

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL DECEMBER 5, 2000

A meeting of the Fayetteville City Council will be held on December 5, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain.

A. CONSENT AGENDA

1. **APPROVAL OF MINUTES:** Approval of the minutes from the November 21, 2000 City Council meeting.
2. **COST SHARE:** A resolution approving a budget adjustment in the amount of \$58,892.32 for the cost share with the Developers of The Cliffs PUD for the construction of Cliffs Boulevard and Happy Hollow Extension south of Cliffs Boulevard.
3. **AIRPORT MINIMUM STANDARDS:** An amendment to the Airport's Minimum Standards. This amendment will give the Airport Manager authorization to approve, after consultation, the insurance requirements for businesses operating at Drake Field.

B. OLD BUSINESS

1. **RZ 00-24.00:** An ordinance approving rezoning request RZ 00-24.00 as submitted by Jerry Martin for property located at 1209 Bailey Street. The property is zoned A-1, Agricultural and contains approximately 2.30 acres. The request is to rezone to R-1, Low Density Residential. Left on the first reading.

C. NEW BUSINESS

1. **RZ 00-26.00:** An ordinance approving rezoning request RZ 00-26.00 as submitted by William Greenhaw, Attorney, on behalf of Wilma Jean Baker for property located at 1391 and 1393 Farmer Avenue. The property is zoned A-1, Agricultural and contains approximately 0.71 acres. The request is to rezone to R-S, Residential Small Lot.

2. **RZ 00-27.00:** An ordinance approving rezoning request RZ 00-27.00 submitted by Hilda and Edward Hurtado, on behalf of Dewitt C. Goff for property located at 1819 South School. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.80 acres. The request is to rezone to C-2, Thoroughfare Commercial.
3. **WOODBURY PLACE:** An ordinance approving a cost share and bid waiver in the amount of \$38,135.00 with the Developers of McIlroy Plaza for the installation of a drainage pipe across the Woodbury Place Subdivision.
4. **WIRELESS COMMUNICATION:** An ordinance approving an amendment to the Wireless Communication Facility Ordinance 4178.
5. **GRADING AND DRAINAGE:** An ordinance approving amendments to the City's Grading and Drainage ordinances.
6. **2001 BUDGET:** A resolution adopting the 2001 City of Fayetteville Annual Budget and Work program.
7. **2020 LAND USE PLAN:** A resolution adopting General Plan 2020, Future Land Use Plan, and Master Street Plan.
8. **CMN COST SHARE:** An ordinance approving a bid waiver for the negotiated construction costs for the City's share of the "50/50" cost-share for the final pavement, drainage and other construction for the boulevard sections of Steele Boulevard and Van Asche Drive at the CMN development in the amount of \$623,654.18. Approval of, and authorization for the Mayor to expend a 10% contingency in the amount of \$62,365.42 and approval of a budget adjustment in the amount of \$378,553.60.

Meeting of December 5, 2000

	Roll		at PA. Consent.		
RUSSELL	✓		✓		
REYNOLDS	✓		✓		
AUSTIN	✓		✓		
DAVIS	✓		✓		
TRUMBO	✓		✓		
DANIEL	✓		✓		
SANTOS	✓		✓		
YOUNG	✓		✓		
HANNA	✓				
			8-0.		

R200-24.	# 32P HD.	PASS			
RUSSELL	✓	✓			
REYNOLDS	✓	✓			
AUSTIN	✓	✓			
DAVIS	✓	✓			
TRUMBO	✓	✓			
DANIEL	✓	✓			
SANTOS	✓	✓			
YOUNG	✓	✓			
HANNA					
	8-0.	8-0.			

Meeting of December 5, 2000

<i>RZ00-2600</i>	<i>RA 2nd LP</i>	<i>RZ 3rd LP</i>	<i>PASS</i>		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
HANNA					
	<i>8-0.</i>	<i>8-0.</i>	<i>8-0.</i>		

<i>RZ00-27.</i>					
RUSSELL					
REYNOLDS					
AUSTIN					
DAVIS	<i>Not making.</i>				
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
HANNA					

Meeting of December 5, 2000

HP 2ND
RA 3RD

WOODBURY Pledge.	<i>HP 2ND</i>	<i>RA 3RD</i>	<i>PASS</i>		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
HANNA					
	8-0.	8-0.	8-0.		

RA more info of Russell. to avoid out Russell.

WIRELESS Cam.					
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
HANNA					
	8-0.				

left m/Sec.

Meeting of December 5, 2000

<i>Grading/DRAINAGE</i>					
RUSSELL					
REYNOLDS					
AUSTIN					
DAVIS	<i>left m. ready</i>				
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
HANNA					

<i>2001 Budget</i>					
RUSSELL					
REYNOLDS					
AUSTIN					
DAVIS	<i>taken no action next mtg.</i>				
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
HANNA					

Meeting of December 5, 2000

	<i>2020 PLAN</i>				
RUSSELL					
REYNOLDS					
AUSTIN					
DAVIS					
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
HANNA					

<i>CMN</i>	<i>H BD. 2nd</i>	<i>KS HD 3rd</i>	<i>PAGS</i>		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
HANNA					
	7-1-0.	7-1.	7-1-0.		

Adj. 8:30pm.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL DECEMBER 5, 2000

A meeting of the Fayetteville City Council will be held on December 5, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain.

A. CONSENT AGENDA

1. **APPROVAL OF MINUTES:** Approval of the minutes from the November 21, 2000 City Council meeting.
2. **COST SHARE:** A resolution approving a budget adjustment in the amount of \$75,167.32 for the cost share with the Developers of The Cliffs PUD for the construction of Cliffs Boulevard and Happy Hollow Extension south of Cliffs Boulevard.
3. **AIRPORT MINIMUM STANDARDS:** An amendment to the Airport's Minimum Standards. This amendment will give the Airport Manager authorization to approve, after consultation, the insurance requirements for businesses operating at Drake Field.

B. OLD BUSINESS

1. **RZ 00-24.00:** An ordinance approving rezoning request RZ 00-24.00 as submitted by Jerry Martin for property located at 1209 Bailey Street. The property is zoned A-1, Agricultural and contains approximately 2.30 acres. The request is to rezone to R-1, Low Density Residential.

C. NEW BUSINESS

1. **RZ 00-26.00:** An ordinance approving rezoning request submitted by William Greenhaw, Attorney, on behalf of Wilma Jean Baker for property located at 1391 and 1393 Farmer Avenue. The property is zoned A-1, Agricultural and contains approximately 0.71 acres. The request is to rezone to R-S, Residential Small Lot.

2. **RZ 00-27.00:** An ordinance approving rezoning request RZ 00-27.00 submitted by Hilda and Edward Hurtado, on behalf of Dewitt C. Goff for property located at 1819 South School. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.80 acres. The request is to rezone to C-2, Thoroughfare Commercial.
3. **WOODBURY PLACE:** An ordinance approving a cost share and bid waiver in the amount of \$38,135.00 with the Developers of McIlroy Plaza for the installation of a drainage pipe across the Woodbury Place Subdivision.
4. **WIRELESS COMMUNICATION:** An ordinance approving an amendment to the Wireless Communication Facility Ordinance 4178.
5. **GRADING AND DRAINAGE:** An ordinance approving amendments to the City's Grading and Drainage ordinances.
6. **2001 BUDGET:** A resolution adopting the 2001 City of Fayetteville Annual Budget and Work program.
7. **2020 LAND USE PLAN:** A resolution adopting General Plan 2020, Future Land Use Plan, and Master Street Plan.

**DRAFT TENTATIVE AGENDA
CITY COUNCIL
DECEMBER 5, 2000**

A meeting of the Fayetteville City Council will be held on December 5, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain.

A. CONSENT AGENDA

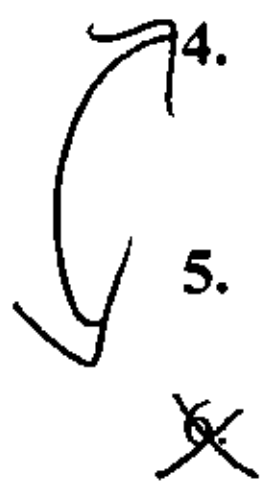
1. *Minutes: approval of minutes.*
1. **COST SHARE:** A resolution approving a budget adjustment in the amount of \$75,167.32 for the cost share with the Developer's of The Cliffs PUD for the construction of Cliffs Boulevard and Happy Hollow Extension south of Cliffs Boulevard.

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5. **WIRELESS COMMUNICATION FACILITY:** An ordinance approving an amendment to the Wireless Communication Facility Ordinance 4178.



December 1, 2000

**FINAL AGENDA
CITY COUNCIL
DECEMBER 5, 2000**

Instructions:

1. Remove information for Item A.3., Airport Standards from your Tentative Agenda and replace with the attached information.
2. Add attached information for Woodbury Place to Item C. 3.
3. Add attached budget adjustment for CMN Cost Share to the information that was given out at agenda session.
4. Remove map given out with Tentative Agenda and replace with the one given out at Agenda Session.

November 28, 2000

**AGENDA SESSION
FOR THE
CITY COUNCIL MEETING
DECEMBER 5, 2000**

NEW ITEMS

1. **CMN COST SHARE:** An ordinance approving a bid waiver and cost share agreement with CMN Development for Steele Boulevard and Van Asche.

ADDITIONAL INFORMATION

1. **WIRELESS COMMUNICATION:** Amendments to the Cell tower ordinance.

2. *additional info for MSP*

Litton

2. **RZ 00-27.00:** An ordinance approving rezoning request RZ 00-27.00 submitted by Hilda and Edward Hurtado, on behalf of Dewitt C. Goff for property located at 1819 South School. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.80 acres. The request is to rezone to C-2, Thoroughfare Commercial.
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STAFF REVIEW FORM

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of December 5, 2000

FROM:

Tim Conklin

Name

Planning

Division

Public Works

Department

ACTION REQUIRED: To approve an ordinance for RZ 00-27.00, submitted by Hilda and Edward Hurtado, on behalf of Dewitt C. Goff for property located at 1819 South School. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.80 acres. The request is to rezone to C-2, Thoroughfare Commercial.

COST TO CITY:

\$0.00

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 November 13, 2000, the Planning Commission voted 9-0-0 to recommend approval and forward the rezoning to the City Council.

[Signature]
 Division Head

11-17-00
 Date

Cross Reference

New Item: **Yes**

Department Director

Date

Prev Ord/Res #: _____

Administrative Services Director

Date

Orig Contract Date: _____

Mayor

Date

Orig Contract Number: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

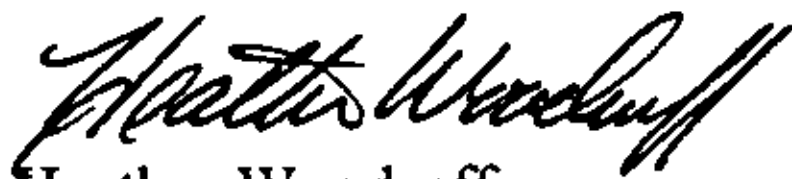
November 30, 2000

Darrel & Ethel Meredith
P. O. Box 1143
Fayetteville, AR 72702

Dear Darrel and Ethel:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 30, 2000

Dewitt C. Goff
1819 South School
Fayetteville, AR 72701

Dear Dewitt:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 30, 2000

Julian L. & Edwardene Watts
2015 South Vale Street
Fayetteville, AR 72701

Dear Julian and Edwardene:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 30, 2000

Mitchell Oil Company, Inc.
P. O. Box 1466
Fayetteville, AR 72702

Dear To Whom it May Concern:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,


Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

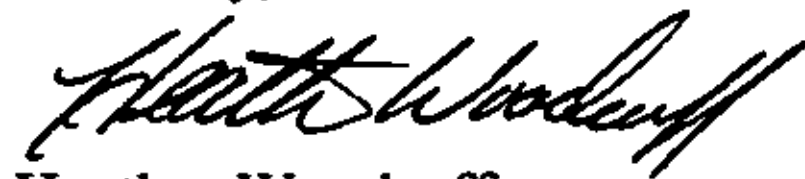
November 30, 2000

James & Margaret Stewart, Et Al
P. O. Box 1167
Fayetteville, AR 72702

Dear James and Margaret:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 30, 2000

Kenneth C. Easterling
2920 South School
Fayetteville, AR 72701

Dear Kenneth:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

Att

**FINAL AGENDA
CITY COUNCIL
DECEMBER 5, 2000**

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STAFF REVIEW FORM

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of December 5, 2000

FROM:

Tim Conklin

Name

Planning

Division

Public Works

Department

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COST TO CITY:

\$0.00

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 November 13, 2000, the Planning Commission voted 8-0-0 to recommend approval and forward the rezoning to the City Council.

Tim Conklin
 Division Head

11-17-00
 Date

Cross Reference

Department Director

Date

New Item: **Yes**

Administrative Services Director

Date

Prev Ord/Res #: _____

Mayor

Date

Orig Contract Date: _____

Orig Contract Number: _____

Robert C. & Terry D. Hamilton
2622 Emerald Avenue
Fayetteville, AR 72703

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Fayetteville, AR 72703

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2622 Emerald Avenue
Fayetteville, AR 72703

Robert C. & Terry D. Hamilton
2622 Emerald Avenue
Fayetteville, AR 72703

Leith C. & Ina B. Ezell
6300 South Western
Oklahoma City, OK 73139

Leith C. & Ina B. Ezell
6300 South Western
Oklahoma City, OK 73139

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 30, 2000

Robert C. & Terry D. Hamilton
2622 Emerald Avenue
Fayetteville, AR 72703

Dear Robert and Terry:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

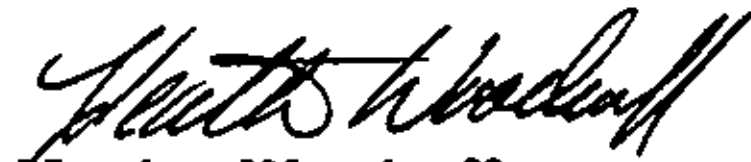
November 30, 2000

Greg Schader
1645 Sunshine Road
Fayetteville, AR 72704

Dear Greg:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

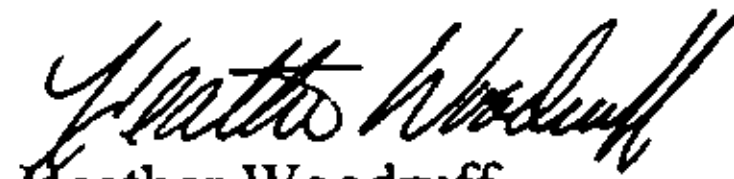
November 30, 2000

Leith C. & Ina B. Ezell
6300 South Western
Oklahoma City, OK 73139

Dear Leith and Ina:

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Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 30, 2000

Wilma Jean Baker
1391 Farmers Avenue
Fayetteville, AR 72701

Dear Wilma Jean:

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Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 30, 2000

James E. & Vidis V. Baker
1399 East Farmer's Road
Fayetteville, AR 72701

Dear James and Vidis:

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Sincerely,



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City Clerk

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3. **AIRPORT MINIMUM STANDARDS:** An amendment to the Airport's Minimum Standards. This amendment will give the Airport Manager authorization to approve, after consultation, the insurance requirements for businesses operating at Drake Field.

B. OLD BUSINESS

1. **RZ 00-24.00:** An ordinance approving rezoning request RZ 00-24.00 as submitted by Jerry Martin for property located at 1209 Bailey Street. The property is zoned A-1, Agricultural and contains approximately 2.30 acres. The request is to rezone to R-1, Low Density Residential. Left on the first reading.

C. NEW BUSINESS

1. **RZ 00-26.00:** An ordinance approving rezoning request RZ 00-26.00 as submitted by William Greenhaw, Attorney, on behalf of Wilma Jean Baker for property located at 1391 and 1393 Farmer Avenue. The property is zoned A-1, Agricultural and contains approximately 0.71 acres. The request is to rezone to R-S, Residential Small Lot.

- list*
2. **RZ 00-27.00:** An ordinance approving rezoning request RZ 00-27.00 submitted by Hilda and Edward Hurtado, on behalf of Dewitt C. Goff for property located at 1819 South School. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.80 acres. The request is to rezone to C-2, Thoroughfare Commercial.
 3. **WOODBURY PLACE:** An ordinance approving a cost share and bid waiver in the amount of \$38,135.00 with the Developers of McIlroy Plaza for the installation of a drainage pipe across the Woodbury Place Subdivision.
 4. **WIRELESS COMMUNICATION:** An ordinance approving an amendment to the Wireless Communication Facility Ordinance 4178.
 5. **GRADING AND DRAINAGE:** An ordinance approving amendments to the City's Grading and Drainage ordinances.
 6. **2001 BUDGET:** A resolution adopting the 2001 City of Fayetteville Annual Budget and Work program.
 7. **2020 LAND USE PLAN:** A resolution adopting General Plan 2020, Future Land Use Plan, and Master Street Plan.
 8. **CMN COST SHARE:** An ordinance approving a bid waiver for the negotiated construction costs for the City's share of the "50/50" cost-share for the final pavement, drainage and other construction for the boulevard sections of Steele Boulevard and Van Asche Drive at the CMN development in the amount of \$623,654.18. Approval of, and authorization for the Mayor to expend a 10% contingency in the amount of \$62,365.42 and approval of a budget adjustment in the amount of \$378,553.60.

Re: Proposed Amendment to Wireless Communication
Facility Ordinance 4178

discussed by Ordinance Review Committee on 11/14/2000
to come before City Council on Dec 5, 2000

Please send text of the proposed amendment and
any other pertinent information to the following
neighbors of the AEB property on Mt. Sequoia:

M/M Frank Prassel
1613 Rockwood Trail
Fayetteville AR 72701

Anthony T. DePalma, MD
1815 Rockwood Trail
Fayetteville AR 72701

Ms. Roberta Stewart
1580 Rockwood Trail
Fayetteville AR 72701

Ms. Margo Heinzelmann
1737 Applebury
Fayetteville AR 72701

Mr. ~~Art~~ Mike Mullane
1510 Anson
Fayetteville AR 72701

M/M Terry Condon
1585 Anson
Fayetteville AR 72701

M/M Dennis Petersen
1625 Anson
Fayetteville AR 72701

M/M Howard Brill
1708 Anson
Fayetteville AR 72701

Ms Debbie Lechtenberger
1650 ~~Anson~~ Clark St.
Fayetteville AR 72701

SEND NEW
INFO. ON
CELL TOWER
ORD. TO THESE
PEOPLE

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

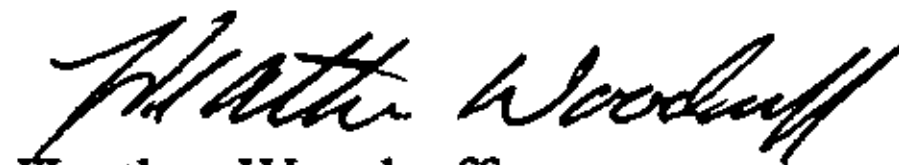
November 30, 2000

Mr. & Mrs. Frank Prassel
1613 Rockwood Trail
Fayetteville, AR 72701

Dear Mr. and Mrs. Prassel:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

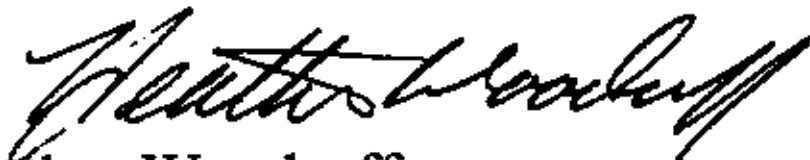
November 30, 2000

Ms. Roberta Stewart
1580 Rockwood Trail
Fayetteville, AR 72701

Dear Ms. Stewart:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 30, 2000

Mr. Mike Mullane
1510 Anson
Fayetteville, AR 72701

Dear Mr. Mullane:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,


Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 30, 2000

Mr. & Mrs. Terry Condren
1585 Anson
Fayetteville, AR 72701

Dear Mr. and Mrs. Condren:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 30, 2000

Mr. & Mrs. Dennis Petersen
1625 Anson
Fayetteville, AR 72701

Dear Mr. and Mrs. Petersen:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 30, 2000

Mr. & Mrs. Howard Brill
1708 Anson
Fayetteville, AR 72701

Dear Mr. and Mrs. Brill:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 30, 2000

Ms. Debbie Lechtenberger
1650 Clark Street
Fayetteville, AR 72701

Dear Ms. Lechtenberger:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 30, 2000

Anthony T. DePalma, M.D.
1815 Rockwood Trail
Fayetteville, AR 72701

Dear Dr. DePalma:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

November 30, 2000

Ms. Margo Heinzelmann
1737 Applebury
Fayetteville, AR 72701

Dear Ms. Heinzelmann:

Enclosed you will find an agenda for the next Fayetteville City Council meeting. I have highlighted an item that might be of interest to you. If you have any questions you are welcome to call my office at 501-575-8323.

Sincerely,



Heather Woodruff
City Clerk

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of December 5, 2000

FROM:

Ron Petrie
Name

Engineering
Division

Public Works
Department

ACTION REQUIRED: Approval of a budget adjustment in the amount of \$58,892.32 for the cost share with the Developer's of The Cliffs PUD for the construction of Cliffs Boulevard and Happy Hollow Extension south of Cliffs Boulevard.

COST TO CITY:

\$ 58,892.32
Cost of this Request

\$ 300,377.00
Category/Project Budget

Cliffs Cost Share
Category/Project Name

4470-9470-5809-00
Account Number

\$ 300,377.00
Funds Used To Date

Cost Share
Program Name

95028-0020
Project Number

\$ 0.00
Remaining Balance

Sales Tax
Fund

BUDGET REVIEW:

☒ Budgeted Item

☒ Budget Adjustment Attached

[Signature]
Budget Manager

[Signature]
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marilyn J. Cramer
Accounting Manager

11-22-00
Date

Danny Smith
Internal Auditor

11/22/00
Date

[Signature]
City Attorney

11-24-00
Date

[Signature]
ADA Coordinator

[Signature]
Date

[Signature]
Purchasing Officer

11-21-00
Date

[Signature]
Grants Coordinator

[Signature]
Date

STAFF RECOMMENDATION: Approval of a budget adjustment for The Cliffs cost share in the amount of \$58,892.32 for the above described construction.

[Signature]
Division Head

11/21/00
Date

Cross Reference

[Signature]
Department Director

11-27-00
Date

New Item: Yes ☐ No ☒

[Signature]
Administrative Services Director

11/27/00
Date

Prev Ord/Res #: 4158

[Signature]
Mayor

11/27/00
Date

Orig Contract Date: [Signature]

Orig Contract Number: [Signature]

STAFF REVIEW FORM

Description The Cliffs Cost Share

Meeting Date December 5, 2000

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

Internal Auditor

ADA Coordinator

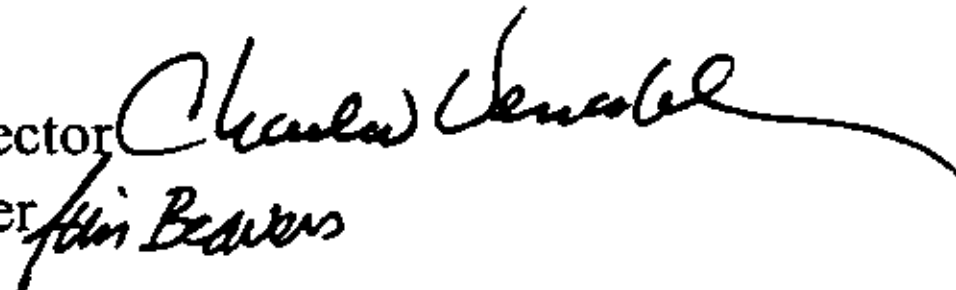
Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mr. Fred Hanna, Mayor

Thru: Charles Venable, PW Director
Jim Beavers, City Engineer



From: Ron Petrie, Staff Engineer

Date: November 21, 2000

Re: Agenda Request - City Council Meeting on December 5, 2000
Proposed Budget Adjustment in the amount of \$58,892.32 for the Cliffs Boulevard and Happy Hollow Road cost share.

The City Council approved a cost share in the amount of \$300,129 for the widening of Happy Hollow Road and Cliffs Boulevard at the April 6, 1999 meeting. The cost share amount that was approved by the Council was from a cost estimate that was supplied by the developer's engineer (see attached copy).

At this time, these two street extensions are complete and have been accepted by the City Engineering Division. The final costs for this construction are as follows:

City	\$ 359,021.32
Developer	\$ 642,781.00
Total	\$1,001,802.32

The City's portion of the cost share had a \$58,892.32 overrun from the engineer's estimate. Therefore, a budget adjustment is requested to reimburse the developer for these expenses.

Attached are copies of the engineer's original cost estimate that was provided when the cost share was approved at the April 6, 1999 Council meeting and a copy of the actual final construction costs. A summary has been included for easy comparison. The construction costs were \$44,476.34 over the engineer's estimate. In addition, right-of-way was purchased from the Mount Sequoyah Assembly in the amount of \$14,415.98 exclusively for the Happy Hollow Road widening from 28' to 52' in width.

The Street Committee met on January 20, 2000 to discuss the design of Happy Hollow Road. At the meeting, the committee was informed of these overruns and the need to acquire the additional right-of-way

Mr. Fred Hanna, Mayor

November 20, 2000

Page Two (2)

Attachments:

Budget Adjustment

Vicinity Map

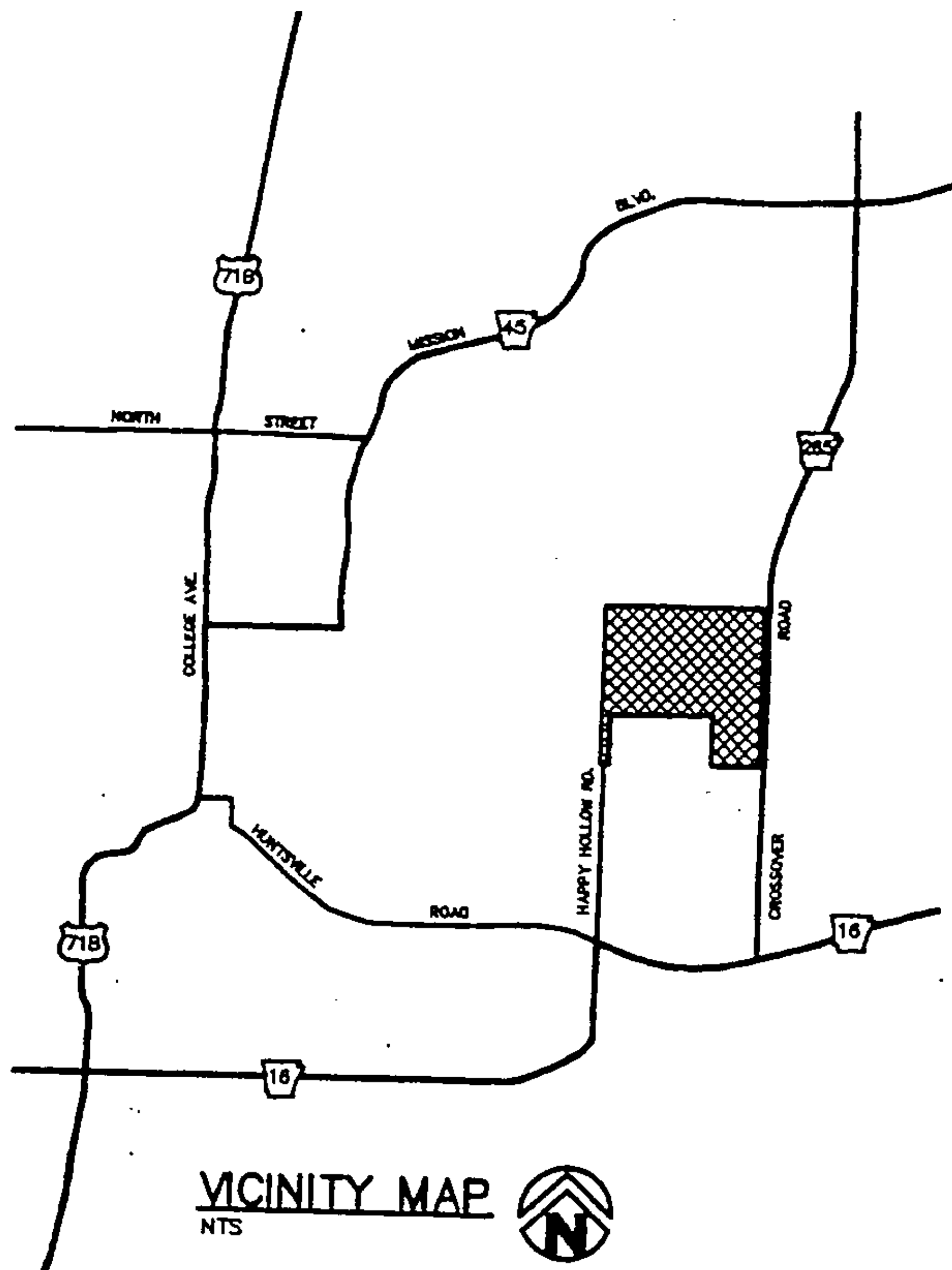
Construction Drawing

Original Engineer's Cost Estimate

Final Construction Costs

Summary of Costs

Proof of Payment for Right-of-Way



Reduced Site Plan
Happy Hollow Road Extension
Cliffs Boulevard Extension

EXISTING & PROPOSED
EXISTING & PROPOSED

PHASE 1

PHASE 1

The Cliffs Phase 2
Cost Share Breakdown
Public Streets

Engineer's Original Cost Estimate
March 12, 1999 - Crafton, Tull & Associates

CTA No. 93033-04

Happy Hollow Road - 888 L.F.

Item No.	Work Item Description	Quantity	Unit	Unit Price	Developer's Portion	City's Portion	Total Cost
1	Clearing & Grubbing	1	L.S.	\$20,000.00	\$12,500.00	\$7,500.00	\$20,000.00
2	Unclassified Excavation	7000	C.Y.	\$4.00	\$15,078.00	\$12,922.00	\$28,000.00
3	2" AHTD Crushed Stone Base	4731	S.Y.	\$1.40	\$3,311.70	\$3,311.70	\$6,623.40
4	8" Portland Cement Concrete Paving	4731	S.Y.	\$24.00	\$56,772.00	\$56,772.00	\$113,544.00
5	Reinforced Concrete - Box Culvert	100	C.Y.	\$350.00	\$22,750.00	\$12,250.00	\$35,000.00
6	4' Inlet w/ 2-4' Extensions	2	EA.	\$2,500.00	\$5,000.00	\$0.00	\$5,000.00
7	Concrete Curb & Gutter	1841	L.F.	\$8.50	\$15,648.50	\$0.00	\$15,648.50
8	6' Sidewalk	1826	L.F.	\$10.00	\$12,173.33	\$6,086.67	\$18,260.00
9	Solid Sod or Topsoil/Seed/Mulch	3903	S.Y.	\$5.00	\$19,515.00	\$0.00	\$19,515.00
10	Street Lights	6	EA.	\$1,000.00	\$6,000.00	\$0.00	\$6,000.00
Total Cost					\$168,748.53	\$98,842.37	\$267,590.90

Cliffs Boulevard 1760 L.F.

Item No.	Work Item Description	Quantity	Unit	Unit Price	Developer's Portion	City's Portion	Total Cost
1	Clearing & Grubbing	1	L.S.	\$20,000.00	\$11,800.00	\$8,200.00	\$20,000.00
2	Unclassified Excavation	10000	C.Y.	\$4.00	\$21,540.00	\$18,460.00	\$40,000.00
3	2" AHTD Crushed Stone Base	8604	S.Y.	\$1.40	\$6,564.85	\$5,480.75	\$12,045.60
4	8" Portland Cement Concrete Paving	8604	S.Y.	\$24.00	\$112,540.32	\$93,955.68	\$206,496.00
5	Reinforced Concrete - Box Culvert	144	C.Y.	\$350.00	\$30,240.00	\$20,160.00	\$50,400.00
6	Reinforced Concrete - Box Culvert	97	C.Y.	\$350.00	\$20,370.00	\$13,580.00	\$33,950.00
7	4' Inlet	4	EA.	\$1,600.00	\$4,160.00	\$2,240.00	\$6,400.00
8	4' Inlet w/ 1-4' Extension	2	EA.	\$2,000.00	\$4,000.00	\$0.00	\$4,000.00
9	18" R.C.P. Drainage Pipe	144	L.F.	\$24.00	\$3,456.00	\$0.00	\$3,456.00
10	Concrete Curb & Gutter	3357	L.F.	\$8.50	\$28,534.50	\$28,000.00	\$56,534.50
11	6' Sidewalk	3363	L.F.	\$10.00	\$22,420.00	\$11,210.00	\$33,630.00
12	Solid Sod or Topsoil/Seed/Mulch	4840	S.Y.	\$5.00	\$24,200.00	\$0.00	\$24,200.00
13	Street Lights	6	EA.	\$1,000.00	\$6,000.00	\$0.00	\$6,000.00
Total Cost					\$295,825.67	\$201,286.43	\$497,112.10

Total Cost for Cliffs Boulevard & Happy Hollow Road	\$464,574.21	\$300,128.79	\$764,703.00
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Crafton, Tull & Associates, Inc.

Architects, Engineers & Surveyors

P.O. Drawer 549
2800 N. 2nd Street
Rogers, AR 72757-0549
(501) 638-4838
Fax (501) 631-8224
www.crafttull.com
Email: cta@crafttull.com

Directors

Danny L. Brown, P.E.
Robert M. (Matt) Crafton, P.E.
Thomas E. Hopper, P.E.
Kurtis J. Jones, P.E.
R.E. (Gene) Reese, P.E.
David Swearingen, A.I.A.
James L. Tull, C.D.A.

Directors Emeritus

Bob H. Crafton, P.E.
Lemuel H. Tull, P.E.

Associates

Everett L. Balk, P.E.
Was Burgess, A.I.A.
Todd Cox, C.N.E.
L. Renan Gangel, P.E.
James B. Gaurin, P.E.
Larry Gregory, P.E.
Al Harris, R.L.S.
Jerry J. Kelso, P.E.
James W. Koolstra, A.I.A.
Ken Kuras, R.L.S.
Cline L. Mansur, P.E., R.L.S.
Tom Mansur, P.E.
Robert C. Reese, P.E.
Rick G. Rose, P.L.S.
George Strella, P.E., D.E.E.
James P. Swearingen, A.I.A.
Richard Wright, R.L.S.

November 21, 2000

Ron Petrie
City of Fayetteville, Engineering
113 West Mountain
Fayetteville, AR 72701

RE: The Cliffs - Phase 2
CTA No. 93033.04
(REVISED)

Dear Mr. Petrie:

As you are aware, construction of Cliffs Boulevard and Happy Hollow road are complete as part of the improvements for the above referenced project. The following spreadsheets are attached:

- 1) Final Cost Share Breakdown (Based on actual quantities and costs)
- 2) Revised Cost Share Breakdown (Estimated Contract Amount that was approved and agreed upon)
- 3) Sweetser's final pay estimate
- 4) Truck load quantities for offsite haul in

Based on the attached information, The City of Fayetteville's final contribution for the street improvements is \$344,605.34 plus the additional right-of-way that was obtained from Mt. Sequoyah Assembly \$14,415.98. Therefor, the City's contribution for the improvements is a total of \$359,021.32.

If you should have any questions, please feel free to contact us.

Sincerely,

TOM HOPPER, P.E.
CRAFTON, TULL & ASSOCIATES, INC.

