FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA
CITY COUNCIL
DECEMBER 17, 2002

A meeting of the Fayetteville City Council will be held on December 17, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

GOVERNMENT FINANCE OFFICERS ASSOCIATION AWARD

A. CONSENT

1. **APPROVAL OF THE MINUTES**

2. **BID 02-63:** A resolution awarding Bid No. 02-63 to RJM Manufacturing in the not-to-exceed amount of $150,000 for the purchase of up to 300 solid waste yard containers. The containers will vary in size from two to eight yards and will service multi-family dwellings and commercial businesses.

3. **BID 02-70:** A resolution awarding Bid 02-70 to Rehrig Pacific in the amount of $13,666.09 for the purchase of 1,500 bins and 2,000 lids for the city's curbside recycling program.

4. **WATER TANKS:** A resolution awarding the construction contract to Eagle Sandblasting and Painting, Inc. for the repainting of the Rodgers Dr. & Goshen water tanks in the amount of $295,427.00, with a contingency of $29,573.00 along with the approval of a budget adjustment.

5. **SOUTHERN VIEW APT.:** A resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept money-in-lieu of land for Southern View Apartments.

6. **REGIONAL AIRPORT:** A resolution appointing Tommy Deweese and Don Nelms to the Regional Airport Authority's Board of Directors.

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

B. OLD BUSINESS

1. **RZN 02-37.00:** An ordinance approving rezoning request RZN 02-37.00 as submitted by Milholland Company on behalf of Ozark Adventure for property located east of Futrall Drive, west of Baldwin Piano, and south of Hollywood Drive. The property is zoned R-O, Residential Office and contains approximately 17.70 acres. The request is to rezone to C-2, Thoroughfare Commercial. Ordinance was left on the first reading at the November 19, 2002 meeting and left on the second reading at the December 3, 2002 meeting.

2. **IMPACT FEES:** An ordinance enacting impact fees for all territory within the City's water and wastewater service areas including areas outside the corporate city limits and within the service areas located within Washington County and other incorporated cities. Ordinance was left on the second reading at the November 25, 2002 and left on the third reading at the December 3, 2002 meeting and tabled until the December 17, 2002 meeting.

3. **RZN 02-18.00, 19.00, 20.00, 29.00, 30.00, 31.00 and 32.00:** Ordinances approving rezoning requests as submitted by the City of Fayetteville Planning Division on behalf of the Mill District Neighborhood Association. This ordinance was left on the second reading at the December 3, 2002 meeting.

4. **FRANCHISE FEE:** An ordinance setting the franchise fee of four and one-quarter percent (4¼%) on the gross revenues of the City Solid Waste, Water and Sewer Funds and repealing Ordinance No. 3804. The ordinance was left on the first reading at the December 3, 2002 meeting.

5. **2003 BUDGET:** A resolution adopting the proposed 2003 Annual Budget and Work Program. The resolution was tabled at the December 3, 2003 meeting.

C. NEW BUSINESS

1. **WATER TANK SITE:** A resolution approving the sale of 2.0 acres of the City's Gully Rd. Water Tank site (12.0 ac) as requested by Ozark Electric Cooperative for the appraised price of $70,000.00 including access to and from Gulley Road, plus payment for specific City costs associated with the preparation of said property to be sold.

2. **ADM 02-37.00:** A resolution approving amendments to the Bill of Assurance submitted with Ordinance No. 4410, passed and approved by the City Council on August 20, 2002.

3. **RZN 02-39.00:** An ordinance approving RZN 02-39.00 as submitted by Tim DeNoble on behalf of John Eldridge, III for property located at 210 N. East Ave. The property is zoned R-O, Residential Office and contains approximately 0.70 acres. The request is to rezone to C-3, Central Commercial.

4. **RZN 02-40.00:** An ordinance approving RZN 02-40.00 as submitted by Jerry Kelso of Crafton , Tull & Associates on behalf of David Slone for property located behind 3195 N. College and east of Plainview Ave. The property is zoned A-1, Agricultural, C-2, Thoroughfare Commercial and R-1, Low Density Residential and contains approximately 8.84 acres. The request is to rezone to RMF-18, Medium Density, Multi-Family Residential.

5. **VA 02-15.00:** An ordinance approving VA 02-15.00 as submitted by Ross Mallioux for property located at 2309 Golden Oaks Dr. The property is zoned R-1, Low Density Residential and contains approximately 0.30 acres. The request is to vacate part of the utility easement (75.7 sq. ft.)

6. **COUNCIL ON AGING:** An ordinance approving an agreement with the Council on Aging to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Council on Aging in 2003 for the provision of public recreation.

7. **BOYS & GIRLS CLUB:** An ordinance approving an agreement with the Fayetteville Boys and Girls Club to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Fayetteville Boys and Girls Club in 2003 for the provision of public recreation.

8. **FIRST NIGHT:** Discussion of a resolution to approve funding for First Night 2002.

D. INFORMATIONAL ITEM:

1. 2003 Community Development Block Grant (CDBG) annual action plan.

PRESENTATION FOR OUT GOING ALDERMAN

Meeting of December 17, 2002

	Roll		Consent BD/RR		
REYNOLDS	✓		✓		
THEIL	✓		✓		
YOUNG	✓		✓		
MARR	✓		✓		
BECHARD	absent		absent		
DAVIS	✓		✓		
SANTOS	✓		✓		
JORDAN	✓		✓		
COODY	✓				

RZN 02-3705	BP KS 3RD	[illegible]			
REYNOLDS	✓	✓			
THIEL	✓	✓			
YOUNG	✓	✓			
MARR	✓	✓			
BECHARD	absent				
DAVIS	✓	✓			
SANTOS	✓	✓			
JORDAN	✓	✓			
COODY					

Meeting of December 17, 2002

RR move to limit item old. · amendment → · amend 5 yr ... · 10 yr. · KS amend C.I.

impact fees.	BD RR	BT KS	BD TB.	DM BT.	KS BT
REYNOLDS	✓	✓	✓	✓	✓
THEIL	✓	✓	✓	✓	✓
YOUNG	✓	✓	✓	✓	✓
MARR	✓	✓	✓	✓	✓
BECHARD		✓	✓	✓	✓
DAVIS	✓	✓	✓	✓	✓
SANTOS	✓	✓	✓	✓	✓
JORDAN	✓	✓	✓	✓	✓
COODY				✓	

amend · exhibit

	KS LJ.	KS LJ.			
REYNOLDS	✓	✓	✓		
THIEL	✓	✓	✓		
YOUNG	✓	✓	✓		
MARR	✓	✓	✓		
BECHARD	✓	✓	✓		
DAVIS	✓	✓	✓		
SANTOS	✓	✓	✓		
JORDAN	✓	✓	✓		
COODY					

12:15

Meeting of December 17, 2002

RZN 02-18	KS 3RD BD	PASS			
REYNOLDS	✓	✓			
THEIL	✓	✓			
YOUNG	✓	✓			
MARR	✓	✓			
BECHARD	7:00 arrival	✓			
DAVIS	✓	✓			
SANTOS	✓	✓			
JORDAN	✓	✓			
COODY					

Franchise fee	KS 2ND BD	KS 3RD BD	amend 3RD BD	PASS	
REYNOLDS	✓	✓	✓	✓	
THIEL	✓	✓	✓	✓	
YOUNG	✓	✓	✓	✓	
MARR	✓	✓	✓	✓	
BECHARD	✓	✓	✓	✓	
DAVIS	✓	✓	✓	✓	
SANTOS	✓	✓	✓	✓	
JORDAN	✓	✓	✓	✓	
COODY					

Meeting of December 17, 2002

2003 Budget	BD cf amend Sect 2	TB 22 amend June 30 CCT	B7 cf impact fee ? Bustamante	ICS cf	
REYNOLDS	✓	✓	✓	✓	
THEIL	✓	N✓	✓	✓	
YOUNG	✓	N✓	✓	N✓	
MARR	✓	✓	✓	✓	
BECHARD	✓	✓	✓	N✓	
DAVIS	✓	✓	✓		
SANTOS	✓	N✓		✓ ✓	
JORDAN	✓	N✓	✓	✓	
COODY					
		failed		pass	

Water tank	BD cf				
REYNOLDS	✓				
THEIL	✓				
YOUNG	✓				
MARR	✓				
BECHARD	✓				
DAVIS	✓				
SANTOS	✓				
JORDAN	✓				
COODY					

Meeting of December 17, 2002

ADM 2-37.	KG LJ.				
REYNOLDS	✓				
THEIL	✓				
YOUNG	✓				
MARR	✓				
BECHARD	✓				
DAVIS	✓				
SANTOS	✓				
JORDAN	✓				
COODY					

BZN 02-39	BD LJ 2ND	BD LJ. 3RD	PASS		
REYNOLDS	✓	✓	✓		
THIEL	✓	✓	✓		
YOUNG	✓	✓	✓		
MARR	✓	✓	✓		
BECHARD	✓	✓	✓		
DAVIS	✓	✓	✓		
SANTOS	✓	✓	✓		
JORDAN	✓	✓	✓		
COODY					

Meeting of December 17, 2002

EZW 02-40.					
REYNOLDS					
THEIL					
YOUNG					
MARR					
BECHARD	[illegible]				
DAVIS					
SANTOS	1st				
JORDAN					
COODY					

VA 2-15	BD DM 2ND	BD LA 3RD	[illegible]		
REYNOLDS	✓	✓	✓		
THIEL	✓	✓	✓		
YOUNG	✓	✓	✓		
MARR	✓	✓	✓		
BECHARD	✓	✓	✓		
DAVIS	✓	✓	✓		
SANTOS	✓	✓	✓		
JORDAN	✓	✓	✓		
COODY					

Meeting of December 17, 2002

Council on aging	KS LJ 2ND	BD LJ 2ND	pass		
REYNOLDS	✓	✓	✓		
THEIL	✓	✓	✓		
YOUNG	✓	✓	✓		
MARR	✓	✓	✓		
BECHARD	✓	✓	✓		
DAVIS	✓	✓	✓		
SANTOS	✓	✓	✓		
JORDAN	✓	✓	✓		
COODY					

B&G Club	BD KS 2ND		BD BT	PASS	
REYNOLDS	✓		✓	✓	
THIEL	✓		✓	✓	
YOUNG	✓		✓	✓	
MARR	✓		✓	✓	
BECHARD	✓		✓	✓	
DAVIS	✓		✓	✓	
SANTOS	✓		✓	✓	
JORDAN	✓		✓	✓	
COODY					

Meeting of December 17, 2002

1st Mtg.	LA TB	~~[illegible]~~		
REYNOLDS	✓			
THEIL	✓			
YOUNG	✓			
MARR	✓			
BECHARD	✓			
DAVIS	✓			
SANTOS	✓			
JORDAN	✓			
COODY				

Township Builders order Change #4

Dickson Street

Dickson Street	57 add to agenda DM.	TM 42 Day A+B DM.	~~Dress~~		
REYNOLDS	✓	~~4~~ 1st	A		
THIEL	✓	✓	✓		
YOUNG	N	Y	Y		
MARR	✓	✓	✓		
BECHARD	✓	✓	✓		
DAVIS	✓	✓	✓		
SANTOS	✓	Y	Y		
JORDAN	N	Y	Y		
COODY		✓	✓		
			[illegible]		

mtg adjourn. 2:00 Am.

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B. OLD BUSINESS

PASS

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PASS

move to last item

2. **IMPACT FEES:** An ordinance enacting impact fees for all territory within the City's water and wastewater service areas including areas outside the corporate city limits and within the service areas located within Washington County and other incorporated cities. Ordinance was left on the second reading at the November 25, 2002 and left on the third reading at the December 3, 2002 meeting and tabled until the December 17, 2002 meeting.

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PASS

5. **2003 BUDGET:** A resolution adopting the proposed 2003 Annual Budget and Work Program. The resolution was tabled at the December 3, 2003 meeting. ~~Amendment~~

C. NEW BUSINESS

tabled to next mtg

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PASS

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left on 1st

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PASS

6. **COUNCIL ON AGING:** An ordinance approving an agreement with the Council on Aging to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Council on Aging in 2003 for the provision of public recreation.

PASS

7. **BOYS & GIRLS CLUB:** An ordinance approving an agreement with the Fayetteville Boys and Girls Club to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Fayetteville Boys and Girls Club in 2003 for the provision of public recreation.

PASS

8. **FIRST NIGHT:** Discussion of a resolution to approve funding for First Night 2002.

D. INFORMATIONAL ITEM:

1. 2003 Community Development Block Grant (CDBG) annual action plan.

PRESENTATION FOR OUT GOING ALDERMAN

PASS → Dickson Street - change order #4.

Mtg adjourned. 2:00 am

MINUTES OF A MEETING
OF THE
CITY COUNCIL
NOVEMBER 19, 2002

A meeting of the Fayetteville City Council will be held on November 19, 2002, at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

CONSENT

APPROVAL OF THE MINUTES

ELEVATOR: Resolution awarding Bid 02-66 in the amount of $26,246toThyssenKrupp Elevator for the repair of an elevator in the Fayetteville Police Building.

RESOLUTION 175-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OFFER AND ACCEPTANCE: A resolution approving the offer and acceptance contract for the acquisition of all property located at 2050 W. 6th Street for the relocation of the Sang Avenue intersection with 6th Street; and approval of a budget adjustment.

RESOLUTION 176-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CROSSLAND CONSTRUCTION: A resolution approving Change Order #5 to the contract with Crossland Construction Company, Inc. in the amount of $402,895.84. to purchase and install exterior cladding for the New Fayetteville Public Library.

RESOLUTION 177-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Davis moved to approve the Consent agenda. Alderman Marr seconded. The motion carried unanimously.

OLD BUSINESS

MARTIN LUTHER KING, JR. STREET: A resolution to designate 6th Street as honorary Martin Luther King, Jr. Boulevard. The resolution was tabled at the November 5, 2002 meeting.

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: **December 18, 2002**

RE: **Passed Ordinances and Resolutions from City Council meeting of December 17, 2002**

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

Enclosed are:

194-02 1. **Bid 02-63:** Resolution awarding bid to RJM Manufacturing in not to exceed amount of $150,000 for purchase of up to 300 solid waste yard containers;

195-02 2. **Bid 02-70:** Resolution awarding bid to Rehrig Pacific in amount of $13,666.09 for purchase of 1,500 bids and 2,000 lids for city's curbside recycling program;

196-02 3. **Water Tanks:** Resolution awarding construction contract to Eagle Sandblasting and Painting, Inc. for repainting of Rodgers Drive and Goshen water tanks in amount of $295,427 with contingency of $29,573 along with approval of budget adjustment;

4. **Southern View Apt**: Resolution to accept recommendation of Fayetteville Parks and Recreation Advisory Board to accept money in lieu of land for Southern View Apartments;

197-02

5. **Regional Airport**: Resolution appointing Don Nelms and Tommy Deweese as Fayetteville's two representatives on the Northwest Arkansas Regional Airport Authority Board;

198-02

6. **RZN 02-37.00**: Ordinance approving rezoning request as submitted by Milholland Co., on behalf of Ozark Adventure for property located east of Futrall Drive, west of Baldwin Piano, and south of Hollywood Drive; property is zoned R-O and contains approximately 17.70 acres request is to rezone to C-2;

4446

7. **Impact Fees:** Ordinance enacting impact fees for all territory within City's water and wastewater service areas including areas outside corporate city limits and within service areas located within Washington County and other incorporated cities;

4447

8. **RZN 02-18.00, 19.00, 20.00, 29.00, 30.00, 31.00 and 32.00:** Ordinances approving rezoning requests as submitted by City of Fayetteville Planning Division on behalf of Mill District Neighborhood Association;

4448

9. **Franchise Fee**: Ordinance setting franchise fee of 4 ¼% on gross revenues of City Water and Sewer Funds and 3% on Gross Revenues of Solid Waste Funds and repealing Ordinance No. 3804;

4449

10. **2003 Budget:** Resolution adopting proposed 2003 Annual Budget and Work Program and the Hay Pay Plan for Police and Fire pay ranges;

199-02

11. **ADM 02-37.00:** Resolution approving amendments to Bill of Assurance submitted w/Ordinance No. 4410, passed and approved by Council on August 20, 2002;

200-02

12. **RZN 02-39.00:** Ordinance approving rezoning as submitted
by Tim DeNoble on behalf of John Eldridge, III for property
4450 located at 210 N. East Ave.; property was zoned R-O and
contains approximately .70 acres and was rezoned to C-3;

13. **VA 02-15.00:** Ordinance approving vacation as submitted by
4451 Ross Mallioux for part of a utility easement at 2309 Golden
Oaks Dr.;

14. **Council on Aging:** Ordinance waiving competitive bidding
4452 and approving agreement w/Council on Aging to provide
public recreation for senior citizens of Fayetteville for 2003;

15. **Boys & Girls Club:** Ordinance waiving competitive bidding
requirements and approving agreement w/Fayetteville Boys
4453 and Girls Club to provide public recreation for citizens of
Fayetteville in 2003;

16. **First Night:** Resolution approving funding in amount of
$12,000 for First Night Fayetteville, Inc. to promote and
manage alcohol free, family friendly and community oriented
201-02 celebration of New Year's Eve for City of Fayetteville and
approving a budget adjustment of $12,000;

17. **DDEP:** Resolution amending Resolution No. 181.02 by
amending its Section 1 and approving counteroffer to add 42
202-02 days to the completion date construction contract with
Township Builders, Inc. for Downtown Dickson Enhancement
Project.

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RESOLUTION 177-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Davis moved to approve the Consent agenda. Alderman Marr seconded. The motion carried unanimously.

OLD BUSINESS

MARTIN LUTHER KING, JR. STREET: A resolution to designate 6th Street as honorary Martin Luther King, Jr. Boulevard. The resolution was tabled at the November 5, 2002 meeting.

Alderman Thiel moved to amend the resolution making 6th Street Honorary Martin Luther King Jr. Boulevard. Alderman Reynolds seconded the motion. The motion carried unanimously.
Mr. Rhett Beard, an area resident, stated he supported the resolution and felt they needed to honor and to keep alive their generational stories for this generation and future ones.

Ms. Cindy Nance, an area resident, stated she supported the honorary designation of 6th Street as MLK Boulevard. Honorary designation did not have to go to Planning commission it could be given by a resolution. 6th Street ran past the only high school in town, the university, and a historically black neighborhood. Since this is an honorary designation none of the merchants will have to change their letterhead or incur that cost. Since this is a State highway they will pay for the signage.

Mr. Lonnie Williams, an area resident, stated he was in support of the change and asked them to support the resolution.

Mr. John L. Colbert, an area resident, thanked the council for considering the designation and allowing the public input. They were in favor of the resolution.

Ms. Hawkins, an area resident, stated Fayetteville had been the first city in the south to integrate and that she hoped they would continue to support them.

Ms. Ernestine Gibson, an area resident, stated she had been a member of the MLK committee for several years. She presented a petition in support of naming 6th street MLK Jr. Boulevard. This was a positive step and outreach in this area.

Ms. Lette Wright, an area resident, stated she supported the designation.

Mr. Steve Shephard, an area resident, stated 6th street was one of their primary routes to get to his house and he supported the change.

Mr. David Garcia, an area resident, stated he would not be proud of them if they passed it. They should change the street name and not make it just an honorary designation.

Alderman Reynolds stated he had a number of people wanting the committee to work on naming a street after Lewis Parry Bryant Jr.

Alderman Marr asked if they had considered a time frame for changing the street name. Had they considered anything other than honorary or definite.

Alderman Santos moved to pass the resolution. Alderman Jordan seconded. The motion carried unanimously.

RESOLUTION 178-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CRYSTAL SPRINGS: A resolution to amend Resolution 153-02 to exempt that portion of the 600' buffer strip north of Clabber Creek lying west of Deane Solomon Road The resolution was tabled at the November 5, 2002 meeting.

Mr. Mel Milholland stated there had been seven years of planning to extend Crystal Drive into Deane Solomon in the Phase Three of Crystal Springs. They had gone through Subdivision Committee and were ready to go onto Planning Commission when the resolution was pass regarding the six hundred foot buffer. He asked that he council treat this developer' fairly. They had purchased land from the golf course and paid approximately $70,000 to move a green and a tee off in order to get closer to Deane Solomon. Their next step was to go through city property. They were asking the city to cost share the cost of the street extension. The city would own the property to there benefit in the future. It would give a through connection that had been planned for years between Deane Solomon and Salem.

Alderman Thiel stated the street had been required by the Planning Commission. She believed that there had been a commitment from the city to share the cost of the street.

In response to questions, Mr. Milholland stated there would be storm drains at Dean Solomon.

Alderman Young stated he thought the storm drain along the property line should be the developer's responsibility.

Alderman Davis stated he was concerned about people using the street as a through street and increasing the speed and the safety of the children.

Mr. Williams stated this resolution would only remove the requirement that they not disturb this property. They were not expected to accept the terms of the letters. This simply removed the exemption from the buffer zone. The council would have to approve any cost share agreement at a later date.

Alderman Davis moved to take the item off the table. Alderman Thiel seconded. The motion carried unanimously.

In response to questions, Mr. Collins stated the task force had been trying to come up with reasonable recommendations. They were meant to be guide post. They were meant for the council to deal with them and to make decisions. The eleven acre strip came to them late in the process. He did not realize that this piece of the property was something that they should be considering until late. It never received explicit discussion. They nature of the six hundred foot buffer was intended to protect the quality of Clabber Creek. They had never been told about the road. Had they been told, then they would have dealt with it. Their primary concern was contiguous ecosystem protection. This eleven acres was not part of the contiguous ecosystem that they had been considering.

Ms. Jennifer Price, Crystal Springs Homeowners Association, stated without the passage of this resolution the developer could not go forward with his plans. She presented a petition with sixty signatures from homeowners in their association that wanted the road to go through. They did not want it to be as straight as it is, but those were Planning Commission items. If there was only one entrance into the subdivision, then over four hundred and fifty cars would be driving by the school every day. This developer had been working to good faith to satisfy the city's requests.

Mr. Al Vic, an area resident, stated the city had agreed to protect this buffer zone.

Mr. Tim Conklin, stated that in 1995 the Planning Commission had approved Phase 2 of Crystal Springs development contingent upon them finding another access into the development. After that approval the developer had gone out and found a second access. It was not until August of this year that Phase Three had been submitted to the Planning Division. After the task force resolution had been adopted he discovered that there was a six hundred foot buffer that prevented Crystal Springs Drive going over to Dean Solomon Drive.

Mr. Jeff Erf, an area resident, asked when the city was going to begin the extensive study on the rest of the property.

Ms. Shay Laster, an area resident, stated Crystal Springs would be the only street running parallel with Mount Comfort and it would turn into a collector street at some point in time. She thought it was fine for the street to go through, but she wanted assurances that it would be winding and more difficult to get to Dean Solomon.

Mr. Conklin stated he did not expect to bring anything forward to the Planning Commission that did not have a cul-de-sac and a winding street.

Mr. Jim Bemis, an area resident, stated they were planning on annexing seventy acres north of Crystal Springs. It would give them opportunity for another connection. He asked that they consider other options. He did not believe that they had to make a decision tonight. His did not think that this was a wise decision.

Ms. Andrea Radwell, an area resident, stated he was concerned that it took so long for this street be brought forward. She thought the cost share would end up being very costly because of the type of soils.

Mr. Garcia, an area resident, stated he felt they were trying to break their agreement. The level of trust is at an all time low.

Ms. Fran Alexander, an area resident, asked when the evaluation of the property was going to be done.

Alderman Reynolds stated there were two stubouts on Crystal Springs, hopefully there would be two more streets out of that subdivision. He thought that they had to have another way out of the subdivision for safety reasons.

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

In response to questions, Mr. Williams read the resolution which amended Resolution 153-02 to exempt that portion of a six hundred foot buffer strip north of Clabber Creek lying west of Dean Solomon Road.

Alderman Young asked if they were only exempting the west side of Dean Solomon and not affect any other part of the project?

Mayor Coody replied that was correct.

Mr. Williams stated that it only affected the six hundred foot buffer strip.

Alderman Thiel asked what "that portion" referred to.

Mr. Williams stated that it was the six hundred foot buffer lying west of Dean Solomon.

Alderman Santos stated they did not need to exempt the entire six hundred feet, they only needed to exempt the part needed for the road.

Alderman Thiel moved to amend the resolution to only exempt the area needed for right-of-way across the buffer zone and to remove the "housing" Alderman Reynolds seconded. The motion carried 7-1, Marr voting nay.

RESOLUTION 179-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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. The ordinance was left on the 1st reading at the November 5, 2002 meeting.

Mr. Williams read the ordinance.

Alderman Marr moved to suspend the rules and move to the third and final reading. Alderman Davis seconded. The motion carried unanimously.

In response to questions, Mr. Conklin stated they would be approving the master development plan. The planning commission would be making a recommendation to the council on the zoning. They would be voting on an ordinance that would be specific to that piece of property on the zoning map it would show up as a planned zoning district. It would have its own rules and regulations. The other part of this ordinance allowed the flexibility in design. They want people to bring them innovative development that was high quality and this was used in other cities across the United States and mitigate the impact of the development,

Mr. Richard Maynard, an area resident, stated this would benefit the neighborhoods. This system would be more efficient.

Mr. Williams read the ordinance.

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

ORDINANCE 4434 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

REPLACEMENT FUND: An ordinance repealing Ordinance No. 1085 and establishing a replacement and disaster recovery fund. The ordinance was left on the 1st reading at the November 5, 2002 meetings.

Alderman Santos moved to suspend the rules and move to the second reading. Alderman Jordan seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Davis moved to add Section 4 to read, "the purpose of this directive is to establish the policy and procedure for the purchase and replacement, insurance cost, license fee, repair and maintenance of the items that cost $10,000 or less currently on the motor pool schedule." Alderman Reynolds seconded. The motion carried unanimously.

Alderman Marr move to suspend the rules and move to the third and final reading. Alderman Santos seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

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

ORDINANCE 4435 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

VA 02-12.00 and 02-13.00: An ordinance approving vacation request VA 02-12.00 and 02-13.00 as submitted by Greg House for property located at southwest corner of St. Charles Avenue and Watson Street. The request is to vacate a drainage easement.

Mr. Williams read the ordinance.

Alderman Davis moved to suspend the rules and move to the seond reading. Alderman Marr seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Young stated the conditions of approval were not listed in the actual ordinance.

Mr. Conklin stated what they had intended on doing was holding the ordinance for approval by the Mayor and to bring it along with the large scale development. the engineer had been concerned to go forward without city council action, with the easements in place, they wanted some assurance that the easement could be vacated and the storm drainage could be relocated. The city attorney thought it would be more appropriate to put "subject to" in there.

Mr. Williams stated once the city council had voted to approve the city ordinance it was going to be affective. He did not want to advise to the mayor not to sign something the city council had approved. He suggested adding a section 3 making the approval subject to the conditions of approval. It would not become affective until the related storm sewer is installed and accepted by the city of Fayetteville.

Alderman Young moved to add section 3. Alderman Marr seconded. The motion carried 7-1, Reynolds voting nay.

Alderman Reynolds stated he was not sure about the drainage easement. He did not know where they would be going with the drainage.

Mr. Conklin stated what was being vacated was the easement directly behind Colliers drug store.

Ms. Mandy Bunch, Engineer, stated if it was physically possible to reroute the drainage around Watson Street right-of-way and back in. The new proposed development will have to detain, which was something that none of the up stream development had done. This line was a connivance. There was approximately eight acres that drains through this property now. As it exists now, it was through the back yards of three house along Watson Street. This pipe will be to convey the water that is currently empting into the ditch. There was a box culvert in place under the parking lot, that went into the stream then fed into the Dickson Street Enhancement project.

Alderman Reynolds stated there was a current problem with the drainage that went under Jose.

In response to questions, Mr. Sid Norbash, Engineering, state the drainage over at Jose's parking lot, one side of it was blocked. It does run from that parking lot and comes to west, made a ninety degree angle and emptys in front of Ozark Brewery and into the rest of the system.

Alderman Reynolds asked what this project would hook onto at the end of the three properties.

Ms. Bunch stated there was an open ditch that ran back behind US Pizza and around and under Three Sisters.

LEFT ON THE SECOND READING AS AMENDED.

RZN 02-34.00: An ordinance approving rezoning request RZN 02-34.00 as submitted by Mel Milholland of Milholland Company on behalf of Roy and Stephanie Lovell for property located at 6310 W. Wedington Drive. The property is zoned A-1, Agricultural and contains approximately 2.8 acres. The request is to rezone to R-1, Low Density Residential.

Mr. Williams read the ordinance.

Mr. Conklin stated the applicant was requesting the rezoning for a lot split so that they could add a house.

LEFT ON FIRST READING.

RZN 02-35.00: An ordinance approving rezoning request RZN 02-35.00 as submitted by Patsy Brewer of Habitat for Humanity for property located at 1075 and 1093 Jerry Street. The property is zoned R-1, Low Density Residential and contains approximately 0.35 acres. The request is to rezone the property to RS, Residential Small Lot.

Mr. Williams read the ordinance.

Ms. Patsy Brewer, Habitat for Humanity, stated they had had someone donate a house to them that they needed to move. This was a flat lot and they would like to move the house this calendar year.

Mr. Gary Lowery, an area resident, stated they should eliminate any permit fees for Habitat or any charge for infrastructure fees for lower income homes.

Alderman Thiel moved to suspend the rules and move to the second reading. Alderman Marr seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Reynolds moved to suspend the rules and go to the third and final reading. Alderman Davis seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

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

ORDINANCE 4436 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 02-37.00: An ordinance approving rezoning request RZN 02-37.00 as submitted by Milholland Company on behalf of Ozark Adventure for property located east of Futrall Drive, west of Baldwin Piano, and south of Hollywood Drive. The property is zoned R-O, Residential Office and contains approximately 17.70 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Mr. Williams read the ordinance.

In response to questions, Mr. Ray Brag, developer, stated they would do their best to save the existing trees. The park will aestically look better if it is intermingled with the trees. They had a significally large landscaping budget.

Mr. John Knock, Financial Advisor for the project, stated they wanted to make sure that the quality and the longevity was there. They were directly off the interstate. The frontage was great and the impact to the traffic was low. They will be adding traffic in the best way. People that come in for the water park will come in for an extended day and would be using hotels and restaurants. They had looked at other sites in northwest Arkansas. They felt this would complement what Fayetteville was about.

In response to questions, Mr. Conklin stated over eighty percent of the property was in the overlay district and the developer was aware of that. That had talked about the use of monument signs and the landscape buffer zone.

Alderman Thiel stated she had been on the Parks Board when they did their master plan study. A water park was advocated by a lot of people. She thought this would provide people with something that it would be years before the park system.

Alderman Marr asked how the park would be used outside its peak time of year and was there adequate investment to make sure that it was going to be a sustainable business. They did not want a dead water park in their city.

Mr. Knock stated property would be opened in 2004. They wanted it to be quality and longevity. From the financial side they were continuing to work on those aspects. This project will not happen unless the appropriate financing was there for it to be a long term project.

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In response to questions, Mr. Conklin stated Bestway would connect with Hollywood. A street would be required to be constructed for this development

Mr. Brag stated there would be two ways to enter and exit, from Hollywood and Futurall.

Alderman Young asked if they would be requesting any public funds for this project.

Mr. Knock stated they would like to be involved in a promotion with the city's parks and recreation. They will be getting some relief from the State under the tourism act that they have. They were prepared to move forward with private capital.

Ms. Mary Beth Hughs, an area resident, expressed concern about how superficial Fayetteville was becoming. The infrastructure was falling apart and a water park was not going to help the situation. She expressed concern about Fayetteville starting to look like Branson or Tulsa and what the water park will look like in the winter.

Mr. Charles Axle, an area resident, questioned if this project fell through what could end up on the property if it was rezoned.

Mr. Conklin stated C-2 zoning was typical zoning that they saw for retail development, restaurants, offices and those types of uses. Apartments were not allowed by right by themselves in C-2. They could be accessory uses.

Mr. Todd Jacobs, an area resident, stated he thought the water park was a good idea, but he was concerned that it was not the best use for this property. He suggested using the property for residential.

LEFT ON THE FIRST READING.

RZN 02-38.00: An ordinance approving RZN 02-38.00 as submitted by Alan Reid on behalf of Betty Ruble for property located at 625 N. 54th Avenue. The property is zoned A-1, Agricultural and contains approximately 2.12 acres. The request is to rezone to R-1, Low Density Residential.

Mr. Williams read the ordinance.

Mr. Alan Reid stated the owner was wanting to split the lot. In the current A-1 zoning she was not allowed to do that because she did not have enough room. If they were to change the zoning, then she would be allowed to deed the other lot to her daughter who was wanting to build a home. All of the infrastructure was in, he asked them to pass the ordinance tonight.

LEFT ON THE FIRST READING.

LED TRAFFIC SIGNAL BID WAIVER: An ordinance waiving the requirements of formal competitive bidding for the purchase of LED traffic signal lenses from Temple, Inc. and declaring an emergency.

Mr. Williams read the ordinance.

Alderman Santos moved to suspend the rules and go to the second reading. Alderman Marr seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Alderman Davis moved to approve the emergency clause. Alderman Santos seconded. The motion passed unanimously.

ORDINANCE 4437 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LED TRAFFIC SIGNAL LENSES: A resolution approving the purchase of LED traffic signal lenses from Temple, Inc. in the amount of $58,003.87 and approving a budget adjustment in the amount of $58,004.00 for same.

Alderman Santos moved to approve the resolution. Alderman Jordan seconded. The motion carried unanimously.

RESOLUTION 180-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

IMPACT FEES: An ordinance enacting impact fees for all territory within the City's water and wastewater service areas including areas outside the corporate city limits and within the service areas located within Washington County and other incorporated cities.

Mr. Williams read the ordinance.

A special meeting was set up for the second reading of the ordinance and to allow extensive public comment.

LEFT ON THE FIRST READING.

OLD MISSOURI ROAD: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by JTK Trust, James T. Keenan and James F. Keenan, trustees, to secure the necessary easements and rights-of-way for Old Missouri Road improvements.

Mayor Coody stated he was in negotiations with the owner to see if he would work with the city.

Mr. Boettcher stated the only thing that was preventing the bidding of Old Missouri Road improvements was this easement.

Alderman Young moved to table the item until the next meeting. Alderman Jordan seconded. The motion carried 7-0-1, Marr abstained.

TABLED UNTIL THE NEXT MEETING.

YOUTH ADVOCACY COMMITTEE: An ordinance reorganizing the Youth Advocacy Board.

Mr. Williams read the ordinance.

Alderman Jordan stated the committee was wanting to look at all kinds of projects. He thought it would have a positive affect on children. They could teach them about city government and they could work on parks and trails and clean ups.

Alderman Santos moved to suspend the rules and move to the second reading. Alderman Marr seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Reynolds moved to suspend the rules and move to the third and final reading. Alderman Thiel seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

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

ORDINANCE 4438 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

TOWNSHIP BUILDERS: A resolution approving Change Order no. 4 to the construction contract with Township Builders for Dickson Street Enhancement Project, in the amount of $195,300, additional funds for the in-house construction management in the amount of $74,700; and the related budget adjustment in the amount of $270,000.

Mr. Gary Carnahan stated he was asking them to approve a change order. They had made on their part. The largest item was in the brick paver quantity. They had calculated the pavers that were on the plans and in the job. They had set up two bid scheduled items. At that time they had thought that the crosswalk pavers would be bid at a different price then the intersection pavers. Later they decided that they were the same types of materials and were just a different color and patterns and should be bid as one item rather than two items. They deleted the first item and intended to move the quantities down in to the second item. Some way they never did that. They just deleted it out of the bid schedule. The pavers had been in the project all the time. If they had not deleted that bid item, they would have been bid and they would have been in the initial price.

Alderman Davis asked if this was something that would be covered by their errors and omissions insurance.

Mr. Carnahan stated he did not believe so because the additional cost was adding to the value of the project, and this would add to the value. Errors and omissions was more related to things that cause failure of the design and things that do not perform the way they were designed to.

Alderman Davis stated if they had seen the additional cost earlier, this council may have made a different decision whether to do the project for not.

In response to questions, Mr. Carnahan stated not subsurface investigation had been conducted was a statement in the bid document. When they designed the improvement, they did not go dig up and see how deep things were. They had known they would run into some things. As they uncovered them then they make adjustments during the construction to move along. This was not surprising to them or the staff. They had some pipelines that they should have known more closely where they were. They have gone out without charging the city, anytime that there was something that had to be changed that they should have anticipated better than what they did. They have worked with the contractor. They started in the worst possible section. They had done that on purpose. They had started at West Avenue and gone up to University Avenue. They had put in a new storm sewer pipe where there had never been a storm sewer pipe before. They had ran into about five problems that they had not anticipated when they drew the plans. He thought that gave the project a early negative impression. They have a lot of good things ahead of them.

In response to questions, he stated that when they first looked at the surfaces during the design phase, they had considered stamped concrete in the intersections rather than the crosswalks. They had abandoned the idea because of the history of the fading of the coloring in the concrete and maintenance issues. The brick pavers were concrete for durability.

Alderman Young asked why they did not require the contractor to locate the lines prior to starting.

Mr. Carnahan stated after the first week they have been doing that. It took them a week to find out the contractor had not been doing that.

Alderman Young asked if there were any storm drains near the Methodist Church and did it cross to the south side.

Mr. Carnahan stated there were. There was a little bit on the south side, but most of it was in the north side. It crossed the street near Highland Boulevard. They were not expecting any problems in that are.

Alderman Young stated Alderman Reynolds building had been flooded. He asked why the contract was not hooking up the drain serve.

Mr. Norbash stated that had been one of the surprises. Most of the sanitary sewer went to the north, which was in the parking lot area. However, there were some floor drains that no one was aware of. Their water sewer division had televised this line prior to construction. They had inventoried all the sewer taps. This building had been dye tested and the sewer connections went to the north. No one was aware that the other tap had came to the main. They have several inactive taps as well. This was such an old section of town and there were several connections to the sewer.

Alderman Young expressed concern about not having enough drainage under the sidewalks. Some day those sidewalks was going to buckle.

Mr. Norbash stated they were going to have a lot of gravel and french drains in the planters.

Alderman Young asked when this project was bid, did the contractor have a set of plans that they were bidding from?

Mr. Carnahan replied yes, and the bricks and pavement had been shown.

Alderman Young stated that was the delima. It is the responsibility of the contractor to verify those numbers.

Mr. Boettcher stated he did not believe that they had any recourse against the contractor because his bid tab only showed 13,499 brick pavers.

Alderman Marr asked if the contractor did not have the responsibility to double check the figures.

Mr. Boettcher stated they had asked the contractors to check it. They had looked at the plans and put together their bid proposal. The contractor discovered the problem when he went to order the material.

Alderman Young stated the original intent was to have the contract start at a certain area and finish that entire area and then move to the next area. Why was that not being done. The reason was that they did not want to hold up the contractor. If the contractor was behind it was his own fault. One of the reasons was that he had not had a full crew down there. He was not interested in approving the time extension.

Ms. Bootsie Ackerman stated they had known that there would be a lot of unknows in this project. Each time that this happens it causes delays. It was not a surprise to her that they were asking for more time. The new anticipated date of completion was August if they added the one hundred days.

Mr. Boettcher stated the additional days would be calendar days and weather did not count.

Mr. Norbash stated the contractor was asking for fifteen working days to lay approximately 100 feet storm sewer. He was asking for fifteen working days for the aquaducts near the buildings. The remainder of the time was for laying the additional brick.

Alderman Young stated the contractor should have no grounds for back charging the city. He was aware that he was suppost to locate the lines before he proceeded and he did not do it.

Alderman Davis moved to approve the resolution without the additional days. Alderman Marr seconded.

Mr. Gary Lowery, an area resident, stated they wanted $11.22 per brick. If they went forward with this tonight, they would be breaking he law. He stated the benefiting property owners should be the ones paying for the improvements and not the citizens of Fayetteville. This city was in decline. They were not spending their money where they needed to. The infrastructure was falling apart.

Upon roll call the motion passed by a vote of 4-2-1, Santos, Jordan, voting nay and Reynolds abstaining

RESOLUTION 181-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CITY CLERK: An ordinance repealing and replacing Section 31.30 (E) of the Code of Fayetteville regarding the salary for the City Clerk.

Mr. Williams read the ordinance.

Mr. Williams stated our city clerk was being paid well below the responsibilities of her office. The rest of the ordinance would stay in affect. She was being paid at such a low level that her annual raise would not bring her up to the level of responsibilities that she has. She did the election work for the 125 million dollar bond issue, she signs the bonds. She is a member of the Fire and Police pension board which both handle over ten million dollars. She has very important requirements and responsibilities. He thought it would be appropriate to set a base level for the city clerk, just like they had done for the city attorney.

Alderman Marr stated they needed to be making their decision on a position description. This position warrants this pay, their Hay study had told them that. This was not about Heather, this was about the fairness of pay for this task and this job. He supported it.

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

Mr. Williams read the ordinance.

Alderman Davis moved to suspend the rules and move to the third and final reading. Alderman Marr seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

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

ORDINANCE 4439 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CITY ATTORNEY: An ordinance repealing and replacing Section 31.45 (G) (1) regarding the salary for the City Attorney.

Mr. Williams read the ordinance.

Mr. Williams stated if they did not pass the ordinance to change the current ordinance, it was possible that he would face a $10,000 reduction in salary at the beginning of next year. He hoped he would not face such a reduction, but could continue to be on the amount that the council had set when they appointed.

Alderman Thiel stated she recalled that when it came around time to approve this that they would.

Mr. Williams stated this would continue the status quo. The Hay plan suggested a higher rate, but he was content to have the standard raises. He thought it was appropriate to stay at the status quo.

Alderman Jordan stated he would fight for the other employees to give them what the Hay Plan had said they deserved.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

ORDINANCE 4440 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ELECTION PROCEDURE: An ordinance repealing Section 32.01, Election Procedure, of the Code of Fayetteville and enacting a new Section 32.01 to provide for the election at large of all Position 1 Aldermen and the election by Closed Ward for all Position 2 Aldermen.

Mr. Williams read the ordinance.

Alderman Davis stated all of the aldermen were currently elected within their ward. He thought there needed to more citizen involvement for each election. He thought the citizen involvement had decreased within the last couple of years. He thought the citizens would be more active with this change. Most of his calls had been supportive of this idea. People think they should have more say so in city government besides just the two aldermen in their ward. They feel that need to have a bigger input in the city. Four at large aldermen would give them a say in five of the eight positions.

Mayor Coody stated he did not see how changing the way they did things would get people more involved.

Mr. Mark Kennon, an area resident, stated he thought they had a lot of activity in their neighborhood. It was the direct activity and access to their aldermen that he thought made their ward exceptional. He had sent out an e-mail and the response that he had received had been unanimous. People did not want to change the system. If they were to go city wide then it was going to increase the cost of the campaign and many people would feel only the people backed by special interest would be the people that could afford to run a city wide campaign. The regular person could go door to door in their ward and make a difference, this would not be possible with a city wide election.

Ms. Melonie Beatell, an area resident, stated she thought this was a bad idea. They depended on the alderman to communicate with each other. One of the things that they loved about Fayetteville was the diversity of the population. She would like to see more diversity on their council. It would cost a lot of money to run a citywide election. She did not see the system as being broken.

Mr. David Garcia, an area resident, stated he questioned the result. The result would be to disenfranchise a large segment of Fayetteville. Right now they had a level playing field. If they wanted to run for city council they still had to go out door to door, that to him generated more citizen interest and involvement.

Mr. James, an area resident, stated he felt this was a bad ordinance. He hoped they would vote it down. He had talked to a lot of people and not one of them supported the idea.

Alderman Thiel stated she had only received calls opposing this.

Alderman Thiel moved to suspend the rules and move to the second reading. Alderman Marr seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Young moved to suspend the rules and move to the third and final reading. Alderman Marr seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed 1-6, Davis voting yea.

ORDINANCE FAILED.

The meeting adjourned at 1:15 a.m.

TO: Tim Conklin, Planning Director

FROM: Yolanda Fields, CRCC Director

THRU: Hugh Earnest, Urban Development Director

DATE: December 13, 2002

RE: Impact Fees – Low to Moderate Housing Exemption

Attached you will find a homeownership worksheet (worksheet obtained from the Housing and Urban Development (HUD) website). The worksheet calculations are based on national averages and assuming the borrower is married with two dependents. The source of the gross income figure used in calculation is based on the HUD 2002 income limits table, which is attached.

As you review the General Estimate, information on three loan types is provided. A family of four with an income that is considered low to moderate of median could afford a home ranging with a maximum sale price ranging from $53,128 to $45,403. At this time finding attainable housing in this price range is a challenge in the City of Fayetteville. An impact fee exemption on home development for homes with a maximum sale price of $60,000 or less could help in the development of attainable housing in the City of Fayetteville.

CITY OF FAYETTEVILLE
COMMUNITY DEVELOPMENT DIVISION

2002 INCOME LIMITS

limits.wpd* revised 2-04-02

1 person

xtrm low	30% of median	$10,300
very low	50% of median	$17,200
low	60% of median	$20,600
low/mod	80% of median	$27,500
median	100%	$34,400

2 person

xtrm low	30% of median	$11,800
very low	50% of median	$19,650
low	60% of median	$23,600
low/mod	80% of median	$31,400
median	100%	$39,300

3 person

xtrm low	30% of median	$13,250
very low	50% of median	$22,100
low	60% of median	$26,500
low/mod	80% of median	$35,350
median	100%	$44,200

4 person

xtrm low	30% of median	$14,750
very low	50% of median	$24,550
low	60% of median	$29,500
low/mod	80% of median	$39,300 *
median	100%	$49,100

5 person

xtrm low	30% of median	$15,900
very low	50% of median	$26,500
low	60% of median	$31,800
low/mod	80% of median	$42,400
median	100%	$53,000

6 person

xtrm low	30% of median	$17,100
very low	50% of median	$28,500
low	60% of median	$34,200
low/mod	80% of median	$45,550
median	100%	$57,000

7 person

xtrm low	30% of median	$18,250
very low	50% of median	$30,450
low	60% of median	$36,500
low/mod	80% of median	$48,700
median	100%	$60,900

8 person

xtrm low	30% of median	$19,450
very low	50% of median	$32,400
low	60% of median	$38,900
low/mod	80% of median	$51,850
median	100%	$64,800

General Estimate

These figures were calculated using national averages and assuming the borrower is married with two dependents. *Please note that these are only estimates.*

	Loan A: **FHA Regular**	*Loan B:* **VA Regular**	*Loan C:* **Conventional**
Max Sale Price	$52,428	$53,128	$45,403
Loan Amount	$51,999	$54,217	$38,592
Loan Type	Fixed	Fixed	Fixed
Loan Rate / Term	7.0 / 30 yr	7.125 / 30 yr	6.875 / 30 yr
Monthly Mortgage Payment	$443	$443	$344
Other Monthly Housing Costs	$116	$117	$100
Total Monthly Housing Cost	$559	$560	$445
Remaining Monthly Income	$1,334	$1,333	$1,448
Downpayment	$1,573	$0	$6,810
Closing Costs	$520	$2,729	$2,283
Total Cash Required at Closing	$2,093	$2,729	$9,093

How Much Home Can I Afford?

Providing the information below will allow you to calculate how much you can afford to spend on a home. Keep in mind that many additional factors play a part in the loan qualification process.

Note: *Indicates information is required.

Income Information

Gross Income*: (use worksheet) $ 39300 Yearly

Include:
- Salary
- Tips
- Bonuses & Commission

Monthly Debt Information

Minimum Credit Card Payment*: $ 250

Car Payment*: $ 350

Other Monthly Obligations*: $ 300

Other Monthly Obligations Include:
- Child Support
- Alimony
- Student Loans

Get Estimate

Date: 12/17/02		**# of Pages** 4	
To:	Jim Crouch	**From:**	Sondra E. Smith
			City Clerk's Office
Company:			City of Fayetteville
Phone:	751-5222	**Phone:**	575-8310
Fax:	751-5777	**Fax:**	718-7695

Message: Here is a copy of the agenda you requested.

Have a great day!

Sondra E. Smith

OZARKS ELECTRIC COOPERATIVE CORP.
GULLEY ROAD LAND ACQUISITION PROPOSAL

For several years, Ozarks electric has experienced considerable load growth in the area of Highway 45 East. All of the power lines feeding this area are approaching their capacity. Therefore, it became necessary for us to begin searching for a substation site in order to maintain quality of service and reliability and to continue to meet the power demands of our members. We began over two years ago searching for a suitable site in the area. Some of the criteria we established were that the site had to have minimal impact on the surrounding area; be near the existing 69 kV line, and within the area of the most loaded distribution lines. After evaluating and rejecting a number of possible sites, we inspected the City's property on Gulley Road and determined that it would meet our needs for a substation. Consequently, we met with City officials and in November of 2002 made a formal request to purchase the land.

This property offers the following advantages for the Cooperative and for the consumers:

1. Seclusion. The substation will be surrounded by timber and will be virtually invisible to the surrounding properties. We have requested the purchase of an additional acre of land in order to increase the buffer zone between the structures and the property line.
2. An additional advantage to the vegetation is that it will attenuate the transformer hum and we expect that the noise generated will not extend beyond the property lines.
3. Availability to the 69 kV line. The property is within 50 feet of the power line and no additional poles will be required to access the line. This can be accomplished with the relocation of two structures along the existing line.
4. The proposed site is within the growth area.

In addition, Ozarks Electric is willing to commit to the following conditions in order to address the concerns of the neighboring property owners:

1. Reducing the normal right of way width for the 69 kV line from 50 feet to 30 feet and eliminating a second 50 foot right of way normally used for a loop feed, and burying the distribution feeder lines within this 30 foot easement. This will necessate extending the 69 kV line overhead 50 feet to the property line, in order to place the distribution lines underground.
2. Offsetting the substation on the site in order to make it less visible along the right of way.
3. Planting low growing vegetation across the opening of the 30 foot right of way for additional screening.
4. Leave all existing property line fences in place.

At one time we considered placing the new 69 kV line underground, but subsequent investigation showed that two three pole structures and two transmission line switches would have to be added to the existing line to accommodate the six inch diameter conductors. Since this would not address the neighboring property owners' concerns regarding aesthetics, we have chosen to build the 69 kV overhead, as it presents the most environmentally friendly result. The design of the substation will be Low Profile to reduce visibility. Fencing will be metal fence fabric with an extension utilizing three or more strands of barbed wire to achieve an overall height of not less than 7ft.

The manufacturer's sound rating for a transformer is 64 dB at 1 foot. The following chart should show the dissipation of the humming over distance.

Distance (ft)	Decibels (dB)
1	64
5	50
10	44
15	40
20	38
25	36
30	34
50	30
100	24
200	18
300	14
400	12
500	10

	Decibels (dB)
NOISY FACTORY	90
NOISY TRAFFIC	80
VACUUM	70
CONVERSATION	60
AVERAGE OFFICE	50
PUBLIC PARK	40
BEDROOM	30
WHISPER	20
SOUND PROOF ROOM	10

Note: These calculations do not reflect sound attenuation due to vegetation and topography. The attenuation due to vegetation is significant. The closest existing structure is more than 500 feet from our proposed transformer location. We conservatively anticipate that no residences will be built within the perceptible audible range of the transformer.

I would suggest visiting our Johnson substation because it is easy to get to, or our Harp Hill substation because it is one of our newer substations. Although these sites are not exact duplicates of the facilities we would use, they are very close if used for structure and sound comparisons. The directions from our office are as follows:

Johnson Substation

Start out going east on AR-16 towards AR-112 SPUR/AR-16. (0.5 miles) Stay straight to go onto AR-16/AR-112 SPUR (0.2 miles) Turn LEFT to take the US-62 E/US-71 (I-540 N) N ramp. (0.2 miles) Merge onto I-540 N. (1.3 miles) Exit I-540 to the right at the AR-112 exit turn left onto Greathouse Springs Rd and go North approximately .7 mile substation will be on your right.

Harp Hill Substation

Begin at 3641 W Wedington Dr on AR-16, W Wedington Dr and go east for 0.7 miles. Turn left on ramp at sign reading "US-71 N" and go north for 0.2 miles. Bear right on US-62, John Paul Hammer Schmidt Fwy, US-71, Fulbright Expy and go northeast for 2.5 miles. Exit US-62, John Paul Hammer Schmidt Fwy, US-71, Fulbright Expy via ramp at sign reading "Exit 48 US-71-BR to Fayetteville Business Dist." and go northeast for 0.3 miles. Bear right on US-71-BR, John Paul Hammer Schmidt Fwy, Fulbright Expy and go east for 1.2 miles. Exit US-71-BR, John Paul Bear left on US-71-BR and go North for 3.4 miles Hammer Schmidt Fwy, Fulbright Expy via ramp to US-71-BR and go Northeast for 0.3 miles. Bear right and go east for 300 feet. Bear right on US-412 and go east for 4.1 miles. Turn right on Eupeil Ln. and go south for 0.3 miles to 2776 Eupeil Ln.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PUBLIC MEETINGS FOR THE WEEK OF DECEMBER 16, 2002

MONDAY, DECEMBER 16

4:00 pm	Library Board of Trustees	Library Community Room
4:30 pm	Council Tour	Mayor's Office
7:00 - 9:00	Ward 4 Public Meeting	111

TUESDAY, DECEMBER 17

4:00 pm	Tree and Landscape Advisory Committee	111
6:30 pm	***City Council Meeting***	***219***

WEDNESDAY, DECEMBER 18

5:30 pm	Environmental Concerns Committee	326

THURSDAY, DECEMBER 19

6:00 pm	Telecommunications Board Meeting	219
7:00 pm	Animal Concerns Committee	326

FRIDAY, DECEMBER 20

The weekly meetings list is distributed on Friday morning. Room requests and meeting cancellations must be confirmed in writing no later than 5:00 p.m. on Thursday. Notifications received after the deadline are the responsibility of the originator. (cc: Fax 718-7695)

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

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA
CITY COUNCIL
DECEMBER 17, 2002

A meeting of the Fayetteville City Council will be held on December 17, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

GOVERNMENT FINANCE OFFICERS ASSOCIATION AWARD

A. CONSENT

1. **APPROVAL OF THE MINUTES**

2. **BID 02-63:** A resolution awarding Bid No. 02-63 to RJM Manufacturing in the not-to-exceed amount of $150,000 for the purchase of up to 300 solid waste yard containers. The containers will vary in size from two to eight yards and will service multi-family dwellings and commercial businesses.

3. **BID 02-70:** A resolution awarding Bid 02-70 to Rehrig Pacific in the amount of $13,666.09 for the purchase of 1,500 bins and 2,000 lids for the city's curbside recycling program.

4. **WATER TANKS:** A resolution awarding the construction contract to Eagle Sandblasting and Painting, Inc. for the repainting of the Rodgers Dr. & Goshen water tanks in the amount of $295,427.00, with a contingency of $29,573.00 along with the approval of a budget adjustment.

5. **SOUTHERN VIEW APT.:** A resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept money-in-lieu of land for Southern View Apartments.

6. **REGIONAL AIRPORT:** A resolution appointing Tommy Deweese and Don Nelms to the Regional Airport Authority's Board of Directors.

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

B. OLD BUSINESS

1. **RZN 02-37.00:** An ordinance approving rezoning request RZN 02-37.00 as submitted by Milholland Company on behalf of Ozark Adventure for property located east of Futrall Drive, west of Baldwin Piano, and south of Hollywood Drive. The property is zoned R-O, Residential Office and contains approximately 17.70 acres. The request is to rezone to C-2, Thoroughfare Commercial. Ordinance was left on the first reading at the November 19, 2002 meeting and left on the second reading at the December 3, 2002 meeting.

2. **IMPACT FEES:** An ordinance enacting impact fees for all territory within the City's water and wastewater service areas including areas outside the corporate city limits and within the service areas located within Washington County and other incorporated cities. Ordinance was left on the second reading at the November 25, 2002 and left on the third reading at the December 3, 2002 meeting and tabled until the December 17, 2002 meeting.

3. **RZN 02-18.00, 19.00, 20.00, 29.00, 30.00, 31.00 and 32.00:** Ordinances approving rezoning requests as submitted by the City of Fayetteville Planning Division on behalf of the Mill District Neighborhood Association. This ordinance was left on the second reading at the December 3, 2002 meeting.

4. **FRANCHISE FEE:** An ordinance setting the franchise fee of four and one-quarter percent (4¼%) on the gross revenues of the City Solid Waste, Water and Sewer Funds and repealing Ordinance No. 3804. The ordinance was left on the first reading at the December 3, 2002 meeting.

5. **2003 BUDGET:** A resolution adopting the proposed 2003 Annual Budget and Work Program. The resolution was tabled at the December 3, 2003 meeting.

C. NEW BUSINESS

1. **WATER TANK SITE:** A resolution approving the sale of 2.0 acres of the City's Gully Rd. Water Tank site (12.0 ac) as requested by Ozark Electric Cooperative for the appraised price of $70,000.00 including access to and from Gulley Road, plus payment for specific City costs associated with the preparation of said property to be sold.

2. **ADM 02-37.00:** A resolution approving amendments to the Bill of Assurance submitted with Ordinance No. 4410, passed and approved by the City Council on August 20, 2002.

3. **RZN 02-39.00:** An ordinance approving RZN 02-39.00 as submitted by Tim DeNoble on behalf of John Eldridge, III for property located at 210 N. East Ave. The property is zoned R-O, Residential Office and contains approximately 0.70 acres. The request is to rezone to C-3, Central Commercial.

4. **RZN 02-40.00:** An ordinance approving RZN 02-40.00 as submitted by Jerry Kelso of Crafton , Tull & Associates on behalf of David Slone for property located behind 3195 N. College and east of Plainview Ave. The property is zoned A-1, Agricultural, C-2, Thoroughfare Commercial and R-1, Low Density Residential and contains approximately 8.84 acres. The request is to rezone to RMF-18, Medium Density, Multi-Family Residential.

5. **VA 02-15.00:** An ordinance approving VA 02-15.00 as submitted by Ross Mallioux for property located at 2309 Golden Oaks Dr. The property is zoned R-1, Low Density Residential and contains approximately 0.30 acres. The request is to vacate part of the utility easement (75.7 sq. ft.)

6. **COUNCIL ON AGING:** An ordinance approving an agreement with the Council on Aging to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Council on Aging in 2003 for the provision of public recreation.

7. **BOYS & GIRLS CLUB:** An ordinance approving an agreement with the Fayetteville Boys and Girls Club to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Fayetteville Boys and Girls Club in 2003 for the provision of public recreation.

8. **FIRST NIGHT:** Discussion of a resolution to approve funding for First Night 2002.

D. INFORMATIONAL ITEM:

1. 2003 Community Development Block Grant (CDBG) annual action plan.

PRESENTATION FOR OUT GOING ALDERMAN

MINUTES OF A MEETING
OF THE
CITY COUNCIL
NOVEMBER 19, 2002

A meeting of the Fayetteville City Council will be held on November 19, 2002, at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

CONSENT

APPROVAL OF THE MINUTES

ELEVATOR: Resolution awarding Bid 02-66 in the amount of $26,246toThyssenKrupp Elevator for the repair of an elevator in the Fayetteville Police Building.

RESOLUTION 175-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OFFER AND ACCEPTANCE: A resolution approving the offer and acceptance contract for the acquisition of all property located at 2050 W. 6th Street for the relocation of the Sang Avenue intersection with 6th Street; and approval of a budget adjustment.

RESOLUTION 176-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CROSSLAND CONSTRUCTION: A resolution approving Change Order #5 to the contract with Crossland Construction Company, Inc. in the amount of $402,895.84. to purchase and install exterior cladding for the New Fayetteville Public Library.

RESOLUTION 177-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Davis moved to approve the Consent agenda. Alderman Marr seconded. The motion carried unanimously.

OLD BUSINESS

MARTIN LUTHER KING, JR. STREET: A resolution to designate 6th Street as honorary Martin Luther King, Jr. Boulevard. The resolution was tabled at the November 5, 2002 meeting.

Alderman Thiel moved to amend the resolution making 6th Street Honorary Martin Luther King Jr. Boulevard. Alderman Reynolds seconded the motion. The motion carried unanimously.

Mr. Rhett Beard, an area resident, stated he supported the resolution and felt they needed to honor and to keep alive their generational stories for this generation and future ones.

Ms. Cindy Nance, an area resident, stated she supported the honorary designation of 6th Street as MLK Boulevard. Honorary designation did not have to go to Planning commission it could be given by a resolution. 6th Street ran past the only high school in town, the university, and a historically black neighborhood. Since this is an honorary designation none of the merchants will have to change their letterhead or incur that cost. Since this is a State highway they will pay for the signage.

Mr. Lonnie Williams, an area resident, stated he was in support of the change and asked them to support the resolution.

Mr. John L. Colbert, an area resident, thanked the council for considering the designation and allowing the public input. They were in favor of the resolution.

Ms. Hawkins, an area resident, stated Fayetteville had been the first city in the south to integrate and that she hoped they would continue to support them.

Ms. Ernestine Gibson, an area resident, stated she had been a member of the MLK committee for several years. She presented a petition in support of naming 6th street MLK Jr. Boulevard. This was a positive step and outreach in this area.

Ms. Lette Wright, an area resident, stated she supported the designation.

Mr. Steve Shephard, an area resident, stated 6th street was one of their primary routes to get to his house and he supported the change.

Mr. David Garcia, an area resident, stated he would not be proud of them if they passed it. They should change the street name and not make it just an honorary designation.

Alderman Reynolds stated he had a number of people wanting the committee to work on naming a street after Lewis Parry Bryant Jr.

Alderman Marr asked if they had considered a time frame for changing the street name. Had they considered anything other than honorary or definite.

Alderman Santos moved to pass the resolution. Alderman Jordan seconded. The motion carried unanimously.

RESOLUTION 178-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CRYSTAL SPRINGS: A resolution to amend Resolution 153-02 to exempt that portion of the 600' buffer strip north of Clabber Creek lying west of Deane Solomon Road The resolution was tabled at the November 5, 2002 meeting.

Mr. Mel Milholland stated there had been seven years of planning to extend Crystal Drive into Deane Solomon in the Phase Three of Crystal Springs. They had gone through Subdivision Committee and were ready to go onto Planning Commission when the resolution was pass regarding the six hundred foot buffer. He asked that he council treat this developer fairly. They had purchased land from the golf course and paid approximately $70,000 to move a green and a tee off in order to get closer to Deane Solomon. Their next step was to go through city property. They were asking the city to cost share the cost of the street extension. The city would own the property to there benefit in the future. It would give a through connection that had been planned for years between Deane Solomon and Salem.

Alderman Thiel stated the street had been required by the Planning Commission. She believed that there had been a commitment from the city to share the cost of the street.

In response to questions, Mr. Milholland stated there would be storm drains at Dean Solomon.

Alderman Young stated he thought the storm drain along the property line should be the developer's responsibility.

Alderman Davis stated he was concerned about people using the street as a through street and increasing the speed and the safety of the children.

Mr. Williams stated this resolution would only remove the requirement that they not disturb this property. They were not expected to accept the terms of the letters. This simply removed the exemption from the buffer zone. The council would have to approve any cost share agreement at a later date.

Alderman Davis moved to take the item off the table. Alderman Thiel seconded. The motion carried unanimously.

In response to questions, Mr. Collins stated the task force had been trying to come up with reasonable recommendations. They were meant to be guide post. They were meant for the council to deal with them and to make decisions. The eleven acre strip came to them late in the process. He did not realize that this piece of the property was something that they should be considering until late. It never received explicit discussion. They nature of the six hundred foot buffer was intended to protect the quality of Clabber Creek. They had never been told about the road. Had they been told, then they would have dealt with it. Their primary concern was contiguous ecosystem protection. This eleven acres was not part of the contiguous ecosystem that they had been considering.

Ms. Jennifer Price, Crystal Springs Homeowners Association, stated without the passage of this resolution the developer could not go forward with his plans. She presented a petition with sixty signatures from homeowners in their association that wanted the road to go through. They did not want it to be as straight as it is, but those were Planning Commission items. If there was only one entrance into the subdivision, then over four hundred and fifty cars would be driving by the school every day. This developer had been working to good faith to satisfy the city's requests.

Mr. Al Vic, an area resident, stated the city had agreed to protect this buffer zone.

Mr. Tim Conklin, stated that in 1995 the Planning Commission had approved Phase 2 of Crystal Springs development contingent upon them finding another access into the development. After that approval the developer had gone out and found a second access. It was not until August of this year that Phase Three had been submitted to the Planning Division. After the task force resolution had been adopted he discovered that there was a six hundred foot buffer that prevented Crystal Springs Drive going over to Dean Solomon Drive.

Mr. Jeff Erf, an area resident, asked when the city was going to begin the extensive study on the rest of the property.

Ms. Shay Laster, an area resident, stated Crystal Springs would be the only street running parallel with Mount Comfort and it would turn into a collector street at some point in time. She thought it was fine for the street to go through, but she wanted assurances that it would be winding and more difficult to get to Dean Solomon.

Mr. Conklin stated he did not expect to bring anything forward to the Planning Commission that did not have a cul-de-sac and a winding street.

Mr. Jim Bemis, an area resident, stated they were planning on annexing seventy acres north of Crystal Springs. It would give them opportunity for another connection. He asked that they consider other options. He did not believe that they had to make a decision tonight. His did not think that this was a wise decision.

Ms. Andrea Radwell, an area resident, stated he was concerned that it took so long for this street be brought forward. She thought the cost share would end up being very costly because of the type of soils.

Mr. Garcia, an area resident, stated he felt they were trying to break their agreement. The level of trust is at an all time low.

Ms. Fran Alexander, an area resident, asked when the evaluation of the property was going to be done.

Alderman Reynolds stated there were two stubouts on Crystal Springs, hopefully there would be two more streets out of that subdivision. He thought that they had to have another way out of the subdivision for safety reasons.

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

In response to questions, Mr. Williams read the resolution which amended Resolution 153-02 to exempt that portion of a six hundred foot buffer strip north of Clabber Creek lying west of Dean Solomon Road.

Alderman Young asked if they were only exempting the west side of Dean Solomon and not affect any other part of the project?

Mayor Coody replied that was correct.

Mr. Williams stated that it only affected the six hundred foot buffer strip.

Alderman Thiel asked what "that portion" referred to.

Mr. Williams stated that it was the six hundred foot buffer lying west of Dean Solomon.

Alderman Santos stated they did not need to exempt the entire six hundred feet, they only needed to exempt the part needed for the road.

Alderman Thiel moved to amend the resolution to only exempt the area needed for right-of-way across the buffer zone and to remove the "housing" Alderman Reynolds seconded. The motion carried 7-1, Marr voting nay.

RESOLUTION 179-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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. The ordinance was left on the 1st reading at the November 5, 2002 meeting.

Mr. Williams read the ordinance.

Alderman Marr moved to suspend the rules and move to the third and final reading. Alderman Davis seconded. The motion carried unanimously.

In response to questions, Mr. Conklin stated they would be approving the master development plan. The planning commission would be making a recommendation to the council on the zoning. They would be voting on an ordinance that would be specific to that piece of property on the zoning map it would show up as a planned zoning district. It would have its own rules and regulations. The other part of this ordinance allowed the flexibility in design. They want people to bring them innovative development that was high quality and this was used in other cities across the United States and mitigate the impact of the development,

Mr. Richard Maynard, an area resident, stated this would benefit the neighborhoods. This system would be more efficient.

Mr. Williams read the ordinance.

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

ORDINANCE 4434 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

REPLACEMENT FUND: An ordinance repealing Ordinance No. 1085 and establishing a replacement and disaster recovery fund. The ordinance was left on the 1st reading at the November 5, 2002 meetings.

Alderman Santos moved to suspend the rules and move to the second reading. Alderman Jordan seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Davis moved to add Section 4 to read, "the purpose of this directive is to establish the policy and procedure for the purchase and replacement, insurance cost, license fee, repair and maintenance of the items that cost $10,000 or less currently on the motor pool schedule." Alderman Reynolds seconded. The motion carried unanimously.

Alderman Marr move to suspend the rules and move to the third and final reading. Alderman Santos seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

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

ORDINANCE 4435 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

VA 02-12.00 and 02-13.00: An ordinance approving vacation request VA 02-12.00 and 02-13.00 as submitted by Greg House for property located at southwest corner of St. Charles Avenue and Watson Street. The request is to vacate a drainage easement.

Mr. Williams read the ordinance.

Alderman Davis moved to suspend the rules and move to the seond reading. Alderman Marr seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Young stated the conditions of approval were not listed in the actual ordinance.

Mr. Conklin stated what they had intended on doing was holding the ordinance for approval by the Mayor and to bring it along with the large scale development. the engineer had been concerned to go forward without city council action, with the easements in place, they wanted some assurance that the easement could be vacated and the storm drainage could be relocated. The city attorney thought it would be more appropriate to put "subject to" in there.

Mr. Williams stated once the city council had voted to approve the city ordinance it was going to be affective. He did not want to advise to the mayor not to sign something the city council had approved. He suggested adding a section 3 making the approval subject to the conditions of approval. It would not become affective until the related storm sewer is installed and accepted by the city of Fayetteville.

Alderman Young moved to add section 3. Alderman Marr seconded. The motion carried 7-1, Reynolds voting nay.

Alderman Reynolds stated he was not sure about the drainage easement. He did not know where they would be going with the drainage.

Mr. Conklin stated what was being vacated was the easement directly behind Colliers drug store.

Ms. Mandy Bunch, Engineer, stated if it was physically possible to reroute the drainage around Watson Street right-of-way and back in. The new proposed development will have to detain, which was something that none of the up stream development had done. This line was a connivance. There was approximately eight acres that drains through this property now. As it exists now, it was through the back yards of three house along Watson Street. This pipe will be to convey the water that is currently empting into the ditch. There was a box culvert in place under the parking lot, that went into the stream then fed into the Dickson Street Enhancement project.

Alderman Reynolds stated there was a current problem with the drainage that went under Jose.

In response to questions, Mr. Sid Norbash, Engineering, state the drainage over at Jose's parking lot, one side of it was blocked. It does run from that parking lot and comes to west, made a ninety degree angle and emptys in front of Ozark Brewery and into the rest of the system.

Alderman Reynolds asked what this project would hook onto at the end of the three properties.

Ms. Bunch stated there was an open ditch that ran back behind US Pizza and around and under Three Sisters.

LEFT ON THE SECOND READING AS AMENDED.

RZN 02-34.00: An ordinance approving rezoning request RZN 02-34.00 as submitted by Mel Milholland of Milholland Company on behalf of Roy and Stephanie Lovell for property located at 6310 W. Wedington Drive. The property is zoned A-1, Agricultural and contains approximately 2.8 acres. The request is to rezone to R-1, Low Density Residential.

Mr. Williams read the ordinance.

Mr. Conklin stated the applicant was requesting the rezoning for a lot split so that they could add a house.

LEFT ON FIRST READING.

RZN 02-35.00: An ordinance approving rezoning request RZN 02-35.00 as submitted by Patsy Brewer of Habitat for Humanity for property located at 1075 and 1093 Jerry Street. The property is zoned R-1, Low Density Residential and contains approximately 0.35 acres. The request is to rezone the property to RS, Residential Small Lot.

Mr. Williams read the ordinance.

Ms. Patsy Brewer, Habitat for Humanity, stated they had had someone donate a house to them that they needed to move. This was a flat lot and they would like to move the house this calendar year.

Mr. Gary Lowery, an area resident, stated they should eliminate any permit fees for Habitat or any charge for infrastructure fees for lower income homes.

Alderman Thiel moved to suspend the rules and move to the second reading. Alderman Marr seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Reynolds moved to suspend the rules and go to the third and final reading. Alderman Davis seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

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

ORDINANCE 4436 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 02-37.00: An ordinance approving rezoning request RZN 02-37.00 as submitted by Milholland Company on behalf of Ozark Adventure for property located east of Futrall Drive, west of Baldwin Piano, and south of Hollywood Drive. The property is zoned R-O, Residential Office and contains approximately 17.70 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Mr. Williams read the ordinance.

In response to questions, Mr. Ray Brag, developer, stated they would do their best to save the existing trees. The park will aestically look better if it is intermingled with the trees. They had a significally large landscaping budget.

Mr. John Knock, Financial Advisor for the project, stated they wanted to make sure that the quality and the longevity was there. They were directly off the interstate. The frontage was great and the impact to the traffic was low. They will be adding traffic in the best way. People that come in for the water park will come in for an extended day and would be using hotels and restaurants. They had looked at other sites in northwest Arkansas. They felt this would complement what Fayetteville was about.

In response to questions, Mr. Conklin stated over eighty percent of the property was in the overlay district and the developer was aware of that. That had talked about the use of monument signs and the landscape buffer zone.

Alderman Thiel stated she had been on the Parks Board when they did their master plan study. A water park was advocated by a lot of people. She thought this would provide people with something that it would be years before the park system.

Alderman Marr asked how the park would be used outside its peak time of year and was there adequate investment to make sure that it was going to be a sustainable business. They did not want a dead water park in their city.

Mr. Knock stated property would be opened in 2004. They wanted it to be quality and longevity. From the financial side they were continuing to work on those aspects. This project will not happen unless the appropriate financing was there for it to be a long term project.

//

In response to questions, Mr. Conklin stated Bestway would connect with Hollywood. A street would be required to be constructed for this development

Mr. Brag stated there would be two ways to enter and exit, from Hollywood and Futurall.

Alderman Young asked if they would be requesting any public funds for this project.

Mr. Knock stated they would like to be involved in a promotion with the city's parks and recreation. They will be getting some relief from the State under the tourism act that they have. They were prepared to move forward with private capital.

Ms. Mary Beth Hughs, an area resident, expressed concern about how superficial Fayetteville was becoming. The infrastructure was falling apart and a water park was not going to help the situation. She expressed concern about Fayetteville starting to look like Branson or Tulsa and what the water park will look like in the winter.

Mr. Charles Axle, an area resident, questioned if this project fell through what could end up on the property if it was rezoned.

Mr. Conklin stated C-2 zoning was typical zoning that they saw for retail development, restaurants, offices and those types of uses. Apartments were not allowed by right by themselves in C-2. They could be accessory uses.

Mr. Todd Jacobs, an area resident, stated he thought the water park was a good idea, but he was concerned that it was not the best use for this property. He suggested using the property for residential.

LEFT ON THE FIRST READING.

RZN 02-38.00: An ordinance approving RZN 02-38.00 as submitted by Alan Reid on behalf of Betty Ruble for property located at 625 N. 54th Avenue. The property is zoned A-1, Agricultural and contains approximately 2.12 acres. The request is to rezone to R-1, Low Density Residential.

Mr. Williams read the ordinance.

Mr. Alan Reid stated the owner was wanting to split the lot. In the current A-1 zoning she was not allowed to do that because she did not have enough room. If they were to change the zoning, then she would be allowed to deed the other lot to her daughter who was wanting to build a home. All of the infrastructure was in, he asked them to pass the ordinance tonight.

LEFT ON THE FIRST READING.

LED TRAFFIC SIGNAL BID WAIVER: An ordinance waiving the requirements of formal competitive bidding for the purchase of LED traffic signal lenses from Temple, Inc. and declaring an emergency.

Mr. Williams read the ordinance.

Alderman Santos moved to suspend the rules and go to the second reading. Alderman Marr seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Alderman Davis moved to approve the emergency clause. Alderman Santos seconded. The motion passed unanimously.

ORDINANCE 4437 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LED TRAFFIC SIGNAL LENSES: A resolution approving the purchase of LED traffic signal lenses from Temple, Inc. in the amount of $58,003.87 and approving a budget adjustment in the amount of $58,004.00 for same.

Alderman Santos moved to approve the resolution. Alderman Jordan seconded. The motion carried unanimously.

RESOLUTION 180-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

IMPACT FEES: An ordinance enacting impact fees for all territory within the City's water and wastewater service areas including areas outside the corporate city limits and within the service areas located within Washington County and other incorporated cities.

Mr. Williams read the ordinance.

A special meeting was set up for the second reading of the ordinance and to allow extensive public comment.

LEFT ON THE FIRST READING.

