

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL JUNE 18, 2002

A meeting of the Fayetteville City Council will be held on June 18, 2002 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**
2. **APAC:** A resolution awarding Bid 02-34 and approval of contract with APAC-Arkansas, Inc. McClinton Anchor, in the amount of \$22,190.00 plus a 10% project contingency of \$2,212.90 and \$500.00 for testing for a total cost of \$24,841.90.
3. **SOCCER UNIFORM:** A resolution awarding Bid 02-27 to purchase soccer uniforms from Score Uniforms at an estimated amount of \$19,000.00 for the Fall Season and \$5,000.00 for the Spring 2003 Season.
4. **CENTRAL EMS:** A resolution approving the renewal of the contract with Central Emergency Medical Services, Inc.
5. **BID 02-35:** A resolution awarding Bid 02-35 in the amount of \$70,200 to Industrial Maintenance Assistance for welding services.

B. OLD BUSINESS

1. **RAZE AND REMOVAL:** A resolution approving a raze and removal of house at 1200 S. Roberts as per Ordinance 3948. The item was tabled at the May 7, 2002 meeting. *(Item will be tabled at the council meeting).*
2. **PLANNING COMMISSION APPEAL:** Appeal of a Planning Commission Decision regarding LSD 02-7.00 for property located at the southwest corner of Fletcher Avenue and Rodgers Drive. The item was tabled at the May 7, 2002 meeting.

C. **NEW BUSINESS**

1. **LIBRARY BOARD:** An ordinance recognizing that the FPL and its Board are, and have been, operating and functioning as a duly authorized municipal library in accord with state and local law.
2. **RZN 02-14.00:** An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.
3. **VA 02-1:** An ordinance approving vacation request VA 02-1.00 as submitted by Ken and Kathie Marvin for property located in Rochier Heights Subdivision. The request is to vacate the alley between Lots 8,9,10 and 11 of Block 5.
4. **SENIOR CENTER:** A resolution approving Change Order No. 2 to the contract with Harrison Davis Construction in the amount of \$33,664 for the Senior Center and granting additional time to the contractor.
5. **TROLLEY SERVICE:** a) A resolution to authorize the transfer of all of the city's trolley to Ozark Regional Transit in exchange for transportation services.
b) A resolution to approve the purchase of \$70,000 worth of transportation services for Fayetteville citizens from Ozark Regional Transit and to approve a budget adjustment of \$70,000.
6. **WARD BOUNDARIES:** An ordinance modifying the boundaries of Ward 1 and Ward 2 of the City of Fayetteville after the 2000 Federal Census.
7. **OFFER AND ACCEPTANCE:** A resolution approving the offer and acceptance contract between the City and Darrell and Ethel Meredith for the purchase of 0.4 acres, including 3,400 square foot building at the corner of Nonamaker Street and School Avenue for a sum of \$120,000 plus closing costs, and an additional \$9,000 to cover environmental soil testing and building modifications for use as city storage.

NEED TABLE FOR ANN. SOIL TESTING.

Meeting of June 18, 2002

	<i>Roll</i>		<i>Consent</i>		
REYNOLDS	✓		✓		
THEIL	✓		✓		
YOUNG	✓		✓		
MARR	✓		✓		
BECHARD	✓		✓		
DAVIS	✓		✓		
SANTOS	<i>ABSENT</i>				
JORDAN	✓		✓		
COODY	✓				

<i>RR & Removal</i>	<i>1st RR</i>	<i>2nd RR</i>	<i>BT</i>		
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
MARR	✓				
BECHARD	✓				
DAVIS	✓				
SANTOS					
JORDAN	✓				
COODY					

Meeting of June 18, 2002

to bring appeal

PC ATTEM	C.1 LG				
REYNOLDS	✓				
THEIL	✓				
YOUNG	✓				
MARR	✓				
BECHARD	✓				
DAVIS	✓				
SANTOS					
JORDAN	✓				
COODY					
	6-1				

LIBERATION	BD LG 200	LG 320 BD	DAVIS		
REYNOLDS	✓	✓	✓	*	
THIEL	✓	✓	✓		
YOUNG	✓	✓	✓		
MARR	✓	✓	✓		
BECHARD	✓	✓	✓		
DAVIS	✓	✓	✓		
SANTOS					
JORDAN	✓	✓	✓		
COODY					

Meeting of June 18, 2002

<i>PR 02-1-10</i>	<i>DD DM 2ND</i>	<i>BR 2ND</i>	<i>PR 2ND</i>		
REYNOLDS	✓	✓	✓		
THEIL	✓	✓	✓		
YOUNG	✓	✓	✓		
MARR	✓	✓	✓		
BECHARD	✓	✓	✓		
DAVIS	✓	✓	✓		
SANTOS					
JORDAN	✓	✓	✓		
COODY					

<i>VA 02-1</i>					
REYNOLDS					
THIEL					
YOUNG					
MARR					
BECHARD					
DAVIS					
SANTOS					
JORDAN					
COODY					

Meeting of June 18, 2002

to examine

<i>Q. cont.</i>	<i>BD cy.</i>				
REYNOLDS	✓				
THEIL	✓				
YOUNG	✓				
MARR	✓				
BECHARD	✓				
DAVIS	✓				
SANTOS					
JORDAN	✓				
COODY					

<i>(20007)</i>	<i>Adm</i>	<i>B. BT</i>			
REYNOLDS	✓	✓			
THIEL	✓	✓			
YOUNG	✓	✓			
MARR	✓	✓			
BECHARD	✓	✓			
DAVIS	✓	✓			
SANTOS					
JORDAN	✓	✓			
COODY					
		<i>6-1</i>			

Meeting of June 18, 2002

WARR BOUNDARY	BT ZND	DM ZND	DM ZND		
REYNOLDS	✓	✓	✓		
THEIL	✓	✓	✓		
YOUNG	✓	✓	✓		
MARR	✓	✓	✓		
BECHARD	✓	✓	✓		
DAVIS	✓	✓	✓		
SANTOS					
JORDAN	✓	✓	✓		
COODY					

officers acceptance	BD LJ table				
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
MARR	✓				
BECHARD	✓				
DAVIS	✓				
SANTOS					
JORDAN	✓				
COODY					

mtg adjourned. - 9:25

FAYETTEVILLE

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A. CONSENT AGENDA

1. APPROVAL OF THE MINUTES

REMOVED
RES. 93-02

APAC: A resolution awarding Bid 02-34 and approval of contract with APAC-Arkansas, Inc. McClinton Anchor, in the amount of \$22,190.00 plus a 10% project contingency of \$2,212.90 and \$500.00 for testing for a total cost of \$24,841.90.

RES. 94-02

3. SOCCER UNIFORM: A resolution awarding Bid 02-27 to purchase soccer uniforms from Score Uniforms at an estimated amount of \$19,000.00 for the Fall Season and \$5,000.00 for the Spring 2003 Season.

RES. 95-02

4. CENTRALEMS: A resolution approving the renewal of the contract with Central Emergency Medical Services, Inc.

RES. 96-02

5. BID 02-35: A resolution awarding Bid 02-35 in the amount of \$70,200 to Industrial Maintenance Assistance for welding services.

B. OLD BUSINESS

TABLED
1. RAZE AND REMOVAL: A resolution approving a raze and removal of house at 1200 S. Roberts as per Ordinance 3948. The item was tabled at the May 7, 2002 meeting. *(Item will be tabled at the council meeting).*

RES. 97-02

PLANNING COMMISSION APPEAL: *Resolution* Appeal of a Planning Commission Decision regarding LSD 02-7.00 for property located at the southwest corner of Fletcher Avenue and Rodgers Drive. The item was tabled at the May 7, 2002 meeting.

C. NEW BUSINESS

ORD. 4402 1. *Present* **LIBRARY BOARD:** An ordinance recognizing that the FPL and its Board are, and have been, operating and functioning as a duly authorized municipal library in accord with state and local law.

ORD. 4403 2. *Present* **RZN 02-14.00:** An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.

Left in 1st meeting
RES. 98-024 3. **VA 02-1:** An ordinance approving vacation request VA 02-1.00 as submitted by Ken and Kathie Marvin for property located in Rochier Heights Subdivision. The request is to vacate the alley between Lots 8,9,10 and 11 of Block 5.

Present
RES. 99-024 **SENIOR CENTER:** A resolution approving Change Order No. 2 to the contract with Harrison Davis Construction in the amount of \$33,664 for the Senior Center and granting additional time to the contractor. *Approval of A Budget adjustment*

Present
RES. 99-025 **TROLLEY SERVICE:** (a) A resolution to authorize the transfer of all of the city's trolley to Ozark Regional Transit in exchange for transportation services.

Present
RES. 100-02 (b) A resolution to approve the purchase of \$70,000 worth of transportation services for Fayetteville citizens from Ozark Regional Transit and to approve a budget adjustment of \$70,000.

Present
ORD. 4404 6. **WARD BOUNDARIES:** An ordinance modifying the boundaries of Ward 1 and Ward 2 of the City of Fayetteville after the 2000 Federal Census.

TABLE
7. **OFFER AND ACCEPTANCE:** A resolution approving the offer and acceptance contract between the City and Darrell and Ethel Meredith for the purchase of 0.4 acres, including 3,400 square foot building at the corner of Nonamaker Street and School Avenue for a sum of \$120,000 plus closing costs, and an additional \$9,000 to cover environmental soil testing and building modifications for use as city storage.

*Meeting adjourned
9:25*

*Committee
appoint* *Beckman - W/S
Mann - Street & Equipment*

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2. **PLANNING COMMISSION APPEAL** ^{RESOLUTION} Appeal of a Planning Commission Decision regarding LSD 02-7.00 for property located at the southwest corner of Fletcher Avenue and Rodgers Drive. The item was tabled at the May 7, 2002 meeting.

For file
C. NEW BUSINESS

Pass
1. ✓ **LIBRARY BOARD:** An ordinance recognizing that the FPL and its Board are, and have been, operating and functioning as a duly authorized municipal library in accord with state and local law.

Pass
2. ✓ **RZN 02-14.00:** An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.

Left on K reading
3. ✓ **VA 02-1:** An ordinance approving vacation request VA 02-1.00 as submitted by Ken and Kathie Marvin for property located in Rochier Heights Subdivision. The request is to vacate the alley between Lots 8,9,10 and 11 of Block 5.

Pass
4. **SENIOR CENTER:** A resolution approving Change Order No. 2 to the contract with Harrison Davis Construction in the amount of \$33,664 for the Senior Center and granting additional time to the contractor. *& APPROVAL OF A Budget adjustment*

2205-7
5. **TROLLEY SERVICE:** (a) A resolution to authorize the transfer of all of the city's trolley to Ozark Regional Transit in exchange for transportation services.
(b) A resolution to approve the purchase of \$70,000 worth of transportation services for Fayetteville citizens from Ozark Regional Transit and to approve a budget adjustment of \$70,000.

Pass
6. ✓ **WARD BOUNDARIES:** An ordinance modifying the boundaries of Ward 1 and Ward 2 of the City of Fayetteville after the 2000 Federal Census.

TABLE
7. **OFFER AND ACCEPTANCE:** A resolution approving the offer and acceptance contract between the City and Darrell and Ethel Meredith for the purchase of 0.4 acres, including 3,400 square foot building at the corner of Nonamaker Street and School Avenue for a sum of \$120,000 plus closing costs, and an additional \$9,000 to cover environmental soil testing and building modifications for use as city storage.

*Meeting adjourned
9:25*

*Committee
appmt.* *Beckhard - w/s
man - Street & Equipt.*

6-18-02 (Agenda)

Through the Looking Glass

97-02 RES.

Dear Council Members,

The purpose of this page is to give you a brief recap of how we got here and what the facts are regarding this project from the applicant's perspective. We feel it is necessary to do this because people seem to keep getting confused as to the purpose of the Large Scale Development plan. It has gotten so confusing over the last year that the Chairman of the Planning Commission actually forgot under what conditions the Commission had granted us a **waiver of street frontage**. And this is the key issue, let us take you back to the beginning.

In the fall of 2000 Mr. Schmitt purchased a lot on Mt. Sequoyah. Later that fall, Mr. Dandy purchased two lots adjacent. These three lots were in an **EXISTING, PRE-PLATTED, and PRE-DEVELOPED** subdivision. This existing subdivision was zoned **R-2**. We bought these properties because of the above facts.

We applied for and were granted a property line adjustment. At this time, Tim Conklin met with Mr. Schmitt, Mr. Osborne (my attorney), and Kit Williams, the City attorney. Tim informed us that in his opinion there was a frontage issue because the street right-of-way that was originally dedicated for these lots had never been improved (paved). We immediately offered to pave the street, but the City staff told us they didn't want another street there and that they would support asking for a waiver of the required frontage for these three (now two) lots. We of course agreed that we would rather get a waiver. Mr. Conklin then put the item on the next Planning Commission (PC) meeting. At this first meeting with Tim Conklin, there was NO mention of having to submit a Large Scale Development plan for the waiver to be approved. Both parcels of land were **owned separately** and were **less than an acre** so they wouldn't fall under the definition in the Uniform Development Ordinance requiring a LSD.

A few days later, we hired Kelly brothers excavating to clear our lots. This is a common practice with builders when they have a difficult site to build on. This allows for one to see what can be done with the property. Since these were existing pre-platted lots, we were well within our rights to clear our lots. It is just the same as if we bought a lot in Covington Parke or Brookbury Woods. **We now regret this decision to remove the trees.** We feel it has been the source of all the resistance we have had to building on our property.

On the morning of the PC meeting (two days after lot clearing) we received a fax that indicated a new condition of approval for the requested waiver – an approved LSD. We feel that this was a punitive measure on the part of City staff and we would have withdrawn our request for the frontage waiver had we known about the LSD requirement in time. As it was, the PC approved a waiver of frontage for the two parcels under the condition that an LSD was submitted and met all City ordinances. The other condition of approval was that **each** parcel of property have a maximum of six (6), **four (4) bedroom units**. This was 24 bedrooms and 26 parking spaces per lot.

We then decided to accept these conditions and turn in an LSD for each lot and get our approval that way instead of fighting the commission. At that time, we each had \$106,000 in our lot cost. Over the past year, we have turned in three totally different sets of LSD plans to the PC. Each set has

included a reduction in density from what the PC approved as a maximum in the waiver conditions. **Each LSD has had full support and recommendation of the City Planning department.** The only item the PC could reference in their denial of approval was street safety. We have had two traffic/ street studies completed. One, by your City traffic division and two, at the direction of the PC, we hired the best Traffic engineer in the State (he was recommended by the City Engineering Dept.). **Both studies concluded that the street was safe and could handle the traffic increase.**

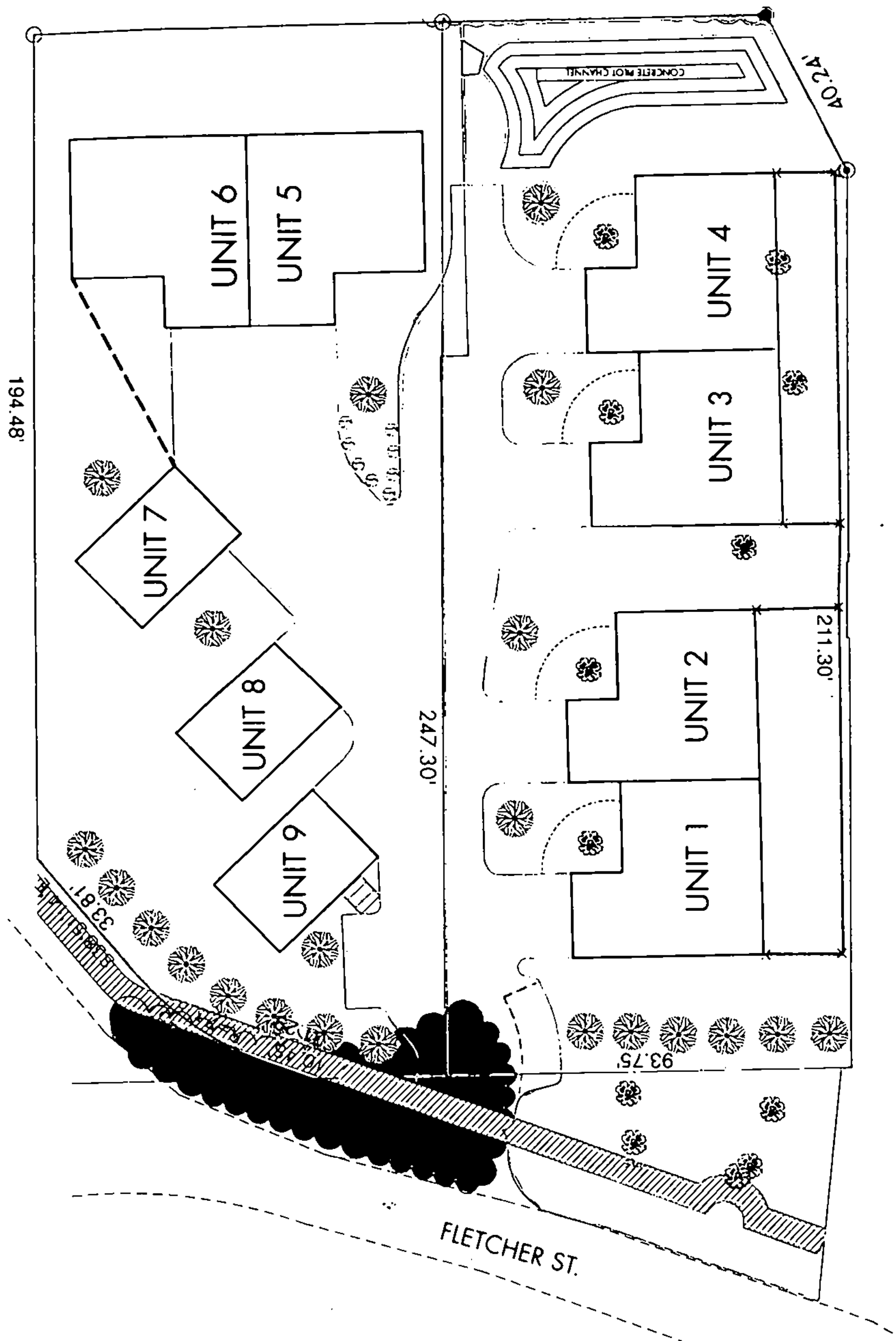
After 13 months, our costs in the project are now \$175,000 per lot. **Mr. Dandy and I have spent well over \$120,000 combined in interest and engineering fees** trying to comply with the City regulations. All of this for **two lots that should have been issued building permits weeks after they were purchased.**

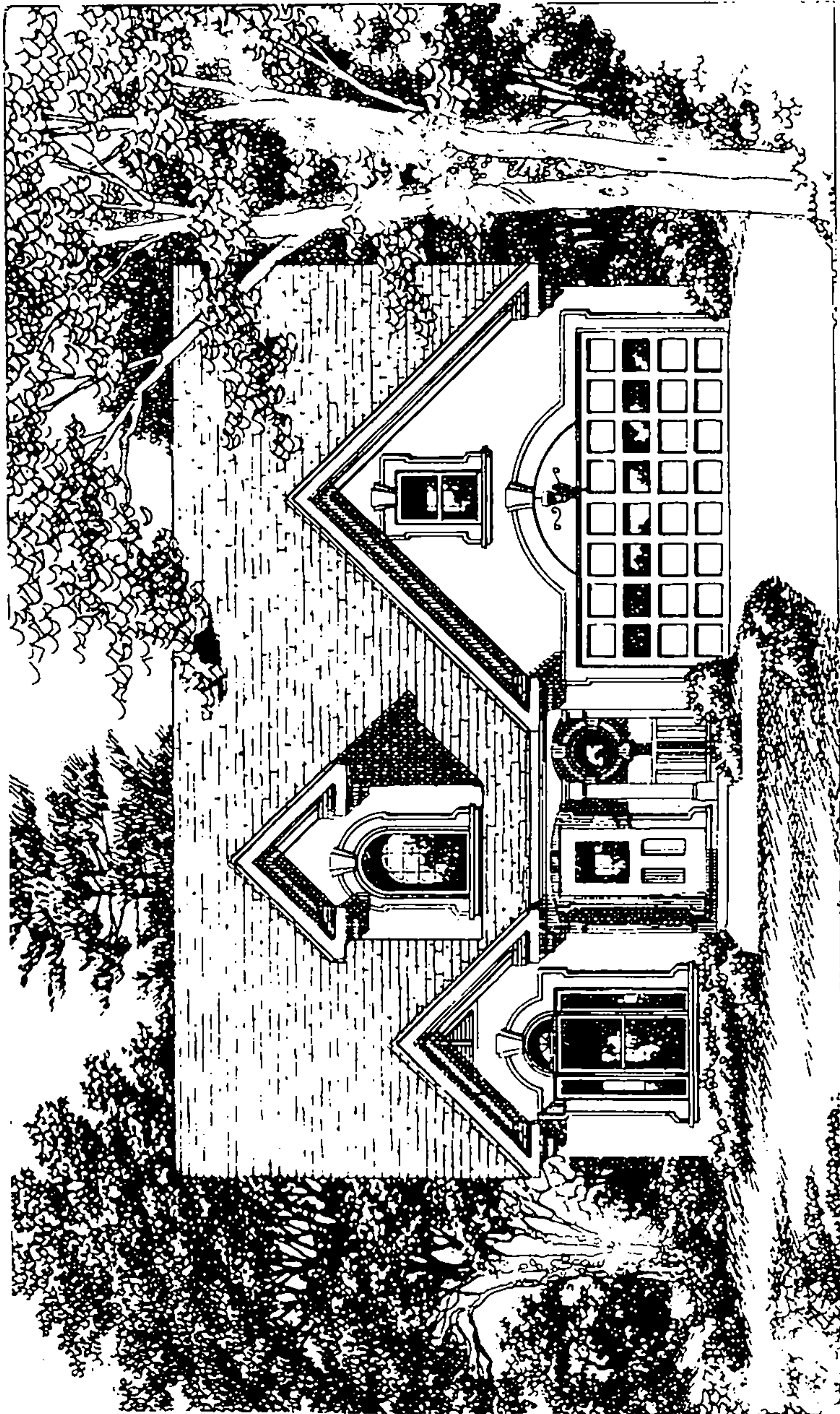
As it stands, we have a few options. **One**, you approve this LSD and we build on our property. **Two**, you reject the LSD and we *build the road in front of the property* (this road design is going before the PC at the next meeting) and turn in a building permit in which the *City has no control over density, looks, landscaping, etc..* or **Three**, you deny the LSD and the road design is denied, *we file suit in the appropriate court for denying us the right to develop our property.*

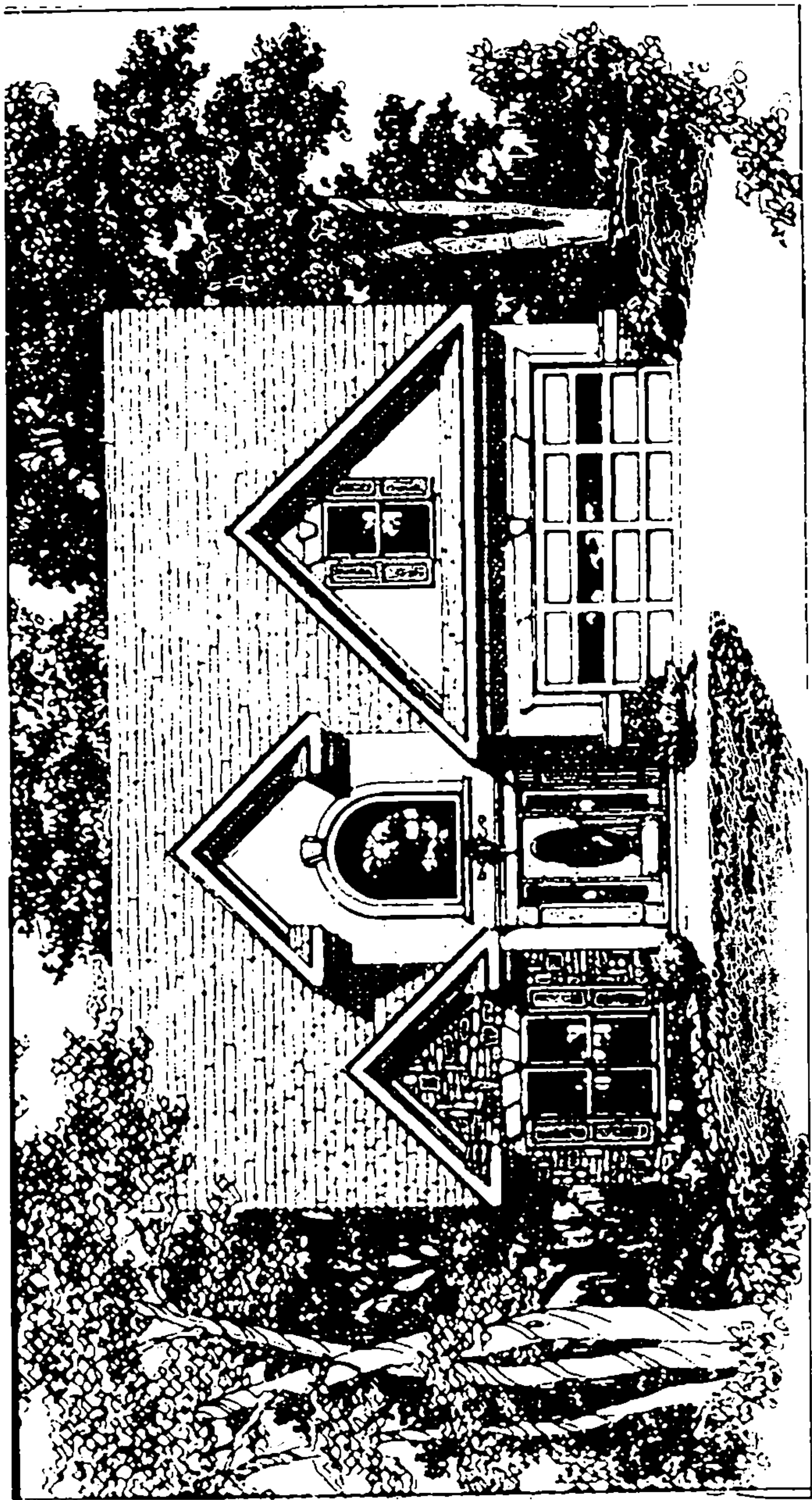
We certainly hope it doesn't come to the last option. We have tried to do everything under the sun to make everyone involved happy, but it hasn't seemed to be possible. We realize that since we started this project there has been a shift towards meeting with neighbors and taking their input as well as an increased sensitivity to tree removal. If we could do it all over again, we would love to incorporate these types of approaches to development in our efforts to build on this property. I would advise anyone trying to develop in Fayetteville to accommodate these things in their development planning. Unfortunately, none of this was *in vogue* when we started and now we are being penalized for not following these avenues and for owning property in a politically and historically sensitive area of town.

Sincerely,

Robert N. Schmitt
Brian C. Dandy







Construction History

My construction history began after I graduated from the University of Arkansas, where I studied Engineering and Business Management. Since 1991, I have been principally responsible for 140+ construction projects totaling over 40 million dollars worth of construction. These projects have all been in Northwest Arkansas with the majority in the Fayetteville area. These projects are typically \$300,000 - \$500,000.

In the past 11 years, I have had little or no complaints about the overall quality of my projects. Only since I built on an infill lot in the historic district and cleared my R-2 lot on Mt. Sequoyah have any questions arisen.

I hope the following pictures, which show a brief sampling of my Fayetteville projects, will give you an idea of the quality that I strive to include in all my projects. I intend to live in Fayetteville for the rest of my life and want to be proud of the projects with which I am associated.

As a good faith effort on my part, I will be glad to enter into a Bill of Assurance with the City of Fayetteville regarding the type of construction, interior and exterior materials, and overall landscape plan to be used on the Fletcher Street project. Mr. Dandy has also agreed to do this on his project. The following is a list of what we are willing to put in the Bill of Assurance:

- Full masonry on at least 50 % of each unit
- Rock to be used on at least half of the proposed houses
- Architectural shingles
- No vinyl siding on any structure in this project
- Elevations shown will be used for Units 1 - 6
- Privacy fencing along only adjoining residential lot (west side)
- Units will be set up so that they can be sold individually (under the horizontal property regime)
- Property owners will join neighborhood association
- POA will control all landscape maintenance
- Interiors will have tile, wood, and carpeting - no linoleum
- Interiors will all have fireplaces, tile countertops, 2-inch wood blinds, and crown molding.
- Fully sodded yards

PREVIOUS
DEVELOPMENTS

Previous Developments

The pages in this section will show you the development projects I have been involved with in the Fayetteville area. There have been three and the first two were in the City of Fayetteville's growth zone. The third was in Fayetteville's historic district and was the first multi-family project I have built.

- I. Project One – Altus Development (1999)**
- II. Project Two – Robinwood Development (2000)**
 - * This development was named in honor of Robin Lynn Woods (1975 – 1996)**
- III. Project Three – Olive Street Cottages (2001)**
 - As this project was in the historic district, I avoided building a single four-plex or six-plex (as was allowed by zoning) and putting in one large parking lot.**
 - Instead, I used a house design from the 1940's and tried to place the units so that they looked like small cottages. Each unit has covered parking.**



4833 RUSTIC LANE-- \$475,000



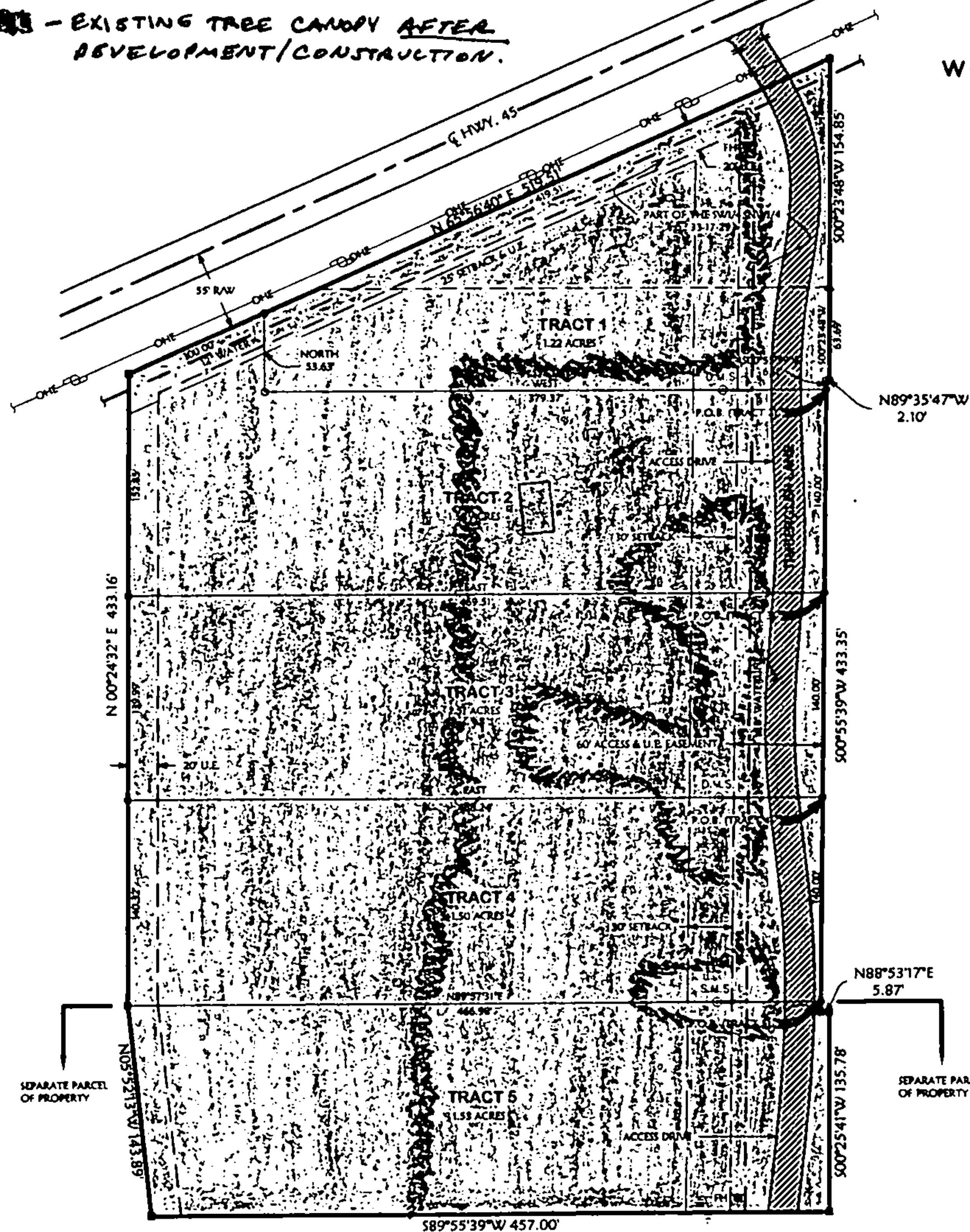
4875 RUSTIC LANE -- \$525,000



4880 RUSTIC LANE-- \$550,000



4844 RUSTIC LANE -- \$450,000



ROBINWOOD ESTATES



2642 Timberglen Lane -- \$600,000



2614 Timberglen Lane -- \$475,000



2775 Timberglen Lane -- \$460,000



2717 Timberglen Lane -- \$475,000

A hand-drawn site plan for a residential development. The plan is divided into four main units, labeled UNIT 1, UNIT 2, UNIT 3, and UNIT 4. UNIT 1 and UNIT 2 are located at the bottom, while UNIT 3 and UNIT 4 are at the top. Each unit has a deck and a porch. A central drive runs vertically through the middle of the plan. To the left of the drive, there are two carports labeled 'CARPORT 10' and 'CARPORT 8'. To the right of the drive, there are two carports labeled 'CARPORT 15' and 'CARPORT 18'. There are also two storage areas labeled 'STORAGE' and 'STORAGE'. The plan is surrounded by trees, indicated by scribbled lines and the word 'TREES' at the top and bottom. The word 'NATURAL' is also written at the top and bottom. The plan is drawn on a grid background.

[Handwritten note:] + P.S.
+ 711 papers
+ 3 C.T.L.C. -
+ 3 A.S.E.



Olive Street Cottages -- \$560,000



Olive Street Cottages – Rear Elevation

PREVIOUS
CONSTRUCTION



Arthur's Court -- \$365,000



Olive Street (Historic District) -- \$425,000



Hartford Ave -- \$315,000



Hartford Ave -- \$325,000



Shadybrook Cove-- \$395,000



Shadybrook Cove- \$335,000



Summer Shade Dr. -- \$325,000



Idlewood Drive - \$305,000



Summer Shade Drive-- \$305,000



Brookbury Crossing-- \$325,000



Summer Shade Dr. -- \$225,000



Idlewood Drive - \$300,000



Carmel Lane -- \$450,000



1754 & 1756 Pointe Lane -- \$295,000



Brookbury Crossing-- \$315,000



Idlewood Way-- \$385,000



Summer Shade Drive-- \$315,000



Shadybrook Cove -- \$325,000

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to obtain approval of a request for a Large Scale Development, the owner of this property, (hereinafter "petitioner") Hometown Properties Ltd., hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County, Arkansas, and agrees that if Petitioner or Petitioner's successors violate any term of this Bill of Assurance substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will reasonably rely upon all of the terms and conditions with this Bill of Assurance in considering whether to approve Petitioner's Large Scale Development.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows if Petitioner's Large Scale Development is approved by the Fayetteville Planning Commission:

- Full masonry on at least 50% of each unit
- Rock to be used on at least half of the proposed units
- Architectural shingles for all units
- No vinyl siding on any structure in this project
- Elevations shown will be used for units 1 – 6
- Privacy fencing along adjoining residential lot (west side)
- Units will be set up so that they can be sold individually (under the horizontal property regime)
- Property owners will join the neighborhood association
- POA will control all landscape maintenance
- Yards will be fully sodded
- Interiors will have tile, wood, and carpeting – no linoleum
- Interiors will all have fireplaces, tile countertops, 2-inch wood blinds, and crown molding.

Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville Planning Commission. The Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's Large Scale Development approval is effective and shall be noted on any Final Plat or Large Scale Development which includes some of all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, Hometown Properties Ltd. as the owner (Petitioner) voluntarily offers all such assurances.

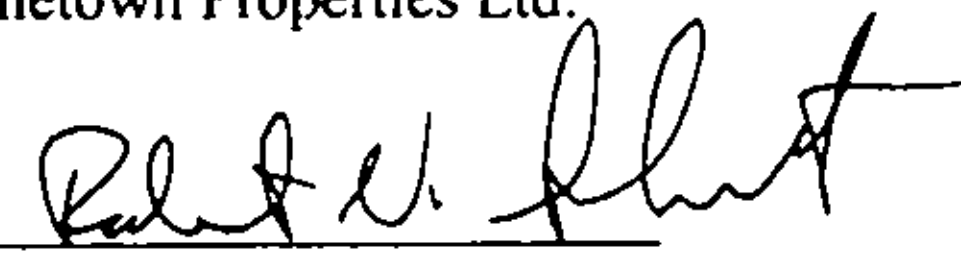
Hometown Properties Ltd.

By Robert N. Schmitt

Robert N. Schmitt
President

Date 5/5/02

Hometown Properties Ltd.

By 

Robert N. Schmitt
President

Date 5/5/02

STAFF REVIEW FORM

Description Purchase of Meredit property for the Research and Technology Park South

Meeting Date June 18, 2002

Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Reference Comments:

**City of Fayetteville, Arkansas
Budget Adjustment Form**

Budget Year 2002	Department: General Fund Division: Miscellaneous Program:	Date Requested May 7, 2002	Adjustment #
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Project or Item Requested:
Additional funding is requested for the purchase of .44 acres located at Nonnamaker Drive.

Project or Item Deleted:
None. Funding for this transaction is from the sale of railroad right-of-way and a portion of the previous land sale to the University of Arkansas. The funds remaining from the previous sale to the U of A are in fund balance.

Justification of this Increase:
The additional funding is needed to purchase land adjacent to the 19th Street and School Avenue land purchase earlier this year.

