FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA
FOR
CITY COUNCIL MEETING
MARCH 18, 2003

A meeting of the Fayetteville City Council will be held on March 18, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **APPROVAL OF THE MINUTES:** Approval of the March 4, 2003 meeting minutes. Revision of February 18, 2003 meeting minutes.

Passed

2. **BOND ISSUES AND LEASE AGREEMENTS:** A resolution of intent to reimburse for bond(s) issues and lease agreement(s) for 2003.

3. **FLYING INVESTMENTS, LLC:** A resolution to review and approve ground lease to Flying Investments, LLC for construction of a hangar and office/shop at Fayetteville Municipal Airport, Drake Field.

B. OLD BUSINESS:

Tabled 2nd.

1. **COMPOSTING SITE:** A resolution authorizing staff to begin the purchasing process for a compost row turner and to solicit bids for a contractor to construct the compost pad. The resolution was tabled at the February 18, 2003 City Council meeting.

Tabled to 4-15-03

2. **COMPACTOR AND DROPBOX BUSINESS EXPANSION:** A resolution approving a budget in the amount of one million one hundred seventy-three thousand two hundred eight dollars ($1,173,208.00) to allow the Solid Waste and Recycling division to implement a new commercial drop box program. The resolution was tabled at the February 18, 2003 City Council meeting.

Tabled to 4-15-03

3. **NEW COMMERCIAL COMPACTOR AND DROP BOX PROGRAM:** A resolution authorizing the hiring of seven (7) additional full time employees to implement a new commercial compactor and drop box program. The resolution was tabled at the February 18, 2003 City Council meeting.

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

4. **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. The resolution was tabled at the December 3, 2003 meeting.

Tabled Ind.

5. **STUDENT HOUSING:** An ordinance authorizing the Fayetteville Public Facilities Board to develop student housing facilities and to issue revenue bonds for the purpose of financing student housing to be developed in compliance with all city development ordinances. The ordinance was tabled at the February 4, 2003 meeting.

Tabled Ind.

C. **NEW BUSINESS:** AD HOC at Large 3 to 4

Tabled Ind.

1. **ANIMAL CONCERNS COMMITTEE:** A resolution establishing an Animal Concerns Committee.

Pass

2. **SENATE BILL 407:** A resolution to express the City of Fayetteville's opposition to Senate Bill 407 prohibiting most zoning and regulation of mobile homes.

Pass

3. **NARENDRA KRUSHIKER BID WAIVER AND COST-SHARE:** An ordinance approving a cost-share and bid waiver in the amount of $ 25,491.00 with Narendra Krushiker for the construction of approximately 650 feet of 8" water main.

Left on Second Tour First

4. **RZN 03-6.00 (Brophy):** An ordinance approving a rezoning as submitted by Bill Rudasill on behalf of Ralph Brophy for property located north of Township and east of 71B. The property is zoned C-2, Thoroughfare Commercial and contains approximately 1.65 acres. The request is to rezone to R-3, High Density Residential.

pass

5. **RZN 03-12.00 (Broyles):** An ordinance approving a rezoning as submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of Tom Broyles for property owned by Helen Adams and located at the northeast corner of 18th Street and Futrall Drive. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 17.65 acres. The request is to rezone to C-2, Thoroughfare Commercial.

D. **INFORMATIONAL:**

1. **LEADERSHIP AND STRATEGIC PLANNING WORKSHOP:** Spirit Mountain Lodge, Ozark, Arkansas. March 15, 2003 and March 16, 2003.

Meeting of March 18, 2003

Consent passed.

	Roll	DAVIS/ Jordan Consent			
Lucas	✓	✓			
Jordan	✓	✓			
Reynolds	✓	✓			
Thiel	✓	✓			
Cook	✓	✓			
Marr	✓	✓			
Rhoads	✓	✓			
Davis	✓	✓			
Mayor Coody	✓				

#1 Old Bus.

Tabled Ind. 3/18/03

Composting	Jordan/Marr Table Ind.				
Lucas	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Cook	✓				
Marr	✓				
Rhoads	✓				
Davis	✓				
Mayor Coody					

Meeting of March 18, 2003

Table to April 15th

$37.00
$40.00
$45.00
Rate's

#2 Old Business

Jordan/Reynolds

Compactor & Dropbox	Remove from table	Table			
Lucas	✓	✓			
Jordan	✓	✓			
Reynolds	✓	✓			
Thiel	✓	✓			
Cook	✓	✓			
Marr	✓	✓			
Rhoads	✓	✓			
Davis	✓	✓			
Mayor Coody					

Table to 4-15-03

#3 Compactor & Dropbox - New Employees

	Jordan/Lucas				
Lucas	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Cook	✓				
Marr	✓				
Rhoads	✓				
Davis	✓				
Mayor Coody					

Table to 4-15-03

Gary Dumas

Travis
Solid Waste

John Sampeter
Waste Management

Dillard Foster

John Scott/HANNA Candles

Gary Dumas

Bob Bracy
Superior Industries

John
Waste Management

Paul Pin
Marshalltown Tools

Tom Smith
Rolloff

Mark Berry

Frances Laughlin

Chris Sargent
Business Owner

Mike Stout
Builders Contractors of Ark.

Bill Ramsey

Susan Porter
Ward 2 Resident

Bob Bracey
Superior

Meeting of March 18, 2003

#4 Old Bus. Table Ind.

Old Missouri Road	Thiel/Jordan				
Lucas	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Cook	✓				
Marr	abstain				
Rhoads	✓				
Davis	✓				
Mayor Coody					

Table Ind.

#5 Old Bus. Table Ind

Student Housing					
Lucas	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Cook	✓				
Marr	✓				
Rhoads	✓				
Davis	✓				
Mayor Coody					

Table Ind.

Meeting of March 18, 2003

Need new copy with changes:

#1 New Business Brenda Thiel amended original resolution.

Animal Concerns	Ind Table	← Thiel / Marr			
Lucas	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Cook	✓				
Marr	✓				
Rhoads	✓				
Davis	✓				
Mayor Coody					

Ind. Table

Captain Johnson

Jill Animal Services

DeeDee Moore Animal Services

Senate Bill 407	Thiel / Davis				
Lucas	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Cook	✓				
Marr	✓				
Rhoads	✓				
Davis	✓				
Mayor Coody					

Meeting of March 18, 2003

#3 New Business

Narendra Krushiker	Davis 2nd Marr	Davis 3rd Reynolds	Pass		
Lucas	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Cook	✓	✓	✓		
Marr	✓	✓	✓		
Rhoads	✓	✓	✓		
Davis	✓	✓	✓		
Mayor Coody					

Passed

#4 RZN 03-6.00 (Brophy)

	Davis 2nd Jordan				
Lucas	✓				
Jordan	✓				
Reynolds	✓				
Thiel	NO				
Cook	✓				
Marr	NO				
Rhoads	✓				
Davis	✓				
Mayor Coody					

Left on Second

Bill Rudasill

Jim Conklin

9:00 pm.

Meeting of March 18, 2003

RZN 03-12.00 Broyles

	Jordan 2nd Davis	Jordan 3rd Lucas	PASS		
Lucas	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Cook	✓	✓	✓		
Marr	✓	✓	✓		
Rhoads	✓	✓	✓		
Davis	✓	✓	✓		
Mayor Coody					

March 26 - Ward 1 Meeting 3/24 - 6:00

Ward 4 Meeting

Lucas					
Jordan					
Reynolds					
Thiel					
Cook					
Marr					
Rhoads					
Davis					
Mayor Coody					

3/18/2003

CITY COUNCIL MEETING REGISTRATION

DATE	SPEAKER'S NAME (Please print clearly)	PHONE NO.	AGENDA ITEM NO. SPEAKING ON
	John Sumpter		Commercial ~~[illegible]~~ solid
	Delia Foster		
	John Scott		
	[illegible]		
	Paul [illegible]		
	Tom Smith		
	Marc Berry		
	Mike [illegible]		
	Chris Sargent		
	[illegible]		
	[illegible] Moore DVM		
	WP Rudaske		Trophy Rezone

RESOLUTION NO._____

A RESOLUTION ESTABLISHING AN ANIMAL
CONCERNS ***AD HOC*** COMMITTEE

WHEREAS, the Animal Concerns Committee has been meeting once a month regularly since April, 2002 for the purposes set forth herein.

WHEREAS, the members of the committee, the Animal Service Division, and the Humane Society of the Ozarks request that the City Council of Fayetteville, Arkansas recognize and establish the Animals Concerns ***Ad Hoc*** Committee.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby establishes the Animal Concerns ***Ad Hoc*** Committee and sets forth the purposes, activities, and membership of this committee.

A. The purpose of the committee shall be as follows:

1. To address issues regarding the general health and well-being of animals, including but not limited to issues affecting the Animal Services Division (Animal Shelter, Animal Control, and Veterinary Clinic) ***until such time as a successful spay/neuter program has been established with a measurable reduction in the number of animals being euthanized at the Animal Shelter;***
2. To stimulate and encourage communication with members of the community to ensure that programs, goals, and objectives of the Animal Services Division are consistent with community needs and desires and State standards;
3. To promote the general health and well-being of animals.

B. The Animal Concerns Committee shall make recommendations to the Animal Services Division and to the City Council on matters concerning animals.

C. The Animal Concerns Committee shall promulgate rules and regulations necessary for the conduct of committee meetings and other business.

D. Such committee membership shall be composed of the following:

- One (1) City Council Member
- Two (2) Members from the Humane Society of the Ozarks
- One (1) licensed Veterinarian
- ***Four (4)*** citizens-at-large

E. Terms of Membership

- The City Council member shall be appointed by the Mayor and shall serve until replaced.
- The citizens-at-large shall be appointed by the City Council from those names provided by the Nominating Committee.
- The Humane Society of the Ozarks members and the licensed Veterinarian shall be appointed by the Humane Society of the Ozarks Board. ***Terms shall be three years and shall be staggered.***
- Terms of all citizen-at-large members shall be three years and shall be staggered so that each year either two or three of the members' terms shall be available for appointment by the Nominating Committee.
- Citizen-at-large members serving at the time of the adoption of this resolution shall continue to serve their terms without needing to be reappointed by the Nominating Committee.

PASSED and **APPROVED** this the ____ day of March, 2003.

APPROVED:

By: ____________________
DAN COODY, Mayor

ATTEST:

By: ____________________
Sondra Smith, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville Aldermen

From: Sondra Smith, City Clerk

Date: March 11, 2003

Attached you will find two pages with some corrections to the February 18, 2003 City Council Meeting minutes. The changes have been highlighted. If you have any questions, please contact our office.
Thanks!

Sondra Smith
City Clerk

were going. The Gulley Road site will eventually be right in the center of the load, down by the sewer plant is not a suitable site.

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

Alderman Marr said he is going to support the resolution because as he walked the site yesterday he thinks it has a good visual barrier, better than we would have at some sites. Ms. Gaston in her letter said we are going to protect one hillside for its view and here we are on the next. When we toured Mt. Sequoyah we meet at a SWEPCO sub-station. We have asked Ozarks Electric to plant more items and they are going to do that. They have increased the purchase from 2 to 3 acres to give continued buffer. On our tour yesterday we listened to the noise and it seemed to be typical noise. We have to deal with growth and we have to have people to be able to have electricity unless we are going to stop building.

Mayor Coody asked shall the resolution pass. The resolution passed with 6-2. Aldermen Jordan and Cook voting nay.

RESOLUTION 27-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

VA 03-1.00: An ordinance approving vacation request VA 03-1.00 as submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The request is to vacate a section of the street right of way as shown and described on the attached map and legal description. The ordinance was left on the first reading at the February 4, 2003 City Council meeting.

Alderman Davis moved to suspend the rules and go to the second reading. Alderman Marr seconded. Motion passed unanimously.

Mr. Williams read the ordinance

Mayor Coody said he talked to Mr. Harvey and also had Steve Hatfield our Trails coordinator go look at the site to see if it was on the master trails plan. That creek is not on the master trails plan. His assessment was that it would not be a good place for trails. I do not know if that satisfies your concerns. I have not had a chance to look at it.

Alderman Thiel said if we are not going to build that street through. We have a lot of our streets on our master street plan that have not been built and will probably not be built. That does not mean we need to vacate them. I still will support the possibility of that street going through. I will not support the vacation of this.

Mayor Coody asked Tim Conklin from Planning what his assessment of this situation was.

A resident said he would like to give an update on his communication with the highway department. The highway department has done a study from I-540 all the way to Siloam Springs. That study has been completed and the recommendation from the highway department is to continue the improvement where they stopped west 1.5 miles widening that road to five lanes. This study is before the chief engineer of the highway department, under review, once approved it will go before the commissioners and they will adopt it. I am encouraging you to call the highway department so they will understand this is a priority for Fayetteville.

Mayor Coody asked shall the resolution pass.

Upon roll call the resolution passed unanimously.

RESOLUTION 28-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OFFER & ACCEPTANCE: A resolution to approve the Offer and Acceptance Contract between the City of Fayetteville and the University of Arkansas for a price of $370,000.00.

Mayor Coody said this is the 32 acres on the south end of town.

Alderman Reynolds moved to accept the resolution. Alderman Thiel seconded. Upon roll call the resolution passed unanimously.

RESOLUTION 29-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

COMPOSTING SITE: A resolution authorizing staff to begin the purchasing process for a compost row turner and to solicit bids for a contractor to construct the compost pad.

Gary Dumas gave a presentation on the three solid waste items that are on tonight's agenda. We are looking at improving the compost pad at an estimated cost of $250,000.00. The purpose of that improvement is to clear up the site to have space for the commercial expansion and to turn the compost to minimize or eliminate the growth of that stockpile. We need to eliminate that storage area in the compost area, create a pad and a process that would allow us to turn that product over 3-4 times a year instead of the 2 times per year. The row turning equipment would cost approximately $250,000.00. We can not send this to the landfill. The total monthly cost per residential customer is approximately $1.78.

Alderman Davis said you forgot to include the cost of the bags the citizens have to purchase, so that is not the true cost to the citizens.

Alderman Marr asked if that was somewhere in the packet.

Mr. Dumas said he believed it was.

MINUTES OF A MEETING
OF THE
CITY COUNCIL
MARCH 4, 2003

A meeting of the Fayetteville City Council was held on March 4, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Coody, Aldermen Marr, Rhoads, Davis, Lucas, Jordan, Thiel, Cook, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

PRESENTATION: DPZ presentation on new urbanizing and smart growth principles. Mayor Coody announced the DPZ presentation has been cancelled. They will make the presentation at a later date.

Alderman Davis moved to pull the Berry V. City from Consent and accept items 1 – 7 on the Consent as read. Alderman Jordan seconded.

Alderman Marr said page 19 of 30 of the February 18, 2003 minutes under Resolution 28-03 the word unanimously needs to be added. It does not designate how the vote came out.

Mayor Coody asked if there were any other changes or modifications.

Upon roll call the motion passed unanimously.

Berry V. City will be moved to the last item under new business.

CONSENT:

APPROVAL OF THE MINUTES: Approval of the February 18, 2003 meeting minutes.

BUDGET: A resolution approving a budget adjustment which will allow for the roll-forward to the current budget of all projects or items in progress which were appropriated in the 2002 budget.

RESOLUTION 30-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RECYCLE VEHICLE: A resolution to approve the budget adjustment in the amount of $33,117.00 for the operation of a recycling vehicle.

RESOLUTION 31-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CORPORATE HANGAR: A resolution approving Task Order No. 14 with McClelland Consulting Engineers for engineering services to design and construct three small corporate hangars in the amount of $66,200.00 at Fayetteville Municipal Airport, Drake Field.

RESOLUTION 32-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

MANHOLE REHAB: A resolution to approve a construction contract with T-G Excavating, Inc. for sanitary sewer manhole rehabilitation, Illinois Basin 1-5 and the Industrial Park, in the amount of $933,333.00 and to approve a 5% contingency in the amount of $46,667.00.

RESOLUTION 33-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RULES OF ORDER AND PROCEDURE: A resolution to adopt Mayor/City Council Rules of Order and Procedure.

RESOLUTION 34-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

FEMA FIRE ACT: A resolution providing the Fire Department to submit a grant request for a FEMA Act Grant during the 2003 funding cycle.

RESOLUTION 35-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OLD BUSINESS:

FRISCO: A resolution certifying to the tax collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 922 North Frisco Avenue in the City of Fayetteville, Arkansas. This was tabled at the December 3, 2002 City Council meeting.

Mayor Coody asked if Mr. Earnest or Mr. Dumas had any updates for the City Council on this.

Mr. Dumas said there is nothing new.

Mr. Williams said the only thing to report is that everything has been done properly now in relation to notices, that is the reason that we had to table it before, because it was difficult to get notices to them, they refused to pick up their certified mail. The police department has provided proper notice to them. Mr. Williams said at this point Mayor you just need to open this up for a Public Hearing and part of that Public Hearing will not only be comments from the public but also comments from your staff to give information to the City Council so they can determine the proper amount that should be placed as a lien against this property.

Mayor Coody opened the Public Hearing.

Mayor Coody opened this to public comment.

Mayor asked if anyone wanted to address the Council on this issue.

There was no public comment.

Mayor Coody then asked if anyone from the Council wanted to ask anything.

Alderman Reynolds said he would like to know what Mr. Williams found out about charging some of the police department time to this.

Mr. Williams said he does not believe that is a cost of collection that is a cost of service. We did talk briefly with Chief Hoyt and there really wasn't that much use of the police force in the number of hours. I would recommend that we just stick with the cost that it cost us to cleanup this particular property.

Alderman Reynolds said $1,177.00

Mr. Williams said I do think we need to have some statements from the staff concerning that in the Public Hearing.

Mr. Dumas said this was a cleanup that Solid Waste was asked to pick up. Mr. Dumas said he did not have the bill in front of him, but it took several trips after the normal routes were done by a crew leader, two vehicles and two additional staff to clean this up. The bill is for the cost of that work for disposal, labor cost and overhead.

Mayor Coody asked if there were any questions for Mr. Dumas.

Alderman Davis asked are we certain that we have included all the cost and that we have not left anything out.

Mr. Dumas said they did not leave anything out of the cost that they had, but other cost that the City had I can't speak to those, but these are the Solid Waste cost.

Mayor Coody said the Chief said he may have had two to three hours of police time in it.

Alderman Marr said he just wanted to confirm for the record that when we talked about the itemized statement that you gave at the Agenda Session that we do have the necessary

backup to show proof of time and hours worked should we be requested to provide that information.
Mr. Dumas said yes we do.

Mayor Coody asked if there were any other questions or comments.

There were no more questions or comments.

Mr. Williams said the Public Hearing needs to be closed and a determination by the City Council as to the proper amount that we should certify to the treasurer.

Alderman Davis said the amount should be $1177.57.

Alderman Reynolds moved to approve the amount of $1,177.57 and to close the Public Hearing. Alderman Thiel seconded. Upon roll call the motion passed unanimously.

Mr. Williams said that amount would be placed in section one of the Resolution. Section two of the Resolution allows the City a penalty even though by statue the penalty could be 10% our City Ordinance makes the penalty 5%. I would asked now that the City Council pass the Resolution that includes the $1,177.57 as the substantial part plus the 5% penalty, keeping in mind that we will have to pay the tax collector for the County 3% back, it is kind of an offset for that.

Alderman Thiel said Mr. Williams you said 5% but this says 10%.

Mr. Williams stated that has been revised because our Ordinances do not match and follow the State statue. I do not know why our Ordinance says 5%, but I think we need to stick to our Code of Ordinances because they are less then the State statue.

Alderman Marr said in the future we need to look at changing that so that it does match the State.

Mr. Williams said he hopes we will pretty quickly get the new code out and I will take that to the powers that be and we will see if we can get that changed.

Alderman Davis moved to add 5% to the bill and approve the Resolution. Alderman Reynolds seconded. Upon roll call the motion passed unanimously.

RESOLUTION 36-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Mayor Coody said we really do want to see Fayetteville get picked up and where we do have eye sores we are beginning to get more aggressive, this is our first exercise in this area. I would like for everyone that has a problem and that refuses to deal with it to know, that we are serious about getting the area cleaned up. We can not let eye sores continue to define our wonderful town.

Mr. Earnest said the first meeting in April we will be bringing three separate items before the Council for Public Hearings and action by the Council.

DICKSON ENHANCEMENT: Discussion of Change Order #5 and approval of a resolution to the construction contract with Township Builders, Inc. for Dickson Street Enhancement Project. The resolution was tabled at the February 18, 2003 City Council meeting.

Alderman Marr moved to remove from the table. Alderman Davis seconded. Upon roll call the motion passed 7-0-1. Alderman Reynolds abstained.

Mayor Coody asked Mr. Earnest if there was anything new on this issue.

Mr. Earnest said he did add as per request, the addition of a fourth option which is brick pavers at four intersections and they are lined out on the paper in sub sequential order. Other than that there is no change from the information that you had at the agenda session.

Mayor Coody asked, for his information, which would be the two intersections left out.

Alderman Davis said he appreciated Mr. Earnest getting us this information; he approached Mr. Earnest on this and asked him to provide this for all the Council members. Basically the two intersections that I had thought about and I spoke to Ms. Ackerman yesterday and she agreed was looking at Powerhouse Avenue and East Avenue deleting those two and having the other four along with Arkansas Avenue have the brick pavers along with the logo that is going to go up at Arkansas Avenue which is being paid by the Razorback Foundation I believe. If we do that we are still looking at having a contingency fund or remaining fund for odds and ends that may be discovered during the course of the project of $108,525.00. When we started this project in my opinion it was a beautification situation for downtown Dickson Street. We receive a lot of our sales tax dollars from that area, it does attract a lot of people to the community, I think that is very important, I think we want it to look different from the rest of the streets in the community and if we just asphalt that street then there is really no different in that street than streets just around the square, because basically its all asphalt. I think there needs to be some distinction down there, I think this way we can add distinction. Now unfortunately any time you get into a renovation project you are always going to find infrastructure problems that nobody anticipated or that no one knew about because that area has been there for many years. I am not sure if there are plans showing all the water lines that were put in when the project was really started.

Alderman Davis moved to put brick pavers at those four intersections that he mentioned. Alderman Thiel seconded.

Mayor Coody said he thought it was misleading to say that if we don't put the brick intersections in that they would be the same as all asphalt streets as the square and as all other streets in town. We are still putting in the brick crosswalks and I don't want anyone thinking that we are deleting brick crosswalks here, with or without the brick intersection pavers, the brick crosswalks stay at all intersections. This in itself would continue to be a distinction from every other street in the city. I wish we had brick crosswalks everywhere else but we do not have them anywhere else. Regardless of what happens on the intersections, I don't want the public to think that these pavers are the only thing to distincitify Dickson Street. This is the first that I have heard about having four instead of two or six intersections bricked. It seems to me that since East, Block and West are the thoroughfares around the square, East and Dickson gets a lot more traffic than Highland Street, is Highland Street in this four intersection scenario.

Alderman Davis said we are looking at St. Charles, Locust, School, and West Avenue.

Mayor Coody said if we are going to do four why not all six.

Alderman Davis said that's fine too but I thought we trying to have a little more money setup in the contingency fund and I got the impression that $16,000.00 would not be adequate, now whether $108,000.00 will be adequate or not I don't know but at least that gives us some additional cushion. We do not know how many other problems we will run into, it is my understanding that Mr. Earnest has gotten with the engineer and the contractor. We have already found out previously to this the engineer left off these brick pavers to begin with. We do not know how accurate his estimates may be.

Alderman Thiel asked the Mayor if he had the four options in front of him. I think what Alderman Davis is pointing out is that Option Three has two intersections and Option Two which has four intersections, there is not a significant amount of difference in those two amounts. Option One has brick pavers at six intersections and then you have only $16,400.00 of funds remaining, there is a considerable jump there and I am not sure why but if these are quotes that the staff got from the contractor then I certainly support the four intersections. You said no other streets in the city have these, what are the pictures we have here.

Mayor Coody said those are at the University. What he was referring to was city streets. We don't have brick crosswalks and this is all new at the University. I just do not want people thinking according to Alderman Davis's comments; someone could be lead to believe that the only thing distinctive about the street would be the brick intersections when the brick crosswalks have always been in the conversation. I just want to make that clear for everyone to understand.

Alderman Lucas said if we take Option Two and we go over, we have a request, a problem or an infrastructure problem or something and we go over the $108,000.00 where will we get the money.

Mr. Earnest said we would have to do back to the City Council and ask for a budget adjustment and the City Council would have to find monies in some available area to increase the funding for the project.

Alderman Lucas said would it come out of the general fund.
Mr. Earnest said it would not be out of the general fund. It would be out of sales tax capital as we talked about yesterday or other options that are available to this Council. There could be available monies depending on your desire to locate that money and we would just make a recommendation as to where it could come from. Through the most difficult portions of this project we have spent something in excess of $85,000.00 in looking at problems, so leaving $108,000.00 on the table, I think gives us some assurance that we may be able to deal with those problems that we have remaining. There is no assurance on this as Mr. Davis has said and everyone has pointed out this is a difficult area to work in. There have been some problems in mistakes in quantities and I think we have those problems resolved, but I am not going to assure you that $108,000.00 is enough. We think it is but we can not guarantee it will be, there are no guarantees in working in an old area like this.

Mayor Coody said there is no money budgeted for street furnishings, I would hate for us to finish the street and not have the street furnishings to complete the job, so if we needed to come up with money for street furnishings where would we come up with that.

Mr. Earnest said that would also be a capital issue. We might get some additional assistance from some of the various merchants or DDEP. I think this is something other people could pitch in on. I would hope that would happen.

Mayor Coody said he would hope that would happen too, we have not had a whole lot of luck with that so far I hope that luck might change.

Alderman Thiel said the fact that DDEP came up with almost $2,000,000.00 for this project, we have had a lot of help for this project.

Mayor Coody said he was talking about the merchant's end of it, and that is what Mr. Earnest was talking about.

Alderman Thiel said at last night's budget meeting Alderman Lucas brought up a good point that I have said various times. Some of this additional money has been for infrastructure that was long past due being fixed, it has been lumped into this project. I thought her question last night was a very good question why hasn't some of these things come from the Water and Sewer fund or another fund rather than coming out of this project. They were infrastructure projects that should have been dealt with, but were not known about, but they have been lumped into this project. I feel that because of the money the group has come up with and the grants they obtained I feel like that most of them feel it is really important that we at least keep to the integrity of the four intersections. I think they have contributed a great deal to this project.

Mayor Coody said there is no doubt about that.

