FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA
CITY COUNCIL
NOVEMBER 5, 2002

A meeting of the Fayetteville City Council will be held on November 5, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES**

2. **ANIMAL SHELTER:** A resolution awarding a contract to Airworks for the renovation of the HVAC system at the Fayetteville Animal Shelter in the amount of $24,050, plus a 5% contingency amount of $1,203, for a total amount of $25,253; and approval of a budget adjustment.

3. **SUPERIOR INDUSTRIES:** A resolution approving a pass through grant agreement.

4. **CRUSE UNIFORMS:** A resolution awarding Bid 02-62 for Raingear to Cruse Uniforms.

5. **PERSIMMON PLACE:** A resolution accepting money in lieu of land dedication for Persimmon Place Subdivision.

6. **AIRPORT GRANT:** A resolution approving two grant applications from the Arkansas Department of Aeronautics and an amendment to Department of Aeronautics, Grant No. 1877-02, for additional funding for construction of executive aircraft hangar apron south of the terminal building and entrance road relocation. Total of grant funding request is $205,782 and approval of a budget adjustment.

7. **BAYYARI PARK:** A resolution awarding Bid No. 02-59 to R.J.R. Enterprises for playground equipment and installation at Bayyari Park in the amount of $38,000.

113 WEST MOUNTAIN 72701 479-521-7700
FAX 479-575-8257

B. OLD BUSINESS

1. **DEVELOPMENT PLANS AND PERMIT:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville, to provide a date certain for the expiration of approved development plans and permits. The ordinance was left on the second reading at the October 15, 2002 meeting.

C. NEW BUSINESS

1. **1865 HANSHEW STREET:** A public hearing to consider the raze and removal of a house located at 1865 Hanshew Street.

2. **MARTIN LUTHER KING, JR. STREET:** A resolution to change the name of 6th Street to Martin Luther King, Jr. Street.

3. **CRYSTAL SPRINGS:** A resolution amending Resolution 153-02 to exempt that portion of the 600' buffer strip north of Clabber Creek lying west of Deane Solomon Road and to authorize the sale of such property.

4. **SOLID WASTE CLERK:** A resolution eliminating the part-time clerk position and creating a full-time clerk position in the Solid Waste division.

5. **PLANNING COMMISSION APPEAL:** An appeal of a Planning Commission decision regarding LSD 02-21.

6. **PLANNED ZONING DISTRICT:** An ordinance establishing zoning district that permit the combination of development and zoning review into a simultaneous process and to eliminate Section 166.06 Planned Unit Development.

7. **VA 02-5.00:** An ordinance approving vacation request VA 02-5.00 as submitted by the City of Fayetteville for property located at 302 W. Prospect. The request is to vacate a section of the utility easement.

8. **VA 02-11.00:** An ordinance approving vacation request VA 02-11.00 as submitted by the City of Fayetteville for property located at 3868 Sunbest Drive. The request is to vacate a section of street right of way.

9. **DEBT MANAGEMENT POLICY:** A resolution approving the City of Fayetteville Debt Management Policy.

10. **REPLACEMENT FUND:** An ordinance repealing Ordinance No. 1085 and establishing a replacement and disaster recovery fund.

11. **GENERAL FUND:** A resolution approving the policy to set a minimum General Fund Balance requirement.

Meeting of November 5, 2002

	ROLL				
MARR	✓				
BECHARD	✓				
DAVIS	✓				
SANTOS	✓				
JORDAN	✓				
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
COODY	✓				

Consent	V & T B.				
MARR	✓				
BECHARD	✓				
DAVIS	✓				
SANTOS	✓				
JORDAN	✓				
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
COODY					

Meeting of November 5, 2002

OLD Business	KS LR 362	PASS			
MARR	✓	✓			
BECHARD	✓	✓			
DAVIS	✓	✓			
SANTOS	✓	✓			
JORDAN	✓	✓			
REYNOLDS	✓	✓			
THIEL	✓	✓			
YOUNG	✓	✓			
COODY					

1860 Henslee.	removed from agenda.				
MARR					
BECHARD					
DAVIS					
SANTOS					
JORDAN					
REYNOLDS					
THIEL					
YOUNG					
COODY					

Meeting of November 5, 2002

MLK Street Wayne Chris	KS DM	KS Dr Todd			
MARR		✓			
BECHARD		✓			
DAVIS		✓			
SANTOS		✓			
JORDAN		✓			
REYNOLDS		✓			
THIEL		✓			
YOUNG		✓			
COODY					

~~Out~~ Capital Express	KS Norman Sect 2. BT.	to Todd BT.			
MARR	✓	✓			
BECHARD	✓	✓			
DAVIS	✓	✓			
SANTOS	✓	✓			
JORDAN	✓	✓			
REYNOLDS	✓	✓			
THIEL	✓	✓			
YOUNG	✓	✓			
COODY					

Meeting of November 5, 2002

4-3 clerk	KG RB to approve				
MARR	✓				
BECHARD	✓				
DAVIS	✓				
SANTOS	✓				
JORDAN	✓				
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
COODY					
	failed				

PC approved	BD TB to approve approval w/mod. as amended				
MARR	✓				
BECHARD	✓				
DAVIS	✓				
SANTOS	✓				
JORDAN	✓				
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
COODY					

Meeting of November 5, 2002

PZ cmte distr #					
MARR					
BECHARD					
DAVIS					
SANTOS					
JORDAN					
REYNOLDS					
THIEL					
YOUNG					
COODY					

12:10 Tape ended

VP J.S.	LJ KS. 2ND	KS LJ 3RD	PASS		
MARR	✓	✓	✓		
BECHARD	✓	✓	✓		
DAVIS	✓	✓	✓		
SANTOS	✓	✓	✓		
JORDAN	✓	✓	✓		
REYNOLDS	✓	✓	✓		
THIEL	✓	✓	✓		
YOUNG	✓	✓	✓		
COODY			✓		

Meeting of November 5, 2002

MARR					
BECHARD					
DAVIS					
SANTOS					
JORDAN					
REYNOLDS					
THIEL					
YOUNG					
COODY					

MARR					
BECHARD					
DAVIS					
SANTOS					
JORDAN					
REYNOLDS					
THIEL					
YOUNG					
COODY					

Meeting of November 5, 2002

Nephew Issue					
MARR					
BECHARD					
DAVIS				7	
SANTOS					
JORDAN					
REYNOLDS					
THIEL					
YOUNG					
COODY					

Collateral Issue	BD.				
MARR	✓				
BECHARD	✓				
DAVIS	✓				
SANTOS	✓				
JORDAN	✓				
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
COODY					

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA
CITY COUNCIL
NOVEMBER 5, 2002

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A. CONSENT

1. APPROVAL OF THE MINUTES

166-02 **2. ANIMAL SHELTER:** A resolution awarding a contract to Airworks for the renovation of the HVAC system at the Fayetteville Animal Shelter in the amount of $24,050, plus a 5% contingency amount of $1,203, for a total amount of $25,253; and approval of a budget adjustment.

167-02 **3. SUPERIOR INDUSTRIES:** A resolution approving a pass through grant agreement.

168-02 **4. CRUSE UNIFORMS:** A resolution awarding Bid 02-62 for Raingear to Cruse Uniforms.

169-02 **5. PERSIMMON PLACE:** A resolution accepting money in lieu of land dedication for Persimmon Place Subdivision.

170-02 **6. AIRPORT GRANT:** A resolution approving two grant applications from the Arkansas Department of Aeronautics and an amendment to Department of Aeronautics, Grant No. 1877-02, for additional funding for construction of executive aircraft hangar apron south of the terminal building and entrance road relocation. Total of grant funding request is $205,782 and approval of a budget adjustment.

171-02 **7. BAYYARI PARK:** A resolution awarding Bid No. 02-59 to R.J.R. Enterprises for playground equipment and installation at Bayyari Park in the amount of $38,000.

113 WEST MOUNTAIN 72701 479-521-7700
FAX 479-575-8257

B. OLD BUSINESS

4431

1. **DEVELOPMENT PLANS AND PERMIT:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville, to provide a date certain for the expiration of approved development plans and permits. The ordinance was left on the second reading at the October 15, 2002 meeting.

C. NEW BUSINESS

Removed

1. **1865 HANSHEW STREET:** A public hearing to consider the raze and removal of a house located at 1865 Hanshew Street.

Tabled

2. **MARTIN LUTHER KING, JR. STREET:** A resolution to change the name of 6th Street to Martin Luther King, Jr. Street.

Tabled

3. **CRYSTAL SPRINGS:** A resolution amending Resolution 153-02 to exempt that portion of the 600' buffer strip north of Clabber Creek lying west of Deane Solomon Road and to authorize the sale of such property.

failed

4. **SOLID WASTE CLERK:** A resolution eliminating the part-time clerk position and creating a full-time clerk position in the Solid Waste division.

172-02

5. **PLANNING COMMISSION APPEAL:** An appeal of a Planning Commission decision regarding LSD 02-21.

left on 1st

6. **PLANNED ZONING DISTRICT:** An ordinance establishing zoning district that permit the combination of development and zoning review into a simultaneous process and to eliminate Section 166.06 Planned Unit Development.

4432

7. **VA 02-5.00:** An ordinance approving vacation request VA 02-5.00 as submitted by the City of Fayetteville for property located at 302 W. Prospect. The request is to vacate a section of the utility easement.

4433

8. **VA 02-11.00:** An ordinance approving vacation request VA 02-11.00 as submitted by the City of Fayetteville for property located at 3868 Sunbest Drive. The request is to vacate a section of street right of way.

173-02

9. **DEBT MANAGEMENT POLICY:** A resolution approving the City of Fayetteville Debt Management Policy.

10. **REPLACEMENT FUND:** An ordinance repealing Ordinance No. 1085 and establishing a replacement and disaster recovery fund.

11. **GENERAL FUND:** A resolution approving the policy to set a minimum General Fund Balance requirement.

**MINUTES OF A MEETING
OF THE
CITY COUNCIL
OCTOBER 2, 2002**

A special meeting of the Fayetteville City Council was held on October 2, 2002, in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Coody,

WILSON SPRINGS TASK FORCE REPORT

Mr. Jeff Collins, Co-Chairman of the Task Force, stated the task force had consisted of nine members. They were asked to look at the site for specific uses. They divided themselves into three groups. Each group was to look at a specific aspect of the property. The three groups were biology, hydrology, and economic development of the property. As they worked on the project, it became clear that they had a variety of view points that were representative on the task force. The recommendations that were in front of them was a representative of a consensus view point of the members of the task force. They voted on this set of recommendations, their vote was unanimous. They had worked their differences out before the fact. When they voted everyone felt that this was the best set of recommendations that they could arrive at as a task force. They were a representation of a consensus of the task force.

Ms. Andrea Radwell, Ozark Headwaters Group of the Sierra Club, stated the club felt that the members of the task force had represented a wide range of experiences and expertise. At the second meeting the Sierra Club had voiced their opinion on the site. They felt that there should be no construction on any of the hydrate soils located on the site and all of the wet lands should be preserved. They recommended that the City of Fayetteville use the vast majority of the property for wildlife and habitat preservation. The task force recommended that approximately seventy of the two hundred and ninety acres be available for the proposed business technology park and that the development should be split into two phases. Their first reaction was that seventy acres was too large of an area to develop. The task force also recommended that all other portions of the wetlands as well as all the land south of Clabber Creek and north of the seventy acres be set aside and preserved in perpetuity, which they felt was a very appropriate action. They also recommended that the lands north of Clabber Creek should undergo a formal biological and environmental evaluation before any development occurs there. They supported the recommendations and the findings of the task force and asked that the city council adopt and implement them.

Mr. Fred Vorsanger, an former Mayor, stated he was mayor when they bought the land. They paid 1.2 million dollars for the land, and it is worth three times as much today. When he was Mayor they had many people who tried to talk them out of building the Walton Art Center parking lot. They looked at it as a long range project. Could you

imagine what kind of position we would be in today if they had not turned the supposed park into a parking lot. There would be a lot of problems today if they had not done that. He asked the council to look to the future. Don't tie up the land to the point where it could not be used for something constructive.

Mr. Al Vic, an area resident, stated he felt that the task force had come up with a good plan. Just because a piece of land was vacant did not mean that it did not have value. He urged the council to adopt the recommendation.

Mayor Coody stated when they started development, they would do it in two phases. They will be approaching it as a campus style development, that will have landscaping and wet lands. They will be using the best efforts that they can to ensure that they minimize the impact of the development on the developed part.

Mr. Jeff Erf, an area resident, questioned what the process was going to be.

Mayor Coody stated they could accept it tonight or adopt a resolution.

Mr. Erf stated there still was not a business plan for this development. He thought it would be a good idea to have a better idea of what was going to go out there and what their expectations were about being successful. He stated his concern was that they should know upfront how much this was going to cost. If they donated some land to the Fish and Game, the city would lose revenue from sales taxes and property taxes. It came out to approximately 2 to 2.8 million dollars over a twenty year period.

Mayor Coody stated he did not feel that it was necessary to do a business plan until they knew what they were going to do. They had a $700,000 grant from the State to do initial work such as signage and entry.

Mr. Bill Ackerman, Arkansas Fish and Game Commission, stated they were still on track. They have selected their architect. They were hoping that the council would make a decision on how they were going to move forward so that they could begin their design stage. They are wanting to start construction early next spring. There is a sixteen thousand acres wild life management area, ten minutes west of town. There is over three million acres of public lands that the Game and Fish manage in Arkansas. They have another three million acres that they manage jointly with the National Forest system. There is also a hundred thousand acres of National Park, an hour from here. We believe, endorse and will assist in the proper management of anything that they wanted to do out there on the wetland area. They will work with them on the plan utilization of the wetland area, but they need to be reasonable and they do not need to handicap themselves in the future. We need to leave the future plans of this as flexible as possible and do a proper reassure and study on the land out there.

Alderman Young asked if the Game and Fish Commission had passed some kind of resolution stating that they would be interested in that property.

Mr. Ackerman replied the commission had agreed that they would build a regional office here on the land, subject to the city approving the development of the project. They have already set aside $100,000 for the engineering drawings and designs. They are ready to move forward. They are ready to commit however many dollars are necessary for the construction.

Ms. Fran Alexander, an area resident, asked if after the council had discussed this would it be open to public response.

Mayor Coody stated if they decided to take action, they would allow public comment again.

Mr. Tim Stanley, an area resident and business owner, stated he was concerned about putting a face on the type of business that would go out there. He was thinking about moving his business north, because he needed to be on the interstate to be accessible to his customers.

Alderman Thiel asked if he would be building a building?

Mr. Stanley stated he is right across the street now. He is renting a building because he does not feel comfortable purchasing, but he would be interested in building there.

Mr. Marty Matlock, U of A faculty, stated he represented a group of faculty that was loosly affiliated as a managed ecosystem group. They invested and integrated management practices for complex natural resource management conflict resolution. The University is willing to help.

Alderman Theil moved to pass the resolution to accept the report of the task force and agreed to carefully study their recommendations for both development and preservation of the Wilson Springs acreage. Alderman Young seconded.

Mayor Coody asked what this did about them being able to move forward on the design of the seventy acres?

Mr. Williams stated he did not see this authorizing any action, it was just accepting their report. Further action would be required from the council to do anything else.

Alderman Thiel stated the recommendations of the task force were to move forward. She was assuming if they accepted the recommendation that it was telling the administration to bring forward some of the recommendations from the task force.

Alderman Marr stated this really pointed out how inappropriate it was to hand out a resolution on the night of the meeting. There were two recommendations in there. One was to have seventy acres to be platted and planned for. The other is the immediate development of thirty-eight acres. At some point they had to move forward, but there are a lot of issues and questions about what they are authorizing. He wanted this to be a high

quality park, if they did this. He wanted to know that it is set out to do what they had talked about, job creation, that it is going to look great, and that it is going to have an environmental preservation feel to it that was going to make it different. But, they are not talking about that in any of this resolution. He encouraged them to think whether they really need to accept the recommendation and then rely on the staff to bring forward resolutions and ordinances based on this report that attacked this plan as it was presented.

Alderman Marr stated he thought that they had an agreement that if they did not have it on Friday before the meeting, they would not bring it on the night of the meeting. He wanted them to play by the rules that they were setting. They had a resolution talking about accepting the report and recommendation and then bringing forward other information. He was in favor of accepting the report to encourage the staff to bring forward specific resolutions that addressed the work task of the report. It appeared that they were trying to get a go ahead when there was a lot of other information that goes with giving that green flag.

Mayor Coody stated if they get the green flag to go ahead, then they would immediately start to look at design covenants and design guidelines and start building a budget for what they were wanting to do. These things would come forward, but he was afraid that they would leave tonight without any real clear resolution of where they were going and not have anything resolved. Everything that they would do out there would come before the council and public comment. They would develop a small portion first. They were only going to do what they could easily afford and what was economically viable.

Alderman Bechard stated from his point of view that their house was on fire and tonight they were talking about what to plant in the garden. At what point are they going to turn around and realize that their house is on fire. What he was talking about was the economic growth and the sustainability in the City of Fayetteville. He read two passages from the report. "Benton county is near term growth in terms of population and relative income levels could soon have a substantial impact on retailing in Fayetteville and the tax base of the city. As a differential growth rate occurs, development of new retail establishments as well as the potential for relocation of existing retail establishments to Bentonville is probable. The creation of a strong retailing base to the north will undoubtedly have significant impact on the tax base of Fayetteville. This in turn would significantly affect the ability of Fayetteville to make the type of investment to make demands for amenities by current and future residents, develop and improve infrastructure to accommodate growth of existing business or attract new businesses to the City." "Failure to compete for high wage jobs reduces the attractiveness of Fayetteville as a location for retailers further eroding our tax base and our ability to foster knowledge based industry." Rogers has done a very good job at setting a very clear focus on what they are about. They were for high income jobs, upscale retail, upscale hotel and things of that sort. He thinks they should sell Wilson Springs Park. He does not think they should be in the development business, it is not one of our core competencies. He is concerned about their success in that arena.

Alderman Santos stated the University Research and Technology Park to the south was to the point where they were ready to build the first building. They need a master plan, the first building is going to set the tone for what the rest of the buildings will look like. He questioned if they needed a board of directors to manage the development of this business park. They need to work seriously on a master plan that includes protective covenants, design standards, etc. as well as the engineering and getting their permits in place.

Alderman Davis stated if they did not add another section to the proposed resolution, then they had not given any direction. He moved to add section 2, "the City Council of the City of Fayetteville hereby authorizes and approves the future planning of the development and the potential sale of the seventy acres identified by the task force and agrees to preserve approximately one hundred and ten acres of wetland and flood plain." This would give direction to begin the development stage and to put together the requirements that they want. He felt that in order to help the Fish and Game out and others that are willing to look at that area as future homes for their business, they needed to take another step. They needed to see that their intent was to go ahead and not to be stagnant. Alderman Santos seconded the motion.

Alderman Young stated he did not see why something could not be brought forward to their next meeting. He asked to have the amendment read.

Alderman Davis read, "The City Council of the City of Fayetteville, Arkansas hereby authorizes and approves the planning stage of development for the potential sale of the seventy acres identified by the task force and agrees to preserve approximately one hundred and ten acres of wetland and floodplain."

Mr. Erf asked if the city staff has reviewed the task force recommendation and made a staff report and comments on it.

Mr. Gary Dumas stated that the city staff was involved as a liaison to the administration to the task force. This was a task force recommendation and not a staff recommendation. He had reviewed it, but had not commented on it.

Mr. Al Vic stated there was some acreage that they were not discussing, are they still considering the preservation of that?

Mayor Coody stated they would focus on the seventy acres and then look at the rest of it. The recommendation was for future study. It will be years down the road.

Mr. Tom McKenny stated the wording that they were using was confusing to him. They have avoided talking general acreage figures because they did not have the exact figures. He questioned why the one hundred and eighty acres that they had talked about had been reduced to one hundred and ten. How was that going to correlate with the language about the areas to be protected.

Alderman Thiel stated this did not coincide with the acreage in the task force recommendation.

Mr. David Garcia, an area resident, stated they were in danger of unraveling the compromise. His vision of Fayetteville did not include upscale retail, jobs or housing. The task force had hammered out a compromise. He asked if the Chamber of Commerce supported and accepted the task force recommendation.

Mr. Collins stated they had not determined the exact amount of acreage, but had talked about zones. If they talked about a specific number of acres, it was going to be a problem. Referring to a map, he stated the seventy acres is on the south side. The central section contains the wetlands. The west portion has been deemed to have ecological and environmental values, there is also concerns about hydrology. They had recommended not to develop that area. The central portion contains wetlands and the supposed one hundred and twenty acres that they were talking about had to do with the acreage determined by the Army Corp as wetlands, along with the acreage with the floodplain. The part that they are really talking about to potentially develop and that would require further evaluation is the far northern part of the property. He thought that they had tried to give them as much detail as possible with out giving them the exact amount of acreage. They could give them the zones that they thought were important to protect. They would have to survey to determine the exact amount of acreage that would be included in each of the zones. In general, they needed to move off the amount of acreage and talk about zones.

Alderman Bechard stated he still had concerns about the City being the developers. He asked Mr. Collins if they had considered selling the land.

Mr. Collins stated as an economist he is personally greatly concerned that the City would enter into this sort of an arrangement. If they could go back, he would argue that this was an inappropriate purchase. The City should not be in the business of land speculation. They should not be in the business of development, however, they were not at the beginning of the process. Given that fact and that the City was the best steward of the environmental amenities the point was mute. He was concerned that the property would only be used by a few people and it did not have value to the average Fayettevillian. He did not think that the City should speculate on land and they should not be in the business of maintaining land that did not have value to most Fayettevillians. He thought they had to find a way of making value out of the land that they preserve in the same way they talk about having value of the land that they intend to develop.

Alderman Bechard stated knowing that the land has improved its value and that they could sell it and make money, but they also have an environmental responsibility. Do they take some of that land and not make it available for sale and then sell the rest and let someone who does this for a living do it. Was that ever considered by the task force?

Mr. Collins stated they did not discuss that. That was not a bad path to take, but he was concerned about creating a knowledge based industry in Northwest Arkansas. Land close to the University and on that highway is a very scarous resource.

Mr. McKinney stated there had always been the knowledge that part of this site was appropriate for development. It was a very balanced group of people. A large portion of the property was not suitable for development. The only acreage figure that they had discussed was the fifty/seventy acres that they thought was appropriate for development. They had drawn boundaries with out acreage. To them it took care of all the questions. Recommendation 5 was to commence as soon as possible a formal inventory assessment and evaluation of the lands north of Clabber Creek, not designated as wetlands or mitigation areas for wetland impact for development potential. This land includes the eleven acres lying west of Deane Solomon Road. Such evaluations should include a thorough needs assessment, potential environmental impact and the development of further wetland delineation assessment... such evaluation yields the possibility of development of some kind. Task force recommends the inclusion of a significant buffer of not to be disturbed land of at least six hundred feet wide lying north of and parallel to Clabber Creek. The consensus was that the evaluation of the northern acreage will determine what will happen there, if it was feasible for development then the corridor will be at least six hundred feet or more. Recommendation 6 takes everything else south of Clabber Creek and north of the commercial development to be preserved in perpetuity as delineated wetlands and or an extension of said wetlands. He suggested that they change "study" to "adopt". The proposed resolution did not mention protecting the areas that they had recommended. If they adopted the other recommendations of the task force, it would be his personal preference.

Mr. Bobby Ferrell, an area resident and a member of the Chamber of Commerce, stated the Chamber of Commerce did want to accept it. They were not policy makers, and it was not perfect from there perspective, but they had compromised. Common ground was what they were after. They wanted a resolution to this tonight. They accepted the task force report.

Ms. Radwell stated there were some problems with removing the word in perpetuity. One of them was that the Corp of Engineers wanted to know what they were going to do for preservation. They had not talked about mitigation tonight. One of the ways to reduce the mitigation cost was to preserve the center section. If the land was not preserved in perpetuity, then they would not be able to receive grants for the property. They wanted to develop the middle section as an education research, public enjoyment section where they could generate grant money and have some kind of educational opportunities.

Mr. David Garcia stated he would agree to the entire task force recommendation, which included developing the seventy acres, if they just take out the seventy acres and say that they would deal with the rest later. To him they had just changed the terms of the deal. If they take out the word "perpetuity" then they had just changed the compromise that had been made. He would speak against any resolution that would do anything except,

accept the task force proposal as it stands to move forward. If they changed anything, there would be no unity or agreement any more. He urged them to vote either up or down the task force recommendation as the basis of how to develop the property.

In response to question regarding the difference between the recommendation and the resolution, Mr. Collins stated the difference was in the strength of the statement regarding the commitment to the preservation of the remaining land which had been designated as zone B, it did not correspond with the recommendation. If they could word the resolution to acknowledge that the land that they wanted to preserve could then become a environmental amenity.

Alderman Davis and Santos withdrew their amendment.

Alderman Santos asked Alderman Thiel if she would consider the resolution of adopting the task force recommendation.

Alderman Marr asked Alderman Thiel if she would consider the resolution of adopting the task force recommendation one through six.

Alderman Thiel and Young withdrew their original motion. Alderman Theil moved to pass her proposed resolution. Alderman Young seconded.

Alderman Davis stated he had a problem the with the word, "adopt". Zone C may have some potential in the future. If they were to use the word adopt, then they would have no room to move.

Mr. Collins stated their recommendations specifically says that after study, if it was found to be developable land, then development should move forward on that parcel. If they adopt their recommendations then what they were staying was that they wanted to look a little more before developing. If found to be economically viable and the environmental benefits did not out weigh the economic benefits, then they would move forward with development.

Alderman Davis asked what the staff thought of the recommendation.

Mr. Dumas stated he thought this would allow them to move forward with the seventy acre development. While it would be beneficial for a greater sized economic development parcel to have that approximate twenty-six acres between Deane Solomon and the wet land wooded area, the development of that area would be several years down the road.

Alderman Bechard stated they would be competing against their own taxpayers. They would be competing against CMN Park. He questioned if they really wanted to do that. If they went down this path and kept spending more money and they were not able to develop this as fast they thought, then they would be in a tighter spot. He asked if they

should look at understanding what the value of the seventy acres is and look at the potential of selling the property.

In response to questions, Mr. Collins stated if they were to adopt their recommendation, then what they were saying was they were going to leave the central area as undeveloped land except for trails and utilizing it for its environmental values.

Alderman Marr stated there was nothing that says the majority of a new council could not redirect policy. He thought this was a compromise and it did allow them to move forward.

Mr. Chet Caldwell, Chamber of Commerce, stated they would ask Alderman Thiel to amend section 1 to change "adopt" to " accept" . "Accept" would allow them to reevaluate with out having to go through new resolutions.

In response to questions, Mr. Caldwell stated they were asking for the wording to be changed to "accept" because it allowed the city to set policy themselves for the implementation of those recommendations without hamstringing future councils into deciding how to protect and use the other parcels there.

Mr. Williams stated this council will not bind a future council. This was a resolution and a future resolution can change it. However, once the property is developed, it is developed as a whole. They would make agreements with the Corp of Engineers that did bind the city in perpetuity. Once they make agreements with other agencies, then the property is forever bound. Any resolution that they had did now would not bind the future councils.

Alderman Thiel moved to make her main motion to read adopt, then she would propose an amendment using the word "accept". Alderman Marr seconded.

Mr. Dewayne Wilton stated if they did not adopt the recommendations they did not have an agreement.

Mr. Al Vic stated he thought they had an agreement, then they had a change of wording that changed things. If they did not adopt the agreement it could break down.

Alderman Marr stated that it was important that the record reflect that they make a clear choice between "adopt" and "accepted". He would be voting against his motion because he felt that adopt was the spirit of what they had talked about. He thought it was important that they took a vote.

Mr. Tom McKinney stated that it had always been their hope that they not only accept their recommendation but that they would adopt them. He asked them to adopt their recommendations.

Mr. Williams stated the motion before them was to amend the resolution to remove the word "adopt" and replace it with "accept".

Upon roll call the motion failed by a vote of 2-6, Thiel, Young, Marr, Bechard, Santos, and Jordan voting nay.

Mr. Williams stated there was a motion to pass the resolution presented by Alderman Thiel with the addition of the second section that requested that the city staff proceed with the recommendation of the task force.

Upon roll call the motion passed unanimously.

The meeting adjourned at 10:20 p.m.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: City Council

From: Mayor Dan Coody

Date: Oct. 30, 2002

Subject: Grant Research Writing and Formalized Internal Process

The administration has been concerned about the attention the City of Fayetteville has been giving toward finding funding sources outside of the normal funding stream. For this reason, when approached by a consulting firm offering to provide assistance, I felt it appropriate to at least release a formal inquiry to determine what assistance might be available and at what cost.

As the Council is aware the administration has been stepping up activities internally this past year to also address this apparent deficiency. For this reason the staff prepared a briefing paper for our area Federal Legislative delegation this past spring and was fortunate to receive $500,000 in discretionary funding to assist in our sewer rehabilitation. Some departments within the City have been very aggressive at seeking out and applying for appropriate grants, our Police Department, the Airport, the Parks and Recreation Department, the Fire Department and the Community Code Enforcement (CD Block Grant) Department.

In reviewing what outside sources could provide and at what cost, I believe that our staff with some very minor and indirect reorganization can increase our opportunities for receiving more grant funds. The staffs who can most efficiently and effectively prepare grant applications are within the Departments that will utilize the grant funds. These are the people who know their programs, their future plans, their budgets and are the ones who are our frontline in securing funding from outside sources.

For the above reasons I recommend that the City Council not proceed with any contract for outside sources. But instead I have established an informal staff grants committee, much like the Internal Oversight Committee, in that it cuts across Departmental lines.

The Committee will consist of one person from the Administration, and one from Parks, Library, Airport, Police, Fire, Code Enforcement and Engineering. These are the primary areas of grant sources. If other opportunities come available other staff can be

RESOLUTION NO. _____

A RESOLUTION AWARDING A CONTRACT IN THE AMOUNT OF TWENTY-FOUR THOUSAND FIFTY DOLLARS ($24,050.00) TO AIRWORKS, A DIVISION OF MULTI-CRAFT CONTRACTORS, INC. TO RENOVATE THE HVAC SYSTEM AT THE FAYETTEVILLE ANIMAL SHELTER; AUTHORIZING A FIVE PERCENT (5%) PROJECT CONTINGENCY; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF FOUR THOUSAND FOUR HUNDRED SEVENTY DOLLARS ($4,470.00).

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

Section 1. That the City Council of Fayetteville, Arkansas, hereby awards a contract in the amount of Twenty-Four Thousand Fifty Dollars ($24,050.00) to Airworks, a division of Multi-Craft Contractors, Inc. to renovate the HVAC system at the Fayetteville Animal Shelter.

Section 2. That the City Council of Fayetteville, Arkansas, hereby authorizes a five percent (5%) Project Contingency.

Section 3. That the City Council of Fayetteville, Arkansas, hereby approves a Budget Adjustment in the amount of Four Thousand Four Hundred Seventy Dollars ($4,470.00).

PASSED and **APPROVED** this 5th day of November, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
HEATHER WOODRUFF, City Clerk

DRAFT

RESOLUTION NO. _____

A RESOLUTION APPROVING A SUB-RECIPIENT CONTRACT BETWEEN THE CITY OF FAYETTEVILLE AND SUPERIOR INDUSTRIES INTERNATIONAL, INC. PURSUANT TO AN ECONOMIC INFRASTRUCTURE FUND GRANT (EIFG) IN THE AMOUNT OF ONE HUNDRED TWENTY THOUSAND DOLLARS ($120,000.00) FROM THE ARKANSAS DEPARTMENT OF ECONOMIC DEVELOPMENT TO SUPPORT JOB GROWTH AT SUPERIOR INDUSTRIES INTERNATIONAL, INC.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a Sub-Recipient Contract between the City of Fayetteville and Superior Industries International, Inc. pursuant to an Economic Infrastructure Fund Grant (EIFG) in the amount of One Hundred Twenty Thousand Dollars ($120,000.00) from the Arkansas Department of Economic Development to support job growth at Superior Industries International, Inc.

PASSED and **APPROVED** this 5th day of November, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
HEATHER WOODRUFF, City Clerk

DRAFT

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #02-62 TO CRUSE UNIFORMS IN AN AMOUNT NOT TO EXCEED TWENTY-SIX THOUSAND DOLLARS ($26,000.00) FOR THE PURCHASE OF GORE-TEX RAINGEAR FOR THE UNIFORMED MEMBERS OF THE FAYETTEVILLE POLICE DEPARTMENT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #02-62 to Cruse Uniforms in an amount not to exceed Twenty-Six Thousand Dollars ($26,000.00) for the purchase of Gore-Tex raingear for the uniformed members of the Fayetteville Police Department.

PASSED and **APPROVED** this 5th day of November 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
HEATHER WOODRUFF, City Clerk

DRAFT

October 29, 2002

AGENDA SESSION
CITY COUNCIL
NOVEMBER 5, 2002

NEW ITEMS:

NB 3

1. **Crystal Springs:** A resolution amending Resolution 153-02 to exempt that portion of the 600' buffer strip north of Clabber Creek lying west of Deane Solomon Road and to authorize the sale of such property.

NB #2

2. **Martin Luther King, Jr. Street:** A resolution to change the name of 6th Street to Martin Luther King, Jr. Street.

STAFF REVIEW FORM

Grant Research
C. 5. Page 1

___ AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council Meeting of: November 5, 2002

FROM:

Dan Coody (Name) | ___ (Division) | Mayor's Office (Department)

ACTION REQUIRED: Review proposal for grant research and assistance services.

COST TO CITY:

___ Cost of this request | ___ Category/Project Budget | ___ Program Category / Project Name

___ Account Number | ___ Funds Used to Date | ___ Program / Project Category Name

___ Project Number | ___ Remaining Balance | ___ Fund Name

BUDGET REVIEW: Budgeted Item ___ Budget Adjustment Attached

___ Budget Manager | ___ Date | ___ Administrative Services Director | ___ Date

CONTRACT/GRANT/LEASE REVIEW:

___ Accounting Manager | ___ Date | ___ Internal Auditor | ___ Date

___ City Attorney | ___ Date | ___ ADA Coordinator | ___ Date

___ Purchasing Manager | ___ Date | ___ Grant Coordinator | ___ Date

STAFF RECOMMENDATION:

___ Division Head | ___ Date

___ Department Director | ___ Date

Administrative Services Director | 10-18-02 Date

Mayor | 10/21/02 Date

Cross Reference

New Item: [Yes] No

Previous Ord/Res#: ___

Orig. Contract Date ___

Orig. Contract Number ___

Staff Review Form - Page 2

Description ACTION REQUIRED: Review proposal for grant research and Meeting Date November 5, 2002

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION TO CHANGE THE NAME OF 6TH STREET TO MARTIN LUTHER KING, JR. BOULEVARD

WHEREAS, Dr. Martin Luther King, Jr. was a visionary and courageous leader who shined the light of brotherhood and freedom during the dark days of racial segregation in America; and

WHEREAS, Dr. Martin Luther King, Jr. gave his life in the struggle for equality, justice and freedom through non-violent civil disobedience and inspirational leadership; and

WHEREAS, it is right and fitting that the City of Fayetteville, as the first voluntarily integrated public school system in the South, honor and memorialize Dr. King by renaming a major thoroughfare such as 6th Street as Martin Luther King Jr. Boulevard.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to rename 6th Street in Fayetteville, Arkansas, as "Martin Luther King Jr. Boulevard" in honor of and to memorialize Dr. Martin Luther King, Jr. and his vision that all of us would be judged by the content of our character rather than the color of our skin and that here in Fayetteville we will all stand together on "the solid rock of brotherhood."

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby requests that the Fayetteville Planning Commission hold a public hearing pursuant to city policy concerning the possible renaming of 6th Street to Martin Luther Kind, Jr. Boulevard and forward its recommendation back to the City Council.

PASSED and **APPROVED** this the 5th day of November, 2002.

APPROVED:

By: _____ DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Steve Davis, Interim Administrative Service Director

From: Marsha Farthing, Accounting Manager

Date: October 30, 2002

Subject: General Fund Reserve Fund Balance

In the past the City of Fayetteville has had an informal policy of keeping unreserved General Fund Balance at an amount equal to 60 days of annual expenditures. Maintaining a minimum fund balance protects the City from unforeseen economic downturns and will help provide sufficient liquidity in such times. The financial presentations made to City Council by staff over the past year and one half have been based on a 60 day retention of General Fund Balance. The provision (60 days of expenditures in unrestricted cash and investments) is a requirement of the City's Water and Sewer Bond issues.

Adopting a formal policy is a recommended practice of the Governmental Finance Officers Association (GFOA) and other organizations including credit rating agencies (see attachments). The Administrative Services staff is recommending adopting a formal policy to maintain unreserved General Fund Balance at 60 days of annual regular general fund operating expenditures or $3,435,000, whichever is greater. Operating expenditures in General Fund at year end 2001 were $20,894,587. Only by City Council approval would staff be allowed to reduce General Fund Balance below this level.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: City Council

From: Mayor Dan Coody

Date: Oct. 18, 2002

Subject: Grant Research Assistance

The administration has released a request for proposals from qualified consultants to assist the City of Fayetteville in obtaining grants and awards from federal, state, and non-profit sources.

The most qualified of the respondents will make a presentation to the City Council on November 5.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Grant Writing Services Selection Committee

FROM: Stephen Davis, Administrative Services Director, Interim

DATE: October 9, 2002

SUBJECT: REVIEW OF GRANT WRITING SERVICES RFP

The City is interested is exploring a contract with a consultant to provide grant writing services to assist the City in identifying and obtaining supplemental funding for projects to improve service delivery, quality of life and/or upgrade existing infrastructure.

The goal is to have responses back from the prospective consultants on October 24. The consultant is being tasked to make a presentation to City Council at the agenda session scheduled for October 29. In light of the tight time frame please review the attached RFP and provide comments back to me no later than 3:30 Friday, October 11.

Currently, the RFP is going to mailed/e-mailed to the following firms: ECS Services, Atlanta, GA; Resource Associates, Farmington, NM; Monarch Consulting Services, Bottineau, ND; Leighty Consulting Services, Columbia, MO; and, Randall Funding and Development, Sausalito, CA. Please propose additional consultants if you feel they can comply with the proposal requirements.

Thank you in advance for your work on the committee.

City of Fayetteville
GRANT WRITING SERVICES
REQUEST FOR PROPOSAL
02-16

The City of Fayetteville is seeking grant writing services to aggressively locate and obtain government, and/or corporate and/or foundation grants that provide supplemental financial support for identified, priority capital needs of the City of Fayetteville (City). The grants sought must meet a strategic need identified by the City, using normal public involvement processes.

Currently, the City has approximately $106 million dollars in prospective projects to improve service delivery, improve quality of life and/or upgrade existing infrastructure. The grant services consultant is expected to identify grant opportunities that will assist the City in obtaining funding of the projects selected by the City. To enable the City in evaluating your qualifications, please respond to the following:

Submissions not responding to the questions will be considered non-responsive and will not be considered.

1) Detail your experience preparing grants for submission to public, corporate and foundation grantors, including clients, projects, completed activities, amounts and involved funding sources.

2) Please include proposals written for capital support, clearly identifying the grant(s) sought, and your role in preparing the proposal, and the size of the award, if any. (Two page maximum)

3) Describe your methodology to preparing capital proposals to public, corporate and foundation grantmakers, including any experience with national foundations.

4) Describe what resources you would expect the City to provide as well as the role you would expect the City to play in a successful capital fundraising effort. (Two page maximum)

5) Please provide a listing of any and all organizations to which you have provided grant-writing services during the past three years. Include the name, address, and telephone number of the organization, name of the customer's principal manager for the project, and a one-sentence description of the nature, scope and size of the project.

6) Please note that in submitting this proposal you are authorizing the City to contact any and all prior customers.

7) Please provide a formal proposal reflecting a target grant assurance of not less than $750,000.

8) Provide a chronological schedule detailing milestones, tasks, man-hours, reports, newsletter and deliverables for the term of services.

The successful consultant is expected to be present at the City Council agenda session of October 29, 2002 to make a formal presentation to the Fayetteville City Council that articulates the benefits and cost of using their consulting services for Grant Writing.

To be considered, written proposals must be received by Oct. 24, 2002 no later than 5:00 p.m. in the format set forth in the accompanying documents. A non-responsive or incomplete proposal will not be considered. Proposals received after this deadline will not be considered. Proposals should be hand delivered or mailed to the following address:

Ms. Peggy Vice
Purchasing Manager
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701
Telephone: (479) 575-8289
Fax: (479) 575-8241

The outside of the envelope must be clearly marked "02-16" Grant Writing Services".

1. It shall be clearly understood that any costs incurred by the proposer in responding to this request for proposal is at the proposer's own risk and expense as a cost of doing business, and the City is not liable for reimbursement to the proposer for any expense so incurred, regardless of whether or not the proposal is accepted.

2. Any inquiries or requests for explanation in regard to the City's requirements should be made to the above listed number. The names of any persons or firms submitting questions, clarifications, or requests will not be disclosed until after the deadline for submitting.

3. Any conditions or expectation on the part of the proposer for performance by the City must be set forth in the proposal.

4. At the discretion of the City, one or more proposer may be asked for more detailed information before final award is made.

5. The City will not be responsible for misdirected proposals. Proposer should call the Purchasing Office at (479) 575-8289 to insure receipt of their proposal documents prior to opening time and date listed above.

6. Proposer must provide the City with their proposals signed by a person having legal authority to submit bids on behalf of the proposer.

SELECTION METHODOLOGY

The City of Fayetteville professional selection policy PUR 13 provides for the procurement of professional services based upon professional qualifications. A selection committee consisting of the Chief Financial Officer or representative, designated Department Directors, or other designated City staff shall review and rate the submitted proposals. The proposals/qualifications will be evaluated based upon a point system using the percentages indicated below.

The selection committee has established the following point levels with respect to this RFP. The relative weight of each requirement is indicated next to each item.

25 points	(1)	Qualifications in relation to specific project to be performed.
25 points	(2)	Experience, competence, and capacity of performance.
25 points	(3)	Proposed method of doing work.
10 points	(4)	Past performance.
15 points	(5)	Price.

Please forward your response to this solicitation to:

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

Addendum #1 October 17, 2002

City of Fayetteville 479/575-8289

RFP 02-16 GRANT WRITING SERVICES

This addendum is to clarify that The City of Fayetteville is not seeking capital fund endowment creation services.

The City of Fayetteville is seeking funding to supplement funds already appropriated for capital projects.

This concludes the question period for this RFP. We look forward to receiving your response to our request for proposal.

Thank You

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

October 11, 2002

To: Potential Grant Services Providers

The City of Fayetteville, Arkansas is interested is exploring a contract with a consultant to provide grant writing services to assist the City in identifying and obtaining supplemental funding for projects to improve service delivery, quality of life and/or upgrade existing infrastructure.

The deadline for responses back from the prospective consultants is October 24, 2002. The candidate consultant will be tasked to make a presentation to City Council at the agenda session scheduled for October 29. The City reserves the right to accept or reject any or all proposals. Identification of a candidate consultant and issuance of the invitation to make a presentation to the Fayetteville City Council does not obligate the city in any manner.

Please be advised that any information provided to the City of Fayetteville is subject to the Arkansas Freedom of Information Act and as such will be made available to anyone who makes a formal request for the information.

If you have any questions concerning this request for proposal, please contact Stephen Davis via telephone at 479-575-8330, by fax at 479-575-8257 or by e-mail at sdavis@ci.fayetteville.ar.us.

Thank you in advance for your consideration of our request.

Sincerely,

Stephen Davis
Administrative Services Director, Interim

113 West Mountain 72701 (479) 521-7700
Fax (479) 575-8257

RESOLUTION NO. _____

A RESOLUTION TO ESTABLISH A MINIMUM
UNRESERVED GENERAL FUND BALANCE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby establishes a minimum, unreserved General Fund Balance of Three Million Four Hundred Thirty-Five Thousand Dollars ($3,435,000.00) or sixty (60) days of annual regular general fund operating expenditures, whichever is greater. This minimum unreserved General Fund Balance cannot be reduced without specific City Council Resolution.

PASSED and **APPROVED** this 5th day of November, 2002.

APPROVED:

By: DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE CITY OF FAYETTEVILLE DEBT MANAGEMENT POLICY

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the City of Fayetteville Debt Management Policy attached as Exhibit "A".

PASSED and **APPROVED** this the 5th day of November, 2002.

APPROVED:

By: DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO. 1085 AND ESTABLISHING A REPLACEMENT AND DISASTER RECOVERY FUND

WHEREAS, Ordinance No. 1085 was passed on June 20, 1955, and established the Vehicle and Maintenance Equipment Replacement Fund and required $1,400.00 to be deposited monthly into this fund; and

WHEREAS, the Vehicle and Maintenance Equipment Replacement Fund currently has a designated fund balance of about $4,181,665.00; and

WHEREAS, $3,000,000.00 of this fund should be reserved in an account entitled "Disaster Recovery Account" so that the City will have substantial available resources if a disaster befalls our city; and

WHEREAS, this $3,000,000.00 and the remaining $1,181,665.00 balance should be transferred to a new fund designated as the Replacement and Disaster Recovery Fund.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals Ordinance No. 1085 and establishes a new fund "Replacement and Disaster Recovery Fund" into which all moneys from the "Vehicle and Maintenance Replacement Fund" shall be transferred.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby designated $3,000,000.00 of the Replacement and Disaster Recovery Fund to be reserved and not dispersed until and unless the City Council determines by Resolution that a disaster or emergency requiring use of those funds has occurred. As soon as feasible after any such disbursement of funds from the Replacement and Disaster Recovery Fund, these funds should be restored to bring the Replacement and Disaster Recovery Fund up to the Three Million Dollar ($3,000,000.00) fund balance.

DRAFT

Section 3.. That the City Council of the City of Fayetteville, Arkansas hereby adopts the policy attached as Exhibit "A" for the use and disposition of funds within the Replacement and Disaster Recovery Fund in excess of the Three Million Dollars ($3,000,000.00) reserved disaster or emergency amount.

PASSED and **APPROVED** this the 5th day of November, 2002.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT A

CITY OF FAYETTEVILLE, ARKANSAS
POLICY AND PROCEDURE

SUBJECT:	**Vehicles & Equipment that cost less than $10,000**
NUMBER:	MP-5
EFFECTIVE DATE:	January 1, 2003
REVISIONS:	

MP-5.0 PURPOSE:

The purpose of this directive is to establish policy and procedures for the purchase, replacement, insurance costs, license fee, repairs and maintenance of items that cost $10,000 or less currently on the motor pool schedule. These items will be removed from the motor pool schedule. All items meeting this criteria will become the property of the division in possession of the equipment. Fleet operations will no longer charge nor track this equipment through motor pool. The division in possession of this equipment will be responsible for budgeting these items in their operational funds.

MP-5.1 POLICIES & PROCEDURES:

A. Replacement of Equipment:

1. The user Division is responsible for accumulating replacement costs. A replacement expense account will be set up for each division by the Accounting Manager to capture replacement costs. The money recorded in the account, on an annual basis, may be unexpended amounts at the end of the year or a budget transfer from operations throughout the year. To allow Division Heads a beginning list for maintaining records and schedules, Fleet Operations will provide a listing of equipment indicating purchase price and the projected year of replacement. Stranded capital cost will be left in the Shop Fund and the receiving division will not be billed.
2. When replacing equipment, the Division must follow Purchasing Policy for bid procedures, bid openings, etc. Bid specifications will be cleared through Fleet Operations to maintain consistency and interchangeability. An equipment or fixed asset number will be assigned to each unit for tracking purposes by the Fleet Operations Division. A separate replacement schedule will be developed for each division during the City's annual budget to determine the current year replacement schedule and funding requests.
3. When replacement costs for equipment (that *originally* cost less than $10,000) exceeds $10,000, the Division will pay the first $10,000 and Fleet Operations will pay the difference. The equipment will then be placed on the motor pool schedule and the division will be charged monthly motor pool and replacement costs. Equipment replacement costs that are $10,000 or less will remain with the division that has possession.
4. Items will not be removed from the vehicle inventory list that Fleet Operations maintains. When a division receives approval to buy an item under $10,000, they

receiving division. The receiving division will be responsible for adding the transferred equipment to the Hansen system and removing it from its home division.

APPROVAL: _____
Mayor

_____
Date

1865 Headsleew, 11-7-02, PH

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
CITY COUNCIL
NOVEMBER 5, 2002

A meeting of the Fayetteville City Council will be held on November 5, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES**

2. **ANIMAL SHELTER:** A resolution awarding a contract to Airworks for the renovation of the HVAC system at the Fayetteville Animal Shelter in the amount of $24,050, plus a 5% contingency amount of $1,203, for a total amount of $25,253; and approval of a budget adjustment.

3. **SUPERIOR INDUSTRIES:** A resolution approving a pass through grant agreement.

4. **CRUSE UNIFORMS:** A resolution awarding Bid 02-62 for Raingear to Cruse Uniforms.

5 **PERSIMMON PLACE:** A resolution accepting money in lieu of land dedication for Persimmon Place Subdivision.

6 **AIRPORT GRANT:** A resolution approving two grant applications from the Arkansas Department of Aeronautics and an amendment to Department of Aeronautics, Grant No. 1877-02, for additional funding for construction of executive aircraft hangar apron south of the terminal building and entrance road relocation. Total of grant funding request is $205,782 and approval of a budget adjustment.

Removed from Consent 7 **SOLID WASTE CLERK:** A resolution eliminating the part-time clerk position and creating a full-time clerk position in the Solid Waste division.

8 **BAYYARI PARK:** A resolution awarding Bid No. 02-59 to R.J.R Enterprises for playground equipment and installation at Bayyari Park in the amount of $38,000.

113 WEST MOUNTAIN 72701 479-521-7700
FAX 479-575-8257

B. OLD BUSINESS

1. **DEVELOPMENT PLANS AND PERMIT:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville, to provide a date certain for the expiration of approved development plans and permits. ORD WAS LEFT ON 1ST. ?

C. NEW BUSINESS

1. **PLANNING COMMISSION APPEAL:** An appeal of a Planning Commission decision regarding LSD 02-21.

2. **PLANNED ZONING DISTRICT:** An ordinance establishing zoning district that permit the combination of development and zoning review into a simultaneous process and to eliminate Section 166.06 Planned Unit Development.

3. **VA 02-5.00:** An ordinance approving vacation request VA 02-5.00 as submitted by the City of Fayetteville for property located at 302 W. Prospect. The request is to vacate a section of the utility easement.

4. **VA 02-11.00:** An ordinance approving vacation request VA 02-11.00 as submitted by the City of Fayetteville for property located at 3868 Sunbest Drive. The request is to vacate a section of street right of way.

remove 5. **GRANT RESEARCH:** Review proposal for grant research and assistance services.

6. **DEBT MANAGEMENT POLICY:** A resolution approving the City of Fayetteville Debt Management Policy.

7. **REPLACEMENT FUND:** replace Ord-1085 + est a data Recovery fund. A resolution approving the use of the Replacement Fund to accumulate funds for the $10,000 and under vehicles and machinery for governmental funds of the City. Staff is also requesting approval of a required reserve in the Replacement Fund of $3,000,000. may need ordinance. (See list)

8. **GENERAL FUND:** A resolution approving the policy to set a minimum General Fund Balance requirement.

9. **1865 HANSHEW STREET:** A public hearing to consider the raze and removal of a house located at 1865 Hanshew Street.

move to front of agenda NB.

2 additions.

MLK

Mel McCallum

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council Meeting of: November 5, 2002

FROM:

Coy Hurd	Building Services	General Services
Name	Division	Department

ACTION REQUIRED: Award contract regarding the bid for the renovation of the HVAC system at the Fayetteville Animal Shelter located at 1640 Armstrong Drive, in the amount of $24,050.00, and approval of a contingency in the amount of $1,203.00. and approval of a budget adjustment.

COST TO CITY:

$24,050 Contract $1,203 Contingency	$ 37,884.00	Kennel Upgrades & Improvements
Cost of this request	Category/Project Budget	Program Category / Project Name
4470.9470.5804.00	$ 15,228.41	Other Capital
Account Number	Funds Used to Date	Program / Project Category Name
02007.1	$ 22,655.59	Sales Tax Construction
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Manager — 10-11-02 Date

Administrative Services Director — Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — 10/11/02 Date

Internal Auditor — 10/11/02 Date

City Attorney — 10/11/02 Date

ADA Coordinator — Date

Purchasing Manager — 10/11/02 Date

Grant Coordinator — Date

STAFF RECOMMENDATION:

Division Head — oct 10 02 Date

Department Director — 10-14-02 Date

Administrative Services Director — 10-11-02 Date

Mayor — 10/15/02 Date

Cross Reference

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

Previous Ord/Res#: _____

Orig. Contract Date _____

Orig. Contract Number _____

Staff Review Form - Page 2

Description _____ Meeting Date _____

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM
TO: Mayor Dan Coody, Members of Fayetteville City Council
FROM: Coy Hurd, Project Manager
THRU: Gary Dumas, General Services Director
RE: Bid for the renovation of the HVAC (heating, venting, and air conditioning) system at the Fayetteville Animal Shelter
DATE: October 10, 2002

On October 9, 2002, a bid was conducted regarding a needed renovation of the HVAC system at the Fayetteville Animal Shelter at 1640 Armstrong Avenue. In anticipation of the bid opening, the Building Services Division telephoned four perspective vendors for the HVAC system for the purpose of stimulating interest and participation. In addition, public notification of the bid was advertised on two separate occasions in area newspapers. Two companies came to City offices to retrieve bid packages. When the 2:00 p.m. time arrived for the bid opening on October 9, only one vendor (Airworks) had submitted a bid. Airworks' bid was $24,500 for the work. This bid price was inclusive of all costs related to the stated scope of work, including all taxes, fees and permits. The bid of $24,050 was within the expected range of the cost of this work, and was also well within the declared amount of funds available. We should include a five percent contingency amount to address any possible changes or additions ($24,050 X .05 = $1,202.50; $24,050 + $1,203 = $25,253).

It is my recommendation that Airworks' bid be accepted, and, that a Notice to Proceed be issued to that company to accomplish this work. I remain available to answer any questions or concerns on this matter.

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: General Services	Date Requested	Adjustment Number
2002	Division: Building Services	11/5/2002	
	Program: Sales Tax Capital		

Project or Item Requested:
$2,597 in the Kennel Upgrades & Improvements capital project.

Project or Item Deleted:
$2,242 from the Animal Shelter A/C Replacement capital project.

$355 from the Shelter Quarantine Upgrade capital project.

Justification of this Increase:
The additional funding is needed to cover the cost of the contract and contingency with Airworks, Inc. to renovate the HVAC system and the Fayetteville Animal Shelter.

Justification of this Decrease:
The funding from the Animal Shelter A/C Replacement capital project needs to be combined with the Kennel Upgrade Project.

Increase Expense (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Fixed assets	4470	9470	5801	00	2,597	02007	1

Decrease Expense (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Fixed assets	4470	9470	5801	00	2,242	99009	1
Building & grounds maint	4470	9470	5400	00	355	02008	1

Approval Signatures

Requested By	Date
Budget Manager	10-11-02 Date
Department Director	Date
Administrative Services Director	10-11-02 Date
Mayor	Date

Budget & Research Use Only

Type: A B C D E

Date of Approval	Date	Initial
Posted to General Ledger	Date	Initial
Posted to Project Accounting	Date	Initial
Entered in Category Log	Date	Initial

City of Fayetteville, Arkansas
HVAC & MAKEUP AIR RENOVATION AT FAYETTEVILLE ANIMAL SHELTER
Bid 02-41

General Information and Specifications:

The City of Fayetteville is accepting price proposals from bidders to provide materials and installation to modify existing ductwork to add a new five ton DX cooling coil, replace thermostat, add five ton condensing unit, 2000 CFM E.R.V. with ductwork and associated controls. Proposals shall conform to the specifications attached.

Contractors are encouraged to visit the site to verify site condition and accessibility before submitting.

Proposals must conform to the following specifications and include appropriate evidence for each:

1. Bidder shall have a state of Arkansas Contractors License is bid proposal is over $20,000.
2. Bidder shall have workers' compensation as required by Arkansas State statutes.
3. Bidder shall have general liability insurance as required at a minimum of $500,000.00. A bid bond of 5% and a 100% performance/payment bond are required if bid proposal is over $20,000.

The successful bidder will be responsible for providing the following:

1. Provide all labor, equipment, materials and supplies needed to complete the job as specified.
2. Remove and cleanup of all debris and construction materials after installation.
3. A $100.00 per day penalty shall be assessed for each day over the 30 day required delivery date. Any deviation must be noted with specifications attached to bid.
4. Bad weather days will be considered and allowed when appropriate. A $100.00 per day penalty shall be assessed for each day over the 30 day completion time. Installation may be performed on Monday through Friday.
5. Project will not be accepted until the City approves the work after construction.

PROPOSAL FORM

Total price for this project shall include installation, post construction cleanup, etc. and sales tax as regulated in Arkansas Department of Finance and Administration, GR-21 (Attached).

Total Bid $ 24,050.00

The Bidder understands the Owner reserves the right to reject any or all bids and to waive formalities deemed to be in the City's best interest.

Bidder agrees that this bid shall be good and may not be withdrawn for a period of thirty (30) calendar days after the schedule closing time for receiving bids.

CONTRACTORS NAME Air Works, a div of MCC

CONTRACTORS LICENSE # 0025810303

CONTACT PERSON Laymon Faulkner

TITLE Sheet Metal Shop Manager

ADDRESS 2300 Lowell Rd
Springdale, AR 727764

TELEPHONE 751-7411 FAX 751-0316

SIGNATURE: Rick Barrow President

All inclusive bids must be submitted no later than Oct. 9, 2002 at 2:00 p.m., to the City of Fayetteville, Purchasing Office, Room 306, 113 West Mountain Street, Fayetteville, Arkansas, 72701 in a sealed envelope marked *"HVAC MAKEUP AIR AT ANIMAL SHELTER"* "Bid 02-41." **Each bidder will be required to meet or exceed the specifications attached. Any deviation must be noted with specifications attached to bid.** Questions should be directed to Larry Rennie, Facilities Maintenance, (479) 575-8363.

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

10/09/02

PRODUCER

Rebsamen Insurance/SPD
4706 S. Thompson, Suite 101
Springdale AR 72764
(501) 756-1400

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

INSURED

Airworks Division of Multi-Craft Contractors, Inc.
P. O. Box 1760
2300 Lowell Rd.
Springdale, AR 72765-1760

COMPANIES AFFORDING COVERAGE

COMPANY A: St. Paul Mercury Insurance Co.
COMPANY B: National Surety Corporation
COMPANY C: St. Paul Fire & Marine Ins. Co
COMPANY D:

COVERAGES

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY [X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS MADE [X] OCCUR OWNER'S & CONTRACTOR'S PROT [X] Per Project Limit [X] Contractual Liab.	KK09101654	9/01/02	9/01/03	GENERAL AGGREGATE	$ 2,000,000
					PRODUCTS-COMP/OP AGG	$ 2,000,000
					PERSONAL & ADV INJURY	$ 1,000,000
					EACH OCCURRENCE	$ 1,000,000
					FIRE DAMAGE (Any one fire)	$ 100,000
					MED EXP (Any one person)	$ 10,000
A	AUTOMOBILE LIABILITY [X] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [ ] HIRED AUTOS [X] NON-OWNED AUTOS	KK09101654	9/01/02	9/01/03	COMBINED SINGLE LIMIT	$ 1,000,000
					BODILY INJURY (Per person)	$
					BODILY INJURY (Per accident)	$
					PROPERTY DAMAGE	$
	GARAGE LIABILITY [ ] ANY AUTO				AUTO ONLY - EA ACCIDENT	$
					OTHER THAN AUTO ONLY:	
					EACH ACCIDENT	$
					AGGREGATE	$
B	EXCESS LIABILITY [X] UMBRELLA FORM [ ] OTHER THAN UMBRELLA FORM	XYZ00075453290	9/01/02	9/01/03	EACH OCCURRENCE	$ 1,000,000
					AGGREGATE	$ 1,000,000
						$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: [ ] INCL [ ] EXCL	WVK9101979	9/01/02	9/01/03	[X] WC STATUTORY LIMITS [ ] OTHER	
					EL EACH ACCIDENT	$ 1,000,000
					EL DISEASE-POLICY LIMIT	$ 1,000,000
					EL DISEASE-EA EMPLOYEE	$ 1,000,000
C	OTHER Installation Floater Special Causes of Loss	IM09102640	9/01/02	9/01/03	$50,000 per job location $10,000 in transit $10,000 temporary storage site $1,000 deductible	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

PURPOSE OF CERTIFICATE:

Insurance Information for BID for HVAC & Makeup Air Renovation at Fayetteville Animal Shelter BID 02-41

CERTIFICATE HOLDER

City of Fayetteville
Purchasing Office
Room 308
113 W. Mountain St.
Fayetteville, AR 72701

CANCELLATION

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

AUTHORIZED REPRESENTATIVE: Debbie Kelm

Debbie Kelm

ACORD 25-S (1/95)

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CERTIFICATE: 141/001/ 00478

BID: 02-41
DATE: 10/09/02
TIME: 2:00 PM
CITY OF FAYETTEVILLE

DESCRIPTION: HVAC & MAKEUP AIR ANIMAL SHELTER

BIDDER	ITEM #1
AIRWORKS	$24,050.00

Certified by P Vice
P Vice Purch Mgr

R Williams 10/9/02
Witness Date

NOTICE TO BIDDERS

Bid NO. 02-41 for HVAC & MAKEUP AIR ANIMAL SHELTER

The City of Fayetteville, Arkansas, will receive proposals in Room 306, City Hall, 113 West Mountain Street, Fayetteville, Arkansas until 2:00 p.m., October 9th, 2002, for the above listed item.

