Final Agenda
For
City Council Meeting
October 7, 2003

A meeting of the Fayetteville City Council will be held on October 7, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the September 2, 2003 meeting minutes.

2. **Crossland Contractors Bid 03-31:** A resolution awarding a construction contract in the amount of $693,662.00 to Crossland Heavy Contractors, Inc. for Gregg Avenue waterline improvements – Phase I; approving a project contingency in the amount of $80,000.00; and approving a budget adjustment in the amount of $53,394.00 for same.

3. **RJN Amendment #2, Wastewater Collection:** A resolution approving contract amendment #2 in the amount of $36,780.00 with RJN Group, Inc. to update the Wastewater Collection System Model; and approving a contingency in the amount of $3,220.00 for same.

4. **Zion Vantage Apartments Money in lieu of Land for Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $108,468.00 cash in lieu of the required park land dedication for Zion Vantage Apartments.

5. **Lazenby Apartments Money in lieu of land for Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $40,016.00 cash in lieu of the required park land dedication for Lazenby Apartments.

6. **Cruzen Equipment Company, Inc. Contract Aviation Fuel Self-Serve Facility:** A resolution awarding Bid #03-52 and approving a construction contract with Cruzen Equipment Company, Inc. in the amount of $32,534.83 for the construction of an aviation fuel self-serve facility at the Fayetteville Municipal Airport.

7. **Arkansas Dept. of Aeronautics Grant Aviation Fuel Self-Serve Facility:** A resolution authorizing the Fayetteville Municipal Airport staff to apply for and accept a grant in the amount of $17,966.00 from the Arkansas Department of Aeronautics for the construction of an aviation fuel self-serve facility; and approving a budget adjustment for same.

8. **Multicraft Contract Repair Filtering System Bid Waiver:** A resolution awarding a contract in the amount of $95,000.00 to Multi-Craft contractors, Inc. for repairs to the effluent filtering system at the Noland Wastewater Treatment Plant; and approving a project contingency in the amount of $5,000.00 for same.

9. **ADM 03-18.00 (Legacy Pointe Subdivision):** A resolution affirming the Planning Commission's approval of a variance from the requirements of §167.04, Tree Preservation Protection, Unified Development Code to allow on-site mitigation in the Legacy Pointe Residential Subdivision.

10. **Arkansas State Highway & Transportation Dept. Arkansas Recreational Trails Grant**: A resolution authorizing the Fayetteville Parks and Recreation Division to accept a grant in the amount of $51,247.00 from the Arkansas Highway and Transportation Department for Arkansas Recreational Trails Funds to continue development of trails at Lake Fayetteville North Shore Park; and approving a budget adjustment for same.

B. OLD BUSINESS:

1. **Public Hearing Raze and Removal 226 North School Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Timothy C. and Christine Klinger located at 226 N. School Avenue in the City of Fayetteville, Arkansas. ***This Resolution was tabled at the August 19, 2003 City Council meeting.***

2. **Public Hearing Raze and Removal 323 N. West Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by the Bank of Fayetteville, N.A. located at 323 N. West Avenue in the City of Fayetteville, Arkansas. ***This Resolution was tabled at the August 19, 2003 City Council meeting.***

3. **Police and Fire Pension LOPFI Agreement**: An ordinance electing coverage for eligible members of the Police Pension and Relief Fund and Firefighter Pension and Relief Fund under LOPFI and authorizing Mayor Coody to enter into an agreement with LOPFI. ***This Resolution was tabled at the August 19, 2003 City Council meeting.***

4. **Sale of Library Building at 217 E. Dickson:** An ordinance to amend Ordinance No. 4358 in order to exempt the City Library Complex on Dickson Street. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

5. **ANX 03-2.00 (Shiloh Community Church):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of 3.95 acres located North of Mt. Comfort Road and West of Rupple Road owned by Shiloh Community Church. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

6. **ANX 03-3.00 (James Coger):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas of 18.38 acres located North of Mt. Comfort Road and West of Rupple Road owned by James Coger. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

7. **ANX 03-4.00 (Carol Stephens):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of 1.08 acres located North of Mt. Comfort Road and West of Rupple Road owned by Carol Stephens. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

8. **RZN 03-17.00 (Shiloh Community Church):** An ordinance rezoning that property described in rezoning petition RZN 03-17.00 as submitted by Geoff Bates of Keystone Consultants on behalf of Shiloh Community Church for 3.95 acres located North of Mt. Comfort Road and West of Rupple Road. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

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11. **Amend Chapter 51.136 Monthly Water Rates:** An ordinance amending Chapter 51, Water and Sewers, of the Code of Fayetteville, to change nomenclature; and adjust water and sewer rates consistent with the recommendations of the Black & Veatch Rate Study. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

C. NEW BUSINESS:

1. **Dover, Kohl & Partners Downtown Master Plan Contract:** A resolution awarding a contract in an amount not to exceed $200,000.00 to Dover, Kohl and Partners to prepare a Downtown Master Plan

2. **2003 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2003 fixing the rate thereof at 0.4 mils for the Firemen's Pension and Relief Fund, 0.4 mils for the Policemen's Pension and Relief Fund, 1.0 mil for the Fayetteville City library; and 1.0 mil for General Purposes and Operations of the City; and certifying the same to the County Clerk of Washington county, Arkansas.

3. **Appeal of LSD 03-21.00 Planning Commission Approval:** Jones Motorcars, Inc. appeal of right-of-way dedication along Highway 71B/ N. College Avenue.

4. **VAC 03-10.00 (Tamara Breland Brickey)**: An ordinance approving VAC 03-10.00 to vacate and abandon a 10' utility easement along lots 23, 24, and 25 of the Jackson's First Addition as described on the attached map and legal description.

D. INFORMATIONAL:

1. **Council Tour: October 6, 2003**

Adjourn 10:30 P.M.

Meeting of October 7, 2003

Subject:	Roll					
Motion By: Seconded:						
Motion To:						
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
Absent Roll call Consent & Old Business →	Reynolds	[redacted]				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	Mayor Coody	✓				

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

Pull Minutes Alderman Davis needs to review

Res. 144-03
& 152-03

Meeting of October 7, 2003

Subject:		Public Hearing Raze & Removal 226 N School				
Motion By: Seconded:		Jordan Davis				
Motion To:		Table Ind.				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	~~Reynolds~~	—				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	~~Moyer-Goody~~	—				

#1
Old Business
Table Ind.

Subject:		Public Hearing R & R 323 N West Ave.				
Motion By: Seconded:		Davis Marr				
Motion To:		Table Ind.				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	~~Reynolds~~ Reynolds	✓				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	~~Moyer-Goody~~	—				

Reynolds was present during this issue.

#2
Old Business
Table Ind.

Meeting of October 7, 2003

Subject:	Police & Fire Pension Loppi.					
Motion By: Seconded:		—				
Motion To:		Table Ind.				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	~~Mayor Coody~~					

#3 Old Business Table Indef.

Subject:	Sale of Library at 217 E. Dickson					
Motion By: Seconded:		Rhoads Davis	Rhoads Davis			
Motion To:		2nd read	3rd read	Pass		
	Davis	✓	✓	✓		
	Lucas	✓	✓	✓		
	Jordan	✓	✓	✓		
	Reynolds	✓	✓	✓		
	Thiel	✓	✓	✓		
	Cook	✓	✓	NO		
	Marr	✓	NO	NO		
	Rhoads /	✓	✓	✓		
	~~Mayor Coody~~			—		

#4 old Business Passed 6-2

4516

Thiel: I think that is something Odums can start.

Cypress Young. Susan Porter

Meeting of October 7, 2003

Subject:		ANX 03-2.00 Shiloh Community Church				
Motion By: / Seconded:		Davis / Lucas				
Motion To:		2nd Read				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	Mayor Coody	—				
		Jeff Bates	Jee Jones - Pastor			

#5 Old Business

Withdrawn by Petitioner

Subject:		ANX 03-3.00 James Coger				
Motion By: / Seconded:		Davis / Lucas	Davis / Reynolds			
Motion To:		2nd read	3rd read	Pass		
	Davis	✓	✓	✓		
	Lucas	✓	✓	✓		
	Jordan	✓	✓	N		
	Reynolds	✓	✓	✓		
	Thiel	✓	✓	✓		
	Cook	✓	✓	N		
	Marr	✓	✓	abstain		
	Rhoads	✓	✓	✓		
	~~Mayor Coody~~	—	—	—		

#6 Old Business

5/2/1 abstain passed

4517

Meeting of October 7, 2003

Subject:		ANX-03-4.00 Stephens				
Motion By: Seconded:		Davis Lucas	Davis Lucas			
Motion To:		2nd read	3rd read	Pass		
	Davis	✓	✓	✓		
	Lucas	✓	✓	✓		
	Jordan	✓	✓	N		
	Reynolds	✓	✓	✓		
	Thiel	✓	✓	✓		
	Cook	✓	✓	N		
	Marr	✓	✓	N		
	Rhoads	✓	✓	✓		
	Mayor Coody	—	—	—		

#7
old Business
5-3
Passed

4518

Subject:		RZN - 03-17.00 Shiloh				
Motion By: Seconded:						
Motion To:						
	Davis					
	Lucas					
	Jordan					
	Reynolds					
	Thiel					
	Cook					
	Marr					
	Rhoads					
	Mayor Coody					

#8
old Business
Withdrawn by the Petitioner

Meeting of October 7, 2003

Subject:		RZN 03-18-00 James Cogan			RZN 03-18-00	
Motion By: Seconded:			Davis Lucas			
Motion To:		2nd read	3rd Read	Pass		
	Davis	✓	✓	✓		
	Lucas	✓	✓	✓		
	Jordan	✓	✓	N		
	Reynolds	✓	✓	✓		
	Thiel	✓	✓	N		
	Cook	✓	✓	N		
	Marr	Abstain	asbstain	asbtain		
	Rhoads	✓	✓	✓		
	~~Mayor Coody~~	—	—	yes		

#9 Old Business

4-3-1 for Against abstain Mayor voted yes

Passed H519

Subject:	RZN 03-27-00 Carol Stephens					
Motion By: Seconded:			Reynolds Lucas			
Motion To:		2nd read	3rd Read	Pass		
	Davis	✓	✓	✓		
	Lucas	✓	✓	✓		
	Jordan	✓	✓	N		
	Reynolds	✓	✓	✓		
	Thiel	✓	✓	✓		
	Cook	✓	✓	N		
	Marr	✓	✓	N		
	Rhoads	✓	✓	✓		
	Mayor Coody	—	—	—		

#10 Old Business

5-3

Passed 4520

Meeting of October 7, 2003

Subject:		Amend Chapter 51.136				
Motion By: Seconded:						
Motion To:		2nd read				
	Davis →	absent during this motion.				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	Mayor Coody	—				
		Fred McClain - Pinnacle Foods				

#11 Old Business
Davis absent during Call on second read.

Left on 2nd reading

NEW BUSINESS Subject:		Dover, Kohl & Partners		Downtown Master Plan Contract		
Motion By: Seconded:		Cook / Marr				
Motion To:		Approve				
	Davis	✓				
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhoads	✓				
	Mayor Coody	✓				

#1 New Business passed Resolution 153-03

Meeting of October 7, 2003

Subject:	2003 Millage Levy.					
Motion By: Seconded:						
Motion To:						
	Davis					
	Lucas					
	Jordan	Left on the first reading.				
	Reynolds					
	Thiel					
	Cook					
	Marr					
	Rhoads					
	Mayor Coody					

#2 New Business

Left on the 1st reading

Subject:	Appeal of LSD 03-21.00	Planning Commission Approval: Jones Motorcars			
Motion By: Seconded:		Rhoads / Davis			
Motion To:		Grant Appeal			
	Davis	✓			
	Lucas	N			
	Jordan	N			
	Reynolds	✓			
	Thiel	N			
	Cook	N			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody	—			

failed due to Tie Mayor Coody Chose not to vote

Meeting of October 7, 2003

Subject:		VAC 03-10.00 (Bricky)				
Motion By: Seconded:		Davis / Thiel	Reynolds / Davis	—		
Motion To:		2nd read	3rd read	Pass		
	Davis	✓	✓	✓		
	Lucas	✓	✓	✓		
	Jordan	✓	✓	✓		
	Reynolds	✓	✓	✓		
	Thiel	✓	✓	✓		
	Cook	✓	✓	✓		
4521	Marr	✓	✓	✓		
	Rhoads	✓	✓	✓		
	Mayor Coody	—	—	—		

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

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A. **CONSENT:** APPROVED

1. **Approval Of The Minutes:** Approval of the September 2, 2003 meeting minutes. Pulled minutes Alderman DAVIS needs to review.

2. **Crossland Contractors Bid 03-31:** A resolution awarding a construction contract in the amount of $693,662.00 to Crossland Heavy Contractors, Inc. for Gregg Avenue waterline improvements – Phase I; approving a project contingency in the amount of $80,000.00; and approving a budget adjustment in the amount of $53,394.00 for same.

144-03

3. **RJN Amendment #2, Wastewater Collection:** A resolution approving contract amendment #2 in the amount of $36,780.00 with RJN Group, Inc. to update the Wastewater Collection System Model; and approving a contingency in the amount of $3,220.00 for same.

145-03

4. **Zion Vantage Apartments Money in lieu of Land for Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $108,468.00 cash in lieu of the required park land dedication for Zion Vantage Apartments.

146-03

5. **Lazenby Apartments Money in lieu of land for Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $40,016.00 cash in lieu of the required park land dedication for Lazenby Apartments.

147-03

6. **Cruzen Equipment Company, Inc. Contract Aviation Fuel Self-Serve Facility:** A resolution awarding Bid #03-52 and approving a construction contract with Cruzen Equipment Company, Inc. in the amount of $32,534.83 for the construction of an aviation fuel self-serve facility at the Fayetteville Municipal Airport.

148-03

7. **Arkansas Dept. of Aeronautics Grant Aviation Fuel Self-Serve Facility:** A resolution authorizing the Fayetteville Municipal Airport staff to apply for and accept a grant in the amount of $17,966.00 from the Arkansas Department of Aeronautics for the construction of an aviation fuel self-serve facility; and approving a budget adjustment for same.

149-03

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150-03

9. **ADM 03-18.00 (Legacy Pointe Subdivision):** A resolution affirming the Planning Commission's approval of a variance from the requirements of §167.04, Tree Preservation Protection, Unified Development Code to allow on-site mitigation in the Legacy Pointe Residential Subdivision.

151-03

10. **Arkansas State Highway & Transportation Dept. Arkansas Recreational Trails Grant**: A resolution authorizing the Fayetteville Parks and Recreation Division to accept a grant in the amount of $51,247.00 from the Arkansas Highway and Transportation Department for Arkansas Recreational Trails Funds to continue development of trails at Lake Fayetteville North Shore Park; and approving a budget adjustment for same.

152-03

B. OLD BUSINESS:

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Tabled Indefinitely

2. **Public Hearing Raze and Removal 323 N. West Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by the Bank of Fayetteville, N.A. located at 323 N. West Avenue in the City of Fayetteville, Arkansas. ***This Resolution was tabled at the August 19, 2003 City Council meeting.***

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4. **Sale of Library Building at 217 E. Dickson:** An ordinance to amend Ordinance No. 4358 in order to exempt the City Library Complex on Dickson Street. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.*** Passed 6-2-0 10/7/03

4516

W/D by Petitioner

5. **ANX 03-2.00 (Shiloh Community Church):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of 3.95 acres located North of Mt. Comfort Road and West of Rupple Road owned by Shiloh Community Church. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

4517

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4518

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4519

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4520

10. **RZN 03-27.00 (Carol Stephens):** An ordinance rezoning that property described in rezoning petition RZN 03-27.00 as submitted by Geoff Bates of Keystone Consultants on behalf of Carol Stephens for property containing 1.08 acres located North of Mt. Comfort Road and West of Rupple Road. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.*** Passed 5-3-0 10/7/03

Left on 2nd reading

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153-03

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2. **2003 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2003 fixing the rate thereof at 0.4 mils for the Firemen's Pension and Relief Fund, 0.4 mils for the Policemen's Pension and Relief Fund, 1.0 mil for the Fayetteville City library; and 1.0 mil for General Purposes and Operations of the City; and certifying the same to the County Clerk of Washington county, Arkansas.

Left on 1st Reading

3. **Appeal of LSD 03-21.00 Planning Commission Approval:** Jones Motorcars, Inc. appeal of right-of-way dedication along Highway 71B/ N. College Avenue. Failed.
4-4-0 TIE. MAYOR CHOSE NOT to VOTE.

Failed

4. **VAC 03-10.00 (Tamara Breland Brickey):** An ordinance approving VAC 03-10.00 to vacate and abandon a 10' utility easement along lots 23, 24, and 25 of the Jackson's First Addition as described on the attached map and legal description.
Passed unanimously.

4521

D. INFORMATIONAL:

1. **Council Tour: October 6, 2003**

Adjourned 10:30pm

UNIVERSITY of ARKANSAS
1871

Office of the Chancellor

425 Administration Building
Fayetteville, Arkansas 72701
(479) 575-4148
FAX (479) 575-2361

RECEIVED
OCT 06 2003
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

October 1, 2003

The Honorable Mayor Dan Coody
and Fayetteville City Council Members
113 W. Mountain Street
Fayetteville, AR 72701

Dear Mayor Coody and Council Members:

I understand you are considering a consultant to develop a City Master Plan that would encompass downtown Fayetteville and the nearby neighborhood, the cultural district, and the University campus.

The University's experience with a consultant resulted in the adoption of a Campus Master Plan that has served the campus well. Having a Campus Master Plan has focused decisions around a set of principles that has undoubtedly resulted in better decisions by the campus. I cannot help but believe that a City Master Plan guided by professionals with input from citizens and those directly affected will be a most valuable tool for the city.

I urge the City of Fayetteville to commit resources and move forward in this process.

Sincerely,

John A. White
Chancellor

The University of Arkansas is an equal opportunity/affirmative action institution.

Copied to Council & Sanders 9/12/13

CIVIC PARTNERS

October 6, 2003

Mayor Dan Coody
City Hall
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701-6069

Re: Downtown Redevelopment

Dear Mayor Coody:

Civic Partners is a nationally recognized leader in downtown mixed-use redevelopment. We have visited Fayetteville several times this year to explore opportunities for our involvement with your community, and have discussed several potential development projects with you and your City staff. Based on our analysis and these meetings, we believe that the downtown/university area of Fayetteville exhibits great potential for mixed-use development.

Fayetteville is endowed with a wealth of assets that are the envy of many other cities. Over 150 years of history provides a strong foundation for future growth. The numerous historical buildings create a vibrant character base from which to build. We believe combining these historical attributes with the dynamic presence of the University of Arkansas will lead to an exciting and prosperous future for the area. We envision such development further enhancing the concept that Fayetteville is a great place to live and raise a family!

We encourage the City to consider a *long-range blueprint* to guide public infrastructure and private development. Careful and thorough planning is a prudent course of action to ensure a cohesive combination of existing buildings with new improvements. The downtown development should offer lifestyle rewards beyond the actual buildings, while considering both market and financial feasibility to ensure a successful plan. The final result should be a *master plan* that is the result of a community consensus.

We recommend that the City of Fayetteville utilize an experienced architect/land planner to craft the master plan for downtown with specific attention given to the area linking downtown with the University of Arkansas campus. Your planner should work closely

3961 MacArthur Blvd., Suite 212 • Newport Beach, California 92660
Telephone: (949) 975-0223 • Facsimile: (949) 975-0233

with local civic leaders, community groups, and interested parties to form a planning team that will weave a consensus viewpoint into a workable framework of urban land uses. There are several highly regarded national and regional firms that are qualified for this assignment, including Florida-based Dover, Kohl, whom we understand you have already interviewed. Their credentials are impressive, and with the proper team they should produce a thorough plan.

We offer ourselves as another highly-qualified firm that would be interested in working with your planning team. We bring many years of experience in working with government entities in "public/private" partnerships. Our focus is combining public needs with private uses. Specifically, in several recent projects we have successfully merged public structured parking with mixed-use commercial and residential uses. Our experience in this area provides a strong indication that downtown Fayetteville would benefit from such similar future development.

We look forward to speaking with you again in the next few weeks regarding our interest in your great city. Please do not hesitate to contact us if we can be of assistance.

Sincerely,

Scott Clements
Director of Business Development

A. T.
Ark. Dept. of
Aeronautics Grant

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE MUNICIPAL AIRPORT STAFF TO APPLY FOR AND ACCEPT A GRANT IN THE AMOUNT OF SEVENTEEN THOUSAND NINE HUNDRED SIXTY-SIX DOLLARS ($17,966.00) FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS FOR THE CONSTRUCTION OF AN AVIATION FUEL SELF-SERVE FACILITY; AND APPROVING A BUDGET ADJUSTMENT 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 the Fayetteville Municipal Airport staff to apply for and accept a grant in the amount of Seventeen Thousand Nine Hundred Sixty-Six Dollars ($17,966.00) from the Arkansas Department of Aeronautics for the construction of an aviation fuel self-serve facility.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing the above grant revenue.

PASSED and **APPROVED** this 7th day of October, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO:	City Council Mayor Coody
FROM:	Dawn T. Warrick, AICP, Zoning & Development Admin.
THRU:	Tim Conklin, AICP, Community Planning & Engineering Services Director
DATE:	September 30, 2003
SUBJECT:	Requested information regarding proposed annexation on Mt. Comfort Rd.

The following information is provided to supplement materials for the proposed annexation of 23.35 41 acres on the north side of Mt. Comfort Rd. west of Rupple Rd. (three companion requests).

Hamestring Lift Station

Planning staff provided the Water & Wastewater Director an update to the development information (unit count) that was conducted in March 2003 to account for development approvals which have occurred since the assessment of the lift station by RJN Group, Inc. That assessment resulted in a project to upgrade the lift station. Mr. Boettcher has prepared an interim progress report for presentation to the Council for the regular meeting of October 7, 2003.

Traffic Counts

The Transportation Division assisted in generating traffic count data for Mt. Comfort Rd. west of Rupple Rd. Counts were taken for a 24 hour period from Tuesday, September 23, 2003 to Wednesday, September 24, 2003. These counts (data sheets attached) show that approximately 4,200 vehicle trips are currently generated in the area on an average day. A review of the proposed development of the subject property indicates that approximately 831 new vehicle trips will be generated by maximum development of the 23.35 acres.

Current Vehicle Trips per Day	
East Bound	2,093
West Bound	2,107
Total	**4,200**

Proposed Development - Trip Generation	
Coger Subdivision (18.5 8 acres/75 units)	718
Shiloh Church (11,000 s.f.)	100
Stephens (existing duplex)	13
Total	**831**

Also attached to this memo is a section of the draft Traffic and Transportation Study for the City of Fayetteville prepared by Bucher, Willis & Ratliff Corp. According to the *Highway Capacity Manual 2000* as referenced in the study, a two lane street with a service volume of 10,000 vehicles per day will result in a level of service rating of C. "Level of service C or better is desirable. In urban locations, level of service D is considered les than desirable, but still acceptable." According to this information, the amount of traffic located in the study area could be increased significantly and still result in an acceptable level of service rating.

Developed/Undeveloped Prope

Planning staff evaluated property within the City limits and located west of I-540 to determine the amount of undeveloped property currently existing. The following table reflects acreages of vacant property which has not been submitted into the review process for development approval:

Undeveloped Property West of I-540

General location	Approx. acreage
North of Mt. Comfort Rd.	134
Bet. Mt. Comfort Rd. and Wedington Dr.	28
South of Wedington Dr.	25
Total	**187**

TRAFFIC VOLUME/STREET CAPACITY

The *Highway Capacity Manual 2000* provides traffic service volumes that can be accommodated on arterial streets, depending on the number of lanes, and based on assumptions of traffic signal timings and free flow traffic speeds. The arterial streets in Fayetteville have been assigned a daily capacity to carry traffic as derived from the HCM service volumes. Figures 3-8 and 3-9 depict the arterial streets based on their daily traffic capacity along with the year 2000 daily traffic volumes and the year 2023 daily traffic volume. This comparison of traffic volumes to street capacity has provided the basis for major street widening recommendations. The expected average daily service volumes based on the number of through lanes has been correlated with level of service in Table 3-6. Level of service E is generally considered the full capacity of a street or intersection, and consequently represents severe congestion. Level of service C or better is desirable. In urban locations, level of service D is considered less than desirable, but still acceptable.

Table 3-6 Service Volumes and Level-Of-Service

Lanes in Each Direction	Service Volume (vehicles per day)		
	L.O.S. C	L.O.S. D	L.O.S. E
1	10,000	16,000	17,000
2	20,000	32,000	34,000
3	30,000	48,000	51,000

TRAFFIC IMPROVEMENTS

The comparison of the traffic volume to street capacity provided a basis for identifying arterial streets that will need improvement now. In addition to those arterials, other major streets have been identified as key to completing system continuity or providing infrastructure for Priority Growth Areas. The results of the intersection capacity analysis served as the basis for identifying intersections that will benefit from improvements now. Other intersections were identified by City Staff as having potential safety concerns or non conventional intersection geometry that needed to be addressed. These short range improvement locations are identified in Figures 3-10 and 3-11.

Those improvements that will be needed within the course of the next 20 years are identified in Figures 3-12 and 3-13 as long range improvements.

MetroCount Traffic Executive
Vehicle Counts

VehicleCount-23

DATASETS:

Site: **[mt comfort rd] mt comort rd w of rupple rd**
Direction: 8 - East bound A>B, West bound B>A., **Lane:** 8
Survey Duration: 14:13 Mon 22 Sep 2003 to 10:59 Wed 24 Sep 2003
File: C:\Program Files\MetroCount v225\User\Data\mt comfort rd\2003\SEP\fayetteville\mt comfort rd24SEP2003.EC8 (Plus)
Identifier: K139ZJCE MC56-6 [MC55] (c)Microcom 02/03/01
Algorithm: Factory default

PROFILE:

Filter time: **00:00 Tue 23 Sep 2003 to 00:00 Wed 24 Sep 2003**
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
Speed range: 6 - 99 mph.
Direction: West (bound)
Headway: All
Scheme: Scheme F
Name: Factory default profile
Method: Vehicle classification
Units: Non-Metric (ft, mi, f/s, mph, lb, ton)
In profile: 2107 Vehicles

MetroCount Traffic Executive
Vehicle Counts

VehicleCount-24

DATASETS:

Site: **[mt comfort rd] mt comort rd w of rupple rd**
Direction: 8 - East bound A>B, West bound B>A., **Lane:** 8
Survey Duration: 14:13 Mon 22 Sep 2003 to 10:59 Wed 24 Sep 2003
File: C:\Program Files\MetroCount v225\User\Data\mt comfort rd\2003\SEP\fayetteville\mt comfort rd24SEP2003.EC8 (Plus)
Identifier: K139ZJCE MC56-6 [MC55] (c)Microcom 02/03/01
Algorithm: Factory default

PROFILE:

Filter time: **00:00 Tue 23 Sep 2003 to 00:00 Wed 24 Sep 2003**
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
Speed range: 6 - 99 mph.
Direction: East (bound)
Headway: All
Scheme: Scheme F
Name: Factory default profile
Method: Vehicle classification
Units: Non-Metric (ft, mi, f/s, mph, lb, ton)
In profile: 2093 Vehicles

MetroCount Traffic Executive
Vehicle Counts

VehicleCount-25

DATASETS:

Site: **[mt comfort rd] mt comort rd w of rupple rd**
Direction: 8 - East bound A>B, West bound B>A., **Lane:** 8
Survey Duration: 14:13 Mon 22 Sep 2003 to 10:59 Wed 24 Sep 2003
File: C:\Program Files\MetroCount v225\User\Data\mt comfort rd\2003\SEP\fayetteville\mt comfort rd24SEP2003.EC8 (Plus)
Identifier: K139ZJCE MC56-6 [MC55] (c)Microcom 02/03/01
Algorithm: Factory default

PROFILE:

Filter time: **00:00 Tue 23 Sep 2003 to 00:00 Wed 24 Sep 2003**
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
Speed range: 6 - 99 mph.
Direction: East, West (bound)
Headway: All
Scheme: Scheme F
Name: Factory default profile
Method: Vehicle classification
Units: Non-Metric (ft, mi, f/s, mph, lb, ton)
In profile: 4200 Vehicles

Church
Summary of Trip Generation Calculation
For 11 Th.Gr.Sq.Ft. of Church
September 30, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	9.11	7.20	1.00	100
7-9 AM Peak Hour Enter	0.39	0.00	1.00	4
7-9 AM Peak Hour Exit	0.33	0.00	1.00	4
7-9 AM Peak Hour Total	0.72	1.88	1.00	8
4-6 PM Peak Hour Enter	0.36	0.00	1.00	4
4-6 PM Peak Hour Exit	0.30	0.00	1.00	3
4-6 PM Peak Hour Total	0.66	1.01	1.00	7
Saturday 2-Way Volume	9.70	15.56	1.00	107
Saturday Peak Hour Enter	2.40	0.00	1.00	26
Saturday Peak Hour Exit	0.85	0.00	1.00	9
Saturday Peak Hour Total	3.25	6.39	1.00	36

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

TRIP GENERATION BY MICROTRANS

Duplex
Summary of Trip Generation Calculation
For 2 Dwelling Units of Apartments
September 30, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	6.63	2.98	1.00	13
7-9 AM Peak Hour Enter	0.08	0.00	1.00	0
7-9 AM Peak Hour Exit	0.43	0.00	1.00	1
7-9 AM Peak Hour Total	0.51	0.73	1.00	1
4-6 PM Peak Hour Enter	0.42	0.00	1.00	1
4-6 PM Peak Hour Exit	0.20	0.00	1.00	0
4-6 PM Peak Hour Total	0.62	0.82	1.00	1
Saturday 2-Way Volume	6.39	2.99	1.00	13
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.52	0.74	1.00	1

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

TRIP GENERATION BY MICROTRANS

Coger Subdivision
Summary of Trip Generation Calculation
For 75 Dwelling Units of Single Family Detached Housing
September 30, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	9.57	3.69	1.00	718
7-9 AM Peak Hour Enter	0.19	0.00	1.00	14
7-9 AM Peak Hour Exit	0.56	0.00	1.00	42
7-9 AM Peak Hour Total	0.75	0.90	1.00	56
4-6 PM Peak Hour Enter	0.65	0.00	1.00	49
4-6 PM Peak Hour Exit	0.36	0.00	1.00	27
4-6 PM Peak Hour Total	1.01	1.05	1.00	76
Saturday 2-Way Volume	10.09	3.67	1.00	757
Saturday Peak Hour Enter	0.51	0.00	1.00	38
Saturday Peak Hour Exit	0.43	0.00	1.00	32
Saturday Peak Hour Total	0.94	0.99	1.00	71

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

TRIP GENERATION BY MICROTRANS

Tentative Agenda
For
City Council Meeting
October 7, 2003

A meeting of the Fayetteville City Council will be held on October 7, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Dover, Kohl & Partners Downtown Master Plan Presentation at City Council Agenda Session on September 30, 2003

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the September 2, 2003 meeting minutes.

2. **Crossland Contractors Bid 03-31:** A resolution awarding a construction contract in the amount of $693,662.00 to Crossland Heavy Contractors, Inc. for Gregg Avenue waterline improvements – Phase I; approving a project contingency in the amount of $80,000.00; and approving a budget adjustment in the amount of $53,394.00 for same.

3. **RJN Amendment #2, Wastewater Collection:** A resolution approving contract amendment #2 in the amount of $36,780.00 with RJN Group, Inc. to update the Wastewater Collection System Model; and approving a contingency in the amount of $3,220.00 for same.

4. **Zion Vantage Apartments Money in lieu of Land for Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $108,468.00 cash in lieu of the required park land dedication for Zion Vantage Apartments.

5. **Lazenby Apartments Money in lieu of land for Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $40,016.00 cash in lieu of the required park land dedication for Lazenby Apartments.

6. **Cruzen Equipment Company, Inc. Contract Aviation Fuel Self-Serve Facility:** A resolution awarding Bid #03-52 and approving a construction contract with Cruzen Equipment Company, Inc. in the amount of $32,534.83 for the construction of an aviation fuel self-serve facility at the Fayetteville Municipal Airport.

7. **Arkansas Dept. of Aeronautics Grant Aviation Fuel Self-Serve Facility:** A resolution authorizing the Fayetteville Municipal Airport staff to apply for and accept a grant in the amount of $17,966.00 from the Arkansas Department of Aeronautics for the construction of an aviation fuel self-serve facility; and approving a budget adjustment for same.

B. OLD BUSINESS:

1. **Public Hearing Raze and Removal 226 North School Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Timothy C. and Christine Klinger located at 226 N. School Avenue in the City of Fayetteville, Arkansas. ***This Resolution was tabled at the August 19, 2003 City Council meeting.***

2. **Public Hearing Raze and Removal 323 N. West Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by the Bank of Fayetteville, N.A. located at 323 N. West Avenue in the City of Fayetteville, Arkansas. ***This Resolution was tabled at the August 19, 2003 City Council meeting.***

3. **Police and Fire Pension LOPFI Agreement**: An ordinance electing coverage for eligible members of the Police Pension and Relief Fund and Firefighter Pension and Relief Fund under LOPFI and authorizing Mayor Coody to enter into an agreement with LOPFI. ***This Resolution was tabled at the August 19, 2003 City Council meeting.***

4. **Sale of Library Building at 217 E. Dickson:** An ordinance to amend Ordinance No. 4358 in order to exempt the City Library Complex on Dickson Street. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

5. **ANX 03-2.00 (Shiloh Community Church):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of 3.95 acres located North of Mt. Comfort Road and West of Rupple Road owned by Shiloh Community Church. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

6. **ANX 03-3.00 (James Coger):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas of 18.38 acres located North of Mt. Comfort Road and West of Rupple Road owned by James Coger. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

7. **ANX 03-4.00 (Carol Stephens):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of 1.08 acres located North of Mt. Comfort Road and West of Rupple Road owned by Carol Stephens. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

8. **RZN 03-17.00 (Shiloh Community Church):** An ordinance rezoning that property described in rezoning petition RZN 03-17.00 as submitted by Geoff Bates of Keystone Consultants on behalf of Shiloh Community Church for 3.95 acres located North of Mt. Comfort Road and West of Rupple Road. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

9. **RZN 03-18.00 (James Coger):** An ordinance rezoning that property described in rezoning petition RZN-03-18.00 as submitted by Geoff Bates of Keystone Consultants on behalf of James Coger for 18.38 acres located North of Mt. Comfort Road and West of Rupple Road. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

10. **RZN 03-27.00 (Carol Stephens):** An ordinance rezoning that property described in rezoning petition RZN 03-27.00 as submitted by Geoff Bates of Keystone Consultants on behalf of Carol Stephens for property containing 1.08 acres located North of Mt. Comfort Road and West of Rupple Road. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

11. **Amend Chapter 51.136 Monthly Water Rates:** An ordinance amending Chapter 51, Water and Sewers, of the Code of Fayetteville, to change nomenclature; and adjust water and sewer rates consistent with the recommendations of the Black & Veatch Rate Study. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

C. **NEW BUSINESS:**

1. **Dover, Kohl & Partners Downtown Master Plan Contract:** A resolution awarding a contract in an amount not to exceed $200,000.00 to Dover, Kohl and Partners to prepare a Downtown Master Plan

2. **Business License Program:** An ordinance to establish a Business License requirement for all establishments legally required to pay hotel, motel and restaurant taxes in Fayetteville.

3. **2003 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2003 fixing the rate thereof at 0.4 mils for the Firemen's Pension and Relief Fund, 0.4 mils for the Policemen's Pension and Relief Fund, 1.0 mil for the Fayetteville City library; and 1.0 mil for General Purposes and Operations of the City; and certifying the same to the County Clerk of Washington county, Arkansas.

4. **Multicraft Contract Repair Filtering System Bid Waiver:** A resolution awarding a contract in the amount of $95,000.00 to Multi-Craft contractors, Inc. for repairs to the effluent filtering system at the Noland Wastewater Treatment Plant; and approving a project contingency in the amount of $5,000.00 for same.

5. **Appeal of LSD 03-21.00 Planning Commission Approval:** Jones Motorcars, Inc. appeal of right-of-way dedication along Highway 71B/ N. College Avenue.

6. **ADM 03-18.00 (Legacy Pointe Subdivision):** A resolution affirming the Planning Commission's approval of a variance from the requirements of §167.04, Tree Preservation Protection, Unified Development Code to allow on-site mitigation in the Legacy Pointe Residential Subdivision.

7. **VAC 03-10.00 (Tamara Breland Brickey)**: An ordinance approving VAC 03-10.00 to vacate and abandon a 10' utility easement along lots 23, 24, and 25 of the Jackson's First Addition as described on the attached map and legal description.

8. **Arkansas State Highway & Transportation Dept. Arkansas Recreational Trails Grant**: A resolution authorizing the Fayetteville Parks and Recreation Division to accept a grant in the amount of $51,247.00 from the Arkansas Highway and Transportation Department for Arkansas Recreational Trails Funds to continue development of trails at Lake Fayetteville North Shore Park; and approving a budget adjustment for same.

D. INFORMATIONAL:

1. **Council Tour: October 6, 2003**

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
X CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council Meeting of: October 7, 2003

FROM:

Paul Libertini P.L.	Engineering	Comm. Planning & Engineering Svcs.
Name	Division	Department

ACTION REQUIRED: Award a construction contract to ***Crossland Heavy Contractors, Inc.*** in the amount of $693,662.00 and approve $80,000.00 for project contingency for Bid No. 03-31, Gregg Avenue Waterline Improvements - Phase I. Also, approve the attached Budget Adjustment in the amount of $53,394.00.

COST TO CITY:

$773,662.00	$ 834,113.00	Gregg Ave. Waterline Relocation
Cost of this request	Category/Project Budget	Program Category / Project Name
5400.5600.5808.00	$ 93,845.00	Water & Sewer Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02129.20	$ 740,268.00	Water & Sewer
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Manager — Date: 9-17-03

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager	9/17/03 Date	Internal Auditor	9/17/03 Date
City Attorney	9/18/03 Date	Purchasing Manager	9/19/03 Date

STAFF RECOMMENDATION: Approval of the action items listed above.

for Division Head — 9-17-03 Date

Department Director — 9-17-03 Date

Finance & Internal Services Dir. — 9-23-03 Date

Chief Administrative Officer — 9-23-03 Date

Mayor — 9/24/03 Date

Received in Mayor's Office ____ Date

Cross Reference:

Previous Ord/Res#: ____

Orig. Contract Date: ____

Orig. Contract Number: ____

New Item: Yes X No

ENTERED 9/17/03 TM

Staff Review Form - Page 2

Description Gregg Ave. Waterline Relocation Meeting Date: October 7, 2003

Comments: Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF SIX HUNDRED NINETY-THREE THOUSAND SIX HUNDRED SIXTY-TWO DOLLARS ($693,662.00) TO CROSSLAND HEAVY CONTRACTORS, INC. FOR GREGG AVENUE WATERLINE IMPROVEMENTS - PHASE I; APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF EIGHTY THOUSAND DOLLARS ($80,000.00); AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF FIFTY-THREE THOUSAND THREE HUNDRED NINETY-FOUR DOLLARS ($53,394.00) 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 awards a construction contract in the amount of Six Hundred Ninety-Three Thousand Six Hundred Sixty-Two Dollars ($693,662.00) to Crossland Heavy Contractors, Inc. for Gregg Avenue Waterline Improvements - Phase I. A copy of the contract, 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 Eighty Thousand Dollars ($80,000.00) for same.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a budget adjustment in the amount of Fifty-Three Thousand Three Hundred Ninety-Four Dollars ($53,394.00) for same.

PASSED and **APPROVED** this 7th day of October, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Community Planning & Engineering Division: Engineering Program: Water & Sewer Fund Projects	Date Requested	Adjustment Number
2003		10/7/2003	

Project or Item Requested:

$53,394 is requested in the Gregg Avenue Water Line Relocation capital project.

Project or Item Deleted:

Funding from the Water & Sewer Cost Sharing capital projects that has remaining funds.

Justification of this Increase:

The funding is needed to cover the construction contingency cost of the project.

Justification of this Decrease:

There is sufficient funds remaining to finish 2003 objectives.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Water line improvements	5400	5600	5808	00	53,394	02129	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Water line improvements	5400	5600	5808	00	53,394	02067	1

Approval Signatures

Paul Libertini — Requested By — 9/17/03 — Date

Budget Manager — 9-17-03 — Date

Department Director — 9-17-03 — Date

Finance & Internal Services Director — 9-23-03 — Date

Mayor — Date

Budget Office Use Only

Type: A B C D E

Date of Approval — Initial — Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

Entered in Category Log — Initial — Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

Date: September 16, 2003

To: Mayor Dan Coody

Thru: Hugh Earnest, Chief Administrative Officer
Tim Conklin, Director, Community Planning & Engineering Services TC.
Gary Coover, City Engineer GC

From: Paul Libertini, Staff Engineer PL.

Re: Gregg Ave. Waterline Improvements, Phase I
Award of Construction Contract to Crossland Heavy Contractors, Inc.

Background:

This construction project is in the approved Five Year Capital Improvements Program 2002 - 2006. On September 17, 2002, City Council approved a phased design contract with Garver Engineers to relocate and upgrade existing waterlines along Gregg Avenue. The Phase I design has now been completed and was advertised for bids on Friday, August 8th and Friday, August 15th.

This project will install approximately 2,300' of 18", 1,600' of 12" and 1,000' of 8" PVC waterline. This includes boring and installing approximately 400' of 12" PVC waterline under the William Fulbright Expressway in the general area of Target and Olive Garden across to the Millsap Road area which is currently deficient in water main looping. These waterlines are being installed in conjunction with the AHTD Gregg Avenue Widening project which is scheduled to have a bid opening in October.

This project supports ***Guiding Principle #2 - "Well-Maintained City Infrastructure and Facilities".***

Current Status:

On Friday, August 29th at 2:00 pm, official bids were received from 5 contractors. Crossland Heavy Contractors, Inc. was the low bidder. A full bid tabulation sheet is attached which was prepared by Garver Engineers.

Recommendations:

Staff recommends that the City Council award the construction contract to the low bidder, ***Crossland Heavy Contractors, Inc.***, in the amount of **$693,662.00** and approve $80,000.00 for project contingency. Also, approve a Budget Adjustment in the amount of $53,394.00 to cover the above estimated costs and $20,000 for in-house construction management services.

Funding:

The construction project funding has been previously budgeted from the Water & Sewer Fund. The additional funding of $53,394 required for the budget amendment will come from the Water & Sewer Cost Sharing budget.

PDL/pdl
Attachments: Construction Contract (Agreement)
Bid Tabulations by Garver Engineers

Garver Engineers, LLC

3810 Front Street, Suite 10
Fayetteville, Arkansas 72703

479-527-9100
FAX 479-527-9101

www.garverengineers.com

GARVER|ENGINEERS

RECEIVED
SEP - 2 2003
Hand del. Engr.

September 2, 2003

Mr. Paul Libertini, P.E.
City of Fayetteville Engineering Department
113 W. Mountain Street
Fayetteville, AR 72703

Re: Gregg Avenue Water System Improvements – Phase I
Evaluation of Bids
Garver Project No. 0296-3600

Dear Paul:

Five bids were received for the City of Fayetteville's Gregg Avenue Water System Improvements – Phase I on Friday, August 29, 2003, at 2:00 P.M. The bids have been checked for accuracy. A tabulation of the bids is enclosed with this letter, with the summary amount for each bid shown below.

Contractor	Bid
Crossland Heavy Construction	$ 693,662.00
Garney Companies, Inc.	$ 783,800.00
Goodwin & Goodwin	$ 788,765.00
Mobley Contractors	$ 839,672.38
Seven Valleys Construction Co.	$ 841,680.00
Garver Engineers' Estimate	*$ 842,342.50*

We are currently evaluating the apparent low bid of Crossland Heavy Construction prior to recommending that the City accept this bid. Specifically, we have requested verification that they have the capability to perform this work within the allotted contract time in conjunction with their other construction project with the City of Fayetteville, Work Order No.1 of the Accelerated Waterline Replacement Program, and that they have performed projects of a similar nature in the recent past. We will supply you with this information once we receive it from Crosland Heavy Construction so that the City can evaluate the information and award the construction contract to the most qualified responsive low bidder. If you have any questions, please contact us at your convenience.

Respectfully submitted,
GARVER ENGINEERS

Chris Parton, P.E.
Project Engineer

Cc: Greg Boettcher – Water & Wastewater Director
Dave Jurgens – Water & Wastewater Maintenance Director
Gary Coover – City Engineer
Peggy Vice – Purchasing Agent

RECEIVED
SEP - 2 2003

CITY OF FAYETTEVILLE
GREGG AVENUE WATERLINE
PHASE I
BID VERIFICATION FOR BIDS RECEIVED ON AUGUST 29, 2003, 2:00 P.M.

ITEM	DESCRIPTION	UNIT	ESTIMATED QUANTITY	CROSSLAND CONSTRUCTION UNIT PRICE	CROSSLAND CONSTRUCTION AMOUNT	GARNEY COMPANIES, INC. UNIT PRICE	GARNEY COMPANIES, INC. AMOUNT	GOODWIN & GOODWIN, INC. UNIT PRICE	GOODWIN & GOODWIN, INC. AMOUNT	MOBLEY CONTRACTORS, INC. UNIT PRICE	MOBLEY CONTRACTORS, INC. AMOUNT	SEVEN VALLEYS CONST. UNIT PRICE	SEVEN VALLEYS CONST. AMOUNT	ENGINEER'S ESTIMATE UNIT PRICE	ENGINEER'S ESTIMATE AMOUNT
SP-02-5.1a	18" PVC C-905 DR-18 WATERLINE	L.F.	2,325	$ 51.20	$ 119,040.00	$ 75.00	$ 174,375.00	$ 47.00	$ 109,275.00	$ 53.77	$ 125,015.25	$ 52.00	$ 120,900.00	$ 50.00	$ 116,250.00
SP-02-5.1b	12" PVC C-900 DR-14 WATERLINE	L.F.	1,640	$ 36.30	$ 59,532.00	$ 60.00	$ 98,400.00	$ 28.00	$ 45,920.00	$ 38.78	$ 63,599.20	$ 40.00	$ 65,600.00	$ 35.00	$ 57,400.00
SP-02-5.1c	8" PVC C-900 DR-14 WATERLINE	L.F.	980	$ 33.00	$ 32,340.00	$ 35.00	$ 34,300.00	$ 23.00	$ 22,540.00	$ 28.66	$ 28,086.80	$ 32.00	$ 31,360.00	$ 27.50	$ 26,950.00
SP-02-5.1d	DUCTILE IRON MECHANICAL JOINT WATERLINE FITTINGS	LBS.	6,990	$ 4.00	$ 27,960.00	$ 5.00	$ 34,950.00	$ 6.00	$ 41,940.00	$ 4.94	$ 34,530.60	$ 8.00	$ 55,920.00	$ 8.00	$ 55,920.00
SP-02-5.1e	8"X8" TAPPING SLEEVE, VALVE AND VALVE BOX	EA.	3	$ 2,280.00	$ 6,840.00	$ 2,000.00	$ 6,000.00	$ 2,500.00	$ 7,500.00	$ 2,524.76	$ 7,574.28	$ 2,300.00	$ 6,900.00	$ 3,000.00	$ 9,000.00
SP-02-5.1f	6"X6" TAPPING SLEEVE, VALVE AND VALVE BOX	EA.	2	$ 2,000.00	$ 4,000.00	$ 1,600.00	$ 3,200.00	$ 2,250.00	$ 4,500.00	$ 1,641.23	$ 3,282.46	$ 2,000.00	$ 4,000.00	$ 2,500.00	$ 5,000.00
SP-02-5.1g	18" BUTTERFLY VALVE AND VALVE BOX	EA.	6	$ 4,880.00	$ 29,280.00	$ 4,000.00	$ 24,000.00	$ 6,000.00	$ 36,000.00	$ 5,571.99	$ 33,431.94	$ 5,900.00	$ 35,400.00	$ 7,000.00	$ 42,000.00
SP-02-5.1h	12" BUTTERFLY VALVE AND VALVE BOX	EA.	4	$ 1,000.00	$ 4,000.00	$ 2,750.00	$ 11,000.00	$ 3,500.00	$ 14,000.00	$ 3,633.74	$ 14,534.96	$ 4,000.00	$ 16,000.00	$ 3,000.00	$ 12,000.00
SP-02-5.1i	8" GATE VALVE AND VALVE BOX	EA.	8	$ 964.00	$ 7,712.00	$ 900.00	$ 7,200.00	$ 1,500.00	$ 12,000.00	$ 1,303.63	$ 10,429.04	$ 1,300.00	$ 10,400.00	$ 1,000.00	$ 8,000.00
SP-02-5.1j	FIRE HYDRANT ASSEMBLY	EA.	11	$ 2,470.00	$ 27,170.00	$ 2,000.00	$ 22,000.00	$ 3,000.00	$ 33,000.00	$ 2,454.79	$ 27,002.69	$ 2,500.00	$ 27,500.00	$ 2,750.00	$ 30,250.00
SP-02-5.1k	CUT AND CAP EXISTING 8" WATER MAIN	EA.	11	$ 251.00	$ 2,761.00	$ 500.00	$ 5,500.00	$ 1,000.00	$ 11,000.00	$ 898.78	$ 9,886.58	$ 1,000.00	$ 11,000.00	$ 1,500.00	$ 16,500.00
SP-02-5.1l	CUT AND CAP EXISTING 6" WATER MAIN	EA.	6	$ 226.00	$ 1,356.00	$ 500.00	$ 3,000.00	$ 750.00	$ 4,500.00	$ 669.34	$ 4,016.04	$ 900.00	$ 5,400.00	$ 1,000.00	$ 6,000.00
SP-02-5.1m	2" SERVICE LINE (INCLUDES 2" SERVICE SADDLE, 2" BALL VALVE, 2" SERVICE LINE, AND RECONNECTION TO THE EXISTING "HOUSE" SERVICE LINE)	EA.	2	$ 1,895.00	$ 3,790.00	$ 2,000.00	$ 4,000.00	$ 1,500.00	$ 3,000.00	$ 1,335.45	$ 2,670.90	$ 1,800.00	$ 3,600.00	$ 2,000.00	$ 4,000.00
SP-02-5.1n	SINGLE WATER METER SETTING	EA.	2	$ 890.00	$ 1,780.00	$ 1,000.00	$ 2,000.00	$ 400.00	$ 800.00	$ 1,057.50	$ 2,115.00	$ 600.00	$ 1,200.00	$ 1,000.00	$ 2,000.00
SP-02-5.1o	CONNECT EXISTING WATER SERVICE LINE TO NEW WATER MAIN	EA.	2	$ 350.00	$ 700.00	$ 700.00	$ 1,400.00	$ 400.00	$ 800.00	$ 1,032.77	$ 2,065.54	$ 300.00	$ 600.00	$ 500.00	$ 1,000.00
SP-02-5.1p	PERMANENT PAVEMENT REPAIR	S.Y.	465	$ 44.00	$ 20,460.00	$ 75.00	$ 34,875.00	$ 1.00	$ 465.00	$ 59.86	$ 27,834.90	$ 75.00	$ 34,875.00	$ 90.00	$ 41,850.00
SP-02-5.1q	CLASS 7 BACKFILL AT STREET CROSSINGS	TN.	565	$ 6.40	$ 3,616.00	$ 10.00	$ 5,650.00	$ 1.00	$ 565.00	$ 18.07	$ 10,209.55	$ 23.00	$ 12,995.00	$ 17.50	$ 9,887.50
SP-02-5.1r	REMOVE EXISTING FIRE HYDRANT AND DELIVER TO CITY OF FAYETTEVILLE WATER & SEWER DEPT.	EA.	5	$ 190.00	$ 950.00	$ 500.00	$ 2,500.00	$ 750.00	$ 3,750.00	$ 212.94	$ 1,064.70	$ 1,000.00	$ 5,000.00	$ 1,000.00	$ 5,000.00
SP-03-5.1a	36"x18" TAPPING SLEEVE	EA.	1	$ 8,700.00	$ 8,700.00	$ 10,000.00	$ 10,000.00	$ 10,500.00	$ 10,500.00	$ 8,347.95	$ 8,347.95	$ 9,000.00	$ 9,000.00	$ 8,000.00	$ 8,000.00
SP-03-5.1b	36"x12" TAPPING SLEEVE	EA.	1	$ 5,600.00	$ 5,600.00	$ 10,000.00	$ 10,000.00	$ 7,500.00	$ 7,500.00	$ 5,323.50	$ 5,323.50	$ 6,600.00	$ 6,600.00	$ 6,000.00	$ 6,000.00
SP-03-5.1c	18" TAPPING VALVE	EA.	1	$ 12,200.00	$ 12,200.00	$ 8,000.00	$ 8,000.00	$ 15,000.00	$ 15,000.00	$ 15,276.40	$ 15,276.40	$ 17,000.00	$ 17,000.00	$ 5,000.00	$ 5,000.00
SP-03-5.1d	12" TAPPING VALVE	EA.	1	$ 1,600.00	$ 1,600.00	$ 1,600.00	$ 1,600.00	$ 2,500.00	$ 2,500.00	$ 3,207.39	$ 3,207.39	$ 2,100.00	$ 2,100.00	$ 4,000.00	$ 4,000.00
SP-04-5.1a	2" AIR RELEASE VALVE	EA.	2	$ 1,600.00	$ 3,200.00	$ 2,750.00	$ 5,500.00	$ 1,750.00	$ 3,500.00	$ 2,732.33	$ 5,464.66	$ 1,700.00	$ 3,400.00	$ 5,000.00	$ 10,000.00
SP-05-5.1a	12" TEMPORARY LINE STOP	EA.	1	$ 7,400.00	$ 7,400.00	$ 6,000.00	$ 6,000.00	$ 9,000.00	$ 9,000.00	$ 7,651.80	$ 7,651.80	$ 7,500.00	$ 7,500.00	$ 8,000.00	$ 8,000.00
SP-06-5.2a	24" BORED STEEL ENCASEMENT PIPE	L.F.	375	$ 262.00	$ 98,250.00	$ 300.00	$ 112,500.00	$ 275.00	$ 103,125.00	$ 319.45	$ 119,793.75	$ 492.00	$ 184,500.00	$ 275.00	$ 103,125.00
SP-06-5.2b	6" STEEL ENCASEMENT PIPE	L.F.	115	$ 31.00	$ 3,565.00	$ 50.00	$ 5,750.00	$ 75.00	$ 8,625.00	$ 49.09	$ 5,645.35	$ 40.00	$ 4,600.00	$ 50.00	$ 5,750.00
SP-06-5.2c	18" STEEL ENCASEMENT PIPE	L.F.	385	$ 75.00	$ 28,875.00	$ 70.00	$ 26,950.00	$ 125.00	$ 48,125.00	$ 136.87	$ 52,694.95	$ 80.00	$ 30,800.00	$ 120.00	$ 46,200.00

Crossland Contractors Bid 03-31
A. 2.
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CITY OF FAYETTEVILLE
GREGG AVENUE WATERLINE
PHASE I
BID VERIFICATION FOR BIDS RECEIVED ON AUGUST 29, 2003, 2:00 P.M.

ITEM	DESCRIPTION	UNIT	ESTIMATED QUANTITY	CROSSLAND CONSTRUCTION UNIT PRICE	CROSSLAND CONSTRUCTION AMOUNT	CARNEY COMPANIES, INC. UNIT PRICE	CARNEY COMPANIES, INC. AMOUNT	GOODWIN & GOODWIN, INC. UNIT PRICE	GOODWIN & GOODWIN, INC. AMOUNT	MOBLEY CONTRACTORS, INC. UNIT PRICE	MOBLEY CONTRACTORS, INC. AMOUNT	SEVEN VALLEYS CONST. UNIT PRICE	SEVEN VALLEYS CONST. AMOUNT	ENGINEER'S ESTIMATE UNIT PRICE	ENGINEER'S ESTIMATE AMOUNT
[illegible]	24" STEEL ENCASEMENT PIPE	L.F.	130	$ 100.00	$ 13,000.00	$ 90.00	$ 11,700.00	$ 125.00	$ 16,250.00	$ 166.36	$ 21,626.80	$ 90.00	$ 11,700.00	$ 150.00	$ 19,500.00
[illegible]	32" STEEL ENCASEMENT PIPE	L.F.	965	$ 141.00	$ 79,865.00	$ 140.00	$ 79,100.00	$ 175.00	$ 98,875.00	$ 155.86	$ 88,060.90	$ 140.00	$ 79,100.00	$ 225.00	$ 127,125.00
0-1-3.1a	SITE PREPARATION	L.S.	1	$ 19,040.00	$ 19,040.00	$ 10,000.00	$ 10,000.00	$ 55,000.00	$ 55,000.00	$ 77,896.10	$ 77,896.10	$ 5,000.00	$ 5,000.00	$ 10,000.00	$ 10,000.00
0-6-3.1a	TRENCH AND EXCAVATION SAFETY SYSTEM	L.S.	1	$ 23,400.00	$ 23,400.00	$ 5,000.00	$ 5,000.00	$ 33,000.00	$ 33,000.00	$ 709.40	$ 709.40	$ 10,000.00	$ 10,000.00	$ 20,000.00	$ 20,000.00
1-1-5.1a	MAINTENANCE OF TRAFFIC	L.S.	1	$ 20,950.00	$ 20,950.00	$ 10,000.00	$ 10,000.00	$ 20,000.00	$ 20,000.00	$ 14,250.60	$ 14,250.60	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00
1-10-4.1a	BARBED WIRE FENCE	L.F.	210	$ 19.00	$ 3,990.00	$ 5.00	$ 1,050.00	$ 8.00	$ 1,680.00	$ 3.41	$ 716.10	$ 3.00	$ 630.00	$ 8.00	$ 1,680.00
1-10-4.1b	6' CHAINLINK FENCE	L.F.	50	$ 38.00	$ 1,900.00	$ 20.00	$ 1,000.00	$ 18.00	$ 900.00	$ 14.44	$ 722.00	$ 10.00	$ 500.00	$ 12.50	$ 625.00
1-16-5.1a	CONCRETE SIDEWALK	S.Y.	30	$ 127.00	$ 3,810.00	$ 50.00	$ 1,500.00	$ 45.00	$ 1,350.00	$ 43.86	$ 1,315.80	$ 60.00	$ 1,800.00	$ 35.00	$ 1,050.00
1-17-5.1a	CONCRETE CURB AND GUTTER	L.F.	190	$ 17.00	$ 3,230.00	$ 20.00	$ 3,800.00	$ 12.00	$ 2,280.00	$ 19.05	$ 3,619.50	$ 20.00	$ 3,800.00	$ 12.00	$ 2,280.00
					$ 493,661.00		$ 723,200.00		$ 708,745.00		$ 839,672.10		$ 841,600.00		$ 842,341.50

Section 00500

AGREEMENT

BETWEEN OWNER AND CONTRACTOR

THIS AGREEMENT is dated as of the 7th day of October in the year 2003 by and between the ***City of Fayetteville***, Arkansas (hereinafter called FAYETTEVILLE) and ***Crossland Heavy Contractors, Inc.*** (hereinafter called CROSSLAND).

FAYETTEVILLE and CROSSLAND, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

CROSSLAND shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

Gregg Avenue Waterline Improvements – Phase I

Installation of 18", 12", and 8" PVC water mains along Gregg Avenue from Futrall Drive north to near the Mud Creek Bridge on Gregg Avenue, along with steel encasement pipes, taps of various sizes , ductile iron water fittings, water valves, water service lines, water meters, connections to existing water lines and services, and pavement repairs as necessary.

Article 2. ENGINEER.

The Project has been designed by:

Garver Engineers, LLC
3810 Front Street, Suite 10
Fayetteville, AR 72703

who is hereinafter called ENGINEER and who is to act as FAYETTEVILLE's representative, assume all duties and responsibilities, and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract documents.

Article 3. CONTRACT TIME.

3.1. The Work shall be substantially completed within **90** consecutive calendar days after the date when the Contract Time commences to run as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with paragraphs 14.07 B & C of the General Conditions within **120** consecutive calendar days after the date when the Contract Time commences to run.

If delays in utility relocations by others impede Crossland's progress for major Contract items and/or items critical to the prosecution of the work within the Contract Time, the Contract Time will be temporarily suspended or adjusted by the City as appropriate. During such periods, the Contractor will be allowed to work on minor Contract items, as approved by the City, without spending Contract Time.

3.2. *Liquidated Damages.* FAYETTEVILLE and CROSSLAND recognize that time is of the essence of the Agreement and that FAYETTEVILLE will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by FAYETTEVILLE if the Work is not completed on time. Accordingly, instead of requiring any such proof, FAYETTEVILLE and CROSSLAND agree that as liquidated damages for delay (but not as a penalty) CROSSLAND shall pay FAYETTEVILLE **Five Hundred** dollars **($500.00)** for each day that expires after the time specified in paragraph 3.1 for substantial completion, if CROSSLAND shall neglect, refuse, or fail to complete the remaining work within the time specified in paragraph 3.1 for completion and readiness for final payment or any proper extension thereof granted by FAYETTEVILLE, CROSSLAND shall pay FAYETTEVILLE **Five Hundred** dollars **($500.00)** for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

Article 4. CONTRACT PRICE.

FAYETTEVILLE agrees to pay, and CROSSLAND agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the prices bid in the Proposal which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.

As provided in paragraph 11.03 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in paragraph 9.08 of the General Conditions. Unit prices have been computed as provided in paragraph 11.03.B of the General Conditions.

Article 5. PAYMENT PROCEDURES

5.1. *Progress Payments.* FAYETTEVILLE shall make periodic progress payments on the basis of Work completed as provided in paragraph 14.02 of the General Conditions and SC-14.02 of the Supplementary Conditions. Prior to Final Completion, progress payments will be made in an amount equal to the value of completed Work, plus the value of stored materials, less retainage, less the aggregate of payments previously made, and less such amounts as FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions:

Retainage: FAYETTEVILLE will retain ten percent of the value of completed Work until such time as 50 percent of the Work has been completed. If 50 percent of the Work has been completed, as determined by ENGINEER, and if the character and progress of the Work have been satisfactory to FAYETTEVILLE, retainage will be fixed at five percent of the Contract Price. FAYETTEVILLE reserves the right to reinstate retainage at ten percent

if the character and progress of the Work become unsatisfactory to FAYETTEVILLE.

Stored Materials: FAYETTEVILLE will pay 100 percent of the value of materials and equipment not incorporated in the Work but delivered, suitably stored, insured, and accompanied by documentation satisfactory to FAYETTEVILLE as provided in paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

5.2 *Final Payment.* Upon final completion and acceptance of the Work in accordance with paragraphs 14.06 and 14.07.B & C of the General Conditions, FAYETTEVILLE shall pay the remainder of the Contract Price as recommended by ENGINEER as provided in said paragraphs 14.07.B & C.

Article 6. CONTRACTOR'S REPRESENTATIONS.

In order to induce FAYETTEVILLE to enter into this Agreement CROSSLAND makes the following representations:

6.1. CROSSLAND has examined and carefully studied the Contract Documents (including the Addenda listed in Article 7) and the other related data identified in the Bidding Documents including "technical data."

6.2. CROSSLAND has visited the site and become familiar with and is satisfied as to the general, local, and site conditions that may affect cost, progress, performance, or furnishing of the Work.

6.3. CROSSLAND is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

6.4. CROSSLAND has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site which have been identified in the Supplementary Conditions as provided in paragraph 4.02.A of the General Conditions. CROSSLAND accepts the determination set forth in paragraph SC-4.02 of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which CROSSLAND is entitled to rely as provided in paragraph 4.02 of the General Conditions.

CROSSLAND acknowledges that such reports and drawings are not Contract Documents and may not be complete for CROSSLAND's purposes. CROSSLAND acknowledges that FAYETTEVILLE and ENGINEER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. CROSSLAND has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to the employed by CROSSLAND and safety precautions and

programs incident thereto. CROSSLAND does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

6.5. CROSSLAND is aware of the general nature of work to be performed by FAYETTEVILLE and others at the site that relates to the Work as indicated in the Contract Documents.

6.6. CROSSLAND has correlated the information known to CROSSLAND, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

6.7. CROSSLAND has given ENGINEER written notice of all conflicts, errors, ambiguities, or discrepancies that CROSSLAND has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CROSSLAND and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

Article 7. CONTRACT DOCUMENTS

The Contract Documents which comprise the entire agreement between FAYETTEVILLE and CROSSLAND concerning the Work consist of the following:

7.1. This Agreement (pages 1 to 6, inclusive).

7.2. Performance and Payment Bonds, (Exhibits A and B respectively).

7.3. Certificates of Insurance, (Exhibit C).

7.4. Documentation submitted by CROSSLAND prior to Notice of Selection (Exhibit D).

7.5. General Conditions (pages 1 to 42, inclusive).

7.6. Supplementary Conditions (pages 1 to 15, inclusive).

7.7. Specifications consisting of Sections as listed in Table of Contents herein.

7.8. Addendum number 1.

7.9. Drawings (not attached hereto) consisting of a cover sheet and sheets numbered 1 through 17, inclusive with each sheet bearing the following general title:

Gregg Avenue Water System Improvements Phase I

7.10. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:

7.10.1. Notice to Proceed

7.10.2. All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraph 3.04 of the General Conditions.

The documents listed in paragraphs 7.2 et seq. above are attached to this Agreement (except as expressly noted otherwise above).

There are no Contract Documents other than those listed above in this Article 7. The Contract Documents may only be amended, modified or supplemented as provided in paragraph 3.04 of the General Conditions.

Article 8. MISCELLANEOUS.

8.1. Terms used in the Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

8.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.3. FAYETTEVILLE and CROSSLAND each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

8.4. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.

IN WITNESS WHEREOF, FAYETTEVILLE and CROSSLAND have signed this Agreement in four (4) counterparts. One counterpart each has been delivered to FAYETTEVILLE and ENGINEER, and two counterparts have been delivered to CROSSLAND. All portions of the Contract Documents have been signed, initialed, or identified by FAYETTEVILLE and CROSSLAND or identified by ENGINEER on their behalf.

This Agreement will be effective on _____, 2003 (which is the Effective Date of the Agreement).

OWNER: City of Fayetteville	CONTRACTOR: Crossland Heavy Contractors, Inc.
By: _____	By: _____
Dan Coody, Mayor	Mark Sell, President
[CORPORATE SEAL]	[CORPORATE SEAL]
Attest: _____	Attest: Melissa Burnie Assist. Corp Sec.
Address for giving notices:	Address for giving notices:
113 West Mountain	PO Box 360
Fayetteville, AR 72701	833 SE Ave
	Columbus KS 66725
(If OWNER is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of Agreement.)	License No. 0067301103
	Agent for service of process:
	_____
	_____
	(If CONTRACTOR is a corporation, attach evidence of authority to sign)

City Of Fayetteville

(Not a Purchase Order)

Vendor #: 1565	Vendor Name: Crossland Construction, Inc.					Requisition No.:	Date: 9/16/2003		
						P.O Number:	Expected Delivery Date:		
Address: PO Box 45				Fob Point: Fayetteville, AR		Mail Yes:__ No: XX			
						Taxable Yes:__ No: XX	Quotes Attached Yes:____ No:____		
City: Columbus	State: KS			Zip Code: 66725	Ship to code: 90	Divison Head Approval:			
Requester: Paul Libertini PL.				Requester's Employee #: 1516		Extension: 419			

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Construction Contract for Gregg Ave. Waterline Improvements, Phase I	1			$693,662.00	5400.5600.5808.00	02129.20		
2					$0.00				
3					$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Please Return PO to Engineering

Subtotal:	$693,662.00
Tax:	$0.00
Total:	$693,662.00

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 6/17/03

STAFF REVIEW FORM

x AGENDA REQUEST
x CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council Meeting of: October 7, 2003

FROM:

Greg Boettcher	Water/Wastewater	Water/Wastewater
Name	Division	Department

ACTION REQUIRED: Passage of a resolution authorizing Amendment No.2 to RJN Group's contract of February 1, 2000, increasing the contract value by $36,780.00, establishing a contingency of $3,220.00 and authorizing expenditure of up to $40,000.00 for the updating of the wastewater collection system model, plus running six different loading scenarios.

COST TO CITY:

$40,000.00	$368,095.00	Water/Wastewater
Cost of this request		Program Category / Project Name
5400.5700.5314.00	$82,458.54	Wastewater System Improvements
Account Number	Funds Used to Date	Program / Project Category Name
98047	$285,636.46	Water and Sewer
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: x Budgeted Item ____ Budget Adjustment Attached

Budget Manager — Date: 9-22-03

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — Date: 9/22/03
Internal Auditor — Date: 9/22/03
City Attorney — Date: 9/23/03
Purchasing Manager — Date: 9/22/03

STAFF RECOMMENDATION:

Division Head — Date
Department Director — Date: 9-19-03
Finance & Internal Services Dir. — Date: 9-23-03
Chief Administrative Officer — Date: 9-23-03
Mayor — Date: 9/24/03

Cross Reference

Rec'd in Mayor's Office ____

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

Previous Ord/Res#: ____

Orig. Contract Date: 1-Feb-00

Orig. Contract Number: ____

9/22/0

Description _____ Meeting Date _____

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Need Pur. Req. (Original P.O. has been closed)

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION APPROVING CONTRACT AMENDMENT #2 IN THE AMOUNT OF THIRTY-SIX THOUSAND SEVEN HUNDRED EIGHTY DOLLARS ($36,780.00) WITH RJN GROUP, INC. TO UPDATE THE WASTEWATER COLLECTION SYSTEM MODEL; AND APPROVING A CONTINGENCY IN THE AMOUNT OF THREE THOUSAND TWO HUNDRED TWENTY DOLLARS ($3,220.00) 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 approves Contract Amendment #2 in the amount of Thirty-Six Thousand Seven Hundred Eighty Dollars ($36,780.00) with RJN Group, Inc. to update the Wastewater Collection System Model.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a contingency in the amount of Three Thousand Two Hundred Twenty Dollars ($3,220.00) for same.

PASSED and **APPROVED** this 7th day of October, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

City Council Meeting of October 7, 2003
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Hugh Earnest, Chief Administrative Officer

From: Greg Boettcher, Water/Wastewater Director

Date: September 19, 2003

Subject: Resolution approving contract amendment with RJN Group for the updating of the sanitary sewer system collection system model

RECOMMENDATION

Fayetteville City Administration recommends approval of an authorization totalling $40,000.00, said amount including a contract amendment with RJN Group, Inc of Dallas, Texas in the amount of $36,780.00 plus a contingency in the amount of $3,220.00.

BACKGROUND

Continuing growth and unpredictable development patterns represent significant impacts on sections of Fayetteville's wastewater collection system, confirming the need for an ongoing program of capacity management. While the city has historically conducted long-range system studies to define infrastructure system needs, this method of periodic analysis is not addressing short-term, localized system issues. In a current climate of concentrated growth patterns, long project lead times and limited resources; capacity management must be a continous process employing proactive strategies. The early identification of capacity shortfalls has been endorsed by the Fayetteville City Council in response to the recent upgrading of the Hamestring Lift Station. Supporting this forward-looking approach is the continuing pressures from the Arkansas Department of Health, using its development review and permitting authority as leverage for an improved capacity management process. In response to these imperatives, the City Administration has researched feasible and economical methods to analyze the wastewater collection system and to develop a capacity management process. Process goals include defining existing capacity of the wastewater infrastructure system (pipes, pumps and pressure force mains), predicting the loadings committted by current service obligations and monitoring depletions of reserve capacity by proposed new developments.

DISCUSSION

In 2000, as part of the wastewater system facility planning process, RJN Group prepared a computerized model of the municipal sewer collection system (major pipelines, pump stations and force mains). Under this February 1, 2000 agreement the current population and flow information was incorporated into a computerized model, with future flow patterns, then predicted to establish design parameters for the wastewater system improvement project. In order to address the city's current capacity management

concerns, this computer model could be updated to reflect current conditions, then updated as significant new developments are approved. With such a resource, wastewater collection system capacity could be evaluated on a continuing basis, rendering meaningful determination of the system's ability to accept the additional loadings from any proposed new developments. Benefits of a case-by-case analysis include immediate recognition of capacity shortfalls, prediction of development related capital costs at the time of review, and the creation of realistic schedules for improvement projects that sustain proper levels of service to our customers. The incorporation of a capacity management component into the development review process will strengthen many decision areas including growth management, planning, impact assessment, financial planning, project prioritization and capital project budgeting.

Recognizing that a current wastewater collection system model is a necessary element of capacity management, the most cost-effective and expedient approach is the updating of the existing 2000 model using RJN Group. A proposal for these services, including analysis of six (6) different new development scenarios has been obtained (copy attached). The cost proposal for $36,780.00 is deemed a reasonable cost for the scope of services, further substantiating the need for this to develop a capacity management strategy to the continuing concerns of the Arkansas Department of Health over the ability of the infrastructure system to handle new developments. The concerns of this regulatory agency have been detailed in a recent communication to which the City Administration has responded (copies enclosed). The performance of the collection system modeling is expected to fully satisfy the stated concerns of the Arkansas Department of Health, enabling continued review/permitting of developments in Fayetteville. Updating of the collection model is predicted to require 60 days after development data is received from the city and each scenario analysis is predicted to require 14 days.

The magnitude of the Fayetteville wastewater collection network, the complexity of the system components and the large number of variables that impact system adequacy prevent the manual analysis of the system. In order to accurately assess and manage capacity of Fayetteville's wastewater system, a computerized calibrated and up-to-date simulation of the facilities must be performed using specialized software and qualified collection system modelers. This need has been discussed with both the Water and Sewer Committee and with the Fayetteville City Council, all parties confirming the need for a more accurate means of managing system capacity. The approval of this contract amendment will provide a means of defining and evaluating wastewater collection system capacity issues, and correlating the impact of new developments upon infrastructure adequacy.

BUDGET IMPACT

The $40,000.00 expenditure for updated collection system modeling was not foreseen or included in the Fiscal Year 2003 Budget. With the proposed approach using a contract amendment with RJN Group, the funds may be secured from the unencumbered fund balance in the Wastewater Treatment Plant Facility Planning Services identified as Project 98047. Use of funds from this source is an appropriate expenditure consistent with fund purposes.

Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000
Fay W. Boozman, MD, MPH, Director
Mike Huckabee, Governor

August 11, 2003

Greg Boettcher, P.E.
Water & Wastewater Director
City Of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

RECEIVED
AUG 15 2003
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Re: Sewer System Capacity

Dear Mr. Boettcher:

We are concerned that development in Fayetteville is occurring faster than increases in sewer capacity and that continued development will result in sewage flows exceeding the sewer system capacity unless improvements are made by Fayetteville. We are concerned about continuing to approve plans for developments in Fayetteville.

We are requesting the following information:

1. An overall system layout map showing the current collection system and indicating the capacities of each pump station and the limiting main segment capacity for each interceptor.

2. Current peak and average flows for each pump station and each interceptor.

3. If any overflows are currently occurring due to lack of capacity, please indicate the locations and frequency on the overall system layout map.

4. An overall system layout map showing all existing mains and all proposed mains which have been approved by Fayetteville.

5. Projected design flows at "build out" for each pump station and interceptor.

6. A status report on proposed West Side Sewage Treatment plant and collection system improvements.

7. Any proposed improvements to the sewer system not included in the West Side Sewage Treatment plant and collection system project and a time table for implementation of those proposed improvements.

If you have any questions, or if you would like to meet to discuss this issue, please feel free to contact us at 501-661-2623.

Sincerely,

Craig S. Corder, P.E.
Engineer Supervisor
Division of Engineering

Cc: David Jurgens, Fayetteville Waterworks

AMENDMENT NO. 2 TO CITY OF FAYETTEVILLE AGREEMENT FOR ENGINEERING SERVICES FAYETTEVILLE WASTEWATER SYSTEM IMPROVEMENTS PROJECT SEWER COLLECTION IMPROVEMENTS, WEST SIDE

WHEREAS, on February 1, 2000, the City of Fayetteville (the Owner) and RJN Group, Inc. (the Engineer) entered into an agreement for Engineering Services in connection with the construction of Fayetteville Wastewater System Improvements Project, particularly the West Side Sewer Collection System Improvements including development of design flows. The scope of these services included preliminary studies, preliminary design, wastewater system modeling and loading predictions resulting in Preliminary Design Reports and Loading Reports setting forth the findings; and

WHEREAS, RJN Group, Inc has substantially completed those services required under the original scope including preparation and submittal of the Preliminary Design Report; and

WHEREAS, The City of Fayetteville has requested that the original contract scope be expanded to include additional services relating to and consistent with the work originally contracted;

WHEREAS, RJN Group, Inc. agrees to provide the requested additional services;

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the Owner and the Engineer, the parties hereto, stipulate and agree that the Agreement for Engineering Services dated February 1, 2000, is hereby amended in the following particulars:

SECTION IV - SERVICES TO BE FURNISHED BY THE ENGINEER

Additional Services- RJN Group, Inc. shall provide the additional services set forth in Attachment "A", dated September 1, 2003 and titled "City of Fayetteville-EVALUATE PROPOSED DEVELOPMENTS". These services shall update the original wastewater collection system computer model to reflect currently existing and approved development. In addition, the scope of additional services includes the analysis by the updated computer model for six different development scenarios.

SECTION XI - TIME OF BEGINNING AND COMPLETION

Additional Services- The time of performance for the additional service is as follows:

COMPLETION OF COLLECTION SYSTEM MODEL UPDATE- 60 DAYS

DEVELOPMENT SCENARIO LOADING ANALYSIS- 14 DAYS/SCENARIO

SECTION XII – FEES AND PAYMENTS

Section "A" is amended as follows, reflecting the original contract value, Amendment No. 1 and Amendment No. 2:

DESCRIPTION	CONTRACT VALUE
1-Original Contract	$636,267.00
2-Amendment No. 1	$124,903.03
Subtotal	**$763,170.03**
3-Amendment No 2	$ 36,780.00
Current Total	**$799,950.03***

*** Contract Value is not-to-exceed upper limit of costs**

SECTION XVI – MISCELLANEOUS PROVISIONS

E. 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, RJN Group, Inc. 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.

F. Modifications to Agreement

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.

All other provisions of the original agreement with Amendments remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed this _____ day of _____, 2003.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Dan Coody, Mayor

ATTEST

_____
Sondra Smith, City Clerk

RJN GROUP, INC.

By:_____

ATTEST

_____

CITY OF FAYETTEVILLE
EVALUATE PROPOSED DEVELOPMENTS

SCOPE OF SERVICES

The City of Fayetteville desires to evaluate the impact of proposed residential development on its wastewater collection system and lift stations. The hydraulic computer model developed by RJN Group, Inc. in 2000 as part of the Westside Sewer System Improvement Project will be updated to include new sewer lines 10-inches in diameter and larger constructed since 2000 and design flows based on new water accounts added since 2000. The updated model will be utilized to evaluate the impact of new development on the collection system.

After the model is updated to 2003 conditions, the City may request RJN to evaluate the impact of specific proposed developments.

A specific scope of services is as follows:

1. Project Administration

   A. Perform Project Initiation activities.

   B. Consult with City staff as needed.

   C. Meet with City staff to discuss the results of specific evaluations.

2. Update Existing Model

   A. Based on new water account data provided by City, the Engineer will update the year 2000 base flow by basin.

   B. The Engineer will revise the flow hydrographs in the hydraulic model based on Task 2.A above.

   C. Utilizing the actual flow data hydrographs in the 2000 model and the 2003 water account data, the Engineer will run the model to projected 2003 conditions.

   D. Utilizing the wet-weather design storm data developed in the 2000 model, the Engineer will update the wet-weather model to reflect 2003 base flow conditions.

3. Evaluate Proposed Development

   A. Based on information provided by the City, the Engineer will develop dry-weather hydrographs for each development requested to be evaluated by the City. It is anticipated that the City will provide the point of connection to the existing collection system and the number of units for each development.(The cost proposal assumes a total of six (6) developments will be evaluated.)

B. The Engineer will input the developed hydrographs into the updated model and perform a model analysis of the proposed development. It is anticipated that two model runs will be completed for each development. These are as follows:

1) Dry-Weather Analysis – This analysis will evaluate the collection system and lift station's capacity to transport the projected flow to the Wastewater Treatment Plant during dry weather.

2) Wet-Weather Analysis – This analysis will evaluate the impact of the proposed development on the collection system during wet weather conditions. The wet-weather condition will be a 5-year/60-minute design storm.

4. Report

Based on the results of the hydraulic analysis, the Engineer will prepare a brief letter report describing the results of the analysis of each proposed development. The report will include the following:

A. Summary of projected flow from each proposed development.

B. Results of the model analysis of dry-weather conditions.

C. Results of the model analysis of wet-weather conditions.

D. A tabular and graphical description of any sewer lines or lift stations that have inadequate capacity to transport flow from the proposed development.

CITY OF FAYETTEVILLE
ESTIMATED FEE

Project: Evaluate New Developments

TASK DESCRIPTION	HOURLY RATE WORK Estimated Manhours PD hr	PM hr	PE hr	CE hr	CL hr	Total Cost Estimate ($)
Project Administration	8	2	0	0	6	1,710
Update Model	4	16	100	96	2	18,420
Evaluate Developments/Report (6)	6	12	144	0	12	16,650
Total Estimated Cost	**18**	**30**	**244**	**96**	**20**	**36,780**

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

XX AGENDA REQUEST

For the Fayetteville City Council Meeting of: October 7, 2003

FROM:

Rebecca Ohman	Parks and Recreation	Operations
Name	Division	Department

ACTION REQUIRED: Resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept money in lieu of land for the Park Land Dedication Requirement of Zion Vantage Apartments.

SUMMARY EXPLANATION: See attached memo.

STAFF RECOMMENDATION: Approval of resolution

Connie Edmonston 9-16-03
Division Head — Date

D. P. Whit 9/18/03
City Attorney — Date

[signature] 9/16/03
Department Director — Date

[signature] 9-23-03
Finance & Internal Services Dir. — Date

Hugh Ernest 9-18-03
Chief Administrative Officer — Date

Dan Coody 9/26/03
Mayor — Date

Received in Mayor's Office _____ Date

Cross Reference:

Previous Ord/Res#: 166.03K

Orig. Contract Date: _____

Orig. Contract Number: _____

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

ENTERED 9/17/03 JLC

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE PARKS AND RECREATION ADVISORY BOARD'S RECOMMENDATION TO ACCEPT ONE HUNDRED EIGHT THOUSAND FOUR HUNDRED SIXTY-EIGHT DOLLARS ($108,468.00) CASH IN LIEU OF THE REQUIRED PARK LAND DEDICATION FOR ZION VANTAGE APARTMENTS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby accepts the Parks and Recreation Advisory Board's recommendation to accept One Hundred Eight Thousand Four Hundred Sixty-Eight Dollars ($108,468.00) cash in lieu of the required Park Land Dedication for Zion Vantage Apartments.