Attachments

Copy: Kevin Rogerson

The Cliffs Phase 2 (Public Streets) FINAL COST SHARE BREAKDOWN

Based on Completed street and
Contractor's Actual Unit Prices
November 21, 2000
CTA No. 93033-04

Happy Hollow Road - 888 L.F. And Cliffs Boulevard -1760 L.F.

Item No.	Work Item Description	Quantity	Unit	Unit Price	Developer's Portion	City's Portion	Total Cost
* 1	Clearing & Grubbing	8	AC.	\$3,000.00	\$15,000.00	\$9,000.00	\$24,000.00
* 2	Unclassified Excavation	14175	C.Y.	\$7.00	\$57,750.00	\$41,475.00	\$99,225.00
** 4	Concrete Paving Incl. Base	16637.81	S.Y.	\$27.16	\$231,681.11	\$220,201.81	\$451,882.92
** 5	6' Sidewalk	4549.07	L.F.	\$16.80	\$58,452.41	\$17,971.97	\$76,424.38
** 6	Triple 4'x4'x88' Box Culvert	78	C.Y.	\$425.00	\$24,410.94	\$8,739.06	\$33,150.00
** 7	Double 6'x4'x112' Box Culvert	115	C.Y.	\$425.00	\$27,234.00	\$21,641.00	\$48,875.00
** 8	Triple 6'x4'x112' Box Culvert	153	C.Y.	\$425.00	\$39,448.50	\$25,576.50	\$65,025.00
*** 9	18" R.C.P.	500	L.F.	\$24.00	\$12,000.00	\$0.00	\$12,000.00
*** 10	24" R.C.P.	294	L.F.	\$34.00	\$9,996.00	\$0.00	\$9,996.00
*** 11	36" R.C.P.	173	L.F.	\$62.00	\$10,726.00	\$0.00	\$10,726.00
** 12	18" R.C.P. Flared End Section	2	EA.	\$375.00	\$750.00	\$0.00	\$750.00
*** 13	4'x4' Curb Inlet	14	EA.	\$2,600.00	\$36,400.00	\$0.00	\$36,400.00
** 14	4'x10' Curb Inlet	1	EA.	\$4,300.00	\$4,300.00	\$0.00	\$4,300.00
*** 15	4' Curb Inlet Extensions	10	EA.	\$500.00	\$5,000.00	\$0.00	\$5,000.00
** 16	Gran. Bkfl. For Street Crossing	64	Ton	\$12.50	\$800.00	\$0.00	\$800.00
* 17	18" Deep Rip Rap	666	S.Y.	\$30.00	\$19,980.00	\$0.00	\$19,980.00
** 18	4" Thick Concrete Ditch	1015.22	S.Y.	\$32.00	\$32,487.04	\$0.00	\$32,487.04
** 19	French Drain	950	L.F.	\$7.00	\$6,650.00	\$0.00	\$6,650.00
* 20	Solid Sod or Topsoil/Seed/Mulch	8743	S.Y.	\$5.00	\$43,715.00	\$0.00	\$43,715.00
* 21	Street Lights	6	EA.	\$1,000.00	\$6,000.00	\$0.00	\$6,000.00
** 22	SB-2 extra for roadway	163	S.Y.	\$10.00	\$1,630.00	\$0.00	\$1,630.00
** 23	Asphalt trans. @ Happy Hollow	1	L.S.	\$4,900.00	\$4,900.00	\$0.00	\$4,900.00
** 24	Striping	1	EA.	\$3,150.66	\$3,150.66	\$0.00	\$3,150.66
Total Cost					\$642,781.00	\$344,605.34	\$987,386.34

* Items that were completed by Lindsey Construction

** Items that were completed by Sweetzer, and overall quantities match attached final estimate

** Items that were completed by Sweetzer, but overall quantities do not match attached final estimate
Quantities included private drainage within the apartment project also, not related to the public streets

**THE CLIFFS COST SHARE
SUMMARY OF COSTS
ESTIMATED VS. ACTUAL**

WORK ITEM DESCRIPTION	QUANTITY		UNIT PRICE		CITY'S PORTION OF COSTS	
	ESTIMATED	ACTUAL	ESTIMATED	ACTUAL	ESTIMATED	ACTUAL
CLEARING & GRUBBING	LUMP SUM	8 ACRES	\$40,000.00	\$3,000.00	\$15,700.00	\$9,000.00
UNCLASSIFIED EXCAVATION	17,000 C.Y.	14,175 C.Y.	\$4.00	\$7.00	\$31,382.00	\$41,475.00
CONCRETE PAVING INCL. BASE AND C&G	13,335 S.Y.	16,638 S.Y.	\$25.40	\$27.16	\$187,521.00	\$220,202.00
6' SIDEWALK	5,189 L.F.	4,549 L.F.	\$10.00	\$16.80	\$17,297.00	\$17,972.00
TRIPLE 4' X 4' CONC. BOX CULVERT	78 C.Y.	97 C.Y.	\$350.00	\$425.00	\$13,580.00	\$8,739.00
DOUBLE 6' X 4' CONC. BOX CULVERT	100 C.Y.	115 C.Y.	\$350.00	\$425.00	\$12,250.00	\$21,641.00
TRIPLE 6' X 4' CONC. BOX CULVERT	144 C.Y.	153 C.Y.	\$350.00	\$425.00	\$20,160.00	\$25,577.00
4' INLET	4 EACH	0	\$1,600.00	\$0.00	\$2,240.00	\$0.00
TOTAL CONSTRUCTION COSTS					\$300,130.00	\$344,606.00
RIGHT-OF-WAY ACQUISITION COSTS					\$0.00	\$14,416.00
TOTAL COST TO CITY					\$300,130.00	\$359,022.00

LINDSEY CONSTRUCTION COMPANY INC.

1183 Joyce Blvd Suite 1

Fayetteville, AR 72703

F A X C O V E R S H E E T

DATE:	November 17, 2000	TIME:	7:25 AM
TO:	Ron Petrie City of FYV	PHONE:	
		FAX:	575-8318
FROM:	Kevin Rogerson Lindsey Construction	PHONE:	501-521-6686
		FAX:	501-527-8849

RE: EASEMENT AT CLIFFS APARTMENTS (HAPPY HOLLOW ROAD)

Number of pages including cover sheet: 3

Message

Ron

I am faxing information at the request of Jerry Kelso (Crafton, Tull, & Associates).

This is in reference to the easement purchased from the Mt. Sequoyah Assembly Church along Happy Hollow Road. These are copies of the cancelled checks that Lindsey Construction wrote to the church.

If you should require additional information please let me know.

Thanks

KJR

LINDSEY CONSTRUCTION COMPANYOPERATING ACCOUNT
PO BOX 1583 PH. 521-6603
FAYETTEVILLE, AR 72702

8764

81-153/829

DATE 3-9-00
PAY TO THE ORDER OF Mt Sequoyah Assembly \$ 14,145⁹⁸
\$14,145.98

DOLLARS

☐ Security Features
Check on back

FAYETTEVILLE, AR 72701

FOR Easement for Cliffs AptsAlice P. Burns**LINDSEY CONSTRUCTION COMPANY**OPERATING ACCOUNT
PO BOX 1583 PH. 521-6603
FAYETTEVILLE, AR 72702

8769

81-153/829

DATE 3-13-00
PAY TO THE ORDER OF Mt Sequoyah Assembly \$ 270⁰⁰
\$270.00

DOLLARS

☐ Security Features
Check on back

FAYETTEVILLE, AR 72701

FOR Balance of Easement on Cliffs AptsAlice P. Burns

DRAFT
11-28-00
lm

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR REPLACEMENT
TOWERS FOR WIRELESS COMMUNICATIONS FACILITIES
AND ESTABLISHING CONDITIONS FOR GUYED TOWERS.

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

Section 1. That Section 163.29, Wireless Communications Facilities, Subsection
E. 3. Exemptions/Existing Towers, is hereby deleted and the following shall be inserted in its stead:

§163.29. Wireless Communications Facilities.

E. Exemptions

3. Existing Towers. All existing towers may be replaced with the same type and height of tower structure as currently exists. All replacement towers shall comply with Sections 163.29 A.1., 2., and 3. regarding noise requirements, compliance with federal regulations and lighting and signage and Sections 163.29 B. 5., 9., 10., and 11. regarding color of towers, structural integrity and inspections of towers, security fencing and anti-climbing device, and vegetative screening requirements. All existing guyed towers shall also be subject to the following conditions:

- a. A demolition permit shall be issued prior to a building permit being issued for the replacement tower.
- b. The demolition permit shall expire within 90 days and shall require the existing tower to be demolished within 90 days from issuance of the building permit for the replacement tower.
- c. The new tower shall be constructed as close as technically feasible to the existing tower.

d. Installation of an antenna on an existing tower of any height, and the placement of additional buildings or other supporting equipment used in connection with such additional antenna, so long as the proposed additions would add no more than twenty (20) feet of height to the original height of the tower. The additional or modification, to the extent possible, should be designed to minimize visibility.

e. The replacement tower structure may be increased in width to a maximum of 36". Existing guyed towers over 36" shall not be increased in width with a replacement tower.

PASSED AND APPROVED this ____ day of _____, 2000.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL DECEMBER 5, 2000

A meeting of the Fayetteville City Council will be held on December 5, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain.

A. CONSENT AGENDA

1. **APPROVAL OF MINUTES:** Approval of the minutes from the November 21, 2000 City Council meeting.

2. **COST SHARE:** A resolution approving a budget adjustment in the amount of ~~\$58,892.32~~ \$75,167.32 for the cost share with the Developers of The Cliffs PUD for the construction of Cliffs Boulevard and Happy Hollow Extension south of Cliffs Boulevard.

3. **AIRPORT MINIMUM STANDARDS:** An amendment to the Airport's Minimum Standards. This amendment will give the Airport Manager authorization to approve, after consultation, the insurance requirements for businesses operating at Drake Field.

B. OLD BUSINESS

1. **RZ 00-24.00:** An ordinance approving rezoning request RZ 00-24.00 as submitted by Jerry Martin for property located at 1209 Bailey Street. The property is zoned A-1, Agricultural and contains approximately 2.30 acres. The request is to rezone to R-1, Low Density Residential. *left on 1st reading Oct. 11/17/00.*

C. NEW BUSINESS

1. **RZ 00-26.00:** An ordinance approving rezoning request submitted by William Greenhaw, Attorney, on behalf of Wilma Jean Baker for property located at 1391 and 1393 Farmer Avenue. The property is zoned A-1, Agricultural and contains approximately 0.71 acres. The request is to rezone to R-S, Residential Small Lot.

2. **RZ 00-27.00:** An ordinance approving rezoning request RZ 00-27.00 submitted by Hilda and Edward Hurtado, on behalf of Dewitt C. Goff for property located at 1819 South School. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.80 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Need info packet.

WOODBURY PLACE: An ordinance approving a cost share and bid waiver in the amount of \$38,135.00 with the Developers of McIlroy Plaza for the installation of a drainage pipe across the Woodbury Place Subdivision.

See Rev Petition.

Need information.

4. **WIRELESS COMMUNICATION:** An ordinance approving an amendment to the Wireless Communication Facility Ordinance 4178.

5. **GRADING AND DRAINAGE:** An ordinance approving amendments to the City's Grading and Drainage ordinances.

Need information.

LAST ITEM

- 6. **2001 BUDGET:** A resolution adopting the 2001 City of Fayetteville Annual Budget and Work program.

7. **2020 LAND USE PLAN:** A resolution adopting General Plan 2020, Future Land Use Plan, and Master Street Plan.

additional info given: Agenda Seminar. New map given out at A.S.

*2. CITY COST-SHARE - ~~RECOMMENDED~~
STEEL BUD.*

** Used Budget adjustment*

*4:30. THURS. (Dec 7) special city council
for Master plan 2020. Rev 326
& street.*

invite P.C. to sp. C.C. mtg.

unmarked - on the Dec 6. 5:30.

Add to U.D.O., Chapter 170:

§170.3(B)(7). Projects not requiring detention. Any land which requires a stormwater drainage management, drainage, and erosion control permit that does not require detention may receive, with the approval of the City engineer, a permit allowing grading before final drainage calculations are approved. Any grading permit issued before approval of final drainage permit may be subject to reasonable conditions imposed by the city engineer.

Add to U.D.O., Chapter 169:

§169.03(B)(10). Projects not requiring detention. If a plan does not require detention, the City Engineer may permit grading before final drainage permit are approved. Any grading permit issued before approval of final drainage calculations may be subject to reasonable conditions imposed by the City Engineer.

Add to U.D.O., Chapter 153:

§153.07(D) Failure to obtain approval of final drainage permit within 120 days of issuance of a grading permit.

A stop work order may be issued by the City Engineer for all grading on projects issued grading permits before approval of drainage permit if such permit are not approved within 120 days of the issuance of said grading permit. The 120 day period includes the time for all City reviews, including the time between submittal and review of the drainage calculations (time in queue) and any submittals and subsequent reviews. Any stop work order shall be made only upon a finding by the City Engineer that continued delay in providing drainage calculations is unreasonable on the part of the drainage permit applicant. Any stop work order issued under this provision shall expire upon the approval of final drainage permit and compliance with any conditions contained in the drainage permit.

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

Revision to Airport's
Minimum Standards

For the Fayetteville City Council meeting of December 5, 2000

FROM:

Alett Little
Name

Airport
Division

Economic Development
Department

ACTION REQUIRED: Request an Amendment to the Airport's Minimum Standards. Current Min. Standards was recently updated and replaced by Resolution #78-00 on June 5, 2000. This amendment will give the Airport Manager authorization to approve, after consultation, the insurance requirements for businesses operating at Drake Field. This item was approved by the Airport Board at their October 5, 2000 meeting to be recommended to the City Council for adoption of the Amendment. If adopted please return a signed copy of the new Resolution to the Airport Administration Office.

COST TO CITY:

\$ n/a

Cost of this Request

\$ n/a

Category/Project Budget

n/a

Category/Project Name

Account Number

n/a

Funds used to date

\$ n/a

Program Name

Airport

Project Number

Remaining Balance

Fund

BUDGET REVIEW:

 Budgeted Item

 Budget Adjustment Attached

[Signature]
Budget Manager

Date

Administrative Services Dir.

Date

CONTRACT/GRANT/LEASE REVIEW:

Marilyn Chamber 11-14-00 Nancy Smith 11/14/00
Accounting Manager Date Internal Auditor Date

GRANTING AGENCY

[Signature]
City Attorney

Date

11-15-00
ADA Coordinator

Date

[Signature]
Purchasing Officer

Date

11-15-00
Grants Coordinator

Date

STAFF RECOMMENDATION:

Airport Board and Economic Development staff recommend approval.

Division Head

Alett Little

Date

11/13/00

Department Director

[Signature]

Date

11/15/00

Administrative Services Director

[Signature]

Date

11/15/00

Mayor

Date

Cross Reference

New Item: Yes

Prev. Ord/Res#: 78-00

Orig Cont. Date:

Orig Cont #:

No

FAYETTEVILLE

AIRPORT DEPARTMENT
THE CITY OF FAYETTEVILLE, ARKANSAS

TO: CITY COUNCIL

THRU: FRED HANNA, MAYOR

FROM: ALETT LITTLE, ECONOMIC DEVELOPMENT DIRECTOR *al*

DATE: NOVEMBER 13, 2000

**SUBJECT: REQUESTING AN AMENDMENT TO THE
"MINIMUM STANDARDS FOR OPERATIONS
AND COMMERCIAL ACTIVITIES" FOR THE
FAYETTEVILLE MUNICIPAL AIRPORT-DRAKE FIELD**

The Airport Board at their October 5, 2000 regular meeting approved an amendment to the Airport's Minimum Standards and recommended the item be submitted to the City Council for approval and adoption.

The Airport's Minimum Standards were revised and replaced by City Council Resolution #78-00 of this year. At the September Airport Board Meeting, it was discussed that there was a need to review the minimum standards with a view towards allowing more flexibility in insurance amounts. The Airport Board leaned toward granting the Airport Manager this authority.

The Airport Board at their meeting in October approved recommending a Resolution to amend the Minimum Standards by allowing the Airport Manager to revise the required insurance amounts, after first consulting with the City Attorney and an insurance professional.

Pages 20, 21, 23 through 26, and 29 of the Airport's Minimum Standards are attached. The proposed amended text is in italics and the text to be removed is crossed out.

Action Requested: The Airport Board is recommending a resolution for an amendment to the "Minimum Standards for Operations and Commercial Activities" for the Fayetteville Municipal Airport-Drake Field.

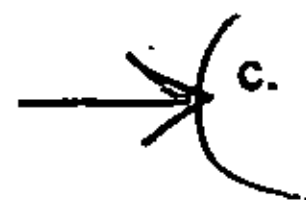
Staff Recommendation: Approval of the Resolution.

AL/lp

Attachment: October 5 Airport Bd. Agenda Item #3 a.
October 5 Airport Bd. Minutes (pages 3 & 4)

AGENDA FOR THE AIRPORT BOARD MEETING
1:30 p.m., October 5, 2000
Terminal Conference Room, Fayetteville Municipal Airport
4500 S. School Avenue



-
1. Call to Order.
 2. Minutes of the September 7, 2000 regular meeting.
 3. Old Business:
 - a. Re-establishment of 3/4 mile minimums on Localizer 16.
 - b. Land Use Project presentation by Barnard Dunkelberg & Company.
 -  c. Amendment to the Airport's Minimum Standards: The amendment will give the Airport Manager authorization to approve, after consultation, the insurance requirements for businesses operating at Drake Field. 
 - d. Use of Airport Fire Station:
 - * U. S. Forestry Department
 - * Fayetteville Fire Department's request to use as a training facility.
 - e. Quarterly budget report.
 4. New Business:
 - a. Recommendation to City Council: Revised Disadvantaged Business Enterprise (DBE) Program for Fayetteville Municipal Airport (see attachment).
 - b. Request from Ken Schossow of Wings Air (see attachment).
 5. Other Business:
 - a. Staff work: Drake Field airport video.
 - b. Staff work: T-hangars.
 - c. Staff work: Ernest Lancaster Drive
 - d. Staff work: Drake Field Certification Inspection.
 - e. Staff work: Marketing report.
 - f. Staff work: Survey of local aircraft fuel costs (Sept.) and "Airport Business" national survey (July).
 - g. Announcements of area Fly-Ins
 - * October 7th, War Bird Fly-In, Mid-America Airport, Oklahoma
 - * October 7th, Carroll County Airport, Arkansas
 6. Adjourn.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
FRED B. HANNA, MAYOR

4500 S. School Ave., Ste. A
Fayetteville, AR 72701
Telephone: 501-575-8301
Fax: 501-575-8304
e-mail: alittle@ci.fayetteville.ar.us

Economic Development Department
Alett S. Little, Director

TO: Airport Board

FROM: Alett Little, Economic Development Director 

DATE: October 3, 2000

SUBJECT: Amendment to Minimum Standards

At the September Board Meeting, it was discussed that there was a need to review the minimum standards with a view towards allowing more flexibility in insurance amounts as some tenants were not meeting the requirements in their strictest sense. The Board leaned toward granting the Airport Manager this authority and the Minimum Standards have been revised accordingly.

Action Requested: Airport Board is requested to pass a resolution amending the minimum standards to allow the Airport Manager to revise required insurance amounts after first contacting an insurance professional.

Staff Recommendation: Approval of the Resolution stated above.

in fire, rescue or other emergency training when provided by the Fayetteville Fire Department or the Airport Staff and as required by FAR 139.

- 8) Shall provide for the adequate and sanitary handling and disposal, in accordance with State and Federal standards, away from the Airport, of all trash, waste, and other materials, including but not limited to used oils, solvents and other waste materials. The piling or storage of crates, boxes, barrels, and other containers will not be permitted within the leased premises.
- 9) The operator must provide all security items required by Part 107 of the Federal Air Regulations and the Airport Security Plan.

SECTION 9, Item B: MULTIPLE SERVICE PROVIDERS/COMBINATION ACTIVITIES

At least one fixed base operator at Fayetteville Municipal Airport shall perform the services and meet the requirements prescribed by the following sections:

- ITEM A. Fuel and oil sales;
- ITEM C. Aircraft charter and taxi service;
- ITEM D. Aircraft engine, airframe and accessory sales and maintenance;
- ITEM E. Aircraft rental and sales; and
- ITEM F. Flight training.

This is not to be construed as an exclusive right. No person shall be prohibited from the service and maintenance of his or her own aircraft and equipment, as long as this service or maintenance complies with all regulations set forth in this document and the applicable State, Local and Federal regulations.

Said Fixed Base Operator shall abide by all rules, regulations and operating practices set forth by these Standards, and all City, State and Federal regulations incorporated by reference herein and all specific terms as provided in their Lease agreement.

Insurance minimums for a Fixed Base Operation shall be set at \$2,000,000 Hangar Keepers Liability and Public Liability Insurance, with the City of Fayetteville listed as an additional insured. ~~This can be adjusted from time to time commensurate with activity levels and Airport usage, (coverage may increase dependent on type and number of aircraft serviced at any one time).~~ These minimums may be adjusted at the discretion of the airport manager who shall be required to consult with the City Attorney and an insurance professional as to appropriateness prior to making such a determination.

SECTION 9, Item C: AIRCRAFT CHARTER AND TAXI SERVICE

Persons operating aircraft charter and taxi service shall provide:

- 1) Passenger lounge, rest room and telephone facilities.
- 2) Adequate table, desk or counter for checking in passengers, handling ticketing or fare collection, and the proper handling of luggage.
- 3) Shall have available properly certificated suitable aircraft with properly certificated and qualified operating crew, one of said crew shall be located at the Airport and on an "on call" basis as may be necessary for on demand charter.
- 4) Insurance coverage shall be required in the following amounts or in amounts as may be considered reasonable *by the airport manager who shall be required to consult with the City Attorney and an insurance professional as to appropriateness prior to adjusting any amount:*

AIRCRAFT LIABILITY:

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident
Passenger liability	\$500,000 each passenger

COMPREHENSIVE PUBLIC LIABILITY AND PROPERTY DAMAGE

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident

- 5) Such insurance shall be kept current at all times by the operator until such time as the operator's permit is relinquished or canceled.
- 6) All current licenses and certificates issued by the F.A.A. for use in this particular operation shall be kept current at all times by the operator until such time as the operators permit is relinquished or canceled.

- 11) Insurance coverage shall be required in the following amounts or in amounts as may be considered reasonable by the airport manager who shall be required to consult with the City Attorney and an insurance professional as to appropriateness prior to adjusting any amount:

AIRCRAFT LIABILITY:

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident
Passenger Liability	\$500,000 each passenger

COMPREHENSIVE PUBLIC LIABILITY AND PROPERTY DAMAGE

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident

- 12) Such insurance shall be kept current at all times by the operator until such time as the operator's permit is relinquished or canceled.

SECTION 9, Item E: AIRCRAFT ENGINE, AIRFRAME,
ACCESSORY SALES AND MAINTENANCE

All persons operating aircraft engine, airframe and accessory maintenance facilities to the public for hire shall provide:

- 1) In case of airframe or engine repairs, sufficient hangar space to house any aircraft upon which such service is being performed.
- 2) Suitable inside and outside storage space for aircraft awaiting repair or maintenance or delivery after repair and maintenance have been completed.
- 3) Adequate shop space to house the equipment and machine tools, jacks, lifts and testing equipment to perform top overhauls as required for FAA certification and repair of parts not needing replacement on all single engine land and light multi-engine land general aviation aircraft.
- 4) At least one FAA certified air frame and power plant mechanic available during eight hours of the day, five days per week and on an "on call" basis as needed.

- 5) Facilities for washing, cleaning, and waxing aircraft if operator engages in said business.
- 6) Suitable equipment (i.e. tractors, tow bars, jacks, dollies, and other equipment as might be needed to remove the largest type of aircraft that normally could be expected) to promptly remove from the landing area any disabled aircraft as soon as permitted.
- 7) All current licenses and certificates issued by the F.A.A. for use in this particular operation shall be kept current at all times by the operator until such time as the operator's permit is relinquished or canceled.
- 8) *Insurance coverage shall be required in the following amounts or in amounts as may be considered reasonable by the airport manager who shall be required to consult with the City Attorney and an insurance professional as to appropriateness prior to adjusting any amount:*

COMPREHENSIVE PUBLIC LIABILITY AND PROPERTY DAMAGE

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident
Hangar Keepers	\$1,000,000 each accident
(coverage depends on type and number of aircraft serviced at any one time)	

Such insurance shall be kept current at all times by the operator until such time as the operator's permit is relinquished or canceled.

SECTION 9, Item F: FLIGHT TRAINING

All persons conducting flight training activities shall provide:

- 1) All required F.A.A. certifications and licenses as appropriate for the training which is proposed, i.e. single-engine, multi-engine, instrument rating, private license or commercial license.

All current licenses and certificates issued by the F.A.A. for use in this particular operation shall be kept current at all times by the operator until such time as the operator's permit is relinquished or canceled.

- 2) A listing of the types of aircraft as may be required to give flight instruction.

- 3) Adequate office and classroom space for at least five students and proper rest room facilities.
- 4) Adequate mock-ups, pictures, slides, film strips or other visual aids necessary to provide proper ground school instruction, (instruction which will allow for passing the written portion of airman training).
- 5) Insurance coverage shall be required in the following amounts or in amounts as may be considered reasonable *by the airport manager who shall be required to consult with the City Attorney and an insurance professional as to appropriateness prior to adjusting any amount:*

AIRCRAFT LIABILITY:

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident
Passenger Liability	\$500,000 each passenger

STUDENT AND RENTER PILOT COVERAGE COMPREHENSIVE PUBLIC LIABILITY AND PROPERTY DAMAGE

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident

- 6) Such insurance shall be kept current at all times by the operator until such time as the operator's permit is relinquished or canceled.

SECTION 9, Item G: CROP DUSTING AND SPRAYING

Persons seeking to conduct crop dusting or spraying of agricultural chemicals shall be permitted to refuel planes at Fayetteville Municipal Airport, however, storage or transfer of agricultural chemicals at the Airport is prohibited due to lack of adequate facilities which meet EPA standards.

SECTION 9, Item H: AVIONICS SALES AND MAINTENANCE

All persons conducting maintenance and sales of avionics equipment shall provide:

- 1) Suitable office space for operating and conducting sales and/or maintenance and the keeping of proper records in connection therewith.

- 2) Adequate facilities for servicing, repairing and sales of avionics equipment or satisfactory arrangements with other operators licensed by the Airport/Mayor on the Airport for such service, sales and repairs.
- 3) There shall be available, at least during eight hours of the working day, a properly certificated service person capable of demonstrating equipment for sale to the public and for repairing or servicing of avionics equipment.
- 4) The minimum stock of readily expendable spare parts, or adequate arrangements for securing spare parts within a reasonable time, required for the types of avionics supplied and sold.
- 5) Current up-to-date specifications and price lists for types and models of avionics supplied, sold, or repaired.
- 6) Proper check lists and operating manuals on all radio/navigational equipment sold or repaired and adequate parts catalogued and stocked.
- 7) Any signs to be placed on Airport property shall be in compliance with all City of Fayetteville codes and ordinances and then be approved by Airport Management.
- 8) Insurance coverage shall be required in the following amounts or in amounts as may be considered reasonable *by the airport manager who shall be required to consult with the City Attorney and an insurance professional as to appropriateness prior to adjusting any amount:*

INSURANCE COVERAGE:

Hangar Keepers Liability	\$1,000,000 each accident
Products Liability	\$1,000,000 each accident

NOTE: Insurance coverage limits shall reflect appropriate amount based on risk exposure.

COMPREHENSIVE PUBLIC LIABILITY AND PROPERTY DAMAGE

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident

Such insurance shall be kept current at all times by the operator until such time as the operators permit is relinquished or canceled.

- 2) All utilities are to be paid directly by the operator.
- 3) All building maintenance on Airport owned facilities is borne by the operator except structural repairs or repairs which are enumerated in individual lease agreements. Building maintenance on individually owned facilities shall be borne by the owner or operator.
- 4) Any improvements made to the leased premises, must first be approved by the Airport Manager and become the property of the Airport, unless otherwise specified, upon completion but must be maintained by the Operator.
- 5) Maintenance of the leased area shall be that of the operator. A certain amount of adjoining land is required to be leased as per plat drawings to be provided.
- 6) Maintenance of pavements constructed by the Airport will be maintained by the Airport. All others will be maintained by the operator.
- 7) All sublease agreements or assignments must receive prior written approval of the City Council.
- 8) Lessee and Sublessee shall each be required to carry public liability insurance as well as Hangar Keeper liability (or general liability if applicable) insurance, and provide certificates of such insurance to the City. Such certificates shall reflect the City as additional insured. Such public liability insurance shall be in amounts not less than \$100,000 per person bodily injury and \$300,000 per accident property or in amounts as may be considered reasonable by the airport manager who shall be required to consult with the City Attorney and an insurance professional as to appropriateness prior to adjusting any amount. Such Hangar Keeper or general liability insurance shall be of sufficient amount to cover the largest aircraft expected to be serviced.
- 9) Operators, in their operation and use of the Airport, will not, on grounds of race, sex, color, or national origin, discriminate, or permit discrimination against any person or group of persons in any manner prohibited by the Federal Aviation Regulations or any other law.

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of December 5, 2000

FROM:

Ron Petrie Engineering Public Works
Name Division Department

ACTION REQUIRED: Approval of a budget adjustment in the amount of \$58,892.32 for the cost share with the Developer's of The Cliffs PUD for the construction of Cliffs Boulevard and Happy Hollow Extension south of Cliffs Boulevard.

COST TO CITY:

\$ 58,892.32 \$ 300,377.00 Cliffs Cost Share
Cost of this Request Category/Project Budget Category/Project Name

4470-9470-5809-00 \$ 300,377.00 Cost Share
Account Number Funds Used To Date Program Name

95028-0020 \$ 0.00 Sales Tax
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 Grants Coordinator Date

STAFF RECOMMENDATION: Approval of a budget adjustment for The Cliffs cost share in the amount of \$58,892.32 for the above described construction.

Ann Beavers 11/21/00
Division Head Date

Department Director Date

Administrative Services Director Date

Mayor Date

Cross Reference

New Item: Yes ☐ No ☒

Prev Ord/Res #: 4158

Orig Contract Date:

Orig Contract Number:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mr. Fred Hanna, Mayor

Thru: Charles Venable, PW Director
Jim Beavers, City Engineer

Charles Venable
Jim Beavers

From: Ron Petrie, Staff Engineer

Date: November 21, 2000

Re: Agenda Request - City Council Meeting on December 5, 2000
Proposed Budget Adjustment in the amount of \$58,892.32 for the Cliffs Boulevard and Happy Hollow Road cost share.

The City Council approved a cost share in the amount of \$300,129 for the widening of Happy Hollow Road and Cliffs Boulevard at the April 6, 1999 meeting. The cost share amount that was approved by the Council was from a cost estimate that was supplied by the developer's engineer (see attached copy).

At this time, these two street extensions are complete and have been accepted by the City Engineering Division. The final costs for this construction are as follows:

City	\$ 359,021.32
Developer	\$ 642,781.00
Total	\$1,001,802.32

The City's portion of the cost share had a \$58,892.32 overrun from the engineer's estimate. Therefore, a budget adjustment is requested to reimburse the developer for these expenses.

Attached are copies of the engineer's original cost estimate that was provided when the cost share was approved at the April 6, 1999 Council meeting and a copy of the actual final construction costs. A summary has been included for easy comparison. The construction costs were \$44,476.34 over the engineer's estimate. In addition, right-of-way was purchased from the Mount Sequoyah Assembly in the amount of \$14,415.98 exclusively for the Happy Hollow Road widening from 28' to 52' in width.

