Final Agenda
For
City Council Meeting
June 17, 2003

A meeting of the Fayetteville City Council will be held on June 17, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Presentation: DDEP status report

Presentation: A Beautiful City, Clean and Green

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the June 3, 2003 meeting minutes.

2. **Storm Water Phase II Permit:** A resolution authorizing the Mayor or his designee to submit the City of Fayetteville's "Individual MS4 application form for discharges of storm water associated with small municipal separate storm sewer systems authorized under 40 CFR 122.26" to the Arkansas Department of Environmental Quality.

3. **ADM 03-12.00 Kurt Kulish Right Of Way Dedication:** A resolution reducing the right of way dedication from Huntsville Road centerline to accommodate the existing structure located at 2008 E. Huntsville Road.

4. **USI-Arkansas, Inc. Contract Upper Hamestring:** A resolution awarding a contract in the amount of $220,976.00 to USI-Arkansas, Inc. for engineering services associated with the upper Hamestring Creek Basin and the Shenandoah Trailer Park area; and approving a project contingency in the amount of $20,000.00

B. OLD BUSINESS:

1. **R-PZD 03-3.00 (Alexander):** An ordinance establishing a residential planned zoning district titled R-PZD 03-3.00 located at 313 E. Lafayette, 321 E. Lafayette, 346 N. Willow, 354 N. Willow, and 310 Sutton, containing approximately 2.15 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated development project as approved by the Planning Commission.

C. NEW BUSINESS:

1. **Downtown Master Plan:** A resolution authorizing City Staff to issue a request for proposals to seek a consultant group to develop a Downtown Master Plan; and approving a budget adjustment in an amount not to exceed $200,000.00 for same.

2. **Wage & Benefit Consultant:** An ordinance waiving the requirements of formal bidding and approving a proposal from the HayGroup in an amount not to exceed $18,000.00 to conduct a wage survey; and approving a project contingency of $1,500.00.

3. **Amend Ordinance 4447 Codified As §159.02:** An ordinance to amend ordinance No. 4447 codified as §159.02 of the Unified Development code to repeal subsection **F. Refunds** and enact a new subsection **F. Refunds** to conform to new statutory requirements.

4. **Repeal §117.87 (C) (2) Horses:** An ordinance to repeal §117.87 (C) (2) Horses of the Fayetteville Code and enact a new §117.87 (C) (2) Horses.

Meeting of June 17, 2003

Subject:	Roll					
Motion By: Seconded:						
Motion To:						
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	Absent				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Mayor Coody	✓				

Subject:	Consent					
Motion By: Seconded:						
Motion To:						
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	—				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Mayor Coody	—				

Passed
88-03
89-03
90-03

Meeting of June 17, 2003

Subject:	R-PZD 03-3.00 (Alexander) Marr Jordan					
Motion By: Seconded:		Thiel Davis		Rhoads Thiel	(Amend 39 to 37)	pass
Motion To:		Suspend go to 3rd read		3rd Reading	Units	
	Rhoads	✓		✓	✓	✓
	Davis	✓		✓	✓	✓
	Lucas	✓		✓	(Recuse)	(Recuse)
	Jordan	N		✓	✓	N
	Reynolds	—		—	—	—
	Thiel	✓		✓	✓	✓
	Cook	✓		✓	✓	✓
	Marr	✓		✓	✓	✓
	Mayor Coody	—		—	—	—

5 / 1 / Recuse / 1 Absent

Passed as Amended 39 to 37 units 4494

Subject:	Downtown Master Plan					
Motion By: Seconded:		Kyle Cook Marr				
Motion To:		Approve resolution				
	Rhoads	✓				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	NOT Here Absent				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Mayor Coody	Don't Call				

Passed 91-03

Meeting of June 17, 2003

Subject:	Wage & Benefit Consultant					
Motion By: Seconded:			Jordan Thiel			
Motion To:		2nd read	3rd read	Pass		
	Rhoads	✓	✓	✓		
	Davis	✓	✓	✓		
	Lucas	✓	✓	✓		
	Jordan	✓	✓	✓		
	Reynolds	—	—	—		
	Thiel	✓	✓	✓		
	Cook	✓	✓	✓		
	Marr	✓	Recuse	Recuse		
	Mayor Coody	—	—	—		

Passed 4495

Subject:	Amend Ordinance 4447 Codified as 159.02					
Motion By: Seconded:		Jordan Davis	Jordan Lucas			
Motion To:		2nd read	3rd read	Pass		
	Rhoads	✓	✓	✓		
	Davis	✓	✓	✓		
	Lucas	✓	✓	✓		
	Jordan	✓	✓	✓		
	Reynolds	—	—	—		
	Thiel	✓	✓	✓		
	Cook	✓	✓	✓		
	Marr	✓	✓	✓		
	Mayor Coody	—	—	—		

Passed 4496

9:45 pm
Adjourn

Meeting of June 17, 2003

Subject:	Repeal 117.87 (C)(2) Horses:					
Motion By: Seconded:		Thiel Marr	Marr Rhoads			
Motion To:		2nd read	3rd	Pass		
	Rhoads	✓	✓	✓		
	Davis	✓	✓	✓		
	Lucas	✓	✓	✓		
	Jordan	✓	✓	✓		
	Reynolds	—	—	—		
	Thiel	✓	✓	✓		
	Cook	✓	✓	✓		
	Marr	✓	✓	✓		
	Mayor Coody	—	—	—		

passed 4497

Subject:	Ward 4 Meeting 7:00 June 23rd					
Motion By: Seconded:					Room 111	
Motion To:						
	Rhoads	Enviro. Concerns meeting tomorrow				
	Davis	night 5:30				
	Lucas					
	Jordan	Ordinance Review meeting -				
	Reynolds	Telecommunication Board -				
	Thiel	After Agenda Meeting -				
	Cook					
	Marr	Don Marr - Nominating Committee				
	Mayor Coody	Copies to Aldermen on who was selected.				

Get copies of the Board's & Committees to Council.

CITY COUNCIL MEETING REGISTRATION

	SPEAKER'S NAME (Please print clearly)	PHONE NO.	AGENDA ITEM NO. SPEAKING ON
1	Candace Hammond	442-4908	
2	Mike Corso	5218623	
3	Susan Porter		
4	DENNIS CRAWFORD	927-0638	
5	Kathy Guy	443-2673	
6	Jack Butt	443-2707	
7	Art Nelson	575-5918	
8	Gene Shirley	443-3672	
9	Cindy Arsuga	521-5785	
10	Nancy Oelberg	521-4741	
11	P Kerns	443-9543	
12	Amanda Hilton Nichols	442-2524	
13	Marie Riley	575-0255	
14	Denise Mitchell	442-9576	
15	Wm D Dykmyst	443 9790	
16	Pat Carey	526 3191	
17	Diane Hilton Kell	442-2524	
18	Linda Wagner	970-2446	
19	Jaun Reed	251-7377	
20	Paula Thomson	521-5812	
21	Phyllis Stern	410-206[illegible]	
22	Judy Morris	4[illegible]	
23	Richard Smith	442-3863	
24	Shannon Demuth	442-[illegible]	
25	John Goodwin	562-9000	

City Council Meeting Speaker Registration

Date of City Council Meeting _____

	Speaker's Name (Please Print Clearly)	Phone No.	Agenda Item Speaking On
1	Rick McKinney	521-3480	
2	Virginia Burg		
3	Kathy L Matthew		
4	Paul Van		
5			
6	Gwen Young		
7	Julie Johansen		
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

Final Agenda
For
City Council Meeting
June 17, 2003

A meeting of the Fayetteville City Council will be held on June 17, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Presentation: DDEP status report

Presentation: A Beautiful City, Clean and Green

A. CONSENT: Passed

1. **Approval Of The Minutes:** Approval of the June 3, 2003 meeting minutes.

88-03

2. **Storm Water Phase II Permit:** A resolution authorizing the Mayor or his designee to submit the City of Fayetteville's "Individual MS4 application form for discharges of storm water associated with small municipal separate storm sewer systems authorized under 40 CFR 122.26" to the Arkansas Department of Environmental Quality.

89-03

3. **ADM 03-12.00 Kurt Kulish Right Of Way Dedication:** A resolution reducing the right of way dedication from Huntsville Road centerline to accommodate the existing structure located at 2008 E. Huntsville Road.

90-03

4. **USI-Arkansas, Inc. Contract Upper Hamestring:** A resolution awarding a contract in the amount of $220,976.00 to USI-Arkansas, Inc. for engineering services associated with the upper Hamestring Creek Basin and the Shenandoah Trailer Park area; and approving a project contingency in the amount of $20,000.00

B. OLD BUSINESS:

4494

1. **R-PZD 03-3.00 (Alexander):** An ordinance establishing a residential planned zoning district titled R-PZD 03-3.00 located at 313 E. Lafayette, 321 E. Lafayette, 346 N. Willow, 354 N. Willow, and 310 Sutton, containing approximately 2.15 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated development project as approved by the Planning Commission. ***This ordinance was left on the first reading at the June 3, 2003 City Council Meeting.***

C. **NEW BUSINESS:**

1. **Downtown Master Plan:** A resolution authorizing City Staff to issue a request for proposals to seek a consultant group to develop a Downtown Master Plan; and approving a budget adjustment in an amount not to exceed $200,000.00 for same.

91-03

2. **Wage & Benefit Consultant:** An ordinance waiving the requirements of formal bidding and approving a proposal from the HayGroup in an amount not to exceed $18,000.00 to conduct a wage survey; and approving a project contingency of $1,500.00.

4495

3. **Amend Ordinance 4447 Codified As §159.02:** An ordinance to amend ordinance No. 4447 codified as §159.02 of the Unified Development code to repeal subsection **F. Refunds** and enact a new subsection **F. Refunds** to conform to new statutory requirements.

4496

4. **Repeal §117.87 (C) (2) Horses:** An ordinance to repeal §117.87 (C) (2) Horses of the Fayetteville Code and enact a new §117.87 (C) (2) Horses.

4497

A Beautiful City – Clean and Green
5-31-2003

Current Action Items

Department	Action Steps	Cost	Timeline	Key Issues
Transportation (specifically, the street Division) supervises work release (both city and county). They also determine which areas are cleaned.	➢ City jail: work release inmates pick up litter twice a week for 8 hours.	➢ Staff time for one person twice a week to supervise work release volunteers.	Ongoing	
	➢ District Court: work release inmates pick up litter one Saturday a month for eight hours.	➢ Overtime pay for one staff person for eight hours.	Ongoing	
Parking	➢ Mondays – work release inmates pick up litter on Dickson Street and public parking lots.	➢ Staff time for one person once a week to supervise work release volunteers. Parking staff does this while checking meters.	Ongoing	
	➢ Special events – work release inmates are used to pick up Dickson St. and the square after special events.	➢ Staff time and possible overtime pay during special events for supervision.		
Solid Waste	➢ Curb the Clutter Program – groups are encouraged to sign up to keep a street clean. Groups receive a sign in recognition of their efforts. Participants are asked to clean the street 4 times a year.	➢ Staff time to organize this program.	Ongoing	Need groups to be committed to clean their street. Cleanings need to be increased from 4 times a year to monthly. Additional incentives could be offered.

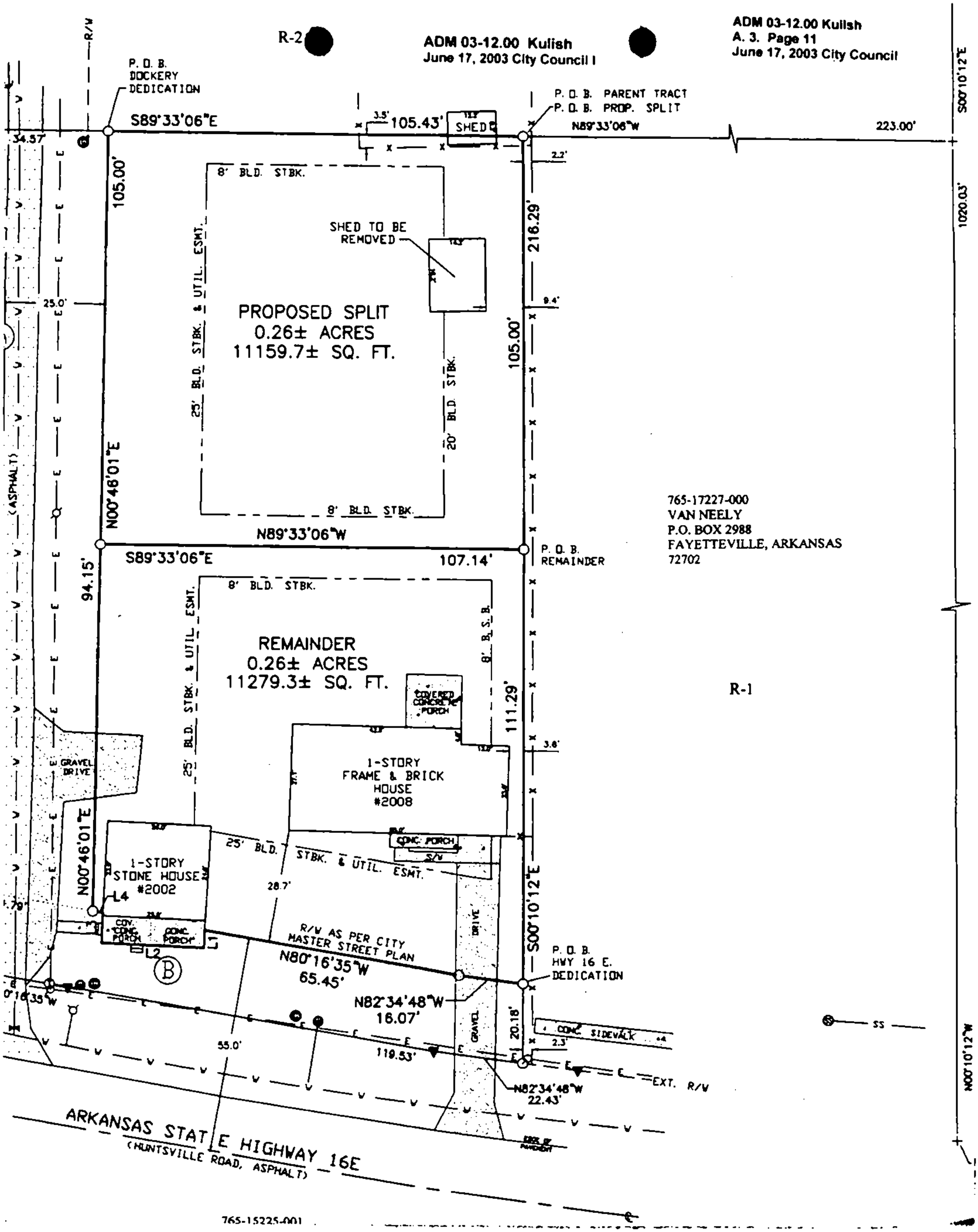
Solid Waste	➢ Ward Clean ups – each ward is allowed 4 clean ups per year as well as a free day for Earth Day.	➢ The Ward Clean up have cost an average of $7,000 including disposal fees, equipment and staff time.	Ongoing	There are transportation issues with this method of bulky waste clean ups (need truck or other vehicle to transport items).
Police	➢ There is an illegal dumping policy in place involving police investigations.	➢ Currently in place – cost is mainly staff time.	Ongoing	Often must rely on state/county agencies to help with enforcement. May be difficult to find perpetrators.
	➢ Ticketing those who litter.	➢ Currently in place – cost is mainly staff time.	Ongoing with an increase in focus on catching those who litter.	Difficult to catch people in the act of littering.
	➢ Enforcement of yard sale signs.	➢ Currently in place – cost is mainly staff time.	Ongoing	Need education to reduce the number of signs left up. Would be helpful to require a yard sale license which would ensure that they have been notified of the rules.
	➢ Public notification of illegal activities related to litter.	➢ Currently in place – cost is mainly staff time	Ongoing	
Inspections	➢ 606 service requests have been received from Jan. 2003 to date as compared to 165 in the last half of 2002.	➢ Currently in place.	Ongoing	
Building Safety	➢ Inspections are on hold and a re-inspection fee of $20.00 will be charged for trashy construction sites.	➢ Currently in place – mostly staff time.	Ongoing	Policy and Procedure has been in place since 1999. Enforcement varies with complaints.
	➢ Trash containers are mandatory for all construction sites.	➢ In place – staff time	Ongoing	Policy and Procedure since 1999.

Building Safety	➢ Handout with permits to contractors concerning Job Site Litter.	➢ Copy costs – minimal.	Began April 2003	To remind contractors that Litter is everyone's problem.
	➢ Speaking to Contractor Organizations about Job Site Litter.	➢ None – Director's time.	Began April 2003	To bring attention to problem and solicit cooperation.
Fire	➢ Assists with neighborhood clean ups.	➢ In place – staff time.	Ongoing	

Proposed Action Items

Department	Action Steps	Cost	Timeline	Key Issues
Transportation (specifically, the street Division) supervises work release (both city and county). They also determine which areas are cleaned.	➢ Litter work crew added.	➢ Staff time for a minimum of three persons to pick up litter daily. $110,000/year plus a vehicle (cost $40,000).	ASAP, with approval.	Funding
Solid Waste	➢ Trash container should be placed in all city owned parking lots.	➢ Approx. 15 containers needed at $1,000 per container. Additional time allocated for collection.	ASAP, with approval.	Funding
	➢ Review the possibility of going to curbside bulky waste pick up.	➢ Costs to be determined.	Cost analysis to be completed by end of summer 2003.	May be more expensive, but would serve a greater number of households.
	➢ Review the possibility of purchasing an automated litter and leaf removal system.	➢ Equipment costs range from $140,000 to $180,000 ➢ Staff time to operate – 2 employees at approx.65,000/year.	Cost analysis to be completed by end of summer 2003.	System is expensive and will require staff time to operate.
Police	➢ Assist Code Enforcement with code violations and with training. May help with identifying problems, researching owner, etc., and possible undercover activities.	➢ Has begun, but will increase once community policing office is fully staffed – cost is mainly staff time.	As soon as the office is fully staffed.	

Police	➢ Develop a post card system for people to report littering – the cards will be distributed and once received, plates will be run and a letter will be sent to those in violation. People will also be able to report violations on-line.	➢ Estimate for the first year is $1,000 in staff time and supplies.	Can begin immediately, if approved.	Must get approval of businesses to distribute cards. Need to do a PR campaign to let people know of this program as well as the website
Code Enforcement	➢ Goal – more immediate compliance with codes.	➢ It is now clear that code enforcement officers can issue citations. This will assist us in enforcement.	Can begin immediately if passed, once officers are trained.	Discussions with the city prosecutor must precede this particular effort.
	➢ A manual outlining who to call for various code infractions and a list of responsibilities for each dept.	➢ Staff time to put it together, printing costs for posters and manual.	Can begin immediately with approval.	Making sure the posters/manuals are kept updated when changes occur. Training employees to use these resources.
Planning	➢ Trash containers for public use should be made mandatory for all LSD and commercial properties.	➢ Would require staff time to enforce.	Can begin immediately with policy change.	Cost for businesses – would need to ensure compliance.
Building Safety	➢ All construction sites should be required to have a dumpster or a container on site.	➢ Would require staff time to enforce – would need to be added as a requirement for permits.	Can begin immediately with policy change.	Education combined with fines would need to be instituted to change the habits on construction sites.
Fire	➢ Fire inspection program is to be improved. Officers will also be working on code violations in other areas.	➢ To accomplish this, officers will require cross training in other areas.	Can begin on August 1st.	An agreement on coordinating this joint effort between Fire dept. and Community Code compliance must be done.
Administration	➢ Sponsor with others a regional Anti Litter Summit.			


P. O. B.
DOCKERY
DEDICATION
S89°33'06"E
105.43'
SHED
P. O. B. PARENT TRACT
P. O. B. PROP. SPLIT
N89°33'06"W
223.00'
S00°10'12"E
1020.03'
34.57'
105.00'
8' BLD. STBK.
SHED TO BE REMOVED
216.29'
25.0'
PROPOSED SPLIT
0.26± ACRES
11159.7± SQ. FT.
25' BLD. STBK. & UTIL. ESMT.
20' BLD. STBK.
105.00'
N00°46'01"E
8' BLD. STBK.
N89°33'06"W
S89°33'06"E
107.14'
P. O. B.
REMAINDER
765-17227-000
VAN NEELY
P.O. BOX 2988
FAYETTEVILLE, ARKANSAS
72702
94.15'
8' BLD. STBK.
REMAINDER
0.26± ACRES
11279.3± SQ. FT.
8' B.S.B.
111.29'
COVERED CONCRETE PORCH
R-1
1-STORY
FRAME & BRICK
HOUSE
#2008
GRAVEL DRIVE
N00°46'01"E
1-STORY
STONE HOUSE
#2002
CONC. PORCH
25' BLD. STBK. & UTIL. ESMT.
28.7'
L4
COV. CONC. PORCH
CONC. PORCH
L2
B
R/W AS PER CITY
MASTER STREET PLAN
N80°16'35"W
65.45'
S00°10'12"E
P. O. B.
HWY 16 E.
DEDICATION
N82°34'48"W
16.07'
GRAVEL DRIVE
20.18'
CONC. SIDEWALK
2.3'
55.0'
119.53'
EXT. R/W
N82°34'48"W
22.43'
ARKANSAS STATE HIGHWAY 16E
(HUNTSVILLE ROAD, ASPHALT)
765-15225-001
N00°10'12"W

NORTH COLLEGE DEVELOPMENT CO., L.L.C.
11 N. WEST AVENUE
FAYETTEVILLE, AR 72701
PHONE: (501) 521-4260
FAX: (501) 521-3009

April 23, 2003

Planning Commission
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

RE: Request for Variance by way of a Waiver of approximately fifteen feet of parking lot landscaping requirement as part of Application for Planned Residential Zoning District at 313 E. Lafayette (St. Joe's Catholic Church)

Dear Mr. Chairman and Members of the Planning Commission:

Applicant has met with members of planning staff re Applicant's intent to remodel the three buildings located at the above site into residential apartment units. As a practical matter, that remodeling project will probably exceed in cost fifty percent of the value of the existing structures therefore necessitating Applicant's compliance with applicable parking lot upgrades, Applicant does propose to upgrade the existing parking lot by way of striping, adding additional green space, tree islands and other landscaping as well as upgrading surfacing, curb and guttering (as set out in the site plan) in order to meet current City code requirements of one parking space per bedroom of onsite parking. Applicant has designed the parking lot to accommodate sixty-four parking spaces for thirty-nine proposed residential units containing sixty-three bedrooms.

Without the requested variance, Applicant would be required to add an additional fifteen feet of landscaping at the eastern exit of the parking area. The addition of that landscaping would cost Applicant at least three parking spaces. One of the primary concerns of the neighborhood is sufficient onsite parking to accommodate proposed residential units. Applicant is thereby requesting a waiver of the fifteen feet required for additional landscaping in order to maintain the level of parking at sixty-four spaces. Presently the total area behind the church is paved for parking. Applicant is adding significant green space and islands for landscaping in the proposed parking area. The onsite parking is currently existing and is unique to the subject

property. This project is in the public interest; a grant of a waiver would do substantial justice; and will not have the effect of nullifying the intent and purpose of development regulations.

Your kind consideration of this request would be greatly appreciated

Sincerely,

Richard P. Alexander

RPA/jde

FAYETTEVILLE
PARKS & RECREATION

MEMORANDUM

To: Sara Edwards
Thru: Connie Edmonston, Director of Parks
From: Rebecca Turner
Date: April 29, 2003
Subject: Lafayette Loft Apartments

In regard to the Applicant's request for undue hardship in the case of the Lafayette Loft Apartments Park Land Dedication, it is Parks Staff's recommendation that the decision to accept a combination of money and land to meet the requirements of the Park Land Ordinance, stand. This recommendation is based on the following:

- The Park Land Ordinance requires .66 acres of land be dedicated to meet the recreation needs of the proposed 39 units. The developer is only providing .176 acres, shorting the recreation needs of the development's potential tenants by .48 acre.
- Parks Staff and the Parks and Recreation Advisory Board decided to take this land in combination with money based upon results from public Willow-Washington Neighborhood Association Meeting. Comments and concerns from the neighborhood very clearly pointed to the desire to obtain the land as public park land so that it would be held in perpetuity for use by the neighborhood and its residents, despite what future development may occur.
- The Park Land Ordinance formula is based on land costs throughout the city; both inner and outer city land costs have been factored into the formula. The price per acre is set at $23,125. In many cases, the City pays more than the actual price for the land. In this instance, the land is worth more than $23,125. The formula was created to provide a point of equilibrium.
- Parks Staff is reluctant to create a precedent of granting hardship to developers that limits the City's ability to provide for its citizen's recreation needs.

Please note that if the Applicant pursues the Undue Hardship Variance (Section 156.03 (A)(1)), this matter must be reviewed by the Parks and Recreation Advisory Board.

City of Fayetteville
PARKS AND RECREATION DIVISION
113 W. Mountain Street
Fayetteville, Arkansas 72701

Telephone: 479-444-3472

E-mail: rturner@ci.fayetteville.ar.us

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes
May 5, 2003

Opening:
The regular meeting of the Parks and Recreation Advisory Board was called to order at 5:30 p.m. on May 5, 2003 in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas by Chairperson Colwell.

Present:
Parks and Recreation Advisory Board members Hill, Bailey, Colwell, Eads, Pawlik-Holmes, and Mauritson; City staff Edmonston, Coles, Hatfield, Hesse, Nelson, Turner, Wright; and Audience.

1. **Approval of April 7, 2003 Minutes**

MOTION:

Mr. Hill moved to approve the Parks and Recreation Advisory Board April 7, 2003 meeting minutes as distributed.

Ms. Eads seconded the motion.

The motion was approved 5-0-0 with Hill, Bailey, Colwell, Eads, and Pawlik-Holmes voting 'yes' and Mauritson absent for the vote.

2. **Introduction of new Parks and Recreation Staff: Kim Hesse, Park Planner**
Landscape Architect, Kim Hesse was introduced as Park Planner.

3. **Botanical Garden Society of the Ozarks — Connie Edmonston**
Parks and Recreation staff has met with members from the Botanical Garden Society of the Ozarks to update and revise the land lease agreement made in 1997. Advisory Board members have reviewed the proposed lease as recommended by Staff and BGSO. Ms. Edmonston noted changes from the original lease involved trail layouts and design and parking lot issues. It was also noted that although the Parks Master Plan discourages long-term leases, in this instance a 99-year lease is warranted for grants and fund raising purposes.

MOTION:

Mr. Hill moved to recommend City Council approve a land lease agreement with the Botanical Garden Society of the Ozarks, Inc. for the operation of a botanical garden in Fayetteville.

Mr. Bailey seconded the motion.

Upon roll call, the motion was approved unanimously 6-0-0.

Blair Johanson, President of the Botanical Garden Society of the Ozarks, announced the society had received the 2003 Keep Arkansas Beautiful Award. Keep Arkansas Beautiful is a division of the Arkansas Department of Parks and Tourism. The Keep Arkansas Beautiful Commission is funded by the one-eighth-cent conservation tax. Recipients receive a $500 cash prize from Nucor Corporation of Blytheville.

4. **Park Land Dedication**

Development Name:	Duncan Street Apartments
Engineer:	EB LandWorks, Mandy Bunch
Owner:	Mathias Rentals
Location:	South of Sixth Street, on Duncan Street
Park District:	SW
Units:	36 Multi-Family Units
Total Acres:	2.46 acres
Land Dedication Requirement:	0.564 acres
Money in Lieu Requirement:	$13,048
Existing Parks:	Frisco Park (.57 acre), Greathouse Park (6 acres)
Staff Recommendation:	Combination of land dedication and money in lieu (0.466 acres and $2,266.25) with the understanding that the space is smaller than what is typically utilized for a neighborhood park. Parks and Recreation Staff will work with the neighborhood to provide the appropriate amenities for their needs and that will fit in the space dedicated.
Developer's Request:	Combination of Money and Land
Justification:	Applicant has revised the overall site plan of the property allowing for a second review of the project. Discussions with the Neighborhood Association after March 3, 2003 PRAB meeting indicated a desire and need for park space within the neighborhood.

Jennifer Creel, representing the Town Branch Neighborhood Association, expressed the neighborhood's need for green space. Currently, residents must cross either 15th Street or School Avenue to access park space. Project Engineer, Mandy Bunch, revised the proposal following community comment after the initial recommendation on March 3, 2003. The units are being constructed to allow more green space along Duncan Street. Although specific amenities for the space have not been decided, Ms. Creel cited Hotz Park as an

example. Ms. Edmonston said because the development had changed, it needed to be re-evaluated by PRAB.

MOTION:

Mr. Colwell moved to accept a combination of park land and money in lieu to satisfy the Park Land Dedication Ordinance for the proposed Duncan Street Apartments.

Mr. Mauritson seconded the motion.

Upon roll call, the motion was approved 6-0-0.

5. **Lafayette Loft Apartments Undue Hardship Variance**
The North College Development Co., L.L.C. (Applicant) is requesting an Undue Hardship Variance Section 156.03 (A)(1), for the Lafayette Loft Apartments project. The project is located in the St. Joseph's Church and School on Lafayette Avenue. The Applicant is proposing 39 units on 1.99 acres of land. The Park Land Ordinance requires .66 acres or $15,327 to meet the recreation needs of residents for this development.

On April 7, 2003, PRAB voted to accept a combination of money and land to meet these requirements. The Applicant has provided .176 acres, leaving $11,261.87 to be paid as parks fees. The Applicant is requesting the dedication of .176 acres be applicable to all park land dedication fees.

Parks Staff recommends the April 7, 2003 PRAB decision stand based on the following:

- The Park Land Ordinance requires .66 acres of land be dedicated to meet the parks and recreation needs of the proposed development. The developer is only providing .176 acres.
- Parks Staff and the Parks and Recreation Advisory Board decided to take this land in combination with money based upon results from a public Willow-Washington Neighborhood Association meeting. Comments and concerns from the neighborhood clearly pointed to the desire to obtain the land as a public park so that it would be held in perpetuity for use by the neighborhood and its residents despite what future development may occur.
- The Park Land Ordinance formula is based on land costs throughout the city; both inner and outer city land costs have been factored into the formula. The price per acre is set at $23,125.
- Parks Staff does not want to create a precedent of granting hardship to developers that could severely limit the City's ability to provide for its citizens parks and recreation needs.

Advisory Board members discussed the $23,125 per acre formula set by ordinance. The formula is revised every two years. Ms. Edmonston said if appraisal values were used in place of $23,125 then developers would generally be paying more.

MOTION:

Mr. Mauritson moved to recommend Planning Commission deny Applicant's request for Undue Hardship Variance Section ~~156.03~~ 166.05 (A)(1) for the Lafayette Loft Apartments project.

Mr. Hill seconded the motion.

Upon roll call, the motion was approved 6-0-0.

6. **Community Park Update**
Mr. Hatfield reported six appraisals have been received. A May 20, 2003 meeting was scheduled to review appraisals and visit potential sites. The meeting will begin at 3:00 p.m. at the Parks Office, 1455 Happy Hollow Road.

7. **Park Trails Master Plan Update – Steve Hatfield**
Mr. Hatfield announced a draft of the Fayetteville Alternative Transportation Plan has been completed. The Plan will be presented to the Sidewalks & Trails Committee on May 14.

8. **A.P.Ex Program — David Wright**
Mr. Wright announced development of a program for the special needs youth population. The Achievement, Performance, and Excellence Program is designed to allow youth with special needs to receive the benefits of participating in recreational activities such as soccer and softball. The first program offered will be a softball/baseball league modified to accommodate each participant's needs.

9. **Gulley Park Summer Concerts — David Wright**
Mr. Wright distributed flyers for the 7th Annual Gulley Park Summer Concert Series. Bands scheduled to perform include: Ultra Suede May 22, Tony Furtado and the American Gypsies June 5; Patrice Pike and the Black Box Rebellion June 19; Trout Fishing In America June 26; The Cate Brothers July 10; Darren Ray & Russ Hutchinson July 24; Mothership August 7. Performances are from 7:00 until 9:00 p.m. on Thursday evenings.

10. **Other Business**
Mr. Hatfield announced National Bike Month. Bike Commute to Work Day is Friday, May 16.

Reed & Associates, Inc.
REAL ESTATE APPRAISERS - CONSULTANTS

Tom Reed, MAI
Rob Potts
Kyle Pattillo
Stuart Sanders

1494 Plaza Place * P.O. Box 1102 * Springdale, AR 72765-1102 * (501) 756-6313 * Fax (501) 756-8861

December 6, 2001

St. Joseph Catholic Church
Attn: Paul Warren
321 E. Lafayette Street
Fayetteville, AR 72701

RE: The St. Joseph Catholic Church Property; Office, School and Church Buildings; Situated on a 1.83± Acre Site, Located along the S. side of Lafayette; And, Dwellings Located at 346 N. Willow, and 310 Sutton; Fayetteville, Arkansas; Washington County

Dear Mr. Warren:

In compliance with your request and for the purpose of estimating the market value of the above captioned property, I hereby certify that I have inspected the subject property and I have made a survey of matters pertinent to the estimation of its value.

I further certify that I have no interest, present or contemplated, in the property appraised and that my fee was not contingent upon the value estimate reported.

The following report contains data gathered in my investigation, information from my files and shows the method of appraisal. Some of the supporting documentation is retained in the appraisal file. This report represents a Limited Appraisal Analysis reported in a Summary Format.

Based upon an analysis of relevant data and contingent upon the assumptions and limiting conditions which follow and appear later in this report, it is my opinion the market value of the subject property, as of November 20, 2001, was as follows:

Subject Church/School Property (1.83± Acres)	= $1,370,000 to $1,520,000
310 Sutton	= $ 155,000
346 N. Willow	= $ 75,000

The preceding values reflect terms equivalent to cash to the owners, and represent that for real property only. No personal property has been included in the final estimate of value.

There was a lack of recent, comparable sales of properties of the subjects nature in the immediate market area, or the Fayetteville area. There are no vacant sites of the subjects nature in the market area. Sales of smaller lots in the subject and competing areas were utilized. Based on the size/shape of the subject site, it could be divided into several homesites with little development costs. Lots could be located fronting Willow and Walnut Avenues, and Lafayette Streets. There appears to be good demand for lots/homes in the subject area.

Analysis of Sales

The unit of comparison is price per square foot. The elements of comparison are property rights, conditions of sale, market conditions, location, and physical characteristics.

Property Rights Appraised: No adjustments are indicated. Each of the sales appears to have involved the transfer of the fee simple interest.

Conditions of Sale: Each of the sales appears to have been an arms-length transaction and no financing adjustments can be supported. No adjustments for conditions of sale are indicated.

Market Conditions/Location/Physical Characteristics: After adjustments for market conditions, location and physical characteristics, where applicable, the sales indicate a price per square foot for the main subject site of $2.25. Therefore:

79,623± SF @ $2.25 = $179,152

Say $180,000

The values for the smaller subject sites area as follows:

1. 346 N. Willow (7,088± SF) = $32,000
2. 310 Sutton (8,255± SF) = $35,000

St. Joseph's Catholic Church
Summary of Average Vehicle Trip Generation
For 8 Th.Gr.Sq.Ft. of Church
April 09, 2003

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	73	3	3	3	2

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	78	19	7
Sunday	293	39	37

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

TRIP GENERATION BY MICROTRANS

St. Joseph's Catholic Church
Summary of Average Vehicle Trip Generation
For 289 Students of Elementary School
April 09, 2003

	24 Hour Two-Way Volume	7-9 AM Pk Hour Enter	7-9 AM Pk Hour Exit	4-6 PM Pk Hour Enter	4-6 PM Pk Hour Exit
Average Weekday	295	49	35	0	0

	24 hour Two-Way Volume	Peak Hour Enter	Peak Hour Exit
Saturday	0	0	0
Sunday	0	0	0

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

TRIP GENERATION BY MICROTRANS

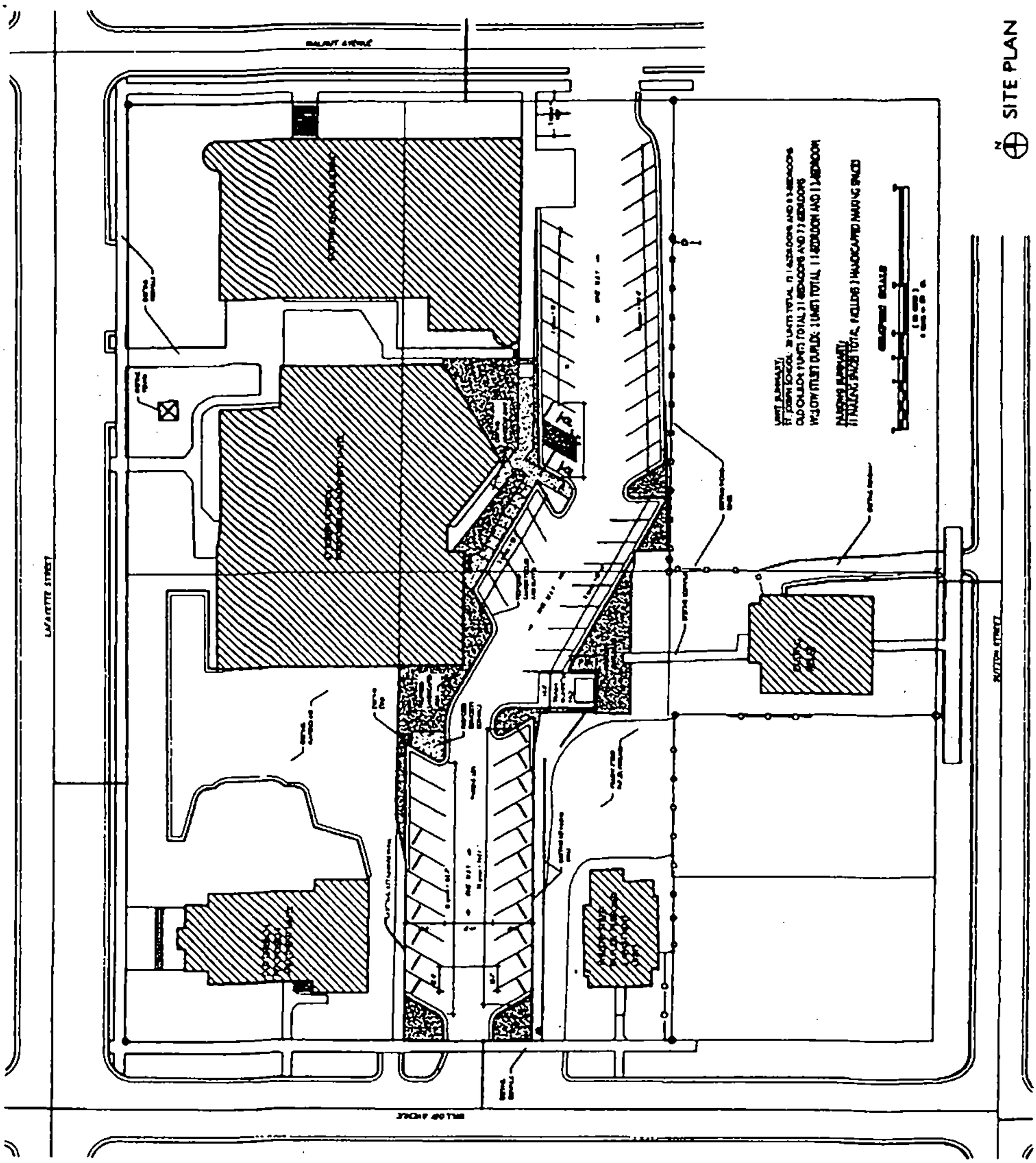
St. Joseph's Catholic Church
Summary of Average Vehicle Trip Generation
For 39 Dwelling Units of Apartments
April 09, 2003

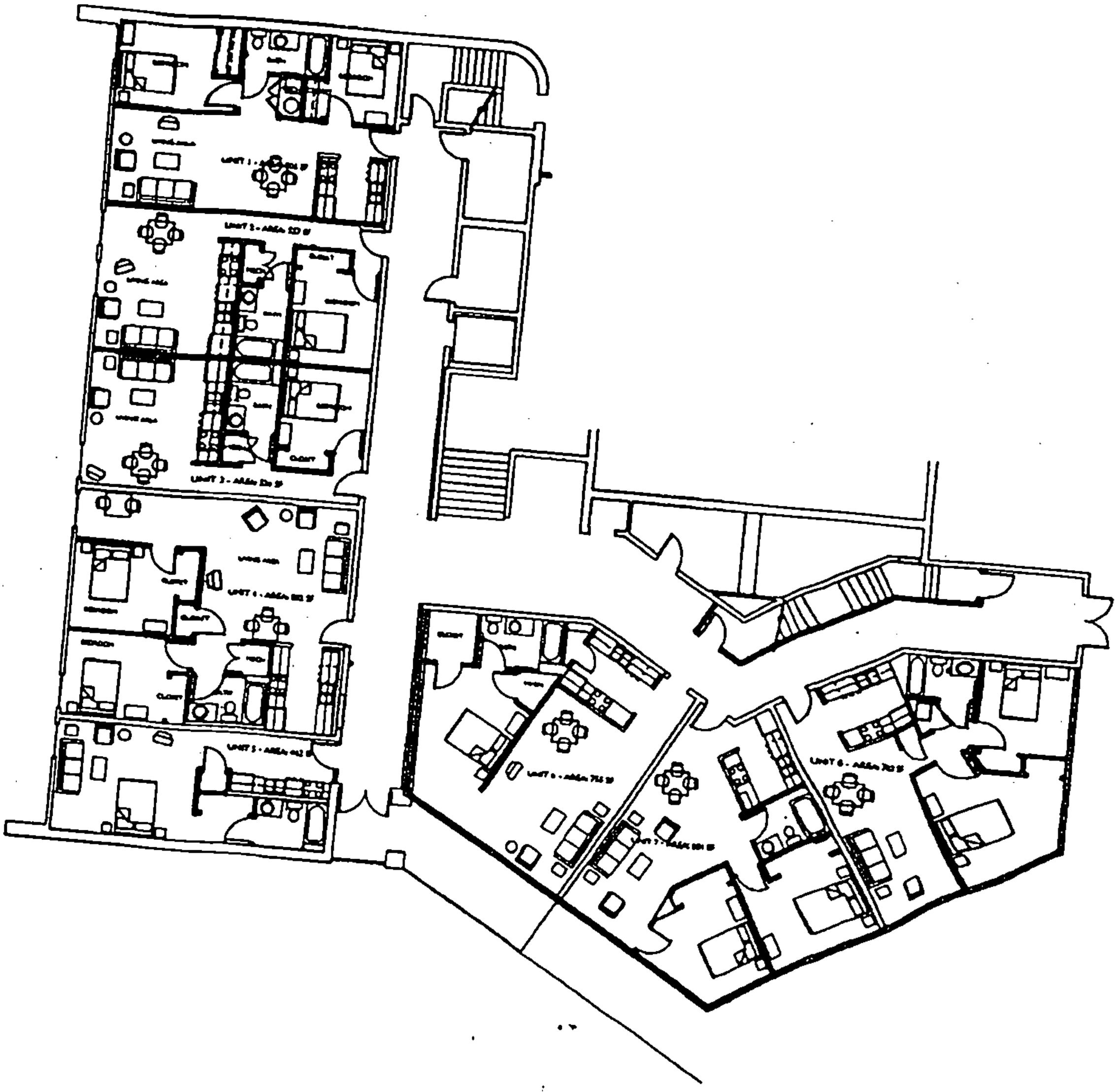
	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	259	3	17	16	8

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	249	0	0
Sunday	229	0	0

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

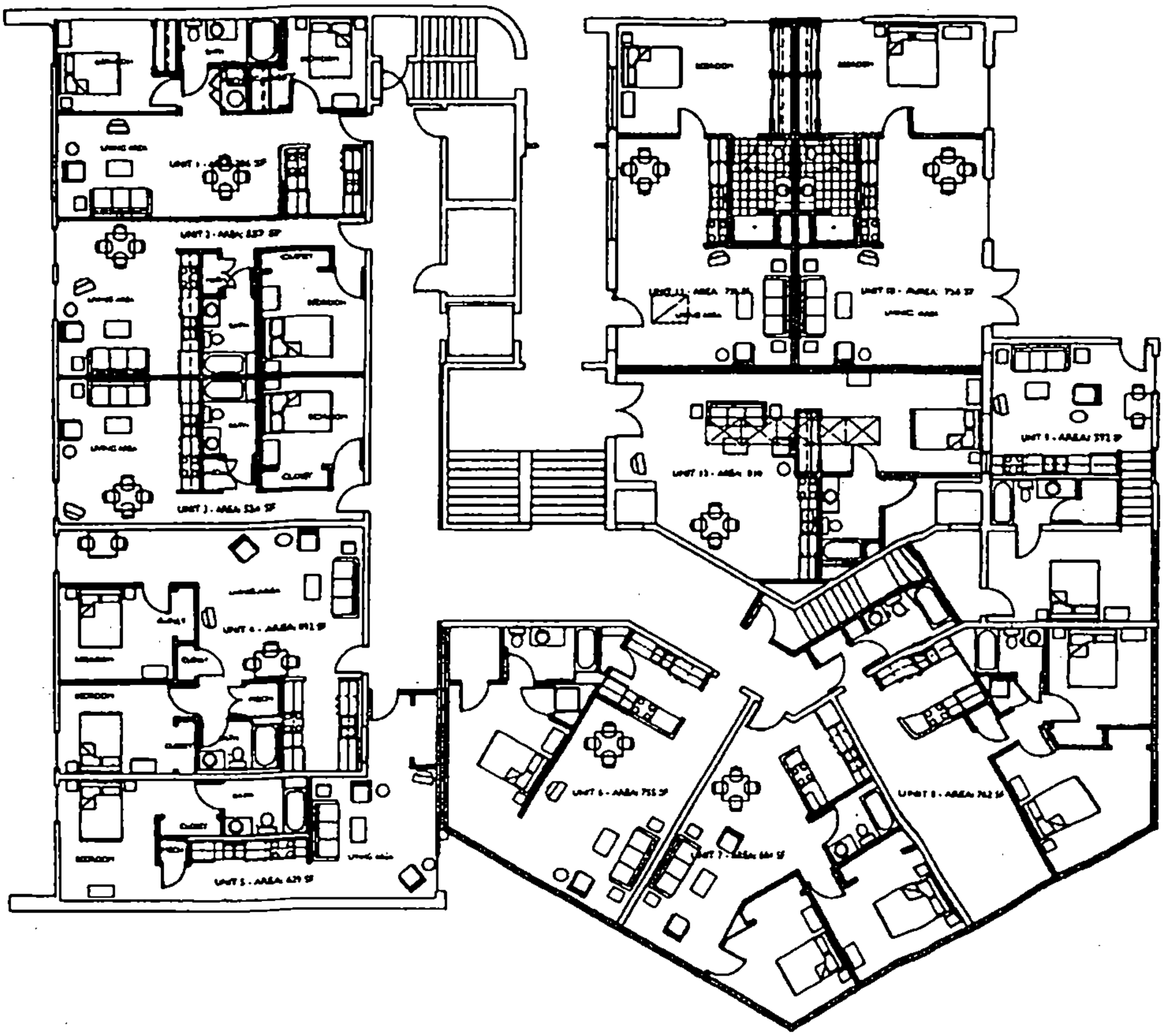
TRIP GENERATION BY MICROTRANS


SITE PLAN
WALNUT AVENUE
LAFAYETTE STREET
SUTTON STREET
SUTTON AVENUE



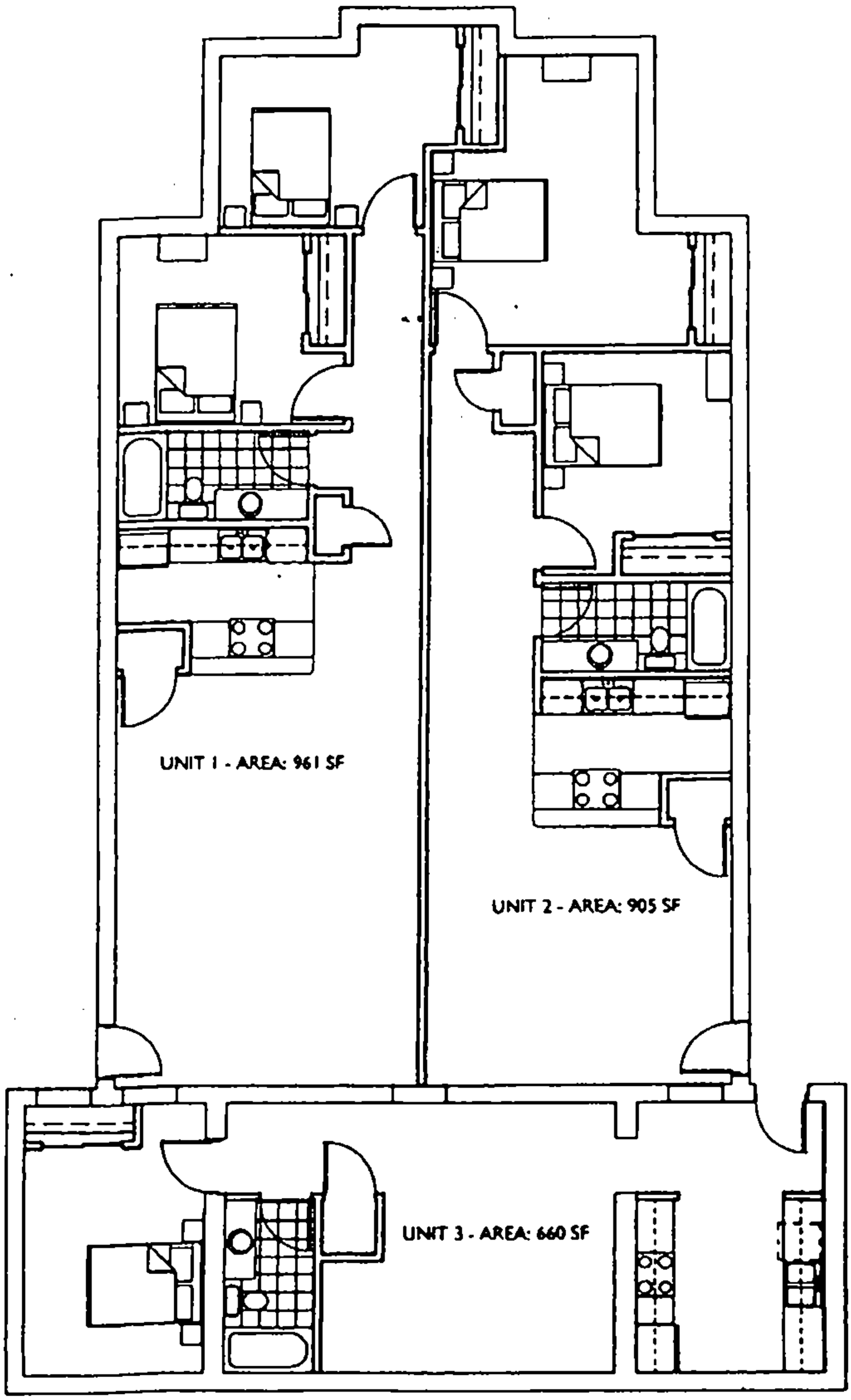
N

ST. JOSEPH LOWER LEVEL PLAN



ST. JOSEPH UPPER LEVEL PLAN

LAFAYETTE LOFTS, Fayetteville, Arkansas

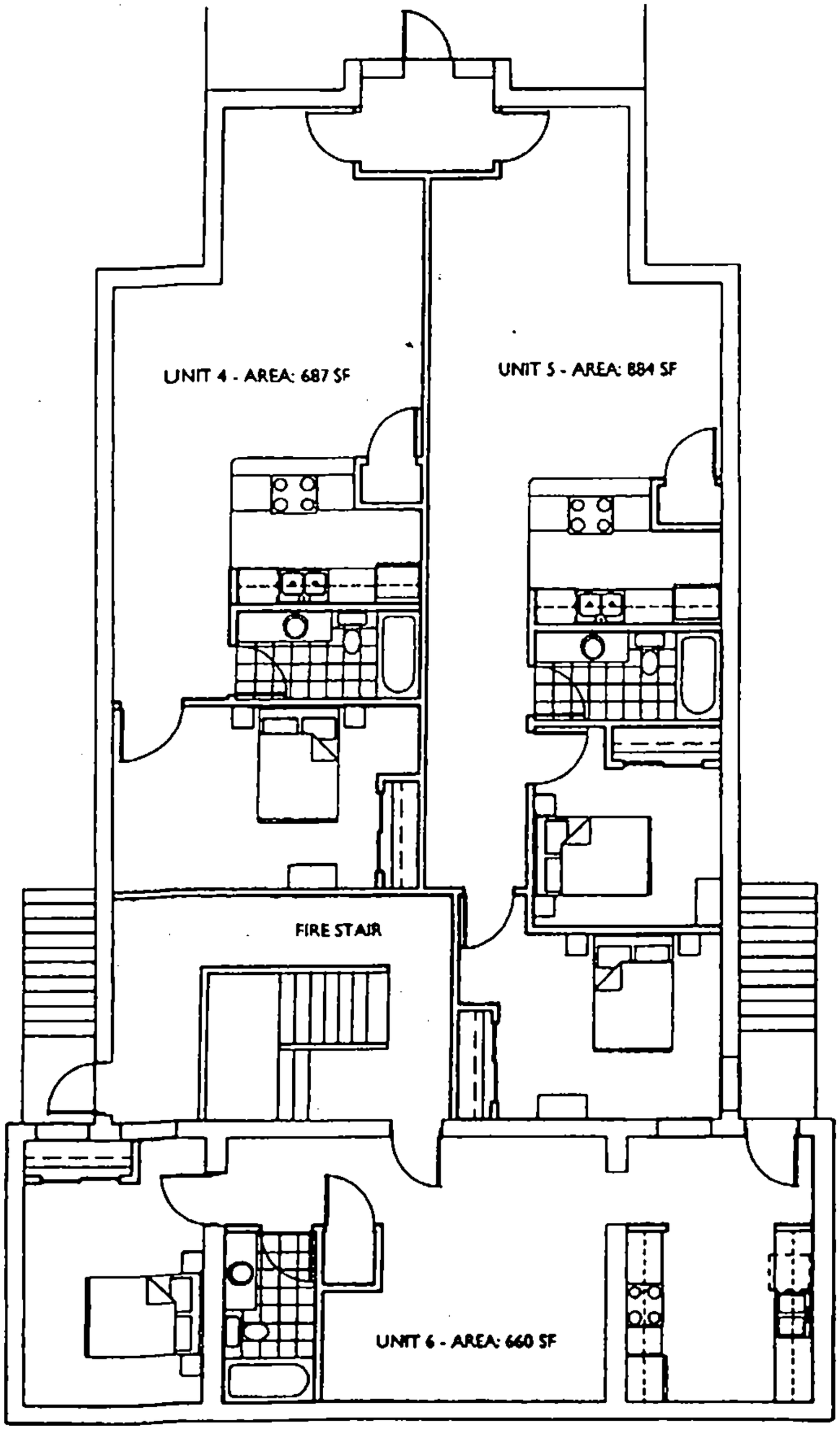


OLD SCHOOL BASEMENT PLAN

1/8" = 1'-0"

FENNELL|PURIFOY|HAMMOCK|ARCHITECTS

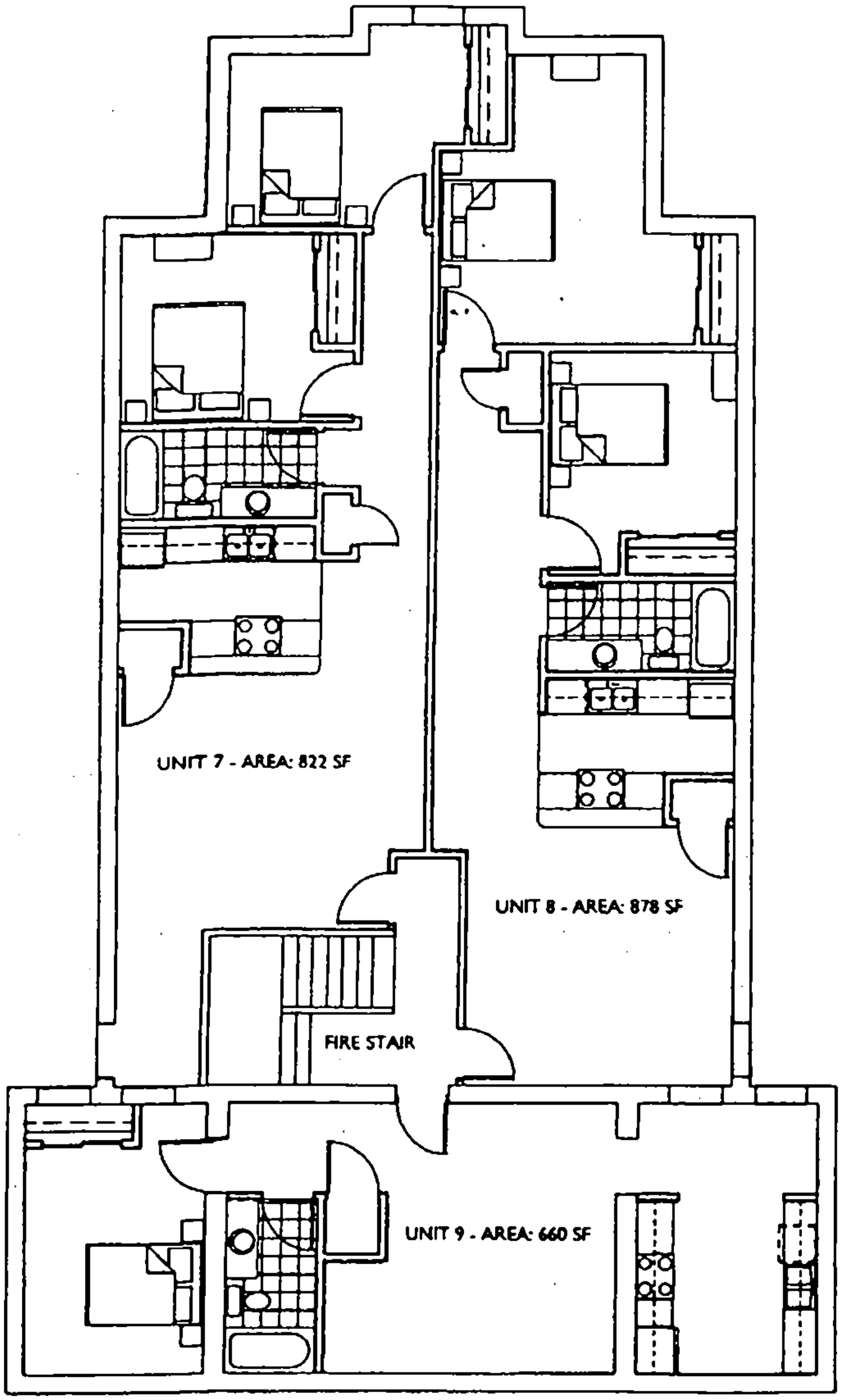
LAFAYETTE LOFTS, Fayetteville, Arkansas



OLD SCHOOL FIRST FLOOR PLAN
1/8" = 1'-0"

FENNELL|PURIFOY|HAMMOCK|ARCHITECTS

LAFAYETTE LOFTS, Fayetteville, Arkansas



OLD SCHOOL SECOND FLOOR PLAN
1/8" = 1'-0"

FENNELL|PURIFOY|HAMMOCK|ARCHITECTS

Dave FULTON Realtors

3196 N. College, Suite 3
P.O. Box 456
Fayetteville, AR 72703

DAVE FULTON
BROKER - OWNER
Bus. 479-521-7653
Pager/ Voicemail 479-841-7307

Mr. Tim Conklin
Dir. Comm. Plng/Eng. Svcs
City fo Fayetteville
125 W. Mountain,
Fayetteville, AR 72701

May 7, 2003

Dear Mr. Conklin:

We own the duplex located at 343-345 N. Willow St, directly West of the Catholic church property. The property is held by Birdie Properties, LLC.

The reason for this letter is to express our great support for the development plan presented by No. College Development Co, LLC.

We are aware of the other projects successfully completed by the principals of this company and the very positive impact they have had on our community.

I would assume that your major oppostion to this plan would be increased traffic flow, which could not possibly greater than when the property was occupied by the church and school.

We urge your approval of this proposal, and believe that it will only enhance the surrounding property values.

Thank you for you consideration.

Dave Fulton, GRI, CRB

RECEIVED
MAY 13 2003
PLANNING DIV.

DF/cs

RE: Opposition to R-PZD 03-3.00 Planned Zoning District

Gentlemen:

We are neighbors and landowners that reside by the Proposed St. Joseph Planned Zoning District. We are adamantly opposed to this planned zoning district for the following reasons:

1. **Inappropriate for the area.** This rezoning is in the heart of Washington-Willow Historic District and is totally inappropriate for the neighborhood. This is an R1 neighborhood and in the church's location there would normally be 5 houses, not 39 apartments. This will destroy the character of the neighborhood. We never thought that a change as invasive as this would even be considered.

2. **Traffic.** None of us liked the St. Joseph traffic, but the traffic caused by these 39 apartments will be worse. The residents of these 39 units will, for the most part, be leaving in the morning and returning in the evening, at the same times as the rest of the neighborhood. The St Joseph Church traffic was over by the time we all came home, but these new residents will have the same traffic pattern that we follow. Further, we expect more trips than you estimate because it is so easy to run out for quick trips when you live close to the center of town.

3. **Property Values.** No one can say with a straight face that putting a 39 unit apartment complex in an R1 neighborhood will enhance the neighborhood property values. We have invested time and money in our homes and we don't want to see an apartment developer come in
and take that away from us.

4. **Opposed to Parking Lot Waiver**. These folks should have to obey the same city rules as everyone. No special waivers should be given to allow them to shoehorn in the maximum number of apartments. Walnut is about 20 feet wide and people shouldn't be parking that close to Bob Savage's front door.

5. **Parking.** We think that the proposed off street parking spaces will be mostly filled by apartment residents. Visitors will flow onto the neighborhood streets. Walnut, Sutton and Willow are narrow streets that become one lane with just a few extra cars. We will have gridlock. This neighborhood doesn't need and can't support the traffic that this project will build.

6. **Disruption.** The noise and traffic caused by of a remodeling project this size and scope will disrupt our neighborhood for many months.

For all these reasons, we request that this Planned Zoning District request be turned down.

Sincerely, Duane Bell - 306 E Lafayette
Wayne Wright - 346 N. Walnut
Wanda J. Thomas 403 E. Lafayette St.
Robert L Savage - 348 N. Walnut
Stella Keating 444 Sutton
Robert Brinkmeyer 417 Sutton
Pamela & John Lawrence - 429 N. Walnut Ave

Anna Jones 428 N. WILLOW AVE.
[illegible] 432 N. Willow Ave.
[illegible] 312 N. Willow Ave.
Janet Warberger 312 N. WILLOW AVE.
Jo Dean Clark 406 Mission Bvld
Carl Clark 406 Mission Bvld
Mitchell Pratt 400 N. Mission Blvd.
Jennifer Bartlett 400 N. MISSION BLVD
Mande Bartlett 400 N. Mission Blvd.
Sondra J. Crouch 426 E. Lafayette
[illegible] CLAY 407 E. Lafayette
Renee A. Clay 407 E. LAFAYETTE
RA Brzynski 412 E Lafayette
Samir Haj 416 E. Lafayette
Gillian B Wright 346 N. Walnut
Debra Rae Cohen 417 Sutton

Jeanne M. Hicks
311 Sutton St

RE: Opposition to R-PZD 03-3.00 Planned Zoning District

Gentlemen:

We are neighbors and landowners that reside by the Proposed St. Joseph Planned Zoning District. We are adamantly opposed to this planned zoning district for the following reasons:

1. **Inappropriate for the area.** This rezoning is in the heart of Washington-Willow Historic District and is totally inappropriate for the neighborhood. This is an R1 neighborhood and in the church's location there would normally be 5-6 houses, not 39 apartments. This will destroy the character of the neighborhood. We never thought that a change as invasive as this would even be considered.

2. **Traffic.** None of us liked the St. Joseph traffic, but the traffic caused by these 39 apartments will be worse. The residents of these 39 units will, for the most part, be leaving in the morning and returning in the evening, at the same times as the rest of the neighborhood. The St Joseph Church traffic was over by the time we all came home, but these new residents will have the same traffic pattern that we follow. Further, we expect more trips than you estimate because it is so easy to run out for quick trips when you live close to the center of town.

3. **Property Values.** No one can say with a straight face that putting a 39 unit apartment complex in an R1 neighborhood will enhance the neighborhood property values. We have invested time and money in our homes and we don't want to see an apartment developer come in and take that away from us.

4. **Opposed to Parking Lot Waiver**. These folks should have to obey the same city rules as everyone. No special waivers should be given to allow them to shoehorn in the maximum number of apartments. Walnut is about 20 feet wide and people shouldn't be parking that close to Bob Savage's front door.

5. **Parking.** We think that the proposed off street parking spaces will be mostly filled by apartment residents. Visitors will flow onto the neighborhood streets. Walnut, Sutton and Willow are narrow streets that become one lane with just a few extra cars. We will have gridlock. This neighborhood doesn't need and can't support the traffic that this project will bring.

5. **Disruption.** The noise and traffic caused by of a remodeling project this size and scope will disrupt our neighborhood for many months.

For all these reasons, we request that this Planned Zoning District request be turned down.

Amanda Ann Hilton Nichols 306 E. Lafayette Ave.
Duane Nelson Dell 306 E Lafayette Ave.
Hugh Jones 341 N. Willow Fay. AR 72701
Rebecca J McNaw 343 N. Willow Fay. AR 72701
Carolyn Ford 228 E Lafayette, Fay. AR 72701
[illegible] 413 A N. Willow Fayetteville AR 72701

(sign with name, street address) Janice Ryan 424 N. Willow AR 72201

Faith and Fortitude

A History of St. Joseph Church
Fayetteville, Arkansas

Gretchen Baerg Gearhart

FAITH AND FORTITUDE: A HISTORY OF ST. JOSEPH CHURCH
FAYETTEVILLE, ARKANSAS

Gretchen Baerg Gearhart

St. Joseph Church
Fayetteville, Arkansas
2002

Cover design by Kay Corso with
motifs from her collection
of antique holy cards

Printed by ARCOM Printing and Graphics for
St. Joseph Church, Fayetteville, Arkansas

Acknowledgments

Heartfelt thanks to all the following, who by their gracious assistance made this project enjoyable:

Rick Arrington, who gave of his time and talent to prepare the typescript for publication.

