pawhuska, OK
Peoria, IL
Sebring, FL
Shawnee, OK
Skiatook, OK
Temple, TX
Titusville, FL
Warner Robins, GA

Two hundred eighty-nine cities have been represented at the past four Mayors' Conferences, and many are in the process of becoming Cities of Character.

*A City of Character is one in which the city council or governing body has passed a resolution to become known as a City of Character and is implementing community-wide character initiatives to that end.
Rev. 6/99 (partial listing)

IACC™
INTERNATIONAL ASSOCIATION OF CHARACTER CITIES

Building

The CHARACTER CITIES MOVEMENT

Cities of Character*

Aiken, SC
Augusta, GA
Avon Park, FL
Baker, LA
Bartlesville, OK
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Clatskanie, OR
Compton, CA
Douglasville, GA
Edmond, OK
Elizabethton, TN
Elizabethtown, KY
Elk City, OK
Florence, SC
Fresno, CA
Guthrie, OK
Leedey, OK
Madison, MS
McDonough, GA
North Chicago, IL
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Peoria, IL
Sebring, FL
Shawnee, OK
Skiatook, OK
Temple, TX
Titusville, FL
Warner Robins, GA

Two hundred eighty-nine cities have been represented at the past four Mayors' Conferences, and many are in the process of becoming Cities of Character.

Character First!®

States involved with *Character First!®*

Alabama
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maryland
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
New Jersey
New Mexico
New York
Nevada
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
South Carolina
Tennessee
Texas
Virginia
Washington
West Virginia
Wisconsin
Wyoming

Countries involved with *Character First!®*

Australia
Bahamas
Canada
China
Honduras
Mexico
Moldova
Mongolia
New Zealand
Romania
Russia
Singapore
Sri Lanka
Taiwan
Trinidad
United States

Character First!® Education is being used in 59 cities nationwide to date. *Character First!®* is being implemented in 355 businesses around the country and the world.

*A City of Character is one in which the city council or governing body has passed a resolution to become known as a City of Character and is implementing community-wide character initiatives to that end.
Rev. 6/99 (partial listing)

Building Cities of

IACC™
INTERNATIONAL ASSOCIATION OF CHARACTER CITIES

A Resolution

To establish our city as a CITY OF CHARACTER with
the International Association of Character Cities

WHEREAS, the people of our city recognize the importance of honorable character qualities based upon the moral standards held by our Founding Fathers on which they established our nation and legal system; and

WHEREAS, we recognize the validity of the statement by Alexis de Tocqueville that "America is great because she is good. When America ceases to be good, she will cease to be great;" and

WHEREAS, we desire to build upon our heritage and make our city a place where families are strong, homes and streets are safe, education is effective, business is productive, neighbors care about one another, and citizens are free to make wise choices for their lives and families; and

WHEREAS, we recognize that individuals are responsible for their actions and that daily decisions should be based upon objective moral standards which are the basis of universally-recognized character qualities, including obedience, honesty, truthfulness, diligence, generosity, kindness, loyalty, and courage; and

WHEREAS, lack of commitment and irresponsibility have resulted in an increasing number of family problems causing personal, social, and financial consequences to individual family members and to this city as a whole; and

WHEREAS, there is a need for more positive role models among our young people to help prevent juvenile rebellion and delinquency; and

WHEREAS, if people fail to demonstrate positive character qualities and if they make wrong moral choices, the health, safety and welfare of the citizens are endangered, resulting in a financial burden upon the taxpayers for the costs of law enforcement; and

WHEREAS, many current societal problems will be alleviated when the citizens of this city live by positive and constructive character qualities which distinguish between right and wrong; and

WHEREAS, teaching positive character qualities to juvenile delinquents has been shown to produce a change in behavior, reducing recidivism rates; and

WHEREAS, our schools should be a safe atmosphere where character is exemplified, taught and strengthened, and where learning is encouraged; and

WHEREAS, encouraging employees by recognizing positive character qualities has resulted in an increase in workplace morale, employee safety, and corporate profits; and

WHEREAS, the emphasis of positive character qualities in every sector of society can only occur as individuals commit themselves to exemplifying character in their personal lives and inspiring others to do the same;

HEREFORE, BE IT RESOLVED that the people of this city pledge our commitment to character and to doing all in our power to become known as a City of Character by promoting character in our schools, businesses, homes, churches, city government, media, and community groups, and we urge the leaders of each of these jurisdictions to do likewise.

Adopted by the City Council This ____ Day of _____ 1999.

Signed, _____
City Council Chairman

09/22/1999 09:45 530-323-7271 IBLP SEMINAR OPS PAGE 06/15

IIS CONFERENCE

AIKEN, SOUTH CAROLINA

Each month a character trait, such as responsibility, truthfulness, and respect, is being spotlighted throughout the community. Newspapers highlight the trait on the front page and display full-color ads. Television stations give further explanation of the quality.

A CHIEF OF POLICE

"I have found this conference to be the most comprehensive and informative leadership conference I have ever attended. Not only were leadership problems discussed, but simple, rational, and viable solutions were explored. A must for any leader who wants to make a difference."

Chief Robert Newman—Hazelwood, Missouri
(Law Enforcement Leadership Conference)

A CITY COUNCIL MEMBER

"This conference gave my city team specific ideas and programs that can be implemented on a local level. . . . I am so thankful to have had the opportunity to meet leaders from around the nation and world. No matter what your specific city struggles with, there is hope and there are answers."

Councilwoman Linda Cooper—Chaskanie, Oregon

FRESNO, CALIFORNIA

Two years ago the Fresno Police Department began character training which allowed leadership to prevent potential problems before they developed into lawsuits or increased spending. Since implementing the program, Fresno has also seen benefits beyond departmental boundaries—this sixth largest city in California has had a dramatic reduction in violent crime, theft, and murders.

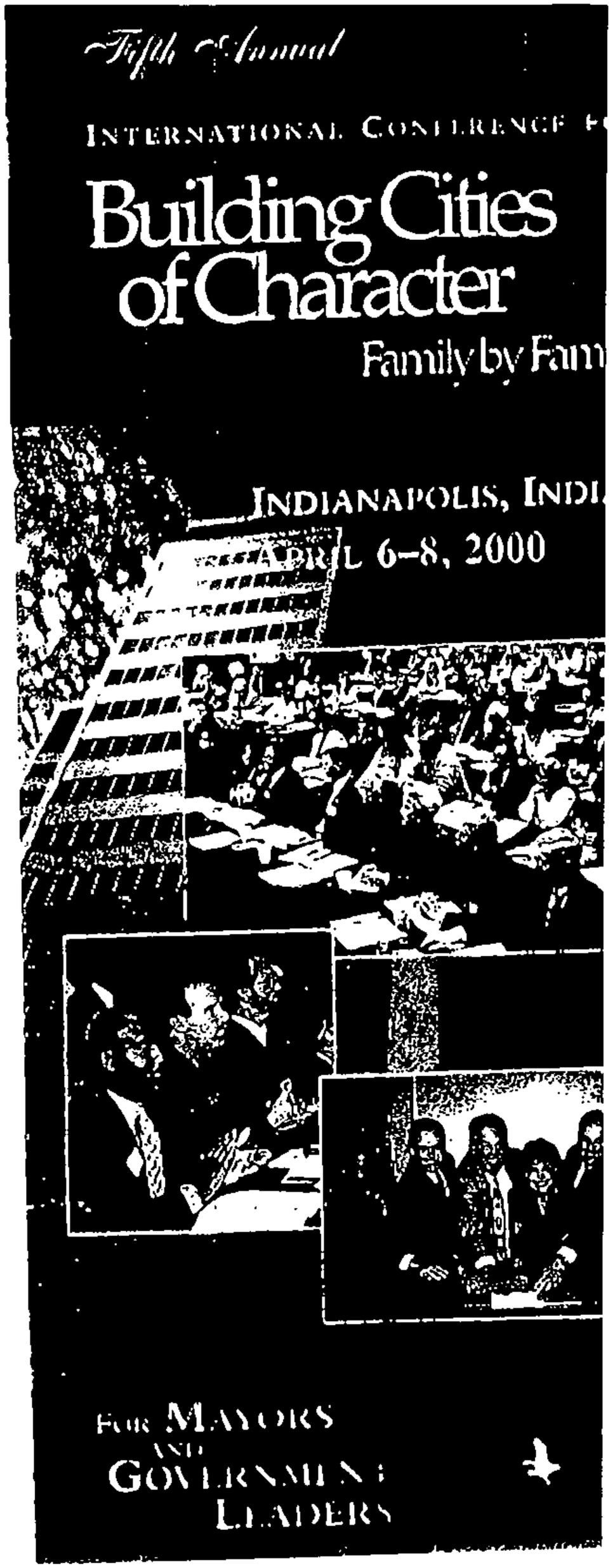
Proven programs to make your community a safer, better place to live.

YOU WILL LEARN HOW TO . . .

- BUILD COMMUNITY TEAMWORK THROUGH CHARACTER PROGRAMS
- STRENGTHEN MARRIAGES BY PROMOTING CHARACTER FAMILIES
- REDUCE YOUTH CRIME BY RESOLVING ROOT PROBLEMS
- ELIMINATE SCHOOL VIOLENCE WITH A TEN-PART PROGRAM
- INCREASE PRODUCTIVITY IN BUSINESSES AND AGENCIES
- ENHANCE THE EFFECTIVENESS OF LAW ENFORCEMENT OFFICIALS
- DRAMATICALLY DECREASE CRIME BY REMOVING ITS CAUSES
- DEVELOP A SPIRIT OF SERVING AND GIVING AMONG YOUTH
- COORDINATE PUBLIC SERVICE ANNOUNCEMENTS IN THE MEDIA
- GLEAN IDEAS FROM MAYORS OF OTHER CHARACTER CITIES

CITIES OF CHARACTER

IACC™
INTERNATIONAL ASSOCIATION OF CHARACTER CITIES



Lasting Rewards From Th

A Mayor From South Carolina

"I highly recommend this conference to any city and its leaders who want to improve their community and raise the level of character in all the citizens."

Mayor Fred Cavanaugh—Aiken, South Carolina

A Mayor From New Zealand

"Never in my wildest dreams had I seen myself involved in such a magnificent conference with so many excellent speakers demonstrating and talking proven success. Thank you again."

Mayor Duncan Taylor—Waitaki, New Zealand

A Mayor From Washington

"An incredible conference on the basic issues facing our society and our cities. Here are ideas and answers that work, proven by experience and shared by mayors that are doing it."

Mayor Robert Young—Bonney Lake, Washington

Temple, Texas

Not only has the city of Temple taken hold of the City of Character concept, but the school district and the county have also passed resolutions committing to develop character.

A Social Development Director

"Thank you for the excellent conference. I am returning to my country with a lot of ideas and projects."

Director Julio Cesar—San Pedro Sula, Honduras

A State Superintendent of Schools

"From experience, I have found this program to be an excellent tool for filling the void of moral character within our state's youth. . . . I recommend the implementation of [this program] within every level of state and local government."

Superintendent Sandy Garrett—Oklahoma

09/22/1999 09:45 630-323-7271 IBLP SEMINAR OPS PAGE 08/15

The IACC

The International Association of Character Cities was developed to support leaders who want to promote a community consensus of universally recognized character qualities, such as attentiveness, initiative, responsibility, gratefulness, and truthfulness.

The IACC facilitates communication between mayors and provides resources for character building programs. Through the IACC network, leaders can share information, ideas, and solutions for strengthening the character of those they serve.

Building Cities of Character Conference

This conference will give you the how-tos for building your city on character. Leaders from around the world have come together at past conferences to discuss a strategy for integrating good character into all sectors of a community.

Training will be provided to meet the specific needs of both leaders who are just beginning character initiatives and those who already have well-established programs. Through keynote speakers, break-out sessions, and round table discussions, you will be given steps of action and learn about the resources available to you. Experienced leaders will pass on the vision and strategy needed for obtaining lasting success.

The conference will be held at the Indianapolis Training Center located just north of downtown Indianapolis. The 300-room conference center is a former Stouffer Inn which provides comfortable accommodations for all attendees. You will also have opportunity to meet outstanding youth who are serving Indianapolis through character initiatives facilitated by Mayor Stephen Goldsmith.

