

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL AUGUST 20, 2002

A meeting of the Fayetteville City Council will be held on August 20, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

AUDIT COMMITTEE REPORT

A. CONSENT

1. **APPROVAL OF THE MINUTES**
2. **AUDIT SERVICES:** A resolution approving an agreement with Baird, Kurtz and Dobson (BKD) to provide the City of Fayetteville with independent audit services for calendar years 2002-2006.
3. **AIRPORT GRANT:** A resolution authorizing the application and acceptance of a FAA grant for design and engineering services for the extension of Taxiway A on the east side of the runway at Drake Field.
4. **AIRPORT PERSONNEL:** A resolution approving the addition of a new position to the airport staff of Flight Line Operations Supervisor.
5. **SOLIDWASTE CONTAINERS:** A resolution authorizing the purchase of additional two and eight yard containers for use by the Solid Waste and Recycling Commercial Customers. Purchase authorization up to \$72,758.
6. **BOYS AND GIRLS CLUB:** A resolution approving a change order to a cost share agreement in the amount of \$5,296.00 with the Fayetteville Youth Center for the installation of a haul road to the Donald W. Reynolds Boys and Girls Club Facility.
7. **DUNCAN AND ASSOCIATES:** A resolution approving the second amendment to the professional services agreement between the City of Fayetteville and Duncan Associates and to direct the consultants to prepare initial and final drafts of the water and wastewater impact fee ordinance.

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 Persimmon Street and west of 46th Street. The property is zoned A-1, Agricultural and contains approximately 57.82 acres. The request is to rezone to R-1, Low Density Residential; and to accept the attached Bill of Assurance. The ordinance was tabled on the second reading at the August 6, 2002 meeting.
2. **RZN 02-17.00:** An ordinance approving rezoning request RZN 02-17.00 as submitted by Dave Jorgensen on behalf of Bleaux Barnes and Sam Mathias for property located south of Deane Street, west of Sang Avenue and east of Porter Road. The property is zoned R-1, Low Density Residential and contains approximately 21.03 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential. The ordinance was left on the second reading at the August 6, 2002 meeting.

C. NEW BUSINESS

1. **OFF STREET PARKING:** An ordinance amending Section 172.01, Off-Street Parking Lot Design Requirement, of the UDO to provide a method for reducing off-street parking requirements for properties that share a common parking facility and to revise parking ratios for certain uses.
2. **OUTDOOR LIGHTING:** An ordinance that minimizes the impact of outdoor lighting on adjacent properties and improves nighttime visibility.
3. **RZN 02-21.00:** An ordinance approving rezoning request RZN 02-21.00 as submitted by Dixie Development for property located at 10 Bishop Drive and 35 Appleby Road. The property is zoned A-1, Agricultural and contains approximately 17.39 acres. The request is to rezone to R-O Residential Office.
4. **RZN 02-22.00:** An ordinance approving RZN 02-22.00 as submitted by Tom Shackelford for property located at 2975 Old Farmington Road. The property is zoned A-1, Agricultural and contains approximately 1.32 acres. The request is to rezone to R-1, Low Density Residential.

5. **ZONING CLASSIFICATION:** A resolution to be filed by the City Planner directing the Mayor, Urban Development Department and the City Planning Division to refer to the Planning Commission an official request for a rezoning study and zoning map amendment to change the zoning classification of an area shown as R-2, Medium Density Residential to R-1, Low Density Residential for those areas that have 15% or greater slope as depicted on the slope analysis map in General Plan 2020 and including other areas zoned R-2, where recorded platted subdivisions exist with substandard infrastructure.
6. **ADVERTISING:** Discussion regarding the city's advertising.
7. **AUTOMATED CARTS:** An ordinance establishing the rate structure and program parameters for an automated cart based on residential trash collection and disposal program.
8. **CONSOLIDATED WASTE MANAGEMENT PROGRAM:** A resolution adopting the action plan for implementation of Consolidated Waste Management Program and authorizing bidding for hauling services and container rental to assist in short-term implementation of plan.
9. **LOPFI 2:** A resolution moving the City of Fayetteville Police LOPFI retirement benefits from Plan 1 to Plan 2 as of October 1, 2002.

City Council August 20, 2002

	<u>Roll</u>		Consent		
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Marr	✓				
Bechard	✓				
Coody	✓				

Consent	BD DM.				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Marr	✓				
Bechard	✓				
Coody					

City Council August 20, 2002

22nd 02-15-00

Davis					
Santos					
Jordan					
Reynolds					
Thiel					
Young					
Marr					
Bechard					
Coody					

Handwritten note: JH m. talk.

22nd 02-17-00

KS 310

PASS

Davis	✓		✓		
Santos	✓		✓		
Jordan	✓		✓		
Reynolds	✓		✓		
Thiel	✓		✓		
Young	✓		✓		
Marr	✓		✓		
Bechard	✓		✓		
Coody					

City Council August 20, 2002

<i>off street parking</i>					
Davis					
Santos					
Jordan					
Reynolds					
Thiel					
Young					
Marr					
Bechard					
Coody					

<i>outdoor lighting</i>					
Davis					
Santos					
Jordan					
Reynolds					
Thiel					
Young					
Marr					
Bechard					
Coody					

City Council August 20, 2002

220 02-21.00
BD B1 2ND

Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Marr	✓				
Bechard	ASTAIN				
Coody	left on 2ND				

220 02-22.00
BD DM. 2ND

Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓	left on 2ND			
Young	✓				
Marr	✓				
Bechard	✓				
Coody					

City Council August 20, 2002

*2002
Classification*

*CS (new) change to consider 11
style
sec 253.*

	<i>T.B.</i>	<i>BD</i>	<i>KS</i>	<i>KS</i>		
Davis	✓	✓	✓	✓	*	*
Santos	✓	✓	✓	✓		
Jordan	✓	✓	✓	✓		
Reynolds	✓	✓	✓	✓		
Thiel	✓	✓	✓	✓		
Young	✓	✓	✓	✓		
Marr	✓	✓	✓	✓		
Bechard	✓	✓	✓	✓		
Coody		<i>S.4.</i>				

*Automated
Cont
Program*

Davis					
Santos					
Jordan					
Reynolds	<i>left for 1st.</i>				
Thiel					
Young					
Marr					
Bechard					
Coody					

City Council August 20, 2002

*Consolidate
Went to
Marty*

	<i>KS LG</i>				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Marr	✓				
Bechard	✓				
Coody					

LOP #2

	<i>B1 LG</i>				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Young	✓				
Marr	✓				
Bechard	✓				
Coody					

*Meeting
adjourned
12:30*

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL AUGUST 20, 2002

A meeting of the Fayetteville City Council will be held on August 20, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

AUDIT COMMITTEE REPORT

A. CONSENT

1. APPROVAL OF THE MINUTES

2. **AUDIT SERVICES:** A resolution approving an agreement with Baird, Kurtz and Dobson (BKD) to provide the City of Fayetteville with independent audit services for calendar years 2002-2006.

3. **AIRPORT GRANT:** A resolution authorizing the application and acceptance of a FAA grant for design and engineering services for the extension of Taxiway A on the east side of the runway at Drake Field.

4. **AIRPORT PERSONNEL:** A resolution approving the addition of a new position to the airport staff of Flight Line Operations Supervisor.

5. **SOLIDWASTE CONTAINERS:** A resolution authorizing the purchase of additional two and eight yard containers for use by the Solid Waste and Recycling Commercial Customers. Purchase authorization up to \$72,758.

6. **BOYS AND GIRLS CLUB:** A resolution approving a change order to a cost share agreement in the amount of \$5,296.00 with the Fayetteville Youth Center for the installation of a haul road to the Donald W. Reynolds Boys and Girls Club Facility.

7. **DUNCAN AND ASSOCIATES:** A resolution approving the second amendment to the professional services agreement between the City of Fayetteville and Duncan Associates and to direct the consultants to prepare initial and final drafts of the water and wastewater impact fee ordinance.

B. OLD BUSINESS

1. *left on 1st reading* **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 Persimmon Street and west of 46th Street. The property is zoned A-1, Agricultural and contains approximately 57.82 acres. The request is to rezone to R-1, Low Density Residential; and to accept the attached Bill of Assurance. The ordinance was tabled on the second reading at the August 6, 2002 meeting.

- 2nd reading* 2. *left on 2nd reading* **RZN 02-17.00:** An ordinance approving rezoning request RZN 02-17.00 as submitted by Dave Jorgensen on behalf of Bleaux Barnes and Sam Mathias for property located south of Deane Street, west of Sang Avenue and east of Porter Road. The property is zoned R-1, Low Density Residential and contains approximately 21.03 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential. The ordinance was left on the second reading at the August 6, 2002 meeting.

C. NEW BUSINESS

- left on 1st reading* 1. **OFF STREET PARKING:** An ordinance amending Section 172.01, Off-Street Parking Lot Design Requirement, of the UDO to provide a method for reducing off-street parking requirements for properties that share a common parking facility and to revise parking ratios for certain uses.

- left on 1st* 2. **OUTDOOR LIGHTING:** An ordinance that minimizes the impact of outdoor lighting on adjacent properties and improves nighttime visibility.

- left on 2nd* 3. **RZN 02-21.00:** An ordinance approving rezoning request RZN 02-21.00 as submitted by Dixie Development for property located at 10 Bishop Drive and 35 Appleby Road. The property is zoned A-1, Agricultural and contains approximately 17.39 acres. The request is to rezone to R-O Residential Office.

- left on 2nd* 4. **RZN 02-22.00:** An ordinance approving RZN 02-22.00 as submitted by Tom Shackelford for property located at 2975 Old Farmington Road. The property is zoned A-1, Agricultural and contains approximately 1.32 acres. The request is to rezone to R-1, Low Density Residential.

RES. 20-125.

*PASS
AS AMENDED*

ZONING CLASSIFICATION: A resolution to be filed by the City Planner directing the Mayor, Urban Development Department and the City Planning Division to refer to the Planning Commission an official request for a rezoning study and zoning map amendment to change the zoning classification of an area shown as R-2, Medium Density Residential to R-1, Low Density Residential for those areas that have 15% or greater slope as depicted on the slope analysis map in General Plan 2020 and including other areas zoned R-2, where recorded platted subdivisions exist with substandard infrastructure.

No action

6.

ADVERTISING: Discussion regarding the city's advertising.

7. ✓

AUTOMATED CARTS: An ordinance establishing the rate structure and program parameters for an automated cart based on residential trash collection and disposal program.

left on 1st.

8.

CONSOLIDATED WASTE MANAGEMENT PROGRAM: A resolution adopting the action plan for implementation of Consolidated Waste Management Program and authorizing bidding for hauling services and container rental to assist in short-term implementation of plan.

RES. 20-125

PASS

9.

LOPFI 2: A resolution moving the City of Fayetteville Police LOPFI retirement benefits from Plan 1 to Plan 2 as of October 1, 2002.

tabled

proposal approved

*Meeting adjourned
12:30*

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL AUGUST 20, 2002

A meeting of the Fayetteville City Council will be held on August 20, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

AUDIT COMMITTEE REPORT

A. CONSENT

1. APPROVAL OF THE MINUTES

2. **AUDIT SERVICES:** A resolution approving an agreement with Baird, Kurtz and Dobson (BKD) to provide the City of Fayetteville with independent audit services for calendar years 2002-2006.

3. **AIRPORT GRANT:** A resolution authorizing the application and acceptance of a FAA grant for design and engineering services for the extension of Taxiway A on the east side of the runway at Drake Field.

4. **AIRPORT PERSONNEL:** A resolution approving the addition of a new position to the airport staff of Flight Line Operations Supervisor.

5. **SOLIDWASTE CONTAINERS:** A resolution authorizing the purchase of additional two and eight yard containers for use by the Solid Waste and Recycling Commercial Customers. Purchase authorization up to \$72,758.

6. **BOYS AND GIRLS CLUB:** A resolution approving a change order to a cost share agreement in the amount of \$5,296.00 with the Fayetteville Youth Center for the installation of a haul road to the Donald W. Reynolds Boys and Girls Club Facility.

7. **DUNCAN AND ASSOCIATES:** A resolution approving the second amendment to the professional services agreement between the City of Fayetteville and Duncan Associates and to direct the consultants to prepare initial and final drafts of the water and wastewater impact fee ordinance.

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 Persimmon Street and west of 46th Street. The property is zoned A-1, Agricultural and contains approximately 57.82 acres. The request is to rezone to R-1, Low Density Residential; and to accept the attached Bill of Assurance. The ordinance was tabled on the second reading at the August 6, 2002 meeting.

*left on
tabled*

2. **RZN 02-17.00:** An ordinance approving rezoning request RZN 02-17.00 as submitted by Dave Jorgensen on behalf of Bleaux Barnes and Sam Mathias for property located south of Deane Street, west of Sang Avenue and east of Porter Road. The property is zoned R-1, Low Density Residential and contains approximately 21.03 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential. The ordinance was left on the second reading at the August 6, 2002 meeting.

7AS9

C. NEW BUSINESS

1. **OFF STREET PARKING:** An ordinance amending Section 172.01, Off-Street Parking Lot Design Requirement, of the UDO to provide a method for reducing off-street parking requirements for properties that share a common parking facility and to revise parking ratios for certain uses.

left on 1st reading

2. **OUTDOOR LIGHTING:** An ordinance that minimizes the impact of outdoor lighting on adjacent properties and improves nighttime visibility.

left on 1st

3. **RZN 02-21.00:** An ordinance approving rezoning request RZN 02-21.00 as submitted by Dixie Development for property located at 10 Bishop Drive and 35 Appleby Road. The property is zoned A-1, Agricultural and contains approximately 17.39 acres. The request is to rezone to R-O Residential Office.

left on 2nd

4. **RZN 02-22.00:** An ordinance approving RZN 02-22.00 as submitted by Tom Shackelford for property located at 2975 Old Farmington Road. The property is zoned A-1, Agricultural and contains approximately 1.32 acres. The request is to rezone to R-1, Low Density Residential.

left on 2nd

PASS AS AMEND
5. **ZONING CLASSIFICATION:** A resolution to be filed by the City Planner directing the Mayor, Urban Development Department and the City Planning Division to refer to the Planning Commission an official request for a rezoning study and zoning map amendment to change the zoning classification of an area shown as R-2, Medium Density Residential to R-1, Low Density Residential for those areas that have 15% or greater slope as depicted on the slope analysis map in General Plan 2020 and including other areas zoned R-2, where recorded platted subdivisions exist with substandard infrastructure.

No action
6. **ADVERTISING:** Discussion regarding the city's advertising.

left in 1st
7. **AUTOMATED CARTS:** An ordinance establishing the rate structure and program parameters for an automated cart based on residential trash collection and disposal program.

PASS
8. **CONSOLIDATED WASTE MANAGEMENT PROGRAM:** A resolution adopting the action plan for implementation of Consolidated Waste Management Program and authorizing bidding for hauling services and container rental to assist in short-term implementation of plan.

tabled
9. **LOPFI 2:** A resolution moving the City of Fayetteville Police LOPFI retirement benefits from Plan 1 to Plan 2 as of October 1, 2002.

proposal status -

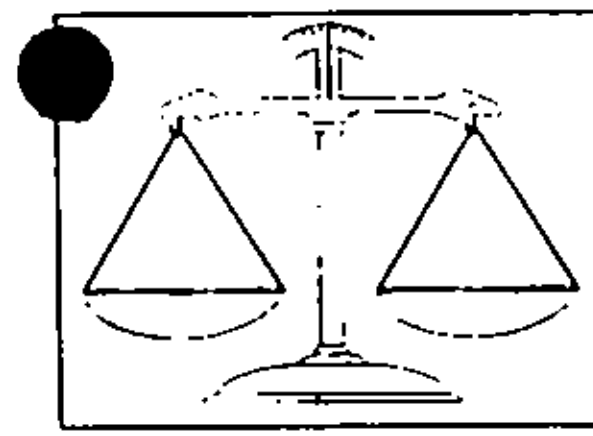
*Meeting adjourned
12:30*

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

A handwritten signature in black ink, appearing to read 'Kit Williams', written over a horizontal line.

DATE: August 21, 2002

RE: **Passed Ordinances and Resolutions from City Council**
meeting of August 20, 2002

The following Ordinances and Resolutions were passed at the last City Council meeting and are ready for the mayor's signature.

Enclosed are:

1. **Audit Services:** Resolution approving agreement w/ Baird, Kurtz and Dobson to provide City w/independent audit services for calendar years 2002-2006
2. **Airport Grant:** Resolution authorizing application and acceptance of FAA grant for design and engineering services for extension of Taxiway A on east side of runway at Drake Field
3. **Airport Personnel:** Resolution approving addition of a new position to airport staff of Flight Line Operations Supervisor

4. **Solid Waste Containers:** Resolution authorizing purchase of additional two and eight yard containers for use by Solid Waste and Recycling Commercial Customers w/ purchase authorization up to \$72,758.00
5. **Boys & Girls Club:** Resolution approving change order to a cost share agreement in amount of \$5,296.00 w/ Fayetteville Youth Center for installation of a haul road to Donald W. Reynolds Boys & Girls Club Facility
6. **Duncan & Associates:** Resolution approving second amendment to professional services agreement between City of Fayetteville and Duncan Associates and to direct consultants to prepare initial and final drafts of water and wastewater impact fee ordinance
7. **RZN 02-17.00:** Ordinance approving rezoning request as submitted by Dave Jorgensen on behalf of Bleaux Barnes and Sam Mathias for property located south of Deane Street, west of Sang Avenue and east of Porter Road. Property is zoned R-1, Low Density and contains approx. 21.03 acres. Request is to rezone to RMF-6 Low Density Multi-Family Residential
8. **Zoning Classification:** Resolution to refer to Planning Commission a request for rezoning study and zoning map amendment to consider changing zoning classification of areas shown as R-2 to R-1 for areas that have 15% or greater slope as depicted on slope analysis map in General Plan 2020 and including other areas zoned R-2 where recorded platted subdivisions exist with substandard infrastructure
9. **Consolidated Waste Management Program:** Resolution adopting action plan for implementation of Consolidated Waste Management Program and authorizing bidding for hauling services and container rental to assist in short-term implementation of plan

**MINUTES OF A MEETING
OF THE
CITY COUNCIL
JULY 16, 2002**

A meeting of the Fayetteville City Council was held on July 16, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

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

ABSENT: Alderman Reynolds.

**NOMINATING COMMITTEE REPORT
PLANNING COMMISSION**

Alan M. Ostner

One unexpired term ending 03/31/05

Alderman Santos moved to approve the recommendation. Alderman Young seconded. The motion carried unanimously.

CONSENT

APPROVAL OF MINUTES

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.

RESOLUTION 105-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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.

RESOLUTION 106-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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.

RESOLUTION 107-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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.

RESOLUTION 108-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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.

RESOLUTION 109-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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.

RESOLUTION 110-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BID 02-25: A resolution awarding Bid 02-25 to Leeco, Inc.-Fire Equipment Sales for firefighter's protective equipment and approval of a budget adjustment.

RESOLUTION 111-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

HUNT CLUB SUBDIVISION: A resolution authorizing the City Attorney to seek and 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.

RESOLUTION 112-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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.

REMOVED FROM THE CONSENT AGENDA.

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

OLD BUSINESS

RZN 02-15.00: An ordinance approving rezoning request RZN 02-15.00 as submitted by Dave Jorgensen of behalf of Larry Garriott for property located north of Persimmon Street and west of 46th Street. The property is zoned A-1, Agricultural and contains approximately 57.82 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.

Mr. Williams read the ordinance.

Mr. Jorgensen stated they had met with some of the residents and he would be willing to meet with others.

Alderman Davis asked what the neighbors concerns were.

Mr. Jorgensen stated some of their concerns were safety and traffic at the intersection of Wedington and 46th street. They wanted a traffic light there. There would have to be traffic study conducted. He had heard that there were plans to install a light at Ruppel Road and one at Double Springs Road. It was possible that there would be a trail along the north side of Persimmon Street which would lead to the new Boys and Girls Club.

Alderman Thiel asked if there had been a traffic study conducted.

Mr. Conklin stated the Traffic Division was conducting some traffic counts along Wedington and 46th Street. The data would be available prior to their next meeting. He thought the traffic study Mr. Jorgensen was referring to is looking at additional traffic signals, which was little different. If the property was rezoned R-1, keep in mind the Planning Commission and the staff could request that a traffic study be done to look at the impact and what improvements may be necessary to handle additional traffic created by this development. Typically, the more detailed studies were done during the plating stages. The Planning Commission can then make a recommendation on what will be required as conditions of approval for the preliminary plat.

Alderman Davis stated the school system stated they were talking about redistricting because there were not enough students on the west side. If they continued not to allow development on the west side, then they were causing the people who lived on the east side to go to the west side to take their children to school on the west side of town, increase the traffic in that area.

ORDINANCE WAS LEFT ON THE SECOND READING.

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.

Alderman Young moved to amend the ordinance to remove the requirement for the bonds and to change Section C and to add C-1 to the allowable uses. Alderman Santos seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance as amended pursuant to the Ordinance Review Committee's recommendation.

Ms. Paula Marinoni, an area resident, thanked the council for their work on the ordinance.

Alderman Davis questioned if they should look at putting an entertainment district in the C-3 zone, including Block Street to Arkansas Avenue and West LaFayette to Spring Street. They could label that area as the entertainment district for Fayetteville.

Alderman Marr stated he was open to the idea of an entertainment district. But, he saw this as two separate items. One being a front end discussion to talk about a process and the other being an establishment of an entertainment overlay. He asked if they established an entertainment overlay, then this ordinance would not apply to that particular overlay.

Alderman Davis stated that was correct because they still had the sound ordinance and the ABC. They know those have worked because there have not been any problems since 1998.

Alderman Bechard stated they had an ordinance in place right now. He was struggling with adding more process to get them to the outcome that already existed. Communication upfront was paramount, they needed to do a better job. he asked if they could create a conditional use which would allow them to have the upfront discussion, however, they did not allow them to not pass the conditional use. There would be a process where everyone could come together and the identified all the issues.

Mr. Conklin stated a conditional use went over and beyond what was in the ordinance. They had to be able to tell the applicant that they had to do that in order to operate. The other part is capability. If it was not compatible and the Planning Commission made that finding then they needed to be able to deny it. It would be difficult to administer.

Alderman Bechard stated it concerned him that the Planning Commission could require them to do certain things in order to get the conditional use. He did not know if they needed to add the process if there was already an ordinance in place. They were adding more process. If the issue was the sound ordinance, then they needed to focus there rather than on a conditional use.

Mr. Conklin stated sometimes what they were actually regulating was not the actual activity, but they were trying to make sure that situation that come up related to that can be handled. The planning office made a strong effort to make sure that applicants talked to neighborhood associations to help them understand the project. Once they involve the neighborhood, they want the ability to add conditions and to make changes. That was over and beyond the ordinance. Without a conditional use and that ability he was not sure how they were to get there.

Alderman Bechard stated they had not had any problems over the last five years. He did not know that the environment today suggested that they had a significant issue that they needed to add more process to handle it.

In response to questions, Chief Hoyt stated when he became aware of the business was because he received a standard letter from ABC. They then conducted a small investigation. The ones that they had talked to at that point were opposed to this business going in. his investigator also looked at the parking issue. He was concerned about inadequate parking. The current noise ordinance was complaint driven. It put the person making the complaint in the position where

they had to put their name out there. the ordinance required that they had to a property owner or leasing a place. They had to be a resident and be affected by it. Because of the freedom of information act, means that anyone who wanted to know who complained could get the information. People were probably being bothered but they did not want to complain because they did not want to put their name out there. If they could have a conditional use process then they could take care of some of their concerns.

Alderman Marr stated it was not his intent to address the noise ordinance. He thought having a process to talk about things on the front end was the intention of this ordinance. He thought their noise ordinance worked. He thought the conditional use would be a good opportunity to reinforce that they must comply with it, just like they reinforce it with dance halls.

Alderman Davis stated he thought that they should look at an entertainment district.

ORDINANCE WAS LEFT ON THE THIRD READING.

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 Frankie 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.

Alderman Jordan moved to remove the item from the table. Alderman Davis seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

Mr. Maynard, an area resident, stated there had been a lot of upfront discussion regarding this issue. The association was not opposed to this development, with this developer. He did not see any reason to postpone this rezoning. He suggested that they approve it tonight.

Ms. Sharon Davison, an area resident, expressed concern about the sewer system being at capacity.

Mr. Boettcher stated their plant was rated at 12.6 million gallons per day. They were operating at 12.4. that was under certain conditions of flows and other factors that influenced the treatment process. They had some reserved capacity.

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 4406 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

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.

Mr. Ray Bouedaux stated the purpose of the grants was to support the basic economic principle that created an environment that allowed businesses to grow and prosper and to create new jobs for the citizens. Superior Industry will create 136 new jobs. The grant will help defer the cost of a new parking lot and warehouse building on their site. The new jobs created represented approximately 2.28 million in new pay roll. Danaher Tool also will be creating 43 new positions and new construction of a 15,000 square foot warehouse. The grant to Danaher was for \$27,000 to help defer the cost of a new sidewalk. The total economic impact of the two grants represented approximately 11.2 million dollars in real economic impact.

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

RESOLUTION 113-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZ 93-50.00: An ordinance approving the nullifying and revoking rezoning Ordinance 3750 for property described in zoning petition RZ 93-50 for a parcel containing 0.97 acres located at 2220 E Huntsville Road from R-1, Low Density Residential District to I 2, General Industrial District.

Mr. Williams read the ordinance.

Mr. Conklin stated there was a bill of assurance on this property which stated the use of the property was limited to meat packing operations only. The bill of assurance stated that if the conditions were not met that the zoning of the parcel would revert to R-1. They could not change the zoning without an ordinance. This was one of those situations where the council had passed an ordinance in 1993 changing it to I-2 to allow Mhoon Beef to expand. It had been zoned R-1. It was an existing, legal, non-conforming use. The council at that time felt that would be appropriate to zone them to I-1 to allow them to expand Mhoon Beef. He felt it was necessary at this time to rezone it back to R-1 in order to follow the intent of the council at that time. If it was not going to be used for meat packing, then it should revert back to R-1. The physical structure was not a single family home. It was his guess that in the future there may be some type of conditional use or rezoning when they determine how the building will be used in the future. It was not a structure that someone was going to live in.

Alderman Santos moved to suspend the rules and move to the second reading. Alderman Jordan seconded. Upon roll call the motion carried 6-0-1, Davis abstaining.

Mr. Williams read the ordinance.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Marr seconded. Upon roll call the motion carried 6-0-1, Davis abstaining.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 6-0-1, Davis abstaining.

ORDINANCE 4407 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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.

Mr. Williams read the ordinance.

The applicant stated when they had submitted their petition their building plans had not been finalized. When they had finalized their plans it became necessary to redefine the area for the crematory.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

ORDINANCE 4408 AS RECODED ON THE OFFICE OF THE CITY CLERK.

PLANNING COMMISSION APPEAL: An appeal of a Planning Commission decision regarding Preliminary Plat for Brookstone Subdivision.

Mr. Tom Holmstead, , and Mr. Sam Davis, and Jack Morris

Mr. Holmstead stated they were appealing the portion of the Brookstone Preliminary plat that would require Washington Regional Medical Center to pay one half of the cost of extending a road across a third parties property. The extension would be from Longview to Plainview. Washington Regional has no ownership interest in the tracts that would be necessary in order to make the extension. The Planning Commission had requested that WRMC build the city collector street across the full length of the thirty-eight acre property and also pay one half of the cost of extending Longview over to Plainview. They wanted to subdivide the property to allow for more medical office. At this time the only planned development that they have was for a pathology office. It was their position that to require them to put up this money would be illegal.

Alderman Davis stated the Street Committee had looked at this and they had seen the need for the extension of Longview. It would give them two ways to get only 71B. they thought it would be beneficial for the city. At that meeting, they had voted unanimously that the city should take on that project.

Alderman Santos stated impact fees could prevent this kind of problem. They needed to charge developers for the impact their development created and not charge them for where their property lies in relation to the Master Street Plan. He thought they were being unfair here.

Alderman Santos moved to grant the appeal. Alderman Marr seconded.

Ms. Sharon Davison, an area resident, expressed concern about the need for the city to pass impact fees.

Upon roll call the motion carried unanimously.

RESOLUTION 114-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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.

Mr. Beochetter stated that the Highway Department had already awarded the road construction on Garland. They had an obligation to get their utilities moved. They had rushed this out for rebidding. They had obtained four bids. The low bid was Basic Construction in the amount of \$716,995.00. This was approximately \$82,000 below the

bids they had received on the 25th. The road construction was getting ready to start. The time line on this contract was 120 days. They did not want to wait three more weeks before approving this. Staff was recommending awarding this to Basic Construction and their construction contingency.

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

RESOLUTION 115-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

HANGAR REHAB: A resolution approving the construction contract with Marinoni Construction Co. in the amount of \$241,416.00 for hangar rehabilitation.

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

RESOLUTION 116-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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.

Alderman Young stated he was concerned about this because he could not see any real reason why they wanted to do this.

Mayor Coody stated the developers had came to them early on wanting them to provide services to them, since they were not adjacent to city limits they could not annex them. Since they could not provide sewer service for them, it would be difficult for them to provide water. Springdale wanted the service area and it was no real lose to them.

Mr. Boettcher stated from a water service point of view they did not want to be giving up service territory. The more customers that they had the better their cost of service. They spread their base over. In this case, preserving capacity for an area they could logically serve, seemed to be a factor. The developer had a schedule that was a factor. It was not contiguous with the city. Only a small portion of the property was in the planning area. They had facilities in the area. Springdale had facilities in the area to serve them. They had communicated with Springdale, they needed to rethink this territory that was created in 1960's and ask for a credit for what they were giving up.

Alderman Young stated they were loosing territory and customers that could spread out the fixed cost base of this operation.

Mr. Boettcher stated he had sent a letter to Renee Langston stated that they were willing work with Springdale since they were in a better position to serve this development, but asked that they carry forward some credit for territory for them in the future should they needed to adjust the boundary in an area at they could more logically serve.

Alderman Young stated he was not so sure that Springdale was in a better position to serve that area than they were. He did not see any kind of an agreement between Fayetteville and Springdale before him. They were willing to give away territory with no hope of getting an equal amount back. He had seen this come down the pike before. The biggest thing that he could remember was the mall. People had wanted to included in the Fayetteville School district, they had decided they did not want to take it, it was later developed into the mall, which Springdale receives the property tax for the mall. Now they were giving away more area. He thought they needed to think about it very seriously, especially if they did not have an agreement with Springdale.

Alderman Thiel stated she would like to see something in writing stating they would have an exchange of equal land.

Mr. Williams stated they could not provide sewer service to them because they were outside the city limits. Part of the subdivision was in Johnson and could not be annexed. The developers had then looked to Springdale to provide the services. Springdale could provide much better serve than they could.

Alderman Santos stated he did not see that it was of any service to the citizens to have this extended service boundary that leaped out passed the city of Johnson. It cost a lot more to provide the service the area further out.

Mr. Boettcher stated the preferred option for any water and sewer utility is that they provide both services because the sanitary sewer bill is computed off their water meter reading. They make one reading and they bill for both services.

Mr. John Flake, Clear Creek Development, stated he had worked in Fayetteville for the past twenty-five years. He had come to Fayetteville, but they were not able to service his needs. He then went to Springdale. Their project was at a very critical point right now. He requested that the council take action tonight.

In response to questions, Mr. Conklin stated the developers had come to the city first. They did meet with them. They had asked about the city extended sewer. He had given them his opinion with regard to annexation and whether or not the staff would be supportive of recommended. This would be extending a peninsula of land all the way to Willow Creek Hospital. The General 2020 plan talked about not creating peninsulas of city. It was not contiguous to the city. Only a small portion of this property was in their planning area. It was in another city's planning area. The Fire Department was concerned about their response time. It would be very difficult for the Planning staff to recommend approval.

Alderman Santos moved to table the item. Alderman Jordan seconded. The motion carried unanimously.

The meeting adjourned at 9:15p.m.

Residential Analysis

Current Plan

	Actual Cost	Rate	\$ Difference	% Diff Diff vs. Rate	Projection #1	Funding Balance	Projection #2	Funding Balance
Single Family Rates								
32 Gallon	\$12.92	\$8.19	-\$4.73	-58%	12,238	-\$694,070.83	14,860	-\$842,775.98
64 Gallon	\$14.06	\$12.49	-\$1.57	-13%	4,370	-\$82,131.53	1,748	-\$32,852.61
96 Gallon	\$15.08	\$17.74	\$2.66	15%	874	\$27,875.01	874	\$27,875.01
Single Family Totals					17,482	-\$748,327.35	17,482	-\$847,753.59
Multi-Family Rates								
64 Gallon	\$10.55	\$12.49	\$1.95	16%	3,557	\$83,020.38	4,320	\$100,828.80
96 Gallon	\$11.94	\$17.74	\$5.80	33%	1,525	\$106,140.00	762	\$53,035.20
Multi-Family Rates					5,082	\$189,160.38	5,082	\$153,864.00
Residential Totals					22,564	-\$559,166.97	22,564	-\$693,889.59

Projection #1: Single Family- 32 Gallon: 70%, 64 Gallon: 25%, 96 Gallon: 5%, Multi-Family- 64 Gallon: 70%, 96 Gallon: 30%
 Projection #2: Single Family- 32 Gallon: 85%, 64 Gallon: 10%, 96 Gallon: 5%, Multi-Family- 64 Gallon: 85%, 96 Gallon: 15%

Proposed Plan

	Actual Cost	Rate	\$ Difference	% Diff Diff vs. Rate	Projection #1	Funding Balance	Projection #2	Funding Balance
Single Family Rates								
32 Gallon	\$12.92	\$10.99	-\$1.93	-18%	12,238	-\$282,874.03	14,860	-\$343,479.98
64 Gallon	\$14.06	\$13.99	-\$0.07	0%	4,370	-\$3,471.53	1,748	-\$1,388.61
96 Gallon	\$15.08	\$17.99	\$2.91	16%	874	\$30,497.01	874	\$30,497.01
Single Family Totals					17,482	-\$255,848.55	17,482	-\$314,371.59
Multi-Family Rates								
64 Gallon	\$10.55	\$11.99	\$1.45	12%	3,557	\$61,678.38	4,320	\$74,908.80
96 Gallon	\$11.94	\$14.99	\$3.05	20%	1,525	\$55,815.00	762	\$27,889.20
Multi-Family Rates					5,082	\$117,493.38	5,082	\$102,798.00
Residential Totals					22,564	-\$138,355.17	22,564	-\$211,573.59

Projection #1: Single Family- 32 Gallon: 70%, 64 Gallon: 25%, 96 Gallon: 5%, Multi-Family- 64 Gallon: 70%, 96 Gallon: 30%
 Projection #2: Single Family- 32 Gallon: 85%, 64 Gallon: 10%, 96 Gallon: 5%, Multi-Family- 64 Gallon: 85%, 96 Gallon: 15%

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50: GARBAGE AND TRASH, OF THE CODE OF FAYETTEVILLE, TO AMEND, INSERT, AND DELETE CERTAIN DEFINITIONS AND TO MODIFY RESIDENTIAL SERVICE REQUIREMENTS.

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

Section 1. That §50.01: Definitions, Code of Fayetteville is hereby amended by deleting the definitions of **Container**, **Garbage Can**, and **Residential Garbage Bags**, and inserting the following:

Bulky Waste. Items too large for collection in City-issued residential garbage carts, such as appliances, furniture, large limbs, etc. Customers should contact the Solid Waste and Recycling division for specific requirements.

Section 2. That the definition for **Residential Service** at §50.01: Definitions, Code of Fayetteville is hereby deleted and the following shall be inserted in its stead:

Residential Service. The collection and removal of garbage and trash from single-family residences located on public roadways within the City of Fayetteville. Collection of garbage and trash from residents on private roadways shall be at the discretion of the City. The City shall only collect garbage and trash contained in City-issued carts.

Section 3. That §50.20(B) Service Requirements: Residential Service, Code of Fayetteville is hereby deleted and the following shall be inserted in its stead:

§50.20 Service Requirements.

B. Residential Service.

1. **Residential Garbage Carts Required.** Beginning January 2003, customers receiving residential garbage and trash service shall use only the residential garbage carts provided by the City. Only garbage and trash placed in such residential garbage carts shall be collected by the City.

b. **Additional bags.** On the collection day, an additional bag not to exceed 35 gallons in capacity, may be placed in the top of an open garbage cart. An excess bag fee of \$2.50 shall be billed to the customer at the next billing cycle. Bags placed outside of the garbage cart shall not be collected.

c. **Additional collection.** Residential customers may request additional garbage cart collection by appointment. Again, trash shall be placed in the garbage cart, and an additional bag not to exceed 35 gallons in capacity, may be placed in the top of an open garbage cart. An additional collection fee of \$6.00, plus the actual disposal cost based on cart size, shall be billed to the customer at the next billing cycle. Bags placed outside of the garbage cart shall not be collected.

2. **Location of Residential Garbage Carts.** Residential garbage carts shall be placed at a single collection point within three (3) feet of the curb, street or alley line, where applicable, by 6:00 a.m. on mornings regularly scheduled for garbage and trash collection, provided however, that garbage and trash shall not be placed at the curb, street or alley more than twelve (12) hours before regular pickup. Alternate collection points may be specified at the discretion of the City.

3. **Exemptions.** Residential customers who wish to apply for an exemption of the required location of residential garbage carts may contact the Solid Waste and Recycling division for an application. Final determination of exemption status shall be made by the General Services Director or his designated representative.

4. **Rental Property Cart Service.** Rental property owners listed on the Major Owner List maintained by the City of Fayetteville Business Office, shall be permitted 10 days of service immediately following the vacation of the rental property for 1/3 the normal monthly rate for the cart at the residence. The landlord shall be responsible to contact the Solid Waste and Recycling division if the cart is discovered missing during cleanup activities. The landlord shall be responsible for the cart during these 10 days and shall be required to contact the Solid Waste and Recycling division to arrange for cart pickup.

5. **Storage/Maintenance.** Residential garbage carts shall be stored and maintained in a manner not likely to create a fire hazard, provide nesting space for rodents and other vermin, or breeding sites for insects.

Section 4. That Chapter 50: Garbage and Trash, is hereby amended by inserting the following:

§50.30 Bulky Waste/Community Cleanups.

A. **Bulky Waste Pickup.** Each customer shall be entitled to one (1) bulky waste pickup per year. Customers shall arrange for bulky waste pickup by contacting the Solid Waste and Recycling division to reserve a collection date. Mobile home parks and apartment complexes consisting of four (4) or more units shall not be eligible.

B. Community Cleanups.

1. **City-wide Earth Week Cleanup.** During Earth Week of each year, customers may dispose of normal residential waste at the Solid Waste and Recycling facility free of charge.

2. **Neighborhood Association/Ward Cleanups.** Each City Council Ward shall be eligible for up to four (4) community cleanups per year, provided however, that each cleanup shall be coordinated by at least one (1) registered neighborhood association, under the sponsorship of both of the Ward's Alderpersons. The City shall collect normal residential waste free of charge.

Section 5. That §50.40(A) Rates for Services: Residential Service, Code of Fayetteville is hereby deleted and the following shall be inserted in its stead:

§50.40 Rates for Services.

A. Residential service. Garbage and trash shall be collected from residential customers one time each week for the following rates:

Garbage/Trash User Fee Schedule

Container Volume	Fixed Fee	Graduated Volume Fee	Cart Capitalization Included in Base Rate	Monthly Rate
32	\$5.76	\$2.06	\$0.37	\$8.19
64	\$5.76	\$6.24	\$0.49	\$12.49
96	\$5.76	\$11.43	\$0.55	\$17.74
Apartment complexes recycling - cost per unit				\$12.49
Apartment complexes not recycling -cost per unit				\$17.74

PASSED and APPROVED this 20th day of August, 2002.

APPROVED:

By: DAN COODY, Mayor

ATTEST:

By:

HEATHER WOODRUFF, City Clerk

ZONING
CLASSIFICATION
8/20/02

Fayetteville City Council
113 West Mountain St.
Fayetteville, AR 72701



HOUSES
INCORPORATED

217 North East Avenue
Fayetteville, AR 72701
telephone: 501.521.9155
facsimile: 501.521.6199

Re: permit moratorium in R-2 district with 15% Slope

Dear City Council Members,

I am writing to communicate our opposition to the moratorium on issuance of building permits while the proposed resolution to change the zoning classification of R-2 areas with 15% or greater slope to R-1 is studied. The reasons for our opposition are as follows:

2020 PLAN:

The 2020 plan is a "document to establish general policies for guiding growth and development of Fayetteville." Any changes as radical as the one proposed should not be hastily entered into but should be considered in the context of a plan to be reached 18 years from now. The implementation of a moratorium is far too severe a reading of the intent of the plan.

IRREPARABLE HARM:

To adopt this resolution is tantamount to the court issuing an injunction to stop the issuing of building permits. In order for a court to issue such an injunction the burden on the party seeking the injunction is to demonstrate that irreparable harm will occur unless the action is stopped. In this case there already exist ample safe guards to protect the health, safety and welfare of the citizens while the rezoning study is debated. These safe guards are present in the existing ordinances governing the development of land and the issuing of building permits for multifamily projects; for example the grading and draining ordinance and the tree preservation and green space requirements. However, the potential harm to the current property owners is tremendous; this action will certainly devalue their property and a delay of 90 days or more could cause developers to miss the best interest rate window in 40 years.

NO EVIDENCE AS TO ADVERSE IMPACT ON CITIZENRY:

The proposed resolution states that the infrastructure is not or has only been partially installed in the affected platted subdivisions. This is a broad and ambiguous statement that does not apply to all the platted subdivisions affected by this resolution.

LACK OF REASONABLE NOTICE:

A primary tenant of our legal system is reasonable notice, to enjoin development with little or no notice to property owners is unreasonable. The development of property in Fayetteville is a cumbersome, expensive, lengthy and time-consuming process. There are many property owners who are in the various stages of developing their property, attempting to meet the criteria necessary before applying for a building permit, whose projects will be shut down if this action is taken. On a personal note, our company has over \$100,000 in pre-development costs for property affected by this action that is evidently subject to loss, this is in addition to the actual purchase price of the property that, in some cases, we've held for over 15 years in the anticipation of developing.

If the citizens want to change the law it should be done in a manner that provides property owners ample time to make a reasonable business decision about how to deal with their property.

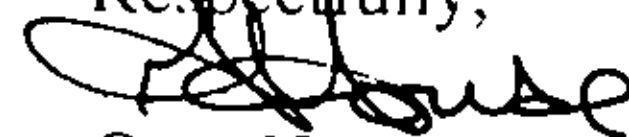
SLOPE ANALYSIS MAP IS AMBIGUOUS:

The map on page 96 of the 2020 plan is ambiguous at best, and its totally impossible to determine what areas are effected.

CONCERNED CITIZENS HAD NOTICE THEY WERE BUYING IN R-2 AREA:

The people who have raised their concerns about the R-2 zoning bought their homes or property with sufficient notice as to zoning in their neighborhood. This information has been on the city maps for decades. Those of us who bought property based on these maps should be allowed to rely on their validity subject to reasonable notice and the application of due process before a change occurs.

Respectfully,



Greg House For
Houses, Incorporated
8-20-02

RZN 02-17.00
8/20/02

ASBELL NEIGHBORHOOD ASSOCIATION

**2615 Megan Drive
Fayetteville, Arkansas 72703**

August 6, 2002

Mayor Coody and the Fayetteville City Council:

This is a summary of a neighborhood vote regarding the proposed rezoning and development of RZN 02-17.00, located south of Deane Street, west of Sang Ave., and east of Porter Road. The vote was taken by ballot following a meeting on May 23, 2002, at Calvary Baptist Church on Porter Road between Bleaux Barnes and Sam Mathias of Mathias Properties and residents of the Asbell neighborhood. ANA members not present at the meeting were allowed to e-mail or call in their votes later.

The meeting was open to all residents of the Asbell area who reside and/or own property within the boundaries of the neighborhood association. The meeting was advertised three weeks in advance to association members and 5 to 7 days in advance to residents of the neighborhood by door-to-door canvassing with flyers. Over three hundred flyers were distributed throughout the neighborhood.

We realize there is nothing binding in this vote. It is presented to you, the Council for the City of Fayetteville, to give you the consensus of opinion from the neighborhood about this rezoning and this development. All but two votes were from association members.

May 23 Meeting – 33 people attending (20 households)

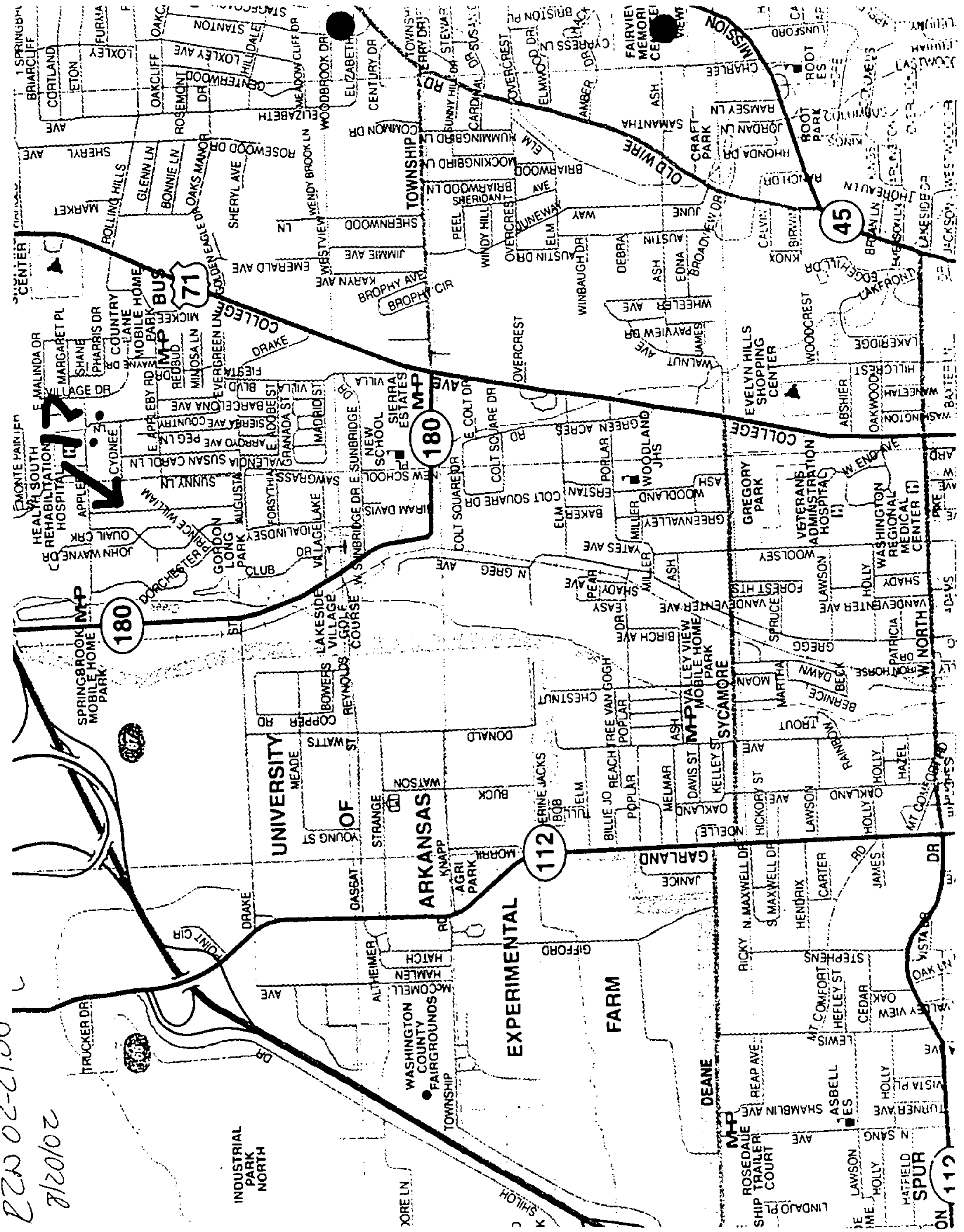
	<u>For</u>	<u>Against</u>	<u>Abstain</u>
Total Present	29	2	0
Total (including ANA members not present)	42	2	3

The ANA Board voted 7-0-2 to approve.

The following is a breakdown of the above results by different blocks in the neighborhood.

	<u>For</u>	<u>Against</u>	<u>Abstain</u>
Sang Ave.	3	0	0
Lawson (b'twn Sang & Porter)	10	0	1
Porter	6	0	0
Megan Drive	9	0	0
Stable/Arthur Hart/ Houston	4	0	1
Holly (Sang and Porter)	5	0	0
Hatfield/Valley	3	0	0
Turner/Vista/Wedington	2	2	1

220022100
2/20/02



ON 112
SPUR

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville City Council
THRU: Tim Conklin, AICP, City Planner
FROM: Shelli Rushing, AICP, Associate Planner
DATE: August 14, 2002
RE: **High School Parking Ratios**

City Council has requested additional information regarding parking ratios for high schools. The following list identifies the required parking ratios for high schools in other cities in Arkansas as well as other communities that are of similar size to Fayetteville. Additional information is attached.

Staff spoke with Fayetteville High School and found that the current ratio is one parking space per 3.2 students.

Eureka Springs:	One parking space for each employee including teachers and administrators, plus sufficient off-street parking space for the safe and convenient loading and unloading of students, plus additional facilities for all student parking.
Fort Smith:	1 per employee plus 1 per each 5 students at maximum student capacity.
North Little Rock:	Six spaces per classroom. Stacking space for buses and autos shall be required on the site.
Rogers:	1 per 800 square feet of floor area plus 1 per 4 stadium seats.
Pine Bluff:	1 space per staff and employee, plus 1 space per 10 students.
Fort Collins, CO:	One parking space per four seats in the auditorium or place of worship or assembly, or two parking spaces per three employees, or one parking space per 1,000 square feet of floor area, whichever requires the greatest number of parking spaces.
Columbia, MO:	1 space per employee plus 1 space per 4 students.
Ames, IA:	Greater of 1 space/2 students; or 10 spaces/classroom; or 1 space/4 seats in auditorium.
Grand Forks, ND:	One (1) space per teacher and staff member on the largest work shift, plus one (1) space per five (5) non-bused students.

* School, High School

One space for each vehicle owned or operated by the school, plus seven spaces for each faculty member, plus one space for each administrative office (Hilton Head Island, S.C.)

One space per teacher and staff member on the largest shift, plus one space per five students (Lake Co., Ill.)

One space per employee, plus one space per 10 students of design capacity (Gainesville, Fla.)

One space for each 10 students of design capacity, plus one space per 400 sq.ft. of office floor space (Honolulu, Hawaii)

One space per employee, and one space per each eight students (Norman, Okla.)

One space per staff member, and one space per four students (Orange Co., Calif.)

One space for each 1.5 students, faculty, and staff, based on design capacity (Plano, Tex.)

Seven spaces per classroom (Bozeman, Mont.)

.33 spaces per student, plus one space per staff member (Hillsborough Co., Fla.)

School, Trade

One space per four students (Omaha, Nebr.)

One space per two students (Orange Co., Calif.)

One space for each student, based on the design capacity of the building, plus one space for each teacher or other employee (Montgomery Co., Ohio)

Self-Service Storage Facility

One space per 2,000 sq.ft. (Honolulu, Hawaii)

Four spaces per 1,000 sq.ft. of net floor area of office space associated with the use, plus one space per employee, and/or two spaces for a resident manager (Fairfax Co., Va.)

One space for each 225 sq.ft. of gross floor area, plus one space for each employee (Aurora, Colo.)

One parking space for every 100 individual storage spaces. Two parking spaces for the manager and one parking space per additional employee shall also be provided. A minimum of three parking spaces shall be provided. (Northport, Ala.)

Three spaces, plus one space per 100 units (Long Beach, Calif.)

One space per 10 storage units, plus one space per employee (Hillsborough Co., Fla.)

One space per three storage units, or one per six storage units with an aisle width of 20 feet or greater, but a minimum of five spaces for the complex, whichever is greater (Citrus Co., Fla.)

Shipping Port

One space per employee (Hillsborough Co., Fla.)

Shopping Center

Less than 15,000 net sq.ft.: five spaces per 1,000 net sq.ft. [minimum]; 5.5 spaces per 1,000 net sq.ft.

[maximum]. Between 15,000 and 400,000 net sq.ft.: four spaces per 1,000 net sq.ft. [minimum]; 4.5 spaces per 1,000 net sq.ft. [maximum]. Between 400,000 and 600,000 net sq.ft.: four spaces per 1,000 net sq.ft. [minimum]; five spaces per 1,000 net sq.ft. [maximum]. More than 600,000 net sq.ft.: five spaces per 1,000 net sq.ft. [minimum and maximum].

(Bellevue, Wash.)

Five spaces for each 1,000 sq.ft. of leasable area (Savannah, Ga.)

5.5 spaces per each 1,000 sq.ft. of gross leasable floor area (Albemarle Co., Va.)

One space per 200 sq.ft. of net floor area for the first 100 sq.ft., plus six spaces per each additional 1,000 sq.ft., plus additional spaces, as required herein, for associated offices, theatres, and eating establishments (Fairfax Co., Va.)

One space for each 100 sq.ft. of usable floor area (St. Clair Shores, Mich.)

One space for each 100 sq.ft. of usable floor area for the first 15,000 sq.ft. One space for each 125 sq.ft. for the next 15,001 to 450,000 sq.ft. of usable floor area. One space for each 150 sq.ft. for that area in excess of 450,000 sq.ft. of usable floor area. (Alpena, Mich.)

Comment. It is especially difficult to determine parking requirements for shopping centers because they contain so many uses under one roof. Unfortunately, ample and accessible parking is seen by merchants and consumers to be the most important feature of a shopping mall. The tension between this perceived need and a desire by developers to limit the amount of parking built at a facility due to the expense has caused controversy for decades. The code from Bellevue, Washington, goes a long way towards reconciling this conflict. By providing both minimums and maximums, both parties interests are represented. At the same time, the government's interest in reducing the amount of area devoted to off-street parking is also preserved. For further reading on this subject, please refer to Shared Parking, published by the Urban Land Institute, and Flexible Parking Requirements, PAS Report No. 377, available from APA.

Skating Rink

One space for each 250 sq.ft. of floor area (Durham, N.C.)

One space per each 200 sq.ft. of floor area (Albany, Ore.)

One space for each seat or six feet of benches, or one for each 150 sq.ft. of skating area, whichever is greater (Alpena, Mich.)

One space for each 125 sq.ft. or fraction thereof of skating rink area (Albemarle Co., Va.)

One space per each 100 sq.ft. of floor area or lot area (Bozeman, Mont.)

Slaughterhouse

One space per 1,000 sq.ft. of gross floor area (Hillsborough Co., Fla.)

Sorority (See Fraternity)

Source: Bergman, David. "Off-Street Parking Requirements", Planning Advisory Service, Report No. 432. American Planning Association, 1991.

Table 3-2 (cont.)

Land Use	Unit	Parking Spaces per Unit		Suggested Freight Loading Space ^c
		Peak-Parking Demand ^a	Suggested Parking Space (Minimum Requirement)	
Convenience retail	1,000 sq. ft. GFA	4.0	4.4 ^a	Same as general retail services
Hard goods retail	1,000 sq. ft. GFA	3.0	2.5/1,000 GFA interior sales space, plus 1.5/1,000 sq. ft. of interior storage and exterior display or storage	Same as general retail services
Shopping centers <400,000 GLA 400,000 - 600,000 >600,000 GLA	1,000 sq. ft. GLA	4.5	4.7 ^a	One per 50,000 sq. ft. GLA up to 100,000 sq. ft., plus one per 100,000 sq. ft. up to 500,000 sq. ft. one per 200,000 sq. ft. thereafter.
		5.0	5.2 ^a	
		5.5	5.8 ^a	
Food and beverage Quality restaurant	1,000 sq. ft. GLA	20.0	22.0/1,000 GLA, plus spaces required for any banquet or meeting rooms	One space per 40,000 sq. ft. GLA
Family restaurant	1,000 sq. ft. GLA	11.2	12.3/1,000 GLA, plus spaces required for any banquet or meeting rooms	One space per 40,000 sq. ft. GLA
Fast food restaurant	1,000 sq. ft. GLA	15.4	16.9/1,000 GLA for kitchen, serving counter and waiting areas, plus 0.5/seat provided	One space if seating is provided
Educational Elementary & secondary College & university Day care center	Classroom	1.5	1.0/classroom and other rooms used by students and/or faculty, plus 0.25 per student of driving age	One space per 100,000 sq. ft. GFA
	Population		1.0/daytime faculty and staff member, plus 0.5/resident and commuter student	
			1.0/employee, plus 0.1/person of licensed capacity enrollment	None
Cultural, entertainment and recreational General public assembly	Permitted occupancy		0.25/person in permitted maximum occupancy	One space per 100,000 sq. ft. GFA
General recreational	Permitted occupancy		0.33/person in permitted maximum occupancy	
Auditorium, theater, or stadium	Seat	0.35	0.38 ^a	
Church	Seat		0.5 ^a	
Industrial General	Employee	0.6 - 1.0	1.0/employee, plus 1.0/1,000 sq. ft. GFA	One space per 25,000 sq. ft. GFA, plus one for next 50,000 sq. ft., plus one per 100,000 sq. ft. thereafter
Storage, wholesale or utility General			0.5/1,000 sq ft GFA, plus required spaces for any office or sales areas	One for first 50,000 sq. ft. GFA, plus one per 100,000 sq. ft. thereafter

a. Typically, the 85 percentile demand, based on analysis of comparative studies.

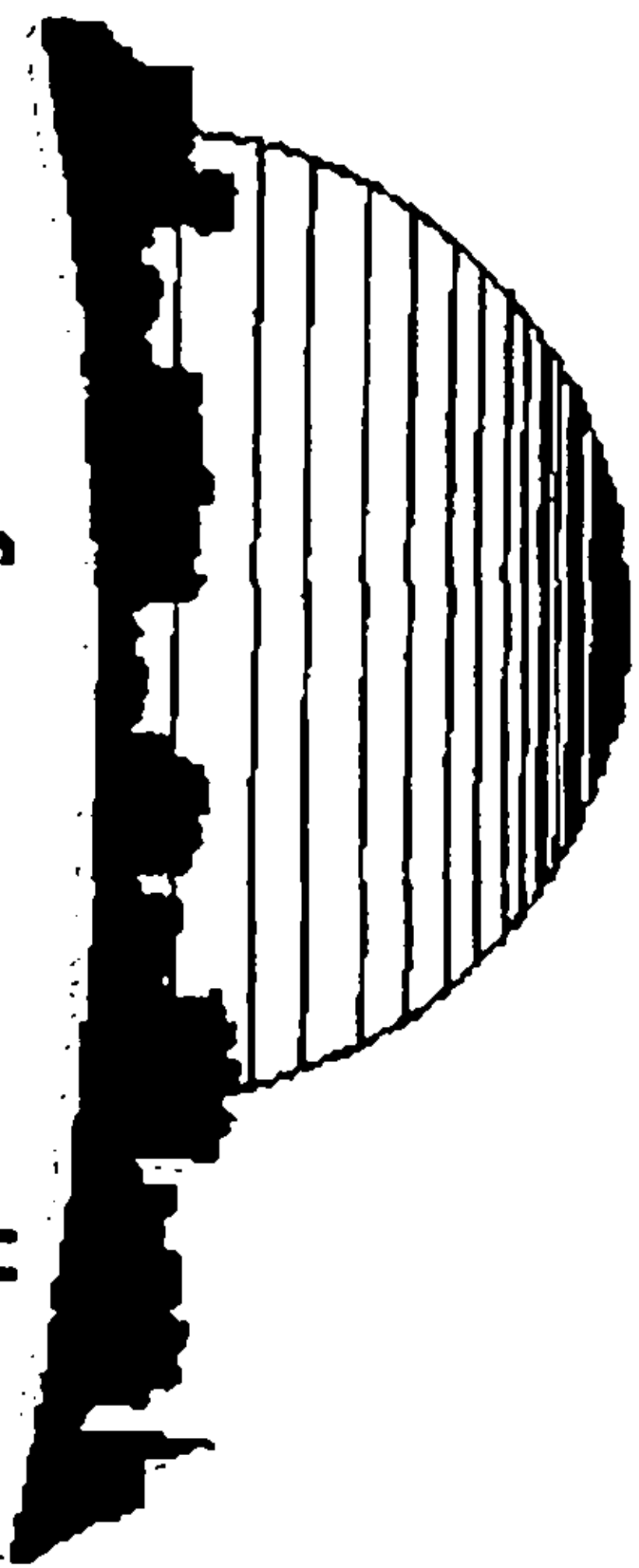
b. Parking Consultants Council, *Recommended Zoning Ordinance Provisions for Off-Street Parking and Loading Spaces* (Washington, D.C.: National Parking Association, 1990).

c. Peak-demand basis increased by 10 percent to compensate for loss of space availability due to parking turnover activity.

d. Peak-demand basis increased by 5 percent to compensate for loss of space availability due to parking turnover activity.

e. Highly variable.

Partners In Progress



City of Fayetteville

and

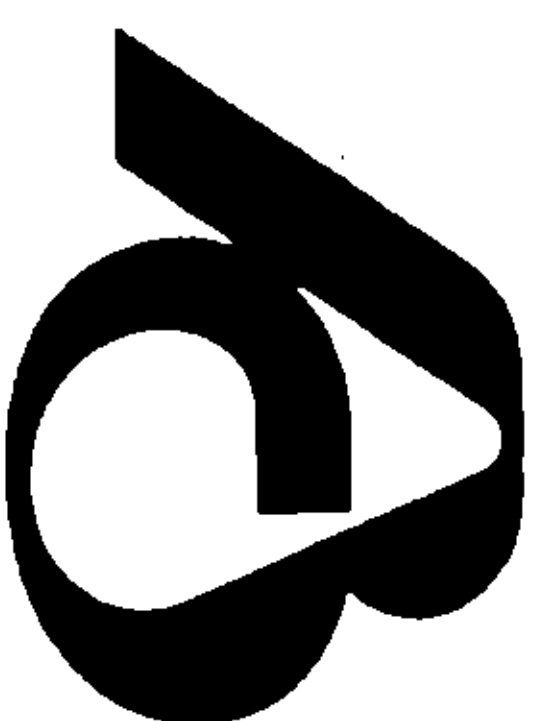
NORTHWEST ARKANSAS
TIMES

Fayetteville's Hometown Newspaper Since 1860



**"Both papers give different
circulation numbers for each other
so we use ABC numbers."**

**Heather Woodruff, City Clerk
Closing Remarks, August 13, 2002
Agenda Meeting**



Audit Bureau of Circulations

- **Is a not-for-profit organization established in 1914. ABC is the leading third party auditing organization in the U.S.**
- **ABC rules govern not only how audits are conducted, but also how publishers report their circulation figures.**
- **ABC strives to conduct audits that set the industry standard for integrity, objectivity, and accuracy, and uses state-of-the-art techniques to produce and disseminate ABC-audited information.**

SPRINGDALE

MORNING NEWS

Serving the Communities of

Springdale
Tontitown
Elm Springs
Johnson
Siloam Springs
Hindsville
Huntsville
Bethel Heights

RATES

\$5.70 per column inch

FAYETTEVILLE

MORNING NEWS

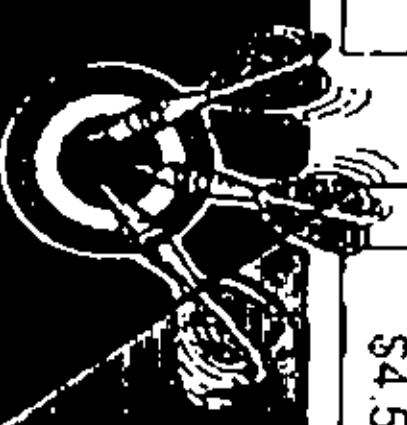
Serving the Communities of

Fayetteville
West Fork
Farmington
Lincoln
Prairie Grove
Summers
Greenland
Goshen
Hogeye
Elkins
Durham

RATES

\$4.55 per column inch

As an advertiser,
you can target your
message to a specific town and
save money doing it.



Call 872-5000 or
619-2500 for more
information today!

ROGERS

MORNING NEWS

Serving the Communities of

Rogers
Lowell
Pea Ridge
Garfield
Little Flock
Eureka Springs
Holiday Island
Berryville
Gateway
Seligman, MO

RATES

\$5.70 per column inch

BENTONVILLE

MORNING NEWS

Serving the Communities of

Bentonville
Bella Vista
Gravette
Gentry
Decatur
Cave Springs
Centeron
Sulphur Springs
Higdon
Maysville
Pineville, MO
Noel, MO
Anderson, MO
Jane, MO

RATES

\$3.50 per column inch

FAYETTEVILLE

MORNING NEWS

Serving the Communities of

Fayetteville
West Fork
Farmington
Lincoln
Prairie Grove
Summers
Greenland
Goshen
Hogeye
Elkins
Durham

RATES

\$4.55 per column inch



Audit Bureau
of Circulations
900 N. Main Street
Schenectady, N.Y. 12305

AUDIT REPORT: Newspaper

ARKANSAS DEMOCRAT
Little Rock (Pulaski County)

ZIP CODE ANALYSIS

ARKANSAS DEMOCRAT
(Morning & Sunday)
Little Rock (Pulaski County)

Morning News

3. ACTUAL ONE-DAY GROSS DISTRIBUTION AND AVERAGE PROJECTED PAID CIRCULATION AVERAGES BY COUNTIES:

Based on Morning, March 13, 2001 and Sunday, March 11, 2001.

Occupied Households - #1-1-00 of Claritas Inc.

The listing below gives gross distribution for one day only and is greater or less than the average paid for the period covered by this report by the following percentages:

	Morning	Sunday
Newspaper Designated Market	15.54% greater	11.86% greater
Outside Newspaper Designated Market	23.50% less	32.88% less
GRAND TOTAL	14.54% greater	10.86% greater

The "Average Projected Paid Circulation" (Avg. Proj. Pd. Circ.) has been arrived at by projecting the averages in Paragraph 1B to the appropriate ABC geographic market one day(s) gross distribution figures in this report.

One Day Analysis of Gross Distribution
by ZIP Codes Receiving 25 or More Copies

**Based on Morning, March 13, 2001
and Sunday, March 11, 2001.**

ARKANSAS DEMOCRAT-GAZETTE ZIP CODE ANALYSIS

ZIP	TOWN	AVG. PROJ. CIRC.										AVG. PROJ. CIRC.									
72641	Jasper	936	25	71	96	85	9,08%	31	118	149	136	14,53%	149	136	14,53%	149	136	14,53%	149	136	14,53%
72642	Lakeview	911	72	21	93	83	9,11%	150	67	217	198	21,73%	217	198	21,73%	217	198	21,73%	217	198	21,73%
72645	Lexie	668	60	24	91	81	12,13%	101	62	164	149	22,31%	164	149	22,31%	164	149	22,31%	164	149	22,31%
72650	Marshall	1,672	112	112	229	204	12,30%	142	198	310	310	18,54%	310	310	18,54%	310	310	18,54%	310	310	18,54%
72651	Midway	620	18	23	41	36	5,81%	46	48	41	86	13,87%	41	86	13,87%	41	86	13,87%	41	86	13,87%
72653	Mountain Home	10,083	681	127	1,017	905	8,98%	1,341	768	2,112	1,924	19,08%	2,112	1,924	19,08%	2,112	1,924	19,08%	2,112	1,924	19,08%
72658	Norfolk	585	5	16	21	19	3,25%	16	29	45	41	7,01%	45	41	7,01%	45	41	7,01%	45	41	7,01%
72660	Oak Grove	210	13	5	18	16	7,62%	22	5	27	25	11,90%	27	25	11,90%	27	25	11,90%	27	25	11,90%
72680	Timbo	257	23	23	28	25	9,73%	22	54	76	60	26,85%	76	60	26,85%	76	60	26,85%	76	60	26,85%
72682	Valley Springs	305	4	12	16	14	4,59%	6	20	26	24	7,87%	26	24	7,87%	26	24	7,87%	26	24	7,87%
72685	Western Grove	517	14	12	27	24	4,64%	15	20	45	32	6,19%	45	32	6,19%	45	32	6,19%	45	32	6,19%
72687	Yellville	2,363	76	89	169	150	6,35%	94	140	236	215	9,10%	236	215	9,10%	236	215	9,10%	236	215	9,10%

ZIP	TOWN	DAILY AVG. PROJ. CIRC.										SUNDAY AVG. PROJ. CIRC.									
72701	Fayetteville	5,341	143	127	14,71%	182	25	8	215	196	22,74%	5,496	196	22,74%	5,496	196	22,74%	5,496	196	22,74%	5,496
72703	Fayetteville	4,663	491	33,27%	471	125	1	597	544	36,86%	5,053	544	36,86%	5,053	544	36,86%	5,053	544	36,86%	5,053	544
72704	Fayetteville	1,517	25	8	39	7	17	15	12,40%	12,57%	1,988	12,57%	1,988	12,57%	1,988	12,57%	1,988	12,57%	1,988	12,57%	1,988

72722	Decatur	862	118	25	143	127	14,73%	182	25	8	215	196	22,74%
72727	Elkins	1,476	416	134	552	491	33,27%	471	125	1	597	544	36,86%
72729	Evansville	121	25	8	39	35	28,93%	7	8	7	17	15	12,40%
72730	Farmington	2,521	142	130	273	243	9,64%	165	181	2	348	317	12,57%
72732	Garfield	1,317	204	47	251	223	16,93%	290	62	27	329	345	26,20%
72734	Gentry	2,286	325	220	546	486	21,26%	423	310	70	803	731	31,98%
72735	Goshen	218	4	20	24	21	9,63%	4	30		34	31	14,22%
72736	Gravette	1,963	330	152	497	442	22,52%	352	147	26	525	478	24,15%
72737	Greenland	199	6	37	43	38	19,10%	6	12		18	16	8,04%
72738	Hindsville	726	10	40	61	54	7,44%	12	50	17	79	72	9,92%
72739	Hivasse	203	35	6	41	36	17,73%	40	6		46	42	20,69%
72740	Huntsville	3,181	145	51	201	179	5,61%	190	54	6	250	228	7,17%
72744	Lincoln	1,675	383	47	432	385	22,99%	468		5	473	411	25,73%

MORNING NEWS ZIP CODE ANALYSIS

3B. DISTRIBUTION BY ZIP CODES RECEIVING 25 OR MORE COPIES:

SOURCE - U.S. ZIP Code Directory - #1-1-00 Claritas Inc., See Par. 9(a).

State	Town	#1-1-00 Estimate	Morning	Avg. Proj. Pd. Circ.	Household Coverage	Sunday	Avg. Proj. Pd. Circ.	Household Coverage
-------	------	---------------------	---------	-------------------------	-----------------------	--------	-------------------------	-----------------------

MISSOURI

64831	Anderson	1,934	55	48	2.48%	61	55	2.84%
64854	Noel	1,321	81	71	5.37%	57	51	3.86%
64856	Pineville	1,333	174	152	11.40%	50	45	3.38%
65745	Seligman	905	94	82	9.06%	98	88	9.72%
65772	Washburn	777	62	54	6.95%			

ARKANSAS

72616	Berryville	3,361	227	198	5.89%	229	206	6.13%
72631	Eureka Springs	1,007	218	190	18.87%	233	210	20.85%
72632	Eureka Springs	1,832	652	569	31.06%	220	198	10.81%

ZIP

TOWN

AVG. PROJ. DAILY CIRC.

AVG. PROJ. SUNDAY CIRC.

72701 Fayetteville
72703 Fayetteville
72704 Fayetteville

2,130
2,023
947

2,119
2,258
1,055

72718	Cave Springs	486	106	93	19.14%	127	114	23.46%
72719	Centerton	853	218	190	22.27%	233	210	24.62%
72722	Decatur	862	173	151	17.52%	126	113	13.11%
72727	Elm Springs	1,476	246	215	14.57%	201	181	12.26%
72728	Elkins	219	41	36	16.44%	41	37	16.89%



Audit Bureau
of Circulations

SUMMARY OF ABC NUMBERS FOR 72701, 72703, 72704

Zip Code	DAILY			SUNDAY		
	Dem-Gaz	Morning News	+/-	Dem-Gaz	Morning News	+/-
72701	5341	2130	+3211	5496	2119	+3377
72703	4663	2030	+2640	5053	2258	+2795
72704	1517	947	+570	1988	1055	+7105
	11,521	5,100	+6,421	12,537	5,432	+7,105
			+125.9%			+130.8%

These figures were taken from each newspaper's current annual Audit Bureau of Circulations report for the 12 months ending March 31, 2001. The zip code analysis was based on a one day analysis for March 13, 2001 (daily) and March 11, 2001 (Sunday) for each newspaper.

LET'S COMPARE EACH NEWSPAPER'S FAYETTEVILLE CIRCULATION GROWTH FROM 1997 TO 2001 WITH ABC AUDITED NUMBERS



DAILY

Zip Code	Dem-Gaz 1997	Dem-Gaz 2001	Morning News 1997	Morning News 2001
72701	1502	5341	2168	2130
72703	1405	4663	2029	2023
72704	260	1517	967	947
	3,167	11,521	5,164	5,100

2001 figures taken from each newspaper's ABC annual report, one day zip code analysis for March 13, 2001 (daily) and March 11, 2001 (Sunday).

Arkansas Democrat-Gazette 1997 figures taken from ABC annual report, one day zip code analysis for March 4, 1997 (daily) and March 2, 1997 (Sunday).
Morning News 1997 figures taken from ABC annual report, one day zip code analysis for September 24, 1997 (daily) and September 28, 1997 (Sunday).

LET'S COMPARE EACH NEWSPAPER'S FAYETTEVILLE CIRCULATION GROWTH FROM 1997 TO 2001 WITH ABC AUDITED NUMBERS



SUNDAY

Zip Code	Dem-Gaz 1997	Dem-Gaz 2001	Morning News 1997	Morning News 2001
72701	2369	5496	2113	2119
72703	2087	5053	2074	2258
72704	573	1988	1033	1055
	5,029	12,537	5,220	5,432

2001 figures taken from each newspaper's ABC annual report, one day zip code analysis for March 13, 2001 (daily) and March 11, 2001 (Sunday).
Arkansas Democrat-Gazette 1997 figures taken from ABC annual report, one day zip code analysis for March 4, 1997 (daily) and March 2, 1997 (Sunday).
Morning News 1997 figures taken from ABC annual report, one day zip code analysis for September 24, 1997 (daily) and September 28, 1997 (Sunday).

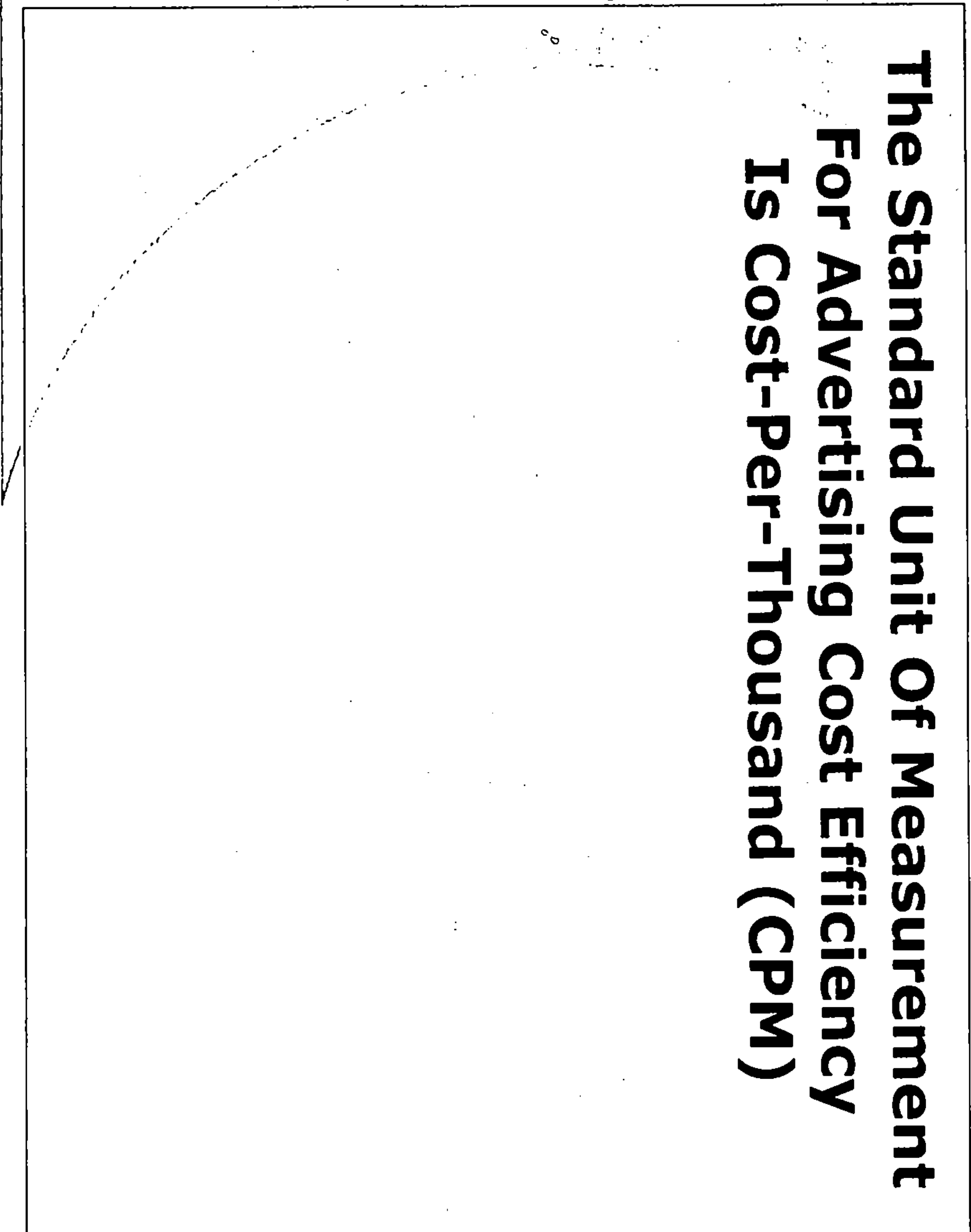


**"The Council has to decide on
whether to go with
the paper that has the most circulation
or the best prices."**

**Heather Woodruff, City Clerk
Closing Remarks, August 13, 2002
Agenda Meeting**



The Standard Unit Of Measurement For Advertising Cost Efficiency Is Cost-Per-Thousand (CPM)





The Standard Unit Of Measurement For Advertising Cost Efficiency Is Cost-Per-Thousand (CPM)

Formula: Cost of the ad, divided by the circulation

Example: 2X5, The New York Times

Column Inch Rate:

$$\begin{array}{r} 868.00 \text{ per inch} \\ \times 10 \text{ " ad} \\ \hline \$8,680.00 \\ \div \end{array}$$

The Standard Unit Of Measurement For Advertising Cost Efficiency Is Cost-Per-Thousand (CPM)

Formula: Cost of the ad, divided by the circulation

Example: 2X5, The New York Times

Column Inch Rate:

868.00 per inch
x 10" ad

\$8,680.00

÷

Sunday Circulation:

1,682,208

\$5.16m

DAILY - 2X5

Morning News:

$$\begin{array}{r} 4.55 \text{ per inch} \\ \times 10 \text{ " ad} \\ \hline \$45.50 \\ \div 5,100 \end{array}$$

\$8.92m

NW Ark Times:

$$\begin{array}{r} 8.76 \text{ per inch} \\ \times 10 \text{ " ad} \\ \hline \$87.60 \\ \div 11,521 \end{array}$$

\$7.60m

SUNDAY - 2X5

Morning News:

$$\begin{array}{r} 4.55 \text{ per inch} \\ \times 10 \text{ " ad} \\ \hline \$45.50 \\ \div 5,432 \end{array}$$

\$8.38m

NW Ark Times:

$$\begin{array}{r} 8.76 \text{ per inch} \\ \times 10 \text{ " ad} \\ \hline \$87.60 \\ \div 12,537 \end{array}$$

\$6.99m

Legal Advertising Cost Per Thousand Comparison

MORNING NEWS

36¢ Per Word = \$57.60 x 2 Runs

\$115.20

• Daily ABC Circulation	35,663
• Sunday ABC Circulation	35,828
	<u>71,491</u>

CPM \$1.61 m

ARKANSAS DEMOCRAT-GAZETTE
\$1.45 Per Line = 47 Lines x 2 Runs
\$136.30

• Daily ABC Circulation	180,590
• Sunday ABC Circulation	280,368
	<u>460,958</u>

CPM 29.6¢ m

City
Division

9521589f
CALL 501-565-8645.

NOTICE TO BIDDERS

RFP NO. 02-13 Walker Park North
Playground #2

The City of Fayetteville, Arkansas, will receive requests for proposals in Room 306, City Hall, 113 West Mountain Street, Fayetteville, Arkansas until 11 a.m. on RFP #02-13, September 10, 2002, for the above listed item.

Bid forms, specifications and terms and conditions may be obtained from the Purchasing Office located in Room 306, 3rd floor of the City Administration Building.

The City reserves the right to reject any and all proposals and to waive formalities deemed to be in the City's best interest.

Contractors license and a 5% bid bond is required.

Pursuant to Ark. Code Annotated 22-9-203, the City of Fayetteville encourages all qualified small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to qualified small, minority, and women business enterprises.

Peggy Vice
Purchasing Manager
9496547

NOTICE TO BIDDERS

The City of Bentonville is accept-

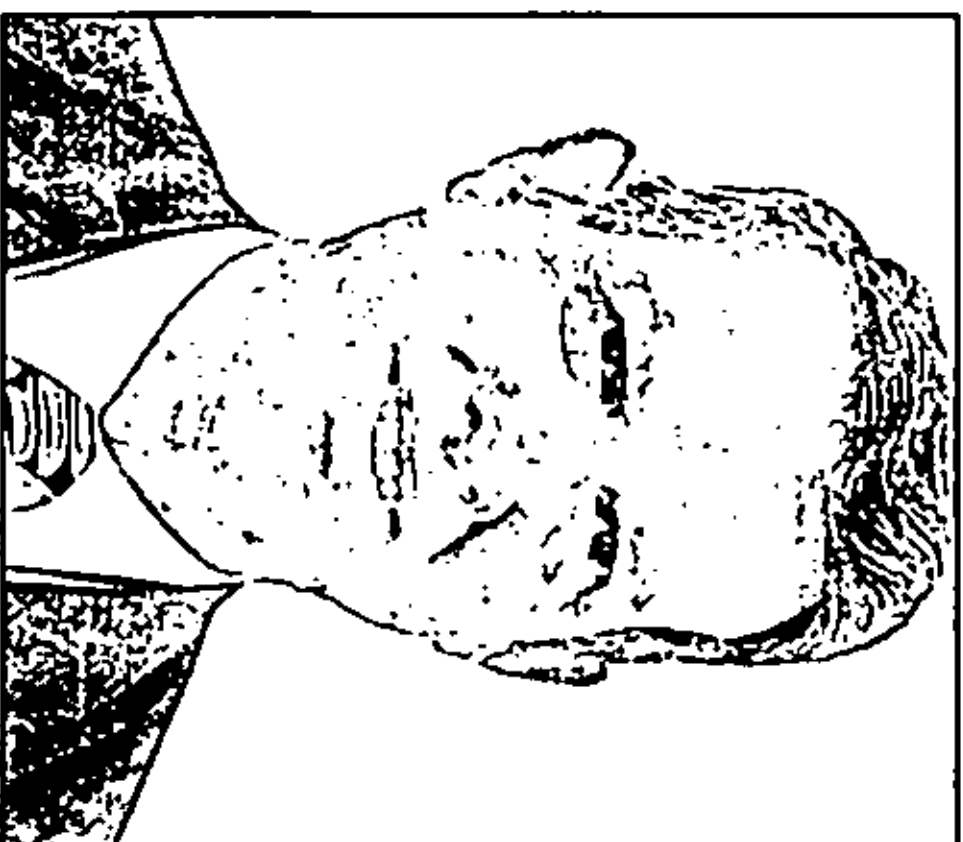
"I read the Times to..."



*"...gives me the best
balance of strictly
local news,*

*coupled with the Arkansas Democrat-Gazette for
regional and statewide news. No other newspaper
is as focused on Fayetteville news as the Times.*

Bill Underwood
Underwood's Inc. partners



*"...keep up with
local sports.*

*The Times has provided our family with jour-
nal high and high school sports coverage better
than any other source. We really like reading
about charity events and other news topics. Keep
up the good work."*

Dean Redford
Redford



*"...know what's new
and exciting in arts,
culture and entertainment in my community.*

Terry Trotter
Wilson Arts Center

"I read the Times to..."



"...keep up with what is going on in Fayetteville."

I read the Northwest Arkansas Times because I've been reading it since I was in grade school. I try to keep up with what is going on in Fayetteville and one of the best ways to do that is by reading the Northwest Arkansas Times.

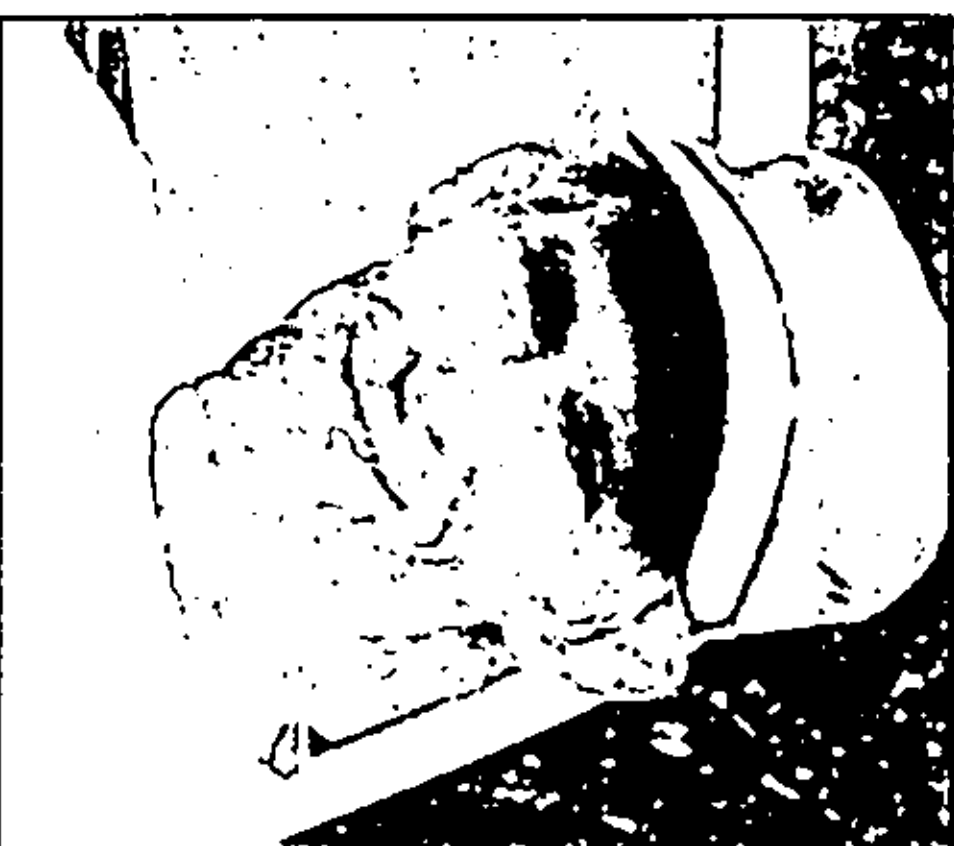
- Woody Bassett
Abertus, Pleasant Farm



"...stay current on community affairs."

I seek a diverse range of information from what local non-profit groups are doing to improve business development, which helps me to be better informed about the issues that are important to our guests and to make more informed decisions.

- Lisa Skiles
Hoover Marketing Manager, AXA Hall

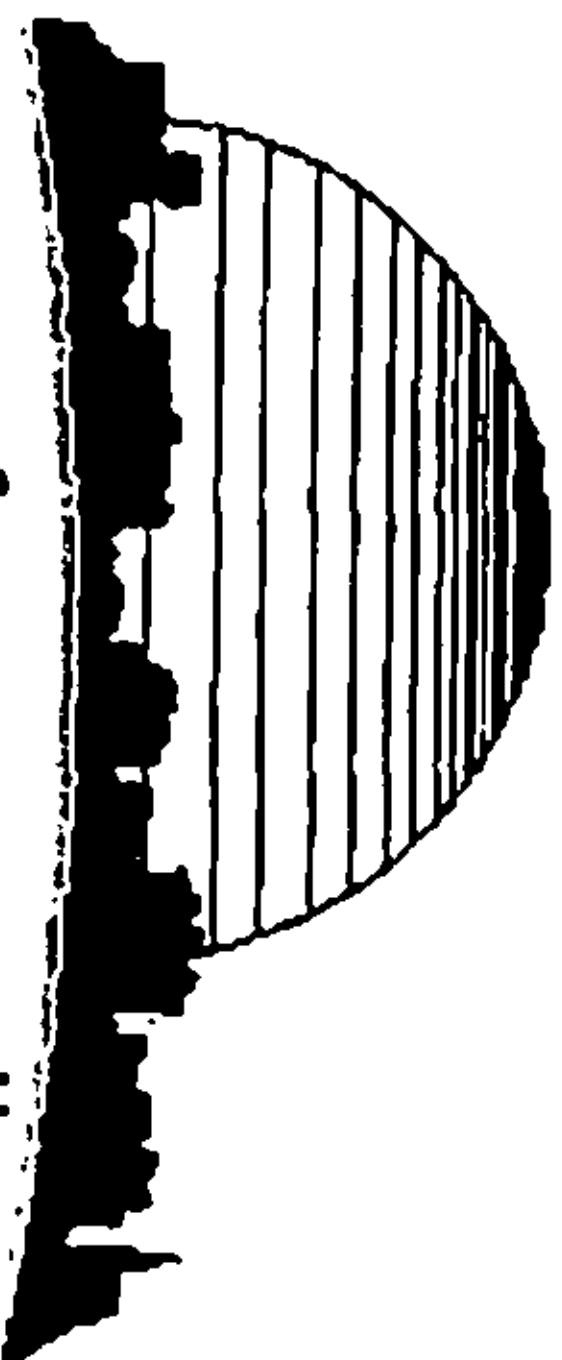


"...capture the flavor of Fayetteville."

The editorial is pure Fayetteville; the local news is great, and it's the only sports page I've ever read in my life.