The Street Committee met on January 20, 2000 to discuss the design of Happy Hollow Road. At the meeting, the committee was informed of these overruns and the need to acquire the additional right-of-way

Mr. Fred Hanna, Mayor
November 20, 2000
Page Two (2)

Attachments:

Budget Adjustment

Vicinity Map

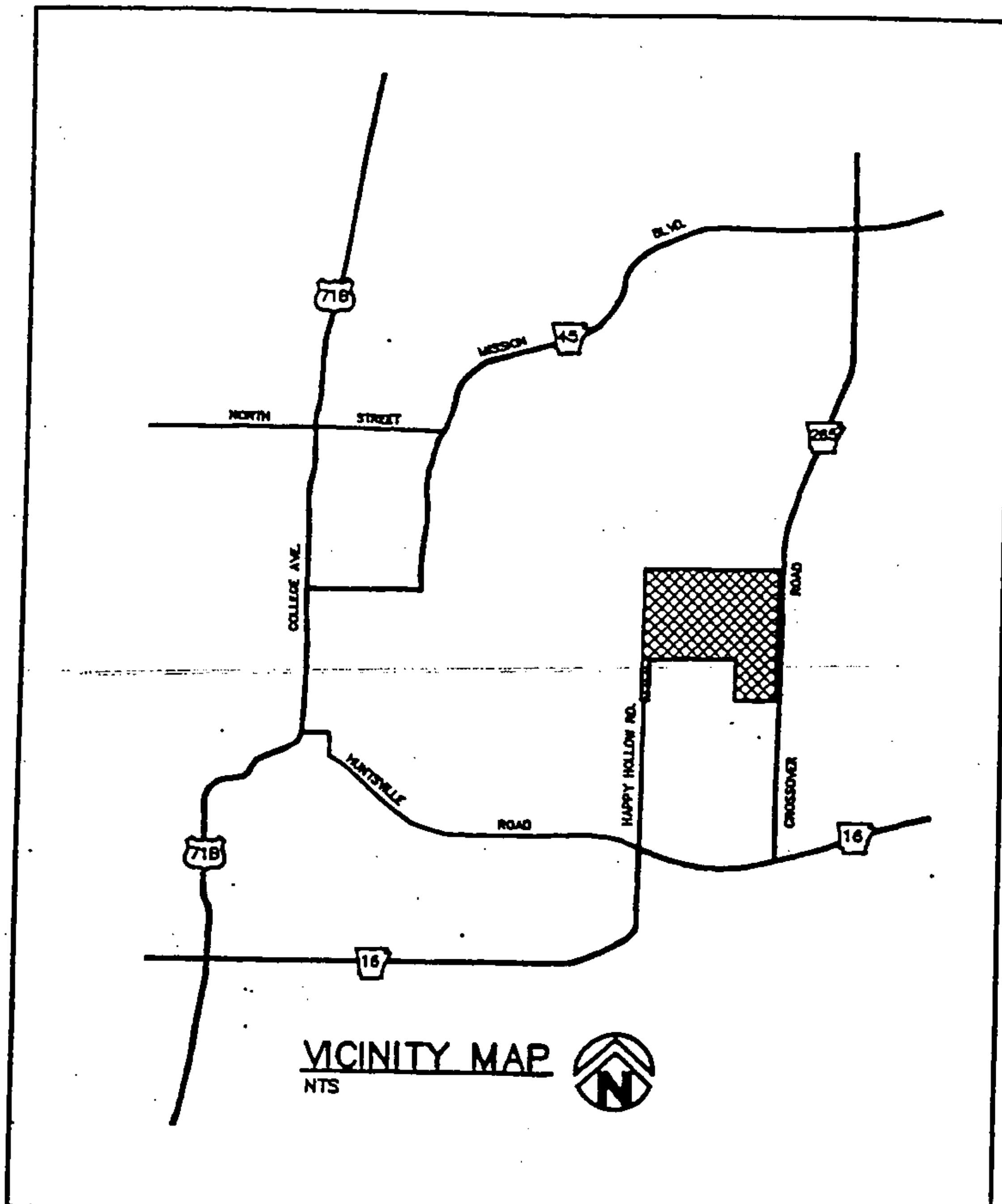
Construction Drawing

Original Engineer's Cost Estimate

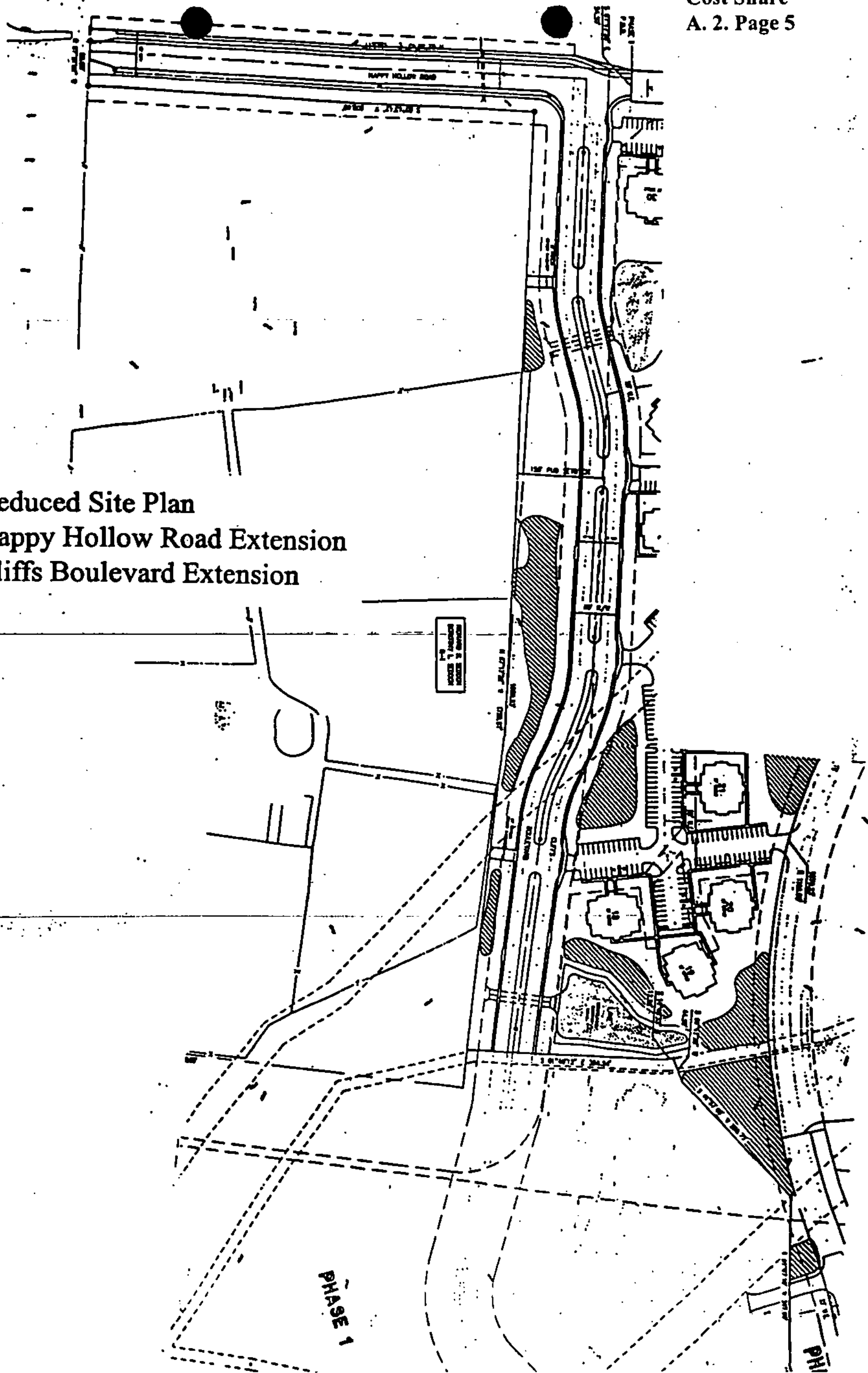
Final Construction Costs

Summary of Costs

Proof of Payment for Right-of-Way



Reduced Site Plan
Happy Hollow Road Extension
Cliffs Boulevard Extension



Engineer's Original Cost Estimate
March 12, 1999 - Crafton, Tull & Associates

The Cliffs Phase 2
Cost Share Breakdown
Public Streets

CTA No. 93033-04

Happy Hollow Road - 888 L.F.

Item No.	Work Item Description	Quantity	Unit	Unit Price	Developer's Portion	City's Portion	Total Cost
1	Clearing & Grubbing	1	L.S.	\$20,000.00	\$12,500.00	\$7,500.00	\$20,000.00
2	Unclassified Excavation	7000	C.Y.	\$4.00	\$15,078.00	\$12,922.00	\$28,000.00
3	2" AHTD Crushed Stone Base	4731	S.Y.	\$1.40	\$3,311.70	\$3,311.70	\$6,623.40
4	8" Portland Cement Concrete Paving	4731	S.Y.	\$24.00	\$56,772.00	\$56,772.00	\$113,544.00
5	Reinforced Concrete - Box Culvert	100	C.Y.	\$350.00	\$22,750.00	\$12,250.00	\$35,000.00
6	4' Inlet w/ 2-4' Extensions	2	EA.	\$2,500.00	\$5,000.00	\$0.00	\$5,000.00
7	Concrete Curb & Gutter	1841	L.F.	\$8.50	\$15,648.50	\$0.00	\$15,648.50
8	6' Sidewalk	1826	L.F.	\$10.00	\$12,173.33	\$6,086.67	\$18,260.00
9	Solid Sod or Topsoil/Seed/Mulch	3903	S.Y.	\$5.00	\$19,515.00	\$0.00	\$19,515.00
10	Street Lights	6	EA.	\$1,000.00	\$6,000.00	\$0.00	\$6,000.00
Total Cost					\$168,748.53	\$98,842.37	\$267,590.90

Cliffs Boulevard 1760 L.F.

Item No.	Work Item Description	Quantity	Unit	Unit Price	Developer's Portion	City's Portion	Total Cost
1	Clearing & Grubbing	1	L.S.	\$20,000.00	\$11,800.00	\$8,200.00	\$20,000.00
2	Unclassified Excavation	10000	C.Y.	\$4.00	\$21,540.00	\$18,460.00	\$40,000.00
3	2" AHTD Crushed Stone Base	8604	S.Y.	\$1.40	\$6,564.85	\$5,480.75	\$12,045.60
4	8" Portland Cement Concrete Paving	8604	S.Y.	\$24.00	\$112,540.32	\$93,955.68	\$206,496.00
5	Reinforced Concrete - Box Culvert	144	C.Y.	\$350.00	\$30,240.00	\$20,160.00	\$50,400.00
6	Reinforced Concrete - Box Culvert	97	C.Y.	\$350.00	\$20,370.00	\$13,580.00	\$33,950.00
7	4' Inlet	4	EA.	\$1,600.00	\$4,160.00	\$2,240.00	\$6,400.00
8	4' Inlet w/ 1-4' Extension	2	EA.	\$2,000.00	\$4,000.00	\$0.00	\$4,000.00
9	18" R.C.P. Drainage Pipe	144	L.F.	\$24.00	\$3,456.00	\$0.00	\$3,456.00
10	Concrete Curb & Gutter	3357	L.F.	\$8.50	\$28,534.50	\$28,000.00	\$56,534.50
11	6' Sidewalk	3363	L.F.	\$10.00	\$22,420.00	\$11,210.00	\$33,630.00
12	Solid Sod or Topsoil/Seed/Mulch	4840	S.Y.	\$5.00	\$24,200.00	\$0.00	\$24,200.00
13	Street Lights	6	EA.	\$1,000.00	\$6,000.00	\$0.00	\$6,000.00
Total Cost					\$295,825.67	\$201,286.43	\$497,112.10

Total Cost for Cliffs Boulevard & Happy Hollow Road	\$464,574.21	\$300,128.79	\$764,703.00
---	--------------	--------------	--------------



Crafton, Tull & Associates, Inc.

Architects, Engineers & Surveyors

P.O. Drawer 549
2200 N. 2nd Street
Rogers, AR 72757-0549
(501) 638-4838
Fax (501) 831-8224
www.crafttull.com
Email: cta@crafttull.com

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Port M. (Matt) Crafton, P.E.
Thomas E. Hopper, P.E.
Kurtis J. Jones, P.E.
R.E. (Gene) Reese, P.E.
David Swearingen, A.I.A.
James L. Tull, C.D.A.

Directors Emeritus
Bob H. Crafton, P.E.
Lemuel H. Tull, P.E.

Associates
Everett L. Ball, P.E.
Wes Burgess, A.I.A.
Todd Cox, C.N.E.
John Gangel, P.E.
Joe B. Gourin, P.E.
Larry Gregory, P.E.
Al Harris, R.L.S.
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Irene L. Mansur, P.E., R.L.S.
Tom Mansur, P.E.
Robert C. Reese, P.E.
Rick G. Rose, P.L.S.
George Strella, P.E., D.E.E.
James P. Swearingen, A.I.A.
Richard Wright, R.L.S.

November 21, 2000

Ron Petrie
City of Fayetteville, Engineering
113 West Mountain
Fayetteville, AR 72701

RE: The Cliffs - Phase 2
CTA No. 93033.04
(REVISED)

Dear Mr. Petrie:

As you are aware, construction of Cliffs Boulevard and Happy Hollow road are complete as part of the improvements for the above referenced project. The following spreadsheets are attached:

- 1) Final Cost Share Breakdown (Based on actual quantities and costs)
- 2) Revised Cost Share Breakdown (Estimated Contract Amount that was approved and agreed upon)
- 3) Sweetser's final pay estimate
- 4) Truck load quantities for offsite haul in

Based on the attached information, The City of Fayetteville's final contribution for the street improvements is \$344,605.34 plus the additional right-of-way that was obtained from Mt. Sequoyah Assembly \$14,415.98. Therefore, the City's contribution for the improvements is a total of \$359,021.32.

If you should have any questions, please feel free to contact us.

Sincerely,

TOM HOPPER, P.E.
CRAFTON, TULL & ASSOCIATES, INC.

Attachments

Copy: Kevin Rogerson

The Cliffs Phase 2 (Public Streets)

FINAL COST SHARE BREAKDOWN

Based on Completed street and
Contractor's Actual Unit Prices
November 21, 2000
CTA No. 93033-04

Happy Hollow Road - 888 L.F. And Cliffs Boulevard -1760 L.F.

Item No.	Work Item Description	Quantity	Unit	Unit Price	Developer's Portion	City's Portion	Total Cost
* 1	Clearing & Grubbing	8	AC.	\$3,000.00	\$15,000.00	\$9,000.00	\$24,000.00
* 2	Unclassified Excavation	14175	C.Y.	\$7.00	\$57,750.00	\$41,475.00	\$99,225.00
** 4	Concrete Paving Incl. Base	16637.81	S.Y.	\$27.16	\$231,681.11	\$220,201.81	\$451,882.92
** 5	6' Sidewalk	4549.07	L.F.	\$16.80	\$58,452.41	\$17,971.97	\$76,424.38
** 6	Triple 4'x4'x88' Box Culvert	78	C.Y.	\$425.00	\$24,410.94	\$8,739.06	\$33,150.00
** 7	Double 6'x4'x112' Box Culvert	115	C.Y.	\$425.00	\$27,234.00	\$21,641.00	\$48,875.00
** 8	Triple 6'x4'x112' Box Culvert	153	C.Y.	\$425.00	\$39,448.50	\$25,576.50	\$65,025.00
*** 9	18" R.C.P.	500	L.F.	\$24.00	\$12,000.00	\$0.00	\$12,000.00
*** 10	24" R.C.P.	294	L.F.	\$34.00	\$9,996.00	\$0.00	\$9,996.00
*** 11	36" R.C.P.	173	L.F.	\$62.00	\$10,726.00	\$0.00	\$10,726.00
** 12	18" R.C.P. Flared End Section	2	EA.	\$375.00	\$750.00	\$0.00	\$750.00
*** 13	4'x4' Curb Inlet	14	EA.	\$2,600.00	\$36,400.00	\$0.00	\$36,400.00
** 14	4'x10' Curb Inlet	1	EA.	\$4,300.00	\$4,300.00	\$0.00	\$4,300.00
*** 15	4' Curb Inlet Extensions	10	EA.	\$500.00	\$5,000.00	\$0.00	\$5,000.00
** 16	Gran. Bkfl. For Street Crossing	64	Ton	\$12.50	\$800.00	\$0.00	\$800.00
* 17	18" Deep Rip Rap	666	S.Y.	\$30.00	\$19,980.00	\$0.00	\$19,980.00
** 18	4" Thick Concrete Ditch	1015.22	S.Y.	\$32.00	\$32,487.04	\$0.00	\$32,487.04
** 19	French Drain	950	L.F.	\$7.00	\$6,650.00	\$0.00	\$6,650.00
* 20	Solid Sod or Topsoil/Seed/Mulch	8743	S.Y.	\$5.00	\$43,715.00	\$0.00	\$43,715.00
* 21	Street Lights	6	EA.	\$1,000.00	\$6,000.00	\$0.00	\$6,000.00
** 22	SB-2 extra for roadway	163	S.Y.	\$10.00	\$1,630.00	\$0.00	\$1,630.00
** 23	Asphalt trans. @ Happy Hollow	1	L.S.	\$4,900.00	\$4,900.00	\$0.00	\$4,900.00
** 24	Striping	1	EA.	\$3,150.66	\$3,150.66	\$0.00	\$3,150.66
				Total Cost	\$642,781.00	\$344,605.34	\$987,386.34

* Items that were completed by Lindsey Construction

** Items that were completed by Sweetzer, and overall quantities match attached final estimate

** Items that were completed by Sweetzer, but overall quantities do not match attached final estimate
Quantities included private drainage within the apartment project also, not related to the public streets

THE CLIFFS COST SHARE
SUMMARY OF COSTS
ESTIMATED VS. ACTUAL

WORK ITEM DESCRIPTION	QUANTITY		UNIT PRICE		CITY'S PORTION OF COSTS	
	ESTIMATED	ACTUAL	ESTIMATED	ACTUAL	ESTIMATED	ACTUAL
CLEARING & GRUBBING	LUMP SUM	8 ACRES	\$40,000.00	\$3,000.00	\$15,700.00	\$9,000.00
UNCLASSIFIED EXCAVATION	17,000 C.Y.	14,175 C.Y.	\$4.00	\$7.00	\$31,382.00	\$41,475.00
CONCRETE PAVING INCL. BASE AND C&G	13,335 S.Y.	16,638 S.Y.	\$25.40	\$27.16	\$187,521.00	\$220,202.00
6" SIDEWALK	5,189 L.F.	4,549 L.F.	\$10.00	\$16.80	\$17,297.00	\$17,972.00
TRIPLE 4' X 4' CONC. BOX CULVERT	78 C.Y.	97 C.Y.	\$350.00	\$425.00	\$13,580.00	\$8,739.00
DOUBLE 6' X 4' CONC. BOX CULVERT	100 C.Y.	115 C.Y.	\$350.00	\$425.00	\$12,250.00	\$21,841.00
TRIPLE 6' X 4' CONC. BOX CULVERT	144 C.Y.	183 C.Y.	\$350.00	\$425.00	\$20,160.00	\$25,577.00
4" INLET	4 EACH	0	\$1,800.00	\$0.00	\$2,240.00	\$0.00
TOTAL CONSTRUCTION COSTS					\$300,130.00	\$344,608.00
RIGHT-OF-WAY ACQUISITION COSTS					\$0.00	\$14,416.00
TOTAL COST TO CITY					\$300,130.00	\$359,022.00

LINDSEY CONSTRUCTION COMPANY INC.
1183 Joyce Blvd Suite 1
Fayetteville, AR 72703

F A X C O V E R S H E E T

DATE:	November 17, 2000	TIME:	7:25 AM
TO:	Ron Petrie City of FYV	PHONE:	
		FAX:	575-8318
FROM:	Kevin Rogerson Lindsey Construction	PHONE:	501-521-6686
		FAX:	501-527-8849

RE: EASEMENT AT CLIFFS APARTMENTS (HAPPY HOLLOW ROAD)

Number of pages including cover sheet: 3

Message

Ron

I am faxing information at the request of Jerry Kelso (Crafton, Tull, & Associates).

This is in reference to the easement purchased from the Mt. Sequoyah Assembly Church along Happy Hollow Road. These are copies of the cancelled checks that Lindsey Construction wrote to the church.

If you should require additional information please let me know.

Thanks

KJR

LINDSEY CONSTRUCTION COMPANY
OPERATING ACCOUNT
PO BOX 1583 PH. 521-8603
FAYETTEVILLE, AR 72702

8764

81-153/829

PAY
TO THE
ORDER OF

DATE 3-9-00

Mt Sequoyah Assembly

\$14,145.98

\$14,145.98

DOLLARS

☐ Pay to the order of

FAYETTEVILLE, AR 72701

FOR Easement for Cliffs II Apts

Alicia P. Burns

LINDSEY CONSTRUCTION COMPANY
OPERATING ACCOUNT
PO BOX 1583 PH. 521-8603
FAYETTEVILLE, AR 72702

8769

81-153/829

PAY
TO THE
ORDER OF

DATE 3-13-00

Mt Sequoyah Assembly

\$270.00

\$270.00

DOLLARS

☐ Pay to the order of

FAYETTEVILLE, AR 72701

FOR Balance of Easement on Cliffs Apts

Alicia P. Burns

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

Revision to Airport's
Minimum Standards

For the Fayetteville City Council meeting of December 5, 2000

FROM:

Alett Little
Name

Airport
Division

Economic Development
Department

ACTION REQUIRED: Request an Amendment to the Airport's Minimum Standards. Current Min. Standards was recently updated and replaced by Resolution #78-00 on June 5, 2000. This amendment will give the Airport Manager authorization to approve, after consultation, the insurance requirements for businesses operating at Drake Field. This item was approved by the Airport Board at their October 5, 2000 meeting to be recommended to the City Council for adoption of the Amendment. If adopted please return a signed copy of the new Resolution to the Airport Administration Office.

COST TO CITY:

\$ n/a
Cost of this Request

\$ n/a
Category/Project Budget

n/a
Category/Project Name

n/a
Account Number

\$ n/a
Funds used to date

n/a
Program Name

n/a
Project Number

\$ n/a
Remaining Balance

Airport
Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Manager

Date

Administrative Services Dir.

Date

CONTRACT/GRANT/LEASE REVIEW:

Marilyn D. Hanner 11-14-00 Nancy Smith 11/14/00
Accounting Manager Date Internal Auditor Date

Price 11-15-00
City Attorney Date ADA Coordinator Date

Purchasing Officer Date Grants Coordinator Date

GRANTING AGENCY

STAFF RECOMMENDATION:

Airport Board and Economic Development staff recommend approval.

Division Head

Alett Little

Date

11/13/00

Department Director

[Signature]

Date

11/15/00

Administrative Services Director

[Signature]

Date

11/15/00

Mayor

Date

Cross Reference

New Item: Yes

Prev. Ord/Res#: 78-00

Orig Cont. Date: _____

Orig Cont #: _____

No

FAYETTEVILLE

AIRPORT DEPARTMENT
THE CITY OF FAYETTEVILLE, ARKANSAS

TO: CITY COUNCIL

THRU: FRED HANNA, MAYOR

FROM: ALETT LITTLE, ECONOMIC DEVELOPMENT DIRECTOR *al*

DATE: NOVEMBER 13, 2000

**SUBJECT: REQUESTING AN AMENDMENT TO THE
"MINIMUM STANDARDS FOR OPERATIONS
AND COMMERCIAL ACTIVITIES" FOR THE
FAYETTEVILLE MUNICIPAL AIRPORT-DRAKE FIELD**

The Airport Board at their October 5, 2000 regular meeting approved an amendment to the Airport's Minimum Standards and recommended the item be submitted to the City Council for approval and adoption.

The Airport's Minimum Standards were revised and replaced by City Council Resolution #78-00 of this year. At the September Airport Board Meeting, it was discussed that there was a need to review the minimum standards with a view towards allowing more flexibility in insurance amounts. The Airport Board leaned toward granting the Airport Manager this authority.

The Airport Board at their meeting in October approved recommending a Resolution to amend the Minimum Standards by allowing the Airport Manager to revise the required insurance amounts, after first consulting with the City Attorney and an insurance professional.

Pages 20, 21, 23 through 26, and 29 of the Airport's Minimum Standards are attached. The proposed amended text is in italics and the text to be removed is crossed out.

Action Requested: The Airport Board is recommending a resolution for an amendment to the "Minimum Standards for Operations and Commercial Activities" for the Fayetteville Municipal Airport-Drake Field.

Staff Recommendation: Approval of the Resolution.

AL/lp

Attachment: October 5 Airport Bd. Agenda Item #3 a.
October 5 Airport Bd. Minutes (pages 3 & 4)

AGENDA FOR THE AIRPORT BOARD MEETING
1:30 p.m., October 5, 2000
Terminal Conference Room, Fayetteville Municipal Airport
4500 S. School Avenue



1. Call to Order.
2. Minutes of the September 7, 2000 regular meeting.
3. Old Business:
 - a. Re-establishment of 3/4 mile minimums on Localizer 16.
 - b. Land Use Project presentation by Barnard Dunkelberg & Company.
 - c. Amendment to the Airport's Minimum Standards: The amendment will give the Airport Manager authorization to approve, after consultation, the insurance requirements for businesses operating at Drake Field.
 - d. Use of Airport Fire Station:
 - * U. S. Forestry Department
 - * Fayetteville Fire Department's request to use as a training facility.
 - e. Quarterly budget report.
4. New Business:
 - a. Recommendation to City Council: Revised Disadvantaged Business Enterprise (DBE) Program for Fayetteville Municipal Airport (see attachment).
 - b. Request from Ken Schossow of Wings Air (see attachment).
5. Other Business:
 - a. Staff work: Drake Field airport video.
 - b. Staff work: T-hangars.
 - c. Staff work: Ernest Lancaster Drive
 - d. Staff work: Drake Field Certification Inspection.
 - e. Staff work: Marketing report.
 - f. Staff work: Survey of local aircraft fuel costs (Sept.) and "Airport Business" national survey (July).
 - g. Announcements of area Fly-Ins
 - * October 7th, War Bird Fly-In, Mid-America Airport, Oklahoma
 - * October 7th, Carroll County Airport, Arkansas
6. Adjourn.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
FRED B. HANNA, MAYOR

4500 S. School Ave., Ste. A
Fayetteville, AR 72701
Telephone: 501-575-8301
Fax: 501-575-8304
e-mail: alittle@ci.fayetteville.ar.us

Economic Development Department
Alett S. Little, Director

TO: Airport Board

FROM: Alett Little, Economic Development Director *AL*

DATE: October 3, 2000

SUBJECT: Amendment to Minimum Standards

At the September Board Meeting, it was discussed that there was a need to review the minimum standards with a view towards allowing more flexibility in insurance amounts as some tenants were not meeting the requirements in their strictest sense. The Board leaned toward granting the Airport Manager this authority and the Minimum Standards have been revised accordingly.

Action Requested: Airport Board is requested to pass a resolution amending the minimum standards to allow the Airport Manager to revise required insurance amounts after first contacting an insurance professional.

Staff Recommendation: Approval of the Resolution stated above.

in fire, rescue or other emergency training when provided by the Fayetteville Fire Department or the Airport Staff and as required by FAR 139.

- 8) Shall provide for the adequate and sanitary handling and disposal, in accordance with State and Federal standards, away from the Airport, of all trash, waste, and other materials, including but not limited to used oils, solvents and other waste materials. The piling or storage of crates, boxes, barrels, and other containers will not be permitted within the leased premises.
- 9) The operator must provide all security items required by Part 107 of the Federal Air Regulations and the Airport Security Plan.

SECTION 9, Item B: MULTIPLE SERVICE PROVIDERS/COMBINATION ACTIVITIES

At least one fixed base operator at Fayetteville Municipal Airport shall perform the services and meet the requirements prescribed by the following sections:

- ITEM A. Fuel and oil sales;
- ITEM C. Aircraft charter and taxi service;
- ITEM D. Aircraft engine, airframe and accessory sales and maintenance;
- ITEM E. Aircraft rental and sales; and
- ITEM F. Flight training.

This is not to be construed as an exclusive right. No person shall be prohibited from the service and maintenance of his or her own aircraft and equipment, as long as this service or maintenance complies with all regulations set forth in this document and the applicable State, Local and Federal regulations.

Said Fixed Base Operator shall abide by all rules, regulations and operating practices set forth by these Standards, and all City, State and Federal regulations incorporated by reference herein and all specific terms as provided in their Lease agreement.

Insurance minimums for a Fixed Base Operation shall be set at \$2,000,000 Hangar Keepers Liability and Public Liability Insurance, with the City of Fayetteville listed as an additional insured. ~~This can be adjusted from time to time commensurate with activity levels and Airport usage, (coverage may increase dependent on type and number of aircraft serviced at any one time).~~ These minimums may be adjusted at the discretion of the airport manager who shall be required to consult with the City Attorney and an insurance professional as to appropriateness prior to making such a determination.

SECTION 9, Item C: AIRCRAFT CHARTER AND TAXI SERVICE

Persons operating aircraft charter and taxi service shall provide:

- 1) Passenger lounge, rest room and telephone facilities.
- 2) Adequate table, desk or counter for checking in passengers, handling ticketing or fare collection, and the proper handling of luggage.
- 3) Shall have available properly certificated suitable aircraft with properly certificated and qualified operating crew, one of said crew shall be located at the Airport and on an "on call" basis as may be necessary for on demand charter.
- 4) Insurance coverage shall be required in the following amounts or in amounts as may be considered reasonable *by the airport manager who shall be required to consult with the City Attorney and an insurance professional as to appropriateness prior to adjusting any amount:*

AIRCRAFT LIABILITY:

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident
Passenger liability	\$500,000 each passenger

COMPREHENSIVE PUBLIC LIABILITY AND PROPERTY DAMAGE

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident

- 5) Such insurance shall be kept current at all times by the operator until such time as the operator's permit is relinquished or canceled.
- 6) All current licenses and certificates issued by the F.A.A. for use in this particular operation shall be kept current at all times by the operator until such time as the operators permit is relinquished or canceled.

- 11) Insurance coverage shall be required in the following amounts or in amounts as may be considered reasonable *by the airport manager who shall be required to consult with the City Attorney and an insurance professional as to appropriateness prior to adjusting any amount:*

AIRCRAFT LIABILITY:

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident
Passenger Liability	\$500,000 each passenger

COMPREHENSIVE PUBLIC LIABILITY AND PROPERTY DAMAGE

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident

- 12) Such insurance shall be kept current at all times by the operator until such time as the operator's permit is relinquished or canceled.

**SECTION 9, Item E: AIRCRAFT ENGINE, AIRFRAME,
ACCESSORY SALES AND MAINTENANCE**

All persons operating aircraft engine, airframe and accessory maintenance facilities to the public for hire shall provide:

- 1) In case of airframe or engine repairs, sufficient hangar space to house any aircraft upon which such service is being performed.
- 2) Suitable inside and outside storage space for aircraft awaiting repair or maintenance or delivery after repair and maintenance have been completed.
- 3) Adequate shop space to house the equipment and machine tools, jacks, lifts and testing equipment to perform top overhauls as required for FAA certification and repair of parts not needing replacement on all single engine land and light multi-engine land general aviation aircraft.
- 4) At least one FAA certified air frame and power plant mechanic available during eight hours of the day, five days per week and on an "on call" basis as needed.

- 5) Facilities for washing, cleaning, and waxing aircraft if operator engages in said business.
- 6) Suitable equipment (i.e. tractors, tow bars, jacks, dollies, and other equipment as might be needed to remove the largest type of aircraft that normally could be expected) to promptly remove from the landing area any disabled aircraft as soon as permitted.
- 7) All current licenses and certificates issued by the F.A.A. for use in this particular operation shall be kept current at all times by the operator until such time as the operator's permit is relinquished or canceled.
- 8) *Insurance coverage shall be required in the following amounts or in amounts as may be considered reasonable by the airport manager who shall be required to consult with the City Attorney and an insurance professional as to appropriateness prior to adjusting any amount:*

COMPREHENSIVE PUBLIC LIABILITY AND PROPERTY DAMAGE

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident
Hangar Keepers (coverage depends on type and number of aircraft serviced at any one time)	\$1,000,000 each accident

Such insurance shall be kept current at all times by the operator until such time as the operator's permit is relinquished or canceled.

SECTION 9, Item F: FLIGHT TRAINING

All persons conducting flight training activities shall provide:

- 1) All required F.A.A. certifications and licenses as appropriate for the training which is proposed, i.e. single-engine, multi-engine, instrument rating, private license or commercial license.

All current licenses and certificates issued by the F.A.A. for use in this particular operation shall be kept current at all times by the operator until such time as the operator's permit is relinquished or canceled.

- 2) A listing of the types of aircraft as may be required to give flight instruction.

- 3) Adequate office and classroom space for at least five students and proper rest room facilities.
- 4) Adequate mock-ups, pictures, slides, film strips or other visual aids necessary to provide proper ground school instruction, (instruction which will allow for passing the written portion of airman training).
- 5) Insurance coverage shall be required in the following amounts or in amounts as may be considered reasonable *by the airport manager who shall be required to consult with the City Attorney and an insurance professional as to appropriateness prior to adjusting any amount:*

AIRCRAFT LIABILITY:

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident
Passenger Liability	\$500,000 each passenger

STUDENT AND RENTER PILOT COVERAGE
COMPREHENSIVE PUBLIC LIABILITY AND PROPERTY DAMAGE

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident

- 6) Such insurance shall be kept current at all times by the operator until such time as the operator's permit is relinquished or canceled.

SECTION 9, Item G: CROP DUSTING AND SPRAYING

Persons seeking to conduct crop dusting or spraying of agricultural chemicals shall be permitted to refuel planes at Fayetteville Municipal Airport, however, storage or transfer of agricultural chemicals at the Airport is prohibited due to lack of adequate facilities which meet EPA standards.

SECTION 9, Item H: AVIONICS SALES AND MAINTENANCE

All persons conducting maintenance and sales of avionics equipment shall provide:

- 1) Suitable office space for operating and conducting sales and/or maintenance and the keeping of proper records in connection therewith.

- 2) Adequate facilities for servicing, repairing and sales of avionics equipment or satisfactory arrangements with other operators licensed by the Airport/Mayor on the Airport for such service, sales and repairs.
- 3) There shall be available, at least during eight hours of the working day, a properly certificated service person capable of demonstrating equipment for sale to the public and for repairing or servicing of avionics equipment.
- 4) The minimum stock of readily expendable spare parts, or adequate arrangements for securing spare parts within a reasonable time, required for the types of avionics supplied and sold.
- 5) Current up-to-date specifications and price lists for types and models of avionics supplied, sold, or repaired.
- 6) Proper check lists and operating manuals on all radio/navigational equipment sold or repaired and adequate parts catalogued and stocked.
- 7) Any signs to be placed on Airport property shall be in compliance with all City of Fayetteville codes and ordinances and then be approved by Airport Management.
- 8) Insurance coverage shall be required in the following amounts or in amounts as may be considered reasonable *by the airport manager who shall be required to consult with the City Attorney and an insurance professional as to appropriateness prior to adjusting any amount:*

INSURANCE COVERAGE:

Hangar Keepers Liability	\$1,000,000 each accident
Products Liability	\$1,000,000 each accident

NOTE: Insurance coverage limits shall reflect appropriate amount based on risk exposure.

COMPREHENSIVE PUBLIC LIABILITY AND PROPERTY DAMAGE

Bodily injury	\$500,000 each person \$1,000,000 each accident
Property damage	\$500,000 each accident

Such insurance shall be kept current at all times by the operator until such time as the operators permit is relinquished or canceled.

- 2) All utilities are to be paid directly by the operator.
- 3) All building maintenance on Airport owned facilities is borne by the operator except structural repairs or repairs which are enumerated in individual lease agreements. Building maintenance on individually owned facilities shall be borne by the owner or operator.
- 4) Any improvements made to the leased premises, must first be approved by the Airport Manager and become the property of the Airport, unless otherwise specified, upon completion but must be maintained by the Operator.
- 5) Maintenance of the leased area shall be that of the operator. A certain amount of adjoining land is required to be leased as per plat drawings to be provided.
- 6) Maintenance of pavements constructed by the Airport will be maintained by the Airport. All others will be maintained by the operator.
- 7) All sublease agreements or assignments must receive prior written approval of the City Council.
- 8) Lessee and Sublessee shall each be required to carry public liability insurance as well as Hangar Keeper liability (or general liability if applicable) insurance, and provide certificates of such insurance to the City. Such certificates shall reflect the City as additional insured. Such public liability insurance shall be in amounts not less than \$100,000 per person bodily injury and \$300,000 per accident property or in amounts as may be considered reasonable by the airport manager who shall be required to consult with the City Attorney and an insurance professional as to appropriateness prior to adjusting any amount. Such Hangar Keeper or general liability insurance shall be of sufficient amount to cover the largest aircraft expected to be serviced.
- 9) Operators, in their operation and use of the Airport, will not, on grounds of race, sex, color, or national origin, discriminate, or permit discrimination against any person or group of persons in any manner prohibited by the Federal Aviation Regulations or any other law.

Orig Contract Number: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZ 00-24 FOR A PARCEL CONTAINING
APPROXIMATELY 2.30 ACRES LOCATED AT 1209 BAILEY
STREET SUBMITTED BY JERRY MARTIN.

**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 District to R-2, Medium Density Residential District for the real
property described 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 _____, 2000.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR RZ 00-24

A PART OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION THIRTY-TWO (32) TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT, SAID POINT BEING AN EXISTING ARKANSAS STATE SURVEY MONUMENT; THENCE N00°47'33"W ALONG THE EAST LINE OF SAID 40 ACRE TRACT 661.00 FEET; THENCE S88°47'00"W 407.00 FEET TO A SET IRON FOR THE POINT OF BEGINNING; THENCE S88°47'00"W 70.00 FEET TO A SET IRON; THENCE N00°47'33"W 150.00 FEET TO A POINT FROM WHICH A REFERENCE IRON SET ON THE SOUTH RIGHT-OF-WAY OF BAILEY STREET BEARS S00°47'33"E 4.44 FEET; THENCE N88°47'00"E 70.00 FEET TO A POINT FROM WHICH A REFERENCE IRON SET ON THE SOUTH RIGHT-OF-WAY OF BAILEY STREET BEARS S00°47'33"E 4.71 FEET; THENCE S00°47'33"E 150.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED 0.24 ACRE TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF BAILEY STREET ALONG THE ENTIRE NORTH BOUNDARY.