PASSED and **APPROVED** this 7th day of October, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

FAYETTEVILLE
PARKS & RECREATION

MEMORANDUM

To: Mayor Coody and City Council
Thru: Gary Dumas, Director of Operations
Connie Edmonstron, Parks and Recreation Director
From: Rebecca Ohman, Park Planner
Date: September 16, 2003
Subject: Zion Vantage Apartments Park Land Ordinance Requirement

Background:
Zion Vantage Apartments are a proposed large scale development located at the corner of Zion and Vantage Roads, south of Veterans Memorial Park. The owner is Jim Lindsey and the engineering firm is Crafton, Tull and Associates, Incorporated. Jerry Kelso is the owner's representative. The development contains 276 multi-family units on 22.75 acres. The requirement for park land is 4.69 acres and money in lieu is $108,468. The Park Land Dedication Ordinance states if a large scale development is over 40 acres or 100 units, the requirement is land.

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

Current Status:
Parks and Recreation Staff met with the engineering firm to evaluate the site. The development was presented to the Parks and Recreation Advisory Board (PRAB) on September 8, 2003. Please see attached minutes.

Recommendation:
The Parks and Recreation Staff and Parks and Recreation Advisory Board recommend money in lieu as the Park Land Dedication requirement for Zion Vantage Apartments. This recommendation is the result of Parks and Recreation Staff and PRAB's review of the project and the developer's offer to provide recreation amenities such as picnic tables, gazebo, lake, pool and clubhouse for the development's residents.

PRAB and the Parks and Recreation Staff believe the development's location within one-half mile of Veterans Memorial Park and the Lake Fayetteville Trail and Park System (over 260 acres of park land) will meet the parks and recreation needs of the development's residents. Funds collected from this development will be used for park improvements in the northeast park district. If you have any questions, please call met at 444-3472.

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

Telephone: 479-444-3472
E-mail: rohman@ci.fayetteville.ar.us

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes
September 8, 2003

Present:
Parks and Recreation Advisory Board members Colwell, Bailey, Eads, Hill, Marley, Shoulders, Mauritson, Pawlik-Holmes; City Staff Edmonston, Coles, Hatfield, Nelson, Ohman, Wright; and Audience.

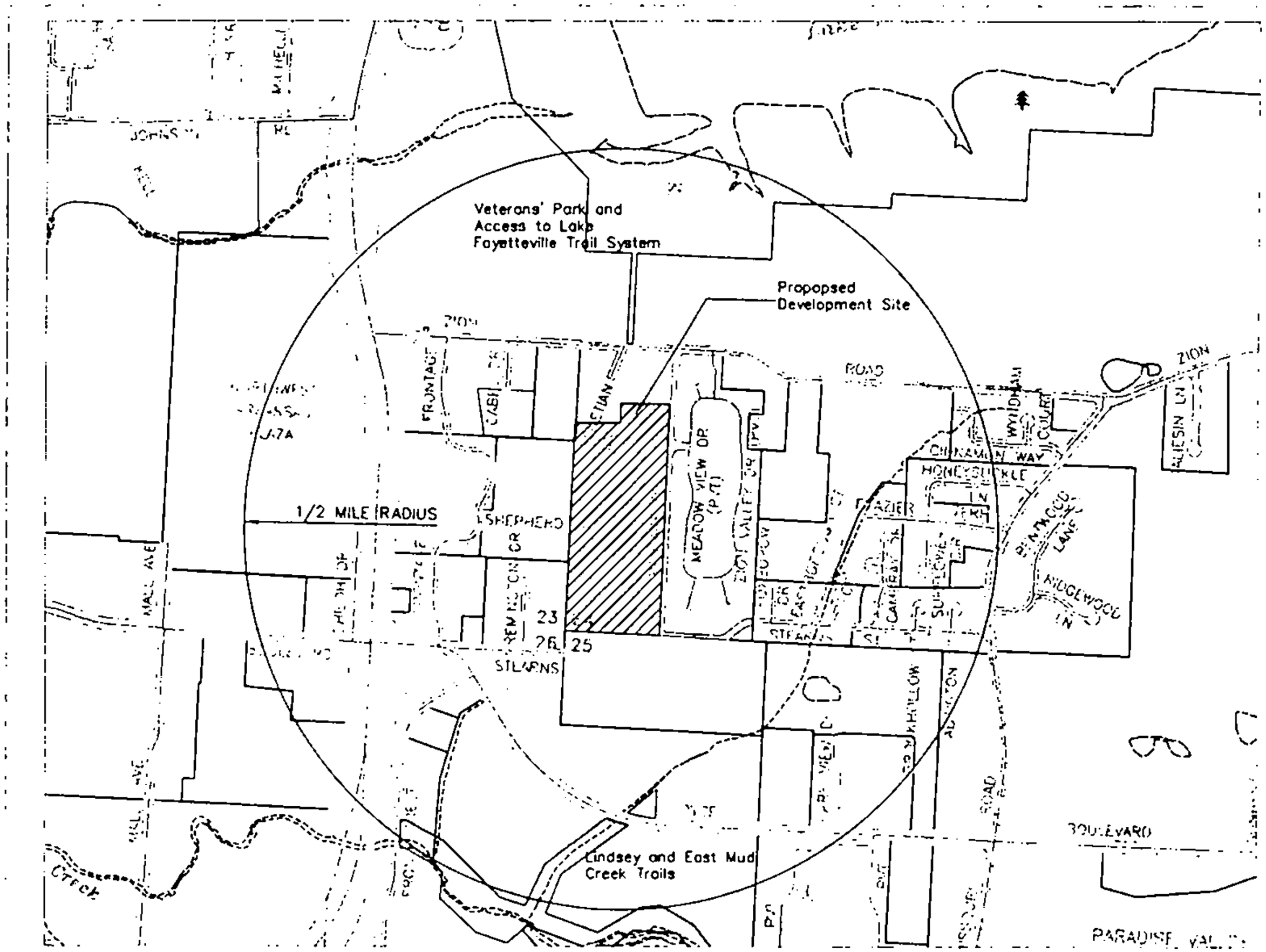
5. Park Land Dedication

Development Name:	Zion Vantage Apartments
Engineer:	Jerry Kelso, Crafton, Tull & Associates
Owner:	Lindsey and Associates
Location:	Corner of Zion and Vantage Roads
Park District:	NE
Units:	276 Single Family Units
Total Acres:	22.75 acres
Land Dedication Requirement:	4.69 acres
Money in Lieu Requirement:	$108,468
Existing Parks:	Veterans Memorial Park (40 acres), Access to Lake Fayetteville Trail and Park System via Veterans Memorial Park, Lindsey Trail and East Mud Creek Trail
Staff Recommendation:	Money in lieu of land
Developer Request:	Money in lieu of land
Justification:	The Lake Fayetteville and Veterans Memorial Park System is located within a half-mile of this development. Developer will provide recreation amenities such as pool, club house, lake, gazebo, and picnic benches for residents. Developer will also provide a marked bike path within the Vantage Road right-of-way.
Note:	If money in lieu is recommended by PRAB, this project will require a waiver to Ordinance § 159.05 (K) because it contains more than 100 housing units.

Wade Colwell asked if the bike path would provide eventually provide a through-connection from Joyce Boulevard to Zion Road. Steve Hatfield replied that yes, the path would provide a through-connection. The bike lane, however will be included in the street section as indicated in the Alternative Transportation and Trails Master Plan. Bob Shoulders suggested providing a crosswalk to connect the new subdivision to Veterans Park to increase positive use of the park. Ohman stated since the project property does not extend to Zion Road the developer will not be responsible for street improvements such as sidewalks along Zion Road. She will discuss this issue through the Planning process. Hatfield will also raise the issue with the Sidewalks and Trails Task Force.

MOTION: Shoulders moved to recommend to City Council a waiver to Ordinance §159.05 (K) to accept money in lieu of land for the proposed Zion Vantage Apartments development.

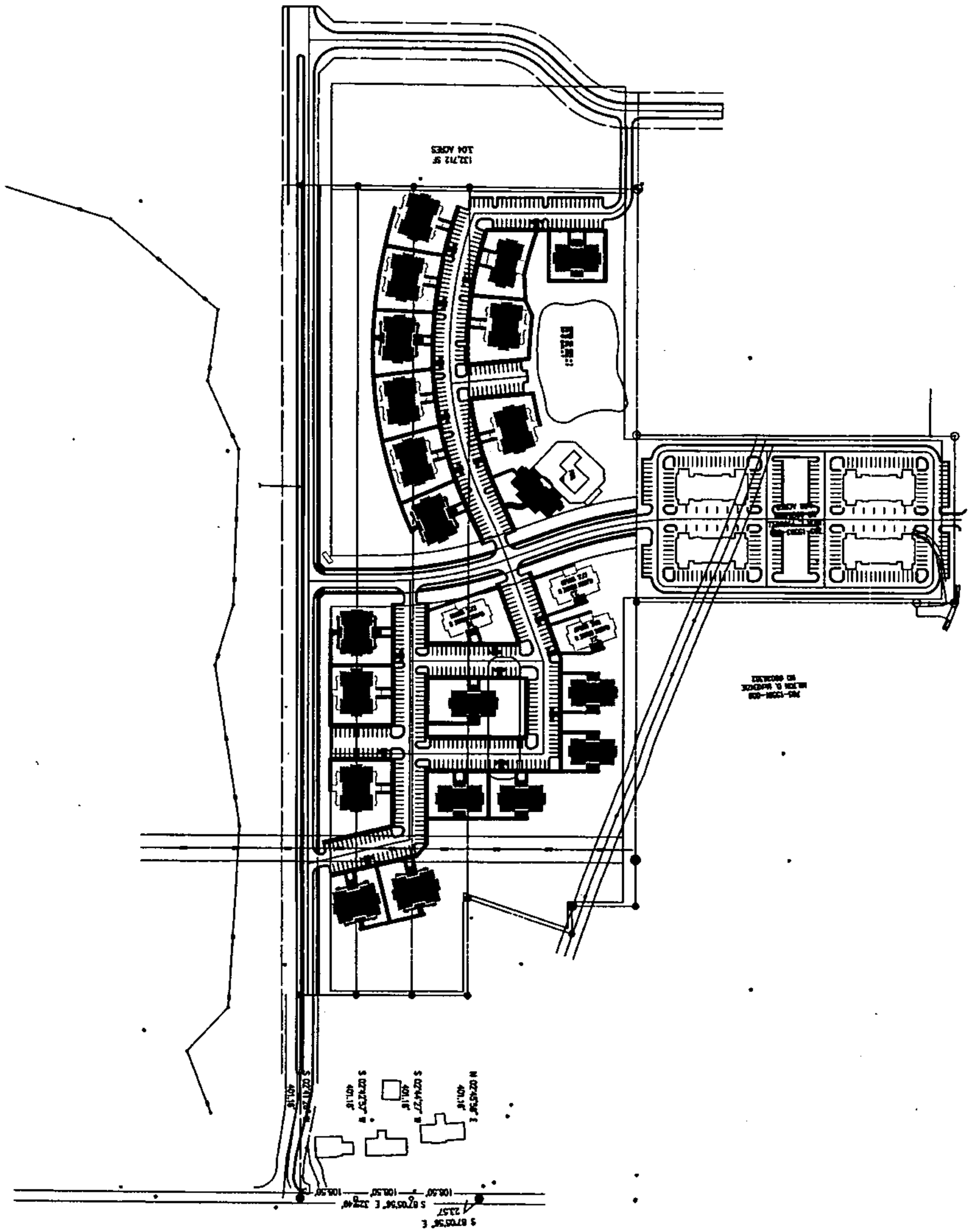
Bailey seconded the motion.
Upon roll call, the motion was approved 8-0-0.



PROJECT PROXIMITY MAP

0 1000 2000 3000

PROXIMITY MAP
Zion Vantage Apartments
Lindsey and Associates



Crafton, Tull & Associates, Inc.
901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax: 479.631.6224 www.craftull.com

August 27, 2003

Rebecca Ohman
City of Fayetteville, Parks
Fayetteville, AR 72703

RE Parks Request
On behalf of Lindsey Management
South of Zion Road and West of Vantage Drive
CTA Job No. 021131-00

Dear Rebecca:

This is a 276 unit apartment project in Fayetteville at the corner of Zion Road and Vantage Drive. On behalf of the owner we would like to request to dedicate money in lieu of land for the above referenced project. It is our intent to provide amenities such as a lake, swimming pool, and clubhouse for the project.

Should you have any questions, or require any additional information, please contact us at your convenience.

Very Truly Yours,

Crafton, Tull & Associates, Inc.

Jerry Kelso, P.E.
Vice President

Attachment:

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

XX AGENDA REQUEST

For the Fayetteville City Council Meeting of: October 7, 2003

FROM:

Rebecca Ohman	Parks and Recreation	Operations
Name	Division	Department

ACTION REQUIRED: Resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept money in lieu of land for the Park Land Dedication Requirement of Lazenby Apartments.

SUMMARY EXPLANATION: See attached memo.

STAFF RECOMMENDATION: Approval of resolution

Division Head	9-18-03	Date
City Attorney	9/19/03	Date
Department Director	9/18/03	Date
Finance & Internal Services Dir.	9-23-03	Date
Chief Administrative Officer	9-18-03	Date
Mayor	9/26/03	Date

Received in Mayor's Office _____ Date

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

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

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE PARKS AND RECREATION ADVISORY BOARD'S RECOMMENDATION TO ACCEPT FORTY-FOUR THOUSAND SIXTEEN DOLLARS ($40,016.00) CASH IN LIEU OF THE REQUIRED PARK LAND DEDICATION FOR LAZENBY APARTMENTS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby accepts the Parks and Recreation Advisory Board's recommendation to accept Forty-Four Thousand Sixteen Dollars ($40,016.00) cash in lieu of the required Park Land Dedication for Lazenby Apartments.

PASSED and **APPROVED** this 7th day of October, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

FAYETTEVILLE
PARKS & RECREATION

MEMORANDUM

To: Mayor Coody and City Council
Thru: Gary Dumas, Director of Operations
Connie Edmonstron, Parks and Recreation Director
From: Rebecca Ohman, Park Planner
Date: September 16, 2003
Subject: Lazenby Apartments Park Land Ordinance Requirement

Background:
Lazenby Apartments is a proposed large scale development located on Razorback Road, south of the State Revenue Office and north of Baum Stadium. The owner is Bill Lazenby and the engineering firm is Landtech Engineering, Incorporated. The development contains 112 multi-family units on 7.99 acres. The requirement for park land is 1.9 acres and money in lieu is $44,016. The Park Land Dedication Ordinance states if a large scale development is over 40 acres or 100 units, the requirement is land.

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

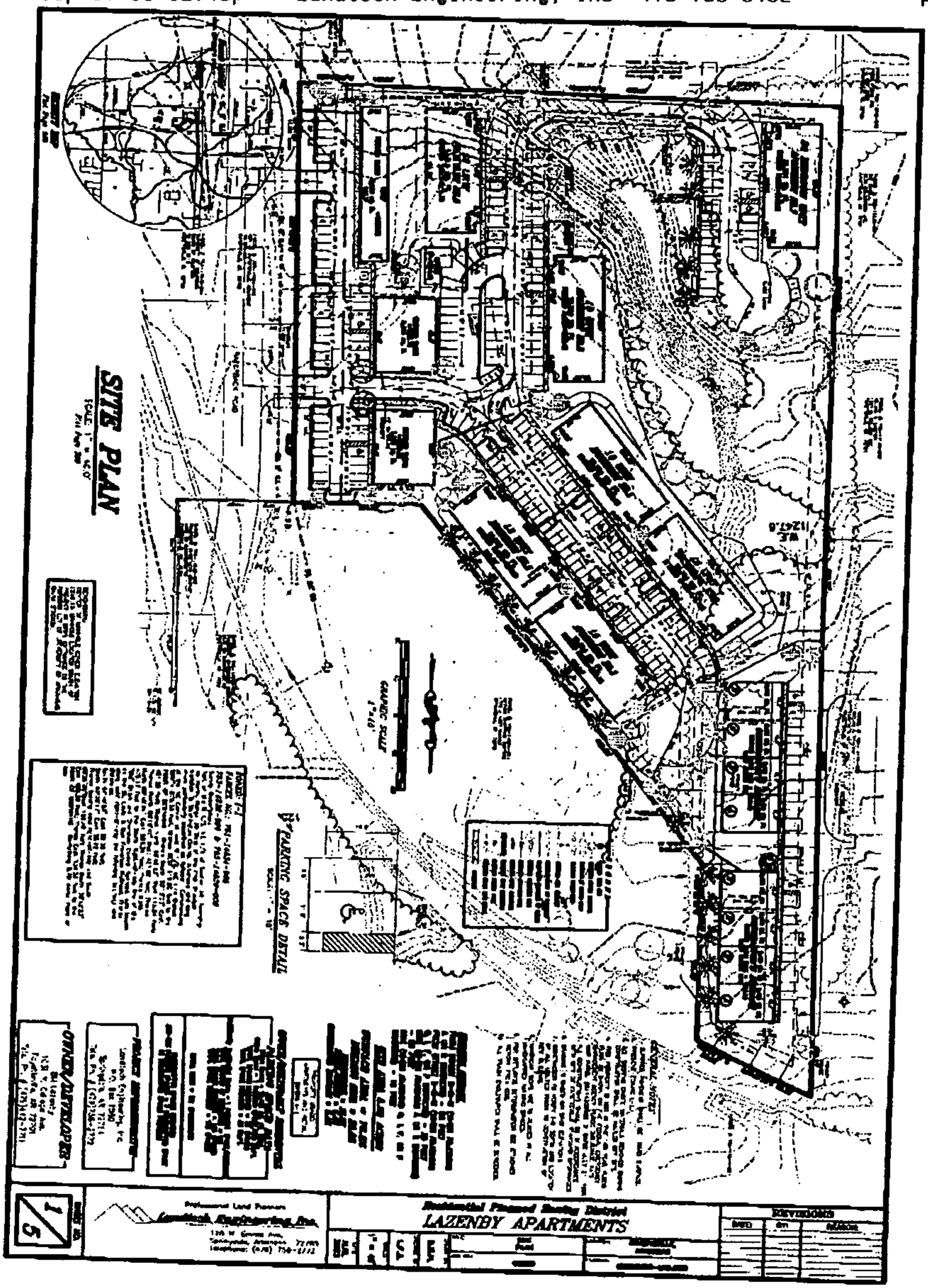
Current Status:
Parks and Recreation Staff met with the engineering firm to evaluate the site. The development was presented to the Parks and Recreation Advisory Board (PRAB) on April 7, 2003. Due to significant changes in the proposed development, this project was revisited by PRAB on September 17, 2003. Please see both attached minutes.

Recommendation:
The Parks and Recreation Staff and Parks and Recreation Advisory Board recommend money in lieu as the Park Land Dedication requirement for Lazenby Apartments. This recommendation is the result of Parks and Recreation Staff and PRAB's review of the land originally offered by the developer to satisfy the Park Land Ordinance. The land the developer wished to dedicate was located within the site's detention ponds, the primary water transport for stormwater runoff. This inherent use of the ponds makes them inferior for park or recreation use as they may be wet a majority of the time. In addition, the City's Engineering and Planning Staff further recommended that the detention areas be left in their natural state.

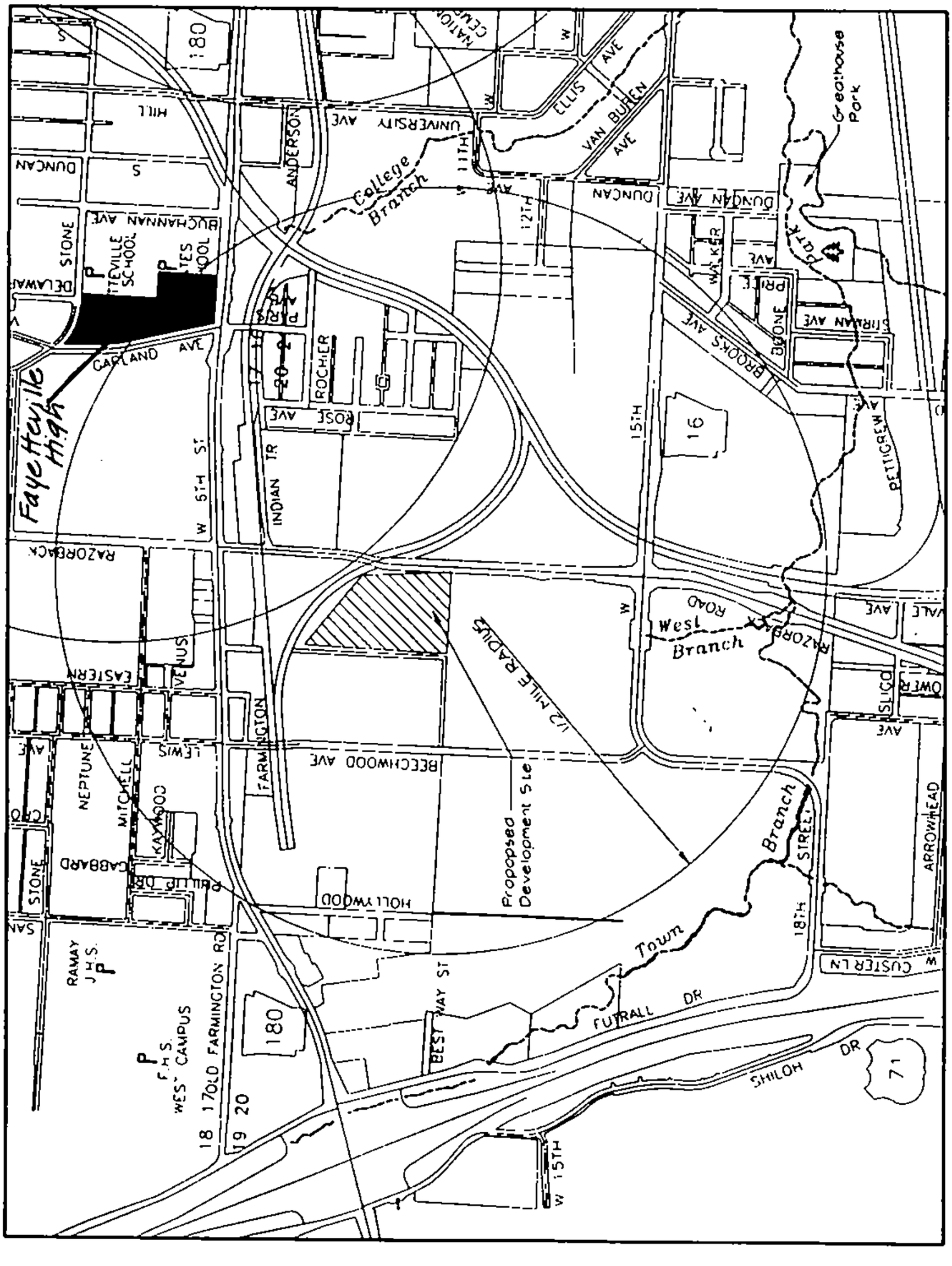
Parks and Recreation Staff and PRAB also believe the proposed parks and recreational areas in close proximity to this development--Greathouse Park (6 acres), Ellis Development on Beechwood and 15th Street (6.65 acres--To date, no deed has been received), the University of Arkansas Intramural Fields and High School Sport Fields will meet the parks and recreation needs of its residents. Funds from this development will be used for park improvements in the southwest park district. The developer requested money in lieu of land.

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

Telephone: 479-444-3472
E-mail: rohman@ci.fayetteville.ar.us


SITE PLAN
PARKING SPACE DETAIL
LAZENBY APARTMENTS
Residential Planned Zoning District
Landtech Engineering, Inc.
OWNER/DEVELOPER
REVISIONS

PROPERTY MAP
Liberty Apartments
Bill Lazenby



PARKS AND RECREATION ADVISORY BOARD
Meeting Minutes
September 17, 2003

Opening:
A special meeting of the Parks and Recreation Advisory Board was called to order at 4:00 p.m. on September 17, 2003 on the site of proposed Wildflower Meadows Subdivision on Mount Comfort Road.

Present:
Parks and Recreation Advisory Board members Colwell, Bailey, Eads, Hill, Shoulders, Mauritson; City Staff Edmonston, Coles, Hatfield, and Ohman.

1. Park Land Dedication

Development Name:	Lazenby Apartments
Engineer:	Don Hillis, Landtech Engineering
Owner:	Bill Lazenby
Location:	Razorback Road, south of the State Revenue Office and North of Baum Stadium
Land Requirement:	1.90 acres
Money in Lieu Requirement:	$44,016
Existing Parks:	Greathouse Park (6 acres), The Crowne Development (6.65 acres--formerly Ellis Developments) and University of Arkansas Intramural Fields
Staff Recommendation:	Money in lieu of land
Developer Request:	Money in lieu of land
Justification:	This project has been previously reviewed by PRAB on April 7, 2003. Significant changes to the project's detention area require the project to be reviewed again. Parks and recreation space is provided within a half acre of this development. In addition, the Crowne Development will provide a trail corridor along Town Creek.
Please note:	If money in lieu is recommended by PRAB, this project will require a waiver to Ordinance §159.05 (K) because it contains more than 100 housing units.

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

"...a developer of a major development shall include on his concept plan, preliminary plat and final plat a proposed neighborhood or subdivision park in which the required dedication of land for greenspace pursuant to § 159.30 (K) has been incorporated." (§ 159.05)

"...a major development shall be a large scale development or subdivision that satisfies either of the following conditions:

A. It contains forty (40) acres or more.
B. It contains one hundred (100) housing units or more.

Whether or not it is planned in one or more phases, the total possible development shall be considered when its first stage, phase or parcel is presented for review." (§ 150.08)

Don Hillis, project engineer, City engineering staff required that the detention pond area, which had been proposed to be developed in a park-like manner, to be left in its natural state.

Colwell, PRAB member, supported the idea that the area be left in its natural state.

Leonard Gabbard, project engineer, repeated that the developer's request is money in lieu of land.

MOTION:

Eads moved to accept money in lieu of a land dedication for the proposed Lazenby Apartments development.

Mauritson seconded the motion.
Upon roll call, the motion was approved 5-0-0.

PARKS AND RECREATION ADVISORY BOARD
Meeting Minutes
April 7, 2003

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

4. Park Land Dedication

Development Name:	Lazenby Apartments
Engineer:	Landtech Engineering, Inc., Don Hillis
Owner:	Bill Lazenby
Location:	Razorback Road, adjacent to the State Revenue Offices and Baum Stadium
Park District: SW	
Units:	160 Multi-Family Units
Total Acres:	7.99 acres
Land Dedication Requirement:	2.72 acres
Money in Lieu Requirement:	$62,880
Existing Parks:	Greathouse Park (6 acres), University of Arkansas Intramural Fields
Staff Recommendation:	Money in lieu of land
Developer's Request:	Combination of money and park land dedication
Justification:	Development is in close proximity to the University's intramural fields. The land the developer wishes to dedicate is located within the site's detention ponds, therefore rendering the land unusable during periods of rain.

Leonard Gabbard of Landtech Engineering said he would concur with Park staff's recommendation for the Park Land Dedication requirement to be money in lieu of land. He stated he was planning to develop the detention pond area into a lawn area with benches, picnic tables, and landscaping.

MOTION:
Ms. Pawlik-Holmes moved to accept money in lieu of a land dedication to satisfy the Park Land Dedication Ordinance for the proposed Lazenby Apartments development and request a waiver from City Council.

Mr. Colwell seconded the motion.

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

Landtech Engineering, Inc.

Professional Land Planners

April 14, 2003

City of Fayetteville
Parks and Recreation
113 West Mountain Street
Fayetteville, Arkansas 72701

RE: Lazenby Apartments

This letter is to request as discussed at the April 7th Meetingthat the Parks and Recreation take money in lieu of land dedication for the above referenced projects, to allow the project to continue with the approval process to go to the Next Planning Commission Meeting. We would like to thank you for your consideration in this matter.

Sincerely,

Leonard Gabbard
Project Engineer

120 W. Emma Ave. • P.O. Box 1080 • Springdale, Arkansas 72765 • Telephone (479) 756-2772 • Fax (479) 756-8452

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
X CONTRACT REVIEW
____ GRANT REVIEW

100LL Self Serve
Cruzen Equip. Co. Inc.

For the Fayetteville City Council Meeting of: October 7, 2003

FROM:

Ray M. Boudreaux	Aviation & Economic Development	General Government
Name	Division	Department

ACTION REQUIRED: A resolution awarding Bid #03-52 approving a Contract with Cruzen Equipment Company, Inc., in the amount of $32,534.83, for construction of a 100 Low Lead (100LL) Aviation Fuel self-serve facility at Fayetteville Municipal Airport. Signature of the Mayor required.

COST TO CITY:

$32,534.83	$ 20,000.00	East Side Fuel Station
Cost of this request	Category/Project Budget	Program Category / Project Name
5550.3960.5804.00	$ 200.00	Airport Capital Expense
Account Number	Funds Used to Date	Program / Project Category Name
03014.1	$ 19,800.00	Airport
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Budget Manager — 9-24-03 Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Fawcett — 9/24/03 Date — Accounting Manager
Nancy Smith — 9/24/03 Date — Internal Auditor
D. J. White — 9/24/03 Date — City Attorney
P Vice — 9/24/03 Date — Purchasing Manager

STAFF RECOMMENDATION:

____ Date — Division Head
Sept 24, 2003 Date — Department Director
9-24-03 Date — Finance & Internal Services Dir.
9-24-03 Date — Chief Administrative Officer
____ Date — Mayor

Received in Mayor's Office ____ Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

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

ENTERED 9/24/03 TLA

Staff Review Form - Page 2

Description Aviation Fuel Self-Serve Facility Meeting Date October 7, 2003

Comments:	Reference Comments:
Budget Manager	
Accounting Manager Page 2 total of $17,651.71 doesn't tie to pg 1 of $17,801.71. Should we have grant award before we sign Contract?	if grant not approved — admin will take it back to board for decision on whether to proceed w/project, and thus allocate additional funds from reserves.
City Attorney	
Purchasing Manager 1/19 Discussed Comments w/ Ray & he will discuss w/ Contractor & resolve before end of day.	See attached e-mail from Rod Martin of Cruzen Engrs
ADA Coordinator	
Internal Auditor If grant is not approved by granted Dir. Dept of Aeronautics, where will money come from? Or will project ~~be~~ not be considered?	See Acctg Manager Reference Comment
Grants Coordinator	

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #03-52 AND APPROVING A CONSTRUCTION CONTRACT WITH CRUZEN EQUIPMENT COMPANY, INC. IN THE AMOUNT OF THIRTY-TWO THOUSAND FIVE HUNDRED THIRTY-FOUR DOLLARS AND EIGHTY-THREE CENTS ($32,534.83) FOR THE CONSTRUCTION OF AN AVIATION FUEL SELF-SERVE FACILITY AT THE FAYETTEVILLE MUNICIPAL AIRPORT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards Bid #03-52 and approves a construction contract with Cruzen Equipment Company, Inc. in the amount of Thirty-Two Thousand Five Hundred Thirty-Four Dollars and Eighty-Three Cents ($32,534.83) for the construction of an aviation fuel self-serve facility at the Fayetteville Municipal Airport. A copy of the contract, marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED and **APPROVED** this 7th day of October, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

MEMORANDUM

TO: Dan Coody, Mayor
Members of the City Council
THRU: Staff Review Committee
FROM: Ray M. Boudreaux, Director, Aviation and Economic Development
DATE: September 17, 2003
SUBJECT: Approve a contract with Cruzen Equipment Company for construction, the Department of Aeronautics Grant Application, and the budget adjustment for a Self Service Fuel Dispensing System and Credit Card Reader for the East Hangar Area at Fayetteville Municipal Airport, Drake Field

Background: The Airport Board at their July meeting decided to install a self service fueling system on the East side of the airport including a credit card system which would allow anyone to purchase AVGAS (100LL) and to pump it much like the self service systems at gas stations all over the City. Staff prepared bid documents and put the project out for bid. Three bids were received.

Cruzen Equipment Company is the selected contractor. If approved by the contract review committee and the City Council, and signed by the Mayor, the contract will be awarded to Cruzen. Only $20,000 was budgeted for this project so application to the State of Arkansas for a 50/50 grant is the next step in acquiring the self serve system. The purpose of the action is to approve the contract for award, approve application and acceptance of a State Department of Aeronautics grant, and to approve the budget adjustment which provides for the receipt of State grant funds.

Budget Considerations: Project is budgeted in the 2003 Airport Capital program and with receipt of the State Grant is within the budgeted amount.

Requested Action: Approve the Contract with Cruzen Equipment Company, approve application and acceptance of a State Department of Aeronautics Grant and approve the budget adjustment.

Attachments: Staff Review Form
State of Arkansas Department of Aeronautics Grant Application
Contract with Cruzen Equipment Company
Budget Adjustment

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

CITY OF FAYETTEVILLE
FAYETTEVILLE MUNICIPAL AIRPORT
100LL SELF-SERVE FACILITY
CALCULATION OF GRANT REQUEST
ARKANSAS DEPARTMENT OF AERONAUTICS

PROJECT ITEM	COST
Cost of Tank, Fittings and Accessories, Installed	17,651.71
Cost of Credit Card reader system	11,145.00
Cost of Setup / Initialization of Fuel Management System	1,500.00
Taxes and Fees	2,088.12
Estimate of Foundation / Rough-in Electrical, Pipe Bollards and Emerg Switch post. (In -house).	3,548.00
Total Project Cost	35,932.83
Cost to Airport	(14,418.00)
Airport In-kind labor/materials	(3,548.00)
State Grant Request	17,966.83

From: "Rod Martin" <rod_martin2500@hotmail.com>
To: <jnicholson@ci.fayetteville.ar.us>
Date: 9/22/03 11:43AM
Subject: Bid Request #03-52

James Nicholson:
As was pointed out earlier, there is a mistake in Cruzen Equipment Co. Quote #QN7382.
The total on page one for Tank, Fittings, Accessories, Installed of $17,801.71, is $150.00 higher than the detail total on page two of $17,651.71.
The detail total on page two is the correct amount. Therefore the total for this category on page one should be reduced by $150.00, bringing this total to $71,651.71 and the overall quote total to $32,384.83.
Sorry for any inconvenience this has caused and I hope this clears up this mistake. If not, let me know what I can do to help.

Sincerely,
Rod Martin, Sales
Cruzen Equipment Co.
479-422-2764
rmartin@cruzen.com

CC: "Steve Holland" <sholland@cruzen.com>

QUOTATION & CONTRACT

Cruzen

CRUZEN EQUIPMENT COMPANY, INC.
1705 EAST 5TH STREET
NORTH LITTLE ROCK, ARKANSAS 72114
TELEPHONE (501) 374-1528
FAX (501) 374-1515

No. QN 7382

In reply, refer to above number

PAGE 1 OF 4

DATE: 09/04/03

TO: CITY OF FAYETTEVILLE PURCHASING DIVISION
113 WEST MOUNTAIN, ROOM 306
FAYETTEVILLE AR 72701

ATTN. OF: PEGGY VICE, PURCHASING MANAGER

YOUR INQUIRY: BID REQUEST #03-52, AVIATION GASOLINE SELF-SERVE SYSTEM FOR DRAKE FIELD

We are pleased to submit quotation on our interpretation of your requirements, subject to terms and conditions printed on reverse side of this proposal.

	17,651.71
TANK, TANK FITTINGS, ACCESSORIES, INSTALLED ----------	~~$17,801.71~~
M3000 PLUS FUEL MANAGEMENT SYSTEM INSTALLED ----	$11,145.00
SET-UP/INITIALIZATION OF FUEL MANAGEMENT SYSTEM—	$1,500.00
OTHER CHARGES NOT LISTED: ALL TAXES & FEES ----------	$2,088.12
TOTAL ALL ----------	~~$32,534.83~~
	32,384.83

TERMS OF PAYMENT:
1. Net due upon completion of project.
2. Quote is in force for 60 calendar days from date of scheduled bid opening, at 2:00 PM, September 5, 2003.
3. Note Terms and Conditions on reverse side of contract.

32,534.83
TAXES INCLUDED

TOTAL PROPOSAL – $
PLUS APPLICABLE TAXES

SEE ABOVE

TERMS OF PAYMENT:

CRUZEN EQUIPMENT COMPANY, INC.

By: Rod Martin, Sales

By: Rod Martin

This Quotation is not an offer and is subject to approval, and acceptance by an authorized officer or manager of **Cruzen Equipment Company, Inc.**

Cruzen Equipment Company, Inc. by a duly authorized officer or manager does hereby accept and approve this Contract.

CRUZEN EQUIPMENT COMPANY, INC.

By: _____

By: _____

Date: 9-4-03

_____
Purchaser's Name

BY _____

The Purchaser hereby offers to enter into this Agreement according to the specifications, terms and price stated on the front and the Terms and Conditions on the reverse side.

Date: _____

PEI

QUOTATION & CONTRACT

Cruzen
Cruzen
Cruzen
Cruzen

CRUZEN EQUIPMENT COMPANY, INC.
1705 EAST 5TH STREET
NORTH LITTLE ROCK, ARKANSAS 72114
TELEPHONE (501) 374-1528
FAX (501) 374-1515

No. QN 7382

In reply, refer to above number

PAGE 1 OF 4

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113 WEST MOUNTAIN, ROOM 306
FAYETTEVILLE AR 72701

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YOUR INQUIRY: BID REQUEST #03-52, AVIATION GASOLINE SELF-SERVE SYSTEM FOR DRAKE FIELD

We are pleased to submit quotation on our interpretation of your requirements, subject to terms and conditions printed on reverse side of this proposal.

	17,651.71
TANK, TANK FITTINGS, ACCESSORIES, INSTALLED ----------	~~$17,801.71~~
M3000 PLUS FUEL MANAGEMENT SYSTEM INSTALLED -----	$11,145.00
SET-UP/INITIALIZATION OF FUEL MANAGEMENT SYSTEM----	$1,500.00
OTHER CHARGES NOT LISTED: ALL TAXES & FEES ----------	$2,088.12
TOTAL ALL ----------	~~$32,534.83~~ 32,384.83

TERMS OF PAYMENT:
1. Net due upon completion of project.
2. Quote is in force for 60 calendar days from date of scheduled bid opening, at 2:00 PM, September 5, 2003.
3. Note Terms and Conditions on reverse side of contract.

32,534.83
TAXES INCLUDED
TOTAL PROPOSAL $
PLUS APPLICABLE TAXES
SECURITY AGREEMENT
SEE ABOVE
TERMS OF PAYMENT:

Purchaser's Name

BY

The Purchaser hereby offers to enter into this Agreement according to the specifications, terms and price stated on the front and the Terms and Conditions on the reverse side.

Date:

CRUZEN EQUIPMENT COMPANY, INC.

By: Rod Martin, Sales

By: Rod Martin

This Quotation is not an offer and is subject to approval, and acceptance by an authorized officer or manager of **Cruzen Equipment Company, Inc.**

Cruzen Equipment Company, Inc.
by a duly authorized officer or manager does hereby accept and approve this Contract.

CRUZEN EQUIPMENT COMPANY, INC.

By:

By:

Date: 9.4.03

QUOTATION & CONTRACT

Cruzen

CRUZEN EQUIPMENT COMPANY, INC.
1705 EAST 5TH STREET
NORTH LITTLE ROCK, ARKANSAS 72114
TELEPHONE (501) 374-1528
FAX (501) 374-1515

No. QN 7382

In reply, refer to above number

PAGE 2 OF 4

TO: CITY OF FAYETTEVILLE PURCHASING DIVISION
113 WEST MOUNTAIN, ROOM 306
FAYETTEVILLE AR 72701

DATE. 09/04/03

ATTN. OF: PEGGY VICE, PURCHASING MANAGER

YOUR INQUIRY: BID REQUEST #03-52, AVIATION GASOLINE SELF-SERVE SYSTEM FOR DRAKE FIELD

We are pleased to submit quotation on our interpretation of your requirements, subject to terms and conditions printed on reverse side of this proposal.

TANK, TANK FITTINGS AND ACCESSORIES, INSTALLED:

1	1,000 GALLON FIREGUARD HORIZIONTAL ABOVE GROUND TANK U/L 2085, 54" x 144", WITH 6" PRIMARY & SECONDARY EMERG. VENTS, FULL LENGTH SKIDS AND COATED WITH WHITE ACRYLATHANE	5,191.00	5,191.00
1	MORRISON 749-0100-AV 8 OZ. PRESSURE/VACUUM 2" PRIMARY VENT	38.51	38.51
1	MORRISON 354-0200-AV UPDRAFT 2" SECONDARY VENT	9.10	9.10
1	MORRISON 918-0100-AG CLOCK GAUGE WITH BATTERY OP. ALARM	616.25	616.25
1	MORRISON 419-0600-1T 2" x 4' DROP TUBE	19.72	19.72
1	MORRISON 517-0200-AC 3-1/2 GALLON SPILL CONTAINER	103.36	103.36
1	OPW 1P-2105 HAND SUMP PUMP	32.30	32.30
1	FP4040B 4" x 4" PIPE NIPPLE	13.00	13.00
1	MORRISON 305C-0100-AC 4" TOP SEAL CAP	21.00	21.00
1	MORRISON 305L-0200-AA 4" TOP SEAL ADAPTER	21.93	21.93
1	MORRISON 419-0900-1T 4" x 5' DROP TUBE	27.20	27.20
1	MORRISON 346DI-0400-AV 1-1/2" EXTERNAL EMERGENCY VALVE	140.93	140.93
1	MORRISON 710-0150-1V 1-1/2" SOLENOID VALVE, 120V COIL	437.58	437.58
1	MORRISON 691B-0700-1V 1-1/2" FULL PORT LOCKING BALL VALVE	24.74	24.74
1	MORRISON 78DI-0200-AV 1/2" PRESSURE RELIEF VALVE	48.07	48.07
1	GASBOY 8753Q-IL MECHANICAL RETAIL HI-SPEED SUCTION PUMP, WITH: VR10-4 COMPUTER, CZ- 10:1 MONEY PULSER & PP- PREPAY VALVE	2,986.00	2,986.00
1	GASBOY 048577 PRESSURE REGULATING VALVE	383.00	383.00
1	VELCON VF609A AV-GAS FILTER WITH CARTRIDGE & PRESSURE GAUGE	278.95	278.95
1	HANNAY N818-25-26B REEL ONLY, SELF-REWIND	518.83	518.83
1	AVIATION FUEL HOSE, 1" x 50 FT, M x M, (CERTIFIED)	241.89	241.89
1	HANNAY 3/4" HOSE BALL STOP	15.00	15.00
1	HANNAY GR-75-50 REEL, 50' STATIC GROUND	169.65	169.65
1	MORRISON 218-0400-AN 1" AV-GAS OVERWING NOZZLE, WITH GROUND	155.70	155.70
1	INSTALLATION OF ABOVE EQUIPMENT AND ACCESSORIES	6,158.00	6,158.00

TOTAL TANK, TANK FITTINGS, ACCESSORIES & INSTALLATION	**$17,651.71**

TOTAL PROPOSAL – $

PLUS APPLICABLE TAXES

PEI

QUOTATION & CONTRACT

CRUZEN EQUIPMENT COMPANY, INC.
1705 EAST 5TH STREET
NORTH LITTLE ROCK, ARKANSAS 72114
TELEPHONE (501) 374-1528
FAX (501) 374-1515

No. QN 7382

In reply, refer to above number

PAGE 2 OF 4

TO: CITY OF FAYETTEVILLE PURCHASING DIVISION
113 WEST MOUNTAIN, ROOM 306
FAYETTEVILLE AR 72701

DATE: 09/04/03

ATTN. OF: PEGGY VICE, PURCHASING MANAGER

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1	MORRISON 305L-0200-AA 4" TOP SEAL ADAPTER	21.93	21.93
1	MORRISON 419-0900-1T 4" x 5' DROP TUBE	27.20	27.20
1	MORRISON 346DI-0400-AV 1-1/2" EXTERNAL EMERGENCY VALVE	140.93	140.93
1	MORRISON 710-0150-1V 1-1/2" SOLENOID VALVE, 120V COIL	437.58	437.58
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TOTAL TANK, TANK FITTINGS, ACCESSORIES & INSTALLATION	**$17,651.71**

TOTAL PROPOSAL – $

PLUS APPLICABLE TAXES

QUOTATION & CONTRACT

Cruzen
Cruzen
Cruzen

CRUZEN EQUIPMENT COMPANY, INC.
1705 EAST 5TH STREET
NORTH LITTLE ROCK, ARKANSAS 72114
TELEPHONE (501) 374-1528
FAX (501) 374-1515

No. QN 7382

In reply, refer to above number

PAGE 3 OF 4

TO: CITY OF FAYETTEVILLE PURCHASING DIVISION
113 WEST MOUNTAIN, ROOM 306
FAYETTEVILLE AR 72701

DATE: 09/04/03

ATTN. OF: PEGGY VICE, PURCHASING MANAGER

YOUR INQUIRY: BID REQUEST #03-52, AVIATION GASOLINE SELF-SERVE SYSTEM FOR DRAKE FIELD

We are pleased to submit quotation on our interpretation of your requirements, subject to terms and conditions printed on reverse side of this proposal.

APPLIED TECHNOLOGY FUEL SYSTEM:			
1	M3000 PLUS AVIATION FUEL MANAGEMENT SYSTEM, FEATURES: 4 LINE DISPLAY, NUMERIC KEYPAD, INSERT CARD READER, THERMAL PRINTER, OIL CARD & MAJOR CREDIT CARD ACCEPTANCE, REMOTE RETRIEVAL SALES, WINDOWS SOFTWARE, PRIVATE CARD CAPABLE, ACCOUNT MANAGEMENT, INVOICING, ACCOUNT DETAIL, BASIC DISCOUNTING, FUEL TYPE BLOCKING, ACCESS SCHEDULES, PURCHASES (LOG ONLY), TRANSACTIONS, SALES ACTIVITY, SALES SUMMARY, TRANSACTION DETAIL LOG, SEND TERMINAL CONFIGURATIONS, SEND ACCOUNTS TO TERMINAL, REMOTE BATCH CLOSE, FORCED BATCH CLOSE, AUTO RETREIVAL SCHEDULES AND EVENT LOG.	10,520.00	10,520.00
1	SHIPPING & HANDLING	225.00	225.00
1	INSTALLATION OF ABOVE EQUIPMENT AND ACCESSORIES	400.00	400.00

TOTAL M3000 PLUS FUEL MANAGEMENT SYSTEM $11,145.00

M3000 PLUS SYSTEM SETUP & INITIALIZATION:			
1	START-UP & TRAINING, (PROVIDED BY APPLIED TECHNOLOGY) INCLUDES: FINAL WIRING OF M3000, CONNECT POWER AND TELEPHONE LINE TO M3000, CONNECT SUCTION PUMP TO M3000, LOAD FUELMASTER PLUS SOFTWARE AND PROVIDE INSTRUCTION ON BOTH SOFTWARE AND USE OF M3000.	1,500.00	1,500.00

TOTAL M3000 SET-UP & INITIALIZATION $1,500.00

OTHER CHARGES NOT LISTED:		
	ALL APPLICABLE TAXES & FEES	2,088.12

TOTAL OTHER CHARGES NOT LISTED $2,088.12

TOTAL PROPOSAL – $

PLUS APPLICABLE TAXES

QUOTATION & CONTRACT

CRUZEN EQUIPMENT COMPANY, INC.
1705 EAST 5TH STREET
NORTH LITTLE ROCK, ARKANSAS 72114
TELEPHONE (501) 374-1528
FAX (501) 374-1515

No. QN 7382

In reply, refer to above number

PAGE 3 OF 4

DATE: 09/04/03

TO: CITY OF FAYETTEVILLE PURCHASING DIVISION
113 WEST MOUNTAIN, ROOM 306
FAYETTEVILLE AR 72701

ATTN. OF: PEGGY VICE, PURCHASING MANAGER

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We are pleased to submit quotation on our interpretation of your requirements, subject to terms and conditions printed on reverse side of this proposal.

APPLIED TECHNOLOGY FUEL SYSTEM:

1	M3000 PLUS AVIATION FUEL MANAGEMENT SYSTEM, FEATURES: 4 LINE DISPLAY, NUMERIC KEYPAD, INSERT CARD READER, THERMAL PRINTER, OIL CARD & MAJOR CREDIT CARD ACCEPTANCE, REMOTE RETRIEVAL SALES, WINDOWS SOFTWARE, PRIVATE CARD CAPABLE, ACCOUNT MANAGEMENT, INVOICING, ACCOUNT DETAIL, BASIC DISCOUNTING, FUEL TYPE BLOCKING, ACCESS SCHEDULES, PURCHASES (LOG ONLY), TRANSACTIONS, SALES ACTIVITY, SALES SUMMARY, TRANSACTION DETAIL LOG, SEND TERMINAL CONFIGURATIONS, SEND ACCOUNTS TO TERMINAL, REMOTE BATCH CLOSE, FORCED BATCH CLOSE, AUTO RETREIVAL SCHEDULES AND EVENT LOG.	10,520.00	10,520.00
1	SHIPPING & HANDLING	225.00	225.00
1	INSTALLATION OF ABOVE EQUIPMENT AND ACCESSORIES	400.00	400.00

TOTAL M3000 PLUS FUEL MANAGEMENT SYSTEM $11,145.00

M3000 PLUS SYSTEM SETUP & INITIALIZATION:

1	START-UP & TRAINING, (PROVIDED BY APPLIED TECHNOLOGY) INCLUDES: FINAL WIRING OF M3000, CONNECT POWER AND TELEPHONE LINE TO M3000, CONNECT SUCTION PUMP TO M3000, LOAD FUELMASTER PLUS SOFTWARE AND PROVIDE INSTRUCTION ON BOTH SOFTWARE AND USE OF M3000.	1,500.00	1,500.00

TOTAL M3000 SET-UP & INITIALIZATION $1,500.00

OTHER CHARGES NOT LISTED:

ALL APPLICABLE TAXES & FEES	2,088.12

TOTAL OTHER CHARGES NOT LISTED $2,088.12

TOTAL PROPOSAL – $

PLUS APPLICABLE TAXES

QUOTATION & CONTRACT

Cruzen
Cruzen

CRUZEN EQUIPMENT COMPANY, INC.
1705 EAST 5TH STREET
NORTH LITTLE ROCK, ARKANSAS 72114
TELEPHONE (501) 374-1528
FAX (501) 374-1515

No. QN 7382

In reply, refer to above number

PAGE 4 OF 4

TO: CITY OF FAYETTEVILLE PURCHASING DIVISION
113 WEST MOUNTAIN, ROOM 306
FAYETTEVILLE AR 72701

DATE: 09/04/03

ATTN. OF: PEGGY VICE, PURCHASING MANAGER

YOUR INQUIRY: BID REQUEST #03-52, AVIATION GASOLINE SELF-SERVE SYSTEM FOR DRAKE FIELD

We are pleased to submit quotation on our interpretation of your requirements, subject to terms and conditions printed on reverse side of this proposal.

INSTALLATION NOTES:

CUSTOMER RESPONSIBILITIES:

* POUR PROPER SIZE TANK & PUMP PADS AND INSTALL PROTECTIVE GUARDS
* PROVIDE DEDICATED PHONE LINE & INSTALL PHONE CONDUIT TO M3000 PLUS
* INSTALL ALL CONDUIT RUNS BETWEEN TANK, PUMP, M3000, E-STOP & PANEL
* LAST 10 FT OF CONDUIT MUST BE OF RIGID METAL AT BOTH ENDS WITH EXPLOSION PROOF SEAL-OFFS AT EACH END
* INSTALL CHANNEL (OR SUITABLE) POLE FOR MOUNTING EMERGENCY STOP SWITCH, AT LEAST 20 FT FROM TANK
* FURNISH & INSTALL EMERGENCY STOP SIGNAGE AND LOCATE BY SWITCH

CRUZEN RESPONSIBILITIES:

* ASSIST CUSTOMER WITH LOCATION, NUMBER & SIZE OF CONDUITS
* UNLOAD & SET TANK AND PRESSURE TEST
* INSTALL TANK FITTINGS AND ACCESSORIES
* MOUNT PUMP STAND, PUMP, REEL AND ACCESSORIES
* MOUNT M3000 PLUS AND CONNECT CONDUITS
* TIE CUSTOMER RUN CONDUITS INTO EQUIPMENT (PUMP, M3000, E-STOP & PANEL)
* PULL APPROPRIATE NUMBER & GAUGE WIRE TO EQUIPMENT
* REPLACE EXISTING PANEL & BREAKERS, ADD BREAKERS FOR NEW EQUIPMENT AND WIRE IN
* MOUNT E-STOP SWITCH TO CUSTOMER PROVIDED POLE AND WIRE IN
* RUN PRODUCT LINE & TEST
* VERIFY PUMP WIRING, OPERATION AND CHECK CALIBRATION
* VERIFY OVERFILL ALARM OPERATION
* ASSIST SITE PERSONNEL IN WIRING OF M3000 SYSTEM AND TEST CONTROL OF PUMP AND PULSER OPERATION
* CALIBRATE METER AND SEAL

TOTAL PROPOSAL – $

PLUS APPLICABLE TAXES

QUOTATION & CONTRACT

CRUZEN EQUIPMENT COMPANY, INC.
1705 EAST 5TH STREET
NORTH LITTLE ROCK, ARKANSAS 72114
TELEPHONE (501) 374-1528
FAX (501) 374-1515

No. QN 7382

In reply, refer to above number

PAGE 4 OF 4

DATE: 09/04/03

TO: CITY OF FAYETTEVILLE PURCHASING DIVISION
113 WEST MOUNTAIN, ROOM 306
FAYETTEVILLE AR 72701

ATTN. OF: PEGGY VICE, PURCHASING MANAGER

YOUR INQUIRY: BID REQUEST #03-52, AVIATION GASOLINE SELF-SERVE SYSTEM FOR DRAKE FIELD

We are pleased to submit quotation on our interpretation of your requirements, subject to terms and conditions printed on reverse side of this proposal.

INSTALLATION NOTES:

CUSTOMER RESPONSIBILITIES:

* POUR PROPER SIZE TANK & PUMP PADS AND INSTALL PROTECTIVE GUARDS
* PROVIDE DEDICATED PHONE LINE & INSTALL PHONE CONDUIT TO M3000 PLUS
* INSTALL ALL CONDUIT RUNS BETWEEN TANK, PUMP, M3000, E-STOP & PANEL
* LAST 10 FT OF CONDUIT MUST BE OF RIGID METAL AT BOTH ENDS WITH EXPLOSION PROOF SEAL-OFFS AT EACH END
* INSTALL CHANNEL (OR SUITABLE) POLE FOR MOUNTING EMERGENCY STOP SWITCH, AT LEAST 20 FT FROM TANK
* FURNISH & INSTALL EMERGENCY STOP SIGNAGE AND LOCATE BY SWITCH

CRUZEN RESPONSIBILITIES:

* ASSIST CUSTOMER WITH LOCATION, NUMBER & SIZE OF CONDUITS
* UNLOAD & SET TANK AND PRESSURE TEST
* INSTALL TANK FITTINGS AND ACCESSORIES
* MOUNT PUMP STAND, PUMP, REEL AND ACCESSORIES
* MOUNT M3000 PLUS AND CONNECT CONDUITS
* TIE CUSTOMER RUN CONDUITS INTO EQUIPMENT (PUMP, M3000, E-STOP & PANEL)
* PULL APPROPRIATE NUMBER & GAUGE WIRE TO EQUIPMENT
* REPLACE EXISTING PANEL & BREAKERS, ADD BREAKERS FOR NEW EQUIPMENT AND WIRE IN
* MOUNT E-STOP SWITCH TO CUSTOMER PROVIDED POLE AND WIRE IN
* RUN PRODUCT LINE & TEST
* VERIFY PUMP WIRING, OPERATION AND CHECK CALIBRATION
* VERIFY OVERFILL ALARM OPERATION
* ASSIST SITE PERSONNEL IN WIRING OF M3000 SYSTEM AND TEST CONTROL OF PUMP AND PULSER OPERATION
* CALIBRATE METER AND SEAL

TOTAL PROPOSAL – $

PLUS APPLICABLE TAXES

Citizen Contract
Aquatic Fuel Reserve Facility
Page 1

FORMAL ☐ BID BOND REQUIRED YES ☐ NO ☒

INFORMAL ☐

VERBAL QUOTATION ☐ PERFORMANCE BOND REQUIRED YES ☐ NO ☐

CITY OF FAYETTEVILLE, AR
113 W. MOUNTAIN STREET
FAYETTEVILLE, ARKANSAS 72701

TABULATION OF BIDS

PROJECT _____

DESCRIPTION Automatic Irrigation System F.O.B. _____ DATE OPENED 9/5/03 2:00pm

BID NO. 13-53 PROJECT NO. _____

		ITEM	ITEM	ITEM	ITEM	ITEM	EXTENSION
BIDDER: Doyle Check	UNIT/QUANT COST	$44,675.00					
ADDRESS:	EXT. COST						
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER: Southern Tee	UNIT/QUANT COST	$39,062-00					
ADDRESS: Co	EXT. COST						
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER: Cruzen	UNIT/QUANT COST	$34,372.85					
ADDRESS:	EXT. COST						
BIDDER: Alternate	UNIT/QUANT COST	32,384.83 ←					
ADDRESS:	EXT. COST						
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						

BID AWARD SUMMARY:

ITEM _____ TO _____ P.O. # _____

ITEM _____ TO _____ P.O. # _____

ITEM _____ TO _____ P.O. # _____

ITEM _____ TO _____ P.O. # _____

DATE _____ CERTIFIED BY

REMARKS:

_____ PURCHASING OFFICER

_____ WITNESS

NORTHWEST ARKANSAS EDITION
Arkansas Democrat Gazette

RECEIVED
AUG 27 2003
PURCHASING
SEP 04 2003
GENERAL

AFFIDAVIT OF PUBLICATION

I, Diana 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:

Bid 03-52
8/15/03, 8/22/03.
was Inserted in the regular editions on

PO# 03-3133

** Publication Charge: $ 200.00

Subscribed and sworn to before me this

22nd day of Aug, 2003.

Sheri Denise Sutton
Notary Public

My Commission Expires: 5-1-07

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

OFFICIAL SEAL
SHERI DENISE SUTTON
NOTARY PUBLIC . ARKANSAS
WASHINGTON COUNTY
COMMISSION EXP. 05/01/07

ADVERTISEMENT & NOTICE
03-52
REQUEST FOR BIDS
AVIATION GASOLINE
SELF-SERVE
CITY OF FAYETTEVILLE,
ARKANSAS

The City of Fayetteville, Arkansas is hereby soliciting bids to install an Aviation Gasoline Self-Serve Facility. Sealed bids will be received by the Office of the City of Fayetteville Purchasing Division until 10:00 am, August 29th, 2003. Bids will be received only at the exact time and place stated below.

Bids must be submitted in accordance with the specifications which may be obtained during formal business hours from:

City of Fayetteville Purchasing Division, City Administration Building, 113 West Mountain, Room 306 Fayetteville, AR 72701, 479-575-8256 or by downloading at:

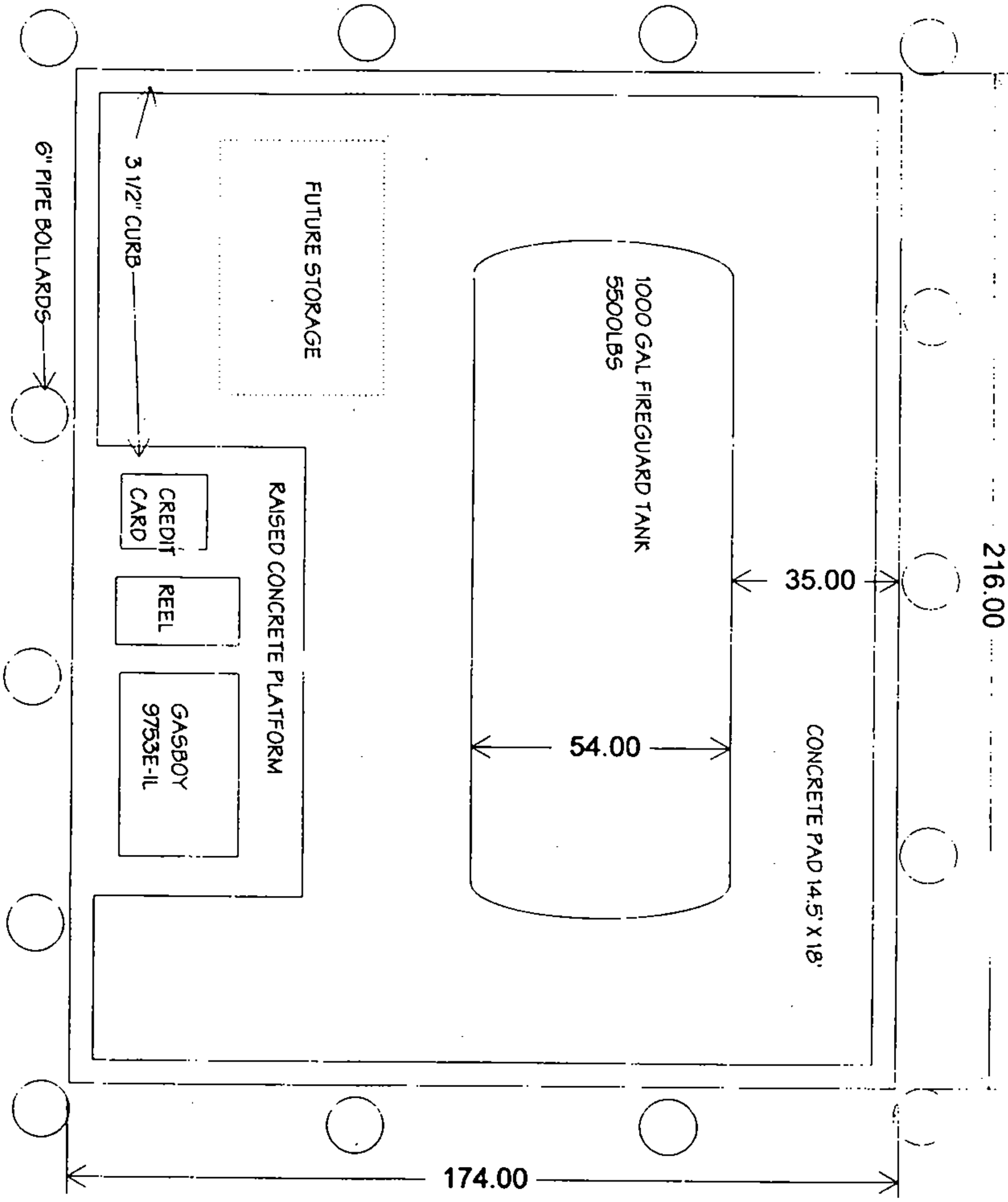
www.accessfayetteville.org

The City reserves the right to accept all or in part all or any specific bid(s). The City further reserves the right to reject all or part of any specific bid, to hold all bids in force and effect for 60 calendar days after date of opening, to waive any informality in the bidding and to postpone or cancel the proposed opening date for cause or convenience. [illegible]

Each bid must be submitted on the prescribed form and a $20,000 or 5.0% Arkansas Contractor's License is required and the bid must be accompanied by a certified check or bid bond executed in an amount not less than 5% of the amount bid, as required by Ark. Code Annotated 22-9-203. The City of Fayetteville encourages all certified, small, minority, and women-owned businesses to bid or bid relative contracts for goods, services, and construction. The City of Fayetteville encourages all persons submitting a bid/proposal to subcontract portions of their contract to qualified small, minority, and women business enterprises.

The City of Fayetteville, Arkansas is an Equal Opportunity/Affirmative Action Employer.

Ad#1029451 8/15/03, 8/22/03



FAYETTEVILLE MUNICIPAL AIRPORT

100LL SELF-SERVE FUELING FACILITY

LAYOUT PLAN

SCALE: 3/8" =12"

City Of Fayetteville

(Not a Purchase Order)

Vendor # 10130	Vendor Name: Cruzen Equipment					Requisition No.	Date: 9/24/2003		
						P.O Number	Expected Delivery Date: 3 months		
Address: 685 Huntsville Rd					Fob Point:	Mail Yes:__ No:____			
						Taxable Yes:__ No:____	Quotes Attached Yes:____ No:____		
City: Fayetteville	State: AR			Zip Code 72702	Ship to code: 065	Divison Head Approval:			
Requester: Ray M. Boudreaux				Requester's Employee # 2087		Extension: 641			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	100LL Self-Serve Facility	1	LS	32,384.83	$32,384.83	5550.3960.5804.00	03014.1		
2	Bid #03-52				$0.00				
3					$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
	Shipping/Handling	1	Lot	0.00	$0.00				

Special Instructions:

Subtotal:	$32,384.83
Tax:	$1,740.97
Total:	$34,125.80

Approvals:

Mayor: _____ Department Director: [signature] 9.24.03 Purchasing Manager: [signature]

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Cruzen Contract
Aviation Fuel Self Serve Facility
A 6.
Page 18 of 18

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
___ CONTRACT REVIEW
X GRANT REVIEW

100LL Self Serve
Dept Aero Grant

For the Fayetteville City Council Meeting of: October 7, 2003

FROM:

Ray M. Boudreaux	Aviation & Economic Development	General Government
Name	Division	Department

ACTION REQUIRED: A Resolution authorizing the Fayetteville Municipal Airport staff to apply for and accept a grant in the amount of $17,966.00 from the Arkansas Dept. of Aeronautics, a 50/50% match grant for construction of a 100 Low Lead (100LL) Aviation Fuel self-serve facility. Approval of a budget Adjustment. Signature of the Mayor required.

COST TO CITY:

$17,966.00 Revenue	$ 841,982	East Side Fuel Station
Cost of this request	Category/Project Budget	Program Category / Project Name
5550.0955.6805.00	$ 674,143	Airport Capital Expense
Account Number	Funds Used to Date	Program / Project Category Name
03014.1	$ 167,839	Airport
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Manager — Date: 9-24-03

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — Date: 9/24/03
Internal Auditor — Date: 9/24/03
City Attorney — Date: 9/24/03
Purchasing Manager — Date:

STAFF RECOMMENDATION:

Division Head — Date:
Department Director — Date: Sept 24, 2003
Finance & Internal Services Dir. — Date: 9-24-03
Chief Administrative Officer — Date: 9-24-03
Mayor — Date:

Received in Mayor's Office — Date:

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

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

FILED 9-24-03

Staff Review Form - Page 2

Description Aviation Fuel Self-Serve Facility Meeting Date October 7, 2003

Comments: Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE MUNICIPAL AIRPORT STAFF TO APPLY FOR AND ACCEPT A GRANT IN THE AMOUNT OF SEVENTEEN THOUSAND NINE HUNDRED SIXTY-SIX DOLLARS ($17,966.00) FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS FOR THE CONSTRUCTION OF AN AVIATION FUEL SELF-SERVE FACILITY; AND APPROVING A BUDGETADJUSTMENT 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 the Fayetteville Municipal Airport staff to apply for and accept a grant in the amount of Seventeen Thousand Nine Hundred Sixty-Six Dollars ($17,966.00) from the Arkansas Department of Aeronautics for the construction of an aviation fuel self-serve facility.

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing the above grant revenue.

PASSED and **APPROVED** this 7th day of October, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

MEMORANDUM

TO: Dan Coody, Mayor
Members of the City Council
THRU: Staff Review Committee
FROM: Ray M. Boudreaux, Director, Aviation and Economic Development
DATE: September 17, 2003
SUBJECT: Approve a contract with Cruzen Equipment Company for construction, the Department of Aeronautics Grant Application, and the budget adjustment for a Self Service Fuel Dispensing System and Credit Card Reader for the East Hangar Area at Fayetteville Municipal Airport, Drake Field

Background: The Airport Board at their July meeting decided to install a self service fueling system on the East side of the airport including a credit card system which would allow anyone to purchase AVGAS (100LL) and to pump it much like the self service systems at gas stations all over the City. Staff prepared bid documents and put the project out for bid. Three bids were received.

Cruzen Equipment Company is the selected contractor. If approved by the contract review committee and the City Council, and signed by the Mayor, the contract will be awarded to Cruzen. Only $20,000 was budgeted for this project so application to the State of Arkansas for a 50/50 grant is the next step in acquiring the self serve system. The purpose of the action is to approve the contract for award, approve application and acceptance of a State Department of Aeronautics grant, and to approve the budget adjustment which provides for the receipt of State grant funds.

Budget Considerations: Project is budgeted in the 2003 Airport Capital program and with receipt of the State Grant is within the budgeted amount.

Requested Action: Approve the Contract with Cruzen Equipment Company, approve application and acceptance of a State Department of Aeronautics Grant and approve the budget adjustment.

Attachments: Staff Review Form
State of Arkansas Department of Aeronautics Grant Application
Contract with Cruzen Equipment Company
Budget Adjustment

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: General Government Division: Aviation & Economic Development Program: Airport Capital	Date Requested	Adjustment Number
2003		8/19/2003	

Project or Item Requested:
$17,966 in Building Costs account

Project or Item Deleted:
None. To recognize $17,966 in Arkansas Department of Aeronautics Grant revenue on Self-Serve fueler project.

Justification of this Increase:
The funds are needed to construct a Aviation gasoline self-serve facility on the East-side T-hangar ramp.

Justification of this Decrease:
The project is eligible for Arkansas Department of Aeronautics grant funding. Total project cost is estimated to be $35,933.

Increase Expense (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Building costs	5550	3960	5804	00	17,966	03014	1

Decrease Expense (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
State grants	5550	0955	6805	00	17,966	03014	1

Approval Signatures

Requested By — Date

Budget Manager — 9-19-03 Date

Department Director — Sept 15 2003 Date

Administrative Services Director — 9-24-03 Date

Mayor — Date

Budget Office Use Only

Type: A B C (D) E

Date of Approval — Date — Initial

Posted to General Ledger — Date — Initial

Posted to Project Accounting — Date — Initial

Entered in Category Log — Date — Initial

-Project/Sub Project Analysis----------PT0160S1-

Project . . : 03014 East Side Fuel Station

Fiscal Year : 2003
Manager . . : 2087 Boudreaux Status . . : A Active

Original Expense Budget . :	20,000.00		
Original Revenue Budget . :	.00		
Current Budget . . . . . :		20,000.00	
Posted Expenses/Revenues . :	.00		
Posted Encumbrances . . . :	200.00		
Balance . . . . . :		19,800.00	99.00 %
Unposted Expenses/Revenues :	.00		
Unposted Encumbrances . . :	.00		
Balance . . . . . :		19,800.00	99.00 %

-F3=Exit F12=Cancel----------

ARKANSAS DEPARTMENT OF AERONAUTICS

APPLICATION FOR STATE AIRPORT AID

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

Date of Request: **September 15, 2003**

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

Name and address of City/County Commission sponsoring request:

City of Fayetteville

113 West Mountain St.

Fayetteville, AR 72701

Person to contact about project:

Ray M. Boudreaux, Director

4500 S School Ave, Suite F

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

Name and address of Engineering Firm (If Applicable):

Not Applicable Contact Person: _____

_____ Phone/Fax Number: _____

Describe the work to be accomplished: **Construction of a 100LL Self-serve facility to include; 1,000 gal, 2 hour fire protection rated storage tank, pump dispenser, hose reel, and credit card reader.**

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

Total Cost of Project	**$35,933.00**
Local Share/Funds	14,418.00
Local Share/In-Kind	3,548.00
State Share	17,966.00

Federal AIP Projects:

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

State Airport Aid Application
Page Two

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

FUNDS:

Source of Funds:

State Funding: Arkansas State Department of Aeronautics

Local Funding: Fayetteville Municipal Funds, Airport Div

Source of In-Kind Services **Airport Staff**

Estimate starting date of project: **October 2003**

Estimate completion date of project: **December 2003**

Project will be for: New Airport _____ Existing Airport **XX**

Is land to be leased or purchased? **NO**

Description of land and cost per acre:

Provide the Federal AIP Grant Number (AIP Projects Only)

_____

State Representatives for your area:

State Senator **Sue Madison**

State Representative **Bill Pritchard - District 8**

State Airport Aid Application
Page Three

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

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

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

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

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

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

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

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

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

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

IN WITNESS WHEREOF, the sponsor has caused this Application for State Airport Aid to be duly executed in its name, this 17th day of September, 20 03 .

City of Fayetteville
Name of Sponsor

Authorized Signature

Ray M. Boudreaux, Director
Title

CITY OF FAYETTEVILLE
FAYETTEVILLE MUNICIPAL AIRPORT
100LL SELF-SERVE FACILITY
CALCULATION OF GRANT REQUEST
ARKANSAS DEPARTMENT OF AERONAUTICS

PROJECT ITEM	COST
Cost of Tank, Fittings and Accessories, Installed	17,651.71
Cost of Credit Card reader system	11,145.00
Cost of Setup / Initialization of Fuel Management System	1,500.00
Taxes and Fees	2,088.12
Estimate of Foundation / Rough-in Electrical, Pipe Bollards and Emerg Switch post. (In -house).	3,548.00
Total Project Cost	35,932.83
Cost to Airport	(14,418.00)
Airport In-kind labor/materials	(3,548.00)
State Grant Request	17,966.83

Council Meeting of August 19 August 5, 2003

Raze & Removal
226 North School Avenue

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

Tabled until Oct 7, 2003 City Council Meeting

ENDA REQUEST

ayetteville City Council Meeting of: 8-19 ~~May 20~~, 2003

ock | Com Res & Code Com (Division) | Com Plan & Engr Services (Department)

REQUIRED: Public Hearing and Resolution to order the Raze and Removal of the dilapidated structure at 262 North School Avenue, Fayetteville, AR 72702

226

RY EXPLANATION:
attached Memo

STAFF RECOMMENDATION:

Division Head — 4-15-03 Date

Received in Mayor's Office — 4/21/03 PH- Date

City Attorney — 4/21/03 Date

Department Director — 4-16-03 Date

Finance & Internal Services Dir. — 4-16-03 Date

Chief Administrative Officer — 4-16-03 Date

Mayor — 4/5/03 Date

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No

ENTERED 4/21

RESOLUTION NO. _____

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY TIMOTHY C. AND CHRISTINE KLINGER LOCATED AT 226 N. SCHOOL AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS.

WHEREAS, Timothy C. and Christine Klinger are the record owners of the real property situated at 226 N. School Avenue, City of Fayetteville, Washington County, Arkansas, more particularly described as set forth in Exhibit "A" attached hereto and made a part hereof; and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, Timothy C. and Christine Klinger, having been properly served with a Violation Notice via Certified Mail, and given thirty (30) days to correct said violation, have refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1. That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Timothy C. and Christine Klinger are hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2. That if Timothy C. and Christine Klinger do not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

PASSED and **APPROVED** this 20th day of May, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A"

A part of Lot Seven (7) in Block Five (5), Original Plat of the City of Fayetteville, Arkansas, being more particularly described as follows: Beginning at the Northwest corner of the South 46.00 feet of said Lot Seven (7); thence North 00 degrees 22 minutes 07 seconds West 1.50 feet along the West line of said Lot Seven (7) to a point in line with the North wall of an existing brick building at 226 N. School Ave.; thence North 89 degrees 57 minutes 50 seconds East 104.86 feet along the North wall of said building to the Northeast corner of said building; thence North 89 degrees 12 minutes 51 seconds East 38.64 feet; thence South 01 degree 56 minutes 31 seconds East 46.91 feet; thence South 89 degrees 53 minutes 10 seconds West along an existing curb 136.95 feet; thence North 88 degrees 23 minutes 01 seconds West 3.87 feet; thence North 58 degrees 27 minutes 08 seconds West 4.64 feet to the West line of said Lot Seven (7); thence North 00 degrees 22 minutes 07 seconds West 42.53 feet to the point of beginning.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: July 23, 2003

To: The Mayor and Council

From: Hugh Earnest
CAO

Subject: Raze and Removal Resolution

Background
Our Community Resources and Code Compliance Division has been active in moving against structures that no longer comply with minimum codes relating to the basic structure and integrity of the structure. As part of that process, an Unsafe Buildings Violation notice was sent the owners of a building at 226 N. School in February of 2003. The owners had until April 1 to acquire a permit and make repairs or demolish the building. This particular location has a long history with respect to its condition and compliance with our ordinances. I have attached a 1998 memo from Charles Venable that summarized the several commitments made regarding this structure.

Current Situation
We have had several conversations with Mr. Tom Klinger, who along with his wife is the owner of the building. Mr. Klinger has expressed a continued interest in working to improve the site and had apparently employed or authorized an individual to begin work on the grounds by removing a concrete pad adjacent to the building in question. However, no building permit was requested for work on the site. Mr. Klinger understands that we will carry this issue to the council meeting of August 5, 2003.

Recommendation
It is our opinion that the city has given every opportunity for this property to be re-developed and returned to profitable use. That willingness to cooperate is certainly evidenced in the 1998 memo from Mr. Venable and most recently by the slowness shown by the staff in moving this to the council agenda. While we certainly remain receptive to working with the owner, we believe it is in the public interest to request a resolution ordering the raze and removal of this structure.

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

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Memo

To: Mayor Hanna and City Council

From: Charles E. Venable

Date: July 27, 1998

Subject: Property Located at 226 North School (Timothy Klinger)

Summary of Events

- City purchased a parcel of land totaling 19,530 square feet with a building totaling 4,284 square feet in April 1990 for $83,500.
- A portion of the land, 12,897 square feet, was converted into a parking lot for use by the Walton Arts Center, et al, following the purchase.
- On March 25, 1993, a public auction was held to dispose of the remaining parcel, 6,633 square feet, and the 4,284 square foot building. Five bids were received with the high bid in the amount of $21,100. This bid, from Timothy Klinger, was approved by the City Council on June 15, 1993.
- In February 1995, problems with the building were noted by the Inspections Division and Mr. Klinger was notified of a potential hazard.
- March 10, 1995, it was noted that Mr. Klinger had made a good faith effort but more corrections were needed.
- November 1995, Mr. Klinger was notified the back wall of the building was unsafe. This wall was removed in early December.
- December 2, 1996, a letter from Kevin Crosson was sent to Timothy Klinger requesting schedule and plans for the property since no work had been done on the site and the building was continuing to deteriorate.

WEST MOUNTAIN 72701 501-521-7700
FAX 501-575-8257

- April 14, 1997, a follow up letter was sent to Mr. Klinger since no reply had been received from the December 2, 1996, letter.

- May 22, 1997, notification from Inspections Division that the building had become dilapidated, unsafe, and detrimental to the public welfare was forwarded to Mr. Klinger requesting the owner to obtain a building permit and either repair or demolish the structure.

- June 23, 1997, a building permit was requested from the Inspections Division for the stabilization of the structure and the removal of debris, secure from vandalism, and to reroof a portion of the structure.

- June 24, 1997, letter from Inspections Division notifying Mr. Klinger that on July 1, 1997, the City Council would consider a resolution to determine if the structure should be razed and removed.

- June 25, 1997, letter from Timothy Klinger to Jerry Rose regarding his concern on the proposed council action.

- June 26, 1997, Inspections Division met with Mr. Klinger.

- June 30, 1998, letter from Timothy Klinger to the Inspections Division stating that an architect, Cal Canfield, had been retained and that the following schedule was developed:
    1. Preparation of preliminary design - two to three months
    2. Preparation of construction documents - three to four months
    3. Total design effort completed within seven months
    4. Construction to begin in the spring 1998

- June 30, 1997, memo from the Inspection Division to the City Council giving the status of the property and recommending that Mr. Klinger be given the time to accomplish the objectives outlined in his June 30 letter.

- July 1, 1997, the raze and removal resolution was introduced to the City Council. After discussion with Mr. Klinger, the City Council voted to table the resolution until such time as there is no progress shown on the time line or to completion of promise made by Mr. Klinger.

- July 3, 1997, letter from Mr. Klinger to the Inspections Division setting out the method of alleviating the problems at the site. Mr. Klinger agreed to:
    1. Cover all openings with either plywood or fencing
    2. Seal the front of the structure with fencing to allow easy viewing of the interior
    3. Seal the south and east walls with plywood

4. Seal one opening on the south with fencing to allow viewing of the interior
5. Remove all loose blocks and bricks from the tops of all walls

- July 21, 1997, memo to Public Works and Inspections that the work was under way.

- August 12, 1997, letter to Mr. Klinger from Inspections notifying him that a portion of the north wall was unsafe.

- April 6, 1998, letter to Mr. Klinger from Inspections requesting status of proposed improvements.

- April 17, 1998, letter Mr. Klinger to Inspections stating that the architect, Cal Canfield, had been terminated and that discussions with Richard Alderman were ongoing. He also stated that a commitment for construction financing had been secured.

- July 23, 1998, memo from Inspections updating status of property stating that the building is secure although new graffiti has appeared on the inside of the north wall within with past six weeks. Also stated that no further communication had been received from Mr. Klinger since the April 17 letter.

CV:mm

cc Kevin Crosson
Bert Rakes
Jerry Rose

HELPING TO BUILD A BETTER COMMUNITY

City of Fayetteville, Arkansas
Community Code Enforcement
113 West Mountain Street
Fayetteville, Arkansas 72701
Fax 479- 444-3445

VIOLATION NOTICE

February 28, 2003

CASE NO. 1266

Owner: Timothy C & Christine L Klinger
P.O. Box 1064
Fayetteville, AR 72702

RE: Property @ 226 N. School Ave. OR 262 N. School Ave., Fayetteville, AR
WC Parcel# 765-01710-000

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. Please feel free to call our office at (479) 575-8232 for clarification of this notice or advice on how to correct the problem.

Suspected Violation That Needs Correction:
§ 173.08 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

How This Violation Can Be Voluntarily Corrected:
Please obtain a building permit and make repairs as required or demolish the building and remove all debris from the lot.