Bid forms, specifications and terms and conditions may be obtained from Larry Rennie at the Building Maintenance Office located at 115 South Church.

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

Contractors license and a 5% bid bond required if bids are $20,000.00 or more.

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

Peggy Vice
Purchasing Manager

****

Bidder agrees that this bid shall be good and may not be withdrawn for a period of thirty (30) calendar days after the schedule closing time for receiving bids.

CONTRACTORS NAME _____

CONTRACTORS LICENSE # _____

CONTACT PERSON _____

TITLE _____

ADDRESS _____

_____

_____

_____

TELEPHONE _____FAX_____

SIGNATURE: _____

All inclusive bids must be submitted no later than Oct. 9, 2002 at 2:00 p.m., to the City of Fayetteville, Purchasing Office, Room 306, 113 West Mountain Street, Fayetteville, Arkansas, 72701 in a sealed envelope marked *"HVAC MAKEUP AIR AT ANIMAL SHELTER"* "Bid 02-41." **Each bidder will be required to meet or exceed the specifications attached. Any deviation must be noted with specifications attached to bid.** Questions should be directed to Larry Rennie, Facilities Maintenance, (479) 575-8363.

14. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at (501) 575-8289 to insure receipt of their bid documents prior to opening time and date listed on the bid form.

15. If products and/or components other than those described in this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. All requests for additional information must be received within five working days following the request.

16. Bids must be hand delivered or received by mail in the Purchasing Office, Room 306, 113 W. Mountain St. Fayetteville, AR 72701, on or before the time of closing listed on the face of the bid.

*17. Public improvement bids with a total of $20,000 or more shall submit certificates of insurance within 10 days of notice of bid award. Certificates of insurance are to be addressed to the City of Fayetteville, showing that the contractor carries the following insurance which shall be maintained throughout the term of the bid. Any work sublet, the contractor shall require the subcontractor similarly to provide the same insurance coverage. In case any employee engaged in work on the project is not protected under Workers' Compensation, the Contractor shall provide, and shall cause each subcontractor to provide, adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

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

*18. Public improvement bids with a total of $20,000 or more require a 5% bid bond and if awarded, a 100% performance and payment bond to be submitted before notice to proceed is given.

*19. Public improvement bids exceeding $20,000 or more require a contractor's license.

*20. The City shall pay Contractor based on unit prices indicated in contractor's bid proposal. Progress payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.

*21. Contractor shall not assign his duties under the terms of this agreement. All work shall be coordinated directly with the Project Manager, or their designee.

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

replacement of dishwashers, stoves, ovens, refrigerators, heating and air conditioning units, garbage disposals, water heaters, ceiling fans, garage door motors, electric signs, washing machines, and dryers is taxable.

3. The alteration, addition, cleaning, refinishing, replacement and repair of carpet and rugs remains taxable.

4. The replacement or repair of elevators is a taxable service.

D. TAXATION OF MATERIALS

1. Permitted Business. A business holding a sales tax permit should purchase all materials used in its construction, repair, and retail business exempt from sales tax as sales for resale. Any materials used in the performance of non-taxable services are not taxed to the customer; however, the business must self-assess, report, and pay sales tax as a withdrawal from inventory (stock) on the purchase price of the materials. The business must collect sales tax from its customers on retail sales of materials. Sales tax on materials used in performing taxable services is to be collected from the customer along with the labor charges.

2. Non-permitted Business. A business which is not required to hold a sales tax permit must pay tax on all purchases of materials. Use tax is required to be reported and paid on the purchase of materials from out-of-state sellers.

E. SPECIFIC BUSINESSES

1. Heating and Air Contractors.

a. The original installation of heat and air ductwork and heating and cooling units is not a taxable service. The contractor must either pay tax to the supplier on the materials and equipment used in the installation, or self-assess tax as a withdrawal from inventory (stock) on the purchase price of all materials including the heating and air units.

b. Subsequent repairs to or the replacement of the mechanical components of the system, e.g. the heating and air units or components, are taxable services. Any materials or parts used in the repairs or replacement are also taxable to the consumer.

c. Replacement or repair of heating and air ductwork is not a taxable service. The contractor must either pay tax to the supplier on the materials used in the work, or self-assess tax as a withdrawal from inventory (stock) on the purchase price of the materials used.

d. If the contractor repairs or replaces ductwork and repairs or replaces heating or air units, then unless the ductwork labor and material charges are separated from the heating or air unit labor and material charges, the entire charge for the work plus the cost of all materials will be taxable.

2. Plumbing. The installation, replacement or repair of pipes and non-mechanical plumbing fixtures are not taxable services. The plumbing contractor is to pay tax to the vendor on plumbing materials used in these services, or self-assess tax as a withdrawal from inventory (stock) on the purchase price of the materials used. No tax will be collected from the customer.

3. Electrical Contractors.

a. The installation, repair or replacement of non-mechanical materials which become a part of a structure, such as wiring, breakers, and light fixtures, is not a taxable service. The contractor must either pay tax to the supplier on the materials used in the work, or self-assess tax as a withdrawal from inventory (stock) on the purchase price of the materials used.

2. The materials must be purchased prior to the expiration of five (5) years from the effective date of the tax increase.

3. The construction contractor shall complete and sign the "Certificate of Proof for Contractor's Entitlement to Exemption from Sales and Use Tax Increase", a copy of which follows this regulation and which is available from the Sales and Use Tax Section, Revenue Division of the Department of Finance and Administration. The construction contractor shall furnish a completed copy of the form to each
seller of exempt property for each contract and shall retain a copy of the Certificate with his purchase records.

4. The seller must keep adequate records to identify all exempt materials sold. The seller must retain the completed Certificate described in paragraph (3) above. The seller's invoices or other sales documents must contain a statement that the seller has received the Certificate which is retained in his records.
EXAMPLE A: Pulaski County local sales and use tax is increased by 1 % effective October 1, 1995. Purchases of materials used in completing construction contracts entered into prior to October 1, 1995, will be exempt from the additional 1% tax until September 30, 2000. EXAMPLE B: On November 1, 1995, a construction contractor purchases a hammer and 50 pounds of nails for use in framing an apartment building. The construction contractor furnishes all necessary information required by this regulation to the seller. The construction contract was signed prior to the October 1, 1995, tax increase. The additional tax increase is due on the sale of the hammer because the hammer will not become a recognizable part of the building. The nails are exempt from the tax increase because the nails, although they cannot be seen, are a recognizable part of the building.

B. Consumer use tax reports: Some construction contractors report the use tax due on materials purchased from out of state sellers directly to the Revenue Division of the Department of Finance and Administration. When such a construction contractor claims the exemption granted by Act 387 of 1995, the construction contractor shall keep all records required by this regulation including maintaining copies of purchase invoices and the contracts for which the exemption is claimed.

C. Burden of Proof: The burden of proving entitlement to an exemption is on the taxpayer. In the case of an audit of a seller's business, the burden is on the seller to keep records adequate to prove the validity of the claimed exemptions. In the case of an audit of a construction contractor's business, the burden is on the construction contractor to keep records adequate to prove the validity of the claimed exemptions.
Failure to do so will result in the exemptions being disallowed and applicable tax, penalty and interest being assessed to the taxpayer.

RENOVATION FOR FAYETTEVILLE ANIMAL SHELTER
FAYETTEVILLE, ARKANSAS

GENERAL MECHANICAL REQUIREMENTS
SECTION 15010

PART 1 - GENERAL

1.01 RELATED DOCUMENTS:

A. Comply with the Conditions of the Contract, General and Supplementary Conditions, and any other applicable requirements contained herein or issued under separate cover.

B. Perform other work related to or necessary for the mechanical installation in accordance with the applicable Specification Division or Section contained herein.

C. In Mechanical Specification Sections, items under "RELATED WORK" are listed for convenience only and are not guaranteed to be a complete listing of all applicable work.

1.02 CODES, REGULATIONS AND STANDARDS:

A. Comply with the latest edition of applicable codes including the following:

1. Standard Building Code
2. Arkansas State Plumbing Code
3. Arkansas State Gas Code
4. Life Safety Code (NFPA 101)
5. National Electrical Code (NFPA 70)
6. Arkansas State Fire Prevention Code
7. Arkansas Gas Pipeline Code

B. Comply with applicable Regulations as amended, including the following:

1. Arkansas State Department of Health Regulations
2. 1994 Arkansas Rules and Regulations for Energy Efficiency Standards for New Building Construction
3. Arkansas Department of Labor Regulations
4. Occupational Safety and Health Act (OSHA)
5. Utility Company Regulations and Requirements
6. Other State and Federal Laws and Regulations
7. Local Ordinances

C. Furnish products and perform installation conforming to the latest accepted Standards published by the following organizations:

1. Underwriter's Laboratories, Inc. (UL)
2. National Fire Protection Association (NFPA)
3. National Electrical Manufacturer's Association (NEMA)
4. American Society of Testing Materials (ASTM)
5. American National Standards Institute (ANSI)
6. Air Movement and Control Association (AMCA)
7. American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE)
8. American Society of Mechanical Engineers (ASME)
9. American Water Works Association (AWWA)
10. American Refrigeration Institute (ARI)

sound level, rpm, velocity and other data as it is applicable.

K. Submit proposed changes in ducts, pipes or equipment lay out before ordering or fabrication as stated below under "Intent".

1.05 INTENT:

A. It is intended that the Contractor provide a complete and operating mechanical system including all incidental items, and connections necessary for proper operation or customarily included even though each and every item may not be indicated.

B. The Drawings indicate the general layout requirements for equipment, fixtures, piping, ductwork, etc. Final layout will be governed by actual field conditions with all measurements verified at the site. Contractor shall verify that all equipment, ducts, pipes and all other components will fit in the space provided before fabrication or ordering. Contractor shall submit any proposed changes to the Engineer for approval before ordering or fabrication.

C. It is intended that the mechanical installation be safe, reliable, energy efficient, and easily maintained with adequate provisions allowed for access to equipment.

D. It is intended that the mechanical system operate quietly with noise levels below the criteria recommended for the application by ASHRAE. Provide corrective action as required to reduce objectionable noise or vibration.

PART 2 - PRODUCTS

2.01 PRODUCT REQUIREMENTS:

A. Furnish only new standard products of a manufacturer regularly engaged in the production of said products.

B. Support all products by service organizations with adequate spare parts inventory and personnel located reasonably close to the site.

C. Where multiple units of the same type or class of products are required, provide all units of the same manufacturer.

2.02 PRODUCT HANDLING:

A. Store products in the original containers and shelter in a suitable environment at an approved location. Make readily accessible for inspections and inventory accounting.

2.03 PRODUCT SUBSTITUTIONS:

A. For products specified by generic reference standard, select any product meeting such standard.

B. For products specified by naming one or more products or manufacturers, select any named. Submit request, in writing, for substitution of any product or manufacturer not specifically named and obtain approval at least five working days prior to bid date.

C. Provide all information required to support claim of "equality" of product proposed for substitution. Substitutions will be considered only if equivalent in quality, efficiency, performance, size, weight, reliability, appearance, and ease of maintenance to the specified product or manufacturer.

C. Provide copper plated hangers if in contact with copper piping.

D. Provide 18 gauge galvanized saddles for insulated pipe and size hanger to accommodate pipe and insulation.

E. Use steel riser clamps for vertical piping support through floors. Provide steel bracket and wrought steel clamp for support from walls.

Fl. Support ducts with steel bands, steel angles, or steel channels near each transverse joint.

2.07 CONCRETE BASES:

A. Provide concrete bases for floor mounted equipment indicated on the Drawings and all exterior equipment mounted on grade. Use proper cement-sand mix to achieve strength of 3000 psi after 28 days.

B. Provide steel reinforcing bars as required and provide proper ties and support during pouring.

C. Establish sizes of bases required to accommodate equipment. Generally, make bases extend 3" larger than equipment.

D. Provide properly sized anchor bolts held in position with templates. Where anchor bolts cannot be held in sufficient alignment, provide adjustable bolts in pipe sleeves.

E. Prior to pouring, set steel re-bar dowels in holes drilled in existing slab for proper anchorage of base. Install near each corner and at other intervals not to exceed 24 inches.

F. Trowel finish and rub smooth. Form edges with 3/4" chamfer.

2.08 SLEEVES:

A. For pipes or round ducts through dry floors above grade or interior walls, form sleeves with 18 gauge galvanized sheet metal. Sleeves are not required in non fire rated dry wall construction nor slab on grade.

B. For pipes through outside walls, firewalls, concrete beams, footings or potentially wet floors, provide schedule 40 galvanized steel pipe sleeves. Provide integral waterstop in outside wall sleeves.

C. For rectangular ducts through walls or floors, form sleeves with steel angles or channels or galvanized sheet metal.

D. Extend sleeves through floors one inch above floor and seal watertight. For core drilled penetrations in existing floors, provide one inch angle rings set in sealant in lieu of sleeves. Make wall sleeves flush with wall.

E. Size sleeves to allow for movement due to expansion and to provide for pipe insulation run continuous through sleeves.

F. Where pipes or ducts pass through sleeves, completely fill space with insulation or approved fire barrier materials. Provide tight fitting escutcheon plates on both sides of wall sleeves as follows:

1. Galvanized sheet metal caps for ducts.

E Coordinate with other trades work and install all work so that all systems and components can be easily maintained and can be removed for replacement in the future.

E. Provide access to all equipment. Do not locate components that must be serviced, maintained, or replaced above hard ceilings. Where these components absolutely must be above hard ceilings or in side walls, provide access doors equal to Acudor 5050. Provide fire rated access doors equal to Acudor FW5050 in fire rated ceilings or walls.

3.05 FLAME AND SMOKE CONSIDERATIONS:

A. In ducts or other enclosures used for transporting environmental air, including return air plenums above ceilings, use only products conforming to NFPA and UL composite classifications not exceeding 25 for flame spread and 50 for smoke developed ratings. This requirement applies to all materials including adhesives, finishes, etc.

B. Completely seal penetrations through fire and/or smoke rated walls, ceilings, floors, or other barriers for the passage of piping, ductwork, etc. with a UL listed material to preserve the fire/smoke rating of the barrier.

C. Provide approved fire dampers in air ducts penetrating fire barriers requiring a fire construction rating one hour or greater. Maintain access to fire damper fusible link.

3.06 FAN SHUTDOWN CONTROLS:

A. Provide smoke detector in the return of units below 2000 CFM. The detector shall be installed prior to mixing with outside air. Provide smoke detector in supply of units greater than 2000 CFM. If the entire area served by the unit is not protected by smoke detectors, then provide a smoke detector in the return also of units greater than 2000 CFM. The smoke detectors shall shut the unit down.

B. Mechanical contractor shall install the smoke/fire detector in the ductwork as appropriate. The controls contractor shall wire the detector to shut the unit down, and the fire alarm contractor shall wire detector to his own system.

C In exhaust only systems, the smoke detectors shall not be required.

3.07 COORDINATION:

A. Coordinate the mechanical work with the work of related trades to avoid interference's. Determine the exact route of piping and ductwork prior to fabrication and the exact location of each outlet and equipment connection prior to installation.

B. Study the Drawings, and Specifications including Shop Drawings and manufacturer's technical data sheets, and compare to actual site conditions and constraints. In case of conflicts or interference, obtain clarification or instructions before performing any work.

C. Piping or equipment requiring slope or specific mounting elevations will generally have right of way over products whose elevations can be changed.

D. Carefully plan the sequence of work as required to minimize disruptions and installation time.

3.14 TESTING, ADJUSTING, AND BALANCING:

A. After systems are completed and fully operational, perform Testing, Adjusting, and Balancing (TAB) in accordance with procedures recommended in ASHRAE Systems volume, AABC Standards, and NEBB Standards on the following systems:

1. Supply Air System
2. Return Air System
3. Exhaust Air System
4. Outside Air System

B. Furnish all test equipment, tools and instrumentation required for TAB. Submit proof of calibration when required.

C. Before beginning TAB, submit forms to be used to the Engineer for approval or use the attached forms.

D. Adjust fan speeds, dampers, valves, and other controls to achieve design ratings. Balance each air device or valve to within plus or minus 10 percent of indicated flow rates. Perform TAB for each possible mode of operation.

E. Notify Engineer 24 hours prior to taking final readings and arrange for Engineer to be present for final readings.

F. Obtain and record all measurements required for final TAB report. Include at least the following data:

1. Running amperes and voltage at each motor 3/4 horsepower or larger. Indicate rpm and direction of rotation.
2. Air flow rates (cfm) at each supply air outlet, return and outside air intake.
3. Dry bulb air temperatures in each conditioned space and at entrance and exit of all coils with corresponding outside air temperature. Record refrigerant pressures at the same time.
4. Static pressures in each control zone relative to outdoors and across each fan, air filter, major component, and major duct run.

G. TAB shall be performed by a qualified TAB specialist approved by the Engineer.

3.156 POST CONSTRUCTION SUBMITTALS:

A. Deliver special tools, lubricants, and other products necessary for proper operation and maintenance of the mechanical systems.

B. Deliver spare parts as called for under other Mechanical Sections contained herein or on the Drawings.

C. Submit Project Record Documents indicating all changes from the Contract Documents made during construction.

D. Submit Certificates of Final Inspections from the Administrative Authority.

E. Submit Operation and Maintenance Manuals covering all phases of equipment and systems provided. Include complete spare parts data with current prices and sources of supply. Include copy of manufacturing data sheets and shop drawings required in pre-construction submittals.

RENOVATION FOR FAYETTEVILLE ANIMAL SHELTER
FAYETTEVILLE, ARKANSAS

VIBRATION ISOLATION
SECTION 15240

PART 1 - GENERAL

1.01 WORK INCLUDED:

A. Vibration isolators

1.02 RELATED WORK:

A. Section 15860 Fans

1.03 REFERENCE STANDARDS:

A. Provide and install mechanical equipment so that Average Noise Criteria Curves, as outlined in ASHRAE Guide, are not exceeded.

1.04 SHOP DRAWINGS:

A. Submit shop drawings in accordance with Section 15010.

B. Vibration isolation shop drawings shall show isolator locations, load on each isolator, inertia slab dimensions, and include installation instructions.

1.05 INSPECTION:

A. Provide inspection services by vibration isolation equipment and materials manufacturer's representative for final installation is in accordance with specifications and manufacturer's recommendations.

PART 2 - PRODUCTS

2.01 ACCEPTABLE MANUFACTURERS:

A. Manufacturer and Type: Mason Industries.

B. Other Acceptable Manufacturers: Related Equipment Manufacturers.

C. Substitutions: Items of same function and performance are acceptable in conformance with Section 15010.

2.02 VIBRATION ISOLATORS:

A. Double deflection neoprene mounting shall have a minimum static deflection of 0.35". All metal surfaces shall be neoprene covered to avoid corrosion and have friction pads both top and bottom so they need not be bolted to the floor. Bolt holes shall be provided for these areas where bolting is required. On equipment such as small vent sets and close coupled pumps, steel rails shall be used above the mountings to compensate for the overhang. Mountings shall be type ND or rails type DNR as manufactured by Mason Industries, Inc.

RENOVATION FOR FAYETTEVILLE ANIMAL SHELTER
FAYETTEVILLE, ARKANSAS

MECHANICAL INSULATION
SECTION 15250

PART 1 - GENERAL

1.01 WORK INCLUDED:

A. Interior air duct accoustical/thermal liner

B. Exterior duct wrap insulation

C. Refrigerant piping insulation

D Cooling condensate drain insulation

1.02 RELATED WORK:

A. Section 15010 General Mechanical Requirements

B. Section 15890 Low Pressure Ductwork and Accessories

1.03 SUBMITTALS:

A. Submit Manufacturer's Data Sheets on each type of insulation to be used.

1.04 QUALITY ASSURANCE:

A. Perform installation in accordance with MICA, Commercial and Industrial Insulation Standards.

B. Follow manufacturer's directions on adhesive application, fastener spacing, etc.

PART 2 - PRODUCTS

2.01 MATERIALS:

A. Glass fiber type equal to Owens-Corning Fiberglass 23ASJ\SSL for 1/2" and greater thickness.

1. K-factor no greater than 0.24
2. Jacket permeance no greater than 0.02 perms.
3. Self sealing laps on longitudinal and transverse joints of all service jacket.
4. J-M "Zeston" PVC fitting covers over Fiberglass inserts for valves and fittings. Provide 25/50 flame/smoke rating when used in air plenums.

B. Acoustical Fiberglass interior duct liner with 1-1/2 lb. density and coated face. Meet UL 181 on erosion tests and NFPA 90A on flame/smoke rating.

C. Flexible Fiberglass exterior duct wrap equal to FRK-25.

1. K-factor no greater than 0.3.
2. 3/4 lb. density.
3. Foil reinforced kraft (FRK) vapor barrier.

RENOVATION FOR FAYETTEVILLE ANIMAL SHELTER
FAYETTEVILLE, ARKANSAS

SPLIT SYSTEM CONDENSING UNITS
SECTION 15670

PART 1 - GENERAL

1.01 WORK INCLUDED:

A. Outdoor Condensing Units with compressors

B. Cooling (evaporator) coils

C. Unit controls and safety devices

D. Refrigerant Piping

E. Accessories

1.02 RELATED WORK:

A. Section 15010 General Mechanical Requirements

B. Section 15610 Forced Air Furnaces

C. Section 15890 Low Pressure Ductwork and Accessories

1.03 SUBMITTALS:

A. Submit Manufacturer's Data Sheets on each unit and all accessories to be furnished. Clearly indicate optional features to be furnished and all electrical requirements. Include detailed installation instructions and dimensions.

B. Submit Shop Drawings on special mounting arrangements if not included in standard installation instructions.

C. Submit extended warranties required herein.

1.04 OPERATING EFFICIENCY:

A. Provide condensing unit and evaporator coil combination to achieve a SEER rating of at least 10.

1.05 QUALITY ASSURANCE:

A. Test and rate cooling capacities in accordance with ARI Standard 210.

B. Furnish condensing units certified by AGA for outdoor applications and UL listed for the application.

1.06 EXTENDED WARRANTY:

A. Provide five year unconditional parts warranty on compressor unit.

PART 2 - PRODUCTS

RENOVATION FOR FAYETTEVILLE ANIMAL SHELTER
FAYETTEVILLE, ARKANSAS

ENTHALPY WHEEL ENERGY RECOVERY VENTILATION UNIT - INDOOR
SECTION 15871

PART 1 - GENERAL

1.01 WORK INCLUDED:

A. Energy recovery ventilator

B. Unit controls and safety devices

C. Accessories

1.02 RELATED WORK:

A. Section 15010 General Mechanical Requirements

B. Section 15890 Low Pressure Ductwork and Accessories

1.03 SUBMITTALS:

A. Submit Manufacturer's Data Sheets on each unit including all accessories. Clearly indicate optional features to be furnished. Include detailed instructions and dimensions.

B. Submit extended warranties required herein.

1.04 QUALITY ASSURANCE:

A. Unit shall be constructed in accordance with CSA C22.2 and UL 1812 and shall carry the CETL and ETL label of approval.

B, Insulation shall comply with NFPA90A requirements for flame spread and smoke generation.

C. Airflow data shall comply with AMCA 210 method of testing.

1.05 EXTENDED WARRANTIES:

A. Unit shall have 2 year warranty on all parts not including energy recovery wheel assembly.

B. Enthalpy wheel shall have a 5 year unconditional warranty.

C. Enthalpy wheel bearings shall have 15 year warranty.

PART 2 - PRODUCTS

2.01 MANUFACTURERS:

A. Acceptable Manufacturers are Venmar and Semco.

2.02 ENERGY RECOVERY UNIT

3. Filtration : Standard filtration is medium efficiency (30% DSE) filters.

2.03 CONTROLS

A. General

1. Unit shall be provided with a factory mounted and factory wired microprocessor control operating on 115 volt, 1 phase, 60 Hz current.
2. All service connectors shall be quick disconnect type.
3. Unit circuitry shall allow the following operational characteristics:

   a. Intermittent standby operation for 20 minutes per hour low speed ventilation.
   b. 20 minute high speed override.
   c. Remote fan interlock on call for ventilation.
   d. Selection of low or medium speed as minimum setting.

B. Defrost

1. Defrost system using preheat – or stop/jog frost protection mode.
2. Space Shield Damper/Recirculation Defrost Cycle.
   a. If the outdoor ambient drops below 5°F, (-15°C) the damper pivots and the exhaust air fan shuts off.
   b. Damper defrost may be used with ventilation air temperatures down to -22°F, (-30°C).
3. Preheat Defrost if called for on the plans
   a. if the unit is to provide ventilation at ambient temperatures below -22°F, (-30°C) then preheat must be added.
   b. Preheat shall be as scheduled.
   c.

C. Flow Measuring Station

If schedule, unit shall include duct mountable flow measuring station(s).

PART 3 – EXECUTION

3.01 INSTALLATION:

A. Provide complete installation and connect ducts, electrical power for proper operation.

END OF SECTION

2.03 DUCTWORK ACCESSORIES:

A. Provide double thickness airfoil type turning vanes at all rectangular elbows. Perforated, internally insulated blades shall be used on ducts 20" and wider.

B. Provide 16 gauge galvanized steel balancing dampers with guadrants or adjustment rod and lock screw where required for proper TAB.

C. Fabricate splitter dampers of double thickness sheet metal with streamlined shape. Provide exterior adjustment rod and lock screw.

D. Where round duct takes of from rectangular duct, provide 45° rectangular to round take-off fitting with butterfly volume damper.

E. Provide flexible connections of neoprene coated flameproof fabric tightly crimped into metal edging strips. Attach to ductwork and equipment with sheet metal screws.

F. Provide access doors where required for maintenance and inspection. Fabricate of galvanized steel with gaskets and quick fastening locking devices. Provide double thickness insulated door in insulated ductwork.

G. When indicated on Drawings, provide type B fire damper of the curtain type with fusible link with 90% free area of duct. Select fusible link for 160°F. unless shown otherwise. Provide access doors at all fire dampers.

H. When indicated on drawings, provide UL Class I smoke dampers. Dampers shall have external 120 volt actuators and air foil type blade. Activators must be UL listed and labeled. Provide access doors as required for all smoke dampers.

I. When indicated on drawings, provide UL Class I fire/smoke dampers with fire dampers rater per NFPA 90A. Dampers shall have external 120-volt actuators and air foil type blades. Actuators must be UL listed and labeled. Provide access doors as required for all smoke dampers.

PART 3 - EXECUTION

3.01 FABRICATION:

A. Provide proper duct reinforcing with angles or cross breaks per SMACNA Standard, insulate per Section 15250.

B. Lap metal ducts in direction of air flow.

C. Make transitions gradually with divergence no greater than 30°.

D. Rigidly construct ducts with tight joints free from vibration, rattles, or air noise. Audible leaks shall be sealed with approved sealant.

E. Construct plenums of galvanized panels suitably reinforced and diagonally braced.

3.02 INSTALLATION:

A. Use flexible fabric connections at each fan and air handling device.

RENOVATION FOR FAYETTEVILLE ANIMAL SHELTER
FAYETTEVILLE, ARKANSAS

GENERAL ELECTRICAL REQUIREMENTS
SECTION 16010

PART 1 - GENERAL

1.01 RELATED DOCUMENTS:

A. Comply with the Conditions of the Contract, General and Supplementary Conditions, and any other applicable requirements contained herein or issued under separate cover.

B. Perform other work related to or necessary for the electrical installation in accordance with the applicable Specification Division or Section contained herein.

C. In Electrical Specification Sections, items under "RELATED WORK" are listed for convenience only and are not guaranteed to be a complete listing of all applicable work.

1.02 CODES, REGULATIONS, AND STANDARDS:

A. Comply with the latest edition of applicable codes including the following:

1. Standard Building Code
2. Life Safety Code (NFPA 101)
3. National Electrical Code NEC (NFPA 70)
4. State Fire Prevention Code

B. Comply with applicable Regulations as amended, including the following:

1. State Department of Health Regulations
2. Rules and Regulations for Energy Efficiency Standards for New Building Construction
3. State and Federal Department of Labor Regulations
4. Occupational Safety and Health Act (OSHA)
5. Utility Company Regulations and Requirements
6. Other State and Federal Laws and Regulations
7. Local Ordinances

C. Furnish products and perform installation conforming the latest accepted Standards published by the following organizations:

1. Underwriter's Laboratories, Inc. (UL)
2. National Fire Protection Association (NFPA)
3. National Electrical Manufacturer's Association (NEMA)
4. American Society of Testing Materials (ASTM)
5. American National Standards Institute (ANSI)
6. Institute of Electrical and Electronic Engineers (IEEE)
7. Insulated Power Cable Engineer's Association (IPCEA)
8. Certified Ballast Manufacturer (CBM)
9. Electrical Testing Laboratories (ETL)
10. Illuminating Engineering Society (IES)
11. Insurance Service Office (ISO)
12. Factory Insurance Association (FIA)
13. Factory Mutual (FM)
14. National Sanitation Foundation (NSF)

run, providing the installation does not interfere with work of other trades, the system functions as intended, the ampacity of the conductors is derated in accordance with the NEC, and none of the loads require a dedicated circuit or isolated ground. Indicate actual conduit routing and conductor arrangement on record drawings.

G. "Home runs" are indicated on the Drawings with arrows from the branch circuit outlets pointing in the general direction of the panelboards to which they connect, complete with the panelboard and circuit designations. Continue "home runs" to the designated panelboards as though the conduit runs were shown in their entirety.

PART 2 - PRODUCTS

2.01 PRODUCT REQUIREMENTS:

A. Furnish only new standard products of a manufacturer regularly engaged in the production of said products.

B. Support all products by service organizations with adequate spare parts inventory and personnel located reasonably close to the site.

C. Where multiple units of the same type or class of products are required, provide all units of the same manufacturer.

2.02 PRODUCT HANDLING:

A. Store products in the original containers and shelter in a suitable environment at an approved location.

B. Make products readily accessible for inspections and inventory accounting.

2.03 PRODUCT SUBSTITUTIONS:

A. For products specified by generic reference standard, select any product meeting such standard.

B. For products specified by naming one or more products or manufacturers, select any named. Submit request for substitution of any manufacturer not specifically named and obtain approval prior to bidding.

C. Provide all information required to support claim of "equality" of product proposed for substitution. Substitutions will be considered only if equivalent in quality, efficiency, performance, size, weight, reliability, appearance, and ease of maintenance to the specified product or manufacturer.

D. Where approved product substitutions alter the design, space requirements, electrical requirements, connections, cooling loads, or etc., include all work necessary to provide a complete installation of quality equal to or better than that which would have been achieved with products of manufacturers as specified.

2.04 PRODUCT APPLICATION:

A. Furnish products that are UL listed for their intended use and environment. For example, use only raintight products suitable for wet locations when installed outdoors or where indicated on the Drawings to be weatherproof (WP).

PART 3 - EXECUTION

3.01 MANUFACTURER'S DIRECTIONS:

3.06 COORDINATION:

A. Coordinate the electrical work with the work of related trades to avoid interference. Determine the exact route of conduit prior to fabrication and the exact location of each outlet and equipment enclosure prior to installation.

B. Study the Architectural, Structural, Mechanical and Electrical Drawings, and Specifications including Shop Drawings and manufacturer's technical data sheets, and compare to actual site conditions and constraints. In case of conflicts or interference, obtain clarification or instructions before performing any work.

C. Piping or equipment requiring slope or specific mounting elevations will generally have right of way over conduit and other products whose elevations can be changed.

D. Carefully plan the sequence of work as required to minimize disruptions and installation time.

3.07 EQUIPMENT CONNECTIONS:

A. Make all required electrical connections to each item of equipment shown or specified including equipment furnished by Owner, and make operational.

3.08 PROTECTION REQUIREMENTS:

A. Locate existing utility lines and adequately identify and protect during the execution of the work.

B. Protect public and private property against damage.

C. Protect all work including building finishes against damage due to dirt, water, chemicals, frost, heat, handling, theft, and etc. Keep openings in conduit and equipment closed with suitable plugs or caps during installation.

D. Provide necessary warning devices, barricades, or coverings required for safety around exposed "live" parts or high temperature surfaces.

3.09 CHASES AND OPENINGS:

A. Provide templates or details for chases and other openings required through floors, walls, ceilings, and etc. to accommodate conduit.

B. Provide any necessary cutting or drilling for required openings, and patch and refinish as directed.

3.10 PAINTING:

A. Painting shall be performed in accordance with the painting section of these specifications.

B. Paint conduit, equipment, and etc. exposed in finished areas to match adjacent surfaces as directed.

C. Paint all exposed conduit and equipment on outside of building or in equipment rooms for uniform appearance or identification as directed.

D. Touch-up scratches in factory finished surfaces with an approved paint to match the surface.

B. If permitted, the contractor's use of any equipment shall not reduce warranty time specified for the equipment.

C. If permitted, lamps, ballasts and other such items used during construction shall be replaced by the contractor prior to acceptance if used for more than 5% of their rated life.

3.15 GENERAL WARRANTY:

A. Warrant the electrical installation against defects in products and/or workmanship for a period of one (1) year from the date of substantial completion in accordance with architect's specifications.

B. Provide all labor, replacement parts, services, transportation, and incidental costs necessary for the proper operation of all electrical systems during the warranty period.

C. Make good any damage to the building or grounds or other equipment resulting from defects in products and/or workmanship during the warranty period.

END OF SECTION

B. Electrical Metallic Tubing (EMT) (the term "conduit" also applies to EMT):

1. Zinc electroplated inside and out, and with threadless ends.
2. Use set screw type fittings where concealed in walls, ceilings, etc., and use watertight and concrete tight gland and ring compression fittings where exposed or in concrete.
3. Use box connectors with "biting" type locknuts. Use insulated bushings where wire is larger than #8 AWG.

C Non-metallic Conduit (NMC):

1. Schedule 40 polyvinyl chloride (PVC) electrical conduit with smooth straight ends.
2. Use couplings and connectors of same material as conduit, and joined with solvent-cement specifically manufactured for the purpose.
3. Use only RMC or IMC elbows with PVC-NMC adapters. PVC-NMC elbows are not acceptable unless specifically allowed on the Drawings.
4. Use PVC-NMC box connectors only where allowed, such as for floor boxes.

D. Liquidtight Flexible Metal Conduit (LFMC):

1. Electroplated steel tubing with extruded PVC jacket equal to "sealtight."
2. Use steel or malleable iron LFMC box connectors with insulated throats and a threaded grounding cone.

E Flexible Metal Conduit (FMC):

1. Electroplated steel tubing equal to "Greenfield."
2. Use steel or malleable iron FMC box connectors with insulated throats and of type that threads into conduit convolutions.

2.02 WIREWAYS:

A. Provide wireways properly sized to accommodate the conductors or as shown on the Drawings.

B. Provide wireways of code gauge steel with baked enamel finish. Furnish all necessary hardware and accessories.

2.03 SLEEVES:

A. Provide Schedule 40 galvanized steel pipe sleeves sized to accommodate the outside dimension of conduit.

B. Provide integral waterstop collar on sleeves in outside walls.

2.04 SEALS:

A. Where conduit penetrates outside walls, make watertight with approved sealant or provide modular rubber seal designed for the purpose.

B. Use conduit sealing compound equal to "Ductseal" or use approved modular sealing fittings to seal between conductors and conduit where conduit passes from warm to cold spaces, as well as from the outside.

WIRES AND CABLES
SECTION 16120

PART 1 - GENERAL

1.01 WORK INCLUDED:

A. Power wiring and connectors, 600 volts or less

B. Control and signal wiring and connectors

C. Miscellaneous materials

1.02 RELATED WORK:

A. Section 16010 General Electrical Requirements

B. Section 16110 Raceways

C. Section 16190 Supporting Devices

D. Section 16195 Electrical Identification

E. Section 16450 Grounding

1.03 SUBMITTALS:

A. Submit Manufacturer's data sheets for each type of wiring connector proposed for use.

PART 2 - PRODUCTS

2.01 POWER WIRING AND CONNECTORS:

A. Use single conductor annealed copper with 600-volt code type THHN or dual rated THHN/THWN insulation unless noted otherwise. Use type XHHW stranded copper wire for isolated power systems when indicated.

B. Minimum wire size is #12 AWG. Where developed distance from panelboard to first outlet exceeds 65 feet, increase minimum size to #10 AWG.

C. #12 and #10 AWG wire used for lighting, receptacles, and other non-vibrating equipment may be solid conductor. All other wiring including wiring connecting to motors, transformers, and special grounding systems shall be stranded conductor.

D. Make splices required in #12 and #10 AWG solid conductor wire with insulated "Scotchlok" connectors.

E. Make splices in all wire required to be stranded with approved crimp-on or bolted pressure connectors with snap-on or bolt-on insulated caps.

F. The voltage and temperature ratings of the connector insulator shall be at least equal to that required of the conductor insulation.

G. Furnish wire with color coding conforming to the following:

Conductor	250V or Less	480V/277V

RENOVATION FOR FAYETTEVILLE ANIMAL SHELTER
FAYETTEVILLE, ARKANSAS

BOXES AND ENCLOSURES
SECTION 16130

PART 1 - GENERAL

1.01 WORK INCLUDED:

A. Junction and pull boxes

B. Enclosures

1.02 RELATED WORK:

A. Section 16010 General Electrical Requirements

B. Section 16110 Raceways

C. Section 16140 Wiring Devices

D. Section 16190 Supporting Devices

E. Section 16195 Electrical Identification

F. Section 16450 Grounding

1.03 SUBMITTALS:

A. Submit Manufacturer's data sheets on special enclosures.

PART 2 - PRODUCTS

2.01 JUNCTION AND PULL BOXES:

A. In dry locations, provide boxes of code gauge steel with galvanized or baked enamel finish and with bolted or screw attached covers.

B. In damp or wet locations, provide cast metal type FS or FD boxes with gasketed covers. For underground locations, provide Quazite composition type boxes with watertight gasketed covers.

2.02 OUTLET BOXES:

A. In dry locations, provide outlet boxes of code gauge galvanized steel. Install concealed outlet boxes so that work is flush with finished surfaces with no gaps.

B. In unplastered masonry walls, use 3 1/2" deep solid or sectional type boxes with square corners.

C. For empty conduit system outlets, provide 4" square boxes with single gang adapter ring unless noted otherwise.

D. Provide galvanized extension rings, plaster rings, fixture studs, and etc. as required by conditions.

RENOVATION FOR FAYETTEVILLE ANIMAL SHELTER
FAYETTEVILLE, ARKANSAS

WIRING DEVICES
SECTION 16140

PART 1 - GENERAL

1.01 WORK INCLUDED:

A. Wall switches

B. Receptacles

C. Cover plates

1.02 RELATED WORK:

A. Section 16010 General Electrical Requirements

B. Section 16130 Boxes and Enclosures

C. Section 16190 Supporting Devices

D. Section 16195 Electrical Identification

1.03 SUBMITTALS:

A. Submit Manufacturer's data sheets on each type of device proposed for use.

PART 2 - PRODUCTS:

2.01 WALL SWITCHES:

A. Provide single pole, double pole, three way, four way, pilot light, and etc., toggle or key operated as indicated on the Drawings.

B. Furnish switches of the mechanically silent type rated for 120/277 volts, 20 amperes, with fluorescent or incandescent loads. Use high capacity silver alloy for switch contacts.

C. The color of switch handles shall be as directed by the Architect.

D. Furnish switches equal to Hubbell Specification Grade Series HBL122 switches with screw terminals and an approved grounding device.

2.02 RECEPTACLES:

A. For general use convenience receptacles, use NEMA 5-20R, back and side wire, equal to Hubbell Specification Grade Series HBL 5352 for duplex and HBL 5251 which is a NEMA 5-15R for simplex receptacle.

B. For ground fault circuit interrupter (GFCI) receptacles, use NEMA 5-20R, back and side wired with test and reset push buttons. Set trip point at 5 ma fault current. Furnish device equal to Hubbell specification Grade Series GF 5362.

RENOVATION FOR FAYETTEVILLE ANIMAL SHELTER
FAYETTEVILLE, ARKANSAS

DISCONNECT SWITCHES
SECTION 16170

PART 1 - GENERAL

1.01 WORK INCLUDED:

A. Fused and non-fused disconnect switches

1.02 RELATED WORK:

A. Section 16010 General Electrical Requirements

B. Section 16190 Supporting Devices

C. Section 16195 Electrical Identification

D. Section 16450 Grounding

E. Section 16476 Fuses

1.03 SUBMITTALS:

A. Submit Manufacturer's data sheets on each type of disconnect switch proposed for use.

PART 2 - PRODUCTS

2.01 DISCONNECT SWITCHES:

A. For applications requiring 30-1200 amperes rating or for any two or three pole application, provide NEMA type "HD" (heavy duty) horsepower rated disconnects with enclosures suitable for the applications, such as NEMA 3R for outdoor installations.

1. Provide interlock to prevent door operating with switch in "ON" position.
2. Furnish with grounding block.
3. Provide for padlocking switch in "OFF" position.
4. Furnish with terminals UL listed for 75°C. wires.
5. Provide Class R, J, or L fuse provisions as applicable for fusible switches. Provide feature to reject Class H fuses.
6. Furnish with factory baked enamel finish.

B. For fractional horsepower 120 volt motors with integral overload protection, as well as other 120 volt equipment protected at 20 amperes or less, use specification grade single pole switch in outlet box with minimum ratings as follows:

1. Horsepower rated for one horsepower
2. 120/277 AC volts
3. 20 amperes

RENOVATION FOR FAYETTEVILLE ANIMAL SHELTER
FAYETTEVILLE, ARKANSAS

SUPPORTING DEVICES
SECTION 16190

PART 1 - GENERAL

1.01 WORK INCLUDED:

A. Anchors

B. Hangers and supports

1.02 RELATED WORK:

A. Section 16010 General Electrical Requirements

B. Section 16110 Raceways

C. Section 16130 Boxes and Enclosures

1.03 SUBMITTALS:

A. Submit for approval Contractor's shop drawings indicating shape and dimensions of plywood backboards and concrete bases when necessary for clarity and coordination with other trades.

PART 2 - PRODUCTS:

2.01 ANCHORS:

A. Size anchors for minimum safety factor of two times recommended load. Use only corrosion resistant materials.

B. In new concrete, use malleable iron inserts set prior to pouring concrete.

C. In existing concrete or solid masonry, use Phillips "Redhead" expansion shields or Elcen self-drilling expansion shields. Use power driven fasteners only for light loads and with specific approval.

D. In hollow masonry, use steel toggle bolts.

E. On structural steel, use approved beam clamps or direct weld.

2.02 HANGERS AND SUPPORTS:

A. For multiple conduit runs, use trapeze hangers consisting of P-1000 "Unistrut" channels with pipe clamps and steel hanger rods where suspended. Anchor "Unistrut" to wall where multiple runs are wall mounted.

B. Support individual conduits with malleable iron one-hole conduit clamps, steel two-hole pipe straps, or split ring steel conduit clamps. Wire, perforated iron strap, or steel one-hole clamps will not be acceptable.

C. For free standing boxes and enclosures, provide steel angle frame constructed to prevent any strain on conduits entering box.

RENOVATION FOR FAYETTEVILLE ANIMAL SHELTER
FAYETTEVILLE, ARKANSAS

ELECTRICAL IDENTIFICATION
SECTION 16195

PART 1 - GENERAL

1.01 WORK INCLUDED:

A. Equipment nameplates

B. Name tags

C. Circuit directories

D. Self-adhering labels

F. Wire markers

1.02 RELATED WORK:

A. Section 16010 General Electrical Requirements

1.03 SUBMITTALS:

A. Submit for approval, Manufacturer's data sheets on each manufactured identifying device.

B. Submit for approval, a schedule of nameplates to be affixed to each item.

1.04 QUALITY ASSURANCE:

A. Approved manufacturers are Seton and Brady.

PART 2 - PRODUCTS

2.01 NAMEPLATES:

A. Identify each major component and controller (except light switches) as it is named on the Drawings with engraved nameplates made from laminated plastic sheets equal to Seton Style 2060.

1. Furnish with white letters on black background except for other color coded requirements.
2. Provide appropriate size nameplates with information easily readable. Generally, furnish 3/4" high nameplates with 3/8" letters for major equipment such as switchboards, panelboards, transformers; and 1/2" high nameplates with 1/4" letters for minor equipment such as disconnect switches, contactors, starters, emergency power receptacles and etc.

2.02 NAMETAGS:

A. Identify each outlet box of empty conduit system by affixing a write-on vinyl name tag equal to Seton Style PTOB to each end of pull wire installed in each conduit. Indicate purpose of empty outlet box such as "telephone" with location of pull wire termination such as "main terminal board."

B. Identify conductors terminated in junction box or outlet box intended for future connection. Provide write-on vinyl name tags indicating panelboard and circuit number or location of source.

RENOVATION FOR FAYETTEVILLE ANIMAL SHELTER
FAYETTEVILLE, ARKANSAS

GROUNDING
SECTION 16450

PART 1 - GENERAL

1.01 WORK INCLUDED:

A. Equipment grounding and bonding

1.02 RELATED WORK:

A. Section 16010 General Electrical Requirements

B. Section 16110 Raceways

C. Section 16120 Wires and Cables

D. Section 16130 Boxes and Enclosures

PART 2 - PRODUCTS

2.01 GROUNDING WIRES:

A. Provide insulated grounding conductors and jumpers sized in accordance with the NEC but no smaller than #12 AWG. Identify with continuous green insulation or with green tape at each termination.

PART 3 - EXECUTION

3.01 INSTALLATION:

A. Bond grounding conductor to conduit at the entrance and exit from that conduit containing only the grounding conductor.

B. Install separate grounding conductor in all raceway systems.

C. Bond the grounding wires to each box and enclosure through which they pass, except where an isolated ground is indicated.

END OF SECTION

CITY OF FAYETTEVILLE

Requisition No.:	Date:
149	11-Oct-02
P.O. Number:	Expected Delivery Date:

Vendor #: 4618	Vendor Name: Air Works			Mail: Yes___ No_X
Address: P.O. Box 1760			FOB Point: FAYETTEVILLE	Taxable: Yes___ NO_X
City: Springdale	State: Ar	Zip: 72765	Ship to Code: 85	Division Head Approval:
Requester: Coy Hurd			*Requester's Employee #: 2178	Extension: (501)- 575-8361

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project/Sub Project Number	Inventory #	Fixed Asset #
a)	Renovation Of HVAC System				$24,050.00	4470.9470.5804.00	02007-1		
	Fayetteville Animal Shelter								

Special Instructions:

Subtotal:	$24,050.00
Sales Tax:	
TOTAL:	$24,050.00

Approvals: (FOR PURCHASING OFFICE USE ONLY)

Mayor:_____ Department Director:_____ Purchasing Manager:_____

Admin. Services Director_____ Budget Coordinator:_____ Data Processing Mgr:_____

Animal Shelter
A.2. Page 37

STAFF REVIEW FORM

X AGENDA REQUEST
X CONTRACT REVIEW
[redacted] GRANT REVIEW

ADED Grant
Superior Industries

For the Fayetteville City Council Meeting of: November 5, 2002

FROM:

Ray M. Boudreaux	Aviation & Economic Development	Airport
Name	Division	Department

ACTION REQUIRED: A Resolution to approve a "pass through" grant agreement. State Grant EIF 200214 - Superior Industries International, Inc.; Mayor's signature required.

COST TO CITY:

$140,000.00	$ 155,000.00	Eco Dev Matches
Cost of this request	Category/Project Budget	Program Category / Project Name
4410-9410.5721.00	$ -	Trans Outside Entities
Account Number	Funds Used to Date	Program / Project Category Name
02050.1	$ 155,000.00	Sales Tax
[redacted]ect Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Budget Manager	10-10-02 Date	Administrative Services Director	Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager	10/10/02 Date	Internal Auditor	10/11/02 Date
City Attorney	10/10/02 Date	ADA Coordinator	Date
Purchasing Manager	10/11/02 Date	Grant Coordinator	Date

STAFF RECOMMENDATION: Staff recommends approval of grant "pass through" contract.

Division Head	Date
Department Director	Oct 9, 2002 Date
Administrative Services Director	10-15-02 Date
Mayor	10/10/02 Date

Cross Reference

New Item: Yes No X

Previous Ord/Res#: 113-02

Orig. Contract Date N/A

Orig. Contract Number N/A

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

4500 School Ave., Suite F
Fayetteville, AR 72701
501.718.7642

AVIATION AND ECONOMIC DEVELOPMENT
RAY M. BOUDREAUX, DIRECTOR

TO: Dan Coody, Mayor
Fayetteville City Council

THRU: Staff Review Committee

FROM: Ray M. Boudreaux, Director

DATE: October 9, 2002

SUBJECT: EIF Grant #200214 – Superior Industries International, Inc.

Background: The Arkansas Department of Economic Development (ADED) has provided a grant of $120,000 for infrastructure improvements. $100,000 of this grant plus $40,000 in City of Fayetteville matching funds will be provided to Superior Industries to construct a parking lot adjacent to their South Industrial Park facility.

Purpose: The attached sub-recipient Contract, or "pass-through" agreement is the agreement between the City of Fayetteville and Superior Industries in which Superior Industries agrees to abide by the conditions of the grant as required by the City.

The Contract specifies all those requirements of the ADED regarding the grant funds. The Grant Agreement between the ADED and the City of Fayetteville is referenced and made a part of the Contract between the City of Fayetteville and Superior Industries.

Superior Industries will use the grant funds to construct additional employee parking at their facility to support their company's expansion. Superior will commit to creating 136 new full time jobs within 24 months of project completion.

Budget Considerations: Superior has entered into a land purchase contract with the City to acquire 7 acres of City-owned property adjacent to their facility in the South Industrial Park, (Resolution #56-02). $40,000 of revenue resulting from the sale will be used for the City's grant match portion of the total $140,000 to Superior. The grant revenue and expense is currently budgeted. No budget adjustments are necessary.

Recommendation: Economic Development Staff recommends approval of the Contract and forward to the Mayor for his signature.

RB/jn
Attachments: Copy Resolution # 113-02
ADED Grant Agreement – # EIF 200214
City/Superior Eco Dev grant Contract
Budget Adjustment

COPY

RESOLUTION NO. 113-02

A RESOLUTION TO ACCEPT AN ECONOMIC INFRASTRUCTURE FUND GRANT (EIFG) IN THE AMOUNT OF ONE HUNDRED TWENTY THOUSAND DOLLARS ($120,000.00) FROM THE ARKANSAS DEPARTMENT OF ECONOMIC DEVELOPMENT TO UNDERTAKE PUBLIC WORKS PROJECTS TO SUPPORT PRIVATE SECTOR JOB GROWTH AT SUPERIOR INDUSTRIES AND DANAHER TOOL GROUP; AUTHORIZING CITY STAFF TO PROVIDE SEVEN THOUSAND DOLLARS ($7,000.00) WORTH OF IN-KIND ENGINEERING SERVICES; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF ONE HUNDRED TWENTY THOUSAND DOLLARS ($120,000.00) FOR SAME.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby accepts an Economic Infrastructure Fund Grant (EIFG) in the amount of One Hundred Twenty Thousand Dollars ($120,000.00) from the Arkansas Department Of Economic Development to undertake public works projects to support private sector job growth at Superior Industries and Danaher Tool Group.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes City Staff to provide Seven Thousand Dollars ($7,000.00) worth of in-kind engineering services.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount One Hundred Twenty Thousand Dollars ($120,000.00) for same.

PASSED and APPROVED this 16th day of July, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

FAYETTEVILLE ARKANSAS

By: _____
SONDRA E. WOODRUFF, City Clerk
Deputy

AGREEMENT BETWEEN
CITY OF FAYETTEVILLE AND SUPERIOR INDUSTRIES

WHEREAS, the City of Fayetteville, Arkansas, a municipal corporation, has received a grant from the Arkansas Department of Economic Development to aid in the construction of a parking lot for Superior Industries International, Inc., Fayetteville, Arkansas, now therefore be it resolved by and between the City of Fayetteville and Superior Industries, that

WHEREAS, the City of Fayetteville has been awarded a $120,000 grant (#EIF 200214) from the Arkansas Department of Economic Development under its Economic Infrastructure Fund Grant Program, and the specific purpose of a portion of this grant is to directly assist Superior Industries International, Inc. with expansion of its operations in Fayetteville, Arkansas by providing state grant funding of $100,000 and municipal local match funding of $40,000, to assist in the construction of parking lot improvements, and

WHEREAS, the construction of the parking lot improvements shall enable Superior Industries International, Inc. to create 136 new, full-time, permanent job positions at its Fayetteville facility,

NOW THEREFORE BE IT RESOLVED between City of Fayetteville and Superior Industries, that:

1) Superior Industries shall comply with any and all requirements of the Grant Agreement (#EIF 200214) attached hereto and made a part of this agreement, and shall save and hold harmless the City of Fayetteville from any and all claims, damages, recoveries, or actions resulting from Superior Industries' failure to comply with applicable terms and conditions that fall under said Superior Industries' control or obligation; and
2) Superior Industries agrees to create 136 new, full-time permanent jobs at its Fayetteville operations within 24 months after beginning operations of the expanded facilities (or completion of the parking lot), whichever comes first, and
3) Superior Industries agrees to furnish any and all reports, documentation and information required by the City of Fayetteville in the fulfillment of the grant agreement terms, including the total number of jobs reports as set out in Section B-Special Conditions of said grant agreement, and

IN WITNESS WHEREOF, the parties have entered this agreement the date set forth below.

Dated this _____day of _____, 2002.

CITY OF FAYETTEVILLE

_____
Dan Coody, Mayor

Attest:

_____

SUPERIOR INDUSTRIES INTERNATIONAL, INC.

_____
Robert D. Bracy, President
Superior Industries International ARK-Inc.

Attest:

Carolyn Collins October 4, 2002

ECONOMIC INFRASTRUCTURE FUND GRANT PROGRAM
GRANT AGREEMENT

PART I

Signatory Page

Grantee: City of Fayetteville

Grant Control: #EIF 200214

Grant Amount: $120,000

Activity Type: Multi-Activity

GRANTOR

Arkansas Department of Economic Development
One Capitol Mall, Room 4B206
Little Rock, Arkansas 72201
Phone: (501) 682-1211

GRANTEE

Name: City of Fayetteville
Address: 113 W. Mountain
Fayetteville, AR 72701
County: Washington
Phone: (479) 521-7700

1. This Grant Agreement, is entered into by the Arkansas Department of Economic Development, Grantor, and the City of Fayetteville, Grantee, for the purpose of providing funds to Grantee to undertake public works projects which support private sector job creation opportunities pursuant to Act 1381 of 1999 and its successors. The Grantee agrees to initiate and complete a public works project in accordance with the terms of this Grant Agreement.

2. The Grantee further warrants it will conduct and administer the grant in accordance with this Agreement and all applicable State laws and regulations.

ARKANSAS DEPARTMENT OF ECONOMIC DEVELOPMENT

BY: _____
Signature

Jim Pickens
Name

Director
Title

8/12/02
Date

CITY OF FAYETTEVILLE

BY: _____
Signature

Dan Coody
Name

Mayor of Fayetteville
Title

7/17/02
Date

FH:dh

PART II - GRANT AGREEMENT GENERAL TERMS AND CONDITIONS

In consideration of the general terms and conditions hereinafter contained, the Grantor and the Grantee agree as follows:

1. COMPENSATION AND METHOD OF PAYMENT. The Grantor will utilize a grant request for payment procedure and will authorize the Grantee to draw up to $120,000 against a Grant Award through the State Treasury, consistent with all fiscal requirements stipulated herein. The Grantee may request and receive authorized grant funds by submitting appropriate forms and documentation, subject to approval by the Grantor, for payments of allowable expenses incurred by the Grantee while undertaking approved project activities in accordance with this Grant Agreement. These expenses must be identified by line item categories, which correspond to the line item categories on this Grant Agreement's Scope of Work-Budget. Requisitions will be mailed to the Grantor, and the Grantor will review and approve the requisitions before issuing Payment to the Grantee.

   It is expressly understood that Grantor will honor requests for payment and disburse funds only to the extent that funds have been released to Grantor therefore, consistent with the requirements of the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law and any other applicable fiscal control laws and regulations promulgated by the Department of Finance and Administration.

2. LEGAL AUTHORITY. By signing the Grant Agreement Document's Signatory Sheet, the Grantee certifies that it possesses legal authority to accept grant funds and to execute the project described in this Grant Agreement. This act of signing will also certify that the Grantee will comply with all parts of this Agreement.

3. WAIVERS. No conditions or provisions of this Grant Agreement may be waived unless approved by the Grantor, in writing.

4. ASSIGNABILITY. The Grantee will not assign any interest in this Grant Agreement and will not transfer any interest in the same (whether by assignment or novation).

5. SPECIAL CONDITIONS. The Grantee will comply with all special conditions and attachments incorporated herein to this grant award. Compliance approval and clearance of special conditions will be given by the Grantor in writing after receipt and review of evidence of compliance from the Grantee. Official notification of a special condition and the Grantor's approval and/or clearance of special conditions must be retained by the Grantee in its files.

6. FINANCIAL MANAGEMENT AND ACCOUNTING. The Grantee will establish and maintain a financial management and accounting system, which conforms to generally accepted accounting principles and complies with all applicable State requirements.

7. ALLOWABLE COSTS. All costs necessary to carry out the eligible activities in the project must be consistent with and not exceed the limitations imposed by special conditions, scope of work and budget.

8. AMENDMENTS AND MODIFICATIONS. The Grantor will consider project amendments if they are necessitated by actions beyond the control of a Grantee. The Grantee may request or the Grantor may require an amendment or modification of the Grant Agreement. However, such amendment or modification will not take effect until approved, in writing, by the Grantor. The Grantee must sign and return the amendment to the Department of Economic Development within three days. The Grantee must request prior approval for all amendments or modifications. Amendments will not be approved

which would materially alter the circumstances under which the grant was originally funded.

9. RECORD KEEPING. The Grantee agrees to keep such records as the Grantor may require. All such records, and other records pertinent to the grant and work undertaken as part of the project, will be retained by the Grantee for a period of three years after the final audit of the program.

10. ACCESS TO RECORDS. The Grantor and duly authorized officials of the State will have full access and the right to examine any pertinent documents, papers, records, and books of the Grantee and of persons or organizations with which the Grantee may contract, which involve transactions related to this Grant Agreement. The Grantee's contract with other persons or organizations must specifically provide for the Grantor's access to documents as provided herein.

11. REPORTS. The Grantee, at such times and in such forms as the Grantor may require, will furnish the Grantor with such periodic reports as it may request pertaining to the activities undertaken pursuant to this Grant Agreement, the costs and obligations incurred in connection therewith, and any other matters covered by this Grant Agreement.

12. OBLIGATIONS REGARDING THIRD PARTY RELATIONSHIPS. The Grantee will remain fully obligated under the provisions of the Grant Agreement notwithstanding its designation of any third party or parties for the undertaking of all or any part of the project described herein. Any subcontractor who is not the Grantee will comply with all lawful requirements of the Grantee necessary to ensure that the project is carried out in accordance with the provisions of this Grant Agreement. Failure to comply will result in sanction upon Grantee, Administrator, Engineer/Architect or Sub Contractor. This sanction will result in the Department of Economic Development not working with said persons, for a period of not less than one year or more than five years and/or a suspension of existing funding.

The Grantee shall secure all such services in accordance with applicable State law and the provisions of this Grant Agreement, and shall notify the Grantor, in writing, of the method utilized to secure services, the name and address of the service provider(s), the scope of work anticipated and the terms of compensation.

13. CONFLICT OF INTEREST. No officer or employee of the Grantor, no member, officer, or employee of the Grantee or its designees or agents, no member of the governing body of the jurisdiction in which the project is undertaken or located and no other official of such locality or localities who exercises any functions or responsibilities with respect to the project during his tenure, will have any personal or pecuniary gain or interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under this agreement. The Grantee will incorporate, or cause to incorporate, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purpose of this provision. The Grantor reserves the right to waive certain provisions of this clause in the event of a situation once justified as unavoidable by the Grantee, and approved by the Grantor which necessitates such a waiver.

14. POLITICAL ACTIVITY. No portion of the funds provided hereunder will be used for any partisan political activity or to further the election or defeat of any candidate for public office or influence the approval or defeat of any ballot issue.

15. NOTICES. The Grantee will comply with all public notices or notices to individuals required by applicable State laws.

16. PROHIBITION AGAINST PAYMENTS OF BONUS OR COMMISSION. The assistance provided under this Grant Agreement will not be used in payment of any bonus or commission for the purpose of obtaining approval of the application for such assistance or any other approval or concurrence under this Grant Agreement.