AND

A PART OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION THIRTY-TWO (32), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT, SAID POINT BEING AN EXISTING ARKANSAS STATE SURVEY MONUMENT; THENCE N00°47'33"W ALONG THE EAST LINE OF SAID 40 ACRE TRACT 811.00 FEET; THENCE S88°47'00"W 477.00 FEET TO THE TRUE POINT OF BEGINNING AND FROM WHICH A REFERENCE IRON SET ON THE SOUTH RIGHT-OF-WAY OF BAILEY STREET BEARS S00°47'33"E 4.44 FEET; THENCE S88°47'00"W 125.00 FEET; THENCE S00°47'33"E 697.50 FEET; THENCE N88°47'00"E 130.00 FEET; THENCE N00°47'33"W 547.50 FEET; THENCE S88°47'00"W 5.00 FEET TO A SET IRON; THENCE N00°47'33"W 150.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2.06 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED 2.06 ACRE TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF BAILEY STREET ALONG THE ENTIRE NORTH BOUNDARY.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Associate Planner
THRU: Tim Conklin, City Planner
DATE: October 23, 2000

RZ 00-24.00: Rezoning (Martin, pp 755) was submitted by Jerry Martin for property located at 1209 Bailey Street. The property is zoned A-1, Agricultural and contains approximately 2.30 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: October 23, 2000

CITY COUNCIL ACTION:	Required <u>YES</u>
	☐ Approved ☐ Denied
Date: <u>November 21, 2000</u>	

Comments: _____

BACKGROUND:

This property is located off of Hwy 71S on Bailey Road which is west of Drake Field. The property is comprised of two lots that are currently zoned A-1. The combination of these lots meet the bulk and area regulations of the A-1 zoning district, however, as independent tracts, each is non-conforming. The property functions as single family residential with one lot being vacant (a small structure was recently removed) and the other lot contains one single family home with a detached garage and an out-building for storage. The applicant is interested in being able to sell one tract and retain the other. Surrounding this property are large tracts of land used for single family homes. All of the adjoining property is currently zoned A-1, Agricultural.

SURROUNDING LAND USE AND ZONING

North:	Single family homes, A-1
South:	Single family homes, A-1
East:	Single family homes, A-1
West:	Single family homes, A-1

INFRASTRUCTURE:

Streets: This property is located on Bailey Drive. This street intersects Hwy 71S to the east and a portion of it is actually located outside the Fayetteville City Limits. To the west the street dead-ends into Butterfield Trail which is a short north-south street.

Water: Six inch line along Bailey Street

Sewer: Six inch line along Bailey Street

LAND USE PLAN: General Plan 2020 designates this site **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 zoning is consistent with the City's adopted General Plan 2020 and the current use of the property and the surrounding areas is residential

in nature, making this request consistent with land use planning objectives, principles, and policies.

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

Finding: The proposed zoning is justified at this time. This action will not increase the density of the lots in question. The proposed zoning is needed in order for the property to exist as two-individual lots, both meeting minimum bulk and area requirements for R-1 lots.

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

Finding: The proposed zoning will not create or appreciably increase traffic danger and congestion.

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

Finding: Density after the proposed rezoning will not exceed the density which is currently allowable on this property. The proposed zoning will not alter the 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

§ 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)

Planning Commission
October 23, 2000
Page 44

RZ 00-24.00: Rezoning (Martin, pp 755) was submitted by Jerry Martin for property located at 1209 Bailey Street. The property is zoned A-1, Agricultural and contains approximately 2.30 acres. The request is to rezone to R-1, Low Density Residential.

Odom: The first item we are going to hear tonight is RZ 00-24.00: Rezoning (Martin, pp 755) was submitted by Jerry Martin for property located at 1209 Bailey Street. The property is zoned A-1, Agricultural and contains approximately 2.30 acres. The request is to rezone to R-1, Low Density Residential. Staff recommends approval of the requested rezoning based upon their findings included in their report. Staff, do you have anything further?

Conklin: Staff has nothing further.

Odom: I ask the applicant to please come forward at this time. Do you have any presentation that you would like to make?

Martin: Not really. My name is Jerry Martin. This rezoning comes about because I bought a parcel of land that contained 2.01 acres that was non-conforming to current zoning. It had two houses on it and did not conform. It's in a part of Fayetteville that the homes were there before the two neighbors. I bought an adjacent lot which increased the total holdings of this one parcel to 2.03. My plans are, if I can get it zoned as requested to R-1 is to move one house from the adjoining two acres to the lot that I bought which is adjacent and then I will have two pieces of property both of which will conform to current zoning both in size and usage. To me it makes good sense. I will be glad to answer any questions.

Odom: Mr. Martin, we'll take questions-in-just a minute. -----

PUBLIC COMMENT:

Odom: First what I would like to do is ask if there is any member of the audience that would like to address us on this issue? Anyone here to talk about the rezoning that's before us on the agenda?

COMMISSION DISCUSSION:

Odom: Seeing none, I will close the floor to public discussion and bring it back to the Planning Commission for questions, comment or motions.

Planning Commission
October 23, 2000
Page 45

Marr: I move for approval of RZ 00-24.00.

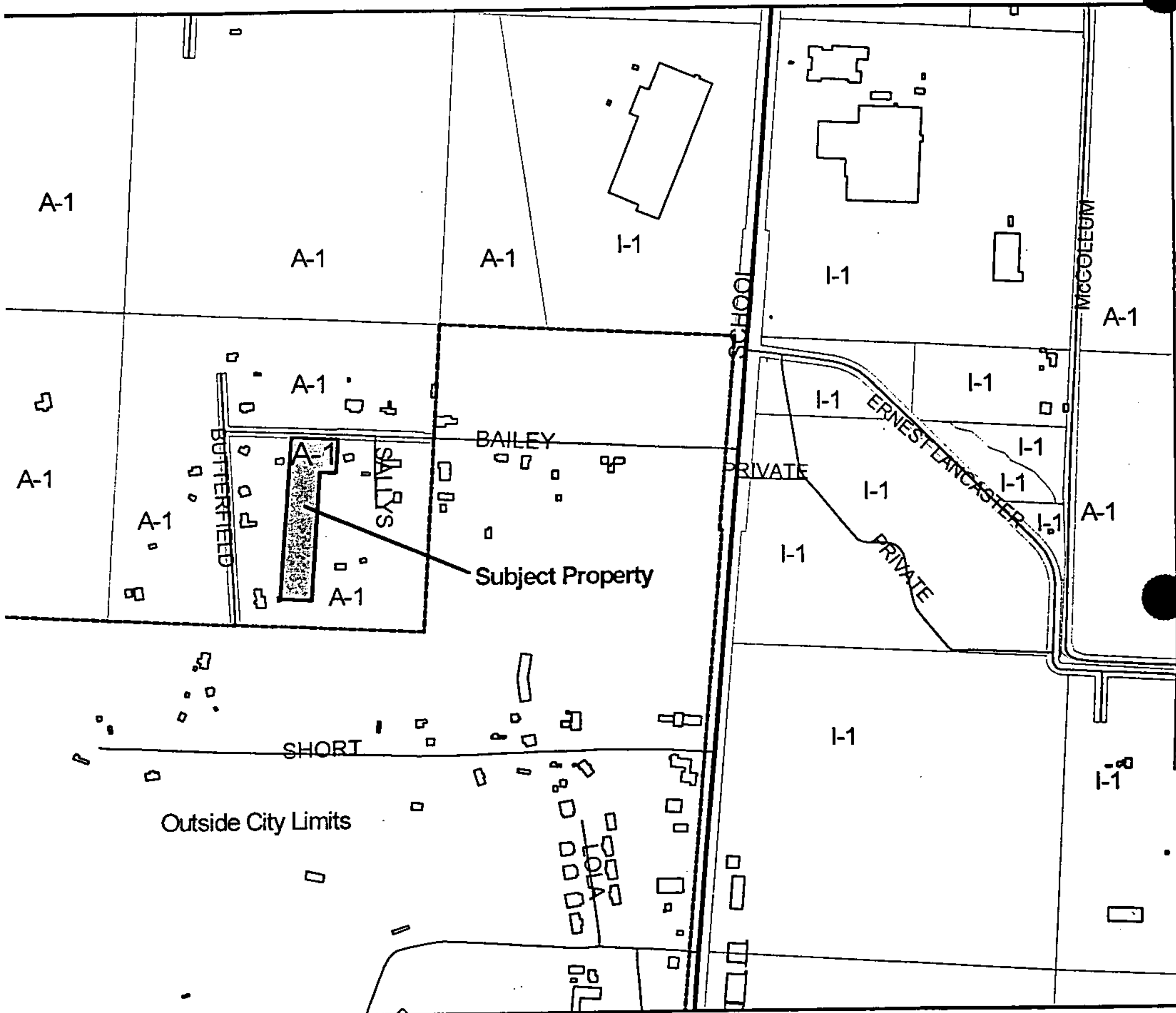
Hoffman: Second.

Odom: We have a motion by Commissioner Marr and second by Commission Hoffman for approval of RZ 00-24.00. Any further discussion? Will you call the roll?

ROLL CALL

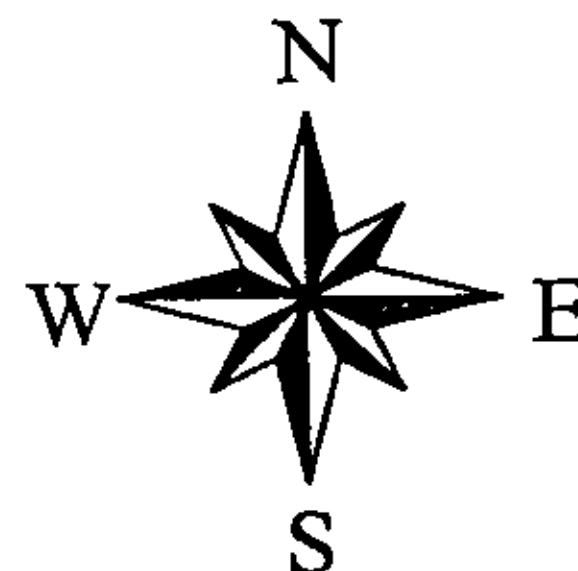
Upon roll call RZ 00-24.00 was approved by a unanimous vote of 6-0-0.

RZ00-24 - Martin - Close Up

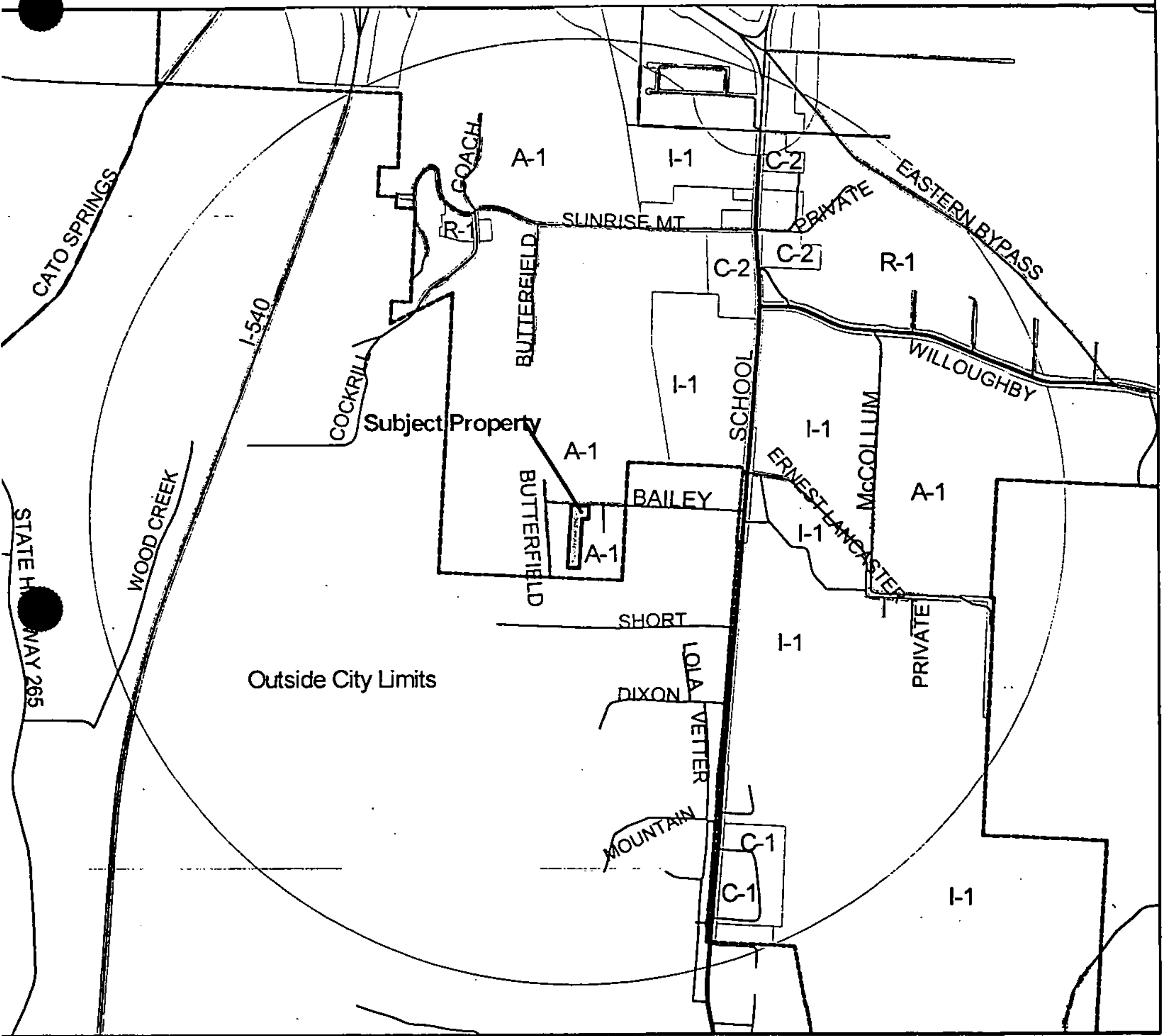


- Streets
- Zoning District
- Master Street Classifications
 - COLLECTOR
 - FREEWAY/EXPRESSWAY
 - MINOR ARTERIAL
 - PRINCIPAL ARTERIAL
- Structures (1998)
- Fayetteville City Limits

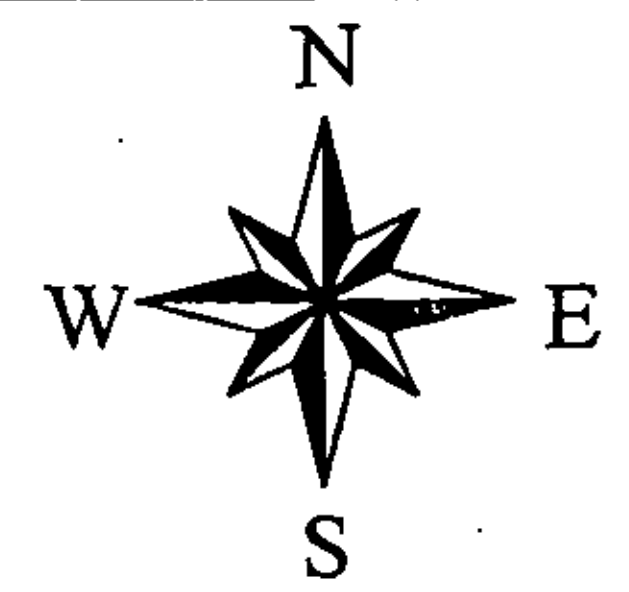
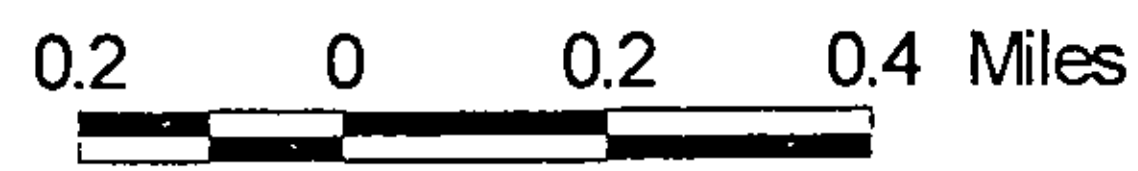
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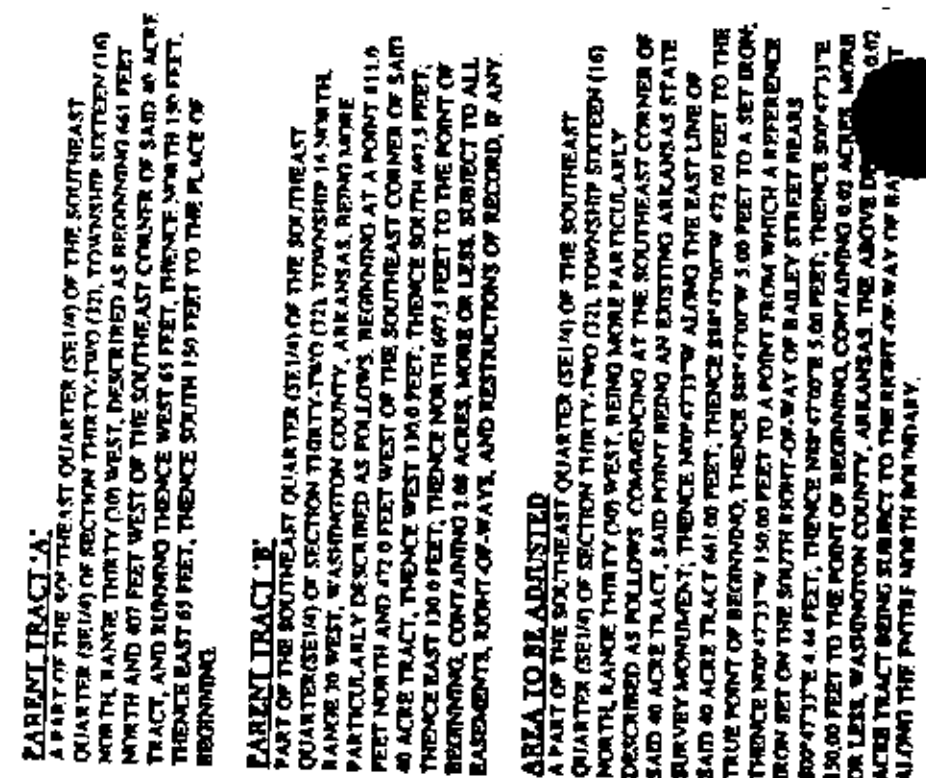


RZ00-24 Martin One Mile Radius



- Streets
- Regional Zoning
- Design Overlay District
- Master Street Classifications
- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- Fayetteville City Limits





STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of December 5, 2000

FROM:

Tim Conklin Planning Public Works
Name Division Department

ACTION REQUIRED: To approve an ordinance for RZ 00-26.00, submitted by William Greenhaw, Attorney, on behalf of Wilma Jean Baker for property located at 1391 & 1393 Farmer Avenue. The property is zoned A-1, Agricultural and contains approximately 0.71 acres. The request is to rezone to R-S, Residential Small Lot.

COST TO CITY:

\$0.00

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	11-20-00	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and on November 13, 2000, the Planning Commission voted 8-0-0 to recommend approval and forward the rezoning to the City Council.

<u>Tim Conklin</u>	11-17-00
Division Head	Date
<u>Charles Underhill</u>	11-20-00
Department Director	Date
<u>John Maguire</u>	11/20/00
Administrative Services Director	Date
<u>Fred Parnell</u>	11/20/00
Mayor	Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZ 00-26 FOR A PARCEL CONTAINING
APPROXIMATELY 0.71 ACRES LOCATED AT 1391 & 1393
FARMER AVENUE SUBMITTED BY WILLIAM GREENHAW,
ATTORNEY, ON BEHALF OF WILMA JEAN BAKER.

**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 District to R-S, Residential Small Lot District for the real property
described 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 _____, 2000.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR RZ 00-26.00

A PART OF THE S½ OF THE NE¼ OF SECTION 19, TOWNSHIP 16 NORTH, RANGE 30 WEST, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF THE SE¼ OF THE NE¼ OF SAID SECTION 19, TOWNSHIP 16 NORTH, RANGE 30 WEST, AND RUNNING THENCE SOUTH 496.96 FEET, THENCE WEST 204.2 FEET, THENCE SOUTH 5° 44' EAST 558.1 FEET FOR POINT OF BEGINNING TO THE LANDS HEREIN CONVEYED; THENCE NORTH 86° 10' EAST 226 FEET TO THE CENTER OF A NEW ROAD RUNNING NORTH AND SOUTH; THENCE NORTHERLY FOLLOWING THE CENTER OF THE NEW ROAD 135 FEET; THENCE SOUTH 86° 10' WEST 232 FEET TO THE WEST LINE OF LANDS NOW OWNED BY GRANTORS OF RECORD; THENCE SOUTH 5° 44' EAST 135 FEET TO THE POINT OF BEGINNING.

AND

ANY LANDS LYING WEST OF THE ABOVE DESCRIBED LANDS UP TO THE OLD FENCE LOCATED PARALLEL WITH WEST LINE OF SAID DESCRIBED LANDS.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
THRU: Tim Conklin, City Planner
DATE: November 13, 2000

RZ 00-26.00: Rezoning (Baker, pp 558) was submitted by William Greenhaw, Attorney on behalf of Wilma Jean Baker for property located at 1391 & 1393 Farmer Ave. The property is zoned A-1, Agricultural and contains approximately 0.71 acres. The request is to rezone to R-1.5, Moderate Density Residential.

RECOMMENDATION:

Staff recommends amending the request to R-S Residential Small Lot. R-S zoning will allow the applicant to split the property into two lots with one existing single family home on each lot.

PLANNING COMMISSION ACTION: Required YES
☐ Approved ☐ Denied

Date: October 23, 2000

CITY COUNCIL ACTION: Required Yes (if recommended by PC)
☐ Approved ☐ Denied

Date: December 5, 2000 (1st reading)

Comments:

BACKGROUND:

The applicant has requested rezoning in order to split the property into two lots. The property is currently developed with two single-family homes. There would be one single family home on each lot. The property contains 0.71 acres and has 135' of street frontage. A-1 zoning requires 200' of street frontage per single family home and a minimum lot area of two acres. This property is located in a built out neighborhood that is a mix of duplexes, a four plex, and single family homes. Rezoning this property to R-S will be consistent with the neighborhood and will allow the property to be split and the transfer of ownership of each structure and lot in the future.

The applicant did apply for R-1.5 Moderate Density; however, after further research of the zoning ordinance it was discovered that R-S would provide more protection for the neighborhood by limiting the permitted use on each lot to single family homes. Under R-1.5 the property could be redeveloped as a triplex.

SURROUNDING LAND USE AND ZONING

North:	Residential- Single Family, A-1 and R-1
South:	Residential-Single Family, A-1
East:	Residential-Fourplex and duplexes, R-1 and A-1
West:	Undeveloped, A-1

INFRASTRUCTURE:

Streets:	Farmer Ave. is classified as a local street.
Water:	There is a 2 1/4" water line that currently serves both residences.
Sewer:	There is currently an 8" sewer line that serves both residences.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-S Residential Small Lot is consistent with the land use plan.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning is consistent with land use planning objectives, principles, and policies or 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 proposed zoning is justified at this time and is consistent with the City's adopted plan for residential growth and development in this area.

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

Finding: The proposed zoning will not create or appreciably increase traffic danger and congestion. This property is currently developed with two single family homes and is being served by a local 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 would not alter the population density since it is currently developed.

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

§161.11 DISTRICT RS RESIDENTIAL SMALL LOT.

A. Purpose. The Residential Small Lot District is designed to permit and encourage the development of detached dwellings in suitable environments.

B. Uses.

1. Permitted Uses.

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

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 8	Single-Family, Two- Family, and Townhouse Dwellings

C. Density.

	By Right	Conditional Use
Single- Family Dwelling Units Per Acre	7 or Less	8.5
Duplex and/or Townhouse	--	Option: 15% of the Lots, Maximum

D. Bulk and Area Regulations.

	Single- Family	Duplex	Town- house/ no more than 2 units attached
Lot Width Minimum	60 ft.	60 ft.	30 ft.
Lot Area Minimum	6,000 sq. ft.	6,000 sq. ft.	3,000 sq. ft.

	Single-Family	Duplex	Town-house/ no more than 2 units attached
Land Area Per Dwelling Unit	6,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	08	20

Cross Reference: Variance, Chapter-156.

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

G. Height Regulations.

Building Height Maximum	30 ft.
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(Code 1991, §160.046; Ord. No. 3792. §4, 5-17-94)

REZONING REQUEST

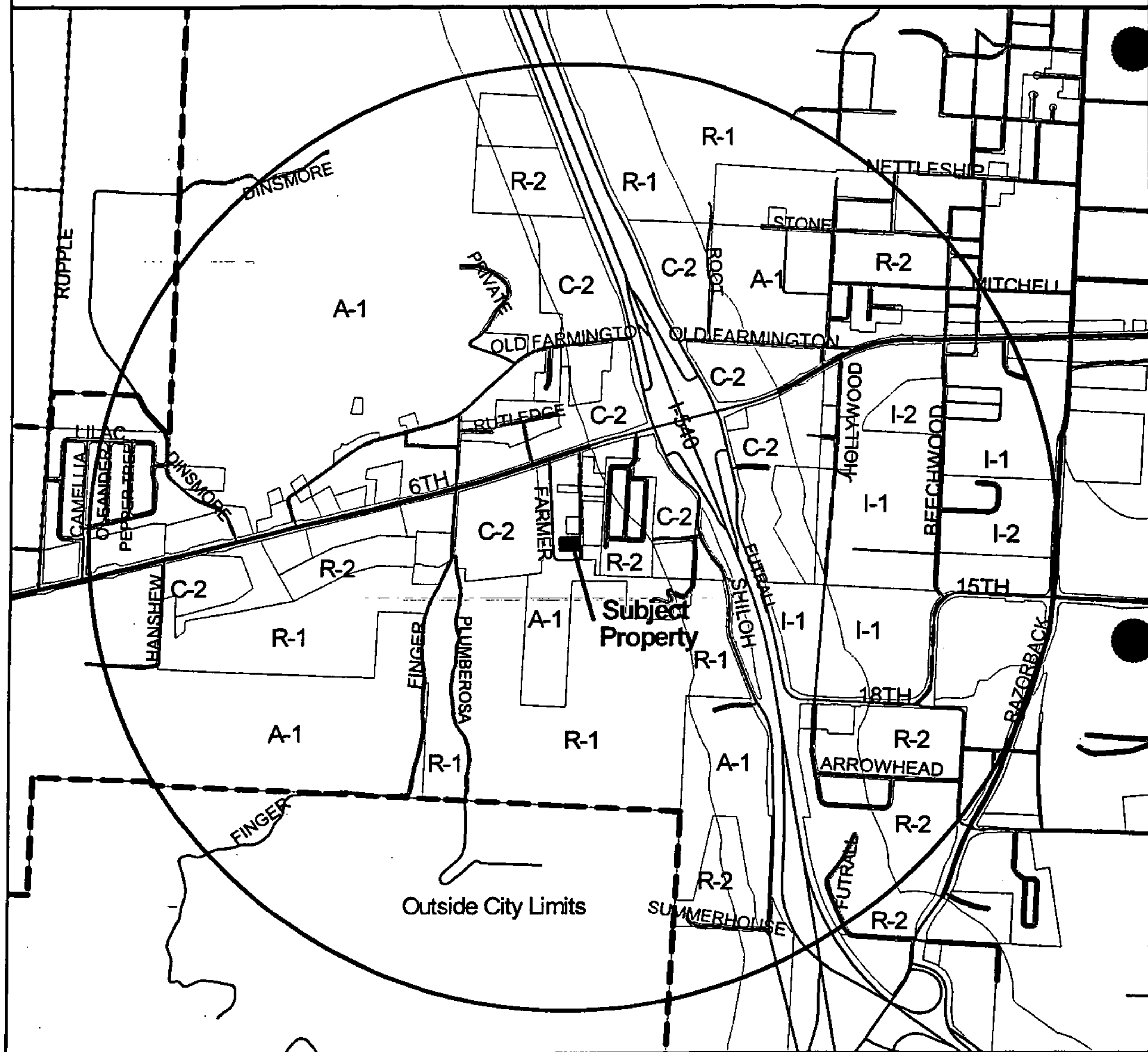
(a) Petitioner, Wilma Jean Baker, is the owner of parcel 765-14719, which is located at 1391 and 1393 Farmer's Avenue, Fayetteville, Arkansas. Petitioner desires a rezoning to R-1.5 for the purpose of selling 1393 Farmer's Avenue to her current tenant who has resided there.

(b) The rezoning is requested to enable the petitioner to create 2 legal lots which can be split to allow separate ownership of each lot.

(c) The purposed rezoning will have no adverse effect on surrounding properties as no change in terms of use, traffic, appearance or signage will be made.

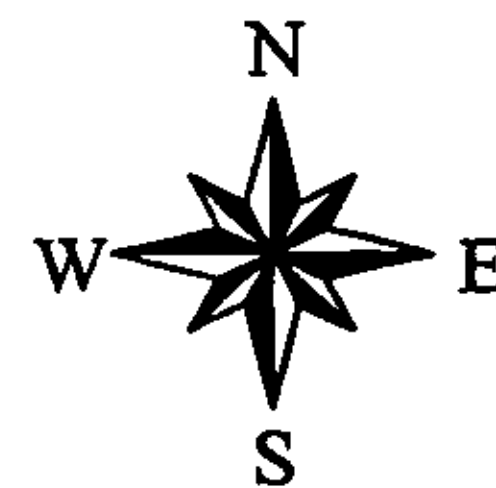
(d) The site of this request is currently hooked up to water and sewer lines at both locations. The water line is 2 1/4" CI and the sewer line is 6".

J-26 Baker One Mile Radius



- Streets
- Regional Zoning
- Design Overlay District
- Master Street Classifications
- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- Fayetteville City Limits

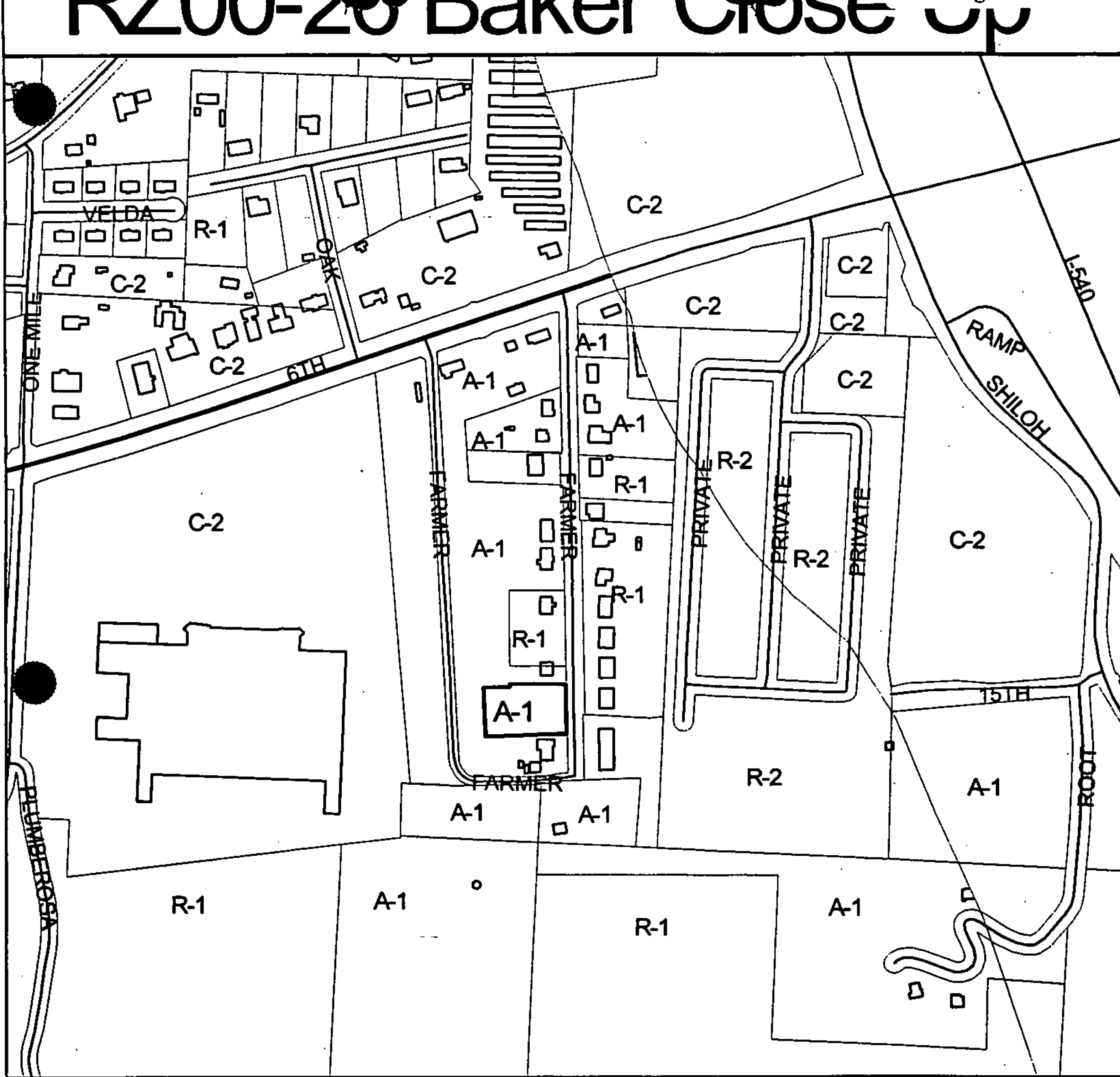
0.2 0 0.2 0.4 Miles



RZ00-28 Baker Close

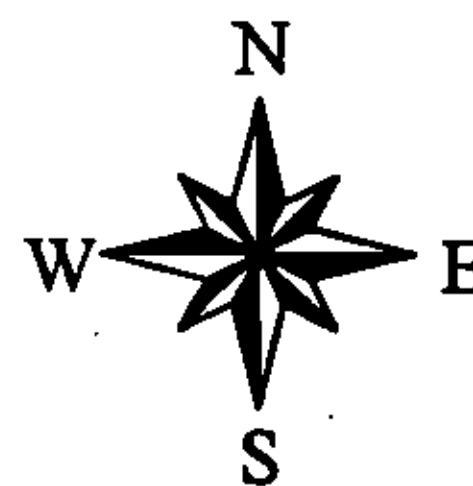
RZ 00-26.00

C. 1. Page 11



- Streets
- Zoning District
- Design Overlay District
- Master Street Classifications
- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- Structures (1998)

300 0 300 600 Feet



Planning Commission
November 13, 2000
Page 3

New Business:

RZ 00-26.00: Rezoning (Baker, pp 558) was submitted by William Greenhaw, Attorney on behalf of Wilma Jean Baker for property located at 1391 & 1393 Farmer Ave. The property is zoned A-1, Agricultural and contains approximately 0.71 acres. The request is to rezone to R-1.5, Moderate Density Residential.

Odom: The first item we have on tonight's agenda for discussion is a Rezoning RZ 00-26.00, submitted William Greenhaw, Attorney on behalf of Wilma Jean Baker for property located at 1391 & 1393 Farmer Ave. The property is zoned A-1, Agricultural and contains approximately 0.71 acres. The request is to rezone to R-1.5, Moderate Density Residential. Staffs recommendation is to amend the request to an R-S, Residential Small Lot. R-S zoning will allow the applicant to split the property into two lots with one existing single-family home on each lot. Staff do you have any further comment on your recommendation?

Conklin: Staff is recommending the R-S designation. When they first came to our office we looked at the R-1.5 which would allow the single family duplex, triplex residential uses by right. Looking at our ordinances more closely, the R-S zoning allows a single-family home on a 60 foot wide lot with 6,000 square feet, that will allow them to split the property that's currently developed with two single-family homes and sell each house separately. I have talked with the applicant, he is in agreement with this recommendation and staff is recommending approval this evening.

Odom: I'll ask the applicant to please come forward at this time for presentation.