Kay Corso the cover artist.

Bill Flynn, whose desire to set the record straight led to the writing of this history. His family papers were invaluable in documenting the beginnings of the Catholic community in Fayetteville.

For sharing their memories: Rev. John Antony, Ellen Coffey, Betty Connell, Jenny Coogan, Sam Donelson, Rita Ferrell, John Flynn, Irene Guadalajara, Ernie Jacks, Richard Kellogg, Shirley Lucas, Mary Marinoni, Adele O'Connell, Claudette Warren, Paul Warren, Sister Ruth Wewers, Rev. Mark Wood.

For assistance with research: Russell Baker, Arkansas History Commission; Jan Brass, Chancery Office, Diocese of Arkansas; the staffs of the Grace Keith Genealogical Collection, Fayetteville Public Library and Special Collections Division, University of Arkansas Libraries;Tony Wappel,Washington County Archives; Manon Wilson, Shiloh Museum of Ozark History.

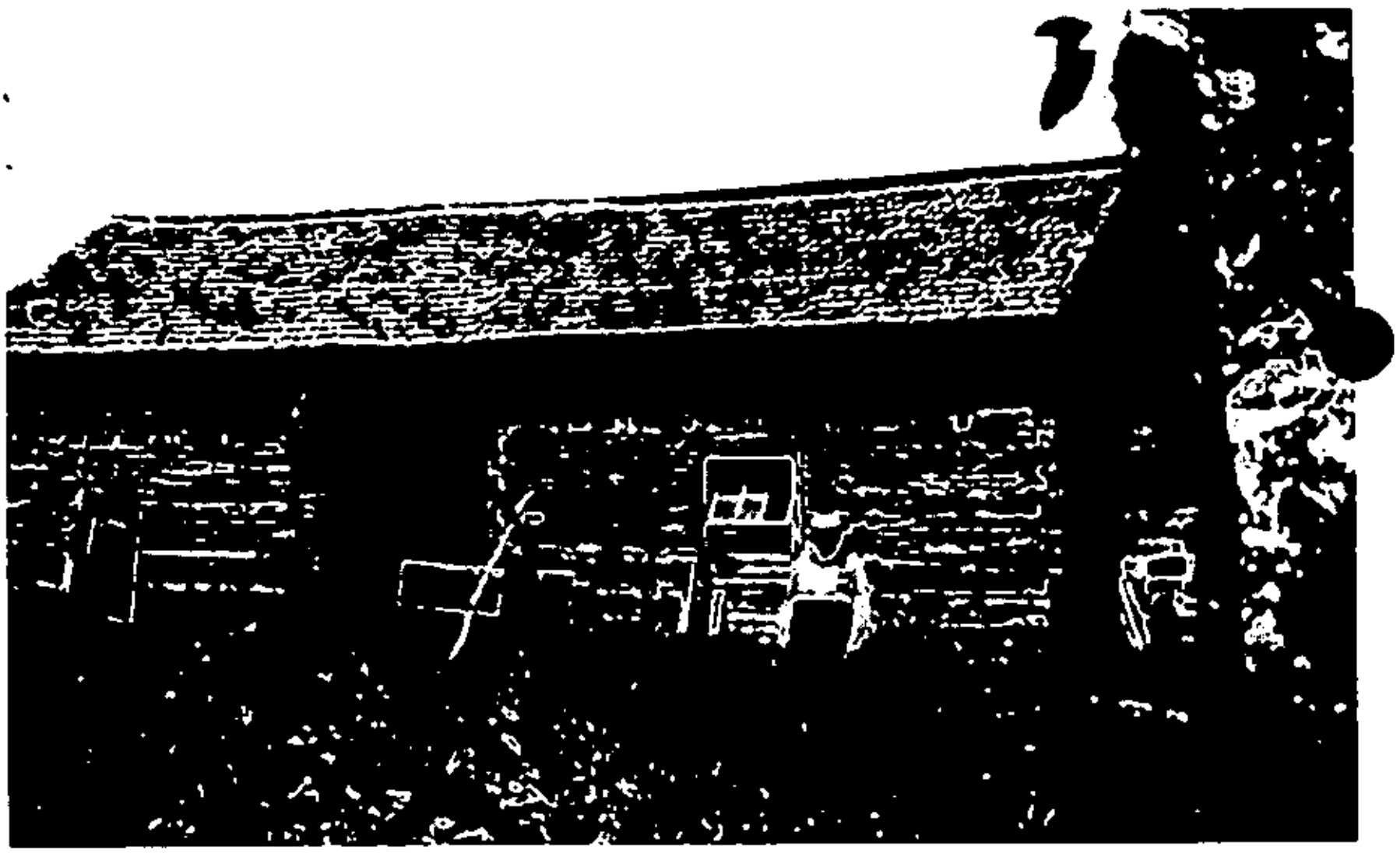
For editorial assistance: Jeannie Whayne, Lydia Worden, and Rev. Paul Worm.

Gretchen Gearhart

Father Michael Smyth with members of the William Flynn family in 1899 (Courtesy of Bill Flynn.)

As the people of St. Joseph Parish, Fayetteville, Arkansas, prepare to move to a new home, it seems appropriate to look back to their beginnings and tell the story of the Catholic community in Fayetteville from 1844 to the present, of the valiant priests and lay people who served the church as it developed from the small Irish community of worshipers to a thriving multi-cultural parish of more than one thousand families.

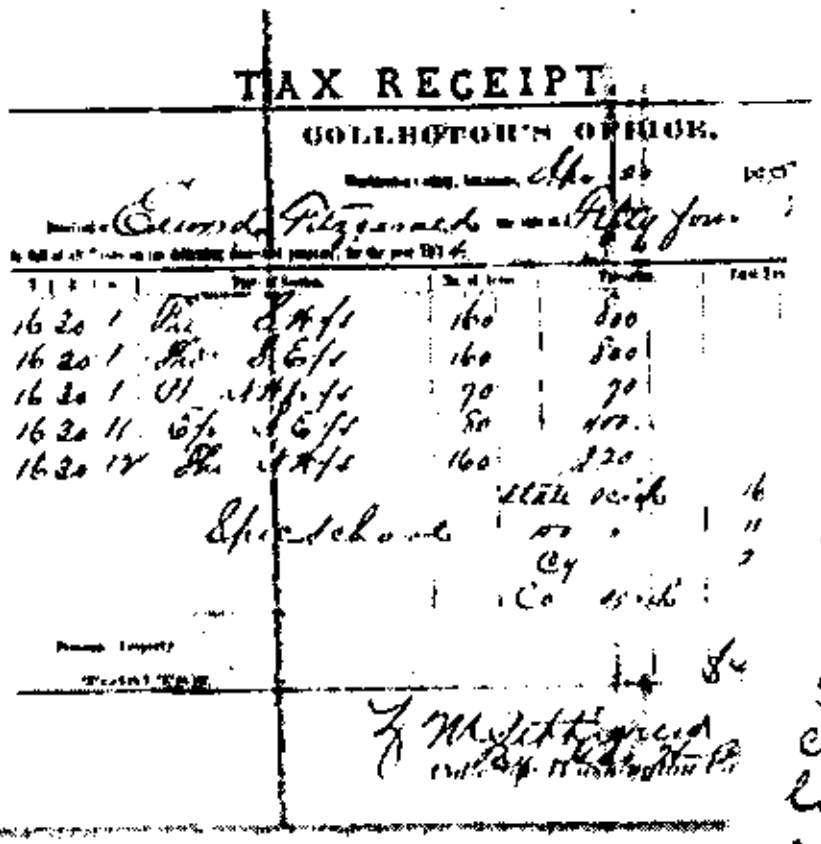
On March 10, 1844, the year after the creation of the Diocese of Arkansas, the ordination of an Irish-born priest, Andrew Byrne, as Bishop of Arkansas took place at St. Patrick's Cathedral in New York City. Soon after, he and two priests, Fathers John Corry and James Donahoe set out for Arkansas by way of New Orleans, arriving in Little Rock on June 4.



The Flynn cabin, site of the first masses in the Fayetteville area (St Joseph archives)

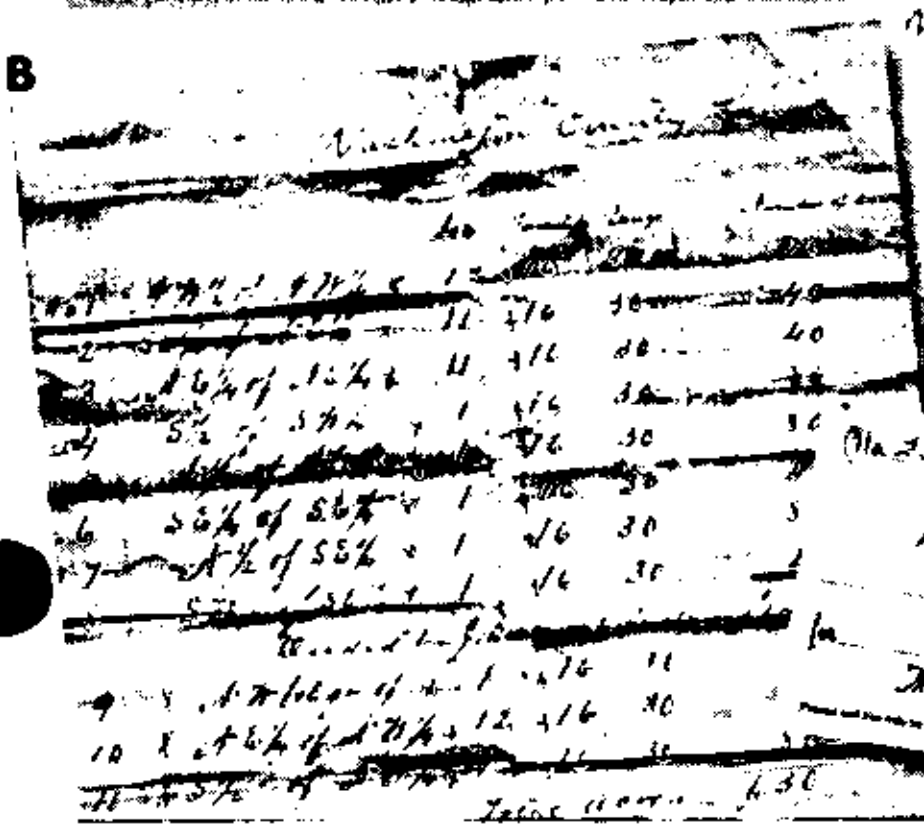
Not long after their arrival Bishop Byrne sent Father Corry to Fort Smith to build a church.[1] Father Corry was a man of independent means, having been a merchant in Boston prior to ordination.[2] While stationed in Fort Smith, he traveled over the Boston Mountains, no doubt by horseback, to

A

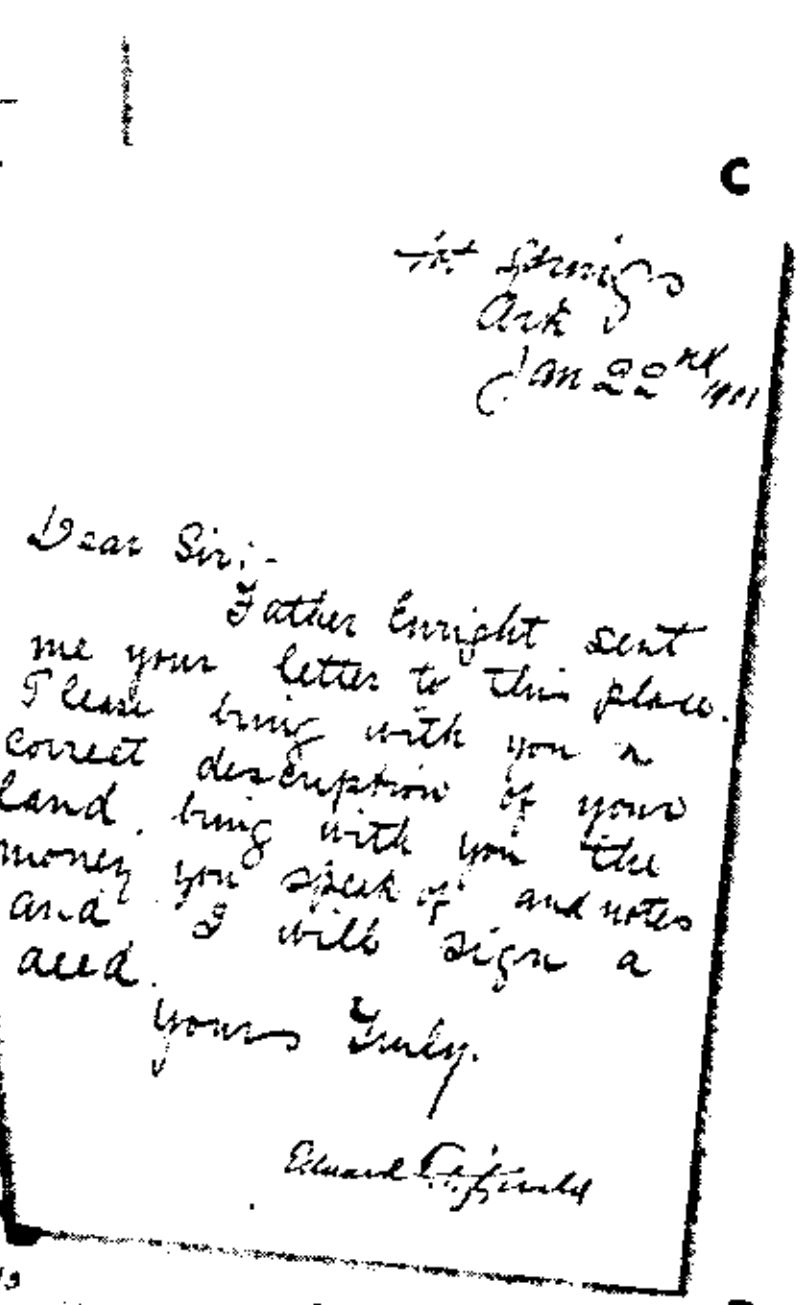

TAX RECEIPT.

COLLECTOR'S OFFICE.

B



C

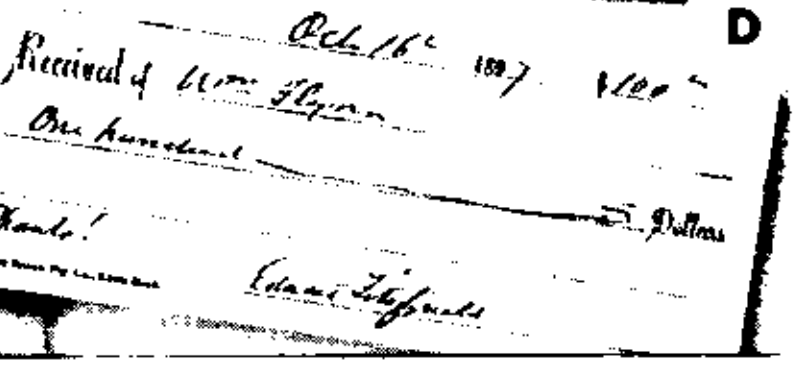

Dear Sir:-

Father Enright sent me your letter to this place. Please bring with you a correct description of your land, bring with you the money you speak of and notes and I will sign a deed.

Yours Truly.

Edward Fitzgerald

D


Oct 16th 1897 $100

Received of Wm Flynn

One hundred Dollars

Edward Fitzgerald

A. A receipt for taxes paid in 1875 by Edward Fitzgerald, Bishop of Arkansas, on the property northeast of Fayetteville. (Courtesy of Bill Flynn.)
B. A description of the land northeast of Fayetteville owned by the Diocese of Arkansas.
C. This letter to William Flynn dated January 22, 1901, indicates that he is about to make the final payment on the land. Bishop Fitzgerald was ill and evidently unable to sign his name. (Courtesy of Bill Flynn.)
D. A receipt from Bishop Fitzgerald for a payment of $100 from William Flynn, son of the first settler on the church land. (Courtesy of Bill Flynn.)

Fayetteville, where he purchased 440 acres of land for church purposes. According to a 1925 history of the church in Arkansas, "His ambition was to establish an Irish Catholic colony, with Church and school as center."[3] He built a log chapel on the land which was in use until the Civil War. When Father Corry learned that Bishop Byrne planned to locate the church and college he envisioned at Fort Smith instead of Fayetteville, "he felt a bitter disappointment and went back to New York."[4] On January 12, 1847, Father Corry deeded over the land to Bishop Byrne for the sum of $1.00. Settlement of the land by Irish families had begun in 1846 with the arrival of the William Flynn family.[5] The bishop made additional land purchases in 1854 and 1856, making his total holdings 630 acres, all near what is now Mission Boulevard and Crossover Road.[6] More Catholic families soon settled on plots owned by the bishop, making payments to him and his successor, Bishop Edward Fitzgerald, as they were able. A Flynn family document from the Collector's Office, Washington County, Arkansas, April 25, 1875, reads, "Received of Edward Fitzgerald, the sum of $54.60 dollars, amount in full for all taxes for the year 1871."

The earliest recorded baptisms in Fayetteville were performed by Father Peter Walsh in 1847: William, son of slaves Bob and Alera, and Judith, daughter of Kate, a slave, on February 15. Five days later Father Walsh baptized Alira (Alera?), a forty-five-year-old slave, and her daughter Miranda, and on December 5, Augustus Merrill, legitimate son of James Merrill and

[3] Immaculate Conception Church, Parish History Committee, *From the Foundation Up—The Story of a Frontier Parish* (Fort Smith, AR: Church of the Immaculate Conception, 1999), 2

[4] *Guardian*, Little Rock, June 16, 1917

[5] Historical Commission of the Diocese of Little Rock, *The History of Catholicity in Arkansas: From the Earliest Missionaries Down to the Present Time* (Little Rock: Guardian Press, 1925), n.p.

[6] *Southern Guardian*, Little Rock, August 17, 1912

[7] William P. Flynn to Jeff Wood, March 7, 2000, copy in possession of author

[8] Washington County Archives, Old Courthouse, Fayetteville, Arkansas

Elisabeth Dixon.[7] A man named J. B. Costa sponsored the slaves.[8] Would that more were known about these people. One wonders if they were accepted by the Irish families and attended Mass in the log chapel.

An early mention of the presence of priests in Fayetteville comes from Miss Sophia Sawyer, a missionary well known in Fayetteville history as the founder of the Fayetteville Female Seminary, who wrote to the American Board of Commissions on Foreign Missions in January 1846: "The Priests are among us—one of them attended our first criminals in prison and on the gallows—and for the first time after the execution my ears were saluted with excited inquiry, 'Miss S, Miss S, where is purgatory! What is it? The priest says Mrs. Burnett (meaning the woman who was hanged) is gone there.'" [9]

Priests from Fort Smith served the Fayetteville area until 1881, making the arduous trek over the mountains by horseback. Father Laurence Smyth was the first to make regular visits. Beginning in 1857 he came two to four times each year, with the exception of the Civil War years, when there were no visits by a priest for four years.[10] Diocesan records show Father Laurence Smyth as the first priest assigned to St. Joseph's Parish (1870-1872), followed by his brother, Father Michael Smyth, (1872-1880). Father Laurence was a much beloved pastor in Fort Smith. Born in Ireland, he had first come to Arkansas in 1856, and he became pastor at Fort Smith in 1862. When he died in 1900, a parishioner published a memorial booklet in his honor, which shows him to be

[7] Book No. 5, Fayetteville and Fort Smith, 1844-1869, Miscellaneous Catholic Church Records of Arkansas, microfilm copy, Arkansas History Commission, Little Rock.

[8] John B. Costa was appointed postmaster for Fayetteville in 1847. Campbell, William S., *One Hundred Years of Fayetteville, 1828-1928*, (Fayetteville, AR: William S. Campbell, 1928), 27.

[9] Donat, Pat, "Historical Building Found," *Northwest Arkansas Times*, July 4, 1976.

[10] *Southern Guardian*, August 17, 1912.

an outstanding priest and a remarkable man: "During his forty years residence in Fort Smith there was probably no more popular citizen that ever walked the streets, than Father Smyth. He was known to all, and was alike courteous and kind to the rich and poor, the high and the lowly. He was broadminded and liberal, yet scrupulously exact in the performance of his priestly and business obligations. He was alike exacting with his flock and would not tolerate any act that smirched of dereliction to duty in matters religious or otherwise.[11] In manner his simplicity was childlike, supported by a gigantic mind and pleasing personality, that made him the most approachable and magnetic of men. To this was added his priestly bearing and priestly dignity. He demanded and commanded respect by his even temperament and gentlemanly associations with the world." [12]

Father Michael Smyth was ordained in Fort Smith on Trinity Sunday 1871. For twenty-nine years he assisted Father Laurence and was also a missionary to Northwest Arkansas and Indian Territory. [13] The memorial to Father Laurence contains a chapter remembering Father Mike and describing the nature of his ministry:

> After his ordination the young priest was assigned to a missionary territory, embracing at that time the five nations of the Indian Territory, which was then a part of the Arkansas diocese . . . He was untiring in his efforts to establish churches that offered but little financial encouragement, yet in the face

[11] A letter from Father Laurence Smyth to William Flynn dated March 15, 1867, demonstrates his concern for his flock in distant Fayetteville. He wrote, "Mind the Lent. No flesh meat allowed on Wednesday or Fridays at any meal. Allowed at the dinner meal only on the other days." (Personal collection of Bill Flynn.)

[12] Dunn, John E., *Memorial to Very Rev. Laurence Smyth* (Fort Smith, AR: Elevator Press, 1900), 33.

[13] Immaculate Conception Church, *From the Foundation Up*

> of at times seemingly unsurmountable obstacles, he built the church at Fayetteville, at Van Buren and one at Atoka, in the Choctaw Nation . . . He was forced to visit his stations by overland, and for weeks at a time he was in the saddle going from point to point . . . He suffered all the hardships of the missionary priest in a thinly settled territory.[14]

This hard life took its toll on Father Mike. He developed a weakness for alcohol and was often hauled off to jail. James Woods relates the following story in *Mission and Memory*:

> [D]uring Sunday Mass on a hot summer morning, when Fr. Laurence was giving one of his elaborate sermons, an inebriated Fr. Michael Smyth crawled unseen up to the choir loft to listen. While many of the Immaculate Conception congregation were fervently praying that the priest would finally conclude his sermon, a voice in Irish brogue came forth from above, "O.K. Larry, you have done spoke long enough, now just get on with the rest of the Mass." To the parishioners, it must have seemed like an answered prayer, God speaking in an audible voice to finally quiet Father Laurence's lengthy oration. Moreover, God had revealed himself to be Irish after all! Alas, it quickly became apparent that the origin of this utterance was not divine.[15]

[14] Dunn, *Memorial to the Very Rev. Laurence Smyth.*
[15] Woods, *Mission and Memory.*

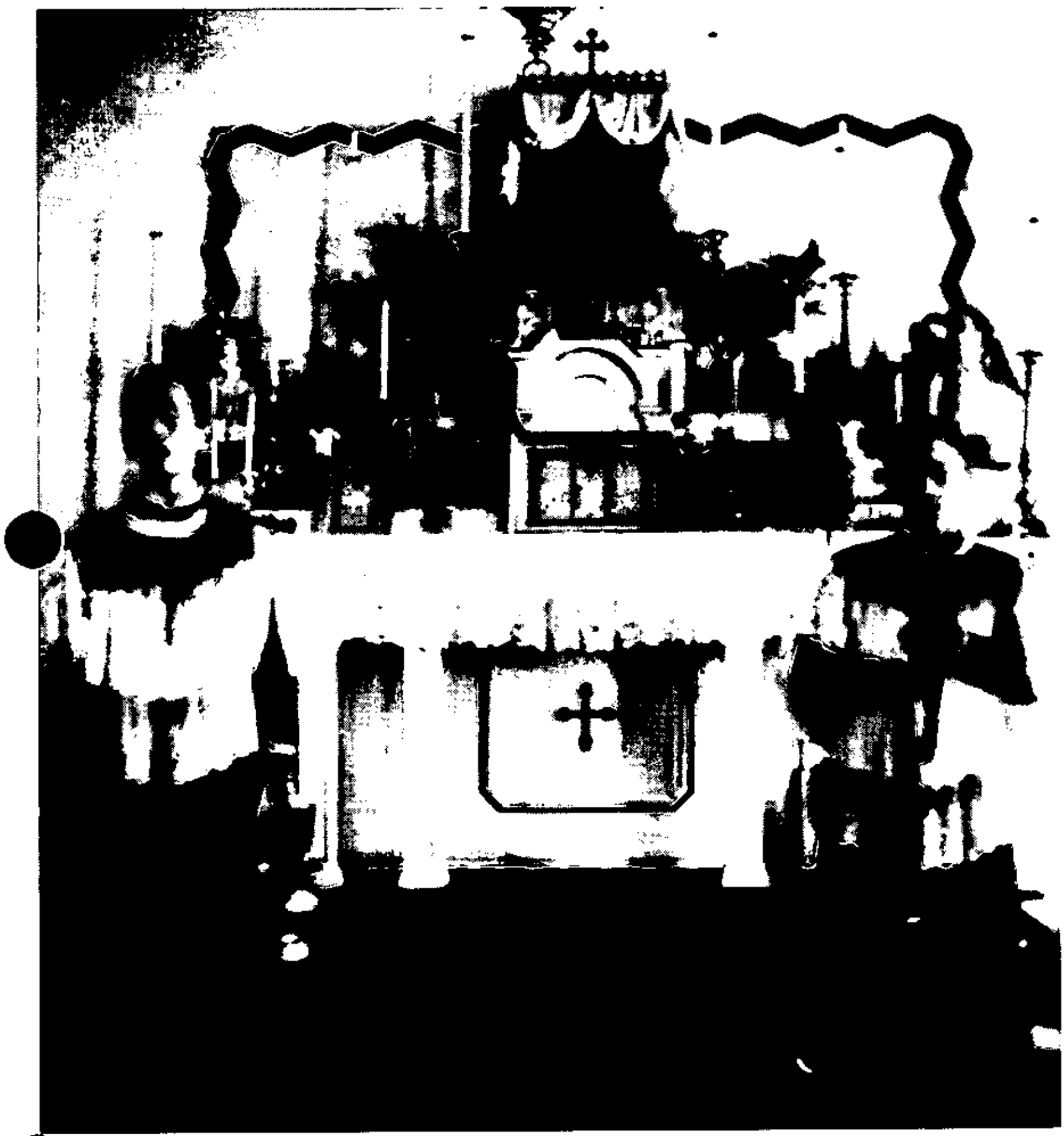
Father Michael died on June 7,1900, of blood poisoning from a fractured thumb.[16] His brother's death occurred five months later. Father Laurence's funeral was one of the largest ever held in Fort Smith up to that time. His memorial reports that, "All creeds and nationalities were present to do honor to the memory of the popular and beloved priest ... and many there were who could not gain admission within the portals of the sacred edifice. They remained outside and joined the funeral cortege to the Catholic cemetery that followed the church services." [17]

The white frame church and rectory on Willow Ave. (Clipping from St. Joseph archives.)

The visiting priests celebrated Mass first in the log cabin on the Flynn property and later in the Flynn home until a frame church was built at the corner of Lafayette and Willow, on a plot of land purchased by Maurice Coffey for $100 and donated to the church. The July 20, 1872, issue of the *Fayetteville Democrat* carried this item, "Rev. Father Smythe of Fort Smith will deliver a lecture at the Court Hall in this city on Tuesday night the 30th inst., [*sic*] the proceeds of which will go towards the erection of a Catholic Church building at this place. Let's all attend. Price of admission only 25 cents." Bishop Edward Fitzgerald dedicated the church in June 1878. At this time the parish, which had been known as St. Mary's or Mount Saint Mary's, was named for St.

[16] Dunn, *Memorial to the Very Rev. Laurence Smyth*, 60

[17] Ibid., 18.



The altar in the white frame church on Willow Ave. built in 1872 (St. Joseph archives.)

Joseph.[18] This church building served until 1936. John Flynn, a descendant of early settler William Flynn remembers attending Mass there: "It was filled to overflowing. People dressed for church, men in suits, women in long dresses and hats. It was hot in summer, and the only relief was from handheld fans."[19]

[18] *Fayetteville Democrat*, July 20, 1872, quoted in Westermeier, Therese S., "The Catholic Church in Fayetteville, Arkansas, 1844-1955" (St. Joseph Church, Fayetteville, Arkansas, photocopy).

Bess Reed remembered the winters: "A pot bellied stove with pipe going straight thru the roof was the heating equipment in the old church. Wood was either too long or too short. If it did burn those near it roasted and the rest of us had frost bitten toes and fingers at the end of Mass. There are two of the original seats in the rear of our church now and you have only to sit one time in them to know what faith and fortitude the founders of this parish had."[20]

Father P. J. Reilly of Boston was St. Joseph's first resident priest. Until a room was built for the priests adjoining the church, the Byrnes family gave him a room and the Coffeys, his meals. Fr. Reilly served only from 1881 to 1883. After that priests were in residence only intermittently until after World War I.[21]

The first Catholic cemetery in Fayetteville is a plot on the Flynn farm not far from the log house that served as a chapel. William Flynn and his wife and two Coffey children are buried here. His descendant, also William Flynn, has an undated clipping of the pioneer Flynn's obituary:

Death of "Uncle Billy" Flinn

> Mr. William Flinn, one of the oldest residents of the County, died at the home of his son, Wm. Flinn, Jr., three miles northeast of the city, Tuesday morning last, aged 84 years. He was a native of Cork county, Ireland, and came to this State in 1847, having previously resided a short time in Providence, R.I. His first home in Arkansas was in this county, settling on the place where he died. His wife, who

---

[19] John Flynn, conversation with author, Fayetteville, AR, August 25, 2000

[20] President to the Altar Society, undated typescript, archives of St Joseph Church, Fayetteville, AR. Westermeier attributes this description to Mrs Jack Reed in her history. Bess Reed was a descendant of the McCoys, one of the pioneer Catholic families in Fayetteville.

[21] Ibid

accompanied him here, died in 1856. He was the first of the industrious colony of Irish immigrants who settled the tract of land northeast of the city, purchased many years ago by Father Curry [*sic*] whose descendants still live in that neighborhood and are among the best people of our population. Mr. Flinn raised a family of four sons and four daughters, one son and three daughters surviving him—Mrs. M. Coffee and Mrs. Jack Foster, of this city; Mrs. M. O'Connell, of Fort Smith; and Mr. Wm. Flinn, of this county. There was no man more respected than "Uncle Billy" Flinn, and he leaves to his descendants the heritage of an untarnished name. He was a devout [C]hristian, scrupulous in all his dealings and a friend who could be trusted. His funeral was largely attended on Wednesday, many being from the city, and he was interred in the family burying-ground, Rev. Father Amandolini officiating.

Later Patrick Hennessey, one of the early settlers, donated land for the cemetery on Highway 45 which is still in use.

A living link from the nineteenth to the twentieth century was Mary Elizabeth McCoy Byrnes. She came to Fayetteville with her parents in 1859, when she was five years old. The family settled on part of the land east of Fayetteville acquired by Bishop Byrne. Her parents sent Mary to St. Anne's Academy in Fort Smith. In her old age she still remembered the long trip to Fort Smith by team over the Boston Mountains and then by boat across the Arkansas River. She and Albert M. Byrnes were united in holy matrimony in 1872 in the chapel in the Flynn home by Fr. Michael Smyth. In 1874 Albert Brynes built a home for his family at 228 East Lafayette, diagonally across the street from the

frame church. Byrnes was a builder and contractor whose name is connected with the establishment of the Fayetteville City Hospital. Not only was he one of the builders of the hospital, but he represented St. Joseph Church as a member of the Board of Control.[22] Byrnes erected more than four hundred public buildings, business buildings, and residences in Fayetteville.[23] The priests who traveled on horseback to minister to the Catholics in Fayetteville often stayed in the Byrnes home. Mrs. Byrnes laundered the altar linens, cared for the vestments, and made the altar breads. In 1885 Father Philip Maurel organized an altar society, with Mrs. Byrnes as president.[24] On her 100th birthday in 1954, Father Edward Maloy bestowed on her the Papal Blessing in recognition of her lifelong service to the Catholic Church in Northwest Arkansas.[25] Her daughter, Dorothy Byrnes Benbrook, followed in her mother's footsteps, caring for the altar linens, leading the choir, and teaching catechism.[26]

Father Pietro Bandini, the founder of Tontitown, served Fayetteville in 1899-1901, 1906-1908, and 1911-1914. Father Bandini had brought a group of Italians from Sunnyside Plantation in southeastern Arkansas to land west of Springdale that he had purchased from the state government in April 1898. They named their town after the explorer Henri de Tonti and soon built a church, also called St. Joseph. Father Bandini established a parochial school, St. Joseph's Academy, in Fayetteville in 1916 under the guidance of Ursuline Sisters from Springfield, Missouri. Classes were first held in a former home on Washington Avenue, then in the remodeled rectory on the church grounds, which was dedicated Sunday, October 24th, 1920, by the Right Rev. Bishop

[22] Rothrock, Thomas, "Fayetteville's City Hospital," *Flashback* 19, No 2 (1969), 3

[23] Lemke, W. J., "An Interview with Mrs A M. Byrnes," *Flashback* 1, No. 3 (unpaged)

[24] Westermeier, "The Catholic Church in Fayetteville, Arkansas"

[25] Westermeier, "Mrs Byrnes Receives Papal Blessing on 100th Birthday," Little Rock *Guardian*, 1954, clipping in archives, St. Joseph Church

[26] Ellen Coffey, conversation with author, Fayetteville, AR, July 12, 2000

John B. Morris. Each room of the building was separately blessed, after which all processed to the church for Mass. The children's choir sang during the Mass, concluding with "Holy God, We Praise Thy Name." [27]

An account in William S. Campbell's *One Hundred Years of Fayetteville* says that in 1919 "the Ursuline Sisters purchased the Lee Reding Putman home on Hill Street with the intention of converting it into a boarding school for young ladies." The home had been a wedding gift to Mrs. Putman from her father, Albert Byrnes, and was named St. Helen's in her memory. The school first opened for a six-week summer term. Then in October 1922 the Guardian carried an advertisement for St. Helen's as a home for women attending the University of Arkansas conducted by the Ursuline nuns. On October 21, 1922, the home was dedicated as St. Helen's Convent. Bishop Morris and five priests were in the procession. The Litany of All Saints was chanted by the clergy and Bordese's Mass in G minor and Jubilate Deo were sung by two soloists.[28] St. Helen's Convent and Boarding School continued until 1927. Meanwhile, Sisters of Mercy came from Little Rock to take charge of the parochial school. The school did not endure, perhaps because the number of Catholics was so small. "The enrollment has seldom been over forty in the grammar grades. Classes are so divided that each of the two teachers conducts classes for four grades." [29] The downstairs rooms of the building were then rented to a private nursery school and kindergarten run by Mrs. Joe Campbell, while the upstairs served as the priest's living quarters.

An earlier attempt to establish a school had an even shorter history. On Sunday, January 25, 1914, the doors of the Incarnate Word Academy

[27] *Fayetteville Democrat*, October 26, 1920.
[28] *Guardian*, October 14, 28, 1922.
[29] Campbell, 59; *Guardian Silver Jubilee Edition*, 1935.

opened to the public, an event described as "a turning point in the history of Fayetteville." [30] Only five months later the twenty-one Sisters of the Incarnate Word of the Blessed Sacrament, who had come to escape a war in Mexico, left when their superior assigned them to Cuba.[31]

In the 1930s nuns from Tontitown taught catechism classes at St. Joseph's. Ellen Coffey, a granddaughter of pioneer Maurice Coffey, tells that from the time she was in first grade until she finished eighth grade, her parents would go to Tontitown on Sunday after the 8:00 a.m. Mass to pick up two nuns and bring them to Fayetteville to teach the *Baltimore Catechism* to the children. The Coffeys would then drive the nuns back to Tontitown.[32]

St. Joseph's acquired its first resident pastor in June 1916. Rev. Walter J. Tynin, S.T.L., who was the first native-born Arkansan ordained for the Diocese of Little Rock, had been appointed pastor of St. Joseph's and would also serve Rogers and Benton County. He arrived in Fayetteville on June 30 and on Saturday once more placed the Blessed Sacrament in the church. Probably in gratitude for Father Tynin, the Ladies Altar Society decided to furnish the remainder of the pastor's house. These estimable ladies also served a business mens dinner twice a month and did the laundry and cleaning for the church. The *Guardian* also reported that the trustees of the church would see to the water well and assure that it was filled as required by law. [33]

The historical record is not clear regarding the parish property at Lafayette and Willow. The frame church dedicated in 1878 faced Willow Street.

---

[30] *Southern Guardian*, January 31, 1914
[31] Ibid, May 16, 1914
[32] Ellen Coffey, conversation with author, July 12, 2000
[33] Woods, *Mission and Memory*, 138, *Guardian*, June 24, July 15, 1916

The red brick church at Lafayette and Willow in 1948 (Diocese of Little Rock archives.)

Some accounts say that part of the property served as a cemetery until Patrick Hennessey donated some land on his farm east of town for that purpose. In 1885 a small room added to the frame church provided living quarters for the priests. A. M. Byrnes built a house for the priests south of the church in 1888. In 1920 this rectory was remodeled for use as a school and living quarters for the sisters. This building was later moved to the east, facing Lafayette, now site of the school playground.[34]

With the laying of the cornerstone for a new edifice on the corner of Lafayette and Willow on July 18, 1936, St. Joseph's parishioners rejoiced that the congregation would soon have a more comfortable house of worship. Built of hollow tile and brick veneer, the building included a vestibule, nave, and sanctuary, and rooms on the east and west to be used as sacristies, and an

[34] Westermeier, "The Catholic Church in Fayetteville, Arkansas."

above-the-ground basement. The completed building was dedicated by Bishop John B. Morris on November 8, 1937. An advance account gives this description:

> The service will begin at 9:30 o'clock when the procession forms at the school house to march to the church. In the procession will be the altar boys, the wardens, the priests, and the bishop, who will be accompanied by his secretary, Monsignor F. A. Allen, and Monsignor John J. Henley. The bishop will consecrate the outside of the church with prayers. Then he will lead the way into the church where the ceremony will be continued.
>
> The Litany of Saints will be sung. After the bishop has blessed the inside of the church Solemn High Mass will be sung for the first time in Fayetteville. The Bishop in his Cappa Magna will assist at the throne on the gospel side. The sermon will be preached by the bishop. At the end of Mass there will be intoned and sung "Holy God We Praise Thy Name." The procession will then return from the church to the school house. During the noon hour ladies of the parish will serve a spaghetti dinner in the basement of the church.[35]

The account goes on to say that the congregation included people who were descendants of the pioneer Catholic families: Mr. and Mrs. W. J. McCoy, Mr. and Mrs. A. M. Byrnes, and the Smythe, Flynn, Hennessey, and Coffey families.[36]

---

[35] Copy of a clipping in the archives, St Joseph Church.
[36] Ibid., 2

The altar, which was installed in October 1937, was a gift from the John T. Craig family of Little Rock. It was constructed of Philippine mahogany and Spanish oak with a background of dark paneled wood. The carved emblems of Alpha and Omega and Chi-Rho were of gold against a background of red and blue. The dossal was of red velour. The crucifix was oak with a corpus of pressed wood. A walnut communion rail had a tablelike top symbolic of the Last Supper.[37] The bell from the frame church served as a link from the old to the new. The seating capacity of two hundred was more than double that of the old church.[38] This building serves now as home for the parish offices and a seventh-grade classroom.

The rectory after the December 24, 1946, fire which took the lives of Father McCauley and Father Dollarton (Diocese of Little Rock archives.)

Joseph's School on dedication day, January 6, 1948 (Diocese of Little Rock archives.)

Vivid in the memory of longtime members of St. Joseph's is the tragic fire which took the lives of the pastor, Father Charles McCauley, and a visiting priest, Father Dollarton, on Christmas Eve 1946. Father McCauley was ill with

[37] *Guardian*, October 9, 1937.

[38] Westermeier, "The Catholic Church in Fayetteville, Arkansas."

Classroom scenes at St Joseph's school (St Joseph School archives.)

influenza, and the night was extremely cold. An explosion in an overheated gas stove started a fire. Ellen Coffey and her family were at the scene before the fire engines arrived. The housekeeper, who lived downstairs, tried to save the men, but rescue was impossible due to the intensity of the flames.[39]

In 1948, after more than twenty years without a school, under the leadership of Father Francis J. McKee the parish acquired a residence on the corner of Lafayette and Walnut and opened a school there with 39 pupils

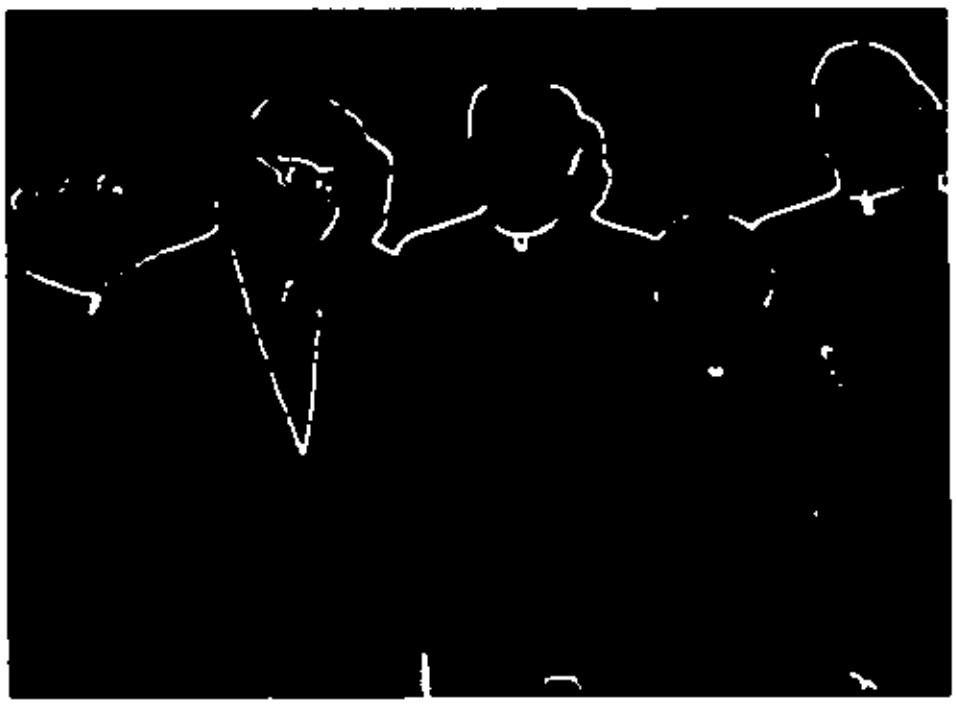
[39] Ibid

taught by Benedictine sisters from St. Scholastica in Fort Smith. A school history in the St. Joseph School *Heritage Cookbook* gives these details:

> Sister Ernestine was the principal; she was accompanied by Sister Regina Marie and Sister Herman Joseph . . . The nuns lived upstairs and taught classes downstairs. Tuition was $2.00 for Catholics and $5.00 per month for non-Catholics. The sisters were paid $35.00 monthly. In 1954, the school having grown to 105 students, Father Edward Maloy had the old frame house razed, the ground cleared, and construction begun on a much needed school building. From September 1954 until April 1955, the 105 pupils and their teachers carried on a full school program with eight grades in the basement of the old church building which was then the cafeteria. On April 17, hundreds of people turned out for the open house of the new school building. Architect T. Ewing Shelton of Fayetteville designed the half-hexagon shape of the classrooms and named his exclusive design "maximlite" to describe his use of natural lighting through glass blocks. Bryce J. Davis was the contractor, and the total contract price was $76,333.19 or $8.27 per square foot. After the move into the new building, the students continued to take meals in the cafeteria of the old church building (downstairs).

Sister Ernestine gave up the principalship due to ill health in 1952, and was briefly succeeded by Sister Annunciata. In 1953, Sister Augustine became principal, Sister Romana was convent superior, and teachers were

Sr. Regina Marie, Sr. Anita, and Sr. Mildred who taught music. A ninth grade was added in September of 1956.[40]



Father Maloy, Fred O'Baugh, and Bishop McDonald with two unidentified priests, October 1973 (St.Joseph archives)

In addition to her duties at the school, Sister Mildred Dunn operated a music school, the Benedictine Studio. Her piano students won many awards in state competitions. Her impressive background included degrees from the American Conservatory in Chicago, post-graduate work at Columbia and Northwestern Universities, and a scholarship to the American School of Music at Fontainebleau near Paris, France. When she announced her intention to return to Fort Smith in 1970, a committee from the community organized an appreciation banquet at the Fayetteville Holiday Inn "to express appreciation for Sister Mildred's valuable contributions in forwarding music education and appreciation."[41]

An all-day kindergarten with teachers Susann Heckel and Lois Heckel gave support to the school for about seven years beginning in 1955, as many non-Catholic parents enrolled their children.[42]

When in 1969 their request for raises was denied, the Benedictine sisters announced their intention to leave. It is said that Father Maloy could not accept

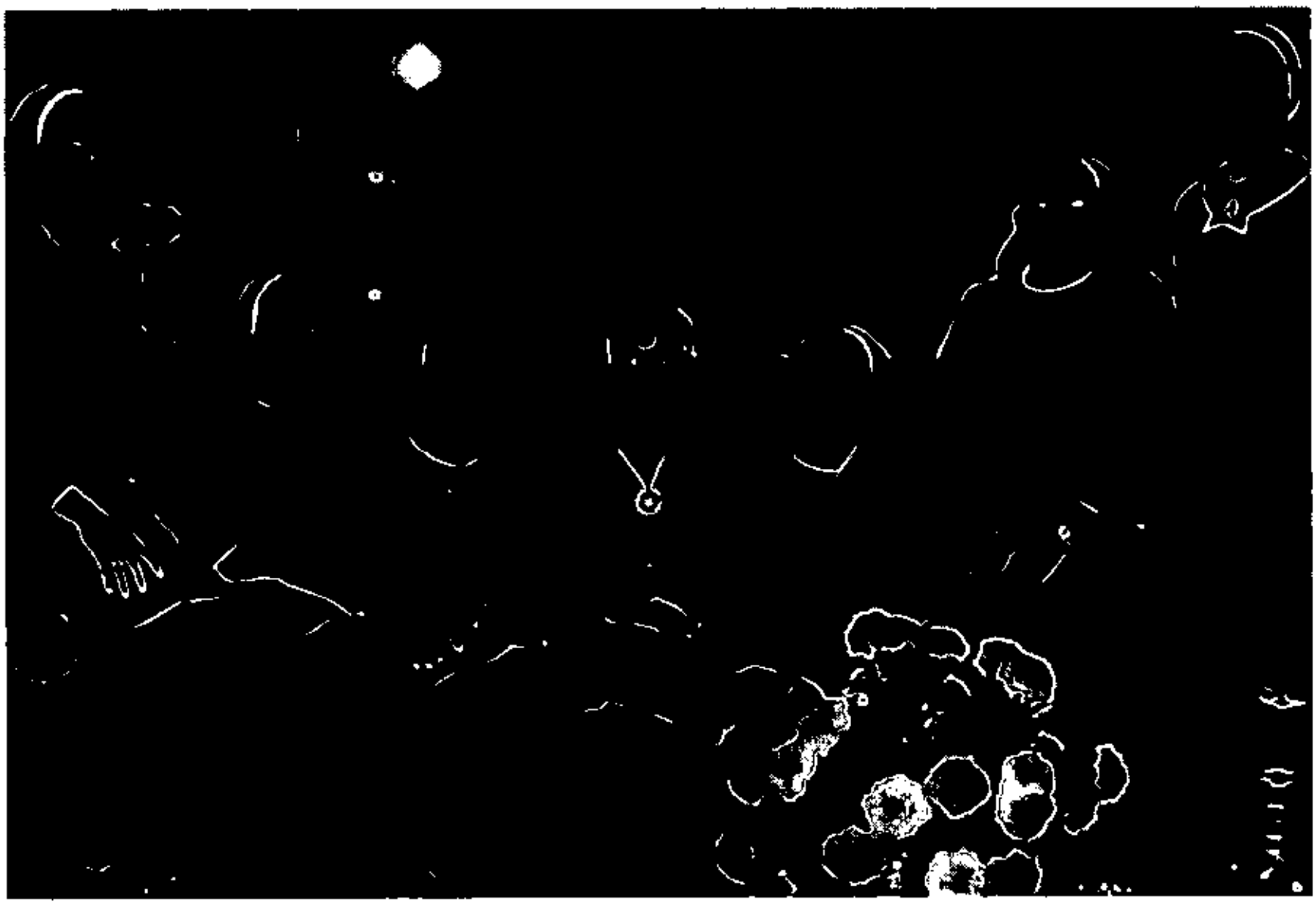
---

[40] "St. Joseph's School History" in *Heritage Cookbook*, St Joseph School, 1984-1985, 15 (Photocopy in archives of St Joseph Church)

[41] *Northwest Arkansas Times*, May 6, 1970

[42] Rita Ferrell and Adele O'Connell, conversation with author, July 28, 2000. *Heritage Cookbook*, "School History," 16.

the Benedictine sisters' decision to abandon their traditional habits and thereafter was less open to their needs. The Franciscan Sisters of Wheaton, Illinois, joined the teaching staff in 1971. Four lay teachers were also on the staff.[43] In the years following, enrollment dropped below acceptable levels, and the school's continuance was in jeopardy. Parishioner Fred O'Baugh led the effort to bring two Franciscan brothers to the school in 1981. From 1982 to 1986 Brother Andrew Schmidt served as principal. He was followed by Ann Ferrell Wilson, who served for ten years.[44] During her tenure a six-classroom addition made room for the nearly 300 students and 14 teachers. Deacon Chuck Marino succeeded Mrs. Wilson in 1996. The current principal, Paula Thiessen, took over in 1999.[45]



Benedictine nuns who staffed St. Joseph's school. From left, Sisters Mary Ruth, Benita, Rosetta, Linda, Mildred, Damian, Annetta, circa 1968 (Courtesy of Theresa Moore.)

[43] *St. Joseph School 1998-99* yearbook

[44] *Heritage Cookbook*, 16.

[45] Other principals included Sr. Victoria (1956-1963), Sr. Benita Wewers (1963-1968), Col. Harold Perry (1968-1974), Mrs. Fisher (1974-1975), Sr. Mary Ruth Wewers (1974-1979), Mrs. Harriet Faust (1979-1982).

Reminiscences of the Benedictine Sisters

The following are recollections of some of the Benedictine nuns who taught at St. Joseph's School during the twenty-one years their order served the parish.

Sister Herman Joseph

In August of 1948 Sisters Ernestine, Regina Marie, and Herman Joseph were commissioned to St. Joseph's School in Fayetteville. One beautiful summer day Sister Jane Frances took Sister Regina Marie and me to our new mission . . . We were met by Father Francis McKee and Margaret Gregg. They took us into the large two-story building which would serve as our school and home. They escorted us to the second story which consisted of two bedrooms, a kitchen, dining room, living room and bath . . . The rooms downstairs were to be our school. In a few weeks we converted these empty rooms into moderately equipped classrooms. We ordered our books soon after Sister Ernestine arrived. One of the workmen who had been painting volunteered to mail our letters after work. We graciously accepted his offer for we had no car. School was about to start and still the books hadn't arrived. In desperation we telephoned Little Rock to inquire why the books we ordered weren't coming. The book depository informed us that they had not received an order from us. We later found out that this guy deposited our letters in a dead-letter box. The books we ordered arrived the day before school started.

Every spring towards the end of the school year the Connells invited us to bring our pupils to their farm for a picnic, which was an all day affair with lunch, games, and much fun.

Sister Anita Berkemeyer

I spent five years in Fayetteville, between the years 1952 to 1957 . . .

In the old house the floor was beginning to pull away from the walls and the building was becoming unsafe. I know I buried a St. Benedict's medal in the yard so that we might get a new school. Sisters Regina Marie, Augustine (Mary Hawkins) and I taught in the church basement for almost a year while they were building the new school. There was only a thin temporary wall between the three classrooms and we could hear each other teaching. It was during that year that we three teachers went out after school to practice driving. It was funny as we used a standard shift car to practice with and sometimes we would go hopping or jumping down the street . . . We had lots of fun as we practiced driving, which probably kept us sane during that trying year.

Since our house was also taken we had to move into a little yellow frame building located just behind the old home. We had two new members, Sister Romana, as house keeper, and Sister Mildred as music teacher. This house was very crowded as three of us slept in one room, with only enough room for one person between the beds. We also shared a dresser.

Sister Elizabeth Rossi

The families and children were very cooperative, kind and giving. I can especially remember the Moore family. Dr. Moore and his wife really took care of us. They gave us our flu shots . . . I had strep throat in the spring of '70; I was out of school a whole week. Mrs. Moore checked on me every day and brought me soup . . .

Irene Guadalajara . . . lived next door to us and was so kind, sharing breads etc. with us. There were many more great people but I can't remember many more names . . .

Father Edward R. Maloy, Father Lewis Cooper, and First Communicants, circa 1965 (St. Joseph archives)

Once when everything was iced over and we had a free day from school, the Moores came to get us in their jeep. All of us skated most of the afternoon on the ice. We rode on a sled and had gobs of fun. We ate a delicious supper at their home and square danced later on in the evening. The school at Fayetteville continued with lay teachers. Later on Father Maloy and Father Cooper were transferred and Sister Ruth returned to St. Joseph's as principal.

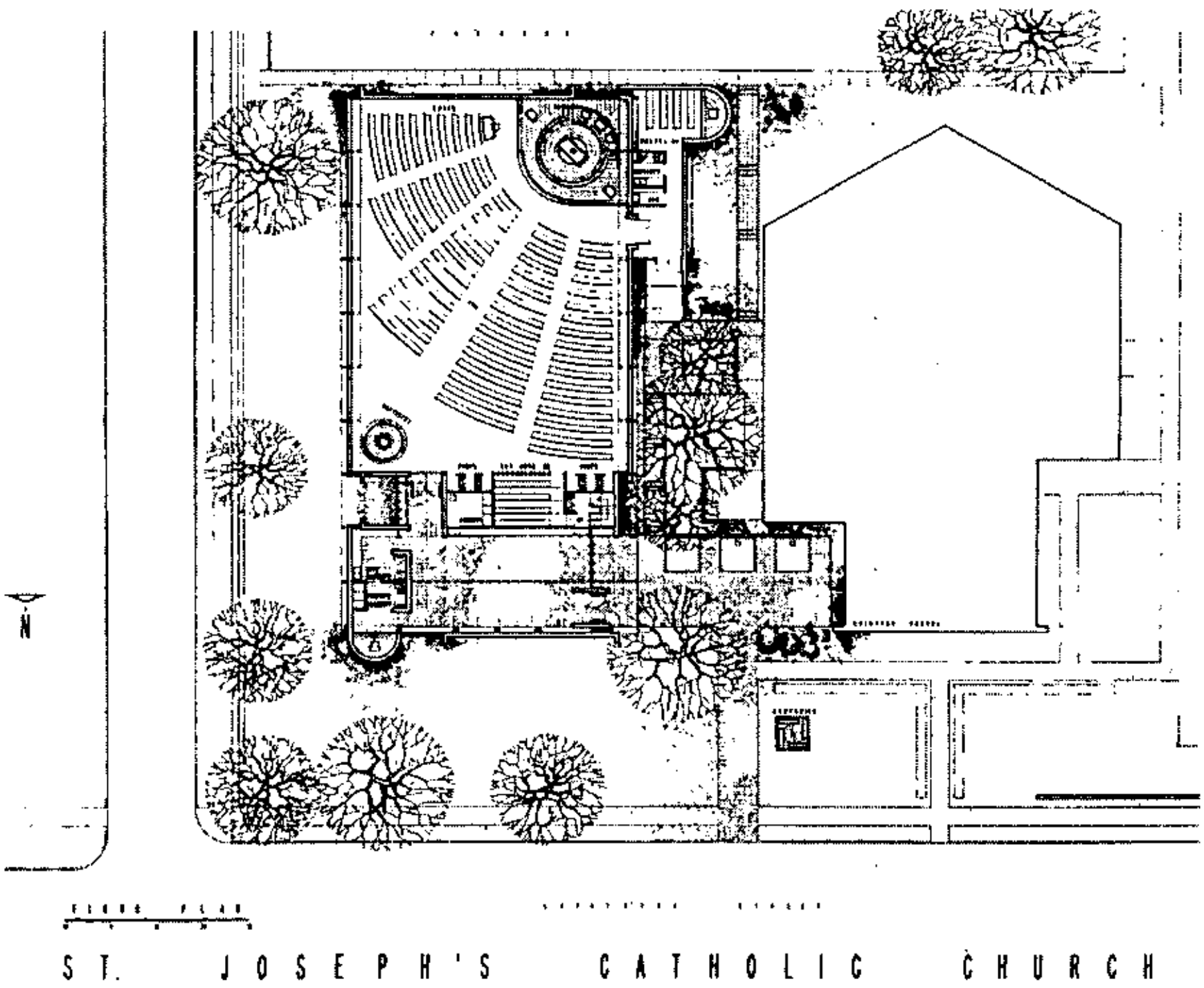
The playground at St. Joseph's school. The two-story white house in the background was once the rectory and later a home for the nuns. (St. Joseph School archives)

Sister Marietta Schroeder (late 1950s)

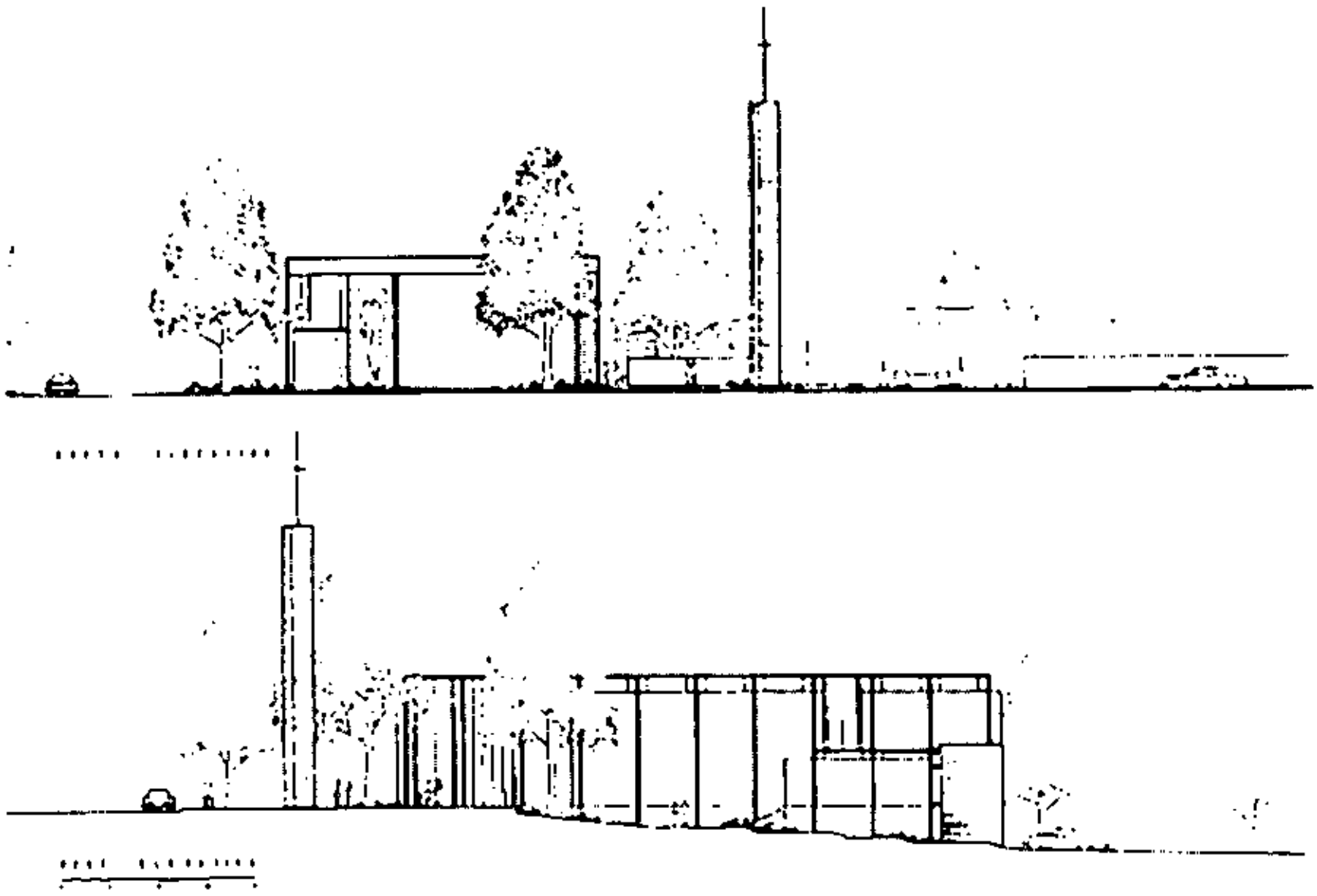
The two years we entered floats in the Christmas city parade proved to be profitable. The first year we were selected as the champion winner and received $100 as an award. The next year we received a $50 award. The chill to the bone experience while building was forgotten when the results proved

favorable. How I remember those hours after school and well into the night when we dressed dolls for the school fair. I think we must have done 50 or more.

The pastor with the longest term of service to St. Joseph was Father Edward R. Maloy, who arrived on January 1, 1951, and served until 1973. Under his guidance the parish built both the present school and church. His was not an easy task; parishioners who attended a meeting to discuss plans for the new church recall loud arguments and walkouts by people who felt the parish could not afford to build. Many transferred to St. Thomas Aquinas Church at



Architect's floor plan for the church at Lafayette and Walnut (Courtesy of Ernie Jacks.)



S T J O S E P H ' S C A T H O L I C C H U R C H

Architect's drawings showing north and west elevations for the church at Lafayette and Walnut (Courtesy of Ernie Jacks)

that time.[46] St. Thomas Aquinas Parish had been created in 1951 to serve the Catholic students and the faculty associated with the University of Arkansas.

Father Maloy bought the home across the street from the church at 318 East Lafayette to serve as a rectory. This high Victorian-neoclassical revival home, which has recently been renovated, was built in 1898 by Albert Byrnes, builder of the first St. Joseph Church. It is listed on the National Register for Historic Places. Father Maloy and his mother lived there, and later the Benedictine sisters took over the house. It was here that Sister Mildred had her piano studio.

[46] Conversation with Ferrell and O'Connell

Possibly the building of the church on Lafayette and Walnut was Father Maloy's most challening undertaking. The Second Ecumenical Vatican Council, called by Pope John XXIII and popularly known as Vatican II, although it produced no dogmas, resulted in years of confusion in the Church as to how to carry out its directives. In 1967 the parishioners of St. Joseph's approved a plan designed by Fayetteville architect Ernie Jacks in partnership with Warren Segraves for a traditional church with a center aisle leading up to the altar, a baptistry in the front of the sanctuary, and a choir loft in the rear. Then directives from Rome indicated that the baptistry must be at the entrance to the church, symbolizing entrance into the faith, that the choir be seated within the congregation, and that the altar placed so the priest faces the people. Jacks and Father Maloy interpreted these directives as best they could, even traveling to Little Rock to consult with the chancery office, where they found uncertainty among the hierarchy. Jacks revised his plan and construction began. Though the overall design of the church is according to this plan, some features were changed or omitted: the Stations of the Cross were to be tapestries designed by a nun at St. Scholastica's Convent in Fort Smith, the large stained glass at the front of the building was to represent St. Joseph in muted colors, the spotlight over the altar was to come down to within seven or eight feet of the altar and a similar light was to illuminate the baptistry, uniting the two elements. These omissions and more recent alterations to the building have taken away from the integrity of the design, which Jacks, who had worked with Edward Durell Stone, a leading exponent of the International Style, had created.[47]

A description of the building, for which the Brennan-Boyd Construction Company was the general contractor, appeared in the Guardian:

[47] Ernie Jacks, conversation with author, Fayetteville, AR, August 8, 2001.

School dance at St. Joseph's, 1966-1967 school year (Courtesy of Northwest Arkansas Times/Shiloh Museum of Ozark History)

Parishoners sort through all manner of items for the annual auction in 1966 (Courtesy of Northwest Arkansas Times/Shiloh Museum of Ozark History)

Two of the 10 winners at St. Joseph's kindergarten Hobo Day, May 12, 1963, at the Ray Pennington farm (Courtesy of Northwest Arkansas Times/Shiloh Museum of Ozark History)

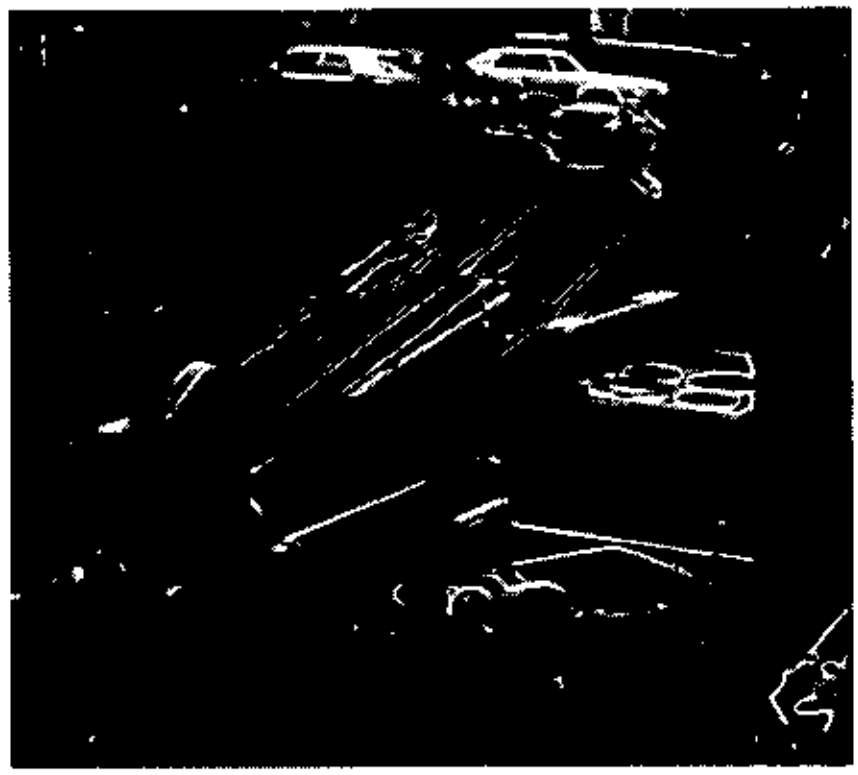
Father Maloy inspects arrangments for a reception in the school cafeteria (Courtesy of Howard Clark, photographer /Shiloh Museum of Ozark History)

Debby Walters, Homecoming Queen at St. Joseph Junior High School, crowned during halftime during the football game with Prairie Grove Junior High at Harmon Playfield, October 1970 (Courtesy of Northwest Arkansas Times/Shiloh Museum of Ozark History)

The building conforms to the liturgical norms of Vatican Council II, has a small chapel for private Masses, a sound-proof "cry-room" for parents carrying infants to Mass, and a fan-shaped seating arrangement that places the entire congregation close to the Altar of Sacrifice.