Mr. Pearson a property owner on Dickson Street commended the Council for the good work they are doing for our City. I know you are putting in a tremendous amount of effort and frequently your job is a thankless one. I am here because I am concerned about the project on Dickson Street. I know we have encountered some significant problems in the infrastructure as Ms. Thiel pointed out this is problem that would have been a cost to the Water and Sewer department and should not upset the plans of the enhancement project. This has been going on some time and many commitments have been made and investments have been made in anticipation of the project going through as it was planned. Most people may be able to live with four intersections but I submit really you should do the six that everyone has been counting on. I hope you will give consideration to doing what we need to do to alter the entrance to the University and to look to the future. Many years from now I hope people will come back and say look at Dickson Street its wonderful, the Town Center is wonderful, the new Library is wonderful, we must have had a great board.

Mayor Coody said Dickson Street is going to be wonderful there is no doubt about that and people not years from now but hopefully several months from now will be able to say that regardless of this intersection question. The big picture is that Dickson Street is going to be beautiful.

Ms. Ackerson said thank you to the Council and to Mr. Pearson for coming out and speaking for the property owners on Dickson Street, it is a beautiful project, you are right Dan. This City has always stepped up in its public projects and done everything that it can to make them special and to make this City the most special City in the Northwest Arkansas Region. The Downtown Dickson Enhancement Project will go a long way in doing that. It will make a statement about the intellectual community, the cultural community, it will compliment the efforts of the University of Arkansas and help them to achieve their goals in attracting and retaining students and it will help as our economy moves into the new economy. I am sorry that the new urbanization presentation could not be made tonight because this project speaks directly to that new wave. It is nice to see Fayetteville across the cutting edge of the country.

Mayor Coody asked Ms. Ackerman if we are using the Dickson Street model as a model for the Downtown area, where do we stand with the brick paver intersections for the other intersections in the downtown area?

Ms. Ackerman said she thinks the primary corridor Dickson Street and the connection to the square along Block Avenue are going to be the real defining areas for the business corridor. If we decide to make those same level of enhancements, as you know we are working on a plan right now looking at all the sidewalks, assigning them a level of enhancement throughout the downtown Dickson area, some with all the enhancements of Dickson Street and Block Avenue, others might not have the brick intersection or brick crosswalks but they will be graduated down according to use and where they are in the area. Block Avenue and East Avenue were the original streets to create that connection and back and forth to Dickson Street. That was before we had a library project, now that we have a major library project along Mountain and West, we think the best corridor might be to come up Block Avenue go over to the new library and either at School or West Avenue go back to Dickson Street. That might be a more suitable priority than East Avenue since there is little to no retail business. That can all be determined as it goes along.

Alderman Marr said he hopes that we look tonight at funding the intersections and not necessarily designating them. How we deal with Block Street and St. Charles because they are an offset intersection is something we need to do. I would like to encourage us to ask the design committee and the individuals involved in this project to give us feedback on how to treat that, whether that will be treated as one intersection or because of how it is offset it will be treated as two. I think our role in policy and funding is to decide how many we can get and addressing your concerns of contingency. In my conversation as an Alderman representing this area of the City many of the property owners in this area as well as others outside of the area want to see us to think in a long term manner, they want us to get as many as we can, they understand the financial position that we are in, in terms of how much contingency that we have used at this point and I do think it is physically responsible to try to leave some money in the contingency fund as you desired us to do. Trying to accomplish that with getting as many intersections as we can get and still have some financial protection is what I, as a representative of this area, am trying to accomplish. The reason that I would much rather personally vote for six but in respect of having some money set aside for the unexpected, when we have spent $85,000.00 on a side of the street where most of that infrastructure exists today, I certainly think having $100,000.00 set aside gives us at least what we have already done as a protection. There is no guarantee, there is no guarantee that I will be here tomorrow, I hope that we will do this, I hope that we don't micro the project that it is going to be these four, and I think we need to rely on the expertise of the people involved.

Alderman Davis said he agreed with what Alderman Marr said he would like to have all six also.

Alderman Davis amended the motion to delete the portion where he named the intersections and to let DDEP and the City work together to determine the four intersections.

Alderman Davis asked Alderman Thiel if she accepted that.

Alderman Thiel said she did not know the intersections had been specified.

Alderman Davis said he made a statement based on those four.

Alderman Thiel seconded the amended motion.

Mayor Coody asked Mr. Pearson, being one of the major landlord's of property owners on Dickson Street might we count on you and your support to help us fund things we might fall short on such as the street furnishing. I know we have talked about trying to raise public funds, but have not had much luck. Do you think we can count on you and get your help to support and get other property owners to support us on this?

Mr. Pearson said he would do his best in that regard, I may have to rely on my banker but I will do everything that I can.

Ms. Ackerson said one reason that we have not raised any money for furnishings is because we have not tried. We have not addresses that yet, we have not identified what furnishing will be there, we do not know what kind of cost there is so it is hard to go out and raise the funds. I am confident that there are a lot of business owners in this town who if asked if they would like to have there name permanently put on a permanent fixture on Dickson Street they would probably be happy to fund something such as a bench. I don't know about trash receptacles they may not want their name on a trash can. I think if we do run short we can raise money for the furnishings. If we don't use the contingency then I would hope we would be able to do more if not all of the original design. I think it would be money well spent.

Mayor Coody asked by that do you mean the doormats and the cross edging.

Ms. Ackerman said all the intersections at this point or we might look at some of the other deductive alternates that we took earlier. It would be nice to have the cross cuts on the sidewalks to give them some texture. I don't think it would be reasonable to think we should go back and tear out concrete and put in the doormats but we will find other ways to use that money.

Alderman Rhoads said that was the exact question that he had, if we end up with say $70,000.00 because it looks like the intersections appear to be about $35,000.00 a piece and we end up with $70,000.00 in our contingency funds can we then go back and build the other two intersections.

Mayor Coody said Mr. Boettcher pointed out early on that if we waited on the intersections, lets just say we did four now and we want to do two later we could probably get another contractor to do this for less later on. We may pay $3,000.00 for an asphalt intersection now, we could probably do it cheaper later, to where we could save much more than the $3,000.00 that we would lose.

Ms. Ackerman said one of the only problems we face in doing that is not ordering and having all the brick run in the same run, so there maybe some variation in the brick colors. That is one of the issues you are facing in trying to do some now and do some later, is not being able to have those bricks made in the same lot.

Mayor Coody said since they are blocks apart I don't think that would be too much of a problem they are not right up against each other.

Alderman Jordan said as everyone knows I did support the money for this to begin with. The money is already there it is not like we are creating new money or anything like this, but what we could be cutting into is reserve funding for that project and that does concern me. I always rely heavily on the representatives of a Ward and I think if they feel that they want to use this funding for these four intersections I can agree to that. It will be like probably pulling teeth if we get down to where we have to come back for more funding from me.

Alderman Lucas said she agreed with Alderman Jordan it's been a tough decision because of the concern about more cost, more money, but I think we have got to look at Dickson Street as an industry. When we bring an industry into Fayetteville we help them out and promote that industry. Dickson Street is one of our industries, it brings money into Fayetteville, not only is it going to be really pretty and really nice and we all enjoy that, but it basically is an industry for Fayetteville.

Upon roll call the Resolution passed 7-0-1. Alderman Reynolds abstained.

RESOLUTION 37-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Mr. Earnest said there have been a couple issues raised during the past several weeks about how exactly we are going to seat the bricks in the intersection. Let me assure you that we are going to pull together a bunch of engineers and we are going to make sure that it is done right. If that is done improperly then there will be a lot of upset folks, so we are going to make sure that doesn't happen. The Council needs to remember that the number that you are looking at is the financial summary of the Downtown Dickson Street Enhancement Project, this City spent another 1½ million in water and sewer improvements, so the total cost on this project is something in excess of 4.8 million. That is a number we all need to keep in mind as we go through this. There has been a significant public investment thanks to this Council on issues before we got started on what everyone calls the Enhancement Project.

VA 03-1.00: An ordinance approving vacation request VA 03-1.00 as submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The request is to vacate a section of the street right of way as shown and described on the attached map and legal description. The ordinance was left on second reading at the February 18, 2003 City Council meeting.

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

Mr. Williams read the ordinance.

Mr. Harvey said he has one thing that he needs to add. I think the Council is well informed on what is happening down there and what I am trying to do and what I have asked you folks to do. I have learned from visiting with you folks that there has been some concern about the green space where this easement would join School Avenue. I agree with you that that should be left as a portion of green space. I have obtained a Bill of Assurance from Tim in Planning, in the Bill of Assurance I assure that no development will take place but some landscaping within 50 feet of the curb line of School Avenue. Mr. Harvey presented the Bill of Assurance to the City Clerk.

Alderman Reynolds thanked Mr. Harvey for his development on South School, it is much needed and thanked him for helping to clean it up.

Mr. Harvey said he has been a part of a business down there since 1975 and there is more energy now being spent down that way in positive thought recently. I think this Council has been responsible a lot for that. That is going to be a great place to go.

Alderman Thiel said her initial concern was the green space, that is a heavily wooded area and there are not many left on that section of South School but the City Attorney informed us we can not keep land like that for that purpose. I appreciate the efforts of the owner to present this Bill of Assurance that the front part of that will still remain wooded. I will support this at this time.

Mayor Coody asked shall the ordinance pass.

Upon roll call the ordinance passed unanimously.

ORDINANCE 4466 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS:

RZN 03-9.00: An ordinance approving rezoning request RZN 03-9.00 as submitted by Richard L. Miller, Attorney, on behalf of Dodi Nichols for property located at 2800 Old Farmington Road. The property is zoned A-1, Agricultural and contains approximately 1.88 acres. The request is to rezone to R-1, Low Density Residential.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Marr seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Jordan said he had not had any calls on this he asked Alderman Lucas if she had any calls on this.

Alderman Lucas said no.

Alderman Jordan said he thinks it is a pretty good thing. The response time of the fire department is four minutes. I think that is very good and very important. I don't have a problem with it.

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

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass.

Upon roll call the ordinance passed unanimously.

ORDINANCE 4467 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

EATING ESTABLISHMENTS: An ordinance to amend the Unified Development Ordinance to allow Use Unit 13, Eating Places, as an allowable use in a Residential Planned Zoning District.

Mr. Williams read the ordinance.

Mr. Conklin from Planning said we are adding restaurants, Use Unit 13, Eating Establishments as part of our residential planned zoning district this was discovered as we are beginning to implement that ordinance. We have a mixed use residential development that will have offices, restaurants and additional multi-family dwelling units, this was discovered by the staff and the applicant and we just need to amend the ordinance to allow it to happen.

Alderman Marr moved to suspend the rules and go to the second reading. Alderman Jordan seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Marr moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass.

Upon roll call the ordinance passed unanimously.

BERRY V. CITY OF FAYETTEVILLE: A resolution to refer defense of Berry v. City of Fayetteville to City's Insurance Carrier.

Mr. Williams said the City has Fed-xd a copy of the compliant that was filed against the City by Mr. and Mrs. Berry last week, we have yet to hear from our insurance company. I pointed out that our policy makes it look like it is possible that they will not defend this, they might defend this, I am not sure. The last few days I have been working on a motion to dismiss on some various grounds, I will give you a draft copy of that after the meeting tonight so you can see what we are doing. I will file that as your City Attorney in plenty of time so we will not lose by default. In this particular case I think the City had several good defenses including the fact that the judge has already ruled that the ordinance on motor vehicle racing facilitates is constitutional. That was one of the main agreements in the compliant against us that the ordinance was not constitutional. That is a significant issue that we have already prevailed on, there were some procedural problems also in this compliant that I am going to point out in my motion to dismiss. Once we get this back from the insurance company I will come back and let you know what their position is and I will take my guidance from you at that point in time. At this time I would like for you to indefinitely table the proposed resolution.

Alderman Marr moved to table the resolution indefinitely. Alderman Jordan seconded.

Alderman Rhodes asked is there any allegations in the compliant that are certainly coverable under the policy.

Mr. Williams said there are some that are certainly arguably coverable. They are not the primary ones. Many of the allegations are declaratory judgments and of course that is another part of the insurance policy that looks like maybe they don't cover all of it. I have been talking with one of the attorneys that does represent the law firm because they are defending us in two other cases right now as we speak. There is a broad duty to defend in Arkansas even broader than to pay so it is possible that they will still present defense coverage to us, if they do make that offer I will let you know at that point in time.

Alderman Davis said he would suspect that the City Attorney will receive a rights to reservation letter which means the company is not going guarantee to make any payment should we lose, but it will also state when they give you that letter that they will also pick up some defense cost.

Mr. Williams said that would be up to the Council at that point in time, what you wanted to do with that. We do pay the first $50,000.00 of defense coverage.

Alderman Thiel said she thinks our City Attorney should be commended for the excellent job that he did defending the citizens of Fayetteville. I think he did a very good job and I think a lot of citizens appreciate it.

Alderman Reynolds said being the other part of Ward 1 I think you from my heart also. **Mayor Coody asked shall the motion to table pass. Upon roll call the motion passed unanimously.**

Alderman Marr stated the Council is currently seeking applications for various openings on Boards and Committees. You can see these openings on the Government Channel and the Public Access Channel. I would encourage citizens to apply and get involved. The deadline for applications is Friday, March 7, 2003. Interviews will start after that.

The meeting adjourned at 7:55 pm.

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF March 18, 2003

FROM:

ALDERMAN BRENDA THIEL

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution Establishing An Animal Concerns Committee

APPROVED FOR AGENDA:

Brenda Thiel 2/28/03
Alderman Date

2/28/03
City Attorney Date

RESOLUTION NO._____

A RESOLUTION ESTABLISHING AN
ANIMAL CONCERNS COMMITTEE

WHEREAS, the Animal Concerns Committee has been meeting once a month regularly since April, 2002 for the purposes set forth herein; and

WHEREAS, the members of the committee, the Animal Service Division, and the Humane Society of the Ozarks request that the City Council of Fayetteville, Arkansas recognize and establish the Animals Concerns Committee.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby establishes the Animal Concerns Committee and sets forth the purposes, activities, and membership of this Committee.

A. The purpose of the committee shall be as follows:

1. To address issues regarding the general health and well-being of animals, including but not limited to issues affecting the Animal Services Division (Animal Shelter, Animal Control, and Veterinary Clinic);

2. To stimulate and encourage communication with members of the community to ensure that programs, goals, and objectives of the Animal Services Division are consistent with community needs and desires and State standards;

3. To promote the general health and well-being of animals;

4. The Animal Concerns Committee shall make recommendations to the Animal Services Division and to the City Council on matters concerning animals;

5. The Animal Concerns Committee shall promulgate rules and regulations necessary for the conduct of committee meetings and other business.

B. Such committee membership shall be composed of the following:

(a) One (1) City Council Member
(b) Two (2) Members from the Humane Society of the Ozarks
(c) One (1) licensed Veterinarian
(d) Three (3) citizens-at-large

DRAFT

C. Terms of Membership shall be:

1. The City Council member shall be appointed by the Mayor and shall serve until replaced;

2. The citizens-at-large shall be appointed by the City Council from those names provided by the Nominating Committee;

3. The Humane Society of the Ozarks members and the licensed Veterinarian shall be appointed by the Humane Society of the Ozarks Board;

4. Terms of all citizen-at-large members shall be three years and shall be staggered so that each year either two or three of the members' terms shall be available for appointment by the Nominating Committee.

5. Citizen-at-large members serving at the time of the adoption of this resolution shall continue to serve their terms without needing to be reappointed by the Nominating Committee.

PASSED and **APPROVED** this the 18th day of March, 2003.

APPROVED:

By: DRAFT
DAN COODY, Mayor

ATTEST:

By: ____________________
Sondra Smith, City Clerk

STAFF REVIEW FORM

XX AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council Meeting of: March 18, 2003

FROM:

Name	Division	Department
Stephen Davis	Finance & Internal Services	Fiance & Internal Servcies

ACTION REQUIRED: Acceptance of space needs report and approval of a resolution authorizing Staff to develop a proposal to address Public Safety Space Requirements and Space Requirements for Divisions in the Ctiy Administration Building.

COST TO CITY:

No Cost At This Time	$ -	
Cost of this request		Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: n/a Budgeted Item ___ Budget Adjustment Attached

Budget Manager — Date: 3-27-03

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager	Date: 2/27/03	Internal Auditor	Date: 2/27/03
City Attorney	Date: 2/27/03	Purchasing Manager	Date:

STAFF RECOMMENDATION: Acceptance of report and approval of resolution.

Division Head — Date: 2-27-03

Department Director — Date:

Finance & Internal Services Dir. — Date: 2-27-03

Chief Administrative Officer — Date: 2-28-03

Mayor — Date: 2/28/03

Cross Reference

New Item: Yes No

Previous Ord/Res#: ___

Orig. Contract Date ___

Orig. Contract Number ___

Staff Review Form - Page 2

Description ______________________ Meeting Date ______________

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and City Council

THROUGH: Hugh Earnest, Chief Administrative Officer
Stephen Davis, Finance & Internal Services Director

FROM: Coy Hurd, Building Services Director

DATE: February 27, 2003

SUBJECT: **Public Safety and City Administration Building Space Needs Report**

Background

Late Fall 2002, City Staff arranged a City Council tour of the Business Office (Billing & Collection Division) in preparation of developing a space assessment report. City Council authorized Staff to perform a study that addressed the space needs of the Billing & Collection Division. An architectural services contract was entered into between the City and Don Spann. Mr. Spann presented the results of his work at a City Council agenda session. City Council response to Mr. Spann's report indicated the need to perform more comprehensive assessment of space needs by incorporating an evaluation of the near future (next 15 years) space needs for the Police Department, Central Dispatch, District Court, City Prosecutor, Fire Administration, Fire Marshall and Fire Training offices (Public Safety).

Current Situation

Each of the Departments and Divisions has been interviewed and an assessment of the combined Public Safety space needs assessment indicates the need for an additional space need of 28,712 square feet. The Public Safety functions mentioned above currently occupy 30,736 square feet of space. Each of the Public Safety functions currently needs additional space. Mr. Spann's report on the space assessment and projected needs for the City Administration Building are incorporated by reference.

Staff is proposing a single Public Safety Building that would provide the needed space to house the Police Department, Central Dispatch, District Court, City Prosecutor, Fire Administration, Fire Marshall and Fire Training offices. By having a single Public Safety Facility, Citizens will have a one-stop facility and be able to access all of the necessary Public Safety services. A combined facility also provides the opportunity to share training rooms and enhance space utilization.

During 2002, Senior Staff developed numerous proposals requesting federal funding. One of the requests was for a combined Emergency Services Dispatching center. During 2003, Mayor Coody has consulted with our Congressional Delegation concerning a combined Police/Fire Headquarters Facility. These requests were made in response to an assessment of local needs post September 11, 2001.

Recommendation

Staff recommends that City Council approve a resolution that states:

1) a combined Public Safety Facility is desirable,
2) that the combined Public Safety Facility is to be located near the downtown Fayetteville area,
3) Authorize Staff to develop a more formal plan that will provide recommended alternative facility locations, space allocation needs, project timeline and possible funding sources.

CITY PROSECUTER

CURRENT NUMBER OF EMPLOYEES:

13

CURRENT AREA UTALIZED:

1,965 SQUARE FEET

FIFTEEN YEAR PROJECTION OF NUMBER OF EMPLOYEES:

16

FIFTEEN YEAR PROJECTION OF OFFICE AREA NEEDED:

2,500 SQUARE FEET

DISTRICT COURT

CURRENT NUMBER OF EMPLOYEES:

11

CURRENT OFFICE AREA UTALIZED:

2,848 SQUARE FEET

FIFTEEN YEAR PROJECTION OF NUMBER OF EMPLOYEES:

15

FIFTEEN YEAR PROJECTION OF OFFICE AREA NEEDED:

4,448 SQUARE FEET

POLICE AND DISPATCH

CURRENT NUMBER OF EMPLOYEES:

170

CURRENT AREA UTALIZED:

22,229 SQUARE FEET

FIFTEEN YEAR PROJECTION OF NUMBER OF EMPLOYEES:

186

FIFTEEN YEAR PROJECTION OF OFFICE AREA NEEDED:

48,000 SQUARE FEET

FIRE MARSHAL

CURRENT NUMBER OF EMPLOYEES:

5

CURRENT OFFICE AREA UTALIZED:

1,077 SQUARE FEET

FIFTEEN YEAR PROJECTION OF NUMBER OF EMPLOYEES:

7

FIFTEEN YEAR PROJECTION OF OFFICE AREA NEEDED:

1,500 SQUARE FEET

FIRE DEPARTMENT ADMINISTRATION

CURRENT NUMBER OF ADMINISTRATIVE EMPLOYEES:

10

CURRENT OFFICE AREA UTALIZED:

2,617 SQUARE FEET

FIFTEEN YEAR PROJECTION OF NUMBER OF ADMINISTRATIVE EMPLOYEES:

12

FIFTEEN YEAR PROJECTION OF OFFICE AREA NEEDED:

3,000 SQUARE FEET

CONCLUSION

CURRENT NUMBER OF EMPLOYEES COVERED UNDER THIS SURVEY:

222

CURRENT OFFICE AREA UTALIZED:

30,736 SQUARE FEET

FIFTEEN YEAR PROJECTION OF NUMBER OF ADDITIONAL EMPLOYEES NEEDED:

28

FIFTEEN YEAR PROJECTION OF OFFICE AREA NEEDED:

59,448 SQUARE FEET

CONCLUSION

FUTURE INCREASE OF SPACE NEEDED:

28,712 SQUARE FEET

Emergency Services Dispatching

Issue

Currently Emergency Services Dispatching for the City of Fayetteville is fragmented with the Police and Fire Department dispatching housed in Police Headquarters. The existing facility has limited space for expansion, with no room available for increased staffing or the installation of additional call taker stations. The dispatching center for the City's Emergency Medical Services transport provider is housed in a separate facility over a mile away and contact between the two agencies is made through telephone and radio communication links. The fragmented nature of this system produces inconsistency in dispatching protocols, dropped or missed calls for service, and significantly reduces the likelihood of accountability and effective customer service at this initial point of contact for citizens requesting emergency service.

Support Requested

In order to facilitate a more consistent communications process, better serve the Citizens of our community, utilize updated technological programs, ensure the current and future needs of our community are met, and provide a smooth and secure emergency communications system in the wake of the recent Sept. 11, 2001 disaster; it will be necessary for the City of Fayetteville to request Federal assistance for the construction of a centralized Public Safety Communications Center. This system will also serve as a multi-jurisdictional partnership between the City of Fayetteville and Washington County.

Background

Historically, the City of Fayetteville has operated with a decentralized Public Safety Communications program. As previously mentioned, the Police Department provides dispatching service for both the Police and Fire Department, with the local EMS provider housing its own dispatching center in a separate facility with the EMS agency also providing dispatching services for many of the rural Fire and EMS agencies in the region. This compounded call volume creates the likelihood of a breakdown in communications between the City Communications Center and Central EMS. This breakdown then results in missed or dropped calls for service.

In the current environment, the City is experiencing a rapid growth rate, which drives the need for a more efficient and effective method of dispatching calls for service. A combined Police-Fire-EMS Communications Center will remove the likelihood of fragmentation in communications, facilitate a more proficient method of providing emergency services communications, set the standard for communications centers throughout the region and ensure the citizens of our community receive the most efficient and effective service possible.

Author:

Chris Bosch, City of Fayetteville

Priority 10

BASIS OF REPORT

This report is a schematic design of the relocation and expansion of departments presently housed within the ground floor and first floor of the Fayetteville City Administration Building. The design solution considers five departments; Business Office, Human Resources, Building Inspection, Computer Department, Parking and Telecommunications. The records and microfiche area were also considered. Design was accomplished in a series of interviews with department heads and working with a committee comprised of these department heads and the City's Project Manager, Coy Hurd. All of the occupants have had the opportunity for input into the relocation and design of their respective spaces and to comment on other department locations and spaces. This report is to present the final conceptual layout along with projected costs in order for the City to make a decision on whether to proceed with the remodel of these two floors of the building.

OTHER FACTORS

The Administration Building has not been remodeled in twenty years

City Departments have grown and some are new which did not exist twenty years ago

Planning Department has been relocated to another building.

Spaces on these two floors are no ADA compliant and need to be updated.

Community Code Enforcement and Housing Department was interviewed and programmed for a potential 2,565 square feet of space. Presently they are housed in the Engineering Building. There is not sufficient space to house them in the present space of the two floors. They are a department that can function autonomously in a separate location

CONSIDERATIONS

The issue of this schematic design of remodeling existing spaces is the focus of this report. The space needs of these departments are real and immediate and need to be addressed. There are considerations that need to be examined before the decision to go ahead can occur.

- Does the remodel of these spaces make economic sense?
- Can the City accept the compromises required for making this remodel possible?
- Does the remodel fit in with the city's long-range plans for growth?
- Does the City intend to remain downtown for the foreseeable future?
- Remodeled space is never as efficient and functional as new space. Compromise is required for a number of considerations.

RECOMMENDATION

If the majority of the factors are favorable and the compromises acceptable, I would recommend that the lower two floors be remodeled into the plan layout proposed here. The department heads that have participated are excited about the possibilities and accept the plan. It is a plan that has developed with user input and projected growth in mind. It is more economical to remodel existing space that to build new space.

Don Spann A.I.A., Architect

January 24, 2003

City of Fayetteville Arkansas
Attn. Coy Hurd, Ph.D.
113 West Mountain Street
Fayetteville, AR 72701

Re: People / Space density – Proposed Remodel

Dear Coy,

In order to answer the question from council members during my recent presentation I have compiled the following information:

EXISTING DEPARTMENT DENSITIES:

	Present # personnel	Square foot / person
Business Office	14	107
Human Resources	4	207
Building Inspection	9.5	184
Computer Department	12	247
Parking & Telecomm	5	69

REMODELED DEPARTMENT DENSITIES

	Projected # personnel	Square foot / person	Difference
Business Office	17	175	+68
Human Resources	7	146	-61
Building Inspection	13	197	+13
Computer Department	13	268	+21
Parking & Telecomm	7	140	+71

As I mentioned in the presentation, space densities are impacted by the amount and size of record storage and the use of landscape office space as opposed to private office space. I hope this answers the questions and concerns of the council members. If you need further information feel free to call me.