Greenhaw: As Mr. Conklin said, we certainly do have no objection to the amendment that Mr. Conklin has recommended or made to our proposed. As he quite accurately said, our intent is to split the lots on this particular lot there are two homes. The property when it was annexed into the City of Fayetteville came in as A-1 and it had two houses on it at the time, about forty years ago. There has been no need to rezone the property since then but now my client would like to sell one of the houses to the current tenant and that's why the application was made for rezoning and subsequently if rezoning is approved, to split the lot to allow one of the houses to be sold to the tenant.

PUBLIC DISCUSSION:

Odom: Thank you Mr. Greenhaw. What I'll do now is ask if there is any member of the audience that would like to address us on this rezoning request? Seeing none I will

Planning Commission
November 13, 2000
Page 4

close the floor to public discussion.

COMMISSION DISCUSSION:

Odom: I'll bring it back to the Planning Commission for questions, comments or motions.

MOTION:

Bunch: I move that we recommend RZ 00-26.00 to the City Council for approval.

Allen: I second.

Bunch: As amended.

Odom: As I understand it we have a motion by Commissioner Bunch, second by Commissioner Allen to rezone RZ 00-26.00 from A-1 to R-S. Do we have any further discussion? Will you call the roll?

ROLL CALL:

Upon roll call RZ 00-26.00 is forwarded to City Council on a unanimous vote of 8-0-0.

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

From the Fayetteville City Council meeting of December 5, 2000

FROM:

Tim Conklin
Name

Planning
Division

Public Works
Department

ACTION REQUIRED: To approve an ordinance for RZ 00-27.00, submitted by Hilda and Edward Hurtado, on behalf of Dewitt C. Goff for property located at 1819 South School. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.80 acres. The request is to rezone to C-2, Thoroughfare Commercial.

COST TO CITY:

\$0.00

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 November 13, 2000, the Planning Commission voted 9-0-0 to recommend approval and forward the rezoning to the City Council.

Division Head

Date

Department Director

Date

Administrative Services Director

Date

Mayor

Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZ 00-27 FOR A PARCEL CONTAINING APPROXIMATELY 0.80 ACRES LOCATED AT 1819 SOUTH SCHOOL SUBMITTED BY HILDA AND EDWARD HURTADO ON BEHALF OF DEWITT C. GOFF.

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 I-1, Heavy Commercial/Light Industrial District to C-2, Thoroughfare Commercial District for the real property described 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 _____, 2000.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR RZ 00-27.00

A PART OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION 21, TOWNSHIP 16 NORTH, RANGE 30 WEST, DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT WHICH IS 394.25 FEET EAST AND 114.1 FEET SOUTH OF THE NORTHWEST CORNER OF SAID 40 ACRE TRACT, AND RUNNING THENCE SOUTH 121 FEET, THENCE EAST 199 FEET, THENCE NORTH 8°40' EAST 143.5 FEET, THENCE SOUTH 84°29' WEST 219.8 FEET TO THE POINT OF BEGINNING.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Tim Conklin, City Planner
DATE: November 13, 2000

RZ 00-27.00: Rezoning (La Pachanga, pp 601) was submitted by Hilda and Edward Hurtado on behalf of Dewitt C. Goff for property located at 1819 S. School. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.80 acres. The request is to rezone to C-2, Thoroughfare Commercial.

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: November 13, 2000

CITY COUNCIL ACTION:	Required <u>Yes (if recommended by PC)</u>
	☐ Approved ☐ Denied
Date: <u>December 5, 2000 (1st reading)</u>	

Comments: _____

BACKGROUND:

This site is currently developed with one nonresidential structure that has been used in the past as a bar. The applicant is requesting rezoning from I-1 to C-2 in order to be able to apply for a conditional use for a dance hall. Dance halls are only allowed in C-2, C-3, and C-4 zoning districts.

Down zoning the property from I-1 to C-2 will further restrict the uses of this property. The applicant has been advised that a conditional use must be approved for the dance hall. Staff is currently working with the applicant and owner to bring the existing parking lot more into compliance with current ordinances. The applicant is also aware that the occupancy load of the building will be controlled by the number of parking spaces provided.

SURROUNDING LAND USE AND ZONING

North: Railroad-Truck Sales just beyond; I-1
South: Vacant land; I-1 Tackle Shop just beyond; I-2
East: Mitchell Oil; I-2
West: Vacant land; I-2

INFRASTRUCTURE:

Streets: School Street is classified as a principal arterial on the City's Master Street Plan.

Water: 8" drawing water from Mitchell oil possibly.

Sewer: 51' of 8"/320 + going north on school.

LAND USE PLAN: General Plan 2020 designates this site as Community Commercial. Rezoning this property to C-2, Thoroughfare Commercial is consistent with the land use plan.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning is consistent with land use planning objectives, principles, and policies or 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 proposed zoning is justified at this time and is consistent with the City's adopted plan for growth and development in this area.

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

Finding: The proposed zoning will not create or appreciably increase traffic danger and congestion. This site is currently developed and has been used for commercial uses in the past.

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

Finding: The proposed zoning would not alter the 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

Planning Commission
November 13, 2000
Page 5

RZ 00-27.00: Rezoning (La Pachanga, pp 601) was submitted by Hilda and Edward Hurtado on behalf of Dewitt C. Goff for property located at 1819 S. School. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.80 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Odom: The next item that we have on tonight's agenda is RZ 00-27.00 which is another rezoning, submitted by Hilda and Edward Hurtado on behalf of Dewitt C. Goff for property located at 1819 S. School. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.80 acres. The request is to rezone to C-2, Thoroughfare Commercial. Staff's recommendation is for approval of the request of rezoning based on the findings as included as a part of their report. Staff anything further with regard to your report?

Conklin: Nothing further.

Odom: I'll ask the applicant to please come forward at this time.

Hurtado: Hi. I'm Edward Thomas Hurtado.

Odom: Do you have any presentation that you would like to make or any comments?

Hurtado: No. I just hope you guys approve it.

PUBLIC DISCUSSION:

Odom: What we will do is ask if there is any member of the audience and ask if there is questions of us for you. So, right now is there any member of the audience that would like to address us on this rezoning request? Seeing none, I will close the floor to public discussion.

COMMISSION DISCUSSION:

Odom: I'll bring it back to the Planning Commission for questions and comments of the applicant.

MOTION:

Ward: I'll go ahead and since we have no one seems to be against it here, I'll go ahead and recommend approval of RZ 00-27.00 for rezoning of this property. This should have

Planning Commission
November 13, 2000
Page 6

probably been zoned C-2 already. I guess this goes on to the City Council?

Odom: Actually if it's approved here tonight it goes to the Florida Election Commission and good luck there.

Hoffman: I will second. Regardless of who it goes to I would like to see redevelopment on the south side of town.

Odom: We have a motion by Commissioner Ward and second by Commission Hoffman for this rezoning request.

Marr: Maybe Tim wants to address this. Does it not require a Conditional Use if we are dancing?

Conklin: That is correct, the applicant does plan to bring forward a Conditional Use request. They have not brought that forward this evening because the property is zoned I-1. It requires C-2, C-3 or C-4 zoning for a dance hall Conditional Use permit. Once this goes to City Council and is approved, I will have them apply for the Conditional Use. I have been working with the applicant and the property owner to bring up their existing non-conforming parking lot closer into compliance with our current standards. The owner of the property also has been working with our Inspections Division to provide ADA accessible bathrooms and parking and access into the building, so they have been working on this building to bring it up to code. We'll see this again probably into December or the first of next year.

Hoffman: With my second I want to make clear that the rezoning is just that and that when they come back with the Conditional Use that this zoning only require the approval of the dancing and not for a bar or alcohol sales.

Conklin: Under C-2 zoning you can have a tavern or bar. They do plan on serving alcohol in this facility. This is for a dance hall. As far as I understand what they are proposing to do, it's not going to have anything to do with an adult oriented business or sexually oriented business so it will be strictly dancing, latino dancing is my understanding.

Hoffman: Do the flamingo. Thank you very much

Odom: Commissioner Marr, anything else?

Marr: No.

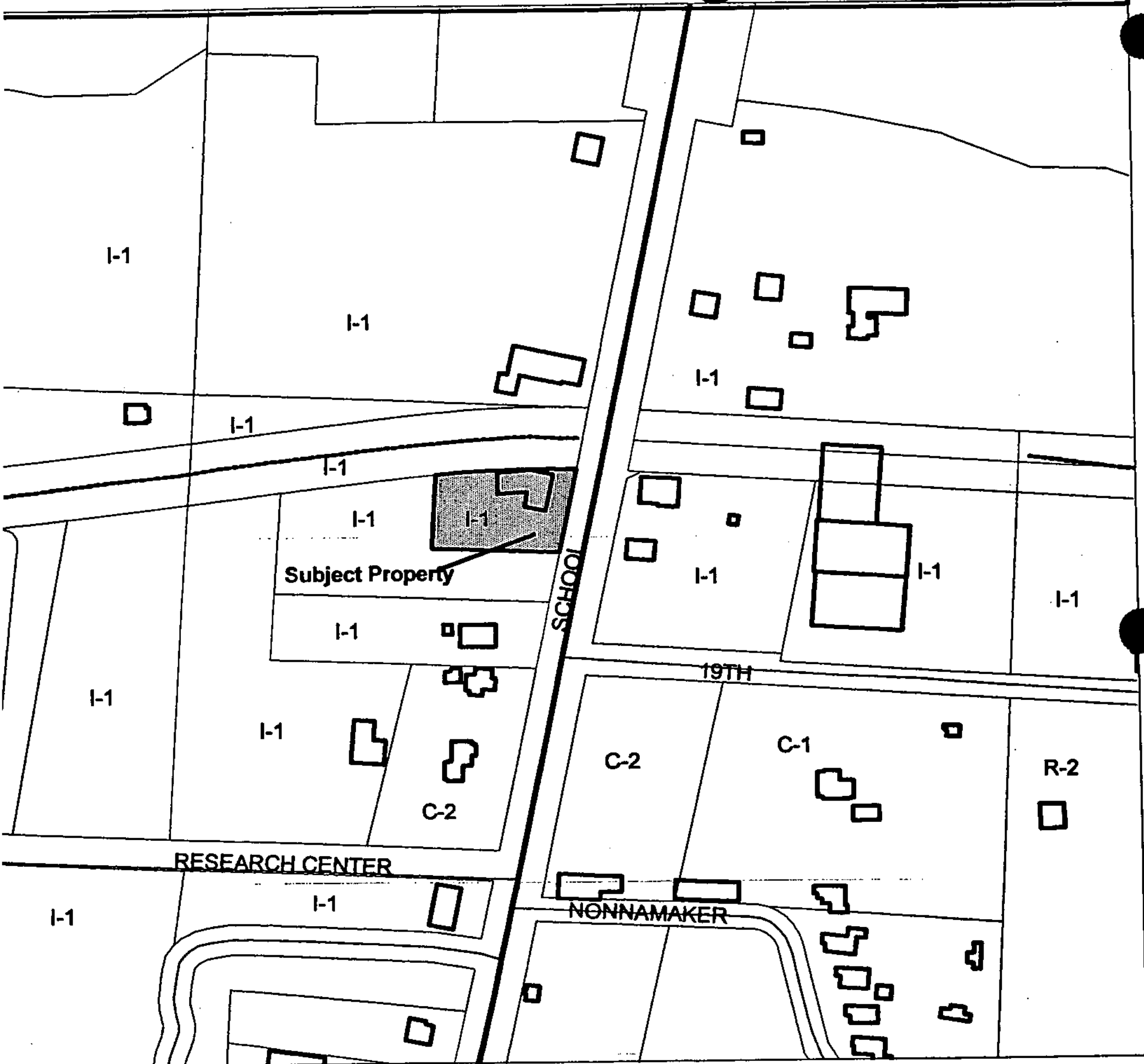
Planning Commission
November 13, 2000
Page 7

Odom: Call the roll.

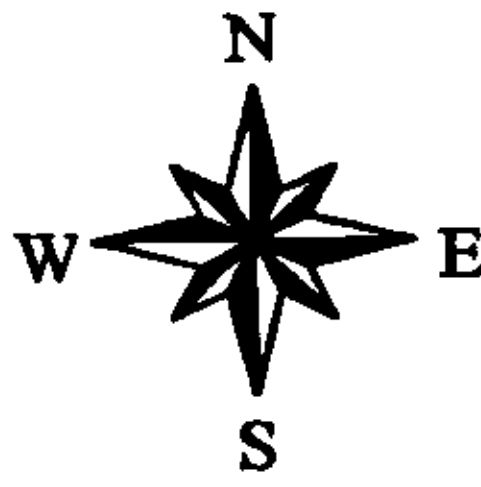
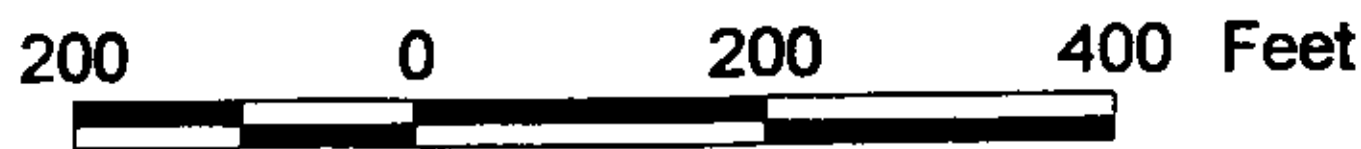
ROLL CALL:

Upon roll call RZ 00-27.00 is forwarded to City Council on a unanimous vote of 9-0-0.

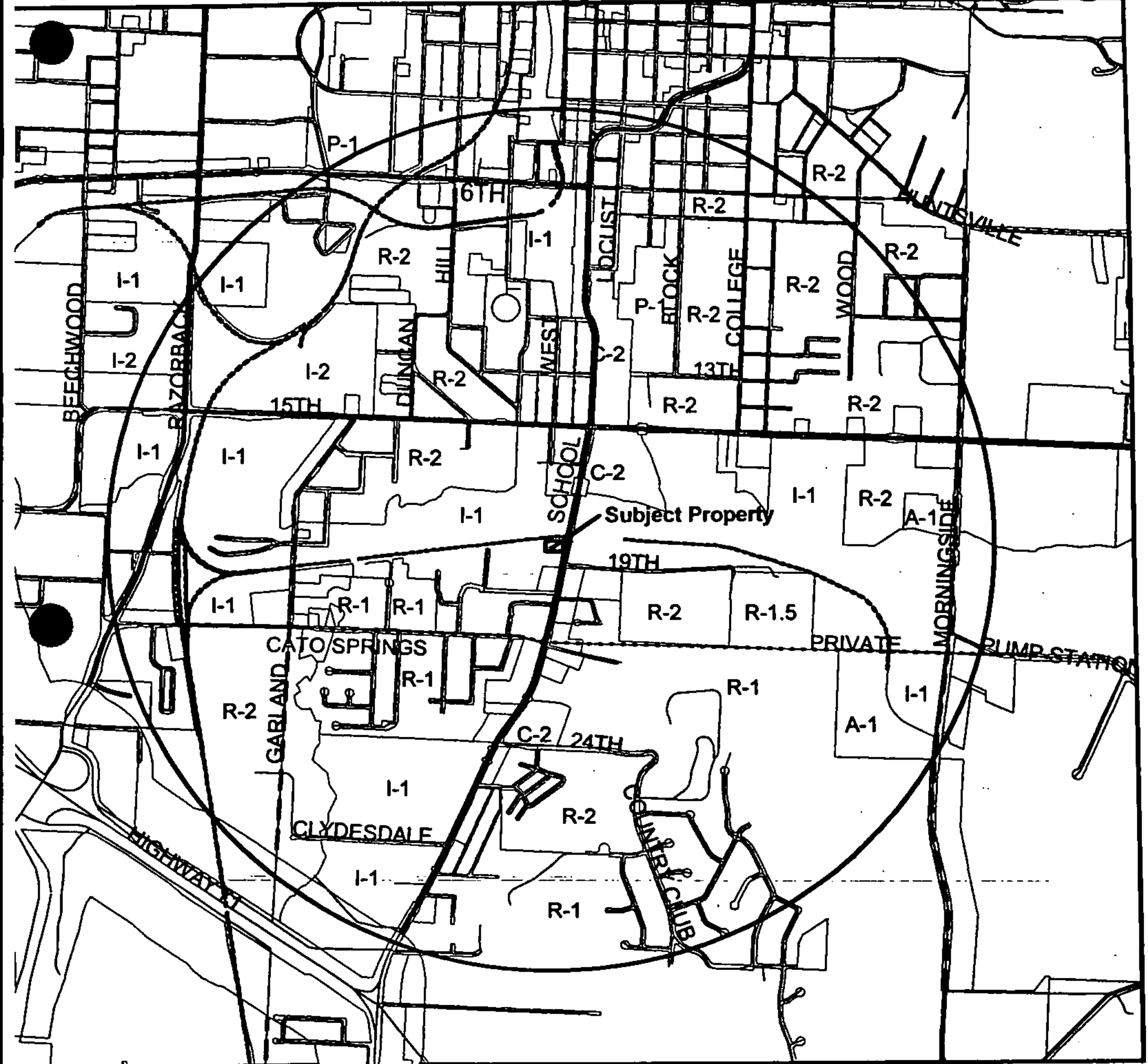
RZ00-27 La Pachanga Close Up



- Streets
- Zoning District
- Railroad.shp
- Master Street Classifications
- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- Structures (1998)
- Rz00-27.shp

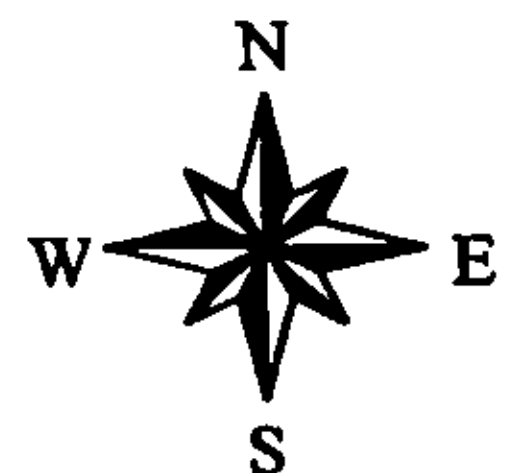


LS00-27 La Pachanga One Mile Radius



- Streets
- Regional Zoning
- Railroad.shp
- Design Overlay District
- Master Street Classifications
- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- Rz00-27.shp

0.3 0 0.3 0.6 Miles



STAFF REVIEW FORM

Woodbury Place
C. 3. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of December 5, 2000

FROM:

Ron Petrie
Name

Engineering
Division

Public Works
Department

ACTION REQUIRED: Approval of a cost share and bid waiver in the amount of \$38,135.00 with the Developer's of McIlroy Plaza for the installation of a drainage pipe across the Woodbury Place Subdivision.

COST TO CITY:

\$ 38,135.00
Cost of this Request

\$ 367,092.00
Category/Project Budget

Bridge/Drainage Improv.
Category/Project Name

4470-9470-5817-00
Account Number

\$ 168,478.00
Funds Used To Date

Misc. Drainage Improv.
Program Name

97041-0020
Project Number

\$ 198,614.00
Remaining Balance

Sales Tax
Fund

BUDGET REVIEW:

☒ Budgeted Item☐ Budget Adjustment Attached

Steph Davis 11/20/00
Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marilyn J. Gramer
Accounting Manager

11-30-00
Date

Internal Auditor

Date

[Signature]
City Attorney

11-21-00
Date

ADA Coordinator

Date

[Signature]
Purchasing Officer

11-21-00
Date

Grants Coordinator

Date

STAFF RECOMMENDATION: Approval of a cost share and bid waiver in the amount of \$38,135.00 for the above described construction.

Jim Beavers
Division Head

11/17/00
Date

[Signature]
Department Director

11-21-00
Date

[Signature]
Administrative Services Director

11/22/00
Date

[Signature]
Mayor

11/24/00
Date

Cross Reference

New Item: Yes ☒ No ☐

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

STAFF REVIEW FORM

Description McIlroy Plaza Drainage Cost Share

Meeting Date December 5, 2000

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

Internal Auditor

ADA Coordinator

Grants Coordinator

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mr. Fred Hanna, Mayor

Thru: Charles Venable, PW Director

Jim Beavers, City Engineer

From: Ron Petrie, Staff Engineer

Date: November 20, 2000

Re: Proposed Cost-Share in the amount of \$38,135.00 with McIlroy Center Joint Venture for the installation of a storm pipe across the Woodbury Place Subdivision.

The McIlroy Center Large Scale Development was approved at the June 24, 1999 Planning Commission Meeting to be located at the northeast corner of the Wedington Drive/Salem Road intersection. In conjunction with the Wedington Drive widening project, the Arkansas Highway & Transportation Department installed a 36" storm pipe that discharges storm water at the southeast corner of this site. This storm water presently drains to the north across this proposed site and is intercepted by a 24" storm pipe that runs through the Woodbury Place Subdivision. It is the Engineering Division's recommendation that this portion of storm pipe be enlarged to meet city drainage requirements.

Therefore, upon the recommendation of the Engineering Division, the City is requested to cost-share with McIlroy Center Joint Venture to enlarge approximately 340 feet of storm pipe across the Woodbury Place Subdivision located to the north of the proposed McIlroy Center. The developer's engineer has estimated the costs (with a 10% contingency) for this construction to be as follows:

City	\$ 38,135.00
Developer	\$ 6,130.00
Total	\$ 44,265.00

It should be noted that the developer's of the site will be extending the 36" storm pipe approximately 340 feet across their site and will be providing storm water detention to match predevelopment flows from their development in addition to the cost share for the offsite storm pipe installation.

Mayor Fred Hanna
November 20, 2000
Page Two (2)

Based upon the information provided by the Budget & Research Division, there is a remaining balance of \$198,614.00 in the Miscellaneous Drainage Improvement Account.

The final costs to the City will be based upon actual costs as documented by the developer's engineer subject to review by the City and may, or may not exceed the Developer's estimate. However, the City's share will not exceed the estimated costs without additional authorization.

Enclosures:

Vicinity Map
Construction Drawing
Cost-Share Agreement
Cost Estimates from Crafton, Tull & Associates
Purchase Requisition
Vendor Request Form

AGREEMENT

This shall serve as a formal agreement between McIlroy Center Joint Venture, the developers of the McIlroy Center to be located at the northeast corner of the Wedington Drive and Salem Road intersection, and the City of Fayetteville in order for the City of Fayetteville to participate in a cost share to install a storm pipe from the north boundary of the development to the north approximately 340 feet across the Woodbury Place Subdivision.

The City agrees to pay the actual documented construction costs for the afore mentioned construction up to a maximum City cost of \$38,133.25 as was estimated by the developer's engineer. McIlroy Center Joint Venture agrees to provide the necessary and normal project management, inspection and testing as necessary for a complete and accepted drainage pipe and appurtenances.

It is understood that the contract for construction is between the McIlroy Center Joint Venture and their Contractor & Engineer and that the City has no contractual obligation with either the Contractor and Engineer. The City's only obligation shall be to participate in a cost share not-to-exceed amount of \$38,133.25 maximum cost to the City.

If the future and actual bid prices exceed the estimate furnished by your Engineer, then the cost-share agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to construction

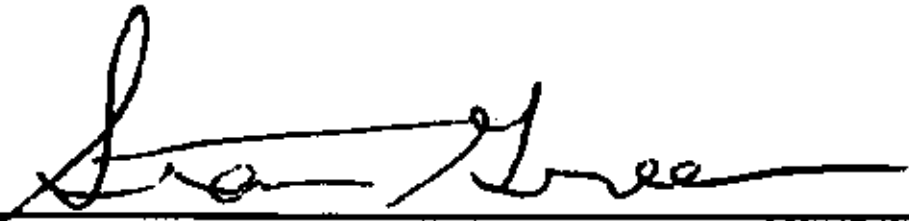
It is further understood that upon acceptance of the drainage pipe extension, McIlroy Center Joint Venture will provide, to the City, a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor. The City will strive to make payment to McIlroy Center Joint Venture within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.

Please note that this is a request for approval of a cost share only. The Mayor and/or City Council will not consider the proposed cost share for approval without a formal agreement signed in advance by an authorized representative of your company. Please do not proceed with the proposed construction extension unless/until the proposed cost share is approved by the Mayor and/or City Council and the signed agreement furnished to you.

If you agree with these provisions, please sign the three original agreements in the space provided and return to the City or your Engineer. Should you need any additional information please call Ron Petrie at (501) 575-8206.

Approved City of Fayetteville
Fred Hanna, Mayor

Date



McIlroy Center Joint Venture Authorized
Representative

11-17-00
Date

AGREEMENT

This shall serve as a formal agreement between McIlroy Center Joint Venture, the developers of the McIlroy Center to be located at the northeast corner of the Wedington Drive and Salem Road intersection, and the City of Fayetteville in order for the City of Fayetteville to participate in a cost share to install a storm pipe from the north boundary of the development to the north approximately 340 feet across the Woodbury Place Subdivision.

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If the future and actual bid prices exceed the estimate furnished by your Engineer, then the cost-share agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to construction

It is further understood that upon acceptance of the drainage pipe extension, McIlroy Center Joint Venture will provide, to the City, a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor. The City will strive to make payment to McIlroy Center Joint Venture within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.

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If you agree with these provisions, please sign the three original agreements in the space provided and return to the City or your Engineer. Should you need any additional information please call Ron Petrie at (501) 575-8206.

Approved City of Fayetteville
Fred Hanna, Mayor

Date



McIlroy Center Joint Venture Authorized
Representative

11-17-00

Date

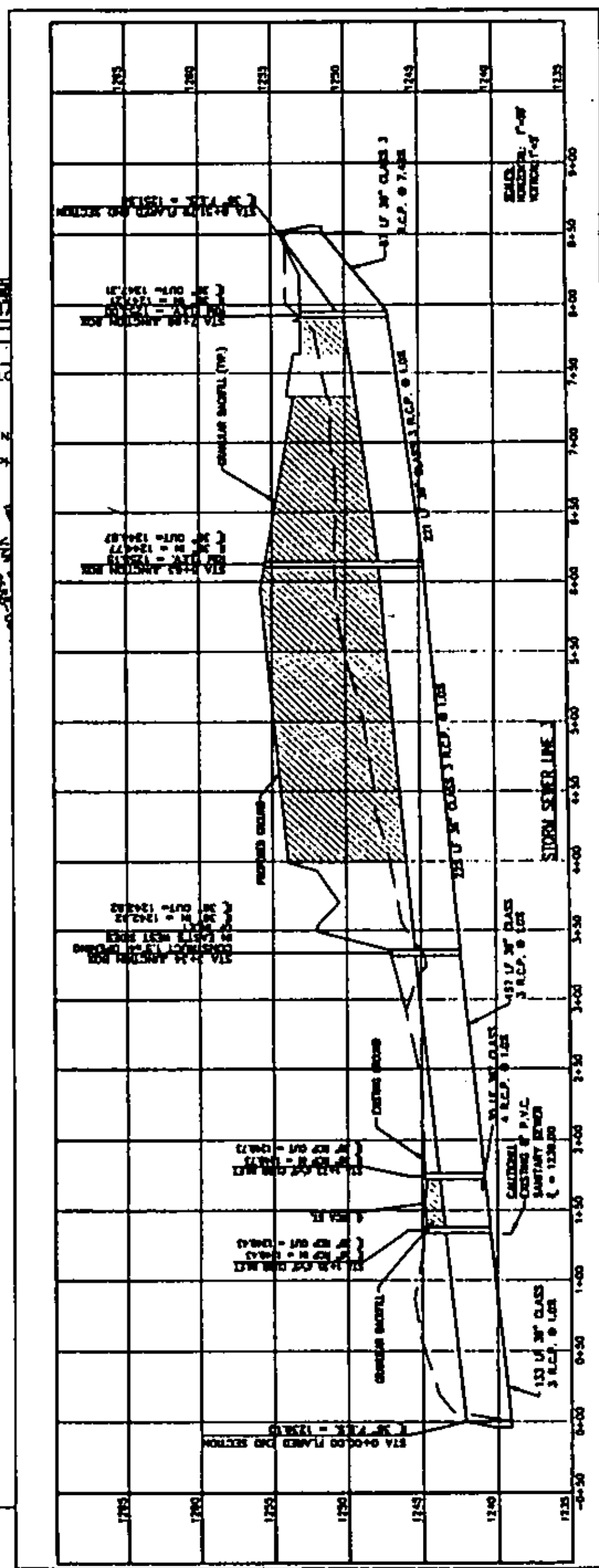
May - 1900
The - 1900



**OFF-SITE
STORM SEWER
PLAN &
PROFILE**

**FAYETTEVILLE,
ARKANSAS**

Issue By	CCP	Order By	CCP
Date		11/00	

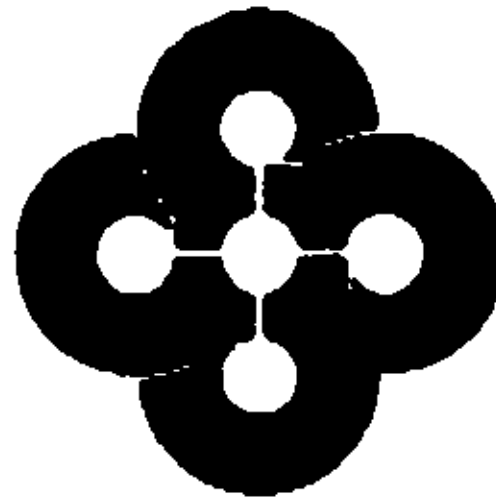


Principals

Danny L. Brown, P.E.
Robert M. (Matt) Crafton, P.E.
Thomas E. Hopper, P.E.
Kurtis J. Jones, P.E.
Cline L. Mansur, P.E., R.L.S.
R.E. (Gene) Reece, P.E.
David Swearingen, A.I.A.
James L. Tull, C.D.A.

Principal Emeritus

Lemuel H. Tull, P.E.
Bob H. Crafton, P.E.



Crafton, Tull & Associates, Inc.
Architects, Engineers & Surveyors

501 442 6986
Woodbury Place
Asst. C. 3. Page 11
Ever...
James B. Geurin, P.E.
Al Harris, R.L.S.
James W. Kooistra, A.I.A.
Jerry J. Kelso, P.E.
Kenneth R. Kuras, P.L.S.
Tom Mansur, P.E.
Robert C. Reece, P.E.
Rick G. Rose, P.L.S.
George G. Strella, P.E., D.E.E.
James P. Swearingen, A.I.A.
Richard Wright, R.L.S.

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

Mr. Ron Petrie
City of Fayetteville
Engineering Department
113 W. Mountain
Fayetteville, AR 72701

October 6, 2000

Dear Mr. Petrie:

On behalf of the owners of the proposed McIlroy Bank Center, we would like to request that the City of Fayetteville participate in the cost of off-site drainage improvements necessary to construct the development.

Attached is a spreadsheet detailing the anticipated costs of the off-site improvements, along with an estimate of the owner's portion of the off-site costs based on the Rational Nexus method as defined in the Subdivision Ordinance of the City of Fayetteville.

Should you have any questions regarding this information or require additional information, please feel free to contact us at your earliest convenience.

Sincerely,

Chris Parton

Chris Parton, E.I.

Attachments

Cc: Tom Hopper, CTA
Gary Head, McIlroy Bank
Jim Lindsey, Lindsey Mgmt.

McIlroy Bank Center

Fayetteville, Arkansas

Preliminary Estimate of Off-Site Drainage Improvements

CTA No. 99057-00

Item No.	Work Item Description	Unit	Quantity	Unit Price	Extended Cost
1	36" RCP Drainage Pipe, Class 3	LF	308	\$55.00	\$16,940.00
2	36" RCP Drainage Pipe, Class 4	LF	30	\$60.00	\$1,800.00
3	Standard 4'x5' Curb Inlet	EA	2	\$2,500.00	\$5,000.00
4	Street Repair - 3" Asphalt over 6" Concrete	LS	1	\$1,000.00	\$1,000.00
5	36" RCP Flared End Section	EA	1	\$1,000.00	\$1,000.00
6	Utility Relocation, if necessary	LS	1	\$10,000.00	\$10,000.00
7	Remove & Dispose existing 24" RCP	LS	1	\$2,500.00	\$2,500.00
8	Remove & Dispose existing 4'x4' Curb Inlet	EA	2	\$1,000.00	\$2,000.00
				Total	\$40,240.00

By Rational Nexus, the following split is determined:

McIlroy Drainage Area:	3.50	Acres
Total Drainage Area	25.27	Acres
McIlroy's portion of drainage area	13.85%	
McIlroy's portion of off-site drainage costs	\$5,573.41	
City's requested portion of off-site drainage costs	\$34,666.59	

REQUEST FOR VENDOR FILE MAINTENANCE

CHECK ALL AVAILABLE RESOURCES PRIOR TO SUBMISSION OF THIS REQUEST:
VENDOR LIST OR ACCESS THE SYSTEM

DATE OF REQUEST: 11-20-00 REQUESTED BY: Ron Petrie
DEPT/DIVISION: PW/Engr. EFFECTIVE DATE: ASAP
TELEPHONE EXTENSION: 418
TYPE OF SERVICE REQUESTED:
NEW VENDOR: X VENDOR CHANGE: VENDOR RE-ENTRY:
VENDOR # VENDOR #
VENDOR NAME: McIlroy Center Joint Venture
STREET OR P.O. BOX: 1165 E. Joyce Blvd.

CITY: Fayetteville
STATE: AR ZIP CODE: 72703
ATTN: Stan Green PHONE: 521-6686

REMITTANCE ADDRESS IF DIFFERENT FROM ABOVE:

FEDERAL ID NUMBER: TYPE OF ORGANIZATION
OR
SOCIAL SECURITY NUMBER: CORPORATION (100): X
PARTNERSHIP (200):
INDIVIDUAL (300):
EMPLOYEE (400):
PENSION (500):
RECIPIENT

.....
PURCHASING OFFICE USE ONLY

NEW VENDOR: ENTERED BY:
VENDOR CHANGES: : DATE:
VENDOR RE-ENTRY: G L FILE:
INVENTORY FILE:

STAFF REVIEW FORM

Wireless Comm Ord
C. 4. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of December 5, 2000

FROM:

Tim Conklin
Name

Planning
Division

Public Works
Department

ACTION REQUIRED: To approve an amendment to the Wireless Communication Facility Ordinance 4178.

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

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff forwards the recommendation of the Planning Commission and Ordinance Review Committee to amend the Wireless Communication Facility Ordinance 4178.

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: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone:

PLANNING DIVISION CORRESPONDENCE

501-575-8264

TO: Ordinance Review Committee Members
Interested Citizens
Tower Service Providers
Cellular and PCS Service Providers

FROM: Tim Conklin, City Planner

DATE: November 6, 2000

SUBJECT: Wireless Communication Facility Ordinance 4178
Proposed Amendment for Replacement Towers

The Ordinance Review Committee will meet on November 14, 2000 to consider amending Section 163.29 (E)(3) "Exceptions" to clarify the intent of the section which regulates replacement towers. The Planning Commission met on September 25, 2000 and voted to amend the ordinance with the following language:

- This amendment shall apply only to existing guyed towers
- A demolition permit shall be issued prior to a building permit being issued for the replacement tower
- The demolition permit shall expire within 90 days and shall require the existing tower to be demolished within 90 days from issuance of the building permit for the replacement tower
- The new tower shall be constructed as close as technically feasible to the existing tower
- The replacement tower structure height may be increased 20' above the existing tower structure height. ~~The existing tower structure height shall not include the height of any antennas located on the existing tower structure.~~
- The replacement tower structure may be increased in width to a maximum of 36".
Existing guyed towers over 36" shall not be increased in width with a replacement tower.