Potential Penalties if not corrected within thirty (30) days from the service of this Notice include: Condemnation.

Appeal: If you disagree with our conclusion that your property contains a violation of the ordinance listed above, you have a right to file an appeal with the City Council.

Sincerely,

Sue Butler
Code Compliance Officer

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 1940 0001 4913 4127

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here: 2-24-03

Sent To: Timothy C & Christine L Klinger
Street, Apt. No.; or PO Box No.: PO Box 1064
City, State, ZIP+4: Fay 72702

PS Form 3800, January 2001 — See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Timothy C & Christine L.
Klinger
P.O. Box 1064
Fayetteville, AR 72702

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name): TIM KLINGER — C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

FAYETTEVILLE, AR 9998 USPS MAR 1 2003

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)*: 7001 1940 0001 4913 4127

PS Form 3811, August 2001 — Domestic Return Receipt — 102595-01-M-2509

SR 5442/1266

FAYETTEVILLE

City of Fayetteville
Code Compliance Section
113 West Mountain Street
Fayetteville, AR 72701

Helping to build a better Community

FAYETTEVILLE

April 8, 2003

Timothy C & Christine Klinger
P O Box 1064
Fayetteville, AR 72702

RE: Enforcement of Ordinance173.08
Arkansas Code Ann. § 14-56-203

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. §14-56-203 at 173.08 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at 262 N School Ave, should be Razed and Removed. You are free to appear at this hearing to present any evidence or statements. Please call and inform me if you plan to appear at the public hearing. If you need additional information concerning this process, please call or if you have information that we are not aware of please call the Code Compliance Office (479-575-8270.

The hearing will be part pf a regular City Council meeting – probably on May 20, 2003 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. It is possible that this hearing may be conducted at a later meeting such as June 3, 2003 or thereafter. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (575-8323) for information confirming the date of the public hearing. If you need additional information concerning this process please call the Code Compliance Office (575-8270).

Sincerely,

Don Hancock
Code Compliance
Project Coordinator

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

7001 1940 0001 4906 0594

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To Timothy & Christine Kilmer
Street, Apt. No.; or PO Box No. P O Box 1064
City, State, ZIP+4 Fay. AR 72702

PS Form 3800, January 2001 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Timothy or Christine Kilmer
P O Box 1064
Fay AR 72702

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Tim Kilmer C. Date of Delivery APR 10 2003

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7001 1940 0001 4906 0594

PS Form 3811, August 2001 Domestic Return Receipt 226 N School 102595-01-M-2509

Record 1 of 1 Last Updated 02/24/03

Parcel Number: **765-01710-000** Prev. Parcel Number: **135617-000-00** Type: **CI**
Location: **226 N SCHOOL AVE**
Owner Name: **KLINGER, TIMOTHY C & CHRISTINE L**
Mailing Address: **PO BOX 1064 FAYETTEVILLE AR 72702**
Lot: Block: S-T-R: **16-16-30**
Addition: **FAYETTEVILLE ORIGINAL**
School District: **FAYETTEVILLE SCHOOLS** Tax District: **011**
City: **FAYETTEVILLE**
Legal: **PT LOT 7 BLOCK 5**
Current Year A79 Credit Status:

Last Appraised: **2002**	**Appraised Value**	**Taxable Value**
Land	**51,750**	**6,768**
Improvement	**0**	**0**
Total	**51,750**	**6,768**

Tax History

Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Total Tax	Total Tax Paid	A79 Credit	A79 Status	Payment Status
2002	**6,768**	**$351.67**	**$0.00**	**$0.00**	**$0.00**	**$351.67**	**$0.00**			
2001	**6,204**	**$322.36**	**$0.00**	**$0.00**	**$0.00**	**$322.36**	**$322.36**			**PAID**
2000	**5,640**	**$296.10**	**$0.00**	**$0.00**	**$0.00**	**$296.10**	**$296.10**			**PAID**
1999	**5,660**	**$289.79**	**$0.00**	**$0.00**	**$0.00**	**$289.79**	**$289.79**			**PAID**
1998	**5,660**	**$290.36**	**$0.00**	**$0.00**	**$0.00**	**$1,014.60**	**$1,014.60**			**PAID**
1997	**5,660**	**$290.36**	**$724.24**	**$0.00**	**$0.00**	**$1,014.60**	**$1,087.02**			**PAID**
1996	**5,660**	**$290.36**	**$724.24**	**$0.00**	**$0.00**	**$1,141.47**	**$1,069.05**			**PAID**
1995	**5,660**	**$0.00**	**$724.24**	**$0.00**	**$0.00**	**$724.24**	**$724.49**			**PAID**

Available Tax Payment Receipt(s)

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
2001	**112882**	**10/25/02**	**$322.36**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$322.36**
2000	**9081**	**09/04/01**	**$296.10**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$296.10**
1999	**9395**	**08/29/00**	**$289.79**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$289.79**
1997	**4851**	**06/30/98**	**$0.00**	**$724.24**	**$0.00**	**$0.00**	**$0.00**	**$724.24**
1997	**10352**	**10/10/98**	**$0.00**	**$724.24**	**$0.00**	**$0.00**	**$0.00**	**$724.24**
1996	**8437**	**07/02/98**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$72.42**	**$72.42**
1995	**9757**	**08/27/96**	**$0.00**	**$724.24**	**$0.00**	**$0.00**	**$0.00**	**$724.24**
1994	**12945**	**07/17/95**	**$0.00**	**$724.49**	**$0.00**	**$0.00**	**$0.00**	**$724.49**

Deed History

Date	Book	Page	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
10/14/1993	**93**	**60983**	**KLINGER, TIMOTHY C. & CHRISTINE**		**WD**	**0**	**0.00**
			NO REV.				

4/5/1990	**1361**	**822**	**CITY OF FAYETTEVILLE, A MUNICI-**	**PAL CORP**	**WD**	**42,000**	**92.40**

PAGES 822/823. ALSO 01713.1362-503 CORR: WD, CORR 1361-822 BY ADDING FILE MARK PREVIOUSLY OMITTED. 1362-517 AFFIDAVIT STATING REV STAMPS PLACED ON DEED 1361-822 IN ERROR. 6/25/93 EXEMPTION DENIED/BLDG BOARDED UP.(SP)

10/23/1987	**1248**	**322**	**FIRST FEDERAL SAVINGS OF ARK**		**TD**	**0**	**0.00**

PAGES 322-329. ALSO 765-01713. 1304-412 QCD FROM SHIPLEYS. PT LOT 7 TRANSFERRED FROM 01707-000 PER QCD 1304-411 FILED 1/19/89. PT LOT 7 TRANSFERRED FROM 01709-000 PER QCD 1304-411 FILED 1/19/89. NO VALUE CHANGE. 1334-435 RECEIVER'S QCD, NO REV, ALSO 01713. 1350-800 CORR QCD-CORRECTS 1334-435.

1/1/1985	**920**	**76**	**OZARK MOUNTAIN SPORTS, INC,**		**WD**	**0**	**0.00**

Next Item | Previous Item | Return to Search Results | Modify Search | New Search

226 No

FILED FOR RECORD
'93 OCT 19 PM 4 02
WASHINGTON CO AR
A. KOLLMEYER

WARRANTY DEED
(CORPORATION)

KNOW ALL MEN BY THESE PRESENTS:

That the City of Fayetteville, a municipal corporation, a corporation organized under and by virtue of the laws of the State of Arkansas, hereinafter called Grantor, by its Mayor and City Clerk, duly authorized by proper resolution of its City Council, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration in hand paid by Timothy C. Klinger and Christine Klinger, husband and wife, hereinafter called Grantees, do hereby grant, bargain and sell unto the said Grantees and Grantee's heirs and assigns, the following described land situate in Washington County, State of Arkansas, to-wit:

A part of Lot Seven (7) in Block Five (5), Original Plat of the City of Fayetteville, Arkansas, being more particularly described as follows: Beginning at the Northwest corner of the South 46.00 feet of said Lot Seven (7); thence North 00 degrees 22 minutes 07 seconds West 1.50 feet along the West line of said Lot Seven (7) to a point in line with the North wall of an existing brick building at 226 N. School Ave; thence North 89 degrees 57 minutes 50 seconds East 104.86 feet along the North wall of said building to the Northeast corner of said building; thence North 89 degrees 12 minutes 51 seconds East 38.64 feet; thence South 01 degree 56 minutes 31 seconds East 46.91 feet; thence South 89 degrees 53 minutes 10 seconds West along an existing curb 136.95 feet ;thence North 88 degrees 23 minutes 01 seconds West 3.87 feet; thence North 58 degrees 27 minutes 08 seconds West 4.64 feet to the West line of said Lot Seven (7); thence North 00 degrees 22 minutes 07 seconds West 42.53 feet to the point of beginning.

TO HAVE AND TO HOLD the lands and appurtenances thereunto belonging unto the said Grantees and Grantees' heirs and assigns, forever. And said corporation hereby covenants with the said Grantees that it is lawfully seized of said land and premises, that the same is unencumbered, and that it will forever warrant and defend the title to the said lands against all legal claims whatever.

IN TESTIMONY WHEREOF, the name of the Grantor is hereunto affixed by its Mayor and its seal affixed by its City Clerk, this 14 day of October, 1993.

CITY OF FAYETTEVILLE

BY: Fred Harris
Mayor

BY: Sherry L. Thomas
City Clerk

93 60983

ACKNOWLEDGMENT

State of Arkansas) County of Washington) ss.

On this the 14 day of October, 1993, before me, a notary public, qualified and acting, within and for the said County and State, appeared in person the within named Fred Hanna and Sherry L. Thomas to me personally known who stated that they were the Mayor and City Clerk of the City of Fayetteville, a municipal corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 14 day of October, 1993.

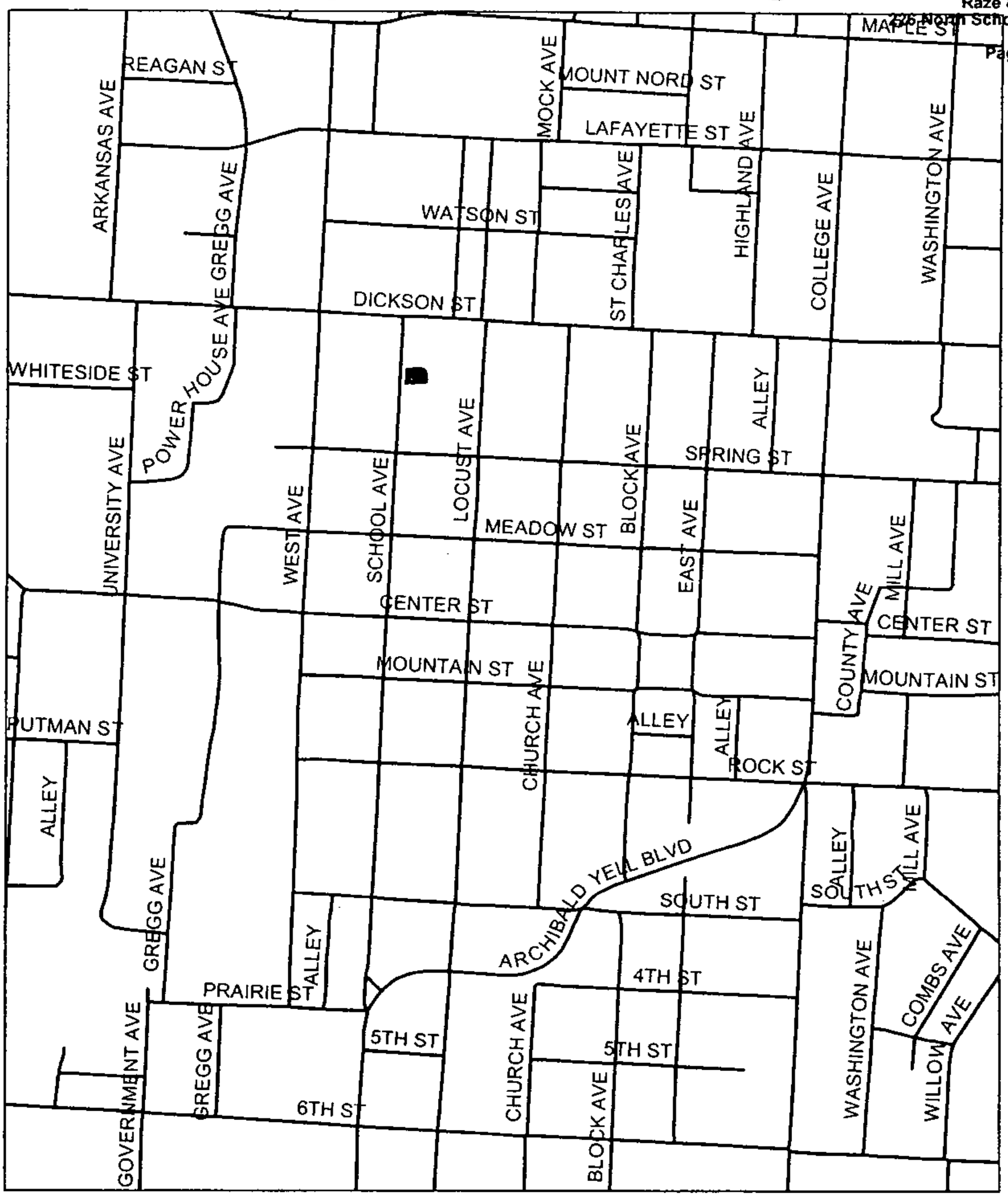
Burt Baker
Notary Public

NOTARY PUBLIC WASHINGTON COUNTY, ARKANSAS BERT BAKER

My commission expires:

July 11, 2002

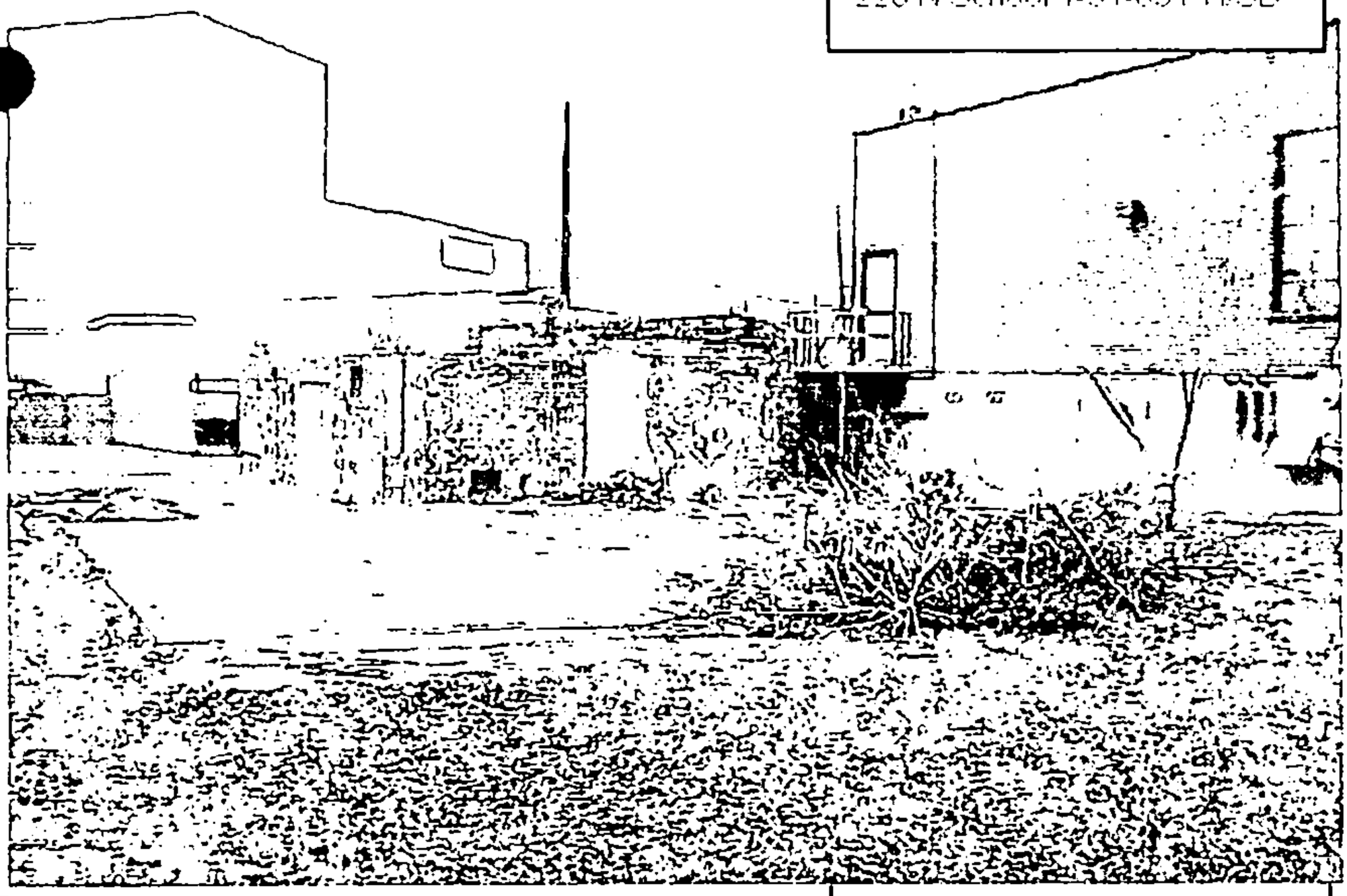
93 60984



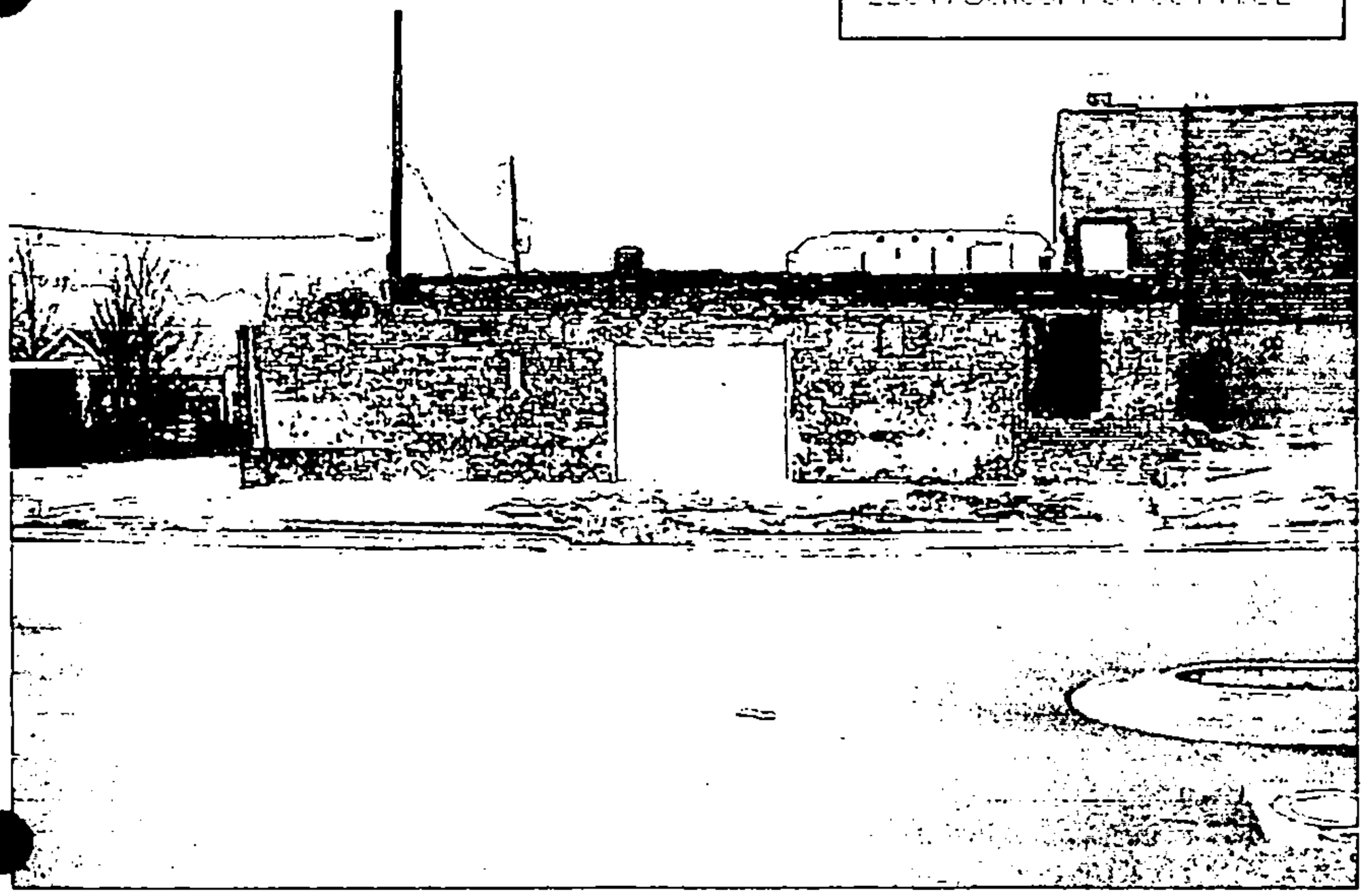
262 N. School

N

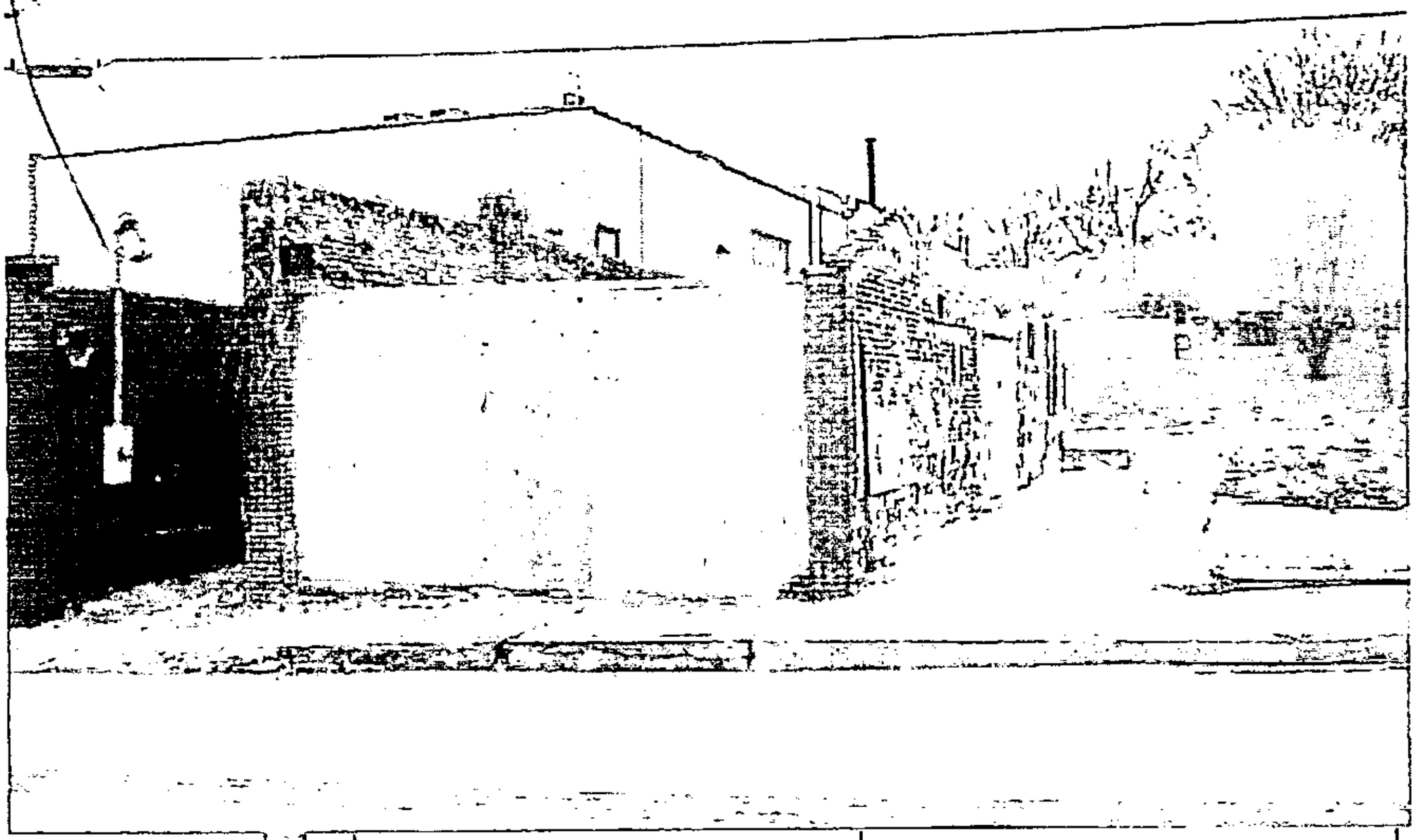
226 N School 1-31-03 PH/SB



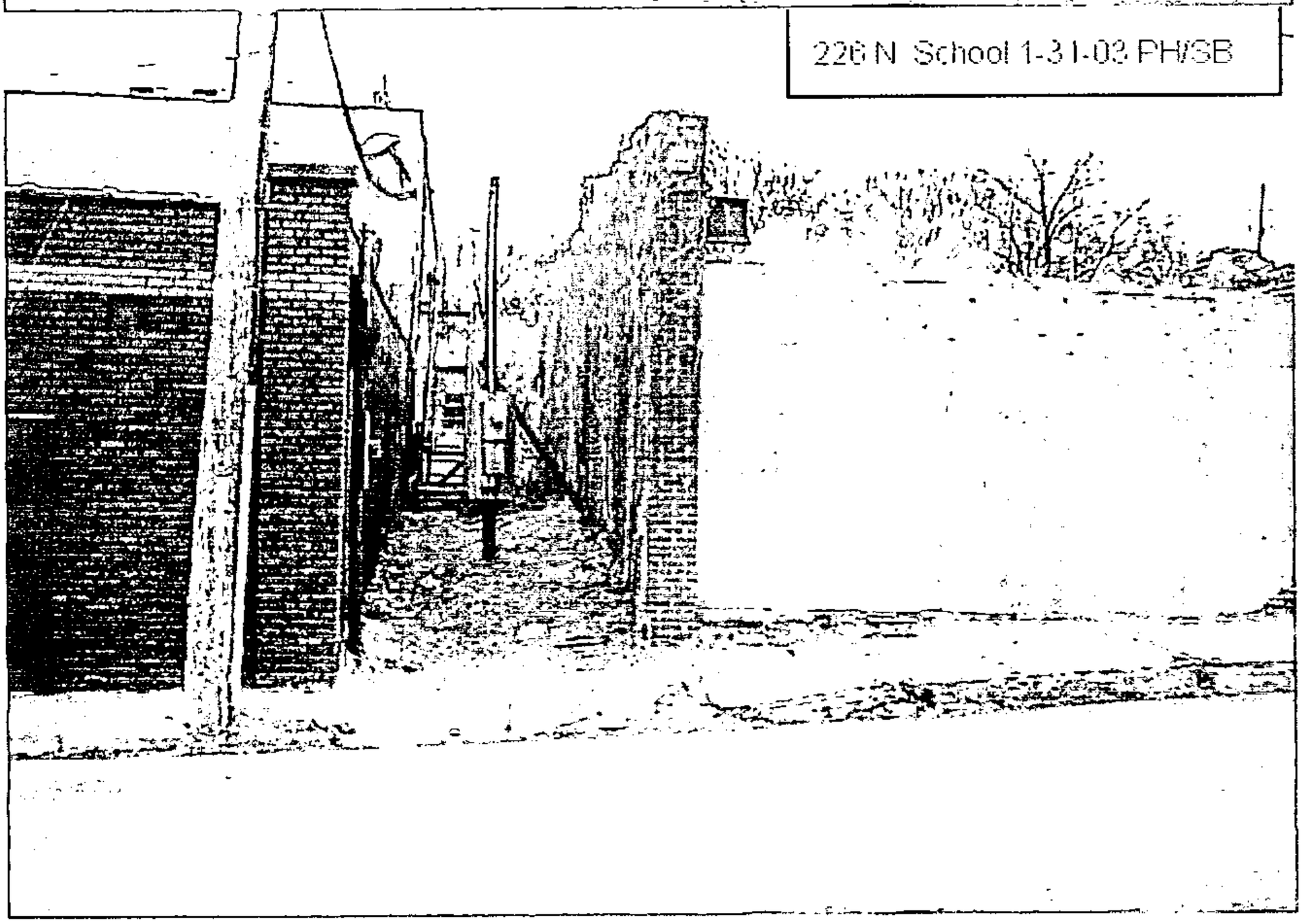
226 N School 1-31-03 PH/SB



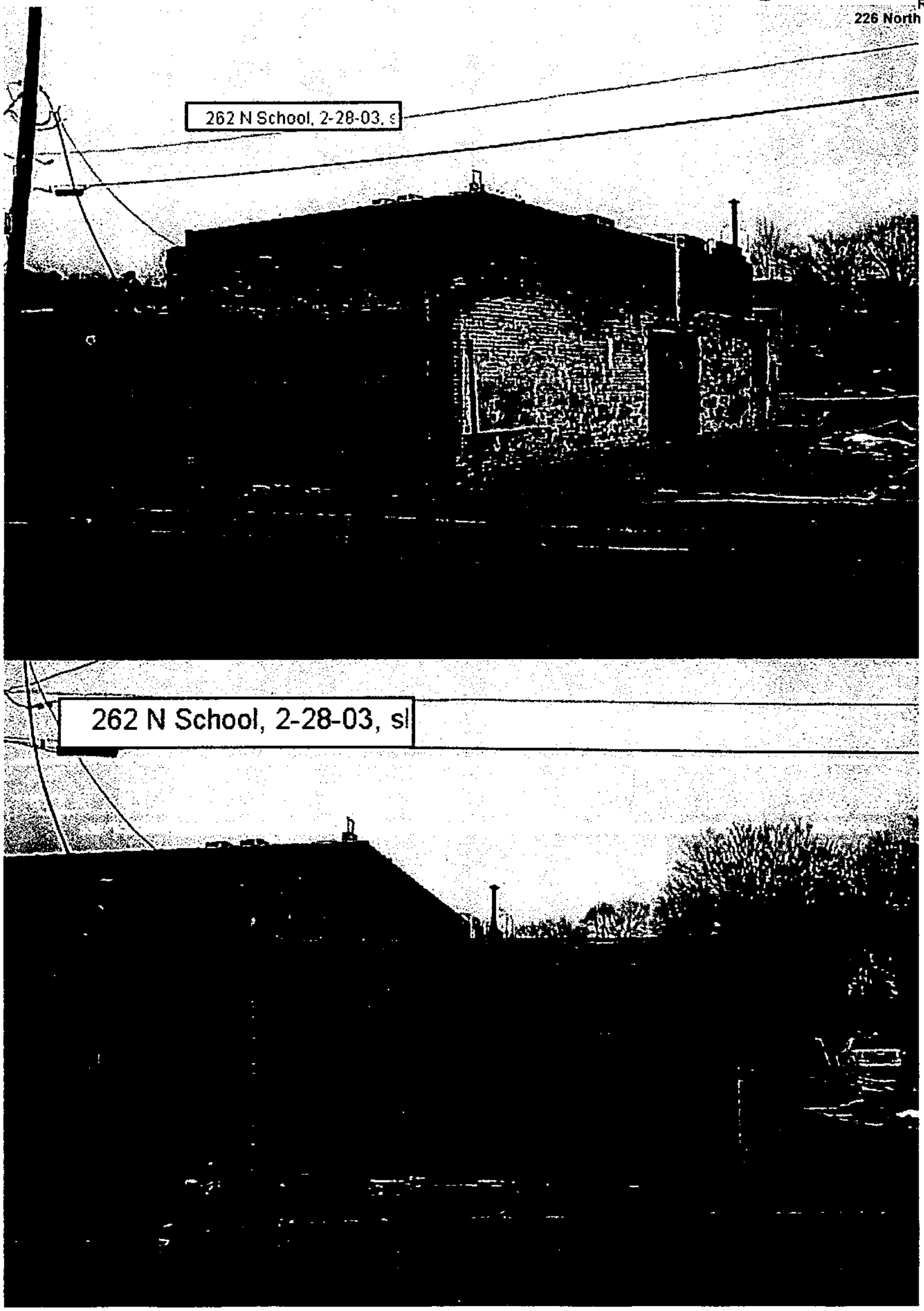
226 N School 1-31-03 PH/SB



226 N School 1-31-03 PH/SB



226 N School 1-31-03 PH/SB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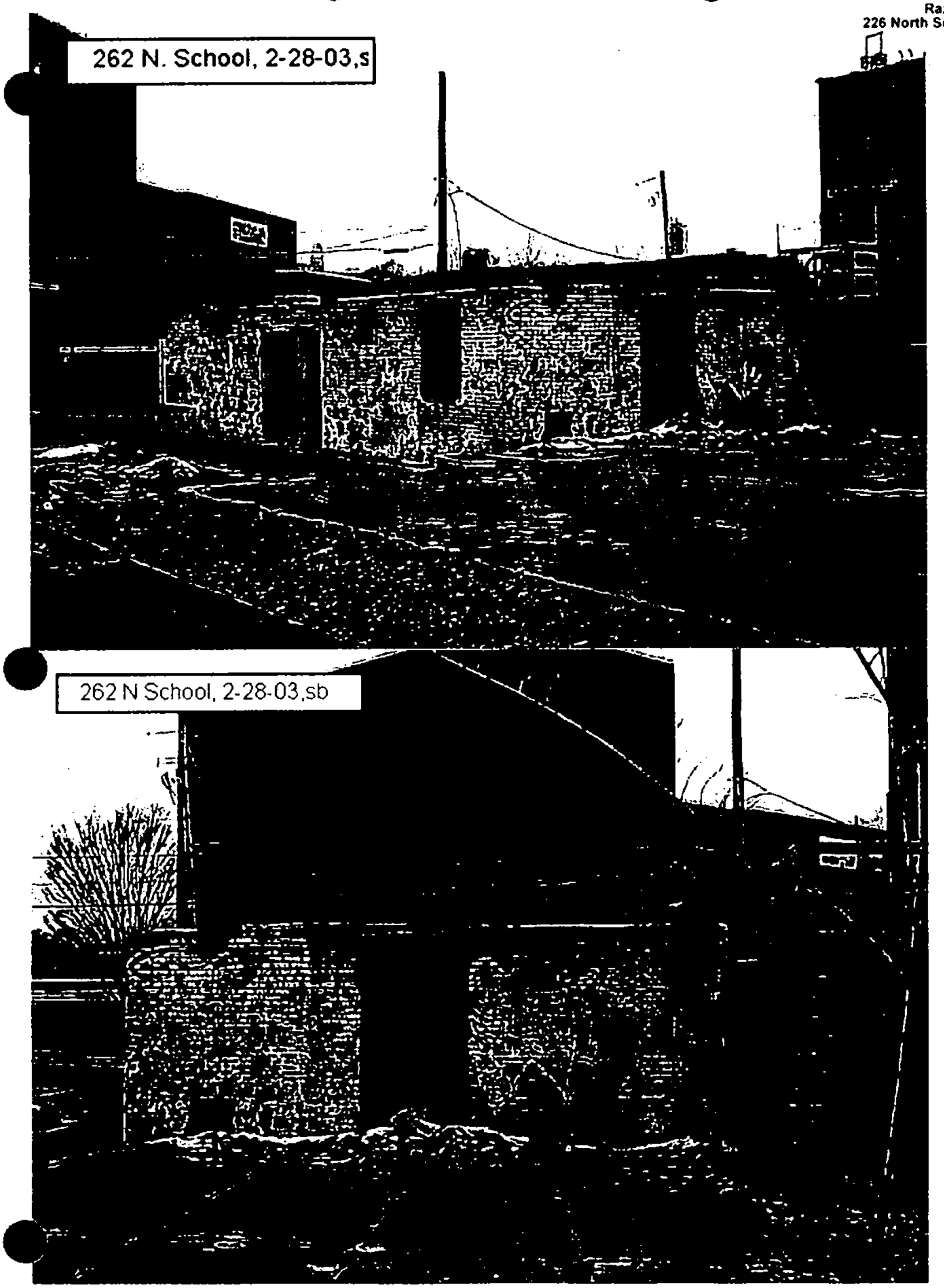
262 N School, 2-28-03, sl

262 N. School, 2-28-03,s



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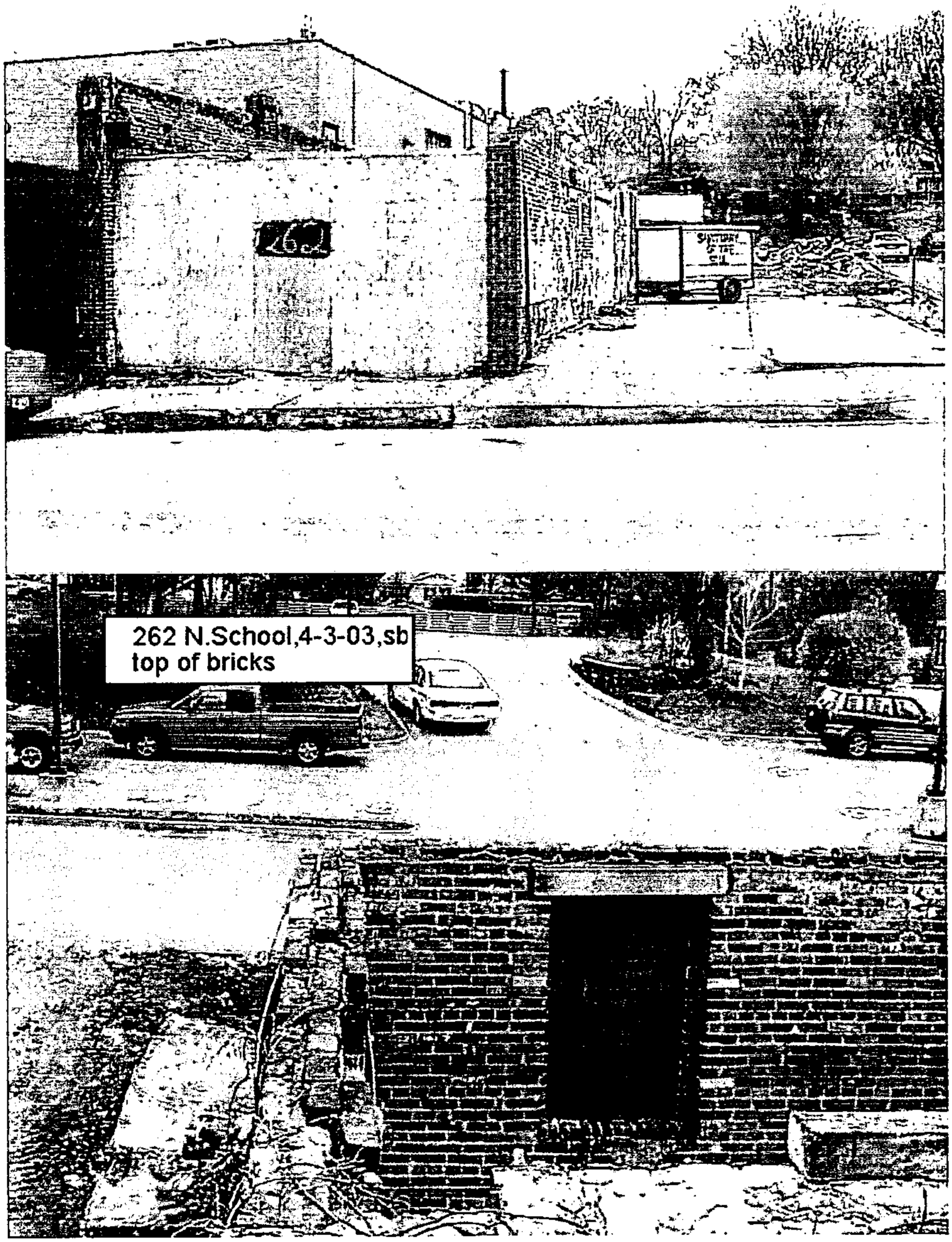
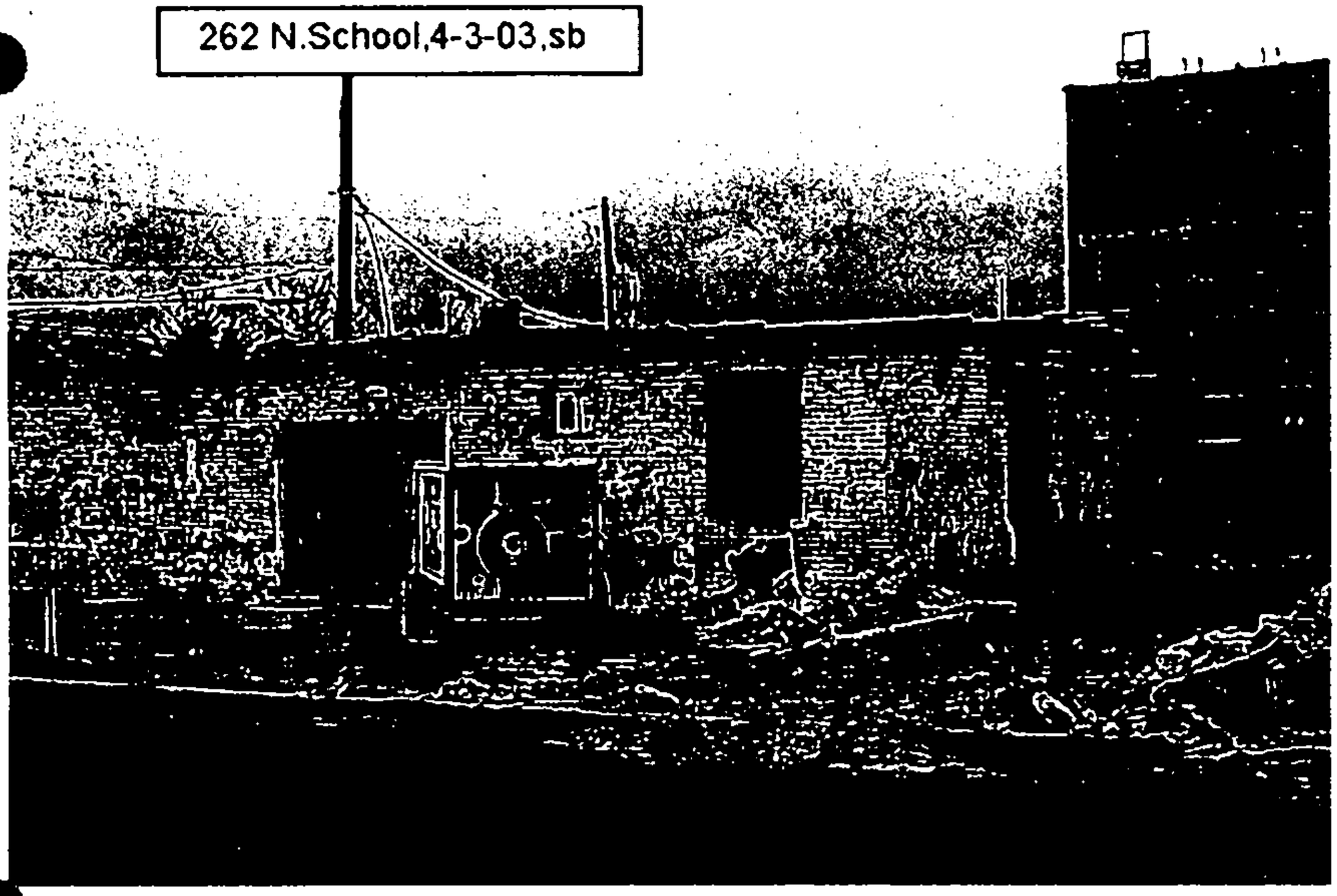


262 N.School,4-3-03,sb
top of bricks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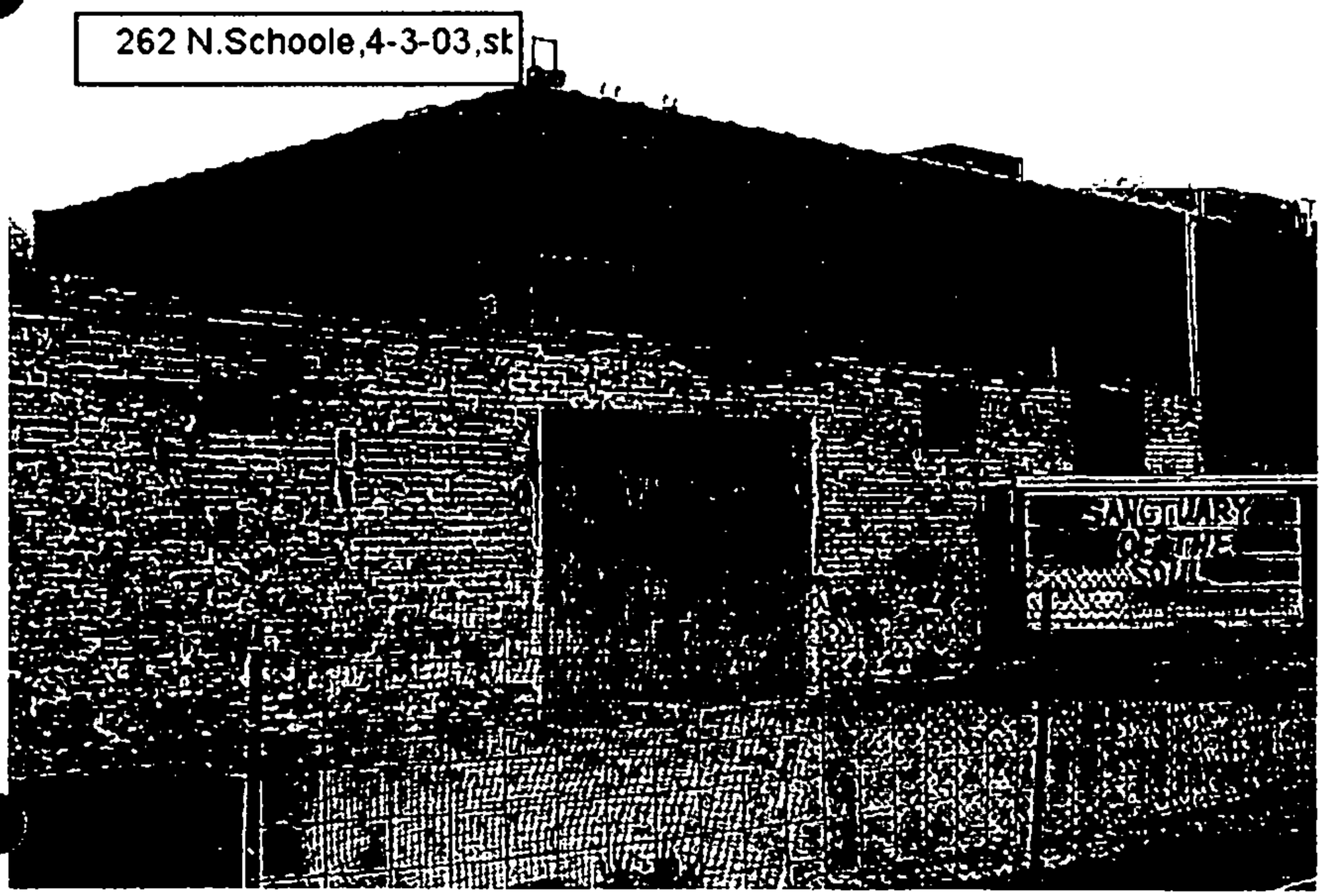
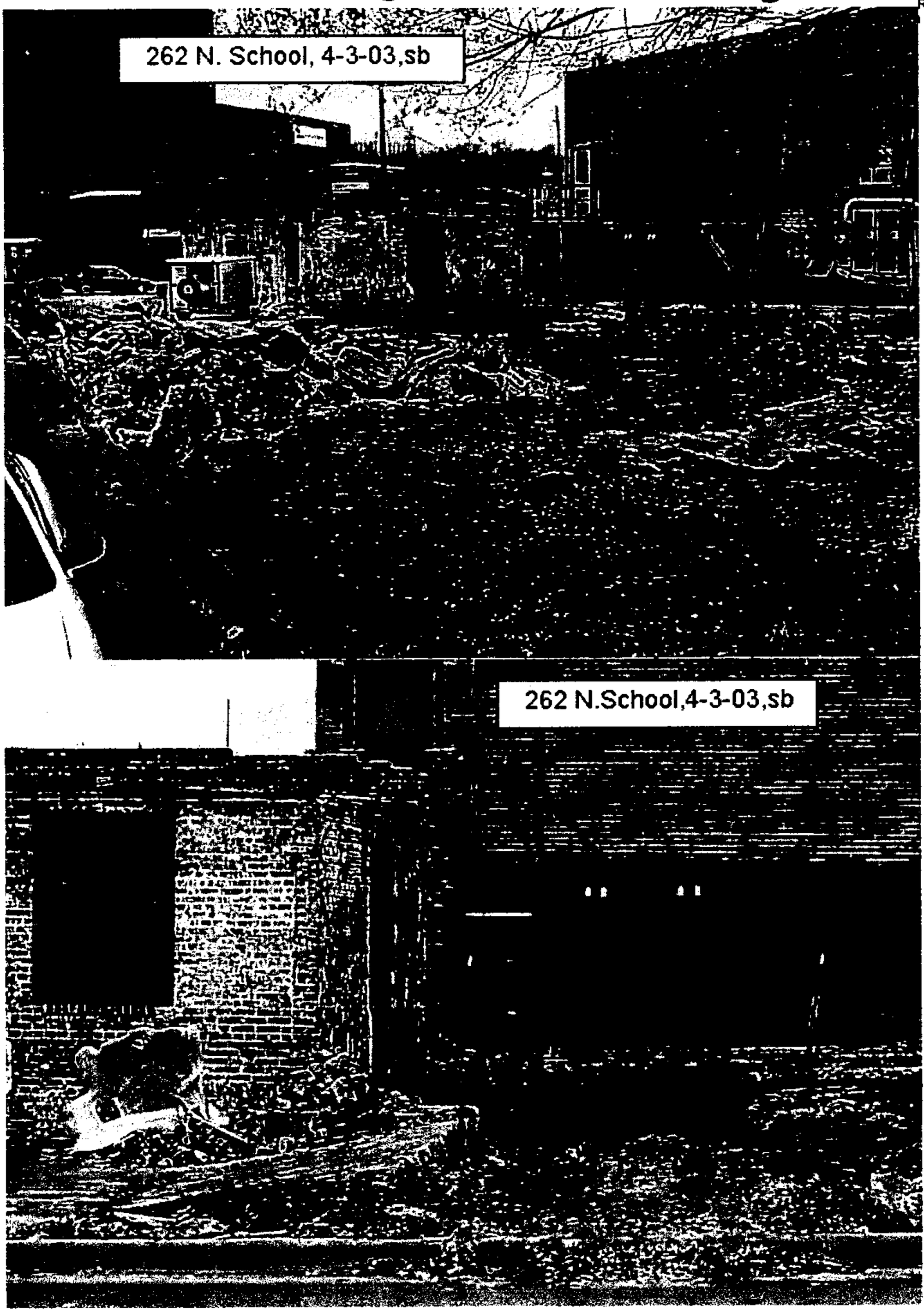

262 N.Schoole,4-3-03,st


262 N. School, 4-3-03,sb
262 N.School,4-3-03,sb

Tabled
Oct 7, 2003
City Council
meeting

Continue to Hold per Hugh

CODE COMPLIANCE

STAFF REVIEW FORM

AGENDA REQUEST ITEM

For the Fayetteville City Council meeting of ~~May 6, 2003~~ 20 August 19, 2003

ACTION REQUIRED: Resolution to order the Raze and Removal of the dilapidated structure located at 323 N West Ave., Fayetteville, AR 72701.

FROM:

Don Hancock, Code Compliance Project Coordinator — 4-7-03 Date

STAFF RECOMMENDATION: Order the Raze and Removal of the dilapidated structure.

APPROVALS:

Yolanda Fields, Director, Community Resources & Code Compliance — 4-8-03 Date

Tim Conklin, Director, Community Planning & Engineering Services — 4-10-03 Date

Hugh Earnest, Chief Administrative Officer — 4-14-03 Date

Kit Williams, City Attorney — 4/15/03 Date

Dan Coody, Mayor — 4/15/03 Date

ENTERED
TLM 5/1

Description: Resolution to order the Raze and Removal of the dilapidated structure located at 323 N West Ave., Fayetteville, AR 72701.

Meeting Date: May 6, 2003

Comments:

Community Resources & Code Compliance Director

Community Planning & Engineering Services Director

Chief Administrative Officer

City Attorney

Mayor

RESOLUTION NO. _____

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY THE BANK OF FAYETTEVILLE, N.A. LOCATED AT 323 N. WEST AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS.

WHEREAS, The Bank of Fayetteville, N.A. is the record owner of the real property situated at 323 N. West Avenue, City of Fayetteville, Washington County, Arkansas, more particularly described as set forth in Exhibit "A" attached hereto and made a part hereof; and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, The Bank of Fayetteville, N.A., having been properly served with a Violation Notice via Certified Mail, and given thirty (30) days to correct said violation, has refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1. That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, The Bank of Fayetteville, N.A. is hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2. That if The Bank of Fayetteville, N.A. does not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

PASSED and **APPROVED** this 15th day of April, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A"

A part of the NW¼ of the NE¼ of Section 16, T-16-N, R-30-W, more particularly described as commencing at the North Quarter-corner (N¼) of said Section; said point being a found iron pin; thence S 02-38-59 W 1322.08 feet to the Southwest corner of said 40-acre tract; said point being a set cotton spindle; thence along said 40-line S 87-03-28 E 276.43 feet; thence N 03-08-43 E 13.17 feet to the point of beginning; said point being a set nail (large 60D) at the back of a curb; thence along said curb line N 03-08-43 E 81.12 feet to a set iron pin; thence N 02-12-02 E 317.87 feet to the corner of a building; thence N 75-51-38 E 3.26 feet to a found iron pin; thence S 06-58-05 E 12.76 feet to a found iron pin; thence S 12-58-46 E 108.30 feet to a found iron pin; thence S 87-53-45 E 0.75 feet to a found iron pin; thence S 16-23-43 E 18.96 feet to a found iron pin to approximate angle point of an old building foundation; thence S 88-04-31 E 43.91 feet to a found iron pin on the West right-of-way of West Avenue; thence along said right-of-way S 02-27-31 W 266.12 feet to found chiseled 'X' at the intersection of the West right-of-way of said West Avenue and the North right-of-way of Dickson Street; thence along said right-of-way of Dickson Street N 87-03-14 W 84.37 feet to the point of beginning, containing .057 acres, or 24,993 square feet, more or less, City of Fayetteville, Arkansas.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: July 23, 2003

To: The Mayor and Council

From: Hugh Earnest
CAO

Subject: Raze and Removal resolution

Background
Our Community Resources and Code Compliance Division has been active in moving against structures that no longer comply with minimum codes relating to the basic structure and its integrity. As part of that process, an Unsafe Buildings Violation notice was sent the owners of a building at 323 N. West Avenue on February 14, 2003. The owners had until March 17, to either acquire a permit to make repairs or to demolish and remove the building. Our city staff was aware that the structure, the Waters-Pierce Oil Company Building, had been placed on the National Historic Register in 1988. We contacted the Department of Heritage's Historic Preservation Program Division and received from them a description of the building in 1988. That description did not match the current condition of the building and we were asked to submit photos depicting the current condition. We met that request and furnished that information to the state. The end result of this process is that the State Review Board of the Arkansas Historic Preservation Program will consider removal of this structure from the National Register at their meeting on August 6, 2003. A copy of that letter is attached.

Current Situation
We have not moved to request a raze and removal on this structure for several reasons. The structure itself had long been singled out by the appropriate state agency as a historic place. In addition, the property on which this building is located is being considered for purchase for uses other than its present use. The individual interested in the entire property had expressed interest in using the building as part of his re-development plan. However, we have discussed the status with Mr. John Lewis in his role as representing the several individuals who own the entire property. Mr. Lewis has had the building evaluated by engineers and he has been apprised that the structure itself has deteriorated to the point where its continued use is impractical. He is also aware that the probability of this structure being removed from the National Register is quite high.

Recommendation
While it is possible that some action by the purchaser of the property in question can occur in the very near future, we do not believe that we can delay any longer in requesting that the council approve a resolution to order the Raze and Removal of this structure. Given the condition of the structure and its unsafe condition, we believe that we have, at this time, no other option.

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

The Department of
Arkansas
Heritage

Mike Huckabee, Governor
Cathie Matthews, Director

Arkansas Arts Council

Arkansas Natural Heritage Commission

Historic Arkansas Museum

Delta Cultural Center

Old State House Museum

Arkansas Historic Preservation Program

1500 Tower Building
323 Center Street
Little Rock, AR 72201
(501)324-9880
fax: (501)324-9184
tdd: (501)324-9811
e-mail:
info@arkansaspreservation.org
website:
www.arkansaspreservation.org

RECEIVED
JUN 30 2003
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

July 6, 2003

The Honorable Dan Coody
113 West Mountain
Fayetteville, AR 72701

Re: Waters-Pierce Oil Company Building, Fayetteville, Washington County

Dear Mayor Coody:

The State Review Board of the Arkansas Historic Preservation Program will consider removal of the above referenced property from the National Register of Historic Places on the basis that the property no longer meets the listing requirements as established by the State Review Board and federal National Register integrity guidelines. We sympathize with you regarding the loss of your property.

A National Register property can be removed from the list for a number of reasons: 1) the property ceases to possess the qualities that originally allowed it to be listed on the National Register because those qualities have been lost or destroyed; 2) additional information reveals that the property does not meet the National Register criteria for evaluation; 3) an error in professional judgement was made as to whether the property meets the criteria for evaluation; or 4) a prejudicial error exists in the nomination or listing process.

If you have any questions or comments about the consideration of this property for removal from the National Register please contact Ralph Wilcox of my staff at (501) 324-9787 within thirty days of the date of this letter. If the board approves the removal of this property from the National Register of Historic Places, the board's recommendation will be forwarded to the National Register office in Washington, D.C. The board will consider this action at its next meeting, which will be at 10 a.m. on August 6, 2003 in the ninth floor conference room of the Tower Building located at 323 Center Street in Little Rock.

Sincerely,

Ken Grunewald
Director

An Equal Opportunity Employer

PRINTED WITH SOY INK

HELPING TO BUILD A BETTER COMMUNITY

City of Fayetteville, Arkansas
Community Code Enforcement
113 West Mountain Street
Fayetteville, Arkansas 72701
Fax 479- 444-3445

VIOLATION NOTICE

February 12, 2003

CASE NO. 1242

Owner: Bank of Fayetteville
Attn: John M. Lewis
P.O. Box 1728
Fayetteville, AR 72702

RE: Property @ 325 N. West Ave. Fayetteville, AR
WC Parcel#: 765-12867-000

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. Please feel free to call our office at (479) 575-8232 for clarification of this notice or advice on how to correct the problem.

Suspected Violation That Needs Correction:
§ 173.08 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

How This Violation Can Be Voluntarily Corrected:
Please obtain a building permit and make repairs as required or demolish the building and remove all debris from the lot.

Potential Penalties if not corrected within thirty (30) days from the service of this Notice include: Condemnation.

Appeal: If you disagree with our conclusion that your property contains a violation of the ordinance listed above, you have a right to file an appeal with the City Council.

Sincerely,

Sue Butler
Code Compliance Officer

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 1940 0001 4913 3908

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

2-12-03

Sent To: Bank of Fay / John Lewis
Street, Apt. No.; or PO Box No.: PO BOX 1728
City, State, ZIP+ 4: FAY 72702

PS Form 3800, January 2001 — See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bank of Fayetteville
P.O. Box 1728
Fayetteville, AR 72702

ATTN: John Lewis

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☒ Agent ☐ Addressee

B. Received by (Printed Name) [illegible] C. Date of Delivery 2/14/03

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

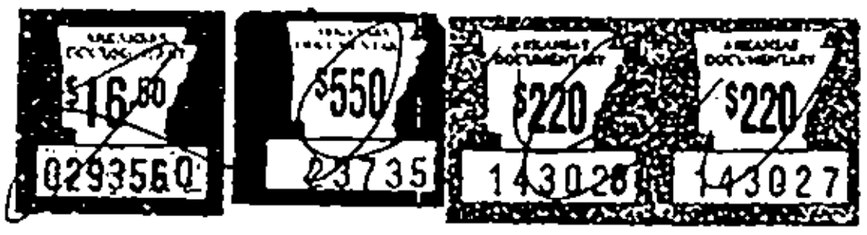
4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7001 1940 0001 4913 3908

PS Form 3811, August 2001 — Domestic Return Receipt — 102595-01-M-2509

SR: 5277 CA 1242

Return to Nancy Schuster
The Bank of Fayetteville, N.A.
Post Office Box 1728
Fayetteville, AR 72702



SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That **SHULER DEVELOPMENT CO., INC.**, (herein designated as the GRANTOR), a corporation organized under the laws of the State of Arkansas, with its principal place of business at Fayetteville, Arkansas, for and in consideration of the sum of Ten Dollars ($10.00), to it in hand paid by **THE BANK OF FAYETTEVILLE, N.A.** (herein designated as Grantee), receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the Grantee and unto its heirs, successors, and assigns forever, the following lands and real estate situated in the County of Washington and State of Arkansas, to-wit:

See Attached Exhibit "A" For Legal Description (the "Property")

Together with all GRANTOR'S right, title, and interest and reversion in and to the improvements on the said Property.

TO HAVE AND TO HOLD the same unto the Grantee and unto its heirs, successors, and assigns forever, with all the privileges and appurtenances thereto belonging.

And the GRANTOR hereby covenants with the Grantee, its heirs, successors, and assigns, that it will forever warrant and defend the title to said lands against all lawful claims against Grantor or encumbrances created by GRANTOR or enforceable against GRANTOR, except for those matters or encumbrances set forth on Exhibit "B" attached hereto and made a part hereof, but against no other claims or encumbrances.

IN TESTIMONY WHEREOF, the Grantor has, by order of its Board of Directors, hereunto caused these presents to be signed by John M. Lewis, its President, and attested by Frank Kelly, its Secretary, and caused its corporate seal to be hereunto affixed this 1st day of December, 2000.

SHULER DEVELOPMENT CO., INC.

By: John M. Lewis
President

Attest:

Frank C. Kelly
Secretary

131160000

FILED FOR RECORD
'00 DEC 10 AM 10
WASHINGTON CO ARKANSAS
K. HARNESS

APPROVED FOR RECORDATION
FAYETTEVILLE PLANNING
ADMINISTRATION
By S. E. Date 12/12/00

2000104171

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) §§
COUNTY OF WASHINGTON)

On this 1st day of December, 2000, before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within-named JOHN M. LEWIS and FRANK KELLY, to me personally well known, who stated that they were the President and Secretary of SHULER DEVELOPMENT CO.,INC., a corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and on behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 1st day of December, 2000.

Nancy K. Schuster
Notary Public

My Commission Expires:
9-19-2001

This Instrument was prepared by WARNER, SMITH & HARRIS, PLC, P.O. Box 1626, Fort Smith, Arkansas 72902.

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument.

Gary Garton
GRANTEE/AGENT

GRANTEE/AGENT'S ADDRESS:

The Bank of Fayetteville, N.A.
One South Block Street
Fayetteville, AR 72701

EXHIBIT "A"

Legal Description

A part of the NW¼ of the NE¼ of Section 16, T-16-N, R-30-W, more particularly described as commencing at the North Quarter-corner (N¼) of said Section; said point being a found iron pin; thence S 02-38-59 W 1322.08 feet to the Southwest corner of said 40-acre tract; said point being a set cotton spindle; thence along said 40-line S 87-03-28 E 276.43 feet; thence N 03-08-43 E 13.17 feet to the point of beginning; said point being a set nail (large 60D) at the back of a curb; thence along said curb line N 03-08-43 E 81.12 feet to a set iron pin; thence N 02-12-02 E 317.87 feet to the corner of a building; thence N 75-51-38 E 3.26 feet to a found iron pin; thence S 06-58-05 E 12.76 feet to a found iron pin; thence S 12-58-46 E 108.30 feet to a found iron pin; thence S 87-53-45 E 0.75 feet to a found iron pin; thence S 16-23-43 E 18.96 feet to a found iron pin to approximate angle point of an old building foundation; thence S 88-04-31 E 43.91 feet to a found iron pin on the West right-of-way of West Avenue; thence along said right-of-way S 02-27-31 W 266.12 feet to a found chiseled 'X' at the intersection of the West right-of-way of said West Avenue and the North right-of-way of Dickson Street; thence along said right-of-way of Dickson Street N 87-03-14 W 84.37 feet to the point of beginning, containing .057 acres, or 24,993 square feet, more or less, City of Fayetteville, Arkansas.

EXHIBIT "B"

Encumbrances excepted from Grantor's Special Warranty Deed:

1. Rights arising under that certain Access Easement Agreement of even date of approximately 25 feet in width and opening on to West Avenue, City of Fayetteville, Arkansas, said easement being retained in favor of Grantor for the purpose of allowing the remaining portion of Grantor's property to have access across the Property described in Exhibit "A" directly on to West Avenue.

2. Rights or claims of parties in possession, boundary line disputes, overlaps, encroachments, and any other matters not shown by the public records.

3. Easements or claims of easements, not shown by the public records.

4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

5. Rights of way of Dickson Street and West Avenue.

FAYETTEVILLE

City of Fayetteville
Code Compliance Section
113 West Mountain Street
Fayetteville, AR 72701

Helping to build a better Community

FAYETTEVILLE

Mar 18, 2003

Bank of Fayetteville
ATTN: John Lewis
P O Box 1728
Fayetteville, AR 72702

RE: Enforcement of Ordinance173.08
Arkansas Code Ann. § 14-56-203

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. §14-56-203 at 173.08 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the Waters-Pierce Oil Company Building located at 323 N. West St., Fayetteville, Arkansas 72701, should be Razed and Removed. You are free to appear at this hearing to present any evidence or statements.

The hearing will be part of a regular City Council meeting – probably on May 6, 2003 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. It is possible that this hearing may be conducted at a later meeting such as May 20, 2003 or thereafter. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (575-8323) for information confirming the date of the public hearing. If you need additional information concerning this process please call the Code Compliance Office (575-8270).

Sincerely,

Don Hancock
Code Compliance
Project Coordinator

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 1940 0001 4913 4028

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To: Bank of Fayetteville (323 N West)
Street, Apt. No.; or PO Box No.: PO Box 1728
City, State, ZIP+4: Fayetteville AR 72702

PS Form 3800, January 2001 — See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Bank of Fayetteville
John Lewis
P O Box 1728
Fayetteville AR
72702

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) [illegible] C. Date of Delivery 3/19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

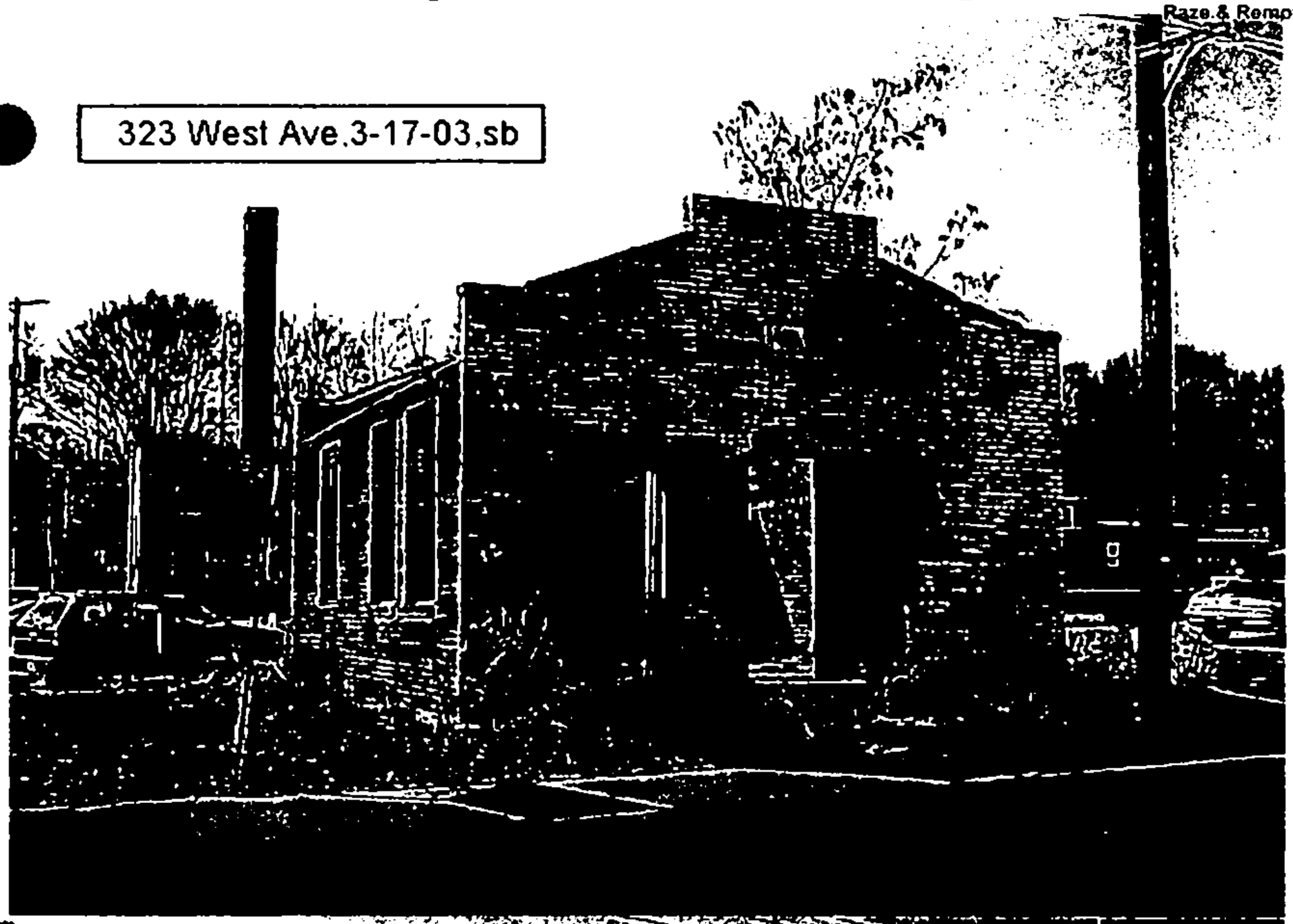
3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

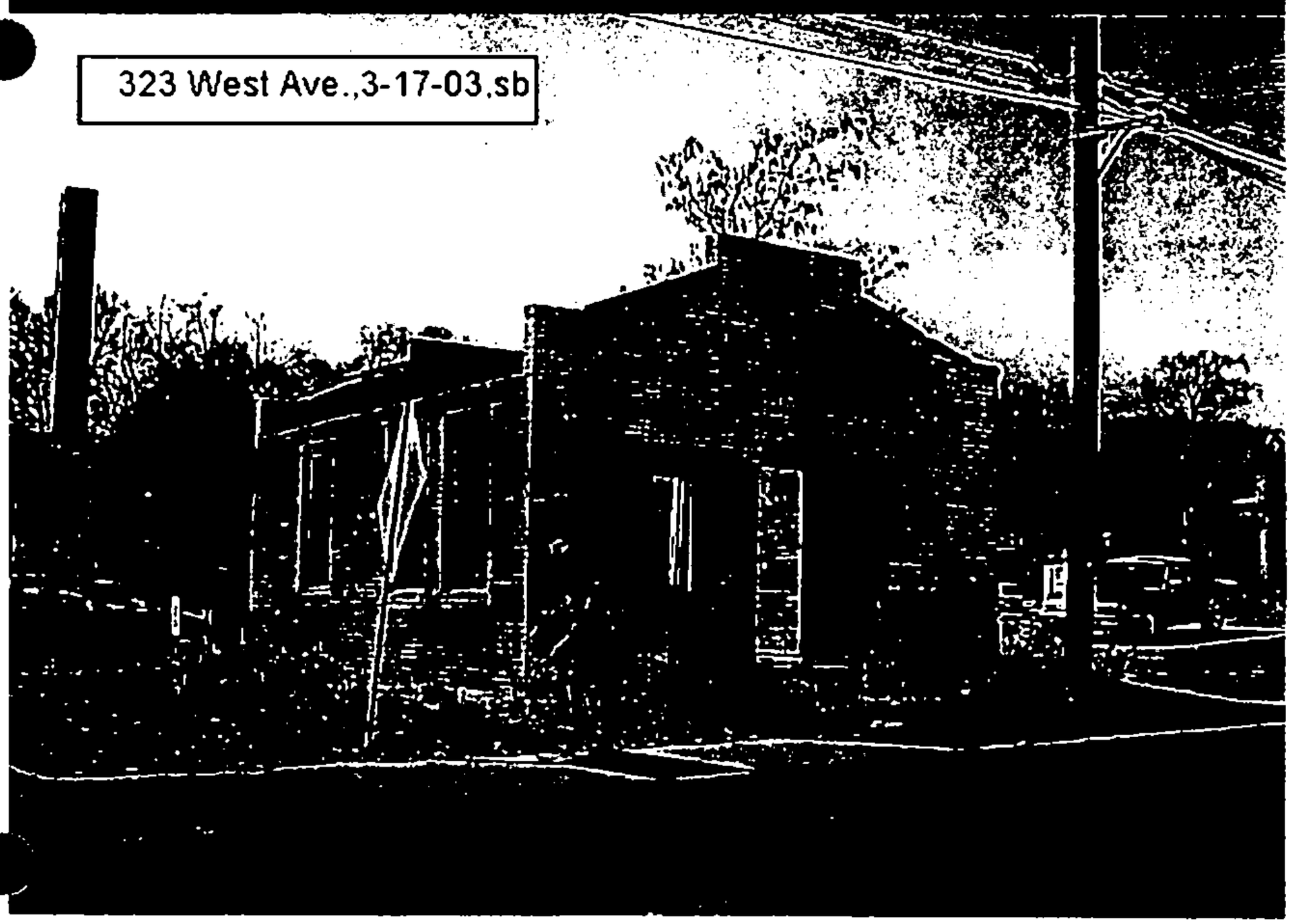
2. Article Number *(Transfer from service label)* 7001 1940 0001 4913 4028

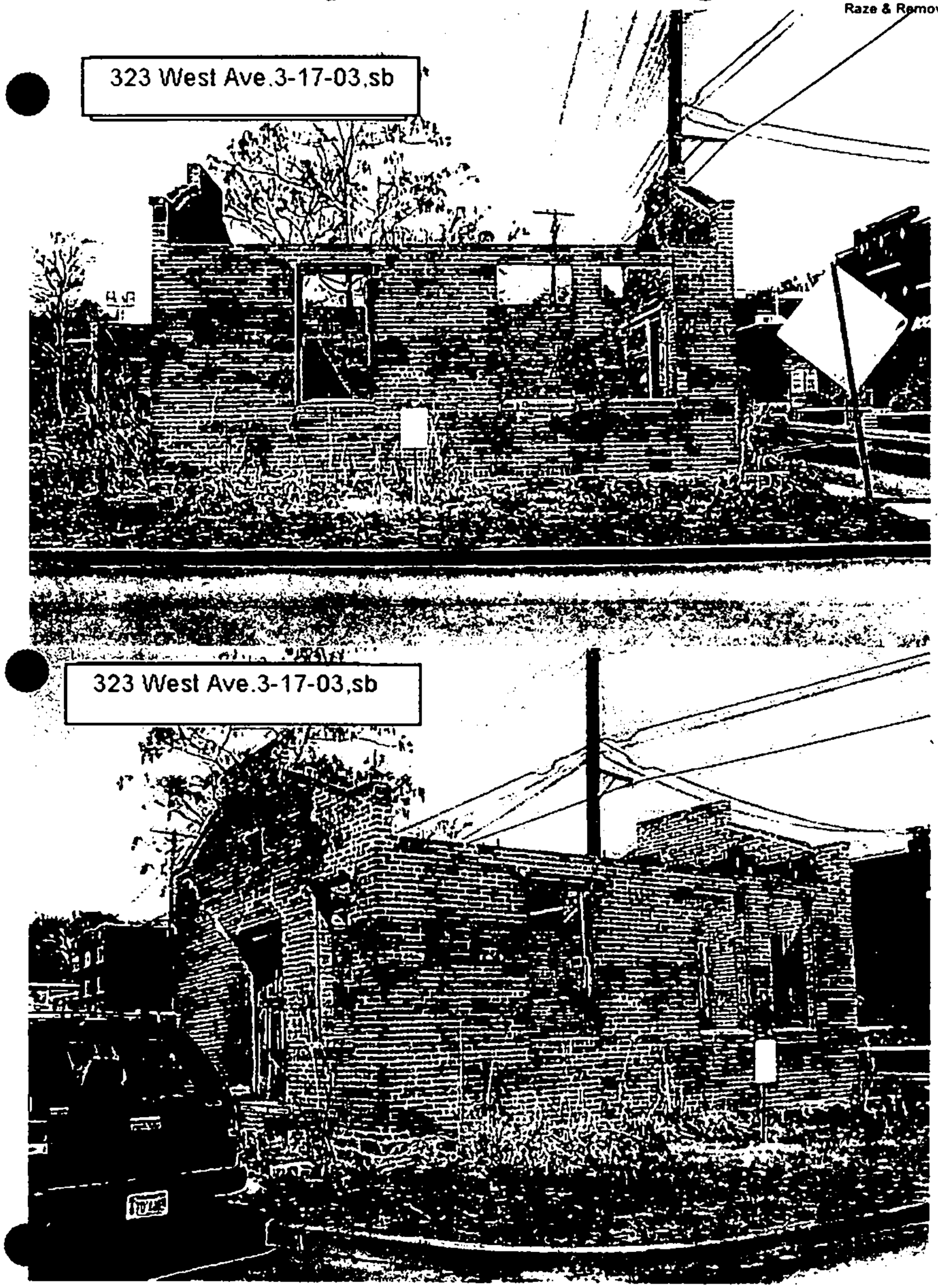
PS Form 3811, August 2001 — Domestic Return Receipt — 102595-01-M-2509

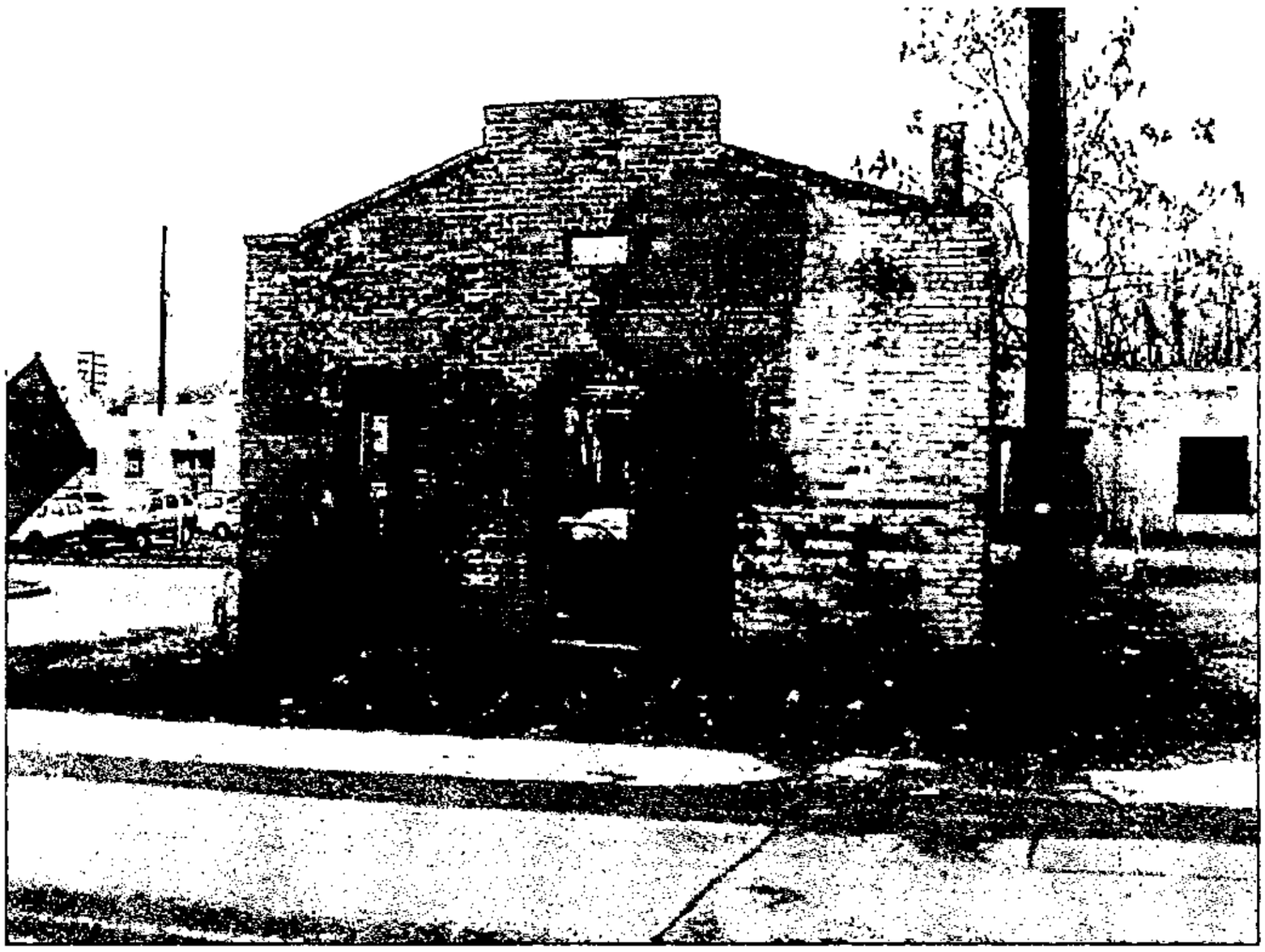
323 West Ave.3-17-03.sb

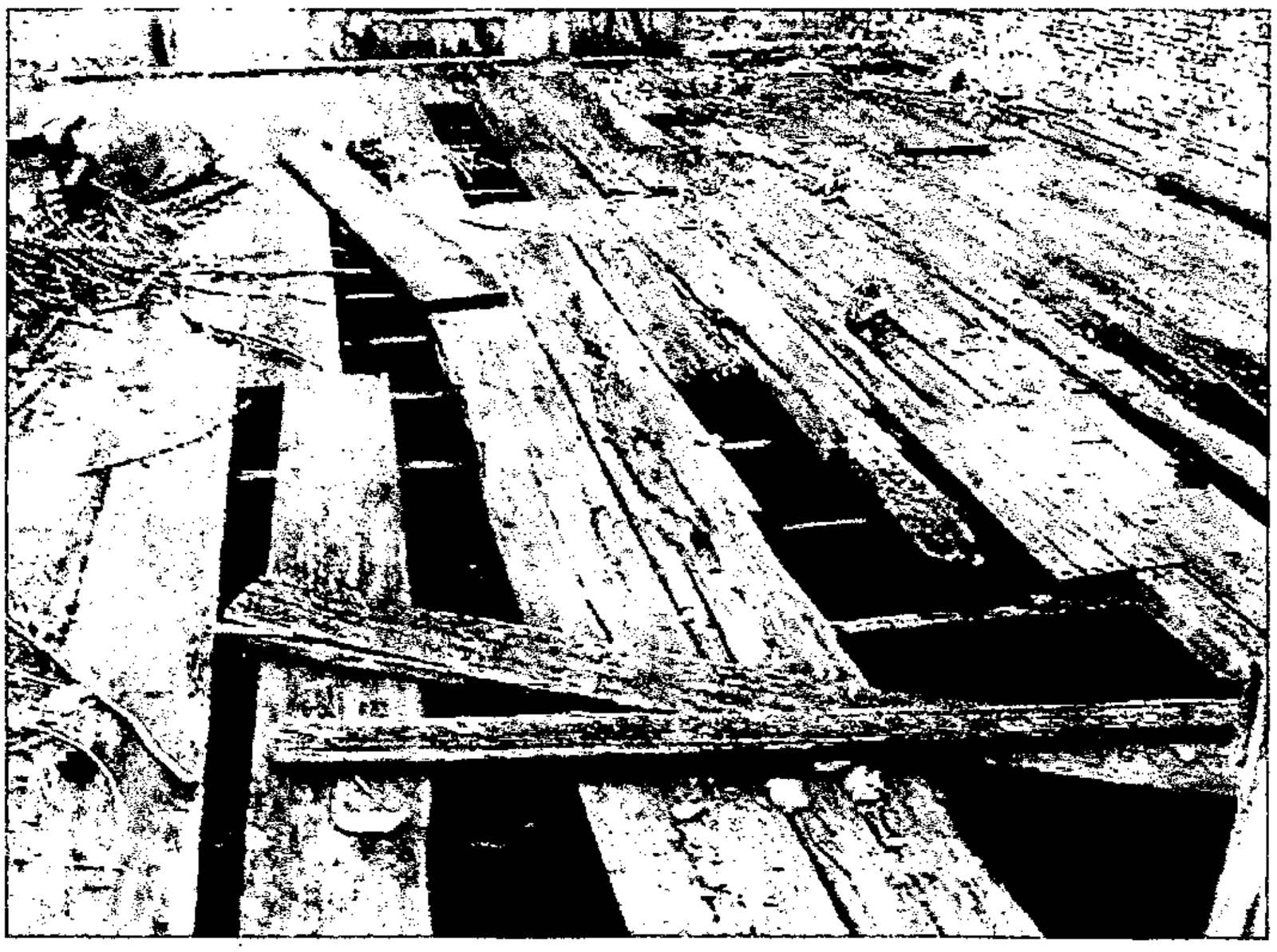


323 West Ave.,3-17-03.sb




323 West Ave.3-17-03,sb
323 West Ave.3-17-03,sb





Tabled Lobbyist Agreement
B. 3.
Page 1 of 29
Oct. 7, 2003
(30)

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

XX AGENDA REQUEST

For the Fayetteville City Council Meeting of: August 5, 2003

FROM:

Stephen Davis		Finance & Internal Services
Name	Division	Department

ACTION REQUIRED: Request approval of an ordinance that transfers the financial responsibility and management of the Fireman's Pension and Relief Fund and the Policemen's Pension and Relief Fund to Arkansas Local Police and Fire Retirement System (LOPFI) stipulating that the City of Fayetteville concurs with providing the beneficiaries of these pension plans with the current benefits and adding a 3% compounding COLA.