A bell tower, separate from the church is equipped with verdin 680 Carillons. Furnishings for the church were provided as memorials by parishioners. The altars and Baptismal font were supplied by Midwest Marble of Tulsa, and statuary is handcarved from Italy.[48]

Mrs. Raymond Fulton, Mrs. Duane Matthews, Mrs. James Meek make plans for St. Joseph Altar-Rosary Holiday Fair as Angie Meek approves. Luncheon and a turkey dinner were served. (Courtesy of Northwest Arkansas Times/Shiloh Museum of Ozark History.)



St. Joseph's School students prepare for the annual auction, September 1972. From left are Bobby Morgan, Susan Faust, and Charles DeSalvo. (Courtesy of Northwest Arkansas Times/Shiloh Museum of Ozark History.)

[48] *Guardian*, September 27, 1968.

Bishop Albert L. Fletcher dedicated the church on Sunday, September 22, 1968. Members of the Father Bandini Council of the Knights of Columbus, Tontitown, served as an honor guard for the bishop. Priests from other Northwest Arkansas parishes were in the capacity crowd. A reception for the bishop and a dinner for His Excellency and the visiting priests served by the ladies of the parish followed the dedication.[49]

A later addition to the church was a pipe organ donated to the church by parishioner Sam Donelson and heard for the first time on Christmas Eve 1997. Leading up to this historic occasion is a story dating back to 1991 when Donelson bought for $300,000 a fourteen-rank Aeolian Skinner organ built in 1932 for Principia College in Elsah, Illinois. The next step was to rebuild it, a job entrusted to Charles Hendrickson of St. Peter, Minnesota, who added

Father Leo Reidmuller and First Communicants, 1975 (St. Joseph archives)

[49] Ibid.

Father Rudolph Maus, Brother John Francis and First Communicants, 1978
(St. Joseph archives.)

twenty more ranks of pipes from various sources. Donelson and Brother Christian Guertin traveled to St. Peter to consult with Hendrickson and came up with a tonal design in the French romantic style of the 1860s-1870s. A loft was constructed in the rear of the church to accommodate the organ and the choir. In the fall of 1997 two installers arrived in Fayetteville and lived in the former friary for two-and-a-half months until their work was complete. The organ is the largest in northwest Arkansas and today is worth $500,000 to $600,000.[50]

At present five groups provide music at St. Joseph's: the Gregorian Schola, led by Richard Lee, a traditional choir with organist Lawrence Pereria, a folk group, a Hispanic band, and a Catholic Youth Ministry choir.

[50] Sam Donelson, conversation with author, Fayetteville, AR, January 30, 2001.

Father Mark Wood, Brother Joel Mark, Brother John Francis and First Communicants, 1995 (St Joseph archives)

Rev. Leo Reidmuller (1973-1975) succeeded Father Maloy and was by all accounts a much loved pastor. However, he served only two years. His successor was Rev. Rudolph E. Maus (1975-1993). Father Maus had been pastor briefly in 1939, when he was twenty-four years old and newly ordained. Father Maus, later Monsignor Maus, served until his retirement at the request of Bishop McDonald in 1993. "A thrifty German who took no salary, cut the grass, and shoveled snow," he is also remembered as a fine storyteller who loved to fish and tend his vegetable garden behind the rectory. During his tenure the parish was able to pay off its mortgage on the church.[51]

The year 1993 brought major changes to St. Joseph Parish. Following Msgr. Maus's retirement on June 1, St. Thomas Aquinas University Parish and

[51] Conversation with Ferrell and O'Connell

St. Joseph combined under Father Mark Wood, who was already pastor of St. Thomas. The St. Thomas and St. Joseph Parish Pastoral Council had previously met on May 19 and recognized the challenges ahead. Many organizations were in place at St. Joseph, such as the Knights of Columbus, Fathers' Support Group, Legion of Mary, Holy Name Society, and Altar and Rosary Society. St. Thomas had operated under a system of commissions and committees, and St. Joseph Parish Council minutes in August 1993 listed the following: Campus Catholic Ministry, Liturgy, Religious Education, Parish Life, Hospitality, Administration, School, Social Justice, and Grounds. These reported to the Parish Council and the Finance Council. The process of integrating the organizations at St. Joseph into the commission structure continued into 1994.

Father Wood commented that the transition was hard, that everyone had to "hang in there." Some parishioners commented, "A lot of good is coming out of this." Father Wood believed the changes were "good for St. Thomas in many ways and for St. Joseph in many ways." Even so it was a struggle to deal with the growth of the parish and school. Lay involvement was always critical. Father Wood said he was "impressed and inspired by what the lay people did—by their faith and cooperation. People always responded when there was a need, especially where the school was concerned."[52]

In August 1993 the Parish Life Commission asked parishioners to sign up for the following volunteer opportunities on a Time and Talent Inventory form: hospitality, coffee and doughnuts after the 9 a.m. Masses, parish directory, Sunday meals for students at St. Thomas, soup and salad suppers on Wednesdays during Lent, baked goods for any occasion—Confirmation, First

[52] Father Mark Wood, telephone conversation with author, March 14, 2001.

Communion, and Easter (for Catechumens), receptions, Thanksgiving potluck, Christmas coffee, Christmas birthday party, and the parish picnic.

Thirteen circles of the Women's Guild, a holdover from St. Joseph, continued to do the Sunday coffee, receptions, and meals until June 1994, when they were replaced by the Parish Life Hospitality Group. The Altar and Rosary Society by the fall of 1994 was absorbed into other groups, but some members continue to meet monthly for Mass, recitation of the Rosary, and breakfast. A new constitution, which was approved by the Parish Council in May 1994, listed the following commissions or ministry areas: Liturgy, Education/Formation, Social Justice, Parish Life, Finance, and Buildings and Grounds.

Also in May the Parish Life Commission reported that members of the Legion of Mary visited hospitals and shut-ins and supplied the Holy Water and Hosts for the church. They belonged to the Curia of Northwest Arkansas, and each month were given an assignment, such as leading the Rosary at nursing homes. Bingo was sponsored by the Knights of Columbus and the Men's Club (which replaced the Fathers' Support Group). Proceeds went to their organizations and the school. The Men's Club also raised funds for the school with fish fries and pancake breakfasts.

By August 1994 St. Thomas and St. Joseph were separated. The cost of maintaining the property at St. Thomas had proved to be difficult to meet without its own parishioners. St. Thomas was once again a university parish, and membership was restricted to students, faculty and staff, and their families, and the diocese took over financial responsibility. In October St. Joseph's Parish purchased a 2500-square-foot house on Hillcrest Avenue for $115,000 to serve as a rectory, thus providing the pastor a home removed from his office with space for visiting priests or other guests. Other properties owned by the parish include

the former rectory at 310 Sutton Street, which was renamed Holy Family House, and a duplex at 346 Willow Avenue, Guardian Angel House, which are used by the school and for parish activities. Parish offices are in the red brick building which served as the church from 1936 until 1968.

The Stewardship Committee became a commission with a seat on the Pastoral Council in September 1995. This commission's job was to make every parishioner aware of his obligations in regard to financial and volunteer support of the parish.

The Pastoral Council took a major step in December 1995 when it accepted a long-range plan calling for purchase of land and construction of a new church and fellowship hall and formed four committees to oversee the process: Land Acquisition, Jim Mitchell, chair; Architectural Design, Walt Stephens, chair; Building Fund, Bob Mahler, chair, and Christian Catholic Education, Ann Ferrell, chair. Paul Warren coordinated the efforts of these committees as chair of the Long-Range Implementation Committee. A survey taken in early 1996 indicated that most parishioners were in favor of the plan but were not willing to pledge adequate funds for such a project. In January 1997 the Pastoral Council approved the purchase of 18.5 acres of land on Starr Road, east of the city off Mission Boulevard for $427,000. In February 1999 Father John Antony presented to the Parish Council a new proposal from the Core Team (successor to the above-named committees) to build a combination worship center, parish hall, school, and parish offices with seating for one thousand at an estimated cost of $3 million. Hight-Jackson Associates were the architects for this phase. A campaign in the fall of 1999 under the direction of Kara Rago to raise $2 million in pledges toward the cost of construction of a Chapel Center and Educational Center exceeded the goal by $43,000. Proceeds of the sale of the property on Lafayette will also go toward

the project. A disappointing delay came in October 2000, when the Diocesan Finance Commission notified Paul Warren, parish coordinator, that the project exceeded the amount which a diocese can approve and that Vatican approval must be sought. Finally, on May 8, 2001, Diocesan officials called to say that the Vatican had approved the plan. Bishop Sartain signed the building contract with Nabholz Construction Corporation the following day, and a groundbreaking ceremony took place on June 5. In spite of the hot day many parishioners attended with shovels in hand. Father Worm asked God's protection during construction, specifically that there be no injuries and a successful completion. Dan Coody, mayor of Fayetteville, expressed his pride in folks who take it upon themselves to expand and offered his assistance. Paula Thiessen, school principal, emphasized that this undertaking requires the commitment of all. Core Team Leader Tommy Dooling reminded the crowd that the day was the result of seven years' work. All present turned a bit of ground with their shovels. The ceremony concluded with the "Master's Plan Prayer" and singing of "Praise God from Whom All Blessings Flow." The new Chapel Center and Educational Facility should be completed by June 17, 2002. The Chapel Center will serve as the church for the St. Joseph Community until, following a second capital campaign to raise the necessary $4.5 million, a sanctuary is constructed at the site, tentatively by Easter 2008.

The Educational Facility will consist of 18 to 20 classrooms for St. Joseph's School plus classrooms for music, art, computer lab, and the library for grades kindergarten through seven, as well as a pre-kindergarten class for four-year-old children. Additional rooms will house the parish offices and provide space for parish activities.

Another sign of progress was the hiring of Paul Warren as parish coordinator. His job description included oversight of all physical properties

belonging to the parish, management of non-pastoral staff, office administration, and coordination of parish planning. It is his duty to manage the financial affairs of the parish within the confines of the budget and the mission of the parish and the diocese.[53]

Financial constraints in the parish budget precipitated the departure of the Franciscan Brothers in August 1996. Three of the brothers had left their teaching positions at St. Joseph's School in the fall of 1993 and assumed full-time administrative positions (director of religious education, director of music and liturgy, and parish secretary), making it necessary for the school to replace them with lay teachers at higher salaries. This was a drain on parish resources,

Father John Antony and First Communicants, 1999 (Courtesy of Lydia Worden.)

[53] Typed document, "Position Title: Parish Coordinator," St. Joseph Parish office.

and furthermore, the Finance Council felt that administrative costs for the parish were out of proportion. The Council decided to cut the brothers' salaries to diocesan guidelines, eliminate one position, and return one brother to the school. Rather than accept these terms, the brothers decided to leave.

Parish obligations in the area of social justice were a continuing concern. In January 1997 the Social Justice Commission reported making contributions representing ten percent of a bequest to the church to the Salvation Army, Cooperative Emergency Outreach, Catholic Relief Services, Northwest Arkansas Free Health Clinic, and the St. Elizabeth Health Center in Gould, Arkansas. St. Joseph's is well regarded in the Fayetteville community for its continuing financial support, volunteer hours, and regular food collections for Cooperative Emergency Outreach. Recently the parish has increased its efforts to respond to the needs of mentally challenged members and to ensure that they realize how welcome they are.

For several years, since the first visit by founder Father Emil Cook, Mission Honduras has enjoyed support by parishioners of St. Joseph's. Mission Honduras operates schools for children in that country who have no other means of acquiring an education, giving them a means to become self-supporting. Parishioners of St. Joseph and St. Thomas Aquinas provide monetary support for individual students. Some have visited the missions for a week or more, doing whatever work was necessary to better conditions there.

As large numbers of Hispanic people began moving to the area, the Northwest Deanery took steps to serve the many Catholics among them. At first Father Wood alternated with Father Richard Oswald of St. Vincent de Paul Church, Rogers, in saying Mass in Spanish at St. Vincent's. Then in 1994-1995 the Deanery arranged for Vincentian priests to move to Northwest Arkansas to

Father Paul Worm and First Communicants, April 2002 (Photos by Terrell Rohrbach.)

minister to the Hispanics. All parishes in the Deanery share in the expenses for this ministry. Vincentians who served include Father Rex Hays, Father Tom Stehlik, and Father Miles Heinen. St. Joseph's has had a Mass in Spanish at 2 p.m. on Sundays since 1994. A representative of the Hispanic community serves on the St. Joseph Parish Council, and the community has its own religious education program focusing on the preparation of children for their first communion. The Legion of Mary, which meets weekly to say the rosary, has a Spanish-speaking group. Bilingual Masses are held several times each year. The entire parish is invited to join in celebrating the Feast of Our Lady of Guadalupe on December 12.

During the 1990s, with the appointment of Adelaide Schaeffer as youth director, the number of teens participating in the youth ministry increased dramatically until ninety to one hundred percent of the youth in the parish were participating. The program included classes on Tuesdays, Wednesdays, and Thursdays as well as service projects and social events. Parents, college students, and graduates of the program became involved. St. Joseph teens who had attended youth activities at other churches now eagerly attended their parish programs and brought others along. Father Wood could see that they were paying better attention at Mass and were inquisitive during the classes. Jessica Minden replaced Schaeffer in 1998, followed by Sissy Martin in 2002, and the youth ministry continues its vital role in the formation of our youth with the Life Teen program and their participation in the liturgy as well as social activities such as a spring-break ski trip.

During his pastorate Father Wood arranged for parish missions each year during Lent. He also offered a class with parents, "Keeping Your Kids Catholic." Parishioner Tom Hennelly was the leader in initiating twenty-four-hour

adoration of the Blessed Sacrament on First Fridays. Father Wood took administrative leave in May 1998, and in August St. Joseph Parish welcomed Father John Antony as pastor. Father Antony was born in New Delhi but moved to the United States with his family when he was seven. Father Antony spent less than a year in Fayetteville, however, as Bishop Andrew J. McDonald sent him to the Catholic University of America in Washington, D.C., to study canon law. During June of that year Father Jose Thelekkatt, S.D.B., from India served as priest-in-residence. The current pastor, Rev. Paul Worm, arrived in Fayetteville on July 5, 1999. A native of Arkansas, Father Worm was ordained on May 28, 1988, and came to us from St. Mary's and St. Patrick's in North Little Rock. He has sought to increase spirituality in the parish by instituting the Marian Movement Priests' Cenacle, a First Friday devotion.

Changes in pastors meant changes in the Parish Council. This is to be expected, as its method of operation, and even its title, may it be Parish Council or Pastoral Council, is up to the pastor. The January 1999 minutes state that "In the past the council focused on commission work but now has gone through the transition to become an at-large council. As such the council has moved relatively closer to the pastor and further from the day-to-day work of the commissions."[54] Diocesan guidelines allow for a choice between the commission and at-large models. Under the commission model the council is made up of representatives of five commissions: Liturgy, Education/Formation, Social Justice, Parish Life, and Buildings and Grounds. Under the at-large model some members are elected by parishioners and others are appointed by the pastor. At present seven are elected members and three are appointed for staggered terms. They meet monthly and proceed according to the pastor's

[54] Parish Council minutes, January 14, 1999.

agenda, with time reserved for members' concerns. The Finance Council, which is called for by canon law and is subject to the Parish Council, consists of nine parishioners who are appointed in consultation with the Parish Council, is concerned with all temporal obligations of the Church. At its September 2000 meeting the Parish Council adopted a mission statement: "St. Joseph Parish is a Catholic, multi-cultural community dedicated to using our God-given talents to live and proclaim Jesus Christ in our community through worship, our Catholic school, elementary and adult religious education, service and evangelization."[55]

June 13, 1999, was a day of great joy and thanksgiving at St. Joseph, when newly ordained Father Tom Elliott celebrated his first Mass. Bishop McDonald ordained Elliott along with Norbert Rappold at St. Andrew's Cathedral on Saturday, June 12. Father Elliott grew up in Northwest Arkansas and was a parishioner of St. Joseph Parish.

Fayetteville Catholics are fortunate that Father James Fischer, a Vincentian priest, chose to retire in Northwest Arkansas. Though he turned eighty-five in 2002, he presides at one weekend Mass at St. Joseph, is a sacramental minister for St. Thomas Aquinas, and frequently fills in for Father Worm during the week.

Rev. Peter J. Sartain became Arkansas's sixth bishop on March 6, 2000, replacing Bishop McDonald, who retired after twenty-seven years in that position. Forty-one bishops took part in the new bishop's installation at Little Rock's Robinson Auditorium before a crowd of 2,900. Bishop Sartain came to Arkansas from Memphis, where he had been a priest for twenty-two years.[56]

---

[55] Ibid., September 14, 2000

St. Joseph parishioners look forward to Bishop Sartain's dedication of their new worship center on September 26, 2002.

The move to the new location after 130 years on the same ground will be wrenching for some. But results to a questionnaire distributed to the congregation regarding church design indicate a growing desire for a sense of community within the parish, which might be strengthened by larger gathering spaces, facilities for families with children and the handicapped, and with thought given to accommodations for weddings and funerals.

The Catholic community in Fayetteville, although facing the challenges of adjusting to its new home and raising funds to build a church, can take sustenance from the faith and fortitude shown by its forebears, who endured many obstacles along the way but through prayer and sacrifice built a vibrant parish dedicated to St. Joseph, husband of the Blessed Virgin Mary and Patron of the Universal Church.

---

[56] *Morning News of Northwest Arkansas*, March 7, 2000.

The first St. Joseph Church (Sketch by Kay Corso from a photograph)

Father Paul Worm leads a procession of parishioners with the sanctuary crucifix from the Lafayette Street church to St. Joseph's new home on Starr Drive on Sunday, June 16, 2002 (Photo by Greg Fuller)

APPENDIX

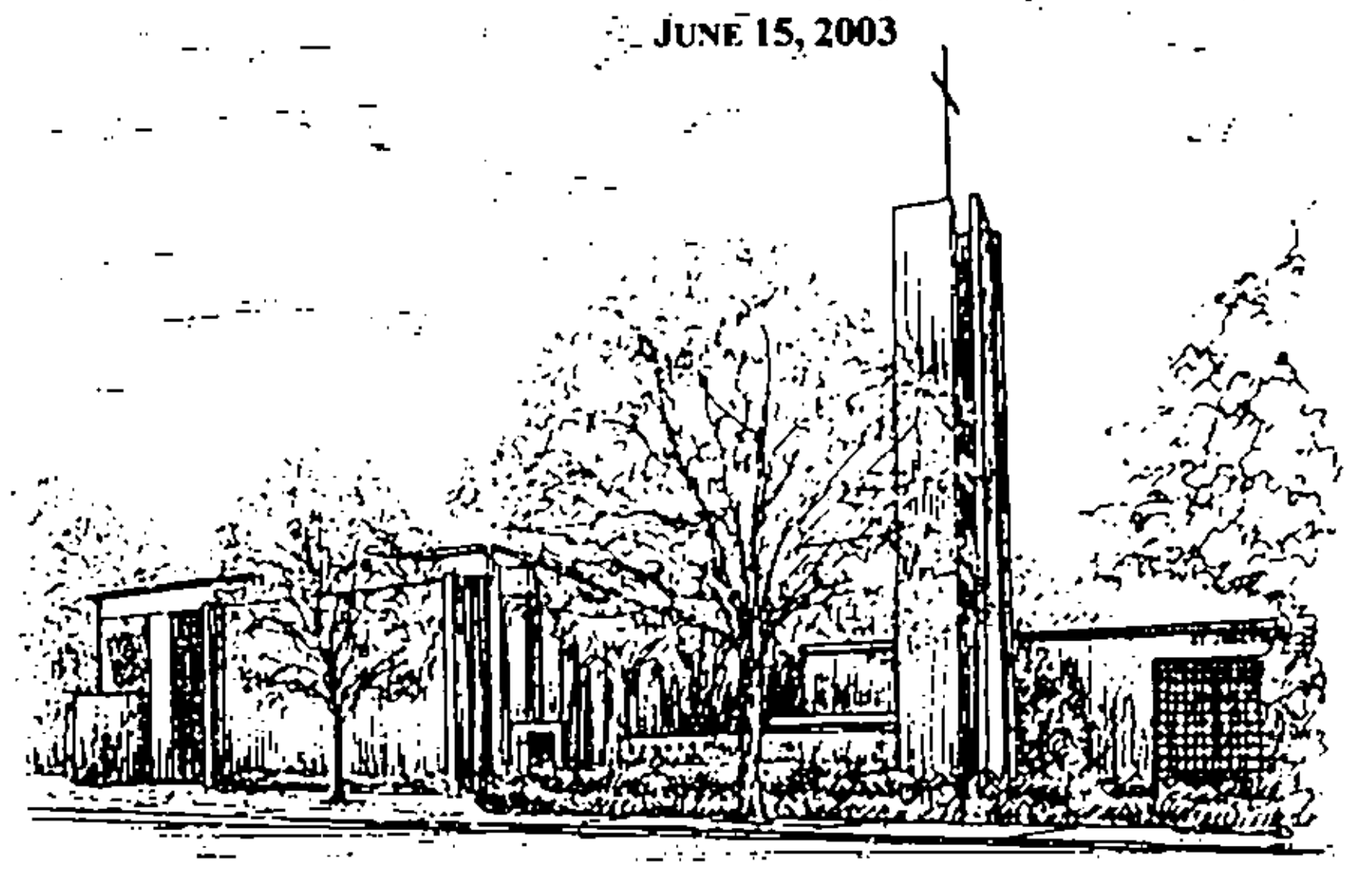
Priests serving St. Joseph Parish:

1870-1872	**Rev. Laurence Smyth**
1872-1880	**Rev. Michael Smyth**
1881-1883	**Rev. P. J. Reilly**
1884-1890	**Rev. J. P. Maurel**
1890-1891	**Rev. D. A. Amandolini, OSB**
1891-1893	**Rev. P. P. Mazuret**
1893-1896	**Rev. Patrick Enright**
1897-1898	**Rev. Hugh L. Magevney**
1899-1901	**Rev. Peter Bandini**
1902-1904	**Rev. W. J. Carroll**
1904-1906	**Rev. P. H. Boyle**
1906-1908	**Rev. Peter Bandini**
1908-1909	**Rev. J. Rabokowski**
1910	**Rev. Louis Setter**
1911-1914	**Rev. Peter Bandini**
1915	**Rev. J. K. Kenney**
1916	**Rev. W. J. Tynin**
1917	**Rev. E. P. Garrity**
1918	**Rev. E. J. McElhone**
1918	**Rev. A. Quante, OSB**
1919-1920	**Rev. W. J. Tynin**
1921	**Rev. J. A. McQuaid**
1922	**Rev. A. Metz**
1923-1926	**Rev. L. F. Saunders**
1927-1928	**Rev. J. E. McBarron**
1929	**Rev. P. F. Desmond**
1930-1932	**Rev. Thomas Walshe**
1933-1936	**Rev. W. J. Tynin**
1937-1938	**Rev. John C. Flaherty**
1939	**Rev. R. E. Maus**
1940-1946	**Rev. Charles McCauley**
1947-1950	**Rev. Francis J. McKee**
1951-1973	**Rev. Edward R. Maloy**
1973-1975	**Rev. Leo Riedmuller**
1975-1993	**Rev. Rudolph Maus**
1993-1998	**Rev. Dennis Mark Wood**
1998-1999	**Rev. John Antony**
1999-	**Rev. Paul Worm**

ST. JOSEPH CATHOLIC CHURCH

321 EAST LAFAYETTE STREET • FAYETTEVILLE, ARKANSAS 72701

MOST HOLY TRINITY
JUNE 15, 2003



PASTORAL STAFF/EQUIPO PASTORAL
Rev. Paul F. Worm, Pastor
paulworm@aol.com
Bud Baldwin, Deacon
budbaldwin@rebsamen.com
Paul Warren, Parish Coordinator
stjoseph@arkansas.net
Alice Paschal, Administrative Assistant
stjoefinance@arkansas.net
Sissy Martin, Director of Youth Ministry
stjoeyouth@arkansas.net
Lydia Worden, Parish Secretary
stjoelydia@arkansas.net
Alma Anzaldua, Receptionist
Mike Freyaldenhoven, Maintenance
Barbara Wragg, Custodial Services
Office Hours:
Monday-Friday: 8:30 am-4:00 pm
Office phone: 442-0890
Office fax: 973-0150
Web site: www.stjosephsfayetteville.com
School phone: 442-4554
School fax: 442-7887
School e-mail: *stjoeschool@aol.com*
Cafeteria phone: 442-5857

IF YOU ARE NEW TO THE PARISH, please fill out a tan registration card (located on the usher's table) and drop it in the collection basket or bring it by the Pastoral Center. Thanks and ***welcome to the parish!***

BAPTISMS:
Contact the parish office as early in the pregnancy as possible.

MARRIAGE:
Six months before your proposed date and before making any wedding plans, obtain a copy of the parish's "Marriage Policy" pamphlet from the parish office.

RECONCILIATION:
Available at 3:30 pm on Saturdays

MINISTRY TO THE SICK:
Parishioners who are unable to attend Mass due to illness should notify the parish office so lay ministers may bring them Communion on Sunday morning.

ANOINTING OF THE SICK:
For a non-emergency (ie: scheduled operation, hospital visit, illness), call the Parish Office. Fr. Paul will make arrangements to see you. Please plan ahead and take advantage of this so that you will not be caught in an emergency situation. In the event of an emergency, call 442-0890 (24 hrs/day). The staff or answering service will relay your message to Fr. Paul who will respond appropriately.

BULLETIN DEADLINE:
Wednesday at Noon.

¿ERES NUEVO EN LA PARROQUIA? Por favor completa la Tarjeta de Registro que está afuera (sobre la mesa) y depositala en la canasta o llévala al Centro Pastoral. Gracias, y ***¡bienvenido a tu Parroquia!***

BAUTISMO:
Comunicarse con la señora Maria Vazquez para la charla por lo menos un mes antes de bautizar. Llamarle al 973-2735. Antes de hacer cualquier plan para el bautizo es necesario de asegurarsede que todo este in regla.

MATRIMONIO:
Las diócesis requiere que la pareja se comunique con las parroquia por los menos seis meses antes de casarse. Asistir a dos charlas de preparación. Hablar con el Padre para fijar la fecha. Conseguir de Estado su Licencia para contraer matrimonio civil. (Contacte a los Padres Vicentinos para la charla al 442-5690 Todos hablan español).

CONFESIONES:
Sábados a las 3:30 pm y Domingos antes de la Misa.

PRIMERA COMUNIÓN:
(Para Niños) Las clases inician el més de septiembre. Para mayor información, llamar a la oficina al 442-0890.

CONFIRMACIÓN:
Haber cumplido 14 años. Llamar a la oficina al 442-0890.

QUINCEAÑOS:
Consultar con los Padres Vicentinos sobre las charlas de preparación.

SACRAMENTOS DE INICIACIÓN PARA ADULTOS:
Llamar a los Padres Vicentinos al 442-5690. Es un requisito asistir a las charlas.

UNCIÓN DE LOS ENFERMOS:
Llamar al Padre Paul Worm al 442-0890, dejar mensaje y número de teléfono.

The Spirit himself testifies

with our spirit that we are God's children.

Romans 8:16

TREASURES FROM OUR TRADITION

Even though the Easter season has drawn to a close, today's feast still basks in the glow of Easter's twilight. To believe that we are made in the image and likeness of God--a God whose inner life is described in terms of community--is to recognize that we are in relationship with one another. In the language of the liturgy, we do not each stand alone before God, but constantly affirm this truth in the very words of our prayers. "We believe, we offer, we ask you," we say, or "have mercy on us, hear us, listen to our prayer," and in preparation for communion, we pray the perfect prayer to "Our Father."

To be baptized is to enter into the life of a community of faith. Nowhere is this sense of community more focused than at Sunday Mass, when we respond to the love of the Father by being together in Christ, embraced by the Spirit, for the sake of the world. Today has been called an "idea feast," and impossible to grasp fully. Yet, as the readings today explore, the Trinity is not a concept traced like a triangle on a blackboard. It is the air we breathe, the sign we trace on our bodies as a pledge and promise of God's love. © Copyright, J. S. Paluch Co.

GOD'S PRESENCE

Realize above all that you are in God's presence empty yourself completely and sit waiting, content with the grace of God, like a chick who tastes nothing and eats nothing but what its mother gives it. *St. Romuald*

HAPPY FATHER'S DAY!

BLESSED BE GOD THE FATHER AND HIS ONLY-BEGOTTEN SON AND THE HOLY SPIRIT: FOR HE HAS SHOWN THAT HE LOVES US.

THE READINGS FOR HOLY TRINITY SUNDAY: The Lord God is one and there is no other (1). We have been chosen as his own (Ps), and, through the Spirit, are able to call God ABBA (2). Through baptism all nations are called to share in the life of the Son (3) and acknowledge the triune God.

FIRST READING —Deuteronomy 4:32-34, 39-40
The Lord is God in the heavens above and on earth below and there is no other.
RESPONSORIAL — Psalm 33
Blessed the people the Lord has chosen to be his own.
SECOND READING — Romans 8:14-17
You received a Spirit of adoption, through whom we cry, "Abba, Father!"
GOSPEL —Matthew 28:16-20
Baptize them in the name of the Father, and of the Son, and of the Holy Spirit.

PLEASE PRAY FOR THE REPOSE OF THE SOUL of ***Marie Belmore*** who passed into eternal life on June 2, 2003.

PLEASE PRAY FOR THE FOLLOWING: Bernadette Alexander, Catherine Alexander, Roxie Allston, Judy Anderson and the Anderson Family, Laureen Benafield, Coach Billy Bock, Marcia Bockelman, Joan Boddington, Marsha Bogart, Margie Bordovsky, Sandra Bradley, Frances Broadly, Evan Bukey, Barbara Carlin, Agnes Carson, Ethel Charon, Melba Collins, Walker Collins, Bette Kay Huck Cowie, The Donohue Family, Chris Dorwood, T. Fowler, Nettie & Louis Frasca, Fr. Scott Friend, Roberta Gargan, Wendy Lee Garrett, Irene Guadalajara, Patrick Halpin, Susan Hamm, Edward Harbison, Crissy Henry, Natalie Hollowell, Roy Huggins, Tommy Huggins, Georgia Hurley, Gail Jackson, James Johnson, Danny Johnson, Gabriel Johnson, Violet Johnson, Rufina King, Gertrude Kolb, Conrad Krauft, Greg Langford, Barbara & Romulo Laurent, Melanie Lee, Ron Lee, Alice Lewis, Amy Lindsey, Nita Lindsey, Daniel Luna, Paula Many, Lee Martin, Johnny McGarrah, Martha Molina, Jeff Montgomery, Pat & Kaysha Morgan, Clayton Morris, Anna Morrow, Anna Nolen, Tim O'Connell, Rusty Pang, Dino Pappas, Hiram & Iva Pointer, Michael Rail, Msgr. Leo Reidmueller, Michael Mary Ryan, Al Sanchez, Robert Savage, Rev. William Schumacher, Bernadette Slamons, Betty Lou Smith, Charlotte Smith, Mr. & Mrs. Irvin Stahl, Marie Strong, Doyle Thornton, Stewart Tice, Ruthie Tolge, Colin Vannatter, Frances Wage, Dr. Carl Williams, Bebe Wist, Eliot Wood, Jack Wood, Jackie Yalowitz, Whitney Yates, Judith Young and Lucy Zimmerman.

PRAYER TREE: If the nature of the situation is urgent, you should activate the Prayer Tree by calling *Mary Stephenson* at 442-8840 or *Pauline Keegan* at 521-1874. If the situation is ongoing, please use the bulletin prayer list. To be added to the bulletin prayer list, please call *Lydia Worden* at 442-0890.

THE UNITY OF THE TRINITY

The Eastern Church uses the visual representation of Abraham's three angelic visitors as its icon for the Holy Trinity. They are shown around a table, as if at a meal. To Western eyes, accustomed to differentiated visual depictions of the three persons, the identical nature of the angels is a bit disconcerting. This icon helps us understand the relationship of the Trinity, and guides us into a way of seeing how the persons of the one Godhead are similar. This can be helpful, since our creedal formulas and prayers often focus on how the persons of the Trinity are distinct from one another. But there is a oneness, a strong bond, a cooperation among those who gather around one table; it is a characteristic activity of families and friends, those who are close to one another. Let our meditation on the Trinity today be about their unity and their love for one another, that we may live more perfectly in that love. © Copyright, J. S. Paluch Co.

SACRAMENTS & ACTIVITIES

✣ **SATURDAY, JUNE 14**
Baptism 3:00 pm ..... Worship Center
Reconciliation 3:30 pm ..... Confessional
Rosary 4:30 pm ..... Worship Center
Mass 5:00 pm ..... **Mr. Show-Mei Tu †**

✣ **SUNDAY, JUNE 15** — **MOST HOLY TRINITY**
Happy Father's Day
Rosary Before All Masses ..... Worship Center
Mass 9:00 am ..... **All the People**
Mass 11:30 am ..... **Jackie Yalowitz (SI)**
Spanish Mass 2:00 pm ..... **Vincentian Intention**

✣ **MONDAY, JUNE 16** ..... ST. EPHREM
Mass 8:30 am ..... **Marcella Perry †**
Mom's Day Out 9:00 am-12:00 pm ..... Centers
Finance Council 5:30 pm ..... Corry Hall
Legion of Mary 6:00 pm ..... Rm 114

✣ **TUESDAY, JUNE 17** ..... WEEKDAY
Prayer Group 6:15 am ..... Rm 114
Communion 6:45 am ..... Worship Center
Good Grief 6:30 pm ..... Rm 204
Schola 7:30 pm ..... Choir loft
City Council
2nd Reading of the PZD Ordinance
6:00 p.m. City Administration Building

✣ **WEDNESDAY, JUNE 18** ..... ST. BARNABAS
Mass 6:00 pm ..... **Thomas O. Pittman †**
Screwtape Letters 6:30 pm ..... Rm 204

✣ **THURSDAY, JUNE 19** ..... WEEKDAY
Mass 6:45 am ..... **In Reparation for Abortion**
Prayerful Playgroup 9:00 am ..... Centers
Knights of Columbus 6:30 pm ..... CoolWater
ALL EMC's
6:30 p.m. ✦ Worship Center

✣ **FRIDAY, JUNE 20** ..... ST. ANTHONY OF PADUA
Mass 8:30 am ..... **Forest Nelson †**
(Glassman) Melton Rehearsal ..... Worship Center

✣ **SATURDAY, JUNE 21**
(Glassman) Melton Wedding 2:00 pm Worship Center
Mass 5:00 pm ..... **Fr. Joseph Correnti †**
Baptism 6:00 pm ..... Worship Center

✣ **SUNDAY, JUNE 8** — **CORPUS CHRISTI**
Rosary 8:30 am ..... Worship Center
Mass 9:00 am ..... **William Richard McNair, Sr. †**
Rosary 11:00 am ..... Worship Center
Mass 11:30 am ..... **August A. Corso †**
Spanish Mass 2:00 pm ..... **All the People**

✦ **BISHOP PETER SARTAIN** cordially invites the people of the Diocese of Little Rock to a celebration of the Eucharist to mark his ***25th Anniversary of Ordination to the Priesthood*** on **Sunday, July 15, 2003**, at 6:00 p.m. at the Cathedral of St. Andrew in Little Rock. Everyone is welcome! No invitation or ticket is needed for attendance. A public reception will follow in McDonald Hall.

LAFAYETTE STREET PROPERTY UPDATE:

Thank you to all who attended and spoke at the June 3rd Fayetteville City Council meeting. Approval – or lack thereof – will be decided after the Planned Zoning District (PZD) ordinance is read three times, public discussion is heard and the Council votes for or against. If you attended or watched on TV, you now know the stakes. We feel we are in a good position for approval, but we cannot rest.

NEXT CITY COUNCIL MEETING: Mark you calendars now to attend the **June 17 City Council Meeting** at 6:00 p.m. Your presence will help determine the fate of the ordinance. At the last meeting Mayor Coody asked for a show of hands. Supporters were in the majority by a 3-1 margin. We need even more representation on June 17. We hope to have the second and third reading and a vote on June 17.

PETITION: If you have yet to sign the orange petition supporting the approval of the PZD, it is available at each entrance.

CONTACT ALDERMEN AND MAYOR:

Mayor Dan Coody 521-7700
mayor@ci.fayetteville.ar.us

WARD 1
Robert Reynolds 442-3799
1ward1_pos1@ci.fayetteville.ar.us
Brenda Thiel 442-3095
bthiel@ipa.net

WARD 2
Kyle B. Cook 521-7632
ward2_pos1@ci.fayetteville.ar.us
Don Marr 444-6513
donmarr@swbell.net

WARD 3
Robert Rhoads 973-5202
Rrhoads@HallEstill.com
Bob Davis 521-2233
citybizbdavis@sbcglobal.net

WARD 4
Shirley Lucas 442-4612
slucas ward4@aol.com
Lioneld Jordan 442-5415
lljordan7@hotmail.com

PRAY, PRAY, PRAY–Finally, continue to pray. Beyond praying for the sale of the property, I would ask that you pray for those opposed to the condominiums/ apartments proposed , to have a change of heart and reconsider what we believe... that "Residential" is the best use for this property.
If you have ideas or comments, pro or con, please contact Paul Warren 442-0890 ext 255.

✦ **THIS WEEKEND'S SECOND COLLECTION** – ***The 2003 Collection for the Church in Latin America*** is an important way for the faithful in this country to express solidarity with their brothers and sisters to the south whose pastoral and material needs are great. Donations to the Collection funds projects throughout Mexico, Central and South America and the Caribbean that bring marginalized people more fully in to the life of the Church. Your gift to the Collection provides greatly needed pastoral care and religious training to rural communities and indigenous populations, helping to enrich people's faith with genuine Catholic Teaching.

CYM June News

National Catholic Youth Convention

Every 2 years Catholic youth from all over America join together to praise the Lord and meet other Catholic Teens. This year the National Catholic Youth Convention will be in Houston, Texas on November 13-16. The Diocese of Little Rock will take several buses down to Houston. The total cost is $375.00, paid to the Diocese. If you are interested in going this fall, an initial non-refundable deposit of $75.00is due by June 15, 2003. Please contact Sissy at 442-0890 or 530-5551 if you want to go on this awesome trip.

Happy Father's Day

CYM would like to wish every Father of a Teen a very Happy Father's Day. Did you know that teens who have a Father that attends church with them is twice as likely to continue to attend church after the teen leaves home! So never underestimate the power of a Father!!

Attention Teens Confirmed in April Confirmation Pictures are Here

The pictures you took with the Bishop are available for you to pick-up. All picture packets will be on the desk as you enter the building.

CYM Teen News

Happy June Birthday: Bridgett Connors, Azure Risor, Jennifer Kowal, Adam Martin, Jonathan Chick, Caroline Prenger, Andrew Pritchard, Stephen McCall, Alex Stowe, Adrianne Mikles, Jessica Booth.

✦ **GOOD GRIEF** is bereavement class designed to help members of the parish who are grieving. The next meeting will be **Tuesday, June 17**, at 6:30 p.m. in classroom 204. The group will meet on consecutive Tuesdays through July 1. Please call Stacy at 582-0343 if you would like more information.

✦ **THE SCREWTAPE LETTERS:** It's not too late to join the discussion group looking at the C.S. Lewis book, *The Screwtape Letters*. The next meeting will be **Wednesday, June 18**, following the 6:00 p.m. Mass. For further information, call Janet Fuller at 582-3132 or 466-7777.

✦ **VACATION BIBLE SCHOOL** is **June 23-27.** Tomorrow, June 16, is the last chance to register your child for St. Joseph's annual VBS! It's a great opportunity for our children to get together, play, and learn about some very special Bible stories! Registration forms are on the desk in the front hall.

If you can't help during the week, but would like to share in the success of VBS, please consider contributing some of the following:

- big tins of black pepper (full),
- cream colored yarn,
- black yarn,
- black and white pipe cleaners,
- cotton balls, or
- unpopped popcorn (not microwave).

Financial donations are appreciated, too, and will reach us by way of the collection basket (earmarked "VBS") or by way of the church office. For more information, please call Memorie @ 839-8404. Thanks!!

✦ **CALLING ALL CURSILLISTA'S AND FUTURE CURSILLISTA'S!!** Plan on attending St. Joseph's monthly Ultreya meeting on **Saturday, June 21**, immediately following the 5:00 p.m. Mass. This is a great time to meet your fellow parishioners and join in prayer and fellowship and to ask any questions you may have about the Cursillo movement. Hope to see you there! If you have any questions, please call Mike and Nancy MacDonald at 521-2333. If you are planning on attending this fall's Cursillo weekend, please contact Paul Warren at the parish office for an application.

✦ **NWA CATHOLIC SINGLES:**

- **Saturday, June 21:** NWACS invites all Singles for a day of prayer and fellowship at Subiaco Abbey. The day will include: lunch at noon; afternoon tour of the garden, the church, the farm, and possibly the museum; meditation; dinner at 5:00 p.m. and vespers at 7:00 p.m. Meals are $6 each. Rooms for overnight are $30 each (single occupancy) or $20 each (double occupancy). It is recommended that you bring your camera, a journal for reflection, bottled water and snacks. For more details or to RSVP (by June 1), contact Catherine at 464-4090.
- **Friday-Sunday, July 4-6:** Join us for camping and canoeing on the Elk River in Pineville, MO. Two nights camping and canoe rental will be $25 per person. For more information, contact Bridgit at 479-640-0673.

For more information, contact Suzanne (Fayetteville) 251-1443 or Gerard (Bentonville) 636-6745 or www.angelfire.com/ar2/nwacs

✦ **CATHOLIC BIBLE INSTITUTE!** Make plans now to join in a in a weekend of learning and prayer with Carol Dempsey, a Dominican sister from the University of Portland in Oregon. "The Prophets: Preachers of Grace, Poets of Truth" is the theme of this event on **June 20-22** at St. John Center in Little Rock. Contact Little Rock Scripture Study at 501-664-6102 or e-mail lrss@dolr.org.

Mission Statement

St. Joseph Parish is a Catholic, multicultural community dedicated to using our God-given talents to live and proclaim Jesus Christ in our community through worship, our Catholic school, elementary and adult religious education, service and evangelization.

✦**KNIGHTLY KNOTES:** Settle into the lazy days of summer by dropping by Cool Water on N. College Thursday, June 19. All members, wives, families, friends and guests are invited for great food, socialization, fraternity and fellowship! Begin with Happy "Hour" for gathering & social time at 6:00 to 6:30 p.m. For more information: Mike Neihouse, 442-8432. If you are a Knight, a former Knight or are considering joining the Knights, please drop by with your wife and kids!

✦ **THANK YOU** to the members of St. Joseph Parish for your support during recent Knights of Columbus activities, the Lenten Fish Fry and Drive Thru BBQ II. With your help we were able to: 1.) Support our seminarian, Scott Smith, with $1000 to assist in his studies and formation to the priesthood; and 2.) Donate $600 to St. Joseph School for the purchase of items to aid in the education of our children. During the past year we've given support to Special Olympics, Special Education, and our Parish, via involvement in many ministries. Space limits the mention of many other instances of support, yet one more example is via providing assistance so a young person may attend a summer camp this year. During the upcoming fraternal year, we look forward to your continuing support and involvement in our activities. (We encourage you to join the Knights!) Again, THANK YOU!
Mike Neihouse, Grand Knight 442-8432

✦ **CONGRATULATIONS** to those elected to these Offices in the Knights of Columbus for July '03- June '04.

Grand Knight – Guy Schumaker,
Deputy Grand Knight – Mike Neihouse,
Treasurer – John Beckmann,
Chancellor – Steven Worden,
Recorder – Don Brown,
Advocate – Joe Kavanagh,
Warden – Mike MacDonald,
Inside Guard – George Franks,
Outside Guard – Mike Corso.

Financial Secretary, an appointed position, will be Denny Crawford. Inquiries or your requests to join the Knights can be by contacting any of the people listed above.

Father, you sent your Word to bring us truth and your Spirit to make us holy. Through them we come to know the mystery of your life. Help us to worship you, one God in three Person, by proclaiming an dliving our faith in you. Grant this through our Lord Jesus Christ, your Son, who lives and reigns with you and the Holy Spirit, one God, for ever and ever.

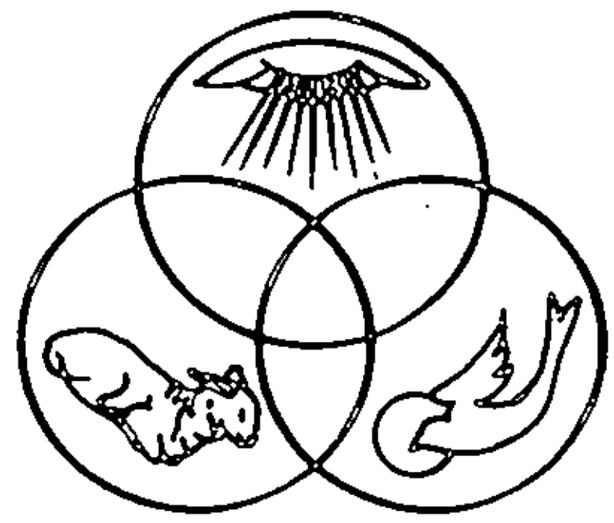
Welcome!

✦ **PLEASE HELP US WELCOME** the following parishioners who joined our parish last week: *Laura Cleaveland and Jesse Peglar*. We are happy to have you with us.

✦ **RCIA** is a year-round process for persons of catechetical age who are interested in joining the Catholic Church or for adult Catholics who need sacraments of initiation. The summer schedule is now in effect featuring time for reading on one's own, relaxing with family and friends, and participating in special summer RCIA events. If you or anyone you know is interested in becoming Catholic or learning more about this process, please call Fr. Paul and/or Lydia at 442-0890.

✦ **RCIA-AFC (ADAPTED FOR CHILDREN):** This process is for children ages seven and above who are interested in joining the Catholic Church and for children baptized as Catholics but in need of the Sacraments of Eucharist and Reconciliation. Please call Fr. Paul and/or Lydia at 442-0890 for more information.

We are children of God, and if children, then heirs, heirs of God and joint heirs with Christ



Romans 8:16-17

RITE OF CHRISTIAN INITIATION OF ADULTS
Summer 2003
Syllabus

SS = Sacred Scripture (a.k.a. The Bible)
CCC = Catechism of the Catholic Church (2nd edition)

Sunday, June 15: MOST HOLY TRINITY
Topic: The Holy Trinity
Suggested reading: SS Matthew 28:16-20, CCC pages 62-70

Sunday, June 22: THE BODY AND BLOOD OF CHRIST
Topic: The Real Presence of Christ in the Eucharist
Suggested reading: SS Mark 14:12-16,

June 8, 2003 STEWARDSHIP

St. Joseph's Stewardship Mission Statement: To increase the level of personal ownership of St. Joseph's Church and School by its congregation, through their dedication of *Time, Talent and Treasure*.

	Weekly Actual	YTD Actual	(Last Year)	YTD Goal	%of Goal
Offertory	9,942	501,294	(483,573)	499,457	100%
School	135	28,987	(27,519)	27,000	107%
Poor Box	61	7,683	(9,806)	9,506	81%

MASTER'S PLAN

Pledge Payment Period: 1/00-12/04

68% period passed / 72% pledged collected

Bldg Donations	831	1,273,082	(5/96 to date)	
Pledge Payments	7,095	1,548,014	1,478,965	105%

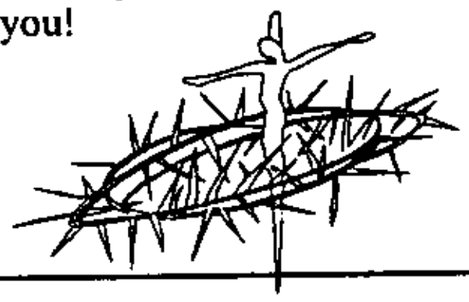
Thank you!

✦ **GIVE YOUR SPIRITUAL LIFE A BOOST** withy a better understanding of the relevance of the saints and the "freedom of detachment." Thomas Dubay, a well-known retreat master and expert in the spiritual life will address these topics at the fourth annual Midwest Catholic Family Conference **August 1-3** in Wichita, KS. Look for a flyer in next week's bulletin or register your entire family online for adult, children and teen programs at www.catholicrc.org/wichita or call 316-618-9787.

✦ **TONTITOWN GRAPE FESTIVAL** Planning is underway for the **105th annual Tontitown Grape Festival**. This year's event is schduled for **August 12-16**.

The "Junktique" is now accepting good resalable items. If you have anything that you would like to donate, including clothing, furniture, large or small appliances, household items, etc. Please drop them off at anytime in the trailer located behind the rectory at St. Joseph's in Tontitown.

We are also accepting books and magazines for the Bibliotech. These may be left inside the west entrance to the church. Thank you!



READINGS FOR THE WEEK

Mon:	2 Cor 6:1-10; Mt 5:38-42	Fri:	2 Cor 11:18, 21b-30; Mt 6:19-23
Tue:	2 Cor 8:1-9; Mt 5:43-48	Sat:	2 Cor 12:1-10; Mt 6:24-34
Wed:	2 Cor 9:6-11; Mt 6:1-6, 16-18	Sun:	Ex 24:3-8; Ps 116; Heb 9:11-15 Mk 14:12-16, 22-26
Thu:	2 Cor 11:1-11; Mt 6:7-15		

ST. JOSEPH SCHOOL NEWS

Stjoeonline@sbcglobal.net

WE ARE PLEASED TO ANNOUNCE the following staff changes for next year: **Mrs. Lillian Wright** will be a full time classroom teacher and **Mrs. Suzanne Adams** will be teaching MS Health, Pre-K P. E. and Music. She will continue to work with the MS Band. We are still interviewing for a 6th & 7th grade Math or Science teacher. We also have an opening for part time Title I teacher. This position is hired through the Fayetteville public schools. Please contact Michelle Boles at the Fayetteville Administration Office to apply.

VOLUNTEERS NEEDED to help assemble Phase II playground equipment- Stuart Thompson with Landscape Structures will be here **Thursday evening, July 10, Friday, July 11 and Saturday morning July 12** to supervise construction of additions to both play areas. We need 10 volunteers to help. Volunteering will count toward your family's annual service hour requirement. We also need volunteers to bring sandwiches, chips and sodas. To help with the playground or the food, please call and leave a message at 442-0890, extension 242, or call Denise at 927-0718.

VACATION BIBLE SCHOOL will be the 4th week of June. Anyone interested in VBS, please call Memorie at 839-8404. Sign-up now to volunteer! This project will count toward your family service hours.

UNIFORM SALES (NEW & USED) **USED BOOK SALE & AFTER-SCHOOL REGISTRATION** will be **Tuesday, August 5.** We will collect used uniforms and books the day before the sale, Monday, August 4.The first day of school will be Monday, August 18.

If you have moved or are moving, please be sure that we have your address change in the office to ensure prompt delivery of the back-to-school letter in July.

AUGUST

Fri	1	**Fees Deadline** (Please mail-in your fees)
Mon	4	Bring in used uniforms & books to room 204
Tue	5	HOME-ROOM PARENT SIGN-UP
		SALE: 1:00-7:00 pm New Uniforms (The Toggery-rm 202) New Uniforms (Oxford Blue-rm 203) Used Uniforms & Books (rm 204)
		AFTER SCHOOL REGISTRATION, 5:00-7:00 pm
W-F	13-15	Teacher In-service & Retreat
Fri	15	Class lists posted on front door, 4:30 pm
		Meet your teacher & drop-off supplies-TBA
Mon	18	First day of school
		EARLY DISMISSAL Mon-Wed
Fri	29	Open House School - 6:15 pm Church - 7:00 pm

Knights of Columbus
Fr. McCauley Council #6609
479-442-8432

Paper & Ink
Invitations
Rubber Stamping
Fine Stationery
Cross Roads Village Center
Next to Arsaga's
973-2770

BIZY EXPRESS CAFE
Great Burgers
Fresh Cut French Fries
Hand Dipped Chicken Tenders
Grilled Fish
Baby Back Ribs
Seating for 140
Carryout Carry Out
You Chill. We Grill
GET 10% OFF with this ad on any SUNDAY
571-1800
Discount applies to food & soft drinks on same ticket
Not valid with other discounts

Law Offices of
Lee H. Linzay, Jr.
Family and Business Law
26 East Meadow
Fayetteville
479-521-8777

FAYETTEVILLE/SPRINGDALE **NORTHWEST** athletic club ROGERS
756-6920 986-0800
1979 20 YEARS OF FITNESS 1999

Shōgun
Japanese Steak & Sushi
"ENJOY FOOD PREPARED AT YOUR OWN TABLE"
637 W. Joyce Blvd.,
Ste. 104
(479) 582-5714

hoffbrau
STEAK HOUSE
DO YOUR MOUTH A FAVOR!
2 Kids Eat Free
With Adult
Entree Purchase
31 East Center Street
479-442-4444

Luby's
10% Discount with
Bulletin
Northwest Arkansas
Mall
Phone 444-8101

MEDICAL ARTS PHARMACY
Bob Patrick
Parishioner
1649 E. Huntsville, Fayetteville
501-443-3411

UB UNITED BANK
501-756-8811
David Bordovsky, SVP
Parishioner
Member FDIC
EQUAL HOUSING LENDER

ADVERTISING

He who has a thing to sell and goes and whispers in a well, is not so apt to get the dollars as he who climbs a tree and hollers.

ARKANSAS FARM BUREAU
Washington County Office
P.O. Box 1030
Fayetteville, AR 72702
• Life • Auto • Fire
• Liability • Health • Retirement
Vince Massanelli
Office 442-4266 Home 582-2578

COLDWELL BANKER
NANCY & MIKE HENRY
PARISHIONERS
"Let Our Family Help Your Family With All of Your REAL ESTATE NEEDS"
Faucette Real Estate
501-521-0220 **3589 N. College**

PLEASE PATRONIZE OUR ADVERTISERS
And Let Them Know You Appreciate Their Support of the Parish Bulletin
That's the Best Way to Thank Them for Your Bulletin

PRAIRIE CREEK AUTO BODY
Auto Body & Frame Specialist
Auto Glass • Insurance Claims
John Gall — Mike Gall
FREE ESTIMATES **925-2626**

Now You Can Have Your Own Beautifully Illustrated
NEW AMERICAN CATHOLIC HEIRLOOM FAMILY BIBLE
or
FIRESIDE STUDY BIBLE
For Free Descriptive Brochures Write To:
J.S. Paluch Co., Inc.
3825 N. Willow Road P.O. Box 2703
Schiller Park, IL 60176

Is this film suitable for my children?
Call toll-free:
1-800-311-4CCC
Service provided by the U.S. Catholic Bishops' Office of Film and Broadcasting

ARCHITECTURAL CONSTRUCTION INC
JAY BERRYMAN
OWNER
• Design Build
• Commercial Construction
Serving N.W. Arkansas
For 18 Years
756-3547

NELSON-BERNA
FUNERAL HOME & CREMATORY
Serving Northwest Arkansas Families since 1936
3939 N. College, Fayetteville • 521-5000

For Ads J S Paluch Co., Inc. 1-800-833-5941, 16515 Hedgecroft, Suite 306, Houston, TX 77060

MOORE'S FUNERAL CHAPEL

501-442-7314
206 W. Center - Fayetteville

"Serving Northwest Arkansas for Over [illegible] Years"
Fayetteville's Oldest Locally Owned and Operated Funeral Home
Pre-Arrangements - And - Cremation Services

MEMBER BY INVITATION
NSM NATIONAL SELECTED MORTIANS

FARMERS
SPENCER SCARBROUGH
Insurance and Financial Services Agent
756-9994
• Auto • Home • Life
• Renters • Boats • RV's
• Business Insurance
• Mutual • Money Mkt. Funds
• Traditional IRA's
• Annuities
*Securities offered through Farmers Financial Solutions LLC, Member NASD
2423 Galena Ave.
Simi Valley, CA 93065
(805) 306-3400

McGinnis Signs
756-3375 Karen McGinnis

LA HUERTA
MEXICAN RESTAURANT
Now 2 Locations To Better Serve You
2356 N. College Ave.
(479) 521-7990
1860 N. Cross Over
(479) 443-8007

ARVEST BANK
Member FDIC
575-1000
Over 200 ATMs

ABSOLUTE PLUMBING
750-4639

Post Familie
ARKANSA'S #1 WINEGROWER
www.postfamilie.com
1-800-275-8423

GRAHAM Financial Services
Home • Auto • Life
(479) 872-7285
www.insurance-arkansas.com

bryant HEATING COOLING
BRINKER
Heating & Cooling Service
Installation • Service • Replacements
Dale P. & Monica Brinker
750-1655 Mobile 530-3454

Richard's MEAT MARKET INC.
Richard McGinnis
Owner/Operator
3042 Market Avenue
Fayetteville, AR 72703
479-443-0000

GH GUESTHOUSE INN
Tom & Judy Adam
301 South University
664-6800

Fayetteville Glass Co., Inc.
Mirrors • Window Glass
Shower Doors • Store Fronts
FREE ESTIMATES
1725 N. College 442-8181

CASA TORRES
MEXICAN RESTAURANT
1673 N. College Ave. 582-9500

MIDAS
FULL SERVICE
AUTO REPAIR
FAYETTEVILLE
521-2978
BENTONVILLE
273-0097

The Parlor
an exclusive salon
637 Joyce Blvd., Suite 118
SANDRA PRITCHARD
By Appointment 582-2299

FLYING FISH SEAFOOD MARKET & CARRYOUT
75 W. Colt Square, Fayetteville, AR 72703
Phone or Fax 582-CRAB (2722)
Shrimp • Fish • Crab • Etc... Catering/Take Out/Deli

YOUR AD HERE

FAYETTEVILLE CHILDREN'S CLINIC
a member of Northwest Health System
Pamela McMichael, M.D. Craig Keever, M.D.
Phone: 479-251-8000

OZARK Natural Foods
A Consumer Owned Cooperative Since 1971
Pestcide Free Produce
All Natural Grocery
Full Service Deli
1554 North College Ave
Fayetteville, Arkansas
479-521-7558

Jerry's Home Cooking
Breakfast Served All Day
6 AM-2 PM – Mon-Sat
7 AM-2 PM – Sunday
241 N. College Ave.
479-521-2480

Craig's Hair Care
1233 W. 6th St.
Phone: 479-443-9454

Party House
JANET KONIG - Owner - Parishioner
"A UNIQUE STORE"
10 East Township 501-443-3800

JUDI'S HALLMARK
JUDI BACSO OWNER
2668 E. Citizens Dr., Suite 4
Fayetteville, AR 72703 (479) 442-6434

Terrell Rohrbach Photography
Weddings • Families • Seniors • Children
Commercial
In studio & On location
Terrell Rohrbach
Professional Photographer
Parishioner St. Joseph
Fayetteville, AR
501-444-7771

HUNAN MANOR RESTAURANT
Open 7 Days
2141 North College
(501) 521-3883

VERNON TARVER
Executive Broker
Lifetime Member Million Dollar Club
Multi-Million Dollar Producer
(501) 521-0220 Business, (501) 530-6257 Mobile
(800) 293-0220 Toll Free, (501) 521-3667 Res.
vtarver@coldwellbanker.com E-Mail
COLDWELL BANKER
FAUCETTE REAL ESTATE
3589 N. College Ave.
Welcome to St. Joe
Parishioner Since 1971
Former Pres. of P.T.O.
Family-Thelma, Mary Anne & Vernon Jr.

1860 N. Crossover
582-4200

The Dental Spa
ROBERT G. HODUS, D.D.S.
582-1100
2630 E. Citizens Dr., #8

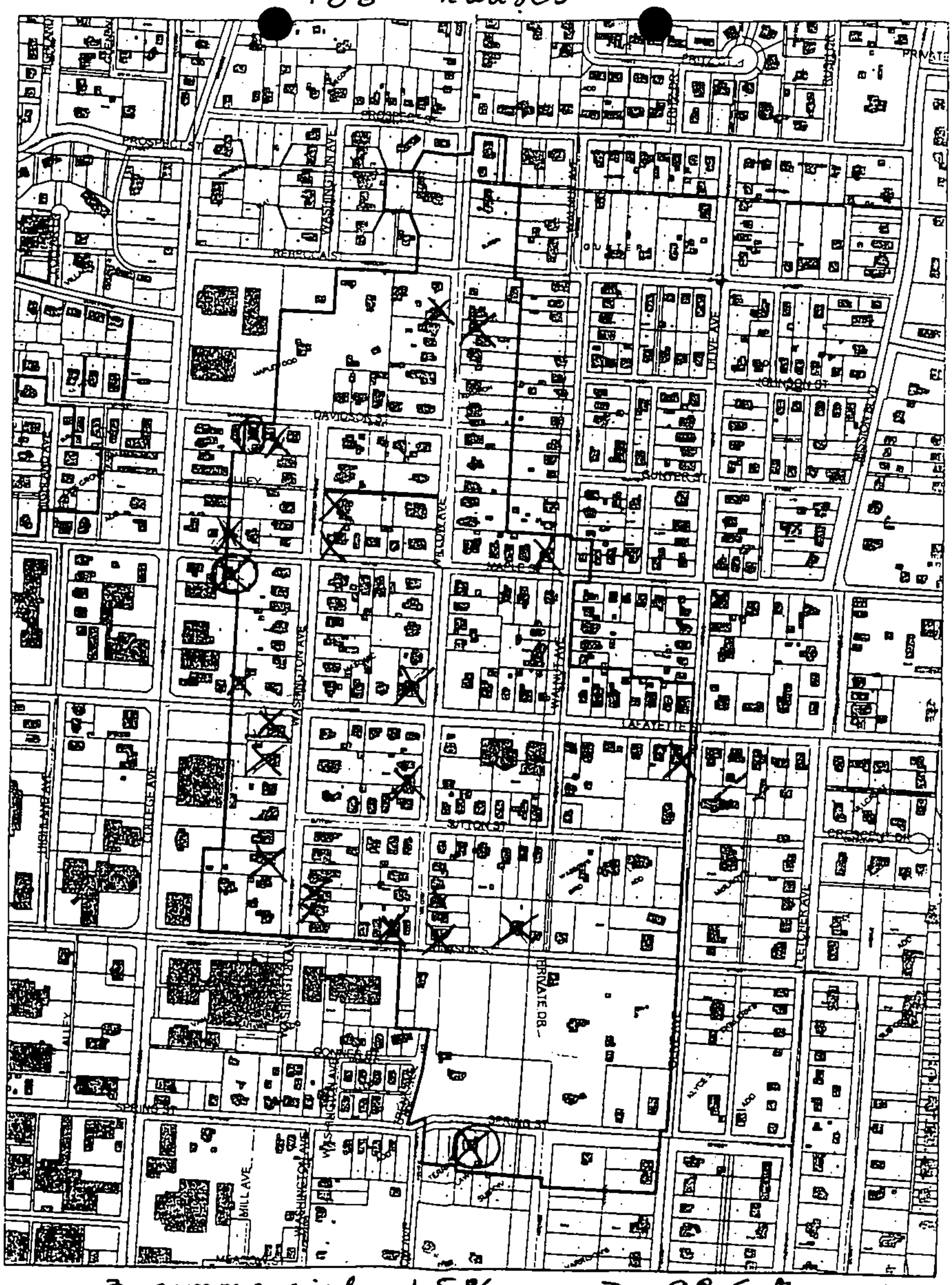
Cici's Pizza
Fresh Taste at a Great Price
582-9292
637 E. Joyce Blvd.
ALL YOU CAN EAT BUFFET $3.99

HOMES BY WARD, INC.
RESIDENTIAL CONSTRUCTION
PHONE 443-6435

ADS = SALES
PLACE YOUR AD HERE

For Ads: J.S. Paluch Co., Inc. 1-800-833-5941, 16515 Hedgecroft, Suite 306, Houston, TX 77060

188 houses

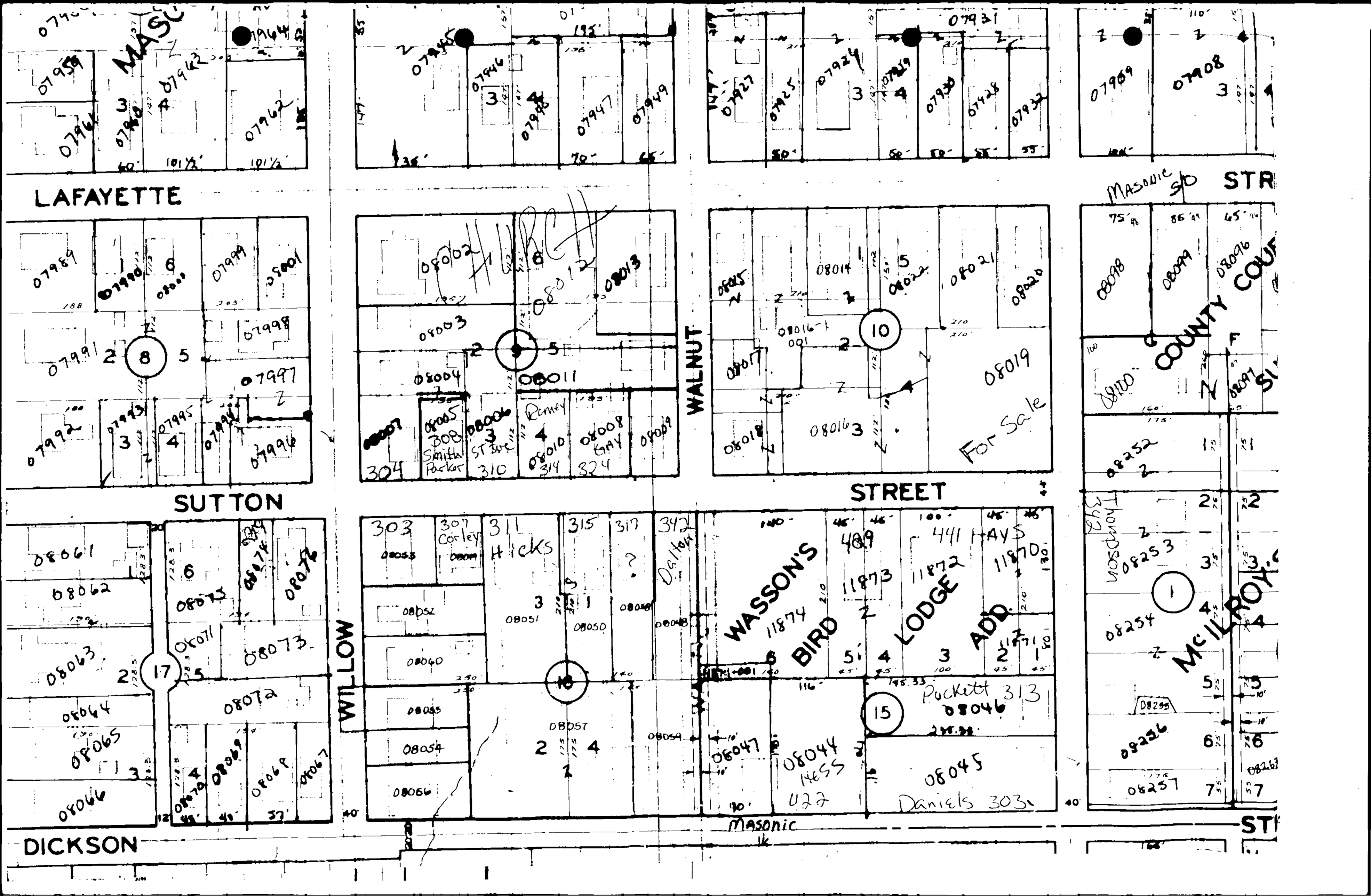


3 commercial - 1.5% → 98.5% residential

Washington - Willow

National Register Historic District

20 multi-family — 10.6% → 89.4% single family


LAFAYETTE
SUTTON
DICKSON
WILLOW
WALNUT
STREET
Masonic
WASSON'S
BIRD
LODGE
ADD.
McILROY
COUNTY COURT
For Sale
Smith Packer
Hicks
Corley
Daltons
Rennet
Gray
Hays
Pucketts
Hess
Daniels

ORIGINAL

Sutton Street

1.	Hays	441 Sutton	442-6304	yes
[redacted]				
3.	Stevens	429 Sutton	442-7065	yes
4.	Professors Brickmeyer		undecided	
5.	Gayla Dalton	319 Sutton	571-3891	yes
6.	?	317 Sutton	vacation	
7.	Tom & Beth Schweiger	315 Sutton	521-6305	yes
8.	Jean Hicks	311 Sutton	(too many unit)	yes
9.	Bill Corley	307 Sutton	571-3401	not home
[redacted]				
11.	?	219 Sutton	on Reese list	yes
12.	?	217 Sutton	on Reese list	
13.	Suzy Winn	216 Sutton	on Reese list	
14.	?	218 Sutton	on Reese list	
15.	Mary Gosnell	220 Sutton	on Reese list	
16.	Craig & Shandra Hamilton	304 Sutton	not home	
17.	Smith's	308 Sutton	521-2906	yes
18.	St. Joseph's old Rectory	310 Sutton	442-4554	yes
19.	Donna Ramey	314 Sutton	582-0556	yes
20.	Kitty Gay	324 Sutton	not home	yes??