Conference Growth In Four Years

Featured Speakers

Mayor Tom Ed McHugh
Baton Rouge, Louisiana

Under Mayor McHugh's leadership, Baton Rouge became the first city to be known as a Character City. In 1997 the leaders of Baton Rouge piloted a program that focused on a different character trait throughout the city each month. This initiative was successful due to community involvement in all sectors, including schools, businesses, the faith community, and the media. Mayor McHugh gives an excellent practical presentation explaining how Baton Rouge became a Character City and how other cities can do the same.

Roger Magnuson

Roger Magnuson is an attorney and senior partner of the law firm Dorsey & Whitney and a well-respected member of the law community. He received his law degree from Harvard Law School, where he was an editor of the Harvard Law Review, and did his postgraduate work at Oxford University. Mr. Magnuson is the dean of Oak Brook College of Law, a correspondence school based in California. He has an excellent grasp of legal and historical precedents in America, and is the author of several books and a much sought-after speaker.

Wes Lane

As assistant district attorney, Wes Lane serves as the director of the Juvenile Division of the Oklahoma County District Attorney's Office. He is a Governor's appointee to the State Advisory Group on Juvenile Justice and he and his colleagues have done extensive research on the partnership of the church, state, and the private sector. Through their findings, they are addressing the causes of and solutions to juvenile delinquency.

Representative Dianne White Delisi
Temple, Texas *(will attend as legislative schedule permits)*

Representative Delisi is active in turning people's attention to moral issues on both the local and state levels. She introduced legislation in Texas to encourage schools to implement character and citizenship programs, and she is involved in Temple as a member of the committee to develop character programs for the community. As part of this effort she hosted a community event to introduce educators and community leaders to character programs for Temple area schools.

Sheriff Ray Nash
Dorchester County, South Carolina

Sheriff Nash has successfully implemented a character-training program in his office that recognizes success based on character. This program has reduced crime and increased the community's trust in officers. Sheriff Nash has become internationally recognized as leaders from across America and other countries ask him to share his keys to success.

Mayor Bob Young
Augusta, Georgia

Mayor Young is enthusiastically le Augusta, Georgia's second-largest ci develop a systematic approach to becom known as a City of Character. He will municate how all sectors of the comm have rallied together to develop a strategy to carry out this i tive, based on an evaluation of the city's strengths and weakn

Lee Roland

As principal of Oklahoma City's Kaiser Elementary School and ident of the Oklahoma Principals' Association, Lee Roland l the priority of teaching children character and is successfully l Kaiser in implementing a character-education program. Realizing that all aspects of education will be benefited by character training, he has valiantly overcome obstacles and given his entire staff a new vision for training children.

Mayor Jim Dailey
Little Rock, Arkansas

As mayor of Little Rock, Jim Dailey sought to find answers that addressed the causes—not just the symptoms—of societ within the city, and he implemente grams which focus on preventative sures for crime and juvenile delinq His insight on the methods for reb the moral foundation within a comm and the benefits of doing so, will prov inspiration and how-to for you to doing the same.

Conference Schedule

4 p.m. Thursday, April 6
through
2 p.m. Saturday, April 8.

REGISTRATION FORM

Conference registration is $450. You will be given a $100 discount when we receive your registration postmarked on or before November 10, 1999. The registration fee includes accommodations, meals, materials and resources, and a $75 non-refundable deposit. Confirmation of attendance and lodging arrangements will be sent after your registration is received and processed. For more details please call the conference center at 317-923-7301, and ask for a Cities of Character conference representative, or e-mail conferences@charactercities.org.

☐ **Yes, I would like to register now and receive my $100 early-registration discount. Enclosed is $350 for registration.**

☐ Mr. ☐ Mrs. ☐ Miss
☐ Dr. ☐ Other *(please state)* _____

Name _____

Title _____

Department/Organization _____

Population of your jurisdiction _____

Length of time in your position _____

Mailing address _____

Street address _____

City, State, ZIP _____

Phone number ( ) _____

Fax number ( ) _____

E-mail _____

Mayors' Conference alumnus/alumna *(list year)* _____

What needs relating to character do you see in your jurisdiction?

_____

_____

☐ **I would like my spouse to attend with me, and I have enclosed the additional $100 registration fee.**

Name _____

☐ **My check or money order is enclosed.** Ck # _____
Make payable to International Association of Character Cities (IACC)

☐ **Please bill my credit card.** ☐ MasterCard ☐ Visa Exp date _____

Account # _____

Signature _____

Detach this form and mail with appropriate payment to:
Mayors' Conference Registration • Indianapolis Training Center
2820 North Meridian St. • Indianapolis IN 46208

LEADERS CURRENT

December 1998

Volume 1, Number 1

Exploding Interest in Character Cities

Accomplishing our mutual goal of building Character Cities as examples to the world is becoming increasingly important. In light of this, we have designed the *Leaders Current* to provide you with practical ideas, solutions, and suggestions for how you can build character in your city. We hope to accomplish this goal through providing real-life examples and updates about approaches leaders are using in other cities to successfully launch character initiatives.

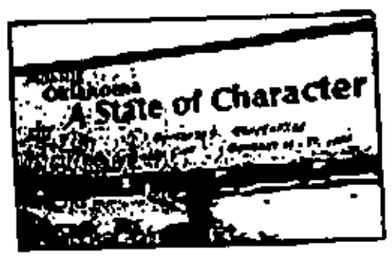
Our objective is to provide each other with the necessary tools, ideas, and solutions that will allow each of our cities to be successful in accomplishing our goal of building character.

IACC™

Character City Initiatives Up and Running

Following are a few of the many highlights from Character Cities around the nation:

Oklahoma—First State of Character



The Governor's Conference for Oklahoma Mayors and Government Leaders was held in Oklahoma City this fall. Sponsored by Gov. Frank Keating and Mayor Kirk Humphreys of Oklahoma City, this event was the kick-off for making Oklahoma the first State of Character—city by city.

The broad-based expressions of support from community leaders offer proof that with all the division in our society, character is one thing people can unite around:

- Billboard companies donated signs to advertise the conference.
- Nightly news anchors from the three major TV stations did a joint PSA promoting the initiative.
- OSU's and OU's head football coaches together aired a radio commercial across the state urging citizens to call their local officials and encourage them to attend.
- Many Oklahoma businesses provided scholarships for attendees.

Baton Rouge—Charting New Waters

Over 200 businesses and 150 churches receive a fax from the mayor's office every month explaining the character quality which they then incorporate into their programs for that month. All visitors arriving at the Baton Rouge airport are now greeted by a welcome sign reading "A Community of Character. A Community That Cares." *Character First!*® clubs for middle- and high-school students are also in operation.

Learn more about Baton Rouge's extensive character program at www.ci.baton-rouge.la.us.

Little Rock—Taking Hold of the Vision

Mayor Jim Dailey brought a delegation of top Training Center to learn how they can implement the *Character First!*® program among the city's 2,000 public service employees.

Mayor Dailey has wisely emphasized that *Character First!*® must not be another passing program but a long-term commitment to a new way of life which will restore the moral fabric of his community.

Temple, TX—Mounting Enthusiasm

The Temple Chamber of Commerce is showing full support for the character city initiative by featuring the quality for the month in their monthly newspaper supplement as well as all fax transmissions out of their office and by sponsoring character training seminars. A resolution passed by the Temple Independent School District supports their being known as a "School District of Character."

Compton, CA—Moving Forward

Compton students and teachers are ecstatic about the *Character First!*® pilot program that has been launched in the schools.

McDonough, GA—Laying a Good Foundation

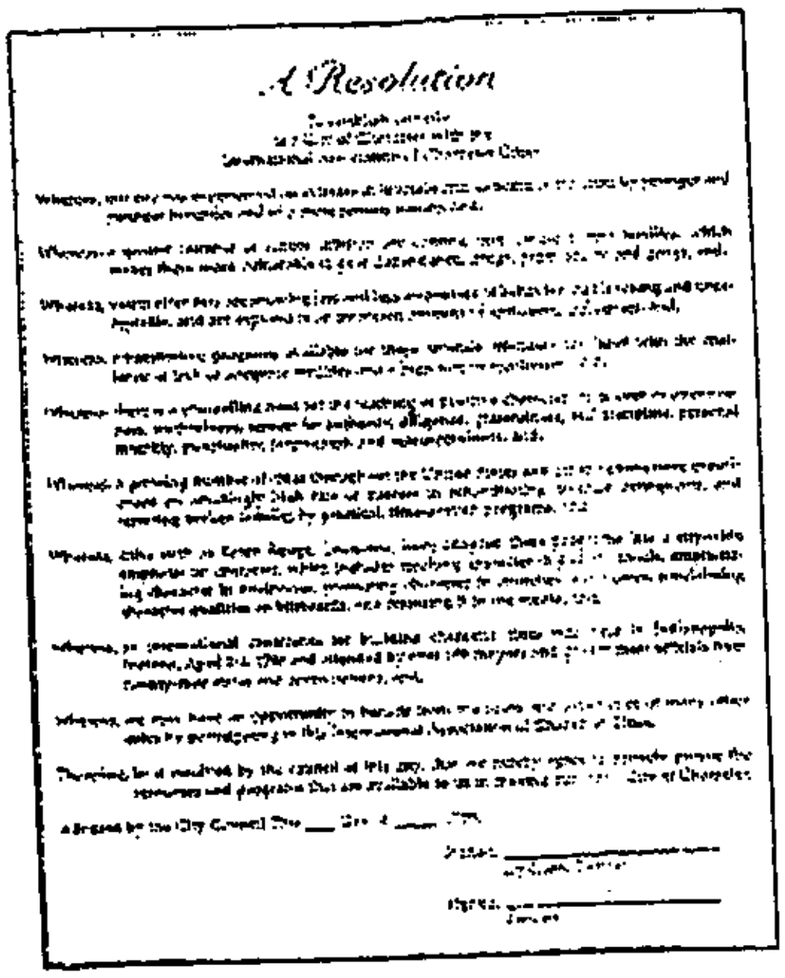
The groundwork for a successful character initiative has been laid with the upgrading of fifty low-income homes since June by dedicated volunteers from the community, including members of an ALERT team.

Building Cities of Character™

Character in Law Enforcement

More than 130 delegates representing twenty-seven states and eight nations gathered in Indianapolis last month for the Law Enforcement Leadership Conference. International delegates represented the countries of Honduras, Mexico, Moldova, New Zealand, Russia, Romania, and Taiwan.

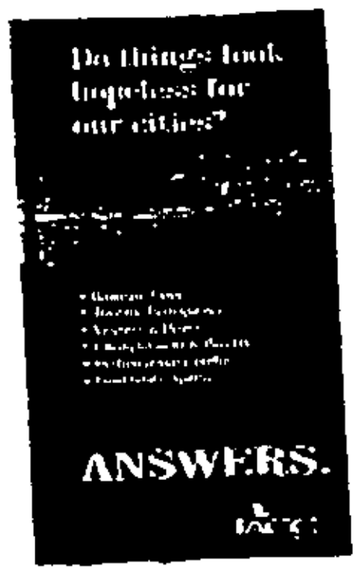
"Police administrators are becoming increasingly aware of the importance of character in building the trust-based relationships essential to establishing peaceful and stable neighborhoods," said keynote speaker Sheriff Ray Nash of Dorchester County, South Carolina. "This conference, focusing on the power of character, is a singular event that promises to impact the law enforcement profession internationally."


A Resolution

City councils across the country are unanimously passing Character City resolutions with bipartisan support.

Fourth Annual Mayors' Conference

Mark your calendar now for April 8–10, 1999, the dates of the Fourth Annual International Conference for Mayors and Government Leaders, being held in Indianapolis. This year's conference will help you map out a practical plan for moving your initiative forward. Specific steps necessary for creating an atmosphere within your city where character is promoted and encouraged will be presented. The conference will feature several outstanding speakers who are authorities on the issue of character and how to integrate it into each area of the community. Look for the conference brochure along with a copy of the "1998 Conference Summary" video coming to your mailbox soon!



Info Ideas

As leaders catch the vision for encouraging character within their jurisdictions and take the first steps of implementation, more ideas on how to promote character are generated. Some of these innovative ideas are . . .

Screen-savers for employee computers highlighting the character quality for the month and its definition.
Senator Daniel Webster
Florida State Senate

Development of a list of questions based on each character quality to be used in selecting prospective city government employees.
City of Baton Rouge, LA

Young people of character representing the mayor stationed at the airport to welcome visitors to a Character City and put character-promoting literature into their hands.