OLD MISSOURI ROAD: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by JTK Trust, James T. Keenan and James F. Keenan, trustees, to secure the necessary easements and rights-of-way for Old Missouri Road improvements.

Mayor Coody stated he was in negotiations with the owner to see if he would work with the city.

Mr. Boettcher stated the only thing that was preventing the bidding of Old Missouri Road improvements was this easement.

Alderman Young moved to table the item until the next meeting. Alderman Jordan seconded. The motion carried 7-0-1, Marr abstained.

TABLED UNTIL THE NEXT MEETING.

YOUTH ADVOCACY COMMITTEE: An ordinance reorganizing the Youth Advocacy Board.

Mr. Williams read the ordinance.

Alderman Jordan stated the committee was wanting to look at all kinds of projects. He thought it would have a positive affect on children. They could teach them about city government and they could work on parks and trails and clean ups.

Alderman Santos moved to suspend the rules and move to the second reading. Alderman Marr seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Reynolds moved to suspend the rules and move to the third and final reading. Alderman Thiel seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

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

ORDINANCE 4438 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

TOWNSHIP BUILDERS: A resolution approving Change Order no. 4 to the construction contract with Township Builders for Dickson Street Enhancement Project, in the amount of $195,300, additional funds for the in-house construction management in the amount of $74,700; and the related budget adjustment in the amount of $270,000.

Mr. Gary Carnahan stated he was asking them to approve a change order. They had made on their part. The largest item was in the brick paver quantity. They had calculated the pavers that were on the plans and in the job. They had set up two bid scheduled items. At that time they had thought that the crosswalk pavers would be bid at a different price then the intersection pavers. Later they decided that they were the same types of materials and were just a different color and patterns and should be bid as one item rather than two items. They deleted the first item and intended to move the quantities down in.to the second item. Some way they never did that. They just deleted it out of the bid schedule. The pavers had been in the project all the time. If they had not deleted that bid item, they would have been bid and they would have been in the initial price.

Alderman Davis asked if this was something that would be covered by their errors and omissions insurance.

Mr. Carnahan stated he did not believe so because the additional cost was adding to the value of the project, and this would add to the value. Errors and omissions was more related to things that cause failure of the design and things that do not perform the way they were designed to.

Alderman Davis stated if they had seen the additional cost earlier, this council may have made a different decision whether to do the project for not.

In response to questions, Mr. Carnahan stated not subsurface investigation had been conducted was a statement in the bid document. When they designed the improvement, they did not go dig up and see how deep things were. They had known they would run into some things. As they uncovered them then they make adjustments during the construction to move along. This was not surprising to them or the staff. They had some pipelines that they should have known more closely where they were. They have gone out without charging the city, anytime that there was something that had to be changed that they should have anticipated better than what they did. They have worked with the contractor. They started in the worst possible section. They had done that on purpose. They had started at West Avenue and gone up to University Avenue. They had put in a new storm sewer pipe where there had never been a storm sewer pipe before. They had ran into about five problems that they had not anticipated when they drew the plans. He thought that gave the project a early negative impression. They have a lot of good things ahead of them.

In response to questions, he stated that when they first looked at the surfaces during the design phase, they had considered stamped concrete in the intersections rather than the crosswalks. They had abandoned the idea because of the history of the fading of the coloring in the concrete and maintenance issues. The brick pavers were concrete for durability.

Alderman Young asked why they did not require the contractor to locate the lines prior to starting.

Mr. Carnahan stated after the first week they have been doing that. It took them a week to find out the contractor had not been doing that.

Alderman Young asked if there were any storm drains near the Methodist Church and did it cross to the south side.

Mr. Carnahan stated there were. There was a little bit on the south side, but most of it was in the north side. It crossed the street near Highland Boulevard. They were not expecting any problems in that are.

Alderman Young stated Alderman Reynolds building had been flooded. He asked why the contract was not hooking up the drain serve.

Mr. Norbash stated that had been one of the surprises. Most of the sanitary sewer went to the north, which was in the parking lot area. However, there were some floor drains that no one was aware of. Their water sewer division had televised this line prior to construction. They had inventoried all the sewer taps. This building had been dye tested and the sewer connections went to the north. No one was aware that the other tap had came to the main. They have several inactive taps as well. This was such an old section of town and there were several connections to the sewer.

Alderman Young expressed concern about not having enough drainage under the sidewalks. Some day those sidewalks was going to buckle.

Mr. Norbash stated they were going to have a lot of gravel and french drains in the planters.

Alderman Young asked when this project was bid, did the contractor have a set of plans that they were bidding from?

Mr. Carnahan replied yes, and the bricks and pavement had been shown.

Alderman Young stated that was the delima. It is the responsibility of the contractor to verify those numbers.

Mr. Boettcher stated he did not believe that they had any recourse against the contractor because his bid tab only showed 13,499 brick pavers.

Alderman Marr asked if the contractor did not have the responsibility to double check the figures.

Mr. Boettcher stated they had asked the contractors to check it. They had looked at the plans and put together their bid proposal. The contractor discovered the problem when he went to order the material.

Alderman Young stated the original intent was to have the contract start at a certain area and finish that entire area and then move to the next area. Why was that not being done. The reason was that they did not want to hold up the contractor. If the contractor was behind it was his own fault. One of the reasons was that he had not had a full crew down there. He was not interested in approving the time extension.

Ms. Bootsie Ackerman stated they had known that there would be a lot of unknows in this project. Each time that this happens it causes delays. It was not a surprise to her that they were asking for more time. The new anticipated date of completion was August if they added the one hundred days.

Mr. Boettcher stated the additional days would be calendar days and weather did not count.

Mr. Norbash stated the contractor was asking for fifteen working days to lay approximately 100 feet storm sewer. He was asking for fifteen working days for the aquaducts near the buildings. The remainder of the time was for laying the additional brick.

Alderman Young stated the contractor should have no grounds for back charging the city. He was aware that he was suppost to locate the lines before he proceeded and he did not do it.

Alderman Davis moved to approve the resolution without the additional days. Alderman Marr seconded.

Mr. Gary Lowery, an area resident, stated they wanted $11.22 per brick. If they went forward with this tonight, they would be breaking he law. He stated the benefiting property owners should be the ones paying for the improvements and not the citizens of Fayetteville. This city was in decline. They were not spending their money where they needed to. The infrastructure was falling apart.

Upon roll call the motion passed by a vote of 4-2-1, Santos, Jordan, voting nay and Reynolds abstaining

RESOLUTION 181-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CITY CLERK: An ordinance repealing and replacing Section 31.30 (E) of the Code of Fayetteville regarding the salary for the City Clerk.

Mr. Williams read the ordinance.

Mr. Williams stated our city clerk was being paid well below the responsibilities of her office. The rest of the ordinance would stay in affect. She was being paid at such a low level that her annual raise would not bring her up to the level of responsibilities that she has. She did the election work for the 125 million dollar bond issue, she signs the bonds. She is a member of the Fire and Police pension board which both handle over ten million dollars. She has very important requirements and responsibilities. He thought it would be appropriate to set a base level for the city clerk, just like they had done for the city attorney.

Alderman Marr stated they needed to be making their decision on a position description. This position warrants this pay, their Hay study had told them that. This was not about Heather, this was about the fairness of pay for this task and this job. He supported it.

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

Mr. Williams read the ordinance.

Alderman Davis moved to suspend the rules and move to the third and final reading. Alderman Marr seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

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

ORDINANCE 4439 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CITY ATTORNEY: An ordinance repealing and replacing Section 31.45 (G) (1) regarding the salary for the City Attorney.

Mr. Williams read the ordinance.

Mr. Williams stated if they did not pass the ordinance to change the current ordinance, it was possible that he would face a $10,000 reduction in salary at the beginning of next year. He hoped he would not face such a reduction, but could continue to be on the amount that the council had set when they appointed.

Alderman Thiel stated she recalled that when it came around time to approve this that they would.

Mr. Williams stated this would continue the status quo. The Hay plan suggested a higher rate, but he was content to have the standard raises. He thought it was appropriate to stay at the status quo.

Alderman Jordan stated he would fight for the other employees to give them what the Hay Plan had said they deserved.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

ORDINANCE 4440 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ELECTION PROCEDURE: An ordinance repealing Section 32.01, Election Procedure, of the Code of Fayetteville and enacting a new Section 32.01 to provide for the election at large of all Position 1 Aldermen and the election by Closed Ward for all Position 2 Aldermen.

Mr. Williams read the ordinance.

Alderman Davis stated all of the aldermen were currently elected within their ward. He thought there needed to more citizen involvement for each election. He thought the citizen involvement had decreased within the last couple of years. He thought the citizens would be more active with this change. Most of his calls had been supportive of this idea. People think they should have more say so in city government besides just the two aldermen in their ward. They feel that need to have a bigger input in the city. Four at large aldermen would give them a say in five of the eight positions.

Mayor Coody stated he did not see how changing the way they did things would get people more involved.

Mr. Mark Kennon, an area resident, stated he thought they had a lot of activity in their neighborhood. It was the direct activity and access to their aldermen that he thought made their ward exceptional. He had sent out an e-mail and the response that he had received had been unanimous. People did not want to change the system. If they were to go city wide then it was going to increase the cost of the campaign and many people would feel only the people backed by special interest would be the people that could afford to run a city wide campaign. The regular person could go door to door in their ward and make a difference, this would not be possible with a city wide election.

Ms. Melonie Beatell, an area resident, stated she thought this was a bad idea. They depended on the alderman to communicate with each other. One of the things that they loved about Fayetteville was the diversity of the population. She would like to see more diversity on their council. It would cost a lot of money to run a citywide election. She did not see the system as being broken.

Mr. David Garcia, an area resident, stated he questioned the result. The result would be to disenfranchise a large segment of Fayetteville. Right now they had a level playing field. If they wanted to run for city council they still had to go out door to door, that to him generated more citizen interest and involvement.

Mr. James, an area resident, stated he felt this was a bad ordinance. He hoped they would vote it down. He had talked to a lot of people and not one of them supported the idea.

Alderman Thiel stated she had only received calls opposing this.

Alderman Thiel moved to suspend the rules and move to the second reading. Alderman Marr seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Young moved to suspend the rules and move to the third and final reading. Alderman Marr seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed 1-6, Davis voting yea.

ORDINANCE FAILED.

The meeting adjourned at 1:15 a.m.

TO: Tim Conklin, Planning Director

FROM: Yolanda Fields, CRCC Director

THRU: Hugh Earnest, Urban Development Director

DATE: December 13, 2002

RE: Impact Fees – Low to Moderate Housing Exemption

Attached you will find a homeownership worksheet (worksheet obtained from the Housing and Urban Development (HUD) website). The worksheet calculations are based on national averages and assuming the borrower is married with two dependents. The source of the gross income figure used in calculation is based on the HUD 2002 income limits table, which is attached.

As you review the General Estimate, information on three loan types is provided. A family of four with an income that is considered low to moderate of median could afford a home ranging with a maximum sale price ranging from $53,128 to $45,403. At this time finding attainable housing in this price range is a challenge in the City of Fayetteville. An impact fee exemption on home development for homes with a maximum sale price of $60,000 or less could help in the development of attainable housing in the City of Fayetteville.

CITY OF FAYETTEVILLE
COMMUNITY DEVELOPMENT DIVISION

2002 INCOME LIMITS

limits.wpd" revised 2-04-02

1 person

xtrm low	30% of median	$10,300
very low	50% of median	$17,200
low	60% of median	$20,600
low/mod	80% of median	$27,500
median	100%	$34,400

2 person

xtrm low	30% of median	$11,800
very low	50% of median	$19,650
low	60% of median	$23,600
low/mod	80% of median	$31,400
median	100%	$39,300

3 person

xtrm low	30% of median	$13,250
very low	50% of median	$22,100
low	60% of median	$26,500
low/mod	80% of median	$35,350
median	100%	$44,200

4 person

xtrm low	30% of median	$14,750
very low	50% of median	$24,550
low	60% of median	$29,500
low/mod	80% of median	$39,300 *
median	100%	$49,100

5 person

xtrm low	30% of median	$15,900
very low	50% of median	$26,500
low	60% of median	$31,800
low/mod	80% of median	$42,400
median	100%	$53,000

6 person

xtrm low	30% of median	$17,100
very low	50% of median	$28,500
low	60% of median	$34,200
low/mod	80% of median	$45,550
median	100%	$57,000

7 person

xtrm low	30% of median	$18,250
very low	50% of median	$30,450
low	60% of median	$36,500
low/mod	80% of median	$48,700
median	100%	$60,900

8 person

xtrm low	30% of median	$19,450
very low	50% of median	$32,400
low	60% of median	$38,900
low/mod	80% of median	$51,850
median	100%	$64,800

Ginnie Mae

Your Path To Homeownership

A Guide to Owning Your Own Home

Ginnie Mae Home

YPTH Home

Buy vs. Rent

Affordability Calculator

Loan Estimator

Finding a Lender

Homeownership Information Center
- Homeownership 101
- Finding A Home
- Applying For A Loan
- Making The Purchase
- Credit Counseling

Housing Resources

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[redacted]

General Estimate

These figures were calculated using national averages and assuming the borrower is married with two dependents. *Please note that these are only estimates.*

	Loan A: **FHA Regular**	*Loan B:* **VA Regular**	*Loan C:* **Conventional**
Max Sale Price	$52,428	$53,128	$45,403
Loan Amount	$51,999	$54,217	$38,592
Loan Type	Fixed	Fixed	Fixed
Loan Rate / Term	7.0 / 30 yr	7.125 / 30 yr	6.875 / 30 yr
Monthly Mortgage Payment	$443	$443	$344
Other Monthly Housing Costs	$116	$117	$100
Total Monthly Housing Cost	$559	$560	$445
Remaining Monthly Income	$1,334	$1,333	$1,448
Downpayment	$1,573	$0	$6,810
Closing Costs	$520	$2,729	$2,283
Total Cash Required at Closing	$2,093	$2,729	$9,093

Ginnie Mae Home

YPTH Home

Buy vs. Rent

Affordability Calculator

Loan Estimator

Finding a Lender

Homeownership Information Center

- Homeownership 101
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- Applying For A Loan
- Making The Purchase
- Credit Counseling

Housing Resources

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[redacted]

How Much Home Can I Afford?

Providing the information below will allow you to calculate how much you can afford to spend on a home. Keep in mind that many additional factors play a part in the loan qualification process.

Note: *Indicates information is required.

Income Information

Gross Income*: (use worksheet) $ 39300 Yearly

Include:
- Salary
- Tips
- Bonuses & Commission

Monthly Debt Information

Minimum Credit Card Payment*: $ 250

Car Payment*: $ 350

Other Monthly Obligations*: $ 300

Other Monthly Obligations Include:
- Child Support
- Alimony
- Student Loans

Get Estimate

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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor Dan Coody

FROM: Stephen Davis, Administrative Services Director, Interim

DATE: December 13, 2002

SUBJECT: City Council Information Requests – 2003 Budget

During City Council's review of the Mayor's Proposed 2003 Budget on Wednesday, December 11, additional information was requested by City Council and supplemental work items for City Staff were identified for 2003. Below is a listing of the additional information requests. Please review and notify Stephen Davis at 575-8330 if an item has been left off this listing.

1. Add funding to the 2003 Budget for DDEP for Six Months ------------------------ $20,000

   During the first six months, DDEP and the City are to develop alternate funding structures to pay for the operational costs of DDEP with the goal being a phase-out of City funding and a phase-in of self-assessments from an improvement district.

2. Develop and distribute to City Council a color-coded map of all City owned land.

   A map should be available for distribution to City Council by December 31, 2002. The map will provide a color code scheme that depicts the use of the property; i.e. Parks could be green, water & sewer could be blue, etc. Information Technology Division has been working on developing a color-coded map of City-owned property for over a year. Two issues are still to be resolved: designation of which division uses the property and definition of the street right-of-way, and the various easements the City possesses. Currently, County land records list City-owned property by tract not by parcel number and the County records do not distinguish land by use.

3. Plan a city-wide user fee study for 2003 that addresses the full-cost of each service and have the user fee study ready for City Council consideration in August/September 2003.

   The project will take approximately eight (8) months to complete and the City might contract the service if it is more cost-effective than performing the study in-house.

4. Prepare a "fact sheet" on the uses and restrictions of the Parks Development hotel, motel and restaurant tax collections.

   The fact sheet will be prepared and distributed to City Council by December 31, 2002.

5. Remove all franchise fee rate increases from General Fund for the 2003 Proposed Budget and prepare a budget reduction list. The reductions should reduce General Fund operations by 2% to 3.5% or $496,000 to $869,000.

   Attached please find a revised General Fund Balance that reflects a franchise fee increase from Water & Sewer only in the amount of $180,000, the addition of $20,000 for DDEP and the reduction of General Fund operations cost by $428,633. The proposed franchise fee increases do not increase the utility cost to ratepayers at this time. The proposed cost reductions do not lay off employees and do not reduce or eliminate required spending for operational purposes. An additional schedule details General Fund expenditures into "fixed expenses" and "optional expenses". Examples of fixed expenses include Personnel Services, Utility Expenses, Insurance, Motor Pool, Replacement and Fleet Overhead Expenses (Fleet Equipment Cost), Software Maintenance, Debt Service, Committed Contractual Services, etc.

   A schedule is also included that details the current franchise fee revenue distribution from Arkansas Western Gas and SWEPCO with revenue enhancements on .25% fee increase increments. Arkansas Western Gas is based on the month of November annualized. AWGAS only had November distribution data available to provide to the City. Ozarks Electric is developing the data for the City to use.

6. Prepare an overtime report for Street Division and Water & Sewer Maintenance Division.

   A multi-year overtime usage report is being prepared for distribution to City Council

7. Travel & Training.

   The revised 2003 General Fund budget proposes to reduce travel & training by $45,000. Additionally, an explanation of the travel & training budget for Fleet Operations is attached.

8. Set an initial budget meeting with City Council in June/July 2003 to: A) review General Fund reserves; B) set spending levels for total General Fund expenditures for 2004; C) set operational service priorities for 2004; D) finalize Business License Program, if any; and, E) set millage/franchise fee target amounts.

   During 2002, City Council and Staff reviewed items A and B in May in preparation for the re-authorization of the City Sales Tax.

9. Initiate a Zero-Based Budget Review of a City Division/Department and place all City Divisions/Departments on a Zero-Based Budget Review rotation.

   Hugh Earnest, Urban Development Director is proposing to do the zero based budget review with Parks & Recreation Division in 2003.

City of Fayetteville, Arkansas
General Fund

Fund - 1010

	Actual 2001	Estimated 2002	Budgeted 2003 Mayor's Original Proposed	City Council Goal	Mayor's Revised Proposed
Beginning Fund Balance	$ 10,274,934	$ 9,697,723	7,347,304	$ 7,347,304	$ 7,347,304
Resources					
Revenues:					
Property Tax	19	0	0	0	0
Sales Tax - County	8,353,312	8,641,000	8,857,000	8,857,000	8,857,000
Alcoholic Beverage Taxes	289,521	289,900	290,000	290,000	290,000
Franchise Fees	3,335,148	3,323,200	4,171,000	3,439,000	3,619,900
Licenses & Permits	755,604	940,400	969,000	969,000	969,000
Intergovernmental	1,558,970	1,528,000	1,386,000	1,386,000	1,386,000
Charges for Services	1,080,418	1,205,500	1,095,700	1,095,700	1,095,700
Fines & Forfeitures	1,247,063	1,303,000	1,405,000	1,405,000	1,405,000
Investment Earnings	504,808	283,000	214,000	214,000	214,000
Other	141,246	774,500	118,000	118,000	118,000
Total Revenue	17,266,109	18,288,500	18,505,700	17,773,700	17,954,600
Operating Transfers In:					
Off Street Parking	39,105	34,000	43,000	43,000	43,000
Community Development Block Grant	28,194	23,540	0	0	0
Sales Tax - City	2,983,968	2,841,000	4,557,000	4,557,000	4,557,000
Total Transfers In	3,051,267	2,898,540	4,600,000	4,600,000	4,600,000
Total Resources	20,317,376	21,187,040	23,105,700	22,373,700	22,554,600
Uses					
Expenditures:					
General Government	2,619,744	3,247,961	3,723,442	3,723,442	3,677,709
Cost Reimbursements	(2,420,448)	(2,541,468)	(2,235,786)	(2,235,786)	(2,235,786)
Urban Development	3,769,735	4,061,495	4,158,097	4,158,097	4,134,097
General Services	1,346,820	1,606,753	1,852,886	1,852,886	1,722,386
Administrative Services	2,445,714	2,873,600	2,540,639	2,540,639	2,474,239
Police	6,905,402	7,551,237	7,694,199	7,694,199	7,659,199
Fire	4,480,675	4,903,365	5,056,492	5,056,492	5,024,492
Public Works	1,392,942	1,482,076	1,537,092	1,537,092	1,462,092
Total Expenditures	20,540,584	23,185,019	24,327,061	24,327,061	23,918,428
Operating Transfers Out:					
Arts Center Bond Fund	319,200	282,640	407,115	407,115	407,115
Drug Law Enforcement Fund	34,803	53,000	69,886	69,886	69,886
Replacement Fund	0	16,800	16,800	16,800	16,800
Total Operating Transfers Out	354,003	352,440	493,801	493,801	493,801
Total Uses	20,894,587	23,537,459	24,820,862	24,820,862	24,412,229
Net Resources (Uses)	(577,211)	(2,350,419)	(1,715,162)	(2,447,162)	(1,857,629)
Ending Fund Balance	$ 9,697,723	$ 7,347,304	5,632,142	$ 4,900,142	$ 5,489,675
Reserved for Loans to Other Funds	$ 60,000	$ 60,000	60,000	$ 60,000	60,000
Ending Undesignated Fund Balance	9,637,723	7,287,304	5,572,142	4,840,142	5,429,675
Ending Fund Balance	$ 9,697,723	$ 7,347,304	5,632,142	$ 4,900,142	5,489,675

City of Fayetteville, Arkans

2003 Summary of General Fund Expenses

Base	Account Name	Actual 2001	Budgeted 2002	Estimated 2002	Budgeted 2003	% of Total	Proposed Reduction
Fixed Costs:							
Personnel Services:							
5100.00	Salaries and wages	$ 7,215,176	$ 7,903,135	$ 7,727,711	$ 7,862,556		(31,875)
5100.01	Salary contingency	0	453,701	453,701	1,494,400		
5101.00	Salaries/wages-uniformed	6,358,534	6,855,223	6,740,722	6,802,765		
5102.00	Extra services	109,840	127,011	129,847	97,239		
5103.00	Overtime	79,740	139,953	145,335	131,393		
5104.00	Overtime-uniformed	597,523	790,442	921,938	839,312		
5105.00	FICA taxes	610,786	701,579	664,652	719,170		(2,454)
5107.00	Life insurance	58,276	63,770	64,197	67,626		(120)
5108.00	Health insurance	1,219,562	1,618,210	1,558,039	1,581,232		(3,359)
5108.01	LTD insurance	55,747	62,679	61,936	66,432		(115)
5108.02	ADD insurance	7,067	7,655	7,522	7,399		(10)
5109.02	General Police pension	47,055	41,691	42,134	42,817		
5109.03	LOPFI Police pension	335,761	297,003	254,116	371,297		
5109.04	General Fire pension	80,358	74,336	67,705	54,478		
5109.05	LOPFI Fire pension	277,238	207,343	194,196	300,100		
5109.06	Retirement savings plan	602,410	777,219	656,211	818,863		
5109.99	Pension admin fee	53,408	59,359	59,356	53,024		
5110.00	Unemployment insurance	19,955	21,000	26,562	71,300		
5111.00	Workers' comp insurance	101,810	157,500	153,188	200,000		(50,000)
5120.00	Personnel serv-contra	(255,741)	(449,941)	(207,402)	(150,000)		(150,000)
		17,574,505	19,908,868	19,721,666	21,431,403	86.3%	(237,933)
Materials and Supplies:							
5205.00	Dog food and supplies	7,876	15,680	15,415	8,783		
5206.00	Food	58,068	59,830	60,575	60,720		
		65,944	75,510	75,990	69,503	0.3%	0
Services and Charges:							
5301.00	Public notification	99,521	89,049	90,757	86,205		(20,000)
5302.00	Uniforms/personal equip	203,699	223,647	221,214	237,487		(10,000)
5310.00	Utilities	465,313	529,381	485,312	492,231		(30,000)
5310.01	Telephone expense	153,201	224,351	212,048	176,639		
5310.80	Long distance reimbursement	(1,242)	(800)	(916)	(1,000)		
5310.81	Cellular cost reimbursement	(1,456)	(800)	(651)	(1,000)		
5311.00	Insurance-vehicles/bldgs	39,616	46,383	52,171	45,215		
5311.01	Insurance-self	4,420	13,796	13,546	13,007		
5311.02	Insurance-personal liab	83,821	130,557	134,106	133,464		
5331.00	Motor pool charges	263,094	243,495	243,498	150,374		
5331.01	Replacement charges	361,807	160,605	160,605	148,593		
5331.02	Shop overhead charges	0	0	0	131,860		
5318.00	Election cost	11,987	28,513	28,513	12,500		
5319.00	Bad debt expense	0	5,000	5,000	5,000		
5360.00	Safety program	47,433	41,500	45,616	39,500		
		1,731,214	1,734,677	1,690,819	1,670,075	6.7%	(60,000)
Cost Allocation Reimbursement for Services to Other Funds:							
5399.00	Cost allocation	(2,420,448)	(2,541,468)	(2,541,468)	(2,235,786)		
		(2,420,448)	(2,541,468)	(2,541,468)	(2,235,786)	-9.0%	0
Transfers to Outside Agencies:							
5705.00	Transfer to CEMS	145,237	145,237	145,237	150,000		
5718.00	Trans to Youth/Adult Cntr	141,278	54,341	54,341	54,341		
5720.00	Transfer to library board	639,300	691,120	691,120	735,400		
		925,815	890,698	890,698	939,741	3.8%	0

City of Fayetteville, Arkans

2003 Summary of General Fund Expenses

Base	Account Name	Actual 2001	Budgeted 2002	Estimated 2002	Budgeted 2003	% of Total	Proposed Reduction
Maintenance:							
5401.00	Office machine maint	21,831	67,157	68,016	36,865		
5402.00	Radio maintenance	44,653	53,268	47,478	60,285		
5403.00	Vehicle & machine maint	205,233	214,847	212,140	233,955		
5404.00	Traffic control maint	10,684	18,216	19,266	22,938		
5406.00	Radar maintenance	455	1,000	1,300	2,399		
5409.00	Bicycle maintenance	663	1,230	2,675	1,000		
5410.00	Tower maintenance	1,683	5,000	5,000	3,260		
5416.00	Software maintenance	120,778	152,244	141,149	183,496		
		405,980	512,962	497,024	544,198	2.2%	0
Capital:							
5805.00	Land acquisition (Property Taxes)	159,860	386,513	386,513	30,000		
		159,860	386,513	386,513	30,000	0.1%	0
Transfers to Outside Funds:							
7602.17	Trans to Arts Cntr Bond	319,200	282,640	282,640	407,115		
7602.27	Transfer to Replacement	0	16,800	16,800	16,800		(16,800)
7602.93	Transfer to Drug Grant	34,803	53,000	53,000	69,886		
		354,003	352,440	352,440	493,801	2.0%	(16,800)
TOTAL FIXED COSTS		18,796,873	21,320,200	21,073,682	22,942,935	92.4%	(314,733)
Optional Costs:							
Materials and Supplies:							
5200.00	Office supplies/printing	224,093	290,715	279,861	269,929		
5200.01	Copier supplies & lease	30,393	40,452	40,430	44,243		
5200.02	Medical supplies	8	400	400	100		
5200.03	Veterinary supplies	10,396	39,185	39,100	16,000		
5200.04	Jail supplies	7,299	7,228	6,500	7,124		
5200.05	Tournament supplies/award	34,609	45,810	45,000	43,364		
5201.00	Crime prevent/invest supp	19,665	23,439	15,955	24,328		
5202.00	Shop supplies	240	775	775	800		
5203.00	Cleaning supplies	45,118	56,145	54,122	55,141		
5204.00	Chemicals	21,710	37,094	38,687	32,974		
5207.00	Fire prevention supplies	11,646	12,461	12,461	12,300		
5207.01	Emergency supplies	0	1,000	1,000	1,200		
5209.00	Software	23,012	64,926	58,803	25,614		
5210.00	Minor equipment	171,342	264,165	262,260	121,919		(6,000)
5211.00	Street marking materials	1,675	2,825	2,825	2,900		
5212.00	Signs	417	4,215	4,993	5,750		
5216.00	Construction materials	27	0	0	0		
5217.00	Safety devices	8,955	5,174	5,482	6,610		
5218.00	Fire fighting supplies	5,469	3,672	5,500	5,000		
5219.00	Municipal lab	715	5,391	2,000	2,000		
5220.00	Landscape materials	13,752	17,896	17,269	1,973		
		630,541	922,968	893,423	679,269	2.7%	(6,000)
Services and Charges:							
5303.00	Publications & dues	144,579	154,333	153,431	148,200		(5,000)
5304.00	Travel & training	255,673	316,180	296,126	346,525		(44,900)
5304.30	Education reimbursement	7,532	9,065	6,037	12,500		
5305.00	Postage	19,061	49,960	47,930	7,460		
5307.00	Audit expense	3,650	5,150	4,650	4,650		
5308.00	Rent	125	526	1,766	500		
5308.01	Office rent	4,200	0	0	0		
5308.03	Equipment rental	816	1,300	1,660	1,550		
5309.00	Lease expense	17,420	35,550	35,000	18,900		
5311.09	Settlements	157,847	0	0	0		
5313.00	Codification	8,244	4,729	4,729	0		
5314.00	Professional services	72,194	239,309	236,879	97,850		

City of Fayetteville, Arkan[illegible]

2003 Summary of General Fund Expenses

Base	Account Name	Actual 2001	Budgeted 2002	Estimated 2002	Budgeted 2003	% of Total	Proposed Reduction
5314.01	Legal services	9,857	42,644	39,946	23,500		
5315.00	Contract services	161,451	310,356	294,691	211,746		(20,000)
5315.01	Trolley services	113,804	0	0	0		
5317.00	Recording fees	874	1,100	1,100	1,100		
5320.01	Bank service charges	(21)	0	0	0		
5329.00	Employee recognition	12,485	19,825	16,675	11,625		
5329.01	Citizen recognition	183	2,000	0	1,000		
5331.99	Motor pool-contra	(3,598)	0	0	0		
5333.00	Collection expense	0	25	0	0		
5339.00	Hydrant charges	15,000	15,000	15,000	15,000		(15,000)
5342.00	Promotional activities	4,755	0	0	4,000		(4,000)
5345.00	Special assessments	9,405	0	0	1,000		
5348.00	Voucher redemptions	0	0	0	0		
		1,015,536	1,207,052	1,155,620	907,106	3.7%	(88,900)
Maintenance:							
5400.00	Building & grounds maint	127,025	135,644	134,988	155,160		(12,000)
5405.00	Lighting equipment maint	6,330	7,080	7,080	7,080		
5407.00	Small equipment maint	12,018	21,177	21,386	23,312		
5412.00	Turf maintenance	29,149	30,000	28,967	30,000		
5415.00	Landscape maintenance	15	0	0	0		
		174,537	193,901	192,421	215,552	0.9%	(12,000)
Transfers to Outside Agencies:							
5713.00	Transf-access contractor	69,000	69,000	69,000	69,000		
5721.00	Econ development grant	0	100,000	100,000	0		
5723.00	Trans to Ozarks Reg Trans	59,219	0	0	0		
5726.00	Transfer to AAO	10,000	0	0	0		
5728.00	Transf to Razorback Transit	30,000	0	0	0		
5731.00	Transf to First Night	27,000	0	0	0		
5733.00	Transf to Ar Air Museum	7,000	0	0	0		
5734.00	Transf to Dwntn Dickson	35,000	32,500	32,500	0		20,000
		237,219	201,500	201,500	69,000	0.3%	20,000
Capital:							
5801.00	Fixed assets	0	20,813	20,813	7,000		(7,000)
5804.00	Building costs	500	0	0	0		
5809.00	Street improvements	39,381	0	0	0		
		39,881	20,813	20,813	7,000	0.0%	(7,000)
	TOTAL OPTIONAL COSTS	2,097,714	2,546,234	2,463,777	1,877,927	7.6%	(93,900)
	TOTAL GENERAL FUND COSTS	$ 20,894,587	$ 23,866,434	$ 23,537,459	$ 24,820,862	100.0%	(408,633)

City of Fayetteville, Arkan

2003 Summary of General Fund Expenses

Base	Account Name	Actual 2001	Budgeted 2002	Estimated 2002	Budgeted 2003	% of Total	Proposed Reduction
Budget Reductions (Summary Listing):							
51XX.XX	Personnel Services	Elimination of Funding for Special Projects Director (50%)					(37,933)
5111.00	Workers' comp insurance	Extra Budget not Needed is Use is Constant					(50,000)
5120.00	Personnel serv-contra	Transfer of Project Management Cost to Capital Project					(150,000)
5210.00	Minor equipment	Printer Purchase for Parks - Transfer to Sales Tax Capital					(3,000)
5210.00	Minor equipment	Telephone Replacements will be Charged to User Programs					(3,000)
5301.00	Public notification	Reduction of Cost if One Newspaper Used for Advertising					(20,000)
5302.00	Uniforms/personal equip	Reduction of Uniforms/Personal Equipment for Police					(10,000)
5310.00	Utilities	Extra Budget not Needed is Use is Constant					(30,000)
7602.27	Transfer to Replacement	Transfer to Replacement Fund Eliminated					(16,800)
5303.00	Publications & dues	Reduction of Publications for Fire					(5,000)
5304.00	Travel & training	Reduction of Travel & Training					(44,900)
5315.00	Contract services	Reduction of Contract Services for Parking Management					(20,000)
5339.00	Hydrant charges	Fire Hydrant Maintenance Performed By Fire Department					(15,000)
5342.00	Promotional activities	Elimination of Funding for Neighborhood Activities					(4,000)
5400.00	Building & grounds maint	Fire Maintenance Transfer to Sales Tax Capital Fund					(12,000)
5734.00	Transf to Dwntn Dickson	Transfer to Downtown Dickson (six months funding)					20,000
5801.00	Fixed assets	Purchase of Scoreboard for Parks - Transfer to Sales Tax Capital Fund					(7,000)
							(408,633)
		Amount of Budget Reductions in Optional Costs					93,900
		Total Amount of Budget in Optional Costs					1,877,927
		Percentage of Budget Reductions in Optional Costs					5.0%

City of Fayetteville
Franchise Fee Collections by Utility by Customer Type for 2003

	Projected 2003 Revenue			
	Projected Revenue	Residential Customers 3%	Commercial Customers 3%	Industrial Customers 1%
Arkansas Western Gas	444,000	270,352	153,224	20,424
Increased Revenue Potential:				
0.25%	40,404	22,529	12,769	5,106
0.50%	80,808	45,059	25,537	10,212
0.75%	121,212	67,588	38,306	15,318
1.00%	161,616	90,117	51,075	20,424
1.25%	202,020	112,647	63,844	25,530

These figures are an estimate. The utility was only able to furnish the City with a breakdown of the current month's collections. This percentage was applied to the revenue received in 2002. Arkansas Western Gas has a rate increase proposal before the Public Service Commission. If granted, the increase is not projected to take effect until October or November of 2003.

	Projected 2003 Revenue		
	Projected Revenue	Residential/ Commercial Customers 3%	Industrial Customers 1%
SWEPCO	1,013,000	845,855	167,145
Increased Revenue Potential:			
0.25%	112,274	70,488	41,786
0.50%	224,548	140,976	83,573
0.75%	336,823	211,464	125,359
1.00%	449,097	281,952	167,145
1.25%	561,371	352,440	208,931

SWEPCO provided the revenue for the last 12 months broken down in the above fashion. The company is not anticipating any rate increases or decreases at this time.

Ozarks Electric Cooperative Corporation has been contacted. At this time, they are unable to furnish the City with the customer type revenue break down the City has requested. They are in the process of trying to obtain those figures.

Public Works Department
Fleet Operations Division
Vehicle Maintenance Program

Fund 9700 - Shop

Program 1910

Account Number	Account Title	Item Description	Full Amount Requested 2003	(Less) Target Overruns	Budgeted 2003
9700.1910.5304.00	Travel & training	Technician Schools	5,400		5,400
		Training Materials	1,000		1,000
		Safety Vid & Training	500		500
		Travel Costs	1,000		1,000
		Misc.	1,000		1,000
			8,900	0	8,900
9700.1910.5304.03	Educational Reimbursement	Management Training	9,300		9,300
			9,300	0	9,300
9700.1910.5315.00	Contract Services	Transmission Rebuilds	123,000		123,000
		Refinish	17,000		17,000
		Engine Rebuilds	26,000		26,000
		Injection Systems Repair	15,000		15,000
		A/C Repairs	10,000		10,000
		Electronic eng. Control	14,000		14,000
		Misc. Sublet Repairs	40,000		40,000
			0		0
			245,000	0	245,000
9700.1910.5400.00	Building & Grounds Mntc.	Heat & Air Maint.	3,000		3,000
		Overhead Door Service	2,000		2,000
		Hooten Equipment	5,000		5,000
		Misc.	5,000		5,000
			15,000	0	15,000

STAFF REVIEW FORM

XX____ AGENDA REQUEST
______ CONTRACT REVIEW
______ GRANT REVIEW

For the Fayetteville City Council meeting of December 17, 2002

FROM:

Yolanda Fields — Name
CRCC — Division
Urban Development — Department

ACTION REQUIRED:
Informational item - 2003 Community Development Block Grant (CDBG) annual action plan

COST TO CITY:

Cost of this Request
Category/Project
Community Development — Category/Project Name

Account Number
Funds Used To Date
Community Development — Program Name

Project Number
Remaining Balance
Community Development — Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager
Administrative Services Director

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

Accounting Manager — Date
Internal Auditor — Date

City Attorney — Date
ADA Coordinator — Date

Purchasing Officer — Date
Grants Coordinator — Date

STAFF RECOMMENDATION: Review of the informational item

Division Head — Date 12-2-02

Department Director — Date

Administrative Services Director — Date

Mayor — Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #:

Orig Contract Date:

STAFF REVIEW FORM

Description: Approval of the sub-recipient grant agreement Meeting Date ______________

Comments: Reference Comments:

Budget Manager

______________________________ ______________________________

______________________________ ______________________________

Accounting Manager

______________________________ ______________________________

______________________________ ______________________________

City Attorney

______________________________ ______________________________

______________________________ ______________________________

Purchasing Manager

______________________________ ______________________________

______________________________ ______________________________

Internal Auditor

______________________________ ______________________________

______________________________ ______________________________

ADA Coordinator

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______________________________ ______________________________

Grants Coordinator

______________________________ ______________________________

______________________________ ______________________________

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor and Council

FROM: Yolanda Fields, CRCC Director

DATE: December 2, 2002

RE: 2003 Community Development Block Grant (CDBG) Annual Action Plan (Review Item)

2003 CDBG Annual Action Plan has been submitted to HUD for approval. The required public comment period was conducted. This item is being presented as an informational item to the Mayor and Council. If you have any questions, please contact me at 575-8290 or yfields@ci.fayetteville.ar.us.

CITY OF FAYETTEVILLE

2003
CONSOLIDATED ACTION PLAN

"Helping to Make a Better Community"

Submitted November 15, 2002

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CONSOLIDATED ACTION PLAN – 2003

COMMUNITY PROFILE

The City of Fayetteville, county seat of Washington County, is located in the northwestern part of Arkansas and is regarded as the business and cultural center of the Metropolitan Statistical Area for Benton and Washington Counties, which has an estimated population of approximately 311,000. Fayetteville is situated near the tallest of the mountains in the Ozark Mountain Range and is the fourth largest city in the state. It is located approximately 185 miles northwest of Little Rock, Arkansas, 125 miles east of Tulsa, Oklahoma, 350 miles northeast of Dallas, Texas, and 210 miles south of Kansas City, Missouri. Fayetteville and Northwest Arkansas region have gained a national reputation as one of best places in the country to live and raise a family. The City and the region are experiencing rapid population growth and an increasing number of visitors. Fayetteville's population has increased from approximately 20,000 in 1960 to 58,047 according to the 2000 census.

The City was settled in 1828 and was incorporated on August 23, 1870. The City operates under a Mayor-Council form of government, in which a Mayor, City Attorney, City Clerk/Treasurer, Municipal Judge, and eight Aldermen are elected. Based on the population thresholds in Arkansas law, City Council adopted an ordinance that provides for staggered aldermanic terms. Beginning with the 2000 election, all terms for elected officials are four years.

INTRODUCTION

The City of Fayetteville is a participant in the Community Development Block Grant (CDBG) Entitlement Cities Program and is awarded funds annually to carry out eligible activities in pursuit of these statutory goals:

- **Provide Decent housing** - - which includes:
assisting homeless persons obtain affordable housing; assisting persons at risk of becoming homeless; retention of affordable housing stock; increase the availability of affordable permanent housing in standard condition to low-income and moderate-income families, particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability; increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/AIDS) to live in dignity and independence; and providing affordable housing that is accessible to job opportunities.

- **Provide a suitable living environment** - - which includes:
improving the safety and livability of neighborhoods; increasing access to quality public and private facilities and services; reducing the isolation of income groups within areas through spatial deconcentration of housing opportunities for lower income persons and the revitalization of deteriorating neighborhoods; restoring and preserving properties of special historic, architectural, or aesthetic value; and conservation of energy resources.

- **Expand economic opportunities** - - which includes:
job creation and retention; establishment, stabilization and expansion of small businesses (including micro businesses); the provision of public services concerned with employment; the provision of jobs to low-income persons living in areas affected by those programs and activities, or jobs resulting from carrying out activities under programs covered by the plan; availability of mortgage financing for low-income persons at reasonable rates using non-discriminatory lending practices; access to capital and credit for development activities that promote the long-term economic and social viability of the community; and empowerment and self-sufficiency for low-income persons to reduce generational poverty in federally assisted housing and public housing.

Community Development Focus in 2003

Public Access and Participation: CDBG Activities are designed and carried out based on local needs. Through public meetings, consultation with area public and non-profit service agencies, informal discussion with citizens, studies, city staff, and special purpose committees, input from community stakeholders and resources holders is integrated to designate action priorities.

One formal public hearing was held to present and discuss proposed CDBG activities for fiscal year 2003. The meetings were well attended by non-profit agency representatives and the media but citizen attendance was low. Community Development staff has been active in the presentation of program information. Information was provided during National Community Development Week. Community Development program information is presented at local agency meetings on a regular basis. Program literature in Spanish was requested and received. City of Fayetteville program information and forms have been translated into Spanish.

In accordance with Fayetteville's Citizen Participation Plan, the 2003 Consolidated Action Plan is submitted for a 30 day citizen review period. Citizen comments on the plan are encouraged and may be submitted to:

Yolanda Fields, Director
City of Fayetteville Community Resource Division
113 West Mountain Street
Fayetteville, AR 72701

Citizen Comments:

Housing Housing rehabilitation and housing issues are a primary focus of Community Development activities. The City is committed to the development of programs which address the need for housing for Low and Moderate Income (LMI) persons and families. In response to priority needs revealed during the development of the City's five year Consolidated Plan in 1999, the City has focused on developing of community partnerships with outstanding local entities with expertise in specialized housing activities. This cooperation will further the Attainable Housing effort in the City of Fayetteville.

Attainable housing has become a topic of great concern for this division. Housing costs in Northwest Arkansas have increase at a considerable rate throughout the past 10 years according to the latest round of information from the 2000 Census. The cost of the median mortgage payment in the City of Fayetteville remains the highest in Northwest Arkansas at $916, an increase of 45 percent. It is the highest median mortgage payment of any city in Northwest Arkansas and 24 percent higher than the state median of $737. The City of Fayetteville, Community Development program will work on the development of a plan to bring Attainable housing to the City of Fayetteville. This office is working with the Northwest Arkansas Housing Coalition (NAHC) and the committees of the organization to build a relationship with the local Public Housing Office. The HUD provided Technical Assistance will be a very important component in reaching the Attainable Housing goal.

Analysis of Impediments to Fair Housing The city is in the process of updating its "Analysis of Impediments to Fair Housing" (AI). CDBG Program regulations require recipient jurisdictions to "affirmatively further fair housing," which flows from HUD's obligation under Section 808 of the Fair Housing Act.

The AI is conceived as an effort to affirmatively further fair housing choice by identifying all impediments to fair housing choice which presently exist in the community, and to develop strategies and actions designed to reduce or eliminate the identified impediments. Further, the process of developing the AI will foster the collaboration of stakeholders and resource providers in the public, non-profit, and private sectors, thereby promoting relationship-building and consensus on fair housing issues. The AI process will help describe a clearer picture of housing conditions for LMI households in Fayetteville, and aid us in defining current and future housing directions.

Public Services Utilization of CDBG funds for the provision of public services, particularly those which serve LMI groups, has been, and continues to be a focus of the Community Development Program. The Taxi Voucher program provides subsidized cab fare for our city's elder citizens, allowing an inexpensive transportation choice for many who would not have transportation available otherwise. This simple, cost effective program receives unwavering support from those who use it to go shopping, to the doctor, post office, church, out to eat, or any number of other destinations. The program is hugely successful in providing our elders opportunity to participate in community life and to live independently.

Public Facilities - Community Needs CDBG has historically supported community services facilities projects in Fayetteville. Through the last decade, CDBG dollars have assisted construction, renovation or development of facilities for local non-profit organizations such as Youthbridge, Children's House, Head Start, Fayetteville Free Health & Dental Clinic, YRCC, as well as renovations and improvements to City parks, streets, sidewalks and other infrastructure.

CONSOLIDATED ACTION PLAN - 2003

I. AVAILABLE RESOURCES

A. ***Resources- Federal / State*** The City is the recipient of only one formula grant program, the Community Development Block Grant. Private non-profit organizations in Fayetteville receive no formula allocations and are funded through competitive State allocations administered by the Arkansas Department of Human Services, the local United Way campaign, private foundation grants, other special competitive grants, and private donations including fund-raising activities. The City anticipates the CDBG formula allocation in 2003 will be approximately $778,000.

B. Resources - Municipal Government

The City's Street Division has estimated $30,000 for street overlay and repair of streets located in the designated Community Development Target Area. The City's Budget Division has budgeted approximately $8,000 for maintenance of city-owned buildings occupied by area non-profit agencies performing public service activities.

II. DESCRIPTION OF ACTIVITIES

A. Housing Services

- **Residential Rehabilitation**
  This allocation provides forgivable and partially repayable loans to low and moderate income persons for rehabilitation of owner-occupied housing.
  The following services are offered:
  - Comprehensive rehabilitation up to $20,000
  - Emergency Repair up to $5,000
  - Mobile Home emergency repair up to $3,500

  The program provides labor, materials, project management, Lead Based Paint (LBP) Hazard Control, and other associated costs to bring a home into compliance with State and City Housing Codes. Emphasis is placed on repairs that improve energy efficiency, those that alleviate deferred maintenance conditions, safety devices, and replacement of principal fixtures and components. $340,888 is allocated and includes salary and program delivery costs for management and oversite of all housing programs, design and studies.

  Location: Citywide, applicants are prioritized according to established criteria to give preference on the waiting list to those most in need of services. Priority criteria include; Very Low Income, Elderly, Disabled, Single parented household, Located in Target Area, Length of time on waiting list. This program will assist about 30 eligible families.

- **Housing Design and Fair Housing Study**
  This allocation will provide an updated "Analysis of Impediments to Fair Housing". This study will provide valuable housing information which will be utilized to ensure compliance to the Section 808 of the Fair Housing Act and will assist in reaching the goal attainable housing. In addition, a design for attainable housing will be developed and a home will be built. This project will serve as a model for the Attainable Housing program. $100,000 will allocated for these components.

- **Habitat for Humanity of Fayetteville, AR, Inc.**
  Habitat for Humanity (HFH) mission to eliminate poverty housing. HFH was chartered in December 1992 and has completed seventeen (17) houses that have housed 50 children and 20 adults. HFH is builder and mortgage lender, homes sold at no-profit and no-interest. Funding mostly from donations, club pledges, religious community, fund for HFH homeowners principle payments, community organizations and in-kind donations. Participants are in the 30-50% of median income range. Their monthly payments are 20-25% of their monthly gross income including taxes and insurance. CDBG funds allocated - $50,000.

  Revenue Sources:

Wal-Mart Shoe/Jewelry Divs. Golf Tournament	54,000
Dr Scholl's HFH Tin Cup 5K Run/Walk	15,000
Covenant Church Commitment	10,000
Clubs/organizations	3,000
Carpenters Club pledges	55,000
Unspecified donations	10,000

B. Public Services

- **Seven Hills Homeless Shelter**
  This project provides essential services (including meals, shelter, transportation, showers, phone, laundry, clothing; etc.) and case management services to homeless men, women and children in an effort to enable them to return to a stable, self-sufficient lifestyle. Seven Hills is a dual-purpose facility. Providing a safe, supportive drop-in day center environment where men, women and children can come to gather resources, set plans, and move forward toward jobs, housing, and self-sufficiency. In winter, providing emergency cold-weather night shelter. In addition, the Transitional Housing program for men at Seven Hills provides eight residents with three to six month's room, board, life-skills training, life coaching, and other assistance to support their progress toward stable, independent living.

The center currently serves an average of over 40 persons per day. To date, 42 men have been placed in the Transitional Housing Program, which provides life-skills training in the areas of money management, anger management, and health for eight men at a time. They also receive weekly private goal-setting/progress sessions with a life coach, as well as 24-hour staff support in a drug and alcohol free environment.

Location: 1561 W. 6th

Revenue Sources:

Private Foundation Grants	45,600
Individual contributions	28,500
Church contributions	12,000
Program fees	6,000
Fundraising events	5,200
Corporate Support	30,000
In-kind support	90,000

- **Fayetteville Elderly Taxicab Program**
  This program provides an alternative transportation choice for elderly residents of Fayetteville through subsidized cab fare. 200 elderly, low to moderate individuals will be served by this transportation program. CDBG funds allocated - $40,000.

  Location: Citywide

- **Girl Scouts of NOARK Council**
  Project Every Girl seeks to involve girls residing in the Southeast Fayetteville Target area in the Girl Scout program. Southeast Fayetteville is an under-served area as it is difficult Recruit volunteer leadership and involve girls in what would be considered a "traditional troop". This particular project will be a staff-lead group (girls of all ages). Girls will meet twice a week in southeast Fayetteville. Key to the Girl Scout program is girl planning. The goals of the project are 1. Develop insight to individual potential; 2. Learn to relate to others with understanding, skill and respect; 3. Develop values to guide actions and provide the foundation for sound decision making; 4. Contribute to the improvement of society through the use of abilities and skills while working in cooperation with others. CDBG funds allocated - $6,600 and a $3.300 match.

- **Fayetteville Library**
  This program will provide Spanish language materials and outreach/programming to the community. Funds will be utilized to purchase literacy and Spanish language materials for adults and children. Program development will include outreach and activities to improve services to our community at large. Program will benefit low and moderate income persons to improve their reading and language skills. This project will match $13,000 of CDBG funds with $5,842 in-kind funding. City of Fayetteville has experienced an increase in the Hispanic population. The concentration is in the CD Target Area, which is designate low to moderate income. This program would provide training which is needed by this population.

  This program will provide the technology to improve access to information for the disabled citizens of our community. Focusing on both the visually impaired and those with physical disabilities that make physically manipulating a book or computer difficult, this grant will allow us to improve the literacy rates of this segment of our community. This project will match $20,000.00 of CDBG funds with $6,141.00 in-kind funding. According to the 2000 census, 12.5% of the population of Fayetteville between the ages of 5-20 years has a disability. Also 15.2% of the population aged 21-64 and 44.6% of the population over 65 have disabilities. The need for this project is particularly important given that illiteracy rates within this community can be shockingly high. For example, according to the Arkansas Chapter of the National Federation for the Blind, 12% of blind students who graduate from high school are illiterate.

  Location: 217 East Dickson

C. *Public Facilities - Community Needs*

- **Walker Park Playground Equipment**
  $60,000 replacement of unsafe playground equipment at Walker Park. Walker Park is located in the Target Area.

  Location: 10 W. Fifteenth Street

- **Fayetteville Head Start**
  This project will enhance the outdoor curriculum area to better provide and promote a higher quality, safe comprehensive child development activities that will promote social, mental and physical competence. 3-5 year olds from low to moderate income families will be able to utilize the improved outdoor area. This project will match $14,100.00 of CDBG funds with $11,335.00 from the Fayetteville Head Start Program.

  Location: 2052 S. Garland

D. Administration and Indirect Costs

Administration funds are used for the salary and benefits of the Community Development Director, administration staff, office supplies, travel and training costs, some Fair Housing activities and other costs associated with administration of community development activities. Indirect costs are those charged by the City for office space, maintenance and services provided by other City divisions. $108,412.00 is allocated.

Location: City Engineering Building, 125 West Mountain Street

III. Monitoring

Community Development Programs will be monitored by the Community Development Division and other City of Fayetteville Divisions to ensure long-term compliance with federal, state and local regulations and statutes. Goals and objectives outlined in the Consolidated Plan will be reviewed periodically by the Community Development staff to ensure compliance to plan.

Housing Programs will be monitored by the CD Housing Program staff and the City of Fayetteville Building Safety Division, when needed for compliance to building ordinances. All building ordinances must be met prior to final payment on all housing rehabilitation projects. Follow up visits will be made to all moderate rehabilitation project sites.

Public Facilities Improvements will be monitored by the Community Development staff and a professional playground equipment inspector from the City of Fayetteville Parks and Recreation Division. This will ensure compliance to the codes which govern the installation of playground equipment and the project contract and specifications.

Public Service Activities Sub-recipient agreements will be required for all public service activities. Monitoring area will include program performance, financial performance and regulatory compliance. Sub-recipient agreements will require documentation of activities and results. In addition, agreements will require an estimated project schedule and a project completion date. Agreement will outline procedures to be followed in the case a non-compliance situation may occur.

IV. *Lead-Based Paint Hazards*

Rehabilitation projects are evaluated and tested for lead-based paint hazards in accordance with the City of Fayetteville lead-based paint policy. The policy has been established based on current federal regulation for lead-based paint. This policy will be reviewed on an annual basis by CD staff.

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0001	Administration	21A General Program Administration	CDBG	$ 108,412
			ESG	$ 0
0001	Planning and Administration	570 206	HOME	$ 0
			HOPWA	$ 0
		1 People (General)	ASSISTED HOUSING	$ 0
			PHA	$ 0
	Salary and indirect costs, Fair Housing activities, studies, travel & training. Indirect costs are those charged to the division for office space, maintenance, postage, and services provided by other city division.		TOTAL	$ 108,412
			Total Prior Funding	$ 0

Help the Homeless? No

Help those with HIV or AIDS? No

Start Date 01/01/03

Completion Date: 12/31/03

Eligibility: 570.208(a)(1) - Low / Mod Area

Subrecipient Local Government

Location(s): N/A

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0002	Housing Services	14A Rehab; Single-Unit Residential	CDBG	$ 440,888
			ESG	$ 0
0002	Housing	570 202	HOME	$ 0
			HOPWA	$ 0
		25 Households (General)	ASSISTED HOUSING	$ 0
	Addressing current housing conditions for low and moderate income residents. Residential housing rehabilitation, emergency repair, mobile home repair		PHA	$ 0
			TOTAL	$ 440,888
			Total Prior Funding	$ 0

Help the Homeless? No — Start Date: 01/01/03

Help those with HIV or AIDS? No — Completion Date: 12/31/03

Eligibility: 570.208(a)(3) - Low / Mod Housing

Subrecipient: Local Government

Location(s): Community Wide

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0003	Housing-Habitat for Humanity	01 Acquisition of Real Property	CDBG	$ 50,000
			ESG	$ 0
0003	Housing	570 201(a)	HOME	$ 0
			HOPWA	$ 0
		3 Households (General)	ASSISTED HOUSING	$ 0
	Eliminate poverty housing by building and providing mortgage lending homes at no-profit and no-interest Participants are in the 30-50% of median income range		PHA	$ 0
			TOTAL	$ 50,000
			Total Prior Funding	$ 0

Help the Homeless? No — Start Date: 01/01/03

Help those with HIV or AIDS? No — Completion Date: 12/31/03

Eligibility: 570.208(a)(3) - Low / Mod Housing

Subrecipient: Local Government

Location(s): Community Wide

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0004	Public Services - Seven Hills Homeless Shelter	05 Public Services (General)	CDBG	$ 25,000
			ESG	$ 0
0004	Public Services	570.201(e)	HOME	$ 0
			HOPWA	$ 0
		200 Persons who are Homeless	ASSISTED HOUSING	$ 0
	Provides essential services and case management services to homeless individuals in an effort to enable then to return to a stable, self-sufficient lifestyle.		PHA	$ 0
			TOTAL	$ 25,000
			Total Prior Funding	$ 0

Help the Homeless?	Yes	Start Date.	01/01/03
Help those with HIV or AIDS?	No	Completion Date	12/31/03

Eligibility	570 208(c) - Urgent Need
Subrecipient	Local Government
Location(s)	Addresses

1561 W 6th, Fayetteville, AR 72701

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0006	Public Services-Fayetteville Elderly Taxi Program	05A Senior Services	CDBG	$ 40,000
			ESG	$ 0
0006	Senior Programs	570 201(e)	HOME	$ 0
			HOPWA	$ 0
		60 Elderly	ASSISTED HOUSING	$ 0
	Alternative transportation choice for elderly residents of Fayetteville through subsidized cab fare.		PHA	$ 0
			TOTAL	$ 40,000
			Total Prior Funding	$ 0

Help the Homeless?	No	Start Date:	01/01/03
Help those with HIV or AIDS?	No	Completion Date:	12/31/03

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele

Subrecipient: Local Government

Location(s): Community Wide

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0007	Public Services - NOARK Girls Scouts	05D Youth Services	CDBG	$ 6,600
			ESG	$ 0
0007	Youth Programs	570.201(e)	HOME	$ 0
			HOPWA	$ 0
		1 Youth	ASSISTED HOUSING	$ 0
	Every Girl Program will involve girls residing in the Southeast Fayetteville Target area in the Girl Scout Program.		PHA	$ 0
			TOTAL	$ 6,600
			Total Prior Funding	$ 0

Help the Homeless?	No	Start Date:	01/01/03
Help those with HIV or AIDS?	No	Completion Date	12/31/03

Eligibility: 570.208(a)(1) - Low / Mod Area

Subrecipient: Local Government

Location(s): N/A

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0008	Public Services-Fayetteville Public Libaray	05 Public Services (General)	CDBG	$ 33,000
			ESG	$ 0
0008	Public Services	570.201(e)	HOME	$ 0
			HOPWA	$ 0
		35 People (General)	ASSISTED HOUSING	$ 0
	Program development will inculde outreach and activities to improve services to the community. Activities will include the purchase of literacy materials in english and spanish. Program to provide the technologht to improve access to information for the disabled citizens of the community		PHA	$ 0
			TOTAL	$ 33,000
			Total Prior Funding	$ 0

Help the Homeless? No — Start Date: 01/01/03

Help those with HIV or AIDS? No — Completion Date: 12/31/03

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele

Subrecipient: Local Government

Location(s): Addresses

217 East Dickson, Fayetteville, AR 72701

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0009	Public Facilities-Walker Park Playground Equipment	03F Parks, Recreational Facilities	CDBG	$ 60,000
			ESG	$ 0
0009	Public Facilities	570.201(c)	HOME	$ 0
			HOPWA	$ 0
		1 Public Facilities	ASSISTED HOUSING	$ 0
	Replacement of unsafe playground equipment at Walker Park located in the Target Area.		PHA	$ 0
			TOTAL	$ 60,000
			Total Prior Funding	$ 0

Help the Homeless? No — Start Date: 01/01/03

Help those with HIV or AIDS? No — Completion Date 12/31/03

Eligibility: 570 208(a)(1) - Low / Mod Area

Subrecipient: Local Government

Location(s): Addresses

10 W Fifteenth Street, Fayetteville, AR 72701

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0010	Fayetteville Head Start	03M Child Care Centers	CDBG	$ 14,100
			ESG	$ 0
0010	Public Facilities	570.201(c)	HOME	$ 0
			HOPWA	$ 0
		1 Public Facilities	ASSISTED HOUSING	$ 0
	Project will enhance the outdoor curriculum area to better provide and promote a higher quality, safe comprehensive child development activities that will promote social, mental and physical competence		PHA	$ 0
			TOTAL	$ 14,100
			Total Prior Funding	$ 0

Help the Homeless? No — Start Date: 01/01/03

Help those with HIV or AIDS? No — Completion Date: 12/31/03

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele

Subrecipient: Local Government

Location(s): Addresses

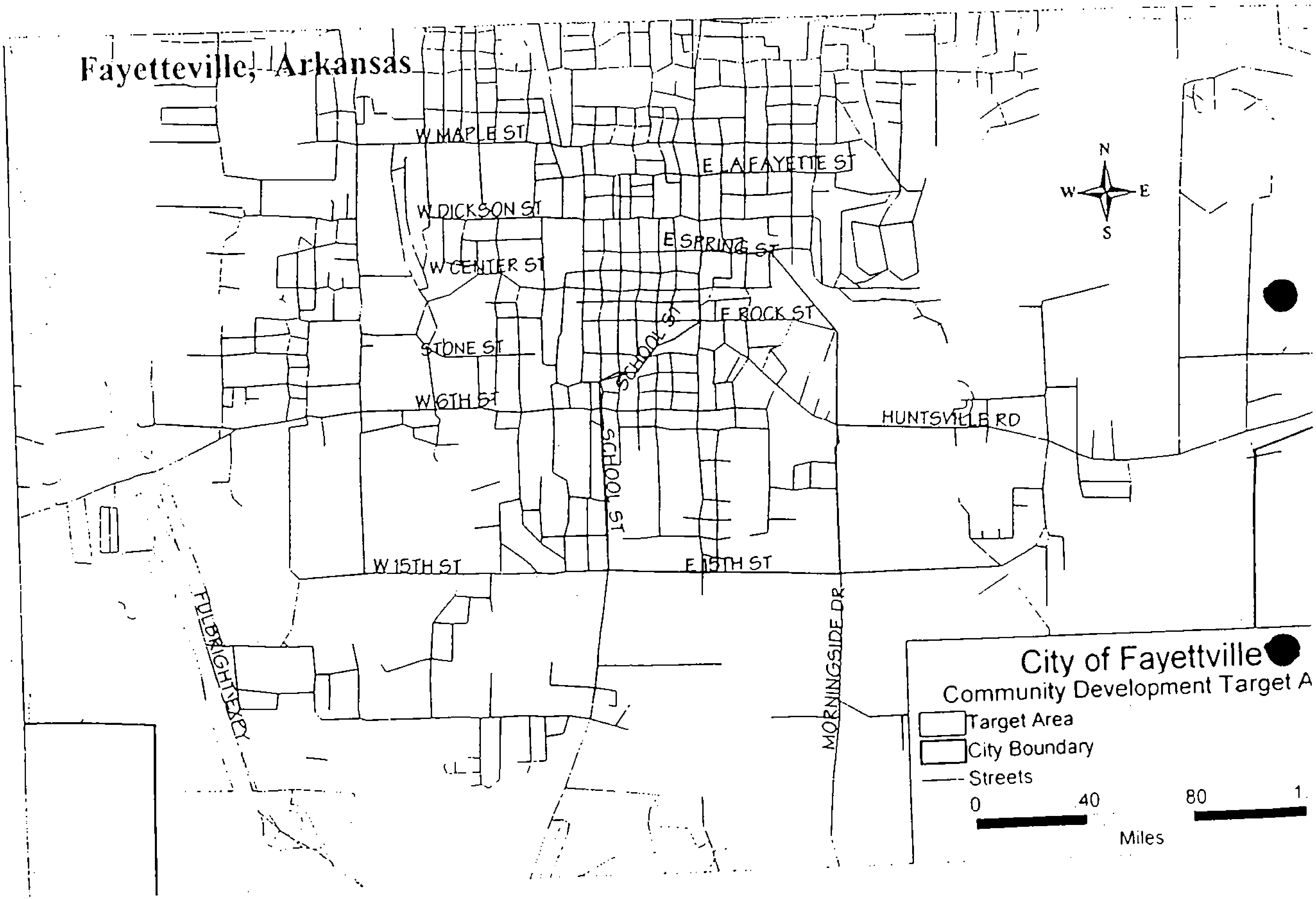
2052 Garland, Fayetteville, AR 72701

Funding Sources

Entitlement Grant (includes reallocated funds)		
CDBG	$778,000	
ESG	$0	
HOME	$0	
HOPWA	$0	
Total		$778,000
Prior Years' Program Income NOT previously programmed or reported		
CDBG	$0	
ESG	$0	
HOME	$0	
HOPWA	$0	
Total		$0
Reprogrammed Prior Years' Funds		
CDBG	$0	
ESG	$0	
HOME	$0	
HOPWA	$0	
Total		$0
Total Estimated Program Income		$0
Section 108 Loan Guarantee Fund		$0
TOTAL FUNDING SOURCES		$778,000
Other Funds		$0
Submitted Proposed Projects Totals		$778,000
Un-Submitted Proposed Projects Totals		$0

CPD Consolidated Plan/Budget Summary FY2003

City Progam Number	Program	Budgeted 2003
4930	**Administration**	108,412.00
4940	**Housing**	490,888.00
4960	**Public Services**	104,600.00
4990	**Public Facilities**	74,100.00
	Total 2003 Grant Request	778,000.00


Fayetteville, Arkansas
W MAPLE ST
E LAFAYETTE ST
W DICKSON ST
E SPRING ST
W CENTER ST
E ROCK ST
STONE ST
SCHOOL ST
W 6TH ST
HUNTSVILLE RD
SCHOOL ST
W 15TH ST
E 15TH ST
MORNINGSIDE DR
FULBRIGHT EXPY
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City of Fayettville
Community Development Target A
Target Area
City Boundary
Streets
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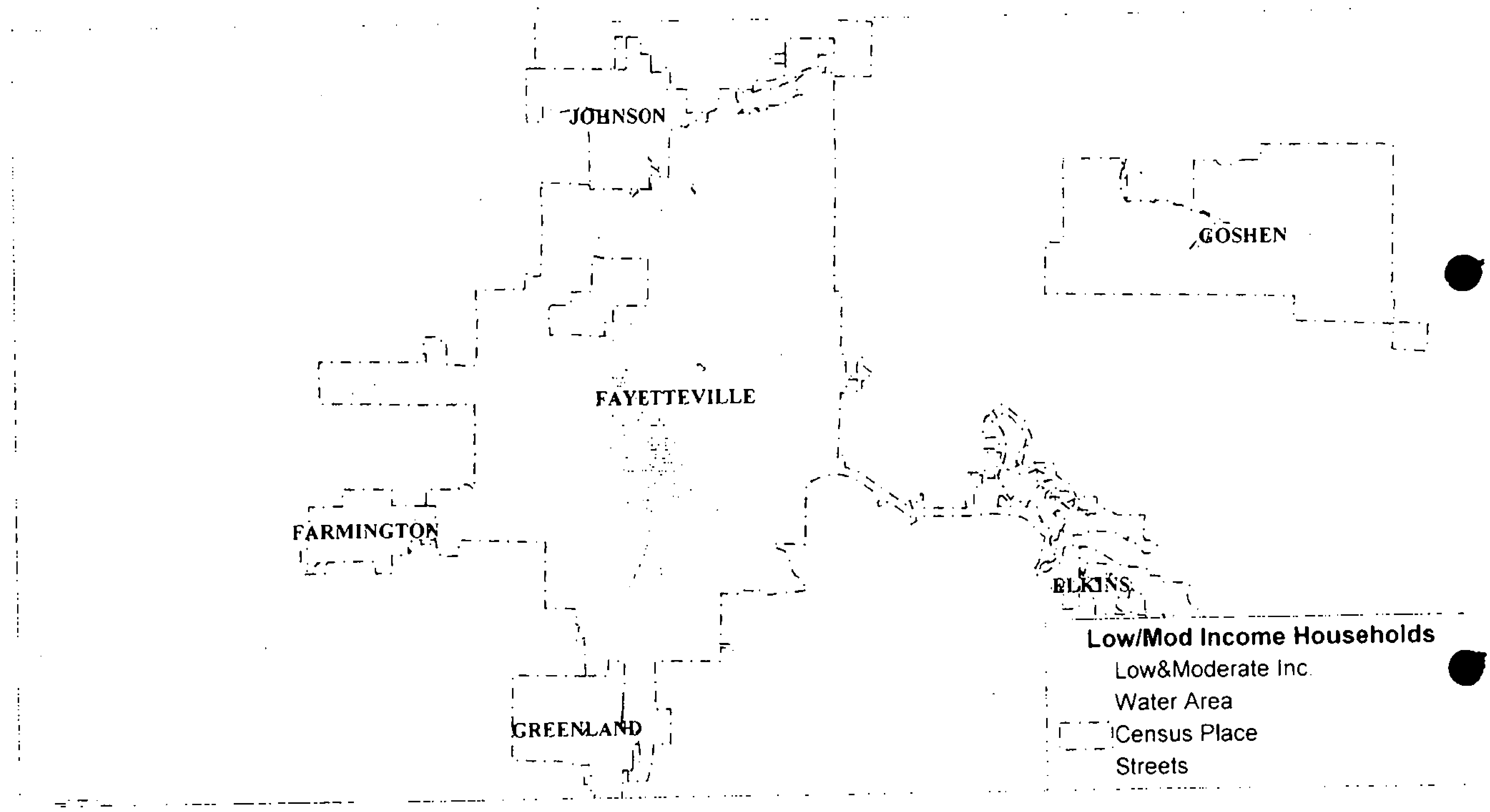
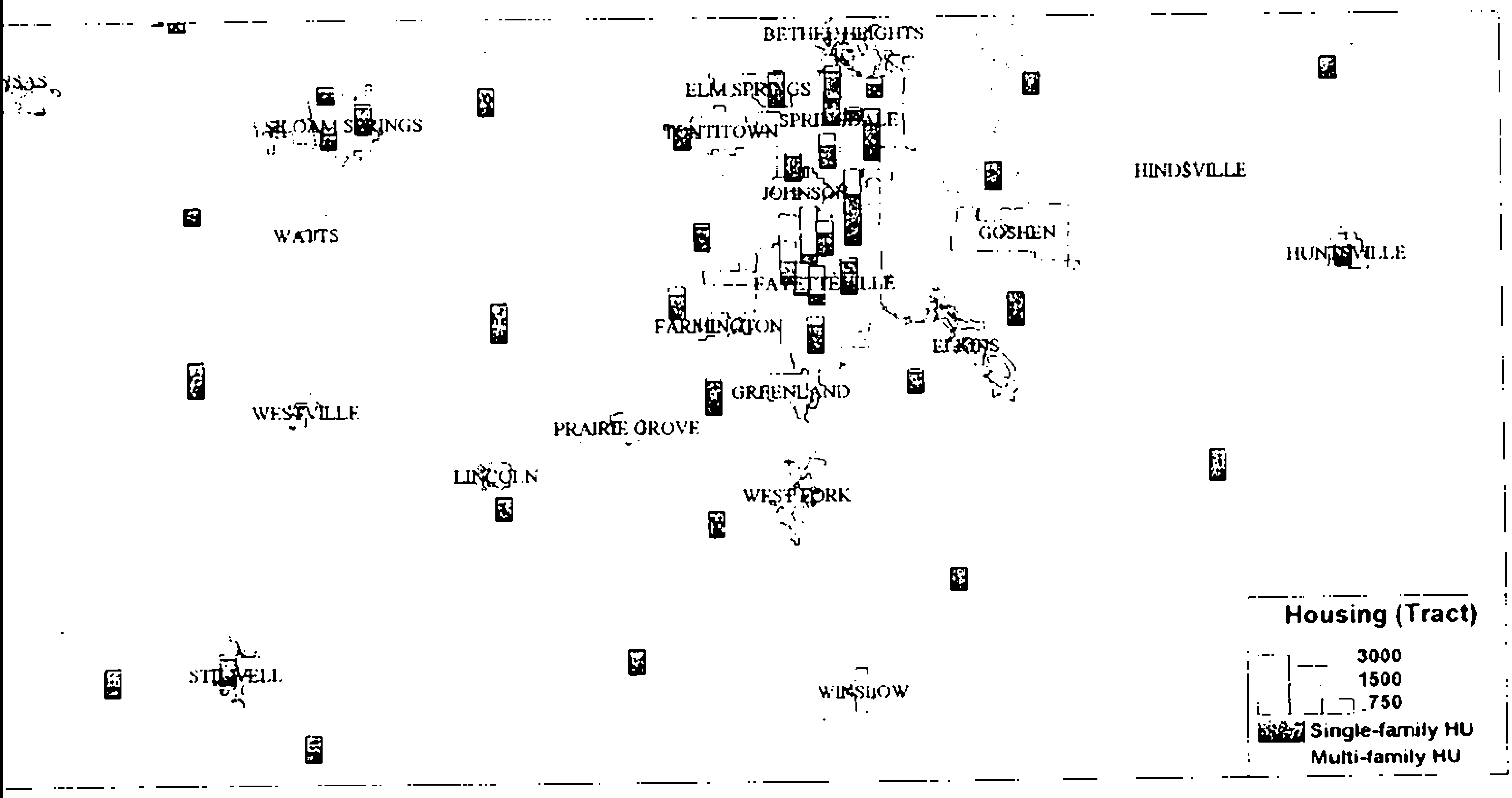
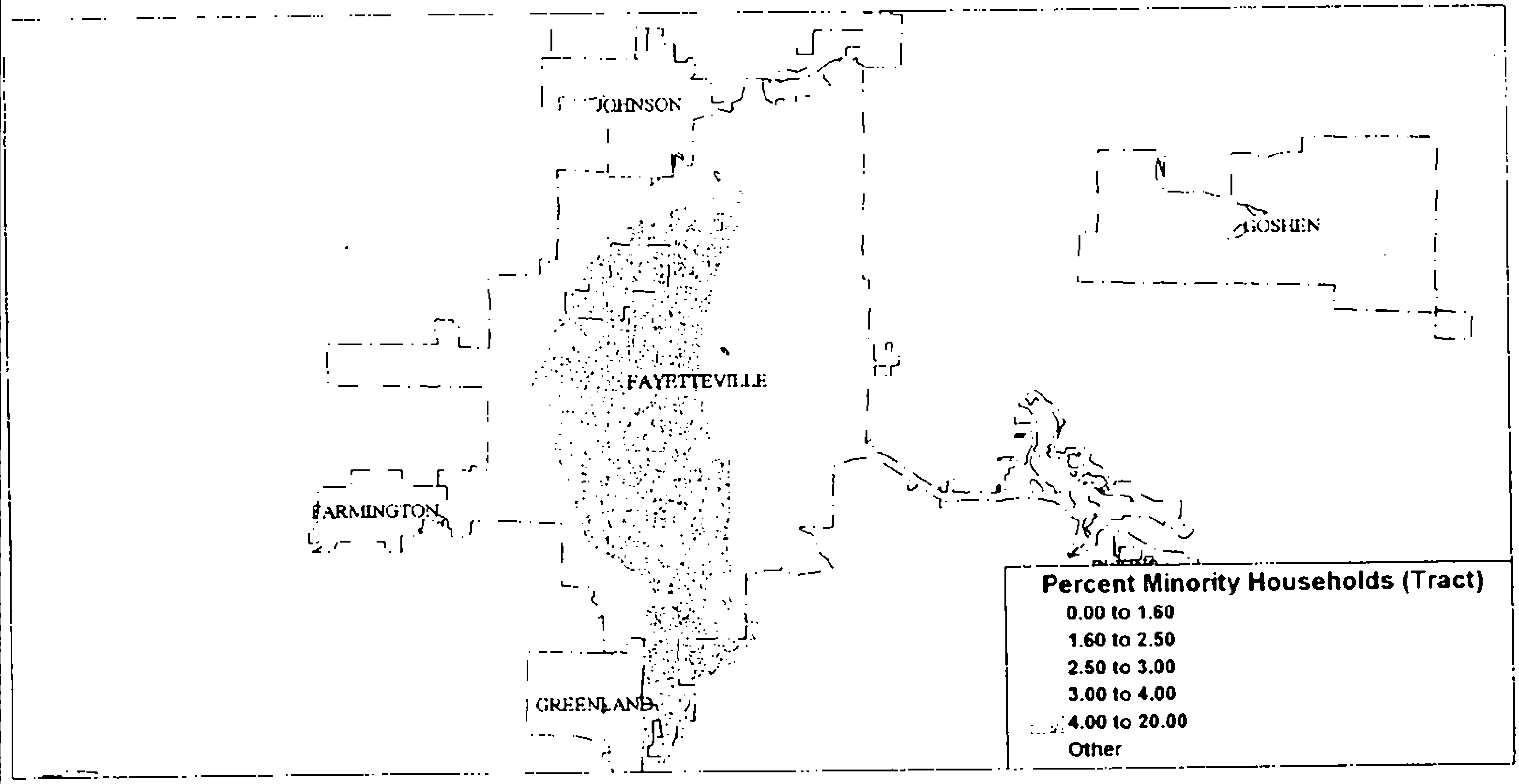
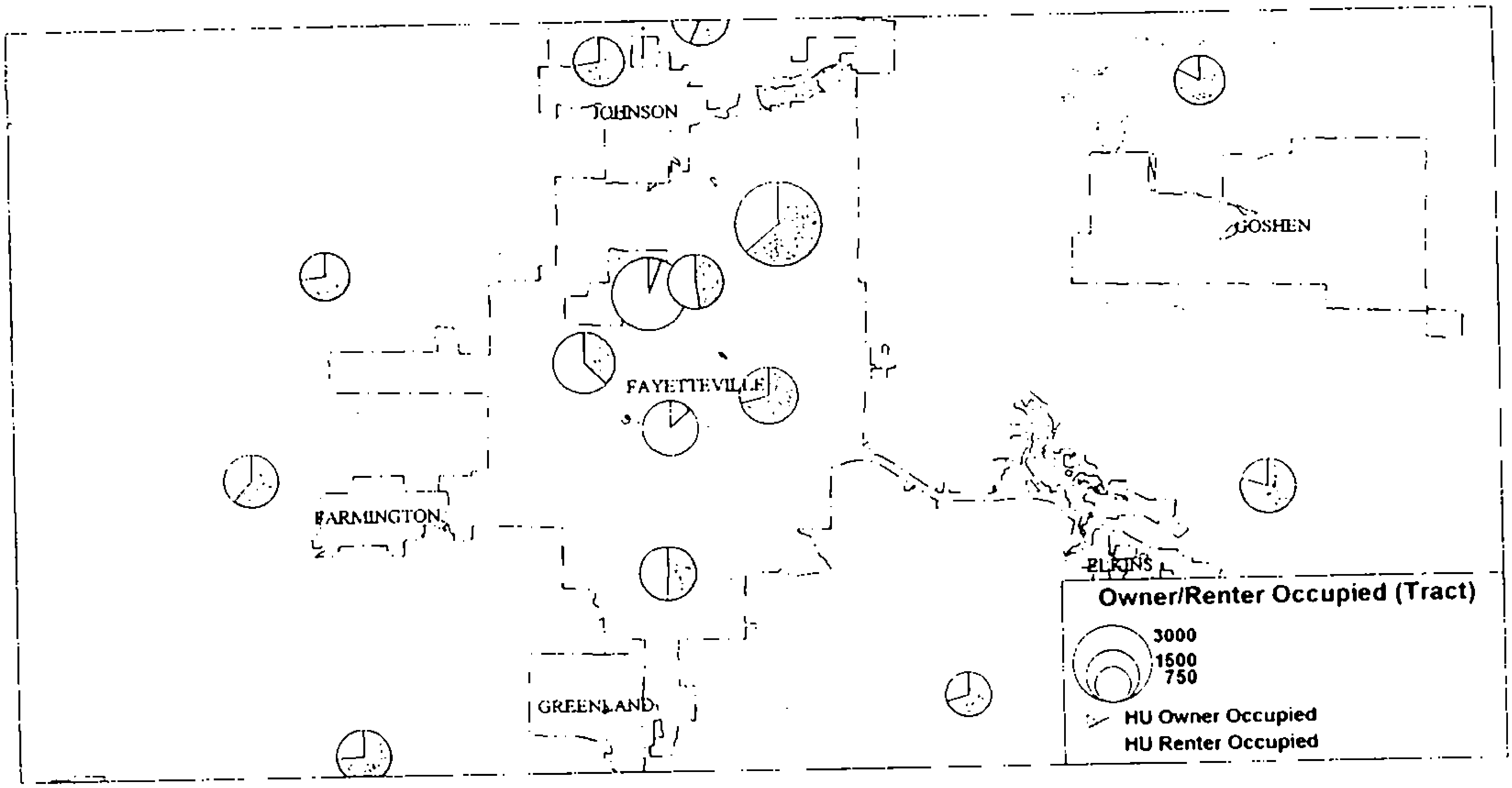
Miles

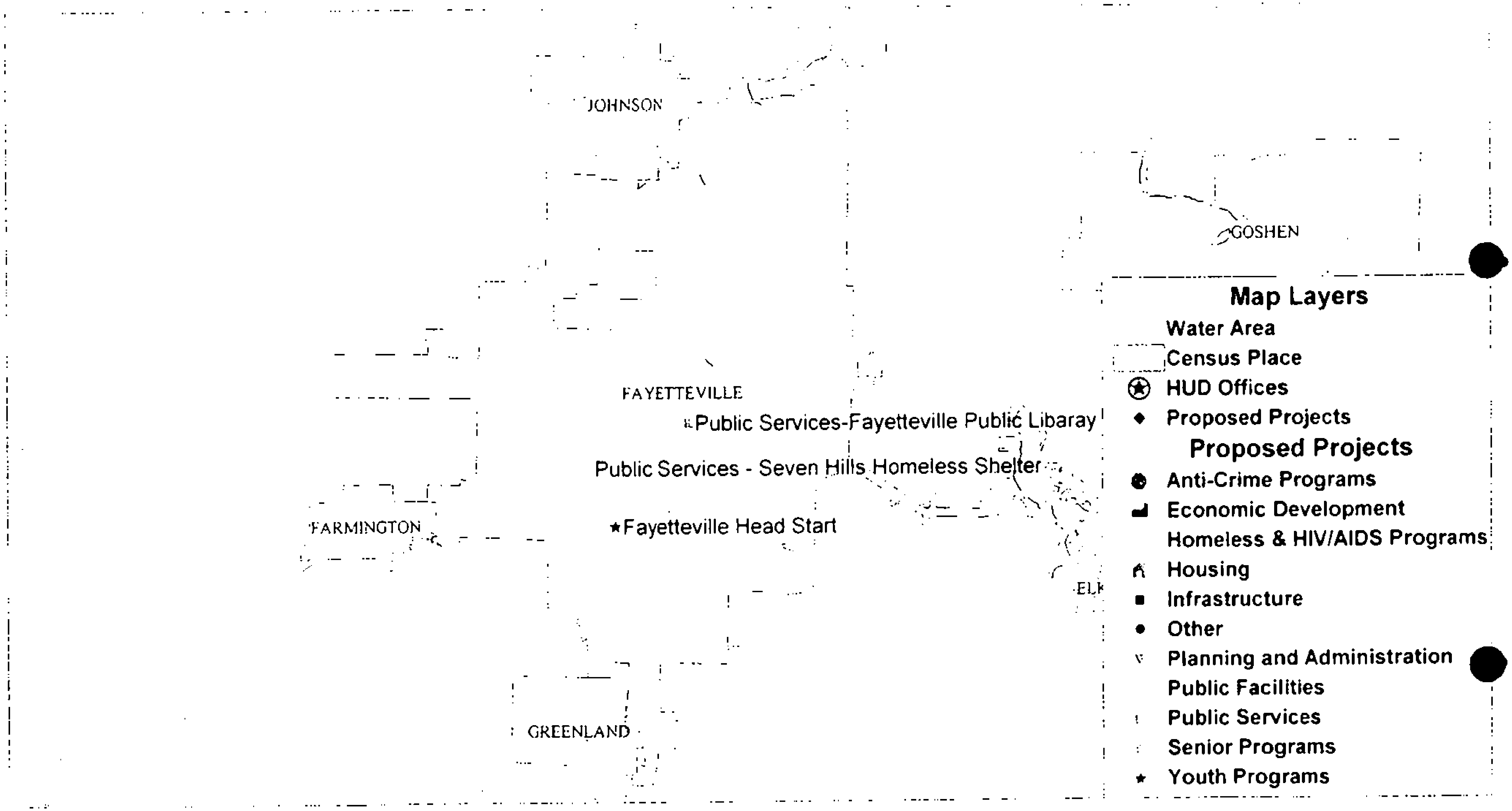


JOHNSON
GOSHEN
FAYETTEVILLE
FARMINGTON
ELKINS
GREENLAND
Low/Mod Income Households
Low&Moderate Inc.
Water Area
Census Place
Streets


BETHEL HEIGHTS
ELM SPRINGS
SPRINGDALE
TONTITOWN
SILOAM SPRINGS
JOHNSON
HINDSVILLE
WATTS
GOSHEN
HUNTSVILLE
FAYETTEVILLE
FARMINGTON
ELKINS
GREENLAND
WESTVILLE
PRAIRIE GROVE
LINCOLN
WEST FORK
STILWELL
WINSLOW
Housing (Tract)
3000
1500
750
Single-family HU
Multi-family HU


JOHNSON
GOSHEN
FAYETTEVILLE
FARMINGTON
GREENLAND
Percent Minority Households (Tract)
0.00 to 1.60
1.60 to 2.50
2.50 to 3.00
3.00 to 4.00
4.00 to 20.00
Other


JOHNSON
GOSHEN
FAYETTEVILLE
FARMINGTON
ELKINS
GREENLAND
Owner/Renter Occupied (Tract)
3000
1500
750
HU Owner Occupied
HU Renter Occupied



JOHNSON
GOSHEN
FAYETTEVILLE
Public Services-Fayetteville Public Libaray
Public Services - Seven Hills Homeless Shelter
Fayetteville Head Start
FARMINGTON
ELK
GREENLAND
Map Layers
Water Area
Census Place
HUD Offices
Proposed Projects
Proposed Projects
Anti-Crime Programs
Economic Development
Homeless & HIV/AIDS Programs
Housing
Infrastructure
Other
Planning and Administration
Public Facilities
Public Services
Senior Programs
Youth Programs

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about -

   (a) The dangers of drug abuse in the workplace;
   (b) The grantee's policy of maintaining a drug-free workplace;
   (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
   (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -

   (a) Abide by the terms of the statement; and

   (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -

   (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

   (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1,2,3,4,5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official Date

Mayor
Title

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with the requirements of 24 CFR §570.608;

Compliance with Laws -- It will comply with applicable laws.