- Joe Penzel
Owner, Joe's Mexican Restaurant

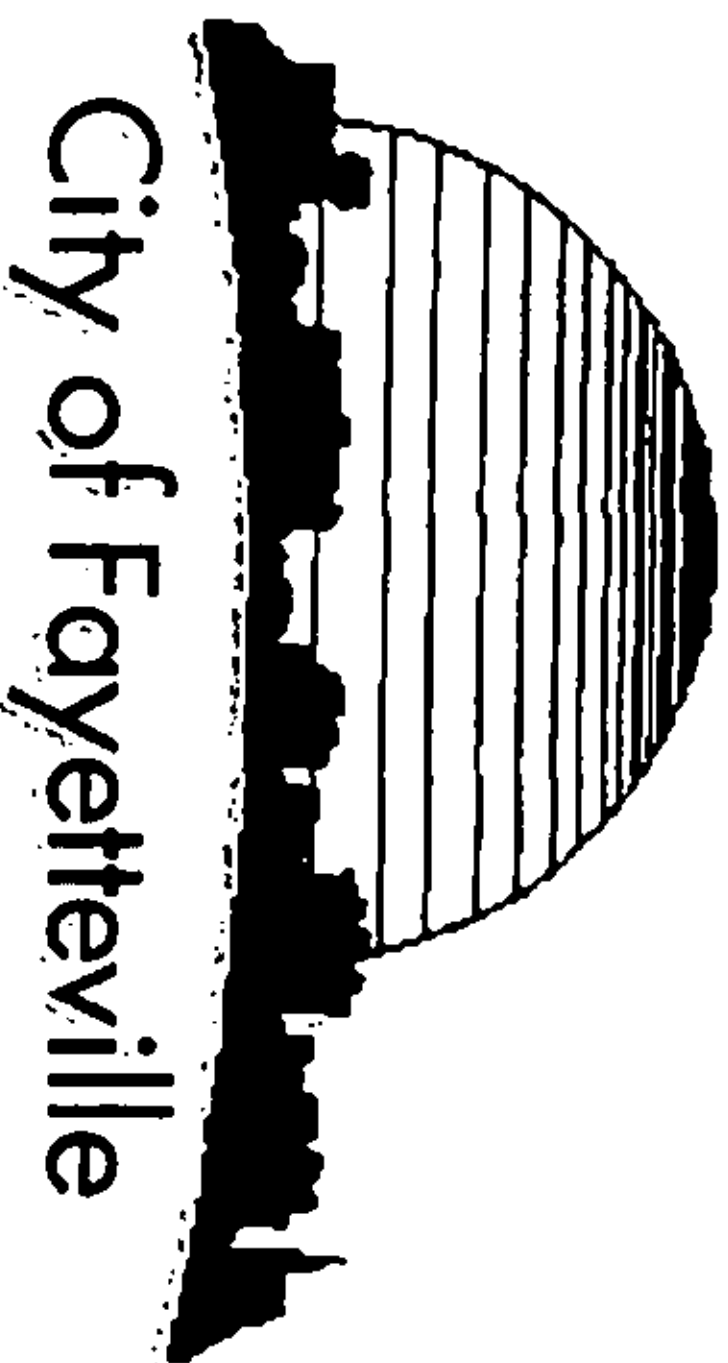
City of Fayetteville



and

NORTHWEST ARKANSAS
TIMES
Fayetteville's Hometown Newspaper Since 1860

☐ **Better than double
the Fayetteville circulation**



City of Fayetteville

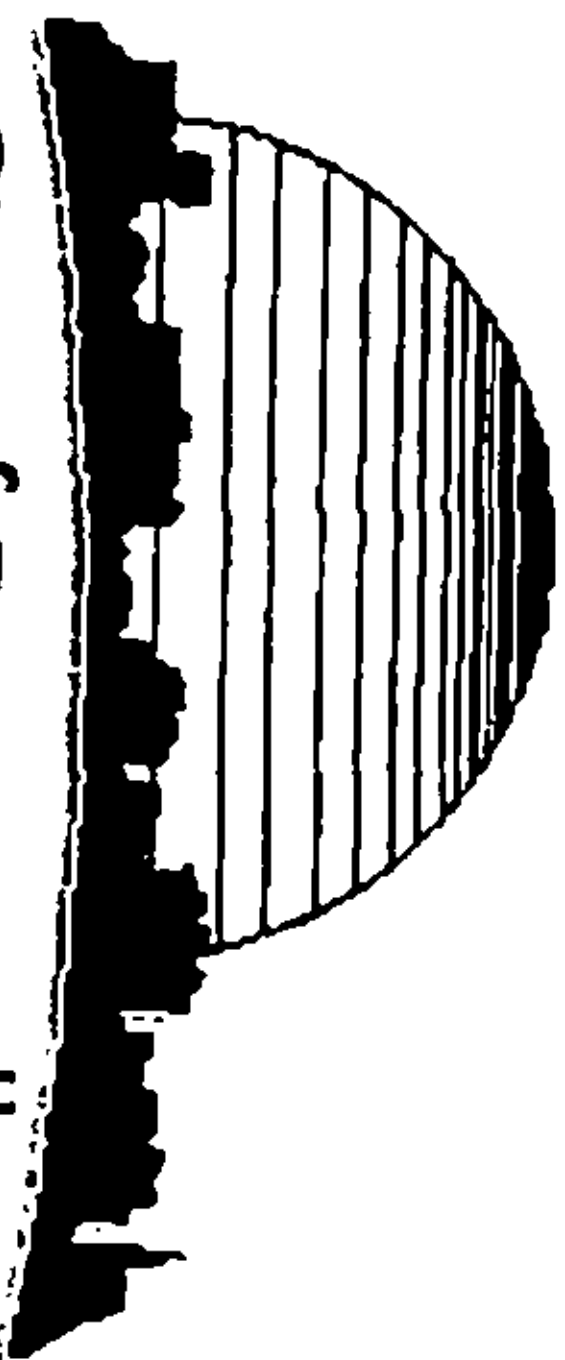
and

NORTHWEST ARKANSAS
TIMES
Fayetteville's Hometown Newspaper Since 1860



**Better than double
the Fayetteville circulation**

City of Fayetteville



and

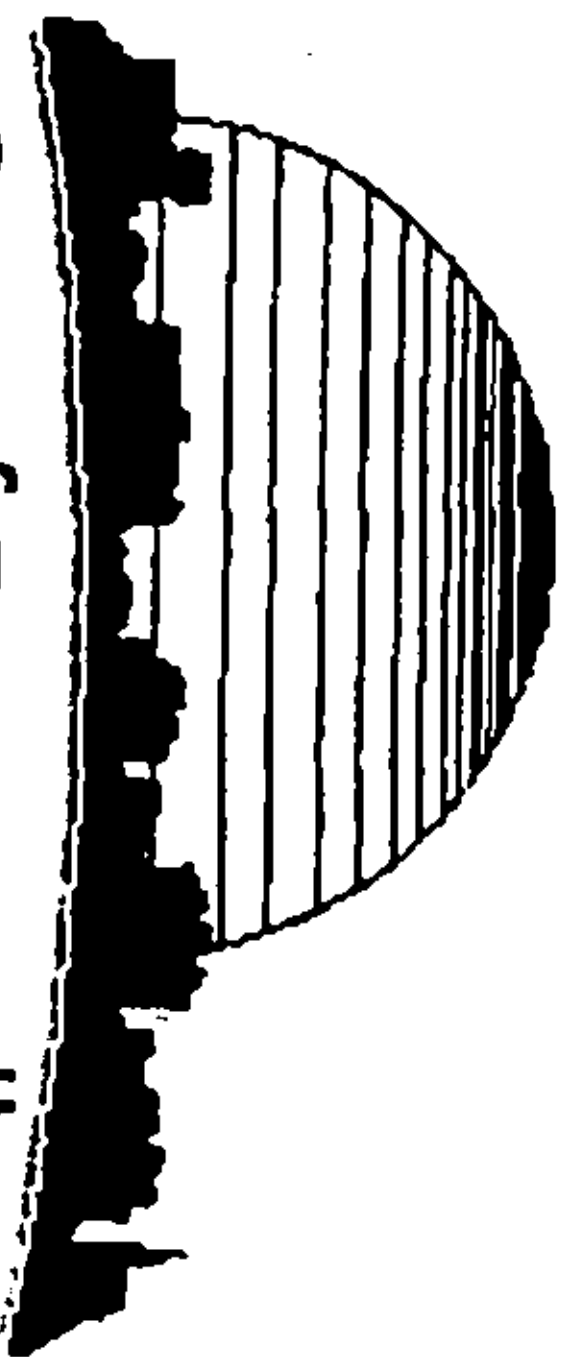
NORTHWEST ARKANSAS
TIMES
Fayetteville's Hometown Newspaper Since 1860



**Better than double
the Fayetteville circulation**



Lower cost-per-thousand



City of Fayetteville

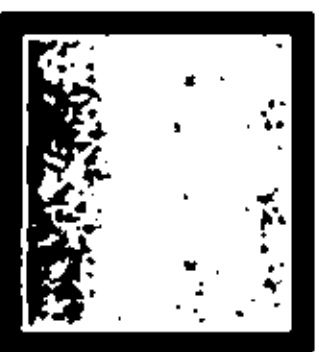
and

NORTHWEST ARKANSAS
TIMES

Fayetteville's Hometown Newspaper Since 1860

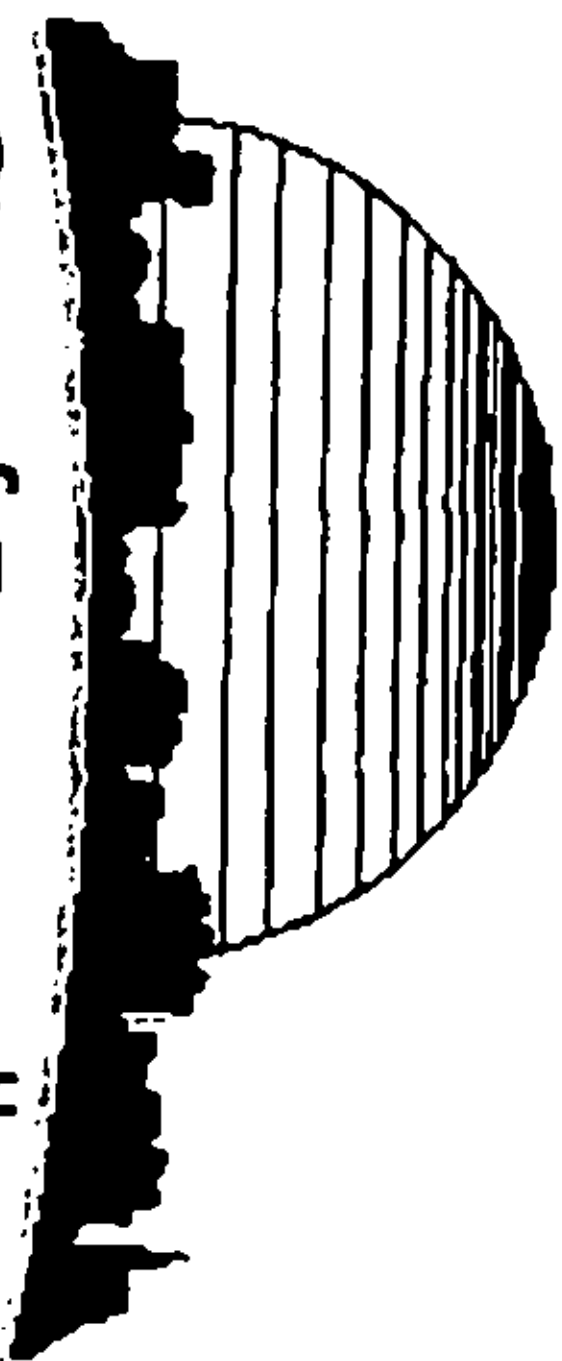


**Better than double
the Fayetteville circulation**



Lower cost-per-thousand

City of Fayetteville



and

NORTHWEST ARKANSAS
TIMES
Fayetteville's Hometown Newspaper Since 1860

☒ **Better than double
the Fayetteville circulation**

☒ **Lower cost-per-thousand**

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Dan Coody, Mayor and City Council

From: Heather Woodruff, City Clerk
Peggy Vice, Purchasing Officer
Dawn Warrick, Senior Planner
Renee Thomas, Planning Secretary

Date: August 9, 2002

Re: Advertising

The purpose of this report is to receive direction from the City Council regarding the City's advertising policy.

Historically, the City has consistently used the Northwest Arkansas Times as our primary venue for advertising. When the Times merged with the Arkansas Democrat Gazette in 2000 we did not change our advertising policy, however, over the last three years we have seen our rates nearly triple. As staff we feel it is our obligation to bring this to your attention and to ask for further direction.

In the spring of this year, staff formed a small committee to assess our advertising needs and to negotiate new rates with both the Arkansas Democrat Gazette and the Morning News.

By State law and city ordinance, the City is required to post legal notices for bids, ordinances, development items, elections, and hearings. Most required advertising must be published in a newspaper of general circulation within the city. Some items which involve federal funding will have to be advertised statewide. As a courtesy to help keep our citizens informed we often advertise our agendas, committee vacancies, special meetings, public hearings, schedule changes, program changes, and other items of interest to the public.

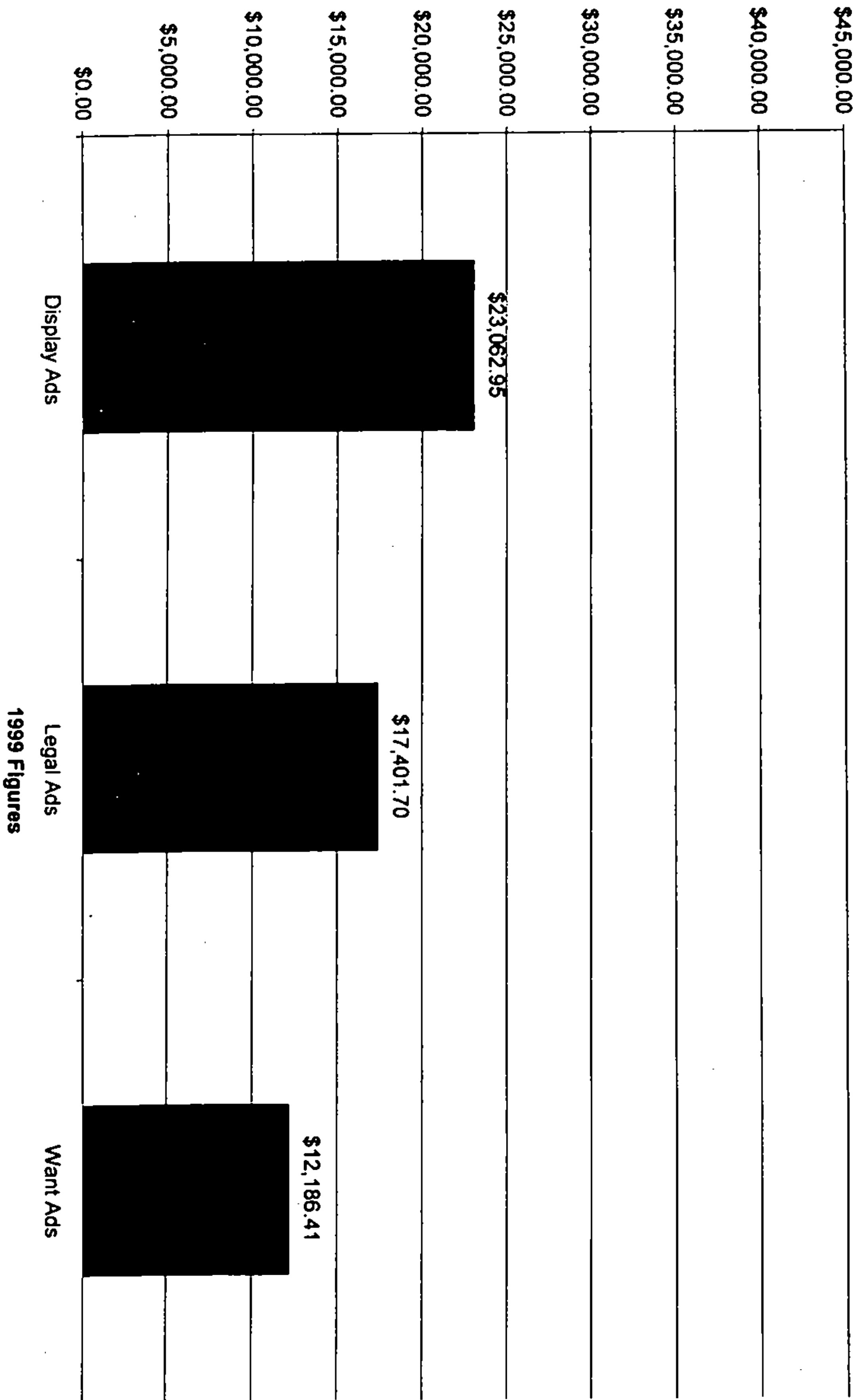
Attached you will find three bar graphs illustrating our advertising trends from January 1999 to June 2002 for each paper. You will also find the cost comparison between the Arkansas Democrat Gazette and the Morning News summarizing their proposed rate structures. We have also included the Planning Division advertising budget as an example of how the different rate structures would affect their budget.

The last two graphs that we have included are cost comparisons which illustrate advertising costs for all divisions combined. The first graph shows the percentage of

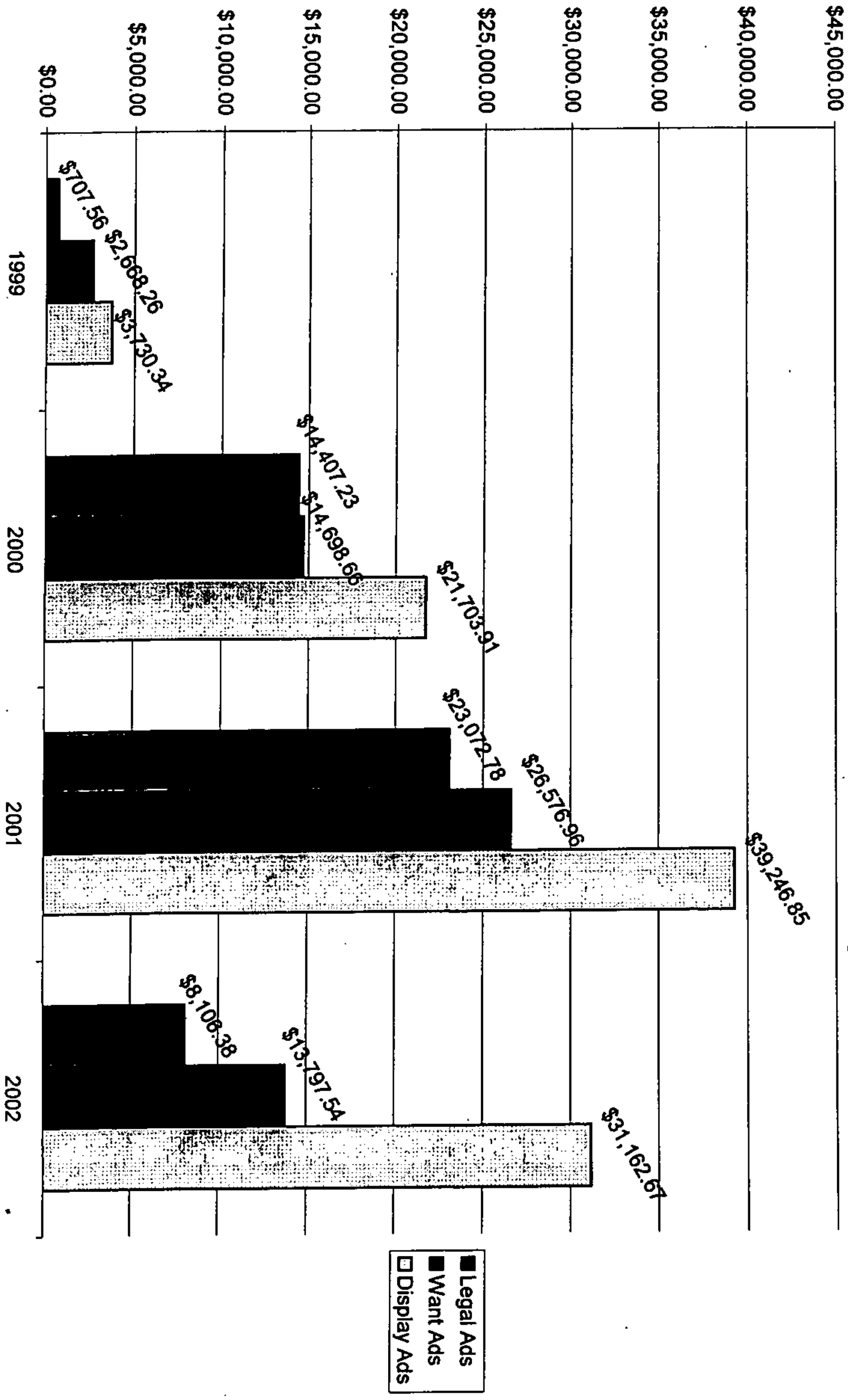
articles published in our primary source that are duplicated in our secondary source. The second graph shows our projected advertising cost for 2003 using each paper as our primary advertising source.

In conclusion, staff requests direction from the City Council on the selection of a primary advertising source. The decisions regarding advertising will affect several division's budgets which will impact the City as a whole financially. Your consideration and guidance in this area are greatly appreciated.

NORTHWEST AREAS TIMES

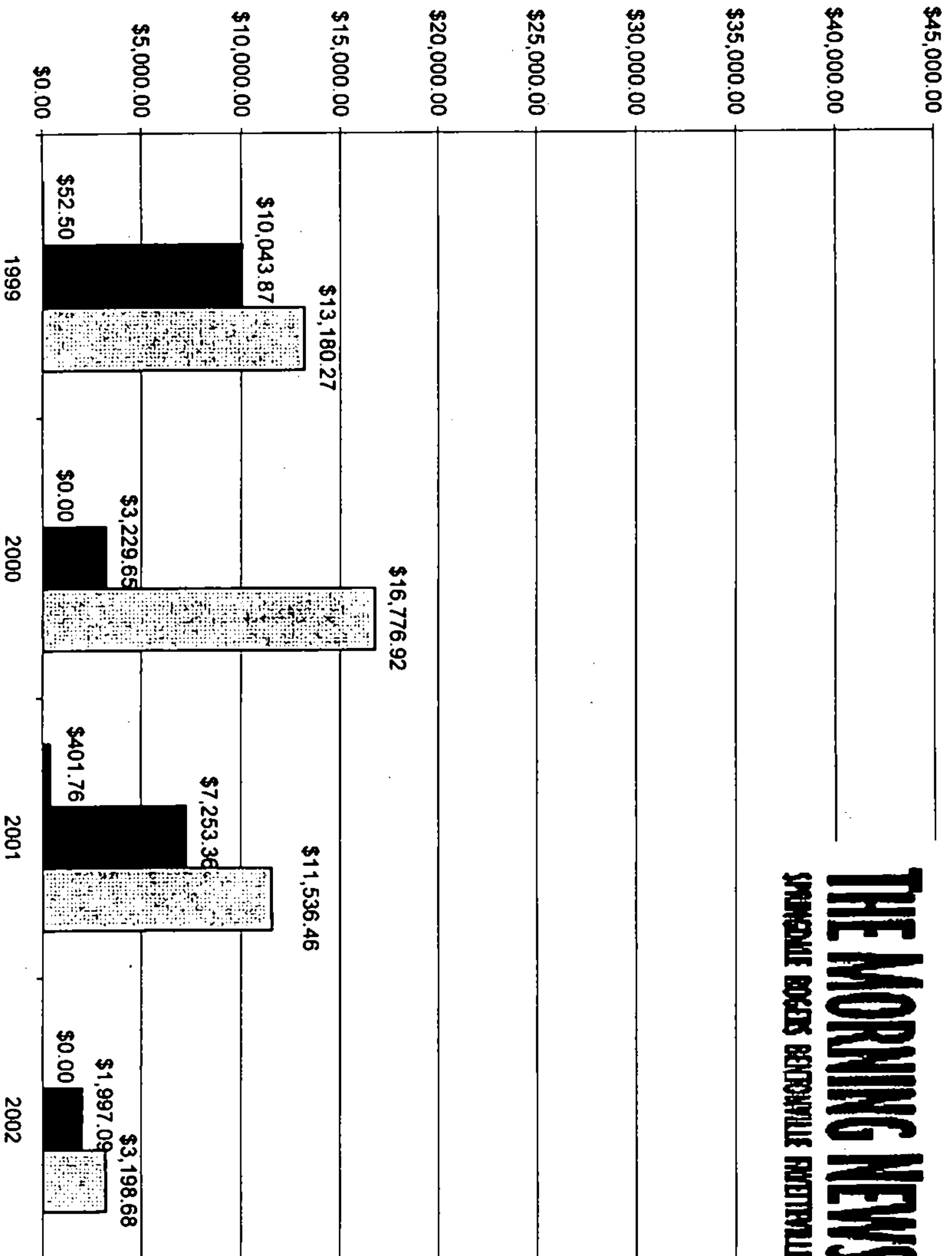


Arkansas Democrat Gazette



THE MORNING NEWS

SPRINGFIELD, MISSOURI



☒ Legal Ads
☒ Display Ads
☐ Want Ads

	Arkansas Democrat Gazette	THE MORNING NEWS SPRINGDALE ROGERS BENTONVILLE FORTSMITHVILLE
Ad Rates	\$8.76 per inch	\$4.55 per inch
Legal Ad Rates	\$1.25 per line daily/\$1.45 per line Sunday	\$1.00 per line
Subscription Rates	\$9.08 per month	\$2.60 per month
Number of People Handling City's Account	One	One
P.O. Numbers on All Invoices	Yes	Yes
Submit Ads By E-mail	Yes	Yes
Ability to Proof Ads Electronically	Difficult because of small font size (Diane Williams will bring a proof of all ads to the Administration Building)	Yes

Estimated 2003 Planning Division Advertising Budget

\$45,000.00	
\$40,000.00	
\$35,000.00	
\$30,000.00	
\$25,000.00	
\$20,000.00	
\$15,000.00	
\$10,000.00	\$7,043.04
\$5,000.00	
\$0.00	
AR Democrat Gazette*	
Morning News*	
*Legal Ads are not included in this figure	

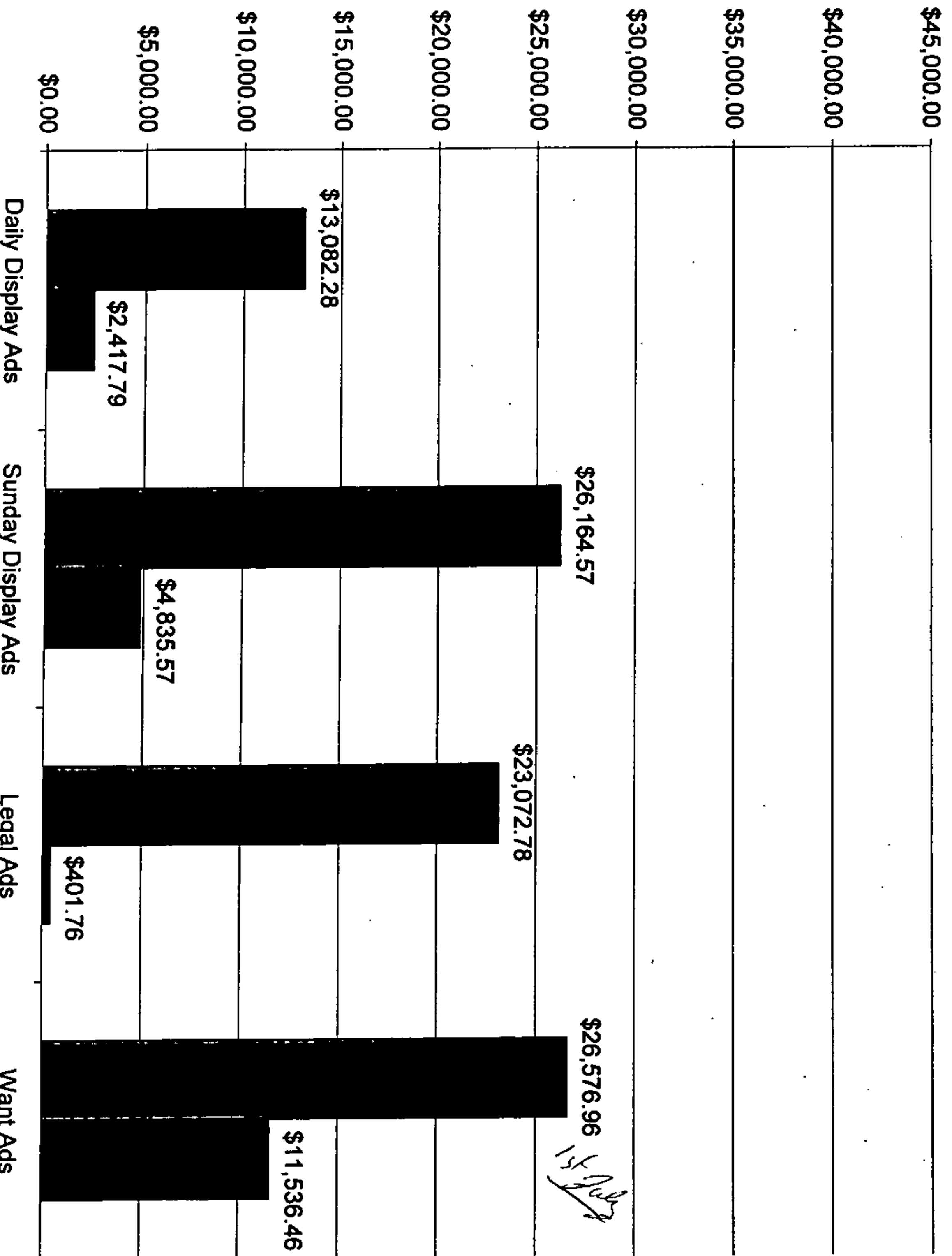
Planning Division 2003 Advertising Budget Planning Commission Notification

	Estimated Inches	Rate	Estimated Budget	Difference
AR Democrat Gazette	624	\$8.76	\$5,466.24	\$2,627.04
Morning News	624	\$4.55	\$2,839.20	

Total
AR Democrat Gazette* \$7,043.04
Morning News* \$3,658.20

Board of Adjustment Notification	Estimated Inches	Rate	Estimated Budget	Difference
AR Democrat Gazette	180	\$8.76	\$1,576.80	\$757.80
Morning News	180	\$4.55	\$819.00	

2001 Advertising Costs for Entire City

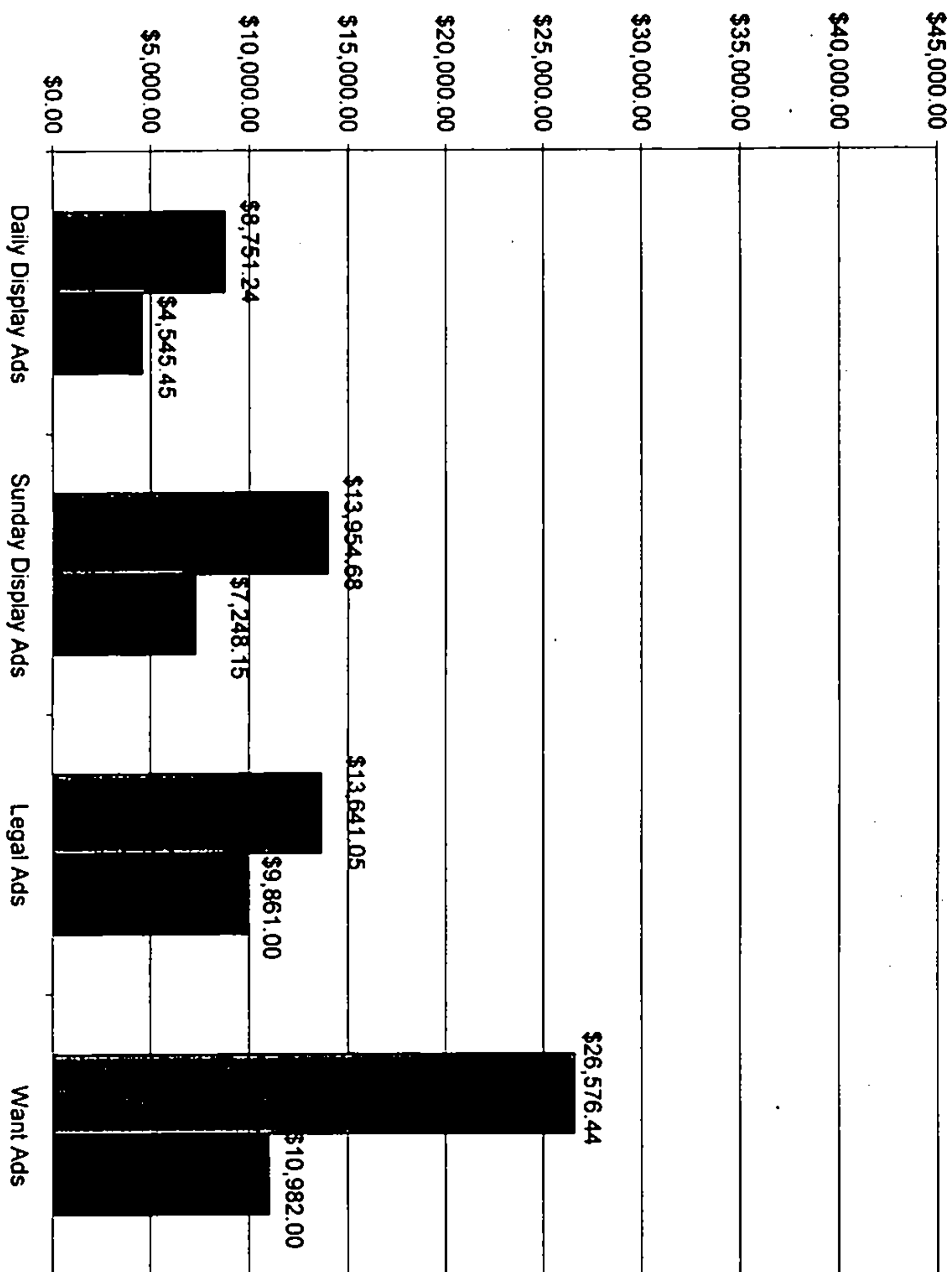


Percentage of Primary Source Duplicated in Secondary Source in 2001

Daily Display Ads	18.48%
Sunday Display Ads	18.48%
Legal Ads	1.74%
Want Ads	43.41%

■ Primary Source
■ Secondary Source

2003 Budgeted Primary Source Ad Costs



■ AR Democrat Gazette
■ Morning News

"Northwest Arkansas' Most Widely Read Newspaper"

Jim Blankenship
Director of Sales & Marketing

July 29, 2002

Peggy Vice
City of Fayetteville
City Administration Building
Room 306
113 West Mountain
Fayetteville AR 72701

Dear Peggy,

The requested bullet items are in the following proposal from the Arkansas Democrat-Gazette and the Northwest Arkansas Times.

- *Lower rates without requirement of minimum amount for the year or a specified time period.*

Ad rates for the Northwest Arkansas Times (and the Arkansas Democrat-Gazette) are based on a yearly annual commitment of inches.

We propose a rate in the Northwest Arkansas Times of \$8.76 per inch based on 9000-inches of advertising annually. This will cover City of Fayetteville agenda notices, planning commission announcements, public hearings, bids, and help wanted ads. Based on past performance you should easily meet this criteria. Currently the City of Fayetteville is being billed \$13.49 per inch or the open rate since no contract has been signed. Legal advertising rates, per line, will be \$1.25 daily and \$1.45 Sunday and will run in the Democrat-Gazette's statewide coverage.

- *At least (30) thirty days notice before an increase of rates.*

This is standard procedure and is included in both the advertising rate card and contract.

- *One person assigned to the City's account.*

I suggested this in our June 5th meeting. Since that time Diane Williams from my team has been the exclusive representative for all City of Fayetteville ads.

- *P.O. numbers on all invoices for identification for billing.*

This request was passed along to Diane Williams and Sandy Thompson/Director of Finance for our northwest Arkansas operations after our June 5th meeting. The June billing had P.O. numbers for each ad, as will the upcoming July bills.

- *Consistency in subscription costs.*

All daily and Sunday subscriptions can be set up to bill at the same time annually for the rate of \$109.00 (\$9.08 monthly).

- *Ability to submit ads by e-mail and proof ads electronically.*

Receiving ads electronically is not a problem. Proofing ads electronically is difficult due to the 6 point type you've requested being extremely difficult (small) to read on a screen. Diane Williams brings proofs of all ads to the administration building.

- *The most important item we hope to accomplish with this request is good customer service and improved pricing. This will benefit both City staff and the public.*

We agree. Since our June 5th meeting to hear your concerns and requests I have not received one complaint from the City regarding ad errors. Diane Williams will continue to provide professional, competent service and each bill will have purchase order numbers for each line item.

Peggy, in your correspondence you mentioned "*any information you wish to submit*" needs to come to your attention. I wanted to reinforce the circulation and readership dominance of the Democrat-Gazette/Northwest Arkansas Times in the city of Fayetteville.

<u>Zip Code</u>	<u>Daily</u>			<u>Sunday</u>		
	<u>Arkansas Dem.-Gaz.</u>	<u>Morning News</u>	<u>+/-</u>	<u>Arkansas Dem.-Gaz.</u>	<u>Morning News</u>	<u>+/-</u>
72701	5341	2130	+3211	5496	2119	+3377
72703	4663	2023	+2640	5053	2258	+2795
72704	<u>1517</u>	<u>947</u>	<u>+ 570</u>	<u>1988</u>	<u>1055</u>	<u>+ 933</u>
	11,521	5100	+6421	12,537	5432	+7105
			+125.9%			+130.8%

These figures were taken from each newspaper's current annual Audit Bureau of Circulations report for the 12 months ending March 31, 2001. The zip code analysis was based on a one day analysis for March 13, 2001 (daily) and March 11, 2001 (Sunday) for each newspaper.

These circulation figures become even more eye opening thanks to reader information contained in the recent Urban & Associates, Inc. 2002 Market Study. These numbers met the criteria established by the Audit Bureau of Circulations for inclusion in their ABC Readership Profiles.

Exclusive Newspaper Readers In Fayetteville
(subscribe to one but not the other, i.e. no duplication)

	<u>Democrat-Gazette/ N.W. Arkansas Times</u>	<u>Morning News of Northwest Arkansas</u>
Daily Readers	18,133	5,002
Sunday Readers	22,030	3,604

Source: Urban & Associates, Inc. continuing Market Study conducted in Benton and Washington counties in December 2001 and January 2002.

Of the 192,700 total Washington and Benton county adults who read a newspaper, 46% selected the Democrat-Gazette/Times/Daily Record combination as their favorite combination to 33% for the Morning News.

Another extremely interesting part of the study is the category of Service Selection (delivery of the newspaper). 92% of Washington and Benton county subscribers rate the Democrat-Gazette as "good or excellent." According to Dr. Urban this is as high as any statistic for this category she has seen in her 20 plus years of conducting newspaper research. In other words, Peggy, your advertising messages are being delivered to the readers in a very satisfying manner.

Competition is good for all businesses and the newspaper industry is no exception. One area we have been watching closely is the Morning News commitment to covering Fayetteville via the "Fayetteville Morning News." Editorials are a key indicator.

During June 2002 the Fayetteville Morning News published zero editorials on matters pertaining to Fayetteville or Fayetteville city government, and zero pertaining to the University of Arkansas.

They did run 16 editorials on matters of statewide importance, two on national issues, one on a regional issue, and two short ones on Benton County issues. Regarding athletics they did run an editorial regarding Arkansas State University's athletic director in Jonesboro.

The Times lived up to it's reputation as Fayetteville's hometown newspaper, publishing 23 editorials on issues in Fayetteville.

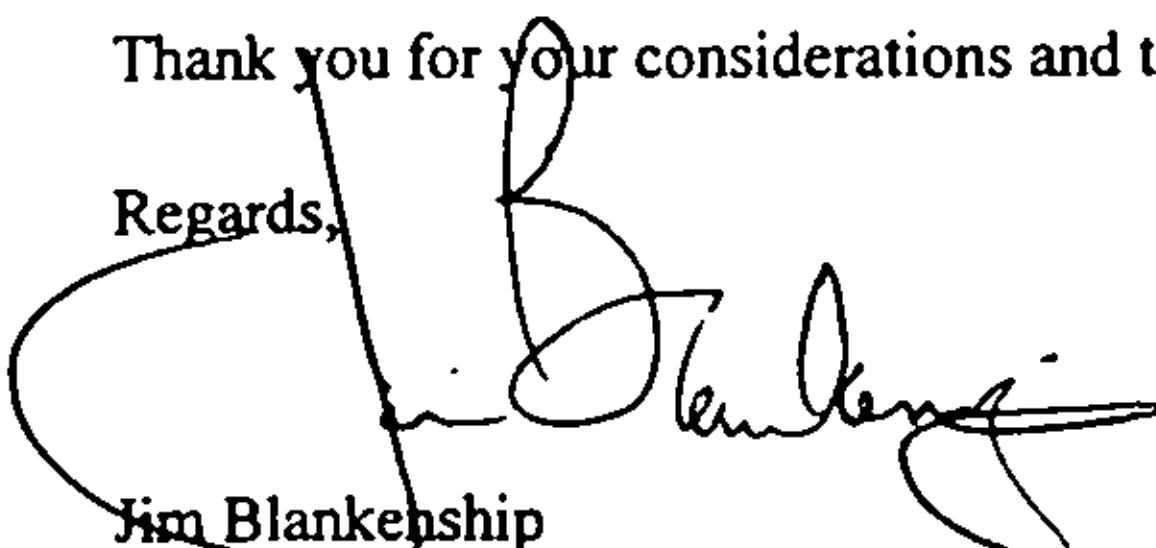
July hasn't been much better for issues regarding Fayetteville with the Morning News. Through July 22 there have been zero editorials on Fayetteville, none on Washington County and none on the University of Arkansas.

The Times, by comparison, has published three on the University of Arkansas, four on Washington County, and 13 involving Fayetteville.

Peggy, we want to partner with the City of Fayetteville in getting your advertising messages out to the largest number of Fayetteville households in a cost effective, cost efficient way. Please make me aware of any additional information I might need to supply.

Thank you for your considerations and the opportunity to continue our partnership.

Regards,


Jim Blankenship
Director of Sales & Marketing

JB/ah

Rate Proposal

ROP

(Display advertising, front part of the paper)

\$4.55 per column inch

zoned into Fayetteville Morning News

Legal Notices

(runs in classified, distributed to all subscribers and
single copy buyers)

\$1.00 per line per run

Classified Display

(distributed to all subscribers and single copy buyers)

\$7.50 per column inch

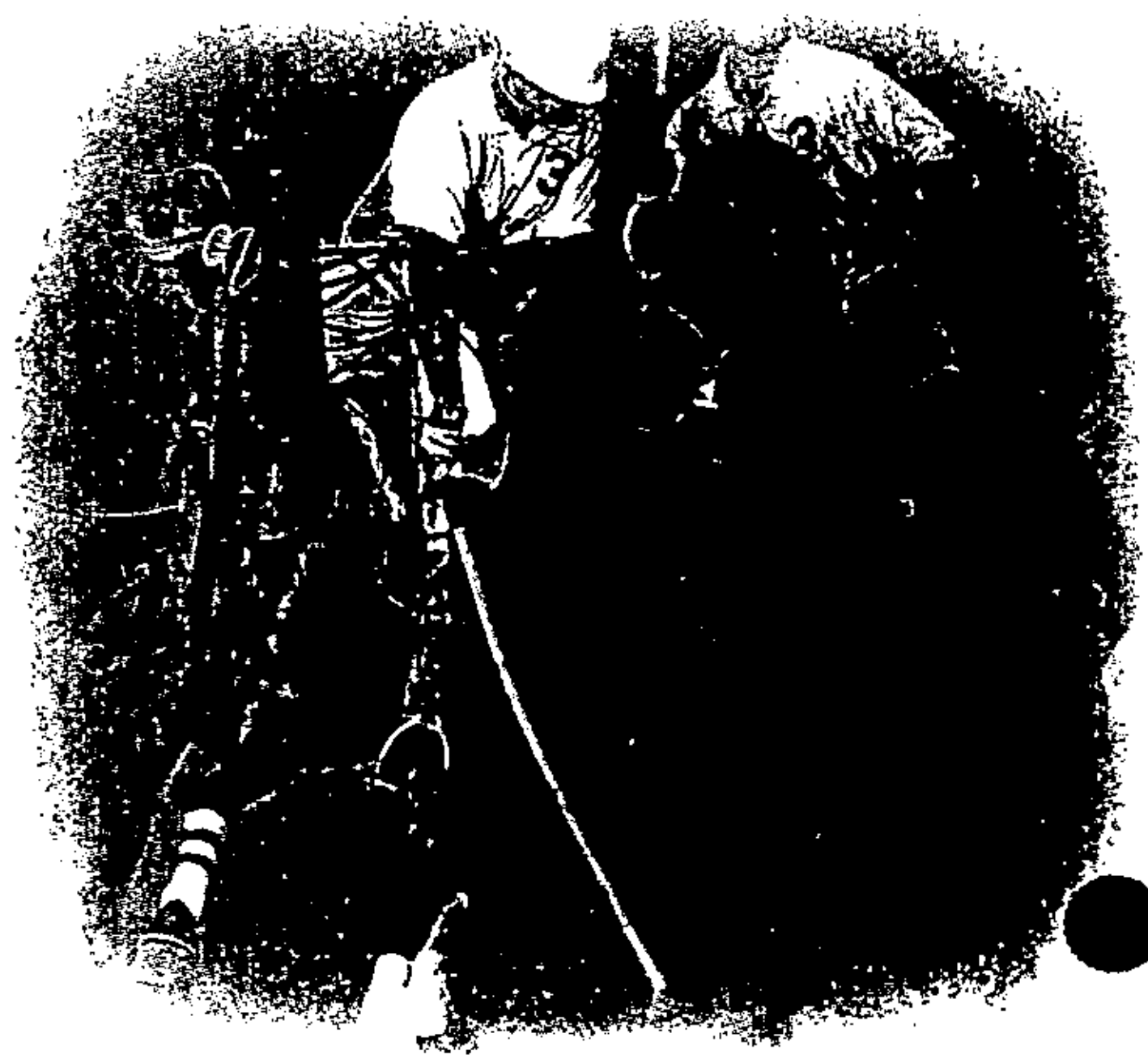
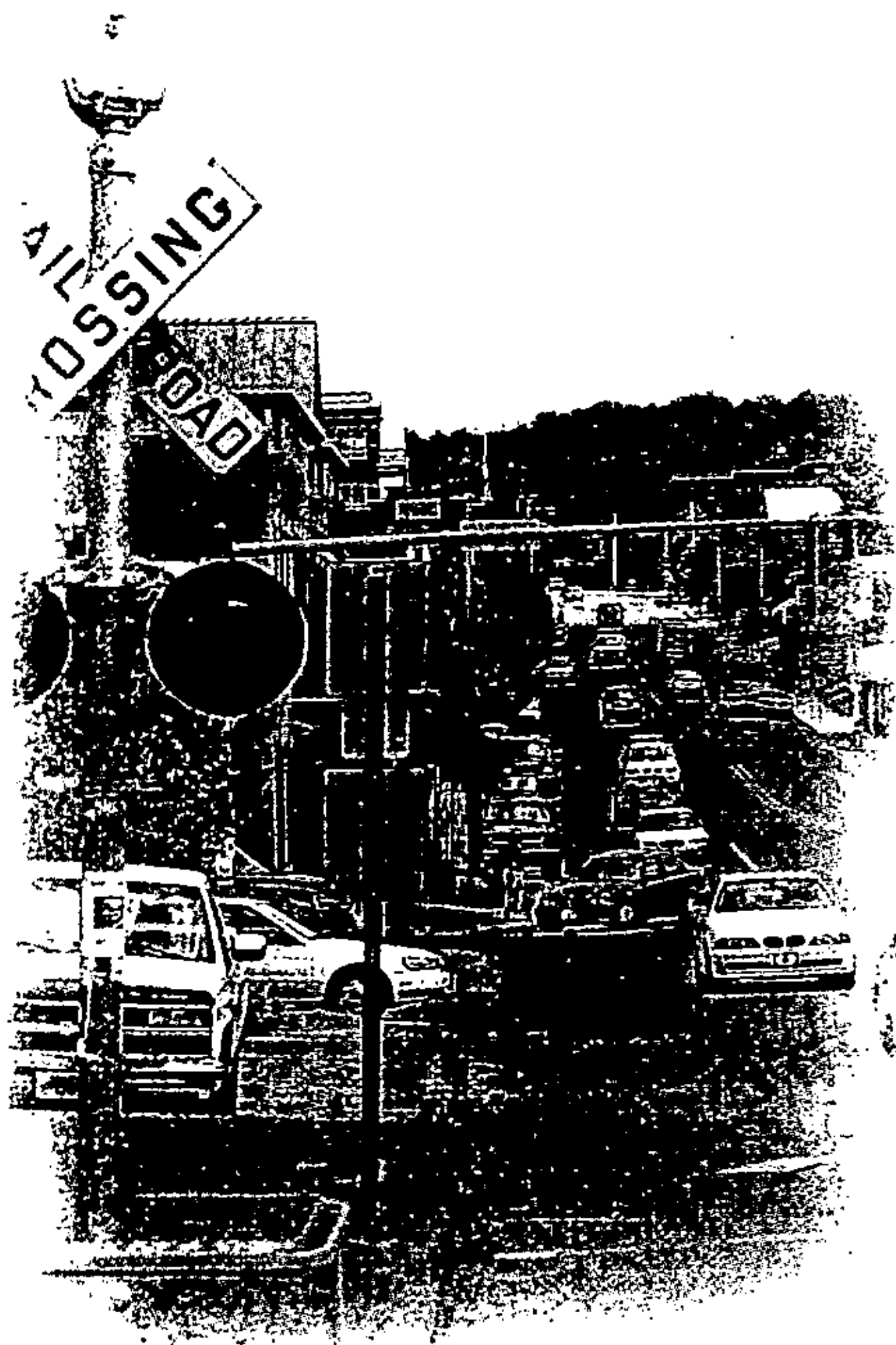
This newly created "government" rate is designed to provide you maximum exposure for the minimum investment of your resident's tax dollars.

To qualify for this rate, all departments must run all display ads and all legal notices in our newspaper and requires a signed contract. The contract guarantees no rate adjustment for the period of one year and requires The Morning News to give 30 days notice of any future rate increases.

CITY OF FAYETTEVILLE WISH LIST

- ☒ Lowest rates
- ☒ Consistent subscription
rate of \$2.60/month

- ☒ Timely and accurate
billing
- ☒ Consistent fonts and
font sizes
- ☒ One person contact
- ☒ Electronic Proofs
- ☒ PO numbers on all
invoices



THE MORNING NEWS
SPRINGDALE ROGERS BENTONVILLE FAYETTEVILLE



Any city office can
subscribe to
THE MORNING NEWS
and the paper will
be delivered
directly to the front
door Monday through
Friday

for only

\$2⁶⁰ per month.

**Want
the NEWS
delivered?**

THE MORNING NEWS

SPRINGDALE ROGERS BENTONVILLE FAYETTEVILLE

Post Office Box 7
Springdale, Arkansas 72765-0007

As part of the preparation for this presentation, we reviewed the file for the City of Fayetteville. The last adjustment made for a billing error was in September of 2001. That billing error was a correction for a full run ad that was to have been zoned in August. That means there have been no mistakes in the past nine months. Obviously the accuracy in billing helps save time and money on your end.

We currently have two advertising billing systems, one for classified reader ads and one for display ads and legal advertisements. These two systems are interfaced and can create a single statement for the City of Fayetteville. This statement can show Purchase Order numbers, key words, and the department placing the ad. This system has been put in place and is currently being used for the University of Arkansas and Washington County.

Springdale
2560 North Lowell Road
479-751-6200

Rogers
313 South Second
479-636-4411

Bentonville
1004 NW 11th Street
479-273-7600

Fayetteville
203 North College
479-444-6397

Redesigned from
Sunday, April 7th
Democrat Gazette City
of Fayetteville Ad.



City of Fayetteville

AGENDA NOTICE PLANNING COMMISSION

Monday, April 8, 2002 - 5:30 p.m.
City Administration Building, Room 219
113 West Mountain, Fayetteville, Arkansas
PUBLIC MEETING - OPEN TO ALL

Officer Elections

The following items will be considered:
Approval of the minutes from the
March 25, 2002 meeting.

New Business:

LSP 02-11.00: Lot Split (Faulkner, pp 761) was submitted by Glen Carter of Carter Consulting, PA on behalf of Ivan Faulkner for property located off County Road 3105. The property is in the Growth Area and contains approximately 44.09 acres. The request is to split into two tracts of 27.09 acres and 17.00 acres.

LSD 02-9.00: Large Scale Development (Williams Ford Tractor, pp 286) was submitted by Tom Hennelly of Jorgenson & Associates Consulting Engineers on behalf of Williams Ford Tractor for property located at 2501 N. Shiloh Drive. The property is zoned C-2, Thoroughfare Commercial and contains approximately 11.81 acres with a 15,000 sq. ft. building proposed.

LSD 02-10.00: Large Scale Development (University Square, pp 558) was submitted by Erin Rushing of CEI Engineering on behalf of Narndra Krushiker for property located at 2614 W. 6th Street. The property is zoned C-2, Thoroughfare Commercial and contains approximately 4.42 acres.

VAC 02-2.00: Vacation (Brockman, pp 600) was submitted by Greg Brockman for property located south of 15th Street on Price Avenue. The property is zoned R-2, Medium Density Residential and contains approximately 0.15 acres. The request is to vacate east half of Price Avenue south of 15th Street.

All interested parties may appear and be heard at the public hearings. A copy of the proposed amendments and other pertinent data are open and available for inspection in the Office of City Planning (575-8264) City Administration Building, 113 West Mountain Street, Fayetteville, Arkansas. All interested parties are invited to review the petitions. Interpreters or TDD for hearing impaired are available for all public meetings. 72 hour notice is required. For further information or to request an interpreter, please call Hugh Earnest at 575-8330.

Header

Times Bold 12 Pts.

Header Copy

Times 12 Pts.

Body Copy Headers

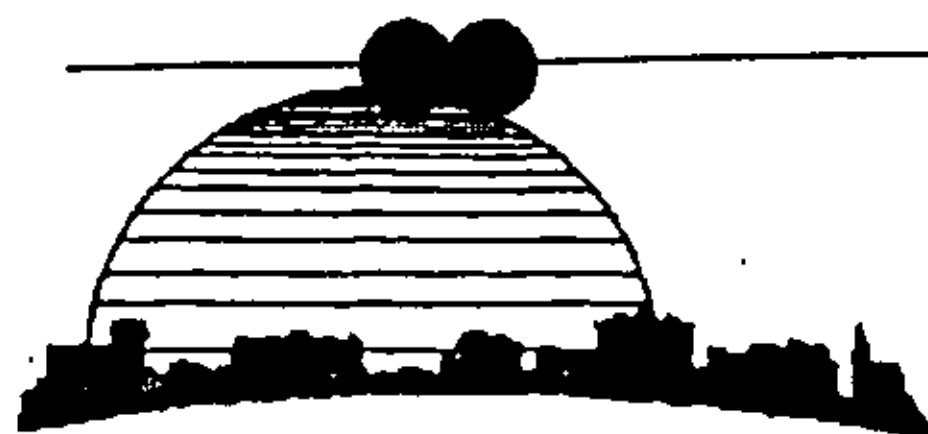
Times Bold 12 Pts.

Body Copy

Times 11 Pts.

Signature

Times Bold 9 Pts.



CITY OF FAYETTEVILLE
AGENDA NOTICE
PLANNING COMMISSION

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DEMOCRAT GAZETTE
2X10

Published
Sunday, April 7,
2002

HELLO!

*My name is Sara Parsons and I will be
your advertising representative on behalf of*
THE MORNING NEWS.



Direct Line - 479-872-5089
Main Advertising Line - 479-872-5000
or email me at sparsons@nwaonline.net

*I have lived in Fayetteville since 1996 and am a graduate of the
University of Arkansas. For two years, I have been a Morning
News advertising representative for the Fayetteville area.*

*I grew up in a newspaper publishing family. I was taught early
the way to grow our business was by helping the client grow
theirs. I pledge to put that commitment of customer service to
work for the City of Fayetteville.*

*My community involvement includes being a chamber member on
the Agriculture and Community Development committees. I have
also been involved with Autumnfest serving as their Public
Relations chair.*

Fayetteville is MY home.

*I look forward to working to make it a better
place to live and work.*

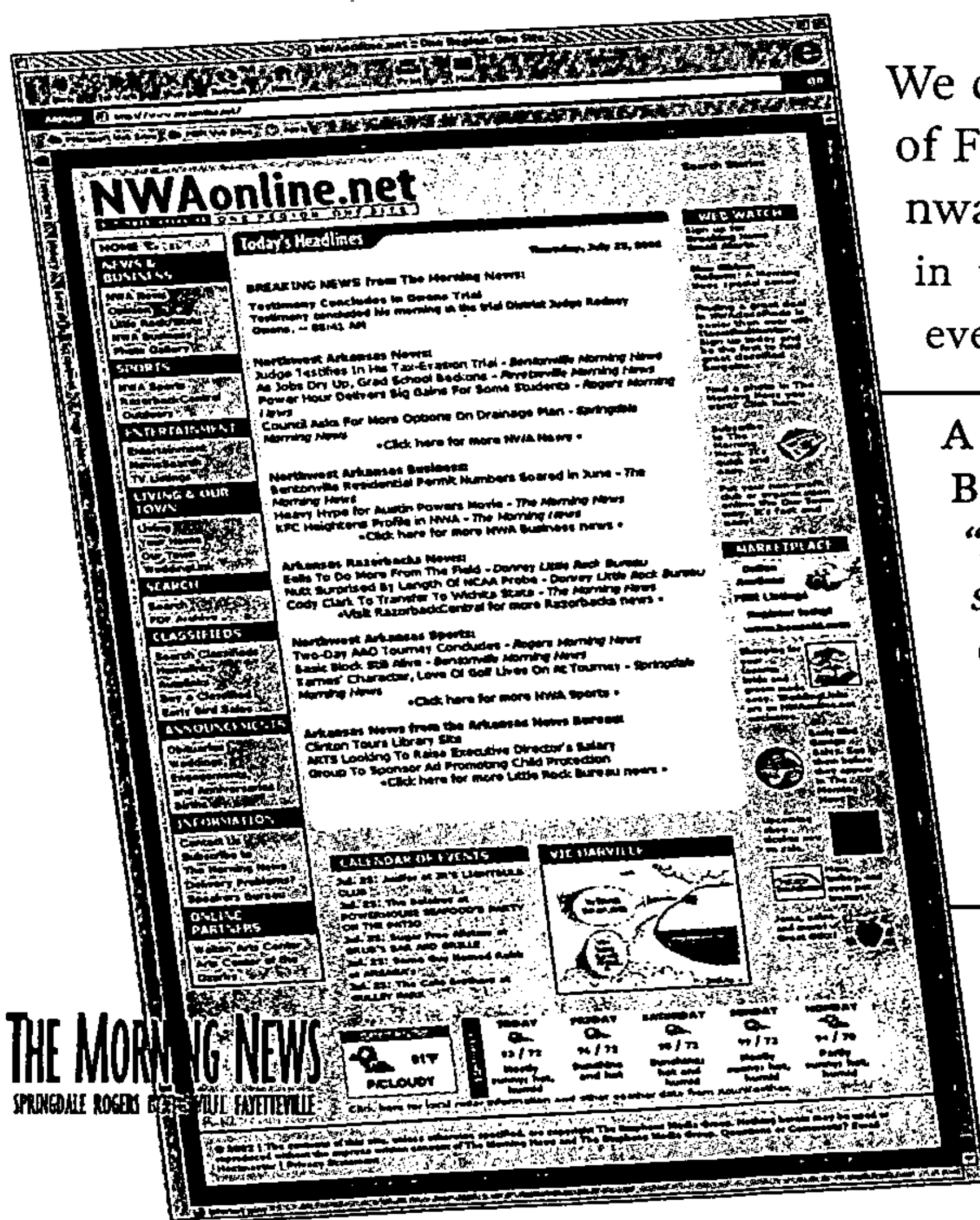
Ads can be submitted online by emailing or uploading to the internet at **NO ADDITIONAL CHARGE!**

Online proofing can be accomplished in
one of two ways:

1. By logging on to an FTP site which is password secured
2. We will simply email you a PDF file of your ad for your review

Our systems team will gladly work with you to develop the program that
best meets your needs

Need to reach additional households with your message?



We can create a page for the City
of Fayetteville with a link from
nwaonline.net. All your ads will be
in text form and accessible for what-
ever time period you require.

A recent survey completed by
Belden & Associates asked:

*"Have you been to an internet web
site in the past 14 days?"*

60% of the respondents said yes
13% of those identified

NWAonline.net as their site of
choice- by far the #1 site
mentioned.

All development &
maintenance costs will be
included in the \$250.00
monthly charge.

THE MORNING NEWS

SPRINGDALE ROGERS BENTONVILLE FAYETTEVILLE

Advertising
C. 7. Page 23

Post Office Box 7
Springdale, Arkansas 72765-0007

When Charles Towns established Fayetteville's first paper in 1840, he was taking a chance on commerce in what was still a frontier town. His business didn't survive long, not because the people didn't want to read a newspaper but rather because the town wasn't big enough yet to support a weekly paper. With nearly 60,000 residents today, Fayetteville is big enough to support two weeklies, a fortnightly business publication, a couple of monthly magazines and two daily newspapers.

For the past 30 years, The Morning News has been one of those two dailies covering Fayetteville city government. Our first reporter assigned to the Fayetteville city beat was Brenda Blagg, who still covers politics for our paper and organizes our regional coverage. For 13 years, we have had an office in Fayetteville, staffed initially by five reporters but which has grown to a staff of 16 full-time reporters and editors. In 2001, The Morning News was honored by the city of Fayetteville with its Heritage Award for the series of historical stories on the eve of the new millennium.

If our reporters like stories about the history of Fayetteville, it may stem from the fact that many of them know the history of Fayetteville, including Brenda Blagg, now a 38-year resident of Fayetteville; Charlie Allison, a 37-year resident; Ron Wood, a 26-year resident; J. T. Wampler, a 22-year resident; and Michelle Parks, a 16-year resident.

We believe in making Fayetteville a better place to live, learn and work. When city aldermen decide to buy advertising from a local paper, we at The Fayetteville Morning News hope that the City Council will consider the long and proud tradition our newspaper enjoys in our community.

Charlie Allison
Metro Editor
Fayetteville Morning News

Springdale
2560 North Lowell Road
479-751-6200

Rogers
313 South Second
479-636-4411

Bentonville
1004 NW 11th Street
479-273-7600

Fayetteville
203 North College
479-444-6397

THE MORNING NEWS

SPRINGDALE ROGERS BENTONVILLE FAYETTEVILLE

Post Office Box 7
Springdale, Arkansas 72765-0007

In 1994, The Northwest Arkansas Morning News, Rogers, and The Morning News in Springdale merged to form The Morning News of Northwest Arkansas. While we saw significant circulation growth under this format, we found that many of our readers wanted more local coverage of the community in which they lived.

Responding to those requests, we began zoning our newspaper in September, 2000. At that time we created the Fayetteville Morning News, the Springdale Morning News, the Rogers Morning News, and the Bentonville Morning News. Each of these sections have essentially the same news content but it is packaged for the ease of the reader. This zoning also allows an advertiser to target their advertising message to meet their advertising needs.

The City of Fayetteville can take advantage of this structure. As Charlie Allison alluded to in his letter, we are not just the Springdale News anymore. We have been, we are, and we plan to continue to be an integral part of the lives of Fayetteville residents. I believe you will find our proposal not only cost effective but a logical choice for your advertising expenditures.

If you have questions about the proposal, please do not hesitate to contact either Sara Parsons, your sales representative or me.

Thank you for this opportunity. We at the Morning News look forward to being of service to you.

Sincerely

Kent R. Eikenberry
Advertising Director

Springdale
2560 North Lowell Road
479-751-6200

Rogers
313 South Second
479-636-4411

Bentonville
1004 NW 11th Street
479-273-7600

Fayetteville
203 North College
479-444-6397

THE MORNING NEWS

Audit Bureau of Circulation 2001 Audit Numbers
and 2002 Projections

2001 ABC Audit

Total for Northwest AR

Daily 37,725

Sunday 37,796



Total for Fayetteville Edition

Daily 7,634

Sunday 8,886

2002 ABC Audit Projections

For Northwest AR

Daily 41,565

Sunday 40,684

For Fayetteville Edition

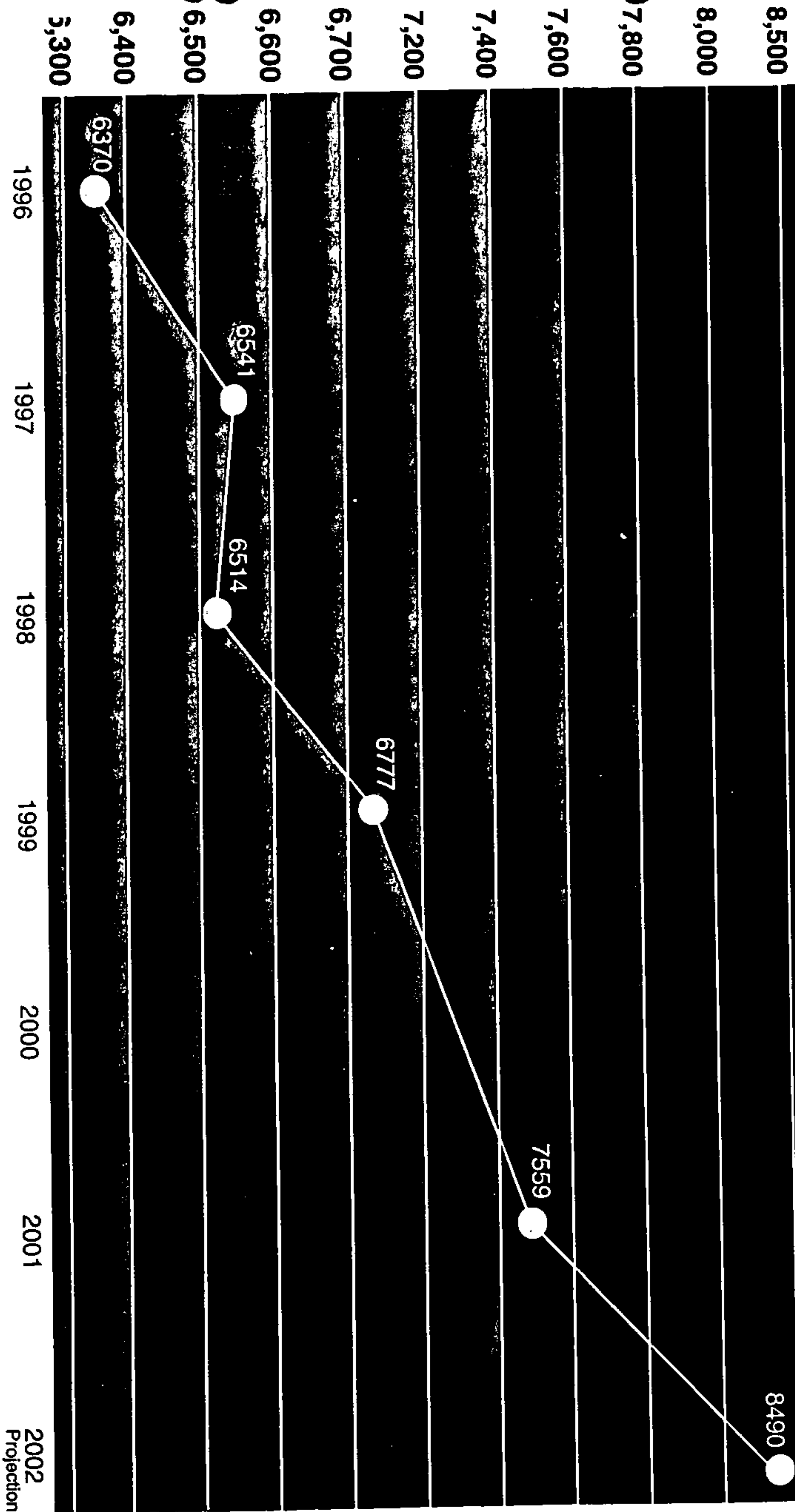
Daily 8,490

Sunday 9,880



Total Distribution in Washington and Benton counties only.

25% Growth 1996-2002 **Morning News Circulation** **FAYETTEVILLE ZONE**



1996 to 2001 + 16%

2001 to 2002 Projected + 11%

THE MORNING NEWS

SPRINGDALE ROGERS BENTONVILLE FAYETTEVILLE



**Audit Bureau
of Circulations**
900 N. Meacham Road
Schaumburg, IL 60173-4968

AUDIT REPORT: Newspaper

NORTHWEST ARKANSAS TIMES (Morning & Sunday)

Fayetteville (Washington County), Arkansas

TOTAL AVERAGE PAID CIRCULATION FOR 12 MONTHS ENDED SEPTEMBER 30, 1999:

	Morning (Mon. to Sat.)	Sunday
1A. TOTAL AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS):	13,903	14,586
1B. TOTAL AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS) BY ZONES:		
(See Par. 1E for description of area)		
CITY ZONE		
Population	Occupied Households	
*1990 Census: 42,099	16,894	
#1-1-99 Estimate: 53,600	21,900	
Home Delivery, See Par. 9(c)	6,186	6,591
Single Copy Sales	1,508	1,774
Mail Subscriptions	20	20
Newspapers in Education.....	376	96
Employee Copies.....	165	162
TOTAL CITY ZONE.....	8,255	8,643
RETAIL TRADING ZONE		
Population	Occupied Households	
*1990 Census: 71,310	26,478	
#1-1-99 Estimate: 85,300	32,600	
Home Delivery, See Par. 9(c)	4,115	4,458
Single Copy Sales	643	733
Mail Subscriptions	57	59
Newspapers in Education.....	197	29
TOTAL RETAIL TRADING ZONE	5,012	5,279
Population	Occupied Households	
*1990 Census: 113,409	43,372	
#1-1-99 Estimate: 138,900	54,500	
TOTAL CITY & RETAIL TRADING ZONES	13,267	13,922
ALL OTHER		
Home Delivery, See Par. 9(c)	248	266
Single Copy Sales	183	216
Mail Subscriptions	139	170
Newspapers in Education.....	66	12
TOTAL ALL OTHER	636	664
TOTAL AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS)	13,903	14,586
Days Omitted from Averages.....	None of record	None of record
1C. THIRD PARTY (BULK) SALES:		
Hospitals and Nursing Homes — Available for patients	165	165
Hotels, Motels — Available for guests.....	28	23
TOTAL AVERAGE THIRD PARTY (BULK) SALES	193	188

#Source: Market Statistics, a division of Claritas Inc., See Par. 9(a).

*See Par. 9(b).

1D. METROPOLITAN STATISTICAL AREA — COUNTY OF PUBLICATION:

Answer optional and not made.

1E. CITY AND RETAIL TRADING ZONES:

CITY ZONE is the corporate limits of Fayetteville in Washington County, Arkansas.

RETAIL TRADING ZONE includes, with exception of City Zone, Washington County.

2. AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS) IN NEWSPAPER DESIGNATED MARKET:

Answer optional and not made.

AUDIT STATEMENT

There was no adjustment made in the average paid circulation as shown in the Publisher's Statements for the period audited.

PERCENTAGE OF TOTAL PAID AND HOUSEHOLD COVERAGE PERCENT:

	Morning (Mon. to Sat.)				Sunday		
	Occupied Households (1-1-99 Est.)	Total Paid	% of Total Paid	Household Coverage	Total Paid	% of Total Paid	Household Coverage
City Zone	21,900	8,255	59.38	37.69%	8,643	59.26	39.47%
Retail Trading Zone	32,600	5,012	36.05	15.37%	5,279	36.19	16.19%
Total City & Retail Trading Zones	54,500	13,267	95.43	24.34%	13,922	95.45	25.54%
All Other		636	4.57		664	4.55	
TOTAL PAID		13,903	100.00%		14,586	100.00%	

AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS) BY QUARTERS for the previous four years and period covered by this report:

Calendar Quarter Ended	Morning	Sunday
December 31, 1994	15,720	13,802
March 31, 1995	14,447	13,921
June 30, 1995	13,787	13,781
September 30, 1995	14,087	14,314
December 31, 1995	15,269	14,903
March 31, 1996	14,680	14,878
June 30, 1996	13,730	14,063
September 30, 1996	13,228	13,839
December 31, 1996	13,076	13,860
March 31, 1997	13,295	14,150
June 30, 1997	13,255	14,057
September 30, 1997	13,315	14,103
December 31, 1997	13,432	14,281
March 31, 1998	13,670	14,358
June 30, 1998	13,471	14,188
September 30, 1998	13,610	14,661
December 31, 1998	13,844	14,697
March 31, 1999	13,941	14,399
June 30, 1999	13,793	14,567
September 30, 1999	14,038	14,675

AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS) BY CIRCULATION TYPE for the previous two audits and period covered by this report:

	Year	City Zone Home Delivery	City Zone Single Copy Sales	TOTAL City Zone	Retail Trading Zone Home Delivery	Retail Trading Zone Single Copy Sales	TOTAL Retail Trading Zone	TOTAL Average Paid Circulation
Morning (Mon. to Sat.)	1999	6,186	1,508	8,255	4,115	643	5,012	13,903
	1998	4,772	1,309	6,606	4,828	885	6,031	13,391
	1996	4,832	1,704	7,210	5,359	609	6,218	14,368
Sunday	1999	6,591	1,774	8,643	4,458	733	5,279	14,586
	1998	5,120	1,653	6,990	5,204	1,007	6,353	14,207
	1996	4,976	1,717	6,912	5,467	693	6,223	14,195

3. ACTUAL ONE-DAY GROSS DISTRIBUTION AND AVERAGE PROJECTED PAID CIRCULATION AVERAGES BY COUNTIES:

Morning, September 29, 1999; Sunday, September 26, 1999.

Occupied Households - #1-1-99 Market Statistics, a division of Claritas Inc.

The listing below gives gross distribution for one day only and is greater or less than the average paid for the period covered by this report by the following percentages:

	Morning	Sunday
City Zone	17.00% greater	11.98% greater
Retail Trading Zone	15.40% greater	12.03% greater
All Other	77.99% greater	41.42% greater
GRAND TOTAL	19.21% greater	13.33% greater

The "Average Projected Paid Circulation" (Avg. Proj. Pd. Circ.) has been arrived at by projecting the averages in Paragraph 1B to the appropriate ABC geographic market one day(s) gross distribution figures in this report

State County	OCCUPIED HOUSEHOLDS #1-1-99 Estimate	Actual Gross Dist.	Morning Avg. Proj. Pd. Circ.*	Household Coverage	Actual Gross Dist.	Sunday Avg. Proj. Pd. Circ.*	Household Coverage
ARKANSAS							
BENTON	53,000	747	420	0.79%	685	484	0.91%
MADISON	5,200	291	163	3.13%	140	99	1.90%
WASHINGTON	54,500	15,442	13,267	24.34%	15,592	13,922	25.54%
Miscellaneous Counties		42	24		47	33	
TOTAL IN ARKANSAS		16,522	13,874		16,464	14,538	
All Other		52	29		67	48	
GRAND TOTAL		16,574	13,903		16,531	14,586	

#County population and occupied household estimates appearing in ABC reports are obtained from Market Statistics, a division of Claritas Inc. Estimates for ABC defined newspaper markets and areas below the county level are projections based upon Market Statistics, a division of Claritas Inc. estimates.

*Arrived at by relating net paid circulation figures to average paid circulation for the period covered by this report.

3A. DISTRIBUTION IN TOWNS RECEIVING 25 OR MORE COPIES IN DETAIL BY COUNTIES, AS WELL AS THE TOTAL ONLY FOR TOWNS RECEIVING LESS THAN 25 COPIES DAILY:

Morning, September 29, 1999; Sunday, September 26, 1999.

Occupied Households - 1990 Census; #1-1-99 Market Statistics, a division of Claritas Inc., See Par. 9(a).

"*BALANCE IN COUNTY" is comprised of the distribution in towns receiving less than 25 copies which is not identified with the towns, townships or minor civil divisions listed.

(MA) designates the Metropolitan Statistical Area as defined by the Office of Management and Budget for Fayetteville-Springdale, Arkansas. (Washington County)

State County Town	OCCUPIED HOUSEHOLDS		Avg. Proj. Household			Avg. Proj. Household		
	1990 Census	#1-1-99 Estimate	Morning	Pd. Circ.	Coverage	Sunday	Pd. Circ.	Coverage
ARKANSAS								
(MA) WASHINGTON COUNTY								
Fayetteville (ABC City Zone as described in Par. 1E)	43,372	54,500						
	16,894	21,900	9,658	8,255	37.69%	9,678	8,643	39.47%
BALANCE IN COUNTY	26,478	32,600						
Cane Hill			117			111		
Elkins			415			406		
Farmington			774			838		
Fayetteville Rural Routes			606			674		
Goshen			97			107		
Greenland			181			189		
Johnson			89			92		
Lincoln			494			565		
Morrow			64			67		
Prairie Grove			774			771		
Sonora			45			51		
Springdale	11,116	15,200	1,220			1,060		
Tontitown			34			35		
West Fork			566			610		
Winslow			249			274		
*BALANCE IN COUNTY			59			64		
TOTAL WASHINGTON COUNTY (EXCLUSIVE OF ABC CITY ZONE)			5,784	5,012	15.37%	5,914	5,279	16.19%
TOTAL WASHINGTON COUNTY			15,442	13,267	24.34%	15,592	13,922	25.54%
BENTON COUNTY								
Bentonville	37,555	53,000	137			131		
Lowell			90			93		
Rogers			161			159		
Siloam Springs			298			241		
*BALANCE IN COUNTY			61			61		
TOTAL BENTON COUNTY			747	420	0.79%	685	484	0.91%
MISCELLANEOUS COUNTIES								
Huntsville (Madison Co)			291			140		
UNDER 25 COPIES			42			47		
TOTAL MISCELLANEOUS COUNTIES			333	187		187	132	
TOTAL IN ARKANSAS			16,522	13,874		16,464	14,538	

State County Town	OCCUPIED HOUSEHOLDS		Avg. Proj. Household		Avg. Proj. Household	
	1990 Census	#1-1-99 Estimate	Morning	Pd. Circ. Coverage	Sunday	Pd. Circ. Coverage
<u>ALL OTHER STATES</u>						
<u>MISCELLANEOUS COUNTIES</u>						
UNDER 25 COPIES						
			52	29	67	48
<u>SUMMARY</u>						
TOTAL ARKANSAS			16,522		16,464	
" ALL OTHER STATES			52		67	
GRAND TOTAL			16,574	13,903	16,531	14,586

3B. DISTRIBUTION BY ZIP CODES RECEIVING 25 OR MORE COPIES:

SOURCE - U.S. ZIP Code Directory - #1-1-99 Market Statistics, a division of Claritas Inc., See Par. 9(a).

State ZIP Code	Town	#1-1-99 Estimate	Morning	Avg. Proj. Pd. Circ.	Household Coverage	Sunday	Avg. Proj. Pd. Circ.	Household Coverage
ARKANSAS								
72701	Fayetteville	13,319	5,110	4,286	32.18%	4,916	4,338	32.57%
72703	Fayetteville	9,522	4,124	3,459	36.33%	4,499	3,970	41.69%
72704	Fayetteville	4,580	1,300	1,090	23.80%	1,329	1,173	25.61%
72712	Bentonville	8,080	137	115	1.42%	131	116	1.44%
72717	Cane Hill	356	117	98	27.53%			
72727	Elkins	1,022	415	348	34.05%	406	358	35.03%
72730	Farmington	1,678	774	649	38.68%	838	739	44.04%
72735	Goshen		97	81		107	94	
72740	Huntsville	3,187	291	244	7.66%	140	124	3.89%
72744	Lincoln	1,582	494	414	26.17%	565	499	31.54%
72745	Lowell	2,594	90	75	2.89%	93	82	3.16%
72749	Morrow		64	54		67	59	
72753	Prairie Grove	2,140	774	649	30.33%	771	680	31.78%
72756	Rogers	13,259	161	135	1.02%	159	140	1.06%
72761	Siloam Springs	5,091	298	250	4.91%	241	213	4.18%
72762	Springdale	8,862	615	516	5.82%	576	508	5.73%
72764	Springdale	9,810	684	574	5.85%	570	503	5.13%
72774	West Fork	1,721	566	475	27.60%	610	538	31.26%
72959	Winslow	1,014	249	209	20.61%	274	242	23.87%
Miscellaneous ZIP Codes			214	182		239	210	
GRAND TOTAL			16,574	13,903		16,531	14,586	

4. NET PRESS RUN AND AVERAGE PROJECTED PAID CIRCULATION BY EDITIONS:

							Average Projected Paid Circulation*		
Press Time	Date Printed	Issue Date	Net Press Run	Gross Paid Distribution	Sales Release See Note	Net Paid	City Zone	Retail Trading Zone	All Other
Morning Issue for Wednesday, September 29, 1999									
12:29 AM	9-29	9-29	17,147	16,574	A-C	13,903	8,101	4,852	950
Sunday Issue for September 26, 1999									
1:22 AM	9-26	9-26	17,219	16,531	A-C	14,586	8,539	5,219	828

NOTE: A — Immediate sales release in City Zone. C — Sales release on arrival at destination in Retail Trading Zone and All Other.

*The average projected paid circulation figures have been calculated by projecting the gross paid distribution percentages against the averages in Pars. 1A & 1B.

5. AVERAGE UNPAID DISTRIBUTION:

	Morning (Mon. to Sat.)	Sunday
Arrears.....	148	133
Advertisers, Agencies.....	259	394
Complimentary, Sample, Service.....	407	527
Total.....		

6. WERE RETURNS ACCEPTED OR ALLOWANCES MADE FOR UNDELIVERED, LEFTOVER AND UNSOLD COPIES?

Fully returnable.

The allowances for returns, undelivered, leftover and unsold copies for the period covered by this report were found to have been: in the City Zone, Morning 5.61%, Sunday, 5.89%; in the Retail Trading Zone, Morning 7.48%, Sunday 7.89%; in All Other, Morning 24.47%, Sunday 25.89%.

These percentages are based on the gross figures and have been deducted, leaving paid circulation shown in Par. 1.

ANALYSIS OF HOME DELIVERY AND MAIL SUBSCRIPTION SALES (NEW AND RENEWAL)
For Period Covered by this Report

7. PREMIUM, COMBINATION, SPECIAL OFFERS, CLUBS AND INSURANCE:

	1 Mo.	Term Ordered			Misc. Periods
		3 Mos.	6 Mos.	1 Yr.	
(e) Special reduced prices, See Par. 8(b) M & S	11	1,894	1,362	1,453	77
M					639*
S			25	175	137*

*This figure does not represent the total number of subscriptions received, but represents the average number of copies served during this report period on Newspapers in Education sold at the price(s) shown in Par. 8(b).

8. PRICES:

(a) Basic Prices:

	By Mail				By Home Delivery				
	1 Yr.	6 Mos.	3 Mos.	1 Mo.	1 Yr.	6 Mos.	3 Mos.	1 Mo.	1 Wk.
CITY ZONE:									
M & S									
to 08/01/99	\$144.00	\$72.00	\$36.00	\$12.00	\$81.00	\$43.00	\$21.00	\$7.00	
since 08/01/99	144.00	72.00	36.00	12.00	78.00	40.00	21.00	7.00	
Wed, Sat & S					60.00	30.00	15.00	5.00	
S only					48.00	24.00	12.00	4.00	

RETAIL TRADING ZONE: By Mail and Home Delivery, same as City Zone.

ALL OTHER:

By Home Delivery, same as City Zone.

M & S*	\$168.00	\$84.00	\$42.00	\$14.00
Wed, Sat & S	156.00	78.00	39.00	13.00
S only	144.00	72.00	36.00	12.00

*Sunday rural delivery (Mon. to Sat. by Mail and Sunday by Home Delivery), \$10.00 per month.

CITY ZONE, RETAIL TRADING ZONE AND ALL OTHER:
Same as by Home Delivery in City Zone. (a-b-c)

By Motor Route

Single Copy

1 Yr. 6 Mos. 3 Mos. 1 Mo. 1 Wk.

M only

25¢

S only

\$1.00

(a) City Zone; (b) Retail Trading Zone; (c) All Other.

(b) Special reduced prices: To Morning and Sunday subscribers, 3 mos. \$12.00, \$13.00; 4 mos. \$21.00; 6 mos. \$22.00; 12 mos. \$42.00. To Sunday only subscribers, 6 mos. \$20.00; 12 mos. \$25.00. To Morning and Sunday Mail subscribers, 3 mos. \$36.00; 6 mos. \$60.00; 12 mos. \$105.00. Newspapers in Education for classroom use, 50% of basic prices.

9. EXPLANATORY:

Regular publishing days on which no paper was issued:

Morning (Mon. to Sat.): None.

Sunday: None.

(a) County population and occupied household estimates appearing in ABC reports are obtained from Market Statistics, a division of Claritas Inc. Estimates for ABC defined newspaper markets and areas below the county level are projections based upon Market Statistics, a division of Claritas Inc. estimates.

Par. 1B:

(b) University of Arkansas is located within the Fayetteville ABC City Zone. According to the University of Arkansas Division of Information Office, student enrollment averaged 15,226 during the Fall Quarter of 1999. Of these, 2,814 students were housed in residence halls on campus. City Zone population figures in Par. 1B of this statement include the student body.

(c) Included in Home Delivery is an average of 203 copies per issue Morning, 203 copies per issue Sunday in the City Zone; 112 copies per issue Morning, 112 copies per issue Sunday in the Retail Trading Zone and 12 copies per issue Morning, 12 copies per issue Sunday in All Other, representing copies served to subscribers that ordered delivery directly with and were billed by the newspaper and for which payment was not received and/or short term arrears copies served to subscribers whose term has expired.

To Members of the Audit Bureau of Circulations:

We have examined the circulation records and other data presented by this publication for the period covered by this report. Our examination was made in accordance with the Bureau's Bylaws and Rules, and included such tests and other audit procedures as we considered necessary under the circumstances.

In our opinion, the total average paid circulation for the period shown is fairly stated in this report, and the other data contained in this report are fairly stated in all respects material to average paid circulation.

Audit Bureau of Circulations

Nanci Batson, Marketing Director
Telephone (501) 442-1700 - FAX (501) 442-5477
212 N. East Avenue
Fayetteville, AR 72701

NORTHWEST ARKANSAS TIMES, published by Community Publishing Inc., 212 N. East Avenue,
Fayetteville, AR 72703

(Northwest Arkansas Times (Morning & Sunday), Fayetteville, AR, Page #11 - #179368 - 220 - 375)

January, 2000

01-0090-0

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State County	OCCUPIED	Actual Gross Dist.	Morning	Household Coverage	Actual Gross Dist.	Sunday	Household Coverage
	HOUSEHOLDS #1-1-99 Estimate		Avg. Proj. Pd. Circ.*			Avg. Proj. Pd. Circ.*	
ARKANSAS							
BENTON	53,000	747	420	0.79%	685	484	0.91%
MADISON	5,200	291	163	3.13%	140	99	1.90%
WASHINGTON	54,500	15,442	13,267	24.34%	15,592	13,922	25.54%
Miscellaneous Counties		42	24		47	33	
TOTAL IN ARKANSAS		16,522	13,874		16,464	14,538	
All Other		52	29		67	48	
GRAND TOTAL		16,574	13,903		16,531	14,586	

#County population and occupied household estimates appearing in ABC reports are obtained from Market Statistics, a division of Claritas Inc. Estimates for ABC defined newspaper markets and areas below the county level are projections based upon Market Statistics, a division of Claritas Inc. estimates.

*Arrived at by relating net paid circulation figures to average paid circulation for the period covered by this report.

Nanci Batson, Marketing Director
Telephone (501) 442-1700 - FAX (501) 442-5477
212 N. East Avenue
Fayetteville, AR 72701

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In our opinion, the total average paid circulation for the period shown is fairly stated in this report, and the other data contained in this report are fairly stated in all respects material to average paid circulation.

Audit Bureau of Circulations

NORTHWEST ARKANSAS TIMES, published by Community Publishing Inc., 212 N. East Avenue,
Fayetteville, AR 72703

(Northwest Arkansas Times (Morning & Sunday), Fayetteville, AR, Page #5 - #179368 - 220 - 375)

January, 2000

01-0090-0

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Audit Bureau
of Circulations
900 N. Meacham Road
Schaumburg, IL 60173-4968

AUDIT REPORT: Newspaper

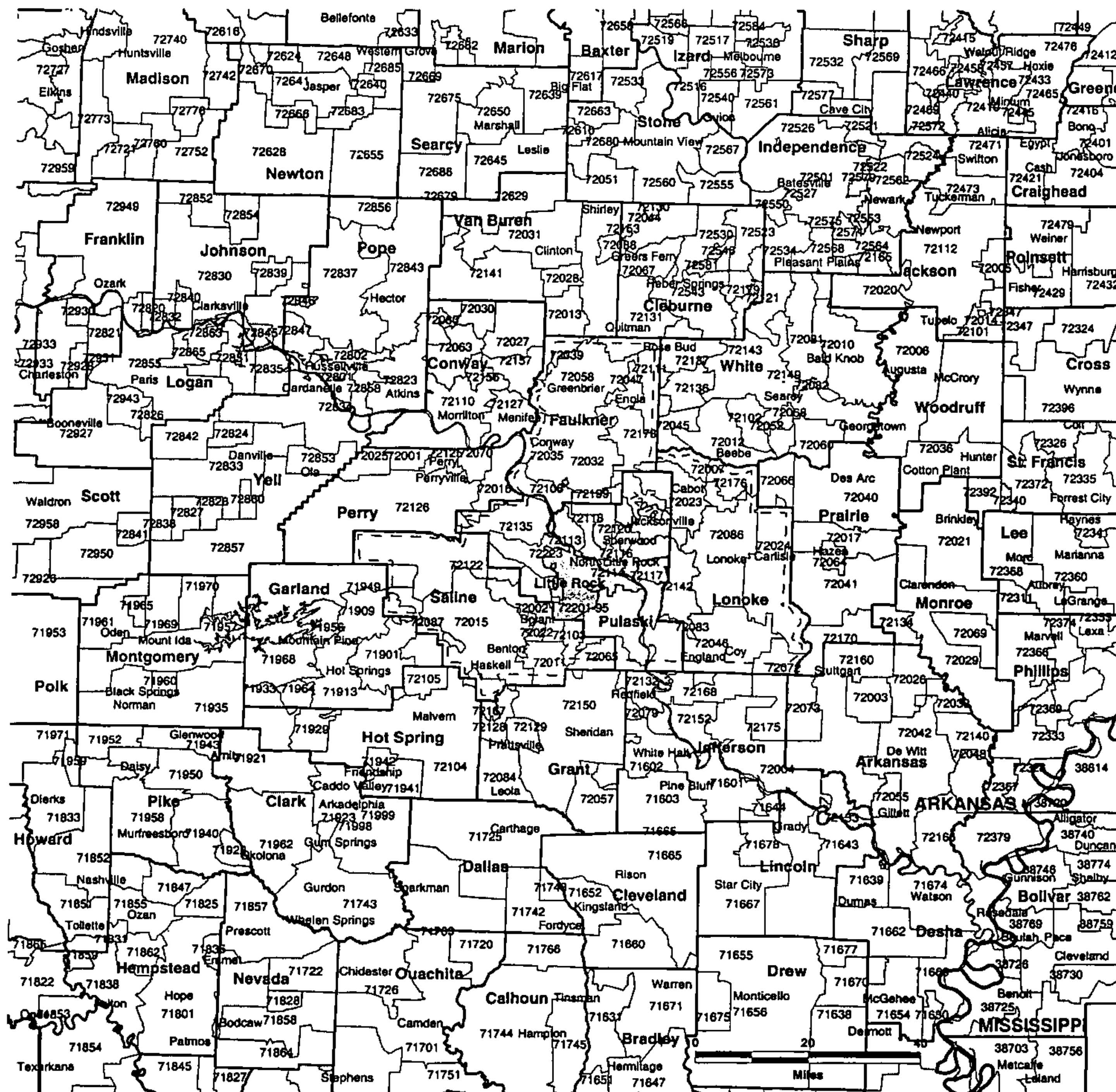
ARKANSAS DEMOCRAT GAZETTE (Morning & Sunday)
Little Rock (Pulaski County), Arkansas

TOTAL AVERAGE PAID CIRCULATION FOR 12 MONTHS ENDED MARCH 31, 2001:

	Morning (Mon. to Sat.)	Sunday
1A. TOTAL AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS):	180,590	280,368
1B. TOTAL AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS)		
BY ZONES:		
(See Par. 1E for description of area)		
CITY ZONE		
Population	Occupied	
Households		
1990 Census: 323,700	127,918	
#1-1-00 Estimate: 323,198	131,314	
Home Delivery, See Par. 9(b)	52,489	73,721
Single Copy Sales	10,128	20,137
Mail Subscriptions	15	11
Newspapers in Education	379	8
Employee Copies	900	901
TOTAL CITY ZONE	63,911	94,778
RETAIL TRADING ZONE		
Population	Occupied	
Households		
1990 Census: 738,701	274,381	
#1-1-00 Estimate: 824,518	312,154	
Home Delivery, See Par. 9(b)	51,259	81,257
Single Copy Sales	10,206	27,601
Mail Subscriptions	266	125
Newspapers in Education	978	12
TOTAL RETAIL TRADING ZONE	62,709	108,995
Population	Occupied	
Households		
1990 Census: 1,062,401	402,299	
#1-1-00 Estimate: 1,147,716	443,468	
TOTAL CITY & RETAIL TRADING ZONES	126,620	203,773
ALL OTHER		
Home Delivery, See Par. 9(b)	41,189	54,718
Home Delivery - joint distribution agreement, See Par. 9(c)		2,086
Single Copy Sales	9,898	17,714
Mail Subscriptions	935	881
Mail Subscriptions- joint distribution agreement, See Par. 9(c)		667
Newspapers in Education	1,483	67
Registered College Student Copies, See Par. 9(d)	147	146
Employee Copies	318	316
TOTAL ALL OTHER	53,970	76,595
TOTAL AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS)	180,590	280,368
Days Omitted from Averages, See Par. 9	3	None of record
1C. THIRD PARTY (BULK) SALES:		
Airlines — Available for passengers	15	
Hospitals and Nursing Homes — Available for patients	35	
Hotels, Motels — Available for guests	582	301
TOTAL AVERAGE THIRD PARTY (BULK) SALES	632	301

#Source: Claritas Inc., See Par. 9(a).