SUMMARY EXPLANATION:

This item is presented for City Council review and approval in an effort to provide the beneficiaries of the two closed pension plans (Firemen's Pension and Relief Fund and Policemen's Pension and Relief Fund) with a more stable funding future and provide for a compounded cost of living increase (COLA). The benefit to the City is that the City's future financial liability will be determined and any unfunded accrued actuarial liability will be amortized over thirty (30) years. Beneficiaries of both pension plans have met and overwhelmingly support the transfer of the pension plans to LOPFI management and control. The Police Pension Board's resolution is included as an attachment to this request. The Fire Pension Board is scheduled to meet and approve a similar resolution on July 31, 2003.

By approving this transfer, City Council will be providing similar retirement benefits to all firefighters and police officers - retired and active.

STAFF RECOMMENDATION:

Marsha Fawkins — Division Head — 7/23/03 Date

Received in Mayor's Office — 8/25/03 Date

[signature] — City Attorney — 7/23/03 Date

_____ — Department Director — _____ Date

Steph Davis — Finance & Internal Services Dir. — 7-23-03 Date

Hugh Earnest — Chief Administrative Officer — 7-23-03 Date

[signature] — Mayor — 8/25/03 Date

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No

8/25/03

ORDINANCE NO. _____

AN ORDINANCE ELECTING COVERAGE FOR ELIGIBLE MEMBERS OF THE POLICE PENSION AND RELIEF FUND AND FIREFIGHTER PENSION AND RELIEF FUND UNDER LOPFI AND AUTHORIZING MAYOR COODY TO ENTER INTO AN AGREEMENT WITH LOPFI

WHEREAS, the Board of Trustees of the Police Pension and Relief Fund and Firefighter Pension and Relief Fund have elected to have its eligible members covered under the Arkansas Local Police and Fire Retirement System (LOPFI) as stated by resolutions dated July 17, 2003 and July 31, 2003; and

WHEREAS, both said Board of Trustees have by said Resolutions requested the City of Fayetteville, Arkansas to act as agent for the administration of its retirement coverage for all its Relief Fund participants under LOPFI.

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 states that if accepted by Arkansas Local Police and Fire Retirement System (LOPFI), the administration of the retirement program coverage for all Police Pension and Relief Fund and Firefighter Pension and Relief Fund participants shall be transferred to the Arkansas Local Police and Fire Retirement System (LOPFI) pursuant to the authority of Act 364, Acts of Arkansas, 1981, as amended, and including other acts of the State Legislature, provided that such retirement coverage for said Relief Fund participants shall mean the administration of that fund only and not a change in the Relief Fund's benefit program.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to enter into an agreement with the Arkansas Local Police and Fire Retirement System (LOPFI) to administer the Police Pension and Relief Fund and Firefighter Pension and Relief Fund as stated in Section 1 hereof.

Section 3. It is the intent of the City Council and it is hereby ordained that the provisions of this Ordinance shall be codified into the Code of Ordinances of Fayetteville, Arkansas, and the sections thereof may be renumbered and relettered as necessary to accomplish such intention.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby requests that its police and firefighter pension receive a three percent

(3%) compounded Cost of Living Adjustment annually.

PASSED and **APPROVED** this the 5th day of August, 2003.

APPROVED:
By: _____
DAN COODY, Mayor

DRAFT

ATTEST:
By: _____
Sondra Smith, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council

Through: Stephen Davis, Finance and Internal Services Director

From: Denise Grizzle, Accounting Coordinator

Date: July 23, 2003

Subject: Merging Closed Pension Plans with LOPFI

Background

The City of Fayetteville has two closed pension plans, the Policemen's Pension and Relief Fund (Police Pension) and the Firemen's Pension and Relief Fund (Fire Pension). The attached memo dated June 12, 2003 to the Police Pension Board and the Fire Pension Board discusses the specifics of these closed plans. In addition, it addresses the decline of the actuarial soundness of the pension funds, the risks to the pension funds associated with that decline, and three approaches in response to the funds current fiscal condition.

Discussion

There are also risks to the City which need to be addressed regarding the aforementioned decline in the soundness of these pension funds. First, if the City maintains administration within one to two years a liability will have to be recorded on the City's financial statements. Recording a liability could negatively impact the City's bond rating and increase the cost of borrowing which may deter a future City Council from issuing bonds. Also, if the City maintains administration a future City Council will most likely be faced with the decision of whether or not to use General Fund revenues to fund the liability for these pension plans. If General Fund revenues are not used to fund this liability, the other option would be to reduce benefits to the retirees and their beneficiaries.

Each Pension Board has conducted a public meeting with their respective retirees and beneficiaries with both groups overwhelmingly supporting the transfer of the closed pension plans to LOPFI. The Police Pension Board resolution is included in this packet and the Fire Pension Board is scheduled to approve a similar resolution at their regularly scheduled meeting July 31. Both resolutions are/will be conditioned on City Council approving a 3% compound COLA. It should be noted that the current Police and Fire uniform employees who participate in LOPFI receive a 3% compound COLA as part of their retirement benefit.

The unfunded accrued liability with a 3% compound COLA is calculated at $9,151,677. Provided that the City maintains their actuarially required contribution (ARC), there will be no liability for the City to record on its' financial statements.

Retirement benefits for the closed plan are calculated at 90% of salary at the time of retirement. The only exception to this is firefighters who elect DROP. DROP participants retirement benefits are calculated at 90% of salary at the time of election. Retirement benefits for LOPFI participants are calculated by multiplying their final average pay (average of three highest paid years) by 3% then by their number of years of service. This generally tends to be around 85% of salary.

Recommendation

Based on the mutual benefits of moving the administration and management of the closed pension plans to LOPFI, Staff recommends approval of an ordinance authorizing the move. Per the attached resolutions, the recommendation from the pension boards is to merge their plans with LOPFI with a 3% compound Cost of Living Adjustment (COLA). This will preserve their benefits, and reduce the risks to the City in regards to funding.

RESOLUTION

A RESOLUTION REGARDING THE TRANSFER OF THE FAYETTEVILLE POLICE PENSION AND RELIEF FUND TO THE LOPFI SYSTEM

Whereas, the Board of Trustees of the Fayetteville Police Pension and Relief Fund is now providing, or will provide in the future, retirement coverage for some of it's eligible employees under the Arkansas Local Police and Fire Retirement System (LOPFI) pursuant to the authority of Act 364, Acts of Arkansas, 1981 as amended, and including Act 655, Acts of Arkansas, 1983; and

Whereas, the Board of Trustees of the Fayetteville Police Pension and Relief Fund now desires to provide retirement coverage for all of it's employees, including Pension and Relief Fund participants under the Arkansas Local Police and Retirement Fund System, pursuant to the Authority of Act 354, Act of Arkansas, 1981, as amended, and including Act 655, Acts of Arkansas, 1983, so long as such retirement coverage for Relief Fund participants shall mean the administration of that Fund only and not a change (decrease) in the benefit program; and

Whereas, the Board of Trustees of the Fayetteville Police Pension and Relief Fund has reviewed and received the latest report of the Fayetteville Police Pension and Relief Fund from the retirement systems actuary which states the annual computed employer rate, unfunded liabilities, Fund assets and annual revenues; and

Whereas, the LOPFI System has said it shall administer the Pension and Relief Fund at an annual cost not to exceed ½ of 1% of active members pay plus 1% of average annual relief fund assets; and

Whereas, the Board of Trustees of the Fayetteville Police Pension and Relief Fund hereby mutually agree that it is in the best interest of the Relief Fund itself, Relief Fund participants and the Board of Trustees to have the Fund administered by LOPFI; and

Whereas, the Board of Trustees on behalf of the Fayetteville Police Pension and Relief Fund, hereby elects to provide for the administration of it's retirement coverage for all of it's Relief Fund participants under the LOPFI; and

Whereas, the Board of Trustees of the Fayetteville Police Pension and Relief Fund has voted to allow the administration of it's assets to be transferred to LOPFI; and

THEREFORE BE IT RESOLVED, that as a condition to transferring the administration and assets of Fayetteville Police Pension and Relief Fund to LOPFI, the Board of Trustees of the Fayetteville Police Pension and Relief Fund requests that the City of Fayetteville adopt a 3% compounded Cost of Living Adjustment (COLA), to be applied annually and paid to all retired full paid Fayetteville Police Pension and Relief Fund participants both current and future.

BE IT FURTHER RESOLVED, that an ordinance be passed by the City Council expressing the full intent of this resolution. And, upon the adoption of that ordinance, the administration and assets of the Fayetteville Police Pension and Relief Fund shall be transferred to LOPFI.

CERTIFICATION

We hereby certify that the above resolution represents the desires of the Board. Passed and approved this 17th day of July, 2003.

Signed:

Mayor Dan Coody _____

City Clerk Sondra Smith _____

Member Randy Bradley _____

Member Jerry Friend _____

Member Dr. James Mashburn _____

Member Jerry Surles _____

Member Tim Helder _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: The Firemen's Pension and Relief Fund Board, and,
The Policemen's Pension and Relief Fund Board

From: Marsha Farthing, Accounting Manager

Thru: Stephen Davis, Finance and Internal Service Director

Subject: Pension Plans

Date: June 12, 2003

Background

The City of Fayetteville has two closed pension plans, the Policemen's Pension and Relief Fund (Police Pension) and the Firemen's Pension and Relief Funds (Fire Pension). By state law the plans were closed in 1983 and all police officers and fire fighters hired since 1983 are enrolled in the Arkansas Local Police and Fire Retirement System (LOPFI). The old pension plans are supported by a .4 City millage, state insurance tax turnback, member contributions (6% of gross salary), City contributions (12% of gross salary) and investment earnings. In addition to these sources, the Police Pension Fund receives revenue from fines and forfeitures from the District Court. Currently, the Police Pension has three active members and Fire Pension has eleven active members, nine of which have elected to participate in the DROP Plan. In general, the annual retirement benefit for the police and fire personnel in these plans is 90% of the member's highest salary at their retirement date.

Each pension plans is controlled by an individual, independent board of trustees that has fiduciary responsibilities to the beneficiaries. The Boards are comprised of a combination of retired and active or all retired members as directed by state law, plus the City Clerk and the Mayor. The City performs all administrative duties for the pension plans including but not limited to record keeping for the funds, writing of the monthly pension checks, accounting for the tax withholding for the members, reconciling bank accounts and recording all investment transactions from their investment manager. Both pension funds manage their own investments and are currently using Longer Investments as their investment manager. The City also completes annual reports for the State

Pension Review Board which are used for the biennial actuarial reports required by the state.

The last two actuarial reports for the pension funds indicated that the funds were actuarially unsound and that the City and the Boards should consider increasing the actuarial contributions to the funds to cover any deficits. These reports indicate the unfunded actuarial accrued liability at 4.5 million for the Police Pension and 4.3 million for the Fire Pension.

Discussion

There are several contributing factors that have led to the decline in the actuarial soundness of these pension funds. Base benefits for members are set by state law at 50% of the highest salary year during their service time. In the late 90's both pension plans followed the provisions of the law to increase their retirement benefits to 90% of salary. When the increases were implemented the funds were actuarially sound and the State Pension Review Board approved the increases at the time. This has greatly increased the pension's expenses. Additionally, over the past few years, most members in these plans have become eligible for retirement. When active members retire revenues to the funds decrease and correspondingly pension benefits paid to retired members increase. There are currently very few active members contributing to the plans. Along those same lines, the insurance turnback received from the state is allocated to the old pension plans and the new pension plans based on the ratio of members in each plan. Membership in LOPFI is steadily growing, while the closed pension plans are decreasing in size. Therefore, the old plans receive less turnback each year when compared to the previous year. Finally and most definitely a major factor in the declining portfolios of the old pension plans is the decline over the past few years of the financial markets in which they are invested.

On a more positive note, the last Arkansas Legislature passed House Bill 1244 that will be of benefit to the City's old pension plans. The distribution method of the state insurance turnback has been changed. In the past the turnback was allocated based on the area and population of the location. The new formula divides the money on a needs basis based on the actuarial cost of the old plan. The feedback the City is receiving is that our pension plans will receive an increase in turnback this year, perhaps as much as double last year's.

The Pension Boards have three approaches that can be taken in response to the current fiscal condition of the pension funds.

1. Do nothing with the expectation that the plans investments in the financial markets will rebound enough to make the funds whole again. Even if the financial markets were to return to the 1990's level, it is uncertain if the funds would be sound. If the markets grow slower than anticipated than there is the risk of the funds becoming insolvent in which case they would need to seek assistance from the Arkansas Fire and Police Pension Guarantee Fund. The local pension

must be receiving one mill in property taxes to apply for assistance from this fund.

2. Increase contributions to the plans to make up deficits by either increasing the property tax millage or increasing the City's contribution to the plans. Increasing property taxes would require a public vote. Increasing the City's contribution would require City Council approval and would add expenses to General Fund that would take away from current services.

3. Combine the old plans with the open retirement plan for police and fire, the LOPFI plan. Act 364 of 1981 allows the responsibility and liability for the administration of the old pension plans to be assigned to LOPFI. This is only a change in administration of the plans and the benefits will remain the same. The unfunded liability in the plans will be amortized over 30 years. This means that the percentage the City currently pays for the active LOPFI members through payroll will be increased to cover the unfunded part of the old plans. The percentage increase is determined after an actuarial survey has been completed on the old plans. The City will continue to receive the revenues for the old plans, (i.e. property taxes, state insurance turnback). These revenues hopefully will offset the increase in the contributions required by LOPFI. Attached is a copy of the process required by LOPFI to assign the plans to them.

The auditors of the City have recommended that the City investigate the benefits and costs of merging the Plans with LOPFI, therefore the City has requested an actuarial study for each pension plan for the year ended December 31, 2002. The cost will be $2,000 for each pension plan and we would request the pension funds to reimburse the City for half of the cost of the analysis.

Also under State Law 24-11-406 and 24-11-804 plans with fewer than four active members may be designated as inactive by the employer. Both of the City's plans meet the criteria to be deemed a small fund with three active members in the Police Pension and two active members in the Fire Pension. The administration of the fund can be assigned to LOPFI by the City Council.

One other thing needs to be clarified. LOPFI is not administered by the state government. LOPFI is a statewide retirement plan for police officers and firefighters and was established as a non-profit entity under ACT 362 of 1981 as a fiduciary for political subdivisions and their employees who are its participants. The plan is administered by a five member Board of Trustees all of which are appointed by the Governor. The Board of Trustees has appointed day to day operations of the plan with an Executive Director, currently Cathryn Hinshaw.

From an accounting standpoint, the City has not yet reached the point where a liability for the unfunded contributions to the plans has been booked. But if no action is taken to stabilize the pension funds, within the next year or two the City will have to book the unfunded liabilities of each of these pension plans.

Recommendation

Staff is recommending combining the police and fire pension plans with LOPFI in 2003. This action will secure the benefits for the retirees and secure the City's future financial obligation to the plans to a manageable level.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

To: The Firemen's Pension and Relief Fund Board, and
The Policemen's Pension and Relief Fund Board

From: Marsha Farthing, Accounting Manager

Thru: Stephen Davis, Finance and Internal Services Director

Subject: Police and Fire Pension and Relief Funds

Date: June 17, 2003

Please find attached a letter from the Arkansas Local Police and Fire Retirement System explaining the steps required to move the administration of the pension funds to LOPFI and an example of a resolution and an ordinance to present to City Council. Also attached is a copy of the state law governing the administration of small funds.

In my first memo I stated that a major factor in the decline of the pension portfolios was due to the decline of the financial markets in which they are invested. However the Police Pension Fund, over the past several years, has exceeded the actuarial rate of return assumption and has been invested in accordance with the plan's adopted investment policy.

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

LOPFI

ARKANSAS LOCAL POLICE & FIRE RETIREMENT SYSTEM

P.O. Box 34164
Little Rock, Arkansas 72203
Telephone: (501) 682 - 1745
Fax: (501) 682 - 1751
email: info@lopfi-prb.com
website: www.lopfi-prb.com

To: Interested Public Employers and Local Boards of Trustees

From: Arkansas Local Police and Fire Retirement System

Re: Procedure for Administrative Conversion of Local Police and Fire Pension Funds to LOPFI

Date: February, 2002

Act 364 of 1981, as amended, allows the responsibility and liability for administration of a local police or fire pension fund to be assigned to the Arkansas Local Police and Fire Retirement System (LOPFI). The procedure for making such an administrative conversion is discussed below. **PLEASE NOTE** that this is only a change in administration. **THE CONDITIONS FOR RETIREMENT UNDER THE LOCAL PENSION FUND WILL REMAIN THE SAME. And, under most conditions, the benefits payable from the fund will remain the same.** The exceptions are the benefits that are only payable upon the pension fund being "actuarially sound", i.e., the $350/month base benefit for paid police and fire plans and $50/month base for volunteer; and for fire pension funds, the co-equal spouse benefit.

Procedure For Administrative Conversion of Local Pension Plans to LOPFI

1. A majority of the trustees of a local pension board shall adopt and sign a resolution requesting the local governing body (City Council; Board of Directors; or Board of Commissioners) to pass an ordinance transferring the administration of the local pension fund to the Board of Trustees of the Arkansas Local Police and Fire Retirement System (LOPFI).

2. When the resolution is filed with the LOPFI office, LOPFI will cause an actuarial valuation to be performed, which will set the first year's employer contribution rate for both the local plan and the LOPFI covered employees of the affected department. The LOPFI Board will assess the cost of the actuarial work back to the locality. For plans with 5 or fewer participants, the fee is $500, adding $40 for each additional participant up to 30, at which time the fee is $1,500. **Checks should be made payable to, "Gabriel, Roeder, Smith, & Co.".**

3. After reviewing the actuary's employer cost report, the local governing body may adopt an ordinance authorizing the presiding officer of the political subdivision to sign a contract for administrative services from LOPFI for the local pension fund. The secretary of the governing body shall certify the ordinance as correct.

4. Pursuant to the ordinance, the LOPFI Board of Trustees will make a determination whether to take fiduciary responsibility for the plan.

5. LOPFI administration shall become effective the first day of the month following the elapse of 60 days from the adoption of the ordinance, or later if agreed upon by both the locality and LOPFI. All records must be received from the local plan by the LOPFI office no later than 20 working days prior to our beginning administration on the first of the next month.

(iii) If there are no active members of the pension fund, all four (4) employee members shall be elected from and by the retired membership of the pension fund;

(B) The board shall select one (1) of the police members as secretary of the board to serve for a period of two (2) years or until his successor is elected and qualified;

(C) However, if no retirant is available to serve on the board, all four (4) employee positions shall be held by active members of the pension fund and shall all be elected by secret ballot by the active members of the pension fund for two-year terms as provided above.

(D) The board shall have the power to make all rules and regulations needful for its guidance to implement the provisions regarding board composition;

(4) The six (6) members provided for in subdivisions (1)-(3) of this subsection shall elect one (1) more member who shall be a reputable physician and who shall represent the board of trustees in the examination of any member of the department upon a claim of disability;

(5) The number of active members or retired members to serve on the board shall be determined by the proportionate number of active members to retired members:

(A) When the number of active members equals seventy-five percent (75%) of the total of retired members and active members, the board shall be comprised of three (3) active members and one (1) retired member.

(B) When the number of active members equals fifty percent (50%) of the total of retired members and active members, the board shall be comprised of two (2) active members and two (2) retired members.

(C) When the number of retired members equals seventy-five percent (75%) of the total of retired members and active members, the board shall be comprised of one (1) active member and three (3) retired members.

(b) The police officer members and the physician representative of the board shall serve for a period of two (2) years or until their successors are elected and qualified.

(c) The board shall have the absolute control and management of the funds provided for in this subchapter and of all moneys donated, paid, or assessed for the relief or pension of disabled, superannuated, and retired members of the police department, their surviving spouses and minor children, or dependent parents solely dependent upon members for their support.

(d)(1) The board shall make all necessary rules and regulations for its government and the discharge of its duties and shall hear and decide all applications for relief or pension under this subchapter.

(2) All decisions upon applications shall be final and conclusive and not subject to review or reversal except by the board.

(3) The board shall cause to be kept a record of all its meetings and proceedings.

History. Acts 1937, No. 250, §§ 3, 4; Pope's Dig., §§ 9858, 9859; Acts 1985, No. 390, § 1; A.S.A. 1947, §§ 19-1803, 19-1804; Acts 1987, No. 405, § 2; 1991, No. 365, § 1.

Amendments. The 1991 amendment rewrote (a)(3)(A); and added (a)(5).

CASE NOTES

Analysis

Action against pension board.
Hearing on pension claim.

Action Against Pension Board.

If the circuit court's unappealed dismissal of mandamus suit was based on subsection (d) precluding judicial review of board's decision, the dismissal would not be res judicata as to the police officer's civil rights suit in the federal courts. Hirrill v. Merriweather, 629 F.2d 490 (8th Cir. 1980).

Hearing on Pension Claim.

Police officer was entitled to have his pension claim considered by a body of reasonable and fair-minded persons who were able and willing to give the claim fair consideration and to grant it if meritorious. Hirrill v. Merriweather, 629 F.2d 490 (8th Cir. 1980).

24-11-406. Administration of small funds by Arkansas Local Police and Fire Retirement System.

(a) In those local police pension and relief funds which cover fewer than four (4) active members, a local board of trustees may no longer exist, and the fund may be designated as inactive by the employer.

(b) Administrative responsibility for the fund shall be assigned to the Arkansas Local Police and Fire Retirement System, as allowed by §§ 24-10-301 and 24-10-302 and as provided in the following procedure:

(1)(A) The actuary under contract to the system shall compute the retirement reserve for vested and active members and for eligible beneficiaries of the inactive fund. After receiving the report of the actuary, the employer shall transfer the computed reserve to the system to be held in an account designated as the retirement reserve for the inactive fund and from which the system shall pay eligible beneficiaries.

(B) The retirement reserve and any additional employer contributions shall include such amounts as are necessary to provide administrative expenses for the system, but such expenses shall not exceed a total of one-half of one percent (0.5%) of active member payroll, if any, plus one percent (1%) of annual reserve assets.

(2) Any excess assets of the fund remaining after the retirement reserve is created shall be transferred to an account designated by the employer, to be used solely for the purpose of making payments to the system for employee coverage administered under the system and for no other purpose.

(3) If a former member of the local pension fund returns to service in which the employee would have again become a member of the local fund, the past service credit may be purchased by the employer for the employee under the system, and the purchase costs shall be amortized in the same manner as other service credit purchases are amortized under the system.

(4)(A) No benefit amendments shall be made in benefits payable from the inactive fund under the administration of the system.

(B) Should the law mandate an increase in benefits to retired members or their beneficiaries, the increases shall be payable from the retirement reserve of the inactive fund.

(C) No prorating of benefits shall be allowed in inactive funds under the administration of the system.

(D) If the retirement reserve of an inactive fund shall become inadequate to pay full benefits to eligible recipients, the system shall require of the employer, and the employer shall remit, such actuarially computed amounts as are necessary to pay full benefits to current and future eligible recipients.

(5)(A) Once a fund becomes inactive and a retirement reserve is created as required by this section, the employer may continue to collect such millages, fines, fees, state insurance tax turnback, and other revenues as allowed by law for the support of police retirement programs.

(B) The revenues shall be deposited locally in an account designated by the employer solely for making payments to the system and shall be used for no other purpose.

(6)(A) All employer contributions for inactive funds shall be made in such amounts, and in such manner, form, and frequency, as the Board of Trustees of the Arkansas Local Police and Fire Retirement System shall require.

(B) The pension records of inactive funds, and other materials and reports as may be required by the board to administer the inactive funds, shall be provided to the Local Police and Fire Retirement System in such manner as the board shall require.

History. Acts 1937, No. 250, § 4; Pope's Dig., § 9859; Acts 1985, No. 927, § 1; A.S.A. 1947, § 19-1804.

24-11-407. List of retired police officers.

(a) There shall be kept in the office of the board of trustees by the secretary a book known as the list of retired police officers.

(b) This book shall give the full and complete history and record of action of the board of trustees in retiring any and all persons under this subchapter.

(c) The record shall give the name, date of joining the department, date of retirement and reason thereof, and the date and finding of the physician of each examination made of disabled members of the department retired under the provisions of this subchapter.

History. Acts 1937, No. 250, § 12; Pope's Dig., § 9867; A.S.A. 1947, § 19-1812.

24-11-408. Treasurer as custodian of fund.

(a) The treasurer shall be the custodian of the pension fund and shall keep his books and accounts concerning the funds in such manner as may be prescribed by the board.

(b) The books and accounts shall be subject to the inspection of any member of the board.

(c)(1) The treasurer shall, within ten (10) days after his selection, execute a bond to the board of trustees with good and sufficient securities, in such penal sum as the board shall direct, conditioned for the faithful performance of the duties of his office and that, on the expiration or retirement of his term of office, he shall surrender and deliver to his successor all unexpended moneys and all property which may have come into his hands as treasurer of the fund.

(2) The bond shall be filed in the office of the board of trustees and, in case of a breach of the bond, suit may be brought on the bond in the name of the board or in the name of any person or persons injured by the breach.

History. Acts 1937, No. 250, § 17; Pope's Dig., § 9872; A.S.A. 1947, § 19-1817.

A.C.R.C. Notes. The operation of subsection (c) of this section was suspended by adoption of a self-insured fidelity bond program for public officers, officials and employees, effective July 20, 1987, pursuant to § 21-2-701 et seq. The subsection may again become effective upon cessation of coverage under that program. See § 21-2-703.

24-11-409. Deposit of moneys.

The board shall deposit all moneys in the bank selected as the fiscal agent of the city in which it is located, but only if the moneys draw the same rate of interest as the city receives on its deposits; otherwise, the board shall make its own selection of the bank.

History. Acts 1937, No. 250, § 14; Pope's Dig., § 9869; A.S.A. 1947, § 19-1814.

24-11-410. Investment.

(a) The board of trustees shall have the power to draw sums from its treasury, only upon warrants signed by the chairman and countersigned by the policemen's pension and relief fund, to invest in the name of the board of trustees of the policemen's pension and relief fund in interest-bearing bonds of the United States, of the State of Arkansas, or of the city in which the board is located, in a local government joint investment trust pursuant to § 19-8-301 et seq., in the Arkansas Local Police and Fire Retirement System, or in savings and loan associations duly established and authorized to do business in this state.

(b) All securities shall be deposited with the treasurer of the board of trustees of the pension and relief fund and shall be subject to the order of the board.

(c)(1) In those pension and relief funds in which assets exceed five hundred thousand dollars ($500,000), the board of trustees may employ an investment advisor as defined in § 24-10-402(a)(1)(B) to invest the assets, subject to the terms, conditions, limitations, and restrictions imposed by law upon the Arkansas Local Police and Fire Retirement System, as provided by §§ 24-10-401 — 24-10-411.

(2) Investments shall not be limited to interest-bearing bonds.

July 16, 2003

RECEIVED
JUL 22 2003
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Ms. Cathyrn E. Hinshaw, Executive Director
Arkansas Local Police & Fire Retirement System
P.O. Drawer 34164
Little Rock, Arkansas 72203

Re: Fayetteville Paid Service Firemen —
Combined Contribution Rates

Dear Cathyrn:

Enclosed are 3 copies of a memorandum containing summary results of these valuations. The results include Benefit Program 2 for the LOPFI group.

Respectfully submitted,

David L. Hoffman Mita D. Drazilov

DLH:hgb
Enclosures

CC: Heidi G. Barry

July 16, 2003

City of Fayetteville
Fayetteville, Arkansas

Re: PAID SERVICE FIREMEN
Coverage by Two Plans

Ladies and Gentlemen:

Submitted in this report are the results of the actuarial valuations which determine the employer contribution rates required to support, for your employees, the benefits provided by:

- The Arkansas Local Police and Fire Retirement System ("LOPFI")
  LOPFI Plan Coverage (For Employees Hired After December 31, 1982)
  and
- "Closed Plan" Coverage (The Relief and Pension Fund For Employees Hired Before January 1, 1983).

The date of the valuations was December 31, 2002. The valuations were based on data furnished by your LOPFI administrative staff. The actuarial methods and assumptions were the same as those used in the regular valuation as of that date. These include an investment return assumption of 8.0% and a wage inflation assumption of 4.0%.

The non-financial assumptions used to determine contributions are on file at the LOPFI office. In our opinion, they produce results which are reasonable.

Member information is summarized in the following table:

Group	December 31, 2002 Valuation Data							
			Averages					
	Active Members	Payroll	Pay	Age (Yrs.)	Serv. (Yrs.)	Retired Members	Monthly Benefit	Average Age (Yrs.)
Paid – LOPFI	74	$2,822,500	$38,142	34.0	8.8	4	$6,859	48.6
– Local	5	202,587	40,517	45.2	20.4	49#	90,584	61.4
Total	79	$3,025,087	$38,292	34.7	9.5	53#	97,443	60.4

#Includes DROP participants.

Asset information for the Local Pension & Relief Fund was derived from the independent audit report provided to us. The date of the audit report was December 31, 2002.

The funding value of assets for both the Local Fund, $9,937,619, and LOPFI, $5,932,051, as of December 31, 2002 was used in computing the expected employer contribution rate. The funding value of assets for the Local Fund was determined by applying the ratio of the total funding value of assets for LOPFI over the total market value for LOPFI to the reported market value for the Local Fund, $8,938,115. The actual amount transferred to LOPFI will depend on the market value of Local Fund assets when they are actually liquidated and may differ substantially from the value as of December 31, 2002. This will likely impact the actual rate computed in the next valuation of the combined plans. A $500,000 difference, either higher or lower, would cause a decrease/increase in the computed employer contribution rate of approximately 1% of active member payroll.

For purposes of this valuation, we allocated all Local Fund assets to the Local Fund paid service group. As Fayetteville does not maintain a volunteer fire group in LOPFI there will be no volunteer active members on which to base an employer contribution. We would recommend that all liabilities and assets for the Local Fund volunteer group be transferred to the paid service group if the Local Fund is administered by LOPFI.

The hypothetical Retired Reserve Account balance for Local Pension & Relief Fund paid benefit recipients as of December 31, 2002 is $11,430,838. If higher benefits are adopted, a higher reserve transfer will be required. In either case, if the Fund transfers administration to LOPFI, a reserve transfer amount must be computed and would be made to fully fund the liabilities associated with those benefit recipients.

The new combined employer contribution rates are shown on pages 5 and 6.

Alternate benefit provisions valued for paid Local plan members were as follows:

(a) Currently under the Local Plan, members receive no post-retirement increases.
(b) Proposed 3.0% simple escalator for current and future retirees.
(c) Proposed 3.0% compound escalator for current and future retirees.

These labels have been applied to the results shown on page 5.

Scenario	Actuarial Accrued Liability	Valuation Assets	Unfunded Accrued Liabilities
(a)	$17,977,239	$15,869,670	$2,107,569
(b)	$21,242,290	$15,869,670	$5,372,620
(c)	$22,145,274	$15,869,670	$6,275,604

If you have any questions concerning this report or LOPFI in general, please contact the LOPFI office in Little Rock.

PROPOSED COMBINED CONTRIBUTION RATE
Relationships Between
LOPFI Plan Coverage (For Employees Hired After December 31, 1982)
"Closed Plan" Coverage (The Relief and Pension Fund For Employees Hired Before January 1, 1983)

LOPFI Plan. The valuation results are the same as they would have been if LOPFI had not begun to administer the Closed Plan.

Closed Plan administration may cause one modification of future LOPFI financial activity: if the length of the financing period for unfunded liabilities causes Closed Plan assets to temporarily dip below zero, LOPFI would loan the shortages until the financing period is completed. When the Closed Plan financing period is completed, LOPFI will have been fully repaid (including investment credits) and the Closed Plan will be fully funded.

Closed Plan. The financing period for Closed Plan unfunded liabilities is 30 years, from December 31, 2002. This period is longer than the previous financing periods, and is reasonable only because of the ability to borrow from LOPFI should Closed Plan assets temporarily dip below zero.

The longer the financing period for unfunded liabilities, the lower the employer contribution rate during the financing period.

Employer Contribution Rate. Each year the actuarial valuation determines a single employer contribution rate which covers the combination of LOPFI and the Closed Plan. The single, combined contribution rate for Volunteer Service is converted to monthly dollars by multiplying the rate by the number of active members (LOPFI and Closed Plan active members combined). Similarly, the single, combined contribution rate for Paid Service is converted to annual dollars by multiplying the rate by the combined annual payroll of LOPFI and Closed Plan active members.

The LOPFI account is credited with dollars in the basic LOPFI-only procedure.

The Closed Plan account is credited with the difference between (i) the total, combined contribution dollars and (ii) the LOPFI-only contribution dollars.

Fayetteville Paid Firemen
Arkansas Firemen Relief and Pension Fund
Benefit Provisions Valued and/or Considered
(December 31, 2002)

Voluntary Retirement

Eligibility - 20 years of service regardless of age.

Amount - Annual benefit equal to 50% of highest year's pay. Minimum benefit is $4,200 per year. If acquired more than 20 years of service credit, benefit is increased by $240 annually for each additional year of service credit. (Maximum $1,200 annual addition). If acquired more than 25 years of service credit, retirant's benefit is increased at age 60 by 1.25% of highest year's pay for service over 25 years. (Maximum benefit is 100% of final salary).

Disability Retirement

Eligibility - Permanent physical or mental disability.

Amount - (Non-Duty Disability) Computed as voluntary retirement benefit.

(Duty Disability) Annual benefit equal to the greater of; voluntary retirement benefit, or 65% of final salary. Temporary hospital, nursing and weekly sick benefits may also be available.

Death Benefits

Eligibility - Death before 20 years of service not occurring while performing work in gainful employment outside the fire department or death after 20 years of service. Also applicable to retired members.

Amount - Widow receives benefit member was receiving or, in the case of an active employee, the amount the member would have received had the member retired the date of death. (Excluding the additional amount payable at member's age 60 for service over 25 years). Minimum widow benefit is $4,200 annually. Each child receives $1,500 annually up to age 19.

Member Contributions

6% of salary.

Member contributions are refundable without interest upon termination of employment prior to becoming eligible for retirement or death benefits.

Fayetteville
PAID SERVICE FIREMEN
NOT COVERED BY SOCIAL SECURITY

COMBINED EMPLOYER CONTRIBUTIONS TO PROVIDE LOPFI MEMBER BENEFITS & CLOSED PLAN BENEFITS

Employer Portion is State and Local Combined

Computed December 31, 2002

	% of Active Payroll		
	(a)	(b)	(c)
	Current	Simple	Compound
Employer Normal Cost For LOPFI Benefits	13.27%	13.27%	13.27%
Unfunded accrued liabilities (30 years remaining)	3.80%	9.70%	11.33%
COMPUTED EMPLOYER RATE FOR COMBINED BENEFITS	17.07%	22.97%	24.60%

Determining Employer Dollar Contributions

For each month, the $ per member combined contribution rate is converted to dollars — and then promptly contributed to LOPFI.

Based upon the combined annual payroll submitted for this valuation, $3,025,087, the annual employer contribution dollars would be $516,382 for scenario (a), $694,862 for scenario (b), and $744,171 for scenario (c).

However, in budgeting combined dollars for a fiscal period, be sure you use the number of members you are budgeting for that same fiscal period (which will probably be different than the number of members reported here).

Fayetteville
PAID SERVICE FIREMEN
NOT COVERED BY SOCIAL SECURITY
EMPLOYER CONTRIBUTIONS TO PROVIDE LOPFI MEMBER BENEFITS
Employer Portion is State and Local Combined

Computed December 31, 2002

Contributions	% of Active Payroll
Normal cost of benefits:	
Age and Service	17.48%
Casualty	1.61
Total	19.09
Member contributions: Total	6.00
Future refunds	0.18
Usable for monthly benefits	5.82
Employer Normal Cost	13.27
Unfunded accrued liabilities	(0.46)
COMPUTED EMPLOYER RATE FOR LOPFI MEMBERS	12.81%

Determining Employer Dollar Contributions

For each month, the percent-of-payroll contribution rate is converted to dollars -- and then promptly contributed to your account with LOPFI.

Based upon the annual payroll for paid members submitted for this valuation, $2,822,500, the annual employer contribution dollars would be $361,562.

However, in budgeting LOPFI dollars for a fiscal period be sure you use the payroll dollars you are budgeting for that same fiscal period (which will probably be different than the payroll dollars reported here).

Fayetteville
VOLUNTEER SERVICE FIREMEN

EMPLOYER CONTRIBUTIONS TO PROVIDE CLOSED PLAN BENEFITS

Employer Portion is State and Local Combined

Computed December 31, 2002

	(a) Current	(b) Simple	(c) Compound
Present value of future benefits for the current 13 volunteer service benefit recipients.	$86,050	$98,998	$100,923
Employer contribution amortizing present value of future benefits as a level dollar amount over 30 years	$7,353	$8,460	$8,624

These costs are provided for comparison to current costs for volunteer service members of this group. As no volunteer fire group is supported by Fayetteville under LOPFI, when the last member of this group leaves active employment, the current basis for determining a contribution will no longer be practical. As noted on page 2 of this report, no assets were considered in determining these costs above.

It may be more practical to immediately move the liabilities and assets for the volunteer members into the paid group immediately if the decision is made to administer this group through LOPFI. In either case, there would be no difference in the long term costs (or contributions) for this group.

GABRIEL, ROEDER, SMITH & COMPANY
Consultants & Actuaries

One Towne Square • Suite 800 • Southfield, Michigan 48076 • 248-799-9000 • 800-521-0498 • fax 248-799-9020

July 15, 2003

City of Fayetteville
Fayetteville, Arkansas

Re: PAID SERVICE POLICE
Coverage by Two Plans

Ladies and Gentlemen:

Submitted in this report are the results of the actuarial valuations which determine the employer contribution rates required to support, for your employees, the benefits provided by:

- The Arkansas Local Police and Fire Retirement System ("LOPFI")
  LOPFI Plan Coverage (For Employees Hired After December 31, 1982)
  and
- "Closed Plan" Coverage (The Relief and Pension Fund For Employees Hired Before January 1, 1983).

The date of the valuations was December 31, 2002. The valuations were based on data furnished by your LOPFI administrative staff. The actuarial methods and assumptions were the same as those used in the regular valuation as of that date. These include an investment return assumption of 8.0% and a wage inflation assumption of 4.0%.

Member information is summarized in the following table:

Group	December 31, 2002 Valuation Data							
			Averages					
	Active Members	Payroll	Pay	Age (Yrs.)	Serv. (Yrs.)	Retired Members	Monthly Benefit	Average Age (Yrs.)
Paid – LOPFI	89	$3,379,455	$37,971	33.4	6.9	1	$2,069	60.0
– Local	7	377,835	53,976	50.3	26.0	53	86,935	65.0
Total	96	$3,757,290	$39,138	34.6	8.3	54	89,004	64.9

The new combined employer contribution rates are shown on pages 5 and 6.

The non-financial assumptions used to determine contributions are on file at the LOPFI office. In our opinion, they produce results which are reasonable.

Asset information for the Local Pension & Relief Fund was derived from the independent audit report provided to us. The date of the audit report was December 31, 2002.

The funding value of assets for both the Local Fund, $11,291,244, and LOPFI, $8,673,873, as of December 31, 2002 were used in computing the expected employer contribution rate. The funding value of assets for the Local Fund was determined by applying the ratio of the total funding value of assets for LOPFI over the total market value for LOPFI to the reported market value for the Local Fund, $10,155,823. The actual amount transferred to LOPFI will depend on the market value of Local Fund assets when they are actually liquidated and may differ substantially from the value as of December 31, 2002. This will likely impact the actual rate computed in the next valuation of the combined plans. A $700,000 difference, either higher or lower, would cause a decrease/increase in the computed employer contribution rate of approximately 1% of active member payroll.

The hypothetical Retired Reserve Account balance for Local Pension & Relief Fund paid benefit recipients as of December 31, 2002 is $11,030,928. If higher benefits are adopted, a higher reserve transfer will be required. If the Fund transfers administration to LOPFI, a reserve transfer would be made to fully fund the liabilities associated with those benefit recipients.

Alternate benefit provisions valued for paid Local plan members were as follows:

(a) Currently under the Local Plan, members receive no post-retirement increases.
(b) Proposed 3.0% simple escalator for current and future retirees.
(c) Proposed 3.0% compound escalator for current and future retirees.

These labels have been applied to the results shown on page 5.

Scenario	Actuarial Accrued Liability	Valuation Assets	UAL
(a)	$18,434,776	$19,965,117	($1,530,341)
(b)	$21,889,444	$19,965,117	$1,924,327
(c)	$22,841,190	$19,965,117	$2,876,073

If you have any questions concerning this report or LOPFI in general, please contact the LOPFI office in Little Rock.

PROPOSED COMBINED CONTRIBUTION RATE
Relationships Between
LOPFI Plan Coverage (For Employees Hired After December 31, 1982)
"Closed Plan" Coverage (The Relief and Pension Fund For Employees Hired Before January 1, 1983)

LOPFI Plan. The valuation results are the same as they would have been if LOPFI had not begun to administer the Closed Plan.

Closed Plan administration may cause one modification of future LOPFI financial activity: if the length of the financing period for unfunded liabilities causes Closed Plan assets to temporarily dip below zero, LOPFI would loan the shortages until the financing period is completed. When the Closed Plan financing period is completed, LOPFI will have been fully repaid (including investment credits) and the Closed Plan will be fully funded.

Closed Plan. The financing period for Closed Plan unfunded liabilities is 30 years, from December 31, 2002. This period is longer than the previous financing periods, and is reasonable only because of the ability to borrow from LOPFI should Closed Plan assets temporarily dip below zero.

The longer the financing period for unfunded liabilities, the lower the employer contribution rate during the financing period.

Employer Contribution Rate. Each year the actuarial valuation determines a single employer contribution rate which covers the combination of LOPFI and the Closed Plan. The single, combined contribution rate for Volunteer Service is converted to monthly dollars by multiplying the rate by the number of active members (LOPFI and Closed Plan active members combined). Similarly, the single, combined contribution rate for Paid Service is converted to annual dollars by multiplying the rate by the combined annual payroll of LOPFI and Closed Plan active members.

The LOPFI account is credited with dollars in the basic LOPFI-only procedure.

The Closed Plan account is credited with the difference between (i) the total, combined contribution dollars and (ii) the LOPFI-only contribution dollars.

Fayetteville Paid Police
Arkansas Police Relief and Pension Fund
Benefit Provisions Valued and/or Considered
(December 31, 2002)

Voluntary Retirement

Eligibility - 20 years of service regardless of age.

Amount - Annual benefit equal to 50% of highest year's pay. Minimum benefit is $4,200 per year. If acquired more than 20 years of service credit, benefit is increased by $240 annually for each additional year of service credit. (Maximum $1,200 annual addition). If acquired more than 25 years of service credit, retirant's benefit is increased at age 60 by 1.25% of highest year's pay for service over 25 years. (Maximum benefit is 100% of final salary).

Disability Retirement

Eligibility - Permanent physical or mental disability.

Amount - (Non-Duty Disability) Computed as voluntary retirement benefit.
(Duty Disability) Annual benefit equal to the greater of; voluntary retirement benefit, or 65% of final salary. Temporary hospital, nursing and weekly sick benefits may also be available.

Death Benefits

Eligibility - Death before 20 years of service not occurring while performing work in gainful employment outside the fire department or death after 20 years of service. Also applicable to retired members.

Amount - Widow receives benefit member was receiving or, in the case of an active employee, the amount the member would have received had the member retired the date of death. (Excluding the additional amount payable at member's age 60 for service over 25 years). Minimum widow benefit is $4,200 annually. Each child receives $1,500 annually up to age 19.

Member Contributions

6% of salary.

Member contributions are refundable without interest upon termination of employment prior to becoming eligible for retirement or death benefits.

Fayetteville
PAID SERVICE POLICE
NOT COVERED BY SOCIAL SECURITY

COMBINED EMPLOYER CONTRIBUTIONS TO PROVIDE LOPFI MEMBER BENEFITS & CLOSED PLAN BENEFITS

Employer Portion is State and Local Combined

Computed December 31, 2002

Contributions	(a) Current	% of Active Payroll (b) Simple	(c) Compound
Employer Normal Cost For LOPFI Benefits	12.07%	12.07%	12.07%
Unfunded accrued liabilities (30 years remaining)	(2.22%)	2.80%	4.18%
COMPUTED EMPLOYER RATE FOR COMBINED BENEFITS	9.85%	14.87%	16.25%

Determining Employer Dollar Contributions

For each month, the $ per member combined contribution rate is converted to dollars — and then promptly contributed to LOPFI.

Based upon the combined annual payroll submitted for this valuation, $3,757,290, the annual employer contribution dollars would be $370,093 for scenario (a), $558,709for scenario (b), and $610,560 for scenario (c).

However, in budgeting combined dollars for a fiscal period, be sure you use the number of members you are budgeting for that same fiscal period (which will probably be different than the number of members reported here).

Fayetteville
PAID SERVICE POLICE
NOT COVERED BY SOCIAL SECURITY
EMPLOYER CONTRIBUTIONS TO PROVIDE LOPFI MEMBER BENEFITS
Employer Portion is State and Local Combined

Computed December 31, 2002

Contributions	% of Active Payroll
Normal cost of benefits:	
Age and Service	16.06%
Casualty	1.67
Total	17.73
Member contributions: Total	6.00
Future refunds	0.34
Usable for monthly benefits	5.66
Employer Normal Cost	12.07
Unfunded accrued liabilities	(4.15)
COMPUTED EMPLOYER RATE FOR LOPFI MEMBERS	7.92%

Determining Employer Dollar Contributions

For each month, the percent-of-payroll contribution rate is converted to dollars – and then promptly contributed to your account with LOPFI.

Based upon the annual payroll for paid members submitted for this valuation, $3,379,455, the annual employer contribution dollars would be $267,653.

However, in budgeting LOPFI dollars for a fiscal period be sure you use the payroll dollars you are budgeting for that same fiscal period (which will probably be different than the payroll dollars reported here)

Left on 1st Reading 9/16/03

Sale of Library B. 4. Page 1 of 6

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

X AGENDA REQUEST

For the Fayetteville City Council Meeting of: September 16, 2003

FROM:

Hugh Earnest	Administration	
Name	Division	Department

ACTION REQUIRED: Approve a waiver to Ordinance 4358 to facilitate the sale of the building at 217 E. Dickson owned by the Library Board of Trustees and the City of Fayetteville. This waiver would allow the City and Library to negotiate as needed with potential buyers to ensure a re-use that is compatible with the neighborhood, Library and City.

SUMMARY EXPLANATION:

STAFF RECOMMENDATION:

Hugh Earnest — Division Head — 8/21/03 Date

K. Kutak Rice — City Attorney — 8/21/03 Date

_____ — Department Director — _____ Date

Steph Dan — Finance & Internal Services Dir. — 8-21-03 Date

Hugh Earnest — Chief Administrative Officer — 8-21-03 Date

Dan Coody — Mayor — 8/21/03 Date

Received in Mayor's Office _____ Date

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

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

RECEIVED 8/25/03

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 4358 IN ORDER TO EXEMPT THE CITY LIBRARY COMPLEX ON DICKSON STREET

WHEREAS, the Fayetteville Public Library Board of Trustees and the City of Fayetteville own parcels of land on East Dickson Street upon which the current Fayetteville Public Library building complex exists; and

WHEREAS, it would be advantageous in the proposed marketing of these properties that they be jointly offered and that negotiations with potential buyers include requirements to ensure neighborhood compatibility and preservation of the architecturally significant exterior of the Roberta Fulbright Library building; and

WHEREAS, it is necessary to exempt the city owned library property from the requirements of Ordinance No. 4358 to accomplish these goals.

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 amends Ordinance No. 4358 by adding subsection (3) to section **(H) Exemptions** from the requirements of this ordinance as shown below:

"(3) In order to ensure neighborhood compatibility and preservation of the historic exterior of the Roberta Fulbright Library building, all city property associated with, adjoining, or a part of the Fayetteville Public Library on East Dickson Street, Fayetteville, Arkansas is exempt from the requirements from this ordinance. Any proposed sale of this property must be expressly approved by the City Council."

PASSED and **APPROVED** this 2nd day of September, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

DRAFT

ATTEST:

By: _____
Sondra Smith, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Mayor and City Council

FROM: Hugh Earnest, Chief Administrative Officer

DATE: August 14, 2003

SUBJECT: Proposed Sale of the Existing Library Buildings at 217 E. Dickson

Background
The City of Fayetteville, the Fayetteville Public Library and the Fayetteville Public Library Foundation have undertaken constructing, furnishing, equipping and endowing a new $23.3M, 88,000 square foot library at 401 W. Mountain. An 18-month, 1 percent sales tax was approved by the voters and levied from October 2000 through March 2002. Because the sales tax was not enough to cover all costs, a capital campaign goal of $12M was set to complete the project and endow operations. Due primarily to financial need, the Library Board voted to pursue the sale of its current facility at 217 E. Dickson and use the proceeds to help pay for and endow the new library. The existing facility is scheduled to be vacated in early September 2004.

The current library property, zoned R-O, is comprised of what were, prior to 1991, two separate buildings—the approximately 24,500 square foot east building housing adult and children's services and the approximately 6,000 square foot professional medical office building on the west housing genealogy, Foundation, Friend's bookstore and staff. Research conducted in 2001-2002 identified that the Library Board of Trustees holds the deed for the property on which east building is situated, while the City holds the deed for property on which the west building is situated.

In the second half of 2002, Library Board president, Louis Gottsponer, Library Director, Louise Schaper and Hugh Earnest, CAO, visited with Mayor Coody to discuss the feasibility of selling the buildings and dividing the proceeds. The results of a limited scope analysis indicated a 2002 value between $1.2 and $1.6 million. The parties discussed in very general terms a division of proceeds of 70% for the Library and 30% for the City.

The Library Board of Trustees voted on February 17, 2003 to recommend that the building complex be sold and proceeds divided with the city (FPL 70%; City 30%). They also encouraged public input that would enlist neighbors and interested stakeholders in compiling a list of acceptable users of the property.

In March and April 2003 four meetings were held to gather public input on acceptable and unacceptable uses of the existing library facility at 217 E. Dickson, as well as share background information and current status of the effort to sell the building. One neighborhood association meeting was held on March 6, and three library-sponsored meetings were held on March 24, March 26 and April 3. Suggestions were made for the process of selling the building and a list of acceptable and

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

unacceptable uses was generated. There was a general consensus that acceptable uses included stable cultural, educational, religious, governmental, non-profit, mixed-use, office corporate headquarters and residential uses that would bring vitality to and enhance the neighborhood. Unacceptable uses included noisy, late night, traffic-intensive, light-intensive, highly commercial, nuisance producing uses.

Current Status

The media attention to this matter has resulted in a number of inquiries about the facility. Although several callers were interested in leasing part of the space or were asking for free use, four different inquirers proposed purchasing the facility for a music conservatory, offices, condominiums and government offices. Callers have been asked to wait until the issue is brought before City Council and a process for selling the facility is approved. The City Council did pass in January 2002 ordinance 4358 that established a formal process for selling city property. The key stipulations are as follows.

- The City Council must pass a resolution stating that it has found the property no longer serves a municipal purpose.
- Two independent appraisals must be obtained within 6 months of the proposed sale.
- City Council solicits sealed bids with a minimum price set by the City Council.
- Bids must equal or exceed the minimum price set and the appraised value of the property.
- The City must sell the property to the highest qualified bidder.
- If none of the bids equals the minimum price set, then the City shall reject all bids and may reopen the bidding upon City Council approval.
- The City may sell to a public or non-profit entity with only one appraisal, but the price set and received must equal the appraised value.

This particular ordinance establishes a clear process to be followed when the City wishes to dispose of property. However, the use of this approach in disposing of the library property does pose a number of problems that need discussion at this time.

- Because it stipulates a sealed bid and a sale to the highest bidder, the seller cannot select the best use for the neighborhood.
- Further, the seller cannot accept a good offer that may be under the appraised value.
- The majority of the property is owned by the Library Board.

Recommendation

Both City staff and Library staff are in agreement that the best long term interests of the City will be met by requesting a waiver in this particular instance from the requirements of Ordinance 4358. The granting of a waiver would maximize the ability of the Library Board and City representatives to:

- Dispose of the property in such a way to ensure compatibility with the neighborhood.
- Negotiate as needed with potential buyers to ensure a re-use that is compatible with both City and Library interest in the future use of the property.

Nothing in this waiver would negate the necessity of securing the approval of the Library Board and the City Council for any potential sale.

Section 3: The name of said improvement district shall be Fayetteville Municipal Property Owners' Improvement District No. 5 -- Appleby Landing Professional Center.

PASSED and **APPROVED** this the 16th day of September, 2003.

APPROVED:

_____

DAN COODY, Mayor

ATTEST:

_____

SONDRA SMITH, City Clerk

SURVEY DESCRIPTION Airstrip Tract:

A PART OF THE NW1/4 OF SECTION 35, TOWNSHIP 17 NORTH, RANGE 30 WEST, FAYETTEVILLE, ARKANSAS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NW CORNER OF THE S1/2 OF THE NW1/4 OF THE NW1/4 OF SAID SECTION 35; THENCE ALONG THE NORTH LINE OF SAID S1/2 OF THE NW1/4 OF THE NW1/4 S87°23'29"E 383.82 FEET; THENCE LEAVING SAID NORTH LINE S02°31'13"W 316.46 FEET; THENCE N88°55'03"W 1.47 FEET; THENCE S02°49'26"W 101.31 FEET; THENCE S02°49'14"W 188.73 FEET; THENCE S87°10'26"E 0.66 FEET; THENCE S02°27'17"W 1374.19 FEET TO THE SOUTH LINE OF THE SAID NW1/4 OF SECTION 35; THENCE ALONG SAID SOUTH LINE N87°18'13"W 383.14 FEET TO THE SW CORNER OF THE SAID NW1/4 OF SECTION 35; THENCE LEAVING SAID SOUTH LINE AND ALONG THE WEST LINE OF THE SAID NW1/4 OF SECTION 35 N02°31'22"E 1980.14 FEET TO THE POINT OF BEGINNING, AND CONTAINING 17.388 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT-OF-WAY OF APPLEBY ROAD ON THE NORTH AND DRAKE STREET ON THE SOUTH, AND ANY RIGHTS-OF-WAY, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

SURVEY DESCRIPTION TRACT 2:

PART OF THE S1/2 OF THE NW1/4 OF THE NW1/4 OF SECTION 35, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NW CORNER OF TRACT 2 PER PLAT FILED, DOCUMENT NUMBER 2002-069391 DATED MAY 15, 2002; THENCE S87°31'36"E 193.81 FEET; THENCE S02°21'40"W 309.68 FEET; THENCE N87°09'37"W 60.02 FEET; THENCE S05°57'33"W 9.95 FEET; THENCE N87°14'57"W 133.98 FEET; THENCE N02°30'22"E 318.58 TO THE POINT OF BEGINNING, AND CONTAINING 1.409 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT-OF-WAY OF APPLEBY ROAD ON THE NORTH, AND ANY RIGHTS-OF-WAY, EASEMENTS, COVENANTS, OR RESTRICTIONS OF RECORD OR FACT.

SURVEY DESCRIPTION TRACT 3:

PART OF THE S1/2 OF THE NW1/4 OF THE NW1/4 OF SECTION 35, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NW CORNER OF TRACT 3 PER PLAT FILED, DOCUMENT NUMBER 2002-069391 DATED MAY 15, 2002; THENCE S87°31'36"E 174.09 FEET; THENCE S02°30'22"W 318.58 FEET; THENCE N87°14'57"W 175.77 FEET; THENCE N02°48'32"E 317.73 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1.278 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT-OF-WAY OF APPLEBY ROAD ON THE NORTH, AND ANY RIGHTS-OF-WAY, EASEMENTS, COVENANTS, OR RESTRICTIONS OF RECORD OR FACT.

Left on 1st reading
ANX 03-2.00 (Shiloh)
9/16/03
B. 5.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of: September 16, 2003

FROM:

Dawn Warrick	Planning	CP&E
Name	Division	Department

ACTION REQUIRED: Ordinance Approval.

SUMMARY EXPLANATION:

ANX 03-02.00 was submitted by Geoff Bates of Keystone Consulting Engineers on behalf of Shiloh Community Church for property located north of Mt. Comfort Road and west of Rupple Road. The subject property is in the county and contains approximately 3.95 acres. The request is to be annexed into the City of Fayetteville.

STAFF RECOMMENDATION:
Staff recommends approval.

Division Head — 8/26/03 Date

City Attorney — 8/27/03 Date

Department Director — 8-29-03 Date

Finance & Internal Services Dir. — 8-27-03 Date

Chief Administrative Officer — 8-27-03 Date

Mayor — 8/25/03 Date

Received in Mayor's Office 8/27/03 pm

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No

ENTERED 8/26/03 TLH

ORDINANCE NO.

AN ORDINANCE CONFIRMING THE ANNEXATION TO THE CITY OF FAYETTEVILLE, ARKANSAS, OF 3.95 ACRES LOCATED NORTH OF MT. COMFORT ROAD AND WEST OF RUPPLE ROAD OWNED BY SHILOH COMMUNITY CHURCH

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

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

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

Section 3. That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4. That the above-described property is hereby assigned to Ward No. four.

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

By:_____
Dan Coody, Mayor

ATTEST:

By:_____
Sondra Smith, City Clerk

EXHIBIT "A"
ANX 03-02.00

A PART OF THE FRACTIONAL N1/2 OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 31 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SW1/4 OF FRACTIONAL SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST, SAID SOUTHEAST CORNER BEING ON THE PROPOSED WEST LINE OF CLABBER CREEK SUBDIVISION PHASE II; THENCE ALONG SAID WEST LINE S03°03'28"W 255.42 FEET TO AN IRON PIN FOUND AT THE NORTHWEST CORNER OF A TRACT OF LAND RECORDED AS DEED 2002101566 AND THE POINT OF BEGINNING; THENCE S87°14'06"E 249.89 FEET TO A FOUND IRON PIN; THENCE S03°01'57"W 872.38 FEET; THENCE N87°07'12"W 60.00 FEET; THENCE N03°01'57"E 244.64 FEET; THENCE N87°07'12"W 191.63 FEET TO A FOUND IRON PIN; THENCE N03°11'30"E 627.25 FEET TO THE POINT OF BEGINNING, CONTAINING 3.95 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT-OF-WAY OF MOUNT COMFORT ROAD ALONG THE SOUTH SIDE THEREOF, AND ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CC Meeting of September 16, 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, Community, Planning & Engineering Services Director
DATE:	August 26, 2003

ANX 03-02.00: Annexation (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mt. Comfort Road and west of Rupple Road. The subject property is in the county and contains approximately 3.95 acres. The request is to be annexed into the City of Fayetteville.

BACKGROUND:

Property description: The subject property is vacant and the configuration of this request is a flag lot surrounding an existing duplex (Stephens). The property contains approximately 3.95 acres and is adjacent to the city limits along the eastern boundary where the Clabber Creek subdivision is under construction.

Proposal: The applicant proposes to develop a church on the subject property. An associated request for P-1 zoning *(PC recommended RSF-4 zoning)* has been submitted for consideration.

Request: The request is to annex the subject property into the city of Fayetteville.

Recommendation: With the installation of a new fire station on Rupple Road, a project which is in the design phase currently, and improvements to the street infrastructure in this area, staff is able to recommend that this property be annexed into the city. The applicant has also joined with adjacent property owners to coordinate annexation of three total properties in order to avoid creation of an island or peninsula configuration which can be problematic for service providers. Development on this site will be regulated by the city allowing for a more uniform and consistent development pattern making better use of city infrastructure.

CURRENT STATUS:

On June 9, 2003, the Planning Commission tabled this item at the request of the applicant. Staff was not recommending in favor of the annexation at that time. Staff's recommendation was later amended to reflect changed conditions (inclusion of one additional property in the annexation request, progress on the development of a new fire station to serve the west side of Fayetteville, recommended improvements on Mt. Comfort Rd. and the Rupple Rd. intersection). On August 25, 2003, the Planning Commission voted 8-0-0 to forward this item to the City Council with a recommendation for approval of the annexation with companion annexation and rezoning requests for this and adjoining properties.

RECOMMENDATION:

The Planning Commission and staff recommend <u>approval</u> of the requested annexation based on the findings included in the attached staff report with the following condition(s):

1. At the time of development of the subject property the developer shall verify that Mt. Comfort Rd. between this site and Rupple Rd. has a minimum paved width of 24'.
2. At the time of development of the subject property the developer shall verify that the intersection of Rupple Rd. and Mt. Comfort Rd. has drive lanes with a minimum width of 22' each – this refers to the 'Y' of Rupple Rd. where it intersects Mt. Comfort Rd.
3. At the time that it becomes available, the existing duplex on the adjoining property *(a companion request)* shall be connected to the city's sanitary sewer system.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of August 25, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
THRU: Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE: August 21, 2003

ANX 03-02.00: Annexation (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mt. Comfort Road and west of Rupple Road. The subject property is in the county and contains approximately 3.95 acres. The request is to be annexed into the City of Fayetteville.

RECOMMENDATION:
Staff recommends approval of the requested annexation based on the findings included as part of this report with the following condition(s):

1. **At the time of development of the subject property the developer shall verify that Mt. Comfort Rd. between this site and Rupple Rd. has a minimum paved width of 24'.**

2. **At the time of development of the subject property the developer shall verify that the intersection of Rupple Rd. and Mt. Comfort Rd. has drive lanes with a minimum width of 22' each – this refers to the 'Y' of Rupple Rd. where it intersects Mt. Comfort Rd.**

3. **At the time that it becomes available, the existing duplex on the adjacent property *(a companion request)* shall be connected to the city's sanitary sewer system.**

PLANNING COMMISSION ACTION:	**Required**	**YES**	
	✗ Approved		**○ Denied**
Date: August 25, 2003			
CITY COUNCIL ACTION:	**Required**	**YES**	
	○ Approved		**○ Denied**
Date: September 16, 2003 (1st reading if recommended)			

BACKGROUND:
Property description: The subject property is vacant and the configuration of this request is a flag lot surrounding an existing duplex (Stephens). The property contains approximately 3.95 acres and is adjacent to the city limits along the eastern boundary where the Clabber Creek subdivision is under construction.

Proposal: The applicant proposes to develop a church on the subject property. An associated request for P-1 zoning has been submitted for consideration.

Request: The request is to annex the subject property into the city of Fayetteville.

Recommendation: With the installation of a new fire station on Rupple Road, a project which is in the design phase currently, and improvements to the street infrastructure in this area, staff is able to recommend that this property be annexed into the city. The applicant has also joined with adjacent property owners to coordinate annexation of three total properties in order to avoid creation of an island or peninsula configuration which can be problematic for service providers. Development on this site will be regulated by the city allowing for a more uniform and consistent development pattern making better use of city infrastructure.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Vacant / Agricultural	R-1, Low Density Residential
South	Single Family Residential	R-1, Low Density Residential
East	Clabber Creek Phase II (SFR)	R-1, Low Density Residential
West	Vacant	County, No Designated Zoning

INFRASTRUCTURE:

Streets: Access and the only available street frontage is on Mt. Comfort Rd. along the south boundary of the site. Mt. Comfort Rd. in this location is classified a minor arterial on the master street plan. It is not built to that standard.

If development occurs on this site, Mt. Comfort Road would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

Water: The property currently has access to a 4" and 8" waterline along Mt. Comfort Road. The Clabber Creek Phase II subdivision to the east also has 8" lines proposed.

Sewer: Sewer is not currently available to this property.

The nearest sewer main is located to the south of Mt. Comfort Road. This area of

town has been identified as an area of concern for sewer service. The Hamestring Creek lift station is currently being upgraded to handle existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

Fire: The subject property is located 3.4 miles from Fire Station #2. Normal driving time is 5 min. 9 seconds. Water supply will be necessary for this property to develop.

LAND USE PLAN: General Plan 2020 designates this site as Residential.

FINDINGS:

11.6 ANNEXATION GUIDING POLICIES

BOUNDARIES

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: The requested annexation with companion requests for Stephens and Coger will not create an island or peninsula. The configuration of this proposal is consistent with the City's adopted policy for annexations.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation area is adjacent and contiguous to the City Limits.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: This area does not consist of defined subdivisions or neighborhoods, however development plans will include the extension of single family neighborhoods into this area with amenities such as a church. The duplex on the subject property will be incorporated into this new neighborhood as it develops.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: Proposed boundaries follow property lines or desired property.

11.6.e Timing of services within annexation areas should be considered.

Finding: Current conditions result in a response time of just over 5 minutes for fire protection. The installation of a new fire station on Rupple Road in the future,

as planned will reduce response time. Any development in this area would necessitate installation of hydrants to provide for fire protection. A turn lane and other improvements to Mt. Comfort Road would be likely should this property develop. Sewer service is not currently available in this location. Upgrades to the Hamestring Creek lift station were recently approved and should be completed this summer.

When it becomes available sewer will be extended to the duplex on this property. Ordinance requirements state that once a property is located within

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: **N/A**

EMERGENCY AND PUBLIC SERVICES

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: **The police department reports that current levels of service would not be compromised and that coverage in this area can be provided. Fire station #7 will serve this area once it is completed. This improvement will reduce response time from over 5 minutes to approximately 3 minutes 43 seconds. Improvements to adjacent properties during the development of new subdivisions and other projects will allow this site to connect to the citys sanitary sewer system eliminating the need for the existing septic system.**

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: **With the pending installation of a new fire station in the general area, service will be able to be provided at a more appropriate level of service with a shorter response time than what can be provided to the site currently. Sewer improvements to the area are needed for existing and already approved developments.**

11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: **These factors were taken into consideration in the responses and recommendations included in this report.**

INFRASTRUCTURE AND UTILITIES

11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: **Water, fire and police protection are currently provided in this area.**

11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: **Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property.**

11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: **The proposed annexation is not part of a phased annexation initiated by the City.**

INTERGOVERNMENTAL RELATIONS

11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: **N/A**

11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: **N/A**

ADMINISTRATION OF ANNEXATIONS

11.6.o Designate zoning districts for the property during the annexation process.

Finding: **Annexations are automatically zoned A-1, Agricultural. The applicant is requesting to rezone to P-1, Institutional. This zoning designation is compatible with the Residential classification of the area on the City's adopted Future Land Use Plan.**

11.6.p An annexation study should be completed on all annexation proposals.

Finding: **Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this request.**

11.6.q Development proposals require a separate review from the annexation proposals.

Finding: **Development of this property is proposed. The applicant will be required to submit project plans for review and approval by the Planning Commission for the single family subdivision proposed for this property.**

11.6.r Residents should be fully informed of annexation activities.

Finding: **Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.**

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: **This annexation is a part of a more comprehensive annexation, including three tracts of land for a total of 23.35 acres. The combined requests create a reasonable boundary avoiding the creation of islands or peninsulas.**

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: **N/A**

FAYETTEVILLE

FIRE MARSHAL'S OFFICE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED
JUN 0 3 2003
PLANNING DIV.

From: Fire Prevention Bureau

To: Planning Division

Date 06-03-03

REZONING ✓ ANNEXATION ✓

REZONING # 03-17.00 OWNER SHILOH Community Church
ANNEXATON# 03-02.00 OWNER SHILOH Comm. Church.
LOCATION OF PROPERTY North of Mt. Comfort Rd + West of Rupple Rd.

NEAREST FIRE STATION AND LOCATION Fire STATION #2 - GARLAND ST

RESPONSE TIME FROM FIRE STATION # 2 TO LOCATION OF PROPERTY 5 MINUTES 9 SECONDS.
TRAVEL MILES FROM FIRE STATION # 2 TO LOCATION OF PROPERTY 3.4 miles.
COMMENTS ON FIRE DEPT.
ACCESS/ROADWAYS Access would be req. for Fire Apparatus

EXISTING FIRE HYDRANTS? IF SO LOCATION There is an 8" water line that Feeds Bridgeport Sub.

WATER SUPPLY WITH HYDRANTS NEEDED? Yes - 8" Min

ADDITIONAL COMMENTS *STA 7 - 3.43 sec and 1.7 miles *

D Jones

MAIN OFFICE
115 SOUTH CHURCH ST.
(501) 444-3448 / (501) 444-3449
FAX (501) 575-8272

SUBSTATION
N.W.A. MALL
(501) 575-8271
FAX (501) 575-8272

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS — POLICE DEPARTMENT

June 3, 2003

Dawn Warrick AICP
Zoning and Development Director
City of Fayetteville
113 W. Mountain Street
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed annexation ANX 03-02.00 Shiloh Community Church and ANX 02-01.10 James Coger submitted by Keystone Consultants, Inc. would allow public services to be provided efficiently and at the same level of service of areas already in the city limits.

It is the opinion of the Fayetteville Police Department that we must return a determination in support of the annexation based on the criteria placed before us. In response to the question, "Would the annexed area receive the same level of service of areas already in the Fayetteville city limits?" We find the proposed annexed area is immediately adjacent to the Fayetteville city boundary and in fact there is a residential subdivision within the city limits one quarter mile west of this proposed site. There is a Middle School immediately adjacent to this site as well. We should be able to provide the same level of service to this proposed site as we would the school and the subdivision.

The factors considered to arrive at our determination included our ability to provide public services with existing equipment, training of personnel, number of units and response time. There should be no more additional requirements for equipment, training of personnel or patrol units to handle calls for service at this proposed site. The response time should be greater for this area than the school or the subdivision west of this location.

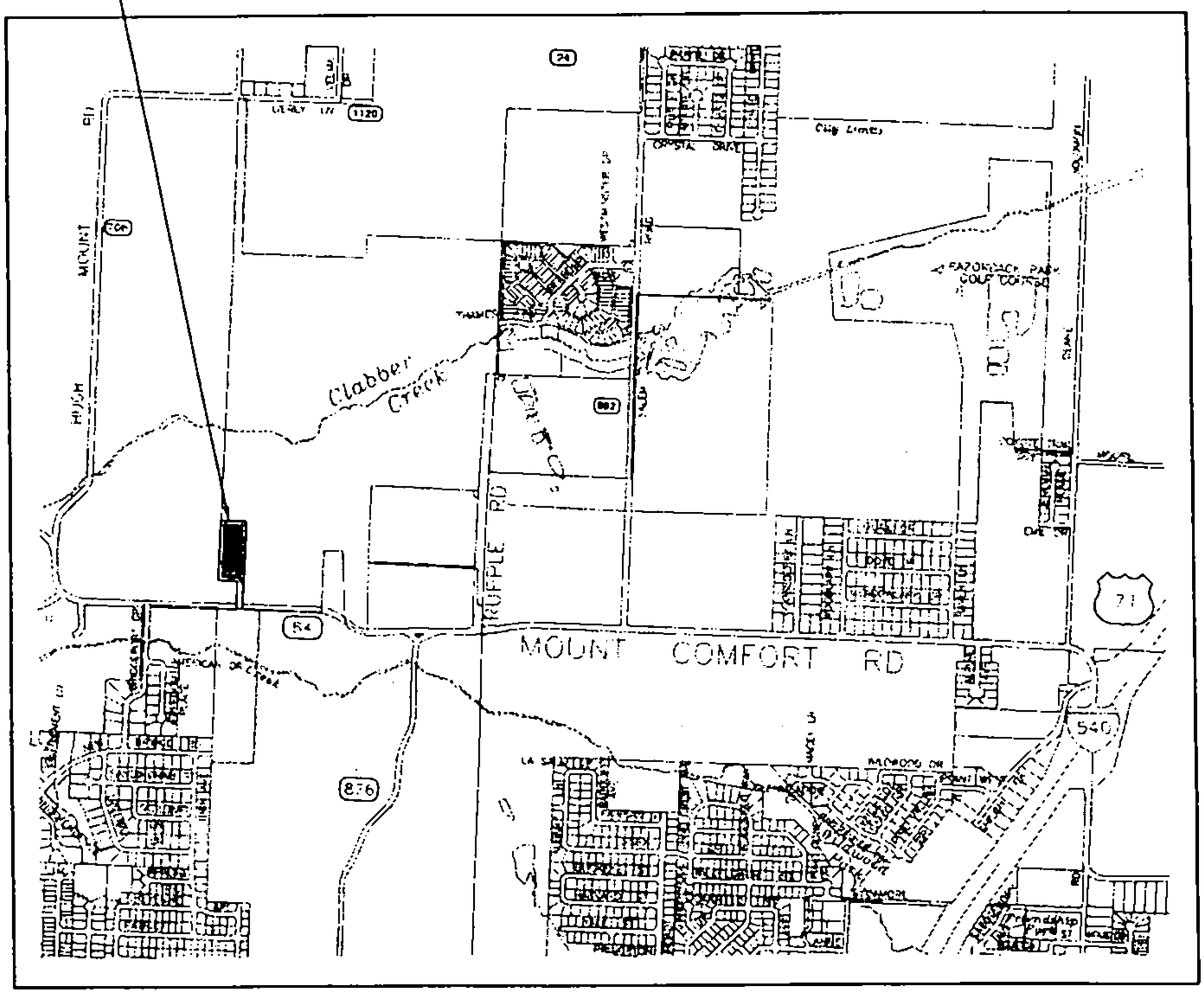
We hope you will find this information useful in your assessment.

Sincerely,

Captain Frank Johnson
Fayetteville Police Department

AYETTEVILLE POLICE DEPARTMENT
O. BOX 1988
AYETTEVILLE, ARKANSAS 72702-1988

(DELIVERIES) POLICE: 100-A WEST ROCK STREET 72701
JAIL: 140-A WEST ROCK STREET 72701
PHONE: 501-587-3555 FAX: 501-587-3522



VICINITY MAP
N.T.S.

NORTH

Drawing Name: JOBFILES\03008-00\ENG\DWG\VIC MAP.dwg
Time: 7:35
Scale: 1=5
Date: 5/19/2003

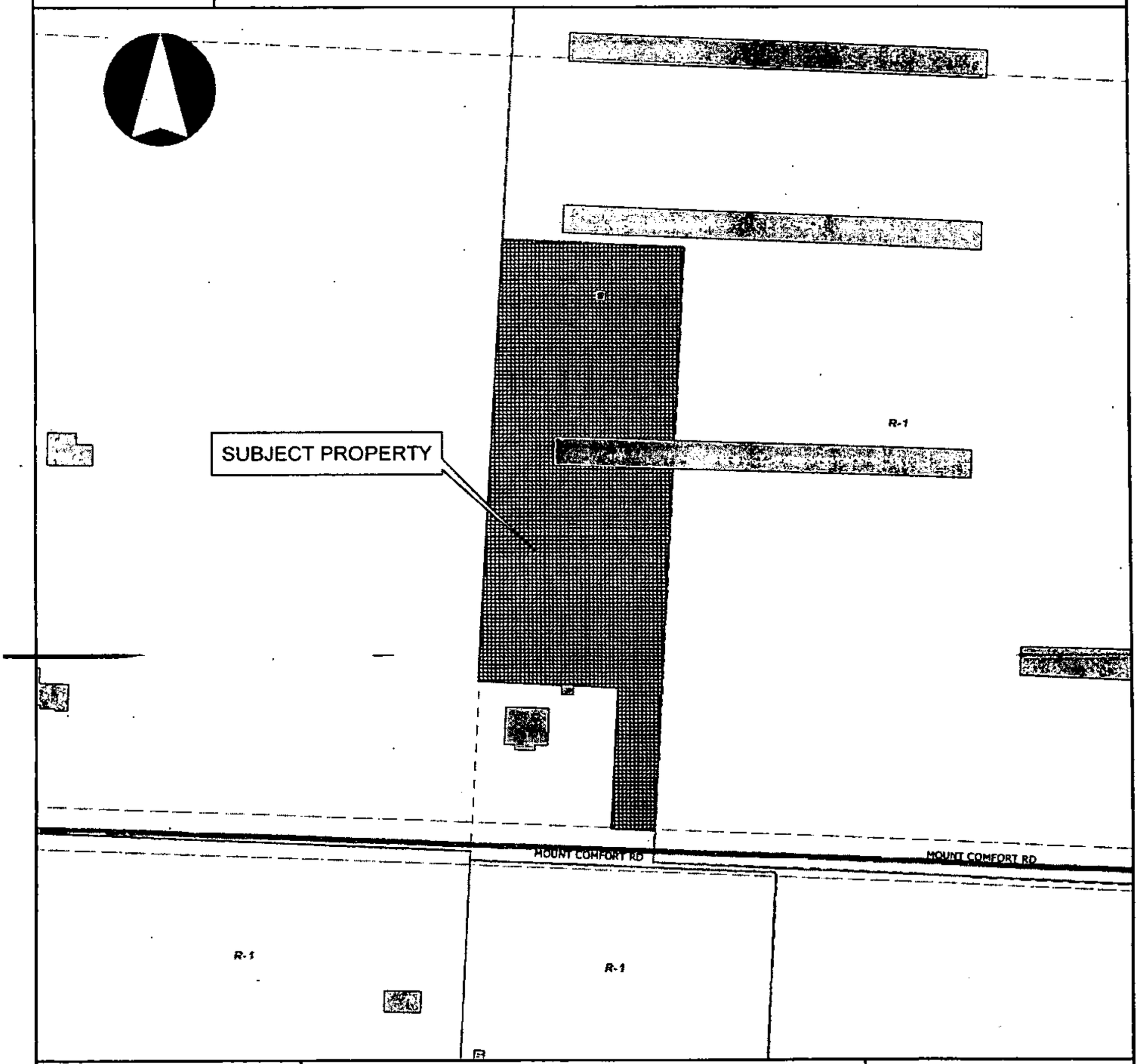
RECEIVED
MAY 19 2003
PLANNING DIV.