Cochon

yes

Lori Daniels	303 Olive Street	521-2935	yes
D. Puckett	313 Olive Street	443-4021	yes
Gary Thompson	342 Olive Street	527-6519	yes
Sharon O'Grady	232 Huntsville RD	444-8582	yes
Eileen Thoma	224 W Cleburn	444-9913	yes
Sheri Alexander	1722 N. Stephens Av	521-7187	yes
Jeremy Hess	432 E. Dickson	521-8447	yes

Sutton Street

1.	Hays	441 Sutton	442-6304	yes
[redacted]				
3.	Stevens	429 Sutton	442-7065	yes
4.	Professors		undecided	
5.	Gayla Dalton	319 Sutton	571-3891	yes
6.	?	317 Sutton	vacation	
7.	Tom & Beth Schweiger	315 Sutton	521-6305	yes
8.	Jean Hicks	311 Sutton	(too many unit)	yes
9.	Bill Corley	307 Sutton	571-3401	not home
[redacted]				
11.	?	219 Sutton	on Reese list	yes
12.	?	217 Sutton	on Reese list	
13.	Suzy Winn	216 Sutton	on Reese list	
14.	?	218 Sutton	on Reese list	
15.	Mary Gosnell	220 Sutton	on Reese list	
16.	Craig & Shandra Hamilton	304 Sutton	not home	
17.	Smith's	308 Sutton	521-2906	yes
18.	St. Joseph's old Rectory	310 Sutton	442-4554	yes
19.	Donna Ramey	314 Sutton	582-0556	yes
20.	Kitty Gay	324 Sutton	not home	yes??

Lori Daniels	303 Olive Street	521-2935	yes
D. Puckett	313 Olive Street	443-4021	yes
Gary Thompson	342 Olive Street	527-6519	yes
Sharon O'Grady	232 Huntsville RD	444-8582	yes
Eileen Thoma	224 W Cleburn	444-9913	yes
Sheri Alexander	1722 N. Stephens Av	521-7187	yes
Jeremy Hess	432 E. Dickson	521-8447	yes

94
56
16
16
28
204

St. Joe's Project

	name	address	phone #	yes
1	Lynn Reese	219 E. Maple	251-7377	✓
2	[illegible]	223 E Maple	466-1042	✓
3	Melinda Jenkins	503 N. Washington	521-5304	✓
4	[illegible] Jenkins	503 N. Washington	521-5304	✓
5	Sara Allen	319 E Maple	283-4478	✓
6	C Brant	319 E Maple	435 0230	✓
7	Janelle McCann	327 E. Maple	521-2155	✓
8	Renee McCann	327 E Maple	521-2155	✓
9	[illegible]	312 E. Maple	521-8971	✓
10	[illegible]	219 E. Maple	251-7377	✓
11	[illegible]	511 N. Willow	532-76-4912	✓
12	Wilhelmina Walker	220 E. Maple	442-9174	✓
13	Sharon Daniel	416 N Washington	521-6476	✓
14	T.C. Daniel	416 N Washington	" "	✓
15	[illegible]	415 N. Washington	944-7917	✓
16	Wendy Lardie	502 N Washington Ave #3	527-9867	✓
17	[illegible]	502 N. Washington	527-9867	✓
18	Kathryn Bell	530 N Washington	521-4638	✓
19	[illegible]	410 N. Washington	841-7713	✓
20	Elizabeth Bailey	351 N. Washington	530-0633	✓
21	Jaquita Ball	347 N. Washington	442-9123	✓
22	Joan Smith	326 N. Washington	442-3863	✓
23	Richard M. Smith	326 N. Washington Ave	442-3863	✓
1	Emily Nesko	822 Rebecca	571-5185	✓
5	[illegible]	338 N. Washington Ave	571-4292	✓

St. Joe's Project 30%

	Name	address	phone #	Yes
73	Jeannine WAGAR	510 N Walnut	571-4511	✓
74	Eleanor Horta	510 N Walnut	571-4511	✓
?	(I also know that the majority of musicians in the North Arkansas Symphony would support this apt. complex)			
75	BC - Mary Ruth Harris	155 Fletcher	442-2302	✓
76	Lynn Schaffer	406 E. Maple	571-4722	✓
77	Archie Schaffer	406 " " "	"	✓
78	Roxanne Worthy	45 Gunter	443-3931	
79	[illegible]	498 E Fritz Ct.	442-8765	
80	[illegible]	220 E. Dickson St	442-9452	
81	[illegible]	220 E. Dickson St.	" "	
82	Barbara Jagnich	319 Sutton St.	582-5495	
83	William M. Flanagan	319 Sutton	582-5495	
84	Dorothy Reif	416 Gunter Fay	442-6490	
85	Jenifer Royer	418 E. Rebecca	582-2686	
86	Georgia Pyatt	144 Fletcher	444-2639	
87	Susan Regan	308 E. Spring St.	5210750	
88	Jim Boyd			
89	Diane Boyd			
90	Betsy Ball			
91	Joel Emerson	506 Johnson	442-7751	
92	Dale [illegible]	306 BAXTER FAY 01	571.5161	
93	[illegible]	610 N OLIVE	443.3107	
94	Kathy Thompson	507 N. WALNUT	5210139	

St. Joseph's Project

	Name	Address	Phone	Yes
51. ↓	Roger Koeppe	305 N. Washington	521-0870	Yes
52.	Bryan Benefield	219 E. Sutton	444-9866	Yes
53.	Lauren Benafield	219 Sutton	444 9866	yes
54.	Joel Gordon	217 Sutton	442-2604	yes
55.	Lowell Grisham	310 N. Washington	582-9335	Yes
56.	Kathy Grisham	310 N. Washington	582-9335	yes
57.	Jessie Koeppe	305 N. Washington	521-0870	Yes
58.	Jim R. Hogue	210 E. Dickson	521-1515	YES
59.	Kathryn Hogue	210 E Dickson	521-1515	yes
60	Yarton Kobacks	406 Gunter St	479-236-6119	✓
61	Rick Spicer	406 Gunter St	479 236-3127	✓
62	David Glasser	513 N. Olive	479 444 9859	✓
63	Sevine T. Glasser	" "	" " "	✓
64	Ann Hall	505 N. Olive	479-444-7381	✓
65	Carolyn Lane	424 N. Olive	479 442 7813	✓
66	Marvel Lane	424 N. Olive	479-442-2813	✓
67	Glen Young	417 E. Maple St.	479-527-9759	✓
68	Karen Hall	415 E Maple St	521-5622	✓
69	Melissa Hall	321 E. Maple	521-8676	
70	Matt Clark	527 N. Walnut Ave	213-3553	
71	Michael Davis	449 Rebecca St.	521-1478	✓
72	Susan Davis	449 Rebecca St.	521-1478	✓

St. Joseph's Project

Name	Address	Phone	Yes
26. [illegible] A. Parry (Janine Parry)	511 N Willow	571-2973	yes!
27. [illegible]	421 N. Olive Ave.	443-9627	yes
28. Mike D. Zorbert	603 N. Willow	582-3995	yes
29. [illegible]	600 N. Willow Ave	531427	yes
30. [illegible]	600 N Willow Ave	531427	yes
31. Melissa Banks	608 N. Willow	443-2152	YES
32. Susan Burkett	503 N. Willow	236-4128	yes
33. Jennifer Alexander	231 E. Dickson St.	444-6959	yes
34. [illegible]	231 E. Dickson St	444-6959	yes
35. Mary A. Patrick	322 N. Washington	4426558	yes
36. Robert T. Patrick	322 N Washington	4426558	yes.
37. Valeria Gibertoni	429 N Washington	251-1217	yes
38. Giovanni Petris	429 N. Washington Ave	251-1217	yes
39. Susan Gammon	218 E Maple	527-6345	yes
40. [illegible]	432 N. WASHINGTON	521-5521	YES.
41. [illegible]	432 N. Washington	521-5521	yes
42. Kay Riddell	523 N. Willow	443-0251	yes
43. [illegible]	" " "		yes
44. Brad [illegible]	219 E. Maple ~~[illegible] Dr.~~	870-241-6870 / 251-1377	yes
45. Mary Gosnell	220 Sutton	521-3085	yes
46. Ian C. Gosnell	220 Sutton	521-3085	yes
47. Constance Clack	228 E. Dickson	442-	yes
48. Jenny Caughman	304 N. Willow		yes
49. Anita Scism	417 E. Lafayette		yes
50.			

NAMES in Support of St Joe's Project
(from outside the neighborhood boundries)

Name	Address	Phone #	yes
Jody Nally	14659 Wilson Lane Mulberry Ar 72947	479 997 8348	✓
Barbara Jaguish	319 Sutton St, Fay 72701	582 5495	✓
Troy Wilson	20 N Garvin Fay 72701	444-9237	✓
Jeff Collins	725 N. Vandeventer Fay 72701	530-0235	✓
Monica Cayce	111 Mt Nord. Fay, AR. 72701	236-7917	✓
Randy Hammock	341 Cesar Court LR AR 72205	501-661-1315	✓
Mike Fiorino	619 Whitham Fay. 72701	(479) 587-0769	✓
Chad Sims	2808-B Ruth Ave, Springdale 72764	(479) 750-9465	✓
Cary Arsaga	16 W. Maple	521-5185	✓
Robert Sharp	525 S. School Fay AR 72701	442.0229	✓
Cynthia Van Bibber	204 E Meadow Fay AR 72701	442-2829	
Jason West	510 W. Prairie Fay AR 72701	251-7511	✓
Catherine Luy	1317 Southern Hgts Pl Fay 72701	443-1811	✓
David M. Miller	333 E. Prospect	443-6460	yes
Tracy T. Miller	333 E. Prospect	443-6460	yes
Anita Schnee	PO B. 3484	521-2893	Y
Joe Deering	318 E Prospect	521-1639	yes
Carol Deering	" "	" "	yes!
Joseph Reagan	320 E Prospect	444 6060	Y
Jena Reagan	"	"	Y
David Warren	612 N. Walnut	521-5635	yes
Haley Warren	612 N. Walnut	521-5635	yes
Matthew Cole	306 Baxter Ln.	571-5161	yes

THANKS!

St Joe's Project

Outside NK

	NAME	address	phone#	yes
	Cecilia Sley	724 N. Washington	5276833	✓
	Jack-Hadley Martin	808 Park	4434336	
✓	Scott Mashburn	935 N. Highland	443 9571	✓
✓	Mike Roberts	601 N. "	5210540	
✓	Harriet Janoma	900 Lighton Tr.	5211909	
✓	Jerome Jerome Janoma	"	5211909	
✓	Gretchen Gerhart	110 N. Park	4422066	
✓	Shawn Colwell	501 N. Forrest	5212696	
✓	Wade "	"		
	Scott Carroll	329 N. Washington	251.7533	
	Diane Carroll	329 N. Washington	251.7533	
	Susan Bull	812 N Wolsey	521-3416	
	Bryan Gott	2723 Stagecoach Dr	444-8367	
	Thomas M'Laxty	1121 N. Pecan Rd	522-2548	
	Charlotte Taylor	202 Ala	5870513	
	Tim Hudson	202 Ala	5870513	

List Serve Names

X-Sender: mriley@mail.uark.edu (Unverified)
Date: Mon, 2 Jun 2003 13:13:37 -0500
To: dcoody@ci.fayetteville.ar.us, bthiel@ipa.net,
ward1_pos1@ci.fayetteville.ar.us, dmarr@hr-factor.com,
jdseed@swbell.net,
RRhoads@HallEstill.com, bsdavis@arkansasusa.com, AJSJ90@aol.com,
lljordan@uark.edu
From: Marie Riley <mriley@uark.edu>
Subject: Regarding St. Joseph's Redevelopment Project
Cc: stjoseph@arkansas.net

As Vice President of the Washington Willow Neighborhood Association and member of the neighborhood sub-committee working on a viable solution for St. Joseph's Church, I am in support of the proposed project set forth by Richard Alexander.
I have also received e-mail or phone calls in support of this project from the following neighbors:

1) *Anita Scism - "Marie, you have my support! I trust Richard implicitly to bring the very best to our neighborhood!"

2) *Laurie Daniels - Support in person.

3) *Nese Nemec - "I support Richard's plan." --Denise

4) *Barbara Robinson - "We have our property up for sale but we still want to live in this area. I would consider buying one of these units myself. I have often bemoaned the fact that there are so few condo units in downtown Fayetteville for retired singles and couples who want all the benefits of living downtown with the hassle of yard work. I would vote for the project."

5) *Boogie Salassi - "Yes, wholeheartedly support project."

Willow

6) *Janine Parry - "I agree that it's a very sound proposal offering the advantages of good stewardship and green space. In addition I am attracted to the promise of at least some kind of variety to the neighborhood's population. If I wanted to move to a gated community of homeowners only, I would. :) As you no doubt know, too, a mixed neighborhood leads to the kind of density that urban scholars have found essential to safe, thriving communities."

7) *Dwain Cromwell - "Glad, only TOO GLAD, to help re St Joe."

8) *Terry Eastin - "I never had a problem with it."

9) *Madeline Lesh - "While we live 2 blocks from St. Joe's, I can't envision what would be better than the apartments."

10) *Karon Reese "The proposal is a good one--especially in light of the fact that nothing else has come through. We must not let the building sit empty for years. We'll be sorry if eight years down the road St. Joseph's is a dilapidated
piece of property that causes our varied property values to plummet."

11) * Danette Williams - "Extremely well put Karon! We too were renters when we first moved to Fayetteville. We came here as a temp situation

(UofA) and planned on going back to Texas, but fell in love with this little town. The home we rented wasn't much and being a gardener....I fixed up the little home and left it in better shape than it was in originally. We (later) chose this
neighborhood to buy a home b/c of the diversity in home styles and wonderful
mix of personalities.
As far as the condos/apts issue goes....there's going to be traffic and congestion no matter what you put in. I support Richard Alexander's proposal to make the best of the already existing problem."

12 *Christine R. Haller -" I agree with Art Hobson's comments about well designed apartment buildings being a good choice for the St. Joseph Church property."

13) *Cindy Kalke - "I may not have felt this way two years ago, but I have been involved and informed in the search for a solution in the past two years and I know this is the best solution available for the property."

* *Joseph Reagan - Support through phone

14) *Rick McKinney - Support through phone

15) *Denise Stramel - Support through phone

* *Roxanne Worthy - Support through phone

16) *Anne Thomas - Support in person.

17) *Sarah E Marsh -" I own a house 1/2 block from St. Joe's on Walnut street and I support developing the property with apartments. I like the inclusion of a small public park but would also like to see the opportunity for a few small businesses or perhaps a community meeting space. Density is good for downtown."

18) *Pete Howard - "Dear Folks,I live in the Washington-Willow neighborhood and I like what I just read from Art Hobson regarding future use of the old Church complex. Thanks to all of you who care about quality of life in this town."

X *Dick Smith -" As I said last night, my biggest worry is that the property will remain vacant for years. The effect of long term vacancy would be to destabilize the neighborhood. I am generally in favor of the proposal, although I do have some concerns.
1. I would like to hear some serious discussion regarding traffic flow in
and out of the project. I have heard a rumor about one way streets being considered. I am generally not in favor of one ways, as they tend to produce fast traffic. Art Hobson and I have done some work on traffic calming in the WW area, and I would like to see how the project might affect
traffic flow.
2. Is it really a financial necessity to have 39 units, or could there be a
few less. Maybe the total number could be reduced, and 3-4 could be "super-luxury" units?

3. Is the green space intended for project residents, or city residents? Will the basketball courts remain?"

19) *Art Hobson - "OK, count me in."

20) *Kathy Thompson,- As president of the Washington Willow Neighborhood Association, Kathy has worked on redevelopment options for St. Joseph's for the past two years. She is in support of this proposal.

20) *Christine Hilker - "I support the project - as long as it remains a "high end" project. I, too, would be upset to see it be taken over by students with SUV's and late hours, etc."

21) *Eden Price - Support proposal.

22) Marie Riley

67
22
89
60
149
15
164

Neighborhood Association Meeting Dec. 9th Agenda 1999

David Glasser, Guest Speaker
Intro to Organization Committee: Jade House, Cindy Kalke, Marie Riley, and Peter Tooker
Draft Bylaws: Brief Description
Naming the association: Brainstorm on Name

Time line:

NOW:Establish Nominating Committee for Executive Positions:
At the February meeting the Nominating Committee will distribute
list of nominees

Establish Membership Committee:
Work on recruiting start-up members to the association. Maintain list (preferably in a database).

Recommend Subcommittees:
Spring Clean-up: Organize and plan neighborhood spring clean-up. Work with City officials for a neighborhood pick up of such items as, washers, dryers, stoves, refrigerators, televisions, steel pipes furniture, dishwashers, mattresses, appliances, tires off the rim, brush, small amounts of building materials from home repairs, etc. Coordinate a local drop off for household hazardous wastes, (paint, pesticides, solvents, used motor oil, etc.), building materials(drywall, lumber, etc.).

Establish other subcommittees. Possibilities:
Pedestrian and Traffic Safety Committee : The pedestrian and traffic safety committees goal is to make getting to or through our neighborhood safe for pedestrians, bicyclists, and drivers of all ages and abilities.

Saint Joseph/Library Move Review Committee: To represent and work for the neighborhood's interests and objectives regarding planned renovations or occupancy when these spaces become vacant within the next couple years.

To Be or Not To Be Non - Profit: Establish subcommittee to investigate becoming a non profit organization. A Neighborhood Association may qualify for non-profit status under Section 501 (c)(3) of the Internal Revenue Code if:
1. It is incorporated.
2. It is organized and operated exclusively for charitable or educational purposes; and
3. It does not promote specific political candidates or campaigns.
(There are other ways to qualify for non-profit but these are the three most common qualifiers for neighborhood associations.)

Take a Neighborhood Survey (Door to Door): What you think should be changed or improved in our neighborhood.

February Meeting
- Revise Bylaws.
- Ratify Name.
- Invite Wilson Park Neighborhood Association President to be guest speaker.
- Nominating Committee accepts nominations and distributes nomination list to members.

April Meeting
Vote on Executive Committee members.

· Feb 2008

The Washington Willow Neighborhood Association

Purpose – The Washington Willow Neighborhood Association was organized in November to promote neighborhood awareness and community participation. The association shall be concerned with community development, ecology, safety, and other related matters that indirectly and directly affect the quality of life of the neighborhood and the City of Fayetteville.

Boundaries – The boundaries for residence and membership purposes of this association include south of Baxter Lane (including Baxter Lane), north of Spring Street, (including Spring St.), west of Mission (including Mission) and east of College Avenue.

Enhancement Ideas

- Green Space – Preserve and promote green space.
- Pedestrian and Traffic Safety–Improved sidewalks, streets and lighting.
- * Saint Joseph/Library Move – Work for the neighborhood's interests and objectives regarding planned renovations or occupancy when these spaces become vacant.
- Rental Property – encouraging responsibility, involvement and pride among all residents and owners.
- Zoning Ordinances

Futures Events

- A Neighborhood Survey (Door to Door). What do you think? Provide ideas that would lead to the betterment of the neighborhood.
- Formalization of the neighborhood association.

• MEETINGS •

The FIRST THURSDAY of every month
8:00 p.m.
St. Joseph's Meeting House
310 Sutton St.

For more information contact Kathy Thompson – 521-1502

March 2002 Flyer

2)

Washington Willow Neighborhood Association

MEETING NOTICE

Meetings held first Thursday of every month
7 o'clock pm
St. Joseph's Meeting House
310 Sutton Street

SPRING and SUMMER MEETINGS

Thursday, April 5 – Neighborhood Enhancement Discussions Continue
This meeting will continue our discussions about how to improve safety and make our neighborhood more beautiful.

Thursday, May 3 – The Future of St Joseph's Campus
At February's meeting, we jumped at the possibility of keeping the St. Joseph's campus in the neighborhood's hands. Could it be possible that we could have a community center right in the middle of our neighborhood? When will property of this size ever be available again? These are questions we will pose during this discussion. If you have any experience with grant research, grant writing, community projects and financial management (or are willing to learn), please attend this meeting. If we all work together, we can make this happen!

Thursday, June 7 – Topic to be announced

Thursday, July 12 (The second Thursday – changed because of July 4 holiday)

No meeting in August
Happy vacations!

EVERYONE WELCOME – PLEASE JOIN US!
For more information call Kathy at 521-1502

We are initiating our 2001 Membership Drive. We will be collecting checks for membership dues at the meetings, or you can mail a check to Washington Willow Neighborhood Association, 507 N Walnut, Fayetteville, AR 72701. Membership levels are $10, $25, $50 and $100 per household. Please pay what you can afford.

June 2002

Washington Willow Neighborhood Association

*Change is coming to our neighborhood.

St. Joseph's Church is moving,
and the church complex on Lafayette Street will be sold.
What will it become?

* Neighborhood Center Needs Assessment

*Please add your ideas to those presented here
* then rank in order of your preference:

Rehearsal and performance space
Art gallery and studio
Reception hall
After-school activities
Non-profit resource center
Classrooms and meeting rooms

Send your ideas to:
Washington Willow Neighborhood Association
P. O. Box 4324
Fayetteville, AR 72702

or bring them to the meeting on June 7.

Questions? - call Kathy at 521-1502

• JAN. 2003

4)

Washington Willow Neighborhood Association

A LETTER

Hello Neighbors!

We are well into the new year and rushing toward spring. Have you wondered why there has been no news from your neighborhood association in awhile? Well, that's because we have been reorganizing!

At the December meeting, we voted to have three meetings annually, plus our spring and fall social events. This is a BIG change for us, as we have been meeting every month for **over three years**. Now that we are firmly established and have identified our main goals, however, we will be able to have fewer meetings.

We hope more of you will be able to come and participate!

Our focus now is on four areas:

- Traffic Issues
- * St. Joseph's and Fayetteville Public Library properties
- Sidewalk Improvements and Pedestrian Safety
- Neighborhood Enhancement

If you can serve on any of these committees, please call Kathy at 521-1502.

Thanks to all of you that have given your time and energy during our startup period. We hope to see your familiar faces and many new ones in March at our first meeting of 2003.

Kathy Thompson and Marie Riley

(OVER)

3 East Mountain Street, Fayetteville, AR 72701

Washington Willow Neighborhood Association

Change is coming to our neighborhood.

St. Joseph's Church is moving,
and the church complex on Lafayette Street will be sold.
What will it become?

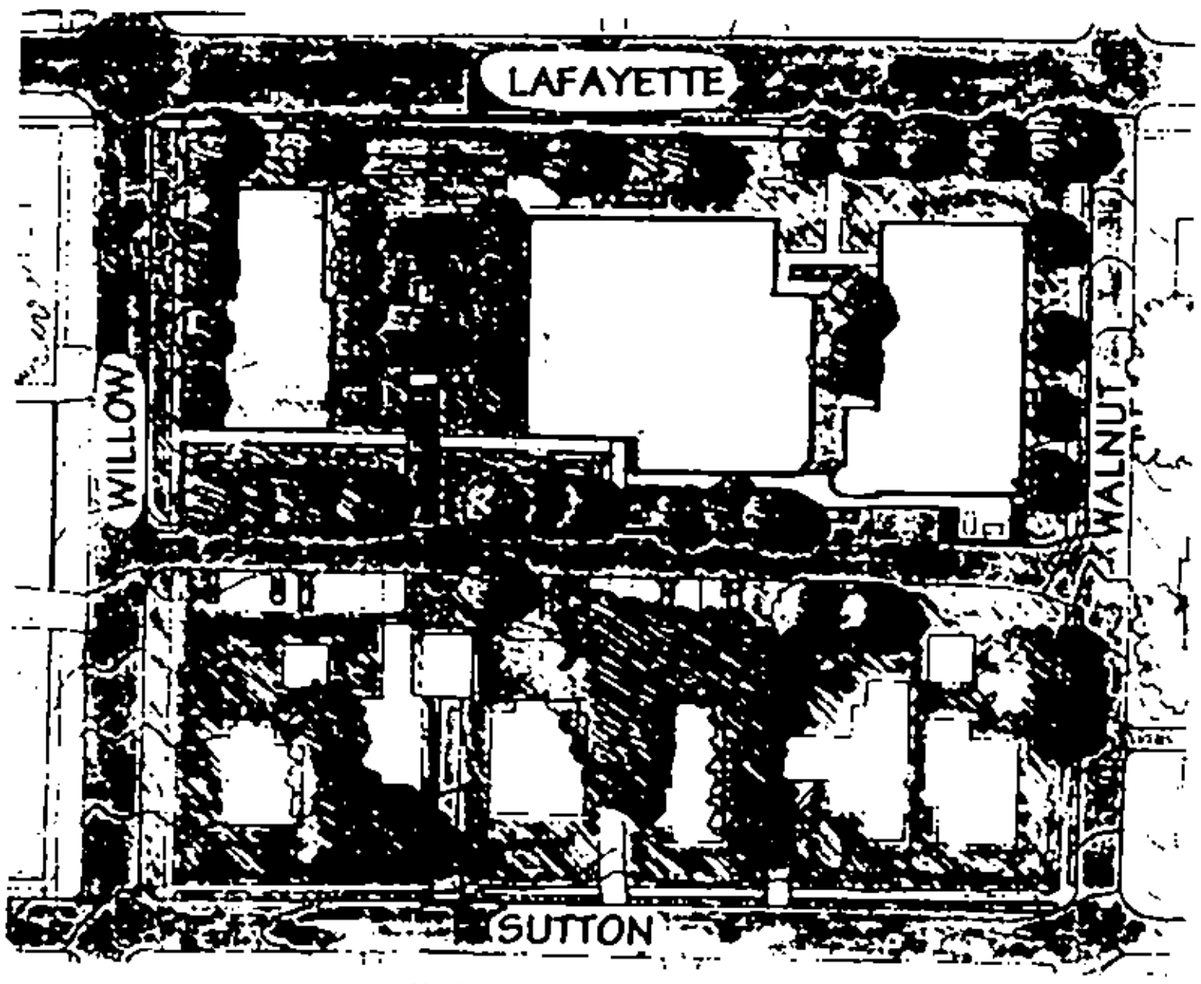
Some members of Washington Willow Neighborhood Association are proposing a

Neighborhood Center:

a real asset for our community - that we can walk to and enjoy.

Ideas for the neighborhood center?

Day care
Cooking classes
Showers and receptions
Non-profit resource center
Inter-generational activities
Classrooms
Meeting rooms
Mentoring



UACDC student concept of site.

Book Groups
After-school programs
Art gallery and classes
Music rehearsals and performance
Dramatic performance
Community gardens
Scrapbooking

Washington Willow Neighborhood Association will meet

Thursday, June 7

7 p.m.

at St. Joseph's school lunch room

Tour the complex with us and help envision its future.

Questions? - call Kathy at 521-1502

Washington Willow Neighborhood Association P. O. Box 4324 Fayetteville, Arkansas 72702

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 03-03.00 LOCATED AT 313 E. LAFAYETTE, 321 E. LAFAYETTE, 346 N. WILLOW, 354 N. WILLOW, AND 310 SUTTON, CONTAINING APPROXIMATELY 2.15 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED DEVELOPMENT PROJECT AS APPROVED BY THE PLANNING COMMISSION

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

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

From R-1, Low Density Residential to C-PZD 03-03.00 as shown in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the change in zoning classification is based upon the approved development plan and development standards as shown on the Planned Zoning District plans for Lafayette Loft Apartments as approved by the Planning Commission on May 12, 2003.

Section 3. That this ordinance shall not take effect and be in full force until all conditions of approval for the development have been met.

Section 4. That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this the 17th day of June, 2003..

APPROVED:

DRAFT

By:_____
DAN COODY, Mayor

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"

ALL OF LOT 1, 2, 5 AND 6 AND PART OF LOT 3 OF BLOCK 9 OF THE MASONIC ADDITION IN THE CITY OF FAYETTEVILLE AS PER PLAT BEGINNING AT THE NE CORNER OF SAID LOT 6, THENCE SOUTH 224.16 FEET, THENCE N89°49'31"W 191.57 FEET, THENCE SOUTH 112.42 FEET, THENCE WEST 60.00 FEET, THENCE NORTH 109.22 FEET, THENCE N89°20'20"W 67.50 FEET, THENCE SOUTH 1.00 FEET, THENCE WEST 67.50 FEET, THENCE NORTH 227.00 FEET, THENCE EAST 386.57 FEET TO THE P.O.B.; CONTAINING 2.15 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

Hay Group, Inc.

8350 N. Central Expressway
Suite 825
Dallas, TX 75206

June 5, 2003

HayGroup

Michele Bechhold
Director of Human Resources
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Michele:

As we discussed yesterday, Hay Group will be happy to provide a market analysis for the City of Fayetteville. The cost to provide this analysis will be $15,000 plus expenses (max $500 per consultant, per trip, not to exceed 3 trips). This analysis will consist of:

- Current Pay structure for police and fire vs. comparison Cities (similar to 2002)
- Comparison of non-uniform positions vs. NOARK survey (positions matched by your internal HR team)
- Recommendations for structure and/or merit increase budget for 2004
- Presentation to City Council

Let me know when you are ready to begin the project. As you know, due to the amount of time it takes to receive market data from comparison cities, the sooner we are able to begin this process, the better our opportunity to gather the most data.

Sincerely,

Jodi L. Francis

Jodi L. Francis
Consultant
Southwest Regional Office – Hay Group

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701

TO: Mayor Dan Coody

FROM: Wage & Benefit Committee

DATE: June 6, 2003

SUBJECT: 2003 Wage Survey

A decision to delay the wage survey will freeze non-uniformed employees' pay ranges for three years. The last complete survey data, used to change all pay ranges was done in 2001. The 2002 survey resulted in no changes to the non-uniformed employee pay ranges, the only changes were to the Police & Fire pay ranges.

We realize with the weak economy there may be no change in the pay ranges, but believe a wage study should be conducted in order to have current data to support any decisions made regarding pay ranges for the year 2004.

The Committee recommends the City enter into a contract with the HayGroup for a wage survey of the total employee group for the current year. This will give Human Resources and the Wage and Benefit Committee sufficient time to evaluate other pay plans and compile the necessary information for an RFP for competitive bidding.

The Committee believes it is essential for pay plan conformance and non-uniformed employee morale that the wage survey be completed. It is also deemed important for the survey process to ultimately coordinate wages and benefits to the peer cities, enabling a true picture of total compensation in the market.

The $19,500 expenditure for the wage survey represents only .0006% of the City's total personnel services costs in 2003. It is the Committee's opinion that such an expenditure is not excessive to ensure funds are equitably and competitively distributed within the pay ranges.

Added at Agenda Session

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF June 17, 2003

FROM:

BRENDA THIEL, ALDERMAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Repeal §117.87 (C) (2) Horses Of The Fayetteville Code And Enact A New §117.87 (C) (2) Horses

APPROVED FOR AGENDA:

Brenda Thiel 6/10/03

Alderman Date

6/6/03

City Attorney (as to form) Date

RECEIVED

JUN 10 2003

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

ENTERED
6/10 TLU

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL §117.87 (C) (2) HORSES OF THE FAYETTEVILLE CODE AND ENACT A NEW §117.87 (C) (2) HORSES

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals §117.87 (C) (2) *Horses* of the Fayetteville Code and enacts a new §117.87 (C) (2) *Horses* as shown below:

"117.87 (C) (2) *Horses*.

"Unless the operator, holder or handler of a horse or pony ride keeps all of its mounted horses or ponies adequately and safely tethered to a ring apparatus, the operator, holder or handler shall ensure that every rider wears a bicycle-type safety helmet while riding on horseback."

PASSED and **APPROVED** this the 17th day of June, 2003.

APPROVED:

By: DRAFT
_____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

Tentative Agenda
For
City Council Meeting
June 17, 2003

A meeting of the Fayetteville City Council will be held on June 17, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Presentation: DDDEP status report

Presentation: A Beautiful City, Clean and Green

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the June 3, 2003 meeting minutes.

2. **Storm Water Phase II Permit:** A resolution authorizing the Mayor or his designee to submit the City of Fayetteville's "Individual MS4 application form for discharges of storm water associated with small municipal separate storm sewer systems authorized under 40 CFR 122.26" to the Arkansas Department of Environmental Quality.

3. **ADM 03-12.00 Kurt Kulish Right Of Way Dedication:** A resolution reducing the right of way dedication from Huntsville Road centerline to accommodate the existing structure located at 2008 E. Huntsville Road.

B. OLD BUSINESS:

1. **R-PZD 03-3.00 (Alexander):** An ordinance establishing a residential planned zoning district titled R-PZD 03-3.00 located at 313 E. Lafayette, 321 E. Lafayette, 346 N. Willow, 354 N. Willow, and 310 Sutton, containing approximately 2.15 acres; amending the official zoning map of the City of Fayetteville; and according to the associated development project as approved by the Planning Commission.

C. NEW BUSINESS:

1. **Downtown Master Plan:** A resolution authorizing City Staff to issue a request for proposals to seek a consultant group to develop a Downtown Master Plan; and approving a budget adjustment in an amount not to exceed $200,000.00 for same.

2. **USI-Arkansas, Inc. Contract Upper Hamestring:** A resolution awarding a contract in the amount of $220,976.00 to USI-Arkansas, Inc. for engineering services associated with the upper Hamestring Creek Basin and the Shenandoah Trailer Park area; and approving a project contingency in the amount of $20,000.00

3. **Wage & Benefit Consultant:** An ordinance waiving the requirements of formal bidding and approving a proposal from the HayGroup in an amount not to exceed $18,000.00 to conduct a wage survey; and approving a project contingency of $1,500.00.

4. **Amend Ordinance 4447 Codified As §159.02:** An ordinance to amend ordinance No. 4447 codified as §159.02 of the Unified Development code to repeal subsection **F. Refunds** and enact a new subsection **F. Refunds** to conform to new statutory requirements.

D. INFORMATIONAL:

1. **Council Tour: June 16, 2003**

STAFF REVIEW FORM – FINANCIAL OBLIGATION

_x_ AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of June 17, 2003

FROM:

Jim Beavers	Engineering	CPE Services
Name	Division	Department

ACTION REQUIRED:

1. Public presentation by staff concerning the proposed Storm water Phase II permit and program.

2. A Resolution authorizing the Mayor to sign and submit the City of Fayetteville's "INDIVIDUAL MS4 APPLICATION FORM FOR DISCHARGES OF STORM WATER ASSOCIATED WITH SMALL MUNICIAPAL SEPARATE STORM SEWER SYSTEMS AUTHORIZED UNDER 40 CFR 122.26", such application form as furnished by the Arkansas Department of Environmental Quality to the City of Fayetteville.

3. Guidance from the Mayor and the City Council concerning the proposed Storm water Phase II program.

COST TO CITY:

$To be determined – see memo Cost of this Request	$200,000 Category/Project Budget 2003	Bridge and Drainage Program Category/Project Name
4470-9470-5817.00 Account Number	$0 Funds Used To Date 2003	Drainage and Phase II Program/Project Category Name
02097 Project Number	$200,000 Remaining Balance 2003	Sales Tax Fund Name

BUDGET REVIEW: _x_ Budgeted Item _____ Budget Adjustment Attached

Barbara Fell 5/23/03
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

Marla Furbay 5/23/03
Accounting Manager Date

Nancy Smith 5/27/03
Internal Auditor Date

5/27/03
City Attorney — Date

5/27/03
Purchasing Manager — Date

STAFF RECOMMENDATION: Approval

5/22/03
Division Head — Date

5-22-03
Department Director (A)
Tim Conklin, CPE — Date

6-3-03
Department Director (B)
Gary Dumas, Operations — Date

6-4-03
Finance and Internal Services Director — Date

6-4-03
Chief Administrative Officer — Date

Mayor — Date

Received in Mayor's Office — Date

Cross Reference :

Prev Ord/Res #:

Orig. Contract Date:

Orig. Contract No:

New Item: **Yes x No**

STAFF REVIEW FORM

Description Strom water Phase II permit application

Meeting Date June 17, 2003

Comments: Reference Comments:

Budget Manager

Accounting Manager

Internal Auditor

City Attorney

Purchasing Manager

Finance and Internal Services Director

Chief Administrative Officer

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SUBMIT THE CITY OF FAYETTEVILLE'S "INDIVIDUAL MS4 APPLICATION FORM FOR DISCHARGES OF STORM WATER ASSOCIATED WITH SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS AUTHORIZED UNDER 40 CFR 122.26" TO THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY.

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 Mayor or his designee to submit the City of Fayetteville's "Individual MS4 Application Form for Discharges of Storm Water Associated with Small Municipal Separate Storm Sewer Systems authorized under 40 CFR 122.26" to the Arkansas Department of Environmental Quality.

PASSED and **APPROVED** this 17th day of June, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

FAYETTEVILLE

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

To: Dan Coody, Mayor
Fayetteville City Council

Thru: Tim Conklin, Director CPE T.C
Gary Coover, City Engineer GRC
Staff Review

From: Jim Beavers, Engineering Jim Beavers

Date: May 15, 2003

Re: City Council Meeting June 17, 2003:

Storm water Phase II NPDES:

* Staff presentation,
* Resolution authorizing the Mayor to submit the City's Individual Permit Application,
* Request for additional guidance.

1. Background

The City of Fayetteville, in compliance with Federal Law, is required to submit a permit application to the Arkansas Department of Environmental Quality (ADEQ) for the "Phase II" National Pollution Discharge Elimination System (NPDES) Storm Water requirements. The application may be approved by the City Council and signed by the Mayor or his specified designee.

The Phase II Rule (Federal Code 40 CFR 122) required that affected entities submit a permit application by March 10, 2003. The entities will then have up to 5 years to develop and implement the plan required by the permit. The plan will rely upon public involvement and the implementation of "Best Management Practices" to reduce pollutants and improve water quality. The Federal Rule states that "Implementation of best management practices consistent with the provisions of the storm water management program required pursuant to this section and the provisions of the permit required pursuant to 122.33 constitutes compliance with the standard of reducing pollutants to the "maximum extent practicable." (Re: 40 CFR 122.34.a).

The Federal Rule encourages the use of "General Permits" when such General Permits are available. The Environmental Protection Agency, Region 6 has jurisdiction over the State of Arkansas. The EPA Region 6 has delegated the ADEQ as the "Permitting Authority" for the State of Arkansas. The EPA and the ADEQ have not been able to meet the Rule deadlines and furnish the General Permit applications. As of this date, ADEQ is reviewing a draft General Permit furnished by the EPA.

Approximately February 7 2003, ADEQ advised the Cities and other MS4's ("Municipal separate storm sewer") to submit a simple letter requesting to be covered under the General Permit when such permit was made available (refer to enclosures 4,5 and 6).

On February 18, 2003, the Fayetteville City Council approved Resolution 24-03 which stated: "That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor or his designee to submit the City of Fayetteville's "Storm Water Phase II" permit application to the Arkansas Department of Environmental Quality". Resolution 24-03 was based upon supporting documentation which included the draft General Permit.

By letter dated February 27, 2003 to ADEQ, the City of Fayetteville requested coverage under the Storm water requirements (re: enclosure 6).

Additional storm water Phase II background information is included in the accompanying enclosures.

2. Current Status

On, or about March 13, 2003, the Headquarters of EPA notified those EPA regions which had not completed the general permit to require Individual Permits or other means of compliance in lieu of waiting on the future General Permits (re: enclosure 9).

Subsequently, ADEQ prepared an Individual Permit and provided such permit application via email to the MS4's. Various Cities and entities have met through the Northwest Arkansas Regional Planning Focus Group to review the individual permit application.

City of Fayetteville staff has prepared the enclosed Individual Permit Application based upon the application form submitted by ADEQ and the EPA series of Storm water Phase II Final Rule Fact Sheets. The permit requires measurable goals. The permit does not require the specific and detailed storm water management plan. The Public, the City and ADEQ will have the opportunity to revise and update the permit requirements as the City's Storm water Management Plan is developed and implemented.

Due to: (a) the knowledge that the previous Resolution, 24-03, was based upon supporting documentation of the draft General Permit (thus not the specific individual permit) and (b) the potential costs of the storm water program as the plan is developed, staff requests an additional Resolution authorizing the Mayor to sign and submit the enclosed Individual permit.

3. Potential costs/budget.

Implementation. The EPA estimates that the first year costs of the program will range from $1.39 to $7.83 per capita. For a City of 50,000 this will be $69,500 to $391,500. (Source: EPA Region 6/Brent Larson).

Administration. The EPA estimates that the annual costs to administer the program will range from $1.23 to $5.73 per capita. For a City of 50,000 this will be $61,500 to $286,500. (Source: EPA Region 6/Brent Larson).

The Regulation (Rule) lists the national average annual costs as $9.16 per household. Please note that we understand that the estimates given represent a significant range of values. Plan reviews, reporting, inspections and drainage system maintenance will be key elements of the permit. Certain Phase I municipalities have found it necessary to add maintenance crews dedicated to additional maintenance of inlets, boxes, catch basins, ponds, ditches, channels . . . A more accurate determination of the costs will be determined as the plan is developed. Those involved in developing the formal program and plan must be cognizant of the effects upon already stressed personnel and maintenance budgets.

B. Funding.

The City of Fayetteville has budgeted $200,000 Sales Tax (Capital Improvement Program) money for the design and initial implementation of the storm water Phase II program. Storm drainage maintenance is a regularly budgeted item with the Transportation (Street) Division's budget. The City of Fayetteville may be interested in investigating a Storm Water Drainage utility for the perpetual administration of the program. Such investigation of forming a utility will include guidance from the citizens and elected officials.

Potential sources for funding include: General Funds, Sales Tax, General Obligation Bonds, Impact and Service Fees, Special Assessment Districts and a Storm Water Utility.

Based upon presentations at EPA seminars, the Storm Water Drainage Utility appears to be a popular approach for Phase I Cities in Oklahoma and Texas. Average charges for residential properties are $2.00 -3.00 per month. Commercial and Industrial charges are based upon measured impervious area.

The Arkansas Legislature approved regulations in 2001 (Bill 1737) to allow the formation of storm water utilities and regional storm water utilities.

4. Actions required/Request.

A. Information. Staff requests the opportunity to provide a public presentation concerning the storm water Phase II program to the City Council.

B. City Council action.

1. A Resolution authorizing the Mayor to sign and submit the City of Fayetteville's "INDIVIDUAL MS4 APPLICATION FORM FOR DISCHARGES OF STORM WATER ASOCIATED WITH SMALL MUNICIAPAL SEPARATE STORM SEWER SYSTEMS AUTHORIZED UNDER 40 CFR 122.26", such application form as furnished by the Arkansas Department of Environmental Quality to the City of Fayetteville.

2. Guidance from the Mayor and the City Council concerning the proposed Storm water Phase II program.

Enclosures

1. Proposed Permit Application, "INDIVIDUAL MS4 APPLICATION FORM FOR DISCHARGES OF STORM WATER ASOCIATED WITH SMALL MUNICIAPAL SEPARATE STORM SEWER SYSTEMS AUTHORIZED UNDER 40 CFR 122.26", such application form as furnished by the Arkansas Department of Environmental Quality.

2. Copy of previous Resolution 24-03 dated February 18, 2003.

3. Memorandum dated January 24, 2003, Storm Water Phase II Requirements.

4. Draft letter format from ADEQ to the City of Fayetteville, via Northwest Arkansas Regional Planning, February 7, 2003.

5. Memorandum dated February 26, 2003, Re: Storm water Phase II proposed letter to the Arkansas Department of Environmental Quality

6. Letter from the City of Fayetteville to ADEQ dated February 27, 2003.

7. Copy of EPA Headquarters letter, March 2003.

ADEQ
ARKANSAS
Department of Environmental Quality

**INDIVIDUAL MS4 APPLICATION FORM
FOR DISCHARGES OF STORM WATER
ASSOCIATED WITH SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS
AUTHORIZED UNDER 40 CFR 122.26**

The enclosed form may be used to apply for coverage for the NPDES Municipal Separate Storm Sewer System (MS4). Only a copy of the attached authorized Individual MS4 Application form will be accepted by this Department.

Return the completed form to:

Arkansas Department of Environmental Quality
NPDES Branch, Storm Water Section
P.O. Box 8913
Little Rock, AR 72219

According to 40 CFR 122.26(b)(8), "municipal separate storm sewer means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(1) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law)...including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe, or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States.
(2) Designated or used for collecting or conveying storm water;
(3) Which is not a combined sewer; and
(4) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2

The following entities are required to obtain coverage under this permit if it:

(1) Is located fully or partially within an urbanized area as determined by the 2000 Decennial Census, or
(2) Is designated for permit authorization by ADEQ pursuant to 40 CFR 122.32.

Include a USGS 7.5 topographic map (or equivalent topographic map with a scale between 1:10,000 and 1:24,000 if cost effective) extending one mile beyond the service boundaries of the municipal storm sewer system covered by the permit application.

NOTE: DO NOT LEAVE BLANK SPACES IN THE NOTICE OF INTENT. IF ANY QUESTION DOES NOT APPLY, MARK "N/A" IN THE SPACE PROVIDED. USE "NONE" IF THE FACILITY IS NOT REQUIRED TO MONITOR.

Arkansas Department of Environmental Quality
NPDES Branch, Water Division
P.O. Box 8913
Little Rock, AR 72219
(501) 682-2199

INDIVIDUAL MS4 PERMIT APPLICATION FOR DISCHARGERS OF STORM WATER RUNOFF ASSOCIATED WITH SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

I. OPERATOR INFORMATION

Small MS4 Name: City of Fayetteville

Small MS4 Address: 113 West Mountain

City: Fayetteville

State: Arkansas Zip: 72701

Owner Type:
☐ FEDERAL ☐ STATE
☒ PUBLIC ☐ OTHER

Urbanized Area or Core Area: Fayetteville – Springdale

County(ies): Washington

Enter the Latitude and Longitude of the approximate center of the Small MS4:

Small MS4 Latitude: 36 degrees 04 minutes 06 seconds

Small MS4 Longitude: 94 degrees 09 minutes 22 seconds

II. CONTACT INFORMATION

Name: Tim Conklin

Telephone: 479-575-8267

Title: Director: Planning, Community Services and Engineering

III. RECEIVING STREAM INFORMATION

Name of Major Receiving Water(s): Illinois River – Clear Creek, Goose Creek and tributaries
Beaver Lake – West Fork, Middle Fork, White River and tributaries

Are any of the Major Receiving Water(s) on the latest Clean Water Act section 303(d) list of impaired waters or have an approved TMDL?

☒Yes ☐ No ☐N/A

If yes, list the Receiving Water(s): West Fork (of the White River)
White River (into Beaver Reservoir)

IV. PERMIT LISTING

List all ADEQ permits received or applied for under any of the following programs:

Hazardous Waste Management program under RCRA:	NA
UIC program under SDWA:	NA
NPDES program under CWA:	AR0020010 NPDES , SIC 4952, Paul Noland WWTP ARR00C299 Water-NPDES, Fayetteville Municipal Airport, storm runoff AR10B241 Water-NPDES, Fayetteville Municipal Solid Waste, storm runoff
Prevention of Significant Deterioration (PSD) program under the Clean Air Act:	NA
Non-attainment program under the Clean Air Act:	NA
National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act:	NA
Dredge or fill permits under section 404 of CWA	#14207 Individual – Proposed/preliminary- City of Fayetteville Waste Water project including the new west-side plant and associated line work. Preliminary application August 2002. #17821 Nationwide 12,14 – Driveway culvert replacements and sanitary sewer crossing associated with the Old Missouri Road improvements, 404 permit issued November 27, 2002.

Arkansas Department of Environmental Quality
NPDES Branch, Water Division
P.O. Box 8913
Little Rock, AR 72219
(501) 682-2199

V. STORM WATER MANAGEMENT PROGRAM INFORMATION

Is the MS4 operator relying on another governmental entity to satisfy one or more permit obligations?

☐Yes ☒No ☐N/A

If yes, describe: _____

Minimum Control Measures/Best Management Practices (BMPs):

(1) Public Education and Outreach on Storm Water Impacts

BMP(s):	Measurable Goals:	Start & End Dates
Public Outreach/Education Plan	Establish a storm water steering committee, or task force, or focus group to assist with the identification of the target audience and to assist with the development of a plan for an effective public education program.	Year 1
Storm water Educational Material	Develop and disseminate storm water education information to the general public and other groups to be identified. Such information will be developed by the City with Public input and may include brochures, telephone hotline, potential school curricula, stenciling of certain storm drains and training of volunteer educators.	Year 1-5
City Web Page	Add storm water information and reference links to the city's website.	Year 2-5
Green Business Program	Develop and distribute storm water BMP and impact fact sheets for industry-specific business to reduce pollution, including restaurant grease, into the storm sewer system.	Year 3-5
Pets and livestock	Develop and distribute educational material which will result in a certain percentage reduction in litter or animal waste detected in discharges in municipal storm water.	Year 4-5

Arkansas Department of Environmental Quality
NPDES Branch, Water Division
P.O. Box 8913
Little Rock, AR 72219
(501) 682-2199

(2) Public Involvement/Participation

BMP(s):	Measurable Goals:	Start & End Dates
Public Involvement	Notice of a public meeting, citizen panel established (refer goal two below), volunteers organized to assist with the location of outfall/illicit discharges and to stencil certain storm drainage.	Year 1-2
Citizen Panel or Storm water Technical Advisory Committee or Task Force	Establish a citizen panel, or storm water technical advisory committee, or task force, or focus group to assist with the development of the storm water pollution prevention plan. Produce final recommendations and provide advertising, including radio spots, to promote the program and participation.	Year 1-2
Community clean-ups	A certain percentage of the community will be participating in community clean-ups. Such clean-ups may, or may not, include volunteer stream teams to involve and educate citizens in water quality activities and clean-ups.	Year 3-5
Citizen watch groups	Citizen watch groups established in a certain percentage of neighborhoods; outreach to every different population sector completed	Year 4

(3) Illicit Discharge Detection and Elimination

BMP(s):	Measurable Goals:	Start & End Dates
Storm water drainage system map	Develop a map of the storm drainage system.	Year 1-2
Illicit discharge ordinance	Ordinance in place; develop the illicit discharge plan; training for public employees completed; a certain percentage of sources of illicit discharges determined.	Year 2-3
Illicit discharge detection	A certain percentage of illicit discharges detected and eliminated; a certain percentage of households participating in household hazardous waste special collection days.	Year 3-5
Illicit discharge reduction	"Most" illicit discharge sources detected and eliminated.	Year 4-5

Arkansas Department of Environmental Quality
NPDES Branch, Water Division
P.O. Box 8913
Little Rock, AR 72219
(501) 682-2199

(4) Construction Site Storm Water Runoff Control

BMP(s):	Measurable Goals:	Start & End Dates
Ordinance/Plan	Review the City's existing ordinances, regulations and policies associated with control construction site runoff; receive guidance and input from the committees previously noted in minimum control measures one and/or two; develop a procedure to receive information from the public.	Year 1
Site inspection	Review the City's existing ordinances, regulations and policies associated with site inspections with guidance and input from the committees previously noted in minimum control measures one and/or two; a certain rate of compliance achieved by construction operators	Year 1-2
Compliance	"Maximum" compliance with ordinance; an amount of improved clarity and reduced sedimentation of local waterbodies.	Year 3-5
Improved water quality	An amount of increased numbers of sensitive aquatic organisms in local waterbodies.	Year 4-5

(5) Post-Construction Storm Water Management In New Development and Redevelopment

BMP(s):	Measurable Goals:	Start & End Dates
Post-Construction Strategy	Develop strategies and plans with guidance and input from the committees previously noted in minimum control measures one and/or two, such strategies to include structural and/or non-structural BMP's.	Year 1-2
Post-Construction Ordinance	Strategies codified by ordinance or other regulatory mechanism.	Year 2
Reduction of new pervious areas	Reduced percentage of new impervious surfaces associated with new development as compared to total impervious areas and as further developed with guidance and input from the committees previously noted in minimum control measures one and/or two.	Year 3
Improved water quality	An amount of improved clarity and reduced sedimentation of local waterbodies.	Year 4-5

(6) Pollution Prevention/Good Housekeeping for Municipal Operations – BMPs:

BMP(s):	Measurable Goals:	Start & End Dates
Plan	Develop a Pollution prevention plan with new BMP's and revised procedures; provide employee training materials; provide procedures for drainage catch basin maintenance and cleaning; provide procedures for street sweeping.	Year 1-2
Employee Training	Training for appropriate employees; recycling program fully implemented.	Year 2-3
Pollution Prevention Plan	Some pollution prevention BMP's incorporated into a municipal master plan; a certain percentage reduction in pesticide and sand/salt use; maintenance schedule for BMP's established.	Year 3-4
Good Housekeeping Results	A certain percentage reduction in floatables discharged; a certain compliance rate with maintenance schedules for BMPs; controls in place for defined areas of concerns.	Year 4-5

VI. CERTIFICATION OF PERMITTEE

For a municipality, State, Federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this application, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

"I certify that the cognizant official designated in this Notice of Intent is qualified to act as a dully authorized representative under the provisions of 40 CFR 122.22(b). If no cognizant official has been designated, I understand that the Department will accept reports signed by the applicant. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Typed or Printed Name: Dan Coody Title: Mayor, City of Fayetteville

Signature: _____ Date: _____

RESOLUTION NO. 24-03

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SUBMIT THE CITY OF FAYETTEVILLE'S "STORM WATER PHASE II" PERMIT APPLICATION TO THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY.

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 Mayor or his designee to submit the City of Fayetteville's "Storm Water Phase II" permit application to the Arkansas Department of Environmental Quality.

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

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

FAYETTEVILLE

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

To: Dan Coody, Mayor
Fayetteville City Council

From: Jim Beavers, Engineering

Date: January 24, 2003

Re: City Council Meeting February 18, 2003,
Storm water "Phase II NPDES" requirements - Supplemental information.

1. Introduction:

A. March 10, 2003 application deadline.

The City of Fayetteville, in compliance with Federal Law, is required to submit an initial application to the Arkansas Department of Environmental Quality (ADEQ) no later than March 10, 2003 for the "Phase II" National Pollution Discharge Elimination System (NPDES) Storm Water requirements.

B. Background.

The Federal Water Pollution Control Act Amendments of 1972, more commonly known as "The Clean Water Act" (CWA) was enacted October 18, 1972 (PL 92-500). This law required and enabled Local, State and Federal water quality programs and requirements. Goals of the CWA include the elimination of discharged pollutants to Waters of the U.S. and to restore all waters to "fishable and swimable".

Polluted storm water runoff, including chemicals, nutrients, sediments and siltation, has been cited as a cause of impairment for waterways and water bodies. This impairment contributes to loss of aquatic habitat, loss of aesthetic value, loss of recreational waterways and potential threats to public drinking water supplies and public health.

The 1987 amendments to the Clean Water Act (CWA) authorized the Environmental Protection Agency (EPA) to regulate non-point source discharges including storm water discharges. The regulation has been implemented through a phased program using the National Pollution Discharge Elimination System (NPDES).

The "Phase I" NPDES Storm water rule was implemented in November 1990. This rule addressed storm water discharges from Medium and Large municipal Separate Storm Sewer Systems (MS4's) for urbanized areas with a population greater than 100,000, for all construction sites with disturbed areas greater than 5 acres and ten categories of industrial activities. The City of Little Rock is the only "Phase I" city within Arkansas. The "Phase I" requirements included regulation of the construction activities disturbing 5 acres or greater, certain industrial storm water runoff, mandatory monitoring, permit specific requirements and permit specific activities.

The "Phase II" Storm water Final Rule was approved October 1999 and published in the Federal Register on December 8, 1999 (64FR96722). "Phase II" NPDES will regulate Small MS4's within urbanized areas, construction sites with disturbances of 1 – 5 acres and certain industrial activities. "Phase II" requirements will differ from "Phase I" in that monitoring is to be established by the "Permitting Authority", the Small MS4's are required to formulate a storm water management plan based upon "best management practices", develop measurable goals based upon reducing pollution to the "maximum extent practicable" and develop a time frame of up to five years to implement the program.

2. Phase II Final Rule Requirements.

A. Affected Municipalities and Urbanized areas.

Urbanized areas have been defined by the EPA as a central place (or places) and the adjacent densely settled surrounding area that together have a minimum population of 50,000 and an average density of 1,000/square mile in the core area plus a band with an average density of 500/square mile. The MS4's include the urbanized areas and interconnected systems.

Area Municipalities affected by the Phase II requirements include Fayetteville, Springdale, Rogers, Bentonville, Elkins, Farmington, Johnson, and Greenland. Please refer to Enclosure 4 for specific locations listed in Arkansas by the EPA.

The Permitting Authority (ADEQ), has the authority to phase in the requirements or exempt from the requirements those municipalities with a population of less than 10,000 where ADEQ can provide documentation of "no potential for significant water quality impairment".

B. Specific Requirements of the Rule.

The Phase II Final Rule (law) includes six specific requirements:

1. Public education and outreach
2. Public involvement and participation
3. Illicit discharge detection and elimination
4. Construction site storm water runoff control
5. Post construction storm water management in new development and redevelopment

6. Pollution prevention/good housekeeping for municipal operations

Each of the six specific requirements noted above have detailed and specific requirements which include:

1. Best Management Practices (BMPs)
2. Measurable goals
3. Schedule of action(s)
4. Responsible person (s)
5. Record keeping
6. Reporting

Other requirements to implement the program will include:

1. System Inventory and designation of outfalls.
2. Operation and maintenance of the drainage system.
3. An ordinance prohibiting illicit discharges.
4. Storm Water Pollution Prevention Plans may be required for construction sites including individual residential lots that are a part of the overall development plan (awaiting final decision by ADEQ).
5. Note that monitoring is not required in Phase II by the EPA but may be added by the Permitting Authority (ADEQ) or the local municipality.

(source: EPA/40 CFR Parts 9,122,123 and 124; EPA Region 6/Brent Larson)

C. Delegation of Authority and Responsibility:

EPA >> ADEQ >> Municipalities (MS4's)

<u>EPA:</u>

* Oversight of program/regulation
* Referrals (problems that the municipalities and States cannot resolve)
* Evaluations

<u>State ADEQ:</u>

* Administration of program/regulation
* Enforcement
* Reviews of reports and actions of permittees
* Data entry
* Evaluation of program

Municipalities/MS4's/Permittees:

* Implementation of the regulation specifics
* Inspection
* Enforcement
* Reporting

The EPA is delegating the responsibility for inspections and compliance to the Permitting Authority (ADEQ) which is in turn delegating the responsibility to the City. Currently all construction activities which disturb 5 acres or greater are permitted by the State. The City does not enforce the specifics of the State's requirements. The City does enforce the City's "Grading" and "Drainage" Ordinances.

As the Storm Water Phase II Rule is implemented, the disturbed area requirements drops to 1 acre or greater and the municipalities are the enforcement agency. The EPA and State requirements for storm water pollution prevention plans are currently more stringent than the City's. The City and ADEQ must verify the requirements as the plan is implemented over the next five years.

3. The City of Fayetteville.

a. Representatives from the Engineering Division have attended seminars concerning Phase II sponsored by the EPA, American Public Works Association, the University of Arkansas and manufacturing representatives.

b. We participate with other local representatives and citizens in the NWA Regional Planning Commission's Storm Water Focus group.

c. The City of Fayetteville is ahead of most municipalities in that we have, and enforce, ordinances to control grading and drainage including construction site erosion control and post construction water quantity. The City's existing ordinances are good starting positions but do not fully develop the requirements for Phase II water quality.

d. On May 2, 2002 Engineering amended the City of Fayetteville's Drainage Criteria Manual to require the use of a Phase II environmental message on all new storm water structure lids. A copy of the requirement is attached as Enclosure 7.

e. The City will continue to develop the plan and time schedule in compliance with EPA guidelines, ADEQ directives and the City Council's guidance.

f. The City of Fayetteville's submittal for March 10, 2003 deadline will be developed by staff with assistance from Administration and the City Council as applicable. The submitted plan/permit will be standard and generic in nature in that it will allow the City additional time to

formulate any specific actions and/or future ordinances. Such plan or permit shall be phased over a time period of up to five years according to a schedule to be developed with ADEQ complying with all Federal and State requirements. There will be many opportunities and challenges to formulate the City's plan. Such opportunities include public education and public participation. Challenges include new policies on drainage maintenance including channels and detention ponds and the struggle to balance Phase II water quality standards with the goals of a developer friendly region.

4. NWARPC storm water focus group.

The NWA Regional Planning Commission (NWARPC) Storm Water Focus Group has been meeting regularly since May 2002 to develop Public Education and Public participation tools, share information and knowledge and to further work together on the plan/permit application. The focus group includes representatives from Regional Planning, the University, the Cooperative Extension Service, Arkansas Soil and Water Conservation Commission (ASWCC), the Cities of Bentonville, Rogers, Springdale, Fayetteville, Farmington, Greenland, Bethel Heights, Washington County and interested private citizens. The Focus Group's objective is to formulate BMP's and Tools which may be applied cohesively across the Northwest Arkansas (NWA) region. It is desired that all NWA communities adopt a general standard set of BMP's and requirements to protect the watersheds, to provide a common set of requirements for developers and builders and to help to provide a level competitive atmosphere between NWA municipalities. Further the cooperation within the NWARPC focus group should reduce the planning and permit development costs to any given entity.

The NWARPC focus group also promotes the potential cooperation with the University, the Arkansas Highway and Transportation Department, and other municipalities; and opens for discussion the potential for Watershed or Regional storm water districts.

It is noted that the NWARPC has no regulatory powers and each municipality may enact requirements that are different from or more stringent than the base BMP's and Tools developed by the focus group.

Congressman Boozman's Office, The Cooperative Extension Service and the NWARPC Focus Group hosted the NWA Regional Storm water Phase II meeting held this past January 23 at the Town Center. Elected officials from NWA communities were invited. Copies of the presentations ("Overview of the Storm water Program", Brent Larson; "What do the New Storm water NPDES Regulations mean for Northwest Arkansas?", Dr. Findlay Edwards; "Municipal Storm water Management Enforcement Considerations", Richard Mays), from the January 23 meeting are attached (Enclosure 2).

5. Arkansas Department of Environmental Quality.

The EPA has delegated the Permitting Authority to the Arkansas Department of Environmental Quality.

Although, ADEQ had previously committed to providing additional information to the affected urbanized areas in January or February 2003, ADEQ reported on January 23, 2003 that the information would not be available until after the permit submittal deadline of March 10, 2003.

ADEQ reports that the EPA has been late in providing information to ADEQ and thus ADEQ will be late in providing information to the Cities and other MS4's.

Lacking specific guidance from the Permitting Authority (ADEQ) the City's submittal must be standard and generic in nature such that it will allow the City additional time to formulate any specific actions and/or future ordinances

6. Estimated costs and Funding source.

A. Estimated costs to implement and administer the program.

Implementation. Fayetteville will develop the program 'in-house" within the City's Engineering Division cooperating with other applicable Divisions which may include Transportation and Water/Sewer. Other municipalities which do not have in-house engineering may find it necessary to hire consultants to establish their program and obtain their permit. The cooperation within the NWARPC focus group should lessen the costs to any one entity.