Justification of this Decrease:
Not Applicable.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number			Project Number	
Land	129,000	1010	6600	5805	00	

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number			Project Number	
Gain/Loss of Sale of Assets	79,000	1010	0001	4881	02	
Use of Fund Balance	50,000	1010	0001	4999	99	

Approval Signatures

Requested By	Date
	5-7-02
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 _____

DEPARTMENTAL CORRESPONDENCE

June 4, 2002

TO: Fayetteville City Council

THRU: Dan Coody, Mayor
Hugh Earnest, Urban Development Director

FROM: Ed Connell, Land Agent

RE: Research & Development Park (South Side)
Meredith Property Purchase

The city and Mr. and Mrs. Darrel Meredith have entered into a contract for the purchase of a 0.4 acres tract of land at the corner of Nonnamaker Dr. and School Ave., across from Research Center Blvd. This property was listed "For Sale" in early May and the city needed to make an offer since this property, along with others around Nonnamaker Drive, had been designated for acquisition over time as part of the Research and Development Park associated with the "Genesis" program of the University of Arkansas.

The city had the property appraised and the appraisal amount of \$120,000 was accepted by Mr. and Mrs. Meredith. The property has a 3,400 ft² building on it which can be used for city storage instead of renting storage capacity as we do now. The subject building was most recently used by the World Boxing Federation and a number of years ago housed a shop and chrome plating concern. The city has hired Terracon, Inc. to sample the soils around the building for higher or hazardous levels of metals, the results of which are yet to be delivered. The results will be made known to you before you vote on this purchase. The budget adjustment is meant to cover this expense plus some anticipated building maintenance.

Attached you will find a copy of a general information memorandum you received late last month relative to the acquisition of properties associated with the eventual establishment of a Research and Development (Light Industry) Park near the Genesis Center. In association with this effort, the University is expanding the capability and function of the facilities at Engineering South and are in the process of acquiring properties on the west side of School Avenue and north of Cato Springs Rd. They purchased two parcels from the city earlier this year and are now looking to purchase the old railroad right of way between Garland and school that the city acquired from Burlington Northern/ Santa Fe in 1999. We are working on the documentation for that sale, the agreement which will be submitted for your approval in late July.

Since the Meredith property was about to be sold, it was prudent for the city to try and purchase at this time. Other properties from Nonnamaker to 22nd Street are currently being appraised although the city is not in a position to actually purchase at this time. We did not want someone else to buy it and then have the city try to purchase it a year later. We do not anticipate any additional purchases this year. Your approval of this contract is requested.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

DATE: May 21, 2002

TO: Fayetteville City Council Members

THRU: Dan Coody, Mayor 
Ray Bordreaux, Airport and Economic Development Director
John Maguire, Economic Development Coordinator
Greg Boettcher, Public Works Director
Jim Beavers, City Engineer

FROM: Ed Connell, Land Agent 

RE: Research & Technology Park (South Fayetteville)
Property Sales and Acquisition
FYI - General Update

During the past few months, the City and the University of Arkansas have been in the process of developing a plan that would provide for a Research & Technology Park area associated with Engineering South "Genesis" Center. Much of this plan is still in the development stage, however, the areas of interest by the University have been defined and both parties, in an effort of cooperation, are working toward that means.

As of now, the University is looking toward a major expansion of the Engineering South facilities. Over the past years, many a program has been developed by "Genesis", but minor and major business and industrial development has gone elsewhere. The endeavor of the U of A is to secure an area close to "Genesis" for R & T purposes, thus the city has been called upon to help in securing an area for future installation of intermediate or small industrial purposes. The U of A is looking to purchase properties along School Avenue from Town Branch south to Cato Springs Road. To this endeavor, they purchased two tracts of City land along Research Center Blvd. earlier this year. Some of that money was used, indirectly, for the City to purchase 32+/- acres on the east side of School Ave. from Mr. Bryan Walker III. This area is part of the U of A plan, however, their plan extends further south to include properties around Nonnamaker Dr. down to the north side of 22nd Street.

Mr. And Mrs. Kenneth Easterling own about 25 acres on the north and east sides of the "Genesis" Center. The U of A is currently in negotiations with Mr. Easterling for this acquisition. They have recently purchased two parcels of land from Dash Goff along School Ave. Eventually, they would like to go both east and west from the Research Center in the acquisition of land to go into this R & T Park. As parcels come on the market, they have the approval to make offers for this purpose. Part of the area they wish to acquire is the 100 foot wide abandoned railroad right of way that goes from Garland Ave. to School St. and is owned, by QCD, by the City. The City acquired this ROW in 1999 from Burlington Northern/ Santa Fe Railroad, the initial purpose was to develop a trail to the Industrial Park. The Railroad would only convey this in Quit Claim Deed, thus the city can only convey in QCD. The U of A has indicated that they

plan the installation of a trail along Town Creek in conjunction with the development of a recreation park on the Easterling property, north of the railroad corridor. It has been decided that this railroad bed will not be used for the installation of a new track to the Industrial Park. The City has obtained an independent appraisal of this 7.68 acres of RR ROW, that being \$79,000. At this point, it is the intention of the administration to sell the railroad right of way to the University and use such monies toward the purchase of a track of land (w/building) at the corner of Nonnamaker & S. School.

The property the city wishes to purchase belongs to Darrel and Ethel Meredith and was formerly used by the World Wrestling Federation on lease from Meredith. This property has been listed "For Sale" and according to the listing agent, a number of interested parties are looking at it for investment purposes. The parcel(s) is part of the area to be acquired for the R & T Park and it is considered prudent to move on this tract at the time it is for sale. An independent appraisal put the fair market value at \$120,000. This includes 0.44 acre of land and a main building of approximately 3,450 ft². The City is currently leasing space from Lazenby for storing equipment and this building can be used for that purpose. Some work (overhead door replacement) will be required on the building but it is in reasonable to good shape for the most part.

The city is preparing to make an offer of \$120,000 to Mr. and Mrs. Meredith on this property. Although other offers are pending, Mr. Meredith would prefer to work with the city, especially since the area has been designated for the eventual development of an R & T Park. The purchase of this property will not require new or additional public funds. In January, 2002, the city sold to the University two tracts of land for \$459,000. Of that income, \$360,000 was used in the purchase of 32 acres from Bryan Walker III on 19th and School, leaving a balance into the reserve fund of \$ 99,000. Of that reserve, \$25,000 was used for the Pay Plan Review, leaving a net balance in the reserve fund, from the above source, of \$74,000. We anticipate an overall cost of approximately \$129,000 for the purchase of, environmental testing and some minor repair work on the Meredith property. As indicated above, the sale of the railroad right of way will bring in approx. \$79,000, and the remaining \$50,000 will come from the reserve fund, leaving a net positive balance of \$24,000. Of that balance, approximately \$ 10,000-11,000 will be required to do the demolition and disposal of the old buildings on the Walker property.

<u>Activity</u>		<u>Value</u>	<u>To / From</u>	<u>Balance in</u>
		<u>\$</u>	<u>Reserve Fund</u>	<u>Reserve Fd.*</u>
			<u>\$</u>	<u>\$</u>
1.	Sale of 20 th Street Properties to U of A	459,000	459,000	459,000
2.	Purchase of Walker Property	360,000	-360,000	99,000
3.	Pay Plan Review	25,000	- 25,000	74,000
4.	Sale of RR ROW to U of A	79,000	79,000	154,000
5.	Purchase of Meredith Property	120,000	-120,000	34,000
6.	Meredith Prop. other Expenses	9,000	- 9,000	25,000
7.	Walker Prop Demo. & Disp.	11,000	- 11,000	14,000

* South Research & Development Park activities

Within the next month, agenda items will be presented to the City Council for (1) the sale of the railroad right of way between Garland and School to the U of A and (2) the purchase of the Meredith property. At this point, the administration does not anticipate any additional purchases in this area for the year 2002 due to limited resources. We will, however, be looking into obtaining independent appraisals for the 8-9 outstanding parcels that will constitute the remainder of the R & T Park.

OFFER AND ACCEPTANCE CONTRACT

1. The City of Fayetteville, Arkansas, a municipal corporation, hereinafter referred to as the Buyer, offers to buy, subject to the terms and conditions set forth herein, the following described property:

PROPERTY DESCRIPTION

A part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 21, Township 16 North of Range 30 West, being more particularly described as beginning at a point which is 715.81 feet South and North 88° 58' 00" West 482.56 feet from the Northeast corner of said forty acre tract and running thence South 09° 04' 00" West 65.0 feet; thence running North 88° 58' 00" West 200.00 feet to the East right of way line of U. S. Highway 71(now 71-B); thence North 09° 04' 00" East along said right of way line 65.0 feet; thence South 88° 58' 00" East 200.00 feet to the Point of Beginning, containing 0.30 acre, more or less. Also, a part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 21, Township 16 North of Range 30 West, being more particularly described as beginning at a point which is 780.81 feet South and 685.0 feet West from the Northeast corner of said forty acre tract, said point being on the East right of way line of U. S. Highway 71 (now 71-B); thence South 09° 04' 00" East 40.0, thence East 150.0 feet; thence North 09° 04' 00" East 40.0 feet; thence North 88° 58' 00" West 150.0 feet to the Point of Beginning, containing 0.14 acre, more or less.

2. **Purchase Price:** Subject to the following conditions, the Buyer shall pay for the property at closing, the total and cash payment of \$120,000.00.
3. **Contingent Earnest Money Deposit:** The Buyer herewith tenders a check for \$3,600.00 to Darrel Meredith Jr. and Ethel Meredith, husband and wife, hereinafter referred to as the Seller, as earnest money, which shall apply on the purchase price. This offer of purchase is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, the earnest money deposit will be returned to the Buyer by the Seller. If title requirements are not fulfilled or the Seller fails to fulfill any obligations under this contract, the earnest money shall be promptly refunded to the Buyer. If the Buyer fails to fulfill his obligations under this contract or after all conditions have been met, the Buyer fails to close this transaction, the earnest money shall become liquidated damages to the Seller and the Seller's exclusive remedy.
4. Conveyance will be made to the Buyer by general Warranty Deed, except it shall be subject to recorded instruments and easements, if any, which do not materially affect the value of the property. Such conveyance shall include mineral rights owned by the Seller.
5. The Seller shall furnish a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the Buyer. The cost of such title insurance shall be that of the Seller.
6. Seller agrees to allow Buyer, if Buyer so desires, at Buyer's expense, to survey the property. Seller agrees to cure any title problems which may result from any differences between the recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the Buyer

OFFER AND ACCEPTANCE CONTRACT

Page 2 of 4

7. Taxes and special assessments due on or before closing shall be paid by the Seller. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of closing.
8. The closing date is designated to be within **Thirty (30)** days after approval of this Contract by the Fayetteville City Council. This Contract will be submitted to the Fayetteville City Council within four (4) weeks of the date of Seller's signature.
9. Closing costs, except for those items heretofore mentioned, shall be shared equally between Buyer and Seller.
10. Possession of the property shall be delivered to the Buyer on the date of closing.
11. Seller hereby grants permission for the Buyer or its employees or designates to enter the above described property and improvements for the purpose of inspection and/or surveying.
12. All fixtures, improvements and attached equipment are included in the purchase price.
13. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the Seller.
14. Seller shall disclose to Buyer any and all environmental hazards of which Seller has actual knowledge. Upon acceptance of all conditions and terms of this Offer and Acceptance, Buyer shall bear the costs of any and all testing for the existence of environmental hazards. Should the existence of environmental hazards be determined, the Buyer has the unilateral right to void this Contract. The Buyer does not accept any ownership rights to the land nor responsibilities toward any environmental hazards that might be located thereon. However, the parties can agree to cure any environmental hazards without voiding this Contract.
15. This agreement shall be governed by the laws of the State of Arkansas.
16. This agreement, when executed by both the Buyer and the Seller shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.

OFFER AND ACCEPTANCE CONTRACT

Page 3 of 4

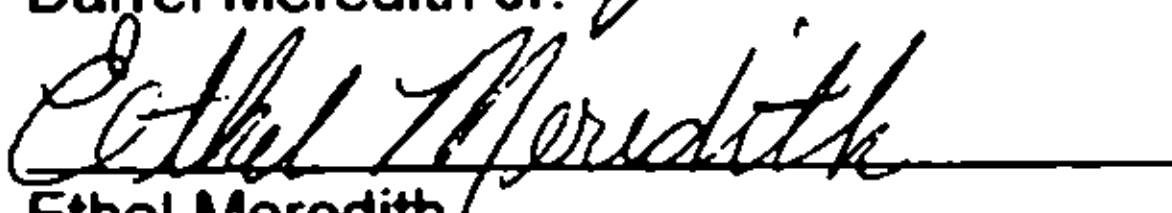
17. This Contract expires, if not accepted by the Seller on or before the 25th day of May, 2002.
18. NOTICE: BUYER ASSERTS AND SELLER HEREBY ACKNOWLEDGES THAT THIS OFFER IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THIS OFFER OF PURCHASE BY THE CITY COUNCIL OF FAYETTEVILLE AND THAT THE FAILURE OF THE COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS OFFER NULL AND VOID, EXCEPT, THE \$3,600.00 EARNEST MONEY DEPOSIT WILL BE RETURNED TO THE BUYER BY THE SELLER.

SELLER:



Darrel Meredith Jr.

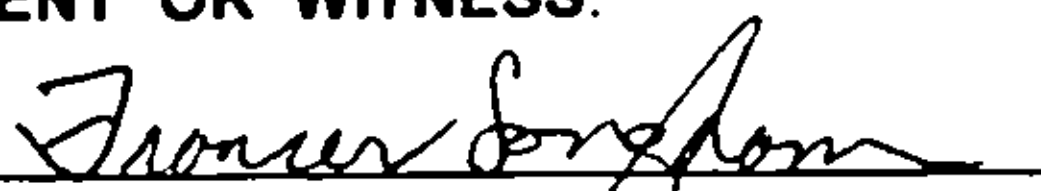
Date: 5-21-02



Ethel Meredith

Date: 5-21-02

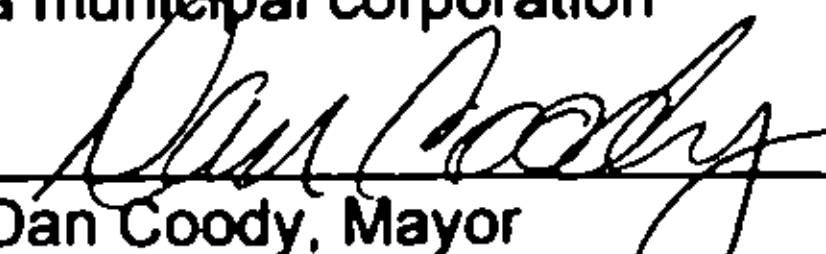
AGENT OR WITNESS:



Date: May 21, 2002

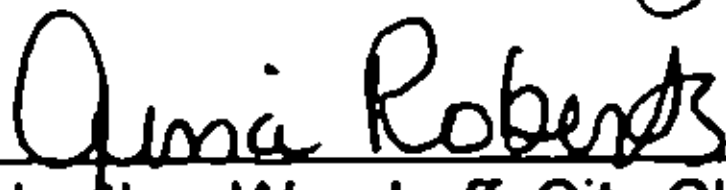
BUYER:

City of Fayetteville, Arkansas,
a municipal corporation



Dan Coody, Mayor

Date: 5/14/02



Heather Woodruff, City Clerk
Deputy

Date: 5-14-02

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF WASHINGTON) ss.

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 **Darrel Meredith Jr. and Ethel Meredith**, husband and wife, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

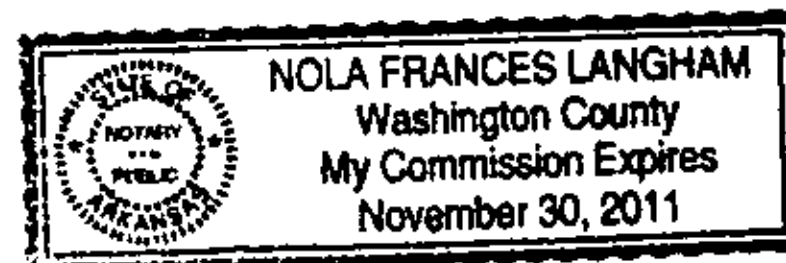
WITNESS my hand and seal on this 21 day of May, 2002.

Nola Frances Langham

Notary Public

MY COMMISSION EXPIRES:

11/30/2011



ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF WASHINGTON) ss.

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 **Dan Coody and Jina Roberts**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor and Deputy City Clerk** of the **City of Fayetteville, Arkansas**, a municipal corporation, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, 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.

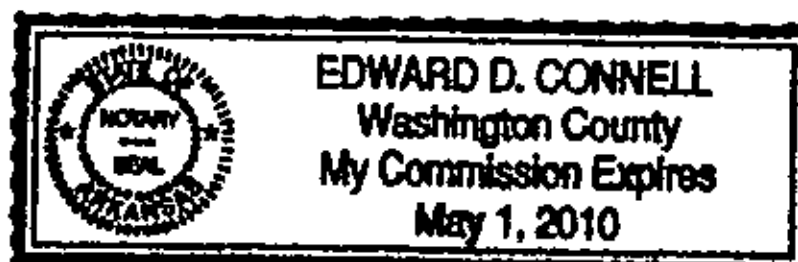
WITNESS my hand and seal on this 14th day of May, 2002.

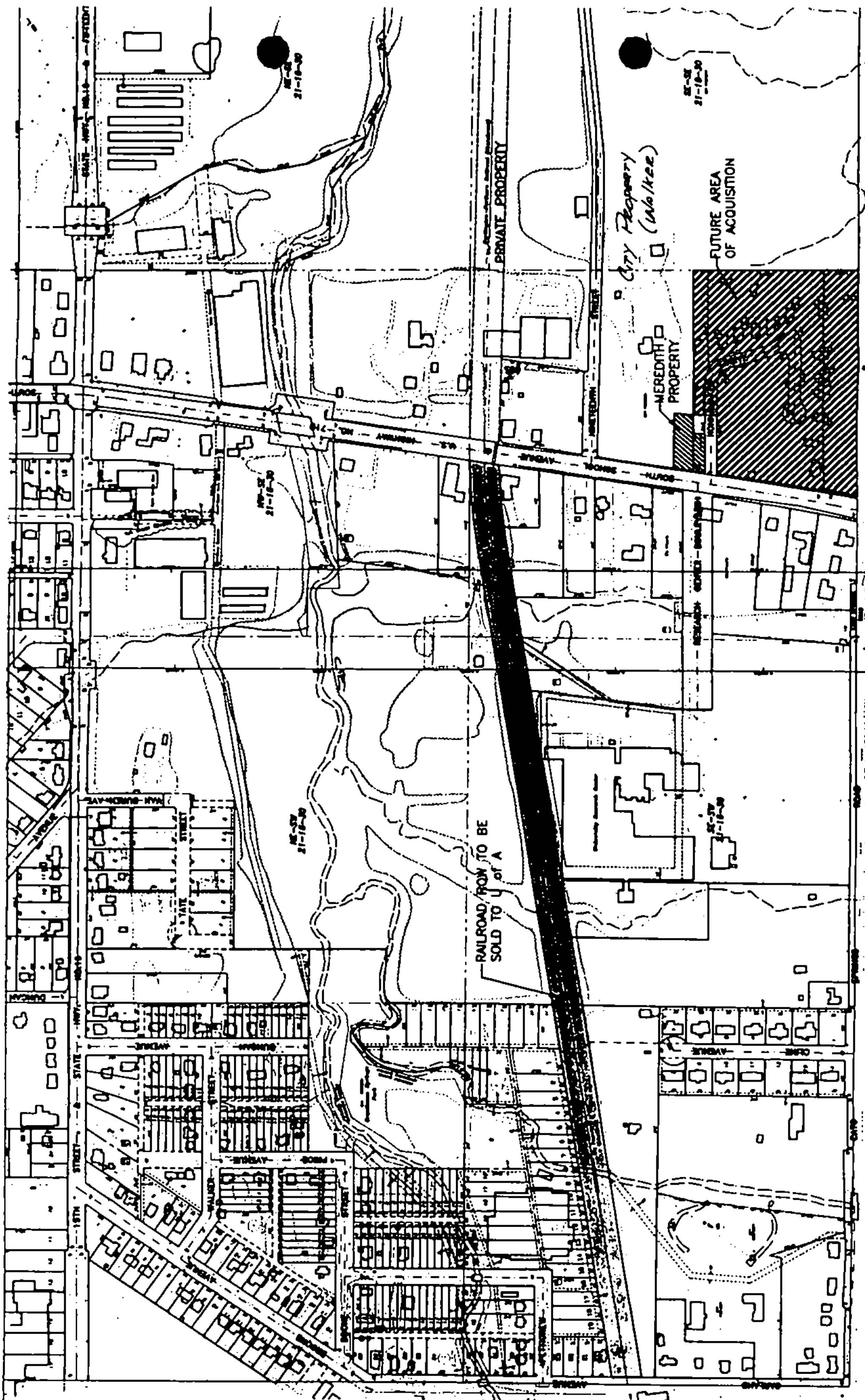
Edward D. Connell

Notary Public

MY COMMISSION EXPIRES:

05-01-2010





THE REAL ESTATE CONSULTANTS

118 N. East Ave.
P.O. Box 726
Fayetteville, AR 72702

• REALTORS • APPRAISERS • CONSULTANTS •

Phone (479) 442-0762

April 25, 2002

Mr. Ed Connell
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

RE: Appraisal Services – Darrel & Ethel Meredith
Parcel #s 765-15024-000 & 765-15008-001
2002 S. School Avenue & Adjacent Lot
Fayetteville, AR 72701

Dear Mr. Connell

In compliance with your request, and for the purpose of estimating the Market Value of the above captioned property, I hereby certify that I have personally inspected the property and made a survey of matters pertinent to the estimation of its value. The intended use of this appraisal report is for *Purchase Evaluation purposes of the City of Fayetteville.*

I further certify that I have no interest, present or contemplated, in the property under appraisement, and that the fee was not contingent upon the value estimate reported, nor based upon a percentage of the appraised value.

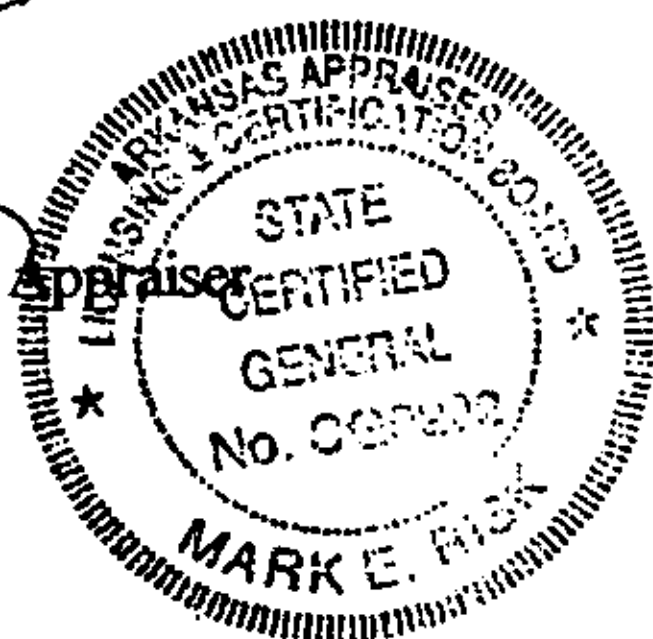
This report is considered a *Complete Summary Appraisal* and has been reported in a *summary narrative format*. The analysis is based upon information gathered from the owner, public records, MLS data, the appraiser's files, and other reliable sources, in addition to an exterior and interior inspection of the subject property and neighborhood. The report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Foundation. The appraiser has applied all three appraisal approaches to determine the Market Value of the subject. The opinions set forth are stated as of *April 25, 2002*. *The effective date of this report is the date inspection – April 9, 2002.*

Based upon the inspection of the subject property and the investigation and analysis carried out in this report, it is the considered opinion of the appraiser that the Market Value of the subject property as of *April 9, 2002* and subject to the assumptions and limiting conditions set forth within the body of this report, is as follows:

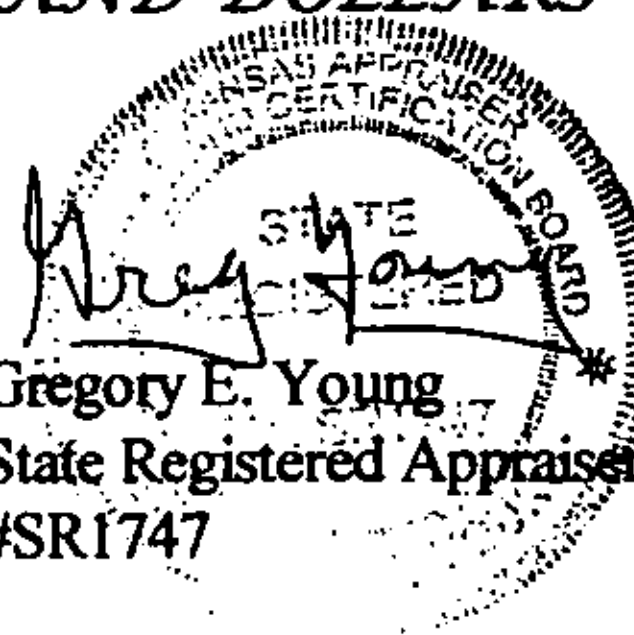
ONE HUNDRED & TWENTY THOUSAND DOLLARS
(\$120,000)

Respectfully submitted,

Mark E. Risk, GAA
State Certified General Appraiser
#CG0202



Gregory E. Young
State Registered Appraiser
#SR1747



WARRANTY DEED

HUSBAND AND WIFE CONVEYING AS TENANTS BY THE ENTIRETY, JOINTLY OR IN COMMON
KNOW ALL MEN BY THESE PRESENTS:

That we, Albert Miller and Grace Miller, husband and wife and Edna Starnes
hereinafter called Grantees, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in us in hand paid by Darrel Meredith, Jr. and Ethel Meredith, husband and wife

hereinafter called Grantors, do hereby grant, bargain and sell unto the said Grantees and Grantees's heirs and assigns, the following described land, situate in:

Washington County, State of Arkansas, to-wit:

A part of the Southwest Quarter of the Southeast Quarter of Section 21, Township 16 North of Range 30 West, being more particularly described as beginning at a point which is 715.81 feet South and North 88 degrees 58 minutes West 482.56 feet from the Northeast corner of said forty acre tract, and running thence South 09 degrees 04 minutes West 65.0 feet, and running thence North 88 degrees 58 minutes West 200.0 feet to the East right of way line of U.S. Highway No. 71; thence North 09 degrees 04 minutes East along said right of way line 65.0 feet; thence South 88 degrees 58 minutes East 200.00 feet to the point of beginning, containing 0.30 acres, more or less. ALSO, A part of the Southwest Quarter of the Southeast Quarter of Section 21, Township 16 North of Range 30 West, being more particularly described as beginning at a point which is 780.81 feet South and 685 feet West of the Northeast corner of said forty acre tract, being the East right of way line of U.S. Highway No. 71, thence South 09° 04' ± 40 feet, thence East 150 feet, thence N 09° 04' E 40 feet, thence S 88° 58' W 190 feet to the point of beginning.

I CERTIFY UNDER PENALTY OF FALSE SWEARING THAT AT LEAST THE LEGALLY CORRECT AMOUNT OF DOCUMENTARY STAMPS HAVE BEEN PLACED ON THIS INSTRUMENT.

Signed:

Grantees

P.O. Box 173, Fayetteville, Ark
Address 93712

TO HAVE AND TO HOLD the said lands and appurtenances therein belonging unto the said Grantees and Grantees's heirs and assigns, forever. And we, the said Grantors, hereby covenant that we are lawfully seized of said land and premises, that the same is unincumbered, and that we will forever defend and defend the title to the said land against all legal claims whatever.

And we, the respective Grantors, hereby release and relinquish unto the said Grantees our respective claims, demands and demands in and to said lands.

WITNESS our hands and seals on the 24th day of _____, 1982.
THE INSTRUMENT PREPARED BY:

STATE OF ARKANSAS

County of Washington

Albert Miller

Grace Miller

Edna Starnes

My Commission Expires

3-26-82

My Commission Expires

3-26-82

My Commission Expires

3-26-82

My Commission Expires

3-26-82

FILED FOR RECORD

73 OCT 15 PM 3 35

WASHINGTON CO AR

A. KOLLMEYER

110 85
0031092 01777

Parcel Number: 765-15008-001 **Type:** CI
Location Address: 2002 S SCHOOL AVE
Owner name: MEREDITH, DARREL, JR. & ETHEL
Mailing Address: PO BOX 1143 FAYETTEVILLE AR 72702
Lot: **Block:** **S-T-R:** 21-16-30
Addition: 21-16-30 FAYETTEVILLE OUTLOTS
School District: FAYETTEVILLE SCHOOLS
City: FAYETTEVILLE
Legal: PT SW SE .15 A.

Current Year A79 Credit Status:

Last Assessed: 2001	Appraised value	Taxable value
Land	16,350	3,270
Improvement	15,950	3,190
Total	32,300	6,460

2001 Tax Information

Ad Valorem Tax	Imp. Dis. Tax	Timber Tax	Voluntary Tax	Total Tax	Total Tax Paid	A79 Status	Payment Status
\$335.66	\$0.00	\$0.00	\$0.00	\$335.66	\$0.00		

**Structure
Number**

Business Name

Age or Year Constructed

**Heated
Area**

01

**WRESTLING
WHSE**

1955

0

Structure Sketch

[illegible]

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
01/01/90	1339	529	MEREDITH, DARREL, JR. & ETHEL	P.O. BOX 1143	WD	75,000	165.00

Transfer price appears excessive - more information is needed to validate.

[Return to List](#)[Return to Search](#)[Parcel Map/Plat](#)[Previous](#)

[Return to List](#)[Return to Search](#)[Parcel Map/Plat](#)

Record 1 of 1

Parcel Number: 765-15024-000

Type: CV

Location Address: 0

Owner name: MEREDITH, DARREL, JR. & ETHEL

Mailing Address: PO BOX 1143 FAYETTEVILLE AR 72702

Lot: Block: S-T-R: 21-16-30

Addition: 21-16-30 FAYETTEVILLE OUTLOTS

School District: FAYETTEVILLE SCHOOLS

City: FAYETTEVILLE

Legal: PT SW SE .30A

Current Year A79 Credit Status:

Last Assessed: 2001 Appraised value Taxable value

Land 32,650 6,530

Improvement 0 0

Total 32,650 6,530

2001 Tax Information

Ad Valorem Tax	Imp. Dis. Tax	Timber Tax	Voluntary Tax	Total Tax	Total Tax Paid	A79 Status	Payment Status
\$339.30	\$0.00	\$0.00	\$0.00	\$339.30	\$0.00		

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
10/26/89	1339	529	MEREDITH, DARREL, JR. & ETHEL	P.O. BOX 1143	WD	75,000	165.00

ALSO 765-15008-001

01/01/85	1009	69	MILLER, ALBERT & GRACE & WARD,	EDNA		0	0.00
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[Return to List](#)[Return to Search](#)[Parcel Map/Plat](#)

Hello, I'm _____ calling from the University of Arkansas at Little Rock. I assure you that I am not trying to sell anything. The City of Fayetteville is planning the budget for next year. Your input on this survey will help provide them with an understanding of Fayetteville citizens' priorities for the city budget.

All of your answers will be strictly confidential. Your phone number is «PHONE», is that correct?

Do you live in the city limits of Fayetteville?

Yes

No

Don't Know

If don't know – What is your «ADDRESS»? (If no skip to screen where we enter the address

1 Yes, Correct Address

2 No Not Correct Address – Enter the correct address

RANDOM SELECTIONPROCESS

Our sampling procedure requires that we speak with an adult 18 years of age or older.

How many members of your household are 18 years of age or older?

Enter Number _____

How many of these adults are men and how many are women?

The person I need to speak with is....

INTRODUCTORY QUESTIONS – OVERALL IMPRESSIONS

First, I would like to ask you some general questions about life in Fayetteville.

Overall how would you rate the quality of life in Fayetteville?

- ☐ Excellent
- ☐ Good
- ☐ Fair
- ☐ Poor
- ☐ Don't Know
- ☐ Refused

Please tell me do you strongly agree, agree, disagree, or strongly disagree with the following statement. The city of Fayetteville generally has the right spending priorities.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Disagree

- ☐ Strongly disagree
- ☐ Don't Know

Now I would like to read you a short list of city services and have you tell me for each one whether you are very satisfied, satisfied, or dissatisfied, or ver dissatisfied?

PICK 10 SERVICES

- ☐ Very Satisfied
- ☐ Satisfied
- ☐ Neither
- ☐ Dissatisfied
- ☐ Very Dissatisfied

EXAMPLES:

Animal Control
Bus/Public Transit
Code Enforcement
Community Programs
Economic Development
Environment/Tree Preservation
Fire Services
Housing(public housing, etc..)
Maintenance of City
Buildings & Facilities
Land Use Planning
Litter Control

Police Services
Public Library
Public Parks & Recreation Facilities
School Resource Officer
Sidewalks for Pedestrian Traffic
Street Lighting
Street Maintenance & Repair
Traffic Control
Trash Collection
Wastewater Services (Sewer)
Water Services
Planning, Zoning, and Inspection Services

Please rate each of the following city services as to its importance to the overall quality of life in Fayetteville? Would you say it is Very Important, Important, Not Important, Not at All Important?

USE SAME 10 SERVICES

- ☐ Very Important
- ☐ Important
- ☐ Neither
- ☐ Not Important
- ☐ Not at all Important

BUDGET PRIORITIZATION – 6 SERVICES

As you may know, the Fayetteville City Council will be facing many difficult issues concerning the funding of services. With limited resources, the City Council won't be able to do everything and must establish priorities.

The city budget can be divided into several general categories. Now we are going to ask you a few questions that compare major budget categories. I will give you a brief description of those services that fall within the categories. Please tell me the general budget category on which you place the greater funding priority for next year.

Cultural and Arts Programs includes arts, and the city's museums, entertainment events and the libraries.

OR

Parks and Recreation includes ballfields, public parks, park maintenance, open space, recreation services, swimming pools, and the zoo.

Do you think the City should place the greater funding priority with Cultural and Arts or with Parks and Recreation?

- 1 Cultural and Arts
- 2 Parks and Recreation

Health and Human Services includes education, services to seniors, health services, social services, services to children, housing, services to handicapped, and municipal court.

OR

Public Works/Transportation includes trash collection, street repair/maintenance, transit/bus system, code enforcement, animal control, traffic management, sidewalks, parking, and the municipal airport.

Do you think the City should place greater funding priority on Health and Human Services or with Public Works/Public Transit?

- 1 Health and Human Services
- 2 Public Works/Transportation

Growth and Development Services includes city planning, economic development, speed of growth, and general growth of the city.

OR

Support Services involves city employees, delivery of information, general maintenance, maintenance of local government buildings, overall city services and the government itself.

Do you think the City should place the greater funding priority with Growth and Development Services or on Support Services?

- 1 Growth and Development Services
- 2 Support Services

You named «SELECTION 1», «SELECTION 2», AND «SELECTION 3» as your highest priorities. Among these three, how would you rank the categories in terms of budget priorities?

Enter as 1st choice, 2nd and 3rd choice.

DETAILED FOCUS ON SPECIFIC AREAS WITHIN ONE AREA/DEPT

One major category within the budget is Public Safety. For the purposes of this survey, public safety includes-Emergency Medical Services, Fire Services, and Police Services. Please rank these according to the funding priority that you feel the service area should receive for next year.

With one being the highest funding priority, and three being the lowest funding priority, within this category please rank...

Emergency Medical Services
Fire Services
Police Services

Other categories within Public Safety are crime prevention, police patrol, and traffic enforcement. Using the same scale with one being the highest funding priority, and three being the lowest funding priority, please rank each of these services.

Crime Prevention
Police Patrol
Traffic Enforcement

FINANCIAL SUPPORT FOR CITY PROGRAMS & SERVICE

Now I have a few questions about the priority you place on several existing city programs. Currently a portion of your tax dollars support the following programs, would you recommend increasing the level of financial support, decreasing the level of financial support or maintaining the same level?

EXAMPLES:

Arkansas Air Museum
Community Adult Center
Downtown Dickson Street Enhancement Project, Inc.
Fayetteville Boys and Girls club
Fayetteville Public Library
First Night Fayetteville
Gulley Summer Music Concerts
Ozark Regional Transit
Public Access Cable

Now consider these essential services...Again, tell me if you would recommend increasing the level of financial support, decreasing the level of financial support or maintaining the same level of financial support for each of the following...?

EXAMPLES:

City Employee's Pay and Benefits
Additional Fire Station
Additional Personnel for the Fire Department
Litter control

Additional Personnel for Parks and Recreation
Enhanced Parks and Recreation Facilities
Additional personnel for the Police Department
Additional support for Community Policing
Additional support for School Resource Officer's for the Police
Additional Personnel for Traffic Control
Additional funds for tree preservation and landscape administration

Have you attended a city sponsored meeting of any kind in the past year, including city council meetings, a city commission, or a special topic workshop?

Yes

No

In the past year, have you contacted a Fayetteville city government department or employee for any reason?

Yes

No

DEMOGRAPHICS:

How long have you lived in Fayetteville?

Do you rent or own your residence?

What is your age?

How many individuals 17 or younger live in your household?

Does any member of your household have a physical handicap or is anyone disabled?

Yes

No

Do you work at a job either part-time or full-time that is located in Fayetteville?

Yes

No

What is the highest level of education that you have completed?

- 1 Less than 9th Grade
- 2 9th to 12th grade (no diploma)
- 3 High School Graduate
- 4 Some College - No Degree
- 5 Associates Degree
- 6 Bachelor's Degree
- 7 Graduate or Professional Degree
- 8 Refused

Series of probing questions related to total household income.

Less than \$15,000

\$15,000 – 24,999

\$25,000 – 49,999

\$50,000 – 74,999

\$75,000+

Are you Hispanic or Latino?

Yes

No

Are you white, black or of another race?

White

Black

Other

Gender - You are ?

Male

Female

That was my last question, thank you for your time and cooperation!