17. TERMINATION BY MUTUAL AGREEMENT. This Grant Agreement may be terminated, in whole or in part, prior to the completion of project activities when the Grantor determines that continuation is not feasible or would not produce beneficial results commensurate with the further expenditure of funds. The Grantee will not incur new obligations for the terminated portion after the effective date, and will cancel as many outstanding obligations as possible. The Grantor will make funds available to the Grantee to pay for allowable expenses incurred before the effective date of termination.

18. TERMINATION FOR CAUSE. If the Grantee fails to comply with the terms of the Grant Agreement, or fails to use the grant for only those purposes set forth herein, the Grantor may:

(a) Suspend Grant Payments - After notice to the Grantee, suspend the grant and withhold any further payment or prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee or a decision to terminate by the Grantor.

(b) Terminate in toto - Terminate the grant in whole, or in part at any time before the final grant payment is made.

The Grantor will promptly notify the Grantee in writing of its determination to terminate, the reason for such termination, and the effective date of the termination.

Payments made to the Grantee or recoveries by the Grantor will be in accordance with the legal rights and liabilities of the parties.

19. RECOVERY OF FUNDS. In the event of a default or violation of the terms of the Grant Agreement by the Grantee, the Grantor may institute actions to recover all or part of the proper funds paid to the Grantee.

20. DISPUTES. Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement which is not disposed of by provision of the Grant Agreement, will be decided by the Grantor which will reduce its decision to writing and mail or otherwise furnish a copy thereof to the Grantee. The decision of the Grantor will be final and conclusive. This does not preclude the consideration of questions of law in connection with decisions provided for in the preceding paragraph; provided that nothing in this Grant Agreement will be construed as making final the decision of any administrative official, representative, or board on a question of law.

21. INDEMNIFICATION. The Grantee will defend, protect, and save harmless the Grantor from and against all claims, suits, and actions arising from any act or omission of the Grantee or any employee or agents of either in the performance of this Grant Agreement. However, this clause shall not be construed to waive A.C.A. § 21-9-301 (1991 supp.).

22. SEVERABILITY. If any provision under this Grant Agreement or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect other provisions of the Grant Agreement, which can be given effect without the invalid provision.

23. PERFORMANCE. The Grantor's failure to insist upon the strict performance of any provision of this contract or to exercise any right based upon breach thereof or the acceptance of any performance during such breach, will not constitute a waiver of any rights under this Grant Agreement.

24. ENFORCEMENT. If the Grantor determines that a Grantee's performance fails to meet the terms and conditions of its Grant Agreement, several courses of action may be pursued in order to resolve the problem. The Grantor may take any of the following actions, severally or in combination:

(a) Request additional information from the Grantee to verify the nature of inadequate performance;

(b) Conduct a site visit to examine pertinent records and recommend remedial cause of action;

(c) Issue a letter of warning, advising the Grantee of the deficiency, recommendations for corrections, date by which performance must be corrected and notice that more serious sanctions may be imposed if the situation continues or is repeated;

(d) Suspend funding of questioned activities until remedies are effected;

(e) Establish sanctions upon Grantee, Administrator, Engineer/Architect or Sub Contractor. This sanction will be for a period of not less than one year but not more than five years. Require reimbursement of funds improperly spent; or

(f) Refer the matter to the Attorney General of Arkansas with a recommendation that a civil action be instituted.

25. AUDIT. The Grantee will be responsible for the conduct of a financial and compliance audit within a reasonable period after completion of project activities. Such audit must be performed by a certified public accountant whose services are secured through procedures consistent with state law. The Grantor reserves the right to recover any unspent or questioned balance of grant funds, if any, from the Grantee after final audit.

26. CLOSE-OUT. The Grantor will advise the Grantee to initiate close-out procedures when the Grantor determines, in consultation with the Grantee, that there are no impediments to close-out and that the following criteria have been met or soon will be met:

(a) All costs to be paid with grant funds have been incurred with the exception of any unsettled third party claims against the Grantee. Costs are incurred when goods and services are received and/or contract work is performed;

(b) The last required progress report has been submitted. The Grantee's failure to submit or update will not preclude the Grantor from effecting closeout if it is deemed to be in the State's interest. Any excess grant amount which may be in the Grantee's possession will be returned in the event of the Grantee's failure to furnish or update the report; and

(c) Other responsibilities of the Grantee under this Grant Agreement and any close-out agreement, and applicable laws and regulations appear to have been carried out satisfactorily or there is no further State interest in keeping the grant open for the purpose of securing performance.

27. The Grantee agrees, as a condition of receiving grant assistance, to abide by and adhere to any policy directives, rules, regulations or other requirements which may be issued from time to time by the Grantor, and which in the opinion of the Grantor are necessary to efficient or legal execution of the project.

28. The Grantee agrees to see that all work is performed and completed in a manner consistent with timelines established at the Grants inception. Failure to meet these timelines without acceptable justification may result in sanction and or deobligation of funding to Grantee and/or Sub Contractors.

PART III SCOPE OF WORK, SPECIAL CONDITIONS, *BUDGET, AND PROJECT SCHEDULE*

SECTION A - SCOPE OF WORK

Grantee: City of Fayetteville *Amendment #* N/A

Control #: EIF 200214 *Amendment Date* N/A

The project described more fully herein consists of a grant to the Grantee for the purpose of the construction of a new parking lot and sidewalk. The Grantee will provide $20,000 in grant funds allowing the Danaher Tool Group to construct a sidewalk as part of a warehouse expansion project and Superior Industries to construct a new parking lot to support the company's expansion. The location of all improvements is shown on the project map, which is attached hereto and incorporated herein by reference.

Job Creation

Superior Industries commits to creating 136 new, full time jobs within 24 months of project completion.

Danaher Tool Group will create 43 new, full-time jobs as a result of the project.

Audit

Upon completion of this project, the Grantee is responsible for securing an independent, certified public accountant to perform an audit, which tracks the expenditure of the grant funds.

SECTION B - SPECIAL CONDITIONS

Grantee: City of Fayetteville

Control #: EIF 200214

1. Any construction costs in excess of $100,000 on the Superior Industries project and $20,000 on the Danaher Tool Group will be paid by the city or company.
2. The Grantee shall ensure that all Requests for Payments are accompanied by pay estimates, which have been approved by the Grantee. Pay estimate must accompany Request for Payment before the Grantor will honor the Request.
3. The Grantee is responsible for having an audit of the expenditure of the grant funds at project's completion.
4. The Grantee must receive from the Companies, job creation information at the end of the project. Job creation information is to include, at a minimum:
    a. Total number of jobs on the company payroll at the start of the project.
    b. Total number of jobs on the company payroll at the end of the project.
    c. General categories of jobs that were created as a result of the project.

SECTION C - BUDGET

Grantee: City of Fayetteville **Amendment:** #

Grant Control #EIF 200214

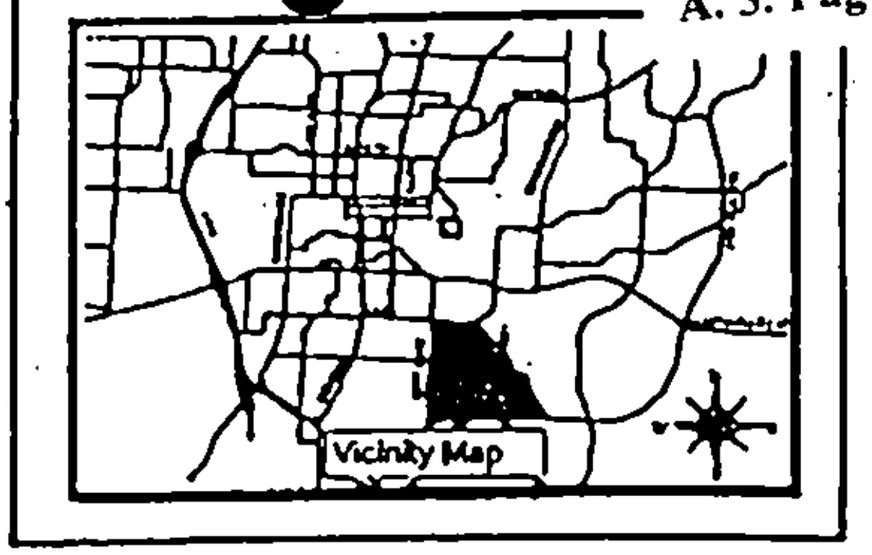
Category:

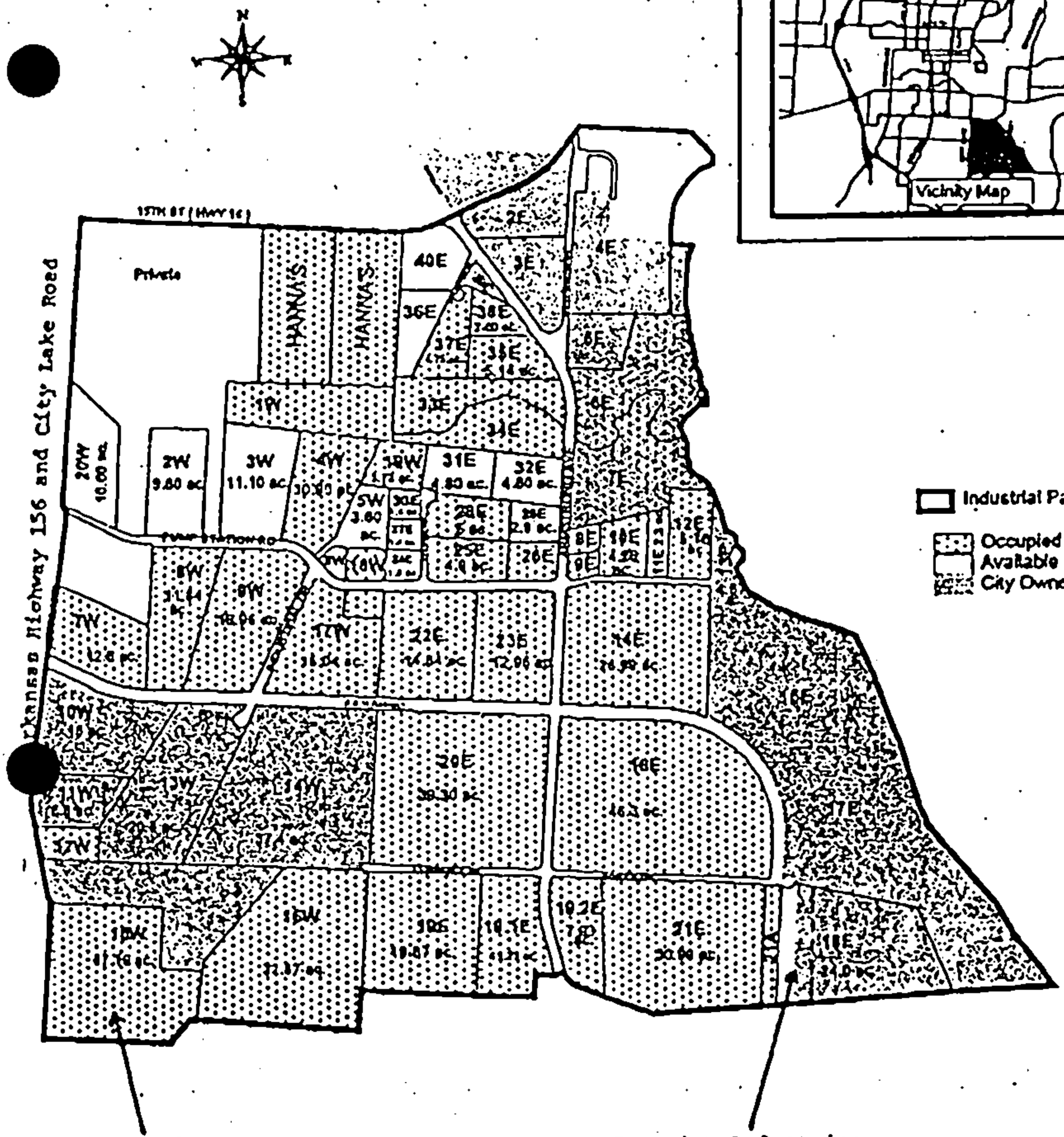
Housing *Economic Development* Community Facility Planning

Activity: Multi-Activity

Source of Funds

Cost Classification Sub-Costs	Arkansas Department of Economic Development	Cost Classification Total
Construction	$120,000	$120,000
Totals	$120,000	$120,000





For Further Information Contact
Ray M. Boudreaux, Director
Economic Development
City of Fayetteville
4500 S. School Ave., Suite F
Fayetteville, Ar. 72701
(479) 718-7642
email: rboudreaux@ci.fayetteville.ar.us

Fayetteville Industrial Park Land

1000 0 1000 2000 Feet

February 28, 2002

Cruse Uniforms
A. 4. Page 1

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

for the Fayetteville City Council meeting of November 5, 2002

FROM:

Rick Hoyt	Police	Police
Name	Division	Department

ACTION REQUIRED:
Award bid #02-62 for raingear to Cruse Uniforms.

COST TO CITY:
$26,000.00 - Police

Cost of this Request

27,639.71

Category/Project Budget

Escrow -Federal Forfeitures

Category/Project Name

1010 - 1526.00 + misc 5302.00

Account Number

0.00

Funds Used To Date

27,639.71

Remaining Balance

Program Name

General

Fund

Project Number

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — 10/18/02 Date

City Attorney — 10/18/02 Date

Purchasing Officer — 10/18/02 Date

GRANTING AGENCY:

Internal Auditor — 10/18/02 Date

AOA Coordinator — Date

Grants Coordinator — Date

STAFF RECOMMENDATION:
Award bid and issue purchase order to purchase new rain gear for the Police Department.

Division Head — Date

Department Director — 10-17-02 Date

Administrative Services Director — 10-21-02 Date

Mayor — 10/21/02 Date

Cross Reference

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

Prev Ord/Res #:

Orig Contract Date:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and Members of the City Council

FROM: Rick Hoyt, Chief of Police

DATE: October 16, 2002

SUBJECT: Award bid for Raingear

Bid number 02-62 to purchase new raingear for each sworn officers and other City employees' working in inclement weather was opened on October 16, 2002. This bid was to replace current P.V.C. vinyl raincoats with reversible featherweight Gore Tex rain gear. Gore Tex fabric is breathable, lightweight and will not absorb water while it allows moisture (perspiration) to escape with a life expectancy of ten years. The employees will choose between a raincoat or a rain suit that includes jacket and pants. One side will be black for regular duty and the other side will be yellow with reflective lettering for working in traffic. Our department emblem will be screen-printed on the left front of both sides and for sworn officers the word POLICE will be displayed on the back in 3-inch block letters.

The award is recommended to go to Cruse Uniforms located in Little Rock, AR to allow the City of Fayetteville to purchase one of either the rain suit or the raincoat for each authorized employee. The funding for the Police Department of approximately $26,000.00 for this project will be allocated from the Law Enforcement Trust escrow account. Other City departments will purchase from regular budgeted funds.

BID: 02-62
DATE: 10/16/02
TIME: 11:00 AM
CITY OF FAYETTEVILLE

DESCRIPTION: RAINGEAR

BIDDER	ITEM (A)	ITEM (B)	ITEM (C)	ITEM (D)
CRUSE UNIFORMS & EQUIPMENT	$168.25	$137.48	$90.00	$20.00
SOUTHERN UNIFORM & EQUIPMENT	$188.15	$154.10	$96.60	$18.00

Certified by P Vice Purch Mgr Witness Date 10/16/02

INVITATION TO BID

BID #	DATE ISSUED:	DATE AND TIME OF OPENING:
02-62	October 7, 2002	October 16, 2002, at 11:00 a.m.
SELLER: City of Fayetteville, AR		DATE REQUIRED: 30 days ARO
F. O. B. Fayetteville, AR	BUYER'S PHONE # (501) 575-8289	GUARANTEED DELIVERY DATE: 30-60 DAYS

ITEM #	DESCRIPTION	
1	Blauer Gortex Rain Gear Or approved equal Quantities to be purchased will be approximately 85 pieces or as many as budget allows.	Colors for rain gear are black and high vis-green.
a	Gortex Rain Coat #9690	$ 168.25 /each
b	Gortex Rain Jacket #9691	$ 137.48 /each
c	Gortex Rain Pant #9134	$ 90.00 /each
d	Silkscreen "POLICE" on high vis side ADDENDUM #2	$ 20.00 /each

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

RESTRICTIONS OR EXCEPTIONS TO THE BID MUST BE NOTED:

EXECUTION OF BID

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

UNSIGNED BIDS WILL BE REJECTED

NAME OF FIRM:	PHONE:	FED ID#
CRUSE UNIFORMS & EQUIP	501-223-2778	58-2531375
BUSINESS ADDRESS: 3300 S. 34th KELLEYFORD SUITE J	CITY AND STATE: LITTLE ROCK, AR	ZIP: 72205
AUTHORIZED SIGNATURE: Steve Cruse	TITLE: PRESIDENT	DATE: 10-8-02

Craig Clark

CITY OF FAYETTEVILLE, ARKANSAS
Terms and Conditions

1. All bids shall be submitted in a sealed envelope and must be submitted on forms provided by the City.

2. The item bid and the bid number shall be stated on the face of the sealed bid envelope.

3. Bids received after the date and time set for receiving bids will not be considered.

4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.

5. The bid price shall remain good and firm until project is completed.

6. All products delivered shall comply with applicable standards of quality.

7. Any exceptions to the requirements of the City of Fayetteville must be noted on the Bid Form.

8. Prices shall include all labor, materials, overhead, profit, insurance, etc., to cover the furnishing of the items bid. Sales tax is not to be included in the bid price. Applicable Arkansas sales tax laws will apply to this bid, but will not be considered in award of the bid.

9. Each bidder shall state on the face of the bid form the anticipated number of days from the date of receipt of an order for delivery of equipment and installation to the City of Fayetteville.

10. Copy of the warranty shall accompany the bid, and any exceptions to the warranty shall be clearly noted on the bid form.

11. Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.

12. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.

13. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation of bid.

14. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at (501) 575-8289 to insure receipt of their bid documents prior to opening time and date listed on the bid form.

15. If products and/or components other than those described in this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. All requests for additional information must be received within five working days following the request.

16. Bids must be hand delivered or received by mail in the Purchasing Office, Room 306, 113 W. Mountain St. Fayetteville, AR 72701, on or before the time of closing listed on the face of the bid.

*17. Public improvement bids with a total of $20,000 or more shall submit certificates of insurance within 10 days of notice of bid award. Certificates of insurance are to be addressed to the City of Feyetteville, showing that the contractor carries the following insurance which shall be maintained throughout the term of the bid. Any work sublet, the contractor shall require the subcontractor similarly to provide the same insurance coverage. In case any employee engaged in work on the project is not protected under Workers' Compensation, the Contractor shall provide, and shall cause each subcontractor to provide, adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workers' Compensation:	Statutory Amount
Comprehensive General & Automotive Liability:	$500,000
Property Damage Liability:	$100,000

*18. Public improvement bids with a total of $20,000 or more require a 5% bid bond and if awarded, a 100% performance and payment bond to be submitted before notice to proceed is given.

*19. Public improvement bids exceeding $20,000 or more require a contractor's license.

*20. The City shall pay Contractor based on unit prices indicated in contractor's bid proposal. Progress payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.

*21. Contractor shall not assign his duties under the terms of this agreement. All work shall be coordinated directly with the Project Manager, or their designee.

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

STAFF REVIEW FORM

XX AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of October 15, 2002

FROM:

Connie Edmonston	Parks & Recreation	Urban Development
Name	Division	Department

ACTION REQUIRED:
Resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept money-in-lieu of land for Persimmon Place Subdivision.

COST TO CITY:

0		
$ Cost of this Request	$ Category/Project Budget	Category/Project Name
Account Number	$ Funds Used To Date	Program Name
Project Number	$ Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget 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:
Approval of resolution.

Connie Edmonston 10-11-02
Division Head Date

Department Director Hugh Everett Date 10-16-02

Administrative Services Director Date

Mayor 10/16/02
Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: [Prev Ord/Res #]

Orig Contract Date: [Orig Contract Date]

Orig Contract Number: [Contract #]

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Mayor Coody and City Council

THRU: Hugh Earnest, Urban Development Director
Connie Edmonston, Parks and Recreation Superintendent CE

FROM: Eric J. Schuldt, Parks Development Coordinator EJS

DATE: October 9, 2002

SUBJECT: Persimmon Place Subdivision

Background
Persimmon Place Subdivision is a proposed large scale development located south of Highway 16 and west of 46th Ave. The owner is Larry Garroitt and the engineering firm is Jorgensen & Associates. The proposed plat includes 145 single family units on 59.6 acres. The requirement for parkland is 3.625 acres and the money-in-lieu is $68,150. The Park Land Dedication Ordinance states if a large scale development is over 40 acres or 100 units, the requirement is land.

"...However, if the Parks and Recreation Advisory Board determines that a neighborhood park is not feasible or advisable, it may recommend to the City Council that a cash contribution pursuant to our ordinance be accepted in lieu of land dedication. The City Council will either accept the recommendation for a cash contribution or return the subdivision plat to the Parks Board with instructions or further study." (Unified Development Ordinance No. 166.03K)

Current Status
Parks and Recreation staff has met with the engineering firm to evaluate the site. The development was presented on location to the Parks and Recreation Advisory Board on October 7, 2002. See attached minutes.

Recommendation
The Parks and Recreation Advisory Board and Park staff recommend a money-in-lieu of land contribution for this development. The money-in-lieu contribution will be used for park improvements in the southwest park quadrant. As stated in the Parks and Recreation Advisory Board minutes, Park staff has visited with Mr. Boettcher, Public Works Director, over the possible utilization of city-owned land located near the development for use as a neighborhood park (see map). Mr. Boettcher and Park staff believe that the, yet to be developed, facility plan for the city-owned property will allow for creation of a new neighborhood park. In addition, the citizens of this development will benefit from their proximity to the Fayetteville Boys and Girls Club which will be located approximately ½ mile to the east. If you have any questions, please call me at 444-3472 or Connie Edmonston at 444-3473.

Attachments:
Location Map
PRAB October 7, 2002 Meeting Minutes
Letter from Dave Jorgensen

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807
DAVID L. JORGENSEN, P.E., P.L.S.
CHRISTOPHER B. BRACKETT, P.E.

October 2, 2002

City of Fayetteville
Parks & Recreation Division
113 W. Mountain Street
Fayetteville, AR 72701

Attn: Kim Rogers
Re: Persimmon Place Subdivision

Dear Kim:

Enclosed herewith please find twelve copies of the Persimmon Place Subdivision. Please place this project on the agenda for the Parks Meeting on October 7th. The owner is requesting the money in lieu of option for the parks' requirement for this development. The following is the owner's name, billing address and phone number.

Larry Garroitt
2 North College Avenue
Fayetteville, AR 72701
(479) 684-2700

Please call concerning any questions you may have.

Thank you.

Sincerely;

Christopher B. Brackett

Christopher Brackett, P.E.

Ms. Eads reported the Botanical Garden Society of the Ozarks would be conducting a Harvest Festival next week and were looking for volunteers to help with the event. Additionally, the organization is actively searching for more board members.

Mr. Hatfield announced the grand opening celebration of East Mud Creek Trail will be October 10 from 5:00 p.m. until 7:00 p.m. Several events will take place along with door prize awards. Parking is on Old Missouri Road behind Butterfield Trail Village.

The Parks and Recreation Advisory Board conducted a site tour of the following proposed developments:

6. **Development Name:** **Sequoyah Commons**

Engineer:	EB LandWorks, Inc.
Owner:	Greg House
Location:	Olive Avenue, South of Spring Street on Mt. Sequoyah
Park District:	SE
Units:	33 Multi Units
Total Acres:	2 acres
Land Dedication Requirement:	0.66 acres
Money in Lieu Requirement:	$12,375
Existing Parks and Acreage:	Mt. Sequoyah Gardens (2.42 acres)
Staff Recommendation:	Money in Lieu of Land

1) The land dedication for park usage would be minimal.
2) The development is located across the street from Mt. Sequoyah Gardens Park.

Mandy Bunch and Melissa Evans of EB LandWorks, Inc. met the Parks and Recreation Advisory Board on site.

MOTION:

Mr. Marley moved to accept money in lieu of a land dedication to satisfy the park land dedication requirement for the proposed Sequoyah Commons development.

Mr. Hill seconded the motion.

Upon roll call, the motion was approved unanimously 7-0-0.

* 7. **Park Land Dedication**

Development Name:	**Persimmon Place Subdivision**
Engineer:	Jorgensen & Associates, Dave Jorgensen
Owner:	Larry Garriott
Location:	West of I-540, South of Hwy. 16 on Persimmon St.
Park District:	SW
Units:	145 Single Units (buildable units)
Total Acres:	59.6 acres
Land Dedication Requirement:	3.625 acres
Money in Lieu Requirement:	$68,150

Existing Parks and Acreage: Fayetteville Boys & Girls Club (17 acres), Bundrick Park (4.25 acres)

Staff Recommendation: Money in Lieu of Land and Waiver of the Ordinance

1) Park staff recommends a money-in-lieu of land contribution for this development. Park staff has visited with Mr. Boettcher, Public Works Director, over the possible utilization of city-owned land located near the development for use as a neighborhood park. Mr. Boettcher and Park staff believe that the, yet to be developed, facility plan for the city-owned property will allow for creation of a new neighborhood park. In addition, the citizens of this development will benefit from their proximity to the Fayetteville Boys and Girls Club which will be located approximately ½ mile to the east.

MOTION:

Mr. Cook moved to accept money in lieu of a land dedication to satisfy the park land dedication requirement for the proposed Persimmon Place Subdivision and request a waiver of Ordinance No. 166.03K by City Council.

Mr. Mauritson seconded the motion.

Upon roll call, the motion was approved unanimously 6-0-0 with Pawlik-Holmes absent for the vote.

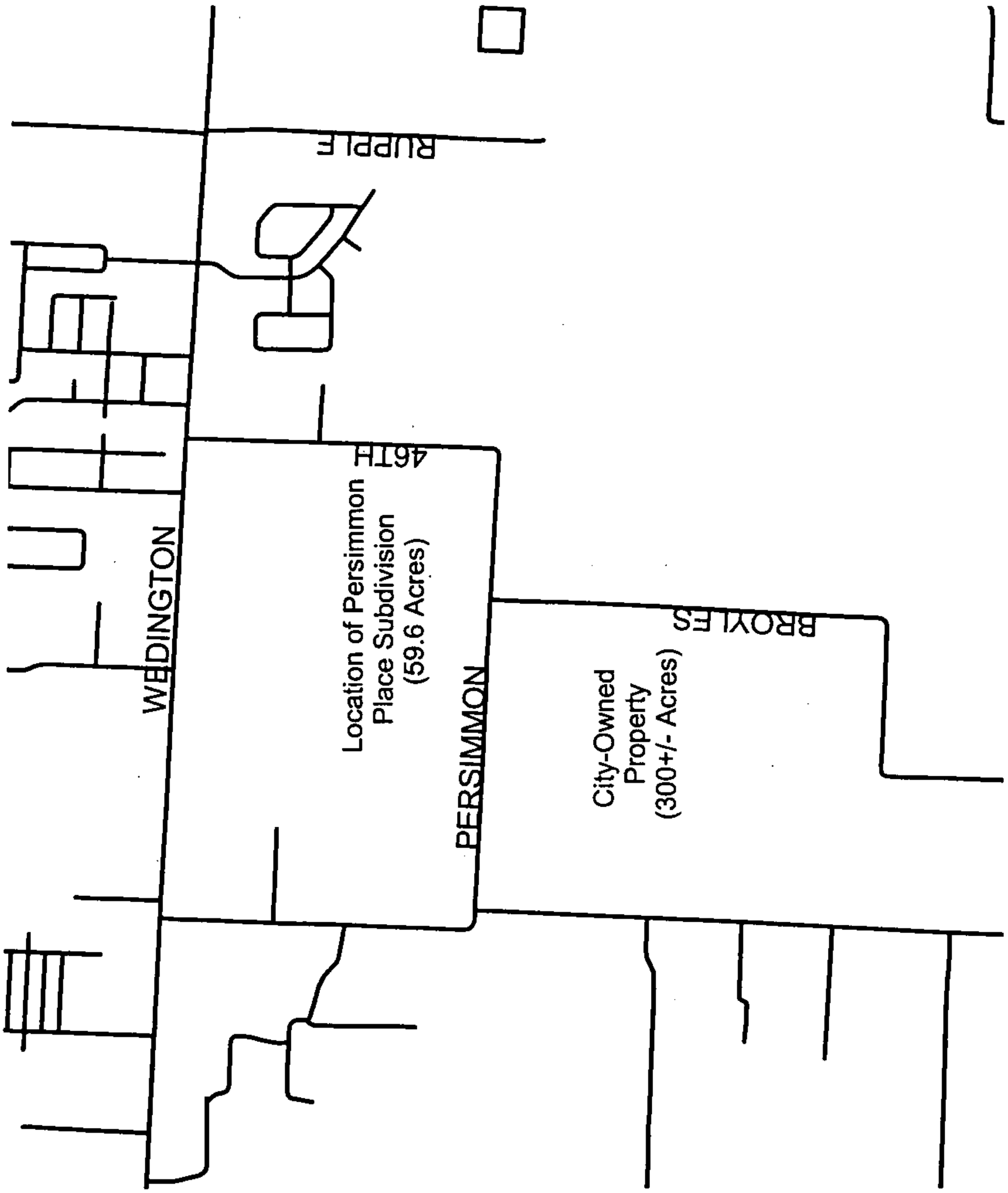
8. **Adjournment**
Meeting was adjourned at 6:45 p.m.

Minutes submitted by: John Nelson

Minutes approved by PRAB:

Persimmon Place
A. 5. Page 6

Persimmon Place Subdivision



STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
X GRANT REVIEW

Corporate Aircraft Apron
Ark State Dept of Aeronautics

For the Fayetteville City Council Meeting of: November 5, 2002

FROM:

Ray M. Boudreaux	Aviation & Economic Development	Airport
Name	Division	Department

ACTION REQUIRED: Review of two Arkansas Dept of Aeronautics grant applications and an amendment to Dept of Aeronautics grant # 1878-02 (copy attached) for additional funding for construction of Executive Aircraft Hangar Apron South of the Terminal/FBO Building, and entrance road re-location. Total of grant funding requests is $205,782.
Resolution to accept the grants if approved by the State, and approval of a budget adjustment reflecting the additional revenue.

COST TO CITY:

$205,782.00	$ 176,442.00	Revenue
Cost of this request	Category/Project Budget	Program Category / Project Name
5550.0955.6805.00	$ -	State Grants
Account Number	Funds Used to Date	Program / Project Category Name
02131.1	$ 176,442.00	Airport
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Manager	10-21-02 Date	Administrative Services Director	Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager	10/21/02 Date	Internal Auditor	10/22/02 Date
City Attorney	10/22/02 Date	ADA Coordinator	Date
Purchasing Manager	10/22/02 Date	Grant Coordinator	Date

STAFF RECOMMENDATION: Staff recommends approval of Grant and associated budget adjustment.

Division Head	Date		
Department Director	Date		
Administrative Services Director	10-23-02 Date		
Mayor	10/24/02 Date		

Cross Reference

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

Previous Ord/Res#: Res #15-02

Orig. Contract Date N/A

Orig. Contract Number N/A

Staff Review Form - Page 2

Description Dept of Aeronautics grant Meeting Date November 5, 2002

Comments: Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

MEMORANDUM

TO: Dan Coody, Mayor
Fayetteville City Council Members
THRU: Staff Review Committee
FROM: Ray M. Boudreaux, Director, Aviation and Economic Development
DATE: October 18, 2002
SUBJECT: Grant Applications

Background: The City Council approved the construction of a new FBO Hangar and an Executive Apron with infrastructure to support the hangar and other corporate hangars constructed on leased land. Attached are two new grant applications for the apron project and a grant amendment for the apron project. These new applications have been coordinated with the State Department of Aeronautics and represent the change in scope of the project due to reorientation of the buildings.

Purpose: Review for application of the two new grants and the grant amendment and acceptance of the grants.

Budget Considerations: The original grants for the project represented $166,600 in State support. The two new grants are:

Apron over turf (50/50)	$33,523 State	$33,523 Local	$67,047 Total
Entrance road relocate (75/25)	$27,225 State	$9,075 Local	$36,300 Total

The grant amendment for the additional apron is:

Additional apron (90/10)	$145,034 State	$16,115 Local	$161,149.34 Total

New grant revenue to the project is $205,782. The total project cost does not change but the cost to the City of Fayetteville airport fund is reduced by the new grant revenue.

Requested Action: Approve the application and the acceptance of Department of Aeronautics Grants for the Executive Apron Construction project and approval of a budget adjustment.

Attachments: Staff Review Form
Application
Budget Adjustment

Aviation and Economic Development Department
Fayetteville Municipal Airport, Drake Field
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701
Ray M. Boudreaux, Director

Airport Grant
A. 6. Page 4

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department:	Date Requested	Adjustment #
2002	Aviation & Economic Development	11/05/2002	
	Division: Airport		
	Program: Revenue		

Project or Item Requested:

Reduce Use of Fund Balance $205,782

Project or Item Deleted:

$205,782 in State Grants revenue account.

Justification of this Increase:

Will reduce the airport fund outlay for this project.

Justification of this Decrease:

Will provide additional funding for the Executive Aircraft Apron project.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number				Project Number
Use of Fund Balance	205,782	5550	0955	4999	99	

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number				Project Number
State Grants	205,782	5550	0955	6805	00	02131 1

Approval Signatures

Requested By	Date
Budget Manager	10-21-02 Date
Department Director	Oct 18, 2002 Date
Admin. Services Director	10-23-02 Date
Mayor	Date

Budget Office Use Only

Type: A B C (D) E

Date of Approval

Posted to General Ledger

Posted to Project Accounting

Entered in Category Log

Blue Copy: Budget & Research / Yellow Copy: Requester

FAYETTEVILLE

AIRPORT ADMINISTRATION OFFICE
THE CITY OF FAYETTEVILLE, ARKANSAS

September 30, 2002

John Knight, Director
Arkansas Department of Aeronautics
One Airport Drive - 3rd Floor
Little Rock, Arkansas 72202

Dear Mr. Knight:

In February of this year, Wayne Jones of McClelland Engineering and I presented our plan for a new executive apron and taxiway project that would allow new hangars to be constructed on the highway side of the airport convenient for executives and VIP's flying out of Fayetteville Municipal Airport, Drake Field. At that time we had several T Hangars available. Today we are full and have been for several reporting periods.

The original plan was to construct Phase I of the planned executive ramp development, enough space to accommodate the two interested companies. Since that time, the ramp has increased in size by nearly four times to accommodate the two tenant hangars and the new FBO Hangar, all three on the north side of the new ramp. We have tentative agreement to lease space on the south side for another 12,000 SF maintenance hangar. As planning progressed, it became apparent that we would need to proceed with Phase II of the apron expansion project and construct a new entrance to the Executive apron area.

We have received bids for the executive apron and taxiway project and the new FBO hangar. The City Council approved award of the construction projects at their October 15, 2002 meeting. With this letter we request additional support for the project.

The State Department of Aeronautics has generously provided two grants for Phase I of the overlay pavement work and taxiway extension to the main terminal apron. As Phase II of the work was developed, the scope of the originally proposed overlay work was expanded. Attached please find two new grant applications and a modification of the existing grant for the asphalt overlay.

There is no change to Grant 1878-02 which is the 75/25% grant for taxiway extension from the new corporate ramp to the main terminal apron.

Fayetteville Municipal Airport respectfully requests to submit applications for the two additional projects and the grant amendment to be considered by the Aeronautics Commission at their

4500 SOUTH SCHOOL AVENUE, SUITE F • AIRPORT TERMINAL BUILDING • FAYETTEVILLE, AR 72701
PHONE 501-718-7640 Ext. 5 • FAX 501-718-7646

November meeting. The grant applications are attached.

This project is to convert the former employee automobile parking lot into an aircraft parking ramp and a new executive apron. The former airport entrance road will be modified to allow space for the new hangars. A fire gate will be at the end of the former entry road that will allow very good access for the fire department as well as for tenants of the executive Ramp Development area for times when they need to transfer outsized cargo. Flying Investments is already under construction for a hangar on the new apron. We will award our contract following a Pre-Construction Conference scheduled for October 24. We are planning a formal groundbreaking October 30, 2002 at 2:00 in the afternoon. Please accept our invitation to attend as an honored and valued partner in this project to enhance aviation in Northwest Arkansas.

Attached to this request are copies of the contracts for these projects for your information and necessary action. Thank you for your support of the Fayetteville Municipal Airport, Drake Field.

Sincerely,

Ray M. Boudreaux, Director
Aviation and Economic Development

NEW APRON OVER ASPHALT
EXECUTIVE HANGAR COMPLEX
DRAKE FIELD
FAYETTEVILLE MUNICIPAL AIRPORT
37547

Item	Quantity	Unit	Unit Price	Extended
Pavement Removal	6520	SY	1.08	7041.6
Curb & Gutter Removal	1500	LF	2	3000
Remove Inlets	2	EA	360	720
Remove Storm Drainage Pipe	1	LS	2700	2700
Remove Parking Booth	1	EA	2600	2600
Crushed Stone Base	2950	TN	14.11	41624.5
Asphalt Surface Course (3")	1100	TN	38.2	42020
Storm Drainage Pipe (18")	533	LF	39.78	21202.74
Grate Inlets	4	EA	2190	8760
Chain Link Fence (6')	750	LF	14.57	10927.5
	Subtotal Construction Cost			**140596.34**
Engineering Design				$11,300.00
Bidding Phase				$600.00
Contr. Admin & Observation				$7,603.00
Construction Material Testing				$1,050.00
Estimated Apron Cost				**$161,149.34**

Airport Grant
A. 6. Page 8

STATE OF ARKANSAS
DEPARTMENT OF AERONAUTICS

Little Rock National Airport • One Airport Drive • 3rd Floor
Little Rock, Arkansas 72202-4402
Telephone: (501) 376-6781 • Fax: (501) 378-0820

MIKE HUCKABEE
GOVERNOR

February 13, 2002

JOHN K. KNIGHT
DIRECTOR

Gary Gammill
Chairman
Jonesboro

Darryl Riddell
Vice-Chairman
West Helena

Margarita Fontana
Rogers

John A. Sparks
Little Rock

Ken Johnson
Pine Bluff

Ken Pyle
Fort Smith

Marion Burton
Little Rock

Mr. Ray Boudreaux, Director
Aviation and Economic Development
Fayetteville Municipal Airport
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701

RECEIVED
FEB 19 2002
AIRPORT

Dear Mr. Boudreaux:

The Arkansas Aeronautics Commission in their meeting of February 13, 2002 approved a State Airport Aid Grant in the amount of $74,088.00 to convert car parking area to ramp with overlay at the Fayetteville Municipal airport. (90-10%)

Your grant has been assigned a number for identification purposes. Please use 1877-02 as your grant number when corresponding with our office concerning your project. You should advise the Director of this office if you find you will not be able to complete the project for the amount approved. An amendment request for the project may then be acted on at the next Commission meeting. The Commission will not be responsible for any additional project costs unless the sponsor has received notification in advance.

The Commission has asked that we call your attention to Page Three (3) of your application for State Airport Aid. You agreed, when the application was submitted to start the project within three months after approval or the grant would be null and void. The next to the last paragraph requires that the project be completed within one year unless it is partially funded by the Federal Aviation Administration (FAA). Please advise if circumstances beyond your control prevent the completion within the allotted time, otherwise, the grant may be canceled.

Payment of this grant may be made on completion of the project provided the commission has received written assurance that lease agreements have been signed for two hangars as described in the grant application. Please request payment of this grant in writing and include your documentation for the project at that time.

Sincerely,

John Knight

John K. Knight
Director

JK/cb

ARKANSAS DEPARTMENT OF AERONAUTICS

APPLICATION FOR STATE AIRPORT AID

The City/~~County~~ of Fayetteville, herein called "Sponsor", hereby makes application to the Arkansas Department of Aeronautics for State funds pursuant to Act 733 of 1977, for the purpose of aiding in financing a project for the development of a municipal airport located in the City of Fayetteville, Arkansas, Washington County.

Date of Request: October 18, 2002

Name of Airport: Fayetteville Municipal Airport / Drake Field (FYV)

Name and address of City/County Commission sponsoring request:

City of Fayetteville

113 West Mountain St.

Fayetteville, AR 72701

Person to contact about project:

Ray M. Boudreaux, Director

4500 S School Ave, Suite F

Phone/Fax Number: 479-718-7642
479-718-7646 fax

Phone/Fax Number: _____

Name and address of Engineering Firm (If Applicable):

McClelland Consulting Engineers, Inc.

PO Box 1229

Fayetteville, AR 72702-1229

Contact Person: Wayne Jones, P.E.

Phone/Fax Number: 479-443-2377

Describe the work to be accomplished: Construct Aircraft Apron over the turf areas between the entrance road and parking areas South of the Terminal/FBO Building in order to re-develop the area as an aircraft apron for Executive Hangar Buildings.

State and Local Project Costs:
Please indicate: XX 50-50% Match
____ 75-25% Match
____ 90-10% Match

Total Cost of Project	$ 67,047
Local Share/Funds	33,523
Local Share/In-Kind	
State Share	33,523

Federal AIP Projects:

N / A

Total Cost of Project	
Federal Share (90%)	
Local Share (5%)	
State Share	

State Airport Aid Application
Page Two

Provide the information listed below as it applies to your project:

FUNDS:

Source of Funds State Funding: Arkansas Department of Areronautics

Local Funding: Fayetteville Municipal Funds, Airport Div

Source of In-Kind Services N/A

Estimate starting date of project: November 2002

Estimate completion date of project: March 2003

Project will be for: New Airport _____ Existing Airport XX

Is land to be leased or purchased? NO

Description of land and cost per acre: _____

Provide the Federal AIP Grant Number (AIP Projects Only)

State Representatives for your area:

State Senator David Malone

State Representative Bill Pritchard - District 8

State Airport Aid Application
Page Three

The Sponsor agrees to furnish the Arkansas Department of Aeronautics a copy of the legal instrument affecting use of the property for an airport. In application for a new landing site or expansion of existing facility, the FAA Form 7480.1, Notice of Landing Area Proposal, must be approved by FAA before review for grant can be made by the state.

No land purchased with State Grant Funds may be sold or disposed of without State Commission approval. All requests for sale or disposal of property will be considered on an individual case basis.

No airport accepting State Grant funding may issue an Exclusive Rights Lease.

All applications for navigational aids (such as NDB or ILS) must have FAA site approval before a state grant can be approved.

All Grant applications involving Federal Airport Improvement Program (AIP) funding must be accompanied by the approved FAA application.

If this project is approved by the Arkansas Department of Aeronautics, and is accepted by the sponsor, it is agreed that all developments and construction shall meet standard FAA construction practices as outlined in the specifications of this agreement. Runways, Taxiways, Parking Ramps, etc., shall have a base and a thickness that will accommodate the weight of aircraft expected to operate at this airport.

All grant applicants (City and/or County) are totally responsible for compliance with all Federal, State, County and City Laws, Statutes, Ordinances, Rules, Regulations, and Executive Orders concerning contracts and purchases for which this grant is approved and issued. All grant applicants must submit with their applications a completed Contract and Grant Disclosure and Certification Form. (Form F-1-Pages 1&2).

It is understood and agreed that should the sponsor fail to start this project within three (3) months of the Arkansas Department of Aeronautics' date of acceptance, that this grant is null and void.

It is also agreed that this project, except FAA funded projects, shall be completed within one year from the date of acceptance of this grant by the Arkansas Department of Aeronautics. Applications for extension will be entertained if circumstances beyond the sponsor's control occur.

Funds will be disbursed according to Department procedures and final inspection of completed project. (See Instruction Page).

IN WITNESS WHEREOF, the sponsor has caused this Application for State Airport Aid to be duly executed in its name, this 18th day of October, 20 02 .

City of Fayetteville
Name of Sponsor

Authorized Signature

Ray M. Boudreaux, Director
Title

NEW APRON OVER TURF AREA
EXECUTIVE HANGAR COMPLEX
DRAKE FIELD
FAYETTEVILLE MUNICIPAL AIRPORT
37547

Item	Quantity	Unit	Unit Price	Extended
Tree Removal	9	EA	85	$765.00
Light Pole Removal	3	EA	145	$435.00
Excavation	1361	CY	5.38	7322.18
Select Borrow	1360	CY	9.23	12552.8
Soil Stabilization Fabric	1000	SY	2	2000
Crushed Stone Base	1230	TN	14.11	17355.3
Asphalt Surface Course (3")	460	TN	38.2	17572
			Subtotal Construction Cost	**$58,002.28**
Engineering Design				$4,545.00
Bidding Phase				$400.00
Contr. Admin & Observation				$3,600.00
Construction Material Testing				$500.00
Estimated Apron Cost				**$67,047.28**

ARKANSAS DEPARTMENT OF AERONAUTICS

APPLICATION FOR STATE AIRPORT AID

The City/~~County~~ of **Fayetteville**, herein called "Sponsor", hereby makes application to the Arkansas Department of Aeronautics for State funds pursuant to Act 733 of 1977, for the purpose of aiding in financing a project for the development of a municipal airport located in the City of **Fayetteville**, Arkansas, **Washington** County.

Date of Request: **October 18, 2002**

Name of Airport: **Fayetteville Municipal Airport / Drake Field (FYV)**

Name and address of City/County Commission sponsoring request:

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

Person to contact about project:
Ray M. Boudreaux, Director
4500 S School Ave, Suite F

Phone/Fax Number: _____

Phone/Fax Number: **479-718-7642**
479-718-7646 fax

Name and address of Engineering Firm (If Applicable):

McClelland Consulting Engineers, Inc.
PO Box 1229
Fayetteville, AR 72702-1229

Contact Person: **Wayne Jones, P.E.**

Phone/Fax Number: **479-443-2377**

Describe the work to be accomplished: **Relocate Entrance Road to Terminal/FBO Building and offices due to the re-development of the area for use as aircraft parking ramp.**

State and Local Project Costs:
Please indicate: ____ 50-50% Match
XX 75-25% Match
____ 90-10% Match

Total Cost of Project	$ 36,300
Local Share/Funds	9,075
Local Share/In-Kind	
State Share	27,225

Federal AIP Projects:

N / A

Total Cost of Project	
Federal Share (90%)	
Local Share (5%)	
State Share	

State Airport Aid Application
Page Two

Provide the information listed below as it applies to your project:

FUNDS:

Source of Funds State Funding: Arkansas Department of Areronautics

Local Funding: Fayetteville Municipal Funds, Airport Div

Source of In-Kind Services N/A

Estimate starting date of project: November 2002

Estimate completion date of project: March 2003

Project will be for: New Airport _____ Existing Airport XX

Is land to be leased or purchased? NO

Description of land and cost per acre: _____

Provide the Federal AIP Grant Number (AIP Projects Only)

State Representatives for your area:

State Senator David Malone

State Representative Bill Pritchard - District 8

State Airport Aid Application
Page Three

The Sponsor agrees to furnish the Arkansas Department of Aeronautics a copy of the legal instrument affecting use of the property for an airport. In application for a new landing site or expansion of existing facility, the FAA Form 7480.1, Notice of Landing Area Proposal, must be approved by FAA before review for grant can be made by the state.

No land purchased with State Grant Funds may be sold or disposed of without State Commission approval. All requests for sale or disposal of property will be considered on an individual case basis.

No airport accepting State Grant funding may issue an Exclusive Rights Lease.

All applications for navigational aids (such as NDB or ILS) must have FAA site approval before a state grant can be approved.

All Grant applications involving Federal Airport Improvement Program (AIP) funding must be accompanied by the approved FAA application.

If this project is approved by the Arkansas Department of Aeronautics, and is accepted by the sponsor, it is agreed that all developments and construction shall meet standard FAA construction practices as outlined in the specifications of this agreement. Runways, Taxiways, Parking Ramps, etc., shall have a base and a thickness that will accommodate the weight of aircraft expected to operate at this airport.

All grant applicants (City and/or County) are totally responsible for compliance with all Federal, State, County and City Laws, Statutes, Ordinances, Rules, Regulations, and Executive Orders concerning contracts and purchases for which this grant is approved and issued. All grant applicants must submit with their applications a completed Contract and Grant Disclosure and Certification Form. (Form F-1-Pages 1&2).

It is understood and agreed that should the sponsor fail to start this project within three (3) months of the Arkansas Department of Aeronautics' date of acceptance, that this grant is null and void.

It is also agreed that this project, except FAA funded projects, shall be completed within one year from the date of acceptance of this grant by the Arkansas Department of Aeronautics. Applications for extension will be entertained if circumstances beyond the sponsor's control occur.

Funds will be disbursed according to Department procedures and final inspection of completed project. (See Instruction Page).

IN WITNESS WHEREOF, the sponsor has caused this Application for State Airport Aid to be duly executed in its name, this 18th day of October, 20 02 .

City of Fayetteville
Name of Sponsor

Authorized Signature

Ray M. Boudreaux, Director
Title

ENTRANCE ROAD RELOCATION
EXECUTIVE HANGAR COMPLEX
DRAKE FIELD
FAYETTEVILLE MUNICIPAL AIRPORT
37547

Item	Quantity	Unit	Unit Price	Extended
Pavement Removal	600	SY	1.08	648
Curb & Gutter Removal	360	LF	2	720
Tree Removal	1	EA	85	$85.00
Light Pole Removal	1	EA	145	$145.00
Topsoil Removal	75	CY	12.35	926.25
Excavation	220	CY	5.38	1183.6
Select Borrow	220	CY	9.23	2030.6
Soil Stabilization Fabric	410	SY	2	820
Crushed Stone Base	190	TN	14.11	2680.9
Asphalt Surface Course (3")	70	TN	38.2	2674
New Curb and Gutter	335	LF	15.5	5192.5
Topsoil Replacement	86.5	CY	10	865
Seeding	0.2	AC	1600	320
Light Pole Replacement	10	EA	1336	13360
Asphalt Removal	600.5	SY	1.08	648.54
	Subtotal Construction Cost			**32299.39**
Engineering Design				$2,000.00
Bidding Phase				$200.00
Contr. Admin & Observation				$1,500.00
Construction Material Testing				$300.00
Estimated Apron Cost				**$36,299.39**

STAFF REVIEW FORM

XX Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of: November 5, 2002

FROM:

Kim J. Rogers	Parks & Recreation	Urban Development
Name	Division	Department

ACTION REQUIRED: Award of Bid #02-59 with R.J.R. Enterprises for playground equipment and installation at Bayyari Park in the amount of $38,000.

COST TO CITY:

$38,000	$ 50,000	Neighborhood Park Development
Cost of this Request	Category/Project Budget	Category/Project Name
4470-9470-5806-00	$ 1580	Cap Impro Fund Exp
Account Number	Funds Used to Date	Program Name
02013	$ 48,410	Cap Improv Const
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item ___Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

Marsha Fortner 10/15/02
Accounting Manager Date

D. White 10/16/02
City Attorney Date

P Price 10/17/02
Purchasing Officer Date

GRANTING AGENCY:

ADA Coordinator Date

Nancy Smith 10/15/02
Internal Auditor Date

STAFF RECOMMENDATION: Approve Ordinance Executing Contract

E. J. Schulert 10-14-02
Division Head Date

Hugh Ernest 10-14-02
Department Director Date

10-17-02
Administrative Services Director Date

Mayor 10/24/02
Date

Cross Reference

New Item: x Yes___ No

Prev Ord/Res #: _____

Orig Contract Date:

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Coody and City Council

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

From: Kim J. Rogers, Parks Operations Coordinator

Date: October 14, 2002

Subject: Award of Bid #02-14 with R.J.R. Enterprises for Bayyari Park

Background
Bayyari Park is located in the southeast quadrant of Fayetteville off of Highway 16 within the David Lyle Subdivision. This 7.05 acre park was dedicated through the park land dedication ordinance in 1995. The Parks and Recreation Division has $50,000 from capital improvement funds to begin the development of this park. A neighborhood park meeting was held to receive input and a recommendation was made to install a new playground system and other park amenities.

Current Status
Design proposals were received from four bidders through a request for proposal format. Designs were presented to the selection committee on October 10, 2002 at 9:00 a.m. Little Tikes through R.J.R. Enterprises was selected by the committee.

Recommendation
The Parks and Recreation Staff and the playground selection committee have reviewed the designs and recommend the bid to be awarded to R.J.R. Enterprises in the amount of $38,000. If you have any questions or need additional information, please call me at 444-3469 or Connie Edmonston at 444-3473.

Attachments: *Staff Review Form*
Staff Comment Sheet
Playground Design
Purchase Requisition

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

Requisition No.:	Date: 10/14/0
P.O. Number:	Expected Delivery Date:

Vendor #: 8493	Vendor Name: RJR Enterprises		Mail: Yes_x__ No___
Address:		FOB Point:	Taxable: Yes__X__ No___
City:	State: / Zip:	Ship To Code: 75	Division Head Approval: E. J. Schulte
Requester: Kim J. Rogers		*Requester's Employee#: 526	Extension: 469

Item	Description:	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number:	Project/SubProject Number:	Inventory #	Fixed Asset #
a)	Little Tikes playground for	1	ea	38,000.00	38,000.00	4470-9470-5806-00	02013		
	Bayyari Park through Kim Kyle.								
	Ron Brown will be the installer.								
	Primary colors.								
	Bid #02-14								
	SHIPPING/HANDLING								

Special Instructions: _____

Subtotal:	38,000.00
Tax:	
TOTAL:	38,000.00

Approvals: (finance office use only)

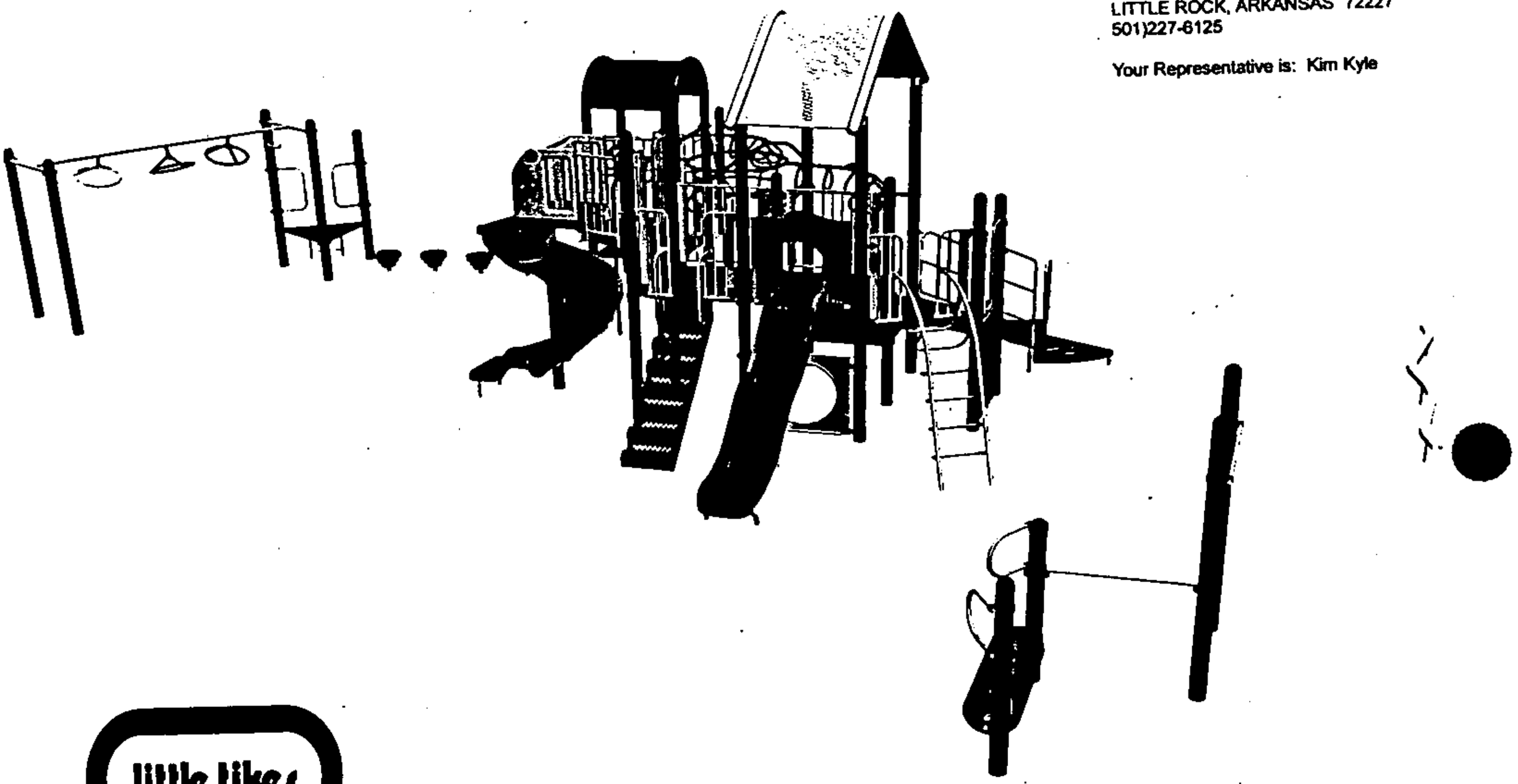
Mayor: _____ Department Director: _____ Purchasing Manager: _____

Admin. Services Director: _____ Budget Coordinator: _____ Data Processing Mgr: _____

Bayyari Park
A. 8. Page 3

KYLE RECREATION, INC.
8570 CANTRELL ROAD
LITTLE ROCK, ARKANSAS 72227
501)227-6125

Your Representative is: Kim Kyle



little tikes®
commercial play systems

NOTICE OF PUBLIC HEARING

The City Council of the City of Fayetteville will conduct a Public Hearing at 6:30 pm on November 5, 2002, in Room 219 of the City Administration Building, 113 W. Mountain Street, Fayetteville, Arkansas to determine whether the house or building located upon real property at 1865 Hanshew Street, more particularly described as:

> Part of the Southeast quarter (SE¼) of the Southeast quarter (SE¼) of Section Twenty-four (24) in Township Sixteen (16) North of Range Thirty-one (31) West, being more particularly described as follows, to-wit; Beginning at a point 396 feet East and 75 feet South of the Northwest corner of said 40 acre tract, and running thence East 25 feet, thence North 45 feet, thence East 80 feet, then South 363 feet, thence West 103 feet, thence North 383 feet to the point of beginning.

has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare. Upon such a finding, the City Council will further consider whether to order the house or building to be razed and removed. Any and all persons possessing an interest in the above-named real property must make their interest known to the Clerk of the City of Fayetteville, 113 W. Mountain Street, Suite 308, Fayetteville, AR 72701, within 30 days from the first date of publication of this Notice.

STAFF REVIEW FORM

__X__ AGENDA REQUEST
_____ CONTRACT REVIEW
_____ GRANT REVIEW

FOR: COUNCIL MEETING OF November 5, 2002 **MAYOR'S APPROVAL** _____

FROM:

Kevin Santos	Alderman	
Name	Division	Department

ACTION REQUIRED

A Resolution to Change the Name of 6th Street to Martin Luther King, Jr. Street

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 Coordinator	Administrative Services Director

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

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date 10/28/02	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Division Head	Date
Department Director	Date
Administrative Services Director	Date
Mayor	Date

CROSS REFERENCE

New Item: **Yes** No

Previous Ordinance/Resolution No.: _____

RESOLUTION NO. _____

A RESOLUTION TO CHANGE THE NAME OF 6TH STREET TO MARTIN LUTHER KING, JR. STREET

WHEREAS, Dr. Martin Luther King, Jr. was a visionary and courageous leader who shined the light of brotherhood and freedom during the dark days of racial segregation in America; and

WHEREAS, Dr. Martin Luther King, Jr. gave his life in the struggle for equality, justice and freedom through non-violent civil disobedience and inspirational leadership; and

WHEREAS, it is right and fitting that the City of Fayetteville, as the first voluntarily integrated public school system in the South, honor and memorialize Dr. King by renaming a major thoroughfare such as 6th Street as Martin Luther King Jr. Street.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby renames 6th Street in Fayetteville, Arkansas, as "Martin Luther King, Jr. Street" in honor of and to memorialize Dr. Martin Luther King, Jr. and his vision that all of us would be judged by the content of our character rather than the color of our skin and that here in Fayetteville we will all stand together on "the solid rock of brotherhood."