Signature/Authorized Official　　　　　　　　　　Date

Mayor
Title

OPTIONAL CERTIFICATION
CDBG

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Signature/Authorized Official

Date

Title

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2001,(a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official　　　Date

Mayor
Title

ESG Certifications

The Emergency Shelter Grantee certifies that:

Major rehabilitation/conversion -- It will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least 10 years. If the jurisdiction plans to use funds for purposes less than tenant-based rental assistance, the applicant will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least 3 years.

Essential Services -- It will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure as long as the same general population is served.

Renovation -- Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services -- It will assist homeless individuals in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living, and other Federal State, local, and private assistance.

Matching Funds -- It will obtain matching amounts required under §576.71 of this title.

Confidentiality -- It will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement -- To the maximum extent practicable, it will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, operating facilities, and providing services assisted through this program.

Consolidated Plan -- It is following a current HUD-approved Consolidated Plan or CHAS.

Signature/Authorized Official　　　　　　　　　　Date

Mayor
Title

HOPWA Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,

2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

____

Signature/Authorized Official   Date

Mayor
Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.

2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)
City Administration Building, 113 West Mountain Street, Fayetteville, Arkansas, 72701

Check X if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Application for Federal Assistance

	2. Date Submitted 11/15/01	Applicant Identifier B-03-MC-05-0001
1. Type of Submission Application: Construction Preapplication: Non - Construction	3. Date Received by State	State Application Identifier
	4. Date Received by Federal Agency	Federal Identifier

5. Applicant Information

Legal Name City of Fayetteville	Organizational Unit Municipal Government
Address 113 W Mountain Fayetteville, AR 72701 Washington	Contact Yolanda Fields, CD Director (501) 575-8290
6. Employer Identification Number (EIN). 71-601846	7. Type of Applicant Municipal
8. Type of Application Type New	9. Name of Federal Agency. US Dept of HUD
10. Catalog of Federal Domestic Assistance Number: Catalog Number: 14-218 Assistance Title: Community Development Block Grant	11. Descriptive Title of Applicant's Project Community Development
12. Areas Affected by Project Fayetteville, AR	

13. Proposed Project		14. Congressional Districts of.	
Start Date 01/01/02	Start Date 12/31/03	a. Applicant 3	b. Project 3

15. Estimated Funding		16. Is Application Subject to Review by State Executive Order 12372 Process?
a. Federal	$778,000	Review Status. Program covered Date:
b. Applicant	$0	
c. State	$0	
d. Local	$0	17. Is the Applicant Delinquent on Any Federal Debt? No
e. Other	$0	
f. Program Income	$0	
g. Total	$ 778,000	

18. To the best of my knowledge and belief, all data in this application/preapplication are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded

a. Typed Name of Authorized Representative Dan Coody	b. Title Mayor	c. Telephone Number (501) 575-8330
d. Signature of Authorized Representative		e. Date Signed 11/14/02

SIGN IN

PIN Meeting 7/31/01

Deborah Brownlee Salvation Army 8:45 Am.
Barbara Maloney - Salvation Army 7/31/01
Heather Downing - Interfaith Volunteer Caregivers
Becky Remington Helping Angels
Kathy Gresham Community Clinic at St. Francis House
Michele Allen-Winkler NWA Free Health & Dental Center
[illegible] SFCDC/Y.R.C.C.
JOHN LEWIS Bank of Fayetteville
Christy Ruopp Multicultural Center
[illegible] Old Fort Smith Homeless Coalition
Kathleen Randall EOA
Lynne Alexander

NORTHWEST ARKANSAS
TIMES

WEDNESDAY — October 9, 2002

NORTHWEST ARKANSAS
TIMES

SUNDAY — October 6, 2002

CITY OF FAYETTEVILLE
COMMUNITY RESOURCES

PUBLIC NOTICE

Interested citizens are invited to review and comment on the proposed 2003 Community Development Consolidated Action Plan. The comment period will be for 30 days, beginning Oct. 10 and ending Nov. 10, 2002. Copies are available at the Fayetteville Public Library, City Clerk's Office and Community Resources Office. For more information call 575-8260.

DRAFT TENTATIVE AGENDA
CITY COUNCIL
DECEMBER 17, 2002

A meeting of the Fayetteville City Council will be held on December 17, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

accounting GFOA plaque presentation

A. CONSENT

1. **APPROVAL OF THE MINUTES**

2. **BID 02-63:** A resolution authorizing purchase up to $150,000.00 for 2 to 8 yard containers for the Solid Waste Division for lease and/or purchase of multi family and commercial customers.

3. **RECYCLING BINS:** A resolution authorizing purchase of recycling bins and lids from Rehrig Pacific in the amount of $4.30 per bin and $3.08 per lid.

4. **TRASH CARTS:** A resolution to approve fee to residential customers for exchanging trash carts for a larger size cart. No charge for changing to a smaller size cart.

5. **WATER TANKS:** A resolution awarding the construction contract with Eagle Sandblasting and Painting, Inc. for the repainting of the Rodgers Dr. & Goshen water tanks in the amount of $295,427.00, with a contingency of $29,573.00 along with the approval of a budget adjustment.

6.

B. OLD BUSINESS

C. NEW BUSINESS

1. **ADM 02-37.00:** A resolution approving amendments to the Bill of Assurance submitted with Ordinance number 4410, passed and approved by the City Council on August 20, 2002.

2. **SOUTHERN VIEW APT.:** A resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept money-in-lieu of land for Southern View Apartments.

3. **RZN 02-39.00:** An ordinance approving RZN 02-39.00 as submitted by Tim DeNoble on behalf of John Eldridge, III for property located at 210 N. East Ave. The property is zoned R-O, Residential Office and contains approximately 0.70 acres. The request is to rezone to C-3, Central Commercial.

4. **RZN 02-40.00:** An ordinance approving RZN 02-40.00 as submitted by Jerry Kelso of Crafton , Tull & Associates on behalf of David Slone for property located behind 3195 N. College and east of Plainview Ave. The property is zoned A-1, Agricultural, C-2, contains approximately 8.84 acres. The request is to rezone to RMF-18, Medium Density, Multi-Family Residential.

5 **VA 02-15.00:** An ordinance approving VA 02-15.00 as submitted by Ross Mallioux for property located at 2309 Golden Oaks Dr. The property is zoned R-1, Low Density Residential and contains approximately 0.30 acres. The request is to vacate part of the utility easement (75.7 sq. ft.)

6. **AREA BOUNDARY:** A resolution agreeing to a territorial jurisdiction boundary line between the City of Fayetteville and the City of Goshen.

Sales of Property - Gulley Tank site to Ozark Electric.

Presentation

Auditor In this wk - BKD - in audit room

GFOA - Plaque Meeting - ~~beginning~~ of meeting present Plaque & Key to City for Council member going off. put at end of meeting

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
CITY COUNCIL
DECEMBER 17, 2002

A meeting of the Fayetteville City Council will be held on December 17, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

GOVERNMENT FINANCE OFFICERS ASSOCIATION AWARD

A. CONSENT

1. **APPROVAL OF THE MINUTES**
   REGIONAL AIRPORT appointment

2. **BID 02-63:** A resolution awarding Bid No. 02-63 to RJM Manufacturing in the not-to-exceed amount of $150,000 for the purchase of up to 300 solid waste yard containers. The containers will vary in size from two to eight yards and will service multi-family dwellings and commercial businesses.

3. **BID 02-70:** A resolution awarding Bid 02-70 to Rehrig Pacific in the amount of $13,666.09 for the purchase of 1,500 bins and 2,000 lids for the city's curbside recycling program.

Remove from agenda will bring back in a few months

4. **TRASH CARTS:** A resolution establishing a fee to residential customers for exchanging trash carts for a larger size cart. No charge for changing to a smaller size cart.

5. **WATER TANKS:** A resolution awarding the construction contract to Eagle Sandblasting and Painting, Inc. for the repainting of the Rodgers Dr. & Goshen water tanks in the amount of $295,427.00, with a contingency of $29,573.00 along with the approval of a budget adjustment.

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

B. OLD BUSINESS

1. **RZN 02-37.00:** An ordinance approving rezoning request RZN 02-37.00 as submitted by Milholland Company on behalf of Ozark Adventure for property located east of Futrall Drive, west of Baldwin Piano, and south of Hollywood Drive. The property is zoned R-O, Residential Office and contains approximately 17.70 acres. The request is to rezone to C-2, Thoroughfare Commercial. ~~Ordinance was left on the first reading at the November 19, 2002 meeting and~~ left on the second reading at the December 3, 2002 meeting.

2. **IMPACT FEES:** An ordinance enacting impact fees for all territory within the City's water and wastewater service areas including areas outside the corporate city limits and within the service areas located within Washington County and other incorporated cities. Ordinance ~~was left on the second reading at the November 25, 2002 and~~ left on the third reading at the December 3, 2002 meeting and tabled until the December 17, 2002 meeting.

3. **RZN 02-18.00, 19.00, 20.00, 29.00, 30.00, 31.00 and 32.00:** Ordinances approving rezoning requests as submitted by the City of Fayetteville Planning Division on behalf of the Mill District Neighborhood Association. This ordinance was left on the second reading at the December 3, 2002 meeting.

4. **FRANCHISE FEE:** An ordinance setting the franchise fee of four and one-quarter percent (4¼%) on the gross revenues of the City Solid Waste, Water and Sewer Funds and repealing Ordinance No. 3804. The ordinance was left on the first reading at the December 3, 2002 meeting.

5. **2003 BUDGET:** A resolution adopting the proposed 2003 Annual Budget and Work Program. The resolution was tabled at the December 3, 2003 meeting.

C. NEW BUSINESS

1. **WATER TANK SITE:** A resolution approving the sale of 2.0 acres of the City's Gully Rd. Water Tank site (12.0 ac) as requested by Ozark Electric Cooperative for the appraised price of $70,000.00 including access to and from Gulley Road, plus payment for specific City costs associated with the preparation of said property to be sold.

2. **ADM 02-37.00:** A resolution approving amendments to the Bill of Assurance submitted with Ordinance No. 4410, passed and approved by the City Council on August 20, 2002.

Consent

3. **SOUTHERN VIEW APT.:** A resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept money-in-lieu of land for Southern View Apartments.

4. **RZN 02-39.00:** An ordinance approving RZN 02-39.00 as submitted by Tim DeNoble on behalf of John Eldridge, III for property located at 210 N. East Ave. The property is zoned R-O, Residential Office and contains approximately 0.70 acres. The request is to rezone to C-3, Central Commercial.

5. **RZN 02-40.00:** An ordinance approving RZN 02-40.00 as submitted by Jerry Kelso of Crafton , Tull & Associates on behalf of David Slone for property located behind 3195 N. College and east of Plainview Ave. The property is zoned A-1, Agricultural, C-2, Thoroughfare Commercial and R-1, Low Density Residential and contains approximately 8.84 acres. The request is to rezone to RMF-18, Medium Density, Multi-Family Residential.

vacation request

6. **VA 02-15.00:** An ordinance approving VA 02-15.00 as submitted by Ross Mallioux for property located at 2309 Golden Oaks Dr. The property is zoned R-1, Low Density Residential and contains approximately 0.30 acres. The request is to vacate part of the utility easement (75.7 sq. ft.)

7. **COUNCIL ON AGING:** An ordinance approving an agreement with the Council on Aging to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Council on Aging in 2003 for the provision of public recreation.

8. **BOYS & GIRLS CLUB:** An ordinance approving an agreement with the Fayetteville Boys and Girls Club to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Fayetteville Boys and Girls Club in 2003 for the provision of public recreation.

— FIRST NIGHT FUNDING

D. INFORMATIONAL ITEM:

1. 2003 Community Development Block Grant (CDBG) annual action plan.

PRESENTATION FOR OUT GOING ALDERMAN

Council Member: FYI -- These are the questions that I referred to at the Budget meeting on Dec. 11. I have additional questions and the Budget/Reseach Department has been very cooperative in providing access to the questionnaires. I AM NOT suggesting that the Survey was designed with the intent to mislead. However, I do find some other anomolies in the data that suggest the survey sampling may have been unintentionally flawed. I sent this note to some Council Members earlier by email, and would be happy to discuss this and other issues regarding PEG access channels.
Jim Bemis
****

December 11, 2002

Council Members:

This note expresses some of my concems about the 2001 Citizen Survey and how the findings may not accurately represent citizen responses, at least for some questions. My questions are based on only rough calculations, but would seem to merit further consideration. There are further questions about the overall sampling and questionnaire design, thus I hope that these and similar questions can be addressed as the City considers the current budget and in the design of the next Citizen Survey.

From: **To:** ; **Sent:** 12/8/02 9:11:47 PM **Subject:**

Budget- Research folks,

Here's another shot as explaining why I think some the data might have been skewed in interpreting the Citizen Survey results, particularly in regard to the PEG access channels. These findings are one of the reasons I'd like to look at the original data to see if I'm on track or not.

Basically, I see much smaller sample sizes in the questions for the public access viewer data (Survey questions Z and a.a.)--(see Chart attached .) That is, the totals for respondents drop from the 450-460 range to a 348-357 range between the two charts shown below. Perhaps your data would show if the "missing" data are from homes that do not have cable television services. This is my hunch, based on the fact the other charts (g and h) show that about 27-28% of the respondents "never"watch the channels. This could be because they don't have cable -- or, of course, it could be that they simply never choose to watch these two PEG channels

But the 27-28% "never watch" is about the same as differences in the total respondents (dividing 465 total into 110 respondent difference is about 22%.) (corrected data) In my opinion, that might make a difference in how you would want to interpret the rankings.

I'm also wondering why your design chose to include the govemment channel with "Leisure and Recreation Services" whereas Public Access was treated separately. Interestingly, the Educational Channel was not evaluated at all.

I've added the clip from your survey and the rankings "Quality of Service" chart because they would seem to be contradictory.

I know this is a very busy time for you folks with the Budget considerations under way, but I hope you'll advise me how to obtain further insight into my questions. However, my findings may be useful for your next survey, if not for the current evaluations.

2001 Fayetteville Citizen Survey Results - Excluding "Blank" & "Don't Know" Responses

Survey Questions	Quadrant				City
	NW	NE	SW	SE	Total
z. *Government television services (currently channel 3)*					
Excellent	7%	6%	12%	8%	8%
Good	55%	56%	43%	55%	52%
Fair	28%	27%	36%	29%	30%
Poor	10%	12%	9%	8%	10%
	(68)	(101)	(75)	(104)	(348)
aa. *Public access television services (currently channel 8)*					
Excellent	6%	6%	16%	10%	9%
Good	51%	41%	37%	48%	45%
Fair	30%	35%	33%	25%	30%
Poor	13%	18%	14%	17%	16%
	(70)	(104)	(75)	(108)	(357)

2001 Fayetteville Citizen Survey Results - Excluding "Blank" & "Don't Know" Responses

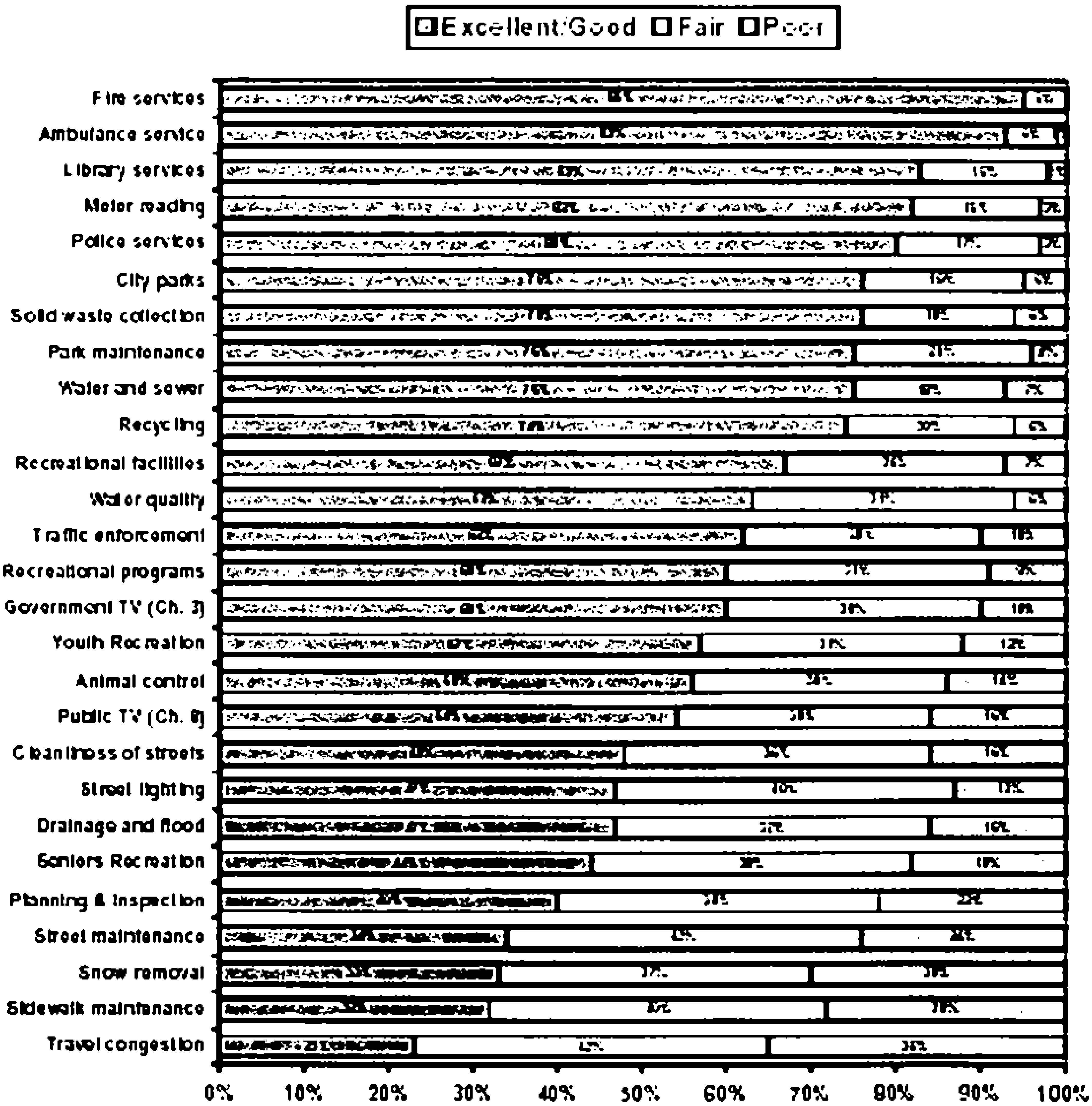
Survey Questions	Quadrant				City
	NW	NE	SW	SE	Total
f. *Attended a City Council meeting or other public meeting*					
Never	83%	70%	68%	74%	73%
Once or twice	15%	17%	25%	18%	19%
3 to 12 times	2%	11%	3%	7%	6%
13 to 26 times	0%	2%	3%	1%	2%
More than 26 times	0%	0%	1%	0%	0%
	(98)	(122)	(103)	(140)	(463)
g. *Watched a televised City Council meeting or other public meeting about city matters (channel 3)*					
Never	33%	25%	27%	25%	28%
Once or twice	27%	28%	29%	33%	29%
3 to 12 times	34%	35%	31%	32%	33%
13 to 26 times	5%	9%	9%	6%	7%
More than 26 times	1%	3%	4%	4%	3%
	(98)	(122)	(102)	(143)	(465)
h. *Watched public access television (channel 8)*					
Never	34%	26%	25%	24%	27%
Once or twice	23%	31%	30%	32%	29%
3 to 12 times	24%	31%	29%	32%	30%
13 to 26 times	13%	8%	11%	7%	9%
More than 26 times	6%	4%	5%	5%	5%
	(97)	(118)	(102)	(138)	(455)

Service Area	*Ranking*
Public Safety Services (Police, Fire, Animal Control, Municipal Court)	2.48
Transportation Services (Streets, Sidewalks, Traffic)	3.67
Central Emergency Medical Services (Ambulance)	3.91
Growth & Development Services (Planning, Engineering, Inspections)	5.22
Fayetteville Public Library	5.89
Fayetteville Boys and Girls Club	5.95
Leisure & Recreation Services (Parks, Tree & Landscape, Government Access	6.73
Public Transit (Trolley, Ozark Regional, Razorback Transit)	6.52
Community Adult Center	7.77
Ozark Regional Transit	8.44
Downtown Dickson Enhancement Project	9.04
Public Access Cable (Community Access Television)	10.88
First Night Fayetteville	11.73
Arkansas Air Museum	12.00

Overall Quality of Services (pages 4 &5)

"The summary table on the next page is **not** designed to rank city departments and services. (emphasis added.) Certain vital services such as fire and police, are used infrequently, but tend to receive favorable ratings in most communities. Likewise, some services (i.e. street maintenance and traffic management) tend to receive average or lower ratings in most communities."

Overall Quality of Service



PAK

Q. What is access?

A: Access can be subdivided into public access, educational access and government access. The term "PEG access" is called "public, educational, and government use" under the Cable Act.

Public access consists of video programming and other electronic information produced, directed, and engineered by community volunteers. (For convenience, all types of information carried on PEG channels will be referred to as "programming," although PEG channels are used to carry video information, data, video text, and voice communications.) In the case of public access, the programming is developed or acquired by nonprofit community groups, neighborhood organizations, social service agencies, and individual citizens. It focuses on many aspects of community life, ranging from the services and activities of community organizations to the opinions and beliefs of individuals in the community.

Educational access is developed or acquired by school or college employees, students, and school volunteers. It typically focuses on distance learning, school activities, and information that the school/college wants to get out to the community or share among schools.

Government access is created or acquired by local government employees, elected officials, and volunteers. It typically focuses on information about services provided by local, State, and regional governments, issues faced by local governments, and public meeting coverage. Government access is also used for other purposes, such as providing training to City employees or exchanging information between City agencies and other institutions.

The content of the material carried on PEG access is determined by the individuals, groups, or organizations that produce it. There is also "institutional" use or institutional access. Institutional use typically involved the transmission of information among public buildings, hospitals, educational institutions, and other similar institutions. The residential subscriber may not receive the transmission. This institutional use can be thought of as a subcategory of PEG access

Access program content is controlled by the group, organization, institution, or individual that produces or provides a program. PEG access is typically noncommercial in that there are no commercial advertising spots and there are typically no so-called "infomercials" run on PEG access. Access channels sometimes do carry PBS-style credit for underwriters. Programming on educational channels may include credit classes for a fee that must be paid in order to obtain academic credit

Q: Why do communities include access requirements in cable franchises?

A: Both the Cable Acts of 1984 and 1992 permit local governments to include and enforce requirements for PEG access equipment, facilities, services, and support in a franchise. The Acts explain the purposes of access well:

> "Public access channels are often the video equivalent of the speaker's soap box or the electronic parallel to the printed leaflet. They provide groups and individuals who generally have not had access to the electronic media with the opportunity to become sources of information in the electronic marketplace of ideas."

These federal laws also permit local government to require institutional networks that can be used by local community institutions

Q: Is the goal to produce programming of a certain type?

A: No. The goal is to create a sort of "electronic park" where everyone can be a provider as well as a recipient of information, and where everyone can participate in public debate electronically. Cable companies often argue that access channels do not get ratings the way an ESPN gets ratings. That misses the point of the PEG channels. In some ways, PEG channels are meant to allow an electronic dialogue and exchange of information. There may be a limited number of people interested in any particular dialogue, but the availability of the channels means that there is an opportunity for voices to be heard. As a result, a very typical pattern for a well-supported access channel is that relatively few people will be watching at any particular time, but that over a period of time, a large number of people will tune in to the channel.

For example, access channels expand the ability of community residents to be more active participants in government and educational meetings by cablecasting City Council and school board meetings. One would not be surprised if the viewership level of any one particular meeting would be low when compared to many other television channels. But the fact that the program is carried means that, as particular issues become part of the agenda, viewers with an interest in that issue can view the public debate and participate in it. Over time, many subscribers will watch. Further, the availability of the channel means that those who could not participate "live" may be able to participate by watching a rebroadcast of a particular event. It also means that programmers can target programming to reach particular segments of the community that need help. For example, one of the problems confronted by social service agencies is outreach: a shelter for battered women may wish to produce an access program about their services, and finds this to be a more efficient way to reach the public than available alternatives. From a community's standpoint, the issue is not "will this attract the same number of viewers that watch HBO," but is instead "will this allow members of the community to work together more effectively."

Q: Is access well established in many communities?

A: Access has been in operation for 15-25 years in many communities across the country. Included are major cities and very small towns, like Austin, Texas; Chicago, Illinois; Malden, Massachusetts; Bloomington, Indiana; Gresham, Oregon; Sacramento, California; Portland, Oregon; Dayton, Ohio; Grand Rapids, Michigan; Anoka, Minnesota; and Burlington, Vermont. Access has existed since the early 1970's and much has been learned about how to operate and utilize PEG access channels.

Q: What is the preferred management structure for a PEG access operation?

A: The creation of a nonprofit corporation is broadly recognized as an advantageous approach to developing and facilitating public access as well as educational and government access in a community. These nonprofit access management corporations are created specifically to manage access channels, facilities, and equipment and to provide access services. They are tax-exempt and are identified as 501(c)(3) organizations under U.S. tax law and the Internal Revenue Service Code. Such corporations exist in hundreds of communities both large and small. Examples include:

- Berkeley, California (PEG)
- Davis, California (P)
- Mountain View, California (PG)
- Napa, California (PEG)
- Oceanside, California (PEG)
- Palo Alto, California (P)
- Petaluma, California (PEG)
- Sacramento, California (P)
- Santa Cruz, California (PEG)
- Santa Rosa, California (PEG)
- Tucson, Arizona (P)
- Chicago, Illinois (PE)
- Salina, Kansas (PEG)
- Cambridge, Massachusetts (PEG)
- Malden, Massachusetts (PEG)
- Anoka, Minnesota (PG)
- Minneapolis, Minnesota (PEG)
- Missoula, Montana (PEG)
- Reno, Nevada (PEG)
- Lockport, New York (PEG)
- Enid, Oklahoma (PEG)
- Gresham, Oregon (PEG)
- Portland, Oregon (PEG)

Q: What are the advantages of the nonprofit corporation model?

A: There are many advantages to the nonprofit corporation model for access management, including:

- Demonstrated track record of achievement in many communities.
- Primary purpose of nonprofit is to assure the wide use of access resources.
- Operations and programming efforts are more responsive to the community's needs.
- Provides a community-based approach to decision making.
- Board of Directors of nonprofit is broad-based and representative of the community.
- More accountability to the community.
- Provides a degree of insulation between local government and cable company in area of program content and liability for program content. This insulation has proven to be extremely valuable to both the local government and cable company in many communities.
- Allows government to have accountability function regarding public access rather than control over content of public access programs.
- Because of the nonprofit status and the combined PEG approach there are more potential sources of funding for special activities and projects.

Many of the nonprofit access corporations listed on the previous page provide access services not only for public access but also for educational and government access. The advantages of this combined approach to PEG access management are fairly obvious. Some of them include (1) a more efficient use of available equipment, facilities, and operating dollars; (2) a desire to create a truly cooperative relationship between public, educational and government access; and (3) elimination of unnecessary layers of bureaucracy associated with multiple access management entities. This approach also assures the ability for each speaker whether a citizen, a community group, a school, or City government to maintain control of their program content and at the same time have all the benefits derived from collaborations with other groups and entities.

Q: How would a nonprofit access corporation relate to the City and the cable company?

A: The nonprofit access corporation would operate access channels and facilities and provide services as specified in contracts with the City and the cable company.

Q: What types of services would the access organization provide?

A:

1. *Operate Public, Educational, and Government Access Channel(s).*
   Operate the access cable channels for PEG access programming with the primary purpose being to administer, coordinate, and assist those requesting access on a non-discriminatory basis.

2. *Operate a Community Access Center.*
   Provide a video production facility and equipment that shall be available for public use at such hours and times as are determined by the access corporation. Access to equipment and facilities shall be open to all those who receive training or who receive a certification from the access corporation identifying the user(s) as having satisfied training requirements.

3. *Develop Operating Rules and Procedures.*
   Develop rules and procedures for use and operation of the access equipment, facilities and channel(s) and file such rules and procedures with the City.

4. *Training.*
   Teach video production techniques to City residents and, when requested, City and school employees. Provide technical advice for the productions.

5. *Playback/Cablecast.*
   Provide for the playback/cablecasting of programs on the access channel(s).

6. *Maintenance of Equipment.*
   Provide regular maintenance and repair of all video equipment.

7. *Promotion/Outreach.*
   Actively promote the use and benefits of the access channel(s) and facilities to subscribers, the public, access users, community groups, local government, educational institutions and the cable operator.

8. *Volunteer Management.*
   Develop and manage a pool of volunteers who create community-based programs and assist others wishing assistance.

While a wide range of community volunteers typically produces access programming, staff must provide the services listed above in order to assure that an infrastructure is in place to support community producers.

Q: How would the access organization be funded?

A: The funding for access falls into two broad categories,. funding for equipment and facilities and funding for access services. Typically, the funding for equipment and facilities is provided by the cable company. Under the Cable Act local franchising authorities have the ability to require and enforce a requirement of funds for this purpose in the franchise agreement.

The second type of funding required is funds for the provision of the access services listed earlier. Frequently, the two primary funding sources of funding for access services are the cable company and the City (using of a portion of cable franchise fees received by City). Under the Cable Act a local franchising authority can enforce access services offerings. Due to idiosyncrasies in the Cable Act, the funds for access services that are provided by the cable company must be transferred through a separate agreement between the access corporation and the cable company. This approach preserves the separation between access services funds and franchise fees.

PAC

Outcomes of Recent Cable Franchise Renewals

City/State Cable Company No. of Subscribers	Year Renewed	Rebuild Highlights	Institutional Network	PEG Access Channels	Cable Company Funding for PEG Access Equipment and Facilities	Support for PEG Access Services	
						Source	Amount
Healdsburg, CA AT&T 3,500 subscribers	2002	750+ MHz fiber/coax rebuild. Internet capability. Interconnection with other systems in City. Interconnection of City's I-Net with the City of Santa Rosa's I-Net within one year.	City to fund, build, own and operate its I-Net.	Initial: 1 analog After one year: 3 analog Thereafter: up to 5 analog After digital transition, up to 20 digital PEG Access channels.	Initial: $150,000 After 12 months: $100,000 Ongoing: 65¢ per sub per mo.	Cable Company	Included in funding for equipment/facilities. Free program listings in print and electronic program guides. Free annual billstuffer. $2,000/access channel if re-located.
						City	Will allocate portion of franchise fees ($$$ to be determined).
						School District	Built new media center for PEG Access use!!!
Brunswick & Brunswick Hills Township, OH Adelphia 10,000 subscribers	2001	860 MHz fiber/coax rebuild.	Yes	Initial: 3 analog After rebuild: 4 analog Thereafter: up to 5 analog After digital transition, up to 20 digital PEG Access channels. Channel locations may not be changed without City consent, unless required by federal law.	Year 1: $400,000 Year 4: $100,000 PEG Access facility renovated and provided rent-free for life of franchise.	Cable Company	$800,000 litigation settlement fee paid to the City, which will use these funds to support PEG Access and the City's cable administration.
						City	100% of franchise fees will be used to support PEG Access and the City's cable administration.

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City/State Cable Company No. of Subscribers	Year Renewed	Rebuild Highlights	Institutional Network	PEG Access Channels	Cable Company Funding for PEG Access Equipment and Facilities	Support for PEG Access Services	
						Source	Amount
Gilroy/Hollister/ San Juan Bautista, CA Charter 15,000 subscribers	2000	Within 24 months: 750 MHz fiber/coax rebuild. Interconnection with adjacent systems.	Yes	Initial: 1 After rebuild: minimum of 4 Thereafter, up to 7 analog	Initial: $700,000 Ongoing: $209,782 or 3% of gross revenues per year, whichever is less.	Cable Company ---------- Cities	Included in funding for PEG Access equipment/facilities. Free program listings in print and electronic program guides; free annual billstuffer. ---------- Gilroy: 20% of franchise fees Hollister: $18,800/yr. + 50% of <u>additional</u> franchise fee revenues (compared to FF revenues received in 2000).
Ventura, CA Adelphia, Avenue 27,000 subscribers	1999	750 MHz fiber/coax rebuild. By Jan. 1, 2002: Internet service available. Interconnection with adjacent systems within the City.	Yes	Initial: 1 After 2 Years: 3 analog Thereafter: up to 10 (maximum of 5 analog) Channel locations may not be changed without City consent, unless required by federal law.	Initial: $500,000 Year 2: $400,000 Year 3: $140,000 Ongoing: <u>Adelphia</u>: $1.04 per sub per mo. <u>Avenue</u>: $1.20 per sub per mo.	Cable Company ---------- City	Included in funding for PEG Access equipment/facilities. ---------- Minimum of 20% of franchise fees.

You Are Here!

Newly elected City leaders tend to not be familiar with the 10 year history of the CAT and instead focus just on the current situation. CAT lobbies the City claiming the problems of the past were due to the failure of the previous leadership, but now they have new faces and new solutions. This usually seems promising to the Telecom Board and City Council and they hinge their vote on the hope that new leadership will solve all the problems. CAT gets another chance and the dysfunctional cycle goes for another spin.

The CAT Spin Cycle

The first step in stopping the cycle is awareness.

This cycle is not unlike a domestic violence situation in which, for instance, a tormented wife threatens to leave her abusive husband. He responds to the crisis by cleaning up his act and making lots of promises to do better. He convinces her that all the problems are in the past. But as soon as she concedes and the crisis has passed, the abuse just starts all over again.

Written by Joey Dutton
479.442.2727
jdutton@cox-internet.com

Because the fundamental flaws in CAT structure are still in place, the same dysfunctional problems begin to emerge. Turnover begins to occur (either due to term limits or quitting) and remaining members begin to "stack the court" with their allies. This is when two fundamental flaws in CAT structure appear:

1. Nepotism: the only way to get on the board is to be selected by people who are on the board already. There's no public input whatsoever. The emphasis tends to always be on networking in the community rather than developing a functional public service.

2. Lack of Skill: the CAT policy clearly states that members of the Board will be chosen from a number of different professional fields such as business, financial, public schools, professional, and so on .....everything except Television!

In the end, the CAT board becomes little more than a taxpayer funded social club in which members advance their political, personal, or profitable agendas. And because they know little or nothing about running a television station, they are not capable of making effective decisions about how to run the service.

The board hires unskilled people to manage the station, and the service quickly begins to go downhill. Classes do not get taught and enrollment begins to decline. Equipment does not get maintained and breaks down. Technology and software does not get updated. Staff members quit due to abuse or frustration, or simply find a better paying and less stressful job. The Board members and Executive Director of CAT are nowhere to sight usually because they're in meetings devising a way to lobby the city for more money.

Members of the board leave due to term limits, while others quit due to all the dissension and bickering. Or in some cases, board members get forced out by competing members or just simply quit due to frustration or apathy. Whatever the case, the remaining board cleans itself up and presents itself to the City as having "new faces" and new hope for CAT! All the problems of the past are because of the former bad leadership, but now we're a new board and we're overcoming our problems. Here's an actual exert from a letter sent to the Mayor Dan Coody on September 5th, 2002:

> "As you know, the CAT board is not the board of the past. We are working diligently to bring about change and institute guidelines to improve the station. Yes, the station has had rocky roads in the past but we are working to make lasting change. Of course, there will be growing pains in the process and that is what we are experiencing now. Our entire board has almost all new faces yet old ways still haunt the CAT..."

This is the same pitch used in 1999 when CAT manger Dale Porter presented to the City some marvelous new plans and goals. The City Council believed it and commented "...they have some fresh faces and a new start to the situation", and that "...impressed with Mr. Porter's conviction and compassion", and that "...he had done an outstanding job in a short amount of time." Less than 1 year later, Dale Porter was in prison on fraud charges.

Break the cycle of dysfunction by ending the contractual relationship with Community Access Television.

The majority of all problems with this service originate from the Board of Directors.
Eliminate the Board of Directors by eliminating the independent contractor,
and the vast majority of problems with this service will go away.

No funding for DDEP?? Are you NUTS!?! I can't believe I am hearing this. Have you walked the Dickson Street area lately? Have you noticed what DDEP, INC has done for this city with a relatively small investment from the City? I dare you to don a pair of ladies shoes and try to walk up the East side of Block Avenue. This street is very comparable to what Dickson Street was before DDEP, INC took over a dream. I can't tell you how many times I have slipped on loose gravel, dirt and debris while trying to navigate this sidewalk in shoes I wear to work. I cannot imagine being in a wheelchair or having to rely on a walker or cane or crutches and having to deal with this. This is what Dickson Street used to look like. Now with the new sidewalks and such, Dickson Street is becoming a very nice – not to mention safer – place to visit, this is what we all want, isn't it?? The City doesn't hesitate to make those fancy new areas on the North side of town very aesthetically pleasing with no expenses spared, immediately upon construction, why can't we see the future of the potential of the heart of our city and make those improvements today?? Allow for the funding for those so closely involved in this project. This funding benefits everyone from the businesses who have struggled through it all over the years, to the kids who are a fresh new batch of adults every four years or so and who will always remember their time at our beloved University – which I might add is a safe place to walk and drive and is a beautiful network of walks and landscaping. Please make our Downtown a beautiful place to live, work and play.

On another note, why would anyone that calls themselves a city leader try to oust Bootsie? Look at all she has done for us. She has worked tirelessly on and OFF the clock for years to make this dream a reality. She has been far more instrumental to the betterment of the Downtown area than many of these "City Leaders" who are trying to cut this dream from the budget. I would like to see the City of Fayetteville continue to grow and prosper and see the funding for this project continue. It is up to our leaders to see that this happens. I find it hard to believe that the City would have ever made the current improvements to the Dickson Street area without this kick in the pants. The City needs someone like Bootsie on the DDEP, INC staff to oversee such improvements, it is in the best interest of everyone who uses this area of town, whether it be for work, entertainment or as is the current trend, to LIVE! Yes, many people are now choosing to LIVE on or very near Dickson Street. This is their neighborhood and Fayetteville is proud of its neighborhoods, isn't it?? It is also my belief that if this small force were run by a volunteer staff that those involved would be running around with absolutely no direction and that this project would have never advanced to where it is today, let alone ever got off the ground at all. It takes a leader like Bootsie and her assistant, Eileen, to make a project of this magnitude happen. She has the ability to oversee the project, secure the funding, handle the problems that arise and delegate accordingly. Can you say that you could have done it any better? Would you like to VOLUNTEER your time to see this happen? Hhmmmm, I think you have other things to do – like running the City?? Then again, maybe your time is so precious to you that you are only PRO-Fayetteville when you're "on the-clock". The minute you clock out, you could care less about our City. I personally enjoy taking my out-of town guests to our newly revitalized downtown and showing them around – PROUDLY I might add. I tell them how much it has changed in the 9 short years I have lived here. I tell them what it used to be like – they can hardly believe it has changed so fast.

You're shooting yourselves in the foot if you don't go ahead with the DDEP, INC funding, it's an absolutely asinine decision if you choose to not let them have the money they need to proceed. As I mentioned earlier, the City of Fayetteville would have NEVER done this on its own.

Carrie Adams
Citizen of Fayetteville

FAYETTEVILLE
CHAMBER OF COMMERCE

MEDIA ADVISORY

WHAT: Announcing the Fayetteville Chamber of Commerce's Lights of the Ozarks lighting ceremony and other events.

WHEN: November 27 through the month of December

WHERE: Fayetteville Square

DETAILS: The Fayetteville Chamber of Commerce's Lights of the Ozarks has a lot of fun festivities planned for the month of December. The events kick off on November 27 with the lighting of the Square at 6:00 p.m. and continue through the month of December.

Following is a list of the events:

November 27	Lighting Ceremony @ 6:00 p.m.
December 4,5,10,17	Choirs on the Square @ 5:30 p.m.
December 6	Jingle Bell Jog @ 6:30 p.m.
December 6	Light your Pet 4:30-9:00 p.m.
December 12-14	Holiday Hoops Basketball Tournament 3-10 p.m.
December 12	Holiday Parade 6:00 p.m.
December 31	First Night

For more information:
The Chamber office, 521.1710
Holiday Hoops- Larry Bittle, 521.6505

FAYETTEVILLE
BOYS & GIRLS CLUB
"The Positive Place For Kids"

Main Location:
915 California Drive
Fayetteville, AR 72701
501-442-9242

Jefferson Branch:
612 S. School
Fayetteville, AR 72701
501-236-2032

Date: December 6, 2002

To: Mayor Dan Coody
Fayetteville City Council
Fayetteville Parks & Recreation

From: Mike Hill, President – Board of Directors

All of you are invited to attend our "topping out" ceremony scheduled for:

Thursday, December 12th @ 11:00 a.m.

Everyone in attendance will have the opportunity to sign the final beam to be put in place atop the new structure. This will be a short ceremony, followed by a "hamburger cookout" provided by our contractor, Nabholz Construction.

Parking is available in the compacted gravel areas next to the building. This will be a great opportunity for you to get a tour of the new facility (and it is impressive!).

If you have any questions feel free to call the Club or call me personally at 521-5875.

Hope to see you there.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
CITY COUNCIL
DECEMBER 17, 2002

A meeting of the Fayetteville City Council will be held on December 17, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

GOVERNMENT FINANCE OFFICERS ASSOCIATION AWARD

A. CONSENT

1. **APPROVAL OF THE MINUTES**

2. **BID 02-63:** A resolution awarding Bid No. 02-63 to RJM Manufacturing in the not-to-exceed amount of $150,000 for the purchase of up to 300 solid waste yard containers. The containers will vary in size from two to eight yards and will service multi-family dwellings and commercial businesses.

3. **BID 02-70:** A resolution awarding Bid 02-70 to Rehrig Pacific in the amount of $13,666.09 for the purchase of 1,500 bins and 2,000 lids for the city's curbside recycling program.

4. **TRASH CARTS:** A resolution establishing a fee to residential customers for exchanging trash carts for a larger size cart. No charge for changing to a smaller size cart.

5. **WATER TANKS:** A resolution awarding the construction contract to Eagle Sandblasting and Painting, Inc. for the repainting of the Rodgers Dr. & Goshen water tanks in the amount of $295,427.00, with a contingency of $29,573.00 along with the approval of a budget adjustment.

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

B. OLD BUSINESS

1. **RZN 02-37.00:** An ordinance approving rezoning request RZN 02-37.00 as submitted by Milholland Company on behalf of Ozark Adventure for property located east of Futrall Drive, west of Baldwin Piano, and south of Hollywood Drive. The property is zoned R-O, Residential Office and contains approximately 17.70 acres. The request is to rezone to C-2, Thoroughfare Commercial. Ordinance was left on the first reading at the November 19, 2002 meeting and left on the second reading at the December 3, 2002 meeting.

2. **IMPACT FEES:** An ordinance enacting impact fees for all territory within the City's water and wastewater service areas including areas outside the corporate city limits and within the service areas located within Washington County and other incorporated cities. Ordinance was left on the second reading at the November 25, 2002 and left on the third reading at the December 3, 2002 meeting and tabled until the December 17, 2002 meeting.

3. **RZN 02-18.00, 19.00, 20.00, 29.00, 30.00, 31.00 and 32.00:** Ordinances approving rezoning requests as submitted by the City of Fayetteville Planning Division on behalf of the Mill District Neighborhood Association. This ordinance was left on the second reading at the December 3, 2002 meeting.

4. **FRANCHISE FEE:** An ordinance setting the franchise fee of four and one-quarter percent (4¼%) on the gross revenues of the City Solid Waste, Water and Sewer Funds and repealing Ordinance No. 3804. The ordinance was left on the first reading at the December 3, 2002 meeting.

5. **2003 BUDGET:** A resolution adopting the proposed 2003 Annual Budget and Work Program. The resolution was tabled at the December 3, 2003 meeting.

C. NEW BUSINESS

1. **WATER TANK SITE:** A resolution approving the sale of 2.0 acres of the City's Gully Rd. Water Tank site (12.0 ac) as requested by Ozark Electric Cooperative for the appraised price of $70,000.00 including access to and from Gulley Road, plus payment for specific City costs associated with the preparation of said property to be sold.

2. **ADM 02-37.00:** A resolution approving amendments to the Bill of Assurance submitted with Ordinance No. 4410, passed and approved by the City Council on August 20, 2002.

3. **SOUTHERN VIEW APT.:** A resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept money-in-lieu of land for Southern View Apartments.

4. **RZN 02-39.00:** An ordinance approving RZN 02-39.00 as submitted by Tim DeNoble on behalf of John Eldridge, III for property located at 210 N. East Ave. The property is zoned R-O, Residential Office and contains approximately 0.70 acres. The request is to rezone to C-3, Central Commercial.

5. **RZN 02-40.00:** An ordinance approving RZN 02-40.00 as submitted by Jerry Kelso of Crafton , Tull & Associates on behalf of David Slone for property located behind 3195 N. College and east of Plainview Ave. The property is zoned A-1, Agricultural, C-2, Thoroughfare Commercial and R-1, Low Density Residential and contains approximately 8.84 acres. The request is to rezone to RMF-18, Medium Density, Multi-Family Residential.

6. **VA 02-15.00:** An ordinance approving VA 02-15.00 as submitted by Ross Mallioux for property located at 2309 Golden Oaks Dr. The property is zoned R-1, Low Density Residential and contains approximately 0.30 acres. The request is to vacate part of the utility easement (75.7 sq. ft.)

7. **COUNCIL ON AGING:** An ordinance approving an agreement with the Council on Aging to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Council on Aging in 2003 for the provision of public recreation.

8. **BOYS & GIRLS CLUB:** An ordinance approving an agreement with the Fayetteville Boys and Girls Club to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Fayetteville Boys and Girls Club in 2003 for the provision of public recreation.

D. INFORMATIONAL ITEM:

1. 2003 Community Development Block Grant (CDBG) annual action plan.

PRESENTATION FOR OUT GOING ALDERMAN

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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6. **VA 02-15.00:** An ordinance approving VA 02-15.00 as submitted by Ross Mallioux for property located at 2309 Golden Oaks Dr. The property is zoned R-1, Low Density Residential and contains approximately 0.30 acres. The request is to vacate part of the utility easement (75.7 sq. ft.)

7. **COUNCIL ON AGING:** An ordinance approving an agreement with the Council on Aging to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Council on Aging in 2003 for the provision of public recreation.

8. **BOYS & GIRLS CLUB:** An ordinance approving an agreement with the Fayetteville Boys and Girls Club to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Fayetteville Boys and Girls Club in 2003 for the provision of public recreation.

D. INFORMATIONAL ITEM:

1. 2003 Community Development Block Grant (CDBG) annual action plan.

PRESENTATION FOR OUT GOING ALDERMAN

STAFF REVIEW FORM

XX Agenda Request
__ Contract Review
__ Grant Review

For the Fayetteville City Council Meeting of: December 16, 2002

FROM:

Carrol Hill	**Solid Waste and Division**	**General Services**
Name	Division	Department

ACTION REQUIRED: Approval of resolution authorizing purchase up to $150,000 for 2 to 8 yard containers for the Solid Waste Division for lease and/or purchase of multi family and commercial customers (bid 02-63).

COST TO CITY:

$150,000.00	50,000	**Dumpster Lease Program**
Cost of this Request	Category/Project Budget	Category/Project Name
5500-5060-5816.00	12,240	SW Improvements
Account Number	Funds Used to Date	Program Name
02098-1 and 02093-1	37,760	Solid Waste
Project Number	Remaining Balance	Fund

BUDGET REVIEW: xxx Budgeted Item X Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

Martha Farthing 11/26/02
Accounting Manager Date

City Attorney 11/26/02
Date

P Rice 11-26-02
Purchasing Officer Date

GRANTING AGENCY:

ADA Coordinator Date

Nancy Smith 11/26/02
Internal Auditor Date

STAFF RECOMMENDATION: Approve bid from RJM Manufacturing

Division Head Date

Department Director 12/4/02
Date

Administrative Services Director 12/4/02
Date

Dan Coody 12/5/02
Mayor Date

Cross Reference

New Item: __ Yes __ No

Prev Ord/Res #:________

Orig Contract Date:______

STAFF REVIEW FORM

Description **Recommendation for refuse/recycling containers** Meeting Date________

Comments: Reference Comments:

Budget Coordinator

Accounting Manager

No Contract attached for review

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

TO: Gary Dumas

FROM: Travis Dotson

DATE: Monday, November 22, 2002

SUBJECT: Awarding Bid for 2 to 8 Yard Solid Waste Containers – Bid # 02-63

Background:

The Solid Waste/Recycling Division has had an annual contract for 2 to 8 yard containers, this contract has expired. These containers are used for trash and recycling for multiple family dwellings and commercial businesses.

This agreement will be for a period of 12 months and will allow the purchase of up to 300 containers of various sizes from 2 to 8 yards, with a total cost not to exceed $150,000. Purchases will be on an as needed basis to allow a small inventory at the Solid Waste/Recycling offices. This small inventory will continue to allow an immediate response to a request for service.

The bid tab is attached. The Solid Waste/Recycling Division staff has inspected the low bidder's containers and has found that they meet specifications.

The low bid for the 2 to 8 yard containers is RJM Manufacturing from Easley, South Carolina.

Recommendation:

Approve resolution authorizing purchase agreement.

BID #02-63
DATE: 10/10/02
TIME: 11:00 AM
CITY OF FAYETTEVILLE

DESCRIPTION: SOLID WASTE CONTAINERS

BIDDER	ITEM #1	ITEM #2	ITEM #3	ITEM #4	ITEM #5	ITEM #6	ITEM #7
GREGORY MANUFACTURING	$267.00	$407.00	$502.00	$599.00	$407.00	$502.00	$599.00
INDUSTRIAL MAINTENANCE	$288.00	$491.00	$610.00	$705.00	$491.00	$610.00	$705.00
WASTE QUIP MAYFAB	$253.00	$350.00	$444.00	$525.00	$375.00	$469.00	$550.00
BEST-PAK WASTE EQUIP	$270.00	$450.00	$620.00	$640.00	$460.00	$570.00	$665.00
RJM MANUFACTURING **DQ** (freight not inclued in bid)	$269.00	$350.00	$427.00	$530.00	$350.00	$427.00	$530.00
AMERI-KAN	$260.00	$408.00	$512.00	$675.00	no bid	no bid	no bid

Certified by P Vice
P Vice Purch Mgr

K Williams
Witness

10/10/02
Date

BID 02-63
A. 2. Page 5

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department / Division / Program	Date Requested	Adjustment Number
2002	Department: General Services Division: Solid Waste & Recycling Program: Recycling	12/16/2002	

Project or Item Requested:
$120,000 in the Dumpster Lease Program.

Project or Item Deleted:
$35,000 from the Curbside Recycling Program, $35,000 from the Citywide Solid Waste Audit capital project, and $45,000 from the Collection Bins - Curbside Recycling capital project.

Justification of this Increase:
The funding is needed to cover the cost of 2 to 8 yard containers.

Justification of this Decrease:
The purchase of containers is a higher priority that the other projects.

Increase Expense (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Container costs	5500	5060	5870	00	115,000	02098	1

Decrease Expense (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Solid Waste improvements	5500	5060	5816	00	35,000	02093	1
Minor equipment	5500	5060	5890	00	45,000	02037	1
Professional services	5500	5000	5314	00	35,000	02091	1

Approval Signatures

Requested By — Date

Budget Manager — Date

[signature] 12/4/02
Department Director — Date

Administrative Services Director — Date

Mayor — Date

Budget Office 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

BID 02-70
A. 3. Page 1

RECEIVED
NOV 26 2002
ACCTG. DEPT.

STAFF REVIEW FORM

XX Agenda Request
__ Contract Review
__ Grant Review

For the Fayetteville City Council Meeting of: December 17, 2002

FROM:

Brian Pugh	Solid Waste and Recycling	General Services
Name	Division	Department

ACTION REQUIRED: Approve resolution authorizing purchase of recycling bins and lids from Rehrig Pacific in the amount of $4.30 per bin and $3.08 per lid.

COST TO CITY:

$13,666.09	45,000.00	
Cost of this Request	Category/Project Budget	Category/Project Name
5500.5060.5890.00	0.00	
Account Number	Funds Used to Date	Program Name
02037	45,000.00	
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Manager

Administrative Services Director

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

Accounting Manager — Date 11/26/02

ADA Coordinator — Date

City Attorney — Date 11/26/02

Internal Auditor — Date 11/26/02

Purchasing Officer — Date 11-26-02

STAFF RECOMMENDATION: Approve Resolution

Division Head — Date

Department Director — Date 12/2/02

Administrative Services Director — Date 12-2-02

Mayor — Date 12/4/02

Cross Reference

New Item:__ Yes __ No

Prev Ord/Res #:________

Orig Contract Date:______

STAFF REVIEW FORM

Description: Recycling Bins and lids   Meeting Date_________

Comments: Reference Comments:

Budget Coordinator

____
____
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Accounting Manager

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City Attorney

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Purchasing Officer

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ADA Coordinator

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____
____

Internal Auditor

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____
______________________________   ______________________________

To: Gary Dumas

From: Brian Pugh

Date: Friday, November 22nd, 2002

Subject: Approve Resolution for Purchase of Recycling Bins – Bid 02-70

Background:

The Solid Waste and Recycling Division requested bids for the purchase of 1,500 18 gallon recycling bins and 2,000 lids on November 7, 2002. Three manufacturers submitted bids, they were: SCL Plastics, Rehrig Pacific Company, and Busch Systems International, Inc.

Discussion:

The prices bid for the bins and lid were as follows: SCL Plastics, bins-$4.01, lids-$2.19; Rehrig Pacific, bins-$4.30, lids-$3.08, Busch Systems, bins $4.06, lids-$2.31.

Of the three bids submitted SCL Plastics and Busch Systems did not meet the specs for the dome lid requested. They submitted bids for flat lids which are not applicable for the purposes of our curbside recycling program.

Recommendations:

Approve the bid of Rehrig Pacific for purchase of 1,500 recycling bins and 2,000 lids for the city's curbside recycling program.

Solid Waste and Recycling Division
1560 Happy Hollow Road.
Fayetteville, Arkansas 72701

Telephone: 479-575-8398
Fax: 479-444-3478
Email: bpugh@ci.fayetteville.ar.us

BID: 02-70
DATE; 11/18/02
TIME: 11:00 AM
CITY OF FAYETTEVILLE

DESCRIPTION: RECYCLING BINS

BIDDER	ITEM #1	ITEM #2
SCL PLASTICS	$4.01	$2.19
REHRIG PACIFIC	$4.30	$3.08
BUSCH SYSTEMS	$4.06	$2.31

Certified by P Vice
P Vice Purch Mgr

B Williams 11/18/02
Witness Date

CITY OF FAYETTEVILLE, AR

113 W. MOUNTAIN STREET
FAYETTEVILLE, ARKANSAS 72701

FORMAL ☑ INFORMAL ☐ VERBAL QUOTATION ☐

BID BOND REQUIRED YES ☐ NO ☑

PERFORMANCE BOND REQUIRED YES ☐ NO ☐

TABULATION OF BIDS

ECT ____________

CRIPTION Recycling Bins F.O.B. ________ DATE OPENED 11/18/02 11:00AM

BID NO. 02-70 PROJECT NO. ________

		ITEM 1	ITEM 2	ITEM	ITEM	ITEM	EXTENSION
BIDDER: SCI	UNIT/QUANT COST	$4.01	$2.19		Did Not Meet Specs		
ADDRESS: Plastics	EXT. COST						
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER: Rehrig	UNIT/QUANT COST	$4.30	$3.08				
ADDRESS: Pacific	EXT. COST						
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER: Busch	UNIT/QUANT COST	$4.06	$2.31		Did Not Meet Specs		
ADDRESS: Systems	EXT. COST						
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						

BID AWARD SUMMARY:

ITEM ________ TO ________ P.O. # ________

ITEM ________ TO ________ P.O. # ________

ITEM ________ TO ________ P.O. # ________

ITEM ________ TO ________ P.O. # ________

DATE ________ CERTIFIED BY

REMARKS

____
PURCHASING OFFICER

____
WITNESS

RTHWEST 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:

Bid No. 02-70 was inserted in the regular editions on 11-11-02.

** Publication Charge: $ 36.25

Subscribed and sworn to before me this

11 day of Nov, 2002.

Tammy Allen

Notary Public

Official Seal
TAMMY ALLEN
Notary Public-Arkansas
WASHINGTON COUNTY
My Commission Expires 11-05-2011

My Commission Expires:

** Please do not pay from Affidavit.
An invoice will be sent.

PO # 02-3958

NOTICE TO BIDDERS
BID NO. 02-70 Recycling Bins & Lid-solBout Waste Containers
The City of Fayetteville, Arkansas, will receive sealed bids at the City Administration Office, City Hall, Room 306, 113 West Mountain Street, Fayetteville, Arkansas until NovemberMay 183rdth, 2002, at 11:00 a.m. for the above mentioned item.
Bid forms may be obtained from the Purchasing Office, located in Room 306, 3rd Floor of the City Administration Building.
The City reserves the right to reject any and all bids, and to waive formalities deemed to be in the City's best interest.
Peggy Vice
Purchasing Manager
11654657
11/11/2002

CITY OF FAYETTEVILLE

113 West Mountain Street
Fayetteville, Arkansas 72701

Solid Waste Division
(479) 575-8398

BID #: 02-70 **DATE ISSUED:** November 7, 2002

DATE & TIME OF OPENING: November 18, 2002 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306, (479) 575-8289

DELIVERY DATE: ASAP after issue of purchase order and notice to proceed

F.O.B.: Fayetteville, Arkansas

ITEM:	DESCRIPTION:	QUANTITY:	UNIT PRICE:	TOTAL PRICE:
1.	Curbside Recycling Bin	1,500	$ $4.30	$ $6,450.00
2.	Lids for Recycling Bins	2,000	$ $3.08	$ $6,160.00
	Subtotal			$ $12,610.00
	Tax			$ $1,056.09
	Total Bid Price:			$ $13,666.09

Quantities are estimated only and actual quantities purchased will depend on public demand and budget availability.

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. Items marked * are mandatory for consideration.

*NAME OF FIRM: REHRIG PACIFIC COMPANY

*BUSINESS ADDRESS: 625 W. MOCKINGBIRD LANE

*CITY: DALLAS *STATE: TEXAS *ZIP: 75247

*PHONE: (800) 426-9189 Ext 136. *FAX: (214) 631-0615

*AUTHORIZED SIGNATURE: Michael P. Essen

*TITLE: ENVIRONMENTAL SALES REPRESENTATIVE

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

CITY OF FAYETTEVILLE, ARKANSAS
BID # 02-70
SPECIAL TERMS & CONDITIONS

This 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 any costs incurred by the bidder in the preparation of this bid.

1. All bids shall be submitted on forms provided by the City with the item bid and the bid number stated on the face of the sealed envelope. Bidders MUST provide the City with their bids signed by an employee or officer 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.

2. Bidders shall include all applicable local, state, and federal tax in this bid. The responsibility of payment shall remain with the successful bidder. Tax amount MUST show as a separate item.

3. Bids received after the date and time set for receiving bids will NOT be considered. The City will NOT be responsible for misdirected bids. Vendors should call the Purchasing Office at (479) 575-8289 to insure receipt of their bid documents prior to opening date and time listed on the bid form.

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. Time is specifically made of the essence of this contract and failure to deliver on or before the time specified in the contract may subject the contractor to the payment of damages.

6. All bid prices shall be FOB Solid Waste Division, 1560 South Happy Hollow Road, Fayetteville, Arkansas, 72701, and shall include all labor, materials, overhead, profit, insurance, shipping, etc., to cover the furnishing of the unit(s) bid.

7. Five Year Manufacturers Warranty shall apply to each unit as specified. A copy of the applicable warranty MUST accompany the bid with any exception to the warranty clearly noted on the Bid Form.

8. Any exception to the requirements of the City of Fayetteville MUST be noted on the Bid Form. If products other than those described on the bid document are proposed, the bidder must include complete descriptive literature and technical specifications. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.

9. All items marked **"MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID" MUST** be completed and returned with the bid or the bid may be considered a non-responsive and rejected on that basis.

GENERAL SPECIFICATIONS

CURBSIDE RECYCLING BINS AND ACCESSORIES

General specification requirements are as follows for CURBSIDE RECYCLING BINS AND ACCESSORIES. These are MINIMUM SPECIFICATIONS ONLY and are not limited or restricted to the following.

ALL UPGRADE OR DOWNGRADE VARIATIONS/DEVIATIONS/SUBSTITUTIONS MUST BE CLEARLY ANNOTATED. IN THE ABSENCE OF SUCH STATEMENTS, THE BID SHALL BE ACCEPTED AS IN STRICT COMPLIANCE WITH ALL TERMS, CONDITIONS, AND SPECIFICATIONS AND THE SUPPLIER SHALL BE HELD LIABLE.

Alternates will be considered provided each Supplier clearly states on the face of his proposal exactly what he proposes to furnish and forwards necessary descriptive material which will clearly indicate the character of the article covered by his/her bid. All bids are subject to Staff analysis.

All Units Bid shall show deviations to line item specifications on the "Minimum Specification" attached with referral to each item. Utilizing a copy of these specifications with variations "highlighted" and specifics noted is suggested.

Bidder shall deliver a sample bin and lid for inspection to the Solid Waste Division at 1560 South Happy Hollow Road, Fayetteville, Arkansas 72701 which shall be identical to the unit being bid, including hot stamps which will faithfully represent the quality available. All shipping costs for the delivery of this sample will be borne by the bidder.

The City of Fayetteville reserves the right to accept the best bid for the City, and is not required to accept the lowest priced bid. The City also reserves the right to reject any or all bids and will be the sole judge of what comprises the best and most advantageous unit to meet the needs of the City.

1. GENERAL: It is the intent and purpose of these specifications to secure for the purchaser the necessary products which will be capable of performing in a safe, practical and efficient manner consistent with accepted commercial standards.

2. MATERIALS AND WORKMANSHIP: All products, materials, and workmanship shall be of the highest grade in accordance with modern practices. The products supplied will be new and unused.

MINIMUM TECHNICAL SPECIFICATIONS

Item 1. CURBSIDE RECYCLING BIN

1. <u>USAGE</u>:
   a. This product will be used by the Solid Waste Division for curbside collection of recyclable materials.

2. <u>GENERAL</u>:
   a. The specification is for household recycling bins for use in the City of Fayetteville Curbside Recycling Program.

   b. Bins purchased must be new and shall meet all specifications.

   c. Residents will place recyclable materials (aluminum, steel, glass, #1 & #2 plastic containers, chipboard, and junk mail) in recycling bins, then place them at the curb for collection by city recycling crews. Cardboard and newspaper will be bundled separately and placed next to bin for collections.

   d. Bins will be rectangular, with solid sides (no mesh walls or cut out front), open top, and no sharp corners or edges.

3. <u>BIN QUALITY AND DESIGN</u>:
   a. Bin capacity shall be a maximum of 19.0 U.S. gallons and weigh a maximum of 5.0 pounds. Minimum bin capacity shall not be less than 18.0 U.S. gallons. The minimum thickness of the walls shall be 110 mils on the side and 120 mils on the bottom.

   b. Bins shall have four (4) holes in the bottom for drainage and shall be raised off the ground to allow drainage to occur.

   c. Bins shall have two (2) molded, pocket type handles on both ends, of adequate size to facilitate lifting with gloved hands.

   d. Maximum outside dimensions shall be 13.50" height; 25.25" length; and 17.60" width.

   e. Maximum inside dimensions shall be 13.00" height; 20.25" length; and 14.60" width.

   f. Bins shall be Kelly Green in color with hot stamp artwork in reflective white.

   g. Bins shall have space available on both sides and end panels for separate hot stamp images. Hot stamped text and graphics will be applied on side panels. Both sides shall be printed in English. The text and graphics are attached to and made a part hereof the bid specifications.

h. The month and year of manufacture shall be molded clearly into each container.

4. MATERIAL REQUIREMENTS.

a. Bins shall be one-piece, molded of high density polyethylene plastic.

b. Bins shall contain a minimum of 50% post-consumer recycled plastic. Bidders should state clearly the actual percent of post-consumer recycled plastic contained in each bin. It is the City's intent, if prices are comparable, to purchase the bin with the largest post-consumer content.

c. Bid shall include contact information for post-consumer recycled plastic supplier.

d. Bin material shall be formulated with ultraviolet stabilizer to prevent deterioration and sufficient pigmentation to resist discoloration in sunlight.

5. FUNCTIONAL/PERFORMANCE REQUIREMENTS.

a. Bins shall have a minimum rated capacity of fifty pounds.

b. Bins shall withstand climate extremes of -10 to 120 degrees Fahrenheit.

c. Bin body and hot stamped areas shall be cleanable with household cleaners without damage or defacement.

6. SAMPLES, INSPECTION, AND TEST REQUIREMENTS.

a. Bidder shall deliver a sample bin and lid for inspection to the Solid Waste Division at 1560 South Happy Hollow Road, Fayetteville, Arkansas 72701 which shall be identical to the unit being bid, including hot stamps which will faithfully represent the quality available. All shipping costs for the delivery of this sample will be borne by the bidder. Bids shall be sent to the Purchasing Office at 113 West Mountain Street, Fayetteville, Arkansas 72701.

b. Bidder shall submit Certification of Freezer Drop Test confirming compliance with specification in 5b.

c. At the time of distribution to individual residents, each unit shall be inspected for condition and specification compliance by the City representative. If a unit has to be rejected for any reason, the selling dealer shall be required to pick up the unit at the point of delivery to the City, and provide the City with credit, refund, or replacement, whichever is requested by the City, in a timely manner.