Share the innovative ideas you have implemented in your city's character initiative. Write the *Current* at the address below or e-mail us at Current@CharacterCities.org.

If outward restraints were lifted . . . Would your city be a safe place to live?

What would happen if there was a sudden disabling of the police force or other external deterrent to crime in your city? Is there any way to ensure a peaceful society without having to depend on the night stick and the force of law?

There is a way. *Character* is the inward restraint on lawlessness and the inward motivation to do good. No amount of policing can make up for a lack of character, but when good character is present, the people will police themselves.

"He therefore is the truest friend to the liberty of his country who tries most to promote its virtue . . . ."

—Samuel Adams
Founding Father

IACC™

LEADERS CURRENT

March 1999

Volume 2, Number 1

urrent onference

As we draw within a month of the Fourth Annual International Conference for Mayors and Government Leaders, it is becoming increasingly clear that this conference will be significant in determining the destiny of our nation and world at the close of this century.

We are looking forward to welcoming representatives from sixty-eight cities, twenty-one states, and seventeen nations.

The goal of this year's conference is not only to send newcomers home with the vision for establishing character within their jurisdictions, but also to focus on further equipping those who are already building Cities of Character. We look forward to seeing each of you there April 8–10!

(See back for more details.)

Keeping Character in the Public Eye

Following are current highlights from Character Cities around the nation:

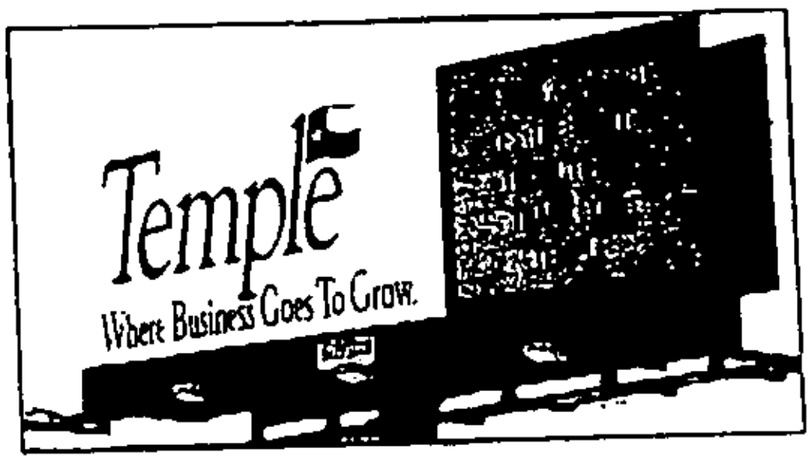
Well Under Way in OK

On February 23, the Oklahoma House of Representatives unanimously passed a resolution that officially declared Oklahoma a State of Character.

A follow-up Character Summit is being held this month in Oklahoma City, to which the cities represented at the Governor's Conference are sending their Mayors, City Managers, Superintendents of Schools, Chiefs of Police, and other officials. Here they are developing a practical plan with which to move forward in their communities. Excitement is growing for this conference being sponsored by Governor Keating's administration.

Character-training programs are now being implemented across the state in many sectors—not only on a citywide basis in cities such as Services, with their staff of 8,000; the Office of Juvenile Affairs; the Oklahoma State Bureau of Investigation; and the Oklahoma County Juvenile Bureau and District Attorney's office.

Just prior to passing the resolution to declare Oklahoma a State of Character, the House learned the definition of attentiveness.



Occupants of the 80,000 vehicles that travel I-35 each day get a good idea of what is important in Temple, Texas, as they pass this billboard located in the heart of the city.

Taking Root in Temple, TX

Word of Temple's successful focus on character is spreading into a broader jurisdiction, as the Bell County government recently passed a resolution to become a County of Character. As more and more people get involved, ideas are generated that other cities can implement. For example, high schools and middle schools in the Temple Independent School District will begin including character lessons developed from the *Character First!*™ corporate bulletins in their morning announcements. *Character First!*™ training was recently given to the district's 1,250 employees and also to high school teachers on

CURRENT Cities of Character

Aiken
SOUTH CAROLINA
Fred Cavanaugh, Mayor

Baton Rouge
LOUISIANA
Tom Ed McHugh, Mayor

Belton
TEXAS
Bill Holmes, Acting Mayor

Bethany
OKLAHOMA
Don Willis, Mayor

Bonney Lake
WASHINGTON
Bob Young, Mayor

Compton
CALIFORNIA
Omar Bradley, Mayor

Edmond
OKLAHOMA
Bob Rudkin, Mayor

Elizabethtown
KENTUCKY
David L. Willmoth, Jr., Mayor

Building Cities of Character™

The sports and news anchors of a major TV station are airing public service announcements promoting the quality of the month.

Gaining Ground in Elizabethtown, KY

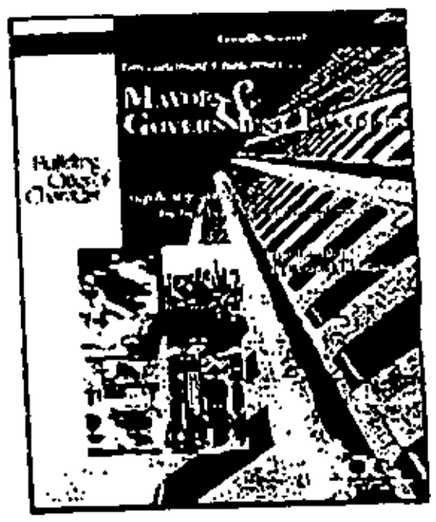
Another city whose example has ignited its entire county is Elizabethtown. Hardin County is one of a growing number of Counties of Character which is promoting character within county government. Their program includes inserting a *Character First!*™ bulletin with each paycheck to their 200 employees, who are encouraged to talk to their children about the quality.

Pumped in Pawhuska, OK

Enthusiasm for Pawhuska's character emphasis is sweeping the entire town, from the mayor to the forty elementary schoolchildren who showed up to do a character presentation for a civic group that will be involved in promoting character in the community. The whole town is abuzz about character, as the quality of the month is printed in every issue of the newspaper—accompanied by anecdotes illustrating its application, highlighted in church bulletins, and posted on business marquees and storefronts all across town.

Does Your Building Have a Blueprint?

If a builder expects his structure to be useful, attractive, and permanent, he cannot afford to make up the blueprints as he builds the structure. Only by having a clear vision of the end result and by investing whatever time and energy is necessary to plan each phase of the building process will the builder be able to direct those under him, make wise decisions, and be successful in reaching his goal.



We encourage you to take advantage of the Fourth Annual International Conference for Mayors and Government leaders, as you will have the opportunity to evaluate how your character initiative is progressing so far and plan the next steps for your city. Furthermore, new material will be shared on how every societal problem directly corresponds to specific character qualities that are lacking in that situation. If you have not yet registered, call 317-923-7301 to do so now!

"The only foundation of a free Constitution is pure Virtue [character], and if this cannot be inspired into our People in a greater Measure than they have it now, they may change their Rulers and the forms of Government, but they will not obtain a lasting liberty."

John Adams
Founding Father

Edmond, OK: An Example to Follow

Each year the father of a young handicapped boy in Edmond had taken him on a hunting trip. Due to the death of his father, he was no longer able to go hunting. His mother, upon learning about a deer hunt the city held each year, requested that her son be able to attend. The city had to decline, since he could not participate unattended. One of the city supervisors relayed this story at a meeting. As a result, five of the employees went together and took the young boy hunting on their own time.

For these employees, "generosity" was more than a *Character First!*® poster on the wall or training in staff meeting. It was a choice they made that benefited a young boy, his family, and a whole community.

Although initially reluctant to begin Character First!® In city government, Edmond City Manager Leonard Martin has never looked back after seeing the positive changes such as these, that have resulted in his city.

Elizabethtown
TENNESSEE
Ken Wandell, Mayor

Elk City
OKLAHOMA
Teresa Mullican, Mayor

Florence
SOUTH CAROLINA
Frank Willis, Mayor

Fresno
CALIFORNIA
Jim Patterson, Mayor

Guthrie
OKLAHOMA
Evelyn Nephew, Mayor

McDonough
GEORGIA
Richard Craig, Mayor

North Chicago
ILLINOIS
Jerry Johnson, Mayor

Temple
TEXAS
Kiefer Marshall, Jr., Mayor

Building Cities of Character™

IACC™
INTERNATIONAL ASSOCIATION OF CHARACTER CITIES
Box One · Oak Brook, IL 60522-3001
Tel: 630-323-4144 · Fax: 630-323-7271
info@charactercities.org

LEADERS CURRENT

July 1999

Volume 2, Number 2

Stirring the Waters

Municipal conventions are excellent places to spread the word about your character initiative with other leaders who are looking for lasting change in their cities.

Mayor Fred Cavanaugh of Aiken, South Carolina, was asked to speak at a break-out session on Character Cities at his state's municipal convention. He was also instrumental in getting Mayor Young of Augusta involved. Other leaders are sharing the idea with fellow city officials.

Riding the Current of a Groundswell

Following are current highlights from Character Cities around the nation:

Augusta: With Wide Support

After passing their Character City resolution as recently as May 4, Mayor Young, a new mayor with no previous political experience, has already enlisted the involvement of almost every sector of the community.

Character First!® will be taught this fall throughout the school system, and the superintendent especially appreciates how the citywide character emphasis will reinforce classroom training. The local city-county hospital foundation is intending to underwrite the costs for Character First!® in 60 classrooms. Having sent invitations to their 1,800 members, the Chamber of Commerce is hosting a breakfast dedicated

his is the easiest thing we've ever done. We can hardly get the words out of our mouths before people want to get involved!"

—Lane Hutchins, wife of Augusta Character City Coordinator

The city will soon begin character training for its 1,200 employees.

Visit their new Web site at www.ccboe.net/grants/character.

Temple Daily Telegram

School bill gets hearing

Shooting at school kills 25

Character: the difference between life and death. The same day that a wanton lack of character took the lives of school students in Colorado, Texas officials were debating if character bill H.B. 911 could come to the rescue for their school children.

Fresno: With a Message

Results speak for themselves in the Fresno Police Department, where "Character Standards for Police Officers," developed by Sheriff Ray Nash, has been implemented with dramatic success. Implementing the character principles has allowed the leadership to identify potential problems within the police force and deal with them before they turn into lawsuits and increased spending. In the two years since they began the program, crime in this large California city has dropped 50 percent. Murders have dropped from 75 people killed two years

Burleson, TX: Representatives of the city, school district, Chamber of Commerce, and ministerial alliance together signed the first Character City joint resolution.

most-CURRENT Cities of Character

Augusta
GEORGIA
Bob Young, Mayor

Baker
LOUISIANA
Bobby Simpson, Mayor

Bartlesville
OKLAHOMA
Ron Nikkel, Mayor

Bull Shoals
ARKANSAS
Loren Thompson, Mayor

Burleson
TEXAS
Byron Black, Mayor

Douglasville
GEORGIA
Charles L. Camp, Mayor

Leedey
OKLAHOMA
Orin Patton, Mayor

Madison
MISSISSIPPI
Mary Hawkins-Butler, Mayor

Olathe
KANSAS
Larry L. Campbell, Mayor

Pawhuska
OKLAHOMA
Jack Shoemate, Mayor

TACC

predicted for this year. Auto theft is down 60 percent from a couple of years ago, whereas Fresno was the auto theft capital of the nation in the 1980s. Last month the city had no murders to report. Council President Ken Steitz attributes these results largely to the character training principles that are affecting the whole community.

"m impressed with how fast this program has gotten off the ground."
—Byron Black, Mayor of Burleson, Texas

Councilman Steitz's strategy for his community is to lay the groundwork with character training throughout city government. Once results are evident, the city will be able to recommend the character programs to other sectors of the community with the authority of experience.

GEORGIA
Character

Statewide Impact

The Georgia Municipal Association donated a prime location for our booth at their annual convention, and IACC staff members were able to interact with mayors and city council members from all over the state. Officials were excited about the State of Character resolution passed by the legislature in March and the example of four Character Cities already underway in Georgia.

If you have a municipal convention in your state and would like to share the Character Cities idea, please contact the IACC office, and we would be glad to work with you.

Nothing is more IMPORTANT for the public weal than to form and train youth in wisdom and virtue. Only a *virtuous* people are capable of freedom.
Benjamin Franklin
Founding Father

IACC™

1999 MAYORS' CONFERENCE in Review

A Catalyst for Character Kickoff

City officials have been busy acting upon the vision they caught at the April conference, and one-third of current Character Cities have been launched as a result.