PASSED and **APPROVED** this the 5th day of November, 2002.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

STAFF REVIEW FORM

__X__ AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

FOR: COUNCIL MEETING OF November 5, 2002 **MAYOR'S APPROVAL** _____

FROM:

Kevin Santos — Name
Alderman — Division — Department

ACTION REQUIRED A Resolution to amend Resolution NO. 153-02 to exempt that portion of the 600' buffer strip north of Clabber Creek lying west of Deane Solomon Road and to authorize the sale of such property

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 Coordinator | Administrative Services Director

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

Accounting Manager | Date

City Attorney | Date: Oct 28, 02

Purchasing Officer | Date

Internal Auditor | Date

ADA Coordinator | Date

STAFF RECOMMENDATION:

Division Head | Date

Department Director | Date

Administrative Services Director | Date

Mayor | Date

CROSS REFERENCE

New Item: **Yes** No

Previous Ordinance/Resolution No.: _____

RESOLUTION NO. _____

A RESOLUTION TO AMEND RESOLUTION NO. 153-02 TO EXEMPT THAT PORTION OF THE 600 FOOT BUFFER STRIP NORTH OF CLABBER CREEK LYING WEST OF DEANE SOLOMON ROAD AND TO AUTHORIZE THE SALE OF SUCH PROPERTY

WHEREAS, the City Council of the City of Fayetteville adopted the recommendation of the Wilson Springs Business Park Assessment Task Force by Resolution No. 153-02 on October 2, 2002; and

WHEREAS, Recommendation #5 stated that the Task Force "recommends the inclusion of a significant buffer of 'not-to-be-disturbed lands' of at least 600' wide lying north of and parallel to Clabber Creek"; and

WHEREAS, such "not-to-be-disturbed lands" west of Deane Solomon Road blocks the access from Crystal Springs development to Deane Solomon Road; and

WHEREAS, the Fayetteville Planning Commission upon recommendation of the City of Fayetteville Planning Division has for years required the developers of Crystal Springs subdivision to plan for and eventually connect their subdivision to Deane Solomon Road; and

WHEREAS, pursuant to the requirements of the Planning Division and Planning Commission, the developer of Crystal Springs, Phase III, has presented a proposed plat showing the extension of Crystal Drive to intersect through city property that is currently within the 600' buffer zone to Deane Solomon Road with housing lots on both sides.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends Resolution No. 153-02 to exempt that portion of the 600-foot buffer strip north of Clabber Creek lying west of Deane Solomon Road.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the sale of sufficient city property west of Deane Solomon Road to the developer of Crystal Springs to enable the construction of Crystal Drive and development of the house lots on each side as shown on the Crystal Springs Phase III preliminary plat attached as Exhibit A.

PASSED and **APPROVED** this the _____ day of November, 2002.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor
Tim Conklin, City Planner
Planning Commission
City Council

FROM: **Kit Williams**, City Attorney

DATE: **October 28, 2002**

RE: **Crystal Springs development and Wilson Springs Resolution**

The road that was going to be required by the Planning Department to be built in order to connect to Deane Solomon Road through city property north of Razorback Golf Course to provide connectivity and a second exit for the proposed residential subdivision in Crystal Springs CANNOT BE BUILT.

On October 2, 2002, the City Council passed Resolution #153-02 (attached) which "**adopts** (the Wilson Springs Business Park Assessment Task Force's) recommendations for both the development and preservation of the Wilson Springs acreage." Therefore, the City Council made the recommendations of the Task Force **official city policy** (as I explained prior to the vote).

Recommendation 5 (attached) states that if any development is possible on the land north of Clabber Creek including "the approximately 11 acres lying west of Deane Soloman (sic) Road", "the

TF recommends the inclusion of a significant buffer of '**not-to-be-disturbed lands**' of at least **600' wide** lying north of and parallel to Clabber Creek."

Since the proposed city street would have to run through the far western part of this "not-to-be-disturbed land" north of the golf course, it cannot be built unless and until the City Council changes official city policy. The City Council would have to pass a new Resolution if it desires to change or modify the effect of Resolution No. 153-02.

RESOLUTION NO. 153-02

A RESOLUTION TO ACCEPT THE REPORT OF THE WILSON SPRINGS BUSINESS PARK ASSESSMENT TASK FORCE

WHEREAS, the City of Fayetteville is very appreciative for the concern and dedication demonstrated by the volunteers of the Wilson Springs Business Park Assessment Task Force; and

WHEREAS, the City of Fayetteville for itself and all the citizens of Fayetteville expresses its sincere gratitude and thanks to every member of the Task Force and especially its Chairman, Jeff Collins, who volunteered countless hours to forge a consensus that included both the partial development and the careful preservation of the Wilson Springs acreage.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby gratefully accepts the Report of the Wilson Springs Business Park Assessment Task Force which is attached as Exhibit A, and adopts its recommendations for both development and preservation of the Wilson Springs acreage.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby requests that the City Staff proceed with the recommendations of the Task Force.

PASSED and **APPROVED** this the 2nd day of October, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

THE WILSON SPRING BUSINESS AND TECHNOLOGY PARK TASK FORCE

The Wilson Spring Business and Technology Park Task Force (TF) was formed to provide independent analysis and to make a recommendation to the City Council and Mayor's office of the City of Fayetteville as to the "highest and best" use of the approximately 289 acres owned by the city and located on Interstate 540. In the course of our examination, three subcommittees focused on the economic/development, biological, and hydrological issues associated with the site, gathered information and studied important attributes and/or impacts of various uses of the property. The TF held two pubic forums for to garner input from citizens, as well as allowing statements and questions from various representatives of constituent groups during regularly held meetings, which began June 20th.

The results of this work, found below, accomplish the following purposes:

1. The formation of a Business and Technology Park sufficient in size to create critical mass for business development and located to take maximum advantage of potential synergies with Fayetteville's most unique resource, the University of Arkansas.
2. The increase and enhancement of Fayetteville's tax base and further insurance of the financial viability of the City of Fayetteville. Developing these lands produces financial advantages for the City in three ways:
    a. It returns acreage to the property tax base critical to the support our schools and other city and county services.
    b. It produces "profit" for the City, with which to fund and support such things as the development of trails, green space, parks, and parks improvements.
    c. It fosters the development of high wage jobs by improving the climate for the creation of knowledge-based industry.
3. The preservation of at roughly 180 acres of wetlands, floodplain, and floodway, creating a valuable environmental resource, in perpetuity, for the citizens of Fayetteville.

RECOMMENDATIONS

Note: These acreages referenced in this recommendation are taken from the Development Area plat, as drawn by McClelland Engineers, showing a wetland impact of 17 acres.

1. **Recommendation**: Immediately apply for and receive the permit from the Corps of Engineers for the 17-acre wetlands impact, with mitigation, as necessary.

2. **Recommendation**: Approximately 70 acres at the south end of the property be platted and planned for the Wilson Spring Business and Technology Park Development

3. **Recommendation**: The 38 acres at the southeast corner (and a part of the above referenced 70 acres) be developed immediately (Phase 1).
   a. Development of these lands would require some or all mitigation be done on the front end, since some of the 38 acres is in the wetlands impact area. Monies for the mitigation would provide initial funding for immediate restoration, etc. *(However, per the U.S. Army Corps of Engineers, due to the substantial amount of land being preserved in the recommendations of the Task Force, possible mitigation acreages could be significantly reduced.)*

4. **Recommendation**: The City of Fayetteville to construct Covenants and Restrictions for the Business Park:
   a. To insure that the Business Park will **not** include heavy industrial or be dominated with retail business and will encourage "knowledge based", technology oriented businesses.
   b. To insure that the resulting development will have a campus style environment with a maximum amount of area in green space.
   c. To insure that the wetlands are "developed" to provide the maximum benefit to the entire surrounding property
   d. To insure that all storm water collection systems from development be constructed to protect the sensitive wetlands

5. **Recommendation**: Commence as soon as possible a formal inventory assessment and evaluation of the lands lying north of Clabber Creek, currently not designated as wetlands or mitigation areas for wetlands impact, for development potential. These lands to include the approximately 11 acres lying west of Deane Soloman Road. Such evaluation should include a thorough needs assessment, potential environmental impact of development, biological assessment, further wetlands delineation assessment, dispersed recreational study, storm water runoff assessment and economic impact of development. If such an evaluation of such lands yields the possibility of development of some kind, the TF recommends the inclusion of a significant buffer of "not-to-be-disturbed lands" of at least 600' wide lying north of and parallel to Clabber Creek.

6. **Recommendation**: That all of the lands lying south of Clabber Creek and north of the aforementioned 70 acres of commercial development be preserved, in perpetuity, as delineated wetlands and/or an extension of said delineated wetlands.

Wilson Springs Business Park

600ft Environmental Easement North of Clabber Creek

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 501-575-8264
Fax: 501-575-8316

PLANNING DIVISION CORRESPONDENCE

July 6, 1998

By Fax:

Melvin Milholland, P. E.
Milholland Engineering and Surveying
205 West Center Street
Fayetteville, Arkansas 72701

Re: Crystal Springs, Phase II

Dear Mel:

I have been contacted by local residents expressing concern over construction which is taking place in Crystal Springs, Phase II; and I have received a copy of a letter from our city engineering division explaining that the approval of engineering plans has expired. Specifically, residents complain that of the construction which they are able to observe, there is no grading for a street which extends to the east. You will recall that extenstion of Crystal Drive to the east was an approval requirement of Crystal Springs, Phase II.

In paragraph 7 of the engineering division letter dated July 6, 1998, a reference is made to the preliminary plat and its validity. The following is a chronology of the preliminary plat:

23 January 1995	Preliminary Plat approved by Planning Commission with condition for acquisition of second access to Deane Solomon Road
10 February 1995	Davis submitted contract for sale of access to Deane Solomon Road
December 1995	Developer brought request for annexation of acquired land to City Council for approval
12 March 1996	Water and Sewer Plans submitted for review - question posed as to whether preliminary plat had expired
1 April 1996	Venable and Little agree that 1 year has not lapsed. preliminary plat is still valid due to work an acquiring second access; Beavers informed okay to accept water and sewer plans for processing
24 July 1996	Water and Sewer plans approved by engineering office
16 October 1997	Meeting to discuss status of Crystal Springs, Phase II; Decision rendered that lack of construction progress and Master Street Plan issues negate preliminary plat approval unless Planning Commission agrees to street changes
10 November 1997	Planning Commission heard and approved the request to move the street which provided access from Crystal Drive to the north further to the west and to change the name of the street from Jade Drive to Raven Drive

I believe that the chronology above effectively illustrates that the City has been very lenient in permitting work on the subdivision to progress over a period exceeding three years. This letter is to document that I will not support further extensions of the preliminary plat beyond 10 November 1998.

The effect of the Planning Commission decision was to extend the preliminary plat approval until 10 November 1998, provided the street plans were revised to reflect the moving of the street. I support the conclusion of engineering division that construction plans have expired and a revised set of construction plans are required prior to initiation of any work.

One additional issue which I feel should be addressed in the near future by your client or you, on behalf of your client, is the issue of city participation in the cost of Crystal Springs Drive and after the last Planning Commission hearing, participation in the cost of the collector, Raven Drive, through the subdivision. Neither the Planning Commission or the City Staff can decide whether the City will participate in the cost of these streets. It will be necessary to estimate the cost of construction, submit that cost to engineering division for review, and request engineering to prepare a city council agenda request to bring the issue to the Council for resolution. I feel this is a key element, because, city permission is necessary for the construction of Crystal Springs Drive to the east and if the city is not going to participate in the cost of building Raven Drive to collector standards (36'), then a standard 28' street will need to be designed and built.

I trust the information in this letter is succinct and to the point. If you should have questions, please contact me.

Sincerely,

Alett Little, AICP

cc: Engineering

PP

HARRINGTON, MILLER, NEIHOUSE & KRUG

A PROFESSIONAL ASSOCIATION
ATTORNEYS
113 EAST EMMA AVENUE * P.O. BOX 687
SPRINGDALE, ARKANSAS 72765-0687
Telephone (501) 751-6464
Telecopier (501) 751-3715
e-mail address: mail @Arkansaslaw.com

Michele A. Harrington
Stephen J. Miller
John P. Neihouse, LL.M (in Taxation) *
E. Wayne Krug **

William F. Mertins, Jr.

OF COUNSEL
Stephen D. Stitt

* Also licensed in Texas
** Also licensed in Oklahoma

September 22, 1998

Ms. Alett Little
City of Fayetteville
Planning Division
113 West Mountain Street
Fayetteville, AR 72701

Re: Crystal Springs Subdivision, Phase II: Extension of Crystal Drive to Dean Solomon Road

Dear Alett:

Howard Davis received from Mel Milholland this morning the enclosed cost estimates for the extension of Crystal Drive to Dean Solomon Road. I understand that Mel also delivered this information to Don Bunn today.

We believe the next step is to have this matter placed on the agenda for the next City Council meeting. If you are able to handle that, we would appreciate it. If not, let me know if I should contact Heather, or what method is appropriate to have this scheduled as an agenda item for the City Council. Please let me know one way or the other.

Thanks very much for your assistance.

Sincerely,

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

Michele A. Harrington
For the Firm

MAH/rtv
cc: Howard Davis
Mel Milholland

enclosures: Milholland Cost estimates

Milholland Company

Engineering & Surveying

Melvin L. Milholland, PE, PLS
Ronald S. Petrie, PE
James F. Koch, EI

REGISTRATIONS:
PE: AR, OK, MO
PLS: AR, OK

December 23, 1997

CITY OF FAYETTEVILLE
Attn: Mr. Don Bunn, City Engineer
113 West Mountain Street
Fayetteville, Arkansas 72701

RE: Crystal Springs Subdivision, Phase II
Sanitary Sewer Line Upgrade(8" to 12")
Raven Drive Widening(28' to 36')
Crystal Drive Extension to Dean Soloman Road

Dear Mr. Bunn:

Our client for the above mentioned Subdivision, J.E.D. Inc., respectfully request City of Fayetteville participation for upgrading a sewer line from 8" to 12", upgrading Raven Drive from a Local Street (28' wide) to a Collector Street (36' wide), and extending Crystal Drive from the east side of the original Phase II Subdivision Boundary to Dean Soloman Road. The following are costs associated with these improvements:

12" SANITARY SEWER LINE CONSTRUCTION:

Engineer's Opinion of Probable Costs for 8" to 12" SDR-26 Sanitary Sewer Line Upgrade through Subdivision to East Boundary of Crystal Springs Phase IIA	$15,255.00
Engineer's Opinion of Probable Costs to extend a 12" SDR-26 Sanitary Sewer Line and Appurtenances across the City of Fayetteville Property (From East Boundary of Crystal Springs, Phase IIA to the East Side of Dean Soloman Road)	$16,250.00
Engineer's Opinion of Construction Cost	$31,505.00
10% Contingency	$ 3,150.50
Sub-Total	$34,655.50
11.5% Engineering	$ 3,984.50
ENGINEER'S OPINION OF TOTAL COSTS FOR UPGRADE	$38,640.00

RAVEN DRIVE WIDENING:
The Planning Commission approved widening Raven Drive from a Local Street(28' Wide Street) to a Collector Street(36' Wide Street) on November 10, 1997. The following is the Engineer's Opinion of Probable Costs for this street widening:

Engineer's Opinion of Probable Costs to Construct Raven Drive as a 28' wide street including all relevant Appurtenances	$121,022.50
Engineer's Opinion of Probable Costs to Construct Raven Drive as a 36' wide street including all relevant Appurtenances	$176,326.50
Engineer's Opinion of Construction Cost Increase	$55,304.00
10% Contingency	$ 5,530.40
Sub-Total	$60,834.40
11.5% Engineering	$ 6,995.95
ENGINEER'S OPINION OF TOTAL COSTS FOR UPGRADE	$67,830.35

CRYSTAL DRIVE EXTENSION:
The Planning Commission recommended a 50% Cost Share to extend Crystal Drive from the original Phase II Boundary to Dean Soloman Road. The following is the Engineer's Opinion of Probable Costs for this street extension:

Engineer's Opinion of Probable Costs to Extend Crystal Drive, a Local Street, from the East Boundary of the Original Phase II Subdivision to Dean Soloman Road including all Appurtenances	$230,139.00
Engineer's Opinion of 50% of the Construction Cost	$115,069.50
10% Contingency	$ 11,506.95
Sub-Total	$126,576.45
11.5% Engineering	$ 14,556.30
ENGINEER'S OPINION OF TOTAL COSTS FOR UPGRADE	$141,132.75

Please refer to the attached sheets for a detailed estimate of the quantities and costs for the above items. Construction Plans will be forth coming upon their completion.

Please feel free to call if you have any questions or need additional information. Your assistance with this project is appreciated.

Sincerely,

Ronald S. Petrie, P.E.

cc: JED, Inc.
Michele Harrington

32-17-30 215 216 217 218

HARRINGTON & ASSOCIATES

A PROFESSIONAL ASSOCIATION
ATTORNEYS
113 EAST EMMA AVENUE • P.O. BOX 687
SPRINGDALE, ARKANSAS 72765-0687

Michele A. Harrington
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Telephone (501) 751-6464

FAX (501) 751-3715

January 27, 1995

Alett Little
Fayetteville Planning Department
113 W. Mountain
Fayetteville, Arkansas 72701

RE: Crystal Springs Subdivision, Phase II, Preliminary Plat

Dear Alett:

I have spoken to Phyllis Johnson regarding her request to reconsider the Planning Commission decision to condition the approval of the preliminary plat for Phase II of the above subdivision. The condition would be that the developer obtain City Council approval for condemnation of an access easement across adjacent property owners' land to the east.

On behalf of Howard Davis, I asked her that such a reconsideration not be scheduled for the next Planning Commission meeting. This would allow Howard an opportunity to see if some agreement can be worked out with one of the adjacent property owners to provide access to the city property adjacent to Deane Solomon Road, or directly to Deane Solomon Road. Howard advised me that he also discussed this with you.

Phyllis suggested that I ask that this matter be held in abeyance until we see if Howard's efforts result in an easement being acquired by agreement. This letter is for that purpose. If such could be obtained, the need for the condition would be mooted, in which case the developer should be free to proceed with the approval granted at last week's Planning Commission meeting.

In such event, there would be no need to have this matter placed on either the Planning Commission or the City Council agendas at all. Phyllis indicated that she at least would like the Planning Commission to revisit the condition placed on the developer before the City Council hears it, if the easement cannot be obtained by agreement.

Therefore, since you indicated to Howard that you have no objection, unless you notify me otherwise, I will assume that this matter will not be placed on either the Planning Commission or City Council agendas until we contact you regarding the success or failure of Howard Davis' attempt to work out a solution of the perceived access problem to the east of his subdivision.

Thank you as always for your assistance in this matter, and for your efforts to work out reasonable solutions to the problems in this subdivision approval process.

Sincerely,

Michele A. Harrington

MAH/sdh

cc: Howard Davis
Phyllis Johnson

OLD BUSINESS:

PRELIMINARY PLAT OF CRYSTAL SPRINGS, PHASE II
JED DEVELOPMENT - E OF SALEM RD, N OF MT COMFORT RD

The first item was a preliminary plat of Crystal Springs, Phase II submitted by Mel Milholland on behalf of JED Development for property located east of Salem Road, north of Mt. Comfort Road. The property was zoned R-1, Low Density Residential and contains 35.32 acres with 104 lots.

Ms. Little advised they had a letter from the developer outlining the steps they had taken to attempt to address the second access which would be the access to the north and then to the east to Deane Solomon Road. She noted there had been a number of overtures on their part to obtain access in various directions.

Ms. Mickey Harrington, representing the developers, explained this plat had been tabled twice, first for some plat revisions which had been made and then so that efforts could be made with the property owners to the northeast to provide an access. She advised that was done and an offer was made but it was so unattainable that the developer could not take them up on it. She contended, therefore, access to the land of the owners to the northeast was impossible for the developers to obtain. She added David Taylor, owner of the Razorback Golf Course, had given his feelings regarding access across the Golf Course at the last meeting. She noted several offers and possibilities were discussed with him including some exchanges of lands and other options so as not to negatively affect the Golf Course, but he didn't see access across his land as a viable option.

Ms. Harrington added that Mr. Zaccanti, the property owner directly to the north of Phase II, was a potential developer who could provide a link through stub-out streets in Phase I and possibly a stub-out street in Phase II. She referred to the site map and noted Gypsum Street stubbed out on the east side with a possible stub-out street coming from Crystal Drive to the north in the center of the Crystal Drive portion along the top of Phase II. She explained that piece of land went all the way to East Salem Road to the north which would provide a very good access for the entire area. She pointed out Gypsum Street would exit onto Salem Road and Crystal Drive would go all the way through by the school and exit onto Salem Road providing two exits accessing the subdivision. She explained there were only 88 lots in that Phase which would be coming through to the west on Crystal Drive with two accesses out on both Crystal Drive by the school and to the north and out on Gypsum.

Ms. Harrington pointed out that Bridgeport Subdivision on Mt. Comfort Road with 108 lots, Fieldstone Subdivision with 207 lots and Meadowlands, all have only one exit and very near Fieldstone with 104 lots all were approved within the last year.

Ms. Harrington explained it was apparent from the concept plan of this development that there would be several different exits which would adequately. She pointed out Salem Road wasn't nearly as busy as Wedington or Mt. Comfort Road where the larger subdivisions with one access were already being developed.

Ms. Harrington advised no variances were being requested, all the requests made by the Commission had been met, and changes had been made to that effect.

* Ms. Little advised the staff had received the information in regard to the extension to the east and had done some preliminary work. She stated there were approximately 660' owned by the City and they would be willing to use that for street purposes. She noted in regard to the developer's share of the street, if the 330' were acquired from the Sleghel's, the City would look for the developer to install approximately one-half of that street. She added with the total cost of the street being $75,000, the developer's share would be approximately $37,500. She pointed out, as requested in the letter, the staff felt it would be fair for this to be a maximum assigned to them at it was developed. She added that if it were the Planning Commission's wish that the access to the east (Deane Solomon Road) be pursued, the staff would recommend to the City Council that the powers of imminent domain could be used so that the street could be installed.

In answer to a request for clarification from Ms. Britton, Ms. Little advised there was a total length of 990' with 660' of it being on the City's land and 330' along the Sleghel land. She advised the estimate of $75,000 for street costs was derived from the total length. She added with regard to the court costs and any cost associated with the proceedings of imminent domain, the City would look to the developer to be responsible for any attorney's cost as well as the court assigned cost for the land.

In response to a discrepancy in what Ms. Little had stated and what Ms. Harrington had stated in her letter to the Commission, Ms. Little reiterated any attorney's fees associated with proceedings of imminent domain would be the responsibility of the developer.

Steve Parker, a City Alderman, stated there seemed to have been one major suggestion by the Planning Commission for the developers which was utilization of their land to the south for an access. He pointed out the developers were planning to build on the land to the south in Phase III of their development and noted (although it

might cost more to put the access to the south with possibly a bridge having to be installed) it could be done. He pointed out at the last meeting, it had been stated by representatives of the developers that they had exhausted all efforts in their attempt to find an outlet to the east after which Ms. Sleghel had contended she hadn't received any communication in regard to it.

Mr. Parker expressed concern that these developers, instead of building a road across their own land as intended with Phase III, would like the city government to pay for access out to the east, at least a portion of it. He contended the City currently didn't have the money to do a lot of things needed on current roads and intersections. He stated the $37,500 which would come out of the pockets of the citizens of Fayetteville did not include attorney's costs, court costs, any other incidental expenses on the condemnation costs, or property costs that would have to be paid to the Sleghels for their land. He contended the developers should build that road out to the south instead of taking money from the citizens of the city and condemning a private landowner's property.

Ms. Little pointed out the $37,500 proposal had not been made solely by her, but involved four people with the City.

Mr. Head pointed out Ms. Harrington's letter stated the developer had agreed to pay the condemnation costs which would include court costs and attorney's fees and the court negotiated land acquisition costs.

Ms. Little pointed out all of it would be subject to the approval of the City Council. She stated Wilson Kimbrough had made the point at the earlier Commission meeting that the City had made a commitment to residents in that area in the past that the access to the east was very necessary as a part of the development. She contended that directly influenced the Planning Commission's request of the developer to explore the possibility further.

Mr. Wilson Kimbrough clarified his statements in that he had talked with a city official along with several other individuals in regard to this. He noted it was generally agreed that there ought to be an access to Deane Solomon Road and he assumed there would at least be an effort to do that.

Mr. Nickle asked for Mr. Kimbrough's personal feelings in regard to the proposal being put before the Commission, the connection to Deane Solomon Road. Mr. Kimbrough stated he hadn't gotten the details yet of a process of trying to accomplish that.

Mr. Kimbrough stated he had heard statements from several people including the city staff giving a comparison of the traffic being worse in one area as opposed to another in Fayetteville. He

contended all that argument did was to make the worst traffic situation in Fayetteville a standard for all other areas of Fayetteville.

In response to a question from Mr. Head as to whether an outlet to the east would be helpful to the situation with this development, Mr. Kimbrough agreed that it would.

Mr. Jim Kimbrough of Salem Road contended at the meeting he attended where the concept plat was available for review, they were prevented from discussing anything except Phase I. He pointed out if they had been discussing the entire plat, some of the questions might have been dealt with in a better manner. He noted they were denied the opportunity to discuss the impact of that entire development. He added in relation to the involvement of the Corps of Engineers, Phase I of the development was all that was discussed.

Mr. Kimbrough noted it had been pointed out that one possibility was never explored until after the plat had been tabled the second time. He contended the traffic problem could be better served if it could be put out on Deane Solomon Road, but noted there was an alternative to what had been proposed.

Howard Davis, general partner of JED Development, stated there had been some implication that he hadn't spoken the exact truth. He contended that wasn't true. He clarified Mr. Kimbrough, with an attorney, headed up a delegation from that neighborhood who had stated to the developers several times that the Sleghels weren't interested in offering access across their property. He contended from that he made the assumption that she was not interested. He pointed out the reason he hadn't approached Ms. Sleghel was simply because he was led to believe by the attorney representing the neighborhood group there was literally no possibility that she would be interested in discussing it and had felt any call to her would be nothing more than a harassment call.

Mr. Davis contended they had tried to do what was best for the City and weren't trying to avoid some future responsibility or trying to get out of opening the road to the south. He advised with their proposal they were trying to offer something that could be done immediately. He contended they had full intentions of developing the whole property. He pointed out the concept plat offered was just a concept. He noted they still planned on developing to the south, but the time-frame of that part of the development depended on interest rates, long-term growth, and how many more subdivisions opened in the City. He stated, therefore, he would not and could not say they would definitely develop to the south. He reiterated they were offering a solution to the immediate problem and were not trying to get out of anything or to mislead anyone in any way.

Ms. Britton asked for clarification as to whether the changes to the plat which were requested at the last meeting had been made.

Mr. Davis stated the one thing which hadn't been put on the plat was another access along the long row of houses on Phase II.

Mr. Reynolds asked if this were approved, could they request a Bill of Assurance that a road would be put in to the east, the south, and the west before any further phases were approved.

Mr. Davis stated they had discussed designing Phase III with a road that would give another access out to Mt. Comfort Road. He advised he didn't have any problem giving an assurance that before they come back with Phase III, they would have another access out possibly to West Salem Road, Deane Solomon Road, or Mt. Comfort Road.

Ms. Britton pointed out the Planning Commission was trying to ensure there was access from this large block of land in as many directions as possible and the reason they are pursuing the access to the east at this time was because it seemed more feasible. She contended putting an access through to Mt. Comfort Road would really not give people that much of an alternative as to which direction they travelled because Salem Road basically directed to Mt. Comfort anyway. She stated if it went on over to Deane Solomon Road, the traffic would have an option to go north.

Mr. Parker expressed concern they were cranking up judicial machinery to condemn private property for the benefit of this developer's project when he owned land to the south which could be utilized.

In answer to a question from Mr. Tarvin, Mr. Davis stated to develop Phase III before Phase II would be very costly because of the need for a bridge across the street. He noted the approval from the Corps of Engineers to cross the street was a very time-consuming venture. He noted there would have to be a thorough and expensive study as to what impact a bridge would have on the 100-yr flood plain. He noted they could in fact go on top of the hill in Phase III behind Birdhaven to avoid a bridge, but he had in mind the bridge would make it convenient to get to the school to alleviate some traffic. He noted it had seemed more logical to put Phase II behind Phase I. He pointed out they would let the lot sales pay for the street in Phase II to get them closer to the bridge.

Mr. Nickle asked if they had not in the past asked developers to pay the cost of a road initially with some of the costs being paid back to the developer by other developments which tied into it.

Mr. Bunn stated they had done that in the case of water and sewer lines, but not with a street. He noted they had discussed that in house and determined it could be done if it were set up in ordinance form. He added that would have to be discussed with the City Attorney.

Mr. Nickle stated he wasn't in favor of the City spending money to pay for a road which would serve other citizens besides just those of the current development.

In answer to a question from Mr. Allred, Mr. Davis stated Phase III would possibly be developed a year from now.

Mr. Tarvin asked if there would be any way to connect Phase III to Gooseberry. Mr. Davis noted it was his understanding that a small piece of property would have to be condemned in order for that to happen.

Mr. Tarvin made a suggestion that they develop Phase III before developing Phase II without taking it up to the bridge initially. He noted Phase III could be developed with two outlets to Mt. Comfort Road which could be connected when Phase II was developed. He clarified in that case, the bridge would be with Phase II but it would be developed after Phase III.

Mr. Davis stated they had thought about the different options and pointed out it always made sense to him that the major traffic out of that neighborhood would end up on Salem Road. He stated he had been looking into getting an access to Deane Solomon from the beginning since that would provide a link to Highway 112 which would be the best way out as far as general traffic flow.

Mr. Head expressed opposition to condemning someone's property for the sake of this development. He contended it would be good to have a connection to Deane Solomon someday and pointed out they had the option of going to Phase III and having a 200 lot subdivision without the wetlands disturbance, without the bridge, and still with two outlets. He added Phase II could be developed later and connected.

Ms. Harrington advised the proposal didn't come from them, it was a suggestion brought to them by the City staff. She noted it was her understanding the Planning staff was looking at the overall situation for the benefit of the public as a whole. Therefore, they were not proposing that a condemnation occur just for Crystal Springs Development, since that road might be needed through there anyway.

Mr. Tarvin contended if that were the case, then Crystal Drive should be built to collector standards and taken across the Golf

Course.

Ms. Britton stated the development of Phase III before Phase II would create a bigger traffic problem in that there would be more traffic to the school instead of the children having the better pedestrian and bicycle access.

Ms. Little pointed out 660' ? look like 330' of the property was City owned and would mean that two-thirds of the distance of the cost of that street would be borne by the City if they didn't ask for developer contribution. She explained that was a way for the City to require that, as a part of access and as a part of the process of planning for access to schools, one-half of the cost of that road be born by the developers and one-half born by the City.

In answer to a question from Ms. Johnson, Ms. Little stated South Salem Road past West Salem Road was paved all the way to Howard Nickle Road which was paved all the way to Highway 112.

Mr. Michael Andrews, a resident of Timberidge Court, expressed concern for the traffic problems and the potential traffic problems developed by poor planning. He contended that they needed to look at the larger impact instead of just small areas when planning developments.

Mr. Bob Stockalper, a Realtor with Remax Realtors, stated one of the big selling points of this subdivision was that it had access to the north and the south and from his experience there was as much traffic coming in one way as the other. He pointed out about one-half of the 112 lots in Crystal Springs, Phase I would take one exit out and the other half would take the other exit.

Mr. Head expressed concern for the traffic situations around the school and he noted this was an opportunity for someone to pay for a portion of another outlet by a busy school in a growing part of the City. He added he didn't like the idea of taking land, but he was sure they could come up with a fair price which would allow other accesses.

Mr. Bunn pointed out the suggestion for condemnation of that property was made by the staff because in two separate instances recently the City Council had chosen to condemn private property where development was involved: the Cliffs Subdivision and an access point to property on top of Country Club hill. He noted, therefore, there was some precedence for making that suggestion. He added the staff only made the suggestion and it would be up to the City Council to determine if that condemnation would be in the public's interest.

In answer to a question from Mr. Allred, Ms. Little advised after

a condemnation the City would own the street. Mr. Allred stated he didn't have a problem with this because he thought there would be enough taxes generated in that area and the people living there would be glad to have another access. He contended it was time to look at what was best for the City overall and go in that direction.

Mr. Mel Milholland, the engineer for the project, stated the pattern in which the development was proposed was in line with what they had submitted in the beginning. He noted all the phases were presented with a lot of input and the City as a whole had benefitted from this package with the school on land given to them by the developer. He contended that the proposal for the access to the east was in order.

Mr. Kimbrough expressed concern that they needed to look at aerial photos in regard to the Master Street Plan to avoid placing them on top of someone's house. He reiterated his earlier comment that the public wasn't allowed to discuss the concept plat and address the impact of traffic problems and such of the entire development when it was before the Commission.

Mr. Head pointed out it was important to determine the street locations when there wasn't anything developed in an area yet.

It was pointed out that the City of Fayetteville and the Fayetteville Planning Commission was taking a rap for traffic problems when several other entities, notably the Arkansas Highway Department, had put the cart before the horse for 50 years.

MOTION

Ms. Britton made a motion to approve the development subject to the additions/deletions agreed to at a previous meeting, to the staff's comments, to the condition that there would be another access built before any of the lots were sold in Phase III, to the City Council agreeing to take on the condemnation, and to the developer footing the bill as agreed for any costs incurred in regard to the condemnation of land for an additional access.

Mr. Suchecki seconded the motion after confirming that it was based on the letter from the attorney and the eastern access.

Ms. Johnson pointed out the recommendation in the letter which was submitted was that the payment of the $37,500 not be made until the extension was constructed. She expressed concern that the City needed some more assurance that those monies would be recouped.

Mr. Don Bunn stated it would be proper for payment to be made at the time the contract was let for the street.

Ms. Britton stated that would be a part of the staff comments that her motion was subject to.

Mr. Tarvin expressed concern that it was unfair to the people to the north to condemn their property to solve a problem for this development when there appeared to be another option, going to Phase III with two outlets onto Mt. Comfort Road.

Mr. Head stated he didn't feel that was a valid option for most of the traffic out of that school.

Mr. Allred asked what would happen with this if the City Attorney or City Council decided there was not a public need.

Ms. Little stated the Commission's approval would be subject to this occurring and noted their approval would be void in the case that it didn't occur.

Ms. Johnson asked if the motion tied them to the location of the street to the east being north of golf course or would it allow the street to east, the condemnation to go across the golf course based on what seemed more appropriate.

Ms. Little pointed out it did not tie them to the location north of the golf course. She stated it would be up to the discretion of the City Council to direct that.

In answer to another question, Ms. Little advised the property owner would be paid the current market value based on the recent appraisals and sells in the area as set by the court.

The motion carried 8-1-0 with Commissioner Tarvin voting "no".

JED DEVELOPMENT, INC.
2200 Old Missouri Road, Suite C
P. O. Box 1549
Springdale, Arkansas 72765
Phone: 479-751-9591 Fax: 479-756-3325

RECEIVED
OCT 15 2002
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

October 11, 2002

Honorable Mayor Dan Coody
Fayetteville City Hall
113 West Mountain
Fayetteville, Arkansas 72701

Dear Sir:

In response to the meeting held yesterday in your office I understand Crystal Springs Phase III has again been tabled until the November meeting. It is my understanding this is due to a resolution passed last Wednesday night allowing no construction on a 43 acre tract of land which lies just east of our planned subdivision. Until yesterday all city planners have said Crystal Drive must connect to Deane Solomon. JED Development, Inc. has invested alot of time and money in engineering and land acquisition to comply with the request of city planners wanting this connection, and now if my understanding is correct this connection cannot happen due to the passing of this new resolution.

JED Development, Inc. hereby wants to offer $7,500 per acre for two acres of the 43 acre tract which is on the Land Use Plan of Mixed Uses. If this purchase of land could be made we would want it rezoned to R-I for single family homes. If this purchase cannot be made and we can receive no cost share on the construction of Crystal Drive across city property, JED Development would ask that a cul-de-sac be approved at the end of Crystal Drive so we can go on with construction of Crystal Springs Phase III.

Sincerely,

JED DEVELOPMENT, INC.

Gregory J. Edwards

GJE:je

cc: Mel Milholland

PPL 02-15.00: Preliminary Plat (Crystal Springs, Phase III, pp 246) was submitted by Mel Milholland of Milholland Company on behalf of Crystal Springs LTD for property located east of Pyrite Drive on Crystal Drive. The property is zoned R-1, Low Density Residential and contains approximately 35.13 acres with 101 lots proposed.

Aviles: Under new business item number four on our agenda is PPL 02-15.00 for Crystal Springs Phase III, which was submitted by Mr. Mel Milholland of the Milholland Company on behalf of Crystal Springs Limited for property located east of Pyrite Drive on Crystal Drive. This property is zoned R-1, Low Density Residential and contains approximately 35.13 acres with 101 lots proposed. Tim, I believe there is some news before I get to conditions of approval or take any comment that we might need to discuss.

Conklin: Yes, that is correct. The City Council on October 2nd passed Resolution 153-02, that established a 600' buffer on the north side of Clabber Creek. This plat for Crystal Springs has a future road connection for Crystal Drive that would connect with Deane Solomon Road that would go through what is the City of Fayetteville's as part of that Wilson Springs Business Park. Because we do have a Resolution as official city policy that states that that area should not be disturbed, we ask that you table this until the City Council can address this issue and this policy because the current subdivision would build that road through that area.

Aviles: Thank you Tim. I appreciate it. We also have in our packets from City Attorney Williams regarding that. Kit, did you want to say anything else?

Williams: No, I think that is pretty accurate. Until the City Council decides to change it's official city policy then my opinion is that that road can not be built. As we discussed in the past, this was kind of a condition that the Planning Commission had placed on the development of Crystal Springs. From the development that they have another exit out to Deane Solomon so the City Council needs to address that before this plat officially comes before you. I think it is going to be on the first meeting in November of the City Council. I think your first meeting might be after the first meeting of the City Council, is that correct?

Aviles: I think that it might be November 14th, is that the date?

Conklin: Yes.

Williams: I would ask that we reschedule for the 14th and at that point we will know what the City Council has decided to do.

Aviles: Thank you very much. Since this was advertised and placed on the agenda, I will go ahead and take public comment if there is any. Is there anybody here in the office that would like to talk about this? Yes Ma'am, come forward and tell

us your name please.

Broyles: Thank you, I am Mary Bassett Broyles, I represent Al Zaccanti who has the property to the northwest corner of this subdivision. Our questions are basically are there covenants on the subdivision? What square footage are the homes that they are going to put on the subdivision? The road that goes into my parent's property, we would like to know is the sewer capacity that they are going to have there, would that extend if they ever did any future development on my father's property.

Aviles: I am not sure that we have the people here that we need to answer those questions. At this time I will see, is the applicant here tonight?

Conklin: Madam Chair, Mr. Milholland did contact our office and we did inform him last Thursday before agenda session and also today, that we would ask that this be tabled and not go forward. He was informed that he did not have to be here. With regard to your questions though, I can forward those to Mr. Milholland, the engineer, and try to get you some answers if you want to contact our office tomorrow. Thank you.

Aviles: Thank you. I suggest you do call the Planning office and they will be very helpful in getting you copies of the plat back and answer all of those questions, thank you. Is there anybody else that would like to talk about the proposed development? Seeing no one, I will go ahead and bring it back to the Commission for motions or further discussion.

MOTION:

Shackelford: I want to make a motion to table PPL 02-15.00.

Aviles: I have a motion by Commissioner Shackelford to table until November 14th, do I have a second?

Bunch: I will second that.

Aviles: Renee, would you call the roll please?

Roll Call: Upon completion of roll call the motion to table PPL 02-5.00 was approved by a vote of 7-0-0.

Aviles: Thank you Renee. The motion carries unanimously. We will hear this again should it make it through Council and everything be resolved, on November 14th.

PPL 02-15.00: Preliminary Plat (Crystal Springs, Phase III, pp 246) was submitted by Mel Milholland of Milholland Company on behalf of Crystal Springs LTD for property located east of Pyrite Drive on Crystal Drive. The property is zoned R-1, Low Density Residential and contains approximately 35.13 acres with 101 lots proposed.

Ward: Good morning. Welcome to the Subdivision Committee meeting. Today is October 3, 2002. It looks like we have six items on the agenda, is that right Tim?

Conklin: That is correct.

Ward: We will start off with the first one which is PPL 02-15.00 for Crystal Springs Phase III. It was submitted by Mel Milholland of Milholland Company on behalf of Crystal Springs LTD for property located east of Pyrite Drive on Crystal Drive. The property is zoned R-1, Low Density Residential and contains approximately 35.13 acres with 101 lots proposed. Tim?

Conklin: This is a Preliminary Plat for Crystal Springs Phase III. It is 101 lots on 35.13 acres. It is zoned R-1. Surrounding land use includes R-1 zoning. There is an 8" waterline being proposed across the property and an 8" sewer line. Right of way to be dedicated includes 70' for Raven Lane, which is classified as a collector, 50' for Crystal Drive, 50' for Topaz and 40' for Tiger Eye Drive. The 40' right of way is allowed for a residential type street when it has limited traffic. Adjacent Master Street Plan includes the future construction of a collector road for Raven Lane to be extended eventually down to Mount Comfort Road. We are recommending that this go to the full Planning Commission, it is a Preliminary Plat. Conditions to address and discuss, City Council approval for the extension of Crystal Drive through City property to Deane Solomon Road will be required. This connection shall be made in order to improve this phase of the development. There was a lot of discussion back when Crystal Springs originally came through back in the mid 90's about having more than one way in and out of this development. At that time the developer actually worked with Razorback Golf Course and purchased property and they relocated 18' of green and tee in order to allow for this extension. The City of Fayetteville is involved because we do own property between this subdivision and Deane Solomon Road. That property will have to be cut through in order to make that connection. The developer shall be responsible for cost and development of the road to Deane Solomon Road. 2) Raven Lane shall be constructed to a 28' wide street. The City may cost share to widen it to 36' subject to City Council approval. We are not asking the developer to improve it to collector street standards since it will serve more than just this development. On lots 190 through 195, I just want a note on there that the buildable area for those lots is 6,000 feet or greater. A question for the engineer is are you planning on filling those lots and removing that 100 year floodplain?

Milholland: Yes. There is a letter that we sent you some time back.

Conklin: The letter of map revision based on fill will be submitted to FEMA.

Milholland: What we want to do is when we come back in, we made those lots larger to qualify them at 6,000 sq.ft. buildable area. What we want to do is to have those lots that size. Right now if you will look at lot 190 on your plat and 193 and 128, that is on this lower left-hand side, that dark line is your floodplain line and we made those large enough, you have to be over an acre right Tim?

Conklin: Anything within the hundred year floodplain has to have a minimum lot area of an acre.

Milholland: So what we will do is we will fill those lots during construction and when we come back at Final Plat lot 90 will be two lots and lot 93 will be two lots and lot number 128 will be two lots. That is the same way we did on Crystal Springs II, that little dead end street. We will do the same thing on that.

Conklin: Ok.

Milholland: Right now we can't really submit it because the work is not done. Tim preferred this route so we used what he suggested. It is on record that we will be asking for three more additional lots on Final Plat.

Conklin: Which lots are going to be divided further again just for the record?

Milholland: Lots 190, 193 and 128. That will be reflected on the Final Plat.

Conklin: Something that I don't have in this report is my understanding is, and Kim Rogers is here for Parks, that land was dedicated to meet the park land dedication ordinance requirements so therefore, there are no parks fees.

Milholland: That is correct.

Jefcoat: There should be a letter in the file.

Milholland: There is a park going to the lower left hand corner of the subdivision that goes all the way out to Salem Road. All of that was dedicated in there at one time for all the rest of the development here.

Conklin: That is all Planning has with regard to this development.

Ward: I will start off with Matt with Engineering, do you have any particular concerns?

Casey: We still have some concerns with the proposed sewer, this part along Crystal. Mel and I have been discussing the grading on that. He has talked with the Health Department and tried to come up with some ways to serve these lots down at the end without putting a lift station in but Mel, I talked with Dave Jurgens, with our Water and Sewer Division, and he strongly recommends not putting in an 8" or

12" line at the less than minimum grade. We will need to work out a way to serve those that is going to satisfy him as well as the Health Department.

Milholland: The Health Department recommended the 8", I had 12" at that design grade. It was approved before five or six years ago. I talked with their District Engineer and they said that they occasionally have a situation like this come up but he said that they prefer not to have a lift station but they will work with us on this at the time of design. They prefer not to have a 12", to have an 8" across there. I have discussed that with you and they would be more than happy to call and talk about it and work it out at the time of design. There is a water shed north of this that would actually accommodate what I think Dave is concerned about, there would be additional lots coming into it.

Casey: Do you have any building plans for that?

Milholland: We are working on that tract right now but it has not been submitted to the city yet.

Jefcoat: The rezoning will be tomorrow.

Conklin: Annexation?

Jefcoat: Tomorrow.

Conklin: That has been submitted to Washington County and an Order of Annexation has been issued already?

Milholland: No, I don't think so.

Conklin: When you say tomorrow?

Jefcoat: It is all being turned in tomorrow.

Conklin: Turned into Washington County, not the City of Fayetteville?

Jefcoat: We were going to do it all simultaneously.

Conklin: Typically our policy has been to get Washington County to approve, an Order of Annexation issued, confirmation of Order thirty days later, and then submittal to the City so we don't end up at City Council or Planning Commission prior to the land being released by the County.

Casey: Will that development that you are talking about tie into this dead end line? That will help. That would change the dead end line to minimum grade and minimum flows decreases your chances of blockage.

Milholland: Right. I didn't go through it with you but I went through it with the Health Department Engineer, I went through the calculations on that. That is something that we will provide during design of this to you. I think we have figured about 175 acres up there that could join into this in addition to this subdivision.

Conklin: We will sure look at it at the time of construction review. I just wanted to let you know that we are going to have to work on the design with Dave Jurgens.

Milholland: Sure, no problem.

Ward: Thanks Matt. Keith, anything with sidewalks?

Shreve: I have a couple of comments. We have got a new stub out here for Schlegal Lane on the north between 151 and 152, is that going to be a public street?

Conklin: Staff asked that they provide an additional stub out to the north.

Milholland: They requested that at the last meeting.

Shreve: Would you add that street width, name information, and sidewalk information to your table on here? On the lower corner you have got the table of street names, right of way width, sidewalk requirements, would you add that to it please?

Milholland: Ok.

Shreve: Also, on lot 27 of Phase I there was a sidewalk required along the north side of Crystal Drive which was not constructed at that time. It was pledged to be constructed when the street was extended and we would like to request that sidewalk be constructed as part of your new construction on Crystal Drive. It would be the south side of lot 27, the north side of Crystal Drive.

Milholland: Yes Sir.

Shreve: That is all I had.

Ward: Thanks Keith. Kim, do you have any concerns with trees we are looking at on Crystal Springs?

Hesse: He has moved lot lines so that the trees are basically centered on lot lines so hopefully they will be saved.

PUBLIC COMMENT:

Ward: As far as Parks, you have already given the land, that is already done. At this time I will open it up to the public. Is there any public comment on this particular Preliminary Plat?

Price: My name is Jennifer Price, I am the president of Crystal Springs Homeowners Association. This other acreage that you are proposing would that be part of Crystal Springs too?

Milholland: I am not proposing the 70 acres right now.

Price: Ok. Eventually will that be part of Crystal Springs?

Milholland: That I can't say for certain. The clients know about them and they have talked about it.

Price: Ok, but it is in that field where you have talked about building Phase III, is that the area you are talking about?

Milholland: Yes, it would be north. It is nothing really firmed up on it other than the fact that we are going to look at the conditions that could be met and so forth but they have talked to us. They understand what is going on.

Ward: Ok, are there any other comments from the public? Seeing none, I will close it to the public and bring it back to our Committee. Mel, did you have any other comments or questions that you would like to clear up on this?

Milholland: We would like for the Planning Commission to go on record saying that they would support doing one of two things. I mentioned this in a previous meeting. The client has spent well in excess of $130,000 in good faith, I know it has been six or seven years, but their original property line stopped here, we have got a cul-de-sac. The Planning Commission at that time said that they would support going to the Council and asking for a cost share between here and here if the developer would obtain this land and let it run on out to the street. They did that. They spent $70,000 moving the drain and relocating it and plus they paid for the land and exchanged another large amount of land right here to the golf course. I know that has been a while back. This is part of the land that actually, I don't know if it is part of the I park, the I park is right here, this goes across the road, and the city owns about another lot down this way all the way up almost ¼ mile to the north strip of land here. I think everybody would agree that this is needful to go out here but with past history, I told my client I would suggest two options to them. One is to go to the City and ask the Planning Commission of course to support it, sell them this tract right here and rezone it for residents. That would make it residents all the way out to the road. Or, ask the City if they would cost share still in this connection. I think that is a fair request.

Ward: Is that property pretty much residential more than it would be any other type of use?

Milholland: Well, right now there is nothing there but a golf course here and a pasture up there and this is going to be residents here.

Ward: It looks to me like that would be a common sense motion trying to go ahead and square that off and take it all the way to the street. What would you get about four more lots?

Milholland: Six lots. There are trees right here so if Kim says make the line right here we are talking about four lots. That four lots probably wouldn't pay for their cost of construction of all the utilities, etc.

Ward: How much land would that be?

Milholland: It was something like 270'x330', two acres.

Ward: Why don't you make some kind of an offer in writing that we can look at. The Planning Commission doesn't really have any say so, all we can do is make a recommendation to the City Council but I think that is a pretty straight offer.

Milholland: We just want something that is fair. It is going to benefit everybody out here on that road.

Ward: I don't see what other use that property would be used for except residential.

Milholland: It is about 270' deep and it goes on up here with this corridor and backs up to this other property back here and stops about 300' down here in this ditch, the flood area stops there.

Ward: Ok. Tim, do you have any comments on that?

Conklin: Sure. First of all Mel, do I have that in writing? Did we verbally discuss it internally here with the third floor directors upstairs? I think the letter that you write should be addressed to Mayor Dan Coody and he can forward that to his directors and carry that forward with regard to that.

Milholland: Can we write the Planning Commission a copy of that and ask them to support it?

Conklin: Sure. Whatever you want to put in your letter but I think that as an official request I think it should go to Mayor Dan Coody and he can hand it off to one of his directors or the City Attorney to figure out what we are going to do. You have some questions with regard to the process and there was a resolution that was recently passed with regard to sell of city owned property, having it appraised, taking sealed bids. I know there is a concern about yes, you want to buy it, but the current policy is that everybody has a fair chance at buying city property if we are going to sell something.

Milholland: Except the Industrial park.

Conklin: I am not sure how that resolution that they passed last night impacts this either Mel. I share that with you if you are going to say it is part of Wilson Springs I Park.

Milholland: I am just saying that is what the resolution really says and whether the Council goes with that or not, I don't know. I was hoping that the Planning Commission would see the reasoning behind our request and make a support to the Council and maybe that will help them go on and do that. Otherwise, my client is still hanging out in the air whether he can get that or not. If that option is so, the second option is we could ask the Planning Commission to recommend to Council to support paying for that section right there. It is improvement to City property if we don't get the property.

Conklin: There is some past history too that the Sage House was going to be located on the north side of this proposed street. That is zoned R-2 so the City Council has discussed leasing that property to the Sage House for future development. That has been changed now and the Sage House is now on the land on Huntsville Road. We recently rezoned that. When you say part of the I Park, I don't think that is in anybody's mind because the Sage House was going to develop it and we rezoned it to R-2. Once again, just get a letter, address it to Dan Coody and we can take it forward from there.

Ward: Are there any other comments?

Casey: I have a comment. It is my understanding that before this additional land was purchased that we were recommending that the city cost share for this portion. Since that time, they have purchased this other land and that has greatly reduced the amount of street needed to be constructed to connect this Crystal Drive to the development and that is such a small amount now we are not going to recommend that the city cost share with that portion to connect this development. We are going to recommend that it be constructed but not that the city cost share with the developer.

Milholland: Just so we understand the history right, they told our client, the Planning Commission, if they purchased this right here they would cost share half and half from the purchased part all the way to here.

Casey: That is not the information that I was given.

Milholland: That is in the record.

Conklin: Mel, what I think we should do is you get your records out and I will get my records out and we can highlight the areas where who said what and put a

package together and give that to the Commission and the Mayor and the City Council and see what happens.

Milholland: The reason I'm saying that Matt, that is the first time that I have understood it that way. Tim may have expressed it that way to me but I didn't understand it that way. I understand your thinking on this now that this is a short distance but that is about $200 a foot construction and that is not a little bit, that is quite a chunk of money.

Ward: Ok, thanks Mel.

Milholland: Thank you.

Ward: Are there any other comments or motions?

Bunch: Before I make a motion, once this gets signed in from Deane Solomon over to Salem Road it becomes a straight shot right by the school. Is there anything that we can do to slow down the traffic through there? I believe in interconnectivity with different phases of subdivisions but at the same time we need to be aware.

Milholland: You can put a stop sign right here and right here if you want to.

Bunch: Something because on this down on the west end it goes by a school and a large recreational area and we need to have the safety of people in that area.

Conklin: I did suggest that they might want to look at doing some type of a small boulevard through there to help break it up a little bit. I think land was an issue so they couldn't quite do that. They might put some type of island in there.

Milholland: What are you talking about Tim?

Conklin: I am talking about maybe taking some of these trees, putting them in an island and breaking this up in an entry.

Milholland: You mean down here?

Conklin: Yes.

Milholland: How does that slow the traffic down?

Conklin: I have experienced that if you have a boulevard and you can't take a straight shot, you have to turn, you slow down. That is my personal experience and traffic has put roundabouts in and different things and possibly curving the street and not making it a straight shot.

Jefcoat: We had it curved at that intersection there but we rearranged that.

Milholland: We had it actually curved and approved before but the new standards with which we were told we had to comply with, required us to do this.

Conklin: The only other suggestion I could see if you don't want to make it a straight shot, take Crystal Drive all the way to Deane Solomon and connect it into the existing Crystal Drive up here at this point, pull it back out and make people go down that way, that is not a straight shot, make it longer around.

Milholland: You mean a cul-de-sac in the middle of that street and make it dead end?

Conklin: Yes.

Milholland: The Master Street Plan shows it going straight through. I show stop signs right here and right here.

Bunch: Would we have a four way stop right here and right here both?

Milholland: Perry could, I assume, recommend that if that is one of your concerns. You can put a three way stop here but there is going to be traffic coming this way too.

Bunch: As this phase goes in the major impact will be down here on the elementary school and the recreational facility. I guess we could put that in our recommendation or have Tim talk to Perry.

Ward: Probably Perry needs to make a decision. I don't think we should be trying to regulate traffic.

Bunch: Not so much trying to regulate traffic, just as these things are designed to take things like that into consideration we need to maintain connectivity but at the same time to reduce traffic flow in neighborhoods to try to stop speeding through neighborhoods.

Ward: I think one three way stop sign up there will be the main thing to slow it down.

Milholland: Ultimately you are going to have a four way stop there.

Ward: Commissioner Allen?

Allen: Since I am a substitute to the Subdivision Committee I wonder whether or not it is normal to forward something onto the full Commission with a sewer issue like this resolved.

Ward: Normally it is and if they don't get it resolved, if we tabled everything here it would never get to Planning Commission. This is more of a technical type of issue that we are dealing with as far as whether it is an 8" sewer line or a lift

station or what not than what we have to worry about normally. Is that the way you look at it Matt?

Casey: Yes. If we can get it to the construction phase if they don't satisfy the Engineering Division with the Water and Sewer Division then it won't get approved. We still have got some power there.

Motion:

Bunch: I move that we forward PPL 02-15.00 for Crystal Springs Phase III to the full Planning Commission.

Ward: Do I have a second?

Allen: I will second.

Ward: I will concur. Thanks Mel.

Milholland: Thank you.

STAFF REVIEW FORM

S/W Clerk
A. 7. Page 1

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council Meeting of: November 5, 2002

FROM:

Carrol Hill	Solid Waste	General Services
Name	Division	Department

ACTION REQUIRED: Approve resolution authorizing eliminating the part-time temporary clerk position and creating a full-time permanent clerk position in Solid Waste.

COST TO CITY:

2003 Cost	*2003 Proposed Budget*	
$24,876.00	$ 626,279.00	Personnel Services
Cost of this request	Category/Project Budget	Program Category / Project Name
5500.5000.51XX.XX	$ -	Solid Waste
Account Number	Funds Used to Date	Program / Project Category Name
	$ 626,279.00	Solid Waste
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager	10-15-02 Date	Administrative Services Director	Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager	10/15/02 Date	Internal Auditor	10/15/02 Date
City Attorney	10/16/02 Date	ADA Coordinator	Date
Purchasing Manager	10/17/02 Date	Grant Coordinator	Date

STAFF RECOMMENDATION: Staff recommends approval of the resolution.

Division Head	Date	Cross Reference	
Department Director	10-17-02 Date	New Item: **Yes** **No**	
Administrative Services Director	10-15-02 Date	Previous Ord/(Res#):	47-02
Mayor	10/21/02 Date	Orig. Contract Date	
		Orig. Contract Number	

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council

From: Gary Dumas

Date: October 1, 2002

Subject: Solid Waste Clerk

Background

In March the City Council authorized the creation of a temporary clerk position in Solid Waste to help resolve the issues surrounding voice mail, busy phones, and automated telephone systems, when customers just want to talk to a real person.

Historically the Solid Waste Division has been inundated with more customer calls than can be handled by the single receptionist that handles the front desk paperwork, greets and handles walk in customers and is required to take care of the incoming calls for service, assistance, or information.

Last year the staff was reorganized making more staff available helping address the problem of the busy or unanswered ringing telephone that many customers encountered. Additionally, an automated telephone system with information, direct touchtone to various program areas, and voice mail was implemented. These changes, while helping to reduce the problems have not achieved the quality of customer service that the Solid Waste staff would like.

The Temporary Clerk has greatly reduced the number of complaints related to as lack of ability to talk with a real person. With continuing seasonal issues, yard waste collection, leaf pickup in the fall, holiday material and trees, the staff anticipates a continuing volume of calls and an associated increase in customer dissatisfaction if they encounter the busy or unanswered telephone or the voicemail system. The problem historically has been simply not enough people to provide type of service that the public desires. The Temporary Clerk has helped to remove that irritation from the customer.

The staff has been tracking customer contacts at the Solid Waste front desk on a daily basis for some time. A random sampling of 62 works days between April 3 and September 24 indicated a total number of telephone and walking contacts of 11,279 at the front desk. The average daily contact number was 185, with low of 89 on September 19

and a high of 369 on May 14.

Discussion

The addition of the temporary clerk has greatly improved the work flow of the other staff that would have normally been required to address this 185 average daily customer service requests.

In addition to this work in addressing customer service issues, this position has helped with some of the office duties of the individual responsible for servicing the large commercial accounts. This program area provides a large portion of the revenue of the Division, offsetting residential rates and needs constant attention.

The Division proposes making this clerk position permanent full-time. This action by the Council will increase the employee compliment by 1 employee and the budget for 2003 by $24,876.

Recommendation

Approve resolution increasing the employee compliment of the Solid Waste Division by 1 employee.

RECEIVED
OCT 16 2002
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Black,
Corley &
Owens, P.A.
architects

principals
Larry A. Black
John A. Corley
Leslie A. Owens

associates
Bryan Smith
Brian Black

October 15, 2002

Ms. Heather Woodruff
Fayetteville City Clerk
113 West Mountain St.
Fayetteville, AR 72701

RE: Landers Auto Park

Ms. Woodruff,

We wish to appeal to the City Council to overturn the Planning Commision's rejection of LSD 02-21.00 (Nelms) during the PC Meeting of October 14, 2002.

During the past six months, we have worked closely with the City of Fayetteville Planning Department staff to design a 7.28 acre site expansion for the Landers Auto Park located at the intersection of Interstate 540 and Highway 112.

The project was last reviewed at the October 3, 2002 Subdivision Committee Meeting and forwarded to the Planning Commission. The City Planner (Tim Conklin) and the City Engineer (Matt Casey) recommended approval of the Large Scale Development subject to the conditions listed in the attached letter.

During the Planning Commission meeting, we publicly agreed to meet each of the nine conditions. Despite our efforts, the approval of the Planning Staff, and the advice of the City Attorney, the Planning Commission voted to reject our proposal.

We respectfully request to appear before the City Council during the next meeting scheduled Tuesday, November 5, 2002.

Sincerely,

Brian Black
Representative, Landers Auto Park

Don Nelms
Representative, Nelms LLP

21[redacted] West South St.
B[redacted]n, AR 72015
Tel. 501-315-7686
Fax. 501-315-0487
brian @ bcorleyo.com

PC Meeting of October 14, 2002

FAYETTEVILLE

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

Nelms, LSD

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner, A.I.C.P.
FROM: Matt Casey P.E. Staff Engineer
DATE: October 10, 2002

LSD 02-21.00: Large Scale Development (Nelms, pp 249) was submitted by Phil Hagen of Crafton, Tull & Associates on behalf of Nelms, LLP for property located west of I-540 and east of Hwy 112. The property is zoned C-2, Thoroughfare Commercial and contains approximately 7.28 acres with a 300,000 sq.ft. outdoor display area proposed.

Findings:

Proposal: Construction of additional display area for Landers Auto Park

Parking Provided: 645 spaces for display

Existing Development: Vacant

Surrounding Zoning: West: C-2 East: A-1 North: A-1 rezoning to C-2 South: A-1

Surrounding Land Use: Vacant (east), Auto Park (west), Vacant (north), Vacant (south)

Right-of-way being dedicated: None

Tree Preservation:

Site Coverage: Overlay District 39.1% open Space 38.6% Entire Development

Recommendation: Approval subject to the conditions listed below.