Sincerely,

Don Spann

Don Spann

Cc: file

P.O. Box 1033
1108 W. Poplar St.
Rogers, Arkansas 72756
(479) 636-2552
FAX (479) 631-1849

Don Spann AIA, Architect

Const Docs

DON SPANN AIA ARCHITECT
Space Summary: Fayetteville Administration Building

Needs over next 10-15 yrs

Prepared by: 1 month Don Spann
Date: 12/18/2002
Project #: 9-12 Months 0216

	Space Title	Existing Area (SqFt)	Space outside	Future Area (SqFt)	TOTAL SPACE REQMNTS	TOTAL SPACE ALLOCATED	DIFF	Notes Construction Time
First Floor								
Business Office								
1	Existing Spaces	1,504						
2	Bill Printing Space			150				
3	Billing Space			200				
4	Customer Service Space			200				
5	Drive in Window			250				not possible within existing building
6	Storage / Old DIW		286					
	SUBTOTAL	1,504	286	800	2,590	[illegible]	398	includes storage east
Human Resources								
7	Existing Spaces	828						
8	Layout Area			120				
9	Office			120				
10	Office			120				
	SUBTOTAL	828	0	360	1,188	1,022	166	not including meeting room
Ground Floor								
Building Inspection Department								
11	Existing Spaces	1,754						
12	Building Inspector			120				
13	Customer Education			100				
14	File Storage			120				
15	Front Desk Technician			120				
16	Library			120				
17	Meeting / Conference Room			150				
18	Technician			120				
19	Ground floor spaces		319					Constr Coord & Plan Review
	SUBTOTAL	1,754	319	850	2922.8	2563	360	
Computer Department								
20	Existing Spaces	2,972						2977 SF w/ Training
21	Control / Reception & Help			170				
22	Equipment Storage Room			150				
	SUBTOTAL	2,972	0	320	3,292	3,491	199	
Parking & Telecommunications								
23	Communications Office	138						
24	Future Office			120				
25	Future Parking officer			100				
26	Parking office	206						
27	Supervisor office		338					
	SUBTOTAL	344	338	220	902	984	82	
	GRAND TOTAL					11046		

Common area 6000 sq feet

[E♥ILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Hugh Earnest, Chief Administrative Officer

THRU: Steve Davis, Finance and Internal Services Director

FROM: Sharon Crosson, Parking and Telecommunications Manager SL
Coy Hurd, Building Services Manager

DATE: January 16, 2003

SUBJECT: **Plan for Temporary Expansion of Overcrowded Divisions**

As you know, preliminary plans for remodeling the first and ground floors of City Hall was presented to the City Council Tuesday afternoon. Obviously we are still unsure of which direction this organization will be taking in our future expansion, remodeling, and/or moving of any existing divisions that are quite overcrowded for space.

Regardless of whether we begin construction today or 5 years from now, we need to do something immediately to relieve the stress on the Business Office staff. Therefore, we have developed a plan that can be implemented immediately that will accomplish some relief and will not pose any cost to the City.

The following is our plan. Upon your approval this plan will go into motion tomorrow.

- **Business Office**
  - Expand into 4 other offices on the first floor; rooms 110, 137A, 141A, and 142A.

- **Building Safety**
  - Move 2 offices from ground floor back to first floor; rooms 112 and 113.
  - Expand entire Building Safety Division to flow out into vacated Planning Division area.
  - (Now all of Building Safety staff will be together in one area again.)

- **Human Resources Safety Office**
  - Move office from ground floor room 041A to ground floor room 012.
  - (Now this office will be closer to Human Resources main offices and training room.)

- **Parking and Telecommunications Division**
  - Move from 2nd floor, room 214
  - Move from 1st floor, room 110
  - Move from 1st floor annex, room 137A
  - Consolidate these 3 offices into ground floor area rooms 040A, 041A, 042A.

Approved By: ______________________________ Date: ____________

STAFF REVIEW FORM

Reimburse/Bond Issue
A. 4. Page 1

XX AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: March ~~4~~ 18, 2003

FROM:

Stephen Davis	Finance & Internal Services Dir.	Finance & Internal Services
Name	Division	Department

ACTION REQUIRED: Approval of the Resolution of Intent to Reimburse for bond issue(s) and lease agreement(s) for 2003.

COST TO CITY:

No cost with this item	Not Applicable	
Cost of this request		Program Category / Project Name
	$	
Account Number	Funds Used to Date	Program / Project Category Name
	Not Applicable	
Project Number	Remaining Balance	Fund Name

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

Budget Manager 2-24-03 Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing 2/24/03
Accounting Manager Date

2/24/03
Internal Auditor Date

2/24/03
City Attorney Date

2/26/03
Purchasing Manager Date

STAFF RECOMMENDATION: Staff recommends approval of resolution.

Division Head Date

Department Director Date

2-24-03
Finance & Internal Services Dir. Date

2-26-03
Chief Administrative Officer Date

2/28/03
Mayor Date

Cross Reference

New Item: Yes No

Previous Ord/Res#: ____

Orig. Contract Date ____

Orig. Contract Number ____

A:\Resolution of Intent to Reimburse

2/24/2003

Staff Review Form - Page 2

Description ______________________ Meeting Date March 4, 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO:	Mayor Dan Coody and Fayetteville City Council
THROUGH:	Hugh Earnest, Chief Administrative Officer
FROM:	Stephen Davis, Finance & Internal Services Director
DATE:	February 23, 2003
SUBJECT:	**Bond/Lease Program: Approval of Resolution of Intent to Reimburse**

Background

The Citizens of Arkansas approved, at the General Election in 2000, Amendment 78 to the Arkansas Constitution. Amendment 78 provides, in part, authorization for cities to enter into short-term bond issues and capital lease agreements that are supported by the general revenues of the city. City Councils are authorized to execute these debt instruments without a public vote. The Arkansas Constitution limits the debt to no more than five (5) years and to no more than five (5%) per cent of the assessed value of taxable property within the city. The City of Fayetteville approved a Debt Management Policy on November 5, 2002 (Resolution 173-02) that established the policy and underlying analysis that must be completed prior to initiating any debt agreements.

On November 7, 2002 the City of Fayetteville advertised and solicited requests for qualifications (RFQ) for Bond Counsel Services and solicited requests for proposals (RFP) for Underwriter Services and Leasing Services. The City of Fayetteville Debt Committee (established by Resolution 173-02) received the responses to the request for qualifications and request for proposals in January, 2003. The Debt Committee selected Gordon Wilbourn of Kutak Rock as Bond Counsel, Dennis Hunt of Stephens, Inc and Crews and Associates as Bond Underwriter(s) and Bank of America (BOA) Leasing for leasing services. Agreements with each of these service providers will be developed and submitted to City Council for consideration and approval.

Discussion

The Fayetteville Fire Department and Fayetteville Solid Waste Division have identified the need to replace fire fighting apparatus and solid waste vehicles. Both of these asset replacements lend themselves to either the short-term bond program options or capital lease options available through Amendment 78.

Staff proposes to use BOA Leasing to develop a multi-year fire apparatus purchasing program. The City's Five Year Capital Improvement Program currently has planned on replacing two fire apparatus. The need exists for four units in 2003. Three of the units will be replacing current, front line fire fighting apparatus and the fourth unit will be an expansion apparatus for Fire Station Seven. Manufacturers of fire apparatus equipment generally require payment for the chassis at the time of placing the order. Approval of the Resolution of Intent to Reimburse will enable the City to pay for the chassis and when the completed fire apparatus is accepted, submit invoices to BOA Leasing for reimbursement. BOA Leasing will, in-turn, develop a lease payment schedule of no more than five years that accumulates all of the cost associated with the fire apparatus acquisition program. The funds to make the annual lease payments will be from a portion of the City sales tax dedicated for capital improvements.

Staff proposes to utilize a revenue bond/lease program to fund the cost of the new residential collection trucks and possibly the cost of the residential carts. The City has budgeted funds to fully pay the cost of the new collections trucks and residential carts. The primary purpose in proposing a revenue bond/lease to pay these items is to preserve as much cash flow for the Solid Waste Fund as possible. The preservation of existing cash is to provide more flexibility to the City in future decision especially considering the uncertain nature of the current economy.

All lease agreements and bond issues will be brought to City Council for approval.

Recommendation

Staff recommends approval of the Resolution of Intent to Reimburse.

RESOLUTION NO. ______

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF FAYETTEVILLE, ARKANSAS, TO REIMBURSE CERTAIN EXPENDITURES OF THE CITY PERTAINING TO THE FINANCING and ACQUIRING OF CERTAIN CAPITAL EXPENDITURES WITH THE PROCEEDS OF AN ISSUE OR ISSUES OF TAX-EXEMPT BONDS OR TAX EXEMPT LEASES TO BE ISSUED BY THE CITY; AND STATING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City of Fayetteville, Arkansas, (the "City") intends to utilize financing provisions authorized in the various amendments to the Arkansas Constitution (Amendment 62, Amendment 65 and Amendment 78) to acquire certain capital equipment for use by the Fayetteville Fire Department and Fayetteville Solid Waste Division (Acquisition Program); and

WHEREAS, the City presently intends to finance the costs of planning, designing, acquiring, constructing, and equipping of some of the capital equipment purchases through the issuance of one or more series of tax-exempt bonds or through the issuance of one or more tax exempt capital lease agreements of the City (the "Bonds/Leases"); and

WHEREAS, the City has determined the need to expend its funds to pay certain costs associated with this Acquisition Program prior to the issuance of the Bonds/Leases, and

WHEREAS, in order to utilize the proceeds of tax-exempt bonds to reimburse original expenditures made by the City with respect to the Acquisition Program, it is necessary under the Internal Revenue Code of 1986, as amended (the "Code") and the U.S. Treasury Regulation Section 1.150-2 that the City make a present declaration of its official intent to make such reimbursement.

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

Section 1. That the City intends to issue its Bonds/Leases in one or more series in aggregate principal amount not to exceed $10 million under the constitution and laws of the State of Arkansas to finance a portion of the costs of planning, designing, acquiring, constructing, and equipping the Acquisition Program.

Section 2. That the City intends to utilize a portion of the proceeds of the Bonds/Leases to reimburse itself for certain expenditures made by the City prior to the issuance of the Bonds with respect to the planning, designing, acquiring, constructing, and equipping of the Acquisition Program.

Section 3. That the City intends this resolution to be its declaration of "official intent" under the Code and U.S. Treasury Regulation Section 1.150-2 to reimburse certain original expenditures with respect to the Acquisition Program.

STAFF REVIEW FORM

X AGENDA REQUEST
X CONTRACT REVIEW
___ GRANT REVIEW

March 18, 2003

For the Fayetteville City Council meeting of March 4, 2003

FROM:

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

ACTION REQUIRED: Review and approve ground lease to Flying Investments, LLC. for construction of a hangar and office/shop complex at Fayetteville Municipal Airport, Drake Field.

COST TO CITY:

Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds used to date	Program Name
		Airport
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Manager	Date	Administrative Services Dir.	Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing	2/20/03	Darcy Smith	2/20/03	
Accounting Manager	Date	Internal Auditor	Date	**GRANTING AGENCY**
	2/20/03			
City Attorney	Date	ADA Coordinator	Date	
	2/21/03			
Purchasing Officer	Date	Grants Coordinator	Date	

STAFF RECOMMENDATION: Approve Lease for Mayor Signature.

Division Head	Date Feb 18, 2003
Department Director	Date 2-21-03
Administrative Services Director	Date 2-24-03
~~Mayor~~ CAO	Date 2/24/03
Mayor	

Cross Reference

New Item: Yes X No
Prev. Ord/Res#:
Orig Cont. Date:
Orig Cont #:

STAFF REVIEW FORM

Meeting Date: March 4, 2003

Comments: Flying Investments, LLC has a ground lease on Fayetteville Municipal Airport, Drake Field and is in construction of their first hangar. This ground lease will allow the company to construct an additional hangar and to connect the two buildings with a shop and office complex. Flying Investments represents several companies in the aircraft maintenance and repair, aircraft modifications, aircraft sales and aircraft management businesses.

Budget Manager

Reference Comments:

Accounting Manager

Reference Comments:

City Attorney

Reference Comments:

Purchasing Officer

Reference Comments:

Internal Auditor

Reference Comments

ADA Coordinator

Reference Comments:

Grants Coordinator

Reference Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

MEMORANDUM

TO:	Dan Coody, Mayor City Council Members
THRU:	Staff Review Committee
FROM:	Ray M. Boudreaux, Director, Aviation and Economic Development
DATE:	February 14, 2003
SUBJECT:	Ground Lease for Flying Investments LLC

Background: The Airport Board approved at their meeting of February 13, 2003, a ground lease to Flying Investments, LLC for the construction of a second hangar and connecting shop/office complex at Fayetteville Municipal Airport, Drake Field. Flying Investments is in construction of their first hangar. The second hangar will be adjacent to and west of the first hangar. Flying Investments, LLC represents several aviation related businesses that are partners in the enterprise located at the airport.

Purpose: Review, approval and signature by the Mayor

Budget Considerations: Lease of 15.600 square feet of ground at $.05 per SF with increases every 5 years at the rate of increase in the CPI plus 1%. Initial term is 30 years with one renewal for 20 years.

Requested Action: Mayor, sign the ground lease contract.

Attachments: Staff Review Form
Ground Lease Contract (2 cys)

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

LEASE AGREEMENT
Ground Lease

This **Lease Agreement** entered into this ____ day of ________, 2003, by and between the City of Fayetteville, Arkansas, hereinafter referred to as the "City" and Flying Investments, LLC, P. O. Box 8157, Fayetteville, Arkansas 72703 hereinafter referred to as Flying Investments .

WHEREAS, the City owns and operates an Airport known as Fayetteville Municipal Airport - Drake Field, situated in Washington County in the State of Arkansas; and

WHEREAS, Flying Investments desires to lease from the City certain space for the construction of an aircraft hangar and ramp as described below:

> **A CERTAIN TRACT OF LAND 120 FT. X 130 FT. LOCATED AT 4560 S. SCHOOL AVENUE AT THE FAYETTEVILLE MUNICIPAL AIRPORT - DRAKE FIELD AND MORE PARTICULARLY SET FORTH AND SHOWN ON EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.**

NOW, THEREFORE, the Parties hereto agree as follows:

1. LEASEHOLD. The City does hereby grant, demise and lease unto Flying Investments certain premises situated in Washington County, Arkansas, within the boundaries of the Fayetteville Municipal Airport- Drake Field. Flying Investments will be responsible for all improvements to the Leased Premises.

2. TERM. The term of this lease is for thirty (30) years beginning on the first day of the next month following the date the Occupancy Permit is granted (____ day of ______________, 2003), and ending at midnight the end of the previous month in the year 2033 (________________, 2033), unless otherwise terminated, canceled or extended as set forth herein below.

Flying Investments shall have six (6) months from April 1, 2003 to begin construction of the hangar. The City or Flying Investments may terminate this lease at any time by giving the other party thirty (30) days written notice of termination during the first six (6) months following the April 1, 2003 date, or prior to the ground breaking for the new facility. Failure to begin construction before October 1, 2003 will be an automatic cancellation of this ground lease.

A. Option to Extend. Flying Investments shall have the option to extend the Lease Term of this Lease for one (1) period of Twenty (20) years if Flying Investments has satisfied the following conditions (extensions beyond Fifty (50) years must be renegotiated and approved by the City Council):

1). Flying Investments has complied with and performed all conditions, covenants, and terms of the Agreement without any defaults known to Flying Investments, or any defaults that are not otherwise in the process of being resolved in the manner provided in this Agreement.

2). Notice of Flying Investments's request to renew has been made and presented in writing to the City at least One Hundred Twenty (120) days prior to the expiration of the term.

3.) The amount of rental fees shall have been successfully negotiated and agreed to by the parties for the extended lease term.

3. RENTAL FEES. During the term of this lease, Flying Investments agrees to pay the City an annual ground rental fee of five cents ($.05) per square foot of total leased ground space. Leased ground space totals 15,600 square feet. Annual rental due the City is Seven Hundred and Eighty Dollars ($780.00). Said rental is to be paid in advance in yearly installments on the 1st day of next month following the date of the Occupancy Permit is granted (, 2003).

If paid annually, or in increments of five (5) years or less, rental charges shall be reviewed every five (5) years and the rental charges for the next five (5) years of the lease term will be adjusted up to reflect the Consumer Price Index (CPI) plus one (1) percent, using the formula on Lease Attachment #1.

A delinquency charge will be imposed on payments not received by the close of business on the tenth day after the due date. Such delinquency charge shall be the maximum amount allowable under Arkansas law. All payments shall be delivered or mailed to: City of Fayetteville, 113 West Mountain Street, Fayetteville, Arkansas 72701.

4. UTILITIES AND JANITORIAL SERVICES. Flying Investments shall be responsible for the payment of the utilities associated with any, but not limited to, electric, gas, heating, water/sewer, and trash removal to the leasehold.

The City shall not be required to furnish to Flying Investments any facilities or services of any kind, such as, but not limited to, water/sewer, trash removal, electricity, or gas. Any such facilities or services required by Flying Investments for their use and purposes shall be their sole and exclusive responsibility and agree to hold City of Fayetteville harmless from any responsibility or liability therefore.

5. <u>TERMS AND CONDITIONS.</u> Flying Investments agrees to comply with and abide by all terms and conditions set forth in this original Agreement of Lease.

6. <u>USE OF THE PREMISES</u>. Flying Investments agrees that the leased premises shall be used and occupied only as an aircraft hangar and for related lawful purposes.

A. Flammable Material. Flying Investments further agrees not to store any flammable material on the demised premises other than a limited supply of oils and agents necessary for the operation of an aircraft hangar.

B. Hazardous Substance. Flying Investments shall not cause or permit any Hazardous Substance to be used or stored on or in the Leased Premises with out first obtaining the City of Fayetteville's written consent. If Hazardous Substances are used, stored, generated, or disposed of on or in the Leased Premises or if the Leased Premises or any other Airport property becomes contaminated in any manner for which Flying Investments is responsible or legally liable, Flying Investments shall indemnify and hold harmless the City of Fayetteville from any and all claims, damages, fines, judgements, penalties, costs, liabilities, or losses (including, without limitation and decrease in value of the Lease Premises, damages caused by loss or restriction of rentable or usable space as part of the Leased Premises) arising during or after the term hereof and arising as a result of that contamination by Flying Investments, Flying Investments's agents, employees, and invitees. This indemnification includes, without limitation, and all costs incurred because of any investigation of the Airport or any cleanup, removal, or restoration mandated by a federal, state, local agency or political subdivision.

C. Flying Investments shall not start or operate aircraft engines within the facility leased hereby and shall not allow such operations by any other person.

7. <u>USE OF THE AIRPORT</u>. Flying Investments is granted the use, in common, without charge, with others similarly authorized, of the airport, together with all facilities, equipment, improvements, and services which have been or may hereafter be provided at or in connection with the Airport from time to time including, but not limited to, the landing field and any extensions hereof or additions thereto, roadways, runways, ramps, aprons, taxiways, flood lights, landing lights, beacons, control tower, signals, radio aids, and all other conveniences for flying, landings and takeoffs.

Flying Investments agrees to observe and obey City of Fayetteville's Ordinances and Regulations with respect to the use of the demised premised and Airport; provided, however, such Ordinances and Regulations shall be consistent with safety and with all city, county, state, and federal ordinances, rules and regulations. Flying Investments agrees to abide by the rulings of the Federal Aviation Administration with respect to the use of the Leased Premises. ***"Airport Minimum Standards for Operations and Commercial Activities"*** herein referred to as Airport Minimum Standards at Fayetteville Municipal Airport are made part of this lease by reference as if included word for word. Special provisions for the use of fuel storage facilities are listed on **Lease Attachment #2.**

8. REPAIRS, MAINTENANCE AND APPEARANCE.

A. Flying Investments shall at all times during the term of this Lease Agreement, at Flying Investments's expense, keep and maintain in good repair and safe condition the leased premises and the equipment and appurtenances, both inside and outside, structural and non-structural, extraordinary and ordinary, whether or not necessitated by wear, tear, obsolescence or defects, latent or otherwise. When used herein, the term "repairs" shall include all necessary replacements, renewals, alterations, additions, and betterments. Flying Investments acknowledges that Flying Investments shall be responsible for the repairs and maintenance necessary to maintain the structural integrity of the hangar. Flying Investments will at all times maintain the Leased Premises in a clean, orderly, and attractive condition; not allow the accumulation of rubbish, trash, refuse and any unsightly conditions or fire hazards on the Leased Premises. Flying Investments shall be responsible for mowing and the upkeep of the outside grounds of the Leased Premises. Flying Investments shall be responsible for all janitorial services and trash removal from the Leased Premises.

B. The necessity for and adequacy of repair to the Lease Premises, pursuant to Subparagraph (a.) hereof, shall be measured by the standard which is appropriate for improvements of similar construction and also shall meet the requirements and standards set out and promulgated by the City pursuant to the primary lease referred to above.

C. Flying Investments agrees to reimburse the City for all sums and expenses incurred in the repairs or maintenance required or caused to be made pursuant to the regulations and rules of the City mentioned in Subparagraph (b) above as a result of failure by Flying Investments to maintain or repair the demised premised as required.

9. ALTERATIONS AND IMPROVEMENTS. Flying Investments shall have prior written consent from the City, meeting all City requirements, to make any alterations, additions and improvements Flying Investments deems necessary and desirable to the interior of the leased premises. Flying Investments shall not be entitled to make any major or material alterations, additions or changes to the exterior of the leased premises without the City 's prior written consent. Flying Investments acknowledges and agrees that all such alterations, additions and improvements, including paneling, partitions, railings, floors, ceilings and the like, shall become the property of the City upon the terminations of the Lease Agreement.

10. INSURANCE. Flying Investments shall obtain and maintain property insurance coverage for the repair or replacement of the leasehold and any adjacent improvements, with an insurance company licensed to do business in the State of Arkansas, naming the City of Fayetteville and the Fayetteville Municipal Airport and their trustees, agents, officers, and employees are named as an

Additional Insured on the policy, and Flying Investments shall provide the Airport Administration Office with a Certificate of Insurance during the term of this Lease.

Flying Investments acknowledges that it is the Flying Investments's responsibility to maintain insurance on Flying Investments's personal property.

11. SUB-LEASING AND ASSIGNMENT. Flying Investments shall not be entitled to sub-lease or assign the Flying Investments's interest in this Lease Agreement without first obtaining the written permission of the City, provided however, Flying Investments may assign Flying Investments's interest in this Lease Agreement for a One Hundred and Eighty (180) day period to Qualified Escrow, LLC, in order for Flying Investments to accomplish a tax deferred exchange under Section 1031 of the Internal Revenue Code. A request to sub-lease or an assignment of the lease will not be unreasonably withheld.

12. EVENTS OF DEFAULT. The following shall be "Events of Default" under this Agreement, and the terms "Events of Default" or "Default" shall mean, whenever they are used herein, any one or more of the following.

A. Flying Investments shall fail to pay when due and owning any rentals hereunder and such nonpayment shall continue for twenty days after written notice thereof by the Airport;

B. Flying Investments voluntarily shall abandon, desert, or vacate the Leased Premises;

C. Flying Investments shall fail to comply with insurance requirements imposed hereunder;

D. Flying Investments shall fail to observe or perform any other of its obligation hereunder, and such failure shall continue un-remedied for twenty (20) days after the City shall have given to the Flying Investments written notice specifying such default. Provided, the Airport may grant Flying Investments such additional time as it's reasonably required to correct any such default if Flying Investments has instituted corrective action and diligently is pursuing the same;

E. Flying Investments shall fail to provide and maintain any security assurances required hereunder; or

13. REMEDIES UPON FLYING INVESTMENTS'S DEFAULT. Whenever an Event of Default of Flying Investments shall occur, the City may pursue any available right or remedy at law or equity including:

A. Termination. At its exclusive option, the City deliver to Flying Investments written notice of termination, specifying the date upon which the Agreement will terminate. In the event of termination, Flying Investments's rights to possession of the Leased Premises immediately shall cease. The City may then reenter and take possession of the Leased

Premises and Flying Investments forthwith shall surrender possession of the Leased Premises. Upon termination of this Agreement, Flying Investments shall be liable for payment of:

1.) All sums accrued through the date of termination.

2.) The reasonable costs incurred by the City to re-let the Leased Premises, or any portion thereof; and

3.) The reasonable cost incurred by the City to restore the Leased Premised or any portion thereof to the condition in which they originally were leased, ordinary wear and tear excepted.

All rentals received by the City from re-letting the Leased Premises after the termination of this Agreement shall be credited against the Outstanding Rental Balance. The acceptance by the City of any rentals from Flying Investments after the termination of this Agreement shall not reinstate this Agreement.

Upon such notice, Flying Investments agrees to vacate the premises immediately. Should it become necessary for City to resort to judicial process to enforce the terms of this Agreement, or reclaim possession of the premises, Flying Investments agrees to pay a reasonable attorney's fee.

14. **EXPIRATION OR TERMINATION.** On the expiration or other termination of this Lease, Flying Investments 's right to use the demised premises shall cease, and Flying Investments shall vacate the premises without unreasonable delay. All property installed, erected, or placed by Flying Investments in, on, or about the premises leased hereunder shall be deemed to remain the property of City. Flying Investments shall have the right at any time during the term of this agreement, or any renewal or extension hereof, and for an additional period of seven (7) days after the expiration or other termination of this agreement, to remove any or all of Flying Investments's property, subject, however to Flying Investments's obligation to repair all damage, if any, resulting from such removal. Any and all property not removed by Flying Investments prior to the expiration of the aforesaid seven (7) day period shall thereupon become a part of the land on which it is located and title hereto shall thereupon vest in City.

15. **TERMINATION OF AIRPORT**. In the event that the Fayetteville Municipal Airport facility and property are no longer used for aviation purposes, the Flying Investments may remain in possession of the premises until the end of the lease term with the right to use the premises for any use allowable under Arkansas law.

16. **TAXES**. Flying Investments shall pay all ad valorem taxes and assessments upon the leased premises and upon all personal property located upon the leased premises which are assessed during the lease term.

17. MORTGAGING OF LEASEHOLD. Flying Investments is hereby given the absolute right without the City of Fayetteville's consent to mortgage his interest in the leased premises, provided that no such mortgage shall extend to or affect the fee, the reversionary interest, or the estate of City of Fayetteville in and to the land and building (hangar facility complex) erected thereon.

18. INDEMNITY. Flying Investments agrees to indemnify the City against any liability for injuries to persons or damage to property caused by Flying Investments's gross negligent use or occupancy of the leased premises; provided, however, that Flying Investments shall not be liable for any personal injury, damage or loss occasioned by the negligence of City or its agents or employees, and provided further, that each party shall give prompt and timely notice of any claim made or suit instituted which in any way directly or indirectly affects or might affect either party, and each party shall have the right to compromise and defend the same to the extent of its own interest. This clause shall not be construed to waive that tort immunity asset forth under Arkansas Law.

19. NON-WAIVER. Neither the waiver by City of any breach of Flying Investments of any provision hereof nor any forbearance by the Airport to seek a remedy for any such breach shall operate as a waiver of any other breach of Flying Investments.

20. NOTICES. Any notice or consent required by this Agreement shall be sufficient if sent by Certified Mail, return receipt requested, postage paid, to the following addresses:

<u>CITY OF FAYETTEVILLE:</u>

Airport Administration Office
4500 S. School Avenue, Suite F
Fayetteville, Arkansas 72701
PH: 479-718-7642
FAX: 479-718-7646

<u>FLYING INVESTMENTS LLC:</u>

Flying Investments
P. O. Box 8157
Fayetteville, Arkansas 72703
PH: 479-530-4000
FAX: 470-443-9424

21. NON-DISCRIMINATORY CLAUSE.

A. Flying Investments agrees to not discriminate by segregation or otherwise against any person or persons because of race, creed color, religion, national origin, sex, martial status, or handicap in the furnishing, or by refusing to furnish, to such persons the use of any facility, including any and all services, privileges, accommodations, and activities provided thereby. Nothing herein shall require the furnishing to the general public of the use of any facility customarily furnished by the City solely to tenants, their employees, customers, patients, client, guests, and invites.