The EPA estimates that the first year costs of the program will range from $1.39 to $7.83 per capita. For a City of 50,000 this will be $69,500 to $391,500. (Source: EPA Region 6/Brent Larson)

Administration. Additional staff may be required to perform the functions and requirements noted in the regulations. Staffing requirements will be formulated over the next 1 – 4 years as the plan specifics are determined and implemented. The additional staff may include engineers, scientists, inspectors and maintenance workers. Portions of such work may be contracted to area providers in lieu of additional staffing.

The EPA estimates that the annual costs to administer the program will range from $1.23 to $5.73 per capita. For a City of 50,000 this will be $61,500 to $286,500. (Source: EPA Region 6/Brent Larson)

The Regulation (Rule) lists the national average annual costs as $9.16 per household. Please note that we understand that the estimates given represent a significant range of values. Plan reviews, reporting, inspections and maintenance will be key elements of the permit. Certain

Phase I municipalities have found it necessary to add maintenance crews dedicated to additional maintenance of inlets, boxes, catch basins, ponds, ditches, channels ... A more accurate determination of the costs will be determined as the plan is implemented over the next 1 – 4 years.

B. Funding.

The Regulation is an "unfunded mandate".

Potential sources for funding include:

* General Funds
* Sales Tax
* General Obligation Bonds
* Impact and Service Fees
* Special Assessment Districts
* Storm Water Utility

Based upon presentations at EPA seminars, the Storm Water Drainage Utility appears to be a popular approach for Phase I Cities in Oklahoma and Texas. Average charges for residential properties are $2.00 -3.00 per month. Commercial and Industrial charges are based upon measured impervious area.

The Arkansas Legislature approved regulations in 2001 (Bill 1737) to allow the formation of storm water utilities and regional storm water utilities.

Advantages of a Storm Water Utility:

* Does not take General Funds or Sales tax funds away from existing programs or projects.
* Fees based upon the measured or averaged amount or percentage of impervious coverage.
* Stable source of income.
* Allows for increased maintenance of the drainage system including flood prevention.
* Must be equitable and fair and conform to State law.
* Potential credits for on-site improvements.
* Can use existing billing system (water bill, solid waste, etc.)

The City of Fayetteville has budgeted Sales Tax (Capital Improvement Program) money for the design and initial implementation of the program. Storm drainage maintenance is a regularly budgeted item with the Transportation (Street) Division's budget. The City of Fayetteville may be interested in investigating a Storm Water Drainage utility for the perpetual administration of the program. Such investigation of forming a utility will include guidance from the citizens and elected officials.

7. Phase II Proposed Time Line/Schedule.

The City of Fayetteville will have time to complete and implement the plan.

The Rule requires that the affected entities submit the general plan or permit by March 10, 2003. The City will have up to 5 years to implement the plan.

The EPA Fact Sheets recommend 4 year schedules to prepare and implement the requirements. Copies of the EPA Fact Sheets are attached as Enclosure 3.

Additional guidance concerning the time line and submittal requirements are anticipated from ADEQ in 2003.

8. Requested Resolution and Authorization.

A. Immediate help from the City Council:

Engineering requests that the City Council approve a Resolution authorizing the Mayor or his designee to submit the City of Fayetteville's "Storm water Phase II" permit application to the Arkansas Department of Environmental Quality (ADEQ). Such permit application shall be submitted no later than March 10, 2003. Compliance shall be phased over a time period of up to five years according to a schedule to be developed with ADEQ complying with all Federal and State requirements.

Please note as of this date (January 24, 2003) the submission has not been drafted. Two possible drafts are included as Enclosures 5 and 6. The final submittal will be developed by staff with assistance from Administration, the City Attorney's Office and guidance from the City Council. The submission will be standard and generic in nature in that it will allow the City additional time to formulate specific actions and/or future ordinances.

B. Further guidance and opportunities.

As the program and plan is developed and implemented, the City Council, Administration and the public will have opportunities to provide guidance. Such guidance may include input on the plan, the new and/or revised ordinances, and policy decisions. One very important policy decision to be made will be the City of Fayetteville's definition and application of "Maximum Extent Practicable". Competing interests within the community and the region have expressed differing views on "Maximum Extent" and "Practicable".

9. Additional resources.

There are numerous public and private resources including texts, model ordinances, BMP's, and websites available to help plan and implement the "Phase II" requirements. Some of the best have been produced by the EPA and are available at EPA and related websites. Such resources include the EPA Fact Sheets for Storm Water Phase II (Enclosure 3).

Other excellent local resources include Findlay Edwards, P.E., PhD, University of Arkansas, Katie Teague, University Cooperative Extension Service, Bob Morgan, ASWCC, NWARPC and the Focus Group.

The efforts of the University of Arkansas Cooperative Extension Service deserve special recognition for their ongoing public education programs for young people and adults in Fayetteville and NW Arkansas.

10. Enclosures.

1. This memorandum dated January 24, 2003, Storm Water Phase II Requirements, Jim Beavers (presented as an enclosure to the cover memorandum dated January 27, 2003).
2. Copies of the power point presentations from the January 23, 2003 Phase II meeting held at the Fayetteville Town Center: A. Brent Larson (EPA), B. Findlay Edwards (U of A Professor), C. Richard Mays (Environmental Attorney).
3. Copies of EPA Phase II Facts Sheets 1.0, 2.0, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 3.0, 3.1, 4.0.
4. Population for Storm Water Entities as Defined by the 2000 Census and published by the EPA.
5. Draft model permit (EPA).
6. Draft model permit Asist, Inc. (under review by the NWARPC focus group).
7. Environmental storm water structure lid.
8. Informational brochure developed by the University of Arkansas Cooperative Extension Service.

City Letterhead

[Date], 2003

Mr. Eric Dunn
Storm Water Runoff Engineer
Arkansas Department of Environmental Quality
National Drive
P.O. Box 8913
Little Rock, AR 72219-8913

Dear Mr. Dunn:

Pursuant to our conversations with you regarding storm water regulation, we ask that you consider this letter as our notice of intent to comply with the Phase II storm water requirements.

Or

This letter is to serve as notice of intent that the City of [Name of City] will comply with the federal E.P.A. Phase II storm water regulations.

Sincerely,

Mayor [Name]
City of [Name of City]

FAYETTEVILLE

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

To: Dan Coody, Mayor

Thru: Hugh Earnest, CAO
Tim Conklin, Director, CPE

From: Jim Beavers, Engineering

Date: February 26, 2003

Re: Storm water "Phase II NPDES", Proposed letter to the Arkansas Department of Environmental Quality

1. Background

The City Council approved Resolution 24-03 on February 18, 2003 authorizing the Mayor or his designee to submit the City of Fayetteville's "Storm water Phase II" permit application to the Arkansas Department of Environmental Quality (ADEQ).

Federal Law requires such application to be received by the Arkansas Department of Environmental Quality (ADEQ) no later than March 10, 2003.

Program compliance shall be phased over a time period of up to five years according to a schedule to be developed with ADEQ complying with all Federal and State regulations.

2. Current Status

ADEQ has not yet developed the required permit format and application. Eric Dunn, Storm water Engineer for ADEQ, has told me and representatives from other entities that the Cities should submit a simple letter expressing our notice of intent to comply with the Phase II storm water requirements and/or that the City's letter will serve notice of intent that the City will comply with the Federal requirements. An example letter as prepared by Eric Dunn is attached as enclosure one.

The formal plan and permit application is anticipated to be developed by ADEQ this spring.

3. Recommendation/Request

The Mayor prepare, sign and mail the attached letter (or similar letter) to Eric Dunn, ADEQ, such that the letter arrives prior to March 10, 2003. A copy of the final letter is requested for the engineering files.

Thank you.

Enclosures:

1. Copy of draft letter prepared by Eric Dunn, Storm water Engineer, ADEQ.
2. Copy of Resolution 24-03, 02/18/03.
3. Copy of memorandum dated 02/06/03 from Jim Beavers.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

February 27, 2003

Mr. Eric Dunn
Storm Water Runoff Engineer
Arkansas Department of Environmental Quality
National Drive
P.O. Box 8913
Little Rock, AR 72219-8913

Dear Mr. Dunn:

Pursuant to our conversations with you regarding storm water regulations, the City of Fayetteville requests coverage under the Phase II MS4 Storm Water NPDES requirements.

Sincerely,

Dan Coody

Mayor Dan Coody
City of Fayetteville

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

MEMORANDUM

SUBJECT: Interim Guidance on Implementation of NPDES Regulations for Storm Water Phase II for Small Municipal Separate Storm Sewer Systems in Response to Recent Ninth Circuit Decision in Environmental Defense Center, et al. v. EPA, No. 00-70014 & consolidated cases (9th Cir.)

FROM: James Hanlon
Director, Office of Wastewater Management

TO: Regional Water Management Division Directors
Regions I-X

As you may be aware, on January 14, 2003, the U.S. Court of Appeals for the Ninth Circuit affirmed most aspects of the National Pollutant Discharge Elimination System ("NPDES") regulations for storm water "Phase II" against a variety of constitutional, statutory, and procedural challenges. Petitioners representing environmental, industrial, and municipal interests challenged the regulations on twenty-two different grounds. The Court did, however, remand the regulations on three grounds related to use of NPDES general permits to authorize discharges from small municipal separate storm sewer systems ("MS4s").

On February 28, 2003, the United States filed a petition for rehearing with the Ninth Circuit on the MS4 general permit issues. The petition is attached. The effect of EPA's petition for rehearing stays the effectiveness of the Ninth Circuit's decision, and leaves intact those Phase II MS4 regulatory provisions which were the subject of the Court's remand, until the Court issues a decision in response to the petition.

This memorandum provides the following guidance for NPDES permitting authorities for the interim period until the Ninth Circuit decides the petition for rehearing:

- NPDES permitting authorities should proceed with the prompt issuance of final Phase II MS4 general permits so that Phase II MS4s may file NOIs to be authorized under those general permits.

- The deadline for Phase II MS4 operators to submit NOIs or individual permit applications is unchanged. The March 10, 2003 permit application deadline remains in place. The ruling does not remove any obligation on the Phase II MS4 operator's part to submit NOIs or individual permit applications, nor does it impose additional requirements on what should be included in the NOI or individual permit application. The ruling would, if it becomes effective as currently written, only affect the actions of NPDES permitting authorities for reviewing and processing NOIs.

- In NPDES jurisdictions without a final general permit for Phase II MS4s, the only option available to a Phase II MS4 operator is to file an individual permit application to ensure compliance with 40 CFR 122.33(c). We note that the individual permit application requirements for Phase II MS4s are not substantially different from what Phase II MS4 NOIs should require. The individual permit application requirements for Phase II MS4s were derived from, but require less than, the individual permit application requirements for Phase I MS4s. To accommodate the Phase II MS4 operators who prefer to seek coverage under a general permit, but for which none is available, subsequently-issued Phase II MS4 general permits could allow for incorporation by reference (in an NOI) of a previously submitted individual application to the extent the information required by the NOI would already have been reported in the earlier individual permit application.

- NPDES permitting agencies do have options in how to authorize discharges under Phase II MS4 general permits. Because EPA's petition for rehearing stayed the effectiveness of the Ninth Circuit decision (until the Ninth Circuit rules on the petition), permitting authorities may issue Phase II MS4 permits in the same manner they would have prior to the decision. Permitting authorities also have discretion, however, to structure Phase II MS4 general permits in a way that would accommodate the Ninth Circuit decision. Specifically, the permitting authority could rely on either of two (of four) authorization options available in the general permit regulation. In addition to authorization upon receipt of the NOI or upon a date certain, that regulation provides for authorization either after a waiting period specified in the general permit or upon notification. Either of these last two options provides a permitting authority with additional time to review NOIs and to conduct the public participation envisioned by the Ninth Circuit if the agency chooses to do so in its own discretion.

- As envisioned in the Phase II regulations, the final MS4 general permit should provide greater clarity and specification for the selection, development and implementation of best management practices ("BMPs") that are appropriate for local conditions and necessary to achieve the "maximum extent practicable" ("MEP") standard for dischargers.

I encourage you to promptly communicate the guidance provided above to NPDES authorized States within your Region. If you have questions or concerns, please contact Linda Boornazian at (202) 564-0221 or Benita Best-Wong at (202) 564-0612.

cc: NPDES Branch Chiefs, EPA Regions I - X
Enforcement Division Directors, EPA Regions I - X
Walker Smith, OECA
Mark Pollins, OECA

Attachment:
Respondent EPA's Petition for Rehearing

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of: June 17, 2003

FROM:

Dawn Warrick	Planning	CP&E
Name	Division	Department

ACTION REQUIRED: Resolution approval.

SUMMARY EXPLANATION:

ADM 03-12.00 was submitted by Kurt Kulish for property located at 2008 E. Huntsville Road. The property is zoned R-1, Low Density Residential and contains approximately 0.54 acres. The request is for a lesser dedication of right of way around an existing structure for Huntsville Road, a principal arterial, pursuant to the Master Street Plan.

STAFF RECOMMENDATION: Approval

Division Head	5/27/03 Date	Received in Mayor's Office	5/30/03 Date P.H.
City Attorney	5/30/03 Date		
Department Director	5-28-03 Date	Cross Reference:	
Finance & Internal Services Dir.	5-30-03 Date	Previous Ord/Res#:	
Chief Administrative Officer	5-30-03 Date	Orig. Contract Date:	
Mayor	6/3/03 Date	Orig. Contract Number:	
		New Item:	Yes No

RESOLUTION NO. _____

A RESOLUTION REDUCING THE RIGHT OF WAY DEDICATION FROM HUNTSVILLE ROAD CENTERLINE TO ACCOMMODATE THE EXISTING STRUCTURE LOCATED AT 2008 E. HUNTSVILLE ROAD.

WHEREAS, an existing structure encroaches upon the required right of way for Huntsville Road; and

WHEREAS, the additional right of way for this portion of Huntsville Road is not currently necessary for road expansion.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby approves the herein above mentioned change.

PASSED and **APPROVED** this _____ day of June, 2003

APPROVED:

By: _____
DAN COODY, MAYOR

ATTEST:

By: _____
SONDRA SMITH, CITY CLERK

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CC Meeting of June 17, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO:	Mayor Dan Coody Fayetteville City Council
FROM:	Jeremy Pate, Associate Planner
THRU:	Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE:	May 29, 2003

ADM 03-12.00: (Kulish, pp 565) was submitted by Kurt Kulish for property located at 2008 E. Huntsville Road. The property is zoned R-1, Low Density Residential and contains approximately 0.54 acres. The request is for a lesser dedication of right of way around an existing structure for Huntsville Road, a principal arterial, pursuant to the Master Street Plan.

BACKGROUND

Dedication of a 55' right of way from center line for Huntsville Road is required for the principal arterial pursuant to the Master Street Plan. The applicant proposes to dedicate the required right of way except where the existing single family home encroaches upon that area. LSP 03-38.00 was approved by the Planning Commission subject to a lesser dedication of right of way approval by the City Council.

CURRENT STATUS

On May 27, 2003, the Planning Commission voted 8-0-0 to approve LSP03-38.00 subject to a lesser dedication of right of way being approved by the City Council.

RECOMMENDATION

Staff recommends approval of this lesser dedication of right of way.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of May 27, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Jeremy Pate, Associate Planner
	Matt Casey, Staff Engineer
THRU:	Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE:	May 27, 2003

Project: LSP 03-38.00: Lot Split (Kulish, pp565) was submitted by Kurt Kulish for property located at 2008 E. Huntsville Road at the corner of E. Huntsville and Dockery Lane. The property is zoned R-1, Low Density Residential and contains approximately 0.54 acres. The request is to split the property into two tracts containing 0.27 acres and 0.27 acres.

Findings:

Proposal: To split the property into two tracts containing 0.27 acres and 0.27 acres.

Existing Development: Two single family homes

Surrounding Zoning: North: R-1 & R-2
South: R-1
East: R-1
West: R-1

Surrounding Land Use: Single Family Residential

Water: Water exists along Dockery Lane and Highway 16 (Huntsville Rd.).

Sewer: Existing along Dockery Lane. Existing structures must be connected to sewer prior to filing of lot split.

Right-of-way being dedicated: Highway 16 (Huntsville Rd.) is classified as a principal arterial on the City of Fayetteville's Master Street Plan and requires 55' R.O.W. from centerline. Dockery Lane is classified as a local street and requires 25' R.O.W. from centerline. A request has been made by the applicant for a lesser dedication of R.O.W. where an existing structure encroaches upon the Huntsville Road R.O.W.

Adjacent Master Street Plan Streets: Highway 16 (Huntsville Rd.) is a principal arterial which requires a 110' R.O.W.

RECOMMENDED MOTION:

Staff recommends approval to the lot split subject to the following conditions:

Conditions of Approval:

1. An existing structure currently encroaches upon the ROW dedication along Huntsville Road. A lesser ROW dedication will require Planning Commission consideration and City Council approval. Lot split is contingent upon City Council granting approval of a lesser ROW dedication.

Standard Conditions of Approval:

2. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications)

3. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

4. Payment of parks fees in the amount of $555 for a new single family lot is required. Fees shall be paid prior to filing of the Lot Split.

5. If existing structures are currently not connected to adjacent sewer lines, they shall be connected to sewer prior to filing of the Lot Split.

Background:

The project was reviewed at the April 30, 2003 Technical Plat Review and the May 15, 2003 Subdivision Committee Meeting.

The Subdivision Committee forwarded the Large Scale Development to the full Planning Commission subject to all staff comments.

LSP 03-38.00: Lot Split (Kulish, pp565) was submitted by Kurt Kulish for property located at 2008 E. Huntsville Road at the corner of E. Huntsville and Dockery Lane. The property is zoned R-1, Low Density Residential and contains approximately 0.54 acres. The request is to split the property into two tracts containing 0.27 acres and 0.27 acres.

Hoover: Item number two is LSP 03-38.00 for property located at 2008 E. Huntsville Road at the corner of East Huntsville Road at the corner of East Huntsville and Dockery Lane. Jeremy, are you presenting?

Pate: I am. Thank you Madam Chair. This project was submitted by Kurt Kulish to split the property into two tracts from its original 0.54 acres. The two tracts would be in equal amounts of 0.27 acres. The existing development has two single-family homes. Surrounding land use is single-family residential and it is zoned R-1 and R-2. The existing water is along Dockery Lane and Hwy. 16 and sewer is along Dockery Lane. If they are not existing, structures must be connected to that sewer prior to the filing of the lot split. The right of way being dedicated along Hwy. 16 as a principal arterial and according to the City of Fayetteville's Master Street Plan, that will be a 55' right of way from centerline. Dockery Lane is classified as a local street and requires 25' of right of way from centerline. A request has been made by the applicant for a lesser dedication of right of way where an existing structure encroaches upon the Huntsville Road right of way. Staff is recommending at this time approval to a lot split subject to the following conditions. An existing structure currently encroaches upon the ROW dedication along Huntsville Road. A lesser ROW dedication will require Planning Commission consideration and City Council approval. Lot split is contingent upon City Council granting approval of a lesser ROW dedication. Conditions two through five are standard conditions of approval and we do have signed conditions.

Hoover: Thank you Jeremy. Would the applicant come forward?

Kulish: My name is Kurt Kulish and basically I don't really have much to add. I am just seeking to split off the back half of the lot. There are two single-family residences on what will be the remaining lot but they are both existing and I am not seeking to change their use, just to preserve them as they are. Are there any questions?

Hoover: Thank you. At this time I will open it to the public. Is there any member of the audience that would like to address LSP 03-38.00 on East Huntsville Road? Seeing none, I will bring it back to the Commission.

MOTION:

Estes: I would move for approval of LSP 03-38.00 subject to City Council granting approval of a lesser right of way dedication.

Hoover: I have a motion by Commissioner Estes, is there a second?

Ostner: I will second.

Hoover: A second by Commissioner Ostner. Is there anymore discussion?

Bunch: I have a question for the applicant just for the record, are the two existing houses currently connected to sewer or are they on septic system?

Kulish: They are connected to sewer.

Bunch: They are connected?

Kulish: Yes.

Bunch: Ok, thank you.

Hoover: Is there anymore discussion?

Ostner: This is self explanatory but so far our paperwork has a typo, it is talking about a lesser right of way along Dockery.

Warrick: You should have new information in front of you this evening that was revised.

Ostner: Ok, I see it.

Warrick: The issue is the right of way along Huntsville.

Hoover: Is there any other discussion? Shall we call the roll Renee?

Roll Call: Upon the completion of roll call the motion to approve LSP 03-38.00 was approved by a vote of 8-0-0.

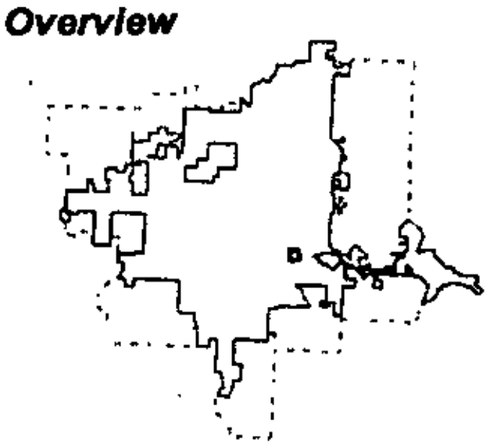
Thomas: The motion carries eight to zero.

LSP03-38.00

Close Up View

KULISH

Overview



Legend

Subject Property

LSP03-38.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

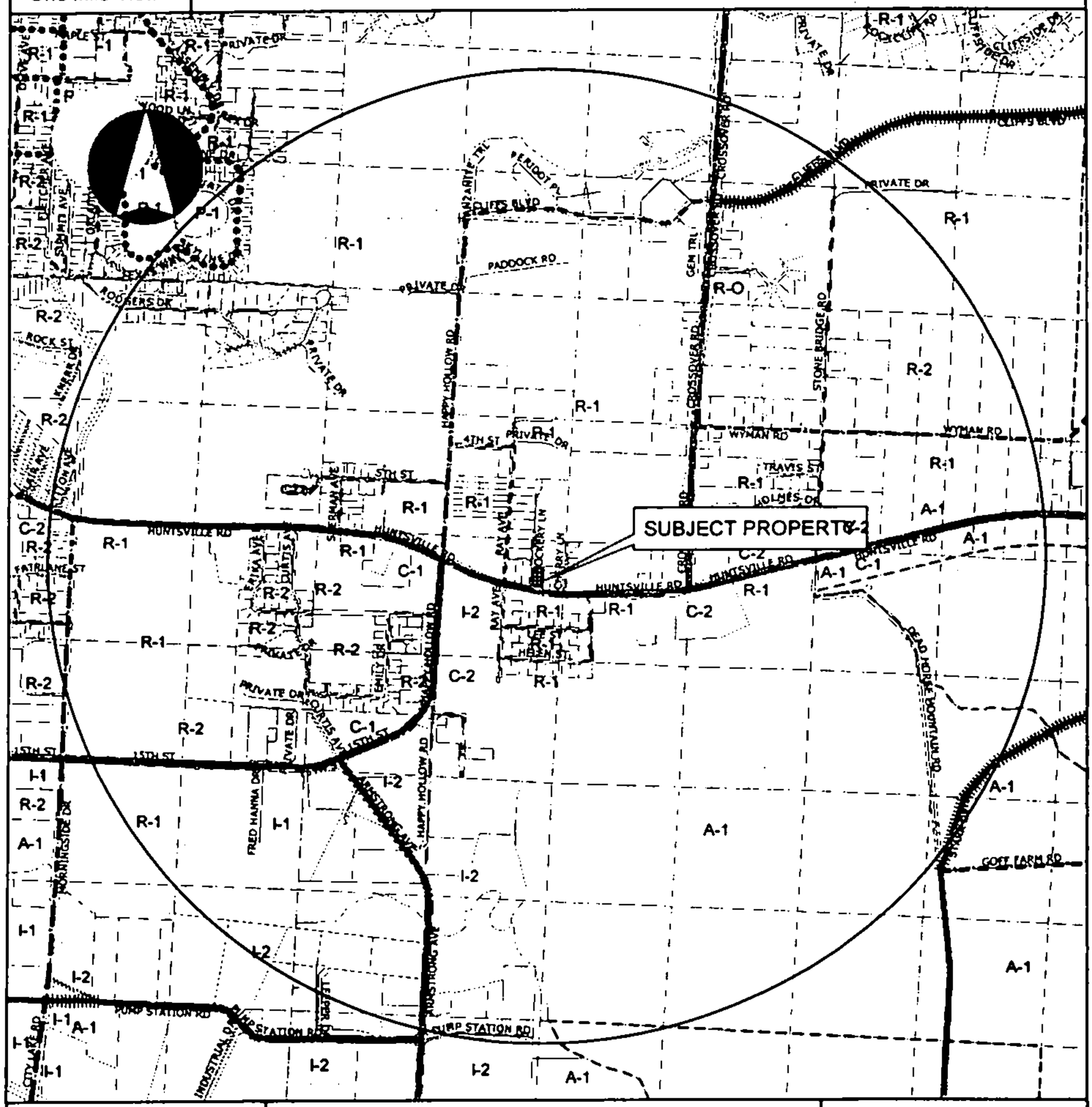
Historic Collector

0 75 150 300 450 600 Feet

LSP03-38.00

One Mile View

KULISH



Overview

Legend

Subject Property

LSP03-38.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of: June 3, 2003

FROM:

Dawn Warrick	Planning	CP&E
Name	Division	Department

ACTION REQUIRED: Ordinance Approval

SUMMARY EXPLANATION:

R-PZD 03-3.00 submitted by Richard Alexander of North College Development Company for property located at 313 E. Lafayette Street. The property is zoned R-1, Low Density Residential, and contains approximately 2.15 acres. The request is for a Residential Planned Zoning District for the conversion of the St. Joseph Catholic Church buildings into 39 residential units (63 bedrooms) with 64 parking spaces. The use of the existing duplex on Willow and the use of the existing single-family home on Sutton Street are proposed to remain unchanged.

STAFF RECOMMENDATION: Approval

Dawn J. Warrick — 5/13/03
Division Head — Date

Received in Mayor's Office — 5/21/03
Date

D. J. Williams — 5/21/2003
City Attorney — Date

5-13-03
Department Director — Date

Cross Reference:

Previous Ord/Res#:

5-21-03
Finance & Internal Services Dir. — Date

Orig. Contract Date:

Hugh Earnest — 5-21-03
Chief Administrative Officer — Date

Orig. Contract Number:

New Item: Yes No

Mayor — Date

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 03-03.00 LOCATED AT 313 E. LAFAYETTE, 321 E. LAFAYETTE, 346 N. WILLOW, 354 N. WILLOW, AND 310 SUTTON, CONTAINING APPROXIMATELY 2.15 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ACCORDING TO THE ASSOCIATED DEVELOPMENT PROJECT AS APPROVED BY THE PLANNING COMMISSION.

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

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

From R-1, Low Density Residential to C-PZD 03-03.00 as shown in Exhibit "A" attached hereto and made a part hereof.

Section 2. **That the change in zoning classification is based upon the approved development plan and development standards as shown on the Planned Zoning District plans for Lafayette Loft Apartments and approved by the Planning Commission on May 12, 2003.**

Section 3. **That this ordinance shall not take effect and be in full force until all conditions of approval for the development are met.**

Section 4. **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:

By:_____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"

ALL OF LOT 1, 2, 5 AND 6 AND PART OF LOT 3 OF BLOCK 9 OF THE MASONIC ADDITION IN THE CITY OF FAYETTEVILLE AS PER PLAT BEGINNING AT THE NE CORNER OF SAID LOT 6, THENCE SOUTH 224.16 FEET, THENCE N89°49'31"W 191.57 FEET, THENCE SOUTH 112.42 FEET, THENCE WEST 60.00 FEET, THENCE NORTH 109.22 FEET, THENCE N89°20'20"W 67.50 FEET, THENCE SOUTH 1.00 FEET, THENCE WEST 67.50 FEET, THENCE NORTH 227.00 FEET, THENCE EAST 386.57 FEET TO THE P.O.B.; CONTAINING 2.15 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CC Meeting of June 3, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
THRU: Tim Conklin, AICP, Director of Community, Planning & Engineering Svcs.
DATE: May 21, 2003

R-PZD 03-3.00: Planned Zoning District (North College Development Company, pp485) was submitted by Richard Alexander on behalf of North College Development Company for property located at 313 E. Lafayette Street. The property is zoned R-1, Low Density Residential and contains approximately 2.15 acres. The request is for a Residential Planned Zoning District for the conversion of the St. Joseph's Catholic Church buildings into 39 residential units (63 bedrooms) with 64 parking spaces. The existing uses of the duplex on Willow Street and the existing single- family home on Sutton Street are proposed to remain unchanged.

BACKGROUND

Property description: The subject property is located on the south side of Lafayette Street between Willow Ave. and Walnut Ave. in the Washington Willow Historic District. A small portion of the overall property adjoins Sutton Street to the south. The property contains a total of approximately 2.18 acres and is currently owned by the Catholic Diocese of Little Rock. Until recently and since 1872, the site was used as a school, church, administrative offices and as residential living space. The subject property and all adjoining lots are zoned R-1, low density residential. There are several existing structures and use areas on the property.

Proposal: The proposal is for an infill project designed to utilize the existing structures and infrastructure and to convert the school, church and administrative uses on this site into multi-family dwellings. The existing single family home and duplex are proposed to be renovated and to remain. There are currently several lots or parts of lots combined under common ownership which contain five structures and associated parking and access areas. Those tracts are proposed to be reconfigured with this process to provide individual lots for each structure and to create a new lot for dedication of 0.18 acres to the City as parkland.

The existing 64 parking spaces on the site are proposed to be improved with additional landscaping (approx. 24 trees are proposed to be added). No changes are proposed to the structures beyond the existing walls of the buildings. Windows will likely be added to provide light and air to the new residential units.

CURRENT STATUS

On May 12, 2003, the Planning Commission voted 5-4-0, with Commissioners Estes, Hoover, Ostner and Bunch voting no, to forward this item to the City Council with a recommendation for approval of the R-PZD zoning contingent upon the approved development plan.

RECOMMENDATION

Staff recommends approval of the requested R-PZD.

PC Meeting of May 12, 2003

FAYETTEVILLE

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

North College Dev Co R-PZD

TO:	**Fayetteville Planning Commission Members**
THRU:	**Dawn Warrick, AICP, Zoning & Development Administrator**
FROM:	**Jeremy Pate, Associate Planner**
	Matt Casey P.E. Staff Engineer
DATE:	**May 07, 2003**

Project: R-PZD 03-3.00: Planned Zoning District (North College Development Company, pp485) was submitted by Richard Alexander on behalf of North College Development Company for property located at 313 E. Lafayette Street. The property is zoned R-1, Low Density Residential and contains approximately 2.0 acres. The request is for a Residential Planned Zoning District for the conversion of the St. Joseph Catholic Church buildings into 39 residential units (63 bedrooms) with 64 parking spaces. The existing duplex on Willow Street and the existing single family home on Sutton Street are proposed to remain.

BACKGROUND

Property description: The subject property is located on the south side of Lafayette Street between Willow Ave. and Walnut Ave. in the Washington Willow Historic District. A small portion of the overall property adjoins Sutton Street to the south. The property contains a total of approximately 2.18 acres and is currently owned by the Catholic Diocese of Little Rock. Until recently and since 1872, the site was used as a school, church, administrative offices and as residential living space. The subject property and all adjoining lots are zoned R-1, low density residential. There are several existing structures and use areas on the property. The current (most recent) and proposed uses are shown in the table below:

Building / Area	Tract	Size (Acreage)	Former / Current Use	Proposed Use	Units	Bedrooms
Old Church	Tract 1	0.35	Administrative / Support services	Multi-family dwellings	9	15
School	Tract 2	0.77	Elementary School	Multi-family dwellings	20	28
New Church	Tract 3	0.53	Church	Multi-family dwellings	10	20
Willow Ave. duplex	Tract 4	0.17	Duplex	Duplex	2	2
Sutton St. house	Tract 5	0.18	Single family home	Single family home	1	
Playground	Tract 6	0.18	Playground / overflow parking	Parkland dedication		
Totals		**2.18**			**42**	**65**

Note: Total units shown above includes the existing duplex and single family home on the property.
Note: Total bedrooms shown above includes the two bedrooms in the existing duplex on the property.

Proposal: The proposal is for an infill project designed to utilize the existing structures and infrastructure and to convert the school, church and administrative uses on this site into multi-family dwellings. The existing single family home and duplex are proposed to be renovated and to remain. There are currently several lots or parts of lots combined under common ownership which contain five structures and associated parking and access areas. Those tracts are proposed to be reconfigured with this process to provide individual lots for each structure and to create a new lot for dedication of 0.18 acres to the City as parkland.

The existing 64 parking spaces on the site are proposed to be improved with additional landscaping (approx. 24 trees are proposed to be added). No changes are proposed to the structures beyond the existing walls of the buildings. Windows will likely be added to provide light and air to the new residential units.

The applicant has submitted a written description of this project which is included with this staff report.

Request: The request is for Planning Commission and City Council approval of the R-PZD for Lafayette Loft Apartments as proposed by the North College Development Co.

FINDINGS

Surrounding Land Use And Zoning

Direction	Land Use	Zoning
North	Residential	R-1, Low density residential
South	Residential	R-1, Low density residential
East	Residential	R-1, Low density residential
West	Residential	R-1, Low density residential

Infrastructure: Access to the property is served by Lafayette St., Willow Ave., Walnut Ave., and Sutton St. Adequate right of way for these streets is existing or proposed with the exception of Sutton Street. Lafayette St. is designated an historic collector on the City's adopted Master Street Plan. Water and sewer are both available to the site.

Parking Requirements: The applicant proposes to utilize existing on-site parking for the new multi-family dwellings. There are approximately 16 on-street parking spaces adjacent to the site along Lafayette St. which will accommodate guest and intermittent overflow parking needs. The existing single family home on Sutton Street uses on-street parking currently. No changes to this lot are proposed.

Use	Required	Proposed
Multi-family dwellings	1 per bedroom (63)	64
Duplex	4	4
Single family home	2	on-street
Totals	69	68 (includes duplex & sfr)

Tree Preservation: No changes are proposed.

Lot Coverages / Density:

Building to Land Calculations

Tract	Built Area (s.f.)	Land Area(s.f.)	% Coverage
1	3,035	15,150	20.03%
2	12,320	33,469	36.81%
3	8,502	23,074	36.85%
4	1,364	7,382	18.48%
5	1,909	7,763	24.59%
6	0	7,687	0.00%
Totals	27,130	94,525	N/A

Note: This information reflects structures located on the property and not the total amount of impervious surface.

Density

Tract	Units	Acreage	Units/acre	
1	9	0.35	25.71	
2	20	0.77	25.97	
3	10	0.53	18.87	
4	2	0.17	11.76	
5	1	0.18	5.56	
6	0	0.18	0.00	
	42	2.18	**19.27**	**Total site density**
	39	1.65	**23.64**	**Multi-family lots only**

Parkland Dedication / Requirements; This project is subject to parkland dedication or fees in lieu of a land dedication pursuant to §166.03(K). The applicant has agreed to dedicate tract 6 containing 0.18 acres. This dedication does not meet the required amount of dedication for the project. The Parks & Rec. Advisory Board has recommended that the balance of the amount assessed be paid as a fee in lieu in the amount of $11,331.25. The developer appealed this assessment to the PRAB under the provision of the ordinance regarding . At a meeting of the PRAB on 5/5/03, the board affirmed it's recommendation for a combination of land dedication and fees in lieu. When there is a differing recommendation from the applicant an the PRAB, ***the Planning Commission must decide the issue and place a final requirement on the project.***

Public Comment: Staff has included with this report minutes from several public hearings at which this project was discussed. Also included is a petition in opposition to the project which was circulated by a neighbor on Walnut Ave. Staff has been told that a representative of the neighborhood association will be providing a statement to the Planning Commission. As soon as that information is made available to staff, it will be provided to the Commission.

RECOMMENDATION
Forward to the City Council with a recommendation for approval of the requested rezoning.

Planning Commission approval of the proposed development subject to the following conditions:

CONDITIONS OF APPROVAL
Conditions to address/discuss:

1. Planning Commission determination of waiver request regarding the PRAB recommendation for a combination of parkland dedication and money in lieu to satisfy the requirements of:

   §166.03(K)(c): *The developer and the Parks and Recreation Advisory Board shall make a joint recommendation to the Planning Commission as to the land dedication or contribution in lieu of dedication. In the event the they are unable to agree, the developer and advisory board shall make separate recommendations to the Planning Commission who shall determine the issue.*

2. Planning Commission determination of waiver of required landscaping adjacent to existing parking lot adjacent to the Walnut Ave. right of way. The requirement is for a 15' landscaped setback for the parking lot. With a dedication to accommodate the master street plan and the existing configuration of this parking, provision of this landscaped area would require the removal of 3 existing parking spaces.

3. Planning Commission consideration of a lesser dedication of right of way along Sutton Ave. The property adjoins Sutton Ave. for a distance of 60.00 feet. The existing right of way is 21.99' from centerline. The requirement is for 25' from centerline for a residential street. The request is to reduce the amount of dedication by 3.01' to allow the existing right of way to remain. *Staff is in support of this request – City Council must approve a lesser dedication of right of way.*

4. Planning Commission recommendation to the City Council regarding the rezoning of the subject property to the unique district for R-PZD 03-3.00 with all conditions of approval as determined by the Planning Commission.

5. Bollards or a similar vehicular barricade shall be installed to prevent uncontrolled vehicular access to tract 6 (parkland dedication) through the existing curb cut and driveway from Willow Ave.

6. Any additional utility meters or equipment will be required to be screened from the street.

7. An ordinance creating this R-PZD shall be approved by City Council.

8. Covenants shall be filed which provide for maintenance of parking areas and greenspace.

9. A shared access and parking easement shall be shown on the concurrent plat document to

be filed which allows for access and parking throughout the site for each building.

10. A masonry screen wall shall be installed along the south side of the property as indicated on the development plan.

11. All signage proposed on site shall comply with Chapter 174, Signs of the Unified Development Ordinance and shall be permitted accordingly.

12. The development plan shall be shown with the lot split survey, to be titled concurrent plat in order to have a final plat document reflecting the project as well as the lot configurations. This document shall contain the necessary legal descriptions and required signature blocks for filing.

13. Parks fees shall be paid and parks land dedicated (as determined by the Planning Commission) prior to building permit.

14. Required access and parking easements and covenants shall be filed with concurrent plat

15. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications)

16. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

17. Sidewalk construction to include the repair or replacement of any broken or damaged sidewalks around the site.

Findings associated with R-PZD 03-3.00

Sec. 166.06. Planned Zoning Districts (PZD).

(B) *Development standards, conditions and review guidelines*

(1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open

space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: The proposal for multi-family residential is compatible with adjacent residential properties. The buildings are already constructed with the majority of the development occurring on the interior of the structures. Natural features which currently exist on the site will not be disturbed as a result of this project.

(2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: Due to surrounding residential uses no screening has been proposed.

(3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

(a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.

(b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.

(c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.

(d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.

(e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.

(f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: There are no additional streets, nor street improvements proposed. The result of the conversion of this property will result in fewer vehicle trips being made to the site. Staff has run traffic generations for the change of use and has found the result to be 36 fewer vehicle trips per day during the week and 64 fewer vehicle trips on Sundays. There will also be fewer trips during the peak hour from 7 to 9 a.m.

(4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: The minimum parking standards are being met. There are 64 off-street parking spaces required. The proposal is for 64 off-street parking stalls (plus the existing 4 spaces dedicated to the duplex on Willow Street). Additional on-street parking around the site is available for overflow and guest parking.

(5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: Buffers and screening are not required between residential developments.

(6) *Sidewalks.* As required by §166.03.

FINDING: Sidewalks are existing. There has been a requirement made in the conditions of approval which require damaged sidewalks to be replaced.

(7) *Street Lights.* As required by §166.03.

FINDING: Street lights are existing.

(8) *Water.* As required by §166.03.

FINDING: Water is existing.

(9) *Sewer.* As required by §166.03.

FINDING: Sewer is existing.

(10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

(a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

(b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to

the following conditions:

(i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.

(ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.

(iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.

(iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.

(v) The plat of the planned development shall designate each private street as a "private street."

(vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.

(vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

(viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling	One-Way	Two-Way

r)

Units		
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

(ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.

(x) There shall be no minimum building setback requirement from a private street.

(xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: No new streets are required.

(11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: There are no non-residential facilities proposed.

(12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: There are no plans for any tree removal.

(13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: There are no office or commercial structures proposed.

(14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall

have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: N/A

(E) *Revocation.*

(1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

(a) *Building permit.* If no building permit has been issued within the time allowed.

(b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.

(c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

(2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

(3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

(1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

(2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:

(a) The homeowner's association must be legally established before building permits are granted.
(b) Membership and fees must be mandatory for each home buyer and successive buyer.

(c) The open space restrictions must be permanent, rather than for a period of years.

(d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.

(e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.

FINDING: Covenants are being proposed to provide for maintenance of driveways and parking lots in the event that the lots are sold. An access easement is proposed to guarantee each lot perpetual accesss.

Sec. 161.25 Planned Zoning District

(A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

(1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) Compatibility. Providing for compatibility with the surrounding land uses.

(3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) No negative impact. Does not have a negative effect upon the future development of the area;

(6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.

(10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: The proposal is for a single use residential development. The rezoning of the property to a planned zoning district may be deemed appropriate due the compatibility of the proposal with adjacent properties.

The proposal is consistent with the General Plan 2020 in which it meets the guiding policies for residential areas which are:

> **9.8.e Utilize more intense development patterns downtown, where appropriate, and encourage mixed uses in new developments to promote better community design, maintain human scale, and enhance pedestrian activity.**
>
> **9.8.f Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and**

services.

The proposal is consistent with the General Plan 2020 in which it meets the guiding policy for recreation and open space which is:

9.17.m Provide neighborhood parks within one mile of all residential areas.

The proposal is consistent with the General Plan 2020 in which it meets the guiding policy for community character which is:

9.19.g Encourage new residential development to incorporate varying lot sizes, home prices, and types of dwelling units.

(B) Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: Staff has reviewed the proposed development with regard to findings necessary for rezoning requests. Those findings are attached to this report. An ordinance will be drafted in order to create this Planned Zoning District which will incorporate all conditions placed on the project by the Planning Commission. Covenants provided by the developer will be included in the PZD ordinance. This ordinance will be forwarded to the City Council for approval.*

(C) R - PZD, Residential Planned Zoning District.

(1) Purpose and intent. The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

(a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's General Plan and the orderly development of the city.

(b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.

(c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.

(d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.

(e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: The proposal is consistent with the General Plan. The developer has considered the needs of adjacent properties through neighborhood meetings and taken steps to accommodate neighbor requests. The redevelopment of this property from institutional to residential is providing for the efficient use of public facilities.

(2) Permitted uses.

Unit 1	City-wide uses by right
Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings

FINDING: The proposal is for Use Unit 26 Multi-family dwellings, which is a permitted use in an R-PZD.

(3) Condition. In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The proposed development meets this requirement with 100% of the gross floor area to be used for residential purposes.

***Required Findings for Rezoning Request.**

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

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-PZD03-1.00 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 development is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. This proposal addresses several guiding policies within the General Plan 2020 which relate to residential development. Providing a mix of dwelling types and densities within residential areas, providing a small neighborhood park area, redeveloping historically significant structures and providing residential development within walking distance from community commercial resources are all principles which can be identified in this design concept.**

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

Finding: **In order to reuse the existing school and church for multi-family residential purposes a rezoning is required. The site is currently zoned for single family homes (R-1) which would require the existing structures to be removed.**

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

Finding: **The proposed zoning will decrease the overall trip per day generated by the subject property, this improvement will be most noticeable during the peak a.m. hour an on Sunday mornings.**

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 will be altered by this proposal. This change should not create an undesirable load on public services.**

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

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

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

Finding: **N/A**

NORTH COLLEGE DEVELOPMENT CO., L.L.C.
11 N. WEST AVENUE
FAYETTEVILLE, AR 72701
PHONE: (501) 521-4260
FAX: (501) 521-3009

April 23, 2003

AMENDED APPLICATION FOR PLANNED RESIDENTIAL ZONING DISTRICT FOR PROPERTY LOCATED AT 313 E. LAFAYETTE ST., FAYETTEVILLE, AR, ALSO KNOWN AS ST. JOE'S CATHOLIC CHURCH, CONTAINING 2.17 ACRES, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED AS LOTS 1, 2, 5 AND 6, BLOCK 9 OF THE MASONIC ADDITION TO THE CITY OF FAYETTEVILLE

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Dear Mr. Chairman and Members of the Planning Commission:

The above site is improved with five buildings containing approximately 38,000 square feet of heated and cooled space.

Applicant proposes to remodel the old St. Joe's school building into 20 one and two bedroom residential apartment units.

Applicant proposes to remodel the old St. Joe's Church on the corner of Willow and Lafayette into nine one and two bedroom residential apartment units.

Applicant proposes to remodel the sanctuary located on the corner of Walnut and Lafayette into ten two bedroom units.

Applicant proposes a total of 39 new residential units with 63 bedrooms.

Applicant originally proposed remodeling the sanctuary located on the corner of Lafayette and Willow to be used as a performance area and/or meeting space. It was Applicant's intent to donate that space to the neighborhood association and/or other non-profits on a regular basis provided Applicant could lease the same space to other potential users for enough money to pay for utilities, maintenance, taxes, insurance, management and landscaping. Subsequently, after meeting with the neighborhood association on at least two occasions, together with one-on-one meetings with neighbors in person and by phone, it became clear to Applicant that the traffic and parking problems associated with the use of the facility as a performance or meeting hall outweighed the benefits. As a practical matter, many of the neighbors expressed concern about

traffic and parking problems related with such proposed use. That together with the fact that the Applicant could not generate any interest vis-à-vis other potential users to rent the space on a commercial basis sufficient to pay for utilities, maintenance, taxes, insurance, management and landscaping led Applicant to amend its proposal to convert the sanctuary into ten two bedroom residential apartment units. It became clear to the Applicant that the parking and density associated with the residential use of the structure was the least burdensome to the site in that Applicant has sufficient onsite parking to accommodate all of the proposed residential units. Subsequently, Applicant discussed with planning staff amending its proposal to include development of the sanctuary as residential apartment units. That amended proposal was then duly submitted to the Subdivision Committee at its regular meeting on April 3, 2003. It was the amended proposal which was forwarded by the Subdivision Committee to the Planning Commission on April 3, 2003. The amended proposal was also presented at the next neighborhood association meeting held on April 7, 2003 at which members of the Parks and Recreation Board were also present. That amended proposal has also been presented to individual neighbors in one-on-one meetings and via telephone calls.

The site currently has 64 onsite parking spaces. There are also 16 street side parking spaces available for visitor parking on the south side of Lafayette Street adjoining the property.

Applicant proposes to remodel the existing duplex located on Willow Street as a duplex consisting of two one bedroom residential units. The Willow Street duplex is located on a separate lot and is presently zoned R-1. The Willow Street duplex has sufficient onsite parking for a duplex

Applicant proposes to remodel the single family dwelling on Sutton Street as a single family dwelling. Applicant is not requesting the rezoning of the Sutton Street property. The Sutton Street Property is on a separate lot and is presently zoned R-1. The Sutton Street property has sufficient onsite parking for a single-family residence.

At the neighbors' request, Applicant proposes to screen the single-family residential houses on the south side of the property with a six-foot high masonry sound wall.

Applicant does not propose to exceed the envelope of the existing buildings in the remodeling process.

Applicant does not propose to cut any existing mature trees on the site.

Applicant does not propose any additional curb cuts or drainage.

Applicant proposes to maintain and enhance existing green space and/or open areas.

Applicant proposes to landscape added green space adjacent to the parking areas.

Applicant proposes to furnish easements, satisfactory to planning staff, for ingress and egress and parking with covenants for the maintenance of the parking areas.

The property is currently owned by the Catholic Archdiocese of Little Rock. The property has been used since 1872 as a school, church, administrative offices and as residential living space. Applicant has tried for several months but was unable to entice potential tenants for alternative uses of the property consistent with a redevelopment plan as a school, church, performance area or similar use. The property is currently zoned R-1.

Applicant believes that the rezoning of the property for primarily moderate density residential use is consistent with the surrounding properties in terms of land use, traffic, appearance and signage. Applicant's proposed density with regard to occupancy and traffic is significantly less than the previous uses of church, school and administrative offices.

Applicant does not believe there will be any problem with the availability of water or sewer for the proposed use. Applicant believes that there is ample water and sewer capacity to the existing building for the proposed use.

Applicant has had multiple meetings with the local Washington/Willow Neighborhood Association and individual neighbors regarding this proposal. Applicant believes that the neighborhood, for the most part, is supportive of this proposal.

Applicant proposes to place the old St. Joe's Catholic Church building on the corner of Lafayette and Willow on the National Register of Historic Places and plans to maintain the exterior façade of the building as a historic property consistent with the U.S. Department of Interior guidelines for rehabilitation of historic buildings.

Applicant would not be making this request but for the fact that this site is existing and already contains 38,000 square feet of basically abandoned institutional space in the heart of the City. Applicant proposes to spend substantial monies on the renovation and rehabilitation of this property (estimated to be between $3.5 and $4 million). Applicant believes that the expenditure of that kind of funds at that site will have the effect of transforming currently vacant and deteriorating buildings into commercially viable, attractive additions to a vibrant and diverse downtown.

Applicant feels that this is an appropriate infill project. Given the fact that the property and the structures are presently existing and located in the City center, the tax on existing City services will be minimal, while traffic and parking will be decreased compared to the former use. Also, and as a practical matter, the historic district, while technically zoned R-1, is and always has been mixed use in terms of density and commercial activity in that there are and historically have been many multi-family, residential and other commercial buildings throughout the district. And even though the proposed density is greater than would be allowed a new project in an R-1 zone (4-7 families per acre) it is less than would be allowed in an R-2 zone (4-24 families per acre).

Your kind consideration of this request is appreciated. Please contact me at the above should you have any questions.

Sincerely,

Richard P. Alexander

RPA/jde

R-PZD 03-3.00: Planned Zoning District (North College Development Company, pp 485) was submitted by Richard Alexander on behalf of North College Development Company for property located at 313 E. Lafayette, 321 E. Lafayette, 346 N. Willow, 354 N. Willow, and 310 Sutton. The property is zoned R-1, Low Density Residential and contains approximately 2.15 acres. The request is for a Residential Planned Zoning District for the conversion of the St. Joseph's Catholic Church buildings into 39 residential units (63 bedrooms) with 64 parking spaces. The uses of the existing duplex on Willow Street and the existing single family home on Sutton Street are proposed to remain unchanged.

Hoover: Item number six is the Planned Zoning District for the St. Joseph's Catholic Church buildings, R-PZD 03-3.00. Dawn, are you presenting this?

Warrick: The subject property is located on the south side of Lafayette Street between Willow and Walnut Avenue in the Washington Willow Historic District. A small portion of the overall property does adjoin Sutton Street to the south. The property contains a total of 2.15 acres and is currently owned by the Catholic Diesis of Little Rock. Until recently, and since 1872, the site was used as a school, church, administrative offices, and for residential living spaces. The subject property, and all adjoining lots, are zoned R-1, Low Density Residential. There are several existing structures and uses on the property. The most recent uses of the property included administrative and support services, an elementary school, a church, a duplex, and a single-family home. Accessory to the school is an overflow parking lot and playground area. This proposal is for an infill project designed to utilize the existing structures and infrastructure and to convert the school, church, and administrative uses on the site into multi-family dwellings. The existing single-family home and duplex are proposed to be renovated and to remain. There are currently several lots, or parts of lots combined, that make up the overall property. Those tracts are proposed to be reconfigured in this process to provide individual lots for each structure and to create a new lot containing approximately 0.18 acres to be dedicated to the city for parkland requirements. The existing 64 parking spaces on the site are proposed to be improved with additional landscaping approximately 24 trees are proposed to be added in this area. No changes are proposed to the structures beyond the existing walls of the buildings. However, some windows are likely to be incorporated to provide light and air for the proposed residential units. In your packet there is a detailed description of the project provided by the applicant. The request is for Planning Commission and City Council approval of a R-PZD, a Residential Planned Zoning District, for this project, which the applicant is calling the Lafayette Loft Apartments. As I mentioned previously, the surrounding land use and zoning is single-family residential in a R-1 district. With regard to infrastructure, access to the property is served by Lafayette Street and Willow with a one way drive between Willow and

Walnut. Sutton Street adjoins the property to the south and that is adjacent to the single-family home lot. Lafayette Street is designated as a historic collector on the city's adopted Master Street Plan. Water and sewer are both available and currently serve the site. The applicant proposes to utilize existing on site parking for the new multi-family dwellings. As I mentioned, that parking lot contains 64 parking spaces. There are proposed 63 bedrooms for this development. The city's ordinance requirement for parking for multi-family is one space per bedroom. Therefore, it does comply with that. With regard to tree preservation, no changes to the existing canopy on the site are proposed. As I mentioned before, additional trees will be added. With regard to density, under this proposal the total site density would be 19.27 units per acre. As the Planning Commission requested, a calculation with regard to the multi-family lots only taking out the park land area and the single-family and duplex structures, that density for multi-family lots only would be 23.64 units per acre. With regard specifically to the parkland dedication requirements, the project is subject to parkland dedication or fees in lieu of a land dedication pursuant to §166.03. The applicant has agreed to dedicate tract 6, which contains 0.18 acres. This dedication does not meet the required amount of dedication for the project. The Parks and Recreation Advisory Board has recommended that the balance of the amount be paid as a fee in lieu in the amount of $11,331.25. The developer did appeal this assessment to the Parks and Recreation Advisory Board under the provision of the ordinance at a meeting of the Parks and Rec. Board on May 5th. The Board affirmed its recommendation for a combination of land dedication and fees in lieu. When there is a difference in opinion with regard to a recommendation coming from the Parks Board and a request coming from the applicant it is the Planning Commission's responsibility to determine the appropriate resolution to this. The Planning Commission is asked to decide whether or not the applicant's proposal is adequate to serve this development or whether the Parks and Rec. Advisory Board's recommendation for a combination of land and fees is desired. With regard to public comments, some additional information was distributed this evening and should be at your places. Staff has included with this report minutes from several public hearings at which the item was discussed. Also included is a petition in opposition to the project, which was circulated by a neighbor on Walnut Street. We have not, staff has requested but has not received, any comments from the neighborhood association with regard to this request. Our recommendation is to forward to the City Council with a recommendation for approval of the requested rezoning and for Planning Commission approval of the proposed development subject to the following conditions. Staff has recommended seventeen conditions. I will read those for you. 1) Planning Commission determination of waiver request regarding the PRAB recommendation for a combination of parkland dedication and money in lieu to satisfy the requirements of §166.03(K)(c). 2) Planning

Commission determination of waiver of required landscaping adjacent to existing parking lot adjacent to the Walnut Ave. right of way. The requirement is for a 15' landscaped setback for the parking lot. With a dedication to accommodate the master street plan and the existing configuration of this parking, provision of this landscaped area would require the removal of 3 existing parking spaces. 3) Planning Commission consideration of a lesser dedication of right of way along Sutton Ave. The property adjoins Sutton Ave. for a distance of 60.00 feet. The existing right of way is 21.99' from centerline. The requirement is for 25' from centerline for a residential street. The request is to reduce the amount of dedication by 3.01' to allow the existing right of way to remain. Staff is in support of this request – City Council must approve a lesser dedication of right of way. 4) Planning Commission recommendation to the City Council regarding the rezoning of the subject property to the unique district for R-PZD 03-3.00 with all conditions of approval as determined by the Planning Commission. 5) Bollards or a similar vehicular barricade shall be installed to prevent uncontrolled vehicular access to tract 6 (parkland dedication) through the existing curb cut and driveway from Willow Ave. 6) Any additional utility meters or equipment will be required to be screened from the street. 7) An ordinance creating this R-PZD shall be approved by City Council. 8) Covenants shall be filed which provide for maintenance of parking areas and greenspace. 9) A shared access and parking easement shall be shown on the concurrent plat document to be filed which allows for access and parking throughout the site for each building. 10) A masonry screen wall shall be installed along the south side of the property as indicated on the development plan. 11) All signage proposed on site shall comply with Chapter 174, Signs of the Unified Development Ordinance and shall be permitted accordingly. 12) The development plan shall be shown with the lot split survey, to be titled concurrent plat in order to have a final plat document reflecting the project as well as the lot configurations. This document shall contain the necessary legal descriptions and required signature blocks for filing. 13) Parks fees shall be paid and parks land dedicated (as determined by the Planning Commission) prior to building permit. 14) Required access and parking easements and covenants shall be filed with concurrent plat. 15) Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives. 16) Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements. 17) Sidewalk construction to include the repair or replacement of any broken or damaged sidewalks around the site. I think I will stop there and address

questions as you have them. There are several findings included in your staff report with regard to the Planned Zoning District as well as specifically the rezoning that would go along with this.

Hoover: Thank you Dawn. Would the applicant come forward and share a presentation?

Alexander: I am Rick Alexander with North College Development, we are the applicants. This is a difficult project. I live in the neighborhood, I am concerned about what happens in the neighborhood. We own several properties there. We have spent a lot of money and time developing those into what we believe are nice properties. I can understand that there is going to be some resistance to this kind of a project in that type of neighborhood. We started with that proposition when we first contemplated this development. We approached City staff to get their input and determine whether or not they would be in favor of this. I believe their staff reports indicate that they are for a variety of reasons. We support the staff report. We agree with it. We agree with the recommendations. Basically, this is 38,000 sq.ft. of abandoned institutional space in the heart of the historic district. When we originally approached this project we looked for alternative uses, mixed uses, commercial uses, performance, artistic, university, Walton Arts Center. We interviewed potential tenants from each of those institutions as well as schools, churches, and other organizations and commercial interests. We could find no support for an alternative use for this property. That being the case, and after several meetings with the neighborhood association and neighbors one on one in telephone calls and in meetings, came to the conclusion that the best use of this property was as residential. It is the most benign, in my opinion, it will have the most benign affect on terms of traffic and density. It is the most consistent with the neighborhood. This is an established neighborhood. While it is zoned R-1, it has traditionally been multi-family. There are many multi-family residences and structures in this neighborhood, and have been so as far as I can tell, since the University came into existence. The property in question is in fact, a block and a half from the IGA, from the commercial interests that are College Avenue. It is a little over two blocks from the public library and the courthouse. There are institutional uses in this neighborhood. There are commercial uses in this neighborhood. There are single-family uses in this neighborhood. Again, I live in this neighborhood and I have a single-family residence next to the library. It think it is problematic as a city in terms of what do we do when institutional space like this, located in these areas, is abandoned. It was our determination that this type of project would have the least impact on city services in that there are existing roads, parking, utilities, water, sewer, electric to this site that had supported far greater density in the past than we are proposing. I think this is an appropriate infill project. Again, I think it is problematic that if

that is not an appropriate use what do we do with these type of projects as they come up in the future? One that is going to come up is the public library that is located in this neighborhood. The same questions will be asked and answered by this Commission and the city then. What is an appropriate use of that space? An example of an inappropriate use would be the Mountain Inn. That is a dilapidated project located in the heart of our city. It is home to vagrants, a lot of criminal activity. The police reports are longer than my arm. I think that is one of the things that you have to be concerned with when these type of properties become vacant. It was a few years ago, I couldn't believe that the Campbell Bell building on the square would sit vacant for seven years. It did, it was boarded up. It can happen fast and again, as a neighbor in this particular neighborhood, as a resident, I am concerned as to what happens with these properties. The project that we are proposing is upscale. I know that there is a lot of concern that there will be a bunch of students and parties happening on this property. It has been my experience that the rents that we charge are not conducive to student occupation. We have several properties downtown. None of them are inappropriate in my opinion. We have not had complaints about the look of them or the use of them for the most part. I think that if we develop this property we will develop it into something that the neighborhood and the city can be proud of. We have done a lot of them in town. Again, we always try to do something that is mixed use. I would've preferred to do a mixed use project here but we simply couldn't come up with any potential users. This is our project, it is infill. We wouldn't be making this request but for the fact that the buildings are there. It is 38,000 sq.ft. The parking is there, the building is there. We are not proposing to exceed the envelop of the buildings, we are not proposing to cut any trees, we are proposing to maintain all of the greenspaces. We are proposing to dedicate parkland. We are proposing to enhance the parking that is there and to enhance the landscaping. We are proposing to put up masonry sound walls and otherwise be as good of a neighbor as we can be. That is our proposal. I think Dawn set it out in detail and frankly, we agree with it. I frankly agree with the recommendation. Thank you.

Hoover: Thank you Richard. At this time I would like to take public comment. I would just like to remind everybody to sign in at the podium and also to let you know that with public comment you get to speak once only and if you would be sure to address the issues of compatibility with the neighborhood, which would include issues such as parking density, open space, traffic, and things such as that and only specifically address the project and not anything else. Thank you. Can we have the neighborhood association representative speak first, I think that would be a good idea.

Thompson: Hello, my name is Kathy Thompson. I am president of the Washington-Willow Neighborhood Association. First of all I would like to apologize

to you for not having a resolution to you. I have been out of town or dealing with family illness for almost two weeks and our vice president has been out of town also. We were surprised with the amount of opposition. We are a little bit caught unaware. I can assure you that the neighborhood association is in favor of Richard and Rob and their project. One of the reasons that we started the neighborhood association four years ago was because we knew that St. Joseph's school and the library were going to be vacant and we were worried about it. We have been trying for I would say the last two years or three years, talking with Paul Warren at the church and trying to get something happening at St. Jo's. We have talked to numerous people. I have worked with Don Marr. We have worked with Richard, we have talked to the Walton Arts Center. We have had ideas. We have tried to get the Montessori in there. We have tried to get Suzuki school. We have gone here and there and everywhere and talked about this and tried to get something in there besides residential. I can tell you over the last two years of trying to get people interested in helping and trying to get people interested in buying or trying to get people interested in something different, something vital, something that the community can use as well as the neighborhood, nothing has happened. We feel, as a neighborhood association, that we, in some ways are very lucky to have Richard as a possible landlord because he has done such a great job in the past with other residences. We trust him, we feel like that we can come with him with problems that we have and we also are aware that there are people waiting in line behind Richard that might not be as good of landlord as we will have with Richard. I think that people need to really think about that before they become upset and they should know that the catholic church is going to sell this property so we better be very careful about how we approach this issue. We have been very aware of it for the last few years and we have been working on it and while we would have liked to have something else happen there, I can tell you that at least we feel like Richard and Rob will be the best that we can find in a residential landlord. We are approaching this in a positive way and not a negative way. We are very happy with the fact that we are going to have a small park in our neighborhood, which we have been sorely wanting for a long time. We are lacking greenspace in our neighborhood and we are very happy with what the Parks and Rec. people have agreed to do. While I would say once again, we are unhappy that something else could not have happened there, we are also very happy with Rob and Richard's proposals. Do you have any questions of me about the neighborhood association?

Allen: I would like to ask, you said the neighborhood association was in favor of the project, if that was done by a vote at a meeting or emails or how you made the determination.

Thompson: It has been done both ways. We have had meetings. We have met with

Richard. We have been sending out fliers, we have 600 people that are in the boundaries, excuse me, households inside the boundaries of our neighborhood association and for four years we have met until recently, the last few months, we have met every Thursday night of every month for the last four years, since 1999. This has been one of our hot topics. We have had fliers, we walk fliers three to four times a year. We announce our agendas. St. Joseph's has been on our agenda. We have had Paul Warren, who is with the church, come and speak to us. We have had Richard come and speak to us and the people that come are the people that come. The people that come are the people that are interested and they are the people that have voted. We have a membership, paying members, I would say of around 150 to 200 people. Then we consider the households in the neighborhood, part of the neighborhood association, whether they are members or not. We have got out information for three to four years on this issue and the people who have come are the people who have been interested and who have worked on committees and who have tried to make something else happen there. Does that answer your question?

Allen: I wondered if there was actually a vote among the membership.

Thompson: There was, I would imagine at one of our meetings. I am not sure that we have actually said, we have said that we were in agreement with Richard doing this. I don't know, we don't have a very strict neighborhood association. We are not very parliamentary so I am not sure. All of the people that have been there, I have had many people tell me that they are in favor of Richard. I have had only two calls opposing it and I have stopped and talked to many, many, many people on the street. I have talked to a lot of people by telephone and we could get a definite number for you and we can get a resolution for you. I am just sorry that we haven't done it before because I just didn't realize that we had all of the opposition and I have been gone frankly, my father has been sick. I have been kind of out of sink and out of touch. I can get that to you as quickly as possibly the next three or four days.

Allen: Thank you.

Hoover: Are there any other questions?

Bunch: Has there been a meeting since the latest edition of this project has been submitted primarily when it was changed from a mixed use to totally residential, has the neighborhood association met on that?

Thompson: No, we haven't. We are not meeting now every month. We have this year only decided, I think March was our first meeting for this year. We adopted in December to have only three meetings a year, annually now instead of meeting every single, we have met every single month for four

years and now we are not doing that. In that time this has changed. To address what I think that you are probably talking about, what our neighborhood association, if you can say there has been any opposition to what Richard is doing, I think it wouldn't be called opposition as much as it would be called disappointment that the new sanctuary, we thought that the new sanctuary was going to be used for community concerts, chamber concerts, jazz concerts, weddings, anything that you needed a rental space for and possibly some community space. When we discovered that that was not possible, that the numbers wouldn't crunch and they had to make apartments in the new sanctuary then people were disappointed. One of the things that we really wanted to have happen in that space was to have some community space for not just our neighborhood, but for everyone in the community to be able to use. I would say that that is the thing that people would be disappointed about. On the other side of the coin they are just as excited and just as happy about having some greenspace in our neighborhood, even though it is just a small area. In our neighborhood that represents a lot because we don't have any parks or anything like that in the neighborhood.

Bunch: The bottom line here is that the neighborhood association has not reviewed it as an all residential facility. Therefore, any recommendation that you have does not reflect all residential?

Thompson: No, I don't think that is true. I think people are going along with that. We haven't had a meeting, do you want me to call a special meeting and get the numbers for it?

Bunch: This is one of the things that we have been requesting for quite some time in Subdivision Committee and it was tabled at one time because we wanted to know whether or not the neighborhood association had, in fact, seen the plan where it had shifted from mixed use to all residential. This is a question that has been paramount in our minds. That is the reason I am asking it now, just to nail it down and make sure that there has been a consensus saying this is the project as it stands now, is this acceptable.