Keystone Consultants, Inc.
5571 Bleaux Ave., Springdale, AR 72762
PH: 479.750.2920 FAX: 479.750.0853
Civil Engineering / Planning & Design

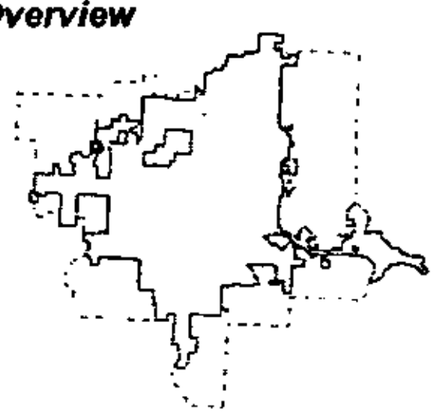
ANX03-2.00

Close Up View

SHILOH COMMUNITY CHURCH



Overview



Legend

Subject Property

ANX03-2.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

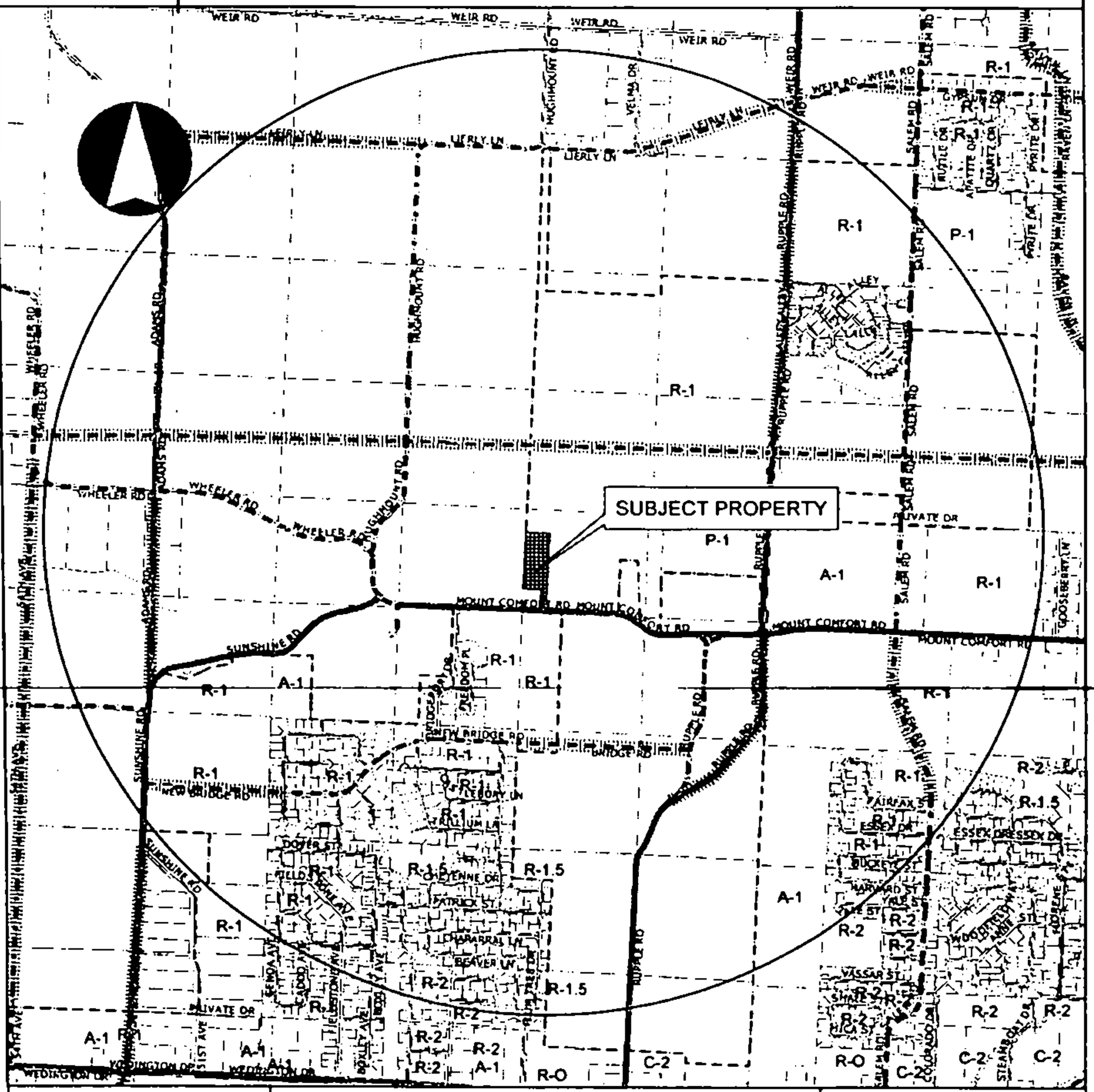
0 75 150 300 450 600

Feet

ANX03-02.00

One Mile View

SHILOH COMMUNITY CHURCH



Left ANX 03-3.00 (Coger) 1st reading 9/16/03 B 6.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of: September 16, 2003

FROM:

Dawn Warrick	Planning	CP&E
Name	Division	Department

ACTION REQUIRED: Ordinance Approval.

SUMMARY EXPLANATION:

ANX 03-03.00 was submitted by Geoff Bates of Keystone Consultants on behalf of James Coger for property located north of Mt. Comfort Road and west of Rupple Road. The subject property is in the county and contains approximately 18.38 acres. The request is to be annexed into the City of Fayetteville.

STAFF RECOMMENDATION:
Staff recommends approval.

Dawn Warrick — Division Head — 8/26/03 Date

D. P. White — City Attorney — 8/27/03 Date

Department Director — 8-29-03 Date

Finance & Internal Services Dir. — 8-27-03 Date

Chief Administrative Officer — 8-27-03 Date

Mayor — 8/27/03 Date

Received in Mayor's Office 8/27/03 Date TH

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No

ENTERED 9/26/03 TCH

ORDINANCE NO.

AN ORDINANCE CONFIRMING THE ANNEXATION TO THE CITY OF FAYETTEVILLE, ARKANSAS, OF 18.38 ACRES LOCATED NORTH OF MT. COMFORT ROAD AND WEST OF RUPPLE ROAD OWNED BY JAMES COGER.

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

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

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

Section 3. That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4. That the above-described property is hereby assigned to Ward No. four.

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

By:_____
Dan Coody, Mayor

ATTEST:

By:_____
Sondra Smith, City Clerk

EXHIBIT "A"
ANX 03-03.00

A PART OF THE FRACTIONAL NW1/4 OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 31 WEST, AND PART OF THE SOUTH ONE HALF OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SW1/4 OF SAID SECTION 31, THENCE S03°03'28"W 255.42 FEET TO AN IRON PIN FOUND AT THE NORTHWEST CORNER OF A TRACT OF LAND RECORDED AS DEED 2002101566; THENCE S03°11'30"W 831.42 FEET TO AN IRON PIN FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MOUNT COMFORT ROAD; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N87°51'54"W 514.65 FEET TO A FOUND IRON PIN; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE N03°06'36"E 1458.56 FEET TO A FOUND IRON PIN; THENCE N71°57'36"E 552.65 FEET; THENCE S03°05'59"W 562.37 FEET TO THE POINT OF BEGINNING, CONTAINING 18.38 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

EXHIBIT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CC Meeting of September 16, 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, Community, Planning & Engineering Services Director
DATE:	August 26, 2003

ANX 03-03.00: Annexation (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Rupple Road. The subject property is in the county and contains approximately 18.38 acres. The request is to be annexed into the City of Fayetteville.

BACKGROUND:

Property description: The subject property is vacant. The property is adjacent to the city limits along the eastern boundary where the Clabber Creek subdivision is under construction. The applicant in the past has submitted plans to develop this 18.38 acre tract into a single family residential subdivision within the county. Because the property immediately adjoins the city, all subdivision regulations are applied to development proposals.

Proposal: The applicant proposes to develop a single family subdivision on the subject property. An associated request for RSF-4 zoning has been submitted for consideration.

Request: The request is to annex the subject property into the city of Fayetteville.

Recommendation: With the installation of a new fire station on Rupple Road, a project which is in the design phase currently, and improvements to the street infrastructure in this area, staff is able to recommend that this property be annexed into the city. The applicant has also joined with adjacent property owners to coordinate annexation of three total properties in order to avoid creation of an island or peninsula configuration which can be problematic for service providers. Development on this site will be regulated by the city allowing for a more uniform and consistent development pattern making better use of city infrastructure.

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RECOMMENDATION:

The Planning Commission and staff recommend <u>approval</u> of the requested annexation based on the findings included in the attached staff report with the following condition(s):

1. At the time of development of the subject property the developer shall verify that Mt. Comfort Rd. between this site and Rupple Rd. has a minimum paved width of 24'.
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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of August 25, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
THRU: Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE: August 21, 2003

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3. **At the time that it becomes available, the existing duplex on the adjacent property *(a companion request)* shall be connected to the city's sanitary sewer system.**

PLANNING COMMISSION ACTION:	**Required**	**YES**
	✗ Approved	**○ Denied**
Date: August 25, 2003		
CITY COUNCIL ACTION:	**Required**	**YES**
	○ Approved	**○ Denied**
Date: September 16, 2003 (1st reading if recommended)		

K:\REPORTS\2003\PC REPORTS\08-25\ANX03-3_COGER_REV.DOC

BACKGROUND:
Property description: The subject property is vacant. The property is adjacent to the city limits along the eastern boundary where the Clabber Creek subdivision is under construction. The applicant in the past has submitted plans to develop this 18.38 acre tract into a single family residential subdivision within the county. Because the property immediately adjoins the city, all subdivision regulations are applied to development proposals.

Proposal: The applicant proposes to develop a single family subdivision on the subject property. An associated request for RSF-4 zoning has been submitted for consideration.

Request: The request is to annex the subject property into the city of Fayetteville.

Recommendation: With the installation of a new fire station on Rupple Road, a project which is in the design phase currently, and improvements to the street infrastructure in this area, staff is able to recommend that this property be annexed into the city. The applicant has also joined with adjacent property owners to coordinate annexation of three total properties in order to avoid creation of an island or peninsula configuration which can be problematic for service providers. Development on this site will be regulated by the city allowing for a more uniform and consistent development pattern making better use of city infrastructure.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
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South	Single Family Residential	R-1, Low Density Residential
East	Clabber Creek Phase II (SFR)	R-1, Low Density Residential
West	Vacant	County, No Designated Zoning

INFRASTRUCTURE:

Streets: Access and the only available street frontage is on Mt. Comfort Rd. along the south boundary of the site. Mt. Comfort Rd. in this location is classified a minor arterial on the master street plan. It is not built to that standard.

If development occurs on this site, Mt. Comfort Road would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

Water: The property currently has access to a 4" and 8" waterline along Mt. Comfort Road. The Clabber Creek Phase II subdivision to the east also has 8" lines proposed.

Sewer: Sewer is not currently available to this property.

The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamestring Creek lift station is currently being upgraded to handle existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

Fire: The subject property is located 3.4 miles from Fire Station #2. Normal driving time is 5 min. 9 seconds. Water supply will be necessary for this property to develop.

LAND USE PLAN: General Plan 2020 designates this site as **Residential.**

FINDINGS:

11.6 ANNEXATION GUIDING POLICIES

BOUNDARIES

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: The requested annexation with companion requests for Stephens and Shiloh Community Church will not create an island or peninsula. The configuration of this proposal is consistent with the City's adopted policy for annexations.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation area is adjacent and contiguous to the City Limits.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: This area does not consist of defined subdivisions or neighborhoods, however development plans will include the extension of single family neighborhoods into this area with amenities such as a church. The duplex on the subject property will be incorporated into this new neighborhood as it develops.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: Proposed boundaries follow property lines or desired property.

11.6.e Timing of services within annexation areas should be considered.

Finding: Current conditions result in a response time of just over 5 minutes for fire

protection. The installation of a new fire station on Rupple Road in the future, as planned will reduce response time. Any development in this area would necessitate installation of hydrants to provide for fire protection. A turn lane and other improvements to Mt. Comfort Road would be likely should this property develop. Sewer service is not currently available in this location. Upgrades to the Hamestring Creek lift station were recently approved and should be completed this summer.

When it becomes available sewer will be extended to the duplex on this property. Ordinance requirements state that once a property is located within

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: **N/A**

EMERGENCY AND PUBLIC SERVICES

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: **The police department reports that current levels of service would not be compromised and that coverage in this area can be provided. Fire station #7 will serve this area once it is completed. This improvement will reduce response time from over 5 minutes to approximately 3 minutes 43 seconds. Improvements to adjacent properties during the development of new subdivisions and other projects will allow this site to connect to the citys sanitary sewer system eliminating the need for the existing septic system.**

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: **With the pending installation of a new fire station in the general area, service will be able to be provided at a more appropriate level of service with a shorter response time than what can be provided to the site currently. Sewer improvements to the area are needed for existing and already approved developments.**

11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: **These factors were taken into consideration in the responses and recommendations included in this report.**

INFRASTRUCTURE AND UTILITIES

11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: **Water, fire and police protection are currently provided in this area.**

11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: **Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property.**

11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: **The proposed annexation is not part of a phased annexation initiated by the City.**

INTERGOVERNMENTAL RELATIONS

11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: **N/A**

11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: **N/A**

ADMINISTRATION OF ANNEXATIONS

11.6.o Designate zoning districts for the property during the annexation process.

Finding: **Annexations are automatically zoned A-1, Agricultural. The applicant is requesting to rezone to RSF-4, Residential single family, 4 units/acre. This zoning designation is compatible with the Residential classification of the area on the City's adopted Future Land Use Plan.**

11.6.p An annexation study should be completed on all annexation proposals.

Finding: **Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and**

services are available to serve this request.

11.6.q Development proposals require a separate review from the annexation proposals.

Finding: **Development of this property is proposed. The applicant will be required to submit project plans for review and approval by the Planning Commission for the single family subdivision proposed for this property.**

11.6.r Residents should be fully informed of annexation activities.

Finding: **Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.**

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: **This annexation is a part of a more comprehensive annexation, including three tracts of land for a total of 23.35 acres. The combined requests create a reasonable boundary avoiding the creation of islands or peninsulas.**

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: **N/A**

FAYETTEVILLE

FIRE MARSHAL'S OFFICE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED
JUN 0 3 2003
PLANNING DIV.

From: Fire Prevention Bureau

To: Planning Division

Date 6-3-03

REZONING ✓ ANNEXATION ✓

REZONING # 03-18.00 OWNER James Coger
ANNEXATON# 03-03.00 OWNER James Coger
LOCATION OF
PROPERTY North of Mt Comfort Rd & West of Rupple Rd.

NEAREST FIRE STATION AND
LOCATION Fire STATION # 2 Garland ST.

RESPONSE TIME FROM FIRE STATION # 2 TO
LOCATION OF
PROPERTY 5 MINUTES 30 SECONDS.
TRAVEL MILES FROM FIRE STATION # 2 TO LOCATION OF
PROPERTY 3.6 mls.
COMMENTS ON FIRE DEPT.
ACCESS/ROADWAYS Access would be required for Fire Apparatus

EXISTING FIRE HYDRANTS? IF SO
LOCATION 8" Line That Feeds Bridgepoint Sub.

WATER SUPPLY WITH HYDRANTS
NEEDED? Yes - 8" Min

ADDITIONAL
COMMENTS STA 7 - 3.43 sec. and 1.7 miles +
DFS

MAIN OFFICE
115 SOUTH CHURCH ST.
(501) 444-3448 / (501) 444-3449
FAX (501) 575-8272

SUBSTATION
N.W.A. MALL
(501) 575-8271
FAX (501) 575-8272

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS — POLICE DEPARTMENT

June 3, 2003

Dawn Warrick AICP
Zoning and Development Director
City of Fayetteville
113 W. Mountain Street
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed annexation ANX 03-02.00 Shiloh Community Church and ANX 02-01.10 James Coger submitted by Keystone Consultants, Inc. would allow public services to be provided efficiently and at the same level of service of areas already in the city limits.

It is the opinion of the Fayetteville Police Department that we must return a determination in support of the annexation based on the criteria placed before us. In response to the question, "Would the annexed area receive the same level of service of areas already in the Fayetteville city limits?" We find the proposed annexed area is immediately adjacent to the Fayetteville city boundary and in fact there is a residential subdivision within the city limits one quarter mile west of this proposed site. There is a Middle School immediately adjacent to this site as well. We should be able to provide the same level of service to this proposed site as we would the school and the subdivision.

The factors considered to arrive at our determination included our ability to provide public services with existing equipment, training of personnel, number of units and response time. There should be no more additional requirements for equipment, training of personnel or patrol units to handle calls for service at this proposed site. The response time should be greater for this area than the school or the subdivision west of this location.

We hope you will find this information useful in your assessment.

Sincerely,

Captain Frank Johnson
Fayetteville Police Department

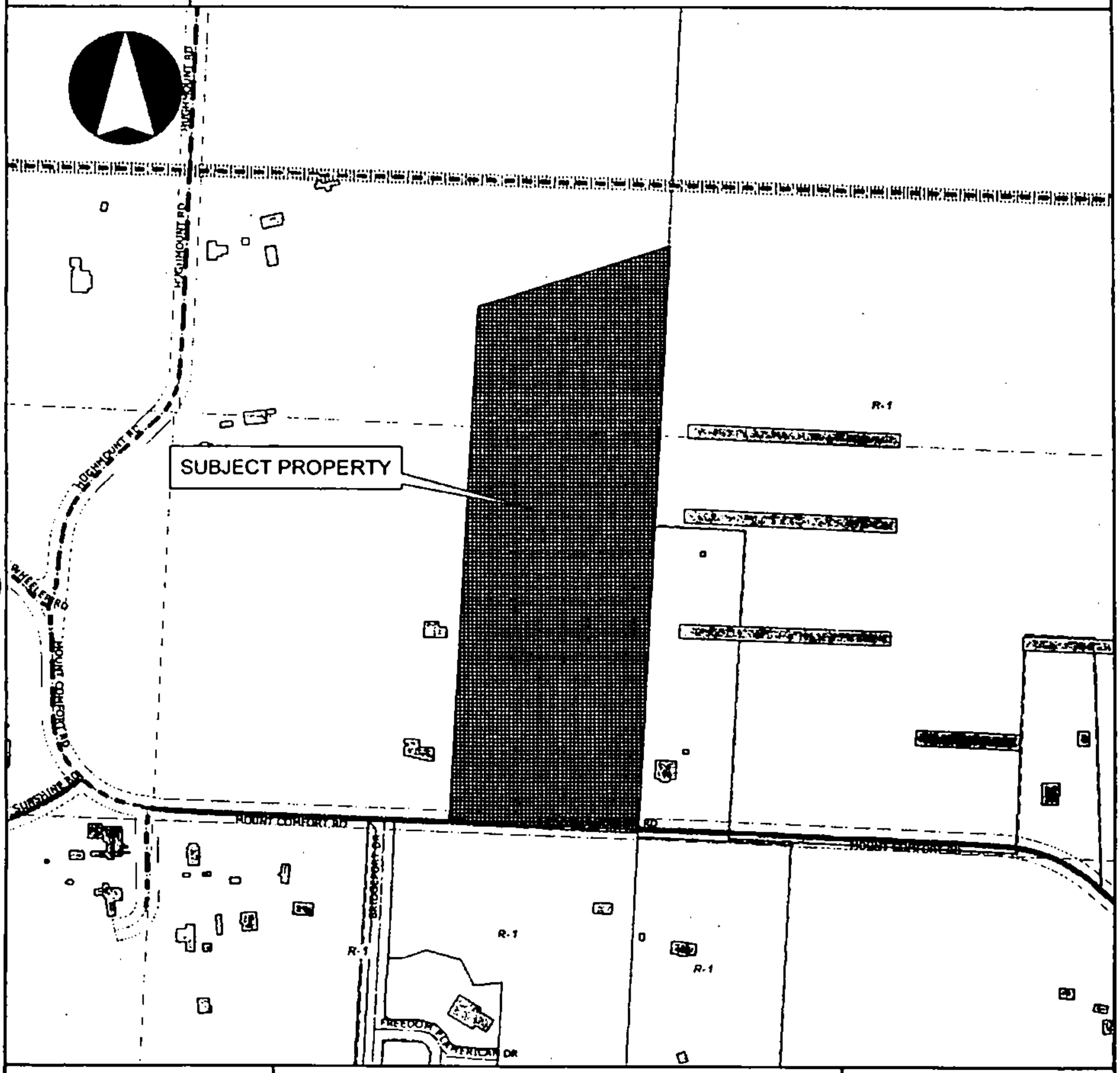
ETTEVILLE POLICE DEPARTMENT
BOX 1988
ETTEVILLE, ARKANSAS 72702-1988

(DELIVERIES) POLICE: 100-A WEST ROCK STREET 72701
JAIL: 140-A WEST ROCK STREET 72701
PHONE: 501-587-3555 FAX: 501-587-3522

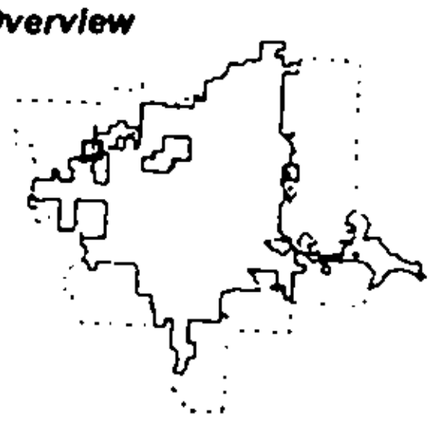
ANX03-03.00

Close Up View

JAMES COGER



Overview



Legend

Subject Property

ANX03-03.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

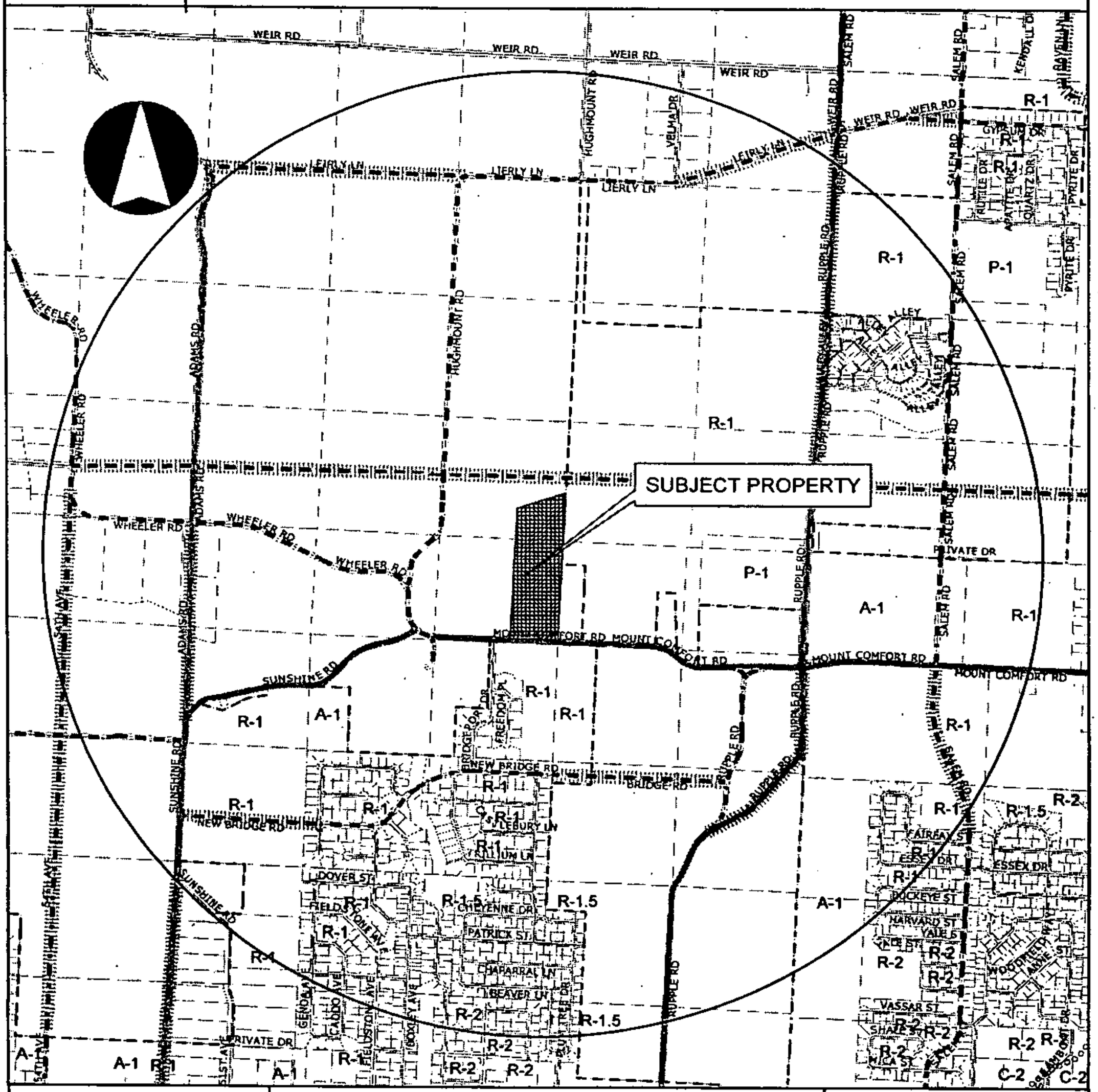
0 150 300 600 900 1,200

Feet

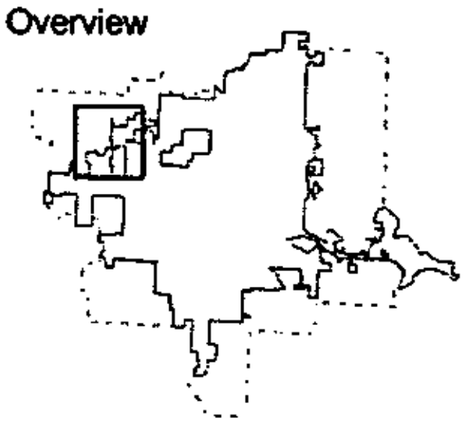
ANX03-03.00

One Mile View

JAMES COGER



Overview



Legend

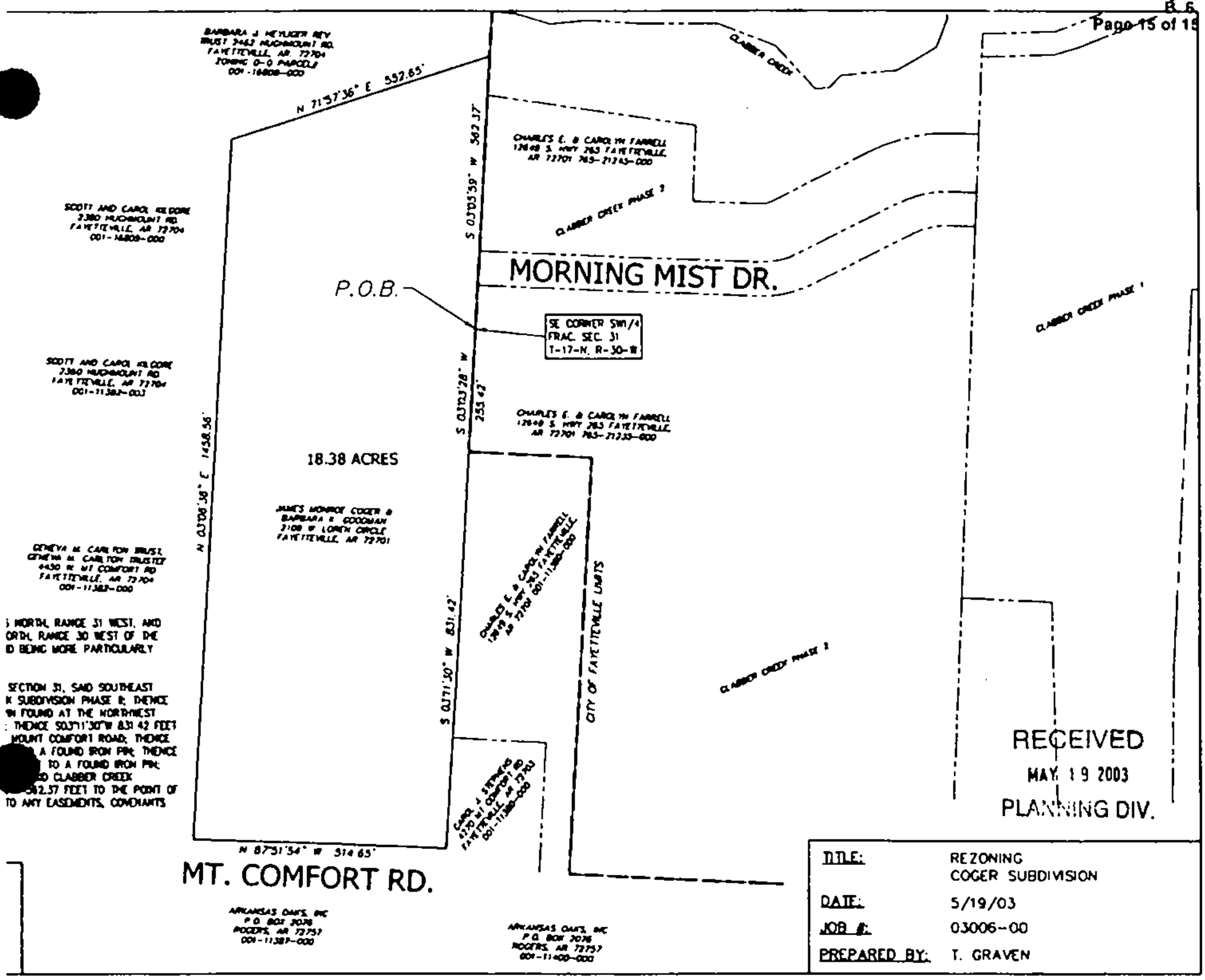
Subject Property
ANX03-03.00

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



S NORTH, RANGE 31 WEST, AND ORTH, RANGE 30 WEST OF THE ID BEING MORE PARTICULARLY

SECTION 31, SAID SOUTHEAST K SUBDIVISION PHASE II; THENCE N FOUND AT THE NORTHWEST ; THENCE S03°11'30"W 831.42 FEET MOUNT COMFORT ROAD; THENCE A FOUND IRON PIN; THENCE TO A FOUND IRON PIN; D CLABBER CREEK 562.37 FEET TO THE POINT OF TO ANY EASEMENTS, COVENANTS

RECEIVED
MAY 19 2003
PLANNING DIV.

TITLE:	REZONING COGER SUBDIVISION
DATE:	5/19/03
JOB #:	03006-00
PREPARED BY:	T. GRAVEN

Left on 1st reading
ANX 03-4.00 (Stephens)
9/16/03
Page 1 of 13

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of: September 16, 2003

FROM:

Dawn Warrick	Planning	CP&E
Name	Division	Department

ACTION REQUIRED: Ordinance Approval.

SUMMARY EXPLANATION:

ANX 03-04.00 was submitted by Geoff Bates of Keystone Consultants on behalf of Carol Stephens for property located at 4270 Mt. Comfort Road. The property is in the county and contains approximately 1.08 acres. The request is to be annexed into the City of Fayetteville.

STAFF RECOMMENDATION:
Staff recommends approval.

Division Head	8/26/03 Date	Received in Mayor's Office	8/27/03 Date
City Attorney	8/27/03 Date		
Department Director	8-29-03 Date	Cross Reference:	
Finance & Internal Services Dir.	8-27-03 Date	Previous Ord/Res#:	
Chief Administrative Officer	8-27-03 Date	Orig. Contract Date:	
Mayor	8/25/03 Date	Orig. Contract Number:	
		New Item:	Yes No

ORDINANCE NO.

AN ORDINANCE CONFIRMING THE ANNEXATION TO THE CITY OF FAYETTEVILLE, ARKANSAS, OF 1.08 ACRES LOCATED NORTH OF MT. COMFORT ROAD AND WEST OF RUPPLE ROAD OWNED BY CAROL STEPHENS.

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

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

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

Section 3. That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4. That the above-described property is hereby assigned to Ward No. four.

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

By:_____
Dan Coody, Mayor

ATTEST:

By:_____
Sondra Smith, City Clerk

EXHIBIT "A"
ANX 03-04.00

A PART OF THE FRACTIONAL N ½ OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 31 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SW ¼ OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST, THENCE S03°03'28"W 882.42 FEET TO A FOUND IRON PIN, AND THE POINT OF BEGINNING; THENCE S87°07'12"E 191.63 FEET, THENCE S03°01'57"W 244.64 FEET; THENCE N87°07'12"W 192.31 FEET; THENCE N03°11'30"E 244.64 FEET, TO THE POINT OF BEGINNING, CONTAINING 46,964 SQUARE FEET OR 1.08 ACRES, MORE OR LESS, AND BEING SUBJECT TO THE RIGHT OF WAY OF MT. COMFORT ROAD ALONG THE SOUTH SIDE THEREOF AND ANY EASEMENTS, COVENANTS OR RETSRICTIONS OF RECORD OR FACT.

COPY

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CC Meeting of September 16, 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, Community, Planning & Engineering Services Director
DATE: August 26, 2003

ANX 03-04.00: Annexation (Stephens, pp 321) was submitted by Geoffrey Bates, P.E. of Keystone Consultants, Inc. on behalf of Carol Stephens for property located at 4270 Mt. Comfort Road. The property is in the county and contains approximately 1.08 acres. The request is to be annexed into the City of Fayetteville.

BACKGROUND:
Property description: The subject property is located between two tracts which area also petitioning for annexation at this time. There is one duplex currently located on this 1.08 acre site.

Proposal: No further development is proposed at this time.

Request: The request is to annex the subject property into the city of Fayetteville.

Recommendation: With the installation of a new fire station on Rupple Road, a project which is in the design phase currently, and improvements to the street infrastructure in this area, staff is able to recommend that this property be annexed into the city. The applicant has also joined with adjacent property owners to coordinate annexation of three total properties in order to avoid creation of an island or peninsula configuration which can be problematic for service providers. Any future development on this site will be regulated by the city allowing for a more uniform and consistent development pattern making better use of city infrastructure. The existing duplex will be able to eliminate the need for a septic system once surrounding development brings sanitary sewer into the area.

CURRENT STATUS:
On August 25, 2003, the Planning Commission voted 8-0-0 to forward this item to the City Council with a recommendation for approval of the annexation with companion annexation and rezoning requests for this and adjoining properties. This property was the island which was not included in the original annexation requests for the companion items. The property owner was approached and agreed to annex in order for the group of properties to be more consistent with the City's annexation policy.

RECOMMENDATION:
The Planning Commission and staff recommend approval of the requested annexation based on the findings included in the attached staff report with the following condition(s):

1. At the time of development of the subject property the developer shall verify that Mt. Comfort Rd. between this site and Rupple Rd. has a minimum paved width of 24'.
2. At the time of development of the subject property the developer shall verify that the intersection of Rupple Rd. and Mt. Comfort Rd. has drive lanes with a minimum width of 22' each – this refers to the 'Y' of Rupple Rd. where it intersects Mt. Comfort Rd.
3. At the time that it becomes available, the existing duplex on this property shall be connected to the city's sanitary sewer system.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CC Meeting of September 16, 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, Community, Planning & Engineering Services Director
DATE: August 26, 2003

ANX 03-04.00: Annexation (Stephens, pp 321) was submitted by Geoffrey Bates, P.E. of Keystone Consultants, Inc. on behalf of Carol Stephens for property located at 4270 Mt. Comfort Road. The property is in the county and contains approximately 1.08 acres. The request is to be annexed into the City of Fayetteville.

BACKGROUND:
Property description: The subject property is located between two tracts which area also petitioning for annexation at this time. There is one duplex currently located on this 1.08 acre site.

Proposal: No further development is proposed at this time.

Request: The request is to annex the subject property into the city of Fayetteville.

Recommendation: With the installation of a new fire station on Rupple Road, a project which is in the design phase currently, and improvements to the street infrastructure in this area, staff is able to recommend that this property be annexed into the city. The applicant has also joined with adjacent property owners to coordinate annexation of three total properties in order to avoid creation of an island or peninsula configuration which can be problematic for service providers. Any future development on this site will be regulated by the city allowing for a more uniform and consistent development pattern making better use of city infrastructure. The existing duplex will be able to eliminate the need for a septic system once surrounding development brings sanitary sewer into the area.

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RECOMMENDATION:
The Planning Commission and staff recommend approval of the requested annexation based on the findings included in the attached staff report with the following condition(s):

1. At the time of development of the subject property the developer shall verify that Mt. Comfort Rd. between this site and Rupple Rd. has a minimum paved width of 24'.
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3. At the time that it becomes available, the existing duplex on this property shall be connected to the city's sanitary sewer system.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of August 25, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
THRU: Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE: August 21, 2003

ANX 03-04.00: Annexation (Stephens, pp 321) was submitted by Geoffrey Bates, P.E. of Keystone Consultants, Inc. on behalf of Carol Stephens for property located at 4270 Mt. Comfort Road. The property is in the county and contains approximately 1.08 acres. The request is to be annexed into the City of Fayetteville.

RECOMMENDATION:
Staff recommends approval of the requested annexation based on the findings included as part of this report with the following condition(s):

1. **At the time of development of the subject property the developer shall verify that Mt. Comfort Rd. between this site and Rupple Rd. has a minimum paved width of 24'.**

2. **At the time of development of the subject property the developer shall verify that the intersection of Rupple Rd. and Mt. Comfort Rd. has drive lanes with a minimum width of 22' each – this refers to the 'Y' of Rupple Rd. where it intersects Mt. Comfort Rd.**

3. **At the time that it becomes available, the existing duplex on this property shall be connected to the city's sanitary sewer system.**

PLANNING COMMISSION ACTION:	**Required** **YES**	
	O Approved	**O Denied**
Date: August 25, 2003		
CITY COUNCIL ACTION:	**Required** **YES**	
	O Approved	O Denied
Date: **September 16, 2003 (1st reading if recommended)**		

K:\Reports\2003\PC REPORTS\08-25\anx03-4_stephens.doc

BACKGROUND:
Property description: The subject property is located between two tracts which are also petitioning for annexation at this time. There is one duplex currently located on this 1.08 acre site.

Proposal: No further development is proposed at this time.

Request: The request is to annex the subject property into the city of Fayetteville.

Recommendation: With the installation of a new fire station on Rupple Road, a project which is in the design phase currently, and improvements to the street infrastructure in this area, staff is able to recommend that this property be annexed into the city. This action will result in the elimination of the existing septic system as soon as sanitary sewer is available through adjacent development. Future changes or additional development on this site will be regulated by the city allowing for a more uniform and consistent development pattern.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Vacant / Agricultural	RSF-4
South	Single Family Residential	RSF-4
East	Clabber Creek Phase II (SFR)	RSF-4
West	Vacant	County, No Designated Zoning

INFRASTRUCTURE:
Streets: Access and the only available street frontage is on Mt. Comfort Rd. along the south boundary of the site. Mt. Comfort Rd. in this location is classified a minor arterial on the master street plan. It is not built to that standard.

If development occurs on this site, Mt. Comfort Road would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

Water: The property currently has access to a 4" and 8" waterline along Mt. Comfort Road. The Clabber Creek Phase II subdivision to the east also has 8" lines proposed.

Sewer: Sewer is not currently available to this property.

The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamestring Creek lift station is currently being upgraded to handle existing flows and any development proposed at the time of the study earlier this year. This upgrade

should be completed this summer.

Fire: The subject property is located 3.4 miles from Fire Station #2. Normal driving time is 5 min. 9 seconds. Water supply will be necessary for this property to develop.

LAND USE PLAN: General Plan 2020 designates this site as **Residential**.

FINDINGS:

11.6 ANNEXATION GUIDING POLICIES

BOUNDARIES

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: **The requested annexation with companion requests for James Coger and Shiloh Community Church will not create an island or peninsula. The configuration of this proposal is consistent with the City's adopted policy for annexations.**

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: **The proposed annexation area is adjacent and contiguous to the City Limits.**

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: **This area does not consist of defined subdivisions or neighborhoods, however development plans will include the extension of single family neighborhoods into this area with amenities such as a church. The duplex on the subject property will be incorporated into this new neighborhood as it develops.**

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: **Proposed boundaries follow property lines or desired property lines and not existing roads, streams or other natural corridors.**

11.6.e Timing of services within annexation areas should be considered.

Finding: **Annexation at this time would require extension of sewer lines. Current conditions result in a response time of just over 5 minutes for fire protection. The installation of a new fire station on Rupple Road in the future, as planned would reduce response time. Any development in this area would necessitate**

installation of hydrants to provide for fire protection. A turn lane and other improvements to Mt. Comfort Road would be likely should this property develop. Sewer service is not currently available in this location. Upgrades to the Hamestring Creek lift station were recently approved and should be completed this summer.

When it becomes available sewer will be extended to the duplex on this property. Ordinance requirements state that once a property is located within

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: **N/A**

EMERGENCY AND PUBLIC SERVICES

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: **The police department reports that current levels of service would not be compromised and that coverage in this area can be provided. Fire station #7 will serve this area once it is completed. This improvement will reduce response time from over 5 minutes to approximately 3 minutes 43 seconds. Improvements to adjacent properties during the development of new subdivisions and other projects will allow this site to connect to the citys sanitary sewer system eliminating the need for the existing septic system.**

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: **With the pending installation of a new fire station in the general area, service will be able to be provided at a more appropriate level of service with a shorter response time than what can be provided to the site currently. Sewer improvements to the area are needed for existing and already approved developments.**

11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: **These factors were taken into consideration in the responses and recommendations included in this report.**

INFRASTRUCTURE AND UTILITIES

11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: **Water, fire and police protection are currently provided in this area.**

11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: **Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property.**

11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: **The proposed annexation is not part of a phased annexation initiated by the City.**

INTERGOVERNMENTAL RELATIONS

11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: **N/A**

11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: **N/A**

ADMINISTRATION OF ANNEXATIONS

11.6.o Designate zoning districts for the property during the annexation process.

Finding: **Annexations are automatically zoned A-1, Agricultural. The applicant is requesting to rezone to RSF-4, Residential single family, 4 units/acre. This zoning designation is compatible with the Residential classification of the area on the City's adopted Future Land Use Plan.**

11.6.p An annexation study should be completed on all annexation proposals.

Finding: **Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this request.**

11.6.q Development proposals require a separate review from the annexation proposals.

Finding: **Development of this property is not proposed at this time, there is an existing duplex located on the site.**

11.6.r Residents should be fully informed of annexation activities.

Finding: **Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.**

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: **This annexation is a part of a more comprehensive annexation, including three tracts of land for a total of 23.35 acres. The combined requests create a reasonable boundary avoiding the creation of islands or peninsulas.**

11.6.t Conduct a fiscal impact assessments on large annexations.

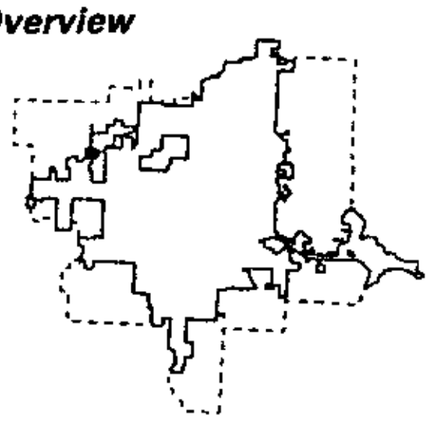
Finding: **N/A**

ANX03-04.00

Close Up View

STEPHENS

Overview



Legend

Subject Property

ANX03-04.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

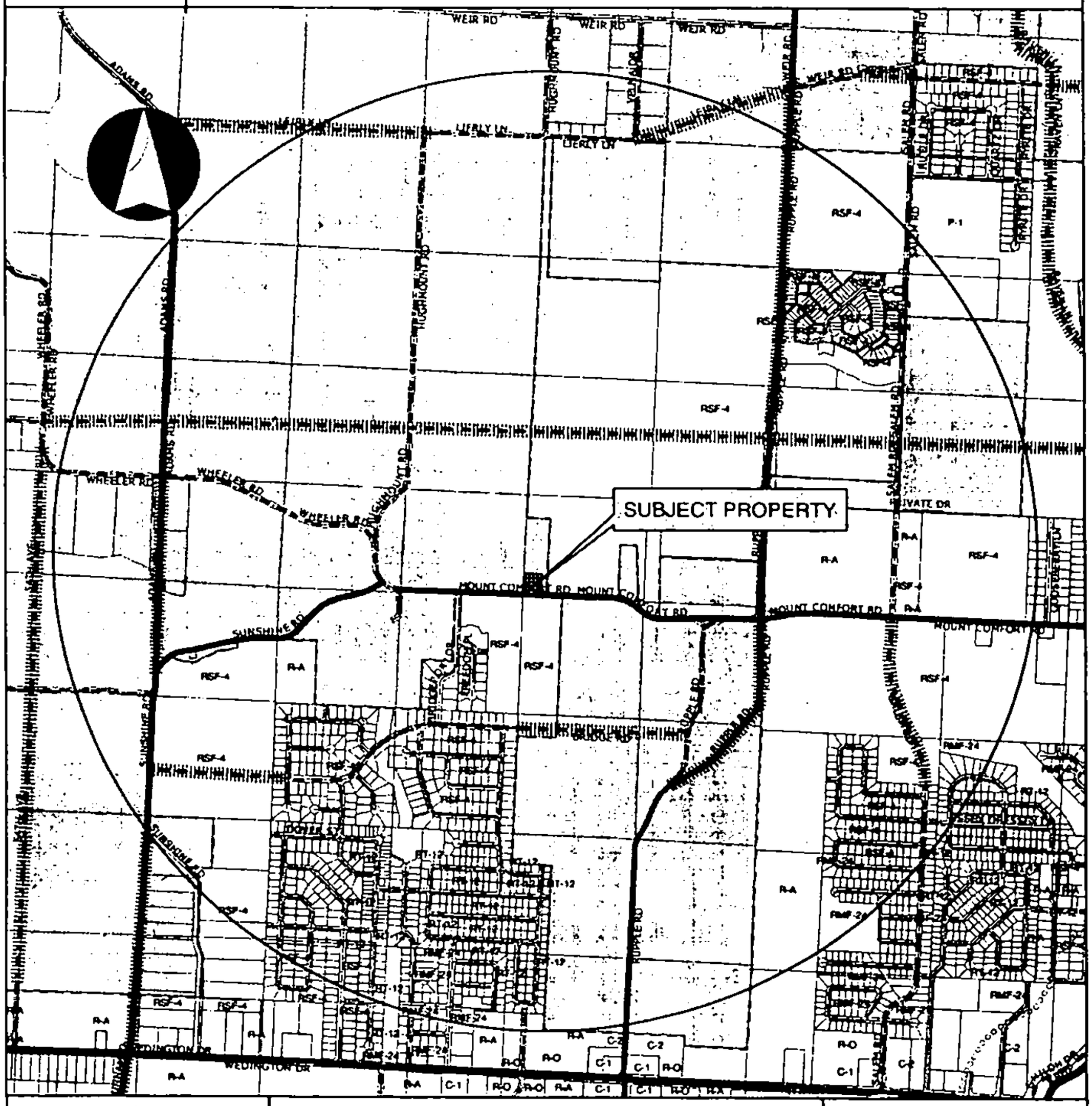
0 75 150 300 450 600

Feet

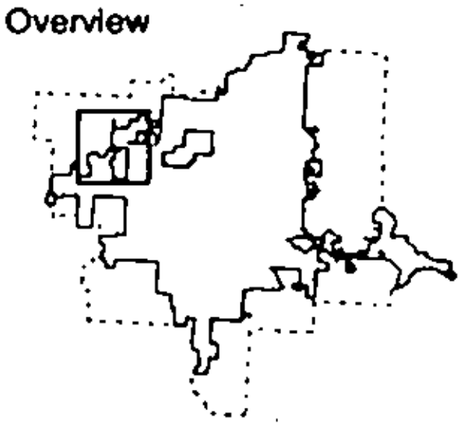
ANX03-04.00

One Mile View

STEPHENS



Overview



Legend

Subject Property
- ANX03-04.00

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

Zoning 1st Reading
RZN 03-17.00 (Shiloh Church)
9/16/03
Page 1 of 17

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of: September 16, 2003

FROM:

Dawn Warrick	Planning	CP&E
Name	Division	Department

ACTION REQUIRED: Ordinance Approval.

SUMMARY EXPLANATION:

RZN 03-17.00 was submitted by Geoff Bates of Keystone Consultants on behalf of Shiloh Community Church for property located north of Mt. Comfort Road and west of Rupple Road. The subject property is proposed to be annexed into the City of Fayetteville and contains approximately 3.95 acres. The request is to rezone the property from R-A, Residential Agricultural to RSF-4, Residential Single-Family, four units per acre.

STAFF RECOMMENDATION:
Staff recommends approval.

Dawn J. Warrick — Division Head — 8/26/03 Date

Received in Mayor's Office — 8/27/03 Date

D. J. White — City Attorney — 8/27/03 Date

E. Conklin — Department Director — 8-29-03 Date

Steve Dawson — Finance & Internal Services Dir. — 8-27-03 Date

Hugh Earnest — Chief Administrative Officer — 8-27-03 Date

Dan Coody — Mayor — 8/5/03 Date

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No

ENTERED 9/26/03 CM

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 03-17.00 AS SUBMITTED BY GEOFF BATES OF KEYSTONE CONSULTANTS ON BEHALF OF SHILOH COMMUNITY CHURCH FOR 3.95 ACRES LOCATED NORTH OF MT. COMFORT ROAD AND WEST OF RUPPLE ROAD.

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-A, Residential Agricultural to RSF-4, Residential Single-Family, Four Units Per Acre as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

DRAFT

EXHIBIT "A"
RZN 03-17.00

A PART OF THE FRACTIONAL N1/2 OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 31 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SW1/4 OF FRACTIONAL SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST, SAID SOUTHEAST CORNER BEING ON THE PROPOSED WEST LINE OF CLABBER CREEK SUBDIVISION PHASE II; THENCE ALONG SAID WEST LINE S03°03'28"W 255.42 FEET TO AN IRON PIN FOUND AT THE NORTHWEST CORNER OF A TRACT OF LAND RECORDED AS DEED 2002101566 AND THE POINT OF BEGINNING; THENCE S87°14'06"E 249.89 FEET TO A FOUND IRON PIN; THENCE S03°01'57"W 872.38 FEET; THENCE N87°07'12"W 60.00 FEET; THENCE N03°01'57"E 244.64 FEET; THENCE N87°07'12"W 191.63 FEET TO A FOUND IRON PIN; THENCE N03°11'30"E 627.25 FEET TO THE POINT OF BEGINNING, CONTAINING 3.95 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT-OF-WAY OF MOUNT COMFORT ROAD ALONG THE SOUTH SIDE THEREOF, AND ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CC Meeting of September 16, 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, Zoning & Development Administrator, AICP
THRU: Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE: August 26, 2003

RZN 03-17.00: Rezoning (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mr. Comfort Road and west of Rupple Road. The subject property is zoned R-A, Residential-Agricultural and contains approximately 3.95 acres. The request is to rezone property to P-1, Institutional.

BACKGROUND:
Property description: The subject property is vacant and the configuration of this request is a flag lot surrounding an existing duplex. The property is adjacent to the city limits along the eastern boundary where the Clabber Creek subdivision is under construction.

Proposal: The applicant proposes to develop a church on the subject property.

Request: The request is to rezone the property P-1, Institutional.

CURRENT STATUS:
This item is a part of a group of annexation and rezoning requests for adjoining properties. On August 26, 2003, the Planning Commission voted 8-0-0 to forward this request to the City Council with a recommendation for approval of a rezoning to the RSF-4 district. This is different than the requested P-1 district, however, with a conditional use, the applicant may still process a request for development of a church on the subject property. Planning Commissioners stated that the RSF-4 district seemed more appropriate because the church could still be permitted, however other uses in the P-1 district which may not be as desirable to the neighborhood would have to be reviewed through a public hearing process should the church not develop or should the property redevelop in the future.

RECOMMENDATION:
The Planning Commission and staff recommend <u>approval</u> of this rezoning based on the findings included as a part of the attached staff report.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of August 25, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn Warrick, Zoning & Development Administrator, AICP
THRU: Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE: August 21, 2003

RZN 03-17.00: Rezoning (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mr. Comfort Road and west of Rupple Road. The subject property is zoned R-A, Residential-Agricultural and contains approximately 3.95 acres. The request is to rezone property to P-1, Institutional.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	**Required** **YES**	
	✗ Approved ***(RSF-4)***	**○ Denied**
Date: **August 25, 2003**		
CITY COUNCIL ACTION:	**Required** **YES**	
	○ Approved	**○ Denied**
Date: **September 16, 2003 (1st reading if recommended)**		

BACKGROUND:

Property description: The subject property is vacant and the configuration of this request is a flag lot surrounding an existing duplex. The property is adjacent to the city limits along the eastern boundary where the Clabber Creek subdivision is under construction.

Proposal: The applicant proposes to develop a church on the subject property.

Request: The request is to rezone the property P-1, Institutional.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Vacant / Agricultural	R-1, Low Density Residential
South	Single Family Residential	R-1, Low Density Residential
East	Clabber Creek Phase II (SFR)	R-1, Low Density Residential
West	Vacant	County, No Designated Zoning

INFRASTRUCTURE:

Streets: Access and the only available street frontage is on Mt. Comfort Rd. along the south boundary of the site. Mt. Comfort Rd. in this location is classified a minor arterial on the master street plan. It is not built to that standard.

If development occurs on this site, Mt. Comfort Road would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

Water: The property currently has access to a 4" and 8" waterline along Mt. Comfort Road. The Clabber Creek Phase II subdivision to the east also has 8" lines proposed.

Sewer: Sewer is not currently available to this property.

The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamestring Creek lift station is currently being upgraded to handle existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

Fire: The subject property is located 3.4 miles from Fire Station #2. Normal driving time is 5 min. 9 seconds. Water supply will be necessary for this property to develop.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to P-1, Institutional is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

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

Finding: **The proposed zoning for a church is a use that is compatible with residential uses. The general plan designates this area for residential uses. The inclusion of public or institutional uses such as schools and churches into residential areas is typical and encouraged. The ability of neighborhood residents to have ready access to these community facilities is beneficial and expected.**

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

Finding: **The proposed zoning is needed in order for the applicant to develop a church without additional conditional use approval in the current R-A zoning district.**

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

Finding: **The proposed zoning would create additional traffic for Mt. Comfort which is currently not built to the city's master street plan standard. With improvements to Mt. Comfort Rd. and the Rupple Rd. / Mt. Comfort Rd. intersection required for annexation of this property, some relief would be provided. At the time of development, additional improvements will be considered based on the project that is presented and its impact on the city's infrastructure.**

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

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

Engineering - **The property currently has access to a 4" water line and an 8" along Mt. Comfort Road. This line will be adequate to serve the proposed density of the site. The site does not currently have access to sanitary sewer service. If annexed, sanitary sewer will be required to be extended at the time of development. There is a 15" sewer main located across the property to the south of Mt. Comfort Road. There will also be 8" sewer mains installed on the adjacent property for the already approved Clabber Creek 2 Subdivision which will begin construction soon. All of the lines flow to the Hamstring Creek Lift Station. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer. If development occurs on this site, street improvements would be considered for the frontage along Mt. Comfort Road.**

Fire **- There is an existing 8" water line serving the Bridgeport Subdivision. Response time from the existing fire station (#2 at Garland & Eagle Sts.) is 5 minutes 30 seconds (3.6 miles), the new fire station on Rupple Rd. will serve this site once it is constructed. Response time from the new station (#7) will be 3 minutes 43 seconds (1.7 miles).**

Police **- Projects existing in this area already receive police services. The same level of service will be provided to this site as is currently applied to the existing city subdivision to the south and the nearby middle school. No additional equipment or personnel is needed to provide service to this area.**

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

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

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

Finding: **N/A**

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	One-half

(D) Bulk and area regulations.

Lot width minimum	200 ft.
Lot Area Minimum: Residential: Nonresidential:	 2 acres 2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.22 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) Setback regulations.

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	20 ft.
Side, when contiguous to a residential district	25 ft.
Rear	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 60 % of the total area of such lot.

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.07 District Rsf-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

FAYETTEVILLE

FIRE MARSHAL'S OFFICE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED
JUN 0 3 2003
PLANNING DIV.

From: Fire Prevention Bureau

To: Planning Division

Date 06-03-03

REZONING ✓ ANNEXATION ✓

REZONING # 03-17.00 OWNER Shiloh Community Church
ANNEXATON# 03-02.00 OWNER Shiloh Comm. Church.
LOCATION OF PROPERTY North of Mt. Comfort Rd + West of Rupple Rd.

NEAREST FIRE STATION AND LOCATION Fire Station #2 - Garland St

RESPONSE TIME FROM FIRE STATION # 2 TO LOCATION OF PROPERTY 5 MINUTES 9 SECONDS.
TRAVEL MILES FROM FIRE STATION # 2 TO LOCATION OF PROPERTY 3.4 miles.
COMMENTS ON FIRE DEPT. ACCESS/ROADWAYS Access would be req. for Fire Apparatus

EXISTING FIRE HYDRANTS? IF SO LOCATION There is an 8" water line that feeds Bridgeport Sub.

WATER SUPPLY WITH HYDRANTS NEEDED? Yes - 8" min

ADDITIONAL COMMENTS *STA 7 - 3.43 sec. and 1.7 miles *

DJ

MAIN OFFICE
115 SOUTH CHURCH ST.
(501) 444-3448 / (501) 444-3449
FAX (501) 575-8272

SUBSTATION
N.W.A. MALL
(501) 575-8271
FAX (501) 575-8272

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS — POLICE DEPARTMENT

June 3, 2003

Dawn Warrick AICP
Zoning and Development Director
City of Fayetteville
113 W. Mountain Street
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed annexation ANX 03-02.00 Shiloh Community Church and ANX 02-01.10 James Coger submitted by Keystone Consultants, Inc. would allow public services to be provided efficiently and at the same level of service of areas already in the city limits.

It is the opinion of the Fayetteville Police Department that we must return a determination in support of the annexation based on the criteria placed before us. In response to the question, "Would the annexed area receive the same level of service of areas already in the Fayetteville city limits?" We find the proposed annexed area is immediately adjacent to the Fayetteville city boundary and in fact there is a residential subdivision within the city limits one quarter mile west of this proposed site. There is a Middle School immediately adjacent to this site as well. We should be able to provide the same level of service to this proposed site as we would the school and the subdivision.

The factors considered to arrive at our determination included our ability to provide public services with existing equipment, training of personnel, number of units and response time. There should be no more additional requirements for equipment, training of personnel or patrol units to handle calls for service at this proposed site. The response time should be greater for this area than the school or the subdivision west of this location.

We hope you will find this information useful in your assessment.

Sincerely,

Captain Frank Johnson
Fayetteville Police Department

YETTEVILLE POLICE DEPARTMENT
). BOX 1988
YETTEVILLE, ARKANSAS 72702-1988

(DELIVERIES) POLICE: 100-A WEST ROCK STREET 72701
JAIL: 140-A WEST ROCK STREET 72701
PHONE: 501-587-3555 FAX: 501-587-3522

KEYSTONE
Consultants, Inc.
Civil Engineering, Planning & Design

May 19, 2003

Mr. Tim Conklin
Planning
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Shiloh Community Church

Dear Mr. Conklin,

This letter is to request that the property owned by Shiloh Community Church that was recently annexed into the City of Fayetteville, be rezoned from A-1 to P-1. The Church is the current owner and does not plan to sell the property. The church is planning on developing the property by adding a sanctuary and recreation center and that is reason for requesting a zoning change. The rezoning will be similar to several R-1 zonings adjacent to the property and in the surrounding area and should fit well within the community. Also, both water and sewer are available to the site.

If you have any questions or require additional information, please feel free to call.

Sincerely

Keystone Consultants, Inc

Geoffrey H. Bates, P.E.
President / Partner

RECEIVED
MAY 19 2003
PLANNING DIV.

Office: 479-750-2920 Fax: 479-750-0953
5571 Bleaux Ave. Ste. A, Springdale, AR 72762 • P.O. Box 6485 Springdale, AR 72766

KEYSTONE
Consultants, Inc.
Civil Engineering, Planning & Design

May 19, 2003

Mr. Tim Conklin
Planning
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Shiloh Community Church

Dear Mr. Conklin,

This letter is in response to item 6 on the rezoning application.

1. The proposed P-1 zoning is consistent with the adjacent zonings in the area.
2. The zoning is needed in order to build a church on the site.
3. The development may increase traffic slightly on Sunday mornings.
4. The proposed will not affect the existing schools in the area or place an undesirable increase on the water and sewer facilities.
5. The property is currently zoned A-1. Therefore, the uses are very limited and the church could not build the much needed sanctuary.

If you have any questions or require additional information, please feel free to call.

Sincerely

Keystone Consultants, Inc

Geoffrey H. Bates, P.E.
President / Partner

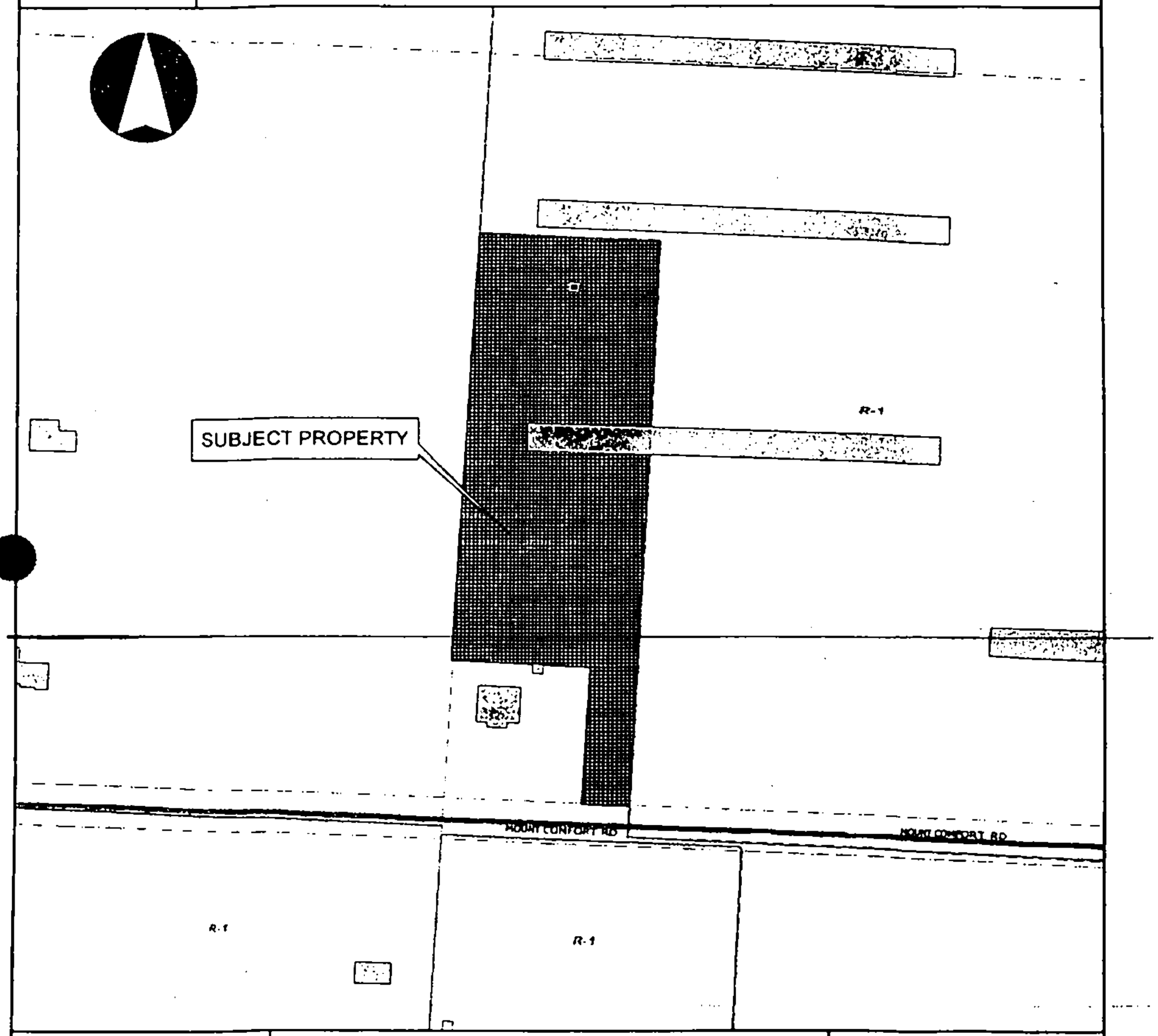
RECEIVED
MAY 19 2003
PLANNING DIV.

Office: 479-750-2920 Fax: 479-750-0953
5571 Bleaux Ave. Ste. A, Springdale, AR 72762 • P.O. Box 6485 Springdale, AR 72766

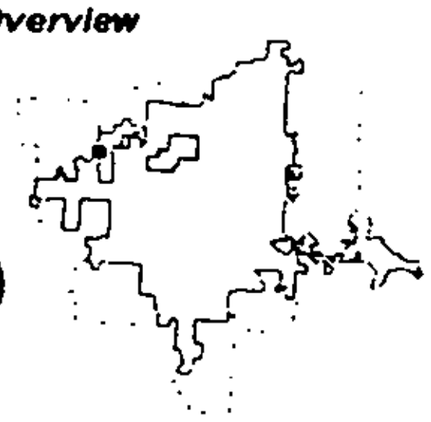
RZN03-17.00

Close Up View

SHILOH COMMUNITY CHURCH



Overview



Legend

Subject Property

RZN03-17.00

Streets

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Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

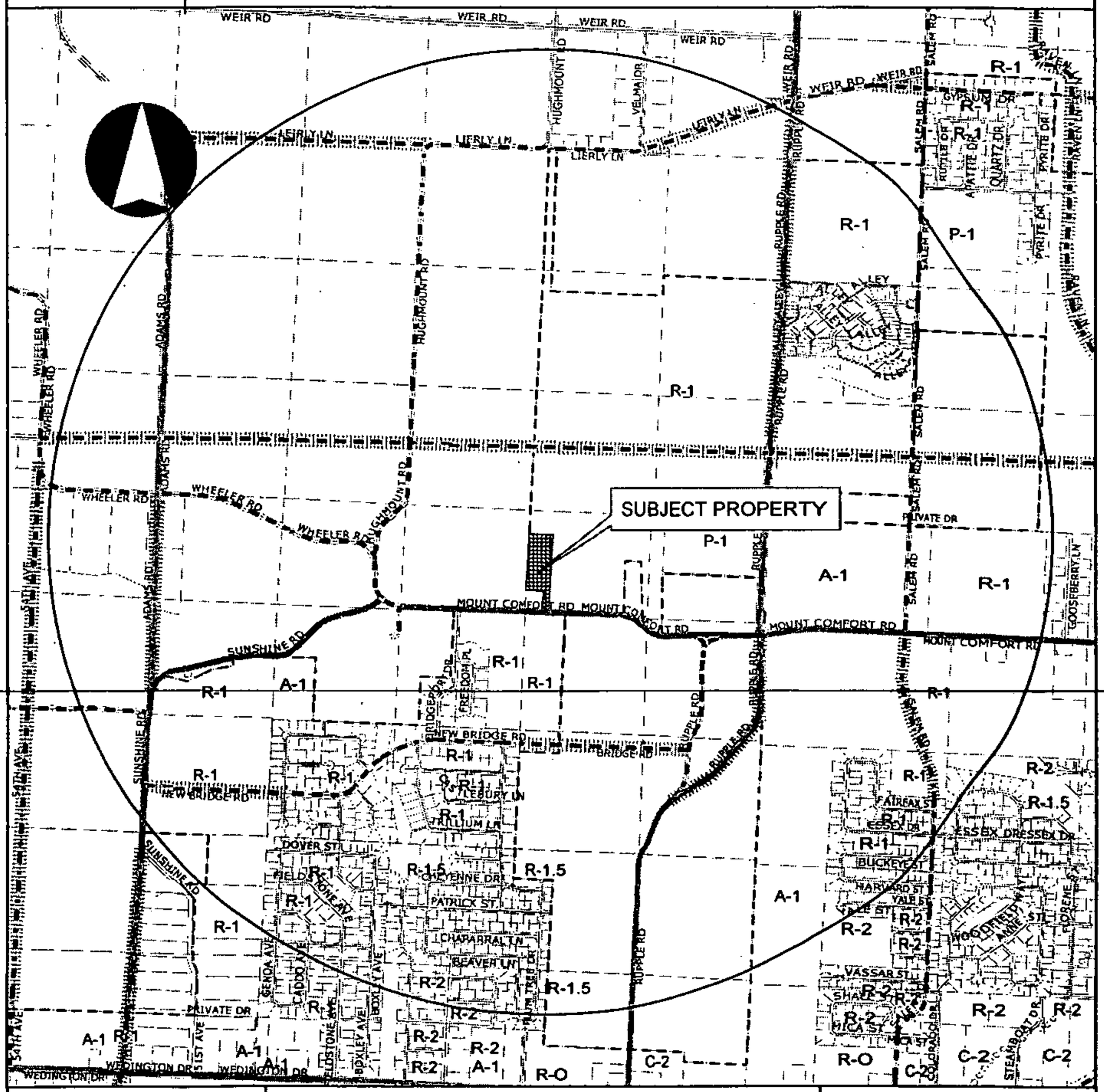
0 75 150 300 450 600

Feet

RZN03-17.00

One Mile View

SHILOH COMMUNITY CHURCH



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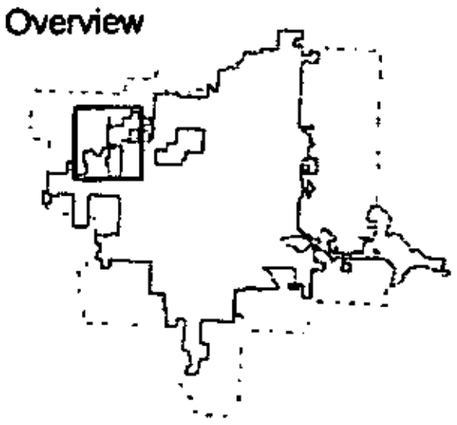

Legend

Subject Property

RZN03-17.00

Streets

Existing

Planned

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City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

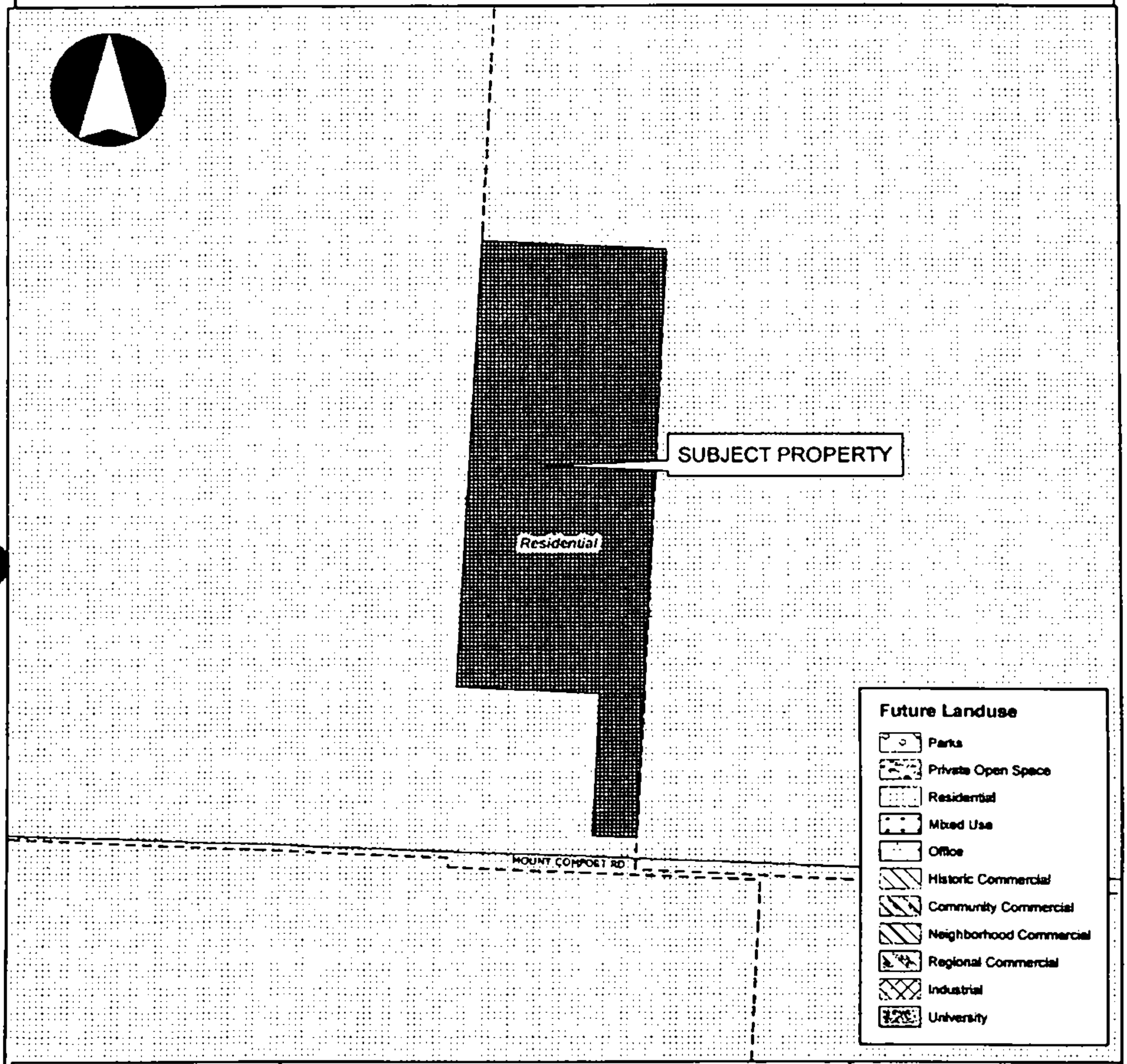
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

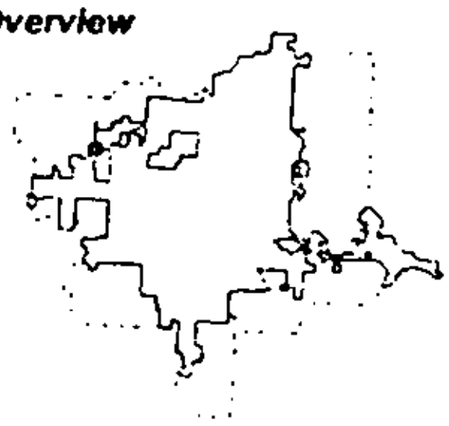
RZN03-17.00

Future Landuse

SHILOH COMMUNITY CHURCH



Overview



Legend

Subject Property
RZN03-17.00

Streets
Existing
Planned

Boundary
Planning Area
Overlay District
City Limits

Lefton 1st reading 9/16/03 B. 9.

RZN 03-18.00 (Coger)

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of: September 16, 2003

FROM:

Dawn Warrick	Planning	CP&E
Name	Division	Department

ACTION REQUIRED: Ordinance Approval.

SUMMARY EXPLANATION:

RZN 03-18.00 was submitted by Geoff Bates of Keystone Consultants on behalf of James Coger for property located north of Mt. Comfort Road and west of Rupple Road. The subject property is proposed to be annexed into the City of Fayetteville and contains approximately 18.38 acres. The request is to rezone from R-A, Residential Agricultural to RSF-4, Residential Single-Family, four units per acre.

STAFF RECOMMENDATION:
Staff recommends approval.

Dawn Warrick — Division Head — 8/26/03 Date

Received in Mayor's Office 8/27/03 Date

D. P. White — City Attorney — 8/27/03 Date

Department Director — 8-29-03 Date

Finance & Internal Services Dir. — 8-27-03 Date

Chief Administrative Officer — 8-27-03 Date

Mayor — 8/25/03 Date

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No

ENTERED 9/26/03 TLM

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 03-18.00 AS SUBMITTED BY GEOFF BATES OF KEYSTONE CONSULTANTS ON BEHALF OF JAMES COGER FOR 18.38 ACRES LOCATED NORTH OF MT. COMFORT ROAD AND WEST OF RUPPLE ROAD.

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-A, Residential Agricultural to RSF-4, Residential Single-Family, Four Units Per Acre as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

DRAFT

EXHIBIT "A"
RZN 03-18.00

A PART OF THE FRACTIONAL NW1/4 OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 31 WEST, AND PART OF THE SOUTH ONE HALF OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SW1/4 OF SAID SECTION 31, THENCE S03°03'28"W 255.42 FEET TO AN IRON PIN FOUND AT THE NORTHWEST CORNER OF A TRACT OF LAND RECORDED AS DEED 2002101566; THENCE S03°11'30"W 831.42 FEET TO AN IRON PIN FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MOUNT COMFORT ROAD; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N87°51'54"W 514.65 FEET TO A FOUND IRON PIN; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE N03°06'36"E 1458.56 FEET TO A FOUND IRON PIN; THENCE N71°57'36"E 552.65 FEET; THENCE S03°05'59"W 562.37 FEET TO THE POINT OF BEGINNING, CONTAINING 18.38 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CC Meeting of September 16, 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, Zoning & Development Administrator, AICP
THRU: Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE: August 26, 2003

RZN 03-18.00: Rezoning (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Rupple Road. The property is currently zoned R-A, Residential Agricultural and contains approximately18.38 acres. The request is to rezone the subject property to RSF-4, Residential single family, 4 units/acre.

BACKGROUND:
Property description: The subject property is vacant. The property is adjacent to the city limits along the eastern boundary where the Clabber Creek subdivision is under construction. The proposed zoning would allow for development of a single family subdivision containing a maximum of 73 lots.

Proposal: The applicant proposes to develop a single family subdivision on the subject property.

Request: The request is to rezone the property RSF-4.

CURRENT STATUS:
This item is a part of a group of annexation and rezoning requests for adjoining properties. On August 26, 2003, the Planning Commission voted 8-0-0 to forward this request to the City Council with a recommendation for approval of a rezoning to the RSF-4 district. There was no public comment on this item during the public hearing before the Planning Commission.

RECOMMENDATION:
The Planning Commission and staff recommend approval of this rezoning based on the findings included as a part of the attached staff report.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of August 25, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn Warrick, Zoning & Development Administrator, AICP
THRU: Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE: August 21, 2003

RZN 03-18.00: Rezoning (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Rupple Road. The property is currently zoned R-A, Residential Agricultural and contains approximately18.38 acres. The request is to rezone the subject property to RSF-4, Residential single family, 4 units/acre.

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

PLANNING COMMISSION ACTION:	**Required**	**YES**	
	✗ Approved		**○ Denied**
Date: August 25, 2003			
CITY COUNCIL ACTION:	**Required**	**YES**	
	○ Approved		**○ Denied**
Date: September 16, 2003 (1st reading if recommended)			

BACKGROUND:
Property description: The subject property is vacant. The property is adjacent to the city limits along the eastern boundary where the Clabber Creek subdivision is under construction. The proposed zoning would allow for development of a single family subdivision containing a maximum of 73 lots.

Proposal: The applicant proposes to develop a single family subdivision on the subject property.

Request: The request is to rezone the property RSF-4.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Vacant / Agricultural	R-1, Low Density Residential
South	Single Family Residential	R-1, Low Density Residential
East	Clabber Creek Phase II (SFR)	R-1, Low Density Residential
West	Vacant	County, No Designated Zoning

INFRASTRUCTURE:

Streets: Access and the only available street frontage is on Mt. Comfort Rd. along the south boundary of the site. Mt. Comfort Rd. in this location is classified a minor arterial on the master street plan. It is not built to that standard.

If development occurs on this site, Mt. Comfort Road would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

Water: The property currently has access to a 4" and 8" waterline along Mt. Comfort Road. The Clabber Creek Phase II subdivision to the east also has 8" lines proposed.

Sewer: Sewer is not currently available to this property.

The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamestring Creek lift station is currently being upgraded to handle existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

Fire: The subject property is located 3.4 miles from Fire Station #2. Normal driving time is 5 min. 9 seconds. Water supply will be necessary for this property to develop.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to RSF-4 is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

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

Finding: **The proposed zoning for a single family residential subdivision is compatible with proposed adjacent and nearby residential uses. The general plan designates this area for residential uses. Access and provision of adequate services must be considered as this site is at the outskirts of the city and located on a street which needs improvement.**

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

Finding: **The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. The rezoning is needed for the development of a single family subdivision as proposed by the applicant. A subdivision in the R-A district could be developed, however the lot size requirement would not allow for efficient use of existing infrastructure and provide compatibility with adjoining developments.**

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

Finding: **The proposed zoning will provide additional traffic on Mt. Comfort Rd. and other streets in the area. Off-site improvements would likely be necessary in order to provide safe access to this site.**

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

Finding: **The proposed zoning would increase population density. The tract under an R-A, Residential Agricultural designation would allow for a maximum of 36 dwelling units. With the proposed RSF-4 designation, 73 dwelling units would be permitted. This increases the possible number of residential units by 100%.**

Engineering **- The property currently has access to a 4" water line and an 8" along Mt. Comfort Road. This line will be adequate to serve the proposed density of the site. The site does not currently have access to sanitary sewer service. If annexed, sanitary sewer will be required to be extended at the time of development. There is a 15" sewer main located across the property to the south of Mt. Comfort Road. There will also be 8" sewer mains installed on the adjacent property for the already approved Clabber Creek 2 Subdivision which will begin construction soon. All of the lines flow to the Hamstring Creek Lift Station. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer. If development occurs on this site, street**

improvements would be considered for the frontage along Mt. Comfort Road.

Fire **- There is an existing 8" water line serving the Bridgeport Subdivision. Response time from the existing fire station (#2 at Garland & Eagle Sts.) is 5 minutes 30 seconds (3.6 miles), the new fire station on Rupple Rd. will serve this site once it is constructed. Response time from the new station (#7) will be 3 minutes 43 seconds (1.7 miles).**

Police **- Projects existing in this area already receive police services. The same level of service will be provided to this site as is currently applied to the existing city subdivision to the south and the nearby middle school. No additional equipment or personnel is needed to provide service to this area.**

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

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

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

Finding: N/A

161.07 District Rsf-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

FAYETTEVILLE

FIRE MARSHAL'S OFFICE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED
JUN 0 3 2003
PLANNING DIV.

From: Fire Prevention Bureau

To: Planning Division

Date 6-3-03

REZONING ✓ ANNEXATION ✓

REZONING # 03-18.00 OWNER James Coger
ANNEXATON# 03-03.00 OWNER James Coger
LOCATION OF
PROPERTY North of Mt Comfort Rd & West of Rupple Rd.

NEAREST FIRE STATION AND
LOCATION Fire STATION # 2 Garland ST.