B. This Agreement shall be construed under the laws of the State of Arkansas.

22. All the covenants, conditions, and provisions under this agreement shall extend to and bind the legal representatives, successors, and assign of the respective parties hereof.

IN WITNESS WHEREOF, the parties have executed this lease on the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

By: ______________________________
Dan Coody, Mayor

ATTEST:

By: ______________________________
City Clerk

Flying Investments:

By: David Hollman

DIRECTOR OF AVIATION
Title

ATTEST:

By: ______________________________

Title: ______________________________

LEASE ATTACHMENT NUMBER ONE

Rent adjustments shall be made as of the commencement of each of the Dates Upon Which Rent Increases Apply and shall be determined by the following formula:

Rent as last so increased under this Lease

multiplied by:

$$1 + \frac{\text{Current Index - Base Index}}{\text{Base Index}}$$

plus

one percent (1%) of the Rent as last so increased under this Lease

Where, "Current Index" shall be the CPI *(D-1 Consumer Price Index-All City Average, " "all items groups, subgroups and special groups, "published monthly in the Monthly Labor Review of the Bureau of Labor Statistics of the United States Department of Labor)* for the month immediately prior to the applicable Dates Upon Which Rent Increases Apply, and Base Index shall be the CPI for the month immediately prior to the Commencement Date or the most recent Dates Upon Which Rent Increases Apply, whichever is applicable. In no event, however, shall the Rent for any period be less than the Rent as last so increased under this Lease. In the event that such CPI is no longer published or otherwise available, the adjustment provided for herein shall be by the successor (or the most nearly comparable successor index) thereto, adjusted as appropriate to the applicable dates.

LEASE ATTACHMENT NUMBER TWO

Fuel stored in the Airport Fuel Storage Facility shall be coordinated with the Airport Administration Office and all fees and charges required by City Ordinance shall be remitted to the City of Fayetteville. Deliveries shall be coordinated so as not to overfill the fuel storage tanks. In addition to Buyer and Supplier Fees (Fuel Flowage Fees) charged by City of Fayetteville Ordinance, an In-To-Plane Fee shall be charged at the following rate schedule for each calendar year.

First:	100,000 gallons delivered in-to-plane$.25 per gallon
Second:	100,000 gallons delivered in-to-plane$.20 per gallon
Third:	100,000 gallons delivered in-to-plane$.15 per gallon
Fourth: And Subsequent:	100,000 gallons delivered in-to-plane$.10 per gallon

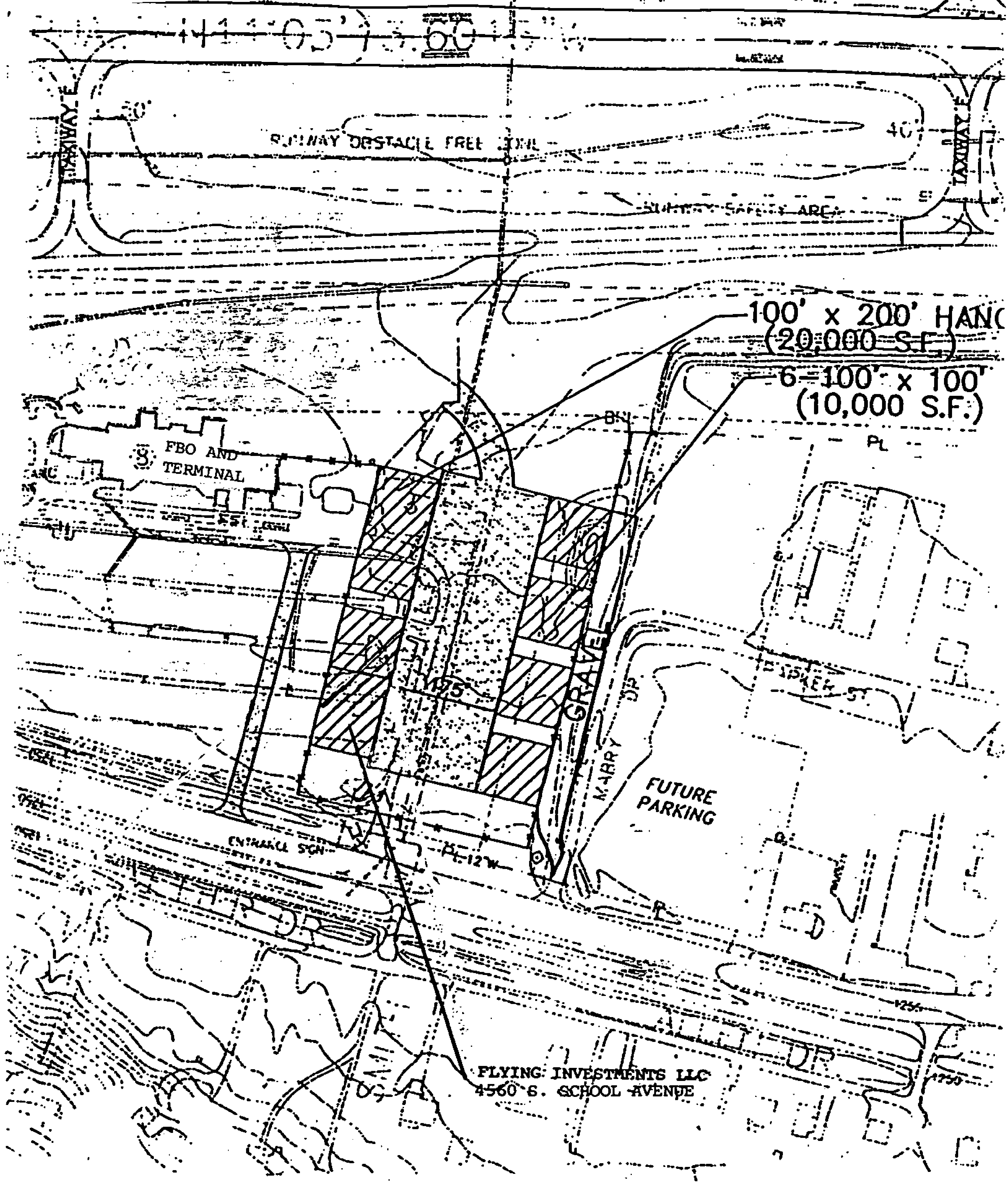


Exhibit "A"

ADM

tabled to 3/18/03
City Council Meeting

STAFF REVIEW FORM

Compost Row Turner
B. 1. Page 1

• AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: February 18, 2003

FROM:

Brian Pugh	Solid Waste & Recycling	Operations
Name	Division	Department

ACTION REQUIRED:

Approve resolution authorizating staff to begin the purchasing process for a compost row turner and to solicit a contrăctor to construct the compost pad.

COST TO CITY:

\$ 227,245 \$ 255,700	\$ 314,890 \$ 288,393	Fleet - Other Vehicles & Equipment Composting Site Improvements
Cost of this request	Category/Project Budget	Program Category / Project Name
9700.1920.5802.00 5500.5070.5816.00	\$ - \$ -	Vehicles & Improvements Solid Waste Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02080 02100	\$ 314,890 \$ 288,393	Shop Fund Solid Waste Fund
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Budget Manager ____ Date ____ Finance & Internal Sacs. Director ____ Date ____

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager ____ Date ____ Internal Auditor ____ Date ____

City Attorney ____ Date ____ ADA Coordinator ____ Date ____

Purchasing Manager ____ Date ____ Grant Coordinator ____ Date ____

STAFF RECOMMENDATION: Staff recommends approval of the resolution.

Division Head ____ Date ____

Department Director 1-31-03 Date

Finance & Internal Sacs. Director 2-6-03 Date

Mayor 2/7/03 Date

Cross Reference

New Item: Yes No

Previous Ord/Res#: ____

Orig. Contract Date ____

Orig. Contract Number ____

Compost Row Turner
B. 1. Page 2

Staff Review Form - Page

Description Row Turner & Composting Pad Improvements Meeting Date February 18, 2003

Comments:	Reference Comments:
Budget Manager	
Accounting Manager	
City Attorney	
Purchasing Manager	
ADA Coordinator	
Internal Auditor	
Grants Coordinator	

To: **Gary Dumas**

From: **Brian Pugh**

CC: **Carrol Hill**

Date: **Friday, January 31st, 2003**

Subject: **Composting Site Improvements and Other Planned Program Improvements**

Background:

The purpose of this memo is to bring the Council up to date on planned improvements in the Solid Waste and Recycling Division and to specifically discuss improvements to the Composting Operation. These composting improvements will be for two purposes: to decrease the time necessary for the chemical changes to occur to yard waste to create compost and to reduce and consolidate the space necessary for the yard waste program. These two changes in this composting operation are necessary for other program improvements to occur. These other program improvements are the implementation of the Council resolution to expand the City's large commercial roll off business and to implement an effective and efficient commercial glass recycling and apartment recycling program.

Composting Improvements

The Solid Waste and Recycling Division is pursuing improvements to the Division's composting facility. These improvements consist of purchasing new row turning equipment and constructing a concrete pad for enhanced windrow processing. Upgrades in equipment and the processing pad will also allow for consolidation of composting activities, which in turn, will provide space for storage of commercial containers needed for commercial market expansion.

New row turning equipment will allow processing operations to be accomplished on approximately one acre instead of the three acres currently required and it will decrease the amount of time needed to process the compost allowing the stockpile to be eliminated.

The new equipment can improve production of compost allowing for faster turnover of material on the pad. The new row turner is designed to handle a substantially larger windrow of unprocessed yardwaste and will decrease the size needed to process by one third. Water tanks located on the equipment will enable operators to keep windrows of compost at adequate moisture levels along with optimizing aeration and mixing capabilities.

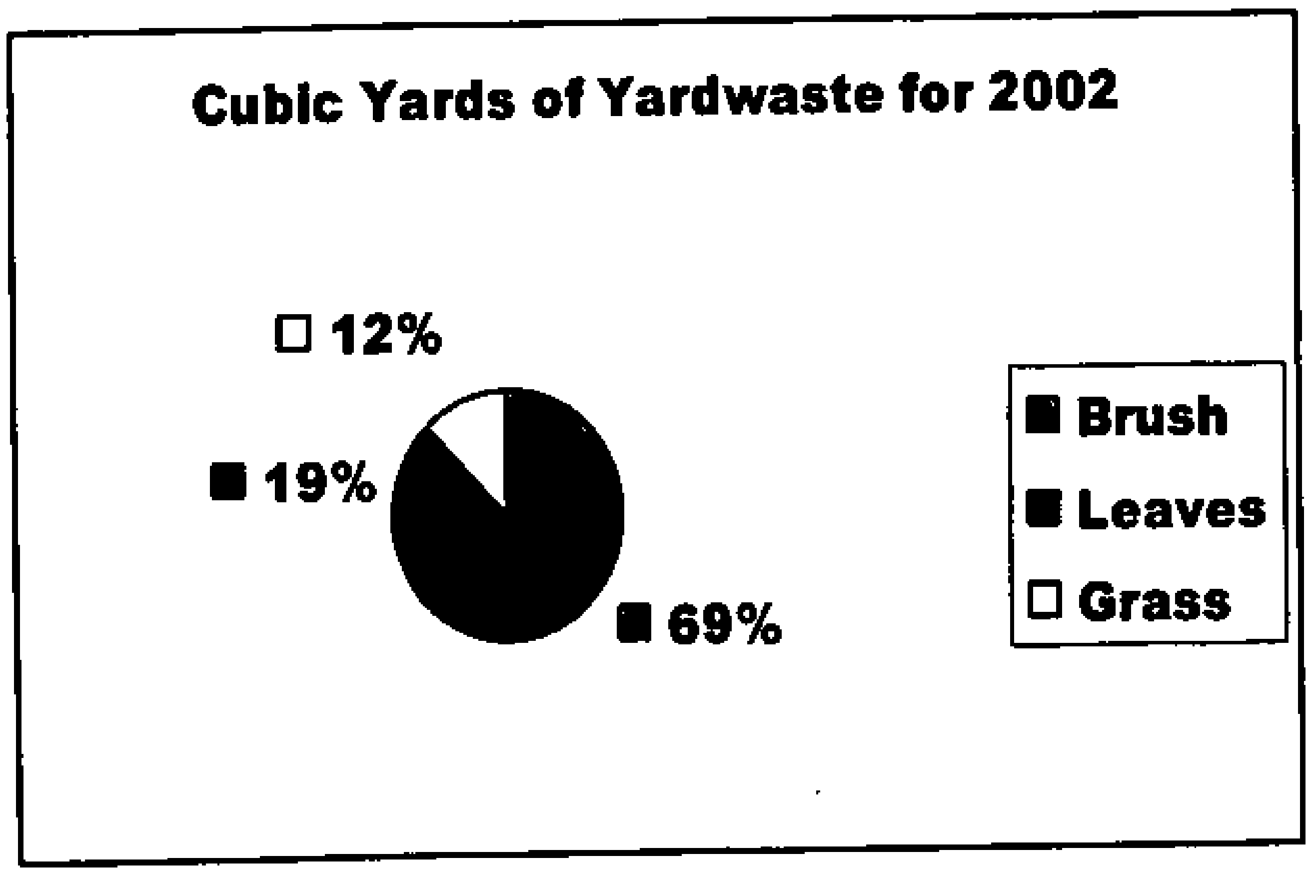
The decrease is space needed for windrows of compost will allow for consolidation of grinding and material storage activities increasing space at the current storage and grinding site for storage of commercial containers.

Currently compost windrows are processed on compacted ground which decreases the quality of compost and recently the composting facility has been sited by ADEQ for having standing water on site. A concrete pad with proper draining and a catch basin will improve compost quality and negate standing water problems.

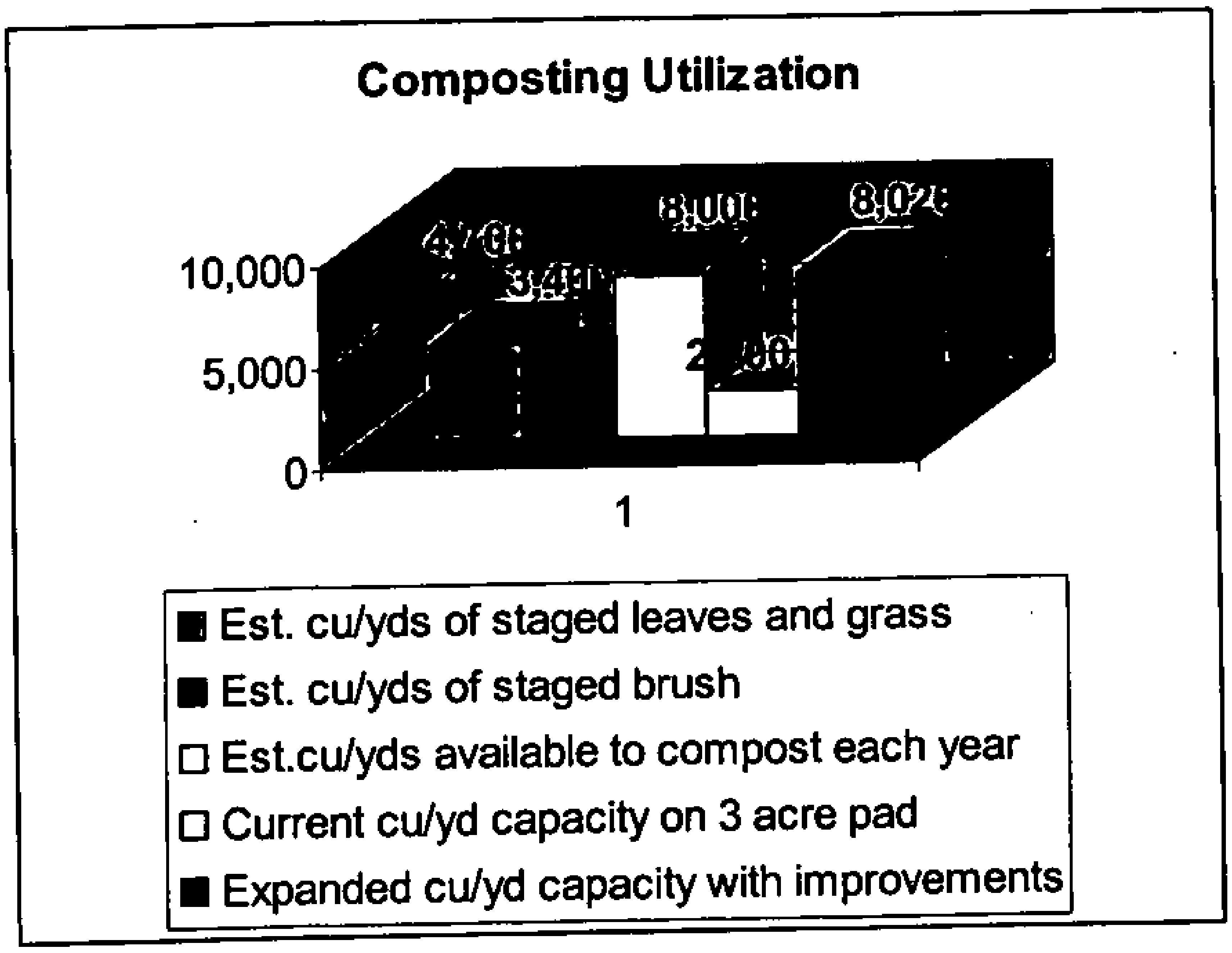
Discussion:

Current Capacity

During 2002, the Division collected 25,100 cubic yards of bulk brush, leaves and grass. By state law this material must be composted or processed as mulch and is not allowed to be landfilled. Diverting this material represented a $163,279 savings in avoided tipping fees from the landfill. Revenue collected during 2002 resulted in $3,056 from compost sales and $2,770 from mulch sales. New equipment and enhanced facilities raises production capacity and increases the potential for revenue collected.



During the composting process, 50% of the volume of the material is lost due to physical and biological changes. The new pad would be constructed on 1.04 acres and because of better equipment, it is estimated that 8,020 cubic yards capacity could be available for processing material. Using these estimates it would be conceivable to produce 4,010 cubic yards of compost in one year if volumes allowed. Having this amount of capacity available would limit future stockpiling of incoming materials to acceptable levels and provide a more efficient processing capacity to exist.



The yearly average of material available to compost is approximately 8,000 cubic yards. This amount consists of leaves, grass and a small amount of the collected brush. Using these figures, it is possible to yield 4,000 cubic yards of compost for sale each year. The Division could produce 2.6 times the amount of compost currently produced in a given year with the improvements at the site.

Stockpiles of material are currently overwhelming the capacity available on the composting pad with current equipment. It is estimated that approximately 4,800 cubic yards of leaves and grass are stockpiled ready to be composted but cannot be processed because the equipment available for processing is not capable of making windrows large enough to hold all the material.

This stockpiled material and future collections of material will result in more staging problems in the future, taking away space that could be utilized for storing containers needed for the commercial expansion. The current rate of collection and processing is not sustainable for processing all the incoming and staged material, therefore continually increasing the storage needs of compostable materials.

Pad Turnover

With new row turning equipment and the added features available through operating the equipment, compost windrows should be better managed through proper aeration, moisture content and mixing of row contents. These factors along with a concrete pad facilitating larger piles will allow piles to "cook" faster and speed up the biological process. Current methods require six months to make compost. It is conceivable to make compost in 4 or 5 months with improvements, which would increase compost volumes, reduce staged material levels and increase revenue potential to the Division.

Grinding Operation

The grinding operation for brush averages a 10 to 1 reduction in volume. During 2002, 17,169 cubic yards of brush was collected. During grinding, this material was reduced to approximately 1,717 cubic yards. During the composting process small amounts of the mulch product is incorporated into the windrows to aid in creating oxygen paths for the microbes. Ground up brush should be staged adjacent to the composting pad for ease of incorporating mulch into the windrow piles. Space currently being utilized with compost windrows could be used to stage this material if improvements are made.

Compost Pricing Considerations

Currently the city conducts twice a year compost sales in the Spring and Fall. Technically the City does not charge for the sale of compost but there is a fee for the loading the material for residents. Prices charged for loading compost are $8 for one cubic yard or small truck, $9 for 1 ½ cubic yards and a medium sized truck and $13 for two cubic yards or a large truck or trailer.

These rates are very inexpensive and should be raised to help recover some costs of operating the composting program. Prices paid for yardwaste compost in the Southeast portion of the country range from $3 per cubic yard to $25 per cubic yard with an average of $11.82 per cubic yard. The 12 year average for price charged per cubic yard of compost from the City is $4.82.

Our compost has been certified through the Woods End Laboratory in Maine and given the Rodale Organic Gardeners Seal of Approval for Quality Assurance. We received the Topsoil blend classification through the testing process which allows our compost to be used as soil replacement and is suitable for raised garden beds. According to the Woods

End lab, composting on a concrete pad could increase the organic matter by eliminating the clay and rocks, which could possibly move our certification to the Garden Compost level.

Screening of the final product is also helping in producing a quality product that customers like to purchase. With the increased value that we are adding to the product, a more sustainable price should be charged.

Bulk Marketing

Current and emerging markets for compost present opportunities for even greater use of the material. Major markets include agriculture, landscaping, horticulture, soil wholesalers, retailers, land reclamation firms, golf courses and homeowners. A bulk marketing program should be started to sell the product to these markets. Marketing compost in bulk would provide a consistent outlet while creating greater revenue potential. Current estimates of 4,010 cubic yards of compost available for sale per year would enable a bulk marketing program to exist.

Plan of Action

This upgrade in equipment and facilities follows past improvements in processing such as 1) eliminating plastic bags from collection of yardwaste and 2) screening the finished compost product. The next stage in our plans is to improve the processing through equipment upgrades and pad improvement along with moving staged material adjacent to the current site to improve the logistics of the composting operation. Future plans include 1) adding a second pad as input grows and 2) moving the grinding operation over to the composting site. Having all operations logistically convenient would improve space utilization and combine like works which would improve efficiencies in overall operations.

Engineering design services have been completed on the composting pad improvements with the following estimated costs:

*Compost pad improvements • equipment set-up • storm water erosion control • class 7 base material • 6" concrete slab with turndown and rebar • seeding, mulching and fertilizer • construction of a detention basin	$255,700	
Row turner equipment	$245,245	
Minus trade-in value on the current row turning	($18,000)	

equipment	$227,245	
Total Cost	**$482,945**	
Return on Investment Analysis		
Savings from yardwaste diversion (Est. yearly totals)		$163,000
**Sales of compost (Est. yearly totals)		$19,300
Sales of mulch per year (Est. yearly totals)		$2,700
Total Annual Income or Saving		$185,000
Return on Investment estimated at		**2.6 years**

*These costs are engineering estimates; some work could be performed by city employees saving some costs.

**Compost and Mulch sales could be higher if bulk marketing and rate increases are in place.

Recommendation Concerning Composting Improvements:

Approve resolution authorizing staff to begin purchasing process for a composting row turner and to solicit a contractor to construct the compost pad.

There are programmed funds available for this improvement.

Other Planned System Improvements

In order to thoroughly keep the City Council informed on future issues and expenses, there are two additional program changes that are forthcoming; a separate item on this agenda, the roll off service expansion and an item coming forward within the next two to four weeks, apartment recycling and commercial glass recycling and processing. Both of these programs will have associated costs that will be recovered from the ratepayers for these services. These projects are doable but their costs will not be insignificant; the roll off expansion will have and annual cost of over $600,000 and the apartment and glass recycling program annual cost will not be substantially less. The rates for the roll off service are very competitive and are discussed in more detail in the accompanying agenda item. The rates for apartment recycling and commercial glass are being developed. The vehicle and equipment costs for all these programs can be financed through a short-term leasing program which is scheduled to be discussed by the Finance and Internal Services Director with the City Council within the next 4 to 6 weeks.

Compactor & Drop Box
B. 2. Page 1
City Council meeting

XX Agenda Request
__ Contract Review
__ Grant Review

For the Fayetteville City Council Meeting of: February 18th, 2003

FROM:

Travis Dotson	Solid Waste and Recycling	Operations
Name	Division	Department

ACTION REQUIRED: Approve budget and authorize new commercial roll-off expansion.

COST TO CITY:

$1,173,208.00		Commercial Expansion
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used to Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ___ Budgeted Item ___ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager Date

ADA Coordinator Date

City Attorney Date

Internal Auditor Date

Purchasing Officer Date

STAFF RECOMMENDATION: Approve new program and budget.

Hugh Earnest 2-6-03
~~Division Head~~ CAO Date

Gary Dumas 1-31-03
Department Director Date

2-6-03
Administrative Services Director Date

Dan Coody 2/7/03
Mayor Date

Cross Reference

New Item: __ Yes __ No

Prev Ord/Res #: ________

Orig Contract Date: ______

STAFF REVIEW FORM

Description **Commercial Expansion** Meeting Date 2-18-03

Comments:

Budget Coordinator

Reference Comments:

Accounting Manager

Reference Comments:

City Attorney

Reference Comments:

Purchasing Officer

Reference Comments:

ADA Coordinator

Reference Comments:

Internal Auditor

Reference Comments:

To: Gary Dumas

From: Travis Dotson

CC: Carrol Hill

Date: Friday, January 31st, 2003

Subject: Commercial Solid Waste and Recycling Exclusive Municipal Franchise

Background:

In August 2002, the Staff and City Council discussed the implementation of an exclusive franchise for all waste hauling and recycling services within the City of Fayetteville. Pursuant to that discussion on August 20 2002, resolution #131-02 was adopted. This resolution and accompanying background report (attached) authorized the staff to begin a process to implement an exclusive waste and recycling franchise within the City of Fayetteville. In that background report was a calendar of events which must occur for implementation. The staff has been proceeding along that timeline, but Council action is necessary to approve the budget for this program before equipment can be ordered and additional staff hired and trained for an implementation date of September 1, 2003.

Staff has finalized inventory of accounts and service levels needed for commercial expansion of waste services. Staff has prepared routing options and determined equipment, vehicles, and personnel requirements. It is now necessary to begin the purchasing process for this September start date. Additional staff necessary for this start-up will be hired shortly before September 1, but given enough time for necessary training.

Discussion:

Beginning September 1st, staff estimates that within the first year the Division will acquire 39 accounts. Staff has concluded through inventory and service levels, that purchases of 20 compactors of various styles and sizes, 23 receiver boxes, and approximately 93 additional open top containers of various sizes will be needed, however we will only order open top containers as the need arises. The service levels will total approximately **4262** calls annually. The current market price for these containers is estimated at $537,500. The Division will also require four additional roll-off trucks at $130,000 each for a total capital investment for the first year of $1,057,500.