With the 237 attendees representing 119 cities, 27 states, and 13 nations, the international character movement has received another significant boost. Favorite speakers at the conference included David Barton, who spoke on the sacrificial commitment of America's Founding Fathers; Roger Magnuson, who gave a historical perspective on character movements in America and their effects; and Wes Lane, who urged leaders to act upon what they had heard and move forward with what they knew was best for their communities.

ttendee feedback

"I have been wondering why I continue in the Georgia State House and have contemplated leaving. This conference has given me a clear vision for my new call as a public servant and five years of working to solve what I now know is a character problem."
—State Representative Bob Snelling, Douglasville, GA

"The principles are universal. . . . The results of this conference have been wonderful in my personal life. The next step is the application in my life, my family, my work, and especially in my community."
—Luis Maestro, City Councilman, Tonala, Jalisco, Mexico

"It is absolutely imperative that this initiative . . . is carried forth and taught throughout the world."
—Dan Furr, Chief of Police, Georgetown, SC

"If we had 20 percent of these character qualities in our authorities and in ourselves, we would almost be living in heaven."
—Luisa Olivia Alvarez, City Manager, San Pedro Sula, Honduras

Peoria
ILLINOIS
Lowell "Bud" Grieves, Mayor

Sebring
FLORIDA
George Hensley, Mayor

Shawnee
OKLAHOMA
Chris Harden, Mayor

Skiatook
OKLAHOMA
Don Billips, Mayor

Titusville
FLORIDA
Larry D. Bartley, Mayor

Warner Robins
GEORGIA
Donald Walker, Mayor

AIKEN, SC
AVON PARK, FL
BATON ROUGE, LA
BELTON, TX
BETHANY, OK
BONNEY LAKE, WA
COMPTON, CA
EDMOND, OK
ELIZABETHTON, TN
ELIZABETHTOWN, KY
ELK CITY, OK
FLORENCE, SC
FRESNO, CA
GUTHRIE, OK
MCDONOUGH, GA
NORTH CHICAGO, IL
TEMPLE, TX

Building

BOTANICAL GARDEN SOCIETY OF THE OZARKS, INC.
P.O. Box 3079 • Fayetteville, Arkansas 72702-3079 • 501-443-6638

November 16, 1999

TO: Peggy Vice
City of Fayetteville, Purchasing

FROM: Donna Porter, Director

RE: Selection Process for Master Planning/Feasibility Study Services

In August of 1998, the Botanical Garden Society of the Ozarks sent out twelve RFP's (Request for Proposals) to Landscape Architectural firms across the country for Master Planning Services. These services were to include market and economic research that would serve to guide in the master planning of the Botanical Garden of the Ozarks. Deadline for proposal receipt was September 23, 1998. Out of the twelve firms, proposals were received by the Society from eight of the contacted firms.

The Society's Master Planning Committee conducted an all day retreat to review and evaluate the eight firms. A 'short list' of three firms was the results of this process. The short list included The Portico Group (which included Dean Runyan and Associates), Environmental Planning and Design, and The Big Muddy Workshop.

References of the three 'short listed' firms were then checked by the Society's Director. This entailed phone interviews with previous or current clients of the firms. At least three references were contacted for each firm. The Director then reported back to the Master Planning Committee with the findings from these phone interviews. A selection was then made by the Master Planning Committee based upon all of the compiled information. A recommendation from the Master Planning Committee was then brought before the Society's Board of Directors and voted upon. The selection of the The Portico Group, which included Dean Runyan and Associates to conduct market and economic research studies, was the final result.

Botanical Garden Society of the Ozarks

Master Planning Services

REQUEST FOR PROPOSAL

To be considered, written proposals must be received by September 23, 1998, no later than 5:00 p.m. in the format set forth in the accompanying documents. A non-responsive or incomplete proposal will not be considered. Proposals received after this deadline will not be considered. Proposals should be delivered to the following address:

Ms. Donna Porter
Director
Botanical Garden Society of the Ozarks, Inc.
PO Box 3079
Fayetteville, AR 72702
501-443-6638
Fax: 501-442-2968

Note: Packages may be delivered to:
BGSO, Inc.
44 N. School
Fayetteville, AR 72701

The outside of the envelope must be clearly marked "Master Planning Services Proposal."

1. It should be clearly understood that any costs incurred by the proposer in responding to this request for proposal is at the proposer's own risk and expense as a cost of doing business. The Botanical Garden Society of the Ozarks (BGSO) is not liable for reimbursement to the proposer for any expense so incurred, regardless of whether or not the proposal is accepted.
2. Any conditions or expectations on the part of the proposer for performance by the BGSO must be set forth in the proposal.
3. At the discretion of the BGSO, one or more proposers may be asked for more detailed information before final award is made.
4. The BGSO will not be responsible for misdirected proposals. Proposer should call the BGSO Office at (501) 443-6638 to insure receipt of their proposal documents prior to opening time and date listed above.

5. Proposers must provide the BGSO with their proposals signed by a person having legal authority to submit bids on behalf of the proposer.

6. Any inquiries for explanation in regard to the BGSO requirements should be made to:

   Stephen H. Jeffus, PE
   Vice-President, BGSO Board of Directors
   PO Box 590
   Fayetteville, AR 72702
   Phone (501) 443-7237
   Fax (501) 444-7775

   The names of any persons or firms submitting questions, clarifications, or requests will not be disclosed until after the deadline for submitting.

The consulting firm/team shall also provide information that addresses the following:

- Work on a project similar in nature to this type of work. Examples of design and master planning of botanical gardens, or a project considered relevant, should be included in the proposal.
- The present workload and ability to complete the work in the time frame derived.
- Office location where the majority of daily work will be accomplished.
- Names, titles, work address and work telephone numbers of the responsible corporate officer(s) in the proposed office location.
- Description of the size, history, and overall directly related experience of the proposed office that will accomplish the daily work.

In addition, the proposals should include the following information:

Organizational Chart:

- Provide Organizational Chart for proposed project team.
- Brief description of responsibilities and summary resumes of key professional personnel emphasizing experience directly related to responsibilities on this project. Also, include any specialty certification which demonstrates special qualifications related to this project.

Communication:

- Indicate how coordination and communication will take place between firm and BGSO representatives.

Additional Information:

- Any additional information or related services that BGSO should be aware of which might have a bearing of the firm's qualifications to perform this work.
- The consultant shall furnish a work plan and estimated time required to complete the scope of work.

It will be necessary for anyone submitting a proposal to furnish four (4) original documents and eight (8) copies. The detail evaluation of the proposals will possibly include a presentation by selected firms combined with an interview by the Selection Committee. Award of a contract may be made with or without interviews. Presentation and/ or interview expenses shall be borne by the consulting firm/team.

Criteria which may be used in evaluating proposals and selecting the consulting firm/team include:

30 points 1. Specialized experience and technical competence of the firm with respect to the type of professional services required;

30 points 2. Capacity and capability of the firm to perform the work in question including specialized services, within the time limitations fixed for the completion of the project;

30 points 3. Past record of performance of the firm with respect to such factors as control of costs, quality of work and ability to meet schedules and deadlines; and

10 points 4. Firm's familiarity with the area in which the project is located.

The award points may be used to assist the selection committee in rendering a decision through empirical analysis, however, the BGSO reserves the right to conduct other evaluations as may be required in order to render an informed and optimum decision.

After evaluation of the proposals, the qualified firms shall be ranked accordingly. BGSO will then enter negotiations with the most qualified firm for the master planning project. In the event that the negotiations between the firm and BGSO cannot be accomplished to the satisfaction of BGSO, then BGSO shall reserve the right and authority to undertake negotiations with the second (and subsequently the third) most qualified firm. Negotiations will continue in this sequence until a mutually acceptable agreement has been reached, or until all firms are rejected.

All interested firms are welcome and encouraged to conduct inspections of the proposed garden site.

Landscape Architectural firms responding to RFP

Becca Hanson
The Portico Group
217 Pine St. (new address)
2nd Floor
Seattle, WA 98101

John Royster
The Big Muddy Workshop
3620 Leavenworth Street
Omaha, NE 68105

Wayne Cooper
Carter & Burgess, Inc.
10809 Executive Center Dr., Suite 204
Little Rock, AR 72211

Arlin Vancuren
Howell & Vancuren, Inc. / CDC
100 W. Center St., Suite 105
Fayetteville, AR 72702

Jeff Knopp
Behnke Associates, Inc.
700 W. St. Clair Ave., Suite 416
Cleveland, OH 44113-1230

Suzanne Roe Dirsmith
The Dirsmith Group
318 Maple Ave.
Highland Park, IL 60035

Geoffrey L. Rausch
Environmental Planning & Design
100 Ross Street
Pittsburgh, PA 15219

Botanical Garden of the Ozarks
Feasibility Analysis Components

Dean Runyan Associates
10 November 1999

How the study will be utilized

This study will be an important component of a master planning effort for the Garden. Its findings will help assure that there is a market for the Garden and that the garden can be operated in a cost-effective manner once it opens.

The project has the advantage that the feasibility analysis will be conducted in parallel with the master planning effort, allowing the economic analysis to directly inform and help guide the Garden design process. For example, the analysis of markets and demand will help determine the most suitable components to include in the garden, and what their scale should be. Similarly the financial analysis will help determine what revenue-generating components should be included in the garden design.

Qualifications

Dean Runyan Associates (DRA) was founded in 1986 to specialize in economic and market research related to recreation, education and tourism. DRA often participates on master planning teams in order to provide an economic and business component to the project, and in particular to assist with planning for a facility that is as financially successful as possible.

Specific projects that relate closely to the proposed project include economic and financial analysis for the Washington Park Arboretum in Seattle. This project, which we completed with the Portico Group, involved analyzing demand for the facility, preparing detailed revenue and cost projections, developing a multi-phase staffing plan, and preparing preliminary operating budgets for three phases of development. Potential revenue sources included admissions, parking, retail sales, educational activities, special events and donations, as well as support from two government agencies and a private foundation.

The Oregon Garden is a major display garden and research facility now under construction near Silverton in the central Willamette Valley. We analyzed site requirements for the facility and made a site recommendation, projected attendance and other elements of demand, developed a preliminary operating budget and discussed the economic impacts of the facility.

DRA has also prepared financial projections and plans for a number of museums, interpretive centers, zoos, aquariums and recreation destinations. Most of these projects involve analyzing demographic trends and making specific attendance and financial projections. A project list appears in the Appendix.

DRA also specializes in analyzing and planning for tourism development and has prepared a number of tourism studies and master plans, including a tourism master plan for Alaska, another for North Dakota, and economic studies for state tourism departments in California, Washington, Oregon, Texas, Colorado, Idaho, Alaska and North Dakota.

Procedures

Task 1: Market Analysis

This task describes the primary visitor market for the proposed facility and provides very important information for purposes of projecting potential demand for a new facility. This analysis will be based in part on data collected from comparable facilities, travel- and tourism-related sales data, and other information useful for documenting the growth and significance of Arkansas travel and tourism.

This task also involves identifying and contacting a selection of six to eight comparable garden facilities, gathering information on:

- Visitor origin, demographics and other characteristics
- Visitor attendance and seasonal variations
- Facility, site and area use patterns, including access, traffic patterns, attendee length of stay, seasonal and other use patterns, associated activities of visitors, etc.
- Anticipated plans for expansion, changes in interpretive programming, and/or new cooperative arrangements with other facilities
- Any data on economic benefits to local and regional areas

A second facility category includes attractions in the local area and elsewhere in Arkansas, such as museums, recreation sites, commercial attractions, visitor information sources, campgrounds, etc., which can provide useful data regarding visitor origin, seasonality and other factors important for preparing attendance forecasts.

Task 2: Demand Projection

A visitor use forecast will be prepared for the Garden in order to guide facility planning. This forecast will specify the seasonal, day-of-the-week, and hourly attendance distribution, and in particular will include peak period specifications for purposes of sizing buildings, parking lots and other facilities.

Forecasts will be prepared using a well-established and methodologically justifiable approach, based on:

- current seasonal patterns of recreation and travel
- existing and projected demand from local, regional and national markets
- existing and projected penetration of anticipated markets
- projected market area trends, including population growth, income and recreation activity

Task 3: Economic Feasibility Analysis

Revenue projections will be prepared from attendance projections and other operational data. These revenues will then be compared with projections of operating costs, as determined through analysis of a) previous operating cost estimates of the facility and b) the operating costs of comparable facilities. Staffing is typically a primary cost item for facilities such as the Garden and will be considered carefully, including the potential for using volunteers and interns.