CITY AND RETAIL TRADING ZONES / LITTLE ROCK, ARKANSAS



LEGEND

-  STATE BOUNDARY
 COUNTY BOUNDARY
 METROPOLITAN STATISTICAL AREA
 ZIP CODE BOUNDARY
 LITTLE ROCK CORPORATE LIMITS
 BALANCE OF ABC CITY ZONE
 ABC RETAIL TRADING ZONE



Audit Bureau of Circulations
C234-R01

1D. METROPOLITAN STATISTICAL AREA — COUNTY OF PUBLICATION: (Note - figures shown below are optional compilation of circulation data which are included as part of the totals shown in Par. 1A).

Little Rock, Arkansas Metropolitan Statistical Area: (Counties of Faulkner, Lonoke, Pulaski and Saline.)

	Population	Occupied Households	Morning (Mon. to Sat.)	Sunday
1990 Census:	513,117	195,437		
#1-1-00 Estimate:	562,766	218,410		
MSA			86,258	134,339

#Source: Claritas Inc., See Par. 9(a).

1E. CITY AND RETAIL TRADING ZONES:

CITY ZONE is 1990 Census Tracts 1 through 33, 35 through 38, 39 (Part), 40.01 through 40.05, 41.03 through 41.08, 42.05, 42.06, 43.01 and 43.02, in Pulaski County, Arkansas.

(CITY ZONE includes the corporate limits of Little Rock, North Little Rock, Alexander, Cammack Village, Jacksonville, Maumelle, Sherwood and Wrightsville.)

RETAIL TRADING ZONE includes, with exception of City Zone, counties of Arkansas, Clark, Cleburne, Cleveland, Conway, Dallas, Desha, Faulkner, Garland, Grant, Hot Spring, Independence, Jackson, Jefferson, Lincoln, Lonoke, Monroe, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, White, Woodruff and Yell.

2. AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS) IN NEWSPAPER DESIGNATED MARKET:

Answer optional and not made.

AUDIT STATEMENT

There was no adjustment made in the average paid circulation as shown in the Publisher's Statements for the period audited.

This newspaper has exercised its option to have its circulation audited by ZIP/FSA Code. A separate ZIP/FSA Code Analysis verified by ABC is available from the publisher.

A Statement Plus consisting of a supplement of circulation data from the March 31, 2001 Publisher's Statement, disclosing averages for Morning (Mon. to Sat.) and Sunday was released on June 1, 2001 for this publication. Data in that report have been verified as part of this audit.

PERCENTAGE OF TOTAL PAID AND HOUSEHOLD COVERAGE PERCENT:

	Occupied Households (1-1-00 Est.)	Total Paid	Morning (Mon. to Sat.) % of Total Paid	Household Coverage	Total Paid	Sunday % of Total Paid	Household Coverage
City Zone.....	131,314	63,911	35.39	48.67%	94,778	33.80	72.18%
Retail Trading Zone.....	312,154	62,709	34.72	20.09%	108,995	38.88	34.92%
Total City & Retail Trading Zones.....	443,468	126,620	70.11	28.55%	203,773	72.68	45.95%
All Other.....		53,970	29.89		76,595	27.32	
TOTAL PAID		180,590	100.00%		280,368	100.00%	

**AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS) BY
QUARTERS** for the previous four years and period covered by this report:

Calendar Quarter Ended	Morning	Sunday
June 30, 1996	173,743	286,225
September 30, 1996	170,738	285,232
December 31, 1996	172,402	282,450
March 31, 1997	175,504	284,305
June 30, 1997	171,598	275,189
September 30, 1997	169,861	274,256
December 31, 1997	173,500	274,730
March 31, 1998	175,990	278,089
June 30, 1998	173,581	273,769
September 30, 1998	173,055	273,238
December 31, 1998	178,488	279,409
March 31, 1999	181,166	282,294
June 30, 1999	176,662	276,973
September 30, 1999	173,652	275,245
December 31, 1999	177,325	278,127
March 31, 2000	178,453	278,609
June 30, 2000	172,842	271,361
September 30, 2000	171,539	270,667
December 31, 2000	191,648	291,057
March 31, 2001	186,872	288,163

**AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS) BY
CIRCULATION TYPE** for the previous four audits and period covered by this report:

	Year	City Zone Home Delivery	City Zone Single Copy Sales	TOTAL City Zone	Retail Trading Zone Single Copy Sales & Home Delivery	TOTAL Retail Trading Zone	TOTAL Average Paid Circulation
Morning (Mon. to Sat.)	2001	52,489	10,128	63,911	61,465	62,709	180,590
	2000	53,610	10,349	65,352	63,024	64,169	176,504
	1999	54,698	10,779	66,754	64,606	65,691	176,553
	1998	53,966	11,318	66,930	63,212	64,308	172,720
	1997	53,891	12,788	68,041	63,220	64,329	173,079
Sunday	2001	73,721	20,137	94,778	108,858	108,995	280,368
	2000	73,457	22,137	96,576	109,125	109,266	277,238
	1999	73,307	23,687	97,897	112,996	113,115	277,177
	1998	72,115	25,071	98,385	111,683	111,827	275,566
	1997	70,706	29,300	100,872	116,274	116,392	284,553

**3. ACTUAL ONE-DAY GROSS DISTRIBUTION AND AVERAGE PROJECTED PAID CIRCULATION
AVERAGES BY COUNTIES:**

Morning, March 13, 2001; Sunday, March 11, 2001.

Occupied Households - #1-1-00 Claritas Inc.

See Audit Statement regarding ZIP/FSA Code Analysis. (Page #3)

The listing below gives gross distribution for one day only and is greater or less than the average paid for the period covered by this report by the following percentages:

	Morning	Sunday
City Zone	5.98% greater	6.85% greater
Retail Trading Zone	5.53% greater	5.78% greater
All Other	27.76% greater	19.15% greater
GRAND TOTAL	12.33% greater	9.79% greater

The "Average Projected Paid Circulation" (Avg. Proj. Pd. Circ.) has been arrived at by projecting the averages in Paragraph 1B to the appropriate ABC geographic market one day(s) gross distribution figures in this report.

(Arkansas Democrat-Gazette (Morning & Sunday), Little Rock, AR, Page #4)

State County	OCCUPIED	Actual Gross Dist.	Morning	Household Coverage	Actual Gross Dist.	Sunday	Household Coverage
	HOUSEHOLDS #1-1-00 Estimate		Avg. Proj. Pd. Circ.*			Avg. Proj. Pd. Circ.*	
ARKANSAS							
ARKANSAS	8,066	2,229	2,112	26.18%	3,524	3,331	41.30%
ASHLEY	9,084	1,413	1,106	12.18%	1,734	1,455	16.02%
BAXTER	16,294	1,310	1,025	6.29%	2,771	2,326	14.28%
BENTON	54,928	14,138	11,066	20.15%	21,889	18,371	33.45%
BOONE	12,567	1,364	1,068	8.50%	1,706	1,432	11.39%
BRADLEY	4,438	657	514	11.58%	949	796	17.94%
CALHOUN	2,116	222	174	8.22%	334	280	13.23%
CARROLL	8,979	1,460	1,143	12.73%	1,855	1,557	17.34%
CHICOT	5,044	819	641	12.71%	988	829	16.44%
CLARK	8,132	2,042	1,935	23.79%	3,254	3,076	37.83%
CLAY	7,245	379	297	4.10%	580	487	6.72%
CLEBURNE	10,055	2,051	1,943	19.32%	3,577	3,382	33.64%
CLEVELAND	3,181	301	285	8.96%	495	468	14.71%
COLUMBIA	9,148	1,152	902	9.86%	1,376	1,155	12.63%
CONWAY	7,722	1,479	1,401	18.14%	2,951	2,790	36.13%
CRAIGHEAD	30,543	1,178	922	3.02%	1,443	1,211	3.96%
CRAWFORD	18,863	576	451	2.39%	995	835	4.43%
CRITTENDEN	17,862	627	491	2.75%	757	635	3.56%
CROSS	7,032	567	444	6.31%	756	635	9.03%
DALLAS	3,334	760	720	21.60%	1,063	1,005	30.14%
DESHA	5,255	979	928	17.66%	1,363	1,289	24.53%
DREW	6,464	989	774	11.97%	1,362	1,143	17.68%
FAULKNER	29,380	7,310	6,927	23.58%	13,362	12,632	43.00%
FRANKLIN	6,459	363	284	4.40%	578	485	7.51%
FULTON	4,485	294	230	5.13%	456	383	8.54%
GARLAND	36,158	7,614	7,215	19.95%	12,521	11,837	32.74%
GRANT	5,993	1,355	1,284	21.42%	2,253	2,130	35.54%
GREENE	14,517	500	391	2.69%	630	529	3.64%
HEMPSTEAD	8,481	721	564	6.65%	919	771	9.09%
HOT SPRING	11,749	2,139	2,027	17.25%	4,141	3,915	33.32%
HOWARD	4,934	793	621	12.59%	917	770	15.61%
INDEPENDENCE	12,703	1,841	1,744	13.73%	3,497	3,306	26.03%
IZARD	5,272	777	608	11.53%	1,094	918	17.41%
JACKSON	6,973	1,003	950	13.62%	1,605	1,517	21.76%
JEFFERSON	28,394	4,998	4,736	16.68%	8,008	7,570	26.66%
JOHNSON	8,486	936	733	8.64%	1,570	1,318	15.53%
LAFAYETTE	3,293	190	149	4.52%	227	191	5.80%
LAWRENCE	6,963	190	149	2.14%	455	382	5.49%
LEE	4,171	344	269	6.45%	383	321	7.70%
LINCOLN	4,208	351	333	7.91%	540	510	12.12%
LITTLE RIVER	4,987	378	296	5.94%	336	282	5.65%
LOGAN	7,917	488	382	4.83%	753	632	7.98%
LONOKE	18,910	6,015	5,700	30.14%	11,639	11,003	58.19%
MADISON	5,079	479	375	7.38%	411	345	6.79%
MARION	6,552	414	324	4.95%	653	548	8.36%
MILLER	14,605	468	366	2.51%	452	379	2.60%
MISSISSIPPI	18,206	1,021	799	4.39%	947	795	4.37%
MONROE	4,000	780	739	18.48%	1,255	1,186	29.65%
MONTGOMERY	3,542	301	236	6.66%	603	506	14.29%
NEVADA	3,789	591	463	12.22%	744	624	16.47%
NEWTON	3,047	126	99	3.25%	188	158	5.19%
OUACHITA	10,415	1,731	1,355	13.01%	2,482	2,083	20.00%
PERRY	3,949	905	858	21.73%	1,595	1,508	38.19%

State	OCCUPIED	Actual	Morning	Household	Actual	Sunday	Household
County	HOUSEHOLDS	Gross Dist.	Avg. Proj.	Coverage	Gross Dist.	Avg. Proj.	Coverage
	#1-1-00 Estimate		Pd. Circ.*			Pd. Circ.*	
ARKANSAS (Cont'd)							
PHILLIPS	9,773	889	696	7.12%	1,059	889	9.10%
PIKE	3,962	674	528	13.33%	1,099	922	23.27%
POINSETT	9,749	330	258	2.65%	359	301	3.09%
POLK	7,882	678	531	6.74%	1,136	953	12.09%
POPE	19,742	2,825	2,677	13.56%	4,576	4,326	21.91%
PRAIRIE	3,670	824	781	21.28%	1,405	1,328	36.19%
PULASKI	140,814	68,566	64,702	45.95%	102,573	96,012	68.18%
RANDOLPH	7,281	317	248	3.41%	397	333	4.57%
ST. FRANCIS	9,447	721	564	5.97%	927	778	8.24%
SALINE	29,306	9,369	8,878	30.29%	16,090	15,211	51.90%
SCOTT	4,221	163	128	3.03%	240	201	4.76%
SEARCY	3,213	338	265	8.25%	543	456	14.19%
SEBASTIAN	42,171	2,469	1,933	4.58%	3,288	2,760	6.54%
SEVIER	5,536	319	250	4.52%	443	372	6.72%
SHARP	7,382	884	692	9.37%	1,324	1,111	15.05%
STONE	4,694	455	356	7.58%	885	743	15.83%
UNION	16,762	1,749	1,369	8.17%	2,158	1,811	10.80%
VAN BUREN	6,713	1,419	1,345	20.04%	2,382	2,252	33.55%
WASHINGTON	56,258	20,092	15,727	27.96%	21,178	17,774	31.59%
WHITE	24,313	5,122	4,853	19.96%	10,275	9,714	39.95%
WOODRUFF	3,367	639	605	17.97%	1,118	1,057	31.39%
YELL	7,381	994	941	12.75%	1,501	1,418	19.21%
TOTAL IN ARKANSAS		201,944	179,875		305,892	278,744	
All Other		917	715		1,933	1,624	
GRAND TOTAL		202,861	180,590		307,825	280,368	

#County population and occupied household estimates appearing in ABC reports are obtained from Claritas Inc. Estimates for ABC defined newspaper markets and areas below the county level are projections based upon Claritas Inc. estimates.

*Arrived at by relating actual gross distribution figures to average paid circulation for the period covered by this report.

3A. DISTRIBUTION IN TOWNS RECEIVING 25 OR MORE COPIES IN DETAIL BY COUNTIES, AS WELL AS THE TOTAL ONLY FOR TOWNS RECEIVING LESS THAN 25 COPIES DAILY:

Morning, March 13, 2001; Sunday, March 11, 2001.

Occupied Households - 1990 Census; #1-1-00 Claritas Inc., See Par. 9(a).

"BALANCE IN COUNTY" is comprised of the distribution in towns receiving less than 25 copies which is not identified with the towns, townships or minor civil divisions listed.

(MA) designates one of the counties included in the Little Rock-North Little Rock, Arkansas Metropolitan Statistical Area as defined by the Office of Management and Budget.

State County Town	OCCUPIED HOUSEHOLDS		Morning			Sunday			Avg. Proj. Household Pd. Circ. Coverage	Total	Avg. Proj. Household Pd. Circ. Coverage			
	1990 Census	#1-1-00 Estimate	Home Delivery	Single Copy Sales	Mail	Total	Home Delivery	Single Copy Sales				Mail		
ARKANSAS														
(MA) PULASKI COUNTY														
Little Rock (ABC City Zone as described in Par. 1E)														
	127,918	131,314	53,346	14,345	40	67,731	63,911	48.67%	75,376	25,839	53	101,268	94,778	72.18%
METROPOLITAN AREA														
Counties of Faulkner, Lonoke, Pulaski and Saline only. (Gross Distribution, one day only.)														
	195,437	218,410	72,895	18,315	50	91,260	86,207	39.47%	108,406	35,197	61	143,664	134,858	61.75%
RETAIL TRADING ZONE - AVERAGE PAID CIRCULATION														
							62,709						108,995	
CITY AND RETAIL TRADING ZONES - AVERAGE PAID CIRCULATION														
							126,620						203,773	
ALL OTHER - AVERAGE PAID CIRCULATION														
							53,970						76,595	
TOTAL AVERAGE PAID CIRCULATION														
							180,590						280,368	

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State County Town	OCCUPIED HOUSEHOLDS		Morning				Sunday							
	1990 Census	#1-1-00 Estimate	Home Delivery	Single Copy Sales	Mail	Total	Avg. Proj. Pd. Circ.	Household Coverage	Home Delivery	Single Copy Sales	Mail	Total	Avg. Proj. Pd. Circ.	House Cover
ARKANSAS (Cont'd)														
ARKANSAS COUNTY														
Almyra	8,389	8,066	59	5	2	66			83	20	1	104		
Casscoe			22	10		32			37	27		64		
De Witt			437	132	6	575			564	369	1	934		
Ethel			7	5		12			8	22		30		
Gillett			118	14	3	135			150	50		200		
St. Charles			13	15	1	29			16	44		60		
Stuttgart	4,045	3,796	1,028	292	10	1,330			1,415	647		2,062		
Tichnor			25	13	1	39			28	25	1	54		
*BALANCE IN COUNTY			10		1	11			16			16		
TOTAL ARKANSAS COUNTY			1,719	486	24	2,229	2,112	26.18%	2,317	1,204	3	3,524	3,331	41.30%
ASHLEY COUNTY														
Crossett	8,890	9,084	641	319	5	965			732	443		1,175		
Fountain Hill			14	27		41			20	10		30		
Hamburg			208	71	12	291			227	180		407		
Portland			48	7	3	58			52	3		55		
Wilnot			22	5	2	29			27	5	1	33		
*BALANCE IN COUNTY			26	3		29			34			34		
TOTAL ASHLEY COUNTY			959	432	22	1,413	1,106	12.18%	1,092	641	1	1,734	1,455	16.02%
BAXTER COUNTY														
Cotter	13,486	16,294	21	8		29			32	20		52		
Gamaliel					2	2			3	30		33		
Gassville			26	59		85			50	119		169		
Henderson			7	10		17			9	30		39		
Lakeview			72	21		93			150	67		217		
Midway			18	23		41			46	48		94		
Mountain Home			658	321	7	986			1,328	745	3	2,076		
Norfork			5	16		21			16	29		45		
Salesville			25	6		31			13	23		36		
*BALANCE IN COUNTY				5		5				10		10		
TOTAL BAXTER COUNTY			832	469	9	1,310	1,025	6.29%	1,647	1,121	3	2,771	2,326	14.28%

BENTON COUNTY 37,555 54,928

Bella Vista	3,532	261	3	3,796	3,933	420	19	4,372
Bentonville	2,670	1,008	2	3,680	3,119	640	46	3,805
Cave Springs	58	26		84	74	32		106
Centerion	185	40		225	231	50	3	284
Decatur	118	25		143	182	25	8	215
Garfield	204	47		251	290	62	27	379
Gentry	325	220	1	546	423	310	70	803
Gravette	330	152	15	497	352	147	26	525
Hiwasse	35	6		41	40	6		46
Lowell	328	244	3	575	617	339	19	975
Maysville	28		4	32	16		6	22
Pea Ridge	315	57	1	373	383	65	15	463
Rogers	2,263	821	11	3,095	5,433	810	209	6,452
Siloam Springs	598	100	4	702	2,193	870	256	3,319
Springdale	37			37	51			51
Sulphur Springs	37	5	7	49	41	5	12	58
*BALANCE IN COUNTY	4	8		12	4	8	2	14
TOTAL BENTON COUNTY	11,067	3,020	51	14,138	11,066	3,789	718	21,889
								18,371
								33.45%

BOONE COUNTY 11,131 12,567

Alpena	23	38	1	62	28	30	1	59
Bergman	1	16		17	4	27		31
Harrison	759	484	2	1,245	1,023	536	3	1,562
Valley Springs	4	12		16	6	20		26
*BALANCE IN COUNTY	3	11	10	24	15	10	3	28
TOTAL BOONE COUNTY	790	561	13	1,364	1,076	623	7	1,706
								1,432
								11.39%

BRADLEY COUNTY 4,545 4,438

Banks	17	4		21	22	4		26
Hermitage	26	54	5	85	32	108		140
Warren	401	144	3	548	499	282		781
*BALANCE IN COUNTY	2		1	3	2			2
TOTAL BRADLEY COUNTY	446	202	9	657	555	394		949
								796
								17.94%

CALHOUN COUNTY 2,185 2,116

Hampton	95	70	2	167	126	155		281
Thornton	30	15	1	46	39			39
*BALANCE IN COUNTY	9			9	14			14
TOTAL CALHOUN COUNTY	134	85	3	222	174	155		334
								280
								13.23%

State County Town	OCCUPIED HOUSEHOLDS			Morning				Sunday				
	1990 Census	#1-1-00 Estimate	Home Delivery	Single Copy Sales	Mail	Total	Avg. Proj. Household Pd. Circ. Coverage	Home Delivery	Single Copy Sales	Mail	Total	Avg. Proj. Housech. Pd. Circ. Covera
ARKANSAS (Cont'd)												
CARROLL COUNTY												
Berryville	7,550	8,979	248	207	2	457		324	222	1	547	
Eureka Springs			435	185	1	621		538	285	4	827	
Green Forest			164	82	3	249		238	65	3	306	
Holiday Island			76	20		96		85	40		125	
Oak Grove			13	5		18		22	5		27	
*BALANCE IN COUNTY			8	10	1	19		8	15		23	
TOTAL CARROLL COUNTY			944	509	7	1,460	1,143 12.73%	1,215	632	8	1,855	1,557 17.34%
CHICOT COUNTY												
Dermott	5,557	5,044	134	15	6	155		187	42	5	234	
Eudora			97	62	9	168		110	53		163	
Lake Village			289	202	5	496		320	271		591	
TOTAL CHICOT COUNTY			520	279	20	819	641 12.71%	617	366	5	988	829 16.44%
CLARK COUNTY												
Amity	7,907	8,132	68	44	3	115		96	61		157	
Arkadelphia	3,455	3,622	1,202	385	3	1,590		1,715	775	2	2,492	
Curtis			4	10		14		6	19		25	
Gurdon			214	93	1	308		300	260		560	
*BALANCE IN COUNTY			11		4	15		20			20	
TOTAL CLARK COUNTY			1,499	532	11	2,042	1,935 23.79%	2,137	1,115	2	3,254	3,076 37.83%
CLAY COUNTY												
Corning	7,504	7,245	70	63	2	135		76	125		201	
Piggott			111	55		166		145	145		290	
Rector			42	25	2	69		50	30		80	
*BALANCE IN COUNTY			3		6	9		8		1	9	
TOTAL CLAY COUNTY			226	143	10	379	297 4.10%	279	300	1	580	487 6.72%
CLEBURNE COUNTY												
Concord	7,926	10,055	18	35	2	55		31	62		93	
Drasco			28	24	1	53		76	90		166	
Edgemont			62		2	64		109	10		119	
Greers Ferry			75	52		127		115	105		220	
Heber Springs			1,012	257		1,269		1,449	555		2,004	

Higdon	133	15	148	194	60	254
Prim				22	30	52
Quitman	207	55	6	268	190	545
Tumbling Shoals	53		53	97		97
*BALANCE IN COUNTY	13		1	14	27	27
TOTAL CLEBURNE COUNTY	1,601	438	12	2,051	1,102	3,577
						3,382 33.64%
<u>CLEVELAND COUNTY</u>						3,181
Kingsland	52	19	71	65	92	157
New Edinburg	14	5	19	20	15	35
Rison	129	81	1	211	110	303
TOTAL CLEVELAND COUNTY	195	105	1	301	217	495
						468 14.71%
<u>COLUMBIA COUNTY</u>						9,148
Magnolia	648	350	11	1,009	797	440
McNeil	19	20	39	23	35	1
Waldo	42	42	3	87	41	30
*BALANCE IN COUNTY			17	17	7	7
TOTAL COLUMBIA COUNTY	709	412	31	1,152	861	505
						10 1,376 1,155 12.63%
<u>CONWAY COUNTY</u>						7,722
Center Ridge	34	48	9	91	57	110
Cleveland	26	3	29	53	25	78
Hattieville	55	14	69	56	40	96
Jerusalem	4	5	9	9	30	39
Morrilton	814	256	1,070	1,354	725	2,079
Plumerville	93	35	128	160	127	287
Solgohachia	16		16	44		44
Springfield	41	15	56	69	75	144
*BALANCE IN COUNTY	11		11	17		17
TOTAL CONWAY COUNTY	1,094	376	9	1,479	1,819	1,132
						2,951 2,790 36.13%
<u>CRAIGHEAD COUNTY</u>						30,543
Jonesboro	697	416	2	1,115	908	457
Monette	11	16	27	11	15	26
*BALANCE IN COUNTY	16	19	1	36	16	35
TOTAL CRAIGHEAD COUNTY	724	451	3	1,178	935	507
						1 1,443 1,211 3.96%

State County Town	OCCUPIED HOUSEHOLDS			Morning				Sunday				
	1990 Census	#1-1-00 Estimate	Home Delivery	Single Copy Sales	Mail	Total	Avg. Proj. Household Pd. Circ. Coverage	Home Delivery	Single Copy Sales	Mail	Total	Avg. Proj. Household Pd. Circ. Coverage
ARKANSAS (Cont'd)												
CRAWFORD COUNTY												
Alma	15,251	18,863	57	94		151		119	128		247	
Mulberry			60	12		72		13	95		108	
Van Buren			220	132		352		404	195		599	
*BALANCE IN COUNTY					1	1		23	16	2	41	
TOTAL CRAWFORD COUNTY			337	238	1	576	451 2.39%	559	434	2	995	835 4.43%
CRITTENDEN COUNTY												
Earle	17,120	17,862	14	20	1	35		15	25		40	
Marion			85	91	1	177		102	153	1	256	
West Memphis			200	208	1	409		205	255	1	461	
*BALANCE IN COUNTY				6		6						
TOTAL CRITTENDEN COUNTY			299	325	3	627	491 2.75%	322	433	2	757	635 3.56%
CROSS COUNTY												
Cherry Valley	6,754	7,032	10	8		18		10	15		25	
Hickory Ridge			19	8		27		23			23	
Parkin			26	45		71		24	25		49	
Wynne			308	141	1	450		359	300		659	
*BALANCE IN COUNTY					1	1						
TOTAL CROSS COUNTY			363	202	2	567	444 6.31%	416	340		756	635 9.03%
DALLAS COUNTY												
Carhage	3,600	3,334	34		1	35		67			67	
Fordyce			421	185		606		512	286		798	
Sparkman			69	46		115		89	100		189	
*BALANCE IN COUNTY			4			4		9			9	
TOTAL DALLAS COUNTY			528	231	1	760	720 21.60%	677	386		1,063	1,005 30.14%
DESHA COUNTY												
Arkansas City	5,957	5,255	25	20	1	46		32	10		42	
Dumas			249	125	1	375		309	238		547	
McGehee			348	150	1	499		408	270		678	
Rohwer			9	8		17		9	21		30	

Watson
•BALANCE IN COUNTY
TOTAL DESHA COUNTY

DREW COUNTY
Monticello
Tillar
Wilmar
•BALANCE IN COUNTY
TOTAL DREW COUNTY

(MA) FAULKNER COUNTY
Conway
Damascus
Enola
Greenbrier
Guy
Mayflower
Mount Vernon
Vilonia
Wooster
TOTAL FAULKNER COUNTY

FRANKLIN COUNTY
Altus
Branch
Charleston
Ozark
•BALANCE IN COUNTY
TOTAL FRANKLIN COUNTY

FULTON COUNTY
Gepp
Mammoth Springs
Salem
Viola
•BALANCE IN COUNTY
TOTAL FULTON COUNTY

29	8	1	38	48	10	2	60
3		1	4	5		1	6
663	311	5	979	811	549	3	1,363
			928	17.66%			1,289
							24.53%
558	302	11	871	709	516	2	1,227
59		3	62	69		2	71
24	15	7	46	23	30	1	54
10			10	10			10
651	317	21	989	811	546	5	1,362
			774	11.97%			1,143
							17.68%
4,500	1,199	2	5,701	7,496	2,462	5	9,963
31	10		41	45	35		80
56	10		66	70	30		100
573	131		704	1,117	374		1,491
23	15		38	44	40		84
237	45		282	347	135		482
13	2		15	77	12		89
362	71		433	723	278		1,001
15	15		30	27	45		72
5,810	1,498	2	7,310	9,946	3,411	5	13,362
				6,927	23.58%		12,632
							43.00%
13	23		36	24	42		66
7	16		23	6	25		31
57	30		87	71	53		124
113	91	2	206	195	142	1	338
11			11	19			19
201	160	2	363	315	262	1	578
				284	4.40%		485
							7.51%
64	37	4	105		30		30
108	46	2	156	70	47		117
	9	3	12	140	93		233
12	7	2	21	6	40		46
184	99	11	294	14	15	1	30
				230	5.13%		383
							8.5

State County Town	OCCUPIED HOUSEHOLDS			Morning				Sunday				
	1990 Census	#1-1-00 Estimate	Home Delivery	Single Copy Sales	Mail	Total	Avg. Proj. Household Pd. Circ. Coverage	Home Delivery	Single Copy Sales	Mail	Total	Avg. Proj. Household Pd. Circ. Coverage
ARKANSAS (Cont'd)												
GARLAND COUNTY												
Hot Springs	30,836	36,158	3,613	1,596	9	5,218		6,187	3,026	6	9,219	
" (City Zone)	14,488	17,036										
Hot Springs Village	14,488	17,036	1,869	98		1,967		2,400	237		2,637	
Jessieville			1	99	2	102		6	15	1	22	
Lonsdale			39			39		93			93	
Mountain Pine			20	20	1	41		37	50		87	
Pearcy			53	88		141		146	55		201	
Royal			55	50	1	106		136	125	1	262	
TOTAL GARLAND COUNTY			5,650	1,951	13	7,614	7,215 19.95%	9,005	3,508	8	12,521	11,837 32.74%
GRANT COUNTY												
Grapevine	5,118	5,993	118			118		54			54	
Leola			30	15	1	46		38	44		82	
Poyen			28	36		64		70	17		87	
Prattsville			75	9		84		133	18		151	
Sheridan			790	252	1	1,043		1,204	675		1,879	
TOTAL GRANT COUNTY			1,041	312	2	1,355	1,284 21.42%	1,499	754		2,253	2,130 35.54%
GREENE COUNTY												
Marmaduke	12,325	14,517	7	40		47		17	10		27	
Paragould			297	155	1	453		377	224	1	602	
*BALANCE IN COUNTY								1			1	
TOTAL GREENE COUNTY			304	195	1	500	391 2.69%	395	234	1	630	529 3.64%
HEMPSTEAD COUNTY												
Hope	8,212	8,481	364	286	14	664		434	430	2	866	
McCaskill			11	27		38		14	31		45	
*BALANCE IN COUNTY			9		10	19		8			8	
TOTAL HEMPSTEAD COUNTY			384	313	24	721	564 6.65%	456	461	2	919	771 9.09%
HOT SPRING COUNTY												
Bismarck	10,115	11,749	136	100	1	237		233	160		393	

Bonnerdale	4	8	12	6	30	36
Donaldson	71	11	82	131	40	171
Friendship	17	12	29	18	40	58
Jones Mill		20	20		50	50
Malvern	1,313	445	1,759	2,357	1,076	3,433
	3,836	4,191				
TOTAL HOT SPRING COUNTY	1,541	596	2,139	2,027	1,396	3,915 33.32%

HOWARD COUNTY	4,975	4,934				
Dierks	75	28	4	107	46	132
Mineral Springs	29	39	7	75	29	62
Nashville	359	200	8	567	264	692
Umpire	18	8	1	27	9	29
*BALANCE IN COUNTY		10	7	17	2	2
TOTAL HOWARD COUNTY	481	285	27	793	348	5 917 770 15.61%

INDEPENDENCE COUNTY	11,846	12,703				
Batesville	3,678	3,880	1,193	316	4	1,513
Cord			9	5	14	
Cushman			17	30	47	
Desha			16	5	1	22
Floral			12	7	1	20
Locust Grove			72	20	92	
Newark			13	10	23	
Oil Trough			37	34	71	
Pleasant Plains			6		6	
Rosic			11		11	
Sulphur Rock			14	5	3	22
*BALANCE IN COUNTY						
TOTAL INDEPENDENCE COUNTY	1,400	432	9	1,841	1,744	13.73% 2,523 971 3 3,497 3,306 26.03%

IZARD COUNTY	4,684	5,272				
Brockwell	11	15		26	8	20
Calico Rock	57	72	10	139	136	236
Franklin	12	9		21	24	40
Horseshoe Bend	204	35		239	70	346
Melbourne	120	90	4	214	105	263
Mount Pleasant		11	1	12	20	40
Oxford	26	41		67	16	51

State County Town	OCCUPIED HOUSEHOLDS			Morning			Sunday					
	1990 Census	#1-1-00 Estimate	Home Delivery	Single Copy Sales	Mail	Total	Avg. Proj. Household Pd. Circ. Coverage	Home Delivery	Single Copy Sales	Mail	Total	Avg. Proj. Househo Pd. Circ. Coverag
ARKANSAS (Cont'd)												
IZARD COUNTY												
Pineville			13	6	1	20		36	12		48	
Violet Hill			16	4	1	21		20	9		29	
*BALANCE IN COUNTY			16		2	18		21			21	
TOTAL IZARD COUNTY			475	283	19	777	608 11.53%	685	400	9	1,094	918 17.41%
JACKSON COUNTY												
Newport	7,361	6,973	588	179	13	780		803	372	12	1,187	
Swifton	2,949	2,682	31	7	1	39		54	17		71	
Tuckerman			99	25		124		161	93		254	
*BALANCE IN COUNTY			42	18		60		63	30		93	
TOTAL JACKSON COUNTY			760	229	14	1,003	950 13.62%	1,081	512	12	1,605	1,517 21.76%
JEFFERSON COUNTY												
Altheimer	30,001	28,394	14	13		27		19	29		48	
Humphrey			50	18	1	69		84	65	1	150	
Pine Bluff	20,871	19,138	2,591	1,221	26	3,838		3,841	2,071	21	5,933	
" (City Zone)	20,871	19,138										
Redfield			250	58		308		461	164		625	
Sherrill			31	5		36		39	9		48	
Tucker			19	10	18	47		29		15	44	
Wabbaseka			13			13		13	15		28	
White Hall			533	73		606		888	151		1,039	
Wright			23	10		33		32	25		57	
*BALANCE IN COUNTY			20		1	21		35		1	36	
TOTAL JEFFERSON COUNTY			3,544	1,408	46	4,998	4,736 16.68%	5,441	2,529	38	8,008	7,570 26.66%
JOHNSON COUNTY												
Clarksville	7,059	8,486	412	327	11	750		690	432	2	1,124	
Coal Hill			10	16		26		38	36		74	
Hartman			16			16		54			54	
Knoxville			26	22		48		63	49		112	
Lamar			34	42	1	77		107	75	1	183	
*BALANCE IN COUNTY			4	9	6	19		5	16	2	23	
TOTAL JOHNSON COUNTY			502	416	18	936	733 8.64%	957	608	5	1,570	1,318 15.53%

LAFAYETTE COUNTY 3,584 3,293

Lewisville
Stamps

•BALANCE IN COUNTY

TOTAL LAFAYETTE COUNTY

37	36	2	75	38	55	1	94
61	40	1	102	65	65		130
2	6	5	13	2		1	3
100	82	8	190	105	120	2	227
				149	4.52%		191
							5.80%

LAWRENCE COUNTY 6,857 6,963

Black Rock
Hoxie
Imboden
Strawberry
Walnut Ridge

•BALANCE IN COUNTY

TOTAL LAWRENCE COUNTY

	6	1	7	9	15	1	25
20	10		30	19			19
		1	1	10	55	1	66
		2	2	12	17		29
74	65	1	140	122	115		237
1		9	10	20	57	2	79
95	81	14	190	192	259	4	455
				149	2.14%		382
							5.49%

LEE COUNTY 4,578 4,171

Marianna
Moro

•BALANCE IN COUNTY

TOTAL LEE COUNTY

161	107		268	198	95		293
35	21	1	57	42	30		72
8		11	19	9		9	18
204	128	12	344	249	125	9	383
				269	6.45%		321
							7.70%

LINCOLN COUNTY 3,796 4,208

Gould
Grady
Star City

•BALANCE IN COUNTY

TOTAL LINCOLN COUNTY

22	26	1	49	35	35	1	71
25	24	31	80	40	35	27	102
168	49	2	219	217	145	2	364
3			3	3			3
218	99	34	351	295	215	30	540
				333	7.91%		510
							12.12%

LITTLE RIVER COUNTY 5,150 4,987

Ashdown
Foreman

•BALANCE IN COUNTY

TOTAL LITTLE RIVER COUNTY

104	216	1	321	110	154		264
25	18		43	27	27		54
8	6		14	9	9		18
137	240	1	378	146	190		336
				296	5.94%		282
							5.65%

LOGAN COUNTY 7,628 7,917

Booneville
Magazine
New Blaine
Paris
Scranton

73	66	1	140	87	129		216
9	28		37	14	21		35
13	9	1	23	16	20		36
104	59	1	164	136	111		247
40	32	3	75	57	62	1	120

State County Town	OCCUPIED HOUSEHOLDS 1990 Census			#1-1-00 Estimate			Morning			Sunday			Avg. Proj. Household Pd. Circ. Coverage
	Home Delivery	Single Copy Sales	Total	Home Delivery	Single Copy Sales	Total	Home Delivery	Single Copy Sales	Total	Home Delivery	Single Copy Sales	Total	
ARKANSAS (Cont'd)													
LOGAN COUNTY													
Subiaco	24	22	46	3	3	6	46	3	3	6	46	50	96
*BALANCE IN COUNTY													3
TOTAL LOGAN COUNTY	266	216	488	382	393	775	359	350	709	632	7.98%		
(MA) LONOKE COUNTY													
Austin	393	18	411	2,869	67	2,936	805	67	872	5,930			
Cabot	2,365	504	2,869	505	226	731	551	226	777	734			
Carlisle	402	102	504	37	65	434	31	65	96	1,925			
England	350	80	434	1,103	466	1,569	308	466	774	308			
Humnoke	17	20	37	702	275	977	20	275	295	20			
Lonoke	930	172	1,103	212	212	424	28	212	240	20			
Scott	212	72	284	416	20	436	28	20	48	20			
Ward	344	10	354	28	20	30	28	20	48	20			
*BALANCE IN COUNTY													
TOTAL LONOKE COUNTY	5,031	978	6,015	5,700	2,755	8,455	8,884	2,755	11,639	11,003	58.19%		
MADISON COUNTY													
Hindsville	10	40	50	12	50	62	12	50	62	79			
Huntsville	145	51	201	190	54	244	190	54	244	250			
St. Paul	11	152	163	13	13	26	13	13	26	13			
Wesley	13	20	34	12	25	37	12	25	37	38			
*BALANCE IN COUNTY	8	10	20	11	17	31	11	17	31	31			
TOTAL MADISON COUNTY	187	273	460	375	146	521	238	146	384	345	6.79%		
MARION COUNTY													
Bull Shoals	55	21	76	97	85	182	97	85	182	182			
Flippin	83	73	158	103	116	219	103	116	219	219			
Yellville	76	89	169	94	140	236	94	140	236	236			
*BALANCE IN COUNTY	2	6	11	2	14	16	2	14	16	16			
TOTAL MARION COUNTY	216	189	405	296	355	651	296	355	651	548	8.36%		
MILLER COUNTY													
Texarkana	215	228	443	223	220	443	223	220	443	450			
*BALANCE IN COUNTY		11	15			2			2	2			
TOTAL MILLER COUNTY	215	239	454	223	220	443	223	220	443	379	2.60%		

MISSISSIPPI COUNTY										20,420	18,206
Blytheville											
Leachville											
Manila											
Osceola											
*BALANCE IN COUNTY											
TOTAL MISSISSIPPI COUNTY											
MONROE COUNTY										4,361	4,000
Brinkley											
Clarendon											
Holly Grove											
Monroe											
Roe											
TOTAL MONROE COUNTY											
MONTGOMERY COUNTY										3,062	3,542
Caddo Gap											
Mount Ida											
Norman											
Oden											
Pencil Bluff											
*BALANCE IN COUNTY											
TOTAL MONTGOMERY COUNTY											
NEVADA COUNTY										3,798	3,789
Bluff City											
Emmet											
Prescott											
Rosston											
*BALANCE IN COUNTY											
TOTAL NEVADA COUNTY											
NEWTON COUNTY										2,818	3,047
Jasper											
Western Grove											
*BALANCE IN COUNTY											
TOTAL NEWTON COUNTY											

State County Town	OCCUPIED HOUSEHOLDS		Morning						Sunday			
	1990 Census	#1-1-00 Estimate	Home Delivery	Single Copy Sales	Mail	Total	Avg. Proj. Household Pd. Circ. Coverage	Home Delivery	Single Copy Sales	Mail	Total	Avg. Proj. Household Pd. Circ. Coverage
ARKANSAS (Cont'd)												
OUACHITA COUNTY												
Bearden	11,712	10,415	78	52	1	131		117	120		237	
Camden			906	355	3	1,264		1,215	548	1	1,764	
Chidester			75	22	3	100		46	65		111	
East Camden			70	80		150		135	120		255	
Stevens			52	32	2	86		65	50		115	
TOTAL OUACHITA COUNTY			1,181	541	9	1,731	13.55	1,578	903	1	2,482	20.00%
PERRY COUNTY												
Adona	3,055	3,949	16	5	1	22		22	10		32	
Bigelow			155	29		184		312	85		397	
Casa			43	13		56		69	25		94	
Houston			101	10		111		163	45		208	
Perry			55	5		60		107	18		125	
Perryville			319	153		472		477	262		739	
TOTAL PERRY COUNTY			689	215	1	905	858	21.73%	1,150	445	1,595	38.19%
PHILLIPS COUNTY												
Helena	10,183	9,773	188	119		307		205	121		326	
Marvell			79	57		136		99	30		129	
West Helena			176	226		402		197	364		561	
*BALANCE IN COUNTY			34		10	44		38		5	43	
TOTAL PHILLIPS COUNTY			477	402	10	889	696	7.12%	539	515	1,059	9.10%
PIKE COUNTY												
Antoine	3,855	3,962	12	11		23		20	31		51	
Delight			79	25		104		105	69		174	
Glenwood			136	73	2	211		164	227	1	392	
Kirby			31	39		70		45	37		82	
Murfreesboro			133	70	1	204		167	123		290	
Newhope			10	40	1	51		12	80		92	
*BALANCE IN COUNTY			3	8		11		3	15		18	
TOTAL PIKE COUNTY			404	266	4	674	528	13.33%	516	582	1,099	23.27%

POINSETT COUNTY 9,368 9,749

Harrisburg
Lepanto
Marked Tree
Trumann
Weiner

37	62	2	101	45	95	140
16	23		39	19	30	49
18	55		73	20	30	50
32	46		78	37	36	73
19	5		24	22	8	30
15			15	17		17
137	191	2	330	160	199	359
						301 3.09%

•BALANCE IN COUNTY

TOTAL POINSETT COUNTY

POLK COUNTY

Mena

6,827 7,882

•BALANCE IN COUNTY

TOTAL POLK COUNTY

375	270	10	655	550	575	1,125
8		15	23	10		11
383	270	25	678	560	575	1,136
						953 12.09%

POPE COUNTY

Atkins
Dover
Hector
London
Pottsville
Russellville

16,828 19,742

•BALANCE IN COUNTY

TOTAL POPE COUNTY

161	53		214	258	151	409
138		1	139	243		244
30	14	1	45	36	43	79
65	20		85	89	71	160
81	31		112	124	36	160
1,479	745	5	2,229	2,154	1,363	3,522
		1	1			2
1,954	863	8	2,825	2,904	1,664	4,576
						4,326 21.91%

PRAIRIE COUNTY

Biscoe
Des Arc
Devalls Bluff
Hazen
Hickory Plains
Ulm

3,661 3,670

TOTAL PRAIRIE COUNTY

55		1	56	67	34	101
202	65	2	269	284	236	520
113	30	1	144	140	90	230
235	81	4	320	314	125	440
4	10		14	7	65	72
17	4		21	24	18	42
626	190	8	824	836	568	1,405
						1,328 36.19%

(MA) PULASKI COUNTY

Less included in ABC City

Zone

137,209 140,814

127,918 131,314

BALANCE IN COUNTY

9,291 9,500

Cabot Rural Routes
Jacksonville

125 158
158 159
158 248

State County Town	OCCUPIED HOUSEHOLDS 1990			Morning			Sunday			Avg. Proj. Househo. Pd. Circ. Coverage
	Census	Estimate	Home Delivery	Single Copy Sales	Mail	Total	Single Copy Sales	Mail	Total	
ARKANSAS (Cont'd)										
(MA) PULASKI COUNTY										
Roland			416	52		468		640	145	785
Scott			64	20		84		108	5	113
TOTAL PULASKI COUNTY										
(EXCLUSIVE OF ABC CITY ZONE)										
TOTAL PULASKI COUNTY			54,109	14,417	40	68,566	64,702	76,531	25,989	53 102,573 96,012 68.18%
RANDOLPH COUNTY										
Pocahontas	6,445	7,281	137	177	2	316		176	220	1 397
*BALANCE IN COUNTY										
TOTAL RANDOLPH COUNTY			137	177	3	317	248	176	220	1 397 333 4.57%
ST. FRANCIS COUNTY										
Forrest City	9,958	9,447	307	265	13	585		378	325	10 713
Palestine			20	25		45		21	73	94
Wheatley			27	35		62		34	60	94
*BALANCE IN COUNTY										
TOTAL ST. FRANCIS COUNTY			369	325	27	721	564	455	458	14 927 778 8.24%
(MA) SALINE COUNTY										
Alexander	23,037	29,306	1,188	62		1,250		2,088	140	2,228
Bauxite			236	25	1	262		490	60	1 551
Benton	6,993	9,498	3,581	1,027		4,608		5,830	2,121	1 7,952
" (City Zone)										
Bryant			1,020	196		1,216		1,728	373	2,101
Haskell			121	28		149		232	115	347
Hensley Rural Routes			116			116		183		183
Hot Springs Village			958	12	1	971		1,184	33	1 1,218
Mabelvale			586	40		626		1,051	125	1,176
Paron			79	20		99		141	45	186
Traskwood			60	12		72		118	30	148
TOTAL SALINE COUNTY			7,945	1,422	2	9,369	8,878	13,045	3,042	3 16,090 15,211 51.90%

State County Town	OCCUPIED HOUSEHOLDS 1990 Census		#1-1-00 Estimate	Morning				Sunday						
	Home Delivery	Single Copy Sales		Mail	Total	Avg. Proj. Household Pd. Circ. Coverage	Home Delivery	Single Copy Sales	Mail	Total	Avg. Proj. Household Pd. Circ. Coverage			
ARKANSAS (Cont'd)														
STONE COUNTY														
Fox	3,866		4,694		6	5	11		24	20		44		
Mountain View				228	166	8	402		391	356	1	748		
Timbo					23	5	28		22	54		76		
*BALANCE IN COUNTY				12		2	14		17			17		
TOTAL STONE COUNTY				240	195	20	455	356	7.58%	454	430	1	885	743 15.83%
UNION COUNTY														
El Dorado	17,819		16,762	785	644	5	1,434		1,039	723	5	1,767		
Huttig				4	49	2	55		8	20	1	29		
Junction City				15	25		40		27	30		57		
Norphlet				14	10		24		21	25		46		
Smackover				82	45		127		93	80		173		
Strong				17	30	2	49		21	50	1	72		
*BALANCE IN COUNTY				5	14	1	20		14			14		
TOTAL UNION COUNTY				922	817	10	1,749	1,369	8.17%	1,223	928	7	2,158	1,811 10.80%
VAN BUREN COUNTY														
Bee Branch	5,698		6,713	58	42	3	103		79	90		169		
Choctaw				5	27		32		8	85		93		
Clinton				346	152	9	507		510	360	3	873		
Damascus				40	15		55		79	50		129		
Dennard				13			13		28			28		
Fairfield Bay				518	70		588		667	220	1	888		
Scotland				8	14		22		17	20		37		
Shirley				59	40		99		115	50		165		
TOTAL VAN BUREN COUNTY				1,047	360	12	1,419	1,345	20.04%	1,503	875	4	2,382	2,252 33.55%
WASHINGTON COUNTY														
Canehill	43,372		56,258	96		3	99		169		3	172		
Elkins				416	134	2	552		471	125	1	597		
Evansville				25	8	6	39		2	8	7	17		
Farmington				142	130	1	273		165	181	2	348		

Fayetteville	9,154	3,775	18	12,947	10,601	3,135	35	13,771
Goshen	4	20		24	4	30		34
Greenland	6	37		43	6	12		18
Lincoln	383	47	2	432	468	152	5	473
Prairie Grove	631	166	1	798	746	152	5	903
Springdale	2,151	1,768	13	3,932	2,994	744	30	3,768
Summers	56			56	68		14	82
West Fork	484	94		578	570	35		605
Winslow	231	79		310	274	114		388
	9			9	2			2
•BALANCE IN COUNTY			46	20,092	16,540	4,536	102	21,178
TOTAL WASHINGTON COUNTY	13,788	6,258		15,727	17,774			31.59%

WHITE COUNTY									
	19,823	24,313							
Bald Knob			197	128	2	327	340	364	1 705
Beebe			806	201	1	1,008	1,426	442	1 1,869
Bradford			120	50	1	171	205	93	1 299
El Paso			78	28		106	147	70	217
Garner			9			9	21	10	31
Griffithville			23	5		28	60	25	85
Higginson			12			12	31		31
Judsonia			190	99	1	290	413	375	788
Kensett			55	24		79	104	50	154
McRae			151	25		176	282	70	352
Mount Vernon			18			18	43		43
Pangburn			79	28	1	108	185	64	249
Romance			66	17		83	123	66	189
Rose Bud			86	35	2	123	133	130	1 264
Russell			8	6		14	14	32	46
Searcy	5,240	6,569	1,903	644	2	2,549	3,165	1,743	1 4,909
West Point			8	7		15	11	20	31
			6			6	13		13
•BALANCE IN COUNTY									
TOTAL WHITE COUNTY	3,815	1,297	10	5,122	4,853	19.96%	6,716	3,554	5 10,275 9,714 39.95%

<u>WOODRUFF COUNTY</u>	3,630	3,367							
Augusta	172	85	2	259	246	170		416	
Cotton Plant	47	17	1	65	56	50		106	
McCroly	216	62	8	286	289	260		549	
	19	8	2	29	47			47	
•BALANCE IN COUNTY									
TOTAL WOODRUFF COUNTY	454	172	13	639	605	17.97%	638	480	1,118
									1,057
									31.3

State County Town	OCCUPIED HOUSEHOLDS		Morning				Sunday				Avg. Proj. Househc Pd. Circ. Coverag
	1990 Census	#1-1-00 Estimate	Home Delivery	Single Copy Sales	Mail	Total	Home Delivery	Single Copy Sales	Mail	Total	
ARKANSAS (Cont'd)											
YELL COUNTY											
Belleville	6,907	7,381	23	10		33	42	20		62	
Centerville			5	13		18	6	40		46	
Danville			106	73	2	181	150	117	1	268	
Dardanelle			271	220		491	410	215		625	
Gravelly					3	3	13	12		25	
Havana			38	10		48	58	38		96	
Ola			65	36	1	102	88	91		179	
Plainview			44	27	6	77	66	58	2	126	
Rover			12	16		28	17	26		43	
*BALANCE IN COUNTY			10		3	13	31			31	
TOTAL YELL COUNTY											
			574	405	15	994	881	617	3	1,501	19.21%
TOTAL IN ARKANSAS											
			148,712	52,325	907	201,944	179,875	87,336	1,175	305,892	278,744
ALL OTHER STATES											
MISCELLANEOUS COUNTIES											
UNDER 25 COPIES											
			255	327	335	917	266	636	1,031	1,933	1,624
SUMMARY											
TOTAL ARKANSAS											
"			148,712	52,325	907	201,944	217,381	87,336	1,175	305,892	
ALL OTHER STATES			255	327	335	917	266	636	1,031	1,933	
GRAND TOTAL											
			148,967	52,652	1,242	202,861	180,590	87,972	2,206	307,825	280,368

4. NET PRESS RUN AND AVERAGE PROJECTED PAID CIRCULATION BY EDITIONS:

						Average Projected Paid Circulation*			
Press Time	Date Printed	Issue Date	Net Press Run	Gross Paid Distribution	Sales Release See Note	Net Paid	City Zone	Retail Trading Zone	All Other
Morning Issue for Tuesday, March 13, 2001									
10:35 PM	3-12	3-13	60,811	60,437	C				
10:47 PM	3-12	3-13	8,480	8,003	C				
12:36 AM	3-13	3-13	23,404	21,585	C				
12:40 AM	3-13	3-13	104,193	99,672	A-C				
1:40 AM	3-13	3-13	15,015	13,164	C				
Total			211,903	202,861		180,590	60,299	58,908	61,383
Sunday Issue for March 11, 2001									
10:29 PM	3-10	3-11	93,022	92,394	C				
12:30 AM	3-11	3-11	58,685	55,610	C				
12:59 AM	3-11	3-11	166,249	159,821	A-C				
Total			317,956	307,825		280,368	92,241	104,998	83,129

NOTE: A — Immediate sales release in City Zone. C — Sales release on arrival at destination in Retail Trading Zone and All Other.

*The average projected paid circulation figures have been calculated by projecting the gross paid distribution percentages against the averages in Pars. 1A & 1B.

5. AVERAGE UNPAID DISTRIBUTION:

	Morning (Mon. to Sat.)	Sunday
Arrears.....		
Advertisers, Agencies	4,891	7,397
Complimentary, Sample, Service	2,609	2,212
Total	7,500	9,609

6. WERE RETURNS ACCEPTED OR ALLOWANCES MADE FOR UNDELIVERED, LEFTOVER AND UNSOLD COPIES?

Fully returnable.

The allowances for returns, undelivered, leftover and unsold copies for the period covered by this report were found to have been: in the City Zone, Morning 5.48%, Sunday 5.39%; in the Retail Trading Zone, Morning 5.51%, Sunday 4.95%; in All Other, Morning 11.36%, Sunday 9.22%.

These percentages are based on the gross figures and have been deducted, leaving paid circulation shown in Par. 1.

ANALYSIS OF HOME DELIVERY AND MAIL SUBSCRIPTION SALES (NEW AND RENEWAL)
For Period Covered by this Report

7. PREMIUM, COMBINATION, SPECIAL OFFERS, CLUBS AND INSURANCE:

		Term Ordered				Misc. Periods
		1 Mo.	3 Mos.	6 Mos.	1 Yr.	
(a) With premium and special offers, See Par. 9(e)	M & S		7	121	74	
	S			87	42	
(c) With premium only, See Par. 9(f)	M & S		30,736	1,945	1,392	
	M		211	8	12	
	S			24,075	4,235	
(e) Special reduced prices, See Par. 8(b)	M & S	806	4,393	3,750	3,576	492*
	M	7	8		5	2,987**
	S	108	497	1,388	2,544	233**
(f) Other inducements, See Par. 9(g)	M & S		26,611	1,152	719	
	M		96		10	
	S			16,987	1,031	

*This figure does not represent the total number of subscriptions received, but represents the average number of copies served during this report period on employee subscriptions sold at the price(s) shown in Par. 8(b).

**This figure does not represent the total number of subscriptions received, but represents the average number of copies served during this report period on Newspapers in Education sold at the price(s) shown in Par. 8(b).

8. PRICES:

(a) Basic Prices:	By Mail				By Home Delivery			
	1 Yr.	6 Mos.	3 Mos.	1 Mo.	1 Yr.	6 Mos.	3 Mos.	1 Mo.
CITY ZONE:								
M & S								
to 02/01/01	\$216.00	\$108.00	\$54.00	\$18.00	\$109.00	\$59.50	\$29.75	\$10.75
since 02/01/01 ..	228.00	114.00	57.00	19.00	121.00	64.00	32.00	11.50
M only								
to 02/01/01	156.00	78.00	39.00	13.00	102.00	51.00	25.50	8.50
since 02/01/01 ..	168.00	84.00	42.00	14.00	111.00	55.50	27.75	9.25
S only								
to 02/01/01	78.00	39.00	19.50	6.50	59.00	30.50	15.25	5.25
since 02/01/01 ..	90.00	45.00	22.50	7.50	59.00	30.50	15.25	5.25

RETAIL TRADING ZONE: By Mail and Home Delivery, same as City Zone.

ALL OTHER: By Mail, same as City Zone.

M & S	\$109.00	\$59.50	\$29.75	\$10.75
M only	102.00	51.00	25.50	8.50
S only	59.00	30.50	15.25	5.25

8. PRICES: (Continued)

By Motor Route

Single Copy

CITY ZONE, RETAIL TRADING ZONE AND ALL OTHER:
Same as by Home Delivery in City Zone and Retail Trading Zone.

	1 Yr.	6 Mos.	3 Mos.	1 Mo.	1 Wk.	
M & S.....						
to 02/01/01	\$129.00	\$64.50	\$32.25	\$10.75		(a-b-c)
since 02/01/01 ..	138.00	69.00	34.50	11.50		(a-b-c)
M only						
to 02/01/01	102.00	51.00	25.50	8.50		(a-b-c) 50¢
since 02/01/01 ..	111.00	55.50	27.75	9.25		(a-b-c) 50¢
S only	59.00	30.50	15.25	5.25		(a-b-c) \$1.25

(a) City Zone; (b) Retail Trading Zone; (c) All Other.

(b) Special reduced prices: To employees, Morning and Sunday, 1 month, 50% of basic prices. To designated low income buildings, Morning and Sunday, 90% of basic prices. To new paid-in-advance Morning and Sunday subscribers in All Other, 3 mos. \$15.00, \$15.25, \$19.00, \$24.75, \$27.00, \$29.00; 6 mos. \$30.50, \$34.75, \$42.00, \$48.00; 1 yr. \$59.00, \$64.50, \$84.00. Morning only, 3 mos. \$16.00, \$31.00; 6 mos. \$25.50, \$31.00; 12 mos. \$51.00, \$61.00; Sunday only, 6 mos. \$24.00, \$29.00, \$30.50; 1 yr. \$39.00, \$39.50, \$59.00. To first time renewal customers, Morning and Sunday, 3 mos. \$24.75, \$27.00. To previous customers, 3 months for the price of 2 months. To monthly bank draft customers, \$8.92, \$9.92 per month. To new monthly bank draft customers in a designated area in All Other, \$5.38, \$9.92 per month. Newspapers in Education for classroom use, 50% of basic prices. Registered college student copies, Morning 14¢, Sunday 34¢. For Single Copy, See Par. 9(h).

9. EXPLANATORY:

Regular publishing days on which no paper was issued:

Morning (Mon. to Sat.): None.

Sunday: None.

In accordance with Bureau Rule C 1.7, the following issue(s) has been eliminated from the averages reported in Pars. 1 and 5. The net paid circulation for the issue(s) is as follows:

	Morning (Mon. to Sat.)
December 26, 2000 Severe Weather	146,188
December 27, 2000 Severe Weather	91,391
December 28, 2000 Severe Weather	156,608

(a) County population and occupied household estimates appearing in ABC reports are obtained from Claritas Inc. Estimates for ABC defined newspaper markets and areas below the county level are projections based upon Claritas Inc. estimates.

Par. 1B:

(b) Included in Home Delivery is an average of 1,049 copies per issue Morning, 1,851 copies per issue Sunday in the City Zone; 946 copies per issue Morning, 1,921 copies per issue Sunday in the Retail Trading Zone and 1,344 copies per issue Morning, 1,754 copies per issue Sunday in All Other, representing copies served to subscribers that ordered delivery directly with and were billed by the newspaper and for which payment was not received and/or short term arrears copies served to subscribers whose term has expired.

(c) Home Delivery and Mail - joint distribution agreement, represents copies served to subscribers of the SILOAM SPRINGS HERALD LEDGER, Siloam Springs, Arkansas and the ROGERS HOMETOWN NEWS, Rogers, Arkansas who have been notified that established prices for the subscriptions include service of this publication on Sunday and that no other service options are offered to them.

(d) Registered College Student copies, averaging 147 copies per issue Morning and 146 copies per issue Sunday, represent copies sold to college residents during the Fall/Spring semesters at prices shown in Par. 8(b), payment being made by the college. According to the office of Admissions and Records the enrollment was as follows:

College	Student Enrollment
University of Arkansas	15,396

9. EXPLANATORY: (Continued)

(e) Par. 7(a):

Records show gift certificates, with a value of \$10.00, was offered with 3, 6 and 12 month Morning and Sunday or 6 and 12 month Sunday only subscriptions, at less than basic prices.

(f) Par. 7(c):

Records show the following premiums were offered during this report period:

A discount coupon book, with a value of \$9.95, was offered with 3, 6 and 12 month Morning and Sunday and 12 month Sunday only subscriptions at basic prices.

An umbrella, with a value of \$7.00, was offered with 3, 6 and 12 month Morning and Sunday subscriptions at basic prices.

Gift certificates, with values of \$10.00, \$15.00 and \$20.00, were offered with 3, 6 and 12 month Morning and Sunday subscriptions, respectively, at basic prices.

Gift certificates, with values of \$10.00 and \$15.00, were offered with 6 and 12 month Sunday subscriptions, respectively, at basic prices.

(g) Par. 7(f):

Records show charitable organizations received various contributions for each Morning and Sunday or Morning only 3, 6, 12 month subscription and each Sunday only 12 month subscription sold at basic prices.

(h) Par. 8(b):

Records show 9,720 copies Morning were sold at 25¢ per copy at EZ Mart stores with the purchase of a drink.

John Mobbs, Advertising Director
Telephone (501) 378-3437 - FAX (501) 378-3442
5th & Scott - P.O. Box 2221
Little Rock, AR 72203-2221

To Members of the Audit Bureau of Circulations:

We have examined the circulation records and other data presented by this publication for the period covered by this report. Our examination was made in accordance with the Bureau's Bylaws and Rules, and included such tests and other audit procedures as we considered necessary under the circumstances.

In our opinion, the total average paid circulation for the period shown is fairly stated in this report, and the other data contained in this report are fairly stated in all respects material to average paid circulation.

Audit Bureau of Circulations

State County	OCCUPIED	Actual Gross Dist.	Morning	Household Coverage	Actual Gross Dist.	Sunday	Household Coverage
	HOUSEHOLDS #1-1-00 Estimate		Avg. Proj. Pd. Circ.*			Avg. Proj. Pd. Circ.*	
ARKANSAS (Cont'd)							
PHILLIPS	9,773	889	696	7.12%	1,059	889	9.10%
PIKE	3,962	674	528	13.33%	1,099	922	23.27%
POINSETT	9,749	330	258	2.65%	359	301	3.09%
POLK	7,882	678	531	6.74%	1,136	953	12.09%
POPE	19,742	2,825	2,677	13.56%	4,576	4,326	21.91%
PRAIRIE	3,670	824	781	21.28%	1,405	1,328	36.19%
PULASKI	140,814	68,566	64,702	45.95%	102,573	96,012	68.18%
RANDOLPH	7,281	317	248	3.41%	397	333	4.57%
ST. FRANCIS	9,447	721	564	5.97%	927	778	8.24%
SALINE	29,306	9,369	8,878	30.29%	16,090	15,211	51.90%
SCOTT	4,221	163	128	3.03%	240	201	4.76%
SEARCY	3,213	338	265	8.25%	543	456	14.19%
SEBASTIAN	42,171	2,469	1,933	4.58%	3,288	2,760	6.54%
SEVIER	5,536	319	250	4.52%	443	372	6.72%
SHARP	7,382	884	692	9.37%	1,324	1,111	15.05%
STONE	4,694	455	356	7.58%	885	743	15.83%
UNION	16,762	1,749	1,369	8.17%	2,158	1,811	10.80%
VAN BUREN	6,713	1,419	1,345	20.04%	2,382	2,252	33.55%
WASHINGTON	56,258	20,092	15,727	27.96%	21,178	17,774	31.59%
WHITE	24,313	5,122	4,853	19.96%	10,275	9,714	39.95%
WOODRUFF	3,367	639	605	17.97%	1,118	1,057	31.39%
YELL	7,381	994	941	12.75%	1,501	1,418	19.21%
TOTAL IN ARKANSAS		201,944	179,875		305,892	278,744	
All Other		917	715		1,933	1,624	
GRAND TOTAL		202,861	180,590		307,825	280,368	

John Mobbs, Advertising Director
Telephone (501) 378-3437 - FAX (501) 378-3442
5th & Scott - P.O. Box 2221
Little Rock, AR 72203-2221

To Members of the Audit Bureau of Circulations:

We have examined the circulation records and other data presented by this publication for the period covered by this report. Our examination was made in accordance with the Bureau's Bylaws and Rules, and included such tests and other audit procedures as we considered necessary under the circumstances.

In our opinion, the total average paid circulation for the period shown is fairly stated in this report, and the other data contained in this report are fairly stated in all respects material to average paid circulation.

Audit Bureau of Circulations

(Arkansas Democrat-Gazette (Morning & Sunday), Little Rock, AR, Page #6 - #186129 - 660 - 140)

July, 2001

01-0105-0

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Audit Bureau
of Circulations
900 N. Meacham Road
Schaumburg, IL 60173-4968

AUDIT REPORT: Newspaper

THE MORNING NEWS OF NORTHWEST ARKANSAS

(Morning & Sunday)

Springdale (Washington County) -

Rogers (Benton County), Arkansas

TOTAL AVERAGE PAID CIRCULATION FOR 18 MONTHS ENDED MARCH 31, 2001: In accordance with Bureau Rule B3.4, averages shown below are for the 12 months ended March 31, 2001. Averages for the 6 months ended March 31, 2000.

TOTAL AVERAGE PAID CIRCULATION FOR 12 MONTHS ENDED MARCH 31, 2001:

	Morning (Mon. to Sat.)	Sunday
1A. TOTAL AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS):	35,663	35,828
1B. TOTAL AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS) IN NEWSPAPER DESIGNATED MARKET: (See Par. 1E for description of area)		
NEWSPAPER DESIGNATED MARKET		
	Population	Occupied Households
1990 Census:	219,958	84,706
#1-1-00 Estimate:	300,776	115,486
Home Delivery - Joint Distribution, See Pars. 9(b) & (c)	28,459	30,415
Single Copy Sales	3,922	4,322
Mail Subscriptions, See Par. 9(c).....	1,174	71
Newspapers in Education.....	975	2
Employee Copies.....	218	218
TOTAL NEWSPAPER DESIGNATED MARKET.....	34,748	35,028
CIRCULATION OUTSIDE NEWSPAPER DESIGNATED MARKET		
Home Delivery - Joint Distribution, See Pars. 9(b) & (c)	438	358
Single Copy Sales	223	145
Mail Subscriptions, See Par. 9(c).....	253	296
Employee Copies.....	1	1
TOTAL CIRCULATION OUTSIDE NEWSPAPER DESIGNATED MARKET.....	915	800
TOTAL AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS)	35,663	35,828
Days Omitted from Averages.....	None of record	None of record
1C. THIRD PARTY (BULK) SALES	None of record	None of record

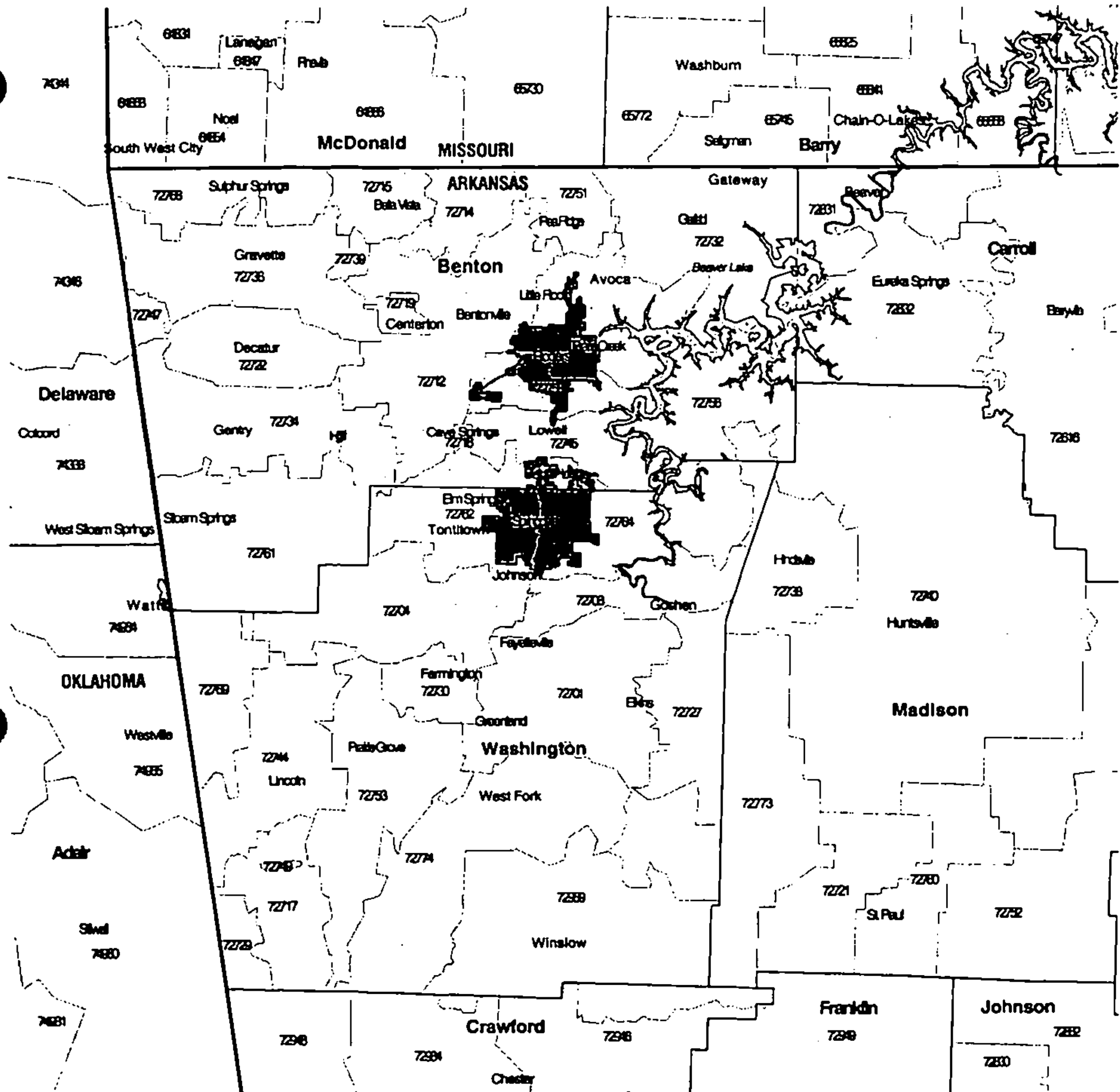
#Source: Market Claritas Inc., See Par. 9(a).

TOTAL AVERAGE PAID CIRCULATION FOR 6 MONTHS ENDED MARCH 31, 2000:

	Morning (Mon. to Sat.)	Sunday
1A. TOTAL AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS):	35,996	35,943
1B. TOTAL AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS) IN NEWSPAPER DESIGNATED MARKET: (See Par. 1E for description of area)		
NEWSPAPER DESIGNATED MARKET		
	Population	Occupied Households
1990 Census:	219,958	84,706
#1-1-00 Estimate:	285,600	111,900
Home Delivery, See Pars. 9(b) & (c)	29,018	30,734
Single Copy Sales	3,935	4,349
Mail Subscriptions	1,348	168
Newspapers in Education.....	1,056	
Employee Copies.....	186	186
TOTAL NEWSPAPER DESIGNATED MARKET.....	35,543	35,437
CIRCULATION OUTSIDE NEWSPAPER DESIGNATED MARKET		
Home Delivery, See Pars. 9(b) & (c)	196	197
Single Copy Sales	85	85
Mail Subscriptions	171	223
Employee Copies.....	1	1
TOTAL CIRCULATION OUTSIDE NEWSPAPER DESIGNATED MARKET.....	453	506
TOTAL AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS)	35,996	35,943
Days Omitted from Averages.....	None of record	None of record
1C. THIRD PARTY (BULK) SALES	None of record	None of record

#Source: Market Claritas Inc., See Par. 9(a).

NEWSPAPER DESIGNATED MARKET / SPRINGDALE-ROGERS, ARKANSAS



LEGEND

BALANCE OF NEWSPAPER DESIGNATED MARKET AREA BOUNDARY

□ COUNTY BOUNDARY □ ZIP CODE BOUNDARY

■ SPRINGDALE-ROGERS CORPORATE LIMITS

STATE County ZIP Code Water



SPRINGDALE-ROGERS



Audit Bureau of Circulations
C983-P00

(The Morning News of Northwest Arkansas (Morning & Sunday), Springdale (Washington County)-
Rogers (Benton County), AR, Page #3)

1D. METROPOLITAN STATISTICAL AREA — COUNTY OF PUBLICATION:

Answer optional and not made.

1E. NEWSPAPER DESIGNATED MARKET:

NEWSPAPER DESIGNATED MARKET comprises Washington County plus BENTON County, less townships of Apple Glenn and Beatie; in CARROLL County, townships of Beaver, Cedar, Clifty and Packard Springs; and in MADISON County, townships of Alabam, Bohannon, California, Prairie and War Eagle.

2. AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS) IN NEWSPAPER DESIGNATED MARKET:

See Par. 1B.

AUDIT STATEMENT

There was no adjustment made in the average paid circulation as shown in the Publisher's Statements for the period audited.

PERCENTAGE OF TOTAL PAID AND HOUSEHOLD COVERAGE PERCENT:

	Occupied Households (1-1-00 Est.)	Total Paid	Morning (Mon. to Sat.) % of Total Paid	Household Coverage	Total Paid	Sunday % of Total Paid	Household Coverage
Newspaper Designated Market..	115,486	34,748	97.43	30.09%	35,028	97.77	30.33%
Outside Newspaper Designated Market.....		915	2.57		800	2.23	
TOTAL PAID.....		35,663	100.00%		35,828	100.00%	

AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS) BY QUARTERS for the previous four years and period covered by this report:

Calendar Quarter Ended	Morning (Mon. to Sat.)	Sunday
June 30, 1996	35,270	36,752
September 30, 1996	34,803	36,134
December 31, 1996	34,868	35,793
March 31, 1997	34,892	35,946
June 30, 1997	34,786	35,868
September 30, 1997	34,054	35,751
December 31, 1997	33,205	34,807
March 31, 1998	33,634	35,172
June 30, 1998	34,555	35,977
September 30, 1998	34,594	35,685
December 31, 1998	35,435	36,245
March 31, 1999	36,292	36,612
June 30, 1999	35,322	35,878
September 30, 1999	35,405	35,738
December 31, 1999	36,430	36,377
March 31, 2000	35,556	35,509
June 30, 2000	35,253	35,483
September 30, 2000	34,852	35,120
December 31, 2000	36,146	35,460
March 31, 2001	36,401	37,398

AVERAGE PAID CIRCULATION (BY INDIVIDUALS AND FOR DESIGNATED RECIPIENTS) BY CIRCULATION TYPE for the previous three audits and period covered by this report:

	Year	Newspaper Designated Market Home Delivery	Newspaper Designated Market Single Copy Sales	TOTAL Newspaper Designated Market	TOTAL Average Paid Circulation
Morning (Mon. to Sat.)	2001	28,459	3,922	34,748	35,663
Morning (Mon. to Sat.) (10-1-99 to 3-31-00)	2000	29,018	3,935	35,543	35,996
	1999	29,050	3,873	35,059	35,611
	1998	27,867	3,824	33,524	33,999
	1997	28,488	3,515	34,153	34,650
Sunday Sunday (10-1-99 to 3-31-00)	2001	30,415	4,322	35,028	35,828
	2000	30,734	4,349	35,437	35,943
	1999	30,894	4,182	35,440	36,117
	1998	30,181	4,282	34,836	35,410
	1997	30,868	3,915	35,214	35,839

3. ACTUAL ONE-DAY GROSS DISTRIBUTION AND AVERAGE PROJECTED PAID CIRCULATION AVERAGES BY COUNTIES:

Morning, March 13, 2001; Sunday, March 11, 2001.

Occupied Households - #1-1-00 of Claritas Inc.

The listing below gives gross distribution for one day only and is greater or less than the average paid for the period covered by this report by the following percentages:

	Morning	Sunday
Newspaper Designated Market	15.54% greater	11.86% greater
Outside Newspaper Designated Market	23.50% less	32.88% less
GRAND TOTAL	14.54% greater	10.86% greater

The "Average Projected Paid Circulation" (Avg. Proj. Pd. Circ.) has been arrived at by projecting the averages in Paragraph 1B to the appropriate ABC geographic market one day(s) gross distribution figures in this report.

State County	OCCUPIED HOUSEHOLDS #1-1-00 Estimate	Actual Gross Dist.	Morning Avg. Proj. Pd. Circ.*	Household Coverage	Actual Gross Dist.	Sunday Avg. Proj. Pd. Circ.*	Household Coverage
ARKANSAS							
BENTON	54,928	19,252	16,663	30.34%	18,389	16,350	29.77%
CARROLL	8,979	1,098	950	10.58%	682	610	6.79%
MADISON	5,079	1,324	1,146	22.56%	804	719	14.16%
WASHINGTON	56,258	18,473	15,989	28.42%	19,407	17,349	30.84%
Miscellaneous Counties		73	95		79	118	
TOTAL IN ARKANSAS		40,220	34,843		39,361	35,146	
MISSOURI							
BARRY	13,153	94	123	0.94%	98	146	1.11%
McDONALD	7,578	399	522	6.89%	196	292	3.85%
Miscellaneous Counties		6	8		18	27	
TOTAL IN MISSOURI		499	653		312	465	
All Other		128	167		146	217	
GRAND TOTAL		40,847	35,663		39,819	35,828	

#County population and occupied household estimates appearing in ABC reports are obtained from Claritas Inc. Estimates for ABC defined newspaper markets and areas below the county level are projections based upon Claritas Inc. estimates.

*Arrived at by relating actual gross distribution figures to average paid circulation for the period covered by this report.

3A. DISTRIBUTION IN TOWNS RECEIVING 25 OR MORE COPIES IN DETAIL BY COUNTIES, AS WELL AS THE TOTAL ONLY FOR TOWNS RECEIVING LESS THAN 25 COPIES DAILY:

Morning, March 13, 2001; Sunday, March 11, 2001.

Occupied Households - 1990 Census; #1-1-00 Claritas Inc., See Par. 9(a).

"*BALANCE IN COUNTY" is comprised of the distribution in towns receiving less than 25 copies which is not identified with the towns, townships or minor civil divisions listed.

(MA) designates the Metropolitan Statistical Area as defined by the Office of Management and Budget for Fayetteville-Springdale-Rogers, Arkansas.

State County Town	OCCUPIED HOUSEHOLDS		Avg. Proj. Household			Avg. Proj. Household		
	1990 Census	#1-1-00 Estimate	Morning	Pd. Circ.	Coverage	Sunday	Pd. Circ.	Coverage

ARKANSAS

SPRINGDALE-ROGERS NEWSPAPER DESIGNATED MARKET as described in Par. 1E is the following:

(MA) BENTON COUNTY (PART)	37,226	54,528						
Avoca			32			31		
Bella Vista			2,272			2,368		
Bentonville	4,266	8,259	2,844			2,635		
" (City Zone)	8,983	13,659						
Cave Springs			106			127		
Centerton			218			233		
Decatur			173			126		
Garfield			412			463		
Gentry			636			376		
Gravette			440			310		
Hiwasse			61			67		
Lowell			1,385			1,352		
Pea Ridge			697			521		
Rogers	9,705	15,761	8,946			8,792		
Siloam Springs	3,052	4,248	931			886		
Sulphur Springs			67			69		
*BALANCE IN COUNTY			32			33		
NDM IN BENTON COUNTY			19,252	16,663	30.56%	18,389	16,350	29.98%
CARROLL COUNTY (PART)	1,817	2,100						
Berryville			227			229		
Eureka Springs			870			453		
*BALANCE IN COUNTY			1					
NDM IN CARROLL COUNTY			1,098	950	45.24%	682	610	29.05%
MADISON COUNTY (PART)	2,291	2,600						
Hindsville			180			192		
Huntsville			1,144			612		
NDM IN MADISON COUNTY			1,324	1,146	44.08%	804	719	27.65%

(The Morning News of Northwest Arkansas (Morning & Sunday), Springdale (Washington County)-
Rogers (Benton County), AR, Page #7)

State County Town	OCCUPIED HOUSEHOLDS		Avg. Proj. Household			Avg. Proj. Household		
	1990 Census	#1-1-00 Estimate	Morning	Pd. Circ.	Coverage	Sunday	Pd. Circ.	Coverage
ARKANSAS (Cont'd)								
(MA) <u>WASHINGTON COUNTY</u>	43,372	56,258						
Elkins			246			201		
Elm Springs			41			41		
Farmington			397			667		
Fayetteville	16,894	22,677	5,842			6,036		
" (City Zone)	16,894	15,795						
Goshen			44			90		
Johnson						43		
Lincoln			227			610		
Prairie Grove			440			833		
Springdale			10,670			10,407		
Tontitown			48			65		
West Fork			386			306		
Winslow			52			50		
*BALANCE IN COUNTY			80			58		
TOTAL WASHINGTON COUNTY			18,473	15,989	28.42%	19,407	17,349	30.84%
TOTAL NEWSPAPER DESIGNATED MARKET								
	84,706	115,486	40,147	34,748	30.09%	39,282	35,028	30.33%
MISCELLANEOUS COUNTIES UNDER 25 COPIES								
			73	95		79	118	
TOTAL IN ARKANSAS			40,220	34,843		39,361	35,146	
MISSOURI								
<u>McDONALD COUNTY</u>	6,386	7,578						
Anderson			55			61		
Noel			81			57		
Pineville			174			50		
Washburn			62					
*BALANCE IN COUNTY			27			28		
TOTAL McDONALD COUNTY			399	522	6.89%	196	292	3.85%
MISCELLANEOUS COUNTIES UNDER 25 COPIES								
Seligman (Barry Co)			94			98		
UNDER 25 COPIES			6			18		
TOTAL MISCELLANEOUS COUNTIES			100	131		116	173	
TOTAL IN MISSOURI			499	653		312	465	
ALL OTHER STATES								
<u>MISCELLANEOUS COUNTIES UNDER 25 COPIES</u>			128	167		146	217	
SUMMARY								
TOTAL ARKANSAS			40,220			39,361		
" MISSOURI			499			312		
" ALL OTHER STATES			128			146		
GRAND TOTAL			40,847	35,663		39,819	35,828	

(The Morning News of Northwest Arkansas (Morning & Sunday), Springdale (Washington County)-
Rogers (Benton County), AR, Page #8)

3B. DISTRIBUTION BY ZIP CODES RECEIVING 25 OR MORE COPIES:

SOURCE - U.S. ZIP Code Directory - #1-1-00 Claritas Inc., See Par. 9(a).

State ZIP Code	Town	#1-1-00 Estimate	Morning	Avg. Proj. Pd. Circ.	Household Coverage	Sunday	Avg. Proj. Pd. Circ.	Household Coverage
MISSOURI								
64831	Anderson	1,934	55	48	2.48%	61	55	2.84%
64854	Noel	1,321	81	71	5.37%	57	51	3.86%
64856	Pineville	1,333	174	152	11.40%	50	45	3.38%
65745	Seligman	905	94	82	9.06%	98	88	9.72%
65772	Washburn	777	62	54	6.95%			
ARKANSAS								
72616	Berryville	3,361	227	198	5.89%	229	206	6.13%
72631	Eureka Springs	1,007	218	190	18.87%	233	210	20.85%
72632	Eureka Springs	1,832	652	569	31.06%	220	198	10.81%
72701	Fayetteville	10,559	2,440	2,130	20.17%	2,355	2,119	20.07%
72703	Fayetteville	9,967	2,317	2,023	20.30%	2,509	2,258	22.65%
72704	Fayetteville	4,749	1,085	947	19.94%	1,172	1,055	22.22%
72711	Avoca	283	32	28	9.89%	31	28	9.89%
72712	Bentonville	9,464	2,844	2,483	26.24%	2,635	2,371	25.05%
72714	Bella Vista	3,733	1,373	1,199	32.12%	1,443	1,298	34.77%
72715	Bella Vista	2,667	899	785	29.43%	925	832	31.20%
72718	Cave Springs	486	106	93	19.14%	127	114	23.46%
72719	Centerton	853	218	190	22.27%	233	210	24.62%
72722	Decatur	862	173	151	17.52%	126	113	13.11%
72727	Elm Springs	1,476	246	215	14.57%	201	181	12.26%
72728	Elkins	219	41	36	16.44%	41	37	16.89%
72730	Farmington	2,521	397	347	13.76%	667	600	23.80%
72732	Garfield	1,317	412	360	27.33%	463	417	31.66%
72734	Gentry	2,286	636	555	24.28%	376	338	14.79%
72735	Goshen	218	44	38	17.43%	90	81	37.16%
72736	Gravette	1,963	440	384	19.56%	310	279	14.21%
72738	Hindsville	726	180	157	21.63%	192	173	23.83%
72739	Hiwasse	203	61	53	26.11%	67	60	29.56%
72740	Huntsville	3,181	1,144	999	31.41%	612	551	17.32%
72741	Johnson	188				43	39	20.74%
72744	Lincoln	1,675	227	198	11.82%	610	549	32.78%
72745	Lowell	3,606	1,385	1,209	33.53%	1,352	1,216	33.72%
72751	Pea Ridge	1,618	697	609	37.64%	521	469	28.99%
72753	Prairie Grove	2,281	440	384	16.83%	833	750	32.88%
72756	Rogers	11,921	5,885	5,138	43.10%	5,577	5,018	42.09%
72758	Rogers	6,013	3,061	2,673	44.45%	3,215	2,893	48.11%
72761	Siloam Springs	5,706	931	813	14.25%	886	797	13.97%
72762	Springdale	8,090	5,550	4,846	59.90%	5,315	4,782	59.11%
72764	Bethel Heights	9,791	5,120	4,470	45.65%	5,092	4,582	46.80%
	Springdale							
72768	Sulphur Springs	409	67	58	14.18%	69	62	15.16%
72770	Tontitown	460	48	42	9.13%	65	58	12.61%
72774	West Fork	1,866	386	337	18.06%	306	275	14.74%
72959	Winslow	891	52	45	5.05%	50	45	5.05%
Miscellaneous ZIP Codes			347	304		362	325	
GRAND TOTAL			40,847	35,663		39,819	35,828	

(The Morning News of Northwest Arkansas (Morning & Sunday), Springdale (Washington County)-
Rogers (Benton County), AR, Page #9)

4. NET PRESS RUN AND AVERAGE PROJECTED PAID CIRCULATION BY EDITIONS:

Press Time	Date Printed	Issue Date	Net Press Run	Gross Paid Distribution	Sales Release See Note	Average Projected Paid Circulation*		
						Net Paid	Newspaper Designated Market	Outside Newspaper Designated Market
Morning Issue for Tuesday, March 13, 2001								
11:40 PM	3-12	3-13	9,310	8,484	A-C			
12:23 AM	3-13	3-13	8,087	7,369	A-C			
12:46 AM	3-13	3-13	13,393	12,205	A-C			
1:22 AM	3-13	3-13	14,034	12,789	A-C			
Total			44,824	40,847		35,663	35,053	610
Sunday Issue for March 11, 2001								
12:58 AM	3-11	3-11	42,732	39,819	A-C	35,828	35,255	573

NOTE: A — Immediate sales release in Newspaper Designated Market. C — Sales release on arrival at destination Outside Newspaper Designated Market.

*The average projected paid circulation figures have been calculated by projecting the gross paid distribution percentages against the averages in Pars. 1A & 1B.

5. AVERAGE UNPAID DISTRIBUTION for 12 months ended March 31, 2001:

	Morning (Mon. to Sat.)	Sunday
Arrears.....		
Advertisers, Agencies		
Complimentary, Sample, Service	1,824	1,404
Total	1,824	1,404

5. AVERAGE UNPAID DISTRIBUTION for 6 months ended March 31, 2000:

	Morning (Mon. to Sat.)	Sunday
Arrears.....		
Advertisers, Agencies		
Complimentary, Sample, Service	678	401
Total	678	401

6. WERE RETURNS ACCEPTED OR ALLOWANCES MADE FOR UNDELIVERED, LEFTOVER AND UNSOLD COPIES?

Fully returnable.

The allowances for returns, undelivered, leftover and unsold copies for the period covered by this report were found to have been: in the Newspaper Designated Market, Morning 4.42%, Sunday 5.02%; Outside Newspaper Designated Market, Morning 0.00%; Sunday 0.00%.

These percentages are based on the gross figures and have been deducted, leaving paid circulation shown in Par. 1.

ANALYSIS OF HOME DELIVERY AND MAIL SUBSCRIPTION SALES (NEW AND RENEWAL)

For Period Covered by this Report

7. PREMIUM, COMBINATION, SPECIAL OFFERS, CLUBS AND INSURANCE:

	Term Ordered				Misc.
	1 Mo.	3 Mos.	6 Mos.	1 Yr.	Periods
(e) Special reduced prices, See Par. 8(b)..... M & S		119	1,155	6,320	13,582
M					975*
S					2*

*This figure does not represent the total number of subscriptions received, but represents the average number of copies served during this report period on Newspapers in Education sold at the price(s) shown in Par. 8(b).

8. PRICES:

(a) Basic Prices:

	By Mail				By Home Delivery			
	1 Yr.	6 Mos.	3 Mos.	1 Mo.	1 Yr.	6 Mos.	3 Mos.	1 Mo.
1 Wk.								
NEWSPAPER DESIGNATED MARKET:								
M & S	\$87.00	\$43.50	\$21.75		\$84.00	\$42.00	\$21.00	\$7.00
M only	78.00	39.00	19.50		78.00	39.00	19.50	6.50
Mon. to Fri.....					31.20	15.60	7.80	2.60
Weekend*					60.00	30.00	15.00	5.00
S only	72.00	36.00	18.00					

*Includes Friday, Saturday and Sunday issues.

OUTSIDE NEWSPAPER DESIGNATED MARKET:

By Home Delivery, same as Newspaper Designated Market.

M & S	\$156.00	\$78.00	\$39.00
M only	123.00	61.50	30.75
S only	75.00	37.50	18.75

NEWSPAPER DESIGNATED MARKET & OUTSIDE NEWSPAPER DESIGNATED MARKET:

Same as by Home Delivery in Newspaper Designated Market. (a)

	1 Yr.	6 Mos.	3 Mos.	1 Mo.	1 Wk.
M only					25¢
S only					\$1.00

(a) Newspaper Designated Market.

(b) Special reduced prices: By Home Delivery to new subscribers, 50% discount from basic prices with coupon. To new subscribers, 3, 6, 12 months, 66% of basic prices with coupon. By Home Delivery to new subscribers, 71%, 75% of basic prices with coupon. By Home Delivery, to paid-in-advance subscribers, 86% of basic prices. Newspapers in Education for classroom use, 50% of basic prices.

9. EXPLANATORY:

Regular publishing days on which no paper was issued:

Morning (Mon. to Sat.): December 27, 2000.

Sunday: None.

(a) County population and occupied household estimates appearing in ABC reports are obtained from Claritas Inc. Estimates for ABC defined newspaper markets and areas below the county level are projections based upon Claritas Inc. estimates.

Par. 1B:

(b) Included in Home Delivery is an average of 106 copies per issue Morning, 106 copies per issue Sunday in the Newspaper Designated Market and 2 copies per issue Morning, 2 copies per issue Sunday Outside Newspaper Designated Market, representing copies served to subscribers that ordered delivery directly with and were billed by the newspaper and for which payment was not received and/or short term arrears copies served to subscribers whose term has expired.

(c) Home Delivery and Mail - joint distribution agreement, represents copies served to subscribers of THE POST, Farmington, Arkansas, THE LINCOLN LEADER, Lincoln, Arkansas, THE PRAIRIE GROVE ENTERPRISE, Prairie Grove, Arkansas who have been notified that established prices for their subscriptions include service of this publication on Sunday and that no other service options are offered to them.

To Members of the Audit Bureau of Circulations:

We have examined the circulation records and other data presented by this publication for the period covered by this report. Our examination was made in accordance with the Bureau's Bylaws and Rules, and included such tests and other audit procedures as we considered necessary under the circumstances.

In our opinion, the total average paid circulation for the period shown is fairly stated in this report, and the other data contained in this report are fairly stated in all respects material to average paid circulation.

Audit Bureau of Circulations

Kent Eikenberry, Advertising Director
Telephone (501) 872-5080- FAX (501) 872-5079
2560 N. Lowell Road
Springdale, AR 72764

**(The Morning News of Northwest Arkansas (Morning & Sunday), Springdale (Washington County)-
Rogers (Benton County), AR, Page #13 - #186494 - 220 - 375)**

August, 2001

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01-0123-0

State County	OCCUPIED	Actual Gross Dist.	Morning	Household Coverage	Actual Gross Dist.	Sunday	Household Coverage
	HOUSEHOLDS #1-1-00 Estimate		Avg. Proj. Pd. Circ.*			Avg. Proj. Pd. Circ.*	
ARKANSAS							
BENTON	54,928	19,252	16,663	30.34%	18,389	16,350	29.77%
CARROLL	8,979	1,098	950	10.58%	682	610	6.79%
MADISON	5,079	1,324	1,146	22.56%	804	719	34.16%
WASHINGTON	56,258	18,473	15,989	28.42%	19,407	17,349	30.84%
Miscellaneous Counties		73	95		79	118	
TOTAL IN ARKANSAS		40,220	34,843		39,361	35,146	
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McDONALD	7,578	399	522	6.89%	196	292	3.85%
Miscellaneous Counties		6	8		18	27	
TOTAL IN MISSOURI		499	653		312	465	
All Other		128	167		146	217	
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Audit Bureau of Circulations

(The Morning News of Northwest Arkansas (Morning & Sunday), Springdale (Washington County)-
Rogers (Benton County), AR, Page #6 - #186494 - 327 - 140)

August, 2001

01-0123-0

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August 13, 2002

**AGENDA SESSION
CITY COUNCIL
AUGUST 20, 2002**

NEW ITEMS

- Consent*
1. **BOYS AND GIRLS CLUB:** A resolution approving a change order to a cost-share agreement in the amount of \$5,296.00 with the Fayetteville Youth Center for the installation of a haul road to the Donald W. Reynolds Boys and Girls Club facility.
 2. **DUNCAN AND ASSOCIATES:** A resolution approving the second amendment to Professional Services Agreement between the City of Fayetteville and Duncan Associates and to direct the consultants to prepare initial and final drafts of the water and wastewater impact fee ordinance.
- Consent*

ADDITIONAL INFORMATION

1. **AUDIT SERVICES:** Additional information for A.2.
2. ~~**AUTOMATED CARS:**~~ Additional information for C. *8/10*
SW management program

CITY COUNCIL TOUR ?