RESPONSE TIME FROM FIRE STATION # 2 TO
LOCATION OF
PROPERTY 5 MINUTES 30 SECONDS.
TRAVEL MILES FROM FIRE STATION # 2 TO LOCATION OF
PROPERTY 3.6 mls.
COMMENTS ON FIRE DEPT.
ACCESS/ROADWAYS Access would be required for Fire Apparatus

EXISTING FIRE HYDRANTS? IF SO
LOCATION 8" Line That Feeds Bridgeport Sub.

WATER SUPPLY WITH HYDRANTS
NEEDED? Yes - 8" Min

ADDITIONAL
COMMENTS STA 7 - 3.43 sec. and 1.7 miles + ✓
DFM

MAIN OFFICE
115 SOUTH CHURCH ST.
(501) 444-3448 / (501) 444-3449
FAX (501) 575-8272

SUBSTATION
N.W.A. MALL
(501) 575-8271
FAX (501) 575-8272

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS — POLICE DEPARTMENT

June 3, 2003

Dawn Warrick AICP
Zoning and Development Director
City of Fayetteville
113 W. Mountain Street
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed annexation ANX 03-02.00 Shiloh Community Church and ANX 02-01.10 James Coger submitted by Keystone Consultants, Inc. would allow public services to be provided efficiently and at the same level of service of areas already in the city limits.

It is the opinion of the Fayetteville Police Department that we must return a determination in support of the annexation based on the criteria placed before us. In response to the question, "Would the annexed area receive the same level of service of areas already in the Fayetteville city limits?" We find the proposed annexed area is immediately adjacent to the Fayetteville city boundary and in fact there is a residential subdivision within the city limits one quarter mile west of this proposed site. There is a Middle School immediately adjacent to this site as well. We should be able to provide the same level of service to this proposed site as we would the school and the subdivision.

The factors considered to arrive at our determination included our ability to provide public services with existing equipment, training of personnel, number of units and response time. There should be no more additional requirements for equipment, training of personnel or patrol units to handle calls for service at this proposed site. The response time should be greater for this area than the school or the subdivision west of this location.

We hope you will find this information useful in your assessment.

Sincerely,

Captain Frank Johnson
Fayetteville Police Department

YETTEVILLE POLICE DEPARTMENT
). BOX 1988
YETTEVILLE, ARKANSAS 72702-1988

(DELIVERIES) POLICE: 100-A WEST ROCK STREET 72701
JAIL: 140-A WEST ROCK STREET 72701
PHONE: 501-587-3555 FAX: 501-587-3522

KEYSTONE
Consultants, Inc.
Civil Engineering, Planning & Design

May 19, 2003

Mr. Tim Conklin
Planning
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Coger Subdivision

Dear Mr. Conklin,

This letter is to request that the property owned by James Coger that was recently annexed into the City of Fayetteville, be rezoned from A-1 to R-1. He is the current owner and does not plan to sell the property at this time. Mr. Coger is planning on developing the property into a residential subdivision and that is reason for requesting a zoning change. The rezoning will be similar to several R-1 zoning adjacent to the property and in the surrounding area. Also, both water and sewer are available to the site.

If you have any questions or require additional information, please feel free to call.

Sincerely

Keystone Consultants, Inc

Geoffrey H. Bates, P.E.
President / Partner

RECEIVED
MAY 19 2003
PLANNING DIV.

Office: 479-750-2920 Fax: 479-750-0953
5571 Bleaux Ave. Ste. A, Springdale, AR 72762 • P.O. Box 6485 Springdale, AR 72766

KEYSTONE
Consultants, Inc.
Civil Engineering, Planning & Design

May 19, 2003

Mr. Tim Conklin
Planning
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Coger Subdivision

Dear Mr. Conklin,

This letter is in response to item 6 on the rezoning application.

1. The proposed R-1 zoning is consistent with the adjacent zonings in the area.
2. The zoning is needed in order to develop a single family residential subdivision.
3. The development is on approximately 18 acres and larger lot sizes are proposed, therefore the traffic increase should be minor.
4. The proposed subdivision should not overload the existing schools in the area or place an undesirable increase on the water and sewer facilities due to the small size.
5. The property is currently zoned A-1. Therefore, the uses are very limited and it would be impractical for the developer to leave the property zoned A-1.

If you have any questions or require additional information, please feel free to call.

Sincerely

Keystone Consultants, Inc

Geoffrey H. Bates, P.E.
President / Partner

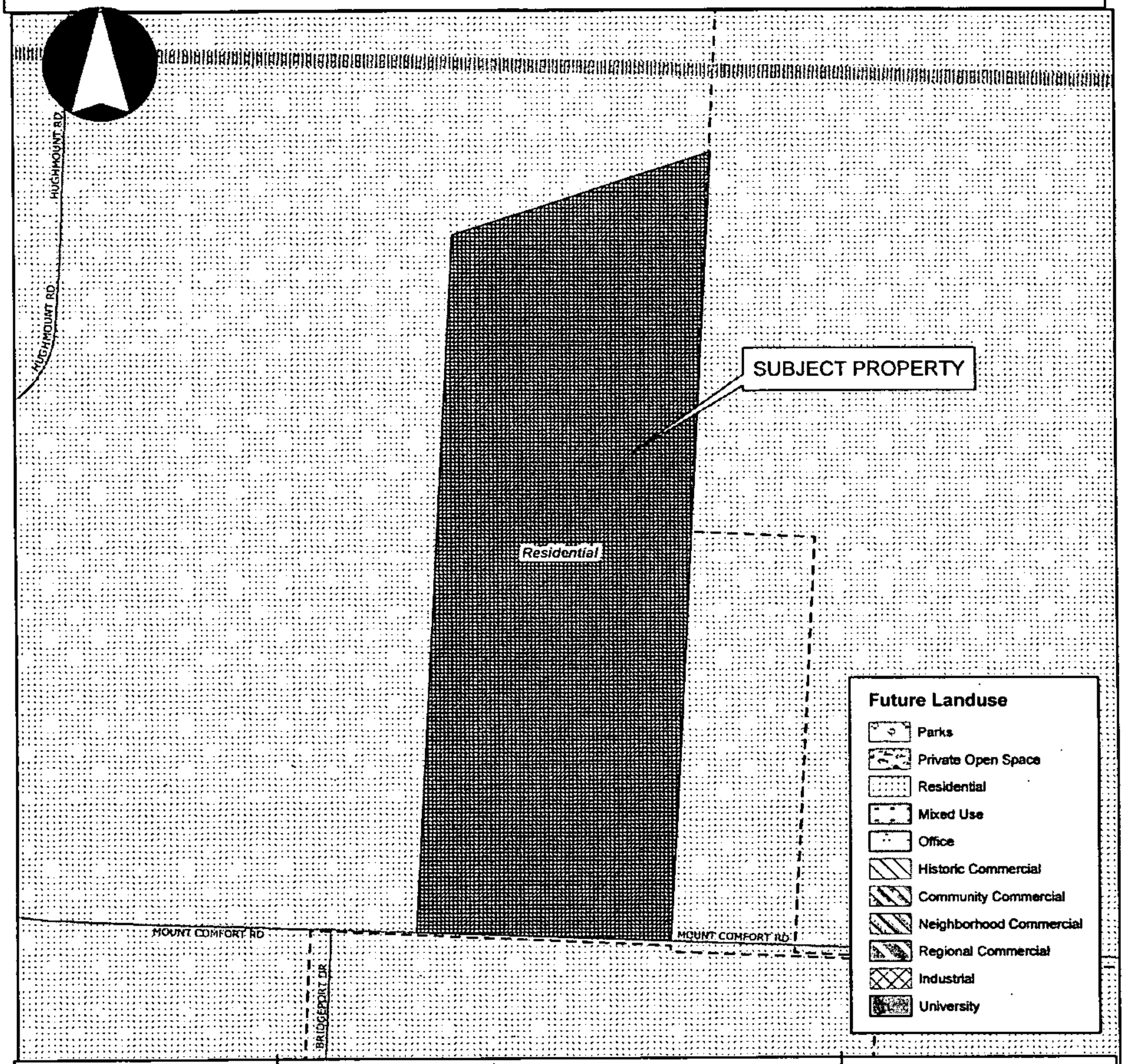
RECEIVED
MAY 19 2003
PLANNING DIV.

Office: 479-750-2920 Fax: 479-750-0953
5571 Bleaux Ave. Ste. A, Springdale, AR 72762 • P.O. Box 6485 Springdale, AR 72766

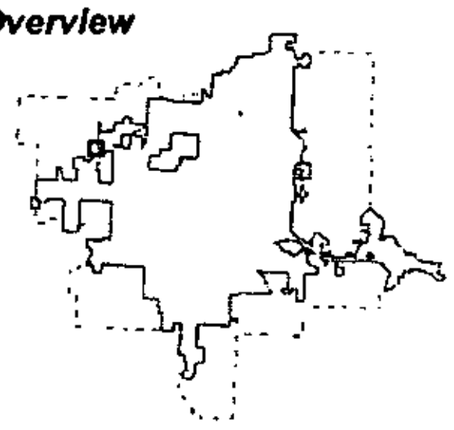
RZN03-18.00

Future Landuse

JAMES COGER



Overview



Legend

Subject Property
RZN03-18.00

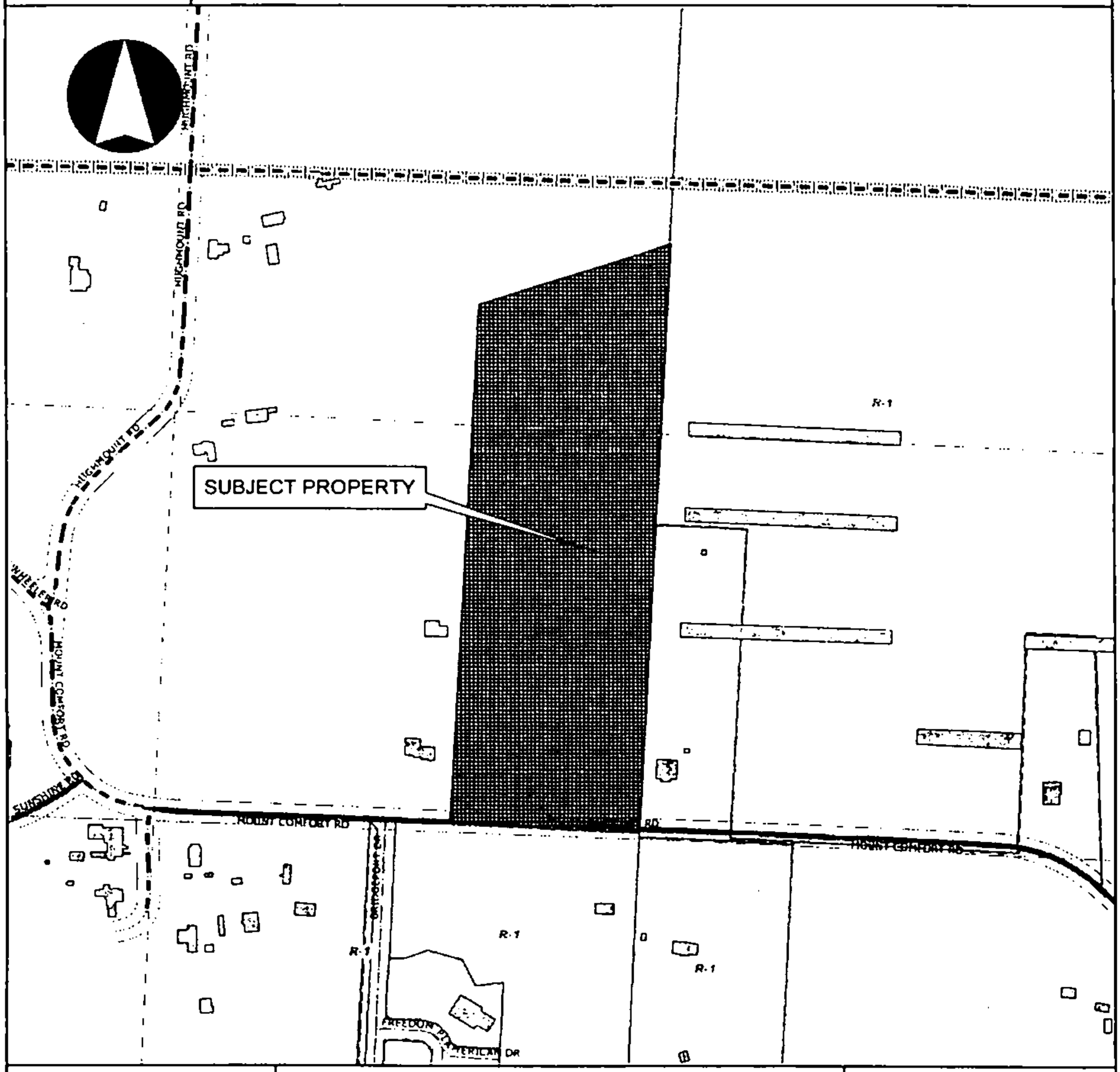
Streets
Existing
Planned

Boundary
Planning Area
Overlay District
City Limits

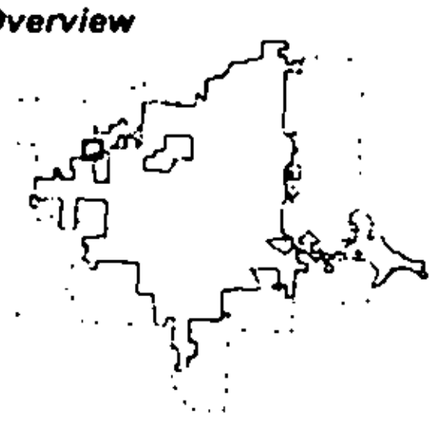
RZN03-18.00

Close Up View

JAMES COGER



Overview



Legend

Subject Property
- RZN03-18.00

Streets
- Existing
- Planned

Boundary
- Planning Area
- Overlay District
- City Limits
- Outside City

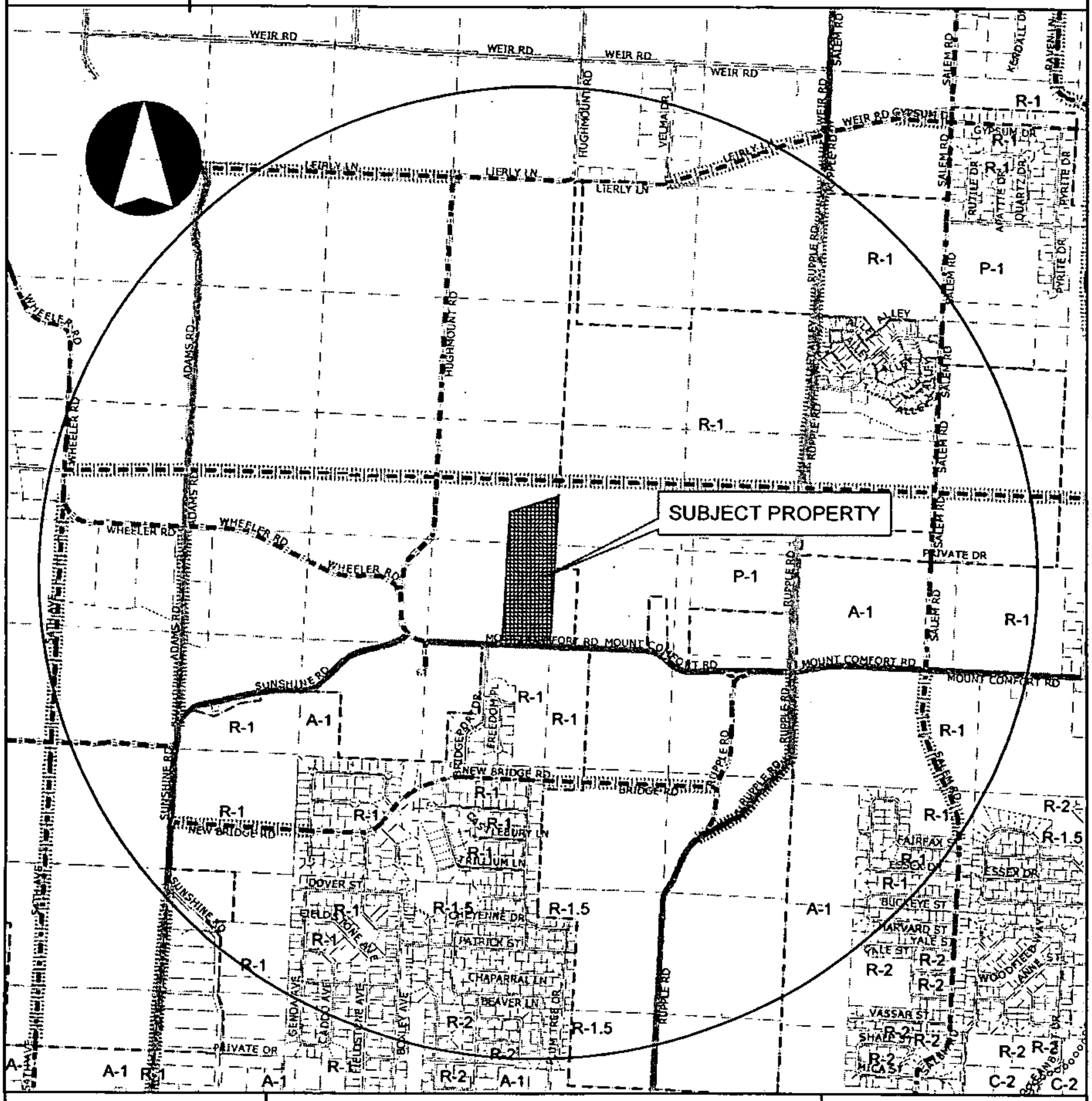
Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

0 150 300 600 900 1,200 Feet

RZN03-18.00

One Mile View

JAMES COGER



Kept on 1st reading RZN 03-27.00 (Stephens) 9/16/03 B. 10. Page 1 of 15

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of: September 16, 2003

FROM:

Dawn Warrick	Planning	CP&E
Name	Division	Department

ACTION REQUIRED: Ordinance Approval.

SUMMARY EXPLANATION:

RZN 03-27.00 was submitted by Geoffrey Bates, P.E. of Keystone Consultants, Inc. on behalf of Carol Stephens for property located at 4270 Mt. Comfort Road. The property is proposed to be annexed into the city and contains approximately 1.08 acres. The request is to be rezoned from R-A, Residential Agricultural to RSF-4, Residential Single-Family, four units per acre.

STAFF RECOMMENDATION:
Staff recommends approval.

Dawn L. Warrick — 8/26/03
Division Head — Date

Received in Mayor's Office — 8/27/03 Date

D. J. White — 8/27/03
City Attorney — Date

[signature] — 8-29-03
Department Director — Date

Cross Reference:

Previous Ord/Res#: _____

[signature] — 8-27-03
Finance & Internal Services Dir. — Date

Orig. Contract Date: _____

Hugh Garwood — 8-27-03
Chief Administrative Officer — Date

Orig. Contract Number: _____

Dan Coody — 8/27/03
Mayor — Date

New Item: Yes No

ENTERED 8/26/03 TLH

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 03-27.00 AS SUBMITTED BY GEOFF BATES OF KEYSTONE CONSULTANTS ON BEHALF OF CAROL STEPHENS FOR PROPERTY CONTAINING 1.08 ACRES LOCATED NORTH OF MT. COMFORT ROAD AND WEST OF RUPPLE ROAD.

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-A, Residential Agricultural to RSF-4, Residential Single-Family, Four Units Per Acre as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

DRAFT

EXHIBIT "A"
RZN 03-27.00

A PART OF THE FRACTIONAL N ½ OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 31 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SW ¼ OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 30 WEST, THENCE S03°03'28"W 882.42 FEET TO A FOUND IRON PIN, AND THE POINT OF BEGINNING; THENCE S87°07'12"E 191.63 FEET, THENCE S03°01'57"W 244.64 FEET; THENCE N87°07'12"W 192.31 FEET; THENCE N03°11'30"E 244.64 FEET, TO THE POINT OF BEGINNING, CONTAINING 46,964 SQUARE FEET OR 1.08 ACRES, MORE OR LESS, AND BEING SUBJECT TO THE RIGHT OF WAY OF MT. COMFORT ROAD ALONG THE SOUTH SIDE THEREOF AND ANY EASEMENTS, COVENANTS OR RETSRICTIONS OF RECORD OR FACT.

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CC Meeting of September 16, 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, Zoning & Development Administrator, AICP
THRU:	Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE:	August 26, 2003

RZN 03-27.00: Rezoning (Stephens, pp 321) was submitted by Geoffrey Bates, P.E. of Keystone Consultants, Inc. on behalf of Carol Stephens for property located at 4270 Mt. Comfort Road. The property is zoned R-A, Residential Agricultural and contains approximately 1.08 acres. The request is to be rezoned RSF-4, Residential Single-family, 4 units per acre.

BACKGROUND:
Property description: The subject property is located on the north side of Mt. Comfort Rd. west of Rupple Rd. There is one duplex on the site. Surrounding properties are undeveloped. Owners of property to the north and west are also seeking annexation and rezoning at this time. Future development plans include a phase of Clabber Creek subdivision to the east, a church to the north and a single family subdivision to the west.

Proposal: No development proposals are associated with this rezoning request.

Request: The applicant wishes to have the property within the city limits and zoned consistently with adjacent and surrounding properties.

Recommendation: The existing duplex on the subject property will be a non-conforming use in the RSF-4 zoning district, however it may remain as such and be maintained until such time as alterations or additions are proposed. At that time, it will be appropriate for the Planning Commission to review plans in order to ensure that the development remains compatible with the surrounding neighborhood. At this time, there is not much surrounding developments, however subdivisions are developing or are planned in the vicinity which will change the rural nature of the existing conditions. Staff is recommending approval of the RSF-4 zoning district for this property because it is consistent with the General Plan 2020 and compatible with surrounding zoning designations and proposed development.

CURRENT STATUS:
This item is a part of a group of annexation and rezoning requests for adjoining properties. On August 26, 2003, the Planning Commission voted 8-0-0 to forward this request to the City Council with a recommendation for approval of a rezoning to the RSF-4 district. There was no public comment on this item during the public hearing before the Planning Commission.

RECOMMENDATION:
The Planning Commission and staff recommend approval of this rezoning based on the findings included as a part of the attached staff report.

K:\Reports\2003\CC REPORTS\September meetings\rzn03-27_stephens_cc_memo.doc

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of August 25, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
THRU: Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE: August 21, 2003

RZN 03-27.00: Rezoning (Stephens, pp 321) was submitted by Geoffrey Bates, P.E. of Keystone Consultants, Inc. on behalf of Carol Stephens for property located at 4270 Mt. Comfort Road. The property is zoned R-A, Residential Agricultural and contains approximately 1.08 acres. The request is to be rezoned RSF-4, Residential Single-family, 4 units per acre.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	**Required**	**YES**
	O Approved	**O Denied**
Date: August 25, 2003		
CITY COUNCIL ACTION:	**Required**	**YES**
	O Approved	**O Denied**
Date: September 16, 2003 (1st reading if recommended)		

Comments: _____

BACKGROUND:

Property description: The subject property is located on the north side of Mt. Comfort Rd. west of Rupple Rd. There is one duplex on the site. Surrounding properties are undeveloped. Owners of property to the north and west are also seeking annexation and rezoning at this time. Future development plans include a phase of Clabber Creek subdivision to the east, a church to the north and a single family subdivision to the west.

Proposal: No development proposals are associated with this rezoning request.

Request: The applicant wishes to have the property within the city limits and zoned consistently with adjacent and surrounding properties.

Recommendation: The existing duplex on the subject property will be a non-conforming use in the RSF-4 zoning district, however it may remain as such and be maintained until such time as alterations or additions are proposed. At that time, it will be appropriate for the Planning Commission to review plans in order to ensure that the development remains compatible with the surrounding neighborhood. At this time, there is not much surrounding developments, however subdivisions are developing or are planned in the vicinity which will change the rural nature of the existing conditions. Staff is recommending approval of the RSF-4 zoning district for this property because it is consistent with the General Plan 2020 and compatible with surrounding zoning designations and proposed developments.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Vacant / Agricultural	RSF-4
South	Single Family Residential	RSF-4
East	Clabber Creek Phase II (SFR)	RSF-4
West	Vacant	County, No Designated Zoning

INFRASTRUCTURE:

Streets: Access and the only available street frontage is on Mt. Comfort Rd. along the south boundary of the site. Mt. Comfort Rd. in this location is classified a minor arterial on the master street plan. It is not built to that standard.

If development occurs on this site, Mt. Comfort Road would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

Water: The property currently has access to a 4" and 8" waterline along Mt. Comfort Road. The Clabber Creek Phase II subdivision to the east also has 8" lines proposed.

Sewer: Sewer is not currently available to this property.

The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamestring Creek lift station is currently being upgraded to handle existing flows and any development proposed at the time of the study earlier this year. This upgrade

should be completed this summer.

Fire: The subject property is located 3.4 miles from Fire Station #2. Normal driving time is 5 min. 9 seconds. Water supply will be necessary for this property to develop.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to RSF-4, Residential single family, 4 units/acre is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

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

Finding: **The proposed zoning is consistent with the future land use map of the General Plan 2020. The single family zoning designation which has been requested is compatible with existing and proposed surrounding land uses.**

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

Finding: **The proposed zoning is justified in order for the zoning designation to reflect the current land use occurring on the property and to protect adjacent developments by ensuring compatible uses.**

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

Finding: **The proposed rezoning will not result in an increased traffic danger. There is concern at this time about the amount of traffic on Mt. Comfort Rd. however this request will not result in the development of new traffic generators.**

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

Finding: **The proposed rezoning will not alter population density in a manner which would undesirably increase the load on public services. If additional development is proposed in the future, only 2 additional single family homes could be constructed under the requested zoning designation.**

Engineering - **The property currently has access to a 4" water line and an 8" along Mt. Comfort Road. This line will be adequate to serve the proposed density of the site. The site**

does not currently have access to sanitary sewer service. If annexed, sanitary sewer will be required to be extended at the time of development. There is a 15" sewer main located across the property to the south of Mt. Comfort Road. There will also be 8" sewer mains installed on the adjacent property for the already approved Clabber Creek 2 Subdivision which will begin construction soon. All of the lines flow to the Hamstring Creek Lift Station. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer. If development occurs on this site, street improvements would be considered for the frontage along Mt. Comfort Road.

Fire **- There is an existing 8" water line serving the Bridgeport Subdivision. Response time from the existing fire station (#2 at Garland & Eagle Sts.) is 5 minutes 30 seconds (3.6 miles), the new fire station on Rupple Rd. will serve this site once it is constructed. Response time from the new station (#7) will be 3 minutes 43 seconds (1.7 miles).**

Police **- Projects existing in this area already receive police services. The same level of service will be provided to this site as is currently applied to the existing city subdivision to the south and the nearby middle school. No additional equipment or personnel is needed to provide service to this area.**

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

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

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

Finding: N/A

161.07 District Rsf-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

FAYETTEVILLE

RECEIVED
AUG 18 2003
PLANNING DIV.

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

August 18, 2003

Dawn Warrick
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed zoning **RZN 03-27.00: Rezoning (Stephens, pp 321)** for property located at 4270 Mt. Comfort would substantially alter the population density and thereby undesirably increase the load on public services or create and appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this rezoning **will not** substantially alter the population density and thereby undesirably increase the load on police services.

It is the opinion of the Fayetteville Police Department that this rezoning **will not** substantially increase traffic congestion in the area.

Sincerely,

Lieutenant William Brown
Fayetteville Police Department

FAYETTEVILLE POLICE DEPARTMENT
P.O. BOX 1988
FAYETTEVILLE, ARKANSAS 72702-1988

(DELIVERIES) POLICE: 100-A WEST ROCK STREET 72701
JAIL: 140-A WEST ROCK STREET 72701
PHONE: 501-587-3555 FAX: 501-587-3522

KEYSTONE
Consultants, Inc.
Civil Engineering, Planning & Design

July 16, 2003

Mr. Tim Conklin
Planning
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Shiloh Community Church

Dear Mr. Conklin,

This letter is in response to item 5 on the rezoning application. We would like to request that the property owned by Carol Stephens that was recently annexed into the City of Fayetteville, be rezoned from A-1 to R-1. Ms. Stephens is the current owner and does not plan to sell the property. Currently, a duplex is located on the property and no future development is planned at this time. The reason for requesting a zoning change is a duplex would not be allowed in A-1 zoning. The rezoning will be similar to several R-1 zonings adjacent to the property and in the surrounding area and should fit well within the community. Also, both water and sewer are available to the site.

If you have any questions or require additional information, please feel free to call.

Sincerely

Keystone Consultants, Inc

Geoffrey H. Bates, P.E.
President / Partner

Office: 479-750-2920 Fax: 479-750-0953
5571 Bleaux Ave. Ste. A, Springdale, AR 72762 • P.O. Box 6485 Springdale, AR 72766

KEYSTONE
Consultants, Inc.
Civil Engineering, Planning & Design

July 16, 2003

Mr. Tim Conklin
Planning
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Carol Stephens Property

Dear Mr. Conklin,

This letter is in response to item 6 on the rezoning application.

1. The proposed R-1 zoning is consistent with the adjacent zonings in the area.
2. The zoning is needed in order to not create an island of county property.
3. There is no development proposed so traffic will not increase.
4. The proposed will not affect the existing schools in the area or place an undesirable increase on the water and sewer facilities.
5. The property is currently zoned A-1 and is surrounded by R-1.

If you have any questions or require additional information, please feel free to call.

Sincerely

Keystone Consultants, Inc

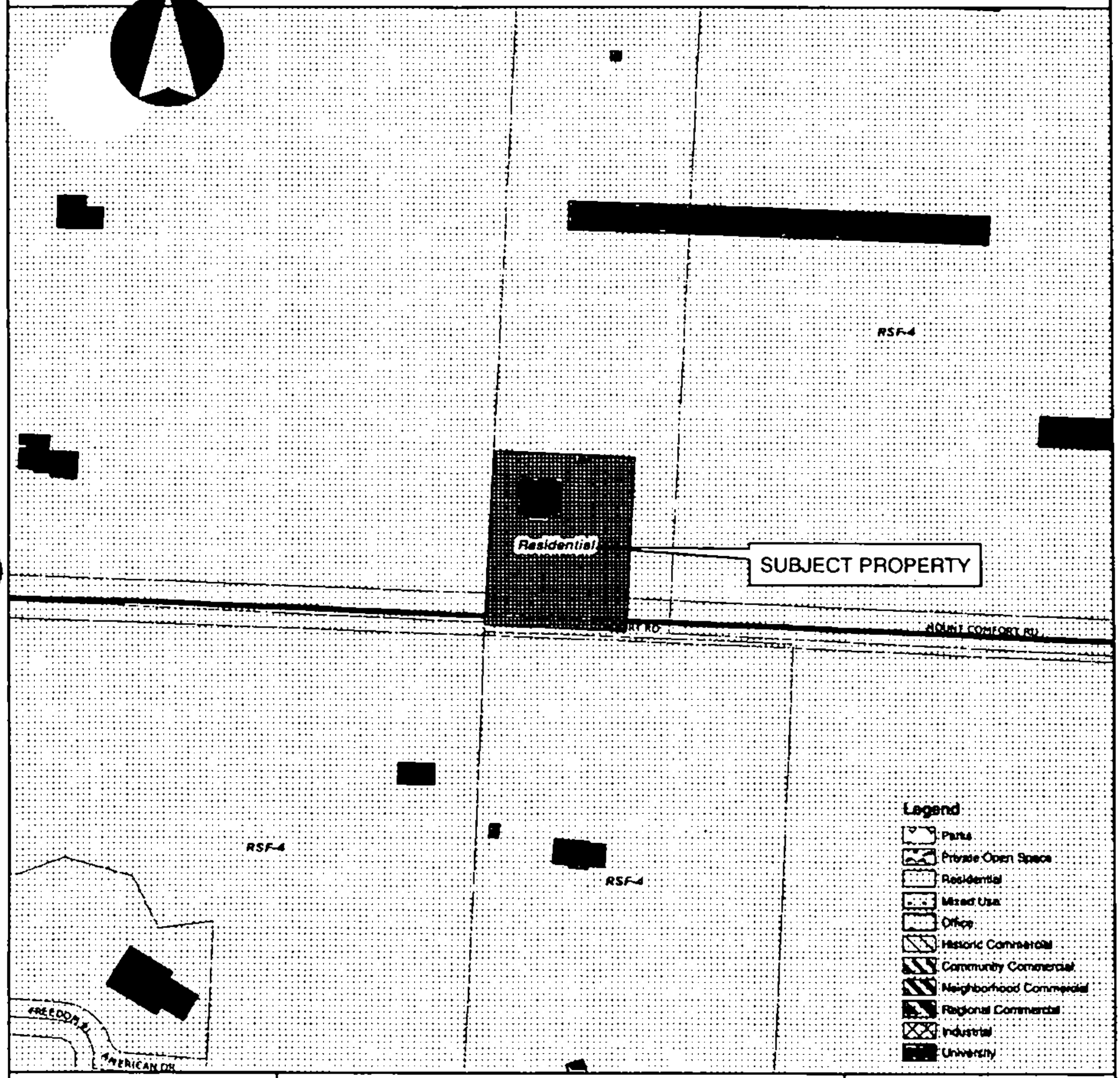
Geoffrey H. Bates, P.E.
President / Partner

Office: 479-750-2920 Fax: 479-750-0953
5571 Bleaux Ave. Ste. A, Springdale, AR 72762 • P.O. Box 6485 Springdale, AR 72766

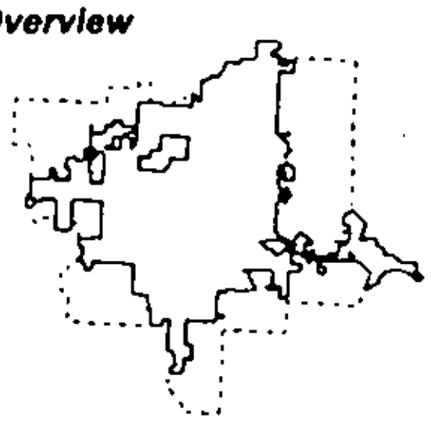
RZN03-27.00

Future Land Use

STEPHENS



Overview



Legend

Subject Property

RZN03-27.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

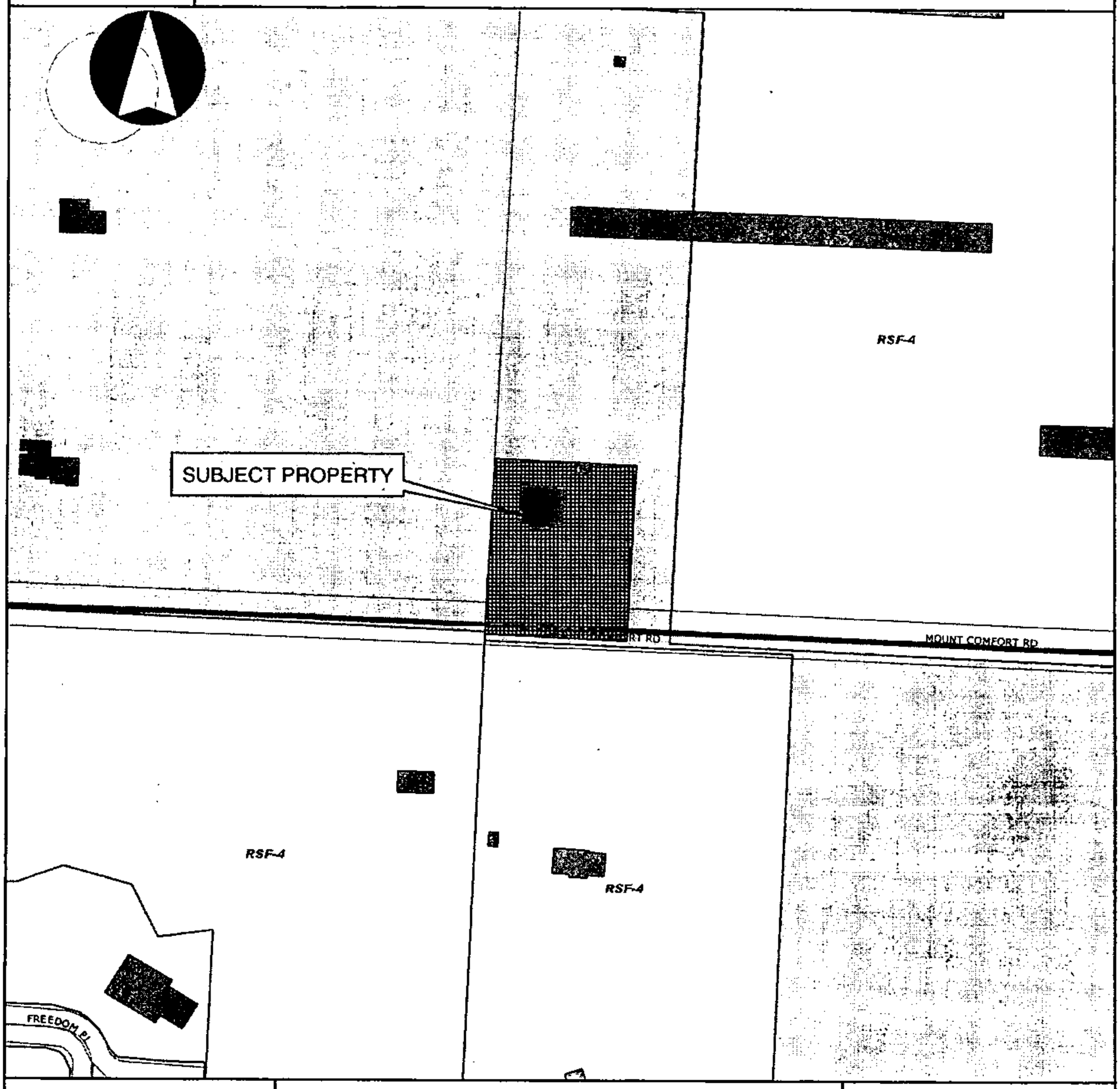
0 75 150 300 450 600

Feet

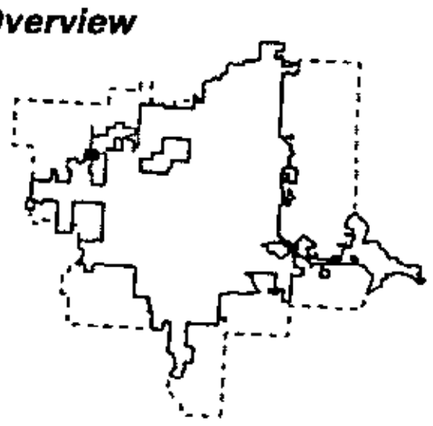
RZN03-27.00

Close Up View

STEPHENS



Overview



Legend

Subject Property

RZN03-27.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

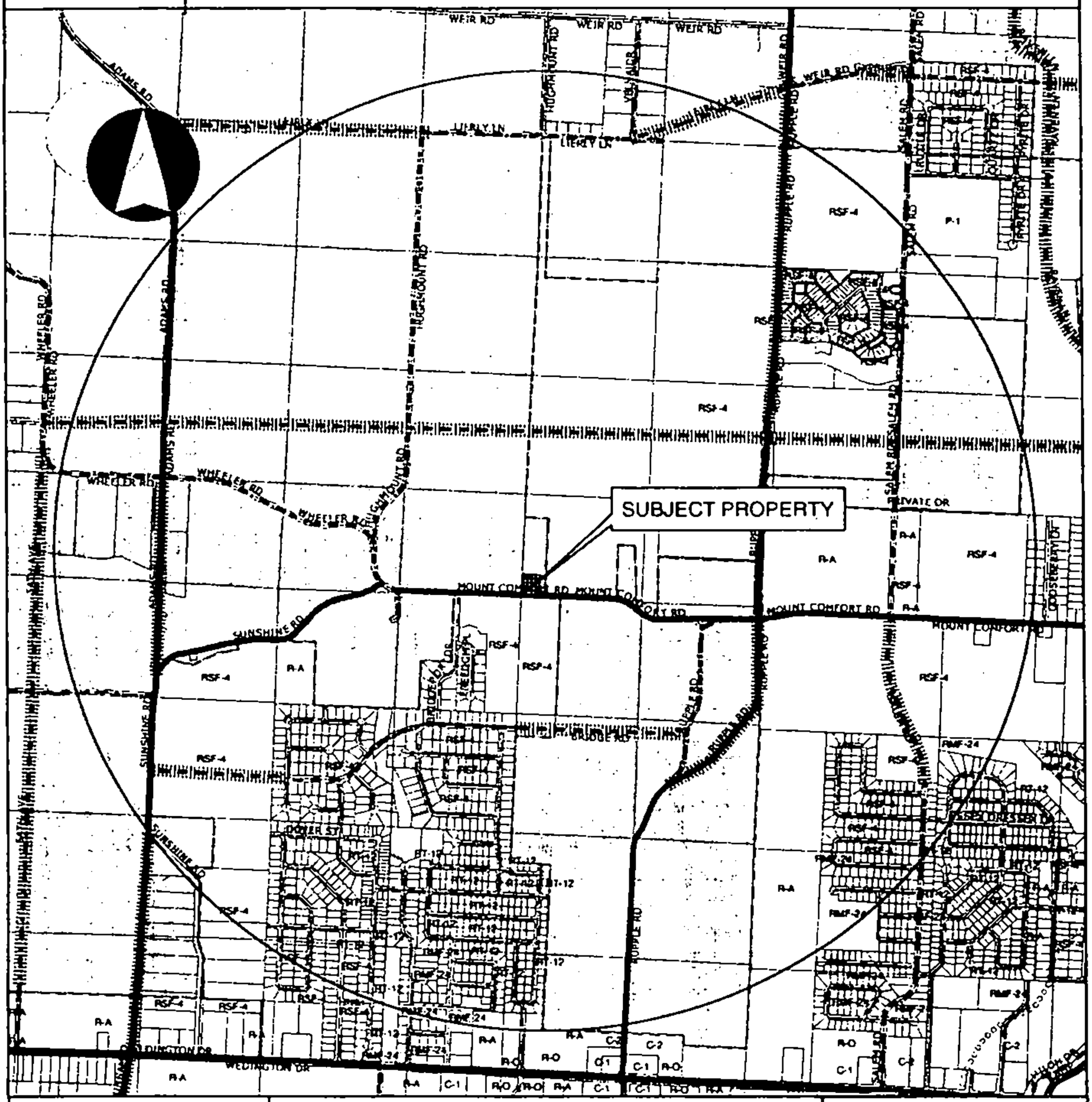
0 75 150 300 450 600

Feet

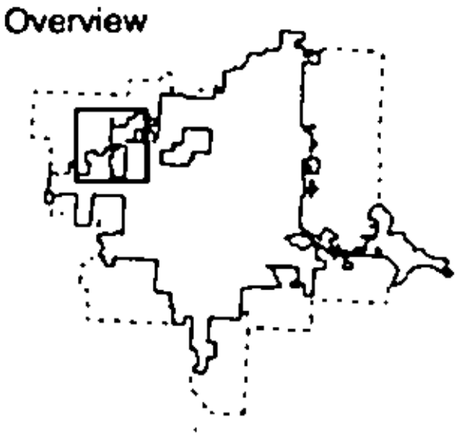
RZN03-27.00

One Mile View

STEPHENS



Overview



Legend

Subject Property
RZN03-27.00

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

Left on 1st Reading
Water Rates
B. 11.
Page 1 of 29

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

XX AGENDA REQUEST

For the Fayetteville City Council Meeting of: September 16, 2003

FROM:

Greg Boettcher	Water & Wastewater Dir.	Water & Wastewater
Stephen Davis	Finance & Internal Services Dir.	Finance & Internal Services
Name	Division	Department

ACTION REQUIRED: Approve an ordinance amending (Chapter 51.136) the monthly water rates, monthly meter service charge, monthly standby fire protection service charge, monthly wholesale treated water rates outside city limits (Table W-19), add "Section 51.136 A(3) Customers may, when a common facility/building is served by multiple water meters and the water usage is for the same purpose for the water meters, petition the Water & Wastewater Director and/or the Finance & Internal Services Director to have the water consumption aggregated and have the tiered rates apply to the aggregated water quantity"; and amending monthly quantity charge, monthly services charge and extra strength surcharge (Table S-19), elimination of 51.137 B(1) and add "for domestic customers, the monthly wastewater charge shall be based on 85% of monthly water consumption"; add "Section 51.137 B(2) domestic customers with a single water meter and an existing irrigation system may petition the Water & Wastewater Director for extended time not to exceed 36 months from the adoption of the ordinance revisions to install an irrigation meter and be exempted from paying impact fees for the irrigation meter"; and amend the water and sewer ordinance (Chapter 51) to remove Public Works Director, Water & Sewer Services Superintendent and replace with Water & Wastewater Director or designee and/or Finance & Internal Services Director or designee, as appropriate.

SUMMARY EXPLANATION:

The City contracted with Black & Veatch to conduct a rate study in advance of the wastewater system improvements being completed. The rate study has been completed and contains the following recommendations: the water utility needs a rate adjustment of 10%. This rate adjustment is driven by the wholesale rate increase implemented by Beaver Water District. The wastewater utility needs a rate adjustment of 29.5% between 2003 and 2006. This rate adjustment is needed due to increased operational costs of the new wastewater treatment plant. The last time rates were adjusted for either utility was in 1997.

STAFF RECOMMENDATION: Approve ordinance revisions.

		Received in Mayor's Office	9/3/03
Division Head	Date		Date
D.J. Whitaker	9/3/03		9/3
City Attorney	Date		
Department Director	Date		
Greg Boettcher	8-25-03		
Finance & Internal Services Dir.	Date		
Stephen Davis	8-25-03		
Chief Administrative Officer	Date		
Virgil Earnest	9-03-03		
Mayor	Date		
Dan Coody	9/3/03		

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

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

9/2/03 TLM

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 51, WATER AND SEWERS, OF THE CODE OF FAYETTEVILLE, TO CHANGE NOMENCLATURE; AND ADJUST WATER AND SEWER RATES CONSISTENT WITH THE RECOMMENDATIONS OF THE BLACK & VEATCH RATE STUDY.

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

Section 1. That Chapter 51: Water and Sewers, Code of Fayetteville is hereby amended by deleting all references to the **"Public Works Director"** and the **"Water & Sewer Services Superintendent"**, and replacing them with "the Water & Wastewater Director or designee, or the Finance & Internal Services Director, or designee."

Section 2. That §§ 51.136 & 51.137 of the Code of Fayetteville are hereby repealed, and Exhibit "A" attached hereto and made a part hereof, is inserted in their stead.

PASSED and **APPROVED** this 16th day of September, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A"

51.136 Monthly Water Rates

Effective as of the first billing statements issued after December 31, 2003, the following monthly rates shall be fixed as rates to be charged for water furnished by the waterworks system of the city, which rates the City Council finds and declares to be reasonable and necessary minimum rates to be charged:

(A) Monthly treated water rates.

(1) The water usage of each customer shall be determined each month by meter measurement and the amount per 1,000 gallons to be paid for water usage by each customer shall be computed on the basis of the following schedule of rates. The minimum billing shall be 1,000 gallons per month.

Table A
Monthly Water Rates

Usage Rate (In gallons)	Inside City	Outside City
First 10,000	$2.85	$3.10
Next 290,000	2.55	2.65
Next 4,700,000	2.30	2.45
Over 5,000,000	2.00	2.10

DRAFT

(2) All bills under such schedule shall be computed by adding the applicable meter service charge prescribed by subsection (B) to the amount determined to be due for water usage under this schedule. Applicable sales tax and franchise fees shall be added to the bill so computed.

(3) When a common facility/building is served by multiple water meters and the water usage is for the same purpose, customers may petition the Water & Wastewater Director and/or the Finance & Internal Services Director to have the water consumption aggregated and have the tiered rates apply to the aggregated quantity.

(B) *Monthly meter service charge.*

(1) In addition to the above, each customer shall pay a monthly meter service charge in accordance with the following schedule:

EXHIBIT "A"

Table B
Monthly Meter Service Charge*

Meter Size	Inside City	Outside City
5/8 inch	$ 3.97	$ 4.97
3/4 inch	5.40	6.79
1 inch	7.40	9.33
1 ½ inch	13.12	16.59
2 inch	18.83	23.85
3 inch	43.99	55.80
4 inch	72.58	92.11
6 inch	144.04	182.86
8 inch	215.51	273.63

(2) The monthly treated water rates and the monthly meter service charge rates prescribed by subsections (A) and (B) of this section shall commence as of the first billing statements issued after December 31, 2003 for those customers outside the city limits receiving city water, and shall continue until such time as said customers either go off service or until such time as a revised rate structure is adopted by the City Council. Customers served through the white river water district system will pay the outside city rate plus an additional $5.94 per the monthly service charge specific to this subsystem.

(C) *Monthly standby fire protection service charge*. Charges for unmetered service connections inside the city limits for standby fire protection and fire hydrants shall be:

Table C
Monthly Standby Fire Protection Service Charge

Line Size	Inside City	Outside City
2 inch	$ 4.00	$ 4.00
3 inch	12.00	12.00
4 inch	23.00	25.00
6 inch	64.00	69.00
8 inch	134.00	140.00
10 inch	230.00	248.00

* Includes $0.25 Safe Water Act Fee

EXHIBIT "A"

(E) Monthly wholesale treated water rates outside city limits shall be:

Table D
Monthly Wholesale Treated Water Rates - Outside City Limits

Usage Rate Per 1,000 Gallons	$ 2.01
Reduced demand	1.81
Meter charge	55.55

(F) Monthly charge for fire hydrants provided water by the city for municipalities and/or districts outside the city limits for billing statements issued after December 31, 2003 shall be $10.00 per hydrant per month.

51.137 Monthly Sewer Rates

(A) *Monthly sewer rates.* All monthly sewer charges shall be calculated from the customer's monthly water usage. The following monthly rates are hereby fixed as rates to be charged for sewer services:

(1) Monthly quantity charge:

DRAFT

Table E-1
Monthly Quantity Charge - Usage Rates Per 1,000 Gallons Beginning *December 31, 2003*

Residential	$ 2.49
Commercial/Industrial	2.49
Outside city limits	6.08
Elkins	5.24

Table E-2
Monthly Quantity Charge - Usage Rates Per 1,000 Gallons Beginning *December 31, 2004*

Residential	$ 2.71
Commercial/Industrial	2.71
Outside city limits	6.57
Elkins	5.71

Table E-3
Monthly Quantity Charge - Usage Rates Per 1,000 Gallons Beginning *December 31, 2005*

Residential	$ 2.95
Commercial/Industrial	2.95
Outside city limits	7.16
Elkins	6.22

EXHIBIT "A"

(2) Monthly service charge:

Table F-1 Monthly Service Charge
After *December 31, 2003*

Meter Size	Inside City	Outside City
5/8 inch	$ 7.27	$ 8.72
3/4 inch	9.89	11.87
1 inch	13.57	16.28
1½ inch	24.08	28.90
2 inch	34.60	41.51
3 inch	80.85	97.02
4 inch	133.41	160.09
6 inch	264.82	317.78
8 inch	396.22	475.47

Table F-2 Monthly Service Charge
After *December 31, 2004*

Meter Size	Inside City	Outside City
5/8 inch	$ 7.92	$ 9.50
3/4 inch	10.78	12.94
1 inch	14.79	17.75
1½ inch	26.25	31.50
2 inch	37.71	45.25
3 inch	88.13	105.75
4 inch	145.42	174.50
6 inch	288.65	346.38
8 inch	431.88	518.26

Table F-3 Monthly Service Charge
After *December 31, 2005*

Meter Size	Inside City	Outside City
5/8 inch	$ 8.63	$ 10.35
3/4 inch	11.75	14.10
1 inch	16.12	19.35
1½ inch	28.61	34.33
2 inch	41.10	49.32
3 inch	96.06	115.27
4 inch	158.51	190.21
6 inch	314.63	377.56
8 inch	470.75	564.90

DRAFT

(B) *Determination of charge for domestic customers.*

(1) (a) The monthly wastewater charge for domestic customers shall be based on 85% of the customer's monthly water usage.

(b) Each domestic customer shall be required to make a $50.00 service deposit with each application for sewer service. This service deposit shall be retained in trust, without interest, by the city finance department. When service to the

EXHIBIT "A"

depositor is discontinued permanently, said service deposit shall be applied to the final billing and the remainder, if any, returned to the depositor.

(2) Domestic customers with a single water meter and an existing irrigation system may petition the Water & Wastewater Director within 36 months of the effective date of this ordinance revision, to install an irrigation meter and to request a waiver of the meter impact fee for the pre-existing irrigation demand.

(C) *Determination of charge for commercial and industrial customers.* In the case of commercial and industrial customers the monthly sewer charge shall be determined by applying the schedule of rates prescribed in subsection (A) of this section to the monthly water usage of such customers. In the event that a commercial or industrial customer discharging waste into the city's sanitary sewer system produces evidence to the water and sewer superintendent demonstrating that a substantial portion of the total amount of water from all sources used for all purposes does not reach the sanitary sewer which is in excess of the factors used in establishing the rates in division (A) of this section, an estimated percentage of total water consumption to be used in computing charges may be established by the water and sewer superintendent. The factors used in establishing said rates are on file in the office of the water and sewer superintendent and are incorporated herein by reference thereto. Any rate so adjusted by the water and sewer superintendent shall be effective for a 12-month period beginning with the billing for the month when rates adjudged hereby go into effect.

(D) *Extra Strength Surcharge.* For all commercial and industrial customers whose wastewater discharge is greater than 300 mg/l of BOD_5 and/or TSS, the City shall levy an Extra Strength Surcharge for each parameter in accordance with the following unit charges:

	After December 31, 2003	*After December 31, 2004*	*After December 31, 2005*
(1) Extra Strength BOD_5 ---	$0.3822/lb.	0.4166/lb.	0.4541/lb.
(2) Extra Strength TSS -----	$0.2994/lb.	0.3263/lb.	0.3557/lb.

Extra Strength Surcharges shall be billed monthly and shall be computed on the basis of water meter reading (wastewater discharge volume).

(E) *Definitions.*

For the purpose of this division the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) *Commercial, industrial customer or user.* All retail stores, restaurants, office buildings, laundries, and other private business and service establishments which contributes wastewater to the city's wastewater treatment plant. It shall include any nongovernmental, nonresidential user of publicly owned

DRAFT

EXHIBIT "A"

treatment works which is identified in the *Standard Industrial Classification Manual, 1972, Office of Management and Budget*, as amended and supplemented, under the following divisions; Division A-Agriculture, Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary; and Division I-Services. It also includes social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users; legislative, judicial, administrative, and regulatory activities of federal, state and local governments.

(2) *Domestic customer or user.* Any contributor of wastewater to the city's treatment works whose lot, parcel, or real estate, or building is used for domestic dwelling purposes only.

(3) *Infiltration/inflow.* The total quantity of water other than wastewater from both infiltration and inflow without distinguishing the source from defective pipes, pipe joints, connections, manholes, roofleaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy area, cross connections, catch basins, cooling towers, storm waters, surface runoffs, street wash water, or drainage.

(4) *Municipality.* A city, town, county, parish, district, association, or other public body (including an inter-municipal agency of two or more of the foregoing entities) created under state law having jurisdiction over disposal of sewage, industrial waste or other waste. The definition includes special districts such as water, sewer, sanitary, utility, drainage, transport, or disposal of liquid waste of the general public in a particular geographic area.

(5) *Operation and maintenance.* Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in subsection (D)(1)(f) of this section.

(6) *Replacement.* Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(7) *Treatment works.* Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement; remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply

DRAFT

EXHIBIT "A"

such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

(8) *Useful life.* The estimated period during which a treatment works will be operated.

(9) *User charge.* That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

(10) *Water meter.* A water volume measuring and recording device, furnished and installed by the water department of the city.

(F) *Deposit of revenues; fund.*

(1) The revenues from user charges collected by the city shall be deposited in a separate non-lapsing fund known as the operation, maintenance, and replacement fund.

(2) Fiscal year-end balances in the operation, maintenance and replacement fund shall be used for no other purpose than those designated. Moneys which may be transferred from other sources to meet temporary shortages in the operations, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates. The user charge rates shall be adjusted so that the transferred moneys will be returned to their respective accounts within six months of the fiscal year in which moneys were borrowed.

(3) *Application for review; adjustments to user.*

(a) Any user who feels his user charge is unjust and inequitable may make written application to the director of public works requesting a review of his user charge. The written request shall, where necessary, show actual or estimated flows and/or strength of his wastewater, including how the measurements were made.

(b) A review of the request shall be made by the public works director and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength characteristics. In no case, however, shall

EXHIBIT "A"

allowances or adjustments be made for claims of sewage strengths less than 300 mg/l suspended solids and 300 mg/l of BOD_5.

(c) Any adjustments will be applicable to the next billing period.

(4) *Annual review by city; revision of rates;* notification of user.

(a) The city shall review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the cost of operation, maintenance, and replacement, and that the system continues to provide for the proportional distribution of operation, maintenance, and replacement costs among users and user classes.

(b) The city shall notify each user at least annually, in conjunction with a regular bill, of the rates being charged for operation, maintenance and replacement of the treatment works.

DRAFT

Table W-19

City of Fayetteville
Water Utility
Proposed Rates
Years 2003, 2004, and 2005
(Proposed Rates Effective January 1 of each year shown)

	2004		2005		2006	
	Fayetteville	Outside City (a)	Fayetteville	Outside City (a)	Fayetteville	Outside City (a)
Volume Charge - $/1,000 gallons						
First 10,000 gallons	2.85	3.10	2.85	3.10	2.85	3.10
Next 290,000 gallons	2.55	2.65	2.55	2.65	2.55	2.65
Next 4,700,000 gallons	2.30	2.45	2.30	2.45	2.30	2.45
Over 5,000,000 gallons	2.00	2.10	2.00	2.10	2.00	2.10
Minimum Bill (b) - $/month						
5/8"	3.97	4.97	3.97	4.97	3.97	4.97
3/4"	5.40	6.79	5.40	6.79	5.40	6.79
1"	7.40	9.33	7.40	9.33	7.40	9.33
1/2"	13.12	16.59	13.12	16.59	13.12	16.59
2"	18.83	23.85	18.83	23.85	18.83	23.85
3"	43.99	55.80	43.99	55.80	43.99	55.80
4"	72.58	92.11	72.58	92.11	72.58	92.11
6"	144.04	182.86	144.04	182.86	144.04	182.86
8"	215.51	273.63	215.51	273.63	215.51	273.63
Wholesale Water Rates						
Volume Charge - $/1,000 gallons		2.01		2.01		2.01
Reduced Demand (c) - $/1,000 gallons		1.81		1.81		1.81
Meter Charge - $/month		55.55		55.55		55.55
Private Fire Protection - $/month						
2"	4.00	4.00	4.00	4.00	4.00	4.00
3"	12.00	12.00	12.00	12.00	12.00	12.00
4"	23.00	25.00	23.00	25.00	23.00	25.00
6"	64.00	69.00	64.00	69.00	64.00	69.00
8"	134.00	145.00	134.00	145.00	134.00	145.00
10"	230.00	248.00	230.00	248.00	230.00	248.00
Public Fire Protection - $ (d)		10.00		10.00		10.00

(a) Under proposed rates, White River will pay outside City rates plus an additional $5.94 per month.
(b) Includes $0.25 Safe Water Act Fee.
(c) Applicable to customers with a storage capacity at least 2.5 times the average daily usage whose maximum daily usage does not exceed 2.0 times average daily usage.
(d) Per hydrant per month.

Table S-19

City of Fayetteville
Wastewater Utilty
Proposed Rates
Years 2003, 2004, and 2005
(Proposed Rates Effective January 1 of each year shown)

	2004		2005		2006	
	Fayetteville	Outside City	Fayetteville	Outside City	Fayetteville	Outside City
Volume Charge - $/1,000 gallons						
All Retail	2.49	6.03	2.71	6.57	2.95	7.16
Elkins		5.24		5.71		6.22
Minimum Bill - $/month						
5/8"	7.27	8.72	7.92	9.50	8.63	10.35
3/4"	9.89	11.87	10.78	12.94	11.75	14.10
1"	13.57	16.28	14.79	17.75	16.12	19.35
1 1/2"	24.08	28.90	26.25	31.50	28.61	34.33
2"	34.60	41.51	37.71	45.25	41.10	49.32
3"	80.85	97.02	88.13	105.75	96.06	115.27
4"	133.41	160.09	145.42	174.50	158.51	190.21
6"	264.82	317.78	288.65	346.38	314.63	377.56
8"	396.22	475.47	431.88	518.26	470.75	564.90
Excess Strength Surcharge - $/lb						
BOD over 300 mg/l	0.3822		0.4166		0.4541	
Suspended Solids over 300 mg/l	0.2994		0.3263		0.3557	

mg/l - milligrams per liter

August 7, 2003

Alderman Robert Reynolds
P.O. Box 1625
Fayetteville, AR 72702

RE: Water and Wastewater Rate Study
Fayetteville Benchmarking Study
Overview and Preliminary Schedule

Dear Alderman Reynolds,

Attached for your review and reference, please find copies of the Water and Wastewater Rate Study and the Fayetteville Benchmarking Study as prepared by Black and Veatch. A detailed presentation on both work products is scheduled for a Water and Sewer Committee Meeting immediately following the City Council Agenda session on August 12, 2003, with more abbreviated presentations to follow as necessary.

This letter is provided to summarize the key issues and objectives of both activities and to outline a tentative schedule for City Council actions. The process planned for the water and wastewater rate changes provides ample lead time for stakeholder reviews while still complying with the schedule constraints imposed by external sources (Arkansas Soil and Water Conservation Commission, Beaver Water District, Water and Wastewater Operations Budget). Much of this work has been completed for some time; however, it was not prudent to bring these issues before the committee and City Council until formal approval of the rate study by the Arkansas Soil and Water Conservation Commission was received (copy of July 25, 2003 approval letter enclosed).

Based upon scheduling factors and external constraints, the proposed timeline for the water and wastewater rate changes are highlighted as follows:

TARGET DATE	ACTIVITY
August 12, 2003	**Black and Veatch Presentation to Water and Sewer Committee**
August 13, 2003 (8:00 am – 12:00 pm)	**Open Workshop for local elected officials, contract customers and other extended concerns – Black and Veatch to chair workshop**
September 16, 2003	**First Reading of Rate Change Ordinance-preceded by Black and Veatch overview**
October 7, 2003	**Second Reading of Rate Change**

	Ordinance
October 21, 2003	**Third and Final Reading of Rate Change Ordinance**
October, 2003	**Submit Rate Change Ordinance to Arkansas Soil and Water Conservation Commission**
November, 2003	**Beaver Water District to institute a 15% rate increase for customers**
January, 2004	**Billings to Fayetteville customers reflect water and wastewater rate changes**

Integrated within these proposed milestone dates will be media notices, customer billing inserts, public meeting (if necessary), large-customer notices, and other public information tasks found appropriate.

WATER AND WASTEWATER RATE STUDY SUMMATION

- Water rates will increase an average of 10%, primarily as a result of bulk water rate increase by Beaver Water District
- Wastewater rates will increase by an average of 9%, reflecting the first step of a 28% total cost increase associated with the wastewater system improvement
- New policy allows contiguous integrated complexes to stack their water use, once customer charges are satisfied
- New rate methodology which bases wastewater charges on water charges is proposed to mirror utility industry practices, reduce administrative burdens and improve billing accuracy. Removal of winter averaging includes a compensating reduction in residential charges, making this a revenue-neutral methodology change
- New water and wastewater rates have been similarly completed for all customer classes and service jurisdictions providing an equitable distribution of expenses using cost of service

FAYETTEVILLE BENCHMARKING STUDY OBJECTIVES

- Various performance measures for similar utility systems have been completed to allow a comparative analysis of Fayetteville with peer communities
- Benchmarking data will be analyzed to reveal current operating strengths
- Benchmarking data will be critically evaluated to reveal opportunities for further improvements in operations
- Benchmarking information is being reviewed by department managers, and will be used for strategic improvements in future operations

CONCLUSIONS AND RECOMMENDATIONS

The immediate actions to be considered by the Fayetteville City Council relate only to utility rate methodology and rate structure, the benchmarking data will be used for continuing strategic analysis of operations. The recommended changes to water and

wastewater rate systems are necessary to maintain solvency of the enterprise operations and are consistent with communications set forth during the wastewater projects sales tax election. The recommended actions set forth in the proposed ordinance pose changes as follows:

- ✓ Replace winter averaging with an equivalent reduction in the residential rates-revenue neutral
- ✓ Allow stacking of water use for large complexes
- ✓ Institute nominal 10% water rate increase in 2004
- ✓ Phase in 9% wastewater rate increase in 2004 (part of 28% rate increase linked to wastewater improvement project)

We respectfully recommend the City Council's approval of the water and wastewater rate system changes.

Very truly yours,

CITY OF FAYETTEVILLE, ARKANSAS

Greg Boettcher
Water & Wastewater Director

Stephen Davis
Finance & Internal Services Director

cc: Hugh Earnest, Chief Administrative Officer
David Jurgens, Water & Sewer Maintenance Superintendent
Don Osburn, Water Services Supervisor
Rainy Laycox, Business Office Supervisor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and
Fayetteville City Council

FROM: Greg Boettcher, P.E.,
Water & Wastewater Director GB

COPY: Steve Davis, Hugh Earnest, Kit Williams

DATE: July 23, 2003

RE: **Rate Adjustment Notification**
External Customer Groups

Under the terms of our contracts with external customer groups, it is necessary that written notice be provided for forthcoming rate schedule adjustments. A copy of the typical letter being forwarded to such entities is attached for your information. Detailed information on adjustments, justifications and recommended actions will be provided to you in the coming weeks. This information is provided for your awareness should any of these entities report same to the media. Our external customer notifications were mailed to:

- **City of Elkins**
- **City of Farmington**
- **City of Goshen**
- **City of Greenland**
- **City of Johnson**
- **Mount Olive Water Authority**
- **City of West Fork**
- **Washington County Rural Development Authority**

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

July 23, 2003

Mayor Wallace Brt
City of Elkins
P.O. Box 331
Elkins, AR 72727

RE: **WATER AND WASTEWATER RATE ADJUSTMENT**
Water Purchase Contract-May 21, 1991
Wastewater Service Contract-July 23, 1981

Dear Mayor Brt:

In accordance with the provisions of the above noted contracts, this letter is provided as notice of a pending adjustment to the Elkins' rate schedule. The City of Fayetteville has retained Black and Veatch of Kansas City, Missouri to perform a cost of service study for Fayetteville's water and wastewater enterprises. The use of this firm complies with the determinations made sometime prior to 1991 by a joint selection committee that said firm perform such financial analyses. This study has been completed, and is currently under the review of the Arkansas Soil and Water Conservation Commission. We expect to receive written approval of the cost of service findings, enabling formal consideration of the recommended adjustments by Fayetteville government in the coming months. The nature and effective date of water and wastewater rate adjustments cannot be guaranteed at this time, as final decisions rest with our elected officials.

A tentative schedule has been proposed for the implementation of the adjusted cost of services, with key activities being noted as follows:

August 12, 2003	Fayetteville Water and Sewer Committee receives rate study presentation by Black and Veatch
August 13, 2003	Continuous rate study workshop in room 326, City Hall, Fayetteville, Arkansas for neighboring community representatives (Elkins, Farmington, Goshen, Greenland, Farmington, Johnson, Mount Olive Water Authority and West Fork)
September 2003	Fayetteville City Council considers water and wastewater rate adjustments
November 2003	Beaver Water District Rate Increase becomes effective
January 2004	Customer billings after January 1, 2004 reflect water and wastewater cost of service adjustments

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

The details of the water and wastewater rate adjustments will be defined in explicit terms for our customers in the coming months. Due to the use of "cost of service" methodology, the adjustments proposed will vary according to customer class to provide an equitable rate structure. The primary factor in the water rate adjustment is the increased cost of potable water being levied by Beaver Water District. The upgrading, expansion and enhancement of this water supply requires a rate increase to meet operation, maintenance and debt service obligations. Similarly, the improvement of the Fayetteville wastewater system and increasingly stringent operating requirements necessitate rate adjustments to meet growing operation, maintenance and replacement costs. The wastewater rate service adjustments are softened dramatically by Fayetteville citizens approving a ¾-cent sales tax to make debt service payments on the $125 million of capital costs. This action reduced the typical customer's wastewater rate increase from 134% to only 28%. In the current cost of service rate study, only a portion of the rate increase is to be implemented in 2004. Such an approach will allow customers to be transitioned gradually to the new wastewater service charges, matching the phased expense increases.

We will be in contact as firm dates for meetings are developed. Should there be questions, please feel free to contact either Steve Davis or the undersigned at 479-575-8330.

Sincerely,
City of Fayetteville

Greg Boettcher
Water & Wastewater Director

GB/pkh

cc: Kit Williams
Hugh Earnest
David Jurgens

Steve D

WSIP - DESIGN - COSTS FILE (WSIP)

Arkansas Soil & Water Conservation Commission

J.Randy Young, PE
Executive Director

101 East Capitol, Suite 350
Little Rock, Arkansas 72201
www.accessarkansas.org/aswcc

Phone: (501) 682-1611
Fax: (501) 682-3991
E-mail: aswcc@mail.state.ar.us

Mike Huckabee
Governor

RECEIVED
JUL 28 2003
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

July 25, 2003

The Honorable Dan Coody
Mayor, City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

RE: Arkansas Soil and Water Conservation Commission – Arkansas Clean Water State Revolving Loan Fund Program – City of Fayetteville – 00183-CWRLF-L– User Charge System

Dear Mayor Coody:

The proposed User Charge System, comprised of the User Charge Ordinance and RLF-122 rate structure documentation, is approved and a copy is enclosed for your project records.

Amendment number 1 to the Memorandum of Agreement, dated March 24, 2003, between the City of Fayetteville and the Arkansas Soil and Water Conservation Commission requires that the enacted rate ordinance be submitted by January 5, 2004. When you officially enact the Ordinance, please submit the following documents to our office:

1. Certified copy of the Ordinance
2. Proof of publication of the notice of public hearing
3. Transcript or minutes of the public hearing
4. Proof of publication of the User Charge Ordinance

Any future Ordinances affecting your rate structure must be in accordance with program requirements and must be approved by the Commission before enactment.

At some point in the near future, your Bond Counsel should begin preparation of the draft Bond Ordinance and Bond Purchase Agreement for this project. Considering application certification is not estimated until April 2004 and construction might not be ready to commence until May 2004, it is still premature; however, when the City is ready to involve its Bond Counsel, I recommended that he/she contact me to establish a tentative schedule regarding the preparation and submittal of these documents for review.

Thank you for your interest and cooperation in bringing this project closer to completion. If you have any questions or need assistance, please contact me at (501) 682-3086 or e-mail scott.savoy@mail.state.ar.us.

Sincerely,

Scott J. Savoy
Project Administrator

Enclosure

cc: Greg Boettcher, P.E, Water & Wastewater Director, 113 West Mountain Street, Fayetteville, AR 72701 w/enclosure

PROPOSED USER CHARGE SYSTEM CHECKLIST

PROJECT NAME: **Fayetteville, ARKANSAS**

PROJECT NUMBER: **CS-050803-03**

YES NO

_X___ ____ 1.Each user (or user class) pays its proportionate share of operation, maintenance and replacement (OM&R) costs based upon their total wastewater discharge into the system.

_X__ ____ 2. The UCS has an adequate surcharge system for excessive strength wastewater discharges.

_X___ ____ 3.All users are notified annually, in conjunction with a regular bill, of the rate and portion of user charges which are attributable to wastewater treatment costs for OM&R. If notification is not through a regular bill, list other method: _____

_X___ ____ 4.Provide for an adequate financial management system?

_X___ ____ 5.Account accurately for all revenues generated by the system derived from OM&R, administration and debt service charges?

____ __X__ 6.Will the project involve a revenue-producing technology? If not, mark N/A. If so,

a. List annual revenue estimate: $_____.

b. Does UCS include method to adjust user charges to account for this revenue?

_____

_X___ ____ 7.Does the project accept wastewater from other municipalities? If not, mark N/A. If so,

_X___ ____ a. Are these municipalities subject to the applicant's User Charge System?

_X___ ____ b. If not, refer to Procedures For User Charge System, Section IIB, for review guidance.

_X___ ____ 8.The proposed User Charge Ordinance states that it will take precedence over all existing terms, ordinances, agreements or contracts pertaining to User Charges that conflict with its provisions.

_X___ ____9. Are User Charge rates consistent with project cost estimates contained in the Facility Plan (FP), Environmental Information Document (EID) and financial capability analysis? If not, discuss the situation with the Environmental Review Coordinator to see if a new Public Hearing will be necessary or if the FP, EID or Finding of No Significant Impact will need to be amended.

__X__ ____10. Is a pretreatment program in existence or required for this project? If so, list annual pretreatment costs: $_____

Indicate how these costs are/will be distributed among affected parties:

Pretreatment is user responsibility, only costs are extra strength surcharges

11. Total Project Cost: **$ 125,000,000**
RLF Amount: **$ 100,000,000**
Local Funds: **$ 25,000,000**
Other Funding Sources:* $ _____

*Note: List Other Funding Agencies:

_____

12. Annual OM&R Costs:
Operation: **$ 9,914,344**
Maintenance: **$ 1,351,956**
Replacement: **$ 168,600**

Total: **$ 11,434,900**

13. Annual Debt Service Costs:
Existing: **$ 390,000**
Future: $ (sales tax to pay new debt service)
Total: **$ 390,000**

14. Total Annual UCS Costs (12 + 13):
$ 11,824,900

Total Annual UCS Revenue (Estimate)
$ 12,389,500

If expenses exceed revenues, consult Planning Section Manager for guidance.

15. Does the proposed User Charge Ordinance contain the following information:

_X___ ____ a.Defines purpose of Ordinance and how revenue will be utilized.

_X___ ____ b.Incorporates RLF model ordinance terminology.

_X___ ____ c.Rate structure and minimum bill are clearly defined so that rates and charges, which are subject to annual revision, can be easily changed without affecting other sections of the Ordinance.

_X__ ____ d.Defines appeal procedures for users who question rates and actions for delinquent payment.

_X___ ____ e. Ordinance contains invalidity clause.

Reviewed By: Scott Sawyer (Project Administrator)

Comments:
The purpose of this proposed User Charge Ordinance is well defined with RLF model ordinance terminology incorporated throughout.

NOTE: Ensure That the User Charge System Methodology is attached.

Financial Capability Reviewed By: Regina Funck

RLF Fund Manager's Comments:

Date comment letter sent regarding deficiencies: _____

Date approval letter drafted (RLF-31): _____

IV. User Charge Calculation:

COPY

A. The user charge methodology and costs are set forth in the attached study titled "Draft Report on Revenue Requirements, Costs of Service and rates for water and Wastewater Service" as developed by Black and Veatch in March of 2003. User charge design considers fixed and variable costs of service with equitable allocations of the costs to the various customer classes.

B. The proposed rates that will be in effect in 2006 (using a phase in of the design rate over several years)are set forth in the following table as per the rate study:

VOLUME CHARGES-COST PER 1,000 GALLONS

RATE CATEGORY	EXISTING	2006
Residential-Fayetteville	$2.39	$2.95
Residential-Outside City	$4.00	$7.16
Commercial-Fayetteville	$1.87	$2.95
Commercial-Outside City	$4.00	$7.16
Retail-Fayetteville		$2.95
Retail-Outside City		$7.16
Elkins-Wholesale	$1.80	$6.22

CUSTOMER CHARGES-MINIMUM MONTHLY COST

Meter Size	Existing-Fayetteville	2006-Fayetteville	Existing-Outside	2006-Outside
5/8"	$8.00	$8.63	$9.60	$10.35
¾"	$ 9.25	$11.75	$11.10	$14.10
1"	$10.40	$16.12	$12.48	$19.35
1-1/2"	$14.54	$28.16	$17.45	$34.33
2"	$19.36	$41.10	$23.23	$49.32
3"	$40.40	$96.06	$48.48	$115.27
4"	$71.11	$158.51	$85.33	$190.21
6"	$135.75	$314.63	$162.90	$377.56
8"	$213.08	$470.75	$255.70	$564.90

EXTRA STRENGTH SURCHARGE-COST PER POUND

Parameter	Current Charge	2006 Charge
BOD over 300mg/l	$0.2061	$0.4541
Suspended Solids over 300 mg/l	$0.1030	$0.3557

ASWCC MINIMUM REQUIREMENT

FAYETTEVILLE-CLEAN WATER 00183-CWSRF-L
RATE PRESENTATION - CURRENT RATES

LOAN AMOUNT	$100,000,000		
RATE	3.25%		
TERM	20 YEARS		
ANNUAL BILLABLE WATER			
FAYETTEVILLE	2,936,201,000	EST.	
OUTSIDE CITY	115,645,000	EST.	
ELKINS-WHOLESALE	12,954,000	EST.	
	3,064,800,000		
OPERATION & MAINTENANCE	$11,637,900		
REPLACEMENT	$0		
ANNUAL OM&R REQUIRED	$11,637,900		
CURRENT DEBT SERVICE	$390,045		
RLF DEBT SERVICE	$0	PAID BY SALES TAX	
ANNUAL DEBT SERVICE REQ.	$390,045		

USER CLASSES/NO. OF CUSTOMERS PER CLASS

FAYETTEVILLE-RES.	21,361	2000 + EST.
OUTSIDE CITY-RES.	1,672	
FAYETTEVILLE-COMM	1,477	
OUTSIDE CITY-COMM	71	
TOTAL NO. OF USERS	24,581	

REVISED 6/10/03

MINIMUM GALLONS BILLED 1,000

CUSTOMER CHARGES-MINIMUM MONTHY COST
5/8" METER SIZE

FAYETTEVILLE	$8.00
OUTSIDE CITY	$9.60

VOLUME CHARGE PER 1,000 GALLONS

FAYETTEVILLE	$2.39
OUTSIDE CITY	$4.00
ELKINS-WHOLESALE	$1.80

MINIMUM BILL FOR FAYETTEVILLE-RESIDENTIAL

$8.00	MININUM MONTHLY COST
$2.39	VOLUME CHARGE 1,000 GAL
$10.39	MINIMUM BILL FOR 1,000 GAL/MO

CUSTOMER CHARGES-MINIMUM MONTHY COST

FAYETTEVILLE-RES.	$8.00	X	21,361	X 12 MO. =	$2,050,656
OUTSIDE CITY-RES	$9.60	X	1,672	X 12 MO. =	$192,614
FAYETTEVILLE-COMM	$8.00	X	1,477	X 12 MO. =	$141,792
OUTSIDE CITY-COMM	$9.60	X	71	X 12 MO. =	$8,179
			24,581		

BILL FOR 4,000 GALLONS FAYETTEVILLE-RESIDENTIAL

$8.00	MININUM MONTHLY COST
$9.56	VOLUME CHARGE 4,000 GAL
$17.56	BILL FOR 4,000 GAL/MO

BILL FOR 6,000 GALLONS FAYETTEVILLE-RESIDENTIAL

$8.00	MININUM MONTHLY COST
$14.34	VOLUME CHARGE 6,000 GAL
$22.34	BILL FOR 6,000 GAL/MO

TOTAL MINIMUM MONTHLY COST $2,393,242

VOLUME CHARGE IN 1,000 GALLONS

FAYETTEVILLE	$2.39	X	2,936,201	$7,017,521
OUTSIDE CITY	$4.00	X	115,645	$462,579
ELKINS-WHOLESALE	$1.80	X	12,954	$23,317
			3,064,800	
TOTAL VOLUME CHARGE				$7,503,417

MINIMUM BILL FOR OUTSIDE CITY

$9.60	MININUM MONTHLY COST
$4.00	VOLUME CHARGE 1,000 GAL
$13.60	MINIMUM BILL FOR 1,000 GAL/MO

TOTAL REVENUE $9,896,659

VARIOUS METER SIZES (5/8" TO 8")-USED 5/8"

REQUIRED DEBT SERV.	($390,045)
REQUIRED OM&R	($11,637,900)
NET	($2,131,287)

1-A

ASWCC MINIMUM REQUIREMENT

FAYETTEVILLE-CLEAN WATER
RATE PRESENTATION - PROPOSED RATES-Black & Veatch

REVISED 5/12/03

LOAN AMOUNT	$100,000,000	
RATE	3.25%	
TERM	20 YEARS	
ANNUAL BILLABLE WATER		
FAYETTEVILLE	2,936,201,000	EST.
OUTSIDE CITY	115,645,000	EST.
ELKINS-WHOLESALE	12,954,000	EST.
	3,064,800,000	
OPERATION & MAINTENANCE	$11,637,900	
REPLACEMENT	$0	
ANNUAL OM&R REQUIRED	$11,637,900	
CURRENT DEBT SERVICE	$390,045	
RLF DEBT SERVICE	$0	PAID BY SALES TAX
ANNUAL DEBT SERVICE REQ.	$390,045	

USER CLASSES/NO. OF CUSTOMERS PER CLASS

FAYETTEVILLE-RES.	21,361	2000 + EST.
OUTSIDE CITY-RES.	1,672	
FAYETTEVILLE-COMM	1,477	
OUTSIDE CITY-COMM	71	
TOTAL NO. OF USERS	24,581	

MINIMUM GALLONS BILLED 1,000

CUSTOMER CHARGES-MINIMUM MONTHY COST
5/8" METER SIZE

FAYETTEVILLE	$8.63
OUTSIDE CITY	$10.35

VOLUME CHARGE PER 1,000 GALLONS

FAYETTEVILLE	$2.95
OUTSIDE CITY	$7.16
ELKINS-WHOLESALE	$6.22

MINIMUM BILL FOR FAYETTEVILLE-RESIDENTIAL

$8.63	MININUM MONTHLY COST
$2.95	VOLUME CHARGE 1,000 GAL
$11.58	MINIMUM BILL FOR 1,000 GAL/MO

CUSTOMER CHARGES-MINIMUM MONTHY COST

FAYETTEVILLE-RES.	$8.63	X	21,361	X 12 MO. =		$2,212,145
OUTSIDE CITY-RES	$10.35	X	1,672	X 12 MO. =		$207,662
FAYETTEVILLE-COMM	$8.63	X	1,477	X 12 MO. =		$152,958
OUTSIDE CITY-COMM	$10.35	X	71	X 12 MO. =		$8,818
			24,581			

BILL FOR 4,000 GALLONS FAYETTEVILLE-RESIDENTIAL

$8.63	MININUM MONTHLY COST
$11.80	VOLUME CHARGE 4,000 GAL
$20.43	BILL FOR 4,000 GAL/MO

BILL FOR 6,000 GALLONS FAYETTEVILLE-RESIDENTIAL

$8.63	MININUM MONTHLY COST
$17.70	VOLUME CHARGE 6,000 GAL
$26.33	BILL FOR 6,000 GAL/MO

TOTAL MINIMUM MONTHLY COST $2,581,584

VOLUME CHARGE

		IN 1,000 GALLONS		
FAYETTEVILLE	$2.95	X 2,936,201		$8,661,794
OUTSIDE CITY	$7.16	X 115,645		$828,016
ELKINS-WHOLESALE	$6.22	X 12,954		$80,574
		3,064,800		
		TOTAL VOLUME CHARGE		$9,570,384

MINIMUM BILL FOR OUTSIDE CITY

$10.35	MININUM MONTHLY COST
$7.16	VOLUME CHARGE 1,000 GAL
$17.51	MINIMUM BILL FOR 1,000 GAL/MO

TOTAL REVENUE $12,151,968

REQUIRED DEBT SERV.	($390,045)
REQUIRED OM&R	($11,637,900)
NET	$124,022

1

ASWCC MINIMUM REQUIREMENT

FAYETTEVILLE-CLEAN WATER
RATE PRESENTATION - PROPOSED RATES

00183-CWSRF-L

REVISED 6/10/03

LOAN AMOUNT	$100,000,000	
RATE	3.25%	
TERM	20 YEARS	
ANNUAL BILLABLE WATER		
FAYETTEVILLE	2,936,201,000	EST.
OUTSIDE CITY	115,645,000	EST.
ELKINS-WHOLESALE	12,954,000	EST.
	3,064,800,000	
OPERATION & MAINTENANCE	$11,637,900	
REPLACEMENT	$0	
ANNUAL OM&R REQUIRED	$11,637,900	
CURRENT DEBT SERVICE	$390,045	
RLF DEBT SERVICE	$0	PAID BY SALES TAX
ANNUAL DEBT SERVICE REQ.	$390,045	

USER CLASSES/NO. OF CUSTOMERS PER CLASS

FAYETTEVILLE-RES.	21,361	2000 + EST.
OUTSIDE CITY-RES.	1,672	
FAYETTEVILLE-COMM	1,477	
OUTSIDE CITY-COMM	71	
TOTAL NO. OF USERS	24,581	

MINIMUM GALLONS BILLED 1,000

CUSTOMER CHARGES-MINIMUM MONTHY COST
5/8" METER SIZE

FAYETTEVILLE	$8.00
OUTSIDE CITY	$9.60

VOLUME CHARGE PER 1,000 GALLONS

FAYETTEVILLE	$3.20
OUTSIDE CITY	$4.20
ELKINS-WHOLESALE-VOLUME ONLY	$6.00

MINIMUM BILL FOR FAYETTEVILLE-RESIDENTIAL

$8.00	MININUM MONTHLY COST
$3.20	VOLUME CHARGE 1,000 GAL
$11.20	MINIMUM BILL FOR 1,000 GAL/MO

BILL FOR 4,000 GALLONS FAYETTEVILLE-RESIDENTIAL

$8.00	MININUM MONTHLY COST
$12.80	VOLUME CHARGE 4,000 GAL
$20.80	BILL FOR 4,000 GAL/MO

BILL FOR 6,000 GALLONS FAYETTEVILLE-RESIDENTIAL

$8.00	MININUM MONTHLY COST
$19.20	VOLUME CHARGE 6,000 GAL
$27.20	BILL FOR 6,000 GAL/MO

MINIMUM BILL FOR OUTSIDE CITY

$9.60	MININUM MONTHLY COST
$4.20	VOLUME CHARGE 1,000 GAL
$13.80	MINIMUM BILL FOR 1,000 GAL/MO

VARIOUS METER SIZES (5/8" TO 8")-USED 5/8"

CUSTOMER CHARGES-MINIMUM MONTHY COST

FAYETTEVILLE-RES.	$8.00	X	21,361	X 12 MO. =	$2,050,656
OUTSIDE CITY-RES	$9.60	X	1,672	X 12 MO. =	$192,614
FAYETTEVILLE-COMM	$8.00	X	1,477	X 12 MO. =	$141,792
OUTSIDE CITY-COMM	$9.60	X	71	X 12 MO. =	$8,179
			24,581		

TOTAL MINIMUM MONTHLY COST **$2,393,242**

VOLUME CHARGE — IN 1,000 GALLONS

FAYETTEVILLE	$3.20	X	2,936,201	$9,395,844
OUTSIDE CITY	$4.20	X	115,645	$485,708
ELKINS-WHOLESALE	$6.00	X	12,954	$77,724
			3,064,800	

TOTAL VOLUME CHARGE **$9,959,276**

TOTAL REVENUE **$12,352,518**

REQUIRED DEBT SERV.	**($390,045)**
REQUIRED OM&R	**($11,637,900)**
NET	**$324,572**

1-B

RECEIVED
JUL 15 2003
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

BLACK & VEATCH

11401 Lamer Avenue
Overland Park, Kansas 66211 USA

tel: (913) 458-2000

Black & Veatch Corporation

July 14, 2003

Mr. Stephen Davis
Finance and Internal Services Director
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Mr. Davis:

In response to the Arkansas Soil & Water Conservation Commission letter dated June 25, 2003 regarding sewer charges to the City of Elkins, we are providing the following information.