Attached are minutes of the Planning Commission meeting, staff report, interpretation of the current ordinance and current ordinance. Please call me if you have any questions or comments regarding this proposed amendment.

Planning Commission
September 25, 2000
Page 23

AD 00-32.00: Administrative Item (Amendment to Ordinance # 4178) Wireless Communication Facilities to clarify Section 163.29(E)(2), exemptions regarding same type and height of existing tower structures.

Odom: Item number four, if we can make it there, is AD 00-32.00 which is an Administrative Item, Wireless Communication Facilities to clarify Section 163.29(E)(2), exemptions regarding same type and height of existing tower structures. Staff is recommending that the Planning Commission approve an amendment to clarify the intent of section 163.29(E)(2) "Exemptions" regarding the same type and height of existing tower structures by determining the maximum distance a replacement tower can be built from an existing tower and determining if replacement towers should be allowed to be increased in width. Staff does not recommend changing the maximum height allowed for existing towers or new towers. Staff does support allowing the same 20 foot increase in height allowed for existing towers to apply for the replacement towers. Do you want me to read the background or do you want to talk about it?

Conklin: Why don't I just briefly go over why I have brought this to the Commission this evening. Several weeks ago Arkansas Western Gas approached the City of Fayetteville with a request to replace their existing tower that is located up on Mount Sequoyah. Our ordinance that was passed a year ago last August allows for the replacement of existing towers of the same type and kind. What they brought to me was a request to replace their tower with a tower that is 42 inches wide. The current tower is 15 inches wide. It's a guy tower which means you have the lattice type structure with guy wires supporting the tower. The other issue was that they wanted to replace it 20 feet to the north of their existing tower. In my opinion, I do not consider that to be the same type and height of tower under that section of the ordinance. I could issue a permit if they want to demolish their 15 inch tower and replace it with the exact same type and height in the exact same location. I could issue that permit administratively without any public hearing at the Planning Commission however, it's my opinion that when you start having a different location, a different width, it's something different. The reason why they can't demolish their current tower and build a new one is that Arkansas Western Gas currently has their facilities on there including up to seventeen other providers including Washington Regional Medical Center with the hospital ambulance service and Washington County share this. Therefore, demolishing the existing tower would discontinue the communication service provided to the gas company and the other providers. In my opinion, it does seem reasonable that if you are going to replace the tower, especially if you have emergency providers on the tower, that you would have to build a new one next to it and relocate the antenna and the equipment over there and then demolish the

Planning Commission
September 25, 2000
Page 24

existing one. Therefore, I agreed to bring this forth to the Planning Commission for clarification. This is not a public hearing on whether or not Arkansas Western Gas should build an additional tower up on Mount Sequoyah. The request is to clarify that section. Should we allow replacement towers to be within a certain distance of their existing tower structure and should we allow the width of the actual tower structure to be increased. The reason for the increase is to be able to co-locate additional providers and antennas on the tower. That is in support of the purpose of the ordinance that was passed a year ago. A decision was made in Fayetteville to encourage co-location versus numerous towers serving very few providers. This is not a cell tower. There are no cell or PCS providers located on this tower. It is primarily radio communications between emergency offices, the hospital, Washington County, Arkansas Western Gas and others. It's a little different from when we talk about cell towers or PCS towers. Typically, those are monopole, meaning that it's just one single pole not supported by guy wires. In agenda session on Thursday, there was a lot of discussion with regard to amending the ordinance and that impact that ordinance would have on all existing tower structures. You requested that I speak with our City Attorney, I did talk with the City Attorney this morning with regard to my interpretation of this ordinance and what can be done to look at what Arkansas Western Gas is proposing. Basically, I've already stated and it's in your staff report that I'm uncomfortable approving anything administratively that has a different location and a different width and if the Planning Commission would like to clarify that section, I want something on paper within the ordinance that gives me the authority to approve something administratively with regard to something like what Arkansas Western Gas is proposing. Since then a lot of concern was brought up also with regard to self support towers and towers that don't have guy wires. Reference was made to the self supporting tower on Highway 45 that is east of 265. In order to try to more narrowly look at what we are trying to attempt with this amendment, I have handed out a memo that I drafted today with regard to the type of towers and that is if we want to consider amending the ordinance to only look at guy towers and also look at possibly limiting the maximum width the tower may be. It could be three feet, four feet or two feet. I'm not sure what the maximum width would be for an existing guy tower. One of the questions that came up is why limit it to this type of tower? Typically, a guy tower the actual tower structure is going to be more narrow than a self supporting structure because they have the guy wires to support the tower. Typically, visually, there are some arguments out there that they are more aesthetically pleasing, from up on top of the hill you really can't see the guy wires, versus having a self supporting tower that has to be much larger in size in order to have the height that is needed to broadcast their signal. That's one thing that I have recommended this evening is to limit it just to guy towers. If you are going to look at allowing increased

Planning Commission
September 25, 2000
Page 25

width to only allow that on a guy tower. Overall, I can understand Arkansas Western Gas, their concerns, with trying to replace this tower. What they are trying to do is to provide a tower that will have more co-location. They have requested that they be allowed also to utilize the 20 foot extension on top of an existing tower, that can be approved administratively. For example, they have their existing 170 foot tower, they wanted to put a 20 foot extension on that tower and put an additional antenna on that extension. That's administrative. Therefore, I think they somewhat get punished by, I hate to make someone actually put that extension on there and then come to my office to get their new tower approved with 190 feet. I think that could be clarified too, with regard to allowing that 20 foot extension on replacement towers also since they automatically have that on their existing tower. Overall, the ordinance, in my opinion, needs to be clarified. If the Planning Commission decides that the same type and height means exactly the same type, a guy tower, with exactly the same height they currently have and the exact location that is fine if you want to amend the ordinance, that will definitely provide some clarification for me. Once again, I have to look at these as an administrative approval on replacement and I believe it is a replacement but there need to be some limits on the size of expansion and width and how far from the original tower can it be located. If you have any questions, I would be more than happy to answer them.

Odom: I know we are not talking about Arkansas Western Gas but this amendment would directly affect that installation up there. Their proposal is to replace the existing tower and they specifically state if we were allowed to build a 210 foot tower, a few feet of extra height, we would be able to accommodate additional co-locations. However, under the terms of what you are proposing, they would not be allowed to build a 210 foot tower. The maximum they would be allowed to build would be 190-feet-which is what they currently have plus the administrative 20 feet, is that correct?

Conklin: 170 feet is the current tower and then they have some antenna up above that. The ordinance allows the 20 foot extension including antenna height. For example if you have a cell tower or panel up there you would have to actually build some tower structure to get it 20 feet higher. I look at that as a 20 foot extension. No, I am not recommending that they be allowed to build a 210 foot tower. I'm trying to meet the intent and spirit of this ordinance when it talks about replacing the same type and kind. If it's decided that that means exactly the same type, kind, location and everything, and they want to choose to move it 20 feet to the north, my interpretation of the ordinance that they would have to comply with all the provisions in the newly enacted ordinance, which would require them a monopole tower, maximum height of 150 feet tall with Planning Commission approval.

Planning Commission
September 25, 2000
Page 26

They have some concerns with regard to that requirement in the ordinance with regard to the actual height with the antennas they place on the tower that they cannot communicate through a solid monopole type structure and that's another argument they made with regard to the need for a guy tower at this location.

Bunch: Before we entertain comments, how much of this are we able to accomplish as a Planning Commission? Since this is a city ordinance, would we merely be recommending an amendment to the ordinance to be sent to City Council to have them vote on it.

Odom: Yes. As much as we would like to have the power to amend ordinances we don't have that power. What we would do would be nothing more than a recommendation for the City Council to take the final action on.

Bunch: In other words, in this recommendation that we have in our packet it should read that "staff recommends Planning Commission recommend approval to the Council" rather than us doing the approving. We would just merely be recommending an amendment and a clarification to the Council.

Conklin: That is correct. Same as we do on a rezoning.

Odom: Any other preliminary questions before we begin with discussion? Okay.

PUBLIC COMMENT:

Odom: Let me ask now if there are any members of the audience that would like to address us on this issue, if you will please come forward at this time. Stand up behind each other so we can sort of keep things moving along.

Smith: My name is Mike Smith and I'm with Smith Two-Way Radio. I'm here on behalf of Arkansas Western Gas. It's real crucial that we get to replace this tower, there is a lot of emergency services on this that is essential to the City of Fayetteville. What I think that we are asking for is the twenty foot extension, making it 170 foot tower to 190 foot tower. You have to bear in mind that our antennas are on top of our structure at this time. When you add that twenty feet to it, our antennas will be on top of the 190 foot structure bringing it close to your 210 foot mark. That's basically where we are at.

Odom: I need some clarification from staff on that. It's my understanding that if you have a 170 tower and you are allowed a 20 foot extension that would bring the height of your tower to 190 feet and I understand that you may have an antenna on

Planning Commission
September 25, 2000
Page 27

top of that.

Conklin: The height is measured from the top of the antenna so right now if they wanted to extend their tower up and put some microwave dish on it or something, my opinion is let them put a 20 foot extension from 170 feet up. Right now, they have long antennas up above 170 feet. I would not include that as the existing tower height. The tower height is 170 feet. They are allowed to go 20 feet up more including the height of the top of the tallest antenna.

Smith: The problem with that is we don't gain anything. We are still at 170 feet.

Odom: I'm not really sure I understand. I tell everybody I'm 5'7" but in truth I have 2 inch tennis shoes on when I do that. Is that what we are talking about here. If we give them 20 more feet, does the very tip top of the tallest antenna 190 feet?

Conklin: That's how the ordinance defines height. Once again, we are not talking about Arkansas Western Gas. In a sense we are talking about Arkansas Western Gas that's why we are here this evening but the ordinance, I'm trying to administer this ordinance with regard to replacement of existing towers. Right now it says "Existing towers may be replaced with the same type and kind." It also gives me a provision in the ordinance to allow extension of height for existing towers. It allows me to go up an additional 20 feet without bringing it back before the Commission so anything above 20 feet is not allowed. If they want to build a new tower, they can't build a tower 210 feet tall. The maximum height of towers is 150 feet. These are the ordinance requirements. Once again, I'm trying to look at the intent of the ordinance. They have an existing tower. The City Council when they past the ordinance stated that all existing towers can be replaced with the same type and height. We are not really talking the same. I'm not recommending that we change that. I'm recommending that we clarify it with regard to can they be located adjacent to there, build it and for a two week period of time you are going to have one tower side by side, two towers up on Mount Sequoyah and then tear the old one down once equipment is moved and what's a reasonable relocation distance for that and then also decide is it appropriate to increase it from 15 inches wide to 42 inches wide? How much is too much? Is 6 feet too wide? Is 30 feet too wide? There has to be a limit on the width of these towers. I'm just trying to get some clarification and if you as a Commission believe that it means you replace your tower with a 15 inch wide tower the exact same height, that's fine. There's no need to change the ordinance because we can clarify that and say it exactly means you have a 15 inch wide tower, you put a 15 inch wide tower closest to that exact same location.

Planning Commission
September 25, 2000
Page 28

Smith: Our understanding about type was monopole, self supporting and guy. Type to us is a guy structure versus a monopole or versus a self supporting structure.

Allen: Could you explain to us the necessity for the tower being that much taller. Is it just non-functional at this height any longer? It won't suffice for the community needs?

Smith: Well the tower is full at this time. It holds Washington County Firecom, Washington Regional Medical Center and all of Arkansas Western Gas gas pressure readings that come from all over the river valley back into here and all locally right here. The tower is full and the tower won't hold another antenna on it. What we are asking for is to give us 20 more feet so we can move those antennas up to make more room for more antennas that will deal with the Arkansas Western Gas more pressures that are required to come in, some of the University plan issues that they need. That is a large hub right there for gas control. Also, by moving the tower up 20 feet and being able to put those antennas on top will increase the coverage for Washington Regional Medical Center and Washington County Firecom. Right now all the ambulances like in Madison County, soon Carroll County will be coming into Northwest Arkansas. That happens every day. When those patients are sick in that ambulance, they call the ER and the farther out we can reach them the better off we are. Adding 20 more feet to the tower will help that situation and also help Arkansas Western Gas get their gas readings. I hope that clarifies that.

Allen: I understand the tower has been there about 50 years.

Smith: The tower has been there 40 plus years.

Allen: Would this extension, I know it's hard to project such things, but what period of time do you see it sufficing if we allow it.

Smith: We want to build a tower for the next 40 years. Arkansas Western Gas doesn't want to replace anything for a long period of time. We want to put the structure there and leave it there for another 40 years. As the wireless world changes so does Arkansas Western Gas needs change and so does EMS and Washington County Firecom. Arkansas Western Gas has been gracious enough that they have never charged those entities anything. They have let them on there for free just to help serve the community. They way we read the ordinance is we could add twenty feet to the tower. That means to us is that we add twenty feet to the tower that pushes our antennas up. There was an issue about building a tower twenty feet apart. That is just for construction needs. I have to keep that tower built until

Planning Commission
September 25, 2000
Page 29

I have the other one in place because I can't shut down the ER, Washington County or the gas users. I have to move off twenty feet away from that tower to build a new tower. We might be able to tighten that up a little bit and make it fifteen feet but I can't build it so close that we will be getting into the foundation of the original tower so I have to move it back a little bit.

Allen: Thank you.

Marr: Just a point of clarification for me, I want to make sure this discussion, for me anyway, doesn't turn into an approval or a denial of an Arkansas Western Gas tower or an emergency tower, that we are looking at in terms of recommendations for amendments for this particular thing. There is a part of me sitting here thinking that an emergency, obviously the people who recommended the ordinance felt the same way because there is already one exemption in here for emergency towers under a lower height, I think it's important, at least for the public, I'm not sure if today's thing is on the actual emergency tower, Arkansas tower but more on the amendment comments. My thought is if we are going to get into discussion on the reasons to have, in this particular case because of emergency requirement or things of that nature, that we handle that specifically to it's own item if it comes back to us. I don't know the protocol for it but my decisions or the things that I would look at would be much broader than this one specific tower.

Hoffman: I agree with Commissioner Marr and not trying to be real specific about it; I asked the question in agenda session and I would like the gentleman that just spoke if he would to please come back up and answer this question about relocation of some of these antennas. In general, in looking at approving an amendment to an ordinance, it seems to me that we should be considering all other options before amending the ordinance. There seem to be different types of towers that have different technologies. Under this type of technology, and I don't want to talk about any specific user, could a two-way radio user a non-cell phone type user, relocate onto another tower from this tower to avoid having to increase the height?

Smith: Do you mean taking a user off this structure and putting it on another structure?

Hoffman: Yes. Moving it somewhere else. Is there any other structure available technologically?

Smith: Not on Mount Sequoyah.

Planning Commission
September 25, 2000
Page 30

- Hoffman: I think that's germane to the ordinance itself that if we are going to amend the ordinance we need to know if the guy wire technology is the only one available then we have to deal with it in this manner. So is your answer "No" you can't relocate any of these types of users to other towers? There is several on Mount Sequoyah but they are monopole or whatever.
- Smith: There are a couple of monopoles on Mount Sequoyah, but the way the antennas are set, you take a cell site - they have panels and they are all the way around the tower. We use one antenna. On a guy tower, it can see through that instead of a metal object that a signal hits. What it does, it creates a shadowed area. Instead of using several antennas, we use one. That's the difference in technology. Is there places on Mount Sequoyah that we can move the ER, Washington County Firecom? Not at this time. No.
- Hoffman: Thank you. That's all I needed to know. That to me establishes a need to re-look at this ordinance in terms of replacement types of structures.
- Stewart: My name is Roberta Stewart and I live on Rockwood Trail right across from the gas field. I still did not understand about the size of this tower because as he said the "same type tower" and if it is the same type tower but just a little bit taller, that seems to be okay. I gather it's not from what I heard you say earlier.
- Conklin: They currently have a 15 inch wide tower. One side is 15 inches wide.
- Stewart: I understood the width.
- Conklin: They want a 42 inch wide guy tower. It's 42 inches all the way from the ground all the way to the top. It doesn't taper. Right now you have 15 inch wide tower from the ground 170 feet up all the way up to the top. They want a tower that has an increased width. I was sitting down in my office and trying to figure out, is that the same type of tower? Then also the issue was that it's not going to be in the exact same location which is another problem I had. I was sitting down in my office going "Is this actually a replacement tower or is this a new tower?" That's why we are here tonight, to look at the ordinance.
- Stewart: Right. It seems to me it would be easy to... Is there a reason we couldn't see a picture of this? There surely is a drawing or a picture of this tower that is proposed, right? The gas company must have given it to you all or somebody.
- Conklin: I believe the gas company has a photo of that.

Planning Commission
September 25, 2000
Page 31

Stewart: I want to be sure there are no dishes on the tower. Moving it up 20 feet, moves it also higher as best I could tell by walking the road.

Conklin: According to Arkansas Western Gas it's about 37 or 38 inches higher, ground elevation at 20 feet to the north.

Stewart: So it's going to be higher in that respect already because the ground is going to raise it about 4 feet.

Conklin: That is correct.

Stewart: Who would object to Washington Regional using it or anybody else using it. That's going against apple pie and mom right? I just want to be sure that if that is what it's for, if they need to increase the height for that reason and service the community in that way, it's not for additional servers that's why they are trying to raise the tower.

Conklin: The increase in width is to provide the capability for additional servers to go on the tower.

Odom: Radio servers.

Conklin: Or cellular or PCS.

Stewart: Right but I'm assuming this service is for these emergencies or the things that were listed at least, in the memo.

Conklin: No. Not necessarily. It would also include the potential for cellular or PCS service.

Stewart: Does that mean that the tower could change and not be just a straight tower?

Conklin: You would have antenna raised like you see on cell towers with the panels. I think they are about six feet long in three clusters around the tower. It would look different.

Stewart: I don't see how that is quite the same type as far as looking. Besides height and width which I can certainly understand. The ordinance needs to be addressed.

Prussel: I'm Ann Prussel. Our family lives at the corner of Rockwood Trail and Ruth Street. I have put a memo in the file, which perhaps you all have read, expressing

Planning Commission
September 25, 2000
Page 32.

some of my concerns. Some of the questions have been answered already but I do have concerns about aesthetic both at the ground level, which probably this is not the moment to go into that but I hope that you will consider it at some point down the line when you deem it appropriate. I am concerned also because of the change in the appearance but it sounds like the new replacement tower might have a couple of different things that you are going to hang on it or that would be possibly hang on it. You won't but they will. The microwave idea to me makes a different looking tower. In the material that we received from you as adjacent property owners, there was no mention of microwave dishes but there was a memo in the file August 28, 2000.

Odom: You have to realize, even on the tower they have right now, they could strip all of the antennas off of the monopole structure itself and put those type antennas up there by right. There would be nothing to prevent them from doing that.

Conklin: We've never regulated the aesthetics of the actual antenna that go on the tower just the actual type of tower.

Prussel: That cannot be an issue is what you are telling me?

Conklin: Right.

Prussel: I just think of Southwestern Bell thing a few blocks away that is more of an eyesore and I guess that was the kind of thing I was hoping not to see.

Odom: I think that's more of a monopole. Is that a monopole out there for Southwestern Bell?

Conklin: I think it's a self supporting, real wide tower that you are talking about.

Prussel: Yes. I understand that that's not their physical tower that they are talking about but the thing that hangs on it is kind of awful too. That's what I'm talking about. Also, I have spoken with Mr. John Kent of the gas company and he mentioned to me, something that I have not heard discussed here yet, that there would be a plateau at the top of the tower that would enable them at some future date to add more antenna from the plateau upwards and my question was, with what you are discussing here, would they have to come back to you?

Odom: Yes. This amendment would allow them to build no more than a 190 foot structure at the very tip of the tallest antenna. They could not build anything taller than that.

Planning Commission
September 25, 2000
Page 33

Prussel: Have you heard of this plateau word before?

Odom: Yes. On other antennas and stuff and there is always a plateau on the top.

Conklin: They typically try to design, especially the monopoles, with the ability to bolt on an extension so you don't have to go up there and reconstruct it. I'm not sure whether or not they build that in. Typically they do on the very top of the antenna.

Prussel: Is it appropriate to discuss the aesthetics of the area?

Odom: Not really because all we are talking about right now is the amendment to the ordinance.

Prussel: Might there be a time?

Odom: If in fact this ordinance is passed... Even as it is today... Tim, let's just say that they are not asking to replace that they are just wanting to add that additional twenty feet, there is no additional requirement for additional screening or anything at that time as it is currently, is that correct?

Conklin: That is somewhat correct. I apologize.

Odom: Are you a lawyer Tim?

Conklin: Nice answer huh? For all the cell companies and PCS companies, I have to answer it that way because if you look at Mount Sequoyah and our water tank, I required them to put a six foot high wood board fence on most of the sites in town. When I've approved co-location, I have requested and gotten them to do improvements for the aesthetics.

Prussel: Both Mr. Kent of the gas company and also Tom Sager with the gas company have indicated to us that they are willing to consider that but I was hoping to get a firmer commitment.

Odom: We would appreciate your efforts to continue in your past conduct on that.

Prussel: Okay. Thank you very much.

Malane: My name is Michael Malane. I live at 1510 Anson which is below the tower on the back side of Sequoyah. As I understand the issue before you today is whether

Planning Commission
September 25, 2000
Page 34

or not what they are asking to do falls within the ordinance and if it does fall within the ordinance then they need not come to you for permission to do anything nor therefore do any of the neighbors have any input. With that view in mind I would like to suggest from what they have said the purpose here is to give them a bigger more capable tower that will allow them to do more things primarily, I assume, for their own economic benefit. He did say that Arkansas Western Gas wants to add capability to this tower. The rest that they provide to others I suspect they would not be incurring the cost of doing this tower solely to reach out to Madison County for an ambulance ten minutes earlier than they can currently. They are not replacing an existing capability. They want a bigger tower to do more and they are trying to use this ordinance to avoid the necessary or what would otherwise be, I assume, appearances before this Board and subject themselves to public comments about the other issues that surround the use. I would suggest to you that going from 15 to 42 inches is not the same type of tower. That's approaching a 300% increase in the width of the tower. Giving yourself that much bigger a tower, I assume, gives you that much stronger a tower which would allow you to hang that much more from the top which they can now hang from the top whatever the structure will bear. If they get a bigger group up there, they can hang a lot more from that tower which will again have a significant impact on the neighbors. They say "type to us is type of structure" and if I were an engineer that was charged with designing and erecting these things, I might feel the same way but I'm not, I'm a citizen who looks at it often and frequently. To us type is the aesthetic impact that it has upon the neighborhood as well as the type of structure. I would suggest that the sense of the ordinance must take the citizens views into account every bit as much as the engineers views and that this clearly is not to replace an existing structure, it is to put up a bigger and better structure for more and more use and therefore it clearly does not fall within the existing ordinance. I would caution this Commission against suggesting that the ordinance be improved to allow that type of increase in use and increase in aesthetic impact as an automatic right for people who own such towers. Thank you.

Allen: I wondered whether or not the neighbors, when you said the towers significant impact upon the neighborhood are you talking about solely aesthetic or does it have some other negative impact?

Malane: As long as it stays vertical the impact is aesthetic.

Hoffman: I have a question too.

Odom: Michael, apparently we want to grill you pretty hard so hang on a second.

Planning Commission
September 25, 2000
Page 35

Hoffman: I just also wanted to know on the same vein we have had request for newer towers to be painted different colors, is that something that you would like? You have not mentioned that.

Malane: As I understand all of those aesthetic issues were ruled basically out of order in today's hearing. I came prepared to talk about a number of issues.

Odom: If somebody asks you about it, you can talk about it, in my opinion.

Malane: There are a number of issues that include the type of security fencing that they use, the landscaping, the location of the fencing and I assume the paint but I quite frankly have not talked to any of my neighbors about the color.

Hoffman: Color choices? The reason I asked that is because I have been making up a laundry list of items that might possibly be included in a replacement ordinance in order to enable our local businesses to keep up with technology and yet keep the views of the neighborhood in tact.

Malane: Commissioner Hoffman, from our standpoint - at least from my standpoint if this Commission takes the position that type means aesthetic impact as well as structural type then we will talk about the details later.

Hoffman: Thank you sir.

Sypert: My name is Curt Sypert, I represent Central EMS. I have worked at Central EMS for 15 years and we have talked off of Mount Sequoyah tower to the hospital and there are dead zones in the county and areas around Fayetteville. The City of Fayetteville is pretty well covered like it is now. Any consideration that could be given to the elevation of the tower for communications with the hospital, I feel that would enhance communications particularly our in reaches of the county. Run volume has increased as the population has increased. There is no hospital right now in Madison County. My colleagues over there are having to transport long distances and they have to contact physicians at Washington Regional as their receiving hospital. That would enhance their communications capabilities as well. Any consideration to the elevation to the antennas that we could have there and I understand that that would involve potentially in increase in the base of the tower to support that elevation.

Wilson: My name is Brian Wilson. I work at Washington Regional Emergency Room as an Assistant Director. One of the things that this gentleman spoke about was reaching an ambulance ten minutes sooner in Madison County. That is a very

Planning Commission
September 25, 2000
Page 36

important issue. There is no hospital in Madison County now. We are now their medical control at Washington Regional. We are in a pilot program with Madison County EMS, Central EMS to deliver the drugs that you hear so much about out actually in the field and if we can get those drugs in those people that much sooner, which is how we would help. There is certainly a benefit there.

Luther: My name is John Luther. I am the Washington County 911 Coordinator. I want to go on the record and thank the gas company for allowing the rural fire departments to use this facility for communications. I have been in the business 15 years, over half my life and I have used it for every call that I have gotten. When I started in the business as a volunteer fireman, that's where my signal came from. If they called us out on a fire, medical run or problem with car wreck, someone having a medical condition, that information came from Sequoyah. Her question about the relocation and possibility of moving this to another tower, one concern that comes in there is cost. Is someone going to charge us for this? The gas company has given us this free space all this time and all the community has benefitted. If I have to encourage anything, I would definitely encourage you guys to allow them to increase the height. We don't ever back up when we do something. We widen our streets, we add sidewalks, we don't keep things at the status quo. Last night we were talking, this gentleman mentioned his neighbors, I had a neighbor out in the community and he walked in on his neighbor and the gentleman was on the floor, he dialed 911 and in a matter of minutes they called me on this pager that I have carried for so long, we rushed to his house and he's on the fourth floor of the hospital now. He had a heart attack. We went in because of the proximity and we helped the man live. If that tower wasn't there, that would not be possible. He would not be here today. If I have to recommend anything, I have to say that we need to look at the needs of the community and we need to see what will benefit the people the most. I know eyesore condition is a big fact. They have to be considered but we need to take the welfare of the people sometimes over what is appealing to us. That's all I've got.

Odom: Anyone else like to address us on this issue before we close the floor to public discussion?

Dangeau: My name is Jeff Dangeau and I'm general counsel for Arkansas Western Gas and I would like to express my opinion. I believe you can do what we are asking you to do without amending the ordinance. Your talking about the issue seems to be moving from point A to point B which is 20 feet and then a different width of tower. The ordinance says you can replace existing tower with the same type of tower, it doesn't mention width or change in location. What we have here is a big site that is approximately two acres so it's not like you are really encroaching on

Planning Commission
September 25, 2000
Page 37

someone else's space we are just moving over 20 feet. There is a time element involved in that we believe that due to the aging of the tower has become important to replace this tower soon, preferably before winter and before the ice storms hit. Otherwise, we may have to consider removing some of the antennas that are currently there. There is a time issue with waiting for the ordinance to be amended. If you think what we are doing is permissible under the ordinance but it still needs clarification, you could allow us to go ahead with this move and still send it up to City Council for amendment.

Odom: Jeff, at this point in time, I don't think that we have the authority to do that. We have an administrator who has made a judgment call on his interpretation of an ordinance and feels as though what you are wanting to do did not meet that ordinance. It's my understanding that we are not here tonight hearing an appeal of his decision that it did not meet the ordinance. It's my understanding that we are here tonight only to discuss a proposal to amend an ordinance to allow you to do what you are wanting to do. I don't believe that we have the authority. I think you may, correct me if I'm wrong Tim, did they have the right to appeal your interpretation of the ordinance?

Conklin: Yes they do and that goes to the Board of Adjustment. Anyone can appeal my decision and in the zoning regulations. It goes to the Board of Adjustment. Ira Canoy with Arkansas Western Gas did approach me on this. Once again, I understand Arkansas Western Gas, their concerns with what they are trying to do and I think the ordinance needs to be clarified. I already made my decision. In other words, I don't think it's the same type and height tower. Height is very clear in that replacement section of existing tower, that part of the ordinance. You are asking for something different. That's why I agreed. I don't remember ever doing this on a ordinance like this but I agreed to ask staff to bring this forward to the Planning Commission and get your input and then take it to ordinance review and City Council for clarification. I think it's difficult to replace a tower in the exact same location unless you do require them to demolish it and disrupt the service. I think there should be some, as I stated earlier with my recommendation, there should be some reasonable distance from the existing tower that you allow and there should be some reasonable increase in width to encourage co-location. However, the Planning Commission can't change my interpretation. I would be more than welcome to meet with you and get you the application to appeal my decision and I believe the meeting in October you have probably passed the public notification deadline on that but I would be more than happy to set up a special meeting and get them convened and see if they disagree with my interpretation.

Dangeau: So the bottom line is, Mr. Conklin, if it looks like we need a speedier resolution

Planning Commission
September 25, 2000
Page 38

than the amendment we could go with you to the Board of Adjustment.

Conklin: You can have seven members appointed by the City Council overturn my interpretation of the ordinance.

Dangeau: Thank you.

Odom: That's even better, it goes in front of somebody else and not us. We do have tonight before us the proposal to forward to the City Council or the appropriate committee this administrative item, the amendment to the ordinance. Does anyone else wish to address us on this issue? I'm going to close the floor to public discussion.

COMMISSION DISCUSSION:

Odom: I'll bring it back to the Planning Commission for questions and comments of the staff.

Hoffman: I have two, I have one question and a possible motion. Tim, based on your statements, I take it it's not possible to take this one tower and deal with it as a Conditional Use in some way away from the ordinance?

Conklin: No. I believe it's under our exemption, what they are proposing as a new tower. It does not meet our ordinance requirements.

Hoffman: In trying to balance the public emergency needs with the neighborhoods aesthetic concerns I'm going to propose a amended ordinance be forwarded to City Council or Board of Adjustment-to-whomever this is appealed.

Conklin: It's not an appeal. The Planning Commission needs to decide how to clarify the ordinance. I've already made my decision on what I think it states and how I should apply it here at the City. If you think it needs to be clarified, I can bring those amendments to City Council. If Arkansas Western Gas, which they stated this evening they believe the ordinance allows the tower to go from 15 inches to 42 and be located 20 feet from the existing tower, that's allowed under this ordinance, they can appeal my interpretation to the Board of Adjustment.

MOTION:

Hoffman: I think that in approving that you do not have the power to approve something like that. That is not a replacement, it's a completely different tower. With that in

Planning Commission
September 25, 2000
Page 39

mind, I'm going to make the motion that your guidelines, your clarification letter dated September 25, 2000, is acceptable with the following additions: demolition permit for the existing tower be issued prior to a building permit for a new tower with a 90 day expiration attached to the demolition permit so that two towers cannot remain on the same site for any length of time. Again, let me reiterate, this applies to a guy tower only. That the new tower be placed as close to the existing tower as is technically feasible. Any site alterations comply with the tree preservation and screening requirements of the city ordinances. That the 20 foot height addition stands. Again, let me reiterate the 36 foot maximum width condition applies which was also stated in your memo. That is my motion.

Bunch: 36 foot?

Hoffman: 36 inch, sorry.

Odom: In other words, it can't increase more than 36 additional inches?

Hoffman: Yes. Do you want me to go over it again? Okay. Demolition permit be issued prior to issuance of a building permit for the new tower. Demolition permit will carry a 90 day expiration period so that the existing tower must be demolished within 90 days of the issuance of the demolition permit. That this applies to guy towers only. That the new tower be constructed as close as technically feasible to the existing tower. That the newly constructed tower comply with the tree preservation and screening requirements already contained in our ordinances. That the 20 foot additional height applies and that the 36 inch maximum width dimension applies.

Odom: Staff, did you have any comments on those changes?

Conklin: No. That's fine. I think I got them all. It will be on record in the minutes.

Hoffman: Is it possible for you to easily enforce this by staff should it be put into ordinance form?

Conklin: Yes. It's going to provide clarification of how large a replacement tower can be and how far from the existing tower it can be located and how long the two towers can stand before the old one has to be demolished. That's why I brought this forward is as staff I need clarification on these issues and I think you clarified the ordinance with that amendment.

Hoffman: That is my motion.

Planning Commission
September 25, 2000
Page 40

- Bunch: Before we proceed with this motion, the question I have, what is the driving force to address that at this time since a path has been chosen or lined out for the applicant to pursue for their specific tower? What we are doing here is proposing an recommendation for something that is going to be a fairly long term process. My question is, do we need to act swiftly at this time and not deliberate a little bit before we make a motion? Maybe we need to consider broaden the scope and consider some other things like Fayetteville Police Department currently having shadows in their coverage and they are wanting to relocate from Robinson Mountain to Mount Sequoyah. Staff might tell me where they are planning on relocating.
- Conklin: Sure. We actually have met with the Police Department and I shared with them the information from Arkansas Western Gas and their consultant did take a look at this site. This site is still number two. Our water tank on Mount Sequoyah is the preferred site and that's where they plan to relocate.
- Bunch: I agree with Commissioner Hoffman that we need to make strides in resolving this but my question is do we need to move that expeditiously. Could we send this back to Subdivision Committee or table it until later.
- Odom: I don't think Subdivision Committee is the proper place for ordinance review.
- Hoffman: These are just my ideas to send on to whomever else wants to hear them.
- Odom: You have to remember this is going to be going forward to a committee.
- Bunch: Right. It will go to an ordinance review committee.
- Odom: Before it even goes to the City Council. There will certainly be opportunity for a lot more review before then.
- Shackelford: Mr. Chairman?
- Odom: Just a second. Commissioner Bunch are you done?
- Bunch: For now.
- Shackelford: I've got two things, first of all the way that I'm viewing this is basically we have been asked by Tim to address this and try to close up some ambiguities that are in this. There is some areas that weren't defined very well in the original ordinance and I think that we are not moving too quickly on this. I think we are just

Planning Commission
September 25, 2000
Page 41

recommending some guidelines on how we are going to look at this going forward because I think it will probably come up again. Even though we do have this specific problem to possibly address with the Board of Adjustment issues, I still think that we are adding some definition in some areas on an ordinance that needs some issues. I've also got a question for Tim: We talked about addressing the 20 foot extension, in my eyes and I apologize if I'm beating a dead horse here but there are three ways to measure height. You have the tower height, you have the tower plus antenna height and you've got elevation height. Do we need to define, in the ordinance, how it's going to be measured so that we can compare apples to apples as far as the 20 foot extension?

Conklin: With regard to height, it's defined as "the vertical distance measured from the mean elevation of the finished grade to the highest point of the tower or other structure, even if said highest point is an antenna array." Once again, I'm charged to make interpretations, I would make an interpretation that it's from the ground elevation at the base of the tower to the very top of the tower including antenna height, even at the new location which is 38 inches higher. That is how I would measure height of the tower.

Hoffman: Because this is an ordinance amendment and not being specific to the people on the tower, I didn't want to propose any change to the height other than what's already permitted as the 20 feet. If they choose to go to the Board of Adjustment and make the case for the necessity for the additional coverage area, I think that that's a more proper forum than trying to cover that in this ordinance. I would rather not make sweeping changes for this one group but yet leave the door open to clarify the ordinance and then you have the Board of Adjustment to present the case in more detail.