Through the current equipment leasing structure, the capital investment plus 8% interest will be recovered in eight years.

Solid Waste and Recycling Division
1560 Happy Hollow Road.
Fayetteville, Arkansas 72701

Telephone: 479-575-8398
Fax: 479-444-3478
Email: tdotson@ci.fayetteville.ar.us

Operating costs are estimated at $635,708 annually which includes cost of the trucks, fleet maintenance, electrical installation, minor equipment, office personnel, drivers, administrative costs, depreciation on fixed assets, and a fund for building expansion. We estimate that first year gross revenue will be $639,300. Gross revenue will exceed operating expenses by $3,592 in the first year. This program will be self supporting.

We will support the gross revenue from above with our current pricing structure. In comparison, our competition charges, for one service call in a given month, a low of approximately $355. This price includes lease, delivery and disposal. Our current load rate for one service call in a month is **$182** plus disposal. The disposal rate is a pass through charge of $29.20 per ton. The average load weight is approximately **3.50** tons, resulting in an average savings of **$70.80** to customers in Fayetteville.

In comparison, the load rates in our surrounding communities range upward to $530 for the same service available from the Fayetteville Solid Waste and Recycling Division for **$284.20.**

Last year Division staff had the capacity to service 1,100 commercial calls. We estimate with citywide takeover our market volume will become four times that of last year's volume. Therefore, with each step increase of 1,100 accounts an additional driver and truck will be required.

Budget:

This program will be totally funded by user revenue. Capital acquisition will be made through the use of Amendment 78 and the leasing and short-term debt options which it provides. The Finance and Internal Services Director will be providing a briefing on this issue within the next four weeks. That briefing and any necessary Council action should not delay this bid process. Given vehicle delivery timeframes the request for bids should be authorized at this time and if problems occur with the leasing and short-term debt options, the bids can be rejected or other financing options can be proposed.

Recommendations:

Estimation of arrival of new commercial trucks is six months. Staff recommends approval of capital expenditures so solicitation of bids for new trucks can begin and approval of the staffing plan.

Background information concerning proposed budget

The Solid Waste and Recycling Division currently services 10 permanent accounts. The staff anticipates that this will increase to 49 permanent accounts after consolidation of large commercial waste hauling.

The current 10 permanent accounts generate a workload of 366 service requests per year. All but one of these accounts are serviced twice per month. The remaining one is serviced three times per week. A conservative assumption has been made that the mode of service requests per account will remain fairly constant at two service requests per month. With that assumption, the total number of service requests for permanent accounts will be 1,302.

Following the same logic, the Solid Waste and Recycling Division has served approximately 1/4 of the temporary container market; extrapolating then, the number of service request anticipated for temporary placements is 2,960 for the first year of operation.

1. # of new permanent accounts	39
2. # of existing permanent accounts	10
Total # of Permanent accounts after acquisition	**49**
3. # of service requests/year on existing permanent	366
4. # of service requests/year estimated for new permanent	936
Total # of service requests after acquisition permanent placements	**1,302**

1. # of *service requests* for old temporary accounts	740
2. # of *service requests* estimated for temporary placements *assuming we had ¼ of the current market*	**2,960**

The total number of service, for temporary and permanent accounts, is estimated to be 4,262 per year.

Operational Needs for Roll Off Service Business Line

The current work load of 1,106 service requests are handled by one driver. This is the maximum for one driver without substantial overtime. In order to handle the additional service requests three additional drivers will be required plus a relief driver to cover vacation and sick leave. In addition, support staff will be necessary to serve these accounts.

The labor and equipment needs are as follow to be able to provide 4,262 requests for service.

Labor Needs	**Costs**
1 Current Driver 3 New Drivers 1 New Relief Driver 1 New Secretary 1 New Financial Coordinator 1 New Dispatcher ½ of Current Commercial Rep ½ of Current Crew Leader	$312,554
Other Needs	
Minor Equipment	$17,490
Electrical Install for Compactors	$40,000
Annual Vehicle and Fleet Costs for 5 trucks	$173,986
Administrative Costs	$27,678
Depreciation on Fixed Assets	$50,000
Building Expansion Costs	$15,000
Total Annual Operating Costs	**$635,708**

Equipment needs

20 New Compactors (avg. *of $11,000/container*):	$220,000.
23 New Receiver Boxes (*avg. of $4100/container*):	$94,300.
93 New Open Tops/Temp. Service (*avg. of $2400/container*)	$223,200.
Total	**$537,500**

Solid Waste and Recycling Division
1560 Happy Hollow Road.
Fayetteville, Arkansas 72701

Telephone: 479-575-8398
Fax: 479-444-3478
Email: tdotson@ci.fayetteville.ar.us

The total equipment, capital and personnel needs for the first year of operation are $1,173,208. The equipment costs will be recovered through leases to customers. The return from the lease will include the cost of capital, plus a repair and replacement fee. This will return cost plus 8% in 96 months. This expense is not included in the annual operating costs which are $635,708.

Average Charge/Service Call (plus disposal)	$150.00
# Estimated Service Calls	**4,262**
GROSS REVENUE – 1st YEAR	***$639,300***
Total Cost per year to operate	**$635,708**
Total Gross Revenue per year	***$639,300***
NET REVENUE	***$3,592***

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council

From: Carrol Hill

Thru: Gary Dumas

Date: August 8, 2002

Subject: Commercial Solid Waste and Recycling Exclusive Municipal Franchise

Background

At the Council meeting of August 6, 2002 the City Council concurred with the Administration recommendation to proceed with the development of a plan of action to incorporate all municipal solid waste activities into a consolidated waste management program. This program would include the provision of all municipal solid waste and recycling services by the City of Fayetteville.

The purpose of this consolidation is twofold: first to allow a full range of recycling options to all businesses and residents in a coordinated effort to reduce landfill utilization and second to assure the financial stability of the solid waste and recycling program of activities and to maintain an affordable residential rate structure.

Discussion

The City Council is well aware that the City of Fayetteville is the exclusive provider of municipal trash service to residents and small commercial container users. This change will expand exclusivity to all municipal trash and recycling collection and hauling within the City of Fayetteville.

In order to accomplish this transition there are two options. The first option is an immediate transition in which all service will be provided by the City. This immediate transition will require that the Solid Waste and Recycling Division contract for additional equipment, vehicles, and manpower for 120 to 180 days as the Division ramps up to be able to provide uninterrupted convenient and efficient service. A bid package soliciting this service has been developed and will be ready for distribution August 21. The second option is to provide a 12 month period in which the private haulers can continue to provide their services while the City acquires the necessary assets to implement service at the end of the 12 month notice period.

RES. 131-02

Plan of Action

Option 1, Immediate Transition.

1. Prepare and release bid package for short-term equipment, vehicles, and personnel services. Completed August 30, 2002.
2. Finalize inventory of accounts and service level needs. Completed September 16, 2002.
3. Hire contract services and equipment. Completed October 1, 2002.
4. Prepare routing options and determine equipment, vehicles, and personnel requirements. Completed October 4, 2002.
5. Bid equipment and vehicles . Completed October 11, 2002
6. Hire and train necessary staff. Completed January 3, 2003.
7. Equipment and vehicles delivered. Completed January 10, 2003.
8. Install equipment. Completed January 20, 2003.
9. Begin service. Completed January 21, 2003.

Option 2, Twelve Month Transition.

1. Finalize inventory of accounts and service level needs. Completed January 20, 2003.
2. Prepare routing options and determine equipment, vehicles, and personnel requirements. Completed February 3, 2003.
3. Bid equipment and vehicle. Completed April 4, 2003.
4. Hire and train necessary staff. Completed August 1, 2003.
5. Equipment and vehicles delivered. Completed August 1, 2003.
6. Install equipment. Completed August 19, 2003.
7. Begin service. Completed August 20, 2003.

Recommendation

Staff Option 2 and recommends approval of the resolution setting forth this Plan of Action.

RESOLUTION NO. 131-02

A RESOLUTION ADOPTING AN ACTION PLAN FOR THE IMPLEMENTATION OF A CONSOLIDATED WASTE MANAGEMENT PROGRAM; AND AUTHORIZING COMPETITIVE BIDDING FOR HAULING SERVICES AND CONTAINER RENTAL TO ACHIEVE SHORT-TERM IMPLEMENTATION OF THE PLAN.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby adopts an Action Plan for the implementation of a Consolidated Waste Management Program, as set forth in Option 2 of Attachment "A," attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby authorizes competitive bidding for hauling services and container rental to achieve short-term implementation of the plan.

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

APPROVED:

By: Dan Coody
DAN COODY, Mayor

ATTEST:

By: Heather Woodruff
HEATHER WOODRUFF, City Clerk

RESOLUTION NO. ______

A RESOLUTION AUTHORIZING THE HIRING OF SEVEN (7) ADDITIONAL FULL-TIME EMPLOYEES TO IMPLEMENT A NEW COMMERCIAL COMPACTOR AND DROP BOX PROGRAM.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby authorizes the hiring of seven (7) additional full-time employees to implement a new commercial compactor and drop box program.

PASSED and **APPROVED** this 18th day of February, 2003.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

RESOLUTION NO. _____

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.

WHEREAS, the City of Fayetteville desires to commence a street improvement project on a portion of Old Missouri Road; and

WHEREAS, certain portions of land are needed for easements and rights-of way to commence said project; and,

WHEREAS, the owners of these lands have declined to accept the fair market value for these lands, as determined by a professional appraisal; and,

WHEREAS, the City wishes to avoid further delays in the construction schedule for this project.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby authorizes the City Attorney to file suit forthwith seeking court ordered 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 to commence Old Missouri Road improvements.

PASSED and **APPROVED** this 18th day of March, 2003.

APPROVED:

____
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

Old Missouri Road
B. 4. Page 2

Kit - Kit said should have been on Jan 7 Agenda was not so hold until Greg Boettcher decides what to do

Tabled 11-19-02 + 12-03-02 tabled 12-03-02 to Jan 7, 03 pulled from Jan 7, 03 tentative agenda. Not on Jan 7 - FINAL

STAFF REVIEW FORM

_____ Contract Review
_____ Grant Review

For the Fayetteville City Council Meeting of November 19, 2002

FROM:

Jill Goddard	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED: Passage of an ordinance authorizing the City Attorney to seek possession of certain lands located along Old Missouri Road in the city of Fayetteville, Arkansas, by the Power of Eminent Domain, in association with the required right-of-way and easements for the Old Missouri Road Improvements. Such property is owned by JTK Trust (part of Parcel No. 765-16065-012).

- Jan. 7, 2003 minutes -

COST TO CITY:

$5,825.00	$ 1,387,369	Old Missouri Road Improvements
Cost of this Request	Category/Project Number	Category/Project Name
4470-9470-5809-00	$ 199,591	Street Improvements
Account Number	Funds Used to Date	Program Name
00050-30	$ 1,187,778	Sales Tax Capital
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	11/1/02	Nancy Smith	11/1/02
Accounting Manager	Date	Internal Auditor	Date
	11/1/02		
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Have been unable to reach agreement with property owners for reasons as explained in the following memorandum. Staff recommends condemnation approval, along with an emergency clause, on this property such that initiation of this project will not be further delayed.

Jim Beavers	10-31-02
Division Head	Date
Greg Boettcher	10-31-02
Department Director	Date
	11-1-02
Administrative Services Director	Date
Dan Coody	11/04/02
Mayor	Date

Cross Reference

New Item: X Yes _____ No

Prev. Ord/Res. #: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

STAFF REVIEW FORM

Description Condemnation – Old Missouri Road Improvements Meeting Date November 19, 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: October 31, 2002

TO: Fayetteville City Council

THRU: Dan Coody, Mayor
Kit Williams, City Attorney
Greg Boettcher, Public Works Director Greg Boettcher
Jim Beavers, City Engineer Jim Beavers

FROM: Jill Goddard, Land Agent JG

SUBJECT: Old Missouri Road Improvements
Project No. 00050
JTK trust (Parcel No. 765-16065-012)

The City has been acquiring right-of-way and easements along Old Missouri Road for street improvements to be constructed in conjunction with the approved and funded C.I.P. project.

A council agenda item seeking possession through the courts of the proposed right-of-way and easement areas from Parcel No. 765-16065-012 owned by the JTK Trust was initially slated to be on the September 17, 2002, agenda. However, this item was pulled at agenda session on September 10, 2002, to allow the property owner time to have an independent appraisal of his property prepared (at his expense), in an effort that a negotiated agreement could be reached.

We are, as of the date of this memo, in receipt of a counter offer from the JTK Trust (James Keenan, Trustee) through his attorney, Charles Trantham, the amount to be based upon a land value of $100,000.00 per acre (as per his appraisal as prepared by Mark Risk of the Real Estate Consultants). Our offer amount was based upon an independent appraisal received from Tom Reed of Reed and Associates on April 10, 2002. Using Mr. Reed's values, the offer amount was:

Right-of-way:	11,042 sq. ft. @ $0.50/sq. ft. (or $21,780/acre)	=	$5,525.00
Temp. Esmt.:	5,347 sq. ft @ $0.50/sq.ft. x 10%	=	300.00
			$5,825.00

Mr. Keenan's counter offer as based on $100,000.00 per acre would be:

Right-of-way:	11,042 sq. ft. @ $100,000/acre	=	$25,350.00
Temp. Esmt.:	5,347 sq. ft @ $100,000/acre x 10%	=	1,230.00
			$26,580.00

Time is of the essence in that there have been many unforeseen delays on this project and this is the final acquisition. (Only one other property owner has yet to sign and that proposal went out today. It is in regard to a relocated driveway that has been coordinated with the property owner and we do not foresee any problem with their agreeing to the proposal. The original driveway relocation idea was rejected by the adjacent property owner whose land would have been crossed by the driveway by his refusing to grant an access easement.)

An order of possession can be obtained by the City Attorney's office for this property so that the project can be put out for bid and construction can subsequently start. A negotiated settlement can then be reached before the actual court date.

OLD MISSOURI ROAD IMPROVEMENTS

CASE HISTORY

JTK Trust
James T. Keenan and James F. Keenan, Trustees
c/o Charles Trantham, Attorney
157 E. Colt Drive
Fayetteville, AR 72703

Parcel No. 765-16065-012

Proposed right-of-way acquisition: 11,042 square feet
(approx. 20' strip along Old Missouri Road)
Proposed temporary construction easement: 5,397 square feet

DATE	COMMENTS
5/21/2001	Letter mailed announcing public meeting on May 29, 2001.
5/29/2001	No representative at meeting.
10/3/2001	Letter mailed announcing public meeting on October 30, 2001.
10/30/2001	No representative at meeting.
4/10/2002	Received appraisal from Reed and Associates for proposed acquisition.
5/15/2002	Received revised exhibit from Garver Engineers. It was decided, in an effort to lower acquisition costs and to limit acquisition to just this phase of construction (and after the appraisal was prepared), to widen right-of-way acquisition slightly (but not acquiring all the way to Old Wire Road: and eliminate the permanent easement.
5/16/2002	Offer letter, packet of information, and documents for execution mailed to P.O. Box 494 (address in county assessor's records).
5/20/2002	Packet returned as not deliverable. Mailed out to Charles Trantham, attorney for the Keenans in the past.
6/21/2002	Jill Goddard called Mr. Trantham to talk about the project. Left message for Mr. Trantham to call.
7/5/2002	Jill Goddard called Mr. Trantham to talk about the project. Left message for Mr. Trantham to call.
7/15/2002	JSG told by City Engineer that Dave Jorgensen was doing some engineering work for the Keenans and that Mr. Jorgensen had some questions regarding Old Missouri Road Improvements.
7/19/2002	Mr. Jorgensen came in to go over plans. Said he is in contact with the Keenans and will recommend that they sign the documents as the project is in their best interest.

CASE HISTORY
JTK Trust
Page 2 of 2

7/23/2002	JSG called Chuck Trantham. He said packet has been given to Keenans. He is to check on progress and call.
7/29/2002	JSG called Dave Jorgensen. He will encourage again.
8/9/2002	Notification letter from Greg Boettcher, Public Works Director, packet of information, and documents for execution mailed in care of Charles Trantham.
8/12/2002	Delivery confirmation (USPS) of notification letter and packet.
8/26/2002	Deadline of response (as outlined in letter dated 8/5/2002 and mailed 8/9/2002). No contact form Keenans at all. No contact from Trantham since 7/23/2002. Verbally have been told that Keenans are not happy about access onto the far east end of Farr Lane from new improvement on their property and will not sign Old Missouri documents accordingly.
8/28/2002	Packet prepared for City Council Meeting on September 17, 2002, to seek possession of right-of-way and easement through the courts.
9/9/2002	JSG talked to James F. Keenan. He is not happy with City's appraised amount and may make counter offer. He said he will also meet with Dave Jorgensen to walk off area involved.
9/10/2002	Mr. Keenan talked to Kit Williams (afternoon of agenda session) and Mr. Williams agreed to pull item from agenda to allow Mr. Keenan time to get an appraisal.
10/25/2002	JSG told to call Keenans and see if they had received appraisal. Item to be placed on November 19, 2002 council meeting agenda to seek possession. JSG talked to Mrs. Keenan, Mr. Keenan to call back.
10/29/2002	Mr. Keenan called. Has received appraisal for land value of $100,000 per acre. He will have Mr. Trantham draft a counter offer. JSG told Mr. Keenan that item seeking possession is slated to be on November 19 agenda, but could be pulled if agreement reached before meeting or that agreement could be reached after order of possession is obtained and before court date.
10/30/2002	Mr. Trantham called. Will be faxing counter offer (to the attention of Mr. Boettcher) on 10/31/2002. JSG told Mr. Trantham, also, that item will be on November 19 agenda seeking possession.
10/31/2002	Received faxed counter offer. As based on $100,000 per acre, counter offer would amount to total of $26,580.00. Original offer was $5,825.00.

2/4/03 Tabled until 2/18/03
2/18/03 was not presented.
3/18/03 City Council Meeting

Date: January 22, 2003

To: The Mayor and City Council

From: Hugh Earnest
Chief Administrative Officer

Subject: Issuance of Public Facilities Bonds

Background

In September of 2001, a rezoning request for 19.39 acres located on the southwest corner of 15th Street and Beechwood Avenue was initiated by the agent of record on the project Mr. Bill McClard. The Planning Commission approved the rezoning request on September 24, 2001. The City Council, after considerable discussion with the then developer of the site, Mr. Tom Broyles, and several in-depth discussions with various neighborhood groups as to what the final design and layout would look like, approved the rezoning from I-1 Heavy Commercial-Light Industrial to R-2 Medium Density Residential on December 4, 2001. During several meetings with interested parties, Mr. Broyles presented a fairly detailed drawing of the proposed development and committed to a number of issues relative to stormwater retention, commitment of greenway and trail corridors and the number of apartments to be built. It was clearly understood in all the conversation before the Commission and Council that the underlying rationale behind these apartments was student housing.

Current Situation

There was little or no activity on this site until the last several months. What has occurred since this item was publicly discussed is the following. Mr. Tom Broyles is no longer a principal participant in this particular parcel. Rather, Ford Waters from the Memphis area, is now the developer of record. As part of that role, he has been discussing a much closer working arrangement with the University of Arkansas than was originally contemplated during the discussions in 2001. A key part of that working arrangement is an agreement in principle between the University and the developer that he will develop the complex for the University and that the University will have a third party issue the bonds for the construction. That third party is the Public Facilities Board of the City of Fayetteville.

Recommendation
In order for this important addition to the University's housing capacity to occur, it will be necessary for the Council to approve the issuance of tax exempt bonds by their Public Facilities Board. It will also be necessary for the City enabling ordinance to be amended to enable the Board to issue bonds for student housing. This particular financial arrangement is being requested by the parties because it is the best financing package available to the University. As with other bonds issued by the Public Facilities Board, there is no financial liability incurred by the City.

Mr. Jim McCord, who serves as Counsel to the Public Facilities Board, will be at the agenda meeting to answer any questions the Council may have. We have also asked Dr. Pederson from the University to attend the Council meeting on February 4th. The Council should also be aware that the ordinance as drafted clearly requires the developer to follow all City regulations and requirements in the construction of this large complex.

STAFF REVIEW FORM

Bid Waiver/Krushiker
C. I. Page I

X AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council Meeting of: March 18,2003

FROM:

Name	Division	Department
Matt Casey	Engineering	Community Planning and Engineering

ACTION REQUIRED: Approval of a cost-share and bid waiver in the amount of $ 25491.00 with Narendra Krushiker for the construction of approximately 650 feet of 8" water main.

COST TO CITY:

$25,491.00	$ 176,380.00	Water & Sewer Cost Sharing
Cost of this request	Category/Project Budget	Program Category / Project Name
5400.5600.5808.00	$ 26,380.00	Water & Sewer Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02067	$ 150,000.00	Water & Sewer Fund
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Manager — Date: 2-24-03
Administrative Services Director — Date:

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

Accounting Manager — Date: 2/21/03
Internal Auditor — Date: 2/24/03

The last section on the first page of the memo is somewhat fuzzy but everything else looks ok

City Attorney — Date 2-21-03
ADA Coordinator — Date

Purchasing Manager — Date: 2-21-03
Grant Coordinator — Date

STAFF RECOMMENDATION: Staff recommends approval of the cost share and bid waiver.

Division Head — Date: 02-19-03
Department Director — Date: 2-20-03
Administrative Services Director — Date: 2-5-03
Mayor CAO — Date: 3/4/03

Cross Reference

New Item: Yes No

Previous Ord/Res#: ______

Orig. Contract Date ______

Orig. Contract Number ______

Bid Waiver/Krushiker
C. 1. Page 2

Staff Review Form - Page

Description Narendra Krushiker Water Line Replacement Cost-Share Meeting Date March 18,2003

Comments: Reference Comments:

Budget Manager

Accounting Manager

there is no account 5400-5600-5608-00 - Need to find an active acct.

Should be 5808,00 I have changed it on agenda

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

FAYETTEVILLE

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

TO:	**Mayor Dan Coody**
	Fayetteville City Council
THRU:	**Tim Conklin, Director CPE** T.C.
	Jim Beavers, Engineering
FROM:	**Matt Casey, Staff Engineer**
DATE:	**February 12, 2003**

Proposed Cost Share in the amount of $25,491.00 with Narendra Krushiker for the installation of approximately 650' of 8" water main from Sixth Street to the north.

BACKGROUND:

The large scale development for the Hampton Inn is located on the northwest corner of Sixth Street and I-540 behind the University Square Shopping Center. As a part of this development, the developer is extending an 8" water line across the site to connect with an existing water line that is on the west side of the shopping center.

The Engineering Division was informed by David Jurgens of the Water and Sewer Division that the existing line that the developer will be connecting to is in very poor condition. The line is deteriorating, and there have been numerous repairs over the past few years on it. The developer, who also owns the adjacent shopping center on which the line is located, has agreed to include this water main replacement in the construction of his required improvements.

CURRENT STATUS:

On August 3, 2002, the Planning Commission approved the Large Scale Development for the Hampton Inn. The site grading has begun for the project, but construction of the new waterline is on hold until the cost-share has been discussed by the City Council.

RECOMMENDATION:

Staff recommends that the City cost-share with Narendra Krushiker to construct the 650 feet of 8" water main to replace the existing line along this property. The City will be paying for the replacement of the existing line and the developer will pay for the new mains to serve the development. Construction bid amounts have been provided to the City for these improvements by Mr. Krushiker's engineer as follows:

City	$ 23,173.70
Narendra Krushiker	$ 30,794.50
Total	$ 53,968.20

An additional 10% has been added to the construction cost as a contingency in case of unforeseen construction issues. With the addition of the $2,317.30 contingency, the total requested funds for the cost share is $25,491.00.

Based upon the information provided by the Budget & Research Division, there is a remaining balance of $150,000.00 in the Water and Sewer Cost Sharing Account.

The final costs to the City will be based upon actual costs as documented by Narendra Krushiker subject to review by the City and may, or may not exceed the submitted bid amount. However, the City's share will not exceed the bid amount without additional authorization.

Enclosures:

Staff Review Form
Vicinity Map
Construction Drawing
Cost-Share Agreement
Purchase Requisition
Vendor Request Form

CONTRACTUAL AGREEMENT

This Agreement, made and entered into this ____________________, by and between the City of Fayetteville, Arkansas and Narendra Krushiker, Witnesseth:

WHEREAS, Narendra Krushiker has hired a contractor to construct approximately 300 feet of 8" water main to complete a loop and additional waterlines to provide fire protection for the construction of a new hotel; and

WHEREAS, the City has an existing 6" water main that will be connected to with this development; and

WHEREAS, approximately 650 feet of the existing line was found to be deteriorated; and

WHEREAS, it will benefit both parties to replace this portion of water main at the same time by the same contractor.

NOW, THEREFORE, the City of Fayetteville and Narendra Krushiker agree as follows:

1. Upon the City Council approving the Water Main Cost-Share, the City of Fayetteville agrees to:

   A. Pay for the actual documented construction costs & inspection costs for approximately 650 L.F. of 8" water main from Highway 62 (Sixth St.) north to the northwest corner of the University Square Shopping Center as shown on the plans prepared by Narendra Krushiker's Engineer.

   B. Pay a maximum-not-to-exceed cost of $25,491.00 for the afore mentioned water main construction as was provided by Narendra Krushiker's Engineer and made a part of this agreement.

   C. Reconsider the costs if the future and actual construction & inspection prices exceed the maximum-not-to-exceed amount that was furnished by Narendra Krushiker's Engineer. The contractual agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to proceeding with construction.

   D. Make all efforts to provide payment to Narendra Krushiker within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.

2. Narendra Krushiker agrees to:

   A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable water main installation.

   B. Provide a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor upon acceptance of the water main installation.

   C. Not proceed with the proposed construction unless/until the proposed contractual agreement is approved by the City Council and signed by the Mayor.

3. It is further understood that the contract for construction is between Narendra Krushiker and his Contractor & Engineer and that the City has no contractual obligation with either the Contractor or the Engineer. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of $25,491.00 for the water main installation.