Item 2. LIDS FOR RECYCLING BINS

1. **USAGE**:

   a. This product will be used by our residential sector to protect the curbside recyclables from inclement weather.

2. **GENERAL**:

   a. The specification is for lids for recycling bins used in the City of Fayetteville Curbside Recycling Program.

   b. Lids for recycling bins must be of a locking dome variety.

   c. Hinge tops will not be accepted.

3. **LID QUALITY AND DESIGN**:

   a. Lids for recycling bins shall have a minimum three (3) U.S. gallon capacity as an accessory.

   b. The minimum thickness of the lids shall be 110 mils.

   c. Lids shall have a snap-lock which holds securely and conforms to handles.

   d. Lids shall be black in color.

   e. The month and year of manufacture shall be molded clearly into each lid.

   f. Flat surface lids will not be accepted.

4. **MATERIAL REQUIREMENTS**.

   a. Lids shall be one-piece, molded of high density polyethylene plastic.

   b. Lids shall contain a minimum of 50% post-consumer recycled plastic.

   c. Lid material shall be formulated with ultraviolet stabilizer to prevent deterioration and sufficient pigmentation to resist discoloration in sunlight.

5. **FUNCTIONAL/PERFORMANCE REQUIREMENTS**.

a. Lids shall withstand climate extremes of -10 to 120 degrees Fahrenheit.

6. <u>SAMPLES, INSPECTION, AND TEST REQUIREMENTS</u>.

a. Bidder shall deliver a sample lid for inspection to the City which shall be identical to the unit being bid. All shipping costs for the delivery of this sample will be borne by the bidder.

b. Bidder shall submit Certification of Freezer Drop Test confirming compliance with specification in 5a.

c. At the time of distribution to individual residents, each unit shall be inspected for condition and specification compliance by the City representative. If a unit has to be rejected for any reason, the selling dealer shall be required to pick up the unit at the point of delivery to the City, and provide the City with credit, refund, or replacement, whichever is requested by the City, in a timely manner.

Rehrig Pacific Company

CITY OF FAYETTEVILLE, ARKANSAS
BID NUMBER: 02-70
November 18, 2002

WARRANTY: Under normal and intended use, the containers are 100% Guaranteed to be free from defects due to workmanship and materials for a period of five (5) years. By meeting these terms the containers would be completely replaced at no cost to the City of Fayetteville, AR.

REFERENCES: Available upon request.

MANUFACTURER: REHRIG PACIFIC COMPANY
625 W. Mockingbird Lane
Dallas, TX 75247

Years in Business: 88

625 W. MOCKINGBIRD LANE · DALLAS, TEXAS 75247 / 214 · 631-7943
QUALITY CONTAINERS FOR INDUSTRY SINCE 1913

Rehrig Pacific Company

BID NUMBER: 02-70
CITY OF FAYETTEVILLE, ARKANSAS
CURBSIDE RECYCLE BINS AND LIDS

RECYCLED CONTENT IN THE BINS AND LIDS

ONE OF THE COMPANIES THAT REHRIG PACIFIC PURCHASES Its RECYCLED MATERIAL IS KW PLASTICS IN TROY, ALABAMA.

WE CAN MIX PCR WITH VIRGIN RESIN OR REGRIND TO MAKE MOST OF OUR PRODUCTS. IF REHRIG PACIFIC IS AWARDED THE BID, WE WILL SUPPLY THE CITY OF FAYETTEVILLE, ARKANSAS WITH RECYCLE BINS AND LIDS CONTAINING 50% PCR.

BELOW IS THE CONTACT INFORMATION YOU REQUESTED:

KW PLASTICS
TROY, AL
WILLIAM BROWN
(800) 633-8744

625 W. MOCKINGBIRD LANE · DALLAS, TEXAS 75247 / 214 · 631-7943
QUALITY CONTAINERS FOR INDUSTRY SINCE 1913

UNITED STATES TESTING COMPANY, INC.
California Division
5555 Telegraph Road, Los Angeles, California 90040
Telephone: (213) 723-7181 • Telex: 35-0025 • Fax: (213) 722-8251

REPORT OF TEST

CLIENT: Rehrig Pacific Company
4010 East 26th Street
Los Angeles, CA 90023

176581
12-6-89

SUBJECT: Drop Impact Testing of Plastic Recycling Containers.

REFERENCES:

1. Conferences and correspondence with Mr. Arne Lang-Ree commencing November 27, 1989.
2. Purchase Order Number 3811.
3. "Specifications for Curbside Recyling Containers" and the Client's retype of same with modifications, both provided by the Client.

SAMPLE DESCRIPTION:

The Client submitted and identified fifteen red colored, 18 gallon molded plastic recycle bin containers.

Each bin measured approximately 17 inches by 24 inches by 13 1/2 inches deep.

OBJECTIVE:

The purpose of this project was to perform the Client specified drop impact testing on the submitted recycle containers after conditioning at minus 20°F and 120°F.

Michael Beaton
Test Engineer
Engineering Department

SIGNED FOR THE COMPANY

Stephen Castle
Engineering Lab Supervisor
Engineering Department

UNITED STATES TESTING COMPANY, INC.

CLIENT: Rehrig Pacific

176581

PROCEDURE:

Six bins were conditioned for 24 hours at a temperature of minus 20°F. Immediately after removal from the chamber, each bin was dropped once from a height of 4 feet, once from 6 feet and once from 8 feet. Each container was released from an upright horizontal position with 50 pounds of additional weight uniformly distributed over the bottom of the container. The weight was also conditioned to minus 20°F. Three bins were dropped onto a flat horizontal surface. Three bins were dropped onto a 45 degree inclined surface.

Six bins were then tested as outlined above but using a conditioning temperature of 120°F.

After each drop, the bins were visually inspected for damage.

RESULTS:

None of the one dozen bins dropped onto the horizontal or inclined surface at minus 20°F or plus 120°F were damaged except for superficial scuffing on the bottom.

* * * * * * * * * * * * *

SMITH-EMERY COMPANY
The Full Service Independent Testing Laboratory, Established 1904

File No.: 12187
Laboratory No.: L-87-2528-8

October 26, 1987

REHRIG PACIFIC CO.
4010 East 26th St.
Los Angeles, CA 90023

SUBJECT: Drop Test on Recycling Bins

REPORT OF TEST

On October 13, 1987, a Smith-Emery Company representative witnessed drop tests conducted on rib-sided, green-colored plastic bins marked "Newspaper" and on solid-sided, yellow-colored plastic bins marked "Glass". All tests were conducted at the Ralph's Cold Storage Warehouse at 2201 South Wilmington Avenue, Compton, California.

Each bin was placed inside the cold storage room at a temperature of minus 20°F for thirty minutes, then removed from the cold storage room and transported approximately thirty feet to the test area. A forty-pound load was placed in the bin and the bin was dropped from various measured heights onto a concrete floor.

After each drop, the bin was examined for any visible damage or cracking of the plastic material. Please see following pages for test results and photographs.

Respectfully submitted,

SMITH-EMERY COMPANY

Timothy D. Holton

Timothy D. Holton
Civil Engineer No. 39613

TDH:rpr

781 East Washington Boulevard
Los Angeles, California 90021
(213) 749 3411

Hunter's Point Shipyard
Bldg. 114, Box 65
San Francisco, California 94124
(415) 822-8880

3145 Q East La Palma Avenue
Anaheim, California 92806
(714) 630-4810

SMITH-EMERY COMPANY

File No.: 12187
Lab. No.: L-87-2528-B
Page No.: 2

Sample - Solid Side

Test No.	HORIZONTAL DROP HEIGHT (FEET) 4'	6'
1	No visible damage to the plastic bin.	No visible damage to tho plastic bin.
2	No visible damage to the plastic bin.	No visible damage to the plastic bin.
3	No visible damage to the plastic bin.	No visible damage to the plastic bin.
4	No visible damage to the plastic bin.	No visible damage to the plastic bin.

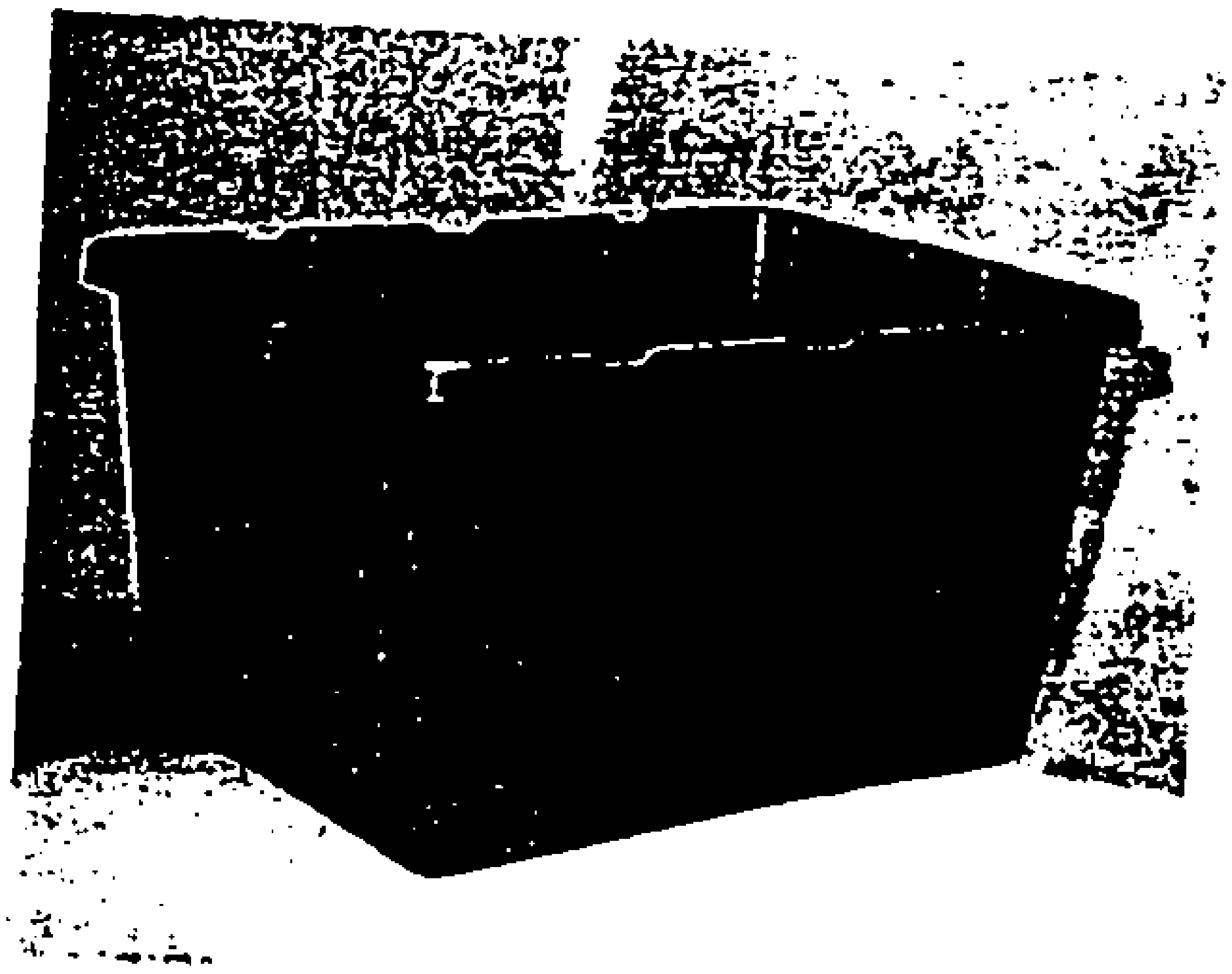
Rehrig Pacific Company

4010 East 26th Street
Los Angeles, CA 90023

(213) 262-5145
FAX 269-8506

**CURBSIDE RECYCLING CONTAINERS
SINGLE BIN SYSTEMS**

18 GALLON BIN



MODEL RB-NL DIMENSIONS

	LENGTH		WIDTH		HEIGHT
Exterior: top	25.25"	x	17.60"	x	13.50"
Interior: bottom	20.25"	x	14.00"	x	13.00"

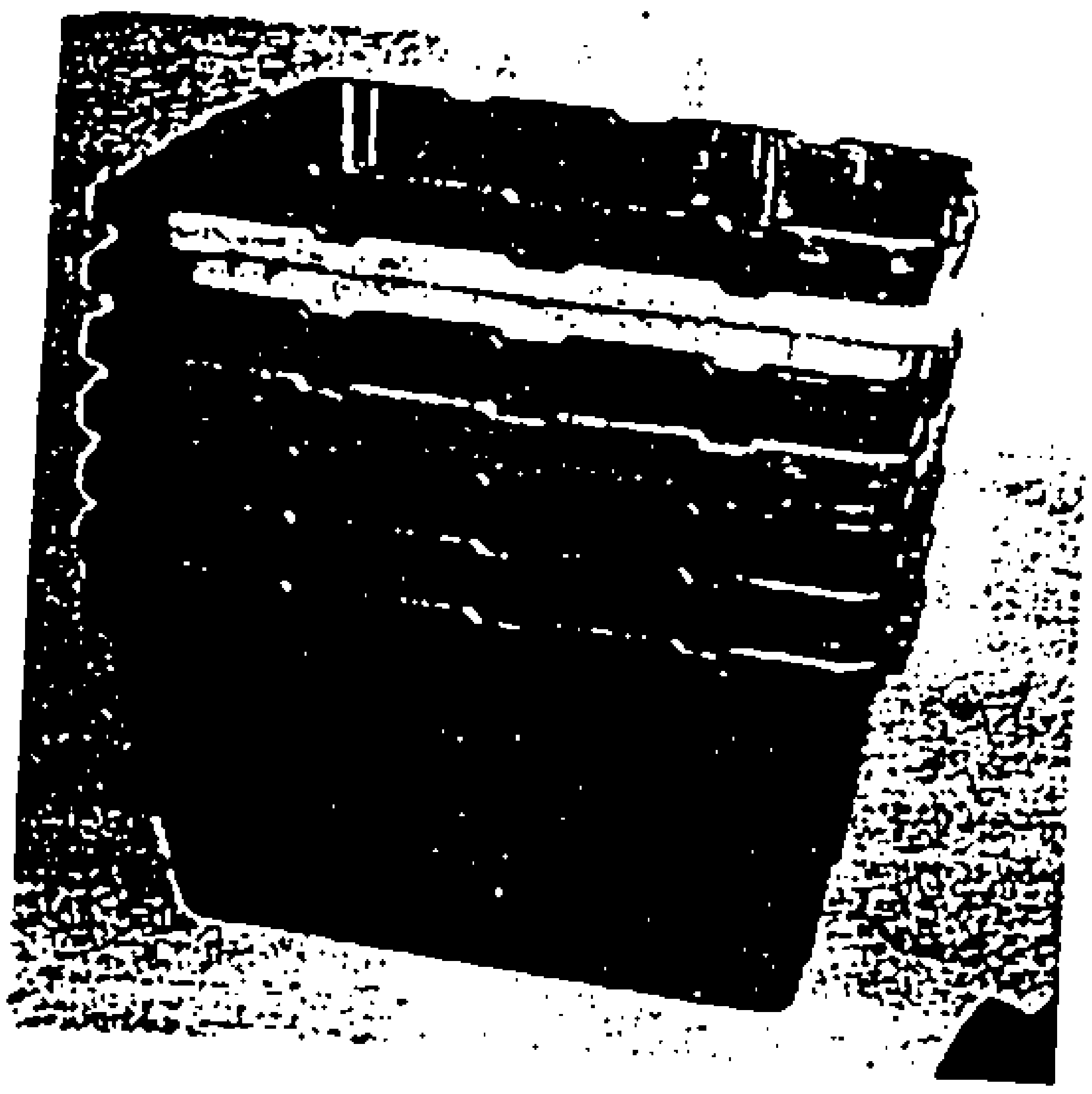
Capacity: 18.2 gallons
Weight: 5.0 lbs.
Nesting ratio: 5.5 to 1
Min. wall thickness: 110 mils side
120 mils bottom

ACCESSORIES

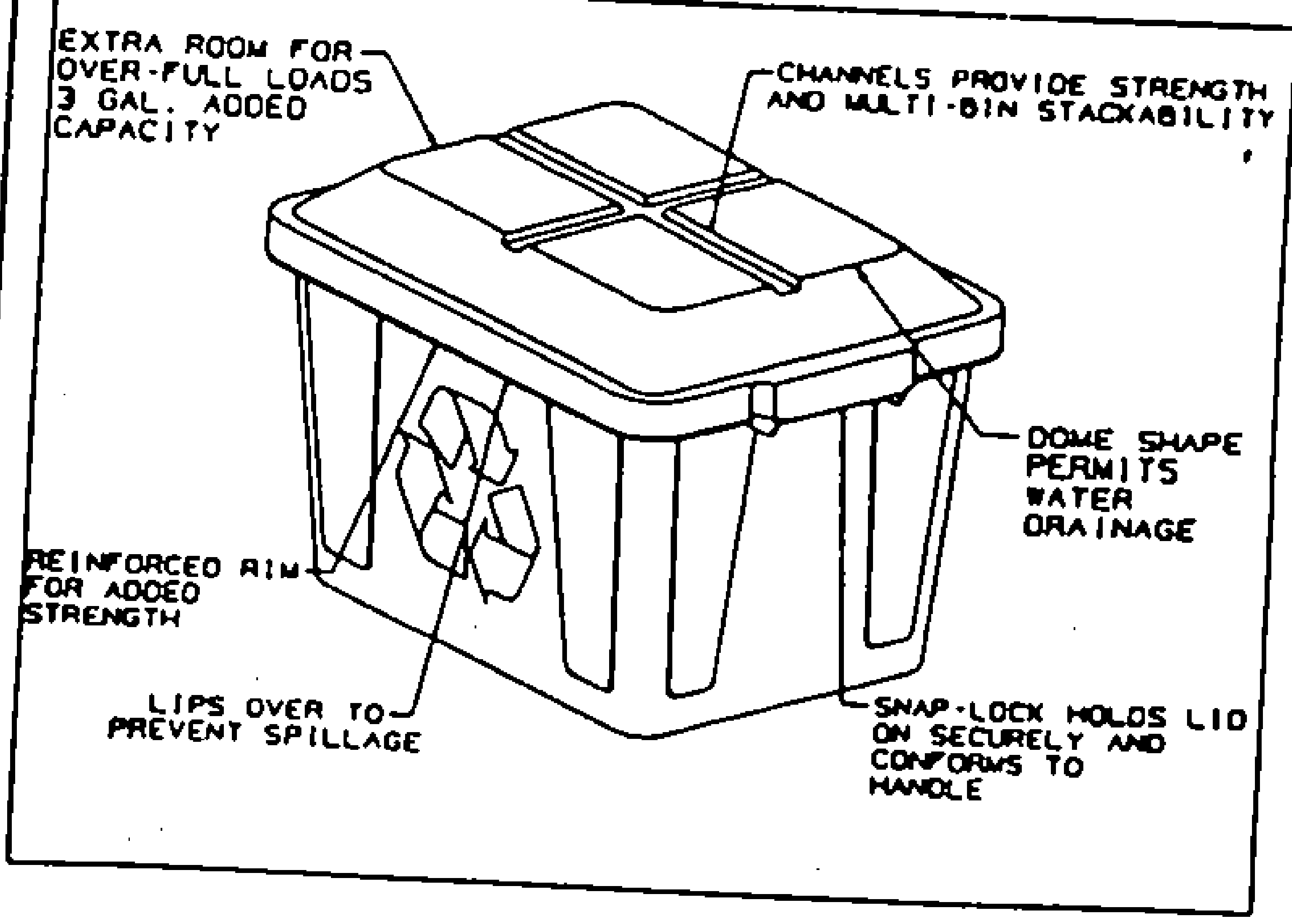
* Two and three section dividers.
* Domed snap-on lid.
* Wheel kit installed without tools.

DESIGN FEATURES

* Injection molded HDPE construction designed for strength and long life.
* Ultra-violet stabilizers added to prevent fading or material breakdown.
* May include up to 25% post-consumer recycled plastic.
* 5-year prorated warranty against defects in material or workmanship.
* Available in a wide range of colors.
* Choice of branding areas for logos and recycling slogans.
* Large sturdy handles to ease carrying to curb.
* Designed for optional divider.
* Recessed bottom to contain liquids.
* Four raised drain holes in bottom.
* Tabs to secure plastic grocery bags.
* Cross-stackable for multi-bin systems.



NESTED BINS FOR SHIPPING



BIN WITH STACKABLE LID

SCL A-1 Plastics Ltd.

241 Clarence Street
Brampton, Ontario
Canada
L6W 4P2

(905) 451-4800
(A-1 Recycling Div.)

(905) 451-9949
(Contract Div.)

Toll Free: (800) 777-0979
Fax: (905) 451-9977
E-mail: sclp@idirect.com

City of Fayetteville
Attn. Purchasing – Peggy Vice
113 West Mountain Street
Fayetteville, AK
72701 USA

Bid No 02-70 For The Supply & Delivery of Curbside Recycling Containers

Thank you for inviting SCL A-1 Plastics Ltd. to quote on the City of Fayetteville's requirements for 1,500 18-gallon recycling containers, as well as 2,000 lids. Attached please find our bid for the provision of our models 1019 18-gallon and 1119-Lid.

As noted on the bid forms you provided, there are differences between our container & lid and your bid specifications. However, we can ensure you that our 18-gallon container performs exceptionally well, despite slightly different dimensions. Our model 1119 Lid is a flat surface lid, not dome shaped. This should also not interfere with the regular recycling usage of the unit, as materials are not usually stored in a lid.

SCL A-1 Plastics Ltd. has been in business for more than 20 years focusing solely on waste diversion containers. We have provided over 21,000,000 homes and businesses with quality containers. Our ergonomic designs are specified by many communities who recognise efficiencies gained through product design.

SCL A-1 is committed to serving the recycling needs for the City of Fayetteville. We have a history of superior service and products within communities all over North America and look forward to providing these services to your community. Any questions or comments can be directed to our Customer Service Department at 1-800-777-0979 ext 21 or 22.

We look forward to working with you.

Sincerely,
SCL A-1 Plastics Ltd.

Mark Ahrendt, ext 22
Product Manager

CITY OF FAYETTEVILLE

113 West Mountain Street
Fayetteville, Arkansas 72701

Solid Waste Division
(479) 575-8398

BID #: 02-70 **DATE ISSUED:** November 7, 2002

DATE & TIME OF OPENING: November 18, 2002 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306, (479) 575-8289

DELIVERY DATE: ASAP after issue of purchase order and notice to proceed

F.O.B.: Fayetteville, Arkansas

ITEM:	DESCRIPTION:	QUANTITY:	UNIT PRICE:	TOTAL PRICE:
1.	Curbside Recycling Bin with exceptions	1,500	$ 4.01	$ 6,015.00 *1
2.	Lids for Recycling Bins with exceptions	2,000	$ 2.19	$ 4,380.00 *2
	Subtotal			$10,395.00
	Tax			$ n/a
	Total Bid Price:			$10,395.00

Quantities are estimated only and actual quantities purchased will depend on public demand and budget availability.

*1 - exceptions - see attached sheet ex-1

*2 - lid exceptions - see attached sheet ex-2

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. Items marked * are mandatory for consideration.

*NAME OF FIRM: SCL A-1 Plastics Ltd.

*BUSINESS ADDRESS: 241 Clarence St.

*CITY: Brampton *STATE: Ontario, Canada *ZIP: L6W 4P2

*PHONE: 800 777 0979 *FAX: 905 451 9977

*AUTHORIZED SIGNATURE: Mark Ahrendt - [signature]

*TITLE: Product Manager

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

MINIMUM TECHNICAL SPECIFICATIONS

Item 1. CURBSIDE RECYCLING BIN

1. **USAGE**:
   a. This product will be used by the Solid Waste Division for curbside collection of recyclable materials.

2. **GENERAL**:
   a. The specification is for household recycling bins for use in the City of Fayetteville Curbside Recycling Program.

   b. Bins purchased must be new and shall meet all specifications. comply

   c. Residents will place recyclable materials (aluminum, steel, glass, #1 & #2 plastic containers, chipboard, and junk mail) in recycling bins, then place them at the curb for collection by city recycling crews. Cardboard and newspaper will be bundled separately and placed next to bin for collections.

   d. Bins will be rectangular, with solid sides (no mesh walls or cut out front), open top, and no sharp corners or edges. comply

3. **BIN QUALITY AND DESIGN**:
   a. Bin capacity shall be a maximum of 19.0 U.S. gallons and weigh a maximum of 5.0 pounds. Minimum bin capacity shall not be less than 18.0 U.S. gallons. The minimum thickness of the walls shall be 110 mils on the side and 120 mils on the bottom. comply

   b. Bins shall have four (4) holes in the bottom for drainage and shall be raised off the ground to allow drainage to occur. comply

   c. Bins shall have two (2) molded, pocket type handles on both ends, of adequate size to facilitate lifting with gloved hands. comply

   d. Maximum outside dimensions shall be 13.50" height; 25.25" length; and 17.60" width. Dimensions are : 14.5" height x 25.75" length x 16.25 w.

   e. Maximum inside dimensions shall be 13.00" height; 20.25" length; and 14.60" width.

   f. Bins shall be Kelly Green in color with hot stamp artwork in reflective white.
   colour is kelly green, hot stamp is standard white foil.

   g. Bins shall have space available on both sides and end panels for separate hot stamp images. Hot stamped text and graphics will be applied on side panels. Both sides
   comply

shall be printed in English. The text and graphics are attached to and made a part hereof the bid specifications.

h. The month and year of manufacture shall be molded clearly into each container. Comply

4. <u>MATERIAL REQUIREMENTS</u>.

a. Bins shall be one-piece, molded of high density polyethylene plastic. Comply

b. Bins shall contain a minimum of 50% post-consumer recycled plastic. Bidders should state clearly the actual percent of post-consumer recycled plastic contained in each bin. It is the City's intent, if prices are comparable, to purchase the bin with the largest post-consumer content. Comply

c. Bid shall include contact information for post-consumer recycled plastic supplier. Comply

d. Bin material shall be formulated with ultraviolet stabilizer to prevent deterioration and sufficient pigmentation to resist discoloration in sunlight. Comply

5. <u>FUNCTIONAL/PERFORMANCE REQUIREMENTS</u>.

a. Bins shall have a minimum rated capacity of fifty pounds. Comply

b. Bins shall withstand climate extremes of -10 to 120 degrees Fahrenheit. Comply

c. Bin body and hot stamped areas shall be cleanable with household cleaners without damage or defacement. Comply

6. <u>SAMPLES, INSPECTION, AND TEST REQUIREMENTS</u>.

a. Bidder shall deliver a sample bin and lid for inspection to the Solid Waste Division at 1560 South Happy Hollow Road, Fayetteville, Arkansas 72701 which shall be identical to the unit being bid, including hot stamps which will faithfully represent the quality available. All shipping costs for the delivery of this sample will be borne by the bidder. <u>Bids shall be sent to the Purchasing Office at 113 West Mountain Street, Fayetteville, Arkansas 72701.</u> sent.

b. Bidder shall submit Certification of Freezer Drop Test confirming compliance with specification in 5b. Comply

c. At the time of distribution to individual residents, each unit shall be inspected for condition and specification compliance by the City representative. If a unit has to be rejected for any reason, the selling dealer shall be required to pick up the unit at the point of delivery to the City, and provide the City with credit, refund, or replacement, whichever is requested by the City, in a timely manner. Comply

Item 2. LIDS FOR RECYCLING BINS

1. **USAGE**:

   a. This product will be used by our residential sector to protect the curbside recyclables from inclement weather.

2. **GENERAL**:

   a. The specification is for lids for recycling bins used in the City of Fayetteville Curbside Recycling Program.

   b. Lids for recycling bins must be of a locking dome variety. locking flat top lid

   c. Hinge tops will not be accepted.

3. **LID QUALITY AND DESIGN**:

   a. Lids for recycling bins shall have a minimum three (3) U.S. gallon capacity as an accessory. - flat top, minimum capacity, not 3 gallon

   b. The minimum thickness of the lids shall be 110 mils. comply

   c. Lids shall have a snap-lock which holds securely and conforms to handles. plastic lock

   d. Lids shall be black in color. comply

   e. The month and year of manufacture shall be molded clearly into each lid. comply

   f. Flat surface lids will not be accepted. – Lids are flat surface

4. **MATERIAL REQUIREMENTS**.

   a. Lids shall be one-piece, molded of high density polyethylene plastic. comply

   b. Lids shall contain a minimum of 50% post-consumer recycled plastic. comply

   c. Lid material shall be formulated with ultraviolet stabilizer to prevent deterioration and sufficient pigmentation to resist discoloration in sunlight. comply

5. **FUNCTIONAL/PERFORMANCE REQUIREMENTS**.

a. Lids shall withstand climate extremes of -10 to 120 degrees Fahrenheit. comply

6. SAMPLES, INSPECTION, AND TEST REQUIREMENTS.

a. Bidder shall deliver a sample lid for inspection to the City which shall be identical to the unit being bid. All shipping costs for the delivery of this sample will be borne by the bidder. sent

b. Bidder shall submit Certification of Freezer Drop Test confirming compliance with specification in 5a.

c. At the time of distribution to individual residents, each unit shall be inspected for condition and specification compliance by the City representative. If a unit has to be rejected for any reason, the selling dealer shall be required to pick up the unit at the point of delivery to the City, and provide the City with credit, refund, or replacement, whichever is requested by the City, in a timely manner.

City of Fayetteville
Attn. Purchasing – Peggy Vice
113 West Mountain Street
Fayetteville, AK
72701 USA

SCL A-1 Plastics Ltd.

241 Clarence Street
Brampton, Ontario
Canada
L6W 4P2

(905) 451-4800
(A-1 Recycling Div.)

(905) 451-9949
(Contract Div.)

Toll Free: (800) 777-0979
Fax: (905) 451-9977
E-mail: sclp@idirect.com

Bid No 02-70 For The Supply & Delivery of Curbside Recycling Containers

EX-1
Exceptions to specifications for 18-gallon Recycling Container

3. Bin Quality & Design
d) Maximum Dimensions

Dimensions of SCL A-1 Plastics Ltd. Recycling Container Model 1019 are:

14.5" height x 25.75" length x 16.25" width

f) Hot Stamped in Reflective White

Container Hot-Stamping is with regular white foil. Reflective foil cannot be easily hot-stamped without degradation of material. Reflective white decals can be provided at an additional charge of US$ 1.46 per side of container.

Sincerely,
SCL A-1 Plastics Ltd.

Mark Ahrendt, ext 22
Product Manager

[illegible] November 2002

City of Fayetteville
Attn. Purchasing – Peggy Vice
113 West Mountain Street
Fayetteville, AK
72701 USA

SCL A-1 Plastics Ltd.

241 Clarence Street
Brampton, Ontario
Canada
L6W 4P2

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Bid No 02-70 For The Supply & Delivery of Curbside Recycling Containers

EX-2
Exceptions to specifications for 18-gallon Recycling Container Lids

2. General
b) Locking Dome Lid Variety

SCL A-1 Plastics Ltd. Recycling Container Lid Model 1119 is a locking flat-top lid.

3. Lid Quality & Design
a) Min. 3 US gallon Lid capacity

Lids are of a flat-top design and do not incorporate a 3 gallon capacity. The capacity of the SCL A-1 lid is estimated at 1 US gallon.

c) Lids to have snap-lock

Our lids have a plastic grip locking the lid firmly in place, yet easily removable by user.

Sincerely,
SCL A-1 Plastics Ltd.

Mark Ahrendt, ext 22
Product Manager

SPECIFICATIONS FOR RECYCLING CONTAINER

[illegible]

SCL A-1 Plastics Ltd.

241 Clarence Street
Brampton, Ontario
Canada
L6W 4P2

(905) 451-4800
(A-1 Recycling Div.)

(905) 451-9949
(Contract Div.)

Toll Free: (800) 777-0979
Fax: (905) 451-9977
E-mail: sclp@idirect.com

GENERAL DESCRIPTION	
Holding capacity:	Container has a capacity of approx. 18 U.S. gallons or 68 litres
Shape:	Container is rectangular in shape.
Drainage:	Container allows the retention of small amounts of liquid spillage. Raised drainage holes allow for proper drainage of excess liquids.
Handles:	Molded in handles allow for easy lifting.
Colour/Print:	Containers can be made in any colour and custom printed. Print area: Sides: 7" high x 7" wide Ends: 5" high x 5" wide
Nominal Dimensions	
Length:	25 ¾ "
Width:	16 ¼ "
Height:	14 ½ "
Weight & Payload:	Container weighs approx. 5.0 pounds (2.3 kg). Rated payload is 80 lbs.
Nesting Ratio:	Container has a nesting ratio of 6.6:1.
Material:	Container is made from virgin HDPE, as well as min 25% post-consumer material. An UV stabilizer is added to resist deterioration from sunlight.
Manufacturing Process:	Container is made by seamless (one piece) injection moulding process.
Warranty:	Container is warranted for a period of five (5) years covering material and workmanship.

SCL A-1 Plastics Ltd.

241 Clarence Street
Brampton, Ontario
Canada
L6W 4P2

(905) 451-4800
(A-1 Recycling Div.)

(905) 451-9949
(Contract Div.)

Toll Free: (800) 777-0979
Fax: (905) 451-9977
E-mail: sclp@idirect.com

SCL A-1 PLASTICS CLOSES THE LOOP!

SCL A-1 Plastics is proud to offer a "50/50 Recycling Program".

As a leader in the manufacture and distribution of more than 21,000,000 recycling boxes we have strived to maximize the use of Post Consumer Plastics (PCR).

Our recycling containers are made with up to 50% Post Consumer Plastics, utilizing min. 25% PCR. All recycled materials are obtained through the very curbside recycling programs that our containers are intended for.

Our recycled material is provided to us by reputable companies, such as
Rivalgo of Burlington, Ontario – 905 319 3674

For more information on this program, please contact our Customer Service Team at 1-800-777-0979.

A & L ENGINEERING CONSULTANTS

374 Chalour Avenue,

Oshawa, Ontario, L1J 6N7

Telephone (905) 576-6264
Fax (905) 434-0740

February 21, 1996.

SCL Plastics Inc.,
241 Clarence street,
Drampton, Ont.
L6W 4P2

Attention: Mr. David Foxe, Operations Manager.

On february 21, 1996 " Drop Impact Performance " test have been conducted in your plant on your recycling totes, manufactured by your company.
The test procedures and results are recorded as follows.

Number of random samples : 2 (Two)
Totes were filled with 50 (fifty) pounds of bagged rock salt to simulate refuse. Each tote was then dropped once from 8 (eight) feet twice. They were positioned to drop flat on the bottom and onto a 45° inclined plane, conditioned both at room temperature and -20°C.

Results:

No cracks or failures were observed in any of the totes tested.

Sincerely yours,

A & L Engineering Consultants.

Louis A. Her[illegible], CET
President.

SCL A-1 Plastics Ltd.

241 Clarence Street
Brampton, Ontario
Canada
L6W 4P2

(905) 451-4800
(A-1 Recycling Div.)

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Toll Free: (800) 777-0979
Fax: (905) 451-9977
E-mail: sclp@idirect.com

5 YEAR WARRANTY

SCL A-1 Plastics' Curbside Recycling Containers are warranted against cracking, deterioration, rotting, warping or discoloration due to any defect in material or in workmanship, which in the opinion of the Vendor, would render the boxes unacceptable for use in Curbside Collection for a period of five (5) years after its date of manufacture, when subject to normal wear and tear and handling.

Warranty shall be limited to exchange or replacement of above qualifying damaged boxes only, in accordance with the following schedule:

WARRANTY CLAIM PERIOD		REPLACEMENT COST TO CUSTOMER
(After date of manufacture)		
Failure during Years 1 -5	-	No charge for replacement

CONDITIONS GOVERNING THE RETURN OF QUALIFYING BOXES FOR:

WARRANTY CLAIM

1. Normal wear, external damage or damage caused by alternative box usage is not covered by this warranty.
2. Prior authorisation from SCL A-1 Plastic to return product is required based upon laboratory analysis of samples of deficient units.
3. Technical evidence of box degeneration before its time will be determined by laboratory analysis.

CITY OF FAYETTEVILLE

113 West Mountain Street
Fayetteville, Arkansas 72701

Solid Waste Division
(479) 575-8398

BID #: 02-70 **DATE ISSUED:** November 7, 2002

DATE & TIME OF OPENING: November 18, 2002 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306, (479) 575-8289

DELIVERY DATE: ASAP after issue of purchase order and notice to proceed

F.O.B.: Fayetteville, Arkansas

ITEM:	DESCRIPTION:	QUANTITY:	UNIT PRICE:	TOTAL PRICE:
1.	Curbside Recycling Bin	1,500	$ 4.06	$6090.00
2.	Lids for Recycling Bins	2,000	$ 2.31	$4620.00
	Subtotal			$10710.00
	Tax			$0
	Total Bid Price:			$10710.00

Quantities are estimated only and actual quantities purchased will depend on public demand and budget availability.

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. Items marked * are mandatory for consideration.

*NAME OF FIRM: Busch Systems International Inc.

*BUSINESS ADDRESS: 130 Saunders Rd, Unit 7.

*CITY: Barrie *STATE: ON *ZIP: L4N 9A8

*PHONE: 800-565-9931 *FAX: 705-722-8972

*AUTHORIZED SIGNATURE:

*TITLE: President.

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

November 15, '02.

TO: City of Fayettevile, AR

Post Consumer Contact Supplier:

Plastiques GPR Inc.
5200 Chemin St. Gabriel
St. Felix De Valois, QC
Canada J0K 2M0

Sample & Drop Test results to follow.

-Containers contain 50% Post Consumer Content.

UNIVERSAL US 18

The Universal US 18 is the newest recycling container available. Busch Systems has used its 15 years of design experience to create a revolutionary new container which is lightweight and whose strength is second to none. The reduced weight makes it easier on homeowners and collection employees, while helping to conserve our valuable natural resources. Curbside containers have certain impact and stress points, primarily the handle (which bears the burden during lifting) and both the top and bottom edges and corners (which take the impact with the pavement).. The US 18 incorporates ***strategically integrated reinforcements****, which are areas of increased wall thickness at the bottom and handle impact points, making the US 18 the longest lasting container at the curb.*

SPECIFICATIONS:

Outer Dimensions:	16" x 23" x 14.25" high
Container Volume:	18.7 US Gallons
Material:	High Density Polyethylene
Nesting Ratio:	9.5: 1

FEATURES:

- **UNIVERSALLY CROSS STACKABLE & NESTABLE**
    - Will cross stack and nest with all other recycling containers, making the US 18 fully compatible with any existing containers or any future containers
- Great nesting ratio; minimizes storage space
- Bottom impact feet
- Less storage space required; 250 units per skid
- Reinforced edges and corners for longer life
- Minimum 25% Post Consumer Material
- Extra handle ribbing
- Four Handles

BUSCH SYSTEMS *is* RECYCLING CONTAINERS

November 15, '02.

TO: City of Fayettevile, AR

TENDER SUPPLEMENT

WARRANTY

Busch Systems International warrants the US18 container against any defect incurred during the normal usage of the container as a curbside recycling container, that would render the containers unacceptable for use in curbside collection for a period of five years from its manufacturing date when subject to normal wear and tear handling.

Authorized by,

Craig Busch
President

BUSCH SYSTEMS INTERNATIONAL INC.
130 Saunders Road, Suite #7, Barrie, ON, Canada L4N 9A8 • Tel: 705-722-0806 • Fax: 705-722-8972
Toll Free: 1-800-565-9931 • E-mail: busch@buschsystems.com • Website: www.buschsystems.com

Bidder's List
Curbside Recycling Bins

Rehrig Pacific Company
Attn: Micheal Eason
625 W. Mockingbird Lane
Dallas, TX 75247
Tel: (800) 426-9189
Fax: (214) 631-0615

Tulip Corporation
Attn: Steve Lade
Post Office Box 12187
Milwaukee, WI 53212
Tel: (414) 963-3120
Fax: (414) 962-1825

SCL Plastics, Inc.
Attn: Cathy Tedesco
241 Clarence Street
Brampton, Ontario L6W 4P2
Tel: (905) 451-4800 ext. 22
Fax: (905) 451-9977

Recy-CAL Supply
Attn: George Slagle
40880B County Center Drive, Suite P
Temecula, CA 92591
Tel: (800) 927-3873
Fax: (909)296-3779

Toter, Inc.
Attn: Ron Kelso
841 Meacham Road
Statesville, NC 28677
Tel: (800) 424-0422
Fax: (704) 878-0734

P & E Inc.
Attn: Scott Hawley
7452 Presidents Drive
Orlando, FL 32809
Tel: (800) 438-0764
Fax: (407) 240-3884

Recycling Products, Inc.
Attn: Michael LaPierre
Post Office Box 1929
Andover, MA 01810
Tel: (800) 875-1735
Fax: (978) 475-1983

Busch Systems International, Inc.
Attn: Craig Busch
130 Saunders Road, Unit #7
Barrie, Ontario L4M 6E7
Tel: (705) 722-0806
Fax: (705) 722-8972

Buckhorn
Attn:
55 W. TechneCenter Dr.
Milford, OH 45150
Tel: (800) 543-4454
Fax: (513) 831-5474

REHRIG PACIFIC COMPANY
ATTN: MICHAEL EASON
625 W MOCKINGBIRD LANE
DALLAS TX 75247

TULIP CORPORATION
ATTN: STEVE LADE
PO BOX 12187
MILWAUKEE WI 53212

SCL PLASTICS INC
ATTN: CATHY TEDESCO
241 CLARENCE STREET
BRAMPTON ONTARIO LW 4F

RECY-CAL SUPPLY
ATTN: GEORGE SLAGLE
40880B COUNTY CTR DR SUI
TEMECULA CA 92591

TOTER INC
ATTN: RON KELSO
841 MEACHAM ROAD
STATESVILLE NC 28677

P & E INC
ATN: SCOTT HAWLEY
7452 PRESIDENTS DRIVE
ORLANDO FL 32809

RECYCLING PRODUCTS INC
ATTN: MICHAEL LAPIERRE
PO BOX 1929
ANDOVER MA 01810

BUSCH SYSTEMS INTERNATI
ATTN: CRAIG BUSCH
130 SAUNDERS ROAD UNIT #
BARRIE ONTARIO L4M 6E7

BUCKHORN
55 WEST TECHNECENTER DI
MILFORD OH 45150

STAFF REVIEW FORM

XX Agenda Request
__ Contract Review
__ Grant Review

For the Fayetteville City Council Meeting of: December 17, 2002

FROM:

Brian Pugh	**Solid Waste and Recycling**	**General Services**
Name	Division	Department

ACTION REQUIRED: Approve resolution establishing a fee to residential customers for exchanging trash carts for a larger size cart, no charge for changing to a smaller size cart.

COST TO CITY:

$0		**Cart Exchange Fee**
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:**

Marsha Farthing	11/26/02		
Accounting Manager	Date	ADA Coordinator	Date
D. Whitaker	11/26/02	Nancy Smith	11/26/02
City Attorney	Date	Internal Auditor	Date
P. Rice	11/26/02		
Purchasing Officer	Date		

STAFF RECOMMENDATION: **Approve Resolution**

		Cross Reference
Division Head	Date	
Gary Dumas	11-25-02	New Item: __ Yes __ No
Department Director	Date	
Steve Davis	11-25-02	Prev Ord/Res #: ______
Administrative Services Director	Date	
Dan Coody	11/27/02	Orig Contract Date: ______
Mayor	Date	

STAFF REVIEW FORM

Description: Cart Exchange Fee

Meeting Date________

Comments:

Reference Comments:

Budget Coordinator

____
____
____

Accounting Manager

____
____
____

City Attorney

____
____
____

Purchasing Officer

____
____
____

ADA Coordinator

____
____
____

Internal Auditor

____
____
____

____

To: Gary Dumas

From: Brian Pugh

Date: Monday, November 25th, 2002

Subject: Cart Exchange Fee

Background:

A cart exchange fee is designed to recover costs associated with exchanging carts for residential customers who feel they have the wrong size cart for their trash volumes.

Discussion:
Justification for fee-

This fee is proposed in an effort to limit the number of residents changing cart sizes. There should be no fee if a resident want to change to a smaller cart in order to promote waste reduction.

- Many communities with Volume Based programs, like Fayetteville, have similar fees associated with changing cart sizes.
- The fee will be collected to offset the costs of staff labor, equipment and time involved with changing the cart. Sending an employee to change out the carts will affect the responsibilities of the Residential Collections Crew leader by requiring him to perform the activity, which will amount to approximately 30 minutes per change out. If residents are continually requesting changes then 10 requests a day will account for half of his work day.
- The fee will also offset the cost of maintaining correct inventory of carts. Staff time will need to be allotted to record and maintained correct counts of the number of each size cart. Based on references from other cities who have implemented a cart program most of the requests for cart changes will occur in the first 90 days of the new program.

Recommendation:

Implement an exchange fee of $20 to cover costs of upgrading cart sizes while not instituting a fee for an exchange to a smaller cart. We recommend giving residents a one time chance, at no charge, to change their cart size after the initial delivery of the carts for a period ending 5/15/02.

Solid Waste and Recycling Division
1560 Happy Hollow Road.
Fayetteville, Arkansas 72701

Telephone: 479-575-8398
Fax: 479-444-3478
Email: bpugh@ci.fayetteville.ar.us

WATER TANKS
A. 5. Page 1

STAFF REVIEW FORM

X AGENDA REQUEST
X CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: December 17, 2002

FROM:

Ron Petrie	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED: 1.) Approval of a resolution awarding the construction contract in the amount of $295,427.00 with Eagle Sandblasting and Painting, Inc. for the repainting of the Rodgers Drive & Goshen water tanks. 2.) Approval of a project contingency in the amount of $29,573 for project needs including material testing, variations in final quantities, ... 3.) Approval of the attached budget adjustment.

COST TO CITY:

$325,000.00	$ 280,000.00	Tank Painting
Cost of this request	Category/Project Budget	Program Category / Project Name
5400.5600.5808.00	$ 36,481.00	Water/Sewer Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02031	$ 243,519.00	Water/Sewer Fund
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Manager	Date	Administrative Services Director	Date

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

Marsha Farthing	11/25/02	[signature]	11/25/02
Accounting Manager	Date	Internal Auditor	Date
[signature]	11/25/02		
City Attorney	Date	ADA Coordinator	Date
Purchasing Manager	Date	Grant Coordinator	Date

STAFF RECOMMENDATION: Staff recommends approval of the actions listed above.

Jim Beavers	11-25-02
Division Head	Date
[signature]	
Department Director	Date
[signature]	12-3-02
Administrative Services Director	Date
Dan Coody	12/4/02
Mayor	Date

Cross Reference

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

Previous Ord/Res#:

Orig. Contract Date

Orig. Contract Number

Staff Review Form - Page 2

Description Rodgers Drive & Goshen Water Tank Repainting Meeting Date December 17, 2002

Comments: Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 501-575-8264

ENGINEERING DIVISION CORRESPONDENCE

TO:	Dan Coody, Mayor Fayetteville City Council
THRU:	Greg Boettcher, Public Works Director Jim Beavers, City Engineer
FROM:	Ron Petrie, Staff Engineer
DATE:	November 25, 2002
SUBJECT:	Agenda Request for December 17, 2002 City Council Meeting Rodgers Drive and Goshen Water Tank Repainting

1. Project Background: This capital improvement project will provide the necessary maintenance to the Four million gallon ground storage tank on Rodgers Drive and the 300,000 gallon ground storage tank near the City of Goshen. The project consists of cleaning and repainting the exterior and interior of both tanks with spot repairs. McClelland Consulting Engineers provided the project specifications and will provide construction inspection. The Engineering Division will provide project management.

2. Staff Recommendations: The staff is in agreement with McClelland Consulting Engineers recommendation that the City Council award the construction contract to Eagle Sandblasting and Painting, Inc. and approve funding for a project contingency including materials testing, variations in final quantities, etc… for "Water Tank Repainting, Rodgers Drive Tank No. 2 and Goshen Tank."

3. Estimated Project Costs: Bids were opened on Wednesday, November 20th, 2002. The Engineer, McClelland Consulting Engineers, has reviewed the bids and recommends awarding the contract to the low bidder, Eagle Sandblasting and Painting, Inc., in the amount of $295,427.00 which is approximately 15% below the Engineer's estimate. The estimated total project costs including the project contingency for unforeseen project expenditures are as follows:

Rodgers Drive & Goshen Tank Repainting	$295,427.00
Project Contingency (≈ 10%)	$ 29,573.00
TOTAL	$325,000.00

4. Project Funding: This project will require a Budget Adjustment to move $81,481.00 from Project No. 02120, Water and Sewer Improvements – Defined by Study, to the Tank Repainting Project No. 02031.

MCE McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE

P.O. Box 1229
Fayetteville, Arkansas 72702-1229
501-443-2377
FAX 501-443-9241

RECEIVED
NOV 2 2 2002

November 21, 2002

Mr. Ron Petrie, P.E.
Staff Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: Tank Repainting
Bid Opening

Dear Mr. Petrie:

Bids for repainting the Rodgers Drive Tank No. 2 and Goshen Tank were opened Wednesday, November 20, 2002 at 2:00 p.m. Three bids were received. The bids have been checked and tabulated, with a copy of the tabulation attached hereto. Each of the bidders is properly licensed and submitted proper bid bonds. The low bidder was Eagle Sandblasting and Painting, Inc. of Pleasant Plains, Arkansas, with a bid total of $295,427.00. This was below our engineer's estimate of $345,000.00.

I have not worked with this firm, but they have painted tanks for our Little Rock office. I received a favorable recommendation from our Little Rock personnel, as well as from the reference that I called that was listed in their bid documents. Consequently, we recommend that the repainting contract be awarded to Eagle Sandblasting and Painting, Inc.

Very truly yours,
McClelland Consulting Engineers

Robert W White

Robert W. White, P.E.
Vice-President

Encl: Bid Tabulation

RECEIVED
NOV 22 2002
Eng

BID TABULATION
WATER TANK REPAINTING
RODGERS DRIVE TANK NO. 2 AND GOSHEN TANK
CITY OF FAYETTEVILLE
MCE Project No. FY022160
Bid Date November 20, 2002

Item Number	Description	Estimated Quantity	Units	Eagle Sandblasting and Painting, Inc. Pleasant Plains, AR Lump Sum Price	Protective Linings & Coatings, Inc. Alexander, AR Lump Sum Price	Utility Service Co., Inc. Perry, GA Lump Sum Price
1	Clean and Repaint Tank Exterior Using Top Coating Procedure, Rodgers Drive Tank	1	LS	$52,262.00	$47,800.00	$79,800.00
2	Clean and Repaint Tank Interior, Disinfect Tank, Rodgers Drive Tank	1	LS	$198,890.00	$211,600.00	$229,200.00
3	Remove Cathodic Protection System and Repair Hand Holes, Rodgers Drive Tank	1	LS	$1,000.00	$1,700.00	$3,500.00
4	Tank Renovation Work, Including New Roof Vents, Vent Screen for Existing Vent, Ladder Work, Obstruction Light and Conduit Removal and All Other Work Required for a Complete Installation, Rodgers Drive Tank	1	LS	$6,000.00	$2,500.00	$9,000.00
5	Clean and Repaint Tank Exterior, Goshen Tank	1	LS	$11,235.00	$17,230.00	$18,600.00
6	Clean and Repaint Tank Interior, Disinfect Tank, Goshen Tank	1	LS	$24,940.00	$21,900.00	$30,700.00
7	Tank Renovation Work, Including New Manways, Roof Vent Screen, Overflow Pipe Screen, Level Indicator Maintenance and All Other Work Required for a Complete Installation, Goshen Tank	1	LS	$1,100.00	$2,900.00	$4,000.00
TOTAL BASE BID (Items 1 through 7)				**$295,427.00**	**$305,630.00**	**$374,800.00**

Certified by: Robert W White Date: 11/20/02
Robert W. White

DOCUMENT 00500

CONTRACT

THIS AGREEMENT, made and entered into on the ____ day of ________________, 200_, by and between Eagle Sandblasting & Painting, Inc., Pleasant Plains, AR, and the CITY OF FAYETTEVILLE, Arkansas.

WITNESSETH:

That Eagle Sandblasting & Painting, Inc., for the consideration hereinafter fully set out, hereby agrees with the CITY OF FAYETTEVILLE as follows:

1. That Eagle Sandblasting & Painting, Inc. shall furnish all the materials, and perform all of the work in manner and form as provided by the following enumerated Specifications, and Documents, which are attached hereto and made a part hereof, as if fully contained herein and are entitled Water Tank Repainting, Rodgers Drive Tank No. 2 and Goshen Tank, dated October, 2002.

Advertisement for Bids	Payment Bond
Instructions to Bidders	General Conditions
Bid and acceptance thereof	Supplemental Conditions
Performance Bond	Specifications

2. That the CITY OF FAYETTEVILLE hereby agrees to pay to Eagle Sandblasting & Painting, Inc. for the faithful performance of this Agreement, subject to additions and deductions as provided in the Specifications or Bid, in lawful money of the United States, the amount of:

   Two hundred ninety five thousand four hundred twenty seven dollars & 00/100 ($295,427.00).

3. The Work will be completed and ready for final payment in accordance with the General Conditions within **135** calendar days after the date when the Contract Time commences to run, as provided in the Notice to Proceed.

4. Liquidated Damages: CITY OF FAYETTEVILLE and Eagle Sandblasting & Painting, Inc. recognize that time is of the essence of this Agreement and the CITY OF FAYETTEVILLE will suffer financial loss if the Work is not completed within the times specified in above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by the CITY OF FAYETTEVILLE if the Work is not completed on time. Accordingly, instead of requiring any such proof, the CITY OF FAYETTEVILLE and Eagle Sandblasting & Painting, Inc. agree that as liquidated damages for delay (but not as a penalty) Eagle Sandblasting & Painting, Inc. shall pay CITY OF FAYETTEVILLE **Five Hundred** Dollars (**$500.00**) for each day that expires after the time specified in Paragraph 3 for completion and readiness for final payment.

5. That within 30 days of receipt of an approved payment request, the CITY OF FAYETTEVILLE shall make partial payments to Eagle Sandblasting & Painting, Inc. on the basis of a duly certified and approved estimate of work performed during the preceding calendar month by Eagle Sandblasting & Painting, Inc., LESS the retainage provided in the General Conditions, which is to be withheld by the CITY OF FAYETTEVILLE until all work within a particular part has been performed strictly in accordance with this Agreement and until such work has been accepted by the CITY OF FAYETTEVILLE.

6. That upon submission by Eagle Sandblasting & Painting, Inc. of evidence satisfactory to the CITY OF FAYETTEVILLE that all payrolls, material bills, and other costs incurred by Eagle Sandblasting & Painting, Inc. in connection with the construction of the work have been paid in full, final payment on account of this Agreement shall be made within 60 days after the completion by Eagle Sandblasting & Painting, Inc. of all work covered by this Agreement and the acceptance of such work by the CITY OF FAYETTEVILLE.

7. It is further mutually agreed between the parties hereto that if, at any time after the execution of this Agreement and the Surety Bond hereto attached for its faithful performance and payment, the CITY OF FAYETTEVILLE shall deem the Surety or Sureties upon such bond to be unsatisfactory or if, for any reason such bond ceases to be adequate to cover the performance of the work, Eagle Sandblasting & Painting, Inc. shall, at his expense, within 5 days after the receipt of notice from the CITY OF FAYETTEVILLE, furnish an additional bond or bonds in such form and amount and with such Surety or Sureties as shall be satisfactory to the CITY OF FAYETTEVILLE. In such event, no further payment to Eagle Sandblasting & Painting, Inc. shall be deemed to be due under this Agreement until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to the CITY OF FAYETTEVILLE.

8. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City council in advance of the change in scope, cost or fees.

9. **Freedom of Information Act.** City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the (contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and date first above written, in three (3) counterparts, each of which shall, without proof or accounting for the other counterpart be deemed an original Contract.

SEAL:

Eagle Sandblasting & Painting, Inc.
CONTRACTOR

WITNESSES:

By________________________________

____
Secretary

Robert Beel, President
Title

CITY OF FAYETTEVILLE, ARKANSAS
OWNER

ATTEST:

____
City Clerk

By________________________________
Mayor

CITY OF FAYETTE[illegible]LLE

Purchase Requisition

(not a purchase order)

Requisition No.:	Date: 11-[illegible]-02
P.O. Number:	Expected Delivery Date: ASAP

Vendor #:	Vendor Name:	Mail:
New	Eagle Sandblasting & Painting, Inc., Robert Beel	Yes ___ No X

Address:	FOB Point:	Taxable:
136 Main Street		Yes ___ No ___

City:	State:	Zip:	Ship To Code:	Division Head Approval:
Pleasant Plains	AR	72568	090	Jim Beavers

Requester:	*Requester's Employee#:	Extension:
Ron Petrie	1461	418

Item	Description:	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number:	Project/SubProject Number:	Inventory #	Fixed Asset #
1	Water Tank Repainting Rodgers Dr. Tank No. 2 and Goshen Tank				325,000	5400-5600-5808.00	02031-20		
	SHIPPING/HANDLING								

Special Instructions: PLEASE RETURN PURCHASE ORDER TO ENGINEERING

Subtotal: 325,000.00

Tax: ___

TOTAL: ___

(for purchasing office use only)

Approvals:
Mayor: ___
Admin. Services Director: ___
Department Director: ___
Budget Coordinator: ___
Purchasing Manager: ___
Data Processing Mgr: ___

...EST FOR VENDOR FILE MAINTENANCE

(CHECK ALL AVAILABLE RESOURCES, VENDOR LIST, ACCESS SYSTEM PRIOR TO SUBMISSION OF THIS REQUEST)

DATE OF REQUEST: 11-25-02
REQUESTED BY: Mary Alice Berry

DEPT/DIVISION: Public Works/Engineering
EFFECTIVE DATE: ASAP

TELEPHONE EXTENSION: 206

NEW VENDOR: X
VENDOR CHANGE: ____
VENDOR RE-ENTRY: ____

VENDOR #: ____
VENDOR #: ____

VENDOR NAME: Eagle Sandblasting & Painting, Inc.

STREET OR P.O. BOX: 136 Main Street

CITY: Pleasant Plains
STATE: AR
ZIP CODE: 72568

ATTN: Robert Beel
PHONE: 501-345-2542

REMITTANCE ADDRESS IF DIFFERENCE FROM ABOVE:

NAME: ____

ADDRESS: ____

CITY, ST, ZIP: ____

FEDERAL ID NUMBER: 71-0795641
OR
SOCIAL SECURITY NUMBER: ____

TYPE OF ORGANIZATION

CORPORATION	(100):	X
PARTNERSHIP	(200):	
INDIVIDUAL	(300):	
EMPLOYEE	(400):	
PENSION	(500):	
RECIPIENT	(600):	
NON-PROFIT	(700):	

PURCHASING OFFICE USE ONLY

NEW VENDOR: ____
ENTERED BY: ____

VENDOR CHANGES: ____
DATE: ____

VENDOR RE-ENTRY: ____
G. L. FILE: ____

W-9 FORM MAILED: ____
INVENTORY FILE: ____

STAFF REVIEW FORM

X AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of December 17, 2002

FROM:

Name	Division	Department
Ed Connell	Engineering	Public Works

ACTION REQUIRED: Approval or disapproval of a resolution for the sale of 2.0 acres of the City's Gulley Rd. Water Tank site (12.0 ac) as requested by Ozarks Electric Cooperative for the appraised price of $70,000, including access to and from Gulley Road, plus payment for specific City costs associated with the preparation of said property to be sold.

COST TO CITY:

$ -70,000 + Cost of this Request	$ - 0 - Category/Project Budget	Category/Project Name
5400-0940-6881.00 Account Number	$ <30.00> Funds Used To Date	Program Name
NA Project Number	$ <30.00> Remaining Balance	Water/ Sewer Fund

BUDGET REVIEW: ___ Budgeted Item ___ Budget Adjustment Attached

Budget Coordinator ___ Administrative Services Director ___

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

Marsha Farthing — Accounting Manager	Date 12/3/02	Nancy Smith — Internal Auditor	Date 12/3/02
D. Whitaker — City Attorney	Date 12/3/02	ADA Coordinator	Date
Purchasing Officer	Date 12/3/02		

STAFF RECOMMENDATION: Staff does not anticipate utilization of this land as it is located at the rear (West end) of this 12 acre tract. Ozarks has indicated a need to provide additional service to this area with the installation of a substation at this location, as it adjoins their power line system. It is an opportunity for the City to sell property that would have little chance of being used in the foreseeable future and less chance of being sold.

Division Head	Date	Cross Reference
Department Director	Date 12-3-02	New Item: Yes ___ No ___
Administrative Services Director	Date 12-3-02	Prev Ord/Res #: ___
Dan Coody — Mayor	Date 12/4/02	Orig Contract Date: ___

STAFF REVIEW FORM

Description Sale of 2.0 acres of Gulley Rd. Water Tank Property to Qzarks Electric Meeting Date: Dec. 17, 2002

Comments:

Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

DATE: December 2, 2002

TO: Fayetteville City Council

THRU: Dan Coody, Mayor
Greg Boettcher, Director of Public Works
David Jurgens, Water/Sewer Maintenance superintendent
Jim Beavers, City Engineer

FROM: Ed Connell, City Land Agent

RE: Ozarks Electric Cooperative, Inc.
2.0 Acre Land Purchase Request
Gulley Road Water Tank Site

By virtue of the attached letter from Mr. James Crownover, Manager of Contract Documents, of Ozarks Electric Coop, the City of Fayetteville has been requested to consider the sale of 2.0+ acre tract of land from the City's 12.0 acre elevated water tower site on Gulley Road in Washington County. After proper assessment, the City staff have determined that an area of 2.0 acres (220 ft x 396 ft.), at the West end of this 12.0 acre site, would not be used by the City since the elevation is below that required for any elevated or ground storage tanks of the future. Ozarks Electric has indicated that they wish to locate a power sub-station at that location.

In 1998-99, the City purchased a 12.0 acre site such that an elevated water tower could be installed. Current and future water storage (3 eventual tanks) will require approximately 6.0 acres, including driveways, thus the front 4.0 acres and the back 2.0 acres are available for other purposes. The City paid $240,000 for this property in 1998. Sale of the back 2.0 acres to Ozarks will require a perpetual right of ingress and egress across city property since that two acre site is land locked. We have not tried to specify such access in legal terms since the city may, in the future, want to change location of the current road.

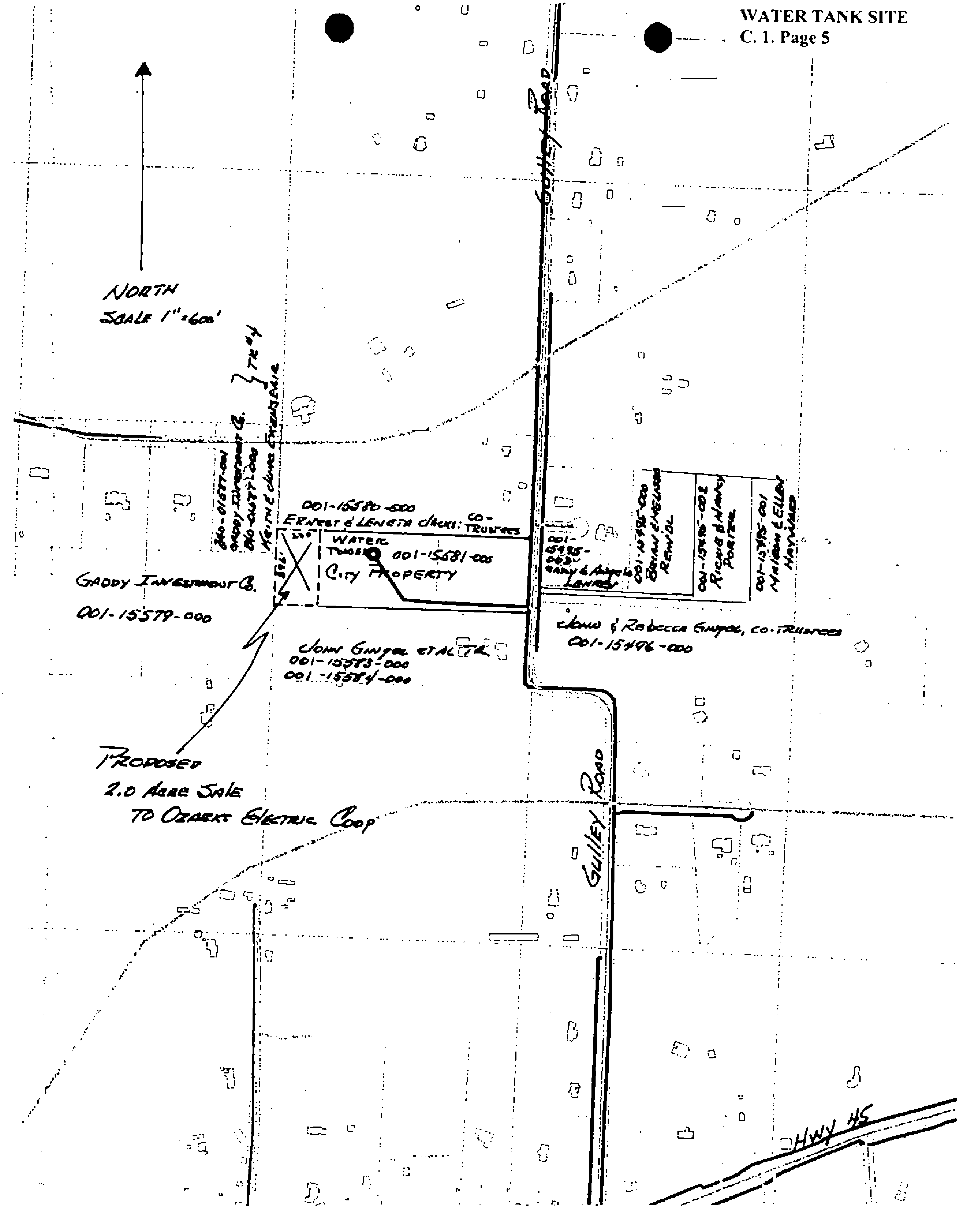
Considering the entities, the sale of this property will be under provision H of Ordinance 4358. The City has had the 2.0± acre property independently appraised (a copy of the cover sheet is attached) with the value being placed at $ 35,000 per acre. Ozarks Electric has submitted an *Offer and Acceptance* document for the 2.0 acre tract for $70,000. The City Administration has executed the document conditioned upon Council approval.

Fayetteville City Council
Ozarks Electric Cooperative
Land Conveyance

In compliance with the ordinance requirements, please find attached copies of

1. 30 day notice of sale by:
   a) Certified Mail, return receipt letter to all immediately adjacent property owners. Same letter to all owners listed hereafter, all of which certified receipt.
   b) Copy of the information posted (on November 7, 2002) on an entrance sign to the 12.0 acre site
   c) Affidavits of display advertisement in two local newspapers, each with one insert.

The detailed appraisal is available if you so desire. The Council is hereby requested to consider the overall public service needs for the area in approving or disapproving the contract that has been signed by the City and Ozark Electric Cooperative.


Gulley Road
NORTH
SCALE 1"=600'
001-15580-000
ERNEST & LENETA JACKS: CO-TRUSTEES
WATER TOWER
001-15681-000
CITY PROPERTY
001-15579-000
001-15496-000
PROPOSED
2.0 ACRE SALE
TO OZARKS ELECTRIC COOP
GULLEY ROAD
HWY 45

WATER TANK SITE
C. 1. Page 6

Ozarks Electric Cooperative Corp.

Box 848
Fayetteville, Arkansas 72702-0848
(479) 521-2900

PLEASE MAKE COPIES FOR:
DAVID J.
KIT W.
COMMENTS ?
GM

RECEIVED
JUN 20 2002

June 19, 2002

The Honorable Dan Coody
Mayor of Fayetteville, Arkansas
113 West Mountain
Fayetteville, Arkansas, 72702

Dear Mayor Coody:

I have been discussing with several of your staff the possibility of Ozarks Electric purchasing a portion of the property owned by the City at the water tower site on Gulley Road north of Highway 45. As a consequence, I have received a copy of City Ordinance No. 4358, establishing a formal process for the sale of municipally owned real property. Ozarks Electric Cooperative Corporation is interested in purchasing that portion of the Gulley Road Water Tank property identified as Tract 5, together with an access easement along the existing driveway. I am enclosing a sketch of the property involved, indicating Tract 5. As a public entity, we would qualify for the exemption in Section 1(H)(2) of Ordinance 4358.

As you are well aware, this area of the City has grown significantly in recent years and it is important that Ozarks Electric maintains its quality of service to our existing members while providing capacity for new consumers. Therefore, it has become necessary for us to seek property in the area in order to be able to meet those demands. Tract 5 is adjacent to our 69kV line and would be an ideal location for us. Conversations with several of your staff have indicated that there is a good possibility that the property can be sold without adversely affecting City plans.

This is a formal request that the City consider the sale of this property to Ozarks Electric. I understand that there is some contesting of the property lines on the north and south sides of this tract, and I am confident that Ozarks Electric can resolve these issues with the respective property owners to their satisfaction without adverse reflections on the City.

Your earliest consideration of this matter would be greatly appreciated. We would also request that this matter be kept confidential as much as possible so that Ozarks Electric would not be placed at a disadvantage in seeking other property if the City decides not to sell this property.

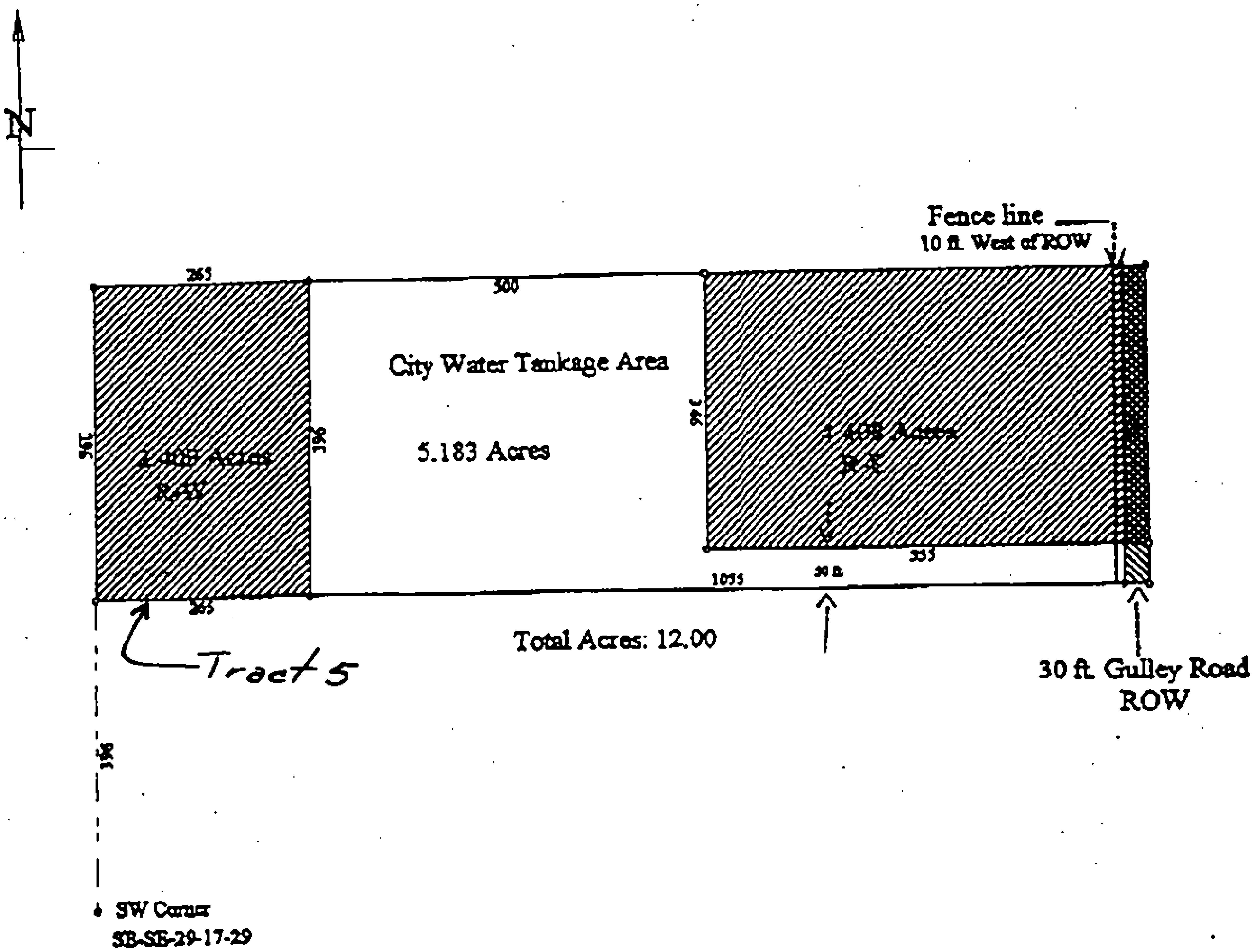
If you have any questions, please feel free to contact me.