Thompson: We haven't had a meeting since then. We do have email and since I have been gone for almost a week and a half I have not checked my email so I don't know what kind of feedback we are getting on the email but I have not had any phone calls. My phone number has been on every single one of those fliers for four years. We have not had a meeting because our next meeting is in June. We will be glad to get that for you. I didn't know that was requested.

Bunch: Did the applicant approach you from that specific standpoint because that is one of the requests that we made.

Thompson: Yes. Richard has been very, Richard and I have been in discussion with this since January or December.

Bunch: Specifically since the time that it was submitted as an all residential and at that time the request was made to get information from the neighborhood association.

Thompson: We have not had a meeting since then. We just have not gathered as a neighborhood association, no. Are there any other questions? Thank you very much.

Hoover: Is there any other member of the public that would like to address this PZD?

Hamilton: My name is Craig Hamilton and I live in the House on the corner of Sutton and Willow. My main concern is mostly with traffic and particularly parking. With the increasing amount of people there with 10 new apartments in the church, existing church building, it increases the amount of cars that would be in that area. With that, there is no longer two parking spots for basically every person that is there. It is more like one to one and a half. The kind of people that we will have living in these apartments will end up being mostly couples and non-children but they will have usually two vehicles. A lot of times they will have two large vehicles like SUV's and what have you so it causes significant parking issues. That is mostly what I am concerned with. I was actually quite for the project up until yesterday when I first found out about the addition of the ten apartments. What I would like to see is there could be a lot of traffic issues dealt with that haven't been resolved, like possibly looking at making some of these streets one way or making parking just on one side of the street that have not been addressed. I would like to see those addressed before this moves on.

Hoover: Thank you Mr. Hamilton.

Wright: I am Wyatt Wright. I live at 346 N. Walnut Avenue, on the corner of Walnut and Sutton. Those three of you who were at the Subdivision Committee saw the first iteration of this particular document that is in front of you. I had heard that there wasn't much opposition to this project. At the Subdivision Committee meeting, just before it, I went and talked to my neighbors all the way from my house up to Lafayette and I was surprised to find that all of them were opposed to it. I came back and I wrote down the reasons that they were opposed to it and I went back to them and said would you sign this so I could turn it in and in addition to those there were a few other neighbors who heard about it and they signed it. I think I had seven signatures on that first go around in about the space of an hour and a half. Since that time we are all relatively busy, yesterday

myself and two volunteers tried a little bit more of the neighborhood. In front of you you have I believe 31 but I have 9 additional ones that came to me after I Xeroxed it this afternoon. We have exactly 40 signatures on this petition from our neighborhood. These are from all around. We concentrated primarily on the adjacent streets of the neighborhood but in some cases, people called from as far away as Washington and things like that. Most of these people that we talked to were primarily right around the church because we felt like they would be most affected and also we didn't have much man power to really get out and canvas everyone. The reasons we are opposed to this, they are itemized here pretty clearly. The inappropriateness for the area. I thought in Fayetteville traditionally we were opposed to spot zoning and that we try to sort of have a master plan and go with it. This seems to us to be just that, spot zoning. Something that is inappropriate happening in a neighborhood where something like this has never happened. It is true that there are some duplexes and things of that nature in our neighborhood but there are no apartment complexes anywhere near this size or in a location such as this. The traffic, none of us liked the St. Joseph's traffic, but the advantage to the St. Joseph's traffic to a degree at least, was that it ran counter to our patterns. They were all out of there by 3:30 in the afternoon, typically, the school at least. Whereas, we are coming and going around 5:00 or 5:30 or so when we are coming home. These people would be just like us. They would leave at the same time in the morning, they would come home at the same time at night. We would see them on the streets. My street, which is Walnut Street, is 20' wide. If there is a car parked on Walnut it becomes a one lane street. That is true for all of these streets. They are typically 20' to 24' wide streets. Generally there is not enough off street parking so that there are always cars on those streets. If you go by in the evening when people are home you will see that they are parked on both sides in many cases and it really does become one lane streets. That is just with what we have now. That is not with anyone living in the houses that are part of this deal, which we aren't opposing one way or the other. We already have a very fragile parking environment and this would just push it over the edge. There is no question that there aren't enough parking places here. These guys will fill them up and then when their guests show up they are going to park on our streets and it is just going to be gridlock. We have seen it, we have lived through it and we don't want to go there again. That is one of our strongest reasons for opposing this thing, that it is going to just lock up our neighborhood. The property values, no one, no one will argue I don't think, that this is going to enhance anyone's property values. Going from a R-1 neighborhood, living next to an apartment complex doesn't help ever. We have worked long and hard. Our neighborhood was once viewed as sort of the jewel of Fayetteville. People are proud of our neighborhood, we are very proud of our neighborhood. We have a lot of money invested in it. If you add up the value of the homes that are going to be impacted it far exceeds anything that this project would have

considered. Those values are going to be damaged and we are the ones that are going to take the hit for it. The parking lot waiver just strikes all of us as incredibly unfair. Not only do we have a 20' wide street but they don't even want to adhere to the normal rule of having some setback. If you look at it not only is Bob Savage's house right here and you have got a 20' street, they are going to park right there immediately next to the sidewalk, immediately next to the sidewalk, there is a little lump there and then they park and then the house south of that, it is the same situation. The people are essentially parking in their yard, there is no buffer zone at all. It is an insult that these people would get some kind of waiver. The parking, we have already talked about. The streets, it is just not an appropriate situation to go from a situation where if it were the normal neighborhood pattern, you have like six or seven houses there with that number of people to suddenly go to a situation in which you have that many more people, that greater much more people. It would just be totally out of keeping with the neighborhood. There has been some discussion here about appropriate uses for St. Joseph's. I for one, think that the free market is always the way to determine appropriate use. I don't think it is up to the neighborhood to go out and find someone to buy St. Joseph's. I think the value of St. Joseph's, it may be at this price level 1.2 million that it is too high for some little church to go in there, or some little school to go in there or those kinds of uses. It may be at that level that it is too high but that just means that it is too much. That doesn't mean that we should give up our property values to endorse a project that allows that to happen. It will find a use. It is not going to be the Mountain Inn. We have neighborhood associations, it is a major street, it is a residential neighborhood, it is not even analogous to the Mountain Inn. The idea that it is abandoned and is going to be filled with vagrants is highly unlikely. I don't see that happening. What will happen is the market will determine the best use and value and then that will come before you guys and that will seem a reasonable thing. The best use and value would probably be some kind of daytime use like it used to have so that we don't have this enormous traffic flux at the same time that we are trying to do our thing. Again, I don't think that this Commission's job or our neighborhood's job is to find a buyer for this place. I think that the free market will do that just fine for us. They haven't showed up and they probably haven't showed up because they were asking 1.5 million, I don't know the original asking price but I know 1.5 million was kicked around, I believe it is 1.2 million that this contract is written for. It is just too much maybe for some churches but that is not our fault. The neighborhood association, I think it was pretty well determined that a lot of what went on there went on before some of these developments. I think in some ways it is that they are not particularly an indicator. I think it is a better indicator that people write down on a piece of paper that they support these proposals and they put their address on it and they stand behind it. I think those are the people who are really invested in this. I have a vote, it is right in front of you.

Forty people signed it and said we don't want this. That is what we are asking you to do, say no to this. Thank you very much. Do you have any questions for me?

Hoover: Thank you Mr. Wright. Do we have any other member of the public that would like to speak to this?

McKinney: My name is Rick McKinney, I had to take a moment to look at some of the faces that I perhaps don't recognize in this crowd. I live on Olive Street. I have been an active member of the neighborhood association since it's origin. As you know, neighborhood associations can be very different animals in very different neighborhoods. Some of them are very proactive, you have a lot of the neighborhood members that attend. Perhaps I have missed a couple of meetings but folks, I see a lot of faces out here I haven't seen at these meetings. If you are looking for something from the neighborhood association in the means of a proclamation perhaps, I would suggest that you give the neighborhood association and the people who live in that neighborhood that should attend, where have you guys been? Let them come to this meeting that can be set and set up a proclamation to bring to you. Obviously there is disagreement with developments no matter where they are and what is best put to a piece of property that is perhaps not abandoned, but having been left up for sale for sake of someone who could come in and do something really nice for the community with it. I think there have been a lot of alternatives discussed, not only with the neighborhood association but with a lot of individuals. I think this property could come upon a lot worse fate than what Richard Alexander is talking about. I would like a definite resolution to come from the neighborhood association, that is part of the reason it is in existence. I would ask these folks out here in the audience to come and attend that meeting like they should have been for many years now, to voice through the neighborhood association. That is part of the reason it is there guys, it really is. If you have objections then come to the meeting and object to this proposal. I ask that you would table this until that can be done.

Demuth: My name is Shannon Demuth and I live at the corner of Lafayette and Walnut at 322 E. Lafayette. I went to a meeting that Richard and Rob first put forth to the neighborhood explaining what they wanted to do, the initial meeting. I think I voiced a lot of opinions about the parking initially and probably was more vocal there than anyone else. One of the things that was specifically pointed out to me was that the parking zoning is already there for us. I am bordered by not one, but two streets. One of them is Lafayette, which is a main thoroughfare and one of them is Walnut, which is a little bitty street. When the church was there I got blocked into my house several times. I couldn't get out of my driveway. People were parking kind of up in my yard, that sort of thing. One of the

things that was pointed out at that meeting was that it would no longer be a church and the police would more than likely enforce it a little bit better. I am not sure whether they would or not but I would like to see that enforced. My understanding, and there was some discussion about it, is that because it was a church there was a tasked agreement with the police department that it would not be enforced with not only St. Joseph's but any church. Since it is no longer a church I would like that to be enforced. To feel like, if something else, I don't care what goes in there, I want it enforced. On Walnut Street, one of my neighbors has tow signs in front of her house, and they actually work pretty well, but I don't. I am not aware of anyone else that does. I think Richard and Rob and their previous projects have shown some real upscale potential. There was some discussion that I've heard people say about apartments verses condos and that may be a dialogue that needs to happen so that everyone is happy. The parking situation, on some level, whether it is enforcement or some of the other alternatives that have been discussed, probably needs to go on. Because I have attended at least one previous meeting I feel kind of like Mr. McKinney that suddenly everyone is upset when this dialogue should've been going on for a long time. Thank you very much.

Hoover: Thank you. Mr. Butt, I know you have been trying to speak.

Butt: I am Jack Butt, I live at 526 E. Lafayette Street, which is at the corner of Mission and Lafayette. I have lived in that neighborhood since 1981. First of all, if somebody is going to develop that property I am pleased it is Rick Alexander. He and his various partners have done a great job of redeveloping and infilling throughout the town. I think they have brought a lot of architectural significance and good neighborhoods and high quality to what they have done so I am pleased to see that Rick is doing it. I was invited to come to a neighborhood association meeting two or three years ago to discuss this and I very much wanted to. I couldn't make it, I told the person to call me to make sure I was on the list. I was invited again two or three weeks later, again, I had a conflict and said keep me on the list. That was the last I heard of it. I have been in those things and it is like pushing rope to make them happen. Everybody has got something better to do than to come to the neighborhood so thank you to those people who have organized it and held the meetings and come but frankly, for the last two or three years I didn't know we had a neighborhood association meeting and I am easy enough to find in the phone book and I see people around. I am not faulting anybody but myself except for not finding out better but I would suggest that whatever mandate the neighborhood association purports to bring, I agree perhaps with Rick McKinney, there wasn't a very good due process notice to let everybody in the neighborhood know there was a meeting, you could vote, this is the final plan. I think it has kind of been an ad hoc thing and it might not be a bad

idea if you really wanted the neighborhood to know what they think to make sure that there is a meeting with proper notice and everybody that really has a dog in the fight shows up to cast their vote. As far as my dog in the fight, this first showed up on my screen two or three weeks ago, and I don't remember where I read it, it was somewhere that may have been credible like the newspaper or TV that said there were going to be about 19 units. I am sitting looking across my street at two ragged rent houses that are going to be prohibitive to replace. The owners are stuck with them. They are in horrible condition, they look ugly, they are devaluing my house and I just wish Rick would come by those and redevelop them. I have proper concern that that can happen to St. Joseph's. When I read or heard that I think it was 19 units in St. Jo's with a little bit of public access. I thought that is a good deal. That is a good deal for the neighborhood, it is infill, we can handle that kind of parking. We are used to it with the church, that will be an improvement for everybody. Then two or three days ago I got a call from a concerned neighbor and they were saying do you know we are going to have 38 units, what do you think about that. I am indefinite. I think 38 is just a little too much. It is presumptuous I guess for me to tell Rick who is going to borrow the money and put his risk and his money on the line to do it. I sure wish you could go back down to 20 and raise the prices, the condos over Campbell Bell, I don't know what they sold for, $10,000 or $20,000 a square foot or something. If that could be turned into a little bit higher class bigger unit, fewer units, I personally would very much like to see Rick do that there. At 39 units, I don't know where you cross the line, but that is too many for me. I think it changes the nature of the neighborhood. I am just hopeful that either the church will come down on its price or Rick will find a way to price it or something where we can get fewer units. I would go along with Rick that if you are waiting to get a vote from the neighborhood, I don't think the neighborhood is represented necessarily by these people here. I don't think they are represented by the neighborhood because I am not sure that everybody knows exactly what the plan is or if they have got a chance to make a vote. I would ask that perhaps you table this so you can get a neighborhood vote and at the same time, I would be very eager for Rick to go back to the drawing board and see if he could reduce this to something consistent with like an R-1.5, which is 12 families per acre and when you adjust all of that come back in with 18 or 20 units in that area instead of 39, which I think really will change the character of the area right there and around it. Thanks very much.

Hoover: Thank you Mr. Butt. Are there any other members of the audience?

Wilson: I am Carrie Wilson, I live on Lafayette Street and I have lived there for 17 years. I am a consultant for cultural resources dealing with the national historic preservation act with Osage Tribes. I do have an idea. It was

originally Osage tree land, we could give it back to the tribe. I don't think that will happen. The Washington Willow Historic District was given that designation because of its cultural significance under the national historic preservation act. Many homes in this district were at one time apartments, my house included. However, over the years people have invested their time and monies in restoring and returning these homes into single-family dwellings. The Washington Willow Historic District is a cohesive rooted community. I cannot support the effort to insert transient apartment dwellers in this neighborhood. It whittles away at the integrity and the character of the historic district. Many of the buildings that the developers are going to convert to apartments are less than 50 years old and are not eligible as historic properties. I would rather see homes built in their stead keeping with the integrity of the historic district. Also, I have never spoken to Kathy Thompson with regards to this project. I do hand out the fliers for the neighborhood project. However, I have not had the times appropriate for me to attend these meetings. As far as the greenspace is concerned, that currently is a concrete lot. I don't see it to be very green. The equipment that is there now for children and things is going to be removed is my understanding because of the liabilities. As far as apartments are concerned, and as a parent, I would be concerned about my child playing in an area where there are transient dwellings. Thank you. There again, let me put this for the record, I ask the Planning Commission not to approve the request and to keep the property consistent with single-family residential zoning. Thank you.

Hoover: Thank you.

Nichols: My name is Amanda Ann Hilton Nichols. I am a member of the Stone family. Our family home was the first building in the Masonic Addition, at 306 E. Lafayette. My great grandfather, Steven Robert Stone, built the home. His son, my grandfather, Steven Kiplinger Stone, lived there. My mother, Amanda Stone Hilton, lived there. Now my sister and I are custodians of this historic home. We had no phone calls, no meeting notices, etc. I would like for you to know that I am very opposed to this. I cannot see in any way how this will add to the historic neighborhood in Fayetteville. As a youngster I watched College Avenue, a beautiful historic neighborhood, disappear. I am afraid this would be the beginning of the end for us. I ask you please, do not do this. I am not for it. I called Kathy and left a message, I told her I was not for this. I asked for a call back and I got none. I would like for you to know that too. Think about it, would you like to have 36 apartments go up across from your home? Thank you.

Hoover: Thank you Amanda. Are there any other members of the public?

Woods: I am Elizabeth Woods, I live at 419 N. Walnut Street, around the corner from the church. Shannon already mentioned me. When the church met on Sunday mornings I was a physician working at Washington Regional. I had to have the city come out and put up tow signs over my driveway because they consistently parked right across the driveway. My neighbor and my driveways are almost adjacent to each other. Even with the tow sign there people still park in the driveway. I went out frequently to write please do not park across my driveway. We still have that because the driveways are close together. The street is very narrow. They have put a only park on one side. This morning on the way to work two cars had to pull over so I could drive down the street. I watched the garbage truck come this afternoon as I was coming back from my lunch. It could barely get between the parked cars there. All of the houses there have really parking for one car. I have two children, they have cars. I cannot imagine what apartments with extra cars will do to our area. It will make it very difficult for people who live there. I also think it will decrease my property value. I think it will decrease the neighborhood value and I am very much opposed to it. I belong to the neighborhood association. I work, often times, in the evening. I could not go. I mentioned to Kathy this Saturday that I was against the project. I would like to tell you how much I am also against the project.

Hoover: Thank you. Is there any other member of the public?

Gessler: Hello, I am Susan Gessler, I live at 318 E. Lafayette, right in front of St. Joseph's Catholic Church. I would like to say after listening to all of the comments tonight, I wish St. Joseph's was a tree because if it was a tree it would not be made into apartment complexes like it is getting ready to be. I have a major problem with this. I agree with Elizabeth, my neighbor on Walnut Street, about all of the traffic. I have been very patient. I have lived across the street from St. Joseph's, I have rarely complained. I have put little signs on people's cars saying please let me out of my driveway. At that time I had a child who was prone to grandma seizures and it was necessary at times to get an ambulance in and out of my residence. A lot of times on Sunday morning I could not get out to go to church or I could not get out at different times during the day. I am definitely opposed to this project. My husband and I purchased our home in 1989. We have sunk a lot of money into that old house. A lot of people have come to the neighborhood and followed the example. I am against 39 apartments going across the street from 318 E. Lafayette. I am against it. My husband is against it, and I will fight it as long as I can. I want you to think about 63 bedrooms of people living across the street. I would like to propose to Richard if he would like to build an apartment complex, why doesn't he purchase the Fayetteville Library and then it would be right next door to his home and he could put 39 apartments there. Thank you.

Jones: My name is David Jones. I live at 341 N. Willow. I have for about 8 years now. My wife has lived there longer than I have. We were patient with St. Jo's because when my wife bought that house it was there. The neighborhood is great and we love it. I don't go to neighborhood meetings because I just don't like meetings. I don't like having to stand up here and ask you to do your job. It was pointed out to me that this Commission's job is not to make exceptions to building ordinances and such. What I would like to say is please leave the neighborhood as it is. It was mentioned earlier that the Campbell Bell building sat for seven years. That is true, it did and it looked kind of dirty. The windows were dirty and nobody took care of it, but look what happened to it. The market took care of it. The right tenant came in and turned it into a wonderful place. It has rejuvenated the downtown area. Maybe this isn't going to happen in a year. Maybe somebody from the church should be here to explain why they didn't plan on doing something with it. For the ten years that I have been here they had this plan on building their church for years and years and years. They had no contingency plan on what to do with it, there isn't another church that could use this space? As a matter of fact, I think I heard something about a church needing some more parking spaces for their children already. There has got to be somebody in the market out there when the price gets right that can take it. I would like to address also the issue of traffic. It is a mess. At 3:30 it turned into a one way street. Policemen weren't around there, never giving tickets to anybody. They parked on a street that said no parking on Sutton. If you did come down the wrong street, even though you lived there, you were treated like an alien. I had my car banged into, no notes left. We try to be good neighbors and a church is a great neighbor to have and everybody is for educating children. Nobody would want to live across the street from an apartment complex. Our home is 105 years old. You guys are more concerned about trees, like it was already said, than the nature of a neighborhood or the human beings that actually live there. Please consider those human beings, and some of them are children that like to cross streets at inappropriate times and places. Please consider that. That is all I have to say.

Hoover: Thank you Mr. Jones. Are there any other members?

Warren: My name is Paul Warren, I am the representative from the church. Sorry I didn't get up here earlier. It seems to me that most of the comments seem to be against the things that people don't want. The things that people don't want is a church, a school, and at this point in time, 39 apartments. I think what I would like to do is just give kind of a question about the traffic issues Wyatt mentioned. There are traffic issues. They have been there for a while and I don't think they are going to go away with the sell

or the non sell of this property. The question becomes what use could you put on that property at 313 E. Lafayette, 321 E. Lafayette, 346 N. Willow, 354 N. Willow, and 310 Sutton, that's not going to impact the traffic. Property values, I wonder what use would enhance property values. We have talked about apartments tend to decrease property values and I would say I would like to see the evidence. I am sure that there are some apartments that would decrease property values. I understand Mr. Alexander is considering putting 3.5 million dollars of investment into this property. I can't believe he is going to waste that kind of money to decrease everyone else's property values. As far as the parking lot, 64 parking spaces for 63 bedrooms. One of the reason St. Jo's chose to move, and I think it was a very well thought out decision, is because we looked around and said if we expand, and we know that the City of Fayetteville has specific ordinances about parking per pew, I think it is one to four, parking per square foot. We asked ourselves what block on this historic district will we buy out to level to create a parking space. We chose not to renovate our sanctuary, expand it to seat the number of people that we currently have who have moved into Fayetteville, and we relocated. It has been a good thing. We have been applauded for that decision rather than the decision that you see going on across College, which is to buy up the houses, historic in nature, and remove them for good blacktop. As far as the free market value of the property goes, we have had three offers, all of them over a million dollars. I would say that is the market value for the property. The question becomes what more will the market bear as far as renovations to this property. One of the questions was let's just let it decrease to the point where a church could buy us out. I would love that opportunity. I would like to see another church go in there if they could get a parking space big enough. Just for raw numbers, there was a church here earlier today, I think they were number one on the agenda, they have 2,300 square feet. in their church, I think they had 154 parking spaces. We have 7,700 square feet. in our sanctuary and 64 parking spaces. They were requesting a variance for additional parking spaces to cover the kind of sanctuary we have, if we used their numbers we would be a little over 300 parking spaces on Lafayette Street. I don't think a church would buy us out to be able to do that. Furthermore, if the property value went down to the point where a church could buy us out, your other city codes would kick in. It is an amazing thing in 1967 when we built our new sanctuary, and in the 1950's when we built the school, that you didn't have the current codes you have now. It might amaze some of the people sitting here to know that we have one commode for males and one commode for females in that structure. That wouldn't suffice, we would have to renovate. Furthermore, we don't meet code in the school with bathrooms, with fire, with exits, with any of the codes that you currently have. Whoever buys us out would have to have the funds to renovate. Probably in the neighborhood of where Mr.

Alexander is, at least a million, maybe two, maybe three just to bring it up to current city code. The question becomes who can do it. Finally, I would like to say that St. Jo's has had the property up for sale since the middle of 2000. We knew we were going to relocate. We bought the land that we bought in May of 1997 and we had plans to relocate. At that point in time we began soliciting buyers for sale by owner because most of the real estate agents who came to us, we had four different ones, said you will be lucky to find a buyer for this property. It is very unique, it is very isolated, it is very land locked, it has problems and it has 38,000 square feet. of space that somebody has to do something with or leave it vacant. They all recommended that instead of listing the property we do a for sale by owner. We did that for 12 months. We solicited churches, which, unfortunately, at this point in time I am afraid if one of them would've come forward and we would've really encouraged them they probably would've been shot down based on the parking requirements by the City of Fayetteville. We solicited the Montessori School, the University of Arkansas, the Arts Culture in Fayetteville, which we thought would be a wonderful opportunity for a museum or an art studio or some other kind of use in that realm. Unfortunately, there is no money out there at this point in time with this economy for that kind of a venture. There is money out there for the use as an apartment complex. Albeit, I think right now we are talking the difference between the number of units. That may be an amenable kind of thing, to the point where the only real use for this is residential. Furthermore, it meets some of the city recommendations for infill for urban sprawl, not sending everybody out to the outskirts and trying to keep people closer to the center of Fayetteville so that there can be viable businesses, especially down on our square, which has been a wonderful thing to have renovated. I think in closing I just want to say, it is your responsibility I understand as the Planning Commission to make a recommendation, staff has recommended that this be moved forward to the City Council. I understand at City Council we are going to have an ordinance written, that if I'm not mistaken, gets three readings before it can get passed into law?

Whitaker: State law usually for ordinances is that an ordinance has to be read on three occasions unless by a 2/3 vote or better the Council suspends the rules and goes to another reading.

Warren: So there is going to be, at least I'm assuming every two weeks if we have one reading at the maximum, we would be six weeks out on that project. That will give ample opportunity for us to have a meeting with the neighborhood association, to have the vote that many of you have requested. I recommend presenting this to move forward to the City Council while at the same time having the neighborhood association, the neighbors who are currently here, and by the way, I might mention, St.

Joseph's, I've attended almost everyone of the neighborhood association meetings and actually the last meeting that the neighborhood association had at the library was very poorly attended even though they had stated that they had sent out a flier asking people to come to talk about the library and St. Joseph's project specifically. Ms. Schaeffer, the librarian for the Fayetteville Public Library, was there and did a good job presenting what the possibilities are for the Fayetteville Public Library. I think you guys have something really hot on your hands since I understand you own part of that building. I think there are going to be even more issues with it than there are with us. We presented, I think there were three or four people at that meeting. After that meeting we got word that maybe some people were concerned about what we were doing. St. Joseph's the church, took the opportunity to invite by using the U.S. Postal Service, which I assume does get most people's mail to their houses, to come to a meeting we called on Tuesday, March 25th at 6:30 and we had a meeting in the sanctuary of St. Jo's. There are some people here that did attend that and I think there were approximately 40 or 45 people that attended that meeting. It was from that meeting where it was presented 31 apartments on that complex, and the use of the sanctuary, 7,700 square feet. for community use. Mr. Alexander was going to donate or allow to be used this space for issues such as concerts or art exhibits perhaps a wedding so he could lease it out to cover at least the cost of keeping this building available and then for the neighborhood association meetings assuming that the public library might sell they would not be able to use that facility, they could go back and use St. Joseph's. At that meeting, that is when we found out in a pretty strong way that people didn't like the parking caused by 400 people showing up for an event on Lafayette Street. At that point in time Mr. Alexander amended his proposal to include all residential. It is true, as Mr. Bunch indicated, that the proposal has not been presented in front of the whole neighborhood association as totally residential but it was presented on March 25th as 31 units residential and then a large 400 seat auditorium to be used as needed by the community. I think that there is at least the venue that residential is a proponent for this property and again, I would like to just once more state that I think it would be important to move this property forward. The longer it sits there the more problems that are happening with it. Currently people are beginning to drop trash in the back parking lot to include such things as refrigerant air conditioners, bricks, construction debris. You probably drove through and saw that. We did have one vagrant living in the church. Apparently he jimmied the lock but did not cause any problems so god bless him for having a good night's sleep. I would say once more that we would like to sell this property. We have a buyer, we have a buyer who is well respected in the community who is willing to put another 3 million dollars into this project and who I would say would do a dad gum good

job of making it a viable project to the neighborhood. Short of selling to Richard Alexander I would like to talk to the lady from the Osage Tribe.

Hoover: Thank you Mr. Warren. I would like to just emphasize that we need to really be talking about the compatibility between this proposed development and surrounding areas so as to preserve and enhance the neighborhood. That is our charge with the PZD. As time is wearing on if you would be sure to address those issues.

Porter: My name is Susan Porter, I live on the edge of the historic district. I do not have the same issues with traffic that most of the people here do. However, I have an issue with the development as a whole. I see the city looking at College Avenue and at 6th Street saying let's put some money in and beautify it. If we put a high density apartment building into this property I fear that the people in the Victorian houses who have sunk a lot of money into them will leave and they will also become apartments and our whole historic neighborhood will be lost. If you look at other cities I think you will see this. Kansas City, Little Rock, even around the governor's mansion, they are having a real hard time reclaiming those old neighborhoods. I am against this and I am against spot zoning in the historic district basically.

Hoover: Thank you Ms. Porter. Are there any other members of the audience?

Buxten: My name is Christina Buxten, I live at 312 N. Willow. That is four houses south of the church. I am opposed to this project as it is right now. I think we all understand that infill is a good thing. It does help with urban sprawl and everything but in order for infill to be successful it has to fit the neighborhood. This is the Washington Willow Historic District, it is predominantly single-family homes and I don't feel that dropping in 39 apartments fits the neighborhood. When we went to the public meeting it was 29 units, that included the duplex. I was kind of ok with that but 39 is just too many. That is just too many cars. Traffic can only go three ways from this complex, Lafayette, Walnut, or Willow. My block of Willow, I went out and measured the street before I came here. It is 20' wide. Cars park down one side, that leaves 12 ½' to drive in. Cars can only go one lane of cars. I think that if you approve something like this it has to include the traffic pattern. As two way streets Willow and Walnut it is not going to work. I think it has to be part of the plan before it happens. The other thing that I am really concerned about is the bungalow, which is referred to as the single-family structure that is on Sutton Street right now. It is a historically important structure. From what I am hearing and reading, what I'm hearing is the single-family structure will remain. What I am not hearing is the single-family structure will remain a single-family structure. I would really hate to see this beautiful house chopped into a

four plex. I just want to make sure that everyone is on the same page about that particular building. It is a single-family structure now. It is a beautiful house. Maybe you could leave it out of this Planned Zoning and leave it the zoning that it is right now so that it will remain as it is. I am not a member of the neighborhood association but I still think I have a valid opinion, I am just not a joiner. I thank you for your time.

Hoover: Thank you. Is there any other member?

Bell: My name is Dianne Bell, my family home is at 306 E. Lafayette. I am opposed to this. I have spoken against it once and I would like to let everybody know that I am still opposed to this. There is too much traffic, no parking places, there will be more crime and why destroy our historical district? Many, many cities like Savanna and Charleston all try to save their historical district. Why can't we try to save ours? Thank you.

Hoover: Thank you very much. Are there any other members of the public?

Lloyd: My name is Richard Lloyd, I live at 315 N. Willow, which is approximately one block south of the church property. I too am opposed to this project. I don't want to repeat a lot of the arguments against it that you have already heard. I concur with what many of these people have already said. I would like to underline one point about the parking. Most of the houses in this area, especially on the street where we live, were built before cars as numerous as they are now and as large as they are now. The houses were not built to accommodate parking for the number of cars that are there. For example, our house shares a driveway with the house next door and we share a garage with the house next door. The driveway is very narrow and it is a real challenge to get a modern size car up that driveway and the garage spaces are very possible. It would be possible to get a car into the garage but it is not really practical to park cars in that garage. We really depend on the on street parking. We need those spaces in front of the house. At times when things get crowded in that neighborhood and people are parked on the streets, sometimes we can't park in front of our own house or even close to the house along that block. For example, during masses at St. Jo's when the crowds were heavy in that area and cars were parked on that street sometimes we had to park a long way away. I appreciated having the church there. I am a parishioner at St. Jo's and I was happy to have the church in the neighborhood but it seems to me that an apartment building with 39 units and the parking that would be required and the people visiting if there was overflow of parking from that area that is going to congest our street even further. As you have heard, it is a two way street but when cars are parked on the street traffic can really only go in one direction at a time. If that parking gets further congested it is going to be even more difficult for us to have the adequate

parking we need just for the houses that are there. I would urge you to reject this proposal. If you are considering passing the proposal I think it is very clear that there has not been adequate input to the neighborhood association from the neighborhood and I would at least ask you to defer a decision until there has been an opportunity for a meeting that neighbors can attend and at least you can get a good idea of what the overall neighborhood is feeling about the project.

Hoover: Thank you Mr. Lloyd.

Lloyd: Thank you.

Hoover: Is there any other member of the public that would like to address this Planned Zoning Development? Seeing none, I will bring it back to the Commission and to the applicant, you can come forward. I would first like to get a summary from Subdivision Committee, a recap, a short recap of what was discussed at Subdivision and where the project is now.

Bunch: Basically we had two Subdivision Committee meetings on this and primarily we took public comment and tried to revise the submission package to get it in shape to reflect the various changes that have been made so that it would be a clear and concise package so that people could understand it. Particularly to outline the densities and to determine if the revised project had been presented as such to the neighborhoods and to the neighborhood association and to the neighbors so that they could comment and respond since the densities had been increased.

Hoover: Are there any other comments from Alan, I know you were on Subdivision that day.

Ostner: Not really. Mr. Wright was there and what he said tonight he shared with us at Subdivision, his list.

Hoover: Thank you. Nancy, were you at Subdivision during this?

Allen: Yes I was. I can't think of anything else. I wasn't clear about how definite we were about trying to get a meeting and a consensus from the neighborhood but I thought we were relatively clear.

Hoover: Thank you. Richard, would you mind responding to that? If you would start with responding to that issue about the neighborhood in general.

Alexander: I think that is problematic. I have been to three neighborhood association meetings, one of them which took place with the Parks Board. Some of those meetings were attended quite well, some of them quite sparsely.

Part of going to the neighborhood meetings is listening to what the neighbors said. The main complaint that I got from the meetings was that the traffic involved in using the facility as a performance space would've been problematic and no better than the church parking. I don't think there is anybody in the room that liked the church parking situation. Our proposal was amended both in response to the information we got from the neighborhood association that parking was problematic with any other use, any use, and that taken together with the fact that I couldn't generate any support for the proposition that we would donate the building on a part time basis to 501C corporations or neighborhood associations to the extent that we could lease the buildings at other times sufficient enough to pay maintenance, insurance, taxes, utilities, landscaping, and management, which are significant. The minute this building gets bought it is my understanding it needs a new roof. That is $20,000 or $30,000. Any proposed use of the sanctuary would have to take into consideration immediate maintenance needs as well as long term maintenance needs. Our original proposal as we said was to figure a mixed use with some residential and some on going use that took advantage of the structure that was there, the sanctuary as a performance area. I could not interest the university, I could not interest the Fayetteville Public Schools, I could not interest the Walton Arts Center, I could not interest the City of Fayetteville, I could not interest various schools and churches or other potential users. In looking at the project, and I appreciate Jack's comments with the numbers. We in fact did work the numbers. We started with what will it take to buy this property and spend the appropriate amount of money to put in a development that the neighborhood and the city will be pleased with and what kind of use can you rent that for sufficient to pay taxes, insurance, principal, interest, maintenance, and management. We start backwards, start with the total sum. 39 units, we didn't pull that out of the air. That was derived from the fact that number one, we are talking about 38,000 to 40,000 square feet of existing space. What is the right mix of unit, in other words can you lease a 2,000 square foot unit at $100 a foot for $2,000 or $3,000 in that neighborhood, I personally tend to think you could. I thought the appropriate mix was approximately a thousand square feet, on the average, per apartment at $1.00 a foot or $12.00 a foot a year, which by the way, is high rent. This isn't the low end of the market. This would not be a low end market product. One of the neighbors, and by the way, these are all good people. I don't have any particular beef with these, I like them. I know most of them. They have legitimate concerns, I don't blame them. It is still problematic. What do you do with the property? No is easy. No is easy. Let's not do it. This is the Planning Commission, then we got to start planning. What will you do with it? What are you going to do with the library? I am going to come back and propose at the appropriate time that they do residential at the library. Why? Because there are no other

takers. There are no other takers. If somebody comes along and they want to propose something appropriate there, great. I live next to it. I agree with the gentleman that said he wished the school would stay, the church. I loved St. Jo's in my neighborhood. I like the library in my neighborhood. They are not staying, they are not staying. Campbell Bell didn't stay on the square. The hardware store didn't stay. All of the businesses didn't stay. What do we do with these properties?

Gessler: Don't put 63 different bedrooms up in them.

Alexander: Well then maybe you can come up with a proposal where you spend 3.5 million and you figure out what you do with them. That is great, I wish somebody else would step forward.

Hoover: Let's speak to the Commission and not get out of order here if you don't mind.

Alexander: I apologize. Again, one of the neighbors was concerned about the historic quality of the development. This is a historic development. Our proposal is to place the church on the corner of Lafayette and Willow on the national register of historic places and to renovate it consistent with the Department of Interior guidelines for historic renovation and rehabilitation. Our proposal is to leave the existing structures as you see them. A Warren C. Graves building built in the 1960's doesn't quite qualify for national historical renovation status but it is a significant structure by virtue of the architect's legacy in the neighborhood. Our proposal is to leave the existing structure as you see it from the street and to reconvert and to readapt the interior use of the structure consistent with its present condition, only enhanced in terms of maintenance and landscaping. Part of the school is historic. It has been there since 1947 as I understand it and many people have graduated from this school. It is not the prettiest structure on the planet I will admit. Again, people that moved into that neighborhood moved into that neighborhood knowing that those structures were there. That is what they look like. Our proposal is that is what they will look like when we're done with it. It will look like what you see. Parking and traffic is problematic. It is, in my opinion, not debatable that 39 residential units will be less traffic than Paul can give you the numbers on how many people went to parish services and the school and several hundred students. Traffic will be less with residential. I guess I've got to also ask the question, why is residential so odious? This is a college town. We don't propose to rent to college students because I don't frankly think they can afford our rent, but this is a college town. Professors rent from us. Administrative support people rent from us. Wal-Mart professionals rent from us, JB Hunt. If there is any place in town that is appropriate for multi-family it is the center of the city. Again,

this particular property is a block and a half from the IGA. It is two blocks from College Avenue. To me the question isn't do we renovate these properties, do we renovate them and add value. Do you renovate them into something that is going to be an attractive addition to the center of the city. Again, no is easy. It would be easy to say no but if you say no then you have to determine what is yes. A church is problematic as Paul pointed out. Frankly, as a member of the neighborhood I thank god that St. Jo's chose not to solve its parking problems by buying up all of the little neighborhood houses and bulldozing them for parking. If that's what they would've done as other churches have, you wouldn't have a historic neighborhood. You would have St. Jo's church and parking. Instead they chose to relocate. Which brings us back to what do we do with the buildings now that they have done that. They should be applauded for not having tore down the houses and made for parking. Again, it is problematic as to what you do with the existing structures. We tried to find other alternatives. I couldn't, I am in the business. I would love some. If anybody has got any ideas my phone number is published. With respect to neighborhood meetings, I have been to three of them but I would also suggest to the Commission that the Subdivision Committee meetings are neighborhood meetings. This committee meeting is a neighborhood meeting. The neighbors have had ample opportunity to meet. I don't mind meeting again but you can, as Jack said, that is like pushing rope up hill. You can do that at infinitum and on the day that some people can't come then they didn't get represented. This is the neighborhood meeting with all due respect and so will the City Council be. We have had neighborhood meetings, this is the neighborhood meeting. That is the best proposal I can come up with. It is in your hands, thank you.

Hoover: Thank you Richard. We need to bring the discussion back to the Commission. Staff, I have a couple of questions you might address. On trip generations the church verses the 39 units, would you just explain that a little bit? I know you have a finding in here. Would you elaborate a little bit on that?

Warrick: In your packet on pages 6.35, 6.36, and 6.37 we have provided some trip generation reports. This information, staff used a software package that is designed by the Institute of Transportation Engineers called Trip Generation. With that software package you are given the ability to enter various uses and criteria to determine the average weekday volume generated by a particular type of use. Using that program we entered 8,000 gross square feet of church space. The average weekday volume of two way traffic was 73 vehicles per day. Saturday was 78 and Sunday 293. With regard to the use of the property for an elementary school with 289 students, the average weekday volume generated 295 vehicle trips. We

also entered the proposed development with 39 dwelling units of apartments on the same property with an average weekday volume of 259 trips per day, average Saturday volume of 249 and Sunday of 229. The comparison on an average weekday with the school generating approximately 44 more trips per day than the proposed units and on a Sunday with the church generating approximately 40 more trips per day than the proposed, actually about 60 trips more per day, than the proposed apartment development.

Hoover: Thank you. I guess I would like to open the discussion about should we talk about traffic first while we are on this subject?

Estes: That is just a good place to start as any because I think that is one of the issues that we need to discuss although it is not one of the findings of fact that we need to make. One of the findings of fact that we need to make is that this proposal achieves compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. That is what I am struggling with. The microtrans trip generation for 39 units, as we just heard Dawn explain, is less than the school but I think we need to talk about the parking. There are 16 on street parking spaces adjacent, is that correct?

Warrick: Approximately, yes. That is on Lafayette Street.

Estes: I am struggling with how those 16 on street parking spaces are going to accommodate guests and intermittent overflow. Can you help me out? It seems to me it is just not going to be possible.

Warrick: The 16 spaces are not calculated into those provided by the applicant for the requirements. City ordinances requires one space per bedroom and beyond that there is a provision for the applicant to provide up to 30% in addition to that number or 30% less. In this particular case the applicant is providing 64 parking spaces for 63 bedrooms. The note with regard to the provision of on street parking as a means of providing guest parking or overflow parking is really not part of the requirement. It is a note so there is information about available additional parking that may provide that. Like I said, it is not an ordinance requirement that those provisions be made.

Estes: I understand and appreciate that trying to find the highest and best use for this property is difficult Richard and personally, I don't find particularly obnoxious or edacious about residential. With regard to density, we have other projects in the city that have higher density but they are not infill. I guess that is what I am struggling with. I just sort of did the numbers with a pencil and I can see that with 19 units I came up with a debt service of

about $1,842 per unit and that doesn't include maintenance, management, landscaping, utilities or taxes so I can see the issue there. I don't know what the market is out there. I wish that we could bring this density down. I wish that we could do something such as what Mr. Butt suggested and go with an R-1.5. There is a finding that we have to make that this project is compatible between the proposed development's surrounding areas so as to preserve and enhance the neighborhood. My issue on traffic Madam Chair is the parking. If you have got one tenant per bedroom you are going to be maxxed out. You can't put in your lease, I suppose you could put in your lease that folks can't have guests, but you might not find too many takers on that one.

Alexander: Can I say something?

Estes: That is up to Madam Chair.

Hoover: Let's let the Commissioner finish.

Alexander: Ok, I was going to address his concerns.

Estes: I don't know where your guest and your overflow parking is going except for on the street and then I don't know how your emergency vehicles are going to get in and out, I don't know how your neighborhood residents are going to be able to function and I don't see that that enhances the neighborhood. That is all that I have to say on parking.

Hoover: Thank you Commissioner Estes. I would like to ask staff in new developments, I know we have been asking for guest parking on site. Usually in the past how many have we been asking for?

Warrick: I can recall that being an issue on two developments and I don't know the numbers for you on that.

Hoover: I am wondering if any of the Commissioners remember. I know we have had this discussion on new apartment complexes too.

Bunch: I think we were running at a ration somewhere around 1.3 or 1.4 parking spaces per bedroom. I think that was what was proposed on some of the other multi-family developments, in fact, some not too far from this. It averaged around 1.4 I believe.

Hoover: Thank you. Is there some other discussion about parking while we are on that topic?

Ostner: Parking downtown is a big problem. I live downtown. There is no room to park on my street and I live in front of the new library, the construction project library. There never will be in my neighborhood. To me infill downtown development is when things get messy. We get lots of developments in here that are in CMN out in hay fields and we can demand that they park every single possible person that would ever come visit their establishment. Downtown is different. There has got to be shared parking, there has got to be street parking. I would bet most people here in the room if they have a party the whole block is filled with their friends on the street. There is no room for their friends to park either of course because their driveway might hold one or two cars. I think residential is a good use for this project. In a perfect world I would love a community center, just like everyone has tried to get this thing to do, partly community center, a few apartments. If that doesn't work my second would be residential. I don't think commercial is a good use. I don't think other possible uses are. My druthers are a few lesser units to minimize the density and to free the parking problems in essence. Instead of 39 units if it were 32 units and the parking stayed almost the same, as a side bar, I personally am not in favor of the waiver. I think that little part of Walnut should be pushed back instead of parking right up to the street. That would for me solve my density issue. I think this is a little bit too dense for this neighborhood and it would solve the parking issue for me. I am only one of this entire Commission. I started out talking about parking but it is all bound up together. I don't know how to separate them. Those are my points.

Hoover: Thank you Commissioner Ostner.

Anthes: I have a question for staff. Page 6.19 a letter from the applicant indicates that the proposed density is greater than would be allowed in a new project in an R-1 zone and is less than would be allowed in an R-2 zone. I only have the new code but I requested somebody look that up for me and it appears that actually the units per acre figure and the mid range of an R-2 and in fact are inclusive in R-3, is that correct?

Warrick: The R-2 zoning district permits 24 units per acre maximum. The R-3 district permits 40 units maximum. This proposal if you consider the entire lot area, the entire 2.18 acres the density calculates at 19.27. If you take out the park land dedication site, the single-family home and the duplex the density calculates at 23.64 units per acre.

Anthes: Am I correct then in stating that the R-3 density starts at 16 units per acre?

Warrick: Yes it does.

Anthes: It appears to me that a lot of the commentary tonight deals more with density problems than it does with whether or not this is a residential use. I struggle along with Commissioner Estes to figure out what that means. I know when you tie things to rental rates it is very difficult to rent properties that are over a certain number of square footage. I think if you try to rent an 1,800 square foot unit in order to get smaller units on this site you probably will have very few takers in this community because it is too easy to own your home. To that end I believe that some people have suggested that it might be a good compromise to mix condominium units that would be owned with the rental or have it an entire ownership situation, which might make a lot of the neighbors really happy that there would be people living in that site that were committed to staying there and maintaining the quality of that site. I know that is not what is before us tonight. I am new to this so I don't know if that is appropriate for me to ask if the applicants have even questioned that.

Hoover: I guess let's keep on the topic of density and compatibility with the neighborhood.

Anthes: Well it is compatibility. I believe that the issue of renter verses ownership does tie very strictly to the compatibility of the neighborhood.

Alexander: I would be glad to respond to that.

Hoover: Let's finish with the Commissioners first and then we will let Richard respond to everything.

Anthes: I guess what I would like to stay is it is a struggle because I also agree that we have a good applicant that wants to do quality development, we have got a building in the neighborhood that we would like to see used and used well. It is obvious that the density is creating a lot of problems for a lot of the people around and we know it has to cash flow. I would just say that I am concerned that the units per acre do land us within an R-3 zoning in an R-1 district.

Shackelford: I would like to start my comments first of all, this is a unique situation. We are talking a lot about protecting the integrity and the nature of the neighborhood and not changing the integrity and nature of the neighborhood. In my opinion the integrity and nature of the neighborhood has changed simply by the fact that the church has relocated. You have a 38,000 square foot special use building that is either going to be redeveloped or sit vacant in the middle of your neighborhood. I understand the concerns and would like to try to see that we work towards an area in which this property is redeveloped to the least detriment to the remaining neighborhood as possible. With that being said, we are

speaking towards density at this point. I looked at this project, as Commissioner Estes did. Earlier today I kind of put pen to paper, approached it as a bank would as far as cash flow, what sort of rent would have to be required for this project to work. That is something I have some experience in doing. One thing that Mr. Alexander mentioned, the number of $12.00 per square foot is where I came down with what it is going to take to make this property economically viable as far as redevelopment in a residential space. Basically what that means is 1,000 square foot apartment is going to rent for $1,000 a month. That is on the upper end but that is what it is going to take to make a project of this size cash flow to the standards that a bank is going to be willing to make a loan on the property. Sure the density numbers would be better for everybody involved if we had 29 units instead of 39 units but to do that all of the sudden you are talking about 1,800 to 2,300 square foot apartments at $1,800 to $2,300 per month. There is no market, trust me, for that size of apartment as far as rent in this town. We are kind of at a catch 22 in this situation. The density is obviously what some of the concerns are but without the density the project is not economically viable. I know we have heard a lot of developers say that fees that we put on them would kill a project and that sort of thing, in this situation I am in concurrence with it. We need to consider the other alternatives of this property. There is very few other uses that I see this property being used for if we don't look at it as residential. As residential unfortunately it is going to take some degree of density to make the numbers work in a situation where it can be redeveloped as residential. With that being said, that is basically my thoughts on the density. Sure it would be a greater project if you limited it to 32 or even a smaller number. However, from a cash flow analysis, I am not sure that that is going to be an economically viable project for this developer or any other developer that is going to look at this property. Thank you.

Hoover: Thank you Commissioner Shackelford. Commissioner Bunch?

Bunch: One thing we need to reiterate is there has been some question about residential. This is already zoned residential. It is R-1 right now and by right he could put maybe 8 buildings, 8 occupants on it. What we are looking at is a rezoning request basically done through a Planned Zoning District from an R-1 density to somewhere in an R-2 to R-3 density. We have had other projects in this neighborhood that were already zoned R-2 for which there was considerable resistance and they were at a much lesser density. What we are looking at is changing a density to a greater density than has already been told to us in no uncertain terms was not compatible with the neighborhood. What we are looking at here is a compatibility issue, not just on Lafayette with Willow and Walnut Street and Sutton, but we are also looking at other parts of Olive, other parts of Fletcher in

general in the downtown area people are saying infill is acceptable but they are concerned about the densities and also traffic and parking. What I am not seeing in the comments that we have had from the public and from the neighborhood associations, is that we are not seeing consistency. We are seeing people opposed to some projects and in favor of others and vice versa. It is quite a decision on our part to separate out and see just what the neighborhoods actually want. One project is oh no, that is too dense. Another project oh this is wonderful. At this point in time I would like to see less density on this particular location but at the same time how does that less density equate in being able to be paid for. That is a tough question. We are looking at something greater here. We have already the aforementioned developments in this same area and we are looking at the library. My concern here is that we are setting some considerable precedence. Each of these developments is unique, it has its own set of circumstances. They will be different, it will come down to something more than just densities. Densities aren't everything, you have to look at traffic and all of that but still, in order to keep peace in the family so to speak, and to be able to provide good infill projects in Fayetteville so that we can avoid core decay we need to look at some consistencies and also to find what is different and what is similar in these various projects.

Hoover: Thank you Commissioner Bunch. I think you are exactly on the mark, what is different and what is similar with these other projects to be consistent. Commissioner Church, would you like to weigh in?

Church: I just had a comment. I really like the idea of the community center and I understand that you looked at a facility that would seat approximately 400. I am just wondering and I know that the developer isn't talking or addressing the issues at this point but I guess I would like to know if any consideration was given to a smaller facility and maybe cutting back on the number of residential units.

Alexander: I would be happy to answer that.

Hoover: Let's get, I would like to get everybody's weigh in on density and then we will have Richard come and address density specifically so we can stay on topic. Is there anything else?

Church: That's it.

Hoover: Commissioner Allen?

Allen: I guess I agree a good bit with what Commissioner Ostner said. It is just such a unique situation if we could just come up with a few smaller units I think everybody could feel better about this situation. I also wondered

about whether or not anyone had looked into the possibility of making one way streets with Sutton and Willow, were those the two streets? Also, I wanted to know more about what was proposed for the single-family residence. I am really struggling with this one.

Hoover: Ok. Commissioner Vaught on density please?

Vaught: I think that a lot of the problems with the traffic, the nature of a church and a residential are so different that a number of the comments made about parking had to do with the peak hours of a church. That is when they were lined up. I live in the neighborhood so I know what it is like driving down those streets at those times. With this residential you are never going to have all 400 trips of the day there at the same time. I think that that is a big difference between the uses. Like so many people have said, I think the idea of infill is tough because we are looking at taking something right now that generates no trips and talking about converting that use in the middle of an R-1 neighborhood so there are lots of concerns with that. Especially I think that to say that if building an apartment complex here would bring down property values is a bit of a blanket statement. I think that the quality of the development could tie into that. As we head toward where that was multi-family and single-family residential next to each other and the property values were increasing in fact because of the development. I think if the residents wait until the market value of this property comes down to a point where a church can afford it that would affect the property values more than anything the longer this sits vacant. The idea of residential I think is the best use. The idea of a commercial business in the middle of a neighborhood, I don't know if that is the best use for it. The community center, like was stated, I think would cause the same kind of parking problems we have now that everyone has spoken against. The idea of density and making a project work, I don't even know if we would have to come down as low as Commissioner Ostner had said to make it more compatible. What are our other options with this property? I think its proximity in the community would facilitate creating more walking trips necessarily than driving trips given its close to the grocery store and a number of other businesses. Even school students who live there could very easily commute by bike or by walking to the University. It is a tough call but I guess my question would be to the developer if you cut back even to 35 or 34 units would it be possible to eliminate some of the smaller one bedroom units and create maybe possibly a little bit bigger two bedroom units to get rid of just a few, could that possibly be a viable solution or the idea of possibly creating condominiums in one of the buildings and selling them off to help mitigate the cost. I don't know. I am sure those options have been looked at and I would just like to hear what kind of ideas were generated from that.

Hoover: Thank you Commissioner. Commissioner Estes, did you have anything to add on density or did you already complete your density expose?

Estes: Madam Chair, you of course know I have something to say after sitting here listening to my fellow Commissioners. Commissioner Bunch correctly stated that this is zoned R-1 and what we are being asked to do is increase the density. Richard challenged us as a Commission that if we vote no to at least offer some alternatives. It is not our business Richard, as you know, to micro-manage your project but there are many alternatives. You, as a developer, do not necessarily have to own this in fee simple. In other parts of the country 99 year leases are done on infill projects and then you build out eight units with a shared common area and you sell those units in fee simple subject to the ground lease. That is common in other parts of the country. You said if you vote no give me something. I just gave you something Richard.

Alexander: May I speak to that?

Estes: That is up to the chair.

Hoover: Are you finished Commissioner Estes?

Estes: I am finished on the density issue.

Hoover: Ok. Yes Richard, please come speak to density.

Alexander: We have contemplated doing condominiums. In fact, if we do this project we will offer some of them for condominiums. I have to say, having done two recent condominium projects downtown, there is a limited market for it. To think that we can do the whole project as a condominium development I don't think is feasible. We intend to offer some of them as condominiums. They will frankly be quite nice and will exceed $100 to $120 to $140 a foot in terms of what we will have invested in them. They will be fairly expensive homes by the time that we get done with them. It was my understanding that that wasn't part of this application process that we had to spell out how we were going to do that. Commissioner Shackelford did the same math that I did. We didn't share our math but it is the same. I started from the gross proposition of what we would have to spend to do a quality project. I can spend less and have less units and have less quality. That is exactly the type of apartment building that my neighbors will not like. That is always the dilemma. All I can say in defense of that is drive around town and look at what I have done. We haven't done cheap stuff anywhere. With respect to parking, I wanted to address that. You had a good point Commissioner Estes. The most I

could add additional without a variance is 30%, that is 19 spaces. The least I could have without a variance is 30% less. As a practical matter for instance, we developed the triplex across the street from my home in this neighborhood, a three bedroom unit, a two bedroom unit and a one bedroom unit. They are all occupied by single professional women with one car each. The truth is the parking density, while you have two bedrooms, is not going to be one for one. In practical speaking, it will be about 1.5. There will be overflow parking. I think if 30% is the maximum or the minimum we are well within that. I have to stress when you are talking about density on other projects this is not a new project. I started this proposition from day one with Planning staff. I would not be standing here before you asking for this project but for the fact that 38,000 square feet is existing in that neighborhood, it looks like it looks, all of the parking is in place, I am not proposing to add parking, take away parking. I am trying to make this fit. In terms of redeveloping this, in terms of the money spent, somebody made the point anybody that does this project is going to have to bring it up to code. That will limit your uses because you will have to spend a certain amount of money to sprinkle the buildings, bring the electric up, bring the plumbing up, all of that kind of stuff. To do less, you could have lesser density but again, a lesser project. The Sutton Street house, I just want to address one lady's comment, we are proposing to leave the Sutton Street house single-family. We are not asking to rezone that property. The Willow Street house is an existing duplex, we are proposing to leave that as a duplex and are not asking to rezone that. Just so that there is no confusion. We are not asking to rezone the Sutton Street property or to do anything other than to keep that as a single-family dwelling. I hope that answered some of your questions.

Hoover: Can you address if you proposed with the city if it would be possible to make any of these streets one way to accommodate better traffic circulation and parking?

Alexander: I didn't raise that. I kind of felt that would be more, somebody asked me what we were going to do with the park, I am not going to do anything with the park. Parks is going to tell me what they are going to do with it. We are proposing one way in and one way out. We are proposing one way in off of Willow and one way out off of Walnut. It would be appropriate to do the streets one way but we didn't make that part of our proposal. We would certainly be glad to listen. With respect to density, 39 is the number we came up with trying to do the math. I want to make it absolutely clear, this isn't a homerun. Nobody's kids are going to college on this project. This will cash flow itself probably. 39, 38, 37 sure, 20, it won't be my proposal before you. It will have to be somebody else. We start with the number of dollars it takes to do it and then work backwards. Thank you.

Hoover: Thank you Richard.

Anthes: Richard, before you sit down. I know this is off of exactly what we are doing but I am doing it for a neighborhood feeling here. I just see a lot of people here that are more comfortable with knowing there would be ownership on that property and you stated in your statements a minute ago that you intend to offer some. How does that work in your formula and how you arrived at your density levels?

Alexander: What we did with the UARK Bowl is we offered them all for sale or lease and sold the ones that people wanted to buy and leased the ones that people wanted to lease. From my perspective there is really no magic to it. We will offer them for sale or lease. If somebody wants to by one great! To me the problem will take care of itself because you will sell a certain amount of them and that will create a POA and association. I am personally in favor of it. We have only done a few of them. I mean a few years ago condominium sales, you were ahead of your time. There were guys that went broke doing that. That is a new thing that is becoming accepted. We are struggling with that. I personally like it. It is more who comes. There is no way to really predict that. I could tell you that if we had 39 units and we offered some of them for sale some of them will sale.

Anthes: So the answer is that you have to run your performa based on the fact that 100% of this could be rental and that the unit sizes have to be based on whether or not it is rental property whether or not it sold.

Alexander: That is the only way I know how to do it. Mr. Shackelford's point was that if you are coming to the bank, and he is with a bank, you have got to make that work in order to get the 3.5 million. Otherwise they won't loan you the money. It is very little wiggle room. I do it for a living and this is the best I could come up with. Can you reconfigure 39 or 37, a couple of units, sure. 20%, 30%, 40%, I don't think so. That is the way I did it.

Hoover: Would everyone be ok if I moved onto another topic that we haven't discussed? The parkland dedication and the fee in lieu of. The Parks and Rec. Advisory Board has recommended that the balance of the amount be paid as a fee in lieu in the amount of $11,331.25. They are donating park land and I believe the applicant would like not to have to pay this fee, is that correct Richard?

Alexander: That is correct.

Hoover: I would like to have some discussion about that. Commissioner Estes?

Estes: The Parks and Recreation Advisory Board is just that, it is an advisory board to this Commission. They have met, they have studied, they have done their job and they have made their recommendation and I am inclined to follow their recommendation.

Hoover: Thank you Commissioner Estes. Commissioner Ostner?

Ostner: I tend to agree with Commissioner Estes. I understand the hardship that this land is much more valuable and the irony that if you all were not to give it away you would be required to pay less than the appraised value. It is quite odd but I am in agreement with the Parks Board.

Hoover: Commissioner Shackelford?

Shackelford: It is ironic, as Commissioner Ostner said, exactly how the math works out and that sort of thing. You know, there is a cost of doing business and quite honestly in my projections I just work that into the cost whether it is right or wrong. That is what our city staff, our chosen people have recommended and I don't feel that I am in a position without hearing justifiable argument from the developer beyond what is in the packet to go any other direction with it.

Hoover: Thank you. Are there any other Commissioners that would like to weigh in on this issue? Richard, would you like to address us on this issue?

Alexander: To me it was real simple. The price of the land, we had an appraisal done by St. Jo's church, it is $225 an acre and that is what they are basically asking us to pay for it. We didn't mind making the dedication of park land if it made the neighborhood happy. It is a chunk right out of the middle of the project, a significant chunk. The value of that land according to the appraisal not done for me but done for the church by Tom Reed is anywhere from $225 a foot to $425 a foot. If we were to pay parks fees in lieu of land dedication we would be required to pay $15,000. What I understand that the Parks Board has voted is for us to pay $17,000 to $32,000 for the land, give it to the Parks Board and then pay another $10,000 in fees. Just at the price we will have to buy it is $17,000 I think. $17,000 plus another $11,000 roughly is $30,000 so almost double the amount of money I would have to pay if I just paid the fees. It just doesn't seem fair. The city's formula for figuring this is .66 acres anywhere in the city. I have done projects downtown that the whole project was .66 acres. If I was required to donate the whole .66 acres there would be no project. In addition, land down on Dickson Street is anywhere from $13 to $20 a foot. To equate a dedication of land on Dickson Street that you would have to buy for parks land to do a project and then to require the developer to pay additional fees because you could only give, the land is smaller and

by definition worth more, then to have to pay more on top of that just seems unfair. We don't mind giving the park. We don't mind at all. If that makes the neighborhood happy that is fine. We were proposing to keep the land as greenspace anyway. Our proposal is not to develop any of the space not occupied by buildings anyway. It will cost us $17,000, in addition to that Parks wants us to pay roughly another $11,000, that is roughly $30,000 or $29,000 when the fees are $15,000.

Anthes: I have a question for Mr. Whitaker. Will you define what is allowed under hardship? Will you also speak to how the formula, if what land costs actually can be applied to our formula.

Whitaker: This has come up many number of times. I find myself, at least at the rate it is going, we are averaging about three times a year that one or another committee or commission will ask for a definition of hardship or as the Arkansas Code says, an undue hardship. I will continue to repeat that there is no precise definition. It is a fact based inquiry which you have to make each time. I guess that I ran across, when I was doing this the first time a year or so ago, there was a whole lot of work done and effort expended looking at the possibility of an outdoor lighting ordinance and the whole question arose about what constitutes a hardship and I dug and I dug and I dug. I have to tell you that I discovered that almost anyone that has ever looked at it ran into the same problem. There was never a precise definition. However, I did run across one treatise where the commentator said that probably the best way to understand what it is is to understand what it is not. I will read that briefly to you. It is not mere hardship, inconvenience, interference with convenience or economic advantage. Disappointment in learning that land is not available for business uses, financial or pecuniary hardship or disadvantage, loss of perspective profits, prevention of an increase of profits or prohibition of the most profitable use of the property. I think that is probably the best definition that you are going to get in the land use setting. It kind of says things that are not a problem. What I have heard, what I have read in the packet and what I have heard from Mr. Alexander, sound like very strong arguments for legislative change. At the time this parkland was adopted or perhaps a suggested amendment to the underlying ordinance that perhaps this formula isn't fair but the fact is, and I believe the record will bear my memory out on this, this discussion of having one fee for the entire town from the folks that congregated it and the Council when it was brought forward had some heartburn. On the other side of the coin when we are dealing with property owners in the outlying areas where property values are low one could argue saying we are not getting our due. It was decided, and we believe reasonably so, that an average and a formula be put together for the whole city. Yes, sometimes it is going to be unfair but again, I hesitate to tell you one way or the other whether it is a hardship or

not because that is a fact based judgment you have to make. I can only tell you what some of the findings are leading you and you are left with the facts and you have to wrestle with them.

Anthes: Thank you Mr. Whitaker. On the basis of your definition, I have to say that I would be in favor of letting the Parks Department ruling stand. Thank you.

Hoover: I would like to move onto the next waiver we are being asked to address, which is a determination for the waiver of required landscaping adjacent to existing parking lot adjacent to existing Walnut Avenue right of way. The requirement is for a 15' landscaped setback for the parking lot with the dedication to accommodate the Master Street Plan the existing configuration of this parking provision and this landscaped area would require the removal of three existing parking spaces. Commissioner Ostner, did you have a comment about that one? I think you already did comment about it at one point.

Ostner: I did. I think that we should not grant the waiver. I think he does need to bring the parking lot into compliance at least, which means moving the landscape buffer inward and it will remove three parking spaces. I think the neighborhood is going through enough, I think there are enough issues on the table that this does not need to be one.

Vaught: I have a question for staff. It is my understanding that if we don't allow this waiver and require them to remove three parking spaces, he will still comply with the code and not have to seek a waiver for his parking is that correct?

Warrick: That is correct.

Vaught: It is hard for me because most of the complaints we have heard deal with parking and here we are removing parking spaces when no matter which way we go to keep these existing parking spaces on site requires a waiver which would help very little with the parking on the streets, but would help some I would think. It is three spaces. It is just hard for me to decide either way but really I guess if we approve the overall project this point is not the most important. Either way we go he is in compliance with the parking ordinance. Do we want these three spaces on site or off site, I don't know.

Hoover: Thank you Commissioner.

Shackelford: I would agree with the last comments. As I looked at this and listened to the comments from the public I see that we are very much concerned with

the on street parking and the affect that it has on the neighborhood. Based on that, my initial reading I was in support of the waiver to allow the three existing parking places to stay on location simply because it will reduce the affect or the need for some offsite location as well. I do have a question for staff. Dawn, the requirement is for a 15' landscaped setback, do you know approximately what the existing setback is in this area? Are we looking at 5' or 10', how much are we looking at giving up in that area? I couldn't tell from the drawing. . .

Warrick: It is different on the north side of the drive than the south. The existing landscaped area on the north is probably 3' or 4' and on the south maybe 10'.

Shackelford: I could visually think of the south side of it where it was larger but I couldn't remember how much smaller it got on the other end of it. With that being said, I would speak in favor of the waiver simply because I would rather have the parking on location rather than off location and as Commissioner Vaught has pointed out, even if we reduce these three parking spaces, the developer still would be within our perimeters for parking for this development. Thank you.

Hoover: Thanks. Are there any other Commissioners that would like to address this waiver? I am going to move onto the next item that we need to address, which is on Sutton Avenue reducing the amount of right of way dedication by 3' to allow the existing right of way to remain. Does anyone have any problem with this? Apparently we have an existing condition with the building. There are no problems with this. I guess I would like to ask staff on the covenants. I read further in here, do they need to be submitted to Council when this goes to Council? I am confused on when the covenants are actually included wit this PZD ordinance.

Warrick: The requirement for covenants is typically that they include any information that is required by the Planning Commission and that they be submitted and filed with the final document at the time that it is filed creating the project. That would be in this case, the concurrent plat document would be filed of record with the Circuit Clerk of Washington County making this Planned Zoning District, creating this Planned Zoning District and the lots that are designated.

Hoover: Thank you. Does anybody have any questions on the covenants, on that issue? Then let me throw it out for any other discussion on any issue we have not discussed.

Whitaker: Madam Chair, I don't want to be out of order. I would ask your permission if I may inquire of Planning staff. Condition number four

refers to regarding the rezoning of the subject property to the unique district for R-PZD, etc., etc. I believe that I heard the applicant say that he wasn't seeking rezoning for the entire subject property. It seems a little imprecise to rezone the whole thing.