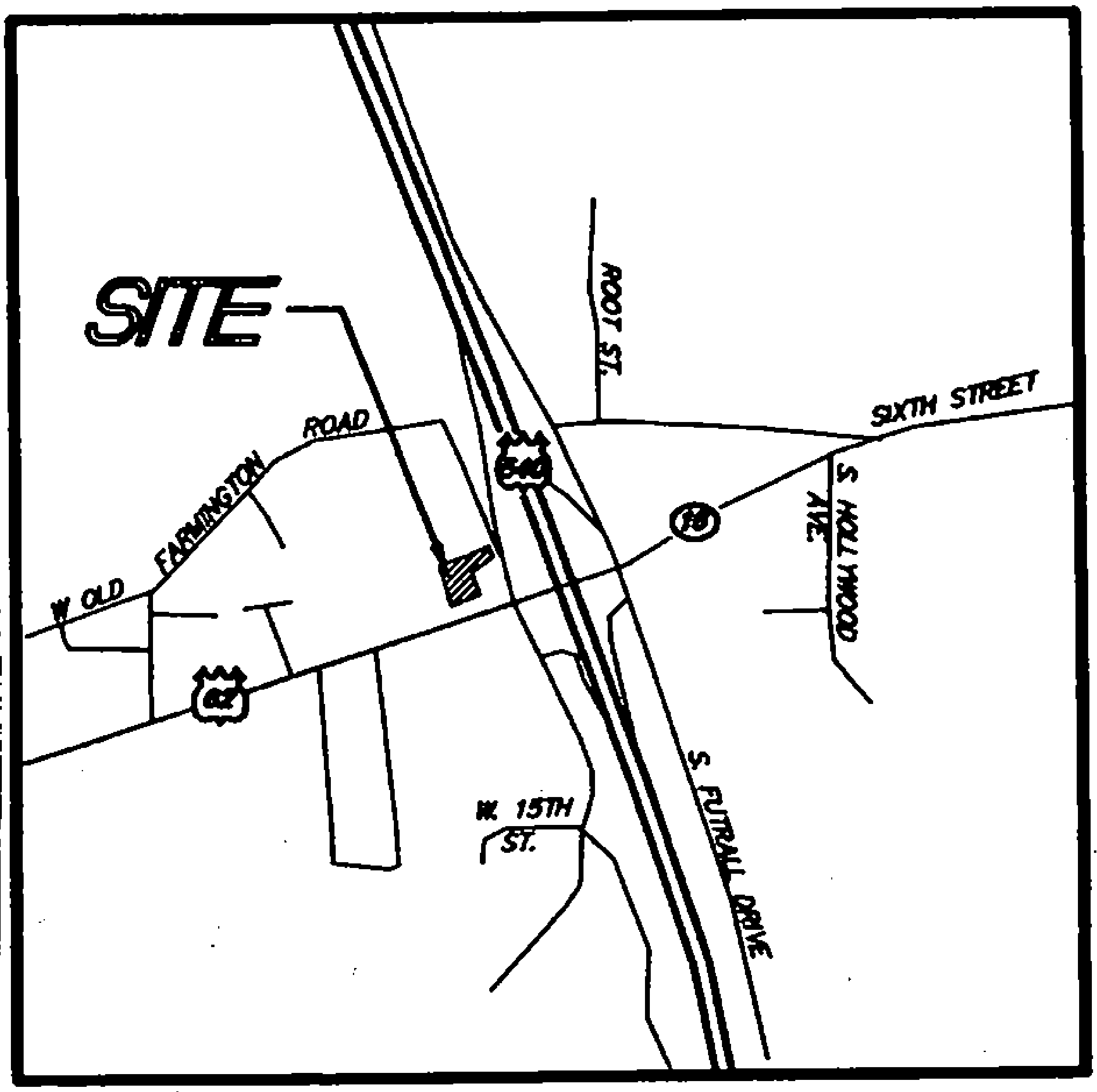
IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE SIGN BELOW:

CITY OF FAYETTEVILLE	NARENDRA KRUSHIKER
By:____________________	By: Narendra m Krushiker
DAN COODY, Mayor	

ATTEST:

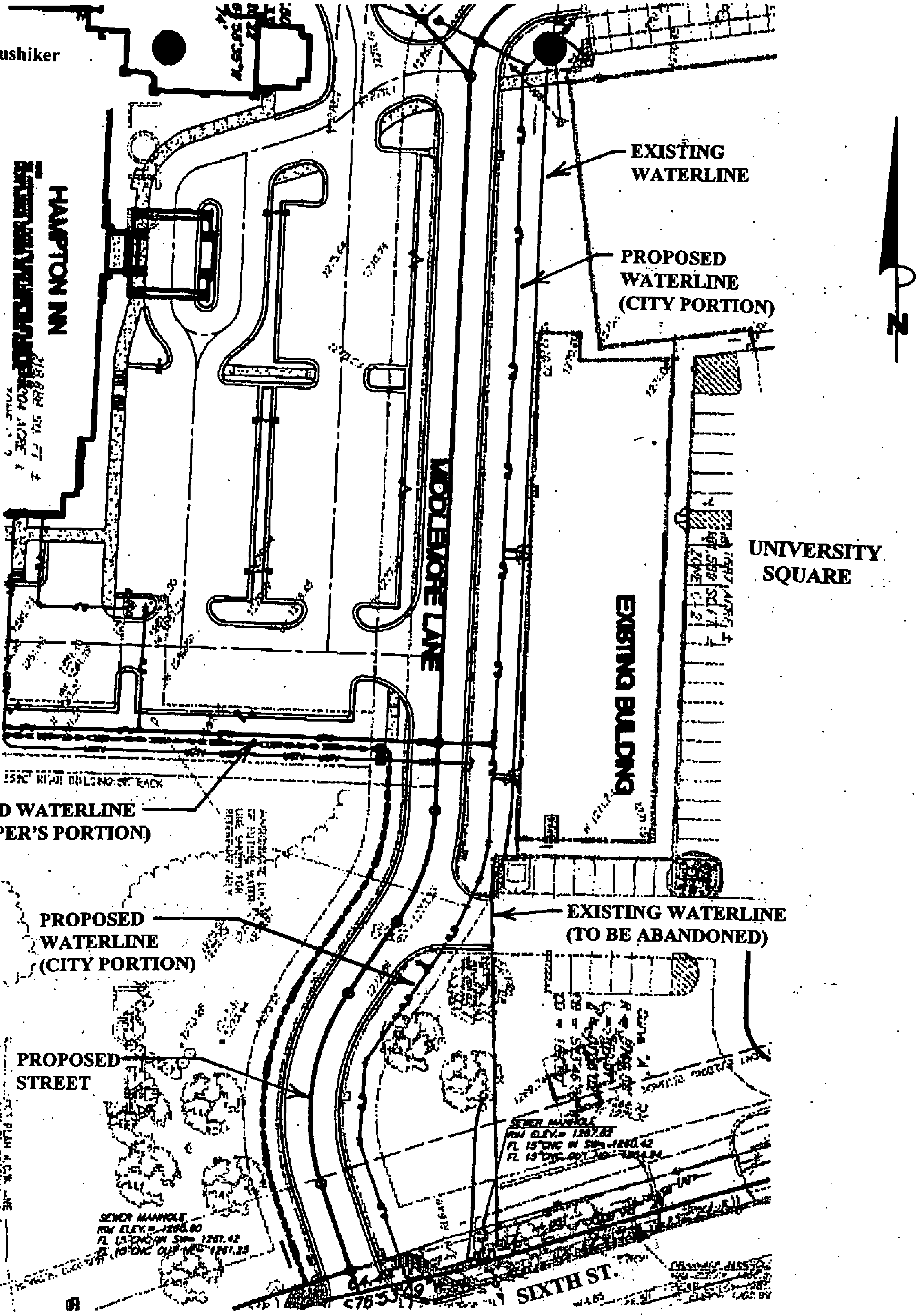
By:____________________

City Clerk



Vicinity Map

NOT TO SCALE


EXISTING WATERLINE
PROPOSED WATERLINE (CITY PORTION)
HAMPTON INN
MIDDLEMORE LANE
UNIVERSITY SQUARE
EXISTING BUILDING
PROPOSED WATERLINE (DEVELOPER'S PORTION)
PROPOSED WATERLINE (CITY PORTION)
EXISTING WATERLINE (TO BE ABANDONED)
PROPOSED STREET
SIXTH ST.
N

Bid Waiver/Krushiker
C. 1. Page 9

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

Requisition No.:				Date: 2-12-03
P.O. Number:				Expected Delivery Date: ASAP
Ve[ndor]: New	Vendor Name: NARENDRA KRUSHIKER		Mail: Yes ___ No X	
Ad[dress]: PO BOX 7479		FOB Point:	Taxable: Yes ___ No ___	
Ci[ty]: SPRINGDALE	State: AR	Zip: 72766	Ship To Code: 090	Division Head Approval:
Requester: Matt Casey			*Requester's Employee#: 2119	Extension: 429

Item	Description:	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number:	Project/SubProject Number:	Inventory #	Fixed Asset #
1	Cost-Share Water Line Replacement for New hotel at University Square Shopping Center (650 LF of 8" Water Main from Sixth Street North to the NW corner of Shopping Center)				$25,491	5400-5600-5808.00	02067		
	SHIPPING/HANDLING								

Special Instructions: PLEASE RETURN PO TO ENGINEERING

Subtotal: $25,491.00

Tax: ___

TOTAL: ___

Approvals: (for purchasing office use only)

Mayor: ___ Department Director: ___ Purchasing Manager: ___

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

ORDINANCE NO.________________

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE AGREEMENT WITH NARENDRA KRUSHIKER IN THE AMOUNT OF $23,173.70 TO INSTALL 650 FEET OF 8-INCH WATER LINE NORTH FROM SIXTH STREET; AND APPROVING A TEN PERCENT (10%) PROJECT CONTINGENCY.

WHEREAS, the Fayetteville Planning Commission has approved the Large Scale Development of a new Hampton Inn adjacent to the University Square Shopping Center, and;

WHEREAS, as part of the project, the developer, Narendra Krushiker is required to extend an 8-inch water across the building site in order to connect to an existing City line, and;

WHEREAS, the existing City water line is badly deteriorated and in need of replacement, and;

WHEREAS, entering into a cost-share agreement with Narendra Krushiker and utilizing his engineer and contractor will avoid the added cost and unnecessary duplication of effort which would arise from the formal competitive bidding process, and;

WHEREAS, the City Council finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby waives the requirements of formal competitive bidding and approves a cost-share agreement with Narendra Krushiker in the amount of $23,173.70 to install 650 feet of 8-inch water line north from Sixth Street.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a ten percent (10%) project contingency.

PASSED AND APPROVED this 18th day of March, 2003.

APPROVED:

By:_______________________________
DAN COODY, Mayor

ATTEST:

By:_______________________________
SONDRA SMITH, City Clerk

STA[illegible] AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF March 18, 2003

FROM: Planning Division

Tim Conklin, AICP, Director of Community Planning and Engineering Services

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ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

RZN 03-6.00: Rezoning (Brophy, pp 291) was submitted by Bill Rudasill on behalf of Ralph Brophy for property located north of Township and east of 71B. The property is zoned C-2, Thoroughfare Commercial and contains approximately 0.74 acres. The request is to rezone to R-3, High Density Residential.

APPROVED FOR AGENDA:

Director of Community Planning & Engineering Services	3-5-03 Date
City Attorney	3-5-03 Date
Chief Admin. Officer	3-5-03 Date
Mayor	Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

City Council Meeting of March 18, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO:	Mayor Dan Coody Fayetteville City Council
FROM:	Dawn T. Warrick, AICP, Senior Planner
THRU:	Tim Conklin, AICP, Community Planning & Engineering Services Director
DATE:	March 5, 2003

RZN 03- 6.00: Rezoning (Brophy, pp 291) was submitted by W.B. Rudasill on behalf of Ralph Brophy for property located north of Township and east of 71B. The property is zoned C-2, Thoroughfare Commercial and contains approximately 0.74 acres. The request is to rezone to R-3, High Density Residential.

BACKGROUND:

The subject property is located north of Township Road and east of College Ave. It adjoins commercial properties that front on College Ave. and extend eastward. This tract was previously platted, with adjoining residential property for development of town homes or condominiums however, the development was never installed.

The C-2, Thoroughfare Commercial zoning designation was applied to a 350' wide strip of land adjacent to College Ave. with the comprehensive zoning adopted by the City in 1970. The subject property is currently split zoned with a portion located within the C-2 district and the reminder in the R-3 district.

The applicant proposes to unify the zoning of the property by requesting that the portion currently located in the commercial district be rezoned to R-3, High Density Residential.

CURRENT STATUS:

On March 3, 2003, the Planning Commission voted 8-0-0 to recommend to the City Council approval of the requested rezoning.

RECOMMENDATION:

Staff recommends approval of the requested rezoning from C-2 to R-3.

ORDINANCE NO. ______

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 03-6.00: REZONING (BROPHY, PP 291) AS SUBMITTED BY BILL RUDASILL ON BEHALF OF RALPH BROPHY FOR A PARCEL CONTAINING APPROXIMATELY 0.74 ACRES LOCATED NORTH OF TOWNSHIP AND EAST OF HWY. 71B, FAYETTEVILLE, ARKANSAS, FROM C-2, THOROUGHFARE COMMERCIAL TO R-3, HIGH DENSITY RESIDENTIAL.

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 C-2, Thoroughfare Commercial to R-3, High Density Residential as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this ______ day of ___________, 2003.

APPROVED:

DRAFT

By:_____________________
DAN COODY, Mayor

ATTEST:

By: ________________________
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 03-6.00

A PART OF THE SE ¼ OF THE SW ¼ AND A PART OF THE SW ¼ OF THE SE ¼ OF SECTION 35, TOWNSHIP 17 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID SE ¼ OF THE SW ¼ OF SECTION 35, TOWNSHIP 17 NORTH, RANGE 30 WEST RUN THENCE N89°54'55"E 78.62 FEET; THENCE S24°26'49"W 167.69 FEET; THENCE S18°40'18"W 57.89 FEET; THENCE S20°12'40"E 45.50 FEET; THENCE S89°50'22"W 30.18 FEET; THENCE S18°40'18"W 522.14 FEET; THENCE S64°33'17"W 28.44 FEET; THENCE N00°04'23"E 219.99 FEET; THENCE N89°48'39"E 63.58 FEET; THENCE N03°16'02"E 86.47 FEET; THENCE N03°37'14"E 149.86 FEET; THENCE N05°22'35"E 50.71 FEET; THENCE N89°50'22"E 109.84 FEET; THENCE N89°50'22"E 30.18 FEET; THENCE N20°12'40"W 45.50 FEET; THENCE N20°12'40"W 167.41 FEET; THENCE N89°50'22"E 56.84 FEET; THENCE N01°02'05"W 50.10 FEET; THENCE N89°47'38"E 11.21 FEET TO THE POINT OF BEGINNING.

RZN 03-6.00: Rezoning (Brophy, pp 291) was submitted by Bill Rudasill on behalf of Ralph Brophy for property located north of Township and east of 71B. The property is zoned C-2, Thoroughfare Commercial and contains approximately 0.74 acres. The request is to rezone to R-3, High Density Residential.

Aviles: The fourth item on our agenda this evening is RZN 03-6.00 submitted by William Rudasill on behalf of Bill Brophy for property located north of Township and east of 71Business. The property is zoned C-2, Thoroughfare Commercial and contains approximately 0.74 acres. The request is to rezone to R-3, High Density Residential. Staff is recommending approval of the requested rezoning. Dawn, would you like to give us the staff report before we hear from the applicant?

Warrick: The subject property is located north of Township, east of College Avenue. It adjoins Commercial properties that front College and extend eastward. The tract was previously platted with adjoining residential property for development of town homes or condominiums. However, the development was never installed. The C-2, Thoroughfare Commercial zoning designation was applied to a strip of land 350' wide in 1970 when the city went through a citywide rezoning. That 350' strip incorporated small triangular portions at the west end of this particular tract and therefore, the piece of property that we are dealing with is remnants of C-2 zoned property that are parts of lots that are actually split zoned, partially C-2 and partially R-3. The applicant's request is to unify those lots with an R-3, High Density Residential designation which is consistent with the adjoining properties.

Aviles: Is the applicant present? Do you have a presentation?

Rudasill: My name is Bill Rudasill, I am with WBR Engineering representing Mr. Brophy. Basically, she covered it. We have got property lines that go north and south, east and west and are stair stepped and we have got a line that kind of goes straight through the edge of them and we are just trying to clean that up.

Aviles: It is one of the most disjointed zonings I've seen.

Rudasill: The Commercial in the back of these lots is very small and there is no way to get to it. You have to come through a Residential zone to try to get to it and the Commercial developments are already developed, they have got all the property they need so there is no potential for it ever to be developed as Commercial.

Aviles: Thanks Mr. Rudasill. I will take public comment. Is there anyone here that would like to address us on this Rezoning this evening? Seeing no one, I will go ahead and bring the discussion back to the applicant and to the Commission for further discussion or motions.

Shackelford: I will go ahead and make a motion that we approve RZN 03-6.00 and forward it to City Council.

Bunch: I will second.

Aviles: I have a motion by Commissioner Shackelford and a second by Commissioner Bunch, is there any additional discussion?

Estes: What is the ingress and egress to the property? How do you get there and how do you get out of it?

Rudasill: If you are familiar with Township, there is Brophy Circle that comes off of Township. It circles around and at the north end of Brophy Circle there are some undeveloped residential lots. The backside of those lots toward the west is what is the Commercial zone that is cut off. It is little triangles in the back of that because the property goes north and then jogs to the east. Then there is also a driveway, a private drive, that comes in on the north end there next to Midas that if someone were to eventually develop that property, he is just doing it on speculative stuff, they would have a potential drive entry and a public residential drive on the south.

Estes: Thank you.

Ward: On R-3, Multi-family high density, this is ¾ of an acre, how many units could possibly be put out there?

Rudasill: 30.

Warrick: The R-3 district permits 40 units per acre.

Ward: Ok, thanks.

Aviles: Renee, call the roll please.

Roll Call: Upon the completion of roll call the motion to forward RZN 03-6.00 to the City Council was approved by a vote of 8-0-0.

Aviles: Thank you. The motion carries unanimously.

Rudasill: Thank you very much.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of Feb. 24, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Dawn T. Warrick, AICP, Senior Planner
THRU:	Tim Conklin, AICP, City Planner
DATE:	February 24, 2003

RZN 03- 6.00: Rezoning (Brophy, pp 291) was submitted by W.B. Rudasill on behalf of Ralph Brophy for property located north of Township and east of 71B. The property is zoned C-2, Thoroughfare Commercial and contains approximately 0.74 acres. The request is to rezone to R-3, High Density Residential.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION: **Required** **YES**
O Approved **O Denied**

Date: February 24, 2003

CITY COUNCIL ACTION: **Required** **YES**
O Approved **O Denied**

Date: March 18, 2003 (1st reading if recommended)

Comments: ______________________________

K:\Reports\2003\PC REPORTS\02-24\rzn03-06_brophy.doc

BACKGROUND:
The subject property is located north of Township Road and east of College Ave. It adjoins commercial properties that front on College Ave. and extend eastward. This tract was previously platted, with adjoining residential property for development of town homes or condominiums however, the development was never installed.

The C-2, Thoroughfare Commercial zoning designation was applied to a 350' wide strip of land adjacent to College Ave. with the comprehensive zoning adopted by the City in 1970. The subject property is currently split zoned with a portion located within the C-2 district and the reminder in the R-3 district.

The applicant proposes to unify the zoning of the property by requesting that the portion currently located in the commercial district be rezoned to R-3, High Density Residential.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Commercial	C-2, Thoroughfare Commercial
South	Multi-family residential	R-3, High Density Residential
East	Residential	R-1, Low Density Residential
West	Commercial	C-2, Thoroughfare Commercial

INFRASTRUCTURE:

Access to this site is from Brophy Circle / Brophy Ave., a loop street that accesses Township Road east of College Ave.

Water and sewer connections are available to serve this area according to information submitted by the City Engineering Division.

LAND USE PLAN: General Plan 2020 designates this site Community Commercial. Rezoning this property to R-3, High Density Residential is not consistent with the land use plan, however it is consistent with adjacent zoning 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 guiding policies for residential areas as stated in Section 9.8 of General Plan 2020. The following policies are**

applicable:

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.f Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services.

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

Finding: **The proposed zoning is justified in that it is designed to eliminate lots that are currently split-zoned with C-2 on the west and R-3 on the east. Development of the existing lots with these two zoning districts would be very difficult and could draw commercial traffic into an existing, established, residential neighborhood.**

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

Finding: **The proposed zoning would not create or appreciably increase traffic danger and congestion. Traffic generated by any development of this property under a residential designation (as proposed) would travel on existing residential streets – Brophy to Township, a collector connecting College Ave. and Old Wire Rd.**

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: **Population density under the proposed R-3 designation could be greater than that permitted under the current C-2. The current district would permit a mixture of commercial and residential uses with a maximum of 17 residential units as accessory to a commercial development. The proposed R-3 district would allow for 29 units which, according to trip generation software, could generate an average weekday volume of 192 vehicle trips per day.**

Engineering-

The proposed rezoning is located on the west side of Karyn Dr. and on the north side of Brophy Avenue. At this location Karyn and Brophy are paved residential streets. This property does not currently have frontage on any City street.

The proposed rezoning from C-2 to R-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.

The site has access to 6" water mains along Brophy. There is a 6" sewer line that crosses 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.

Police –

We do not believe there will be any adverse effects to public safety should these properties be rezoned as requested.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

Current Zoning District:

§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

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)

District:

§161.07 DISTRICT R-3 HIGH DENSITY RESIDENTIAL

A. Purpose. The High Density Residential District is designated to protect existing high density multifamily development and to encourage additional development of this type where it is desirable.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings and Two-Family Dwellings
Unit 9	Multi-Family Dwellings/Medium Density
Unit 10	Multifamily Dwellings-High 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	16 to 40

D. Bulk and Area Regulations.

Lot Width Minimum:	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 Width Minimum:	Mobile Home Park	100 ft.
	Professional Offices	100 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 acre
	Professional Offices	1 acre
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

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	20

Cross Reference: Variance, 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, §160.034; Code 1965, App. A, Art. 5(IV); Ord. No. 1747, 6-29-89; Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81)

Brophy rezoning
Summary of Trip Generation Calculation
For 29 Dwelling Units of Apartments
February 19, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	6.63	2.98	1.00	192
7-9 AM Peak Hour Enter	0.08	0.00	1.00	2
7-9 AM Peak Hour Exit	0.43	0.00	1.00	12
7-9 AM Peak Hour Total	0.51	0.73	1.00	15
4-6 PM Peak Hour Enter	0.42	0.00	1.00	12
4-6 PM Peak Hour Exit	0.20	0.00	1.00	6
4-6 PM Peak Hour Total	0.62	0.82	1.00	18
Saturday 2-Way Volume	6.39	2.99	1.00	185
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	15

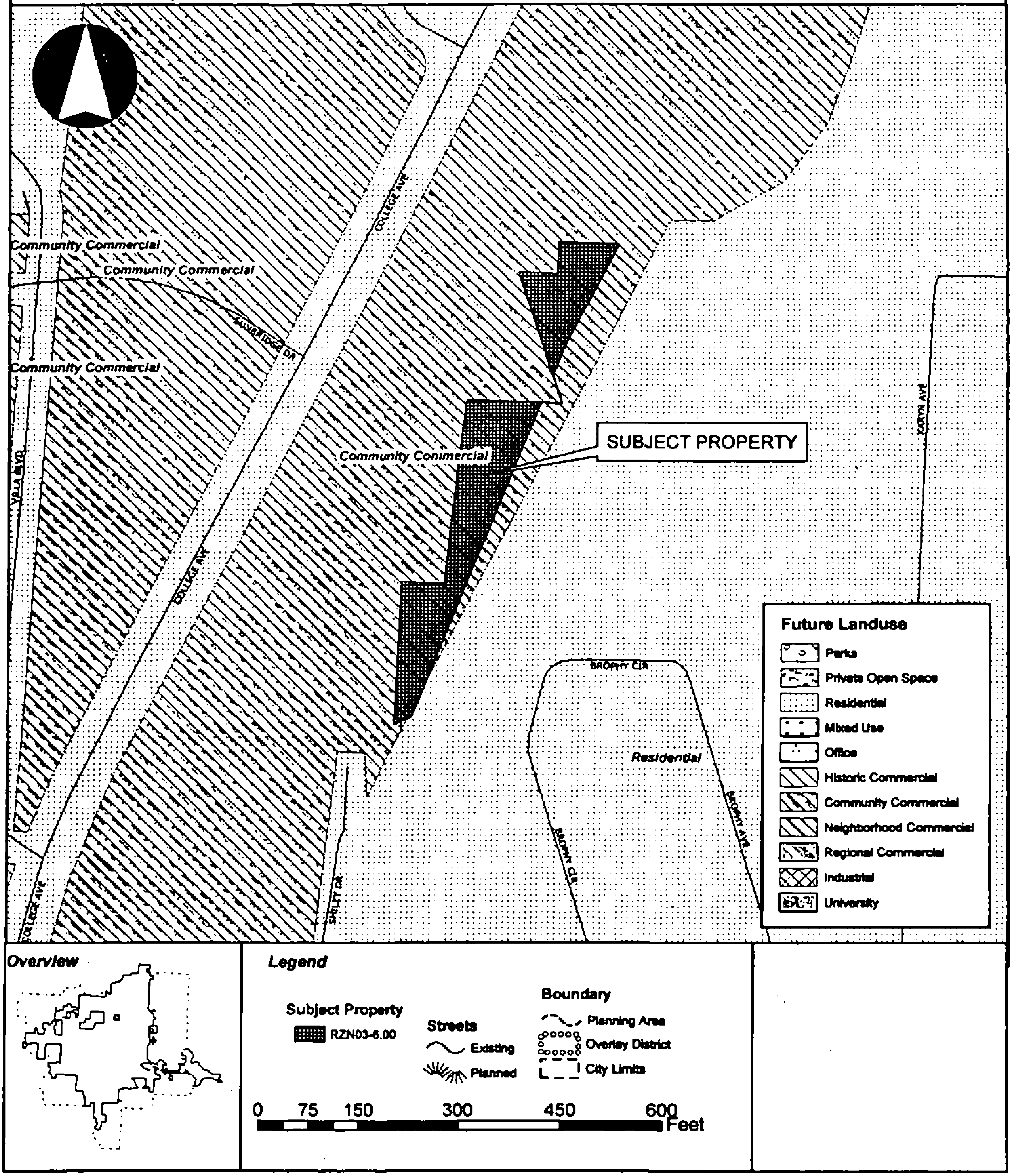
Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