The results of the revenue and cost analysis will be summarized in the form of a five-year pro forma financial analysis showing cash flow and profit/loss.

Cost Estimate for BGSO Feasibility Study

Task	Cost	Mark-up	Total	Task Total
Phase 1 - Completed				
Labor	6,196.00	1.03	6,381.88	
Expenses	750.00	1.03	772.50	**7,154.38**
Phase 2				
Labor	10,880.00	1.03	11,206.40	
Expenses	2,000.00	1.03	2,060.00	**13,266.40**
Prep for Document	4,000.00	1.03	4,120.00	**4,120.00**
Project Coordination				
Masterplan Coordination/Per Day	800.00	4	3,200.00	
Consultant Coordination/Per Day	1,000.00	0.5	500.00	
Expenses	300.00	1.03	309.00	**4,009.00**
Printing	500.00			**500.00**
Total Cost of BGSO Feasibility Study				**29,049.78**

AGENDA SESSION 11/16/99 C.C.
WASH School Gym

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department:	Public Works	Date Requested	Adjustment #
1999	Division:	Parks & Recreation	November 16, 1999	
	Program:	Parks Capital		

Project or Item Requested:

$92,529 in additional funding for the Washington Elementary School capital project.

$176,000 for the Walker Park Senior Complex, $24,000 for the Lake Fayetteville /Sequoyah Improvements, & $25,000 for the Master Park Plan capital project all of which to be placed in the Parks Development Fund.

Project or Item Deleted:

$92,529 from the Parks Maintenance Complex capital project.

$176,000 from the Walker Park Senior Complex, $24,000 from the Lake Fayetteville /Sequoyah Improvements, & $25,000 from the Master Park Plan capital project all of which to be transferred from the Sales Tax Capital Fund.

Justification of this Increase:

The bids came in for this project at a cost of $660,059. The Fayetteville Public School District has asked for an additional $92,529 in City contribution for this project.

Several project budgets will be moved from Sales Tax Capital Fund to the Parks Development Fund in order to keep all of the Washington School Gym funding in one source.

Justification of this decrease:

Sufficient funding remains to meet project objectives.

The funding sources for these projects will be moved from Parks Development Fund to Sales Tax Fund. The project budgets will not be changed.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Washington School Gym	317,529	4470	9470		5806	00	99005	1
Walker Pk Senior Complex	176,000	2250	9250		5806	00	96092	1
Lk Fay/Seq Improvements	24,000	2250	9250		5806	00	97017	1
Master Park Plan	25,000	2250	9250		5806	00	99025	1

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Parks Maint Complex	92,529	4470	9470		5804	00	97019	20
Walker Pk Senior Complex	176,000	4470	9470		5804	00	96092	1
Lk Fay/Seq Improvements	24,000	4470	9470		5806	00	97017	1
Master Park Plan	25,000	4470	9470		5806	00	99025	1
Washington School Gym	225,000	2250	9250		5806	00	99005	1

Approval Signatures

Requested By _____ Date _____

Budget Manager _____ Date _____

Department Director _____ Date _____

Admin. Services Director _____ Date _____

Mayor _____ Date _____

Budget Office Use Only

Type: A B C D E

Date of Approval _____

Posted to General Ledger _____ _____

Posted to Project Accounting _____ _____

Entered in Category Log _____ _____

Blue Copy: Budget & Research / Yellow Copy: Requester

C:\DATA\FORMS\BA-ADJ\BADJF362.WK4

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
FAYETTEVILLE CITY COUNCIL
NOVEMBER 16, 1999

A meeting of the Fayetteville City Council will be held on November 16, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the November 2, 1999 City Council meeting.

2. **SWIMMING POOL PAINT SETTLEMENT:** A resolution approving an offer by Wilks Construction in the amount of $5,000 in lieu of painting the Wilson Park Swimming Pool. This will be the final settlement of their contract with the City.

3. **LAKE SEQUOYAH BOAT DOCK:** A resolution awarding a contract to Frank Thorpe for the management of Lake Sequoyah Boat Dock.

4. **MULTI-USE TRAILS:** A resolution authorizing the Mayor to execute an Agreement of Understanding with the Arkansas State Highway and Transportation Department for the implementation of Fayetteville Multi-Use Trails as Federal-Aid Transportation Enhancement project in the amount of $600,000. This agreement supersedes the agreements signed previously for the use of these funds. The City is required to furnish a 20 percent match or $150,000 making total funds available of $750,00. Approval of a budget adjustment establishing the project is also required.

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 and 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 second reading at the October 19, 1999 City Council meeting.

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

2. **RZ 99-29:** An ordinance approving 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. The ordinance was left on the second reading at the November 2, 1999 City Council meeting.

C. NEW BUSINESS

1. **RZ 99-31.00:** An ordinance approving rezoning request RZ 99-31.00 submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Bleaux Barnes for property located south of Appleby Road and east of Appleby Apartments. The property is zoned A-1, Agricultural and contains approximately 8.37 acres. The request is to rezone the property to R-1, Low Density Residential.

2. **AD 99-25:** A resolution approving an amendment to the Master Street Plan as submitted by Dave Jorgensen in request AD 99-25. The request is to remove a proposed minor arterial street from the Master Street Plan. The proposed street is located north of Howard Nickel Road and west of Highway 112.

3. **SYCAMORE CONDEMNATION:** An ordinance authorizing the City Attorney to seek possession of certain land located along Sycamore Street in the City of Fayetteville, Arkansas, by the power of Eminent Domain, in association with the required right-of-way and easements for the Sycamore Street Improvements at Leverett Avenue. Such property is owned by Charles G. Palmer Trust, the Linda J. Palmer Trust, the Ralph Freeman Trust, and the Arlie Freeman Trust.

4. **WASHINGTON ELEMENTARY SCHOOL GYM:** A resolution authorizing the City's contribution for the construction of a gymnasium at Washington Elementary School and approval of a budget adjustment funding the contribution.

5. **BOTANICAL GARDEN:** A resolution approving $15,000 matching funds for an Arkansas Department of Parks and Tourism Grant to support the Botanical Garden Society of the Ozarks, Inc.

AGENDA
SESSION
11/16/99 C.C.

RESOLUTION NO. _____

A RESOLUTION TO ESTABLISH THE CITY OF FAYETTEVILLE AS A CITY OF CHARACTER WITH THE INTERNATIONAL ASSOCIATION OF CHARACTER CITIES.

WHEREAS, the people of our community desire to make our city a place where families are strong, streets are safe, education is effective, business is productive, neighbors care for each other, and citizens are free to make wise choices for their lives and families; and,

WHEREAS, we recognize that individuals are responsible for their choices based on moral standards of universally recognized character qualities such as obedience, honesty, truthfulness, diligence, generosity, kindness, loyalty and courage; and,

WHEREAS, there is a need for more positive role models among our young people to help prevent delinquency; and,

WHEREAS, many current problems will be alleviated when our citizens live by positive character qualities which distinguish between right and wrong; and,

WHEREAS, encouraging people by recognizing positive character qualities has resulted in an increase in morale and safety; and,

WHEREAS, the emphasis of positive character qualities in every sector of society can only occur as individuals commit themselves to exemplifying character in their personal lives and inspiring others to do the same; and,

WHEREAS, our community should be a safe place where character is exemplified, taught and strengthened.

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

Section 1. That the City Council hereby pledges our commitment to character and to do all in our power to become known as a City of Character by promoting character in our schools, businesses, homes, houses of worship, city government, media and community groups, and we urge our citizens to join us.

PASSED AND APPROVED this _____ day of _____, 1999.

APPROVED:

By:_____
Fred Hanna, Mayor

ATTEST:

By:_____
Heather Woodruff, City Clerk

How to Begin Building Cities of Character™

What is a City of Character?

A City of Character is a city where good morals and integrity are held high—a city where citizens have the inward motivation to do right and are known for demonstrating good character. Citizens display good character through the choices they make, which result in positive effects for themselves and the community as a whole. The problems faced today by many cities, such as juvenile delinquency, violent crime, poor work ethic, and collapsing families, are dealt with by addressing the underlying cause—a lack of character in citizens.

The community has a concerted focus on the qualities—attentiveness, resourcefulness, diligence, etc.—that define good character. The traits are highlighted throughout the community, one at a time, and applied to daily activities at school, home, and the workplace. As a result of integrating these traits into all walks of life, character in the community is revealed in a reduction of societal ills and an increase in community teamwork.

Steps to Building a City of Character

1. The concept is introduced to community leaders and the city council passes a resolution to make their city known as a City of Character.
2. A Community Coalition is established to coordinate activities and programs which will emphasize character traits throughout the community.
3. A character quality of the month is promoted through the media (radio, television, newspaper, billboards), business, churches, and schools.
4. City leadership models character for the citizens under their jurisdiction, and city administration adopts character training for employees.
5. Character training is implemented in businesses through training, business marquees, payroll checks, payroll inserts, and character recognition.
6. Character curriculum is approved for use in schools by the school board. Teachers and Character Coach volunteers are trained to present character lessons in the classroom and school assemblies.
7. Juvenile delinquents are given purpose and direction through rehabilitation programs that focus on making right decisions based on positive character traits.
8. Law enforcement officers are taught the importance of modeling good character and thereby building community trust and overcoming the tolerance and fear of crime which allow crime to flourish.
9. Public policy and laws are written and revised in alignment with the character traits upheld by the community.
10. Assistance is given to other cities, and information, experiences, and ideas for becoming known as a City of Character are exchanged.

IACC
International Association of Character Cities

The Character Cities Movement

Cities of Character*

Aiken, SC
Augusta, GA
Avon Park, FL
Baker, LA
Bartlesville, OK
Baton Rouge, LA
Belton, TX
Bethany, OK
Bonney Lake, WA
Bull Shoals, AR
Burleson, TX
Clatskanie, OR
Compton, CA
Douglasville, GA
Edmond, OK
Elizabethton, TN
Elizabethtown, KY
Elk City, OK
Florence, SC
Fresno, CA
Guthrie, OK
Leedey, OK
Madison, MS
McDonough, GA
North Chicago, IL
Olathe, KS
Pawhuska, OK
Peoria, IL
Sebring, FL
Shawnee, OK
Skiatook, OK
Temple, TX
Titusville, FL
Warner Robins, GA

Two hundred eighty-nine cities have been represented at the past four Mayors' Conferences, and many are in the process of becoming Cities of Character.

*A City of Character is one in which the city council or governing body has passed a resolution to become known as a City of Character and is implementing community-wide character initiatives to that end.
Rev. 6/99 (partial listing)

IACC™
International Association of Character Cities

The CHARACTER CITIES MOVEMENT

Cities of Character*

Aiken, SC
Augusta, GA
Avon Park, FL
Baker, LA
Bartlesville, OK
Baton Rouge, LA
Belton, TX
Bethany, OK
Bonney Lake, WA
Bull Shoals, AR
Burleson, TX
Clatskanie, OR
Compton, CA
Douglasville, GA
Edmond, OK
Elizabethton, TN
Elizabethtown, KY
Elk City, OK
Florence, SC
Fresno, CA
Guthrie, OK
Leedey, OK
Madison, MS
McDonough, GA
North Chicago, IL
Olathe, KS
Pawhuska, OK
Peoria, IL
Sebring, FL
Shawnee, OK
Skiatook, OK
Temple, TX
Titusville, FL
Warner Robins, GA

Two hundred eighty-nine cities have been represented at the past four Mayors' Conferences, and many are in the process of becoming Cities of Character.

Character First!®

States involved with *Character First!®*

Alabama
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maryland
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
New Jersey
New Mexico
New York
Nevada
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
South Carolina
Tennessee
Texas
Virginia
Washington
West Virginia
Wisconsin
Wyoming

Countries involved with *Character First!®*

Australia
Bahamas
Canada
China
Honduras
Mexico
Moldova
Mongolia
New Zealand
Romania
Russia
Singapore
Sri Lanka
Taiwan
Trinidad
United States

Character First!® Education is being used in 59 cities nationwide to date. *Character First!®* is being implemented in 355 businesses around the country and the world.