PC Meeting of 25 March 02

FAYETTEVILLE

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

Alley Right of Way Vacation
Ken & Kathie Marvin

TO: Mayor Dan Coody
Fayetteville City Council
THRU: Hugh Earnest, Urban Development Director
FROM: Tim Conklin, City Planner
DATE: June 11, 2002

BACKGROUND

VA 02-01.00: Alley Vacation was submitted by Ken Marvin for property located at 828 and 830 South Rose Avenue, Lots 8-11, Block 5, Rochier Heights Addition. The request is to vacate a 20' wide unimproved alley located to the south of Lots 8 & 9 and to the north of Lots 10 & 11 in the above described Subdivision. See the attached maps and legal descriptions for the exact locations of the requested alley vacation.

A letter was received from an adjacent property owner that objects to the requested alley vacation. This letter has been included in the report.

CURRENT STATUS

The Planning Commission approved the requested alley vacation by a unanimous vote and forwarded the vacation to the City Council.

RECOMMENDATION

Staff recommends approval of the requested alley vacation subject to any additional development on lots owned by the applicant and adjacent to undeveloped right-of-way be approved as a large scale development.

The large scale development process will allow staff, the Planning Commission, and adjoining and surrounding property owners an opportunity to address traffic, storm water runoff, and required street improvements for this undeveloped subdivision.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL JUNE 18, 2002

A meeting of the Fayetteville City Council will be held on June 18, 2002 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**
2. **APAC:** A resolution awarding Bid 02-34 and approval of contract with APAC-Arkansas, Inc. McClinton Anchor, in the amount of \$22,190.00 plus a 10% project contingency of \$2,212.90 and \$500.00 for testing for a total cost of \$24,841.90.
3. **SOCCER UNIFORM:** A resolution awarding Bid 02-27 to purchase soccer uniforms from Score Uniforms at an estimated amount of \$19,000.00 for the Fall Season and \$5,000.00 for the Spring 2003 Season.
4. **CENTRAL EMS:** A resolution approving the renewal of the contract with Central Emergency Medical Services, Inc.
5. **BID 02-35:** A resolution awarding Bid 02-35 in the amount of \$70,200 to Industrial Maintenance Assistance for welding services.

B. OLD BUSINESS

1. **RAZE AND REMOVAL:** A resolution approving a raze and removal of house at 1200 S. Roberts as per Ordinance 3948. The item was tabled at the May 7, 2002 meeting. *(Item will be tabled at the council meeting).*
2. **PLANNING COMMISSION APPEAL:** Appeal of a Planning Commission Decision regarding LSD 02-7.00 for property located at the southwest corner of Fletcher Avenue and Rodgers Drive. The item was tabled at the May 7, 2002 meeting.

C. NEW BUSINESS

1. **LIBRARY BOARD:** An ordinance recognizing that the FPL and its Board are, and have been, operating and functioning as a duly authorized municipal library in accord with state and local law.
2. **RZN 02-14.00:** An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.
3. **VA 02-1:** An ordinance approving vacation request VA 02-1.00 as submitted by Ken and Kathie Marvin for property located in Rochier Heights Subdivision. The request is to vacate the alley between Lots 8,9,10 and 11 of Block5.
4. **SENIOR CENTER:** A resolution approving Change Order No. 2 to the contract with Harrison Davis Construction in the amount of \$33,664 for the Senior Center and granting additional time to the contractor.
5. **TROLLEY SERVICE:** a) A resolution to authorize the transfer of all of the city's trolley to Ozark Regional Transit in exchange for transportation services.
b) A resolution to approve the purchase of \$70,000 worth of transportation services for Fayetteville citizens from Ozark Regional Transit and to approve a budget adjustment of \$70,000.
6. **WARD BOUNDARIES:** An ordinance modifying the boundaries of Ward 1 and Ward 2 of the City of Fayetteville after the 2000 Federal Census.
7. **OFFER AND ACCEPTANCE:** A resolution approving the offer and acceptance contract between the City and Darrell and Ethel Meredith for the purchase of 0.4 acres, including 3,400 square foot building at the corner of Nonamaker Street and School Avenue for a sum of \$120,000 plus closing costs, and an additional \$9,000 to cover environmental soil testing and building modifications for use as city storage.

**MINUTES OF A MEETING
OF THE
CITY COUNCIL
MAY 21, 2002**

A meeting of the Fayetteville City Council will be held on May 21, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Coody, Aldermen Young, Davis, Santos, Jordan, Reynolds, and Thiel, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press and Audience.

APPOINTMENT OF DON MARR TO COUNCIL

Judge Rudy Moore swore in Don Marr as alderman of Ward 2, Position 2.

Mayor Coody presented Thad Hanna and Larry Perkins a plaque for completing ten years of service on the Board of Adjustments and Sign Appeals.

NOMINATING COMMITTEE REPORT

CIVIL SERVICE COMMISSION

Steven A. Coppinger - One six-year term ending 03/31/08

ENVIRONMENTAL CONCERNS COMMITTEE

Bruce Manchon - Re-appointed/One three-year Environmental Law term ending 06/30/05

Roxana S. Willis - Re-appointed/One three-year Citizen-at-Large term ending 06/30/05

TELECOMMUNICATIONS BOARD

Craig A. Brown - One two-year term ending 06/30/04

TREE AND LANDSCAPE ADVISORY COMMITTEE

Terry Delany - One unexpired Land Development term ending 12/31/03

WALTON ARTS CENTER COUNCIL, INC.

Marla K. Hunt - Re-appointed/One three-year term ending 06/30/05

WALTON ARTS CENTER FOUNDATION, INC.

Brian Cole - One three-year term ending 06

Alderman Santos moved to appoint the nominees. Alderman Young seconded. Upon roll call the motion carried unanimously.

CONSENT

APPROVAL OF THE MINUTES

CAMERON ASHLEY BUILDING PRODUCTS: A resolution approving an agreement with Cameron Ashley Building products in an amount not to exceed \$65,000 for the purchase of vinyl windows and vinyl siding for housing rehabilitation projects.

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

RESOLUTION 80-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OLD BUSINESS

SALES AND USE TAX: An ordinance providing for the levy of a one-percent sales and use tax and providing for an expiration date for such replacement Sales and Use Tax of June 30, 2013. The ordinance was left on the first reading at the May 7, 2002 meeting.

Mayor Coody stated they have collected this one-percent sales tax for the last nine years. They have been able to improve intersection and streets. They have tried to keep up with the growth in Fayetteville, but once they built the improvements they had to maintain them. As they continued to do infrastructure improvements, their operating costs continue to climb. They had a need to continue this one penny. They needed to reauthorize this for another ten years. The public needed to vote in favor of this because if they did not, then they would be in the position of having lay off important personnel and to cut back on important jobs. They have focused on becoming as efficient as they could.

Alderman Davis stated he had quiet a few constituents since the last meeting. He had asked Steve to give them a break down of the one-cent sales tax went to, which was roughly twelve million dollars.

Mr. Davis, Budget Manager, stated he had put together some information, but not in the format Alderman Davis had requested. Of the twelve million dollars, three million was transferred to General Fund for operation costs. Nine million is segregated for capital improvements. As the move forward, they had developed the 2002-2006 Capital Improvement Program under the assumption that 50% of the City Sales Tax for the time period July 2003 through 2006 that 50% of the city's sales tax would be applied toward Capital Improvements; and the other 50% would be applied to General Funds operations.

Alderman Davis asked where the 25% in the General Fund was going. People wanted to see police and fire and brick and mortar out of the sales tax.

Mr. Davis stated the 25% of the city sales tax has been essentially those elements. It has been used for public safety and brick and mortar. Before they had the city's sales tax authorized in 1993, they had a city's sales tax that was tied completely to a 33 million dollar bond issue that had been approved in 1990. that original penny sales tax was overturned by the court because of allocating a portion of the money to school buildings.

The city also have 3.8 mils of property tax that was primarily the funding mechanism for increase police and fire staffing. In 1991 the city began a program to add three firefighters and three police officers a year and it was to be paid with property tax millage. When the city lost the penny sales tax and the bond issue as a result of a citizen lawsuit, Mayor Hanna and the city council agreed to give up the 3.8 mils in exchange for 25% of the city's sales tax. He had prepared eight charts illustrating the capital which had been invested and the increase in maintenance and general fund operating costs that tracked the investment that the citizens made in the infrastructure with the maintenance cost. A portion of the city's capital plan is to fund an item as referred too as deferred maintenance.

Alderman Davis stated at the last meeting the Mayor did not know the percentages, but Alderman Santos had suggested the 50/50.

Mayor Coody replied they could make the 50/50 work until 2006 or 2007.

Mr. Davis stated the current projects are that if very thing stayed as planned, it should hold them until 2006 or 2007.

Mayor Coody stated they could make the 50/50 work, but he also thought they needed to be able to reevaluate that. He was concerned about locking it in for ten years.

Alderman Davis stated he had not decided if 50/50 was what they needed. He did not want to micro manage the city. He was wanted to hear a recommendation for the mayor and administration.

Mayor Coody stated he thought the 50/50 would work for a while. They needed to flexible enough that if they built something from the capital dollars that they could afford to maintain it. He did not know what good it would do them to build a fire station, but not have the money to put the men in there to operate it. The two funds needed to mesh, if they got out of balance then they were not using their money as efficiently as they could. He thought 50/50 with the flexibility to be able to go back and review them would work.

Alderman Young stated a lot of people would like to see a pie chart of today and pie chart if the sales tax was passed with the 50/50 split.

Alderman Reynolds stated a lot of employees had been upset with their pay raises. Were they going to work on all of their departments and not just the fire and police departments.

Mr. Davis stated what they were focusing on was the one-percent sales tax. The one cent sales tax was either doing capital improvements or it was going to general funds to cover operations. When they talk about operation costs in general fund, they were primarily talking about public safety funding. Because of the chain of events that occurred back in

1991, with the 3.8 mil property tax. The pay plan adjustment did address all city employees. The ones that saw the immediate impact were those employees that were below the new pay range, so they saw an increase to minimum of the new pay range. The civil service employees all saw a move to a new pay range. They were below the minimum. The non-civil employees were merit based. They did not see their raise until they get their evaluation. Their anniversary dates were spread out throughout the year. It was not an immediate raise.

Alderman Reynolds stated that when some stayed with them for thirty years, he wanted to see them get paid for thirty years. Some employees had been here seven years and were making the same as someone who had been here thirty years. He thought something was wrong with their system.

Alderman Santos moved to suspend the rules and go to the second reading. Alderman Jordan seconded. Upon roll call the motion failed by a vote of 4-3, Davis, Reynolds, Young voting nay.

Mr. Williams read the ordinance.

Alderman Thiel stated the 50/50 split would give them the ability to give employees more money. She supported the 50/50. They have had a lot of growth.

Alderman Jordan stated he believed all the employees within the city should have a decent living wage. He thought they should have good health care. They needed to take this money and use it for better training and education for the employees. He would support the 50/50 split, but he wanted it ear marked for employees straight across the board. They had discussed this in the Street Committee. They would train some one and then lose them to someone else.

Alderman Santos stated he would support a 50/50 split with a review at the end of their projections. When they talked about operations they were talking about the funding of all employees and not just the fire and police. The fire and police departments were the two largest departments.

In response to questions, Mr. Davis stated the 50/50 split will add three million dollars to the general fund. 2002 budget was running at a three million dollar deficit. They should be able to stop using their reserves. They had to rearrange their expenses or increase their revenue stream to stabilize their general fund reserves. Once their reserves were gone, then they had no safety net for operation costs.

Alderman Thiel stated this council adopted a budget with an increase in wages. They were going to go deeper into debt, if they did not go with this 50/50. Even based on the 50/50, they would be going into a deficit in 2007. This council set right here and support an increase in wage and health benefits for the employees knowing that they would have to increase the operation funding to maintain that level that they were approving. They had been looking at the 50/50 split when they approved the operating budget.

Alderman Young questioned what would happen when they used up the extra money in the general fund. He asked if eventually the entire one-percent sale tax was going to be used for general fund? Then there would not be any brick and mortar projects.

Mr. Geary Lowery, an area resident, stated he was for the tax and the reallocation. He was also in favor of doing away with the Arkansas State law which does not allow the city to collect sales tax on gasoline, because that money could be used for bricks and mortar and maintenance around the city. In response from comments made at the last meeting, he asked if they had plenty of money in CIP fund, why did they not have sewer lines to all of the citizen in the city of Fayetteville. If they had plenty of money, why did they not have water lines to all of their citizens of Fayetteville. Why were they not getting the service they needed from their fire and police departments?

ORDINANCE WAS LEFT ON THE SECOND READING.

SPECIAL ELECTION: An ordinance calling for a special election on the question of levying a one-percent Sales and Use Tax within the City of Fayetteville, to replace the one percent Sales and Use Tax expiring on June 30, 2003 and providing for an expiration date for such tax of June 30, 2013. The ordinance was left on the first reading at the May 7, 2002 meeting.

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

Mr. Williams read the ordinance.

Mayor Coody stated they were wanting to put this on the ballot at this time so that they would know what the public wanted them to do before they go into the budget process. The budgeting process starts in the fall. They could not wait until the November elections to find out what they will be budgeting a couple of weeks later.

Mr. Lowery stated the date was good. A lot of people were sick and tired of special elections. He suggested that they let the people decide where they put the money.

Mr. Williams stated it would make it more complicated and legally suspect if they attempted to do that.

ORDINANCE WAS LEFT ON THE SECOND READING.

RESOLUTION OF INTENT FOR SALES TAX: A resolution to identify the City's intent to use tax collections if the current 1% city sales tax is extended for a second ten year term by the voters.

Mr. Williams read the resolution.

Alderman Young stated he was thinking at after three years it should be reevaluated each year there after.

Mr. Williams stated this tax did not start into affect until 2003. They would look at this in 2007 and evaluating it. If they were to chose Option A they could only alter that to 60/40. they could not make it any more than that. The next year they could do 70/30, but never below that figure. The other option, that he did not read, did not have those other conditions in it. It just stated that after 2007 the city council makes the decision; and that was it.

Alderman Santos stated Option B stated they shall reexamine the revenue needs of the city in reference to both capital improvements and operating expenses and needs for budget year 2007 and there after and may adjust the division of the sales tax collection between capital improvements and operating expenses as needed. He thought that freed up the future city councils more.

Mr. Williams stated there were always needs for Capital improvements: police cars, fire engines, weapons for police officers. At least at thirty percent, they could guarantee citizens that there would be several million dollars in the budget for capital improvement projects every year.

Alderman Young stated if they were not going to list operations in section 4, then they did not need to list anything.

Alderman Davis moved to delete section 4. Alderman Santos seconded. Upon roll call the motion carried unanimously.

Alderman Santos moved to table the item. Alderman Davis seconded. Upon roll call the motion carried unanimously.

RESOLUTION WAS TABLED UNTIL THE NEXT MEETING.

RZN 02-9.00: An ordinance approving rezoning RZN 02-9.00 as submitted by Julian and Jane Archer for property located at 2231 Markham Road. The property is zoned R-1, Low Density Residential and contains approximately 18.80 acres. The request is to rezone to A-1, Agricultural. The ordinance was left on the second reading at the May 7, 2002 meeting.

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

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDINANCE 4392 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 02-12.00: An ordinance approving rezoning request RZN 02-12.00 as submitted by Julian and Jan Archer for property located at 2231 Markham Road. The property is zoned R-1, Low Density Residential and contains approximately 4.10 acres. The request is to rezone to A-1, Agricultural. The ordinance was left on the second reading at the May 7, 2002 meeting.

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

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. The ordinance passed unanimously.

ORDINANCE 4393 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

RZN 02-10.00: An ordinance approving rezoning request RZN 02-10.00 as submitted by Richard Grubbs on behalf of Mid-America Management Company for property located in the 100 Block of Appleby Road, west of Northwest Nursing Center. The property is zoned A-1, Agricultural and contains approximately 0.14 acres. The request is to rezone to R-O, Residential Office.

Mr. Williams read the ordinance for the first times.

Alderman Davis stated he had received no calls on this and would like to see all three readings done tonight.

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

Mr. Williams read the ordinance for the second time.

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

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

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDINANCE 4394 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 02-11.00: An ordinance approving rezoning RZN 02-11.00 as submitted by the City of Fayetteville for property located on S. School at Drake Field. The property is zoned C-2, Thoroughfare Commercial and contains approximately 3 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.

Mr. Williams read the ordinance for the first time.

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

Mr. Williams read the ordinance for the second time.

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

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

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDINANCE 4395 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

TROLLEY: A resolution authorizing the city staff to develop a working agreement with Ozark Regional Transit to operate the Trolley System and for other purposes.

Mr. Williams stated the only thing this resolution did was to sanction Mr. Earnest to begin negotiations and to bring something back to the council for their review.

Alderman Davis stated he had received a letter from Edith Hawkins. He asked Mr. Earnest to give them a response to her concerns.

Mr. Earnest stated he was recommending a reallocation of money that has been sitting in a Community Development Block Grant fund since 1998. They had received some concern from the HUD regulators that they were not moving money rapidly enough through the system. They have received a formal audit letter from HUD they commended them on how they have handle the fund with the exception that they have not been aggressive enough in moving money through the Project of Victims of Family Violence that has some \$540,000 and the \$104,000 that was allocated for improvements to the Yvonne Richardson Center. This council would be receptive to the money coming out of next years allocation for some use in the expansion of the Richardson Center. The issue of what they were going to do with that center was an important issue. They were all in agreement that they needed to decide what the next steps were for improvements at that center. What they had was a gym and one class room. They needed to address concerns in that area of town. They needed a building with larger facilities. The reason

this discussion was coming up at this time was because they had an excellent opportunity for them to participate with the University and Ozark Regional Transit. The \$100,000 can and will be targeted into their community development block grant target area for access to work program that will allow them to match money with the State. They were in affect purchasing services with this money.

Alderman Davis asked if Mr. Earnest knew the fair market value of the vehicles and how far into the future would it take them. He was also concerned about the routes and the amount of people that actually rode the trolley. There were 103 people a day that ride the trolley, which was not that many. They had to continue to give people a way around town, but was this the best route for them to go?

Mr. Earnest stated that there were plenty of problems in this approach. It was not the long term solution. He thought it was a better approach for allocation of scare resources. They were discussing routes as far as the mall and the new WRMC. It was the beginning of a public transit system. It was only their first step in coordinating these two separate entities.

Alderman Santos stated a lot of people were worried about the \$100,000 being taken away from the Yvonne Richardson Center. And how was it going to get back to the center?

Mr. Earnest stated the opportunity for putting the money back into the center existed in their next year allocation of community development block grant funds. They would be making a recommendation in the council on the future use of the center.

Ms. Hawkins, an area resident and Yvonne Richard Center Board member, stated the money could have been used if they had had the opportunity. She knew it was not enough to add to the center. There was no air conditioning in the building. The money could be use for the existing facility and to take it away with no guarantee that they would get it back; why could they not have it.

Alderman Thiel asked what the fund had to be used for. Could the money be used for air conditioning?

Mr. Earnest stated he honesty did not know, but it was his understanding that the intent was to use for additional capital improvements. He would suspect that they could use it for other improvements. They were not ready to spend that money, and they had the opportunity to double the money. They were meeting a need in that area. There were improvements that needed to be made to the center, but they did not need to be made piece mill.

Alderman Marr asked if there had been a list of the things that the center needed.

Ms. Hawkins stated they have discussed several things. The board was having trouble communicating with the city.

Mr. Earnest stated if they did not move this money and the money from Project of Victim of Family Violence that they would be penalized next year in their allocation.

Alderman Santos stated he did not believe they should be taking the money from the center. He thought they should spend the money on the center liked they had planned.

Ms. Hawkins stated they did not know that they had the funds.

In response to question, Mr. Earnest stated it would take to the end of the summer to have air conditioning put in.

Reverend Hawkins stated he pastured over 90% of the people in the area; and no one had expressed the need for the transportation center. They had been trying to raise the level of their children so that they would be marketable. They were trying to make a difference in their community. They had gotten computers for the center, but they could not use them because they did not have air conditioning. The city had not been working with them to improve the center.

Mayor Coody asked them to come up with a list of needs and to send it to his office.

Mr. Pumphrey, Ozark Regional Transit, stated there was a program called Job Access Welfare to Work, it was a program funded to get people to work and job training. The program was a dollar per dollar match. The State was committed to \$250,000 per year for regional transit. He was also looking for other sponsors in the region to help in getting people to jobs.

Mr. Earnest stated the trolley service was only funded until June 30, 2002.

Alderman Jordan stated something had been promised to the center and now it was being taken away from them. He would not support taking the funds from the center.

Alderman Young asked if they could take the money from Project of Victim of Family Violence. They did not have to figure out the distribution of funds tonight. He asked if they should just authorize the negotiations of the contract and not the funding.

Mr. Smith, Razorback Transit, stated they were working with Ozark Transit and the city to modify their route. Between the two services they should be able to improve and add services.

Mr. Harold Jones stated he ran the current trolley. They had a five year contract. He asked if there was something wrong with the services they were providing. He added as a citizen he did not like what they were proposing.

Alderman Santos moved to approve the resolution. Alderman Davis seconded. Upon roll call the motion carried unanimously.

RESOLUTION 4395 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ASPHALT PAVING MACHINE: A resolution to purchase an asphalt paving machine, trading the existing unit in on a demonstration unit that shall carry a new machine warranty. Proposed demonstration unit has 150 hours, is Pro-Pav model meeting specifications. Competitive bids received on April 29, 2002, immediate delivery. Net purchase cost of \$187,225.00.

Mr. Williams noted there was also a budget adjustment in the amount of \$16,700.

Alderman Davis stated this had been before the Street Committee. The committee had been concerned about the equipment being properly operated. In the past they had trained individuals, once they were trained they were often hired by someone else. They had approved this with the understanding that when people were trained that they wanted to pay them according to what others in the community were being paid so that they could keep their crew.

Mr. Boettcher stated they were bringing in people to train their employees on their equipment. The machine will be brought in regularly for maintenance. They were looking at their pay scale. They were also looking at cross training. They were making an effort to improve their training program.

Alderman Jordan moved to approve the resolution. Alderman Reynolds seconded.

Mr. Lowery, an area resident, stated employees had been taken away by other companies. They needed to pay and train their employees. He expressed concern about getting another street sweeper.

Upon roll call the motion carried unanimously.

RESOLUTION 81-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LIBRARY: A resolution approving a contract in the amount of \$17,633,562 with Crossland Construction Company Inc. for the construction of the new Fayetteville Public Library at 401 W. Mountain; approval of a project contingency in the amount of \$700,000; and approval of a budget adjustment to fund the off-site improvements contained within this contract.

Alderman Santos moved to approve the resolution. Alderman Jordan seconded.

Ms. Schaper, Library, stated they had started this over four years ago. They were delighted to present this contract to them for their approval. They were grateful for their support.

Upon roll call the motion carried unanimously.

RESOLUTION 82-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PONY RIDES: An ordinance revision of the non-motorized transport services section to include pony rides.

Mr. Williams read the ordinance for the first time.

Mr. Dumas stated the ponies did not have any regulations on their now at all. This required some regulations. It would require a permit for ponies.

Alderman Santos suspend the rules and move to the second reading. Jordan seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance for the second time.

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

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDINANCE 4396 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SOLID WASTE CART PROGRAM: A resolution authorizing the purchase of carts from Toter, Inc. for the automated residential waste collection program. Final cost will be determined by the individual customer choices.

Alderman Santos moved to table the item. Alderman Young seconded. Upon roll call the motion carried unanimously.

THE RESOLUTION WAS TABLED UNTIL THE NEXT MEETING.

ARKANSAS POWER STEERING & HYDRAULICS: A resolution awarding Bid 02-24, Item 1 to Arkansas Power Steering and Hydraulics for the purchase of 7, 2003 Mack LE613 with mounted Labrie Automated Solid Waste Bodies for a total purchase price of \$1,375,416.

Alderman Jordan moved to table the item. Alderman Santos seconded. Upon roll call the motion carried unanimously.

RESOLUTION WAS TABLED UNTIL THE NEXT MEETING.

Meeting adjourned at 10:00 p.m.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE CHANGE ORDER #2
TO THE CONTRACT TO CONSTRUCT THE WALKER
SENIOR CITIZEN CENTER AND APPROVING A
BUDGET ADJUSTMENT OF \$54,100.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby approves Changer Order #2 to the contract to construct the Walker Senior
Citizen Center and approves the budget adjustment in the amount of \$54,100.00
attached as Exhibit A.

PASSED and APPROVED this 18th day of June, 2002.

APPROVED:

By: _____
DAN GOODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE TRANSFER OF ALL
OF THE CITY'S TROLLEYS TO OZARK REGIONAL TRANSIT
IN EXCHANGE FOR TRANSPORTATION SERVICES

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

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby authorizes the transfer and sale of all of the City's trolleys to Ozark
Regional Transit at fair market value in exchange for transportation services for
Fayetteville citizens.

PASSED and APPROVED this the 18th day of June, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE PURCHASE OF \$70,000.00 WORTH OF TRANSPORTATION SERVICES FOR FAYETTEVILLE CITIZENS FROM OZARK REGIONAL TRANSIT AND TO APPROVE A BUDGET ADJUSTMENT OF \$70,000.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of \$70,000.00 worth of transportation services for Fayetteville citizens from Ozark Regional Transit and approves the budget adjustment attached as Exhibit "A" in the amount of \$70,000.00.

PASSED and APPROVED this the 18th day of June, 2002.

APPROVED:

By: DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL JUNE 18, 2002

A meeting of the Fayetteville City Council will be held on June 18, 2002 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**
- 2. APAC:** A resolution awarding Bid 02-34 and approval of contract with APAC-Arkansas, Inc. McClinton Anchor, in the amount of \$22,190.00 plus a 10% project contingency of \$2,212.90 and \$500.00 for testing for a total cost of \$24,841.90.
- 3. SOCCER UNIFORM:** A resolution awarding Bid 02-27 to Soccer Uniforms at an estimated amount of \$19,000.00 for the Fall Season and \$5,000.00 for the Spring 2003 Season.
- 4. CENTRAL EMS:** A resolution approving the renewal of the contract with Central Emergency Medical Services, Inc.
- 5. BID 02-35:** A resolution awarding Bid 02-35 in the amount of \$70,200 to Industrial Maintenance Assistance for welding services.

B. OLD BUSINESS

- 1. RAZE AND REMOVAL:** A resolution approving a raze and removal of house at 1200 S. Roberts as per Ordinance 3948. The item was tabled at the May 7, 2002 meeting.
- 2. PLANNING COMMISSION APPEAL:** Appeal of a Planning Commission Decision regarding LSD 02-7.00 for property located at the southwest corner of Fletcher Avenue and Rodgers Drive. The item was tabled at the May 7, 2002 meeting.

C. NEW BUSINESS

1. **LIBRARY BOARD:** An ordinance recognizing that the FPL and its Board are, and have been, operating and functioning as a duly authorized municipal library in accord with state and local law.
2. **RZN 02-14.00:** An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.
3. **VA 02-1:** An ordinance approving vacation request VA 02-1 as submitted by Ken and Kathie Marvin for property located between in Rochier Heights Subdivision. The request is to vacate the alley between Lots 8,9,10 and 11 of Block5.
4. **SENIOR CENTER:** A resolution approving Change Order No. 2 to the contract with Harrison Davis Construction in the amount of \$33,664 for the Senior Center and granting additional time to the contractor.
5. **PUBLIC TRANSIT:** A resolution authorizing an appropriation of \$70,000 from the City of Fayetteville to Ozark Regional Transit for operation of Public Transit in Fayetteville and approval of a budget adjustment.
6. **WARD BOUNDARIES:** An ordinance modifying the boundaries of Ward 1 and Ward 2 of the City of Fayetteville after the 2000 Federal Census.

D. INFORMATIONAL

1. **I-540 BUSINESS TECH PARK (Discussed at Agenda Session Only)**
2. **COUNCIL TOUR**

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Sp. C. Conf. going live at 5:30

TENTATIVE AGENDA CITY COUNCIL JUNE 18, 2002

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3. **VA 02-1:** An ordinance approving vacation request VA 02-1 as submitted by Ken and Kathie Marvin for property located between in Rochier Heights Subdivision. The request is to vacate the alley between Lots 8,9,10 and 11 of Block 5.
4. **SENIOR CENTER:** A resolution approving Change Order No. 2 to the contract with Harrison Davis Construction in the amount of \$33,664 for the Senior Center and granting additional time to the contractor.
5. **PUBLIC TRANSIT:** A resolution authorizing an appropriation of \$70,000 from the City of Fayetteville to Ozark Regional Transit for operation of Public Transit in Fayetteville and approval of a budget adjustment.
6. **WARD BOUNDARIES:** An ordinance modifying the boundaries of Ward 1 and Ward 2 of the City of Fayetteville after the 2000 Federal Census.

D. INFORMATIONAL

1. **I-540 BUSINESS TECH PARK (Discussed at Agenda Session Only)**
2. **COUNCIL TOUR**

1
WILSON SPRINGS BUSINESS
PARK.

additional items

2. Land Sale - General.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL JUNE 18, 2002

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3. ✓ **SOCCER UNIFORM:** A resolution awarding Bid 02-27 to Soccer Uniforms at an estimated amount of \$19,000.00 for the Fall Season and \$5,000.00 for the Spring 2003 Season. *purchase from Score Uniforms.*

4. **CENTRAL EMS:** A resolution approving the renewal of the contract with Central Emergency Medical Services, Inc.

5. **BID 02-35:** A resolution awarding Bid 02-35 in the amount of \$70,200 to Industrial Maintenance Assistance for welding services.

B. OLD BUSINESS

1. **RAZE AND REMOVAL:** A resolution approving a raze and removal of house at 1200 S. Roberts as per Ordinance 3948. The item was tabled at the May 7, 2002 meeting, *(WILL BE TABLED at 7/18)*.

2. ✓ **PLANNING COMMISSION APPEAL:** Appeal of a Planning Commission Decision regarding LSD 02-7.00 for property located at the southwest corner of Fletcher Avenue and Rodgers Drive. The item was tabled at the May 7, 2002 meeting.

C. NEW BUSINESS

1. ✓ **LIBRARY BOARD:** An ordinance recognizing that the FPL and its Board are, and have been, operating and functioning as a duly authorized municipal library in accord with state and local law.
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3. ✓ **VA 02-1:** An ordinance approving vacation request VA 02-1 as submitted by Ken and Kathie Marvin for property ~~located between~~ in Rochier Heights Subdivision. The request is to vacate the alley between Lots 8,9,10 and 11 of Block 5, *New Staff Report. (shown as LSD).* *check Monday.*
4. ✓ **SENIOR CENTER:** A resolution approving Change Order No. 2 to the contract with Harrison Davis Construction in the amount of \$33,664 for the Senior Center and granting additional time to the contractor.
5. ✓ **PUBLIC TRANSIT:** A resolution authorizing an appropriation of \$70,000 from the City of Fayetteville to Ozark Regional Transit for operation of Public Transit in Fayetteville and approval of a budget adjustment. *- & Sale of trolley. B. > two resolutions.*
6. **WARD BOUNDARIES:** An ordinance modifying the boundaries of Ward 1 and Ward 2 of the City of Fayetteville after the 2000 Federal Census. *10/01 - need ward maps - GIS map #1.*

D. INFORMATIONAL

1. **I-540 BUSINESS TECH PARK** (~~Discussed at Agenda Session Only~~)

2. COUNCIL TOUR -

- 1) VA 02-1
- 2) SENIOR CNT.
- 3) offer & accept for Genesis.

tour. ? offer & acceptance - for storage. (x from Genesis)

Call to NB

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Enrolled: H2/13/01

A Bill

Act 505 of 2001
HOUSE BILL 1554

5 By: Representatives Milum, Weaver, Hickinbotham, Eason, Boyd, Dungeau, J. Taylor, Scawel
6
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND ARKANSAS CODE 26-27-304 REGARDING THE
10 MEMBERSHIP OF COUNTY EQUALIZATION BOARDS; AND FOR
11 OTHER PURPOSES.

Subtitle

12
13 AN ACT TO AMEND ARKANSAS CODE 26-27-304
14 REGARDING THE MEMBERSHIP OF COUNTY
15 EQUALIZATION BOARDS
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code 26-27-304 is amended to read as follows:

22 26-27-304. Selection of members

23 (a)(1) Where the county equalization board consists of five (5)
24 members:

25 (A) One (1) member shall be selected by the
26 representatives of the several school districts in the county;

27 (B) One (1) member shall be selected by the ~~members of the~~
28 ~~city and town councils~~ representatives of all cities and incorporated towns
29 in the county;

30 (C) One (1) member shall be appointed by the county judge;
31 and

32 (D) Two (2) members shall be appointed by a majority vote
33 of the county quorum court in the following manner:

34 (i) The quorum court shall appoint a licensed real
35 estate appraiser to at least one (1) of these two (2) positions, but if a
36 licensed real estate appraiser is not available or willing to serve, the

CPB071

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As Engrossed: H2/13/01

HB1554

1 quorum court may appoint a licensed real estate broker;

2 (ii) If a licensed real estate broker is not
3 available or willing to serve, the quorum court may appoint a licensed real
4 estate salesperson; and

5 (iii) If a licensed real estate salesperson is not
6 available or willing to serve, the quorum court may appoint any qualified
7 elector of the county.

8 (E) The five (5) members shall be selected from different
9 sections of the county.

10 (2) Where the board consists of nine (9) members:

11 (A) Two (2) members shall be selected by the
12 representatives of the several school districts in the county;

13 (B) Two (2) members shall be selected by the ~~members of~~
14 ~~the city and town councils~~ representatives of all cities and incorporated
15 towns in the county;

16 (C) Two (2) members shall be appointed by the county
17 judge; and

18 (D) Three (3) members shall be appointed by a majority
19 vote of the county quorum court in the following manner:

20 (i) The quorum court shall appoint a licensed real
21 estate appraiser to at least one (1) of these three (3) positions, but if a
22 licensed real estate appraiser is not available or willing to serve, the
23 quorum court may appoint a licensed real estate broker;

24 (ii) If a licensed real estate broker is not
25 available or willing to serve, the quorum court may appoint a licensed real
26 estate salesperson; and

27 (iii) If a licensed real estate salesperson is not
28 available or willing to serve, the quorum court may appoint any qualified
29 elector of the county.

30 (E) The selecting or appointing agency in each instance
31 shall select or appoint the members from different sections of the county.

32 (b)(1)(A)(i) For the purpose of making the selection of their members
33 of the county equalization board as provided in this section, the school
34 ~~board members~~ district's superintendent or designee of each school district
35 in each county shall serve as the representative of their respective school
36 district select one (1) representative and one (1) alternate representative

As Engraved: 112/13/01

HB1554

1 ~~for each school district.~~

2 (ii) The representatives of the several school
3 districts of each county shall hold a meeting during the month of May of each
4 year in which the term of any of their members of the board shall expire

5 (B) The county judge shall serve as chairman of the
6 meeting and shall issue the call therefor which shall specify the time, date,
7 and place of the meeting.

8 (C)(i) The selection of members of the board shall be by
9 majority vote of the school board representatives present and no action shall
10 be taken unless there is a quorum present.

11 (ii) A majority of all of the school board
12 representatives in the county shall constitute a quorum.

13 (2)(A) For the purpose of making the selection of their members
14 of the board, the representatives of the ~~city and town councils~~ of the cities
15 and incorporated towns in the county shall hold a meeting during the month of
16 May of each year in which the term of any of their members of the board shall
17 expire. The mayor of the city or town shall serve as the representative of
18 his or her city or town.

19 (B) The mayor of the county seat city or town or, if there
20 are two (2) county seats, the mayor of the larger county seat city or town
21 shall serve as chairman of the meeting and shall issue the call which shall
22 specify the time, date, and place of the meeting.

23 (C)(i) The selection of members of the board shall be by
24 majority vote of the representatives of the ~~city and town councils~~ cities and
25 towns present, and no action shall be taken unless there is a quorum present.

26 (ii) A majority of all of the representatives of the
27 ~~city and town councils~~ of all cities and incorporated towns in the county
28 shall constitute a quorum.

29 (iii) Each of the cities and incorporated towns
30 within the county shall be entitled to one (1) vote.

31 ~~(iv)(a) The representative of each city or town~~
32 ~~shall be designated by resolution of the governing body of the city or town~~

33 ~~(b) Each city or incorporated town shall select one (1) representative~~
34 ~~and may designate alternate representatives, as may be required.~~

35 (3) The county judge and the quorum court of each county shall
36 make the appointment of their members of the board during the month of May of

As Engrossed: H2/13/01

HB1554

1 each year in which the term of any of their members of the board shall
2 expire.

3 /s/ Milum, et al.
4
5

6 APPROVED: 3/1/2001
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STAFF REVIEW FORM

Apac
A. 2. Page 1

☒ Agenda Request
☒ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of: June 18th, 2002

FROM:

Steve HatfieldParks & RecreationUrban Development

Name

Division

Department

ACTION REQUIRED: Resolution awarding bid # 02-34 and Contract to APAC-Arkansas, Inc. McClinton Anchor, in the amount of 22,190.00 plus a ten (10%) percent project contingency of \$2,212.90 and \$500.00 for testing for a total cost of \$24,841.90

COST TO CITY:

\$ 24,842.00\$ 25,560.00Red Oak Park Development

Cost of this Request

Category/Project Budget

Category/Project Name

2250-9250-5814.00\$ 200.00Park Improvements

Account Number

Funds Used to Date

Program Name

00007.2\$ 25,360.00Park Development

Project Number

Remaining Balance

Fund

BUDGET REVIEW: ☒ Budgeted Item ☐ Budget Adjustment Attached

Steve Hatfield

Budget Manager

Administrative Services Director

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

Marsha Fauthier 5/29/02

Accounting Manager

Date

ADA Coordinator

Date

K. A. F. 5/30/02

City Attorney

Date

D. J. Smith

Internal Auditor

5/29/02

Date

P. Vice 5/30/02

Purchasing Officer

Date

STAFF RECOMMENDATION: Approve Ordinance Executing Contract

Connie Emerson 5-29-02

Division Head

Date

Cross ReferenceHugh Everett 5-29-02

Department Director

Date

New Item: ☒ Yes ☐ NoC. Schubert 5/30/02

Administrative Services Director

Date

Prev Ord/Res #: _____

R. C. Coody 5/31/02

Mayor

Date

Orig Contract Date: _____

STAFF REVIEW FORM

Description Red Oak Multi-Use Trail Meeting Date June 18

Comments:

Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

TO: Mayor Coody and City Council
THRU: Hugh Earnest, Urban Development Director
Connie Edmonston, Parks and Recreation Superintendent *CE*
FROM: Steve Hatfield, RLA, ASLA, Park Landscape Architect *Steve*
DATE: May 28, 2002
SUBJECT: Award of Bid # 02-34, Red Oak Park Multi-Use Trail, and approval of contract for same.