RZN03-6.00

Future Landuse

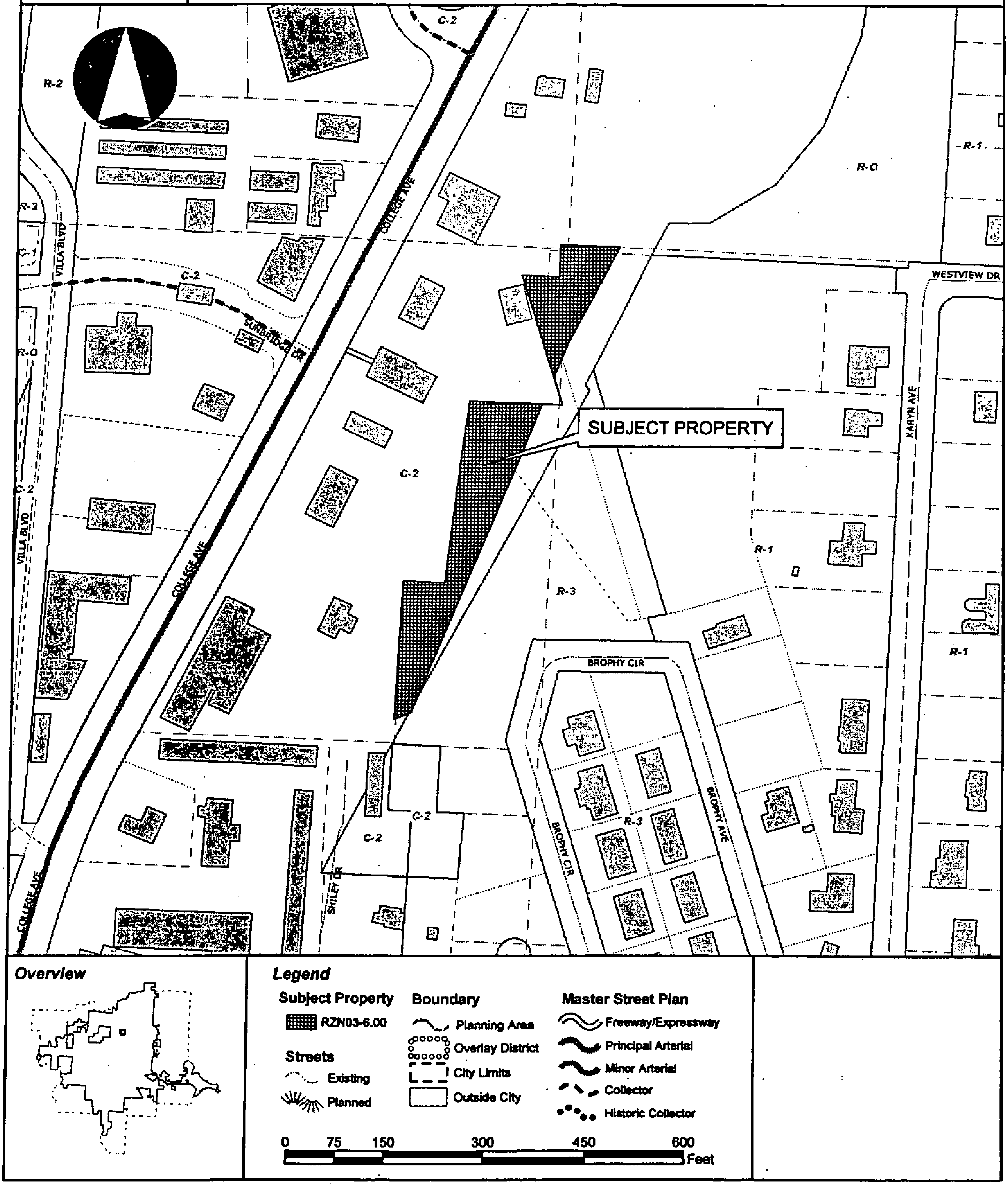
BROPHY



RZN03-6.00

Close Up View

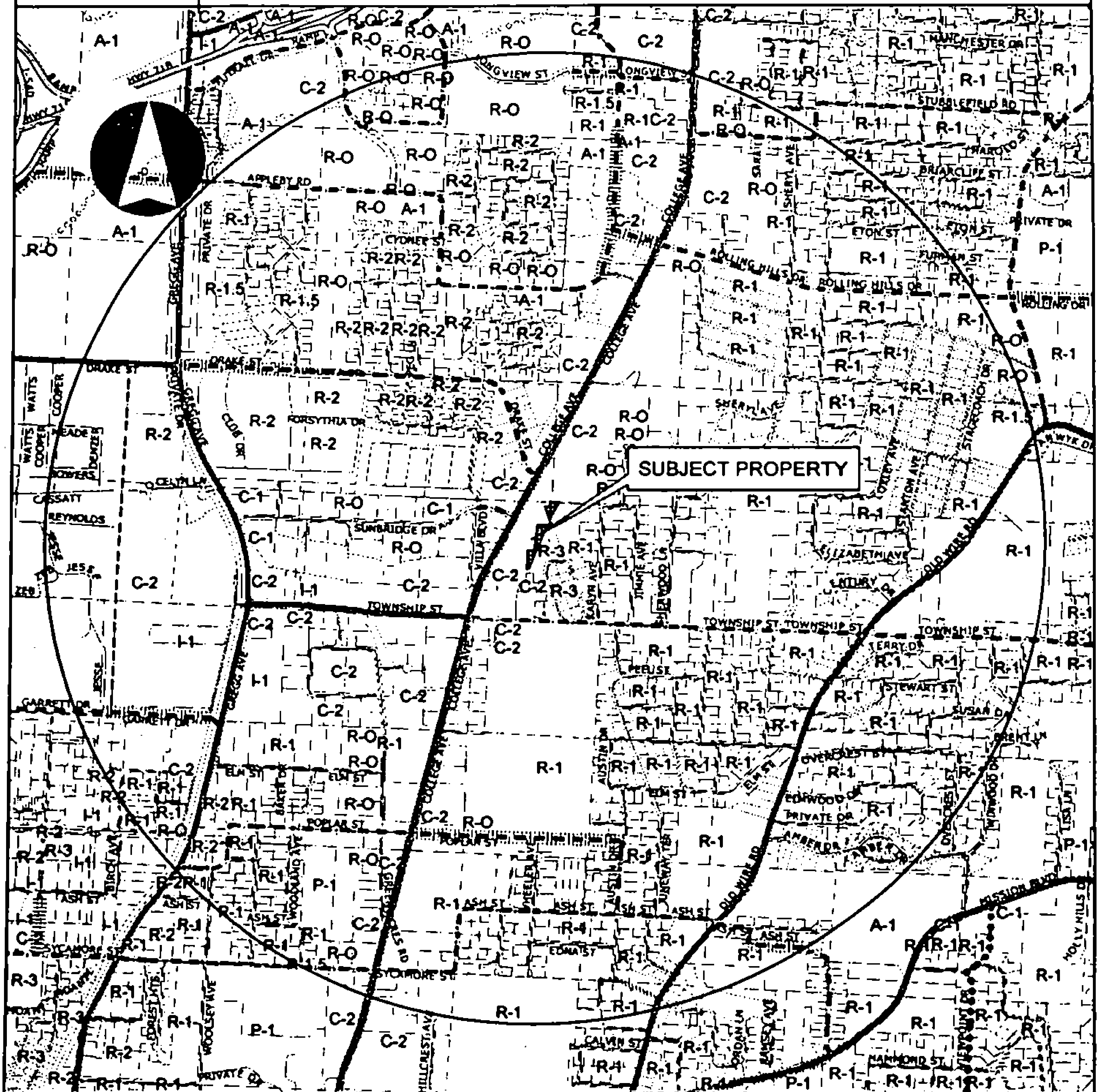
BROPHY



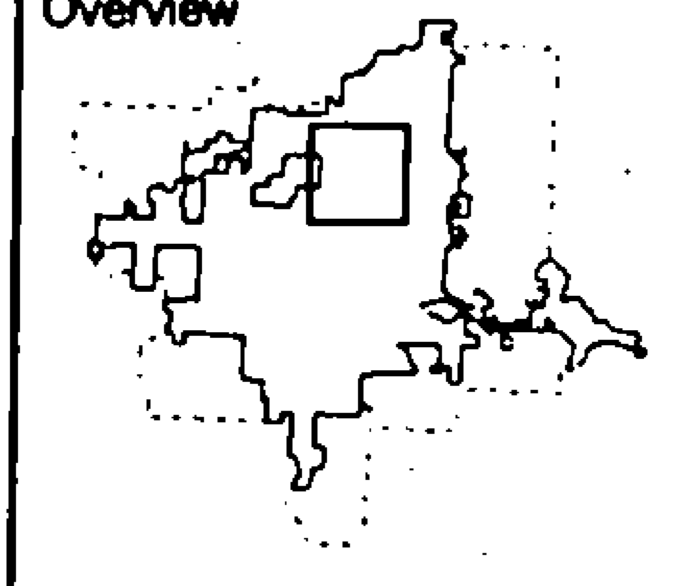
RZN03-6.00

One Mile View

BROPHY



Overview



Legend

Subject Property

RZN03-6.00

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 AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF March 18, 2003

FROM: Planning Division

Tim Conklin, AICP, Director of Community Planning and Engineering Services

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

RZN 03-12.00: Rezoning (Broyles, pp 598) was submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of Tom Broyles for property owned by Helen Adams and located at the northeast corner of 18th Street and Futrall Drive. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 17.65 acres. The request is to rezone to C-2, Thoroughfare Commercial.

APPROVED FOR AGENDA:

Director of Community Planning & Engineering Services — 3-5-03 Date

City Attorney — 3-5-03 Date

Chief Admin. Officer — 3-5-03 Date

Mayor — Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

City Council Meeting of March 18, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO:	Mayor Dan Coody Fayetteville City Council
FROM:	Dawn T. Warrick, AICP, Senior Planner
THRU:	Tim Conklin, AICP, Community Planning & Engineering Services Director
DATE:	March 5, 2003

RZN 03-12.00: Rezoning (Broyles, pp 598) was submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of Tom Broyles for property owned by Helen Adams and located at the northeast corner of 18th Street and Futrall Drive. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 17.65 acres. The request is to rezone to C-2, Thoroughfare Commercial.

BACKGROUND:

Property Description: The subject property is located south of the Fayetteville Center development which consists of a former Food 4-Less structure that is used by Wal-Mart for setting up demo's and store displays, Westlake Hardware, the Waffle House and other retail, restaurant and entertainment uses. The property is currently vacant and is bordered by Futrall Drive on the west, an outer road for I-540, Eighteenth Street on the south and Best Way Street on the north.

Proposal: The applicant proposes to down-zone this property from I-1 to C-2, Thoroughfare Commercial for commercial uses.

Request: The applicant requests that the subject property be rezoned from I-1, Heavy Commercial/Light Industrial to C-2, Thoroughfare Commercial.

CURRENT STATUS:

On March 3, 2003, the Planning Commission voted 8-0-0 to recommend to the City Council approval of the requested rezoning.

RECOMMENDATION:

Staff recommends approval of the requested rezoning from I-1 to C-2.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 03-12.00: REZONING (BROYLES, PP 598) AS SUBMITTED BY JERRY KELSO OF CRAFTON, TULL & ASSOCIATES ON BEHALF OF TOM BROYLES FOR A PARCEL CONTAINING APPROXIMATELY 17.65 ACRES LOCATED AT THE NORTHEAST CORNER OF 18TH STREET AND FUTRALL DRIVE, FAYETTEVILLE, ARKANSAS FROM I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL TO C-2, THOROUGHFARE COMMERCIAL.

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

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

From I-1, Heavy Commercial/ Light Industrial to C-2, Thoroughfare 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 __________, 2003.

APPROVED:

DRAFT

By:____________________
DAN COODY, Mayor

ATTEST:

By: ____________________________
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 03-12.00

A part of the NW1/4 of the SW1/4, and a part of the NE1/4 of the SW1/4 of Section 20, Township 16 North, Range 30 West, being more particularly described as follows, to-wit: Beginning at a point in a creek that is S88°56'00"W 193.47 feet from the Northeast corner of said NW1/4 of the SW1/4, Thence along the creek the following courses: S31°53'28"E 52.89 feet, S44°20'05"E 44.94 feet, S26°44'24"E 72.09 feet, S36°35'35"E 165.60 feet, S24°46'09"E 153.29 feet, S48°57'59"E 124.55 feet, S59°35'15"E 123.68 feet, S47°20'27"E 70.79 feet, S15°55'02"E 44.53 feet, S15°57'51"W 82.83 feet, S09°13'09"W 121.09 feet, S42°57'29"E 34.48 feet, N90°00'00"E 45.50 feet, N41°07'06"E 76.32 feet, S86°09'46"E 171.73 feet, S51°12'58"E 56.53 feet, S35°24'00"E 51.79 feet, S0°51'51"E 65.23 feet, S21°47'14"E 53.21 feet; Thence leaving said creek S0°32'27"E 219.85 feet to the North right-of-way of 18th Street; Thence along said right-of-way the following courses: S89°35'41"W 100.00 feet, S0°32'32"E 15.00 feet, S89°35'41"W 644.46 feet, N60°22'38"W 106.82 feet to the East right-of-way of Futrall Drive, Thence along said East right-of-way for Futrall Drive the following courses: N12°36'12"W 228.07 feet, N14°49'00"W 387.90 feet, N21°54'00"W 309.50 feet, N19°37'00"W 334.90 feet to the North line of said NW1/4 of the SW1/4; Thence along said North line N88°56'00"E 349.23 feet to the Point of Beginning, containing 17.65 acres, more or less. Subject to all easements and rights-of-way of record or fact.

RZN 03-12.00: Rezoning (Broyles, pp 598) was submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of Tom Broyles for property owned by Helen Adams and located at the northeast corner of 18th Street and Futrall Drive. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 17.65 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Aviles: Our next item is another Rezoning. It is RZN 03-12.00 which was submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of Tom Broyles for property owned by Helen Adams and located at the northeast corner of 18th Street and Futrall Drive. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 17.56 acres. This request is to rezone to C-2, Thoroughfare Commercial. Staff is recommending approval. Dawn, would you like to give the staff report now?

Warrick: Yes. The subject property is south of the Fayetteville Center development. That consists of the former Food4Less structure that is now used for Wal-Mart for a demo and display setup. Westlake Hardware is in that development as is the Waffle House and other retail restaurant and entertainment type uses. The property is currently vacant. It is bordered by Futrall Drive on the west which is an outer road for I-540. 18th Street runs to the south and Best Way Street on the north. The applicant proposes to downzone the property from I-1, Heavy Commercial, Light Industrial to C-2, Thoroughfare Commercial. Basically staff is in favor of the request. The General Plan 2020 does designate this site as regional commercial. Therefore, the C-2 request is consistent with that policy.

Aviles: Thanks Dawn. Is the applicant present?

Kelso: I am Jerry Kelso with Crafton, Tull & Associates. The way we established that line is we went from the center of the creek over to Futrall Drive. That is how that line was established and like I said, it is in keeping with the Master Land Use Plan. I will try to answer any questions that you might have.

Aviles: Thank you very much. Is there any member of the public that would like to address us on this Rezoning request? Seeing no one, I will go ahead and bring it back to the applicant and to the Commission for discussion at this point.

Bunch: Back in November there was considerable concern when some property requested a rezoning north of 6th Street adjacent to I-540 that we were eroding our commercial base by making that residential. Here we have an opportunity to maybe restore some of our commercial base and potential tax base. That being said, I will move that we forward RZN 03-12.00 to the City Council for approval.

Shackelford: I will second.

Aviles: I have a motion for approval by Commissioner Bunch and a second by Commissioner Shackelford. Is there additional discussion? Renee, call the roll please.

Roll Call: Upon the completion of roll call the motion to forward RZN 03-12.00 to the City Council was approved by a vote of 8-0-0.

Aviles: The motion carries unanimously. Thank you.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of Feb. 24, 2003

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Dawn T. Warrick, AICP, Senior Planner
THRU:	Tim Conklin, AICP, City Planner
DATE:	February 24, 2003

RZN 03-12.00: Rezoning (Broyles, pp 598) was submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of Tom Broyles for property owned by Helen Adams and located at the northeast corner of 18th Street and Futrall Drive. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 17.65 acres. The request is to rezone to C-2, Thoroughfare Commercial.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	**Required**	**YES**	
	O Approved		**O Denied**
Date: February 24, 2003			
CITY COUNCIL ACTION:	**Required**	**YES**	
	O Approved		**O Denied**
Date: March 18, 2003 (1st reading if recommended)			

Comments: ______________________________

____

____

BACKGROUND:
Property Description: The subject property is located south of the Fayetteville Center development which consists of a former Food 4-Less structure that is used by Wal-Mart for setting up demo's and store displays, Westlake Hardware, the Waffle House and other retail, restaurant and entertainment uses. The property is currently vacant and is bordered by Futrall Drive on the west, an outer road for I-540, Eighteenth Street on the south and Best Way Street on the north.

Proposal: The applicant proposes to down-zone this property from I-1 to C-2, Thoroughfare Commercial for commercial uses.

Request: The applicant requests that the subject property be rezoned from I-1, Heavy Commercial/Light Industrial to C-2, Thoroughfare Commercial.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Commercial	C-2, Thoroughfare Commercial
South	Mixed, commercial and residential	C-2, C-1, R-O
East	Vacant	I-1, Heavy Commercial/Light Industrial
West	I-540 / Vacant	R-O, Residential Office / R-1, Low Density Res

INFRASTRUCTURE:
The subject property is located on Futrall Drive, an outer road for I-540 on the western boundary. Futrall is classified as a collector on the Master Street Plan and is designed to carry 4,000 – 6,000 vpd (with left turn bays) when developed according the City standards. Eighteenth Street, also designated a collector, on the south turns into and becomes Futrall Drive running north/south.

Existing water and sewer lines are available for extension to serve development on this property.

LAND USE PLAN: General Plan 2020 designates this site Regional Commercial. Rezoning this property to C-2, Thoroughfare Commercial 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 proposal would bring the zoning of the subject property in line with the designation of the property on the City's adopted Future Land Use Plan. Providing land in this area for commercial development, along the bypass and at the southern entrance to the City, is desirable and is consistent with surrounding zoning and development patterns.

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

Finding: **The proposed zoning will limit the types of development that could be located on the subject property eliminating several undesirable uses that can currently be established by right in the I-1 district. Warehousing and wholesale operations as well as light manufacturing are uses that are not appropriate at the entrance to the City or in this heavily traveled commercial corridor.**

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

Finding: **The proposed zoning will not create or appreciably increase traffic danger and congestion. Developmet of this property will require improvements to existing infrastructure and the implementation of portions of the City's Master Street Plan. Access around this site should be adequate to handle the traffic that will be generated by commercial development.**

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

Finding: **The proposed zoning will not alter population density.**

Police – **No objections are being made to this rezoning. Traffic may increase to some degree, however it will not present a problem in and of itself that cannot be dealt with concerning traffic and other police matters. The rezoning is located well within the already established city limits and will not require the police to travel an undue distance to answer calls for police assistance.**

Fire - **Response time to this location would be approximately four minutes. This location is approximately 1.4 miles from the closest station. Water supply with fire hydrants shall be required.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed

zoning is justified and/or necessitated by peculiar circumstances such as:

a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

Current zoning district:
§161.17 DISTRICT I-1 HEAVY COMMERCIAL AND LIGHT INDUSTRIAL.

A. Purpose. The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The light industrial district is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 3	Public Protection and Utility Facilities.
Unit 4	Cultural and Recreational Facilities
Unit 6	Agriculture
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 17	Trades and Services
Unit 18	Gas Service Stations and Drive-In Restaurants
Unit 21	Warehousing and Wholesale
Unit 22	Manufacturing
Unit 25	Professional Offices
Unit 27	Wholesale Bulk Petroleum Storage Facilities with Underground Storage Tanks

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 19	Commercial Recreation
Unit 20	Commercial Recreation-Large Sites
Unit 28	Center for Collecting Recyclable Materials

C. Bulk and Area Regulations/Setbacks. Setback lines shall meet the following minimum requirements:

From Street R-O-W (when adjoining A or R districts)	50 ft.
From Street R-O-W (when adjoining C, I or P districts)	25 ft.
Side (when adjoining A or R districts)	50 ft.
Side (when adjoining C, I or P districts)	10 ft.
Rear (when adjoining C, I or P districts)	10 ft.

D. Height Regulations. There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 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 25 feet.

(Code 1991, §160.039; Code 1965, App. A, Art. 5(VIII); Ord. No. 1747, 6-29-89; Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79)

Proposed zoning district:
§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

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

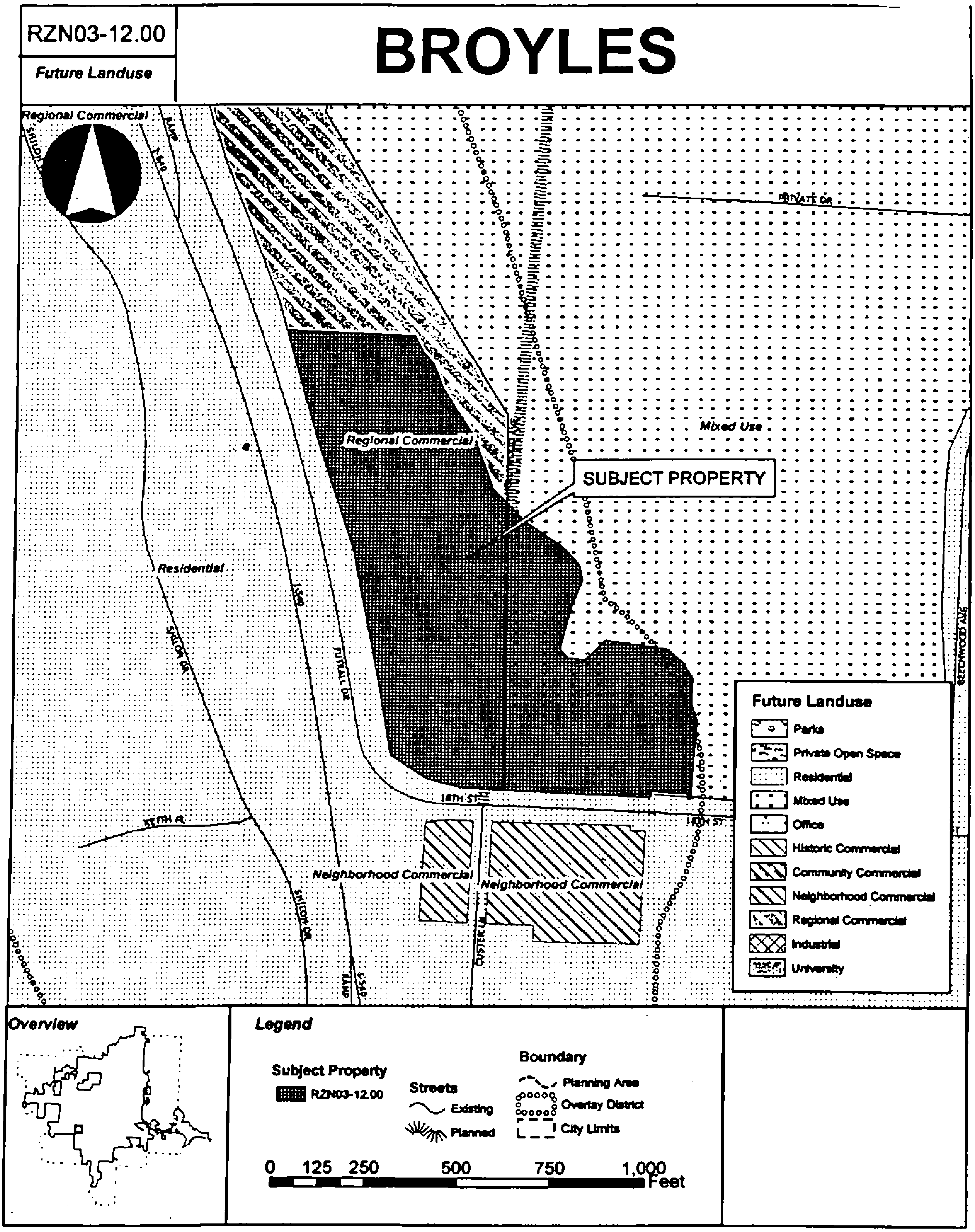
C. Bulk and Area Regulations. Setback lines shall meet the following minimum requirements:

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.