*A City of Character is one in which the city council or governing body has passed a resolution to become known as a City of Character and is implementing community-wide character initiatives to that end.
Rev. 6/99 (partial listing)

Building Cities of

IACC™
INTERNATIONAL ASSOCIATION OF CHARACTER CITIES

A Resolution

To establish our city as a CITY OF CHARACTER with
the International Association of Character Cities

WHEREAS, the people of our city recognize the importance of honorable character qualities based upon the moral standards held by our Founding Fathers on which they established our nation and legal system; and

WHEREAS, we recognize the validity of the statement by Alexis de Tocqueville that "America is great because she is good. When America ceases to be good, she will cease to be great;" and

WHEREAS, we desire to build upon our heritage and make our city a place where families are strong, homes and streets are safe, education is effective, business is productive, neighbors care about one another, and citizens are free to make wise choices for their lives and families; and

WHEREAS, we recognize that individuals are responsible for their actions and that daily decisions should be based upon objective moral standards which are the basis of universally-recognized character qualities, including obedience, honesty, truthfulness, diligence, generosity, kindness, loyalty, and courage; and

WHEREAS, lack of commitment and irresponsibility have resulted in an increasing number of family problems causing personal, social, and financial consequences to individual family members and to this city as a whole; and

WHEREAS, there is a need for more positive role models among our young people to help prevent juvenile rebellion and delinquency; and

WHEREAS, if people fail to demonstrate positive character qualities and if they make wrong moral choices, the health, safety and welfare of the citizens are endangered, resulting in a financial burden upon the taxpayers for the costs of law enforcement; and

WHEREAS, many current societal problems will be alleviated when the citizens of this city live by positive and constructive character qualities which distinguish between right and wrong; and

WHEREAS, teaching positive character qualities to juvenile delinquents has been shown to produce a change in behavior, reducing recidivism rates; and

WHEREAS, our schools should be a safe atmosphere where character is exemplified, taught and strengthened, and where learning is encouraged; and

WHEREAS, encouraging employees by recognizing positive character qualities has resulted in an increase in workplace morale, employee safety, and corporate profits; and

WHEREAS, the emphasis of positive character qualities in every sector of society can only occur as individuals commit themselves to exemplifying character in their personal lives and inspiring others to do the same;

HEREFORE, BE IT RESOLVED that the people of this city pledge our commitment to character and to doing all in our power to become known as a City of Character by promoting character in our schools, businesses, homes, churches, city government, media, and community groups, and we urge the leaders of each of these jurisdictions to do likewise.

Adopted by the City Council This ____ Day of _____ 1999.

Signed, _____
City Council Chairman

09/22/1999 09:45 630-323-7271 IBLP SEMINAR OPS PAGE 06/15

IIS CONFERENCE

AIKEN, SOUTH CAROLINA

Each month a character trait, such as responsibility, truthfulness, and respect, is being spotlighted throughout the community. Newspapers highlight the trait on the front page and display full-color ads. Television stations give further explanation of the quality.

A CHIEF OF POLICE

"I have found this conference to be the most comprehensive and informative leadership conference I have ever attended. Not only were leadership problems discussed, but simple, rational, and viable solutions were explored. A must for any leader who wants to make a difference."

Chief Robert Newman—Wentzville, Missouri
(Law Enforcement Leadership Conference)

A CITY COUNCIL MEMBER

"This conference gave my city team specific ideas and programs that can be implemented on a local level. . . . I am so thankful to have had the opportunity to meet leaders from around the nation and world. No matter what your specific city struggles with, there is hope and there are answers."

Councilwoman Linda Cooper—Clackamas, Oregon

FRESNO, CALIFORNIA

Two years ago the Fresno Police Department began character training which allowed leadership to prevent potential problems before they developed into lawsuits or increased spending. Since implementing the program, Fresno has also seen benefits beyond departmental boundaries—this sixth largest city in California has had a dramatic reduction in violent crime, theft, and murders.

Proven programs to make your community a safer, better place to live.

YOU WILL LEARN HOW TO . . .

- BUILD COMMUNITY TEAMWORK THROUGH CHARACTER PROGRAMS
- STRENGTHEN MARRIAGES BY PROMOTING CHARACTER FAMILIES
- REDUCE YOUTH CRIME BY RESOLVING ROOT PROBLEMS
- ELIMINATE SCHOOL VIOLENCE WITH A TEN-PART PROGRAM
- INCREASE PRODUCTIVITY IN BUSINESSES AND AGENCIES
- ENHANCE THE EFFECTIVENESS OF LAW ENFORCEMENT OFFICIALS
- DRAMATICALLY DECREASE CRIME BY REMOVING ITS CAUSES
- DEVELOP A SPIRIT OF SERVING AND GIVING AMONG YOUTH
- COORDINATE PUBLIC SERVICE ANNOUNCEMENTS IN THE MEDIA
- GLEAN IDEAS FROM MAYORS OF OTHER CHARACTER CITIES

CITIES OF CHARACTER

IACC™
INTERNATIONAL ASSOCIATION OF CHARACTER CITIES

Fifth Annual

INTERNATIONAL CONFERENCE F

Building Cities of Character

Family by Fam

FOR MAYORS AND GOVERNMENT LEADERS

Lasting Rewards From Th

A Mayor From South Carolina

"I highly recommend this conference to any city and its leaders who want to improve their community and raise the level of character in all the citizens."

Mayor Fred Cavanaugh—Aiken, South Carolina

A Mayor From New Zealand

"Never in my wildest dreams had I seen myself involved in such a magnificent conference with so many excellent speakers demonstrating and talking proven success. Thank you again."

Mayor Duncan Taylor—Waitaki, New Zealand

A Mayor From Washington

"An incredible conference on the basic issues facing our society and our cities. Here are ideas and answers that work, proven by experience and shared by mayors that are doing it."

Mayor Robert Young—Bonney Lake, Washington

Temple, Texas

Not only has the city of Temple taken hold of the City of Character concept, but the school district and the county have also passed resolutions committing to develop character.

A Social Development Director

"Thank you for the excellent conference. I am returning to my country with a lot of ideas and projects."

Director Julio Cesar—San Pedro Sula, Honduras

A State Superintendent of Schools

"From experience, I have found this program to be an excellent tool for filling the void of moral character within our state's youth. . . . I recommend the implementation of [this program] within every level of state and local government."

Superintendent Sandy Garrett—Oklahoma

The IACC

The International Association of Character Cities was developed to support leaders who want to promote a community consensus of universally recognized character qualities, such as attentiveness, initiative, responsibility, gratefulness, and truthfulness.

The IACC facilitates communication between mayors and provides resources for character building programs. Through the IACC network, leaders can share information, ideas, and solutions for strengthening the character of those they serve.

Building Cities of Character Conference

This conference will give you the how-tos for building your city on character. Leaders from around the world have come together at past conferences to discuss a strategy for integrating good character into all sectors of a community.

Training will be provided to meet the specific needs of both leaders who are just beginning character initiatives and those who already have well-established programs. Through keynote speakers, break-out sessions, and round table discussions, you will be given steps of action and learn about the resources available to you. Experienced leaders will pass on the vision and strategy needed for obtaining lasting success.

The conference will be held at the Indianapolis Training Center located just north of downtown Indianapolis. The 300-room conference center is a former Stouffer Inn which provides comfortable accommodations for all attendees. You will also have opportunity to meet outstanding youth who are serving Indianapolis through character initiatives facilitated by Mayor Stephen Goldsmith.

Conference Growth In Four Years

Featured Speakers

Mayor Tom Ed McHugh
Baton Rouge, Louisiana

Under Mayor McHugh's leadership, Baton Rouge became the first city to be known as a Character City. In 1997 the leaders of Baton Rouge piloted a program that focused on a different character trait throughout the city each month. This initiative was successful due to community involvement in all sectors, including schools, businesses, the faith community, and the media. Mayor McHugh gives an excellent practical presentation explaining how Baton Rouge became a Character City and how other cities can do the same.

Roger Magnuson

Roger Magnuson is an attorney and senior partner of the law firm Dorsey & Whitney and a well-respected member of the law community. He received his law degree from Harvard Law School, where he was an editor of the Harvard Law Review, and did his postgraduate work at Oxford University. Mr. Magnuson is the dean of Oak Brook College of Law, a correspondence school based in California. He has an excellent grasp of legal and historical precedents in America, and is the author of several books and a much sought-after speaker.

Wes Lane

As assistant district attorney, Wes Lane serves as the director of the Juvenile Division of the Oklahoma County District Attorney's Office. He is a Governor's appointee to the State Advisory Group on Juvenile Justice and he and his colleagues have done extensive research on the partnership of the church, state, and the private sector. Through their findings, they are addressing the causes of and solutions to juvenile delinquency.

Representative Dianne White Delisi
Temple, Texas *(will attend as legislative schedule permits)*

Representative Delisi is active in turning people's attention to moral issues on both the local and state levels. She introduced legislation in Texas to encourage schools to implement character and citizenship programs, and she is involved in Temple as a member of the committee to develop character programs for the community. As part of this effort she hosted a community event to introduce educators and community leaders to character programs for Temple area schools.

Sheriff Ray Nash
Dorchester County, South Carolina

Sheriff Nash has successfully implemented a character-training program in his office that recognizes success based on character. This program has reduced crime and increased the community's trust in officers. Sheriff Nash has become internationally recognized as leaders from across America and other countries ask him to share his keys to success.

Mayor Bob Young
Augusta, Georgia

Mayor Young is enthusiastically le Augusta, Georgia's second-largest ci develop a systematic approach to becom known as a City of Character. He will municate how all sectors of the comm have rallied together to develop a strategy to carry out this i tive, based on an evaluation of the city's strengths and weakn

Lee Roland

As principal of Oklahoma City's Kaiser Elementary School and dent of the Oklahoma Principals' Association, Lee Roland b the priority of teaching children character and is successfully h Kaiser in implementing a character-education program. Realizing that all aspects of education will be benefited by character training, he has valiantly overcome obstacles and given his entire staff a new vision for training children.

Mayor Jim Dailey
Little Rock, Arkansas

As mayor of Little Rock, Jim Dailey sought to find answers that addressed the causes—not just the symptoms—of societ within the city, and he implemente grams which focus on preventative tives for crime and juvenile delinq His insight on the methods for reb the moral foundation within a com and the benefits of doing so, will prov inspiration and how-to for you to doing the same.

Conference Schedule

4 P.M. Thursday, April 6
through
2 P.M. Saturday, April 8.

REGISTRATION FORM

Conference registration is $450. You will be given a $100 discount when we receive your registration postmarked on or before November 10, 1999. The registration fee includes accommodations, meals, materials and resources, and a $75 non-refundable deposit. Confirmation of attendance and lodging arrangements will be sent after your registration is received and processed. For more details please call the conference center at 317-923-7301, and ask for a Cities of Character conference representative, or e-mail conferences@charactercities.org.

☐ **Yes, I would like to register now and receive my $100 early-registration discount. Enclosed is $350 for registration.**

☐ Mr. ☐ Mrs. ☐ Miss
☐ Dr. ☐ Other *(please state)* _____

Name _____

Title _____

Department/Organization _____

Population of your jurisdiction _____

Length of time in your position _____

Mailing address _____

Street address _____

City, State, ZIP _____

Phone number ( ) _____

Fax number ( ) _____

E-mail _____

Mayors' Conference alumnus/alumna *(list years)* _____

What needs relating to character do you see in your jurisdiction?

_____

_____

☐ **I would like my spouse to attend with me, and I have enclosed the additional $100 registration fee.**

Name _____

☐ **My check or money order is enclosed.** Ck # _____
Make payable to International Association of Character Cities (IACC)

☐ **Please bill my credit card.** ☐ MasterCard ☐ Visa Exp date _____

Account # _____

Signature _____

Detach this form and mail with appropriate payment to:
Mayors' Conference Registration • Indianapolis Training Center
2820 North Meridian St. • Indianapolis, IN 46208

LEADERS CURRENT

December 1998

Volume 1, Number 1

Exploding Interest in Character Cities

Accomplishing our mutual goal of building Character Cities as examples to the world is becoming increasingly important. In light of this, we have designed the *Leaders Current* to provide you with practical ideas, solutions, and suggestions for how you can build character in your city. We hope to accomplish this goal through providing real-life examples and updates about approaches leaders are using in other cities to successfully launch character initiatives.