Background

In 1994 through the Park Land Dedication Ordinance, as a requirement of the Fieldstone Subdivision, the City of Fayetteville acquired 2.6 acres. The park land is located in the Northwest section of the city between Highway 16 West and Mt. Comfort Road. Property from the Park Land Dedication from Fieldstone, Willow Springs, and Bridgeport subdivisions all join together to form 8 acres of Red Oak Park. During a public meeting on October 17th, 2000 citizens requested park improvements that included a trail, playground, and picnic facilities. A playground was installed in 2001. The proposed 1,100 linear foot paved loop trail will eventually connect to the Bridgeport subdivision via a non-paved section of trail.

Current Status

Bids were opened on Tuesday May 28, 2002 at 2 p.m. Four bids were received. APAC-Arkansas, Inc. McClinton-Anchor was the low bidder.

Recommendation

The Parks and Recreation Division staff reviewed the bids and recommend the contract be awarded to APAC-Arkansas, Inc. McClinton-Anchor in the amount of \$22,129.00, plus a ten (10%) percent project contingency of \$2,213.00 and \$500.00 for testing for a total cost of \$24,842.00

If you have any questions or need additional information, please call me at 718-7688.

Attachments:

Site Map

Architects Recommendation

Bid Tabulation

Contract



MEMORANDUM

Date: 5/29/02
To: Mayor, Dan Coody
From: Steve Hatfield, Park Landscape Architect *Steve*
Reference: Red Oak Park Multi-Use Trail
Subject: Award of Contract

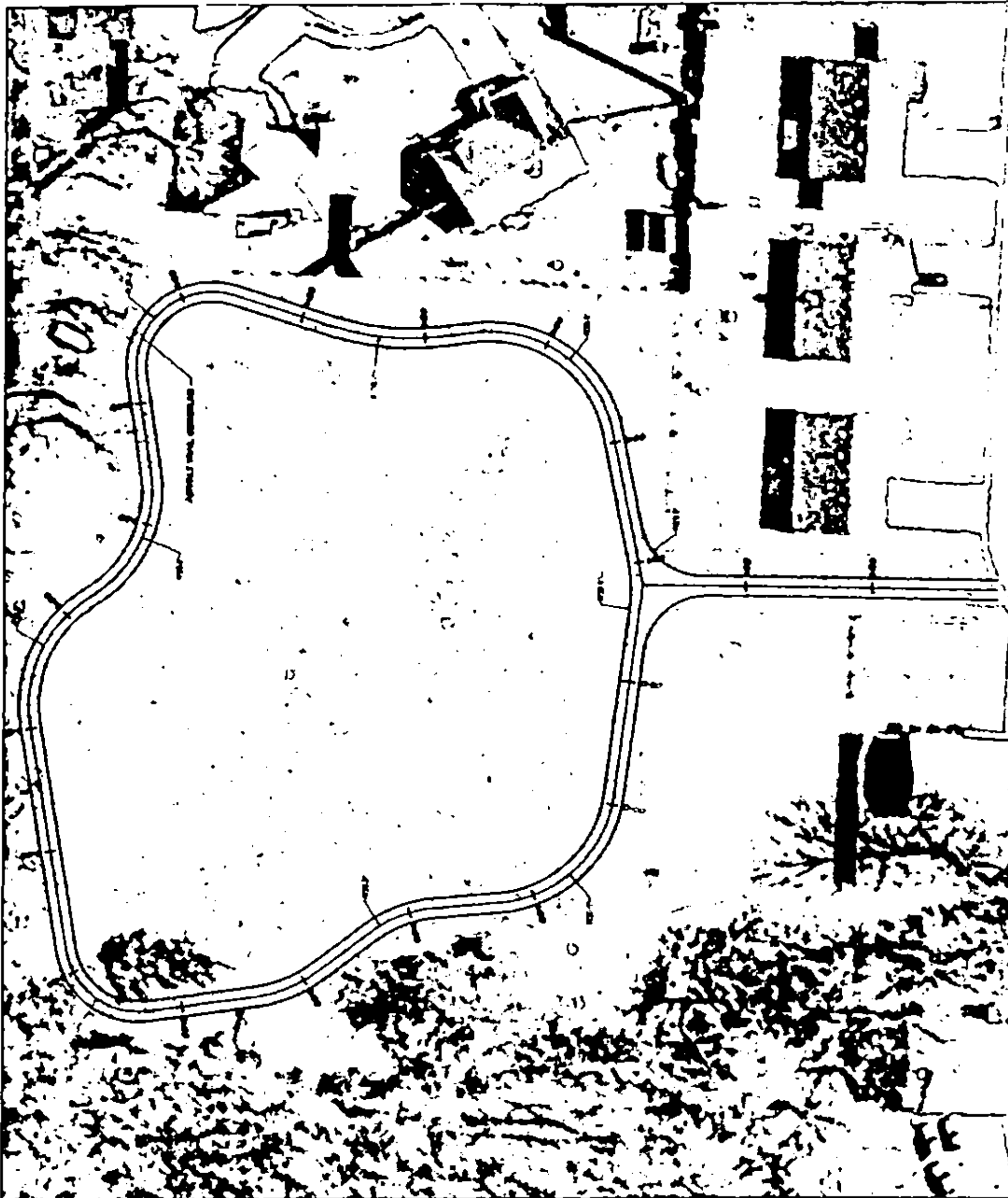
We received four written bids for Bid # 02-34, Red Oak Park Multi-Use Trail. This trail will be an asphalt loop trail within Red Oak Park.

The bids ranged from the high bid of \$69,500.00 to the low bid of \$22,129.00.

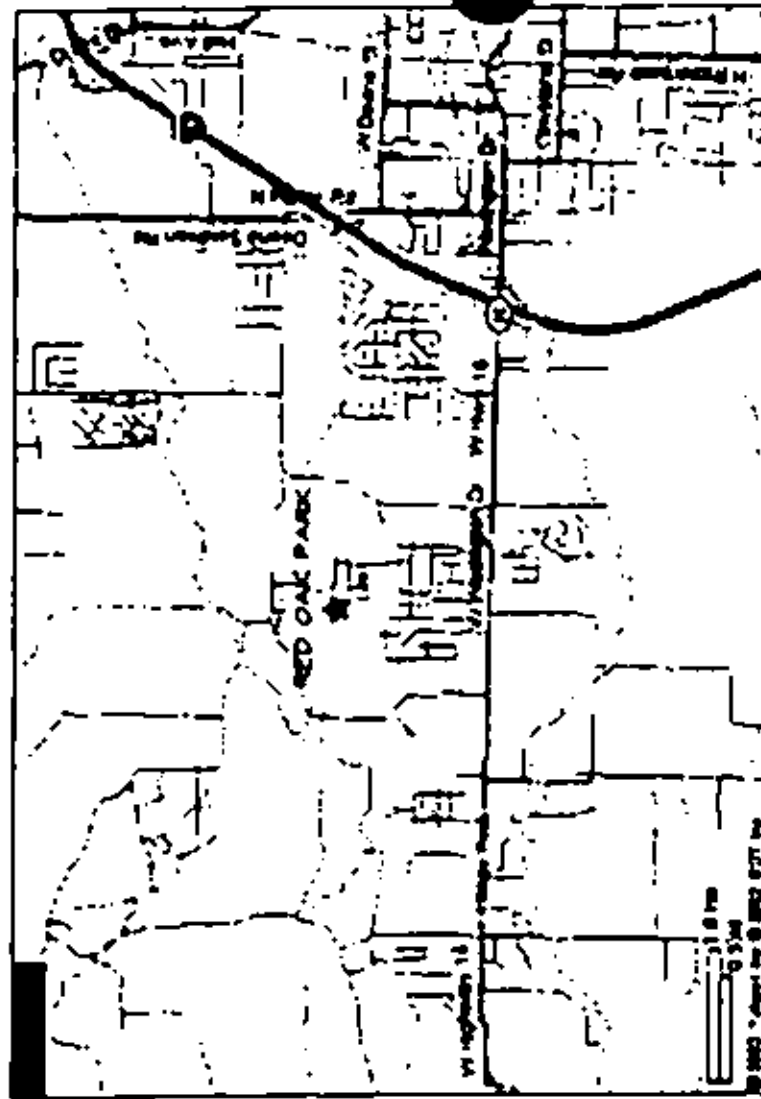
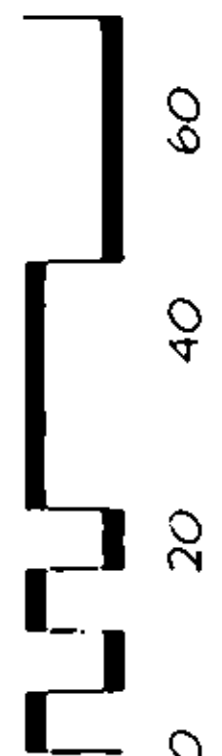
I recommend accepting the bid of \$22,129.00 from APAC-Arkansas, Inc. McClinton-Anchor Division.

If you have any questions please call.

Cc: Peggy Vice, Purchasing
Files



SITE PLAN



LOCATION MAP



AREAS OBTAINED BY CONSTRUCTION OUTSIDE THE LIMITS OF CONSTRUCTION SHALL BE RETURNED TO THEIR PREVIOUS CONDITION AT CONTRACTOR'S EXPENSE. LIMITS OF CONSTRUCTION IS DEFINED AS 30' EA. SIDE OF THE C. OF THE TRAIL UNLESS OTHERWISE INDICATED.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR MEETING ALL ENVIRONMENTAL PROTECTION AGENCY REPAIR REQUIREMENTS FOR STORM WATER MANAGEMENT FOR THIS PROJECT. ALL COST TO BE INCLUDED IN OTHER ITEMS OF WORK.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.

ALL FEATURES OF THIS PROJECT INCLUDING, BUT NOT LIMITED TO, TRAILS, SADDLES, SHALL COMPLY WITH THE AMERICAN WITH DISABILITIES ACT. WHERE SPACIAL LIMITATIONS OR EXISTING FEATURES WITHIN THE LIMITS OF THE PROJECT PREVENT FULL COMPLIANCE WITH THIS ACT, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER UPON DISCOVERY OF SUCH FEATURES. THE CONTRACTOR SHALL NOT PROCEED WITH ANY ASPECT OF THE WORK WHICH IS NOT IN FULL COMPLIANCE WITH THE ADA WITHOUT PRIOR WRITTEN APPROVAL FROM THE ENGINEER. ANY WORK WHICH IS NOT PERFORMED WITHIN THE GUIDELINES OF THE ADA, FOR WHICH THE CONTRACTOR DOES NOT HAVE WRITTEN APPROVAL, SHALL BE CONSIDERED AT THE CONTRACTOR'S ENTIRE RISK.

THE CROSS SLOPE FOR TRAIL AND RANGES SHALL NOT EXCEED 30.1

GRANDS BACED NO SN MLL DE TREATD AS A RAMP SLOPE

SITE PLAN	
RED OAK PARK TRAIL	
PROJECT NUMBER 000-1	
CITY OF FAYETTE	



MAY 28TH. 2002

Bid # 02-34 Red Oak Park Multi-Use Trail													
City of Fayetteville, Parks and Recreation Division													
Bid Tabulation / Date of Bid Opening: 5/28/02													

**RED OAK PARK – MULTI-USE TRAIL
Contract**

This contract executed this _____ day of _____, 2002, between the City of Fayetteville, Arkansas, hereinafter called the City, and Apac-Arkansas, Inc., hereinafter called the Contractor, and having an address at 240 North Block Street P.O. Box 1367 Fayetteville Arkansas 72701.

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

1. The Contractor at his own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per **Bid 02-34** as stated in Contractor's proposal, and in accordance with specifications attached hereto and made a part hereof under **Bid 02-34**, all included herein as if spelled out word for word.
2. The City shall pay the Contractor based on prices indicated in Contractor's Proposal. Progress payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice. Contract amount will not exceed \$ 22,129.00.
3. The Contract documents which comprise the contract between the City and the Contractor consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid specifications and conditions
 - B. The Contractor's proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City and the Contractor and may be modified only by a duly executed written instrument signed by the City and the Contractor.
5. Contractor shall not assign his duties under the terms of this agreement.
6. Contractor agrees to hold the City harmless and indemnify the City, against any and all claims for property damage, personal injury or death, arising from Contractor's performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. Contractor has visited the site and become familiar with and is satisfied as to the general, local, and site conditions that may affect cost, progress, performance, or furnishing of the

Work. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

8. Contractor acknowledges that the City does not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. Contractor has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
9. The Contractor shall furnish a certificate of insurance addressed to the Owner, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. For any work sublet, the contractor shall require the subcontractor similarly to provide workers' compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, the Contractor shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Worker's Compensation

Statutory Amount

Comprehensive General & Automobile Insurance

Bodily Injury Liability

\$250,000 for each person injured.
\$500,000 aggregate.

Property Damage Liability

\$100,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by the Contractor.

10. Contractor agrees to furnish a Performance Bond, approved by the City, guaranteeing the performance of this contract, for not less than one hundred percent of the amount of this contract. Said performance bond shall be conditioned on full and complete performance of this contract and acceptance by the City of Fayetteville for the payment of all labor and materials entering into or incident to the proposed improvements. The Contractor agrees to furnish proof of licensing as required under the terms of Act 150 of the 1965 Acts of the Arkansas Legislature.

11. Contractor agrees to begin work within ten (10) days of notice to proceed and complete the work within 75 calendar days thereafter. Liquidated damages of \$100 per day shall be assessed at the option of the City, not as a penalty, beginning on the first day following the completion time to cover additional costs.
12. Contractor will be responsible for attending a pre-construction meeting with Fayetteville Parks and Recreation staff.
13. Contractor has given the City written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents.
14. This contract may be terminated by the City with 10 days written notice.
15. Contractor shall be responsible for meeting compliance with ADA regulations.
16. All work called for herein shall be coordinated directly with the Park Landscape Architect at 718-7688.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2002.

CITY OF FAYETTEVILLE,
FAYETTEVILLE, ARKANSAS

BY _____
MAYOR

ATTEST: CITY CLERK

FIRM NAME

ATTEST: COMPANY SECRETARY

BY _____
NAME AND TITLE

BUSINESS ADDRESS

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

Requisition No.:
Date: 05/29/02
P.O. Number:
Expected Delivery Date:

Vendor #: 7470 Vendor Name: McClinton-Anchor APAC-Arkansas

Address:

Mail:
Yes ___ No ___ X ___
Taxable:
Yes ___ X ___ No ___

City: State: Zip:

Division Head Approval: *[Signature]*
Extension: 406

Requester: John Nelson

*Requester's Employee#: 1003

Ship To Code: 75

Account Number:

Project/SubProject Number:

Inventory #

Fixed Ass.

Extended Cost

Unit Cost

Unit of Issue

Quantity

Description:

Item

a) Bid #02-34 Red Oak

Multi-Use Trail

1 JOB

22,129.00

22,129.00

2250.9250.5814.00

00007.2

SHIPPING/HANDLING

Special Instructions:

Subtotal: 22129.00

Tax: 0.00

TOTAL: 22129.00

Approvals:

Mayor:

Admin. Services Director:

Department Director:

Budget Coordinator:

Purchasing Manager:

Data Processing Mgr:

**RED OAK PARK - MULTI-USE TRAIL
Contract**

This contract executed this _____ day of _____, 2002, between the City of Fayetteville, Arkansas, hereinafter called the City, and Apac-Arkansas, Inc., hereinafter called the Contractor, and having an address at 240 North Block Street P.O. Box 1367 Fayetteville Arkansas 72701.

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

1. The Contractor at his own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per **Bid 02-34** as stated in Contractor's proposal, and in accordance with specifications attached hereto and made a part hereof under **Bid 02-34**, all included herein as if spelled out word for word.
2. The City shall pay the Contractor based on prices indicated in Contractor's Proposal. Progress payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice. Contract amount will not exceed \$ 22,129.00.
3. The Contract documents which comprise the contract between the City and the Contractor consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid specifications and conditions
 - B. The Contractor's proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City and the Contractor and may be modified only by a duly executed written instrument signed by the City and the Contractor.
5. Contractor shall not assign his duties under the terms of this agreement.
6. Contractor agrees to hold the City harmless and indemnify the City, against any and all claims for property damage, personal injury or death, arising from Contractor's performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. Contractor has visited the site and become familiar with and is satisfied as to the general, local, and site conditions that may affect cost, progress, performance, or furnishing of the

Work. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

8. Contractor acknowledges that the City does not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. Contractor has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
9. The Contractor shall furnish a certificate of insurance addressed to the Owner, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. For any work sublet, the contractor shall require the subcontractor similarly to provide workers' compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, the Contractor shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Worker's Compensation

Statutory Amount

Comprehensive General & Automobile Insurance

Bodily Injury Liability

\$250,000 for each person injured.
\$500,000 aggregate.

Property Damage Liability

\$100,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by the Contractor.

10. Contractor agrees to furnish a Performance Bond, approved by the City, guaranteeing the performance of this contract, for not less than one hundred percent of the amount of this contract. Said performance bond shall be conditioned on full and complete performance of this contract and acceptance by the City of Fayetteville for the payment of all labor and materials entering into or incident to the proposed improvements. The Contractor agrees to furnish proof of licensing as required under the terms of Act 150 of the 1965 Acts of the Arkansas Legislature.

11. Contractor agrees to begin work within ten (10) days of notice to proceed and complete the work within 75 calendar days thereafter. Liquidated damages of \$100 per day shall be assessed at the option of the City, not as a penalty, beginning on the first day following the completion time to cover additional costs.
12. Contractor will be responsible for attending a pre-construction meeting with Fayetteville Parks and Recreation staff.
13. Contractor has given the City written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents.
14. This contract may be terminated by the City with 10 days written notice.
15. Contractor shall be responsible for meeting compliance with ADA regulations.
16. All work called for herein shall be coordinated directly with the Park Landscape Architect at 718-7688.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2002.

CITY OF FAYETTEVILLE,
FAYETTEVILLE, ARKANSAS

BY _____
MAYOR

ATTEST: CITY CLERK


ATTEST: COMPANY SECRETARY

APAC-ARKANSAS, INC.
MCGINTON-ANCHOR DIVISION
FIRM NAME

BY  Admin. V.P.
NAME AND TITLE
P.O. BOX 1367
FAYETTEVILLE, AR. 72702
BUSINESS ADDRESS

Arkansas Statutory Performance and Payment Bond

APAC-ARKANSAS, INC., MCCLINTON-ANCHOR DIVISION
as Principal, hereinafter called Principal, and
LIBERTY MUTUAL INSURANCE COMPANY
as Surety, hereinafter called Surety, are held and firmly bound unto
CITY OF FAYETTEVILLE, ARKANSAS
as Obligee, hereinafter called Owner, in the amount of
TWENTY-TWO THOUSAND ONE HUNDRED TWENTY-NINE AND NO/100
(22,129.00) * * *

for the payment whereof Principal and Surety bind themselves, their
heirs, personal representatives, successors and assigns, jointly and
severally, firmly by these presents.

Principal has by written agreement dated _____
entered into a contract with the Owner for:

RED OAK PARK - MULTI-USE TRAIL
FAYETTEVILLE, ARKANSAS

which contract is by reference made a part hereof, and is hereinafter
referred to as the Contract.

The condition of this obligation is such that if the Principal
shall faithfully perform the Contract on his part and shall fully
indemnify and save harmless the Owner from all cost and damage which
he may suffer by reason of failure so to do and shall fully reimburse
and repay the Owner all outlay and expense which the Owner may incur
in making good any such default, and further, that if the Principal
shall pay all persons all indebtedness for labor or materials
furnished or performed under said Contract, failing which such persons
shall have a direct right of action against the Principal and Surety,
jointly and severally, under this obligation, subject to the Owner's
priority, then this obligation shall be null and void; otherwise it
shall remain in full force and effect.

No suit, action or proceeding shall be brought on this bond outside
the State of Arkansas. No suit, action or proceeding shall be brought
on this bond except by Owner, unless it is brought in accordance with
A.C.A. Section 22-9-403(b) and A.C.A. Section 18-44-503(b) (Supp.1987)
as amended. No suit, action or proceeding shall be brought by the
Owner after two years from the date on which the final payment under
the Contract falls due.

Any alterations which may be made in the terms of the Contract, or
in the work to be done under it, or the giving by the Owner of any
extension of time for the performance of the Contract, or any other
forbearance on the part of either the Owner or the Principal to the
other shall not in any way release the Principal and the Surety
or Sureties, or either or any of them, their heirs, personal
representatives, successors or assigns from their liability hereunder,
notice to the Surety or Sureties of any such alteration, extension or
forbearance being hereby waived. In no event shall the aggregate
liability of the Surety exceed the sum set out herein.

This bond given in compliance with Act 351 of 1953 as amended.

Executed _____

APAC-ARKANSAS, INC., MCCLINTON-ANCHOR DIVISION

By: James A. Cole

LIBERTY MUTUAL INSURANCE COMPANY

By: Judy Schoggen

Judy Schoggen

Attorney-in-fact

This Power of Attorney limits the act of those named herein, and they have no authority to bind the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS

POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts mutual insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint,

**BENSON A. CASHION, KNIGHT CASHION, MATTHEW KNIGHT CASHION, JR.,
WILLIAM H. GRIFFIN, JUDY SCHOGGEN, SHEILLA J. SMITH, ALL OF THE CITY OF LITTLE ROCK, STATE OF
ARKANSAS.**

each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding **THIRTY MILLION AND 00/100** DOLLARS (\$ 30,000,000.00) each, and the execution of such bonds or undertakings, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XVI - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer or other official of the company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the company by their signature and execution of any such instruments and to attach thereto the seal of the company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XVI, Section 5 of the By-laws, Assistant Secretary Garnet W. Elliott is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization above set forth are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this instrument has been subscribed by its authorized officer and the corporate seal of the said Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 4th day of September, 2001.

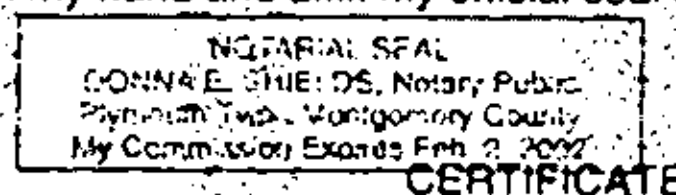
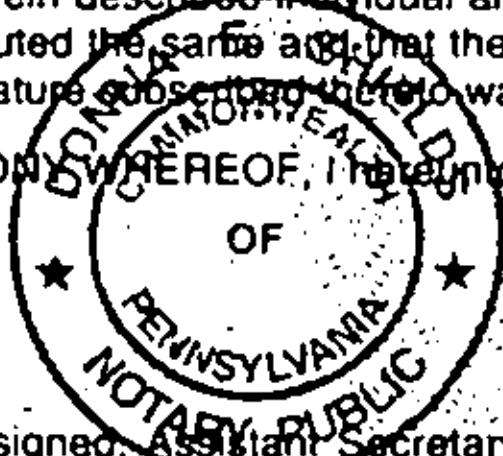
LIBERTY MUTUAL INSURANCE COMPANY

By Garnet W. Elliott
Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 4th day of September, A.D. 2001, before me, a Notary Public, personally came the individual, known to me to be the therein described individual and officer of Liberty Mutual Insurance Company who executed the preceding instrument, and he acknowledged that he executed the same and that the seal affixed to the said preceding instrument is the corporate seal of said company; and that said corporate seal and his signature subscribed thereto was duly affixed and subscribed to the said instrument by authority and direction of the said company.

IN TESTIMONY WHEREOF, I have unto set my hand and affix my official seal at Plymouth Meeting, PA, the day and year first above written.



Anna E. Shields
Notary Public

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer who executed the said power of attorney was one of the officers specially authorized by the chairman or the president to appoint any attorney-in-fact as provided in Article XVI, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate may be signed by facsimile under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company wherever appearing upon a certified copy of any power of attorney issued by the company, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this _____ day of _____



John P. H.
Assistant Secretary

THIS POWER OF ATTORNEY MAY NOT BE USED TO EXECUTE ANY BOND WITH AN INCEPTION DATE AFTER September 4, 20 03

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

STAFF REVIEW FORM

Soccer Uniform
A. 3. Page 1

MAY 31 2002

ACCTG. DEPT.

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of JUNE 18
 FROM:

David Wright

Parks and Recreation

Urban Development

Name

Division

Department

ACTION REQUIRED:

Resolution to approve bid # 02-27 to score uniforms at an approximate cost of \$19,000.

COST TO CITY:

19,000

45,810

Cost of this Request

Category/Project Budget

Category/Project Name

1010.5220.5200.05

6,010

Athletics and Recreation Transfers

Account Number

Funds Used to Date

Program Name

39,800

General

Project Number

Remaining Balance

Fund

BUDGET REVIEW:

☒

Budgeted Item

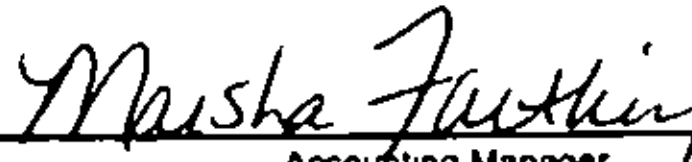
Budget Adjustment Attached


 Budget Manager

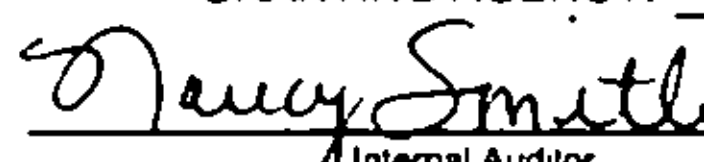
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:


 Accounting Manager

5/31/02
 Date


 Internal Auditor

5/31/02
 Date

See note

City Attorney

6/3/02
 Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

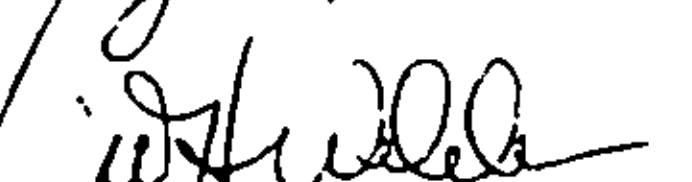
APPROVAL OF BID # 02-27.


 Division Head

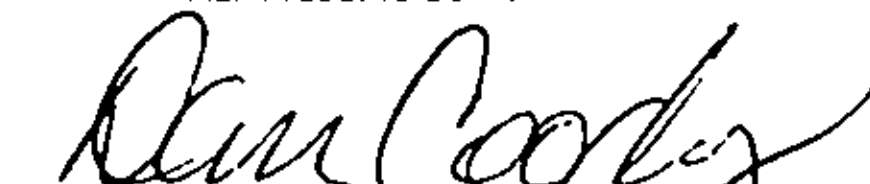
5-30-02
 Date


 Department Director

5-31-02
 Date


 Administrative Services Director

6/4/02
 Date


 Mayor

Date

Cross Reference

New Item:

Yes

(No)

Prev Ord/Res #:

Orig Contract Date:

Orig Contract Number:

Consent 
 New Business 

To: Mayor Dan Coody and City Council

Thru: Hugh Earnest, Urban Development Director *HE*
Connie Edmonston, Parks and Recreation Superintendent

From: David Wright, Parks and Recreation Program Coordinator *DW*

Date: Thursday, May 30, 2002

Re: Soccer Uniform Bid #02-27 Award

Background:

One of the fastest growing recreation programs in America is Youth Soccer. Fayetteville Parks and Recreation's Soccer Program is no exception. This past spring, approximately 1,500 kids participated in Fayetteville's soccer program, making it the largest youth soccer program in Arkansas.

Status:

Currently, Fayetteville Parks and Recreation charges a registration fee that ranges from \$30 per participant to \$75 per participant, depending on age. Included in this registration fee is the price for uniforms, a state registration fee and other expenses included in the program. More specifically, Parks and Recreation budgets \$15 per child for soccer uniforms. This includes a shirt, shorts and a pair of soccer socks. Score Uniforms had the lowest bid \$13.95 per uniform for youth sizes, and \$15.45 for adult sizes.

Recommendation:

Parks and Recreation Staff recommend that City Council award Bid #02-27 to Score Uniforms at an estimated amount of \$19,000 for the Fall Season and \$5,000 for the Spring 2003 Season. The amount for the Spring Season depends on the number of children who enroll in the program. Allowing the amount for the Spring Season enables the children who play in the Spring Season to have the same uniforms as the children who play in the Fall Season.

Attachments: *Bid Tabulation*

City of Fayetteville
Parks and Recreation

Bid # 02-27
Soccer Uniforms

Opening Date: April 17, 2002 11:00am

Bidders

Amount

Score Uniforms

Youth	\$13.95
Adult	\$15.45

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

Vendor #:				Vendor Name:				Requestion No.:				Date:			
9997				Score				P.O. Number:				Expected Delivery Date:			
Address:				FOB Point:				Mail:				Expected Delivery Date:			
State:				Zip:				Yes ___ No ___ X ___				Yes ___ No ___			
City:				Ship To Code:				Taxable:				Division Head Approval:			
75				707				Yes ___ No ___				S.J. - Schull			
Requester:				*Requester's Employee#:				Extension:				Inventory #			
David Wright				707				481				Fixed Asset #			
Item	Description:	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number:	Project/SubProject Number:	Inventory #	Fixed Asset #						
a)	Youth Sized Soccer Uniforms for Fall Soccer	883	ea	13.95	12,317.85	1010.5200.5200.05									
b)	Adult Sized Soccer Uniforms for Fall Soccer	432	ea	15.45	6,674.40	1010.5220.5200.05									
SHIPPING/HANDLING															
Special Instructions:															
Subtotal:										18992.25					
Tax:										0.00					
TOTAL:										18992.25					
Approvals:															
Mayor: _____															
Admin. Services Director: _____															
Department Director: _____															
Budget Coordinator: _____															
Purchasing Manager: _____															
Data Processing Mgr: _____															

STAFF REVIEW FORM

Central EMS
A. 4. Page 1

X AGENDA REQUEST
X CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council meeting of
FROM:

CHRIS BOSCH, FIRE CHIEF

OPERATIONS

FIRE

Name

Division

Department

ACTION REQUIRED:

A RESOLUTION TO RENEW THE CONTRACT WITH CENTRAL EMERGENCY MEDICAL SERVICES, INC.

COST TO CITY:

\$ 145,237.00

Cost of this Request

145,237

Category/Project Budget

TRANSFER TO CEMS

Category/Project Name

1010-6600-5705.00

Account Number

\$ 24,207.00

Funds Used to Date

Program Name

\$ 121,030.00

Remaining Balance

1010

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Manager

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:

STAFF RECOMMENDS APPROVAL OF THIS
RESOLUTION.

Division Head

Date

Department Director

Date

Administrative Services Director

Date

Mayor

Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: RESOLUTION 129-01

Orig Contract Date: SEPT. 18, 2001

Orig Contract Number:

Consent

**CITY OF FAYETTEVILLE
CONTRACT FOR EMERGENCY MEDICAL TRANSPORT SERVICES**

This Agreement is entered into on this _____ day of, _____ between the City of Fayetteville, hereinafter known as the "City" and Central Emergency Medical Service, hereinafter known as "CEMS, "an Arkansas not-for-profit corporation.

WHEREAS the City has determined that a public need exists for an emergency ambulance service that operates within the city limits of Fayetteville to serve Fayetteville residents,

WHEREAS CEMS has developed an emergency ambulance service that operates within the City limits and serves Fayetteville residents.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and CEMS agree as follows:

1. This Agreement will begin on the date first written above.
2. CEMS agrees to develop, operate, and maintain an Advanced Life Support (ALS) Emergency Ambulance Service that serves Fayetteville residents and responds to all emergency medical calls for service within the city limits of Fayetteville, Arkansas. This ALS service will be provided in conjunction with the Fayetteville Fire Department's emergency response units with the Fayetteville Fire Department agreeing to provide Basic Life Support (BLS) Non-Transport Emergency Response Service. The Fire Department shall maintain control over the use of Fire Apparatus as First Response Units and CEMS shall maintain control over the use of Ambulances.
3. The Fayetteville Fire Department agrees to operate according to the established patient treatment protocols, as identified by the CEMS' Medical Director, from the time patient contact is made until the time the patient is removed from the incident scene and transported, via ALS Ambulance, to a recognized medical treatment facility or hospital, or until CEMS personnel determine the call is a no-transport.
4. CEMS agrees to provide written quarterly and annual reports to the City's Project Coordinator, describing the activities undertaken during the preceding period and also to report on the following performance measures: Number of calls responded to, average response time for these calls, type of patient service provided for each response. (Whether the patient accepted or declined care). The parameters for calculating the average response time will be from the time the call is verified at the CEMS medical communications center until arrival at the incident location by the first arriving transporting Ambulance. "Time call is verified," shall be the moment the communications center personnel receive both sufficient location information to know where a response is required and sufficient information to determine the presumptive run priority designation. "Arrival at incident location," means the

moment an ambulance crew notifies the medical communication center that it is fully stopped at the location where the ambulance shall be parked while the crew exits to approach the patient. In situations where the ambulance has responded to a location other than the scene (e.g. staging areas for hazardous material/violent crime incidents or non-secured scenes), arrival at the scene shall be the time the ambulance arrives at the designated staging location. The quarterly reports are to be submitted to the Project Coordinator by April 10, July 10, October 10, and January 10 for the preceding calendar quarter. The data will be reported for the current quarter, current year-to-date, and prior year-to-date.

5. CEMS agrees to make available records for review by the City and City auditors as requested, and to provide the City with an annual audit performed by a certified public accountant licensed by the State of Arkansas. CEMS agrees to comply with the Arkansas Freedom of Information Act as applicable. Requests for records shall follow compliance requirements of the Health Insurance Portability and Accountability Act (HIPAA).
6. For the purposes of this Agreement, the Project Coordinator for the City will be the City Fire Chief or his/her designee. The Project Coordinator for CEMS will be CEMS Director Tony Hickerson or his successor or designee. Communications pertaining to this agreement will be through the respective Project Coordinators for the City and CEMS.
7. Terms of Performance. The term of performance for this agreement will expire December 31, 2002 and may be extended for an additional three years subject to approval of a budget containing funding for the service.
8. CEMS will hold harmless, defend, and indemnify the City, from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the performance or nonperformance of the services or subject matter in this Agreement.
9. Budget. The City agrees to pay and CEMS agrees to accept, as payment in full for its services, in 2002, \$145,237.00. The amounts to be paid for services in future budget years are dependent on the amounts appropriated by City Council for each budget year.
10. CEMS must provide and maintain in force, at all times during the term of the contract, insurance for worker's compensation as provided by state statute, commercial general liability, and vehicle liability. Such policies will be issued by companies authorized to do business in the State of Arkansas. Minimum amounts required for commercial general liability and vehicle liability are \$1,000,000.

For any work sublet, CEMS will require the subcontractor to provide similar worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under workers' compensation insurance, CEMS will provide and will cause each subcontractor to provide adequate employers' liability insurance for the protection of such of his employees as are not otherwise protected. A certificate of insurance

addressed to the City listing the above coverage's is to be submitted with contract approval. The premiums for all insurance required herein will be paid by CEMS.

11. Emergency Medical Services Committee. CEMS and the City agree to establish a standing Emergency Medical Service (EMS) ~~Oversight~~ Committee. This EMS Committee shall consist of three (3) representative from CEMS, three (3) representatives from the Fire Department and two (2) representatives from the Police Department's Central Dispatching Office. This group will meet to discuss the coordination of services, facilitate the exchange ideas to enhance the quality of service being provided and develop a problem solving mechanism for issues that may arise. This Committee will meet no less than twelve (12) times in a calendar year.
12. The City agrees to compensate CEMS in the form of equal monthly installments with any remaining balances, for the calendar year, to be paid in December of the respective year.
13. Notices. All notices required or permitted under this agreement will be submitted in writing to the other party in this agreement by certified mail, return receipt requested, with the notice becoming effective no less than three (3) days after deposit therein addressed to the following:
- | | | |
|------------------------|-------------------------|------------------------|
| City of Fayetteville | Fayetteville Fire Dept. | CEMS |
| Dan Coody | Chris Bosch | Tony Hickerson |
| Mayor | Fire Chief, | Director |
| 113 West Mountain St. | 303 W. Center St. | 645 S School Ave |
| Fayetteville, AR 72701 | Fayetteville, AR 72701 | Fayetteville, AR 72701 |
14. Neither party may assign any of its rights or obligations under this agreement, without the express written consent of the other party. Nor shall this agreement be construed to bestow any rights or benefits upon anyone other than CEMS and the City.
15. A waiver by either party of any terms or conditions herein shall be limited to that particular instance, and shall not be construed as a general waiver of any other breaches by either party.
16. Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this agreement shall be valid unless made in writing and signed by the duly authorized agents of the City and CEMS.
17. Severability. Each paragraph of this agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs will remain in full force and effect.

18. Interpretation. This agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.
19. Tax Exempt Status: Attached hereto and made part hereof is a copy of the correspondence from the Internal Revenue Service dated _____ confirming the 501(c)(3) tax exempt status of the Central Emergency Medical Service.

IN WITNESS WHEREOF, we have hereunto set our hands on the date first written above.

Central Emergency Medical Services, Inc.

City of Fayetteville



Tony Hickerson, Director

Dan Coody, Mayor

Attested By:

Attested By:

Internal Revenue Service
District Director

Department of the Treasury

Date: May 27, 1983

Person to Contact:
EO Technical Assistor
Contact Telephone Number:
(214) 767-2728
EO:7215:WHJ

▷ Central Emergency Medical Service, Inc.
614 North College Ave.
Fayetteville, AR 72701

— Dear Applicant:

Based on the information you recently submitted, we have classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Internal Revenue Code because you are an organization described in section 509(a)(2).