Conditions of Approval:

1. The final grading plan, storm water plan, and floodplain development permit shall not be approved and issued by the City of Fayetteville until the U.S. Army Corps of Engineers concurs with the wetland delineation and issues any/all required permits for work and improvements within the delineated wetland area and waters of the United States. If the wetlands that are shown on the large scale development are revised by

the U.S. Army Corps of Engineers and are impacted by the proposed development, the large scale development shall require rehearing and approval by the Planning Commission.

2. A letter of map revision based on existing conditions and more detailed study shall be submitted to FEMA for review and approval in order to accurately delineate the 100 year floodplain and floodway on the FIRM map. The letter of map revision shall be completed within one year from approval of the large scale development.

3. A variance for the use of metal halide lights shall be required by the Planning Commission. All lighting shall meet the IESNA standards for illumination of automobile display areas and shall be shielded and directed downward.

4. Landscaping shall meet the Design Overlay District requirements for spacing of trees within the 25 foot landscaped area along the highway frontage.

5. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications)

6. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

7. Sidewalk construction in accordance with current standards.

8. Large scale development shall be valid for one calendar year.

9. Prior to the issuance of a building permit the following is required:
   a. Grading and drainage permits
   b. Separate easement plat for this project that shall include the tree preservation area.
   c. Project Disk with all final revisions

d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §158.01 AGuarantees in Lieu of Installed Improvements to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy

Background:

The project was reviewed at the July 29, 2002 Technical Plat Review and tabled for drainage issues. It was again reviewed at the August 28,2002 Technical Plat Review and the September 12, 2002 Subdivision Committee Meeting. It was then delayed due to environmental concerns and again reviewed at the October 3, 2002 Subdivision Committee Meeting.

Discussion at the Subdivision Committee meeting included tree preservation, wetlands, drainage, lighting and environmental concerns.

The Subdivision Committee forwarded the Large Scale Development to the full Planning Commission subject to all staff comments.

Infrastructure:

1. Water. Existing
2. Sanitary Sewer: Existing
3. Streets. NA
4. Grading and Drainage. A preliminary grading plan and drainage report have been submitted and reviewed for general compliance. A final review and approval will be necessary before construction can begin.

PLANNING COMMISSION ACTION: **__yes__Required**
_____Approved _____Denied

Date: _____

Comments:

_____

_____

_____

Crafton, Tull & Associates, Inc.
P.O. Box 549 Rogers, AR 72757 479.636.4838 Fax 479.631.6224 www.craftull.com

September 25, 2002

City of Fayetteville
Planning Division
113 West Mountain St.
Fayetteville, AR

Re: Best Management Practices Proposed for the Landers Autopark Expansion Project.

Dear The City of Fayetteville Planning Commissioners and Planning Staff:

Our proposed large scale development plan for the above referenced project includes the following Best Management Practices:

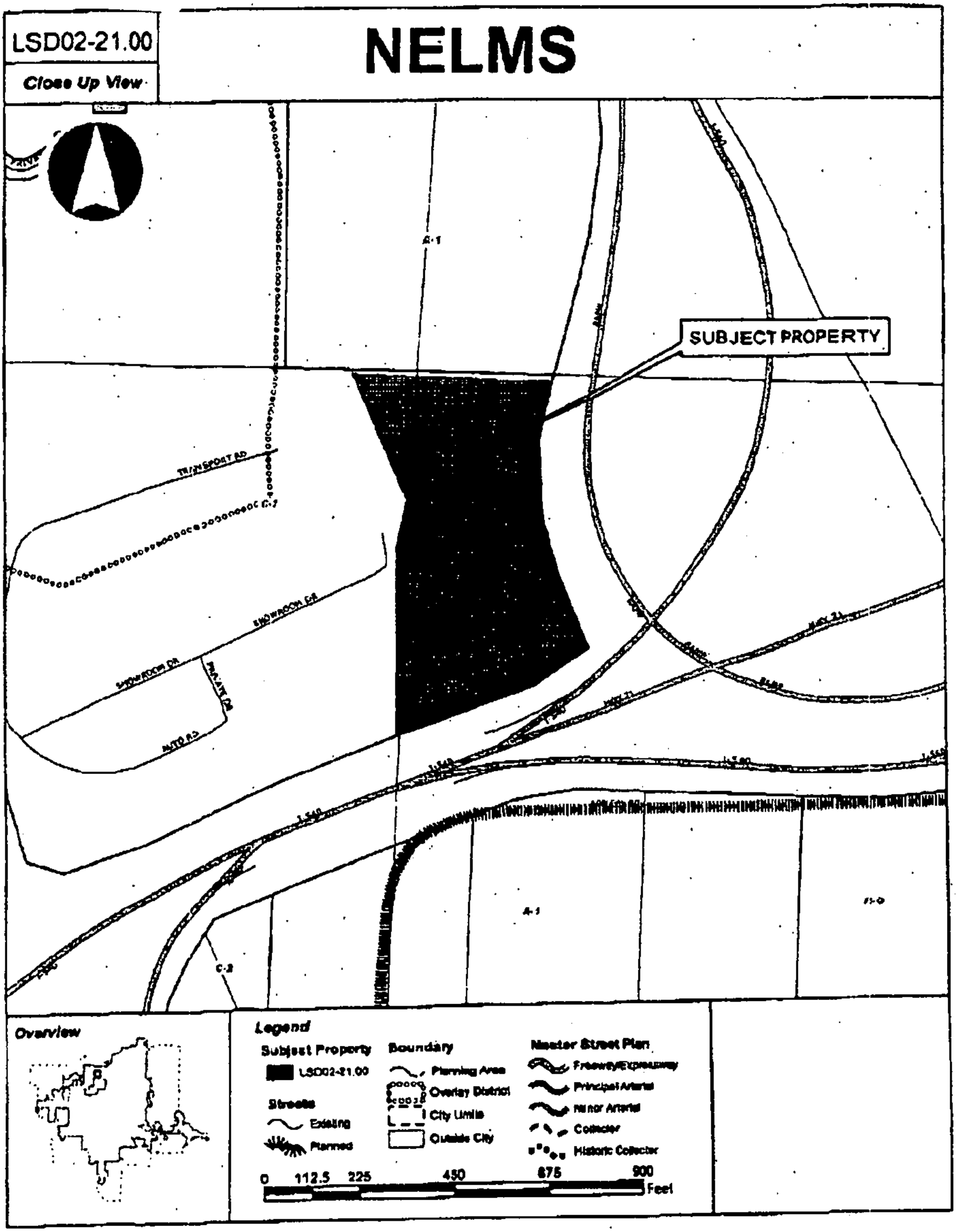
1. Silt Fencing
2. Diversion Dikes
3. Detention Ponds
4. Vegetation Filtration Basin
5. Utilizing Existing Natural Drainage Ways

Should you have any questions concerning this request, please feel free to contact me at 479-878-2423.

Respectfully,

Phil Hagen, E.I.
Project Engineer

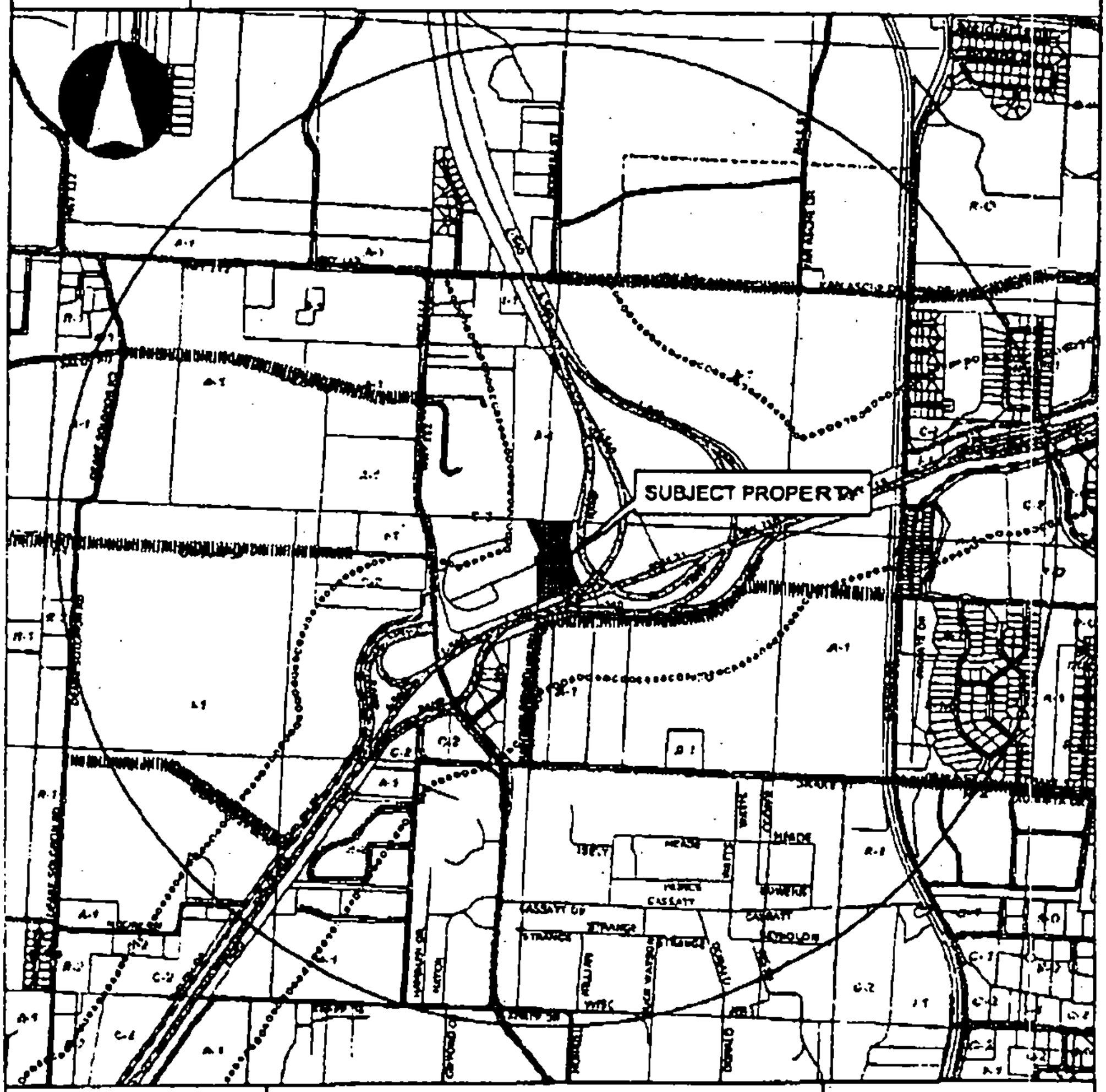
PC Appeal
C. 1. Page 6



LSD02-21.00

One Mile View

NELMS



PC Meeting of October 14, 2002

FAYETTEVILLE

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

Nelms, LSD

TO: **Fayetteville Planning Commission Members**
THRU: **Tim Conklin, City Planner, A.I.C.P.**
FROM: **Matt Casey P.E. Staff Engineer**
DATE: **October 10, 2002**

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Right-of-way being dedicated: None

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Site Coverage: Overlay District 39.1% open Space 38.6% Entire Development

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3. Streets. NA
4. Grading and Drainage. A preliminary grading plan and drainage report have been submitted and reviewed for general compliance. A final review and approval will be necessary before construction can begin.

PLANNING COMMISSION ACTION: **__yes__Required**
_____Approved **_____Denied**

Date: _____

Comments:

_____

_____

_____

CITY COUNCIL ACTION: _____Required
_____Approved _____Denied

Date: _____

The "CONDITIONS OF APPROVAL", beginning on page one of this report, are accepted in total without exception by the entity requesting approval of this development item.

_____
By

_____
Title

_____
Date

Craft...on, Tull & Associates, Inc.
P.O. Box 549 Rogers, AR 72757 479.636.4838 Fax 479.631.6224 www.craftull.com

September 25, 2002

City of Fayetteville
Planning Division
113 West Mountain St.
Fayetteville, AR

Re: Best Management Practices Proposed for the Landers Autopark Expansion Project.

Dear The City of Fayetteville Planning Commissioners and Planning Staff:

Our proposed large scale development plan for the above referenced project includes the following Best Management Practices:

1. Silt Fencing
2. Diversion Dikes
3. Detention Ponds
4. Vegetation Filtration Basin
5. Utilizing Existing Natural Drainage Ways

Should you have any questions concerning this request, please feel free to contact me at 479-878-2423.

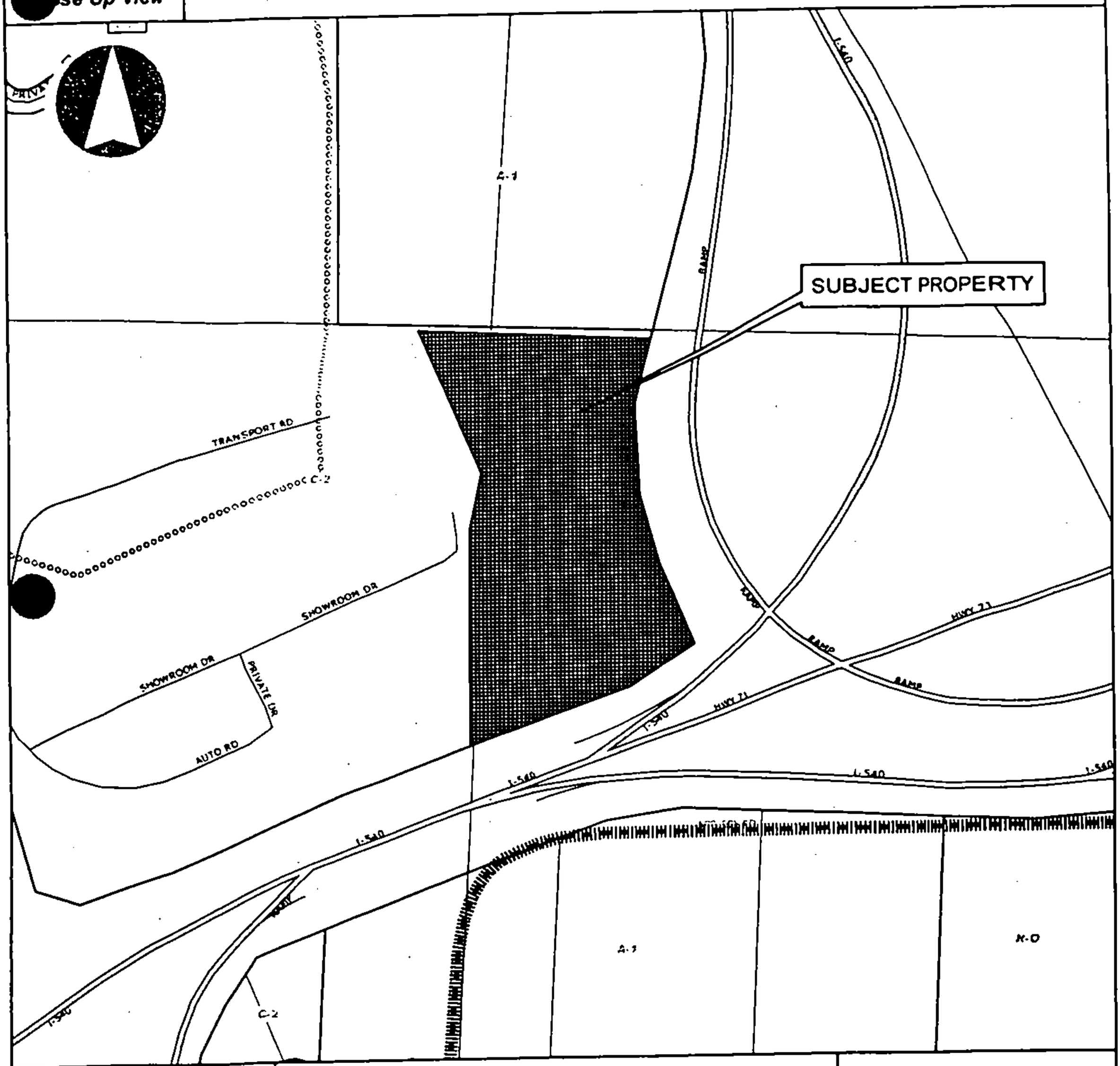
Respectfully,

Phil Hagen, E.I.
Project Engineer

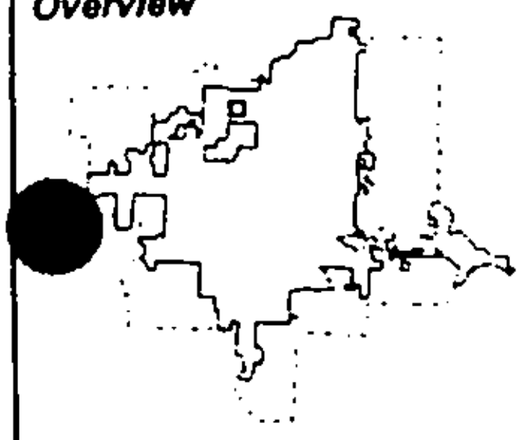
LSD02-21.00

Close Up View

NELMS



Overview



Legend

Subject Property
LSD02-21.00

Streets
Existing
Planned

Boundary
Planning Area
Overlay District
City Limits
Outside City

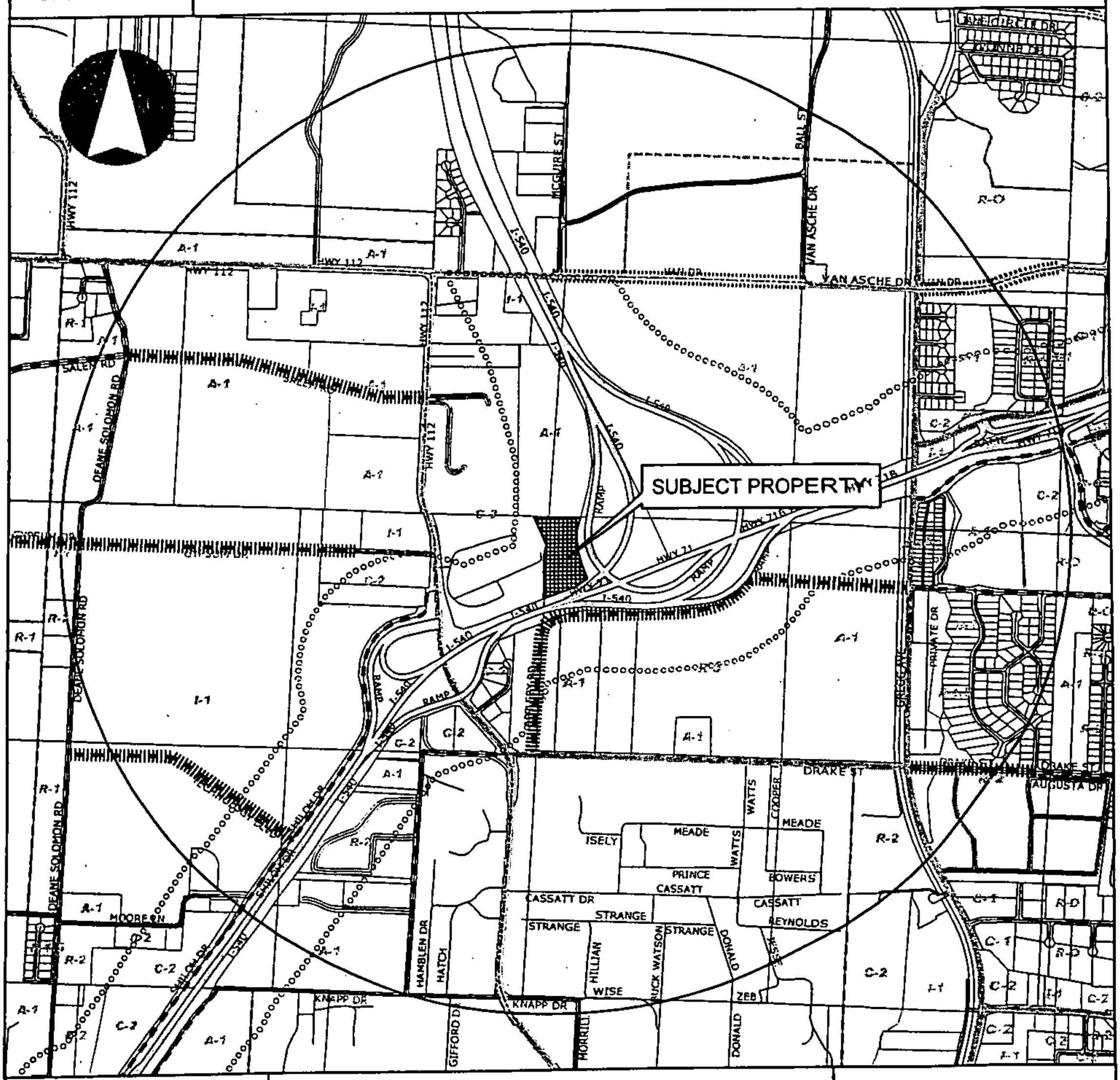
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 112.5 225 450 675 900
Feet

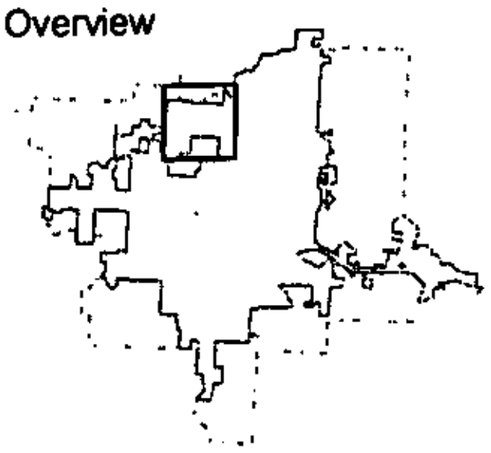
LSD02-21.00

One Mile View

NELMS



Overview



Legend

Subject Property
- LSD02-21.00

Streets
- Existing
- Planned

Boundary
- Planning Area
- Overlay District
- City Limits
- Outside City

Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

LSD 02-21.00: Large Scale Development (Nelms, pp 249) was submitted by Phil Hagen of Crafton, Tull & Associates on behalf of Nelms, LLP for property located west of I-540 and east of Hwy 112. The property is zoned C-2, Thoroughfare Commercial and contains approximately 7.28 acres with a 907,194 sq.ft. outdoor display area proposed.

Aviles: The next item on our agenda is LSD 02-21.00, which is for Don Nelms. It was submitted by Phil Hagen of Crafton, Tull & Associates on behalf of Nelms, LLP for property located west of I-540 and east of Hwy. 112. This property is zoned C-2, Thoroughfare Commercial and contains approximately 7.28 acres with a 300,000 sq.ft. outdoor display area proposed. Tim, do we have signed conditions of approval?

Conklin: Let me check.

Aviles: There are nine, I will go ahead and read those conditions. 1) The final grading plan, storm water plan, and floodplain development permit shall not be approved and issued by the City of Fayetteville until the U.S. Army Corps of Engineers concurs with the wetland delineation and issues any/all required permits for work and improvements within the delineated wetland area and waters of the United States. If the wetlands that are shown on the large scale development are revised by the U.S. Army Corps of Engineers and are impacted by the proposed development, the large scale development shall require rehearing and approval by the Planning Commission. 2) A letter of map revision based on existing conditions and more detailed study shall be submitted to FEMA for review and approval in order to accurately delineate the 100 year floodplain and floodway on the FIRM map. The letter of map revision shall be completed within one year from approval of the large scale development. 3) A variance for the use of metal halide lights shall be required by the Planning Commission. All lighting shall meet the IESNA standards for illumination of automobile display areas and shall be shielded and directed downward. 4) Landscaping shall meet the Design Overlay District requirements for spacing of trees within the 25 foot landscaped area along the highway frontage. 5) Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications) 6) Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements. 7) Sidewalk construction in accordance with current standards. 8) Large scale development shall be valid for one calendar year. 9) Prior to the issuance of a building permit the following is required: Grading and drainage permits; Separate easement plat for this project that shall include the tree preservation area; Project Disk with all final revisions; Completion of all

required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §158.01 "Guarantees in Lieu of Installed Improvements to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Conklin: Madam Chair, we do not have signed conditions of approval. This is a Large Scale Development, it is going to expand the Lander's Auto Park. Mr. Nelms owns the land currently. It is going to expand it by 645 spaces for display. This is immediately adjacent to and east of the Landers Auto Park. Staff has worked with the developer and the engineer to make sure that the tree preservation protection ordinance is being met. They are showing a tree preservation area that will be shown on the easement plat up to the north of this display are. That area will comply with our tree preservation ordinance and will preserve 15% tree canopy within that area. Also, with regard to wetlands, they did hire an Environmental Specialist, he has done a preliminary wetlands delineation that has been submitted to the Corps of Engineers. Preliminary discussions with the engineer indicate that they will not be developing within any of the wetlands. In the two places where they do cross the current channel that has wetlands located at the bottom of the channel, they will be spanning that and not within that area. Condition number one addresses the issue of whether or not the Corps of Engineers, if they make a change to that that will come back to the Fayetteville Planning Commission for review and approval. The current parking lot ordinance that we have does exempt display areas for the sale, lease, and storage of vehicles from any interior landscaping requirements and therefore, you don't see interior landscaping within this display area. That is all I have, thank you.

Aviles: Thank you very much Tim. Is the applicant present?

Hagen: Good evening, I am Phil Hagen with Crafton, Tull & Associates. I don't have a presentation but I would be happy to answer any questions you may have.

Aviles: Thank you Mr. Hagen. Is there any member of the public that would wish to address us on this Large Scale Development? Seeing none, I will go ahead and bring it back to the Commission and the applicant for further discussion and motions.

Shackelford: A question for the applicant, it was mentioned in the presentation by the city staff that we don't have signed conditions of approval, are there any conditions of approval that you or the applicant take issue with?

Hagen: Not at all. That is my fault, this is the first Large Scale I have brought through to Fayetteville and I wasn't aware of that but we agree to all of the conditions.

Church: I know at the agenda session we talked at length about the lighting issue. We really don't have a lighting ordinance yet but it seems like there are a lot of cars and a lot of lights out there. I guess I would just like to hear your thoughts. Are you out of space? Are you adding a different line of vehicles? Our intent is for you to be able to do business in Fayetteville. I guess are you just needing more room? That is something that we would want to take into consideration.

Hagen: I am not sure if I am the appropriate person to answer those questions. Mr. Nelms leases this to Landers and yes, they need more parking spaces. When I went out there for the tree preservation, I had to go measure the canopy for all the trees, I had to drive around for about 15 minutes to find a place to park my car. They are just crammed in. They are doing great business so yeah, the general need is for parking out there. They do not have any current plans for another dealership or expanding another line that I am aware of.

Church: Thank you.

Hoover: I have got a question for staff. Tim, I know there is an exception for display areas with our parking ordinance, but when I am looking here at the Design Overlay District Ordinance, it says that should the regulations and standards of the underlying and Overlay Districts conflict, the Overlay District regulations and standards shall control.

Conklin: We amended our Overlay District Regulations a few years back and modeled those after similar standards so we wouldn't have conflicting standards. The parking lot landscaping standards are the city wide ones that we use.

Hoover: Where is that in the ordinance? I guess that is what I am having trouble understanding.

Conklin: I will get you an ordinance number of when we amended our Overlay District requirements. Once again, we are trying not to have ordinance requirements repeat in different areas.

Aviles: While Tim is looking that up, I will just ask the applicant a question. This is going to add a much larger area of parking display. I think everybody would agree that when you drive by at night it is like noon at the equator, you can really see the cars. My questions are two fold, do you have timers intended for the parking lot to dim the lights at say midnight or ten o'clock, whenever people stop shopping for cars? That is one question and the second question is has the drive in movie theater been contacted and have they agreed with the addition because you are directly next door to them?

Hagen: Yes, they have been contacted. They have been given a set of plans and Mr. Nelms has discussed this with them and they have no objections to it.

Aviles: Have they written you a letter to that affect?

Hagen: They were going to, I don't know if the City has received it. I haven't received a copy myself.

Aviles: I will wait until Tim is through looking up that ordinance number.

Hagen: The owner is in Missouri so I don't know if they received the letter or not yet. This is Brian Black with Black, Corley & Owens, he can answer your questions better than I can.

Black: My name is Brian Black with Black, Corley & Owens Architects. We are the architect firm that hired Crafton & Tull to help us with the development of this property. I can answer your questions with regard to timers on lights. We have stated before in Subdivision Committee that we do intend to put the lights on timers for different times of the night. We have not worked out yet a plan with staff which would be agreeable yet between staff and the owner but typically on the dealerships that we do around the state, we have a mode of security lighting where we reduce the amount of lighting by half after about 10:00 p.m. so we are perfectly willing to do that in this case if it is an issue.

Aviles: Are you looking to do that on the entire project or just the new addition?

Black: It is my understanding that right now the existing lot lights are circuited to where half of them may be turned off at anytime. Right now the new owner, Landers Auto Sales as far as I know, does not operate them on a dim down condition after a certain time. This issue has been brought up a few times and we know that it is an important one to staff and to the Committee and so we are perfectly willing to work that out.

Aviles: Does that mean yes, you are looking at redoing the existing lot in conjunction with this phase?

Black: Yes Ma'am. The existing lot lights are circuited right now to where we can put them on a timer to where half of the lot lights go out after a certain time.

Aviles: Not dimmed but you turn off half of them.

Black: Yes Ma'am, just turn them off.

Aviles: Thank you very much.

Allen: I had a few questions to ask too. I wondered if the lighting ordinance, which I know is not yet in affect, whether or not the lights in the first phase would comply.

Conklin: I am not sure if they comply or don't. With regard to the lumens or brightness, we are setting standards in our lighting ordinance. Condition number three in the staff report with regard to this phase of the project does state that they have to meet the IESNA standards. I know that doesn't answer your question but we are recommending that as a condition. We currently don't have a lighting ordinance but we do have that as a condition that they meet the Illumination Engineering Society of North America's standards for illumination of automobile display areas. I am not sure if the current one meets it though.

Allen: I also wondered whether the 645 space display area, how does that compare with the existing unit?

Black: Our design intentions, and this is how it has shown up on our plans so far, is to exactly match the existing density of the spaces. Typically, however many cars that the current lot has per acre will be implemented in the new lot. There will be no density change and we are hoping that we can match our new light fixtures with the existing ones. We have not yet checked it out to see if the existing lot lights comply with the new standards. Our intentions are to match the new with the old both in lighting, landscaping, and parking density.

Allen: Ok, so this would really just double it in size?

Black: No Ma'am. The existing lot capacity is over 1,000 cars. We would be adding 650 to 675 spaces.

Allen: I also wondered from staff, I have concern about this being kind of an artery into our town, and whether they see this as an appropriate vision for Fayetteville for this to be what people who come to our community see.

Conklin: With regard to the use of the property, the property is zoned C-2. Automobile sales are allowed in C-2 zoning districts so with regard to the issue of whether or not automobile sales should occur in this location, that is not something that the staff or the Commission are deciding tonight. That is something that has already been decided. As you look at College Avenue and 71 Business, we do have car dealerships on that corridor. With regard to expanding this with the 670 additional spaces, we do have an auto mall out there that pretty much, in my opinion, sets the land use pattern in that location right there. You have a piece of property that is located in between I-540 on the east and south boundary and to the west you have Landers Auto Park. I think it is appropriate that you would see additional car sales in that location. I think that since they are out there

already and you have the existing Landers Auto Park and you have got Interstate 540 on two sides, that it is an appropriate use out there.

Black: Ma'am, if I might also add, we are extremely, I know that this is coming from a guy that designs car dealerships, but we are extremely proud of the existing presence that that lot has out there in comparison with practically any other car lot in Northwest Arkansas. I think that if you go out to the Landers Auto Park and compare it to anything within a 75 mile radius of Fayetteville you will find that the landscaping is second to none, it is immaculately kept. The lighting is nothing out of the ordinary with dealerships. From a landscaping to display ratio, it is as nice as anything you are going to find around here I think.

Hoover: I have a question for the applicant too. When people come to this park, where do they park? Where is the parking lot for the customers?

Black: The parking lot for the customers is in front of each store. The existing lot is organized in a kind of concentric layers of parking. The customers enter through a main artery that goes from east to west right through the entire auto park. From that main artery they can turn off onto small side roads, which lead them into by way of arrows and signage, and a separation of landscaping from the main artery, lead them into the customer parking areas. They are directly in front of each dealership and will accommodate about 20 cars per dealership in front of each store.

Hoover: So are you saying on this additional area people are going to park in front of the Toyota building and then walk over to this display area?

Shackelford: They have golf carts.

Black: Yes Ma'am.

Hoover: Then in general, staff, we are adding display area, I was just curious on our parking requirements for customers, what is that based on for an auto park?

Conklin: We do not have a standard with regard to automobile, are you talking about the additional customers that are coming out to the dealerships?

Hoover: Yes. I would assume that this would be like adding onto a restaurant, adding more seating or adding more product, they are probably expecting to have more customers.

Black: We are also hoping at some point in the future to have another dealership out there. This new parking expansion has been organized that way. You may take a look at the drawing and see how the main artery has extended further to the east with pretty much an identical separation of landscaping to the north of that

artery extension, which would allow the location of a dealership in the future if Landers so chooses. I would like to emphasize that right now there are no plans in the works to add a dealership. We are trying to logically expand this parking lot to where we can do that in the future.

Conklin: Just to answer your question, we looked at this as a display area. We did not look at additional parking. Our understanding was that they had additional product that needed to be displayed out in this part. Madam Chair, I do have the answer to the question with regard to the Overlay District.

Aviles: Yes Tim.

Conklin: Ordinance 4128 was passed on December 15, 1998 and that removed certain sections of the Design Overlay District. One of those sections was number three, parking lots. That was done to have a uniform landscaping policy throughout the city. Prior to our landscaping standards within parking lots, the only area we had required landscaping was within the Design Overlay District. The Planning Commission with staff and City Council, we amended our ordinances to require landscaping in all parking lots throughout the city. That was the reason for that change.

Hoover: I'm sorry, I'm confused, can you put it in summary?

Conklin: Summary: The City Council said "Let's landscape every parking lot in Fayetteville verses only landscaping 660' from I-540 on each side and if we are going to do that let's have one standard that we hand out to applicant and developers to use and amend our Design Overlay District so we don't have two standards, one standard in the Overlay District and one standard city wide." Basically we modeled the Overlay District standards throughout the city.

Hoover: You are saying that both of them are the same now?

Conklin: They were very similar, that is correct.

Hoover: They were very similar and now they are both the same but how does that exception fall into the whole thing because this is a display area?

Conklin: In the parking lot ordinance it states that display areas are exempt for internal landscaping for the sell of cars.

Hoover: But we still have in our Design Overlay District ordinance, it still states that if there is a conflict that the Overlay District...

Conklin: You don't have that in your ordinance. In 1998 that was removed, it was deleted. I will read you the ordinance. "Be it ordained by the City Council of

the City of Fayetteville, Arkansas Section 1: That Chapter 161, Zoning Regulations, §161.21 Design Overlay District, of the Code of Fayetteville, is hereby amended to delete §161.21 D. Non-Residential Site Design and Development Standards Subsections 1. Setback from Right-of-Way; 3, Parking Lots; 4) Landscaping Treatment a. Replacement and b. Native Species; 8. Screening, a. Equipment, b. Trash and c. Parking; 12. Utilities; and 16 Plans/Drawings Required, a.-f., including illustrations. Passed and approved this 15th Day of December, 1998. Maybe our City Attorney can explain how that works.

Williams: The only thing that I have to add, I was on the Council at that time and we were trying to harmonize our ordinances. Unfortunately, I think the copy of the U.D.O. you have there has not been updated since the time that ordinance passed if it is still in your U.D.O.. The City Clerk's office has been working and I hope is about ready to present a newly updated Unified Development Ordinance to all of you and to us. We have been avidly waiting for that and hopefully will get that soon and then we won't have these kinds of problems where it looks like that this might be some conflict.

Hoover: Tim, you are saying in what you just read to me that 161.21.C no longer exists?

Conklin: That is what the City Council passed and deleted. What we have been trying to do for the Commissioners and those that have books, is to give you colored pages of ordinances, I know it has been a long time waiting. The City Clerk's office does have the Unified Development Ordinance. We are going to codify it in house. The City Attorney's office has been working with them and hopefully we will have a complete book to you. I know it is confusing. Let me just hold my book up to give you an idea. Everything with colored pages are new ordinances since June of 1998. I put them in supplements and keep it all together. I apologize if you are looking at an Overlay District that has the landscaping standards in it. We, as a City, are going to bring forward a codified U.D.O. so we don't have this confusion in the future.

Ostner: One last question. It almost seems like the Overlay District has been nullified from which you just said, surely it has not.

Williams: Only sections of it, not all of it.

Conklin: No.

Ostner: What is it now? If it is not all the things you told me that have been removed, what is the Overlay District now, green space?

Conklin: 25% green space is in there. With regard to building materials, no metal buildings unless the metal resembles the appearance of wood.

Williams: Restrictions on the amount of intersections to a road. In other words, how many driveways you can have, that is more restrictive in the Overlay District.

Conklin: Intersections, site coverage. The one standard that is greater in the Overlay District than throughout the city, you are required to have 25% open space verses 15% so that was left in there. When we looked at the City of Fayetteville over the years, the Overlay District was the only place you had to put your utilities underground, now you have to put your utilities underground throughout the city. The Overlay District was the only area where you had to landscape your parking lots, now you have to landscape your parking lots. The Overlay District was the only area that you had to have architectural elevation drawings to be reviewed and approved by the Commission, we have passed commercial design standards city wide. We have moved from architectural design and review, underground utilities, site coverage, monument signs, and we have amended our ordinances over the years. When we did that we thought it would be better to have city wide standards instead of having one standard in the Overlay District and one standard outside the Overlay District. That was the purpose of those amendments, thank you.

Aviles: Thanks Tim.

Allen: Madam Chair, I continue to have problems with the lighting since I think the current auto park could be mistaken as the City of Fayetteville. I wanted to know whether or not if the City Council does pass this lighting ordinance, whether or not the current lighting or the lighting that you might build would be grandfathered in or whether you would have to comply with the new ordinance.

Conklin: The current proposal, after meeting with the subcommittee many times, was to grandfather all existing lighting in unless they completely replace their lighting it will be grandfathered in. I can't predict or guarantee what the City Council will pass in the upcoming months but the current proposal is to grandfather everything that is existing.

Bunch: Possibly one way of solving this lighting situation, since one of the things that is happening on this project, even though we are looking at one small portion of it, it doesn't reach back and look at the overall project that brings in the tree preservation area. The question I would have is if we can go back and reach into the total project and since our architect has already told us that the circuitry is currently set up on the existing facility to allow diminished lighting at night, I guess this question will be for the City Attorney. If we can reach back and do tree preservation at this time for the total project, can we also reach back if the applicant would agree to the conditions and place a condition that says put the timers on the circuits that already exist to reduce the lighting level for the total project in addition to the project?

Williams: That is a good question. I don't know if I have a firm answer. I would be a little bit nervous to try to condition this approval on a project that has already been built and is operating. I don't know if they voluntarily agreed then they could certainly be held to an agreement. You can agree to do things that you can't be forced to do. I would be nervous about attempting to force them to go back and change something that is already in existence even if it is just putting it on a timer. I think that this project that is before you should stand basically on its own merits as opposed to trying to undo or trying to redo something that has been approved in the past.

Bunch: That is well and good but we are undoing and redoing tree preservation by virtue of this action. As one of the conditions if the applicant would offer to put timers on existing lighting system for which he says the circuitry is already set up, I think that that would go a long ways in convincing members of this body to approve this project at this time. Though I am not going to request this be done but if the applicant would offer it, I think that would make a big difference.

Black: I am not authorized to make that offer. That can only be made by the owner. I can pass onto you the conversations that we have had before is that the circuitry is in place for the majority of the dealership to turn off half of the lights. If it were a requirement to dim half of the lights we would agree to do that. I am not authorized to make that offer to you.

Aviles: Let me interject at this point. I realize that we cannot go back and make requirements on existing projects but this is an area of concern that many people have voiced to me since the approval of the initial project and I think it is a matter of considerable concern just to the citizens of Fayetteville. It is something that I would certainly like to entertain if it were at all possible if the owners would be amenable to adding some switches or whatever is needed to dim the lights at night when they are really not needed and that is also an energy conserving measure. With that being said, I would like to support the project and I think that I have an obligation as a Planning Commissioner to support a project that meets all of our ordinances and meets the spirit of the ordinances. With the knowledge that we have a new lighting ordinance at least that is being considered by City Council it would be certainly I would think beneficial if the owners would consider such an offer but I can't base my vote on it. Then the other thing that I needed to let you know is that I think we only require the simple majority, which is four positive votes for this project, we have seven Commissioners present. It is not the five affirmative but it is four positive votes. I just wanted to let you know that.

Shackelford: I am confused on one issue Tim, I'm hoping you can help me out. On condition of approval number three, a variance for the use of metal halide lights shall be

required by the Planning Commission. We don't have an outdoor lighting ordinance at this point but I assume by reading this that we have to have a specific finding on a variance. Can you enlighten us a little on what we are asked to give a variance upon?

Conklin: This kind of goes along with Commissioner Hoover's question about what is left in the Overlay District. We do have a standard that states sodium type lighting shall be used no taller than 35'. The sodium type lighting is a yellowish orange light that probably most of us have experienced. If you look at your cars at night they change, they don't look the same color. They don't bring out the true colors. Car dealerships like to use metal halide, that is a white type light that provides more of a true color and we did grant that variance to allow the car dealerships, the existing Landers to have the metal halide lights. That is something that staff is in support of because if you are going to light your parking lot up for a car dealership, hopefully we are lighting up for the purpose of it to be able to see what color car you are buying so we are in support of that. Thank you.

MOTION:

Shackelford: With that said, I think I am going to try to formulate a motion here. I am going to move that we approve LSD 02-21.00 based on all conditions of approval while I understand Commissioners desire to try to reach back into the lighting issue, I agree with our City Attorney Kit Williams that I am a little hesitant to do that. I can understand where we might encourage the applicant to do that but I don't feel that we need to try to incorporate that into approval of this issue. I feel that this LSD has to stand on it's own merit and I feel that it matches up with the requirements therefore. I will go ahead and make a motion to approve LSD 02-21.00 subject to the conditions of approval, all nine as stated.

Aviles: Thank you Commissioner Shackelford.

Church: I will go ahead and second the motion but I also have one comment. I served on the committee to draft the lighting ordinance and one of my questions was why do we even need a lighting ordinance because I feel like at times we have too many. I guess the answer kept coming up, I was given the example at the time that it was Nelms. I guess I would just encourage you if you have any influence at all, if there is a way to tone down the lighting I think you are going to make a lot of friends doing that if there is a way that you could influence it. I will go ahead and second the motion.

Aviles: Thank you Commissioner Church.

Ostner: I feel I must weigh in, everyone else has spoken. It is nice to turn them off at 10:00 and it seems like they could all be off at 10:00. If our 2020 Plan talks

about our community character and enhancing the entry ways into our city there are only a few entry ways into our city, this is one of them. I agree with Tim that this is a perfect use for this site. There should be an auto park place here, it is a perfect match. It is very simply, just too bright. I think metal halide is warranted, you all need to sell cars and the orange light doesn't work. I think how every many lights there are, are too many. As we talked about at the very beginning of this discussion, it is glowing like a town, a refinery. I am going to vote against it simply because there are only a few entryways into our city and this is one of them and I don't want to reach backward, I just want to deal with this project. I would like the metal halide to be less bright. This doesn't deal with it and I think it should. Everything else looks great, I understand the landscaping, the layout, all of that is just fantastic but I think it is a crucial part of this project and I think it impacts this entire town, I think it impacts all of the visitors and I think it would be a benefit to everyone to look into it more. It is unfortunate that we don't have a lighting ordinance, it would enable you to go forward. I think that needs to be done now, I think that this is the time to do it somehow.

Hoover: I do have a few concerns with this project. I think unfortunately you are at a disadvantage because you already have something built to look at. When I came on the Commission that was one of the first projects that came in and I was alarmed after it was built about how close it was to the interstate. I had no idea and I am an architect and can read the plans and I had no idea it was going to be that close. That is why I keep looking back at our usual setbacks and when it encroaches the 50' building setback, which we are now calling "display area" but display area doesn't qualify as building area, which is confusing to me now it comes to a parking area can encroach into the 50' setback. I have two issues, lighting yes, because we can definitely see what the existing lot looks like and all I can do is double that in my mind and then the setbacks. I agree that this is the perfect use for this land, it is just that I think we should be careful about it and follow our 2020 and keep the character that we think Fayetteville has. I agree that this is an entryway into the city, everything on the interstate is an entryway into our city and that is how you can tell the difference between us and Springdale. That's all I have.

Aviles: I would just like to put this in perspective again with regard to the vote. Should this fail Tim, this would then be able to be appealed to the City Council?

Conklin: That is correct. They have ten working days to file an appeal with the City Clerk's office. The developer can file that appeal if it is denied. I would like to respond to one thing about the lighting and the brightness. Condition number three once again, is talking about the IESNA standards. That is the lighting ordinance with regard to how bright the display areas can be illuminated. It does set a standard and we don't currently have an ordinance but staff put that as a condition of approval. Even if the ordinance was passed and we had the

ordinance in place today, those would be the standards we would be using. If there is something wrong with those standards we need to talk about it but they are engineering standards used throughout the country. What those standards will do is to prevent over lighting or making it too bright. It establishes reasonable standards for automobile display areas. I wish I could tell you how bright it is or how not bright it is going to be compared to the existing one, I don't know. I am not sure but that is a condition of approval. It is something that was recommended by a local engineer in Fayetteville.

Aviles: Maybe the applicant could respond to that. Do you have a lighting engineer on board and have you looked at the lighting levels for the new verses the old?

Black: Ma'am, we do have a lighting engineer on board. It is Pack Engineers in Little Rock. We have not yet done a photometric survey of our new lighting layout yet. We would like to be more familiar with the standards that Tim Conklin has made reference to and use those in choosing our bulb size and adjust our layout accordingly.

Aviles: The reason I asked that is because I wouldn't think that you would want one phase to be different in appearance than the other phase, the new and the old.

Black: Yes, and I am concerned a little bit that that will happen if we are using new standards now that were not used when the original complex was built that Landers has purchased within the last year. We do have a risk there of having a noticeably dim expansion compared to the existing site. If that does happen then I am positive that the owner will want to do whatever is necessary to match the new site. I am very sure of that.

Aviles: Thank you very much.

Allen: It is my suggestion that prior to a vote you would want to be able to give us more information about the lighting.

Black: Ma'am, as it is right now, our intentions until we are more familiar with the lighting ordinance, is to match the new fixtures with the existing fixtures. The existing ones are metal halide, vertical burn, typical automotive display lights. They are fairly low to the ground. They are I believe 20' poles that we have out there right now, not the 30' and the 35' poles that you see on so many dealerships. That is really all I can tell you right now is that our intentions are to match the look of the existing dealership, even if we can't match the lighting levels.

Allen: Ok, thank you.

Bunch: Just a question for the motioner and the seconder, does your motion include the variance as spelled out in condition three?

Shackelford: That is the same direction I was going with my comments. I realize that I didn't and yes, I find specific grounds to grant a variance and allow the metal halide lights on the new addition.

Bunch: Seconder?

Church: I do agree, yes.

Shackelford: Just a couple of real quick comments. I know we are dragging this thing out quite a bit. We are establishing standards that the project must meet. It is the standards that we all have got to get comfortable with and familiarize ourselves with but there is a standard out there. Also, the comment that we could turn the lights completely off, obviously, there is security issues and other things that don't allow us on that issue. I have been in this town my entire life, I have seen a lot of car lots come and go in this town and I am satisfied with the appearance of this car lot and its location. Therefore, I support it.

Aviles: Thanks. Renee, before you call the roll, I just have a final comment. I need to be clear that when I don't vote for something on why that reason is. The reason is, as stated before, you are at somewhat of a disadvantage for having the existing lot be there and having it be so bright. I think that you are really on the right track and I want to encourage further study on the lighting. Maybe if this passes then you will go ahead and do that and I would hope that that would be the case. If it doesn't pass and if it is appealed to City Council, then you might be further along in the process with that. Reluctantly, I will not be voting for the project because of the conflicts with the lighting. Is there anybody else?

Conklin: I just want to make sure the Commission is aware that, as staff, our responsibility is to let the applicant know what ordinances they have to meet in order to get their project approved. We currently don't have an outdoor lighting ordinance. Staff has went as far as to add condition number three for IESNA standards, which is currently not law. I just bring this up because our job is if they can't meet the standards we need to tell them how to meet the standards and I am very concerned about projects that if they are going to be denied that we need to understand what standards are not being met. That is basically what I wanted to comment on, thank you.

Williams: Let me reiterate if I could. There is a famous case in Arkansas called The Richardson Case which says that the Planning Commission must follow the current ordinances in affect. In that particular case the Planning Commission turned down a development because of other objections to it but not objections specifically within the development ordinances of the City. The Supreme Court

said you cannot do that. Even the City Council can not go beyond its current ordinances. In order to turn a project down it must violate currently existing city ordinances. You must have the discretion somewhere given to you to reject this project. I would just caution the Planning Commission about that. Personally, I certainly share some concerns. I have seen the very bright lights of that project, that is why we went forward with the lighting ordinance, so that we could get a handle on it and I don't think that that means that since we don't have the lighting ordinance yet that we can go forward and turn down a project unless there is some other ordinance, some other objection that you can point to that this Large Scale Development request is in violation of some of our development ordinances. Otherwise, I think we are really going on what our power is.

Aviles: Thank you Mr. Williams.

Black: I would also like to add that it is very difficult to commit right now as to what measures would be taken to dim down the lights or turn them off because we honestly have not studied enough of what is involved in dimming the lights on the existing light fixtures. Are the light fixtures compatible with smaller bulbs that we could put in there to bring it into compliance with the new ordinance? We don't know. If it is simply a matter of changing the bulb out to a smaller wattage bulb that would be wonderful, we would have no problem with doing that. If it involves removing the existing ballast, disassembling the light and putting in a ballast that is going to produce lower light levels, then that is a very expensive proposition, something that could cost in the neighborhood of $600 to $800 per light fixture, and there are numerous light fixtures out there. There is no way I could stand before you right now and commit to doing that. I can tell you that from day one of this project we have tried to communicate as much as possible with staff with people like Tim Conklin and Kim Hesse just to make sure that we are on the right track with this project and our intentions are the best. We fully intend to extend the existing character of the dealership into the new addition and hopefully comply with in the future, the new lighting ordinance and bring the light levels down. It is our intention to do that but I cannot commit to you at this time that that will happen because I don't know what the cost implications are.

Aviles: I certainly understand your concern. I was on the committee too and I think that the work we did with our engineer and with our assistance, is that existing things, even if they just relamp would not ever be required to have to change the ballast because we understood the cost implications of that so that would not be something that my comments were intended to construe if they were construed that way. Thank you.

Bunch: I will be supporting this ordinance, supporting this Large Scale Development. Since it must stand on its own and since the applicant has agreed to the

conditions of approval and those conditions of approval do incorporate the standards that have been putting forward in our lighting ordinance that has not been approved yet but there would still be, this phase of the project will still be going by what we have put forward as our requirements. I see that it is not a question, we can not penalize this because of what was done in the past before we had the lighting ordinance. We still don't have a lighting ordinance but what the applicant has agreed to is the standards that are included in our lighting ordinance. With that being said, I will be supporting this Large Scale Development because all of the other items seem to be in order, they have complied with everything.

Aviles: Thank you Commissioner Bunch. Are there any further comments? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to approve LSD 02-21.00 was denied by a vote of 3-4-0 with Commissioners Allen, Ostner, Hoover and Aviles voting no.

Aviles: Thank you Renee. The motion is denied on a vote of three positive and four negative. Thank you very much for your work and we hope that we can work this out.

STAFF REVIEW FORM

__X__ **Agenda Request**
____ **Contract Review**
____ **Grant Review**

For the Fayetteville City Council meeting of November 5, 2002.

FROM:

Tim Conklin	Planning	Urban Development
Name	Division	Department

ACTION REQUESTED: To adopt an ordinance to establish planned zoning districts that permit the combination of development and zoning review into a simultaneous process and to eliminate §166.06 Planned Unit Development.

COST TO CITY:

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

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator	Administrative Services Director

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

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	10-21-02 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and on October 14, 2002 the Planning Commission voted 7-0-0 to recommend the ordinance be approved by the City Council.

Division Head	10-18-02 Date	**Cross Reference**
Department Director	10-22-02 Date	New Item: **Yes** **No**
Administrative Services Director	10-24-02 Date	Prev Ord/Res#: _____
Mayor	10/25/02 Date	Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville City Council
FROM:	Tim Conklin, AICP, City Planner
THRU:	Hugh Earnest, Urban Development Director
DATE:	October 18, 2002

ADM 02-7.00: Administrative Item (Planned Zoning District) to adopt an ordinance to establish planned zoning districts that permit the combination of development and zoning review into a simultaneous process; to eliminate §163.21 Limited Neighborhood Commercial Uses Within Residential Districts; and to eliminate §166.06 Planned Unit Development.

BACKGROUND:

At the Planning Commission retreat on December 13, 2001, creation of a planned zoning district was rated as a top priority for the 2002 Work Program. The purpose of creating this district is to allow for a simultaneous review process for zoning and development; remove the Planned Unit Development section of the UDO; and remove the use conditions for Limited Neighborhood Commercial Uses Within Residential Districts.

On February 25, 2002, the Planning Commission selected a subcommittee to review the Planned Zoning District. The subcommittee met five times (May 15, June 13, June 20, and July 23) to discuss the ordinance. The second meeting included a presentation by Dana Carney, a planner with the City of Little Rock, who discussed the Planned Zoning District ordinance as it works in Little Rock.

The Planned Zoning District was on the agenda for the August 26, 2002 Planning Commission meeting. The item was tabled for further review by the City Attorney's office.

CURRENT STATUS:

On October 14, 2002, the Planning Commission voted 7-0-0 to forward the ordinance to the City Council for approval with review of the proposed elimination of §163.21 Limited Neighborhood Commercial Uses Within Residential Districts and consideration of the addition to the Industrial Planned Zoning District of Use Units, 13, 14, 18, 20, 25 and 26. Staff recommends that §163.21 Limited Neighborhood Commercial Uses within Residential Districts be eliminated. Planning Commission is concerned about eliminating that option. Staff and the Planning Commission are supportive of the addition of the use units to the I-PZD.

RECOMMENDATION:

Approval by City Council.

Summary of the Proposed Planned Zoning District Ordinance

FINDINGS

Purpose. The purpose of the ordinance is:

- To allow for flexible guidelines for land development;
- To make informed land use decisions;
- To encourage minimal destruction of natural resources;
- To promote open space preservation; and
- To better utilize sites with unique geographic features.

Districts. The ordinance creates three planned zoning districts:

1. R-PZD Residential Planned Zoning District
2. C-PZD Commercial Planned Zoning District
3. I-PZD Industrial Planned Zoning District

The purpose of each district is described in detail. The permitted uses are provided along with conditions for specific land uses.

Eligibility. In order for a property owner to be eligible to apply for a PZD designation, the property must be located within the city limits and the applicant must be the landowner or an authorized agent. There is no minimum size for PZD applications.

Process. The first step is a pre-application conference between the applicant and the planning staff. The purpose of the pre-application conference is to let the applicant become familiar with the review process, to make sure the applicant will be able to submit all necessary information, and to provide guidance to the applicant before they incur substantial expense on planning and design. The PZD will then follow the same process and procedures as a large scale development.

Application fees. The application fees will be the sum of the fees for large-scale development, preliminary plat and rezoning.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF FAYETTEVILLE TO ESTABLISH A PROCESS FOR THE EVALUATION AND APPROVAL OF PLANNED ZONING DISTRICTS.

WHEREAS, flexible guidelines for the review of specific development plans are desirable; and,

WHEREAS, informed land use decisions can guide development more effectively in the best interest of the health, safety and welfare of the city; and

WHEREAS, developments that are compatible with the surrounding area, harmonious with the character of the neighborhood, do not have a negative effect upon the future development of the area and create a stable environment are desirable; and

WHEREAS, the development and zoning review process shall be enhanced when review and approval of development and zoning are addressed simultaneously;

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

Section 1. That Chapter 161 Zoning Regulations is amended by inserting §161.22 District PZD Planned Zoning District, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That Chapter 166 Development is amended by inserting §166.18 Planned Zoning District Developments, a copy of which marked Exhibit "B" is attached hereto and made a part hereof.

Section 3. That Chapter 163 Use Conditions, Section §163.21 Limited Neighborhood Commercial Uses Within Residential Districts of the Code of Fayetteville is hereby repealed.

Section 4. That Chapter 159: Fees, Section §159.01 Fees/Schedule, subsection (B)(3) is amended by adding a fee for Planned Zoning District applications as follows:

§159.01 Fees/Schedule
A. Fees
B. Fee Schedule
3. Development

Planned Zoning District

Non-residential	*$1,125*
Residential:	
10 units/lots or less	*$525*
25 units/lots or less	*$725*
25 units/lots or more	*$1,125*

Section 5. That Chapter 151: Definitions is amended by deleting the definition of **Planned Unit Development** and adding the following definitions:

Common Open Space. Land within or related to a development, not individually owned or dedicated for public use, which is reserved for the exclusive use or enjoyment of the residents or occupants of the development and their guests.

Planned Zoning District. A zoning district that allows for comprehensively planned developments for either single-use or mixed-use and permits development and zoning review as a simultaneous process.

Private Open Space. The outdoor living area directly adjoining a dwelling unit or building, intended for the private enjoyment of the residents or occupants of the dwelling unit or building and defined in such a manner that its boundaries are evident.

Public Open Space. Open space, including but not limited to, any park, lake, stream, playground ,or natural area, commonly open to the public.

Recreational Structures. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground that has a primary use that is recreation in nature. Among other things, recreational structures include tennis courts, basketball courts, swimming pools and jogging trails.

Section 6. That §166.05 (A) Requirement is hereby repealed and replaced with the following:

§166.05 Large Scale Development

A. Requirement. The development of a lot or parcel larger than one acre or development of a Planned Zoning District must be processed in accordance with the requirements for a large-scale development.

Section 7. That §166.60 Planned Unit Development of the Unified Development Ordinance is hereby repealed.

PASSED and **APPROVED** this _____ day of _____, 2002.

APPROVED:

By: _____DRAFT_____
DAN COODY, Mayor

ATTEST:

By: _____DRAFT_____
HEATHER WOODRUFF, City Clerk

EXHIBIT "A"

To be inserted in Chapter 161 Zoning Regulations:

§161.22 District PZD Planned Zoning District.

A. Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

1. *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

2. *Compatibility.* Providing for compatibility with the surrounding land uses.

3. *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

4. *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

5. *No negative impact.* Does not have a negative effect upon the future development of the area;

6. *Coordination.* Permit coordination of the planning of the land surrounding the PZD and cooperation between the City and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

7. *Open Space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

8. *Natural Features.* Maximum enhancement and minimal disruption of existing natural features and amenities.

9. *General Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.

10. *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

B. Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166 Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

C. R - PZD Residential Planned Zoning District

a. Purpose and intent. The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

1. To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's general plan and the orderly development of the city.

2. To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.

3. To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.

4. To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.

5. To encourage the efficient use of those public facilities required in connection with new residential development.

b. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 5	Government Facilities
Unit 8	Single-Family and Two-Family Dwellings
Unit 9	Multifamily Dwellings – Medium Density
Unit 10	Multifamily Dwellings – High Density
Unit 12	Offices, Studios and Related Services
Unit 15	Neighborhood Shopping
Unit 19	Commercial Recreation
Unit 25	Professional Offices
Unit 26	Single-Family Dwelling
Unit 29	Single-Family, Two-Family and Three-Family Dwellings

c. Condition. In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

D. C-PZD Commercial Planned Zoning District

1. **Purpose and intent.** The C-PZD is intended to accommodate mixed-use developments containing any combination, including multiple combinations of commercial, office or residential uses in a carefully planned configuration in such a manner as to protect and enhance the availability of each independent use. The C-PZD is also intended to accommodate single use commercial developments that are determined to be more appropriate for a PZD application than a general commercial rezone. The legislative purposes, intent and application of this district include, but are not limited to, the following:
   a. To encourage the clustering of commercial and office activities within areas specifically designated to accommodate such uses and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas.
   b. To provide for orderly development in order to minimize adverse impact on surrounding areas and on the general flow of traffic.
   c. To encourage orderly and systematic commercial, office or mixed use development design or a combination thereof, providing for the rational placement of activities, vehicular and pedestrian circulation, access and egress, loading, landscaping and buffering strips.
   d. To encourage commercial development which is consistent with the city's general plan.
   e. To accommodate larger scale suburban developments of mixed-uses in a harmonious relationship.