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of August 20, 2002

FROM:

Ron Petrie
Name

Engineering
Division

Public Works
Department

ACTION REQUIRED: Approval of a change order to a cost share in the amount of \$5,296.00 with the Fayetteville Youth Center, Inc. for the installation of a haul road to the Donald W. Reynolds Boys & Girls Club facility.

COST TO CITY:

\$ 5,296.00
Cost of this Request

\$ 124,000.00
Category/Project Budget

Boys & Girls Club Improv.
Category/Project Name

4470-9470-5809-00
Account Number

\$ 85,900.00
Funds Used To Date

Haul Road
Program Name

01013-0060
Project Number

\$ 38,100.00
Remaining Balance

Sales Tax Capital Improv.
Fund

BUDGET REVIEW:

☒ Budgeted Item

☐ Budget Adjustment Attached

[Signature] 7-22-02
Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]
Accounting Manager

7/23/02
Date

[Signature]
Internal Auditor

7/23/02
Date

[Signature]
City Attorney

7/23/02
Date

ADA Coordinator

Date

[Signature]
Purchasing Officer

7/23/02
Date

Grants Coordinator

Date

STAFF RECOMMENDATION: Approval of the action listed above.

[Signature]
Division Head

07-22-02
Date

Cross Reference

[Signature]
Department Director

7-24-02
Date

New Item: Yes ☒ No

[Signature]
Administrative Services Director

7/25/02
Date

Prev Ord/Res #: _____

[Signature]
Mayor

7/25/02
Date

Orig Contract Date: _____

Orig Contract Number: _____

Consent [Signature]
New Bv _____

STAFF REVIEW FORM

Description Boys & Girls Club Facility Haul Road

Meeting Date August 20, 2002

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

Internal Auditor

ADA Coordinator

Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mr. Dan Coody, Mayor

Thru: Greg Boettcher, Public Works Director *Ly B*
Jim Beavers, City Engineer *Jim B.*

From: Ron Petrie, Staff Engineer *R*

Date: July 24, 2002

Re: Proposed Change Order in the amount of \$5,296.00 to the Boys & Girls Club Haul Road construction agreement with the Fayetteville Youth Center, Incorporated.

The City Council approved an agreement with the Boys & Girls Club on March 19, 2002 to install a temporary haul road to the Donald W. Reynolds Boys & Girls Club facility to allow for construction access. This haul road was installed approximately a week after the approval was granted from the City Council. Due to several factors including the inclement weather, failure of the contractor to install ditches for drainage, and high usage, the haul road did not perform as designed. The contractor has placed "B-Stone" on the roadway in order to keep the construction on schedule. This "B-Stone" has apparently bridged over the unstable subgrade and at this time the haul road is performing adequately.

Due to these circumstances, the Boys & Girls Club has sent an invoice for the installation of this material which was not included in their original contract with Nabholz Construction. The Engineering Division is recommending that the remaining items from the original bid be eliminated which would cover all but \$1,396.00 of the invoice and add a 20% contingency to the entire contract amount to cover possible additional expenses.

Based upon the information provided by the Budget Division, there is a remaining balance of \$38,100.00 in the Boys & Girls Club Water/Haul Road account. The final costs to the City will be based upon actual costs as documented by the Boys & Girls Club and will not exceed the approved amount without additional authorization.

Enclosures:

Staff Review Form

Change Order Agreement

Cost-Plus Invoice from Boys & Girls Club

CHANGE ORDER NO. 1

Project Title: Boys & Girls Club Temporary Haul Road Cost-Share

Project No. 01013-0060 **Contract No.** N/A **Contract Date:** 03-20-02

Developer: Fayetteville Youth Center, Inc.

The following changes are hereby made to the contract documents:

Removal of:

All remaining items from the original cost-share agreement as shown on the following attachment in the amount of \$7,485.00.

Addition of:

A cost-plus agreement in the amount of \$8,881.00 for the installation of "B-Stone" and a 20% contingency for the entire contract amount (\$3,900.00). See attachments.

Justification:

The City Council agreed to provide a temporary haul road for construction access to the Donald W. Reynolds Boys & Girls Club Facility. The field conditions due to inclement weather required the installation of "B-Stone" for additional road support.

Original Cost Share Amount:	\$ <u>17,900.00</u>
As adjusted by previous change orders:	\$ <u>0.00</u>
This C.O. will increase the agreement cost:	\$ <u>5,296.00</u>
The new Cost Share amount will be:	\$ <u>23,196.00</u>

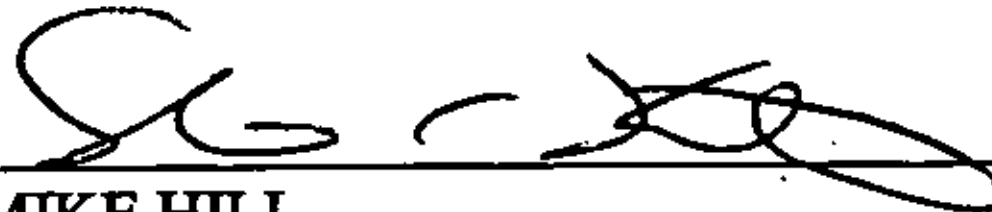
CHANGE TO CONTRACT TIME:

There will be an addition of -0- calendar days to the contract time, and the date for completion of all work under the contract shall be adjusted accordingly.

CITY OF FAYETTEVILLE

**FAYETTEVILLE YOUTH CENTER, INC.
d/b/a FAYETTEVILLE BOYS & GIRLS CLUB, INC.**

By: _____
DAN COODY, Mayor

By:  _____
MIKE HILL
President of the Board of Directors
Fayetteville Youth Center, Inc.

**BOYS & GIRLS CLUB TEMPORARY HAUL ROAD
ORIGINAL CONSTRUCTION PRICES AND QUANTITIES**

DESCRIPTION	BID QUANTITY	FINISHED QUANTITY	UNIT COST	FINISHED AMOUNT	REMAINING AMOUNT
EXCAVATE 3' EXISTING MATERIAL	170 C.Y.	170 C.Y.	\$7.00	\$1,190.00	\$0.00
GEOTEXTILE FABRIC	1,950 S.Y.	1,950 S.Y.	\$1.05	\$2,047.50	\$0.00
6" CLASS 7 BASE COURSE	550 TONS	500 TONS	\$13.60	\$6,800.00	\$680.00
REGRADE EXISTING DITCH	2,850 L.F.	0	\$1.80	\$0.00	\$5,130.00
PAYMENT & PERFORMANCE BOND	L.S.	L.S.	\$377.50	\$377.50	\$0.00
HAUL ROAD CONTINGENCY	L.S.	0	\$1,675.00	\$0.00	\$1,675.00

TOTALS

\$7,485.00

FAYETTEVILLE BOYS & GIRLS CLUB

915 California Blvd

Fayetteville, AR 72701

Phone: (479) 442-9242

RECEIVED

JUL 10 2002

INVOICE

**Bill to:**City of Fayetteville
113 W. Mountain
Fayetteville, Ar 72701

Date

Invoice #

7/9/2002

07-003

Description	Amount Invoiced
Invoice costs from May 31 to June 30, 2002 for additional haul road costs on Ruppel Road.	
 Nabholz Construction: Appl #3 page 4	 \$8,881.00
City Purchase order number: 02-0001547-001	

Balance Due

\$8,881.00

NORTHWEST EXCAVATION**INVOICE**3301 N. 2nd Street
Rogers, AR 72758PHONE (501) 636-7795
FAX (501) 621-8089TO: Nabholz Construction Corporation
PO Box 277
Rogers, AR 72757

Attn: Bob Huckleberry, Ann

INVOICE NUMBER 402465
INVOICE DATE 5/21/02
JOB NUMBER 402004
YOUR JOB # 021337
EXTRA # 3
COST CODE
P.O. #
P.E. DATE 5/31/2002

JOB LOCATION:

Fayetteville Boys & Girls Club

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
	Perform additional work on <u>haul road</u> NWE WO #'s 010958, 010959		
14	Loads haul off	45.00	630.00
44	Loads "B-Stone"	120.00	5,280.00
8	Hrs Trachoe	95.00	570.00
8	Hrs D6	95.00	570.00
1	Hrs Grader	85.00	85.00
86.53	Ton SB2	9.18	794.35
	INVN <u>402465</u> UT AMT <u>8,880.87</u> RET DISC _____ DISC DATE/DUE DEBC _____ COMM _____ LE PC DEPT BASE ACCT JOB EXTRA CC CAL <u>021337</u> <u>01885</u> <u>Sub</u> APPROVAL <u>[Signature]</u> DATE <u>5/24/02</u>		
	No Contract		
	PLEASE PUT INVOICE NUMBER ON YOUR CHECK		
A FINANCE CHARGE OF .83% PER MONTH (9.96% APR) SHALL BE CHARGED ON ANY BALANCE OVER 30 DAYS OLD AFTER INVOICE DATE AS SHOWN ABOVE.			
	Questions concerning this invoice? Call: Cindy (501) 636-7795		
		SUBTOTAL	\$7,929.35
		12%	\$951.52
		FREIGHT	
		TOTAL DUE	\$8,880.87

MAKE CHECKS PAYABLE TO:
Northwest Excavation
P.O. Box 277
Rogers, AR 72757-0277

THANK YOU FOR YOUR BUSINESS!

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of August 20, 2002.

FROM:

Tim Conklin

Planning

Urban Development

Name

Division

Department

ACTION REQUIRED: To approve the Second Amendment to Professional Services Agreement between the City of Fayetteville and Duncan Associates and to direct the consultants to prepare initial and final drafts of the water and wastewater impact fee ordinance.

COST TO CITY:

\$ 8,100⁰⁰

Cost of this Request

99,721

Category/Project Budget

Impact Fee Study

Category/Project Name

4470-9470-5314-00

Account Number

87,925

Funds Used To Date

Program Name

00008-1

Project Number

11,796

Remaining Balance

Sales Tax

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.

Division Head

8/13/2002
Date

Cross Reference

New Item: **Yes**

Department Director

Date

Prev Ord/Res #: 76-01 (original)
11-02 (Amend. #1)

Administrative Services Director

Date

Orig Contract Date: 6/5/2001

Mayor

Date

Orig Contract Number: 803

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, City Planner, AICP *TC*
DATE: August 13, 2002
SUBJECT: Contract Amendment – Second Amendment

BACKGROUND

The Fayetteville City Council on July 30, 2002 directed staff to prepare a contract amendment with Duncan Associates to draft an ordinance for the collection of water and wastewater impact fees. Attached is a contract amendment for **Task 2.6 Ordinance Draft** in the amount not to exceed \$8,100.

CURRENT STATUS

The Final Impact Fee Study was presented to the City Council on July 30, 2002. The City Council will need to enact an ordinance to implement the final study's recommendation with regard to water and wastewater impact fees.

RECOMMENDATION

Staff recommends approval of the contract amendment with Duncan Associates.

**SECOND AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
CITY OF FAYETTEVILLE AND DUNCAN ASSOCIATES**

This Second Amendment to Professional Services Agreement is made as of the date it is executed by both parties, by and between the City of Fayetteville, a political subdivision of the State of Arkansas (City) and James Duncan and Associates, Inc., a professional corporation doing business as Duncan Associates located in Austin, Texas (Consultant).

WHEREAS, City has engaged Consultant to perform certain services relating to the development of impact fee reports, studies and ordinances.

WHEREAS, the scope of services has been divided into two phases, and this amendment covers Phase Two, which addresses the preparation of detailed impact fee studies for facilities selected in Phase One.

WHEREAS, the scope of services for Phase Two was previously amended to add Task 2.5: Additional Presentations and to add compensation for that task.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter provided, City and Consultant agree as follows.

1. **Professional Services.** Consultant shall furnish amended and additional services to City as set forth in Exhibit "A," specifically task 2.6 ordinance draft which is attached hereto and incorporated herein by reference.
2. **Compensation and Hourly Rates.** For amended and additional services provided by Consultant as described in task 2.6 ordinance draft of Exhibit "A," City shall compensate Consultant based upon the completion of individual tasks and in accordance with the amended fee schedule outlined in Exhibit "C". Payment of each such invoice shall be due to Consultant within thirty (30) days of receipt by City. Payment for completion of task 2.6 ordinance draft shall not exceed \$8,100.00.

IN WITNESS WHEREOF, City and Consultant have caused this instrument to be signed by their respective duly authorized officers, all on the day and year first above written.

ATTEST:

JAMES DUNCAN AND ASSOCIATES, INC.

By: _____

James B. Duncan, President

Date: _____

CORPORATE SEAL

ATTEST:

CITY OF FAYETTEVILLE

By: _____

Date: _____

Exhibit A
AMENDED SCOPE OF SERVICES

The project has been divided into two phases. The earlier Phase One: "Policy Directions," reviewed the legal framework, reviewed local data and potential fees, and determined in conjunction with local officials the type of impact fee system that should be developed in the this second phase.

This Phase Two will implement the policy directions provided by the City at the conclusion of Phase One. It entails the development of impact fees for water, wastewater and roads, as well as an update and revision of the City's existing park land dedication and fee-in-lieu requirements.

PHASE TWO: IMPLEMENTATION

Task 2.1: Draft Impact Fee Study

Facilities to be included in the impact fee study include water transmission, distribution and storage facilities; wastewater collection and treatment plant facilities; arterial and collector roads, including City participation in the cost of state road improvements; and parks. The park component will be limited to updating the City's park land dedication requirements, as well as updating the fees paid in lieu of dedication.

The first task will be to prepare a preliminary draft of the impact fee study for staff review. The impact fee study will include all of the elements mandated by statutory and constitutional requirements. These elements include an inventory of existing capital facilities; the cost of improvements required to remedy any existing service deficiencies; and the cost of improvements required to accommodate increased service demands.

The impact fee studies will calculate the cost per service unit to provide new development with the existing or adopted level of service, as well as appropriate revenue credits to ensure that new development is not charged more than its proportionate share of the cost of new facilities. Each study will include a table that establishes the number of service units and amount of facility demand associated with different land use types. Finally, the studies will include, for each of the facility types, a net unit cost schedule that represents the maximum impact fees that could be charged.

DELIVERABLES: **DRAFT IMPACT FEE STUDIES**

Task 2.2: Local Review Meeting

At least two weeks after delivery of the draft Impact Fee Study, Consultant will schedule a one-day meeting with City staff to present the draft Impact Fee Study and receive staff comments. We will also use this opportunity to meet with developer representatives or a stakeholder advisory committee.

DELIVERABLE: **LOCAL REVIEW MEETING (1 PERSON-DAY)**

Task 2.3: Final Impact Fee Study

Following the local review meeting, we will prepare the final draft of the impact fee study. The final draft will reflect staff and advisory committee comments on the initial draft. The final draft of the study will be delivered in both original and digital format. It will be accompanied by a spreadsheet in Excel 97 or other format specified by the City that contains all of the impact fee calculations and can be used by staff to easily update the study.

DELIVERABLE: **FINAL IMPACT FEE STUDY**

Task 2.4: Public Participation

In addition to the local review meeting in Task 2.2, key members of our team will be available to attend and participate in two additional meetings with City staff, a stakeholders advisory committee, Planning Commission, City Council, or the general public as desired by the City. Joint meetings or multiple meetings held on the same day will count as one meeting. The consultant team will prepare exhibits and handouts suitable for public meetings that illustrate and summarize the results and recommendations of the Phase Two: Implementation portion of the project. The meetings should be scheduled approximately two weeks after delivery of the documents to provide time for local review prior to the meetings. This task is limited to a maximum of two person-days of out-of-town consultant time. Team members will also be available for additional meetings on a time plus expense basis.

DELIVERABLE: **PUBLIC MEETINGS (TWO PERSON-DAYS)**

Task 2.5: Additional Presentations

Consultant shall attend additional meetings as requested by the City comprising up to five (5) additional person-days.

DELIVERABLE: PUBLIC MEETINGS (UP TO FIVE PERSON-DAYS)

Task 2.6: Ordinance Draft

Consultant shall prepare initial and final drafts of the water and wastewater impact fee ordinance. The draft will be prepared in the standard format used by the City. The ordinance will include provisions relating to impact fee assessment, collection, credits, refunds, appeals, study updates and other provisions necessary to ensure due process and conformance with relevant impact fee case law. The final draft of the ordinance will be prepared and delivered to the City following receipt of local comments. The final draft will be provided in both original and digital format. Consultant will attend a public hearing to present the ordinance.

DELIVERABLE: STAFF REVIEW DRAFT ORDINANCE
FINAL DRAFT OF ORDINANCE
ORDINANCE PRESENTATION

Exhibit C
CONSULTANT COMPENSATION

The total cost of the professional services described in the accompanying proposal for Phase Two is ~~\$53,225~~ \$61,325. This lump-sum budget includes all direct and indirect expenses incurred by the consultant team in performing the services. The breakdown of project cost by task is presented below. The City will be billed monthly based on percent completion of individual tasks. Additional attendance at meetings under Task 2.5 will be billed only if attendance is requested by the City, at the rate of \$1,500 per person-day.

Task	Amount
Task 2.1: Draft Impact Fee Study	
Task 2.1a: Roads	\$9,785
Task 2.1b: Water	\$9,025
Task 2.1c: Wastewater	\$9,025
Task 2.1d: Park Land Dedication	\$3,655
Task 2.1 Subtotal	\$31,490
Task 2.2: Local Review Meeting	\$1,260
Task 2.3: Final Impact Fee Study	\$9,975
Task 2.4: Public Participation	\$3,000
Task 2.5: Additional Presentations (5)	\$7,500
Task 2.6: Ordinance Draft	\$8,100
Total, Phase Two	\$53,225 <u>\$61,325</u>

Additional services beyond those specified in the accompanying Scope of Services may be negotiated or billed on a time and expense basis at the hourly rates provided on the Schedule of Professional Fees and Expenses. Extra meetings attended by one professional will be billed on a fixed-fee basis of \$1,500 each, which includes all travel expenses. Changes in scope, price or fees to this contract shall not be allowed without a formal contract amendment approved by the Mayor or the City Council in advance of the change in scope, cost, or fees.

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

Principal	\$125
Land Use Attorney	\$150
Senior Associates	\$95
Associates	\$75
Billable Expenses: Overnight Mail Only	

STAFF REVIEW FORM

XX AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of August 20, 2002

FROM:

Marsha Farthing Accounting & Audit Admin Services
 Name Division Department

ACTION REQUIRED: Approval of an agreement with Baird, Kurtz & Dobson (BKD) to provide the City of Fayetteville with independent audit services for calendar years 2002-2006.

COST TO CITY:

\$49,900 (2002)	250,748.00	Services & Charges
Cost of this Request	Category/Project Budget	Category/Project Name
1010-6600-5307-00	97,124.00	Miscellaneous
Account Number	Funds Used To Date	Program Name
N/A	153,624.00	General
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item _____ Budget Adjustment Attached

Stephane
 Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

<u>Marsha Farthing</u> Accounting Manager	<u>8/8/02</u> Date	<u>Danny Smoot</u> Internal Auditor	<u>8/8/02</u> Date
<u>D.D. Whitely</u> City Attorney	<u>8/12/02</u> Date	_____ ADA Coordinator	_____ Date
<u>P. Vice</u> Purchasing Officer	<u>8/8/02</u> Date	_____ Grant Coordinator	_____ Date

STAFF RECOMMENDATION: The City Audit Committee and Staff recommend approval of agreement.

Marsha Farthing 8/8/02
 Division Head Date

Cross Reference

New Item: Yes No

Stephane 8/13/02
 Department Director Date

Prev Ord/Res #: _____

John Carley 8/13/02
 Administrative Services Director Date

Orig Contract Date: _____

Orig Contract Number: _____

STAFF REVIEW FORM - Page 2

Description _____ Meeting Date _____

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grants Coordinator

[CALL ON YR/YL] 52:11 NOM 20/2 /90
107431 NO RX/YL

Page 1

cy Smith - BKD CONTRACT.doc

CONTRACT

This professional services contract is executed this 12th day of August 2002 by and between the City of Fayetteville, Arkansas, hereinafter called the City, and BKD, LLP.

WHEREAS, the City has issued a Request for Proposal for Independent Audit; and

WHEREAS, BKD, LLP has submitted a proposal to provide such professional services;

WITNESSETH: IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

1. BKD, LLP shall provide the City with the necessary professional services to audit all funds including those which are covered under the provisions of the Single Audit Act.
2. The term of the contract shall run from the date of execution until the 31st day of December, 2002, and shall automatically renew each year, subject to budget approval by the governing body of the City, for such terms as are required to perform the contracted professional auditing services for the fiscal years ending December 31, 2002 through December 31, 2006.
3. The professional accounting services shall be provided in accordance with the terms and conditions set forth in the Request for Proposal, with the exception of §II.J.2., which is deleted entirely, attached hereto and marked Exhibit "A"; the Proposal to Provide Services, attached hereto and marked Exhibit "B"; and the Engagement Letter, attached hereto and marked Exhibit "C". Each of these Exhibits are hereby incorporated by reference as if set forth word for word in their entirety.
4. BKD, LLP shall be compensated for services rendered under this contract in accordance with the terms and conditions set forth in the Exhibits. No work shall be performed beyond the present scope of this contract without express prior approval by the governing body of the City.
5. The City or BKD, LLP shall have the right to terminate the contract upon 30 days written notice.
6. In the event of a conflict between any terms and conditions of this contract and the Exhibits, the terms and conditions of the Exhibits shall take precedence in the following order: this Contract, Exhibit "C", Exhibit "B" and Exhibit "A".
7. Neither party may assign any of its rights or delegate any of its obligations under this agreement, without the express written consent of the other.

[CALL ON XH/XLI 92:11 NOW 20/21/80]

Nancy Smith - BKD CONTRACT.doc

Page 2

8. It is agreed that the failure of any party to invoke any of the available remedies under this agreement or under law in the event of one or more breaches or defaults by any party under the agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

9. 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 shall remain in full force and effect.

10. This agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

11. This agreement contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto. This agreement supersedes all prior agreements, contracts and understandings of any kind between the parties relating to the subject matter hereof. This agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this professional services contract on or as of the date first written above.

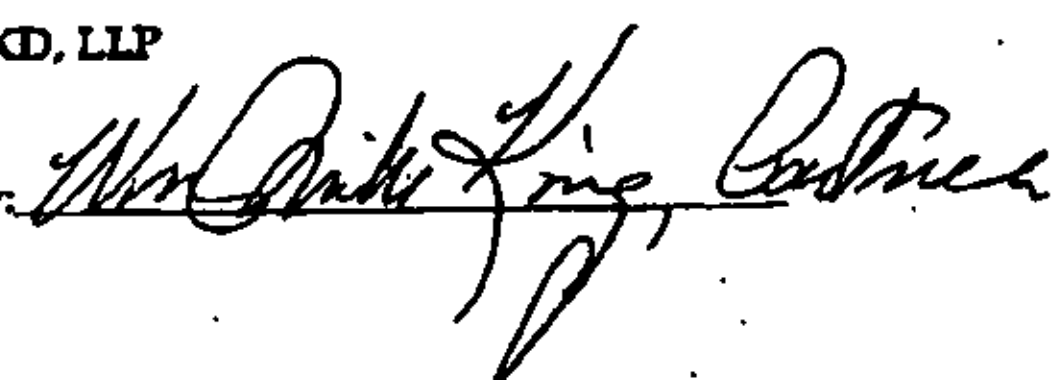
CITY OF FAYETTEVILLE

Dan Coody, Mayor

ATTEST:

Heather Woodruff, City Clerk

BKD, LLP

By: 

REQUEST FOR PROPOSAL FOR INDEPENDENT AUDIT
CITY OF FAYETTEVILLE, ARKANSAS
02-12

The City of Fayetteville invites proposals to audit the financial statements of the City for fiscal years ended December 31, 2002 to 2006, including all funds which are included under the provisions of the Single Audit Act.

I. PROCUREMENT PROCESS

- A. One (1) signed original and seven (7) signed copies of the proposal are to be delivered to the following address in a sealed envelope with the outside clearly marked with the name of the firm, address of the firm, and the words "Independent Auditor Proposal":

Peggy Vice
Purchasing Manager
113 W. Mountain
Fayetteville, AR 72701

Proposals will be received at this address until July 22, 9:00 a.m. (Deadline was extended to July 25, 5:00 pm)

- B. Upon opening the proposals, the Audit Committee will convene to evaluate the proposals on the basis of the criteria described below. Interviews may be held with the three firms deemed to be the most highly qualified to provide the services required. A contract will be negotiated with the firm ranked the best qualified by the Audit Committee. If the Audit Committee is unable to negotiate a satisfactory contract with the top ranked firm, negotiations with that firm shall be terminated, and negotiations would begin with the next highest ranked firm. Once a recommendation is reached by the Audit Committee, the selection will be presented to the City Council for their approval.

At any point in the selection process, the proposer may be requested to submit information supplemental to the proposal. Copies of the City's 2001 Comprehensive Annual Financial Report (CAFR) are available from the Internal Auditor at 113 West Mountain, Fayetteville, AR 72701, phone number 479-575-8261. In addition, the City's budget and prior year audit schedules are available to provide additional information prior to the opening of the proposals from the Internal Auditor.

The following tentative timetable has been established for the completion of the award of an audit contract:

Committee Review and Negotiations
Presentation to the City Council

July 29 – August 9
August 20

C. Proposals will be evaluated on the following criteria:

MANDATORY

1. The firm must be a Certified Public Accounting firm properly licensed to practice in the State of Arkansas.
2. The firm must meet the independence standards of the General Accounting Office Standards for Audit of Governmental Organizations, Programs, Activities, and Functions.
3. The proposer shall procure, and shall maintain during the life of this contract, professional liability insurance in the amount of \$1,000,000 combined single limit. Certificates of insurance stating coverage indicated above must be delivered to the Purchasing Manager prior to issuance of Notice to Proceed with this proposal.

TECHNICAL

1. Qualifications of the firm and its coordinating office in performing governmental audits.
2. Experience, competence, and capacity for performance by the firm and its coordinating office in governmental audits and GASB 34.
3. Proposed method of performing audit.
4. Past performance by the firm and its coordinating office in governmental audits.
5. Price Proposal

D. Audit Contact

Any vendor contact concerning this RFP should only be directed to:

Nancy Smith
Internal Auditor
113 W. Mountain
Fayetteville, AR 72701
(479) 575-8261

E. Reservation of Right of Rejection

The City of Fayetteville reserves the right to reject any or all proposals when it is in the best interest of the City as determined by the Audit Committee.

II. AUDIT OBJECTIVES AND SCOPE OF SERVICES

A. There are two objectives of the services covered by this RFP. Each responder must consider each of these objectives separately and reflect such treatment in the proposal:

1. To render an unqualified opinion on the General Purpose Financial Statements of the City of Fayetteville, and to meet the audit requirements of the laws of the State of Arkansas.
2. To assist in the preparation of the CAFR of the City of Fayetteville in order for the City to receive the Certificate of Achievement for Excellence in Financial Reporting presented by the Government Finance Officers Association (GFOA).

The auditor will be expected to comply substantially with GASB reporting standards in all work associated with the production and submission of the CAFR.

B. The audits will be conducted in accordance with Generally Accepted Auditing Standards, as well as the following guidelines and requirements:

1. AICPA Industry Audit and Accounting Guide – Audits of State and Local Governmental Units
2. Standards for Audit of Governmental Organizations, Programs, Activities and Functions
3. Audits of State and Local Governments and Non-Profit Organizations-OMB Circular A-133
4. Grants and Cooperative Agreements with State and Local Governments-OMB Circular A-102
5. OMB Compliance Supplement for Single Audits of State and Local Governments
6. Applicable laws of the State of Arkansas

The Arkansas Legislative Joint Auditing Committee has exempted the City from the record keeping requirements of Act 159 of 1973.

In the event that there are conflicting or otherwise inconsistent policies applicable to financial and compliance audits of Federal awards, the following order or precedence shall apply:

1. Single Audit Act of 1984 (Public Law 98-502)
2. Single Audit Act Amendments of 1996 (Public Law 104-156)
3. OMB Circular A-133

4. Agency regulations implementing OMB Circular A-133 and the Single Audit Act
 5. Agency program regulations
 6. Federal Financial Assistance Agreement
- C. The periods to be covered are the City's fiscal years ending December 31, 2002, 2003, 2004, 2005, and 2006. A contract will be awarded for all five years upon approval of the City Council with the consent of the proposer in accordance with the terms of the proposal. Each year of the contract shall be contingent upon satisfactory performance and funds being appropriated. Should funds not be appropriated, the contract would be canceled for any remaining years.
- D. Any adjusting entries will be submitted to the City in writing with sufficient explanation and detail, so that they can be easily understood and properly posted to the financial accounts.
- E. The independent auditor is expected to provide assistance in interpreting financial reporting requirements. It will be the auditor's responsibility to proofread, cross check, and critique the entire CAFR document in addition to auditing the numbers and disclosures contained therein. The auditor shall provide all comments on the CAFR to the City by May 15 of each year.

The CAFR will be published in final form and distributed to GFOA by June 30 of each year.

- F. The auditor in charge shall conduct an entrance and an exit conference with the Audit Committee.

Review of accounting systems, test of internal controls, and test of transactions should occur prior to fiscal year end.

A list of all work papers and schedules to be prepared by the City staff should be presented to the City by October 1 of the year under audit. This list should include all documents which will need to be pulled for auditor review.

The general ledger will be closed by the third week of March and the trial balance prepared.

Year end field work shall be completed by May 1.

Prior to June 15 of each year, the auditor will issue a management letter. Where appropriate, recommendations for system improvements are to be included and the Auditor may be requested to provide assistance to implement recommendations. A draft of this letter should be submitted for review by the City before final copies are prepared. The Auditor will provide 35 copies of this letter.

G. Interest of Auditor:

Auditor covenants that neither it nor any of its members has any interest and shall not acquire any interest, direct or indirect, financial or otherwise, that would conflict in any manner or degree with performance of service hereunder. Auditor certifies that no one in their firm has or will have, during the course of the firm's audit contract, any financial interest under this agreement as an officer or employee of the City.

H. Non-Assignability:

Both parties recognize that this proposal is one for personal services and cannot be transferred, assigned, or sublet by either party without prior written consent of the other.

I. Worker's Compensation:

By executing an agreement, Auditor certifies that it is aware of the provision of A.C.A. §11-9-401, which requires every employer to pay or provide compensation for an employee's disability or death from injury arising out of or in the course of employment and certifies that it will comply with such provisions before commencing the performance of the work of this proposal.

J. Miscellaneous provisions:

1. Periodic progress billings may be submitted as work progresses, but not more often than monthly and not more than 75% of the estimated cost of audit services will be paid during the yearly audit period. The remaining 25% will be paid after total yearly contract fulfillment.

The total progress billings must be itemized based on the amount of time expended on each fund.

2. A copy of the audit work papers will be presented to the City at the completion of the audit, and prior to final payment. This copy of the audit work papers shall become the property of the City when final payment is made.
3. The auditor shall keep the City advised of pending and actual changes in financial disclosures, accounting practices, and reporting guidelines which would impact the City and its financial records, and shall be available for consultation and clarification of such matters.

III. DESCRIPTION OF THE GOVERNMENTAL ENTITY AND ITS ACCOUNTING SYSTEM

- A. The City of Fayetteville is a municipality in the State of Arkansas. The City currently has a General Fund which is the main operating fund for the City, five special revenue funds, one debt service fund, three capital projects funds, five enterprise funds, one internal service fund, three trust funds, two agency funds, two account groups, and two discretely presented component units.
- B. All intergovernmental grants, entitlements, and shared revenues will be included under the single audit concept.
- C. The laws of the State of Arkansas require an operating budget for the General Fund. This budget is disclosed in the CAFR and reflects all approved amendments. All other governmental funds which have an adopted budget shall be disclosed in the same manner with appropriate disclosures for any governmental funds which do not have an adopted budget.
- D. Description of the Automated Accounting Systems
 - 1. The City has an Information Technology division which consists of nine full time employees: an information technology manager, three programmer/analysts, four GIS programmer/analysts, and a systems operator. Assistance from this division in obtaining necessary reports and data can be obtained on a scheduled basis.
 - 2. Currently, the City is utilizing the following New World Systems software modules on an IBM AS/400 (Model 720, 1.28GB Ram, 60GB disk storage):
 - a. Financial Management Software: general ledger, budgetary accounting, annual budget processing, accounts payable, purchasing and encumbrance control, requisition processing, revenue accounting/cash receipts, billing and receivable, fixed assets, integrated inventory/purchasing, and cash register interface.
 - b. Human Resources Software: payroll with base personnel module and advanced personnel module.
 - c. Utility Management Information System Software: water/sewer/other module and automatic PC meter read.
 - d. Animal Licensing Software.
 - e. Public Works Software: equipment/vehicle maintenance and work order processing. Public works information will be converted to Hansen Technology Software at a future date.
 - f. Parking Tickets Module.

3. Municipal Court is currently using a system which is run on Novadyn (486 PC) series 14-400 running Reality Operating System.
 4. The City has a Novell LAN used primarily by the Planning, Engineering, and Inspection Divisions for storage of AutoCad files, inspection and planning data bases, and GIS information.
 5. The City has personal computers which are interfaced with the IBM AS/400 and/or the LAN which use the standard Microsoft XP Office software and various other software packages, including the following:
 - a. Microsoft Excel spreadsheet software
 - b. Microsoft Word word processing software
 - c. Paradox database software
 - d. Access database software
 6. The Police, Fire and Central Dispatch divisions utilize the IBM AS/400 and New World Systems Public Safety software.
- E. Office space is available for audit staff use. Access is available to a telephone, and access may be made available to a computer terminal.

IV. TECHNICAL QUALIFICATIONS AND APPROACH

The format of the proposal may be styled at the discretion of the auditor. However, all proposals will address each of the following items in the order presented:

- A. Qualifications of the firm and its coordinating office in performing governmental audits
 1. Describe the firm's strengths, audit philosophy, and strategy for the future.
 2. Describe the firm's clientele.
 3. Describe what positions have been taken by the firm with the AICPA, FASB, or GASB which could be viewed as controversial.
 4. List any members of the firm which are nationally recognized professionals in public finance or government accounting, such as members of the executive boards of committees of the GFOA or GASB.
 5. Describe the firm's affirmative action plan and how minorities are placed in the firm.
 6. Disclose material lawsuits in progress (or in the past) against the firm; disclose any indictments, criminal penalties, sanctions, etc.
- B. Experience, competence, and capacity for performance of the firm and its coordinating office in governmental audits
 1. Qualifications of the Coordinating Office:

- a. State whether the office is part of a national, regional, or local accounting firm.
- b. List the number of partners, managers, supervisors, and staff located in the coordinating office in the audit, tax, and management consulting divisions.
- c. List the address of the firm and any coordinating offices that will be working on the audit.
- d. Describe the extent of statistical and computer assisted audit techniques used in governmental audits including the use of microcomputers to generate work papers.
- e. Describe the organization of the audit staff.

2. Availability and qualifications of the assigned individuals:

- a. List the partners, managers, and supervisors who will be assigned to the engagement. Please provide specific qualifications of these individuals in municipal accounting and auditing. On your list, include education, position in the firm, and years and types of experience.
- b. Describe specialized skills, training, or background in public finance and governmental accounting of the assigned individual staff members. Indicate which of the assigned staff members have completed, within the last two years, at least 80 credit hours of continuing education and training that contributes directly to the auditor's professional proficiency to perform the audit, including specifics on training in governmental accounting and auditing and GASB 34.
- c. Address the availability of staff members both during the audit and throughout the year for consultation. Include an explanation of the plan your firm has to commit the necessary resources to ensure completion of the audit work by the due dates.

3. Description of the firm's internal quality control procedures:

- a. Outline the levels of review to which work papers are subjected.
- b. Describe any disciplinary action imposed by the AICPA, State Boards of Public Accountancy, State Societies of CPAs, or Securities and Exchange Commission during the past three years indicating any involvement of the coordinating office.
- c. Describe results of recent peer review and its status under the Peer Review Program.

C. Proposed method of performing audit

1. Describe how the firm's overall philosophy applies to this particular engagement.
2. Describe the audit plan in general and specify areas that in your opinion may require particular audit emphasis.

3. Explain the firm's understanding of the audit work that is to be performed for the City of Fayetteville.
4. Describe in detail the type of personnel assistance (hours, level of staff, etc.) that the City would be expected to provide and how this would be coordinated by the auditors with the City management.
5. Indicate in detail computer expertise which would be expected from City staff or other resources expected in order to complete the control reviews.

D. Past performance of the firm and its coordinating office in governmental audits

1. List local government clients or other clients which are felt to be relevant to this RFP which are currently or have been served by the firm and the coordinating office, indicating those having a Certificate of Achievement for Excellence in Financial Reporting awarded by GFOA.
2. Provide names and telephone numbers of appropriate officials for reference purposes.

E. Price Proposal

1. Basis for fee and not-to-exceed cost shall be submitted to the Purchasing Officer in the sealed proposal envelope. This proposal should include a schedule for each of the five years in the following format:
 - a. Billing rates per class of employee
 - b. Estimated number of hours per class of employee
 - c. Maximum not to exceed cost per year
 - d. Any special provisions which would affect the proposed fees such as preparing the total CAFR, preparing only the notes to the financial statements and performing arbitrage calculations.

V. PROFESSIONAL POLICY

Attached is a copy of the City's Professional Contract Policy. Proposals should be prepared simply and economically, providing a straight forward, concise description of auditor's ability to meet the requirements for the project. Fancy bindings, colored displays, and promotional material are not required. Emphasis should be on completeness and clarity of content.



EXHIBIT B

5000 Rogers Avenue, Suite 700
Fort Smith, AR 72903-2079
479 452-1040 Fax 479 452-5542

400 W. Capitol Avenue, Suite 2500
P.O. Box 3667
Little Rock, AR 72203-3667
501 372-1040 Fax 501 372-1250

200 E. 11th Avenue
P.O. Box 8306
Pine Bluff, AR 71611-8306
870 534-8172 Fax 870 534-2146

bkd.com

July 22, 2002

City of Fayetteville
Ms. Peggy Vice, Purchasing Manager
113 West Mountain
Fayetteville, Arkansas 72701

Dear Ms. Vice:

Thank you for considering **BKD, LLP** to perform professional services for the City of Fayetteville. We are excited about the prospect of providing audit and other services to your city, and we are confident that we can sufficiently meet your needs.

Attached you will find our proposal for services as per your request. Please let us know if you have any questions or need further information.

Thanks for your time and consideration.

BKD LLP

BKD, LLP

Solutions
for
Success

A member of
Moore's Rowland
International



Solutions for Success

City of Fayetteville

**Proposal to
Provide Services
for
City of Fayetteville**



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City of Fayetteville

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Solutions for Success

City of Fayetteville

Proposal Highlights

One of our largest practice specialties at BKD, LLP is accounting and financial reporting for governmental and nonprofit organizations. The following highlights our qualifications and experience as further explained in the proposal:

- BKD, with over 100 Arkansas personnel to serve you, has the largest accounting practice in the state. Ten BKD personnel in Arkansas spend 100% of their time providing services to our governmental and nonprofit clients. This team, we believe, can provide you with the highest quality service in Arkansas.
- We have developed an efficient audit approach which involves your accounting personnel and our staff in a team approach. As such, we avoid wasted time in non-risk areas and concentrate on areas of importance during our audit.
- In Arkansas, our commitment to local government, nonprofit organizations and governmental funded entities and utilities is particularly strong. Services to these entities comprise approximately 18% of our practice's clientele.
- The Arkansas practice performs over 100 audits per year in accordance with GAGAS and OMB A-133 guidelines.
- Your service team will be lead by Wm. Mike King and Kevin Kemp who specialize in governmental accounting.

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City of Fayetteville

Proposal Highlight

- BKD Arkansas is the current auditor of two of the largest municipalities within Arkansas.
- BKD's team of skilled governmental audit specialists have assisted several municipalities in earning and keeping the GFOA Certificate of Achievement for Financial Reporting from the Government Finance Officers Association. We also have the resources available to assist in the implementation of Governmental Accounting Standards Board Statement (GASBS) No. 34, *Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments*.
- At BKD, we recognize the complexities of modern business, which often require a thorough knowledge of specific industries. We have developed specialized knowledge of various industries and specialties including electric utilities, municipalities and water and wastewater utilities, employee benefit plans and arbitrage calculations.
- We will open and close our engagement with a meeting with you and any other officials or committees deemed necessary in order to maintain lines of communication and open disclosure of all areas of the audit process and results of our findings. We will also provide you with a draft of our report to review before we release our opinion on the financial statements.

At BKD our audit teams have two primary objectives: First is to provide you with the most effective and efficient client service possible. Second is to provide evaluation and comments on your internal control structure and operating procedures in order to recommend ways to possibly enhance them.

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City of Fayetteville

What You Can Expect from BKD

- Team approach to service
- Value
- Trust
- Integrity
- Experience
- Quality
- Stability
- Quick responses
- Working chemistry



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City of Fayetteville

Qualifications

General and Mandatory Items

BKD, LLP, created from the June 1, 2001 merger of Baird, Kurtz & Dobson and Olive LLP is the dominant regional professional services firm in the Heartland of America. With revenues of approximately \$200 million, the firm ranks 8th in size among CPA and consulting firms in the United States. The firm's 1,500 personnel, including nearly 200 partners, are located in 26 offices in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Missouri, Nebraska, Ohio, Oklahoma and Texas. BKD is headquartered in Springfield, Missouri, where William E. Fingland Jr., the managing partner is based.

The firm is properly licensed to practice public accounting in the State of Arkansas and currently meets the newly issued independence standards of the General Accounting Office. We will provide the requested certificates of insurance prior to issuance of notice to proceed with the engagement.

Scope of Services

We understand that you require audits of the City's financial statements for years ending December 31. We also understand the audits should be conducted in accordance with *Government Auditing Standards*, AICPA Industry Audit and Accounting Guide - *Audits of State and Local Government Units*, OMB Circular A-133, OMB Circular A-102, *OMB Compliance Supplement for Single Audits of State and Local Government* and applicable laws of the State of Arkansas. Our professionals are fully qualified and experienced in performing governmental audits in accordance with generally accepted auditing standards and other required auditing procedures as necessary for your organization.

Relationships

Your service team, consisting of local government specialists, will communicate with you throughout the year and will be responsive to your needs. Our goal will always be to bring value beyond our compliance services—this being the hallmark of our client-centered service approach. Continuity of the professionals serving you will be a priority. Our focus, as part of serving you, will be to address issues that will help your City achieve your goals. It's our goal to serve you with quality services that are idea-driven and that provide you with greater satisfaction than you might think possible.

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City of Fayetteville

Qualifications

BKD Strengths, Audit Philosophy and Strategy

BKD of Arkansas has the largest number of professional staff available of any Certified Public Accounting Firm within the state. We currently have locations in Fort Smith, Little Rock and Pine Bluff. Administration and coordination of our audit services is centered in the Little Rock location. We currently maintain a government audit service team based in the Little Rock location that will be assigned to meet the needs of the City of Fayetteville. Additional information regarding the members of this group and their backgrounds is included in the experience section of this proposal. Services to state and local government and government funded not-for-profit entities constitute approximately eighteen percent of our practice. This is one of our largest service niches. We intend to continue expansion of our practice in the Heartland of America with a commitment to long term quality service.

BKD Clientele

The firm's clientele is very diversified with the Arkansas practice consistent with the firm in total. We maintain specialty service groups for each of the following industries:

- Government and Government Funded Not-for-profit Entities**
- Healthcare Organizations including City and County Hospitals**
- Financial Institutions**
- Manufacturing and Distribution**
- Individual Services**

A list of selected clients to serve as references is included on page 20 of this proposal.

Solutions for Success

City of Fayetteville

Qualifications

Controversial Positions Taken

BKD has not taken any recent positions as a firm with the AICPA, FASB or GASB which are viewed as being controversial. Our firm has a very conservative quality oriented philosophy directed at providing quality service to quality clients on a timely basis at an economic price.

Nationally Recognized Individuals

The following individuals are nationally recognized in the government audit and accounting field and are available for consultation and assistance with the City of Fayetteville audit engagement. James E. Brown, the BKD partner responsible for technical assistance has served on the GASB Task Force on Accounting and Reporting by Business Type Enterprises and the GASB Task Force on the financial reporting model that resulted in the issuance of GASB 34 and 35.

Experience

Your service team includes local government specialists. The members of your client service team have chosen to specialize in this area. The three primary members of your team are: Mike King, Kevin Kemp, and Andy Richards. These professionals will spend a significant amount of their time in your office serving you.



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City of Fayetteville

Experience, Competence and Capacity

Affirmative Action & Equal Employment Opportunity

BKD prohibits discrimination in employment on the basis of an individual's race, creed, color, sex, sexual orientation, age, religion, disability or national origin. This policy is designed to ensure equal employment opportunities, including but not limited to employee selection, promotion, training and development, compensation, termination and disciplinary action.

We monitor this program to make sure it complies with federal, state and local regulations and guidelines and develops employment programs at all levels. All management and supervisory personnel are responsible for enforcing the firm's AA/EEO policies and practices and being knowledgeable of current legal and regulatory developments in this area.

Qualifications of the coordinating office

The Arkansas offices of BKD maintain a group of professionals dedicated to providing audit services to state and local government. This client service team is currently providing services to several State Agencies as well as two of the largest municipal governments within Arkansas. Both of these municipalities receive the Certificate of Excellence in Financial Reporting from the Government Finance Officers Association. We currently have a partner, a senior manager, a manager and multiple individuals from supervisor through staff level who dedicate all of their time to serving government and government funded not-for-profit entities. Over one hundred entities are currently engaging the Arkansas practice of BKD for audit services in accordance with *Government Auditing Standards*, the Single Audit Act and/or Office of Management and Budget Circular A-133.

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City of Fayetteville

Experience, Competence and Capacity

Litigation, Indictments, Penalties, Sanctions, etc.

BKD currently has no material lawsuits, indictments, criminal penalties, sanctions etc. in progress (or in the past) against the firm.

Status of BKD

BKD is a regional accounting firm with offices located in eleven states within the Heartland of America. The separately displayed map presented later in this proposal details the office locations from which we operate. We are currently ranked eighth nationally with almost fifteen percent of our practice for government and government funded not-for-profit organizations.

Personnel Levels (Coordinating Office)

	Audit	Tax	Compilations, Reviews & Consulting
Partners	8	3	7
Managers	7	4	4
Supervisors	8	-	1
Staff	<u>27</u>	<u>14</u>	<u>20</u>
Total	<u>50</u>	<u>21</u>	<u>32</u>

Solutions for Success

City of Fayetteville

Experience, Competence and Capacity

Firm and Coordinating Office Locations

Firm Administration:

901 East St. Louis, Suite 1800
Springfield, MO 65806

Coordinating Office:

400 West Capital Avenue, Suite 2500
Little Rock, AR 72203

Statistical and Computer Assisted Audit Technique

BKD staff are assigned their own individual computer for use during audit engagements. Workpapers are prepared utilizing Audit Software, spreadsheets and other applications as needed. All staff are proficient in the use of computer applications. Statistical sampling applications are used whenever they provide the most efficient and effective audit results. Each audit application is evaluated in the planning process to determine both its efficiency and effectiveness in obtaining desired results.

Audit Staff Organization

The BKD method of staffing audits and ensuring continuity is a team approach. The City of Fayetteville will be assigned an engagement team that will consist of two or more partners and/or managers to serve as primary or secondary contacts. These individuals are long-term members of BKD and will provide continuing service as long as our relationship exists. The expected turnover within this group is virtually none. This team will be assisted by an audit in-charge and such other staff as necessary to meet the needs of the City. Continuity of staffing will be maintained to the maximum extent possible given turnover rates within our industry.

The continuity of service by BKD is provided at the manager, senior manager and partner levels. Unlike the large international firms, the vast majority of our partners developed from the staff level within the community where they practice. Our turnover ratios at the manager level and above are extremely low. Accordingly, the senior members of your service team rarely change. BKD staff are encouraged to grow and develop within the local community with the knowledge that they will be partners in the future without being transferred to other cities.

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City of Fayetteville

Key Personnel

Mike King, CPA - Engagement Partner

Mike joined BKD in 1971 as a staff accountant and has been with the firm continuously since that date. He practiced in general service to our client base from 1971 through 1985 providing audit, tax and consulting services to a wide range of clients including government, hospitals, banks, individuals, manufacturing and not-for-profit entities. In 1985, he assumed responsibility for not-for-profit and government organizations served by the Arkansas Practice Unit of BKD. In this role, he has served as primary contact for numerous clients, provided review services for all audits subject to OMB Circular A-133 and maintained contacts with regulatory agencies. Mike has also been involved with numerous client's tax exempt financing arrangements. He was admitted to the BKD partnership in 1981 and is currently in his twenty-first year as a partner.

James Brown, CPA - Partner

Jim Brown is a partner in BKD's Springfield office. He has more than 20 years of public accounting experience and is widely known for his expertise in the areas of auditing standards, and accounting and auditing for governmental and nonprofit organizations. He is a certified public accountant in Missouri, Kansas and Oklahoma. He is the firm's coordinator of nonprofit and government organizations services and the director of accounting and auditing for BKD's Southern Missouri practice. Firmwide, he is responsible for consulting with other offices on accounting and auditing matters involving their nonprofit and governmental organization clients. He coordinates the firm's quality control with respect to such clients and maintains liaison with the Governmental Accounting Standards Board and GAO. In addition, he is responsible for concurring review of many audit, attestation, compilation and review engagements.

Jim is in frequent demand as a speaker on auditing and accounting matters, and has served as a consultant to various governmental agencies on these subjects. He has addressed numerous national and state conferences on the subjects of auditing standards and auditing federal assistance programs. He has co-authored articles on various auditing topics published in the *Journal of Accountancy* and *The Practical Accountant*.

A graduate of Missouri Southern State College, Joplin, Jim has served as an adjunct member of its accounting faculty. In 1991 he completed seven years of involvement with the preparation and grading of the Uniform CPA Examination, including chairing the Auditing Examination and Grading Subcommittees.

Jim was a member of the Auditing Standards Board for the American Institute of Certified Public Accountants (AICPA) from 1992 through 1995. He served on its Audit Issues, Compliance Attestation, Quality Control Standards, Agreed-Upon Procedures Engagements, Electronic Evidence and Auditor Communications Task Forces. He also served on the GASB Task Force on Accounting and Reporting by Business Type Enterprises and the GASB Task force on the Financial Reporting Model resulting in the issuance of GASB 34 and 35.

Jim has participated in numerous peer reviews of the quality control systems of other CPA firms and served as an investigative consultant for the Missouri State Board of Accountancy. He is a member of the AICPA and Missouri Society of Certified Public Accountants.

Solutions for Success

City of Fayetteville

Key Personnel

Kevin Kemp, CPA - Engagement Senior Manager

Kevin joined BKD in 1993 and has been with the firm in Little Rock continuously since that date. He was assigned immediately to the not-for-profit/government service team and accordingly has nine years providing audit and consulting services to organizations such as yours within the State of Arkansas. Kevin has been a speaker to the State GFOA conference each of the last two years on GASB 34 implementation issues. He has extensive experience in the direct supervision and performance of audit engagements subject to OMB Circular A-133. As a senior audit manager, he has audit review and training responsibilities for our staff. Kevin will be present in your offices for a substantial portion of your engagements.

Andy Richards, CPA - Engagement Supervisor

Andy, a supervisor, is a member of BKD's Arkansas Practice Unit. With over five years experience with the firm, he provides audit services to employee benefit plans, not-for-profit and governmental entities. He has experience working with numerous employee benefit plans including 401(k), health and welfare, money purchase pensions and various other defined benefit and defined contribution plans. He has been trained in the complex laws and regulations of employee benefit plans including the requirements of the Employee Retirement Income Security Act of 1974 and the Department of Labor. He also has experience in the in-charge role of audit engagements subject to OMB Circular A-133 including municipalities, school districts, mental health facilities and HUD-backed housing projects.

Solutions for Success

City of Fayetteville

Key Personnel

BKD staff assigned to the engagement meet the continuing education requirements of at least 80 hours every two years. They all attend our government conference on an annual basis which includes audit training as well as updates on new pronouncements such as GASB 34.

All engagements are staffed with the expectations that personnel will be made available to assist throughout the year with consultation as needed and permitted under the new GAO Independence rules.

Your audit will be scheduled and personnel assigned to ensure completion of the engagement by the due date of the engagement. Problems encountered during the engagement that might delay completion will be discussed with appropriate City personnel at the point they arise.



Solutions for Success

City of Fayetteville

Efficient and Effective Audit Approach

As part of building our relationship, our team will:

- Meet periodically with you to understand the status of your organization and operational issues. Often we attend management or council meetings for this purpose.
- Request that you send us your monthly or quarterly financial statements to keep us up to date on your operations throughout the year.
- Respond to your calls within 24 hours.
- The City of Fayetteville and certain finance personnel are on our mailing list for relevant BKD publications.
- Invite your personnel to attend BKD sponsored seminars and workshops covering employee benefits and other topics.
- Provide timely e-mail communications on hot topics for governmental entities, including relevant accounting and tax-related matters.



Solutions for Success

City of Fayetteville

Efficient and Effective Audit Approach

- We understand the importance of staffing continuity to your organization. Lack of continuity can result in disruption to your daily work schedules due to unnecessary questions by inexperienced auditors. It also can lead to inefficiencies by the auditor due to being unfamiliar with your financial records and your people.
- BKD strives to keep staff turnover low through:
 - Formal staff counseling
 - Timely job performance evaluations
 - Direct supervision by experienced professionals
 - Client comments and feedback
 - Our personal service philosophy
- Staff to partner ratios (according to Accounting Today):
 - BKD: 5:1
 - Other regional firms and national firms: anywhere from 10:1 to 23:1
- Benefits for the City of Fayetteville:
 - Our most experienced professionals are more involved in serving you
 - Our staff receives proper supervision from our most experienced professionals
 - **Faster service, better service, smarter service**

Solutions for Success

City of Fayetteville

Efficient and Effective Audit Approach

A change in any member of your financial management team brings with it a perceived disruption to your daily operations. Because this is not a new situation to BKD, we place a great deal of emphasis on becoming a part of your team quickly, efficiently, and with minimal disruption to your day-to-day operations. Our approach is to:

- Meet with key management personnel soon after being engaged to continue to develop additional rapport and to gather further initial information to plan our work.
- Coordinate the effort in familiarizing ourselves with your personnel so they feel comfortable with us and understand our procedures.
- Review the prior firm's work papers to enhance our understanding of your unique accounting, auditing and tax issues, to minimize questions, and to accelerate our understanding of your operations.
- Schedule an early planning session with appropriate personnel to obtain their input and develop an acceptable audit plan and timetable.
- Develop the maximum level of assistance your staff can provide.
- Develop appropriate timetables for performing our services, reviewing and approving our deliverables, meeting with the Council, etc.



Solutions for Success

City of Fayetteville

Efficient and Effective Audit Approach

Proper planning with you is the key. Our planning includes:

- The "no surprises" approach. We are quite sensitive to your desire to avoid last minute "surprises". Our interim fieldwork is designed to facilitate discussion and resolution of any significant issues with you well before the end of your fiscal year.
- Pre-acceptance review of financial statements.
- Determining the timing of services and deadlines for reports.
- Identifying major areas of audit concern early.
- Defining the major audit objectives.
- Agreeing on your level of assistance.
- Scheduling entrance and exit conferences, with interim status meetings as necessary.
- Maximizing use of your existing financial accounting system.
- Using laptops and field audit software which include authoritative literature and guidance.
- Audit programs tailored to the City of Fayetteville.
- An experienced, industry-specific client service team.
- Completing the audit work with minimal disruption to you and your personnel schedules.

Our locations in Fort Smith and Little Rock allow us to quickly be in your office when we're needed, to avoid travel related expenses, and to comfortably be available for periodically scheduled meetings with you.

At the conclusion of each audit, we will discuss with you practical recommendations geared toward:

- Minimizing costs
- Improving financial controls
- Strategies for operating efficiencies
- Practical advice on business opportunities
- Regulatory compliance

Solutions for Success

City of Fayetteville

Efficient and Effective Audit Approach

Audit Assistance from City Personnel

BKD, LLP utilizes a team approach to auditing wherein we involve your staff to the greatest extent possible. This gives the staff a sense of pride in being a part of the process, and results in a savings to you in professional fees. We expect items, such as the following, to be completed prior to the commencement of the engagement.

- Completed internal control questionnaires
- Access to the City's trial balance from computer system
- Printed copy of General ledger and trial balance
- Final adjusting entries
- Copies of council meeting minutes
- Bank reconciliations
- Detail of yearly activity in investment accounts
- Reconciling workpapers for inter-fund accounts
- Workpapers to support selected revenue and expense accounts
- Detail listing of selected receivable/payable accounts
- Schedule of fixed asset additions and deletions
- Trial balances and summaries of annual activity in the City's pension plans

Items will be requested prior to October 1 of the year under audit. We will also request assistance in obtaining documentation to support audit procedures. We anticipate that assistance of this type as well as account analysis work performed by the City's accounting staff and management will range between 60 and 80 hours. We also anticipate that we need approximately 8 hours of assistance from your Information Technology Division.

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City of Fayetteville

Client References

***City of Little Rock, Arkansas**
Ms. Shirley Manning, Controller
500 West Markham Street, Suite 300
Little Rock, Arkansas 72201-1492
501-371-6806

***City of Pine Bluff, Arkansas**
Mr. Ed Bogy, Director of Finance
Pine Bluff, Arkansas
870-543-1835

**North Little Rock Electric Department
&
North Little Rock Utilities Accounting Department**
Ms. Jennifer Heustis
2400 Willow Street
North Little Rock, Arkansas 72114
501-340-5311

Pine Bluff Wastewater Utility
Ms. Deena Coston, Chief Financial Officer
1520 South Ohio Street
Pine Bluff, Arkansas 71601
870-535-6603

Arkansas Employment Security Department
Mr. Pat Hamilton, Assistant Director
#2 State Capitol Mall, P.O. Box 2981
Little Rock, Arkansas 72203
501-682-2033

Community Resource Group, Inc.
Ms. Kimberly Horton, Chief Financial Officer
P. O. Box 1543
Fayetteville, Arkansas 72702
501-443-2700

* - Recipients of the Certificate of Achievement for Excellence in Financial Reporting awarded by the Government Finance Officers Association.

Solutions for Success

City of Fayetteville

BKD *Quality Profile*

Quality Control

Our quality control procedures meet the standards of the SEC and Private Companies Practice Sections of the AICPA. We are required to have a regular Peer Review by another CPA firm every three years. Our most recent peer review was completed as of May 31, 2001, a copy of which is included with this proposal. A strong commitment to quality control results in efficiency and maximum assurance for you. BKD has voluntarily undergone a peer review of its system of quality control over its accounting and auditing practice for many years. Our quality control system has always passed this test with a "clean" opinion.

Audit workpapers are subjected to multiple levels of review. The work performed by staff is reviewed by the in-charge accountant. All workpapers are reviewed by the engagement partner or manager with critical areas and the financial statements reviewed further by an independent technical review partner.

We are also subject to periodic oversight by state and federal regulatory bodies, such as:

- Federal Quality Control Reviews (QCRs)
- Federal Desk Review

No disciplinary actions have ever been taken or are pending against BKD.

BKD Accomplishments

Two partners have served as President of the American Institute of Certified Public Accountants (AICPA). Numerous other partners have served the profession as follows:

- Accounting Standards Executive Committee
- Financial Accounting Standards Board's (FASB) Emerging Issues Task Force
- AICPA's Government Technical Standards Committee
- Many other state CPA Society committees

A partner within our firm currently serves on the Emerging Issues Task Force which provides us early access to proposed accounting standards.

BKD has developed close public sector ties with:

- Financial Accounting Standards Board (FASB)
- Governmental Accounting Standards Board (GASB)
- Government Finance Officers Associations (GFOA)

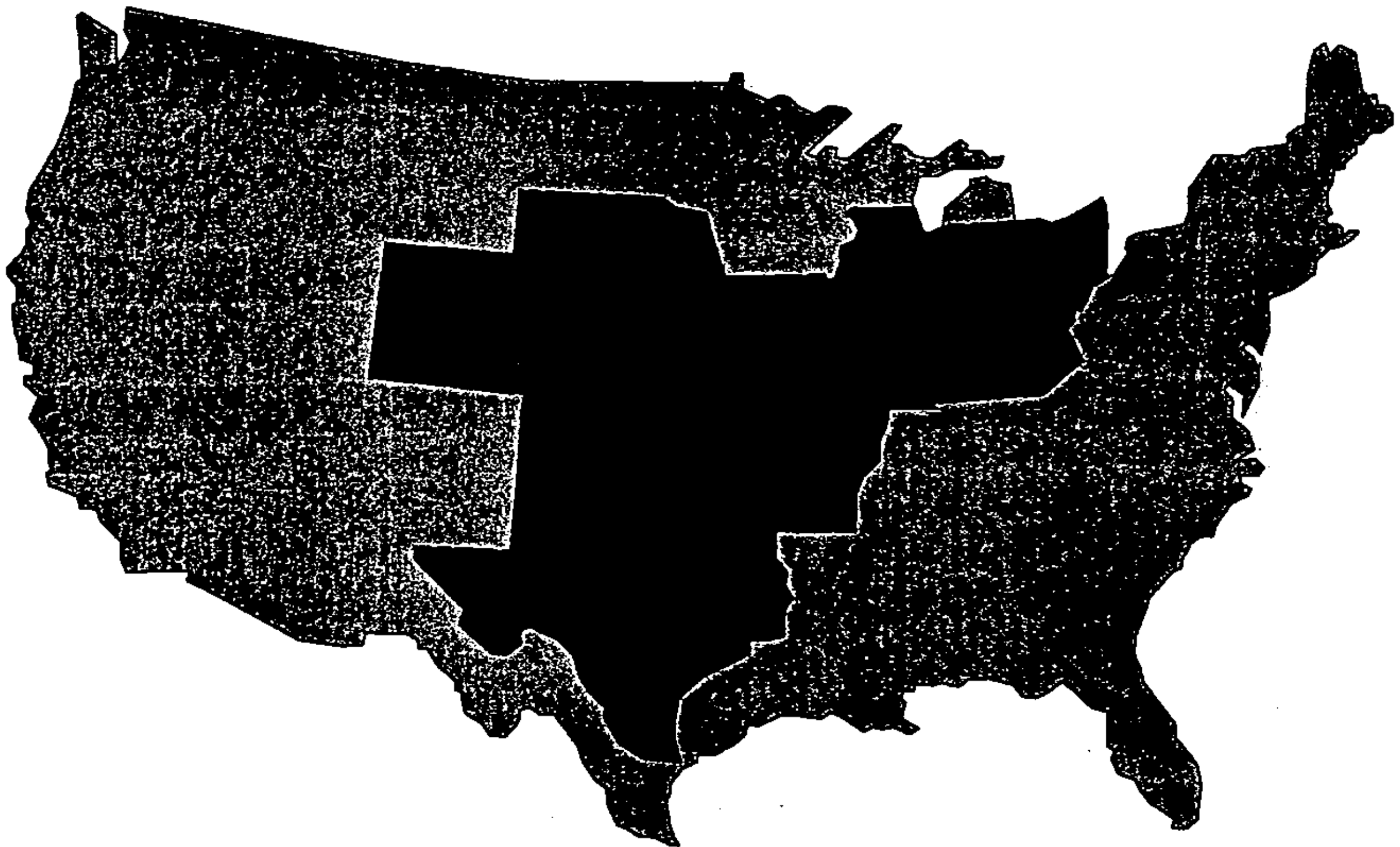
All of these relationships are invaluable when it comes to promoting our clients' interests and interpreting regulatory guidance.

Solutions for Success

City of Fayetteville

BKD Office Locations

26 offices in 11 states



Arkansas
Fort Smith
Little Rock
Pine Bluff

Colorado
Colorado Springs
Denver

Illinois
Decatur

Indiana
Bloomington
Evansville
Fort Wayne
Indianapolis
Merrillville

Kansas
Pittsburgh
Wichita

Kentucky
Bowling Green

Missouri
Branson
Joplin
Kansas City
Springfield
St. Louis

Nebraska
Lincoln
Omaha

Ohio
Cincinnati

Oklahoma
Enid
Tulsa

Texas
Houston



**Clifton
Gunderson LLP**
Certified Public Accountants & Consultants

To the Partners of BKD, LLP and the SEC Practice Section Peer Review Committee

We have reviewed the design of the system of quality control for the accounting and auditing practice of BKD, LLP (the "Firm") in effect as of May 31, 2001. A system of quality control encompasses the Firm's organizational structure and the policies adopted and procedures established to provide it with reasonable assurance of complying with professional standards. The elements of quality control are described in Statements on Quality Control Standards issued by the American Institute of Certified Public Accountants (the "AICPA"). We also reviewed the design of the Firm's policies and procedures pertaining to the membership requirements of the SEC Practice Section of the AICPA Division for CPA Firms (the "Section"). The design of the system of quality control and the policies and procedures pertaining to the membership requirements of the Section, and compliance with them, are the responsibilities of the Firm. Our responsibility is to express an opinion on the design of the system of quality control and the policies and procedures pertaining to the membership requirements of the Section based on our review. We were not engaged to review compliance with the Firm's system of quality control for its accounting and auditing practice as of May 31, 2001 or for any period, or compliance with its policies and procedures pertaining to the membership requirements of the Section. Accordingly, we express no opinion on the Firm's compliance with such system or policies and procedures pertaining to the membership requirements of the Section as of any date or for any period.

Our review of the design of the Firm's system of quality control and the Firm's policies and procedures pertaining to the membership requirements of the Section was conducted in accordance with guidelines established by the Peer Review Committee of the Section. In performing our review, we obtained an understanding of the system of quality control for the Firm's accounting and auditing practice and the policies and procedures pertaining to the membership requirements of the Section. Because our review included procedures performed on a selective basis and did not include tests of compliance, it would not necessarily disclose all weaknesses in the design of the system of quality control or the policies and procedures pertaining to the membership requirements of the Section.

Because there are inherent limitations in the effectiveness of any system of quality control and established firm policies and procedures, deficiencies in the system, or in the firm's policies and procedures or in the firm's compliance with its system or policies and procedures, may exist or occur and not be detected. Also, projection of any evaluation of the design of a system of quality control, or of a firm's policies and procedures, to future periods is subject to the risk that the system of quality control or the policies and procedures may become inadequate because of changes in conditions. Additionally, weaknesses in the design of a system or in a firm's policies and procedures, not previously identified, may be revealed by the implementation, actual operation and testing of the system or an element of the system or the policies and procedures.

In our opinion, the system of quality control for the accounting and auditing practice of BKD, LLP has been designed to meet the requirements of quality control standards for an accounting and auditing practice established by the AICPA and the Firm's policies and procedures have been designed to meet the membership requirements of the Section as of May 31, 2001.

Clifton Gunderson LLP

December 20, 2001

City of Fayetteville, Arkansas
Price Proposal
For the Years Ending December 31, 2002, 2003, 2004, 2005 and 2006

Our fees are based on the complexity of the work undertaken and on the amount of time required to perform it. Based on the present understanding of the work to be performed in auditing the financial statements of the City of Fayetteville, Arkansas, the fees for the audits are as follows:

Employee Class	Hourly Rates	Estimated Hours	For the Year Ending December 31,				
			2002	2003	2004	2005	2006
Partner	\$ 200-280	30	\$ 6,120	\$ 6,350	\$ 6,575	\$ 6,800	\$ 7,075
Senior Manager	140-190	50	7,000	7,250	7,500	7,800	8,125
Supervisor	100-130	140	14,280	14,775	15,300	15,900	16,500
Staff	75-95	240	18,375	19,000	19,575	20,275	21,000
Clerical	50-70	40	2,125	2,200	2,275	2,375	2,475
		500	47,900	49,575	51,225	53,150	55,175
GASB Statement No. 34 adoption				* 7,500			
Direct expenses (travel, copying, telephone, etc.)			2,000	2,250	2,475	2,600	2,750
Total not-to-exceed cost			\$ <u>49,900</u>	\$ <u>59,325</u>	\$ <u>53,700</u>	\$ <u>55,750</u>	\$ <u>57,925</u>

* - Includes determination of opinion units and major programs, auditing prior period restatements, and review of the Comprehensive Annual Financial Report for conformity with the new standards. Any assistance with implementation and/or training as it relates to this statement will be billed separately at our hourly rates if we can provide this service without violating the *Audit Independence Standards* of the U. S. General Accounting Office.

Should any additional services not related to the audit (preparation of the Comprehensive Annual Financial Report, preparation of notes to the financial statements, performance of arbitrage calculations, etc.) be required, additional fees will be negotiated at that time. However, to facilitate the City's evaluation of the proposals we have estimated our fees for certain additional services as follows:

Preparation of the CAFR	\$ 15,000	\$ 27,000	#	\$ 16,100	\$ 16,700	\$ 17,300
Preparation of notes to the financial statements	\$ 3,500	\$ 6,300	#	\$ 3,750	\$ 3,900	\$ 4,050

Performance of arbitrage calculations - \$1,800 to \$3,000 per year per outstanding bond issue.

- Significant Increase in fees for additional services for the fiscal year ending December 31, 2003, is due to the adoption of Governmental Accounting Standards Board Statement No. 34, *Basic Financial Statements - And Management's Discussion and Analysis - for State and Local Governments*.

City of Fayetteville, Arkansas
Price Proposal (Continued)
For the Years Ending December 31, 2002, 2003, 2004, 2005 and 2006

Start-up Costs

Because of our desire to establish a long-term relationship with the City, we will absorb our significant transition and start-up costs. These costs are our investment in a relationship we expect will be mutually beneficial for many years. Such costs are for us to become familiar with your personnel, assemble historical audit information, document our initial understanding of your internal control and develop audit programs tailored specifically to the City.

Other Matters

Our acceptance of this engagement is subject to completion of our normal client acceptance procedures. Upon acceptance, the actual terms of our engagement will be documented in a separate letter to be signed by the City and BKD, LLP.

BKD LLP

EXHIBIT 6

5000 Rogers Avenue, Suite 700
Fort Smith, AR 72903-2079
479 452-1040 Fax 479 452-5542

400 W. Capitol Avenue, Suite 2500
P.O. Box 3857
Little Rock, AR 72203-3857
501 372-1040 Fax 501 372-1250

200 E. 11th Avenue
P.O. Box 8306
Pine Bluff, AR 71611-8306
870 534-8172 Fax 870 534-2148

bkd.com

August 7, 2002

Audit Committee and City Council
Honorable Dan Coody, Mayor
Ms. Marsha Farthing, Accounting Manager
Ms. Peggy Vice, Purchasing Manager
113 West Mountain
Fayetteville, Arkansas 72701

We are pleased to confirm the arrangements of our engagement and the nature of the services we will provide to the **CITY OF FAYETTEVILLE, ARKANSAS**.

ENGAGEMENT OBJECTIVES

We will audit the general purpose financial statements of the **CITY OF FAYETTEVILLE, ARKANSAS** as of and for the year ended December 31, 2002 in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States and U.S. Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments and Nonprofit Organizations*.

The objectives of our audit are:

- ✓ Expression of an opinion on the conformity of your financial statements, in all material respects, with accounting principles generally accepted in the United States of America.
- ✓ Issuance of a report on your compliance based on the audit of your financial statements.
- ✓ Issuance of a report on your internal control over financial reporting based on the audit of your financial statements.
- ✓ Expression of an opinion on your compliance, in all material respects, with the types of compliance requirements described in the *U. S. Office of Management and Budget Circular A-133 Compliance Supplement* that are applicable to each of your major federal award programs.
- ✓ Issuance of a report on your internal control over compliance based on the audit of your compliance with the types of compliance requirements that are applicable to each of your major federal award programs.

Solutions
for
Success



Audit Committee and City Council
Honorable Dan Coody, Mayor
Ms. Marsha Farthing, Accounting Manager
Ms. Peggy Vice, Purchasing Manager
August 7, 2002
Page 2

- ✓ Issuance of a report on your schedule of expenditures of federal awards.

OUR RESPONSIBILITIES

Auditing standards generally accepted in the United States of America, *Government Auditing Standards* and OMB Circular A-133 require that we plan and perform:

- ✓ The audit of the financial statements to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether caused by error or fraud.
- ✓ The audit of compliance with the types of compliance requirements described in the OMB Circular A-133 Compliance Supplement applicable to each major federal award program to obtain reasonable rather than absolute assurance about whether noncompliance having a direct and material effect on a major federal award program occurred.

Accordingly, a material misstatement or noncompliance having a direct and material effect may remain undetected.

Our audit of the financial statements is designed to detect misstatements and noncompliance that, in our judgment, could have a material effect on the financial statements taken as a whole. Consequently, our audit will not necessarily detect errors or fraud resulting in an immaterial misstatement of the financial statements.

Likewise, our audit of compliance with the types of compliance requirements applicable to each major federal award program is designed to detect noncompliance having a direct and material effect on a major program. Consequently, our audit will not necessarily detect noncompliance having an indirect and material or an immaterial effect on any program.

An audit also includes obtaining an understanding of internal control sufficient to plan the audit and to determine the nature, timing and extent of audit procedures to be performed. An audit is not designed to provide assurance on internal control over financial reporting or on internal control over compliance or to identify reportable conditions. However, we will communicate to you any matter that comes to our attention that we consider a reportable condition. Because of the limits in any internal control structure, errors, fraud, illegal acts or instances of noncompliance may occur and not be detected. Also, in the future, procedures could become inadequate because of changes in conditions or deterioration in design or operation. Two or more people may also circumvent controls, or management may override the system.

Audit Committee and City Council
Honorable Dan Coody, Mayor
Ms. Marsha Farthing, Accounting Manager
Ms. Peggy Vice, Purchasing Manager
August 7, 2002
Page 3

If, for any reason, we are unable to complete our audit of the financial statements or our audit of compliance with the types of compliance requirements applicable to each major federal award program or are unable to form or have not formed an opinion, we may decline to express an opinion or decline to issue a report as a result of this engagement. If we discover conditions that may prohibit us from issuing a standard report, we will notify you as well. In such circumstances, further arrangements may be necessary to continue our engagement.

YOUR RESPONSIBILITIES

To facilitate our audit, management is responsible for making all financial records documentation and other financial and compliance related information available to us. At the conclusion of our engagement, management will provide to us a letter acknowledging certain responsibilities outlined in this engagement letter and confirming:

- The availability of this information
- Certain representations made during the audits for all periods presented
- The effects of any uncorrected misstatements, if any, resulting from errors or fraud aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole

Management is responsible for fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, for adjusting the financial statements to correct material misstatements and for identifying and ensuring compliance with the laws, regulations, contracts and grants applicable to your activities including your federal award programs. Management is also responsible for establishing and maintaining effective internal control over financial reporting and compliance, which is the best means of preventing and detecting errors, fraud, illegal acts, and instances of noncompliance.

The results of our tests of compliance and internal control over financial reporting performed in connection with our audit of the financial statements may not fully meet the reasonable needs of report users. Management is responsible for obtaining audits, examinations, agreed-upon procedures or other engagements that satisfy relevant legal, regulatory or contractual requirements or fully meet other reasonable user needs.

Audit Committee and City Council
Honorable Dan Coody, Mayor
Ms. Marsha Farthing, Accounting Manager
Ms. Peggy Vice, Purchasing Manager
August 7, 2002
Page 4

ENGAGEMENT FEES

Our fees will be based on time expended plus travel, postage and other out-of-pocket expenses and will not exceed \$49,900. We will issue progress billings during the course of our engagement and our statements are due when received.

Our fees are based upon the understanding that your personnel will be available to assist us. Assistance from your personnel is expected to include, but is not limited to, the following:

- preparing audit schedules to support all significant balance sheet and certain other accounts,
- responding to auditor inquiries,
- preparing confirmation and other letters,
- pulling selected invoices and other documents from files,
- helping to resolve any differences or exceptions noted, and
- prepare and print the Comprehensive Annual Financial Report, including related footnotes and schedules, and provide necessary documentation to support disclosures.

Our engagement fee does not include any time for post-engagement consultation with your personnel or third parties, consent letters and related procedures for the use of our reports in offering documents, inquiries from regulators or testimony or deposition regarding any subpoena. Charges for such services will be billed separately.

Our invoices are due upon receipt. If our invoices for this or any other engagement you may have with BKD are not paid when due, we may suspend or terminate our services for this or any other engagement. In the event our work is suspended or terminated as a result of nonpayment, you agree we will not be responsible for any consequences to you.

OTHER ENGAGEMENT MATTERS AND LIMITATIONS

Our workpapers and documentation retained in any form of media for this engagement are the property of BKD. We can be compelled to provide information under legal process. In addition, we may be requested by regulatory or enforcement bodies to make certain workpapers available to them pursuant to authority granted by law or regulation. You agree that we have no legal responsibility to you in the event we provide such documents or information.

Audit Committee and City Council
Honorable Dan Coody, Mayor
Ms. Marsha Farthing, Accounting Manager
Ms. Peggy Vice, Purchasing Manager
August 7, 2002
Page 5

To the extent permitted by the laws of the State of Arkansas, you agree to indemnify and hold harmless BKD and its personnel from any claims, liabilities, costs, and expenses relating to our services under this agreement attributable to false or incomplete representations by management, except to the extent determined to have resulted from the intentional or deliberate misconduct of BKD personnel.

To the extent permitted by the laws of the State of Arkansas, you agree that any dispute regarding this engagement will, prior to resorting to litigation, be submitted to mediation upon written request by either party. Both parties agree to try in good faith to settle the dispute in mediation. The results of the mediation proceeding shall be binding only if each of us agrees to be bound. We will share any costs of mediation proceedings equally.

If any provision of this agreement is declared invalid or unenforceable, no other provision of this agreement is affected and all other provisions remain in full force and effect.

This engagement letter represents the entire agreement regarding the services described herein and supersedes all prior negotiations, proposals, representations or agreements, written or oral, regarding these services. It shall be binding on heirs, successors and assigns of you and BKD.

If you intend to include these financial statements and our report in an offering document at some future date, you agree to seek our permission to do so at that time. You agree to provide reasonable notice to allow sufficient time for us to perform certain additional procedures. Any time you intend to publish or otherwise reproduce these financial statements and our report and make reference to our firm name in any manner in connection therewith, you agree to provide us with printers' proofs or masters for our review and approval before printing or other reproduction. You will also provide us with a copy of the final reproduced material for our approval before it is distributed. Our fees for such services are in addition to those discussed elsewhere in this letter.

You agree to notify us if you desire to place these financial statements or our report thereon on an electronic site, such as the World Wide Web. You recognize that we have no responsibility as auditors to review information contained in electronic sites.

Audit Committee and City Council
Honorable Dan Coody, Mayor
Ms. Marsha Farthing, Accounting Manager
Ms. Peggy Vice, Purchasing Manager
August 7, 2002
Page 6

BKD is a registered limited liability partnership under Missouri law. Under applicable professional standards, partners of BKD, LLP have the same responsibilities as do partners in a general accounting and consulting partnership with respect to conformance by themselves and other professionals in BKD with their professional and ethical obligations. However, unlike the partners in a general partnership, the partners in a registered limited liability partnership do not have individual civil liability, directly or indirectly, including by way of indemnification, contribution, assessment or otherwise, for any debts, obligations or liabilities of or chargeable to the registered limited liability partnership or each other, whether arising in tort, contract or otherwise.

If the above arrangements are acceptable to you, please sign the enclosed copy of this letter and return it to us.

BKD, LLP

BKD LLP

The services and arrangements described in this letter are in accordance with our understanding and are acceptable to us.

CITY OF FAYETTEVILLE, ARKANSAS

BY _____
(Name & Title)

kl/tj
2002Client/11997/ENGL1463



To the Partners of BKD, LLP and the SEC Practice Section Peer Review Committee

We have reviewed the design of the system of quality control for the accounting and auditing practice of BKD, LLP (the "Firm") in effect as of May 31, 2001. A system of quality control encompasses the Firm's organizational structure and the policies adopted and procedures established to provide it with reasonable assurance of complying with professional standards. The elements of quality control are described in Statements on Quality Control Standards issued by the American Institute of Certified Public Accountants (the "AICPA"). We also reviewed the design of the Firm's policies and procedures pertaining to the membership requirements of the SEC Practice Section of the AICPA Division for CPA Firms (the "Section"). The design of the system of quality control and the policies and procedures pertaining to the membership requirements of the Section, and compliance with them, are the responsibilities of the Firm. Our responsibility is to express an opinion on the design of the system of quality control and the policies and procedures pertaining to the membership requirements of the Section based on our review. We were not engaged to review compliance with the Firm's system of quality control for its accounting and auditing practice as of May 31, 2001 or for any period, or compliance with its policies and procedures pertaining to the membership requirements of the Section. Accordingly, we express no opinion on the Firm's compliance with such system or policies and procedures pertaining to the membership requirements of the Section as of any date or for any period.

Our review of the design of the Firm's system of quality control and the Firm's policies and procedures pertaining to the membership requirements of the Section was conducted in accordance with guidelines established by the Peer Review Committee of the Section. In performing our review, we obtained an understanding of the system of quality control for the Firm's accounting and auditing practice and the policies and procedures pertaining to the membership requirements of the Section. Because our review included procedures performed on a selective basis and did not include tests of compliance, it would not necessarily disclose all weaknesses in the design of the system of quality control or the policies and procedures pertaining to the membership requirements of the Section.

Because there are inherent limitations in the effectiveness of any system of quality control and established firm policies and procedures, deficiencies in the system, or in the firm's policies and procedures or in the firm's compliance with its system or policies and procedures, may exist or occur and not be detected. Also, projection of any evaluation of the design of a system of quality control, or of a firm's policies and procedures, to future periods is subject to the risk that the system of quality control or the policies and procedures may become inadequate because of changes in conditions. Additionally, weaknesses in the design of a system or in a firm's policies and procedures, not previously identified, may be revealed by the implementation, actual operation and testing of the system or an element of the system or the policies and procedures.

In our opinion, the system of quality control for the accounting and auditing practice of BKD, LLP has been designed to meet the requirements of quality control standards for an accounting and auditing practice established by the AICPA and the Firm's policies and procedures have been designed to meet the membership requirements of the Section as of May 31, 2001.

Clifton Gunderson LLP

December 20, 2001



for the Fayetteville City Council meeting of: August 20, 2002

FROM:

Carrol Hill

Name

Solid Waste and Recycling

Division

General Services

Department

ACTION REQUIRED: Approve Action Plan for Implementation of Consolidated Waste Management Program and Authorize Bidding for Hauling Services and Container Rental to Assist in Short-term Implementation of Plan.

COST TO CITY:

Revenue

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used to Date

Program Name

Project Number

Remaining Balance

Solid Waste Fund

Fund

BUDGET REVIEW:

____ Budgeted Item ____ Budget Adjustment Attached

[Signature] 8/8/02
Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

[Signature]
Accounting Manager

8/8/02
Date

ADA Coordinator

Date

[Signature]
City Attorney

8/9/02
Date

Nancy Smith
Internal Auditor

8/9/02
Date

[Signature]
Purchasing Officer

8/9/02
Date

Date

STAFF RECOMMENDATION: Approve Resolution

[Signature]
Division Head

8/12/02
Date

Cross Reference

[Signature]
Department Director

8-12-02
Date

New Item: XXXXXX Yes No

[Signature]
Administrative Services
Director

8-12-02
Date

Prev Ord/Res #:
Orig Contract Date:

[Signature]
Mayor

8/13/02
Date

Consent _____
New _____

STAFF REVIEW FORM

Description Solid Waste

Meeting Date August 20, 2002

Comments:

Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

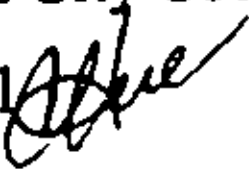
Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council

From: Carrol Hill 

Thru: Gary Dumas

Date: August 8, 2002

Subject: Commercial Solid Waste and Recycling Exclusive Municipal Franchise

Background

At the Council meeting of August 6, 2002 the City Council concurred with the Administration recommendation to proceed with the development of a plan of action to incorporate all municipal solid waste activities into a consolidated waste management program. This program would include the provision of all municipal solid waste and recycling services by the City of Fayetteville.

The purpose of this consolidation is twofold: first to allow a full range of recycling options to all businesses and residents in a coordinated effort to reduce landfill utilization and second to assure the financial stability of the solid waste and recycling program of activities and to maintain an affordable residential rate structure.

Discussion

The City Council is well aware that the City of Fayetteville is the exclusive provider of municipal trash service to residents and small commercial container users. This change will expand exclusivity to all municipal trash and recycling collection and hauling within the City of Fayetteville.

In order to accomplish this transition there are two options. The first option is an immediate transition in which all service will be provided by the City. This immediate transition will require that the Solid Waste and Recycling Division contract for additional equipment, vehicles, and manpower for 120 to 180 days as the Division ramps up to be able to provide uninterrupted convenient and efficient service. A bid package soliciting this service has been developed and will be ready for distribution August 21. The second option is to provide a 12 month period in which the private haulers can continue to provide their services while the City acquires the necessary assets to implement service at the end of the 12 month notice period.

Plan of Action

Option 1, Immediate Transition.

1. Prepare and release bid package for short-term equipment, vehicles, and personnel services. Completed August 30, 2002.
2. Finalize inventory of accounts and service level needs. Completed September 16, 2002.
3. Hire contract services and equipment. Completed October 1, 2002.
4. Prepare routing options and determine equipment, vehicles, and personnel requirements. Completed October 4, 2002.
5. Bid equipment and vehicles . Completed October 11, 2002
6. Hire and train necessary staff. Completed January 3, 2003.
7. Equipment and vehicles delivered. Completed January 10, 2003.
8. Install equipment. Completed January 20, 2003.
9. Begin service. Completed January 21, 2003.

Option 2, Twelve Month Transition.

1. Finalize inventory of accounts and service level needs. Completed January 20, 2003.
2. Prepare routing options and determine equipment, vehicles, and personnel requirements. Completed February 3, 2003.
3. Bid equipment and vehicle. Completed April 4, 2003.
4. Hire and train necessary staff. Completed August 1, 2003.
5. Equipment and vehicles delivered. Completed August 1, 2003.
6. Install equipment. Completed August 19, 2003.
7. Begin service. Completed August 20, 2003.

Recommendation

Staff Option 2 and recommends approval of the resolution setting forth this Plan of Action.

9.16 Environmental Resources

The citizens of Fayetteville place a high priority on environmental protection and the natural beauty and scenic vistas of the City are a point of pride to most residents. Environmental issues are addressed in other areas of the General Plan, from land use policies intended to create a more compact community to transportation policies intended to reduce air pollution and energy use. Environmental resources shall be defined as all physical and vegetative features of the community's landscape which are necessary to maintain the functioning integrity and health of the natural systems within the bounds of that community.

Environmental Resources: *Guiding Policies*

- 9.16.a Identify areas of environmental concern and protect and preserve environmental resources.

Environmental Resources: *Implementation Strategies*

- 9.16.b Define and protect areas of significant floodplains, hillsides, trees, and other environmental resources through cluster development provisions, density controls, protective easements, and other new and existing development standards and regulations.

Fayetteville adopted a Tree Protection and Preservation Ordinance in April, 1993, and revised the Flood Damage Prevention Code, adopted April 11, 1995. Under General Plan 2020, development standards to protect hillsides from intense development will be designed. The practice of cutting hillsides down to street grade either leaves a retaining wall at the rear of the site and/or encourages all adjacent land owners to cut the hillsides. Development needs to be designed to work with the terrain and physical characteristics of the land. Development should not try to make the land fit standard building footprints.

- 9.16.c Establish community-wide greenways which incorporate the protection of floodways and floodplains, and areas determined to be of environmental concern.

The Flood Damage Prevention Code, adopted on April 11, 1995, will contribute to implementing this strategy. The City also has an operating policy of requiring all floodways to be designated as drainage easements; and ensuring that access to drainageways is preserved by easements.

Tree Preservation and Protection: *Guiding Policies*

- 9.16.d Encourage preservation of rare and landmark trees as development takes place, requiring replacement when preservation is not possible.

9.16.e Identify, protect, and preserve rare and landmark trees during development.

Tree Preservation and Protection: *Implementation Strategies*

9.16.f Continue administration of the Tree Protection and Preservation Ordinance.

9.16.g Develop methods to identify and preserve tree preservation areas in perpetuity through tree easements and/or private conservation easements.

Hillsides: *Guiding Policies*

9.16.h Minimize intense forms of urban development on steep slopes.

Hillsides: *Implementation Strategies*

9.16.i Develop a hillside management/protection ordinance.

Floodplains and Floodways: *Guiding Policies*

9.16.j Maintain and improve the City status in the National Flood Insurance Program (NFIP).

9.16.k Maintain a cooperative working relationship with FEMA so that adequate public records are available to describe areas subject to flooding.

9.16.l Minimize flood hazards to citizens through land use planning and regulation.

9.16.m Minimize flood damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains.

Floodplain and Floodways: *Implementation Strategies*

9.16.n Continue administration of the Flood Damage Prevention Code adopted April 11, 1995.

9.16.o Apply for Community Rating Service to reduce Flood Insurance Rates.

9.16.p Establish a flood information library.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL AUGUST 20, 2002

A meeting of the Fayetteville City Council will be held on August 20, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

AUDIT COMMITTEE REPORT

A. CONSENT

1. **APPROVAL OF THE MINUTES**
2. **AUDIT SERVICES:** A resolution approving an agreement with Baird, Kurtz and Dobson (BKD) to provide the City of Fayetteville with independent audit services for calendar years 2002-2006.
3. **AIRPORT GRANT:** A resolution authorizing the application and acceptance of a FAA grant for design and engineering services for the extension of Taxiway A on the east side of the runway at Drake Field.

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 Persimmon Street and west of 46th Street. The property is zoned A-1, Agricultural and contains approximately 57.82 acres. The request is to rezone to R-1, Low Density Residential; and to accept the attached Bill of Assurance. The ordinance was tabled on the second reading at the August 6, 2002 meeting.
Need traffic report for this for final reading
2. **RZN 02-17.00:** An ordinance approving rezoning request RZN 02-17.00 as submitted by Dave Jorgensen on behalf of Bleaux Barnes and Sam Mathias for property located south of Deane Street, west of Sang Avenue and east of Porter Road. The property is zoned R-1, Low Density Residential and contains approximately 21.03 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential. The ordinance was left on the second reading at the August 6, 2002 meeting.

C. NEW BUSINESS

1. **OFF STREET PARKING:** An ordinance amending Section 172.01, Off-Street Parking Lot Design Requirement, of the UDO to provide a method for reducing off-street parking requirements for properties that share a common parking facility and to revise parking ratios for certain uses. *Need amendment from Tom Re: Educational parking.*
2. **OUTDOOR LIGHTING:** An ordinance that minimizes the impact of outdoor lighting on adjacent properties and improves nighttime visibility.
3. **RZN 02-21.00:** An ordinance approving rezoning request RZN 02-21.00 as submitted by Dixie Development for property located at 10 Bishop Drive and 35 Appleby Road. The property is zoned A-1, Agricultural and contains approximately 17.39 acres. The request is to rezone to R-O Residential Office.
4. **RZN 02-22.00:** An ordinance approving RZN 02-22.00 as submitted by Tom Shackelford for property located at 2975 Old Farmington Road. The property is zoned A-1, Agricultural and contains approximately 1.32 acres. The request is to rezone to R-1, Low Density Residential.
5. **ZONING CLASSIFICATION:** A resolution to be filed by the City Planner directing the Mayor, Urban Development Department and the City Planning Division to refer to the Planning Commission an official request for a rezoning study and zoning map amendment to change the zoning classification of an area shown as R-2, Medium Density Residential to R-1, Low Density Residential for those areas that have 15% or greater slope as depicted on the slope analysis map in General Plan 2020 and including other areas zoned R-2, where recorded platted subdivisions exist with ~~substantial~~ infrastructure.
6. *Consent* **AIRPORT PERSONNEL:** A resolution approving the addition of a new position to the airport staff of Flight Line Operations Supervisor. *Substandard*
7. **ADVERTISING:** Discussion regarding the city's advertising. *Policy Decision*
8. **AUTOMATED CARTS:** An ordinance establishing the rate structure and program parameters for an automated cart based on residential trash collection and disposal program.