Warrick: I will be happy to address that. The reason that we encouraged the applicant to maintain the duplex lot and the single-family lot in this R-PZD Planned Zoning District is because both of those lots are non-conforming lots within the R-1 zoning district. They do not meet the minimum lot size or frontage requirements and therefore, providing them the special zoning designation of R-PZD they can become compliant lots. Another issue is that the current lot lines that define all of the various lots within this parcel of land are being shifted. Therefore, this does become a subdivision realigning the existing lots to provide one lot for each of the structures and one lot for the park land dedication. Because we are shifting lot lines and because we are trying to accommodate existing conditions for the single-family home and the duplex staff has recommended that they remain part of the R-PZD. I think it would be appropriate based on the comments and based on the uses proposed for the single-family home and the duplex that conditions be stated that they retain their current usage and that they not be increased in density for those two structures.

Whitaker: Thank you. That cleared it up.

Hoover: Is there any other discussion?

Ostner: I don't want to belabor a point but I shall. Very quickly, on the density issue I wanted to make it clear to myself how I was justifying an R-2 or R-3 in an R-1 zone besides the buildings are already there. I thought about R-1 and the density in R-2 as an adjoining acceptable zone because we have often adjoined R-2 and R-1 or R-O with R-1 as a buffer, as we talked about hours ago. The density, what we have done is we have basically doubled the density every time we hopscotch. R-1 is roughly four units per acre. We currently have RSF-6, RSF-7, which are more compact single-family zones. Then R-O and R-2 are more of the zoning names we have. We have multi-family. If Washington Willow is in fact, not R-1, it is R-1 on paper. We know it is not actually R-1, the lots are smaller, there are some multi-family uses there. I would guess, and I would love to really know if someone were to take the maps and drive around and figure what the density really is. I think that would help a lot for us to look at what we are really adjoining, not what a fictitious map says Washington Willow is. If Washington Willow is six units per acre or seven, which I think it could be, maybe I'm wrong. Doubling that for this project seems feasible. It seems like something we have always done. We double the

density as we hopscotch towards commercial or away from it. 7x2 is 14 units per acre. That is not what they are proposing. 18 units per acre is 32 units. That is how I justified it. I know that is confusing but since we are dealing with Mt. Sequoyah, we are dealing with all of these PZDs where we are having to pull these densities out of the air without our usual sequence of R-1, R-O, Commercial, that seemed feasible to me. That is why in a perfect world, without the money problems I understand, that is why I can justify what I call RMF-18, which is 32 units. RMF-18 is our third most dense zone. R-O and all of those things don't exist technically anymore. I wanted to go on record and explain that just to make things very clear.

Hoover: Thank you Commissioner Ostner. Are there any other comments? Are there any motions?

Shackelford: I would like to start by I think Commissioner Ostner did a very good job of defining his position and kind of reiterating his position. It kind of lead me to feel compelled to do the same. Obviously I have spoke in favor of this and the reason that I have gotten to that point is first of all let me say that I would not support 38 or 39 units to be built if this was a two acre vacant lot in the middle of this neighborhood. This is a very unique situation in we had 38,000 square feet of abandoned building that is going to be redeveloped, redesigned into something. Basically what I have had to do as a Planning Commissioner is look at this project, see if it is something that could feasibly survive in this neighborhood and what impact it is going to have on the neighborhood. It is going to have some impact on the neighborhood, there is no question about that but the neighborhood was impacted the day that this property was abandoned and the church moved out. With that being said, I can get to the point. I understand we have some concerns about density. I understand we have some other concerns but I would like to encourage this Commission to make a recommendation. Again, I know we have had conversations about neighborhood associations, we have heard from the officers of the neighborhood association. We have heard from several members of the neighborhood who have disagreements with that association. We have had several public meetings in this issue and please remember this is a recommendation to City Council. This is not final action so there will be even more opportunity in the future for further conversation in that area. Based on that, I do not want to see this at this point die for lack of a motion. I think that we owe the developer due process. I think that this is a situation in which you know, it is feasible that this can go in this neighborhood and survive in this neighborhood. I think it is better than a lot of the alternatives that we are going to see in this. I quite frankly think it is better than seeing this building sit vacant with boards on the windows and that sort of thing. With that being said, with all of the comments that

we have made regarding the different waivers, I am going to make a motion that we approve R-PZD 03-3.00 subject to all staff comments and all conditions of approval.

Hoover: Commissioner Shackelford, on condition of approval number one, I think that we have to explain our determination.

Shackelford: My determination there was based on the definition I asked Mr. Whitaker basically the same question that Ms. Anthes did last meeting when we talked about the underground cables and exactly what is the definition of undue hardship. While I'm in agreement with this applicant that this is not fair in this situation, I agree with our City Attorney that this is more of a grounds for legislative change instead of a hardship at this point. While I do have sympathy with the developer I feel that based on our definition of undue hardship we have to find in favor of what the Parks and Recreation Committee is advising, which is the land plus the fee.

Hoover: Thank you. I have a motion by Commissioner Shackelford, do I have a second?

Vaught: I will second.

Hoover: There is a second by Commissioner Vaught. Is there any other discussion?

Estes: Because one of the findings of fact that we must make is that the proposal preserves and enhances the neighborhood and I cannot make that finding I will vote against the motion.

Hoover: Thank you Commissioner Estes. I would like to say that this has been one of the most unique projects we have had come forward in a long time to have this much discussion about it. It has just about every difficult situation you could have that we need to look at. One is that the Planned Zoning District is a new device here that we are all excited about because it produces a lot of opportunities for different types of developments but we are still learning how to deal with it and cope. We also have a situation where we have existing buildings. We are not starting from scratch with a new development so we have the issues of whether we weigh this, what would we suggest in a new development what would be our recommendation. Here we have existing buildings and yet we're not technically supposed to be looking at the financial burden. We can't not look at it because it is right there sitting in our face and we don't want a building just to be vacant all the time. Then on top of those issues we are in a historic district, which has very small lots, spaces, a particular neighborhood characteristic that we are trying to maintain and enhance

and our charge is to decide if this type of development is compatible with the existing neighborhood.

Shackelford: If I could make one more point. Commissioner Estes made a point about findings of fact. I also struggled with the findings of fact of how this development would preserve and enhance the integrity of this neighborhood. The way that I got to a positive finding of that fact quite simply is I am thinking of where the project is now, where it is going forward. Obviously, it is not an enhancement to the neighborhood if it was still operating as a church, if it was operating as a museum, if it was a property of the University of Arkansas. In my mind it is an abandoned building that will only deteriorate over time. Based on that finding I do feel that a redevelopment and infill in this area will preserve and enhance the overall neighborhood over the basis of where the property will be if it sits vacant. I think if we rule out multi-family development I think this property will sit vacant for a long time. Thank you.

Anthes: Condition of approval number two, don't we have to state a determination there as well?

Shackelford: I would like to state in favor of the waiver requiring landscaping adjacent to the existing parking lot adjacent to Walnut Avenue.

Hoover: Commissioner Vaught, is that ok with the second?

Vaught: Yes.

Anthes: Item three is the same question?

Shackelford: Yes, I am in favor with staff findings on that as well.

Anthes: One other question. Since the PZD is a new thing to us and we have to then send this up to City Council there has been talk about the fact that this number of units is a little mushy at this time, not to any great degree perhaps but slightly mushy. A question to staff is, when this is approved as a PZD you can't vary from it correct?

Warrick: That is correct. The zoning approval would be tied to the development proposal.

Anthes: If this passes at this number of units there is no room for moving?

Warrick: The City Council does have latitude and this is a policy decision that they will make the final determination on. You are making a recommendation to the City Council with regard to the development and zoning

combination for this particular site. They will be able to review that and they do have the authority to modify that if they see that as their choice.

Anthes: Is there a way to send this to Council with a reservation attached?

Hoover: Three hours of minutes.

Warrick: I think that is probably true. We have got on the record many different discussions, conversations, reservations, and other. It will all go forward. The minutes of this will certainly accompany the item if you choose to send it forward.

Anthes: Thank you.

Ostner: On this issue of neighborhood integrity, I should've mentioned this earlier. Architectural historic integrity in downtown urban areas is I know a little bit about it, I'm not a professional. Usually the first goal, believe it or not, is preserve the look. If the building has to be torn down and replaced preserve the look, we will talk about the other things second. If the building has to change uses, preserve the look. That is tantamount in historic preservation. It could be a shell, it could be a 1' wall and air behind it and preserve the look. Beal Street, Savanna, Georgia, very successful historic areas have followed this rule. This is just the first of it. Use is of course very important that follows into that but this preserves the look. The use does change but as we have all talked about and hashed out thoroughly I think the use is moving towards something semi-acceptable. Since the look is staying the same I think it is very important and I think the neighborhood is getting the best of a somewhat dire situation. I do think this is going to work good for the neighborhood though it doesn't seem it now.

Hoover: Thank you. Is there any other discussion?

Bunch: Looking at the numbers, this equates basically to an RMF-24. At the level of an RMF-18 the 1.65 acres that are dedicated to the three structures to be turned into multi-family would come out to RMF-18 would be 30, right at a fraction, and RMF-12 would be 19.8 or more or less 20 units just to get the numbers out front. Generally I am in favor of infill developments and definitely reusing existing structures and preserving historical looks. On this particular one I am torn. I understand the economics of the situation but at the same time for consistency with other developments in the area I cannot support it at this time at this density level. Other than that, I think it is a good project, I think it has a lot going for it. The applicant has done some very wonderful infill projects that I support but I cannot support the density on this particular project at this point in time.

Hoover: Thank you Commissioner Bunch. Is there anymore discussion?

Ostner: A question for staff on procedure. If this fails in this form how long before he could resubmit in a different form?

Warrick: The same request could not come back for one calendar year. A different request, a materially different request, could be resubmitted.

Ostner: Ok.

Hoover: Does density count as materially different?

Warrick: I believe so. The applicant would have the opportunity should the Planning Commission vote to deny the request, the applicant does have the opportunity to appeal through due process to the City Council.

Hoover: Is that clear?

Ostner: Yes.

Anthes: Is the appeal to the City Council in the same schedule as if we send it to the City Council?

Warrick: It depends on the applicant's time frame with regard to how quickly they submit information to the City Clerk's office. There is typically a three week delay in items being forwarded from this level to the City Council through a staff review form and I believe that the applicant would be on the same processing schedule. This coming Friday is a deadline to start processing for I believe the June 3rd City Council meeting.

Vaught: Could we change this R-PZD to say a maximum of 39 units instead of 39 units to give the developer some lead way in reconfiguring on his own?

Warrick: You have the ability to do that.

Hoover: Right now we have a motion that we need to vote on.

Vaught: Can we amend the motion?

Hoover: Yes.

Shackelford: I would be willing to amend the motion to word a maximum of 39 units.

Vaught: I would concur.

Hoover: Would you reiterate your motion because it has been a little while.

MOTION:

Shackelford: I make a motion that we approve R-PZD 03-3.00 with the changes that it says that we are recommending for approval to the City Council a maximum of 39 residential units with 64 parking spaces. I am finding on condition number one regarding in favor of the Parks Board that land plus fee be dedicated. I am finding in favor of waiver number two that there be a lesser amount of landscape setback to allow the three parking spaces to remain on site. I am finding in favor of the waiver in condition number three that would reduce the setback from centerline by 3.01'. I believe that is all the specific findings that I have to make.

Hoover: Commissioner Vaught, do you still second?

Vaught: Yes, I still second.

Hoover: Thank you. I appreciate the clarification. I appreciate the public involvement tonight and everyone staying late and the Planning Commission's good discussion. Now can we vote?

Shackelford: Let's vote.

Hoover: Renee, please call the roll.

Roll Call: Upon the completion of roll call the motion to forward R-PZD 03-3.00 to the City Council was approved by a vote of 5-4-0 with Commissioners Ostner, Estes, Bunch and Hoover voting no.

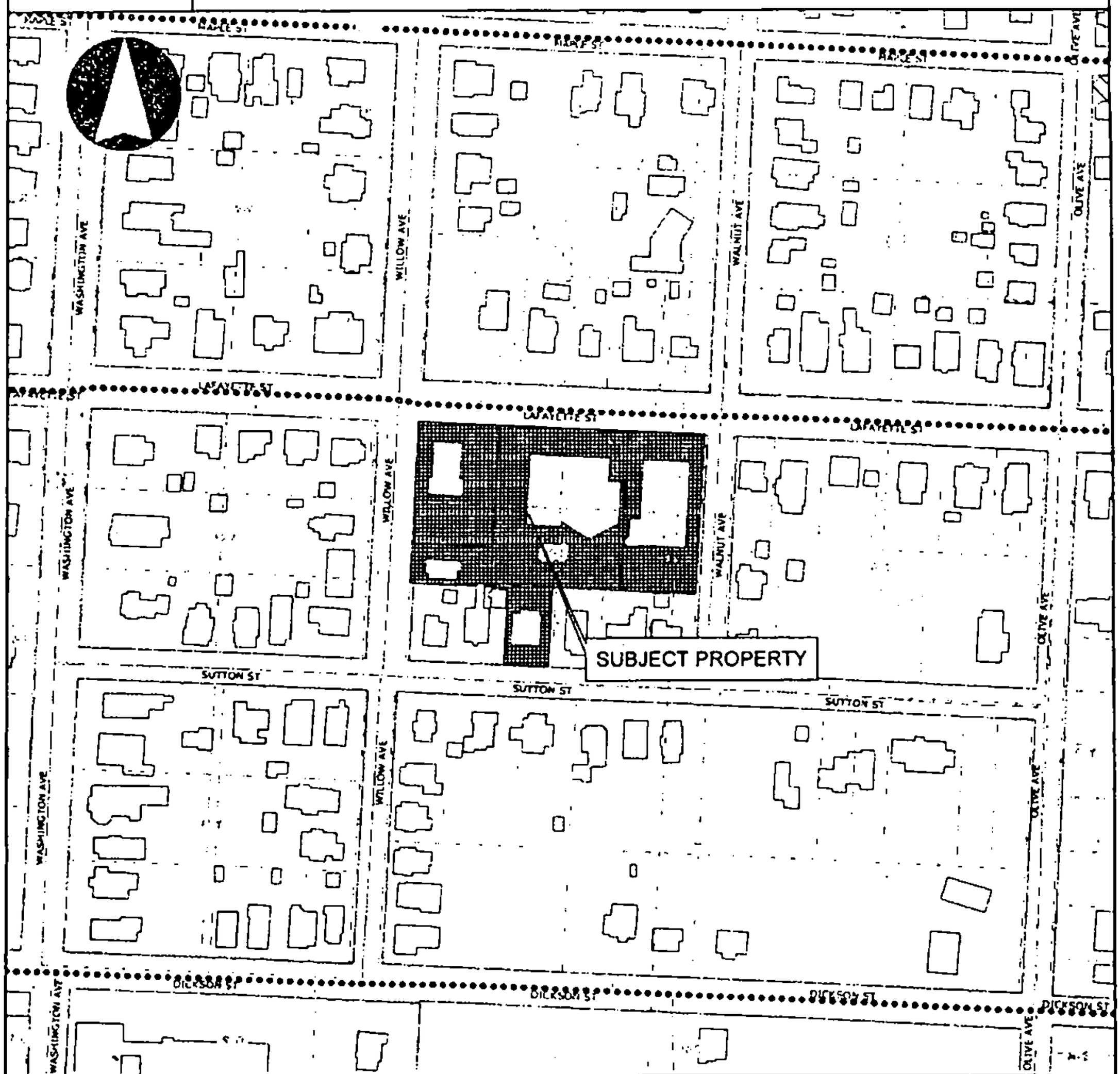
Thomas: The motion passes five to four.

Hoover: Thank you Richard. We are adjourned.

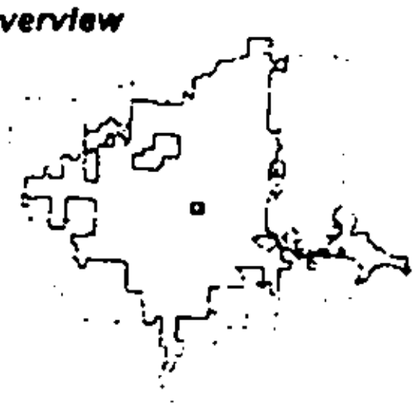
R-PZD03-3.00

NORTH COLLEGE DEVELOPMENT CO.

Close Up View



Overview



Legend

Subject Property

R-PZD03-3.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

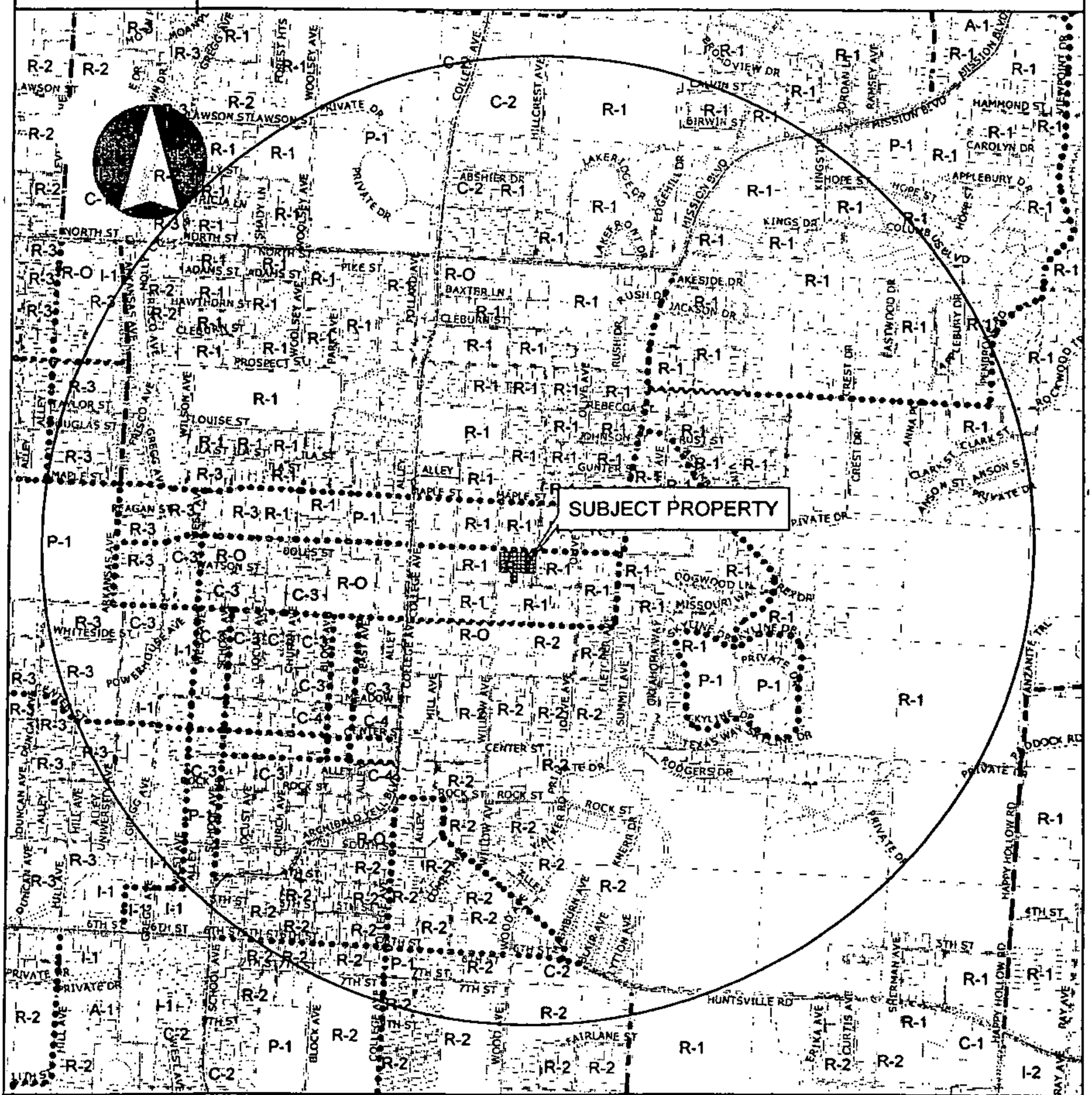
Historic Collector

0 75 150 300 450 600 Feet

R-PZD03-3.00

NORTH COLLEGE DEVELOPMENT CO.

One Mile View



STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council Meeting of: ~~June 3, 2003~~ JUNE 17, 2003

FROM:

Julie Bland	Planning	CPE Services
Name	Division	Department

ACTION REQUIRED: Approval of a resolution authorizing staff to proceed with a Downtown Master Plan for the City of Fayetteville and a budget adjustment not to exceed $200,000.

COST TO CITY:

$200,000.00	$ -	Downtown Master Plan Study
Cost of this request	Category/Project Budget	Program Category / Project Name
1010-6300-5314.00	$ -	Other Capital Improvements
Account Number	Funds Used to Date	Program / Project Category Name
03024	$ -	General Fund
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ___ Budgeted Item X Budget Adjustment Attached

Barbara Lell — Budget Manager — 5/20/03 Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing — Accounting Manager — 5/21/03 Date
Nancy Smith — Internal Auditor — 5/28/03 Date
D. H. White — City Attorney — 5/21/03 Date
[redacted] Vice Pres — Purchasing Manager — 5/28/03 Date

STAFF RECOMMENDATION:

Julie Bland — Division Head — 5/20/03 Date

___ Department Director — Date

Finance & Internal Services Dir. — 5-21-03 Date

Hugh Earnest — Chief Administrative Officer — 5-20-03 Date

Kim Roddy — Mayor — 5/21/03 Date

Received in Mayor's Office 5/21/03 TB Date

Cross Reference:

Previous Ord/Res#: ___

Orig. Contract Date: ___

Orig. Contract Number: ___

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

ENTERED 5/21 TLM

Staff Review Form - Page 2

Description _____ Meeting Date June 3, 2003

Comments: Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS TO SEEK A CONSULTANT GROUP TO DEVELOP A DOWNTOWN MASTER PLAN; AND APPROVING A BUDGET ADJUSTMENT IN AN AMOUNT NOT EXCEED TWO HUNDRED THOUSAND DOLLARS ($200,000.00) FOR SAME.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes City Staff to issue a Request For Proposals to seek a consultant group to develop a Downtown Master Plan.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in an amount not exceed Two Hundred Thousand Dollars ($200,000.00) for same.

PASSED and **APPROVED** this 3rd day of June, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: May 16, 2003

To: The Mayor and Council

From: Hugh Earnest, Chief Administrative Officer
Tim Conklin, Director, Community Planning and Engineering

Subject: Downtown Master Plan

Background
The City of Fayetteville has been involved in improving its downtown area since the 1970's. A series of projects from the public and private sectors has seen the center core revitalized through investments by banks, the University, the City, various hotel interests and a number of private investors. In addititition, the Dickson Street corridor has witnessed the construction of the Walton Arts Center and the ongoing improvements to the street itself along with numerous investments by private interests up and down the corridor.

Current Situation
There is a growing consensus among all parties that a comprehensive look at the next steps to take in improving this crucial part of this City's culture and ambience is necessary. One of the guiding principles that came out of the recent City Council retreat was clear and concise on this point. ***Dickson-Downtown Developed as a "Cultural and Entertainment District"*** is a clear indication that the policy makers believe that we must maintain a focus on this important asset. The Northwest Business Council has been working to secure the funds necessary to study how best to integrate the Walton Arts Center into a Cultural District. The Downtown Dickson Enhancement Program (DDEP) has worked tirelessly with the merchant base to improve the area. The City Council has certainly assisted in this important effort by its large investment in the improvements to the street itself. The recently completed Streetscape and Sidewalk plan from DDEP is another clear indication of the continued focus on this area.

Over the past several months, city staff has been putting together a draft request for proposal (RFP) for a downtown master plan. The effort has involved representatives from DDEP, the Walton Arts Center, the U of A Community Design Center and city staff. A copy of their work is attached.

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

Recommendation
It is our recommendation that the City Council appropriate an amount not to exceed $200,000 for this purpose. The rationale for this effort is best summarized by the opening statement on page one of the RFP.

> **The plan develops a long-range vision for the future of Downtown Fayetteville as the heart of a fun city to live. Downtown remains home to many of the major civic functions of the community, and possesses many components of a vibrant Cultural and Entertainment District. Downtown is also the place where the interface of the University of Arkansas and the Community is most visible. This presents a unique opportunity to capitalize on the assets of being a university city while providing enhanced facilities for all of the citizens of the community and the region.**

The money for this important planning effort can be appropriated from the $500,650 added back to General Fund from unexpended budgets during 2002.

We also believe that the use of a consultant group with experience in design, planning and building a consensus among many disparate groups is absolutely essential if we wish to be successful in this important effort.

Budget
A. 2. Page 12

City of Fayetteville, Arkansas
General Fund

	Actual 2001	Budgeted 2002	Actual 2002 Subject to Audit	Budgeted 2003
Beginning Fund Balance	$ 10,274,934	$ 9,697,723	$ 9,697,723	$ 8,578,925
Resources				
Revenues:				
Sales Tax - County	8,353,312	8,325,000	8,617,527	8,857,000
Alcoholic Beverage Taxes	289,521	290,000	316,162	290,000
Franchise Fees	3,335,148	3,228,500	3,031,433	3,619,900
Licenses & Permits	755,604	821,000	842,666	969,000
Intergovernmental	1,558,970	1,713,217	1,715,692	1,386,000
Charges for Services	1,080,418	1,197,500	1,185,073	1,095,700
Fines & Forfeitures	1,247,063	1,171,000	1,253,452	1,405,000
Investment Earnings	504,808	422,000	316,342	214,000
Other	141,265	787,693	914,247	118,000
Total Revenue	17,266,109	17,955,910	18,192,594	17,954,600
Operating Transfers In:				
Off Street Parking	39,105	34,000	48,404	43,000
Community Development Block Grant	28,194	23,540	23,540	0
Sales Tax - City	2,983,968	2,841,000	2,841,004	4,557,000
Total Transfers In	3,051,267	2,898,540	2,912,948	4,600,000
Total Resources	20,317,376	20,854,450	21,105,542	22,554,600
Uses				
Expenditures:				
General Government	3,637,055	4,481,591	3,759,439	5,117,914
Cost Reimbursements	(2,420,448)	(2,541,468)	(2,541,468)	(2,235,786)
Community Planning & Engineering Services	2,156,131	2,452,980	2,207,887	2,263,615
Operations	2,311,013	2,467,965	2,236,822	2,512,300
Finance & Internal Services	2,840,195	3,382,193	3,157,557	2,904,717
Police	7,395,163	8,224,854	7,902,043	8,244,551
Fire	4,480,675	4,936,349	4,918,911	4,977,285
Water & Wastewater	140,800	146,030	132,493	150,632
Total Expenditures	20,540,584	23,550,494	21,773,684	23,935,228
Operating Transfers Out:				
Arts Center Bond Fund	319,200	282,640	403,228	407,115
Drug Law Enforcement Fund	34,803	53,000	47,428	69,886
Replacement Fund	0	16,800	0	0
Total Operating Transfers Out	354,003	352,440	450,656	477,001
Total Uses	20,894,587	23,902,934	22,224,340	24,412,229
Net Resources (Uses)	(577,211)	(3,048,484)	(1,118,798)	(1,857,629)
Ending Fund Balance	$ 9,697,723	$ 6,649,239	$ 8,578,925	$ 6,721,296
2003 Approved Ending Fund Balance				5,489,674
Funds Available for Rollforwards				1,231,622
2002 Amount of Rollforwards				730,972
		Surplus Funds Added to Fund Balance		$ 500,650

City of Fayetteville, Arkansas
Budget Adjustment Form

Downtown Master Plan
C. 1. Page 7

Budget Year	Department: Community Planning & Eng. Serv.	Date Requested	Adjustment Number
2003	Division: Planning Program: Planning	6/3/2003	

Project or Item Requested:
$200,000 is requested for a Downtown Master Plan study.

Project or Item Deleted:
None. Use of fund balance is proposed.

Justification of this Increase:
This study will continue and enhance our efforts to improve Fayetteville's downtown effort.

Justification of this Decrease:
The funding proposed for this adjustment is from unexpended 2002 General Fund appropriations. At the end of 2002 approximately $500,650 was returned to General Fund reserves after the 2002 to 2003 re-budget was approved. Funding this request will leave an approximate $300,650 increase in predicted General Fund reserves at the end of 2003.

Sufficient funding remains to comply with City Policies.

Increase Expense (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Professional services	1010	6300	5314	00	200,000	03024	1

Decrease Expense (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	1010	0001	4999	99	200,000		

Approval Signatures

Requested By — Date

Barbara Fell — 5/20/03
Budget Manager — Date

Department Director — Date

Finance & Internal Services Director — 5-20-03 Date

Mayor — Date

Budget & Research Use Only

Type: A B C D E

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

City of Fayetteville, Arkansas

Request for Proposals

Downtown Master Plan

Fayetteville

Downtown Master Plan

The City of Fayetteville's Department of Community Planning and Engineering Services, The University of Arkansas Community Design Center (UACDC), the Downtown Dickson Street Enhancement Project (DDEP) and the Downtown Cultural Arts District Task Force have the goal of completing a Master Plan for Downtown Fayetteville. The plan will be completed through input from the Fayetteville community and with the assistance of a team of consultants experienced in Downtown design, planning and creating a diverse, growing local economy.

The plan develops a long-range vision for the future of Downtown Fayetteville as the heart of a fun city in which to live. Downtown remains home to many of the major civic functions of the community, and possesses many components of a vibrant Cultural and Entertainment District. Downtown is also the place where the interface of the University of Arkansas and the Community is most visible. This presents a unique opportunity to capitalize on the assets of being a university city while providing enhanced facilities for all of the citizens of the community and the region.

The Master Plan recommendations will relate to the following seven major strategies for the future, each of which contains important steps in implementing the Master Plan.

7 Major Strategies

- **An Authentic City Center**
  Downtowns historically serve as the center of activity for residents and visitors. Fayetteville residents will enjoy Downtown and take pride and identify it as their place to gather. The plan will make ***recommendations to create places and activities*** for citizens to participate in and create civic symbols to identify with including the Walton Arts Center, Dickson Street, Farmer's Market and Fayetteville Town Center.
- **A Specialty Shopping Destination**
  Downtown Fayetteville currently has a collection of specialty shops and restaurants. The plan will ***recommend fully developing these markets to*** make Fayetteville the most distinctive and vibrant Downtown in the Northwest Arkansas region.
- **A Regional Cultural and Entertainment District**
  The plan recognizes the potential for a performing arts district in Downtown. Many components are already in place. Downtown Fayetteville can become Northwest Arkansas' premier center for the performing arts. The combination of existing resources such as University of Arkansas Fine Arts Theatre, Walton Arts Center, The Center for Continuing Education, many art venues, the Dickson Street entertainment district, the many varied garden areas such as the Square Gardens and Town Center Plaza gardens, and with planned enhancements will help to ***establish Downtown Fayetteville as a regional Cultural And Entertainment District.***
- **A Welcoming Place for Visitors**
  Fayetteville attracts visitors on many weekends associated with university special and athletic events. Downtown Fayetteville is an authentic university city, a place for nostalgia for thousands of alumni and has the potential to become the primary destination for visitors to the great natural resources of the region. Downtown Fayetteville can be the ***hub of this visitor experience.***
- **A Mixed-Use Neighborhood**
  The plan will recommend a residential development strategy in and around Downtown, both in upper floors above retail and in urban- style apartments and townhouses. Downtown Fayetteville will become a new residential option offering a pedestrian- oriented urban lifestyle for those seeking a lively alternative to traditional neighborhoods. For this to become possible, the plan will make recommendations to unify Downtown zoning through creating ***design standards and guidelines***, and making ***zoning map and text amendments.***
- **A Parking Management Strategy – Supply and Demand Analysis**
  Downtown Fayetteville currently accommodates off-street parking in 16 surface parking lots, one future and 2 existing parking decks. This master plan will address future ***off-street parking*** needs based on ultimate build-out and land use within the district, planning for future pedestrian connections through a ***master sidewalk plan.***
- **A Partnership for the Future**
  A ***task force*** will be created to lead Fayetteville's Downtown Master Plan. The task force will be a partnership between the City of Fayetteville, DDEP, UACDC, the Cultural Arts District Task Force and other groups already in existence within the study area who are concerned with the growth and success of Downtown Fayetteville. These groups will advise and make recommendations on specific projects to spur economic growth and investment in Fayetteville.

I. Downtown Master Plan

Fayetteville, Arkansas

A. Purpose

The City of Fayetteville, Arkansas is seeking consultants or consultant teams to develop a comprehensive master plan for Downtown Fayetteville. The plan will help determine the Downtown market niche, recommend physical improvements, and provide a marketing plan to attract new investment and consumers to Downtown Fayetteville.

B. Project Description

Fayetteville is a dynamic community of 58,047 residents and home to The University of Arkansas with 16,035 students. Fayetteville's Downtown is centrally located within the Downtown/Dickson Street area and adjacent to the University of Arkansas Campus. Most properties in Downtown are occupied with good commercial diversity. The physical condition of buildings ranges from good to poor, but with top quality renovation of some area buildings in the last few years. Some Downtown anchors have been a presence for decades. There is a degree of turnover in smaller shops and restaurants.

Fayetteville completed a Downtown/Dickson Street Study with physical streetscape improvements such as brick pavers crosswalks, benches, lamp posts, street trees, pedestrian improvements, landscaping, and parking improvements. These improvements are being made at the current time.

While most properties in the Downtown are occupied, the community as a whole would like to see greater mixed use development, pedestrian connectivity, and a plan for future off-street parking needs. Many in the Fayetteville community perceive that Downtown could be a teaming, diversified Cultural And Entertainment District. The selected consultants will coordinate the development of the Downtown Master Plan.

C. Scope of Work

The consultants will provide the following services to the City of Fayetteville:

- The consultants will conduct a **physical master plan** for Downtown Fayetteville that will include the following:

  - **Conceptual urban design plan** for the Downtown area that will identify new development and redevelopment opportunities, public spaces, vehicular and pedestrian traffic enhancements, links to surrounding neighborhoods and the University of Arkansas, and other items as needed.

  - Identification of a **parking management strategy** including a supply and demand analysis of existing and future parking needs based on development activity in the community.

  - Identification of a **streetscape improvement palette** for street furniture, signage, pavement materials, trash collection sites, landscape materials and other similar features.

- Identification of **priorities and recommendations** for phasing of improvements. The Consultants will identify sites within the Downtown that have development or re-development potential. The consultants will document these sites and with the assistance of city staff, compile information regarding property ownership, parcel size, building square footage, assessed value, and other pertinent information. The consultants will assess the market orientation, reuse potential, and site design elements of these sites and identify potential future uses based on the market and development trend information.

❖ The consultant will assist the City in identifying the Downtown's **market niche** and develop an **advertising and marketing theme and strategy** that addresses Downtown Fayetteville's current needs and desired target markets. This advertising and marketing strategy must be able to be feasibly implemented within the budgetary and staffing constraints of the City of Fayetteville and its Downtown business partners.

❖ The consultant will also develop a Downtown business **recruitment strategy** that will allow the city to approach and recruit targeted businesses that support and compliment the Downtown's desired market niche. The business recruitment strategy must be designed in a way that can be implemented within the City's current organization and must be sensitive to the City's budgetary and staffing limitations.

❖ The consultant will examine the operational, organizational, and management capacity of the Downtown and its current organizations. The consultant will suggest approaches for improving current Downtown operations through **consolidation or expansion of existing organizations**. Such issues as hours of operation, activities/events planning and promotions, merchant/Downtown relations, advertising/window displays, public relations and promotional events, and similar issues will be examined.

❖ The consultant will **interview key players** located in, or associated with, the Downtown in order to understand the physical, market and organizational forces that are shaping the Downtown. Public officials, Downtown merchants, key property owners, real estate brokers, staff representatives from DDEP membership and the Fayetteville Chamber of Commerce, U of A officials, neighborhood associations, local arts groups and other key Downtown stakeholders will be interviewed. Local **Downtown area groups** to be contacted will also include:

- The Cultural Arts District Task Force, the NWA Council, Off Street Parking District#1, Dickson Street Improvement District, DDEP, UACDC, Dickson Street Neighborhood Association, Town Mountain South Neighborhood Association, Washington Willow Neighborhood Association, West Lafayette Street Historic Neighborhood Association, local churches, and the Advertising & Promotion Commission.

- The consultant will develop an **implementation strategy** that identifies organizational strategies, funding mechanisms, and time frames for physical improvements and marketing programs.

- The consultant will prepare **zoning text amendments, zoning map amendments, and design standards and guidelines**. The consultant will prepare and make recommendations on developing a **design review process** as part of the implementation of design standards and guidelines. These amendments and guidelines will be based on principals of traditional urban design appropriate to Fayetteville. The amended code will include a **visual component** and **design transect** based on current and future function and land use specific to identified corridors and neighborhoods. This can be prepared either by a graphic designer on staff with the consultant or by a graphic design firm on the consultant's team.

- The consultant will produce at a minimum 25 bound copies, 1 camera-ready copy and an electronic version (MS XP and/or Adobe Acrobat Portable Document Format) of the **final report**. The consultant will also provide hard copy and electronic copies of any databases, spreadsheets, maps or graphics. A final presentation and an executive summary brochure will be completed for distribution/presentation to the community, potential developers, and others.

D. Community Involvement

Community involvement is key to a successful plan. Submitting firms should provide a methodology for community participation that allows for the active involvement of City Council, the local business community, and the citizens of Fayetteville. The consultant should plan to utilize the City's public access television station and World Wide Web site to disseminate information to the public. The City of Fayetteville will provide coordination of meetings and a staff contact for the duration of the project.

E. Schedule

Submittals should include a proposed schedule for the project. The City would prefer that the project be completed within 6-8 months of the approval of the contract for the project.

F. Bidding Instructions

1. Sealed proposals must be received no later than 5:00 p.m. on **July 31, 2003**.
2. Sealed proposals must be submitted or mailed to: Peggy Vice, Purchasing Manager, room 306, 113 West Mountain, Fayetteville, Arkansas 72701.
3. Eight (8) copies of the proposal must be provided in the submission.
4. The sealed proposals should be clearly labeled **RFP Downtown Master Plan** on the outside of the envelope.
5. All proposals submitted shall be binding for ninety (90) calendar days following the above due date for receipt of proposals.

To facilitate the clarification of requirements, proposers are requested, if possible, to submit questions in writing by **July 24, 2003**. Please submit your questions to:

Tim Conklin, Director
Dept. of Community Planning & Engineering Services
City of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701
Telephone (501) 575-8265.

Preliminary Schedule
Kickoff meeting with City Staff and groups in the study area.
Information gathering meeting with City of Fayetteville Citizens and City Council.
Periodic progress reports to the all entities involved.
Presentation of final product to the City Council, and the general public.

Selection Criteria
The selection of a consultant will be based on qualifications submitted in written form as well as personal interviews. Criteria for selection will include, but not necessarily be limited to, the following:

- Overall written proposal and interview.
- Technical expertise of project team members who are actively involved throughout the project.
- Overall project approach.
- Ability, capacity and skill of the offeror to perform the work (including financial stability).
- Timeliness.
- Experience in local government economic development planning.
- References from other similar projects.
- Location of company as it pertains to responsiveness and ease of operation.

Submittal Requirements
Prospective consultants will submit (8) eight copies of their proposal which address the following:

- The name, address, phone, fax, and email address of a contact person from the submitting firm.
- A proposed scope of services for the Downtown Master Plan.
- A community involvement methodology.
- A staffing plan that identifies the individuals involved in the effort along with their experience and resumes. The staffing plan should identify who the project manager will be along with any team structure for multiple firms submitting.
- Proposed project schedule.
- Similar project experience and results related to the (1) urban design, (2) economic and market, and (3) advertising and marketing elements of this project.
- Qualifications of team members.
- A minimum of five references from clients with completed similar projects.
- Any other supporting documentation.

Standard terms and conditions relating to the CITY's RFP process:

1. The CITY reserves the right to reject any or all proposals, the right in its sole discretion to accept the proposal which it considers most favorable to the CITY's interest, and the right to waive any minor irregularity or technicality in proposals received.
2. Failure to observe any of the instructions or conditions in this request for proposal may constitute grounds for rejection.
3. The CITY will not be liable for any costs incurred in the preparation of proposals.
4. The CITY reserves the right to request an interview with any proposer to determine service capabilities in greater detail and to clarify any unclear areas in the proposal. This may include a site visit to the proposer's facilities.
5. In the event the proposer to whom the contract is awarded does not execute a contract within 45 days of such award, the CITY may give notice to such proposer of intent to award the contract to the next ranked proposer, or to call for new proposals.
6. By submitting a proposal, the proposer certifies that the appropriate officer has read and fully understands this RFP and has full knowledge of the scope, nature, quantity, and quality of work to be performed; the detailed requirements of the services to be provided; and the conditions under which the services are to be performed.
7. The CITY reserves the right to accept or reject any item or combination of items within a proposal.
8. The CITY reserves the right to conduct pre-contract negotiations with any or all proposers.
9. The proposer shall furnish such additional information as the CITY may reasonably require. The CITY reserves the right to make investigations of the qualifications of the proposer, as it deems appropriate.
10. The CITY reserves the right to invest any or all funds in accordance with applicable statutes, CITY ordinances, and bond covenants.
11. This RFP contains an anticipated number of transactions. Although this is the CITY's best estimate of expected volumes, the CITY cannot guarantee that such will be the actual transaction volumes.
12. All proposals will become the property of the City of Fayetteville when received and, as such, will be subject to Arkansas' Freedom Of Information Act.

Contract terms

1. *Cancellation of contract* - the CITY reserves the right to cancel any agreement at any time upon 90 days prior written notice of its intent to terminate any agreement. The contracted firm shall provide the CITY at least 90 days prior written notice of its intent to terminate any agreement.

Tim Conklin
Community Planning and Engineering Services Director
City Of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Dear Mr. Conklin:

We have read the Downtown Master Plan RFP and fully understand its intent. We certify that we have adequate personnel, equipment, and facilities to fulfill the requirements thereto. We understand that our ability to meet the criteria and provide the required services shall be judged solely by the selection committee.

It is understood the attached information will be used as evidence of our ability to satisfy the requirements necessary to provide the services requested.

It is further understood that all information included in, attached to, or required by this request for proposal shall become public record upon their opening by the purchasing manager.

Submitted By:_____
(Authorized Signature) (Title)

(Telephone):_____

(Date):_____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

127 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-575-82647

AGENDA FOR A MEETING OF THE IN-HOUSE PLAT REVIEW COMMITTEE
Friday, May 23, 2003 9:00 a.m.
Engineering Conference Room
And
AGENDA FOR A MEETING OF THE TECHNICAL PLAT REVIEW COMMITTEE
Wednesday, May 28, 2003 9:00 a.m.
Room 111

New Business:

*1. **PLA03-16.00: Property Line Adjustment (Lindsey, pp136)** was submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of Lindsey Management for property located on the sw corner of Zion Road and Vantage Drive. The property is zoned R-2, Medium Density Residential and contains approximately 25.75 acres. The request is to reconfigure the 4 tracts from 10.78, 4.99, 4.99 and 4.99 acres into tracts containing 22.75, 1.00, 1.00 and 1.00 acres respectively.

*2. **PLA 03-17.00: Property Line Adjustment (Poore, pp294)** was submitted by Alan Reid of Alan Reid & Associates on behalf of Freda Poore for property located at3192 E Township Street. The property is zoned A-1, Agricultural and contains approximately 9.54 acres. The request is to reconfigure the 2 tracts from 3.18 and 6.36 acres to 6.59 and 2.95 acres respectively.

*3. **PLA 03-18.00: Property Line Adjustment (Keating, pp485)** was submitted by Jorgensen and Associates on behalf of Richard Keating for property located at 444 E Sutton Street. The property is zoned R-1, Low Density Residential and contains approximately 1.377 acres. The request is to reconfigure the two tracts from 0.617 and 0.76 acres to 0.737 and .064 acres respectively.

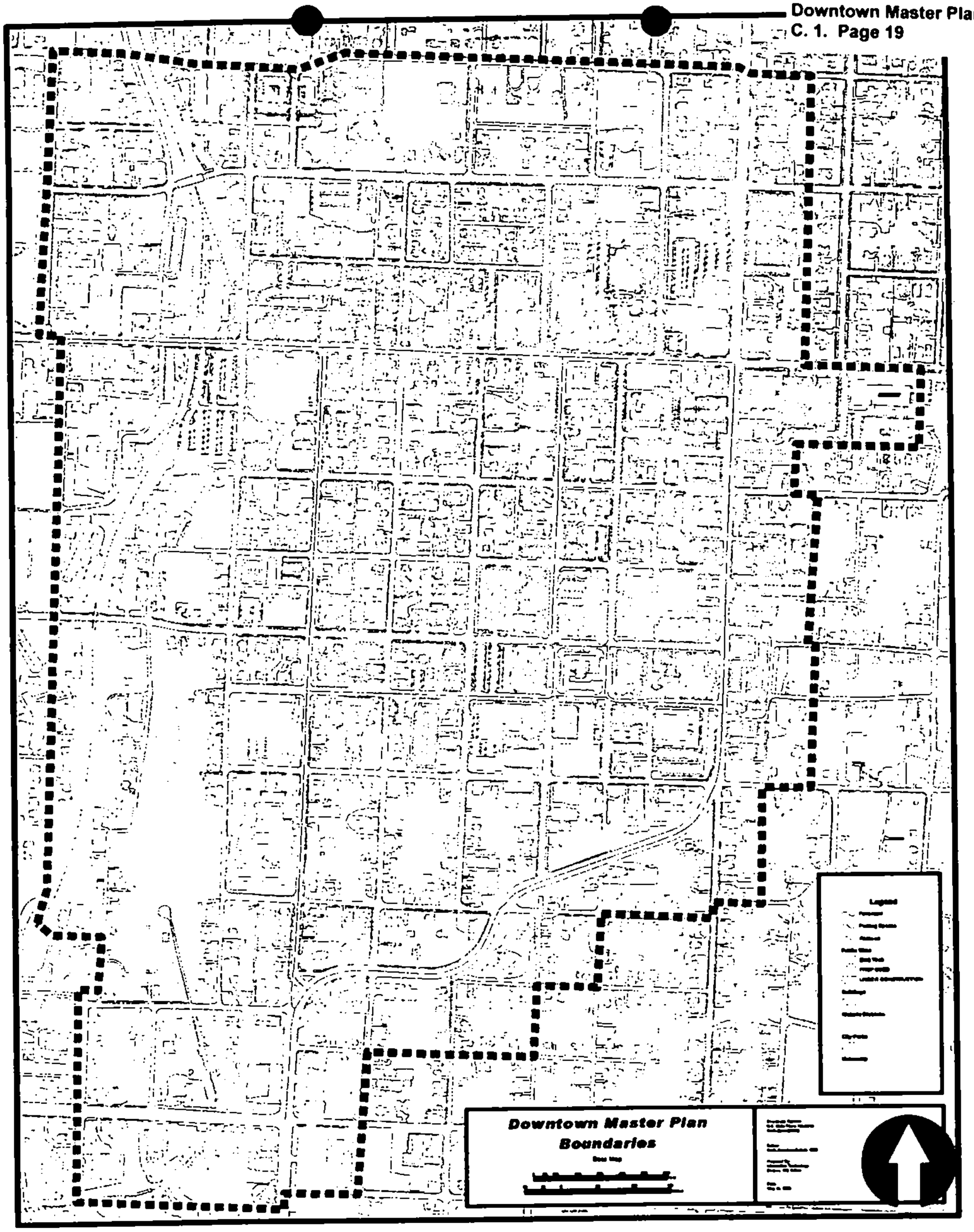
*4. **PLA 03-19.00: Property Line Adjustment (Lewis & Carter)** was submitted by Jorgensen and Associates on behalf of Rob Lewis and Mike Carter for property located s of Londonderry and w of Crossover Road. The property is zoned A-1, Agricultural and contains approximately 8.43 acres. The request is to reconfigure the two tracts from 5.88 and2.55 acres to 4.88 and 3.88 acres respectively.

5. **LSP 03-40.00: Lot Split (Parker, pp 564)** was submitted by Alan Reid of Alan Reid & Associates on behalf of Kathy Parker Mastalerz for property located at 701 Huntsville R The property is zoned R-1, Low Density Residential and contains approximately 1.93 The request is to split the property into two tracts of 0.42 acres and 1.30 acres with 0.21 dedicated as right-of-way.

6. **LSP 03-41.00: Lot Split (Hampton, pp 526)** was submitted by Ron Hampton on behalf of Carey J Hampton for property located at 650 S Ray Avenue. The property is zoned R-1, Low Density Residential and contains approximately 0.61 acres. The request is to split the property into to equal tracts of .305 acres.
7. **PZD 03-05.00: Residential Planned Zoning District (Southern View Apts. Phase II, pp 519) was** submitted by Crafton, Tull & Assoc., Inc. on behalf of Lindsey Management for property located at Shiloh Drive and Old Farmington Road. The property is zoned C-2, Thoroughfare Commercial and contains approximately 6.7 acres. The request is to designate a Residential Planned Zoning District for mixed use commercial/residential. containing 74% residential floor area (85 bedrooms) and 26% commercial (retail) floor area proposed.
8. **FPL 03-04.00: Final Plat (Cornerstone Subdivision, pp 402)** was submitted by Jorgensen and Associates on behalf of Lindsey Properties for property located west of Porter Road and south of Megan Drive. The property is zoned R-1, Low Density Residential and RMF-12, Moderate Density Multi-Family Residential and contains approximately 15.34 acres with 10 lots proposed.
9. **FPL 03-05.00: Final Plat (Legacy Point Phase I, pp 435/474)** was submitted by Jorgensen and Associates on behalf of Charles Sloan Properties, Inc. for property located east of Double Springs Road and south of Owl Creek. The property is zoned R-1, Low Density Residential and RMF-6, Low Density Multi-family Residential and contains approximately 36.53 acres with 66 single family and 24 duplex lots proposed.
10. **LSP 03-42.00: Lot Split (Sweetser-Stafford, pp 293)** was submitted by Jo Hannah Sweetser-Stafford for property located at 2622 Azalea Terrace. The property is zoned R-1, Low Density Residential and contains approximately 2.72 acres: The request is to split the subject property into two tracts of 1.32 and 1.40 acres proposed.

TENTATIVE

***Denotes In-House meeting only. Plats are available for review in the Planning Division.**


Downtown Master Plan
Boundaries

STAFF REVIEW FORM – FINANCIAL OBLIGATION

x AGENDA REQUEST
x CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of June 17, 2003

FROM:

Jim Beavers	Engineering	CPE Services
Name	Division	Department

ACTION REQUIRED:

1. Approval of a resolution awarding an engineering services contract to USI-Arkansas, Inc. in the amount of $220,976.00 for a engineering services associated with the Upper Hamestring Creek basin area (Holly/Vista, Sang/Berry and I-540) and the Shenandoah Trailer Park area.

2. Approval of a project contingency in the amount of $20,000.00.

COST TO CITY:

$ 240,976	$849,975 *	Bridge and Drainage
Cost of this Request	Category/Project Budget 2003	Program Category/Project Name
4470-9470-5817.00	$0 **	Drainage
Account Number	Funds Used To Date 2003	Program/Project Category Name
02023-0010 Holly/Vista 02054-0010 Shenandoah	$ 849,975	Sales Tax
Project Number	Remaining Balance 2003	Fund Name

* Combining the two drainage projects into one contract.

2003 Budgets: Holly/Vista $600,000.00; Shenandoah area $249,975.00

** The preliminary studies were funded separately from project 02097, Master Drainage Study, $93,424.00.

BUDGET REVIEW: x Budgeted Item ____ Budget Adjustment Attached

Barbara Hall 5/30/03
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing 5/30/03
Accounting Manager Date

Nancy Smith 6/2/03
Internal Auditor Date

6/2/03 — City Attorney — Date

6/2/03 — Purchasing Manager — Date

STAFF RECOMMENDATION: Approval

5/21/03 — Division Head — Date
Gary Coover, City Engineer

5-29-03 — Department Director (A) — Date
Tim Conklin, CPE

6-3-03 — Department Director (B) — Date
Gary Dumas, Operations

6-4-03 — Finance and Internal Services Director — Date

6-4-03 — Chief Administrative Officer — Date

Mayor — Date

Received in Mayor's Office — Date

Cross Reference :

Prev Ord/Res #:

Orig. Contract Date:

Orig. Contract No:

New Item: **Yes x No**

STAFF REVIEW FORM

Description USI-Arkansas, Inc. Engineering services contract for drainage in the Upper Hamestring and Shenandoah Trailer park area basins.

Meeting Date June 17, 2003

Comments: Reference Comments:

Budget Manager

Accounting Manager

Internal Auditor

City Attorney

Purchasing Manager

Finance and Internal Services Director

Chief Administrative Officer

RESOLUTION NO. _____

A RESOLUTION AWARDING A CONTRACT IN THE AMOUNT OF TWO HUNDRED TWENTY THOUSAND NINE HUNDRED SEVENTY-SIX DOLLARS ($220,976.00) TO USI-ARKANSAS, INC. FOR ENGINEERING SERVICES ASSOCIATED WITH THE UPPER HAMESTRING CREEK BASIN AND THE SHENANDOAH TRAILER PARK AREA; AND APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF TWENTY THOUSAND DOLLARS ($20,000.00).

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards a contract in the amount of Two Hundred Twenty Thousand Nine Hundred Seventy-Six Dollars ($220,976.00) to USI-Arkansas, Inc. for engineering services associated with the Upper Hamestring Creek Basin and the Shenandoah Trailer Park Area. A copy of which, marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a project contingency in the amount of Twenty Thousand Dollars ($20,000.00).

PASSED and **APPROVED** this 17th day of June, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

FAYETTEVILLE

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

To: Dan Coody, Mayor
Fayetteville City Council

Thru: Tim Conklin, Director CPE T.C.
Gary Coover, City Engineer
Staff Review

From: Jim Beavers, Engineering Jim Beavers

Date: May 20, 2003

Re: City Council Meeting June 17, 2003:
Engineering Services contract with USI-Arkansas, Inc for drainage studies and/or improvements within the Upper Hamestring Creek (Holly/Vista, Sang Berry, I-540) and Shenandoah Trailer Park area basins.

1. Background

The drainage improvements for the Upper Hamestring Basin and the Shenandoah Trailer Park area are approved and budgeted Capital Improvement Projects. On July 2, 2002, the City Council approved an engineering services contract in the amount of $93,424.00 with USInfrastructure for engineering studies and recommendations for the Upper Hamestring Creek basin and the Shenandoah Trailer Park area basin. The study phase included field investigations, public meetings, hydrologic and hydraulic modeling and recommendations.

The findings and recommendations from the study were presented to the Street Committee on January 15, 2003 and the City Council on February 18, 2003.

2. Current Status

a. Project.

Subsequent to the February 18, 2003 City Council Meeting and an Asbell area neighborhood meeting on April 22, 2003, the enclosed engineering services contract has been developed. The proposed contract utilizes the City's new standard contract and includes:

The surveying, final designs, bidding and construction management for:

Holly/Vista area,
Sang/Berry area,
Shenandoah Trailer Park area.

Additional public meetings and reviews for the Holly/Vista improvements,

Easement document preparation,

Eight miles of ditch cleaning designed for in-house or contracted construction,

Hydrologic and Hydraulic studies of the downstream effects of adding a second box-culvert under I-540 for Hamestring Creek.

b. Costs/budget.

Proposed Costs:

$121,268.00	design lump sum
$10,164.00	bidding phase (two contracts) lump sum
$43,030.00	construction management as needed
$9,000.00	easement documentation as needed
$37,514.00	surveying as needed
$220,976.00	total contract

$20,000 project contingency

$240,976.00 total request

Budget:

The total CIP amount available for engineering, land and construction in 2003 is $849,975.00. We are combining the two drainage projects (Holy/Vista and Shenandoah) into one contract. The 2003 Budgets are: Holly/Vista $600,000.00; Shenandoah area $249,975.00.

Account number 4470-9470-5817.00, Project numbers 02023-0010 Holly/Vista and 02054-0010 Shenandoah.

The preliminary studies were funded separately from project 02097, Master Drainage Study, $93,424.00.

3. Recommendations/Request.

A. Approval of a resolution awarding an engineering services contract to USI-Arkansas, Inc. in the amount of $220,976.00 for a engineering services associated with the Upper Hamestring Creek basin area (Holly/Vista, Sang/Berry and I-540) and the Shenandoah Trailer Park area.

B. Approval of a project contingency in the amount of $20,000.00.

Enclosures

1. Proposed Engineering Services contract.

AGREEMENT
For
PROFESSIONAL ENGINEERING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
USI-ARKANSAS, INC.

THIS AGREEMENT is made as of _____, 20__, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and USI-Arkansas, Inc., with offices located in Springdale, AR. (hereinafter called USI).

CITY OF FAYETTEVILLE from time to time requires professional engineering services in connection with the study, planning, design, and construction of drainage projects in the City and in particular the Upper Hamestring Basin and Shenandoah Area (The "Project"). Therefore, CITY OF FAYETTEVILLE and USI in consideration of their mutual covenants agree as follows:

USI shall serve as CITY OF FAYETTEVILLE's professional engineering consultant in those assignments to which this Agreement applies, and shall give consultation and advice to CITY OF FAYETTEVILLE during the performance of USI's services. All services shall be performed under the direction of a professional engineer registered in the State of Arkansas and qualified in the particular field. If Construction Phase Services are to be provided by USI under this Agreement, the construction shall be executed under the observation of a professional engineer registered in the State of Arkansas in accordance with Arkansas Code Amended §22-9-101.

SECTION 1 - AUTHORIZATION OF SERVICES

1.1 Services on any assignment shall be undertaken only upon written Authorization of CITY OF FAYETTEVILLE and agreement of USI.

1.2 Assignments may include services described hereafter as Basic Services or as Additional Services of USI.

1.3 Changes, modifications or amendments in scope, price or fees to this contract shall **not** be allowed without a formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, costs, fees, or delivery schedule.

SECTION 2 - BASIC SERVICES OF

2.1 General

2.1.1 Perform professional design services in connection with the Projeet as hereinafter stated, which shall include normal civil, structural, mechanical, and electrical engineering services and normal architectural design services incidental thereto.

2.1.1.1 The Scope of Services to be furnished by USI during the Final Design Phase is included in Section 2.2 hereafter and in Appendix A attached hereto and made part of this Agreement.

2.1.1.2 The Scope of Services to be furnished by USI during the Bidding Phase is included in Section 2.3 hereafter and in Appendix B attached hereto and made part of this Agreement.

2.1.1.3 The Scope of Services to be furnished by USI during the Construction Phase, is included in Section 2.3 hereafter and in Appendix C attached hereto and made part of this Agreement.

2.2 Final Design Phase

2.2.1 Prepare for incorporation in the Contract Documents detailed drawings to show the character and scope of the Work to be performed by contractors on the Project (hereinafter called the "Contract Drawings"), and Invitation to Bid, Instructions to Bidders, Bid Form, Agreement and Bond forms, General Conditions, and Specifications (all of which, together with the Contract Drawings, are hereinafter called the "Bid Documents") for review and approval by CITY OF FAYETTEVILLE, its legal counsel, and other advisors as appropriate, and assist CITY OF FAYETTEVILLE in the preparation of other related documents.

2.2.1.1 Bid documents shall be based on Construction Specifications Institute (CSI) Master Format and Section Format and shall incorporate CITY OF FAYETTEVILLE's standard general conditions and forms. Text documents shall be provided to CITY OF FAYETTEVILLE in Microsoft® Word version 2000 software. Contract drawings shall be prepared using standard borders, sheet sizes, title blocks and CADD standards provided by CITY OF FAYETTEVILLE. USI may use their normal software for the

preparation of drawings but the final product shall be provided to CITY OF FAYETTEVILLE in Autodesk AutoCAD version 2000.

2.2.1.1.1 Develop and include in Appendix A of this Agreement, a project design schedule in which USI shall include, in an acceptable level of detail, the steps and milestone dates to be undertaken by USI in the completion of this final design including a schedule for design reviews to be conducted by the CITY OF FAYETTEVILLE.

2.2.1.2 When requested by the CITY OF FAYETTEVILLE's Director of Community Planning and Engineering Services, prepare for and attend City Council meetings to provide periodic updates on the progress of the project.

2.2.1.3 If the plans and specifications for the project require bids on alternates in addition to a base bid, there shall be no more than three (3) alternates, and the alternates shall be developed and described in accordance with Title 22, Article 9-203 of the Arkansas Code.

2.2.2 Prepare technical criteria, written descriptions, design data, and applications necessary for filing applications for permits from or approvals of governmental authorities having jurisdiction to review or approve the final design of the Project and assist in securing approvals. Actual Filing and Permit Fees will be paid by the CITY OF FAYETTEVILLE. Assist CITY OF FAYETTEVILLE in consultations with appropriate authorities.

2.2.3 Advise CITY OF FAYETTEVILLE of final Opinion of Probable Project Costs.

2.2.4 Furnish CITY OF FAYETTEVILLE with 4 copies of the final Bid Documents.

2.2.5 Determine land and easement requirements and provide consultation and assistance on property procurement as related to professional engineering services being performed.

2.2.6 Design shall be reviewed by CITY OF FAYETTEVILLE, or such parties as CITY OF FAYETTEVILLE shall designate, at the applicable completion levels outlined below.

2.2.6.1 Holly / Vista Area Improvements – 60 percent and 90 percent.

2.2.6.2 Sang / Berry Area Improvements – 60 percent and 90 percent.

2.2.6.3 Shenandoah Area Drainage Improvements – 60 percent and 90 percent.

2.2.6.4 Recommended Ditch Cleaning Improvements – 60 percent and 90 percent.

2.2.6.5 Hydraulic & Hydrology Studies of Hamestring Creek Downstream of I-540 – 60 and 90 percent.

2.3 Bidding Phase

2.3.1 It is anticipated that there will be at least two construction contracts for which bid phase services will be performed.

2.3.2 Arrange for bidding notices to be sent to contractors publishing services and direct mailing to contractors of record. Notices shall comply with requirements of CITY OF FAYETTEVILLE . The legal notice to be placed in legal notices section of a local newspaper(s) of countywide and statewide circulation and shall be coordinated with CITY OF FAYETTEVILLE purchasing agent and an affidavit of publication secured.

2.3.3 Prepare addenda for drawings and Bid Documents as required in accordance with Construction Contract General Conditions.

2.3.4 Secure updated state wage rate decisions and incorporate into the Bid Documents. Update wage rate decision by addendum if necessary.

2.3.5 Assist CITY OF FAYETTEVILLE by issuing and tracking Bid Documents, addenda and communications during bidding and maintain list of plan holders. Print and distribute copies of plans and specifications for all prospective bidders and plan rooms. Collect from prospective bidders an appropriate non-refundable fee to offset cost of reproducing and distributing Bidding Documents.

2.3.6 Assist CITY OF FAYETTEVILLE in obtaining and evaluating bids and preparing construction contracts.

2.3.6.1 USI shall attend a Pre-Bid Conference organized, convened, and conducted by the CITY OF FAYETTEVILLE to explain the project requirements and receive questions from prospective bidders. USI shall consider the questions received and issue necessary clarifications and changes to the Bid Documents through the use of addenda. Make logistical arrangements for and conduct a site tour of the project area.

2.3.7 Consult with and advise CITY OF FAYETTEVILLE as to the acceptability of subcontractors and other persons and organizations proposed by the prime construction contractor(s), hereinafter called "Contractor(s)," for those portions of the work as to which such acceptability is required by the Bid Documents.

2.3.8 Make recommendations regarding award of the construction contracts.

2.4 Construction Phase

2.4.1 It is anticipated that there will be at least two construction contracts for which construction services will be performed.

2.4.2 Attend a Pre-Construction Conference scheduled by CITY OF FAYETTEVILLE. At the time of the Pre-Construction Conference, a Notice to Proceed will be issued.

2.4.3 Furnish professional engineers to make visits to the site (as distinguished from the services of a resident Project Representative) as appropriate to observe the progress and quality of the executed work and to determine in general if the work is proceeding in accordance with the contract documents. In performing these services, the Engineer shall have no control over, nor responsibility for the Contractor's means, methods, sequence, techniques or procedures in performing the work, or for safety programs in connection with the work. These are solely the responsibilities of the Contractor, who is also responsible for complying with all health and safety precautions as required by any regulatory agencies.

2.4.4 Consult with and advise the CITY OF FAYETTEVILLE; issue all instructions to the contractor requested by the CITY OF FAYETTEVILLE; and prepare routine change orders as required.

2.4.5 Review samples; catalog data, schedules, shop drawings, laboratory, shop and mill tests of material and equipment and other data, which the contractor submits. This review is for the benefit of the CITY OF FAYETTEVILLE to ensure general conformance with the design concept of the project and general compliance by the contractor with the information given in the contract documents. It does not relieve the contractor of any responsibility such as dimensions to be confirmed and correlated at the job site, appropriate safety measures to protect workers and the public, or the necessity to construct a complete and workable facility in accordance with the contract documents.

2.4.6 Prepare and verify monthly and final estimates for payments to the contractor and furnish to the CITY OF FAYETTEVILLE any necessary Contractor certifications as to payments to subcontractors and suppliers; assemble written guarantees, which are required by the contract documents.

2.4.7 Attend, in company with the CITY OF FAYETTEVILLE's representative, a final inspection of the project. This inspection will be for conformance with the design concept of the project and compliance with the contract documents.

2.4.8 Furnish to the CITY OF FAYETTEVILLE AutoCAD electronic digital drawing files along with 2 black-line copies of the record drawings for the project.

2.5 Resident Services During Construction

2.5.1 Furnish the services of a resident Project Representative and other field personnel for on-the-site observation of construction. The authority and duties of such resident Project Representative is limited to examining the material furnished and observing the work done and to reporting their findings to the Engineer. The Engineer will use the usual degree of care and prudent judgment in the selection of a competent Project Representative, and will use diligence to see that the Project Representative is on the job to perform the required duties.

SECTION 3 - ADDITIONAL SERVICES OF

3.1 General

If authorized in writing by the CITY OF FAYETTEVILLE Mayor and the City Council and agreed to in writing by USI, USI shall furnish or obtain from others Additional Services of the following types that are not considered normal or customary Basic Services. The scope of Additional Services may include:

3.1.1 Easement preparation, including legal owner determination and easement description of the property necessary to construct and maintain the necessary drainage facilities.

3.1.2 Preparing to serve or serving as a witness for CITY OF FAYETTEVILLE in any litigation or other proceeding involving the Project.