Sincerely,

James D. Crownover

James D. Crownover,
Manager of Contract Documents

WATER TANK SITE
C. 1. Page 7



Title: Carolyn Hickson Prop: Proposed Gulley Rd City Water Tank	Date: 03-20-1998
Scale: 1 inch = 200 feet	File: GULY-TNK.WMF

Tract 1: 12.000 Acres 48562.2 Sq Meters No significant closure error. : Perimeter = 3432 feet
Tract 2: 0.273 Acres 11880 Sq Feet 1103.7 Sq Meters No significant closure error. : Perimeter = 852 feet
Tract 3: 0.091 Acres 3960 Sq Feet 367.9 Sq Meters No significant closure error. : Perimeter = 812 feet
Tract 4: 5.183 Acres 225750 Sq Feet 20972.8 Sq Meters No significant closure error. : Perimeter = 2902 feet
Tract 5: 2.409 Acres 104940 Sq Feet 9749.2 Sq Meters No significant closure error. : Perimeter = 1322 feet
Tract 6: 4.408 Acres 192030 Sq Feet 17840.2 Sq Meters No significant closure error. : Perimeter = 1802 feet
Tract 7: 0.000 Acres 0 Sq Feet 0.0 Sq Meters Closure = n00.0000w 396.00 feet Precision =1/ 1: Perimeter = 396 feet

001=*N00.0W 396
002=*N90.0W 1320
003=*S0.00E 396
004=*S90.0E 1320
005=@1
006=*N0.00W 396
007=*N90.0W 30
008=*S0.00E 396
009=*S90.0E 30
010=@8
011=*N90.0W 10
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019=*N90.0W 500
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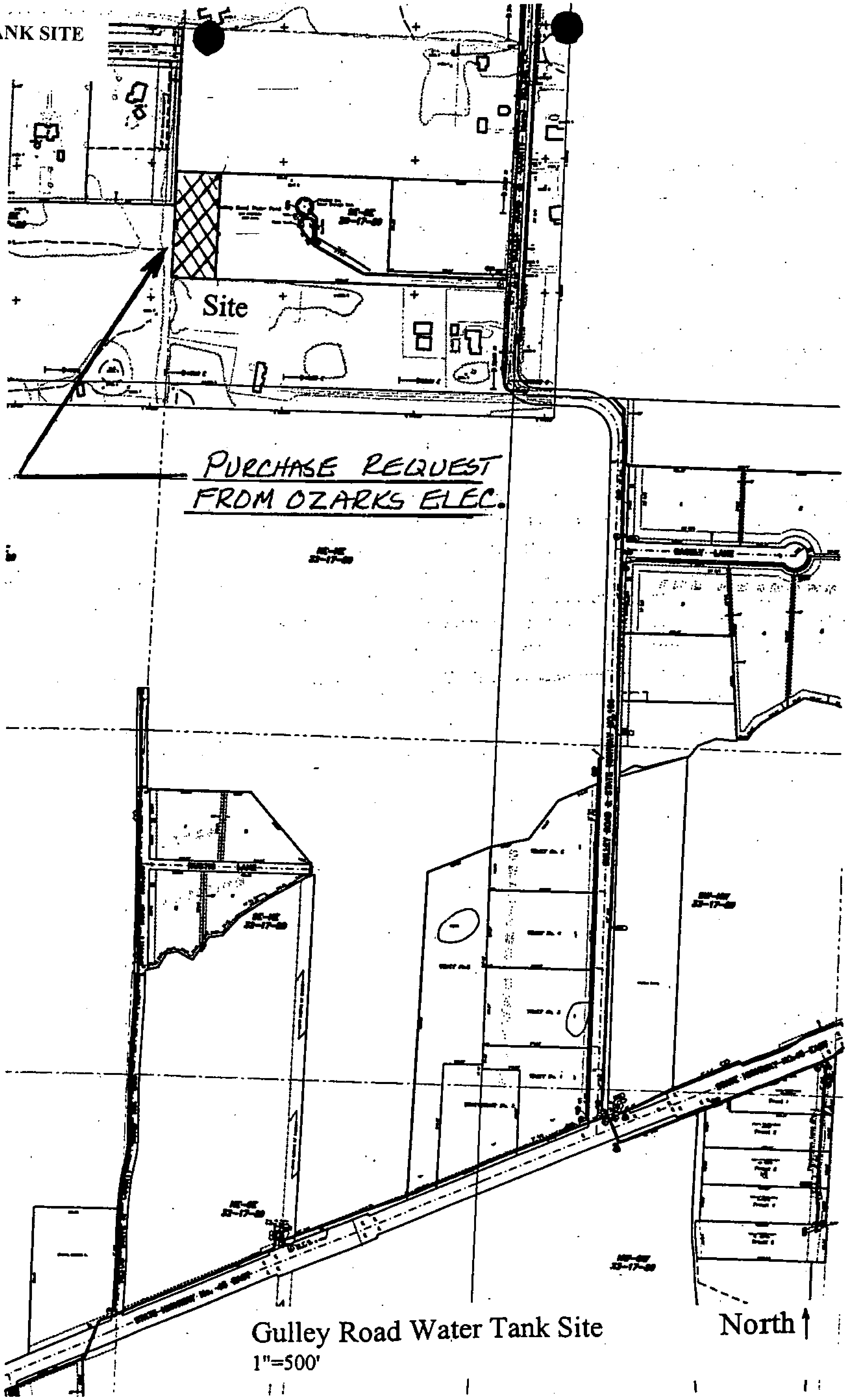
024=*N90.0W 265
025=*N0.00W 396
026=*S90.0E 265
027=@1
028=*N0.00W 50
029=N90.0W 555
030=N0.00W 346
031=S90.0E 555
032=S0.00E 346
033=@4
034=*S0.00E 396

WATER TANK SITE
C. 1. Page 8



Gulley Road Water Tank Site
1"=500'

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

WATER TANK SITE
C. 1. Page 9

LEGAL DEPARTMENT

RECEIVED
AUG 1 5 2002
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor
City Council
Greg Boettcher, Public Works Director

FROM: Kit Williams, City Attorney

DATE: August 15, 2002

RE: Sale of municipally owned real property

Ozarks Electric Cooperative Corporation, a non-profit consumer owned corporation, needs to purchase about two acres of city owned land near our Gulley Road Water Tank north of Highway 45 East in order to build an electrical substation near its existing transmission line.

Early in 2002, you passed Ordinance 4358 entitled **An Ordinance Amending Chapter 34; Finance and Revenue, of The Code Of Fayetteville To Establish A Formal Process For The Sale Of Municipally-Owned Real Property**. The exemptions subsection is quoted below:

> " (H) Exemptions From The Requirements Of This Ordinance.
>
> "(2) The sale of real property to other public entities or to a non-profit corporation for charitable purposes shall only require a single appraisal, a single display

ORDINANCE NO. 4358

MICROFILMED

AN ORDINANCE AMENDING CHAPTER 34: FINANCE AND REVENUE, OF THE CODE OF FAYETTEVILLE, TO ESTABLISH A FORMAL PROCESS FOR THE SALE OF MUNICIPALLY-OWNED REAL PROPERTY.

WHEREAS, from time to time, the City of Fayetteville finds it necessary and desirable to offer for sale certain parcels of real property in its possession; and,

WHEREAS, the sale of any such municipally-owned real property is a matter of great importance and concern to the citizens of the City of Fayetteville;

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

Section 1. That Chapter 34: Finance and Revenue, Code of Fayetteville is hereby amended by inserting the following:

§34.27 Sale of municipally-owned real property.

(A) No municipally-owned real property shall be offered for sale without the express authorization, by resolution, of the City Council. The City Council shall determine whether the property should be rezoned prior to offering it for sale.

(B) Such resolutions shall contain a specific finding by the City Council that the subject real property no longer serves a municipal purpose.

(C) Two (2) simultaneous and independent appraisals of the real property shall be obtained by the City for the Council's consideration, dated within six (6) months of the proposed sale.

(D) Public notice shall be given not less than thirty (30) calendar days before the first City Council meeting at which such a resolution is introduced, by all of the following means:

(1) A conspicuous display advertisement placed in a newspaper of general circulation in the City, on at least four (4) separate occasions;

(2) Certified mail, return receipt requested, to all adjacent property owners;

(3) Signs, prominently displayed, and at all approaches to the subject real property, announcing that the City Council will be considering the sale of the real

Post-it® Fax Note 7671

Date 6/7/02	# of pages ▶ 2		
To Jim Crownover	From C. C. ofc		
Co./Dept.	Co.		
Phone #	Phone # 575-8323		
Fax # 684-4617	Fax #		

property, the date on which the sale is to be debated, as well as the telephone number of the Mayor's Office.

(E) Upon an affirmative vote of the City Council, the City shall solicit sealed bids, at a minimum price set by the City Council, from all interested parties. Bids must equal or exceed the minimum price set by the City Council and the appraised value of the property.

(F) The City shall sell the subject real property to the highest qualified bidder. In the event none of the bids from a qualified bidder equals the minimum price set by the City Council, the City shall reject all bids, and may reopen the bidding, upon City Council approval.

(G) Upon receipt of an acceptable bid, and authorization by a separate resolution of the City Council, the conveyance of the real property shall be performed by the Mayor and City Clerk.

(H) Exemptions from the Requirements of this Ordinance.

(1) The sale of industrial park, business park, and technology park lands are expressly exempt from the provisions of this ordinance.

(2) The sale of real property to other public entities or to a non-profit corporation for charitable purposes shall only require a single appraisal, a single display advertisement placed in a newspaper of general circulation in the City, the certified mail, and sign requirements set forth in subsections (D) (2) & (3). Following the setting of a minimum price by the City Council no lower than the appraised value, the public entity or non-profit corporation may purchase the property at that price, and the sale shall be exempt from the provisions of subsections (E), (F), & (G) of this ordinance.

PASSED AND APPROVED this 2nd day of January, 2002.

APPROVED:

By: Dan Coody
DAN COODY, Mayor

ATTEST:

By: Anna Roberts
HEATHER WOODRUFF, City Clerk
Deputy

APPRAISAL REPORT
FOR
CITY OF FAYETTEVILLE

Complete Summary Appraisal Report

PROJECT	City Land Sale to Ozarks Electric Cooperative
COUNTY	Washington
PARCEL #	001-15581-000
LOCATION	Fat Gully Rd., Fayetteville, AR
FEE OWNER	City of Fayetteville
ADDRESS	113 W. Mountain St., Fayetteville, AR 72701
ESTATE APPRAISED	Fee Simple
AREA OF SUBJECT PROPERTY	2.017 acres or 88,860 sq.ft.

ESTIMATED FAIR MARKET VALUE OF THE PROPERTY:

Land	$71,000
Improvements (None)	$ 0
Total	$71,000

FAIR MARKET VALUE OF SUBJECT PROPERTY **$71,000**

As of the *17th of October 2002*

ALLOCATION OF FAIR MARKET VALUE OF SUBJECT PROPERTY

Fee Simple	2.017 acres @ $35,000/acre	= $70,595	Say	$71,000
Trees	Included in Fee Simple Land Value			$ 0
Improvements:	None			$ 0
Total	Land, Trees, & Improvements			$ 0
Total Value				$71,000

* Reduced to 2.0 acres @ $35,000 = $70,000 Say **$71,000***

*** Appraised value assumes the subject site can legally be split from the parent tract.**

ATTACHMENTS:
- X Certificate of Appraiser
- X Photographs
- X Site, H&B Use Narrative
- X Legal Description
- X Market Data Approach
- X Plat Map/Survey
- ____ Tax Assessment Card

Appraiser, Mark E. Risk GAA #CG0202

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

Northwest Arkansas Times/ Democrat Gazette—

Fayetteville Morning Newa

For Thursday, Nov. 7, 2002

(City of Fayetteville Logo)

PUBLIC NOTICE

The City of Fayetteville is owner of 12.0 acres, located on Fat Gulley Road in Washington County, and includes a elevated water tank which is positioned about 800. feet West of the road. Ozarks Electric Cooperative has requested the City to sell the west 2.0 acres of this tract, located approximately 1,100 feet west of Gulley Rd. The City does not anticipate the utilization of this portion of the 12.0 acres tract. According to their stated plan, Ozarks wish to install an electric substation at this location. . Value of the 2.0 acre tract has been appraised at $35,000 per acre.

The Fayetteville City Council will have this proposal on the agenda during their regular meeting of December 17, 2002 at 113 W. Mountain Street, beginning at 6:30 pm. The public will have an opportunity to comment regarding this possible sale at that meeting and are invited to attend.. If unable to attend, please phone your comments to the Mayor's Office at 575-8330.

WATER TANK SITE
C. 1. Page 14

RTHWEST 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:

Gulley Road was inserted in the regular editions on NOV. 10, 2002.

** Publication Charge: $ 41.67

Subscribed and sworn to before me this

11 day of NOV, 2002.

Tammy Allen

Notary Public

Official Seal
TAMMY ALLEN
Notary Public-Arkansas
WASHINGTON COUNTY
My Commission Expires 11-05-2011

My Commission Expires: ______

** Please do not pay from Affidavit.
An invoice will be sent.

PUBLIC NOTICE

The City of Fayetteville is owner of 12.0 acres, located on Fat Gulley Road in Washington County, and includes a elevated water tank which is positioned about 800 feet West of the road. Ozarks Electric Cooperative has requested the City to sell the west 2.0 acres of this tract, located approximately 1,100 feet west of Gulley Rd. The City does not anticipate the utilization of this portion of the 12.0 acres tract. According to their stated plan, Ozarks wish to install an electric substation at this location. Value of the 2.0 acre tract has been appraised at $35,000 per acre.

City of Fayetteville

The Fayetteville City Council will have this proposal on the agenda during their regular meeting of December 17, 2002 at 113 W. Mountain Street, beginning at 6:30 pm. The public will have an opportunity to comment regarding this possible sale at that meeting and are invited to attend. If unable to attend, please phone your comments to the Mayor's Office at 575-8330.

RECEIVED
NOV 13 2002
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

MONDAY, NOV. 11, 2002

THE MORNING NEWS 3A

LOCAL

City of Fayetteville

PUBLIC NOTICE

The City of Fayetteville is owner of 12.0 acres, located on Fat Gulley Road in Washington County and includes a elevated water tank which is positioned about 800 feet west of the road. Ozarks Electric Cooperative has requested the City to sell the west 2.0 acres of this tract, located approximately 1,100 feet west of Gulley Rd. The City does not anticipate the utilization of this portion of the 12.0 acres tract. According the their stated plan, Ozark's wish to install an electric substation at this location. Value of the 2.0 acre tract has been appraised at $35,000 per acre.

The Fayetteville City Council will have this proposal on the agenda during their regular meeting of December 17, 2002 at 113 W. Mountain Street, beginning at 6:30 p.m. The public will have an opportunity to comment regarding this possible sale at that meeting and are invited to attend. If unable to attend, please phone your comments to the Mayor's Office at 575-8330.

2.0 ACRE LAND SALE

This notice is to inform interested citizens that the Fayetteville City Council will consider, during their regular meeting of December 17th 2002 at 113 W. Mountain Street, the requested sale of the west 2.0 acres of this 12.0 acre City owned water tank site to Ozarks Electric Cooperative Inc. for the installation of an electrical substation at that location. Access to said 2.0 acre tract will be this entry from Fat Gulley Road. The public will have the opportunity to comment regarding the possible sale during the above noted meeting and is invited to attend. If unable to attend, please phone your comments to the Mayor's Office at 575-8330

FAYETTEVILLE

WATER TANK SITE
C. 1. Page 17

THE CITY OF FAYETTEVILLE, ARKANSAS

November 6, 2002

Mr. and Mrs. Earnest Jacks
14 Greenbriar Street
Fayetteville, AR 72703

CERTIFIED MAIL

RE: City Water Tank Property on Gulley Road
Sale of 2.0 acres to Ozarks Electric Cooperative

Dear Mr. and Mrs Jacks;

Ozarks Electric Cooperative, Inc. has made a request to the City of Fayetteville for the purchase of the west 2.0 acres of the 12.0 acre Gulley Road Water Tower property in Washington County. Ozark Electric has indicated that this site would be used to construct an electrical substation since their power line system adjoins this property to the West.. The sale would involve the west 220 feet of the City tract, with ingress and egress via the existing water tower drive from Gulley Road. This transaction will be on the agenda of the Fayetteville City Council meeting, which starts at 6:30 p.m. at the City Administration Building on December 17, 2002.

City Ordinance 4358 requires the direct certified mail (return receipt) notification of all adjoining property owners to ensure that any concerned citizens are aware of the possible transaction. Included herewith is the text of the Public Notice sign placed at the gate of the City property on Gulley Road. A representative of Ozarks Electric is expected to attend this above noted City Council meeting to answer questions regarding their plans for this property.

If you have comments on this possible sale, you are invited to attend the Council meeting of December 17th or you may contact the Mayor's office at 575-8330.

Sincerely,

Edward D. Connell
City Land Agent

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

Gulley Road Tank Site Adjacent Property Owners as of October 30, 2002

	Parcel No.	Name & Address
1.	001-15580-000	Earnest and Leneta Jacks, Co-Trustees 14 Greenbriar Street Fayetteville, AR 72703 442-8453
2.	001-15583-000 001-15584-000 001-15496-000	John Darrel Ginger, et al, Trustees 3241 N. Gulley Road Fayetteville, AR 72703 521-8990
3.	001-15579-000 340-01527-001	Gaddy Investment Company P. O. Box 309 Fayetteville, AR 72701
4.	340-01527-000	Keith and June Ekenseair 4771 Bridgewater Lane Fayetteville, AR 72703 582-4743
5.	001-15495-000	Brian and Melissa Reindl 3292 N. Gulley Road Fayetteville, AR 72703
6.	001-15495-001	Malcom and Ellen Hayward 3200 N. Gulley Road Fayetteville, AR 72703 443-1562
7.	001-15495-002	Rickie and Nancy Porter 3278 N. Gulley Road Fayetteville. AR 72703
8.	001-15495-003	Tr # 1 Gary and Angela Lehren 5140 Wingfoot Fayetteville, AR 72703 521-3658
9.	001-15495-003	Tr #3 Edgar and Janet Clausen 5137 Wingfoot Fayetteville, AR 72703 443-1688

WATER TANK SITE
C. 1. Page 19

FAYET

THE CITY OF FAYETTEVILLE,

November 6, 2

Service
ED MAIL RECE
Mai 'y; No Ins

F I C I A L U S E

EVILLE, AR 72703

ostage	$	0.37
ed Fee		2.30
ipt Fee (quired)		1.75
ery Fee (quired)		
& Fees	$	4.42

UNIT ID: 0203
7
2002
Postmark Here
Clerk: KZ7KVX
11/07/02

Mr. and Mrs. Earnest Jacks
14 Greenbriar Street
Fayetteville, AR 72703

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. and Mrs. Earnest Jacks
14 Greenbriar Street
Fayetteville, AR 72703

2. Article Number (Copy from servi

7001 0360 0004 3373 9604

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature
X ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Mr. and Mrs. E
14 Greenbriar
Fayetteville, AF

RE: City Wat
Sale of 2

Dear Mr. and M

Ozarks E ... the City of Fayetteville for the purchase of the ... ater Tower property in Washington Co ... would be used to construct an electrical substation since their power line system adjoins this property to the West.. The sale would involve the west 220 feet of the City tract, with ingress and egress via the existing water tower drive from Gulley Road. This transaction will be on the agenda of the Fayetteville City Council meeting, which starts at 6:30 p.m. at the City Administration Building on December 17, 2002.

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Sincerely,

Edward D. Connell

Edward D. Connell
City Land Agent

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

OFFER AND ACCEPTANCE CONTRACT

1. That Ozarks Electric Cooperative Corp., an Arkansas corporation , hereinafter referred to as the Buyer, offers to buy, subject to the terms and conditions set forth herein, the following described property:

   A part of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section Twenty-nine (29) in township Seventeen (17) North of Range Twenty-nine West, being more particularly described as follows: Beginning at a Point on the West line of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of said Section 29 which is North 02° 34' 16" East 396 feet from the Southwest corner of said forty acres tract; thence South 87° 30' 11" East 220.0 feet; thence North 02° 34' 16" East 396.0 feet; thence North 87° 30' 11" West 220.0; thence South 02° 34' 16" West 396.0 feet to the Point of Beginning, containing 2.00 acres, more or less, and being subject to rights of way and easements of record,

2. **Purchase Price**: Subject to the following conditions, the Buyer shall pay for the property at closing, the total and cash only payment of **$ 70,000** .

3. **Contingent Earnest Money Deposit**: The Buyer herewith tenders a check or money order for **$ 100.00,** to **the City of Fayetteville, Arkansas**, a municipal corporation, hereinafter referred to as the Seller, as earnest money, which shall apply on the purchase price. Buyer is aware that this offer to sell is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, the earnest money deposit, if any, will be returned to the Buyer by the Seller. . If title requirements are not fulfilled or the Seller fails to fulfill any obligations under this contract, the earnest money shall be promptly refunded to the Buyer. If the Buyer fails to fulfill his obligations under this contract or after all conditions have been met, the Buyer fails to close this transaction, the earnest money may, at the option of the Seller, become liquidated damages to the Seller. Alternatively, the Seller may assert legal or equitable rights which it may have because of breach of this contract.

4. Conveyance will be made to the Buyer by Warranty Deed and such deed shall be subject to recorded instruments and easements, if any. Such conveyance shall include any and all rights owned by the Seller.

5. The Seller shall furnish a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the Seller. Buyer and Seller shall share equally in the cost of said title insurance.

6. Seller agrees to allow Buyer, if Buyer so desires, at Buyer's expense, to survey the property. The subject property described in this document is within Washington County and is subject to lot split requirements and large scale development requirements of both the County and the City. Seller agrees to survey and stake the corners of this proposed property. Said staking shall be at Buyer's cost when completed and payable when invoiced. If this property acquisition is completed, Buyer will be credited for such survey cost at the time of closing. Seller further agrees to cure any title problems which may result from any differences between the platted or recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the Buyer.

7. Taxes and special assessments due on or before closing shall be paid by the Seller. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of closing. Buyer shall pay all costs associated with the requirements of City Ordinance No. 4358 for the sale of public lands, including the cost of appraisal, advertizing, certified mail to adjoining property owners, and any other costs associated with the conveyance and transfer of this land not otherwise addressed in this document.

8. Buyer and their successors or assigns shall have a perpetual right of ingress and egress on and over the "hard surface roadway" of the Seller, currently running from Gulley Road to the existing water tank site. Buyer shall have the further right to construct a " hard surface drive" from the existing roadway to the Buyer's proposed property.

9. Buyer agrees to repair or compensate Seller for any damages to the existing hard surface roadway that occurs as a result of Buyer's construction activities at the Buyers proposed property. The existing hard surface roadway, when restored as may be required, and constructed hard surface drive by the Buyer, shall be called the" Common Roadway". Buyer and Seller shall share equally in the maintenance of the common roadway.

10. If future improvements by the Seller require the relocation of the common roadway, such relocation shall all be at Seller's cost.

11. The closing date shall be within **sixty (60)** days after approval of this contract by the Fayetteville City Council

12. Closing costs, except for those heretofore mentioned, shall be shared equally between Buyer and Seller.

13. Possession of the property shall be delivered to the Buyer on the date of closing.

14. Seller hereby grants permission for the Buyer or its employees or designates to enter the above described property and improvements for the purpose of inspection and/or surveying.

15. All fixtures, improvements and attached equipment are included in the purchase price.

16. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the Seller.

17. Seller shall disclose to Buyer any and all environmental hazards of which Seller has actual knowledge.

18. Seller shall secure a lot split from Fayetteville and Washington County Planning Commissions. Such lot splits will be secured prior to the date of closing on the described property. This lot split is totally independent of the requirement of large scale development and does not imply that an application has been madeby the Seller.

19. This agreement shall be governed by the laws of the State of Arkansas.

20. This agreement, when executed by both the Buyer and the Seller shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.

21. This contract expires, if not accepted by the Administration of the Seller, on or before the 31st day of December, 2002.

22. The property, as described herein, shall be sold on a as-is basis, with no actual or implied guarantees other than those set forth in this document.

23 .NOTICE: **SELLER ASSERTS AND BUYER HEREBY ACKNOWLEDGES THAT THIS CONTRACT IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS, AND THAT THE FAILURE OF THE COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS OFFER NULL AND VOID, INCLUDING, BUT NOT LIMITED TO, THE RETURN TO BUYER OF THE $ 100.00 EARNEST MONEY DEPOSIT.**

BUYER:
OZARKS ELECTRIC COOPERATIVE CORP.
BY:

[signature] Date: 11-20-02
Title CHAIRMAN

ATTEST:

[signature] Date: 11-20-02
Title SECRETARY

SELLER:
City of Fayetteville, Arkansas
A municipal Corporation
BY:

Dan Coody Date: 11/27/02
Dan Coody, Mayor

ATTEST::

Gina Roberts Date: 12-3-02
~~Heather Woodruff~~, City Clerk
Deputy

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Billy Joe Barthomomew and Wililam R. Allen, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that **they** are the Chairman of the board and Secretary/Treasurer, duly authorized to execute the foregoing instrument for and in the name and behalf of **Ozarks Electric Cooperative Corp.**, and further stated and acknowledged that **they** had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

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

Ruby Jane Bradshaw
Notary Public

MY COMMISSION EXPIRES:

5-1-2012

OFFICIAL SEAL
RUBY JANE BRADSHAW
NOTARY PUBLIC-ARKANSAS
WASHINGTON COUNTY
MY COMMISSION EXPIRES 5-1-2012

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan Coody** and **Heather woodruff**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk** of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 3 day of December, 2002.

Lana Broyles
Notary Public

LANA BROYLES
NOTARY
PUBLIC
WASHINGTON COUNTY, ARKANSAS

MY COMMISSION EXPIRES:

4-1-08

STAFF REVIEW FORM

x Agenda Request
Contract Review
Grant Review

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

FROM:
Tim Conklin, City Planner

Name | Division | Department

ACTION REQUESTED: To approve ADM 02-37.00 to consider amending the Bil of Assurance associated with RZN 02-17.00 (Mathias/Barnes) for property located south of Deane Street, west of Sang Avenue and east of Porter Road. The amendment would alter the number of single-family homes, duplexes, and four plexes allowed in the proposed Skyler 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 Coordinator | Administrative Services Director

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

Accounting Manager | Date | ADA Coordinator | Date

D. P. Walsh 12/2/2002
City Attorney | Date | Internal Auditor | Date

Purchasing Officer | Date

STAFF RECOMMENDATION: Staff recommended consideration by the City Council of an amended Bill of Assurance and on November 25, 2002 the Planning Commission voted 9-0-0 to forward the request to the City Council with no recommendation.

Dawn T Warrick for T.C. 11/27/02
Division Head | Date

Department Director | Date

Administrative Services Director | Date

Mayor | Date

Cross Reference

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

Prev Ord/Res#: ______

Orig Contract Date: ______

RESOLUTION NO. ______

A RESOLUTION APPROVING AMENDMENTS TO THE BILL OF ASSURANCE SUBMITTED WITH ORDINANCE NO. 4410, PASSED AND APPROVED BY THE CITY COUNCIL ON AUGUST 20, 2002.

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

Section 1. That the City Council of Fayetteville, Arkansas, hereby approves amendments to the Bill of Assurance, which was submitted with rezoning Ordinance No. 4410, passed and approved by the City Council on August 20, 2002. A copy of the Revised Bill of Assurance, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and **APPROVED** this 3rd day of December, 2002.

APPROVED:

By: ____________________
DAN COODY, Mayor

ATTEST:

By: ____________________
HEATHER WOODRUFF, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of Nov. 25, 2002

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

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Sara Edwards, Associate Planner
THRU:	Tim Conklin, A.I.C.P., City Planner
DATE:	November 21, 2002

ADM 02-37.00: Administrative Item: An administrative item to consider amending the Bill of Assurance associated with RZN 02-17 (Mathias/Barnes) for property located south of Deane Street, west of Sang Avenue and east of Porter Road. The amendment would alter the number of single-family homes, duplexes, and four-plexes allowed in the proposed Skyler Place Subdivision.

RECOMMENDATION:

Staff recommends the Planning Commission forward this item to the City Council with a recommendation.

PLANNING COMMISSION ACTION:	**Required** **YES**	
	O Approved	**O Denied**
Date: November 25, 2002		
CITY COUNCIL ACTION:	**Required** **YES**	
	O Approved	**O Denied**
Date: December 17, 2002		

Comments: ______________________________

BACKGROUND:

This property was rezoned on August 20, 2002 from R-1 to RMF-6. A Bill of Assurance was offered as part of the proposed rezoning. The Bill of Assurance outlined the exact number of units that would be allowed on the site as well as the number of single-family homes, duplexes, and four-unit condominiums and the locations of each. Due to an unanticipated amount of area needed for detention four duplex lots were lost based upon what was proposed originally with the rezoning. In order to make up for the lost lots and dwelling units the developer has proposed the following changes:

Change the use of lots 1 and 10 from Single-Family Residential to 4 unit condominium.

Change the maximum number of units allowed on lots 56 and 57 from five to seven.

NOTIFICATION:

All adjacent property owners were notified of the large scale development by the developer and by the Planning Commission.

The large scale development notice was published in the paper.

The developer notified property owners directly affected by the change in the Bill of Assurance.

The Planning Division notified property owners directly affected by the change.

The Asbell Neighborhood Association President notified all members with email addresses via email of the proposed changes.

Staff notified the Asbell Neighborhood Association via email of the proposal and the meeting dates.

CONDITIONS:

1. The revised Bill of Assurance offered by the owner shall be amended to include the addition of hedges along lots 1 and 10 adjacent to Porter and Sang.

ADM 02-37.00: Administrative Item: An administrative item to consider amending the Bill of Assurance associated with RZN 02-17 (Mathias/Barnes) for property located south of Deane Street, west of Sang Avenue and east of Porter Road. The amendment would alter the number of single-family homes, duplexes, and four-plexes allowed in the proposed Skyler Place Subdivision.

Aviles: Item four on our agenda is an administrative item, this is a companion item with number five, which is a Preliminary Plat. We will hear both items separately. ADM 02-37.00 is an item to consider amending the Bill of Assurance associated with RZN 02-17.00 for property located south of Deane Street, west of Sang Avenue, and east of Porter Road. The amendment would alter the number of single-family homes, duplexes, and four plexes allowed in the Skyler Place subdivision. Sara, would you give us the staff report for this please?

Edwards: Yes. As part of the rezoning, the applicant, on the Bill of Assurance, listed the types and numbers of units to be constructed. As requested at agenda session, we did get you the original staff report with the proposed plan at the time of rezoning. When this development came for Preliminary Plat approval we discovered that a larger area was going to be needed for detention than they originally planned on which basically caused a four lot reduction. In an effort to recover those units, they are requesting that the Bill of Assurance be revised. That is to change lots one and ten from single-family residential to a four plex and lots 56 and 57 from five units to seven units. Because the Planning Commission originally considered this Bill of Assurance in a recommendation of the rezoning, we wanted to give you a chance to make a recommendation with regard to the change. Also, since agenda session I have distributed emails from the neighborhood association regarding their feelings on that requested change and you should've got a memo from the City Attorney as well.

Aviles: Thank you very much. Is the applicant present?

Jorgensen: My name is Dave Jorgensen and I am here on behalf of the owner/developer, Bleaux Barnes and Sam Mathias on this project. I am here to try to answer questions and explain the reason for the revised Bill of Assurance. I think Sara did a pretty good job on that basically but we are here to try to answer questions.

Aviles: Do you have anything to add at this point or should we take public comment first?

Jorgensen: No I don't.

Aviles: Ok, thanks Dave. Is there any member of the audience that would like to address us on this matter?

Maynard: My name is Richard Maynard, I am president of the Asbell Neighborhood Association. I understand that this is kind of an unusual situation with you amending the bill. Mr. Barnes and Mr. Mathias met with us, as you know, last May to talk about this project. In the past it was a pretty contentious piece of property. I do want to remind the Commission that at that time these six houses were not part of the discussion. They were not even offered as part of that. Those got added on later as they got more into their development and realized they had these lots vacant. I think it was Mr. Conklin that suggested that they put single-family units there. We certainly would not object to that, it sounded like a good idea. As Ms. Edwards explained, because of the detention pond they had to lose these units. Mr. Jorgensen called me and asked me what I thought of this and what I thought the neighborhood would think of it and I said I don't really see a big problem here because what we agreed to was really density, the type of duplexes, what we agreed to at that May 23rd meeting were just duplexes and the condos by themselves. This was kind of added as a bonus. I think it is unfortunate that it had to change but one or two houses taken away is not going to make a big deal to us. I suppose I could stand up here and say "Sorry folks, you agreed to those six houses on that Bill of Assurance." Personally though, I think it would be a real big breach of trust on us as an association and as a neighborhood to hold them to that because they have dealt with us with nothing but good faith and we want to do the same. Had this been in the original agreement that we made on May 23rd I think it might be a little trickier. If that would have been a selling point of yes we will give up our last big area of R-1 zoning, we do regard it certainly as ours, if that was a big selling point, then it might be kind of tough, but again, it wasn't. It was something that was added on later to try to improve upon this development. I don't know a lot about development but I am learning and I know you can only plan so far and so well and cover all your basis. I think this is something that was unforeseen. When I read in the paper on Friday that we might have to start all over from scratch it really kind of worried me. I do want to tell you from a neighborhood point of view, we have one other neighborhood member here and I would like him to weigh in on this too. We have a real investment in this thing going through. We want it to go through right absolutely. You all know that land has been out there and it has been sitting out there for three years. I think if you ask anybody in the neighborhood probably 100% of them, including me, if you ask them what you would rather have out there they would probably say nothing, leave it alone but we know that is not an option and is R-1 an option? I don't think so because nobody has made an offer on that in three years. I would think that after what happened three years ago somebody would have at least tested the waters. We are looking at a big area in the middle of our neighborhood that we know is going to get filled in. Opposed to what happened three years ago, at least here if their marketing plan works, we have a better than even chance for a lot of home ownership. We feel that this is the best development for that neighborhood that we are going to get. I can't say that for sure. I know we have already discussed that but I am only saying this in that I hope that you will approve this because we don't want to start from scratch or have to start all over with somebody else on something that maybe will be better, whatever that means, but it could certainly be a lot worse. In short, we have no problem with this change for the reason I said at the very beginning. The houses were not part of the mix when they first approached us about this. It was something added on and now they have had to take a couple of them away. I think she said that she gave you the emails. They originally asked if we wanted to have a meeting on this and I said no, out of respect for the neighbors time I am not going to do that. I don't know if you have copies of all of the emails, I think I sent you everything that I have. I have them here, of the people that responded, and I only went by households by the way. There were sixteen that said that they have no problem with this, only two objected and the Asbell Neighborhood Association board was eight to zero in favor of these changes. If somebody said "I have no problem." I didn't write them back and say "How did your spouse feel?" if they said it was aye it was one vote. Unless you have any questions I guess that is all I have to say.

Aviles: Thank you very much Mr. Maynard. Is there any other member of the audience that would like to address us?

Scarbrough: My name is Dale Scarbrough and I am with Richard here. I think that they have dealt with us in good faith and I don't think that changing because they need a larger detention pond is a problem. I understand the economics of the situation, trying to recover those units so I don't see a problem with it. In the sense that the way they are marketing these units is to own them, not to rent them. I think for me that is an important point. If it was rental property I would have a problem maybe with that but so far they have done a good job and I agree with the change. I don't think it is a problem.

Aviles: Ok, thank you very much. Is there anyone else that would like to speak on this? Seeing no one, I will go ahead and bring discussion back to the applicant and to the Commission. Before we get started on that we do have a memo from our City Attorney's office and I wonder David, if you would give us a short synopsis of that please.

Whitaker: Just very briefly, what I was asked at the Thursday meeting to look at was whether the change in the language of the Bill of Assurance would require that the applicant return to square one as it were in the entire request for rezoning process or in short what was the affect of that change on this process. The memo briefly goes through the statute regarding rezoning and some of the language from that. I guess the jest of it is that the Bill of Assurance has more of a characteristic of say a contract or agreement that the City Council has approved. The rezoning itself does not change no matter what as far as the facts here. The language has significantly changed after reading through it and comparing the two documents, they are a significant change from each other in several areas that I have outlined in the memo. What that is going to require is that the City Council by resolution approve a contract amendment is basically what it procedurally will look most like. It will simply be an item where the Council will consider and by simple majority vote may approve the changes to the language of the Bill of Assurance. The good news for the applicant is that there is no need to seek rezoning. Obviously, the RMF-6 I believe it is, is still going to be RMF-6 no matter what happens as far as that subsidiary question is concerned. Yes or no that remains the zoning. All I really need is to get the Council's approval on that. After some discussion with the folks in Planning it looks as though there certainly would be no problem with a conditional approval, if you chose to, of the Preliminary Plat forwarding the admin item onto Council for their consideration. The final step would be just getting the underlying approval for the Bill of Assurance from the Council.

Aviles: I have a question about one other thing in your memo. I think you recommended some rewording of that.

Whitaker: I would like to see the second one have some of the stuff that the first one had in it and I think that is a stylistic thing but I think in the end it has a lot of import for property owners ten years out who pull it and don't really need to know about the detention pond but they really do need phrases like "reasonably relied upon" a reference to the township and range description of the property, things like that. I think that is a format thing that we can work on and it is not a big deal. There was one thing in item number four where suddenly in the new version there is specific talk about the garages, single and two car garages. While I am certainly not going to comment on the wisdom one way or the other of the language being in there it wasn't in the original one so therefore, that lead to our conclusion that the document had changed considerably from the first one. Specifically, the introductory paragraphs, if that earlier language could be reinstated and we could drop out any of the justification for the change. That is more appropriate in a memo describing why the Bill of Assurance needs to be changed, not on the Bill of Assurance itself.

Aviles: You would have time to work with the applicant regarding the redrafting of that before it would go to Council?

Whitaker: Absolutely. The earliest thing at the Council at this point is the 17th. The 3rd is already overbooked to the extreme. I think anybody that takes a look at the December 3rd City Council agenda would agree that it probably is one of the longest ever seen.

Aviles: Thank you very much. Dave, do you want to respond?

Jorgensen: I don't know that I have got a lot to add to this whole deal other than what was already mentioned. The bottom line net result is this is exactly the same amount of units that we originally had on the Bill of Assurance. The other thing is the fact that we offered this Bill of Assurance in good faith and I guess maybe we got too detailed in all the various things and maybe we should've just said 126 units, RMF-6 and some of the very basics but it just so happened that we even actually spelled out the amount of single-family units and four plexes and duplexes and on and then we get into the situation about the detention pond. At any rate, we feel like we can work out the verbiage with the city on it and move along, we are hoping anyway.

Aviles: Ok, thank you very much.

Estes: Because a Bill of Assurance may not be a condition preceding to granting a rezoning at agenda I asked our City Attorney to opine whether it was permissible that we hear this administrative item. He has done so and he has summarized his opinion for us in a memo. In that memo citing applicable statute and case law he concludes that the new document must be reconsidered by the City Council before the Planning process may proceed. It is for that reason that I would move that we forward ADM 02-37.00 to the City Council without recommendation for it's consideration.

Aviles: Thank you Commissioner Estes. Do I have a second?

Bunch: Second.

Aviles: There is a second by Commissioner Bunch. I think that this when looked at in conjunction with the upcoming Preliminary Plat which I will be recommending that we approve subject to Council's approval of this administrative item, I think that this is the proper procedure to take so I will be voting for the motion. Is there any additional discussion? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to forward ADM 02-37.00 to the City Council with no recommendation was approved by a vote of 9-0-0.

Aviles: The motion carries unanimously.

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

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

11/14/02

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Att: Planning
Re: Skyler Place Addition

As you know, we recently received approval for the rezoning of property between Porter Rd, Saug Street and south of Deane Street, which is a project called Skyler Place Addition. Along with the rezoning was a bill of assurance that states the number of units on the lots. The property was zoned to RMF-6, which allows for 126 units.

Hydraulic calculations have caused the detention pond to be larger than originally expected which reduced the number of lots and therefore the number of units.

As requested by the Planning Dept, we hereby request that this be placed on the City Council Agenda for review.

The amount of the allowed units will not change (126 units). The requested change is as follows:

Lot 1	Condominium (4 units) instead of 1 single family
Lot 10	Condominium (4 units) instead of 1 single family
Lot 56	4 units instead of 3 units
Lot 57	3 units instead of 2 units

The intended use is summarized as follows:

Lot 1-10	Condominium (4x10)	=	40 units
Lots 11,12,22,23 & 55	Single family	=	5 units
Lots 13-21 & 24-51	Patio homes (2x37)	=	74 units
Lots 52, 53 & 54	Common	=	0 units
Lot 56		=	4 units
Lot 57		=	3 units
			126 units

This has been presented and reviewed by the president of the Asbell Neighborhood Association (Richard Maynard) and also to the affected adjacent owners on Porter Rd.

All other items of the Bill of Assurance will be adhered to in full.
Please call concerning any questions you may have.

Thank you.

Sincerely;

David L. Jorgensen, P.E.

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.

11/14/02

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Att: Planning
Re: Skyler Place Addition

As you know, we recently received approval for the rezoning of property between Porter Rd, Sang Street and south of Deane Street, which is a project called Skyler Place Addition. Along with the rezoning was a bill of assurance that states the number of units on the lots. The property was zoned to RMF-6, which allows for 126 units.

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All other items of the Bill of Assurance will be adhered to in full.
Please call concerning any questions you may have.

Thank you.

Sincerely;

David L. Jorgensen, P.E.

• STRUCTURAL DESIGN • LAND DEVELOPMENT • WATER SYSTEMS • WASTEWATER SYSTEMS • LAND SURVEYING •

9. Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Clerk's Office and shall be noted on the Final Plat, which includes all of Petitioner's Property.

IN WITNESS WHEREOF, and in agreement with all the terms and conditions stated above, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances.

Date Date

Notary Oath

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

And now on this —— day of——, 2002, appeared before me, Bleau Barnes and Sam Mathias, and after being placed upon his oath swore or affirmed that they agreed with the terms of the Bill Assurance and signed their names above.

My Commission Expires:

Notary Public

7. Occupants must abide by the City ordinance that no more than 3 unrelated people may occupy any unit.

8. Greenspace will be set aside for City Park or use by occupants of this project.

9. All of the above items as per plat submitted for this rezoning request.

IN WITNESS WHEREOF, and in agreement with all the terms and conditions stated above, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances.

Sam Mathis

6-28-02
Date

6-28-02
Date

Notary Oath

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

And now on this 28th day of June, 2002, appeared before me, Bleau Barnes and Sam Mathias, and after being placed upon his oath swore or affirmed that they agreed with the terms of the Bill Assurance and signed their names above.

My Commission Expires:

BECKY L. BRINK
COMM. EXP.
NOTARY PUBLIC
JULY 1, 2006
WASHINGTON COUNTY, AR

Becky L. Brink
Notary Public

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE

The buyer/developer of property located between Sang Ave and Porter Rd and Deane Street more particularly described as approximately 21 Acres in part of section 5 and part of section 8 of T16N, R 30W in Washington county Arkansas hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas. This bill of Assurance is offered to assist in the rezoning of the above described property.

The petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Chancery/Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning commission and the Fayetteville City council will reasonably rely upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to single-family condominiums & patio homes.

2. Other restrictions including number and type of structures upon the property are limited, as follows; 7 single family units, 8 condominiums with four per condo=32 units, 41 patio homes with 2 each=82 units, X units on two lots along Deane Street. 6

3. The petitioner agrees to install 2" DBH Loblolly pine trees spaced at 30' O.C. along the south boundary line. In addition, a privacy fence will be installed along this same south property line.

4. Condominiums units will have 2 bedrooms each.

5. The Petitioner agrees to install a view obscuring hedge along the east boundary of this project.

6. Quality of construction shall be established and enforced by covenants.

7. Occupants must abide by the City ordinance that no more than 3 unrelated people may occupy any unit.

8. Greenspace will be set aside for City Park or use by occupants of this project.

9. All of the above items as per plat submitted for this rezoning request.

IN WITNESS WHEREOF, and in agreement with all the terms and conditions stated above, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances.

Sam Mathias

6-28-02
Date

6-28-02
Date

Notary Oath

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

And now on this 26th day of June, 2002, appeared before me, Bleau Barnes and Sam Mathias, and after being placed upon his oath swore or affirmed that they agreed with the terms of the Bill Assurance and signed their names above.

My Commission Expires:

BECKY L. BRINK
COMM. EXP.
NOTARY PUBLIC
JULY 1, 2006
WASHINGTON COUNTY, AR

Becky L. Brink
Notary Public

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

Sara

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Planning Commission

FROM: David J. Whitaker, Assistant City Attorney D.J. Whitaker

DATE: November 22, 2002

RE: ADM 02-37.00 Amended Bill of Assurance

You have requested a legal opinion as to whether the Revised Bill of Assurance proffered by Messrs. Mathias and Barnes can be accepted by the Planning Commission as is, or whether it requires reconsideration of the rezoning already approved by the City Council.

As expected, no case law has developed dealing with precisely this question. We can, however, look to the state statutes governing municipal zoning for guidance. A.C.A. § 14-56-423 governs the rezoning process in Arkansas:

> "After adoption of plans, ordinances, and regulations and proper filing in the offices of city clerk and county recorder, ***no alteration, amendment,*** extension, abridgement, or discontinuance of the plans, ordinances, or regulations may be made except in conformance with the procedure prescribed in § 14-56-422, ***or by a majority vote of the city council.***" (Emphasis added.)

Even a cursory examination of the proposed revisions to the Bill of Assurance reveals that it easily qualifies as an "alteration" or "amendment" of the originally approved plan. Not only do the numbers in Restriction #2 change, but language concerning garages appears at the end of Restriction #4. The introductory paragraphs no longer contain the required property description or the appropriate language establishing that the City reasonably relied upon the Bill of Assurance when first considering the rezoning. For all of these reasons, I cannot help but conclude, that the new document must be reconsidered by the City Council before the planning process may proceed.

This does not mean, however, that the applicants must return to "square one" in the process. The last clause of the above-quoted statute allows such changes to be approved by a majority vote of the City Council, without the need to retrace the entire rezoning path. City of Russellville v. Banner Real Estate, 326 Ark. 673, 933 S.W.2d 803 (1996). Indeed, the facts of this situation do not require amendment of the previously approved ordinance *itself.*

Mr. Crouch's point that the zoning of the parcel in question will not be affected by these changes is correct, as far as it goes. But, the central point here is that the Bill of Assurance, *by its own terms,* states that "the Planning [C]ommission and the Fayetteville City [C]ouncil will reasonably rely upon ***all of the terms and conditions*** within this Bill of Assurance in considering whether to approve the Petitioner's rezoning request." (Emphasis added). There is no reason to believe that the City Council did not so rely.

All of this leads to the conclusion that the Council must approve these changes by a majority vote. A resolution will do, inasmuch as only the underlying agreement is being amended, and not the zoning of the parcel itself. This process will be greatly expedited if the missing language from the opening paragraphs is reinserted before the new document is submitted to the City Council. I have attached a draft of the resolution for inclusion in the Agenda Request.

If you have any questions or concerns regarding this opinion letter, please contact me at 575-8313.

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE

The buyer/developer of property located between Sang Ave and Porter Rd and Deane Street more particularly described as approximately 21 Acres in part of section 5 and part of section 8 of T16N, R 30W in Washington county Arkansas hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas. This bill of Assurance is offered to assist in the rezoning of the above described property.

The petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Chancery/Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning commission and the Fayetteville City council will reasonably rely upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to single-family condominiums & patio homes.

2. Other restrictions including number and type of structures upon the property are limited, as follows; 7 single family units, 8 condominiums with four per condo=32 units, 41 patio homes with 2 each=82 units, ~~X~~ 6 units on two lots along Deane Street.

3. The petitioner agrees to install 2" DBH Loblolly pine trees spaced at 30' O.C. along the south boundary line. In addition, a privacy fence will be installed along this same south property line.

4. Condominiums units will have 2 bedrooms each.

5. The Petitioner agrees to install a view obscuring hedge along the east boundary of this project.

6. Quality of construction shall be established and enforced by covenants.

7. Occupants must abide by the City ordinance that no more than 3 unrelated people may occupy any unit.

8. Greenspace will be set aside for City Park or use by occupants of this project.

9. All of the above items as per plat submitted for this rezoning request.

IN WITNESS WHEREOF, and in agreement with all the terms and conditions stated above, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances.

Sam Mathias ____________________ Bleau Barnes ____________________

6-28-02 ____________________ 6-28-02 ____________________

Date Date

<u>Notary Oath</u>

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

And now on this 28th day of June, 2002, appeared before me, Bleau Barnes and Sam Mathias, and after being placed upon his oath swore or affirmed that they agreed with the terms of the Bill Assurance and signed their names above.

My Commission Expires:

BECKY L. BRINK
COMM. EXP.
NOTARY PUBLIC
JULY 1, 2006
WASHINGTON COUNTY, AR

Becky L. Brink
Notary Public

REVISED BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE
11/20/02

The owner recently received approval for the rezoning of property between Porter Rd, Sang Street and south of Deane Street, which is a property called Skyler Place Addition. Along with the rezoning was a bill of assurance that states the number of units on the lots. The property was zoned to RMF-6, which allows for 126 units.

Hydraulic calculations have caused the detention pond to be larger than originally expected which reduced the number of lots and therefore the number of units.

As requested by the Planning Dept, we hereby offer the following Revised Bill of Assurance. The amount of the allowed units is 126 and this does not change. The only difference between this revised bill of assurance and the original is the makeup of the units.

The petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows;

1. The use of Petitioner's property shall be limited to single-family condominiums & patio homes.

2. Other restrictions including number and type of structures upon the property are limited, as follows; 5 single family units, 10 condominiums with four per condo = 40 units, 37 patio homes with 2 each = 74 units, 7 units on two lots along Deane Street, for a total of 126 units.

3. The petitioner agrees to install 2" DBH Loblolly pine trees spaced at 30' O.C. along the south boundary line. In addition, a privacy fence will be installed along this same south property line.

4. Condominiums units will have 2 bedrooms each with a one-car garage. Each patio home will have 2 or 3 bedrooms with a two-car garage.

5. The Petitioner agrees to install a view obscuring hedge along the back of the other properties along Sang Ave.

6. Quality of construction shall be established and enforced by covenants.

7. Occupants must abide by the City ordinance that no more than 3 unrelated people may occupy any unit.

8. Greenspace will be set aside for City Park or use by occupants of this project.

9. Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Clerk's Office and shall be noted on the Final Plat, which includes all of Petitioner's Property.

IN WITNESS WHEREOF, and in agreement with all the terms and conditions stated above, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances.

____________________ ____________________

____________________ ____________________

Date Date

Notary Oath

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

And now on this —— day of——, 2002, appeared before me, Bleau Barnes and Sam Mathias, and after being placed upon his oath swore or affirmed that they agreed with the terms of the Bill Assurance and signed their names above.

My Commission Expires:

____
Notary Public

ORDINANCE NO. 4410 MICROFILMED

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 02-17.00 FOR A PARCEL CONTAINING APPROXIMATELY 21.03 ACRES LOCATED SOUTH OF DEANE STREET, WEST OF SANG AVENUE, AND EAST OF PORTER AVENUE, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY DAVE JORGENSEN OF JORGENSEN & ASSOCIATES ON BEHALF OF BLEAUX BARNES AND SAM MATHIAS.

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

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

From R-1, Low Density Residential to RMF-6, Low Density Multi-Family Residential as shown in Exhibit A attached hereto and made a part hereof.

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

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

APPROVED:

By: Dan Coody
DAN COODY, Mayor

FILED FOR RECORD
2002 NOV -8 AM 9:45
WASHINGTON CO. AR
B. STAMPS

CITY OF FAYETTEVILLE

ATTEST:

By: Heather Woodruff
Heather Woodruff, City Clerk

2002171391

EXHIBIT "A"

PART OF THE NW ¼ OF THE NW ¼ OF SECTION 8 AND PART OF THE SW ¼ OF THE SW ¼ OF SECTION 5, ALL IN T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID NW ¼ NW ¼ THENCE N00°05'24"W 330.00 FEET, THENCE N89°59'09"E 35.00 FEET TO THE P.O.B., THENCE N00°05'24"W 327.97 FEET, THENCE N89°55'02"E 588.66 FEET, THENCE N00°01'30"E 659.78 FEET, THENCE N89°59'07"E 51.97 FEET, THENCE N00°04'32"W 309.45 FEET, THENCE N87°25'56"E 476.84 FEET, THENCE S00°03'51"W 991.07 FEET, THENCE S89°07'23"E 152.87 FEET, THENCE S00°37'19"W 325.72 FEET, THENCE S89°59'09"W 1264.55 FEET TO THE P.O.B.; CONTAINING 21.03 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Senior Planner
DATE: July 8, 2002

RZN 02-17.00: Rezoning (Mathias/Barnes, pp 364/403) was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Sam Mathias and Bleaux Barnes for property located south of Deane Street, west of Sang Ave and east of Porter Avenue. The property is zoned R-1, Low Density Residential and contains approximately 21.03 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	**Required** **<u>YES</u>** **O Approved**	**O Denied**
Date: <u>July 8, 2002</u>		
CITY COUNCIL ACTION:	**Required** **<u>YES</u>** **O Approved**	**O Denied**
Date: <u>August 6, 2002</u>		

Comments: ______________________________

Water: 8" line along Sang Ave.
12" line along Deane St.

Sewer: Available on Sang Ave., Porter Rd. and to the north of the subject property

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to RMF-6, Low Density Multi-Family Residential is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

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

Finding: **The proposed zoning is consistent with land use planning objectives, principles and policies and with land use and zoning plans. This rezoning specifically addresses the guiding policies within the General Plan regarding Residential Areas. This section states in part *"this land use plan establishes a policy for residential areas to be planned as traditional neighborhoods containing a mix of different densities, housing types, and lot sizes."***

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

Finding: **The zoning is needed in order for the property to be developed as proposed by the applicant. The property is currently zoned R-1 and may be developed with single family lots meeting the bulk and area requirements set forth in the Unified Development Ordinance for that zoning district.**

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

Finding: **The proposed zoning will not appreciably increase traffic danger and congestion. Initial proposals by the applicant indicate street connections to Porter Rd., Sang Ave. and Deane Street. Having multiple access points will encourage the disbursement of traffic within the development.**

Development of the property under current R-1 zoning would generate approximately 805 vehicle trips per day (vpd) according to Institute of Traffic Engineer's (ITE) software.

Under the applicant's proposal with RMF-6 zoning, the project would generate approximately 738 vpd.

Exhibit "B"

§161.061 DISTRICT RMF-6 LOW DENSITY MULTI-FAMILY RESIDENTIAL.

A. Purpose. The Low Density Multi-family Residential District is designed to permit and encourage the development of multifamily residences at a low density that is appropriate to the area and can serve as a transition between higher densities and single family residential areas.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings
Unit 9	Multifamily Dwellings - Medium Density

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	4 to 6

D. Bulk and Area Regulations.

1. Lot Width Minimum.

Mobile Home Park	100 Feet
Lot within a Mobile Home Park	50 Feet
One Family	60 Feet
Two Family	60 Feet
Three or More	90 Feet
Professional Offices	100 Feet

ASBELL NEIGHBORHOOD ASSOCIATION

2615 Megan Drive
Fayetteville, Arkansas 72703

July 8, 2002

Dear Commissioners:

This is a summary of a neighborhood vote regarding the proposed rezoning and development of RZN 02-17, located south of Deane Street, west of Sang Ave., and east of Porter Road. The vote was taken by ballot following a meeting on May 23, 2002, at Calvary Baptist Church on Porter Road between Bleaux Barnes and Sam Mathias of Mathias Properties and residents of the Asbell neighborhood. ANA members not present at the meeting were allowed to e-mail or call in their votes later.

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

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

May 23 Meeting – 33 people attending (20 households)

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

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

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

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

Mathias / Barnes Rezoning
Summary of Average Vehicle Trip Generation
For 84.12 Dwelling Units of Single Family Detached Housing
July 02, 2002

	24 Hour Two-Way Volume	7-9 AM Pk Hour Enter	7-9 AM Pk Hour Exit	4-6 PM Pk Hour Enter	4-6 PM Pk Hour Exit
Average Weekday	805	16	47	55	30

	24 hour Two-Way Volume	Peak Hour Enter	Peak Hour Exit
Saturday	849	43	36
Sunday	739	39	34

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (501) 442-9127 • FAX (501) 582-4807
DAVID L. JORGENSEN, P.E., P.L.S.
THOMAS HENNELLY, P.E.
CHRISTOPHER B. BRACKETT, P.E.

6/10/02

City of Fayetteville
113 W. Mountian
Fayetteville, AR 72701

Att: Planning Dept.
Re: Rezone property between Porter Rd & Sang

Attached herewith please find the documents required for rezoning the above referenced property.

The property is between Porter and Sang Street and extends to Deane Street to the north and consists of approximately 21 acres. The owner wishes to rezone from A-1 to RMF6. We have met with the neighbors and I believe we have their support. The property to the west is R-2. To the east the zoning is R-1 and to the south is R-1.
An 8" waterline exists on Sang Ave and a 12" waterline exists on Deane Street. Sewer is available on Sang, Porter and to the north.

If this property is rezoned, the developer wishes to develop a subdivision which will have a street running east-west connecting sang and Porter Street and also a street to the north connecting to Deane Street. This will insure improved traffic flow.

The developer proposes town houses on the south and patio homes on the interior of the property. The request is to rezone from R-1 to RMF 6, which would allow 6 units per acre. There will also be single family homes along Sang & Porter streets.

If rezoned, we will proceed with the normal process of submitting a concept plan for parks review then the preliminary plat for review.

We do have exterior elevations of the units to be built. In addition, the developer proposes to install 2" diameter trees along the south boundary and a privacy fence along this south boundary line. A green space is reserved where the flood plain exists.

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

David L. Jorgensen

7. Occupants must abide by the City ordinance that no more than 3 unrelated people may occupy any unit.

8. Greenspace will be set aside for City Park or use by occupants of this project.

9. All of the above items as per plat submitted for this rezoning request.

IN WITNESS WHEREOF, and in agreement with all the terms and conditions stated above, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances.

Sam Mathias

6-28-02
Date

6-28-02
Date

Notary Oath

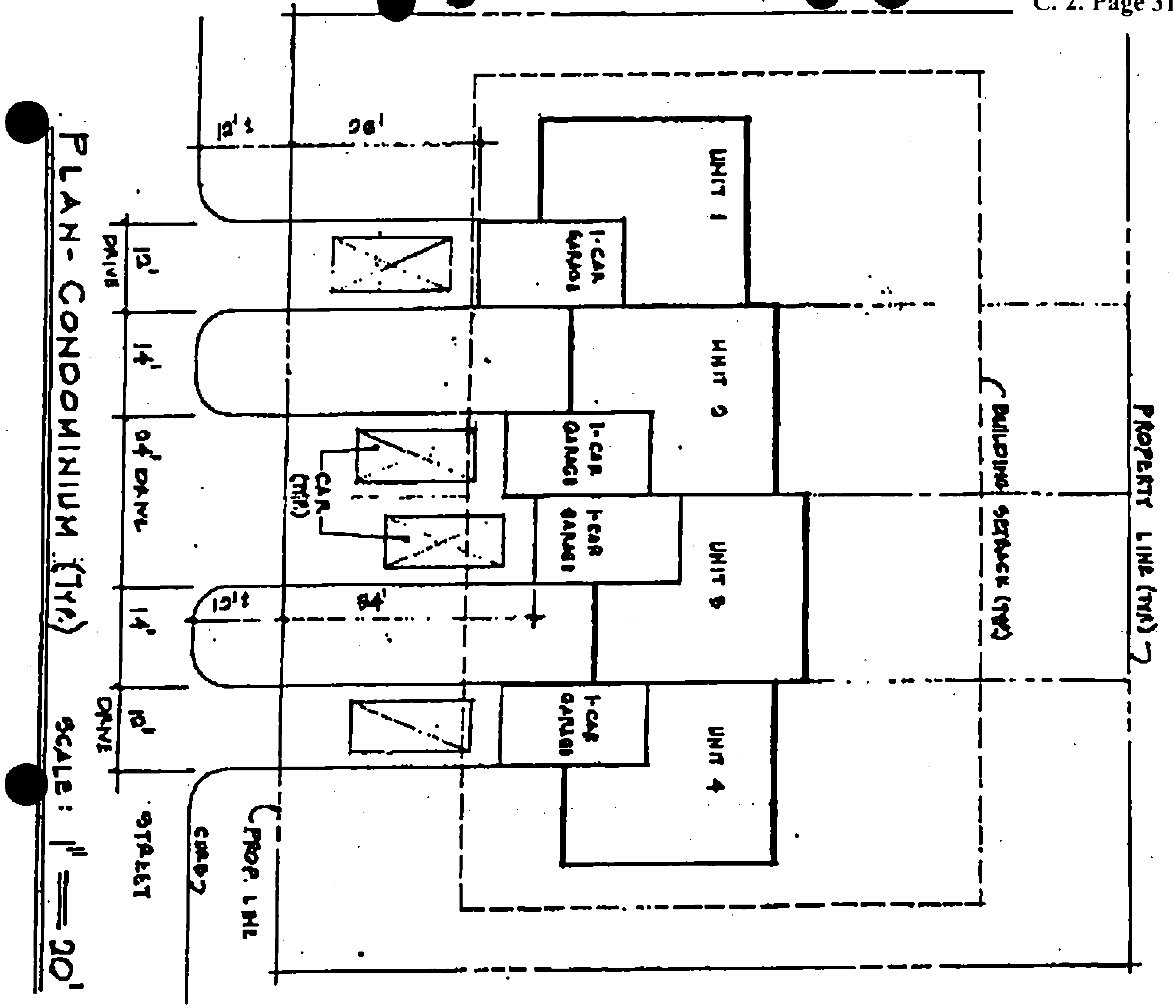
STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

And now on this 28th day of June, 2002, appeared before me, Bleau Barnes and Sam Mathias, and after being placed upon his oath swore or affirmed that they agreed with the terms of the Bill Assurance and signed their names above.

My Commission Expires:

BECKY L. BRINK
COMM. EXP.
NOTARY
PUBLIC
JULY 1, 2006
WASHINGTON COUNTY, AR

Becky L. Brink
Notary Public



SUBDIVISION PROJECT
BLEAUX BARNES
FAYETTEVILLE, ARKANSAS

6·18·02

Ward: How many units do you plan on putting on this?

Harrington: It's not certain yet but they're talking roughly 120 to 140 depending on the site needs and demands.

Johnson: Any other Commissioners with initial questions.

Estes: Staff, how many units would an R-2 zoning accommodate?

Conklin: R-2 zoning does allow up to 24 units per acre. This would allow 275.

Estes: Thanks.

Johnson: So, the maximum that you're contemplating, although, of course, you're not bound to this would be about half.

Harrington: About 12 to 15 units per acre.

Public Comment

Richard Maynard, residing at 1717 N. Sang was present in opposition to the rezoning.

Maynard: I'm here with my neighbors today. Should I introduce them?

Johnson: No. If they wish to speak individually, they may. Otherwise, if they merely want to let us know that they support your position, they can do that through a show of hands.

Maynard: I own the property at 1717 N. Sang. First, I want to make it clear that we do not object to Mr. Weatherford's selling of his property. We sit on Sang Avenue which is on the east side. We've all enjoyed that little bucolic pasture for a long time. We know it isn't going to last forever. We certainly don't want to interfere with his right to sell his property. Nor do we object to Mr. Hahn developing that property. In fact, in a way, I would welcome it. What we do object to is this drastic change to that neighborhood and to our quality of life and to our investments. I moved here about 5 years ago and I looked around quite a bit in Fayetteville to find a place that I thought I would be happy with and that I could build a home. I did find a really nice piece of property. Ms. Lavender, one of my neighbor's here, her husband built it about 40 years ago but it hadn't been kept up. One of the first things that I was a little bit nervous about was there was a mobile home park across from me and as Tim said, there were several duplexes going south of me to Ms. Hoskin's home. She lives by the Baptist church there and she is here with us tonight. There's a 5-plex right to the south of me. It made me nervous. I came down to this office to find out exactly what the zoning was and it all said R-1. I didn't know what R-1 meant and I asked them about that and the reason those were R-1, they can say there are duplexes there now and

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

The finding of the staff was that yes, it was justified and yes, it is needed. Our question is why? Why is it needed? I can only think of 2 reasons. If you're putting apartments in there for college students, the only reason that I can think of is that there's a dearth of college housing available now which is an interesting thing because I teach in a special program at the University. When I was on my way to the office yesterday, I went by the College Park Apartments. There's a big, red sign out there with apartments available $199 and up. I got an idea and I started calling other places. I called Faucette Properties. They have apartments available. I called Washington Plaza, just a half a block over from us on Deane and Lewis and they had apartments available. The program I work at is an English program for international students. They come to us before they go into the University. One thing we do get for them is housing. I talked to our housing coordinator today and asked how much trouble they had finding apartments for our students and she said none at all. There can always be more college housing. I understand that. We are a growing university. What concerns me is when that starts to take prevalence over the people who live and work in this city. There are houses available and there are places to put more college housing. What we have there in this property that he's asking to rezone and you're considering tonight is primarily residential. You don't have anything like you have to the east of us. You don't have anything like you have at College Park Apartments. As I said before, it's going to be a drastic change to that neighborhood. It's going to be change that will dictate how that neighborhood will be for now and forever. Like I said, we moved in there with an understanding and we know situations change. We understand that. I don't buy this that there is a compelling need to build affordable college housing at least right there. There are other places to do it. We'll always need some. The only other need I can see and I'm sorry to say it. This is a very valuable property. I wish I owned it myself. Somebody does stand a change to make a lot ~~of money off this. It's a much more valuable property than mine is but mine is an investment,~~ too. I'm not just talking about a dollar investment. Although, we're all concerned about that. We're very concerned about how this college housing is going to effect our property investment. More importantly, we're talking about our investment and our quality of life that we have there. Number 3:

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

Again, there is a bus line on Deane Street. It runs once an hour. Maybe, the University will increase that. Again, we live there. There's a lot of traffic going down Sang now. I guess I can't ask what the access plans are for this idea that Mr. Hahn has. I can tell you there is a lot of traffic now. If you've ever come down on the bypass and gone off onto Porter Road about 8:00 in the morning, you will sit there for a few minutes. I've made that mistake. I visit my mother sometimes up in Bella Vista and once in a while I'll stay over and I'll forget and not take the cloverleaf onto Garland but I'll go to Porter out of habit. You can sit there for awhile as people having to convince you to keep it R-1 or at least get more specifications as to what he has in mind instead of leaving it up to him to give a compelling reason why they need to change this outside of making a great business deal. I hope to God that isn't your consideration tonight on the amount of money somebody has to make. If that's it, then we don't stand a chance because our properties don't come anywhere near that value. At the very least, I would ask you if you would -- what you decide here to tonight is going to have a tremendous effect on us and the neighborhood. It will change the nature of that neighborhood forever. Before you rush into a decision, at least give it a second look. You're welcome to come onto my property through the back gate. I have a good panorama of that view. Imagine what that neighborhood could look like. Also, try to imagine what it's going to look like with 300 or 400 college age students in there. We have to live there, ladies and gentlemen. You don't. Mr. Hahn doesn't. Mr. Weatherford doesn't. We are the ones that have to live there. Thank you.

Johnson: Thanks, Mr. Maynard. Are there others who would address us on this proposed rezoning?

Faye Doege residing with her mother at 1745 N. Sang was present in opposition to the proposed rezoning.

Doege: I'm going to address one problem which is a little complicated. When those houses were first built on Sang Avenue, there were no apartment houses or anything across the street. There was no trailer park. My dad built those houses. Then they developed the Washington Plaza apartment house. That was fine. We needed low cost apartments for people. Unfortunately, one thing they did was to bring in 20 tons of fill and they raised the level of the land there. That wasn't too bad because that water had places to go. It went east and it went west and it went south. We had some natural absorbing areas there and one of the places that used to collect most of the water from Washington Plaza was a place where they decided to build this new apartment house, The Encore apartments which is across the street from our place now. Now, they have concreted all that land that used to absorb the water that ran off of Washington Plaza. Now that water from Washington Plaza washes through there onto Sang and across Sang into our property which has been causing a little bit of a problem but we have been able to get by. One of the reasons we have been able to get by is the kind of soil that we have over there. The soil on the west side of Sang is Captina silt loam. It has a slow percolation rate but it has moderately good drainage so when we have a lot a rain, it will puddle a little bit but it will eventually soak in and you can't say that about every place in Fayetteville because there are a lot of places where it puddles and it will not soak in after a long, hot summer but it will eventually sink in. The place where most of the water goes from across the street and from our place and from the University Farm where it drains down Sang, is into this property where they want to build the apartments. That soil there is Pembroke silt loam and it has good drainage. Not only that, that whole area has excellent drainage because it used to be a vineyard about 50 years ago. A man named Rudolph had a vineyard there. That was low property there and he came in and put in drain tiles under all that property there. He used clay tiles with holes in them and he

Harrington: I wanted to take a brief opportunity to make a couple of comments. With all due respect to Mr. Maynard and the neighbors over there. I don't believe that the impact is going to be as large as they think. I turned onto Sang and turned around in a large apartment building directly across the street from all of these houses. I'm afraid that this R-1 area is really no longer R-1. In reality it has not been for many, many years because of the number of duplex, triplex, 5-plex apartments, etc. I would like to think of this as a true R-1 but there is very little R-1 left in this area and has not been for some time especially with a mobile home park right there and the apartments that are already in existence. If this is done nicely as this developer intends to do and he does, of course, intend to comply with all the city regulations and there are many as Ms. Johnson has mentioned regarding the drainage. If there is a chance that it's not going to work, this project will not go in and that will be discovered at the development stage when the drainage is evaluated. The reason that R-2 is being looked at here is because it would be a very difficult property to develop as R-1 given the surrounding mixed uses across the street where there's a grain elevator, etc. It's not terribly conducive to R-1 and even with very small R-1 as you all know, you have many bitter battles in here about the lower price home and the small lot R-1 for the same reason that apartments are opposed. I believe that this developer intends to find a way to do to this in such a way that it will not be a negative impact on the area and will provide much needed housing. The need for housing continues to go up and maybe there are apartments available today but that doesn't mean next year and the year after. There is very little, if any, R-2 on this entire side of town available at this point. So, I wanted to briefly address those items. I have the realtor here who has explored the market very seriously and can certainly address your concerns about what the needs of the market are. I don't know if you want to take the time with that so I'll just look for direction on whether you would like to have some comments from him or from Mr. Hahn.

Johnson: Commissioners are certainly free to raise questions to the people Ms. Harrington has made available.

Estes: I have several questions for staff. The status quo is R-1. We must make 4 specific findings of fact to grant the applicant's request. The first finding regards the 2020 Plan which lists this property as residential. That finding is met. The second finding of fact that we must make is that the proposed zoning is needed. That's the first question I have for staff. Do we truly have a shortage of R-2 property? As I ask that question, I think about the Lindsey Development that is going in to the northwest of this. I think of all the vacant apartment ads I see in the Northwest Arkansas Times each morning. Is there truly a shortage of R-2 property in the City of Fayetteville?

Conklin: Trying to answer your question accurately, as staff, we don't have a detailed market analysis to determine how much R-2 land is available in this community. We do know that there is not much R-2 land existing which is undeveloped in Fayetteville. When we looked at this recommendation and whether or not to recommend additional multi-family, this is an area where the existing land use is very mixed. It was on the U of A bus route and it was possible to

Marr: Second.

Johnson: We have the motion by Commissioner Ward, seconded by Commissioner Marr to approve RZ99-28. I remind you that a rezoning requires 5 positive votes and then if the rezoning passes at this level, it goes to the City Council for finalizing.

Roll Call

Upon roll call, the motion passed with a vote of 5-2-0. Commissioners Estes and Hoover voted against the motion.

area, but she felt this was a natural evolution of the City as it grows. This development would be targeted at students; there would be a bus route servicing this apartment complex. There had been concern that students would take Sang Avenue to get to the university, but she thought that most people going to the university would take Garland Avenue instead. She and the Planning Department didn't believe that the traffic situation would be affected. She also didn't believe that the quality of life would be affected by this development because the neighborhood was already largely R-2 and R-3 zoning. Flooding and storm water run-off had also been mentioned at the Planning Commission meeting; this developer would be required to meet all requirements of the City on this subject and she didn't think run-off would be a significant problem at all. There would be every attempt made to make this a quality development and a different kind of apartment complex, and they would have the parking run along the outer edge of the property so that the buildings would not be along the edge of the street. She felt that turning this infill piece of property into an R-2 zoning would not cause any problems for the neighbors and would end up being a good development for the City, the area and the university students.

Jeff Whitmer, Lindsey & Associates Realty, was introduced by Ms. Harrington. He stated that Realty Resources had contacted him last year to find property on which to build apartments that met three criteria: 1) to be near the university, 2) to be on a bus route, and 3) to have the correct zoning. Using Highway 62 and Highway 71B as their borders, there was nothing on the market at that time except property that was not already zoned. They found this piece and contacted the owner who had said that he couldn't sell the property with its R-1 zoning. They chose the property because they thought an apartment complex would blend in with what was already there. Everything to the west -- a row of apartments, duplexes and single-family residences -- is already zoned R-2, except for one piece with a duplex on it. Directly across the street from this mixture is R-3 zoning -- a 22-unit mobile home park and a 38-unit apartment complex. The University of Arkansas Experimental Farm and Feed Mill are to the north. To the south is a vacant field. Of the 78 housing units in the area he had described, 71 are rental units, approximately 90%.

Alderman Santos asked whether the Planning Commission required a Bill of Assurance for the 12-15 units per acre proposed.

Ms. Harrington replied that they did not request a Bill of Assurance because the Planning Commission was reluctant to require those because of the tracking required. The number of units would be determined at the Large Scale Development stage.

Richard Maynard, 1717 N. Sang Avenue, introduced himself as an adjoining property owner. Three weeks ago he had come down before the Planning Commission regarding this rezoning. He stated that he was joined by many neighbors who were opposed to this rezoning because it would have a major negative impact on their homes, their way of life, their property values, the neighborhood and the City of Fayetteville. He asked for a show of hands to show those opposed

Master Plan, which showed that they had proposed 2300 new beds. He didn't think this was the impetus behind this rezoning but rather a proposal to put as many apartments in this area as possible. The third finding regards the impact on the traffic situation of Sang Avenue. He had spoken to Perry Franklin in the Traffic Department. He knew this would be a student population and he knew that you couldn't put 280-300+ cars on that road. He knew that Sang Avenue would be the choice to the university and that no student would be using that bus route even if they increased it. He felt that they were inviting a tragedy to happen by increasing the density in front of an R-1 area in front of the school. Those living there already were conscious of the small children playing in the area. He didn't think that those living in a transient neighborhood would have that same awareness and care for the neighborhood. The fourth finding concerns whether this would increase the need for public services. Planning Commissioner Marilyn Johnson had pointed out that the experimental farm was north of there and this project would probably not constitute an increase on the water and sewer lines. He hoped that this was not the only consideration that they would have. There is nothing like this in the neighborhood, Sang to Porter, Deane to Wedington. Additionally, Mr. Maynard pointed out that it would it be impractical to use the land for any of the uses permitted under its existing classification. He had gotten an education in his neighborhood in the last three weeks. Megan Place and Linda Jo Place have beautiful homes there. If he could be assured that the R-2 apartments going in there would be the same, there wouldn't be a problem. He sees R-2 and R-3 zoning only in certain areas. There is Porter Place at the corner of Deane and Porter, which is an eyesore and is not even completed and seems to be falling apart already. He is afraid that something similar would be going into his own backyard. And finally, his neighbors were concerned about the traffic and the flood plain. They had had flooding problems already and would have to shell out a lot of money for flood insurance. He wanted to ask the Council whether they could guarantee that they wouldn't be ruined by this, and wouldn't have to move because of this, that it wouldn't create more flooding problems. There were a lot of good intentions and beliefs here, but that wasn't good enough for him and his neighbors. This neighborhood, he admits, is imbalanced but he knew that if they put this complex in here it would be a disaster and would deteriorate property values. Right now it was a beautiful, peaceful, livable neighborhood. At some point he felt this would have to become personal. Would they want this in their backyard and behind their property. If not, how could they ask for them to have it in theirs. Once the zoning was changed, the impact would be irreversible. He hoped that they would at least think about this before they voted on it, and vote no, because if they didn't vote no, they would basically be telling him he needed to find a new home.

Mayor Hanna asked for further comments from the Council.

Alderman Davis asked if this was on the third year Flood Plan.

Mr. Conklin replied that it does contain areas classified as Zone A; no detailed study had been conducted by FEMA. They would have to, as part of this project, calculate the amount of water

OLD BUSINESS

RZ 99-28.00

An ordinance approving rezoning request RZ 99-28 submitted by Michele Harrington on behalf of William M. Weatherford and Larry and Brenda Swain for property located at 2200 & 2201 W. Deane Street. The property is zoned R-1, Low Density Residential and contains approximately 11.64 acres. The request is to rezone the property to R-2, Medium Density Residential. This item was left on the first reading at the October 5, 1999 City Council meeting.

Mayor Hanna noted that Richard Maynard had passed out a packet at the last City Council meeting that included a petition from the neighbors and some letters. He also stated that he had gotten a call from Mr. Weatherford requesting that they leave this item on the second reading because he and his attorney would be out of town for tonight's meeting.

Alderman Trumbo mentioned that he would like to allow everyone who had come to tonight's meeting have an opportunity to speak tonight.

Mayor Hanna stated that Mr. Maynard had given him a list of speakers opposing the proposal.

Mr. Rose read the ordinance for the second time.

Mayor Hanna asked the Council for their comments.

Alderman Daniel mentioned that she had checked with the courthouse records and had found that Mr. Weatherford was not the legal owner of the property in question.

Jeff Whitmer, Lindsey & Associates Realty, stated that he had the deeds which showed that Mr. Weatherford owned the property but they had not been filed with the County Courthouse yet. He said that he would bring them to the next Council meeting.

Alderman Daniel said that she had received about 25 e-mails and calls opposing this item and two calls in favor.

Mayor Hanna introduced Father Douglas Simmons as one of the speakers representing the opposition to this rezoning.

Father Douglas Simmons, 1558 Stable, stated that his reason for opposing this item was because of its hazard. The more dense the population, the more dangerous the area is for its residents. This area has small roads with no shoulders or sidewalks, only ditches. There had been many accidents at the intersection of Deane Street and Porter Road. People use Porter Road as a shortcut to Highway 71. The proposed apartment complex would house many students who would use Deane Street, Sang Avenue, and Porter Road. It has been his experience from living in other cities like Fayetteville whose streets did not increase in proportion to the size of the population.