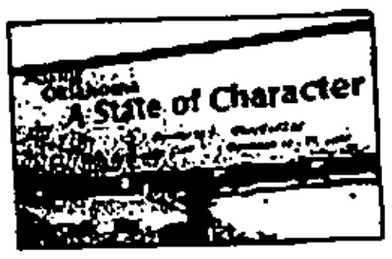
Our objective is to provide each other with the necessary tools, ideas, and solutions that will allow each of our cities to be successful in accomplishing our goal of building character.

IACC™

Character City Initiatives Up and Running

Following are a few of the many highlights from Character Cities around the nation:

Oklahoma—First State of Character



The Governor's Conference for Oklahoma Mayors and Government Leaders was held in Oklahoma City this fall. Sponsored by Gov. Frank Keating and Mayor Kirk Humphreys of Oklahoma City, this event was the kick-off for making Oklahoma the first State of Character—city by city.

The broad-based expressions of support from community leaders offer proof that with all the division in our society, character is one thing people can unite around:

- Billboard companies donated signs to advertise the conference.
- Nightly news anchors from the three major TV stations did a joint PSA promoting the initiative.
- OSU's and OU's head football coaches together aired a radio commercial across the state urging citizens to call their local officials and encourage them to attend.
- Many Oklahoma businesses provided scholarships for attendees.

Baton Rouge—Charting New Waters

Over 200 businesses and 150 churches receive a fax from the mayor's office every month explaining the character quality which they then incorporate into their programs for that month. All visitors arriving at the Baton Rouge airport are now greeted by a welcome sign reading "A Community of Character. A Community That Cares." *Character First!*® clubs for middle- and high-school students are also in operation.

Learn more about Baton Rouge's extensive character program at www.ci.baton-rouge.la.us.

Little Rock—Taking Hold of the Vision

Mayor Jim Dailey brought a delegation of top Training Center to learn how they can implement the *Character First!*® program among the city's 2,000 public service employees.

Mayor Dailey has wisely emphasized that *Character First!*® must not be another passing program but a long-term commitment to a new way of life which will restore the moral fabric of his community.

Temple, TX—Mounting Enthusiasm

The Temple Chamber of Commerce is showing full support for the character city initiative by featuring the quality for the month in their monthly newspaper supplement as well as all fax transmissions out of their office and by sponsoring character training seminars. A resolution passed by the Temple Independent School District supports their being known as a "School District of Character."

Compton, CA—Moving Forward

Compton students and teachers are ecstatic about the *Character First!*® pilot program that has been launched in the schools.

McDonough, GA—Laying a Good Foundation

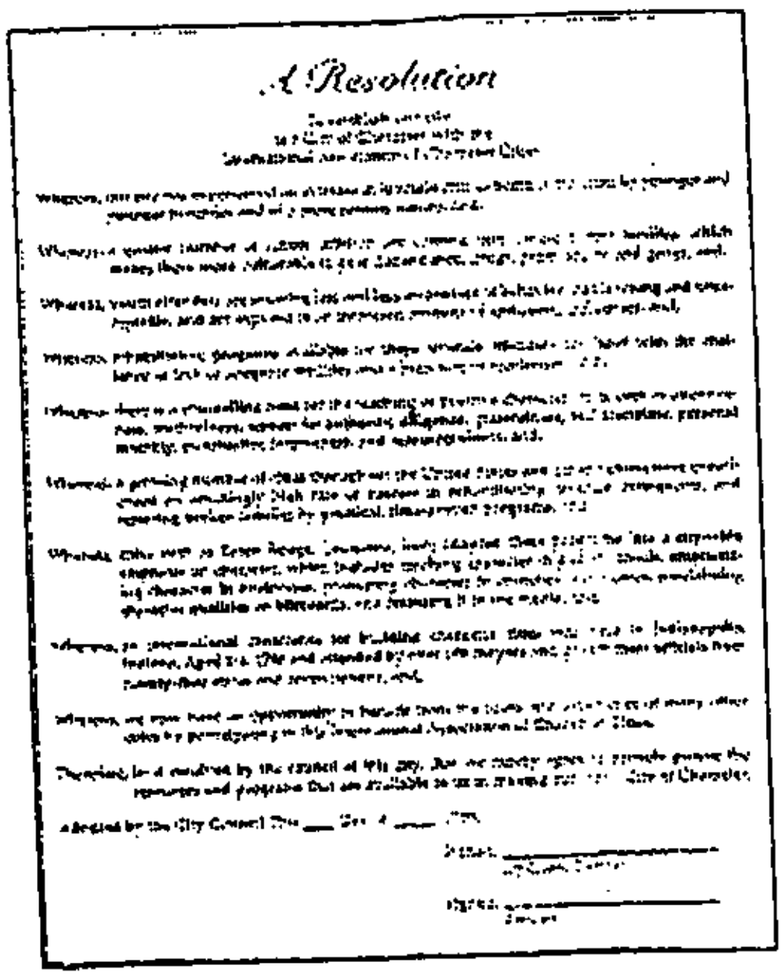
The groundwork for a successful character initiative has been laid with the upgrading of fifty low-income homes since June by dedicated volunteers from the community, including members of an ALERT team.

Building Cities of Character™

Character in Law Enforcement

More than 130 delegates representing twenty-seven states and eight nations gathered in Indianapolis last month for the Law Enforcement Leadership Conference. International delegates represented the countries of Honduras, Mexico, Moldova, New Zealand, Russia, Romania, and Taiwan.

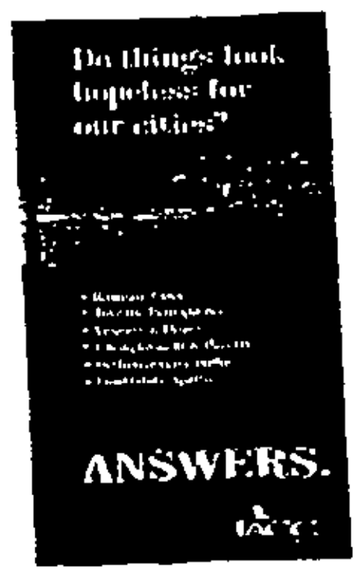
"Police administrators are becoming increasingly aware of the importance of character in building the trust-based relationships essential to establishing peaceful and stable neighborhoods," said keynote speaker Sheriff Ray Nash of Dorchester County, South Carolina. "This conference, focusing on the power of character, is a singular event that promises to impact the law enforcement profession internationally."


A Resolution

City councils across the country are unanimously passing Character City resolutions with bipartisan support.

Fourth Annual Mayors' Conference

Mark your calendar now for April 8–10, 1999, the dates of the Fourth Annual International Conference for Mayors and Government Leaders, being held in Indianapolis. This year's conference will help you map out a practical plan for moving your initiative forward. Specific steps necessary for creating an atmosphere within your city where character is promoted and encouraged will be presented. The conference will feature several outstanding speakers who are authorities on the issue of character and how to integrate it into each area of the community. Look for the conference brochure along with a copy of the "1998 Conference Summary" video coming to your mailbox soon!



Info Ideas

As leaders catch the vision for encouraging character within their jurisdictions and take the first steps of implementation, more ideas on how to promote character are generated. Some of these innovative ideas are . . .

Screen-savers for employee computers highlighting the character quality for the month and its definition.
Senator Daniel Webster
Florida State Senate

Development of a list of questions based on each character quality to be used in selecting prospective city government employees.
City of Baton Rouge, LA

Young people of character representing the mayor stationed at the airport to welcome visitors to a Character City and put character-promoting literature into their hands.

Share the innovative ideas you have implemented in your city's character initiative. Write the *Current* at the address below or e-mail us at Current@CharacterCities.org.

If outward restraints were lifted . . . Would your city be a safe place to live?

What would happen if there was a sudden disabling of the police force or other external deterrent to crime in your city? Is there any way to ensure a peaceful society without having to depend on the night stick and the force of law?

There is a way. *Character* is the inward restraint on lawlessness and the inward motivation to do good. No amount of policing can make up for a lack of character, but when good character is present, the people will police themselves.

"He therefore is the truest friend to the liberty of his country who tries most to promote its virtue . . . ."

—Samuel Adams
Founding Father

IACC™

LEADERS CURRENT

March 1999

Volume 2, Number 1

urrent onference

As we draw within a month of the Fourth Annual International Conference for Mayors and Government Leaders, it is becoming increasingly clear that this conference will be significant in determining the destiny of our nation and world at the close of this century.

We are looking forward to welcoming representatives from sixty-eight cities, twenty-one states, and seventeen nations.

The goal of this year's conference is not only to send newcomers home with the vision for establishing character within their jurisdictions, but also to focus on further equipping those who are already building Cities of Character. We look forward to seeing each of you there April 8–10!

(See back for more details.)

Keeping Character in the Public Eye

Following are current highlights from Character Cities around the nation:

Well Under Way in OK

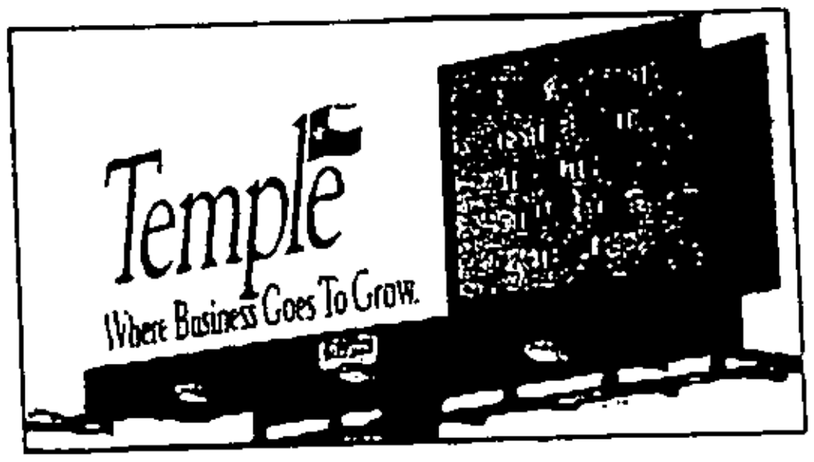
On February 23, the Oklahoma House of Representatives unanimously passed a resolution that officially declared Oklahoma a State of Character.

A follow-up Character Summit is being held this month in Oklahoma City, to which the cities represented at the Governor's Conference are sending their Mayors, City Managers, Superintendents of Schools, Chiefs of Police, and other officials. Here they are developing a practical plan with which to move forward in their communities. Excitement is growing for this conference being sponsored by Governor Keating's administration.

Character-training programs are now being implemented across the state in many sectors—not only on a citywide basis in cities such as

Just prior to passing the resolution to declare Oklahoma a State of Character, the House learned the definition of attentiveness.

Services, with their staff of 8,000; the Office of Juvenile Affairs; the Oklahoma State Bureau of Investigation; and the Oklahoma County Juvenile Bureau and District Attorney's office.



Occupants of the 80,000 vehicles that travel I-35 each day get a good idea of what is important in Temple, Texas, as they pass this billboard located in the heart of the city.

Taking Root in Temple, TX

Word of Temple's successful focus on character is spreading into a broader jurisdiction, as the Bell County government recently passed a resolution to become a County of Character. As more and more people get involved, ideas are generated that other cities can implement. For example, high schools and middle schools in the Temple Independent School District will begin including character lessons developed from the *Character First!*™ corporate bulletins in their morning announcements. *Character First!*™ training was recently given to the district's 1,250 employees and also to high school teachers on

CURRENT Cities of Character

Aiken
SOUTH CAROLINA
Fred Cavanaugh, Mayor

Baton Rouge
LOUISIANA
Tom Ed McHugh, Mayor

Belton
TEXAS
Bill Holmes, Acting Mayor

Bethany
OKLAHOMA
Don Willis, Mayor

Bonney Lake
WASHINGTON
Bob Young, Mayor

Compton
CALIFORNIA
Omar Bradley, Mayor

Edmond
OKLAHOMA
Bob Rudkin, Mayor

Elizabethtown
KENTUCKY
David L. Willmoth, Jr., Mayor

Building Cities of Character™

The sports and news anchors of a major TV station are airing public service announcements promoting the quality of the month.