2. **Permitted Uses.**

Unit 1	City-Wide Uses by Right
Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 5	Government Facilities
Unit 8	Single-Family and Two-Family Dwellings
Unit 9	Multifamily Dwellings – Medium Density
Unit 10	Multifamily Dwellings – High Density
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 14	Hotel, Motel and Amusement Facilities
Unit 15	Neighborhood Shopping
Unit 16	Shopping Goods
Unit 17	Trades and Services
Unit 18	Gasoline Service Station and Drive-In Restaurants
Unit 19	Commercial Recreation
Unit 20	Commercial Recreation, Large Sites
Unit 21	Warehousing and Wholesale
Unit 25	Professional Offices
Unit 26	Single-Family Dwelling
Unit 29	Single-Family, Two-Family and Three-Family Dwellings

3. **Conditions**

   a. In no instance shall the commercial or office use area be less than fifty-one percent (51%) of the gross leasable floor area within the development.

   b. Residential uses must be appropriate to the design of the project.

c. Warehousing and light industrial uses shall have a gross area per use that does not exceed five thousand (5,000) square feet and at least twenty percent (20%) of the floor area used for retail sales.

E. I-PZD Industrial Planned Zoning District

1. **Purpose and intent**. The I-PZD is intended to accommodate industrial parks and single use industrial developments that are determined to be more appropriate for a PZD application than a general industrial rezone. The legislative purpose, intent and application of this district include, but are not limited to, the following:

   a. To provide for manufacturing activities in a manner compatible with the surrounding area.
   b. To encourage the application of sound planning and design principles in the orderly development of industrial activities.
   c. To maximize manufacturing potential without adversely affecting the living environment of the community.
   d. To encourage industrial development that is consistent with the city's general plan.

2. **Permitted Uses.**

Unit 1	City-Wide Uses by Right
Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 8	Single-Family and Two-Family Dwellings
Unit 9	Multifamily Dwellings – Medium Density
Unit 10	Multifamily Dwellings – High Density
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 14	Hotel, Motel and Amusement Facilities
Unit 15	Neighborhood Shopping Goods
Unit 16	Shopping Goods
Unit 17	Trades and Services
Unit 18	Gasoline Service Stations and Drive-in Restaurants
Unit 20	Commercial Recreation, Large Sites
Unit 21	Warehousing and Wholesale
Unit 22	Manufacturing
Unit 23	Heavy Industrial
Unit 25	Professional Offices
Unit 26	Single-family Dwellings
Unit 27	Wholesale Bulk Petroleum Storage Facilities with Underground Storage Tanks
Unit 28	Center for Collecting Recyclable Materials
Unit 31	Facilities Emitting Odors and Facilities Handling Explosives

3. **Conditions.**

   a. In no instance shall the industrial use area be less than fifty-one percent (51%) of the gross leasable floor area within the development.
   b. Ancillary commercial and office uses shall be compatible with the design and scale of the project.
   c. Residential uses must be appropriate to the scope and character of the development.

F. Bulk and Area Regulations

1. **Residential density.** Residential densities shall be determined on the basis of the following considerations:

   a. The densities of surrounding development; the densities allowed under the current zoning;
   b. the urban development goals and other policies of the city's general plan,
   c. the topography and character of the natural environment, and
   d. the impact of a given density on the specific site and adjacent properties.

2. **Lot Area and Yard Requirements.** Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and yard requirements under this chapter.

3. **Building height.** There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

4. **Building area**. The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

EXHIBIT "B"

To be inserted in Chapter 166: Development:

§166.18 Planned Zoning District Developments

A. Applicability. To be considered for a planned zoning district, the applicant shall meet all of the following criteria:

1. **Location.** Eligible properties include those located within the city limits.

2. **Ownership.** Eligible applicants for preliminary plan review shall be a landowner of record or an authorized agent. The approved development plan shall be binding on all subsequent owners of the land until revised or modified.

3. **Size.** There shall be no minimum tract size for a PZD application.

B. Application. The initial application for a PZD shall include the following items:

1. **Application.** Complete application form to request a PZD.

2. **Copies.** Copies of a development plan in accordance with the submission requirements on the project application form. Copies of a preliminary plat if a subdivision of land is proposed in accordance with the preliminary plat application form.

3. **Fee.** Applicant shall pay all required filing fees for a planned zoning district as set forth in Chapter 159 Fees of the UDO. If a subdivision of land is proposed, a fee for the preliminary plat shall also be paid.

C. Review and Approval Procedures.

1. **Pre-application meeting.** Before submitting an application the landowner or authorized agent shall confer with the Planning Division in order to become familiar with the development review process. The staff shall inform the applicant of any perceived problems that may arise. A further purpose of the pre-application meeting is to make sure the applicant has, or will be able to, submit the necessary information for filing the application. The intent of this conference is to provide guidance to the applicant prior to incurring substantial expense in the preparation of plans, surveys and other data required in a preliminary plan.

2. **Planning Commission.** All planned zoning district applications shall follow the procedures for large scale development as set forth in §166.05 Large Scale Development. If a subdivision of land is proposed, the applicant shall obtain subdivision approval as set forth in 166.01 Subdivision Approval.

3. **City Council.** If the development plan is approved by the Planning Commission, it shall be forwarded to the City Council for review. The City Council may grant or deny as submitted, or as they may so amend, defer for requested changes or more information, or return the application to the Planning Commission for further study. The applicant shall not modify to a design other than that reviewed by the Planning Commission prior to City Council review. The City Council may direct Planning Commission to reconsider specific aspects of the plan. If the development plan is approved, an ordinance shall be prepared which incorporates the plan and conditions.

4. **Appeals.** Appeals from the action of the Planning Commission shall be in accordance with Chapter 155 Appeals of the UDO.

5. **Repeals.** The owner of an approved planned zoning district may, for cause, request repeal of the ordinance establishing the development when it has been determined that the development will not occur. A written request may be filed with the city clerk at any time up to three (3) years after the date of adoption of the ordinance creating the planned zoning district. The request shall be addressed to the Mayor and City Council, setting forth the cause for repeal.

   The request shall be set for a public hearing at the earliest possible time to expedite the required action. The owner of the subject planned zoning district zoned land shall provide notice of hearing to adjacent property owners. Notice to others as required by law shall be provided by city staff and signs shall be posted.

D. Development Standards, Conditions and Review Guidelines

2. **Generally.** The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

3. **Screening and landscaping.** In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

4. **Traffic circulation.** The following traffic circulation guidelines shall apply:

   a. The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
   b. The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.
   c. Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
   d. Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.
   e. Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.
   f. Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

5. **Parking standards**. The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

6. **Perimeter treatment.** Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

7. **Sidewalks.** As required by §166.04.

8. **Street Lights.** As required by §166.04.

9. **Water**. As required by §166.04.

10. **Sewer**. As required by §166.04.

11. **Streets and Drainage.** Streets within a residential PZD may be either public or private.

a. **Public Streets.** Public streets shall be constructed according to the adopted standards of the City.
b. **Private Streets**. Private streets within a residential PZD shall be permitted subject to the following conditions:
   (1.) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.
   (2). Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.
   (3). All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.
   (4). Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.
   (5). The plat of the planned development shall designate each private street as a "private street."
   (6). Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.
   (7). The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.
   (8). The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

*Note: If on-street parking is desired, 6 feet must be added to each side where parking is intended.

(9). All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
(10.) There shall be no minimum building setback requirement from a private street.
(11). The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

12. **Construction of Nonresidential Facilities**. Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

13. **Tree Preservation.** All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

14. **Commercial Design Standards.** All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

15. **View Protection.** The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

E. Revocation.

1. **Causes for revocation as enforcement action.** The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

   a. ***Building permit.*** If no building permit has been issued within the time allowed.
   b. ***Phased development schedule.*** If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
   c. ***Open space and recreational facilities.*** If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

   Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of

construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

2. **Procedures.** Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

3. **Effect.** In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

F. Covenants, trusts and homeowner associations.

1. **Legal entities.** The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

2. **Common areas.** If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:

    1. The homeowner's association must be legally established before building permits are granted.
    2. Membership and fees must be mandatory for each home buyer and successive buyer.
    3. The open space restrictions must be permanent, rather than for a period of years.
    4. The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
    5. Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.
    6. The association must be able to adjust the assessment to meet changing needs.

FAYETTEVILLE

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PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Shelli Rushing, AICP, Associate Planner
THRU: Tim Conklin, AICP, City Planner
DATE: October 10, 2002

ADM 02-7.00: Administrative Item (Planned Zoning District) to adopt an ordinance to establish planned zoning districts that permit the combination of development and zoning review into a simultaneous process; to eliminate §163.21 Limited Neighborhood Commercial Uses Within Residential Districts; and to eliminate §166.06 Planned Unit Development.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the attached planned zoning district ordinance and forward to City Council for approval.

BACKGROUND

The Planning Commission held a retreat on December 13, 2001 to discuss the 2002 Work Program. Items listed on the work program were developed by staff and the Planning Commission and based on the implementation strategies of General Plan 2020. Creation of a planned zoning district was rated as a top priority. The purpose of creating this district is to allow for a simultaneous review process for zoning and development; remove the Planned Unit Development section of the UDO; and remove the use conditions for Limited Neighborhood Commercial Uses Within Residential Districts. The 2002 Work Program schedules this project to begin by March 1, 2002 and completed by July 1, 2002.

Staff researched other planned zoning district and planned unit development ordinances to gather additional information. A summary of the research is attached.

On February 25, 2002, the Planning Commission selected a subcommittee to review the Planned Zoning District. The subcommittee met five times (May 15, June 13, June 20, and July 23) to discuss the ordinance. The second meeting included a presentation by Dana Carney, a planner with the City of Little Rock, who discussed the Planned Zoning District ordinance as it works in Little Rock.

The Planned Zoning District was on the agenda for the August 26, 2002 Planning Commission meeting. The item was tabled for further review by the City Attorney's office.

Purpose. The purpose of the ordinance is:

- To allow for flexible guidelines for land development;
- To make informed land use decisions;
- To encourage minimal destruction of natural resources;
- To promote open space preservation; and
- To better utilize sites with unique geographic features.

Districts. The ordinance creates three planned zoning districts:

1. R-PZD Residential Planned Zoning District
2. C-PZD Commercial Planned Zoning District
3. I-PZD Industrial Planned Zoning District

The purpose of each district is described in detail. The permitted uses are provided along with conditions for specific land uses.

Eligibility. In order for a property owner to be eligible to apply for a PZD designation, the property must be located within the city limits and the applicant must be the landowner or an authorized agent. There is no minimum size for PZD applications.

Process. The first step is a pre-application conference between the applicant and the planning staff. The purpose of the pre-application conference is to let the applicant become familiar with the review process, to make sure the applicant will be able to submit all necessary information, and to provide guidance to the applicant before they incur substantial expense on planning and design. The PZD will then follow the same process and procedures as a large scale development.

Application fees. The application fees will be the sum of the fees for large-scale development, preliminary plat and rezoning.

ADM 02-7.00: Administrative Item (Planned Zoning District) to adopt an ordinance to establish planned zoning districts that permit the combination of development and zoning review into a simultaneous process; to eliminate §163.21 Limited Neighborhood Commercial Uses Within Residential Districts; and to eliminate §166.06 Planned Unit Development.

Aviles: The first item of business on our agenda tonight is old business, it is ADM 02-7.00, which is an administrative item for the Planned Zoning District ordinance, which is to adopt an ordinance to establish planned zoning districts that permit the combination of development and zoning review into a simultaneous process; to eliminate §163.21 Limited Neighborhood Commercial Uses Within Residential Districts; and to eliminate §166.06 Planned Unit Development. Tim, would you like to give us the staff report?

Conklin: Thank you Madam Chair and members of the Commission. This item, the Planned Zoning District, was discussed during the 2002 work program and Planning Commission retreat held last December. This was identified as a top priority for the Planning Commission to bring forward. The Planning Commission did form a subcommittee. They did meet five times to work on this Planned Zoning District. We did have a planner from the City of Little Rock come up and meet with the committee and discuss how this Planned Zoning District works within the City of Little Rock. The purpose of this ordinance is to provide flexible guidelines for land development to make better informed land use decisions, to protect our natural resources, to encourage open space preservation. The ordinance is designed to establish three planned zoning districts, residential planned zoning district, a commercial, and an industrial. The property owner can apply for a planned zoning district. The process will begin with a pre-application with the owner/developer and the Planning Division staff. The actual zoning and the development review will follow the same procedures as we currently have for a Large Scale Development, which is a multi-step process. The ordinance that we are asking to be passed to amend our Unified Development Ordinance includes a section in the fee section which will combine a fee for the rezoning and the Large Scale Development. That is on page 1.4. We are also amending the definition of a Large Scale Development. Currently anything over an acre requires a Large Scale Development approval. The definition will be amended to also state that anything that goes through a Planned Zoning District process will be processed in accordance with the requirements for a Large Scale Development, that is a change that we are proposing. Once again, the ordinance is set up into the three districts. We have a Residential Planned Zoning District, a Commercial Planned Zoning District, and an Industrial Planned Zoning District. Within those districts we list the use units that are allowed within each Planned Zoning District. For Residential you have to have 51% of the gross floor area for the Commercial it is 51% and for the Industrial it is 51% also. During the development of the ordinance we did make some minor revisions with the help of the City Attorney's office. We clarified some language within the ordinance.

We worked with our City Engineering Division and on page 1.16 made some amendments to the section with regard to storm water drainage systems. Also, our current street standards, and reflected that the city's storm water and grading ordinances in the private streets will have to meet our current city street standards. That was a change that was made. A little background with regard to the term Planned Zoning Districts, this terminology is also known as a Planned Unit Development or a Planned Development. We looked at a total of seven cities when we did our survey. We have Las Vegas; Overland Park; Grand Forks, North Dakota; Columbia, Missouri; Athens Clark, Georgia; Little Rock, Arkansas. The ones that have a process that combines your zoning and development review process together include Las Vegas; Grand Forks; Athens Clark County, Georgia; and Little Rock, Arkansas. This is done in other cities, municipalities in the United States. It is used to bring your zoning and development review process together. The ordinance that will be amended will remove the ability for the current process to use our Planned Unit Development, which can go through a process without City Council approval and it will also amend our limited neighborhood commercial use ordinance and it will delete that ordinance, which allows conditional uses to be approved by the Planning Commission without City Council approval. It is basically setting up a step where we have used those similar type ordinances through the Planning Commission level to approve the projects with conditions to mitigate potential impacts. This ordinance will be used to once again, look at the development project itself, look at the zoning regulations, and an ordinance will be drafted which will then go to the City Council and the City Council will be looking at this as a legislative act, a policy decision that they will have to make. It will add that step in the process when we do change the land use from, for example, in an R-1 zoning district in a Planned Unit Development we do allow multi-family development without having City Council approval. It will now add that step where the City Council will have to approve any type of land use from a single-family neighborhood to a multi-family apartment complex through a rezoning type application. It has been used successfully in other cities. It answers a lot of questions that come up during the rezoning process. This past year at the Planning Commission level and City Council, we have seen the use of Bills of Assurance to guarantee what the developer is promising the project will turn out to be to the neighborhood and to the Planning Commission. As staff, we currently can't ask to require the developer to abide by those types of promises. The Planned Zoning District will allow staff to work with the developer and applicant and the Commission to actually draft the ordinance to approve what is being planned for that development. It is a positive. It is something I think that will provide some assurance to the Commission when you make a recommendation on a rezoning, it will provide assurance to the City Council, and the public, and staff that what is actually being planned for that particular development will be built and it will be an ordinance. I know that was a lot that I went over. If you have any questions I would be more than happy to answer them. Thank you.

Aviles: Thank you very much Tim. Commissioners, are there any questions before I open it up for public comment? Ok, I will go ahead and accept public comment. Is there anybody in the audience that would like to talk about this proposed ordinance? No one? This is a really big deal, we are going to have a good change to our development procedure here. I guess you will have another opportunity at the Council level. Commissioners, any questions for Tim?

Bunch: In reviewing this I noticed that there are several use units that are not included in any of the three zoning districts. Those are 6, 7, 11, and 24 and also, I am going to hit you with several here at once, there are some in the Planned Zoning District Industrial that I would like to add but I would like to preface these comments by saying that I realize that this is going to take some fine tuning and tweaking and the bulk of this ordinance as it is presented, the proposed ordinance, I am very much in favor of it. We can pick it to death forever trying to amend small glitches and to apply variance things that we have learned over the years, exceptions that would be nice to be included in it. I would like to move this forward but at the same time, I would like to check on some of these and Tim, could you tell us why the 6, 7, 11, and 24, if any of those need to be included and if not, why not?

Conklin: With regard to trying to answer your question directly, I would have to look at each of those use units and determine what uses are allowed within them. Earlier we did have the conversation that there are some uses that would be desirable to be allowed within the Planned Zoning District. What I would like to do is move the ordinance forward and then if there are uses that we feel are located within a use unit that could be moved to a use unit, for example, use unit 2 is a use unit that allows these certain type of uses as a conditional use throughout the entire city, that we could move those uses into that use unit. I would be more than happy to meet with individuals on the Commission between now and the City Council and look at if there are any particular types of uses that you feel need to be added into this. Overall, we are trying to create a flexibility with regard to the type of uses you allow and we did list as many use units as possible that we thought were compatible. Without going through each use unit right now, I can't really answer your question, thank you.

Bunch: One other question to follow up with that, would it be at this time Tim or Madam Chair, or another time if we wish to add a total use unit rather than reviewing individual uses within a use unit, if we wanted to add a total use unit to this before it is presented to the City Council, would we do it at this time or could we do that between now and the City Council meeting?

Aviles: How lengthy is your use unit addition? Have you got it written up?

Bunch: I have a question that four or five use units could be added to the Industrial

Planned Zoning District.

Aviles: Why don't you just briefly state them so we can get them into the record and I would say that way we would have a chance to discuss it if we want to.

Bunch: It would be Use Unit 13, which is basically eating places, Use Unit 14, Hotels, Motels and Amusements; Use Unit 18, which would include convenience stores and gas stations because we already have 17; also, Use Unit 20, which is large recreational areas; and then Use Unit 25, which includes professional offices; also, Use Unit 26, which is single-family one house in case someone wanted to have a combination small manufacturing shop and house right next to it. If it would be an industrial type manufacturing application. Those were the ones we can do it as a motion or we can poll the panel to see if we want to discuss them at this time. Those six Use Units potentially could be added to the PZD Industrial PZD.

Aviles: I think that if you are trying to craft a motion you could make that as a recommendation sent forward that those be included and I would certainly support such a motion because I can think of several instances where office parks, like office condominium type clustered building could be used or put forth in a PZD or things like that.

Bunch: Again, this is one of the Industrial, which requires 51% be industrial use but this is to allow for flexibility because many of these use units are compatible with the rest of it. I don't foresee creating too many new problems. If you want me to put that as a recommendation to have the City Council consider these additional use units.

Aviles: I think that would work.

Allen: I think that is a good idea.

Aviles: I would like to get other Commissioners input before we try to add everything at once. Is there anybody else?

Allen: I think that is a good plan, a good way to accomplish that.

Aviles: I have a couple of questions for Tim. Is there an avenue that we could consider that would provide smaller, non-controversial projects where no objections exist to be approved at the Commission level? In any of these ordinances were there small project designations that had lot areas of less than an acre or five acres or something that even though it is a rezoning.

Conklin: We did not come across any of those. Probably the closest thing that we have to that is our limited neighborhood commercial use ordinance where it is a

conditional use process where we have approved an office in a residential neighborhood. Because we were trying to accomplish this city wide, staff thought that it would be better to have one process. In the other cities that we looked at typically have a uniform process that you use to change your type of land use and that is why we are recommending that we delete that limited neighborhood commercial use ordinance and make that a rezoning type decision that goes to Council because that is what we are pretty much ending up with that conditional use process was a site plan review along with conditions and changing the land use within the residential zoning district. I still recommend that we try to keep it as one process and delete that current ordinance. I think it will become confusing to the developers and the public and the City Council and the Planning Commission possibly that one project could be approved as a Conditional Use where another project would require Planning Commission and City Council approval.

Aviles: The only thing that concerns me about that is that you have taken the Conditional Use that you know, we are all pretty familiar with, that in some cases is a small house being used for an office or something like that, and added the step of the City Council to it. By appealing that I would say that we have taken away an option and I would suggest strongly that we look at not repealing that. I view this PZD ordinance as something really important and I think it is a way to get approvals in many ways expedited on larger projects, and projects that are on hillsides, and projects that have critical environmental features that we want to preserve and move all the development over to the side or something like that. On these little projects I am concerned about tying up the little guy in too much red tape. I guess I would like to make a recommendation of my own that we consider keeping the Conditional Use section of the ordinance. At least for the time being until we come up with something more stream lined.

Conklin: I understand what you are talking about. I have concerns about having a dual process in place and not being consistent with how we treat one development to the next development with regard to a land use change. That concerns me a lot. With regard to the ordinances that we have in place, I think this process will result in better projects.

Aviles: Definitely for the majority of them. For the big guys I think it is definitely long over due.

Conklin: I think even the smaller projects could benefit from this process also. I look at some of the nonconforming situation we have in Fayetteville where we have had to go in and work really hard to try to make something work. Karstetter and Glass comes to mind where that was a very difficult project and there will be opportunities to use this also to be able to tailor it to some of these situations. I just have a lot of concern about you could have on your agenda a project for a Conditional Use and a project for a Planned Zoning District and one is going to

require Council approval and the next one is not going to require Council approval. Not to cause confusion over why one would have to get Council approval verses another would not have to get Council approval. I will just add, basically we are trying to tie down if you want to come through a process and mitigate your project and design it and talk about what it is going to look like and how you are going to landscape it and grade it and provide storm water and those type of issues, be able to draft an ordinance and put it into a process that becomes official and can be looked at and enforced by the City of Fayetteville.

Aviles: Thanks Tim.

Shackelford: A lot of my concerns are along the same line as yours. I have voiced in the past the concern for the smaller development and what it is going to do to them. One thing as I read this amendment, we talk about any PZD having to go through Large Scale Development, I envision the situation again where we force smaller projects through the Large Scale Development process that didn't previously have to go through that process. Obviously, the concern there is expense and time and that sort of thing. On page 1.20 we see some of the other areas that we looked into, that we surveyed, their ordinance when we looked at this, there was a request for waivers that were granted by some other communities and I noticed that as this ordinance is written there is no request for a waiver. Is there some area in which we could have a waiver set up to allow maybe some smaller, simplified, non-controversial projects to go through without having to go through this process?

Conklin: The main issue here is it is a Planned Zoning District. It is a legislative act. It is an ordinance that shows up on your zoning map as a residential PZD. The Planning Commission can not pass rezonings, only the City Council can. The only other option is what Madam Chair stated was that leaving the Conditional Use process, which concerns me having two things on the book that result in the same thing but one changes the land use through the Conditional Use process verses a rezoning process. I would be much more comfortable having the land use changed at the City Council level than at the Planning Commission level. That is why we are recommending it, I think some of these changes are significant, especially going from a single-family, four units per acre to apartment complexes and when we look at our zoning map it is still zoned R-1, Low Density Residential. That concerns me. I think this will provide a means to get a land use changed through the process and have an ordinance drafted that addresses those issues. Thank you.

Shackelford: Just a follow up question so I understand. This will cause developments in the past that have been less than one acre that have not had to go through the Large Scale Development process in a rezoning and development situation, this will cause them to have to go through the Large Scale Development going forward, is that correct?

Conklin: That is only if they are requesting to use this option. The current conventional rezoning is still in place. This is only an option. Developers are not required to use it. I see it as a benefit if the developer wants to use it to allow flexibility in the design of their project. For example, if they want to cluster the units together it removes the minimum lot area and lot size. That is one of the changes that I did make. I didn't actually go over that with you but we did amend that and put in terms like clustered development and allow for flexibility in design where if they want to be innovative, creative and create lots and homes that are closer together and save some natural resources there is the ability to do that. There are some positives out there. It is basically taking our current zoning regulations where it is fairly rigid, where you have to have the minimum lot size and lot width and throwing that out and allowing a creative development to come through and the Planning Commission can evaluate that and the City Council can draft an ordinance to either approve it and actually be very specific in what they are approving or if it doesn't comply with the purposes of the PZD ordinance they can deny it. There is some benefit here. It is not making people jump through hoops, it is actually allowing developers if they have something innovative and creative that they want to bring to the City of Fayetteville, allowing a mechanism for them to bring that forward to the City of Fayetteville. Thank you.

Aviles: Ok, is there anybody else? Tim, in thinking about the deletion of the Conditional Use option, what if we put in this ordinance that we could provide for a Conditional Use based on size and area that was defined in this ordinance, if they met those, sort of like an exemption or something.

Conklin: This is basically a zoning ordinance that will be passed by the City Council. There is really no way to add that in there in my opinion. The City Council will be passing an actual ordinance that will have to be read three times and voted on by the City Council to approve a Planned Zoning District. The only way I can see that you can accomplish what you want to do is to leave the Conditional Use.

Aviles: I'm just saying leave the Conditional Use by some sort of size determination that was listed in this ordinance so people wouldn't be confused. It is a recommendation and I think it is something that I would like to continue to work on as it goes forward. I have heard from various Commissioners that we want a variance procedure, that we need to provide for small lots, that we need to add several use units and what else? Does anybody else have any comments before we entertain motions?

Bunch: Just what you mentioned yourself on the deletion of 163.21, Limited Neighborhood Commercial Use With Residential Districts, the elimination of our current process there. I tend to concur with you that for the more limited

uses, since this PZD is an optional path then we could have on our agenda people taking that path as well as taking traditional paths so the Conditional Use is another one of those traditional paths that we may have. On a given agenda we may have several items where there is an option to the applicant as to which path to take. I kind of hate to remove that one path at the expense of a smaller business.

Aviles: A Conditional Use process is I think a fairly universal zoning process that I am just reluctant to get rid of.

Conklin: Fairly universal, how we us it is fairly innovative. I was here when we brought that ordinance forward and it has been used in some other communities. Looking at how Planned Zoning Districts are used in other communities however, they approve projects that are small through this process and to not cause confusion for the public and neighborhoods about why a project can be approved at the Planning Commission level when you are changing land use verses another has to be approved by the City Council. That is why we are trying to recommend that change. I just want the public and the Commission to understand that even if it doesn't go through the Large Scale Development process, they still have to comply with our storm water and grading and drainage plans, our tree preservation, our commercial design standards. The site plans that you look at when you look at when you look at a Conditional Use process you do see a lot of work that has already been done even though it didn't have to go through Large Scale Development. Keep in mind, the applicant is trying to get this approved by the Planning Commission, you will see rendered elevation drawings and very detailed site plans and Engineering will still require them to go through and get those grading and drainage permits and tree preservation plans approved. Thank you.

Aviles: Thanks Tim. I guess I just recommend then that we look at Conditional Uses remaining for projects that are less than an acre or something like that.

Shackelford: Madam Chair, I would concur with that also. I think that we talk about this being a voluntary path but we also talk about doing away with 163.21 which takes away a different path. When you start talking about eliminating other paths then it is not as voluntary. I like the thought of keeping the Conditional Uses in place for the smaller projects as well.

Aviles: Thanks. Does anybody have any motions?

MOTION:

Bunch: I will try to make a motion. I move that we forward ADM 02-7.00 to the City Council with the recommendation to review the deletion of the Conditional Use process and the changing of smaller projects to where they require Large Scale

Development process and also to recommend to consider the addition to the Industrial Planned Zoning District of Use Units 13, 14, 18, 20, 25, and 26.

Aviles: Ok. Do we want to add a variance procedure or is that taken care of in the U.D.O. separately administratively?

Conklin: I think that was taken care of at the sub-committee when we talked about at the committee of undue hardship. If not, we can add one in there. Madam Chair, I have one question before you vote if that is ok. Is the concern requiring them to go to City Council or is there a concern about the Large Scale Development process?

Aviles: Probably both.

Conklin: I can deal with the Large Scale Development process probably, Council is a different issue. Thank you.

Aviles: Thanks Tim. I have a motion on the floor, do I have a second?

Shackelford: I will second.

Aviles: There is a motion by Commissioner Bunch and a second by Commissioner Shackelford. I will remind the Commission that since this is an administrative item I believe it takes five positive votes for passage and we have two Commissioners absent.

Bunch: Madam Chair, also, under Exhibit "B" under appeals, it does reference Chapter 155 of Appeals in the U.D.O.

Aviles: Ok, thank you. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to forward ADM 02-7.00 was approved by a vote of 7-0-0.

Aviles: Thanks Renee, the motion carries unanimously. This will be forwarded to the City Council for hopeful passage.

From Chapter 163 Use Conditions
Fayetteville Unified Development Ordinance

Staff is recommending elimination of the following ordinance. Planning Commission is concerned about eliminating this ordinance.

§163.21 LIMITED NEIGHBORHOOD COMMERCIAL USES WITHIN RESIDENTIAL DISTRICTS.

A. Purpose. These regulations are intended to mitigate the potential adverse impacts associated with commercial uses within residential areas by allowing limited neighborhood commercial uses within residential areas by allowing limited neighborhood commercial uses that are compatible in size, scale, massing, and residential appearance with adjoining and surrounding residential uses. Limited neighborhood commercial uses are regulated in order to:

1. Enhance and regulate the appearance of neighborhood commercial uses within residential areas.

2. Protect adjoining properties from the potential adverse impacts associated with commercial uses adjacent to residences such as traffic, noise, appearance, lighting, drainage, and effect on property values.

3. Provide areas for off-street parking and storage of motor vehicles that will be appropriate in size, location, and scale within residential areas.

4. Provide commercial uses that are accessible for the convenience of individuals living in residential districts.

5. Reduce the length and number of trips generated by residential development.

B. Uses Allowed. Drive-through or drive-in establishments shall not be allowed as a conditional use under this use category. The following uses may be allowed as a conditional use within all residential zoning districts subject to certain conditions:

1. Personal Services (maximum gross floor area of 2,000 square feet):

a. Hair salons and barber shops with three or fewer licensed operators.
b. Tailoring
c. Shoe repair
d. Dry cleaning
e. Day care

2. Specialized Retail (maximum gross floor area of 3,000 square feet):

a. Antique shops
b. Bicycle shops
c. Gift stores
d. Flower shops
e. Book stores
f. Craft and hobby stores
g. Stationery
h. Bakeries
i. Delicatessen
j. Grocery stores
k. Owner occupied "mom and pop" stores
l. Small appliance repair shops
m. Hardware stores
n. Coffee shops
o. Restaurants
p. Drug stores

3. Professional Offices (maximum of four professionals and maximum gross floor area of 3,000 square feet) Examples of professional offices are listed below:

a. Doctors office
b. Dentists
c. Insurance sales
d. Welfare agency
e. Architect
f. Engineer
g. Attorney
h. Accountant
i. Business or management consultant
j. Realtor
k. Broker
l. Interior decorator
m. Veterinary small animal out-patient clinic.

4. Studios For: (maximum gross floor area of 3,000 square feet):

a. Art
b. Dance
c. Music
d. Photography

5. Similar Uses. When a use is not specifically listed above, it shall be understood that the use may be permitted as a conditional use if it is determined by the City Planner that the use is similar to other uses listed. In determining "similarity" the City Planner shall make all of the following findings:

a. The proposed use meets the purpose of this section and the goals and policies of the General Plan;

b. The proposed use shall not adversely impact the public health, safety and general welfare of the neighboring residents;

c. The proposed use shall be similar to the uses listed above considering use intensity and characteristics.

C. Conditions for Approval. The uses listed above may be allowed as a conditional use within residential districts and shall meet the following conditions. The Planning Commission shall make findings for each of the conditions below in addition to those conditions found in §163.02:

1. The proposed use shall not adversely affect local traffic conditions on adjoining streets, require more than one curb cut per lot, or create greater noise than a permitted use within the district.

2. Before limited neighborhood commercial uses may be allowed as a conditional use within residential zoning districts, the Planning Commission or subcommittee shall review the design elements of proposed new structures and remodeled structures. The Planning Commission shall evaluate the design of the proposed structure with regard to adjacent and surrounding residential structures specifically addressing residential design elements as listed below.

a. Building Massing (height, width, and bulk of structures, type and angle of roof line), Projections, and Materials. Existing and proposed structures shall incorporate similar residential design elements such as building widths, heights, roofs, and building shapes found within the neighborhood.

b. Location and Design of Off-Street Parking Areas, Utility Equipment, and Trash Enclosures. Placement of the parking areas or lots, utility equipment, and trash enclosures shall be designed to have minimal visual impact to adjacent property owners and to the street. Screening of these elements may be accomplished with plantings, walls, architectural features, and/or fencing.

c. Location and Use of Yard Areas. Structures shall be located on the site to achieve similar residential yard areas and setbacks within the neighborhood.

d. Ratio of Landscaped Area to Areas Covered by Impervious Surfaces Within the Neighborhood. Site plans shall be designed to maximize unpaved open areas on the site.

e. Location, Scale and Design of Signing. One wall sign shall be allowed with a maximum area of four square feet. The color of the sign shall be compatible with the colors of the structure and only indirect external lighting is allowed.

f. Proportion of Openings. Windows and doors shall be similar to what is found on residential structures.

g. Materials, Colors, and Textures of Buildings. Use compatible materials, colors, and textures similar to adjacent residential structures.

h. Outdoor Lighting. Any proposed outdoor lighting shall be shielded. The height and location of lighting shall be designed to minimize light spread into adjacent properties and shall be turned off at business closing.

3. Landscape and Buffer. The Planning Commission shall have the authority to direct the placement of landscaping to buffer adjacent properties from adverse effects.

D. Compliance with Zoning Requirements. All new or enlarged structures shall comply with the zoning requirements including but not limited to density, height, building coverage, parking, and setbacks. Structures may combine residential and commercial uses subject to height, setbacks, and density requirements. Parking requirements for the structure shall be the sum of the residential and commercial parking required.

E. Design Review and Application Submittal. In addition to the conditional use application, the following drawings and plans shall be presented as part of the application:

1. A site plan drawn to scale showing the flow and location of parking and the building footprint.

2. Elevation drawings of all sides of the structure and proposed sign.

3. Material sample board indicating type of material and colors to be used on the exterior of the building.

4. A landscape plan (plan view), showing the location of all proposed landscaping, size of plant material, and species.

(Code 1991, §160.098; Ord. No. 3892, §2, 5-16-95)

Use Units Proposed to be Added to the I-PZD (Industrial Planned Zoning District)

M. Unit 13. Eating Places.

1. Description. Unit 13 is established so that eating places can be located as needed without necessarily introducing other commercial uses.

2. Included Uses.

Eating Places, Other Than Drive-Ins, Which Do Not Provide Dancing or Entertainment

N. Unit 14. Hotel, Motel and Amusement Facilities.

1. Description. Unit 14 consists of hotels, motels and certain types of amusement facilities.

2. Included Uses.

Auditorium
Dance Hall
Hotel
Membership Lodge
Motel
Motion Picture Theater
Night Club
Restaurant Providing Dancing and/or Entertainment
Tavern

R. Unit 18. Gasoline Service Station and Drive-In Restaurants.

1. Description. Gasoline service stations and drive-in restaurants can be significantly objectionable to nearby uses, so, therefore, have been allowed only in districts where necessary to provide this use.

2. Included Uses.

Gasoline Service Station
Self-Service Auto Wash (in conjunction with a gasoline service station)
Drive-In Restaurant

T. Unit 20. Commercial Recreation, Large Sites.

1. Description. Unit 20 consists of commercial recreation facilities which are usually conducted out-of-doors, on large sites, and in undeveloped, outlying parts of the City. Uses in the unit have an adverse effect on certain other uses, in that they are often noisy and are large traffic generators.

2. Included Uses.

Amusement Park
Drag Strip
Drive-In Theater
Fairgrounds
Fishing Dock
Go-Cart Track
Golf Range
Miniature Golf
Race Track

Y. Unit 25. Professional Offices.

1. Description. Unit 25 consists of small professional offices that are compatible with medium and high density residential areas.

2. Included Uses.

Doctor's Office (no more than four doctors)
Dentist's Office (no more than four dentists)
Insurance Sales
Studio for Teaching Any of the Fine or Liberal Arts
Photography Studio
Welfare Agencies
Architect
Engineer
Attorney
Accountant

Business or Management Consultant
Realtor
Broker
Interior Decorator
Veterinary Small Animal Out-Patient Clinic

Z. Unit 26. Single-Family Dwellings.

1. Description. Unit 26 is provided in order that single-family detached dwelling may be located in appropriate residential areas.

2. Included Uses.

Single-Family Detached Dwellings

STAFF REVIEW FORM

X Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of November 5, 2002.

FROM:

Tim Conklin	Planning	Urban Development
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for VA 02-5.00 as submitted by The City of Fayetteville for property located at 302 W. Prospect, Fayetteville, Arkansas. The request is to vacate a section of the utility easement as shown and described on the attached map and legal description.

COST TO CITY:

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

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator	Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager	Date		
City Attorney	10-21-02 Date		
Purchasing Officer	Date		

GRANTING AGENCY:

ADA Coordinator	Date		
Internal Auditor	Date		

STAFF RECOMMENDATION: Staff recommended approval and on October 14, 2002 the Planning Commission voted 7-0-0 to recommend the vacation be approved by the City Council.

Division Head	10-18-02 Date	**Cross Reference**
Department Director	10-22-02 Date	New Item: **Yes** **No**
Administrative Services Director	10-24-02 Date	Prev Ord/Res#: _____
Mayor	10/25/02 Date	Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING VA02-5.00 TO VACATE AND ABANDON A SECTION OF UTILITY EASEMENT LOCATED AT 302 W. PROSPECT, CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

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

WHEREAS, the City Council has determined that the following described utility easement is not required for corporate purposes.

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

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

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

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

PASSED AND APPROVED this _____ day of _____, 2002.

APPROVED DRAFT

By_____
Dan Coody, Mayor

ATTEST:

By_____
Heather Woodruff, City Clerk

EXHIBIT "A"

A UTILITY EASEMENT TEN (10) FEET IN WIDTH, BEING PARALLEL AND IN CONTIGUOUS TO THE EAST LOT LINE OF LOT 18, BLOCK 3, WILSON-ADAMS ADDITION, CITY OF FAYETTEVILLE, ARKANSAS, AND SITUATED FIVE (5) FEET EITHER SIDE OF SAID LOT LINE, AS SHOWN ON THE SUBDIVISION PLAT AS RECORDED IN PLAT BOOK 4 AT PAGE 167 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

PC Meeting of October 14, 2002

FAYETTEVILLE

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

Utility Easement Vacation

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
FROM: Matt Casey, Staff Engineer
DATE: October 10, 2002

Project: **VAC 02-05.00: (City of Fayetteville, pp 445)** was submitted by the City of Fayetteville for property located at 302 W. Prospect. The request is to vacate a section of utility easement. The sanitary sewer line that occupied this easement has been relocated since 1984. At that time the easement was not vacated. No other utilities currently occupy this easement. Additional easement will be dedicated to replace the vacated easement. See the attached maps and legal descriptions for the exact locations of the requested easement vacation.

No objections from the adjacent property owners have been submitted to the City.

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

Ozarks Electric - No objections.
Southwestern Electric Power Company - No objections.
Arkansas Western Gas - No objections
SW Bell – No objections.
Cox Communications - No objections.

City of Fayetteville:
Water/Sewer – No objections. "Approved on condition that "new" or replacement easement is provided. New easement will be recorded upon vacation of existing easement."
Street Department - No objections.
Solid Waste - No objections.
Engineering – No objections.

Recommendation: Approval of the proposed utility easement vacation 02-05.00.

PLANNING COMMISSION ACTION: __yes__Required
_____Approved _____Denied

Date: _____

Comments:_____

_____

_____

_____

_____

_____

_____

_____

_____

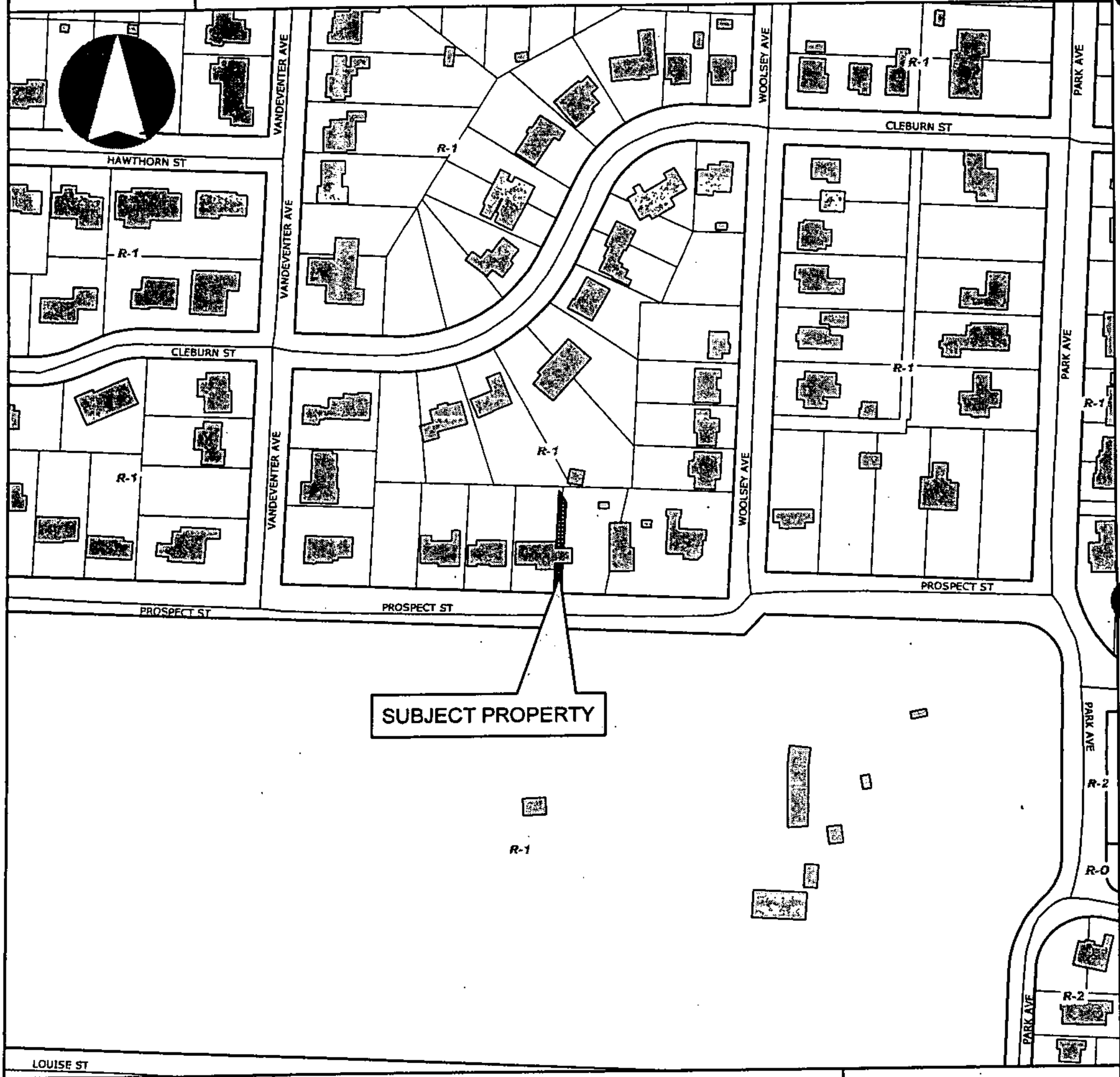
CITY COUNCIL ACTION: __yes___Required
_____Approved _____Denied

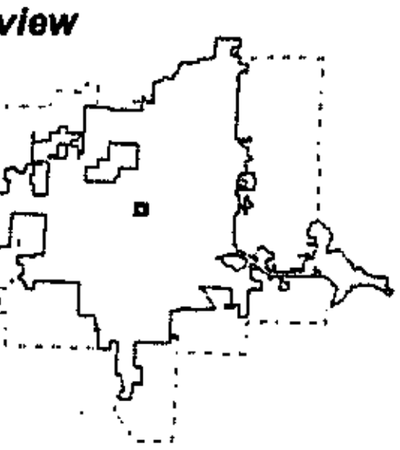
Date: __/__/

VAC02-5.00

Close Up View

302 W. PROSPECT





Legend

Subject Property
VAC02-5.00

Streets
Existing
Planned

Boundary
Planning Area
Overlay District
City Limits
Outside City

Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 75 150 300 450 600
Feet

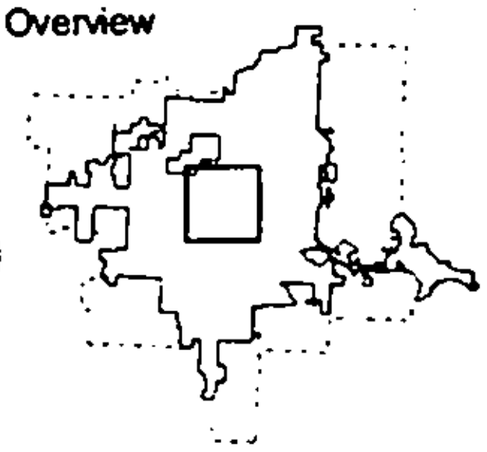
VAC02-5.00

One Mile View

302 W. PROSPECT

SUBJECT PROPERTY

Overview



Legend

Subject Property

VAC02-5.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

Aviles: Good evening everybody, welcome to the October 14, 2002 meeting of your Fayetteville Planning Commission. Renee would you call the roll please?

Roll Call: Upon the completion of roll call there were seven Commissioners present with Commissioners Estes and Ward absent.

VAC 02-5.00: Vacation (City of Fayetteville) (Prospect, pp 445) was submitted by the City of Fayetteville for property located at 302 Prospect. The property is zoned R-1, Low Density Residential and contains approximately 0.28 acres. The request is to vacate the 10' utility easement.

VAC 02-11.00: Vacation (City of Fayetteville) (Sunbest), pp 176) was submitted by the City of Fayetteville for property located at 3868 N. Sunbest. The property is zoned R-1, Low Density Residential and contains approximately 0.25 acres. The request is to vacate the street-right-of-way.

ADM 02-34.00: Administrative Item (NWA Pathology Associates, pp 212) Planning Commission consideration to amend conditions of approval requiring Final Plat of Brookstone Subdivision approval prior to an issuance of a building permit.

Aviles: Thanks Renee. The first item of business tonight is not on the agenda. I would just like to wish Commissioner Hoover a very happy birthday. That shows her tremendous amount of dedication, she is here tonight. On the consent agenda we have four items, we have the approval of the minutes from the September 23rd meeting, we have two vacations, VAC 02-5.00, which is a vacation for the City of Fayetteville at 302 Prospect, VAC 02-11.00 which is also for the City of Fayetteville for property at 3868 N. Sunbest and we have ADM 02-34.00, which is an administrative item for Northwest Arkansas Pathology Associates. That is waiving the requirement of an approval of the Final Plat of the Brookstone Subdivision prior to the issuance of a building permit for the Northwest Arkansas Pathology Associates. Does anybody wish to remove any of these items from the consent agenda on the Planning Commission? Does any member of the public wish to discuss these? Hearing no one, I will go ahead and consider a motion for approval of the consent agenda.

MOTION:

Shackelford: I will make a motion to approve the consent agenda as presented.

Aviles: Thank you. Do I have a second?

Allen: I will second.

Aviles: Renee, would you call the roll please?

Roll Call: Upon completion of roll call the consent agenda was approved by a vote of 7-0-0.

Aviles: Thank you. The motion carries unanimously.

STAFF REVIEW FORM

X Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of November 5, 2002.

FROM:

Tim Conklin	Planning	Urban Development
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for VA 02-11.00 as submitted by The City of Fayetteville for property located at 3868 Sunbest Drive, Fayetteville, Arkansas. The request is to vacate a section of street right-of-way as shown and described on the attached map and legal description.

COST TO CITY:

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

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

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

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	10-21-02 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and on October 14, 2002 the Planning Commission voted 7-0-0 to recommend the vacation be approved by the City Council.

Division Head	10-18-02 Date	**Cross Reference**
Department Director	10-22-02 Date	New Item: **Yes** **No**
Administrative Services Director	10-24-02 Date	Prev Ord/Res#:
Mayor	10/24/02 Date	Orig Contract Date:

ORDINANCE NO. _____

AN ORDINANCE APPROVING VA02-11.00 TO VACATE AND ABANDON A SECTION OF STREET RIGHT OF WAY ON SUNBEST DRIVE, CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

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

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

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

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

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

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

PASSED AND APPROVED this _____ day of _____, 2002.

APPROVED:

By_____
Dan Coody, Mayor

ATTEST:

By_____
Heather Woodruff, City Clerk

EXHIBIT "A"

PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QURTER (NE ¼) OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 30 WEST IN WASHINGTON COUNTY, ARKANSAS, BEING MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 25, THENCE SOUTH 01°12'01"EAST 25.0 FEET; THENCE SOUTH 88°54'28" WEST 449.65 FEET; THENCE NORTH 01°12'01" WEST 25.0 FEET; THENCE NORTH 88°54'28" EAST 449.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.258 ACRE (11,241 SQUARE FEET), MORE OR LESS.

PC Meeting of October 14, 2002

FAYETTEVILLE

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

Street Right-of Way Vacation

TO: **Fayetteville Planning Commission Members**
THRU: **Tim Conklin, City Planner**
FROM: **Matt Casey, Staff Engineer**
DATE: **October 10, 2002**

Project: **VAC 02-11.00: (City of Fayetteville, Sunbest, pp 445)** was submitted by the City of Fayetteville for property located at 3868 N. Sunbest. The request is to vacate a section of street right-of-way. See the attached maps and legal descriptions for the exact locations of the requested right-of-way vacation.

No objections from the adjacent property owners have been submitted to the City.

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

Ozarks Electric - No objections.
Southwestern Electric Power Company - No objections.
Arkansas Western Gas - No objections
SW Bell – No objections.
Cox Communications - No objections.

City of Fayetteville:
Water/Sewer – No objections.
Street Department - No objections.
Solid Waste - No objections.
Engineering – No objections.

Recommendation: Approval of the proposed right-of-way vacation 02-11.00.

PLANNING COMMISSION ACTION: __yes__ **Required**
_____ **Approved** _____ **Denied**

Date: _____

Comments: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

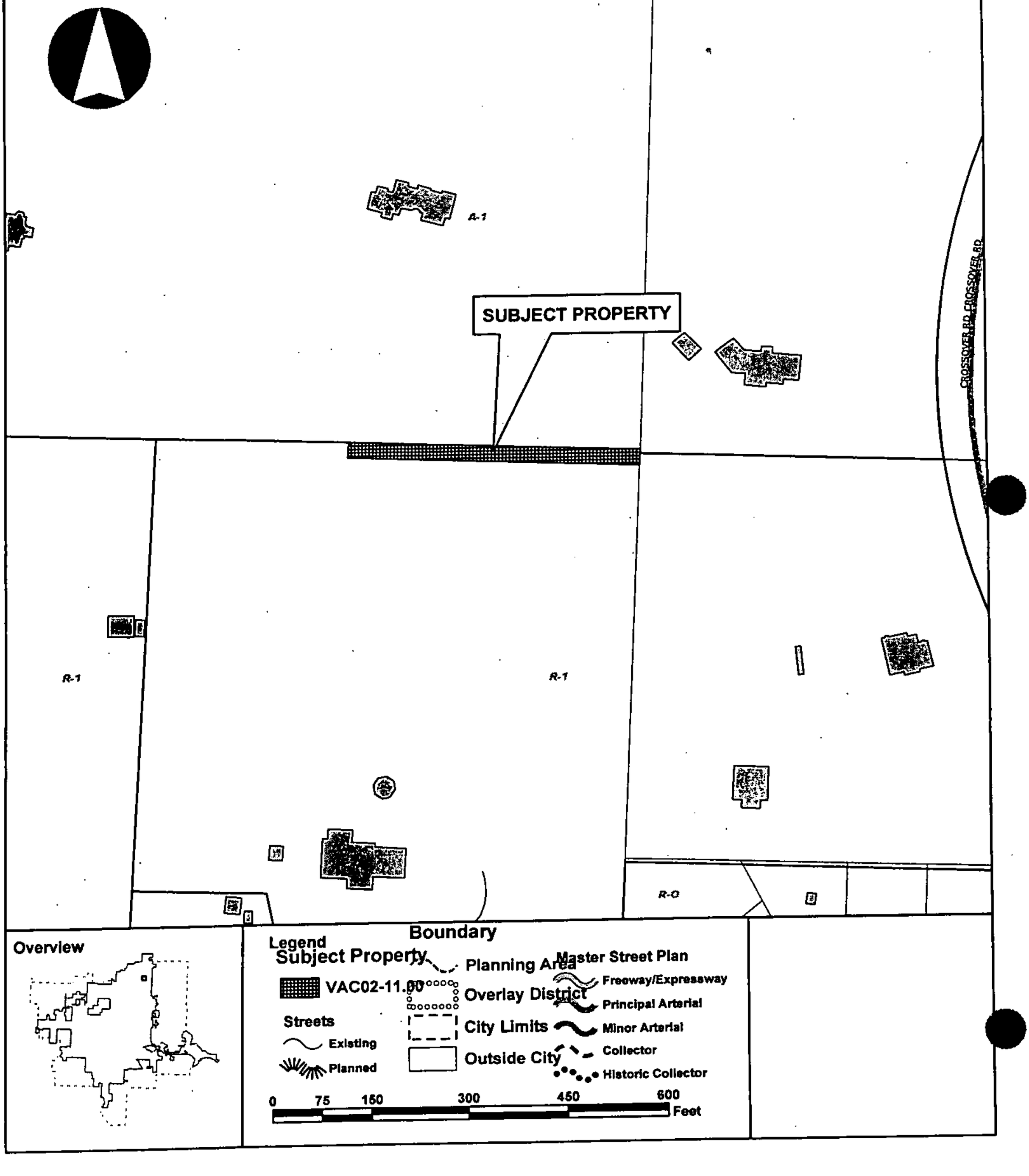
CITY COUNCIL ACTION: __yes__ **Required**
_____ **Approved** _____ **Denied**

Date: __/__/__

VAC02-11.00

Close Up View

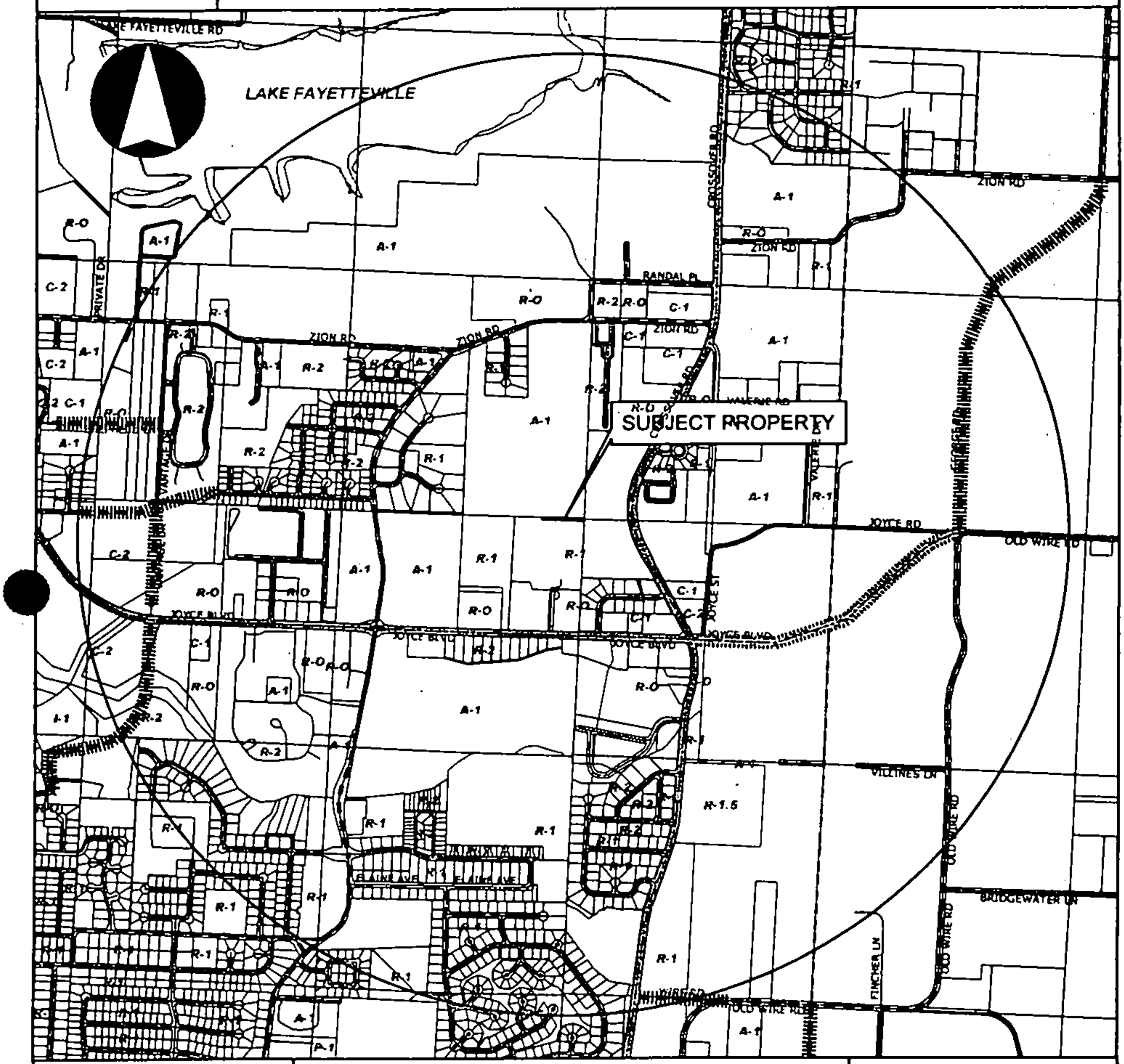
SUNBEST



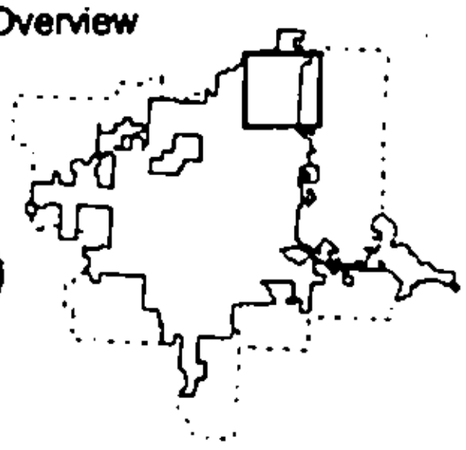
VAC02-11.00

One Mile View

SUNBEST



Overview



Legend

Subject Property

VAC02-11.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

Aviles: Good evening everybody, welcome to the October 14, 2002 meeting of your Fayetteville Planning Commission. Renee would you call the roll please?

Roll Call: Upon the completion of roll call there were seven Commissioners present with Commissioners Estes and Ward absent.

VAC 02-5.00: Vacation (City of Fayetteville) (Prospect, pp 445) was submitted by the City of Fayetteville for property located at 302 Prospect. The property is zoned R-1, Low Density Residential and contains approximately 0.28 acres. The request is to vacate the 10' utility easement.

VAC 02-11.00: Vacation (City of Fayetteville) (Sunbest), pp 176) was submitted by the City of Fayetteville for property located at 3868 N. Sunbest. The property is zoned R-1, Low Density Residential and contains approximately 0.25 acres. The request is to vacate the street-right-of-way.

ADM 02-34.00: Administrative Item (NWA Pathology Associates, pp 212) Planning Commission consideration to amend conditions of approval requiring Final Plat of Brookstone Subdivision approval prior to an issuance of a building permit.

Aviles: Thanks Renee. The first item of business tonight is not on the agenda. I would just like to wish Commissioner Hoover a very happy birthday. That shows her tremendous amount of dedication, she is here tonight. On the consent agenda we have four items, we have the approval of the minutes from the September 23rd meeting, we have two vacations, VAC 02-5.00, which is a vacation for the City of Fayetteville at 302 Prospect, VAC 02-11.00 which is also for the City of Fayetteville for property at 3868 N. Sunbest and we have ADM 02-34.00, which is an administrative item for Northwest Arkansas Pathology Associates. That is waiving the requirement of an approval of the Final Plat of the Brookstone Subdivision prior to the issuance of a building permit for the Northwest Arkansas Pathology Associates. Does anybody wish to remove any of these items from the consent agenda on the Planning Commission? Does any member of the public wish to discuss these? Hearing no one, I will go ahead and consider a motion for approval of the consent agenda.

MOTION:

Shackelford: I will make a motion to approve the consent agenda as presented.

Aviles: Thank you. Do I have a second?

Allen: I will second.

Aviles: Renee, would you call the roll please?

Roll Call: Upon completion of roll call the consent agenda was approved by a vote of 7-0-0.

Aviles: Thank you. The motion carries unanimously.

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council Meeting of: November 5, 2002

FROM:

Marsha Farthing	Accounting and Audit	Administrative Services
Name	Division	Department

Staff is seeking Council approval of a City of Fayetteville Debt Management Policy.