Tim Conklin, City Planner, answered that it was July 21, 1999. The Corps of Engineers and FEMA had reevaluated the Fayetteville area and were producing more current maps. The City maps showed the designations at that date, not for the future, and showed who was required to get flood insurance.

Alderman Davis stated that the flood insurance rate maps changed constantly.

Mr. Conklin agreed.

Alderman Davis mentioned that flood insurance was very expensive.

Mr. Conklin answered yes and no. If your property had not been in the flood plain and had been built correctly according to the existing flood maps of its time, then it would not be very expensive, it would be grandfathered in. But if you do build below the flood elevation, then it could be a substantial increase.

Annetta Hoskins, 1601 N. Sang Avenue, stated she and her husband had owned their home for 13 ½ years. They had enjoyed Mr. Weatherford's cattle living across her back fence. She was not opposed to Mr. Weatherford selling the property, nor the buyer developing the propety, but she was opposed to the density being proposed. She didn't believe the property was limited to 140 units. She was concerned with the increase in traffic the development would bring. She was concerned with the flood plain; Mr. Weatherford's property looks like a lake after a heavy rain. She agreed with Ms. Harrington's comments at the last Council meeting that it is the owners who are hurt; she pointed out that they, too, are owners.

Jim DeVore, 2615 Megan, stated that most of his concerns had already been expressed. He felt his property would definitely be a part of any storm water run-off. The rainwater after the last rain had been 4'7" deep; one of his neighbors had had expensive damage done to his car due to the flooding. He felt that the planning done in the City for the flood control had not been very good. Considering the people affected by the run-off and the traffic from this development, it would not be necessary.

Richard Maynard asked for a show of hands for people opposed to this proposal. He deferred his time to speak until after Mr. Hahn's attorney had spoken.

Wayne Krug, the petitioner and Michele Harrington's partner, asked to respond to the major concerns of the citizens who had already spoken before Council. He pointed out that this would truly be a fill-in zoning; there is a mixture of zoning in the area. Across the street is R-3 zoning which allows an even higher density zoning than what they were proposing. Currently they have a field in the location, which is not a good use of land for the landowner. He felt this was not a great change to the neighborhood in terms of zoning. The change in zoning had been approved by the City's Planning staff and concurred with sound planning strategy for the City. Issues of traffic, drainage, and screenage would all be dealt with further in the development process. He stated that the issues of drainage and run-off would be handled by the engineers. As for speeding traffic, he said that in his experience of the university, the students didn't tear out of class and speed through residential streets. He thought a legitimate concern would be the increase in the amount of traffic that this apartment complex would cause, but he didn't think it was right to not do anything in this area that might increase traffic. As for putting duplexes in instead of wanting to increase the percentage of students living on campus from about 27% to approximately 40% in the future. It would still create an off campus demand for several thousand off-campus units.

Alderman Davis added that was what they were hoping for, but reality was a different question. His concern was that the Cliff's had an additional 200 units in the process of being constructed. They had also just approved another 225 units close to the University Farms. All these units would be coming on line by next fall. The city currently had a lot of vacancies in the newspapers for apartments. He was not sure that they could prove at this time that there was a need for more apartments.

Mayor Hanna replied he was not sure that it was the council's charge to debate the need. He thought they were to listen to both sides and make the best judgment they could.

Alderman Russell questioned what the traffic increase would be.

Mr. Conklin stated they had done a trip generation calculation using the Institute of Transportation Engineers with 140 dwelling units they would expect in a twenty-four hour, two-way volume, of 928 trips. That was 928 trips going two-ways.

Mr. Krug stated most of the traffic would not be twenty-four hours a day. He thought they would be running approximately 80 vehicles an hour over the two or three exits. If they were to compare with any other reasonable intersection, they would find that it was not a large increase in traffic.

Ms. Doege stated she use to be a student. There was not way in the world she would only make two trips a day. She was constantly make trips. She thought the estimate was too low for a student and needed to be increased two to three times.

Alderman Russell asked if the equation to determine traffic estimate was if uniform or did they had a factor to plug in there type of development or was it uniform for all type of dwelling unit and what type of people they had living there.

Mr. Conklin replied there were different factors they could put into the program. There was not a factor for students. All apartments were factored the same.

Alderman Austin questioned the different types of streets in the city.\

Mr. Conklin stated the city had a master street plan that classified streets by how they functioned and the traffic they served. They had a local residential street that handled the traffic out of a subdivision. A collector street which was a two-lane street, 36' wide which handled 4,000-6,000 vehicles per day. The next street was a minor arterial street. It was a four-lane street it was 54' wide. It handled anywhere from 12,800 to 14,500 vehicles per day. Deane Street was classified as a minor artierial. It was currently built as two-lane. They did have a principle arterial, which was also a four-lane street with a median boulevard in the middle. Those were the city's major streets like College Avenue. Sang was classified as a local street which was for 3,000 to 4,000 vehicles per day.

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

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

OLD BUSINESS:

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

CAPITAL IMPROVEMENTS
A resolution approving the 2000-2004 Capital Improvements Program. This is a planning document; any funding will be submitted with the 2000 Operating Budget.

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

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

RZ 99-29 PLANNING COMMISSION APPEAL
An ordinance approving rezoning request RZ 99-29.00. The request is to rezone approximately 1.0 acres of land located along Sycamore Street from R-1, Low Density Residential, to R-1.5, Moderate Density Residential, to allow the development of an upper-scale six-unit residential Planned Unit Development. The ordinance was left on the first reading at the October 19, 1999 City Council meeting.

Mr. Rose read the ordinance for the second time.

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

were going to preserve hillsides, wooded areas and vista views. He thought this was the kind of project that followed all of those goals that they had professed to endorse, except when it came to applying them to real life, which meant that no matter where they tried to place a development of this type of density they were going to get this sort of complaints. This parcel was surrounded by multi-family dwellings on the east, with duplexes and apartments to the west. The property owner on the south supported this rezoning. The property owner on the north was the University Farms. He could see how they could say they had these goals of increasing the density inside the City limits and preserving hillsides and all those noble goals without causing some inconvenience to the most immediate neighbors. In this case most of the neighbors were in multi-family units. He thought they needed to either follow or change their goals. He asked whether the Council wanted to encourage sprawl and the planning principles or not.

Alderman Young stated he would take exception to the views of Alderman Santos. They all embraced the ideas increasing density. Everyone was looking to the land use plan and pointing out one aspect of increasing density. It was how they did it. It was not by rezoning into a higher density. The whole idea of infill was that they were to infill that particular lot. They would increase the density of the area but not by rezoning. If they increased the zoning, that was in conflict with other parts of the plan, affecting compatibility. He looked at the Grey Apartments; at the time they were constructed, the apartments would not be built, because the regulations had been put into affect by the citizens of Fayetteville. He was going to oppose this development. He did not believe these apartments would be compatible with the surrounding area.

Alderman Russell stated if they did need student housing and did not allow them to be developed in areas like this, then they would be pushed out toward the edges of town and would increase sprawl. The people of Fayetteville were going to be the ones to pay the price of that. He thought if this was in his backyard he would be arguing against the rezoning because of property values. The right of the property owner argument did not weigh well with him because he thought the property had been zoned R-1 for a long time. Perhaps the property owners could not get the money they wanted for their property and were forced to sell it within the current zones. Another reason to vote against the rezoning was that they had not, to his knowledge, had anyone from the University state that this supported the University's goals. He thought in the future they would need more student housing, but he did not believe the need was there now. He would be opposing the rezoning.

Mayor Hanna called for the vote. Upon roll call the ordinance failed by a vote of 1-7-0, Alderman Santos voting for the rezoning.

ORDINANCE FAILED BY VOTE OF 1-7-0.

RZN 02-17.00: Rezoning (Mathias/Barnes, pp 364/403) was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Sam Mathias and Bleaux Barnes for property located south of Deane Street, west of Sang Ave and east of Porter Avenue. The property is zoned R-1, Low Density Residential and contains approximately 21.03 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential.

Hoffman: The next item on the agenda is another rezoning. It is RZN 02-17.00 which was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Sam Mathias and Bleaux Barnes for property located south of Deane Street, west of Sang Ave and east of Porter Avenue. The property is zoned R-1, Low Density Residential and contains approximately 21.03 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential. Staff, do you have a report before we get to the applicant?

Conklin: This rezoning request is for RMF-6. Prior to filing the application they did meet with staff and the applicant has met with the Neighborhood Association. There is a Bill of Assurance in your packet. I would like to make sure that everyone understands that this was offered voluntarily by the applicant. It is my understanding also this evening that there have been some modifications to this Bill of Assurance and the applicant will have to talk to you about that this evening with regard to how that Bill of Assurance may have changed. I don't have that in my possession this evening at this time. RMF-6 is one of the new zoning districts that we adopted over a year ago. It allows for multi-family structures, apartments. It also allows for single-family duplex or triplex. The Bill of Assurance that they are proposing does limit the type of units that are proposed within the RMF-6. They are proposing I believe a total of seven single-family homes as part of this development. This piece of property a few years ago did come before the Planning Commission and City Council. The request at that time was to rezone it to R-2. There was quite a bit of opposition with regard to the proposed use for student apartments or student housing. It was ultimately denied by the City Council. This request once again, goes back to this RMF-6, which is a total of a maximum density of six units per acre. It is significantly less density than what was requested a few years ago. That is all I have.

Hoffman: Thank you Mr. Conklin. Is the applicant present?

Jorgensen: My name is Dave Jorgensen and on behalf of the developers on this project I am here to represent them and we have Bleaux Barnes, who is one of the owners on it and also we have Richard Maynard here with us who is with the Asbell Neighborhood Association. To carry on what Tim was talking about RMF-6, we have got 21 acres. We are allowed six units per acre, which brings us to 126 units, which is what we propose on this. We did meet with the Neighborhood Association and we did come up with a plan that hopefully you have in your packet. This is going to turn into what will eventually be the preliminary plat of this project and the reason we did this is to show the neighbors what this project is until specifically released by a resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's office after petitioner's rezoning is effective and shall be noted on the Final Plat, which includes all the petitioner's property." That is a result of meeting with everybody several times and you might say refining it.

Hoffman: Thank you. Would you provide the staff with a final copy of that for their records?

Jorgensen: Sure.

Hoffman: Do you have any more presentation before I take public comment?

Jorgensen: I think that is it. I would be glad to answer questions.

Hoffman: I will go ahead and take public comment on this rezoning.

Maynard: Good evening. My name is Richard Maynard. I am here both as an adjoining property owner and also for spokesperson for the Asbell Neighborhood Association. For a couple of years I have been pushing for these preliminary meetings with developers and neighborhoods and now I've had two in as many months so kind of be careful what you ask for because they do get kind of time consuming but I am glad that we have them. I think as you all know, we did have this meeting on May 23rd with Mr. Barnes and Mr. Mathias. Just to give you a little bit about that, because I think it is important and it is pertinent to this and just how we do that. As a neighborhood association we are not there advocating necessarily for the neighborhood but we are providing the forum to let this dialogue happen. I don't know how we could've advertised this anymore. I put it out on over 300 flyers. We skipped the apartment complex. We didn't have as great of a turnout. We had about 33 people from about 20 households, which is a lot less than the one we had with the Lindsey development. My feeling about it is in that sense it is like an election. You can choose to come and participate or choose not to come and participate. If you don't mind, I would like to just give you if you are interested the results of these if I may.

Hoffman: Hand those to Renee.

Maynard: Basically what it does is it just explains how we go about doing this because I know you are just seeing the result of the process and not the process itself. I am not going to take a lot of time even talking about that but that is really how it should be. There are a lot of these things I think can get worked out before it ever reaches this far or even before it gets very far in the planning office. Although, we try to involve the planning office every step of the way because we don't want to go making agreements with each other that wouldn't fit into the city plan. I just wanted to break it down so you kind of saw where the people were coming just because the neighborhood says it is ok it goes through or quite frankly, just because the neighborhood says no that it doesn't go through. I don't believe in that at all. I have never advocated that. Basically what we are saying is that it looks good to us and now it is up to you. Thank you.

Hoffman: Thank you Mr. Maynard. Is there anybody else that would like to address us?

Davison: Hi. I am still Sharon Davison. I sort of have to be a little sarcastic here and say I think that it is great that we are all so happy that developers are finally showing some minimal consideration and speaking with the neighborhoods. I think it is sort of sad that we have to be so grateful that they are finally doing the decent thing that they should have done to begin with. I would also like to clarify for people that aren't really in a lot of these processes that when City Planners say staff recommends, these things are saying these people have followed the rules, or whatever they say they have to do so we say they can. Very rarely do they vigorously say we think this is a great project so do it. We need to listen to some of these things. Lets also understand that with our neighborhoods when they are saying ok. Well, they are resigned to having to say ok. It is wonderful that they can have little things that actually turn into big things such as primarily where the dumpster is located. These are issues and these are issues that developers have chosen to ignore until we have really applied pressure. I think you all may have had phone calls, you may have been paying attention the past year, neighborhoods are feeling pinched and we are all really, really looking to you to help us out here. It is great that we can rely on you for exactly what Mr. Maynard said, the details. I appreciate going to Subdivision and having Commissioner Bunch say "Well, what about these parking spaces? or what about these numbers?" That is what I feel you are supposed to be doing for us and I appreciate you doing for us. My problem is not that this may not be the persons right to develop, not that this may not even be an appropriate project, but it is the timing of these projects. Look at what we just discussed. All the building we are going to do with the Broyles and Lazenby field. We have people over there by Wedington. Well, the thing is we can't handle it all right now. I was wondering are we at this limited sewer capacity? Does anyone know our current capacity rate at this point as of, we can even say July 1st. What is our sewer capacity? Can anyone tell us that? Are we operating at 99.4% as I have been told?

Conklin: I don't have that information.

Davison: But we can keep approving everything and not know? This is part of my issue and why I brought up a complaint at the City Council about dragging our feet on impact fees. We have volumes of these projects. These are people that are living in these neighborhoods that are still suffering with sewage water runoff in their backyard in this very area. Simply as we are up on Mount Sequoyah dealing with sewage runoff and we don't have these things fixed. The question came does building drive infrastructure? You know, I think the whole point of planning is the reasons that I voted against it are no longer with us. I am very pleased that the developer has met with Mr. Maynard and with the neighborhood association. I am very pleased that the matters and concerns that I had when we saw this before have been resolved and have been worked out. It is for those reasons that I would move that we forward to the full City Council for its consideration RZN 02-17.00.

Hoffman: I have a motion for approval of this rezoning and forwarding to City Council by Commissioner Estes.

Shackelford: I will second.

Ward: Does that include the new changes and the covenants?

Estes: The Bill of Assurance of course is not within our providence to dictate or to request but let me address Mr. Jorgensen in that regard. Mr. Jorgensen, as the movement I have heard your comments and I have heard the amendments to the Bill of Assurance so let me say that. Let me also say that the form that you are using for the Bill of Assurance references our Chancery Courts. By Amendment 80 we no longer have Chancery Courts, we have Circuit Courts so you need to also strike the reference Chancery Courts from your Bill of Assurance.

Jorgensen: Ok.

Estes: It is the Circuit Court, strike Chancery Court. Amendment 80 was passed and we now just have Circuit Court. Mr. Ward, is that responsive to your thoughts?

Ward: More than enough.

Hoffman: Thank you Commissioner Estes. Is there any further discussion? Renee, would you call the roll please?

Roll Call: Upon completion of roll call the motion to approve RZN 02-17.00 was approved by a vote of 8-0-0.

Hoffman: Thank you. The motion carries unanimously on a vote of eight to zero.

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

RESOLUTION 128-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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

RESOLUTION 129-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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

OLD BUSINESS

RZN 02-15.00: An ordinance approving rezoning request RZN 02-15.00 as submitted by Dave Jorgensen on behalf of Larry Garriott for property located north of Persimmon Street and west of 46th Street. The property is zoned A-1, Agricultural and contains approximately 57.82 acres. The request is to rezone to R-1, Low Density Residential; and to accept the attached Bill of Assurance. The ordinance was tabled on the second reading at the August 6, 2002 meeting.

Alderman Davis asked to table the item because they were having a neighborhood meeting on Thursday night.

ORDINANCE WAS TABLED ON THE SECOND READING.

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

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

Mr. Williams read the ordinance.

Mr. Jorgensen stated they had met with the surrounding property owners. They would like to incorporate a park in their green space.

Alderman Young asked if the city was still giving the developers a letter stating that they were not guaranteeing sewer hook ups.

Mr. Boettcher stated they were not. When the sales tax issue was passed it was no longer added to the subdivision plats.

Alderman Marr asked why they would have eliminated that.

Alderman Young stated he thought the letter should be given out. Just because the bond issue had been passed it did not mean that the plant was going to be on line in five years. Right now they did not have a discharge permit. They did not have a whole lot of things in place in order to get a plant under construction. Until that time, he did not see how Fayetteville could guarantee sewer hook ups.

In response to questions, Mr. Boettcher stated he was looking for the new plant to be on line in 2005 or 2006, approximately four years.

Mayor Coody stated businesses were wanting to come to town, but they were going to go north because we could not guarantee that they would have sewer.

Mr. Williams stated the city did not guarantee sewer capacity. They were working at this point to increase their capacity. The best estimates they were going to be able to handle normal growth until the new plant came on line. They did not have to give a notice that they did not guarantee that they would have capacity. If the council would rather have the warning placed back on the plats, he was sure that could be done. It was more critical before they knew whether or not they were going to be able to build the new plant.

Alderman Young stated he did not see the point on putting it on the plat, unless it was the preliminary plat. He was concerned that a developer would come in and get a preliminary plat approved, and the city was saying he could hook up, but then they could not. If someone was to build a five or ten million dollar development and could not hook up to the sewer, than what was the city going to do?

Mr. Williams stated he did not think that was going to happen. The voters had passed the sales tax and they were going to get a new plant and they would be able to continue.

Alderman Bechard stated he did not understand how they could be at 99% capacity, but yet they were able to handle the growth for the next four years.

Mr. Boettcher stated the waste water treatment facility had experienced extreme variations in flow particularly during wet weather. That was where they had their violation before because of overflows into the streams. During those periods that they had wet weather flows they might see 30 mgd at their 12 mgd plant. Their permit required them to meet their limits every day. The treatment plant had to be able to acuminate this large fluctuation in flow. That was where they ran into difficulty in their

From: Richard Maynard <rmaynard@uark.edu>
To: Sarah Edwards <SEdwards@ci.fayetteville.ar.us>
Date: 11/21/02 3:09PM
Subject: Re: ANA News (fwd)

from Megan Drive (VP and Treas of ANA)

Subject: Re: ANA News

Richard, Jim and I don't have a problem with the new arrangement.

Thanks,

Sue

At 01:48 PM 11/21/2002 -0600, you wrote:

>Thursday, November 21
>
>Hi everyone,
>
>I really appreciate everyone who responded about the change in the Bill of
>Assurance for the Bames development. If you haven't already weighed in
>on this and if you want to (you don't have to), please let me know. I'm
>forwarding all messages to the Planning Department. They go into agenda
>session this afternoon and the PC meeting is this Monday, Nov. 25 when
>this will be discussed.
>
>The following is what I wrote about it earlier in the week.
>
>Thanks,
>
>richard
>
> > I'm going to try to explain this as clearly and concisely as I can, then
> > give my own opinion.
> >
> > The Barnes/Mathias development for the duplexes and condos has run into a
> > little snag regarding their bill of assurance. Because their detention
> > pond (which catches and holds excess rain water) on the west side of the
> > development in back of the Linda Jo duplexes needs to be bigger, they lost
> > four duplexes (8 units) along that street. They want to make that up by
> > eliminating one of the single-family houses they were going to build on
> > Sang and one on Porter and extend the condos along the south end from
> > eight (32 units) to ten (40 units). They will plant trees or tall
> > shrubbery to screen the sides of the buildings from the street. Two
> > single-family homes along both Sang and Porter will still be built. That
> > will make up for six units they lost. To make up the other two units,

From: "Frank Connors" <fconnors@arkansas.net>
To: "Sara Edwards" <SEdwards@ci.fayetteville.ar.us>
Date: 11/21/02 11:43AM
Subject: Re: Mathias/ Barnes Development

I have no problem with the requested changes. The single family homes were a bonus to the original offer. This keeps two homes facing Porter and Sang.
Frank Connors
----- Original Message -----
From: "Sara Edwards" <SEdwards@ci.fayetteville.ar.us>
To: <fmkelly@alltel.net>; <chrsnmel1@aol.com>; <cst94@aol.com>; <ebaldr@aol.com>; <hairy1man@aol.com>; <KATKWIKIT@aol.com>; <lblinds@aol.com>; <Mep714qq@aol.com>; <RUSCHHALL@aol.com>; <tppmot@aol.com>; <ckparis@arkansas.net>; <fconnors@arkansas.net>; <mferguso@arkansas.net>; <ahoskins@arkansasUSA.com>; <cdsimmon@arkansasUSA.com>; <jsw123@cox-internet.com>; <wandaj11@cs.com>; <bss@engr.uark.edu>; <scox@fayar.net>; <Jon.Bitler@GFII.com>; <danosamo@hotmail.com>; <finnality@hotmail.com>; <jatatge@hotmail.com>; <mfl030@hotmail.com>; <johnb@ipa.net>; <dcoker1@juno.com>; <julianaprice@juno.com>; <dcarlton@lindsey.com>; <scottmiller@lynks.com>; <charliec@marshalltown.com>; <socwil@mc2kcom>; <11082910937@msn.com>; <fayemaureen@pgtc.com>; <dlbair@prodigy.net>; <smadison@sbcglobal.net>; <syoung@springdaleark.org>; <dahrent@uark.edu>; <gtatge@uark.edu>; <jnr@uark.edu>; <lscarbr@uark.edu>; <mvestal@uark.edu>; <rmaynard@uark.edu>; <sdevore@uark.edu>; <simmons@uark.edu>; <mammygales@yahoo.com>; <rickgales@yahoo.com>
Sent: Wednesday, November 20, 2002 12:53 PM
Subject: Mathias/ Barnes Development

> Attached please find a letter of notification regarding the proposed
> development between Sang, Porter, and Deane. I realize that Richard
> Maynard has apprised you of the proposed changes and has asked for your
> opinion regarding the proposal. I encourage you to respond to either
> myself or Richard with any comments you have regarding the development.
> If we do not hear from you we will assume that the amendments are
> agreeable.
>
> Please note the public hearings dates in the attached. Your comments
> are welcomed at those meetings.
>
> Feel free to contact me, if you have any comments or questions.
>
> Sincerely,
>
> Sara Edwards
> Associate Planner
> City of Fayetteville
> Planning Division
> 113 W. Mountain
> Fayetteville, AR 72701
> (501) 575-8264
> (501) 575-8316 fax
> sedwards@ci.fayetteville.ar.us
>
>

From: Richard Maynard <rmaynard@uark.edu>
To: Sarah Edwards <SEdwards@ci.fayetteville.ar.us>
Date: 11/21/02 1:44PM
Subject: RE: ANA News (fwd)

From Arthur Hart area

On Tue, 19 Nov 2002, simmons wrote:

> >Good morning Richard,
>
> What busy people our council people are. Yes OK with us about
> the changes. We are going to be out of town on the 26th, could
> we vote early or absentee? Nina
>
>

From: Richard Maynard <rmaynard@uark.edu>
To: Sarah Edwards <SEdwards@ci.fayetteville.ar.us>
Date: 11/21/02 1:41PM
Subject: Re: ANA News (fwd)

From Lawson St, but not at the meeting. As she said, she really doesn't know the details of this development.

Subject: Re: ANA News

I don't know as much about this as I should, but I agree with Chris. How hard is it to stick to the original plan? I hate to see these houses getting closer and closer together. I lean to the side of aesthetics over business.
Wendy Finn

p.s. i tried to reply to all on the list but my computer put it's foot down and flat out refused. Maybe you guys forward it out for me...thanks

----- Original Message -----
From: Cst94@aol.com
To: rmaynard@uark.edu ; 11082910937@msn.com ; ahoskins@ArkansasUSA.com ; bss@engr.uark.edu ; carmo@arkansasusa.com ; cdsimmon@ArkansasUSA.com ; charliec@marshalltown.com ; Chrsnmel96@aol.com ; ckparis@arkansas.net ; dahrent@uark.edu ; danosamo@hotmail.com ; dcarlton@lindsey.com ; dcoker1@juno.com ; dlbair@prodigy.net ; EBALDR@aol.com ; fayemaureen@pgtc.com ; fconnors@arkansas.net ; finnality@hotmail.com ; fmkelly@alltel.net ; GPie444@aol.com ; gtatge@uark.edu ; Hairy1man@aol.com ; jatatge@hotmail.com ; jnr@uark.edu ; johnb@ipa.net ; Jon.Bitler@GFII.com ; jsw123@cox-internet.com ; jjudy@arkleg.state.ar.us ; julianaprice@juno.com ; KATKWIKIT@aol.com ; ksantos@uafphpl.uark.edu ; LBLinds@aol.com ; lkarnes@uark.edu ; lljordan7@hotmail.com ; lscarbr@uark.edu ; Mep714qq@aol.com ; mf1030@hotmail.com ; mferguso@arkansas.net ; mhoover@ci.fayetteville.ar.us ; mvestal@uark.edu ; nataliakarnes@hotmail.com ; RuschHall@aol.com ; scottmiller@lynks.com ; scox@fayar.net ; sdevore@uark.edu ; simmons@uark.edu ; smadison@sbcglobal.net ; socwil@mc2k.com ; syoung@springdaleark.org ; TPPMOT@aol.com ; vuvie@juno.com ; WandaJ11@cs.com
Sent: Tuesday, November 19, 2002 6:12 PM
Subject: Re: ANA News

i think the houses would be better but i understand the bussiness part of it. the problem i have is the way they are making up the units, triplexies into quads it kinda sounds like there becoming more and more like apartments at least that is what i think the quads look like. so i think that if this is the way they are going to make up the units i am going to have to make them stick to the bill of assurance.

chris norris

I'd like to figure out ways we can get more neighborhood involvement like almost every other NA has. The park controversy got us a park committee, but I know there are folks out there who would like to be more involved if we could figure out a way to involve them.

Let me know if Dec. 6 works for you.

richard

Richard Maynard (rmaynard@comp.uark.edu)
SPRING INTERNATIONAL LANGUAGE CENTER
University of Arkansas
Fayetteville, Arkansas

From: Richard Maynard <rmaynard@uark.edu>
To: Sarah Edwards <SEdwards@ci.fayetteville.ar.us>
Date: 11/21/02 1:39PM
Subject: Re: ANA News (fwd)

From Sue Madison who owns a duplex on Holly. She has an interesting suggestion. Can that be done?

——— Forwarded message ———
Date: Tue, 19 Nov 2002 20:12:50 -0600
From: Sue Madison <SMadison@sbcglobal.net>
To: Richard Maynard <rmaynard@uark.edu>
Subject: Re: ANA News

Richard, I respect your opinion and glad you are on top of all this. One thing that concerns me is that we keep building rentals in this town, we need some more reasonably-priced units that could be for sale. I know sometimes conditions of development are X-number of units for low-income occupants, etc. So, why not a condition where X-number are for sale to "owners". Just a question.

Thanks for all the help I had from Asbell folks.

Sue

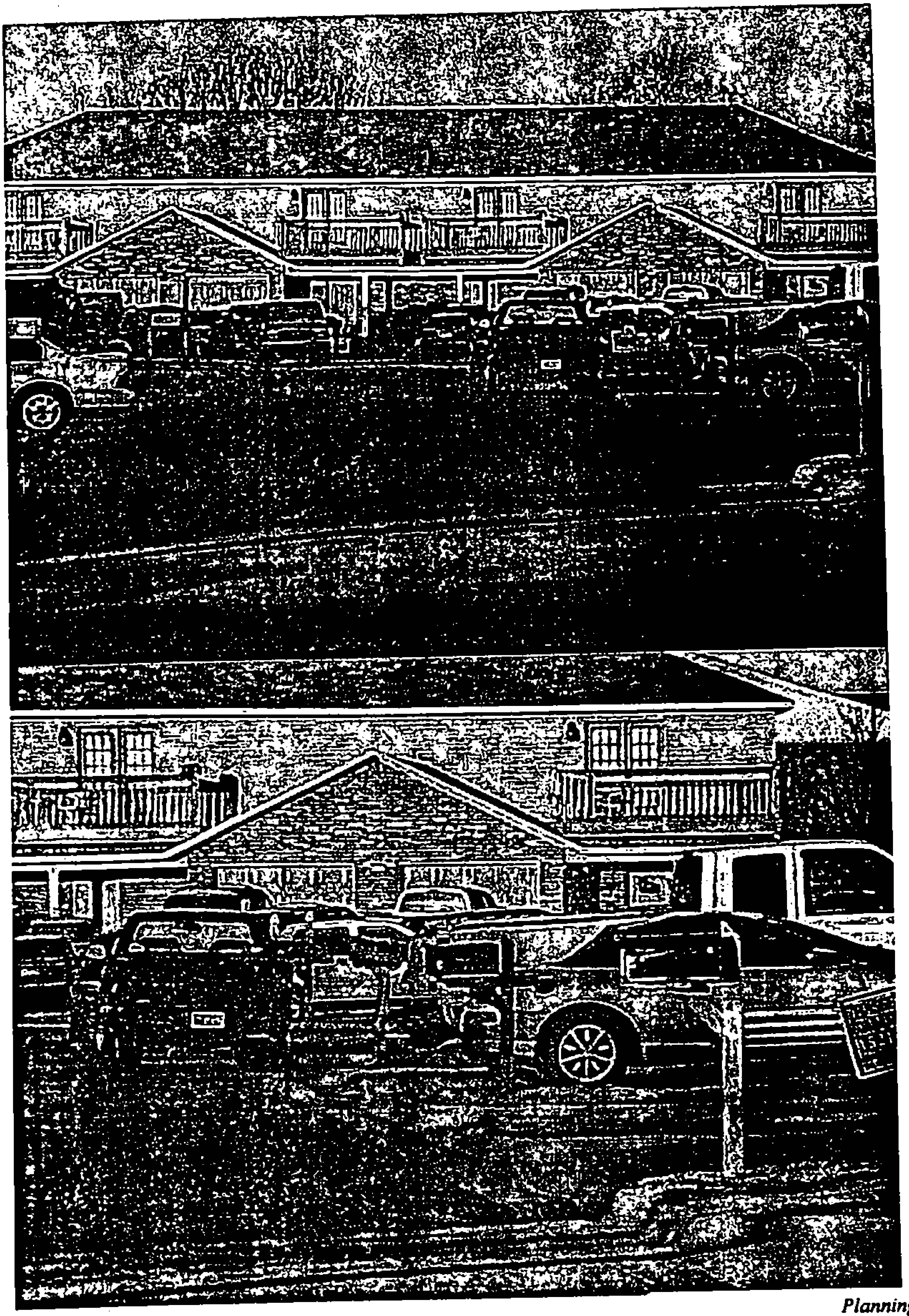
From: Richard Maynard <rmaynard@uark.edu>
To: Sarah Edwards <SEdwards@ci.fayetteville.ar.us>
Date: 11/21/02 1:38PM
Subject: Re: ANA News (fwd)

from Turner Street

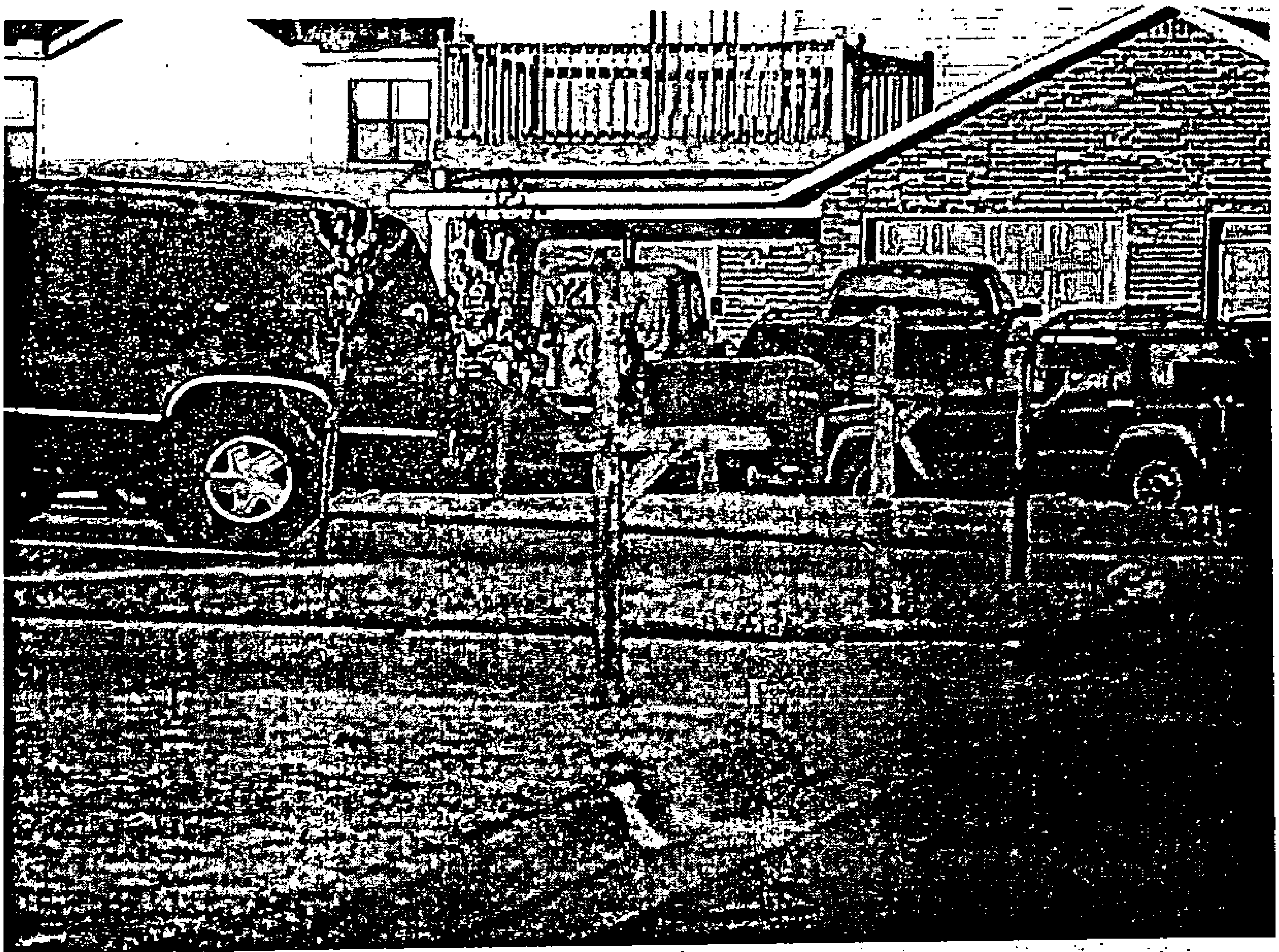
Richard,

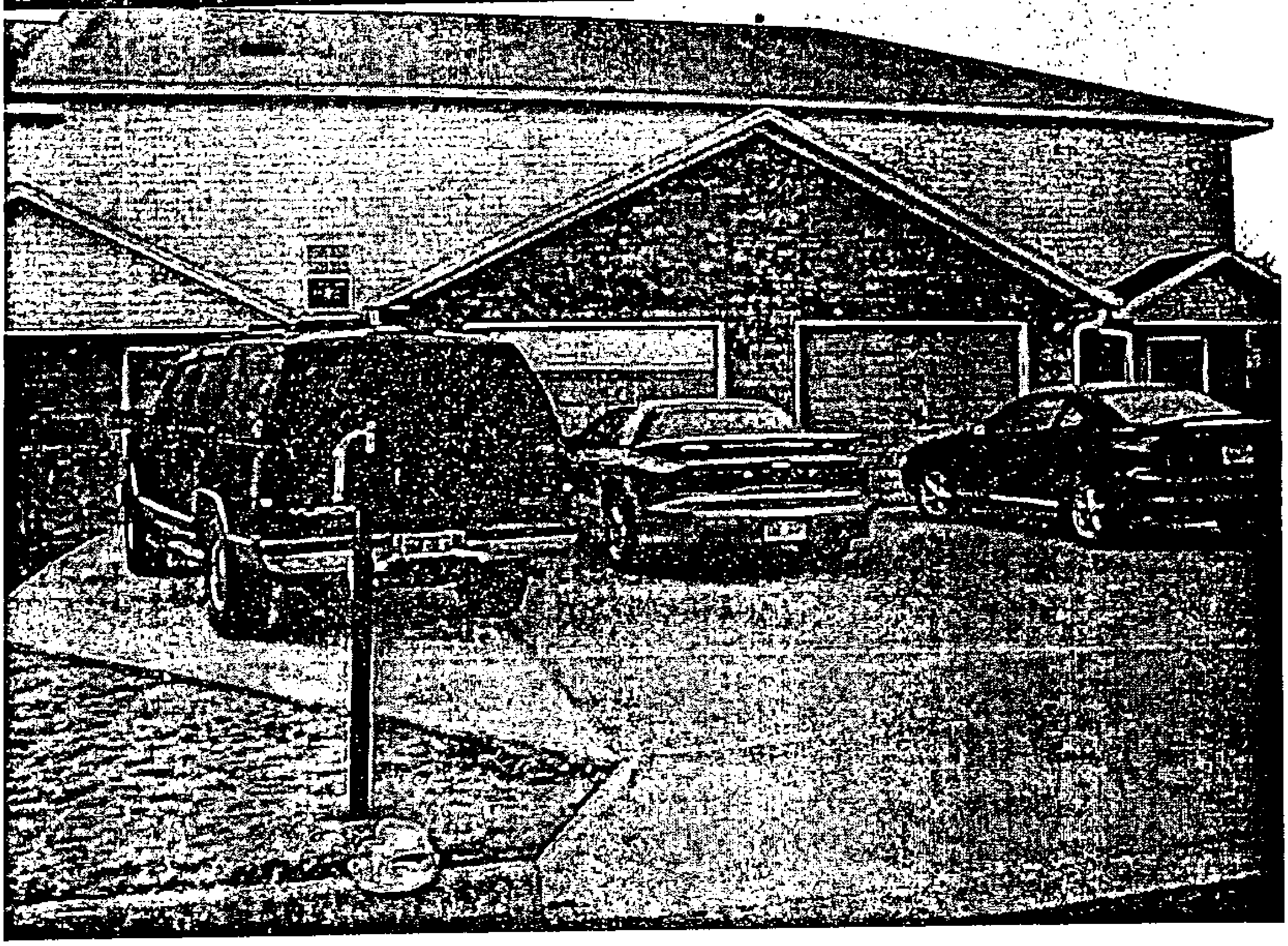
I agree with you re. the bill of assurance.

Susan



Planning Commission
November 25, 2002
Pictures of townhomes with parking problems






HONDA

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

Alderman Jordan moved to suspend the rules and move to the second reading. Alderman Thiel seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Santos stated the neighborhood was pretty much behind this, but he would like to wait until the next meeting to pass this.

THE ORDINANCE WAS LEFT ON THE SECOND READING.

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Planning Commission

FROM: David J. Whitaker, Assistant City Attorney D.J. Whitaker

DATE: November 22, 2002

RE: ADM 02-37.00 Amended Bill of Assurance

You have requested a legal opinion as to whether the Revised Bill of Assurance proffered by Messrs. Mathias and Barnes can be accepted by the Planning Commission as is, or whether it requires reconsideration of the rezoning already approved by the City Council.

As expected, no case law has developed dealing with precisely this question. We can, however, look to the state statutes governing municipal zoning for guidance. A.C.A. § 14-56-423 governs the rezoning process in Arkansas:

> "After adoption of plans, ordinances, and regulations and proper filing in the offices of city clerk and county recorder, ***no alteration, amendment,*** extension, abridgement, or discontinuance of the plans, ordinances, or regulations may be made except in conformance with the procedure prescribed in § 14-56-422, ***or by a majority vote of the city council.***" (Emphasis added.)

Even a cursory examination of the proposed revisions to the Bill of Assurance reveals that it easily qualifies as an "alteration" or "amendment" of the originally approved plan. Not only do the numbers in Restriction #2 change, but language concerning garages appears at the end of Restriction #4. The introductory paragraphs no longer contain the required property description or the appropriate language establishing that the City reasonably relied upon the Bill of Assurance when first considering the rezoning. For all of these reasons, I cannot help but conclude, that the new document must be reconsidered by the City Council before the planning process may proceed.

This does not mean, however, that the applicants must return to "square one" in the process. The last clause of the above-quoted statute allows such changes to be approved by a majority vote of the City Council, without the need to retrace the entire rezoning path. City of Russellville v. Banner Real Estate, 326 Ark. 673, 933 S.W.2d 803 (1996). Indeed, the facts of this situation do not require amendment of the previously approved ordinance *itself.*

Mr. Crouch's point that the zoning of the parcel in question will not be affected by these changes is correct, as far as it goes. But, the central point here is that the Bill of Assurance, *by its own terms,* states that "the Planning [C]ommission and the Fayetteville City [C]ouncil will reasonably rely upon ***all of the terms and conditions*** within this Bill of Assurance in considering whether to approve the Petitioner's rezoning request." (Emphasis added). There is no reason to believe that the City Council did not so rely.

All of this leads to the conclusion that the Council must approve these changes by a majority vote. A resolution will do, inasmuch as only the underlying agreement is being amended, and not the zoning of the parcel itself. This process will be greatly expedited if the missing language from the opening paragraphs is reinserted before the new document is submitted to the City Council. I have attached a draft of the resolution for inclusion in the Agenda Request.

If you have any questions or concerns regarding this opinion letter, please contact me at 575-8313.

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE

The buyer/developer of property located between Sang Ave and Porter Rd and Deane Street more particularly described as approximately 21 Acres in part of section 5 and part of section 8 of T16N, R 30W in Washington county Arkansas hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas. This bill of Assurance is offered to assist in the rezoning of the above described property.

The petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Chancery/Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning commission and the Fayetteville City council will reasonably rely upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to single-family condominiums & patio homes.

2. Other restrictions including number and type of structures upon the property are limited, as follows; 7 single family units, 8 condominiums with four per condo=32 units, 41 patio homes with 2 each=82 units, ~~X~~ 6 units on two lots along Deane Street.

3. The petitioner agrees to install 2" DBH Loblolly pine trees spaced at 30' O.C. along the south boundary line. In addition, a privacy fence will be installed along this same south property line.

4. Condominiums units will have 2 bedrooms each.

5. The Petitioner agrees to install a view obscuring hedge along the east boundary of this project.

6. Quality of construction shall be established and enforced by covenants.

7. Occupants must abide by the City ordinance that no more than 3 unrelated people may occupy any unit.

8. Greenspace will be set aside for City Park or use by occupants of this project.

9. All of the above items as per plat submitted for this rezoning request.

IN WITNESS WHEREOF, and in agreement with all the terms and conditions stated above, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances.

6-28-02
Date

6-28-02
Date

Notary Oath

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

And now on this 28th day of June, 2002, appeared before me, Bleau Barnes and Sam Mathias, and after being placed upon his oath swore or affirmed that they agreed with the terms of the Bill Assurance and signed their names above.

My Commission Expires:

BECKY L. BRINK
COMM. EXP.
NOTARY PUBLIC
JULY 1, 2006
WASHINGTON COUNTY, AR

Becky L. Brink
Notary Public

REVISED BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE
11/20/02

The owner recently received approval for the rezoning of property between Porter Rd, Sang Street and south of Deane Street, which is a property called Skyler Place Addition. Along with the rezoning was a bill of assurance that states the number of units on the lots. The property was zoned to RMF-6, which allows for 126 units.

Hydraulic calculations have caused the detention pond to be larger than originally expected which reduced the number of lots and therefore the number of units.

As requested by the Planning Dept, we hereby offer the following Revised Bill of Assurance. The amount of the allowed units is 126 and this does not change. The only difference between this revised bill of assurance and the original is the makeup of the units.

The petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows;

1. The use of Petitioner's property shall be limited to single-family condominiums & patio homes.

2. Other restrictions including number and type of structures upon the property are limited, as follows; 5 single family units, 10 condominiums with four per condo = 40 units, 37 patio homes with 2 each = 74 units, 7 units on two lots along Deane Street, for a total of 126 units.

3. The petitioner agrees to install 2" DBH Loblolly pine trees spaced at 30' O.C. along the south boundary line. In addition, a privacy fence will be installed along this same south property line.

4. Condominiums units will have 2 bedrooms each with a one-car garage. Each patio home will have 2 or 3 bedrooms with a two-car garage.

5. The Petitioner agrees to install a view obscuring hedge along the back of the other properties along Sang Ave.

6. Quality of construction shall be established and enforced by covenants.

7. Occupants must abide by the City ordinance that no more than 3 unrelated people may occupy any unit.

8. Greenspace will be set aside for City Park or use by occupants of this project.

9. Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Clerk's Office and shall be noted on the Final Plat, which includes all of Petitioner's Property.

IN WITNESS WHEREOF, and in agreement with all the terms and conditions stated above, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances.

____________________ ____________________

____________________ ____________________

Date Date

Notary Oath

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

And now on this —— day of——, 2002, appeared before me, Bleau Barnes and Sam Mathias, and after being placed upon his oath swore or affirmed that they agreed with the terms of the Bill Assurance and signed their names above.

My Commission Expires:

____

Notary Public

ADM 02-37.00
C. 2. Page 67

ORDINANCE NO. 4410 MICROFILMED

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 02-17.00 FOR A PARCEL CONTAINING APPROXIMATELY 21.03 ACRES LOCATED SOUTH OF DEANE STREET, WEST OF SANG AVENUE, AND EAST OF PORTER AVENUE, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY DAVE JORGENSEN OF JORGENSEN & ASSOCIATES ON BEHALF OF BLEAUX BARNES AND SAM MATHIAS.

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

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

From R-1, Low Density Residential to RMF-6, Low Density Multi-Family Residential as shown in Exhibit A attached hereto and made a part hereof.

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

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

FILED FOR RECORD
2002 NOV -8 AM 9:45
WASHINGTON CO., AR
B. STAMPS

APPROVED:

By: Dan Coody
DAN COODY, Mayor

CITY OF FAYETTEVILLE

ATTEST:

By: Heather Woodruff
Heather Woodruff, City Clerk

2002171391

EXHIBIT "A"

PART OF THE NW ¼ OF THE NW ¼ OF SECTION 8 AND PART OF THE SW ¼ OF THE SW ¼ OF SECTION 5, ALL IN T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID NW ¼ NW ¼ THENCE N00°05'24"W 330.00 FEET, THENCE N89°59'09"E 35.00 FEET TO THE P.O.B., THENCE N00°05'24"W 327.97 FEET, THENCE N89°55'02"E 588.66 FEET, THENCE N00°01'30"E 659.78 FEET, THENCE N89°59'07"E 51.97 FEET, THENCE N00°04'32"W 309.45 FEET, THENCE N87°25'56"E 476.84 FEET, THENCE S00°03'51"W 991.07 FEET, THENCE S89°07'23"E 152.87 FEET, THENCE S00°37'19"W 325.72 FEET, THENCE S89°59'09"W 1264.55 FEET TO THE P.O.B.; CONTAINING 21.03 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

RESOLUTION NO. ______

A RESOLUTION APPROVING AMENDMENTS TO THE BILL OF ASSURANCE SUBMITTED WITH ORDINANCE NO. 4410, PASSED AND APPROVED BY THE CITY COUNCIL ON AUGUST 20, 2002.

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

Section 1. That the City Council of Fayetteville, Arkansas, hereby approves amendments to the Bill of Assurance, which was submitted with rezoning Ordinance No. 4410, passed and approved by the City Council on August 20, 2002. A copy of the Revised Bill of Assurance, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and **APPROVED** this 3rd day of December, 2002.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
HEATHER WOODRUFF, City Clerk

STAFF REVIEW FORM

xx _ AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of December 3, 2002

FROM:

Connie Edmonston	Parks and 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 Southern View Apartments.

COST TO CITY:

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

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: ____

Marsha Farthing	11/13/02	Danny Smith	11/14/02
Accounting Manager	Date	Internal Auditor	Date
	11/13/02		
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Approval of resolution.

Connie Edmonston	11-7-02
Division Head	Date
Hugh Earnest	11-8-02
Department Director	Date
	11-15-02
Administrative Services Director	Date
Dan Coody	11/15/02
Mayor	Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: __

Orig Contract Date: _

Orig Contract Number: ____

STAFF REVIEW FORM

Description Southern View Apartments

Meeting Date December 3, 2002

Comments:

Reference Comments:

Budget Coordinator

Accounting Manager

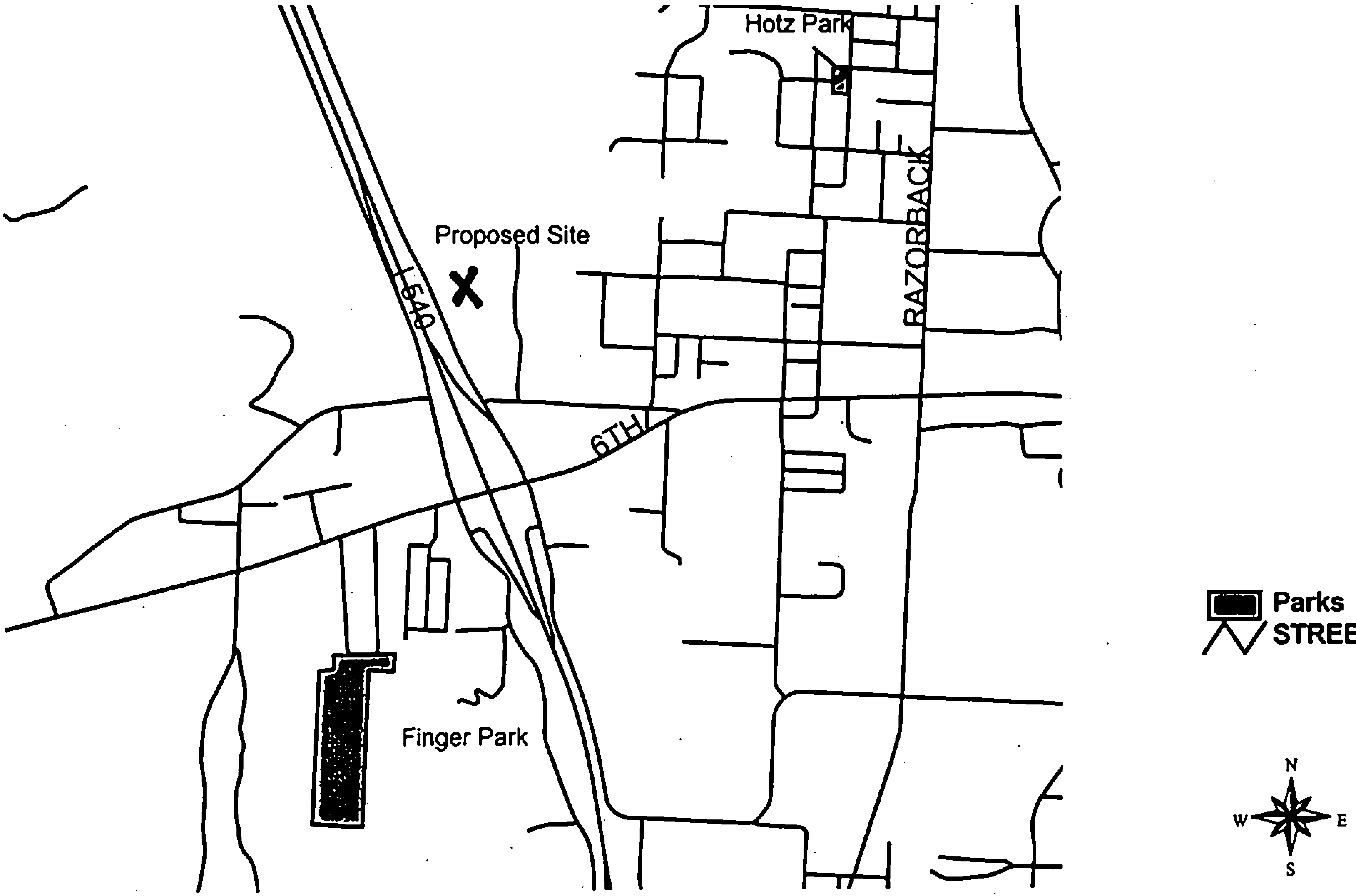
City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Southern View Apartments



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Mayor Coody and City Council

THRU: Hugh Earnest, Urban Development Director

FROM: Connie Edmonston, Parks and Recreation Superintendent C.E.

DATE: November 7, 2002

SUBJECT: Southern View Apartments

Background

Southern View Apartments is a proposed large scale development located east of I-540 and west of Ramay Junior High and West Fayetteville High School Campus. The owner is Lindsey and Associates. The proposed plat includes 312 multi-family units on 19.39 acres. The requirement of parkland is 6.24 acres and the money-in-lieu is $117,000. 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 for further study."

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 November 4, 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. Existing parks in close proximity to this development include Hotz Park (1 acre) and Finger Park (19 acres). Southern View Apartments will provide a small park area for the Southern View community which will include a playground area, clubhouse, swimming pool, picnic tables and a lake. A concrete sidewalk/trail will be built along Futrall Road. The developer also recommends a money-in-lieu of land requirement. See attached letter. Future trail expansion along this corridor could utilize existing street right of way. If you have any questions, please call me at 444-3471.

Attachments:

Location Map
PRAB November 4, 2002 Meeting Minutes
Letter - Jerry Kelso

2. Park Land Dedication

Development Name:	**Southern View Apartments**
Engineer:	Crafton, Tull & Associates, Jerry Kelso
Owner:	Lindsey & Associates
Location:	West of I-540 next to Ramay Jr. High School
Park District:	SW
Units:	312 Multi Units
Total Acres:	19.39 acres
Land Dedication Requirement:	6.24 acres
Money in Lieu Requirement:	$117,000
Existing Parks and Acreage:	Hotz Park (1 acres), Finger Park (19 acres)
Staff Recommendation:	Money in Lieu of Land This development is over 100 units and would require a waiver of the ordinance.

Justification:

1) The development is providing adequate park services for its patrons including a swimming pool, club house, lake, picnic tables, and a playground, concrete sidewalk/trail along Futrall.

Ms. Eads commented the developers appeared to be providing amenities equivalent to those the city would provide for a park.

MOTION:

Mr. Hill moved to recommend to the City Council to accept money in lieu of a land dedication to satisfy the park land dedication requirement for Southern View Apartments.

Mr. Colwell seconded the motion.

Upon roll call, the motion was approved 5-0-0 with Mauritson absent for the vote.

Crafton, Tull & Associates, Inc.
P.O. Box 549 Rogers, AR 72757 479.636.4838 Fax 479.631.6224 www.craftull.com

October 17, 2002

Kim Rogers
City of Fayetteville, Parks & Recreation
113 W. Mountain
Fayetteville, AR 72701

RE: Southern View Apartments
CTA Job No. 021081-00

Dear Kim:

Please find attached 12 copies of plans for the above referenced project. The north 19 acres of the property has been rezoned RMF-18 from C-2 commercial. The remaining property on the south end is zoned commercial.

The project will contain 312 multi-family units. We will provide a small park area for the Southern View community that will include a playground area as shown on the drawing. (Attached is the equipment the developer will provide). The additional amenities for this project will include a clubhouse, swimming pool, picnic tables, and a lake. A concrete sidewalk/trail will be built along Futrall road.

The developer is requesting to donate money in lieu of land for this project, since we will provide an abundant of amenities.

Should you have any questions, or require any additional information, please contact us at your convenience.

Very Truly Yours,

Crafton, Tull & Associates, Inc.

Jerry Kelso, P.E.
Vice President

Attachment: 12 copies of plans

cc: Jim Lindsey
F:\JOBFILES\021081-00\eng\corr\parks lt-2.doc

RZN 02-39.00
C. 4. Page 1

STAFF REVIEW FORM

X Agenda Request
___ Contract Review
___ Grant Review

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

FROM:

Tim Conklin	Planning	Urban Development
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZN 02-39.00 as submitted by Tim DeNoble on behalf of John Eldridge, III for property located at 210 N. East Avenue. The property is zoned R-O, Residential Office and contains approximately 0.70 acres. The request is to rezone to C-3, Central Commercial.

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
D. J. Wh[illegible] City Attorney	12/02/02 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and on November 25, 2002 the Planning Commission voted 9-0-0 to recommend the rezoning be approved by the City Council.

Dawn T. Warrick for T.C. Division Head	11/27/02 Date	**Cross Reference**
Department Director	Date	New Item: **Yes** **No**
Administrative Services Director	12/2/02 Date	Prev Ord/Res#: ___
Dan Coody Mayor	12/9/02 Date	Orig Contract Date: ___

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 02-39.00 FOR A PARCEL CONTAINING APPROXIMATELY 0.70 ACRES LOCATED AT 210 N. EAST AVENUE, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY TIM DENOBLE ON BEHALF OF JOHN ELDRIDGE, III.

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

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

From R-O, Residential Office to C-3, Central Commercial as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this ______ day of __________, 2002.

APPROVED:

DRAFT

By:____________________
DAN COODY, Mayor

ATTEST:

DRAFT

By: ____________________
Heather Woodruff, City Clerk

EXHIBIT "A"
RZN 02-39.00

PART OF LOT 5 AND 6 OF BLOCK 2 OF THE ORIGINAL PLAT OF THE TOWN OF FAYETTEVILLE AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKNASAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 2, THENCE N0°46'40"E 146.00 FEET; THENCE N89°15'30" W 124.50 FEET, THENCE S0°46'40" W 49.00 FEET, THENCE WEST 11.00 FEET, THENCE N88°42'18" W 78.43 FEET, THENCE S0°31'39" W 97.62 FEET, THENCE S89°15'30"E 213.50 FEET TO THE P.O.B.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of Nov. 25, 2002

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

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Shelli Rushing, Associate Planner
THRU:	Tim Conklin, A.I.C.P., City Planner
DATE:	November 21, 2002

RZN 02-39.00: Rezoning (Eldridge, pp 484) was submitted by Tim deNoble on behalf of John Eldridge, III for property located at 210 N. East Avenue. The property is zoned R-O, Residential Office and contains approximately 0.70 acres. The request is to rezone to C-3, Central Commercial.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	**Required**	**YES**	
	❍ Approved		**❍ Denied**
Date: November 25, 2002			
CITY COUNCIL ACTION:	**Required**	**YES**	
	❍ Approved		**❍ Denied**
Date: December 17, 2002			

Comments: ______________________________

BACKGROUND:

Property Description: The subject property is a corner lot located in the downtown area, north of Spring St. between Block Ave. and East Ave. The property is Lot 6 and part of Lot 5 of Block 2 of the original town plat. There is an existing 6,984 sq. ft. office building located on the east portion of the site. A small building sits on the northwest corner of the site. The existing parking is provided in a partially paved parking lot, with a portion that is gravel. The property is accessed from Block St.

Neighborhood Description: The surrounding area is a mixture of residential and commercial uses. The zoning on the north, west and south sides are commercial and residential office on the east side. Rezonings in the immediate area have included two in the past ten years that were rezoned from R-O to C-3 located at 323 W. Spring and 509 W. Spring.

Proposal and Request: The applicant is proposing to convert an existing office building into seven residential condominiums. The applicant is requesting to rezone the property from R-0 to C-3.

Recommendation: Staff is recommending approval of the requested rezoning. It is appropriate for this property to be rezoned in a similar fashion as the surrounding zoning, which is predominantly commercially zoned. The rezoning is consistent with the Future Land Use Plan.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Commercial – Offices	C-2 Thoroughfare Commercial C-3 Central Business Commercial
South	Commercial – Offices	C-3 Central Business Commercial
East	Commercial – Offices	R-O Residential Office
West	Commercial - Offices	C-3 Central Business Commercial

INFRASTRUCTURE:

Streets: North: Dickson St. (Historic Collector)
South: Spring St.(Unclassified)
East: East Ave. (Historic Collector)
West: Block Ave. (Historic Collector)

Water: South side of Spring St. – 12" water pipe; East Ave. – 4" water pipe

Sewer: Spring St. - 8"sewer pipe; East Ave. – 8" sewer pipe

LAND USE PLAN: General Plan 2020 designates this site as Historic Commercial. The C-3 zoning district is consistent with the General Plan and is compatible with surrounding land uses.

FINDINGS OF THE STAFF:

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

Finding: **The proposed zoning of C-3 Central Business Commercial is consistent with the Future Lane Use Plan which designates this area as Historic Commercial.**

The rezoning implements specific policies set forth in the Future Land Use Plan.

9.11.a Continue revitalization of the historic downtown commercial area, and enhance it with evening businesses. **Having residential uses in the downtown area will help support businesses that cater to an evening crowd.**

9.11.h Include high density residential use as a use by right in the Historic Downtown Commercial District and allow mixing of uses within the same building. **The proposed residential development will provide a mix of uses in the downtown and provide medium density residential uses.**

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

Finding: **Under the current zoning classification of R-O, the applicant can request a conditional use for the multifamily use being proposed. The rezoning will allow the proposed use to be a use "by right" in the proposed C-3 zoning district. The existing structure is more consistent with the setback requirements of the C-3 district.**

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

Finding:

From Planning: **Trip Generation indicates the average two-way weekday traffic volume for a seven unit condominium development is 41 trips. Block Ave., which provides access to the site, is a Historic Collector. A Historic Collector is designed for between 4,000 and 6,000 vehicles per day. Traffic counts are not available for this street. Staff does not find that the rezoning will significantly impact traffic danger or congestion.**

From Public Works: **The proposed rezoning is located on the north side of Spring Street between East Avenue and Block Avenue.**

The proposed rezoning from R-O to C-3 may or may not result in additional traffic danger and congestion for this area. The access to the developed site and the circulation network within the development shall be reviewed in detail as part of the subdivision or large scale development process. The layout, connectivity, circulation plan, ingress and egress provisions will be reviewed in detail as information becomes available.

From Police: **After reviewing this rezoning request and looking at the property described, the police department does not have an objection to the**

rezoning being granted. They do not believe there will be any adverse effects to public safety should these properties be rezoned.

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

Finding: ***From Planning:*** **Using 2000 Census data, the addition of 7 families at a rate of 2.2 persons per occupied unit, the development would increase population in the area by approximately 15 persons.**

From Public Works: **The site has access to an existing 12" water line on the south side of the property, a 4" water line on the east side of the property, and a 6" water line on the west side of the property. An 8" sewer main is also located at the south, west and east sides of this property.**

The proposed rezoning and ultimate development may or may not increase the loading on the existing infrastructure systems. During the development's review and approval process, the adequacy of the existing infrastructure to accommodate the service requirements will be assessed by the developer's consultant and reviewed by city staff. Any inadequacies, lack of availability, need for improvements and determination of responsibility for the infrastructure improvements shall be resolved during the development's review/approval process.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

From Chapter 161 Zoning Regulations
Fayetteville Unified Development Ordinance

Current Zoning:

§161.12 DISTRICT R-O RESIDENTIAL OFFICE

A . Purpose. The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 5	Government Facilities
Unit 8	Single-Family and Two-Family Dwellings
Unit 12	Offices, Studios and Related Services
Unit 25	Professional Offices

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 9	Multi-Family Dwelling - Medium Density
Unit 10	Multi-Family Dwelling - High Density
Unit 13	Eating Places

C. Bulk and Area Regulations.
(Per Dwelling Unit for Residential Structures)

Lot Minimum Width:	Mobile Home Park	100 ft.
	Lot Within a Mobile Home Park	50 ft.
	One Family	60 ft.
	Two Family	60 ft.
	Three or More	90 ft.
Lot Area Minimum:	Mobile Home Park	3 acres
	Lot Within a Mobile Home Park	4200 sq. ft.
	Row Houses: Development Individual Lot	 10,000 sq. ft. 2500 sq. ft
	Single Family	6000 sq. ft
	Two Family	6500 sq. ft
	Three or More	8000 sq. ft
	Fraternity or Sorority	1 acres
Land Area Per Dwelling Unit:	Mobile Home	3000 sq. ft.
	Row Houses &Apartments: Two or More Bedrooms One Bedroom No Bedroom	 1200 sq. ft. 1000 sq. ft. 1000 sq. ft
	Fraternity or Sorority	500 sq. ft., per resident

D. Bulk and Area Regulations/ Setbacks. Setback lines shall meet the following minimum requirements.

From Street ROW	30 ft.
From Street ROW if Parking is Allowed Between the ROW and the Building	50 ft.
From Side Property Line	10 ft.

From Side Property Line When Contiguous to a R-1, R-2 or R-3 District	15 ft.
From Back Property Line Without Easement or Alley	25 ft.
From Center Line of Public Alley	10 ft.

E. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

F. Height Regulations. There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any R-1, R-2, or R-3 District an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, §160.041; Code 1965, App. A, Art. 5(x); Ord. No. 1747, 6-29-89; Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80)

From Chapter 161 Zoning Regulations
Fayetteville Unified Development Ordinance

Proposed Zoning:

§161.15 DISTRICT C-3 CENTRAL COMMERCIAL

A. Purpose. The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district or regional shopping centers which provide a wide range of retail and personal service uses.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 4	Cultural and Recreational Facilities
Unit 5	Government Facilities
Unit 9	Multifamily Dwelling - Low Density
Unit 10	Multifamily- 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 18	Gas Service Stations and Drive-In Restaurants
Unit 19	Commercial Recreation
Unit 34	Liquor Store

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 19	Trades and Services
Unit 28	Center for Collecting Recyclable Materials

C. Bulk and Area Regulations/ Setbacks. Setback lines shall meet the following minimum requirements:

	Central Business District	Shopping Center
From Street ROW	5 ft.	25 ft.
From Street ROW if Parking is Allowed Between the ROW and the Building	50 ft.	50 ft.
From Side Property Line	None	None
From Side Property Line When Contiguous to a Residential District	10 ft.	25 ft.
From Back Property Line Without Easement or Alley	15 ft.	25 ft.
From Centerline Line of a Public Alley	10 ft.	10 ft.

(Code 1991, §160.037; Code 1965, App. A, Art. 5(VII); Ord. No. 1747, 6-29-89; Ord. No. 2351, 6-21-77; Ord. No. 2603, 2-19-80)

From Fayetteville General Plan 2020

9.11 Historic Downtown Commercial Areas

The historic downtown core of Fayetteville, the area between the University and the square, contains the Dickson Street corridor, an important regional entertainment attraction. The area designated on the future land use map for Historic Downtown Commercial includes Dickson Street, the square, and the surrounding residential neighborhood. This is one of Fayetteville's oldest neighborhoods, and has become an area of older houses that have been divided into boarding houses, student apartments, and houses renovated for commercial use. The overriding goal for this area is to encourage commercial development which retains the area's historic character and to encourage denser residential development. This area is served by public transit and is within walking distance of the university, employment centers, shopping centers, entertainment, and public amenities such as parks. Businesses on the square are predominantly day businesses, while Dickson Street businesses are night spots. A mix of both kinds of businesses in both places would allow shared parking, and the presence of people during the day and night would increase the vitality of both areas and discourage crime.

Historic Downtown Commercial: *Guiding Policies*

9.11.a Continue revitalization of the historic downtown commercial area, and enhance it with evening businesses.

9.11.b Encourage the continuing revitalization of Dickson Street and provide a sense of connection between Dickson Street and the square.

9.11.c Encourage retail use of ground floor space and restrict office and residential uses to higher floors.

Historic Downtown Commercial: *Implementation Strategies*

Market forces are responsible for the recent revitalization of Dickson Street and the square; and market forces will be responsible for most future revitalization. Public investment also serves to attract private investment, as evidenced by the example of the Walton Arts Center. In 2001, the Advertising and Promotion Commission completed construction of Fayetteville Town Center near the square.

9.11.d Review the C-3 and C-4 zoning requirements and combine into a single zoning district to create uniform standards for both areas.

9.11.e Identify and develop design standards for new development that encourage compatibility with existing development and help link Dickson Street and the square. The plan should include provisions for connecting the two areas and enhancing the pedestrian environment between them.

9.11.f Continue implementation of the recommendations of the Parking Study completed March 3, 1994 to better manage parking in this area.

9.11.g Investigate tax increment financing or improvement district status to encourage additional private investment in the area.

9.11.h Include high density residential use as a use by right in the Historic Downtown Commercial District and allow mixing of uses within the same building.

Eldridge
Summary of Trip Generation Calculation
For 7 Dwelling Units of Residential Condominium / Townhouse
November 14, 2002

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	5.86	3.09	1.00	41
7-9 AM Peak Hour Enter	0.07	0.00	1.00	0
7-9 AM Peak Hour Exit	0.37	0.00	1.00	3
7-9 AM Peak Hour Total	0.44	0.69	1.00	3
4-6 PM Peak Hour Enter	0.36	0.00	1.00	3
4-6 PM Peak Hour Exit	0.18	0.00	1.00	1
4-6 PM Peak Hour Total	0.54	0.76	1.00	4
Saturday 2-Way Volume	5.67	3.10	1.00	40
Saturday Peak Hour Enter	0.25	0.00	1.00	2
Saturday Peak Hour Exit	0.22	0.00	1.00	2
Saturday Peak Hour Total	0.47	0.71	1.00	3

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

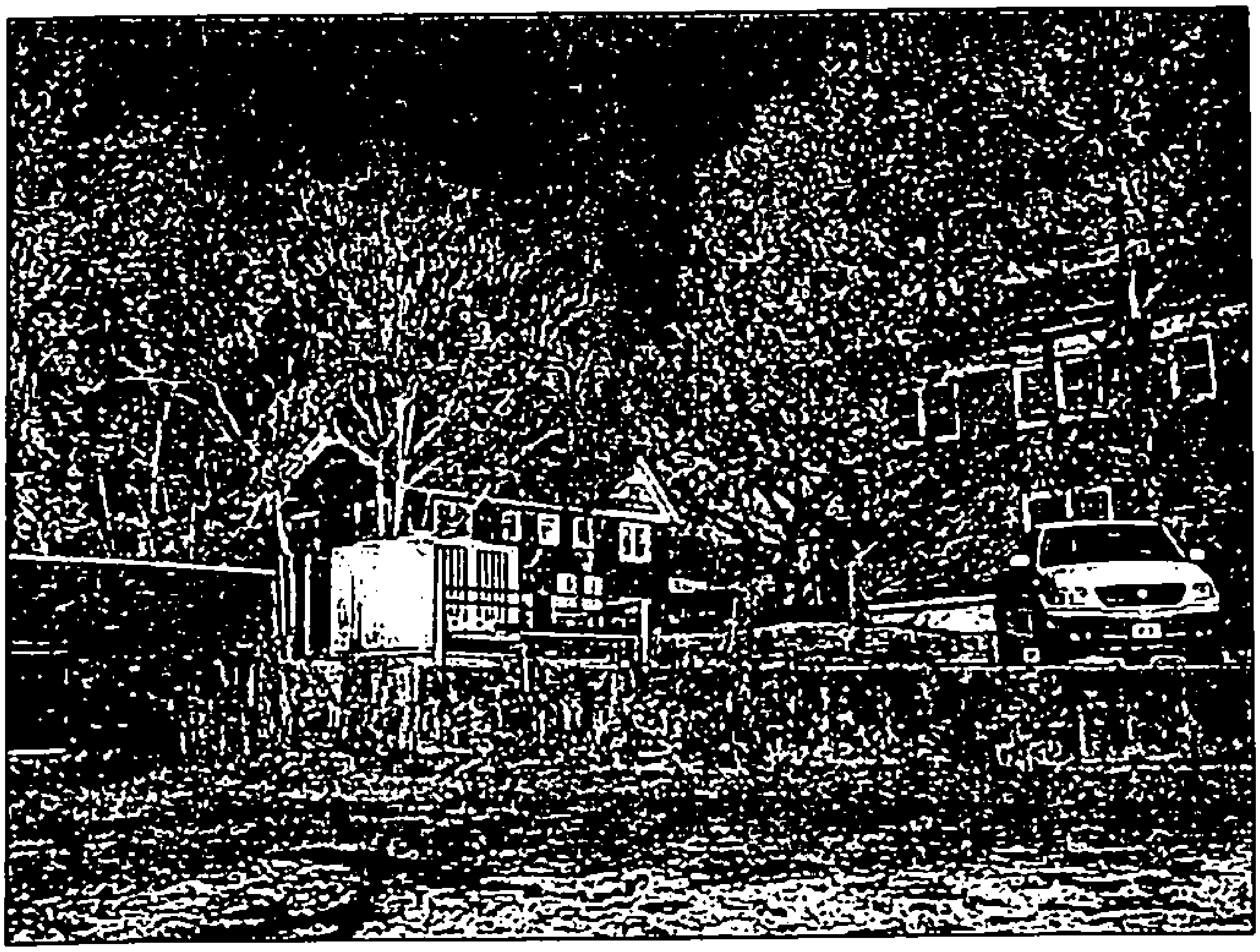
TRIP GENERATION BY MICROTRANS

Existing structure facing East Ave.

Gravel parking lot and property to the north of subject property.

Property to the west, across Block Ave.

Property to the south across Spring St.



West side of property and property to the north.

5. John R. Eldridge, III
P. O. Box 580
Fayetteville, AR 72702-0580

Request a rezoning of the real estate described in this rezoning request for the reason that the owner desires to convert the office building to seven residential condominiums and such use is a use by right in C3, but requires a conditional use in RO. The relation to surrounding properties is that parking and traffic will be minimized, appearance of the building will be enhanced to give a more residential appearance and signage will be reduced.

Water and sewer are currently available to this building, which is being used as an office building. The size of the water and sewer lines is as follows:

South side of Spring Street – 12 inch water pipe
East Avenue – 4 inch water pipe

Spring Street has an 8 inch sewer pipe
East Avenue has an 8 inch sewer pipe

Source: City of Fayetteville Engineering Department

6.

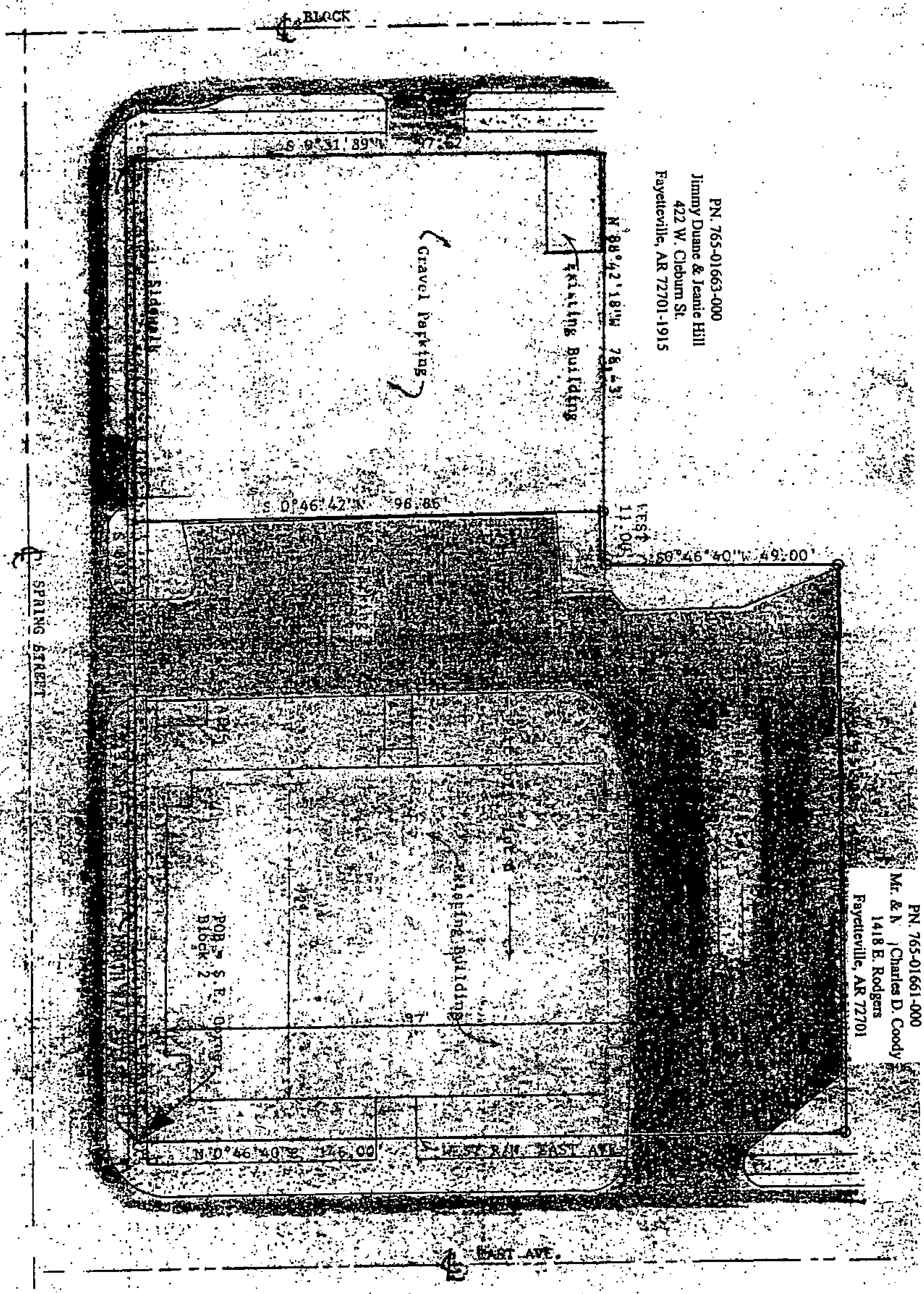
The subject real estate is virtually surrounded by C3 zones and is in the downtown area where there are considerable mixed uses. The proposed zoning is justified or needed as there is currently a demand for downtown residential units in the mixed use area. Traffic will be decreased by residential use from the current office use and no additional congestion will occur. The proposed rezoning will not alter the current population density, at least during daytime hours and should decrease the burden of use in the area. No additional increase on public services should be required. It is impractical to leave the property RO and to adapt the use on a conditional use basis as C3 zoning is more consistent with current uses in the area and current zoning classification.