Need add info from Gary N. actual cost.

Consent

9.

SOLIDWASTE CONTAINERS: A resolution authorizing the purchase of additional two and eight yard containers for use by the Solid Waste and Recycling Commercial Customers. Purchase authorization up to ~~\$81,442.77~~ *Change 24*

10.

CONSOLIDATED WASTE MANAGEMENT PROGRAM: A resolution adopting the action plan for implementation of Consolidated Waste Management Program and authorizing bidding for hauling services and container rental to assist in short-term implementation of plan.

11.

LOPFI 2: A resolution moving the City of Fayetteville Police LOPFI retirement benefits from Plan 1 to Plan 2 as of October 1, 2002.

- *Boys Girls - Consent.*

- *Duncan - Consent*

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL AUGUST 20, 2002

A meeting of the Fayetteville City Council will be held on August 20, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

AUDIT COMMITTEE REPORT

A. CONSENT

1. **APPROVAL OF THE MINUTES**
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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 Persimmon Street and west of 46th Street. The property is zoned A-1, Agricultural and contains approximately 57.82 acres. The request is to rezone to R-1, Low Density Residential; and to accept the attached Bill of Assurance. The ordinance was tabled on the second reading at the August 6, 2002 meeting.
2. **RZN 02-17.00:** An ordinance approving rezoning request RZN 02-17.00 as submitted by Dave Jorgensen on behalf of Bleaux Barnes and Sam Mathias for property located south of Deane Street, west of Sang Avenue and east of Porter Road. The property is zoned R-1, Low Density Residential and contains approximately 21.03 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential. The ordinance was left on the second reading at the August 6, 2002 meeting.

C. NEW BUSINESS

1. **OFF STREET PARKING:** An ordinance amending Section 172.01, Off-Street Parking Lot Design Requirement, of the UDO to provide a method for reducing off-street parking requirements for properties that share a common parking facility and to revise parking ratios for certain uses.
2. **OUTDOOR LIGHTING:** An ordinance that minimizes the impact of outdoor lighting on adjacent properties and improves nighttime visibility.
3. **RZN 02-21.00:** An ordinance approving rezoning request RZN 02-21.00 as submitted by Dixie Development for property located at 10 Bishop Drive and 35 Appleby Road. The property is zoned A-1, Agricultural and contains approximately 17.39 acres. The request is to rezone to R-O Residential Office.
4. **RZN 02-22.00:** An ordinance approving RZN 02-22.00 as submitted by Tom Shackelford for property located at 2975 Old Farmington Road. The property is zoned A-1, Agricultural and contains approximately 1.32 acres. The request is to rezone to R-1, Low Density Residential.
5. **ZONING CLASSIFICATION:** A resolution to be filed by the City Planner directing the Mayor, Urban Development Department and the City Planning Division to refer to the Planning Commission an official request for a rezoning study and zoning map amendment to change the zoning classification of an area shown as R-2, Medium Density Residential to R-1, Low Density Residential for those areas that have 15% or greater slope as depicted on the slope analysis map in General Plan 2020 and including other areas zoned R-2, where recorded platted subdivisions exist with substantial infrastructure.
6. **AIRPORT PERSONNEL:** A resolution approving the addition of a new position to the airport staff of Flight Line Operations Supervisor.
7. **ADVERTISING:** Discussion regarding the city's advertising.
8. **AUTOMATED CARTS:** An ordinance establishing the rate structure and program parameters for an automated cart based on residential trash collection and disposal program.

9. **SOLIDWASTE CONTAINERS:** A resolution authorizing the purchase of additional two and eight yard containers for use by the Solid Waste and Recycling Commercial Customers. Purchase authorization up to \$81,442.
10. **CONSOLIDATED WASTE MANAGEMENT PROGRAM:** A resolution adopting the action plan for ~~implemeation~~ of Consolidated Waste Management Program and authorizing ~~bidding for~~ hauling services and container rental to assist in short-term ~~implementation of~~ plan.
11. **LOPFI 2:** A resolution moving the City of Fayetteville Police LOPFI retirement benefits from Plan 1 to Plan 2 as of October 1, 2002.

STAFF REVIEW FORM

Audit Services
A. 2. Page 1

XX AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of August 20, 2002

FROM:

<u>Marsha Farthing</u>	<u>Accounting & Audit</u>	<u>Admin Services</u>
Name	Division	Department

ACTION REQUIRED: Approval of an agreement with Baird, Kurtz & Dobson (BKD) to provide the City of Fayetteville with independent audit services for calendar years 2002-2006.

COST TO CITY:

<u>\$49,900 (2002)</u>	<u>250,748.00</u>	<u>Services & Charges</u>
Cost of this Request	Category/Project Budget	Category/Project Name
<u>1010-6600-5307-00</u>	<u>97,124.00</u>	<u>Miscellaneous</u>
Account Number	Funds Used To Date	Program Name
<u>N/A</u>	<u>153,624.00</u>	<u>General</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item Budget Adjustment Attached

[Signature]
 Budget Manager

 Administrative Services Director

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

<u>Marsha Farthing</u>	<u>8/8/02</u>	<u>Danny Smith</u>	<u>8/8/02</u>
Accounting Manager	Date	Internal Auditor	Date
<u>P. Vice</u>	<u>8/8/02</u>	<u> </u>	<u> </u>
Purchasing Officer	Date	Grant Coordinator	Date

STAFF RECOMMENDATION: The City Audit Committee and Staff recommend approval of agreement.

Marsha Farthing 8/8/02
 Division Head Date

Cross Reference

 Department Director Date

New Item: Yes No

 Administrative Services Director Date

Prev Ord/Res #:

 Mayor Date

Orig Contract Date:

Orig Contract Number:

STAFF REVIEW FORM

AGENDA REQUEST
CONTRACT REVIEW
☒ GRANT REVIEW

For the Fayetteville City Council meeting of
FROM:

8/20/02

Ray M. Boudreaux

Aviation & Economic Development

Airport

Name

Division

Department

ACTION REQUIRED:

Review and approve for submission to DOT/FAA. Forward to the Mayor for his signature.

COST TO CITY:

\$116,730 / (105,057) grant revenue

\$2,507,000

AIP #30

Cost of this Request

Category/Project Budget

Category/Project Name

5550.3960.7820-30

0

Airport Capital Exp

Account Number

Funds Used to Date

Program Name

00030-1

2,507,000

Airport

Project Number

Remaining Balance

Fund

BUDGET REVIEW:

☒

Budgeted Item

Budget Adjustment Attached

[Signature]
Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]
Accounting Manager

7/29/02
Date

[Signature]
Internal Auditor

7/30/02
Date

[Signature]
City Attorney

7/30/02
Date

ADA Coordinator

Date

[Signature]
Purchasing Officer

7/30/02
Date

STAFF RECOMMENDATION:

Review & approve. Informational Item for City Council

[Signature]
Division Head

Date

July 26, 2002
Date

[Signature]
Department Director

7/30/02
Date

[Signature]
Administrative Services Director

7/31/02
Date

[Signature]
Mayor

7/31/02
Date

Cross Reference

New Item:

☒ Yes

No

Prev Ord/Res #:

Orig Contract Date:

Orig Contract Number:

Consent
New

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

4500 School Ave., Suite F
Fayetteville, AR 72701
601.718.7642

AVIATION AND ECONOMIC DEVELOPMENT
RAY M. BOUDREAUX, DIRECTOR

TO: Fayetteville City Council

THRU: Staff Review Committee

FROM: Ray M. Boudreaux, Director

DATE: July 26, 2002

SUBJECT: Grant Review – AIP 30, Taxiway "A" Extension Design & Engineering

Background: The Airport Improvement Program (AIP) provides federal grant funding for Airport Improvements through DOT/FAA. The FAA will provide 90% funding for authorized projects.

The grant application is for *design and engineering* services for the extension of Taxiway "A" on the east side of the Runway. This project is in conjunction with the planned USDA Forest Service firefighting base. The USDA facility portion of the aircraft parking ramp and accessway design is underway by that agency, and will necessarily be coordinated the Airport portion of the project.

Funds for *construction* of the project are not available from the FAA at this time due to funding constraints resulting from 9/11/01 air security priorities. Future funding of the project is dependent on FAA approval of discretionary funding in the 2003 fiscal year.

The total project cost is \$116,730. 90% of the cost of the project will be reimbursed to the City through this grant. An additional 5% of the project cost is available through the Arkansas Department of Aeronautics. The remaining 5% will be paid with Airport funds.

Budget Considerations: There is sufficient budget currently available in the budget line item for "New Federal Grant." If the grant is approved by the FAA, they will return a *Grant Offer* for acceptance by the City of Fayetteville.

Requested Action: Staff requests the City Council to approve a Resolution giving prior-authority to the Mayor to accept the *Grant Offer*. This will expedite the processing of the Grant, and allow us to meet the FAA's August 30 deadline.

RB/jn

Attachments: SF 424
Grant Application

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

Airport Grant
A. 3. Page 3

4500 School Ave., Suite F
Fayetteville, AR 72701
501.718.7642

AVIATION AND ECONOMIC DEVELOPMENT
RAY M. BOUDREAUX, DIRECTOR

TO: Fayetteville City Council
THRU: Staff Review Committee
FROM: Ray M. Boudreaux, Director
DATE: July 26, 2002
SUBJECT: Grant Review – AIP 30, Taxiway "A" Extension Design & Engineering

Background: The Airport Improvement Program (AIP) provides federal grant funding for Airport Improvements through DOT/FAA. The FAA will provide 95% funding for authorized projects.

The grant application is for design and engineering services for the extension of Taxiway "A" on the east side of the Runway. This project is in conjunction with the planned USDA Forest Service firefighting base. The USDA facility portion of the aircraft parking ramp and accessway design is underway by that agency, and will necessarily be coordinated ^{under} the Airport portion of the project.

Funds for construction of the project are not available from the FAA at this time due to funding constraints resulting from 9/11/01 air security priorities. Future funding of the project is dependent on FAA approval of discretionary funding in the 2003 fiscal year.

The total project cost is \$116,730. 95% of the cost of the project will be reimbursed to the City through this grant. An additional 5% of the project cost is available through the Arkansas Department of Aeronautics. The remaining 5% will be paid with Airport funds.

Budget Considerations: There is sufficient budget currently available in the budget line item for "New Federal Grant."

Requested Action: Staff recommends review & approval of the application for funding. In accordance with City policy, this is an informational item for the Fayetteville City Council.

RB/jn

Attachments: SF 424
Grant Application

COPY

APPLICATION FOR
FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☒ Non-Construction Preapplication ☐ Construction ☐ Non-Construction		2. DATE SUBMITTED July 26, 2002	Applicant Identifier
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier AIP-3-05-0020-3002
5. APPLICANT INFORMATION			
Legal Name: City of Fayetteville		Organizational Unit: Airport Division	
Address (give city, county, State, and zip code): Fayetteville Municipal Airport 4500 S. School, Fayetteville, AR 72701		Name and telephone number of person to be contacted on matters involving this application (give area code) Ray Boudreaux, Director of Aviation & Eco Dev 479-718-7642	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 71-6018462		7. TYPE OF APPLICANT: (enter appropriate letter in box) A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____ C	
8. TYPE OF APPLICATION: ☒ New ☐ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es) ☐ ☐ A. Increase Award D. Decrease Duration B. Decrease Award Other(specify): _____ C. Increase Duration		9. NAME OF FEDERAL AGENCY: DOT FAA SW Region, Fort Worth, TX	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 20-106 TITLE: Airport Improvement Program (AIP)		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Taxiway "A" Extension - Design & Engineering	
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): Washington County, Arkansas			
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:	
Start Date 9/1/02	Ending Date 11/30/02	a. Applicant Third	
		b. Project Third	
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$ 105,057 ⁰⁰	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____ b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372 ☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
b. Applicant	\$ 5,837 ⁰⁰		
c. State	\$ 5,836 ⁰⁰		
d. Local	\$ ⁰⁰		
e. Other	\$ ⁰⁰		
f. Program Income	\$ ⁰⁰	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? ☐ Yes If "Yes," attach an explanation. ☒ No	
g. TOTAL	\$ 116,730 ⁰⁰		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Type Name of Authorized Representative Dan Coody		b. Title Mayor	c. Telephone Number (479) 575-8330
d. Signature of Authorized Representative		e. Date Signed	

DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION

OMB NO. 04-R0209

PART II - SECTION C (Continued)

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above property interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land* on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

None

(c) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

None

5. Exclusive Rights.—There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

None

*State character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

PART II - SECTION C (SECTION B OMITTED)

The Sponsor hereby represents and certifies as follows:

1. **Compatible Land Use.**—The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

The Sponsor has adopted Drake Field Ordinance 2607 which regulates and restricts all land use activities in the vicinity of Drake Field. This ordinance was adopted January 20, 1980 and as amended.

2. **Defaults.**—The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

3. **Possible Disabilities.**—There are no facts or circumstances (including the existence of effective or proposed leases, agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings, which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of Part V of this Application, either by limiting its legal or financial ability or otherwise, except as follows:

4. **Land.**—(a) The Sponsor holds the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport, subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

The Sponsor hold fee simple title to Tract A and easements shown in Tract B of the attached property map, Exhibit "A". Title for Tracts A and B were approved under previous projects. Status has not changed since approval.

Land and easements acquired under AIP 3-0020-05-11 & 15 include easements, Tracts C, D, F, J, G, and K; Fee Simple Tract D, E, and H.

*State character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by area numbers shown on the property map.

PART II

PROJECT APPROVAL INFORMATION
SECTION A

Item 1.

Does this assistance request require State, local, regional, or other priority rating?

_____ Yes ☒ No

Name of Governing Body _____

Priority Rating _____

Item 2.

Does this assistance request require State, or local advisory, educational or health clearances?

_____ Yes ☒ No (Attach Documentation)

Name of Agency or Board _____

Item 3.

Does this assistance request require clearinghouse review in accordance with OMB Circular A-95? (Attach Comments)

☒ Yes _____ No

Item 4.

Does this assistance request require State, local, regional or other planning approval?

_____ Yes ☒ No

Name of Approving Agency _____

Date _____

Item 5.

Is the proposed project covered by an approved comprehensive plan?

_____ Yes ☒ No

Check one: State ☐

Local ☐

Regional ☐

Location of plan _____

Item 6.

Will the assistance requested serve a Federal installation?

_____ Yes ☒ No

Name of Federal Installation _____

Federal Population benefiting from Project _____

Item 7.

Will the assistance requested be on Federal land or installation?

_____ Yes ☒ No

Name of Federal Installation _____

Location of Federal Land _____

Percent of Project _____

Item 8.

Will the assistance requested have an impact or effect on the environment?

_____ Yes ☒ No

See instruction for additional information to be provided.

Item 9.

Will the assistance requested cause the displacement of individuals families, businesses, or farms?

☒ Yes _____ No

Number of:

Individuals _____

Families _____

Businesses _____

Farms _____

Item 10.

Is there other related Federal assistance on this project previous, pending, or anticipated?

☒ Yes _____ No

See instructions for additional information to be provided.

Airport Grant

A. 3. Page 8

PART - BUDGET INFORMATION - CONSTRUCTION

SECTION A - GENERAL

1. Federal Domestic Assistance Catalog No. 20:106
2. Functional or Other Breakout

SECTION B - CALCULATION OF FEDERAL GRANT

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense	\$	\$	\$
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			53,880
5. Other architectural engineering fees Testing			13,070
6. Project inspection fees			49,780
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			
12. Equipment			
13. Miscellaneous			
14. Total (Lines 1 through 13)			116,730
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			116,730
17. Less: Ineligible Exclusions			
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			116,730
20. Federal Share requested of Line 19			105,057
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (Lines 20 & 21)			105,057
23. Grantee share			5,837
24. Other shares			5,836
25. Total project (Lines 22, 23 & 24)	\$	\$	\$116,730

SECTION C - EXCLUSIONS

Classification	Ineligible for Participation (1)	Excluded from Contingency Provision (2)
26.		
a.	\$	\$
b.		
c.		
d.		
e.		
f.		
g. Totals	\$	\$

SECTION D - PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

27. Grantee Share	\$
a. Securities	
b. Mortgages	
c. Appropriations (By Applicant)	5,837
d. Bonds	
e. Tax Levies	
f. Non Cash	
g. Other (Explain)	
h. TOTAL - Grantee share	5,837
28. Other Shares	
a. State	5,836
b. Other	
c. Total Other Shares	5,836
29. TOTAL	\$ 11,673

SECTION E - REMARKS

PART IV PROGRAM NARRATIVE (Attach - See Instructions)

PART IV

PROGRAM NARRATIVE STATEMENT

**PARALLEL TAXIWAY
DRAKE FIELD
FAYETTEVILLE, ARKANSAS**

The proposed improvements are located at Drake Field, Fayetteville Municipal Airport, Fayetteville, Arkansas. The objective of these improvements is to provide a parallel taxiway addition, in accordance with the Master Plan Update completed in June 1999.

1. The design services for a partial parallel taxiway on the east side of the runway to serve the USDA Forest Service Fire Fighting Tanker Base.

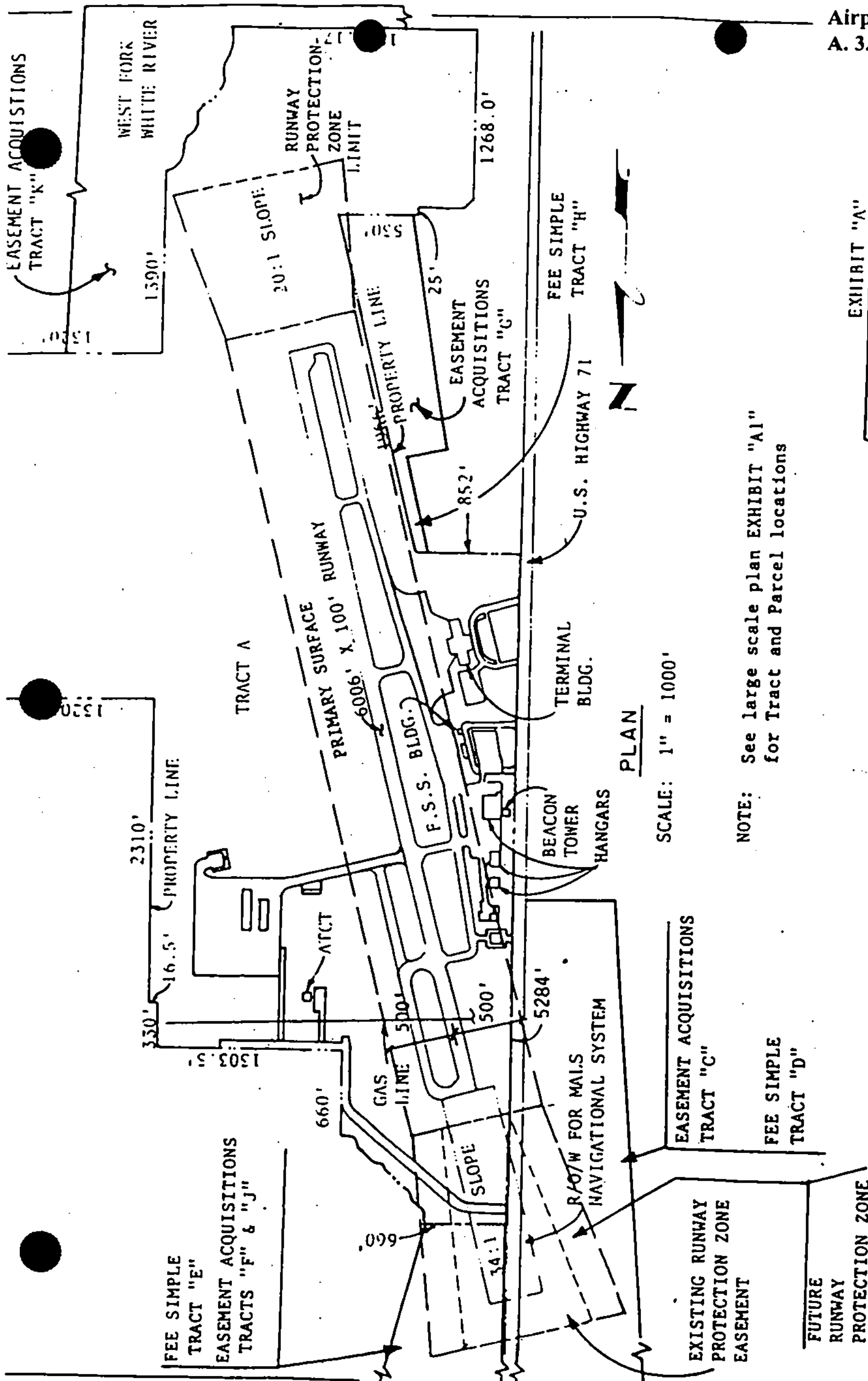


EXHIBIT "A"

PROPERTY MAP
DRAKE FIELD

FAYETTEVILLE ARKAN

**McLELLAND CONSULTING ENGINEERS,
1810 N. COLLEGE AVE.,
FAY.,**

JUNE 91

PART V
ASSURANCES
AIRPORT SPONSORS

A. GENERAL.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants to airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of the Airport and Airway Improvement Act of 1982, as amended by the Airport and Airway Safety and Capacity Expansion Act of 1987, or the Aviation Safety and Noise Abatement Act of 1979. As used herein, the term public agency sponsor means a public agency with control of a public-use airport; the term private sponsor owner of a public-use airport; and the term sponsor includes public sponsors and private sponsors.
3. Upon acceptance of the grant offer by the sponsor, these assurances are incorporated in and become part of the grant agreement.

B. DURATION AND APPLICABILITY.

1. Airport Development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor. The terms, conditions and assurances of the grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurance against exclusive rights or the terms, conditions, and assurances with respect to real property acquired with Federal funds. Furthermore, the duration of the Civil Rights assurance shall be as specified in the assurance.
2. Airport Development or Noise Compatibility Program Projects Undertaken by a Private Sponsor. The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than 10 years from the date of the acceptance of Federal aid for the project.
3. Airport Planning Undertaken by a Sponsor. Unless otherwise specified in the grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 30, 32, 33, 34, and 36 in Section C apply to planning projects. The terms, conditions, and assurances of the grant agreement shall remain in full force and effect during the life of the project.

C. SPONSOR CERTIFICATION. The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements. It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

Federal Legislation

- a. Federal Aviation Act of 1958 - 49 U.S.C. 1301, et seq.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act of 1938 - 29 U.S.C. 201, et seq.
- d. Hatch Act - 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 - 42 U.S.C. 4601, et seq.¹ and ²
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469C.¹
- h. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- i. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- j. Civil Rights Act of 1964 - Title VI - 42 U.S.C. 2000d through d-4.
- k. Aviation Safety and Noise Abatement Act of 1979, 49 U.S.C. 2101, et seq.
- l. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- m. Architectural Barriers Act of 1968 - 42 U.S.C. 4151, et seq.¹
- n. Airport and Airway Improvement Act of 1982, as amended - 49 U.S.C. 2201, et seq.
- o. Powerplant and Industrial Fuel Use Act of 1978 - Section 403 - 2 U.S.C. 8373.¹
- p. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- q. Copeland Antikickback Act - 18 U.S.C. 874.¹
- r. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- s. Endangered Species Act - 16 U.S.C. 668(a), et seq.¹
- t. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.¹
- u. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- v. Aviation Safety and Capacity Expansion Act of 1990.

Executive Orders

Executive Order 12372 - Intergovernmental Review of Federal Programs
Executive Order 11246 - Equal Employment Opportunity¹

Federal Regulations

- a. 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.²
- b. 49 CFR Part 20 - Restrictions on Lobbying.

- c. 49 CFR Part 21 - Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964.
- d. 49 CFR Part 23 - Participation by Minority Business Enterprise in Department of Transportation Programs.
- e. 49 CFR Part 24 - Uniform Relocation Assistance and Real Property Acquisition Regulation for Federal and Federally assisted Programs.
- f. 49 CFR Part 27 - Non-Discrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.
- g. 49 CFR Part 29 - Debarments Suspensions and Voluntary Exclusions.
- h. 49 CFR Part 30 - Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors.
- i. 29 CFR Part 1 - Procedures for Predetermination of Wage Rates.
- j. 29 CFR Part 3 - Contractors or Subcontractors on Public Buildings or Public Works Financed in Whole or Part by Loans or Grants from U.S.
- k. 29 CFR Part 5 - Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction.
- l. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally-assisted Contracting Requirements).
- m. 14 CFR Part 150 - Airport Noise Compatibility Planning.

Office of Management and Budget Circulars (OMB).

- a. A-87 - Cost Principles Applicable to Grants and Contracts with State and Local Governments.
- b. A-128 - Audits of State and Local Governments.
These laws do not apply to airport planning sponsors.
These laws do not apply to private sponsors.
49 CFR Part 18 and OMB Circular A-87 contain requirements for State and local governments receiving Federal assistance. Any requirement levied upon State and local governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under the Airport and Airway Improvement Act of 1982, as amended.

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in the grant agreement.

2. Responsibility and Authority of the Sponsor.

- a. Public Agency Sponsor. It has legal authority to apply for the grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- b. Private Sponsor. It has legal authority to apply for the grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with the application; and to provide such additional information as may be required.

3. Sponsor Fund Availability. It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under the grant agreement which it will own or control.

4. Good Title.

- a. It holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in the grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under the Airport and Airway Improvement Act of 1982 to assume the obligations of the grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee, all of the terms, conditions, and assurances contained in this grant agreement.

- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the PAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial noncompliance with the terms of the agreement.
 - d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial noncompliance with the terms of the agreement.
 - e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
 - f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to ensure that the airport will be operated and maintained in accordance with the Airport and Airway Improvement Act of 1982, the regulations and the terms, conditions and assurances in the grant agreement and shall ensure that such arrangement also requires compliance therewith.
6. **Consistency with Local Plans.** The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the state in which the project is located to plan for the development of the area surrounding the airport. For noise compatibility program projects, other than land acquisition, to be carried out on property not owned by the airport and over which property another public agency has land use control or authority, the sponsor shall obtain from each such agency a written declaration that such agency supports that project and the project is reasonably consistent with the agency's plans regarding the property.
7. **Consideration of Local Interest.** It has given fair consideration to the interest of communities in or near which the project may be located.
8. **Consultation with Users.** In making a decision to undertake any airport development project under the Airport and Airway Improvement Act of 1982, it has undertaken reasonable consultations with affected parties using the airport at which the project is proposed.
9. **Public Hearings.** In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with the goals and objectives of such planning as has been carried out by the community. It shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary.
10. **Air and Water Quality Standards.** In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.
11. **Local Approval.** In projects involving the construction or extension of any runway at any general aviation airport located astride a line separating two counties within a single state, it has received approval for the project from the governing body of all villages incorporated under the laws of that state which are located entirely within five miles of the nearest boundary of the airport.
12. **Terminal Development Prerequisites.** For projects which include terminal development at a public airport, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under Section 612 of the Federal Aviation Act of 1958 and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning or deplaning from aircraft other than air carrier aircraft.
13. **Accounting System, Audit, and Recordkeeping Requirements.**
- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
 - b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to the grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which the grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than 6 months following the close of the fiscal year for which the audit was made.

14. **Minimum Wage Rates.** It shall include, in all contracts in excess of \$2,000 for work on any projects funded under the grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.
15. **Veterans Preference.** It shall include, in all contracts for work on any projects funded under the grant agreement which involve labor, such provisions as are necessary to ensure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to veterans of the Vietnam era and disabled veterans as defined in Section 515(c)(1) and (2) of the Airport and Airway Improvement Act of 1982. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.
16. **Conformity to Plans and Specifications.** It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval by the Secretary, shall be incorporated into this grant agreement. Any modifications to the approved plans, specifications, and schedules shall also be subject to approval by the Secretary and incorporation into the grant agreement.
17. **Construction Inspection and Approval.** It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms with the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.
18. **Planning Projects.** In carrying out planning projects:
 - a. It will execute the project in accordance with the approved program narrative contained in the project application or with modifications similarly approved.
 - b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
 - c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
 - d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
 - e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
 - f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
 - g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
 - h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.
19. **Operation and Maintenance.**
 - a. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for nonaeronautical purposes must first be approved by the Secretary. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state, and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes.

In furtherance of this assurance, the sponsor will have in effect at all times arrangements for—

 - (1) Operating the airport's aeronautical facilities whenever required;
 - (2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - (3) Promptly notifying airmen of any condition affecting aeronautical use of the airport.

Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood, or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. **Hazard Removal and Mitigation.** It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. **Compatible Land Use.** It will take appropriate action, including the adoption of zoning laws, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce the compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

a. It will make its airport available as an airport for public-use on fair and reasonable terms and without unjust discrimination, to all types, kinds, and classes of aeronautical uses.

b. In any agreement, contract, lease or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to --

(1) furnish said services on a fair, equal, and not unjustly discriminatory basis to all users thereof, and

(2) charge fair, reasonable, and not unjustly discriminatory prices for each unit or service, provided, that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

c. Each fixed-based operator at any airport owned by the sponsor shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.

d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.

e. Each air carrier using such airport (whether as a tenant, nontenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and which utilize similar facilities, subject to reasonable classifications such as tenants or nontenants and signatory carriers and nonsignatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classifications or status.

f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees (including, but not limited to maintenance, repair, and fueling) that it may choose to perform.

g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by contractors or concessionaires of the sponsor under these provisions.

h. The sponsor may establish such fair, equal, and not unjustly discriminatory conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.

i. The sponsor may prohibit or limit any given type, kind, or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. **Exclusive Rights.** It will permit no exclusive right for the use of the airport by any persons providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and

b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport.

It further agrees that it will not, either directly or indirectly, grant or permit any person, firm or corporation the exclusive right at the airport, or at any other airport now owned or controlled by it, to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under the Airport and Airway Improvement Act of 1982.

24. **Fee and Rental Structure.** It will maintain a fee and rental structure consistent with Assurances 22 and 23, for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning, or noise compatibility project for which a grant is made under the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate base in establishing fees, rates, and charges for users of that airport.
25. **Airport Revenue.** If the airport is under the control of a public agency, all revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and directly and substantially related to the actual air transportation of passengers or property, or for noise mitigation purposes on or off the airport. Provided, however, that if covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
26. **Reports and Inspections.** It will submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request. For airport development projects, it will also make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request. For noise compatibility program projects, it will also make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of the grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request.
27. **Use of Government Aircraft.** It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that—
- Five (5) or more government aircraft are regularly based at the airport or on land adjacent thereto; or
 - The total number of movements (counting each landing as a movement) of government aircraft is 300 or more, or the gross accumulative weight of government aircraft using the airport (the total movements of government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.
28. **Land for Federal Facilities.** It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.
29. **Airport Layout Plan.**
- It will keep up to date at all times an airport layout plan of the airport showing (1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto; (2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars, and roads), including all proposed extensions and reductions of existing airport facilities; and (3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon. Such airport layout plan and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or in any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility, or efficiency of the airport.
 - If a change or alteration in the airport or its facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any Federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities.

30. **Civil Rights.** It will comply with such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from funds received from this grant. This assurance obligates the sponsor for the period during which Federal financial assistance is extended to the program, except where Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the sponsor or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits or (b) the period during which the sponsor retains ownership or possession of the property.

31. **Disposal of Land.**

a. For land purchased under a grant for airport noise compatibility purposes, it will, when the land is no longer needed for such purposes, dispose of such land at fair market value at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States share of the cost acquisition of such land will, at the discretion of the Secretary, (1) be paid to the Secretary for deposit in the Trust Fund or (2) be reinvested in an approved noise compatibility project as prescribed by the Secretary.

b. (1) For land purchased under a grant for airport development (other than noise compatibility) purposes, it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States share of the cost of acquisition of such land, will, (a) upon application to the Secretary, be reinvested in another eligible airport improvement project or projects approved by the Secretary at that airport or within the national airport system, or (b) be paid to the Secretary for deposit in the Trust Fund if no such eligible project exists.

(2) Land shall be considered to be needed for airport purposes under this assurance if (a) it may be needed for aeronautical purposes (including runway protection zone) or serves as noise buffer land, and (b) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or the Federal agency making such grant before December 1, 1987, was notified by the operator or owner of the use of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced not later than December 15, 1989.

c. Disposition of such land under (a) or (b) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with the operation of the airport.

32. **Engineering and Design Services.** It will award each contract, or subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. **Foreign Market Restriction.** It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which each foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. **Policies, Standards, and Specifications.** It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the "Current FAA Advisory Circulars for AIP Projects, dated July 29, 1991, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. **Relocation and Real Property Acquisition.** (1) It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B. (2) It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subparts D and E of 49 CFR Part 24. (3) It will make available within a reasonable period of time prior to displacement comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. **Drug-Free Workplace.** It will provide a drug-free workplace at the site of work specified in the grant application in accordance with 49 CFR Part 29 by (1) publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the sponsor's workplace and specifying the actions that will be taken against its employees for violation of such prohibition; (2) establishing a drug-free awareness program to inform its employees about the dangers of drug abuse in the workplace and any available drug counseling, rehabilitation, and employee assistance programs; (3) notifying the FAA within ten days after receiving notice of an employee criminal drug statute conviction for a violation occurring in the workplace; and (4) making a good faith effort to maintain a drug-free workplace.

CURRENT FAA ADVISORY CIRCULARS FOR AIP PROJECTS

Effective Date: July 29, 1991

NUMBER	SUBJECT
70/7460-1G	Obstruction Marking and Lighting
150/5100-14B	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
CHG 1	
150/5200-30	Airport Winter Safety and Operations
CHG 1 & 2	
150/5210-5B	Painting, Marking and Lighting of Vehicles Used on an Airport
150/5210-7B	Aircraft Fire and Rescue Communications
150/5210-14	Airport Fire and Rescue Personnel Protective Clothing
150/5210-15	Airport Rescue and Firefighting Station Building Design
150/5220-4A	Water Supply Systems for Aircraft Fire and Rescue Protection
150/5220-10	Guide Specification for Water/Foam Type Aircraft Fire and Rescue Trucks
CHG 1 & 2	
150/5220-11	Airport Snowblower Specification Guide
150/5220-12	Airport Snowsweeper Specification Guide
150/5220-13A	Runway Surface Condition Sensor Specification Guide
150/5220-14A	Airport Fire and Rescue Vehicle Specification Guide
150/5220-15	Buildings for Storage and Maintenance of Airport Snow Removal and Ice Control Equipment: A Guide
150/5220-16	Automated Weather Observing Systems for Non-Federal Applications
150/5220-17	Design Standards for Aircraft Rescue Fire-fighting Training Facilities
150/5300-13	Airport Design
150/5320-5B	Airport Drainage
150/5320-6C	Airport Pavement Design and Evaluation
CHG 1 & 2	
150/5320-12A	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-14	Airport Landscaping for Noise Control Purposes
150/5325-4A	Runway length Requirements for Airport Design
CHG 1	
150/5340-1P	Marking of Paved Areas on Airports
150/5340-4C	Installation Details for Runway Centerline Touchdown Zone Lighting Systems
CHG 1 & 2	
150/5340-5B	Segmented Circle Airport Marker System
CHG 1	
150/5340-14B	Economy Approach Lighting Aids
CHG 1 & 2	
150/5340-17B	Standby Power for Non-FAA Airport Lighting Systems
150/5340-18C	Standards for Airport Sign Systems
150/5340-19	Taxiway Centerline Lighting System
150/5340-21	Airport Miscellaneous Lighting Visual Aids
150/5340-23B	Supplemental Wind Cones
150/5340-24	Runway and Taxiway Edge Lighting System
CHG 1	
150/5340-27A	Air-To-Ground Radio Control of Airport Lighting Systems
150/5345-3D	Specification for L-821 Panels for Remote Control of Airport Lighting
150/5345-5A	Circuit Selector Switch
150/5345-7D	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
CHG 1	
150/5345-10E	Specification for Constant Current Regulators Regulator Monitors
150/5345-12C	Specification for Airport and Heliport Beacon
150/5345-13A	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26B	Specifications for L-823 Plug and Receptacle, Cable Connectors
CHG 1 & 2	
150/5345-27C	Specification for Wind Cones Assemblies
150/5345-28D	Precision Approach Path Indicator (PAPI) Systems
150/5345-39B	FAA Specification L-853, Runway and Taxiway Centerline Retroreflective Markers
CHG 1	
150/5345-42C	Specification for Airport Light Bases, Transformer Housings, Junction Boxes and Accessories
150/5345-43D	Specification for Obstruction Lighting Equipment
150/5345-44D	Specification for Taxiway and Runway Signs
150/5345-45A	Lightweight Approach Light Structure
150/5345-46A	Specification for Runway and Taxiway Light Fixtures
150/5345-47A	Isolation Transformers for Airport Lighting Systems
150/5345-49A	Specification L-854, Radio Control Equipment
150/5345-50	Specification for Portable Runway Lights
CHG 1	
150/5345-51	Specification for Discharge-Type Flasher Equipment
CHG 1	
150/5345-52	Generic Visual Glideslope Indicators (GVGI)
150/5360-9	Planning and Design of Airport Terminal Facilities at Non-Hub Locations
150/5360-12	Airport Signing and Graphics
150/5360-13	Planning and Design Guidance for Airport Terminal Facilities at Non-Hub Locations
150/5370-2C	Operational Safety on Airports During Construction

CURRENT FAA ADVISORY CIRCULARS FOR AIP PROJECTS
(Continued)

NUMBER	SUBJECT
150/5370-6B	Construction Progress and Inspection Report-Airport Grant Program
150/5370-10A	Standards for Specifying Construction of Airports
150/5370-11	Use of Nondestructive Testing Devices in the Evaluation of Airport Pavements
CTIG 1	
150/5370-12	Quality Control of Construction for Airport Grant Projects
150/5390-2	Heliport Design
150/5390-3	Vertiport Design

STANDARD DOT TITLE VI ASSURANCES

City of Fayetteville

(hereinafter referred to as the Sponsor) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and all requirements imposed by 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

Without limiting the above general assurance, the Sponsor agrees concerning Project No. AIP 3-05-0020-300 (hereinafter referred to as the Project) that:

1. Each "program" and "facility" (as defined in Sections 21.23(a) and 21.23(b)) will be conducted or operated in compliance with all requirements of the Regulations.

2. It will insert the following notification in all solicitations for bids issued in connection with the Project and in adapted form in all proposals for negotiated agreements:

City of Fayetteville

, in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, hereby notifies all bidders that it will affirmatively assure that minority business enterprises are afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. It will insert the clauses of Attachment 1 of this assurance in every contract subject to the Act and the Regulations.

4. Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

5. Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.

6. It will include the appropriate clauses set forth in Attachment 2 of this assurance, as a covenant running with the land, in any future deeds,

leases, permits, licenses, and similar agreements entered into by the Sponsor with other parties: (a) for the subsequent transfer of real property acquired or improved with Federal financial assistance under this Project and (b) for the construction or use of or access to space on, over, or under real property acquired or improved with Federal financial assistance under this Project.

7. This assurance obligates the Sponsor for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the sponsor or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits or (b) the period during which the Sponsor retains ownership or possession of the property.

8. It will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other sponsors, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.

9. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

DATED _____

City of Fayetteville

(Sponsor)

By *Dan Coody*
(Signature of Authorized Official)
Dan Coody, Mayor

Attachments 1 and 2

CONTRACTOR CONTRACTUAL REQUIREMENTS

ATTACHMENT 1 TO STANDARD DOT TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations. The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination. The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment. In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports. The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the sponsor or the Federal Aviation Administration (FAA) to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the sponsor or the FAA, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance. In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the sponsor shall impose such contract sanctions as it or the FAA may determine to be appropriate, including, but not limited to--
 - a. Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - b. Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions. The contractor shall include the provisions of paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the sponsor or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the sponsor to enter into such litigation to protect the interests of the sponsor and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

CLAUSES FOR DEEDS, LICENSES, LEASES, PERMITS OR SIMILAR INSTRUMENTS

ATTACHMENT 2 to STANDARD DOT TITLE VI ASSURANCES

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by City of Fayetteville pursuant to the provisions of Assurances 6 (a) and 6 (b).

1. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.
2. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

Certification for Contracts, Grants, Loans, and Cooperative
Agreements

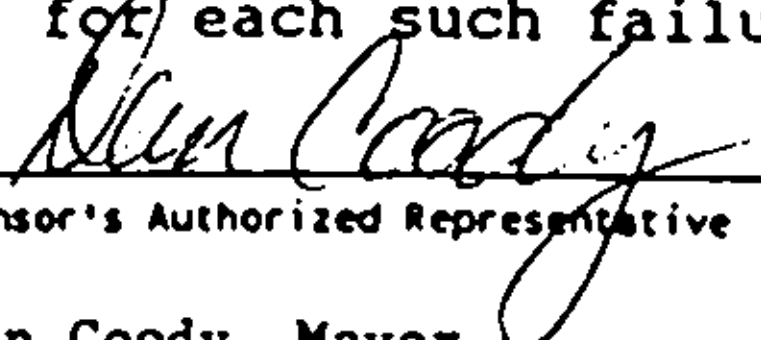
The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobby Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontract, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signed 
Sponsor's Authorized Representative

Dated 7/31/22

Dan Coody, Mayor

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

1. The sponsor certifies that it will provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the sponsor's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

b. Establishing a drug-free awareness program to inform employees about -

(1) The dangers of drug abuse in the workplace;

(2) The sponsor's policy of maintaining a drug-free workplace;

(3) Any available drug counseling; rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement requirement by paragraph a;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will -

(1) Abide by the terms of the statement; and

(2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.

e. Notifying the Federal Aviation Administration within 10 days after receiving notice under subparagraph d(2), from an employee or otherwise receiving actual notice of such equipment;

f. Taking one of the following actions within 30 days of receiving notice under subparagraph d(2), with respect to any employee who is so convicted -

(1) Taking appropriate personnel action against such employees, up to and including termination; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a through f.

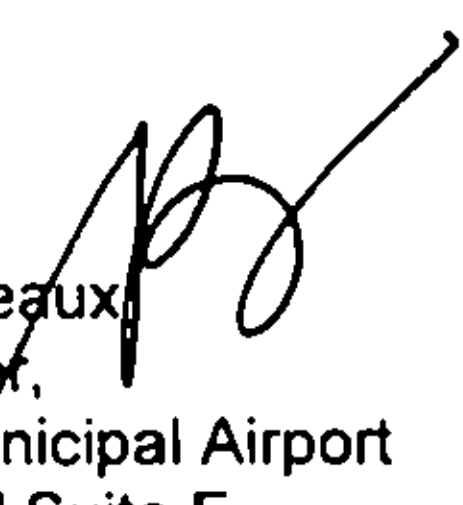
2. The sponsor shall insert in the space provided below the site(s) for the performance of the work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Drake Field

Fayetteville, Washington County, Arkansas 72701

July 23, 2002


Mr. Ray Boudreaux
Airport Manager,
Fayetteville Municipal Airport
4500 S. School Suite F
Fayetteville, AR 72701

RECEIVED

JUL 24 2002

AIRPORT

Re: FAA Funding Application
Eastside Taxiway Engineering Services

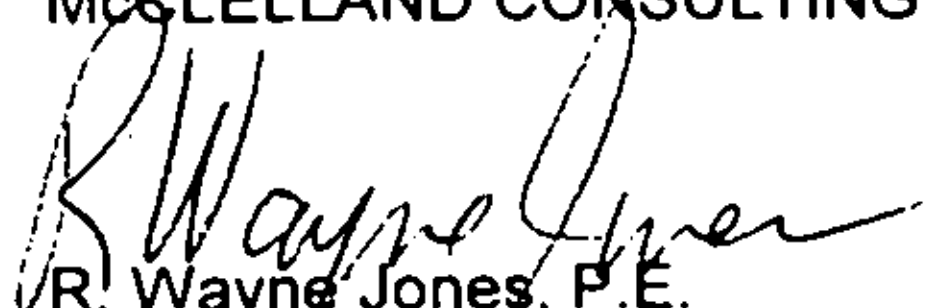
Dear Mr. Boudreaux:

In response to your request, please find the original of the FAA Funding Application for the engineering design for the parallel taxiway. Please have the Mayor sign and send to Mr. Don Harris at the FAA.

Please advise if you need further information regarding this application.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.


R. Wayne Jones, P.E.
Vice President

Enclosure: FAA Funding Application)

STAFF REVIEW FORM

Off-Street Parking
C. 1. Page 1

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of August 20, 2002.

FROM:

Tim Conklin

Planning

Urban Development

Name

Division

Department

ACTION REQUIRED: To revise § 172.01 Off-Street Parking Lot Design Requirements of the City of Fayetteville Unified Development Ordinance to provide a method for reducing off-street parking requirements for properties that share a common parking facility and to revise parking ratios for certain uses.

COST TO CITY:

\$

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used To Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

8/2/02
Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and on July 8, 2002 the Planning Commission voted 8-0-0 to forward the request to the City Council for review by the ordinance review committee, which reviewed this ordinance on July 23, 2002, and recommended that this be forwarded to the full Council.

Division Head

8/02/02
Date

Cross Reference

Department Director

New Item: **Yes**

Administrative Services Director

Prev Ord/Res #:

Mayor

Orig Contract Date:

Orig Contract Number:

Consent
New

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville City Council
FROM: Shelli Rushing, AICP, Associate Planner
THRU: Tim Conklin, AICP, City Planner
DATE: August 5, 2002

BACKGROUND

ADM 01-19.00 Administrative Item (Parking Ordinance Amendments) to revise Section §172.01 Off-Street Parking Lot Design Requirements of the City of Fayetteville Unified Development Ordinance to provide a method for reducing off-street parking requirements for properties that share a common parking facility and to revise parking ratios for certain uses.

The proposed shared parking ordinance was presented to Planning Commission at the March 25, 2002 Planning Commission meeting. The item was tabled for further study. Staff, the applicant Laura Kelly, and members of the Planning Commission revised the proposed ordinance and are now presenting it to Planning Commission. Staff mailed a copy of the proposed ordinance to the Planning Commission on May 30, 2002 to allow adequate time for review.

On June 3, 2002, City Attorney Kit Williams distributed a memo suggesting that the shared parking ordinance not go forward until the parking ratios are revised. Staff has researched parking ratios and is recommending changes based on this research. The ordinance mailed to the Planning Commission on May 30, 2002 has been revised to propose new parking ratios. The portion regarding shared parking has not changed.

On July 8, 2002, the Planning Commission approved that the proposed revisions to the off-street parking ordinance be forwarded to the Ordinance Review Committee, along with changes to the ordinance to clarify retail fuel sales and provide parking ratios for bars, taverns and outdoor seating.

CURRENT STATUS

On July 23, 2002, the Ordinance Review Committee recommended to forward the ordinance to the City Council with the following revision: to allow for 30% above and 30% below the recommended ratio.

RECOMMENDATION

Determine how the parking ratios for high schools should be established
Approval of the attached revised §172.01 Off-Street Parking Ordinance and any recommended revisions.

Summary of Shared and Reduced Parking Options

The shared parking ordinance provides an option for applicants to either share parking facilities with adjacent properties or reduce the amount of parking required.

There are two main elements of the shared parking ordinance.

- The first element is *shared parking between developments*. In these cases, uses that have non-conflicting demands, such as a church and a bank, may choose to share parking facilities if they complete a shared parking agreement. This element is part of the current parking lot ordinance. The parking lot must be within 600 feet of structure sharing the parking facility.
- The second element is *reduced parking within mixed use developments*. In these instances, an applicant proposing a single development that includes mixed uses, such as residential and office, can use Table 4 Parking Occupancy Rates of the ordinance to calculate a reduction in parking. The steps for calculating the reduction are provided. The Parking Occupancy Rates are based on parking demand by land use as provided by the Institute of Transportation Engineers

of Parking Ratio Revisions

Parking Ratios: The ordinance review committee finds that a range above and below the recommended parking ratio is appropriate. The ordinance currently allows an applicant to increase parking up to 20% of the required spaces. The current proposal increases that amount to 30% and adds that the required parking may also be reduced by 30%. The following change is recommended:

2. Maximum/Minimum Number Allowed. Parking lots may contain up to 20% ~~30%~~ more spaces than the required ~~minimum spaces and 30% less than the required spaces~~. Any additional spaces above 20% ~~30%~~ or below 30% shall be allowed only as a conditional use and shall be granted in accordance with Chapter 163, governing applications of conditional uses; procedures, and upon the finding that additional spaces are needed.

Staff is recommending the following changes to parking ratios:

Proposed Parking Ratios		
Land Use	Current Ratio	Proposed Ratio
Bank	n/a	1 per 200 sq. ft. of gross floor area
Child Care	1 per 1,500 sq. ft. + an area for overflow parking	1 per employee plus on-site loading and unloading spaces at a rate of 1 per 10 children accommodated (N. Little Rock)
Churches / Religious Institutions	1 per 4 seats in the main auditorium + an area for overflow parking, or 1 per 40 sq. ft., whichever is less	1 per 4 seats in the main auditorium or 1 per 40 sq. ft. of assembly area, whichever provides more spaces (Adapted from Siloam Springs)
Community Centers	1 per 3 seats	1 per 250 sq. ft. of GFA (Adapted from Lake Forest, IL)
Dance Halls, Bars and Taverns	1 per 100 sq. ft. of floor area	1 per 50 sq. ft. of GFA, excluding kitchen (Adapted from Long Beach, CA & Grand Forks, ND)
NEW CATEGORY: Funeral Homes	n/a	1 per 4 seats in main chapel + 1 per 2 employees + 1 reserved for each vehicle used in connection with the business (Adapted from Eureka Springs & Leesburg, VA)
Gas Service Stations	4 per each enclosed service bay	Keep ratio, rename to Auto/Motorcycle Service Stations
NEW CATEGORY: Retail Fuel Sales with Convenience Stores	n/a	1 per 200 sq. ft. of retail FA; spaces at pump islands are counted toward this requirement (Adapted from Columbia, MO & Ames, IA)
NEW CATEGORY: Retail Fuel Sales Only	n/a	3 per each employee; spaces at pump islands are counted toward this requirement. (Ames, IA)

Proposed Parking Ratios		
Land Use	Current Ratio	Proposed Ratio
Hotels / Motels	1 per room + 1 additional space per employee	1 per guest room plus 75% of spaces required for accessory uses (Adapted from Columbia, MO)
Restaurants, excluding drive-throughs and those offering entertainment	1 per 200 sq. ft. of floor area	Delete
Restaurants with entertainment	1 per 3 occupants based on current adopted Standard Building Code, City of Fayetteville	Delete
NEW CATEGORY: Restaurants	n/a	1 per 100 sq. ft. GFA plus 4 stacking spaces per drive-through window
Schools – Elementary and Junior High	1 per 1200 sq. ft. of classroom area	1 per employee plus 1 space per classroom
Schools – Senior High	1 per 500 sq. ft. of classroom area	1 per employee plus 1 per 5 students based on design capacity or 1 per 6 seats in the auditorium and other places of assembly, whichever is greater. (Adapted from Pine Bluff)

Special Use Requests for Additional Parking for Restaurants

TABLE 1
Parking Spaces for
Fayetteville Restaurants

	No. of Seats		Square Feet	Employee Max Shift	Min. Required	Max Allowed	No. Provided	1 per 4 Plus 20%
Chili's	250		5196	20	26.00	31.20	180	75
Golden Corral	390		10330	40	52.00	62.40	152	117
Rio Bravo	210		8499	59	43.00	51.60	156	63
Ryan's	392		10065	40	51.00	61.20	214	117.6
Olive Garden	242		8077	30	41.00	49.20	151	72.6
Red Lobster	199		8167	50	41.00	49.20	138	59.7
Dixie Café	220		9000	60	45.00	54.00	94	66
JD China	200		6200	n/a	31.00	37.20	57	60
Guldo's	104		4275	6	21.37	25.6	40	31.2
McAlister's	175		3600	15	18.00	22.00	55	74

Table 2
Ratio Comparisons for Existing Restaurants

	Square Feet	Spaces Provided	Spaces / 1,000 sq. ft.	10 / 1,000 sq. ft.		15 / 1,000 sq. ft.		20 / 1,000 sq. ft.	
				Min.	Max.	Min.	Max.	Min.	Max.
Chili's	5,196	180	34.7	52	63	78	94	103	124
Golden Corral	10,330	152	14.7	103	124	155	186	207	248
Rio Bravo	8,499	156	18.3	85	102	127	152	170	204
Ryan's	10,065	214	21.3	101	122	151	181	201	241
Olive Garden	8,077	151	18.7	81	97	121	146	162	194
Red Lobster	8,167	138	16.9	82	99	123	147	164	197
Dixie Café	9,000	94	10.4	90	108	135	162	180	216
JD China	6200	57	9.2	62	74	93	112	124	149
Guido's	4275	40	9.4	43	52	64	77	86	103

Parking Ratio Comparisons		Bank	Child Care	Church / Religious Institution	Community Center	Dance Hall
Fayetteville (Current)	n/a	1 per 1,500 sq. ft. of FA, plus an area for overflow parking	1 per 4 seats in the main auditorium, plus an area for overflow parking or 1 per 40 square feet, whichever is less	1 per 3 seats	1 per 100 sq. ft. FA	
Bentonville, AR	n/a	1 per 500 sq. ft. NFA	1 per 2 employees + spaces as determined by Planning Commission	1 per 800 sq. ft. GFA	n/a	
Eureka Springs, AR	n/a	1 per employee, plus sufficient off-street parking space for the safe and convenient loading and unloading of children.	1 per every 4 people of the maximum building capacity.	1 per 400 sq. ft. FA	n/a	
Fort Smith, AR	1 per 150 sq. ft. CSA + minimum of 5 queuing spaces per drive-through window + 1 per 3 employees	1 per employee + 1 per 20 students + 5 queuing spaces	1 per each 4 seats in main sanctuary OR parking requirements for the use of proposed accessory structure, whichever is greater	night club/tavern: 4 + 1 per 50 sq. ft. CSA		
North Little Rock, AR	n/a	1 per employee + on-site loading and unloading spaces to be required at a rate of 1 per 10 children accommodated.	1 per 5 seats in the principal room or hall; 1 per 10 seats in C-5 commercial districts	n/a	1 per 100 sq. ft. FA devoted to the principal activity	
Rogers, AR	n/a	1 per employee + 1 per each 3 children	1 per 800 sq. ft. FA	1 per 500 sq. ft. FA	1 per 100 sq. ft. of building area	
Shoem Springs, AR	n/a	1 per 300 sq. ft. of FA	1 per each 4 seats OR 1 per each 40 sq. ft. of assembly area, whichever provides more spaces	n/a	n/a	
Pine Bluff, AR		1 per employee + 2 additional	1 per 4 seats in the auditorium	1 per 50 sq. ft. FA		

FA = Floor Area
GFA = Gross Floor Area
CSA = Customer Service Area
NFA = Net Floor Area
GLA = Gross Leasable Area

	Bank	Child Care	Church / Religious Institution	Community Center	Dance Hall
College towns outside Arkansas					
Fort Collins, CO	3.5 per 1,000 sq. ft.	2 per 3 employees OR 1 per 1,000 sq. ft. of FA	1 per 4 seats in the auditorium OR 2 per 3 employees OR 1 per 1,000 sq. ft. FA	n/a	nightclubs: 10 per 1,000 sq. ft.
Columbia, MO	walk in: 1 per 250 sq. ft.; drive-through: 1 per 300 sq. ft. + 3 stacking spaces for each drive up window	1 per employee + one of the following: 2 for the first 10 children + 1 per every 10 additional children OR a drive through facility with adequate "pullover space" out of the flow of driveway traffic for 2 additional vehicles.	1 per 4 seats in sanctuary or other assembly area	n/a	n/a
Ames, IA	n/a	greater of 2 per classroom or 1 per 4 seats in auditorium	1 per 4 seats in auditorium OR 1 per 60 sq. ft. of worship area if no seating is provided	1 per 200 sq. ft.	n/a
Grand Forks, ND	1 per 200 sq. ft. GFA + 1 per employee on largest work shift + 4 waiting spaces per drive-in lane	1 per teacher/employee on the largest work shift + 1 loading space per 6 students	1 per 6 seats, based on design capacity	n/a	1 per 50 sq. ft. GFA + 1 per employee on the largest shift
Suggested in "Parking"	3.6 per 1,000 sq. ft. GFA	1 per employee + 1 per licensed capacity enrollment	.5 per seat	n/a	n/a
Other Cities	1 per 200 sq. ft. GFA + 4 per teller station (Bay City, MI)	1 per employee (Bonner Springs, KS)	1 per 4 seats (Norman, OK)	4 per 1,000 sq. ft. (Lake Forest, IL)	1 per 100 sq. ft. FA + 1 per employee (Rio Grand County, CO)
	1 per 175 sq. ft. LA + 4 to accommodate each drive-in window	2 per 3 teachers + 1 per 8 students (Aurora, CO)			25 per 1,000 sq. ft. GFA, excluding kitchen (Long Beach, CA)

FA = Floor Area
GFA = Gross Floor Area
CSA = Customer Service Area
NFA = Net Floor Area
GLA = Gross Leasable Area

Parking Ratio Comparisons	Funeral Homes	Gas Stations	Hotel / Motel	Restaurants
Fayetteville (Current)	n/a	4 per each enclosed service bay	1 per room + 1 additional space per employee	Excluding drive-throughs and those offering entertainment: 1 per 200 square feet of floor area. Restaurants with entertainment: 1 per 3 occupants based on current adopted Standard Building Code, City of Fayetteville
Bentonville, AR	n/a	4 per each enclosed service bay + 1 per employee + 1 per 1000 sq. ft. GFA	1 per guest room	1 per 4 occupants at maximum capacity + 1 per employee at largest shift; drive-in: 1 per employee + 1 per 100 sq. ft. GFA + additional spaces as determined by Planning Commission
Eureka Springs, AR	1 per 4 seats in the main chapel + 2 for employees + 1 for each vehicle used in connection with the business	1 per 300 sq. ft. TFA	Parking plan required	1 per 50 sq. ft. FA devoted to patron use within a building and 1 per 80 sq. ft. FA devoted to patron use not in a permanently fully enclosed area.
Fort Smith, AR	1 per 3 seats in chapel + 2 per viewing room	1 per bay + 1 per employee	1 per room + required spaces for restaurant and other commercial facilities + 1 space per 3 employees	Drive-in or drive-up: 1 per 100 sq. ft. customer service area + 1 per 3 employees + 5 queuing spaces per drive up window. Not drive-in or drive-up: 1 per 3 seats at Maximum Seating Capacity + 1 per employee
North Little Rock, AR	n/a	5 spaces	1 per guest room + an additional 10% of the total of all parking spaces required for developments larger than 20 rooms for employees and non-guest users patronizing meeting rooms, restaurants and other facilities.	1 per 100 sq. ft. GFA; drive-in: not less than 3 holding or stacking spaces for each service window
Rogers, AR	1 per 400 sq. ft. if assembly area + 1 per 300 sq. ft. of nonassembly area	n/a	1 per sleeping room + 1 per 25 sq. ft. of accessory facilities	1 per 4 seating capacity
Siloam Springs, AR	1 per 4 seats OR 1 per 40 sq. ft. of assembly area, whichever provides more spaces	1 per 300 sq. ft. FA	1 per bedroom + 1 per each 2 employees + 1 per each 200 sq. ft. FA available for assemblies.	1 per 100 sq. ft. FA
Pine Bluff, AR	20 spaces per chapel OR 1 per 4 permanent seats in the chapel, whichever is greater + 1 per employee + 1 per vehicle	3 per 1,000 sq. ft. GFA and 3 additional spaces per bay; Self Service: 10 per 1,000 sq. ft. GFA	1 per guestroom. If restaurant, 10 per 1,000 sq. ft. GFA of restaurant	Fast food: 20 per 1,000 sq. ft. GFA; Fast food, drive-in: 20 per 1,000 sq. ft. GFA; and 110 linear ft. of stack space calculated from the ordering station; Restaurant: 15 per 1,000 sq. ft. GFA

FA = Floor Area
GFA = Gross Floor Area
CSA = Customer Service Area
NFA = Net Floor Area
GLA = Gross Leasable Area

	Funeral Homes	Gas Stations	Hotel / Motel	Restaurants
College towns outside Arkansas				
Fort Collins, CO	n/a	n/a	1 per unit	fast food: 15 per 1,000 sq. ft. standard: 10 per 1,000 sq. ft.
Columbia, MO	1 per 5 seats in largest chapel + 1 per employee + 1 per facility vehicle	1 per 200 sq. ft. spaces at fuel pump islands are counted toward this requirement	1 per room + 1 per 20 rooms + 75% of spaces required for accessory uses.	1 per 100 sq. ft.; drive throughs must have 4 stacking spaces / window
Ames, IA	1 per 50 sq. ft. in slumber rooms, parlors and funeral service rooms	200 sq. ft. spaces at fuel pump islands are counted toward this requirement; Fuel Only: 3 per 1 employee; Service: 3 + 1 per service bay	1 per room + 6 per 1,000 sq. ft. of ballroom, meeting, bar and restaurant areas + 1 per 2 employees of the largest shift	14 per 1,000 sq. ft.; fast food: 12 per 1,000 sq. ft. in dining or waiting area, OR 1 per 2 employees if no seating
Grand Forks, ND	1 per 4 seats OR 25 spaces per chapel unit, whichever is greater	1 per 150 sq. ft. of retail floor area	1 per room + 1 per 3 employees on largest work shift + 1 per 3 persons to a maximum capacity of each public meeting and/or banquet room + 50% of spaces otherwise required for accessory uses	fast food: 1 per 50 sq. ft. GFA + 5 waiting spaces per drive-in lane + 1 per employee on the largest working shift
Suggested in "Parking"	n/a	n/a	1 per room + spaces for restaurant, lounge, banquet and meeting rooms + .25 per day shift employee	restaurant, cafes: 1 per 75 sq. ft. GFA Quality: 22 per 1,000 sq. ft. GLA + spaces required for any banquet or meeting rooms; Family: 12.3 per 1,000 sq. ft. GLA + spaces required for any banquet or meeting rooms; Fast food: 16.9 per 1,000 sq. ft. GLA for kitchen, serving counter and waiting areas + .5 per seat provided
Other Cities	1 per 100 sq. ft. of GFA (Bay City, MI)	1 per employee (Aurora, CO)	1 per room OR .75 per room + parking for accessory uses (Long Beach, CA)	Standard: 14 per 1,000 net sq. ft. (Bellevue, WA)
	1 per 4 seats + 1 per 2 employees + 1 reserved for each hearse, ambulance or company vehicle (Leesburg, VA)			Fast food: 1 per 100 sq. ft. GFA (Norman, OK)

FA = Floor Area
GFA = Gross Floor Area
CSA = Customer Service Area
NFA = Net Floor Area
GLA = Gross Leasable Area

Parking Ratio Comparisons		Schools - Elementary & Jr High	Schools - Senior High
Fayetteville (Current)	1 per 1200 sq. ft. of classroom area	1 per 500 sq. ft. of classroom area	
Bentonville, AR			
Eureka Springs, AR	Education: 1 per employee + sufficient space for safe and convenient loading and unloading of students + additional facilities for all student parking	Education: 1 per employee + sufficient space for safe and convenient loading and unloading of students + additional facilities for all student parking	
Fort Smith, AR	1 per employee + 1 per 20 students + 5 queuing spaces	1 per employee + 1 per 5 students at MSC	
North Little Rock, AR	Elementary: 1 per employee. Stacking space for dropoff and pickup shall be required on the site.	Secondary (7-12): 6 per classroom. Stacking space for buses and autos shall be required on the site.	
Rogers, AR	K-9: 1 per 1,200 sq. ft. FA	10-12: 1 per 800 sq. ft. FA + 1 per 4 stadium seats	
Siloam Springs, AR	n/a		
Pine Bluff, AR	1 per employee + 1/2 space per classroom	1 per employee + 1 per 10 students	

FA = Floor Area
GFA = Gross Floor Area
CSA = Customer Service Area
NFA = Net Floor Area
GLA = Gross Leasable Area

	Schools - Elementary & Jr High	Schools - Senior high
College towns outside Arkansas		
Fort Collins, CO	n/a	n/a
Columbia, MO	Elementary: 1 per employee + 1 per 15 students; middle and junior high: 1 per employee + 1 per 10 students	1 per employee + 1 per 4 students
Ames, IA	Greater of 2 per classroom OR 1 per 4 seats in auditorium	Greater of 1 per 2 students OR 10 per classroom OR 1 per 4 seats in auditorium
Grand Forks, ND	1 per teacher and staff member + 1 per 2 classrooms	1 per teacher and staff member on the largest shift + 1 per 5 nonbused students
Suggested in "Parking"	1 per classroom and other rooms used by students and/or faculty + .25 per student of driving age	1 per classroom and other rooms used by students and/or faculty + .25 per student of driving age
Other Cities	1 per 25 classroom seats (Leesburg, VA)	1 per employee + 1 per 8 students (Norman, OK)
	1 per 15 students of design capacity (Plano, TX)	1 per each 1.5 students, faculty and staff based on design capacity

FA = Floor Area
GFA = Gross Floor Area
CSA = Customer Service Area
NFA = Net Floor Area
GLA = Gross Leasable Area

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV, CHAPTER 172: PARKING AND LOADING, OF THE UNIFIED DEVELOPMENT ORDINANCE, CODE OF FAYETTEVILLE, TO PROVIDE AMENDMENTS TO AND CLARIFICATION OF PROVISIONS PERTAINING TO SHARED PARKING AGREEMENTS AND REDUCED PARKING IN MIXED-USE DEVELOPMENTS, AND TO PROVIDE AMENDMENTS TO PARKING RATIOS.

WHEREAS, different land uses incorporated within one development may have different peak demands for parking; and,

WHEREAS, a reduction in parking space requirements can reduce the amount of impervious surfaces in the community, and

WHEREAS, parking ratios for certain uses are not meeting parking demands,

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

Section 1. That §172.01, subsections A. through E., of the Unified Development Ordinance, Code of Fayetteville, is hereby repealed and Exhibit "A" attached hereto and made a part hereof, is adopted and inserted in its stead.

PASSED and APPROVED this _____ day of _____, 2002.

APPROVED

By: _____

DAN COODY, Mayor

ATTEST

By: _____

HEATHER WOODRUFF, City Clerk

ATTACHMENT "A"

§172.01 OFF-STREET PARKING LOT DESIGN REQUIREMENTS.

A. Purpose. The regulations of this section are intended to reinforce community standards and to promote safe and attractive parking lots for new, redeveloped, and expanded development within the City. The size, number, design, landscaping, and location of parking lots are regulated in order to:

1. Provide for the safe and orderly circulation of motor vehicles within parking lots.

2. Provide safe ingress and egress to parking lots from public and private streets.

3. Protect adjoining properties from the adverse impacts associated with parking lots such as noise, lighting, appearance, drainage, and effect on property values.

4. Provide adequate areas for off-street parking and storage of motor vehicles, while at the same time preventing over-supply of parking in mixed-use circumstances.

5. Enhance the appearance of parking lots in all zoning districts.

B. Parking Lot Construction Standards.

1. Permits and Plan. For parking lots containing five (5) or more spaces, building and grading permits and site and grading plans shall be required prior to any initiation of work.

c. Accessibility
Guidelines (ADAAG) for buildings and facilities, Appendix A to 28 CFR Part 36 or the current federal standard.

2. Surfacing. Parking lots shall be asphalt, semi-permeable soil pavers, or concrete, graded and drained to dispose of surface water into appropriate drainage structures.

3. Barriers. Parking lots shall be provided with wheel guards or curbs so located that no part of a parked vehicle will extend into or over the sidewalks, property lines, or street right-of-way.

4. Striping and Marking. Parking lots spaces shall be striped to indicate the location of the individual spaces, directional arrows shall be provided at the entrance of aisles and entry drives, and accessible spaces shall be marked meeting current Americans with Disabilities Act (ADA) requirements. Such striping and marking shall be in accordance with the Manual on Uniform Traffic Control Devices.

5. Accessibility.
a. Accessibility for persons with disabilities in parking lots and building approaches shall be as required by the current ADA and as may from time to time be amended.

b. Location and minimum stall size of accessible parking spaces, passenger loading zones, or valet parking facilities, when provided for public or governmental buildings and facilities, shall meet the standards adopted in the ADA.

d. Accessible parking spaces for persons with disabilities shall be identified with signs in accordance with the ADA of 1990 or the current federal statute.

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Curb ramps shall be provided in accordance with ADA of 1990 wherever an accessible route crosses a curb in the parking lot.

e. The following table shall be used to determine the minimum number of accessible parking spaces to be provided for persons with disabilities:

Total Parking Spaces in Lot or Garage	Minimum Number of Accessible Spaces
1--25	1
26--50	2
51--75	3
76--100	4
101--150	5
151--200	6
201--300	7
301--400	8
401--500	9
501--1000	2% of total spaces
Over 1000	20 spaces + 1 space for each 100 spaces

Total Parking Spaces in Lot or Garage	Minimum Number of Accessible Spaces
	over 1000

f. Facilities providing medical care and other services for persons with mobility impairments shall provide accessible parking spaces as follows:

(1).

Outpatient units and facilities shall provide a minimum of 10% of the total number of parking spaces provided serving each such outpatient unit or facility, but in no event shall less than one such parking space be provided.

(2). Units and

facilities that specialize in treatment or services for persons with mobility impairments shall provide 20% of the total number of parking spaces provided serving each such unit or facility, but in no event shall less than one such parking space be provided.

g. Multifamily

dwelling units shall provide accessible parking spaces as follows:

(1).

Accessible parking shall be provided which meets the provisions in the Final Housing Accessibility Guidelines, 24 CFR, Chapter 1, Subchapter A, Appendix II, of the Fair Housing Act of 1968, as amended, or the current federal standard.

(2).

Designated accessible parking shall be provided for at least 2% of the dwelling units and at facilities such as swimming pools and clubhouses that serve accessible buildings. Additional designated accessible

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parking shall be provided on request of residents with disabilities, on the same terms and with the full range of choices that are provided for other residents of the development.

(3).

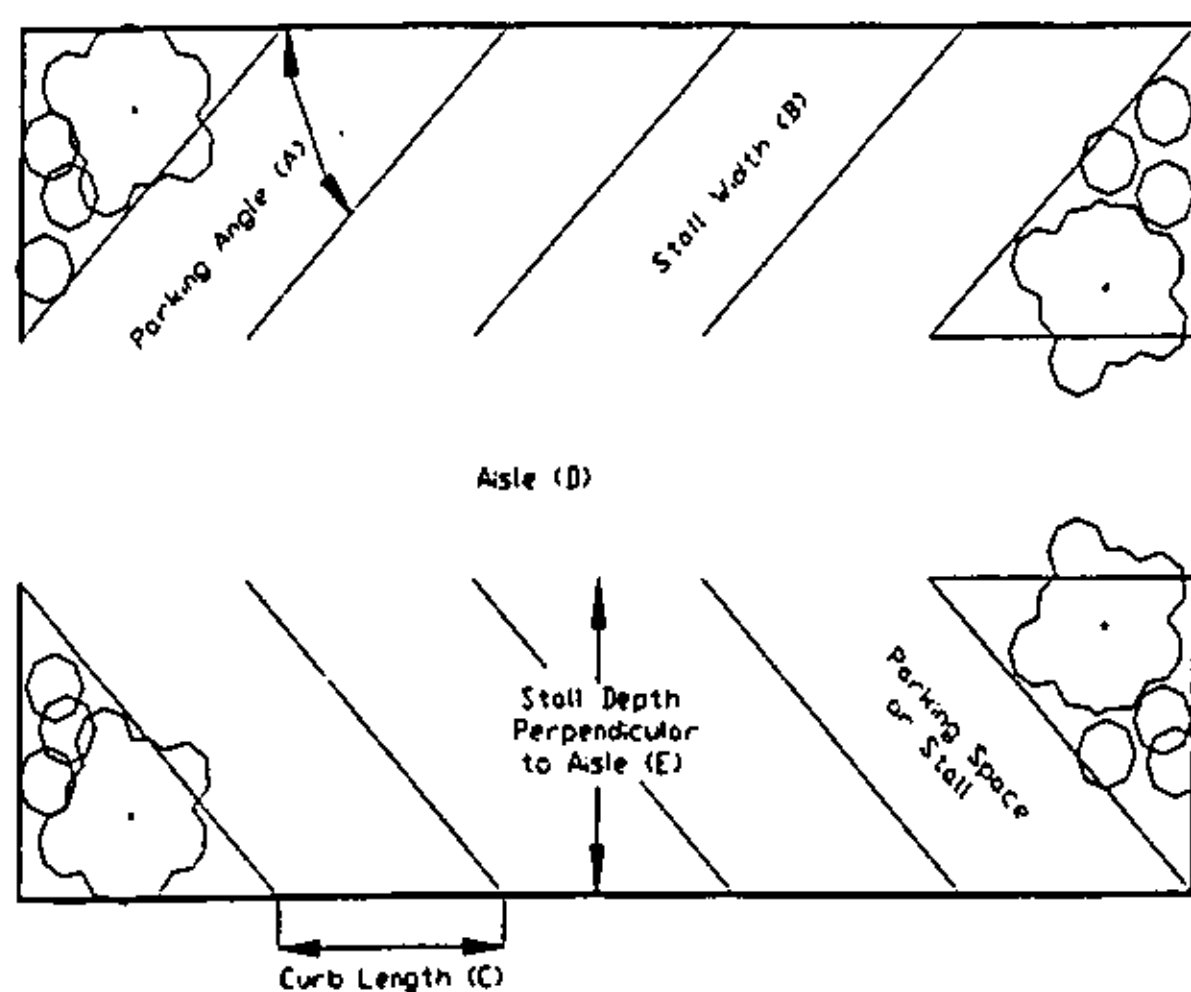
Accessible visitor parking that provides sufficient access to grade level entrances of multifamily dwellings is also required.

C. Parking lot design standards.

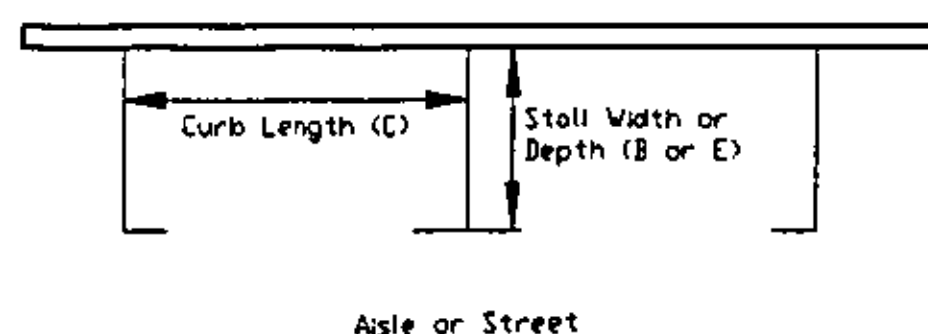
1. Maneuvering. Parking lots shall be designated, maintained and regulated so that no parking or maneuvering incidental to parking will encroach into the areas designated for sidewalks, streets, or required landscaping except as provided for in §F.1.b. Parking lots shall be designed so that parking and unparking can occur without moving other vehicles. Vehicles shall exit the parking lot in a forward motion.

2. Compact Spaces. A maximum of 35% of the total spaces may be compact spaces. Compact spaces shall be marked either by marking on the pavement or by separate marker.

Parking Dimension Factors



Angled Parking



Parallel Parking

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3. TABLE 1. DIMENSIONAL REQUIREMENTS:

Angle (A)	Type	Width (B) (In Feet)	Curb Length (C) (In Feet)	1 Way Aisle Width (D) (In Feet)	2 Way Aisle Width (D) (In Feet)	Stall Depth (E) (In Feet)
0°	Standard	8	22.5	12	24	8
Parallel	Compact	7.5	19.5	12	24	7.5
30°	Standard	9	18	12	24	17
	Compact	7.5	15	12	24	14
45°	Standard	9	12.5	12	24	19
	Compact	7.5	10.5	12	24	16
60°	Standard	9	10.5	18	24	20
	Compact	7.5	8.5	15	24	16.5
90°	Standard	9	9	24	24	19
	Compact	7.5	7.5	22	24	15

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4. Illumination of Parking areas. Parking areas may be illuminated. All lighting shall be: shielded and directed away from adjoining properties; attached to on-site buildings or fences where possible; and shall not be excessively bright or cause a glare that would be hazardous to pedestrians or vehicles. Only high pressure sodium lighting or energy equivalent are allowed.

5. Parking Lot Entrances.

a. Throat Length.

The length of driveways or "throat length" shall be designed in accordance with the anticipated storage length for vehicles to prevent them from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. General standards appear below, but these requirements may vary according to the projected volume of the individual driveway. These measures generally are acceptable for the principal access to a property and are not intended for minor driveways. Variation from these standards may be permitted for good cause upon approval of the City Planner and City Engineer.

TABLE 2:

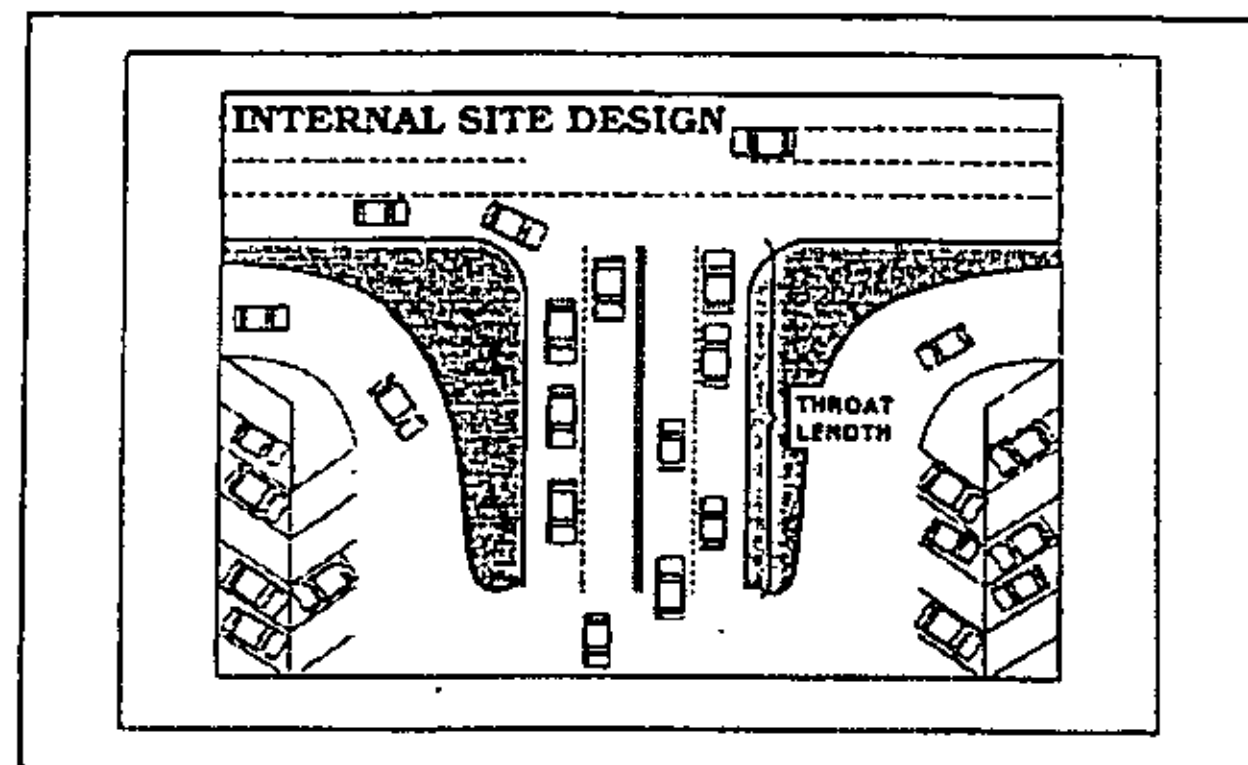
GENERALLY ADEQUATE DRIVEWAY THROAT LENGTHS

Shopping Centers (Signalized)	>200,000 GLA* (800) spaces	200 ft.
Smaller Developments (Signalized)	≥200,000 GLA*	75--9 5 ft.

Shopping Centers (Signalized)	>200,000 GLA* (800) spaces	200 ft.
Unsignalized driveways		40--6 0

*GLA-Gross leasable area

Commentary: The throat lengths in Table 2 are provided to assure adequate stacking space within parking lot driveways for general land use intensities. This helps prevent vehicles from stacking into the thoroughfare as they attempt to enter the parking lot. High traffic generators, such as large shopping plazas, need much greater throat length than smaller developments or those with unsignalized driveways. The guidelines here for larger developments refer to the primary access drive. Reduced throat lengths may be permitted for secondary access drives serving large developments.



b. Entrances and internal aisle design. The driveway width into parking lots shall meet the following guidelines:

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(1).

Entrances.

(a). If the driveway is a one-way-in or one-way-out drive, then the aisle widths shall be a minimum of 12 feet wide up to a maximum of 15 feet wide.

(b). For two-way access, each entrance lane shall be a minimum of 12 feet wide and a maximum of 15 feet wide. Whenever more than two lanes are proposed, entrance and exit lanes shall be divided by a curbed, raised, landscaped median. The median shall be ten feet wide if three lanes are being proposed or 15 feet wide if four lanes are proposed.

(c). Drive-ways that enter the major thoroughfare at traffic signals must have at least two outbound lanes (one for each turning direction) and one inbound lane.

(d). All commercial driveways should have a minimum curb radius of 25 feet.

(2). Internal

Circulation Drives.

(a). Aisles shall be designed so that they intersect at 90 degrees with internal drives where practicable.

(b). Aisles shall be designed to discourage cut-through traffic by use of landscape islands.

(c). Aisles shall conform to §172.01 (c) (3) with the exception of aisles that connect to Commercial Driveways. Aisles connecting to Commercial Driveways may be permitted to

be 27 feet in width when the driveway is in conformance with §171.13(B)(6).

D. Standards for the Number of Spaces, by Use.

1. Off-Street Parking.

Except as provided in b. and c. below, off-street parking spaces shall conform to the requirement in Table 3 Parking Ratios. Parking requirements shall be met at the time any building or structure is erected, enlarged, or increased in capacity, changed in use, or any outdoor use is established or enlarged. In mixed-use developments or in cases of shared parking agreements, parking requirements may be reduced at the property owner's request as outlined in 172.01 D.4 Reduced Parking within Mixed Use Developments.

a. Except as outlined in b. and c. below, change of use in mixed-use developments or developments that have entered an approved shared parking agreement requires a parking demand analysis using Table 4 Parking Occupancy Rates. The property owner shall notify the Planning Division when a change of use is proposed. A forecast deficiency greater than 15% must be met by the construction of additional parking spaces, payment of in-lieu fees, support of shuttle service, other trip reduction programs satisfactory to the city, or a combination hereof.

b. In C-3 and C-4 zoning districts, parking requirements are waived for any existing structure with a change of use. New construction, razed buildings or enlarged buildings shall conform to the parking requirements of the City of Fayetteville. For enlarged buildings,

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additional parking spaces will be calculated by the amount of square footage that is added.

c. In C-3 and C-4 zoning districts, parking requirements are waived for the square footage "footprint" of any building which existed and has been removed since October 1, 1995, in order to rebuild.

2. Maximum/Minimum

Number Allowed. Parking lots may contain up to 30% more spaces than the required spaces and 30% less spaces than the required spaces. Any additional spaces above 30% or below 30% shall be allowed only as a conditional use and shall be granted in accordance with Chapter 163, governing applications of conditional uses; procedures, and upon the finding that additional spaces are needed.

Table 3. PARKING RATIOS
(Use/ Required Spaces)

Residential

Single-family, duplex, triplex	2 per dwelling unit
Multifamily or townhouse	1 per bedroom

Commercial

Auditorium	1 per 4 seats
Barber or beauty shop	2 per chair
Hotels and motels	1 per guest room plus 75% of spaces required for accessory uses

Amusement	1 per 200 square feet of floor area
Retail	1 per 250 square feet of floor area
Coin-operated laundry	1 per 3 machines
Regional antique and furniture store	1 per 500 square feet of floor area
Restaurants	1 per 100 sq. ft. GFA plus 4 stacking spaces per drive-through window
Hospital and convalescent home	1 per bed
Auto/motorcycle service stations	4 per each enclosed service bay
Commercial recreation-large sites	1 per 1000 square feet of site area
Bank	1 per 200 sq. ft. of GFA
Retail Fuel Sales with Convenience Stores	1 per 200 sq. ft. of retail FA; spaces at pump islands are counted toward this requirement
Retail Fuel Sales Only	3 per each employee; spaces at pump islands are counted toward this requirement

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Office

Professional office	1 per 300 square feet of GFA
Sales office	1 per 200 square feet of gross floor area

Public and Institutional Uses,
Nonprofit Commercial.

Auditorium	1 per 4 seats, provided only auditorium space is counted in determining parking
Art gallery, library, museum	1 per 1000 square feet of floor area
<i>Child care center, nursery school</i>	<i>1 per employee plus on-site loading and unloading spaces at a rate of 1 per 10 children accommodated</i>
<i>Church / Religious Institution</i>	<i>1 per 4 seats in the main auditorium or 1 per 40 sq. ft. of assembly area, whichever provides more spaces</i>
College or university	1 per 500 square feet of classroom area
College dormitory	1 per sleeping room
College auditorium	1 per 4 seats
<i>Community center</i>	<i>1 per 250 sq. ft. of GFA</i>

Detention home	1 per 1500 square feet of floor area
Government facilities	1 per 500 square feet of floor area
Hospital	1 per bed
Convalescent home	1 per bed
<i>School-elementary and junior high</i>	<i>1 per employee plus 1 space per classroom</i>
<i>School-senior high</i>	<i>1 per employee plus 1 per 5 students based on design capacity or 1 per 6 seats in auditorium or other places of assembly, whichever is greater</i>
Zoo	1 per 2000 square feet of land area
All other public and institutional uses (only auditorium space shall be counted for churches, auditoriums, or group occupancy space)	1 per 4 occupants
<i>Funeral Homes</i>	<i>1 per 4 seats in main chapel + 1 per 2 employees + 1 reserved for each vehicle used in connection with the business</i>

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Manufacturing/Industrial

Manufacturing	1 per 1200 square feet of gross floor area or one per employee, whichever is greater
Heavy industrial	1 per 1200 square feet of floor area
Extractive uses	Adequate for all employees, trucks, and equipment

Recreational Uses

Golf course	3 per hole
Park	2 per acre
Playfield, playground	none
Private club or lodge	1 per 500 square feet of floor area or 1 per 3 occupants based on the current adopted Standard Building Code whichever is greater
Riding stables	1 per acre: not required to be paved
Golf driving range	1 per tee box
Bowling alley	6 per lane
Tennis court	2 per court

Theater	1 per 4 seats
Commercial recreation-large sites	1 per 1000 square feet of site area
Commercial recreation	1 space per 200 square feet of floor area
Amusement park, miniature golf	1 per 1000 square feet of site area
<i>Dance hall, bar or tavern</i>	<i>1 per 50 sq. ft. of GFA, excluding kitchen</i>
All other recreational uses	1 per 4 occupants

Warehousing and Wholesale

Warehousing	1 per 2000 square feet of floor area
Wholesale	1 per 1000 square feet of floor area
Center for collecting recycled materials	1 per 1000 square feet of floor area

3. Shared Parking. *Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancies occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.*

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(a) Shared Parking Between Developments. Formal arrangements that share parking between intermittent uses with non-conflicting parking demands (e.g. a church and a bank) are encouraged as a means to reduce the amount of parking required.

(b) Shared Parking Agreements. If a privately owned parking facility is to serve two or more separate properties, then a "Shared Parking Agreement" is to be filed with the City for consideration by the Planning Commission.

(c) Shared Spaces. Individual spaces identified on a site plan for shared users shall not be shared by more than one user at the same time.

4. Reduced Parking within Mixed Use Developments. Parking requirements may be reduced where it can be determined that the peak parking demand of the existing or proposed occupancies occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.

(a) Request for Parking Space Reduction. A shared parking plan must be prepared to the satisfaction of the Planning Commission showing that parking spaces most conveniently serve the land uses intended, directional signage is provided if appropriate, and pedestrian links are direct and clear.

(b) Calculating Parking Space Reductions. Parking space reductions can be determined by a calculation using Table 4 Parking Occupancy Rates. If the calculation does show a parking space regulation reduction to be feasible, the applicant shall submit a Parking Reduction Worksheet showing the process for calculating the reduction as

outlined herein. The calculation using Table 4 Parking Occupancy Rates shall be conducted as follows:

(1.)

Determine minimum spaces required. The minimum number of parking spaces that are to be provided and maintained for each use shall be determined by using Table 3 Parking Ratios.

(2.) **Calculate occupancy rates.** The minimum number of parking spaces shall be multiplied by the "occupancy rate" (the percentage) provided in Table 4 Parking Occupancy Rates, for each use for the weekday night, daytime and evening periods, and weekend night, daytime and evening periods, respectively.

(3.) **Sum parking spaces.** Sum the parking spaces for the combined uses for each time period. The number of parking spaces from the time period with the highest calculated number of parking spaces shall be the number of spaces required for the shared parking facility.

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Table 4. PARKING OCCUPANCY RATES – Percent of Basic Minimum Needed During Time Period

Uses	M-F 8am-5pm	M-F 6pm-12am	M-F 12am-6am	Sat. & Sun. 8a.m-5pm	Sat. & Sun. 6pm-12am	Sat. & Sun. 12a-6am
Land Use Categories						
Residential	60%	100%	100%	80%	100%	100%
Commercial*	90%	80%	5%	100%	70%	5%
Office	100%	20%	5%	5%	5%	5%
Public & Institutional Uses (non-church)	100%	20%	5%	10%	10%	5%
Public & Institutional Uses (church)	10%	5%	5%	100%	50%	5%
Manufacturing/Industrial	100%	60%	40%	50%	30%	10%
Warehouse/Wholesale	100%	20%	5%	5%	5%	5%
Recreation	40%	100%	10%	80%	100%	50%
Specific Commercial Uses						
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Theater	40%	80%	10%	80%	100%	10%
Conference/Convention	100%	100%	5%	100%	100%	5%

Source: Shared Parking Planning Guidelines, Institute of Transportation Engineers

* Some specific commercial uses have different occupancy rates. Check under "Specific Commercial Uses with the rest of the table.

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E. Parking Lot Location Standards. The location of all required and nonrequired parking lots with five or more spaces shall meet the location requirements below. All conditional uses hereunder shall be granted by the Planning Commission in accordance with Chapter 163, governing applications of conditional uses; procedures.

1. Permitted Locations by Right. Parking lots shall be located within the same zoning district as the use they serve. Required parking lots for uses allowed by right within a zoning district are allowed as a use by right in the same zoning district.

2. Permitted Locations as a Conditional Use.

a. Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.

b. Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

The Planning Commission shall make a finding based upon the size, scale, and location of these activities that the proposed parking lot will not adversely affect adjacent residential uses or the residential character of the neighborhood.

Cross Reference: Use Conditions, Chapter 163.

3. Off-Site Locations. If off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.

4. Intermittent Parking. Uses which generate only intermittent demand for parking, such as churches, may count available on-street parking within 600 feet of the building as part of required parking, subject to the approval of the Planning Commission.

July 8, 2002

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ADM 01-19.00 Administrative Item (Off-Street Parking Ordinance Amendments) to revise Section 172.01 Off-Street Parking Lot Design Requirements of the City of Fayetteville Unified Development Ordinance to provide a method for reducing off-street parking requirements for properties that share a common parking facility and to revise parking ratios for certain uses.

Hoffman: Our second proposed ordinance this evening is ADM 01-19.00 which is the parking ordinance amendments ordinance to revise § 172.01 off-street parking lot design requirements in the City of Fayetteville Unified Development Ordinance to provide a method for reducing off-street parking requirements for properties that share a common parking facility and to revise parking ratios for certain uses. Tim or Dawn would you like to give us an introduction and then we will have presentations?