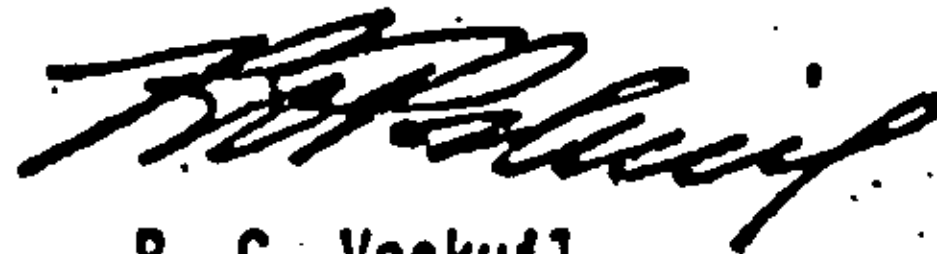
Your exempt status under section 501(c)(3) of the Code is still in effect.

This classification is based on the assumption that your operations will continue as you have stated. If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status.

Because this letter could help resolve any questions about your foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,



R. C. Voskuil
District Director

STAFF REVIEW FORM

Bid 02-35
A. 5. Page 1

XXX Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of:

JUNE 18, 2002

FROM:

Solid Waste

General Services

INDUSTRIAL

Name Carrol L. Hill

Division

Department

ACTION REQUIRED: Acceptance of the qualified bidder meeting specifications – Bid # 02-35 pursuant to the April approval to modify the Commercial Vehicles to front load style with forks rather than triangle dumping mechanisms. Our recommendation is to award to Industrial Maintenance Assistance Inc.

COST TO CITY:

\$70,200

Cost of this Request

20,858

Category/Project Budget

Commercial Cart

Category/Project Name

5500-5010-5870-00

Account Number

- 0 -

Funds Used to Date

Program Name

02092-1

Project Number

20,858

Remaining Balance

Solid Waste

Fund

BUDGET REVIEW: ☐ Budgeted Item ☒ Budget Adjustment Attached

Steph Hill

Budget Manager

Administrative Services Director

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

Carroll Hill for 6/6/02
Accounting Manager MM Date

ADA Coordinator

Date

P. White 6/6/02
City Attorney Date

James Smith
Internal Auditor

6/6/02
Date

P. Vee 6/6/02
Purchasing Officer Date

STAFF RECOMMENDATION: Approve Change Order

Division Head

Date

Cross Reference

Gay D.
Department Director

6/7/02
Date

New Item: ☐ Yes ☐ No

Steve Wilber
Administrative Services Director

6/7/02
Date

Prev Ord/Res #:

Mayor

Date

Orig Contract Date:

INVITATION TO BID

BID # 02-35 DATE ISSUED: May 14, 2002 DATE AND TIME OF OPENING: May 28, 2002, at 11:00 a.m.

SELLER: City of Fayetteville, AR DATE REQUIRED: 30 days ARO

F. O. B. Fayetteville, AR BUYER'S PHONE # (501) 575-8289 GUARANTEED DELIVERY DATE:

ITEM # DESCRIPTION

Per attached specifications:

1 Side Channel Sleeve

\$ 9.40 each

2 Cost per container for welding of sleeve and gussets.

\$ 21.00 each

Liability Insurance required for this project.

Call Carol Hill or Ronnie Caudle at Solid Waste for more information on this bid. 479/576-8388.

Bid cover sheet should be completely filled out and signed by a person legally authorized to obligate the bidder.

RESTRICTIONS OR EXCEPTIONS TO THE BID MUST BE NOTED:

EXECUTION OF BID

Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

UNSIGN
BIDS
WILL BE
REJECTED

NAME OF FIRM:

Industrial Maintenance Assistance

BUSINESS ADDRESS:

625 Mineral Springs Rd

AUTHORIZED SIGNATURE:

Ruth M. Ogden

PHONE:

479-839-3455

CITY AND STATE:

West Fork, AR

TITLE:

Office Manager

FED ID#

73-1567532

ZIP:

72774

DATE:

5/28/02

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Bid 02-35
A. 5. Page 3

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council
From: Carrol Hill, Environmental Affairs Administrator
Thru: Gary Dumas
Date: Friday, June 07, 2002
Subject: Award of Bid for Welding Services

Background: In January 2002, we began to investigate the many damaged containers with the triangle dumping mechanism. During the course of this investigation, we were surprised to learn that the triangle mechanism on the cross member of the vehicle cost an additional \$4,200 (we were paying more to have the triangle apparatus specified on our trucks). In addition, we were paying an additional \$30, \$40 and \$50 per container (4, 6, & 8 yd respectively) to have the triangle attachment placed on our containers.

When reviewing this information with Bill in Fleet, we were told that the triangle mechanism on the vehicles was constantly in need of repair and encouraged us to seek a standard type system for the fork type lift rather than the triangle system we have been using. The advantage of the fork type dumping system is that the equal weight distribution on the forks when dumping is a much faster and safer action. There have been a number of windshields broken in addition to the numerous repairs to the triangle system. The triangle system lifts from the front of the container, and thus all the weight of the container is bore on the front panel of the container alone. This was reported to Council for review in February 2002.

Then in February 2002 when we were testing various type of trucks and demonstrating them for the Equipment Committee, our test driver rode a complete route with the demo and made his recommendation to purchase the specific vehicle with the fork system. He stated that the fork system was a much smoother operation and was far superior to the triangle. It was a smooth operation, took less time per container and could handle a lot of weight. The cycle time for the loading was much faster. Again further savings. We went to Council and requested that we be able to purchase our new vehicles with the fork type dumping system and not the triangle. Council approved this request.

In April 2002, we requested and received approval to allow the upgrade to the forks, and

General Services Department
113 West Mountain Street
Fayetteville, Arkansas 72701

Telephone: 479-575-8330
Fax: 479-575-8257
Email: gdumas@ci.fayetteville.ar.us

at that time we discussed the side channels upgrade to our containers. This is a rough summary of the information submitted.

Costs

\$72,000 - sleeves and welding on our existing containers in the field.

\$25,000 - paint and labor

Savings -

\$20,000 annually on the purchase of bins without triangles

\$10,000 on the purchase of the two new trucks w/o triangle

\$13,000 annually in the labor savings

unknown additional maintenance savings each year

The cost of this change out will be recovered in saving to the system in just over 2.5 years. This payback does not include the saving which will result in reduced maintenance and lost time while vehicles are out of service for repair.

Industrial Maintenance Assistance, Inc.

65 Mineral Springs Road
West Fork, Arkansas 72774
Phone (479) 839-3499
Fax (479) 839-3479

City of Fayetteville

May 28, 2002

Warranty

IMA has a full warranty on the welding and workmanship of all of the side channel sleeves and Completed containers for 120 days.

Sincerely,



Dannie Ogden
Owner

**Our Mission: Reliable service with a timely response through
our quality dedicated employees.**

ACORD CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YY)
05/28/2002

PRODUCER (501)521-7800

FAX (501)521-8617

IGNAIR & ASSOCIATES

P.O. Box 819

201 N. East Ave.

Fayetteville, AR 72702-0819

CURVED Industrial Maintenance Assistance

PO Box 34

Elkins, AR 72727

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGEINSURER A: Porticello Insurance Co

INSURER B:

INSURER C:

INSURER D:

INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PER ACC ☐ LOC	ACK297045	06/16/2001	06/16/2002	EACH OCCURRENCE \$ 1,000,000 PER DAMAGE W/IN LIA (EA) \$ 50,000 MED EXP (ANY ONE PERSON) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ 1,000,000
AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHOOL BUS AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS				COMBINED SINGLE LIMIT (EA accident) \$ BODILY INJURY (PER PERSON) \$ BODILY INJURY (PER ACCIDENT) \$ PROPERTY DAMAGE (PER ACCIDENT) \$
DAMAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ ADD \$
BIODIVERSITY LIABILITY ☐ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE REVENUE \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
WORKERS COMPENSATION AND EMPLOYERS LIABILITY				E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
OTHER				

DESCRIPTION OF OPERATIONS/EXCLUSIONS/EXCLUSIONS AS SET BY ENDORSEMENTS/SPECIAL PROVISIONS

CERTIFICATE HOLDER

ADDITIONAL INSURED, INSURER LETTER:

CANCELLATIONCity of Fayetteville
Fayetteville, AR 72701SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY ON ANY ONE OF THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Brian Yndell/PAT

R. Yndell

ACORD 25-3 (7/87)

SACORD CORPORATION 1984

INVITATION TO BID

BID # 02-36	DATE ISSUED: May 14, 2002	DATE AND TIME OF OPENING: May 28, 2002, at 11:00 a.m.
SELLER: City of Fayetteville, AR		DATE REQUIRED: 30 days ARO
F. O. B. Fayetteville, AR	BUYER'S PHONE # (501) 575-8288	GUARANTEED DELIVERY DATE: Minimum of 10 conversions per day as per bid requirement
ITEM #	DESCRIPTION	
	Per attached specifications:	
1	Slide Channel Sleeve	\$ 22.50
2	Cost per container for welding of sleeve and gussets.	\$ 30.00
	Liability Insurance required for this project.	
	Call Carrol Hill or Ronnie Caudle at Solid Waste for more information on this bid. 479/575-8288.	
	Bid cover sheet should be completely filled out and signed by a person legally authorized to obligate the bidder.	
3	Overall Charge or Processing fee for bid and performance bonding requirement	\$ 12.95 Add to total job cost.
RESTRICTIONS OR EXCEPTIONS TO THE BID MUST BE NOTED:		

EXECUTION OF BID

Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

UNSIGN BIDS WILL BE REJECTED	NAME OF FIRM: Gregory Manufacturing	PHONE: 319-463-7700	FED ID# 42-1339429
	BUSINESS ADDRESS: 2512 Henry Lady Dr.	CITY AND STATE: Fort Madison, IA.	ZIP: 52627
	AUTHORIZED SIGNATURE: Bill Coppage	TITLE: National Account Manager	DATE: 5-21-02

INVITATION TO BID

BID # 02-35	DATE ISSUED: May 14, 2002	DATE AND TIME OF OPENING: May 28, 2002, at 11:00 a.m.
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SELLER: City of Fayetteville, AR	DATE REQUIRED: 30 days ARO
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F. O. B. Fayetteville, AR	BUYER'S PHONE # (501) 575-8289	GUARANTEED DELIVERY DATE:
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ITEM #	DESCRIPTION			
	Per attached specifications:			
1	Side Channel Sleeve			
2	Cost per container for welding of sleeve and gussets.			
	Liability insurance required for this project.			
	Call Carrol Hill or Ronnie Caudle at Solid Waste for more information on this bid. 479/575-8398.			
	Bid cover sheet should be completely filled out and signed by a person legally authorized to obligate the bidder.			
	RESTRICTIONS OR EXCEPTIONS TO THE BID MUST BE NOTED:			

EXECUTION OF BID

Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

UNSIGNED BIDS WILL BE REJECTED	NAME OF FIRM:	PHONE:	FED ID#
	BUSINESS ADDRESS:	CITY AND STATE:	ZIP:
	AUTHORIZED SIGNATURE:	TITLE:	DATE:

FABRICATION AND WELDING OF SLEEVES TO SOLID WASTE BINS

To fabricate sleeves, provide labor and materials to weld sleeves to our existing bins in the yard, and those brought in from the field. This is to be performed on our site. Provide own Insurance.

1. Provide sample of side channel sleeve design, gussets and provide a cost per sleeve.
2. Provide a demonstration of the welding of sleeve and gussets, with cost per container.
3. Weld minimum of 10 containers per day, Monday thru Friday.
4. Submit weekly invoice with # of containers completed.
5. We will not accept bids for fabrication of sleeves only without welding.

CITY OF FAYETTEVILLE, ARKANSAS
Terms and Conditions

1. All bids shall be submitted in a sealed envelope and must be submitted on forms provided by the City.
2. The item bid and the bid number shall be stated on the face of the sealed bid envelope.
3. Bids received after the date and time set for receiving bids will not be considered.
4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.
5. The bid price shall remain good and firm until project is completed.
6. All products delivered shall comply with applicable standards of quality.
7. Any exceptions to the requirements of the City of Fayetteville must be noted on the Bid Form.
8. Prices shall include all labor, materials, overhead, profit, insurance, etc., to cover the furnishing of the items bid. Sales tax is not to be included in the bid price. Applicable Arkansas sales tax laws will apply to this bid, but will not be considered in award of the bid.
9. Each bidder shall state on the face of the bid form the anticipated number of days from the date of receipt of an order for delivery of equipment and installation to the City of Fayetteville.
10. Copy of the warranty shall accompany the bid, and any exceptions to the warranty shall be clearly noted on the bid form.
11. Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
12. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
13. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation of bid.

14. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at (501) 575-8289 to insure receipt of their bid documents prior to opening time and date listed on the bid form.
15. If products and/or components other than those described in this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. All requests for additional information must be received within five working days following the request.
16. Bids must be hand delivered or received by mail in the Purchasing Office, Room 306, 113 W. Mountain St. Fayetteville, AR 72701, on or before the time of closing listed on the face of the bid.
- *17. Public improvement bids with a total of \$20,000 or more shall submit certificates of insurance within 10 days of notice of bid award. Certificates of insurance are to be addressed to the City of Fayetteville, showing that the contractor carries the following insurance which shall be maintained throughout the term of the bid. Any work sublet, the contractor shall require the subcontractor similarly to provide the same insurance coverage. In case any employee engaged in work on the project is not protected under Workers' Compensation, the Contractor shall provide, and shall cause each subcontractor to provide, adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workers' Compensation:	Statutory Amount
Comprehensive General & Automotive Liability:	\$250,000 each person.
	\$500,000 aggregate.
Property Damage Liability:	\$100,000 aggregate.

- *18. Public improvement bids with a total of \$20,000 or more require a 5% bid bond and if awarded, a 100% performance and payment bond to be submitted before notice to proceed is given.
- *19. Public improvement bids exceeding \$20,000 or more require a contractor's license.
- *20. The City shall pay Contractor based on unit prices indicated in contractor's bid proposal. Progress payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
- *21. Contractor shall not assign his duties under the terms of this agreement. All work shall be coordinated directly with the Project Manager, or their designee.

*Applies to construction public improvement projects only, unless otherwise noted.

Budget Year 2002	Department: General Services Division: Solid Waste Program: Commerical Collection	Date Requested June 6, 2002	Adjustment #
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Project or Item Requested:
 Additional funding is requested for the Commerical Cart Project.

Project or Item Deleted:
 None. A portion of the Sold Wate Expansion Vehicles project is proposed for this adjustment.

Justification of this Increase:
 the additional funding is requested to change the pick-up point from the front diamond style to a side channel style.

Justification of this Decrease:
 Sufficient funds remain to fund the planned/approved Solid Waste Vehicle Expansions for 2002.

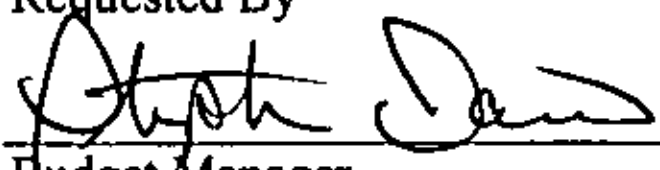
Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number	Project Number
Container Cost	70,200	5500 5010 5870 00	02092 1

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number	Project Number
Vehicles & Equipment	70,200	5500 5010 5802 00	02033 1

Approval Signatures

Requested By 	Date 6-6-02
Budget Manager	Date
Department Director 	Date 6/7/02
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 _____

For the Fayetteville City Council meeting of June 18, 2002

FROM:

Louise Schaper
Name

Library
Division

Urban Development
Department

ACTION REQUIRED: Approve an ordinance recognizing that the FPL and its Board are, and have been, operating and functioning as a duly authorized municipal library in accord with state and local law.

COST TO CITY:

0
Cost of this Request

\$ _____
Category/Project Budget

<u>Services and Charges</u>	
Category/Project Name	

Account Number

\$ _____
Funds Used To Date

New Library
Program Name

N/A
Project Number

\$ _____
Remaining Balance

General
Fund

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

Heidi Davis 5/23/02
Budget Coordinator

Administrative Services Director

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

Accounting Manager Date
 8/23/02
 City Attorney Date

<u>Internal Auditor</u>	<u>Date</u>
<u>ADA Coordinator</u>	<u>Date</u>

Purchasing Manager	Date
--------------------	------

STAFF RECOMMENDATION: Staff recommends approval.

Louie Schaper 5/23/02
Division Head Date

Kugl. Ernest 5-23-02
Department Director Date

Administrative Services Director Date

Mayor 5/23/02
Date

Cross Reference

New Item: Yes No

Prev Ord/Res #:

Orig Contract Date:



DEPARTMENTAL CORRESPONDENCE

TO: Hugh Earnest
FROM: Louise Schaper, Library Director
DATE: May 22, 2002

SUBJECT:

Background

The Fayetteville Public Library ("FPL") was begun in 1916 as a project by city residents and was opened that year on June 7 in a courthouse basement. It was then moved to the City Administration Building in 1937 and was operated until 1959 by a board of interested citizens. The status of the library changed by vote of the Fayetteville City Council on Monday, July 27, 1959. This vote approved a resolution taking over the City Library and making appointments of its Trustees in accordance with Arkansas Statutes (section 19-3201).

In 1991 the above-mentioned statute was amended by Act 417. The 1991 amendment, among other changes, added the words "by ordinance establish and" immediately preceding the words "maintain a public library." The statute, therefore, currently provides: "The city council or governing body of any city of the first class may by ordinance establish and maintain a public library for the use and benefits of the inhabitants of the city".

Current Status

In response to a request from the Board of Trustees, the Library's attorney, Vince Chadick, and the City Attorney have affirmed that the library has been and is operating and functioning as a duly-authorized municipal library in accord with state and local law. On August 14, 2001, the FPL Board of Trustees approved a resolution seeking formal affirmation from the City of Fayetteville of the creation, existence, organization and operation of the FPL and its Board of Trustees, so that the best interests of all library patrons and citizens can be served.

Recommendation

To affirm the relationship of the Fayetteville Public Library to the City of Fayetteville, we recommend the City Council confirm, via ordinance, that the FPL and its Board are, and have been, operating and functioning as a duly authorized municipal library in accord with state and local law.

RESOLUTION

WHEREAS, we, duly-appointed and authorized members of the Board of Trustees of the Fayetteville Public Library ("FPL"), seek affirmation from the City of Fayetteville ("City") of the existence and organization of the FPL and of the FPL's relationship with the City; and,

WHEREAS, we, in this regard, have caused to be prepared a history of the existence of the institution presently known as the FPL and a summary of the laws pursuant to which the FPL and its Board of Trustees are appropriately operating, such history and summary being attached hereto and incorporated by reference; and,

WHEREAS, we request that, upon due consideration and application of relevant law(s) and ordinance(s), the City hereby acknowledge and affirm, by ordinance, proclamation, or otherwise, that the FPL and its Board of Trustees were created and established in 1959 pursuant to effective law, that the FPL and its Board have been and are operating and functioning as a duly-authorized municipal library in accord with state and local law, and that the City recognizes the FPL's status and the FPL's relationship with the City borne of state law; and,

THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE FAYETTEVILLE PUBLIC LIBRARY, that a formal request be made seeking affirmation from the City of Fayetteville of the creation, existence, organization, and operation of the Fayetteville Public Library and its Board of Trustees, so that the best interests of all library patrons and citizens can be served.

Motion that this Resolution be adopted made by:

Maurice Roberts

Motion seconded by:

Beverly Schaffer

Motion unanimously approved August 14, 2001

Board President

Louis C. Anthony, Jr.

8/16/01
Date

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of June 18, 2002.

FROM: Tim Conklin Planning Urban Development
Name Division Department

ACTION REQUESTED: To approve an ordinance for RZN 02-14.00 as submitted by Raymond Smith on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.

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
[Signature] 6/3/02
City Attorney Date Internal Auditor Date
Purchasing Officer Date

STAFF RECOMMENDATION: Staff recommended approval and on May 28, 2002 the Planning Commission voted 5-0-1 to recommend the rezoning be approved by the City Council.

Division Head
[Signature]
Department Director
[Signature]
Administrative Services Director
[Signature]
Mayor
[Signature]

5-31-02
Date
6-4-02
Date
6/4/02
Date
Date

Cross Reference

New Item: Yes No

Prev Ord/Res#: _____

Orig Contract Date: _____

Consent —
New Business —

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, A.I.C.P., City Planner
THRU: Hugh Earnest, Urban Development Director
DATE: May 31, 2002

BACKGROUND

RZN 02-14.00 was submitted by Raymond Smith, Attorney, on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office. It is surrounded by single family homes on large tracts of property, all zoned A-1. The Elks Lodge is located across Zion Road to the south.

The applicant has requested this rezoning with the intention of developing a funeral home with a crematory. A funeral home is a use which is permitted by right within the R-O, Residential Office zoning district. However, the crematory is only permitted within the A-1, Agricultural district. This request will rezone a portion of the property that the applicant intends to develop which will leave part of the property properly zoned for the crematory on the site.

CURRENT STATUS

Staff recommended the rezoning and the Planning Commission voted 5-0-1 to recommend the rezoning to the City Council.

RECOMMENDATION

Staff and the Planning Commission recommend approval of the requested rezoning.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 02-14.00 FOR A PARCEL
CONTAINING APPROXIMATELY 2.80 ACRES LOCATED AT THE
NORTHEAST CORNER OF CROSSOVER (HWY 265) AND EAST ZION
ROAD, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY RAYMOND
SMITH ON BEHALF OF JOHN AND JANET KESNER.

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

Section 1: That the zone classification of the following described
property is hereby changed as follows:

From A-1, Agricultural to R-O, Residential Office as shown in Exhibit A
attached hereto and made a part hereof.

Section 2. That the official zoning map of the City of Fayetteville,
Arkansas, is hereby amended to reflect the zoning change provided in
Section 1 above.

PASSED AND APPROVED this _____ day of _____, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

DRAFT

DRAFT

EXHIBIT "A"

A PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 19, TOWNSHIP 17 NORTH, RANGE 29 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE SOUTH 00 29 27 WEST ALONG THE WEST LINE OF SAID 40 ACRE TRACT 648.75 FEET TO THE POINT OF BEGINNING, FROM WHICH AN EXISTING IRON REFERENCE ON AN AGREED BOUNDARY LINE (BK. 1309-570) BEARS SOUTH 89°45'41"EAST 2.85 FEET; THENCE SOUTH 89 45 41 EAST ALONG AGREED BOUNDARY LINE 695.09 FEET; THENCE SOUTH 00 21 03 WEST 161.64 FEET; TO A POINT IN THE CENTER OF ZION ROAD; THENCE ALONG THE CENTERLINE OF ZION ROAD THE FOLLOWING BEARINGS AND DISTANCES; SOUTH 88 03 31 WEST 544.50 FEET; THENCE SOUTH 86 46 10 WEST 151.78 FEET TO A POINT ON THE WEST LINE OF SAID FORTY ACRE TRACT, AND FROM WHICH A SET REFERENCE IRON ON THE NORTH RIGHT OF WAY OF ZION ROAD BEARS NORTH 00 29 27 EAST 30.06 FEET; THENCE NORTH 00°29 27 EAST 191.54 FEET TO THE POINT OF BEGINNING, CONTAINING 2.80 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS, BEING SUBJECT TO THAT PORTION WHICH LIES IN A COUNTY ROAD OF THE HEREIN DESCRIBED TRACT.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Senior Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: May 22, 2002

RZN 02-14.00: Rezoning (Kesner, pp 99) was submitted by Raymond Smith, Attorney on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION: Required YES
☐ Approved ☐ Denied

Date: May 28, 2002

CITY COUNCIL ACTION: Required YES
☐ Approved ☐ Denied

Date: June 18, 2002 (1st reading – if recommended)

Comments: _____

BACKGROUND:

The subject property is located at the northeast corner of Zion Road and Crossover Road (Hwy 265). It is surrounded by single family homes on large tracts of property, all zoned A-1. The Elks Lodge is located across Zion Road to the south.

The applicant has requested this rezoning with the intention of developing a funeral home with a crematory. A funeral home is a use which is permitted by right within the R-O, Residential Office zoning district, however the crematory is only permitted within the A-1, Agricultural district. This request will rezone a portion of the property that the applicant intends to develop which will leave part of the property properly zoned for the crematory on the site.

SURROUNDING LAND USE AND ZONING

North:	Single family residence, A-1
South:	Elks Lodge, A-1
East:	Single family residence, A-1
West:	Vacant, A-1

INFRASTRUCTURE:

Access for this site is from Zion Rd. which is classified a collector on the City's Master Street Plan. This street is not currently constructed to the MSP standards. The condition of the street as well as the impact of any proposed development will have to be evaluated at the time of large scale development review. Crossover Rd. (Hwy 265), designated a principal arterial, also adjoins the site. Right of way dedication will be required in order for both adjoining streets to meet minimum requirements. Improvements to Zion Road and Crossover Road will be reviewed and determined at the time of development review.

An existing 12" water line is located along the south side of Zion Road. A 4" force main provides sewer service along the east side of Crossover Road adjacent to the site. These utilities will be reviewed at the time of any development proposal to determine whether upgrades, extensions or new lines will be required.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-O, Residential Office is consistent with the land use plan and compatible with surrounding land uses in the area.

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 proposed zoning is consistent with land use planning objectives, principles, and policies. The adopted General Plan 2020 has designated this area Residential. The Residential Office district provides for both residential and limited professional office services which are appropriate in this area. The property is located at an intersection on a major north/south principal arterial which will become more prominent as additional property in the area develops. This zoning designation will allow for the establishment of uses which can serve the residential neighborhoods which have recently been developed and are beginning to build out north and east of the subject property. This zoning will also provide a transition between the principal arterial (Hwy 265) and the residential uses to the east.

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

Finding: While there is a limited amount of existing, undeveloped property within the R-O zoning district in this general area, none of the lots which have been created within the Millennium Place or Stonewood Subdivisions lends itself to the use proposed by the applicant. The use of this property for a funeral home with a crematory requires that adjoining property within the A-1 zoning district be available to accommodate the crematory which is not a permitted use in the R-O district.

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

Finding: The proposed zoning should not create or appreciably increase traffic danger and congestion. A large scale development project will be reviewed by staff and the Planning Commission to determine what improvements or assessments will be necessary to provide the infrastructure necessary to accommodate the proposed project. Improvements to Zion Rd., among other things, will certainly be discussed at that time.

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 will not alter population density.

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

CURRENT OWNERSHIP INFORMATION AND ANY PROPOSED OR PENDING PROPERTY SALES

Assessor's Parcel Number 765-13211-000, P/O SE1/4,NW1/4, S19, T17N, R29W, (3.12 acres). Current owners are John & Janet Kesner. Pending Sale to Scott Berna, Nelson Berna Funeral Home and Crematory.

REASON FOR REQUESTED ZONING CHANGE

Parcel Number 765-13211-000, currently A-1, will be used to build a funeral home and crematory, with the parcel rezoned to R-O with the exception of the crematory which will remain zoned as A-1.

LAND DEVELOPMENT

The development of this parcel into a funeral home and crematory is consistent with the land use of the surrounding area in appearance, signage and minimum impact on traffic flow.

WATER/SEWER ACCESS

4" FORCED MAIN SEWER LINE ALONG EAST SIDE OF Highway 265(Crossover Road).

12" WATER LINE ALONG THE SOUTH SIDE OF East Zion Road.

DEGREE TO WHICH PROPOSED ZONING IS CONSISTENT WITH
LAND USE PLANNING OBJECTIVES.

Rezoning parcel 765-13211-000 from A-1 to R-O with the exception of the crematory is in harmony with and consistent with the Fayetteville Land Use Planning Objectives.

JUSTIFICATION FOR PROPOSED ZONING

Proposed zoning change to R-O is justified and needed in order to develop the parcel into a funeral home and crematory (part of the building).

TRAFFIC CONSIDERATIONS

The proposed zoning change will not create an appreciably increase in traffic danger and congestion along Crossover Road, and will help alleviate the traffic danger and congestion at the present location of the funeral home at North College Avenue and Joyce Boulevard.

POPULATION DENSITY CONSIDERATIONS

Population density will not be altered undesirably and minimal or no increase or impact on public services including school, water or sewer facilities.

USE OF LAND UNDER EXISTING ZONING CLASSIFICATION

Existing A-1 zoning classification severely restricts use of the land for further development and inconsistent with Land Use Planning Objectives.

RZN02-14.00

KESNER

Close Up View



A-1

CROSSOVER RD

R-1

A-1

SUBJECT PROPERTY

ZION RD

CROSSOVER RD

A-1

R-1

RANDOL PL

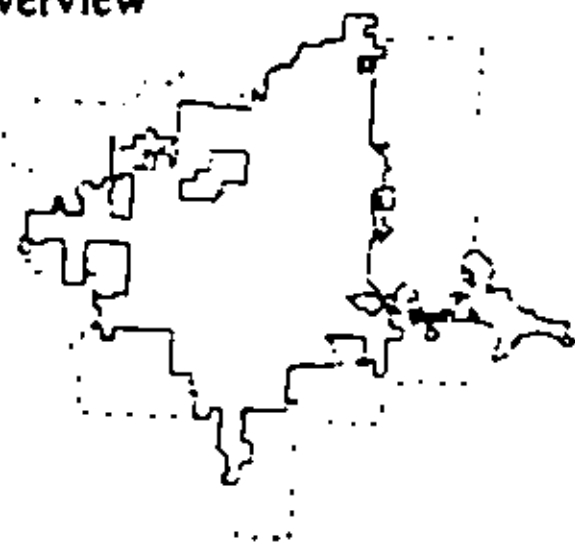
RANDOL PL

CROSSOVER RD

R-0

C-1

Overview



Legend

- | | | | |
|-------------|------------------|--------------------|--------------|
| SPC City | Overlay District | Master Street Plan | City Limits |
| RZN02-14.00 | Streets | Freeway/Expressway | Outside City |
| Buildings | Existing | Principal Arterial | |
| Lakes | Planned | Minor Arterial | |
| | | Collector | |
| | | Historic Collector | |
| | | Planning Area | |
| | | Zoning | |

0 75 150 300 450 600 Feet

RZNO2-14.00

Future Landuse

KESNER



SUBJECT PROPERTY

Residential

ZION RD

CROSSOVER RD

CROSSOVER RD

RANDAL PL

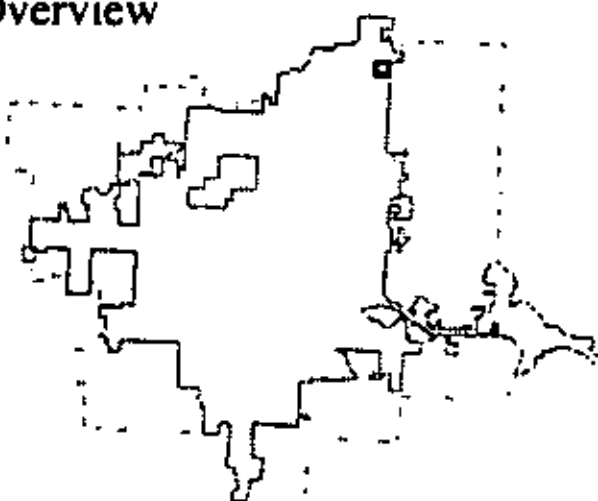
RANDAL PL

Community Commercial

Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

RZN02-14.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

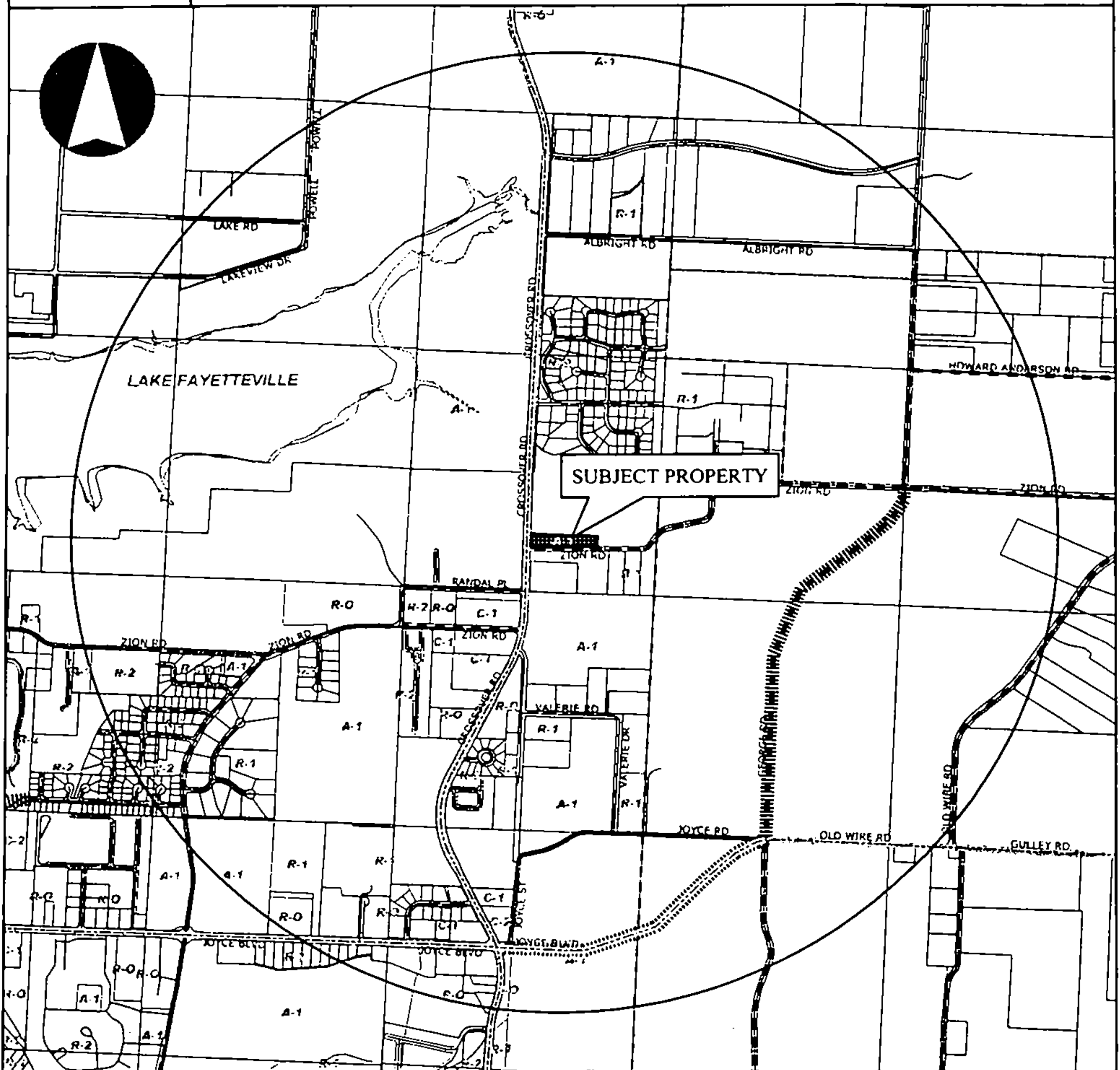
City Limits

0 75 150 300 450 600 Feet

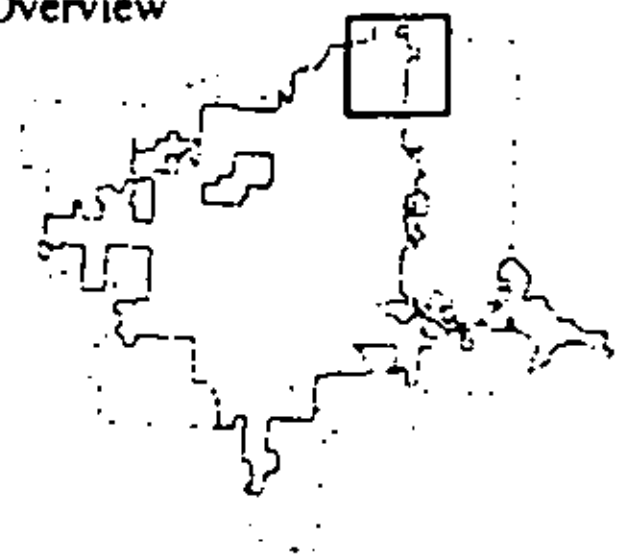
RZN02-14.00

One Mile View

KESNER



Overview



Legend

Subject Property

RZN02-14.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.125 0.25 0.5 0.75 1 Miles

RZN 02-14.00: Rezoning (Kesner, pp 99) was submitted by Raymond Smith, Attorney on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.

Hoffman: Item four on our agenda is RZN 02-14.00, this is a rezoning for Kesner which was submitted by Raymond Smith, Attorney, on behalf of John and Janet Kesner for property located at the northeast corner of Crossover, Hwy. 265 and Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.

Estes: It will be necessary that I recuse from this item.

Hoffman: Is the applicant present?

Smith: My name is Raymond Smith, I am the attorney representing the Kesners on this application.

Hoffman: Mr. Smith, do you have a presentation that you would like to make to us or do you just prefer to answer questions?

Smith: Briefly, this is to rezone approximately 2.8 acres. It is located at the corner of Hwy. 265, Crossover Road and E. Zion Road. The reason for the request to rezone this property is that it is under a contract from the Kesners with Scott Berna of Berna Nelson Funeral Home subject to the rezoning approval by the City to construct a new funeral home there at that location for the one that is presently located south of the mall. It will have a crematory in it which will remain A-1 and the remainder of the property will be rezoned to R-O, Residential property.

Hoffman: Thank you very much. We toured the site on our agenda session and I was wondering if staff had any background for this.

Conklin: This proposed site is immediately north of the Elks Lodge on Zion Road and Hwy. 265. The funeral home requires R-O and the crematory is required to be in A-1. They are requesting the R-O zoning to establish the funeral home.

Hoffman: I realize that we have a couple of Commissioners absent and I do believe that a rezoning does require five positive votes and there are five Commissioners here. Let me make you aware of that. Would you like to continue with this hearing or postpone it?