The City of Fayetteville provides wastewater treatment service to the City of Elkins on a wholesale basis. Wastewater from Elkins is received into the Fayetteville system by way of a trunk sewer. As such, the City of Elkins does not utilize the smaller lateral sewer lines in the Fayetteville collection system, and should not share in costs associated with lateral sewer lines.

The allocation process is illustrated in the attached tables from our rate report. Table S-9 shows the allocation of net plant investment. Costs associated with larger trunk sewer lines are utilized by all customers inside and outside the City of Fayetteville, whether served on a retail or wholesale basis. Trunk sewer lines are therefore assigned to the "Common to All" category. Because lateral sewer lines are utilized by only those customers served on a retail basis, those costs are assigned to the "Retail Only" category.

Allocation of depreciation expense, shown in Table S-10, is similar to the allocation of net plant investment.

The result of the allocation process is that the rate for Elkins ($6.22 per 1,000 gallons) is lower than the rate to other outside city customers such as Farmington, Greenland, and Growth Area that are served on a retail basis.

We trust the enclosed information adequately explains the rate differential in question. Should additional questions arise, however, we will be happy to respond.

Very truly yours,

BLACK & VEATCH CORPORATION

Blaine W. Bickel

Blaine W. Bickel

BWB/mdp
Enclosures

Table S-9

City of Fayetteville
Wastewater Utility
Allocation of Net Plant Investment
to Functional Cost Components
Test Year 2006

Line No		Total Net Plant Investment (a)	Common to All				Retail Only
			Volume	Wastewater Strength BOD	Wastewater Strength SS	Customer	Volume
		$	$	$	$	$	$
		G-12					
	Collection System						
1	Trunk Sewer Lines	27,725,700	27,725,700				
2	Lateral Sewer Lines	14,164,200					14,164,200
3	Connections	640,200				640,200	
4	Subtotal Collection System	42,530,100	27,725,700	0	0	640,200	14,164,200
5	Wastewater Treatment Plant	113,126,100	45,250,500	45,250,400	22,625,200		
6	General Plant & Equipment	1,164,600	545,900	338,600	169,300	4,800	106,000
7	Total Net Plant Investment	156,820,800	73,522,100	45,589,000	22,794,500	645,000	14,270,200
	Percent of Total	100.0%	46.9%	29.1%	14.5%	0.4%	9.1%

(a) Excludes contributed plant.

JUL-27-2005 15:35

Table S-10

City of Fayetteville
Wastewater Utility
Allocation of Annual Depreciation Expense
to Functional Cost Components
Test Year 2006

Line No		Total Plant Net Annual Depreciation (a)	Common to All				Retail Only
			Volume	Wastewater Strength BOD	Wastewater Strength SS	Customer	Volume
		$	$	$	$	$	$
		G-12					
	Collection System						
1	Trunk Sewer Lines	187,000	187,000				
2	Lateral Sewer Lines	302,300					302,300
3	Connections	26,000				26,000	
4	Subtotal Collection System	515,300	187,000	0	0	26,000	302,300
5	Wastewater Treatment Plant	3,540,900	1,416,300	1,416,400	708,200		
6	General Plant & Equipment	23,400	9,300	8,200	4,100	100	1,700
7	Total Depreciation Expense	4,079,600	1,612,600	1,424,600	712,300	26,100	304,000
	Percent of Total	100.0%	39.5%	34.9%	17.5%	0.6%	7.5%

(a) Excludes contributed plant.

TOTAL P.04

City Council Agenda Item

To: Mayor and City Council

From: Hugh Earnest, CAO

Tim Conklin, Community Planning and Engineering Services Director

Date: September 18, 2003

Subject: Approval of a contract with Dover, Kohl & Partners for a Downtown Master Plan

Recommendation: Approval of a contract to prepare a Downtown Master Plan in the amount of $200,000 with Dover, Kohl & Partners.

Background: On July 7, 2003, a Request for Proposals for a Downtown Master Plan was sent to nationally recognized planning/design firms. The Downtown Master Plan Selection Committee met on August 11, 2003 to review the eight proposals that were received. The top two qualified firms were interviewed by the Selection Committee on August 22, 2003. The committee selected Dover, Kohl & Partners based on their prior experience completing similar studies, developing parking management strategies, drafting codes and design standards, and utilizing a charrette planning approach to successfully engage the public and stakeholders in the planning process.

The study will be conducted over an eight month planning period with the parking and transportation management strategy to be presented within the first four months of the study.

Discussion: The Fayetteville City Council identified Downtown/Dickson Street as a priority during the strategic planning workshop earlier this year. The contract with Dover, Kohl & Partners seeks to accomplish the following two policy statements from the Mayor and City Council's Strategic Plan:

GUIDING PRINCIPLE # 8

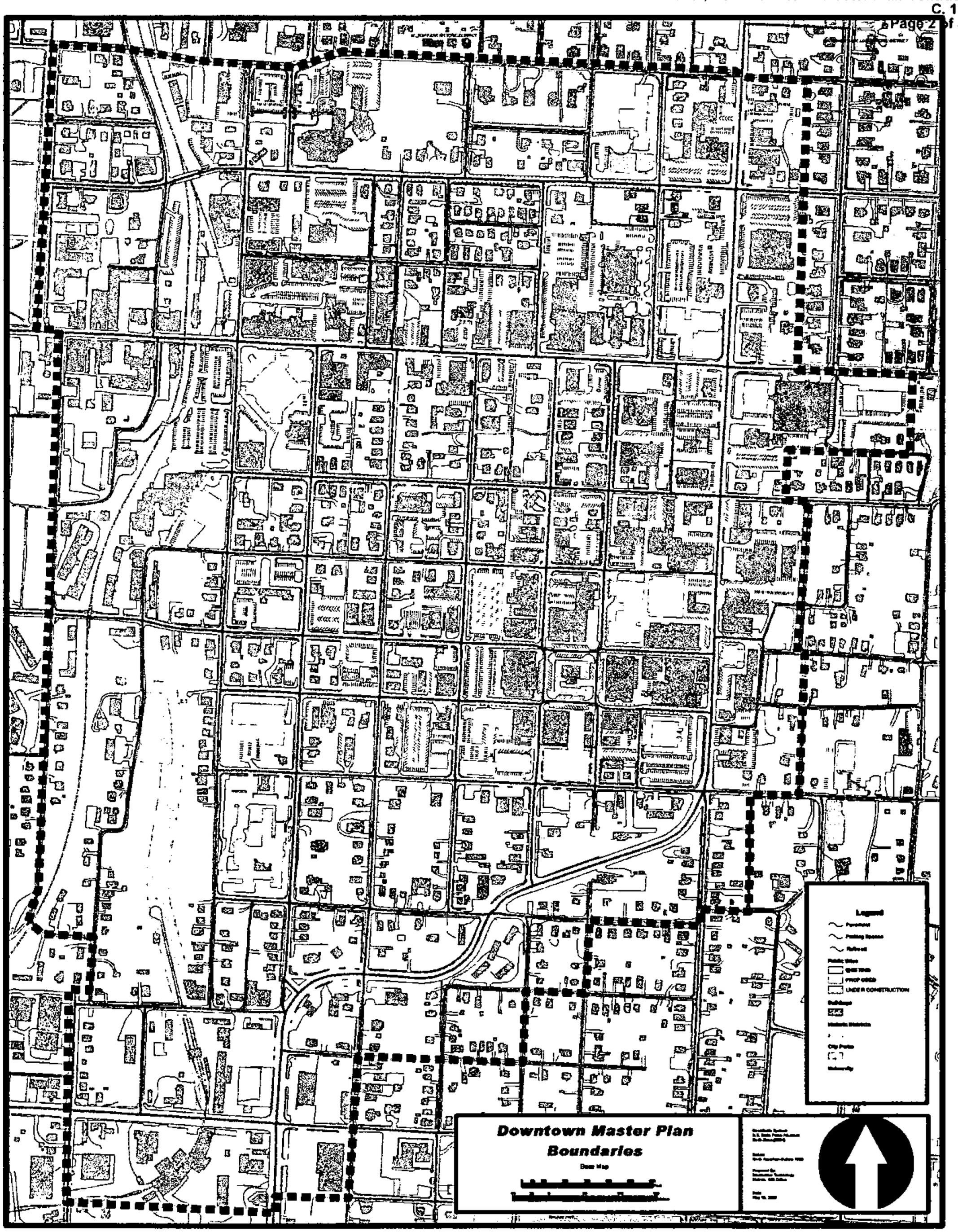
DICKSON STREET/DOWNTOWN AREA DEVELOPED AS A "CULTURAL ENTERTAINMENT" DISTRICT

GOAL # 3

DEVELOPMENT OF OUR CROWN JEWELS: THE SQUARE-DICKSON STREET-UNIVERSITY

The contract for services with Dover, Kohl & Partners and a letter from the Selection Committee are attached.

Budget Impact: On June 17, 2003, City Council approved a resolution authorizing City Staff to issue a request for proposals to seek a consultant group to develop a Downtown Master Plan and approved a budget adjustment in an amount not to exceed $200,000.00 for same. This funding is from the unexpended 2002 General Fund appropriations.


Legend
Downtown Master Plan
Boundaries

RESOLUTION NO. _____

A RESOLUTION AWARDING A CONTRACT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS ($200,000.00) TO DOVER, KOHL AND PARTNERS TO PREPARE A DOWNTOWN MASTER PLAN.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards a contract in an amount not to exceed Two Hundred Thousand Dollars ($200,000.00) to Dover, Kohl and Partners to prepare a Downtown Master Plan. A copy of the contract, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and **APPROVED** this 7th day of October, 2003.

APPROVED

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: **Fayetteville City Council**

From: **Selection Committee for Downtown Master Plan Consultant**

Date: **September 17, 2003**

Subject: **Recommendation of Committee**

Over the past decade, both the public and private sectors have worked diligently to ensure that the Downtown/Dickson Street area of Fayetteville would continue to serve as an entertainment and cultural draw for Fayetteville and the region. Investments such as the Walton Arts Center, numerous new restaurants and the ongoing improvements to Dickson Street itself are clear indications that this important section of downtown will continue to play a key role in the *Quality of Life* that is a trademark of this city.

Recently, the Fayetteville City Council completed a strategic planning workshop which identified downtown as a priority in their 12 guiding principles as well as the six goal statements for 2003-2008. These two statements speak for themselves as to the importance of Downtown from a policy statement perspective.

GUIDING PRINCIPLE # 8
DICKSON STREET/DOWNTOWN AREA DEVELOPED AS A "CULTURAL ENTERTAINMENT" DISTRICT

GOAL # 3
DEVELOPMENT OF OUR CROWN JEWELS: THE SQUARE-DICKSON STREET-UNIVERSITY

The council, as part of the strategic plan detail also suggested that the city actions in 2003 include an "Entertainment/Cultural District" Study and a Downtown Dickson: Zoning Study. In order to meet this suggestion of the council, the city staff prepared an excellent Request for Proposal and distributed the document to a wide spectrum of nationally recognized firms that had experience in addressing the mandates from the council.

The process resulted in the receipt of eight quality proposals from firms across this country. After a careful and very thorough selection process, two firms were interviewed by the selection committee on August 29th. While both presentations were excellent, it

was the consensus decision of the group that Dover/Kohl from Coral Gables, Florida was best suited to meet the objectives of the proposed study.

The selection committee strongly recommends to the City Council that Dover/Kohl be approved for this important study. We are convinced that the well organized charrette process will ensure that planning efforts such as these will be fully utilized and aggressively advanced during and following completion of the study. We chose Dover/Kohl because of their proven record of conducting the charrette process effectively, involving all sectors of the community that will be impacted by the planning and implementation of the initiative. In short, this is an historic opportunity that will define our city for this new millennium. It merits our active involvement and support. We respectfully request that the Fayetteville City Council authorize this expenditure.

Signed

Katherine Adam
Katherine Adam

Julie Bland
Julie Bland

Tim Conklin
Tim Conklin

Anita Scism
Anita Scism

Bootsie Ackerman
Bootsie Ackerman

Kyle Cook
Kyle Cook

Hugh Earnest
Hugh Earnest

Dina Wood
Dina Wood

STAFF REVIEW FORM

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council Meeting of: September 16, 2003

FROM:

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

ACTION REQUIRED: Approve an ordinance establishing a business license program for the City of Fayetteville. Approve an budget adjustment appropriating funding to implement the business license program.

COST TO CITY:

See Attachment	$ -	
Cost of this request		Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager ____ Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager ____ Date

Internal Auditor ____ Date

City Attorney 9-3-03 Date

Purchasing Manager ____ Date

STAFF RECOMMENDATION: Adoption of the business license program and approval of a budget adjustment appropriating funding to implement the program.

Division Head ____ Date

Department Director ____ Date

Finance & Internal Services Dir. 8-23-03 Date

Chief Administrative Officer 9-03-03 Date

Mayor 9/3/03 Date

Cross Reference

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

Previous Ord/Res#: ____

Orig. Contract Date ____

Orig. Contract Number ____

9/25/03

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor
Hugh Earnest, Chief Administrative Officer

FROM: Stephen Davis, Finance & Internal Services Director

DATE: August 23, 2003

SUBJECT: Business License Program

Background

City Staff has submitted to City Council a report titled "Business License Report" on August 4, 2003. This report was developed and issued as part of an information request by City Council during the 2003 Budget Hearing conducted in October/November 2002.

Discussion

Staff has distributed the above referenced report to all City Council members, the City Attorney, the City Clerk, the Advertising & Promotion Commission, the Fayetteville Chamber of Commerce, Downtown-Dickson Enhancement Project, Inc, the Press, the Washington County Collector's Office, Washington County Court Clerks Office, Washington County Assessor's Office, the Washington County Health Department, numerous City divisions as well interested citizens. Additionally, the proposed Business License Program, including the proposed application and flowchart, are posted on the City's web site.

The Proposed Business License Program (Program) is an extensive program in that it applies to all enterprises that have employees, sell goods or services, rent real or personal property unless the enterprise has a specific exemption authorized by Arkansas State law. The Program is a cost recovery licensing program based on the number of City divisions that are involved in either the initial or subsequent business license application review. The Program is predicted to take approximately eighteen (18) months to fully implement.

Recommendation

Staff recommends that the Business License Program be adopted and that funding be appropriated to implement the program. Additionally, Staff recommends that the Program be phased in with the first group of enterprises licensed being the businesses that are subject to the City's HMR taxes.

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH A BUSINESS LICENSE REQUIREMENT FOR ALL ESTABLISHMENTS LEGALLY REQUIRED TO PAY HOTEL, MOTEL AND RESTAURANT TAXES IN FAYETTEVILLE

WHEREAS, it is important to have full and accurate tax reporting for all establishments legally required to pay Hotel, Motel and Restaurant taxes in Fayetteville; and

WHEREAS, establishments without a permanent place of business within the city limits should be required to pay a sufficient Hotel, Motel and Restaurant License deposit to better ensure collection of the taxes paid by customers are remitted to the City; and

WHEREAS, a Hotel, Motel and Restaurant license program will provide an optional administrative enforcement mechanism to ensure prompt payment by all establishments without having to resort to criminal court.

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 adopts §119.01 Hotel, Motel and Restaurant Business License, as shown below:

"§119.01 Hotel, Motel and Restaurant Business License.

"*A. Definitions.*

Fayetteville based HMR establishment.

Any establishment that is subject to the Fayetteville Hotel, Motel and Restaurant tax collection requirements with a permanent, physical business location within the city limits of Fayetteville, Arkansas.

Itinerant HMR establishment.

Any business, establishment, or person which is subject to the Fayetteville Hotel, Motel and Restaurant tax collection requirements that does not have a permanent physical business location within the City Limits of Fayetteville, Arkansas.

"*B. Annual City HMR Business License Requirement.*

All Fayetteville based HMR establishments shall annually obtain

and constantly maintain in good standing a valid City of Fayetteville Hotel, Motel and Restaurant License. No Fayetteville based HMR establishment shall operate without a valid City of Fayetteville Hotel, Motel and Restaurant License that has not been suspended (unless reinstated prior to reopening) or revoked.

"*C. Itinerant HMR Business License Requirement.*

All itinerant HMR establishments must obtain, maintain possession of, and conspicuously display a City of Fayetteville Itinerant HMR Business License to conduct any business or commercial activity within the City of Fayetteville that may be subject to Fayetteville Hotel, Motel and Restaurant taxes. No Itinerant HMR establishment or person shall operate without a conspicuously displayed valid City of Fayetteville Itinerant Hotel, Motel and Restaurant License that has not been suspended (unless reinstated prior to reopening) or revoked.

"*D. Fees and Deposits.*

(1) Fayetteville based Hotel, Motel and Restaurant Business License.

(a) An annual fee of $60.00 shall be required for the issuance cost of a City of Fayetteville Hotel, Motel and Restaurant Business License. A cash deposit in the amount of any overdue HMR taxes which were the subject of collection efforts by the Fayetteville City Prosecutor's Office during the previous year may be required for issuance of the following years' license. No license may be issued to any establishment unless all currently due and owing Hotel, Motel and Restaurant taxes have been paid.

(b) If a Fayetteville based HMR establishment fails to fully report and account for its collection of Hotel, Motel and Restaurant taxes and remit the full amount due (including penalties and interest) by the end of the calendar year, its security deposit shall be considered remitted HMR taxes.

(2) Itinerant Hotel, Motel and Restaurant Business License.

(a) A City of Fayetteville Itinerant Hotel, Motel and Restaurant License (which shall be effective for the full calendar year in which it is purchased, unless later revoked or suspended) shall cost $60.00 for its issuance. A deposit of $250.00 to ensure prompt remission of Fayetteville's Hotel, Motel and Restaurant taxes collected from customers shall be required prior to issuance of the

Itinerant Hotel, Motel and Restaurant Business License. This deposit (less any deduction necessary to fully pay all HMR taxes then due) shall be returned to the Itinerant HMR establishment upon surrender of license or at the end of the calendar year, whichever comes first.

(b) If an Itinerant HMR establishment fails to fully report and account for its collection of Hotel, Motel and Restaurant taxes and remit the full amount due (including penalties and interest) by the end of the calendar year, its security deposit shall be considered remitted HMR taxes.

"E. Issuance of License.

The Accounting Division in conjunction with other administrative service divisions shall be empowered to issue both the Fayetteville based and Itinerant HMR Licenses upon full payment of the license fee and any required deposit.

"F. Revocation of Hotel, Motel and Restaurant Business License.

(1) The Mayor or designee may suspend or revoke a Fayetteville based Hotel, Motel and Restaurant Business License or an Itinerant Hotel, Motel and Restaurant Business License after providing the license holder an opportunity for a due process hearing to show cause why the license should not be revoked or suspended.

(2) Grounds for suspension or revocation of a City of Fayetteville Hotel, Motel and Restaurant Business License (Fayetteville based or Itinerant)

(a) Failure to fully pay the required license fee or any required deposit;
(b) Failure to conspicuously display Itinerant license;
(c) Failure to remit to the City of Fayetteville the full amount of Hotel, Motel and Restaurant tax receipts when due pursuant to law;
(d) Failure to pay any other city, county or state sales taxes in a timely basis as required by law;
(e) Revocation or suspension of the city's alcohol permit for this establishment;
(f) Operation of the establishment in violation of zoning requirements for site of business;
(g) Violation of any city or state health, sanitation, and rubbish or littering law or ordinance.

"*G. Penalties.*

Operating an establishment (whether Fayetteville based or itinerant) that is subject to the Fayetteville Hotel, Motel and Restaurant tax without a proper and valid HMR Business License shall be punishable by a fine of up to $250.00. Every day of such operation without a proper and valid license shall constitute a separate offense and be punishable by a fine of up to $250.00.

Section 2. Emergency Clause. That the City Council of the City of Fayetteville, Arkansas hereby having found that itinerant HMR vendors who service the Bike, Blues and Barbeque event scheduled for October 2-4, may fail to remit collected HMR taxes to the City and comply with all health, sanitation and litter laws and ordinances unless so required by the above HMR Itinerant Business License requirements going into immediate full force and effect, the City Council hereby declares this ordinance to be necessary to preserve the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from the date of its passage and approval in relation to Itinerant Hotel, Motel and Restaurant Business License requirements only.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby declares that the sections of this ordinance requiring Fayetteville based Hotel, Motel and Restaurant establishments to obtain a Fayetteville Hotel, Motel and Restaurant Business License shall not be effective until January 15, 2004.

PASSED and **APPROVED** this the 16th day of September, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

Business License Program – City of Fayetteville

Introduction and Summary

The purpose of this business tracking program (Program) is two-fold: first, provide a predictable and effective method of knowing where businesses are within the City and what risk the business presents to neighbors, if any, and what type of emergency response may be required; second, develop a mechanism that requires temporary and/or transient vendors register with the City to better assist in capturing the appropriate sales & use tax and/or hotel, motel and restaurant taxes. Another application for the business license program could be to generate revenue for use by the City to fund government operations in General Fund.

The initial benefits of a business License program to the City include:

- Provide the opportunity to re-allocate existing staff time from developing new business information to other critical municipal services
- Provide the opportunity to enable Staff to determine that the business has located in the proper zoning for the business
- Provide the opportunity to better plan community wide emergency and evacuation plans
- Provide the opportunity to better plan for delivery of emergency response services if or when they may be needed
- Provide the opportunity to share information with other governmental units such as the Washington County Health Department, Washington County Assessor's Office, Washington County Collector's Office, State of Arkansas Department of Finance & Administration, Central Emergency Medical Services, the Fayetteville Convention & Visitors Bureau and the Advertising & Promotion Commission
- Provide the opportunity to better coordinate temporary and transient businesses that frequent the City for festivals
- Provide the opportunity to have a single database that provides the required information for compliance with the annual backflow device testing information and the required information for Stormwater Phase II compliance

Description of the Business License Program

The business License program would involve:

- a business license application (please refer to the attachment titled "Business License Application")
- public information concerning the business License program – who is required to have a business license and how apply for a business license

- who, in the City, would be responsible for administering the program
- which City Divisions would be involved in reviewing a new business license application
- which City Division would be involved in reviewing and issuing business licenses for temporary or transient businesses
- how a business license will be renewed
- develop procedures and data that verifies, with reasonable accuracy, that businesses are obtaining a business license
- that business location information is shared within the City and with other governmental agencies as appropriate and as necessary. For example, the Washington County Health Unit could receive information on new hotels, motels, restaurants, convenience stores, caterers, etc.
- requirements that the business license be posted in a prominent place in the business establishment

The City would need to cooperate with and receive cooperation from various State and County agencies to insure that each governmental entity is informed on businesses, permanent, temporary and/or transient, that offer services or products within the City limits.

Business Application Process and Procedure

The business application is proposed to ask for the following information:

- Name of the business (need the official business name and the doing business as (DBA) name, if any)
- Street address of the business.
- Contact person, telephone number and mailing address. An email address is desired but not required unless the business application in submitted via the Web.
- Type of business (use the same industry classification that appears on the State Sales Tax Reports).
- Fire Sprinkler System - yes or no.
- Chemical or Flammable Material Storage – yes or no.

The applicant will need to print and post the completed application in a prominent place in the business and replace the application copy with the official business license issued by the City.

A business license is required

- When a business is newly established
- When a change in business name occurs
- When a change in ownership occurs
- When a change in the type of business

A renewal business license is required twelve months after the initial business license is approved.

Failure to apply or re-apply for a business license can result in penalty assessments. The penalties are listed below:

- 0 to 30 days late.....$25.00
- 31 to 60 days.....$50.00
- 61 to 90 days.....$75.00
- 91 plus.....$100.00

Additionally, for businesses that are 91 plus days late applying or re-applying for a business license other city licenses and/or permits may be canceled and no new licenses, permits or other regulatory approvals may be obtained until the business license is made current.

Temporary and/or Transient Business

Temporary and/or transient businesses may obtain a City of Fayetteville Business License by completing the business license application, presenting a copy of their sales tax permit or providing a copy of the transient business permit issued by Washington County and payment of the applicable business license fee.

City Department Review

Citizens will be able to contact several City Divisions to apply for a business licenses, renew a business license or inquire on a business license holder. The business will complete the business application and submit the application to the City either by mail, hand delivery or through the City's web site. City Staff in the Accounting Division and/or the Billing & Collections Division will enter the data from the application into the municipal management system, (Hanson) and Hanson will notify the Business Application Review Team that an application is ready for review and approval.

Applicability of the Business Application Process

All enterprises that have employees, sell goods or services, rent real and/or personal property will be required to submit a business application except those that have specific exemptions stipulated in the Arkansas Code. Governmental entities will be exempt from the Business License provisions.

Cost of a Business License Program

The cost of the business license program in comprised of two distinct elements: 1) capital cost of obtaining the necessary computer hardware and software including a web based portal; and 2) the on-going annual operational cost of having a business License system. The total cost of implementing a business license program is discussed below. The distribution of cost between the cost of issuing the initial business license and the cost of issuing a renewal business license is set forth in the attached worksheet titled "Business License Program Budget."

The predicted initial year cost to the City of having a business License program is approximately $99,000 and is comprised of a one-time capital expenditure of $56,000 and the initial one-year annual operating expense of $43,000. This business License program proposes to have citizen and staff inquiry and processing with six divisions: Accounting, Billing & Collections, Planning,

Building Safety, City Clerk and Mayor's Administration Office. The primary divisions impacted by this Program are the Accounting, Billing & Collections, Planning, and Building Safety divisions with the Accounting and/or Billing & Collections divisions taking the lead in management of the Program.

The predicted cost does not include any use of a City-owned vehicle to perform field audits or verification. The proposed budget for the Business License Program is attached and titled "Business License Program Budget." Two flowcharts are attached and the flowcharts detail the offices that the initial business license application and/or a business license renewal are expected to have an effect on. The flowcharts are titled "Business License Program Flowchart – Initial Application and Business License Program Flowchart – Renewal Application."

It should be noted that these cost predictions involve utilization of existing software providers (New World and Hansen) and hiring an additional employee to staff the program. The cost of the program should be approximately the same whether the City recovers cost only or uses the business license program as a source of revenue for General Fund.

Implementation and Evaluation

The Business License program could be implemented beginning in the fourth quarter 2003 and continue through the end of the first quarter 2004. Hotels, motels, and restaurants are proposed to be the first applications mailed out. The next grouping would be those businesses that have other existing permits or licenses. The business listing compiled by City staff lists over 2,500 within the City limits of Fayetteville. The proposal for this program would be to phase in the business licenses over a six month period and have the annual renewals scheduled over the following twelve months to provide a more consistent work load for staff. The Washington County Collector's Office has requested that prior to the City issuing a business license, that the City confirms payment of personal property taxes owed. In order for this Program to be successful, several City divisions and several other government offices such as the Washington County Assessor's Office, the Washington County Collector's Office and the Washington County Health Unit will need to work cooperatively to insure that the majority of businesses are identified and the businesses are provided the opportunity to apply for a business license.

It is expected that full implementation of the business license program could take up to one and a half years. The projected time frame is to enable the City to purchase the two software packages and the web portal, schedule on-site installation, conduct staff training, work out information sharing with other governmental agencies and develop public information packets that details the business license program.

City Staff expects to use existing information available either in the Central Dispatch, Billing & Collections, Planning and Building Safety divisions or purchase a business listing from the Fayetteville Chamber of Commerce or other commercially available business listing to mail out the initial applications. Renewal business licenses will be processed to even out the work flow through out the calendar year. Coordination with the appropriate Washington County and State offices will occur prior to approving the initial business license and any renewal business license.

The success or failure of the implementation can be determined in a number of ways. The most

quantifiable method would be by obtaining future reports from Dun & Bradstreet and obtaining information from the regional chambers of commerce and comparing these findings with the business listing from the City's business license program.

Other Uses of a Business License Program

The City could use the information captured in a business license program to develop some of the needed assessment information that will be required under the Phase II Stormwater regulations.

City of Fayetteville, Arkansas
Business License Program
Predicted Budget
July , 2003

	Capital	Operations
Personnel Services	$	$ 32,251
Office Supplies		2,000
Postage		700
Software Maintenance		5,710
Business Database Subscription		2,187
Computer, Monitor and Printer	3,500	
Software	19,400	
Web Portal	33,000	
Total	$ 55,900	$ 42,848

City of Fayetteville, Arkansas

New _____
Renewal _____
Change _____

Application for Business License

Business Name and Location	Business Mailing Address

Name (give advertised name, D.B.A.)

Street and Highway (Do not use PO Box)

City State Zip

Business Phone Number

E-mail Address

Name (enter corporate name if applicable)

Street, Highway or PO Box Number

City State Zip

Home Office Area Code and Phone Number

Business Information

Type of Ownership:
___ Corporation Name: _____
___ Partnership
___ Sole Proprietorship/Individual
___ Other Not For Profit Agency, Church, or Government Entity

Is the business:
___ Alcholic Beverage Sales
___ Caterer
___ Contractor
___ Lodging
___ Manufacturer
___ Real Property Rental
___ Retail
___ Retail Food
___ Service
___ Wholesale
___ Other: _____

Does the business: ___ Store chemical/flammable materials ___ Have a fire suppression (sprinkler) system

Dominant Product Sold or Service Performed: _____

Sales and Use Tax Permit SIC or NAICS Number: _____ Date Business Opens: _____

Reason for filing this application:
___ Change of Address
___ Change in Corporate Structure
___ Change in Type of Business
___ New Business
___ Purchase of existing business
___ Renew of existing license
___ Temporary/Transient Business

Prior Business Name: _____

Fee Calculation

License Fee: _____ + Late Fee: _____ = TOTAL: _____
(If applicable)

Signatures

_____ _____

Signature of Owners or Corporate Officer (All owners must sign and include photocopy of driver's license.)

Make check payable to "City of Fayetteville"
Please call (479) 575-8281 with questions.

Mail to: City of Fayetteville, Accounting Division
113 West Mountain, Fayetteville, AR 72701

Business Survey Form

Below is information that could be beneficial to the Fayetteville Police Department in case of an emergency. An emergency could be a burglary, fire, vandalism or alarm. Please fill out the information and mail or fax it to:
Kathleen Stocker, c/o Fayetteville Police Dept, P.O. Box 1988, Fayetteville, AR 72702.
Fax Number: 479-587-3563.
If you have any questions, you can contact someone at 479-587-3555. Thank you for your assistance.

Business Name: _____

Address: _____

Mailing Address: _____

Email Address: _____

Phone Number: _____

Manager/Owner: _____

Home Phone Number: _____

Cell Phone/Pager: _____

Please list at least two employees who we can contact in the event of an emergency and unable to reach the manager/owner. The employees list should have access to the building and alarm system (if applicable). Please list in the order you would like the employees called. If you are the manager/owner and don't want to be called first, please indicate on the form. Also, if you are leasing, please list whom you are leasing the building/ space from (indicating so after the name).

Name: _____ Home: _____
Cell: _____ Pager: _____

Name: _____ Home: _____
Cell: _____ Pager: _____

Name: _____ Home: _____
Cell: _____ Pager: _____

Business License Process

Initial Business License

DRAFT

Application

Applicant Receives Applications via Web/ Faxback/walk-in

Applicant Completes License application and submits to Business Office/ Accounting with application fee

North American Industry Classification System (NAICS) Verification

Special Events Temporary/ Transient Vendors

Business Office/Accounting Receipts fee into New World Revenue Accounting and enters Application into Hansen

County Collector Personal Property Tax Verification

Hansen Review

Planning: Zoning/Sign Ordinance

Solid Waste: Cart Size

Building Safety: Building Inspections

Public Safety: Police/Fire Inspections

Code Enforcement: No Code Violations

Accounting: HMR/Alcohol Bev License

Meter: Backflow Prevention

License

Application Approved

No → Returned to Applicant for resolution

Yes → Applicant Notified/ Business License Mailed by Accounting to Applicant with related documents such as Hot Check Collection Information

06/26/2003

Business License Process

Business License Renewal

DRAFT

Application

Applicant Receives Applications via Web/ Faxback/walk-in

Applicant Completes License application and submits to Business Office/ Accounting with application fee

North American Industry Classification System (NAICS). Verification

Business Office/Accounting Receipts fee into New World Revenue Accounting and enters Application into Hansen

County Collector Personal Property Tax Verification

Hansen Review

Backflow Certification on file if required

No

Storm Water Permit

Returned to Applicant for resolution

Violations

Yes

No

License

Renewal Application Approved

Applicant Notified/ Business License Mailed by Accounting to Applicant

06/26/2003

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

August 22, 2003

Bret J. Schlyer
Maximus, Inc
Cost Services Division
940 North Tyler Road, Suite 204
Wichita, KS 67212

Subject: **City of Fayetteville Proposed Business License Program**

Dear Bret,

As we discussed when you were in for the initial field work on the City of Fayetteville Cost of Services Study I am submitting the business license program budget and two flow charts. The budget is organized in capital and operational expenses. The capital cost should be amortized over a three year/thirty-six month basis. The operational budget covers the direct cost of administering the program only and does not include the predicted time each of the work areas requires for their individual portion of the business license review, nor does it cover any indirect cost the City has.

My request from Maximus is for Maximus to calculate a business license cost using the data gathered under the cost of services engagement, the predicted capital cost recovery for the business license program and the two flow charts that show how to obtain a business license. A business license, under this proposed program, would issue approximately 2,600 business licenses annually. The table below lists a predicted breakdown of how many applicants will have to be reviewed by the various work stations.

Predicted Number of Applicants	Number of Reviews	Predicted Review Time
2,600	5	1 hour 15 minutes
400	6	1 hour 30 minutes
300	7	1 hour 45 minutes

All 2,600 businesses will go through the Planning to Code Enforcement reviews; of the 2,600 business, approximately 400 will go through an additional review either from the Accounting Division or the Meter Division and of the 2,600 businesses, approximately 300 will be reviewed by all seven reviewers.

I appreciate your prompt response to my information request. The business license program is scheduled to be submitted to City Council for action by mid-September and the rate per business license review category is critical to the program.

Sincerely,

Stephen L. Davis
Finance & Internal Services Director

Attachments:
Business License Program
Application for Business License
Business License Program Predicted Budget
Business License Process – Initial Business License Flowchart
Business License Process – Business License Renewal

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CITY COUNCIL AGENDA ITEM

TO: Mayor Dan Coody and Fayetteville City Council

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

FROM: Kevin Springer, Budget Manager

DATE: September 17, 2003

SUBJECT: **2003 Millage Levy**

Recommendation:

Staff recommends the levy of 2.8 mils on real and personal property taxes for 2004. The millage levy is comprised of the following:

Millage Item	Millage Type	Millage Amount
General Fund Operations	discretionary	1.0
Library (approved in 2002)	voter approved	1.0
Fire Pension & Relief Fund	voter approved	0.4
Police Pension & Relief Fund	voter approved	0.4
Total		2.8

Background:

Each year the City must approve an ordinance to renew the levy of ad valorem taxes on real and personal property within the City. This request will provide for such levy on property assessed during 2003.

A millage levy ordinance must be approved by City Council in order for the City to continue to collect property taxes for the Policemen's Pension and Relief Fund and the Firemen's Pension and Relief Fund. The millage levy for the Policemen's Pension and Relief Fund is 0.4 mils for real

property and 0.4 mils on personal property. The millage levy for the Firemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property.

In addition, a millage levy must be approved for the operation of the Fayetteville Public Library that was approved by the voters on October 1, 2002. The millage levy for the Fayetteville Public Library is 1.0 mils for real property and 1.0 mils on personal property.

The total assessed value of real and personal property located within the city limits of Fayetteville, as of September 14, 2003, is approximately $689 million. The assessed valuation is before the Washington County Board of Equalization has made all the changes to the County Assessors Abstract. Based on the preliminary assessments, the growth in real estate assessments is approximately 7.2%. The change in assessed real estate value is due to newly discovered, newly constructed property (6.2%) and reassessment of existing property (1.0%). The final assessments are anticipated from Washington County mid October.

Discussion:

In addition to the mils authorized for Police Pension, Fire Pension, and the Fayetteville Public Library, City Council has the option of approving the assessment of up to 5 discretionary mils on real and personal property. City Council may choose to exercise its option to levy some or all these discretionary 5 mils to provide a financial cushion to General Fund to offset the budget shortfalls as a result of lower than projected sales tax collections.

During the August 4, 2003 Budget Briefing to City Council, staff recommended that City Council approve 1.0 mil for the operation of Fire Station #7.

Even with the additional 1.0 mil slated for the operation of Fire Station #7, General Fund needs an additional 1.0 mil or $678,000 in revenue to balance the 2004 Budget. This millage does not provide any funding for this projected expense nor is any funding made available for either requested moneys to fund current services or to address any pay range or benefit cost increases.

Funding Item	**Amount**	**Millage Needed**
Current budget shortfalls due to Sales Tax collections	678,000	1.00
Identified funding needs to maintain operations at existing service levels.	323,000	0.50
Total	1,001,000	1.50

The combined funding needed to balance General Fund and provide funds to continue existing services at current levels is $1,001,000 or an additional 1.5 mils.

This additional revenue could come from increased sales tax collections, increases in franchise fees, or a combination of these items plus user fee increases.

Budget Impact:

If the millage is not approved for General Fund operations, the impact for 2004 will be a budget deficit of $1,641,000. This would reduce the 2004 projected ending fund balance amount to $4,185,000 which is $37,000 below the Required Fund Balance Reserve amount approved by City Council in 2002.

Conclusion:

The millage levy must be at Washington County, November 6 to be included in their consolidated levy ordinance which will be approved at the November 13, Quorum Court meeting. The City levy will be added to the levies by Washington County, the various school districts, improvement districts and other cities within the County when the Washington County Quorum Court adopts its millage levy for 2003.

If you have any questions concerning this agenda request please contact either myself at 575-8226 or Stephen Davis at 575-8330.

City of Fayetteville
Property Tax Revenue per Mil
August 2, 2003

Millage	Approximate Revenue
0.10	$ 66,000
0.20	$ 131,000
0.30	$ 197,000
0.40	$ 262,000
0.50	$ 328,000
0.60	$ 393,000
0.70	$ 459,000
0.80	$ 524,000
0.90	$ 590,000
1.00	$ 655,000
2.00	$ 1,310,000
3.00	$ 1,965,000
4.00	$ 2,620,000
5.00	$ 3,275,000

The millage revenue reflected above is based on the Washington County Preliminary Summary Report of County Assessments for the Year 2003 dated August 2, 2003 and excludes real and personal property for Utilities. The City Council can approve up to 5.0 mils for operations. The table assumes a 95% collection rate. Total real and personal property assessments for 2003 amount to approximately $689 million excluding real estate and personal property for utilities.

The change in assessed value for real estate from 2002 to 2003 is approximately $37.9 million or 7.2%. The change in assessed real estate value is due to newly discovered, newly constructed property (6.2%) and reassessment of existing property (1.0%). This change is offset by a total reduction of approximately $37.4 million in the assessed value for personal property. The net change for all assessments is approximately $0.5 million or 0.07%. It is noteworthy to mention that personal property continues to be assessed right up until the values are turned over for collection. The current negative amounts are preliminary and are being compared to last year's final totals.

Property Tax Impact Illustration

	Appraised Value	Assessed Value	1 Mil Tax / Year
Single Family Home	$ 75,000.00	$ 15,000.00	$ 15.00
Single Family Home	$ 100,000.00	$ 20,000.00	$ 20.00
Single Family Home	$ 150,000.00	$ 30,000.00	$ 30.00

H:\BUDGET\PROJECTS\MILLAGE\Millage Increase - 2003.xls

WASHINGTON COUNTY
STATE OF ARKANSAS
Washington County Courthouse
280 North College – Suite 250
Fayetteville, Arkansas 72701

LEE ANN KIZZAR
COUNTY ASSESSOR

TELEPHONE
479/444-1500

August 12, 2003

Mr. Steve Davis
Budget Officer
113 W Mountain
Fayetteville AR 72701

Dear Mr. Davis

Enclosed is a copy of the Preliminary Summary Report of County Assessments for the Year 2003.

Please remember that personal property continues to be assessed right up until the values are turned over for collection. Don't be alarmed that many of the personal property increases are negative. These preliminary totals are being compared to last year's final totals.

I hope you find this information useful. Please feel free to call me if you have any questions.

Sincerely

Lee Ann Kizzar

Lee Ann Kizzar

Washington County
Preliminary Summary Report of County Assessments for the Year 2003

School District Totals

	2002	2003	NDP	% Change	% NDP
Benton County	7,410,504	7,641,490	219,297	3.12	3.79
Elkins	30,382,955	32,132,757	1,623,174	5.76	6.97
Farmington	73,692,596	77,975,666	3,991,367	5.81	6.34
Fayetteville	726,917,272	731,815,745	31,744,856	0.67	5.42
Greenland	37,885,077	42,152,991	1,036,145	11.27	4.35
Lincoln	43,730,267	45,595,332	2,512,711	4.26	7.46
Prairie Grove	54,421,153	57,772,428	3,116,008	6.16	7.12
Springdale	723,779,728	737,361,516	32,270,954	1.88	5.78
West Fork	33,495,837	34,415,640	981,131	2.75	3.96
Winslow	10,085,582	10,787,359	372,536	6.96	5.60
Grand Total	**1,741,800,971**	**1,777,650,924**	**77,868,179**	2.06	**5.69**

City Totals

	2002	2003	NDP	% Change	% NDP
Elkins	11,077,558	12,680,225	1,373,019	14.47	13.27
Elm Springs	9,097,960	10,217,766	910,158	12.31	10.47
Farmington	31,643,668	32,789,619	1,130,490	3.62	4.21
Fayetteville	713,711,345	716,244,620	32,880,016	0.35	5.79
Goshen	9,454,069	11,415,195	1,828,977	20.74	18.31
Greenland	6,971,696	7,487,812	413,938	7.40	6.82
Johnson	28,330,308	29,474,409	1,669,379	4.04	7.11
Lincoln	14,119,515	13,779,195	319,078	(2.41)	2.95
Prairie Grove	23,038,498	24,235,990	1,235,520	5.20	6.26
Springdale	527,805,979	532,866,230	20,815,853	0.96	5.25
Tontitown	19,110,348	21,650,221	1,898,541	13.29	11.66
West Fork	14,656,874	15,331,361	515,633	4.60	4.27
Winslow	2,477,551	2,535,162	0	2.33	0.00

ORDINANCE NO. _____

AN ORDINANCE LEVYING A TAX ON THE REAL AND PERSONAL PROPERTY WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS, FOR THE YEAR 2003 FIXING THE RATE THEREOF AT 0.4 MILS FOR THE FIREMEN'S PENSION AND RELIEF FUND, 0.4 MILS FOR THE POLICEMEN'S PENSION AND RELIEF FUND, 1.0 MIL FOR THE FAYETTEVILLE CITY LIBRARY; AND 1.0 MIL FOR GENERAL PURPOSES AND OPERATIONS OF THE CITY; AND CERTIFYING THE SAME TO THE COUNTY CLERK OF WASHINGTON COUNTY, ARKANSAS

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

Section 1. That a tax is hereby levied on the real and personal property within the City of Fayetteville, Arkansas, for the year 2003, to be collected in 2004, for the following purposes at the following rates:

REAL AND PERSONAL PROPERTY

Purpose	Levy
Fayetteville City Library	1.0 mils
Policemen's Pension Fund	0.4 mils
Firemen's Pension Fund	0.4 mils
General Purposes of City Government	1.0 mils
TOTAL	2.8 mils

Section 2. That the real and personal property tax so levied and the rates provided therefore are hereby certified to the Clerk of Washington County, Arkansas, to be placed in the tax book by the County Clerk and collected in the same manner that the county and school district taxes are collected.

Section 3. The City Clerk is hereby authorized and directed to file certified copies of this ordinance in the office of the County Recorder, County Clerk, County Assessor, and the County Tax Collector for Washington County, Arkansas.

Section 4. That the 1.0 mil levied above for the general purposes of the City Government is almost enough to fund the operation of the new Rupple Road Fire Station.

PASSED and **APPROVED** this the 7th day of October, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

City Council Meeting of October 7, 2003
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Hugh Earnest, Chief Administrative Officer

From: Greg Boettcher, Water/Wastewater Director

Date: September 24, 2003

Subject: Resolution approving a contract with Multi-Craft Contracting for emergency repairs to the effluent filtering system at Noland Wastewater Plant.

RECOMMENDATION

Fayetteville City Administration recommends approval of an authorization totaling $100,000.00, said amount including a contract with Multi-Craft Contracting, Inc. of Springdale, Arkansas in the amount of $95,000.00 plus a contingency in the amount of $5,000.00.

BACKGROUND

The Noland wastewater Treatment Plant includes ten effluent filter cells providing the final polishing of wastewater before release to the receiving streams. These units were constructed in 1988 and have been in constant service since said date. In recent months, the plant operations have experienced failures in the filter media support systems, causing loss of filter performance and media. At first this was demed an isolated incident; however, to date three of the units have failed, the most recent replacement unit rebuild being completed this month. It is evident that the remaining seven filter units are in a similar condition and may be expected to experience similar failures in the very near term. The filtering process is an essential component of the wastewater plant, as filtration is necessary to meet the effluent limits set forth in the city's current NPIDES discharge permit. The recognition of this potential threat to treatment plant compliance is an esculated concern due to the nearing rainy season during which all filtering units must be in service to process the high wet weather flows. Due to the imminent threat to operations, the possibility of effluent limit violation and the escalating patterns of failure; rehabilitation of the remaining filter cells is a very high priority need of the Fayetteville Wastewater Treatment Facilities.

DISCUSSION

The rehabilitation of the existing three filter cells have been accomplished by OMI using plant labor, operation/maintenance budgets and completion of repairs as fill-in work. This prior work has invovled one-at-a time failures over multple months, rendering time less

of a consideration. The collective rehabilitation of the remaining seven filter cells is a major undertaking outside the scope of OMI's agreement and beyond their current resouces. This activity is classified as an emergency capital improvement project, for which an outside contractor must be retained. As a measure of probable costs, OMI did devleop an estimate of cost for rehabilitation of the remaining sewen filter cells, said estimate being $90,993.93. A set of contact specifications for the work, materials, schedules and constraints was developed reflecting OMI's accumulated experience with three units and knowledge of plant operations. These specifications were created to enable the subsequent solicitation of proposals.

Under State of Arkansas Procurement Law, Section 19-11-203, the maintenance of technical equipment (such as wastewater treatment plant effluent filters) is exempted from competitive bidding. Furthermore, due to the specialized nature of the work, the interaction/coordination with delicate wastewater plant operations and the emergency nature of this need, the waiver of competitive bidding requirements is deemed to also meet the City of Fayeteville's criteria for waiver of bidding. Accordingly, OMI has contacted Multi-Craft Contracting, Inc. to provide a proposal for the engineering filter rehabilitation and has negotiated a lump sum price of $95,000.00 for completion of the filter rehabilitation in accordance with the specifications. Considering the fact that the negotiated contract price transfers some risk to the contractor and the bid price includes 100% performance and payment bonds, it is deemed a reasonable and competitive proposal. The total completion time is predicted at 70 days, subject to plant flows and operator directions.

BUDGET IMPACT

This $100,000.00 expenditure for effluent filter system rehabilitation was not forseen or included in the Fiscal Year 2003 Budget. Due to the Wastewater Treatment Department's favorable financial outcomes on current year capital budget projects plus the ability to defer other planned capital purchases, the funds to complete the emergency filter rehabilitation work can be secured without a Budget Adjustment. The rehabilitation of the remaining sewen filter cells is deemed the highest priority need for the current year capital acitivities.

RESOLUTION NO. _____

A RESOLUTION AWARDING A CONTRACT IN THE AMOUNT OF NINETY-FIVE THOUSAND DOLLARS ($95,000.00) TO MULTI-CRAFT CONTRACTORS, INC. FOR REPAIRS TO THE EFFLUENT FILTERING SYSTEM AT THE NOLAND WASTEWATER TREATMENT PLANT; AND APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF FIVE THOUSAND DOLLARS ($5,000.00) FOR SAME.

WHEREAS, the effluent filtering system at the Noland Wastewater Treatment Plant is an essential component to ensure compliance with the City's NPDES permit; and,

WHEREAS, said system has experienced multiple failures in recent months, warranting immediate repairs; and,

WHEREAS, A.C.A. § 19-11-203 and its subsidiary regulations exempt such repairs from the formal requirements of the competitive bidding process.

NOW, THERFORE, 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 Ninety-Five Thousand Dollars ($95,000.00) to Multi-Craft Contractors, Inc. for repairs to the effluent filtering system at the Noland Wastewater Treatment Plant. A copy of the contract, 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 Five Thousand Dollars ($5,000.00) for same.

PASSED and **APPROVED** this 7th day of October, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

MEMORANDUM **OMI**

TO: **Duyen Tran**

FROM: Michael Parry

DATE: **September 17, 2003**

SUBJECT: Filter Repair Cost Estimate

Duyen,

Below is the cost estimate for OMI to complete the work on the filter repair project. This cost estimate includes the labor and materials for the remaining 7 filters.

Hardware and tools	**$ 3,213.40**

(Includes but not limited to stainless steel bolts, nuts, washers, and rubber filter gasket material)

Filter screen material:	**$ 36,543.64**
Filter Sand:	**$ 8,397.20**
Repair Labor:	**$ 42,839.69**
Total costs:	**$ 90,993.93**

Multi-Craft Contractors, Inc.

Phone: 479-751-4330
Fax: 479-751-4399
Post Office Box 1760
2300 Lowell Road
Springdale, AR 72765

September 23, 2003

Thom Binson
OMI
Fayetteville AR

cc: David Leonneke

RE: Sand Filter Re-Builds - *Revised Quote*

Proposal based upon the owners written requirements.

This proposal is for the cleaning of (7) seven each sand filter cells. Our proposal includes:

Labor and equipment for sand removal and pressure washing of the cell and associated components. After washing, a new stainless steel screen will be provided as well as new sand.

All old sand will be disposed of on site.

Screen: .040, 40 mesh, 40 micron 313 stainless screen

Total Revised Value: $95,000.00

Scheduling: We can start 3 weeks after award of contract.
All labor is based on Monday – Friday, regular time.

If you have any questions, please don't hesitate to call me at 751-4330.

Thank you,

Dennis Kelly
Executive Vice President

DK:pap
N:\Kelly.Misc.OMI.Sand.Filter.Rebuilds.Revised.9.22.03-02

Filter Cell Rebuild Requirements

I. Hardware and Materials specifications.

A. All hardware shall be of high quality stainless steel.

1. The all thread stud material shall be 5/8-inch by 11 stainless steel.

a) The studs shall be cut to size and a 5/8-inch by 11 stainless steel nut shall be welded to one end of the stud.

2. The nuts shall be 5/8-inch by 11 stainless steel.

3. The flat washers shall be 5/8-inch stainless steel.

4. If coupling nuts are required, they shall be 5/8-inch by 11 stainless steel.

B. The filter screen material shall be stainless steel and identical to the new installed filter screens.

1. The screen specifications shall be:

a) 316 stainless steel, wire size .040, 40 mesh, 40 microns, cross-weave and interwoven

b) The screen width shall be 60 inches wide and cut to size. The screen length shall be 16 feet long and cut to size.

2. Screen samples and current vendor information is available.

3. The selection of the filter screen material shall meet the approval of the owner's operations representative.

C. The Rubber gasket material shall be neoprene.

1. The short neoprene rubber gasket shall be 5 feet long by 3,inches wide by 1/8-inch thick. This is trimmed to size after installation.

2. The long neoprene rubber gaskets shall be 16 feet long by 3,inches wide by 1/8-inch thick. This is trimmed to size after installation.

D. The filter sand shall meet the specifications of the owner's operations representative.

II. Remove the Filter from active service.

A. Prepare filter for out of service status.

1. Contact the Operator on Duty.
2. Place the Filter out of service.

3. Place Inlet valve control switch to the "Closed" position.

   a) The inlet valve control switch is a "Closed-Open-Auto" switch located on the top panel of the control cabinet for the selected filter.

4. Backwash the filter 2 to 3 times.

   a) The backwash will clean the filter equipment and sand before beginning work on the filter. Coordinate this with the Operator on duty.

5. Verify that the Mud Trough valves are closed.

   a) Visually check that the valves have rotated closed. Look down the channel.

B. Deactivate the solenoid control valves air supply.

1. Turn off the air supply.

   a) The air supply valve located in lower cabinet on the side of filter's control valves.

III. Disassembly

A. Remove the center Air pipe assembly.

1. Disconnect the union on the vertical section of the pipe.
2. Remove the air pipe cross supports.
3. Remove the air pipe as one assembly.
4. Store air pipe in a safe location to minimize chance of damage.

B. Remove the splash panels on each side of the channels.

1. Loosen the securing bolts on the bottom of the horizontal mounting tubes attached below the channel.
2. Slide the splash plates out of the mounting tubes.

   a) At times this requires a pry bar, hammer and drive dowel.

C. Remove all of the old sand.

1. Remove the old sand from the filter cell.

   a) All of the sand shall be removed during the disassembly and repair process. The major amount of sand shall be removed before the support structures and filter grates are removed.

D. Remove I-beams that are securing the filter grates.

1. Remove the nut and washer on the I-beam support studs.

   a) The nuts and washers shall be carefully removed from the I-beam support studs. The studs shall be reconditioned and reused.

b) If the nut is jammed or frozen on the stud, the stud shall be cut with a saw to facilitate removal of the I-beam.

(1) A new stainless steel all thread stud shall be fabricated and reinstalled during the rebuild and repair process

2. Remove the I-beam.

a) Caution shall be exercised during the I-beam removal process to limit stud thread damage.

E. Remove the screen hold-down grates.

1. Remove the screen hold-down grates from the screen area.
2. Clean any sand from the grid openings of the grate.

F. Remove the filter screen hold-down bars.

1. Remove the securing hardware bolts on the short angle iron screen hold down bars.

a) The old rusted iron nuts shall be removed in order to extract the securing bolts.

(1) It may be necessary to cut the securing bolt for the removal.

b) Replace the securing bolt with a new stainless steel all thread securing bolt and place one stainless steel nut above and one below the securing brace clip.

G. Remove old screen and rubber gasket material.

1. Pull up the old screen and remove the old filter gasket material.

a) Dispose of the gasket material on the screen and frame.

b) Roll up the old screen and save it as a pattern for the new screen. The new screen shall be cut to size.

IV. Rebuild and Repair

A. Recondition the all-thread studs that hold down the I-beams.

1. The old rusted iron nut or remaining residue shall be removed from the all-thread stainless steel I-beam mounting stud.
2. The threads shall be cleaned and restored to proper condition.

a) Use a wire brush on the threads to remove any debris.

b) Recondition the threads using a 5/8-inch by 11 die. Run this die all the way to the bottom of the stud.

3. The I-beam hold down stud's physical mounting shall be inspected.

a) Extremely loose studs shall be secured with the use of grouting or epoxy based filler after the stud is secured with the new stainless steel washer and nut assembly.

4. The I-beam hold down stud shall be replaced if required.

a) Remove the loose or damaged stud by chipping out the concrete grout under the securing metal clip imbedded into the concrete support.

b) Clean excess concrete or grout from under the clip to allow the installation of s new stud with a stainless steel nut welded to bottom end.

c) Place the welded nut end of the stud under the metal clip.

d) On the installed stud, place a new stainless steel washer on the stud and run a new stainless steel nut to the bottom of the stud and secure stud to the metal clip imbedded into the concrete support.

e) Grout or epoxy based filler shall be used to fill the void under the metal clip to secure the stud.

5. Install stainless steel washer and stainless steel nut.

a) Place a new stainless steel washer on the stud and run the new stainless steel nut to the bottom of the stud and secure stud to the metal clips imbedded into the concrete support.

B. The water director screen sub panels shall be inspected and repair as needed.

1. Cracks and damage to the water director screen sub panels shall be repaired as required.

a) The use of correct adhesive and stainless steel hardware shall be required.

V. Assembly

A. Clean the screen base frame.

1. All sand and debris shall be removed from the screen frame and surrounding areas.

B. Install the neoprene rubber gasket material.

1. The new rubber neoprene rubber gaskets shall be trimmed to size after the installation of the filter screen and hold down brace and hardware.

C. Install the screen.

1. The new screen shall be cut to size based upon the old screen that was removed from the specific screen area.

2. The new screen shall be rolled out over the gasket material and smoothed flat.

3. The long angle iron screen hold-down braces shall be placed on each long side of the screen.

a) Caution shall be used to make sure that the screen, gasket, and hold-down brace are over the angle iron base frame secured in the concrete supports.

4. The short angle iron screen hold-down braces shall be installed at each short end of the screen.

a) The short brace shall be inserted under the hold-down brace clips and secure the long angle iron hold-down braces.

b) Install the securing bolt and nut through the hole in the hold down brace clips.

(1) The top nut shall be tightened against the bottom nut to secure the bolt after the bolt has secured the short angle iron filter hold-down brace.

D. Install the screen grates.

1. The screen grates shall be reinstalled upon the screens in the proper position.

E. Install the I-beams.

1. The I-beams shall be installed over the hold-down studs and on the tops of the screen grates.

a) The long screen hold-down angle iron braces shall be aligned as needed to insure that the I-beam's securing tabs make sufficient contact.

2. A new stainless washer and new stainless steel nut shall be used to secure the I-beam to the hold-down studs.

a) The tightening process shall alternate from one end of the I-beam to the other end of the I-beam until the assembly is evenly secured.

b) The installation shall be inspected and readjusted as needed to properly secure the screen grates and long angle iron screen hold-down braces.

F. All installation shall be inspected.

1. All hardware installation shall be inspected and adjusted as needed.

a) All nuts shall be checked for proper tightness.

b) Any hardware or equipment found loose or found defective shall be adjusted, repaired, or replaced.

G. New sand shall be placed in the filter.

1. New sand shall be placed in the filter and leveled smooth.

H. The protective splash plates shall be reinstalled.

1. The mounting tubes attached under the channel shall be cleaned before the plates are installed. This procedure will facilitate the installation process.

2. Insert the splash plates into the mounting tubes.

I. Install the center air pipe assembly.

1. The center air pipe shall be lowered into the filter cell.

a) The air pipe shall be secured using plastic pipe supports between the channels.

(1) The support pipes shall be wedged between the channel and the splash plates.

b) The center air pipe is attached to the support pipes using large tie wraps.

2. Attach the union fitting on the vertical air pipe.

VI. Place Filter in service

A. Notify the Operator on duty.

1. The Operator on duty shall be present during this process.

B. Activate the solenoid control valves air supply.

1. Turn on the air supply.

a) The air supply valve located in lower cabinet on the side of filter's control valves.

C. Confirm that the inlet valve shall remain closed during backwash.

1. Place Inlet valve control switch to the "Closed" position.

a) The inlet valve control switch is a "Closed-Open-Auto" switch located on the top panel of the control cabinet for the selected filter.

D. Initiate two to three backwash sequences an required.

1. The new filter shall have two or three backwash sequences preformed to clean the dust from the new sand.

E. Open inlet valve and place filter cell in service.

1. Place Inlet valve control switch to the "Auto" position.

a) The inlet valve control switch is a "Closed-Open-Auto" switch located on the top panel of the control cabinet for the selected filter.

Jones Motorcars, Inc.

Oldsmobile GMC BUICK

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

September 18, 2003

Ms. Sondra Smith, City Clerk
City of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

RE: Appeal to the City Council
Conditions of Planning Commission Approval
LSD03-21.00: Large Scale Development
Jones Motorcars

Dear Ms. Smith:

Please accept this correspondence as my official request to appeal the conditions for development approved by the Planning Commission at their September 8, 2003 meeting for the above referenced project.

Specifically, I am appealing the requirement to dedicate fifteen (15') additional right-of-way for U.S. Highway 71B / N. College Avenue. I believe that this dedication constitutes an undue hardship on my property due to practical difficulties, and creates a competitive disadvantage for my business.

I anticipate being placed on the October 7, 2003 agenda at the regularly scheduled meeting of the Council. Please advise me or my representative if this is not the case. Also, please include the attached information in the aldermen's agenda packets. Thank you for your consideration.

Sincerely:

Mr. Michael R. Jones
Owner/Operator
Jones Motorcars, Inc.
Phone (479) 521-7281

Jones Motorcars, Inc.

Oldsmobile GMC BUICK

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

September 18, 2003

Fayetteville City Aldermen
c/o Ms. Sondra Smith, City Clerk
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

RE: Appeal to the City Council
Conditions of Planning Commission Approval
LSD 03-21.00: Large Scale Development
Jones Motorcars

Dear Aldermen:

Please accept this correspondence to provide you with information regarding the project my company is currently proposing. Jones Motorcars has been in business in Fayetteville since 1934, and at our current location since 1979. We currently employ 35 people and will add 5 to 10 jobs with this $2,000,000 expansion project. These people will hopefully live in Fayetteville and contribute to the tax base and support our community. We have used all Fayetteville based design consultants and will use a Fayetteville contractor. We are making an investment in Fayetteville.

Current code requires an additional fifteen feet of right-of-way dedication for North College Avenue on the eastern side of my property. The Planning Commission approved our Large Scale Development based on this requirement being met. I object to this requirement.

We have endeavored to meet all of the codes and requirements for the development of our property through the course prescribed by the Planning and Engineering Department's of the city. Our property is limited to the North and West by topography

and existing utility easements. We have already limited our project scope to meet these constraints. Also, about sixty percent of my highway frontage is below the elevation of the highway so we are limited to the East regarding access and visibility. With the addition of required interior planting islands, combined with the proposed loss of the additional fifteen feet, I will lose 25% of my prime display area. This requirement is based on the requirements for a principal arterial on the Master Street Plan and can only be modified by you, the City Council.

My property was also included in the Design Overlay District when it was established. The intent of this district was to maintain an attractive corridor within 660' of the Fulbright Expressway. My property is located more than 730' from the expressway but was included since the ramp to North College extends further. There are at least two platted developments between my property and the expressway that were grandfathered in at the time the district was platted, and they do not have to uphold the requirements of the Overlay District. We are located in the transition zone.

As most of you are aware, my direct and adjacent competitors recently constructed a new project on their western boundary. The Lewis group was not required to dedicate the additional right-of-way on North College. The Planning Department states that they were not required to do so because their development fronted other adjacent streets, yet all of their property, including their N. College frontage is owned by one company. This decision set a precedent. My development is being held to this standard and theirs was not.

Also, we are all aware that North College is a U.S. Highway and is governed and maintained by the State Highway Department. This road functions as the principal arterial for local traffic through Fayetteville. The street is currently five lanes and carries more traffic than any other road in Fayetteville adequately. The Master Street Plan shows a median on the principal arterial section. Changing North College into a boulevard through the state highway department will be no minor undertaking. There

are numerous city street intersections and commercial access points that will need to be considered. My business is only one of these to be considered. I feel that if I relinquish my property to the city now, I will have no consideration if and when this process begins. There are currently no plans to widen this highway.

The Planning Commissioners were told by the staff at the planning commission meeting that they were not requiring changes to my display area within the dedicated right-of-way area "at this time". However, I have to plan for my business just as the city plans for theirs. Once I give my property to the city, I have no control of this area. I have no way of knowing what the city might plan for this area, or when I would have to modify my display area.

My property currently has more green area, trees and shrubs than any of the lots located on North College in my immediate vicinity and more than the majority of all the developments on the highway. With my current proposal we are meeting the city ordinances for green space and plantings along the right-of-way, which far exceeds the majority of properties on North College. We want to have a quality site that attracts business.

With current projections, our proposed expansion will double our tax contribution to the city. Our city spends a great deal of money trying to solicit new business, I am requesting that the city give Jones Motorcars the opportunity to generate new business in a competitive market. I have attached three exhibits for your use. These exhibits show our current site plan, photographs of our site showing existing topography constraints, and an enlarged view of the effect the R.O.W. Dedication will have on my business.

Thank you for your consideration. I look forward to sharing additional information and answering your questions at the council meeting.

Sincerely:

Mr. Michael R. Jones
Owner/Operator
Jones Motorcars, Inc.

PROPOSED EXPANSION AREA

NORTH COLLEGE AVE.

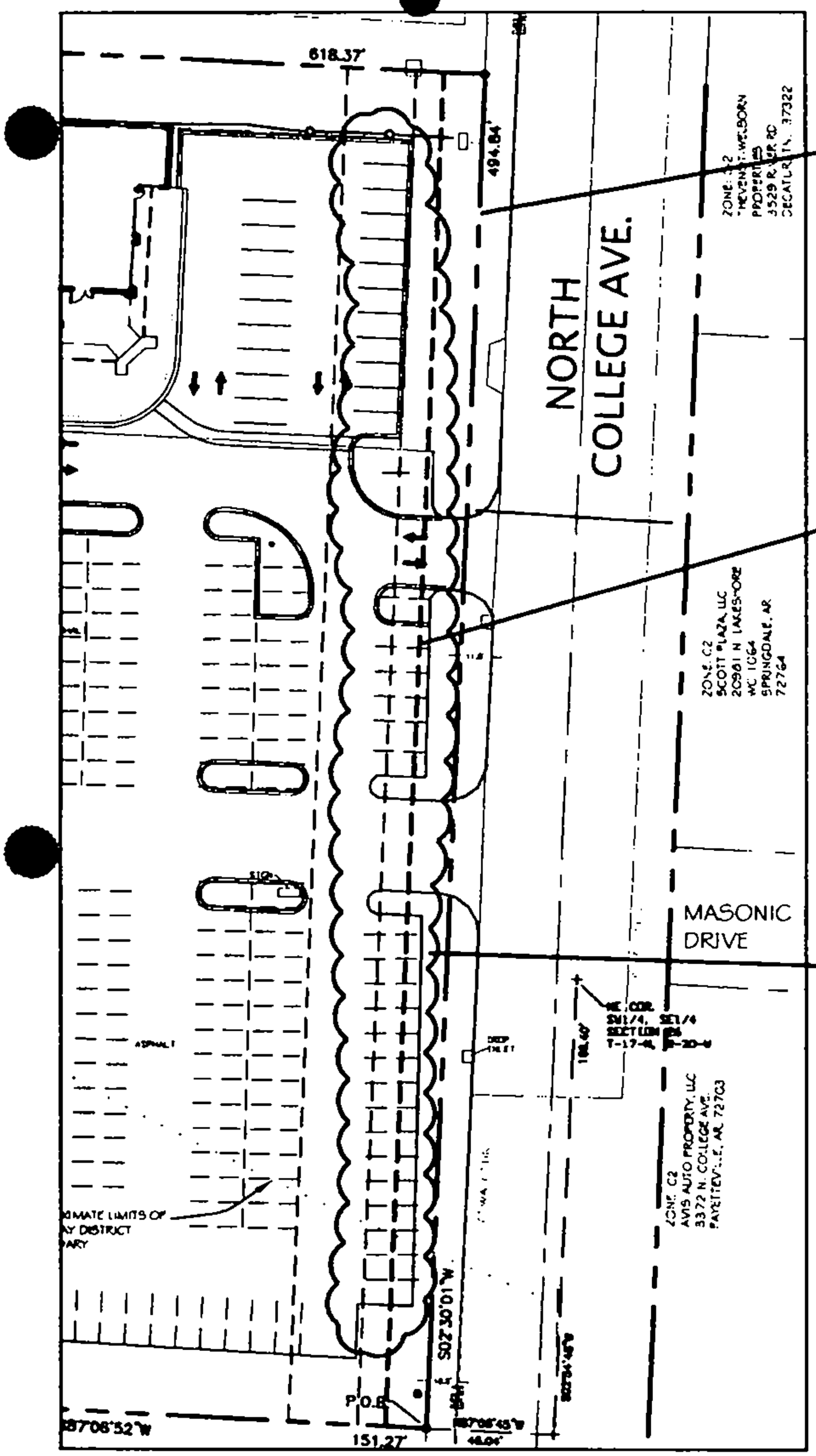
MASONIC DRIVE

6.574 ACRES

EXISTING BUILDINGS

BENCHMARK INFORMATION
TOP MANHOLE L18
EL. 1271.60

DATE: 9/18/03	SHEET TITLE: SITE EXH	PROJECT NAME AND LOCATION: JONES MOTORCARS FAYETTEVILLE, ARKANSAS	EB LandWorks, Inc. P.O. BOX 3432 Fayetteville, Arkansas 72702 Voice 479.444.7769 Fax 479.444.7793
JOB # 24.03			



EXISTING R.O.W. LOCATION

REQUIRED R.O.W. LOCATION

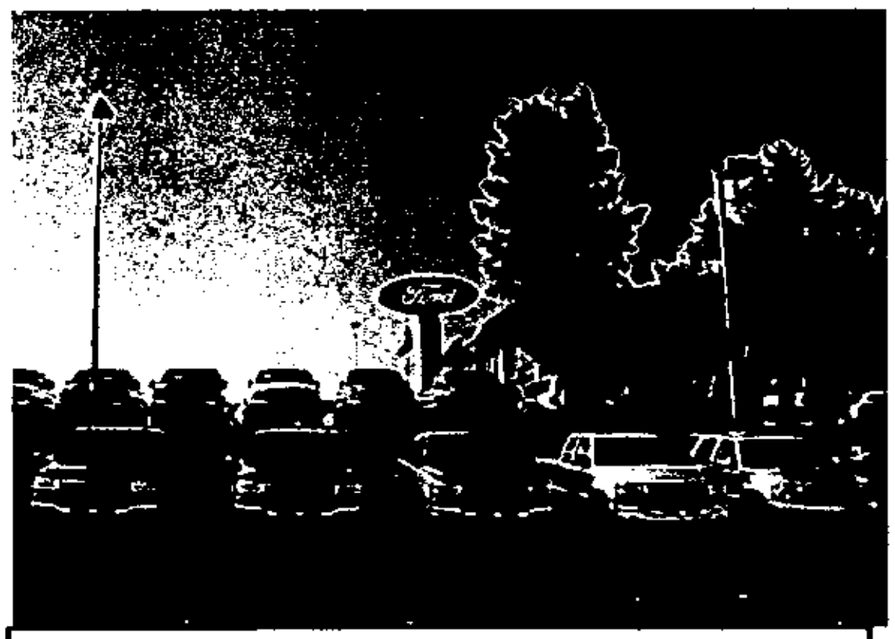
ELIMINATED DISPLAY AREA (W/ SETBACKS)

DATE: 9/18/03	SHEET TITLE: R.O.W. EXH	PROJECT NAME AND LOCATION: JONES MOTORCARS FAYETTEVILLE, ARKANSAS	EB LandWorks, Inc. P.O. BOX 3417 Fayetteville, Arkansas 72702 Voice 479.444.7769 Fax 479.444.7793
JOB # 2403			

PICTURE 1
VIEW OF SOUTHEAST CORNER GRADE CHANGE

PICTURE 2
VIEW OF 6' ELEVATION DIFFERENCE IN LOT AND NORTH COLLEGE

PICTURE 3
VIEW OF EXISTING 20' GREEN SPACE



PICTURE 4
VIEW OF SOUTHERN BOUNDARY GRADE CHANGE

PICTURE 5
VIEW FROM CORNER OF MILLSAP AND COLLEGE
(SITE IS NOT VISIBLE)

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of: October 7, 2003

FROM:

Dawn Warrick	Planning	CP&E
Name	Division	Department

ACTION REQUIRED: Ordinance Approval.

SUMMARY EXPLANATION:

ADM 03-18.00 was submitted by Charles Sloan for the Legacy Pointe subdivision. The request is to affirm the Planning Commission's approval of a variance of Unified Development Code §167.04 and for the developer to provide an alternate method of compensation to the City of Fayetteville for removal of trees within the subdivision. The method proposed is for the developer to plant, establish, and maintain all trees required for mitigation planting.

STAFF RECOMMENDATION:

Staff recommended approval and on September 8, 2003 the Planning Commission voted 8-0-0 to approve the request as submitted in the variance petition.

Dawn Warrick — Division Head — 7/16/03 Date

D. J. White — City Attorney — 9/18/03 Date

Department Director — 9/16/03 Date

Finance & Internal Services Dir. — 9.23.03 Date

Chief Administrative Officer — 9-18-03 Date

Mayor — 9/20/03 Date

Received in Mayor's Office — Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item: Yes No

DATED 9/17/03

RESOLUTION NO. _____

A RESOLUTION AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF A VARIANCE FROM THE REQUIREMENTS OF §167.04, TREE PRESERVATION & PROTECTION, UNIFIED DEVELOPMENT CODE TO ALLOW ON-SITE MITIGATION IN THE LEGACY POINTE RESIDENTIAL SUBDIVISION.

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, pursuant to §156.03(C)(5), Unified Development Code, hereby affirms the Planning Commission's approval of a variance from the requirements of §167.04 Tree Preservation & Protection, Unified Development Code to allow on site mitigation in the Legacy Pointe residential subdivision.

PASSED and **APPROVED** this 7th day of October, 2003.

APPROVED

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CC Meeting of October 7, 2003

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Craig Carnagey, Senior Planner (Landscape Administration)
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: September 16, 2003

ADM 03-18.00 was submitted by Charles Sloan for the Legacy Pointe subdivision. The request is to affirm the Planning Commission's approval of a variance of Unified Development Code §167.04 and for the developer to provide an alternate method of compensation to the City of Fayetteville for removal of trees within the subdivision. The method proposed is for the developer to plant, establish, and maintain all trees required for mitigation planting.

BACKGROUND

Mr. Charles Sloan has requested a variance from the requirements of §167.04(F)(1) stating that the strict application of this section of the ordinance would work an injustice as applied to the Legacy Pointe Subdivision Development located off Double Springs Road. Currently the city is not prepared to plant, establish, and maintain the required mitigation trees as approved in the Tree Preservation Plan for Legacy Pointe Subdivision. Mr. Sloan has proposed an alternate method to plant, establish, and maintain all of the required mitigation trees. The Landscape Administrator has determined that this alternate plan does meet and exceed all of the requirements currently placed on this development to mitigate for tree removal.

PUBLIC COMMENT

There was no public comment on this item at the public hearing held by the Planning Commission.

CURRENT STATUS

On September 8, 2003, the Planning Commission voted 8-0-0 to approve and forward to the City Council Mr. Sloan's petition for variance from the requirements of §16704 subject to conditions recommended by staff.

RECOMMENDATION

Approval of the requested variance with assurances provided by the applicant and all staff recommendations.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
PLANNING DIVISION

TO: Fayetteville Planning Commission Members

THRU: Dawn Warrick, AICP (Zoning and Development Administrator)

FROM: Craig Carnagey, Sr. Planner (Landscape Administration)

DATE: September 3, 2003

SUBJECT: ADM 03-18.00 Sloan Variance Petition Tree Ordinance

§156.03(C)(5) of the City's Unified Development Code states: *A developer may petition the Planning Commission for a variance from the requirements of Chapter 167, Tree Preservation and Protection, in those cases where their strict application would work an injustice as applied to the proposed development due to a situation unique to the subject real property; provided that such variance shall not have the effect of nullifying the intent and purpose of the chapter. The Planning Commission's approval of said variance must be affirmed by the City Council to become effective, and a denial of the requested variance may be appealed to the City Council.*

Description: Mr. Charles W. Sloan, the Developer of Legacy Pointe Subdivision off Double Springs Road, has requested an alternate method of compensation to the City of Fayetteville for removal of trees on the above mentioned property. The method proposed is for the developer to plant, establish, and maintain all trees required for mitigation planting.

Background: In Accordance with the City's UDC §167.04(F)(1)Tree Preservation *All residential subdivisions requesting tree removal below the percent minimum canopy requirement are required to contribute to the Tree Escrow Account.* During the preliminary plat process the developer reserved the right to request a tree variance before final plat approval. The Preliminary Subdivision Plat for Legacy Pointe Subdivision, including the Tree Preservation Plan, has been approved by Planning Commission. Currently, the developer is required to compensate the City for 238 (1" caliper) trees at a replacement cost of $175.00 per tree. A letter of credit in the amount of $41, 650.00 has been deposited with the City by the Developer. Currently, the City is required to use this money toward mitigation planting on or in the vicinity of the Legacy Pointe Subdivision.

Variance Proposal: The method of compensation proposed by the developer for the required replacement of 238 (1" caliper) trees is to plant, establish, and maintain a minimum of 156 (5-6" caliper) trees. One tree per single family and townhouse lot will be planted. Each property owner will be given the choice of either planting one (5-6" caliper) tree or multiple (2" caliper trees). These trees will be planted by a professional tree company approved by the City's Landscape Administrator. Legacy Pointe Property Owners Association shall be responsible to the City of Fayetteville to insure that each tree is planted, established, and maintained for no less than twenty-five years. The developer shall deposit an irrevocable letter of credit with the City in the amount of $41,650.00 as guarantee for the establishment of these trees. Upon completion of a three year establishment period the Landscape Administrator shall inspect the subdivision and determine whether ninety percent of the planted trees are healthy and have a reasonable chance of surviving. In the absence of such a condition the City shall request from the developer the replacement of any dead or unhealthy trees. Failure by the developer to take these remedial steps within sixty days of a written request will result in the City's right to use the guaranty funds to achieve compliance.