Conklin: Sure. This ordinance started approximately about a year and a half ago it started with a meeting with Mayor Dan Coody and talking about the ability to reduce parking through a shared parking between mixed use developments. From there, Laura Kelly, a Fayetteville citizen prepared an ordinance to put in front of the Planning Division based on some work that was done by I.T.E., Institute of Traffic Engineers, that looked at shared parking ratios. Staff asked that they get with the Downtown Dickson Street Enhancement Project to discuss this shared parking within mixed use developments ordinance, D.D.E.P. did review it and they did send a letter in support of this ordinance. At this time I am going to let Shelli Rushing go over the ordinance that is proposed before you tonight. When we initially brought it forward there was a request to also look at our parking ratios. We have quite a few conditional use requests for restaurant parking and bank parking. Staff has gone forward and we have provided those parking ratio amendments also as part of this request.

Rushing: The main things I want to point out to you in regards to the Shared Parking Ordinance are two items on page 2.16 starting at the top of the page. This is the newest portion of the ordinance with the exception of the parking ratios and it does address shared parking between developments and setting up those agreements and identifying the number of shared spaces that we basically currently have. The newest portion is the number four reduced parking within mixed use developments and what this does is use table 4 on page 2.17 using the occupancy rates and using the calculation to determine the number of spaces needed for both or one or more developments that are involved within sharing a parking space to determine the maximum amount of spaces needed. Those are for land uses that typically have different peak demand times such as a bank and a church is a good example of land uses that would be able to share parking. That is the shared parking agreement. We also have in your packet, we put together a worksheet so that we could clarify how that calculation is determined because it originally started out kind of confusing. I think based on comments from the last time we were before you, we have included those and tried to clean up the description of the calculation. Then in regard to the parking ratios, what we did is

we took a look at our existing ratios. We looked at some of the requests that we have had for conditional use permits to increase the amount of parking and looked at some other ordinances not only just in Arkansas, but also outside of Arkansas and looked at some standards and tried to find those land uses where we felt that we needed some clarification or we actually needed an actual parking ratio, which we didn't have on a few of them. We are proposing a new category for funeral homes, which would be one per four seats in the main chapel, one per two employees, and one reserved space for each vehicle that is used in connection with that business. Another new category is fuel sales with convenience stores and fuel sales only. I think everything kind of fell into gas service stations. We separated those into three separate categories. Another change that we are recommending is that right now we have restaurants excluding drive-thrus, and those that offer entertainment and then we also have restaurants that offer entertainment. What we kind of do is try to clarify that a little bit and come up with a new category, which is strictly restaurants which is one per one hundred square feet of gross floor areas plus four stacking spaces for any drive-thru window. Those are the new categories. The other categories, you have had a chance to take a look at this. We are proposing some slightly revised ratios based on some of the research that we have done.

Hoffman: Thank you.

Bunch: On the new category on fuel sales only, does that need to be described as maybe retail or wholesale or what does that encompass?

Rushing: Strictly fuel sales.

Bunch: Would it be like a bulk plant for wholesale sales or would it be like a retail outlet?

Rushing: I think we would apply it to both situations.

Conklin: It does state with convenience store.

Bunch: No, that is the next category. Fuel sales only is this one. The question becomes is that to include a bulk plant where they have the trucks and everything that are hauling to the retail stations?

Hoffman: There is only one that I know of in Fayetteville, off of Sixth and Razorback, there is purely a fuel sales facility that doesn't have a convenience store attached to it and I think that they sale wholesale and retail both. I am sorry I don't know the name of the business but that is the only one I know of.

Conklin: Mitchell Oil Company.

Hoffman: Do you know of any others in town?

Conklin: That is the only one I can think of.

Bunch: At one time in this town we had quite a few outlets that were help yourself stations where there was basically a little window and a trailer or something like that and some fuel pumps. You know, these things go in cycles. My question is if from past experience of what we have seen in this town, if we should encompass those types of installations and also to differentiate from a bulk oil wholesale operation and a retail outlet.

Conklin: I am trying to understand your question. Would that be from a refinery?

Bunch: An oil distributor. Someone who has the trucks and the equipment and the large tanks and they haul the oil and gasoline products to retail outlets.

Conklin: Would it be like an industrial park use? You are going to have tanks and trucks?

Bunch: Like a Mitchell Oil Company. Just an outfit that sells to other service stations, convenience stores, it is more of an industrial application.

Hoffman: Can I ask you a question Commissioner Bunch? When we talk about three spaces per each employee and spaces of the pump islands are calculated towards this requirement. Do you have a problem with the actual parking ratio for this use or do you have further questions about the use? I think the use is we can get some more in Fayetteville or not but how does this pertain to the parking?

Bunch: Where it just says fuel sales only, a bulk plant operation has maybe several employees that are driving trucks that they pick up products on site and deliver to other sites. What we may be doing by not being more descriptive in our definition, we may be requiring considerable amount of parking at a bulk plant operation when it is not necessary.

Hoffman: I would suggest then that the staff take a look at other types of facilities like that and see if they need to have reserved spaces for the trucks and then how many people actually work at those facilities. We are having reserved spaces for the funeral home specialty vehicles, I guess we could reserve spaces for the trucks too.

Bunch: I am just trying to get a differentiation between a wholesale distributor type operation and a retail outlet because it seems like it would be an adverse burden. My question is what is the intent of what it says here?

Hoffman: Would it clear it up if we just put wholesale fuel sales only?

Williams: I think that actually means retail.

- Bunch: I think it should be retail. That is what my question is. Apparently it is quite confusing because the intent is probably retail.
- Rushing: Yes.
- Hoffman: Then do a separate category for wholesale and that should clear it up.
- Bunch: That would clear it up.
- Church: Just a quick question for Shelli. On the table on 2.17 it lists out commercial, would retail fall in that? I know there is an asterisk there but I don't know what that means exactly. Would retail fall under commercial because that is kind of its own category instead of falling into commercial. I am just wondering if maybe we should list retail separately because the hours might be different than the normal commercial category.
- Rushing: At this point we would interpret that retail would fall into that commercial category. This was some of the research that was put together by Laura Kelly and she came up with these land use categories. I don't know if in her research she found a specific category for retail or not.
- Church: That might just be something to take a look at.
- Hoffman: Does anybody have any other questions for Shelli before we take public comment?
- Estes: Shelli, in the material that you provided us regarding the restaurant parking, we are told that based on the historic data that the average is 14.9 spaces per 1,000 sq.ft. and that that excludes Chili's and then in table three we have got one per 200 sq.ft. of floor area, which his of course five spaces per 1,000 sq.ft. Again, my concern is is there something that we can do to get that current ratio for restaurants up to a more realistic level that is consistent with the historical data? I guess another way of saying it is why did you set it at one per 200 sq.ft. of floor area knowing that the historic data is that we do about three times that?
- Rushing: That was something that we really tried to take a look at. Keep in mind that these are requests for conditional use permits for more parking. We did not want to set the minimum requirements so high that we had restaurants not being able to meet that requirement. These are particular situations where they requested an amount of parking spaces significantly higher than what we currently not only require but allow. We did not want to set our minimum requirements so high that those other restaurants would not be able to meet it. We didn't want to go to extremes with it but still wanted to be able to try to catch some of those conditional uses that we have coming in. This does catch a few of them, it does not catch all of them.

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- Warrick: I would just add on that in the area on table three that you are looking at, the one per 200 sq.ft. of floor area for restaurants. If you will look the proposed ratio on that is to delete that category and two down below that is a proposed new category that changes the ratio to one per one hundred sq.ft. of gross floor area plus stacking room. The one per 200 is what we currently have.
- Estes: So we are going to continue to hear variance requests on a case by case because one per 100 is way below what the historic average is. In other words, what I am saying is simply stated can we sieze the moment and use this as an opportunity and set these ratios closer to the historic data so that we don't force applicants to come to us time and time again with these variance requests for restaurant parking?
- Conklin: We looked at table one and for McAllister's and Guido's that ratio works for them. If you wanted to set it for the other type of restaurants it would be the fifteen per 1,000 sq.ft.
- Rushing: Fifteen per 1,000 sq.ft. is the next level that we were looking at. When we took at that you will see when you look on table two, J.D. China and Guido's, the number of spaces J.D. China provided was 57. If we go to 15 per 1,000 sq.ft. they would have had to have provided 93 spaces. Those seemed a little extreme to us and we didn't want to have such significant requirements for some of the smaller restaurants. The same with Guido's. They ended up providing 40 spaces and with the 15 per 1,000 sq.ft. they would have had to have provided 64.
- Hoffman: Could we look at instead of holding fast at one per 100 sq.ft., could we put in a percentage and say as long as they fall within some percentage within 50% to 100% of this number, if they didn't want to put that many in they wouldn't have to? It is all based on performance data on these chains that have got a pretty good idea of what they need.
- Rushing: I believe we could put together something along those lines.
- Williams: That is why I recommended that you give the Planning Division more power. Right now we say the minimum and maximum number is this. In other words, this is the number and then you say well you've got 20% that the Planner has. I recommend that you go at least 30% with the Planner to give them more wiggle room. The same number right now by ordinance is the minimum and maximum number and really I think that we can rely upon our city Planning Division to use their discretion appropriately. I think 20% up and down from that is not enough variation between different kinds of restaurants and I would rather have you all recommend to the City Council that we give the Planning Division more discretion, more leeway between those two numbers. That is why I recommended 30% as opposed to 20%. Maybe that is not even enough but that would at least take care of some of these problems with different sorts of restaurants.

Shackelford: Could we not set a minimum and maximum and have a range?

Hoffman: That is what I was talking about.

Shackelford: You are talking about just a variance from that. Would it be a request for less parking spaces too?

Hoffman: Yes. It happens sometimes. I think you have people that have a high percentage of drive thru and things like that that this would take them into account. Does anybody have anymore questions before we take public comment?

Estes: With regard to the schools, considering the gymnasium and the auditorium, is there any way to calculate that on a square footage basis and fall into something like we do for community centers?

Rushing: I believe we could do something like that.

Estes: How would you suggest that that be done? I have got the idea but I don't have the technical expertise to implement that idea. How would we do that?

Rushing: We would have to find a way to coordinate it with what they would be providing for student use. That would be used for auditorium use as well. What I have seen in some of the other ordinances is that they will do one per 10 students based on current enrollment or the one per four seats in the auditorium and whichever one is higher is what they would require. So, you could do something along those lines.

Hoffman: Ok, anybody else? Thanks Shelli. We will get back to you because I'm sure we have got more questions. We appreciate it. I will now open the floor for public comment.

Kelly: Hi, I am Laura Kelly, a citizen of Fayetteville. I just want to state that number one remember when we are talking minimum requirements flexibility is such a great idea. I am glad you brought that up because when we are talking about land for cars it doesn't help the developer or the city when we take space away and pave it over so flexibility is a good thing and that is why the shared parking element was expanded and introduced to allow in certain circumstances in which you do have some mixed uses with complementary demands on parking, it is really to the advantage of everyone to increase the profitability of that site by allowing some more buildable area. Also, in the categories of minimal use you have feed lot wholesales and emergency medical technicians. You are going to have too many categories if you try to cover everyone and I think it is just really good to streamline and allow flexibility and usability and that is all my comments. Thank you.

MOTION:

Hoffman: We want to thank you too for the time that you have put into this. I know you spent a lot of your personal time on helping the city with your ideas and so forth so thanks Laura very much. Would anybody else like to talk to us about this? I will go ahead and close public comment and bring it back to staff and to the Commission for additional suggestions or motions or whatever. I have just a couple of housekeeping items. I would like to add a category for nightclubs and taverns that is currently not listed. I don't know what to suggest for those ratios but I think that they have one space per four seats is kind of a national standard. I hesitate to bring up outdoor seating areas but I think it is something that we should address at some point and those are not covered. I am not sure whether we want to go ahead and exempt places that are putting in fewer than 10 or 15 seats because I think that most of our small bars have limited outdoor seating that is seasonal in nature so I will just throw that idea out and you can think about it and work with it. I would also like to add a standard for queuing spaces for any drive-thru facility, banks, restaurants, so whatever. Are there any other comments? I would like to go ahead and move that the Planning Commission approve this for forwarding to the City Council to the Ordinance Review Committee for their consideration in taking into account all of the comments that have been mentioned this evening with regard to retail commercial, the restaurant upper and lower limits, and I am sure that I am forgetting something. I apologize, it has been a long meeting but that is my motion.

Bunch: Is that to include the queing?

Hoffman: Yes, everybody's comments and the wholesale verses retail fuel sales.

Bunch: Nightclubs and taverns.

Hoffman: Nightclubs, taverns, outdoor seating.

Bunch: At what point in time do those standards get developed and get inserted?

Hoffman: I think that between the time, this is something I personally trust staff with. They have done an excellent job of researching what is done nationally and what seems to be a national standard and these really don't vary that much. If you guys can find similar cities of similar size and use those ordinances as a guide then I have no problem with them inserting that. We are all free to go to the public meetings that will occur and if this goes to the Ordinance Review Committee.

Bunch: I will second.

Hoffman: I have a motion and a second. Is there any additional comment? Renee, would

you call the roll please?

Roll Call: Upon the completion of roll call the motion to approve ADM 01-19.00 was approved by a vote of 8-0-0.

Hoffman: Thank you. The motion carries unanimously. Thank you everyone for your hard work and efforts. We do appreciate it. That concludes our agenda for this evening. Tim, do we have any announcements?

Conklin: I would just like to remind the Commission that we are scheduling a Planning Commission retreat. I believe that that is July 29th. If you put that on your calendar we will get more information to you. That is all I have.

Hoffman: Ok, thanks Tim. We will adjourn this meeting. Thank you everybody and have a great night.

Meeting adjourned: 8:08 p.m.

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of August 20, 2002.

FROM:

Tim Conklin
 Name

Planning
 Division

Urban Development
 Department

ACTION REQUIRED: To adopt an ordinance that minimizes the impact of outdoor lighting on adjacent properties and improves nighttime visibility.

COST TO CITY:

\$ - N/A

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

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and on July 8, 2002 the Planning Commission voted 8-0-0 to forward the ordinance to the City Council for review by the ordinance review committee, which reviewed this ordinance on July 23, 2002, and recommended it go to the full Council.

Division Head

Date

Cross Reference

Department Director

Date

New Item: **Yes**

Administrative Services Director

Date

Prev Ord/Res #: _____

Mayor

Date

Orig Contract Date: _____

Orig Contract Number: _____

Consent
 New ✓

TTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Ordinance Review Committee
FROM: Shelli Rushing, AICP, Associate Planner
THRU: Tim Conklin, AICP, City Planner
DATE: August 2, 2002

BACKGROUND

ADM 01-15: Administrative Item (Outdoor Lighting) to adopt an ordinance that minimizes the impact of outdoor lighting on adjacent properties and improves nighttime visibility.

Complaints received by planning staff about outdoor lighting located within several new developments in Fayetteville prompted the Planning Commission to consider adopting an outdoor lighting ordinance.

Staff presented preliminary research of existing outdoor lighting ordinances throughout the country. The Planning Commission appointed a four person subcommittee to discuss the issues related to drafting an outdoor lighting ordinance. The subcommittee met six times between May 9 and November 14.

January 28, 2002 – Planning Commission Meeting

The proposed outdoor lighting ordinance was discussed at and the Planning Commission voted 8-1-0 to table the item for further review. Issues identified included the applicability of the ordinance to single family and two family dwellings; waivers / variances / appeals; temporary lighting for construction lights; industrial uses; and low voltage lighting.

The subcommittee reviewed the ordinance and comments submitted by Planning Commissioners. Michael Green attended the meeting and offered to provide suggestions for the ordinance. The subcommittee agreed to incorporate the comments provided by Mr. Green.

July 8, 2002 - Planning Commission Meeting

Planning Commission approved that the proposed outdoor lighting ordinance be forwarded to the Ordinance Review Committee along with the memo provided by Mr. Michael Green at the public hearing on July 8, 2002.

CURRENT STATUS

On July 23, 2002, the Ordinance Review Committee recommended to forward the outdoor lighting ordinance to the City Council and invite Mr. Michael Green to attend the meeting.

RECOMMENDATION

Approve the outdoor lighting ordinance upon discussion and decision of the following questions:

1. Will the outdoor lighting ordinance apply to street lights?
2. Should the lumen limits for non-cutoff, semi-cutoff and cutoff be increased? If so, to what amount?

The proposed outdoor lighting ordinance can be summarized as follows:

1. The ordinance applies to all new outdoor lighting installations in all zoning districts, with the exception of single family and two family units.
2. Any fixture being replaced must also comply.
3. The following exemptions are provided: temporary outdoor lighting, construction or emergency lighting, fossil fuel fixtures, landscape lighting, airport lighting, security lighting, searchlights, and egress lighting.
4. Blinking, flashing, and animated lights as well as lights on towers are prohibited.
5. The lighting standards to reduce light trespass are based on IESNA.
6. Upward lighting is allowed as long as 95% of the light is reflected back down.
7. Horizontal lighting is allowed as long as at least 90% of the light falls on the façade, monument or architectural feature.
8. Non-cutoff fixtures are allowed for bulbs with 260 or less initial lumens. *(See Table 1)*
9. Semi-cutoff fixtures are required for bulbs between 261 and 8,500 initial lumens. *(See Table 1)*
10. Cutoff fixtures are required for bulbs more than 8,500 initial lumens. *(See Table 1)*
11. All fixtures must be fully shielded to reduce glare, unless advanced or alternative technologies can be used that meet the intent of the ordinance.
12. Light projected at the property line of a residential use or residential zone shall not exceed 1.5 foot-candle, measured at a horizontal position approximately three (3) feet above grade.
13. Lighting for vehicular canopies must not create glare off-site, using recessed fixtures or indirect lighting.
14. Outdoor recreational and entertainment facilities must turn lights off at 11 p.m., except to conclude an event that began prior to 11 p.m.
15. Upward flagpole lighting is only allowed for governmental flags.

Table 1
Fixture Types

	90° Cutoff Angle (c.a.)	80° Cutoff Angle (c.a.)
Non-cutoff	No limit	No limit
Semi-cutoff	5% emitted above c.a.	20% emitted above c.a.
Cutoff	2.5% emitted above c.a.	10% emitted above c.a.
Full Cutoff	0% emitted above c.a.	10% emitted above c.a.

From: Mike Green <mgreen@greenanderson.com>
To: 'Shelli Rushing' <srushing@ci.fayetteville.ar.us>
Date: 5/31/02 5:05PM
Subject: RE: outdoor lighting

Shelli,
I have driven around town and tried to identify examples of Full Cutoff, Cutoff, Semi-Cutoff, and Non-Cutoff outdoor lighting fixtures. There may be some overlap and error since I could not get eye level to the fixtures, but the following are my best guesses:

Full Cutoff Types-
Fiesta Square parking lot.
Citgo Station canopy @ Crossover Rd and HW 45
Target Store
NWA Mall
Jones Motor Cars
McNair Middle School

Cutoff Types-
Landers Auto Park
WRMC Parking Deck
Walmart Neighborhood Market
Crossover Harps
Street lights on N. College Av.
Walmart Supercenter near Mall
Kohl's

Semi-Cutoff Types-
Hobby Lobby parking lot
Rozorback 6 Cinema
IGA @ College and Lafayette

Non-Cutoff Types-
Citgo Station canopy @ HW 112 and HW 540
Mercantile canopy @ Crossover and HW45
Evelyn Hills Shopping Center
Allied Storage on W. 15th St.

I hope this is helpful in sorting out the definitions. Call if I can be of help.
Mike Green.

-----Original Message-----

From: Shelli Rushing [mailto:srushing@ci.fayetteville.ar.us]
Sent: Thursday, May 30, 2002 12:03 PM
To: mgreen@greenanderson.com
Subject: RE: outdoor lighting

Sounds good. Thanks!

Shelli Rushing
Associate Planner

City of Fayetteville

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF FAYETTEVILLE, TO PROVIDE FOR THE REGULATION OF OUTDOOR LIGHTING INSTALLATIONS IN NEW DEVELOPMENTS.

WHEREAS, unnecessary and improperly designed light fixtures cause glare, light pollution, wasted resources, and diminished ability to view the night sky; and

WHEREAS, glare and light trespass can result in hazardous circulation conditions for all modes of transportation; light trespass into residential neighborhoods; and poor visibility of the townscape; and,

WHEREAS, the City of Fayetteville desires to protect the health, safety and welfare of the general public, and to protect the night sky that adds to the quality of life of the City.

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

Section 1. That Chapter 151: Definitions, Unified Development Ordinance, Code of Fayetteville is hereby amended by inserting Exhibit "A" attached hereto and made a part hereof.

Section 2. That Section 156.03(C), Unified Development Ordinance, Code of Fayetteville is hereby amended by inserting the following:

§156.03 DEVELOPMENT.

C. Consideration By The Planning Commission.

7. Outdoor Lighting Plan.

a. **Undue Hardship.** So that substantial justice may be done and the public interest secured, a developer may petition the Planning Commission for a variance from the requirements of Chapter 176: Outdoor Lighting, by showing that their strict application would cause undue hardship as applied to the proposed development; provided that such variance shall not have the effect of nullifying the intent and purpose of the chapter. Conflicting lighting requirements imposed by other regulatory bodies having jurisdiction will be considered in reviewing Developer's petition.

b. **Conditions.** In granting variances, the Planning Commission may impose such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied.

Section 3. That Title XV: Unified Development Ordinance, Code of Fayetteville is hereby amended by inserting Chapter 176: Outdoor Lighting, a copy of which marked Exhibit "B" is attached hereto and made a part hereof.

Section 4. That the following sections of Title XV: Unified Development Ordinance, Code of Fayetteville be hereby deleted:

- a. Section 163.29 Wireless Communications Facilities, Paragraph A, Subsection 3a;
- b. Section 161.21 Overlay District, Paragraph D, Subsection 7;
- c. Section 163.21 Limited Neighborhood Commercial uses within residential districts, Paragraph C, Subsection 2.h;
- d. Section 172.01 Off-Street Parking, Paragraph C, Subsection 4; and
- e. Section 174.08 Signs, Paragraph B.

PASSED and APPROVED this _____ day of _____, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
HEATHER WOODRUFF, City Clerk

To be inserted at Chapter 151: Definitions, Unified Development Ordinance:

Canopy Structure. (Outdoor Lighting) Any overhead protective structure which is constructed in such a manner as to allow pedestrian and vehicles to pass under.

Cutoff. (Outdoor Lighting) A fixture's light distribution where no more than 2.5% of lamp lumens are emitted at a vertical angle of 90° or greater above Nadir. Additionally, no more than 10% of the lamp lumens may be emitted at a vertical angle greater than 80° above Nadir.

Cutoff Angle. (Outdoor Lighting) The angle measured up from Nadir, between the vertical axis and the first line of sight at which the bare source is not visible and as indicated by the manufacturer's photometric data of lumen distribution.

Fixture. (Outdoor Lighting) The bulb and the assembly that holds the bulb (or lamp), in a lighting system, including the elements that provide light output controls.

Foot-candle. (Outdoor Lighting) A unit of illuminance produced on a surface, equal to one lumen per square foot of that surface.

Full Cutoff. (Outdoor Lighting) A fixture's light distribution where 0% of the lamp lumens is emitted at a vertical angle of 90° or greater above Nadir. Additionally, no more than 10% of the lamp lumens shall be emitted at a vertical angle greater than 80° above Nadir.

Fully Shielded. (Outdoor Lighting) A fixture with an opaque housing or glare shield attached thereto which prevents a line of sight to the bulb above the horizontal plane or in a given direction.

Glare. (Outdoor Lighting) Light emitting from a fixture with an intensity great enough to reduce a viewer's ability to see and in extreme cases, causing momentary blindness.

Glare Shield. (Outdoor Lighting) External or internal shading devices to block light in a given direction from the fixture.

Governmental Flag. (Outdoor Lighting) Any flag which has been officially adopted for use by the government of a nation, or any of its duly constituted internal subdivisions (e.g. state, province, county, parish, city, etc.).

Height of Fixture. (Outdoor Lighting) The vertical distance from the ground directly below the centerline of the fixture to the lowest direct-light-emitting part of the fixture.

EXHIBIT "A"

Landscape Lighting. (Outdoor Lighting) A fixture designed to illuminate landscaping features, including plants, flowers, shrub, trees and walkways and is less than four (4) feet in height.

Light Pollution. (Outdoor Lighting) Man-made light that is emitted into the atmosphere resulting in sky glow or atmospheric light pollution.

Light Trespass. (Outdoor Lighting) The emission of light produced by a light fixture beyond the boundaries of the property on which it is located or which falls outside the area of intended illumination.

Lumen. (Outdoor Lighting) A unit of measure of the quantity of luminous flux produced by a lamp (bulb) as indicated by the manufacturer.

Non-Cutoff. (Outdoor Lighting) A fixture's light distribution where there is no emission limitations at any angle.

Opaque. (Outdoor Lighting) Opaque means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds means that the area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

Outdoor Lighting. (Outdoor Lighting) The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Outdoor Recreation Facility: (Outdoor Lighting) An area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

Searchlight. (Outdoor Lighting) A high intensity outdoor light designed to beam light directly into the night sky.

Semi-Cutoff. (Outdoor Lighting) A fixture's light distribution where no more than 5% of the lamp lumens is emitted at a vertical angle of 90° or greater above Nadir. Additionally, no more than 20% of the lamp lumens may be emitted at a vertical angle greater than 80° above Nadir.

Temporary Outdoor Lighting. (Outdoor Lighting) Lighting intended for uses, by which their nature, are of a limited duration; for example, holiday decorations, civic events, or construction projects.

Top-down Lighting. (Outdoor Lighting) A fixture that is attached to the top of a sign that points downward.

CHAPTER 176: OUTDOOR LIGHTING

§176.01 PURPOSE. This chapter is intended to:

A. Set minimum standards for the placement, orientation and fixture types of outdoor lighting fixtures;

B. Protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting fixtures located on adjacent properties.

C. Protect drivers and pedestrians from the glare of non-vehicular light sources that can impair safe travel.

D. Promote efficient and cost effective lighting; and

E. Allow for flexibility in the style of light fixtures.

§176.02 APPLICABILITY

A. This chapter shall apply to all outdoor lighting installations in new developments, except single or two-family dwellings.

B. New outdoor lighting installations include, but are not limited to, lights placed:

1. in parking lots;
2. in landscaped areas;
3. in display areas;
4. in recreational areas;
5. on buildings and structures; including canopies and overhangs,

6. in storage yards,

7. in trails and parks; and

C. Any light fixture being completely replaced on property in any zoning district, except single or two-family dwellings, shall comply with the requirements of this chapter.

§176.03 EXEMPTIONS. The following are expressly exempt from the requirements of this chapter:

A. Temporary outdoor lighting. Temporary outdoor lighting as defined in Chapter 151, Unified Development Ordinance, except where they create a hazard or nuisance.

B. Construction or emergency lighting. Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

C. Fossil fuel fixtures. All outdoor lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps.

D. Landscape lighting.

E. Airport lighting. Airport lighting necessary to meet Federal Aviation Administration (FAA) requirements.

F. Security lighting. Security lighting controlled by sensors that provide

EXHIBIT "B"

illumination for 15 minutes or less.

G. Searchlights.

H. Egress lighting. Egress lighting as required for safety as recommended by IESNA (Illuminating Engineering Society of North America).

§176.04 PROHIBITIONS.

A. Blinking, flashing, and animated lights. Blinking, flashing, and animated lights, not otherwise exempt under §176.03, are expressly prohibited.

B. Lighting on towers. Lighting on towers is prohibited, except as required by regulations of the Federal Aviation Administration.

§176.05 LIGHTING STANDARDS.

A. Light Pollution Control. Illuminance design levels shall conform to Illuminating Engineering Society of North America (IESNA) recommendations for the specific application. Light from all fixtures (except streetlights and traffic lights) shall be Cutoff fixtures, as defined in Chapter 151 Definitions of the UDO, directed downward and away from roadways and adjacent properties, with the following exceptions:

1. **Upward lighting.** A fixture may beam light upward if at least 95% of such upward light is reflected back down by a canopy, roof or other such structure and the fixture does not emit more than 8,500 lumens (equivalent to a 100-watt metal halide lamp).

2. **Horizontal lighting.** A fixture may beam light horizontally and upward to illuminate building facades, monuments and other architectural features if at least 90% of the light emitted from the fixture falls on the

facade, monument or architectural feature.

3. **Fixture Type.** The following table shall apply, identifying the fixture types required based on initial lumen output:

Table 176.A

Initial Lumen Output	Non-Cutoff	Semi-Cutoff	Cutoff
Equal or less than 260	Yes	Yes	Yes
261 - 8,500	No	Yes	Yes
More than 8,500	No	No	Yes
Equivalencies: 260 lumens = 20-watt incandescent lamp 8,500 lumens = 100-watt metal halide lamp			

4. **Street lighting, bike paths, public parking lots.** The provisions of this article are not intended to prevent the use of any design, material or method of installation not specifically proscribed by this article, provided such alternate has been approved by the city. For street lighting within the right of way, bike paths and public parking lot, the City Planner may approve any such alternate provided that the proposed design, material or method:

1. Provides approximate equivalencies to the specific requirements of this article; and
2. Is otherwise satisfactory & complies with the intent of this article.

B. Glare and Light Trespass Control. All outdoor lighting shall be Fully Shielded, as defined in Chapter 151 Definitions of the UDO, from adjacent residential properties with the following exceptions:

1. *Advanced or alternative technology.* Fixtures that do not meet the definition for Fully Shielded, yet employ advanced or alternative technology that causes the photometric performance to meet the intent and purpose of this ordinance, may be approved by the City Planner. Such fixtures include, but are not limited to, period-style fixtures with refractive globes and internal cutoff reflectors.

2. *Outdoor recreational facilities.* All lighting fixtures for outdoor recreational facilities shall be equipped with a light control package utilizing louvers and/or shields designed to minimize spill and glare. The use of other similar devices or technologies must be pre-approved by the City Planner.

C. *Residential Property Line.* Light projected at the property line of a residential use or residential zone shall not exceed 1.5 foot-candle, measured at a horizontal position approximately three (3) feet above grade.

D. *Testing Equipment.* Testing equipment for measurement of foot-candle levels shall be a calibrated Extech™ heavy-duty light meter or an approved equal.

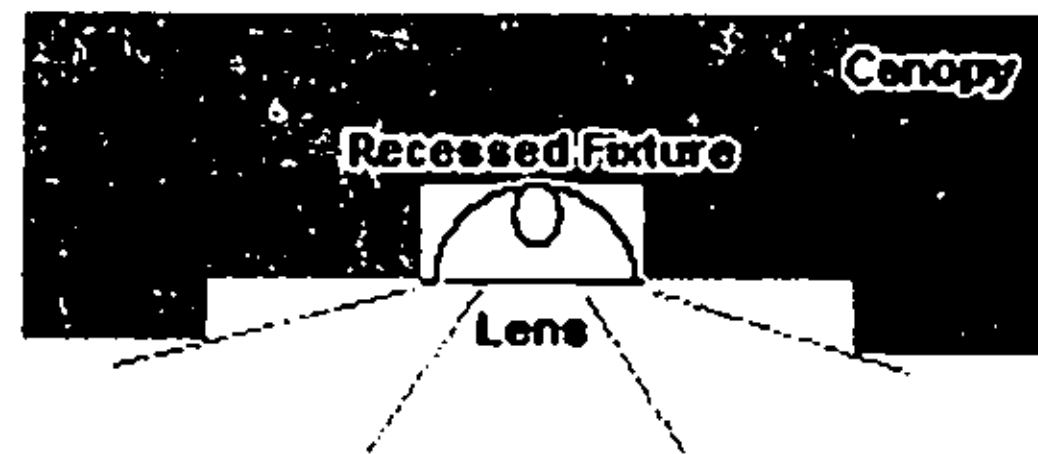
§176.06 SPECIAL USE LIGHTING.

A. *Canopy Structure.* Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods for controlling glare include one or more of the following:

1. *Recessed fixture.* Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy; or,
2. *Indirect lighting.* Indirect lighting where light is beamed upward and then reflected down from the underside of

the vehicular canopy. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy; or

Recessed Canopy Fixture



For illustrative purposes only.

3. *Other methods.* Any other method approved by the City Planner.

B. *Outdoor Recreational and Entertainment Facilities.*

1. *Direction.* Fixtures shall be mounted and aimed to light only the intended play or performance areas.

2. *Hours of illumination.* Illumination after 11 p.m. is prohibited, except to conclude an event that began prior to 11 p.m., excluding maximum necessary lighting needed for maintenance and safety.

3. *Modification, waiver or variance.* A modification, waiver or variance from the standards set forth in §176.05 may be granted by the City Planner upon a finding that an outdoor luminaire, or system of outdoor luminaires, required for a baseball, softball, football, or soccer field cannot reasonably comply with the standard, and still provide sufficient illumination of the field for its safe use. Safe illumination levels for the type of field and activity shall be those practices recommended by the IESNA or other evidence if a recommended practice is not applicable.

EXHIBIT "B"

C. Flag Poles and Monuments.

1. Upward flagpole lighting.

Upward flagpole lighting is permitted for governmental flags only. Flags should be taken down at sunset to avoid the need for lighting.

2. Cone of light. Fixtures to illuminate flags, statues or any other objects mounted on a pole, pedestal or platform, shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize spill-light and glare.

§176.07 EVIDENCE OF COMPLIANCE.

A. Submission Contents. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this ordinance. Even should no other such permit be required, the installation or modification (except for routine servicing and same-type lamp replacement) of any exterior lighting shall require submission of the information described below. The submission shall include, but not necessarily be limited to the followings:

1. Location of fixtures on the premises, both proposed and existing;
2. Type of illuminating devices, fixtures, lamps, supports, and other devices;
3. Wattage or Lumens per Fixture;
4. Zoning district and use of the property;
5. Zoning district and use of the

adjacent properties; and,

6. Description of the equipment, including fixture, glare reduction devices, lamps, control devices, and reflectors. The description may include, but is not limited to, catalog cuts and illustrations by manufacturers.

B. Substitution. Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the City Planner for approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

C. Compliance. If the City Planner determines that the proposed lighting does not comply with this ordinance, the permit shall not be issued, nor the plan approved.

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Discussion of AD 01- 15.00 Administrative Item (Outdoor Lighting) to appoint a sub-committee to consider regulating outdoor lighting.

Estes: The last item on your agenda is discussion of AD 01-15.00, outdoor lighting to appoint a sub-committee to consider regulating outdoor lighting. Commissioner Hoffman has graciously consented to serve as Chair of that committee and I have appointed Commissioner Bishop, Commissioner Hoover and Commissioner Shackelford to serve on that committee. Commissioner Hoffman, would you please get in touch with your fellow committee members and schedule an appropriate meeting?

Hoffman: I would gladly do that and I would like Tim one thing about the outdoor lighting. You gave me some information at agenda session and I would like a little bit, we could possibly do this at the meeting, I would like to narrow the scope a bit from general outdoor lighting to commercial outdoor lighting?

Conklin: That is the purpose of the first meeting. Staff is recommending that. We have researched ordinances across the United States and we would like to have more of a focus on what we want to look at. We can discuss some of the complaints that we've received in regards to new development in Fayetteville and kind of address what we currently do and what other cities in the United States are currently doing.

Hoffman: We've been asking them to shield the lights but they don't seem to be having the desired affect I suppose.

Conklin: The height of outdoor lighting adjacent to R-1 neighborhoods is also an issue. We don't have a height standard. Even if they are shielded, if they are 50 or 60 feet tall, they are still shining in the backyards if they are right on the property line. The location of the light poles, the height of the light poles, those are the type of issues that we want to discuss. Those are the areas where we've had some problems where we have allowed office complexes to go in and you have light poles right in the backyards of single family homes.

Hoffman: I want to coordinate the scheduling through Tim so everybody knows.

Conklin: Lunch meetings was the idea.

Estes: Any other business? We are adjourned until our next regularly or special called meeting.

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Bunch: These will be public meetings and the press will be notified?

Conklin: That's correct. Thank you.

ADM 01-15.00: Administrative Item (Outdoor Lighting) was submitted by the Planning Commission Subcommittee on Outdoor Lighting to adopt an ordinance that minimizes the impact of outdoor lighting on adjacent properties and improves nighttime visibility.

Estes: The next item on the agenda is an administrative item, Outdoor Lighting. This is to adopt an ordinance that minimizes the impact of outdoor lighting on adjacent properties and improves night time vision. The Planning Staff has received complaints about outdoor lighting located within several new developments in Fayetteville that has prompted the Planning Commission to consider adopting an outdoor lighting ordinance. Staff recommends that the Planning Commission recommend the Outdoor Lighting Ordinance, which has been provided to you in your materials, for adoption by the City Council. Tim, do you have any comments or remarks that you would like to make?

Conklin: I have a suggestion. That is before we go to those administrative items, if you would like to hear the request for items three and four. It is up to the Commission, of course, the applicant is here.

Estes: We had a motion, which was called and voted on to move those to the last items on the agenda. We will go ahead and take the items on the agenda as they have been placed by the vote of the Commission.

Conklin: Sure.

Estes: Do you have any comments regarding ADM 01-15.00?

Conklin: Yes. This is a proposed outdoor lighting ordinance for the City of Fayetteville. The subcommittee has met for many months to develop this ordinance. A lot of research has gone into this ordinance basically requiring partially shielding or fully shielding outdoor lighting, based on the type of outdoor lighting that is proposed. It does have some controls with regard to the type of lighting that is allowed. Anything up to 20 watts there is no shielding, partially shielding or fully shielding required. Anything up to a 60 watt or 1,000 lumens, partially shielding is required. This means that you have an opaque top or solid top on top of the light. You can have some translucent sides, the light can shine through and then anything over a 60 watt has to be fully shielded which basically is on all four sides and the top is completely shielded and directed downward. It does establish some measurements, quantitated measurements for the amount of light that can be at a residential property line. That is a one and a half foot candle. That is measured at three feet above grade. It does involve testing with a light meter. The fixture height has been established and it does have a formula three plus distance divided by three to the nearest property line for residential property. It sets the maximum height at 35'. That is the same as the overlay district. It also establishes that any

lighting for buildings not be taller than the buildings that they are lighting. Special use lighting includes some standards for gasoline stations or service station vehicle canopies, that is shall not create glare offsite. That can be accomplished by recessing the fixture within the canopy or indirect lighting that bounces back to the ground, not directly up in the atmosphere. Outdoor recreation facilities, there is a time limitation up to 11:00 p.m. except during events that extend beyond that that start earlier. Modifications or waivers from that can be approved by the City Planner. For flagpoles and monuments, upward lighting is allowed for governmental flags only. Any other type of monuments that are lit, a narrow cone of light shall be used. The rest are some requirements for information that has to be provided with the application to insure compliance with this ordinance. Basically, most new development is already complying with this ordinance. All Wal-Mart Supercenters and Neighborhood Markets that are built already do fully shielded lighting. Most new development that installs lighting in their parking lots is fully shielded. What we are trying to prohibit in this community is someone going out, buying a floodlight and lighting up an entire lot and beyond the lot into residential neighborhoods. Those are the areas that we have had complaints about at the Planning Division. We are trying to come up with some minimal standards to insure that we have lighting that is fully or partially shielded and directed downwards. As we move towards mixing land uses closer together with non-residential and residential that we have some standards for the amount of light that can go beyond the site into someone's backyard. Once again, the subcommittee has worked very hard on this ordinance. It does not go as far as some ordinances across the United States but it does establish a minimum standard for outdoor lighting control in the City of Fayetteville. If you have any questions, I would be more than happy to answer them.

Estes: Thank you Tim. Tim, under the applicability portion of the proposed ordinance, is an exemption for single or two family dwellings. We have received some comments, particularly an email comment this afternoon from a constituent. What is the reasoning or thinking for excluding single or two family dwellings from the requirement of the proposed ordinance?

Conklin: Once again, we were primarily trying to target those areas where we have had some problems in the past. That is on commercial properties, parking lots, probably to look at why we would exempt single family, similar to the reasons for the tree ordinance we exempt single family. We try not to create those regulations that would impact a single family or duplex residential use. There may be occasion where the ordinance would be beneficial but in this case we are really trying to address the main issue and that is outdoor lighting of parking lots, display areas where people in this community have gone out and bought floodlights to completely light the entire area and then the light trespasses onto other people's property. That is the main reason why those are exempted.

Estes: Thank you Tim. Is there any discussion or any comments regarding this administrative item?

Hoffman: I would just like to add a couple of things just by way of information for the Commission and the other committee members that are here, you can go ahead and jump in at anytime. We did look at this with a definite eye toward little or no economic impact or lengthening of the development process. This is mainly about which way we aim the lights. If we aim them down they are not going to give us the problems of glare and light trespass and so forth. We did follow and have industry input. The IESNA, which is the Illuminating Engineering Society, standards are referenced in this ordinance and we will be following those. These are industry standards, the height of the poles and so forth are pretty much standard across the country. I was impressed with the fact that Wal-Mart is already putting these types of lights in. I had not known that before we drafted the ordinance. With regard to the one complaint that we received, and I believe we have only received one complaint from a resident regarding another residential property. That has to do with a security light. Many people choose to put those domed security lights on their property for security purposes. I read in this letter that the resident is appealing to SWEPCO to put a different kind of light in on her neighbor's fixture. We had SWEPCO and Ozarks Electric involved in our meetings too. They simply do not stock the shielded security lights. That is another reason we left that out, the one and two family dwellings. It is just not feasible to have everybody take down their security lights. Also, we have exempted existing buildings and existing properties. With that being said, if there is anything that anybody else would like to add.

Estes: Commissioner Allen, did you have a comment?

Allen: Just to make sure that the public understood and that I do, that this is not a retroactive thing that we are talking about future development.

Hoffman: This is just new development, right.

Conklin: Most new development already is complying with this ordinance.

Hoffman: I want to say, she is not here tonight, but that Shelly Rushing put in a great deal of research time on the ordinance. She compared other cities of similar size and populations and came up with a lot of good ideas for us and when we took our nighttime tour and looked at all of the existing developments that we could, with the varying degrees of compliance and non-compliance. It was then that we came up with the 1.5 candles at 3' above the ground, which is the least stringent of any of the ordinances that we looked at. We just simply felt that that was not going to be a problem.

Estes: Commissioner Shackelford?

Shackelford: I too, served on this subcommittee and want to thank Tim and his staff and commend them for the work that they did. It was a joint effort and I really appreciate all that they did. Tim, one question I did have for you. One thing that we talked about in the meeting was obviously, outdoor lights are used for security reasons and my concern is that there might be some exceptional situation somewhere where there might be a need for a waiver or consideration of a waiver of this for security reasons. Could you walk us through what sort of terms of appeal would be open for someone that wanted to ask for a waiver of this ordinance? Would it come back to the Planning Commission? What would that process be?

Conklin: I am not sure if we have put in a formal appeal process of this ordinance.

Hoffman: There is, it is on page 8.7 under substitution.

Conklin: Ok. It states "Should any outdoor light fixture or type of light source therein be changed after the permit has been issued a change request must be submitted to the City Planner for approval together with adequate information to ensure compliance with this code which must be received prior to substitution." I am not sure if that exactly addresses what you are looking at. We looked at what is allowed in other communities. You should be able to adequately light your property or business and comply with the ordinance. It was interesting when the woman came up from Little Rock and talked about how Wal-Mart, the world's largest retailer, is already using fully cut off, fully shielded lights to light their parking lots and light around their buildings and still provide adequate security lighting. I can certainly get with our City Attorney's office and find out if we put a provision in there specifically allowing for a variance if that is something that you as a Commission would like to see. We did not see any applications where you could not comply with this ordinance and not be able to light your area adequately.

Shackelford: My concern is that it is used so much in security. Particularly around commercial buildings and that sort of thing. One of the things that you said tonight that really stuck with me is that even on the ordinances that you make decisions on you always give an applicant the opportunity to appeal your decision. I would like to see that as a part of that ordinance as well.

Hoffman: I agree. Do our bylaws, under the UDO can't the decision of the City Planner be appealed to the Planning Commission or do we have to put it in the ordinance itself?

Conklin: Only in specific instances, and they are listed.

Hoffman: Well then we probably need to just put it in this ordinance.

Conklin: That is not in here. The substitution part really doesn't talk about that. That is something that our City Attorney wanted to make sure on our tree ordinance that there was a specific variance procedure and amended the ordinance last year right when he came into his position. That is something that we certainly can add into this ordinance.

Estes: Mr. Williams, you have been in the process of crafting a proposed ordinance that would provide a right of appeal to any person aggrieved by any administrative or administrative action or any city function, would that provide the relief that Commissioner Shackelford is commenting on?

Williams: It is possible. The variance I think is a little bit different in that the variance would just be saying "In this particular case for security reasons I need this"; as opposed to "This is more money than I should have to pay." I think probably the variance suggested here might be something that you would want to consider.

Estes: Thank you Mr. Williams. Commissioner Shackelford, did you have a comment?

Shackelford: I just wanted to reiterate, I am not trying to be difficult on this. Obviously, in my profession, being banking, we think about security a lot around ATM machines and that sort of thing. I just don't want to be in a situation to where a developer felt that they were having to take on additional liability if someone was to get hurt and could show that this ordinance or the lack of lighting in that situation had something to do with it. I would like to see some sort of appeal process for a variance that could be specifically spelled out as a part of this ordinance.

Marr: I agree with that.

Estes: Mr. Williams, would it be permissible for this proposed ordinance to go forward to the City Council and for you to craft a paragraph providing for a variance provision and that if the requested variance is denied then there is an appeal to the full Commission?

Williams: Mr. Chairman, we can do that and we might actually even want to put a provision within our variance chapter as opposed to putting it within this particular ordinance. I will talk with our City Planner and see what we can come up with but I am sure that we can accomplish that.

Estes: Is there any other discussion or motions?

Conklin: I was just going to explain why in our variance section that you see all the different items listed. When we compiled the Unified Development Ordinance each ordinance had an individual variance section, typically with it, when the UDO was put together all of those were moved into one section. You have appeals to the Board of Adjustments, appeals to the City Planner, appeals to the Planning Commission and they are all listed individually. We have not gone back and looked at how to streamline that. I am all in favor of looking at that and seeing how we can accomplish that without having to list every single item.

Estes: Is there any member of the audience who would like to comment on ADM 01-15? Seeing none, I will bring it back to the Commission for motions or discussion.

Hoffman: We did talk about bank security lighting and we had some people come in that had some data, I don't remember which meeting it was but we talked about it. Our ordinance should be able to accomplish that but should it not, I do agree that we need some kind of variance procedure.

Shackelford: I don't think it will be a problem very often. I would just like to have the variance there if it was a problem we could address it.

Hoffman: Absolutely.

Estes: Commissioner Bunch?

Bunch: Yes, I have a few questions for the committee that crafted this. What about temporary lighting for construction job sites? I don't see any exemptions for it in here or any means of addressing it. Also, for industrial zones and yard lights and things like railroad switchyards and electrical utility switchyards. Some might come under display areas, some might come under buildings and structures. The first time we come through with this I think we need to be fairly comprehensive.

Marr: If I could add onto Commissioner Bunch's comment and I have other questions when he is done, but what doesn't make sense to me about those two items is that they appear to be in the minutes of the committee. Industrial lighting and construction lighting requirements but nothing is in the ordinance. I think his comment is right, there is nothing in it but I am curious if the committee could address why you didn't move forward with it because it is in your minutes as an item.

Estes: Commissioner Bunch, were you finished with your comments?

Bunch: In that one part. Another was the definition of low voltage lighting. I am wondering if that was covered in some of the standards that were

mentioned because in the electrical industry there are multiple definitions of low voltage. It could be anything from well over 600 volts on down. I am just wondering which standard was called out to determine exactly what is low voltage lighting because this could come into problems in industrial sites and on construction sites.

Hoffman: For some reason I can't find it in here but I know that we had something in there about utility lighting and that kind of stuff.

Conklin: It is on page 8.5 under 176.03(b) exemptions. "All temporary emergency lighting needed by police or fire departments or other emergency or utility services are exempt." You could possibly add temporary or permanent that is needed to cover that.

Hoffman: I'm not sure about putting in construction lighting at night because if they are trying to meet a deadline and they have got a commercial property next to a residential area, conceivably, they are exempt. They could be spending months trying to get a building built 24 hours a day with lights shining in the neighbors yard. I don't know if we should put that in there or if that could just be something that could go through the variance or appeal procedure.

Ward: What I think I would like to do, in essence of time, is table this administrative item. I think we are really close to getting it done but we definitely need an appeal process or a variance process in it first of all. There are three or four other items that it looks like we need to address again. There is no use fighting it out here trying to figure out on four or five of those little items like Don has brought up. I would like to go ahead and table it for the time being because we have to do some work on it anyway and try to bring it back this next time.

Estes: We have a motion by Commissioner Ward to table ADM 01-15, is there a second?

Marr: Second.

Hoffman: Before we do that can we get the whole list?

Williams: I would like to ask a question. On the variance, I can understand it was for security, is there any other thing that you would want as far as another reason for a variance besides security?

Estes: I would suggest Mr. Williams, that we not define the reason. That we just provide a right, as a matter of the ordinance, to request the variance. Then if the requested variance is denied provide a provision that the aggrieved party may appeal to the full Commission.

Shackelford: I agree.

Hoffman: I have written down that we have the variance, the temporary construction issue, the utilities I think have been answered, I don't know if they were satisfactory to you but I would like to know.

Bunch: Where it is not just the emergency. I realize some of our variance towers, the support gear rooms or equipment sheds, if we lose capabilities on some of our cell towers or our transmission towers for radio systems. Some of those are located in residential areas and they could require temporary lighting to get back on line as fast as possible. Some of those would probably come under emergency services or utility services.

Hoffman: They are all on generators so I think they would definitely be a temporary or emergency condition.

Bunch: Well, it may not be just loss of power, it could be loss of function of some of their equipment that has to be replaced and they would need possibly lighting to do that. I just wanted to have enough room in this to accommodate some of the what ifs without having to list them specifically or without having to tie people's hands to wait for an act of congress before work can ensue to take care of things. The same way with our industrial areas. Often times they are not, they are kind of out of site and out of mind many times. We have industries that run 24 hours a day and we need to address situations in the industrial zones, particularly in the industrial parks.

Hoffman: Those existing industrial uses are exempted and new ones would get. . .

Bunch: Right, but looking down the line we do have an industrial park that hopefully at sometime that we would sell some of those lots and have some new industries in it to help support our community. We just need to not tie their hands.

Allen: I call for the question please.

Estes: Renee, would you call the roll?

Roll Call: Upon completion of roll call the motion to table ADM 01-15.00 was tabled by a vote of 8-1-0 with Commissioner Hoffman voting against it.

Estes: The motion to table passes by a vote of eight to one. Perhaps Commissioner Bunch would accept an interim appointment as a defecto member of this committee.

ADM 01-15.00: Administrative Item (Outdoor Lighting) to adopt an ordinance that minimizes the impact of outdoor lighting on adjacent properties and improves nighttime visibility.

Hoffman: We have got two administrative items tonight. They are both review of new ordinances or proposed ordinances. Our first one is ADM 01-15.00, which is an administrative item to adopt an ordinance that minimizes the impact of outdoor lighting on adjacent properties and improves night time visibility. Tim, I believe the staff has a presentation to make on this outdoor lighting ordinance?

Conklin: Yes. Shelli Rushing, Associate Planner with the City of Fayetteville Planning Division has a short presentation on this ordinance.

Hoffman: Thanks. Hi Shelli.

Rushing: Good evening. I do want to go over a few things with you. You have seen this Outdoor Lighting Ordinance at the January 28th Planning Commission meeting. At that time it was tabled in order to take a look at a few other issues and Planning Commissioners had a number of comments. We have met with a local engineer, architect and they have had a chance to take a look at this ordinance that we are proposing tonight. We have received comments from Mr. Green who is here this evening. He has some additional comments. He has helped us with drafting this ordinance up to this point and he does have some additional comments. I just want to point out that in regard to what we have proposed at this point. The proposed ordinance will pertain to any new outdoor lighting fixtures and any fixture that is going to be replaced at any point. It applies to everything, all new developments with the exception of single-family and two-family developments. I wanted to go through a couple of definitions with you real quick because they pertain to the new standards that we are proposing at this point. These definitions are based on the Illuminating Engineering Society of North America. This is an industry standard, a handbook that they have. They have essentially four different types of light fixtures. There is non-cutoff, semi-cutoff, cutoff, and full cutoff. Non-cutoff basically is no limitations on the amount of light that is emitted from it. Semi-cutoff, cutoff, and full cutoff are all based on the amount of light that is emitted above the cutoff angle. The cutoff angle that the IESNA, which is the Illuminating Engineer Society, takes a look at is the 90° and the 80° cutoff. Semi-cutoff is somewhat restrictive. It allows 5% of the light to go above the 90° cutoff angle and 20% above the 80° cutoff angle. Cutoff allows 2.5%, it is a little bit more restrictive than the semi-cutoff. 2% above the 90° cutoff angle and 10% of the light to be allowed over the 80° cutoff angle. Finally, full cutoff is the most restrictive and it allows no light above the 90° cutoff angle and allows 10% above the 80° cutoff angle. I wanted to go through that because that is what our standards are pertaining to. We have here the semi-cutoff, cutoff, and full cutoff. As you will see, the most that we will be proposing at this time to require is the cutoff. We are not requiring full cutoff. We had tossed that around quite a bit.

The reason that we decided not to go that route is first of all, cost. The cost of full cut off fixtures can be higher than the semi-cutoff or just the regular cut-off. Also, in talking to some people in the lighting industry we found that when the full cutoff light is confined to such a narrow area it actually creates hot spots and reflects more light up into the air, which is not what the goal of the ordinance is. The goal of the ordinance is to prevent that light trespass into the night sky. What we are recommending is that anything that has a bulb with 260 lumens or less be non-cutoff, no limitations essentially on the type of fixture that it is. Anything between 261 and 8,500 lumens would be the semi-cutoff and more than 8,500 lumens would be the cutoff fixture and that would be the requirement there. I believe that Mr. Green has some comments in regards this particular standard here. One of the other things is the goal of this ordinance is to help reduce the amount of glare and the amount of light that trespasses onto adjacent properties. In order to control that we are recommending that the outdoor lighting be fully shielded which is essentially an opaque housing on the fixture itself or some type of glare shield. We are recommending that there be some ability for the City Planner to approve any kind of advanced alternative technology that meets that requirement of full shielding because there are certain fixtures out there that will meet that requirement but aren't technically shielded fixtures. We would then also like to add a requirement that at recreational facilities that they place louvers or shields on their fixtures to help because their height is extreme and they do have requirements as far as the type of light output that they have to have so we would like to see some shields on that to help prevent that glare that can be posed by those types of fixtures. One other thing that we are recommending to help reduce the amount of light trespass is to restrict the amount of light that is projected at the property line to 1.5 foot candles and that would be measured 3' above the grade at the property line. The last thing I wanted to address is the canopy structures. I apologize, the image up there did not show up very clear. One of the issues that came up when we first started doing this was the impact of some of the canopies over the fueling stations and the glare that they produce. We are recommending that they be either a recessed fixture where the lens is flat with the bottom of the ceiling of the overhang or the canopy and that they may also use indirect lighting or any other type of lighting that the Planning Commission approves, that they find is not producing glare offsite. That is all I have as far as a presentation. If you have any questions I would be glad to answer them.

Estes: Thank you Mrs. Rushing for that very fine presentation. On behalf of the Commission I would like to thank you for the work that you have expended on this project. I know that you have worked for over a year in bringing this material to us this evening, and we thank you. Mr. Green, did you have something that you would like to say to follow Mrs. Rushing's presentation?

Green: Yes I do Mr. Estes. Thank you for this opportunity to address the Planning Commission this evening. My name is Michael Green, I am a resident of

Fayetteville and I have been a lighting engineer for a little over 25 years. I first got involved in this project at a subcommittee meeting back in February where some of the members of the Planning Commission were wrestling with this very complex issue of creating a lighting ordinance. My purpose of getting involved was to try to make some technical recommendations as far as definitions and try to explain some of the technology and problems that you are going to face in creating a lighting ordinance. I was asked to make those recommendations and comments. I am strictly acting on an advisory capacity. I must point out that free advice is worth every penny you pay for it. The real burden is still going to rest with you in deciding what level of ordinance you want to create, what kind of flexibility you want to build into it and exactly how you are going to enforce it and administer this ordinance. The Planning staff has really done a lot of work on this. Shelli Rushing in particular has done an outstanding job in trying to boil down these issues and do the research and try to sort of herd these cats. That is probably the closest analogy I can think of as to what her job has been. She has done an excellent job on it. There are just a few additional comments. Some of these things, as you have been passed out there, some of them are minor clarifications to definitions that I gave before that I would like to have an opportunity to correct or clarify before they get placed in any ordinance. These first four items are just a matter of eliminating a redundant term in those definitions we had before. As those definitions are currently stated, right now it says "For cutoff a fixture's light distribution where no more than 2.5% of the fixture's total lumens are emitted at a cutoff angle of 90° or greater." Actually the way cutoff angle is defined is that that is the angle in which the lamp is just barely visible. This cutoff angle has to do with that visibility to the lamp and not necessarily a cutoff angle other than the angle at which you can see the lamp, if you can understand where that redundancy comes from. What I am proposing is to change cutoff angle to just vertical angle. Basically it is the angle where the light either 2 ½% of the light is emitted above that angle. Those are very minor tweaks to those definitions. A couple of other suggestions on the additions. Fully shielded, I would propose to add to the end of that sentence or in a given direction, which would then read "A fixture with an opaque housing or glare shield attached thereto, which prevents a line of sight to the bulb above the horizontal plain or in any given direction." The reason I am suggesting that is that it ties in with a further restriction or a further specification in your ordinance concerning fully shielded from neighborhoods by adding "or in a given direction" it gives some additional options of shielding a light fixture other than shielding it above the horizontal plane. It is kind of a minor thing but I just wanted to offer that as a clarification and to tie in maybe a little bit better to the rest of the wording of the ordinance. The other definition clarification is under the landscape lighting. Its definition currently states "A fixture designed to illuminate landscaping features including plants, flowers, shrubs, trees, and walk ways that do not exceed 75 watts and is less than 4' in height." As a definition of lighting I don't think we need to define that as not exceeding 65 watts because there is lots of landscape lighting that exceeds that and there is lots of lighting other than low

voltage lighting, which is where this 65 watt lamp came from. That will qualify as landscape lighting. Further in the ordinance it states that landscape lighting is only exempt if it is no more than 65 watts. Again, a minor tweak I think in what the intent was. I don't think that changes anything other than clarifying some of the language. Probably the next item in this handout that Shelli passed around is a clarification of exactly the status of street lighting. In paragraph 176.02 under applicability, one thing that it does state is along streets. In another section, 176.05(a) it says that light from all fixtures except street lights and traffic lights shall be cut off fixtures. Is that going to exempt street lights from the ordinance or does that only exempt the direction of streetlights from the ordinance? In other words, what is your intent there? Is it to include street lighting by either the electrical utilities or whatever. That becomes a very major point in your discussion, whether or not you include streetlights.

Hoffman: Shelli, correct me if I'm wrong, I think we did because we determined that our standard streetlight used by the City of Fayetteville would comply with this ordinance. So we were attempting not to have any impact on that standard.

Green: I don't believe the streetlights, most of them as now exist, would comply with the ordinance. In the definition of the semi-cutoff and the cutoff luminaries, most of the streetlights, in fact the so called workhorse light fixture that is used throughout most of the subdivisions and a lot of commercial establishments, is the little round type fixture with a glass prismatic lense, it is open at the bottom. I don't think that fixture qualifies in any way as even being a semi-cutoff lighting fixture. If it is not in accordance with the definition of your ordinance, then probably about 80 to 95% of all the street lighting in Fayetteville is not going to comply.

Hoffman: We discussed that specifically. I was the Committee chair and I am trying to remember. Perry Franklin had come and talked to us about the standard light that they use and I am not arguing or anything, but I think that is something that we need to reconfirm. It is my memory that these would comply.

Rushing: That is prior to a time that we got to a point of setting these standards with a cutoff and semi-cutoff. My understanding is that our existing street lighting may have difficulty of meeting that requirement so they are exempt from this particular requirement.

Green: Yes. If they are exempt as cutoff fixtures they would probably also need to be exempt as semi-cutoff fixtures as well. Really the way that particular standard lighting fixture is designed is that it really will not limit 5% uplight and 20% in the 80° or above zone. You may want to consider that in putting the final adjustments on this.

Hoffman: We have had something like eleven or twelve public meetings on this already. I think we are down to the point that yes, these are all excellent comments that if

we are going to move this ordinance forward, the next body that will hear this and discuss it will be the Ordinance Review committee. There is ample opportunity to fine tune should it be passed onto the Ordinance Review Committee. It is good to have so that the staff can work through them and add as this goes forward to that.

Green: This ordinance of course as it is intended right now is to apply to new installations and renovated or rehabilitated outdoor lighting systems. Right now probably the City of Fayetteville has over a thousand lighting fixtures that they probably own and are on maintenance agreements with utility companies throughout the city. Right now the way I am interpreting these numbers and some of the information, the photometric information that I have tried to get from the lighting fixtures themselves, it looks like a majority of the city's lighting fixtures will not comply with the ordinance. I don't think that is really what your intent started out to be.

Hoffman: Are you referring to security lighting like outdoor lighting for the utilities and things like that?

Conklin: I was going to ask a question. The cobra head type lighting, what definition would that fall under?

Green: Most of the cobra head fixtures that are along College Avenue for instance, there are two different types that you will see. One of them has a very flat bottom on it and I think that fixture itself would probably fall under the definition of the ordinance qualifying as a cutoff type. The cobra heads that have the dropped lense on them, the rounded lense at the bottom, those may or may not qualify as a semi cutoff. Trying to measure that or get the photometric data for someone to prove that I think is going to be a real burden on planning staff in trying to enforce that. That has been some of the problem with developing an ordinance all along. It is technically very complex and yet we are needing to get some kind of an ordinance that is very simple to administer and to enforce. We really have some conflicting requirements there that probably need to be balanced properly. That is something that you really need to consider in looking at this is exactly what are we going to allow under this ordinance. Is it going to be only these very expensive cutoff type lighting fixtures for general purpose streetlights? Is the city going to retrofit those that don't comply and at what cost? There are just a bunch of other lose ends out there that I think you need to consider as you are looking at this ordinance.

Estes: Mr. Green, under applicability it includes along streets and then under lighting standards in parenthesis is "except streetlights and traffic lights." I believe I attended two of the subcommittee meetings. My thinking was that to include along streets take care of the situation where you have a commercial use and then over in lighting standards we specifically exempted street and traffic lights. Is that consistent with your thinking or do you see something else?

Green: If streetlights are going to be exempt, it would probably be a good idea to make that a little more clear. The City Attorney may have another opinion on that but under exemptions if street lighting is going to be exempt then it probably ought to be included under the exemptions.

Estes: In 176.05(a) it does say "exempt street lights and traffic lights" Under rules of construction that I am familiar with street lights and traffic lights would then be excluded. I am deferring to your technical expertise now. Do you see an issue there that we need to resolve?

Green: The only fine technical point there and this probably gets into the actual structure of the sentence, but light from all fixtures except street lights and traffic lights shall be cutoff fixtures as defined. That seems to be exempting street lights from being cutoff fixtures but it doesn't exempt them as being semi-cutoff or the other categories that they would fit into. In other words, in this table 176 (a) most of your streetlights are not going to fit in there because they are more than 8,500 lumens.

Estes: So your suggestion is in 176.03 is to add a new i. that reads street lights and traffic lights?

Green: I think that would clarify that part of it if that is your intent to exempt street lights and traffic lights.

Estes: Thank you Mr. Green.

Green: The next little paragraph there has to do with under the exemptions also. Exemption F security lighting simply states that security lighting controlled by sensors that provide illumination for 15 minutes or less. I would propose that we exempt all security lighting. There is a couple of reasons for that. Number one is this 15 minutes or less is referring to the builders type occupancy or motion sensor that will automatically turn a security light on when there is motion and then turns it off after some predetermined time. That really only works effectively with quartz lighting and some types of incandescent lighting. It doesn't work well with metal halide or the high pressure sodium type lighting which requires a long extended warm up time. That particular requirement there means that you couldn't have security lighting unless it is incandescent lighting and unless it had this motion sensor attached to it. Probably again, the City Attorney needs to look at potential liability that we might have in passing an ordinance that could create a security problem for the user.

Williams: I haven't really attended the meetings that you had on that. I would be a little concerned about creating an exemption that could swallow up the ordinance and that every builder could say "Well, that is a security light." We need to look at that very carefully and make sure that, I don't see a definition right now of

security lighting and maybe we need to define that if we are going to make such a broad exemption as suggested by Mr. Green.

Green:

Then another thing. There is another thing that I need to clean up from something that I recommended earlier. In that same paragraph 176.05 (a) it says "shall not exceed the power density budget referenced in the Arkansas energy code." Right now there is some confusion about whether or not some of those provisions are even applicable. There are also some revisions that have changed and omitted some of the power density budgets for outdoor lighting. There is still a great deal of power density budget setup but they are mostly for indoor lighting and they only address the façade lighting and canopy lighting, which really doesn't cover too much as far as the parking lot areas and things of that sort. What I would recommend just to stay consistent, is to eliminate that particular reference and then that paragraph would read "Luminous design levels shall conform to the Illuminating Engineers Society of North America recommendations for the specific application." It would also tend to address Mr. Williams' concern about security lighting because the I.E.S. handbook has a specific chapter on security lighting, which has recommendations on luminous levels for various types of security applications. It has not only horizontal foot-candle recommendations but also the vertical foot-candle recommendations for recognition of facial characteristics and things of that sort. I think the I.E.S. handbook could properly address a lot of those kinds of issues without having to pull additional references in like energy code or the OSHA 90.1 standards for energy efficiency of buildings. Trying to keep it as simple as we can I think is usually a good course to take. The last paragraph, or the last concern that I have, Shelli kind of eluded to that, that has to do with the limits that we have in that table, 176 (a). Those can be very restrictive. They can be arbitrary in some cases and can greatly restrict some design freedom for particular applications. I know what we are trying to achieve, basically what we are trying to achieve is to reduce light pollution, which is what creates sky glow and we are also trying to reduce light trespass, which has to do with spill light over into unwanted areas. Those are basically the way I understood the subcommittee and the direction that they were going, that is really what they are trying to achieve. How we do it gets to be very complicated and somewhat arbitrary in trying to establish those particular cutoff levels. Just looking at some of the existing street lighting for instance, if you wanted to make the street lighting comply with this ordinance, I think what we would have to do is change the limit on non-cutoff luminaries up to approximately 9,000 lumens and we would have to raise the semi-cutoff limit to approximately 20,000 lumens, 20,000 to 24,000 lumens in order to take into account most of the existing streetlights as they exist. What this ordinance does do though, whether streetlights are included or not, it would eliminate the worst culprit of light trespass and also light pollution and that is the large adjustable floodlights. Those area lights, as they are sometimes called, can be extremely powerful. They can be very blinding if they are aimed at some critical angles and they do cause a tremendous problem of light trespass as well as sky glow or light pollution. From

that standpoint, I think there might be even another way to state that more specific if that is what your intent is to eliminate some of those larger adjustable area lights. Those again are lights that are generally leased from the utility company. A lot of the business owners along College Avenue, you can see a lot of them use that adjustable floodlight for their entire parking lot and for their building façade and security lighting and everything. You probably just need to decide if those fixtures are worthy of exemption or whether you want that type of lighting fixture to be eliminated from new construction. That is really all I had to say. I will be happy to try to answer questions that you might have.

Hoffman: We want to thank you very much for your hard work and effort. I know that you have put a lot of time into this and your professional opinion is greatly appreciated. I know for one, when we started out our main goals were to point the lights down and to make the ordinance not have an economic impact, just to be reasonable. I think that that is our common goal still. Again, thanks for the assistance, we really needed it. Is there any other member of the public that would like to address us on the Outdoor Lighting Ordinance? Seeing none, I will go ahead and bring discussion back to the Commission.

MOTION:

Estes: I too would like to thank Mr. Green for his efforts. These have been volunteered efforts on Mr. Green's part when he could have been billing and collecting from paying clients he has volunteered to work for the city. He is the only individual that I am aware of in this area that has this level of expertise. I appreciate it and I know the Commission appreciates it. With that said, I would move that we forward to the City Council for its consideration and for its referral to its ordinance review committee, the ordinance amending Title 15, the Unified Development Ordinance of the Code of Fayetteville to provide for the regulation of outdoor lighting installations in new developments and my motion incorporates all of Mr. Green's comments and Mr. Williams' suggestion that in the definitions section there be a provision regarding the definition of security light.

Hoffman: I have a motion by Commissioner Estes.

Bunch: I will second.

Hoffman: I have a second by Commissioner Bunch. Is there any further discussion?

Shackelford: I have a couple of points that I would just like some clarification on before we proceed. I will try to make them as brief as possible. First of all, in earlier conversations regarding this I was one of the more vocal ones in situations where there could be variances or waivers looked at in this area. In particular with security concerns. I see that we now have variance waivers in place for any undue hardship. Is it my understanding that if there is a situation in which

security issues may be compromised by this ordinance that that would incorporate and be an undue hardship for the developer, is that correct?

Williams: Undue hardship is usually viewed by the person or committee that is going to grant it and so that is a very common thing in our zoning ordinance is just leave it a fairly general term that is in many of our variances. It would probably be up to this commission to decide what does that really mean?

Conklin: I was just going to add that most installations of lighting, people say they need the lighting for security. One point that I would like to make is that this ordinance is not trying to provide less lighting, it is trying to direct the lighting and shield the lighting so it doesn't trespass beyond people's properties. You can light up your parking lot as bright as you can. We don't have any maximum foot-candle requirements for commercial development in this ordinance. The only foot-candle requirement that we have where you want to try to reduce the amount of light is adjacent to a residential use. I just want to make sure everybody is clear about that so you can design lighting that is going to light up your building, your parking lot in areas and hopefully provide the type of lighting you need for security at the same time. I think it is going to be somewhat difficult to try to define security because most lighting is used to help make a site more secure. That is the reason why we wanted to have this ordinance because we have the design overlay district and the parking lot ordinance and other ordinance that talk about shielded, directed downward, away from property. That has always been left to staff to try to figure out what that meant. We are trying to come up with standard definitions of what do those other ordinances mean and hopefully we will achieve it with this ordinance. Once again, the idea is not to make a commercial site dark. You can light it up as bright as you want. Under this ordinance you just have to light it up in a manner that is not going to spill light beyond the property. Thanks.

Shackelford: Thank you. The second point is §1.2 (1) close to the bottom. It says "This ordinance applies to all new outdoor lighting installations in all zoning districts with the exceptions of single and two-family units." I thought it was, my understanding at one point is that we were actually directing this more at commercial areas and that all residential areas were going to be omitted. The way that I am reading that is that with the type of subdivision that we looked at tonight with these patio homes, these condominium types, these are still residential instances that don't fall under that definition of single or double family homes. It is our intention to govern the lighting in those types of developments even though they are residential, is that correct?

Conklin: You will typically have a parking lot when you have something larger than a duplex. There are many residential developments that do not light their parking lot areas. If they do, the ordinance would apply to those parking lots to make sure those lights are cutoff or semi-cutoff type lighting fixtures depending on how

bright the light is. I think it is important that we include those because you can have just as much impact if you just buy floodlights to illuminate an entire parking lot. That is the distinction between the single-family and the two-family. When you start adding more cars and you want to add parking lot lighting, we want to make sure that that is also meeting the ordinance.

Shackelford: Ok. Also, in that same section, "Any fixture being replaced must also comply." How will this be governed and regulated when an existing fixture is replaced, how will we govern what fixture is going to be used to replace that? Will there be building permits required? Are there already building permits required to replace pole fixtures for example in a C-1 zone?

Conklin: There are not building permits required.

Shackelford: How will we govern what is replaced when these are replaced?

Conklin: Possibly an electrical permit. I think there is somewhat of a learning curve with this ordinance. Right now we have received complaints of people buying or leasing those floodlights, shining them onto their buildings and outdoor areas into residential neighborhoods. Hopefully over time people will realize that buying a floodlight and lighting up the entire neighborhood is no longer allowed in Fayetteville. If they redo their fixtures in the parking lot hopefully we don't have too many instances where people are unaware of the ordinance.

Shackelford: As far as the overall ordinance will the enforcement of that ordinance be something that is handled by your department?

Conklin: Yes.

Shackelford: Do we have the equipment and technology needed to enforce that ordinance at this time?

Conklin: The City of Fayetteville does have a light meter. How we envision with regard to enforcement of this ordinance is that all lighting fixtures typically have cut sheets that will tell us whether or not the fixture is semi-cutoff, cutoff, or non-cutoff. We will rely on that information based on the cut sheet, the photometric data. If there is a problem with regard to enforcement from there we would have to go out and probably seek a consultant to verify if there is a problem. Typically what I have seen in 90% to 95% of all new development are using cutoff lighting and Ms. Rushing did bring an example of a box type fixture that has the four sides. You will see them at Kohl's, Target, Walgreen's, most of your new development where they are pointed downwards. They are shielded on four sides with no light output on top.

Shackelford: My concern is that this ordinance is going to create one more form of expense for

the developer in our community that he or she may not have to face in adjoining communities. I am concerned with the cost that this is going to add to the development process. I too would like to thank Mr. Green for his hard work and would suggest that we consider his final option that we increase the limits that are allowed going forward so we can make this less expensive on the developer. I would not like to see it be a situation where our ordinance requires such specific equipment for the developer that it becomes a substantial cost to development going forward. Thank you.

Hoffman: Is there any further discussion?

Allen: I have several little ticky tacky things but I will just mention one. I wondered about the government flags and lighting there so often the company flag is also a part of that. Will that be something that will be regulated? Will they have to remove their company flag in order to illuminate it?

Hoffman: If it is an existing installation, no. As I understand it, a new installation would not permit the private sector signage or flags or that kind of thing.

Conklin: Yes. We seem to have a few U.S. flags popping up around town I've noticed which would be allowed to be illuminated. That is just a commentary that I've noticed when I was driving on the bypass.

Ward: What about neon lights Tim?

Rushing: At this time we haven't addressed the type of bulb that it will be whether it is neon or others. We have not addressed that yet. I believe there is some information in the signage ordinance in regard to that but we did not address that in our outdoor lighting.

Hoffman: My thought on that is commercial design standards cover somewhat of neon as do the sign ordinances and no flashing lights and that kind of thing. I think we have other areas that we can work within.

Ward: Shelli, are you aware if there is any government lighting standards as far as streetlights that are shielded?

Rushing: I am not aware of any standards.

Conklin: You mean like for the City of Fayetteville?

Ward: Yes. We have got all these that Mike Green says wouldn't qualify under this new ordinance if these streetlights were actually underneath the ordinance. Are they producing streetlights now that are inexpensive that a city could afford?

- Conklin: The City is going in and as the older streetlights are worn out, are replacing them with the cutoff type lighting. That is the reason for my question with regard to the cobra head lighting where it would fall into that definition. I am not sure if it would be cutoff or semi-cutoff but Perry Franklin, Traffic Superintendent, did state that we are trying to go back in and replace them with the cutoff or semi-cutoff type lighting as they wear out. As part of the subcommittee, I think that is part of the confusion this evening with regard to do our streetlights meet the standards because we did have our Traffic Superintendent come to the meeting and talk about that the city is purchasing and installing cutoff or semi-cutoff lighting in Fayetteville.
- Hoffman: Just one additional comment that I would like to put in to respond to Commissioner Shackelford. We were really careful in researching the economic impact of this ordinance. I think that we did an informal survey of the commercial projects that were coming in for approvals and I believe that with the exceptions of the ones with the up floodlights, the vast majority of them would comply with this with no additional effort. Is that correct?
- Conklin: That is correct. Most new lighting is that type of lighting on commercial developments, which is cutoff lighting.
- Hoffman: So it may indeed need some fine tuning to workout the fixture lumens and the things that Mr. Green was referring to but I think that if you just take the new construction plans that we're getting and look at that and say that this has little or no impact on it then I think we're headed down the right road or that is the idea.
- Conklin: I think Mr. Green summed it up when he stated what this ordinance will do. It will prevent the floodlights from being installed and lighting up the entire street and neighborhood and that is the intention is to if you want to light your display area or your building or your parking lot, that you use appropriate lighting that is not impacting the entire street or your neighborhood. We have worked on this for a long time and the current ordinances state shielded and directed downward. Staff has interpreted that to require to make sure the lights are shielded, but that is as far as we have gone. That is a very simple way of doing it. I think this is the best that we can get at this point with regard to a definition of what cutoff is and full cutoff. Thank you.
- Hoffman: Thank you. Does anyone else have any questions before we take the vote?
- Bunch: I have one. Mr. Estes, when you made your motion did you intend to include Mr. Green's suggestion of revisions on 176(a)?
- Estes: My motion incorporated all of Mr. Green's comments and would ask that they go forward to the City Council and that Mr. Green's letter dated today, July 8th numerates those comments.

- Bunch: He did have some additional information that was not in the letter that had to do with the numbers, adjusting the numbers in 176(a).
- Estes: Yes, my motion includes all of those comments and of course that will be transcribed right Renee?
- Thomas: Yes.
- Hoffman: Ok, thanks. Renee, would you call the roll please?
- Roll Call:** Upon the completion of roll call the motion to approve ADM 01-15.00 was approved by a vote of 8-0-0.
- Hoffman: The motion for the Outdoor Lighting ordinance carries unanimously. Thank you everybody for your efforts and we appreciate it.

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of August 20, 2002.

FROM: Tim Conklin Planning Urban Development
Name Division Department

ACTION REQUESTED: To approve an ordinance for RZN 02-21.00 as submitted by Dixie Development for property located at 10 Bishop Drive and 35 Appleby Road. The property is zoned A-1, Agricultural and contains approximately 17.39 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:

Accounting Manager Date 8/02/02
City Attorney Date
Purchasing Officer Date

GRANTING AGENCY:

ADA Coordinator Date
Internal Auditor Date

STAFF RECOMMENDATION: Staff recommended approval and on July 22, 2002 the Planning Commission voted 5-1-0 to recommend the rezoning be approved by the City Council.

Division Head
Department Director
Administrative Services Director
Mayor

8-2-02
Date
8-6-02
Date
8/8/02
Date
Date

Cross Reference

New Item: Yes No

Prev Ord/Res#: _____

Orig Contract Date: _____

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City Attorney Date Internal Auditor Date
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Division Head Date 8-2-02
Department Director Date 8-6-02
Administrative Services Director Date 8/8/02
Mayor Date
Cross Reference
New Item: Yes No
Prev Ord/Res#:
Orig Contract Date:

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 02-21.00 FOR A PARCEL
CONTAINING APPROXIMATELY 17.39 ACRES LOCATED AT 10 BISHOP
DRIVE AND 35 APPLEBY ROAD, FAYETTEVILLE, ARKANSAS, AS
SUBMITTED BY DIXIE DEVELOPMENT ON BEHALF OF FERN
YOUNKIN REVOCABLE TRUST.

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

EXHIBIT "A"
RZN 02-21.00

A PART OF THE SOUTH HALF (S ½) OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) AND A PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼), ALL IN SECTION THIRTY FIVE (35), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH HALF (S ½) OF SAID NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼), SAID POINT BEING IN APPLEBY ROAD AND FROM WHICH AN EXISTING REFERENCE IRON AT THE NORTHWEST CORNER OF LOT NUMBERED ONE (1), BLOCK NUMBERED ONE (1) OF QUAIL CREEK SUBDIVISION, PHASE 1, TO THE CITY OF FAYETTEVILLE, ARKANSAS, BEARS S01°17'04"W 24.69 FEET; THENCE S88°40'42"E ALONG THE NORTH LINE OF SAID SOUTH HALF (S ½) OF SAID NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) 383.71 FEET TO A POINT FROM WHICH A SET REFERENCE IRON BEARS S01°17'04"W 23.82 FEET; THENCE LEAVING THE NORTH LINE OF SAID SOUTH HALF (S ½) OF SAID NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) S01°17'04"W 316.46 FEET TO A SET IRON ON THE NORTH LINE OF NORTH HEIGHTS ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS; THENCE N88°27'27"W 1.47 FEET TO AN EXISTING IRON AT THE NORTHWEST CORNER OF SAID NORTH HEIGHTS ADDITION; THENCE S01°34'03"W ALONG THE WEST LINE OF SAID NORTH HEIGHTS ADDITION 101.33 FEET TO A SET IRON; THENCE LEAVING THE WEST LINE OF SAID NORTH HEIGHTS ADDITION N88°40'42"W 173.03 FEET; THENCE S01°17'04"W 1562.58 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼), SAID POINT BEING IN DRAKE STREET AND FROM WHICH A REFERENCE IRON SET ON THE NORTH RIGHT OF WAY LINE OF SAID STREET BEARS N01°17'04"E 30.20 FEET; THENCE N88°34'03"W 208.71 FEET TO THE SOUTHWEST CORNER OF SAID IRON AT THE SOUTHEAST CORNER OF LOT NUMBERED THIRTY SEVEN (37), OF FAYETTEVILLE, ARKANSAS, BEARS N01°17'04"E 30.00 FEET; THENCE N01°17'04"E 1979.97 FEET TO THE POINT OF BEGINNING, CONTAINING 11.162 ACRES MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED 11.162 ACRE TRACT BEING SUBJECT TO THE RIGHT OF WAYS OF APPLEBY ROAD ALONG THE ENTIRE NORTH BOUNDARY AND DRAKE STREET ALONG THE ENTIRE SOUTH BOUNDARY.

ALSO,

A PART OF THE SOUTH HALF (S ½) OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) AND A PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) ALL IN SECTION THIRTY-FIVE (35), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING

AT THE NORTHWEST CORNER OF THE SOUTH HALF (S ½) OF SAID NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼), SAID POINT BEING IN APPLEBY ROAD AND FROM WHICH AN EXISTING REFERENCE IRON AT THE NORTHWEST CORNER OF LOT NUMBERED ONE (1), BLOCK NUMBERED ONE (1) OF QUAIL CREEK SUBDIVISION, PHASE I, TO THE CITY OF FAYETTEVILLE, ARKANSAS, BEARS S01°17'04"W 24.69 FEET; THENCE S88°40'42"E ALONG THE NORTH LINE OF SAID SOUTH HALF (S ½) OF SAID NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) 383.71 FEET TO A POINT FROM WHICH A SET REFERENCE IRON BEARS S01°17'04"W 23.82 FEET; THENCE LEAVING THE NORTH LINE OF SAID SOUTH HALF (S ½) OF SAID NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) S01°17'04" 316.46 FEET TO A SET IRON ON THE NORTH LINE OF NORTH HEIGHTS ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS; THENCE N88°27'27"W 1.47 FEET TO AN EXISTING IRON AT THE NORTHWEST CORNER OF SAID NORTH HEIGHTS ADDITION, THENCE S01°34'03"W ALONG THE WEST LINE OF SAID NORTH HEIGHTS ADDITION 188.73 FEET TO AN EXISTING IRON AT THE SOUTHWEST CORNER OF SAID NORTH HEIGHTS ADDITION; THENCE S88°27'27"E ALONG THE SOUTH LINE OF SAID NORTH HEIGHTS ADDITION 0.66 FEET TO AN EXISTING FENCE CORNER AT THE NORTHWEST CORNER OF LOT NUMBERED TWENTY ONE (21), BLOCK NUMBERED FIVE (5) OF THE BISHOP ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS; THENCE S01°12'06"W ALONG THE WEST LINE OF BLOCKS NUMBERED FIVE (5) AND ONE (1), OF SAID BISHOP ADDITION TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼), SAID POINT BEING IN DRAKE STREET AND FROM WHICH A REFERENCE IRON SET AT THE SOUTHWEST CORNER OF LOT NUMBERED TWELVE (12), BLOCK NUMBERED ONE (1), OF SAID BISHOP ADDITION BEARS N01°12'06"E 30.36 FEET; THENCE N88°34'03"W ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) 174.75 FEET TO A POINT FROM WHICH A REFERENCE IRON SET ON THE NORTH RIGHT OF WAY OF DRAKE STREET BEARS N01°17'04"E 30.20 FEET; THENCE LEAVING THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) N01°17'04"E 1562.58 FEET TO A SET IRON; THENCE S88°40'42"E 173.03 FEET TO THE POINT OF BEGINNING, CONTAINING 6.229 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED 6.229 ACRE TRACT BEING SUBJECT TO THE RIGHT OF WAYS OF APPLEBY ROAD ALONG THE ENTIRE NORTH BOUNDARY AND DRAKE STREET ALONG THE ENTIRE SOUTH BOUNDARY.

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: July 22, 2002

RZN 02-21.00: Rezoning (Dixie Development, pp 251) was submitted by Dixie Development on behalf of Fern Younkin Revocable Trust for property located at 10 Bishop Drive and 35 Appleby Road. The property is zoned A-1, Agricultural and contains approximately 17.39 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: July 22, 2002

CITY COUNCIL ACTION: Required YES
☐ Approved ☐ Denied

Date: August 20, 2002 (1st reading – if recommended)

Comments: _____

BACKGROUND:

The subject property is located south of Appleby Road and north of Drake St. between the Quail Creek subdivision (to the west) and the North Heights and Bishop Addition subdivisions (both to the east). This property has served the owner as a home site and a personal air strip for many years. The entire tract under consideration contains approximately 17.4 acres and is currently zoned A-1, Agricultural.

The applicant, Dixie Development, proposes to rezone the property to the R-O, Residential Office district in order to develop an area for professional offices, expecting that many will probably relate to the new hospital facility for Washington Regional Medical Center which is projected to open late this summer. That facility is under construction immediately north of the subject property.

The City's adopted General Plan 2020 identifies this area on the Future Land Use Map as Residential. The current designation of the property for agricultural uses is not compatible and could permit uses which would pose certain negative impacts to the existing residential and professional office uses surrounding the site. The request for Residential Office zoning is compatible with adjacent zoning as well as policies and principles within the City's adopted General Plan.

Through policy as well as past action, the Planning Commission and City Council have utilized the R-O, Residential Office zoning district as a compatible transition zone, generally surrounded by residential uses. Some recent examples of this type of application include:

- R-O zoning along the western edge of the Stonewood Subdivision (north end of Hwy 265) which is entirely surrounded by residential land uses
- R-O zoning along the east and west sides of Meadowlands Drive north and south of Wedington Drive leading into the Meadowlands and Willow Springs Subdivisions
- R-O zoning at the entrances to both David Lyle Village and Deerfield Subdivisions

Two applications for R-O zoning along Appleby Drive immediately east of the subject property have been recently approved. Further east on Appleby Drive, property is zoned R-O adjacent to residential developments on the north and south sides of the street (Regency North Subdivision and Fiesta Park Subdivision). In various locations throughout the City, the R-O district has been applied within residential areas where the specific use of the district was determined to be compatible with surrounding properties.

Much of the area north of the subject property is designated for office use by the General Plan 2020. While the plan does not specifically identify professional office space, it is addressed in the text document which accompanies the Future Land Use Map. This section of the General Plan states:

9.13 PROFESSIONAL OFFICE AREAS

Fayetteville serves as the regional provider of professional services such as finance, insurance, real estate, legal, government, and medical services. Since these services are regional in scope, their locations should be as carefully planned just as the locations for regional shopping and entertainment attractions are planned. The downtown square area is the established site for most professional services and this pattern will continue. Medical services have traditionally been provided at Washington Regional Medical Center and the Veteran's Administration Hospital, with medical offices scattered throughout the City. Recently, the North Hills Medical Park opened near the Gregg Avenue/71 Bypass intersection, and additional office development is expected in this area. Washington Regional Medical Center is expected to move to a location near North Hills in the future.

Professional Office Areas: *Guiding Policies*

9.13.a Provide ample space for professional offices.

9.13.b Encourage existing office areas to remain and expand as demand increases.

Professional Office Areas: *Implementation Strategies*

9.13.c The supply of office space is a function of demand. As the regional population increases there will probably be a corresponding increase in the demand for office space. Since most office uses are dependent on economies of agglomeration, they will probably locate in close proximity to complementary office uses, so regulations to require them to concentrate would be superfluous. Existing office areas will expand as the market allows.

The applicant has made efforts to contact neighbors to discuss this request and at least two neighborhood meetings have resulted. Staff has heard from neighbors who have concerns about a non-residential development possibly locating on the subject tract. Specific concerns have centered around compatibility and how the proposal would impact neighbors with regard to traffic, screening, lighting and noise issues. These are valid concerns and the applicant will, if successful in this rezoning, be required to address each of those issues and others in the development review process. The City does have many ordinances in place which should provide some protection for adjoining property owners. The Planning Commission will be asked to review any development proposal and to place appropriate conditions on the project to ensure compatibility. Street construction required by the Planning Commission within a development will be the responsibility of the developer, not the City of Fayetteville. It is also possible that off-site improvements to adjacent infrastructure may be considered in the development review process.

SURROUNDING LAND USE AND ZONING

North: Washington Regional Medical Center (under construction), R-O / A-1, C-2

South: Lakeside Village Apartments, R-2

East: Residential, R-2

West: Residential, R-1.5

INFRASTRUCTURE:

Access to this property is fairly good. The property has frontage on both Appleby Road and Drake Street, both of which are classified as collectors on the Master Street Plan. Appleby is being improved as a condition of the development approval for Washington Regional Medical Center across from this property. South of this site, Drake Street is built to a four lane section that exceeds the collector street section requirements which would typically call for a two or three lane street. While Appleby continues west to intersect with Gregg Ave., Drake Street does not. It is however shown on the Master Street Plan to connect to Gregg Ave. in the future. Timing for this connection is undetermined. It will require prioritization on the Capitol Improvements Program (CIP) as well as funding in order for the project to be undertaken by the City. Such action would be at the discretion of the City Council.

Water and sewer facilities are both located in areas which would serve development on this property. When a development proposal is processed for this property, extension of appropriate infrastructure as well as detention (and other improvements) if necessary must be designed and constructed per current regulations.

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 Residential Office zoning district serves as a transitional zone which has been determined through previous actions of the City Council to be compatible in many situations with adjacent and nearby residential uses. The proposed zoning is consistent with land use planning objectives, principles and policies as set forth in the adopted General Plan 2020 and with land use and zoning plans.

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

Finding: The existing Agricultural zoning applied to the subject property is not appropriate at this time. It is now surrounded by single and multi family residential as well as professional office and medical facility uses. It is necessary to change the designation of the property in order to better control future development and uses which are to be established. The proposed zoning is necessary to develop the property for the purpose desired by the applicant.

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

Finding: The proposed zoning will increase the amount of traffic generated by the site and through the site. The current zoning designation would only permit 8 single family homes at maximum density. A residential zoning designation permitting only single family homes could generate a weekday average of approximately 660 vehicle trips per day. An office park type use of the same property may generate up to approximately 3395 vehicle trips per day on an average weekday*.

According to traffic counts provided by the Arkansas Highway and Transportation Dept. for 2001 (most current information available) there is an average count of 4600 vehicles per day at the intersection of Appleby and Gregg. This is the closest count reflected on the AHTD Traffic Count map in the area of the subject property. The amount of traffic projected for a collector is between 4,000 and 7,000 vehicles per day. With Appleby serving as a collector and generally meeting the design criteria for that type of street, there is available capacity for additional development.

Documentation is not available for Drake Street, probably because it has not been built to connect to the west. The portion of Drake currently existing exceeds the design criteria for a collector street.

The likelihood of a local street being constructed with any development proposal for the subject property is very high. A connection between Appleby and Drake would provide a means of access which would alleviate cut through traffic within the residential developments located north of Drake Street.