RZN 02-39.00
C. 4. Page 18

PN. 765-01680-000
[...]hwest Office Properties, LLC
5 Ridgeview Ct.
Little Rock, AR 72227

Fayetteville, AR 72702

Ronnie G. Sherwood
1781-000



PN. 765-01663-000
Jimmy Duane & Jeanie Hill
422 W. Cleburn St.
Fayetteville, AR 72701-1915

PN. 765-01661-000
Mr. & M[...] Charles D. Cody
1418 E. Rodgers
Fayetteville, AR 72701

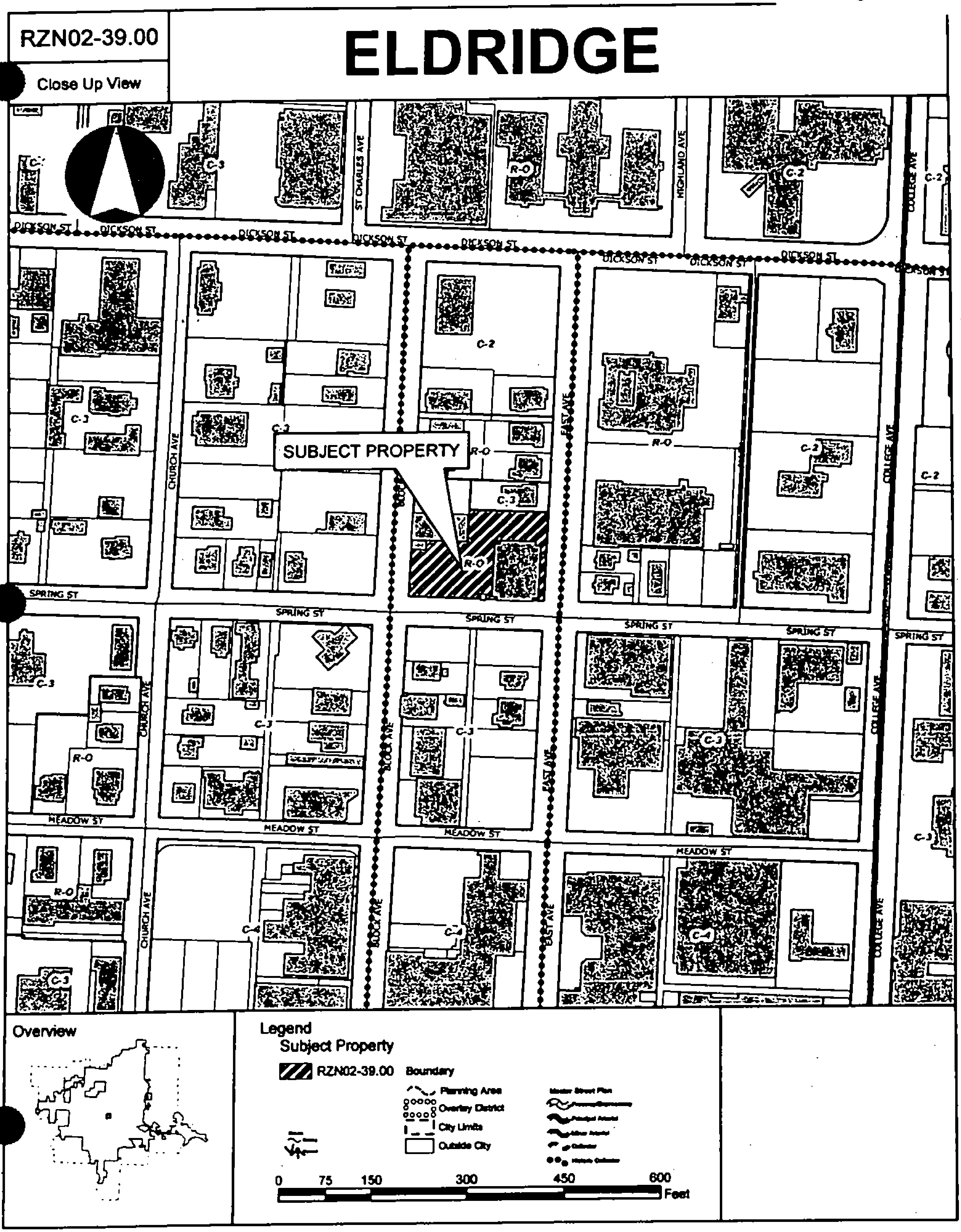
PN. 765-01794-000 & PN. 765-01795-000
City of Fayetteville
113 W. Mountain

PN. 765-01807-000
Southwestern Bell Telephone Comp
220 SE 6th Street #540

PN. 765-01639-000
Landrea D. Nichols
204 N. East Ave.
Fayetteville, AR 7270

PN. 765-01640-000
Wanda B. & Rex Alan Smith
HC 82 Box 167
Box Elder, SD 57719-9626

PN. 765-01644-000
Northwest Arkansas Times, LLC
125 W. Capitol, Ste. 318
Bentonville, AR 72712

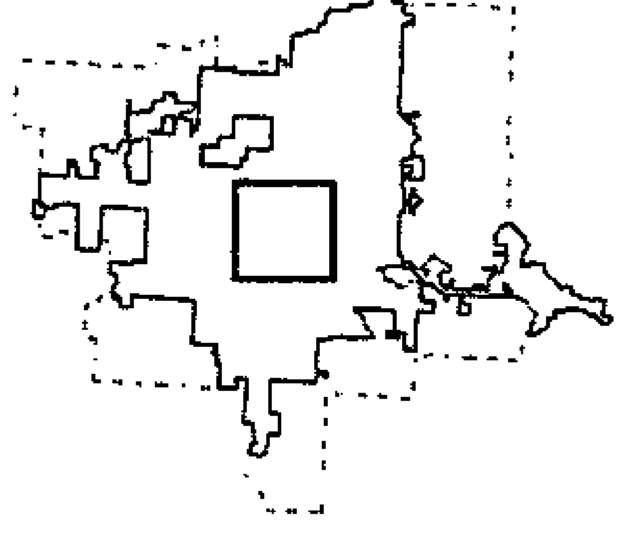

RZN02-39.00
Close Up View
ELDRIDGE
SUBJECT PROPERTY
DICKSON ST
SPRING ST
MEADOW ST
ST CHARLES AVE
HIGHLAND AVE
COLLEGE AVE
CHURCH AVE
BLOCK AVE
EAST AVE
C-2
C-3
C-4
R-O
Overview
Legend
Subject Property
RZN02-39.00 Boundary
Planning Area
Overlay District
City Limits
Outside City
0 75 150 300 450 600 Feet

RZN02-39.00

One Mile View

ELDRIDGE

Overview



Legend

Subject Property

RZN02-39.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

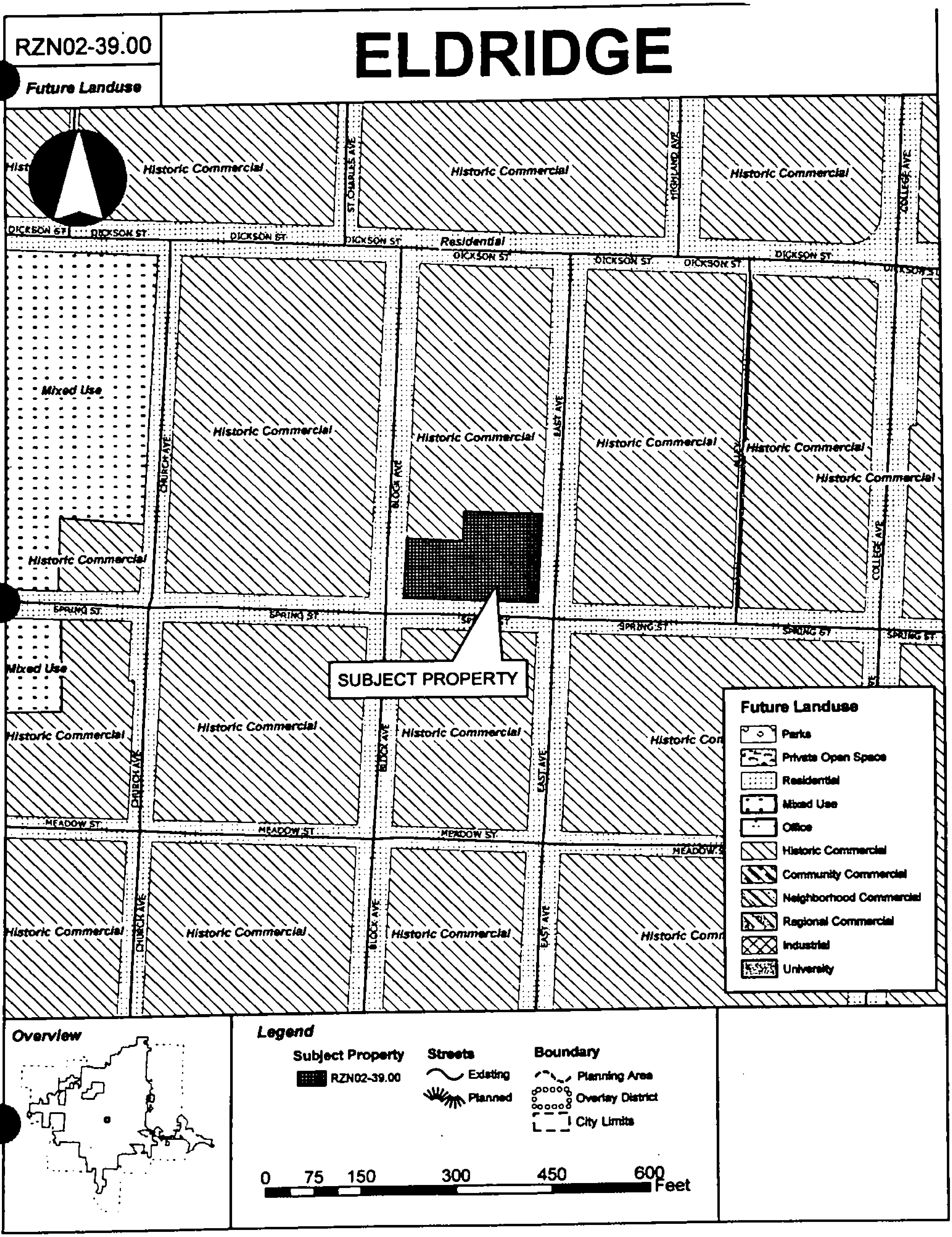
Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles


RZN02-39.00
Future Landuse
ELDRIDGE
Historic Commercial
Residential
DICKSON ST
SPRING ST
MEADOW ST
CHURCH AVE
BLOCK AVE
EAST AVE
ST. CHARLES AVE
HIGHLAND AVE
COLLEGE AVE
Mixed Use
SUBJECT PROPERTY
Future Landuse
Parks
Private Open Space
Residential
Mixed Use
Office
Historic Commercial
Community Commercial
Neighborhood Commercial
Regional Commercial
Industrial
University
Overview
Legend
Subject Property
RZN02-39.00
Streets
Existing
Planned
Boundary
Planning Area
Overlay District
City Limits
0 75 150 300 450 600
Feet

RZN 02-39.00: Rezoning (Eldridge, pp 484) was submitted by Tim deNoble on behalf of John Eldridge, III for property located at 210 N. East Avenue. The property is zoned R-O, Residential Office and contains approximately 0.70 acres. The request is to rezone to C-3, Central Commercial.

Aviles: Item nine on our agenda is RZN 02-39.00, which is a rezoning submitted by Tim DeNoble on behalf of John Eldridge, III for property located at 210 N. East Avenue. The property is zoned R-O, Residential Office and contains approximately 0.70 acres. The request is to rezone to C-3, Central Commercial. Dawn, can you give us a staff report?

Hoover: Madam Chair, I need to recuse from this.

Aviles: Thanks Commissioner Hoover.

Warrick: This project site is located at 210 N. East Avenue. It is the site of an existing 6,984 sq.ft. office building. The surrounding area is a mixture of residential and commercial uses. Surrounding zoning includes Commercial as well as Residential Office. Some other rezonings in the immediate area that have been considered within the past 10 years we have rezoned from R-O to C-3 projects located at both 323 W. Spring and 509 W. Spring. That is the same type request that we are looking at now, a rezoning from Residential Office to C-3, Central Commercial. Staff is recommending approval of the requested rezoning. It is appropriate that it be rezoned in a similar fashion to surrounding zonings which are predominantly Commercial or C-3. It is also consistent with the General Plan Future Land Use Plan, which designates this area as Historic Commercial.

Aviles: Thank you Dawn. Is the applicant present?

DeNoble: I am Tim DeNoble, I am John Eldridge's representative.

Aviles: Do you have a presentation that you would like to make?

DeNoble: I think I will just answer questions. At this point we are merely in the planning phase of ultimately changing this from a commercial building to townhouses downtown.

Aviles: Thank you Mr. DeNoble. Is there any member of the audience that would like to address us on this rezoning? I will bring it back to the applicant and to the Commission for discussion.

MOTION:

Estes: The proposed rezoning is consistent with the Future Land Use Plan, in addition it would provide a mixed use in the Historic Downtown Commercial District which is consistent with our Land Use Plan. Based upon those comments and staff's report I would move that we approve RZN 02-39.00 and forward it to the City Council for Council's consideration.

Aviles: Thank you Commissioner Estes. I have a motion, do I hear a second?

Shackelford: I will second.

Aviles: There is a second by Commissioner Shackelford. Is there any additional discussion?

Bunch: I have a question for the applicant. Tim, are you looking at having a lot split in the future for the lower portion that is now the gravel lot? What is your preliminary plan on this?

DeNoble: The rezoning is probably more about that lot in the future which is currently part of the same property. Ultimately we would like to do townhouses at that point as well and a 5' setback is much more conducive to that. At the point we would have to come and ask for a Variance under the R-O so we could build the townhouses closer to the street so that is why we are requesting this rezoning now.

Bunch: You are looking at converting the existing building into townhouses and probably utilizing 15 parking spaces on the asphalt area of the upper elevation from East Avenue?

DeNoble: Correct, I believe if I am not mistaken there are more than 15, we are closer to 20 spaces there now.

Bunch: 15 off street but you are looking at potential future development of the lower gravel lot?

DeNoble: Right. Parking for those would be on that lot as well. In fact, the number of units on that lot is limited by the amount of parking you would be able to get on it. It would probably be somewhere in the neighborhood of 40.

Aviles: Thank you. Is there any additional discussion? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to recommend approval by the City Council of RZN 02-39.00 was approved by a vote of 9-0-0.

Aviles: The motion carries unanimously.

RZN 02-40.00
C. 5. Page 1

STAFF REVIEW FORM

X Agenda Request
Contract Review
Grant Review

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

FROM:

Tim Conklin	Planning	Urban Development
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZN 02-40.00 as submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of David Slone for property located behind 3195 N. College and east of Plainview Avenue. The property is zoned A-1, Agricultural, C-2, Thoroughfare Commercial and R-1, Low Density Residential and contains approximately 8.84 acres. The request is to rezone to RMF-18, Medium Density, Multi-Family Residential.

COST TO CITY:

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

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

Budget Coordinator
Administrative Services Director

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

Accounting Manager Date
ADA Coordinator Date

D. L. White 12/2/02
City Attorney Date
Internal Auditor Date

Purchasing Officer Date

STAFF RECOMMENDATION: Staff recommended approval and on November 25, 2002 the Planning Commission voted 9-0-0 to recommend the rezoning be approved by the City Council.

Dawn T. Warrick for T.C. 11/27/02
Division Head Date

Department Director Date

12/2/02
Administrative Services Director Date

Dan Coody 12/3/02
Mayor Date

Cross Reference

New Item: Yes No

Prev Ord/Res#: ____

Orig Contract Date: ____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 02-40.00 FOR A PARCEL CONTAINING APPROXIMATELY 8.84 ACRES LOCATED BEHIND 3195 N. COLLEGE AND EAST OF PLAINVIEW AVENUE, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY JERRY KELSO OF CRAFTON, TULL & ASSOCIATES ON BEHALF OF DAVID SLONE.

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

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

From A-1, Agricultural, C-2 Thoroughfare Commercial and R-1, Low density Residential to RMF-18, Medium Density Multi-Family Residential as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this ______ day of __________, 2002.

APPROVED:

By: DRAFT
DAN COODY, Mayor

ATTEST:

By: DRAFT
Heather Woodruff, City Clerk

EXHIBIT "A"
RZN 02-40.00

PART OF THE SW ¼ OF THE SE ¼ OF SECTION 26 AND A PART OF THE NW ¼ OF THE NE ¼ OF SECTION 35, ALL IN TOWNSHIP 17 NORTH, RANGE 30 WEST, IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NE CORNER OF THE NW ¼ OF THE NE ¼ OF SAID SECTION 35, THENCE N 88°54'12"W 42.14 FEET, THENCE N 0°50'44"E 35.00 FEET, THENCE N 88°54'12"W 275.00 FEET TO THE POINT OF BEGINNING; THENCE N0°54'50"E 218.00 FEET TO AN IRON PIPE; THENCE N 01°04'16"E 202.00 FEET TO AN IRON PIN; THENCE N88°54'12"W 500.82 FEET TO THE CENTERLINE OF PLAINVIEW AVENUE; THENCE ALONG THE CENTERLINE OF SAID PLAINVIEW AVENUE S0°10'10"W 455.00 FEET; THENCE S 88°54'12"E 19.56 FEET TO THE NE CORNER OF A PARCEL OF LAND AS RECORDED IN LAND RECORD DOCUMENT NUMBER 96-001887; THENCE ALONG THE EAST LINE OF SAID PARCEL S0°07'51"W 325.27 FEET TO THE SE CORNER OF SAID PARCEL, BEING A POINT ON THE NORTH LINE OF APPLEBY ACRES ADDITION; THENCE ALONG THE NORTH LINE OF APPLEBY ACRES ADDITION S85°31'00"E 104.30 FEET, MORE OR LESS, TO A CONCRETE MONUMENT; THENCE ALONG AND BEYOND THE NORTH LINE OF SAID APPLEBY ACRES ADDITION S 66°08'22"E 382.20 FEET TO AN IRON PIN THENCE SOUTH 88°54'12"E 3.55 FEET TO A CONCRETE MONUMENT THENCE NORTH 0°10'46"E 267.00 FEET TO A CONCRETE MONUMENT; THENCE S89°48'44"W 75.0 FEET; THENCE N0°50'44"E 248.91 FEET; THENCE S88°54'12"E 89.45 FEET, MORE OR LESS, TO A POINT OF BEGINNING, CONTAINING 8.84 ACRES, MORE OR LESS. SUBJECT TO THE RIGHT OF WAY FOR PLAINVIEW AVENUE ALONG THE WEST SIDE THEREOF AND ALL OTHER EASEMENTS AND RIGHTS OF WAY OF RECORD.

RZN 02-40.00: Rezoning (Slone, pp 252) was submitted by Jerry Kelso of Crafton, Tull, and Associates on behalf of David Slone for property located behind 3195 N. College. The property is zoned A-1, Agricultural, C-2, Thoroughfare Commercial, and R-1, Low Density Residential and contains approximately 8.84 acres. The request is to rezone to RMF-18, Medium Density Multi-Family Residential.

Aviles: The last item on our agenda this evening is RZN 02-40.00 which is a rezoning submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of David Slone for property located behind 3195 N. College. The property is zoned A-1, Agricultural, C-2, Thoroughfare Commercial, and R-1, Low Density Residential and contains approximately 8.84 acres. The request is to rezone to RMF-18, Medium Density Multi-Family Residential. Dawn, do you have the staff report?

Warrick: Yes Ma'am. The subject property is vacant land. It is located behind the Fazoli's Restaurant and Mitsubishi dealership on the west side of College Avenue. The applicant is proposing a multi-family development with a maximum of 156 units. In order to implement this proposal the property would need to be zoned to permit approximately 18 units per acre. The request is to rezone the existing property which is a mixture of A-1, R-1, and C-2 districts to the RMF-18 zoning district to permit a proposed multi-family development. The rezoning is not necessarily consistent with the Future Land Use Plan because the area is designated to be Community Commercial for this area. However, the proposal does meet many of the policies for residential areas, which is the zoning that is being requested. It uses existing infrastructure to serve the development, it is accessible to a major thoroughfare, it is near community amenities and goods and services, and it serves as a transition use between existing commercial the east and residential to the west. Additionally, it may be impractical for any uses under its current designation. Since the C-2 portion is not located directly on the major thoroughfare it may not be desirable for commercial businesses. Agriculture and Single-Family residential uses are not appropriate at the location based on existing surrounding land uses, which are commercial and predominantly car dealerships. Staff is recommending in favor of the requested rezoning.

Aviles: Thanks. Dawn, I wonder if you could address us about the memo that Shelli put together. At agenda session we had asked for additional information concerning the amount of commercial zoning available for use as a tax base to the city and where we are with relation to that and the 2020 Plan.

Warrick: The bulk of the memo describes some recent actions with regard to rezonings going from residential to commercial and vice versa. That is the table on the front page that basically describes that in 2001 and 2002 to date, basically the last two years, the Planning Commission has recommended and Council has rezoned approximately 73 acres from Commercial to Residential Districts. Going from Residential to Commercial we have looked at rezoning approximately 53 acres so there is a net gain of about 20 acres of Residential in those types of actions that have been seen by the Planning Commission and Council in the last two years. Beyond that, there is some information taken directly out of the General Plan that describes the Future Land Use Map, the calculations and existing developed areas. Those figures that are reflected for developed areas are based on the 1995 figures because we have not done a land use land cover study since then to get you very accurate specifics, square footages or ratios with regard to the breakouts and different types of land uses.

Aviles: Let me make sure that I am interpreting this correctly, just to make sure that we are not eroding our Commercial zoning. Basically our 1995 information has placed 35% of the land to be zoned Commercial by the year 2020?

Warrick: Right.

Aviles: Thank you very much. Is the applicant present? Would you please come forward and tell us your name?

Kelso: Jerry Kelso with Crafton, Tull & Associates on behalf of the owner of the property, David Slone. I would like to give a brief presentation if I may. I have put together a map here of the local area and the existing zonings that are currently there. Here is North College, here is Longview and Plainview. Our property that we are looking at rezoning is what you see in the heavy dashed line right there. As you can see, most of the property right now is zoned R-1, a little bit of A-1 and a little bit of C-2 down here at the bottom. What we are asking for is to zone this to Multi-Family, RMF-18. What that would allow would be a good transition from a C-2 back to the R-1 that is existing right now. It would be impractical, in our opinion, that a C-2, Commercial venture go back here because of the fact that the existing businesses are established along North College at this time with Fazoli's, Mitsubishi. Therefore, this property does not have direct frontage to College so it would be tough for a commercial venture to go in there. Along with that, typically you don't have commercial right next to residential, and this area is residential. Vice versa, keeping it all residential in this particular area, you are right next to Commercial. Therefore, with the transition, with a good mixed use in this area we would ask that we get your recommendation for approval of this project to the City Council.

Aviles: Thank you very much. Is there any member of the public that would like to address us on this rezoning?

Armstrong: I am Mike Armstrong. We have adjoining property on the west and the north, where are your exits and outlets going to be?

Kelso: What we plan on is having one access to North College. David Slone does own the Mitsubishi dealership and owns that property so we will have an access to North College. We will also have an access to Plainview which will of course direct access from that to Millsap so we will have two access points.

Armstrong: You are aware that Plainview is basically a non-existent road down there right now and you will have to make several improvements on that?

Kelso: Sure. Those are some things that typically we work out at Large Scale.

Armstrong: Thank you.

Aviles: Are there any other questions? Is there anybody else from the audience that would like to address us on this rezoning? Seeing no one, I will go ahead and bring it back to the applicant and to the Commission for discussions and/or motions.

MOTION:

Ward: I think this is an appropriate use for this particular piece of property. Some of that C-2 land is kind of hid back in there, it is not really appropriate for C-2 anymore. I think the applicant was just parking a lot of cars out there if I remember right so it is probably not appropriate for that either. I move for approval of RZN 02-40.00 for the rezoning and this will be to rezone this to RMF-18, which is a little bit less than R-2.

Aviles: Thank you. I have a motion by Commissioner Ward.

Shackelford: I will second.

Aviles: A second by Commissioner Shackelford. Is there additional discussion?

Estes: I share Mr. Armstrong's concerns but this is a rezoning request, the appropriate time to discuss those concerns will be with the Preliminary Plat and the review process leading up to the approval of the Preliminary Plat but I do share your concerns. I will vote for the motion.

Aviles: Thank you Commissioner Estes. Is there any further discussion? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to recommend approval of RZN 02-40.00 to the City Council was approved by a vote of 9-0-0.

Aviles: Thanks Renee, the motion carries unanimously. Thank you Mr. Kelso. Is there any additional business before we adjourn? Ok, we will stand adjourned.

Meeting adjourned: 7:15 p.m.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of Nov. 25, 2002

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

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Shelli Rushing, A.I.C.P., Associate Planner
THRU:	Tim Conklin, A.I.C.P., City Planner
DATE:	November 21, 2002

RZN 02-40.00: Rezoning (Slone, pp 252) was submitted by Jerry Kelso of Crafton, Tull, and Associates on behalf of David Slone for property located behind 3195 N. College. The property is zoned A-1, Agricultural, C-2, Thoroughfare Commercial, and R-1, Low Density Residential and contains approximately 8.84 acres. The request is to rezone to RMF-18, Medium Density Multi-Family Residential.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	**Required**	**YES**	
	○ Approved		**○ Denied**
Date: November 25, 2002			
CITY COUNCIL ACTION:	**Required**	**YES**	
	○ Approved		**○ Denied**
Date: December 17, 2002			

Comments: ______________________________

BACKGROUND:

Property Characteristics: The subject property is vacant land located behind Fazoli's restaurant and the Mitsubishi dealership on College Ave.

Proposal: The applicant is proposing a multifamily development with a maximum of 156 units. A clubhouse and pool are proposed. The access to the development will be provided by an existing curb cut on College Ave. and a proposed secondary access off of Plainview Ave. In order to implement this proposal, the property would need to be zoned to permit approximately 18 units per acre.

Request: The applicant is requesting to rezone the existing zoning districts of A-1, R-1 and C-2 to RMF-18 to permit the proposed multifamily development.

Recommendation: Staff is recommending approval of the requested rezoning.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Commercial Residential	C-2 Thoroughfare Commercial R-1 Low Density Residential
South	Commercial (Fiesta Square Shopping Center)	C-2 Thoroughfare Commercial
East	Commercial (car dealership, restaurant)	C-2 Thoroughfare Commercial
West	Residential (large-lot single family)	R-1.5 Moderate Density Residential R-1 Low Density Residential A-1 Agricultural

INFRASTRUCTURE:

Streets: North: Longview St. (Collector)
South: Appleby Rd. (Collector)
East: College Ave. (Principal Arterial)
West: Plainview Ave. (Collector) Plainview ends in the middle of the western property boundary. The Master Street Plan shows Plainview extending south to Appleby Rd. However, the plan shows the street going through an existing building.

Water: 6" water line on the south side of the property and a 6" water line along Plainview Avenue

Sewer: A 12" and 6" sewer main is located on this property.

LAND USE PLAN: General Plan 2020 designates this site Community Commercial. Rezoning this property to RMF-18 is not consistent with the land use plan.

FINDINGS OF THE STAFF:

1. A determination of the degree to which the proposed zoning is consistent with land use

planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The proposed zoning of RMF-18 is not consistent with the Future Land Use Plan, which identifies this area as community commercial. Community Commercial is described in the Future Land Use Plan (see attached) as serving the residents of the community on a daily basis. Such uses include grocery stores, dry cleaners, restaurants, day care, and video stores.**

The proposal does meet some of the policies for residential areas (see attached). It uses existing infrastructure to serve the development, it is accessible to a major thoroughfare, is near community amenities and goods and services, and it serves as a transition use between the existing commercial to the east and the residential to the west.

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

Finding: **The proposed zoning is necessary to implement the project proposed by the applicant.**

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

Finding:

Planning: **Using Trip Generation, the average weekday two way volume for 156 apartments is 1,034 trips. The average Saturday two-way volume for 156 apartments is 997 trips. College Ave. is a Principal Arterial which is designed for 17,600 to 20,600 vehicles per day. The average annual daily traffic for College Ave. in 2001 for the portion of College which would serve this development is 27,000.**

Public Works: **The proposed rezoning is located on the west side of College Ave. east of Plainview Avenue. Plainview Ave. does not extend the entire length of this property.**

The proposed rezoning from A-1, C-2 and R-1 to RMF-18 may or may not result in additional traffic danger and congestion for this area. The access to the developed site and the circulation network within the development shall be reviewed in detail as part of the subdivision or large scale development process. The layout, connectivity, circulation plan, ingress and egress provisions will be reviewed in detail as information becomes available.

From Police**: After reviewing the above rezoning requests and looking at the**

properties described, the police department does not have an objection to the rezoning being granted. We do not believe there will be any adverse effects to public safety should these properties be rezoned.

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

Finding:

Planning: **The proposed rezoning would alter population density. At a rate of 2.2 persons per occupied unit multiplied by 156 units, the population is estimated at 343 persons.**

Public Works: **The site has access to an existing 6" water line on the south side of the property and a 6" water line along Plainview Avenue. A 12" and 6" sewer main is also located on this property.**

The proposed rezoning and ultimate development may or may not increase the loading on the existing infrastructure systems. During the development's review and approval process, the adequacy of the existing infrastructure to accommodate the service requirements will be assessed by the developer's consultant and reviewed by city staff. Any inadequacies, lack of availability, need for improvements and determination of responsibility for the infrastructure improvements shall be resolved during the development's review/approval process.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **It may be impractical to use the land for any uses permitted under its existing zoning classification. Since the C-2 portion is not located directly on a major thoroughfare is may not be desirable for commercial businesses. Agricultural and single family residential uses are not appropriate at this location based on existing surrounding land uses, which are commercial and predominantly car dealerships.**

From Chapter 161 Zoning Regulations
Fayetteville Unified Development Ordinance

Current Zoning:

§161.03 DISTRICT A-1 AGRICULTURAL

A. Purposes. The regulations of the Agricultural District are designed to protect agricultural land until an orderly transition to urban development has been accomplished;
prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; prevent unsightly development, increase scenic attractiveness; and conserve open space.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 3	Public Protection and Utility Facilities
Unit 6	Agriculture
Unit 7	Animal Husbandry
Unit 8	Single-Family and Two-Family Dwellings

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 4	Cultural and Recreational Facilities
Unit 20	Commercial Recreation; Large Sites

C. Bulk and Area Regulations.

Lot Width Minimum	200 ft.
Lot Area Minimum: Residential Nonresidential	 2 acre 2 acre
Lot Area Per Dwelling Unit	2 acre

D. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
35	20	35

E. Height Requirements. There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required yard lines.

(Code 1991, §160.030; Code 1965, App. A, Art. 5(I); Ord. No. 1747, 6-29-89)

From Chapter 161 Zoning Regulations
Fayetteville Unified Development Ordinance

Current Zoning:

§ 161.04 DISTRICT R-1: LOW DENSITY RESIDENTIAL.

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

B. Uses.

1. Permitted Uses.

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

2. UsesPermissible on Appeal to the Planning Commission.

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

C. Density.

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

D. Bulk and Area Regulations.

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

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	20

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

(Code 1991, §160.031)

From Chapter 161 Zoning Regulations
Fayetteville Unified Development Ordinance

Current Zoning:

§161.14 DISTRICT C-2 THOROUGH-FARE COMMERCIAL

A. Purpose. The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 4	Cultural and Recreational Facilities
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 19	Commercial Recreation
Unit 20	Commercial Recreation, Large Sites
Unit 24	Outdoor Advertising
Unit 33	Adult Live Entertainment Club or Bar
Unit 34	Liquor Store

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 21	Warehousing and Wholesale
Unit 28	Center for Collecting Recyclable Materials
Unit 32	Sexually Oriented Business

C. Bulk and Area Regulations. Setback lines shall meet the following minimum requirements:

From Street ROW	50 ft.
From Side Property Line	None
From Side Property Line When Contiguous to a Residential District	15 ft.
From Back Property Line	20 ft.

D. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

E. Height Regulations. In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(Code 1991, §160.036; Code 1965, App. A, Art. 5(VI); Ord. No. 1747, 6-29-89; Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-177; Ord. No. 2603, 2-19-80; Ord. No. 4034, §§3,4, 4-15-97)

From Chapter 161 Zoning Regulations
Fayetteville Unified Development Ordinance

Proposed Zoning:

§161.063 DISTRICT RMF-18 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL.

A. Purpose. The Medium Density Multi-family Residential District is designed to permit and encourage the development of multifamily residences at a medium density that is appropriate to the area.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings
Unit 9	Multifamily Dwellings - Medium Density

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	4 to 18

D. Bulk and Area Regulations.

1. Lot Width Minimum.

Mobile Home Park	100 Feet
Lot within a Mobile Home Park	50 Feet
One Family	60 Feet
Mobile Home Park	100 Feet
Two Family	60 Feet
Three or More	90 Feet
Professional Offices	100 Feet

2. Lot Area Minimum.

Mobile Home Park	3 Acres
Lot Within a Mobile Home Park	4,200 Sq. Ft.
Row House: Development Individual Lot	 10,000 Sq. Ft. 2,500 Sq. Ft.
Single-Family	6,000 Sq. Ft.
Two-Family	7,000 Sq. Ft.
Three or More	9,000 Sq. Ft.
Fraternity or Sorority	2 Acres
Professional Offices	1 Acre

3. Land Area Per Dwelling Unit.

Mobile Home	3,000 Sq. Ft.
Apartments: Two or More Bedrooms One Bedroom No Bedroom	 2,000 Sq. Ft. 1,700 Sq. Ft. 1,700 Sq. Ft.
Fraternity or Sorority	1,000 Sq. Ft. per Resident

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	25

Cross Reference: Variances Chapter 156.

F. Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, § 160.033; Code 1965, App. A, Art. 5(III); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81)

From General Plan 2020
City of Fayetteville

On the Future Land Use Plan, the subject property is designated Community Commercial

9.10 Community Commercial Areas

Community Commercial areas are defined as activity areas that primarily serve the residents of the community. These areas shown on the proposed land use plan would include grocery stores, dry cleaners, restaurants, day care, video stores, banks, cafes, gas stations, and other similar types of commercial services that are convenient and serve residents on a daily basis.

Community Commercial: *Guiding Policies*

9.10.a Provide centers that are accessible and compatible with adjacent residential development.

9.10.b Limit uses within community commercial areas to those that primarily serve residents of Fayetteville.

Community Commercial: *Implementation Strategies*

9.10.c Define appropriate areas and the size of areas for community commercial districts and set standards for maximum floor areas and the type of uses allowed to discourage regional types of commercial uses from locating within these areas.

9.10.d Develop commercial design standards to ensure compatibility with surrounding residential development.

The applicant is proposing a residential use:

9.8 Residential Areas

Residential land use represents the largest area designated on the future land use map. Maintaining and enhancing the residential environment of neighborhoods is an important community goal. Existing zoning districts separate housing types by density, housing type, lot size, and frontage requirements and thus promote uniformity of sizes and density. In a policy shift consistent with General Plan 2010 principals, this land use plan establishes a policy for residential areas to be planned as traditional neighborhoods containing a mix of different densities, housing types, and lot sizes. Preserving existing housing in areas currently zoned for commercial or industrial use will also provide residents of traditional neighborhoods with job opportunities nearby and contribute to transportation goals by reducing dependency on car trips.

Residential Areas: *Guiding Policies*

9.8.a Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.

9.8.b Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.

9.8.c Minimize through traffic on minor residential streets.

9.8.d Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.

9.8.e Utilize more intense development patterns downtown, where appropriate, and encourage mixed uses in new developments to promote better community design, maintain human scale, and enhance pedestrian activity.

9.8.f Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services.

Residential Areas: ***Implementation Strategies***

The General Land Use Plan is implemented through development codes. Public hearings will be scheduled to consider amendments to the zoning map and development codes to ensure consistency with the plan. Density bonuses, combining investment in public facilities with private developments, and other similar types of incentives should be incorporated into the development code to encourage residential necessities and amenities such as affordable housing, tree preservation, and open space conservation. Community facilities such as parks and schools should be sited in designated residential areas to better plan for accessibility to neighborhoods.

9.8.g Encourage residential units in appropriate specified Mixed Use areas.

9.8.h Adopt regulations which establish a development scale to maintain compatibility and proportionality between nonresidential development and adjacent residential areas.

9.8.i Establish performance zoning design standards to mitigate adverse impacts of contrasting land uses with residential land uses.

9.8.j Implement the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.

9.8.k Adopt a City policy of "connectivity", meaning that commercial areas and residential areas are easily accessible by vehicles, pedestrians and bicyclists.

9.8.l Develop an ordinance which regulates and encourages affordable housing by providing density bonuses and other private development incentives.

9.8.m Develop an ordinance that provides a transition in multi-family zoning density from 6 units per acre to the current 24 units per acre allowed under R-2 Medium Density Residential zoning.

Trip Generation

Slone
Summary of Trip Generation Calculation
For 156 Dwelling Units of Apartments
November 14, 2002

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	6.63	2.98	1.00	1034
7-9 AM Peak Hour Enter	0.08	0.00	1.00	12
7-9 AM Peak Hour Exit	0.43	0.00	1.00	67
7-9 AM Peak Hour Total	0.51	0.73	1.00	80
4-6 PM Peak Hour Enter	0.42	0.00	1.00	66
4-6 PM Peak Hour Exit	0.20	0.00	1.00	31
4-6 PM Peak Hour Total	0.62	0.82	1.00	97
Saturday 2-Way Volume	6.39	2.99	1.00	997
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.52	0.74	1.00	81

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

Crafton, Tull & Associates, Inc.
P.O. Box 549 Rogers, AR 72757 479.636.4838 Fax 479.631.6224 www.craftull.com

November 3, 2002

Tim Conklin
City of Fayetteville, Planning
113 W. Mountain
Fayetteville, AR 72703

RE: Proposed Rezoning Request
Behind Superior Mitsubishi
3195 North College
CTA Job No. 021122-00

Dear Tim:

This is a proposed rezoning request for David Slone, located just behind the Mitsubishi dealership at 3195 North College. The proposed zoning will include 8.84 acres. The existing zoning is A-1, R-1 and C-2 and we are asking for an RMF-18 multi-family zoning.

Water and sewer are available to the site. Access will be from an existing curb cut on College and a secondary access off Plainview Avenue.

- The proposed zoning change will allow for a transition from the commercial property that is along College street that includes Fazoles and the Mitsubishi dealership, to the R-1 residential zoning to the west. This is consistent with good planning practices and follows the guidelines of the Land Use Plan.
- The property is planed for a multi-family development that will include no more than 156 units. A clubhouse and pool will be provided amenities for the project.
- This project will have direct access to a major arterial, 71B. Its secondary access off of Plainview directly ties to Milsap Road. Both access points will provide good traffic flow too and from the project without traffic danger or congestion.
- This is not a large Multi-Family development. The existing facilities in the area are more than adequate to handle a 150-unit apartment project.
- There are commercial businesses established along College, therefore it would be impractical for an additional commercial venture to go behind the existing businesses without 71B frontage. A single-family development would not be practical to go directly behind and adjacent

to the commercial property. Therefore the only practical use for this property would be a multi-family development.

Should you have any questions, or require any additional information, please contact us at your convenience.

Very Truly Yours,

Crafton, Tull & Associates, Inc.

Jerry Kelso, P.E.
Vice President

Attachment:

From: "kim.fugitt" <kim.fugitt@fugittarc.com>
To: <dwarrick@ci.fayetteville.ar.us>
Date: 11/19/02 4:55PM
Subject: southern view apts.

JERRY Signature

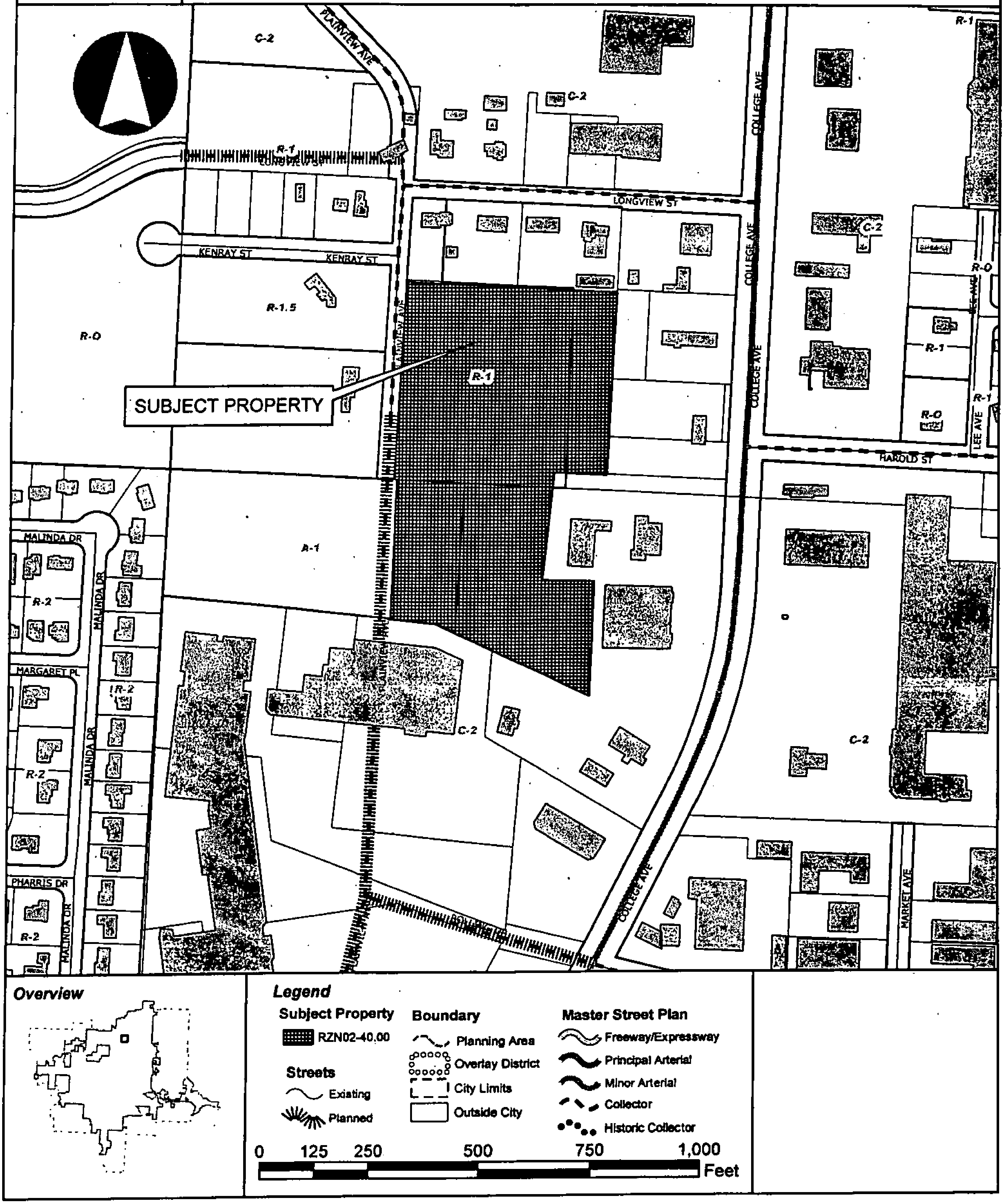
Please find the following vacancy rates for Lindsey apts as of this date. Lindsey has 3,251 apts total in Fayetteville. 760 of which are tax credit properties and 2,491 conventional financing. Today, based on current collections (ie deposits included) we have a vacancy rate of approx. 2%. The hard vacancy rate not including deposits is approx. 4.5%. Please note that Dec. 7th is historically the highest vacancy rate day of the year as the turnover at this time is greatest. The period swing goes from a Dec. low to an August high. The yearly average for Lindsey in 2002 is approx. 2% hard vacancy.
According to census data from the "Claritas" company, the overall vacancy rate in Fayetteville is 7.92% based on there latest figures.

Kim Fugitt
Fugitt and Associates Architect
1165 Joyce Blvd.
P.O. Box 13000
Fayetteville, Ar 72703
(479)527-8862
(479)527-8855 fax

RZN02-40.00

Close Up View

SLONE



Legend

Subject Property

RZN02-40.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

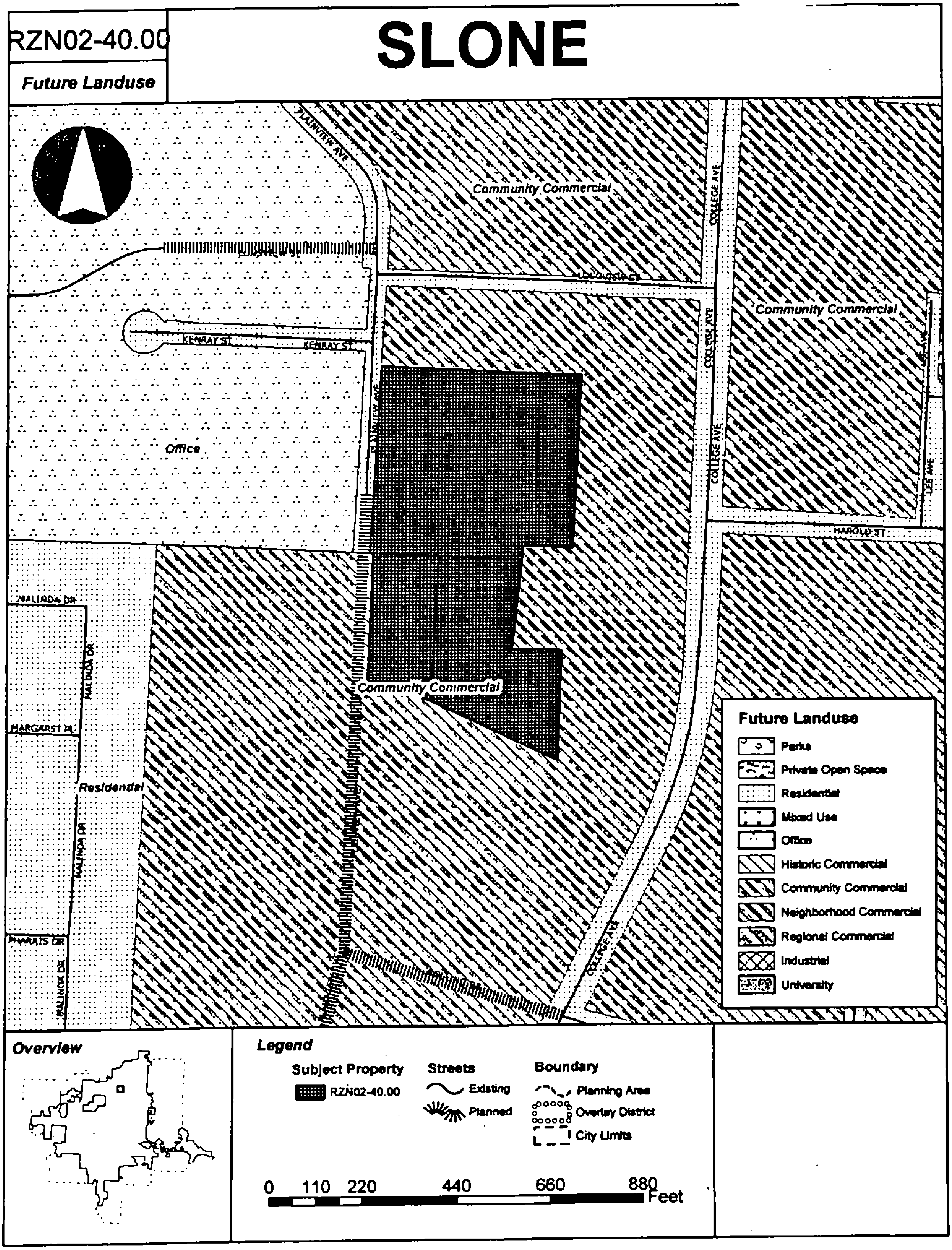
Principal Arterial

Minor Arterial

Collector

Historic Collector

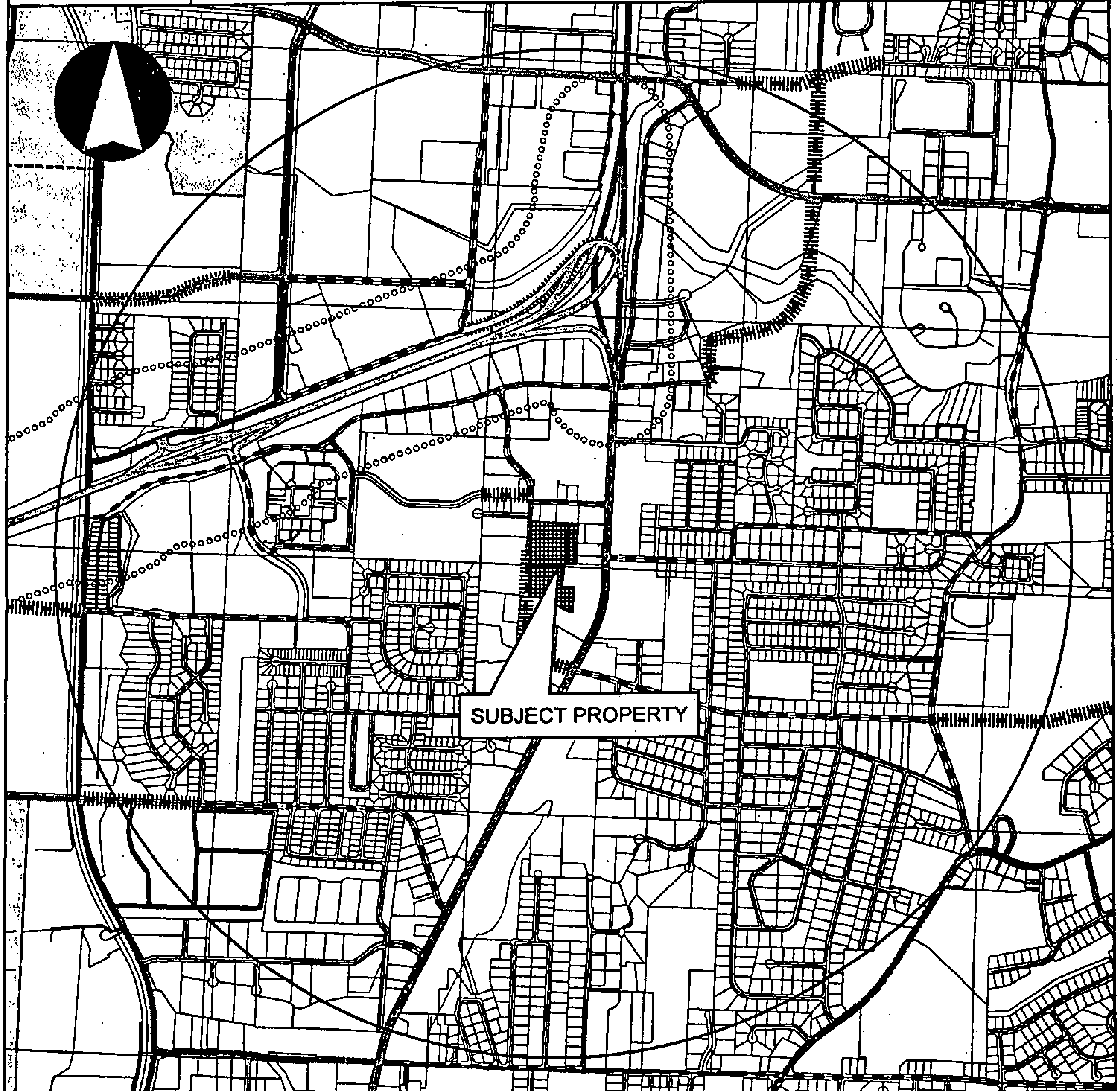
0 125 250 500 750 1,000 Feet


RZN02-40.00
Future Landuse
SLONE
Community Commercial
Community Commercial
Community Commercial
Office
Residential
PLAINVIEW AVE
KENRAY ST
COLLEGE AVE
HAROLD ST
LEE AVE
MALINDA DR
MARGARET PL
PHARRIS DR
Future Landuse
Parks
Private Open Space
Residential
Mixed Use
Office
Historic Commercial
Community Commercial
Neighborhood Commercial
Regional Commercial
Industrial
University
Overview
Legend
Subject Property
RZN02-40.00
Streets
Existing
Planned
Boundary
Planning Area
Overlay District
City Limits
0 110 220 440 660 880
Feet

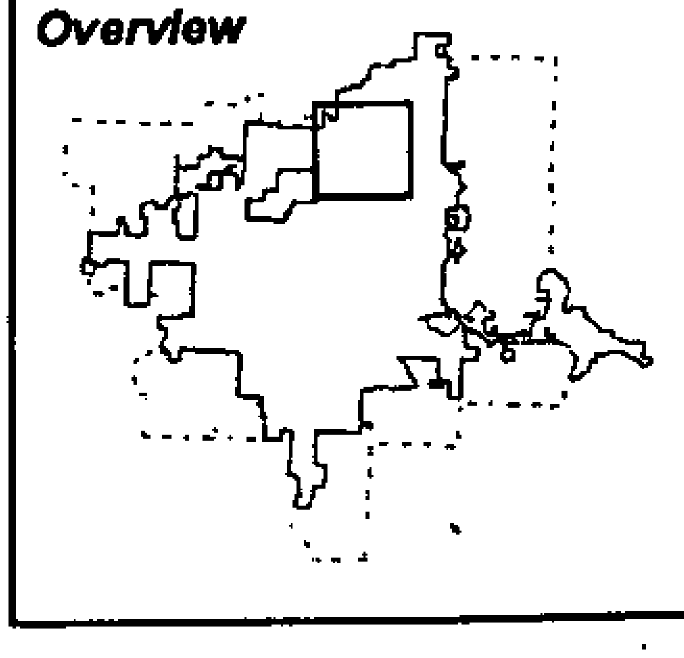
RZN02-40.00

One Mile View

SLONE



Overview



Legend

Subject Property

RZN02-40.00

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

STAFF REVIEW FORM

X Agenda Request
____ Contract Review
____ Grant Review

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

FROM:

Tim Conklin	Planning	Urban Development
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for VA 02-15.00 as submitted by Ross Mallioux for property located at 2309 Golden Oaks Drive. The property is zoned R-1, Low Density Residential and contains approximately 0.30 acres. The request is to vacate part of a utility easement (75.7 sq.ft.).

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	12/2/02 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and on November 25, 2002 the Planning Commission voted 8-0-0 to recommend the vacation be approved by the City Council.

Division Head (for T.C.)	11/27/02 Date	**Cross Reference**
Department Director	Date	New Item: **Yes** **No**
Administrative Services Director	12/2/02 Date	Prev Ord/Res#: ____
Mayor	12/3/02 Date	Orig Contract Date: ____

ORDINANCE NO. ________

AN ORDINANCE APPROVING VA02-15.00 TO VACATE AND ABANDON A SECTION OF UTILITY EASEMENT LOCATED AT 2309 GOLDEN OAKS 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 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:

By_______________________
Dan Coody, Mayor

DRAFT

ATTEST:

By_______________________
Heather Woodruff, City Clerk

DRAFT

EXHIBIT "A"
VAC 02-15.00

A PART OF LOT SIX (6), BLOCK SIXTEEN (16) OF THE FINAL PLAT OF PHASE TWO (2), EAST OAKS ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT SIX (6), SAID POINT BEING AN EXISTING IRON; THENCE N00°16'59"W ALONG THE EAST LINE OF SAID LOT SIX (6) 25.00 FEET TO THE NORTH LINE OF A UTILITY EASEMENT WHICH IS TWENTY-FIVE (25) FEET IN WIDTH; THENCE N89°55'28"W ALONG THE NORTH LINE OF SAID UTILITY EASEMENT 12.57 FEET TO THE PROPOSED EAST WALL OF A HOME ADDITION FOR THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINE OF SAID UTILITY EASEMENT, N89°55'28"W 17.60 FEET TO THE PROPOSED WEST WALL OF SAID HOME ADDITION; THENCE LEAVING THE NORTH LINE OF SAID UTILITY EASEMENT S00°18'25"E 4.36 FEET TO THE SOUTHWEST CORNER OF SAID PROPOSED HOME ADDITION; THENCE N89°41'35"E 17.60 FEET TO THE SOUTHEAST CORNER OF SAID PROPOSED HOME ADDITION; THENCE N00°18'25"W 4.24 FEET TO THE POINT OF BEGINNING, CONTAINING 75.7 SQUARE FEET, MORE OR LESS.

PC Meeting of November 25, 2002

FAYETTEVILLE

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

Mallioux Easement Vacation

TO:	**Fayetteville Planning Commission Members**
THRU:	**Tim Conklin, City Planner, A.I.C.P.**
FROM:	**Sara Edwards, Associate Planner**
	Matt Casey P.E. Staff Engineer
DATE:	**November 20, 2002**

Project: **VAC 02-15.00: Vacation (Mallioux, pp 332)** was submitted by Ross Mallioux for property located at 2309 Golden Oaks Drive. The property is zoned R-1, Low Density Residential and contains approximately 0.30 acres. The request is to vacate part of a utility easement (75.7 sq.ft.).

Description: The property is located at lot 6, Block 16 of Phase II, East Oaks Addition. 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 – NA
Southwestern Electric Power Company - No Objections
Arkansas Western Gas – No Objections
SW Bell – No Objections
Cox Communications - No Objections – "Any damage or relocation of existing facilities will be at the owner's expense."

City of Fayetteville:
Water/Sewer – No Objections
Street Department - No Objections
Solid Waste - No Objections
Engineering – No objections.

Recommendation: Approval of the proposed easement vacation 02-16.00.

PLANNING COMMISSION ACTION: _yes_ Required
_____Approved _____Denied

Date: ________

Comments:____

CITY COUNCIL ACTION: _yes_ Required
______Approved ______Denied

Date: __/__/__

VA 02-15.00
C. 6. Page 6

Ross Mallioux

RECEIVED
OCT 2 ‹ 2L ‿2
PLANNING DIV.

October 21, 2002

City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

RE: 2309 Golden Oaks Drive

Gentlemen:

Please find enclosed a City of Fayetteville, Arkansas Right-of-Way, Easement or Alley Vacation request form for my property located at 2309 Golden Oaks Drive. Also enclosed is a check in the amount of $200 for the vacation fee, the legal description of the area to be vacated, two sets of mailing labels for adjacent property owners, a copy of the plat of my property, a petition to vacate easement, comment forms of owners of property adjacent to easement to be vacated, and approvals from all utility companies concerning the easement to be vacated.

As noted on the enclosed survey drawing of my residence, we would like to construct an addition to our home. This addition extends four feet into the 25-foot utility easement. However, as you can see on the drawing, this four-foot extension does not come close to any of the existing utility lines which were located by Arkansas One-Call. Additionally, there is approximately 100 feet of "green space" to the rear/south of our property that cannot be sold/developed, thus plenty of room for access to/for utility lines, and therefore, there is no adjacent property owner to the rear. I am requesting that this four-foot section of the easement be vacated.

Please call me at 571-2000 if you have any questions with this regard. If approved, please return to me at the following address:

Ross Mallioux
C/O Beth Spencer
First Federal Bank of Arkansas, FA
P. O. Box 1545
Fayetteville, AR 72702-1545

Thank you for your assistance in this matter.

Sincerely yours,

Ross Mallioux

Enclosures

2309 GOLDEN OAKS • FAYETTEVILLE ARKANSAS • 72703
PHONE: 501 443 1955 • FAX: 501 442 6359

PETITION

PETITION TO VACATE AN EASEMENT LOCATED IN LOT 006, BLOCK 016, EAST OAKS PHASE II SUBDIVISION, CITY OF FAYETTEVILLE, ARKANSAS

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

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Lot 006, Block 016, East Oaks Phase II Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

(See Addendum A)

That the abutting real estate affected by said abandonment of the alley are Lot 005, Block 016, East Oaks Phase II Subdivision and Lot 007, Block 016, East Oaks Phase II Subdivision, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

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

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

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

Dated this 21 day of October, 2002.

Ross Mallioux
printed name

[signature]
signature

printed name

signature

Addendum A

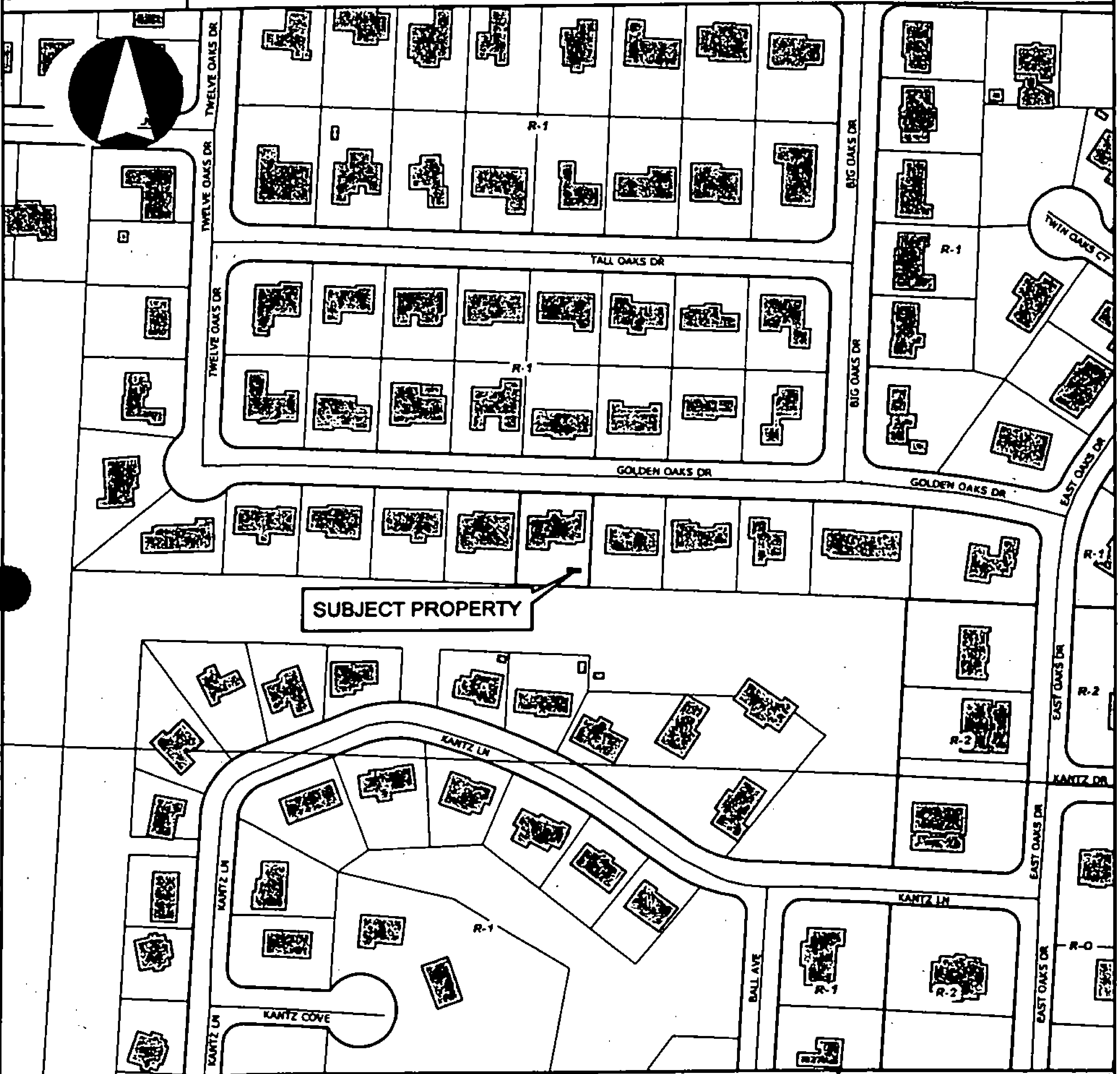
PROPOSED HOME ADDITION ENCROACHMENT DESCRIPTION

A PART OF LOT SIX (6), BLOCK SIXTEEN (16) OF THE FINAL PLAT OF PHASE TWO (2), EAST OAKS ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT SIX (6), SAID POINT BEING AN EXISTING IRON; THENCE N00°16'59"W ALONG THE EAST LINE OF SAID LOT SIX (6) 25.00 FEET TO THE NORTH LINE OF A UTILITY EASEMENT WHICH IS TWENTY-FIVE (25) FEET IN WIDTH; THENCE N89°55'28"W ALONG THE NORTH LINE OF SAID UTILITY EASEMENT 12.57 FEET TO THE PROPOSED EAST WALL OF A HOME ADDITION FOR THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINE OF SAID UTILITY EASEMENT, N89°55'28"W 17.60 FEET TO THE PROPOSED WEST WALL OF SAID HOME ADDITION; THENCE LEAVING THE NORTH LINE OF SAID UTILITY EASEMENT S00°18'25"E 4.36 FEET TO THE SOUTHWEST CORNER OF SAID PROPOSED HOME ADDITION; THENCE N89°41'35"E 17.60 FEET TO THE SOUTHEAST CORNER OF SAID PROPOSED HOME ADDITION; THENCE N00°18'25"W 4.24 FEET TO THE POINT OF BEGINNING, CONTAINING 75.7 SQUARE FEET, MORE OR LESS.

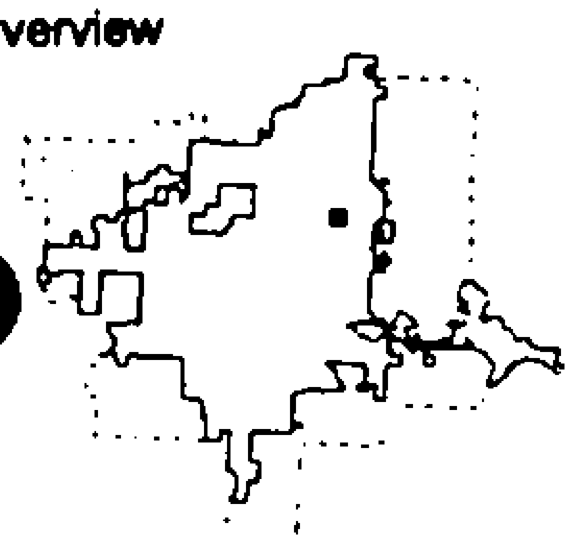
VAC02-15.00

Close Up View

MALLIOUX



Overview



Legend

Subject Property

VAC02-15.00 Boundary

Planning Area

Overlay District

City Limits

Outside City

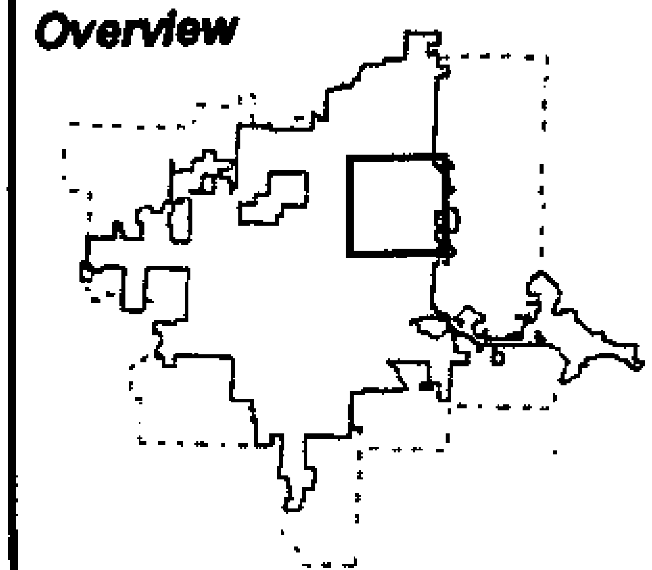
0 75 150 300 450 600 Feet

VAC02-15.00

MALLIOUX

One Mile View

Overview



Legend

Subject Property

VAC02-15.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

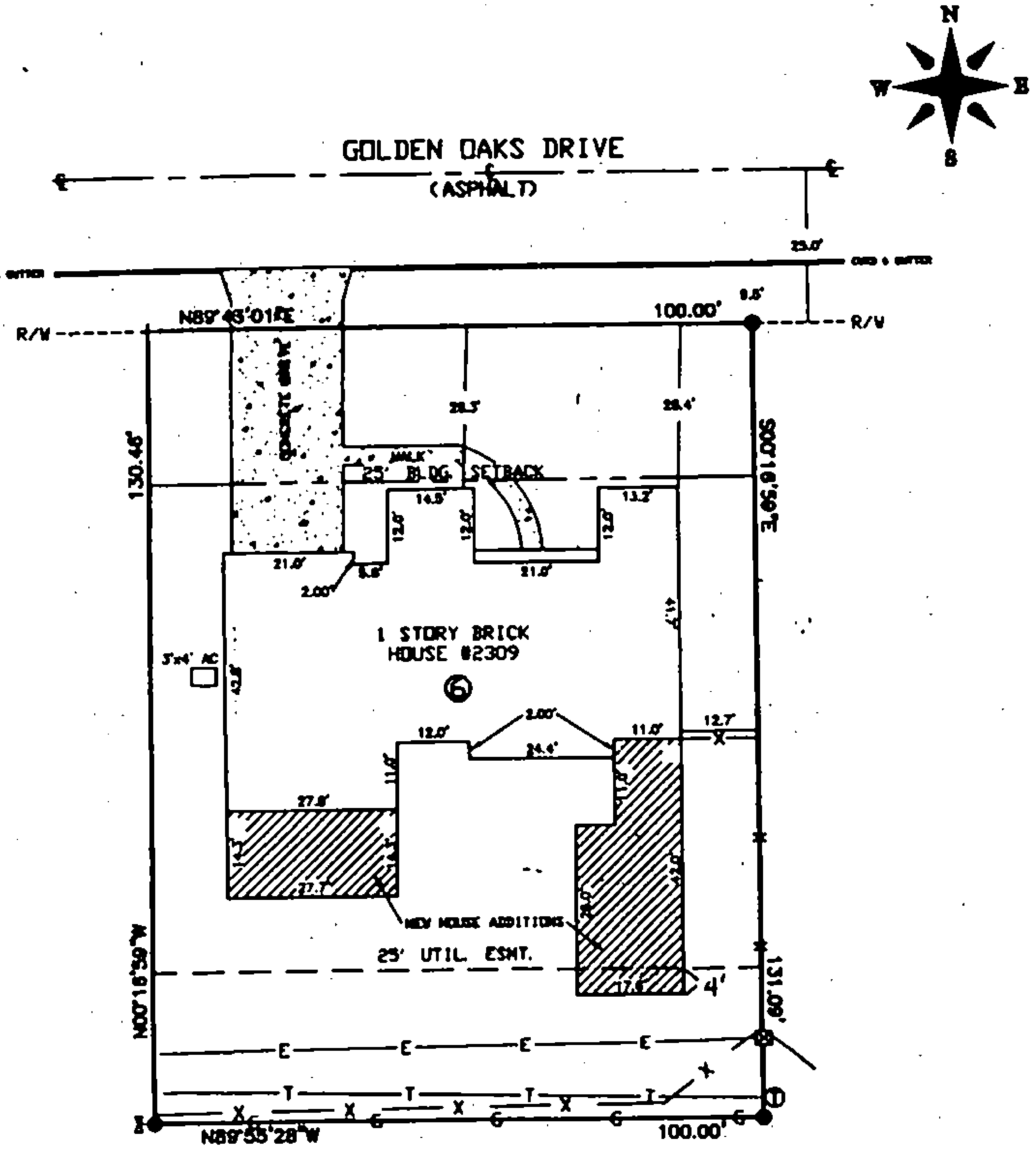
Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles



LOT NUMBERED SIX (6) IN BLOCK NUMBERED SIXTEEN (16) OF THE FINAL PLAT OF PHASE TWO (2), EAST OAKS ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

OWNER: ROSS MALLIOUX

ADDRESS: 2309 GOLDEN OAKS DRIVE
FAYETTEVILLE, ARKANSAS

Ⓣ	TELEPHONE PEDESTAL
+	COMPUTED CORNER
⊠	CABLE TV BOX
●	IRON PIN FOUND
I	GAS METER
—E—E—	ELECTRIC LINE
—X—X—	FENCE
—G—G—	GAS LINE
—T—T—	TELEPHONE LINE

0' 20' 40' 60'

ROSS MALLIOUX

DRAWN JCC	DATE 08/19/02	ALAN REID & ASSOC. 118 S. COLLEGE AVE. FAYETTEVILLE, AR. 479-444-8784
APPROVED	DATE	
SCALE 1" = 20'	SHEET 1of1	PROJECT NO. 02343

Aviles: Welcome to the November 25, 2002 meeting of your Fayetteville Planning Commission. The first item of business is to call the roll. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call there were eight Commissioners present with Commissioner Ostner arriving at 5:40 p.m.

Aviles: The next item of business is approval of the minutes for the November 12, 2002 meeting. Do I hear a motion?

Shackelford: So moved.

Allen: Second.

Aviles: Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to approve the minutes of the November 12, 2002 meeting was approved by a vote of 8-0-0.

VAC 02-15.00: Vacation (Mallioux, pp 332) was submitted by Ross Mallioux for property located at 2309 Golden Oaks Drive. The property is zoned R-1, Low Density Residential and contains approximately 0.30 acres. The request is to vacate part of a utility easement (75.7 sq.ft.).

Aviles: The next item on the agenda is the consent agenda for VAC 02-15.00 which was submitted by Ross Mallioux for property located at 2309 Golden Oaks Drive. The property is zoned R-1, Low Density Residential and contains approximately .30 acres. The request is to vacate a part of the utility easement which is 75.7 sq.ft. Is there any member of the Planning Commission that would wish to remove this from the consent agenda or any member of the audience? Seeing none, I will go ahead and move for approval of the consent agenda, do I have a second?

Shackelford: I will second.

Aviles: Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to recommend approval of VAC 02-15.00 to the City Council was approved by a vote of 8-0-0.

Aviles: Thanks Renee.

COUNCIL ON AGING
C. 7. Page 1

STAFF REVIEW FORM

XX Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of: December 17, 2002

FROM:

Connie Edmonston	Parks & Recreation	Urban Development
Name	Division	Department

ACTION REQUIRED:
An Ordinance to approve an agreement with the Council on Aging to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Council on Aging in 2003 for the provision of public recreation.