Odom: Before we have any further discussion on the underlying motion, I would like to know if we have a second from anybody? I'll second the motion.

Hoffman: Thank you.

Shackelford: Just to clarify my point, I'm not trying to make any changes to the ordinance for this specific tower. I guess I'm looking at it, assume that you have a 180 foot tower on a piece of property that you have another 40 foot of elevation that you can move the tower, is your definition Tim, that you can make a 200 foot tower and move it 20, 30 or 40 feet elevation on up the property within the ordinance and change the overall height of the tower by more than the 20 feet that's defined in the ordinance?

Planning Commission
September 25, 2000
Page 42

Conklin: I'm going to measure the height of the tower from the ground elevations to the top of the antenna height.

Odom: But as it stands now, he's not going to allow that at all because under his interpretation it's not moving from the spot that it's on. I think that that Commissioner Hoffman's motion sort of addresses that by requiring them to be as close as technically feasible. They may get a few extra inches but they are not going to be able to go to the very tip top of their property.

Shackelford: Okay. Thank you.

Odom: Do we have any further discussion? Commissioner Bunch?

Bunch: One of the questions I have, I know we have tried to limit this to narrow the guy lattice type towers but if we are opening a can of worms or looking at amending an ordinance rather than treating a specific deal here, towers can be shored up and can be enlarged and I just wondered if we could ask for the expertise from the tower people here and also Tim as staff what if the request were to put a strengthened based on this tower up so many feet? Maybe come up so many feet at 36 inches, 42 or whatever, taper in and then have the existing tower and then put a 20 foot section on top of it that that would be a retro fitting of an existing tower. If we are looking at re-writing an ordinance and suggestions on re-writing the ordinance then we need to broaden our scope and consider these types of things. One of the questions I have is, how would you view that if the applicant came with a suggestion to maybe increase the number of guy wires and to strengthen or shore up the mast, how would you interpret that under the existing?

Conklin: I get 100 questions a day. There is so many different scenarios. If it's for a safety reason, we need to put another guy wire on it, I probably would let them put another guy wire on it because it's an existing tower and they need to do it for safety reasons. If they are building another structure that is 20 feet wide, 40 feet high, no, I don't think that's the same type of tower. I think that's different. I would say no to that. With these ordinances, you are exactly right, I try to think of as many different scenarios as possible. With regard to Arkansas Western Gas, on that tower, the result of this ordinance was not designed because of the towers like Arkansas Western Gas, it was the number of cellular, PCS towers that were occurring in Fayetteville. We do now have an ordinance that regulates all types of towers and we did make a decision that we all want monopole type towers. No more guy towers, no more self support towers. Now we have a situation where they are trying to replace it and I'm not sure if I could have ever envisioned that it was going to be 15 inches to 42 and how we could have clarified the ordinance a

Planning Commission
September 25, 2000
Page 43

year ago on that. It's come up now and I think that's why we make amendments to our ordinances. When we find issues, we need to clarify these issues and take care of it.

Marr: I guess my comments on this are that, first of all there was a committee that was put together to write this ordinance. It took a lot of input to begin with of which no Planning Commissioner was a part of that committee. Rather than me sitting here trying to determine definition to what they meant when they talked about existing towers, type and height it would be my recommendation that we send this thing either back to the committee who wrote it and ask for clarification and to say that we suggest you look further not only existing tower or replacement tower but also on emergency tower requirements if there is going to be anything different than those because obviously you addressed it for 35 foot or lower towers. As opposed to giving any specific recommendations, particularly since no one on this Commission was a member of the committee. I personally would like to see that and that's why I won't support the motion because I'm not sure we are the place that should be addressing this specifically.

Odom: Typically, Commissioner, when the staff wants to amend an ordinance they sort of start out here or where they think is the best place to start so they can get as much comment as they can. Even though you may not support the motion, your comment is in the record and that helps.

Marr: I appreciate that. I'm just saying I'm not sure that we are the best place.

Bunch: Admittedly when this ordinance that we have before us came into existence, it was done quickly because of the proliferation of cell towers and the considerable back lash because of that. However, at that time this Commission was solicited by the Planning office. We were given copies of proposed ordinances and I can remember sitting in Tim's office going over some of the proposals with him at his request. We may not have served on the committee but our input had been requested because we were given copies of existing and proposed ordinances and our opinions were solicited. I will be the first to admit I did not foresee this situation and it's impossible to write an ordinance without very lengthy research to cover all contingencies and again I'll admit I looked at the ordinance and various proposals and I did not foresee this contingency. We are still faced with the problem and we have a possible path for Arkansas Western Gas and their other users to put a tower up that will better serve our community and we also have a responsibility to see what we can do to help improve the situation and I'm at a loss as to exactly how to solicit our input. I question if a motion at this time would be appropriate if maybe we can get some information from Planning and

Planning Commission
September 25, 2000
Page 44

then we could put our input and return that information to Planning and then maybe bring it back to this Commission for a unified proposal. I think right now to try to come up with a proposal that we'll get mired down in technicalities and that sort of thing but I think if we have a little bit of time to reflect on it and with a little bit of back-up information and to submit that to the Planning office so that they can coordinate our thoughts and then bring it back to us then we can as a Commission can make a more sensible and unified recommendation to the ordinance review committee and the City Council.

Odom: Is that a motion for table.

Bunch: I can make it that. We have a motion on the floor that has been seconded.

Odom: A motion for table takes precedence over any underlying motion.

MOTION:

Bunch: I will move to table the motion on the floor.

Odom: Do we have a second?

Marr: I'll second that.

Odom: We have a motion and second to table this item. Is there any discussion on the motion to table?

Marr: Just to make it clear, I am certainly not interested in giving the opinion that I don't care or that I don't want to resolve the issue. My point is to try to get clarification from those individuals who wrote this ordinance to begin with. If I am to interpret this and ask for clarification, I think it is my point to talk about exactly what's in here which is, existing towers may be replaced with the same type and height. Am I to know that they considered width, am I to know that they considered replacement or am I to clarify type and height and what those requirements would be. That was the reason for my comments. I certainly think that we should address it and I just wanted that in record. I don't think that we have enough information to do that today which is why I support tabling it.

Odom: Any further discussion on the motion to table?

Hoffman: I'm so fond of my own motion I want to explain why I won't be in favor of tabling it. It seems to me that staff has asked us to send this in a particular

Planning Commission
September 25, 2000
Page 45

direction. Cell towers, communications towers, technology is moving at a rapid rate whether or not this tower is the topic of discussion today, it's going to be another one tomorrow. I think that we will be sending, I'm willing to hear if anybody has any additional items they would like to add to the laundry list, I think we will just be sending a clarification to the City Council to say "Okay, here is our replacement and here is our first replacement tower and here is the direction that seems to be reasonable." The citizens will again have a chance to provide input at that level. There will be public hearings. The City Council has three readings of this so I'm not inclined to table just because I think we can study, study, study to death. That's my reason for wanting to go forward.

Conklin: Mr. Chairman? I just want some clarification if you do table, what are you expecting from staff to provide to the Commission?

Odom: I'll let Don work that out with you later. Tim, do you feel as though you would be able to provide us with any additional information which would allow us to come to any different conclusion than we have before us on the underlying motion? Just say "No" Tim. Just say "No."

Conklin: I really don't think so. The only thing I can think of I can give you a list of the existing guy towers in Fayetteville. Like on Dinsmore Trail and there is some at the radio station over on Holly Street, there is some a.m. radio stations off of Highway 112. I'm not sure. Once again, with regard to the committee, I participated as staff when this ordinance was drafted and we talked about existing towers. I don't believe there was any discussion with these issues that I have brought before this Commission tonight. Can they replace that 20 feet away from it or can it go from 15 inches to 42 inches? I'm not sure if members of that committee will be able to give me any insight of what they thought the intent of that section was. Once again, I'm just looking for clarification. If the Commission needs more time and you need more information, let me know and I will be happy to provide it.

Odom: Thank you. Any other discussion on the motion to table? Seeing none will you call the roll.

ROLL CALL:

Upon roll call the motion to table AD 00-32.00 fails on a vote of 2-6-0 with Commissioner Bunch and Commissioner Marr voting "yes".

Odom: The motion to table fails. Any further discussion on the underlying motion? Will

Planning Commission
September 25, 2000
Page 46

you call the roll?

ROLL CALL:

Upon roll call AD 00-32.00 passes on a vote of 6-2-0 with Commissioner Bunch and Commissioner Marr voting "no".

Odom: Staff do we have further items before us tonight?

Conklin: There are no additional items. I would like to remind you of a Planning Commission training workshop coming up November 17, 2000. That will be here in Fayetteville. The City will pick up the cost of that training. I encourage those who did not attend last year's training to attend this year's training. You can get that information to Sheri and she will do the travel request and take care of that. Also, there is a upcoming conference sponsored by the Historic Preservation Alliance of Arkansas, October 11 through 14, 2000. I handed that out for your ~~information and if you need any more information just let me know.~~

Odom: Thank you Tim. We are adjourned.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Tim Conklin, City Planner
DATE: September 25, 2000

AD 00-32.00: Administrative Item (Amendment to Ordinance # 4178) Wireless
Communication Facilities to clarify Section 163.29(E)(3) "Exemptions" regarding same type and height of existing tower structures.

RECOMMENDATION

Staff recommends the Planning Commission approve an amendment to clarify the intent of Section 163.29(E)(3) "Exemptions" regarding same type and height of existing tower structures by determining a maximum distance a replacement tower can be built from an existing tower and determining if replacement towers should be allowed to be increased in width. Staff does not recommend changing the maximum height allowed for existing towers or new towers. Staff does support allowing the same 20' increase in height allowed for existing towers to apply for replacement towers.

BACKGROUND

Arkansas Western Gas currently owns a 170' tall, 24" wide guyed tower with 18.5' high antennas located on Mt. Sequoyah at the southwest corner of Rockwood Trail and Ruth Ave. Several weeks ago they contacted the Planning Division with a request to replace their existing tower with a 210' tall tower that is 42" wide. Under Section 163.29(E)(3) they are allowed to replace the same type and height of tower. This section doesn't address the issue of a different location or width. Staff has brought this issue to the Planning Commission to clarify the ordinance on whether this should be considered a "new" tower and not a replacement tower. If classified as a new tower it would be limited to a 150' tall monopole and would require conditional use approval.

HEIGHT

The current ordinance would allow the existing tower to be increased 20' in height from 170' to 190' to support additional antennas. Staff is in support of allowing the new tower to have the

same opportunity to be increased in height as the existing tower under the current ordinance. The maximum height would be 190' which includes the height of any antennas.

163.29(C) Locating on Existing Towers. Installation of an antenna on an existing tower of any height, and the placement of additional buildings or other supporting equipment used in connection with such additional antenna, so long as the proposed additions would add no more than twenty feet (20) to the original height of the existing tower. The addition or modification, to the extent possible, should be designed to minimize visibility.

WIDTH

The existing tower is 24" in width. The proposed tower is 42" in width. The request for additional width is to be able to co-locate additional antennas. Staff is not opposed to having some maximum limit on the increase in width to encourage co-location as stated in the purpose of the ordinance. There is not a maximum width in the ordinance for new monopole towers.

LOCATION

The applicant proposes to replace the existing tower 20' north of the existing tower. The existing tower would not be taken down until the antennas are relocated to the new tower in order to minimize the disruption of service for Arkansas Western Gas and others currently on the tower. Staff is not opposed to having some maximum distance from the existing tower to allow replacement and avoid disruption of service.

TYPE

The current tower is a guyed tower. The proposed replacement tower is a guyed tower. If the proposed tower is classified as a replacement for the existing tower, a guyed tower would be allowed. If the proposed tower is classified a new wireless communication tower, the ordinance only allows for monopole towers with a maximum height of 150'.

163.29(E)(3) Existing Towers. All existing towers may be replaced with the same type and height of tower structure as currently exists.

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PLANNING DIVISION CORRESPONDENCE

Arkansas Western Gas Co. approached the City Planning Division with a proposal to replace the existing wireless communication facility (tower) located on Mt. Sequoyah at the southwest corner of Rockwood Trail and Ruth Ave. The current facility is a 15" wide guyed tower which is 170' tall with 18.5' antennae on top. The replacement facility is proposed to be a 42" wide guyed tower which is 210' tall and is located approximately 20' from the current structure.

The following is the interpretation of Ordinance No. 4178 "Wireless Communications Facilities" with regard to replacement of existing towers.

§163.29 (E) Exemptions.

3. Existing Towers. All existing towers may be replaced with the same type and height of tower structure as currently exists.

What is a same type and height of tower structure?

Same is defined in *Webster's New World Dictionary* as " 1. being the very one; identical 2. alike in kind, quality, amount, etc."

I interpret "same" to mean identical to what currently exists. The applicant is proposing a tower in a different location which is wider and taller.

Type is defined by the existing construction of the tower structure which can be one of three types: self supporting, guyed, or monopole. This tower structure is a guyed tower structure. The applicant is proposing a guyed tower.

Height of tower structure is interpreted as the actual existing tower structure height and doesn't include the height of existing antennas. I believe the word "structure" clearly means the actual tower structure and does not include existing antennae higher than the structure as part of the "tower structure". Furthermore, it's my opinion that antennae are something you attach to a structure and are not part of the structure.

§163.29 (C) Co-location. Applicants for co-location shall meet the following requirements:

1. b. Locating on Existing Towers. Installation of an antenna on an existing tower of any height, and the placement of additional buildings or other supporting equipment used in connection with such additional antenna, so long as the proposed additions would add no

more than twenty feet (20') of height to the original height of the tower. The addition or modification, to the extent possible, should be designed to minimize visibility.

What is an allowable increase in height for existing towers when adding antennae and is this section applicable for replacement towers?

The ordinance allows for an antenna to be added on an existing tower of any height so long as the proposed additions would add no more than 20' of height to the original height of the tower. In order to add cellular or PCS-antennas, the tower structure has to be increased to allow for adequate separation which I classify as a proposed addition to the tower structure itself. The ordinance is referring to extending antennas and not tower height.

Arkansas Western Gas has requested that this section apply for replacement towers. The current Arkansas Western Gas tower is 170 feet tall with 18.5' antennas on top. I do not agree with the argument that the existing tower height should be considered to be 188.5 feet by combining the height of the tower structure and the height of the existing antennas. Under the exemptions section, the ordinance refers to the height of tower structure and not the combined height of the tower and antennae.

Furthermore, the argument that the definition of "height" includes the height of the antennas and therefore the tower should be considered 188.5' doesn't meet my interpretation of a replacement tower structure. If the existing tower is considered 188.5 feet tall and a 20 foot antenna is allowed to be installed on top, it would not be feasible to attach this antenna without increasing the tower height.

Overall, a 170' tower with 18.5' of antennae exists which is allowed to have a 20' increase in height by placing additional antennas on top. The ordinance doesn't allow the tower structure to be increased by 20 feet in height in order to then add additional height above the 20 foot limit with antennas. This section refers to only adding antennas and not tower structure height.

ORDINANCE NO. 4178

AN ORDINANCE ESTABLISHING CRITERIA TO ASSESS AND REDUCE VISUAL AND LAND USE IMPACTS ASSOCIATED WITH THE DEVELOPMENT OF WIRELESS COMMUNICATIONS FACILITIES IN THE CITY OF FAYETTEVILLE, ARKANSAS.

WHEREAS, the City of Fayetteville desires to provide a range of locations for wireless communications facilities in all zones unless prevented by law; and,

WHEREAS, the City of Fayetteville wishes to minimize the adverse visual impacts of towers and antennas by encouraging antenna location on existing structures, including utility poles, signs, water towers, buildings, and other wireless communications facilities where feasible; and,

WHEREAS, the City of Fayetteville encourages co-location and site sharing of new and existing wireless communications facilities; and,

WHEREAS, the City of Fayetteville wishes to facilitate the use of public property and structures for wireless communications facilities; and,

WHEREAS, the City of Fayetteville desires to enhance the ability of providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; and,

WHEREAS, the City of Fayetteville wishes to maintain FCC compliance (in the event there is a conflict between these regulations and FCC or FAA regulations, the latter regulations shall govern).

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

Section 1. Purpose. The purpose of this Ordinance is to protect the health, safety and welfare of the community by establishing criteria to assess and reduce visual and land use impacts associated with the development of wireless communications facilities.

Section 2. Conditional Use Approval Required in all Zoning Districts.

A. That Chapter 161, Zoning Regulations, § 161.03, District A-1, Agricultural, B.1., Permitted Uses, Unit 3, Public Protection and Utility Facilities; §161.17, District I-1, Heavy Commercial and Light Industrial, B.1., Permitted Uses, Unit 3, Public Protection and Utility Facilities; and §161.18, I-2, General Industrial, B.1. Permitted Uses, Unit 3, Public Protection and Utility Facilities, of the Code of Fayetteville, are hereby deleted.

B. That Chapter 161, Zoning Regulations, of the Code of Fayetteville, is hereby amended to add Unit 3, Public Protection and Utility Facilities to Sections 161.03-161.20, Subsections B.2., Uses Permissible on Appeal to the Planning Commission.

Section 3. Definitions. That Chapter 151, Definitions, of the Code of Fayetteville, is hereby amended to add the following:

Act: The Communications Act of 1934, as it has been amended from time to time, including the Telecommunications Act of 1996, and shall include any future amendments thereto.

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers and are built for the express purpose of serving as a tower or for locating antennas.

Page 2
Ordinance No. 4178

Antenna: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes and omnidirectional antennas, such as whips but not including satellite earth stations.

Co-Location: Locating wireless communications equipment for more than one provider at a single communications facility, on a building, or on an alternative tower structure.

FAA: The Federal Aviation Administration.

Fall Zone: The area within which a Tower or Antenna might cause damage to persons or property should the tower or antenna be knocked down, blown over or fall on its own.

FCC: The Federal Communications Commission.

Guyed Towers: A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Height: The vertical distance measured from the mean elevation of the finished grade to the highest point on the tower or other structure, even if said highest point is an antenna or antenna array.

Lattice Tower: A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

Monopole Tower: A communication tower constructed without the use of guy wires and ground anchors and consisting of only a single pole.

Original Tower Height: Height of a tower on the date of the passage of this ordinance.

Personal Use: "Personal Use" refers to a non-commercial use by a resident of the subject property. If any revenues are generated from the operation of the tower, it will not be for personal use as such term is used.

Stealth Technology: Systems, components and materials used in the construction of wireless communications facilities to make it compatible with the surrounding property.

Telecommunications: The transmission, between or among points as specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received.

Tower or Communications Tower: Any structure that is designed and constructed for the primary purpose of supporting one or more antennas, including lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This term is not intended to describe buildings or other structures that have been constructed primarily for a purpose other than supporting one or more antennas, despite the fact that such structure may currently, or in the future, actually support one or more antennas.

Page 3
Ordinance No. 4178

Wireless Communications Facility (WCF): A land use facility that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. It includes antennas, microwave dishes, horns and other types of monopoles, or similar structures supporting said equipment, equipment buildings, shelters or cabinets, and other accessory development. Wireless communications facility includes personal wireless services as defined in the Federal Telecommunications Act of 1996, and as subsequently amended.

Section 4. Wireless Communications Facilities. That Chapter 163, Use Conditions, of the Code of Fayetteville, is hereby amended to add the following:

§163.29. Wireless Communications Facilities.

A. The following general requirements shall apply to all new wireless communications facilities.

1. Noise Requirements. Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site. This prohibition does not apply to air conditioning units no noisier than ordinary residential units or generator used in emergency situations where regular power supply for a facility is temporarily interrupted; provided that any permanently installed generator shall be equipped with a functional residential muffler.

2. Compliance With Federal Regulations. Applicant shall comply with all applicable federal regulations. Proof of compliance shall be provided upon request of the City Planner.

3. Lighting and Signage

a. Wireless communications facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Security lighting or motion-activated lighting may be used around the base of a tower and within the wireless communication facility, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or rights-of-way.

b. Signs shall be limited to those needed to identify the property and the owner and warn of any danger. No signs, symbols, identifying emblems, flags, or banners shall be allowed on towers.

B. New Towers. New wireless communication towers shall meet the following requirements:

1. Type of Towers Allowed. New towers shall be limited to monopole type structures or alternative tower structures.

2. Tower and Antenna Height Limitations. Towers or alternative tower structures are permitted to a maximum height of one hundred and fifty (150') feet.

3. Fall Zone. The minimum distance from the base of any tower to any residential dwelling unit shall be the tower height or required setback, whichever is greater, unless all persons owning said residences or the land on which said residences are located

consent in a signed writing to the construction of said tower. This setback is considered a "fall zone". In the event that an existing structure is proposed as a mount for a wireless communication facility, a fall zone shall not be required.

4. **Camouflaging or Stealth Technology for New Towers.** If the applicant demonstrates that it is not feasible to locate on an existing structure, towers shall be designed to be camouflaged to the greatest extent possible, including but not limited to: use of compatible building materials and colors, screening, landscaping and placement within trees.

5. **Color of Towers.** To the extent that any antenna extend above the height of the vegetation immediately surrounding it, they shall be a neutral color, painted or unpainted, unless the FAA requires otherwise.

6. **Information Required To Process New Tower Requests.**

a. Provide a map of the geographic area that your project will serve.

b. Provide a map that shows other existing or planned facilities that will be used by the wireless communication service provider who is making the application.

c. Provide a map that shows other potential stand-alone locations for your facility that have been explored.

d. Provide a scaled site plan containing information showing the property boundaries, proposed tower, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography. The plan shall indicate proposed landscaping, fencing, parking areas, location of any signage and specifications on proposed lighting of the facility.

e. Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks and proximity to single family residences.

f. Describe your efforts to co-locate your facility on one of the poles or towers that currently exists, or is under construction. The applicant should demonstrate a good faith effort to co-locate with other carriers. The Planning Commission may deny a permit to an applicant that has not demonstrated a good faith effort to provide for co-location. Such good faith effort includes:

(1). A survey of all existing structures that may be feasible sites for co-locating wireless communications facilities;

(2). Contact with all the other wireless communications licensed carriers operating in the City and Washington County; and

(3). Sharing information necessary to determine if co-

location is feasible under the design configuration most accommodating to co-location.

(4). Letter from tower owner stating why co-location is not feasible.

g. Describe how you will accommodate other antenna arrays that could co-locate on your facility. Describe how this accommodation will impact both your pole or tower, and your ground mounted facilities. Provide documentation of your provider's willingness to accommodate other providers who may be able to co-locate on your facility.

7. **Required (after condition) and Balloon Test or Crane Test Photographs.** The proposed tower shall be photographed from four locations taken 90° apart and 300' from the center of the tower. The proposed tower shall be superimposed on the photographs. A balloon or crane test shall be performed to illustrate the height of the tower and photographed from the same four locations. The time period, not to exceed one week, within which the test will be performed, shall be advertised in a newspaper of general circulation in the City at least 14 days, but not more than 21 days prior to the test. The four locations shall be approved by the City Planner.

8. **Sight Line Representation.** A sight line representation shall be drawn from four points 90° apart and 100' from the proposed tower. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings.

9. **Structural Integrity and Inspections of Towers.**

a. The applicant shall provide a certification letter that states the tower meets or exceeds design criteria and all local, state, and federal requirements regarding the construction, maintenance, and operation of the tower.

b. If a tower fails to comply with the requirements and criteria above and constitutes a danger to persons or property, then upon written notice being provided to the owner of the tower, the owner shall ~~have thirty~~ (30) days to bring such tower into compliance with such requirements and criteria. If the owner fails to bring such tower into compliance within thirty (30) days, the City may terminate that owner's conditional use permit and/or cause the removal of such tower (at the owner's expense).

c. By making an application hereunder, the applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences and outbuildings owned by applicant which are located in the City. The applicant further agrees to conduct inspections of all such facilities not less frequently than every 12 months. The applicant agrees that said inspections shall be conducted by one or more designated persons holding a combination of education and experience so that they are reasonably capable of identifying functional problems with the facilities.

10. Security Fencing and Anti-climbing Device. Through the use of security fencing, towers and equipment shall be enclosed by wood board fencing not less than six (6) feet in height. The tower shall also be equipped with an appropriate anti-climbing device. The facility shall place signs indicating "No Trespassing", "High Voltage" or other pertinent information on the outside of the fence, unless it is decided that the goals of this ordinance would be better served by waiving this provision in a particular instance. Barbed wire fencing or razor wire shall be prohibited.

11. Vegetative Screening Requirements. Wireless communications facilities shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both.

12. Setbacks from property lines. Wireless communications facilities shall meet current setbacks as required by zoning.

C. Co-location. Applicants for co-location shall meet the following requirements:

1. Administrative Approval for Antenna Co-locations and Locations on Other Structures. The City Planner, following an administrative review without requiring the issuance of a Conditional Use Permit, may approve the following antenna installation:

a. Locating on Existing Structures. Installation of an antenna on an existing structure other than a tower (such as a building, sign, light pole, electric transmission tower and similarly scaled public utilities /facilities, water tower, or other free-standing non-residential structure), provided that the addition of the antenna does not add more than twenty (20') feet to the height of the original structure.

b. Locating on Existing Towers. Installation of an antenna on an existing tower of any height, and the placement of additional buildings or other supporting equipment used in connection with such additional antenna, so long as the proposed additions would add no more than twenty feet (20) of height to the original height of the tower. The addition or modification, to the extent possible, should be designed to minimize visibility.

c. For the purposes of co-location, the applicant must submit information from a licensed professional engineer certifying the capacity of the tower for additional providers and a letter of intent from the applicant indicating their intent to share space.

D. Other requirements.

1. Wireless Communications Facilities Placed on Top of Buildings. When a wireless communications facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the buildings's silhouette.

2. Wireless Communications Facilities Placed on Sides of Buildings.
Antenna which are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.

E. Exemptions.

1. Personal Use. Towers for personal use which, including the height of all antenna arrays, do not extend more than 80' from the ground and shall meet the current setbacks as required by zoning.

2. Temporary Structures. Temporary structures designed to be used for not more than 14 days in connection with a special event or for any reasonable period of time in and immediately following an emergency, including without limitation those towers which are identified as "C.O.W.s." or "Cellular on Wheels."

3. Existing Towers. All existing towers may be replaced with the same type and height of tower structure as currently exists.

4. Emergency and Utility Towers and Antennas. Towers and antennas under thirty five (35') in height used for 9-1-1 services and utility monitoring (gas, water, sewer, traffic lights, etc.)

F. Municipal Profits from Towers. The City of Fayetteville should actively market its own property and existing structures as suitable co-location sites. As noted above the review process is shortened and simplified when co-location on city property is submitted by applicant. An annual lease amount should be charged according to the fair-market value of the location. The revenues can be earmarked to improve the public area within which the tower is located. In cases where the company no longer needs the tower, the City may require it to be removed. Applicants can provide co-location space for city-owned antenna.

G. Abandoned Antennas or Towers. At such time that a licensed carrier abandons or discontinues operation of a wireless communications facility, such carrier will notify the City of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that licensed carrier fails to give such notice, the wireless communications facility shall be considered abandoned upon such discontinuation of operations. Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communications facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

1. Removal of antenna, mount, equipment shelters and security barriers from the subject property.

2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

3. Restoring the location of the wireless communications facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

Page 8
Ordinance No. 4178

H. Notification of Change of Ownership/Operator. Upon assignment or transfer of a Conditional Use Permit or any of the rights thereunder to a new wireless telecommunications operator, the owner or operator shall provide written notice within thirty (30) days to the City Planner.

Section 5. Public Notification. That Section 157.04 is hereby amended to add the following:

B.6. Wireless Communications Facilities. Applicants requesting permits for new towers shall notify property owners within a 500' radius from the center of the tower; applicants requesting permits for co-location shall not require notification. Notification shall be certified mail for adjoining property owners, including across streets and regular mail for the remaining property owners within the notification area.

Section 6. Emergency Clause. This ordinance is necessary to preserve the public peace, health, safety, and welfare, and because of such, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED this 31st day of August, 1999.

APPROVED:

By: Fred Hanna

Fred Hanna, Mayor

Heather Woodruff
Heather Woodruff, City Clerk



DRAFT
11-28-00
lm

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR REPLACEMENT
TOWERS FOR WIRELESS COMMUNICATIONS FACILITIES
AND ESTABLISHING CONDITIONS FOR GUYED TOWERS.

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

Section 1. That Section 163.29, Wireless Communications Facilities, Subsection
E. 3. Exemptions/Existing Towers, is hereby deleted and the following shall be inserted in its stead:

§163.29. Wireless Communications Facilities.

E. Exemptions

3. Existing Towers. All existing towers may be replaced with the same type and height of tower structure as currently exists. All replacement towers shall comply with Sections 163.29 A.1., 2., and 3. regarding noise requirements, compliance with federal regulations and lighting and signage and Sections 163.29 B. 5., 9., 10., and 11. regarding color of towers, structural integrity and inspections of towers, security fencing and anti-climbing device, and vegetative screening requirements. All existing guyed towers shall also be subject to the following conditions:

- a. A demolition permit shall be issued prior to a building permit being issued for the replacement tower.
- b. The demolition permit shall expire within 90 days and shall require the existing tower to be demolished within 90 days from issuance of the building permit for the replacement tower.
- c. The new tower shall be constructed as close as technically feasible to the existing tower.

d. Installation of an antenna on an existing tower of any height, and the placement of additional buildings or other supporting equipment used in connection with such additional antenna, so long as the proposed additions would add no more than twenty (20) feet of height to the original height of the tower. The additional or modification, to the extent possible, should be designed to minimize visibility.

e. The replacement tower structure may be increased in width to a maximum of 36". Existing guyed towers over 36" shall not be increased in width with a replacement tower.

PASSED AND APPROVED this ____ day of _____, 2000.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

Proposed Wording for Section
163.29.E.3.d

d. Additional antennas may be installed on an existing or replacement tower of any height, and additional buildings or other supporting equipment used in connection with such additional antennas may be placed at the tower site so long as the proposed additions would add no more than twenty (20) feet of height to the original height of the existing or replacement tower. The addition or modification, to the extent possible, should be designed to minimize visibility.

Add to U.D.O., Chapter 170:

§170.3(B)(7). Projects not requiring detention. Any land which requires a stormwater drainage management, drainage, and erosion control permit that does not require detention may receive, with the approval of the City engineer, a permit allowing grading before final drainage calculations are approved. Any grading permit issued before approval of final drainage permit may be subject to reasonable conditions imposed by the city engineer.

Add to U.D.O., Chapter 169:

§169.03(B)(10). Projects not requiring detention. If a plan does not require detention, the City Engineer may permit grading before final drainage permit are approved. Any grading permit issued before approval of final drainage calculations may be subject to reasonable conditions imposed by the City Engineer.

Add to U.D.O., Chapter 153:

§153.07(D) Failure to obtain approval of final drainage permit within 120 days of issuance of a grading permit.

A stop work order may be issued by the City Engineer for all grading on projects issued grading permits before approval of drainage permit if such permit are not approved within 120 days of the issuance of said grading permit. The 120 day period includes the time for all City reviews, including the time between submittal and review of the drainage calculations (time in queue) and any submittals and subsequent reviews. Any stop work order shall be made only upon a finding by the City Engineer that continued delay in providing drainage calculations is unreasonable on the part of the drainage permit applicant. Any stop work order issued under this provision shall expire upon the approval of final drainage permit and compliance with any conditions contained in the drainage permit.

For the Fayetteville City Council meeting of December 5, 2000

Orig Contract Date: _____

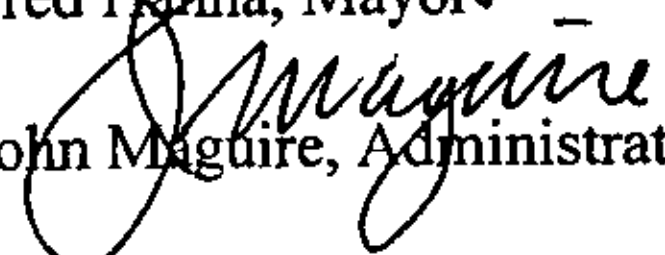
FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THRU: Fred Hanna, Mayor 

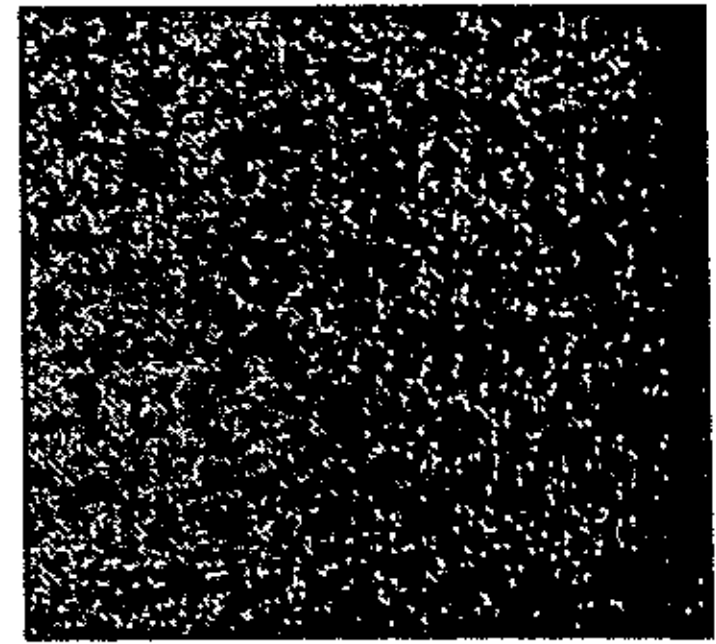
FROM: John Maguire, Administrative Services Director 

DATE: November 21, 2000

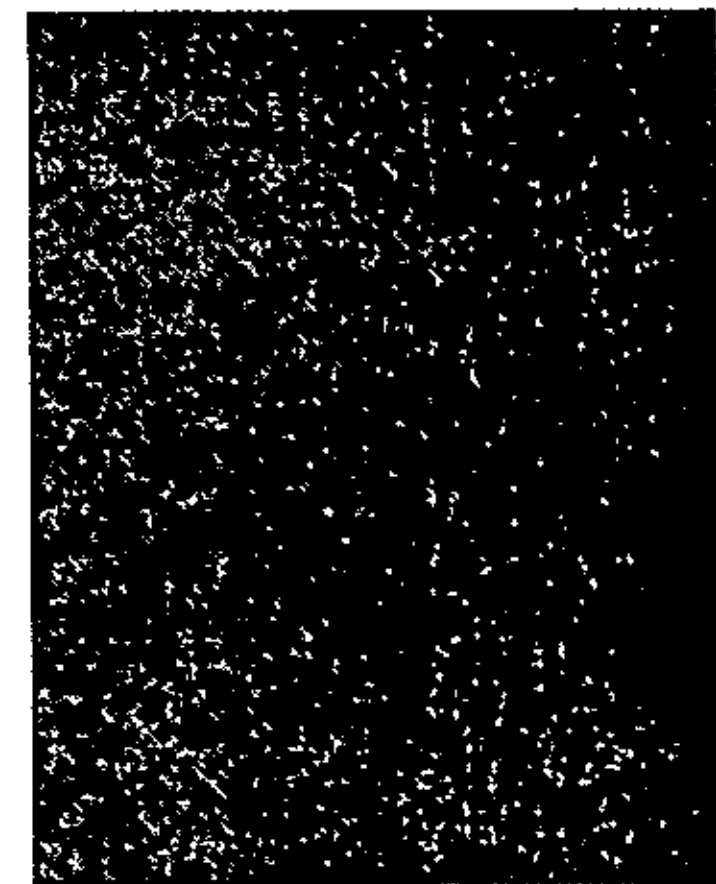
SUBJECT: 2001 Proposed Annual Budget - Presentation

The 2001 Proposed Annual Budget & Work Program will be submitted to City Council at a budget retreat on November 28, 2000 at 4:30 P.M. (following the City Council agenda session) in room 326 of the City Administration Building. City staff will distribute and present the proposed budget at the budget retreat.