COST TO CITY:

No costs	$ -	
Cost of this request	Category/Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager	10-17-02 Date	Administrative Services Director	Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager	10/17/02 Date	Internal Auditor	10/17/02 Date
City Attorney	10/17/02 Date	ADA Coordinator	Date
Purchasing Manager	10/18/02 Date	Grant Coordinator	Date

STAFF RECOMMENDATION:

Division Head	Date		
Department Director	Date		
Administrative Services Director	10/21/02 Date		
Mayor	10/21/02 Date		

Cross Reference

New Item: Yes No

Previous Ord/Res#: ____

Orig. Contract Date ____

Orig. Contract Number ____

Staff Review Form - Page 2

Description _____ Meeting Date November 5, 2002

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Dan Coody, Mayor and all Department Directors

Thru: Steve Davis, Administrative Services Director

From: Marsha Farthing, Accounting Manager

Date: October 11, 2002

Subject: Debt Policy

The City of Fayetteville has never formally adopted a Debt Management Policy. A formal debt policy will help provide a foundation for a well-managed debt program. The policy should help guide officials and staff through difficult decisions and promote achievement of the City's financial objectives.

The draft of a debt policy for the City is being submitted for your review and comments. After the policy has been reviewed and approved by the Mayor and Department Directors, it will be submitted to the City Council for their approval, hopefully by the Nov. 5th agenda. Please return your comments by Friday October 18th. Thank you for your help.

CITY OF FAYETTEVILLE, ARKANSAS
DEBT MANAGEMENT POLICY
OCTOBER 11, 2002

PURPOSE

The Debt Management Policy set forth is to provide guidelines for the timing and structuring of the issuance of debt for capital and infrastructure improvements while minimizing the impact of the debt on current revenues. The primary objective of this policy is to establish conditions for the use of debt to minimize the City's debt service and issuance costs, retain the highest possible credit rating, and to ensure full debt financial disclosure and reporting.

DEBT MANAGEMENT COMMITTEE

This policy establishes a Debt Management Committee. The committee shall be comprised of the Mayor, the Administrative Services Director, the Budget Manager, the Accounting Manager, and one other Department Director. The responsibilities of the committee shall be to:

1. Meet annually to consider the need for debt financing and as needed for special debt issue assessments.

2. To review the provisions of ordinances authorizing the issuance of debt obligations and to meet as necessary in preparation for a financing.

3. To review changes in state and federal legislation pertaining to debt financings and to update the debt policy as needed.

4. To serve on the selection committee for the financial advisor, the bond counsel and for underwriting services.

GENERAL/LONG TERM DEBT POLICY

The City shall consider issuance of debt obligations such as general obligation bonds, revenue bonds, and special assessment bonds using the following general guidelines.

1. In general, the City will rely on a "pay-as-you-go" program using internally generated funds, grants, or contributions to finance its capital projects. Long-term general obligation or revenue bonds may be issued to finance significant capital improvements. Issuing general obligation bonds requires voter authorization. Revenue bonds may be issued in response to public need without voter authorization. Debt shall be issued for a capital project only if there is an immediate need to meet or relieve capacity needs, to achieve a fair

allocation of costs between current and future beneficiaries or users, or in the case of an emergency.

2. In general, a resolution of intent to issue bonds authorizing staff to proceed with preparations should be presented for the consideration of the City Council when the capital budget is presented.

3. The capital project requiring debt financing, to the extent applicable, should be included in the City's five-year capital improvement program and the project should have a projected life that will be equal to or exceed the term of the financing. Modifications to the capital improvement plan that include the issuance of debt may be submitted to the City Council for approval after the Council has received a report of the impact of the contemplated borrowing on the existing capital improvement plan.

4. The General Fund and Street Fund supported debt service shall not exceed 10% of annual general revenues and road tax revenues and the principle amount of General Fund and Street Fund supported debt shall not exceed 5 % of the assessed value of taxable property in the City, except under catastrophic or emergency conditions.

5. The project shall have designated revenues sufficient to service the debt.

6. Trends in interest rates are favorable for debt financing.

7. A capital project or combination of projects, requiring debt financing of $5,000,000 or more in any given year, shall be sufficiently planned to meet the two year spend down requirement under arbitrage legislation with exception to complex projects that cannot be completed within two years.

8. Long-term debt financing is not considered appropriate for any recurring purpose such as current operating and maintenance expenditures.

9. Outstanding short-term debt and Amendment 78 debt obligations combined shall not exceed 5% of the City's taxable real property.

SHORT-TERM DEBT

Short-term debt that is expected to be repaid in less than twelve months can include tax anticipation notes, revenue anticipation notes, tax and revenue anticipation notes, bond anticipation notes, and grant anticipation notes. The City shall consider issuance of short-term debt obligations using these additional guidelines.

1. Interim short-term financing may be appropriate for projects when interest rates are expected to decline in the future and the City intends to refund the debt and replace it with long-term financing.

2. When the amount of financing required in the immediate future is relatively small it may be more cost efficient to issue short-term debt.

3. Funding sources for repayment of short-term debt, such as a pledge of tax or revenues, shall be identified.

CAPITAL LEASES

The City shall consider entering into capital leases using these additional guidelines.

1. The cost to the City will generally be higher in a lease purchase agreement than purchasing the asset outright. The City will evaluate the usage of capital leases on a case by case basis and will go forward when the analysis is demonstrably favorable to the City.

2. If a capital lease option is approved, a tax exempt rate shall be sought. The City shall seek to obtain at least three competitive proposals for any major lease financing. The purchase price of the equipment shall be competitively bid as well as the financing costs. The net present value of the competitive bids shall be compared, taking into account whether payments are made in advance or in arrears, and how frequently payments are made.

3. Repayment of the lease/purchase obligation shall occur over a period not to exceed the useful life of the asset or in any case longer than 5 years.

4. Interest rates in the lease/purchase agreement will not exceed those allowable by state law.

5. The advice of the City's bond counsel and/or a financial advisor shall be obtained in any leasing arrangement.

DEBT REFUNDING

The City shall consider refunding debt when there is a potential for net present value savings of generally at least 3% of the principal being refunded or when the refunding is essential to modernize covenants or for reasons essential to the efficient operations and management of the City.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE CITY OF FAYETTEVILLE DEBT MANAGEMENT POLICY

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the City of Fayetteville Debt Management Policy attached as Exhibit "A".

PASSED and **APPROVED** this the 5th day of November, 2002.

APPROVED:

By: DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council Meeting of: November 5, 2002

FROM:

Marsha Farthing	Accounting and Audit	Administrative Services
Name	Division	Department

Staff is seeking Council approval of the use of the Replacement Fund to accumulate funds for the $10,000 and under vehicles and machinery for governmental funds of the City. Staff is also requesting approval of a required reserve in the Replacement Fund of $3,000,000.

COST TO CITY:

No costs	$ -	
Cost of this request	Category/Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

	10-17-02		
Budget Manager	Date	Administrative Services Director	Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing	10/17/02	Nancy Smith	10/17/02
Accounting Manager	Date	Internal Auditor	Date
Need Ordinance see note/	10/17/02		
City Attorney	Date	ADA Coordinator	Date
	10/18/02		
Purchasing Manager	Date	Grant Coordinator	Date

STAFF RECOMMENDATION:

Division Head	Date
Department Director	Date
Administrative Services Director	10-21-02 Date
Mayor	10/21/02 Date

Cross Reference

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

Previous Ord/Res#: _____

Orig. Contract Date _____

Orig. Contract Number _____

Staff Review Form - Page 2

Description _____ Meeting Date November 5, 2002

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

An ordinance will need to be passed if you seek ANY change in the underlying ordinance. The previously passed Resolutions do not legally control an ordinance.

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Steve Davis, Interim Administrative Services Director

From: Marsha Farthing, Accounting Manager

Date: October 11, 2002

Subject: Replacement Fund

The Fayetteville City Council established a "Vehicle and Maintenance Equipment Replacement Fund through the adoption of Ordinance 1085 dated June, 1955 (please see attachment). The fund was to be used for the accumulation of funds for the replacement of depreciated and obsolete vehicles and other maintenance equipment for all departments of the City except Water and Sewer. The Ordinance further states that the appropriations to the fund shall not be diverted by City Council except in the event of an emergency. Emergency is defined as "a sudden, unexpected and unforeseen condition or occurrence in municipal affairs of such public gravity and exigency as to require forthwith municipal action, and does not mean expediency, convenience, or best interests".

The fund functioned and accumulated monies in this manner through 1973. The availability of a federal revenue sharing program eliminated the need for the continued accumulation of funds from 1975 through 1981. In 1982, the City reactivated the fund due to the elimination of the revenue sharing program.

The fund has been viewed as a "disaster recovery" fund since the establishment of the Shop Fund which has purchased virtually all City vehicles and related equipment since 1982. For more in depth details of the history of this fund see the attached letter dated June 26, 1992.

A change in internal policy has created the need to activate this fund. Replacement funds for vehicles and machinery, such as trailers and motorcycles, that cost $10,000 or under will now need to be budgeted and accumulated outside of the Shop Fund. The expenses for this equipment will be budgeted in each City division that has the need. City staff recommends the Replacement Fund as the best place to accumulate these funds to replace the $10,000 and under equipment for divisions in Governmental type funds.

At year end 2001, the Replacement Fund had a designated fund balance of $4,181,665. City staff proposes restricting $3,000,000 of that amount for disaster recovery. All other

monies in the fund, including interest earnings from the $3,000,000, will be used to replace vehicles and equipment.

Staff is seeking the City Council's approval to activate the Replacement Fund and to restrict $3,000,000 of the Replacement Fund Balance for disaster recovery.

ORDINANCE NO. 1085

AN ORDINANCE APPROPRIATING $1,400.00 MONTHLY FROM GENERAL REVENUES FOR THE PURPOSE OF PROVIDING FUNDS FOR THE MAINTENANCE AND REPLACEMENT OF VEHICLES AND MAINTENANCE EQUIPMENT WITHIN THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, ARKANSAS, AND FOR OTHER PURPOSES.

WHEREAS, it is the desire of the City Council of the City of Fayetteville, Arkansas, to create a cash fund for the purpose of replacing depreciated and obsolete vehicles and other maintenance equipment used by all departments of the City except the [redacted] Sewer, and Water Departments,

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

Section 1. That there is hereby appropriated from the general revenue funds of the City of Fayetteville, the sum of One Thousand Four Hundred Dollars ($1,400.00) per month to be credited to a fund which is hereby designated as the "Vehicle and Maintenance Equipment Replacement Fund," for the purpose of providing funds for the replacement of depreciated and obsolete vehicles and other maintenance equipment used by all departments of the City, except the [redacted] Sewer and Water Departments.

Section 2. That each and every month, from and after the passage and approval of this ordinance, until terminated by appropriate action of the City Council, there shall be appropriated from the general revenue funds of the City of Fayetteville, the sum of One Thousand Four Hundred Dollars ($1,400.00) per month which shall be credited to the "Vehicle and Maintenance Equipment Replacement Fund" for the purposes set forth in Section 1 hereof.

Section 3. That the City Council may at any time hereafter direct the deposit of the funds credited to the "Vehicle and Maintenance Equipment Replacement Fund", as a general deposit in any bank or banks of this City, either in a checking or savings account; or the investment of said funds in bonds which are the direct obligations of or the principal and income of which are unconditionally guaranteed by the United States of America.

Section 4. That all revenues and expenditures from the "Vehicle and Maintenance Equipmeht Replacement Fund" shall be accounted for independently of other funds.

Section 5. That the appropriations hereinabove authorized shall not be diverted by the City Council except in the event of emergency. For the purposes of this section "emergency" shall be defined as a sudden, unexpected and unforeseen condition or occurence in municipal affairs of such public gravity and exigency as to require forthwith municipal action, and does not mean expediency, convenience, or best interests.

Section 6. For the purposes of this ordinance, "vehicle and maintenance equipment" shall mean any and all major items of equipment vehicles all departments of the city, except the Sewer and Water [redacted] used by [redacted] Departments of the City of Fayetteville, Arkansas.

MICROFILMED
DATE 10-1-84 19
REEL 123

Section 7. All ordinances or parts of ordinances in conflict h
hereby repealed and this ordinance shall take effect and be in full f
from and after its passage and approval.

PASSED AND APPROVED THIS 20 DAY OF JUNE, 1955.

ROY A. SCOTT, Mayor

ATTEST:

J. W. McGEHEE, City Clerk

RESOLUTION NO. 4-64

A RESOLUTION ESTABLISHING A REPLACEMENT FUND FOR THE CITY OF FAYETTEVILLE, ARKANSAS; PROVIDING FOR THE REPLACING OF MONEYS USED FROM A REPLACEMENT FUND; FIXING THE RESPONSIBILITY FOR UTILIZING A REPLACEMENT FUND; PROVIDING A BUDGET FOR A REPLACEMENT FUND; AND FOR OTHER PURPOSES..

WHEREAS, the City of Fayetteville has a substantial investment in vehicles and machinery that is used by the various departments of the City, and

WHEREAS, the replacement of vehicles and machinery is a major financial problem in the operations of the City of Fayetteville, and

WHEREAS, Ordinance Number 1085, passed and approved June 20, 1955, provides a "Vehicle and Maintenance Equipment Replacement Fund", which is inadequate for today's needs, and

WHEREAS, Ordinance Number 1382, passed and approved January 13, 1964, provides for the establishment of funds;

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

SECTION 1. That there is hereby appropriated from the unappropriated surplus of the General Fund the sum of $ 15000.00, from the unappropriated surplus of the Public Works Fund the sum of $ 2590.00, and from the unappropriated surplus of the Shop Fund the sum of $ 540.00, all of which to be credited to a fund which is hereby designated as the "Replacement Fund", for the purpose of providing funds for the replacement of vehicles and machinery used by all department of the City.

SECTION 2. That each and every month from and after the passage and approval of this resolution, until terminated by appropriate action of the City Council, there shall be appropriated from the General Fund the sum of $ 1000.00 per month, from the Public Works Fund the sum of $ 800.00 per month, and from the Shop Fund, the sum of $ 25.00 per month, all of which shall be credited to the "Replacement Fund", for the purpose set forth in Section 1 hereof.

SECTION 3. Expenditures from the Replacement Fund shall be made by resolution passed and approved by the City Council in special or regular session and only for the replacement of vehicles and machinery listed on the schedule which is attached and hereby made a part of this resolution as Exhibit 1.

Resolution No. 4-64 - 2 -

SECTION 4. A new schedule of vehicles and machinery and a budget for the Replacement Fund shall be prepared and submitted to the City Council at the same time, in and same manner, and subject to any and all rules and regulations governing the preparation and submission of the annual budget.

SECTION 5. The money in the Replacement Fund shall be continuously invested and reinvested by the City Controller in direct obligations of, or obligations, the principal of and interest on which are unconditionally guaranteed by the United States Government.

SECTION 6. The accounting records of the Replacement Fund shall be maintained by the Department of Finance on the cash basis.

ADOPTED: February 10, 1964.

APPROVED:

GUY E. BROWN, MAYOR

ATTEST:

GEORGE J. DAVIS, CITY CLERK

TO: Ben R. Mayes, Administrative Services Director

FROM: Brian Swain, Financial Analyst

DATE: June 26, 1992

RE: **Replacement Fund**

On February 10, 1964, the Fayetteville City Council established a Replacement Fund for the City through the passage of Resolution 4-64 (please see attachment). The primary purpose for this Fund was to provide for the replacement of vehicles and machinery used by all departments of the City. Other aspects of the original resolution included: establishment of a mechanism to provide for operating resources for the Replacement Fund, establishment of a method to be utilized for expending Replacement Fund monies, and a provision that would cause the money in the Replacement Fund to be invested to ascertain continuing revenue from investments.

The Replacement Fund continued to function in much the same manner as was originally outlined in Resolution 4-64, through 1973. It is my understanding that a decision was made to eliminate the operating transfers to the Replacement Fund following 1974 due to the availability of federal revenue sharing, which was utilized to assist with both capital and operating expenses. Thus, the only source of revenue for the Replacement Fund from 1975-1981 was investment earnings. During that time frame the Fund remained inactive for all intents and purposes.

In 1982, the City re-initiated the contribution of operating transfers to the Replacement Fund, which was necessary due to the elimination of federal revenue sharing. The City has since, though, chosen not to utilize the Replacement Fund for capital purchases. The only variance from this occurred in 1987 when the Board of Directors approved a loan from the Replacement Fund to the General Fund to facilitate the purchase of an aerial pumper/ladder fire truck (please see attached minutes). This loan was subsequently paid back over a three year period, with interest.

Since 1982, the philosophy espoused by the City management and the Board of Directors has been essentially that the Replacement Fund should be regarded as a "disaster recovery" fund, which would be utilized in the event of an emergency situation in the City. This has been made possible primarily due to the initiation of a motor pool concept that provides

for the purchase of virtually all City vehicles and equipment through the Shop Fund.

Basically, the Replacement Fund has had no expenditure activity during the past twenty years. In the meantime, the Fund has built a reserve of slightly over $2 million. There could obviously be varying opinions as to whether there is a continuing need for increasing the current reserve of the Fund. In my research, I have been unable to locate any documentation that amends the original 1964 resolution or outlines an adopted policy regarding the Replacement Fund. Based on this lack of documentation, I would recommend that further study be done regarding this situation. Such study would likely entail the development of a policy that could be presented to the Board of Directors for consideration, which would carefully outline guidelines regarding the use and funding of the Replacement Fund.

Finally, in order to provide you with additional information, I have attached a summary schedule that detail all revenue, expenditure, and change in fund balance information for the Replacement Fund since inception. In addition, please find a schedule which describes all purchases made by the Replacement Fund, by year. If you should have any questions, or require further information regarding this matter, please feel free to contact me. Thank you.

BTS/bts

CITY OF FAYETTEVILLE, ARKANSAS
REPLACEMENT FUND HISTORY
10/11/02

Year	Expenses	Operating Fund Transfer In	Investment Earnings	Sales Tax Revenue	Other Revenue	Fund Balance Jan. 1	Fund Balance Dec. 31	
2002 YTD	500		123,647			4,181,665	4,304,812	YTD
2001	500		223,921			3,958,244	4,181,665	
2000	500		252,896			3,705,848	3,958,244	
1999	500	76,500	172,557			3,457,291	3,705,848	
1998	550	76,500	182,102			3,199,239	3,457,291	
1997	550	76,500	170,048			2,953,241	3,199,239	
1996	550	76,500	160,428			2,716,863	2,953,241	
1995	550	76,500	163,268			2,477,645	2,716,863	
1994	550	76,500	98,380			2,303,315	2,477,645	
1993	522	76,500	62,147			2,165,190	2,303,315	
1992	522	76,500	69,587			2,019,625	2,165,190	
1991	510	65,680	114,791			1,839,664	2,019,625	
1990	632	65,680	136,652			1,637,964	1,839,664	
1989	399	112,313	130,068			1,395,982	1,637,964	
1988	263	112,316	79,620		30	1,204,279	1,395,982	
1987	262	107,993	68,285			1,028,263	1,204,279	
1986	29	107,993	63,897			856,402	1,028,263	
1985	174	98,175	66,575			691,826	856,402	
1984	335		62,044	93,500		536,617	691,826	
1983	418		42,341	85,000		409,694	536,617	
1982	150	85,000	42,710			282,134	409,694	
1981	100		38,776			243,458	282,134	
1980			25,123			218,335	243,458	
1979			17,561			200,774	218,335	
1978			12,913			187,861	200,774	
1977			11,539			176,322	187,861	
1976			11,273			165,049	176,322	
1975			10,905			154,144	165,049	
1974		30,500	7,528			116,116	154,144	
1973	16,799	46,600	3,981		5,402	76,932	116,116	
1972	67,969	46,600	2,919			95,382	76,932	
1971	19,210	46,600	2,965		3,100	61,927	95,382	
1970	89,183	72,560	3,823		9,097	65,630	61,927	
1969	54,403	40,480	3,853		8,745	66,955	65,630	
1968	33,613	47,200	1,444			51,924	66,955	
1967	42,086	46,100	1,114			46,796	51,924	
1966	18,516	42,300	871			22,141	46,796	
1965	13,524	19,900	50			15,715	22,141	
1964	8,267	23,982				0	15,715	

Notes:

1) operating transfers in were initially made from: General Fund, Shop Fund, and Public Works Fund. From 1975-1981 no operating transfers resources were received. The operating transfers received in 1982 and beyond are from the General Fund.

2) the sales tax revenue in 1983-84 reflects the direct receipt of County Sales Tax monies.

3) the other revenue received is primarily due to the sale or trade of vehicles and equipment.

4) expenses in 1981 and beyond are primarily for audit related expenses.

5) In 1987, the Replacement Fund loaned the General Fund approximately $230,000 to facilitate the purchase of an aerial pumper/ladder fire truck. The loan was repaid, with interest, through 1991.

6) stopped transfers in from General Fund in 2000.

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO. 1085 AND ESTABLISHING A REPLACEMENT AND DISASTER RECOVERY FUND

WHEREAS, Ordinance No. 1085 was passed on June 20, 1955, and established the Vehicle and Maintenance Equipment Replacement Fund and required $1,400.00 to be deposited monthly into this fund; and

WHEREAS, the Vehicle and Maintenance Equipment Replacement Fund currently has a designated fund balance of about $4,181,665.00; and

WHEREAS, $3,000,000.00 of this fund should be reserved in an account entitled "Disaster Recovery Account" so that the City will have substantial available resources if a disaster befalls our city; and

WHEREAS, this $3,000,000.00 and the remaining $1,181,665.00 balance should be transferred to a new fund designated as the Replacement and Disaster Recovery Fund.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals Ordinance No. 1085 and establishes a new fund "Replacement and Disaster Recovery Fund" into which all moneys from the "Vehicle and Maintenance Replacement Fund" shall be transferred.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby designated $3,000,000.00 of the Replacement and Disaster Recovery Fund to be reserved and not dispersed until and unless the City Council determines by Resolution that a disaster or emergency requiring use of those funds has occurred. As soon as feasible after any such disbursement of funds from the Replacement and Disaster Recovery Fund, these funds should be restored to bring the Replacement and Disaster Recovery Fund up to the Three Million Dollar ($3,000,000.00) fund balance.

DRAFT

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby adopts the policy attached as Exhibit "A" for the use and disposition of funds within the Replacement and Disaster Recovery Fund in excess of the Three Million Dollars ($3,000,000.00) reserved disaster or emergency amount.

PASSED and **APPROVED** this the 5th day of November, 2002.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT A

CITY OF FAYETTEVILLE, ARKANSAS
POLICY AND PROCEDURE

SUBJECT:	**Vehicles & Equipment that cost less than $10,000**
NUMBER:	MP-5
EFFECTIVE DATE:	January 1, 2003
REVISIONS:	

MP-5.0 PURPOSE:

The purpose of this directive is to establish policy and procedures for the purchase, replacement, insurance costs, license fee, repairs and maintenance of items that cost $10,000 or less currently on the motor pool schedule. These items will be removed from the motor pool schedule. All items meeting this criteria will become the property of the division in possession of the equipment. Fleet operations will no longer charge nor track this equipment through motor pool. The division in possession of this equipment will be responsible for budgeting these items in their operational funds.

MP-5.1 POLICIES & PROCEDURES:

A. Replacement of Equipment:

1. The user Division is responsible for accumulating replacement costs. A replacement expense account will be set up for each division by the Accounting Manager to capture replacement costs. The money recorded in the account, on an annual basis, may be unexpended amounts at the end of the year or a budget transfer from operations throughout the year. To allow Division Heads a beginning list for maintaining records and schedules, Fleet Operations will provide a listing of equipment indicating purchase price and the projected year of replacement. Stranded capital cost will be left in the Shop Fund and the receiving division will not be billed.
2. When replacing equipment, the Division must follow Purchasing Policy for bid procedures, bid openings, etc. Bid specifications will be cleared through Fleet Operations to maintain consistency and interchangeability. An equipment or fixed asset number will be assigned to each unit for tracking purposes by the Fleet Operations Division. A separate replacement schedule will be developed for each division during the City's annual budget to determine the current year replacement schedule and funding requests.
3. When replacement costs for equipment (that *originally* cost less than $10,000) exceeds $10,000, the Division will pay the first $10,000 and Fleet Operations will pay the difference. The equipment will then be placed on the motor pool schedule and the division will be charged monthly motor pool and replacement costs. Equipment replacement costs that are $10,000 or less will remain with the division that has possession.
4. Items will not be removed from the vehicle inventory list that Fleet Operations maintains. When a division receives approval to buy an item under $10,000, they

receiving division. The receiving division will be responsible for adding the transferred equipment to the Hansen system and removing it from its home division.

APPROVAL: _____
Mayor

_____
Date

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council Meeting of: November 5, 2002

FROM:

Marsha Farthing	Accounting and Audit	Administrative Services
Name	Division	Department

Staff is seeking Council approval of a policy to set a minimum General Fund Balance requirement.

COST TO CITY:

No costs	$ -	
Cost of this request	Category/Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

	10-17-02		
Budget Manager	Date	Administrative Services Director	Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing	10/17/02	Nancy Smith	10/17/02
Accounting Manager	Date	Internal Auditor	Date
	10/17/02		
City Attorney	Date	EDA Coordinator	Date
	10/18/02		
Purchasing Manager	Date	Grant Coordinator	Date

STAFF RECOMMENDATION:

Division Head	Date	Cross Reference
		New Item: Yes No
Department Director	Date	Previous Ord/Res#:
	10-21-02	Orig. Contract Date
Administrative Services Director	Date	Orig. Contract Number
	10/24/02	
Mayor	Date	

Staff Review Form - Page 2

Description _____ Meeting Date November 5, 2002

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Manager

ADR Coordinator

Internal Auditor

Grants Coordinator

DEPARTMENTAL CORRESPONDENCE

To: Steve Davis, Interim Administrative Service Director

From: Marsha Farthing, Accounting Manager

Date: October 11, 2002

Subject: General Fund Reserve Fund Balance

In the past the City of Fayetteville has had an informal policy of keeping unreserved General Fund Balance at an amount equal to 60 days of annual expenditures. Maintaining a minimum fund balance protects the City from unforeseen economic downturns and will help provide sufficient liquidity in such times. The financial presentations made to City Council by staff over the past year and one half have been based on a 60 day retention of General Fund Balance. The provision (60 days of expenditures in unrestricted cash and investments) is a requirement of the City's Water and Sewer Bond issues.

Adopting a formal policy is a recommended practice of the Governmental Finance Officers Association (GFOA) and other organizations including credit rating agencies (see attachments). The Administrative Services staff is recommending adopting a formal policy to maintain unreserved General Fund Balance at 60 days of annual regular general fund operating expenditures or $3,000,000, whichever is greater. Only by City Council approval would staff be allowed to reduce General Fund Balance below this level.

Moody's Investors Service
Municipal Credit Research

February 2002

Contact	Phone
New York	
John Incorvaia	1.212.553.0501
Bill Leech	1.212.553.4132
Linda Hird Lipnick	1.212.553.1617

Your General Fund Balance - One Size Does Not Fit All !

Special Comment

This special comment provides a broad overview of Moody's approach to General Fund balance analysis.

Questions relating to fund balances are probably the most frequent of all questions asked to a credit analyst. However, fund balance is only one part of the financial analysis, and finances only one of many factors considered in the rating. Financial health is also not just focused on General Fund balance, but the financial integrity of all funds. For the purpose of this comment, however, we will focus solely on General Fund balance, or reserves. *For a more encompassing overview of Moody's Financial analysis please refer to Moody's Special Comment, "Moody's Approach To Local Government Financial Analysis" dated January 2002.*

A municipality's prudent fiscal policies should include some plan or policy related to reserves. The accumulation of prudent reserves in more favorable economic times could be a resource to sustain communities in the inevitable downturn. Moody's believes that operating reserves (or fund balance) is not only a prudent fiscal management tool, but also an important credit factor in the analysis of financial flexibility.

continued on page 3

Your General Fund Balance, One Size Does Not Fit All!
Special Comment

Need for Reserves

Recessions have demonstrated how municipal budgets can be hurt by declines in economically sensitive revenues (e.g., sales taxes, income taxes, interest income, and bed taxes), and unanticipated cuts in state revenue sharing funds. Additional factors of an even more unpredictable nature can also drain budgets. These have typically been associated with natural disasters such as hurricanes, earthquakes, and floods.

Some have learned from these economic cycles and natural disasters and have established separate funds, or reserves, sized to their needs. Others continue to flounder amid the vagaries in these cycles and events. The former speaks to strong management, while the latter leaves a community open to the whims of self-serving political officials.

Factors Influencing Accumulation of Reserves

Pressures, which may impact the level of reserves that can be accumulated, include: statutory limitations, political pressure (e.g. concern of re-election), resident sensitivity, unions, and operating or capital needs. Reserves are not to be viewed as competing or contradictory to these limitations, but as a means of helping municipalities achieve these as well as other ends.

Benefits of Maintaining Adequate Reserves

Maintaining adequate reserves has several internal and external benefits. Internally, reserves can provide for cash flow needs until major revenues are received, reducing or eliminating the need for cash flow borrowing; provide funds to leverage state or federal grants; and provide for the unexpected. Externally, reserves tend to be viewed favorably by investors, rating agencies, and local banks with which a municipality does business, thus benefiting ratings and the potential need for lines of credit.

How Much is Enough?

Administrators struggle to determine the reserve amount that would be universally accepted by investors, residents, rating agencies, and governing officials. In truth, no figure can satisfy all these concerns given their varied interests. The level of reserves should be predicated on items such as cyclical vulnerability of revenue streams, likelihood of natural disasters, and volatility of expenditure items (e.g. Medicaid, Social Services, Health Care).

Depending on which vulnerabilities are more significant in each situation, should dictate whether to utilize a number of days of operating expenses, or a flat percentage in formulating reserve levels. In the former case a minimum of one to two months of operating expenses is considered reasonable, while in the latter instance a minimum level of between 5% to 10% should targeted. However, determining which end of the spectrum is best suited to a municipality's needs must be governed by the sensitivity of revenue streams and the potential for natural disasters or other unforeseen budget fluctuations.

Other factors that should be included in the final determination of reserve balances are: the level of budgetary fixed costs, the amount of non-voted debt supported by traditional operating funds, historical delays in adoption of state budgets, proximity to operating limits, other statutory limitations on revenues, and timing on reception of major revenue sources. In these situations, greater reserves should be considered.

Formal Policy or Targeted Goal?

Many municipalities have inquired whether reserves, or General Fund balance, should be governed by formal policy (ordinance, inclusion in local charters), or could targeted levels suffice.

Moody's analysis considers the formality of reserve policies, and the more formal policies are viewed more favorably because they minimize political considerations of adequate reserve levels and keep the municipalities more focused on providing structural balance in their operations, with less dependence on one-time reserves. There have been instances where a municipality has demonstrated a long-term adherence to more informal policies, or targets, which Moody's has felt comfortable relying upon. But more often than not, informal policies have been associated with uneven long-term financial performance. Formal policies, when part of a comprehensive financial management program, can be an effective operating tool.

How "Real" is Your Fund Balance?

There are fund balances and there are fund balances. Sometimes targets or policies are predicated on total balances that include questionable items such as reserves for encumbrances, inventories. and subsequent years' expenditures, while undesignated balances tend to be narrow and fluctuate wildly. Sometimes operating reserves include receivables and accrued items which tend to present a less than accurate representation of fund balance.

Moody's considers the amount of available cash in the composition of fund balance, and how much of that actually falls to the unreserved/undesignated portion of fund balance. The more cash, the more liquid the balance and the more operating flexibility is maintained by the municipality.

Conclusion

Moody's views those credits which adhere to a fund balance strategy as being more pro-active and reflecting positively on management. Sometimes an education process is required, either for local officials or residents, on the value of maintaining reserves. Reserve levels should be determined locally, but based logically on factors considered in this comment. Whether reserves are set-aside in the form of rainy day funds, stabilization funds, or just plain undesignated balances, operating fund balances are an important part of credit assessment.

To order reprints of this report (100 copies minimum), please call 1.212.553.1658.

Report Number: 74269

★ gardless of size, maintain *unreserved fund balance* in their general fund of either 1) no less than 5 to 15 percent of regular general fund operating revenues, or 2) no less than one to two months of regular general fund operating expenditures.[19] A government's particular situation, of course, may require levels of *unreserved fund balance* in the general fund significantly in excess of these recommended minimum levels.[20]

Because fund balance is subject to unforeseeable fluctuations, it normally would be a mistake to draw conclusions based solely on fund balance at any one point in time. Furthermore, such measures should be applied within the context of long-term forecasting, thereby avoiding the risk of placing too much emphasis upon the level of *unreserved fund balance* in the general fund at any one time.

As already noted, environmental factors will affect the appropriate level of *unreserved fund balance* in the general fund. Examples of such factors include the following:

- The predictability of its revenues and the volatility of its expenditures (i.e., higher levels of unreserved fund balance may be needed if significant revenue sources are subject to unpredictable fluctuations[21] or if operating expenditures are highly volatile).
- The availability of resources in other funds, as well as the potential drain upon general fund resources from other funds (i.e., the availability of resources in other funds may reduce the amount of unreserved fund balance needed in the general fund, just as deficits in other funds may require that a higher level of unreserved fund balance be maintained in the general fund).
- Liquidity (i.e., a disparity between when financial resources actually become available to make payments and the average maturity of related liabilities may require that a higher level of resources be maintained).
- Designations (i.e., governments may wish to maintain higher levels of unreserved fund balance to compensate for any portion of unreserved fund balance already designated for a specific purpose).[22]

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[19] The point of comparison for measuring *unreserved fund balance* may be either operating revenues or operating expenditures. The choice between the two is likely to be dictated by which is more predictable in a government's particular circumstances. In either case, unusual items that would distort trends (e.g., one-time revenues and expenditures) should be excluded, whereas recurring transfers should be included. A rapidly growing government that uses expenditures as its point of comparison may wish to use the current or future year's appropriation for this purpose. Once the decision has been made to compare *unreserved fund balance* to either revenues or expenditures, that decision should be followed consistently from period to period.

[20] In practice, levels of *unreserved fund balance*, expressed as a percentage of revenues/expenditures or as a multiple of monthly expenditures, typically are less for larger governments than for smaller governments because of the magnitude of the amounts involved for larger governments and because the diversification that is typical of the revenues and expenditures of larger governments often results in a lower degree of volatility.

[21] For example, state aid.

[22] Other factors that could affect the level of unreserved fund balance that is needed include 1) location in a region prone to natural disasters (e.g., hurricanes), 2) heavy reliance upon a single corporate taxpayer or upon a group of corporate taxpayers in the same industry, 3) revenues that are not level, and 4) rapidly growing budgets.

GFOA's GUIDANCE OF APPROPRIATE LEVEL

OF GENERAL FUND BALANCE

Page 47: **Add new text at the end of the subsection devoted to *"Fund balance"* to incorporate new guidance from GFOA on the appropriate level of *unreserved fund balance* that should be maintained in the general fund.**

An adequate level of *unreserved fund balance* in the general fund is essential to mitigate current and future risks and to ensure stable tax rates and service levels. It also is a crucial consideration in long-term financial planning. For these reasons, laws and regulations often govern the appropriate levels of *fund balance* and *unreserved fund balance* in the general fund. Likewise, *fund balance* and *unreserved fund balance* are carefully monitored by credit rating agencies.

It is recommended that the appropriate policy-setting body within a government establish a formal policy on the level of *unreserved fund balance* to be maintained in the general fund.[16] This policy ought to provide both a temporal framework and specific plans for increasing or decreasing the level of *unreserved fund balance* if it is inconsistent with that policy.[17] If *reserved fund balance* includes resources available to finance items that typically would require the use of *unreserved fund balance*, those resources should be included as part of *unreserved fund balance* for purposes of this policy.[18]

The adequacy of *unreserved fund balance* in the general fund should be assessed based upon a government's own specific circumstances. Nevertheless, it is recommended, *at a minimum*, that general-purpose local governments, re-

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[16] The adoption of similar policies is encouraged for other types of governmental funds as well. While all governmental funds report *fund balance*, the goals for fund balance will differ among fund types and individual funds. For example, a high level of fund balance may be expected in a permanent fund used to account for an endowment, whereas no fund balance at all might be anticipated in a special revenue fund used exclusively to account for expenditure-driven grants. Accordingly, a government's policy for fund balance in the general fund may differ from its policy for fund balance in other governmental fund types and individual funds.

[17] By its very nature, *unreserved fund balance* is subject to unexpected fluctuations. Therefore, a well designed policy will provide specific guidance on what actions a government will take (and over what period) to adjust levels of *unreserved fund balance* that fall outside the parameters set by policy as the result of such fluctuations.

[18] An example might be a legally required contingency reserve.

See * for specific guidance on fund balance levels

RESOLUTION NO. _____

A RESOLUTION TO ESTABLISH A MINIMUM
UNRESERVED GENERAL FUND BALANCE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby establishes a minimum, unreserved General Fund Balance of Three Million Four Hundred Thirty-Five Thousand Dollars ($3,435,000.00) or sixty (60) days of annual regular general fund operating expenditures, whichever is greater. This minimum unreserved General Fund Balance cannot be reduced without specific City Council Resolution.

PASSED and **APPROVED** this 5th day of November, 2002.

APPROVED:

By: DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

STAFF REVIEW FORM

• AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: November 5, 2002

FROM:

Dan Coody (Name) | (Division) | Mayor's Office (Department)

ACTION REQUIRED: Review proposal for grant research and assistance services.

COST TO CITY:

Cost of this request | Category/Project Budget | Program Category / Project Name

Account Number | Funds Used to Date | Program / Project Category Name

Project Number | Remaining Balance | Fund Name

BUDGET REVIEW: Budgeted Item • Budget Adjustment Attached

Budget Manager | Date | Administrative Services Director | Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager | Date | Internal Auditor | Date

City Attorney | Date | ADA Coordinator | Date

Purchasing Manager | Date | Grant Coordinator | Date

STAFF RECOMMENDATION:

Division Head | Date

Department Director | Date

Administrative Services Director 10-18-02 Date

Mayor 10/21/02 Date

Cross Reference

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

Previous Ord/Res#: _____

Orig. Contract Date _____

Orig. Contract Number _____

Description ACTION REQUIRED: Review proposal for grant research an(Meeting Date November 5, 2002

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: City Council

From: Mayor Dan Coody

Date: Oct. 18, 2002

Subject: Grant Research Assistance

The administration has released a request for proposals from qualified consultants to assist the City of Fayetteville in obtaining grants and awards from federal, state, and non-profit sources.

The most qualified of the respondents will make a presentation to the City Council on November 5.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Grant Writing Services Selection Committee

FROM: Stephen Davis, Administrative Services Director, Interim

DATE: October 9, 2002

SUBJECT: REVIEW OF GRANT WRITING SERVICES RFP

The City is interested is exploring a contract with a consultant to provide grant writing services to assist the City in identifying and obtaining supplemental funding for projects to improve service delivery, quality of life and/or upgrade existing infrastructure.

The goal is to have responses back from the prospective consultants on October 24. The consultant is being tasked to make a presentation to City Council at the agenda session scheduled for October 29. In light of the tight time frame please review the attached RFP and provide comments back to me no later than 3:30 Friday, October 11.

Currently, the RFP is going to mailed/e-mailed to the following firms: ECS Services, Atlanta, GA; Resource Associates, Farmington, NM; Monarch Consulting Services, Bottineau, ND; Leighty Consulting Services, Columbia, MO; and, Randall Funding and Development, Sausalito, CA. Please propose additional consultants if you feel they can comply with the proposal requirements.

Thank you in advance for your work on the committee.

City of Fayetteville
GRANT WRITING SERVICES
REQUEST FOR PROPOSAL
02-16

The City of Fayetteville is seeking grant writing services to aggressively locate and obtain government, and/or corporate and/or foundation grants that provide supplemental financial support for identified, priority capital needs of the City of Fayetteville (City). The grants sought must meet a strategic need identified by the City, using normal public involvement processes.

Currently, the City has approximately $106 million dollars in prospective projects to improve service delivery, improve quality of life and/or upgrade existing infrastructure. The grant services consultant is expected to identify grant opportunities that will assist the City in obtaining funding of the projects selected by the City. To enable the City in evaluating your qualifications, please respond to the following:

Submissions not responding to the questions will be considered non-responsive and will not be considered.

1) Detail your experience preparing grants for submission to public, corporate and foundation grantors, including clients, projects, completed activities, amounts and involved funding sources.

2) Please include proposals written for capital support, clearly identifying the grant(s) sought, and your role in preparing the proposal, and the size of the award, if any. (Two page maximum)

3) Describe your methodology to preparing capital proposals to public, corporate and foundation grantmakers, including any experience with national foundations.

4) Describe what resources you would expect the City to provide as well as the role you would expect the City to play in a successful capital fundraising effort. (Two page maximum)

5) Please provide a listing of any and all organizations to which you have provided grant-writing services during the past three years. Include the name, address, and telephone number of the organization, name of the customer's principal manager for the project, and a one-sentence description of the nature, scope and size of the project.

6) Please note that in submitting this proposal you are authorizing the City to contact any and all prior customers.

7) Please provide a formal proposal reflecting a target grant assurance of not less than $750,000.

8) Provide a chronological schedule detailing milestones, tasks, man-hours, reports, newsletter and deliverables for the term of services.

The successful consultant is expected to be present at the City Council agenda session of October 29, 2002 to make a formal presentation to the Fayetteville City Council that articulates the benefits and cost of using their consulting services for Grant Writing.

To be considered, written proposals must be received by Oct. 24, 2002 no later than 5:00 p.m. in the format set forth in the accompanying documents. A non-responsive or incomplete proposal will not be considered. Proposals received after this deadline will not be considered. Proposals should be hand delivered or mailed to the following address:

Ms. Peggy Vice
Purchasing Manager
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701
Telephone: (479) 575-8289
Fax: (479) 575-8241

The outside of the envelope must be clearly marked "02-16" Grant Writing Services".

1. It shall be clearly understood that any costs incurred by the proposer in responding to this request for proposal is at the proposer's own risk and expense as a cost of doing business, and the City is not liable for reimbursement to the proposer for any expense so incurred, regardless of whether or not the proposal is accepted.

2. Any inquiries or requests for explanation in regard to the City's requirements should be made to the above listed number. The names of any persons or firms submitting questions, clarifications, or requests will not be disclosed until after the deadline for submitting.

3. Any conditions or expectation on the part of the proposer for performance by the City must be set forth in the proposal.

4. At the discretion of the City, one or more proposer may be asked for more detailed information before final award is made.

5. The City will not be responsible for misdirected proposals. Proposer should call the Purchasing Office at (479) 575-8289 to insure receipt of their proposal documents prior to opening time and date listed above.

6. Proposer must provide the City with their proposals signed by a person having legal authority to submit bids on behalf of the proposer.

SELECTION METHODOLOGY

The City of Fayetteville professional selection policy PUR 13 provides for the procurement of professional services based upon professional qualifications. A selection committee consisting of the Chief Financial Officer or representative, designated Department Directors, or other designated City staff shall review and rate the submitted proposals. The proposals/qualifications will be evaluated based upon a point system using the percentages indicated below.

The selection committee has established the following point levels with respect to this RFP. The relative weight of each requirement is indicated next to each item.

25 points	(1)	Qualifications in relation to specific project to be performed.
25 points	(2)	Experience, competence, and capacity of performance.
25 points	(3)	Proposed method of doing work.
10 points	(4)	Past performance.
15 points	(5)	Price.

Please forward your response to this solicitation to:

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

Addendum #1 October 17, 2002

City of Fayetteville 479/575-8289

RFP 02-16 GRANT WRITING SERVICES

This addendum is to clarify that The City of Fayetteville is not seeking capital fund endowment creation services.

The City of Fayetteville is seeking funding to supplement funds already appropriated for capital projects.

This concludes the question period for this RFP. We look forward to receiving your response to our request for proposal.

Thank You

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

October 11, 2002

To: Potential Grant Services Providers

The City of Fayetteville, Arkansas is interested is exploring a contract with a consultant to provide grant writing services to assist the City in identifying and obtaining supplemental funding for projects to improve service delivery, quality of life and/or upgrade existing infrastructure.

The deadline for responses back from the prospective consultants is October 24, 2002. The candidate consultant will be tasked to make a presentation to City Council at the agenda session scheduled for October 29. The City reserves the right to accept or reject any or all proposals. Identification of a candidate consultant and issuance of the invitation to make a presentation to the Fayetteville City Council does not obligate the city in any manner.

Please be advised that any information provided to the City of Fayetteville is subject to the Arkansas Freedom of Information Act and as such will be made available to anyone who makes a formal request for the information.

If you have any questions concerning this request for proposal, please contact Stephen Davis via telephone at 479-575-8330, by fax at 479-575-8257 or by e-mail at sdavis@ci.fayetteville.ar.us.

Thank you in advance for your consideration of our request.

Sincerely,

Stephen Davis
Administrative Services Director, Interim

113 West Mountain 72701 (479) 521-7700
Fax (479) 575-8257

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council Meeting of: November 5, 2002

FROM:

Carrol Hill	Solid Waste	General Services
Name	Division	Department

ACTION REQUIRED: Approve resolution authorizing eliminating the part-time temporary clerk position and creating a full-time permanent clerk position in Solid Waste.

COST TO CITY:

2003 Cost	*2003 Proposed Budget*	
$24,876.00	$ 626,279.00	Personnel Services
Cost of this request	Category/Project Budget	Program Category / Project Name
5500.5000.51XX.XX	$ -	Solid Waste
Account Number	Funds Used to Date	Program / Project Category Name
	$ 626,279.00	Solid Waste
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager	10-15-02 Date	Administrative Services Director	Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager	10/15/02 Date	Internal Auditor	10/15/02 Date
City Attorney	10/16/02 Date	ADA Coordinator	Date
Purchasing Manager	10/17/02 Date	Grant Coordinator	Date

STAFF RECOMMENDATION: Staff recommends approval of the resolution.

Division Head	Date		
Department Director	10-17-02 Date		
Administrative Services Director	10-15-02 Date		
Mayor	10/21/02 Date		

Cross Reference

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

Previous Ord/Res#: 47-02

Orig. Contract Date ____

Orig. Contract Number ____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council

From: Gary Dumas

Date: October 1, 2002

Subject: Solid Waste Clerk

Background

In March the City Council authorized the creation of a temporary clerk position in Solid Waste to help resolve the issues surrounding voice mail, busy phones, and automated telephone systems, when customers just want to talk to a real person.

Historically the Solid Waste Division has been inundated with more customer calls than can be handled by the single receptionist that handles the front desk paperwork, greets and handles walk in customers and is required to take care of the incoming calls for service, assistance, or information.

Last year the staff was reorganized making more staff available helping address the problem of the busy or unanswered ringing telephone that many customers encountered. Additionally, an automated telephone system with information, direct touchtone to various program areas, and voice mail was implemented. These changes, while helping to reduce the problems have not achieved the quality of customer service that the Solid Waste staff would like.

The Temporary Clerk has greatly reduced the number of complaints related to as lack of ability to talk with a real person. With continuing seasonal issues, yard waste collection, leaf pickup in the fall, holiday material and trees, the staff anticipates a continuing volume of calls and an associated increase in customer dissatisfaction if they encounter the busy or unanswered telephone or the voicemail system. The problem historically has been simply not enough people to provide type of service that the public desires. The Temporary Clerk has helped to remove that irritation from the customer.

The staff has been tracking customer contacts at the Solid Waste front desk on a daily basis for some time. A random sampling of 62 works days between April 3 and September 24 indicated a total number of telephone and walking contacts of 11,279 at the front desk. The average daily contact number was 185, with low of 89 on September 19

and a high of 369 on May 14.

Discussion

The addition of the temporary clerk has greatly improved the work flow of the other staff that would have normally been required to address this 185 average daily customer service requests.

In addition to this work in addressing customer service issues, this position has helped with some of the office duties of the individual responsible for servicing the large commercial accounts. This program area provides a large portion of the revenue of the Division, offsetting residential rates and needs constant attention.

The Division proposes making this clerk position permanent full-time. This action by the Council will increase the employee compliment by 1 employee and the budget for 2003 by $24,876.

Recommendation

Approve resolution increasing the employee compliment of the Solid Waste Division by 1 employee.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor

THRU: **Heather Woodruff**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **November 6, 2002**

RE: **Passed Ordinances and Resolutions from City Council meeting of November 5, 2002**

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

Enclosed are:

166-02 1. **Animal Shelter**: Resolution awarding contract to Airworks for renovation of HVAC system at Fayetteville Animal Shelter in amount of $24,050, plus contingency in amount of $1,203 for total of $25,253 and approval of budget adjustment;

167-02 2. **Superior Industries**: Resolution approving pass through grant agreement;

168-02 3. **Cruse Uniforms**: Resolution awarding Bid 02-62 for Raingear to Cruse Uniforms;

169-02 4. **Persimmon Place**: Resolution accepting money in lieu of land dedication for Persimmon Place Subdivision;

170-02 5. **Airport Grant**: Resolution approving two grant applications from Arkansas Department of Aeronautics and an amendment to Department of Aeronautics, Grant No. 1877-02, for additional funding for construction of executive aircraft hangar apron south of terminal building and entrance road relocation. Total of grant funding request is $205,782 and approval of budget adjustment;

171-02 6. **Bayyari Park**: Resolution awarding Bid No. 02-59 to R.J.R. Enterprises for playground equipment and installation at Bayyari Park in amount of $38,000;

~~122-02~~ 7. **Development Plans & Permit**: Ordinance amending Title XV:
4431 Unified Development Ordinance of Code of Fayetteville, to provide a date certain for expiration of approved development plans and permits;

8. **Planning Commission Appeal**: Resolution granting appeal of
172-02 Don Nelms concerning LSD 02-21 (Nelms) which was rejected by Planning Commission on October 14, 2002;

9. **VA 02-5.00**: Ordinance approving vacation request as
4432 submitted by City of Fayetteville for property located at 302 W. Prospect; request is to vacate a section of utility easement;

10. **VA 02-11.00**: Ordinance approving vacation request as
4433 submitted by City of Fayetteville for property located at 3868 Sunbest Dr.; request is to vacate section of street right-of-way;

11. **Debt Management Policy**: Resolution approving City of
173-02 Fayetteville Debt Management Policy. (Please get Exhibit "A" from Steve Davis.)

DRAFT TENTATIVE
AGENDA
CITY COUNCIL
NOVEMBER 5, 2002

A meeting of the Fayetteville City Council will be held on November 5, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES**
2. **ANIMAL SHELTER:** A resolution awarding a contract to Airworks for the renovation of the HVAC system at the Fayetteville Animal Shelter in the amount of $1,203 and approval of a budget adjustment.
3. **SENIOR CENTER:** A resolution approving change order no. 3 to Harrison Davis Company contract for construction of the Senior Center.
4. **SUPERIOR INDUSTRIES:** A resolution approving a pass through grant agreement
5. **CRUSE UNIFORMS:** A resolution awarding bid 02-62 for police offier rain gear to Cruse Uniforms and approval of a purchase order in an amount up to $26,000 for the Law Enforcement Escrow Account.
6. **PERSIMMON PLACE:** A resolution accepting money in lieu of land dedication for Persimmon Place Subdivision.

B. OLD BUSINESS

1. **DEVELOPMENT PLANS AND PERMIT:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville, to provide a date certain for the expiration of approved development plans and permits.

C. NEW BUSINESS

1. **PLANNING COMMISSION APPEAL:** An appeal of a Planning Commission decision regarding LSD 02-21.
2. **PLANNED ZONING DISTRICT:** An ordinance establishing zoning district that permit the combination of development and zoning review into a simultaneous process and to eliminate Section 166.06 Planned Unit Development.

3. **VA 02-5.00:** An ordinance approving vacation request VA 02-5 as submitted by the City of Fayetteville for property located at 302 W. Prospect. The request is to vacate a section of the utility easement.
4. **VA 02-11.00:** An ordinance approving vacation request VA 02-11 as submitted by the City of Fayetteville for property located at 3868 Sunbest Drive. The request is to vacate a section of street right of way.
5. **GRANT RESEARCH:** – ?

Martin Luther King Service - Kevin Sutton,
SW clerk - consent - Dumas
policies -
1) general fund (Res).
2) replacement fund (ord).
NB. 3) debt policy (Res).

October 29, 2002

AGENDA SESSION
CITY COUNCIL
NOVEMBER 5, 2002

NEW ITEMS:

1. **Crystal Springs:** A resolution amending Resolution 153-02 to exempt that portion of the 600' buffer strip north of Clabber Creek lying west of Deane Solomon Road and to authorize the sale of such property.

2. **Martin Luther King, Jr. Street:** A resolution to change the name of 6th Street to Martin Luther King, Jr. Street.

STAFF REVIEW FORM

__X__ AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

FOR: COUNCIL MEETING OF November 5, 2002 **MAYOR'S APPROVAL** _____

FROM:

Kevin Santos	Alderman	
Name	Division	Department

ACTION REQUIRED A Resolution to amend Resolution NO. 153-02 to exempt that portion of the 600' buffer strip north of Clabber Creek lying west of Deane Solomon Road and to authorize the sale of such property

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 Coordinator , Administrative Services Director

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

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Oct 28, 02 Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Division Head	Date
Department Director	Date
Administrative Services Director	Date
Mayor	Date

CROSS REFERENCE

New Item: **Yes** No

Previous Ordinance/Resolution No.: _____

RESOLUTION NO. _____

A RESOLUTION TO AMEND RESOLUTION NO. 153-02 TO EXEMPT THAT PORTION OF THE 600 FOOT BUFFER STRIP NORTH OF CLABBER CREEK LYING WEST OF DEANE SOLOMON ROAD AND TO AUTHORIZE THE SALE OF SUCH PROPERTY

WHEREAS, the City Council of the City of Fayetteville adopted the recommendation of the Wilson Springs Business Park Assessment Task Force by Resolution No. 153-02 on October 2, 2002; and

WHEREAS, Recommendation #5 stated that the Task Force "recommends the inclusion of a significant buffer of 'not-to-be-disturbed lands' of at least 600' wide lying north of and parallel to Clabber Creek"; and

WHEREAS, such "not-to-be-disturbed lands" west of Deane Solomon Road blocks the access from Crystal Springs development to Deane Solomon Road; and

WHEREAS, the Fayetteville Planning Commission upon recommendation of the City of Fayetteville Planning Division has for years required the developers of Crystal Springs subdivision to plan for and eventually connect their subdivision to Deane Solomon Road; and

WHEREAS, pursuant to the requirements of the Planning Division and Planning Commission, the developer of Crystal Springs, Phase III, has presented a proposed plat showing the extension of Crystal Drive to intersect through city property that is currently within the 600' buffer zone to Deane Solomon Road with housing lots on both sides.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends Resolution No. 153-02 to exempt that portion of the 600-foot buffer strip north of Clabber Creek lying west of Deane Solomon Road.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the sale of sufficient city property west of Deane Solomon Road to the developer of Crystal Springs to enable the construction of Crystal Drive and development of the house lots on each side as shown on the Crystal Springs Phase III preliminary plat attached as Exhibit A.

PASSED and **APPROVED** this the _____ day of November, 2002.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor
Tim Conklin, City Planner
Planning Commission
City Council

FROM: **Kit Williams**, City Attorney

DATE: **October 28, 2002**

RE: **Crystal Springs development and Wilson Springs Resolution**

The road that was going to be required by the Planning Department to be built in order to connect to Deane Solomon Road through city property north of Razorback Golf Course to provide connectivity and a second exit for the proposed residential subdivision in Crystal Springs CANNOT BE BUILT.

On October 2, 2002, the City Council passed Resolution #153-02 (attached) which "**adopts** (the Wilson Springs Business Park Assessment Task Force's) recommendations for both the development and preservation of the Wilson Springs acreage." Therefore, the City Council made the recommendations of the Task Force **official city policy** (as I explained prior to the vote).

Recommendation 5 (attached) states that if any development is possible on the land north of Clabber Creek including "the approximately 11 acres lying west of Deane Soloman (sic) Road", "the

TF recommends the inclusion of a significant buffer of '**not-to-be-disturbed lands**' of at least **600' wide** lying north of and parallel to Clabber Creek."

Since the proposed city street would have to run through the far western part of this "not-to-be-disturbed land" north of the golf course, it cannot be built unless and until the City Council changes official city policy. The City Council would have to pass a new Resolution if it desires to change or modify the effect of Resolution No. 153-02.

RESOLUTION NO. 153-02

A RESOLUTION TO ACCEPT THE REPORT OF THE WILSON SPRINGS BUSINESS PARK ASSESSMENT TASK FORCE

WHEREAS, the City of Fayetteville is very appreciative for the concern and dedication demonstrated by the volunteers of the Wilson Springs Business Park Assessment Task Force; and

WHEREAS, the City of Fayetteville for itself and all the citizens of Fayetteville expresses its sincere gratitude and thanks to every member of the Task Force and especially its Chairman, Jeff Collins, who volunteered countless hours to forge a consensus that included both the partial development and the careful preservation of the Wilson Springs acreage.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby gratefully accepts the Report of the Wilson Springs Business Park Assessment Task Force which is attached as Exhibit A, and adopts its recommendations for both development and preservation of the Wilson Springs acreage.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby requests that the City Staff proceed with the recommendations of the Task Force.

PASSED and **APPROVED** this the 2nd day of October, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

THE WILSON SPRING BUSINESS AND TECHNOLOGY PARK TASK FORCE

The Wilson Spring Business and Technology Park Task Force (TF) was formed to provide independent analysis and to make a recommendation to the City Council and Mayor's office of the City of Fayetteville as to the "highest and best" use of the approximately 289 acres owned by the city and located on Interstate 540. In the course of our examination, three subcommittees focused on the economic/development, biological, and hydrological issues associated with the site, gathered information and studied important attributes and/or impacts of various uses of the property. The TF held two pubic forums for to garner input from citizens, as well as allowing statements and questions from various representatives of constituent groups during regularly held meetings, which began June 20th.

The results of this work, found below, accomplish the following purposes:

1. The formation of a Business and Technology Park sufficient in size to create critical mass for business development and located to take maximum advantage of potential synergies with Fayetteville's most unique resource, the University of Arkansas.
2. The increase and enhancement of Fayetteville's tax base and further insurance of the financial viability of the City of Fayetteville. Developing these lands produces financial advantages for the City in three ways:
    a. It returns acreage to the property tax base critical to the support our schools and other city and county services.
    b. It produces "profit" for the City, with which to fund and support such things as the development of trails, green space, parks, and parks improvements.
    c. It fosters the development of high wage jobs by improving the climate for the creation of knowledge-based industry.
3. The preservation of at roughly 180 acres of wetlands, floodplain, and floodway, creating a valuable environmental resource, in perpetuity, for the citizens of Fayetteville.

RECOMMENDATIONS

Note: These acreages referenced in this recommendation are taken from the Development Area plat, as drawn by McClelland Engineers, showing a wetland impact of 17 acres.

1. **Recommendation**: Immediately apply for and receive the permit from the Corps of Engineers for the 17-acre wetlands impact, with mitigation, as necessary.

2. **Recommendation**: Approximately 70 acres at the south end of the property be platted and planned for the Wilson Spring Business and Technology Park Development

3. **Recommendation**: The 38 acres at the southeast corner (and a part of the above referenced 70 acres) be developed immediately (Phase 1).
    a. Development of these lands would require some or all mitigation be done on the front end, since some of the 38 acres is in the wetlands impact area. Monies for the mitigation would provide initial funding for immediate restoration, etc. *(However, per the U.S. Army Corps of Engineers, due to the substantial amount of land being preserved in the recommendations of the Task Force, possible mitigation acreages could be significantly reduced.)*

4. **Recommendation**: The City of Fayetteville to construct Covenants and Restrictions for the Business Park:
    a. To insure that the Business Park will **not** include heavy industrial or be dominated with retail business and will encourage "knowledge based", technology oriented businesses.
    b. To insure that the resulting development will have a campus style environment with a maximum amount of area in green space.
    c. To insure that the wetlands are "developed" to provide the maximum benefit to the entire surrounding property
    d. To insure that all storm water collection systems from development be constructed to protect the sensitive wetlands

5. **Recommendation**: Commence as soon as possible a formal inventory assessment and evaluation of the lands lying north of Clabber Creek, currently not designated as wetlands or mitigation areas for wetlands impact, for development potential. These lands to include the approximately 11 acres lying west of Deane Soloman Road. Such evaluation should include a thorough needs assessment, potential environmental impact of development, biological assessment, further wetlands delineation assessment, dispersed recreational study, storm water runoff assessment and economic impact of development. If such an evaluation of such lands yields the possibility of development of some kind, the TF recommends the inclusion of a significant buffer of "not-to-be-disturbed lands" of at least 600' wide lying north of and parallel to Clabber Creek.

6. **Recommendation**: That all of the lands lying south of Clabber Creek and north of the aforementioned 70 acres of commercial development be preserved, in perpetuity, as delineated wetlands and/or an extension of said delineated wetlands.