3.1.3 Extra Services

3.1.3.1 Services not specifically defined heretofore that may be authorized by CITY OF FAYETTEVILLE.

3.2 Contingent Additional Services

3.2.1 If services described under Contingent Additional Services in Paragraph 3.2 are required due to circumstances beyond USI's control, USI shall notify CITY OF FAYETTEVILLE and request a formal contract amendment approved by the Mayor and the City Council prior to commencing such services. If CITY OF FAYETTEVILLE deems that such services described in 3.2 are not required, CITY OF FAYETTEVILLE shall give prompt written notice to USI. If CITY OF FAYETTEVILLE indicates in writing that all or parts of such Contingent Additional Services are not required, USI shall have no obligation to provide those services.

3.2.2 Making revisions in Drawings, Specifications, or other documents when such revisions are:

3.2.2.1 Required because of inconsistent approvals or instructions previously given by CITY OF FAYETTEVILLE, including revisions made necessary by adjustments in CITY OF FAYETTEVILLE's program or Project Budget.

3.2.2.2 Required by the enactment or revision of codes, laws, or regulations subsequent to the preparation of such documents.

SECTION 4 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of USI:

4.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.

4.2 Assist USI by placing at USI's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.

4.3 Assist in gaining access to and making provisions for USI to enter upon public and private property as required for USI to perform his services under this Agreement.

4.4 Examine all studies, reports, sketches, cost opinions, Bid Documents, Drawings, proposals, and other documents presented by USI and render in writing decisions pertaining thereto.

4.5 Provide such professional legal, accounting, financial, and insurance counseling services as may be required for the Project.

4.6 Designate in writing a person to act as CITY OF FAYETTEVILLE's representative with respect to the services to be performed under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.

4.7 Give prompt written notice to USI whenever CITY OF FAYETTEVILLE observes or otherwise becomes aware of any defect in the Project.

4.8 Authorize the preparation and submittal of all documents necessary for approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project. Pay directly to the governmental authorities the actual filing and permit fees.

4.9 Pay for placement of legal notices and advertisements in newspapers or other publications necessary for bidding, public notice, or other law for public works projects.

4.10 Furnish, or direct USI to provide, necessary Additional Services as stipulated in Section 3 of this Agreement or other services as required.

4.11 If CITY OF FAYETTEVILLE's standard bidding requirements, Agreement forms and General Conditions are to be used, CITY OF FAYETTEVILLE shall provide copies of such documents for USI's use in coordinating the Contract Drawings and Specifications.

4.12 CITY OF FAYETTEVILLE and/or its representative will review all documents and provide written comments to USI in a timely manner.

SECTION 5 - PERIOD OF SERVICE

5.1 This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.

5.2 The provisions of this Agreement have been agreed to in anticipation of the orderly progress of the Project through completion of the services stated in the Agreement. USI will proceed

with providing the authorized services immediately upon receipt of written authorization from CITY OF FAYETTEVILLE. Said authorization shall include the scope of the services authorized and the time in which the services are to be completed.

SECTION 6 - PAYMENTS TO

6.1 Compensation

6.1.1 Final Design Phase Services

For the Scope of Services during the Final Design Phase described herein, CITY OF FAYETTEVILLE shall pay USI the lump sum amount of One Hundred Twenty-one Thousand Two Hundred Sixty-Eight United States Dollars (US $121,268).

In addition to the above lump sum amount, USI will perform field surveying required for any or all of the design of the necessary drainage facilities described herein, CITY OF FAYETTEVILLE, shall pay USI on the basis of standard hourly rates in effect at the time the work is performed for the various classifications of personnel. The maximum not-to-exceed cost of this work shall not exceed Thirty-Seven Thousand Five Hundred Fourteen United States Dollars (US $37,514).

6.1.1.1 Subject to the City Council approval, adjustment of the lump sum amount may be made should USI establish and CITY OF FAYETTEVILLE agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment. Changes, modifications or amendments in scope, price or fees to this Contract shall **not** be allowed without formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost, fees, or delivery schedule.

6.1.1.2 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for Design services consistent with USI's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by USI and approved by CITY OF FAYETTEVILLE. Applications for payment shall be accompanied each month by the updated project design schedule as the basis for

determining the value earned as the work is accomplished. Final payment for Design services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the Design phase for the Project.

6.1.2 Bidding Phase Services

For the Scope of Services during the Bidding Phase described herein, CITY OF FAYETTEVILLE shall pay USI the lump sum amount of Ten Thousand One Hundred Sixty-four United States Dollars (US $10,164).

6.1.2.1 Subject to prior City Council approval, adjustment of the lump sum amount may be made should USI establish and CITY OF FAYETTEVILLE agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment.

6.1.2.2 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for Bidding Phase services consistent with USI's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by USI and approved by CITY OF FAYETTEVILLE. Applications for payment shall be accompanied each month by the updated bidding services schedule as the basis for determining the value earned as the work is accomplished. Final payment for Bidding Phase services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the Bidding Phase for the Project.

6.1.3 Construction Phase Services

For the Scope of Services during the Construction Phase described herein, CITY OF FAYETTEVILLE shall pay USI on the basis of standard hourly rates in effect at the time the work is performed for the various classifications of personnel. The maximum not-to-exceed cost of this work shall not exceed Forty-Three Thousand Thirty United States Dollars (US $43,030).

6.1.3.1 Subject to prior City Council approval, adjustment of the maximum not-to-exceed amount may be made should USI establish and CITY OF FAYETTEVILLE agree that

there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment.

6.1.3.2 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for Bidding Phase services consistent with USI's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by USI and approved by CITY OF FAYETTEVILLE. Final payment for Construction Phase services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the Construction Phase for the Project.

6.1.4 Additional Services

For Additional engineering services under Section 3, "Additional Services", easement preparation, including legal owner determination and easement description of the property necessary to construct and maintain the necessary drainage facilities described herein, CITY OF FAYETTEVILLE shall pay USI on the basis of a lump sum amount of Three Hundred United States Dollars (US $300) per easement. The estimated maximum amount for easement services for the work to be constructed under schedules A, B, and C in Appendix A is Nine Thousand United States Dollars (US $9,000).

6.1.4.1 Subject to prior City Council approval, adjustment of the lump sum amount may be made should USI establish and CITY OF FAYETTEVILLE agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment.

6.1.4.2 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for Easement preparation services consistent with USI's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by USI and approved by CITY OF FAYETTEVILLE.

For other authorized Additional engineering services under Section 3, "Additional Services", compensation to USI shall be negotiated at the time Additional services are authorized.

6.2 Payments

All statements are payable upon receipt and due within thirty (30) days. If a portion of USI's statement is disputed by CITY OF FAYETTEVILLE, the undisputed portion shall be paid by CITY OF FAYETTEVILLE by the due date. CITY OF FAYETTEVILLE shall advise USI in writing of the basis for any disputed portion of any statement. CITY OF FAYETTEVILLE will make reasonable effort to pay invoices within 30 days of date the invoice is approved, however, payment within 30 days is not guaranteed.

6.3 Final Payment

Upon satisfactory completion of the work performed under this Agreement, as a condition before final payment under this Agreement, or as a termination settlement under this Agreement, USI shall execute and deliver to CITY OF FAYETTEVILLE a release of all claims against CITY OF FAYETTEVILLE arising under or by virtue of this Agreement, except claims which are specifically exempted by USI to be set forth therein. Unless otherwise provided in this Agreement or by State law or otherwise expressly agreed to by the parties to this Agreement, final payment under this Agreement or settlement upon termination of this Agreement shall not constitute a waiver of CITY OF FAYETTEVILLE's claims against USI or his sureties under this Agreement or applicable performance and payment bonds, if any.

SECTION 7 - GENERAL CONSIDERATIONS

7.1 Insurance

7.1.1 During the course of performance of these services, USI will maintain (in United States Dollars) the following minimum insurance coverages:

Type of Coverage	Limits of Liability
Workers' Compensation	Statutory
Employers' Liability	$500,000 Each Accident
Commercial General Liability Bodily Injury and Property Damage	$1,000,000 Combined Single Limit

Automobile Liability:	
Bodily Injury and Property Damage	$1,000,000 Combined Single Limit
Professional Liability Insurance	$1,000,000 Each Claim

USI will provide to CITY OF FAYETTEVILLE certificates as evidence of the specified insurance within ten days of the date of this Agreement and upon each renewal of coverage.

7.1.2 Construction Contractors shall be required to provide (or CITY OF FAYETTEVILLE may provide) CITY OF FAYETTEVILLE's Protective Liability Insurance naming CITY OF FAYETTEVILLE as a Named Insured and USI as additional insureds, or, to endorse CITY OF FAYETTEVILLE, and USI as additional insureds on construction Contractor's liability insurance policies covering claims for personal injuries and property damage. Construction Contractors shall be required to provide certificates evidencing such insurance to CITY OF FAYETTEVILLE, and USI.

7.1.3 CITY OF FAYETTEVILLE, and USI waive all rights against each other and their officers, directors, agents, or employees for damage covered by property insurance during and after the completion of USI's services. If the services result in a Construction Phase, a provision similar to this shall be incorporated into all Construction Contracts entered into by CITY OF FAYETTEVILLE, and all construction Contractors shall be required to provide waivers of subrogation in favor of CITY OF FAYETTEVILLE, and USI for damage or liability covered by any construction Contractor's policy of insurance.

7.2 Professional Responsibility

7.2.1 USI will exercise reasonable skill, care, and diligence in the performance of USI's services and will carry out its responsibilities in accordance with customarily accepted professional engineering practices. USI agrees not to seek or accept any compensation or reimbursements from the City of Fayetteville for engineering work it performs to correct any errors, omissions or other deficiencies caused by USI 's failure to meet customarily accepted professional engineering practices. CITY OF FAYETTEVILLE retains all other remedies to recover for its damages caused by any negligence of USI.

7.2.2 In addition, USI will be responsible to CITY OF FAYETTEVILLE for damages caused by its negligent conduct during its activities at the Project Site to the extent covered by USI's

Commercial General Liability and Automobile Liability Insurance policies as specified in Paragraph 7.1.1.

7.3 Cost Opinions and Projections

Cost opinions and projections prepared by USI relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on USI's experience, qualifications, and judgment as a design professional. Since USI has no control over weather, cost and availability of labor, material and equipment, labor productivity, construction Contractors' procedures and methods, unavoidable delays, construction Contractors' methods of determining prices, economic conditions, competitive bidding or market conditions, and other factors affecting such cost opinions or projections, USI does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost opinions and projections prepared by USI.

7.4 Changes

CITY OF FAYETTEVILLE shall have the right to make changes within the general scope of USI's services, with an appropriate change in compensation and schedule only after Fayetteville City Council approval of such proposed changes and, upon execution of a mutually acceptable amendment or change order signed by the Mayor of the CITY OF FAYETTEVILLE and the President or any Vice President of USI.

7.5 Termination

7.5.1 This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

7.5.1.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

7.5.1.2 An opportunity for consultation with the terminating party prior to termination.

7.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that USI is given:

7.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

7.5.2.2 An opportunity for consultation with the terminating party prior to termination.

7.5.3 If termination for default is effected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but

7.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,

7.5.3.2 Any payment due to USI at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of USI's default.

7.5.4 If termination for default is effected by USI, or if termination for convenience is effected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to USI for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by USI relating to commitments which had become firm prior to the termination.

7.5.5 Upon receipt of a termination action under Paragraphs 7.5.1 or 7.5.2 above, USI shall:

7.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),

7.5.5.2 Deliver or otherwise make available to CITY OF FAYETTEVILLE all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by USI in performing this Agreement, whether completed or in process.

7.5.6 Upon termination under Paragraphs 7.5.1 or 7.5.2 above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.

7.5.7 If, after termination for failure of USI to fulfill contractual obligations, it is determined that USI had not failed to fulfill contractual obligations, the termination shall be deemed to have

been for the convenience of CITY OF FAYETTEVILLE. In such event, adjustments of the agreement price shall be made as provided in Paragraph 7.5.4 of this clause.

7.6 Delays

In the event the services of USI are suspended or delayed by CITY OF FAYETTEVILLE or by other events beyond USI's reasonable control, USI shall be entitled to additional compensation and time for reasonable costs incurred by USI in temporarily closing down or delaying the Project.

7.7 Rights and Benefits

USI's services will be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

7.8 Dispute Resolution

7.8.1 Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and USI which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of CITY OF FAYETTEVILLE or USI in the performance of this Agreement, and disputes concerning payment.

7.8.2 Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given under Paragraph 7.8.3, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in Paragraphs 7.8.3 and 7.8.4 have been complied with.

7.8.3 Notice of Dispute

7.8.3.1 For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a claim is based, the party seeking relief shall serve the other party with a written Notice;

7.8.3.2 For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give USI written Notice at the address listed in Paragraph 7.14 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature and amount of

relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.

7.8.4 Negotiation: Within seven days of receipt of the Notice, the CITY OF FAYETTEVILLE and USI shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President of USI and the Mayor of CITY OF FAYETTEVILLE or his designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 days of the written request to resolve the dispute.

7.9 CITY OF FAYETTEVILLE represents that it has sufficient funds or the means of obtaining funds to remit payment to USI for services rendered by USI.

7.10 Publications

Recognizing the importance of professional development on the part of USI's employees and the importance of USI's public relations, USI may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to USI's services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to USI. CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise CITY OF FAYETTEVILLE will not unreasonably withhold approval. The cost of USI's activities pertaining to any such publication shall be for USI's account.

7.11 Indemnification

7.11.1 CITY OF FAYETTEVILLE agrees that it will require all construction Contractors to indemnify, defend, and hold harmless CITY OF FAYETTEVILLE, and USI from and against any and all loss where loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Contractors, or their employees, agents, Subcontractors, and Suppliers.

7.12 Computer Models

USI may use or modify USI's proprietary computer models.in service of CITY OF FAYETTEVILLE under this Agreement, or USI may develop computer models during USI's service to CITY OF

FAYETTEVILLE under this Agreement. Such use, modification, or development by USI does not constitute a license to CITY OF FAYETTEVILLE to use or modify USI's computer models. Said proprietary computer models shall remain the sole property of the USI. CITY OF FAYETTEVILLE and USI will enter into a separate license agreement if CITY OF FAYETTEVILLE wishes to use USI's computer models.

7.13 Ownership of Documents

All documents provided by CITY OF FAYETTEVILLE including original drawings, disks of CADD drawings and cross sections, estimates, specification field notes, and data are and remain the property of CITY OF FAYETTEVILLE. USI may retain reproduced copies of drawings and copies of other documents.

Engineering documents, drawings, and specifications prepared by USI as part of the Services shall become the property of CITY OF FAYETTEVILLE when USI has been compensated for all Services rendered, provided, however, that USI shall have the unrestricted right to their use. USI shall, however, retain its rights in its standard drawings details, specifications, databases, computer software, and other proprietary property. Rights to intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of USI.

Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. USI makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

7.14 Notices

Any Notice required under this Agreement will be in writing, addressed to the appropriate party at the following addresses:

CITY OF FAYETTEVILLE's address:

113 West Mountain
Fayetteville, AR 72701

USI's address:

4710 South Thompson, Suite 102
Springdale, AR 72764

7.15 Successor and Assigns

CITY OF FAYETTEVILLE and USI each binds himself and his successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither CITY OF FAYETTEVILLE nor USI shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

7.16 Controlling Law

This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas without regard to any conflicts of law provisions.

7.17 Entire Agreement

This Agreement represents the entire Agreement between USI and CITY OF FAYETTEVILLE relative to the Scope of Services herein. Since terms contained in purchase orders do not generally apply to professional services, in the event CITY OF FAYETTEVILLE issues to USI a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether or not signed by USI, shall be considered as a document for CITY OF FAYETTEVILLE's internal management of its operations.

SECTION 8 - SPECIAL CONDITIONS

8.1 Additional Responsibilities of USI:

8.1.1 USI shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by USI's negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.

8.1.2 USI's obligations under this clause are in addition to USI's other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against USI for faulty materials, equipment, or work.

8.2 Remedies

Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between CITY OF FAYETTEVILLE and USI arising out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

8.3 Audit: Access to Records

8.3.1 USI shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices consistently applied in effect on the date of execution of this Agreement. USI shall also maintain the financial information and data used by USI in the preparation of support of the cost submission required for any negotiated agreement or change order and send to CITY OF FAYETTEVILLE a copy of the cost summary submitted. CITY OF FAYETTEVILLE shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. USI will provide proper facilities for such access and inspection.

8.3.2 Records under Paragraph 8.3.1 above, shall be maintained and made available during performance on assisted work under this Agreement and until three years from the date of final payment for the project. In addition, those records which relate to any controversy arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

8.3.3 This right of access clause (with respect to financial records) applies to:

8.3.3.1 Negotiated prime agreements:

8.3.3.2 Negotiated change orders or agreement amendments in excess of $10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement:

8.3.3.3 Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not apply to a prime agreement, lower tier subagreement or purchase order awarded after effective price competition, except:

8.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of USI;

8.3.3.3.2 If there is any indication that fraud, gross abuse or corrupt practices may be involved;

8.3.3.3.3 If the subagreement is terminated for default or for convenience.

8.4 Covenant Against Contingent Fees

USI warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or continent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by USI for the purpose of securing business. For breach or violation of this warranty, CITY OF FAYETTEVILLE shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

8.5 Gratuities

8.5.1 If CITY OF FAYETTEVILLE finds after a notice and hearing that USI or any of USI's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE, in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to USI terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

8.5.2 In the event this Agreement is terminated as provided in Paragraph 8.5.1, CITY OF FAYETTEVILLE may pursue the same remedies against USI as it could pursue in the event of a breach of the Agreement by USI. As a penalty, in addition to any other damages to which it may be entitled by law, CITY OF FAYETTEVILLE may pursue exemplary damages in an amount (as determined by CITY OF FAYETTEVILLE) which shall be not less than three nor more than ten times the costs USI incurs in providing any such gratuities to any such officer or employee.

8.6 Arkansas Freedom of Information Act

City contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, USI will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE, ARKANSAS by and through its Mayor, and USI, by its authorized officer have made and executed this Agreement as of the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Mayor

ATTEST:

By: _____
City Clerk

USI-ARKANSAS, INC.

By: C R Nichols

Title: PRESIDENT

Changes, modifications or amendments in scope, price or fees to this Contract shall **not** be allowed without formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost, fees, or delivery schedule.

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

CITY OF FAYETTEVILLE
AGREEMENT FOR ENGINEERING SERVICES

APPENDIX A – SCOPE OF SERVICES FOR FINAL DESIGN PHASE

This is **Appendix A**, consisting of two pages, referred to in and part of the **Agreement For Professional Engineering Services** between CITY OF FAYETTEVILLE, ARKANSAS and USI-ARKANSAS, INC. dated _____.

Initial:
CITY OF FAYETTEVILLE _____
USI-ARKANSAS, INC. CRM

The following contains Scope of Services tasks for the Final Design Phase.

1. Preparing construction plans, specifications and contract documents for the following three schedules:

   Schedule A: Holly Street and Vista Place Area, as described in Upper Hamestring Basin Drainage Study, January 2003, prepared by USInfrastructure, Inc. Final route will be selected following completion of a detailed survey and proposed options presented to the Asbell Neighborhood Association and as accepted by the Community Planning and Engineering Services.

   Schedule B: Sang Avenue, Berry Street and Cleveland Street Area as described in the Upper Hamestring Basin Drainage Study, January 2003, prepared by USInfrastructure, Inc. Final route selection will be determined following completion of detailed surveys and proposed options to the Community Planning and Engineering Services.

   Schedule C: Shenandoah Area as described in the Shenandoah Area Drainage Study, December 2002, prepared by USInfrastructure, Inc. Final route selection will be made following completion of detailed surveys and proposed options to the Community Planning and Engineering Services.

2. Prepare construction documents for use by the City of Fayetteville Street Department to perform street ditch maintenance along ditches set out in the Hamestring Basin Drainage Study, January 2003, prepared by USInfrastructure, Inc. Plans and specifications shall be suitable for bidding or use by City Street Department.

3. Perform Hydrologic and Hydraulic analysis of Hamestring Creek downstream of Interstate 540 in order to determine the extent of downstream affects of larger box culvert(s) under Interstate 540. The study will be extended to downstream of the bridge at the Bridgeport Subdivision.

4. Surveys for the design of storm drainage improvements and additional hydraulic study will be preformed by USI-Arkansas, Inc.

5. The schedule for performing the design, bid, and construction phase services described in Appendices A, B and C and the hydrologic and hydraulic analysis is shown in the attached project schedule.

CITY OF FAYETTEVILLE
AGREEMENT FOR ENGINEERING SERVICES

APPENDIX B – SCOPE OF SERVICES FOR BID PHASE

This is **Appendix B**, consisting of one page, referred to in and part of the **Agreement For Professional Engineering Services** between CITY OF FAYETTEVILLE, ARKANSAS and USI-ARKANSAS, INC. dated _____.

Initial:
CITY OF FAYETTEVILLE _____
USI-ARKANSAS, INC. CRM

The following is the Scope of Services for the Bid Phase.

It is anticipated that there will be at least two construction contracts for which bidding and preconstruction services will be performed. Separate bid schedules will be provided for each Schedule as described under Appendix A, "Scope of Services for Final Design Phase".

The Engineer will prepare and distribute advertisements for bids, communicate with bidders as required, attend the prebid conference(s), provide technical interpretation of the plans and specifications, prepare addenda as required, attend the bid opening(s), tabulate bids, provide an engineering analysis of the bids received, make recommendations concerning award of the construction contract(s) and assist in the preparation of contract documents. Bid tabulations and supporting documents will be prepared and submitted to the CITY OF FAYETTEVILLE.

CITY OF FAYETTEVILLE
AGREEMENT FOR ENGINEERING SERVICES

APPENDIX C – SCOPE OF SERVICES FOR CONSTRUCTION PHASE

This is **Appendix C**, consisting of two pages, referred to in and part of the **Agreement For Professional Engineering Services** between CITY OF FAYETTEVILLE, ARKANSAS and USI-ARKANSAS, INC. dated _____.

Initial:
CITY OF FAYETTEVILLE _____
USI-ARKANSAS, INC. CRh

The following is the Scope of Services for the Construction Phase.

It is anticipated that there will be at least two construction contracts for which construction services will be performed. Construction services will be billed at an hourly rate according to the schedule of classifications and rates for the year during which the construction services are preformed.

1. Attend preconstruction conferences scheduled by Owner. At the time of the preconstruction conferences, a Notice to Proceed will be issued for the respective contracts.

2. Furnish professional engineers to make visits to the site (as distinguished from the services of a resident Project Representative) as appropriate to observe the progress and quality of the executed work and to determine in general if the work is proceeding in accordance with the contract documents. In performing these services, the Engineer shall have no control over, nor responsibility for the Contractor's means, methods, sequence, techniques or procedures in performing the work, or for safety programs in connection with the work. These are solely the responsibilities of the Contractor, who is also responsible for complying with all health and safety precautions as required by any regulatory agencies.

3. Furnish the services of a resident Project Representative and other field personnel for on-the-site observation of construction. The authority and duties of such resident Project Representative is limited to examining the material furnished and observing the work done and to reporting their findings to the Engineer. The Engineer will use the usual degree of care and prudent judgment in the selection of a competent Project Representative, and will use diligence to see that the Project Representative is on the job to perform the required duties.

4. Consult with and advise the Owner; issue all instructions to the contractor requested by the Owner; and prepare routine change orders as required.

5. Review samples; catalog data, schedules, shop drawings, laboratory, shop and mill tests of material and equipment and other data, which the contractor submits. This review is for the benefit of the Owner to ensure general conformance with the design concept of the project and general compliance by the contractor with the information given in the contract documents. It does not relieve the contractor of any responsibility such as dimensions to be confirmed and correlated at the job site, appropriate safety measures to protect workers and the public, or the necessity to construct a complete and workable facility in accordance with the contract documents.

6. Prepare and verify monthly and final estimates for payments to the contractor and furnish to the Owner any necessary Contractor certifications as to payments to subcontractors and suppliers; assemble written guarantees, which are required by the contract documents.

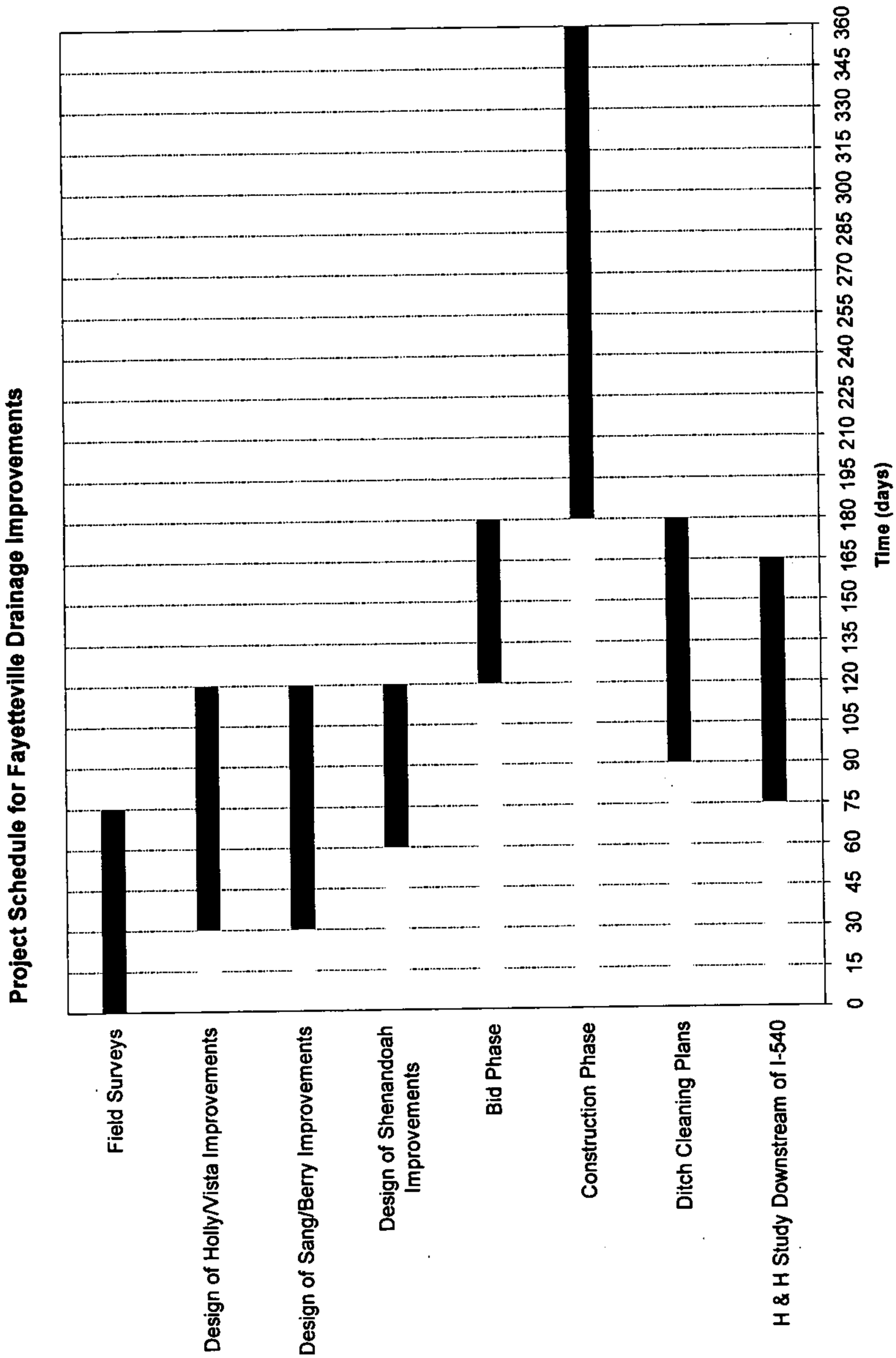
7. Attend, in company with the Owner's representative, a final inspection of the project. This inspection will be for conformance with the design concept of the project and compliance with the contract documents. A one-year warranty inspection for all facilities will also be performed.

8. Furnish to the Owner two copies of plans and one copy of AutoCad electronic digital drawing files of the record drawings for the project.

SCHEDULE OF CLASSIFICATIONS AND RATES FOR 2003

Classification	Hourly Rate
Engineer IX	$130.00
Engineer V	100.00
Engineer IV	90.00
Engineer III	78.00
Engineer II	67.00
Engineer I	54.00
Engineering Technician V	76.00
Engineering Technician IV	62.00
Engineering Technician III	46.00
Engineering Technician II	38.00
Engineering Technician I	31.00
Administrative III	38.00
Administrative II	31.00
Administrative I	26.00
Land Surveyor	87.00
Survey Crew (3-man)	156.00
Survey Crew (2-man)	125.00

GPS surveying equipment will be billed at $35.00 per hour when utilized. Hourly rate schedules will be adjusted annually each January 1.


Project Schedule for Fayetteville Drainage Improvements
Field Surveys
Design of Holly/Vista Improvements
Design of Sang/Berry Improvements
Design of Shenandoah Improvements
Bid Phase
Construction Phase
Ditch Cleaning Plans
H & H Study Downstream of I-540
0 15 30 45 60 75 90 105 120 135 150 165 180 195 210 225 240 255 270 285 300 315 330 345 360
Time (days)

STAFF REVIEW FORM - FINANCIAL OBLIGATION

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council Meeting of: June 17, 2003

FROM:

Michele Bechhold	Human Resources	Finance & Internal Services
Name	Division	Department

ACTION REQUIRED: Approve a contract with the HayGroup in the amount of $18,000.00 to conduct a salary survey and a project contingency amount of $1500.00. Staff also requests approval of a bid waiver.

COST TO CITY:

Not to exceed $19,500	$ 18,000.00	Professional Services
Cost of this request	Category/Project Budget	Program Category / Project Name
1010 1210 5314 00	$ -	Human Resources
Account Number	Funds Used to Date	Program / Project Category Name
	$ 18,000.00	General
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Barbara Feell — Budget Manager — 6/5/03 Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Fleming — Accounting Manager — 6/5/03 Date
Nancy Snow — Internal Auditor — 6/5/03 Date
D. P. White — City Attorney — 6/5/03 Date
P Vice — Purchasing Manager — 6/5/03 Date

STAFF RECOMMENDATION:

M Bechhold — Division Head — Date

Department Director — Date

Hugh Earnest — Finance & Internal Services Dir. — 6-5-03 Date

Chief Administrative Officer — Date

Mayor — Date

Received in Mayor's Office 6/5/03 Date pH.

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

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

RECEIVED
JUN 05 2003
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Staff Review Form - Page 2

Description _____ Meeting Date June 17, 2003

Comments: Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A PROPOSAL FROM THE HAYGROUP IN AN AMOUNT NOT TO EXCEED EIGHTEEN THOUSAND DOLLARS ($18,000.00) TO CONDUCT A WAGE SURVEY; AND APPROVING A PROJECT CONTINGENCY OF ONE THOUSAND FIVE HUNDRED DOLLARS ($1,500.00).

WHEREAS, the HayGroup's position grading system, the Hay Guide Chart and Profile Methodology® form the foundation of the City's non-uniformed compensation system, and;

WHEREAS, the HayGroup is the only vendor capable of providing these systems and methodologies, and;

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

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 waives the requirements of formal competitive bidding and approves a proposal from the HayGroup in an amount not to exceed Eighteen Thousand Dollars ($18,000.00) to conduct a wage survey.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a project contingency of One Thousand Five Hundred Dollars ($1,500.00).

PASSED AND APPROVED this 17th day of June, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
HUMAN RESOURCES DIVISION

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-575-8278

TO: Fayetteville City Council

THRU: Dan Coody, Mayor
Hugh Earnest, Chief Administrative Officer
Stephen Davis, Finance and Internal Services Director

FROM: Michele Bechhold, Human Resources Director MB

DATE: June 4, 2003

SUBJECT: Response to City Council's Request for Information

BACKGROUND

At the Agenda Session on May 27, 2003, the Council removed an item regarding a consulting contract with the HayGroup. Council also requested that Staff present a menu of options regarding these projects. This memo is provided in response to that request.

During this Agenda Session, the Council requested Staff conduct an RFP process for a compensation consultant. Staff will begin the RFP process this fall and plans to have a recommendation to City Council for a compensation consultant during the first quarter of 2004.

CURRENT STATUS

In light of the upcoming RFP process, Staff is not presenting all of the project items originally proposed on this menu. Two of the project items that were originally proposed, the job evaluation audit and job evaluation training workshops, were directly tied to the Hay's Guide Chart Methodology. Given the fact that the City will be going through a bidding process later this year to identify a compensation consultant, it would not be prudent to expend funds for these items at this time. Staff also recommends delaying the performance management discussion. The process of performance management should be closely tied to the pay system and how that system is administered. Once the

City has determined what compensation system we will be utilizing, Staff will propose addressing performance management again.

Based on the discussion at the Agenda Session, Staff is not proposing to conduct a Benefits Analysis this year.

Staff is still proposing to conduct a salary survey this year. Based on our pay plan's history, the non-uniformed employees expect a salary survey to be conducted this year. We recognize the fact that it is possible that the survey would result in no change to the pay ranges, however, Staff believes that we should still expend funds for the survey. We will be better equipped to address the morale issues that will result from holding the pay ranges steady if we have checked the market and have data to support the decision.

Council is correct in stating that the 2002 survey included non-uniformed positions. However, the 2002 survey did not include any examination of regional data for non-uniformed employees. The original Oversight Committee developed the survey group of cities, and they also determined that we would continue to send a regional salary survey, commissioned by the NOARK Human Resources Association, to Hay so that they could identify any regional pay issues that might exist in the non-uniformed group. Conducting a salary survey this year would provide the opportunity to include that regional data in the process.

We are presenting a menu of two options to conduct the salary survey. Each option is outlined below. Both options would require a bid waiver.

Option 1

$18,000	HayGroup conducts the salary survey for Police, Fire and non-uniformed positions using the selected survey group. The City provides Hay with the NOARK survey results so that any regional differences in the non-uniformed group can be considered.

Option 2

$15,000	HayGroup conducts the salary survey for Police and Fire using the selected survey group. The City provides Hay with the NOARK survey results and the non-uniformed pay ranges are compared to this market survey as they were prior to the 2002 survey.

RECOMMENDATION

Staff recommends **Option 1** in keeping with the survey methodology decided upon by the Oversight Committee.

Hay Group, Inc.

8350 N. Central Expressway
Suite 825
Dallas, TX 75206

May 8, 2003

HayGroup

Michele Bechhold
Director of Human Resources
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Michele,

Per our discussion this morning, Hay Group has revised the pricing for the compensation and benefit survey and analysis project. The revised pricing quote is $43,000 for the combined survey and analysis ($25,000 for the benefit portion and $18,000 for the compensation portion).

Hopefully the revised pricing will assist you in budgeting approval. I look forward to moving forward and getting started on the projects as outlined. In the meantime, please let me know if you need any further information.

Sincerely,

Jodi L. Francis

Jodi L. Francis
Consultant

Tel + 1.469.232.3800 Fax + 1.469.232.3888 www.haygroup.com

From: <Jodi_L_Francis@haygroup.com>
To: "Michele Bechhold" <mbechhold@ci.fayetteville.ar.us>
Date: 6/4/03 5:37PM
Subject: Pricing for Salary Survey

Michele,
As we discussed earlier today, Hay Group will be happy to provide a market analysis for the City of Fayetteville. The cost to provide this analysis will be $15,000 plus expenses (max $500 per consultant, per trip, not to exceed 3 trips). This analysis will consist of:

Current Pay structure for police and fire vs comparison Cities (similar to 2002)
Comparison of non-uniform positions vs NOARK survey (positions matched by you)
Recommendations for structure and/or merit increase budget for 2004
Presentation to City Council

Let me know when you are ready to begin the project. As you know, due to the amount of time it takes to receive market data from comparison cities, the sooner we are able to begin this process, the better our opportunity to gather the most data.

Jodi

CITY ATTORNEY AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF June 17, 2003

FROM:

City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend Ordinance No. 4447 codified as §159.02 of the Unified Development Code to repeal subsection **F. Refunds** and enact a new subsection **F. Refunds** to conform to new statutory requirements

---

APPROVED FOR AGENDA:

City Attorney 6-4-03
Date

Hugh Earnest 6-4-03
Chief Administrative Officer Date

Mayor Date

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 4447 CODIFIED AS §159.02 OF THE UNIFIED DEVELOPMENT CODE TO REPEAL SUBSECTION **F. REFUNDS** AND ENACT A NEW SUBSECTION **F. REFUNDS** TO CONFORM TO NEW STATUTORY REQUIREMENTS

WHEREAS, Act 1719 of 2003 was recently passed by the legislature and signed into law by Governor Huckabee; and

WHEREAS, Act 1719 requires existing impact fee ordinances to comply with the refund of unexpended impact fees as prescribed in Act 1719.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals **§159.02 F. Refunds** and in its stead adopts and enacts the new **§159.02 F. Refunds** as stated below:

"**F. Refunds.**

"**1.** The City of Fayetteville shall refund the portion of collected development impact fees, including the accrued interest that has not been expended seven (7) years from the date the fees were paid. Interest shall be based on a four percent (4%) annual rate.

"**2.** A refund shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.

"**3.** Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the present owners of the property no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.

"4. The refund shall be made on a prorata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.

"5. At the time of payment of the water or wastewater impact fee under this Ordinance, the Impact Fee Administrator shall provide the applicant paying such fee with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any collection of any impact fee under this Ordinance."

PASSED and **APPROVED** this the 17th day of June, 2003.

APPROVED DRAFT

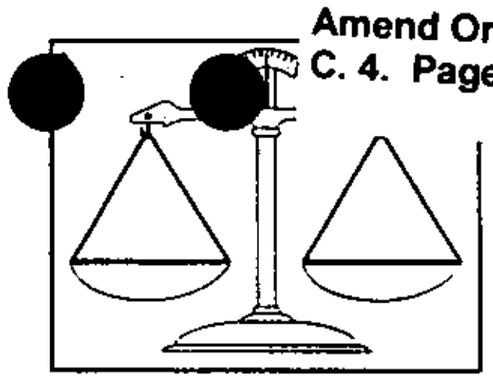
By: _____
DAN COODY, Mayor

ATTEST:
By: _____
Sondra Smith, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor
City Council

FROM: **Kit Williams**, City Attorney

DATE: **June 4, 2003**

RE: **Impact Fee Ordinance - Amendment of Subsection F. Refunds**

We are required by state law to confirm our new Impact Fee Ordinance to the refund requirements found in the new state law. Therefore, I have basically quoted the new state law in the proposed amendment to our ordinance. I have also reduced the interest rate for unspent impact fees (if that occurs) from 5% to 4% per annum because of the request of Alderman Shirley Lucas.

Subsection 5 was in our original ordinance, but not required by state law. I assumed you would want to keep this notice provision in the revised **Refund** section.

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: **June 18, 2003**

RE: **Passed Ordinances and Resolutions from City Council meeting of June 17, 2003**

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

Enclosed are:

1. **Storm Water Phase II Permit:** Resolution authorizing Mayor or his designee to submit City of Fayetteville's "Individual MS4 application form for discharges of storm water associated with small municipal; separate storm sewer systems authorized under 40 CFR 122.26" to Arkansas Department of Environmental Quality;

88-03

2. **ADM 03-12.00 Kurt Kulish Right of Way Dedication:** Resolution reducing right of way dedication from Huntsville Road centerline to accommodate existing structure located at 2008 E. Huntsville Road;

89-03

3. **USI-Arkansas, Inc. Contract Upper Hamestring:** Resolution awarding contract in amount of $220,976.00 to USI-Arkansas, Inc. for engineering services associated with Upper Hamestring Creek Basin and Shenandoah Trailer Park area; and approving project contingency in amount of $20,000.00;

90-03

4. **R-PZD 03-3.00 (Alexander)**: Ordinance establishing residential planned zoning district titled R-PZD 03-3.00 located at 313 E. Lafayette, 321 E. Lafayette, 346 N. Willow, 354 N. Willow and 310 Sutton, containing approximately 2.15 acres; amending official zoning map of City and adopting associated development project as approved by Planning Commission;

4494

5. **Downtown Master Plan:** Resolution authorizing City Staff to issue request for proposals to seek consultant group to develop a Downtown Master Plan; and approving budget adjustment in amount not to exceed $200,000.00 for same;

9103

6. **Wage & Benefit Consultant:** Ordinance waiving requirements of formal bidding and approving proposal from HayGroup in amount not to exceed $18,000.00 to conduct wage survey; and approving project contingency of $1,500.00;

4495

7. **Amend Ordinance 4447 Codified as §159.02:** Ordinance amending ordinance No. 4447 codified as §159.02 of the Unified Development Code to repeal subsection **F. Refunds** and enact a new subsection **F. Refunds** to conform to new statutory requirements;

4496

8. **Repeal §117.87 (C) (2) Horses:** An ordinance to repeal §117.87 (C) (2) Horses of the Fayetteville Code and enact a new §117.87 (C) (2) Horses.

4497

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/Northwest Arkansas Times newspaper, printed and published in Lowell, Arkansas, and that from my own personal knowledge and reference to the files of said publication, that advertisement of:

Tuna Agenda was inserted in the regular editions on 6/16/03.

PO# 03-0000154-001

** Publication Charge: $ 125.01

Subscribed and sworn to before me this

16 day of June, 2003.

Tammy Allen
Notary Public

My Commission Expires

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

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

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

RECEIVED
JUN 17 2003
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Final Agenda
For
City Council Meeting
June 17, 2003

City of Fayetteville

A meeting of the Fayetteville City Council will be held on June 17, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Presentation: DDEP status report

Presentation: A Beautiful City, Clean and Green

A. CONSENT:

1. Approval Of The Minutes: Approval of the June 3, 2003 meeting minutes.
2. Storm Water Phase II Permit: A resolution authorizing the Mayor or his designee to submit the City of Fayetteville's "Individual MS4 application form for discharges of storm water associated with small municipal separate storm sewer systems authorized under 40 CFR 122.26" to the Arkansas Department of Environmental Quality.
3. ADM 03-12.00 Kurt Kullah Right Of Way Dedication: A resolution reducing the right of way dedication from Huntsville Road centerline to accommodate the existing structure located at 2008 E. Huntsville Road.
4. USI-Arkansas, Inc. Contract Upper Hamestring: A resolution awarding a contract in the amount of $220,978.00 to USI-Arkansas, Inc. for engineering services associated with the upper Hamestring Creek Basin and the Shenandoah Trailer Park area; and approving a project contingency in the amount of $20,000.00

B. OLD BUSINESS:

1. R-PZD 03-3.00 (Alexander): An ordinance establishing a residential planned zoning district titled R-PZD 03-3.00 located at 313 E. Lafayette, 321 E. Lafayette, 348 N. Willow, 354 N. Willow, and 310 Sutton, containing approximately 2.15 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated development project as approved by the Planning Commission.

C. NEW BUSINESS:

1. Downtown Master Plan: A resolution authorizing City Staff to issue a request for proposals to seek a consultant group to develop a Downtown Master Plan; and approving a budget adjustment in an amount not to exceed $200,000.00 for same.
2. Wage & Benefit Consultant: An ordinance waiving the requirements of formal bidding and approving a proposal from the HayGroup in an amount not to exceed $18,000.00 to conduct a wage survey; and approving a project contingency of $1,500.00.
3. Amend Ordinance 4447 Codified As §159.02: An ordinance to amend ordinance No. 4447 codified as §159.02 of the Unified Development code to repeal subsection F. Refunds and enact a new subsection F. Refunds to conform to new statutory requirements
4. Repeal §117.87 (C) (2) Horses: An ordinance to repeal §117.87 (C) (2) Horses of the Fayetteville Code and enact a new §117.87 (C) (2) Horses.

Agenda Session

Tuesday City Council Pick up litter put in dumpster

Tentative Agenda
For
City Council Meeting
June 17, 2003

A meeting of the Fayetteville City Council will be held on June 17, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Presentation: DDDEP status report

Presentation: A Beautiful City, Clean and Green

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the June 3, 2003 meeting minutes.

2. **Storm Water Phase II Permit:** A resolution authorizing the Mayor or his designee to submit the City of Fayetteville's "Individual MS4 application form for discharges of storm water associated with small municipal separate storm sewer systems authorized under 40 CFR 122.26" to the Arkansas Department of Environmental Quality.

3. **ADM 03-12.00 Kurt Kulish Right Of Way Dedication:** A resolution reducing the right of way dedication from Huntsville Road centerline to accommodate the existing structure located at 2008 E. Huntsville Road.

B. OLD BUSINESS:

1. **R-PZD 03-3.00 (Alexander):** An ordinance establishing a residential planned zoning district titled R-PZD 03-3.00 located at 313 E. Lafayette, 321 E. Lafayette, 346 N. Willow, 354 N. Willow, and 310 Sutton, containing approximately 2.15 acres; amending the official zoning map of the City of Fayetteville; and according to the associated development project as approved by the Planning Commission.

C. NEW BUSINESS:

1. **Downtown Master Plan:** A resolution authorizing City Staff to issue a request for proposals to seek a consultant group to develop a Downtown Master Plan; and approving a budget adjustment in an amount not to exceed $200,000.00 for same.

Don't Info. on prior studies that have taken place

Kyle: Recent Consultants

Neighborhood impact & grass contact

DDEP doing some of the items?

Set in on presentations of consultants.

Consent

2. **USI-Arkansas, Inc. Contract Upper Hamestring:** A resolution awarding a contract in the amount of $220,976.00 to USI-Arkansas, Inc. for engineering services associated with the upper Hamestring Creek Basin and the Shenandoah Trailer Park area; and approving a project contingency in the amount of $20,000.00

3. **Wage & Benefit Consultant:** An ordinance waiving the requirements of formal bidding and approving a proposal from the HayGroup in an amount not to exceed $18,000.00 to conduct a wage survey; and approving a project contingency of $1,500.00.

4. **Amend Ordinance 4447 Codified As §159.02:** An ordinance to amend ordinance No. 4447 codified as §159.02 of the Unified Development code to repeal subsection **F. Refunds** and enact a new subsection **F. Refunds** to conform to new statutory requirements.

D. INFORMATIONAL:

~~**1. Council Tour: June 16, 2003**~~ NO Council Tour

Add Party time Ponies. under new business.

BWR 4:30
Tuesday
Street Committee

Agenda Meeting

June 10th Special Meeting called by the Mayor

Tentative Agenda
For
City Council Meeting
June 17, 2003

A meeting of the Fayetteville City Council will be held on June 17, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Presentation: DDDEP status report.

A Beautiful City Clean & Green

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the June 3, 2003 meeting minutes.

B. OLD BUSINESS:

1. **R-PZD 03-3.00 (Alexander):** An ordinance establishing a residential planned zoning district titled R-PZD 03-3.00 located at 313 E. Lafayette, 321 E. Lafayette, 346 N. Willow, 354 N. Willow, and 310 Sutton, containing approximately 2.15 acres; amending the official zoning map of the City of Fayetteville; and according to the associated development project as approved by the Planning Commission.

C. NEW BUSINESS:

1. **Downtown Master Plan:** A resolution authorizing City Staff to issue a request for proposals to seek a consultant group to develop a Downtown Master Plan; and approving a budget adjustment in an amount not to exceed $200,000.00 for same.

Consent — 2. **Storm Water Phase II Permit:** No Information

3. **USI-Arkansas, Inc. Contract Upper Hamestring:** No Information

Consent — 4. **ADM 03-12.00 Kurt Kulish lesser right of way dedication:** A resolution reducing the right of way dedication from Huntsville Road centerline to accommodate the existing structure located at 2008 E. Huntsville Road.

5. **Wage & Benefit Consultant:** No Information

6. **Code of Ordinance Section 51.136:** No Information

D. INFORMATIONAL:

1. **Council Tour: June 16, 2003**

Amend 159.02

Draft Tentative Agenda
For
City Council Meeting
June 17, 2003

A meeting of the Fayetteville City Council will be held on June 17, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Presentation: Status report DDDEP Status report

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the June 3, 2003 meeting minutes.

B. OLD BUSINESS:

C. NEW BUSINESS:

1. **Botanical Garden Master Plan:** A resolution approving the Botanical Garden of the Ozarks Master Plan.

2. **Botanical Garden Society Land Lease:** A resolution approving a land lease agreement with the Botanical Garden Society of the Ozarks for the purpose of operating a Botanical Garden at Lake Fayetteville Park.

   See off) comm

3. **Downtown Master Plan:** A resolution authorizing City Staff to issue a request for proposals to seek a consultant group to develop a Downtown Master Plan; and approving a budget adjustment in an amount not to exceed $200,000.00 for same.

4. **Storm Water Phase II Permit:** No Information

   (Bold)

5. **USI-**Arkansas, Inc. Contract Upper Hamestring: No Information

   (Bold)

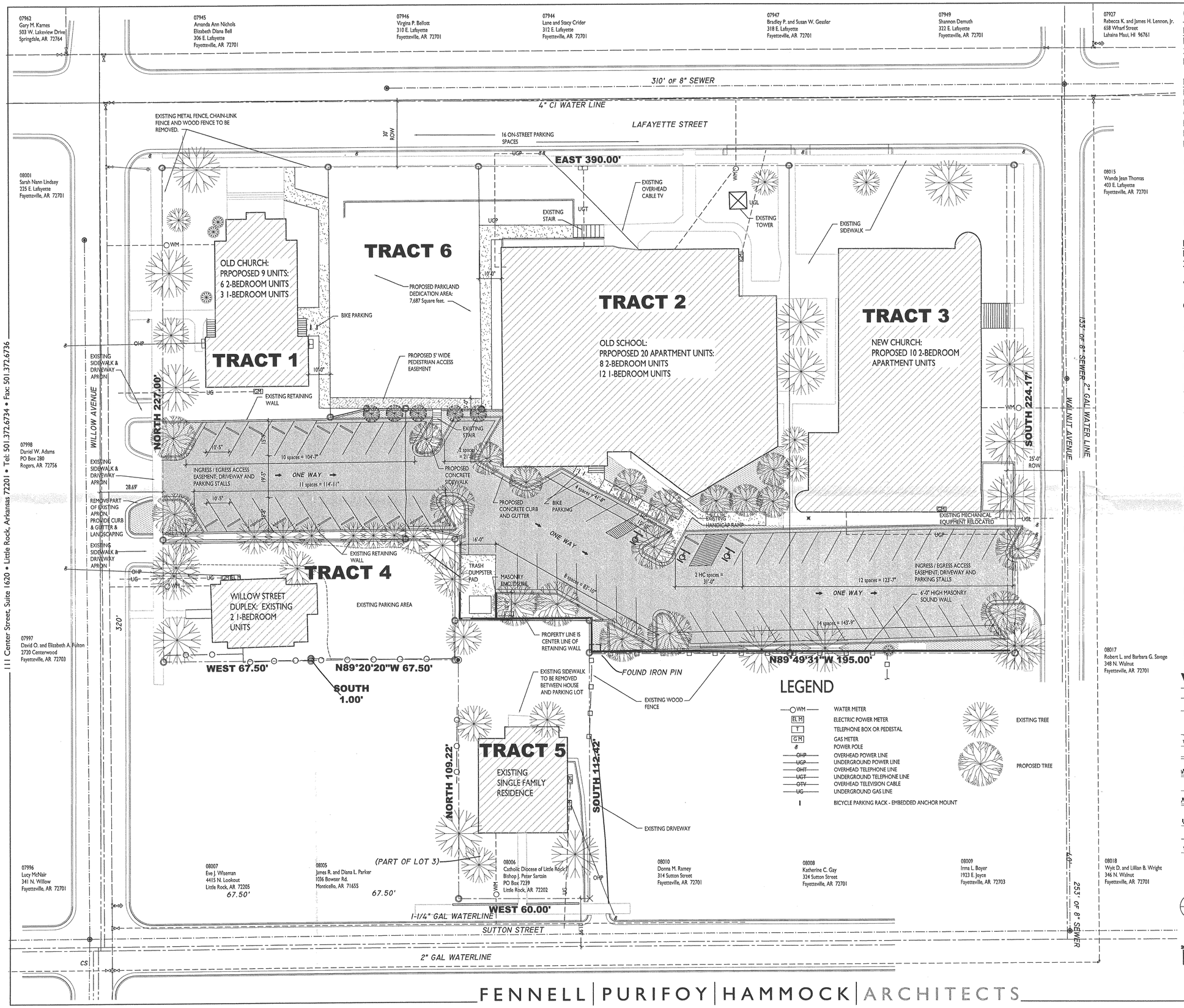
6. **ADM 03-**12.00 Kurt Kulish lesser right of way dedication: No Information

7. **Wage & Benefit Consultant:** No Information

8. **Code of Ordinance Section 51.136:** No Information

D. INFORMATIONAL:

1. **Council Tour: June 2, 2003**



LEGEND

- WM — WATER METER
- ELM — ELECTRIC POWER METER
- T — TELEPHONE BOX OR PEDESTAL
- GM — GAS METER
- POWER POLE
- OHP — OVERHEAD POWER LINE
- UGP — UNDERGROUND POWER LINE
- OHT — OVERHEAD TELEPHONE LINE
- UGT — UNDERGROUND TELEPHONE LINE
- OTV — OVERHEAD TELEVISION CABLE
- UG — UNDERGROUND GAS LINE
- BICYCLE PARKING RACK - EMBEDDED ANCHOR MOUNT
- EXISTING TREE
- PROPOSED TREE

CODE INFORMATION

Project Location:
Lafayette Loft Apartments
321 E. Lafayette Street
Fayetteville, Arkansas

Developer / Owner:
North College Development
11 N. West Avenue
Fayetteville, AR 72701
Phone: 479-521-9188

Proposal:
Development of Tracts 1, 2 and 3 includes renovating three existing buildings into (39) 1 and 2 bedroom units. These three buildings are the existing New Church, Old School and Old Church. This development also includes Tract 4, the existing Willow Street Duplex - (2) 1-bedroom units. And Tract 5 the existing Sutton Street single family residence, which is not being rezoned. And Tract 6, which is being dedicated as "Green Space." See unit summary below for breakdown of units and bedrooms.

Unit Summary:
PROPOSED NEW RESIDENTIAL UNITS - 39 UNITS (63 BEDROOMS)
NEW CHURCH: (10) 2-BEDROOM UNITS.
OLD SCHOOL: (12) 1-BEDROOM UNITS AND (8) 2-BEDROOM UNITS.
OLD CHURCH: (3) 1-BEDROOM UNITS AND (6) 2-BEDROOM UNITS.

EXISTING WILLOW STREET DUPLEX: (2) 1-BEDROOM UNITS.

Parking Summary
NEW CHURCH, OLD SCHOOL, OLD CHURCH: 64 PARKING SPACES TOTAL, INCLUDES 3 ADA ACCESSIBLE PARKING SPACES.

WILLOW STREET DUPLEX: 2 PARKING SPACES.

ON STREET PARKING: 16 proposed on-street parking spaces along Lafayette Street.

Zoning: Planned Zoning Development, PZD.

Proposed "Green Space" Amenities: Maintain existing green space and open area. Remove existing playground equipment and chain-link fencing, and replace with sidewalk and landscaping between Old School and Old Church.

Land Area: 2.17 Acres. Includes Tracts 1, 2, 3, 4, 5 and 6.

Building to Land Ratio: 27,127 sf built area to 94,525 sf land area = 29% building to land.
Tract 1: 3,035 sf built area to 15,150 sf land area = 20% building to land.
Tract 2: 12,320 sf built area to 33,469 sf land area = 37% building to land.
Tract 3: 8,502 sf built area to 23,074 sf land area = 37% building to land.
Tract 4: 1,364 sf built area to 7,382 sf land area = 19% building to land.
Tract 5: 1,909 sf built area to 7,763 sf land area = 25% building to land.
Tract 6: 0 sf built area to 7,687 sf land area = 0% building to land.

Proposed Drainage Locations: All drainage areas are to remain as existing. All site work and parking lot improvements consist of installing curb and gutters, patching and/or replacing asphalt, and adding landscaping at the existing parking lot area.

Flood Plain, Flood Way & Wetlands: Site is not in a flood plain, flood way or wetland.

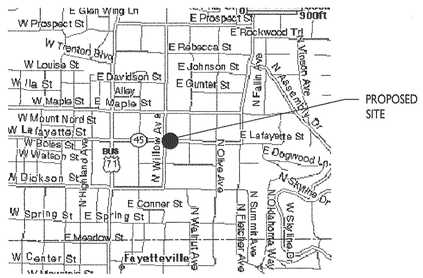
Easement: Easement for ingress / egress access includes driveway and parking spaces within tracts 1, 2 and 3. Pedestrian access easement at south end of Park Land Dedication area.
Covenant: For maintenance of parking area.

Master Street Plan: Existing to remain along Lafayette Street, Willow and Walnut Avenue. Some minor driveway apron improvements at Willow Street and Walnut Avenue. No work on Sutton Street.

Detention or Retention Ponds: None

Proposed Park Land: Dedication of 7,687 square feet of land in lieu of park fees.

VICINITY MAP



SITE PLAN
SCALE: 1" = 20'-0"

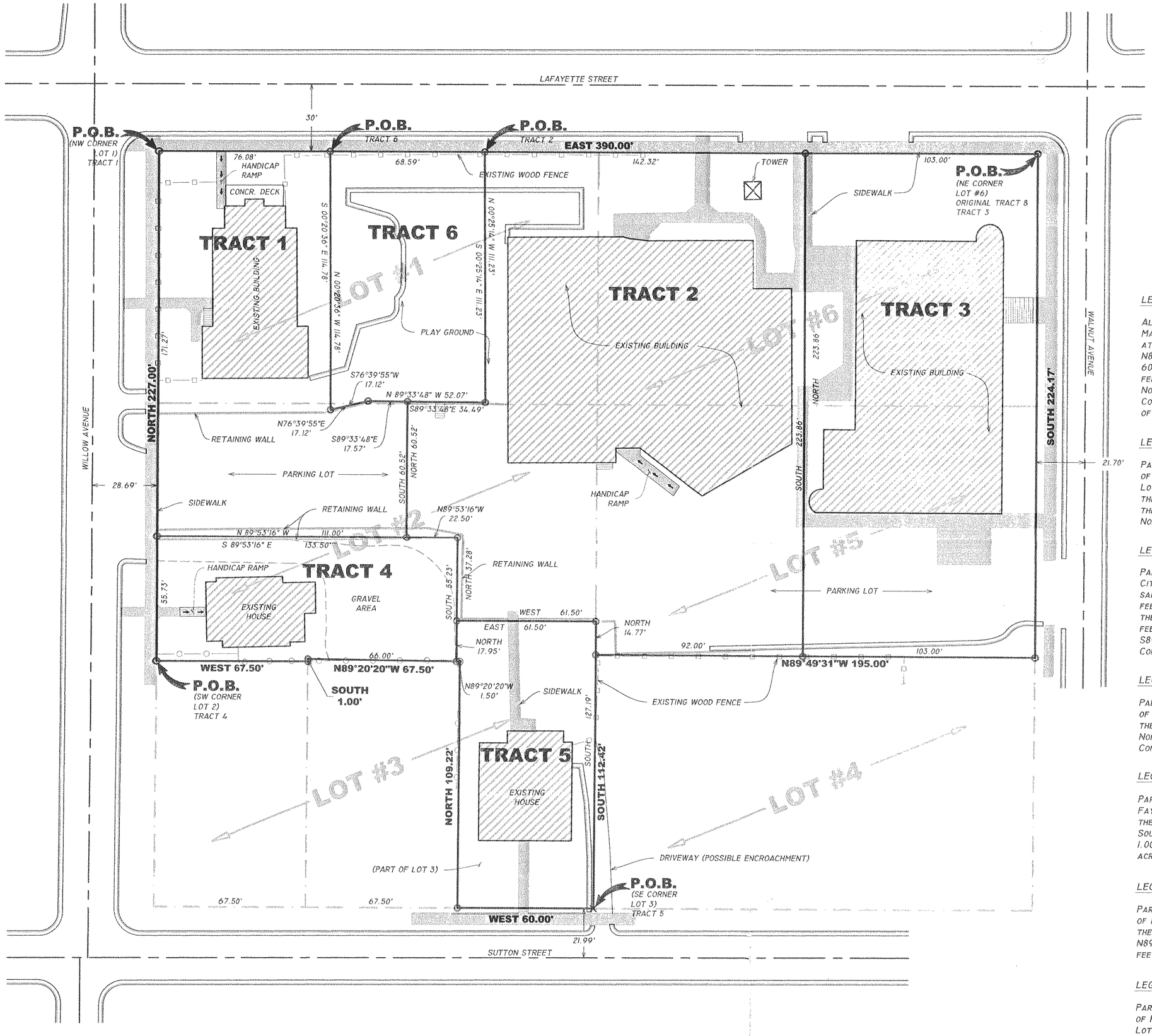
GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

LAFAYETTE LOFT APARTMENTS
Fayetteville, Arkansas

111 Center Street, Suite 1620 • Little Rock, Arkansas 72201 • Tel: 501.372.6734 • Fax: 501.372.6736

FENNELL | PURIFOY | HAMMOCK | ARCHITECTS

CC Agenda - 6-17-03



GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

LEGEND

- FOUND IRON PIPE
- FOUND IRON PIN
- SET CHISELED "X"
- SET IRON PIN
- CENTERLINE STREET
- WOOD FENCE
- CHAIN LINK FENCE

N
W E
S

LEGAL DESCRIPTION: (ORIGINAL TRACT)

ALL OF LOT 1, 2, 5 AND 6 AND PART OF LOT 3 OF BLOCK 9 OF THE MASONIC ADDITION IN THE CITY OF FAYETTEVILLE AS PER PLAT BEGINNING AT THE NE CORNER OF SAID LOT 6, THENCE SOUTH 224.17 FEET, THENCE N89°49'31"W 195.00 FEET, THENCE SOUTH 112.42 FEET, THENCE WEST 60.00 FEET, THENCE NORTH 109.22 FEET, THENCE N89°20'20"W 67.50 FEET, THENCE SOUTH 1.00 FEET, THENCE WEST 67.50 FEET, THENCE NORTH 227.00 FEET, THENCE EAST 390.00 FEET TO THE P.O.B.; CONTAINING 2.17 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

LEGAL DESCRIPTION: (TRACT 1)

PART OF LOT 1 & 2 OF BLOCK 9 OF THE MASONIC ADDITION IN THE CITY OF FAYETTEVILLE AS PER PLAT BEGINNING AT THE NW CORNER OF SAID LOT 1, THENCE EAST 76.08 FEET, THENCE S00°20'36"E 114.78 FEET, THENCE N76°39'55"E 17.12 FEET, THENCE S89°33'48"E 17.57 FEET, THENCE SOUTH 60.52 FEET, THENCE N89°53'16"W 111.00 FEET, THENCE NORTH 171.27 FEET TO THE P.O.B.; CONTAINING 0.35 ACRES.

LEGAL DESCRIPTION: (TRACT 2)

PART OF LOT 1, 2, 5 AND 6 OF BLOCK 9 OF THE MASONIC ADDITION IN THE CITY OF FAYETTEVILLE AS PER PLAT COMMENCING AT THE NW CORNER OF SAID LOT 1, THENCE EAST 144.67 FEET TO THE P.O.B., THENCE EAST 142.32 FEET, THENCE SOUTH 223.86 FEET, THENCE N89°49'31"W 92.00 FEET, THENCE NORTH 14.77 FEET, THENCE WEST 61.50 FEET, THENCE NORTH 37.28 FEET, THENCE N89°53'16"W 22.50 FEET, THENCE NORTH 60.52 FEET, THENCE S89°33'48"E 34.49 FEET, THENCE N00°25'14"W 111.23 FEET TO THE P.O.B.; CONTAINING 0.77 ACRES.

LEGAL DESCRIPTION: (TRACT 3)

PART OF LOT 5 & 6 OF BLOCK 9 OF THE MASONIC ADDITION IN THE CITY OF FAYETTEVILLE AS PER PLAT BEGINNING AT THE NE CORNER OF LOT 6, THENCE SOUTH 224.17 FEET, THENCE N89°49'31"W 103.00 FEET, THENCE NORTH 223.86 FEET, THENCE EAST 103.00 FEET TO THE P.O.B.; CONTAINING 0.53 ACRES.

LEGAL DESCRIPTION: (TRACT 4)

PART OF LOT 2 OF BLOCK 9 OF THE MASONIC ADDITION IN THE CITY OF FAYETTEVILLE AS PER PLAT BEGINNING AT THE SW CORNER OF LOT 2, THENCE NORTH 55.73 FEET, THENCE S89°53'16"E 133.50 FEET, THENCE SOUTH 55.23 FEET, THENCE N89°20'20"W 66.00 FEET, THENCE SOUTH 1.00 FEET, THENCE WEST 67.50 FEET TO THE P.O.B.; CONTAINING 0.17 ACRES.

LEGAL DESCRIPTION: (TRACT 5)

PART OF LOT 2 & 3 OF BLOCK 9 OF THE MASONIC ADDITION IN THE CITY OF FAYETTEVILLE AS PER PLAT BEGINNING AT THE SE CORNER OF LOT 3, THENCE WEST 60.00 FEET, THENCE NORTH 109.22 FEET, THENCE N89°20'20"W 1.50 FEET, THENCE NORTH 17.95 FEET, THENCE EAST 61.50 FEET, THENCE SOUTH 127.19 FEET TO THE P.O.B.; CONTAINING 0.18 ACRES.

LEGAL DESCRIPTION: (TRACT 6)

PART OF LOT 1 & 2 OF BLOCK 9 OF THE MASONIC ADDITION IN THE CITY OF FAYETTEVILLE AS PER PLAT COMMENCING AT THE NW CORNER OF SAID LOT 1 THENCE EAST 76.08 FEET TO THE P.O.B., THENCE EAST 68.59 FEET, THENCE S00°25'14"E 111.23 FEET, THENCE N89°33'48"W 52.07 FEET, THENCE S76°39'55"W 17.12 FEET, THENCE N00°20'36"W 114.78 FEET TO THE P.O.B.; CONTAINING 0.18 ACRES.

SCALE: 1"=30	DATE REVISED	CHECKED BY:	DRAWN BY:	1 / 1
DATE: 10MARCH03	02MAY03	DLJ	BJR	
			C:\SSK\JOBS\LOTS\SAINT.DGN	

LOT SPLIT FOR

SAINT JOSEPH'S CATHOLIC CHURCH

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS
124 WEST SUNDRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-0127 • FAX (479) 442-0497

Agenda CC 6-17-03