A schedule of additional budget retreats will be submitted for Council review and approval. Copies of the 2001 Proposed Budget will be made available for public review at the Mayor's Office, City Clerk's Office, the Fayetteville Public Library, the Fayetteville Chamber of Commerce, and the City's web site on Wednesday, November 29.



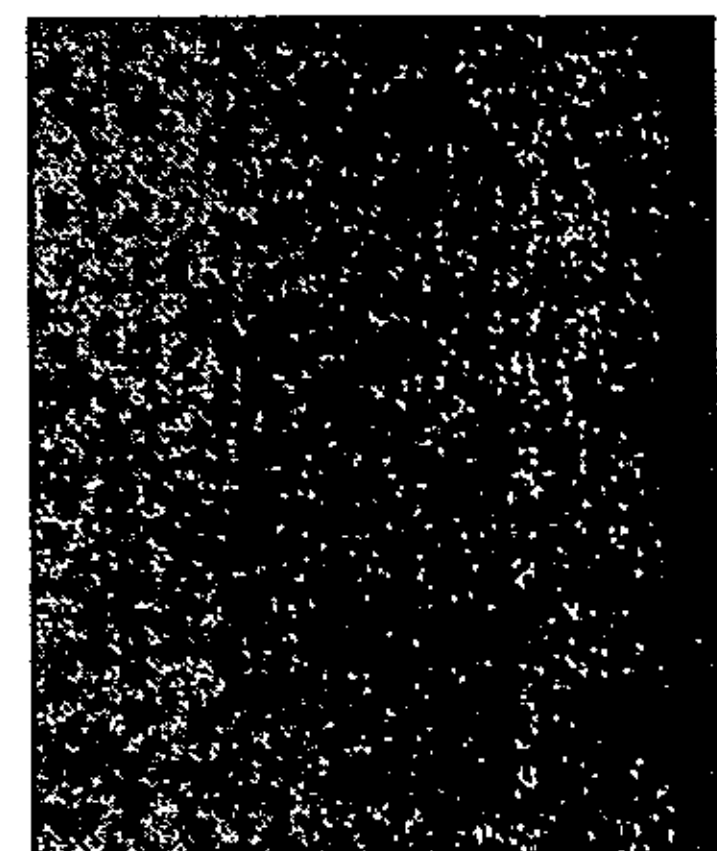
2001



City of Fayetteville, Arkansas



Proposed
Annual Budget
and
Work Program



STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

*See Attached
attached
marked
2020 Nov.*

For the Fayetteville City Council meeting of December 5, 2000

FROM:

<u>Tim Conklin</u>	<u>Planning</u>	<u>Public Works</u>
Name	Division	Department

ACTION REQUIRED: Adoption of General Plan 2020, Future Land Use Plan, and Master Street Plan.

COST TO CITY:

\$

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

BUDGET REVIEW: Attached Budgeted Item Budget Adjustment

Budget Manager Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

<u>Accounting Manager</u>	<u> </u> Date	<u>Internal Auditor</u>	<u> </u> Date
<u>City Attorney</u>	<u> </u> Date	<u>ADA Coordinator</u>	<u> </u> Date
<u>Purchasing Officer</u>	<u> </u> Date		

STAFF RECOMMENDATION: Staff forwards the recommendation of the Planning Commission to adopt the revised General Plan 2020, Future Land Use Plan and Master Street Plan.


Division Head 11-17-00
Date

Department Director
Date

Administrative Services Director
Date

Mayor
Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #:

Orig Contract Date:

Orig Contract Number:

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of December 5, 2000

FROM:

<u>Jim Beavers</u>	<u>Engineering</u>	<u>Public Works</u>
Name	Division	Department

ACTION REQUIRED:

1. Approval of a bid waiver for the negotiated construction costs for the City's share of the "50/50" cost-share for the final pavement, drainage and other construction for the boulevard sections of Steele Boulevard and Van Asche Drive* at the CMN development as previously agreed upon in principal by the City Council with the developer NANCHAR, INC. and Marjorie S. Brooks (CMN) in the amount of \$623,654.18 and further defined in the attached project map and November 27, 2000 correspondence from Milholland Company. The cost-share shall cover construction costs only. Engineering costs are not included in the cost share. All cost-shared improvements shall be located within the right-of-way or easements.
2. Approval of, and authorization for the Mayor to expend, a 10% project contingency in the amount of \$62,365.42.
3. Approval of a budget adjustment in the amount of \$378,553.60.

COST TO CITY:

<u>\$686,019.60</u>	<u>\$355,927</u>	<u>Steele cost share</u>
Cost of this Request	Category/Project Budget (2000)	Category/Project Name
<u>4470-9470-5809.00</u>	<u>\$48,461</u>	<u>Street</u>
Account Number	Funds Used To Date (2000)	Program Name
<u>99029-0020</u>	<u>\$307,466</u>	<u>Sales tax</u>
Project Number	Remaining Balance (2000)	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 _____

Grant Coordinator _____ Date _____

STAFF RECOMMENDATION: Approval

Jim Beavers 11/28/00
Division Head Date

Department Director Date

Administrative Services Director Date

Mayor Date

Cross Reference

New Item: Yes ___ No x

Prev Ord/Res #: 4149

Orig Contract Date: 03/23/99

Orig Contract No: _____

STAFF REVIEW FORM

Description Steele cost shareMeeting Date December 5, 2000**Comments:****Reference Comments:**

Budget Manager

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grant Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fred Hanna, Mayor

Thru: Charles Venable, PW Director
Don Bunn, Asst. PW Director

From: Jim Beavers, City Engineer *JB*

Date: November 28, 2000

Re: Agenda Request - City Council Meeting of December 5, 2000.

Proposed bid waiver and cost-share with NANCHAR, INC. And Marjorie S. Brooks (CMN) for the final pavement, drainage, landscaped median and other construction for the boulevard sections of Steele Boulevard and Van Asche Drive,
Proposed project contingency,
Proposed budget adjustment.

The City Council has previously agreed to cost share in the construction of the four lane boulevard sections of Steele Boulevard from Joyce Boulevard south to Van Asche Drive (approximately 2600 feet less approximately 220 feet for the new bridge) and Van Asche Drive from Steele Boulevard west to the phase line of phase one (approximately 340 feet). Please refer to the enclosed drawing.

The City's Council's approval of the preliminary plat on October 6, 1998 is the basis for the proposed "50/50" cost share. The boulevard sections will be constructed as two -28 ft. lanes with a 20 ft. landscaped and irrigated median, 10 ft. greenspace and 6 sidewalks.

During consideration of the preliminary Plat (October 1998) the rough cost for the City's contribution for one half of the boulevard section and widening the bridge over Mud Creek was estimated by Mr. Venable and Mr. Milholland at \$1,300,000.00. Because that plans had not been developed a detailed cost estimate could not be produced. The CIP was programmed for \$1,000,000 as the City's cost share with the knowledge that additional funds may be required when detailed plans and contracts were available.

The final approved plan, quantities and cost estimate furnished by Milholland have been reviewed and are considered reasonable. The final costs to the City will be based upon actual and measured costs as documented by Milholland Company and subject to City review.

The City's share is estimated to be \$623,654.18. Please refer to the enclosed correspondence from Milholland dated November 27, 2000.

Previous approvals:

March 16, 1999: the City Council approved a bid waiver and cost share for the earthwork, grading and subgrade work on sections of Steele Boulevard south to Van Asche Drive and Van Asche Drive from Steele Boulevard west to the phase line of phase one in the amount of \$176,243.00. The amount was based upon Milholland's estimates.

July 6, 1999: the City Council approved a cost increase for the earth work in the amount of \$116,291.00. The amount was based upon revised quantities and contract prices.

Please note that when these cost shares were approved it was noted that the request was "for the earthwork, grading and subgrade portion of construction only. The base, curb and gutter, paving and drainage will require separate/additional funding . . .".

July 6, 1999: the City Council approved a bid waiver and the City's "50/50" cost share of the four lane Steel Bridge over Mud Creek in the amount of \$448,216.88. The amount was based upon contract bid prices.

Action requested:

1. Approval of a bid waiver for the negotiated construction costs for the City's share of the "50/50" cost-share for the final pavement, drainage and other construction for the boulevard sections of Steele Boulevard and Van Asche Drive* at the CMN development as previously agreed upon in principal by the City Council with the developer NANCHAR, INC. and Marjorie S. Brooks (CMN) in the amount of \$623,654.18 and further defined in the attached project map and November 27, 2000 correspondence from Milholland Company. The cost-share shall cover construction costs only. Engineering costs are not included in the cost share. All cost-shared improvements shall be located within the right-of-way or easements.

2. Approval of, and authorization for the Mayor to expend, a 10% project contingency in the amount of \$62,365.42.

3. Approval of a budget adjustment in the amount of \$378,553.60.

*The boulevard sections of Steel Boulevard and Van Asche Drive for the cost share as defined in the preliminary plat are Steele Boulevard south from Joyce Street to Van Asche Drive and Van Asche Drive from Steel Boulevard west to the CMN phase line. The cost share includes new encasement of the existing sanitary sewer at Steele Boulevard Bridge.

Budget:

Project no. 99029, Steele Boulevard Cost Share:

Current budget of \$600,000 for the boulevards and \$448,216.88 for the bridge (\$1,048,216.88 total).

The 2000 budget includes \$307,466.00 available (of the \$600,000) for the Steel Cost share.

The requested additional funding is \$378,553.60.

The recommended source for the budget adjustment are funds that remain in the budget after awarding the 6th Street Extension project.

Encl:

Project/cost share map.

Letter from Milholland dated November 27, 2000.

Miltholland Company

Engineering & Surveying

Melvin L. Miltholland, PE, PLS

REGISTRATIONS:

PE: AR, OK, MO

PLS: AR, OK

November 27, 2000

Project No. E526

Fayetteville

113 W. Mountain

Fayetteville, Arkansas 72701

ATTN: Mr. Jim Beavers, City Engineer

**RE: Cost Estimate for Paving and Storm Sewer Improvements - Cost Share Items
Steele Blvd. and Van Asche Blvd.**

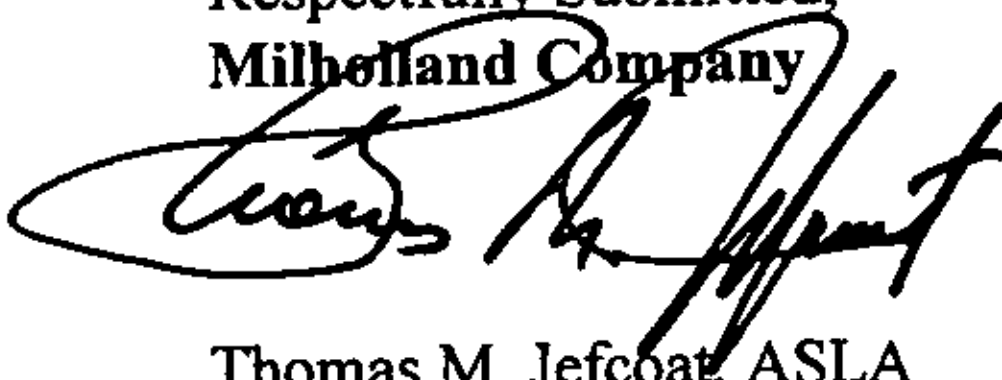
Dear Mr. Beavers:

Attached is a revised, detail cost estimate of items to be cost shared between NANCHAR, Inc. and Marjorie S. Brooks and the City of Fayetteville. Additional cost share items that have been added include adjustments to striping (Cross walks, Stop bars and Solid Yellow hatching), drainage swales (exclusion of swales outside roadway stationing 18+00 to 30+00), rails on bridge (Steele Blvd bridge), and sewer line encasement on Mud Creek east of the Steele Blvd. bridge.

The Earthwork and Appurtenances contract will pay for final seeding and mulching.

Please contact me should you have any questions or require additional information.

Respectfully Submitted,
Miltholland Company



Thomas M. Jefcoat, ASLA
Project Manager

cc: CMN group

CMN BUSINESS PARK II, PHASES I & II
ENGINEER'S CONSTRUCTION COST ESTIMATE - COST SHARE
PARTS "C" - PAVING & RELATED ITEMS;
PLUS: SANITARY & STORM SEWER ITEMS

NANCHAR, INC. & MARJORIE S. BROOKS
 Nancy S. Rubeck, President; Charlotte S. Steele, Secretary & Marjorie S. Brooks
 P.O. Box 32
 Springdale, AR 72765-0032

CITY OF FAYETTEVILLE
 Jim Beavers, City Engineer
 113 West Mountain Street
 Fayetteville, Arkansas 72701

Item No.	Quantity		Unit Cost	Total Cost	DESCRIPTION
I. B.	1	L S	65,000.00	65,000.00	SUB-GRADE PRE: This item cost shared
I. C.	1572	C Y	12.70	19,964.40	Topsoil Replace to Finished Surfaces
I. D.1.	1000	T Y	1.00	1,000.00	Material Purchased From Onsite Borrow Pit
I. D. 2.	1000	T Y	10.85	10,850.00	Borrow Material / Fine Grading
II.A.2.	10539	LF	8.30	87,473.70	2' wide Modified conc. curb+gutter w/Ramps
II. B.2.	18192	S Y	19.10	347,467.20	Pavement Section No. 2 (7", 4", 3")
II. C.	560	SY	10.00	5,600.00	Temp Cul-De-Sac: 6" & 2" ACHMSC
II. D.	1	L S	47,000.00	47,000.00	Approach Slabs+Gutter: Steele Bridge-128 CY
III. B.	5952	LF	13.70	81,542.40	4" thick x 6 LF wide concrete sidewalk
IV.	1810	LF	11.70	21,177.00	Sta. French Drain w/Rigid Perforated PVC Pipe
V.	100	TN	14.85	1,485.00	French Drain Filter Rock: Utility / Storm Drain
VI.A3	523	LF	\$38.00	\$19,874.00	Construct 30" CMP Storm Sewer Pipe
VI.A4	242	LF	\$47.00	\$11,374.00	Construct 36" CMP Storm Sewer Pipe
VI.A6	76	LF	\$35.50	\$2,698.00	Construct 18" RCP Storm Sewer Pipe (Class IV)
VI.A7	255	LF	\$40.00	\$10,200.00	Construct 24" RCP Storm Sewer Pipe
VI.A8a	152	LF	\$61.30	\$9,317.60	Construct 30" RCP Storm Sewer Pipe (Class IV)
VI.A8b	330	LF	\$50.00	\$16,500.00	Construct 30" RCP Storm Sewer Pipe
VI.A9a	77	LF	\$86.15	\$6,633.55	Construct 36" RCP Storm Sewer Pipe (Class IV)
VI.A9b	1048	LF	\$72.00	\$75,456.00	Construct 36" RCP Storm Sewer Pipe
VI.A9c	362	LF	\$106.00	\$38,372.00	Construct 48" RCP Storm Sewer Pipe

**CMN BUSINESS PARK II, PHASES I & II
ENGINEER'S CONSTRUCTION COST ESTIMATE - COST SHARE
PARTS "C" - PAVING & RELATED ITEMS;
PLUS: SANITARY & STORM SEWER ITEMS**

NANCHAR, INC. & MARJORIE S. BROOKS
Nancy S. Rubeck, President; Charlotte S. Steele, Secretary & Marjorie S. Brooks
P.O. Box 32
Springdale, AR 72765-0032

CITY OF FAYETTEVILLE
Jim Beavers, City Engineer
113 West Mountain Street
Fayetteville, Arkansas 72701

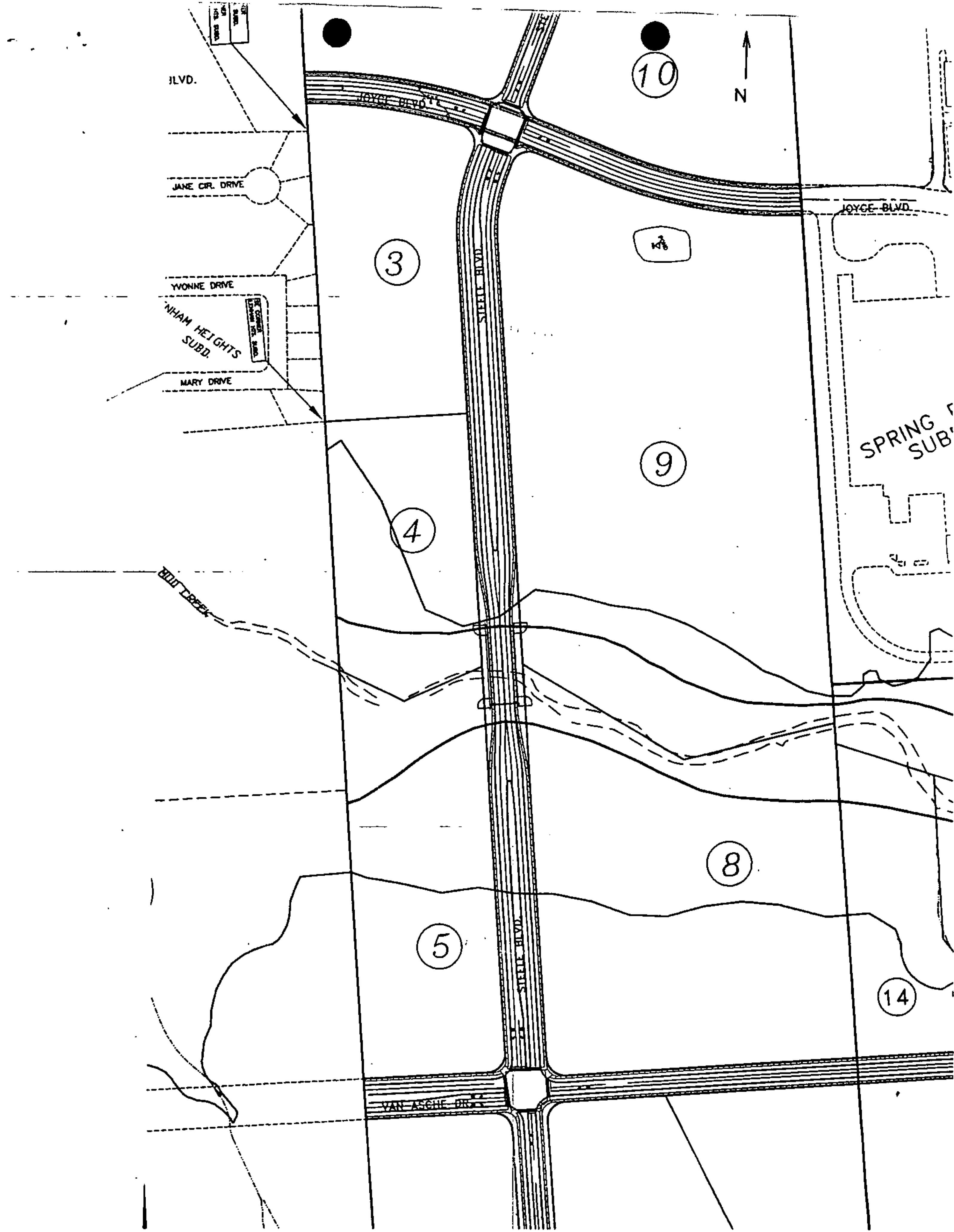
Item No.	Quantity		Unit Cost	Total Cost	DESCRIPTION
VI.B1	4	EA	\$2,300.00	\$9,200.00	Construct 4' x 4' Drop Inlets ST-24, ST-25A, ST-26, ST-29
VI.B1a	1	EA	\$2,800.00	\$2,800.00	Construct 4' x 4' Drop Inlet ST-23
VI.B2	1	EA	\$3,100.00	\$3,100.00	Construct 4' x 4.5' Drop Inlet ST-25
VI.B3	2	EA	\$2,600.00	\$5,200.00	Construct 4' x 5' Drop Inlet ST-7, ST-8
VI.B4	1	EA	\$3,300.00	\$3,300.00	Construct 4' x 7' Drop Inlet ST-28
VI.B5	2	EA	\$2,900.00	\$5,800.00	Construct 5' x 5' Drop Inlet ST-6, ST-5A
VI.B6	1	EA	\$2,800.00	\$2,800.00	Construct 5.5' x 7' Drop Inlet ST-5
VI.B7a	1	EA	\$3,100.00	\$3,100.00	Construct 5' x 6' Drop Inlet ST-3
VI.B7b	2	EA	\$2,800.00	\$5,600.00	Construct 5' x 7' Drop Inlet ST-9, ST-10
VI.B8	137.5	LF	\$105.00	\$14,437.50	Drop Inlet Throat Ext. w/6" height opening
VI.C1	1	EA	\$2,300.00	\$2,300.00	Construct 4' x 4' J.B. No. 3
VI.D.a	2	EA	\$2,800.00	\$5,600.00	5' x 4' Reinf. conc. area inlet ST-27, ST-30
VI.D.b	2	EA	\$1,750.00	\$3,500.00	Construct 36" RCP FES w/conc. Apron EP-1, EP-10
VI.E	1	EA	\$3,000.00	\$3,000.00	Construct 48" RCP FES w/conc. Apron FES-8
VI. G.	700	TN	\$12.25	\$8,575.00	SB-2 base: Storm Drain Structure+Box Cul
VI. H.	850	CY	\$21.00	\$17,850.00	Furnish/install 18" maximum size Rip Rap
VI. I.	142	S Y	\$2.00	\$284.00	Non woven geotextile fabric: Rip Rap place
VII.	200	LF	\$2.00	\$400.00	OSHA Trench - Excavation Safety Systems
VIII.A2	430	LF	\$13.50	\$5,805.00	7' Flat Bottom x 1' Depth (SW-8) w/Topsoil & Grass
VIII.A3	747	LF	\$10.00	\$7,470.00	8' Flat Bottom x 1' Depth (SW-9, SW-10, SW-11) w/Topsoil & Grass

**CMN BUSINESS PARK II, PHASES I & II
ENGINEER'S CONSTRUCTION COST ESTIMATE - COST SHARE
PARTS "C" - PAVING & RELATED ITEMS;
PLUS: SANITARY & STORM SEWER ITEMS**

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CITY OF FAYETTEVILLE
Jim Beavers, City Engineer
113 West Mountain Street
Fayetteville, Arkansas 72701

Item No.	Quantity		Unit Cost	Total Cost	DESCRIPTION
VIII.A4	560	LF	\$21.00	\$11,760.00	8' Flat bottom x 1.5' deep ready for concrete ditch paving
VIII.A5	79	LF	\$20.00	\$1,580.00	8' Flat bottom x 1.0' deep ready for concrete ditch paving
VIII.A6	82	LF	\$44.00	\$3,608.00	18' Flat bottom x 1.0' deep ready for concrete ditch paving
VIII.B1	1556	S Y	\$28.50	\$44,346.00	4" Thick Conc. Ditch Pave (SW-9, SW-8, SW-3, SW-13, SW-10, SW-11)
VIII.C1	1613	S Y	\$8.00	\$12,904.00	TRM-C35 Matting
IX.	70	EA	250.00	17,500.00	2" Caliper Trees
X.	1	L S	\$33053.00	\$33,053.00	Striping Plan
XI.	8	EA	\$4,700.00	\$37,600.00	Lighting - 8 Double Arms (7-Steele & 1-Van Asche)
XII.	1	EA	\$1,707.00	\$1,707.00	Lighting- Single Arm relocation (Steele & Joyce)
XIII.	11	EA	\$3,100.00	\$34,100.00	Irrigation System (11 Zones)
XIV	80	LF	\$90.00	\$7,200.00	Hand rail on Steele Bridge
XV	1	L S	\$55,625.00		Sewer line (3) encasement(s)
				\$1,194,464.35	TOTAL COST SHARE
				\$597,232.18	CITY OF FAYETTEVILLE PORTION
XV	1	L S	\$55,625.00	\$26,422.00	Sewer line (3) encasement(s) - City's portion 47.5%
				\$623,654.18	TOTAL CITY
				\$597,232.18	CMN PORTION
XV	1	L S	\$55,625.00	\$29,203.00	Sewer line (3) encasement(s) - CMN's portion 52.5%
				\$626,435.18	TOTAL CMN



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

**CMN Cost share
C. 8.**

Budget Year 2000	Department: Public Works	Date Requested 11/28/00	Adjustment #
	Division: Engineering		
	Program: Sales Tax Capital Improvements		

Project or Item Requested:
378,554 is requested for the Steel Property - Street Improvement Project.

Project or Item Deleted:
Sixth Street Extension to East Huntsville Road.

Justification of this Increase:
For increased construction costs of the City's share of the 50/50 cost share.

Justification of this Decrease:
Sufficient funding remains to complete the project.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number				Project Number	
Street Improvements	378,554	4470	9470	5809	00	99029	20

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number				Project Number	
Street Improvements	378,554	4470	9470	5809	00	96044	10

Approval Signatures

Requested By	Date
	11-29-00
Budget Manager	Date
	11-29-00
Department Director	Date
	11/29/00
Admin. Services Director	Date
	11/30/00
Mayor	Date

Budget Office Use Only

Type: A B C D E

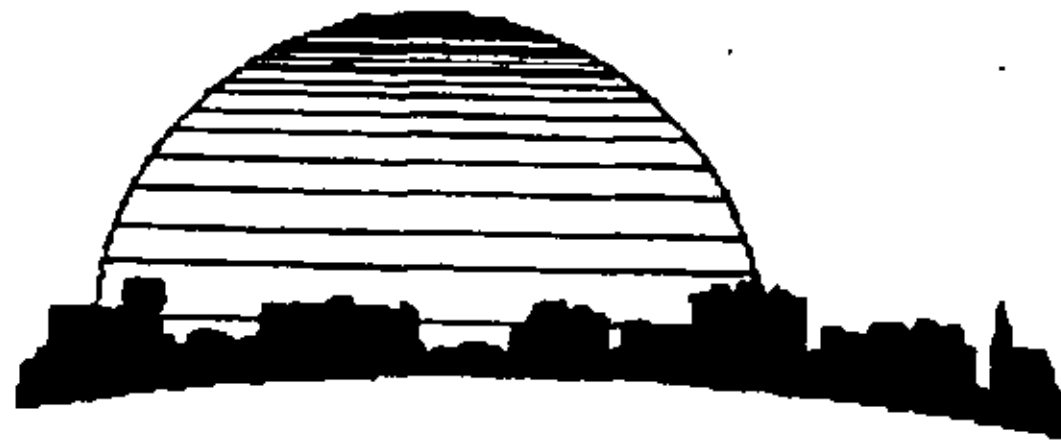
Date of Approval _____

Posted to General Ledger _____

Posted to Project Accounting _____

Entered in Category Log _____

Blue Copy: Budget & Research / Yellow Copy: Requester



CITY OF FAYETTEVILLE
FINAL AGENDA
CITY COUNCIL DECEMBER 5, 2000

A meeting of the Fayetteville City Council will be held on December 5, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain.

A. CONSENT AGENDA

1. **APPROVAL OF MINUTES:** Approval of the minutes from the November 21, 2000 City Council meeting.
2. **COST SHARE:** A resolution approving a budget adjustment in the amount of \$58,892.32 for the cost share with the Developers of The Cliffs PUD for the construction of Cliffs Boulevard and Happy Hollow Extension south of Cliffs Boulevard.
3. **AIRPORT MINIMUM STANDARDS:** An amendment to the Airport's Minimum Standards. This amendment to the Airport's Minimum Standards. This amendment will give the Airport Manager authorization to approve, after consultation, the insurance requirements for businesses operating at Drake Field.

B. OLD BUSINESS

1. **RZ 00-24.00:** An ordinance approving rezoning request RZ 00-24.00 as submitted by Jerry Martin for property located at 1209 Bailey Street. The property is zoned A-1, Agricultural and contains approximately 2.30 acres. The request is to rezone to R-1, Low Density Residential. Left on the first reading.

C. NEW BUSINESS

1. **RZ 00-26.00:** An ordinance approving rezoning request RZ 00-26.00 as submitted by William Greenhaw, Attorney, on behalf of Wilma Jean Baker for property located at 1391 and 1393 Farmer Avenue. The property is zoned A-1, Agricultural and contains approximately 0.71 acres. The request is to rezone to R-S, Residential Small Lot.
2. **RZ 00-27.00:** An ordinance approving rezoning request RZ 00-27.00 submitted by Hilda and Edward Hurtado, on behalf of Dewitt C. Goff for property located at 1819 South School. The property located at 1819 South School. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.80 acres. The request is to rezone to C-2, Thoroughfare Commercial.
3. **WOODBURY PLACE:** An ordinance approving a cost sharing and bid waiver in the amount of \$38,135.00 with the Developers of McIlroy Plaza for the installation of a drainage pipe across the Woodbury Place Subdivision.
4. **WIRELESS COMMUNICATION:** An ordinance approving an amendment to Wireless Communication Facility Ordinance 4178.
5. **GRADING AND DRAINAGE:** An ordinance approving amendments to the City's Grading and Drainage ordinances.
6. **2001 BUDGET:** A resolution adopting the 2001 City of Fayetteville Annual Budget and Work Program.
7. **2020 LAND USE PLAN:** A resolution adopting the General Plan 2020, Future Land Use Plan, and Master Street Plan.
8. **CMN COST SHARE:** An ordinance approving a bid waiver for the negotiated construction costs for the City's share of the "50/50" cost-share for the final pavement, drainage and other construction for the boulevard sections of Steele Boulevard and Van Asche Drive at the CMN development in the amount of \$623,654.18. Approval of, and authorization for the Mayor to expend a 10% contingency in the amount of \$62,365.42 and approval of a budget adjustment in the amount of \$378,553.60.

AGREEMENT

This shall serve as a formal agreement between McIlroy Center Joint Venture, the developers of the McIlroy Center to be located at the northeast corner of the Wedington Drive and Salem Road intersection, and the City of Fayetteville in order for the City of Fayetteville to participate in a cost share to install a storm pipe from the north boundary of the development to the north approximately 340 feet across the Woodbury Place Subdivision.

The City agrees to pay the actual documented construction costs for the afore mentioned construction up to a maximum City cost of \$38,133.25 as was estimated by the developer's engineer. McIlroy Center Joint Venture agrees to provide the necessary and normal project management, inspection and testing as necessary for a complete and accepted drainage pipe and appurtenances.

It is understood that the contract for construction is between the McIlroy Center Joint Venture and their Contractor & Engineer and that the City has no contractual obligation with either the Contractor and Engineer. The City's only obligation shall be to participate in a cost share not-to-exceed amount of \$38,133.25 maximum cost to the City.

If the future and actual bid prices exceed the estimate furnished by your Engineer, then the cost-share agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to construction

It is further understood that upon acceptance of the drainage pipe extension, McIlroy Center Joint Venture will provide, to the City, a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor. The City will strive to make payment to McIlroy Center Joint Venture within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.

Please note that this is a request for approval of a cost share only. The Mayor and/or City Council will not consider the proposed cost share for approval without a formal agreement signed in advance by an authorized representative of your company. Please do not proceed with the proposed construction extension unless/until the proposed cost share is approved by the Mayor and/or City Council and the signed agreement furnished to you.

If you agree with these provisions, please sign the three original agreements in the space provided and return to the City or your Engineer. Should you need any additional information please call Ron Petrie at (501) 575-8206.

Approved City of Fayetteville
Fred Hanna, Mayor

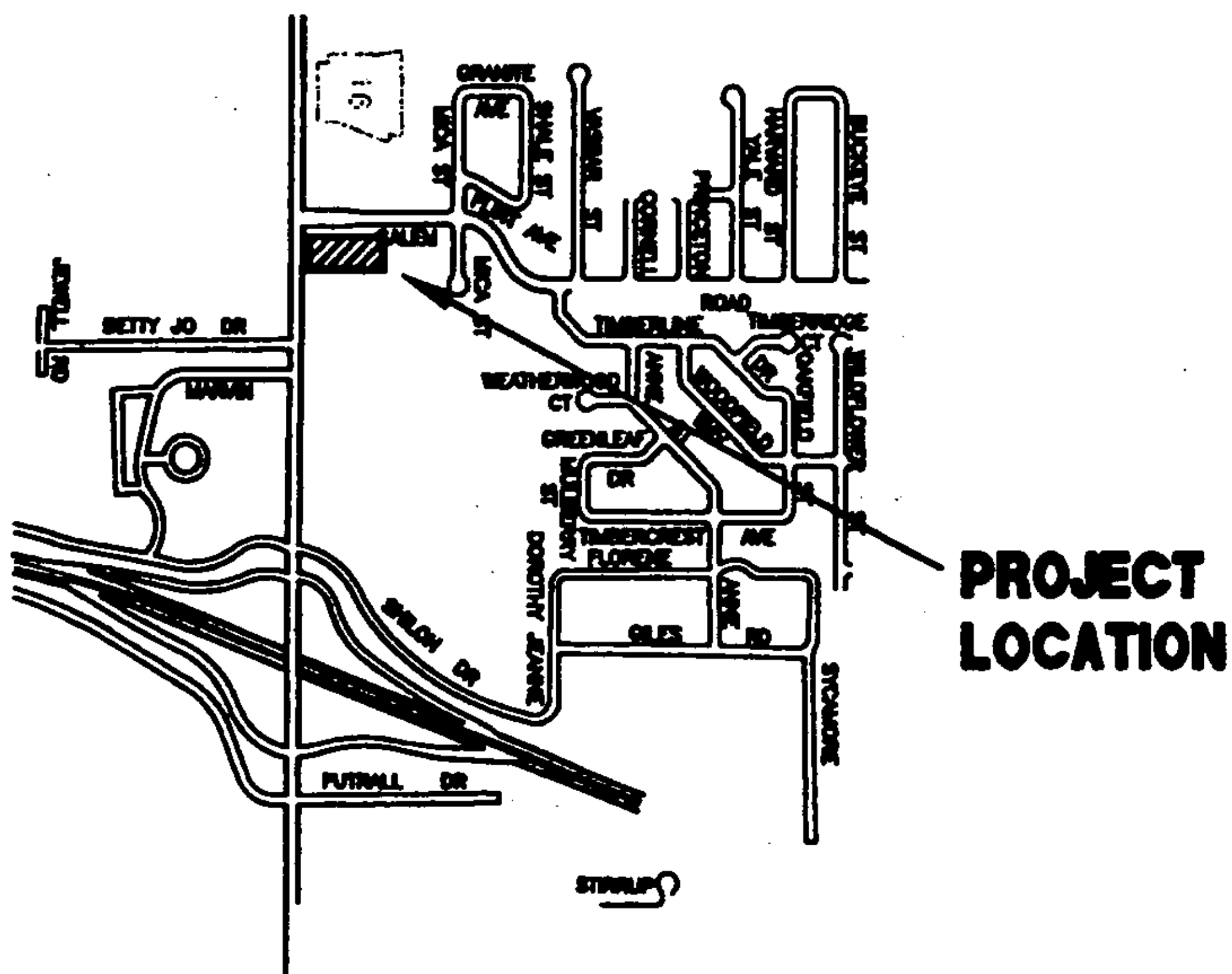
Date



McIlroy Center Joint Venture Authorized
Representative

11-17-00

Date



VICINITY MAP