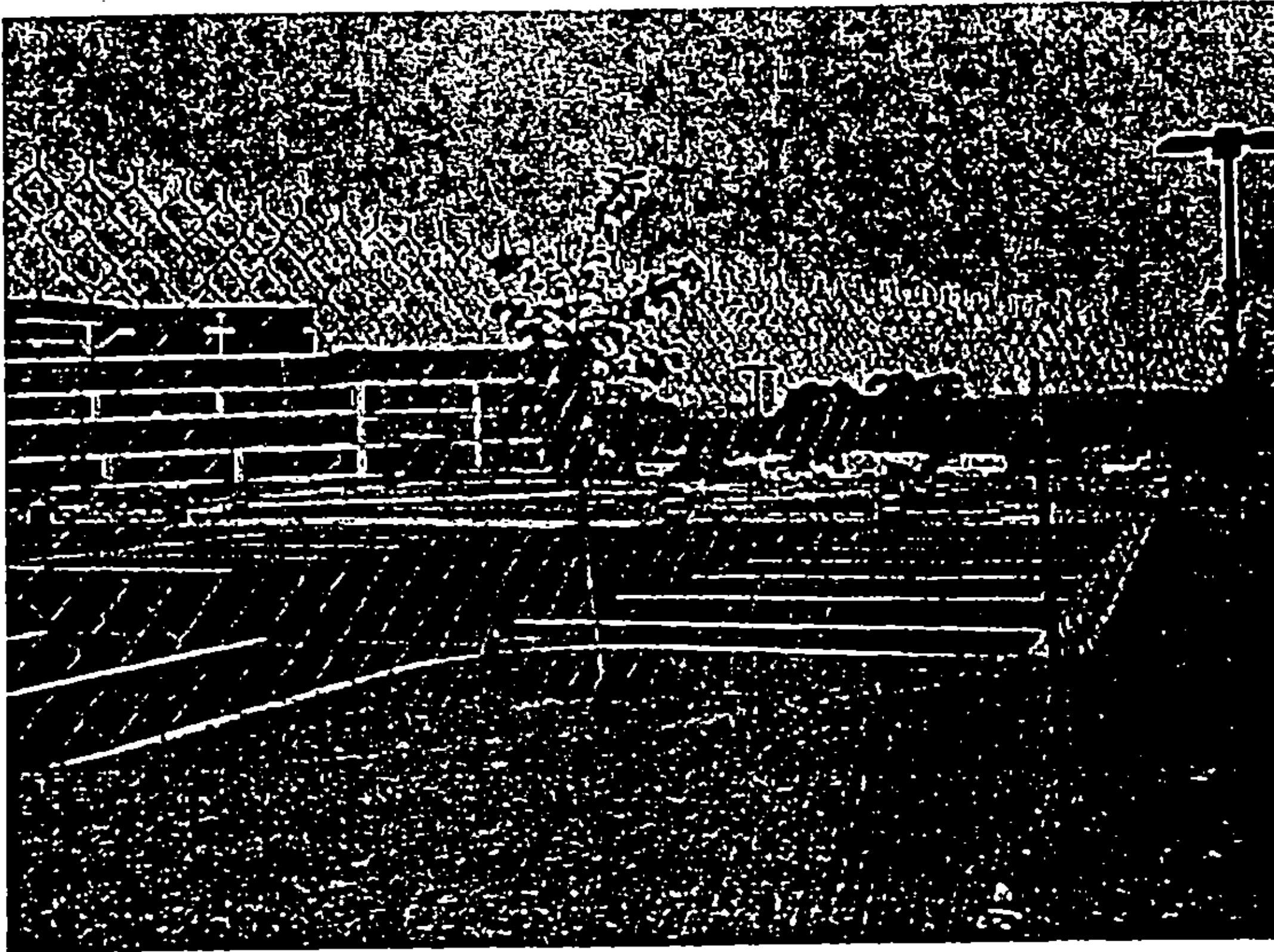
4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed zoning will not alter population density in a manner which would undesirably increase the load on public services including schools, water, and sewer facilities.**

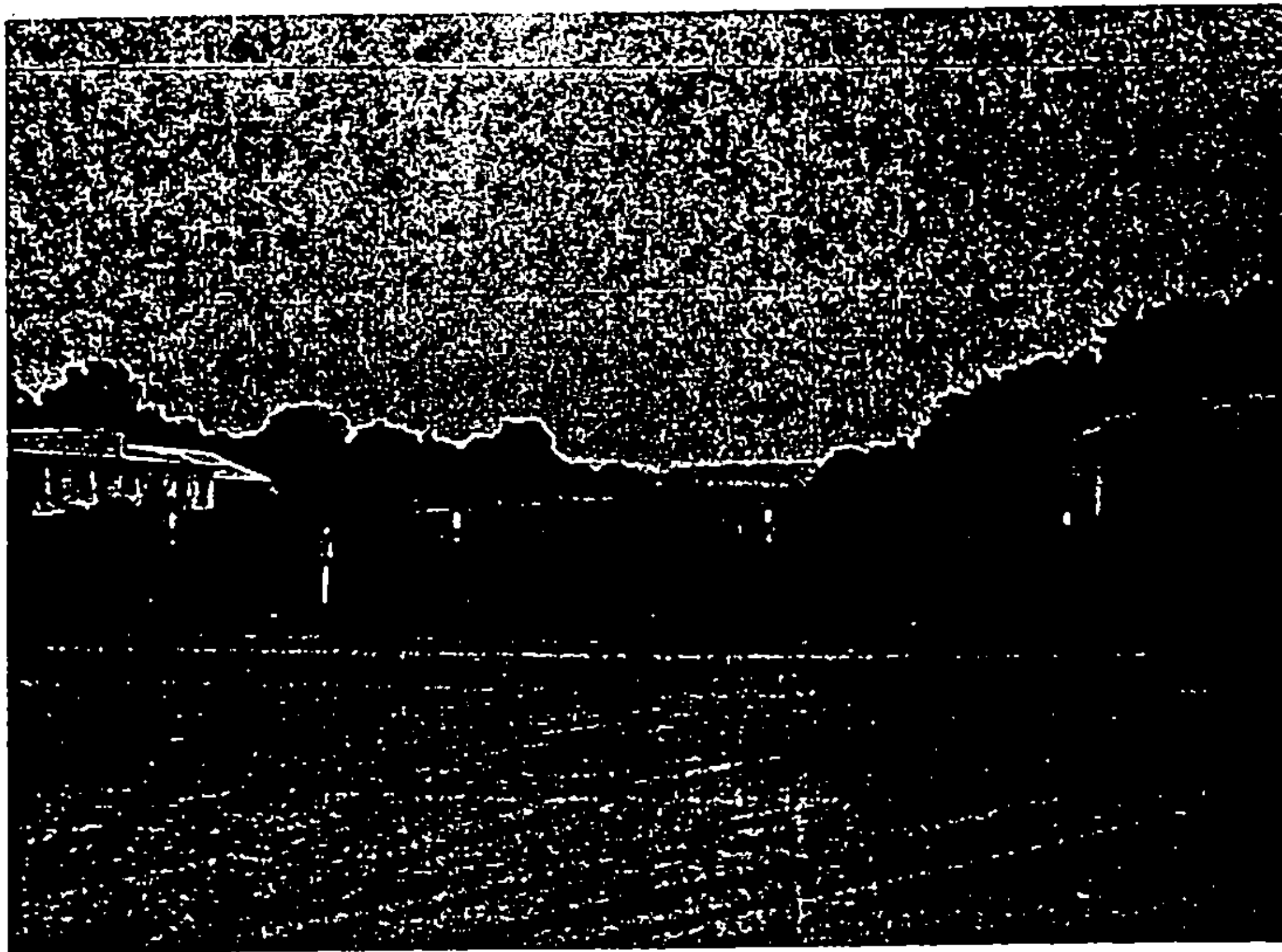
5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of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

*** See attached reports run with ITE (Institute of Traffic Engineers) T-Gen software**



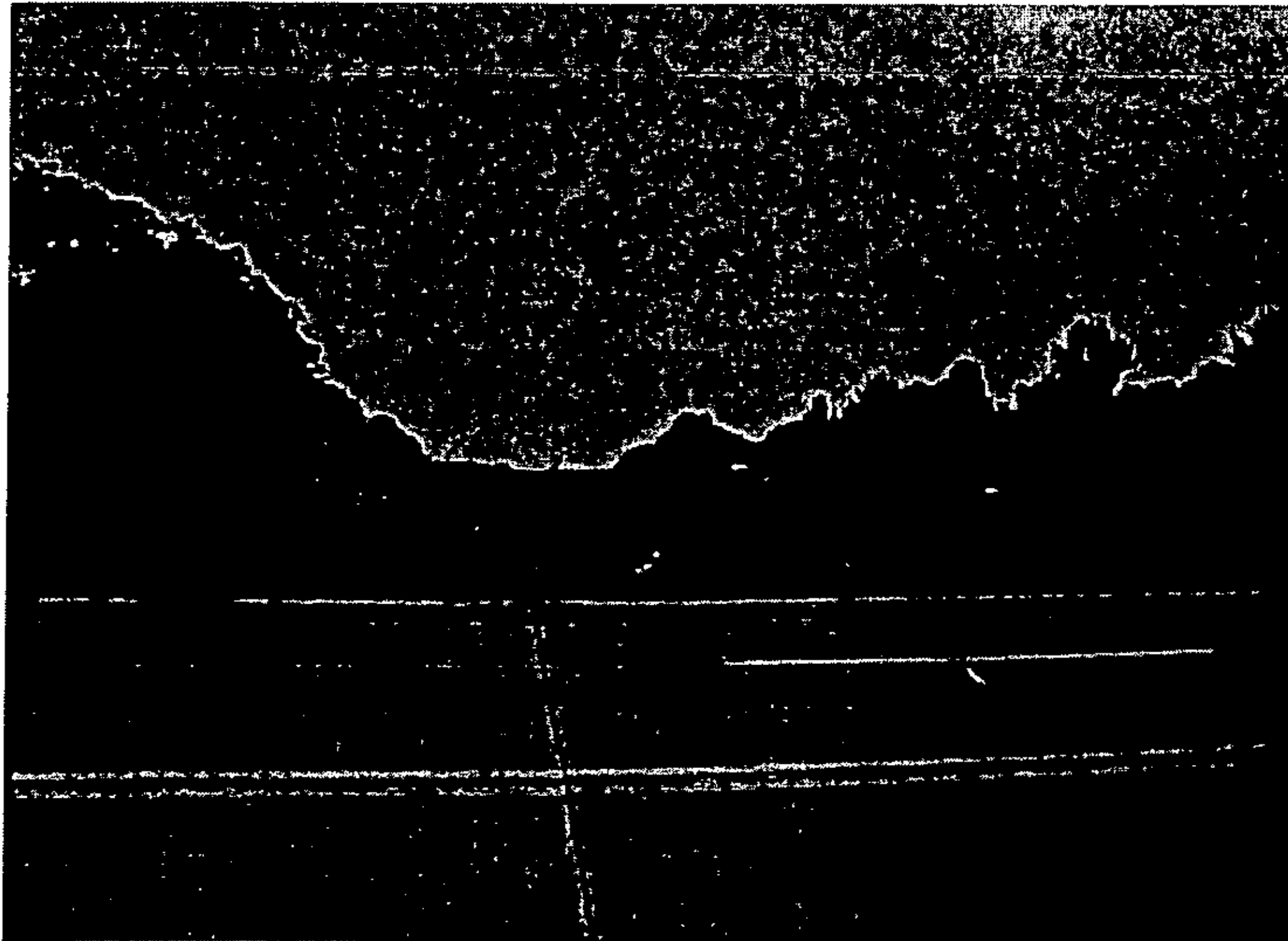
WRMC Development to the north



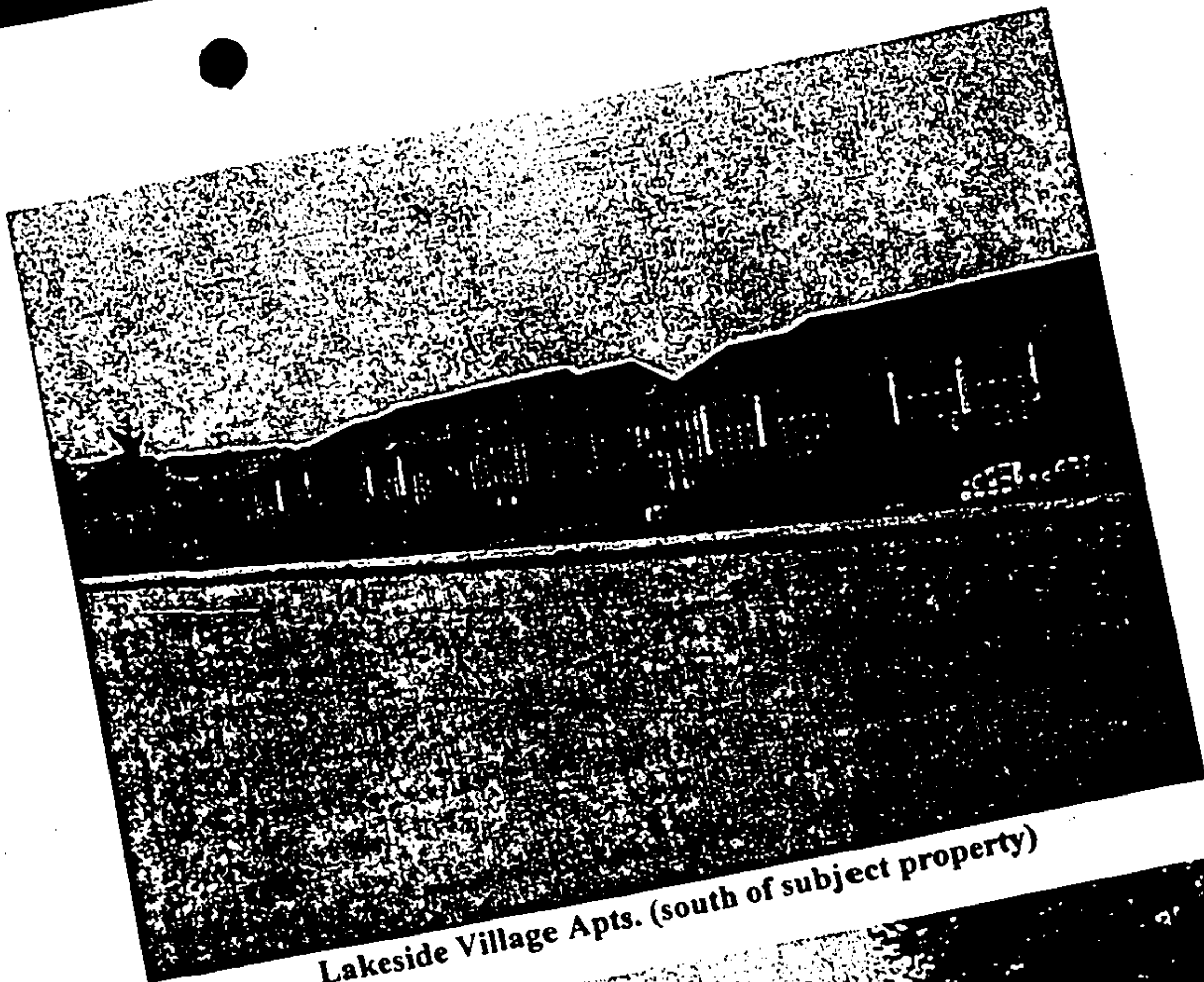
Subject property from Appleby Rd. (north boundary) facing south



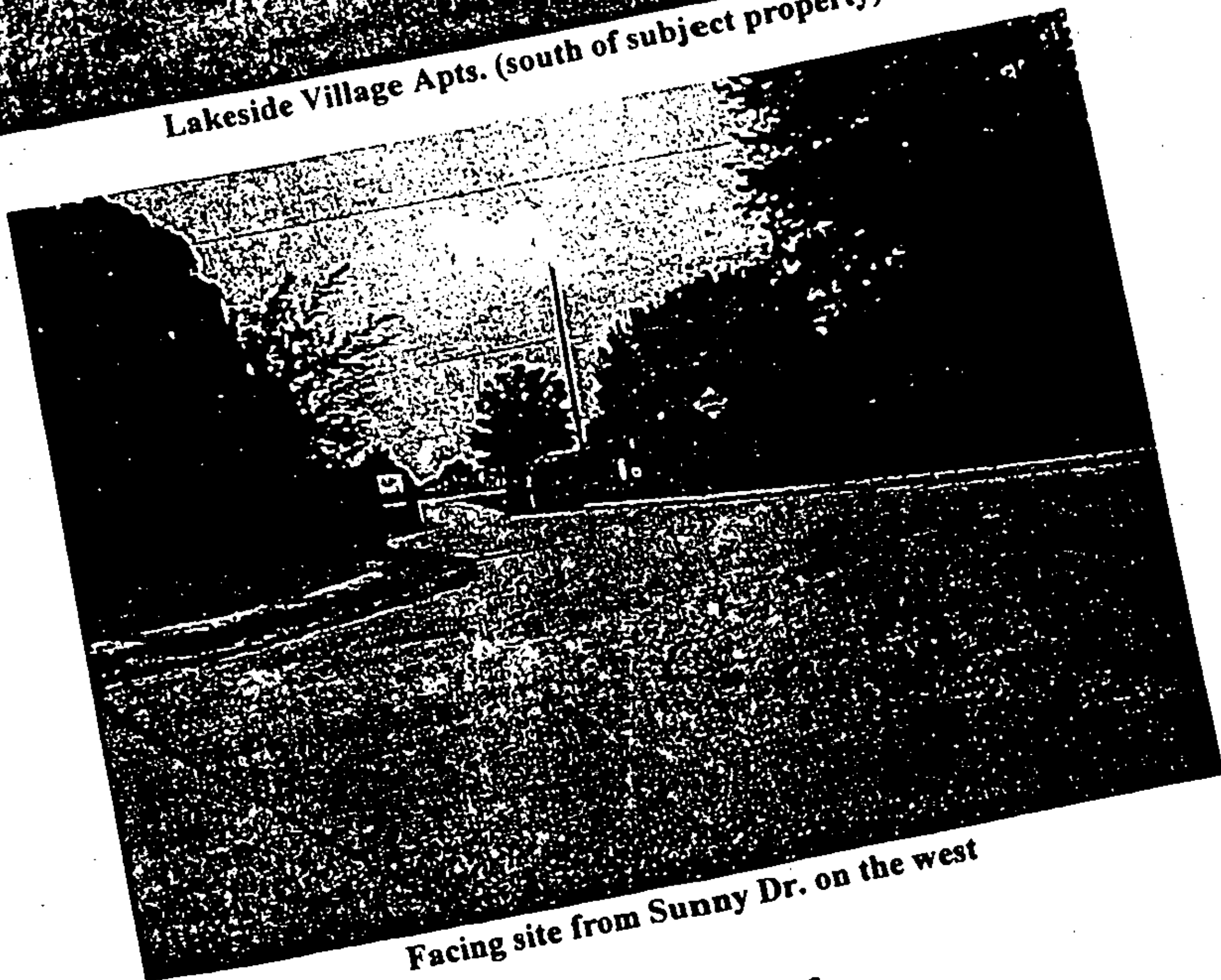
Subject property from Appleby Road / North Hills Blvd. intersection



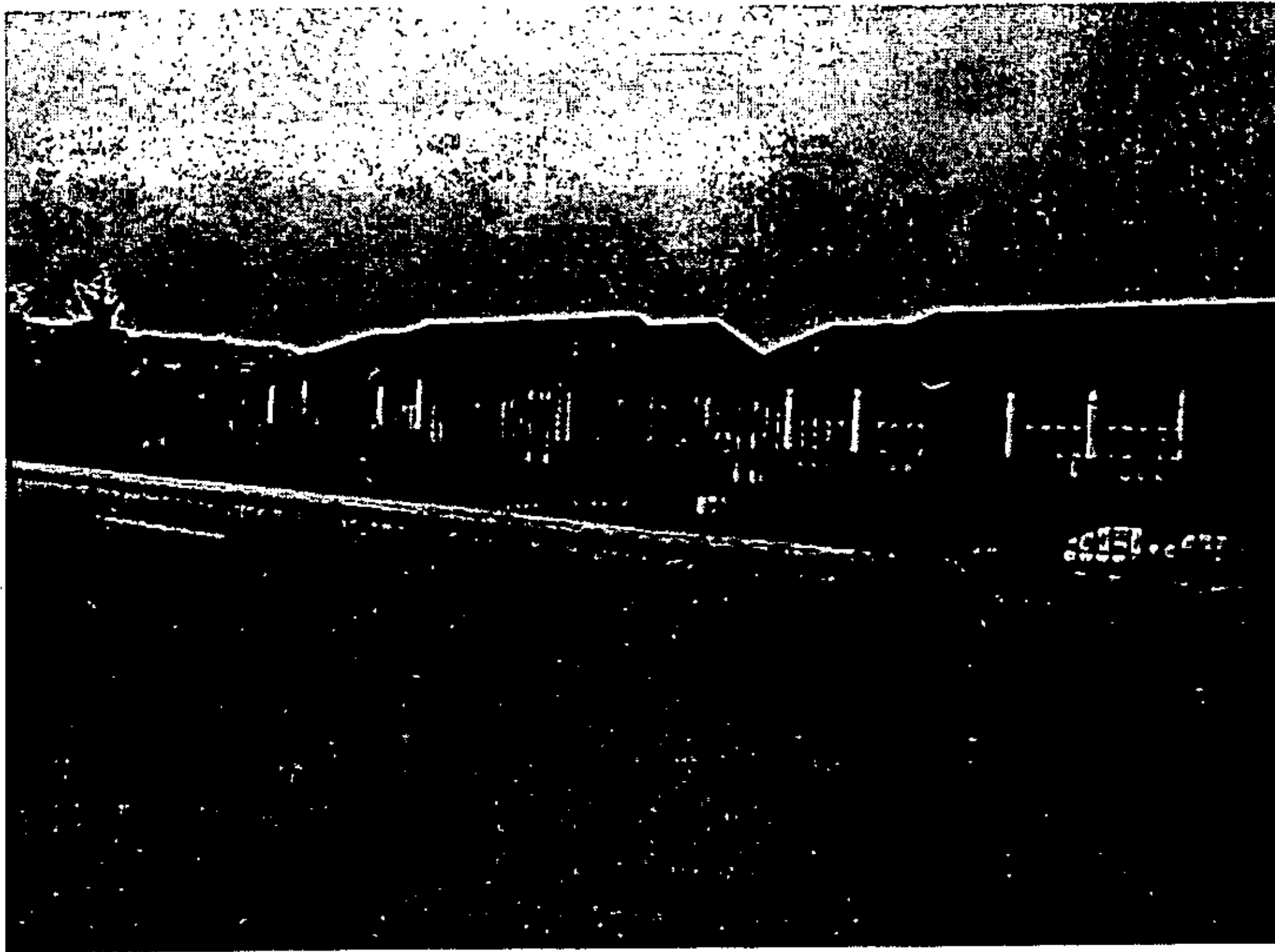
Subject property from Drake St. (south boundary) facing north



Lakeside Village Apts. (south of subject property)



Facing site from Sunny Dr. on the west



Lakeside Village Apts. (south of subject property)



Facing site from Sunny Dr. on the west

§161.12 DISTRICT R-O RESIDENTIAL OFFICE.

A. Purpose. The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

B. Uses.**1. Uses Permitted.**

Unit 1	City-Wide Uses by Right
Unit 5	Government Facilities
Unit 8	Single-Family and Two-Family Dwellings
Unit 12	Offices, Studios and Related Services
Unit 25	Professional Offices

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 9	Multi-Family Dwelling - Medium Density
Unit 10	Multi-Family Dwelling - High Density
Unit 13	Eating Places

C. Bulk and Area Regulations.
(Per Dwelling Unit for Residential Structures)

Lot Minimum Width:	Mobile Home Park	100 ft.
	Lot Within a Mobile Home Park	50 ft.

Lot Minimum Width:	Mobile Home Park	100 ft.
	One Family	60 ft.
	Two Family	60 ft.
	Three or More	90 ft.
Lot Area Minimum:	Mobile Home Park	3 acres
	Lot Within a Mobile Home Park	4200 sq. ft.
	Row Houses: Development Individual Lot	10,000 sq. ft. 2500 sq. ft.
	Single Family	6000 sq. ft.
	Two Family	6500 sq. ft.
	Three or More	8000 sq. ft.
	Fraternity or Sorority	1 acres
Land Area Per Dwelling Unit:	Mobile Home	3000 sq. ft.
	Row Houses & Apartments: Two or More Bedrooms One Bedroom No Bedroom	1200 sq. ft. 1000 sq. ft. 1000 sq. ft.
	Fraternity or Sorority	500 sq. ft., per resident

D. Bulk and Area Regulations/ Setbacks.

Setback lines shall meet the following minimum requirements.

From Street ROW	30 ft.
From Street ROW if Parking is Allowed Between the ROW and the Building	50 ft.
From Side Property Line	10 ft.
From Side Property Line When Contiguous to a R-1, R-2 or R-3 District	15 ft.
From Back Property Line Without Easement or Alley	25 ft.
From Center Line of Public Alley	10 ft.

E. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

F. Height Regulations. There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any R-1, R-2, or R-3 District an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, §160.041; Code 1965, App. A, Art. 5(x); Ord. No. 1747, 6-29-89; Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80)

§161.03 DISTRICT A-1 AGRICULTURAL.

A. Purposes. The regulations of the Agricultural District are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 3	Public Protection and Utility Facilities
Unit 6	Agriculture
Unit 7	Animal Husbandry
Unit 8	Single-Family and Two-Family Dwellings

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 4	Cultural and Recreational Facilities
Unit 20	Commercial Recreation; Large Sites

C. Bulk and Area Regulations.

Lot Width Minimum	200 ft.
Lot Area Minimum: Residential Nonresidential	2 acre 2 acre
Lot Area Per Dwelling Unit	2 acre

areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; prevent unsightly development, increase scenic attractiveness; and conserve open space.

D. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
35	20	35

E. Height Requirements. There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required yard lines.

(Code 1991, §160.030; Code 1965, App. A, Art. 5(I); Ord. No. 1747, 6-29-89)

Dixie Development
Summary of Average Vehicle Trip Generation
For 17.4 Acres of Office Park
July 18, 2002

	24 Hour	7-9 AM Pk Hour		4-6 PM Pk Hour	
	Two-Way Volume	Enter	Exit	Enter	Exit
Average Weekday	3395	411	36	74	418

	24 hour	Peak Hour	
	Two-Way Volume	Enter	Exit
Saturday	510	32	9
Sunday	238	15	22

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

Dixie Development
Summary of Average Vehicle Trip Generation
For 69 Dwelling Units of Single Family Detached Housing
July 18, 2002

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	660	13	39	45	25

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	696	35	30
Sunday	606	32	28

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

RECEIVED

JUL 16 2002

PLANNING DIV.

July 13, 2002
Tim Conklin, City Planner
113 West Mountain
City of Fayetteville, AR. 72701-6083

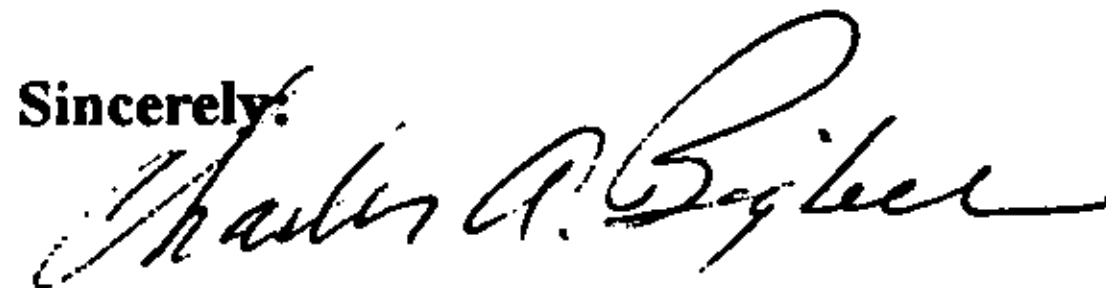
**Subject: Proposed Re-zoning of Younkin Property by Dixie Development Co.
RZN 02-21 From Agricultural to R-O Residential /Office.
Reference: Your notice dated July 2, 2002 to adjacent property owners.**

In response to Subject Proposed Re-zoning Changes, I am strongly opposed to any re-zoning other than Single Family, One Story Homes with a minimum of 2000 sq. ft. with an access street no wider than 50 feet. This would be in keeping with previously approved Protective Covenants by Washington Co. for the Quail Creek Subdivision dated Oct, 26, 1993 under the MILLER FAMILY TRUST, Peggy Bishop-Trustee.

As I presently own two homes located at 2823 and 2888 Quail Creek Dr., I am strongly opposed to mixing Business with Residential property! We are already receiving excessive drive-through traffic from Appleby to Drake St. during commuting hours. With the impending opening of the NW Regional Hospital, this will further add tremendous unwanted traffic in our Residential Area. We also believe that Drake St. should be extended westward and connected to Gregg Street (Hwy. 180) as it was originally intended, instead of having a multilane highway dead ending at Quail Creek Dr.!

I will support any and all efforts by the homeowners and Property Owners Association that oppose the proposed re-zoning.

Sincerely:



**Charles & Gladys Bigbee
2826 N. Quail Creek Dr.
Fayetteville AR. 72703
Phone 479 251-8991**

**cc to;
Chip Arledge 2928 John Wayne Drive**



4700 S. Thompson, Suite B-101
Springdale, AR 72764

Information regarding Dixie Development's Rezoning Application for Robert Younkin property located between Appleby and Drake.

The Following is our written description of our request with the required information:

5. A. Ownership information: See attached information.
- B. The property is currently zoned A-1, and has been used as an airplane runway. With the New hospital near completion, and obvious traffic it will create, additional services will be needed near its location. We believe that a zone change makes logical sense and would serve as a convenient location for doctor's offices and businesses that will support the hospital; it's patients and their families.
- C. In regard to how the property will relate to surrounding properties: Zoning the land R-O Will relate to the medical offices, hospital, rehabilitation facilities, nursing home and numerous other services adjoining our property and across the street (Appleby) from our property. Traffic will naturally flow through our new development, from Appleby to Drake, and adjoin Bishop (which is a natural connector street.) We are confident this will be a tremendous benefit to the homeowners in the subdivisions located in the area where traffic cuts through their streets at an increasing volume, especially with the completion of the hospital. Our new street will be a natural connector, one most traffic will use, instead of cutting through neighborhoods already established. The appearance of our development will be pleasing to the eye, and an asset to the area. The property has several beautiful mature maple trees. We will work diligently on our site design to find ways to preserve these trees, if there is any obvious way to do so. We think the trees are an asset to the property, and will add to the beauty of our development. We are committed to building this project with the high standards Dixie Development has become known for.
All of our signage will be within city compliance, and will not detract from surrounding areas.
- D. Availability of water and sewer: Appleby Road has 8" water lines, which could be connected, and T into our property. Drake Road also has 8" water lines. Also Bishop has a 6" line going to our property. Sewer lines, 10" and 8" run down Cydnee, and through to the east side of our property. We also own two lots on Cydnee where we could connect sewer if we need to. Sewer lines 8" run down Sunny street and T into Bishop with a 6" line, and runs into our property on the east side.

6. A. Our request for R-O zoning is with the intention of using the land for compatible use. In

Phone 501.872.0707
Toll Free 877.872.0707
Fax 501.872.0714

Page 2.

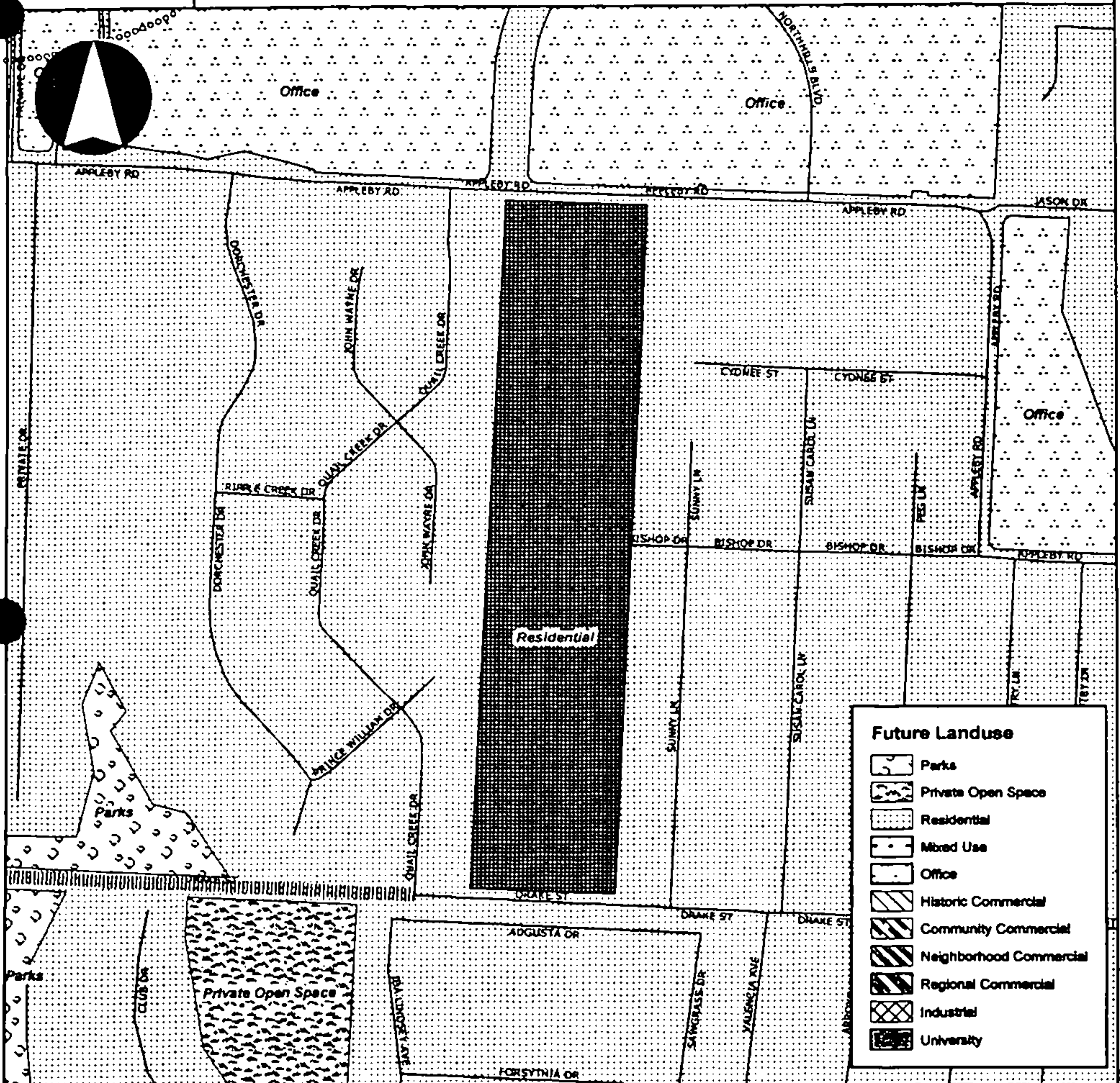
particular unit 12: offices, studios and related services, and unit 25 professional offices.

- B. With the area around our land growing in use and traffic, we believe the timing is right for a new street connecting Appleby to Drake. We will also pick up the intersection with Bishop to T into our new street as a connector.
- C. The proposed zoning will appreciably decrease traffic going through existing neighborhoods, and give safer alternate routes for existing and future traffic (no families living on our street). Connecting Appleby directly to Drake, which has four lanes going east will help existing neighborhoods not see as much cut through traffic. We even believe it may help with emergency runs for ambulances to have another access to and from the new hospital. We also realize the city has future plans to continue the existing four lane (Drake) going west to intersect with Greg street. Even if that doesn't happen in the near future, the four lanes going east are a tremendous benefit.
- D. With regard to altering the population density: Unit 12 and unit 25 will not put undue burden on schools. The water and sewer lines are 8" and 10" with the exception of the Bishop intersection, which is 6" for water and sewer, all adequate for our intended use. (Please see enclosed street layout for specifics on water and sewer.)
- E. The land is currently zoned A-1 and used as an airplane runway. We believe using it for cattle, or farm use is not in consistency with the area surrounding it. It is surrounded by R-0 and R-1 or R1.5. We do not think putting single-family dwellings or duplexes would be a wise use of the land, as it will become a major thoroughfare for future traffic.

RZN02-21.00

Future Landuse

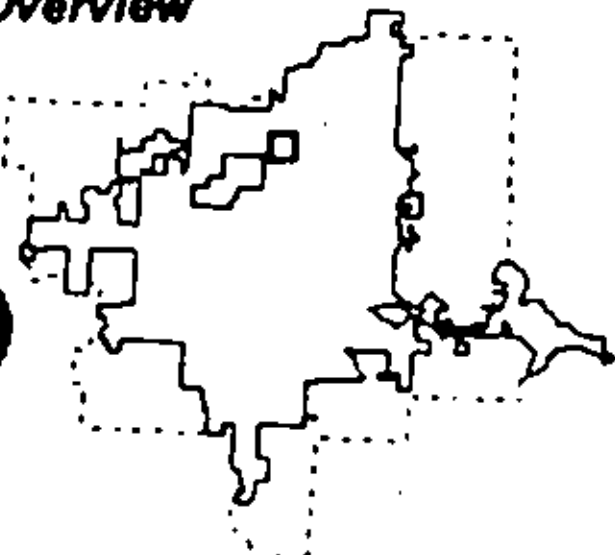
DIXIE DEVELOPMENT



Future Landuse

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

Overview



Legend

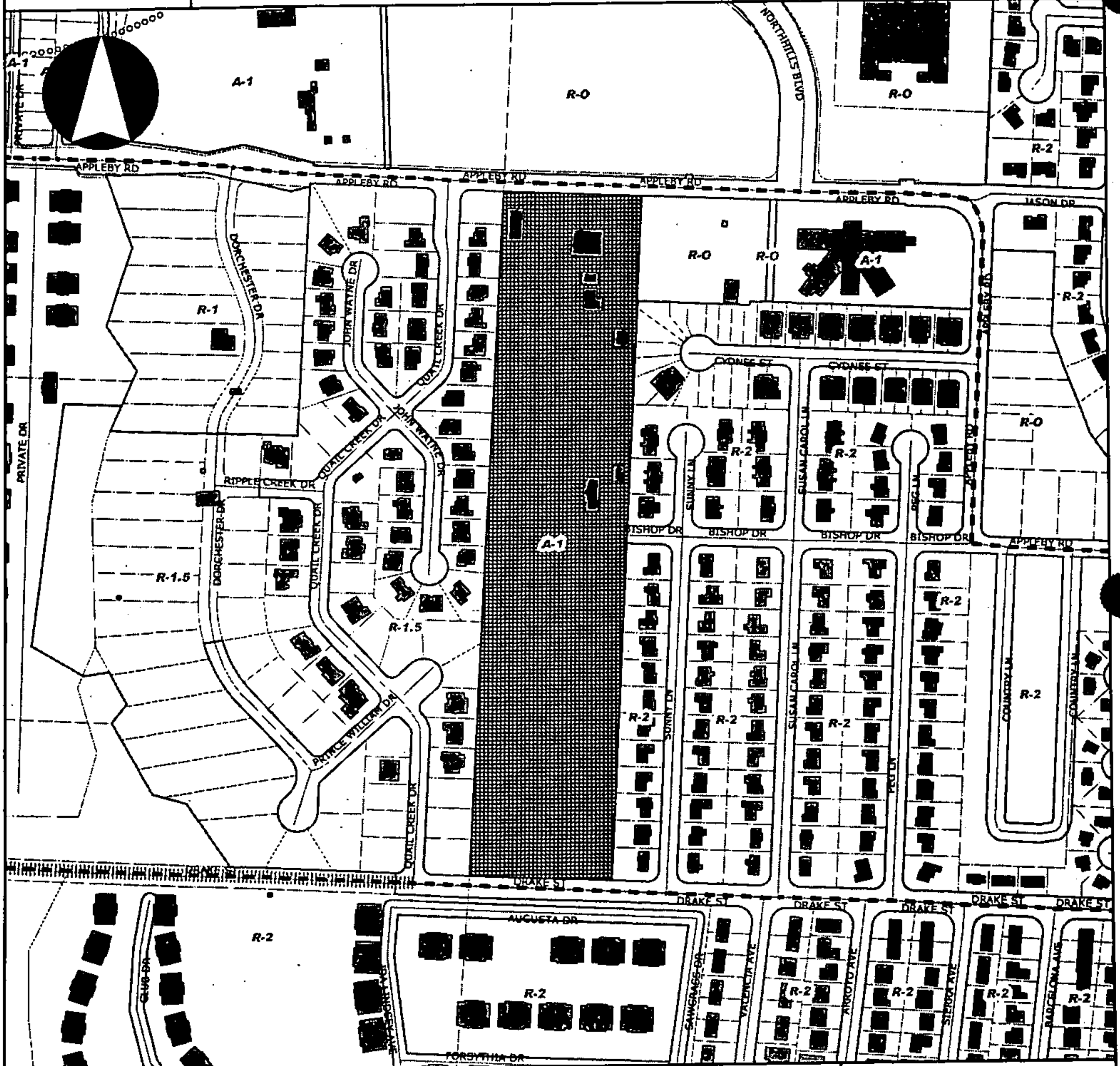
- Subject Property**
 - LSD01-23.00
- Streets**
 - Existing
 - Planned
- Boundary**
 - Planning Area
 - Overlay District
 - City Limits



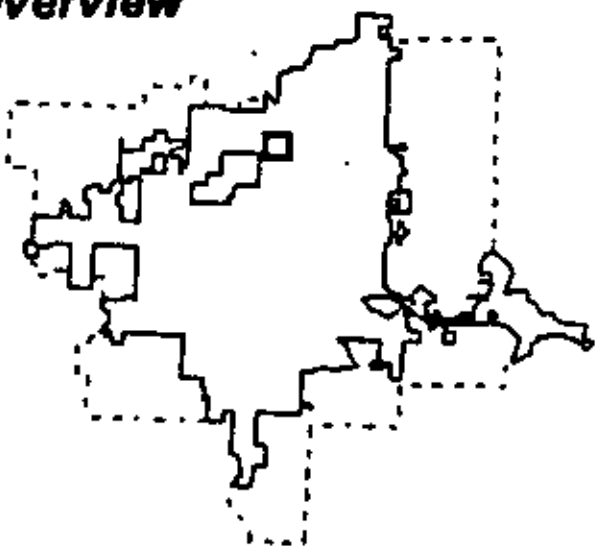
RZN02-21.00

Close Up View

DIXIE DEVELOPMENT



Overview



Legend

Subject Property

RZN02-21.00

Streets

Existing
 Planned

Boundary

Planning Area
 Overlay District
 City Limits
 Outside City

Master Street Plan

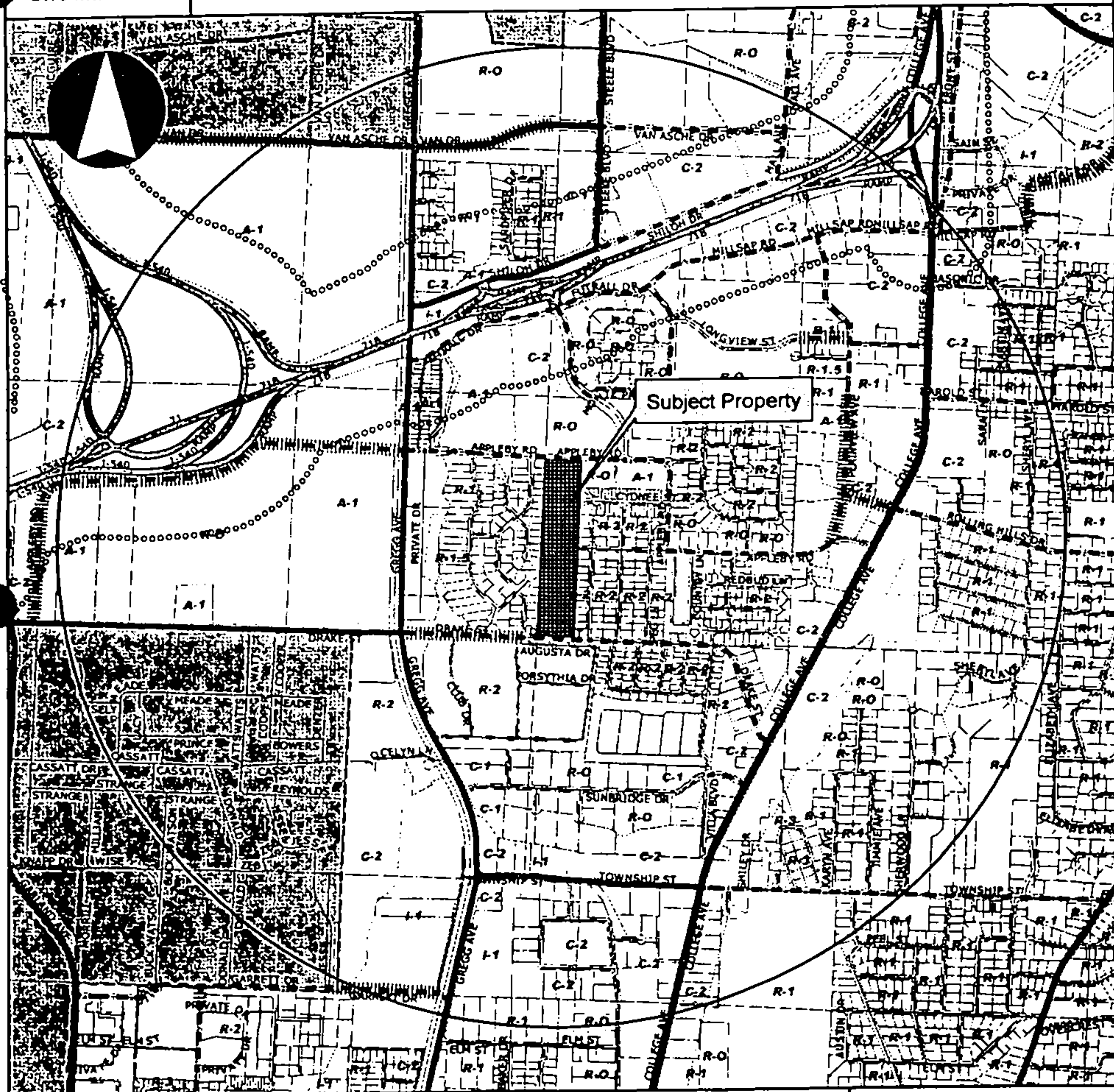
Freeway/Expressway
 Principal Arterial
 Minor Arterial
 Collector
 Historic Collector

0 150 300 600 900 1,200 Feet

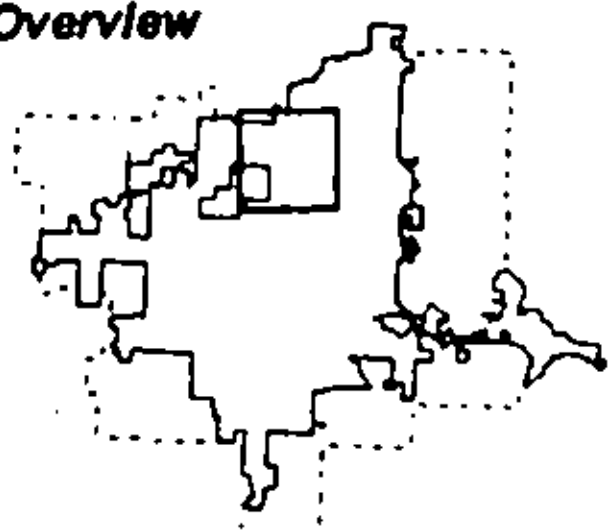
RZN02-21.00

One Mile View

DIXIE DEVELOPMENT



Overview



Legend

Subject Property

RZN02-21.00

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 02-21.00: Rezoning (Dixie Development, pp 251) was submitted by Dixie Development on behalf of Fern Younkin Revocable Trust for property located at 10 Bishop Drive and 35 Appleby Road. The property is zoned A-1, Agricultural and contains approximately 17.39 acres. The request is to rezone to R-O, Residential Office.

- Estes: The next item on the agenda is RZN 02-21.00, this is a rezoning request by Dixie Development and it is submitted by Dixie Development on behalf of Fern Younkin Revocable Trust for property located at 10 Bishop Drive and 35 Appleby Road. The property is zoned A-1, Agricultural and contains approximately 17.39 acres. The request is to rezone to R-O, Residential Office. Staff recommends approval of the requested rezoning based on the findings included as part of your report. Is the applicant or the applicant's representative present and if so, would you like to make a presentation? Please say your name and provide us with the benefit of your presentation.
- Jones: My name is Pam Jones and I am here on behalf of Dixie Development. I have got some visual aids if you will permit me.
- Estes: Sure, make your presentation in whatever manner you feel is appropriate.
- Jones: We come tonight in the spirit of cooperation in community and compromise. We have met with the home owners. We asked, we invited ourselves to do that with them to help explain our project. Hopefully tonight I can explain and paint a picture to you of what we intend to do pretty quickly. This is 17.39 acres and it has been the home site of Fern and Robert Younkin. It served as a private airstrip for them and also on the site were numerous buildings that were hangars where he actually worked on engines: You could hear them roaring and he worked on them for hours, and hours, and hours. It is zoned A-1. To tell you where the property is, this is Appleby Road right here and it does go out to College and to Gregg. That is on the north side. On the south side is Drake, which goes out to College and it is a four lane which dead ends right here. It is our understanding that capital improvements, that in the future, hopefully not too distant, that that is going to be looked at. Sunbridge is right here. Most people go by this mobile home park and come up. Residents have told us that most people come up Susan Carol and then cut through North Heights, which are condominiums right there. To the east of this property is R-O, which is property that Dixie Development owns. This, I understand from Dawn Warrick that this is A-1 but actually it is a nursing home and I am not sure why that is still A-1 but it is an existing nursing home. On this property there is a very large two story barn that has been there. In fact, my daughter took horseback riding lessons in this whole area years ago so that barn still stands and it is right up against the property of North Heights. On the west side is Quail Creek subdivision and from our meeting with the property owners there, they said that traffic also cuts through their neighborhood. I know from what I heard from the property owners that traffic is cutting through their neighborhoods on both sides to get to this medical area. This right here, to

familiarize you, is the driveway for the actual hospital and it is paved now. This is called Green Road, I talked with the site manager on that today and that is designed specifically for emergency vehicles to enter the hospital. The main entrance comes off of North Heights right here and comes in on the north side of the hospital. There is a secondary entrance right here but this is the main entrance. On this property that we are talking about here there are very few trees. There are some beautiful maple trees that are about 153' from the east boundary and we want to keep those trees. Because there are so few trees on the property we feel like it is an asset and we feel like we can design our site plan around those trees and preserve them and want to, as I said, we feel like it is an asset. I do know that Mr. Younkin used to go out there with barrels of water in the Summer and water those trees. Right along the border of the property there is foliage and we would like to keep that as a screen. We would also like to build an additional buffer for the home owners. We have talked with them about that and we have offered for a couple of people from Quail Creek and from North Heights to sit in with us as we are planning, hopefully if this passes, to give us feedback on what they like for that. We are willing to cooperate and listen to them and have full intentions of doing that. Also, right here this area would be the proposed street. The newspaper said something about a four lane. We have no intentions to do that because the property is only 383' wide. That was a misquote. We have never entertained that thought. Our intentions is a two lane and stubbing onto Bishop. If city staff feels that we should do a turning lane, to do a third lane we would be happy to do that. We would go by their recommendation. I feel like they have better knowledge as to what would be the proper way, not to overbuild in that area but we would do whatever they recommend. The lots, the reason we feel it is not practical for residential because what we want to do through most of the corridor, where this line is, excluding this, we want to do one story office buildings. That is professional buildings. I think in our submission we put unit 12 and unit 25 which is primarily like medical supply or dentist or optometrists, accountants, engineers, attorneys, professional offices, one story professional offices. Also, when we looked at the property, if you put a street down it the lot depth is 165' and most residential and all around in this area, the lot depths are like 120' or 125'. It is too deep. It is not cost effective for anyone to come in and put residential. I don't think that anyone could afford to do that. The cost of the lot to the potential buyer would be so absorbent because of the cost to the developer to put in the streets. It would be so high with the additional cost of the land because the land is very expensive. This one area here, we told the property owners in the meeting that we have explored the idea of more than one story simply for a couple of reasons. There is an incredible view there and we build to suit. We wouldn't just come in and build a whole bunch of offices. We build to suit and if we had someone who was interested in doing more than one level there, which this is already R-O, we would want to listen to see if that is something that we could do. We wanted to leave that option open for right there. Along the rest of it, we are really not interested in doing anything but one story. We are committed to high quality offices that are aesthetically pleasing. We have

voluntarily asked for representatives of the neighborhood to sit in and give us feedback on the design and of course we have to go through all the steps if this does get passed with the city to make sure that we are doing what is required. Dr. Israel, who is the President of Dixie Development, has also traditionally done some things that helped the home owners because there is going to be dust. Whoever develops there, there is going to be dust and things like that but we put down the SB2 gravel and try to blacktop as soon as we can to cut back on all of the dirt and mud that could possibly get on the road. We really try to be sensitive to that and have done a really good job I think if you are familiar with what we have done on Joyce Blvd. It has been very clean and many people have mentioned that to me that they have appreciated that, just as a side note. Dr. Israel has voluntarily suggested that we would like to put in a jogging trail in the setbacks and noone asked us about that but we feel that that would really be helpful. Not only to the neighbors who live on the sides over here, these are triplexes through here and duplexes and these are a lot, some people own these homes and a lot of people rent. Anyway, we thought that it might be really nice to do a jogging trail. Even for people who have loved ones in the hospital, just a way for them to get away and maybe walk a little in a safe area away from traffic. I don't know if any of you have had family members in the hospital, but I have recently and sometimes you just need to get away but you want to be close by if you are needed. The area around, this is all R-O and the hospital actually sits here. It says it is A-1 on the map, the hospital is sitting on A-1 right now and this is C-2. All above it is Milsap Road and that is all C-2. This is R-2, this is all R-2 on the east side with the exclusion of the R-O that is already there and this is R-1.5 and R-1 and R-2. These are apartments right here. I do have aerial photos if any of you need them to look at the property. I think it really paints a picture of what is there. I would be happy to pass those out to you. There is also industrial property not too far from it. You can see on this map that there is a real conglomeration of different zonings. I am trying to think if there is anything else. As I said, the type of offices that we want to build are service related and with Washington Regional being a Regional hospital and being such a large facility, we have already had doctors like radiologists and anesthesiologists calling us who don't traditionally see patients outside of the hospital but they need an office nearby the hospital in case of emergency. We feel that this would be ideal and they have already been contacting us and asking us about that. I believe that there was also to be a building near the hospital that was for offices and now they are no longer going to do that. It has something to do with the parking deck. There are doctors looking for space.

Estes: Thank you Pam. Is there any member of the audience who would like to provide public comment on this requested rezoning? If so, would you please come forward, state your name, and provide us with the benefit of your comments.

Arledge: My name is Chip Arledge and I am kind of new at this too so please bear with me. Let me first say how thankful that I am that we live in a city like Fayetteville and

a country where these issues are debated in an open forum before governing bodies like yourselves who I trust are responsible individuals, who listen with open minds, and to all sides of the arguments presented and make enlightened and intelligent decisions. As I said, my name is Chip, I have lived in Fayetteville ten years. The last five in my home on John Wayne Drive adjacent to the property that is being considered for rezoning. I am here to adamantly oppose the proposed rezoning and to offer a workable alternative that in theory could meet the city's growing needs. My concerns should be fairly obvious. A. Increased traffic including sirens and emergency vehicles traveling to the new medical center literally in my backyard where no traffic has passed before. B. Increased noise and safety issues inherent with additional traffic, buildings, and the businesses contained therein. C. The dangerous precedent of routing traffic through the middle of two pre-existing, established neighborhoods. D. The danger of an inappropriate precedent being set by the city regarding the status of undeveloped properties bordered by those established neighborhoods. E. Decreased property values for adjacent property owners and those in our neighborhoods. F. The City's unwise use of existing infrastructure and the precedent that would be set by allowing this rezoning to go forward. I have asked Dawn Warrick from the City's Planning Division to provide me with examples of where this type of rezoning has taken place in the past and her report for you regarding this issue sites four examples of similar rezoning decisions. To the best of my knowledge, which I admit is somewhat limited as I am new at this, I can find no examples of where businesses have been allowed to be wedged between two pre-existing, established neighborhoods like the one in question. The difference being that this land is undeveloped with no road adjacent to our residential properties. In all other cases it appears a street or thoroughfare of some sort previously existed between the homes and the neighborhood. Here it clearly does not. I also ask you to take into consideration that the city's adopted General Plan 2020 identifies this area on the future land use map as residential, not residential office. A logical assumption, given that the property is adjacent to two pre-existing, established neighborhoods. If one were to argue that the General Plan 2020 states the area north of the property is designated for office use then one must also admit that the same plan does not specifically identify the area for office use. Indeed, office use is not even mentioned for this particular piece of property in that plan. Residential clearly is. I believe the word construed has been mentioned when interpreting the technicalities involved. Construed to my ears has always meant finding a way to interpret the facts at hand to represent your beliefs when common sense would indicate otherwise. Additionally, and I am not prize winning economist, but I have noticed a lot of office space in the area surrounding the new hospital. Some entire buildings continue to be vacant. Granted, some of those will fill when the hospital opens but can anyone really predict who will fill the proposed development? A lot of office space will drag down the value of the subject property and drag my property down with it. A compelling argument certainly does exist with construction of a road through the subject property. There is no question we need better access to the new hospital.

Indeed, Councilman Bob Davis may remember my attending an outdoor meeting where I begged him to do what he can to put construction in this part of town on the fast track with the opening of a new hospital. The new Target store, the new development around the mall and such, the area will become a quagmire of traffic without additional access but most of that access already exists. Drake Street, and I will refer to that as the four lane that goes nowhere, is exactly that. It stops where Quail Creek Drive intersects with it, inexplicably going literally nowhere. Drake is on the master plan to eventually be extended to Gregg Avenue. Part of Gregg Avenue is Arkansas State 180, also on the Master Plan to be widened to four lanes. My proposal is to extend the four lane road to nowhere, make it go somewhere to a pre-existing state route that is planned to be widened to four lanes. With improvements to the western part of Drake Street, the traveling public would have a major east/west corridor from College Avenue to State Route 112 and Leverett Avenue. 95% of the pavement is already in place. Such a common sense decision would alleviate the noise and traffic that already exists on Quail Creek Drive as folks cut through now and all parts of the city would have better access to the hospital on roads that already exist. You would be hailed as common sense heroes, the stuff of legend. But I fear my efforts may be futile. I have a map copyrighted in 2001 that shows a road already exists between Drake and Appleby. You can understand certainly my skepticism when I saw I was fighting a battle to prevent a road from being built that is already indicated on some map. I visited with Mayor Coody. I would like to thank him publicly for seeing me when he was on vacation and several members of the staff this past Friday and they assured me there was no vast conspiracy to build a road behind my house where no road has ever existed, that this was not a forgone conclusion, that I was not merely going through the motions in a battle I have no chance to win. It is just a bad map I was told. I don't think it is a bad map. I think it might be some sort of magical map, a clairvoyant map with a window to the future. Nonsense maybe, we'll see. Extend the road to nowhere so that it goes somewhere, take the greenspace of Gordon Long Park on Appleby that would be lost as a result, build a park in a new single-family residential neighborhood that would be bordered by two pre-existing, established, single-family neighborhoods, name it Younkin Park. Rezone the property in question to R-1.5 if you must rezone it to anything with covenants similar to the pre-existing, established neighborhoods and everyone is a winner. My son is five years old. Four months after his birth I conducted a search of Fayetteville looking for a safe place to raise him and others if we are so blessed. I discovered a home on John Wayne Drive on a cul-de-sac next to property zoned agricultural. Those were the pre-existing conditions with which I bought my home. If I didn't want to hear the noise from a pre-existing, established raceway I wouldn't buy property on a hill that overlooks that raceway and then complain about the noise. That would be silly! If I didn't want to hear the noise from the bands on Dickson Street, the inherent noise that is generated by a pre-existing, established area, I wouldn't buy, build, or move into my grandparents' home in the entertainment district and then complain about the noise. That would be goofy! No, I did my homework and I

made what I thought was a good choice. My point is this, the City of Fayetteville is currently rumbling, fumbling, tumbling, and stumbling all over itself to pass unneeded legislation to protect property owners who have made dubious decisions about where they live. I am asking the city to stand up for those who have made good decisions about where we live and about that map if you approve this rezoning and build a road in my back yard then I do indeed have a magic map. If not, the mayor and his staff are right, I just have a bad map. I thank you for your attention and your time.

Estes: Chip, some of the correspondence that we have been provided you are copied on, do you speak for the neighborhood association?

Arledge: I do not speak on behalf of the neighborhood association, I speak on my behalf. There are others in the house tonight who may or may not speak.

Estes: Thank you Chip. Is there any other member of the audience who wishes to provide public comment on this requested rezoning? Yes Sir, if you would please come forward, state your name and provide us with the benefit of your comments.

Hunt: My name is Dr. Jim Hunt. I apologize in that I don't have this organized. This is a spur of the moment type thing based on what I just heard. I live on the corner of Appleby and Cydnee Street, which is in North Heights. I am looking for some relief from what already is on Appleby. I have some problems with the statements that were just made and the negative aspect of this. I want to say that I am for this development. I haven't had any answers so far to explain away what really is, not necessarily what is going to be. Already on Appleby you can't get out on College Avenue. Do any of you utilize that road or do you live over there?

Estes: I use it quite regularly Dr. Hunt.

Hunt: Ok, so you know. I have a car that does 0 to 60 in 8.3 seconds they tell me and I can't get out. I can't get out on College Avenue. I am retired twice but I work at the St. Francis Community Clinic in Springdale so I use Millsap and Futrall to get to work and come and go. I have Friday afternoon off and I am amazed after I get out of workout with my trainer on Friday afternoon I can hardly get home because of that mess that is around where Appleby dumps into Fiesta Square. There is so much traffic there that if you are trying to get out to go south or east you can't get out on College Avenue. That is already there. The light is about to be turned on on Gregg Street, I understand that. But look how short that is. Already traffic backs up to the top of the hill. I talked with Dr. Israel when he met with our neighborhood group last night, and by the way, I speak for myself, not my neighborhood association. My views are strictly my own. I told him that the traffic backs up already to where his street is going to come into and that will continue when that stoplight is there. All it is going to do is group the traffic into longer lines and then let longer lines through so you are going to be able to get

through. What we do in that area, you either cut through Quail Creek already, the noise is already going to be there. Or you go up to Appleby and they are lined up at Bishop and Appleby. What you are going to do is you are going to cut through Cydnee Street and go over to Susan Carol and hit Drake. The idea is to get to Drake because you can get out on College Avenue once you get to Drake. You are nodding your head, that is the way most of us have learned to go if it is not on Sunday morning. Already there is traffic, already there is the noise, it is already going through Quail. We were coming down here tonight and I made a comment. I looked back through my rearview mirror and noticed on Quail that there were four cars that ran all the way to Drake and turned and went down to Quail to get out, that is through there. The hospital people, I operate with those folks. I operate down at North Hills and I operate with a lot of those folks that are going to be using this. The hospital has, if I am not mistaken, a 7:30 to 3:30 shift, you are going to dump about 300 plus people into that area at 3:30. Then you are going to dump another 300 or so at 11:30. Where are they going to go? They can't really get out too well, they are not going to be able to get out at College if they go up Appleby and try to go that way. They are going to go to Drake. This is going to happen in August. This isn't going to happen a year and a half or two years from now when this road will be through. You are going to dump all of those people in there and these folks are on their way home and they have been working hard all day in stress so what they are going to do is they are going to take Susan Carol, they are going to take Cydnee cutoff because they can't get through and they are already going to go through Quail. It is already there. You can talk about that you don't want the noise going through this new subdivision, this new development that Dr. Israel is putting in. Last night he did talk about what they mentioned tonight about going ahead and putting three lanes through there and that will give us a link with Drake that will let us be able to funnel traffic out. The problem to run Drake on down to Gregg, I am all for that sort of thing but I don't think that is going to be anywhere in the near future because of the topography of that and the expense that is involved with it. There is a park already there and I could see the lady getting back in the tree and I don't think that is going to happen. That is not going to solve anything for the hospital and Appleby traffic that runs in front of the hospital because you are still trying to get a southern access. Right now you only have southern access through Appleby, well actually College and Gregg is it. You have got to get to College and you have got to get to Gregg. That is where the problem is. What is going to happen in August is Quail and Appleby and that area through Susan Carol is going to look like a bunch of rats running through a maze. I hate to be unprofessional about that but that is what it is already going to be. I am for this. The problem is that it is going to take Dr. Israel a year to a year and a half to have that street through there. I wish it could be opened up in August to funnel that traffic over on Drake and funnel some of it off of Quail, which is already a residential neighborhood. I can't quite see, the idea is to put a neighborhood in there has been the request since there is a neighborhood and neighborhood, lets go ahead and put residential in that same area. If you open up a street through there you are

going to have children playing on that street, why in the world would you want to run a street right straight up from the hospital to Drake and have kids out there running around? To me, this type of development, as much as I would rather the entire area be strictly residential, it isn't. It isn't ever going to be again since the hospital was put in there, it is gone. It is a matter of what is rather than what could have been. Once again, I want to say that I am for this. I think it makes sense to put it through. I think it is a traffic wise thing to do and I think we all realize, those of us who were raised here, we've seen some mistakes made in the past and we have seen those blind areas where we dump a lot of traffic into something that doesn't have any way to get out and I am thinking that if you put this road through there, let him develop this in this manner, this is a way for the traffic to go through. Particularly the 11:30 shift at night. Number one, he is going to have businesses in there that are probably going to be low traffic. There aren't going to be any children out playing in the street in front of a cardiologist office or the anesthesiologist office. Those people are also not going to be there at 11:30 at night when that last shift lets out so that is going to be a safe place for people to be able to get access over to Drake to get out of that place. Thank you all.

Estes:

Thank you Dr. Hunt. Is there any other member of the audience who would like to provide public comment? If so, would you come forward please, say your name and provide us with the benefit of your comments?

Hunter:

My name is Mark Hunter and I live on the corner of Quail Creek and Appleby directly behind the Steel barn where Mr. Younkin kept his planes. Some things that I proposed was actually two or three things. One was in the subdivision of Quail Creek, I have spoken with my neighbors about speed bumps and all of that and I have been informed that it would impede with the emergency vehicles. I moved here from Alexandria, Virginia, outside of D.C. and I battled with the City Council to put speed bumps on my street. What happened was they told me the same thing but once I had the chief of police come out and just look at how fast people drive through the neighborhood and observe the children playing it was much safer to have it out there because I would rather see an emergency vehicle slowing down than to see a five year old being hit by a car. Secondly, on the street that is going straight, at least put a small bend in the street so that cars can't go that fast through the street because we all know that when young people are driving they are going to test their car. If it is on a straight away where they know that there is nothing going on late at night they are going to test their vehicles. I also propose on that street to put speed bumps. Therefore, the hospital is just that close so I am presuming that when you put an emergency vehicle coming from the end of Drake Street through Quail Creek, I don't think any speed bumps would impede the emergency vehicles. The next thing is when I moved here I moved here and I purchased that home because of the hospital. Because it is a safe environment. I moved here also because when my mother retires she wants to move into that home because it is across from the hospital. I am adamantly

concerned about the four lane street that goes nowhere. My first month here I observed that and I said there is something totally wrong with it, it just ends. I have never seen a four lane road end anywhere and I have lived in L.A., Manhattan, and D.C. and I have never seen a four lane road just end. Once I found out who owns it I was totally disgusted. If that development was made residential, picture this, if you put two cul-de-sacs, one on each end, one coming from Appleby and the other coming from Drake Street, there is no outlook so therefore, traffic will not go into those neighborhoods. It will boost the homeowners who own those homes, it will boost their properties. I am 28 and this is my fourth home that I have purchased. In all of the homes something that I have proposed were speed bumps, cul-de-sacs, they have boosted the price of the homes. Therefore, if it is developed the only thing that I am proposing is at least put a break in it. I understand that there are stop signs there but still, at 11:00 at night when young people know that no one is coming down those streets, they are going to test their cars and they are going to ignore those stop signs for a straight of way. Also, if that street is built then I am sure that the neighborhood will push for that four lane road to go somewhere. That is all that I have to say.

Estes: Thank you Mark. Is there any other member of the audience who would like to comment on this requested rezoning? Yes Sir.

Oxford: Mr. Chairman, I am Charles Oxford, I live east of the property that is under consideration on Cydnee Street. We have been there for eight years and if I could add one word to what has already been said, Drake needs to be completed. I am also in favor of the proposal as stated by the rezoning group and I urge you to approve that rezoning.

Estes: Thank you Charles.

Brown: My name is Donald Brown. I live at 188 Cydnee. You have had the traffic problems described to you very well so I won't repeat that. All I want to say is that I am in favor of this project because I think it will alleviate some of the real traffic problems that we have in that area. Thank you.

Estes: Thank you Mr. Brown. Is there any other member of the audience who would like to come forward and provide public comment on this requested rezoning?

Harmon: My name is Tim Harmon. I have been a resident of Quail Creek for 13 years. My wife teases me, she says it is our starter home and retirement home. I think there is some benefit there by not putting that street through. I do not feel that it is going to alleviate any traffic problems. I feel that the traffic problems are only going to intensify only because Drake going east to College, there is a stop sign and a yield sign. It is almost impossible during these times of heavy traffic to make any kind of left turn off of Drake to go north on College. You can possibly go south on College off of Drake but again, it is a yield sign and you have red

lights and those red lights will back all the way back to the yield sign. I do not feel like it would alleviate any traffic flow there. Again, the four lane road to nowhere, Drake Street going west, I do see some benefit if you are looking at some type of corridor to alleviate some traffic. Again, living at Quail Creek for the past 13 years, I believe the name of the road is Sunbridge, it did alleviate some traffic flow from College to Gregg but again, I still feel that Drake to Quail Creek to Appleby to Gregg is still a short cut for many people trying to bypass a lot of traffic. The argument stated earlier, where is this hospital traffic going to go. Again, I have seen a lot of development going in there during the years. I see easy access onto Millsap, I see easy access onto the bypass going north and east towards the mall. I do not feel like really anything that is done is going to alleviate a lot of the traffic problems we have. Yes, I have seen some red lights go up but again, the red light on Gregg and Appleby is only going to back up that traffic all the way back up to the hospital if not further. As far as the noise level, I can tell you this from being a resident on Quail Creek for numerous years, it is a speedway today and you see how the street is somewhat shaped. There have been numerous accidents, there have been numerous people's vehicles being driven through people's yards. There are concrete mail boxes, brick and mortar concrete mailboxes that have completely been destroyed because of people driving through that neighborhood so fast. My wife has talked to the City Planner about coming in and putting in a stop sign where John Wayne and Quail Creek intersect. Apparently that didn't happen. They talked about putting speed breaks through Quail Creek, that hasn't happened. I don't know if that is going to alleviate any traffic through there. I guess I have to say that if you do vote for this road to go from Drake to Appleby it is going to open up a speedway. It is a runway by my house right now, it is going to be another runway but this runway is going to be for four car vehicles. If there is not some planning with speed breaks on it or stop signs on it again, it is just going to be someone's opportunity to see how fast their car can go. Personally I would like to see it zoned for families, whether it be single-family homes, that would be wonderful. Again, I just think that it is not really going to solve any of our problems by building a road through there if we are talking about building the road to alleviate traffic. As far as the noise level goes, I would rather see kids and dogs barking in my backyard verses traffic coming in and out on that property behind my backyard. As you are well aware, there are a lot of zones that surround this piece of property right here. Again, I am like Chip. When I first moved here Appleby was a gravel road and I know you can't help for things to develop around your neighborhood but at least hopefully you will take into consideration as home owners in that property what I see could happen. This is this, my sister, and this is taking it to maybe a different level. I was raised in North Little Rock, Arkansas. I saw the quality of life go down over probably about the past twenty years in central Arkansas. I have been a resident of Fayetteville since 1981. Over the past ten years I have seen what used to be a fantastic place to live where you heard it on the radio whenever they rated Fayetteville as a wonderful place to live like in the top ten, I don't even think it is in the top 100 any longer. I guess my point is this. She worked at the

Children's Hospital. The neighborhood that was maybe once around the Children's Hospital in Little Rock, Arkansas was probably once upon a time a decent place to live. With the gangs and the infiltration of drugs and everything else into that area, as drug dealers were shot in the neighborhood and brought to the hospital, that was the closest hospital. There were actually gangs that would follow the ambulance to the emergency room to finish the job. What we are talking about here is something that may be fine and jim-dandy for the first five years or so but what we have to look at as a community and as a city we have to have the responsibility not only to look five years down the road but look twenty years down the road and what kind of city we are leaving for our kids. Again, I see that straight road as a place for people to speed, a place for people to maybe take that last pop shot at that ambulance going to the hospital. I know it sounds crazy but it happens everyday in Little Rock. I think as a community we need to be forward thinking along those lines. That is all.

Estes: Thank you Tim. Is there any other member of the audience who would like to provide public comment on this requested rezoning? Let me say this if I may. This is a request for a rezoning. Please keep your comments germane to the issue and provide us with information that will edify us and help us in making our decision and please limit your remarks to the requested rezoning.

Hunt: Mr. Chairman, I am Margaret Hunt. My husband has spoken at length about the traffic. I choose to say that the land will be rezoned at some point. Our neighborhood met last night and it was a consensus of the majority of those who were there that we support this rezoning. We choose to believe Dr. Israel will honor his word, that it will be an aesthetically approving rezoning, that it will benefit us as a neighborhood, and that he will seek our input on this. We don't always agree with him but we trust him.

Estes: Thank you Mrs. Hunt. Is there anyone else?

Street: My name is Dan Street and I live in the Quail Creek neighborhood. I just have some of the concerns I think that some of the neighbors have with this. We understand that it is going to be developed and of course we would probably prefer it to be residential. This may not be a bad step but what we are concerned with is the road going all through. We are not sure why it was considered that a road has to be put through this entire property. I don't think it is a good thing to relieve traffic from College Avenue and Gregg through the middle of a residential area. Even if it is not residential, if it becomes office. It is still a place to relieve this traffic off to the two main arteries and I don't know that that is going to help anybody in the neighborhoods. The red flag went off when the doctor said that the hospital is going to get out at 11:30. That means people are going to be coming down this new thoroughfare just after I have gotten my five year old to bed at 9:30 or 10:00 so that concerns me too. I think there are a lot of people in the neighborhood that have that same concern.

- Estes: Thank you. Is there any other member of the audience who would like to provide comment on this rezoning request? Yes Sir. Again, let me say this. This is a request for rezoning. The matter of the street, the matter of some of the issues we have been discussing will be dealt with at what is called the Large Scale Development stage. This is simply a rezoning request.
- Harden: My name is Gregg Harden. Like a few other people have mentioned, I am here speaking only on behalf of myself. I am a resident of North Quail Creek Drive. I wanted to come before you to commend Dr. Israel for having met with the neighbors. I was out of town last week and didn't have the opportunity to be there but I do commend him for coming in and taking that cooperative approach for the rezoning. Speaking of the rezoning, I would like to ask if it is permissible some questions of your Planning staff about the zoning itself, about the types of uses specifically that are allowed within the R-O zoning.
- Estes: Greg, if you will direct your questions to me, if I can not answer them then I will direct them to the appropriate staff member.
- Harden: That is my question. About the philosophy, as I understand zoning it is there pretty much for the protection of surrounding areas, making sure that they are compatible uses. Could you explain to me a little bit about what the uses that are allowed in an R-O zoning are.
- Estes: I think your question is really two parts. Regarding the permitted uses, I will let Mr. Conklin answer that and regarding the public purpose doctrine of zoning ordinances, I will let Mr. Williams answer that. Mr. Conklin?
- Conklin: With regard to what is allowed in the R-O, Residential Office district, uses allowed, Use Unit 5, Government facilities; Use Unit 8, Single-Family and Two-Family dwellings; Use Unit 12 Office Studios, related services; and Use Unit 25 Professional Offices. Within those use units it elaborates more on the type of uses. That is a very good question because this evening you have heard from the applicant about an idea to develop this with single-story office buildings. I want to make sure that the public, the Commission, and the applicant is aware that R-O doesn't limit the number of stories within the actual R-O development. I bring that up because there is no way for staff to enforce that and the applicant has been made aware of what other applicant's have used in the past with regard to Bills of Assurance to limit what they are talking about. This evening, yes it is talking about the Residential Office zoning.
- Estes: Mr. Williams, why do we have zoning laws?
- Williams: Mr. Chairman, this Planning Commission was created by state statute and the state statute listed several reasons or purposes that a city could establish a

Planning Commission and creates land use regulations. These goals and these plans were supposed to promote 1) the efficiency and the economy and the process of development 2) The appropriate and best use of land 3) Convenience of traffic and circulation of people and goods 4) Safety from fire and other dangers 5) Adequate life, air, and the use and occupancy of buildings 6) Healthful and convenient distribution of the population 7) Good civic design and arrangement 8) Adequate public utilities and facilities 9) Wise and efficient expenditure of funds. As you said, primarily zoning regulations are to protect the property rights and the livability rights of the neighbors that surround each piece of property.

Estes: Do you have any other questions?

Harden: Yes I do. I appreciate with your patience going through each of the speakers. Is it appropriate for the Planning Commission to consider as part of its decision a Bill of Assurance offered by the developer?

Estes: Your Planning Commission may not require, may not request, and may not solicit a Bill of Assurance. That is strictly a voluntary act on the part of the applicant.

Harden: Ok. I am interested in the professional planner's perspective about the theory about this through street and whether it would actually take traffic away from the residential streets that exist now and their experience with traffic planning and actual traffic operations throughout the city. Do they believe that this would relieve some of the traffic on Quail Creek and the other residential streets?

Estes: Let me respond to that in two ways. Number one, I am not a professional Planner, I am a citizen volunteer. I do have an opinion regarding the connectivity of Appleby to Drake and once this matter is brought back to the Commission I will probably express that opinion. The second part of the answer would be that Mr. Conklin is a professional planner and perhaps he has an opinion regarding connectivity of Drake to Appleby.

Conklin: Thank you Mr. Chairman. With regard to the policy of connecting streets, the City of Fayetteville does have a policy of connectivity. You will notice in almost every development we review we connect streets together and require developers to make stub outs. If this development did come through we would be looking at that policy of connectivity and in my opinion, yes there would be a street connection between there because we don't like to create dead end streets. We like to create a street network that allows people to move around town without everybody going on the same street. Would it alleviate traffic? Typically, what we have seen is that when you have more connectivity you have more options for people to travel through town. Yes, it is not funneling traffic all on one street. With regard to this individual piece of property and this one street, there are also traffic engineers that know a lot more than I know with regard to where people

are working, where they are living, where they are traveling. Without having a complete understanding of what traffic will be using this area I can't make a prediction of how much will be using it. The policy has been since 1995 is to have a policy of connectivity connecting neighborhoods together, neighborhoods to office areas, commercial areas, schools, parks in order for people to move around without everybody getting in their car or using the same street so that has been the policy of Fayetteville.

Estes: Do you have any other questions Greg?

Harden: Just a few. As I understand it, the rezoning is tonight. In what form will the proposal come forward for the actual development of the offices and the street? There will be public participation in that process as well, correct?

Estes: What is before your Commission this evening is a rezoning request. Our decision will be advisory only to the Fayetteville City Council. Presuming that this Planning Commission recommends rezoning to the City Council and presuming that the City Council approves the rezoning, the next request from the applicant will be the Large Scale Development process. That is a multi-tiered, multi-facet process.

Harden: That does involve public participation and this meeting?

Estes: It involves public participation at this level.

Harden: Just to sum up, I believe that that property has been the way that it has been for a long time and I think we probably have been blessed by having it in that state for a long time. But development happens and development is going to happen there with the hospital. I think that no development there is not an option so we have to look at what the best options are. It seems to me that probably Dr. Israel may have said this in the newspaper, that this is probably if it was developed as residential, it would probably be some kind of multi-family type of approach. I think that is probably correct and I think that would be more detrimental to the surrounding neighborhoods than having these professional office buildings. At this state, I think that his proposal is preferable to other potential uses and that the through street would actually help to alleviate some of the traffic on those residential streets and I would stand in favor of it.

Estes: Thank you Greg. Is there any other member of the audience who would like to provide public comment on this rezoning request? Seeing none, I will bring it back to the applicant or the applicant's representative for comments.

Israel: My name is Ben Israel and I am president of Dixie Development. We did consider what all the possible uses of the property could be and felt like that we had arrived at the most economically sound thing that it could be, as well as

environmental and traffic. Our street actually would be 165' plus whatever their backyard is from the residents on either side compared to their front street, which is going to be 40' or 50' away and the lights at night. I am thinking that I am sitting in bed at night and the hospital shift lets off at 11:30 and they start out and if that street is not there and they want to go south, do they go down Quail Creek or one of these other streets, and if so, at 11:30 at night you have 300 people leaving the hospital choosing one of those already residential streets. I think the distance that we are from those and buffered also by the vegetation that is there, it will be 165' from the street to our property line and then from our property line to their backyard, or their bedroom door is another 25' or 30' or so. The noise is going to be there. There is nothing we can do about that. We have met with both property groups. Even though they are not official groups, we have met with individuals at a grouping and we have asked them to appoint two or three representatives from each group and to sit with us as we sit with our architects and engineers to determine how best to develop the property to least affect them. We have offered to do things like the walking path or jogging path. We have offered to do beyond what the city requires for landscaping and so forth. We would give a Bill of Assurance beyond where the hangar is right now, south of that space. We do feel like that, because this area next to Appleby Road's beauty and view, it could best be served by a two story building or possibly three story. It would be up on the front end away from most of the residential and probably on the R-O section next to the nursing home. We have no problem with a Bill of Assurance with single level. I think it would be better though to let us get to our engineers and our architects and come back to you and say "Ok, is this acceptable to you?" After we had already gotten acceptance from the neighbors on one side and the neighbors on the other side. We are willing to do that. It is not something that is going to happen immediately. The only other thing I will say is Millsap right now is a hard road to travel. You don't have Staffmark, this old Staffmark building is not now occupied but soon will be. I understand that it has been sold and will totally be occupied. Mr. Lindsey has two buildings there that are about full and when they are full and when the Stevens building is completely full. Those will fill up when the hospital goes out there. Millsap is going to be almost impassible at certain times of the day and you throw 300 more cars there from the hospital and I don't know where they are going to go. If people want to go south to me they are going to go down the Quail Creek subdivision and hit Drake and go on south. I think that is what they will do. That is what I would do if I worked at the hospital. That is at 11:30 at night and at 3:00 in the afternoon when the kids are coming home from school. I would encourage you to pass it. We will do the right job with it. We have got to come back before you as you know and get it approved. We have got to go through this process many, many times to get to the point where you want us to be. We will put a three lane road in if that is what you want us to do. We would rather you pay for 1/3 of it because we only have to put in a two lane road but if it came down to it we would pay for the three lane road and I will be happy to answer any questions.

Estes: Dr. Israel, I have a question I just have to ask you.

Israel: Ok.

Estes: The last time we heard from you you were boycotting the City of Fayetteville and were encouraging suppliers, builders, and other developers to boycott the City of Fayetteville.

Israel: Yes Sir.

Estes: What has changed?

Israel: What has changed is that they have already cut down all the trees on the library lot. I never boycotted the right, the tree issue. What I boycotted was the illegitimate way in which it was administered. They would allow the cutting down of all the trees on one lot, zero trees on another lot. That is unfair, it will always be unfair, and that is what I boycotted. In fact, if you will remember, I will say this one thing and shut up. I proposed that they required everyone to plant 20% trees on even vacant lots.

Estes: I remember that and this is a vacant lot. I will now bring the matter back to the Commission for discussion, motions, or comments.

Church: I know we are not supposed to look at the traffic issue with the rezoning but I think they really go hand in hand. I don't think you can ignore it. I guess I would just like to say that I believe in this rezoning, I think it is appropriate for this area. I think hearing all these people talk and I drive through that area too, I know there is a traffic problem. I don't know the process, all of us have admitted that we are not experts on traffic. I just want reassurance that somebody is going to take a look at that with the city. I don't know if that has already been done. I guess I would like Tim to comment on what is going on with that right now.

Conklin: Sure. The City of Fayetteville has hired a traffic consultant to do a traffic study for the City of Fayetteville. That is currently underway. With tonight's discussion I will go back and talk to the Public Works Director and see what is actually in the scope of work that is currently being worked on by staff and to make sure that this issue of traffic in these areas around Washington Regional Medical Center and Drake Street is something that is considered in that scope of work. That is currently being developed, it is in our office along with the City Engineer's office and other divisions. We definitely can have the traffic consultant take a look at these areas and these issues that the neighborhood has concerns with.

Estes: Commissioner Church, that is a very saline question. One of the findings of fact that we must make is a determination as to whether the proposed zoning would

create or appreciably increase traffic danger and congestion. That is a very appropriate question. Are there any other comments?

Conklin: Just one question that I would like to ask Dr. Israel to get it correct in the record. I am not sure if a Bill of Assurance has been offered. If a Bill of Assurance has been offered, what type of Bill of Assurance are we looking at? Just to clarify that for the minutes.

Israel: Again, I would like to have time with our engineers but the back part of the facility, we would definitely sign a Bill of Assurance to one level buildings. I am assuming that I am talking about if you extended the R-O across that front end up there as it exists on the map. If you go across, I think that is what we would be talking about. If you just excluded that front area there. We already have a right to do it in the R-O next door so we wouldn't have to go into the new area if we didn't want to. It is just so pretty up there that it would be a shame almost not to use that. Fayetteville is a horizontal town and it needs to be more vertical in some areas because otherwise urban sprawl becomes a real problem. I am learning these words. We do need to become more vertical. We would give a Bill of Assurance, we have one here with us tonight if you want us to sign it then we will do it right now.

Conklin: The reason why I asked Dr. Israel that question is because I am always worried that the citizens are unaware or not aware of what is being offered and if that has been offered that as staff we know that has been offered and we can forward that to the City Council and the City Council will have that in their hand when they review the agenda item if this does pass this evening. I just wanted to clarify that because after the meeting, tomorrow we will get phone calls and they will want to know exactly what happened with regard to this item. It is critical that for the record if you are offering a Bill of Assurance that we understand that and that we would expect to see that as we prepare the City Council package if this passes.

Israel: What is the depth that is already R-O?

Clark: I think it is 330', it may not be that big. I think what you want to do is at least have one building lot off of Appleby that would be allowed to be a two or three story building.

Williams: I would encourage the petitioner to take his time and work on this Bill of Assurance. As our City Planner said, it would need to be offered. If you wish to offer it to the City Council before their agenda session, but don't try to rush it and don't do something tonight when you are not prepared. You may want to talk to your neighbors again incase there are things there that you may want to cover within that Bill of Assurance.

Estes: Are there any other comments?

Bunch: A question for staff. Since we only have six Commissioners here and it takes five positive votes, should this be not recommended at this level, what process does it take at that point?

Conklin: They have the right to appeal. They have to appeal within ten working days after the decision of the Planning Commission. That appeal must be filed with the City Clerk's office.

Bunch: It would be appealed to the City Council?

Conklin: Yes, that is correct.

Bunch: Another question. Does anyone on the staff or possibly Dr. Israel know the projected opening date for the new Washington Regional facility?

Conklin: August 27th.

Estes: Are there any other comments? Well, let me say a few things. I am very familiar with this property. Pam, I think our children together took horseback riding lessons on the property that you now live on Mr. Brown. I have often thought about what the highest and best use for Mr. Younkin's airstrip would be. Landing and take off of small, private craft is probably not it but that is what we have all seen over the years. The issue of connectivity between Appleby and Drake, I think that is important. Without it, Quail Creek is going to be one of the three ingresses and egresses to the new hospital. The other alternative is going to be Appleby to Gregg or Appleby to College. I don't know what the route of choice will be but without connectivity between Appleby and Drake through Quail Creek is going to be one of the options. Whether this should be R-O or whether this should be R-2, to me I would think the preference would be R-O. I would think the preference would certainly be R-O with this particular developer. Dr. Israel does do nice projects. I struggle with it but I tell you if a motion is made to approve this rezoning request I will vote for it for the reasons that I have tried to articulate. The options are just not that great. The options are R-2 and I just don't see that that is a viable option. Let me also speak for just a moment. Mark, you in particular spoke about traffic control devices, there are certain warrants and certain criteria for traffic control devices. Simply having what appears to be a present need for a speed bump or a stop sign is not sufficient. Perhaps Mr. Conklin can comment on that in a little more detail but there are some pretty strict warrants for traffic control devices, stop signs, speed bumps. Just because there seems to be a present or immediate need for them the City can't just simply go out there and install speed bumps or a stop sign. What is required for a traffic control device Mr. Conklin?

Conklin: That is my understanding. On state highways they have their own warrants that

have to be made with regard to traffic and speed, the number of signals on a roadway and access. With regard to the City of Fayetteville's policy, that is something that our traffic consultant also will be looking at and will have in that new study some recommendations for the City of Fayetteville. With regard to the current policy, our Traffic Division does look at that those and utilizes warrants. Typically, they do not allow a stop sign to be mid block. Typically you are going to have to have two major streets intersect each other to get a stop sign in a neighborhood. It is not common to see too many stop signs put up in Fayetteville.

Estes: Thank you Mr. Conklin. Are there any other comments or motions?

Bunch: I would like to make a comment. I concur with your comments Mr. Estes about the quality of the developments that Dr. Israel does. I do have some concerns since this is listed on the General Plan 2020 as residential and it is differentiated between residential and office. Also, knowing that this will go to the City Council regardless of what our recommendation is and would have a minimum of three readings at the City Council. Also, in about a month if the dates given are correct, we may see a very vivid explanation of what the traffic is like. For that reason, I will not support it. Even though I know that probably eventually we will have something there and eventually there will need to be some traffic relief in the area but at this point in time with the General Plan 2020 showing this as residential as opposed to office I will not be supporting this project at this time.

Estes: Thank you Commissioner Bunch. Are there any other comments or any motions? The Chair is going to call three times for a motion. Is there a motion?

Motion:

Allen: I will surprisingly move for approval of RZN 02-21.00 from A-1 to R-O.

Estes: We have a motion by Commissioner Allen to approve RZN 02-21.00, do we have a second?

Ward: I will second.

Estes: We have a second by Commissioner Ward. Is there any further discussion?

Ward: Looking at this property, I think R-O is the only way to go with this particular piece of property the way it is configured. No matter what else was put in there we would demand that connectivity between Appleby and Gregg, whether it was residential homes, which I think would be a great place to get kids killed with the traffic that is going to go through there. There is going to be a lot of traffic going through there. The office complex makes so much more sense. Usually in the evenings there is nobody around, weekends there is nobody there at office buildings. Sure, we could probably put four plexes or duplexes there but you

have got the same problem with residential and kids. This road really is going to be a place that needs to be some type of commercial that will take traffic. I like a lot of the things that Dr. Israel has proposed about putting in the extra turn lane. The walking trails, extra green space, and I think the residences on each side will have quite a bit of noise proofing because of the buildings and the landscaping from off this road so I will definitely support it. Also, I believe that once this development is put in I think it becomes almost a definite cause to get Drake extended to Gregg Street. I don't think it is going to happen until this particular development is put in. It is kind of like which comes first, the chicken or the egg? That is kind of what is going to happen here. With that, that is the reason I will second this. I really don't see this particular air strip being used for anything else but the highest and best use for this piece to be a residential office complex.

Estes: Thank you Commissioner Ward. We have a motion by Commissioner Allen and a second by Commissioner Ward to approve RZN 02-21.00 is there any further discussion?

Bunch: I would make one other comment at this time. The Planning Commission and the Planning staff are working on a Planned Zoning District ordinance that would allow a rezoning request to come through simultaneously at the developer's option with a Large Scale Development plan and this seems to be one of those projects that if we had this already in place would be tailor made for it. Hopefully, in the very near future this proposed Planned Zoning District ordinance will come through but this is just for the benefit of the people who are not aware of it, there is this type of plan in affect and it would give the developers the option of proceeding as we currently do or bringing through a rezoning request and a Large Scale Development simultaneously so all the cards will be on the table and we can better understand and better define what the project and rezoning would be.

Estes: Thank you Commissioner Bunch. Is there any further discussion? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to approve RZN 02-21.00 was approved by a vote of 5-1-0 with Commissioner Bunch voting no.

Estes: The motion passes by a vote of five to one. Dr. Israel, welcome back to Fayetteville.

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of August 20, 2002.

FROM:

Tim Conklin Planning Urban Development

Name Division Department

ACTION REQUESTED: To approve an ordinance for RZN 02-22.00 as submitted by Tom Shackelford for property located at 2975 Old Farmington Road. The property is zoned A-1, Agricultural and contains approximately 1.32 acres. The request is to rezone to R-1, Low Density Residential.

COST TO CITY:

\$0

Cost of this request Category/Project Budget Category/Project Name

Account Number Funds used to date Program Name

Project Number Remaining balance Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached

Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager Date ADA Coordinator Date

City Attorney Date Internal Auditor Date

Purchasing Officer Date

STAFF RECOMMENDATION: Staff recommended approval and on July 22, 2002 the Planning Commission voted 6-0-0 to recommend the rezoning be approved by the City Council.