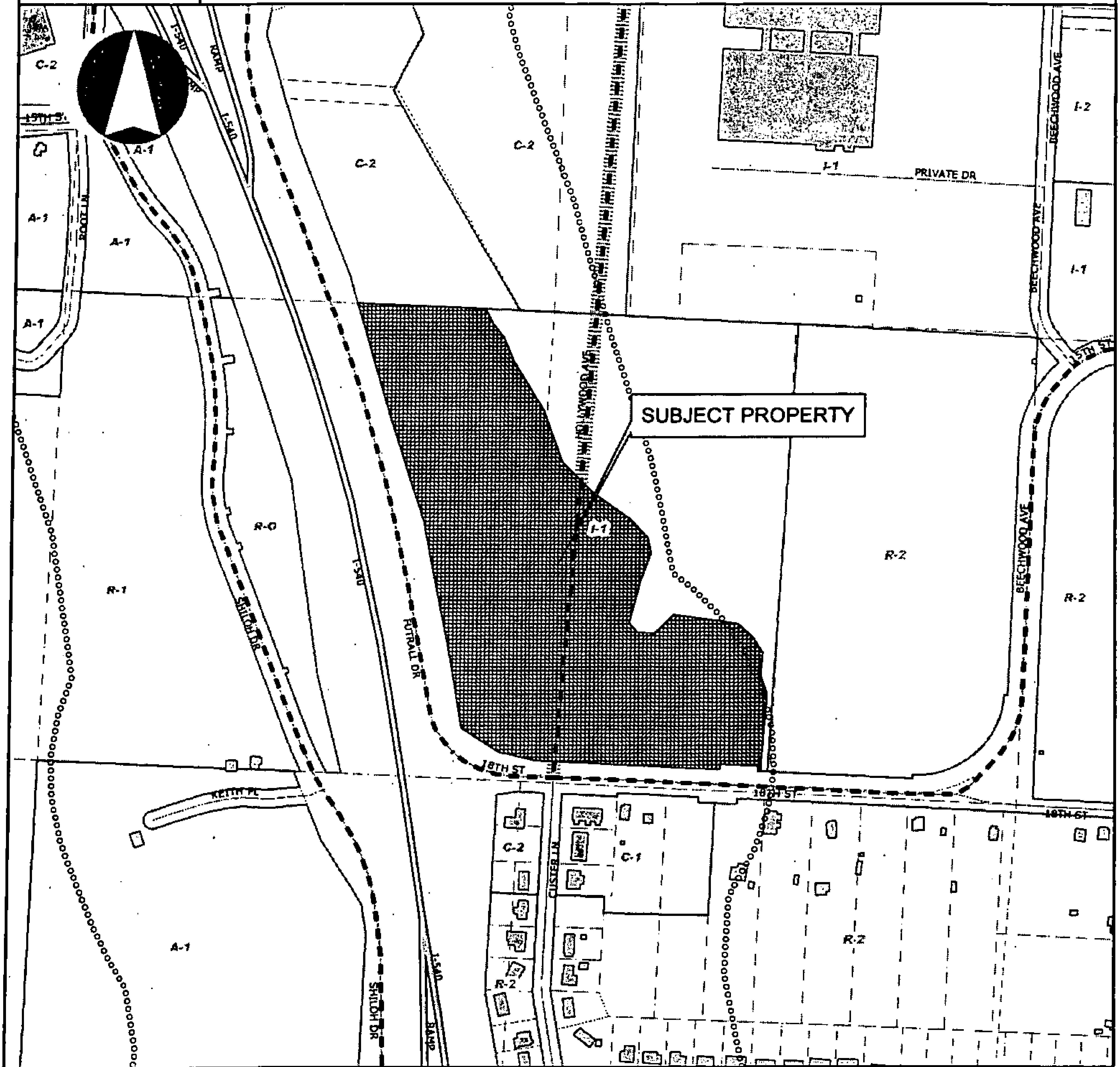
(Code 1991, §160.036; Code 1965, App. A, Art. 5(VI); Ord. No. 1747, 6-29-89; Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-177; Ord. No. 2603, 2-19-80; Ord. No. 4034, §§3,4, 4-15-97)


RZN03-12.00
Future Landuse
BROYLES
Regional Commercial
Regional Commercial
Residential
Mixed Use
SUBJECT PROPERTY
PRIVATE DR
18TH ST
FUTRALL DR
CUSTER LN
Neighborhood Commercial
Neighborhood Commercial
Future Landuse
Parks
Private Open Space
Residential
Mixed Use
Office
Historic Commercial
Community Commercial
Neighborhood Commercial
Regional Commercial
Industrial
University
Overview
Legend
Subject Property
RZN03-12.00
Streets
Existing
Planned
Boundary
Planning Area
Overlay District
City Limits
0
125
250
500
750
1,000
Feet

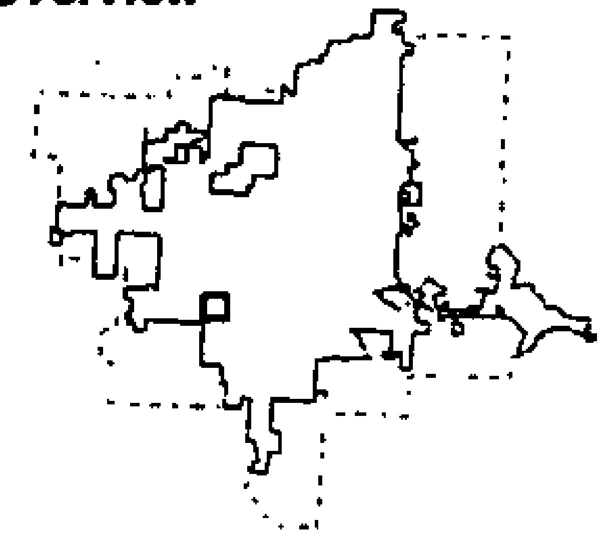
RZN03-12.00

Close Up View

BROYLES



Overview



Legend

Subject Property
RZN03-12.00

Streets
Existing
Planned

Boundary
Planning Area
Overlay District
City Limits
Outside City

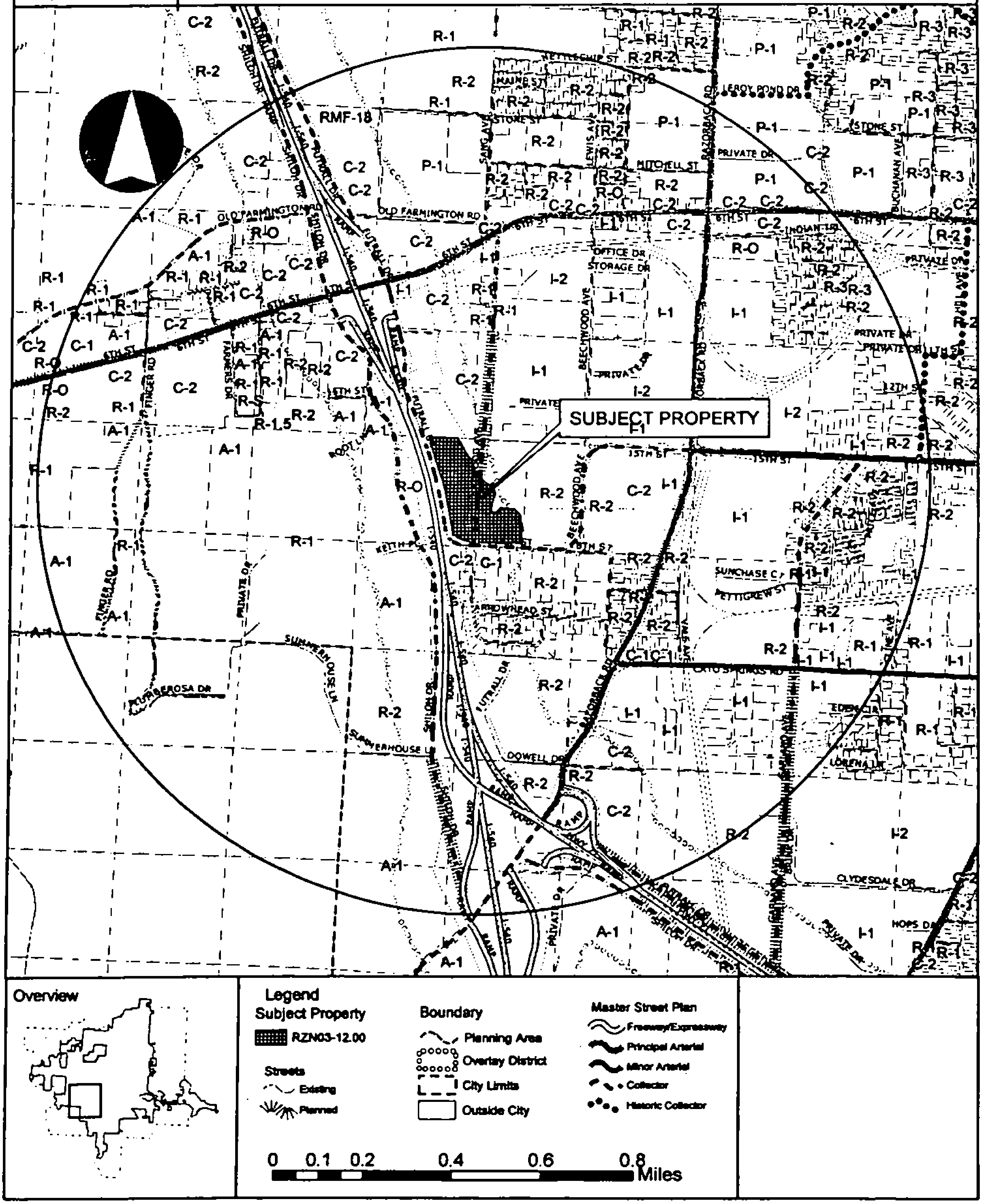
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 150 300 600 900 1,200 Feet

RZN03-12.00

One Mile View

BROYLES



Handed out at agenda Session 3-11-03

Finnegan & Associates, LLC
CONSULTING AND GRANT PROCUREMENT

P.O. Box 24481
Little Rock, AR 72221-4481
office 501.975.6364
fax 501.975.6363

Who we are

We serve clients as an outsourcing specialist for grant procurement. You save on personnel costs and we produce the results- guaranteed. Finnegan services clients like: Towns and Cities; Colleges and Universities; Medical Institutions; County Governments; State Agencies; Private, Parochial and Charter Schools; Public Schools Districts; and Non Profit Organizations. For a reasonable annual fee, Finnegan offers an exclusive money back guarantee to reach a target funding goal of $250,000 or $500,000.

Finnegan and Associates LLC specialize as a grant procurement outsourcing firm, working with clients to obtain grant funding for a wide variety of projects. We closely follow available grants from the Federal and state governments, as well as private foundation grants. Our services cover the whole process of finding, writing and submitting grants to produce the awards for you.

By outsourcing grant procurement, the client avoids the costs associated with hiring personnel and leverages its fee cost through a full-service specialty company. The Company also provides consulting on insurance and pension matters for both public and private sector clients.

Target Areas and Funding Priorities

We first consult with the client to receive input on the client's priorities and needs. This allows us to begin immediate research of the identified priority areas and to match them with appropriate available funding sources and grants. We provide centralized supervision over all of the funding initiatives. We first design a program to meet the client's needs and then we write and submit grant applications to the funding sources. Our Company specializes in this area making us very effective and cost efficient.

Some of the areas we target are: Housing Programs; Health Services; Hospital and Hospital Services; Social Services; Infrastructure; Parks and Recreation; Transportation; Fire Services; Law Enforcement; Criminal Justice Programs and Personnel; Homeland Defense; Technology; Economic Development; Educational Programs, and Personnel; and initiatives such as those contemplated by the No Child Left Behind Act. We also target areas and departments that the client identifies as desirable.

Is your City, County, School District, University or Non-Profit Organization experiencing any of these common budget squeezes?

- Limited budget?
- Limited personnel?
- Delays or cuts in programs and projects?
- Increasing expenditures?
- Flat or decreased revenues?
- Mid-year funding cutbacks?

We at Finnegan and Associates can help. We offer:

- Competitive Grant Writing.
- Grant Administration and Reporting.
- Strategic Funding Plans to meet your needs.
- Improved Access to Block and Entitlement Funds.
- Program Evaluations and Assessments
- Project and Program Funding Plans
- Exclusive Money Back Guarantee
- Collaborative design and targeting

Finnegan and Associates, LLC

Stephen R. Finnegan, President and CEO
Dr. Gary Smith, Executive Vice-President and COO
Brian Rader, Director of Marketing

Contact Us:
Office: (501) 975-6364
Fax: (501) 975-6363
Email: info@finnegan-corp.com
Website: www.finnegan-corp.com
U.S. Mail: Finnegan and Associates
Post Office Box 24481
Little Rock, AR 72221-4481

Grant Procurement Made Easy

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cell 501.744.3221

Finnegan and Associates Exclusive Guarantee

At the conclusion of each contract after a six-month grace period for award receipt, Finnegan will refund any pro-rata portion of the annual fee for awards procured less than the guaranteed amount. Grants with multiple year payouts shall be counted in the total of the year acquired to determine Finnegan's compensation.

Fee Schedule

Finnegan and Associates provides our clients with two different grant procurement goal levels.

Plan A

$25,000 retainer per year: Under this plan the firm guarantees to obtain **$250,000** in grant funding per contract year for the client, with a six month grace period for receipt of awards. After the $250,000 obligation is met, the schedule for fees paid to Finnegan and Associates for additional funds secured for the client over the initial $250,000 procured shall be as follows.

$1 through $500,000...............................8%
$500,001 through $999,999....................7%
$1,000,000 Plus.......................................6%

Plan B

$50,000 retainer per year: Under this plan the firm guarantees to obtain **$500,000** in grant funding per contract year for the client, with a six month grace period for receipt of awards. After the $500,000 obligation is met, the schedule for fees paid to Finnegan and Associates for additional funds secured for the client over the initial $500,000 procured shall be as follows.

$1 through $500,000...............................8%
$500,000 through $999,999....................7%
$1,000,000 plus.......................................6%

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **March 19, 2003**

RE: **Passed Ordinances and Resolutions from City Council meeting of March 18, 2003**

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

Enclosed are:

38-03 1. **Bond Issues and Lease Agreements:** Resolution expressing intent of City of Fayetteville to reimburse certain expenditures of City pertaining to financing and acquiring of certain capital expenditures with proceeds of an issue or issues of tax-exempt bonds or tax exempt leases to be issued by the City; and stating other matters pertaining thereto;

39-03 2. **Flying Investments, LLC:** Resolution approving ground lease agreement with flying investments, llc for space at Fayetteville Municipal Airport to construct a hangar and an office/shop;

40-03 3. **Senate Bill 407:** Resolution expressing City of Fayetteville's opposition to Senate Bill 407 prohibiting most zoning and regulation of mobile homes;

RECEIVED
MAR 19 2003
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

4469 4. **Narendra Krushiker Bid Waiver and Cost-Share:** Ordinance waiving requirement of formal competitive bidding and approving cost-share agreement w/Narendra Krushiker in amount of $23,173.70 to install 650 feet of 8-inch water main north from sixth street; and approving a 10% project contingency;

4470 5. **RZN 03-12.00 (Broyles):** Ordinance rezoning property described in RZN 03-12.00 as submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of Tom Broyles for parcel containing approximately 17.65 acres located at northeast corner of 18th street and Futrall Drive, from I-1, Heavy Commercial/Light Industrial to C-2, Thoroughfare Commercial.

TENTATIVE AGENDA
FOR
CITY COUNCIL MEETING
MARCH 18, 2003

A meeting of the Fayetteville City Council will be held on March 18, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **APPROVAL OF THE MINUTES:** Approval of the March 4, 2003 meeting minutes. Revision of February meeting minutes (Feb 18)

2. **ANIMAL CONCERNS COMMITTEE:** A resolution establishing an Animal Concerns Committee.

3. **PUBLIC SAFETY SPACE REQUIREMENTS:** A resolution authorizing Staff to develop a proposal to address Public Safety Space Requirement and Space Requirements for Divisions in the City Administration Building. Acceptance of space needs report.

4. **BOND ISSUES AND LEASE AGREEMENTS:** A resolution of intent to reimburse for bond(s) issues and lease agreement(s) for 2003.

5. **FLYING INVESTMENTS, LLC:** A resolution to review and approve ground lease to Flying Investments, LLC for construction of a hangar and office/shop at Fayetteville Municipal Airport, Drake Field.

B. OLD BUSINESS:

Table Ind.

1. **COMPOSTING SITE:** A resolution authorizing staff to begin the purchasing process for a compost row turner and to solicit bids for a contractor to construct the compost pad. The resolution was tabled at the February 18, 2003 City Council meeting.

2. **COMPACTOR AND DROPBOX BUSINESS EXPANSION:** A resolution approving a budget in the amount of one million one hundred seventy-three thousand two hundred eight dollars ($1,173,208.00) to allow the Solid Waste and Recycling division to implement a new commercial drop box program. The resolution was tabled at the February 18, 2003 City Council meeting.

3. **NEW COMMERCIAL COMPACTOR AND DROP BOX PROGRAM:** A resolution authorizing the hiring of seven (7) additional full time employees to implement a new commercial compactor and drop box program. The resolution was tabled at the February 18, 2003 City Council meeting.

4. **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. The resolution was tabled at the December 3, 2003 meeting.

Table[d]. 5. **STUDENT HOUSING:** An ordinance authorizing the Fayetteville Public Facilities Board to develop student housing facilities and to issue revenue bonds for the purpose of financing student housing to be developed in compliance with all city development ordinances. The ordinance was tabled at the February 4, 2003 meeting.

C. NEW BUSINESS:

1. **NARENDRA KRUSHIKER BID WAIVER AND COST-SHARE:** An ordinance approving a cost-share and bid waiver in the amount of $ 25,491.00 with Narendra Krushiker for the construction of approximately 650 feet of 8" water main.

2. **RZN 03-6.00 (Brophy):** An ordinance approving a rezoning as submitted by Bill Rudasill on behalf of Ralph Brophy for property located north of Township and east of 71B. The property is zoned C-2, Thoroughfare Commercial and contains approximately .074 acres. The request is to rezone to R-3, High Density Residential. 0.74

Change

3. **RZN 03-12.00 (Broyles):** An ordinance approving a rezoning as submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of Tom Broyles for property owned by Helen Adams and located at the northeast corner of 18th Street and Futrall Drive. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 17.65 acres. The request is to rezone to C-2, Thoroughfare Commercial.

D. INFORMATIONAL:

1. **HANSEN WORK SESSION: After Agenda Session on March 11, 2003.**

2. **COUNCIL TOUR: March 17, 2003.**

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
FOR
CITY COUNCIL MEETING
MARCH 18, 2003

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A. CONSENT:

1. **APPROVAL OF THE MINUTES:** Approval of the March 4, 2003 meeting minutes. Revision of February 18, 2003 meeting minutes.

Move to New business

2. **ANIMAL CONCERNS COMMITTEE:** A resolution establishing an Animal Concerns Committee.

Pull from agenda.

3. **PUBLIC SAFETY SPACE REQUIREMENTS:** A resolution authorizing Staff to develop a proposal to address Public Safety Space Requirement and Space Requirements for Divisions in the City Administration Building. Acceptance of space needs report.

4. **BOND ISSUES AND LEASE AGREEMENTS:** A resolution of intent to reimburse for bond(s) issues and lease agreement(s) for 2003.

5. **FLYING INVESTMENTS, LLC:** A resolution to review and approve ground lease to Flying Investments, LLC for construction of a hangar and office/shop at Fayetteville Municipal Airport, Drake Field.

B. OLD BUSINESS:

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2. **COMPACTOR AND DROPBOX BUSINESS EXPANSION:** A resolution approving a budget in the amount of one million one hundred seventy-three thousand two hundred eight dollars ($1,173,208.00) to allow the Solid Waste and Recycling division to implement a new commercial drop box program. The resolution was tabled at the February 18, 2003 City Council meeting.

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

2

Ward 1 Meeting 6:00
March 24th - Yvonne Richarson Center.

3. **NEW COMMERCIAL COMPACTOR AND DROP BOX PROGRAM:** A resolution authorizing the hiring of seven (7) additional full time employees to implement a new commercial compactor and drop box program. The resolution was tabled at the February 18, 2003 City Council meeting.

Get pack for Aldermen

4. **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. The resolution was tabled at the December 3, 2003 meeting.

Council to table ind.

5. **STUDENT HOUSING:** An ordinance authorizing the Fayetteville Public Facilities Board to develop student housing facilities and to issue revenue bonds for the purpose of financing student housing to be developed in compliance with all city development ordinances. The ordinance was tabled at the February 4, 2003 meeting.

C. NEW BUSINESS:

(1) Animal Concerns

(3) ~~1~~. **NARENDRA KRUSHIKER BID WAIVER AND COST-SHARE:** An ordinance approving a cost-share and bid waiver in the amount of $ 25,491.00 with Narendra Krushiker for the construction of approximately 650 feet of 8" water main.

(2) Bill 407

(4) ~~2~~. **RZN 03-6.00 (Brophy):** An ordinance approving a rezoning as submitted by Bill Rudasill on behalf of Ralph Brophy for property located north of Township and east of 71B. The property is zoned C-2, Thoroughfare Commercial and contains approximately 0.74 acres. The request is to rezone to R-3, High Density Residential.

(5) ~~3~~. **RZN 03-12.00 (Broyles):** An ordinance approving a rezoning as submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of Tom Broyles for property owned by Helen Adams and located at the northeast corner of 18th Street and Futrall Drive. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 17.65 acres. The request is to rezone to C-2, Thoroughfare Commercial.

D. INFORMATIONAL:

Get copy of FOI info. from Kit.

1. **LEADERSHIP AND STRATEGIC PLANNING WORKSHOP:** Spirit Mountain Lodge, Ozark, Arkansas. March 15, 2003 and March 16, 2003.

2 weeks postpone

2. ~~**HANSEN WORK SESSION:**~~ After Agenda Session on March 11, 2003.

3. ~~**COUNCIL TOUR:** March 17, 2003~~.

Public Works Director ordinance violation

Organization Chart on next agenda

Hub. Society. Gate not up -

Industrial Park - 4 wheelers. Swifty / Mayor go out & observe.

3-5-03
Tentative Agenda Meeting

TENTATIVE AGENDA
FOR
CITY COUNCIL MEETING
MARCH 18, 2003

A meeting of the Fayetteville City Council will be held on March 18, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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4. **BOND ISSUES AND LEASE AGREEMENTS:** A resolution of intent to reimburse for bond(s) issues and lease agreement(s) for 2003.

5. **FLYING INVESTMENTS, LLC:** A resolution to review and approve ground lease to Flying Investments, LLC for construction of a hangar and office/shop at Fayetteville Municipal Airport, Drake Field.

B. OLD BUSINESS:

Memo only

1. **COMPOSTING SITE:** A resolution authorizing staff to begin the purchasing process for a compost row turner and to solicit bids for a contractor to construct the compost pad. The resolution was tabled at the February 18, 2003 City Council meeting.

Memo only

2. **COMPACTOR AND DROPBOX BUSINESS EXPANSION:** A resolution approving a budget in the amount of one million one hundred seventy-three thousand two hundred eight dollars ($1,173,208.00) to allow the Solid Waste and Recycling division to implement a new commercial drop box program. The resolution was tabled at the February 18, 2003 City Council meeting.

3. **NEW COMMERCIAL COMPACTOR AND DROP BOX PROGRAM:** A resolution authorizing the hiring of seven (7) additional full time employees to implement a new commercial compactor and drop box program. The resolution was tabled at the February 18, 2003 City Council meeting.

Memo only

4. **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. The resolution was tabled at the December 3, 2003 meeting.

Memo

5. **STUDENT HOUSING:** An ordinance authorizing the Fayetteville Public Facilities Board to develop student housing facilities and to issue revenue bonds for the purpose of financing student housing to be developed in compliance with all city development ordinances. The ordinance was tabled at the February 4, 2003 meeting.

Memo only.

C. NEW BUSINESS:

Bid Waiver & Cost Share

1. **NARENDRA KRUSHIKER COST-SHARE AND BID WAIVER:** An ordinance approving a cost-share and bid waiver in the amount of $ 25,491.00 with Narendra Krushiker for the construction of approximately 650 feet of 8" water main.

D. INFORMATIONAL:

1. **HANSEN WORK SESSION: After Agenda Session on March 11, 2003.**

2. Council Tour –

Staff 3/3/03

DRAFT TENTATIVE AGENDA
FOR
CITY COUNCIL MEETING
MARCH 18, 2003

Last item on agenda

A meeting of the Fayetteville City Council will be held on March 18, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas. Hansen at conclusion of agenda session.

Work Session

A. CONSENT:

Add. Headings

Pull. Move to New Business

1. ~~An ordinance to prohibit the sale, distribution, or giving away of animals from public and from private, commercially or industrially zoned property.~~

Brenda Thiel pulled before going to Council

2. A resolution establishing an Animal Concerns Committee.

This is the joint command center.

3. A resolution authorizing Staff to develop a proposal to address Public Safety Space Requirement and Space Requirements for Divisions in the City Administration Building. Acceptance of space needs report.

Ad. 68 or 75

4. A resolution of intent to reimburse for bond(s) issues and lease agreement(s) for 2003.

5. A resolution to review and approve ground lease to Flying Investments, LLC for construction of a hangar and office/shop at Fayetteville Municipal Airport, Drake Field.

Move to New Business

6. A ~~resolution~~ ordinance approving a cost-share and bid waiver in the amount of $25,491.00 with Narendra Krushiker for the construction of approximately 650 feet of 8" water main.

B. OLD BUSINESS:

1. **COMPOSTING SITE:** A resolution authorizing staff to begin the purchasing process for a compost row turner and to solicit bids for a contractor to construct the compost pad. This was tabled at the February 18, 2003 City Council meeting.

2. **COMPACTOR AND DROPBOX BUSINESS EXPANSION:** A resolution approving a budget in the amount of one million one hundred seventy-three thousand two hundred eight dollars ($1,173,208.00) to allow the Solid Waste and Recycling division to implement a new commercial drop box program. This was tabled at the February 18, 2003 City Council meeting.

Past deadline to purchase | will lease equip. for 6 months then buy.

3. NEW COMMERCIAL COMPACTOR AND DROP BOX PROGRAM: A resolution authorizing the hiring of seven (7) additional full time employees to implement a new commercial compactor and drop box program. This was tabled at the February 18, 2003 City Council meeting.

Tim will check on

4. **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. This was at the December 3, 200~~3~~ 2 City Council meeting.

5. **STUDENT HOUSING:** An ordinance authorizing the Fayetteville Public Facilities Board to develop student housing facilities and to issue revenue bonds for the purpose of financing student housing to be developed in compliance with all city development ordinances. This was tabled at the February 4, 2003 City Council meeting.

(Table Indef)

C: New Business:

Information items:

D: Work Session - Hansen.

Get report from Hugh or Steve

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 3/17/03.

** Publication Charge: $ 152.79

Subscribed and sworn to before me this 17 day of March, 2003.

Tammy Allen

Notary Public

Official Seal
TAMMY ALLEN
Notary Public-Arkansas
WASHINGTON COUNTY
Commission Expires 11-05-2011

My Commission Expires:

** Please do not pay from Affidavit.
An invoice will be sent.

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FINAL AGENDA
FOR
CITY COUNCIL MEETING
MARCH 18, 2003

City of Fayetteville

A meeting of the Fayetteville City Council will be held on March 18, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:
1. APPROVAL OF THE MINUTES: Approval of the March 4, 2003 meeting minutes. Revision of February 18, 2003 meeting minutes.
2. BOND ISSUES AND LEASE AGREEMENTS: A resolution of intent to reimburse for bond(s) issues and lease agreement(s) for 2003.
3. FLYING INVESTMENTS, LLC: A resolution to review and approve ground lease to Flying Investments, LLC for construction of a hangar and office/shop at Fayetteville Municipal Airport, Drake Field.

B. OLD BUSINESS:
1. COMPOSTING SITE: A resolution authorizing staff to begin the purchasing process for a compost row turner and to solicit bids for a contractor to construct the compost pad. The resolution was tabled at the February 18, 2003 City Council meeting.
2. COMPACTOR AND DROPBOX BUSINESS EXPANSION: A resolution approving a budget in the amount of one million one hundred seventy-three thousand two hundred eight dollars ($1,173,208.00) to allow the Solid Waste and Recycling division to implement a new commercial drop box program. The resolution was tabled at the February 18, 2003 City Council meeting.
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5. STUDENT HOUSING: An ordinance authorizing the Fayetteville Public Facilities Board to develop student housing facilities and to issue revenue bonds for the purpose of financing student housing to be developed in compliance with all city development ordinances. The ordinance was tabled at the February 4, 2003 meeting.

C. NEW BUSINESS:
1. ANIMAL CONCERNS COMMITTEE: A resolution establishing an Animal Concerns Committee.
2. SENATE BILL 407: A resolution to express the City of Fayetteville's opposition to Senate Bill 407 prohibiting most zoning and regulation of mobile homes.
3. NARENDRA KRUSHIKER BID WAIVER AND COST-SHARE: An ordinance approving a cost-share and bid waiver in the amount of $ 25,491.00 with Narendra Krushiker for the construction of approximately 650 feet of 8" water main.
4. RZN 03-6.00 (Brophy): An ordinance approving a rezoning as submitted by Bill Rudasill on behalf of Ralph Brophy for property located north of Township and east of 71B. The property is zoned C-2, Thoroughfare Commercial and contains approximately 1.65 acres. The request is to rezone to R-3, High Density Residential.
5. RZN 03-12.00 (Broyles): An ordinance approving a rezoning as submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of Tom Broyles for property owned by Helen Adams and located at the northeast corner of 15th Street and Futrall Drive. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 17.65 acres. The request is to rezone to C-2, Thoroughfare Commercial.

D. INFORMATIONAL:
1. LEADERSHIP AND STRATEGIC PLANNING WORKSHOP: Spirit Mountain Lodge, Ozark, Arkansas March 15, 2003 and March 16, 2003.