- Smith: We would request to continue this hearing.
- Hoffman: I will take public comment. Is there anybody here that would like to address us on this rezoning? Seeing none, I will bring it back to the Planning Commission and to the applicant for further discussion.
- Bunch: A question for staff. Tim, on the A-1 zoning, is that more or less a floating zoning to be determined where the crematory is built or how do we address that on the public record?
- Conklin: They provided us a legal less and except that part where they are planning to build the crematorium. This is a little unusual because the zoning ordinance specifically states crematoriums in A-1, this property is A-1. Then the zoning ordinance specifically states funeral home in R-O. There is not much latitude to move around. It is very specific as to what can be in A-1 and R-O. That is why we are looking at rezoning this to R-O and leaving this area A-1, which allows for the crematory.
- Allen: I wondered whether or not you have heard from any of those people that live in the surrounding area one way or the other?
- Conklin: We have not heard from any of them.
- Allen: Ok, thank you.
- Hoffman: It is my understanding that the home adjacent to the property is the seller.
- Smith: That is correct.
- Hoover: Since we haven't had a funeral home come up since I've been on the Commission, usually where are they placed?
- Conklin: The most recent one we have is the one on Happy Hollow and Huntsville Road, Beards Funeral Home, that is located in a C-2 zoning district. We have Moore's over here on Center Street and Nelson is out by the mall.
- Hoover: It sounds like they are usually in a commercial zoning. I am just curious if a funeral home doesn't impair a residential subdivision from going in here.
- Conklin: The Planning Commission did rezone the front portion of Stonewood Subdivision R-O just north of this site, a half mile up or so. R-O zoning has been established in that area along Hwy. 265. To answer your question, I am not sure what the most ideal location is. I have to question sometimes having one in a regional commercial shopping center in

Fayetteville. I know that was established a long time ago but whether or not that is the most appropriate use at that location.

Hoover: I guess I should consider that it will have to come back through large scale development correct?

Conklin: That is correct. At that time staff will address issues with onsite and offsite improvements and specifically with regard to Zion Road and curb cuts onto Zion Road and Hwy. 265 where improvements will be necessary in that location.

Motion:

Bunch: I move that we recommend RZN 02-14.00 for approval to the City Council.

Hoffman: We have a motion by Commissioner Bunch, I will go ahead and second. Is there any further discussion? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to forward RZN 02-14.00 was approved by a vote of 5-0-1 with Commissioner Estes abstaining.

Hoffman: The motion carries on a vote of five with one recusal. Thank you very much.

Smith: Thank you.

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of April 17, 2002.

FROM: Tim Conklin Planning Urban Development
Name Division Department

ACTION REQUESTED: To approve an ordinance for VA02-1, submitted by Ken and Kathie Marvin for property located between lots 8, 9, 10 and 11 of Block 5 of Rochier Heights Subdivision. The request is to vacate the alley between lots 8, 9, 10 and 11 as shown and described on the attached maps and legal descriptions.

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 Internal Auditor Date
Purchasing Officer Date

STAFF RECOMMENDATION: Staff recommended approval and on March 25, 2002, Planning Commission voted 9-0-0 to recommend and forward the vacation to the City Council.

Division Head Date 3-28-02
Department Director Date 4-3-02
Administrative Services Director Date 4/3/02
Mayor Date

Cross Reference

New Item: Yes No

Prev Ord/Res#: _____

Orig Contract Date: _____

Consent _____
New Business _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING VA02-1.00 TO VACATE AND ABANDON A 10' WIDE ALLEY LOCATED BEHIND LOTS 8-9 AND 10-11 OF ROCHIER HEIGHTS SUBDIVISION, CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON THE ATTACHED MAP.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described right-of-way is not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of its rights together with the rights of the public generally, in and to the following described right-of-way:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That a copy of this Ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2002.

APPROVED:

DRAFT

By _____
Dan Coody, Mayor

ATTEST:

By _____
Heather Woodruff, City Clerk

EXHIBIT "A"

THE PLATTED ALLEYWAY BETWEEN LOTS 8-9 AND 10-11 IN BLOCK 5 OF PREVIOUS
PLATTED ROCHIER HEIGHTS IN THE NE $\frac{1}{4}$, NE $\frac{1}{4}$ OF SECTION 20, T-16-N, R-30-W, IN
WASHINGTON COUNTY, ARKANSAS.

Estes: The next item on the agenda is item number eight, this was a conditional use request submitted by Robert Schmitt on behalf of Brian Dandy for property located at the southwest corner of Fletcher Ave. and Rodgers Dr. this item was to be heard only if item number eight on the agenda, the large scale development was approved. Because the motion to approve the LSD failed by a vote of five to four, item number nine is removed from the agenda.

VAC 02-1.00: Vacation (Marvin, pp 560) was submitted by Ken and Kathie Marvin for property located east of Rose and south of Rochier. The property is zoned R-2, Medium Density Residential and contains approximately 0.05 acres. The request is to vacate the alley between lots 8,9 10 and 11 of Block 5 of Rochier Heights.

Estes: Item number ten on the agenda is a vacation request. This is VAC -2-1.00, alley vacation submitted by Ken Marvin for property located at 828 and 830 S. Rose Ave., lots 8-11, block 5, Rochier Heights addition. The request is to vacate a 20' wide unimproved alley located to the south of lots eight and nine and to the north of lots 10 and 11 in the above-described subdivision. The recommendation is that the proposed alley vacation be forwarded to the City Council with recommendation for approval. Is the applicant or applicant's representative present? Yes Sir, do you have a presentation that you would like to make? If so, please state your name and provide us with the benefit of your presentation.

Marvin: I am Ken Marvin and I am going to make it real short. I have a four-plex on Rochier, I have an alley way behind my four-plex which I want to vacate so I can put another four-plex above it. That is short.

Estes: Thank you Mr. Marvin. Is there any member of the audience who would like to provide public comment on this requested alley vacation? Seeing none, I will bring it back to the Commission for discussions, motions. Commissioners?

Hoffman: At the risk of being run out of the Commission on a rail, I do have a question. I was up driving and talking to Tim on the cell phone trying to find this today and this is indeed a paper subdivision and there is nothing else there. My only question is are we going to block access to anybody else's property that doesn't have a road built to it by vacating this alley? Which I think I actually found.

Conklin: No.

Hoffman: We are not going to create land locking?

Conklin: The only way to get to the alley is on a paper street which doesn't exist so

by vacating the alley you are not vacating any current access on this entire hilltop.

Hoffman: When you look at a plat and you vacate the alley, if any of this was built, because that was all somebody's idea or dream at one time. Would you land lock any property where we are going to come back and have a problem?

Conklin: No, if you look at page 10.7a, those bigger lines are street right-of-way. These are all lots up there on paper street right-of-way. It is not going to block any individual parcels.

Hoffman: That is all I wanted to know. Thank you very much.

Marvin: I have a survey if you want to see it.

Hoffman: I don't need it, thank you.

Conklin: I just do want to make you aware, we did receive one letter concerned about this question that Commissioner Hoffman asked, it blocking access to their property. That is on page 10.4. Once again, I don't understand how it would block access when we have all this paper street right-of-way on this entire hillside. I did want to make you aware of that.

Estes: Thank you Mr. Conklin. Is there any other discussion? Any motions?

Motion:

Hoffman: I make a motion to approve this alley vacation 02-1.00.

Estes: We have a motion by Commissioner Hoffman to approve VAC 02-1.00, is there a second?

Ward: Second.

Estes: We have a second by Commissioner Ward. Is there any discussion? We have a motion by Commissioner Hoffman and a second by Commissioner Ward to approve VAC 02-1.00. Will the motion the pass? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to recommend approval of VAC 02-1.00 to the City Council was approved by a vote of 9-0-0.

Estes: The motion passes by a unanimous vote. This will be forwarded to the Fayetteville City Council with recommendation for approval of the alley vacation request. Thank you Mr. Marvin.

PC Meeting of 25 March 02

FAYETTEVILLE

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

Alley Right of Way Vacation
Ken & Kathie Marvin

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
Sara Edwards, Associate Planner
FROM: Ron Petrie, Staff Engineer
DATE: March 21, 2002

Project: VA 02-01.00: Alley Vacation (Ken & Kathie Marvin, pp 560) was submitted by Ken Marvin for property located at 828 and 830 South Rose Avenue, Lots 8-11, Block 5, Rochier Heights Addition. The request is to vacate a 20' wide unimproved alley located to the south of Lots 8 & 9 and to the north of Lots 10 & 11 in the above described Subdivision. See the attached maps and legal descriptions for the exact locations of the requested alley vacation.

A letter was received from an adjacent property owner that objects to the requested alley vacation. This letter has been included in the report.

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

Ozarks Electric - Not applicable.

Southwestern Electric Power Company - No objections.

Arkansas Western Gas - No objections.

SW Bell - No objections.

Cox Communications - No objections, provided that "any damage to or relocations of Cox facilities will be at the Owner's expense."

City of Fayetteville:

Water/Sewer - No objections.

Street Department - No objections.

Solid Waste - No objections.

Recommendation: Forward to City Council with Recommendation for Approval

PLANNING COMMISSION ACTION: yes Required
_____ Approved _____ Denied

Date: 03/25/02

Comments:

CITY COUNCIL ACTION: yes Required
 Approved Denied

Date: 1 1

PETITION TO VACATE an alley between Lots 8-9 and 10-11 in Block (5) of previous platted Rochier Heights in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section (20), T-16-N, R-30-W, in Washington County, Arkansas.

TO: The Fayetteville City Planning Commission and The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the alley sought to be abandoned and vacated, lying in between Lots 8-9 and 10-11 in Block (5) of previous platted Rochier Heights in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section (20), T-16-N, R-30-W, in the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an alley.

That the abutting real estate affected by said abandonment of the alley are Lots 8-9 and 10-11 in Block (5) of previous platted Rochier Heights in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section (20), T-16-N, R-30-W, in the City of Fayetteville, Arkansas and never used by the public, remaining a field to this day, and the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described alley.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

We, the petitioners, have already constructed and rent a fourplex on lots Lots 8-9, Block 5, and would like to be able to place a driveway over the afore mentioned alleyway to construct a fourplex on lots 10-11, Block 5.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 21 day of March 2002.

Kathie Marvin

Kathie Marvin

Ken Marvin

Ken Marvin



MAR 21 2002

UROLOGY ASSOCIATES

220 McAuley Court
Hot Springs National Park, AR 71913
Phone (501) 623-8110 - Fax (501) 623-2296

PLANNING DIV.

PHILIP A. WOODWARD, M.D.

CHARLES C. WRIGHT, JR., M.D.

NIRMAL K. KILAMBI, M.D.

Date: March 18, 2002

To: The Fayetteville Planning Commission
113 West Mountain
Fayetteville, AR 72701

Dear Commissioner's:

This is in response to a public hearing notice which affects my property involving Rochier Heights. This property is currently under consideration by perspective buyers. The property involved in the proposed VACATION would affect public and private access to my property. This is a public safety issue. This alley allows additional access to my property and there is concern as to limiting fire and police access. I have consulted with commercial realtors who are working with me and they concur. We ask that you vote in opposition to the proposed VACATION adjacent to my property.

Sincerely,

Charles C. Wright

**WASHINGTON COUNTY ABSTRACT
& TITLE COMPANY, INC.**

**212 West Emma Avenue
P.O. Box 348
Springdale, AR 72764**

**Phone (479) 751-2183
Fax (479) 756-2918**

Visit our Website "wacotitle.com"

March 21st, 2002

City Engineer/Planning Director
The City of Fayetteville
Fayetteville, AR

Re: Kathie Anne Marvin & Kenneth E. Marvin, Wife & Husband
Lots 8, 9, 10 & 11, Block 5, Rochier Heights

We hereby certify that we have searched the Washington County land records as of March 21st, 2002, and find that the following described lands, situated in Washington County, Arkansas, and more particularly described as follows:

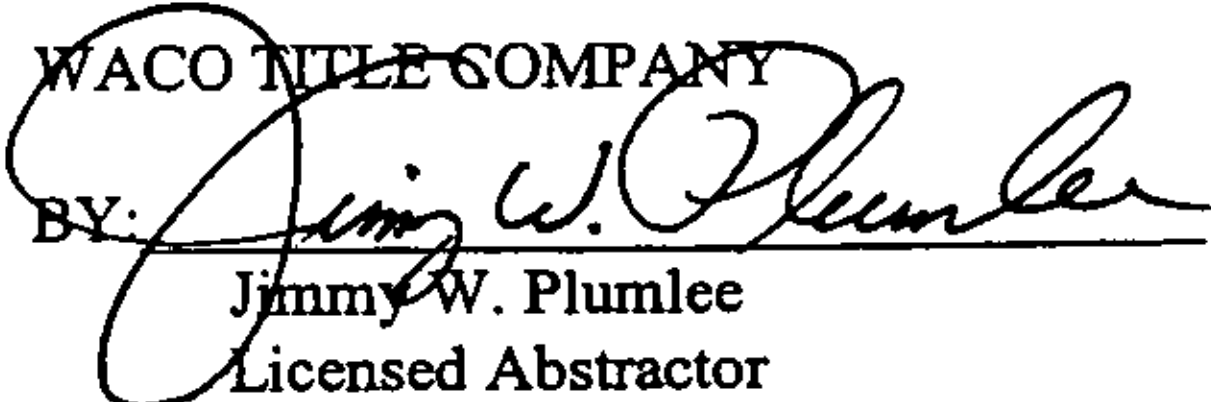
Lots Numbered Eight (8), Nine (9), Ten (10) and Eleven (11), Block
Numbered Five (5), Rochier Heights, Fayetteville, Arkansas,

are owned by Kathie Anne Marvin and Kenneth E. Marvin, Wife and Husband, by Deeds filed for record as Land Document No. 97005456 and Land Document No. 97005461 (Copies Attached) and that said property is listed on the Washington County Tax Rolls as Tax Parcel No. 765-10099-000 (Copy Attached).

Dated and certified this 21st day of March, 2002, at 8:00 A.M.

WACO TITLE COMPANY

BY:


Jimmy W. Plumlee
Licensed Abstractor

NORTHWEST ARKANSAS' TITLE COMPANY OF THE PAST, PRESENT & FUTURE

VAC02-01.00

Close Up View

MARVIN



Subject Property

R-2

R-2

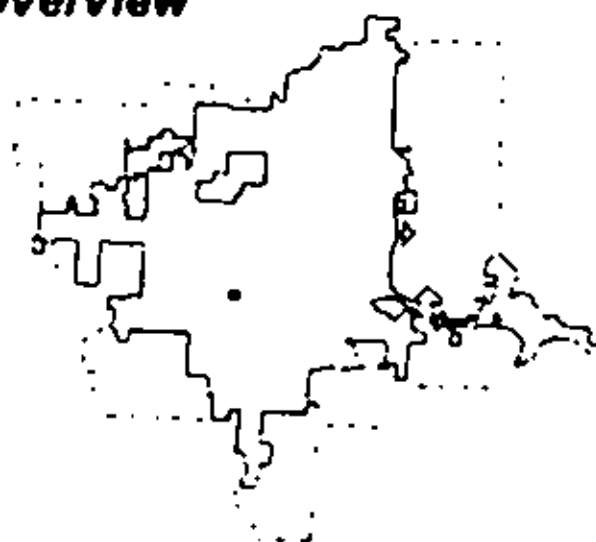
PARIS AVE

ROCHIER ST

ROSE AVE

L-1

Overview



Legend

Subject Property

VAC02-01.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

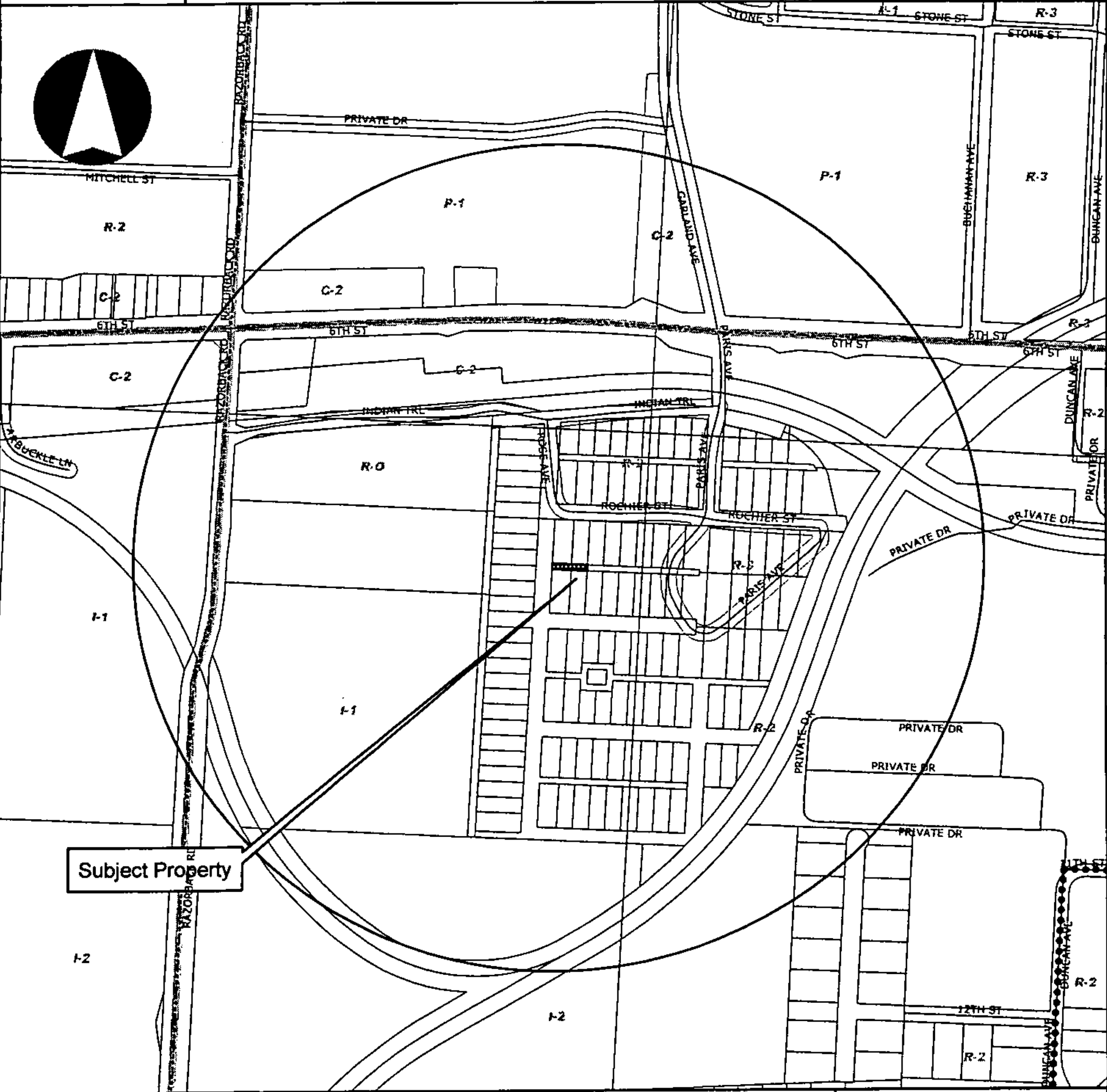
Historic Collector



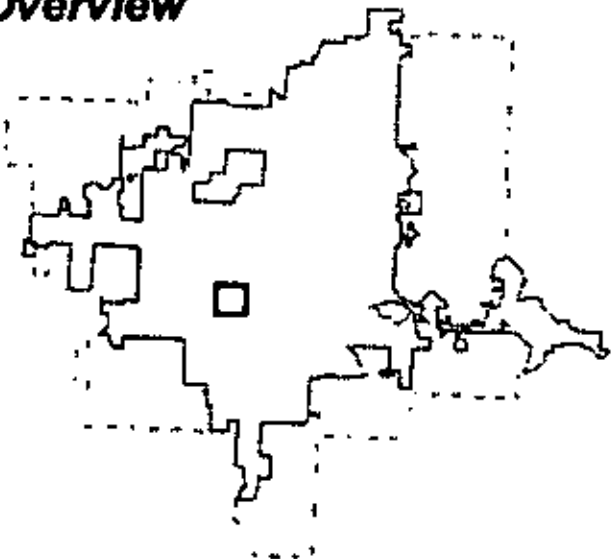
VAC02-01.00

One Mile View

MARVIN



Overview



Legend

Subject Property	Boundary	Master Street Plan
VAC02-01.00	Planning Area	Freeway/Expressway
Streets	Overlay District	Principal Arterial
Existing	City Limits	Minor Arterial
Planned	Outside City	Collector
		Historic Collector
0 0.035 0.07 0.14 0.21 0.28 Miles		

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of June 18, 2003
FROM:

MINOR WALLACE

Name

INSPECTIONS

Division

URBAN DEVELOPMENT

Department

ACTION REQUIRED:

A Resolution approving Change Order #2 for the Senior Citizens Center and granting additional time to the contractor.

COST TO CITY:

\$33,664.00

Cost of this Request

\$ 2,088,878

Category/Project Budget

Walker Park Senior Complex

Category/Project Name

4470-9470-5801-00

Account Number

\$ 2,088,878

Funds Used To Date

Program Name

96092

Project Number

\$ - 0 -

Remaining Balance

Sales TAX CAPITAL

Fund

BUDGET REVIEW:

☐ Budgeted Item

☒ Budget Adjustment Attached

Mark Davis 4-15-02

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marsha Farthing

Accounting Manager

4/16/02

Date

Danay Smith

Internal Auditor

4/16/02

Date

K. Vico (See back)

City Attorney

4/16/02

Date

ADA Coordinator

Date

P. Vico

Purchasing Officer

4/16/02

Date

STAFF RECOMMENDATION:

MINOR WALLACE

Division Head

4/11/02

Date

Thyl Smith

Department Director

6-6-02

Date

W. W. W. W.

Administrative Services Director

4/19/02

Date

Don Coody

Mayor

6/16/02

Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

: \DATA\BLANKFOR\AGENDA.BLK

New Bus
Consent

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: June 6, 2002

To: The Mayor and Council

From: Hugh Earnest 
Urban Development Director

Subject: Senior Citizen Center

Background

The City Council approved a contract for construction of a Senior Citizen Center in Walker Park on January 16th, 2001. This award was the culmination of a long and difficult process over several years that involved decisions on design of the building and raising some \$2,000,000 needed for the building. The money for the building came from a number of sources:

Community Development Fund	\$344,622
Park Development Fund	\$383,895
Sales Tax CIP	\$176,000
Millage	\$1,000,000
Council on Aging	\$ 76,000
Original Budget	\$1,982,600

Current situation

The contractor of record, Harrison Davis Construction, has maintained a schedule of work on the site and has now furnished us with a letter stating that he expects to complete the building in October or November of this year. The letter, (see Attachment 1), also states he will, at a later date, open a discussion with us over additional days and some level of compensation. However, for the present, our position is that we have authorized an additional 104 days to be added to the original notice to proceed. Therefore, the current completion date is June 12, 2002. It is apparent that we will, between now and our approximate date of completion, again consider delays caused by weather, changes in the scope of work, as well as delays occasioned by problems with material delivery.

The money needed for this building came from a number of sources. From a fiscal standpoint, the City committed the amount of money from 2 mills of property tax. The estimated revenue from that levy was \$1,000,000. However, our most recent estimate shows that the tax will generate some \$1,116,100. Given that the council committed to the project the revenue from the millage, we have established this amount of \$116,100 as our project contingency.

Recommendation

The Council is asked to approve Change Order #2 for this project. The additional \$33,664 is a net addition of a number of changes made to the project and approved by the architect and the owner (the city). In addition, as stated earlier, this change order also grants an additional 104 days to the contractor. The information is included as Attachment 2.



Licensed General Contractor

May 13, 2002

Minor Wallace, Construction Manager/Inspector
CITY OF FAYETTEVILLE
113 West Mountain
Fayetteville, Arkansas 72701

RE: FAYETTEVILLE SENIOR CENTER AT WAXHAWS

SUBJECT: CONSTRUCTION PROGRESS

Minor,

We are anticipating a virtual halt of vertical wall work (FASWALL SYSTEM), due to the fact changes in the field, directed by the Architect/his representatives, being made. The FASWALL SYSTEM manufacturer and the designer of such has provided an abundance or a plentiful amount of materials according to his original estimates of quantities and all as per Contract Documents. The "un-documented" directives given has depleted the manufacturers stock of the LCWF (large core wall form).

As of this writing, K-X Faswall is to ship the required quantities of the LCWF to the job site in 2 - 3 weeks.

The General Contractor has been instructed to make changes in the Structural work, through numerous amended and revised drawings provided. These changes are to be time consuming and with added costs of materials, labor and equipment - all yet to be completed. The General Contractor's intent is to calculate these costs upon completion and receipt of approvals on the balance of the structural materials and/or systems.

The previous projected completion time (of 8-15-02, stated so 11-16-01) will need to be extended 60 to 90 days due to the numerous delays beyond the General Contractor's control. The General Contractor would like to be compensated for time consumed during these delay occurrences.

We respectfully request your considerations for the extensions and expenses that may be required.

Sincerely,


HARRISON DAVIS, PRESIDENT

CC: HDC PROJECT MGR.

DARYL S. RANTIS
ARCHITECTS, P.A.
380 West Rock Street
Fayetteville, AR 72701
(501) 443-9112

Change order: #2

Date: 3/18/2002

Request made by:

Owner: xxx

Architect: xxx

Contractor: xxx

Field:

Other:

Project: Fayetteville Community / Senior Center
901 South College Ave.
Fayetteville, Arkansas 72701

Owner:

Contract for: Fayetteville Community/ Senior Center

City of Fayetteville

Contract Dated: 1/04/2001

To Contractor: Harrison Davis Construction CO. Inc.

You are directed to make the following Changes to the original contract:

See attached list of items to include additional time per item changed.

Specific material and scope of work for each item detailed in General Contractor's proposal requests.

This change order not valid until signed by the owner, The architect and the Signature of the Contractor indicates agreement herewith, including any adjustments in the contract sum or contract time.

DARYL S. RANTIS
ARCHITECTS, P.A.
380 West Rock Street
Fayetteville, AR 72701
(501) 443-9112

Change order: #2 cont.
Date: 3/12/2002

The original Contract Price was.....\$1,982,600.00
Net change by previous authorized change orders.....\$ 100,192.00
The Contracted Price prior to this Change Order was..... \$2,082,792.00
The Contracted Price will increase by this Change
order.....\$ 33,664.00
The new Contracted Price including this Change Order will be.....\$2,116,456.00
The contract time will be changed by.....104 calendar days
The date of substantial completion as of the date of this change order therefore is:
June 12, 2002

Approved:

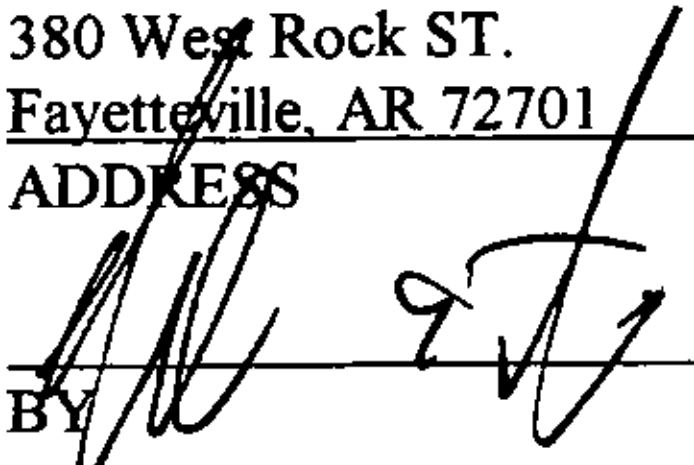
Daryl S. Rantis

ARCHITECT

380 West Rock ST.

Fayetteville, AR 72701

ADDRESS

BY 

DATE 4.1.02

Agreed To:

Harrison Davis

CONTRACTOR

1931-A West Dean Street

Fayetteville, Arkansas 72703

ADDRESS

BY 

DATE 4-1-02

Authorized:

Mayor Dan Coody

OWNER

City of Fayetteville

113 West Mountain

Fayetteville, Arkansas 72701

ADDRESS

BY

DATE

**DARYL S. KANTIS
ARCHITECTS, P.A.**
380 West Rock Street
Fayetteville, AR 72701
(501) 443-9112

Change order: #2 cont.
Date: 3/12/2002

			<u>Additional Time</u>
Item #1	Make offical start date March 14, 2001 Building permit process extension	\$ 0.00	27 Days
Item #2	Delete all colored concrete	(\$ 8,067.00)	0 Days
Item #3	Delete 27 steel columns, Add rebar column	(\$ 1,050.00)	14 Days
Item #4	Delete 5/8" sheetrock above accoustic ceiling	(\$ 1,885.00)	0 Days
Item #5	Addition of horn strobes in restrooms	\$ 288.00	0 Days
Item #6	Addition for silt fence relocate & tree removal	\$ 1,135.00	0 Days
Item #7	Addition for extension of utilities for future facilities	\$14,919.00	7 Days
Item #8	Addition for extra site work	\$ 7,524.00	4 Days
Item #9	Addition for slab edge turndown, delete grade beam	\$ 2,714.00	6 Days
Item #10	Addition for roof hatch to penthouse	\$ 1,476.00	3 Days
Item # 11	Additon for fiber mesh reinforcing to rat slab	\$ 191.00	0 Days
Item #12	Addition for epoxy floor in kitchen & bathroom	\$ 11,066.00	7 Days
Item #13	Delete wall mount water closets, add floor mount water closets	(\$ 1,038.00)	0 Days
Item #14	Delete built-in cabinets in pick-up room	(\$ 2,750.00)	0 Days
Item #15	Addition of roll-up security doors in kitchen and motor for large door	\$ 8,088.00	5 Days
Item #16	Addition of vents for crawl space	\$ 1,053.00	5 Days
Item #17	Document clarification & revisions	\$ 0.00	26 Days
TOTAL		<u>\$ 33,664.00</u>	104 Days

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

Vendor #:

73490

Vendor Name:

Harrison Davis Const.

Address:

1931 - A W. Deane St

FOB Point:

Fayetteville, AR

City:

Fayetteville

State:

AR

Zip:

72703

Ship To Code:

40

Requester:

Minor Wallace

*Requester's Employee#:

1099

Extension:

229

Requisition No.:

Date: 02-Feb-01

P.O. Number:

Expected Delivery Date:

Mail:

Yes ☐ No ☒ XX

Taxable:

Yes ☐ No ☒ XXX

Division Head Approval:

Minor Wallace

Item	Description:	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number:	Project/Sub Project Number:	Inventory #	Fixed Asset #
1	Change Order # 2 - Fay. Sr. Center at Waxhaws				\$33,664.00	4470-9470-5804.00	96092		
2	to extend utilities, upgrade floor surface, add				\$0.00				
3	security doors for the kitchen area. Add addit.				\$0.00				
4	time for project delay due to no fault of contractor.				\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
	SHIPPING/HANDLING				\$0.00				

Special Instructions:

Subtotal: \$33,664.00

Tax:

TOTAL: \$33,664.00

Approvals:

Mayor:

Department Director:

Purchasing Manager:

Admin. Services Director:

Budget Coordinator:

Data Processing Mgr:

(archiving office use only)

**City of Fayetteville, Arkansas
Budget Adjustment Form**

**Senior Center
C. 4. Page 9**

Budget Year	Department: Sales Tax Capital Improvement Fund	Date Requested	Adjustment #
2002	Division:	04/16/2002	
	Program:		

Project or Item Requested:
Additional funding is requested for the Walker Senior Center Complex.

Project or Item Deleted:
None. Additional property tax revenue received is proposed for thi

Justification of this Increase:
Additional work items have been identified by the Council on Aging.

Justification of this Decrease:
The additional revenue is from a dedicated tax for the purposes of constructing the Walker Park Senior Center.

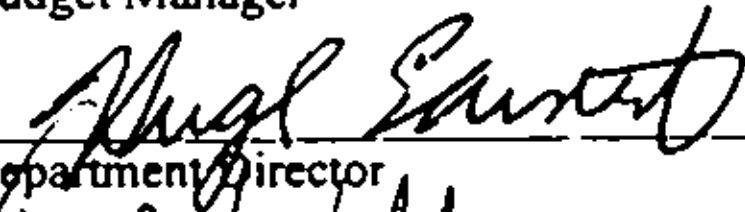
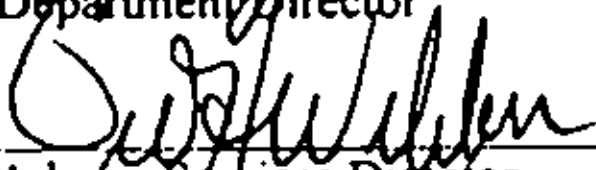
Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number				Project Number
Building Cost	54,100	4470	9470	5804	00	96092 1

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number				Project Number
Delinquent Property Taxes	54,100	4470	0947	4100	01	

Approval Signatures

Requested By	Date
	4-16-02
Budget Manager	Date
	6-6-02
Department Director	Date
	4/19/02
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 _____

City of Fayetteville, Arkansas

Walker Park Senior Center

Schedule of Resources Available

April 15, 2002

Budget (contract award to present)

Original Budget:

Community Development Fund	344,622
Parks Development Fund	383,895
Sales Tax Capital Improvement Fund - sales tax	176,000
Sales Tax Capital Improvement Fund - milage	1,000,000
Council on Aging (COA) Contribution	78,083

Original Resources Available/Original Contract Award	1,982,600
--	-----------

Additional Cost Incurred by City

Testing services	5,000
Tree removal	700
Advertising for bids	386

Total Additional Cost for City	6,086
--------------------------------	-------

Change Order(s)

Change Order 1 (COA committed to pay)	100,192
---------------------------------------	---------

Total Change Order(s) Authorized	100,192
----------------------------------	---------

Total Cost of Project to Date	2,088,878
-------------------------------	-----------

Pending Change Order

Change Order 2	33,664
----------------	--------

City of Fayetteville, Arkansas
Walker Park Senior Center
Schedule of Resources Available

Senior Center
C. 4. Page 11

April 15, 2002

Millage Revenue Budget	1,000,000
------------------------	-----------

Actual Collections

Property Taxes - 2001	1,052,731
Delinquent Property Taxes - 2001	8,420
Delinquent Property Taxes - 2002	54,949

Total Collections Compared to Budgeted Collections	<u>1,116,100</u>	<u>1,000,000</u>
--	------------------	------------------

Additional Millage Available	116,100
------------------------------	---------

Amount used in Roll-forward Budget Adjustment	<u>62,000</u>
---	---------------

Additional Amount Available to Budget	<u>54,100</u>
---------------------------------------	---------------

STAFF REVIEW FORM

Public Transit
C. 5. Page 1

- ☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of June 18th, 2002

FROM:

<u>Hugh Earnest</u>	<u>Urban Development</u>	<u>Urban Development</u>
Name	Division	Department

ACTION REQUIRED: A Resolution authorizing an appropriation of \$70,000.00 from the City of Fayetteville to Ozark Regional Transit for operation of Public Transit in Fayetteville and approval of a budget adjustment.

COST TO CITY:

<u>\$ 70,000</u>	<u>\$ 65,000</u>	
Cost of this Request	Category/Project Budget	Category/Project Name
<u>2100-4100-5315-01</u>	<u>\$ 43,000</u>	<u>Operations & Admin</u>
Account Number	Funds Used to Date	Program Name
	<u>\$ 22,000</u>	<u>Street</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ☐ Budgeted Item ☒ Budget Adjustment Attached

[Signature] 6-6-02
 Budget Manager Administrative Services Director

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

<u><i>[Signature]</i></u> <u>6/6/02</u>	<u>ADA Coordinator</u>	<u> </u>
Accounting Manager Date		Date
<u><i>[Signature]</i></u> <u>6/6/02</u>	<u><i>[Signature]</i></u>	<u>6/6/02</u>
City Attorney Date	Internal Auditor	Date
<u>P. Vice</u> <u>6/6/02</u>		
Purchasing Officer Date		

STAFF RECOMMENDATION: Approval of the Resolution and Budget Adjustment

<u> </u>	<u> </u>	<u>Cross Reference</u>
Division Head	Date	
<u> </u>	<u> </u>	New Item: Yes No
Department Director	Date	
<u><i>[Signature]</i></u>	<u>6/7/02</u>	Prev Ord/Res #: _____
Administrative Services Director	Date	
<u> </u>	<u> </u>	Orig Contract Date: _____
Mayor	Date	

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: May 29, 2002

To: The Mayor and Council

From: Hugh Earnest 
Urban Development Director

Subject: Funding Options for Public Transit

Background

As the Council knows, the funding for support of the City operated trolley system ceases on June 30th of this year. My earlier suggestion for use of Block Grant funds as a funding source for this operation was not acceptable and you have asked us to identify other options for continuing this service.

Current Status

Razorback Transit has expressed their willingness to service the area covered by our North (Poppy) route on July 1st. As we stated in our report to you, every effort will be made during the month of June to visit with all existing user groups to ensure that the transition is as smooth as possible. In addition, the contract for service that the University is still reviewing for 2002 will be modified as necessary to reflect the new operational conditions. The City has, for several years, contributed \$30,000 a year to Razorback Transit as partial support for their activities. I would be remiss if I did not compliment the Razorback Transit staff for their willingness in working with us and Ozark Regional Transit on this important public service.

Recommendation

The current funding source for the Trolley is the City Street Fund. A change in state law several years ago enables cities to allocate monies from this fund for support of transit. Ted Webber, Steve Davis and I have met on this issue and we concur that it is in the overall public interest to recommend that an appropriation not to exceed \$70,000 be made from the Street Fund to support this service. We are also convinced that we can secure a cash match valuation of at least \$30,000 for the trolleys purchased with local funds over the past several years. This level of City support will enable Ozark Regional Transit to secure a dollar for dollar match for an access-to-work program and will ensure the operation of an expanded trolley system through the end of 2003. This recommended use of local funds will be much simpler and far less complex than the use of CDBG funds. While I had recommended their use, I had also pointed out that the public hearing requirements and issues associated with purchase of services based on actual ridership made their use far more difficult.