COST TO CITY:

$31,000 (2003 Budget)	$ 7,750 $23,250	Transfers Youth/Adult Center
Cost of this Request	Category/Project Budget	Category/Project Name
1010-5220-5718.00 2250-9250-5718.00	$ 0 $ 0	Athletic/Recreation Trans Parks Development
Account Number	Funds Used to Date	Program Name
n/a	$31,000	General Parks Development
Project Number	Remaining Balance	Fund

BUDGET REVIEW: XX Budgeted Item ___Budget Adjustment Attached

K Springer by [signature]
Budget Manager

____
Administrative Services Director

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

[signature] 11/26/02
Accounting Manager Date

____________________ ADA Coordinator ____________________ Date

[signature] 11/26/02
City Attorney Date

[signature] Internal Auditor 11/26/02 Date

[signature] 11/26/02
Purchasing Officer Date

STAFF RECOMMENDATION: Approval of Council on Aging agreement and to waive competitive bidding for the Council on Aging.

Connie Edmonston 11-26-02
Division Head Date

Cross Reference

____________________ ________
Department Director Date

New Item: X Yes ___ No

[signature] 11-27-02
Administrative Services Director Date

Prev Ord/Res #: 4323-2002

Dan Coody 11/27/02
Mayor Date

Orig Contract Date: ________

Page 2

STAFF REVIEW FORM

Description Council on Aging Agreement Meeting Date December 17, 2002

Comments: Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

THRU: Hugh Earnest, Urban Development Director

FROM: Connie Edmonston, Parks & Recreation Superintendent C.E.

DATE: November 26, 2002

RE: Council on Aging Agreement and Ordinance to Waive Competitive Bidding

Background
The City of Fayetteville has provided financial support for the Council on Aging since Hillcrest Towers was built in 1972. This cooperative agreement between our two agencies has worked extremely well throughout the years in serving the recreational needs of our senior citizens. It is the goal of both parties to work in cooperation to enhance the recreation facilities and programs in our City in order to meet the needs of the senior citizens of Fayetteville. It is the intent to work together for the common good of the citizens by not providing public funding for multiple competing program offerings. If the Council on Aging were not providing recreational services for our senior citizens, the City would need to assume the responsibility.

Current Status
The 2003 budget includes $31,000 to be transferred to the Council on Aging to purchase public recreational services for the senior citizens of Fayetteville. A resolution for contractual services as well as an ordinance to waive competitive bidding is needed. The contract outlines the services the Council on Aging is providing for the City. We are requesting a waiver of competitive bids to secure the continuity of services provided and because the Council on Aging has adequately served our senior citizens since 1972.

Recommendation
Parks and Recreation staff recommends approval of the contract with the Council on Aging to provide public recreation services for the senior citizens of Fayetteville and an ordinance to waive competitive bidding for these services.

CONTRACT

Between The City of Fayetteville and Council on Aging, Inc.

WHEREAS, the City of Fayetteville has long been associated with and worked with the Council on Aging, Inc. to provide public recreation for the citizens of Fayetteville; and

WHEREAS, the Council on Aging, Inc. has long provided public recreation to the senior citizens of Fayetteville; and

WHEREAS, it remains in the best interest of the City of Fayetteville and its citizens to provide operating, promotion and development revenues to the Council on Aging, Inc. in consideration for the substantial recreational programs provided by the Council on Aging, Inc. to the senior citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of $2,583.33 monthly to the Council on Aging, Inc. throughout the year of 2003 in consideration of the following duties and obligations to be performed by the Council on Aging, Inc.:

A. The Council on Aging, Inc., promises to be responsible for providing staff, programming, promotion, and development for the Hillcrest Towers and Walker Park Community Centers. The Council on Aging, Inc. agrees to use funding from the City to pay for the promotion and development of recreational programs designed specifically for senior citizens.

B. The Council on Aging, Inc. promises to make substantial portions of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for needy senior citizens. The Council on Aging, Inc. shall report on a quarterly basis the approximate number of Fayetteville citizens served by its programs.

C. The Council on Aging, Inc. shall follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and the Council on Aging, Inc. which is attached as Exhibit A.

CITY OF FAYETTEVILLE

By: ______________________________
DAN COODY, Mayor

COUNCIL ON AGING, INC.

By: Janet Lindbrandt
Executive Director
Title

ATTEST:

By: ______________________________
Heather Woodruff, City Clerk

EXHIBIT A

RECREATION IN FAYETTEVILLE

WORKING PROCEDURES AND RESPONSIBILITIES FOR THE CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION AND THE COUNCIL ON AGING, INC.

This Agreement is made and entered into between the City of Fayetteville Parks and Recreation Division (Parks and Recreation) and the Council On Aging (hereinafter COA).

WHEREAS, the parties are two of the providers of recreational programs for the citizens of Fayetteville and wish to define a working agreement which may be revised and modified each year upon mutual agreement between the Superintendent of Parks and Recreation and the Executive Director of the Council On Aging; and,

WHEREAS, it is the goal of both parties to work in cooperation to enhance the recreation facilities and programs offered by the parties and to act together in meeting the needs of the citizens of Fayetteville; and,

WHEREAS, increased communications and a new set of operating procedures will assist with the working relationship and will benefit both agencies and their operations; and,

WHEREAS, Parks and Recreation believes the goals of Parks and Recreation and COA would best be accomplished by defining and streamlining responsibilities and procedures; and, is therefore recommending the merging of facility and program management for all recreation offerings, thereby providing administrative accountability for all services provided to the citizens.

NOW, THEREFORE, in order to define and improve the current working relationship between Parks and Recreation and COA, the following set of detailed operating procedures and responsibilities are hereby established.

1. COA will be responsible for providing staffing, programming, promotion and development of recreational programs for senior citizens which includes, but is not limited to, recreational trips, arts and crafts, music, and games.

2. Parks and Recreation will be responsible for providing or approving the staffing, programming, maintenance, promotion and development of the parks systems within the city and the recreational events occurring within the city for all ages.

3. The COA Executive Director and Parks and Recreation Superintendent shall have periodic meetings to ensure communication between the two entities.

4. It is understood and agreed that the City's annual purchase of services will be negotiated on a yearly basis. COA shall provide liability insurance for vehicles provided by the City of Fayetteville.

5. The COA Board of Directors is responsible for the management and operation of the annual funding allocation to COA from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds. However, 75 percent of the funding must be expended for promotion and development of recreation.

6. COA shall schedule a meeting and submit an annual financial report to the Urban Development Director on or before April of each year. Such report shall detail COA's use of the City of Fayetteville's funding allocation.

7. COA shall comply with the schedules and procedures established by the Budget & Research Division of the City of Fayetteville for annual funding requests.

8. The working procedures and responsibilities contained herein shall become effective January 1, 2003.

CITY OF FAYETTEVILLE

BY: ____________________________

Attest:

BY: ____________________________

COUNCIL ON AGING, INC.

BY: Janet Lindaugh

ATTEST:

BY: Debra Davis

XX Agenda Request
XX Contract Review
___ Grant Review

STAFF REVIEW FORM

BOYS & GIRLS CLUB
C. 8. Page 1

For the Fayetteville City Council meeting of: December 17, 2002

FROM:

Name	Division	Department
Connie Edmonston	Parks & Recreation	Urban Development

ACTION REQUIRED:
An Ordinance to approve an agreement with the Fayetteville Boys and Girls Club to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Fayetteville Boys and Girls Club in 2003 for the provision of public recreation.

COST TO CITY:

$186,362 (2003 Budget)	$ 46,591 $ 139,771	Transfers Youth/Adult Center
Cost of this Request	Category/Project Budget	Category/Project Name
1010-5220-5718.00 2250-9250-5718.00	$ 0 $ 0	Athletic/Recreation Trans Parks Development
Account Number	Funds Used to Date	Program Name
n/a	$186,367	General Parks Development
Project Number	Remaining Balance	Fund

BUDGET REVIEW: XX Budgeted Item ___Budget Adjustment Attached

K Springer by SD
Budget Manager

Administrative Services Director

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

Marsha Farthing 11/26/02
Accounting Manager Date

ADA Coordinator Date

D. Whitaker 11/26/02
City Attorney Date

Nancy Smith 11/26/02
Internal Auditor Date

P Rice 11/26/02
Purchasing Officer Date

STAFF RECOMMENDATION: Approval of Fayetteville Boys and Girls Club agreement and to waive competitive bidding for the Fayetteville Boys and Girls Club.

Connie Edmonston 11-26-02
Division Head Date

Cross Reference

Department Director Date

New Item: X Yes ___ No

Steph Davis 11-27-02
Administrative Services Director Date

Prev Ord/Res #: 4372-2002 Budget

Dan Coody 11/27/02
Mayor Date

Orig Contract Date: ______

STAFF REVIEW FORM

Description Fayetteville Boys and Girls Club Agreement Meeting Date December 17, 2002

Comments: Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

THRU: Hugh Earnest, Urban Development Director

FROM: Connie Edmonston, Parks & Recreation Superintendent CE

DATE: November 26, 2002

RE: Fayetteville Boys and Girls Club Agreement and Ordinance to Waive Competitive Bidding

Background
The City of Fayetteville has provided financial support for the Fayetteville Boys and Girls Club since the Parks and Recreation Division was created in 1967. Both shared the same director, as well as other program employees, until the two agencies were split in 1998. This cooperative agreement between our two agencies has worked extremely well throughout the years in serving the recreational needs of our citizens. It is the goal of both parties to work in cooperation to enhance the recreation facilities and programs in our City in order to meet the needs of the citizens of Fayetteville. It is the intent to work together for the common good of the citizens by not providing public funding for multiple competing program offerings. If the Boys and Girls Club were not providing recreational services for our youth as well as adults, the City would need to assume the responsibility.

Current Status
The 2003 budget includes $186,362 to be transferred to the Fayetteville Boys and Girls Club to purchase public recreational services for the citizens of Fayetteville. A resolution for contractual services, as well as an ordinance to waive competitive bidding is needed. The contract outlines the services the Boys and Girls Club is providing for the City. We are requesting a waiver of competitive bids to secure the continuity of services provided and because the Boys and Girls Club has adequately served our citizens since 1944 when it was created.

Recommendation
Parks and Recreation staff recommends approval of the contract with the Fayetteville Boys and Girls Club to provide public recreation services for the citizens of Fayetteville and an ordinance to waive competitive bidding for the services.

CONTRACT

Between The City of Fayetteville
and
Fayetteville Youth Center, Inc.

WHEREAS, the City of Fayetteville has long been associated with and worked with the Fayetteville Youth Center, Inc. to provide public recreation for the citizens of Fayetteville; and

WHEREAS, the Fayetteville Youth Center, Inc. has long provided public recreation to the youth and citizens of Fayetteville; and

WHEREAS, it remains in the best interest of the City of Fayetteville and its citizens to provide operating, promotion and development revenues to the Fayetteville Youth Center, Inc. in consideration for the substantial recreational programs provided by the Fayetteville Youth Center, Inc. to the youth and citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of $15,530.16 monthly to the Fayetteville Youth Center, Inc. throughout the year of 2003 in consideration of the following duties and obligations to be performed by the Fayetteville Youth Center, Inc.:

A. The Fayetteville Youth Center, Inc. promises to be jointly responsible with the Fayetteville School System to provide staffing, programming, maintenance, promotion, and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergrff Gymnasium and the main facility of the Boys and Girls Club on California Drive. The Fayetteville Youth Center, Inc. agrees to use funding from the City to pay for gymnasium supervisors and custodians at these sites.

B. The Fayetteville Youth Center, Inc. promises to make substantial portions of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for needy youth. Although basic membership fees may be required for many Fayetteville residents, no needy youth wishing to participate at the Fayetteville Youth Center, Inc. facility shall be denied access solely because he or she does not have sufficient funds to pay for a regular membership. The Fayetteville Youth Center, Inc. shall report on a quarterly basis the approximate number of Fayetteville citizens served by its programs and shall include the number of "scholarships" or free memberships provided to Fayetteville citizens.

C. The Fayetteville Youth Center, Inc. shall continue to follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and The Fayetteville Youth Center, Inc. which is attached as Exhibit A.

CITY OF FAYETTEVILLE

By: ______________________________
DAN COODY, Mayor

FAYETTEVILLE YOUTH CENTER, INC.

By: ______________________________

President
____
Title

ATTEST:

By: ______________________________
Heather Woodruff, City Clerk

EXHIBIT A

RECREATION IN FAYETTEVILLE

WORKING PROCEDURES AND RESPONSIBILITIES FOR THE CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION AND THE FAYETTEVILLE YOUTH CENTER, INC.

This Agreement is made and entered into between the City of Fayetteville Parks and Recreation Division (Parks and Recreation) and the Fayetteville Youth Center, Inc., d/b/a Fayetteville Boys & Girls Club, (hereinafter FYC).

WHEREAS, the parties are two of the providers of recreational programs for the citizens of Fayetteville and wish to define a working agreement which may be revised and modified each year upon mutual agreement between the Superintendent of Parks and Recreation and the Executive Director of the Fayetteville Boys and Girls Club; and,

WHEREAS, it is the goal of both parties to work in cooperation to enhance the recreation facilities and programs offered by the parties and to act together in meeting the needs of the citizens of Fayetteville; and,

WHEREAS, increased communications and a new set of operating procedures will assist with the working relationship and will benefit both agencies and their operations; and,

WHEREAS, Parks and Recreation believes the goals of Parks and Recreation and FYC would best be accomplished by defining and streamlining responsibilities and procedures; and, is therefore recommending the merging of facility and program management for all recreation offerings, thereby providing administrative accountability for all services provided to the citizens.

NOW, THEREFORE, in order to define and improve the current working relationship between Parks and Recreation and FYC, the following set of detailed operating procedures and responsibilities are hereby established.

1. FYC will be responsible for working with the Fayetteville School System to provide staffing, programming, maintenance, promotion and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium, and the Youth Center. FYC will assume responsibility for the hiring, evaluating, and supervising of gymnasium supervisors and custodians at Holcomb, Asbell, and Vandergriff Gymnasiums.

2. Parks and Recreation will be responsible for providing or approving the staffing, programming, maintenance, promotion and development for the city and school parks, including the following facilities which are utilized for sport programming; Asbell Soccer/Softball Complex, Lake Fayetteville Softball Complex, Gary Hampton Softball Complex, Lewis Street

Soccer Complex, Walker Baseball/Soccer Complex, White River Baseball Complex, and the Wilson Softball Field. Parks and Recreation shall be responsible for outdoor facilities owned or leased by the City of Fayetteville, excluding the property leased to FYC pursuant to written agreements.

3. FYC will be responsible for providing or approving the management, staffing, and promotion and development of the following programs and activities. FYC will coordinate with the Fayetteville School System for use of their facilities. FYC will be responsible for the majority of sports and activities held at indoor recreation facilities, including but not limited to the following:

- Basketball
- Baton
- Camps (Environmental Study, Spring Break, Christmas Break, Summer)
- Cheerleading
- Dance
- Fishing Rodeo
- Flag Football (Youth)
- Golf
- Gymnastics
- Karate
- Ping Pong
- School Kids Connection
- Swim Lessons
- Volleyball
- Tackle Football
- Track
- Special Events
- FYC programs which do not compete with those listed in paragraph 4.

4. Parks and Recreation will be responsible for providing or approving the management, staffing and promotion and development of the following programs and activities. Parks and Recreation will be responsible for the majority of sports and activities held at outdoor recreation facilities, including but not limited to the following:

- Baseball
- Softball
- Flag Football (Adult)
- Hobby Use Groups
- Sand Volleyball
- Soccer
- Special Events

- Swim Lessons
- Tennis Lessons

5. FYC agrees not to establish a program that competes with an established program provided by Parks and Recreation. Moreover, FYC agrees to provide Parks and Recreation with information relating to any of its programs including roster of players, coaches, rules of the league and similar relevant data upon request by Parks and Recreation. It is the intent of both parties to work together for the common good of the citizens of Fayetteville by not providing public funding for multiple competing program offerings. It is understood that FYC and Parks and Recreation both currently provide swim lessons and pool programs and that both parties agree to work together for the common good of both parties.

6. In the event the FYC wishes to allow programs which fall in the general description of paragraph 5 above, which does not believe competes with current City programs, FYC will provide advance notice of intent to start the program to the City providing the City with time to determine whether it is a competing program or not. In the event that FYC offers a program that the Parks and Recreation Division believes is a competing program within the meaning of this document, Parks and Recreation Staff shall give FYC written notice of its assessment. FYC shall either cease operating such program within 30 days of such notice or shall provide a written response to Parks and Recreation that disputes whether such program is in fact a competing program. If FYC fails to cease such program or respond to the assessment from Parks and Recreation, City may discontinue funding for FYC on the 31st day after such notice. If FYC files a dispute, the issue shall be resolved by City Council and the finding of City Council shall be final and not subject to appeal. If FYC fails to cease operation of such a program within 30 days of a decision requiring such cessation by City Council, then the City may stop annual funding to FYC.

7. The FYC Executive Director and Parks and Recreation Superintendent shall have periodic meetings to ensure communication between the two entities.

8. It is understood and agreed that the City's annual purchase of services will be negotiated on a yearly basis. FYC shall provide liability insurance for buses and vans provided by the City of Fayetteville.

9. The FYC Board of Directors is responsible for the management and operation of the annual funding allocation to FYC from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds. However, 75 percent of the funding must be expended for promotion and development of recreation.

10. As part of the annual funding, FYC agrees to make its facilities available to residents of the City of Fayetteville for a nominal daily fee without the need to purchase a membership to the club.

11. FYC shall schedule a meeting and submit an annual financial report to the Urban Development Director on or before April of each year. Such report shall detail FYC's use of the City of Fayetteville's funding allocation.

12. FYC shall comply with the schedules and procedures established by the Budget & Research Division of the City of Fayetteville for annual funding requests.

13. The working procedures and responsibilities contained herein shall become effective January 1, 2003.

CITY OF FAYETTEVILLE

BY: ______________________________

Attest:

BY: ______________________________

FAYETTEVILLE YOUTH CENTER, INC.

BY: ______________________________
President

ATTEST:

BY: ______________________________
Vice President

STAFF REVIEW FORM

XX ___ AGENDA REQUEST
_____ CONTRACT REVIEW
_____ GRANT REVIEW

For the Fayetteville City Council meeting of December 17, 2002

FROM:

Name	Division	Department
Yolanda Fields	CRCC	Urban Development

ACTION REQUIRED:
Informational item - 2003 Community Development Block Grant (CDBG) annual action plan

COST TO CITY:

_____ Cost of this Request	_____ Category/Project	Community Development Category/Project Name
_____ Account Number	_____ Funds Used To Date	Community Development Program Name
_____ Project Number	_____ Remaining Balance	Community Development Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

_____ Budget Manager

_____ Administrative Services Director

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

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

STAFF RECOMMENDATION: Review of the informational item

Division Head	12-2-02 Date	Cross Reference
Department Director	Date	New Item: **Yes**
Administrative Services Director	Date	Prev Ord/Res #:
Mayor	Date	Orig Contract Date:

STAFF REVIEW FORM

Description: Approval of the sub-recipient grant agreement

Meeting Date ____________

Comments:

Reference Comments:

Budget Manager

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____

Accounting Manager

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City Attorney

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Purchasing Manager

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Internal Auditor

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ADA Coordinator

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Grants Coordinator

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FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor and Council

FROM: Yolanda Fields, CRCC Director

DATE: December 2, 2002

RE: 2003 Community Development Block Grant (CDBG) Annual Action Plan (Review Item)

2003 CDBG Annual Action Plan has been submitted to HUD for approval. The required public comment period was conducted. This item is being presented as an informational item to the Mayor and Council. If you have any questions, please contact me at 575-8290 or yfields@ci.fayetteville.ar.us.

CITY OF FAYETTEVILLE

2003
CONSOLIDATED ACTION PLAN

"Helping to Make a Better Community"

Submitted November 15, 2002

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CONSOLIDATED ACTION PLAN – 2003

COMMUNITY PROFILE

The City of Fayetteville, county seat of Washington County, is located in the northwestern part of Arkansas and is regarded as the business and cultural center of the Metropolitan Statistical Area for Benton and Washington Counties, which has an estimated population of approximately 311,000. Fayetteville is situated near the tallest of the mountains in the Ozark Mountain Range and is the fourth largest city in the state. It is located approximately 185 miles northwest of Little Rock, Arkansas, 125 miles east of Tulsa, Oklahoma, 350 miles northeast of Dallas, Texas, and 210 miles south of Kansas City, Missouri. Fayetteville and Northwest Arkansas region have gained a national reputation as one of best places in the country to live and raise a family. The City and the region are experiencing rapid population growth and an increasing number of visitors. Fayetteville's population has increased from approximately 20,000 in 1960 to 58,047 according to the 2000 census.

The City was settled in 1828 and was incorporated on August 23, 1870. The City operates under a Mayor-Council form of government, in which a Mayor, City Attorney, City Clerk/Treasurer, Municipal Judge, and eight Aldermen are elected. Based on the population thresholds in Arkansas law, City Council adopted an ordinance that provides for staggered aldermanic terms. Beginning with the 2000 election, all terms for elected officials are four years.

INTRODUCTION

The City of Fayetteville is a participant in the Community Development Block Grant (CDBG) Entitlement Cities Program and is awarded funds annually to carry out eligible activities in pursuit of these statutory goals:

- **Provide Decent housing** - - which includes:
assisting homeless persons obtain affordable housing; assisting persons at risk of becoming homeless; retention of affordable housing stock; increase the availability of affordable permanent housing in standard condition to low-income and moderate-income families, particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability; increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/AIDS) to live in dignity and independence; and providing affordable housing that is accessible to job opportunities.

- **Provide a suitable living environment** - - which includes:
improving the safety and livability of neighborhoods; increasing access to quality public and private facilities and services; reducing the isolation of income groups within areas through spatial deconcentration of housing opportunities for lower income persons and the revitalization of deteriorating neighborhoods; restoring and preserving properties of special historic, architectural, or aesthetic value; and conservation of energy resources.

- **Expand economic opportunities** - - which includes:
job creation and retention; establishment, stabilization and expansion of small businesses (including micro businesses); the provision of public services concerned with employment; the provision of jobs to low-income persons living in areas affected by those programs and activities, or jobs resulting from carrying out activities under programs covered by the plan; availability of mortgage financing for low-income persons at reasonable rates using non-discriminatory lending practices; access to capital and credit for development activities that promote the long-term economic and social viability of the community; and empowerment and self-sufficiency for low-income persons to reduce generational poverty in federally assisted housing and public housing.

Community Development Focus in 2003

Public Access and Participation: CDBG Activities are designed and carried out based on local needs. Through public meetings, consultation with area public and non-profit service agencies, informal discussion with citizens, studies, city staff, and special purpose committees, input from community stakeholders and resources holders is integrated to designate action priorities.

One formal public hearing was held to present and discuss proposed CDBG activities for fiscal year 2003. The meetings were well attended by non-profit agency representatives and the media but citizen attendance was low. Community Development staff has been active in the presentation of program information. Information was provided during National Community Development Week. Community Development program information is presented at local agency meetings on a regular basis. Program literature in Spanish was requested and received. City of Fayetteville program information and forms have been translated into Spanish.

In accordance with Fayetteville's Citizen Participation Plan, the 2003 Consolidated Action Plan is submitted for a 30 day citizen review period. Citizen comments on the plan are encouraged and may be submitted to:

Yolanda Fields, Director
City of Fayetteville Community Resource Division
113 West Mountain Street
Fayetteville, AR 72701

Citizen Comments:

Housing Housing rehabilitation and housing issues are a primary focus of Community Development activities. The City is committed to the development of programs which address the need for housing for Low and Moderate Income (LMI) persons and families. In response to priority needs revealed during the development of the City's five year Consolidated Plan in 1999, the City has focused on developing of community partnerships with outstanding local entities with expertise in specialized housing activities. This cooperation will further the Attainable Housing effort in the City of Fayetteville.

Attainable housing has become a topic of great concern for this division. Housing costs in Northwest Arkansas have increase at a considerable rate throughout the past 10 years according to the latest round of information from the 2000 Census. The cost of the median mortgage payment in the City of Fayetteville remains the highest in Northwest Arkansas at $916, an increase of 45 percent. It is the highest median mortgage payment of any city in Northwest Arkansas and 24 percent higher than the state median of $737. The City of Fayetteville, Community Development program will work on the development of a plan to bring Attainable housing to the City of Fayetteville. This office is working with the Northwest Arkansas Housing Coalition (NAHC) and the committees of the organization to build a relationship with the local Public Housing Office. The HUD provided Technical Assistance will be a very important component in reaching the Attainable Housing goal.

Analysis of Impediments to Fair Housing The city is in the process of updating its "Analysis of Impediments to Fair Housing" (AI). CDBG Program regulations require recipient jurisdictions to "affirmatively further fair housing," which flows from HUD's obligation under Section 808 of the Fair Housing Act.

The AI is conceived as an effort to affirmatively further fair housing choice by identifying all impediments to fair housing choice which presently exist in the community, and to develop strategies and actions designed to reduce or eliminate the identified impediments. Further, the process of developing the AI will foster the collaboration of stakeholders and resource providers in the public, non-profit, and private sectors, thereby promoting relationship-building and consensus on fair housing issues. The AI process will help describe a clearer picture of housing conditions for LMI households in Fayetteville, and aid us in defining current and future housing directions.

Public Services Utilization of CDBG funds for the provision of public services, particularly those which serve LMI groups, has been, and continues to be a focus of the Community Development Program. The Taxi Voucher program provides subsidized cab fare for our city's elder citizens, allowing an inexpensive transportation choice for many who would not have transportation available otherwise. This simple, cost effective program receives unwavering support from those who use it to go shopping, to the doctor, post office, church, out to eat, or any number of other destinations. The program is hugely successful in providing our elders opportunity to participate in community life and to live independently.

Public Facilities - Community Needs CDBG has historically supported community services facilities projects in Fayetteville. Through the last decade, CDBG dollars have assisted construction, renovation or development of facilities for local non-profit organizations such as Youthbridge, Children's House, Head Start, Fayetteville Free Health & Dental Clinic, YRCC, as well as renovations and improvements to City parks, streets, sidewalks and other infrastructure.

CONSOLIDATED ACTION PLAN - 2003

I. *AVAILABLE RESOURCES*

A. ***Resources- Federal / State*** The City is the recipient of only one formula grant program, the Community Development Block Grant. Private non-profit organizations in Fayetteville receive no formula allocations and are funded through competitive State allocations administered by the Arkansas Department of Human Services, the local United Way campaign, private foundation grants, other special competitive grants, and private donations including fund-raising activities. The City anticipates the CDBG formula allocation in 2003 will be approximately $778,000.

B. Resources - Municipal Government

The City's Street Division has estimated $30,000 for street overlay and repair of streets located in the designated Community Development Target Area. The City's Budget Division has budgeted approximately $8,000 for maintenance of city-owned buildings occupied by area non-profit agencies performing public service activities.

II. *DESCRIPTION OF ACTIVITIES*

A. Housing Services

- **Residential Rehabilitation**
  This allocation provides forgivable and partially repayable loans to low and moderate income persons for rehabilitation of owner-occupied housing.
  The following services are offered:
  - Comprehensive rehabilitation up to $20,000
  - Emergency Repair up to $5,000
  - Mobile Home emergency repair up to $3,500

  The program provides labor, materials, project management, Lead Based Paint (LBP) Hazard Control, and other associated costs to bring a home into compliance with State and City Housing Codes. Emphasis is placed on repairs that improve energy efficiency, those that alleviate deferred maintenance conditions, safety devices, and replacement of principal fixtures and components. $340,888 is allocated and includes salary and program delivery costs for management and oversite of all housing programs, design and studies.

  Location: Citywide, applicants are prioritized according to established criteria to give preference on the waiting list to those most in need of services. Priority criteria include; Very Low Income, Elderly, Disabled, Single parented household, Located in Target Area, Length of time on waiting list. This program will assist about 30 eligible families.

- **Housing Design and Fair Housing Study**
  This allocation will provide an updated "Analysis of Impediments to Fair Housing". This study will provide valuable housing information which will be utilized to ensure compliance to the Section 808 of the Fair Housing Act and will assist in reaching the goal attainable housing. In addition, a design for attainable housing will be developed and a home will be built. This project will serve as a model for the Attainable Housing program. $100,000 will allocated for these components.

- **Habitat for Humanity of Fayetteville, AR, Inc.**
  Habitat for Humanity (HFH) mission to eliminate poverty housing. HFH was chartered in December 1992 and has completed seventeen (17) houses that have housed 50 children and 20 adults. HFH is builder and mortgage lender, homes sold at no-profit and no-interest. Funding mostly from donations, club pledges, religious community, fund for HFH homeowners principle payments, community organizations and in-kind donations. Participants are in the 30-50% of median income range. Their monthly payments are 20-25% of their monthly gross income including taxes and insurance. CDBG funds allocated - $50,000.

  Revenue Sources:

Wal-Mart Shoe/Jewelry Divs. Golf Tournament	54,000
Dr Scholl's HFH Tin Cup 5K Run/Walk	15,000
Covenant Church Commitment	10,000
Clubs/organizations	3,000
Carpenters Club pledges	55,000
Unspecified donations	10,000

B. Public Services

- **Seven Hills Homeless Shelter**
  This project provides essential services (including meals, shelter, transportation, showers, phone, laundry, clothing; etc.) and case management services to homeless men, women and children in an effort to enable them to return to a stable, self-sufficient lifestyle. Seven Hills is a dual-purpose facility. Providing a safe, supportive drop-in day center environment where men, women and children can come to gather resources, set plans, and move forward toward jobs, housing, and self-sufficiency. In winter, providing emergency cold-weather night shelter. In addition, the Transitional Housing program for men at Seven Hills provides eight residents with three to six month's room, board, life-skills training, life coaching, and other assistance to support their progress toward stable, independent living.

The center currently serves an average of over 40 persons per day. To date, 42 men have been placed in the Transitional Housing Program, which provides life-skills training in the areas of money management, anger management, and health for eight men at a time. They also receive weekly private goal-setting/progress sessions with a life coach, as well as 24-hour staff support in a drug and alcohol free environment.

Location: 1561 W. 6th

Revenue Sources:

Private Foundation Grants	45,600
Individual contributions	28,500
Church contributions	12,000
Program fees	6,000
Fundraising events	5,200
Corporate Support	30,000
In-kind support	90,000

- **Fayetteville Elderly Taxicab Program**
  This program provides an alternative transportation choice for elderly residents of Fayetteville through subsidized cab fare. 200 elderly, low to moderate individuals will be served by this transportation program. CDBG funds allocated - $40,000.

  Location: Citywide

- **Girl Scouts of NOARK Council**
  Project Every Girl seeks to involve girls residing in the Southeast Fayetteville Target area in the Girl Scout program. Southeast Fayetteville is an under-served area as it is difficult Recruit volunteer leadership and involve girls in what would be considered a "traditional troop". This particular project will be a staff-lead group (girls of all ages). Girls will meet twice a week in southeast Fayetteville. Key to the Girl Scout program is girl planning. The goals of the project are 1. Develop insight to individual potential; 2. Learn to relate to others with understanding, skill and respect; 3. Develop values to guide actions and provide the foundation for sound decision making; 4. Contribute to the improvement of society through the use of abilities and skills while working in cooperation with others. CDBG funds allocated - $6,600 and a $3.300 match.

- **Fayetteville Library**
  This program will provide Spanish language materials and outreach/programming to the community. Funds will be utilized to purchase literacy and Spanish language materials for adults and children. Program development will include outreach and activities to improve services to our community at large. Program will benefit low and moderate income persons to improve their reading and language skills. This project will match $13,000 of CDBG funds with $5,842 in-kind funding. City of Fayetteville has experienced an increase in the Hispanic population. The concentration is in the CD Target Area, which is designate low to moderate income. This program would provide training which is needed by this population.

  This program will provide the technology to improve access to information for the disabled citizens of our community. Focusing on both the visually impaired and those with physical disabilities that make physically manipulating a book or computer difficult, this grant will allow us to improve the literacy rates of this segment of our community. This project will match $20,000.00 of CDBG funds with $6,141.00 in-kind funding. According to the 2000 census, 12.5% of the population of Fayetteville between the ages of 5-20 years has a disability. Also 15.2% of the population aged 21-64 and 44.6% of the population over 65 have disabilities. The need for this project is particularly important given that illiteracy rates within this community can be shockingly high. For example, according to the Arkansas Chapter of the National Federation for the Blind, 12% of blind students who graduate from high school are illiterate.

  Location: 217 East Dickson

C. *Public Facilities - Community Needs*

- **Walker Park Playground Equipment**
  $60,000 replacement of unsafe playground equipment at Walker Park. Walker Park is located in the Target Area.

  Location: 10 W. Fifteenth Street

- **Fayetteville Head Start**
  This project will enhance the outdoor curriculum area to better provide and promote a higher quality, safe comprehensive child development activities that will promote social, mental and physical competence. 3-5 year olds from low to moderate income families will be able to utilize the improved outdoor area. This project will match $14,100.00 of CDBG funds with $11,335.00 from the Fayetteville Head Start Program.

  Location: 2052 S. Garland

D. *Administration and Indirect Costs*

Administration funds are used for the salary and benefits of the Community Development Director, administration staff, office supplies, travel and training costs, some Fair Housing activities and other costs associated with administration of community development activities. Indirect costs are those charged by the City for office space, maintenance and services provided by other City divisions. $108,412.00 is allocated.

Location: City Engineering Building, 125 West Mountain Street

III. Monitoring

Community Development Programs will be monitored by the Community Development Division and other City of Fayetteville Divisions to ensure long-term compliance with federal, state and local regulations and statutes. Goals and objectives outlined in the Consolidated Plan will be reviewed periodically by the Community Development staff to ensure compliance to plan.

Housing Programs will be monitored by the CD Housing Program staff and the City of Fayetteville Building Safety Division, when needed for compliance to building ordinances. All building ordinances must be met prior to final payment on all housing rehabilitation projects. Follow up visits will be made to all moderate rehabilitation project sites.

Public Facilities Improvements will be monitored by the Community Development staff and a professional playground equipment inspector from the City of Fayetteville Parks and Recreation Division. This will ensure compliance to the codes which govern the installation of playground equipment and the project contract and specifications.

Public Service Activities Sub-recipient agreements will be required for all public service activities. Monitoring area will include program performance, financial performance and regulatory compliance. Sub-recipient agreements will require documentation of activities and results. In addition, agreements will require an estimated project schedule and a project completion date. Agreement will outline procedures to be followed in the case a non-compliance situation may occur.

IV. Lead-Based Paint Hazards

Rehabilitation projects are evaluated and tested for lead-based paint hazards in accordance with the City of Fayetteville lead-based paint policy. The policy has been established based on current federal regulation for lead-based paint. This policy will be reviewed on an annual basis by CD staff.

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0001	Administration	21A General Program Administration	CDBG	$ 108,412
			ESG	$ 0
0001	Planning and Administration	570.206	HOME	$ 0
			HOPWA	$ 0
		1 People (General)	ASSISTED HOUSING	$ 0
	Salary and indirect costs, Fair Housing activities, studies, travel & training. Indirect costs are those charged to the division for office space, maintenance, postage, and services provided by other city division.		PHA	$ 0
			TOTAL	$ 108,412
			Total Prior Funding	$ 0

Help the Homeless? No — Start Date: 01/01/03

Help those with HIV or AIDS? No — Completion Date: 12/31/03

Eligibility: 570.208(a)(1) - Low / Mod Area

Subrecipient: Local Government

Location(s): N/A

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0002	Housing Services	14A Rehab; Single-Unit Residential	CDBG	$ 440,888
			ESG	$ 0
0002	Housing	570.202	HOME	$ 0
			HOPWA	$ 0
		25 Households (General)	ASSISTED HOUSING	$ 0
	Addressing current housing conditions for low and moderate income residents. Residential housing rehabilitation, emergency repair, mobile home repair.		PHA	$ 0
			TOTAL	$ 440,888
			Total Prior Funding	$ 0

Help the Homeless? No — Start Date: 01/01/03

Help those with HIV or AIDS? No — Completion Date: 12/31/03

Eligibility: 570.208(a)(3) - Low / Mod Housing

Subrecipient: Local Government

Location(s): Community Wide

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0003	Housing-Habitat for Humanity	01 Acquisition of Real Property	CDBG	$ 50,000
			ESG	$ 0
0003	Housing	570.201(a)	HOME	$ 0
			HOPWA	$ 0
		3 Households (General)	ASSISTED HOUSING	$ 0
	Eliminate poverty housing by building and providing mortgage lending homes at no-profit and no-interest. Participants are in the 30-50% of median income range.		PHA	$ 0
			TOTAL	$ 50,000
			Total Prior Funding	$ 0

Help the Homeless? No — Start Date: 01/01/03

Help those with HIV or AIDS? No — Completion Date: 12/31/03

Eligibility: 570.208(a)(3) - Low / Mod Housing

Subrecipient: Local Government

Location(s): Community Wide

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0004	Public Services - Seven Hills Homeless Shelter	05 Public Services (General)	CDBG	$ 25,000
			ESG	$ 0
0004	Public Services	570.201(e)	HOME	$ 0
			HOPWA	$ 0
		200 Persons who are Homeless	ASSISTED HOUSING	$ 0
	Provides essential services and case management services to homeless individuals in an effort to enable then to return to a stable, self-sufficient lifestyle.		PHA	$ 0
			TOTAL	$ 25,000
			Total Prior Funding	$ 0

Help the Homeless? Yes — Start Date: 01/01/03
Help those with HIV or AIDS? No — Completion Date: 12/31/03

Eligibility: 570.208(c) - Urgent Need
Subrecipient: Local Government
Location(s): Addresses

1561 W. 6th, Fayetteville, AR 72701

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0006	Public Services-Fayetteville Elderly Taxi Program	05A Senior Services	CDBG	$ 40,000
			ESG	$ 0
0006	Senior Programs	570.201(e)	HOME	$ 0
			HOPWA	$ 0
		60 Elderly	ASSISTED HOUSING	$ 0
	Alternative transportation choice for elderly residents of Fayetteville through subsidized cab fare.		PHA	$ 0
			TOTAL	$ 40,000
			Total Prior Funding	$ 0

Help the Homeless?	No	Start Date:	01/01/03
Help those with HIV or AIDS?	No	Completion Date:	12/31/03

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele
Subrecipient: Local Government
Location(s): Community Wide

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0007	Public Services - NOARK Girls Scouts	05D Youth Services	CDBG	$ 6,600
			ESG	$ 0
0007	Youth Programs	570.201(e)	HOME	$ 0
			HOPWA	$ 0
		1 Youth	ASSISTED HOUSING	$ 0
	Every Girl Program will involve girls residing in the Southeast Fayetteville Target area in the Girl Scout Program.		PHA	$ 0
			TOTAL	$ 6,600
			Total Prior Funding	$ 0

Help the Homeless? No — Start Date: 01/01/03

Help those with HIV or AIDS? No — Completion Date: 12/31/03

Eligibility: 570.208(a)(1) - Low / Mod Area

Subrecipient: Local Government

Location(s): N/A

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0008	Public Services-Fayetteville Public Libaray	05 Public Services (General)	CDBG	$ 33,000
			ESG	$ 0
0008	Public Services	570.201(e)	HOME	$ 0
			HOPWA	$ 0
		35 People (General)	ASSISTED HOUSING	$ 0
	Program development will inculde outreach and activities to improve services to the community. Activities will include the purchase of literacy materials in english and spanish. Program to provide the technologht to improve access to information for the disabled citizens of the community		PHA	$ 0
			TOTAL	$ 33,000
			Total Prior Funding	$ 0

Help the Homeless? No — Start Date: 01/01/03

Help those with HIV or AIDS? No — Completion Date: 12/31/03

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele

Subrecipient: Local Government

Location(s): Addresses

217 East Dickson, Fayetteville, AR 72701

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0009	Public Facilities-Walker Park Playground Equipment	03F Parks, Recreational Facilities	CDBG	$ 60,000
			ESG	$ 0
0009	Public Facilities	570.201(c)	HOME	$ 0
			HOPWA	$ 0
		1 Public Facilities	ASSISTED HOUSING	$ 0
	Replacement of unsafe playground equipment at Walker Park located in the Target Area.		PHA	$ 0
			TOTAL	$ 60,000
			Total Prior Funding	$ 0

Help the Homeless?	No	Start Date:	01/01/03
Help those with HIV or AIDS?	No	Completion Date:	12/31/03

Eligibility: 570.208(a)(1) - Low / Mod Area
Subrecipient: Local Government
Location(s): Addresses

10 W Fifteenth Street, Fayetteville, AR 72701

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0010	Fayetteville Head Start	03M Child Care Centers	CDBG	$ 14,100
			ESG	$ 0
0010	Public Facilities	570 201(c)	HOME	$ 0
			HOPWA	$ 0
		1 Public Facilities	ASSISTED HOUSING	$ 0
	Project will enhance the outdoor curriculum area to better provide and promote a higher quality, safe comprehensive child development activities that will promote social, mental and physical competence.		PHA	$ 0
			TOTAL	$ 14,100
			Total Prior Funding	$ 0

Help the Homeless? No — Start Date: 01/01/03

Help those with HIV or AIDS? No — Completion Date: 12/31/03

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele

Subrecipient: Local Government

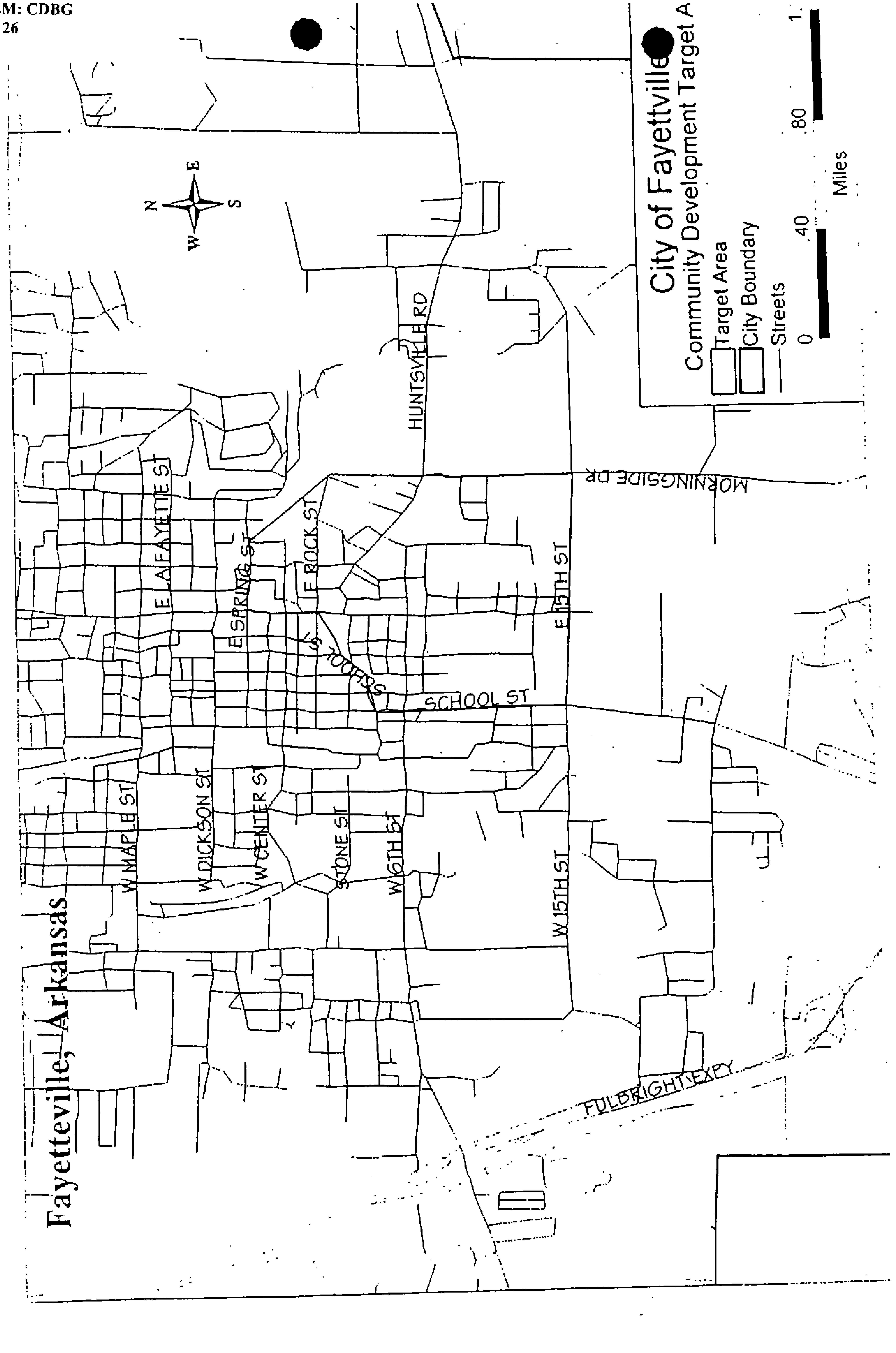
Location(s): Addresses

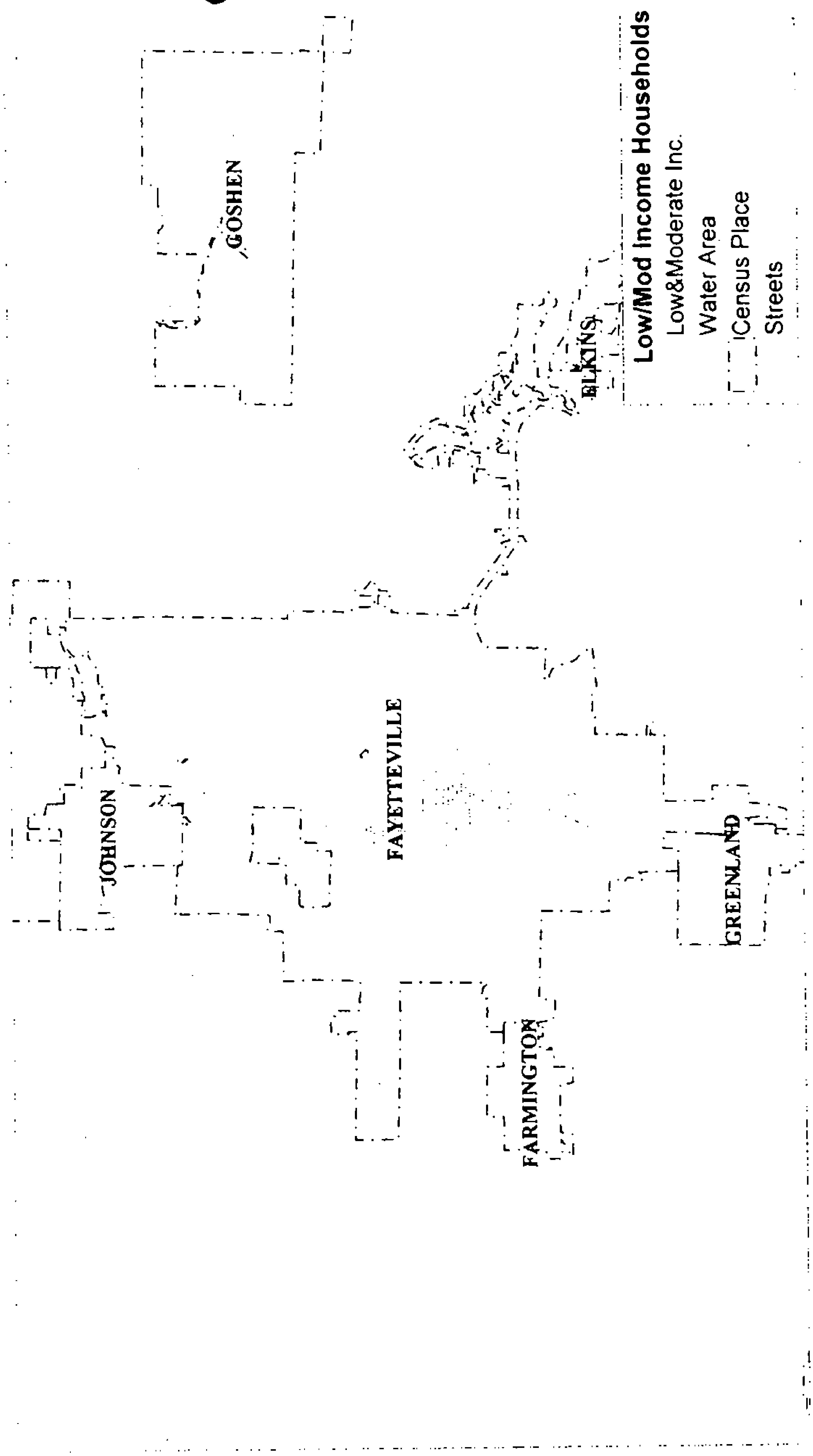
2052 Garland, Fayetteville, AR 72701

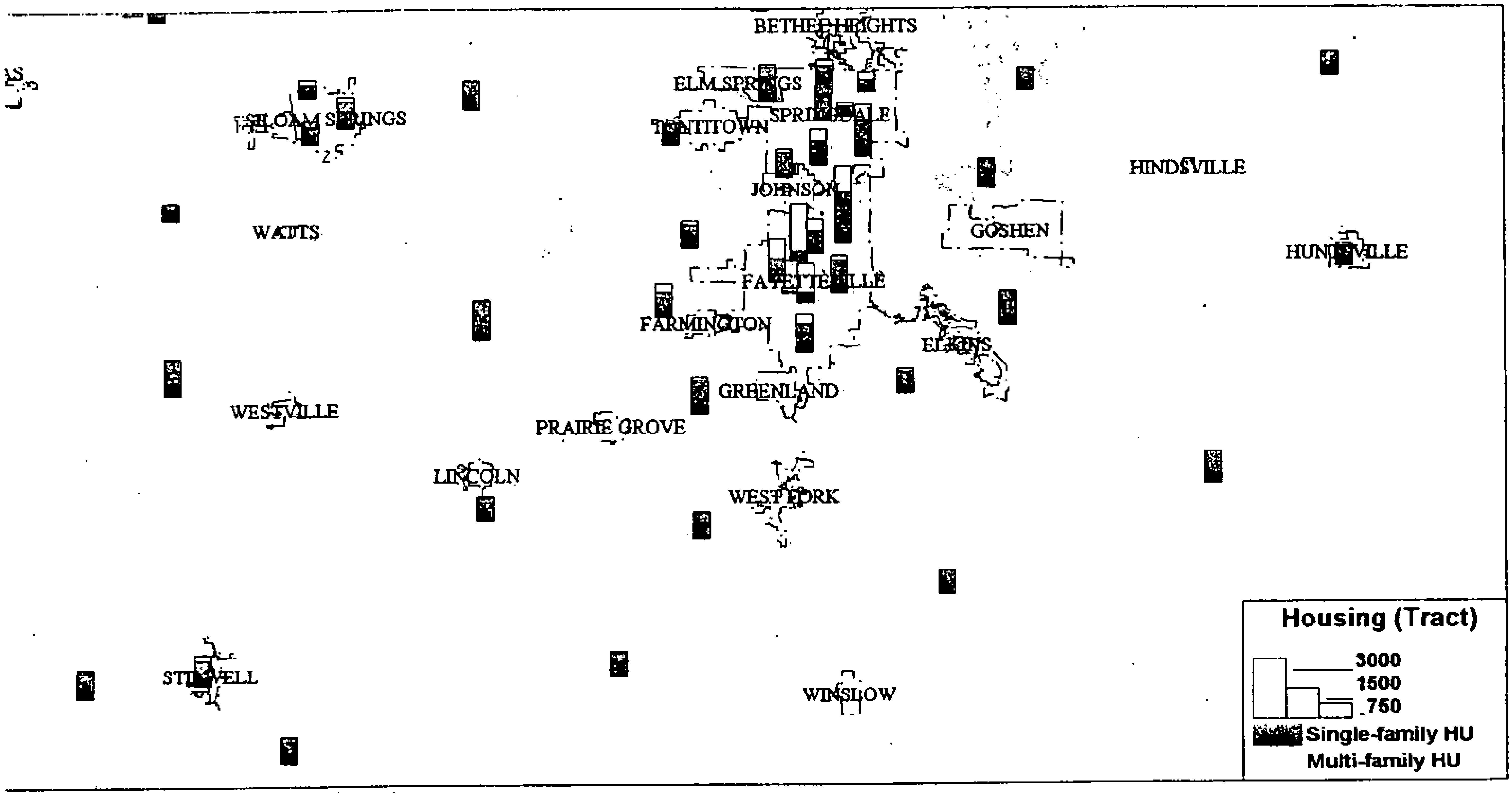
Entitlement Grant (includes reallocated funds)		
CDBG	$778,000	
ESG	$0	
HOME	$0	
HOPWA	$0	
Total		$778,000
Prior Years' Program Income NOT previously programmed or reported		
CDBG	$0	
ESG	$0	
HOME	$0	
HOPWA	$0	
Total		$0
Reprogrammed Prior Years' Funds		
CDBG	$0	
ESG	$0	
HOME	$0	
HOPWA	$0	
Total		$0
Total Estimated Program Income		$0
Section 108 Loan Guarantee Fund		$0
TOTAL FUNDING SOURCES		$778,000
Other Funds		$0
Submitted Proposed Projects Totals		$778,000
Un-Submitted Proposed Projects Totals		$0

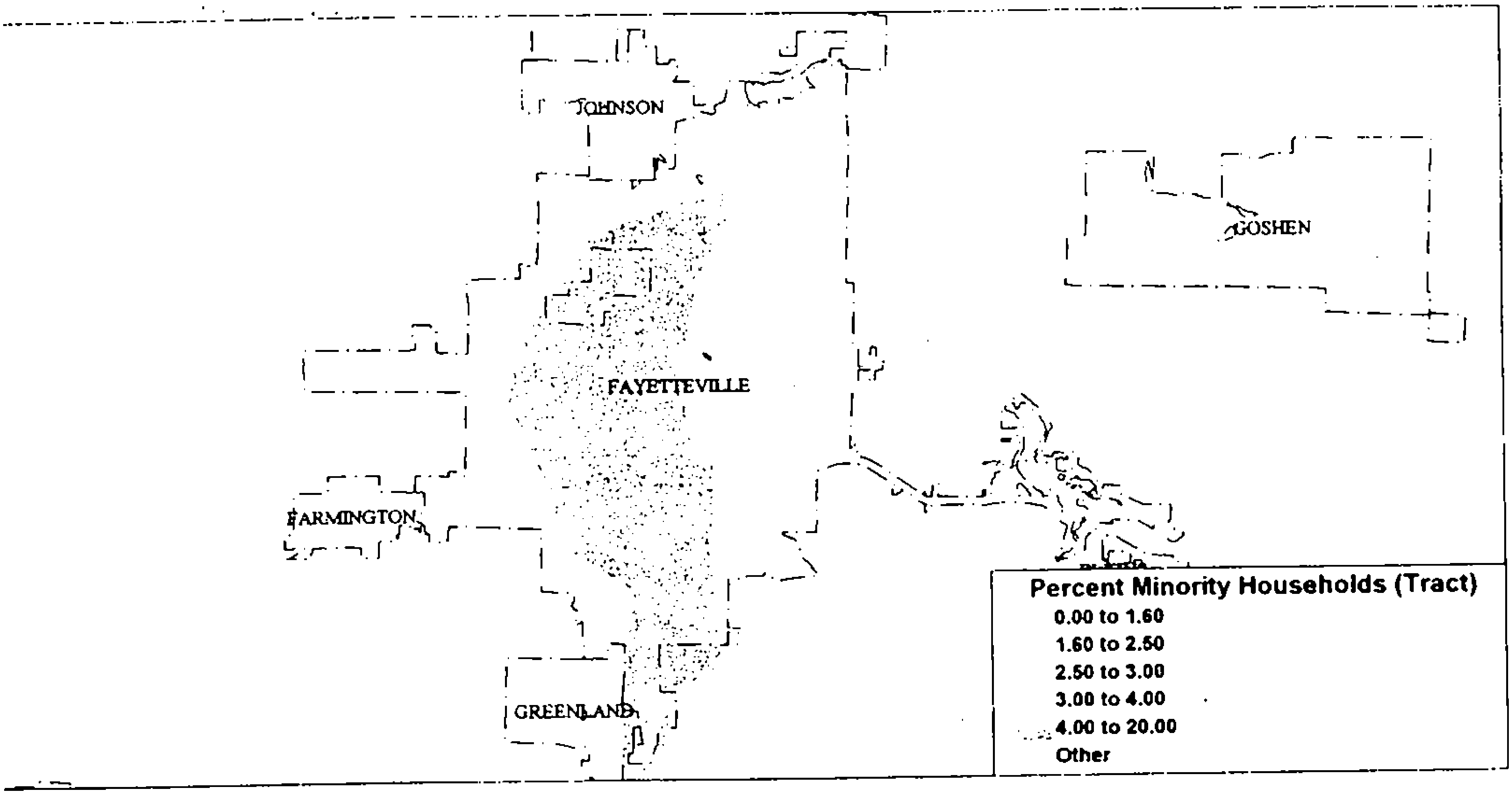
CPD Consolidated Plan/Budget Summary FY2003

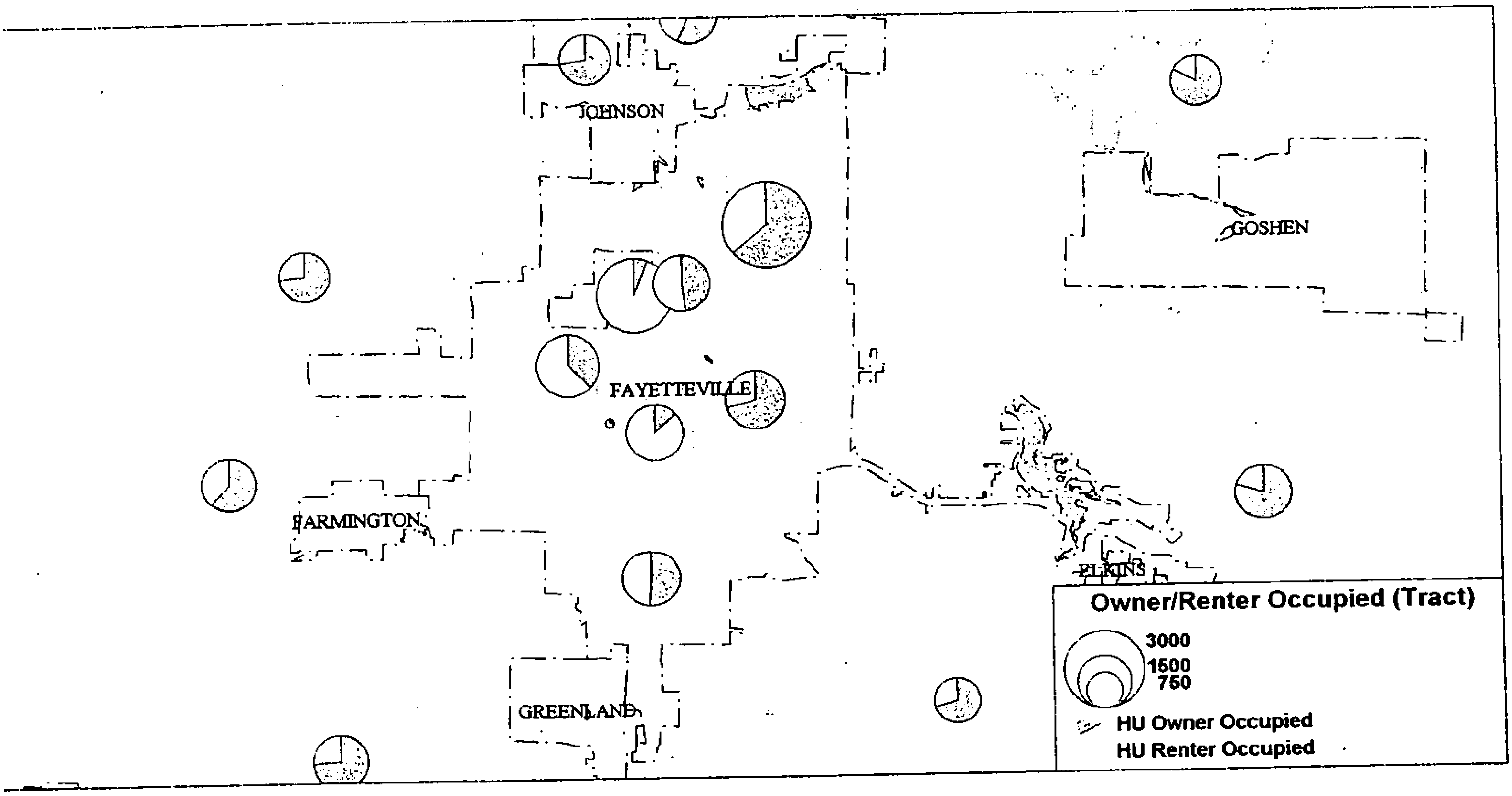
City Progam Number	Program	Budgeted 2003
4930	**Administration**	108,412.00
4940	**Housing**	490,888.00
4960	**Public Services**	104,600.00
4990	**Public Facilities**	74,100.00
	Total 2003 Grant Request	778,000.00

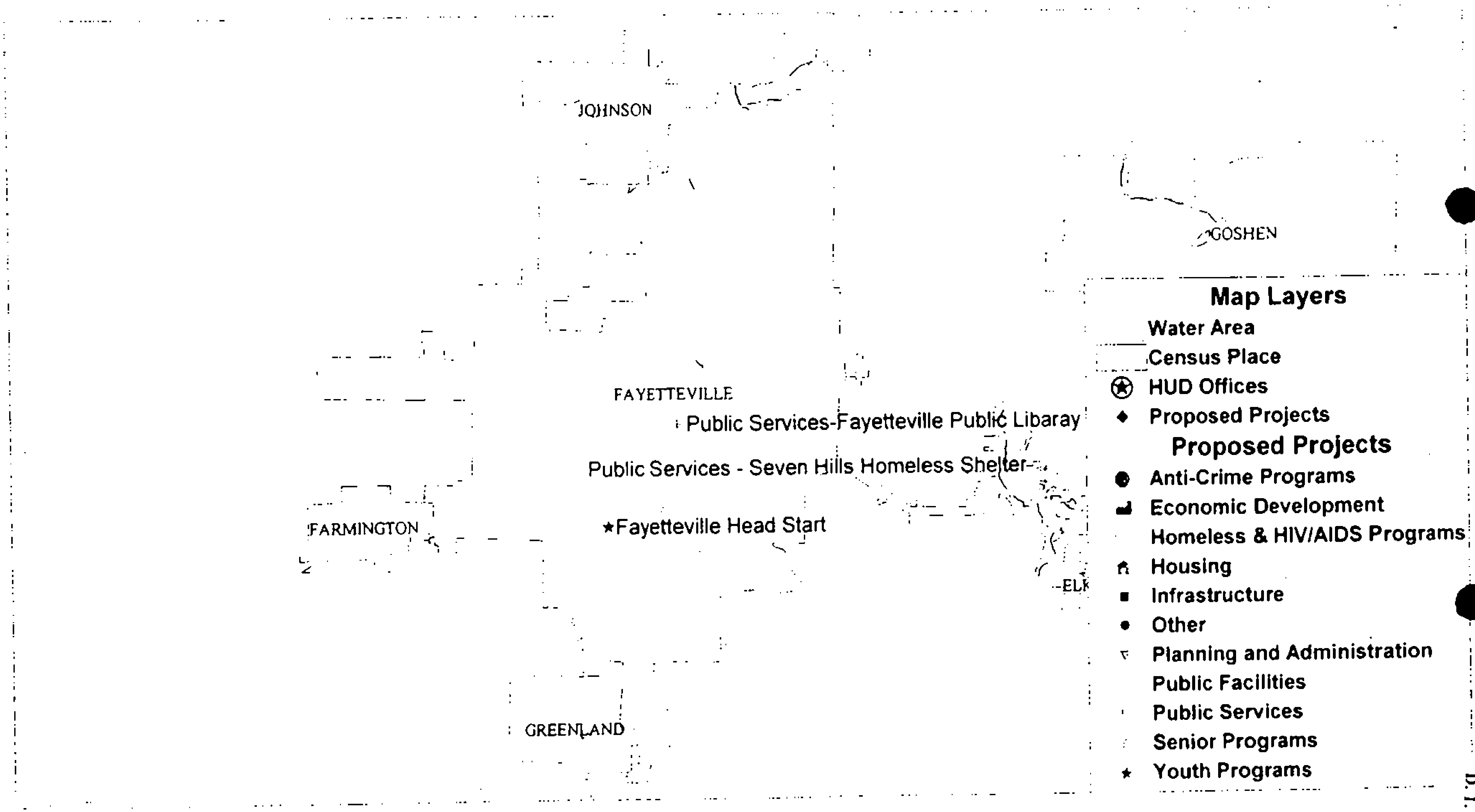

Fayetteville, Arkansas
City of Fayetteville
Community Development Target A
Target Area
City Boundary
Streets
0
40
80
1
Miles
N
E
S
W
HUNTSVILLE RD
MORNINGSIDE DR
E LAFAYETTE ST
E SPRING ST
E ROCK ST
E 15TH ST
SCHOOL ST
W MAPLE ST
W DICKSON ST
W CENTER ST
STONE ST
W 6TH ST
W 15TH ST
FULBRIGHT EXPY


Low/Mod Income Households
Low&Moderate Inc.
Water Area
Census Place
Streets
GOSHEN
ELKINS
FAYETTEVILLE
JOHNSON
GREENLAND
FARMINGTON


BETHEL HEIGHTS
ELM SPRINGS
SILOAM SPRINGS
TONTITOWN
SPRINGDALE
HINDSVILLE
JOHNSON
WATTS
GOSHEN
HUNTSVILLE
FAYETTEVILLE
FARMINGTON
ELKINS
GREENLAND
WESTVILLE
PRAIRIE GROVE
LINCOLN
WEST FORK
STILWELL
WINSLOW
Housing (Tract)
3000
1500
750
Single-family HU
Multi-family HU


JOHNSON
GOSHEN
FAYETTEVILLE
FARMINGTON
GREENLAND
Percent Minority Households (Tract)
0.00 to 1.60
1.60 to 2.50
2.50 to 3.00
3.00 to 4.00
4.00 to 20.00
Other


JOHNSON
GOSHEN
FAYETTEVILLE
FARMINGTON
ELKINS
GREENLAND
Owner/Renter Occupied (Tract)
3000
1500
750
HU Owner Occupied
HU Renter Occupied


JOHNSON
GOSHEN
FAYETTEVILLE
Public Services-Fayetteville Public Libaray
Public Services - Seven Hills Homeless Shelter
Fayetteville Head Start
FARMINGTON
ELK
GREENLAND
Map Layers
Water Area
Census Place
HUD Offices
Proposed Projects
Proposed Projects
Anti-Crime Programs
Economic Development
Homeless & HIV/AIDS Programs
Housing
Infrastructure
Other
Planning and Administration
Public Facilities
Public Services
Senior Programs
Youth Programs

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about -

   (a) The dangers of drug abuse in the workplace;
   (b) The grantee's policy of maintaining a drug-free workplace;
   (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
   (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -

   (a) Abide by the terms of the statement; and

   (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -

   (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

   (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1,2,3,4,5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official Date

Mayor
Title

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with the requirements of 24 CFR §570.608;

Compliance with Laws -- It will comply with applicable laws.

Signature/Authorized Official Date

Mayor
Title

OPTIONAL CERTIFICATION
CDBG

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

______________________________ ______________
Signature/Authorized Official Date

____
Title

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2001,(a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official Date

Mayor
Title

HOPWA Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

Signature/Authorized Official

Date

Mayor
Title

ESG Certifications

The Emergency Shelter Grantee certifies that:

Major rehabilitation/conversion -- It will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least 10 years. If the jurisdiction plans to use funds for purposes less than tenant-based rental assistance, the applicant will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least 3 years.

Essential Services -- It will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure as long as the same general population is served.

Renovation -- Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services -- It will assist homeless individuals in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living, and other Federal State, local, and private assistance.

Matching Funds -- It will obtain matching amounts required under §576.71 of this title.

Confidentiality -- It will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement -- To the maximum extent practicable, it will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, operating facilities, and providing services assisted through this program.

Consolidated Plan -- It is following a current HUD-approved Consolidated Plan or CHAS.

Signature/Authorized Official　　　　Date

Mayor
Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.

2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)
City Administration Building, 113 West Mountain Street, Fayetteville, Arkansas, 72701

Check _X_ if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Application for Federal Assistance

2. Date Submitted 11/15/01	Applicant Identifier B-03-MC-05-0001
3. Date Received by State	State Application Identifier
4. Date Received by Federal Agency	Federal Identifier

1. Type of Submission:

Application: Construction
Preapplication: Non - Construction

5. Applicant Information

Legal Name City of Fayetteville	Organizational Unit Municipal Government
Address 113 W Mountain Fayetteville, AR 72701 Washington	Contact Yolanda Fields, CD Director (501) 575-8290
6. Employer Identification Number (EIN): 71-601846	7. Type of Applicant: Municipal
8. Type of Application: Type: New	9. Name of Federal Agency: US Dept of HUD
10. Catalog of Federal Domestic Assistance Number: Catalog Number: 14-218 Assistance Title: Community Development Block Grant	11. Descriptive Title of Applicant's Project: Community Development
12. Areas Affected by Project: Fayetteville, AR	

13. Proposed Project:		14. Congressional Districts of:	
Start Date 01/01/02	Start Date 12/31/03	a. Applicant 3	b. Project 3

15. Estimated Funding:

a. Federal	$778,000
b. Applicant	$0
c. State	$0
d. Local	$0
e. Other	$0
f. Program Income	$0
g. Total	$ 778,000

16. Is Application Subject to Review by State Executive Order 12372 Process?

Review Status: Program covered

Date::

17. Is the Applicant Delinquent on Any Federal Debt?

No

18. To the best of my knowledge and belief, all data in this application/preapplication are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative Dan Coody	b. Title Mayor	c. Telephone Number (501) 575-8330
d. Signature of Authorized Representative		e. Date Signed 11/14/02

SIGN IN

PIN Meeting 7/31/01

Deborah Brouillette Sr Salvation Army 8:45 AM. 7/31/01
Barbara Maloney - Salvation Army
Heather Downing - Interfaith Volunteer Caregivers
Becky Remington Helping Angels
Kathy Grisham Community Clinic at St. Francis House
Michele Allen Winkler NWA Free Health & Dental Center
Lance Fish SFCDC/Y.R.C.C.
JOHN LEWIS Bank of Fayetteville
Christy Ruepp Multicultural Center
Jane E. Goss Old Fort Smith Homeless Coalition
Kathleen Randall EOA
Lynne Alexander

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:

Final Agenda was inserted in the regular editions on 12/16/02.

** Publication Charge: $ 208.35

Subscribed and sworn to before me this

16 day of December, 2002.

Tammy Allen
Notary Public

My Commission Expires: Official Seal
~~TAMMY ALLEN~~
Notary Public-Arkansas
WASHINGTON COUNTY
My Commission Expires 11-05-2011

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FINAL AGENDA - CITY COUNCIL
DECEMBER 17, 2002

City of Fayetteville

A meeting of the Fayetteville City Council will be held on December 17, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

GOVERNMENT FINANCE OFFICERS ASSOCIATION AWARD

A. CONSENT

1. APPROVAL OF THE MINUTES
2. BID 02-63: A resolution awarding Bid No. 02-63 to RJM Manufacturing in the not-to-exceed amount of $150,000 for the purchase of up to 300 solid waste yard containers. The containers will vary in size from two to eight yards and will service multi-family dwellings and commercial businesses.
3. BID 02-70: A resolution awarding Bid 02-70 to Rehrig Pacific in the amount of $13,866.09 for the purchase of 1,500 bins and 2,000 lids for the city's curbside recycling program.
4. WATER TANKS: A resolution awarding the construction contract to Eagle Sandblasting and Painting, Inc. for the repainting of the Rodgers Dr. & Goshen water tanks in the amount of $296,427.00, with a contingency of $29,573.00 along with the approval of a budget adjustment.
5. SOUTHERN VIEW APT.: A resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept money-in-lieu of land for Southern View Apartments.
6. REGIONAL AIRPORT: A resolution appointing Tommy Deweese and Don Nelms to the Regional Airport Authority's Board of Directors.

B. OLD BUSINESS

1. RZN 02-37.00: An ordinance approving rezoning request RZN 02-37.00 as submitted by Milholland Company on behalf of Ozark Adventure for property located east of Futrall Drive, west of Baldwin Piano, and south of Hollywood Drive. The property is zoned R-O, Residential Office and contains approximately 17.70 acres. The request is to rezone to C-2, Thoroughfare Commercial. Ordinance was left on the first reading at the November 19, 2002 meeting and left on the second reading at the December 3, 2002 meeting.
2. IMPACT FEES. An ordinance enacting impact fees for all territory within the City's water and wastewater service areas including areas outside the corporate city limits and within the service areas located within Washington County and other incorporated cities. Ordinance was left on the second reading at the November 25, 2002 and left on the third reading at the December 3, 2002 meeting and tabled until the December 17, 2002 meeting.
3. RZN 02-18.00, 19.00, 20.00, 29.00, 30.00, 31.00 and 32.00: Ordinances approving rezoning requests as submitted by the City of Fayetteville Planning Division on behalf of the Mill District Neighborhood Association. This ordinance was left on the second reading at the December 3, 2002 meeting.
4. FRANCHISE FEE: An ordinance setting the franchise fee of four and one-quarter percent (4_%) on the gross revenues of the City Solid Waste, Water and Sewer Funds and repealing Ordinance No. 3804. The ordinance was left on the first reading at the December 3, 2002 meeting.
5. 2003 BUDGET: A resolution adopting the proposed 2003 Annual Budget and Work Program. The resolution was tabled at the December 3, 2003 meeting.

C. NEW BUSINESS
1. WATER TANK SITE: A resolution approving the sale of 2.0 acres of the City's Gulley Rd. Water Tank site (12.0 ac) as requested by Ozark Electric Cooperative for the appraised price of $70,000.00 including access to and from Gulley Road, plus payment for specific City costs associated with the preparation of said property to be sold.
2. ADM 02-37.00: A resolution approving amendments to the Bill of Assurance submitted with Ordinance No. 4410, passed and approved by the City Council on August 20, 2002.
3. RZN 02-39.00: An ordinance approving RZN 02-39.00 as submitted by Tim DeNoble on behalf of John Eldridge, III for property located at 210 N. East Ave. The property is zoned R-O, Residential Office and contains approximately 0.70 acres. The request is to rezone to C-3, Central Commercial.
4. RZN 02-40.00: An ordinance approving RZN 02-40.00 as submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of David Stone for property located behind 3195 N. College and east of Plainview Ave. The property is zoned A-1, Agricultural, C-2, Thoroughfare Commercial and R-1, Low Density Residential and contains approximately 8.84 acres. The request is to rezone to RMF-18, Medium Density, Multi-Family Residential.
5. VA 02-15.00: An ordinance approving VA 02-15.00 as submitted by Ross Malloux for property located at 2309 Golden Oaks Dr. The property is zoned R-1, Low Density Residential and contains approximately 0.30 acres. The request is to vacate part of the utility easement (75.7 sq. ft.)
6. COUNCIL ON AGING: An ordinance approving an agreement with the Council on Aging to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Council on Aging in 2003 for the provision of public recreation.
7. BOYS & GIRLS CLUB: An ordinance approving an agreement with the Fayetteville Boys and Girls Club to provide public recreation for the citizens of Fayetteville and to waive competitive bidding for the payment to the Fayetteville Boys and Girls Club in 2003 for the provision of public recreation.
8. FIRST NIGHT: Discussion of a resolution to approve funding for First Night 2002.

D. INFORMATIONAL ITEM:
1. 2003 Community Development Block Grant (CDBG) annual action plan.

PRESENTATION FOR OUT GOING ALDERMAN