N

W E

S

Wilson Springs Business Park

600ft Environmental Easement North of Clabber Creek

0 150 300 600 900 1,200

Feet

STAFF REVIEW FORM

__X__ AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

FOR: COUNCIL MEETING OF November 5, 2002 **MAYOR'S APPROVAL** _____

FROM:

Kevin Santos	Alderman	
Name	Division	Department

ACTION REQUIRED

A Resolution to Change the Name of 6th Street to Martin Luther King, Jr. Street

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 Coordinator	Administrative Services Director

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

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date 10/28/02	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Division Head	Date
Department Director	Date
Administrative Services Director	Date
Mayor	Date

CROSS REFERENCE

New Item: **Yes** No

Previous Ordinance/Resolution No.: _____

RESOLUTION NO. _____

A RESOLUTION TO CHANGE THE NAME OF 6TH STREET TO MARTIN LUTHER KING, JR. STREET

WHEREAS, Dr. Martin Luther King, Jr. was a visionary and courageous leader who shined the light of brotherhood and freedom during the dark days of racial segregation in America; and

WHEREAS, Dr. Martin Luther King, Jr. gave his life in the struggle for equality, justice and freedom through non-violent civil disobedience and inspirational leadership; and

WHEREAS, it is right and fitting that the City of Fayetteville, as the first voluntarily integrated public school system in the South, honor and memorialize Dr. King by renaming a major thoroughfare such as 6th Street as Martin Luther King Jr. Street.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby renames 6th Street in Fayetteville, Arkansas, as "Martin Luther King, Jr. Street" in honor of and to memorialize Dr. Martin Luther King, Jr. and his vision that all of us would be judged by the content of our character rather than the color of our skin and that here in Fayetteville we will all stand together on "the solid rock of brotherhood."

PASSED and **APPROVED** this the 5th day of November, 2002.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

RANDALL FUNDING & DEVELOPMENT, INC.

Three Harbor Drive, Suite 315 · Sausalito, California 94965
Telephone 415.289.1420 · Fax 415.289.1430

RESPONSE TO

CITY OF FAYETTEVILLE, ARKANSAS

RFP 02-16

GRANT WRITING SERVICES

DUE DATE

5:00 P.M., October 24, 2002

ATTENTION

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

RANDALL FUNDING & DEVELOPMENT, INC.

Three Harbor Drive, Suite 315 · Sausalito, California 94965
Telephone 415.289.1420 · Fax 415.289.1430

October 24, 2002

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

Dear Review Committee:

Our behalf of Randall Funding & Development, Inc. (RF&D) thank you for the opportunity to respond to your RFP "02-16" Grant Writing Services.

It is the intent of RF&D to collaborate and form a partnership with the City of Fayetteville, Arkansas that will focus on centralized funding streams, to help the City achieve its funding goals, while increasing efficiencies and cost savings.

Please direct any questions regarding this proposal to Don Duncan, Chief Operating Officer, Randall Funding & Development, Inc., Three Harbor Drive, Ste. 315, Sausalito, CA 94965 Tel. (415) 289-1420, Fax (415) 289-1430.

Thank you for your consideration.

Very best regards,

Don Duncan
Chief Operating Officer
DD/pk

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I. EXPERIENCE

Randall Funding & Development, Inc. (Consultant) was established in June of 2000 by Daniel J. Randall for the purpose of acquiring the assets of GGW&C, Inc. one of the largest grant writing firms in the country serving municipalities. The acquisition was made to expand and enhance the company's ability to raise funds from various sources for governments and private entities throughout the United States and other countries. In the acquisition RF&D retained the professional experience of the staff of GGW&C, Inc.

As the largest and most successful firm of its kind in the country, Consultant has prepared and submitted applications to a variety of federal and state agencies as well as private foundations including the Department of Justice, Department of Health and Human Services, Department of Commerce, Department of Interior, United States Fire Administration, Department of Housing and Urban Development, Department of Transportation, Federal Transit Authority, Environmental Protection Agency, Department of Education, Institute of Museum and Library Services, Department of Agriculture, Department of Energy, Department of Defense, Department of Labor and Veterans Administration.

Since 1998 the Consultant team has secured more than $260 million dollars in competitive federal and state funding for a variety of clients, including localities that are similar in makeup and scope to the City of Fayetteville, Arkansas. Our team has secured funding in the areas of economic development, community development, infrastructure, transportation, public safety (police, fire, ems), parks and recreation, housing, neighborhood beautification, youth programs, job training, health, mental health, social services, environment, education, technology, courts, juvenile justice, domestic preparedness, homeland security and many others.

Our staff has a variety of backgrounds, degrees include JD, MBA, MA and specialized training, and our grant writers average over 15 years experience in this industry. Our staffing pattern for clients includes, but is not limited to administrative oversight, a funding advisor/lead writer and quality assurance. Other writers will be used to meet the needs of the City and the methodology described herein. Consultant will assign the following full-time staff to the City:

Daniel J. Randall, Chairman/CEO

Mr. Randall will be the Contract Administrator associated with this project. Mr. Randall is the CEO and Chairman of the Board for the corporation. Mr. Randall will oversee all revenue enhancement and reimbursement activities performed under this proposal.

Mr. Randall has over 30 years experience developing and managing companies both here in the United States and abroad. He is also the Chairman of the Board of Fort Horse, Ltd., located in Hong Kong. During his career in international business, Mr. Randall has developed and run a variety of companies in the United States, Asia and Europe. These companies include the Santa Fe Investment & Trading Corporation and the Global International Group.

Mr. Randall received his Bachelors degree in Business Administration from the University of South Carolina and a Masters Degree in International Finance from the American Graduate School of International Management. He was also a First Lieutenant in the United States Army and a pilot during the Vietnam War where he was twice decorated for valor.

Will Easton, Vice President Of Operations

Mr. Easton's responsibilities will include primary oversight of all writing and consulting services performed under this proposal. He may also assist in some of the most sensitive or complex grant applications for the City.

Mr. Easton has nine years of experience in grant writing, program design and management, and administration in public and nonprofit settings. He holds a BA from UC Berkeley in Social Sciences, and a Masters of Nonprofit Administration from the University of San Francisco. His areas of expertise include public sector-nonprofit collaborations, information technology, parks and recreation, and environmental topics. Funded projects include housing programs, parks, police and fire technology, and domestic preparedness.

John Izzo, Funding Advisor/Lead Grant Writer

Mr. Izzo's responsibilities as the Funding Advisor for the City will include interviews with key staff and City departments, research and tracking of funding sources, program design, facilitation of program design meetings, grant writing, oversight of other grant writers dedicated to specific City projects, quality assurance, internal draft proposal review and other City services as necessary.

Mr. Izzo has ten years of experience in writing, budgeting and managing both domestic and international grant programs. A lawyer by training, he joined Consultant firm from the Department of Legal Cooperation and Information at the Organization of American States in Washington, D.C. where he specialized in project development and management. His areas of expertise include law, economic development and technology related issues. Previous projects include the development of drug and mental health courts, law enforcement technology, development of parks and recreation facilities, fire safety, transportation, economic development for cities as well as low-income individuals and projects that target at-risk youth. Mr. Izzo has BA from Emory University in Atlanta Georgia, a JD from American University and has taken graduate coursework in economic policy and development. He is a member of the Virginia Bar.

Mac McGinnes – Quality Assurance Manager

Mr. McGinnes responsibilities will include quality assurance and internal draft proposal review. He may also write some of the more complex grant applications for the City.

Mr. McGinnes brings fifteen years experience to Consultant firm. He has prepared winning applications for a broad range of cultural and social service organizations nationwide. He has a great success rate with governmental grants on a state and federal level. Among the agencies that have funded his proposals are EPA, HUD, DOJ, HHS and others. Past projects include preparing all proposals, newsletters and development materials for the University of San Francisco's successful $97.2 million capital campaign, and overseeing the proposal writing for all of the San Francisco Opera's corporate, foundation and government fundraising efforts.

Through successful use of our services, many cities and counties have received funding for their projects where they otherwise would have expended general fund dollars. The following is a sampling of various completed projects:

County of Wayne, MI
Department of Health & Human Services, Head Start Program **Award: $16 M**
This Midwestern county will take over Head Start programs in 16 communities, serving low income families and serve 3,700 children on a daily basis. A change from traditional school district-based Head Start programs, this program is a collaboration of the county and three community-based organizations, who will provide comprehensive educational, social, nutritional and health services to low-income three-and four-year olds and their families.

Sacramento Unified School District, CA
Department of Education, Safe Schools/Healthy Students Program **Award: $8.9 M**
This grant was awarded to a Northern California School District and will fund the implementation and enhancement of comprehensive community-wide strategies for creating safe, drug-free schools and promoting healthy childhood development. This program will help students develop the skills and emotional resilience necessary to promote positive mental health and engage in pro-social behavior, thereby preventing violent behavior, alcohol and other drug use. This will make it possible for all students who attend the schools served by this grant to learn in a safe, disciplined, and drug-free environment.

City of Providence, RI
Department of Labor, Welfare to Work Round 2 **Award: $3.8 M**
This program will serve 400 welfare mothers in federally assisted and public housing complexes in transitioning to full-time jobs through the provision of an innovative, supportive employment program. The World of Work (WOW) program addresses the significant barriers to employment faced by the target group through a structured, yet flexible system with features a work-first strategy combined with supportive employment opportunities in this New England city (pop. 160,000). The program provides services on-site at public housing facilities, thereby eliminating transportation barriers and offering a built-in network of peer support

City of Fayetteville, AR
Grant Writing Services
Request For Proposal 02-16

City of Columbus, OH
Department of Education, 21st Century Learning Center **Award: $1.6 M**
21st Century Community Learning Centers funding will allow this Midwestern Public School District (pop. 633,000) to offer after-school and summer enrichment programming for students; GED and job readiness training for adults; extensive health services for children and adults; and access to and training in technology applications. Partners will provide an array of services including immunizations and health screenings, parent education courses, mentoring, and field trips

City-County of Denver, CO
HHS SAMHSA CSAT Targeted Capacity Expansion **Award: $1.4M**
This three-year grant will provide detoxification, counseling and transitional housing services for 300 homeless men in a large metropolitan area. The program links the local Health Agency with a non-profit service to increase the capacity of an existing program by 30%.

County of DeKalb, GA
HHS SAMHSA Building Mentally Healthy Communities **Award: $1.086M**
Funding from this grant will help expand local mental health services in the metro Atlanta area available to the non-violent offenders with serious mental illness, through the creation of a Jail Diversion Program as part of a Mental Health Court. The purpose of the program is to divert these individuals from the jail to a court supervised, community-based treatment program. This diversion program will help prevent recidivism by providing longer-term care for individuals with mental illness in a community based setting.

City of Coral Gables, FL
Department of Justice, COPS in Schools Program **Award: $875,000**
These funds will assist a Florida City Police Department in hiring new, additional School Resource Officers (SROs) to engage in community policing in and around primary and secondary schools. These School Resource Officers will teach crime prevention and substance-abuse classes, monitor troubled students, and build respect for law enforcement among students. This program provides an incentive for law enforcement agencies to build collaborative partnerships with the school community and to use community-policing efforts to combat school violence.

City of Richmond, CA
Department of Labor, WIA Demonstration Projects for High Risk Youth **Award: $600,000**
This Northern California city will use these funds to examine approaches that assure "high-risk" youth and adults are provided with quality workforce investment services that will address their unique needs through the WIA system. This program consists of three sections. This city will build connections to local workforce investment systems, such as linkages with Local Workforce Investment Boards and Private Industry Councils, while demonstrating approaches that ensure that "high-risk" youth and adults are provided with quality workforce development services.

City of Fayetteville, AR
Grant Writing Services
Request For Proposal 02-16

County of Fort Bend, TX
DOJ OJP Drug Courts **Award: $499,823**
This Texas County will use this award to fund the planning, implementation and enhancement of their drug courts. This funding will make it possible for the County to provide early and continuous judicial supervision over non-violent, substance abusing offenders. These funds will also improve the administration of sanctions and various services including; Mandatory, periodic drug testing during any period of supervised release or probation; thorough and effective substance abuse treatment for each participant, and diversion, probation, and other offender management and aftercare services.

Unified Government of Wyandotte County/Kansas City, KS **Award: $460,000**
Department of Justice, Office for Victims of Crime Urban High Crime Neighborhoods
These funds will support this Mid-Western city in the creation of collaborative models for grassroots, community service and victim assistance organizations to improve the quality and accessibility of services to crime victims in their own neighborhoods. These funds will focus primarily on the needs of underserved victims, particularly those victimized by crimes such as robbery, assault, homicide, school violence, and gang violence.

Department of Justice, OJJDP – Juvenile Mentoring Program **Award: $200,000**
This year-round program will serve at-risk low-income Southeast Asian youth in a New England City (pop. 160,000), providing mentoring, case management and after-school programs. The program uses prevention and intervention strategies for targeted youth exposed to substance abuse, gangs, violence and juvenile delinquency. Program objectives include enhancing academic performance and reducing truancy rates.

City of Kansas City, MO
Missouri Americorps **Award: $62,568**
A Missouri community will use this funding to create a trail and environmental education group. This group will serve the community by sharing their skills in areas such as bicycle and pedestrian safety, and various environmental issues while overseeing volunteer programs. This group will help foster a stronger relationship between community and environment by facilitating the development, operation, and maintenance of a publicly accessible system of pedestrian and bicycle trails. These funds will also assist youth by recruiting young members to be trained as Trail Rangers, providing them with the chance to learn new skills and to serve their community.

II. PROPOSALS SUBMITTED FOR CAPITAL SUPPORT

The following is sampling of proposals for capital support. In each instance, our role in preparing the proposals are consistent and follows as prescribed process and protocol to include identifying needs and funding opportunities, program design, writing and submission.

City of Hartford, CT
HUD Economic Development Initiative **Award: $2 M**
A $2 million EDI grant and a $6.2 million loan guarantee to provide goods, services and jobs to four underserved target neighborhoods located in this New England City (pop. 140,000). Funds will be used to construct 6,000 square feet of space for the Learning Corridor Project. This activity will complement an on-going project, which includes the development of a new Montessori school, middle school, high school, family resource center, parking garage and a Boys and Girls Club. The $6.2 million in loan guarantees will leverage an additional $2 million in public and private sector support. The project will create an estimated 283 jobs.

County of New Hanover, NC
Department of Veterans Affairs Homeless Provider Grant **Award: $756,000**
This award was used to complete the remodeling of a historic building in order for the site to become a homeless shelter for veterans in an East Coast city as part of the Good Shepherd Ministries homeless provider programs. Homeless veterans worked on the construction at the site. Services provided by Good Shepherd Ministries include problem recognition and screening, food, shelter, crisis intervention, crisis stabilization (psychiatric and/or substance abuse treatment), referral and linkage to health services and employment services, transportation, assistance in obtaining housing stability, job skills training, ensuring entitlement benefits, support in gaining greater self-sufficiency, and more.

City-County of Denver, CO
DOI NPS Urban Park and Recreation Recovery Program **Award: $500,000**
This grant will assist a major city in the Rocky Mountain Region in rehabilitating a portion of the pool facility located adjacent to one of the oldest parks in this city. This facility, which serves an economically depressed neighborhood, would be closed permanently at the end of this season if not renovated.

City of Bell Gardens, CA
CA Housing & Community Development CAL Home Program **Award: $500,000**
This small California City will use this funding to increase the strength and growth of the local economy buy providing services such as first-time homebuyer mortgage assistance, owner-occupied rehabilitation, and homeownership project development loans. These funds will be significantly directed towards the development of housing or operation of housing programs for low and very-low income persons and households.

EPA Brownfields Cleanup Revolving Loan Fund **Award: $500,000**
With the $500,000 Brownfields Cleanup Revolving Loan Fund grant, this will leverage funds to transform vacant or underutilized properties into productive industrial and recreational sites. The revolving loan fund will primarily provide low-interest loans for redevelopment of the county's most distressed areas, where 30% of the Brownfields are located. The Clinton Administration demonstrated its commitment to redeveloping the county's abandoned industrial sites in July 1998 when it awarded the county with a $200,000 EPA seed grant to start transforming its Brownfields into vital economic sectors.

City of Hartford, CT
DOI NPS Urban Park and Recreation Recovery Program **Award: $500,000**
This grant, awarded to a major city in the Northeastern United States, will help rehabilitation of a park and recreation facility. This is the only recreation area immediately available to residents of the most economically distressed and crime-ridden area in the city. This project will result in the reopening of a Field House and address the deterioration and erosion of a pond.

City of National City, CA
CA Housing and Community Development
Community Code Enforcement Pilot Program **Award: $337,653**
Funding will be used to form partnerships between the Building and Safety Department, property owners, residents, agents of the Community Development Commission, the Public Health Department, the Police Department, and the City Attorney's Office to focus on bringing the largely deteriorating and aged housing stock in a southern California City (pop. 56,000) up to code and revitalizing the most blighted neighborhoods. Some funding will be used directly for building and neighborhood improvement and some for community organizing. The quality of life of many young families, with very young children, will be greatly improved by this program.

City of Camden, NJ
DOI NPS Urban Park and Recreation Recovery Program **Award: $203,000**
Funding received to rehabilitate and expand a pool, adjacent to a community center. It is located in this Atlantic State's poorest urban community, is bounded by row homes and several housing projects, and faces imminent shutdown because of its deteriorated condition. The pool's structural integrity is in jeopardy and the filtration system is not functioning properly.

In addition, Consultant has been successful in securing a broad range of equipment and technology funding. While this does not represent capital projects in the traditional sense, it is funding which does not carry salary, benefits or on-going program requirements.

III. METHODOLOGY

Consultant engages in pro-active grant writing. This means that we focus first on the needs of our clients, and then work to procure the funding to meet those needs, we provide our clients with a comprehensive list of potential grant resources tailored to their identified needs. Next we go through the potential sources reviewing compliance, matching and reporting requirements to identify the most effective grant sources for each of the needs. This results in a Strategic Funding Plan of grant sources to be solicited during the contract period.

Using this work plan we are able to begin writing applications well in advance of the release of the RFPs. This proactive approach results in the most competitive applications possible ensuring our clients the highest possible success with the best suited grants relative to their fiscal and management capacity.

The following components outline the process by which we conduct our services.

A. Assessment
B. Strategic Funding Plan
C. Weekly Grants Alert
D. Grant Authorizations
E. Program Design Process
F. Writing
G. Reporting

Following is a detailed description of each component in the process.

A. Assessment

In approaching this component, we meet with the City to develop a comprehensive Strategic Funding Plan through what we call a "Funding Matrix" approach.

Funding Matrix

Grants	Fiscal Gaps	Fiscal Resources	Program Gaps	Program Resources	City Needs
←					———

Table 1

Many City agencies, as well as grant writers, make decisions about what their needs are based on where funding is available; their decisions are based on grant availability. This is often the result of a lack of time and/or access to information on funding sources. Table 1 demonstrates Consultant's process, which is driven first and foremost by the needs of the City/agency. We then work back from that point to determine how funding can be achieved for each need. We go through this process with the City to identify their needs, and grants to fill those identified needs.

The process begins with the assessment meeting. During this meeting, which is usually an all-day, open-ended group discussion between Consultant and various City or division heads directly engaged in the priority areas requested by the City, we assess the City's funding needs and priorities.

In the case of the City of Fayetteville the meeting would be with representatives who are directly engaged in the priority areas of: a) Infrastructure; b) Economic Development; c) Environmental Services; d) Parks and Recreation; e) Public Safety; f) Housing and Housing Programs; g) Transportation; h) Technology; and i) other priority areas as mutually agreed upon.

This interview process can take up to five hours to complete. After the assessment meeting, Consultant's staff reviews the data and information gathered. These interviews will help us determine **program resources** that may address any targeted needs either partially or in full. This is important, as some grants may only be eligible as enhancements of existing efforts.

Once Consultant has worked with the City to determine the program resources in existence for each need, we can determine where the **program gaps** exist; this allows us in conjunction with the City to draw as specific a picture as possible of the current situation. From there, we look at the overall budget of the City and have further discussions and interviews with City heads to determine whether some **fiscal resources** can be reallocated to serve the targeted needs or used to meet matching requirements. Once this has been determined, we can identify the **fiscal gaps** that exist which would prevent the City from addressing it's targeted needs. This process also allows us to identify any non-traditional funding sources that may have been overlooked by City staff because they seemed not applicable to their needs. For instance, we may find that an economic development grant also has a public safety component in it that can fill a public safety need within the City. Traditionally, City staff may not have had access to that kind of information to make an assessment of its viability for their programs.

Through Consultant's comprehensive experience with the many federal funding streams, we can increase the flexibility of an agency to find funding from a variety of different funding sources. By developing a funding plan through the use of the Funding Matrix, Consultant can offer a more comprehensive cross-section of available funding sources that serve the needs of the City. This plan will outline the specific needs defined as well as link those needs to specific federal grants that are expected to be available over the next twenty-four months.

B. Strategic Funding Plan

At this point, we take the document created from the information gathered from the assessment, and begin to research federal grant sources to match these sources to the City's needs. This information is compiled into an Initial Funding Plan, which will provide a funding plan directly related to the City's needs.

This report is provided to the City and reviewed with Consultant staff and City representatives to discuss the numerous potential funding sources listed in the report. The targeting aspect includes

reviewing all the identified potential sources in the Initial Funding Plan and culling out those sources which may not meet the City's needs due to reporting, matching funds, maintenance of effort, fiscal impact or other requirements. This information is compiled into the Strategic Funding Plan which lists the most appropriate funding sources for the needs defined in the assessment and provides a work plan for the duration of our contract. Through this effort we narrow the sources to only those grants which best fit the City's needs, prioritizing grants by their respective due dates.

This Strategic Funding Plan is then used to prepare grants in advance of the release of the targeted RFPs. On a yearly basis we archive RFPs released by federal agencies that offer competitive grant programs to help us anticipate program requirements of each grant, allowing us to develop proposals in a pro-active manner and thereby increasing our ability to maximize the City's funding success. We also have many successful program models for a range of grants that help us prepare grant proposals in advance of their release.

C. Weekly Grants Alert

The second method we use to research, track, and target funding is our Federal Grants Alert. The Alert is an on-going, federal funding tracking mechanism developed by our firm to ensure that our clients are updated on a weekly basis on newly announced RFPs from the Federal Register and numerous other sources. The Alert allows our firm to track new funding from numerous federal agencies. The Alert allows us to keep our clients apprised of their traditional funding sources, as well as to inform them of secondary sources which may impact their needs. The process is as follows: We fax or e-mail the Alert to our clients each Friday. Your staff reviews this Alert and determines if there are any newly released sources of interest. Once a grant is identified by your staff, they contact the primary contact assigned to your agency. A discussion ensues to give you an overview of the requirements, and to send you the RFP or the announcement if you are interested in pursuing the grant. If you confirm that you want to pursue the grant, we move on to the next step of setting up a program design meeting and then writing the grant. These steps are further described below.

D. Grant Authorizations

When grants are identified through the Strategic Funding Plan or the Grants Alert, and they are validated by the City as being appropriate to their needs, we provide the City with a copy of the RFP or announcement. Next, we discuss the terms and conditions of the grant to make sure the City understands the commitment it is making. If matching funds are required (either cash or in-kind), we will work with the City to determine how to meet matching funds without allocating new monies, and/or how to get waivers of the matching requirements. We also work with the City to address the maintenance of effort requirements, reporting and other terms for each grant. When a grant is identified by the City as one they wish to pursue, we request the City to authorize us in writing to solicit the source. This enables the City to manage our efforts and ensure we only pursue those grants that meet the City's requirements. Once authorization is received, we move to the next component, which is to set up a Program Design meeting with the City.

E. Program Design Process

Once the City gives authorization, Consultant will schedule a Program Design meeting. Consultant will consult with the City prior to meeting to determine whether there are any preliminary questions regarding the grant. Consultant will then contact the funding source to find answers to these questions. From that point, we prepare a general, written overview of the grant as well as a list of questions for the City. At this meeting, which should take no more than four hours of the City's time, the grant writer assigned to the project will provide the overview to help guide the design process. As applications can vary from being straightforward to convoluted, the overview and the questions may be more or less involved, depending upon the complexity of the application itself. The questions we have for the City may range from basic information regarding contact names and addresses, to requests for statistical data, planning reports, and other information that will serve to strengthen the grant application. During this meeting, the City staff and Consultant staff will work together to develop a comprehensive program design based on the City's needs and the parameters of the RFP. Consultant will also work with City staff to determine a preliminary budget plan that can be refined as work on the grant continues.

F. Writing

Consultant's writing process provides for continued coordination with the City to ensure that we are accurately portraying the program for which the City is requesting funding. While each grant is different, and this timeline will vary depending on the complexity of the grant and the length of time available to complete it, Table 2 illustrates our typical grant writing process.

Grant Writing Process

Activity	Timeline	Responsible Party
RFP Announcement in Alert	Day 1	Consultant
Staff confer on grant "fit"	Days 2-3	Consultant/City
Decision to go forward	Days 2-5	City
Program Design meeting takes place	Days 6-7	Consultant/City
Information Provision	Days 7-15	City
First draft to City	Days 10-11	Consultant
City reviews, responds to first draft	Days 12-13	City
City continues to provide requested Information	As required	City
Second draft to City	Days 16-17	Consultant
City reviews, responds to second draft	Days 17-18	City
Third, and usually final, draft to City	Days 19-20	Consultant
City reviews, responds to final draft Approval usually given at this time	Day 21	City
Final application delivered for signature	Day 22	Consultant/City
Final copies made; final document sent to funding source	Days 22-23	Consultant

Table 2

In the program design meeting we strive to complete the process in no more than four hours of City staff time. During the writing process, Consultant asks that City staff be available to provide required information to finish the grant, as well as to respond to the grant drafts.

Once the grant has been submitted to the funding source, we provide information to appropriate legislators on the grants submitted by their constituents (the City) so that they may lobby on the City's behalf. Consultant in does not engage in any lobbying activities on behalf of our clients. As authorized by the City, however, we will follow up on each application submitted regarding its status and to determine any political issues which may impact the grant's fundability.

Seeking foundation funding differs from the above process. Securing foundation funding is based more on the relationship established between the agency and the foundation. Our team of Consultants can work with your City in assisting your departments and not-for-profit organizations in establishing and nurturing theses relationships as well as preparation and submission of proposals.

H. Reporting

City will receive Monthly Status Reports identifying grant opportunities discussed, all grants authorized by City, the amount pending and the amount funded.

Consultant believes this methodology offers the most competitive advantage to the City. Allowing our staff to work together with City staff in a coordinated fashion, we can better understand the City's needs, programmatic and fiscal resources, and any existing gaps. From this information we can specifically pinpoint which grants will best fill those gaps and increase funding for the City. Consultant's approach has resulted in hundreds of millions of dollars for our clients.

IV. CITY RESOURCES

The following section provides a brief overview of the City's responsibilities with each of the components within our methodology.

A. Assessment

Overview: The Assessment is a series of interviews that take a number of forms. First, there is an all day group meeting with all City heads. Consultant takes the group through an informal, open-ended assessment process to help us get picture of the current situation within the agency. This will provide us with an understanding of the City's needs; program resources currently existing that may address these needs; program gaps that need to be filled; fiscal resources that may be reallocated to fill these gaps; and finally, fiscal gaps that can be filled through grant funding. We then continue with individual interviews over the phone and in person, to finalize needs, resources, and gaps.

City Duties: The City's responsibility is to be available for the interviews, have master plans, budget information, technical plans and programmatic plans available for us to use in our research.

B. Strategic Funding Plan

Overview: This component is a continuation of the Assessment and is ongoing throughout the contract period. Consultant will use information gathered in the Assessment to help us target particular funding streams in which the City may have interest. This information is compiled into an Initial Funding Plan, which will match as many grant/funding opportunities as possible with the stated priorities and needs of each department. Consultant will discuss the Initial Funding Plan with City representatives to develop the Strategic Funding Plan that will guide us over the long term, helping us to anticipate and plan for grants long before they are released.

City Duties: To review the Initial Funding Plan and have the principal contact arrange a "red-line" meeting. The purpose of this meeting is to "red-line" funding recommendations that do not seem appropriate for any given department, as well as add any other opportunities or priorities the City identifies at that time. Out of this focused effort emerges a concise list of funding opportunities that will lead to the Strategic Funding Plan.

We request City staff be available for shorter interviews that are specific to particular programming needs. It is important that the City reviews the Strategic Funding Plan on a regular (at least quarterly) basis to make certain it truly reflects the communities needs and priorities. If at any time those needs change, Consultant will be happy to revisit the plan and develop new funding strategies in response to the City's changing needs.

C. Weekly Grants Alert

Overview: City will receive a Federal Grants Alert, each Friday, by e-mail or fax (as you prefer). This provides the City with up-to-date information on the most recently released RFPs, as well as special news on upcoming funding and federal budgetary news.

City Duties: City staff should review the Grants Alert on a weekly basis and contact Consultant for RFPs, research and additional information.

D. Grant Authorizations

Overview: This component is ongoing throughout the contract period. Consultant will work closely with the City throughout the contract period to ensure that the needs discussed initially are still valid, as well as to determine if other programmatic or fiscal needs have arisen. We ensure coordination with the City through the provision of the authorization letter, which gives the City final approval on any grants Consultant works on.

City Duties: Consultant asks that City staff stay in regular contact, by phone, mail, e-mail, or in person, with our staff to keep us informed of ongoing issues or needs that may arise in your agency. The City will also need to respond on a timely basis if information needs to be gathered to support a particular grant, as well as to respond to a request for authorization when a grant is written.

E. Program Design

Overview: Program design meetings allow Consultant and City staff to interact and collaborate from the very beginning of the grant writing process to ensure communication between and access to each other. These meetings are facilitated by Consultant in order to explain in detail what the RFP requirements are, what the criteria for funding are, and to make decisions regarding program design and budget that will fit both the City's needs and the requirements of the funding source.

City Duties: City staff will need to be available to meet and/or speak with Consultant staff for program design meetings of no more than four hours each. Data gathering and provision by City staff to meet the requirements of the RFP, or contact information for where Consultant staff can access the information, will sometimes be necessary if the required data goes beyond the scope of information previously provided to Consultant.

A. Writing

Overview: As Consultant writes a grant, our staff is in regular communication with the City to ensure accurate portrayal of the program. Usually three to four drafts are required to reach the final application stage, over a two-plus week period.

City Duties: Consultant asks that City staff be available during the writing period to ensure accuracy of the proposal, to provide information as required, and to provide access to other contacts when assigned City staff is unable to provide information on their own. City staff may need to gather some information themselves in order to complete a grant; examples may include letters of support and commitment, memorandums of understanding, specific statistical data, etc. City staff should also be available for reviewing and responding to drafts during the writing process.

V. ORGANIZATIONS PROVIDED GRANT WRITING SERVICES

The following is a listing of clients for which we have provided grant writing services during the past three years. The total amount of funding secured and the nature of the completed projects are listed for each agency. All of our clients are at various stages in their contracts. Therefore, projects that are currently in progress or pending notification by funder have not been included.

City of Hartford, CT
550 Main Street, Hartford, CT 06103
Leo Harrington, Management Analyst (860) 522-4888 x 6128
Secured $10.85mm for criminal justice technology, health services, economic development, brownfields, fire equipment, family issues, medical response system, HIV prevention, criminal justice schools resource officers, parks rehabilitation

Sacramento City Unified School District
520 Capital Mall, Sacramento, CA 95814
Melissa Brown, Assistant Superintendent (916) 264-3550
Secured $8.9mm for safe schools

County of Fort Bend, TX
William B. Travis Annex, 309 South Fourth St., Ste. 720, Richmond, TX 77469
James Edwards, Budget Officer (281) 344-3937
Secured $3.87mm for criminal justice hiring programs, juvenile justice school resource officers, criminal justice technology, substance abuse

County of Guilford, NC
P. O. Box 3427, Greensboro, NC 27402
Katie Alley, Manager Coordinated Services (336) 641-6829
Secured $3.49mm for integrated health care systems, criminal justice technology and equipment, infant mortality, criminal justice hiring

City of Coral Gables, FL
405 Biltmore Way, Coral Gables, FL 33134
H.C. (Jack) Eads, Jr., City Manager (305) 446-6800
Secured $2.67mm for criminal justice technology, criminal justice hiring, emergency preparedness

County of New Hanover, NC
320 Chestnut St. Rm. 502, Wilmington, NC 28401-4091
Andrew Atkinson, Deputy County Manager (910) 341-7184
Secured $2.41mm for homeless providers project, job access transportation, school resource officers, youth violence and substance abuse prevention

City of Fayetteville, AR
Grant Writing Services
Request For Proposal 02-16

City-County of Denver, CO
110 16th Street, Suite 400, Denver, CO 80202
Chiquita McGowan, Grants Coordinator (720) 865-5567
Secured $2.35mm for homeless program, substance abuse, drug treatment, fire fighting equipment, parks restoration

City of Richmond, CA
2600 Barrett Avenue, Richmond, CA 94804
Betty J. Carter, Grants Manager (510) 620-6569
Secured $1.8mm for job training, park restoration, economic development, museums and libraries, criminal justice technology, bulletproof vests, alcohol control, criminal justice hiring

City of Fort Myers, FL
P. O. Box 2217, Fort Myers, FL 33902
Joan Cayll, Grants Coordinator (941)461-2621
Secured $1.87mm for economic development, emergency preparedness, park preservation, park refurbishment, emergency services equipment

County of DeKalb, GA
1300 Commerce Drive, Decatur, GA 30030
Michael J. Bell, Director of Finance (404) 371-2741
Secured $1,635,935 for criminal justice technology, youth mental health, substance abuse

City of Union City, CA
34009 Alvarado-Niles Road, Union City, CA 94587-4497
Tony Acosta, Interim Dep. City Manager (510) 675-5394
Secured $1.2mm for downtown revitalization, criminal justice technology and equipment, brownfields,fire fighting equipment, open space and parks, emergency services, traffic, gang reduction

City of Mobile, AL
205 Government Street, Mobile, AL 36644
Stephen A. Dean, Fire Chief (251) 208-7351
Secured $1mm for fire fighting equipment

City of Bell Gardens, CA
7100 S. Garfield Avenue, Bell Gardens, CA 90201
Manual Ortega, City Manager (562) 806-7700
Secured $720,915 for criminal justice technology, law enforcement equipment, downtown planning

Unified Government of Wyandotte County/Kansas City, KS
701 N. 7th St., Suite 926, Kansas City, KS 66101
Rosalyn Brown, Assistant Office of the Mayor (913) 573-5028
Secured $698,875 for park restoration, criminal justice victims assistance

City of Fayetteville, AR
Grant Writing Services
Request For Proposal 02-16

City of Camden, NJ
Sixth & Market Streets, Suite 214 A, Camden, NJ 08101-5120
Anthony Lingo, Grants Manager (856) 757-7060
Secured $685,000 for bulletproof vests, park restoration projects

City of Roanoke, VA
215 Church Street, Suite 354, Roanoke, VA 24011
Amelia Merchant, Management/Budget Analyst (540) 853-6805
Secured $582,988 for fire equipment, homeland security domestic preparation, water utility security

City of National City, CA
1243 National City Boulevard, National City, CA 91950-4397
Park Morse, Assistant City Manager (619) 336-4240
Secured $337,000 for housing code enforcement

City of Vacaville, CA
650 Merchant Street, Vacaville, CA 95688
John Thompson, City Manager (707) 449-5100
Secured $253,860 for trees for parks, recreational resurfacing, capacity building, substance abuse, fire equipment

City of Indio, CA
100 Civic Center Mall, Indio, CA 92202
Orly Klugman, Grants Manager (760)342-6560
Secured $189,073 for land and water conservation, park playgrounds, air quality enhancement

County of Stafford, VA
1300 Courthouse Road, Stafford, VA 22555
Cheryl Beagle, Budget Director (540)658-8617
Secured $185,614 for criminal justice technology

City of Fontana, CA
17005 Upland Avenue, Fontana, CA 92335
Pam Stewart, Sr. Admin. Analyst (909)350-7766
Secured $97,000 for recreation trails

City of Kansas City, MO
City Hall, 414 E. 12th Street, Kansas City, MO 64106
Donovan Mouton, Neighborhood Advocate (816)513-3500
Secured $62,568 for riverfront trail

City of Fayetteville, AR
Grant Writing Services
Request For Proposal 02-16

City of Cedar Rapids, IA
50 Second Avenue Bridge, Cedar Rapids, IA 52401-1256
Gary Hughes, Grants & Programs Manager (319)286-5075

County of Hinds, MS
316 S. President St., Jackson, MS 39201
Dr. Eugene McLemore, County Administrator (601)968-6501

Georgia State Supreme Court
1300 Commerce Drive, Decatur, GA 30030
Michelle Barclay, Finance Department (404)657-9219

City of Allentown, PA
435 Hamilton Street, Room 227, Allentown, PA 18101
Barbara Bigelow, Director of Finance (610)437-7500

VI. PROPOSAL COST AND ASSURANCE

By providing a performance-based approach, Consultant has the most cost effective fee structure. When Cities hire outside professional grant writers at an hourly fee the writers are not vested in the outcome. Further, these writers do not guarantee their performance, placing 100% of the risk on the City.

Our fee structure fully vests our organization in the outcome. It includes an initial fee of $20,000 for the needs assessment and development of a "Strategic Funding Plan" and $4,000 a month for twenty-four months for research, grantwriting and reporting activities. Consultant guarantees to secure a minimum of $1,000,000 in funding. If Consultant is not successful in attaining a minimum of $1,000,000 in City approved funding, Consultant shall continue to provide research and writing at no additional cost to City until the $1,000,000 guarantee amount is secured. This makes our firm fully accountable for our performance and meeting the City's goals.

Recognizing performance based contracting requires Consultant to have an incentive to maximize funding for their clients, we have an incentive fee of 5% of all funding awarded in excess of the minimum performance guarantee of $1,000,000. This is not a percentage of grants awarded but rather a percentage of awards in excess of the guarantee amount.

Additionally, Consultant recognizes that increased volume in services produce cost efficiencies and savings and as such provides for the following under this proposal:

> For any audits and or evaluations that are awarded to Consultant during the period of the agreement, Consultant will contribute towards match requirements in an amount equal to $1 for every $3 Consultant receives for the provision of these services. In other words, if the City awards Consultant an evaluation contract for $300,000, Consultant would contribute $100,000 to City for use as matching funds for any grant the City chooses to apply. Further, Consultant guarantees that its fees for audits and evaluations will be below currently accepted pricing levels.

> Consultant will provide revenue maximization and expense reimbursement audits on an as needed basis without charge. Should Consultant recover funds under these programs, an incentive fee in an amount equal to 10% of the recovered amount would be payable to Consultant provided that the $1,000,000 has been met or exceeded. Any incentive fee paid to the Consultant under this program would be recoverable by the City from the Federal or State Government.

Guarantee Requirements

In order to provide the $1,000,000 guarantee to our clients, we require clients to allow us a reasonable opportunity to meet this guarantee. Therefore, our contract requires the City to authorize us to solicit a minimum of $3,500,000 in potential grants to be pursued within the first ten months of the contract. If City does not meet the authorization requirement, it may result in a pro-rated guarantee based on the actual amount authorized. Using the initial research and assessment process described earlier in this proposal, the Strategic Funding Plan and the "Grants Alert," Consultant will provide more than $30,000,000 in potential funding sources specific to the areas you set forth in the contract. You may select from these sources to meet this reasonable opportunity requirement. Authorization of these sources enables our firm to remain pro-active and maximize funding for the City of Fayetteville, Arkansas.

VII. MILESTONES

The following is a schedule detailing the milestones, reports, and deliverables for the term of the agreement:

Activity	Timeline
Delivery of Grants Alert	Every Friday for term of Agreement.
Needs Assessment Meeting	Within 30 days of Contract execution
Monthly Grant Status Reports and Funding Inquiry Logs	Sent on the 10th of each month for prior months activities
Delivery of Initial Strategic Funding Plan	Within 45 days of Assessment Meeting
Red-line meeting (review of Initial Strategic Funding Plan with City)	Within 30 days from delivery of Initial Strategic Funding Plan
Delivery of Final Strategic Funding Plan	Within 10 days from Red-line meeting
Delivery of RFP overviews	2-7 days from receipt of Letter of Authorization
Delivery of Finished Proposals	Within 1 week of submission

NORTHWEST ARKANSAS EDITION

Arkansas Democrat Gazette

AFFIDAVIT OF PUBLICATION

I, Diane Williams, do solemnly swear that I am Legal Clerk of the Arkansas Democrat-Gazette newspaper, printed and published in Lowell, Arkansas, and that from my own personal knowledge and reference to the files of said publication, the advertisement of:

Notice of Public Hearing was inserted in the regular editions on 10/16 & 10/23/02.

** Publication Charge: $ 107.92

Subscribed and sworn to before me this

29 day of October, 2002.

RECEIVED
OCT 31 2002
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Tammy Allen
Notary Public

My Commission Expires:

Official Seal
TAMMY ALLEN
Notary Public-Arkansas
WASHINGTON COUNTY
My Commission Expires 11-05-2011

** Please do not pay from Affidavit.
An invoice will be sent.

NOTICE OF PUBLIC HEARING

City of Fayetteville

The City Council of the City of Fayetteville will conduct a Public Hearing at 6:30 pm on November 5, 2002, in Room 219 of the City Administration Building, 113 W. Mountain Street, Fayetteville, Arkansas to determine whether the house or building located upon real property at 1865 Hanshew Street, more particularly described as:

Part of the Southeast quarter (SE_) of the Southeast quarter (SE_) of Section Twenty-four (24) in Township Sixteen (16) North of Range Thirty-one (31) West, being more particularly described as follows, to-wit: Beginning at a point 396 feet East and 75 feet South of the Northwest corner of said 40 acre tract, and running thence East 25 feet, thence North 45 feet, thence East 80 feet, then South 363 feet, thence West 103 feet, thence North 383 feet to the point of beginning.

has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare. Upon such a finding, the City Council will further consider whether to order the house or building to be razed and removed. Any and all persons possessing an interest in the above-named real property must make their interest known to the Clerk of the City of Fayetteville, 113 W. Mountain Street, Suite 308, Fayetteville, AR 72701, within 30 days from the first date of publication of this Notice.

NORTHWEST ARKANSAS EDITION

Arkansas Democrat Gazette

AFFIDAVIT OF PUBLICATION

I, Diane Williams, do solemnly swear that I am Legal Clerk of the Arkansas Democrat-Gazette newspaper, printed and published in Lowell, Arkansas, and that from my own personal knowledge and reference to the files of said publication, the advertisement of:

Tyna O Agenda was inserted in the regular editions on Nov. 4, 2002.

** Publication Charge: $ 145.85

Subscribed and sworn to before me this

4 day of Nov, 2002.

Tammy Allen

Notary Public

My Commission Expires:

Official Seal
TAMMY ALLEN
Notary Public-Arkansas
WASHINGTON COUNTY
My Commission Expires 11-05-2011

** Please do not pay from Affidavit.
An invoice will be sent.

RECEIVED
NOV 05 2002
CITY OF FAYETTEVILLE

FINAL AGENDA
CITY COUNCIL NOVEMBER 5, 2002

A meeting of the Fayetteville City Council will be held on November 5, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

City of Fayetteville

A. CONSENT
1. APPROVAL OF THE MINUTES
2. ANIMAL SHELTER: A resolution awarding a contract to Airworks, for the renovation of the HVAC system at the Fayetteville Animal Shelter in the amount of $24,050; plus a 5% contingency amount of $1,203, for a total amount of $25,253; and approval of a budget adjustment.
3. SUPERIOR INDUSTRIES: A resolution approving a pass through grant agreement.
4. CRUSE UNIFORMS: A resolution awarding Bid 02-62 for Raingear to Cruse Uniforms.
5. PERSIMMON PLACE: A resolution accepting money in lieu of land dedication for Persimmon Place Subdivision.
6. AIRPORT GRANT: A resolution approving two grant applications from the Arkansas Department of Aeronautics and an amendment to Department of Aeronautics, Grant No. 1877-02, for additional funding for construction of executive aircraft hangar apron south of the terminal building and entrance road relocation. Total of grant funding request is $205,782 and approval of a budget adjustment.
8. BAYYARI PARK: A resolution awarding Bid No. 02-59 to R.J.R. Enterprises for playground equipment and installation at Bayyari Park in the amount of $38,000.
B. OLD BUSINESS
1. DEVELOPMENT PLANS AND PERMIT: An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville, to provide a date certain for the expiration of approved development plans and permits. The ordinance was left on the second reading at the October 15, 2002 meeting.
C. NEW BUSINESS
1. 1865 HANSHEW STREET: A public hearing to consider the raze and removal of a house located at 1865 Hanshew Street.
2. MARTIN LUTHER KING, JR. STREET: A resolution to change the name of 6th Street to Martin Luther King, Jr. Street.
3. CRYSTAL SPRINGS: A resolution amending Resolution 153-02 to exempt that portion of the 600' buffer strip north of Clabber Creek lying west of Deane Solomon Road and to authorize the sale of such property.
4. SOLID WASTE CLERK: A resolution eliminating the part-time clerk position and creating a full-time clerk position in the Solid Waste division.
5. PLANNING COMMISSION APPEAL: An appeal of a Planning Commission decision regarding LSD 02-21.
6. PLANNED ZONING DISTRICT: An ordinance establishing zoning district that permit the combination of development and zoning review into a simultaneous process and to eliminate Section 166.06 Planned Unit Development.
7. VA 02-5.00: An ordinance approving vacation request VA 02-5.00 as submitted by the City of Fayetteville for property located at 302 W. Prospect. The request is to vacate a section of the utility easement.
8. VA 02-11.00: An ordinance approving vacation request VA 02-11.00 as submitted by the City of Fayetteville for property located at 3868 Sunbest Drive. The request is to vacate a section of street right of way.
9. DEBT MANAGEMENT POLICY: A resolution approving the City of Fayetteville Debt Management Policy.
10. REPLACEMENT FUND: An ordinance repealing Ordinance No. 1085 and establishing a replacement and disaster recovery fund.
11. GENERAL FUND: A resolution approving the policy to set a minimum General Fund Balance requirement.

NORTHWEST ARKANSAS TIMES

Monday, November 4, 2002

FINAL AGENDA
CITY COUNCIL NOVEMBER 5, 2002

A meeting of the Fayetteville City Council will be held on November 5, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

City of Fayetteville

A. CONSENT
1. APPROVAL OF THE MINUTES
2. ANIMAL SHELTER: A resolution awarding a contract to Airworks for the renovation of the HVAC system at the Fayetteville Animal Shelter in the amount of $24,050 plus a 5% contingency amount of $1,203, for a total amount of $25,253; and approval of a budget adjustment.
3. SUPERIOR INDUSTRIES: A resolution approving a pass through grant agreement.
4. CRUSE UNIFORMS: A resolution awarding Bid 02-62 for Rangear to Cruse Uniforms.
5. PERSIMMON PLACE: A resolution accepting money in lieu of land dedication for Persimmon Place Subdivision.
6. AIRPORT GRANT: A resolution approving two grant applications from the Arkansas Department of Aeronautics and an amendment to Department of Aeronautics, Grant No. 1877-02, for additional funding for construction of executive aircraft hangar apron south of the terminal building and entrance road relocation. Total of grant funding request is $205,782 and approval of a budget adjustment.
8. BAYYARI PARK: A resolution awarding Bid No. 02-59 to R.J.R. Enterprises for playground equipment and installation at Bayyari Park in the amount of $38,000.
B. OLD BUSINESS
1. DEVELOPMENT PLANS AND PERMIT: An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville, to provide a date certain for the expiration of approved development plans and permits. The ordinance was left on the second reading at the October 15, 2002 meeting.
C. NEW BUSINESS
1. 1865 HANSHEW STREET: A public hearing to consider the raze and removal of a house located at 1865 Hanshew Street.
2. MARTIN LUTHER KING, JR. STREET: A resolution to change the name of 6th Street to Martin Luther King, Jr. Street.
3. CRYSTAL SPRINGS: A resolution amending Resolution 153-02 to exempt that portion of the 600' buffer strip north of Clabber Creek lying west of Deane Solomon Road and to authorize the sale of such property.
4. SOLID WASTE CLERK: A resolution eliminating the part-time clerk position and creating a full-time clerk position in the Solid Waste division.
5. PLANNING COMMISSION APPEAL: An appeal of a Planning Commission decision regarding LSD 02-21.
6. PLANNED ZONING DISTRICT: An ordinance establishing zoning district that permit the combination of development and zoning review into a simultaneous process and to eliminate Section 166.06 Planned Unit Development.
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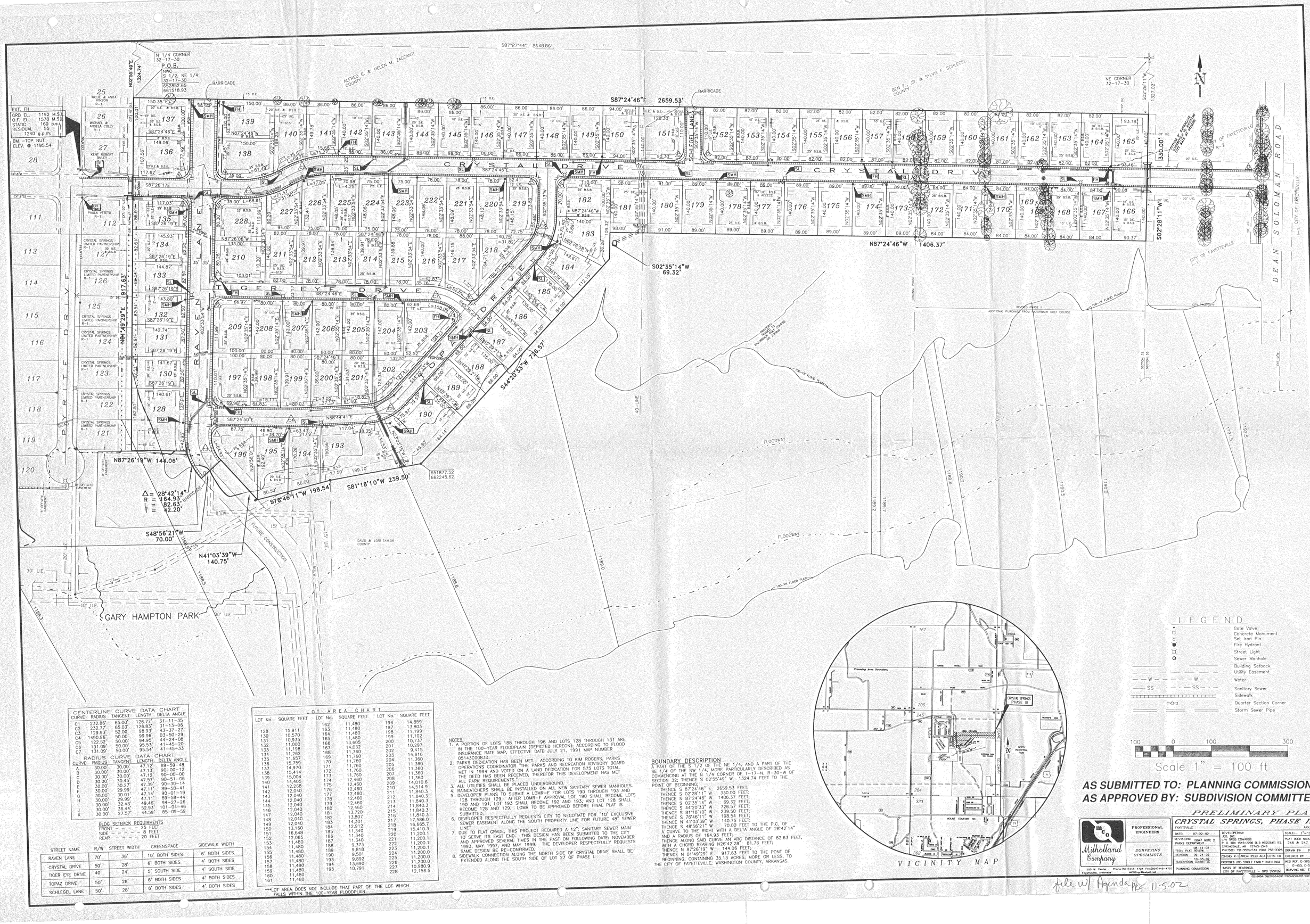

CENTERLINE CURVE DATA CHART				
CURVE	RADIUS	TANGENT	LENGTH	DELTA ANGLE
C1	232.86'	65.00'	126.77'	31-11-35
C2	232.77'	65.03'	126.83'	31-13-06
C3	129.93'	52.00'	98.93'	43-37-27
C4	1490.96'	50.00'	99.96'	03-50-29
C5	122.52'	50.00'	94.95'	44-24-08
C6	131.09'	50.00'	95.53'	41-45-20
C7	131.09'	50.00'	95.54'	41-45-33

RADIUS CURVE DATA CHART				
CURVE	RADIUS	TANGENT	LENGTH	DELTA ANGLE
A	30.00'	30.00'	47.12'	89-59-48
B	30.00'	30.00'	47.13'	90-00-12
C	30.00'	30.00'	47.12'	90-00-00
D	30.00'	30.45'	47.57'	90-51-06
E	30.00'	30.27'	47.39'	90-30-14
F	30.00'	29.99'	47.11'	89-58-41
G	30.00'	30.01'	47.14'	90-01-19
H	30.00'	29.99'	47.11'	89-58-44
I	30.00'	32.43'	49.46'	94-27-26
J	30.00'	36.44'	52.93'	101-04-46
K	30.00'	27.57'	44.59'	85-09-59

BLDG SETBACK REQUIRMENTS
FRONT - - - - - 25 FEET
SIDE - - - - - - 8 FEET
REAR - - - - - - 20 FEET

STREET NAME	R/W	STREET WIDTH	GREENSPACE	SIDEWALK WIDTH
RAVEN LANE	70'	36'	10' BOTH SIDES	6' BOTH SIDES
CRYSTAL DRIVE	50'	28'	6' BOTH SIDES	4' BOTH SIDES
TIGER EYE DRIVE	40'	24'	5' SOUTH SIDE	4' SOUTH SIDE
TOPAZ DRIVE	50'	28'	6' BOTH SIDES	4' BOTH SIDES
SCHLEGEL LANE	50'	28'	6' BOTH SIDES	4' BOTH SIDES

LOT AREA CHART					
LOT No.	SQUARE FEET	LOT No.	SQUARE FEET	LOT No.	SQUARE FEET
128	15,911	162	11,480	196	14,859
130	10,570	163	11,480	197	13,803
131	10,935	164	11,480	198	11,199
132	11,000	165	11,480	199	11,102
133	11,198	166	13,605	200	10,737
134	11,262	167	14,032	201	10,297
135	11,657	168	11,760	202	9,415
136	15,759	169	11,760	203	14,616
137	14,970	170	11,760	204	11,360
138	15,414	171	11,760	205	11,360
139	15,004	172	11,760	206	11,360
140	14,405	173	11,760	207	11,360
141	12,268	174	12,460	208	11,360
142	12,040	175	12,460	209	14,010.6
143	12,040	176	12,460	210	14,514.9
144	12,040	177	12,460	211	11,840.3
145	12,040	178	12,460	212	11,840.3
146	12,040	179	12,460	213	11,840.3
147	12,040	180	12,460	214	11,840.3
148	12,040	181	13,720	215	11,840.3
149	12,040	182	13,807	216	11,840.3
150	13,160	183	14,301	217	17,586.0
151	16,648	184	12,912	218	16,665.7
152	12,085	185	11,340	219	15,410.3
153	11,480	186	11,340	220	11,200.1
154	11,480	187	11,340	221	11,200.1
155	11,480	188	9,373	222	11,200.1
156	11,480	189	9,818	223	11,200.1
157	11,480	190	9,501	224	11,200.0
158	11,480	193	9,892	225	11,200.0
159	11,480	194	13,690	226	11,200.0
160	11,480	195	10,791	227	10,980.9
161	11,480			228	12,156.5

***LOT AREA DOES NOT INCLUDE THAT PART OF THE LOT WHICH FALLS WITHIN THE 100-YEAR FLOODPLAIN.

NOTES:
1. A PORTION OF LOTS 188 THROUGH 196 AND LOTS 128 THROUGH 131 ARE IN THE 100-YEAR FLOODPLAIN (DEPICTED HEREON); ACCORDING TO FLOOD INSURANCE RATE MAP, EFFECTIVE DATE JULY 21, 1991 MAP NUMBER 0514JC0008B0.
2. PARKS DEDICATION HAS BEEN MET. ACCORDING TO KIM ROGERS, PARKS OPERATIONS COORDINATOR "THE PARKS AND RECREATION ADVISORY BOARD MET IN 1994 AND VOTED ON A LAND DEDICATION FOR 575 LOTS TOTAL. THE DEED HAS BEEN RECEIVED, THEREFOR THIS DEVELOPMENT HAS MET ALL PARK REQUIREMENTS."
3. ALL UTILITIES SHALL BE PLACED UNDERGROUND.
4. RAINCATCHERS SHALL BE INSTALLED ON ALL NEW SANITARY SEWER MANHOLES.
5. DEVELOPER PLANS TO SUBMIT A LOMR-F FOR LOTS 190 THROUGH 193 AND LOTS 128 THROUGH 129. AFTER LOMR-F APPROVAL LOT 190 SHALL BECOME LOTS 190 AND 191, LOT 193 SHALL BECOME 192 AND 193, AND LOT 128 SHALL BECOME 128 AND 129. LOMR TO BE APPROVED BEFORE FINAL PLAT IS SUBMITTED.
6. DEVELOPER RESPECTFULLY REQUESTS CITY TO NEGOTIATE FOR "10' EXCLUSIVE SEWER EASEMENT ALONG THE SOUTH PROPERTY LINE FOR FUTURE 48" SEWER LINE".
7. DUE TO FLAT GRADE, THIS PROJECT REQUIRED A 12" SANITARY SEWER MAIN TO SERVE ITS EAST END. THIS DESIGN HAS BEEN SUBMITTED TO THE CITY AND APPROVED SEVERAL TIMES IN THE PAST ON FOLLOWING DATE: NOVEMBER 1993, MAY 1997, AND MAY 1999. THE DEVELOPER RESPECTFULLY REQUESTS SAME DESIGN BE RE-CONFIRMED.
8. SIDEWALK CONNECTION ALONG THE NORTH SIDE OF CRYSTAL DRIVE SHALL BE EXTENDED ALONG THE SOUTH SIDE OF LOT 27 OF PHASE I.

BOUNDARY DESCRIPTION
A PART OF THE S 1/2 OF THE NE 1/4, AND A PART OF THE SE 1/4 OF THE NW 1/4, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE N 1/4 CORNER OF T-17-N, R-30-W OF SECTION 32; THENCE S 02°55'49" W 1324.74 FEET TO THE POINT OF BEGINNING;
THENCE S 87°24'46" E 2659.53 FEET;
THENCE S 02°28'11" W 330.00 FEET;
THENCE N 87°24'46" W 1406.37 FEET;
THENCE S 02°35'14" W 69.32 FEET;
THENCE S 44°20'53" W 726.57 FEET;
THENCE S 81°18'10" W 239.50 FEET;
THENCE S 76°46'11" W 198.54 FEET;
THENCE N 41°03'39" W 140.75 FEET;
THENCE S 48°56'21" W 70.00 FEET TO THE P.C. OF A CURVE TO THE RIGHT WITH A DELTA ANGLE OF 28°42'14" AND A RADIUS OF 164.93 FEET;
THENCE ALONG SAID CURVE AN ARC DISTANCE OF 82.63 FEET, WITH A CHORD BEARING N26°42'28" 81.76 FEET;
THENCE N 87°26'19" W 144.06 FEET;
THENCE N 01°49'29" E 917.63 FEET TO THE POINT OF BEGINNING, CONTAINING 35.13 ACRES, MORE OR LESS, TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

VICINITY MAP

LEGEND
- Gate Valve
- Concrete Monument
- Set Iron Pin
- Fire Hydrant
- Street Light
- Sewer Manhole
- Building Setback
- Utility Easement
- W — W — Water
- SS — SS — Sanitary Sewer
- Sidewalk
- Quarter Section Corner
- Storm Sewer Pipe

100 0 100 300
Scale 1" = 100 ft

AS SUBMITTED TO: PLANNING COMMISSION
AS APPROVED BY: SUBDIVISION COMMITTEE

PRELIMINARY PLAT
CRYSTAL SPRINGS, PHASE III
FAYETTEVILLE, ARKANSAS

mcq Milholland Company — PROFESSIONAL ENGINEERS — SURVEYING SPECIALISTS
205 W. Carter Phone:(501)443-4724 Fax:(501)443-4787 MCQ@ARKWEST.NET Fayetteville, Arkansas

DATE: 07-22-02
REVISIONS: 1994' NOTE 2 PARKS DEPARTMENT 08-14-02
TECH. PLAT REVIEW 09-24-02
REVISION 10-03-02
SUBDIVISION COMMITTEE
PLANNING COMMISSION

DEVELOPER/Applicant: JCD, INC. c/o GREG EDWARDS P.O. BOX 1049/2260 OLD WILLOW RD FAYETTEVILLE, AR. 72765-1049 PH:(501) 751-9095/FAX (501) 756-3305
ZONING: R-1 AREA: 35.13 AC.± LOTS: 161
PROPOSED USE: SINGLE FAMILY DWELLINGS
BASIS OF BEARINGS: CITY OF FAYETTEVILLE - GPS SYSTEM

SCALE: 1"=100'
PLAT BOOK No's: 246 & 247
DRAWN BY: PMM
CHECKED BY:
PCD REF. C-383, C-453, C-536
DRAWING NO. E-633

S:\2002\02-136\DWG\02-136P-1PRELIM.DWG

file w/ Agenda pkg. 11-5-02