**City of Fayetteville, Arkansas
Budget Adjustment Form**

**Public Transit
C. 5. Page 3**

Budget Year	Department: Public Works	Date Requested	Adjustment #
2002	Division: Street	June 6, 2002	
	Program: Operations & Administration		

Project or Item Requested: Additional funding is requested to fund a grant match for trolley services through the end of 2003.	Project or Item Deleted: None. Use of Street fund reserves is proposed for this adjustment.
--	---

Justification of this Increase: Sufficient funds exist in Street Fund Reserves to fund this request.	Justification of this Decrease: State law allows the use of State Turnback funds to be used for public transit needs.
--	---

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number	Project Number
Trolley Services	70,000	2100 4100 5315 01	

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number	Project Number
Use of Fund Balance	70,000	2100 0910 4999 99	

Approval Signatures <table style="width:100%;"> <tr> <td style="width:60%;">Requested By</td> <td style="width:40%;">Date</td> </tr> <tr> <td></td> <td>6-6-02</td> </tr> <tr> <td>Budget Manager</td> <td>Date</td> </tr> <tr> <td></td> <td>6/7/02</td> </tr> <tr> <td>Department Director</td> <td>Date</td> </tr> <tr> <td></td> <td>6/7/02</td> </tr> <tr> <td>Admin. Services Director</td> <td>Date</td> </tr> <tr> <td>Mayor</td> <td>Date</td> </tr> </table>	Requested By	Date		6-6-02	Budget Manager	Date		6/7/02	Department Director	Date		6/7/02	Admin. Services Director	Date	Mayor	Date	Budget Office Use Only <table style="width:100%;"> <tr> <td>Type:</td> <td>A</td> <td>B</td> <td>C</td> <td><u>D</u></td> <td>E</td> </tr> <tr> <td>Date of Approval</td> <td colspan="5"></td> </tr> <tr> <td>Posted to General Ledger</td> <td colspan="5"></td> </tr> <tr> <td>Posted to Project Accounting</td> <td colspan="5"></td> </tr> <tr> <td>Entered in Category Log</td> <td colspan="5"></td> </tr> </table>	Type:	A	B	C	<u>D</u>	E	Date of Approval						Posted to General Ledger						Posted to Project Accounting						Entered in Category Log					
Requested By	Date																																														
	6-6-02																																														
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STAFF REVIEW FORM

Ward Boundaries
C. 6. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF June 18, 2002

MAYOR'S APPROVAL _____

FROM:

Kit Williams

Name

Legal

Division

City Attorney

Department

ACTION REQUIRED: An Ordinance Slightly Modifying The Boundaries Of Ward One
And Ward Two Of The City Of Fayetteville, Arkansas After The 2000 Federal Census

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

6/04/02

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

CROSS REFERENCE

Division Head

Date

New Item:

Yes

No

Department Director

Date

Previous Ordinance/Resolution No.: _____

Administrative Services Director

Date

6/4/02

Mayor

ORDINANCE NO. _____

AN ORDINANCE SLIGHTLY MODIFYING THE
BOUNDARIES OF WARD ONE AND WARD TWO
OF THE CITY OF FAYETTEVILLE, ARKANSAS
AFTER THE 2000 FEDERAL CENSUS

WHEREAS, A.C.A. §14-43-311 authorizes the City Council to redistrict wards when the City Council determines "the people can best be served by ... changing ward boundary lines "; and

WHEREAS, the City of Fayetteville ward boundaries were changed in May of 1998 following the Special 1996 Census to equalize population; and

WHEREAS, the precinct lines where Ward One and Ward Two join were slightly changed by the Washington County Election Commission affecting about 200 residents in each area; and

WHEREAS, the ward boundaries should now be changed to follow these new precinct lines so that the entire population in area A (as shown on the attached map) should be included in Ward Two and the population in area B should be included in Ward One.

WHEREAS, after this minor adjustment of Ward boundaries, the population of each Ward will be within .7% of its desired quarter of the City's population.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby determines that the people can best be served by slightly changing the boundary lines between Ward One and Ward Two to match the precinct lines and adopts and incorporates herein the map attached as Map #1 as the official Ward Boundary Map of the City of Fayetteville.

Section 2. That the City Council of the City of Fayetteville, Arkansas determines as a result of this change all of the area denoted as area A shall be included within Ward 2 and all of area B shall be included in Ward 1.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby determines that after this minor change, no other change of the boundary lines of the City Wards are necessary as a result of the 2000 Federal Census as the population of all wards are equalized as much as possible.

PASSED and APPROVED this the ____ day of June, 2002.

APPROVED:

By: **DRAFT**

DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

PROPOSED WARD BOUNDARY ADJUSTMENTS

The results of the 2000 Census has required that Washington County reapportion JP districts. As a result some of the voting precincts have been adjusted. It is important that our Wards also follow Precinct Boundaries.

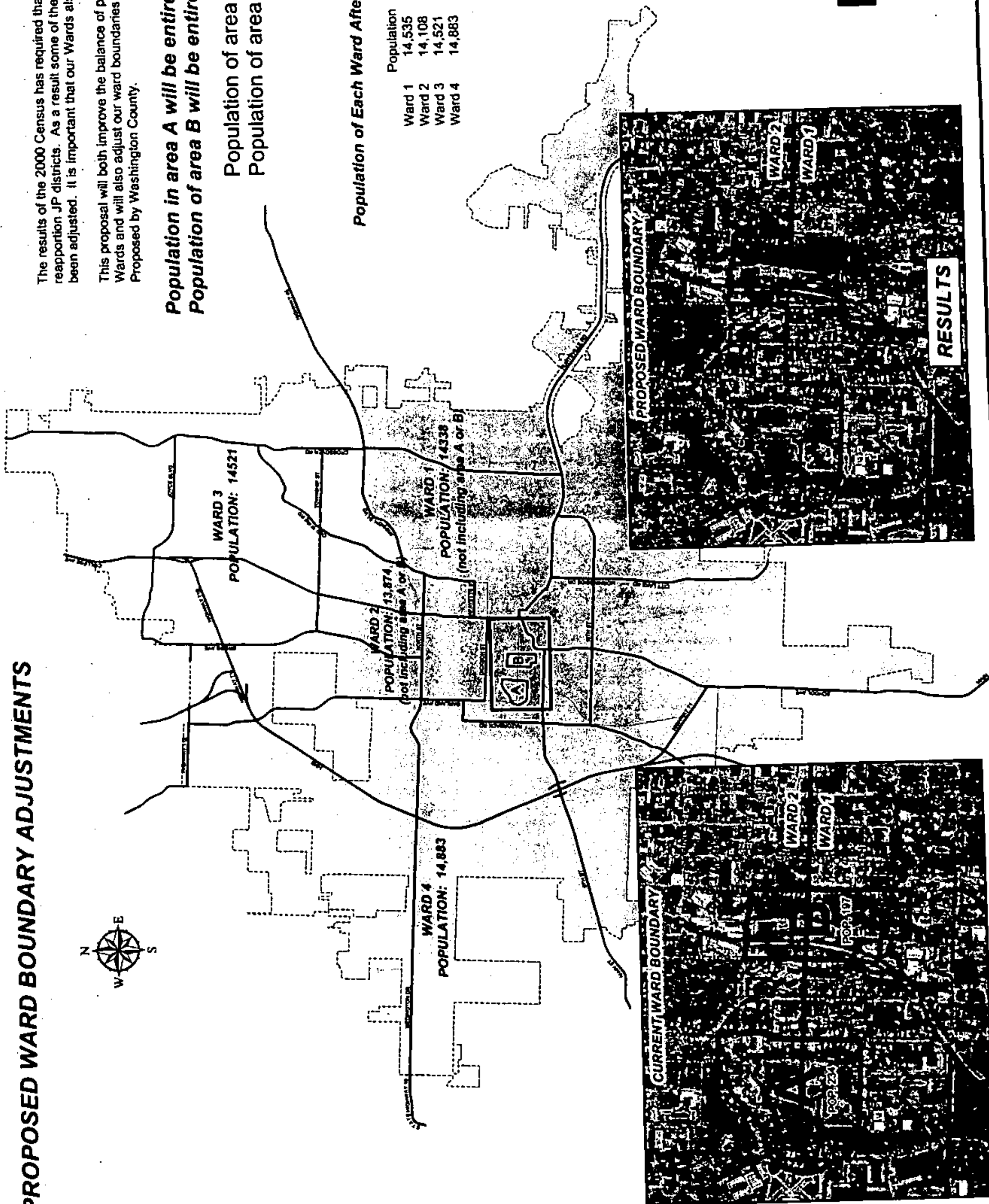
This proposal will both improve the balance of population between the Wards and will also adjust our ward boundaries to match the Precincts Proposed by Washington County.

Population in area A will be entirely included in Ward 2
Population of area B will be entirely included in Ward 1

Population of area A: 234
Population of area B: 197

Population of Each Ward After Proposed Change.

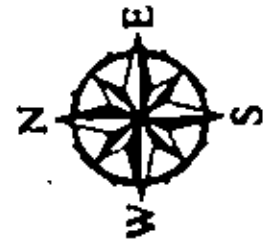
	Population	Percent
Ward 1	14,535	2504%
Ward 2	14,108	2430%
Ward 3	14,521	2502%
Ward 4	14,883	2564%



MAP # 1

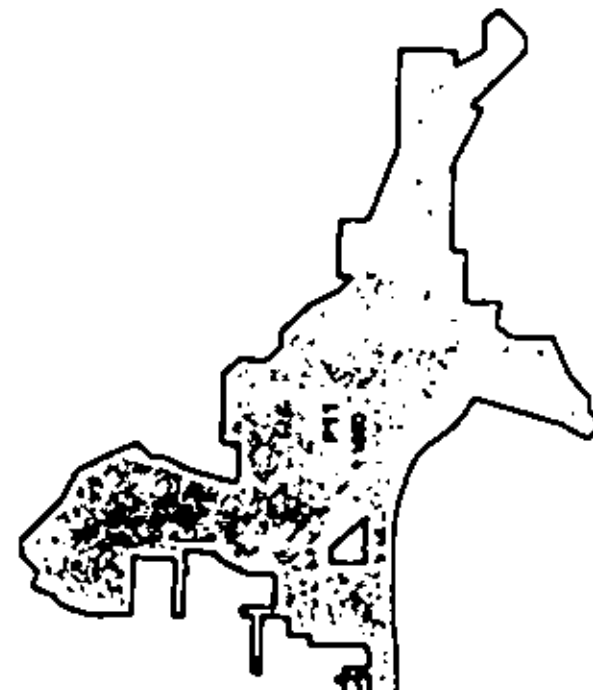
City of Fayetteville, Arkansas

Wards and Precincts



Population of Each Ward After Proposed
Change from MAP #1.

	Population	Percent
Ward 1	14,535	2504%
Ward 2	14,108	2430%
Ward 3	14,521	2502%
Ward 4	14,883	2564%



Wards
1
2
3
4

Precincts w/Population



MAP #2

Ward Boundaries
C. 6. Page 5

**DRAFT TENTATIVE AGENDA
CITY COUNCIL
JUNE 18, 2002**

A meeting of the Fayetteville City Council will be held on June 18, 2002 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

Working **2. APAC:** A resolution awarding Bid 02-34 and approval of contract with APAC-Arkansas, Inc. McClinton Anchor, in the amount of \$22,190.00 plus a 10% project contingency of \$2,212.90 and \$500.00 for testing for a total cost of \$24,841.90.

3. SOCCER UNIFORM: A resolution awarding Bid 02-27 to Score Uniforms at an estimated amount of \$19,000.00 for the Fall Season and \$5,000.00 for the Spring 2003 Season.

4. CENTRAL EMS: A resolution approving the renewal of the contract with Central Emergency Medical Services, Inc.

B. OLD BUSINESS

C. NEW BUSINESS

1. LIBRARY BOARD: An ordinance recognizing that the FPL and its Board are, and have been, operating and functioning as a duly authorized municipal library in accord with state and local law.

2. RZN 02-14.00: An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.

3. AIRPORT: A resolution approving a construction contract.

4. COUNCIL TOUR

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B. OLD BUSINESS

*Police retirement
VA*

C. NEW BUSINESS

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- ✓ **3. AIRPORT:** A resolution approving a construction contract. *

- 4. COUNCIL TOUR**

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STAFF REVIEW FORM

Description Purchase of Meredith property for the Research and Technology Park South

Meeting Date June 18, 2002

Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Reference Comments:

**City of Fayetteville, Arkansas
Budget Adjustment Form**

Budget Year 2002	Department: General Fund Division: Miscellaneous Program:	Date Requested May 7, 2002	Adjustment #
---------------------	---	-------------------------------	--------------

Project or Item Requested:
Additional funding is requested for the purchase of .44 acres located at Nonnamaker Drive.

Project or Item Deleted:
None. Funding for this transaction is from the sale of railroad right-of-way and a portion of the previous land sale to the University of Arkansas. The funds remaining from the previous sale to the U of A are in fund balance.

Justification of this Increase:
The additional funding is needed to purchase land adjacent to the 19th Street and School Avenue land purchase earlier this year.

Justification of this Decrease:
Not Applicable.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number	Project Number
Land	129,000	1010 6600 5805 00	

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number	Project Number
Gain/Loss of Sale of Assets	79,000	1010 0001 4881 02	
Use of Fund Balance	50,000	1010 0001 4999 99	

Approval Signatures

Requested By 	Date 5-7-02
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 _____

DEPARTMENTAL CORRESPONDENCE

June 4, 2002

TO: Fayetteville City Council

THRU: Dan Coody, Mayor
Hugh Earnest, Urban Development Director

FROM: Ed Connell, Land Agent

RE: Research & Development Park (South Side)
Meredith Property Purchase

The city and Mr. and Mrs. Darrel Meredith have entered into a contract for the purchase of a 0.4 acres tract of land at the corner of Nonnamaker Dr. and School Ave., across from Research Center Blvd. This property was listed "For Sale" in early May and the city needed to make an offer since this property, along with others around Nonnamaker Drive, had been designated for acquisition over time as part of the Research and Development Park associated with the "Genesis" program of the University of Arkansas.

The city had the property appraised and the appraisal amount of \$120,000 was accepted by Mr. and Mrs. Meredith. The property has a 3,400 ft² building on it which can be used for city storage instead of renting storage capacity as we do now. The subject building was most recently used by the World Boxing Federation and a number of years ago housed a shop and chrome plating concern. The city has hired Terracon, Inc. to sample the soils around the building for higher or hazardous levels of metals, the results of which are yet to be delivered. The results will be made known to you before you vote on this purchase. The budget adjustment is meant to cover this expense plus some anticipated building maintenance.

Attached you will find a copy of a general information memorandum you received late last month relative to the acquisition of properties associated with the eventual establishment of a Research and Development (Light Industry) Park near the Genesis Center. In association with this effort, the University is expanding the capability and function of the facilities at Engineering South and are in the process of acquiring properties on the west side of School Avenue and north of Cato Springs Rd. They purchased two parcels from the city earlier this year and are now looking to purchase the old railroad right of way between Garland and school that the city acquired from Burlington Northern/ Santa Fe in 1999. We are working on the documentation for that sale, the agreement which will be submitted for your approval in late July.

Since the Meredith property was about to be sold, it was prudent for the city to try and purchase at this time. Other properties from Nonnamaker to 22nd Street are currently being appraised although the city is not in a position to actually purchase at this time. We did not want someone else to buy it and then have the city try to purchase it a year later. We do not anticipate any additional purchases this year. Your approval of this contract is requested.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

DATE: May 21, 2002

TO: Fayetteville City Council Members

THRU: Dan Coody, Mayor 
Ray Bordreaux, Airport and Economic Development Director
John Maguire, Economic Development Coordinator
Greg Boettcher, Public Works Director
Jim Beavers, City Engineer

FROM: Ed Connell, Land Agent 

RE: Research & Technology Park (South Fayetteville)
Property Sales and Acquisition
FYI - General Update

During the past few months, the City and the University of Arkansas have been in the process of developing a plan that would provide for a Research & Technology Park area associated with Engineering South "Genesis" Center. Much of this plan is still in the development stage, however, the areas of interest by the University have been defined and both parties, in an effort of cooperation, are working toward that means.

As of now, the University is looking toward a major expansion of the Engineering South facilities. Over the past years, many a program has been developed by "Genesis", but minor and major business and industrial development has gone elsewhere. The endeavor of the U of A is to secure an area close to "Genesis" for R & T purposes, thus the city has been called upon to help in securing an area for future installation of intermediate or small industrial purposes. The U of A is looking to purchase properties along School Avenue from Town Branch south to Cato Springs Road. To this endeavor, they purchased two tracts of City land along Research Center Blvd. earlier this year. Some of that money was used, indirectly, for the City to purchase 32+/- acres on the east side of School Ave. from Mr. Bryan Walker III. This area is part of the U of A plan, however, their plan extends further south to include properties around Nonnamaker Dr. down to the north side of 22nd Street.

Mr. And Mrs. Kenneth Easterling own about 25 acres on the north and east sides of the "Genesis" Center. The U of A is currently in negotiations with Mr. Easterling for this acquisition. They have recently purchased two parcels of land from Dash Goff along School Ave. Eventually, they would like to go both east and west from the Research Center in the acquisition of land to go into this R & T Park. As parcels come on the market, they have the approval to make offers for this purpose. Part of the area they wish to acquire is the 100 foot wide abandoned railroad right of way that goes from Garland Ave. to School St. and is owned, by QCD, by the City. The City acquired this ROW in 1999 from Burlington Northern/ Santa Fe Railroad, the initial purpose was to develop a trail to the Industrial Park. The Railroad would only convey this in Quit Claim Deed, thus the city can only convey in QCD. The U of A has indicated that they

plan the installation of a trail along Town Creek in conjunction with the development of a recreation park on the Easterling property, north of the railroad corridor. It has been decided that this railroad bed will not be used for the installation of a new track to the Industrial Park. The City has obtained an independent appraisal of this 7.68 acres of RR ROW, that being \$79,000. At this point, it is the intention of the administration to sell the railroad right of way to the University and use such monies toward the purchase of a track of land (w/building) at the corner of Nonnamaker & S. School.

The property the city wishes to purchase belongs to Darrel and Ethel Meredith and was formerly used by the World Wrestling Federation on lease from Meredith. This property has been listed "For Sale" and according to the listing agent, a number of interested parties are looking at it for investment purposes. The parcel(s) is part of the area to be acquired for the R & T Park and it is considered prudent to move on this tract at the time it is for sale. An independent appraisal put the fair market value at \$120,000. This includes 0.44 acre of land and a main building of approximately 3,450 ft². The City is currently leasing space from Lazenby for storing equipment and this building can be used for that purpose. Some work (overhead door replacement) will be required on the building but it is in reasonable to good shape for the most part.

The city is preparing to make an offer of \$120,000 to Mr. and Mrs. Meredith on this property. Although other offers are pending, Mr. Meredith would prefer to work with the city, especially since the area has been designated for the eventual development of an R & T Park. The purchase of this property will not require new or additional public funds. In January, 2002, the city sold to the University two tracts of land for \$459,000. Of that income, \$360,000 was used in the purchase of 32 acres from Bryan Walker III on 19th and School, leaving a balance into the reserve fund of \$ 99,000. Of that reserve, \$25,000 was used for the Pay Plan Review, leaving a net balance in the reserve fund, from the above source, of \$74,000. We anticipate an overall cost of approximately \$129,000 for the purchase of, environmental testing and some minor repair work on the Meredith property. As indicated above, the sale of the railroad right of way will bring in approx. \$79,000, and the remaining \$50,000 will come from the reserve fund, leaving a net positive balance of \$24,000. Of that balance, approximately \$ 10,000-11,000 will be required to do the demolition and disposal of the old buildings on the Walker property.

<u>Activity</u>		<u>Value</u>	<u>To / From</u>	<u>Balance in</u>
		<u>\$</u>	<u>Reserve Fund</u>	<u>Reserve Fd.*</u>
			<u>\$</u>	<u>\$</u>
1.	Sale of 20 th Street Properties to U of A	459,000	459,000	459,000
2.	Purchase of Walker Property	360,000	-360,000	99,000
3.	Pay Plan Review	25,000	- 25,000	74,000
4.	Sale of RR ROW to U of A	79,000	79,000	154,000
5.	Purchase of Meredith Property	120,000	-120,000	34,000
6.	Meredith Prop. other Expenses	9,000	- 9,000	25,000
7.	Walker Prop Demo. & Disp.	11,000	- 11,000	14,000

* South Research & Development Park activities

Within the next month, agenda items will be presented to the City Council for (1) the sale of the railroad right of way between Garland and School to the U of A and (2) the purchase of the Meredith property. At this point, the administration does not anticipate any additional purchases in this area for the year 2002 due to limited resources. We will, however, be looking into obtaining independent appraisals for the 8-9 outstanding parcels that will constitute the remainder of the R & T Park.

OFFER AND ACCEPTANCE CONTRACT

1. The City of Fayetteville, Arkansas, a municipal corporation, hereinafter referred to as the Buyer, offers to buy, subject to the terms and conditions set forth herein, the following described property:

PROPERTY DESCRIPTION

A part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 21, Township 16 North of Range 30 West, being more particularly described as beginning at a point which is 715.81 feet South and North 88° 58' 00" West 482.56 feet from the Northeast corner of said forty acre tract and running thence South 09° 04' 00" West 65.0 feet; thence running North 88° 58' 00" West 200.00 feet to the East right of way line of U. S. Highway 71(now 71-B); thence North 09° 04' 00" East along said right of way line 65.0 feet; thence South 88° 58' 00" East 200.00 feet to the Point of Beginning, containing 0.30 acre, more or less. Also, a part of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 21, Township 16 North of Range 30 West, being more particularly described as beginning at a point which is 780.81 feet South and 685.0 feet West from the Northeast corner of said forty acre tract, said point being on the East right of way line of U. S. Highway 71 (now 71-B); thence South 09° 04' 00" East 40.0, thence East 150.0 feet; thence North 09° 04' 00" East 40.0 feet; thence North 88° 58' 00" West 150.0 feet to the Point of Beginning, containing 0.14 acre, more or less.

2. **Purchase Price:** Subject to the following conditions, the Buyer shall pay for the property at closing, the total and cash payment of **\$120,000.00**.
3. **Contingent Earnest Money Deposit:** The Buyer herewith tenders a check for **\$3,600.00** to **Darrel Meredith Jr. and Ethel Meredith**, husband and wife, hereinafter referred to as the Seller, as earnest money, which shall apply on the purchase price. This offer of purchase is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, the earnest money deposit will be returned to the Buyer by the Seller. If title requirements are not fulfilled or the Seller fails to fulfill any obligations under this contract, the earnest money shall be promptly refunded to the Buyer. If the Buyer fails to fulfill his obligations under this contract or after all conditions have been met, the Buyer fails to close this transaction, the earnest money shall become liquidated damages to the Seller and the Seller's exclusive remedy.
4. Conveyance will be made to the Buyer by general Warranty Deed, except it shall be subject to recorded instruments and easements, if any, which do not materially affect the value of the property. Such conveyance shall include mineral rights owned by the Seller.
5. The Seller shall furnish a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the Buyer. The cost of such title insurance shall be that of the Seller.
6. Seller agrees to allow Buyer, if Buyer so desires, at Buyer's expense, to survey the property. Seller agrees to cure any title problems which may result from any differences between the recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the Buyer

OFFER AND ACCEPTANCE CONTRACT

Page 2 of 4

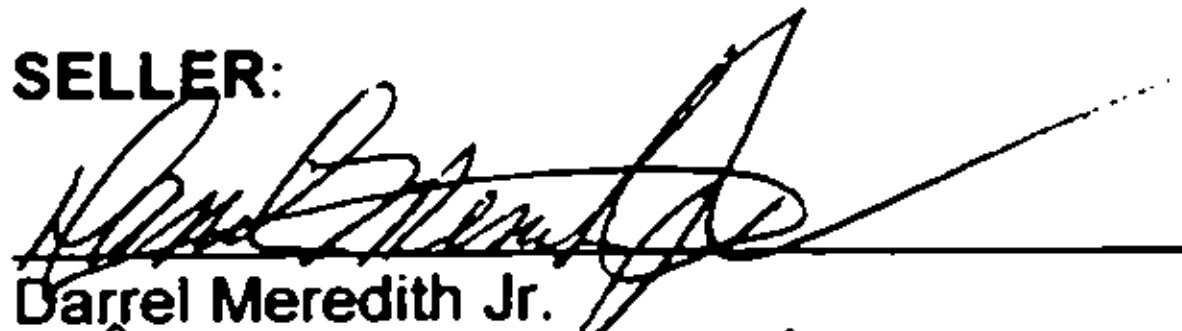
7. Taxes and special assessments due on or before closing shall be paid by the Seller. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of closing.
8. The closing date is designated to be within **Thirty (30)** days after approval of this Contract by the Fayetteville City Council. This Contract will be submitted to the Fayetteville City Council within four (4) weeks of the date of Seller's signature.
9. Closing costs, except for those items heretofore mentioned, shall be shared equally between Buyer and Seller.
10. Possession of the property shall be delivered to the Buyer on the date of closing.
11. Seller hereby grants permission for the Buyer or its employees or designates to enter the above described property and improvements for the purpose of inspection and/or surveying.
12. All fixtures, improvements and attached equipment are included in the purchase price.
13. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the Seller.
14. Seller shall disclose to Buyer any and all environmental hazards of which Seller has actual knowledge. Upon acceptance of all conditions and terms of this Offer and Acceptance, Buyer shall bear the costs of any and all testing for the existence of environmental hazards. Should the existence of environmental hazards be determined, the Buyer has the unilateral right to void this Contract. The Buyer does not accept any ownership rights to the land nor responsibilities toward any environmental hazards that might be located thereon. However, the parties can agree to cure any environmental hazards without voiding this Contract.
15. This agreement shall be governed by the laws of the State of Arkansas.
16. This agreement, when executed by both the Buyer and the Seller shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.

OFFER AND ACCEPTANCE CONTRACT

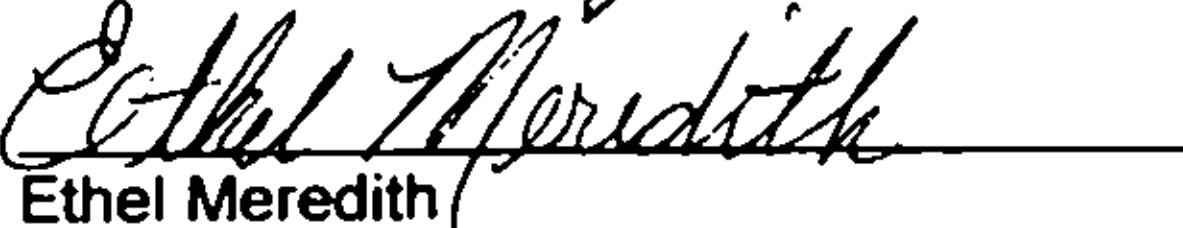
Page 3 of 4

17. This Contract expires, if not accepted by the Seller on or before the 25th day of May, 2002.
18. NOTICE: BUYER ASSERTS AND SELLER HEREBY ACKNOWLEDGES THAT THIS OFFER IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THIS OFFER OF PURCHASE BY THE CITY COUNCIL OF FAYETTEVILLE AND THAT THE FAILURE OF THE COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS OFFER NULL AND VOID, EXCEPT, THE \$3,600.00 EARNEST MONEY DEPOSIT WILL BE RETURNED TO THE BUYER BY THE SELLER.

SELLER:

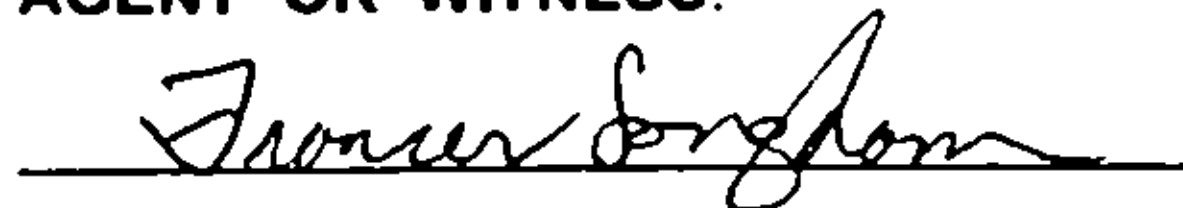

Darrel Meredith Jr.

Date: 5-21-02


Ethel Meredith

Date: 5-21-02

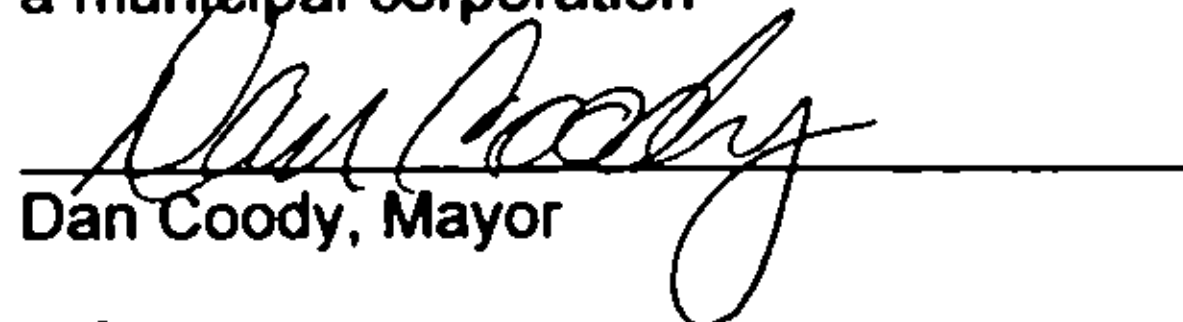
AGENT OR WITNESS:



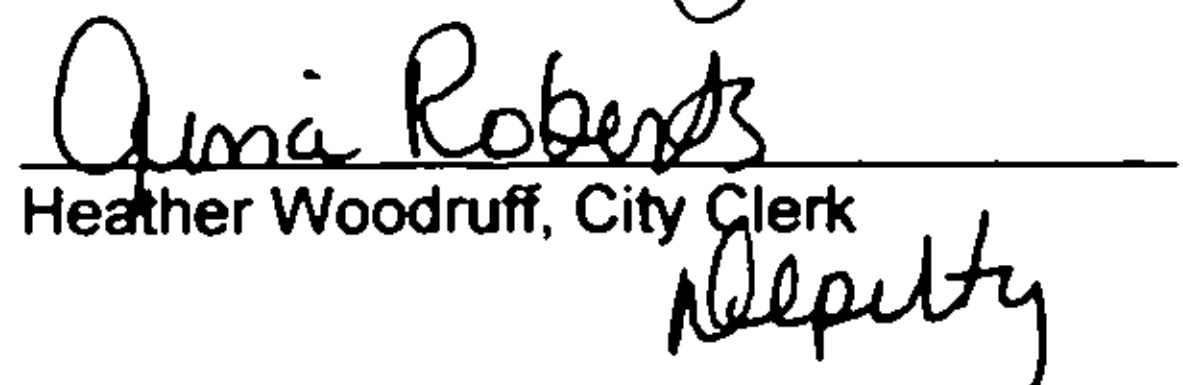
Date: May 21, 2002

BUYER:

City of Fayetteville, Arkansas,
a municipal corporation


Dan Coody, Mayor

Date: 5/14/02


Heather Woodruff, City Clerk
Deputy

Date: 5-14-02

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF WASHINGTON) ss.

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 **Darrel Meredith Jr. and Ethel Meredith**, husband and wife, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that **they** had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

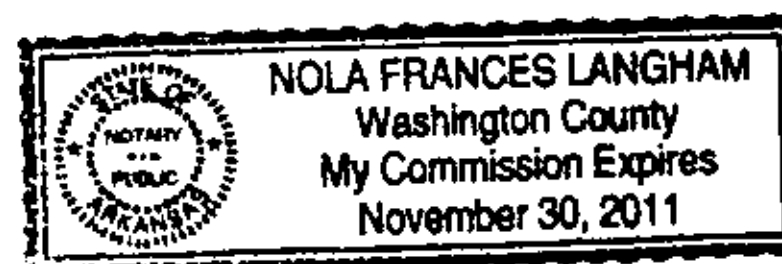
WITNESS my hand and seal on this 21 day of May, 2002.

Nola Frances Langham

Notary Public

MY COMMISSION EXPIRES:

11/30/2011



ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF WASHINGTON) ss.

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 **Dan Coody and Jina Roberts**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor and Deputy City Clerk of the City of Fayetteville, Arkansas**, a municipal corporation, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, 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.

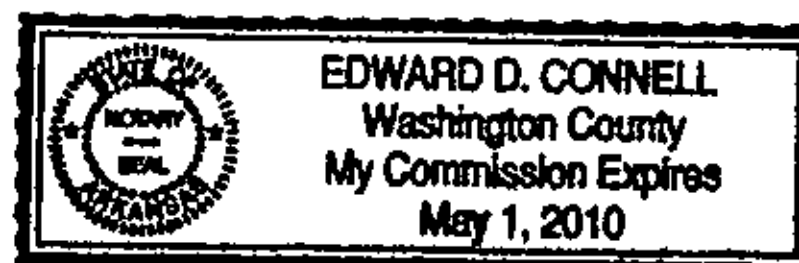
WITNESS my hand and seal on this 14th day of May, 2002.

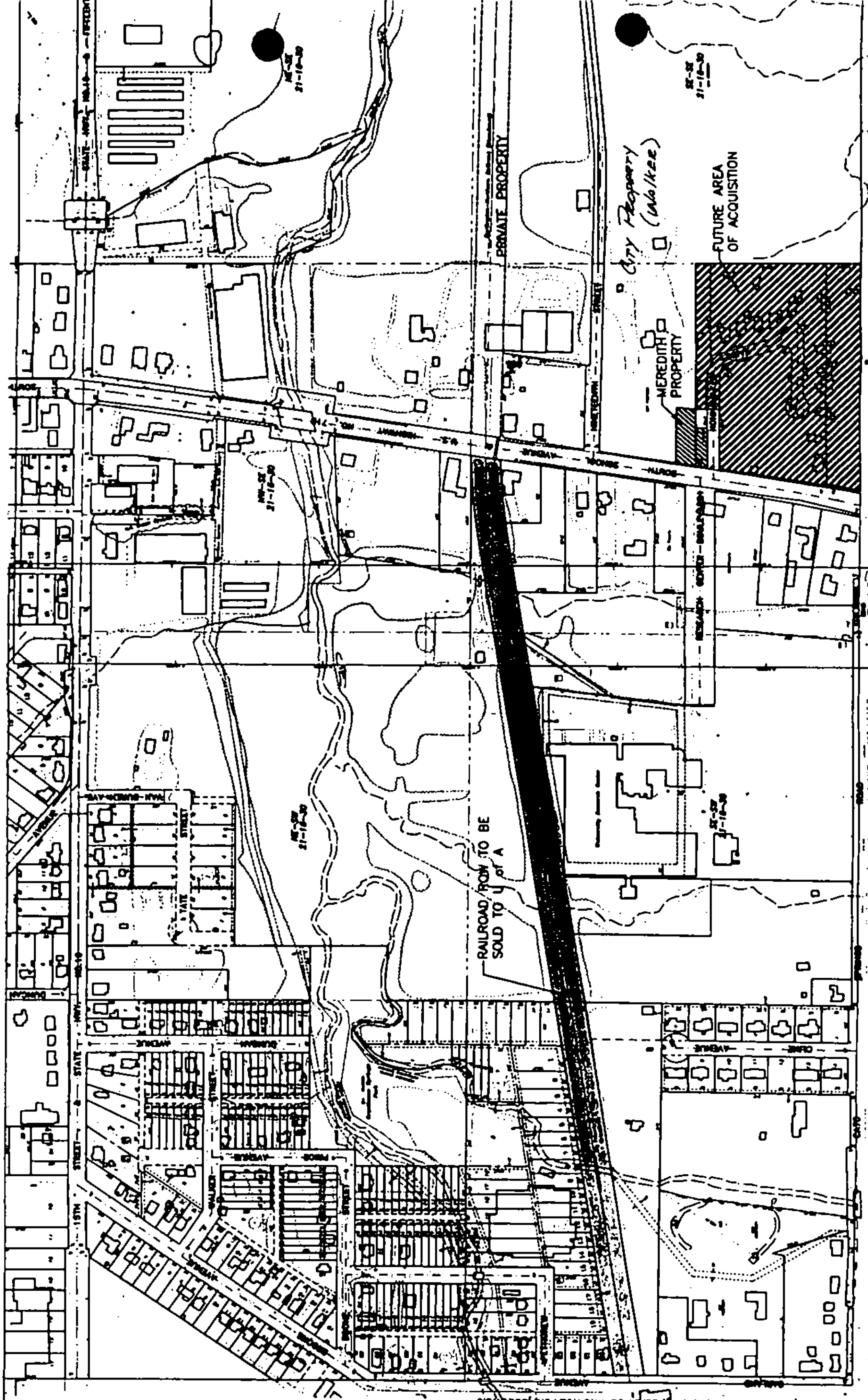
Edward D. Connell

Notary Public

MY COMMISSION EXPIRES:

05-01-2010





THE REAL ESTATE CONSULTANTS

118 N. East Ave.
P.O. Box 726
Fayetteville, AR 72702

• REALTORS • APPRAISERS • CONSULTANTS •

Phone (479) 442-0762

April 25, 2002

Mr. Ed Connell
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

RE: Appraisal Services – Darrel & Ethel Meredith
Parcel #s 765-15024-000 & 765-15008-001
2002 S. School Avenue & Adjacent Lot
Fayetteville, AR 72701

Dear Mr. Connell

In compliance with your request, and for the purpose of estimating the Market Value of the above captioned property, I hereby certify that I have personally inspected the property and made a survey of matters pertinent to the estimation of its value. The intended use of this appraisal report is for *Purchase Evaluation purposes of the City of Fayetteville*.