Division Head

Department Director

Administrative Services

Director

Mayor

8-2-02

Date

8-6-02

Date

8/8/02

Date

8/8/02

Date

Cross Reference

New Item: Yes No

Prev Ord/Res#: _____

Orig Contract Date: _____

Consent
New

ORDINANCE NO. _____
RZN 02-22.00

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 02-22.00 FOR A PARCEL
CONTAINING APPROXIMATELY 1.5 ACRES LOCATED AT 2975 OLD
FARMINGTON ROAD, FAYETTEVILLE, ARKANSAS, AS SUBMITTED
BY TOM SHACKELFORD

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-1, Low Density Residential, 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

EXHIBIT "A"**RZN 02-22.00**

PART OF THE NW ¼ OF THE NE ¼ OF SECTION 19, TOWNSHIP 16 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID NW ¼ OF THE NE ¼, THENCE SOUTH 983.27 FEET, THENCE EAST 197.75 FEET TO THE POINT OF BEGINNING, THENCE N84°27'47"E 173.60 FEET, THENCE N00°24'35"W 393.21 FEET, THENCE S44°30'17"W 280.50 FEET, THENCE S07°13'57"E 211.59 FEET TO THE POINT OF BEGINNING, CONTAINING 1.32 ACRES, AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

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: Shelli Rushing, Associate Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: July 22, 2002

RZN 02-22.00: Rezoning (Shackelford, pp 558) was submitted by Tom Shackelford for property located at 2975 Old Farmington Road. The property is zoned A-1, Agricultural and contains approximately 1.5 acres. The request is to rezone to R-1, Low Density Residential.

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: July 22, 2002

CITY COUNCIL ACTION: Required YES
☐ Approved ☐ Denied

Date: August 20, 2002 (1st reading)

Comments: _____

BACKGROUND:

The applicant is proposing to split his lot in order to sell a lot to an individual interested in building a single family home. The lot is 1.32 acres and zoned A-1 Agricultural. The site contains a 1,580 square foot house and detached garage on the west side of the property. A single driveway serves the house and the lot has approximately 500 feet of frontage on Old Farmington Road, which is a Collector on the Master Street Plan.

The surrounding area is zoned either A-1 Agricultural or R-1 Low Density Residential. The uses are primarily agricultural and residential. Across the street to the north is a large metal building.

The applicant is requesting to rezone the property to R-1 Low Density Residential. The minimum lot area in the A-1 district is 2 acres. The existing lot does not meet this requirement; therefore it is a legal nonconforming lot. The owner would not be able to split the lot under the regulations of the A-1 district. If the property is rezoned to R-1, he will meet the minimum lot requirements of the district, which are 8,000 square feet of land area with 70' of lot width.

The minimum side setback in an R-1 zoning district is 8'. The west side of the structure appears to be approximately 6' from the side property line. Therefore, the existing structure does not meet the setback requirements for an R-1 district. The lot meets all other bulk and area requirements of the R-1 district.

SURROUNDING LAND USE AND ZONING

North: Single-family and large metal building / A-1 Agricultural

South: Vacant / R-1 Low Density Residential

East: Agricultural and single-family residential / A-1 Agricultural and R-1 Low Density Residential

West: Single-family / A-1 Agricultural

INFRASTRUCTURE:

Streets: North: Old Farmington Road, Collector
South: Velda Court, Local
East: N/A
West: One Mile Road, Local

Water: Available

Sewer: Extension of 8" sewer line approximately 100' and adding a manhole.

LAND USE PLAN: General Plan 2020 designates this site as residential. Rezoning this property to R-1 Low Density Residential 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 rezoning is to a residential district and the Future Land Use plan shows this site as residential. The proposed R-1 Low Density Residential zone is consistent with the Future Land Use Plan.

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

Finding: The proposed rezoning is justified at this time as other properties in the area are zoned R-1 Low Density Residential and used primarily for residential purposes.

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

Finding: Low density residential development should not significantly increase traffic danger or congestion.

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

Finding: The proposed zoning should not alter the population density or increase the load on public services.

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

From Chapter 161 Zoning Regulations
City of Fayetteville, Unified Development Ordinance

§161.03 DISTRICT A-1 AGRICULTURAL

A. Purposes. The regulations of the Agricultural District are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; prevent unsightly development, increase scenic attractiveness; and conserve open space.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 3	Public Protection and Utility Facilities
Unit 6	Agriculture
Unit 7	Animal Husbandry
Unit 8	Single-Family and Two-Family Dwellings

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 4	Cultural and Recreational Facilities
Unit 20	Commercial Recreation; Large Sites

C. Bulk and Area Regulations.

Lot Width Minimum	200 ft.
Lot Area Minimum: Residential	2 acre
Nonresidential	2 acre
Lot Area Per Dwelling Unit	2 acre

D. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
35	20	35

E. Height Requirements. There shall be no maximum height limits in the A-1 District, provided, however, that any building

which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required yard lines.

(Code 1991, §160.030; Code 1965, App. A, Art. 5(I); Ord. No. 1747, 6-29-89)

§161.04 DISTRICT R-1 LOW DENSITY RESIDENTIAL

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

B. Uses.

1. Permitted Uses.

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

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 8	Single-Family and Two-Family Dwellings

C. Density.

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

D. Bulk and Area Regulations.

	Single-Family	Two-Family
Lot Minimum Width	70 ft.	80 ft.

Lot Area Minimum	8,000 sq. ft.	12,000 sq.ft.
Land Area Per Dwelling Unit	8,000 sq. ft.	6,000 sq. ft.

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	20

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

(Code 1991, §160.031)

*From Chapter 164 Supplementary Regulations
City of Fayetteville, Unified Development Ordinance*

§164.07 NONCONFORMING USES AND STRUCTURES.

A. Intent.

1. Within the districts established by this chapter or amendments that may later be adopted, if there exist lots, structure, uses of land and structures, and characteristics of use which are lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment, it is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2. It is not the intent of this section to prohibit the improvement of nonconforming residences by adding bath facilities or connecting to utilities as long as the bulk and area requirements of the R-3 District are met.

3. Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved.

4. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this chapter by the addition of other uses of a nature which would be prohibited generally in the district involved.

(Code 1991, §160.135; Code 1965, App. A, Art 4(1); Ord. No. 1747, 6-29-70; Ord. No. 1918, 5-15-83; Ord. No. 2126, 7-14-75)

B. Nonconforming Lots of Record.

1. In any district in which single-family dwellings are permitted, a single-family dwellings and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. Such lot must be in separate ownership and not of continuous frontage

with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, of both, of the lot shall conform to the regulations for the district in which such lot is located. In a previously developed subdivision, platted prior to June 29, 1970, and with the approval of the subdivision committee, a new single-family dwelling or an addition or repair to an existing single-family dwelling may be constructed in all residential zones in keeping with the existing standard in the neighborhood so long as the interior side setback is no less than five feet. Variance of yard requirements shall be obtained only through action of the board of adjustment.

2. If two or more or combination of lots and portion of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all parts of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter. The prohibition prescribed hereby shall not apply to a nonconforming lot on which a principal structure existed on the effective date of adoption of this chapter and which adjoins a nonconforming lot on which a principal structure existed on the effective date of the adoption of this chapter.

(Code 1991, §160.136; Code 1965, App. A, Art. 4(2); Ord. No. 1747, 6-29-70; Ord. No. 2505, 2-20-79; Ord. No. 3114, 9-3-85; Ord. No. 3124, 9-17-85)

C. Nonconforming Uses of Land (or Land with Minor Structures Only). Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to

occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter.

3. If any such nonconforming use of land ceases for any reason for a period of more than 120 days, any subsequent use of such land shall conform to the regulations in which such land is located; and

4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

(Code 1991, §160.137; Code 1965, App. A, Art. 4(4); Ord. No. 1747, 6-29-70)

D. Nonconforming structures. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restriction on areas, lot coverage, height, yards, its location in the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity but any structure or portion thereof may be altered to decrease its nonconformity, provided, the following structures may be enlarged or altered as hereinafter provided:

a. Nonconforming residential structures may be enlarged or altered by increasing the height of said structures.

b. Carports in residential zones may extend into the required yard setbacks if: the carport is set back at least ten feet from the street right-of-way; the carport is set back at least five feet from any interior side property line; the carport is set back at least ten feet from the rear property line; the area below the roof is open on the sides; and the carport does not materially obstruct vision.

c. In residential zones, detachable awnings which are not structurally a part of the building may be erected in any required front

yard or rear yard if the awning does not project more than six feet. Detachable awnings which are not structurally a part of the building and which project no more than four feet may be erected in any required interior side yard.

d. In residential zones, porch roofs and open porches may extend into required yards by one foot on each side of the entry door to a maximum depth of six feet in required front yards and rear yards and to a maximum depth of four feet in required interior side yards.

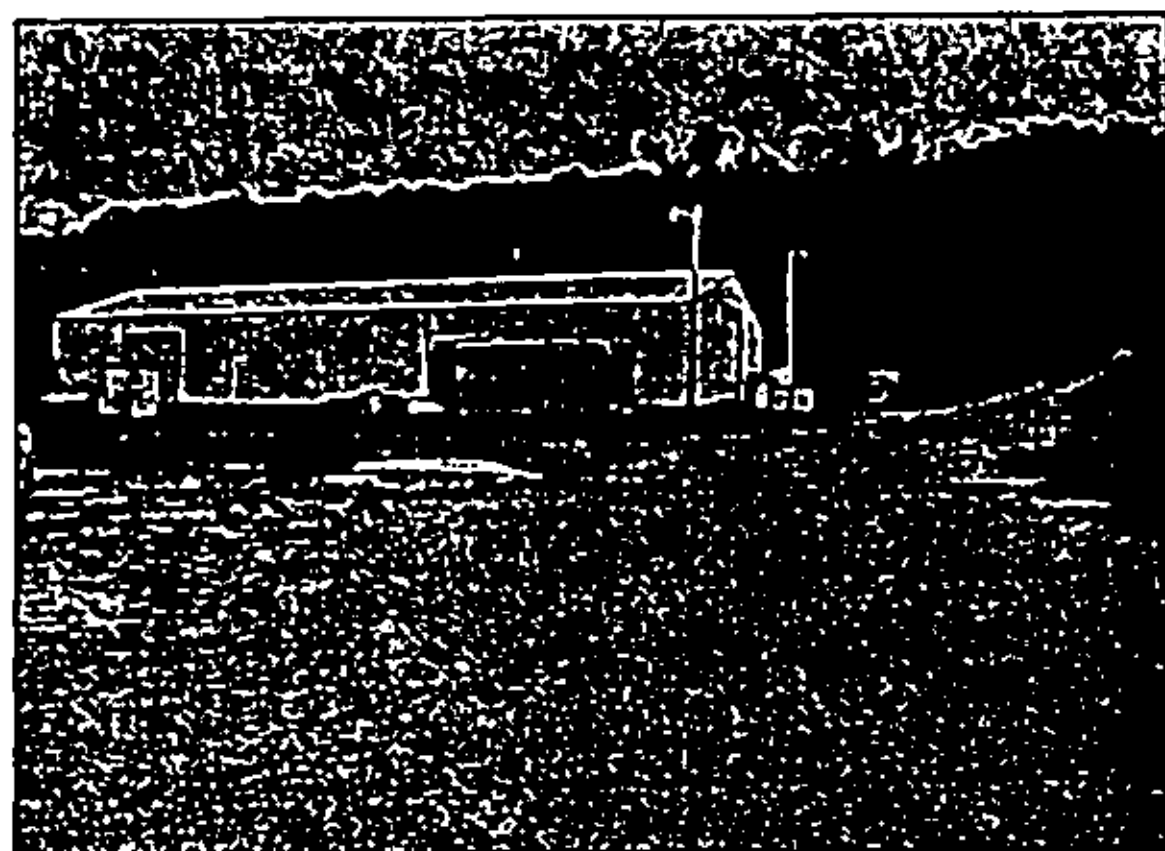
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Code 1991, §160.138; Code 1965, App. A, Art. 4(4); Ord. No. 1747, 6-29-70; Ord. No. 3130, 10-1-85)



Looking south toward the site.



Looking north of the site (across the road).



Looking east of site.

To Planning

I am sole owner of the property to be rezoned. I would like to have a lot split on the East side of the parcel. This would enable me to sell or build on that lot. It is currently zoned A-1. I would request that it be changed to R-1.

This rezoning and then possible lot split would result in just one driveway and one 8" sewer line and man hole. The sewer line would be put in through the current highway easement in conjunction with City Engineers and a bonded Contractor.

With Regards to Question 6 on the Rezoning Application

- A. The property is designated on the City's Map as future Residential Development.
- B. The property to be rezoned to R-1 would make it possible to be subject to a lot split for which I have a proposed buyer at this time that wants to build a single family dwelling.
- C. At present there is only one driveway (mine), in approximately 500 ft. of road frontage. I feel that the traffic would be minimally affected by rezoning this property. Old Farmington Road also is designated as a Collector on the Master Street Plan and is projected to be improved.
- D. I don't feel that rezoning my property would increase property density sufficiently to cause any problems. The water and electricity are already available. I would add just one 8" sewer line approximately 100 feet, plus one manhole.
- E. My property, 1.32 acres, is not large enough for any practical A-1 development. There is already a 1580 sq. ft. house and detached garage on the West side of the property.

Thank you,

Tom Shackelford



BASES OF BEARINGS: ARKANSAS-NORTH STATE PLANE GRID

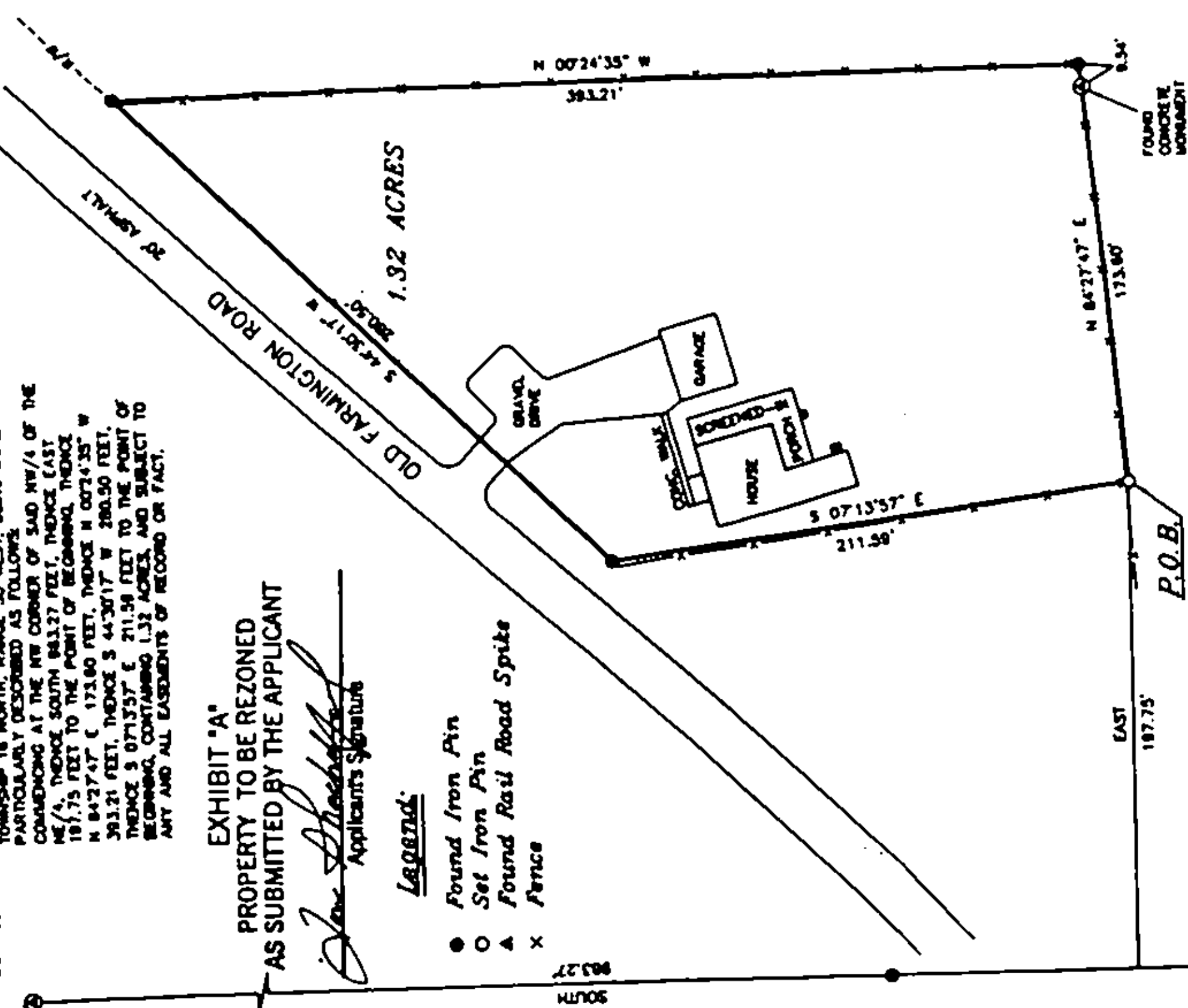
SURVEY DESCRIPTION
PART OF THE NW/4 OF THE NE/4 OF SECTION 19, TOWNSHIP 18 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NW CORNER OF SAID NW/4 OF THE NE/4, THENCE SOUTH 88.37 FEET, THENCE EAST 181.75 FEET TO THE POINT OF BEGINNING, THENCE N 84°27'47" E 173.60 FEET, THENCE N 07°14'35" W 393.21 FEET, THENCE S 44°30'17" W 280.50 FEET, THENCE S 07°13'57" E 211.58 FEET TO THE POINT OF BEGINNING, CONTAINING 1.32 ACRES, AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

Tom Oran Shackelford
Applicant's Signature

Legend:

- Found Iron Pin
- Set Iron Pin
- ▲ Found Rail Road Spike
- x Fence



THIS SURVEY WAS COMPLETED FEBRUARY 13, 2002
AND MEETS THE MINIMUM STANDARD REQUIREMENTS
FOR THE STATE OF ARKANSAS



THIS PROPERTY IS NOT IN THE 100 YEAR
FLOOD ZONE ACCORDING TO F.L.M.A. MAP
0514300091 D, REVISED JULY 21, 1999.

500-1861-3078-0-19-140-72-1386

SURVEY FOR:

TOM ORAN SHACKELFORD

SURVEY 1, INC.
2820 Melody Lane, Springdale, Arkansas 72762
TEL 801-760-1808 FAX 801-760-1829
Gene E. Buescher R.L.S. #1101



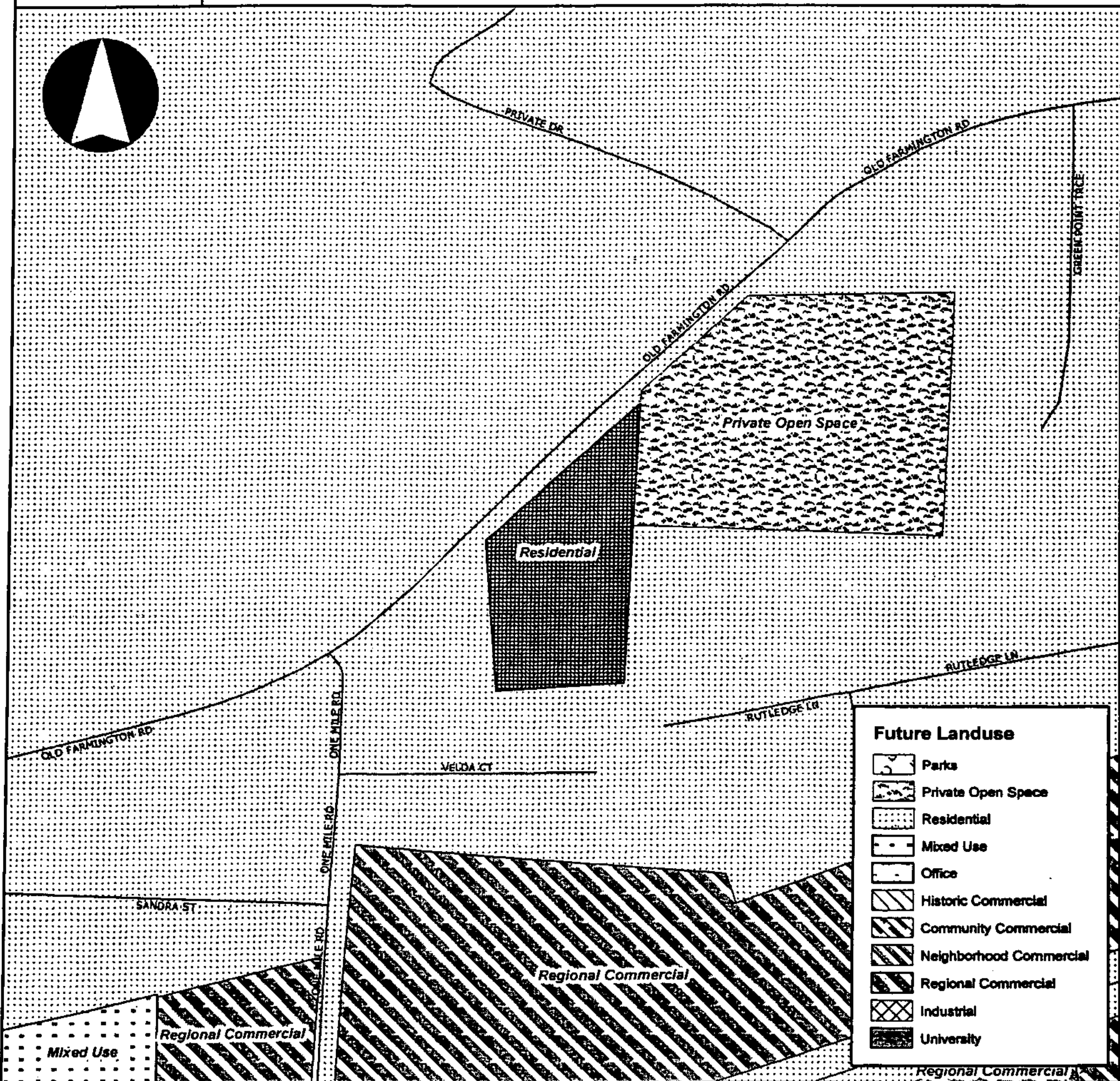
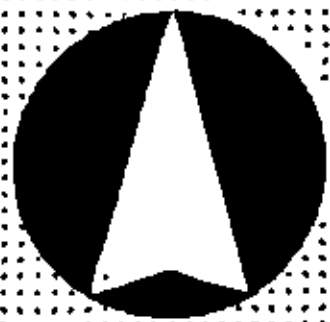
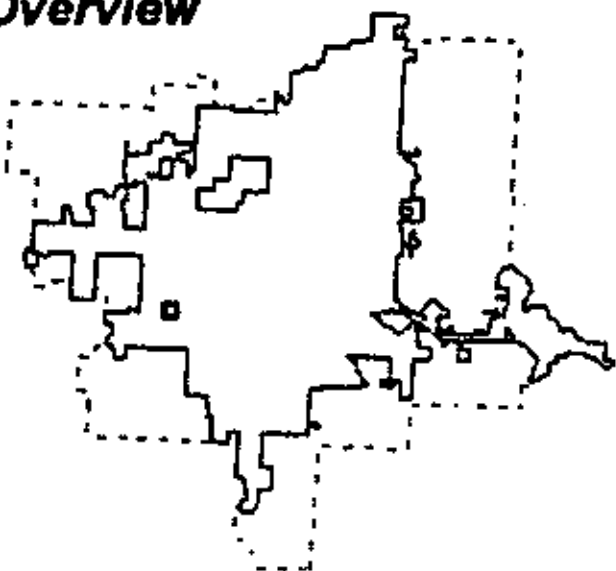
1 inch = 60 ft.

NW CORNER
NW/4 NE/4
SECTION 19
T18N R30W
STATE MON.
(FOR PLAT
RECORD
97017189)

132.02
NORTH

RZN02-22.00*Future Landuse*

SHACKELFORD

**Overview****Legend****Subject Property**

RZN02-22.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

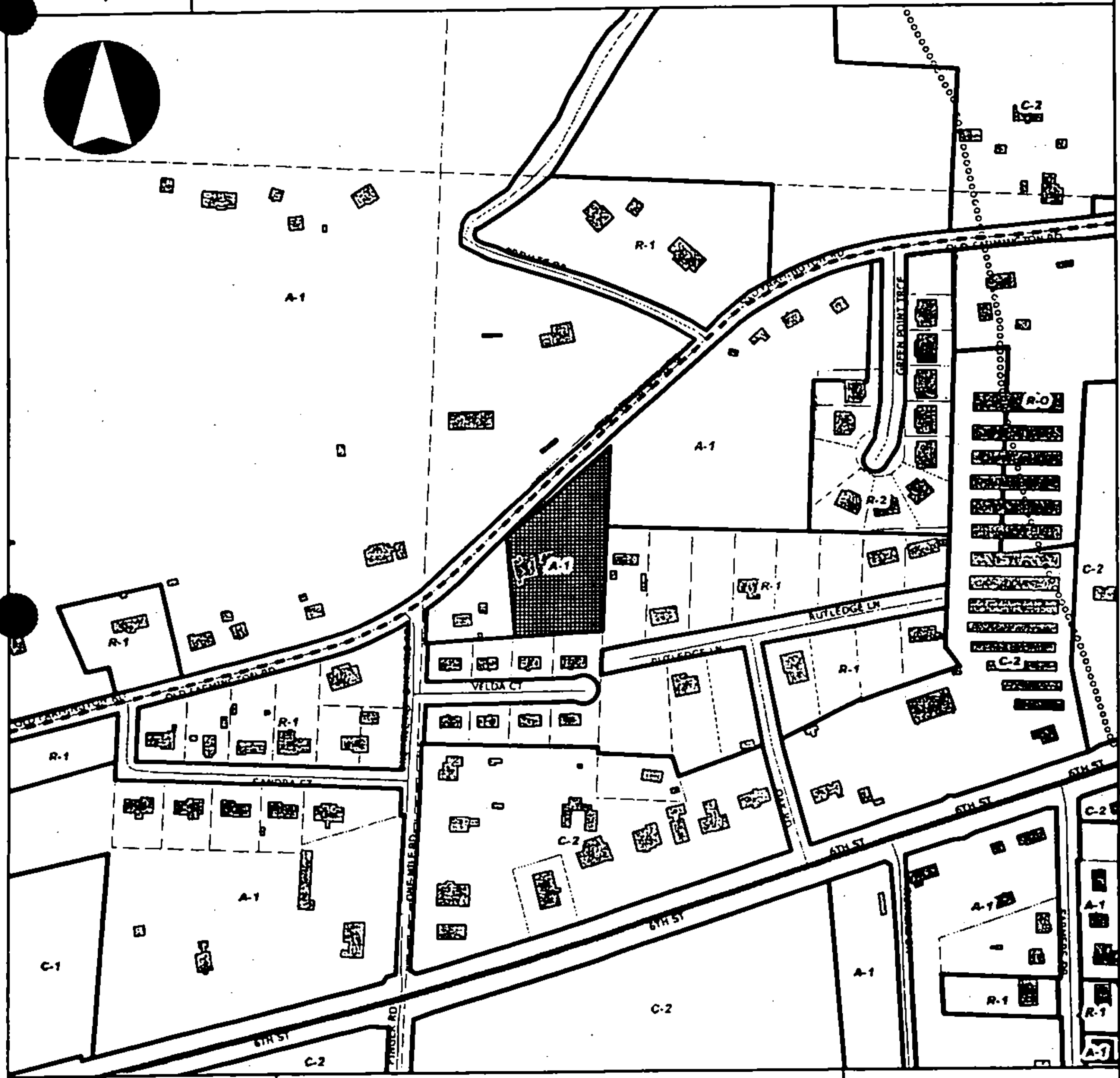
City Limits

0 75 150 300 450 600 Feet

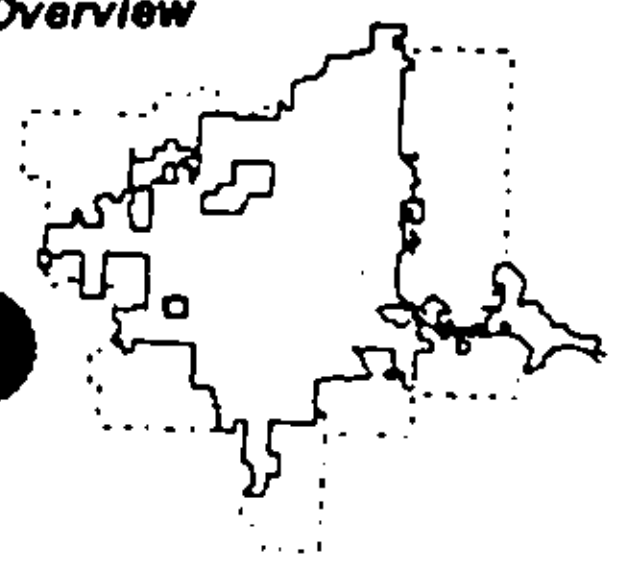
RZN02-22.00

SHACKELFORD

Close Up View



Overview



Legend

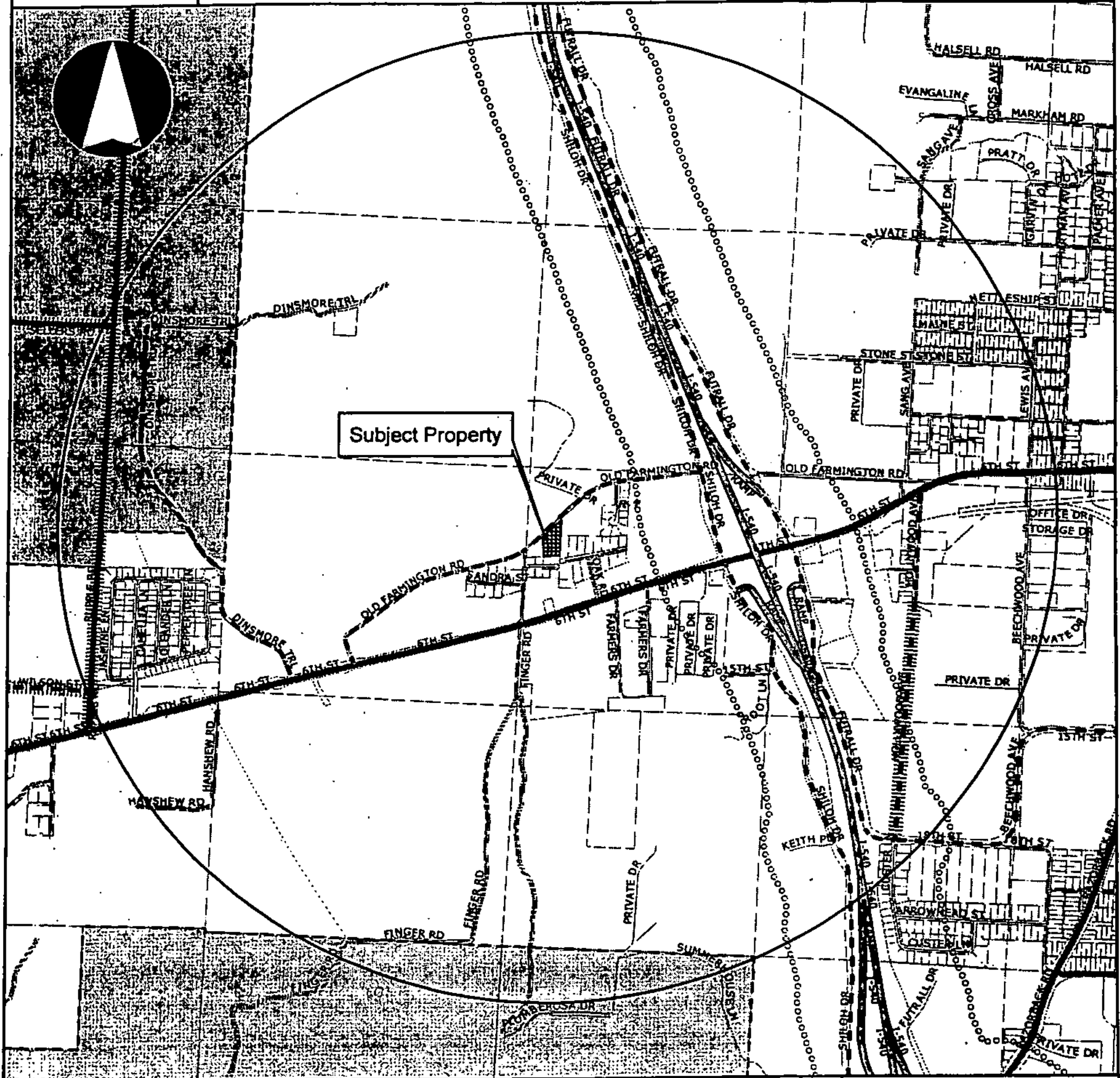
Subject Property	Boundary	Master Street Plan
RZN02-22.00	Planning Area	Freeway/Expressway
Streets	Overlay District	Principal Arterial
Existing	City Limits	Minor Arterial
Planned	Outside City	Collector
		Historic Collector

0 125 250 500 750 1,000 Feet

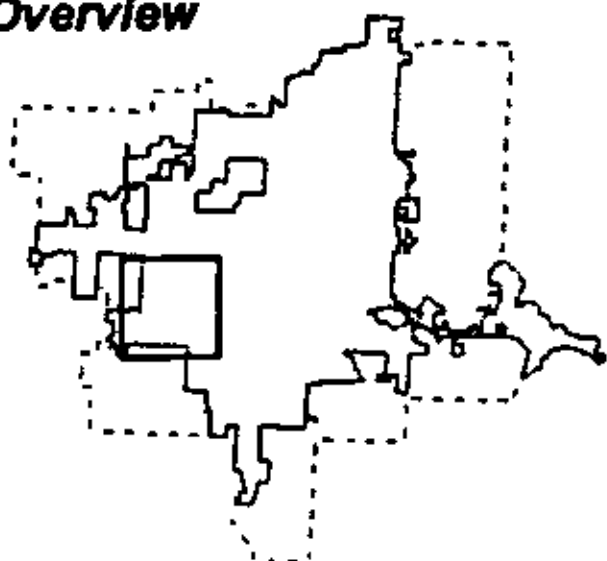
RZN02-22.00

One Mile View

SHACKELFORD



Overview



Legend

Subject Property

RZN02-22.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

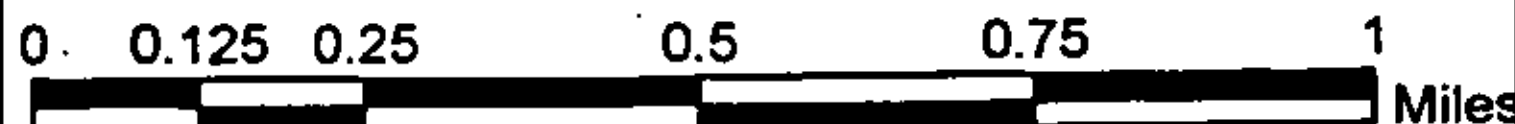
Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector



RZN 02-22.00: Rezoning (Shackelford, pp 558) was submitted by Tom Shackelford for property located at 2975 Old Farmington Road. The property is zoned A-1, Agricultural and contains approximately 1.5 acres. The request is to rezone to R-1, Low Density Residential.

Estes: The next item of business is RZN 02-22.00. I will take just a moment and give the room time to clear before we take up that item of business. This rezoning request was submitted by Tom Shackelford for property located at 2975 Old Farmington Road. The property is zoned A-1, Agricultural and contains approximately 1.5 acres. The request is to rezone to R-1, Low Density Residential. Staff recommends approval of the requested rezoning based on the findings included as a part of your report. Is the applicant present?

Shackelford: Yes.

Estes: Do you have a presentation that you would like to make at this time?

Shackelford: My name is Tom Shackelford, I am the owner of the property and I just am here to answer any questions you might have of me.

Estes: Thank you Mr. Shackelford. We will take public comment and then if we have any questions we will come back to you. Is there any member of the audience who would like to provide public comment on this rezoning request 02-22.00? Seeing none, I will bring it back to the full Commission for discussion and questions of Mr. Shackelford or motions. Is there any discussion, or questions for Mr. Shackelford, or any motions?

Motion:

Bunch: I have a question. Obviously this is a rezoning request and then the subsequent lot split will come through later. Maybe I am putting the cart in front of the horse. I was looking at some elevation problems but that will be dealt with when the lot split comes through so I really don't have that much of a question. If nobody else has one I will move that we recommend to the City Council for approval RZN 02-22.00.

Estes: We have a motion by Commissioner Bunch to recommend approval of RZN 02-22.00, is there a second?

Ostner: I will second.

Estes: We have a motion and a second to approve RZN 02-22.00 is there any discussion? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to forward RZN 02-22.00 to the City Council with a recommendation for approval was approved by a vote of 6-0-0.

Estes:

The motion passes by a unanimous vote of six to zero. Thank you Mr. Shackelford.

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of August 20, 2002.

FROM:

Brenda Thiel

Alderman

Name

Department

ACTION REQUESTED: To approve a resolution to be filed with the City Planner directing the Mayor, Urban Development Department and City Planning Division to refer to the Planning Commission an official request for a rezoning study and zoning map amendment to change the zoning classification of areas shown as R-2, Medium Density Residential to R-1, Low Density Residential for those areas that have 15% or greater slope as depicted on the slope analysis map in General Plan 2020 and including other areas zoned R-2 where recorded platted subdivisions exist with substandard infrastructure.

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:

Cross Reference

Division Head

Date

Department Director

Date

New Item: Yes No

Prev Ord/Res#: _____

Administrative Services
Director

Date

Orig Contract Date: _____

Mayor

Date

RESOLUTION NO. _____

A RESOLUTION TO BE FILED WITH THE CITY PLANNER DIRECTING THE MAYOR, URBAN DEVELOPMENT DEPARTMENT, AND CITY PLANNING DIVISION TO REFER TO THE PLANNING COMMISSION AN OFFICAL REQUEST FOR A REZONING STUDY AND ZONING MAP AMENDMENT TO CHANGE THE ZONING CLASSIFICATION OF AREAS SHOWN AS R-2 MEDIUM DENSITY RESIDENTIAL TO R-1 LOW DENSITY RESIDENTIAL FOR THOSE AREAS THAT HAVE 15 PERCENT OR GREATER SLOPE AS DEPICTED ON THE SLOPE ANALYSIS MAP IN GENERAL PLAN 2020 AND INCLUDING OTHER AREAS ZONED R-2 WHERE RECORDED PLATTED SUBDIVISIONS EXIST WITH SUBSTANDARD INFRASTRUCTURE.

WHEREAS, General Plan 2020 identifies slope as an important factor in supporting development; and

WHEREAS, General Plan 2020 states that lower density on steep slopes is desired as a city policy; and

WHEREAS, General Plan 2020 Implementation Strategy 9.16.b states "Define and protect areas of significant floodplains, hillsides, trees, and other environmental resources through cluster development provisions, density controls, protective easements, and other new and existing development standards and regulations;" and

WHEREAS, General Plan 2020 Implementation Strategy 9.16.h states " Minimize intense forms of urban development on steep slopes;" and

WHEREAS, recorded platted subdivisions exist where infrastructure has partially and or not been installed that are zoned R-2 Medium Density Residential that have the potential for adverse impacts to the health, safety, and welfare of the citizens of Fayetteville who currently reside in these areas; and

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

Section 1. That the City Council directs the Mayor, Urban Development Department, and City Planning Division to refer to the Planning Commission an official request for a rezoning study and zoning map amendment to change the zoning classification of areas shown as R-2 Medium Density Residential to R-1 Low Density

Residential for those areas that have 15 percent or greater slope as depicted on the slope analysis map in General Plan 2020 and including other areas zoned R-2 where recorded platted subdivisions exist with substandard infrastructure.

Section 2. That pursuant to Title XV Unified Development Ordinance Section 166.17 Suspending Issuance of Permits Pending Zoning Amendments, no permit for the erection of any building or structure, or permit for the conduct of any use, shall be issued for a period of not more than 90 days after the question of a zoning map amendment, so as to prohibit the use or building contemplated in the area concerned, has been referred to the Planning Commission.

Section 3. This Resolution shall be considered an official request for a rezoning study and shall be immediately filed with the City Planner as required by §166.17(B).

PASSED and APPROVED this _____ day of _____, 2002.

APPROVED:

By: _____

DAN GOODY, Mayor

ATTEST:

By: _____

HEATHER WOODRUFF, City Clerk

§166.17 SUSPENDING ISSUANCE OF PERMITS PENDING ZONING AMENDMENTS.

A. No permit for the erection of any building or structure, or permit for the conduct of any use, shall be issued for a period of not more than 90 days after the question of a zoning amendment, so as to prohibit the use or building contemplated in the area concerned, has been referred to the Planning Commission.

B. For the purpose of this section an amendment has been referred to the Planning Commission when a rezoning petition or official request for rezoning study is filed with the City Planner. Provided that if final action by the City Council is not taken on the question within three months of the time the matter is so referred, the permit shall issue if all other requirements are met. If within such three-month period the governing body of the municipality shall pass an ordinance amending Zoning, Chapters 160-165, so as to prohibit such building, structure, or use no such permit shall be issued.

C. However, nothing contained in this section shall prohibit the issuance of a building permit or permit for the conduct of any use if an application for said permit together with all fees required and a complete set of plans demonstrating complete or substantially complete compliance with all building and zoning requirements is filed with the City Planner prior to the reference to the Planning Commission.

(Code 1991, §160.196; Code 1965, App. A, Art, 9(7); Ord. No. 1747, 6-29-70; Ord. No. 1918, 5-15-73)

STAFF REVIEW FORM

AGENDA REQUEST
 CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council meeting of August 20, 2002

FROM:

Ray M. Boudreaux
 Name

Economic Development
 Division

Aviation & Economic Development
 Department

ACTION REQUIRED: Approval by the City Council to add a new position to the airport staff of Flight Line Operations Supervisor.

COST TO CITY:

\$9656

Cost of this Request
 \$550,395.55

Account Number

NA

Project Number

\$95,936

Category/Project Budget

61,515

Funds used to date

34,421

Remaining Balance

Category/Project Name

FBO Services

Program Name

Airport

Fund

Salary cost
 Airport FBO

BUDGET REVIEW:

[Signature]

8-5-02

Budgeted Item

☒ Budget Adjustment Attached

Budget Manager

Date

Administrative Services Dir.

Date

CONTRACT/GRANT/LEASE REVIEW:

[Signature] 8/5/02
 Accounting Manager

[Signature] 8/5/02
 City Attorney

[Signature]
 Purchasing Officer

[Signature] 8/5/02
 Internal Auditor

ADA Coordinator

Grants Coordinator

Date

Date

Date

GRANTING AGENCY

STAFF RECOMMENDATION: Approve the new position and hiring of the Flight Line Operations Supervisor.

Division Head

Department Director

Administrative Services Director

Mayor

Date

Date

Date

Date

Cross Reference

New Item: Yes X No

Prev. Ord/Res#:

Orig Cont. Date:

Orig Cont #:

Consent —
 New —

STAFF REVIEW FORM

Page 2

Meeting Date: August 2, 2002

Comments: Approve adding a new position to the airport staff, Flight Line Operations Supervisor.

Budget Manager

Reference Comments:

Accounting Manager

Reference Comments:

City Attorney

Reference Comments:

Purchasing Officer

Reference Comments:

Internal Auditor

Reference Comments

ADA Coordinator

Reference Comments:

Grants Coordinator

Reference Comments:

MEMORANDUM

TO: Dan Coody, Mayor
City Council Members
THRU: Staff Review Committee
FROM: Ray M. Boudreaux, Director, Aviation and Economic Development
DATE: August 1, 2002
SUBJECT: Flight Line Operations Supervisor

Background:

August 1, 2002 is the first year anniversary of the City of Fayetteville taking over the fuel sales operation at the Fayetteville Municipal Airport. Fayetteville Air Service closed in July of 2001 and all of their personnel left with them. The personnel remaining on the Airport staff took over the fuel sales with their maintenance staff and hired two people to be dedicated to the flight line operation. We have remained at 2 flight line persons. The purpose of this item is to request the City Council to authorize a new position to the airport staff. The new position will be the Flight Line Operations Supervisor and will be responsible for running the Fixed Base Operation.

Discussion:

Currently the FBO is operated 7 days a week, 6 until 9 weekdays and 6 until 6 on the weekends. This schedule requires one of the maintenance staff to work two days a week and 1 hour every other week day in operations. This accounts for 19 hours every week of the 99 hours weekly that we are open. For the first time since opening the FBO, one of the staff is on vacation this week. The maintenance staff is taking up the slack but significant maintenance requirements are not getting done.

Our overtime is averaging 45 hours each month. The overtime is used for call backs to take care of aircraft landing or departing at times other than normal hours, to cover for those out sick or on vacation, and for special scheduled times of increased activity. At time and one half this equals 67.5 hours a month.

Over a month it costs the operation 143.5 hours out of 160 hours if one person was doing the job. Since this includes call backs, it is not as bad as it appears but last month we recorded only three (3) call backs which represents 9 total hours. A call back is two hours overtime.

This new position will be responsible for data entry into the City of Fayetteville's accounting system and other administrative tasks. Currently James estimates that he spends 4 hours a week doing data entry that the new person will do. At the end of the month, he estimates that he does

Aviation and Economic Development Department
Fayetteville Municipal Airport, Drake Field
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701
Ray M. Boudreaux, Director

10 hours of work associated with reconciling the sales and inventory and recording the billing information for the based aircraft. Louise spends 8 hours per month issuing the billing statements. All together, that's 34 hours a month that will be assigned to the new Line service supervisor. James will continue oversight but will be freed from many hours of data entry tasks, allowing his greater attention to other airport financial and grant administration responsibilities.

We currently have only one person on duty at a time. When a bulk fuel delivery arrives, the line is uncovered. We meet the driver and stay with the truck during each delivery. This week we received two fuel loads. James fueled aircraft on the ramp and across the field while the tanker was being unloaded by the line tech. Yesterday, James was on the line fueling while the Line Service Tech was on the east side taking care of our tenants.

Grant management, FAA reporting, State reporting, and reports to the City require significant time and study and of late have been late due to the necessity of the day to day workload. James has done an exceptional job with the FBO and getting us started but it is now time to flesh out our customer service arm. We rely on our staff to be our first impression and to be responsive to our customers.

We need a supervisor that can do the administration, work the line, and more closely supervise the other workers to insure compliance with directives. He will perform, and instruct his subordinates, in the recordkeeping and data entry into the accounting system, and to create schedules. The plan is to have some overlap Monday through Friday so that deliveries can be arranged during the overlap. The new supervisor will cover for vacations. We will only use overtime staff for special occasions like the football weekends and necessarily, call backs.

Purpose: To authorize a Flight Line Operations Supervisor position at the Airport.

Budget Considerations: Funds are available in the airport fund.

Requested Action: City Council approval to add the new position and approval to advertise to fill the position.

Attachments: Staff Review Form
Position Description

Aviation and Economic Development Department
Fayetteville Municipal Airport, Drake Field
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701
Ray M. Boudreaux, Director

EMPLOYEE REQUISITION

CITY OF FAYETTEVILLE

DEPARTMENT Aviation & Economic Development

DIVISION Airport

POSITION DATA (COMPLETE ALL ITEMS IN THIS SECTION)

JOB TITLE Flight Line Service Operations Supervisor

JOB GRADE _____ ☒ FULL TIME ☐ TEMPORARY ☐ PART TIME

*PRE-EMPLOYMENT DRUG SCREENING _____ DOT ☒ SAFETY SENSITIVE _____ EXEMPT

DATE EMPLOYEE NEEDED 7/1/2002 CDL REQUIRED YES ☐ NO ☒

GL FUND & PROGRAM/SPLIT OUT 5550.3955

BUDGET STATUS

1. ☐ EXISTING BUDGETED POSITION

NAME OF FORMER EMPLOYEE _____

LAST DAY IN POSITION _____

2. ☒ NEW POSITION (REQUIRES PERSONNEL DIV. APPROVED JOB DESCRIPTION & VALUATION)

POSITION AUTHORIZED BY:

☐ CURRENT ANNUAL BUDGET

☒ IN-YEAR BUDGET ADJUSTMENT

NOTES/COMMENTS

See attached position description

APPROVAL SIGNATURES (ALL SIGNATURES ARE REQUIRED TO OPEN A POSITION)

DIVISION HEAD _____ DATE _____

PERSONNEL DIVISION _____ DATE _____

BUDGET & RES. DIV _____ DATE 8-5-02

DEPT. DIRECTOR

DATE

ADMIN. SVCS. DIR.

DATE

MAYOR

DATE

THIS EMPLOYEE REQUISITION FORM MUST BE PROPERLY COMPLETED WILL ALL APPROVAL SIGNATURES PRIOR TO THE PERSONNEL DIVISION INITIATING ACTION TO FILL JOB OPENING.

SECTION 1

HEADING

Job Title: Flight Line Service Operations Supervisor Job Code: _____
Job Holder: New Hire Department: Aviation & Eco Dev.
Supervisor: Ray M. Boudreaux Payroll Section: _____
Title: Director Approvals: _____
Date: _____

SECTION 2

BASIC FUNCTION

(Brief description)

This is a salaried position which will be responsible to manage the day to day activities of the Fayetteville Municipal Airport flight line operation. The position will supervise two Line Service employees. Duties include: aircraft parking and fueling; airfield inspection & maintenance; handling pilot customer service requests; T-hangar leases; employee schedule; fuel quality testing/records; fuel & supplies inventory; fuel farm maintenance; refueler truck maintenance; financial records and reports; promotional activities; staff training in fuel handling safety, airfield communication, spill protection/cleanup; office and terminal building housekeeping; and other associated activities.

SECTION 3

MAJOR DUTIES & TASKS

	<u>% of Time</u>
1. Employee supervision and scheduling	15 %
2. Aircraft parking, towing, and fueling	30 %
3. Airfield inspection & maintenance	1 %
4. Customer service requests	10 %
5. T-Hangar lease management	5 %
6. Monthly base customer fuel billing	5 %
7. Monthly inventory	5 %
8. Fuel quality testing & recordkeeping	5 %
9. Fuel farm & truck maintenance	2 %
10. Finance – budget, recordkeeping, & reports	10 %
11. Staff training	5 %
12. Promotional activities	2 %
13. Housekeeping other associated activities	5 %
TOTAL	100 %

SECTION 4

EQUIPMENT OPERATED & SKILL LEVEL REQUIRED

List of equipment / skill level required

1. Computer w/ word processor & spreadsheet software: must be proficient in basic software skills.
2. Point of Sale (POS) credit card machine: Process fuel sales and program POS equipment.
3. Telephone: Professional customer service presentation.
4. Radios: Airport staff and VHF air-radio communications. Must know air/ground radio protocol and understand and follow air traffic controller instructions.
5. Refueler vehicles – 1000 gal Avgas truck, 3000 gal Jet fuel truck: must be able to drive trucks, safely operate fueling equipment, replace fuel filters, schedule truck maintenance.
6. Fuel Farm: Understand the basic operation of the fuel farm tanks and equipment. Detect equipment malfunction, change filters, schedule service when needed.
7. Aircraft Tug: Correctly and safely use an aircraft towing vehicle and towbar to hook-up to aircraft and carefully tow aircraft on the airfield as necessary.
8. De-icer equipment: Move and operate the equipment for the purpose of de-icing aircraft prior to flight.
9. Ground Power equipment: Correctly follow procedure to connect to aircraft and disconnect after engines are started, correctly interpret pilot hand-signaled instruction.
10. Mack dump truck: Drive large truck and correctly and safely operate icemelt spreader and snow plow.

SECTION 5

SPECIAL LICENSES OR CERTIFICATIONS REQUIRED

Ability to achieve FAA-approved Line Service Supervisor certification after attending and completing a sanctioned training and testing program.

SECTION 6

WORKING CONDITIONS

Physical Effort: Good physical condition sufficient to perform strenuous tasks associated with aircraft service requirements. Climb ladders, able to lift 50lbs.

Adverse Conditions: Will often work outdoors in all weather conditions. Occasionally will respond to pilot requests for service after hours on call. May sometimes require accurate and proficient performance under stressful demanding conditions, during busy periods of aircraft activity.

Hazards: Chemical hazards related to fuel products. Safety hazards related to equipment/machinery used. Safety hazards related to working near and around running and moving aircraft.

SECTION 7

NATURE AND SCOPE

Major Challenges: The major challenge of the position involves providing airport logistical support services to pilots and their passengers. Services provided include: aircraft fueling, flight catering, ramp management, ground power for aircraft, car & hotel reservations, aircraft towing, tie down, overnight hangar, long term hangar leasing, and other services on request.

Providing these services requires coordination of personnel, equipment, and supplies, within the context of a smooth and seamless professional presentation to the public. The aviation business requires the utmost concern to issues affecting flight safety, and the responsibility for quality safe fuel lies with this position.

Serving pilot's and their passengers' needs is a demanding proposition. The services the airport provides to the flying public function to create a pleasant experience for pilot & passenger at the "front door" of the City of Fayetteville. Problem solving is *the* ongoing occupation of the Line Operations Supervisor. This key position will rely on the airport administration staff, maintenance staff, FAA control tower personnel, and supportive divisions of City administration; and coordinate outside vendors, suppliers, and others; with the goal to provide the flying public the highest quality aviation experience. The Line Operations Supervisor knows that problems are solved when customers make complimentary or positive comments about Fayetteville Municipal Airport.

Workflow: The position combines administrative and supervisory tasks, and routine work shift responsibilities. The Line Operations Supervisor works mainly on his own initiative however is assigned special projects from time to time. Such projects are assigned by his/her immediate supervisor.

The Line Operations Supervisor guides the Line Service Technicians in their daily work. He/she provides the Technicians with technical and safety related training, spill response procedure, and directs an ongoing program of review. The position is responsible to author/edit/update a Standard Operating Procedures manual for the Line Service operation to be used for training and reference by the Line Service personnel. The position assists the airport's Financial Coordinator to collect relevant financial and statistical information for reporting and budgeting purposes, and directs his/her employees to that effort.

Decision Making Authority: The Line Operations Supervisor is subject to local, state and federal regulations applicable to the storage, usage, or spillage of aircraft fuel, a hazardous material. He/she is also subject to FAA-specific rules which regulate vehicle movement and communications on the airfield. This position is responsible to assure compliance with these regulations by Line Service staff, by observing the employee performance, review and reinforcement through an ongoing training program.

Contacts: The most important contacts required in this position are customers, i.e. pilots and their passengers, and airport hangar tenants. Secondly, the Line Operations Supervisor works closely with the airport administration to design and execute the strategies necessary to achieve the short and long term objectives of the program. He/she must also coordinate with outside

vendors and suppliers for delivery of materials necessary for the operation. In addition, the Line Operations Supervisor communicates with other business concerns on the airfield, and makes presentations to the Airport Advisory Board in regard to the Line Service Operation program.

SECTION 8

ADDITIONAL REMARKS

None.

City of Fayetteville, Arkansas
Budget Adjustment Form

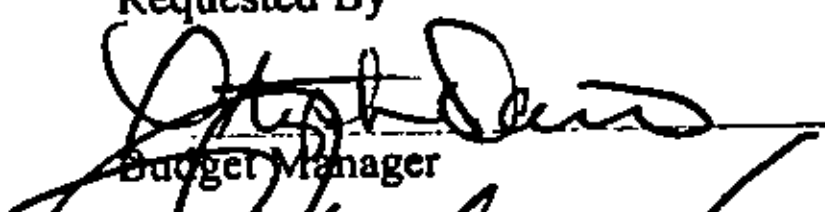
Budget Year 2002	Department: Aviation & Economic Development Division: Airport Program: Airport FBO	Date Requested 09/01/2002	Adjustment #
---------------------	--	------------------------------	--------------

Project or Item Requested: \$7,656 is requested in the Airport FBO salary expense accounts.	Project or Item Deleted: \$7,656 in Use of Fund Balance.
--	---

Justification of this Increase: Provides for salary costs of the new Line Service Operations Supervisor position.	Justification of this Decrease: Sufficient funding remains to comply with City policy.
--	---

Increase Expense (Decrease Revenue)							Project Number
Account Name	Amount	Account Number					
Salaries & Wages	9,656	5550	3955	5100	00		

Decrease Expense (Increase Revenue)							Project Number
Account Name	Amount	Account Number					
Use of Fund Balance	9,656	5550	0955	4999	99		

Approval Signatures		Budget Office Use Only	
Requested By  Budget Manager	Date 8-5-02	Type: A B C <u>D</u> E	
 Department Director	Date August 2, 2002	Date of Approval	
 Admin. Services Director	Date 8-7-02	Posted to General Ledger	
Mayor	Date	Posted to Project Accounting	
		Entered in Category Log	

For the Fayetteville City Council meeting of: August 20, 2002

M:

Gary DumasGeneral Services

Name Division Department

ACTION REQUIRED: Approve Ordinance establishing rate structure and program parameters for the automated cart based residential trash collection and disposal program**COST TO CITY:**Est. revenue \$2,700,000

Cost of this Request

Category/Project Budget

Solid Waste Revenue

Category/Project Name

Account Number

Funds Used to Date

Solid Waste

Program Name

Project Number

Remaining Balance

Solid Waste

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

Date

STAFF RECOMMENDATION: Approve Ordinance

Division Head

Date

Cross Reference

Department Director

Date

New Item: ☐ Yes ☐ NoAdministrative Services
Director

Date

Prev Ord/Res #: _____

Orig Contract Date: _____

or

Date

Consent
New

STAFF REVIEW FORM

Description XXXXXX

Meeting Date XXXXXX

Comments:

Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council

From: Gary Dumas

Date: July 16, 2002

Subject: Ordinance Establishing Residential Solid Waste and Recycling Services Rate Structure

Background

During the Agenda Session of July 9, the City Council discussed several issues relating to the Residential Solid Waste and Recycling Services Rate Structure. Based upon that discussion the following rate structure is proposed. The background information supplied at that meeting has not been recopied, but is available if any Council person would like an additional copy.

Discussion

Subsequent to the meeting some Council members have requested an historic summary of the volume-based pink bag program.

August 4, 1998-Council authorized with Ordinance 4111, implementation of the pink bag program beginning in calendar year 2000 for 104-33 gallon bags per household with the option of purchasing additional bags and for subsequent years 78-33 gallon bags per household, again with the option of purchasing additional bags.

September 5, 2000-Council authorized with Ordinance 4270 90-33 gallon bags for 2001.

The initial plan would have permitted approximately 66 gallons per week in 2000 and then reduced the volume to approximately 49.5 gallons per week in 2001. The plan was modified by Ordinance 4270 to approximately 57 gallon per week rather than the 49.5 gallons.

The proposed Ordinance will allow a much more responsive volume based program in that each household will have a cost based decision to make concerning their waste stream. That cost based decision will allow a cost reduction to as low as \$8.19 for a 32 gallon cart to \$17.74 for the 96 gallon cart.

The proposed rates include the \$0.20 for the 4 neighborhood based cleanups that can be provided each in each Ward. The proposed rates are as follows:

Approve Ordinance establishing a rate structure as follows:

Container Volume	Fixed Fee	Graduated Volume Fee	Cart Capitalization Included in Base Rate	Monthly Rate
32	\$5.76	\$2.06	\$0.37	\$8.19
64	\$5.76	\$6.24	\$0.49	\$12.49
96	\$5.76	\$11.43	\$0.55	\$17.74
Apartment complexes recycling – cost per unit				\$12.49
Apartment complexes not recycling –cost per unit				\$17.74

Including the following:

1. On the service day, an additional 32 gallon bag may be placed in the top of an open cart. The fee for this additional bag is \$2.50. This excess bag would be billed to the customer at the next billing cycle.
 2. Extra service may be requested by appointment. Trash must be in the cart, an extra bag is permitted to be placed in the top of an open cart. The additional service call fee is \$6.00 plus the cost of disposal based on cart size. This special service would be billed to the customer at the next billing cycle.
 3. Bags outside of the cart will not be accommodated.
 4. Registered rental property will be permitted 10 days of service immediately following the vacation of the rental property for 1/3 the normal monthly rate for the cart at the residence. The landlord will be responsible to contact Solid Waste and Recycling if the cart is missing when they arrive for their cleanup activities. The landlord will be responsible for the cart during these 10 days and will be required to contact Solid Waste and Recycling for cart pickup.
 5. Up to four community cleanups per year can be provided in each Council Ward. These cleanups would take all normal residential items for no disposal fee. These cleanups would need to be coordinated by neighborhood associations and sponsored by both Ward Alderpersons.
 6. One bulky waste pickup on a reservation basis will be provided rather than the two currently available, mobile home parks and apartment complexes of 4 or more units will not participate. The program will be evaluated in the 2004 budget for
-

effectiveness. This program change would be implemented immediately.

7. One community-wide bulky waste roundup will be provided during Earth Week activities. Customers can bring normal residential items to the Solid Waste facility for disposal at no fee.

Recommendation

Approve Ordinance implementing above fee structure and program parameters.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council

From: Gary Dumas

Date: July 24, 2002

Subject: Commercial Waste and Residential Rates

Background

During the City Council Agenda Session of July 9, there was discussion of the Residential Solid Waste Rate Structure report which included comments concerning the impact that the City has had on the larger container (rolloff) market since entering this business line. In January 2002, a memo was distributed to the City Council concerning a comparison of the City bid proposal to local business vs. a Waste Management, Inc. invoice. That memo is attached for your review, but in summary the Waste Management invoice was approximately 42% greater than City's proposal and would have saved the local business over \$350 per month. Since the City's entry into this business line (rolloffs) the competitive market has generally reduced costs to local large container users, unless existing contracts have been enforced. (See attached email regarding Rolloff Services, Inc. rates.)

Since this City Council Agenda Session of July 9 and the discussions concerning commercial competitiveness, Rolloff Services, Inc. has approached some businesses using small containers in an effort to solicit their business. At least one of these businesses allowed Rolloff Services, Inc. to place and haul their small container wastes. When contacted by the City, Rolloff Services, Inc. have refused to comply with the Ordinance and have stated that the City Council discussion of July 9 has authorized their actions by indicating that the entire commercial market is now an open competitive marketplace. If this is factual, additional migration to private waste collectors is anticipated due to the rate subsidy that the small container customer is now providing to the residential consumer.

There currently exists Section 50.29 of the Code of Ordinances of the City of Fayetteville, which prohibits private waste collections without a written contract with the City. The City has historically served the small commercial container customer. Until this past January, the City was not able to serve the large commercial container (rolloff) needs of the local business and industry.

Discussion

As the City Council is aware, the small commercial container portions of the Solid Waste Division activities subsidize the residential rates for all residents. This situation has not changed and is apparently the rationale for the historic Ordinance prohibition against private waste collectors. The City Council has historically created a commercial and residential rate structure which promoted this cross user subsidy.

Currently each of the smallest commercial container users provide a subsidy of approximately \$120/year, while the 2 to 8 cubic yard container users pay a subsidy on average of approximately \$500/year. These numbers are approximate and are based upon an average commercial customer. (This does not include the rolloff style containers.)

A \$40 per month surcharge totals annually approximately \$542,000 from the commercial activities which helps to cover otherwise unfunded residential program expenses.

As the City Council has discussed, the Solid Waste operations are efficient and economically provide the collection and increasing recycling services demanded by the citizens, both residential and commercial. There has historically been a balance between the various rate classes which has allowed the residential rates to be maintained at a reduced level. Any migration of commercial customers to private waste services will severely undermine the affordable residential rate structure.

Requested Action

The discussion on July 9, to staff, focused only on larger rolloff services which were to remain in open competition at this time. The City Council is requested to clarify its position and give direction to the staff.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council
From: Gary Dumas
Date: Tuesday, January 22, 2002
Subject: Large Commercial and Industrial Accounts
Rolloff Containers and Compactors
Waste Management of Northwest

This past Thursday, January 17, representatives of Waste Management of Northwest Arkansas, Kevin Gardner and John Sampier, contacted the Mayor regarding the services to large commercial and industrial customers that the Solid Waste Division is now offering.

They had with them the proposed service costs that we had provided to a potential customer Ayrshire Electronics. Ayrshire is currently a customer of Waste Management. Waste Management had evaluated our proposal, based upon their knowledge of the Ayrshire account, and concluded that the Solid Waste revenue less expenses was approximately \$30.00 per service call. Their estimate is fairly accurate. It appeared that the opinion of Waste Management was that the City should not provide this service. Based upon the \$30.00 estimate, Waste Management verbally offered to pay the City a fee of \$30.00 for each service call they made, replacing our lost revenue. Some discussion continued concerning the revenue that might be collected from Waste Management with this "franchise fee."

In addition, on January 17, the City Attorney received a letter from Rolloff Services attorney, requesting clarification of the current ordinances regulating solid waste disposal services within the City of Fayetteville. That response was provided today.

The Mayor requested that staff review the verbal proposal from Waste Management in relation to potential revenue for the City and for costs to the public and individual businesses.

Staff happens to have a current Waste Management invoice (7-1-01) to Ayrshire Electronics for services provided during the month of June 2001. Based upon this invoice some assumptions can be made as to Waste Management's cost of service vs. the City's cost of service to Ayrshire, along with some interpolations regarding impacts to general

General Services Department
113 West Mountain Street
Fayetteville, Arkansas 72703

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

customers and community-wide impacts.

Generally, invoices such as the one attached are not available. Waste Management may have varying rate structures, but that is unknown. In addition, Ayrshire is provided with two compactors and containers, one for trash and normal business waste and one for cardboard recycling. The invoice does not account for this cardboard recycling compactor and container. However, the fee proposal from the Solid Waste Division provides for this continued service. The service call charges are based upon the information that Waste Management provided to the Mayor.

The attached spreadsheet summarizes clearly the impacts of the City removing its self from the marketplace. There are several reasons for the City to be involved with providing this service:

- one, is to provide a competitive option in the marketplace;
- second, is to take maximum advantage of the resources and investment that the City has made in the transfer station and staff within the Solid Waste Division; and
- third, is to begin to account for the trash volume being disposed of within the City and to start an effective program of commercial and industrial recycling.

As stated above, this analysis is based upon assumptions from very limited data about the variableness of Waste Management's fee structure and the level of their market penetration. Even assuming that the assumptions are in error by a margin of 50%, the annual cost to the community above the current Solid Waste fee structure is \$384,048 or at an annual additional cost per customer of between \$3,840 and \$7,680.

The staff will continue to search for more data to validate or disprove the above assumptions. The staff will keep the City Council apprised of any additional information as it becomes available. At this time, the Mayor has indicated that the City's position will continue to be one of providing competition in the market place.

This will probably not be the end of this discussion with either Waste Management or Rolloff Services. As either of these discussions progress the staff will keep the Council informed.

Cost Analysis of Public vs. Private Sector Large Commercial Rolloff Service

Waste Management

Basis: Invoice to Ayrshire 7-1-01

Base Service	\$427.00 per month	\$854.00
Lease Rate	\$360.00 per container	\$360.00
Fuel Charge	\$6.78 per service	\$13.56
Total	\$793.78	\$1,227.56

The above represents 2 service call and minimum base (lease) charge for 1-40cy compactor and no charge for cardboard compactor container. Lease rate may be on 10 year amortization at 6-8% interest, if so, cardboard container is buried in lease rate.

City Solid Waste

Basis: Our Offer to Provide Services

Base Service	\$163.50 per month	\$163.50
Cardboard	\$157.54 per month	\$157.54
Lease Rate	\$378.67 per container	\$378.67
Fuel charge	\$0.00 per container	\$0.00
Additional Service	\$163.50 per month	\$163.50
Total	\$863.21	\$863.21

The above represents 2 service calls to 1-40 cy compactor container. Lease rate is at 5 year amortization at 8.4% interest. The cardboard is captured in 6cy container serviced 3 times per week. From information provided by Waste Management, the 2nd service call may not have been required, but to provide an equal comparison it has been included.

Difference for Ayrshire

\$364.35 in total additional costs per month
\$263.50 in total additional cost per service call per month
-\$18.67 in total saving for leased containers per month

Interpolation to Community

Waste Management serves approximately 100 accounts with Class 1 and

Class 4 Service

Assume these accounts are served 2.5 times per month

100 accounts

2.5 service/mo.

WM \$427.00 per service

City \$163.50

WM Total annual community costs

\$1,281,000 does not include any lease

City Total annual community costs

\$490,500 does not include any lease

Difference

\$790,500

WM Total annual community costs

\$1,713,000 does include lease

City Total annual community costs

\$944,904 does include lease

Difference

\$768,096

Potential Franchise Fee

Fee \$30.00

\$90,000.00

Any Franchise Fee will most likely be passed on to customers as an identified City fee and will increase the costs to business



Waste Management
of Northwest Arkansas

INVOICE

PAGE:

INVOICE NUMBER:

003191

INVOICE DATE:

07/01/2001

ACCOUNT NUMBER:

864-0003885-0086-0

10086008

Automated Carts

C. 8. Page 11

AYRSHIRE

1101 S BEECHWOOD

FAYETTEVILLE AR 72701

QUANTITY
PRICE
FREIGHT
SALES / USE TAX

Service Period Description: 05/26/01 - 06/25/01

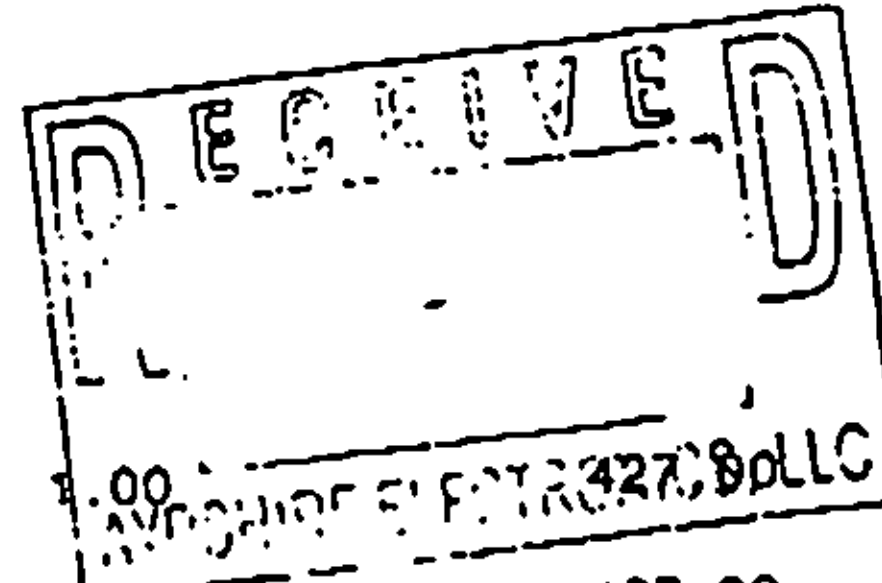
Purchase Order: 20698

Service Location

864-3885 AYRSHIRE

1101 S BEECHWOOD

FAYETTEVILLE AR 72701



*all rates
includes
disposal*

06/06/2001	40 YD COMPACTOR CLS I	66537	1.00	427.00
06/22/2001	40 YD COMPACTOR CLS I	67369	1.00	427.00
07/01/2001	FUEL SURCHARGE		2.00	13.56
07/01/2001	1.00 MONTHLY BASE RATE 1			<u>360.00</u>

Total This Invoice
Balance From Previous Billing
Payment - Thank You
Total Account Balance

1,227.56
4,579.18
\$3,355.02
\$2,451.72

Current
1,227.56

Over 30
1,224.16

Over 60

Over 90

Over 120

PAYMENTS RECEIVED AFTER THE 25TH OF THE MONTH MAY NOT BE REFLECTED ON THE INVOICE. TO INSURE PROPER CREDIT, PLEASE INCLUDE YOUR ACCOUNT NUMBER ON YOUR CHECK ALONG WITH THE BOTTOM PORTION OF THIS INVOICE. YOUR ACCOUNT IS SUBJECT TO SERVICE INTERRUPTION IF A BALANCE IS SHOWING IN THE 60 DAYS OR MORE COLUMNS.

Please 7/17/01

Terms: Net 10 Days

911109471000

Waste Management of Northwest Arkansas - PO Box 1310 - Springdale, AR 72765-1310
PH (501) 361-1111 - (800) 443-5558 FAX (501) 361-1103

PLEASE DETACH HERE AND RETURN BOTTOM PORTION WITH YOUR PAYMENT



Waste Management
of Northwest Arkansas
PO Box 1310
Springdale, AR 72765-1310

FORWARDING SERVICE REQUESTED

Account Number	Invoice Number	Invoice Date	Balance Due	Amount Paid
864-0003885-0086-0	0031913-0086-6	07/01/2001	2,451.72	



Signature

Card #

Exp /
Date Mo Yr

Ph (501) 361-1111 (800) 443-5558 Fax (501) 361-1103

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AYRSHIRE
1101 S BEECHWOOD AVE
FAYETTEVILLE AR 72701-6233

WASTE MANAGEMENT
OF NORTHWEST ARKANSAS
PO BOX 9001054
LOUISVILLE KY 40290-1054

TOTAL P 01

From: Carrol Hill
To: Dumas, Gary
Date: 7/26/02 9:36AM
Subject: Competition Update

After the agenda session, we heard from several accounts who stated that they had been approached by Rolloff Services and were told that the whole City was now open competition. Rolloff Services had quoted \$65/mo. for 1 six yard, serviced 1 time per week. The City's rate is \$98.25 for the same service. This prompted questions from customers i.e. "If I as a business owner can save money, you as the city cannot keep me from choosing to save money". We expected some of these businesses to test the ordinance. Thursday, 7/25/02, the Liquor Store on Crossover, had set service with Rolloff Services and had their bin on site and was being serviced. Our Commercial Rep. contacted the people on site, explained the ordinance regarding Class 1 material, and they stated that the owner had signed up for the business. After several phone calls, the owner agreed to cancell Rolloff Services bin, and we delivered our bin. The owner of this business related that Tom Smith had cussed him out and told him we were lying as he had been told by Aldermen that they could service the city in open competition.

Eric McMillan, of the Colton Steak House on Milsap (Old Rio Bravo Restr) contacted our Commercial Rep and informed him that he had been visited by a salesman, named P. J. Milstead of Rolloff Services, who had visited all the businesses on that street and was informing everyone that the Ordinance is no good, that they are able to haul anything that they want in the City of Fayetteville.

Rolloff Services have reduced their large Rolloff rates to a flat rate of \$240 which includes disposal and \$45 Delivery Charge. Our Rates are \$125 - 25 yd., \$135 - 30 yd, \$145 - 40 yd plus disposal. 4 Tons which is about the average per box is \$117. Rolloff services have quoted as low as \$80/load including disposal in a competitive situation (Target). This is quite a price decrease from the beginning of the year when the hauling rate was over \$300/load plus Disposal and Delivery.

Stay tuned for tomorrows continuing saga!

STAFF REVIEW FORM

S/W Containers
C. 9. Page 1☒ Agenda Request☐ Contract Review☐ Grant ReviewThe Fayetteville City Council meeting of: August 20, 2002

FROM:

Gary Dumas

Name

Solid Waste Division

Division

General Services

Department

ACTION REQUIRED: Review and Approve Resolution Authorizing Purchase of additional 2 to 8 yard containers for use by Solid Waste & Recycling Commercial Customers. Purchase Authorization up to \$81,442.

COST TO CITY:

\$72,758

Cost of this Request

\$185,000

Category/Project Budget

Dumpster Lease Program

Category/Project Name

5500-5060-581600

Account Number

\$12,242

Funds Used to Date

SW Improvements

Program Name

02098-1 and 02093-1

Project Number

\$72,758

Remaining Balance

Solid Waste

Fund

BUDGET REVIEW: XXX Budgeted Item Budget Adjustment Attached[Signature]
Budget Manager
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

Maisha Kuthy 8/8/02
Accounting Manager Date
ADA Coordinator
Date[Signature] 8/8/02
City Attorney DateNancy Smith
Internal Auditor8/8/02
Date[Signature] 8/8/02
Purchasing Officer DateSTAFF RECOMMENDATION: Approve Resolution
Division Head
Date
Cross Reference[Signature]
Department DirectorBB02
DateNew Item: Yes No[Signature]
Administrative Services Director8/9/02
DatePrev Ord/Res #: [Signature]
for8/1/02
DateOrig Contract Date: Consent
New

STAFF REVIEW FORM

Description _____ Meeting Date _____

Comments:

Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

DEPARTMENTAL CORRESPONDENCE

August 2, 2002

TO: Mayor & City Council

FROM: Gary Dumas

SUBJECT: Resolution Authorizing Purchase of Additional 2 to 8 yard containers for Solid Waste & Recycling Division

Background:

The City Council at the December 4, 2001 meeting (Resolution #163-01) authorized the purchase of up to 300 containers (\$55,691.) for use by Solid Waste & Recycling Customers.

To date, we have purchased 105 containers (\$48,102.) and our inventory is very low. In order for us to maintain this line of business, with the commercial growth experienced in the last 7 months, we will need to purchase 145 containers (\$72,158) of various sizes ranging from 2 yd. to 8 yard. The monthly fee to commercial customers includes the lease fee and has a return on the investment in 24 to 36 months based on size of container and purchased containers are recouped immediately.

The prices of the containers to be purchased will be at a reduced rate due to the fact that we will not be ordering these containers with the old style triangle mechanism. The new price for a 4 yd - \$413 (old price \$467), 6 yd - \$515 (old price \$581) and 8 yd - \$598 (old price \$671). Our current supplier for containers is Gregory Mfg. and we are due to rebid in October 2002.

Recommendation:

Approve resolution authorizing an additional purchase of 145 containers (\$72,158) of various sizes ranging from 2 to 8 yard for use by the Solid Waste & Recycling customers

RESOLUTION NO. 163-01

A RESOLUTION APPROVING THE PURCHASE OF UP TO THREE HUNDRED (300) TRASH CONTAINERS OF VARIOUS SIZES FROM GREGORY MANUFACTURING INC. IN AN AMOUNT NOT TO EXCEED FIFTY-FIVE THOUSAND EIGHT DOLLARS (\$55,008.00) AND A BUDGET ADJUSTMENT IN THE AMOUNT OF FIFTY-FIVE THOUSAND SIX HUNDRED NINETY-ONE DOLLARS (\$55,691.00) FOR SAME.

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

Section 1. That the City Council hereby approves the purchase of up to three hundred (300) trash containers of various sizes from Gregory Manufacturing, Inc. in an amount not to exceed Fifty-Five Thousand Eight Dollars (\$55,008.00).

Section 2. That the City Council hereby approves a Budget Adjustment in the amount of Fifty-Five Thousand Six Hundred Ninety-One Dollars (\$55,691.00) for same.

Section 2. That the City Council hereby authorizes the Mayor or his duly authorized representative to sign any documents required to complete said purchases from Gregory Manufacturing, Inc.

PASSED and APPROVED this 4th day of December, 2001.

APPROVED:

By: *Dan Coody*
DAN COODY, Mayor



By: *Heather Woodruff*
HEATHER WOODRUFF, City Clerk

For the Fayetteville City Council meeting of: August 20, 2002

Item:

Carrol Hill
Name

Solid Waste and Recycling
Division

General Services
Department

ACTION REQUIRED: Approve Action Plan for Implementation of Consolidated Waste Management Program and Authorize Bidding for Hauling Services and Container Rental to Assist in Short-term Implementation of Plan.

COST TO CITY:

Revenue

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used to Date

Program Name

Project Number

Remaining Balance

Solid Waste Fund
Fund

BUDGET REVIEW:

___ Budgeted Item ___ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

Date

STAFF RECOMMENDATION: Approve Resolution

Division Head

Date

Cross Reference

Department Director

Date

New Item: XXXXXX Yes No

Administrative Services
Director

Date

Prev Ord/Res #:
Orig Contract Date:

or

Date

STAFF REVIEW FORM

Description XXXXX

Meeting Date XXXXX

Comments:

Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of August 20, 2002

FROM: Rick Hoyt Police Division Police Department
Name Division Department

ACTION REQUIRED: Adopt a resolution moving the City of Fayetteville Police LOPFI retirement benefits from plan 1 to plan 2 as of October 1, 2002.

COST TO CITY:	\$4,534,004.00	Personnel
\$40,500.00		
Cost of this Request	Category/Project Budget	Category/Project Name
1010-2940-5109.03	\$2,539,301.00	Patrol
Account Number	Funds Used To Date	Program Name
	\$1,994,703.00	General
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ☒ Budgeted Item ☐ Budget Adjustment Attached

[Signature] 8-7-02 Administrative Services Director
Budget Manager

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

[Signature] 8/7/02 Internal Auditor Date
Accounting Manager
[Signature] 8/8/02 Date
City Attorney
[Signature] 8/7/02 Date
Purchasing Officer Date Grants Coordinator

STAFF RECOMMENDATION: The City Council to approve a resolution moving the Police Department's sworn officers from LOPFI benefit Program 1 to LOPFI Benefit Program 2 beginning October 1, 2002.

Division Head Date
[Signature] 8-7-02
Department Director
[Signature] 8/8/02
Administrative Services Director
[Signature] 8/8/02
Mayor Date

Cross Reference
New Item: Yes No
Prev Ord/Res #:
Orig Contract Date:

Description Adopting LOPFI Benefit plan 2 Meeting Date August 20, 2002

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

Internal Auditor

ADA Coordinator

Grants Coordinator

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

TO: Mayor Dan Coody and Members of the City Council

FROM: Rick Hoyt, Chief of Police *R. Hoyt*

DATE: August 7, 2002

SUBJECT: Police Pension System – LOPFI Benefit Program 2

Attached you will find a resolution authorizing the Police Department to improve its pension plan benefits by taking advantage of a State retirement plan called Benefit Program 2.

All police officers hired since 1981 are required to participate in the statewide retirement system known as LOPFI (Local Police and Fire).

The basic provisions of the current plan are this:

Final benefits are based upon the officer's number of years of service multiplied by a factor of 2.2% and the result is the percentage the officer would draw of their final average salary. Example: 20 years of service X 2.2% = 44% of final average pay. Officers with less than 28 years of service must wait until age 55 to draw any benefits.

Benefit Program 2 will increase the multiplier to 3.0%. With that multiplier, an officer with 20 years of service would draw 60% of final average pay. A worksheet is attached that shows various examples of the retirement amount differences between Program 1 and Program 2.

The idea for going to Program 2 was first advanced by the Local Fraternal Order of Police Lodge who contacted Mayor Coody. The mayor requested a cost valuation from LOPFI to see what additional costs the City would have if this plan were approved. Police Department administration has been fully in support of this idea from the beginning and advanced it further with a funding request in the 2002 budget process and rated it a #1 priority on our list of Target Overruns. However, because of budget shortfalls it was unfunded.

In December of 2001, the City was notified LOPFI was reducing the normal percentage to submit to LOPFI on a monthly basis. LOPFI reduced the amount to 6% of payroll. The City had expected to pay the usual percentage of 8.83% of payroll and the Police

Department had budgeted that greater amount. What this means is; adequate funds are already available in the Police budget to cover the additional cost of moving to Benefit Program 2 for the last 3 months of 2002 and no budget adjustment is necessary.

Retirement benefits are an important part of the total employee compensation package. We believe a move to Benefit Program 2 is a positive one for the City and will enhance our ability to attract and retain the best employees. We have an above average work force and changing to the best retirement plan the State has available will further enhance officer satisfaction and continued professionalism.

Attachments (2)

LOPFI

Illustrations of benefit amounts for paid service not covered by Social Security

Final Average Pay	LOPFI Benefit Program 1*	LOPFI Benefit Program 2**
28 Years of Service \$1,000.00	\$616.00	\$840.00
20 Years of Service \$1,000.00	\$440.00	\$600.00
15 Years of Service \$1,000.00	\$330.00	\$450.00

* LOPFI Benefit Program 1 equals years of service times 2.2% times final average pay.

** LOPFI Benefit Program 2 equals years of service times 3% times final average pay.

LOPFI PRB

ARKANSAS LOCAL POLICE & FIRE RETIREMENT SYSTEM ARKANSAS FIRE & POLICE PENSION REVIEW BOARD

P.O. DRAWER 34164
LITTLE ROCK, ARKANSAS 72203
TELEPHONE: (501) 682 - 1745
FAX: (501) 682 - 1751
email: info@lopfi-prb.com
website: www.lopfi-prb.com

June 26, 2001

Mayor Dan Coody
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Mayor Coody:

Enclosed is the cost valuation for implementing Benefit Program 2 for your police department. You will notice the valuation was computed using only one beginning date of adoption of Benefit Program 2 that date being January 1, 2002. As it turned out the statute governing Benefit Program 2 does not allow for adoption to be retroactive. I am hopeful this fact has not caused a problem for you.

On page 2 of the valuation you will find the cost of implementing Benefit Program 2. The computed increase in the Employer contribution rate is 4.06% of payroll. Keep in mind the Employee contribution rate will not change. For budgeting purposes, the statute that limits the increase in an Employer's contribution rate from one year to the next, 24-10-405(h), does not apply when adopting Benefit Program 2.

If you decide to adopt Benefit Program 2 for your police officers please provide a copy of the resolution from your City Council meeting that approves this action. Should you have questions regarding this valuation feel free to contact me at 501-682-1745.

Respectfully,



David B. Clark
Assistant Director

Encl:

GABRIEL, ROEDER, SMITH & COMPANY
Consultants & Actuaries

1000 Town Center • Suite 1000 • Southfield, Michigan 48075 • 248-799-8000 • 800-521-0498 • fax 248-799-9020

June 25, 2001

Mr. David B. Clark, Assistant Director
Arkansas Local Police and
Fire Retirement System
P.O. Drawer 34164
Little Rock, Arkansas 72203

Re: Fayetteville Police, Cost for Adoption of Benefit Program 2

Dear Mr. Clark:

As requested, we have computed the expected increase in employer contribution rates associated with adoption of Benefit Program 2. The following table compares the current provisions of Benefit Program 1 and Benefit Program 2 for paid service members not also covered by social security. The adoption of Benefit Program 2 provides for a 3.0% benefit multiplier only for service rendered after the adoption of Benefit Program 2 (which is assumed to be January 1, 2002).

Benefit Multiplier Used		
Benefit Program 1	Benefit Program 2 (Before start of Program 2)	Benefit Program 2 (After start of Program 2)
2.20%	2.20%	3.00%

The date of the study was December 31, 2000. This means that the results of the supplemental valuation indicate what the December 31, 2000 valuation would have shown if the proposed benefit changes had been in effect on that date. This supplemental valuation does not predict the result of the December 31, 2001 valuation or of any other future actuarial valuation. (Future activities can affect future valuation results in an unpredictable manner.) Rather, the supplemental valuation gives an indication of the probable effect of only the benefit change on future valuations without comment on the complete end result of the future valuations.

June 5, 2001

Comment B: A very important part of this proposed benefit change is that the limit on retirement system benefits of 80% of final average pay (FAP) in 24-10-602(a)(3) remains unchanged. This means that if an employer adopts Benefit Program 2 as proposed above, an employee would reach the maximum of 80% of FAP after 25.8 years of employment. This will generally be before a member is eligible for an unreduced retirement.

Comment C: For purposes of the cost analysis above, it was assumed that rates at which members elect to retire remain unchanged. It has been our experience that as the take home pay for a worker reaches the amount of after tax earnings possible during retirement that a higher percentage of workers will generally elect to retire when first eligible. In the case of employees under the proposed Benefit Program 2 this may possibly be the case. Depending on the tax treatment of retirement benefits in the state the member may retire in and other retirement savings it is possible that many members in this case will have about the same after tax income before and after retirement. If a member retires sooner then expected due to the 80% cap on benefits the cost shown on the previous page will be higher.

Please feel free to contact us with any questions or comments.

Respectfully submitted


David L. Hoffman


Mita D. Drazilov

DLH:maw:lr

CC: Cathryn E. Hinshaw
Mary Ann Vitale (GRS)
Heidi Barry (GRS)

NORTHWEST ARKANSAS EDITION Arkansas Democrat Gazette

AFFIDAVIT OF PUBLICATION

I, Alicia 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:

Signal Agenda was inserted in the regular editions on
8/19/02.

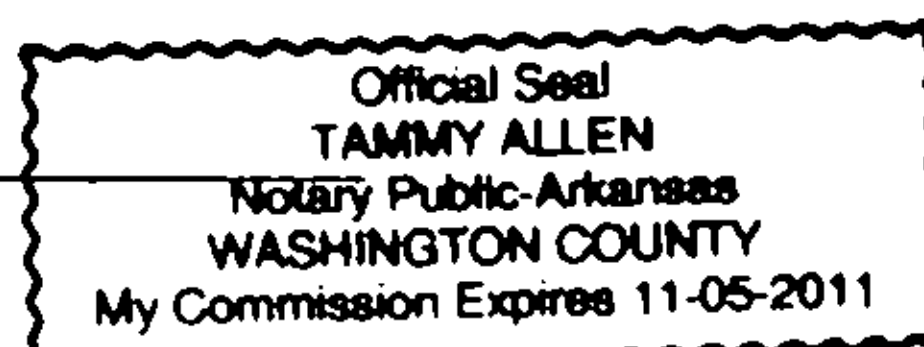
** Publication Charge: \$ 182.12

Subscribed and sworn to before me this

20 day of August, 2002.

Tammy Allen
Notary Public

My Commission Expires: _____



** Please do not pay from Affidavit.
An invoice will be sent.

FINAL AGENDA
CITY COUNCIL
AUGUST 20, 2002



City of Fayetteville

A meeting of the Fayetteville City Council will be held on August 20, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

AUDIT COMMITTEE REPORT

A. CONSENT

1. APPROVAL OF THE MINUTES

2. AUDIT SERVICES: A resolution approving an agreement with Baird, Kurtz and Dobson (BKD) to provide the City of Fayetteville with independent audit services for calendar years 2002-2008.

3. AIRPORT GRANT: A resolution authorizing the application and acceptance of a FAA grant for design and engineering services for the extension of Taxiway A on the east side of the runway at Drake Field.

4. AIRPORT PERSONNEL: A resolution approving the addition of a new position to the airport staff of Flight Line Operations Supervisor.

5. SOLIDWASTE CONTAINERS: A resolution authorizing the purchase of additional two and eight yard containers for use by the Solid Waste and Recycling Commercial Customers. Purchase authorization up to \$72,758.

6. BOYS AND GIRLS CLUB: A resolution approving a change order to a cost share agreement in the amount of \$5,298.00 with the Fayetteville Youth Center for the installation of a haul road to the Donald W. Reynolds Boys and Girls Club Facility.

7. DUNCAN AND ASSOCIATES: A resolution approving the second amendment to the professional services agreement between the City of Fayetteville and Duncan Associates and to direct the consultants to prepare initial and final drafts of the water and wastewater impact fee ordinance.

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 Penimmon Street and west of 46th Street. The property is zoned A-1, Agricultural and contains approximately 57.82 acres. The request is to rezone to R-1, Low Density Residential; and to accept the attached Bill of Assurance. The ordinance was tabled on the second reading at the August 6, 2002 meeting.

2. RZN 02-17.00: An ordinance approving rezoning request RZN 02-17.00 as submitted by Dave Jorgensen on behalf of Blesau Barnes and Sam Mathias for property located south of Deane Street, west of Sang Avenue and east of Porter Road. The property is zoned R-1, Low Density Residential and contains approximately 21.03 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential. The ordinance was left on the second reading at the August 6, 2002 meeting.

C. NEW BUSINESS

1. OFF STREET PARKING: An ordinance amending Section 172.01, Off-Street Parking Lot Design Requirement, of the UDO to provide a method for reducing off-street parking requirements for properties that share a common parking facility and to revise parking ratios for certain uses.

2. OUTDOOR LIGHTING: An ordinance that minimizes the impact of outdoor lighting on adjacent properties and improves nighttime visibility.

3. RZN 02-21.00: An ordinance approving rezoning request RZN 02-21.00 as submitted by Dixie Development for property located at 10 Bishop Drive and 35 Appleby Road. The property is zoned A-1, Agricultural and contains approximately 17.39 acres. The request is to rezone to R-O Residential Office.

4. RZN 02-22.00: An ordinance approving RZN 02-22.00 as submitted by Tom Shackelford for property located at 2975 Old Farmington Road. The property is zoned A-1, Agricultural and contains approximately 1.32 acres. The request is to rezone to R-1, Low Density Residential.

5. ZONING CLASSIFICATION: A resolution to be filed by the City Planner directing the Mayor, Urban Development Department and the City Planning Division to refer to the Planning Commission an official request for a rezoning study and zoning map amendment to change the zoning classification of an area shown as R-2, Medium Density Residential to R-1, Low Density Residential for those areas that have 15% or greater slope as depicted on the slope analysis map in General Plan 2020 and including other areas zoned R-2, where recorded platted subdivisions exist with substandard infrastructure.

6. ADVERTISING: Discussion regarding the city's advertising.

7. AUTOMATED CARTS: An ordinance establishing the rate structure and program parameters for an automated cart based on residential trash collection and disposal program.

8. CONSOLIDATED WASTE MANAGEMENT PROGRAM: A resolution adopting the action plan for implementation of Consolidated Waste Management Program and authorizing bidding for hauling services and container rental to assist in short-term implementation of plan.

9. LOPFI 2: A resolution moving the City of Fayetteville Police LOPFI retirement benefits from Plan 1 to Plan 2 as of October 1, 2002.