Gaining Ground in Elizabethtown, KY

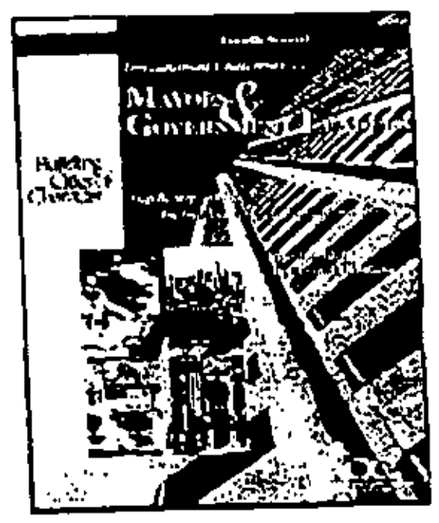
Another city whose example has ignited its entire county is Elizabethtown. Hardin County is one of a growing number of Counties of Character which is promoting character within county government. Their program includes inserting a *Character First!*™ bulletin with each paycheck to their 200 employees, who are encouraged to talk to their children about the quality.

Pumped in Pawhuska, OK

Enthusiasm for Pawhuska's character emphasis is sweeping the entire town, from the mayor to the forty elementary schoolchildren who showed up to do a character presentation for a civic group that will be involved in promoting character in the community. The whole town is abuzz about character, as the quality of the month is printed in every issue of the newspaper—accompanied by anecdotes illustrating its application, highlighted in church bulletins, and posted on business marquees and storefronts all across town.

Does Your Building Have a Blueprint?

If a builder expects his structure to be useful, attractive, and permanent, he cannot afford to make up the blueprints as he builds the structure. Only by having a clear vision of the end result and by investing whatever time and energy is necessary to plan each phase of the building process will the builder be able to direct those under him, make wise decisions, and be successful in reaching his goal.



We encourage you to take advantage of the Fourth Annual International Conference for Mayors and Government leaders, as you will have the opportunity to evaluate how your character initiative is progressing so far and plan the next steps for your city. Furthermore, new material will be shared on how every societal problem directly corresponds to specific character qualities that are lacking in that situation. If you have not yet registered, call 317-923-7301 to do so now!

"The only foundation of a free Constitution is pure Virtue [character], and if this cannot be inspired into our People in a greater Measure than they have it now, they may change their Rulers and the forms of Government, but they will not obtain a lasting liberty."

John Adams
Founding Father

Edmond, OK: An Example to Follow

Each year the father of a young handicapped boy in Edmond had taken him on a hunting trip. Due to the death of his father, he was no longer able to go hunting. His mother, upon learning about a deer hunt the city held each year, requested that her son be able to attend. The city had to decline, since he could not participate unattended. One of the city supervisors relayed this story at a meeting. As a result, five of the employees went together and took the young boy hunting on their own time.

For these employees, "generosity" was more than a *Character First!*® poster on the wall or training in staff meeting. It was a choice they made that benefited a young boy, his family, and a whole community.

Although initially reluctant to begin Character First!® in city government, Edmond City Manager Leonard Martin has never looked back after seeing the positive changes such as

Elizabethtown
TENNESSEE
Ken Wandell, Mayor

Elk City
OKLAHOMA
Teresa Mullican, Mayor

Florence
SOUTH CAROLINA
Frank Willis, Mayor

Fresno
CALIFORNIA
Jim Patterson, Mayor

Guthrie
OKLAHOMA
Evelyn Nephew, Mayor

McDonough
GEORGIA
Richard Craig, Mayor

North Chicago
ILLINOIS
Jerry Johnson, Mayor

Temple
TEXAS
Kiefer Marshall, Jr., Mayor

Building Cities of Character™

IACC™
INTERNATIONAL ASSOCIATION OF CHARACTER CITIES
Box One · Oak Brook, IL 60522-3001
Tel: 630-323-4144 · Fax: 630-323-7271

LEADERS CURRENT

July 1999

Volume 2, Number 2

Stirring the Waters

Municipal conventions are excellent places to spread the word about your character initiative with other leaders who are looking for lasting change in their cities.

Mayor Fred Cavanaugh of Aiken, South Carolina, was asked to speak at a break-out session on Character Cities at his state's municipal convention. He was also instrumental in getting Mayor Young of Augusta involved. Other leaders are sharing the idea with fellow city officials.

Riding the Current of a Groundswell

Following are current highlights from Character Cities around the nation:

Augusta: With Wide Support

After passing their Character City resolution as recently as May 4, Mayor Young, a new mayor with no previous political experience, has already enlisted the involvement of almost every sector of the community.

Character First!® will be taught this fall throughout the school system, and the superintendent especially appreciates how the citywide character emphasis will reinforce classroom training. The local city-county hospital foundation is intending to underwrite the costs for Character First!® in 60 classrooms. Having sent invitations to their 1,800 members, the Chamber of Commerce is hosting a breakfast dedicated

his is the easiest thing we've ever done. We can hardly get the words out of our mouths before people want to get involved!"

—Lane Hutchins, wife of Augusta Character City Coordinator

The city will soon begin character training for its 1,200 employees.

Visit their new Web site at www.ccboe.net/grants/character.

Temple Daily Telegram

School bill gets hearing

Shooting at school kills 25

Character: the difference between life and death. The same day that a wanton lack of character took the lives of school students in Colorado, Texas officials were debating if character bill H.B. 911 could come to the rescue for their school children.

Fresno: With a Message

Results speak for themselves in the Fresno Police Department, where "Character Standards for Police Officers," developed by Sheriff Ray Nash, has been implemented with dramatic success. Implementing the character principles has allowed the leadership to identify potential problems within the police force and deal with them before they turn into lawsuits and increased spending. In the two years since they began the program, crime in this large California city has dropped 50 percent. Murders have dropped from 75 people killed two years

Burleson, TX: Representatives of the city, school district, Chamber of Commerce, and ministerial alliance together signed the first Character City joint resolution.

most-CURRENT Cities of Character

Augusta
GEORGIA
Bob Young, Mayor

Baker
LOUISIANA
Bobby Simpson, Mayor

Bartlesville
OKLAHOMA
Ron Nikkel, Mayor

Bull Shoals
ARKANSAS
Loren Thompson, Mayor

Burleson
TEXAS
Byron Black, Mayor

Douglasville
GEORGIA
Charles L. Camp, Mayor

Leedey
OKLAHOMA
Orin Patton, Mayor

Madison
MISSISSIPPI
Mary Hawkins-Butler, Mayor

Olathe
KANSAS
Larry L. Campbell, Mayor

Pawhuska
OKLAHOMA
Jack Shoemate, Mayor

predicted for this year. Auto theft is down 60 percent from a couple of years ago, whereas Fresno was the auto theft capital of the nation in the 1980s. Last month the city had no murders to report. Council President Ken Steitz attributes these results largely to the character training principles that are affecting the whole community.

"m impressed with how fast this program has gotten off the ground."
—Byron Black, Mayor of Burleson, Texas

Councilman Steitz's strategy for his community is to lay the groundwork with character training throughout city government. Once results are evident, the city will be able to recommend the character programs to other sectors of the community with the authority of experience.

GEORGIA
Character

Statewide Impact

The Georgia Municipal Association donated a prime location for our booth at their annual convention, and IACC staff members were able to interact with mayors and city council members from all over the state. Officials were excited about the State of Character resolution passed by the legislature in March and the example of four Character Cities already underway in Georgia.

If you have a municipal convention in your state and would like to share the Character Cities idea, please contact the IACC office, and we would be glad to work with you.

Nothing is more IMPORTANT for the public weal than to form and train youth in wisdom and virtue. Only a *virtuous* people are capable of freedom.
Benjamin Franklin
Founding Father

1999 MAYORS' CONFERENCE in Review

A Catalyst for Character Kickoff

City officials have been busy acting upon the vision they caught at the April conference, and one-third of current Character Cities have been launched as a result.

With the 237 attendees representing 119 cities, 27 states, and 13 nations, the international character movement has received another significant boost. Favorite speakers at the conference included David Barton, who spoke on the sacrificial commitment of America's Founding Fathers; Roger Magnuson, who gave a historical perspective on character movements in America and their effects; and Wes Lane, who urged leaders to act upon what they had heard and move forward with what they knew was best for their communities.

ttendee feedback

"I have been wondering why I continue in the Georgia State House and have contemplated leaving. This conference has given me a clear vision for my new call as a public servant and five years of working to solve what I now know is a character problem."
—State Representative Bob Snelling, Douglasville, GA

"The principles are universal. . . . The results of this conference have been wonderful in my personal life. The next step is the application in my life, my family, my work, and especially in my community."
—Luis Maestro, City Councilman, Tonala, Jalisco, Mexico

"It is absolutely imperative that this initiative . . . is carried forth and taught throughout the world."
—Dan Furr, Chief of Police, Georgetown, SC

"If we had 20 percent of these character qualities in our authorities and in ourselves, we would almost be living in heaven."
—Luisa Olivia Alvarez, City Manager, San Pedro Sula, Honduras

Peoria
ILLINOIS
Lowell "Bud" Grieves, Mayor

Sebring
FLORIDA
George Hensley, Mayor

Shawnee
OKLAHOMA
Chris Harden, Mayor

Skiatook
OKLAHOMA
Don Billips, Mayor

Titusville
FLORIDA
Larry D. Bartley, Mayor

Warner Robins
GEORGIA
Donald Walker, Mayor

AIKEN, SC
AVON PARK, FL
BATON ROUGE, LA
BELTON, TX
BETHANY, OK
BONNEY LAKE, WA
COMPTON, CA
EDMOND, OK
ELIZABETHTON, TN
ELIZABETHTOWN, KY
ELK CITY, OK
FLORENCE, SC
FRESNO, CA
GUTHRIE, OK
MCDONOUGH, GA
NORTH CHICAGO, IL
TEMPLE, TX

IACC™

Mark your calendars: Next year's Building Cities of

Building

CITY OF FAYETTEVILLE
FINAL AGENDA
FAYETTEVILLE CITY COUNCIL

FAYETTEVILLE

NOVEMBER 16, 1999

A meeting of the Fayetteville City Council will be held on November 16, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the November 2, 1999 City Council meeting.
2. **SWIMMING POOL PAINT SETTLEMENT:** A resolution approving an offer by Wilks Construction in the amount of $5,000 in lieu of painting the Wilson Park Swimming Pool. This will be the final settlement of their contract with the City.
3. **LAKE SEQUOYAH BOAT DOCK:** A resolution awarding a contract to Frank Thorpe for the management of Lake Sequoyah Boat Dock.
4. **MULTI-USE TRAILS:** A resolution authorizing the Mayor to execute an Agreement of Understanding with the Arkansas State Highway and Transportation Department for the implementation of Fayetteville Multi-Use Trails as Federal-Aid Transportation Enhancement project in the amount of $600,000. This agreement supersedes the agreements signed previously for the use of these funds. The City is required to furnish a 20 percent match or $150,000 making total funds available of $750,000. Approval of a budget adjustment establishing the project is also required.

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 second reading at the October 19, 1999 City Council meeting.
2. **RZ 99-29:** An ordinance approving 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. The ordinance was left on the second reading at the November 2, 1999 City Council meeting.

C. NEW BUSINESS

1. **RZ 99-31.00:** An ordinance approving rezoning request RZ 99-31.00 submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Bleaux Barnes for property located south of Appleby Road and east of Appleby Apartments. The property is zoned A-1, Agricultural and contains approximately 8.37 acres. The request is to rezone the property to R-1, Low Density Residential.
2. **AD 99-25:** A resolution approving an amendment to the Master Street Plan as submitted by Dave Jorgensen in AD 99-25. The request is to remove a proposed minor arterial street from the Master Street Plan. The proposed street is located north of Howard Nickel Road and west of Highway 112.
3. **SYCAMORE CONDEMNATION:** An ordinance authorizing the City Attorney to seek possession of certain land along Sycamore Street in the City of Fayetteville, Arkansas, by the power of Eminent Domain, in association with the required right-of-way and easements for the Sycamore Street Improvements at Leverett Avenue. Such property is owned by Charles G. Palmer Trust, the Linda J. Palmer Trust, the Ralph Freeman Trust, and the Arlie Freeman Trust.
4. **WASHINGTON ELEMENTARY SCHOOL GYM:** A resolution authorizing the City's contribution for the construction of a gymnasium at Washington Elementary School and approval of a budget adjustment funding the contribution.
5. **BOTANICAL GARDEN:** A resolution approving $15,000 matching funds for an Arkansas Department of Parks and Tourism Grant to support the Botanical Garden Society of the Ozarks, Inc.
6. **CITY OF CHARACTER:** A resolution to establish the City of Fayetteville as a City of Character with the International Association of Character Cities.

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