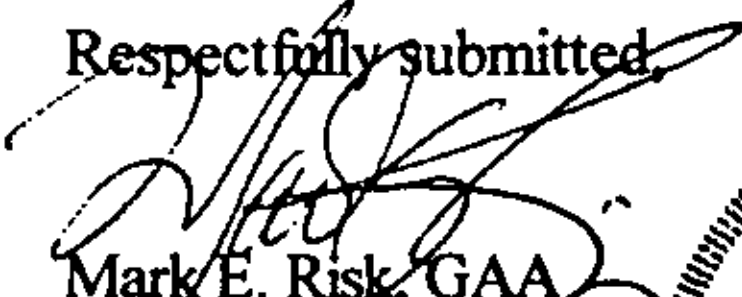
I further certify that I have no interest, present or contemplated, in the property under appraisal, and that the fee was not contingent upon the value estimate reported, nor based upon a percentage of the appraised value.

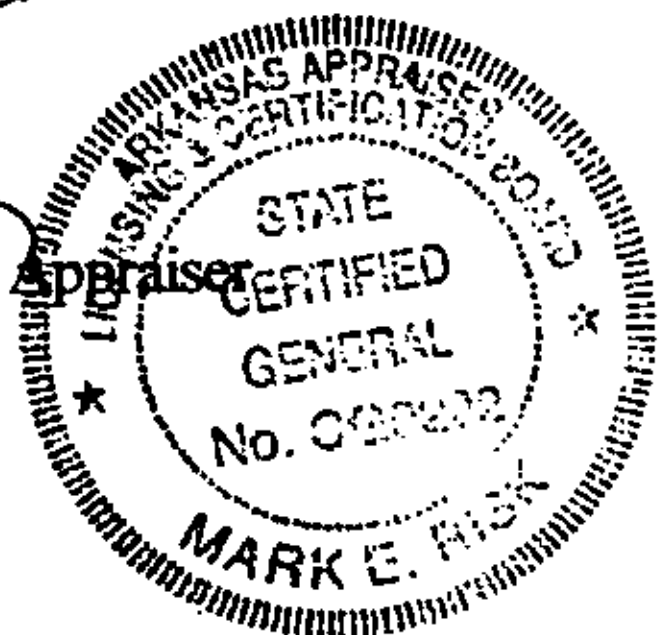
This report is considered a *Complete Summary Appraisal* and has been reported in a *summary narrative format*. The analysis is based upon information gathered from the owner, public records, MLS data, the appraiser's files, and other reliable sources, in addition to an exterior and interior inspection of the subject property and neighborhood. The report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Foundation. The appraiser has applied all three appraisal approaches to determine the Market Value of the subject. The opinions set forth are stated as of *April 25, 2002*. The effective date of this report is the date inspection – *April 9, 2002*.

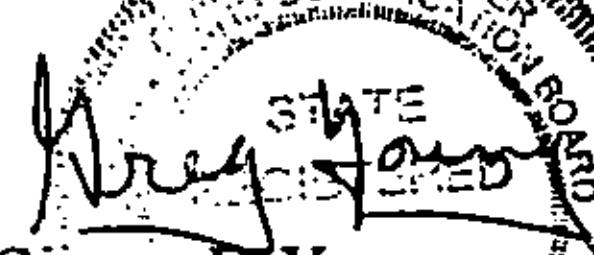
Based upon the inspection of the subject property and the investigation and analysis carried out in this report, it is the considered opinion of the appraiser that the Market Value of the subject property as of *April 9, 2002* and subject to the assumptions and limiting conditions set forth within the body of this report, is as follows:

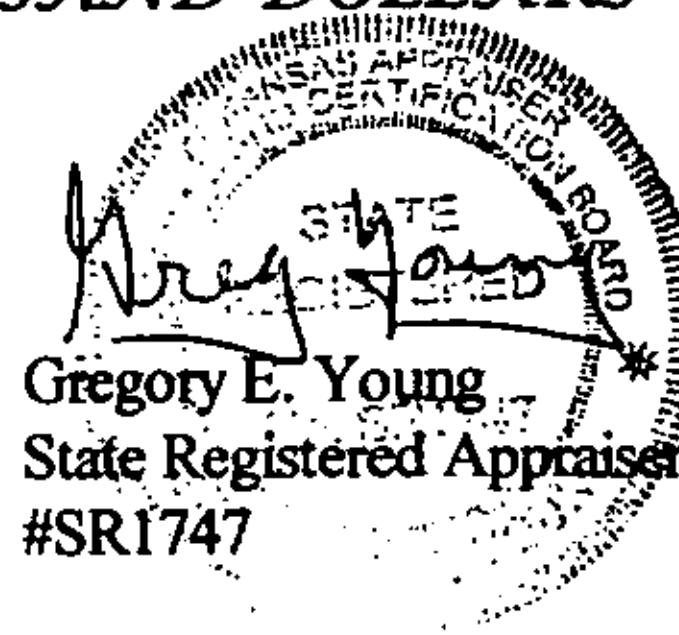
ONE HUNDRED & TWENTY THOUSAND DOLLARS
(\$120,000)

Respectfully submitted,


Mark E. Risk, GAA
State Certified General Appraiser
#CG0202




Gregory E. Young
State Registered Appraiser
#SR1747



WARRANTY DEED

HUSBAND AND WIFE CONVEYING AS TENANTS BY THE ENTIRETY, JOINTLY OR IN COMMON

AND ALL MEN BY THESE PRESENTS:

That we, Albert Miller and Grace Miller, husband and wife and Edna Staines, hereinafter called Grantors, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in us in hand paid by Darrel Meredith, Jr. and Ethel Meredith, husband and wife

hereinafter called Grantee, do hereby, grant, bargain and sell unto the said Grantee and Grantee's heirs and assigns, the following described land, situate in

Washington County, State of Arkansas, to-wit:

A part of the Southwest Quarter of the Southeast Quarter of Section 21, Township 16 North of Range 30 West, being more particularly described as beginning at a point which is 715.81 feet South and North 88 degrees 58 minutes West 482.56 feet from the Northeast corner of said forty acre tract, and running thence South 09 degrees 04 minutes West 65.0 feet, and running thence North 88 degrees 58 minutes West 200.0 feet to the East right of way line of U.S. Highway No. 71; thence North 09 degrees 04 minutes East along said right of way line 65.0 feet; thence South 88 degrees 58 minutes East 200.00 feet to the point of beginning, containing 0.30 acres, more or less. ALSO, A part of the Southwest Quarter of the Southeast Quarter of Section 21, Township 16 North of Range 30 West, being more particularly described as beginning at a point which is 780.81 feet South and 685 feet West of the Northeast corner of said forty acre tract, being the East right of way line of U.S. Highway No. 71, thence South 09° 04' ± 40 feet, thence East 150 feet, thence N 09° 04' E 40 feet, thence N 88° 58' W 150 feet to the point of beginning.

I CERTIFY UNDER PENALTY OF FALSE SWEARING THAT AT LEAST THE LEGALLY CORRECT AMOUNT OF DOCUMENTARY STAMPS HAVE BEEN PLACED ON THIS INSTRUMENT.

Signed: *[Signature]*
Grantee

[Signature]
Address

TO HAVE AND TO HOLD the said lands and appurtenances hereunto belonging unto the said Grantee and Grantee's heirs and assigns, forever. And we, the said Grantors, hereby warrant that we are lawfully seized of said land and premises, that the same is unincumbered, and that we will forever defend and uphold the title to the said land against all legal claims whatever.

And we, the respective Grantors, hereby release and relinquish unto the said Grantee our respective claims, demands and demands in and to said lands.

WITNESS our hands and seals on the 26th day of March, 1932.

THE INSTRUMENT PREPARED BY:

STATE OF ARKANSAS

County of Washington

Albert Miller

Edna Staines

Darrel Meredith, Jr.

Ethel Meredith

My Commission Expires

3-26-32

FILE FOR RECORD
26 OCT 26 PM 3 25
WASHINGTON CO ARK
A. KOLLMEYER
110
115
6031092 61777

Record 2 of 2

Parcel Number: 765-15008-001 **Type:** CI
Location Address: 2002 S SCHOOL AVE
Owner name: MEREDITH, DARREL, JR. & ETHEL
Mailing Address: PO BOX 1143 FAYETTEVILLE AR 72702
Lot: **Block:** **S-T-R:** 21-16-30
Addition: 21-16-30 FAYETTEVILLE OUTLOTS
School District: FAYETTEVILLE SCHOOLS
City: FAYETTEVILLE
Legal: PT SW SE .15 A.

Current Year A79 Credit Status:

Last Assessed: 2001	Appraised value	Taxable value
Land	16,350	3,270
Improvement	15,950	3,190
Total	32,300	6,460

2001 Tax Information

Ad Valorem Tax	Imp. Dis. Tax	Timber Tax	Voluntary Tax	Total Tax	Total Tax Paid	A79 Status	Payment Status
\$335.66	\$0.00	\$0.00	\$0.00	\$335.66	\$0.00		

**Structure
Number**

Business Name

Age or Year Constructed

Heated Area

01

**WRESTLING
WHSE**

1955

0

Structure Sketch

```

.....27.....
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9          :   
6      WHSE(3582) : 
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:      42.....

```

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
01/01/90	1339	529	MEREDITH, DARREL, JR. & ETHEL	P.O. BOX 1143	WD	75,000	165.00

Transfer price appears excessive - more information is needed to validate.

[Return to List](#)[Return to Search](#)[Parcel Map/Plat](#)[Previous](#)

[Return to List](#)[Return to Search](#)[Parcel Map/Plat](#)

Record 1 of 1

Parcel Number: 765-15024-000 **Type:** CV
Location Address: 0
Owner name: MEREDITH, DARREL, JR. & ETHEL
Mailing Address: PO BOX 1143 FAYETTEVILLE AR 72702
Lot: **Block:** **S-T-R:** 21-16-30
Addition: 21-16-30 FAYETTEVILLE OUTLOTS
School District: FAYETTEVILLE SCHOOLS
City: FAYETTEVILLE
Legal: PT SW SE .30A

Current Year A79 Credit Status:

Last Assessed: 2001	Appraised value	Taxable value
Land	32,650	6,530
Improvement	0	0
Total	32,650	6,530

2001 Tax Information

Ad Valorem Tax	Imp. Dis. Tax	Timber Tax	Voluntary Tax	Total Tax	Total Tax Paid	A79 Status	Payment Status
\$339.30	\$0.00	\$0.00	\$0.00	\$339.30	\$0.00		

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
10/26/89	1339	529	MEREDITH, DARREL, JR. & ETHEL	P.O. BOX 1143	WD	75,000	165.00

ALSO 765-15008-001

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
01/01/85	1009	69	MILLER, ALBERT & GRACE & WARD,	EDNA		0	0.00

[Return to List](#)[Return to Search](#)[Parcel Map/Plat](#)

PC Meeting of 25 March 02

FAYETTEVILLE

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

Alley Right of Way Vacation
Ken & Kathie Marvin

TO: Mayor Dan Coody
Fayetteville City Council
THRU: Hugh Earnest, Urban Development Director
FROM: Tim Conklin, City Planner
DATE: June 11, 2002

BACKGROUND

VA 02-01.00: Alley Vacation was submitted by Ken Marvin for property located at 828 and 830 South Rose Avenue, Lots 8-11, Block 5, Rochier Heights Addition. The request is to vacate a 20' wide unimproved alley located to the south of Lots 8 & 9 and to the north of Lots 10 & 11 in the above described Subdivision. See the attached maps and legal descriptions for the exact locations of the requested alley vacation.

A letter was received from an adjacent property owner that objects to the requested alley vacation. This letter has been included in the report.

CURRENT STATUS

The Planning Commission approved the requested alley vacation by a unanimous vote and forwarded the vacation to the City Council.

RECOMMENDATION

Staff recommends approval of the requested alley vacation subject to any additional development on lots owned by the applicant and adjacent to undeveloped right-of-way be approved as a large scale development.

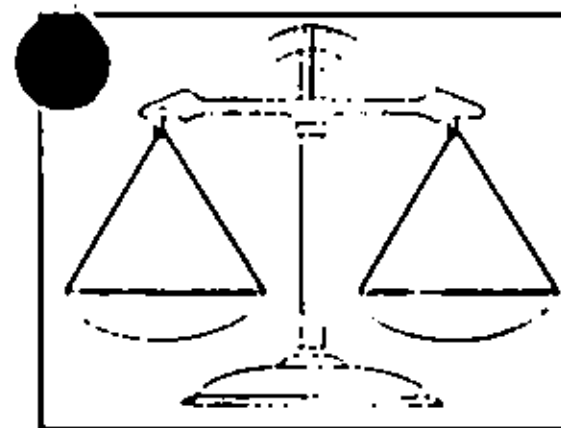
The large scale development process will allow staff, the Planning Commission, and adjoining and surrounding property owners an opportunity to address traffic, storm water runoff, and required street improvements for this undeveloped subdivision.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor

THRU: Heather Woodruff, City Clerk

FROM: Kit Williams, City Attorney

D. Whitaker
for Mr. Williams

DATE: June 19, 2002

RE: Passed Ordinances and Resolutions from City Council
meeting of June 18, 2002

The following Ordinances and Resolutions were passed at the last City Council meeting and are ready for the mayor's signature.

Enclosed are:

- Res. 93-02* 1. **APAC:** Resolution awarding Bid 02-34 and approval of contract w/ APAC-Arkansas, Inc. McClinton Anchor, in amount of \$22,190.00 plus 10% project contingency of \$2,212.90 and \$500.00 for testing for total cost of \$24,841.90.
- Res. 94-02* 2. **SOCCER UNIFORMS:** Resolution awarding Bid 02-27 to purchase soccer uniforms from Score Uniforms at an estimated amount of \$19,000.00 for the Fall Season.
- Res. 95-02* 3. **CENTRAL EMS:** Resolution approving renewal of contract w/Central Emergency Medical Services, Inc.

Res. 96-02 4. **BID 02-35:** Resolution awarding Bid 02-35 in the amount of \$70,200 to Industrial Maintenance Assistance for welding services.

Res. 97-02 5. **PLANNING COMMISSION APPEAL:** Resolution affirming the Planning Commission's denial of the Large Scale Development 02-7.00 submitted by Robert Schmitt and Brian Dandy for property located at the corner of Fletcher Avenue and Rodgers Drive.

Ord. 4402 6. **LIBRARY BOARD:** Ordinance recognizing that the FPL and its Board are, and have been, operating and functioning as the duly authorized municipal library in accord with state and local law.

Ord. 4403 7. **RZN 02-14.00:** Ordinance approving rezoning request as submitted by Raymond Smith on behalf of John & Janet Kesner for property located at the northeast corner of Crossover and East Zion Road, containing approximately 2.80 acres.

Res. 98-02 8. **SENIOR CENTER:** Resolution approving Change Order No. 2 to the contract w/Harrison Davis Construction in the amount of \$33,664.00 for the Senior Center and granting additional time to the contractor.

(a) *Res. 99-02* 9. **TROLLEY SERVICE:** a) Resolution to authorize transfer of
(b) *Res. 100-02* all of the City's trolleys to Ozark Regional Transit in exchange for transportation services. b) Resolution approving the purchase of \$70,000.00 worth of transportation services for Fayetteville citizens from Ozark Regional Transit and to approve a budget adjustment of \$70,000.00.

Ord. 4404 10. **WARD BOUNDARIES:** Ordinance modifying the boundaries of Ward 1 and Ward 2 of the City of Fayetteville after the 2000 Federal Census.

**FINAL AGENDA CITY COUNCIL
JUNE 18, 2002**

A meeting of the Fayetteville City Council will be held on June 18, 2002 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

2. APAC: A resolution awarding Bid 02-34 and approval of contract with APAC-Arkansas, Inc. McClinton Anchor, in the amount of \$22,190.00 plus a 10% project contingency of \$2,212.90 and \$500.00 for testing for a total cost of \$24,841.90.

3. SOCCER UNIFORM: A resolution awarding Bid 02-27 to purchase soccer uniforms from Boone Uniforms at an estimated amount of \$19,000.00 for the Fall Season and \$5,000.00 for the Spring 2003 Season.

4. CENTRAL EMS: A resolution approving the renewal of the contract with Central Emergency Medical Services, Inc.

5. BID 02-35: A resolution awarding Bid 02-35 in the amount of \$70,200 to Industrial Maintenance Assistance for welding services.

B. OLD BUSINESS

1. RAZE AND REMOVAL: A resolution approving a raze and removal of house at 1200 S. Roberts as per Ordinance 3948. The item was tabled at the May 7, 2002 meeting. (Item will be tabled at the council meeting).

2. PLANNING COMMISSION APPEAL: Appeal of a Planning Commission Decision regarding LRD 02-7.00 for property located at the southwest corner of Fletcher Avenue and Rodgers Drive. The item was tabled at the May 7, 2002 meeting.

C. NEW BUSINESS

1. LIBRARY BOARD: An ordinance recognizing that the FPL and its Board are, and have been, operating and functioning as a duly authorized municipal library in accord with state and local law.

2. RZN 02-14.00: An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith on behalf of John & Janet Keener for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.

3. VA 02-1: An ordinance approving vacation request VA 02-1.00 as submitted by Ken and Kathie Marvin for property located in Rochier Heights Subdivision. The request is to vacate the alley between Lots 8, 9, 10 and 11 of Block 5.

4. SENIOR CENTER: A resolution approving Change Order No. 2 to the contract with Harrison Davis Construction in the amount of \$33,664 for the Senior Center and granting additional time to the contractor.

5. TROLLEY SERVICE: a) A resolution to authorize the transfer of all of the city's trolley to Ozark Regional Transit in exchange for transportation services.

b) A resolution to approve the purchase of \$70,000 worth of transportation services for Fayetteville citizens from Ozark Regional Transit and to approve a budget adjustment of \$70,000.

6. WARD BOUNDARIES: An ordinance modifying the boundaries of Ward 1 and Ward 2 of the City of Fayetteville after the 2000 Federal Census.

7. OFFER AND ACCEPTANCE: A resolution approving the offer and acceptance contract between the City and Darrell and Ethel Meredith for the purchase of 0.4 acres, including 3,400 square foot building at the corner of Nonemaker Street and School Avenue for a sum of \$120,000, plus closing costs, and an additional \$9,000 to cover environmental soil testing and building modifications for use as city storage.

FINAL AGENDA CITY COUNCIL

JUNE 18, 2002

A meeting of the Fayetteville City Council will be held on June 18, 2002 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**

2. APAC: A resolution awarding Bid 02-34 and approval of contract with APAC-Arkansas, Inc. McCannan Anchor, in the amount of \$22,190.00 plus a 10% project contingency of \$2,212.90 and \$500.00 for testing for a total cost of \$24,901.90.

3. SOCCER UNIFORM: A resolution awarding Bid 02-27 to purchase soccer uniforms from Score Uniforms at an estimated amount of \$19,000.00 for the Fall Season and \$5,000.00 for the Spring 2003 Season.

4. CENTRAL EMS: A resolution approving the renewal of the contract with Central Emergency Medical Services, Inc.

5. BID 02-35: A resolution awarding Bid 02-35 in the amount of \$70,200 to Industrial Maintenance Associates for welding services.

B. OLD BUSINESS

1. RAZE AND REMOVAL: A resolution approving a raze and removal of house at 1200 S. Roberts as per Ordinance 3948. The item was tabled at the May 7, 2002 meeting. (Item will be tabled at the council meeting)

2. PLANNING COMMISSION APPEAL: Appeal of a Planning Commission Decision regarding I SO 02-7 00 for property located at the southwest corner of Fletcher Avenue and Rodgers Drive. The item was tabled at the May 7, 2002 meeting.

C. NEW BUSINESS

1. LIBRARY BOARD: An ordinance recognizing that the FPL and its Board are, and have been, operating and functioning as a duly authorized municipal library in accord with state and local law.

2. RZN 02-14 00: An ordinance approving rezoning request RZN 02-14 00 as submitted by Raymond Smith on behalf of John & Janet Keshner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.

3. VA 02-1: An ordinance approving vacation request VA 02-1 00 as submitted by Ken and Kathie Marvin for property located in Rucker Heights Subdivision. The request is to vacate the alley between Lots 8, 9, 10 and 11 of Block 5.

4. SENIOR CENTER: A resolution approving Change Order No. 2 to the contract with Harrison Davis Construction in the amount of \$33,664 for the Senior Center and granting additional time to the contractor.

5. TROLLEY SERVICE: a) A resolution to authorize the transfer of all of the city's trolley to Ozark Regional Transit in exchange for transportation services.

b) A resolution to approve the purchase of \$70,000 worth of transportation services for Fayetteville citizens from Ozark Regional Transit and to approve a budget adjustment of \$70,000.

6. WARD BOUNDARIES: An ordinance modifying the boundaries of Ward 1 and Ward 2 of the City of Fayetteville after the 2000 Federal Census.

7. OFFER AND ACCEPTANCE: A resolution approving the offer and acceptance contract between the City and Darrell and Ethel Meredith for the purchase of 0.4 acres, including 3,400 square foot building at the corner of Nonamaker Street and School Avenue for a sum of \$120,000 plus closing costs, and an additional \$9,000 to cover environmental soil testing and building modifications for use as city storage.

FINAL AGENDA CITY COUNCIL

JUNE 18, 2002

A meeting of the Fayetteville City Council will be held on June 18, 2002 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

CONSENT AGENDA

28992 APPROVAL OF THE MINUTES

28993 APAC: A resolution awarding Bid 02-34 and approval of contract with APAC-

Arkansas, Inc. McClellan Anchor, in the amount of \$22,190.00 plus a 10% project contingency of \$2,219.90 and \$500.00 for testing for a total cost of \$24,841.90.

28994 SOCCER UNIFORM: A resolution awarding Bid 02-27 to purchase soccer uniforms from Score Uniforms at an estimated amount of \$19,000.00 for the Fall Season and \$5,000.00 for the Spring 2003 Season.

28995 CENTRAL EMS: A resolution approving the renewal of the contract with Central Emergency Medical Services, Inc.

28996 BID 02-35: A resolution awarding Bid 02-35 in the amount of \$70,200 to Industrial Maintenance Assistance for welding services.

OLD BUSINESS

1. RAZE AND REMOVAL: A resolution approving a raze and removal of house at 1200 S. Roberts as per Ordinance 3948. The item was tabled at the May 7, 2002 meeting. (Item will be tabled at the council meeting).

2. PLANNING COMMISSION APPEAL: Appeal of a Planning Commission Decision regarding LSD 02-7 00 for property located at the southwest corner of Fletcher Avenue and Rodgers Drive. The item was tabled at the May 7, 2002 meeting.

NEW BUSINESS

1. LIBRARY BOARD: An ordinance recognizing that the FPL and its Board are, and have been, operating and functioning as a duly authorized municipal library in accord with state and local law.

2. RZN 02-14.00: An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 285) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.

3. VA 02-1: An ordinance approving vacation request VA 02-1.00 as submitted by Ken and Kathie Marvin for property located in Rocher Heights Subdivision. The request is to vacate the alley between Lots 8, 9, 10 and 11 of Block 5.

4. SENIOR CENTER: A resolution approving Change Order No. 2 to the contract with Harrison Davis Construction in the amount of \$33,684 for the Senior Center and granting additional time to the contractor.

5. TROLLEY SERVICE: a) A resolution to authorize the transfer of all of the city's trolley to Ozark Regional Transit in exchange for transportation services.

b) A resolution to approve the purchase of \$70,000 worth of transportation services for Fayetteville citizens from Ozark Regional Transit and to approve a budget adjustment of \$70,000.

6. WARD BOUNDARIES: An ordinance modifying the boundaries of Ward 1 and Ward 2 of the City of Fayetteville after the 2000 Federal Census.

7. OFFER AND ACCEPTANCE: A resolution approving the offer and acceptance contract between the City and Darrell and Ethel Meredith for the purchase of 0.4 acres, including 3,400 square foot building at the corner of Nonamaker Street and School Avenue for a sum of \$120,000 plus closing costs, and an additional \$9,000 to cover environmental soil testing and building modifications for use as city storage.



City Skeptic

NORTHWEST ARKANSAS EDITION

Arkansas Democrat Gazette

AFFIDAVIT OF PUBLICATION

I, Diane Williams, do solemnly swear that I am
Legal Clerk of the Arkansas Democrat-Gazette newspaper, printed and
published in Lowell, Arkansas, and that from my own personal knowledge
and reference to the files of said publication, the advertisement of:

Agenda was inserted in the regular editions on
7/15/02.

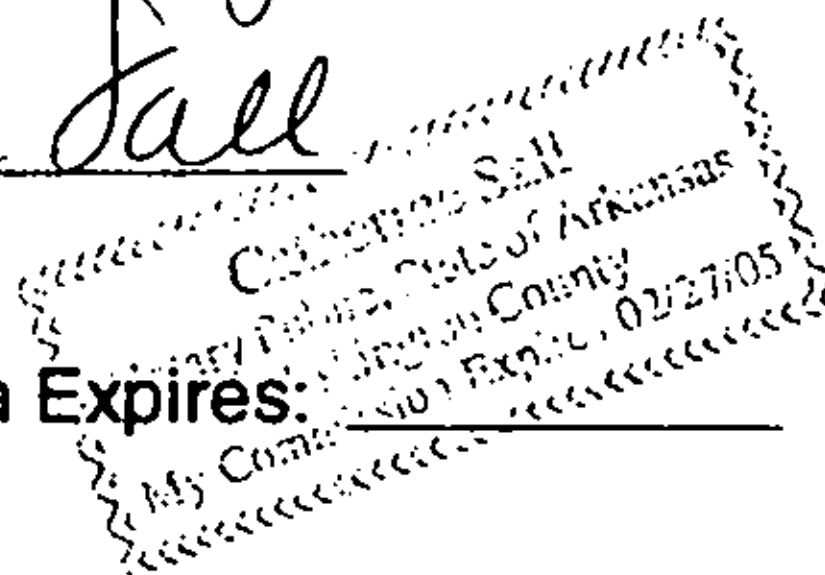
** Publication Charge: \$ 215.84

Subscribed and sworn to before me this

15 day of July, 2002.

Catherine Fall
Notary Public

My Commission Expires:



** Please do not pay from Affidavit.
An invoice will be sent.

RECEIVED

JUL 17 2002

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

07-17-02A09:06 RCVD

**FINAL AGENDA
CITY COUNCIL
JULY 16, 2002**

A meeting of the Fayetteville City Council will be held on July 16, 2002 at 8:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.



NOMINATING COMMITTEE REPORT

A. CONSENT

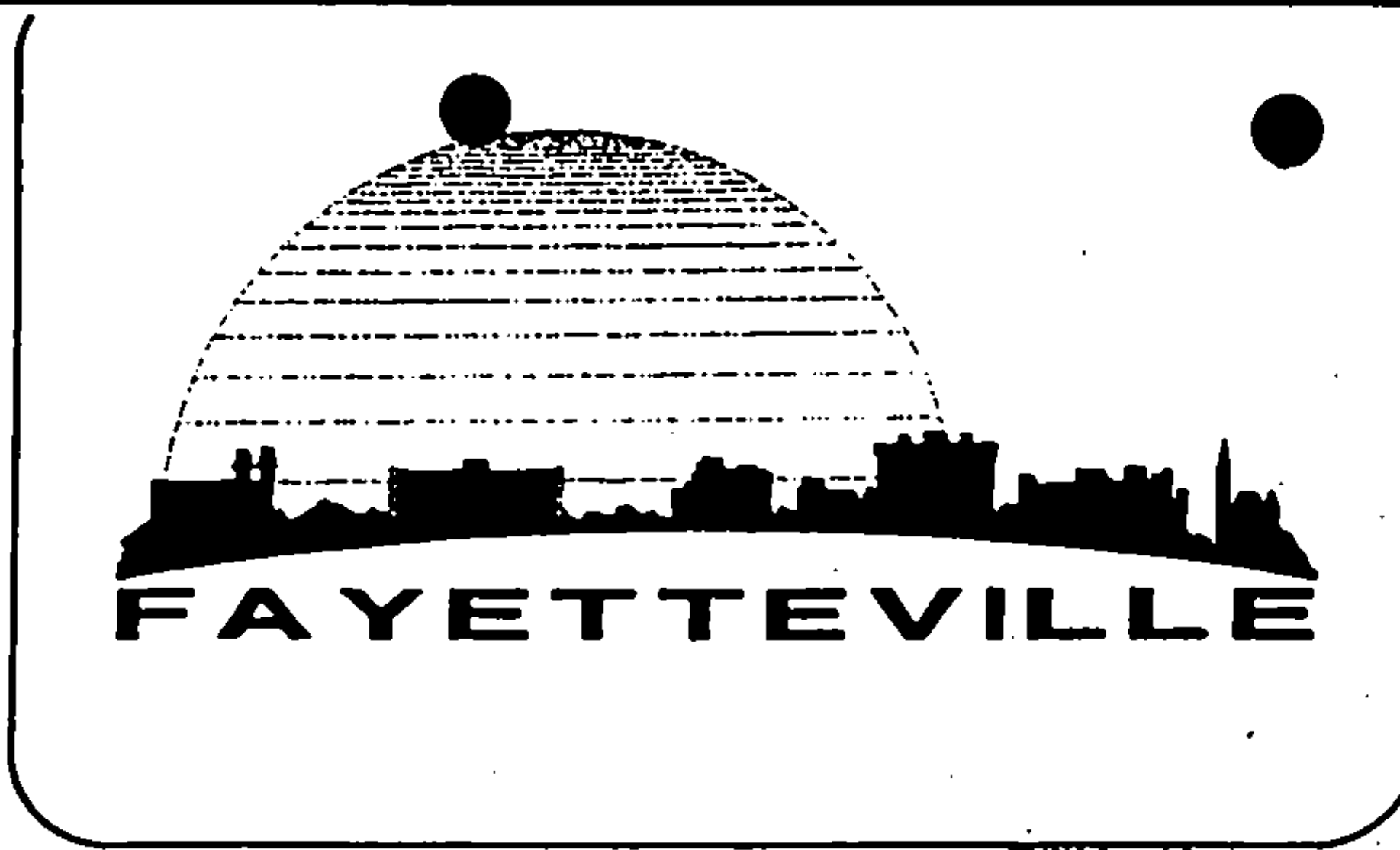
1. APPROVAL OF MINUTES
2. LIBRARY: A resolution approving amendments 11, 12, and 13 to the contract with Meyer, Scherer and Rockcastle LTD for items associated with the off-site improvements. Total cost is \$22,680.
3. JOYCE & MUD CREEK TRAIL: A resolution approving Change Order No. 1 in the amount of \$113,030 for waterline replacement to the construction contract with Jerry D. Sweetser for the projects entitled 'Joyce Boulevard Trail and Eastern Mud Creek Trail Construction'; and approval of a 15% contingency in the amount of \$16,955.
4. LAW ENFORCEMENT BLOCK GRANT: A resolution approving the application for the 2002 Local Law Enforcement Block Grant in the amount of \$32,217.00. This grant requires a 10% match of \$3,580.00 for a total project of \$35,797.00. This grant will be used to purchase video equipment to be placed in patrol cars.
5. BID 02-28: A resolution awarding Bid 02-28 in the amount of \$59,950.00 plus \$3,154.00 tax from J.L. Shelton & Associates to provide power-assist, high density mobile shelving in the Property/Evidence Room at the Fayetteville Police Department and approval of a budget adjustment.
6. BID 02-40: A resolution awarding Bid 02-40 to Temple, Inc. in the amount of \$170,919 for LED Traffic Signal Lenses to replace all traffic lenses and 110 volt incandescent bulbs in Fayetteville.
7. SALES TAX INFORMATION: A resolution expressing support for amending the State Sales Tax laws to allow for sharing of detailed information with City's Chief Financial Officer. The information shared would be exempt from FOIA.
8. BID 02-25: A resolution awarding Bid 02-25 to Leeco, Inc. Fire Equipment Sales for firefighters protective equipment and approval of a budget adjustment.
9. HUNT CLUB SUBDIVISION: A resolution authorizing the City Attorney to seek an injunction if necessary against the developer of the Hunt Club Subdivision to compel the installation of street lighting as required under Section 166.03 of the Unified Development Ordinance.
10. WATER SERVICE AREA: A resolution to modify the existing exclusive water service area line between Fayetteville and Springdale to transfer approximately 340 acres in the City of Johnson into Springdale's service area.

B. OLD BUSINESS

1. RZN 02-15.00: An ordinance approving rezoning request RZN 02-15.00 as submitted by Dave Jorgensen on behalf of Larry Garriott for property located north of Penammon Street and west of 46th Street. The property is zoned A-1, Agricultural and contains approximately 67.82 acres. The request is to rezone to R-1, Low Density Residential; and to accept the attached Bill of Assurance. The ordinance was left on the first reading at the July 2, 2002 meeting.
2. OUTDOOR MUSIC ESTABLISHMENT: An ordinance adding a definition of 'Outdoor Music Establishment' to Chapter 151 Definitions of the Unified Development Ordinance and adding Section 163.30 to the Unified Development Ordinance to make an Outdoor Music Establishment a Conditional Use in specified zoning districts. The ordinance was left on the first reading and sent to Ordinance Review Committee at the July 2, 2002 meeting.
3. RZN 02-7.00: An ordinance approving rezoning request RZN 02-7.00 as submitted by Lindsey and Associates on behalf of the Estate of Marie Franke Hughes for property located west of Porter Road and north of Valley Drive. The property is zoned R-1, Low Density Residential and contains approximately 11.94 acres. The request is to rezone to RMF-12, Moderate Density Family Residential. The ordinance was tabled on the first reading at the May 7, 2002 meeting.

C. NEW BUSINESS

1. SUPERIOR INDUSTRIES: A resolution approving the grant agreement with the Arkansas Department of Economic Development for a parking lot expansion by Superior Industries and a sidewalk installation by Danaher Tools, Inc. and approval of a budget adjustment.
2. RZ 93-60.00: An ordinance approving the nullifying and revoking rezoning Ordinance 3750 for property described in zoning petition RZ 93-60 for a parcel containing 0.97 acres located at 2220 E. Huntville Road from R-1, Low Density Residential District to I-2, General Industrial District.
3. RZN 02-14.00: An ordinance approving the nullifying, revoking, and replacing Ordinance 4403 for property described in zoning petition RZN 02-14 for a parcel containing 3.12 acres located at the northeast corner of Crossover and East Zion Road from A-1, Agricultural to R-O, Residential Office. The intent is to modify the legal description of the requested rezoning.
4. PLANNING COMMISSION APPEAL: An appeal of a Planning Commission decision regarding Preliminary Plat for Brookstone Subdivision.
5. GARLAND AVE.: A resolution approving a construction contract with ??? in the amount of \$??? for Garland Ave. (Maple to North St.) water and sewer relocation project, approval of a 15% project contingency in the amount of \$???; and approval of a budget adjustment. This project is necessitated due to the widening of Garland Ave. by the Arkansas Highway and Transportation Department.
*Information to be provided at City Council.
6. HANGAR REHAB: A resolution approving the construction contract with Marloni Construction Co. in the amount of \$241,416.00 for hangar rehabilitation.



City of Fayetteville

CITY CLERK'S OFFICE

113 W. Mountain St.
Phone: (501) 575-8323

Fayetteville, AR 72701
Fax #: (501) 718-7695

Fax Cover Sheet

To: Diane Williams

Company: Northwest Arkansas Times

Fax #: 442-1760

From: Leather Woodruff

Date: 06-14-02

Number of Pages (including cover sheet): 3

Notes: ① Please run in Monday's Paper, 6-17-02.

② 2 X 4

③ Please fax back a Proof!

Thanks!

If transmission cannot be read clearly, please call back as soon as possible.

Thank you.

passed at 2:25pm

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL JUNE 18, 2002

A meeting of the Fayetteville City Council will be held on June 18, 2002 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**
2. **APAC:** A resolution awarding Bid 02-34 and approval of contract with APAC-Arkansas, Inc. McClinton Anchor, in the amount of \$22,190.00 plus a 10% project contingency of \$2,212.90 and \$500.00 for testing for a total cost of \$24,841.90.
3. **SOCCER UNIFORM:** A resolution awarding Bid 02-27 to purchase soccer uniforms from Score Uniforms at an estimated amount of \$19,000.00 for the Fall Season and \$5,000.00 for the Spring 2003 Season.
4. **CENTRAL EMS:** A resolution approving the renewal of the contract with Central Emergency Medical Services, Inc.
5. **BID 02-35:** A resolution awarding Bid 02-35 in the amount of \$70,200 to Industrial Maintenance Assistance for welding services.

B. OLD BUSINESS

1. **RAZE AND REMOVAL:** A resolution approving a raze and removal of house at 1200 S. Roberts as per Ordinance 3948. The item was tabled at the May 7, 2002 meeting. *(Item will be tabled at the council meeting).*
2. **PLANNING COMMISSION APPEAL:** Appeal of a Planning Commission Decision regarding LSD 02-7.00 for property located at the southwest corner of Fletcher Avenue and Rodgers Drive. The item was tabled at the May 7, 2002 meeting.

C. NEW BUSINESS

1. **LIBRARY BOARD:** An ordinance recognizing that the FPL and its Board are, and have been, operating and functioning as a duly authorized municipal library in accord with state and local law.
2. **RZN 02-14.00:** An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.
3. **VA 02-1:** An ordinance approving vacation request VA 02-1.00 as submitted by Ken and Kathie Marvin for property located in Rochier Heights Subdivision. The request is to vacate the alley between Lots 8,9,10 and 11 of Block5.
4. **SENIOR CENTER:** A resolution approving Change Order No. 2 to the contract with Harrison Davis Construction in the amount of \$33,664 for the Senior Center and granting additional time to the contractor.
5. **TROLLEY SERVICE:** a) A resolution to authorize the transfer of all of the city's trolley to Ozark Regional Transit in exchange for transportation services.
b) A resolution to approve the purchase of \$70,000 worth of transportation services for Fayetteville citizens from Ozark Regional Transit and to approve a budget adjustment of \$70,000.
6. **WARD BOUNDARIES:** An ordinance modifying the boundaries of Ward 1 and Ward 2 of the City of Fayetteville after the 2000 Federal Census.
7. **OFFER AND ACCEPTANCE:** A resolution approving the offer and acceptance contract between the City and Darrell and Ethel Meredith for the purchase of 0.4 acres, including 3,400 square foot building at the corner of Nonamaker Street and School Avenue for a sum of \$120,000 plus closing costs, and an additional \$9,000 to cover environmental soil testing and building modifications for use as city storage.