Finding 1: The square footage of canopy cover of planting 156 (4-6" caliper) trees is equal if not greater than planting 238 (1" caliper) trees. The base density cover for 238 (1" caliper) trees equals approximately 42,000 square feet. To meet this same square footage of canopy cover using only a 4" caliper tree the developer would need to plant 137 of these trees. The minimum planting scenario offered in this petition would be planting 156 (4-6" caliper) trees. With property owners having the option of either planting 1 (4-6" caliper) tree or multiple (2" caliper) trees, the developer is going beyond the mitigation requirements currently approved for Legacy Pointe.

Finding 2: The City currently does not have the ability to plant, establish , and maintain mitigation trees. All mitigation plantings have been proposed to be outsourced through the City's RFP process.

Finding 3: The combination of the letter of credit the developer has deposited with the City, and the Protective Covenants on file with the County, provides a high level of guarantee to the City that these trees will be planted, established, and maintained. This guarantee provides assurance equal to the City contracting out of house the planting, establishing and maintenance of mitigation trees.

Recommendation: Staff recommends approval of this variance with the following conditions:

Trees shall be planted during the appropriate planting season between October 15th and April 15th.

Describe the method(s) the applicant will utilize to track development of each individual lot that will ensure the required trees are planted.

Provide a final date that all required trees will be planted by.

Describe the method used to ensure that maintenance, establishment, protection, watering, and initial structural pruning of trees. Include the name of an International Society of Arboriculture certified arborist or an equivalent approved by the Landscape Administrator who will be performing the work, their contact number, and the date the work is scheduled to be provided for each tree.

PLANNING COMMISSION ACTION: **__Yes__Required**

_____Approved _____Denied

Date: _____

Comments:_____

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS
KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Craig Carnagey, Landscape Administrator

FROM: David J. Whitaker, Assistant City Attorney

CC: Dawn Warrick, Tim Conklin, Hugh Earnest

DATE: September 8, 2003

RECEIVED
SEP 0 8 2003
PLANNING DIV.

RE: ADM 03-18.00 Sloan Tree Variance Request

I have reviewed Mr. Sloan's petition, as well as your findings in response. Paragraph G. of the Sloan petition states:

> *"The City of Fayetteville is not yet prepared to meet its obligations in the implementation of the Tree Preservation [Ordinance] and has not funded personnel or facilities/equipment to implement the city's obligations to plant, fertilize, water and care for the trees for a period of three (3) years after planting..."*

In your Memo of September 3, you do not address this paragraph with any particularized findings. This prompts two obvious questions:

1. Is this statement true? and,

2. If it is true, what is the City doing to meet its obligation to fund the equipment and personnel needed to enforce the Tree Preservation and Protection Ordinance, particularly §167.04(J)(4)(a)?

Whether at tonight's Planning Commission, or at the required session of the City Council, I feel certain someone is going to ask about this, so you need to be prepared. If for some reason the administration cannot fulfill the obligations set forth in the Ordinance, the particular section dealing with the Tree Escrow Account must be revisited and revised as quickly as possible in order to avoid a situation in which *every* residential subdivision has to come before the Planning Commission and the City Council to request a variance.

VARIANCE PETITION
TREE ORDINANCE

TO: Fayetteville Planning Commission, City of Fayetteville

FROM: Sloan Properties, Inc. Owner and Developer, Legacy Pointe Subdivision

SUBJECT: Variance from Requirements of Chapter 167: Tree Preservation and Protection

Developer: Charles W. Sloan
Sloan Properties, Inc.
Post Office Box 3811
Fayetteville, AR 72702
(479) 444-8404
(479) 444-9288 fax

Representative:
Attorney Raymond C. Smith
70 N. College Ave. Suite 11
Fayetteville, AR 72701
(479) 521-7011
(479) 443-4333 fax

Project: Legacy Pointe Subdivision
Double Springs, Road

Factors that bear on the Variance Petition:

A. §156.03(C)6 of Ordinance No. 4340 provides that a developer may petition the Planning Commission for a variance from the requirements of Chapter 167: Tree Preservation and Protection, in those cases where their strict application would work an injustice as applied to the Legacy Pointe Subdivision due to situation unique to the subject real property and,

B. The Tree Preservation Plan for Legacy Pointe Subdivision has been approved and the Tree Mitigation Form approved by the Landscape Administrator has proposed the amount of $41,650.00, as the contribution of the developer to be deposited in the City of Fayetteville Tree Fund, as set forth in §167.04(J)(4)(a) and,

C. The Tree Fund Calculation provides for 236 one inch (1") Caliper Replacement Trees at a cost of $175.00 per tree or $41,650.00. The variance plan of the developer

provides for 156 5" to 6" native Arkansas trees at a cost of $350.00 to $375.00 per tree or between $54,600.00 and $58,500.00, for the 132 single family lots and 24 town house lots and,

D. The developer's variance plan will provide a greater canopy coverage throughout the subdivision at least three years earlier than plan as proposed by the City Landscape Administrator and,

E. The preliminary subdivision plat for Legacy Pointe Subdivision has been approved, and the developer reserved the right to request a tree variance before approval of the final plat of the large scale development and,

F. Strict application of the requirement for the developer to contribute to the amount of $41,650.00 to the City Tree Fund would work as an injustice and hardship to the development of the subdivision since it would delay for many years the objectives as set out in §167.01(A) for tree preservation and protection, and prevent the approach and enforcement of the principle as set out in §167.01(B)(2), and

G. The City of Fayetteville is not yet prepared to meet its obligations in the implementation of the Tree Preservation Plan and has not funded personnel or facilities/equipment to implement the city's obligations to plant, fertilize, water and care for the trees for a period of three (3) years after planting; therefore, the Developer's tree variance plan should be beneficial to and enhance the objectives and provide a viable alternative, and

H. Some of the lots within Legacy Pointe Subdivision have existing trees that already meet the criteria as set out in the Tree Preservation Plan and will remain and qualify for one (1) Native American Tree in the front yard of the lot.

Developer's Variance Plan.

1. The Bill of Assurances and Protective Covenants for Legacy Pointe Subdivision filed for record on July 8, 2003, provides that the subdivision and building codes of the City of Fayetteville as such now exists or hereinafter amended shall be and are hereby made applicable to all lots in Legacy Pointe. The covenants and restrictions shall remain in effect for twenty-five years and may be extended for successive five (5) year terms if approved by a majority of the lot owners.

2. Legacy Pointe Property Owners Association (LPPOA) shall be responsible to the City of Fayetteville for ensuring the planting, maintenance and protection of one (1) Native American Tree in the front yard of each lot within the subdivision and for all trees either saved or planted in the common area of the subdivision. All planted trees shall be planted under the supervision by a professional landscaper or a tree nurseyman.

3. LPPOA shall have the ultimate responsibility to oversee the planting, maintenance and protection of the one (1) Native American Tree in the front yard of each lot within the subdivision and for all trees either saved or planted in the common area.

4. LPPOA will provide to each lot owner within the subdivision proper planting instruction and maintenance guidance for the planted Native American Tree during the establishment period to increase the viability of each tree. Developer and LPPOA recognize the concern expressed by the City of Fayetteville that the larger caliper trees are not inherently of greater mitigation benefit. However, Developer and the nurseryman have extensive experience in planting and care of larger caliper trees and this background will utilize this experience in the development of proper planting and greater and detailed

care and maintenance guidance provided to each lot owner.

5. Each lot owner within Legacy Pointe shall be responsible to the Grounds Committee of the Legacy Pointe Property Owners Association for the health of all planted trees on the lot and shall be bound for not only for the three (3) establishment period but also for the entire period of the Bill of Assurances and Protective Covenants.

6. Each lot owner within Legacy Pointe is required to plant and maintain one 4-6 inch caliper Native American Tree in the front yard before the structure is certified for occupancy. If the tree is damaged or dies it must be replaced within a two month period.

7. Developer shall deposit with the City either a irrevocable letter of credit or other surety for the estimated cost of materials and labor for all trees at the time of planting in the amount of $41,650.00, with said guarantee to be held by the City until the satisfactory conclusion of the three-year landscape establishment period.

8. Upon completion of the three year landscape establishment period, the City Landscape Administrator shall inspect the subdivision and determine whether ninety percent (90%) of the planted trees are healthy and have a reasonable chance of surviving. Upon such finding, the City shall release the guarantor and surety.

9. In the absence of such a finding by the City Landscape Administrator, the City shall notify the Developer in writing replace any unhealthy or dead trees, or to take other appropriate action as approved by the Landscape Administrator to correct the discrepancies. Failure by the Developer to take remedial steps within sixty (60) days to bring the lot in compliance with the spirit and intent of the tree ordinance, shall result in the City's right to use so much of the funds of the guaranty as necessary to achieve

compliance. Once compliance has been verified, any remaining funds of the guaranty shall be released to the guarantor.

10. Developer understands the City cannot enforce a subdivision bill of assurance and protective covenants relating to the Tree Ordinance. However, it is important to understand that the Developer has prepared and filed a Bill of Assurance and Protective Covenants for Legacy Pointe Subdivision. The warranty deed for the lots includes appropriate language (see attached) that the conveyance is subject to the assurances, covenants and restrictions in the Bill of Assurances and Protective Covenants. The covenants shall obligate each lot owner to the planting, feeding and care of one (1) 5" to 6" native American tree for a three (3) year period. In addition, the Restrictive Covenants for Legacy Pointe require the lot owner to plant and maintain one 5" to 6" diameter tree in the front yard for a minimum period of twenty-five years. Failure of the lot owner to replant or maintain the tree after notice by the LPPOA would result in lien levied against the lot for the cost of planting and maintaining the planted replacement tree.

ADVANTAGES AND BENEFITS TO THE CITY:

-Defer budget and operating cost for the City to augment Landscape Administration Staff with additional personnel to oversee City's responsibilities.

-Defer hiring of additional personnel by the City to plant and maintain trees as part of City's responsibility and to oversee City tree nursery.

-Reduce or defer City overhead costs to contract and purchase trees, fertilizer and other landscape material and supplies.

-Reduce or defer City investment in vehicles and other equipments required if City

is responsible for planting and care of trees for three (3) year period.

-Defer need for City to establish and maintain facilities for tree nursery and supplies.

WARRANTY DEED
CORPORATION
(With Specific Power of Attorney)

KNOW ALL MEN BY THESE PRESENTS:

That, **Sloan Properties, Inc.,** a corporation organized under the laws of the State of Arkansas, by its President, duly authorized by proper resolution of its board of directors, for the consideration of ten dollars and no/100———($10.00) and other good and valuable consideration in hand paid by _____ _____, grantee(s), the receipt of which is hereby acknowledged, does grant, bargain, sell and convey unto the said grantee(s) and unto grantee(s) heirs and assigns forever the following described land situated in Washington County, Arkansas, to-wit:

LOT(S) _____, LEGACY POINTE, PHASE I, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A, AT PAGE 53, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS.

SUBJECT TO THE ASSURANCES, COVENANTS AND RESTRICTIONS IN THE BILL OF ASSURANCES AND PROTECTIVE COVENANTS AND RESTRICTIONS FOR LEGACY POINTE SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS.

To have and to hold the same unto the said grantee(s), and unto grantee(s) heirs and assigns forever, with all appurtenances thereunto belonging, and grantor hereby covenants with the said grantee(s) that it will forever warrant and defend the title to said lands against all lawful claims whatever, except easements, special assessments and restrictions existing and/or of record, if any.

That the undersigned officer of **Sloan Properties, Inc.** by these presents, do make constitute and appoint, **Heritage Land Title of Arkansas**, its officers and authorized agents, our true and lawful attorney in fact for us in our names, place and stead, and for our use and benefit, for the purpose of closing the sale of the real property described above.

Sloan Properties, Inc, further empowers, **Heritage Land Title of Arkansas**, its officers and authorized agents, our true and lawful attorney in fact, to execute any and all documents in connection with the sale and conveyance of the above referenced property, including the execution of settlement statements and other closing documents necessary in connection with the sale of the above referenced property.

And **Sloan Properties, Inc.** hereby ratifys and confirms whatever, **Heritage Land Title of Arkansas**, its officers and authorized agents, shall do pursuant to this power.

In testimony whereof, the name of the grantor is hereunto affixed by its duly authorized President, this 9th day of July, 2003.

Sloan Properties, Inc., an Arkansas corporation

By: _____
Charles W. Sloan, President

ACKNOWLEDGMENT

State of Arkansas)
) SS.
County of Washington)

Before me, the undersigned, a Notary Public in and for the aforesaid County and State, on this day personally appeared, **Charles W. Sloan**, who acknowledged that he was the President of **Sloan Properties, Inc.**, and that he, as such officer, being authorized so to do had executed the foregoing instrument for the purposes and considerations setforth therein by signing the name of the corporation by himself as such officer.

Given under my hand and official seal this 9th day of July, 2003.

My commission expires:_____ _____
Notary Public

Prepared By: Heritage Land Title of Arkansas
2153 East Joyce Blvd.
Fayetteville, AR 72703
501-442-6400

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this document.

_____
Grantee or Grantee's Agent

ARVEST BANK

Member FDIC

75 North East Avenue • Fayetteville, Arkansas 72701 • 479-575-1000

IRREVOCABLE STANDBY CREDIT	DATE OF ISSUANCE 07/03/03 LotC No. 1886693
Beneficiary	Account Party
CITY OF FAYETTEVILLE, ARKANSAS 113 WEST MOUNTAIN FAYETTEVILLE, AR 72701	SLOAN PROPERTIES, INC. 3459 KNOTTINGHAM PLACE FAYETTEVILLE, AR 72703
	Amount
	$41,650.00
	Expiration Date
	07/03/04

Dear Sirs,

We hereby issue this irrevocable standby credit in your favor, which is available by negotiation of your draft(s) at sight drawn on us, bearing the clause: "Drawn under standby credit No. _____, Dated _____, of Arvest Bank, Fayetteville, Arkansas, accompanied by the following documents."

"WE HEREBY CERTIFY THAT SLOAN PROPERTIES, INC. HAS FAILED TO COMPLETE THE TREE IMPROVEMENTS AS REQUIRED BY THE CITY OF FAYETTEVILLE IN THE LEGACY POINTE SUBDIVISION IN THE CITY OF FAYETTEVILLE."

PARTIAL DRAWS ☒ AUTHORIZED ☐ PROHIBITED

We hereby engage with drawers and/or bona fide folders that drafts drawn and negotiated in conformity with the terms of this credit will be duly honored on presentation at our counters and that drafts accepted within the terms of this credit will be duly honored at maturity.

Yours very truly,

Arvest Bank
Fayetteville, Arkansas

VICE PRESIDENT

COMMERCIAL LENDER

Two Authorized Signatures Requires

PROVISIONS APPLICABLE TO THIS CREDIT

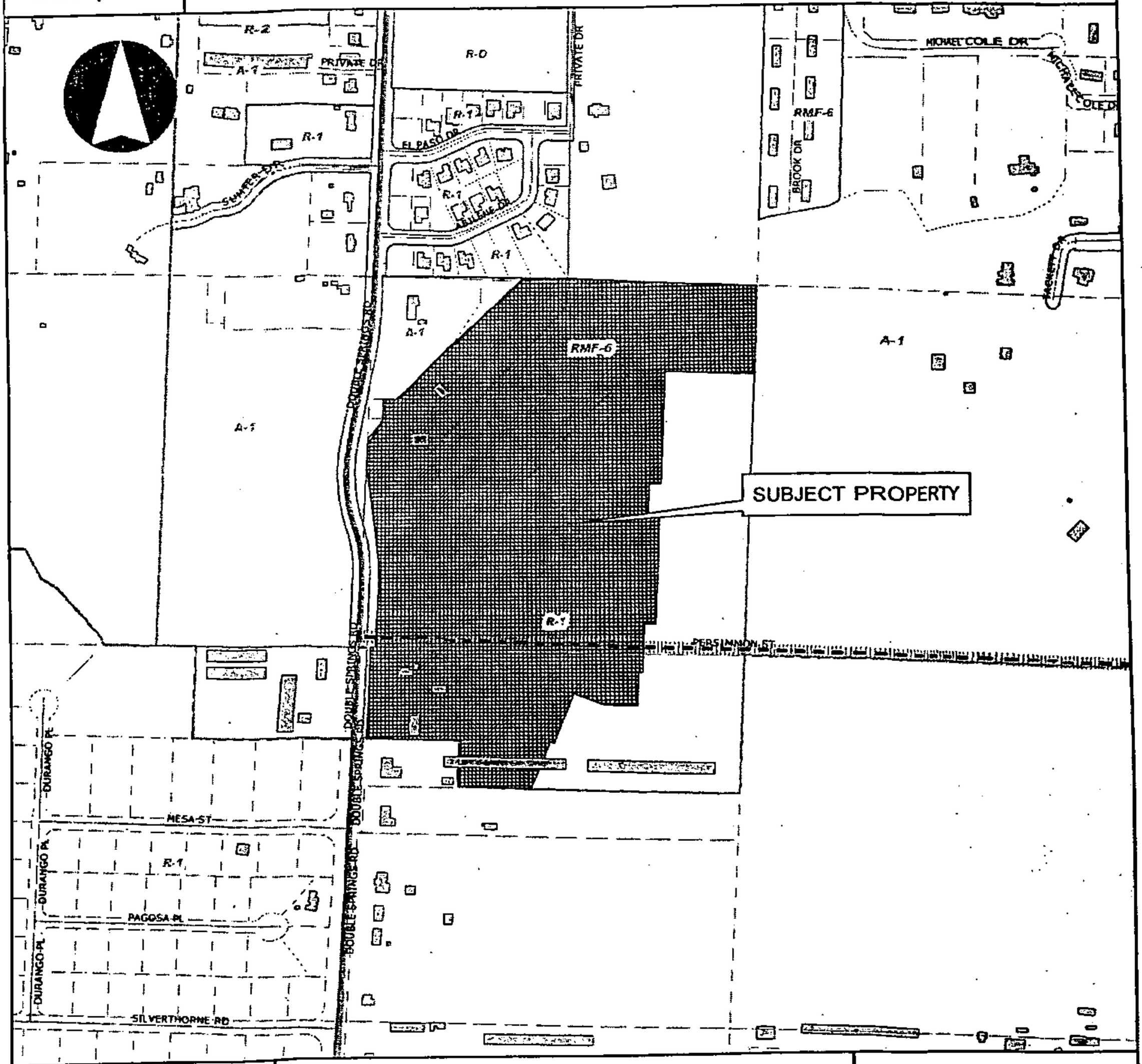
This credit is subject to the "Uniform Customers & Practice for Documentary Credit (1993 Revisions), International Chamber of Commerce Publication, No. 500" and any subsequent revisions except so far as otherwise expressly stated herein.

1886693

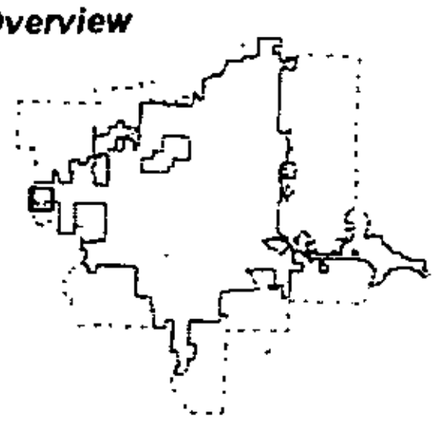
FPL03-05.00

Close Up View

LEGACY POINT I



Overview



Legend

Subject Property

FPL03-05.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

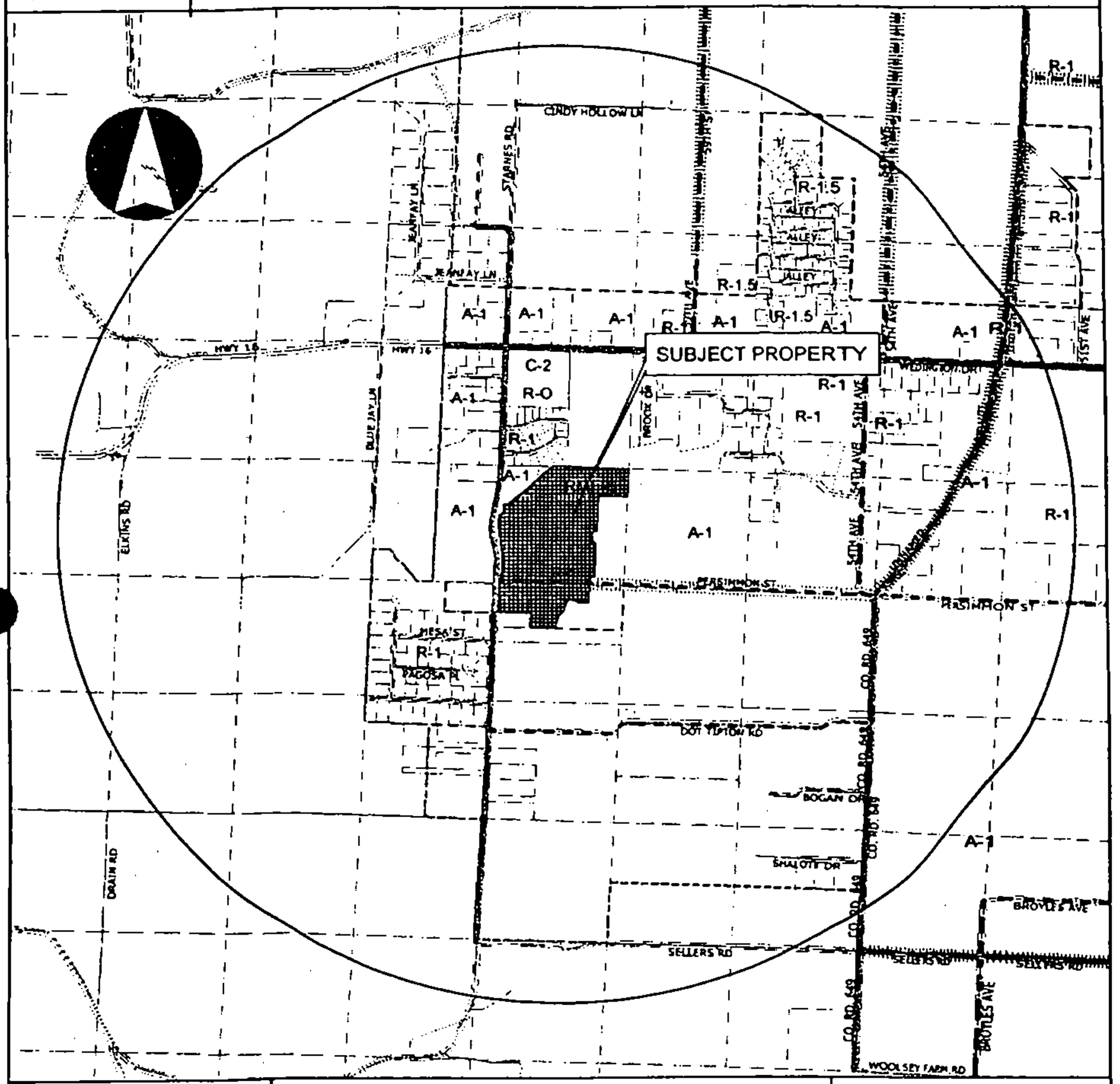
Historic Collector

0 175 350 700 1,050 1,400 Feet

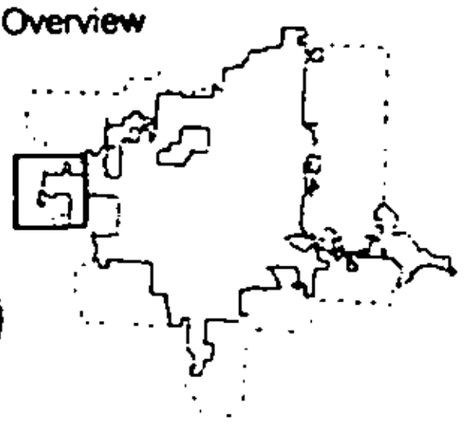
FPL03-05.00

One Mile View

LEGACY POINT I



Overview



Legend

Subject Property
FPL03-05.00

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: October 7, 2003

FROM:

Dawn Warrick	Planning	CP&E
Name	Division	Department

ACTION REQUIRED: Ordinance Approval.

SUMMARY EXPLANATION:

VAC 03-10.00 was submitted by Charles Brickey on behalf of Tamara Breland Brickey for property located at 1765 Applebury Road. The property is zoned RSF-4, Residential Single-Family, four units per acre. The request is to vacate a 10' utility easement through lots 23, 24 and 25 of the Jackson's First Addition.

STAFF RECOMMENDATION:

Staff recommended approval and on September 8, 2003 the Planning Commission voted 8-0-0 to recommend approval of this Vacation by the City Council.

Division Head — Date: 9/16/03

City Attorney — Date: 9/18/03

Department Director — Date: 9-16-03

Finance & Internal Services Dir. — Date: 9-23-03

Chief Administrative Officer — Date: 9-18-03

Mayor — Date: 9/26/03

Received in Mayor's Office — Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item: Yes No

9/17/03 TM

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 03-10.00 TO VACATE AND ABANDON A 10' UTILITY EASEMENT ALONG LOTS 23, 24, AND 25 OF THE JACKSON'S FIRST ADDITION AS DESCRIBED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described utility easement is not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of its rights together with the rights of the public generally, in and to the following described utility easement:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

By_____
Dan Coody, Mayor

ATTEST:

By_____
Sondra Smith, City Clerk

DRAFT

EXHIBIT "A"
VAC 03-10.00

A STRIP OF LAND TEN (10) FEET WIDE CENTERING ON THE FOLLOWING DESCRIBED LAND: BEGINNING AT A POINT ONE HUNDRED SEVENTY-EIGHT (178) FEET WEST OF THE NORTH EAST CORNER OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION ELEVEN (11), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, RUNNING THENCE SOUTH A DISTANCE OF ONE HUNDRED (100) FEET, THENCE SOUTH AT FIFTY-SIX (56) DEGREES WEST A DISTANCE OF ONE HUNDRED FIFTY (150) FEET TO THE INTERSECTION OF APPLEBURY DRIVE.

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CC Meeting of October 7, 2003

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 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: September 16, 2003

VAC 03-10.00: Vacation (Brickey, pp 409) was submitted by Charles Brickey on behalf of Tamara Breland Brickey for property located at 1765 Applebury Rd. The property is zoned RSF-4, Residential Single-family, 4 units per acre. The request is to vacate a 10' utility easement through lots 23, 24 and 25 of the Jackson's First Addition.

BACKGROUND

The applicant is requesting to vacate a water and sewer easement which was granted in the late 1950's with the development of the Jackson's First Addition to the City of Fayetteville. During the development of this subdivision, the easement was not utilized and remains clear of utility lines at this time. Water and sewer lines were installed in alternate locations, generally along the north and east property lines of the subject lot.

No objections from the adjacent property owners have been submitted to the City. Responses from utility companies cited no objections. The City's Water and Sewer Maintenance Division did request that easements along the north and east property lines be widened as necessary to cover existing lines with at least 10' of easement on either side of the water or sewer lines to allow for proper access and maintenance activities. This request is reflected in staff's recommended conditions of approval.

PUBLIC COMMENT

At the public hearing before the Planning Commission, adjoining property owner to the east, Mr. Robert Harpster, commented on the recommendation for additional easements to cover existing lines had how that recommendation may effect his property. It was stated that the only property that this action can affect is the applicant's and that in the future, should he make a similar request or propose additional development, expanded easements on his property may be necessary depending upon the exact location of utility lines within those easements.

CURRENT STATUS

On September 8, 2003, the Planning Commission voted 8-0-0 to forward this request to the City Council with a recommendation for approval subject to conditions recommended by staff.

RECOMMENDATION

Approval of the proposed utility easement vacation 03-10.00 subject to conditions stated in the attached staff report.

PC Meeting of September 8, 2003

FAYETTEVILLE

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

TO: Fayetteville Planning Commission Members
THRU: Dawn Warrick, AICP. Zoning & Development Administrator
FROM: Matt Casey P.E. Staff Engineer
DATE: September 4, 2003

VAC 03-10.00: Vacation (Brickey, pp 409) was submitted by Charles Brickey on behalf of Tamara Breland Brickey for property located at 1765 Applebury Rd. The property is zoned RSF-4, Residential Single-family, 4 units per acre. The request is to vacate a 10' utility easement along lots 23, 24 and 25 of the Jackson's First Addition.

Findings: See the attached maps and legal descriptions for the exact locations of the requested drainage easement vacation.

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES	RESPONSE
Ozarks Electric	No Objections.
AEP/SWEPCO	No Objections
Arkansas Western Gas	No Objections
SW Bell	No Objections.
Cox Communications	No Objections.
City of Fayetteville: Water/Sewer	No Objections – See conditions of approval
Transportation	No Objections
Solid Waste	No Objections

Engineering	No objections

Recommendation: Approval of the proposed utility easement vacation 03-10.00 subject to the following conditions.

Conditions of Approval:

1. Any relocation of existing utilities will be at the owner's expense.
2. The easement for the actual water main location shall be expanded to 10' on either side of the main. Only the portion of this 20' that falls on this property must be dedicated at this time.
3. The sewer main easement on the back property line must be expanded to 10' on either side of the main. Only the portion of this 20' that falls on this property must be dedicated at this time.

PLANNING COMMISSION ACTION: **__yes__Required**
_____Approved _____Denied

Date: _____

CITY COUNCIL ACTION: **__yes__Required**
_____Approved _____Denied

Date: __/__/____

1765 Applebury Drive
Fayetteville, AR 72701
August 4, 2003

Planning Commission
City of Fayetteville
Fayetteville, AR 72701

Dear Planning Commission Members,

We have requested the vacation of a sewer and water easement. This sewer and water easement was granted with the original plat in 1958. When the houses were built in this sub-division, during the late 50's and early 60's, different easements were used to lay the water and sewer lines. This house was built in 1963, by the orginal developers of the re-plat. We believe the easement, not just across the property, but almost through the center of the house, should of been vacated before this house was built.

When Tamara bought this house the former owners did not mention the easement, nor did the abstract company or the realators. We want to make improvements to our home, perhaps a small addition, but cannot because of this easement. If we chose to sell the house, the easement will be an albatross because of the disclosure act.

Sincerely,

Tamara Breland Brickey

Tamara Breland Brickey

Charles Lee Brickey

Charles Lee Brickey

RECEIVED
AUG 06 2003
PLANNING DIV.

LUNSFC

CAROLYN

DRIVE

FIRST

DRIVE

DRIVE

ITION

RIGHT OF WAY GRANT

STATE OF ARKANSAS
COUNTY OF WASHINGTON

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of One Hand and No/100 Dollars ($ 1.00) and other valuable considerations to the undersigned, Harry Jackson and Jo Carl Jackson

said receipt of which is hereby acknowledged, the said Grantor does hereby GRANT, BARGAIN, SELL AND CONVEY unto the City of Fayetteville, Arkansas, a municipal corporation (hereinafter styled Grantee) its successors and assigns, the right of way and easement to construct, maintain, lay, remove, relay, repair and operate sewer and/or water pipelines and appurtenances thereto, on, over, across and under the following described real estate in Washington County, Arkansas, to-wit:

A part of the Southwest Quarter of the Northwest Quarter of Section Eleven (11), Township Sixteen (16) North, Range Thirty (30) West, more particularly described as follows, to-wit:

Beginning at a point 1650 feet West of the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section Eleven (11), Township Sixteen (16) North, Range Thirty (30) West, running thence South 1 degrees 30 minutes West a distance of 1320 feet, thence South 89 degrees 30 minutes West a distance of One Hundred (100) feet, thence North 1 degrees 30 minutes East a distance of 1320 feet to the intersection with the South line of Applecourt Drive.

said right of way and easement being more particularly described as follows, to-wit:

Beginning at a point 1650 feet West of the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section Eleven (11), Township Sixteen (16) North, Range Thirty (30) West, running thence South 1 degrees 30 minutes West a distance of One Hundred Seventy Eight (178) feet, West to North line of Applecourt Drive, thence North 1 degrees 30 minutes East a distance of One Hundred Seventy Eight (178) feet, thence East to the point of beginning, containing 0.41 acres, more or less.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such right of way and/or appurtenances thereto shall be maintained, with ingress to and egress from the real estate first hereinabove described for the purpose of construction, inspection, maintaining and repairing said lines and appurtenances thereto above described and the removal, repeal and enforcement of such lines in whole or in part.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee which hereby agrees to bury all pipe to a sufficient depth so as not to interfere with cultivation of soil and to pay any damages which may arise to growing crops or fencing from the construction, maintenance and operation of said pipe, said damages, if not mutually agreed upon, to be ascertained and determined by three disinterested persons, one thereof to be appointed by the said Grantor, one by the said Grantee and the third by the two so appointed as aforesaid and the award of such three persons shall be final and conclusive upon the parties hereto.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of the right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that no party executing this grant in behalf of Grantor has authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 21 day of November, 19 58.

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF WASHINGTON

BE IT REMEMBERED that on this day before me, a Notary Public within and for said County and State, duly commissioned and acting, personally appeared Harry Jackson and Jo Carl Jackson

well known as the person or persons who executed the foregoing Right of Way Grant and stated that they had executed the same for the consideration and purpose therein mentioned and set forth.

WITNESS my hand and seal on this 21 day of November, 19 58.

NOTARY PUBLIC

My Commission Expires:
October 1, 1962

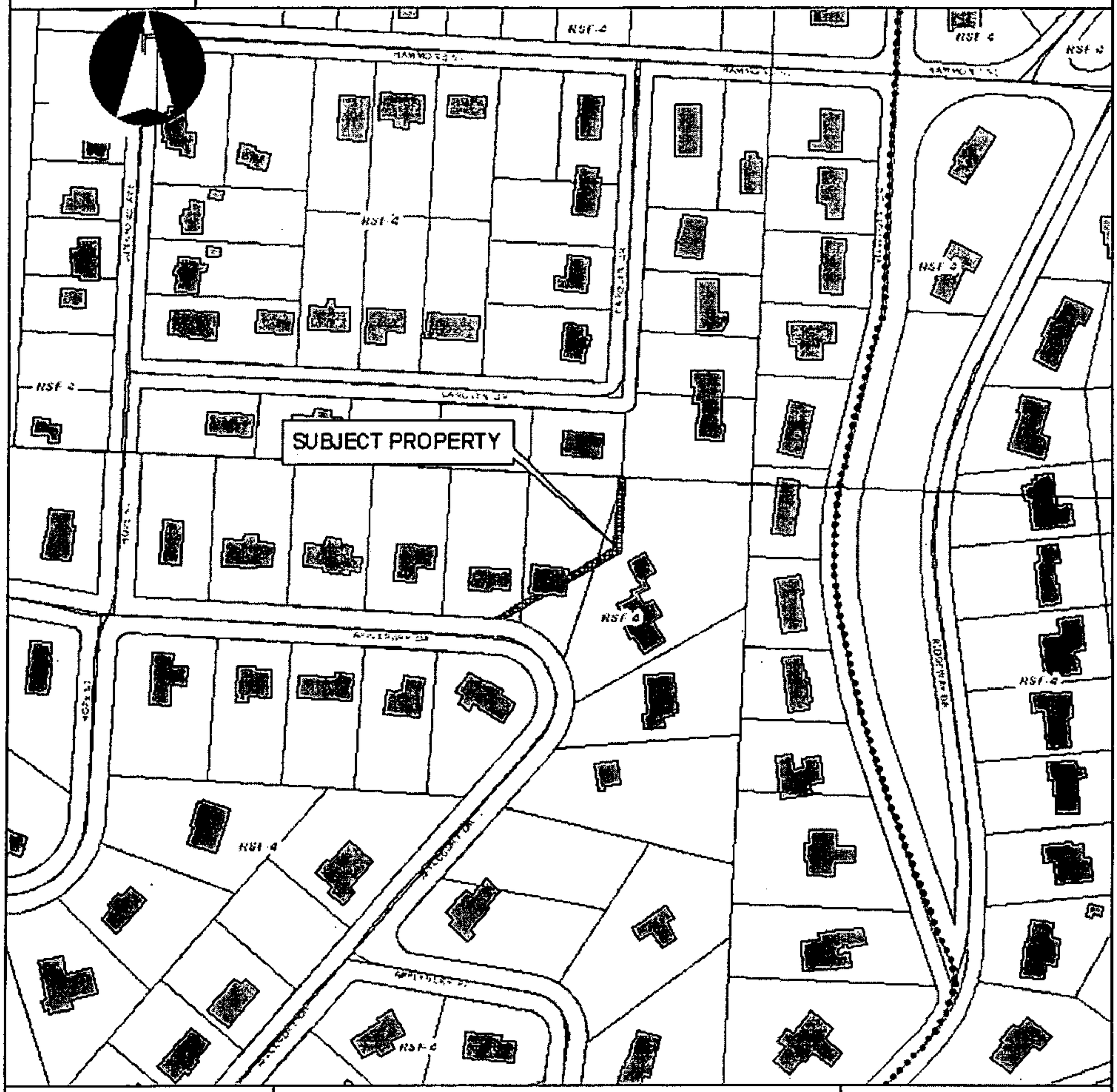
Filed

69

VAC03-10.00

Close Up View

BRICKEY

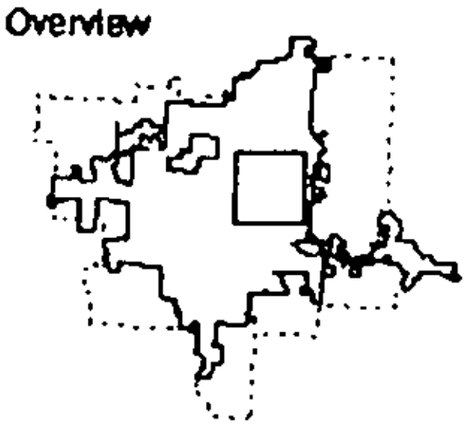


VAC03-10.00

One Mile View

BRICKEY

Overview



Legend

Subject Property

VAC03-10.00

Streets

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

0 0.1 0.2 0.4 0.6 0.8 Miles

STAFF REVIEW FORM - FINANCIAL OBLIGATION

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

X AGENDA REQUEST
CONTRACT REVIEW
XX GRANT REVIEW

For the Fayetteville City Council Meeting of: October 7, 2003

FROM:

Connie Edmonston	Parks and Recreation	Operations
Name	Division	Department

ACTION REQUIRED: Resolution to accept grant funds in the amount of $51,247 from the Arkansas State Highway and Transportation Department for Arkansas Recreational Trails funds utilizing federal funding from TEA-21.

COST TO CITY:

$51,247.00	$ 73,146.00	Lake Fayetteville Trails
Cost of this request	Category/Project Budget	Program Category / Project Name
2250.9255.5814.00	$ -	Parks Development
Account Number	Funds Used to Date	Program / Project Category Name
03022.01	$ 73,146.00	Parks Development
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: xx Budgeted Item X Budget Adjustment Attached

Budget Manager — 9-19-03 Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — 9/19/03 Date
Internal Auditor — 9/19/03 Date
City Attorney — 9/22/03 Date
Purchasing Manager — 9/22/03 Date

STAFF RECOMMENDATION: Approval of Resolution.

Division Head — 9-19-03 Date
Department Director — 9-19-03 Date
Finance & Internal Services Dir. — 9-24-03 Date
Chief Administrative Officer — 9-29-03 Date
Mayor — Date

A11:36 RCVD

Received in Mayor's Office — Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item: Yes No

ENTERED 9/19/03

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE PARKS AND RECREATION DIVISION TO ACCEPT A GRANT IN THE AMOUNT OF FIFTY ONE THOUSAND TWO HUNDRED FORTY-SEVEN DOLLARS ($51,247.00) FROM THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT FOR ARKANSAS RECREATIONAL TRAILS FUNDS TO CONTINUE DEVELOPMENT OF TRAILS AT LAKE FAYETTEVILLE NORTH SHORE PARK; AND APPROVING A BUDGETADJUSTMENT 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 the Fayetteville Parks and Recreation Division to accept a grant in the amount of Fifty One Thousand Two Hundred Forty-Seven Dollars ($51,247.00) from the Arkansas Highway and Transportation Department for Arkansas Recreational Trails Funds to continue development of trails at Lake Fayetteville North Shore Park.

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing the above grant revenue.

PASSED and **APPROVED** this 7th day of October, 2003.

DRAFT

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

Staff Review Form - Page 2

Description TEA-21 Grant Meeting Date October 7, 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Mayor Coody and City Council

THRU: Gary Dumas, Director of Operations
Connie Edmonston, Parks & Recreation Director CE

FROM: Steve Hatfield, Parks Landscape Architect and Trail Coordinator SH

DATE: September 19, 2003

SUBJECT: Arkansas Recreational Trails Funds

Background
In 2002, Parks and Recreation received $20,000 out of the $100,000 requested for the continued development of trails at Lake Fayetteville North Shore Park through the Arkansas State Highway and Transportation Department. The Arkansas Recreational Trails Funds utilize federal funding from TEA-21. In addition in 1997, we were awarded $20,000 for informational kiosk and signage at Lake Fayetteville. The notice to proceed for the 1997 grant was received on January 9, 2003 after waiting approval from the State Historical Society. These projects will be bid before the end of this year.

Current Status
Parks and Recreation requested a grant in the amount of $100,000 in April of 2003 to continue developing accessible trails in and around the North Shore Site as depicted on the attached map. On September 15, 2003, we were notified this project was awarded $51,247. The letter stated the Arkansas State Highway Commission was unable to fund the project at the 80/20% matching ratio due to funding constraints. Steve Weston from the Arkansas Recreational Trails Program confirmed it will be a 50/50% matching reimbursable grant. Total cost of this project is estimated at $121,792.

Recommendation
Parks and Recreation is requesting approval through a Resolution accepting grant funding in the amount of $51,247 from the Arkansas State Highway and Transportation Department for Arkansas Recreational Trails Funds for the Lake Fayetteville North Shore Site trail. Acceptance of the $51,247 grant will allow Parks and Recreation to complete a $121,792 trail at Lake Fayetteville North at a cost of $70,545 to the City.

Attachment:
Lake Fayetteville North Shore Site Map
Grant Application
Arkansas State Highway Commission Grant Award Letter

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Operations Division: Parks & Recreation Program: Parks Development Capital	Date Requested	Adjustment Number
2003		10/7/2003	

Project or Item Requested:
$51,247 is requested in the Lake Fayetteville Trails capital project.

Project or Item Deleted:
None. To recognize $51,247 in State Grant Funds.

Justification of this Increase:
The funding is an 50/50 grant from the State of Arkansas for the construction of a trail on the North Shore of Lake Fayetteville.

Justification of this Decrease:

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Trailways and sidewalks	2250	9255	5814	00	51,247	03022	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
State grants	2250	0925	4302	00	51,247	03022	1

Approval Signatures

Requested By — Date

Budget Manager — 9/11/03 Date

→ Department Director — Date

→ Finance & Internal Services Director — 9-23-03 Date

Mayor — Date

Budget Office Use Only

Type: A B C (D) E

Date of Approval — Initial — Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

Entered in Category Log — Initial — Date

ARKANSAS STATE HIGHWAY COMMISSION

J.W. "BUDDY" BENAFIELD
CHAIRMAN
HICKORY PLAINS

MARY P. "PRISSY" HICKERSON
VICE CHAIRMAN
TEXARKANA

JONATHAN BARNETT
SILOAM SPRINGS

CARL S. ROSENBAUM
LITTLE ROCK

R. MADISON MURPHY
EL DORADO

DAN FLOWERS
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

P.O. Box 2261
LITTLE ROCK, ARKANSAS 72203-2261
TELEPHONE NO. (501) 569-2000
FAX NO. (501) 569-2400

September 15, 2003

Mr. Steve Hatfield
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Dear Mr. Hatfield:

Reference is made to your application for trail development funding through the Arkansas Recreational Trails Program.

Your project, Lake Fayetteville Trails, has been approved to receive up to $53,247.00 in federal funding. Due to funding constraints, we were unable to fund your project at the 80%/20% matching ratio. However, we were able to fund it with unspent funds from past fiscal years which will require a greater local matching ratio. Arkansas State Highway and Transportation Department (AHTD) staff will contact you to explain this and work with you to develop your project.

We will host a project administration workshop on October 16, 2003 starting at 1:00 PM. The steps necessary to develop and implement your project will be outlined in detail during the workshop. It is extremely important that someone familiar with your project attend this session. The workshop will be held in the auditorium of the AHTD headquarters building. We are located in southwest Little Rock along Interstate 30. Coming from the east, use Exit 132. Coming from the west, use Exit 130.

We look forward to working with you to develop this project. If you have any questions regarding the Arkansas Recreational Trails Program or the workshop, please call Steve Weston at 501-569-2020.

Sincerely,

Dan Flowers
Director of Highways
and Transportation

c: Jonathan Barnett
Chief Engineer

ARKANSAS RECREATIONAL TRAILS PROGRAM

Application for Fiscal Year 2003 Funds

Lake Fayetteville Trails System

Fayetteville, Arkansas

April 2003

APPLICATION

Project Title: Lake Fayetteville Trails System

Applicant: City of Fayetteville

Address: 113 W. Mountain

Fayetteville, Arkansas 72701

Primary Contact Person: Steve Hatfield

Title: Park Landscape Architect Phone: 479-718-7688 Fax: 479-521-7714

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

Type of Applicant (circle one) Private/Non-Profit Government Agency

BUDGET INFORMATION; fill out attached 3 page budget sheet and fill in these blanks.

Local Share (must be at least 20% of total project cost): **$ 22,144**

TEA-21 Share (not to exceed 80% of total project cost): **$ 88,576**

Total Project Cost: **$ 110,720**

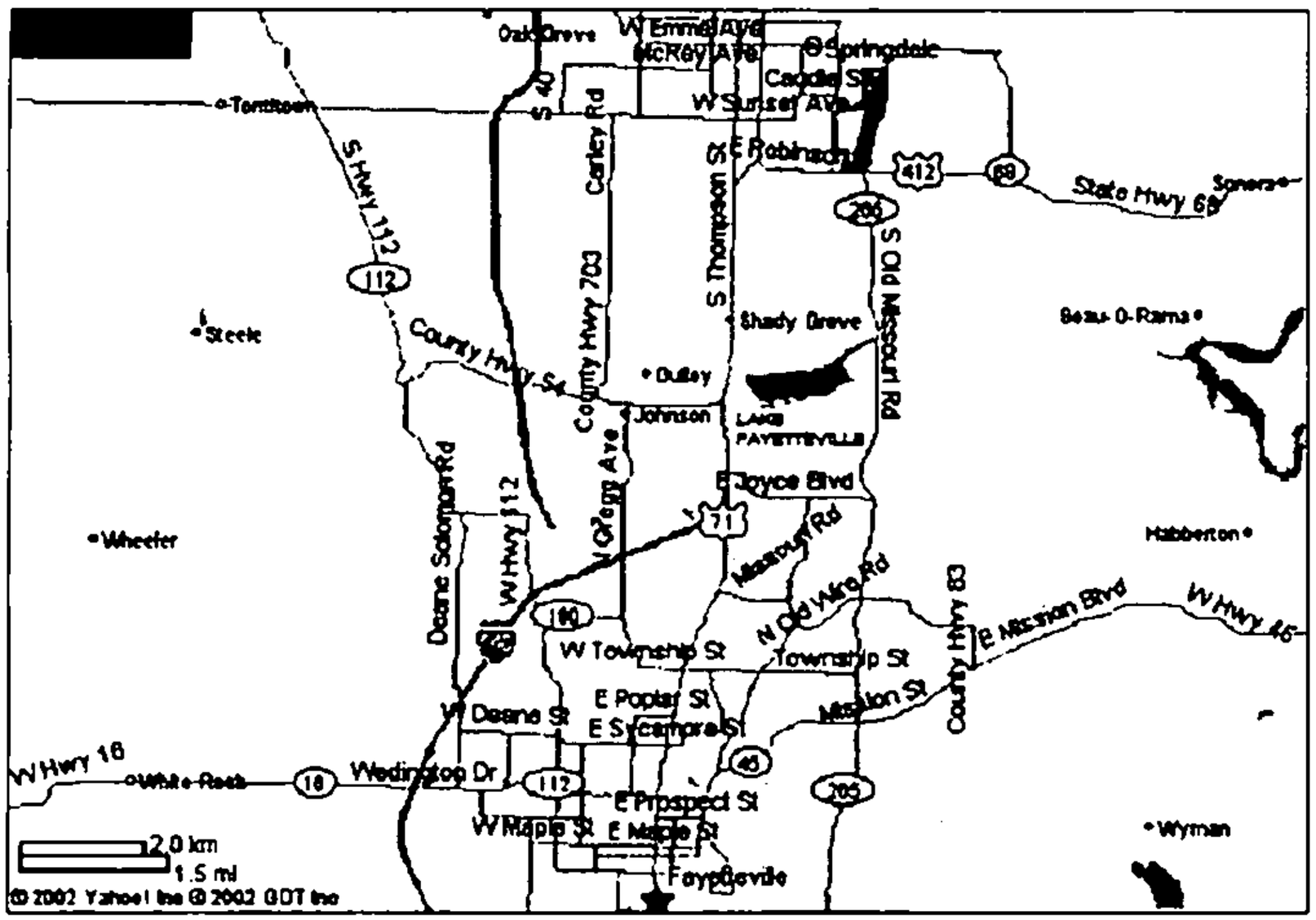
PROJECT LOCATION

County: Washington County Nearest Municipality: Fayetteville

Township: 17N Range: 30W / 29W Section(s): 13, 18, 19, 23, 24

Land Ownership (circle one) Public Private

Provide an accurate map indicating the location to the project in relation to the nearest municipality. This map must include information necessary to locate the site from the nearest state or U.S. highway.

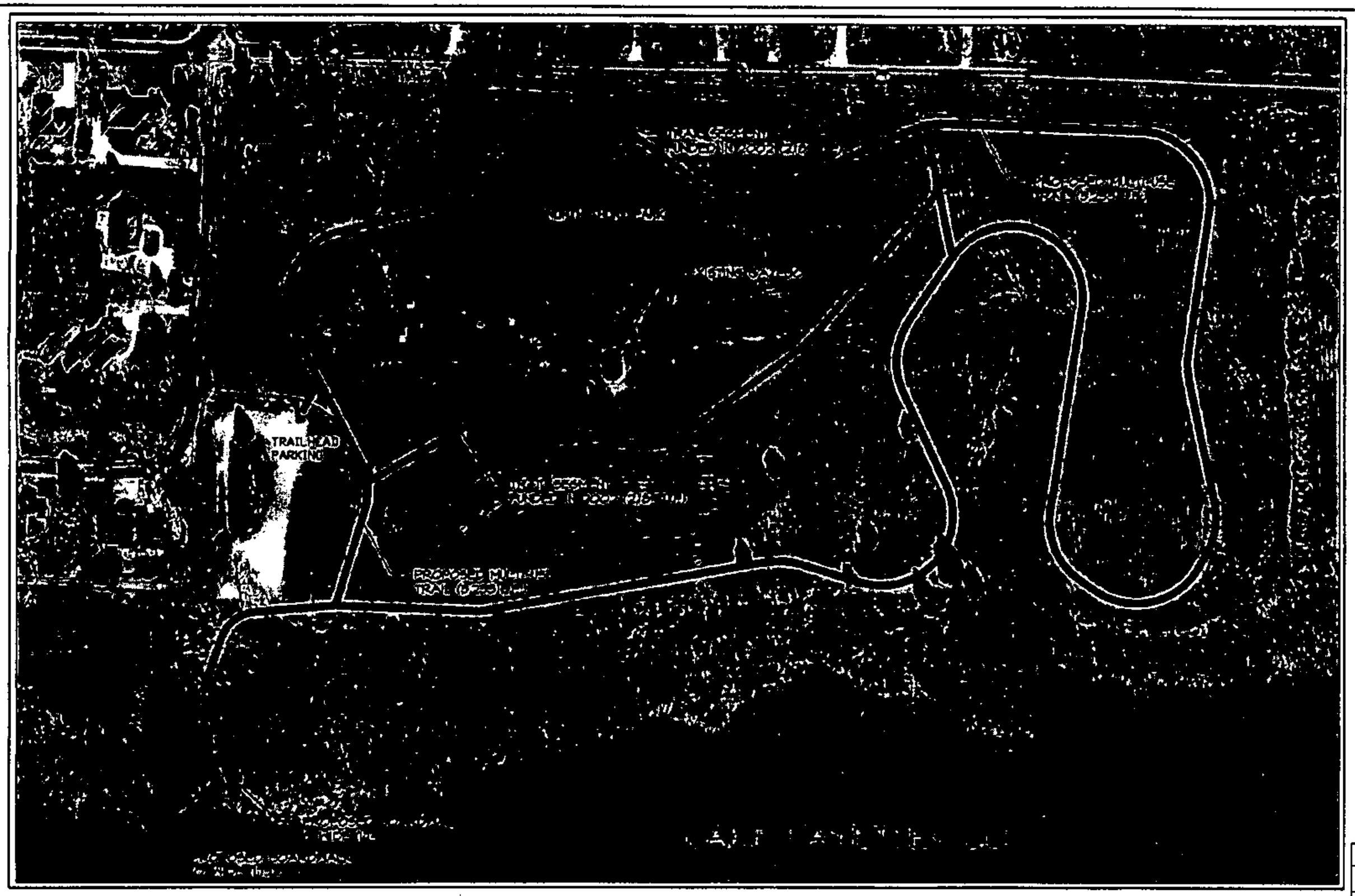


SITE LOCATION MAP

PROJECT LOCATION

PROJECT LOCATION

SITE PLAN
NORTHSHORE TRAIL
CITY OF FAYETTEVILLE



SITE PLAN

0 200 400 600

10' WIDE MULTI-USE ACCESSIBLE TRAIL

BOARDWALK

SITE PLAN	
NORTHSHORE TRAIL	
CITY OF FAYETTEVILLE	

PROJECT DESCRIPTION

1. **Outline exactly what will be accomplished with the funds you are applying for.** Provide a description of the work to be accomplished, how it will be accomplished, and who will perform it. Include materials to be used, source of labor, and source of design and construction standards to be used. Provide an accurate site plan covering the entire project with north arrow, scale, project beginning and end point(s), individual points of construction, maintenance, etc.

Length of trail to be constructed: **3,233 linear foot with a 349 linear foot boardwalk**
Width of trail: **The hard surface trail is 10' wide, boardwalk is 6 to 10' wide based on location.**

The purpose of this grant request is to seek financial assistance with construction of an estimated 3233 linear foot of accessible multi-use trail including 349 linear foot of boardwalk. This phase of the trail development will be an extension of the 2189 linear foot trail that was funded in 2002. When complete, the trail will form several loops in and around North Shore Park at Lake Fayetteville. Lake Fayetteville, a 640 acre park, owned and managed by the City of Fayetteville, offers multiple recreational opportunities for the enjoyment by citizens of Fayetteville, Springdale, and all of Northwest Arkansas. North Shore Park, a 50 acre park, consists of 28 acres of open space with a 25 space gravel parking lot, a pavilion, play equipment, and picnic tables. North Shore Park can be accessed by an existing hiking trail that circles the lake. The existing trail corridor around Lake Fayetteville is approximately 5.5 miles in length.

The proposed accessible multi-use trail at North Shore Park will provide an opportunity for citizens of all abilities to enjoy the natural environment at Lake Fayetteville. This trail will be designed to be used by citizens desiring a consistent trail surface including baby strollers, bikes, rollerblades and wheelchairs. Currently, there are no accessible multi-use trails at Lake Fayetteville.

The Fayetteville Parks and Recreation Division has provided numerous public input opportunities concerning trail development at Lake Fayetteville. Most of the public input confirmed that there is a desire to maintain a soft surface tread on most of the trails that surround the lake. One area currently identified as a potential hard surface trail area has been the North Shore Park. The Fayetteville Parks and Recreation Division will promote using an environmentally friendly surface material such as, a tree-resin based gravel cementing product designed to withstand high use. This product can display the natural color of the chosen aggregate material.

2. What is the primary purpose of this trail project? (check one)

_____ Restoration of sites damaged by trail use.

__X__ New trail construction.

_____ Improvements, upgrading, or segment relocation to enhance use of existing trails.

_____ Trail-side or trail-head facility construction including but not limited to benches, vista clearing, bridges, parking, information boards, etc.

3. Circle each of the trail uses to be provided by this project and provide a brief **explanation** of how each will be accommodated.

bicycling	day hiking	equestrian	jogging/fitness
overnight/long distance hiking	4-wheel drive vehicle	4-wheel all terrain vehicle	interpretive
aquatic	barrier free	motorcycle	other

Bicycling: The design of this trail will accommodate all experience levels of users. Cyclists using the multi-use trail system will enjoy an environment free from vehicular traffic in a natural setting. The proposed multi-use trail at North Shore Park will provide an excellent location for young children to learn and practice bike riding.

Day hiking: The proposed multi-use trail at North Shore Park will be part of the 5.5 mile trail corridor that surrounds Lake Fayetteville.

Jogging/fitness: This trail will provide a much needed area for activities that are popular with local residents of various age groups. Many residents are interested in pleasure walking, jogging, running, etc. in a pleasant, scenic environment free from traffic and other safety concerns.

Interpretive: Interpretive signage at the boardwalk and along the trail corridor at North Shore Park will provide an educational experience where patrons can learn about the Lake Fayetteville watershed environment and the associated woody and herbaceous vegetation and wildlife habitat. This park is one of the most environmentally diverse sites with botanical and wildlife study areas complimenting the outdoor recreation facilities that are offered.

Barrier free: The proposed multi-use trail will serve as a barrier-free accessible loop trail. All aspects of this project will meet current ADA requirements.

4. How does this project accomplish a recommendation in the current Statewide Comprehensive Outdoor Recreation Plan (available from the Arkansas Department of Parks and Tourism, 501-682-1301 State the recommendation and provide a brief explanation.

   Extending the new multi-use accessible trail at North Shore Park supports the recommendation and emphasis being placed on the development of urban trails and greenways by local parks and recreation departments. Through repeated public input sessions, the citizens of Fayetteville have made trails and greenways a priority within our community. Through the Fayetteville Parks and Recreation Master Planning process, much input was received from citizens desiring more opportunities to experience urban trails and greenways. In an effort to accomplish this task, the Fayetteville City Council approved expenditure of funds to hire a full-time professional dedicated to this priority.

5. How will the project be designed and constructed to ensure the safety of its users and to avoid the danger or injury to users due to possible conflicts between different uses?

   The North Shore Park Trail will provide a safe, secure environment for participation in a variety of trail activities free from the dangers of vehicular traffic. Through design considerations, trail surface, grade, width, and curve radii, a variety of types of trail users can be accommodated. Specific user groups will provide bike patrols, including the Ozark Mountain Bike Patrol and the City of Fayetteville Bike Police. It is believed that the proposed North Shore Park Trail will help promote and increase usage on the overall Lake Fayetteville Trail System. Increased participation will help deter vandalism and undesirable park activity.

6. Describe how maintenance will be accomplished after project completion. Include who will perform maintenance, maintenance schedule and checklist, and inspection schedule.

   The City of Fayetteville Parks and Recreation Division will maintain the North Shore Park Trail. The Park Landscape Architect, who is responsible for trail development within the City of Fayetteville, will be responsible for performing routine inspections of the trail and submitting work/purchase orders for repairs and maintenance. Area volunteer groups will assist the department with routine inspections and provide additional manpower, over and above the Parks maintenance division's support. The volunteer program is designed to provide the users with a feeling of park ownership which can contribute to a better understanding of the uniqueness of the site and reduced potential of trail damage in the future. To date, the Ozark Off Road Cyclist Association, the Botanical Garden Society of the Ozarks, the Friends of Lake Fayetteville, the Boy Scouts of America, and the Ozark Mountain Bike Patrol have provided numerous hours of volunteer labor and other project support efforts. In addition, David Justice, a member of Ozark Off-Road Cyclist and Ozark Mountain Bike Patrol was named Arkansas Recreation and Park Association "Individual of the Year" for the year 2001. His commitment to the Lake Fayetteville Trail System has been outstanding and is an excellent example of citizen involvement in trail maintenance.

7. Explain the planning process that led to this proposal, i.e. public involvement, establishment of need and demand, review process, etc.

   The Fayetteville Parks and Recreation Division monitors, evaluates, and manages the trail system. Gaining the support of the general public, user groups, and on-site organizations has been crucial to implementing planning efforts for stabilization, restoration, and new trail construction. Tremendous efforts by parks department professionals have created an environment of open communication and dialogue regarding the needs and wants of users. User conflicts, safety concerns and future needs have been addressed to the satisfaction of members of the general public, the City of Fayetteville, and the Parks Division. From over two years of meetings, these discussions, recommendations, suggestions, problems, and complaints have been carefully logged and documented. Concentrated, long-term planning efforts are the basis of this funding request.

8. What accommodations will be made to provide access to this trail for individuals with disabilities?

   This trial will meet the challenge by providing increased trail opportunities for those users with limited mobility and other disabilities. Physically-challenged individuals will have accessibility to a variety of experiences and natural settings. Specific individuals and user groups alike have identified accesibility as an important component of the Lake Fayetteville trail system. The Fayetteville Parks and Recreation Master Plan recommends an increased focus toward developing increased recreational opportunities and providing improved accessibility to park amenities. The North Shore Park Trail will provide an outstanding outdoor recreational experience for all citizens desiring an improved accessible trail experience. A future goal for this area is the addition of a sensory garden. This garden might include raised planting beds that would incorporate plant material that could register a response from a user's sense of smell, touch, sight, and even hearing.

9. What is the source of the required local 20% match (budget item, donated materials, donated services, or donated cash)? If donated funds, materials, or services will be used as all or part of the local 20% match, **written commitments by the donors(s) must be provided**. Please provide copies of this documentation.

   By City Council resolution, the Fayetteville Parks and Recreation Division has committed 20% of the grant match should funding be secured. The matching funds are currently available to be used for this project. In-house labor, materials, and equipment will be provided by the department as necessary to make sure each funding dollar is fully utilized in a cost-effective manner.

10. Will this project be accomplished by a contractor or by in-house (force-account) labor?

The North Shore Park Trail work will be accomplished by an Arkansas State licensed contractor.

11. List any previous Recreational Trail Program funds you have received and the projects' status.

- During the 1997 grant application season, the City of Fayetteville applied for, and received a 50-50 matching grant through the Arkansas Recreation Trails Fund Program for the Lake Fayetteville Trail System. Of the $100,000 requested, $20,000 was awarded for upgrading the existing system. On January 9, 2003, the City of Fayetteville received a Notice to Proceed to utilize this funding for three trail kiosks, various trail corridor signage, and an interpretive brochure/trail map.
- During the 2002 grant season, the City of Fayetteville applied for a 80-20 matching grant through the Arkansas Recreation Trails Fund Program for a one mile, multi-use hard surface loop trail. Of the $100,000 requested, $20,000 was awarded for a portion of the trail. Currently, the City is submitting, for approval, a 2189 linear foot portion of that trail with a beginning construction date of fall 2003.

All applications must be received at the Arkansas State Highway and Transportation Department headquarters building in Little Rock no later than 4:00 p.m., Friday, May 2, 2003. No facsimile (fax) or electronic (e-mail, diskette, etc.) applications will be accepted. Send twelve (12) copies of this application with all necessary attachments to:

Steve Weston
Arkansas State Highway and Transportation Department
10324 Interstate 30
Little Rock, Arkansas 72209
Recreational Trails Program 2003 Funds

Arkansas Recreational Trails Program
Application Budget Sheet

Project Name Lake Fayetteville Trail System
Sponsor City of Fayetteville

1 Clearing and Grubbing
Please estimate the costs of all clearing and grubbing associated with this project .

Length (in feet) 3,233 Width (in feet) 14

Material $ 0

Labor $ 7,436

2 Base
Please estimate the cost of purchasing and installing sub-base aggregate for this project.
Approximate number of cubic yards; 598

Material $ 1,310

Labor $ 2,619

3 Paving
Please estimate the cost of purchasing and installing trail paving material.

Length (in feet) 3,233 Width (in feet) 10

Asphalt, approximate number of cubic yards: _____

Concrete, approximate number of cubic yards: _____

Other (indicate material), approximate number of cubic yards; 299

Chat and Natural Binder Material **Material $ 21,349**

Labor $ 20,126

4 Boardwalk Construction
Please estimate the cost of purchasing and installing materials for boardwalks.

Length (in feet) 174 Width (in feet) 6'
Length (in feet) 175 Width (in feet) 10'

Material $ 27,940

Labor $ 27,940

Arkansas Recreational Trails Program
Application Budget Sheet

5 Trail Support Facilities
Please estimate the number and cost of purchasing and installing trail support facilities such as signs, bulletin boards, benches, parking spaces, etc..

A	Informational Signage	$ 2,000
B	N/A	$
C	N/A	$
D	N/A	$
E	N/A	$
	Material	**$1,800.00**
	Labor	**$ 200.00**

6 Bridges
Please estimate the number and cost of purchasing materials and installing bridges
Number of bridges: 0
Length(s) of bridges: N/A
Width(s) of bridges: N/A
Distance between water and surface of bridges: N/A

Material	**$ N/A**
Labor	**$ N/A**

7 Utilities
Please describe and estimate the costs for installation of any utilities necessary for this project, i.e. water lines, electrical lines, etc.

A	N/A	$
B		$
C		$
D		$
	Material	**$ N/A**
	Labor	**$ N/A**

Arkansas Recreational Trails Program
Application Budget Sheet

8 Drainage Structures
Please describe and estimate the costs for purchasing materials and installing any drainage structures, i.e. culverts, etc..
Number: ___0_____
Length: ____N/A_____

Material	**$ N/A**
Labor	**$ N/A**

9 Brochures and/or Educational Materials
Please estimate the costs associated with publishing any brochures necessary for your trail project.

Material	**$ N/A**
Labor	**$ N/A**

10 Other
Please describe and estimate the cost for any other trail related project.
A ___N/A_____
B _____
C _____
D _____

Material	**$ N/A**
Labor	**$ N/A**

PROJECT TOTALS	**Total Project Material $52,399**
	Total Project Labor $58,321
	Total Project Cost $110,720

FAILED
10/7/03

Jones Motorcars, Inc.

Oldsmobile GMC BUICK

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

September 18, 2003

Ms. Sondra Smith, City Clerk
City of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

RE: Appeal to the City Council
Conditions of Planning Commission Approval
LSD03-21.00: Large Scale Development
Jones Motorcars

Dear Ms. Smith:

Please accept this correspondence as my official request to appeal the conditions for development approved by the Planning Commission at their September 8, 2003 meeting for the above referenced project.

Specifically, I am appealing the requirement to dedicate fifteen (15') additional right-of-way for U.S. Highway 71B / N. College Avenue. I believe that this dedication constitutes an undue hardship on my property due to practical difficulties, and creates a competitive disadvantage for my business.

I anticipate being placed on the October 7, 2003 agenda at the regularly scheduled meeting of the Council. Please advise me or my representative if this is not the case. Also, please include the attached information in the aldermen's agenda packets. Thank you for your consideration.

Sincerely:

Mr. Michael R. Jones
Owner/Operator
Jones Motorcars, Inc.
Phone (479) 521-7281

Jones Motorcars, Inc.

Oldsmobile GMC BUICK

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

September 18, 2003

Fayetteville City Aldermen
c/o Ms. Sondra Smith, City Clerk
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

RE: Appeal to the City Council
Conditions of Planning Commission Approval
LSD 03-21.00: Large Scale Development
Jones Motorcars

Dear Aldermen:

Please accept this correspondence to provide you with information regarding the project my company is currently proposing. Jones Motorcars has been in business in Fayetteville since 1934, and at our current location since 1979. We currently employ 35 people and will add 5 to 10 jobs with this $2,000,000 expansion project. These people will hopefully live in Fayetteville and contribute to the tax base and support our community. We have used all Fayetteville based design consultants and will use a Fayetteville contractor. We are making an investment in Fayetteville.

Current code requires an additional fifteen feet of right-of-way dedication for North College Avenue on the eastern side of my property. The Planning Commission approved our Large Scale Development based on this requirement being met. I object to this requirement.

We have endeavored to meet all of the codes and requirements for the development of our property through the course prescribed by the Planning and Engineering Department's of the city. Our property is limited to the North and West by topography

and existing utility easements. We have already limited our project scope to meet these constraints. Also, about sixty percent of my highway frontage is below the elevation of the highway so we are limited to the East regarding access and visibility. With the addition of required interior planting islands, combined with the proposed loss of the additional fifteen feet, I will lose 25% of my prime display area. This requirement is based on the requirements for a principal arterial on the Master Street Plan and can only be modified by you, the City Council.

My property was also included in the Design Overlay District when it was established. The intent of this district was to maintain an attractive corridor within 660' of the Fulbright Expressway. My property is located more than 730' from the expressway but was included since the ramp to North College extends further. There are at least two platted developments between my property and the expressway that were grandfathered in at the time the district was platted, and they do not have to uphold the requirements of the Overlay District. We are located in the transition zone.

As most of you are aware, my direct and adjacent competitors recently constructed a new project on their western boundary. The Lewis group was not required to dedicate the additional right-of-way on North College. The Planning Department states that they were not required to do so because their development fronted other adjacent streets, yet all of their property, including their N. College frontage is owned by one company. This decision set a precedent. My development is being held to this standard and theirs was not.

Also, we are all aware that North College is a U.S. Highway and is governed and maintained by the State Highway Department. This road functions as the principal arterial for local traffic through Fayetteville. The street is currently five lanes and carries more traffic than any other road in Fayetteville adequately. The Master Street Plan shows a median on the principal arterial section. Changing North College into a boulevard through the state highway department will be no minor undertaking. There

are numerous city street intersections and commercial access points that will need to be considered. My business is only one of these to be considered. I feel that if I relinquish my property to the city now, I will have no consideration if and when this process begins. There are currently no plans to widen this highway.

The Planning Commissioners were told by the staff at the planning commission meeting that they were not requiring changes to my display area within the dedicated right-of-way area "at this time". However, I have to plan for my business just as the city plans for theirs. Once I give my property to the city, I have no control of this area. I have no way of knowing what the city might plan for this area, or when I would have to modify my display area.

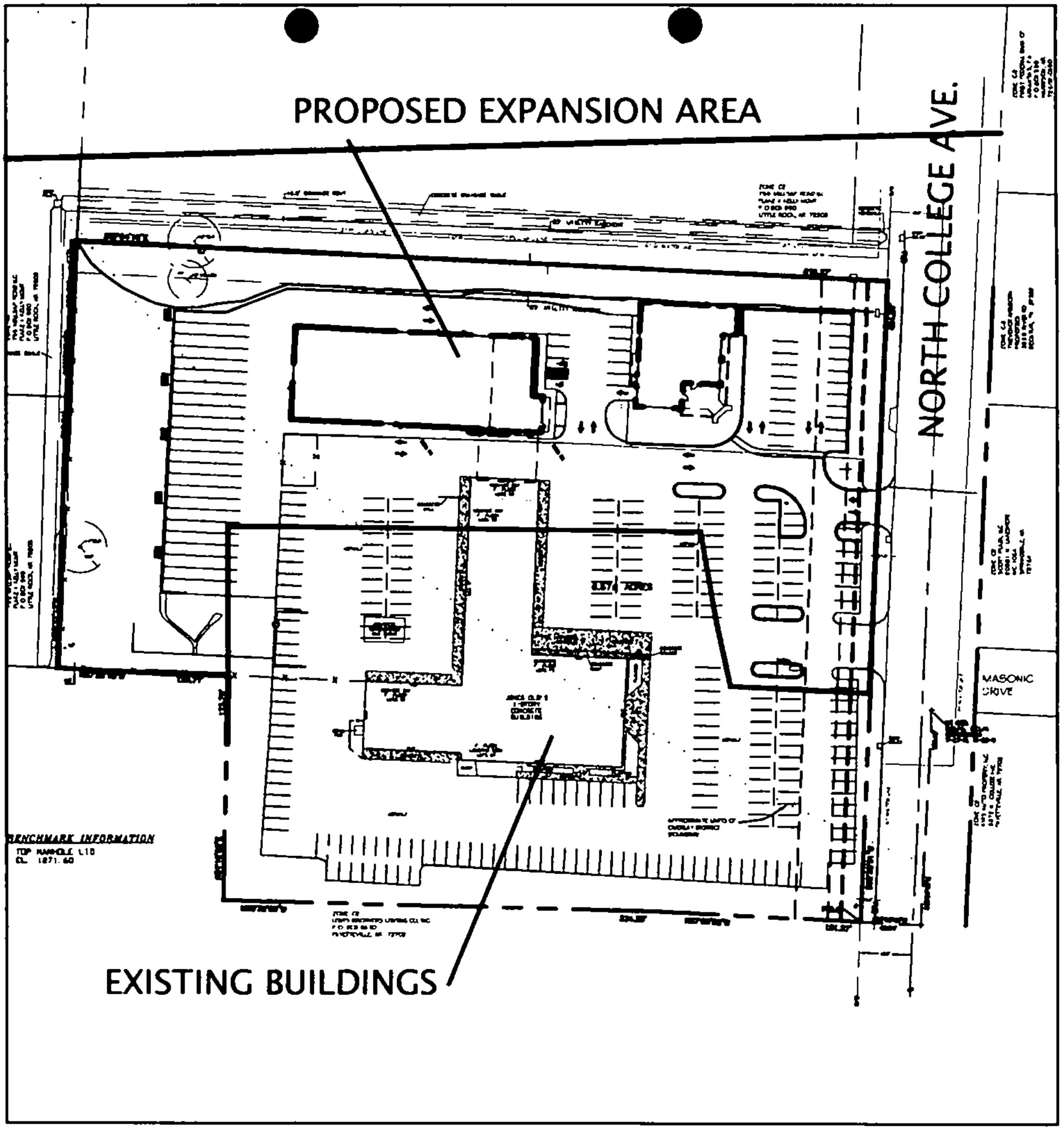
My property currently has more green area, trees and shrubs than any of the lots located on North College in my immediate vicinity and more than the majority of all the developments on the highway. With my current proposal we are meeting the city ordinances for green space and plantings along the right-of-way, which far exceeds the majority of properties on North College. We want to have a quality site that attracts business.

With current projections, our proposed expansion will double our tax contribution to the city. Our city spends a great deal of money trying to solicit new business, I am requesting that the city give Jones Motorcars the opportunity to generate new business in a competitive market. I have attached three exhibits for your use. These exhibits show our current site plan, photographs of our site showing existing topography constraints, and an enlarged view of the effect the R.O.W. Dedication will have on my business.

Thank you for your consideration. I look forward to sharing additional information and answering your questions at the council meeting.

Sincerely:

Mr. Michael R. Jones
Owner/Operator
Jones Motorcars, Inc.



DATE: 9/18/03

JOB # 2403

SHEET TITLE:

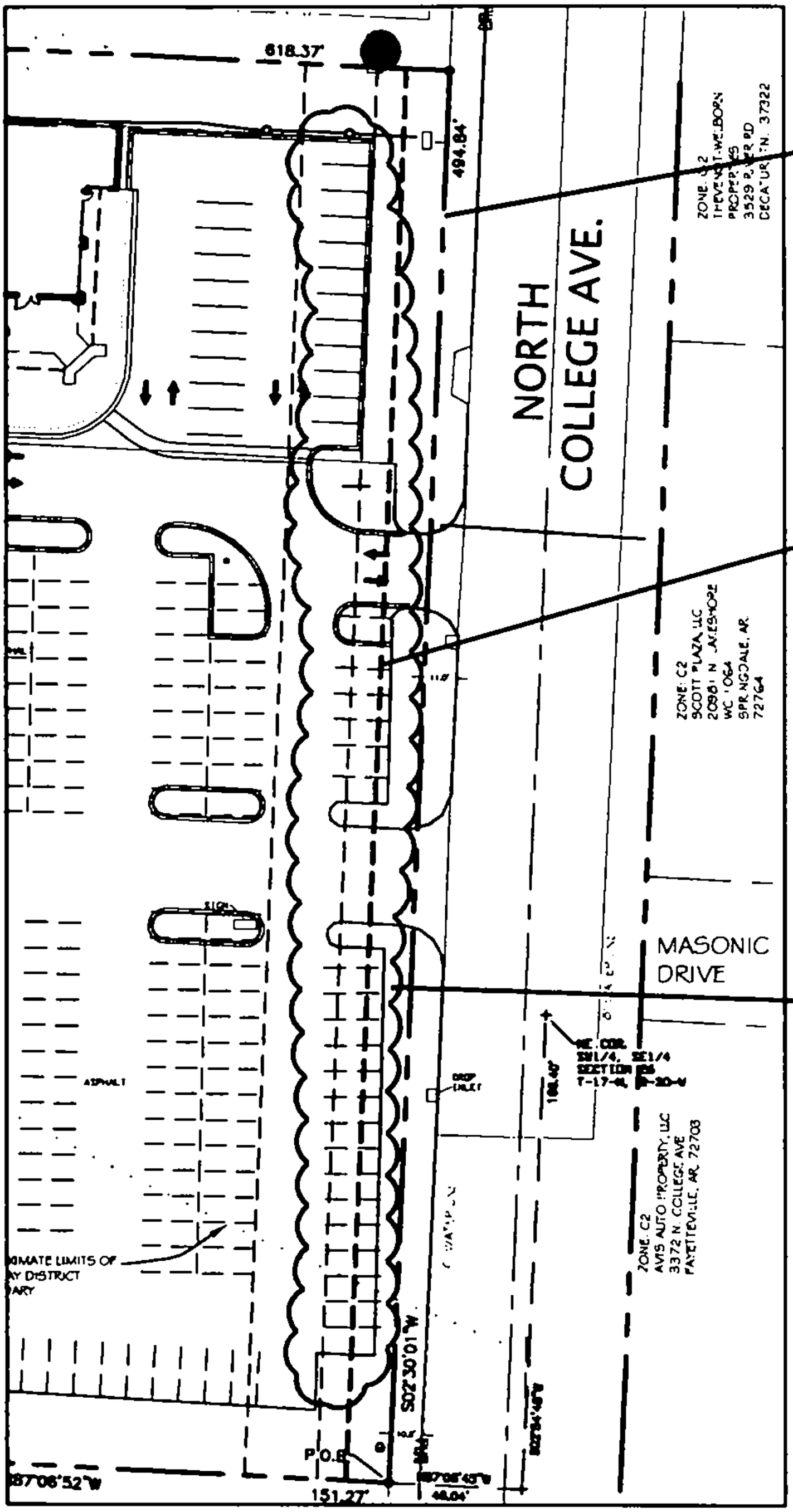
SITE EXH

PROJECT NAME AND LOCATION:

JONES MOTORCARS
FAYETTEVILLE, ARKANSAS

EB LandWorks, Inc.

P.O. BOX 3432
Fayetteville, Arkansas 72702
Voice 479.444.7769
Fax 479.444.7793



DATE: 9/18/03

JOB # 2401

SHEET TITLE:

R.O.W. EXH

PROJECT NAME AND LOCATION:

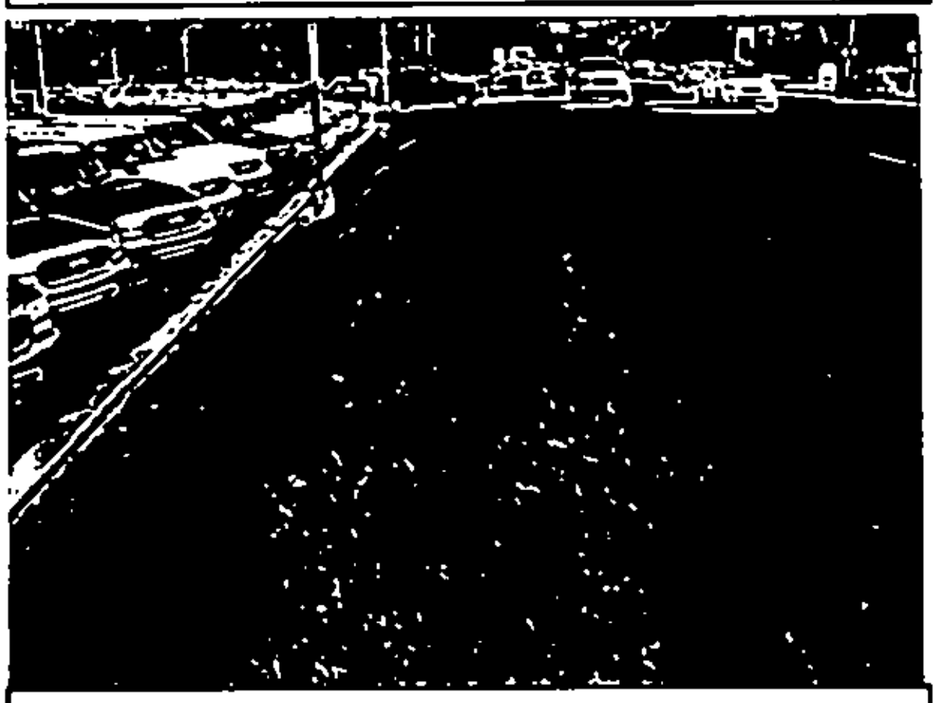
JONES MOTORCARS
FAYETTEVILLE, ARKANSAS

EB LandWorks, Inc.

P.O. BOX 3432
Fayetteville, Arkansas 72702
Voice 479.444.7769
Fax 479.444.7793

PICTURE 1
VIEW OF SOUTHEAST CORNER GRADE CHANGE

PICTURE 2
VIEW OF 6' ELEVATION DIFFERENCE IN LOT AND NORTH COLLEGE



PICTURE 3
VIEW OF EXISTING 20' GREEN SPACE

PICTURE 4
VIEW OF SOUTHERN BOUNDARY GRADE CHANGE

PICTURE 5
VIEW FROM CORNER OF MILLSAP AND COLLEGE
(SITE IS NOT VISIBLE)

Jones Motorcars, Inc.

Oldsmobile GMC BUICK

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

RECEIVED
SEP 24 2003
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

September 18, 2003

Fayetteville City Aldermen
c/o Ms. Sondra Smith, City Clerk
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

RE: Appeal to the City Council
Conditions of Planning Commission Approval
LSD 03-21.00: Large Scale Development
Jones Motorcars

Dear Aldermen:

Please accept this correspondence to provide you with information regarding the project my company is currently proposing. Jones Motorcars has been in business in Fayetteville since 1934, and at our current location since 1979. We currently employ 35 people and will add 5 to 10 jobs with this $2,000,000 expansion project. These people will hopefully live in Fayetteville and contribute to the tax base and support our community. We have used all Fayetteville based design consultants and will use a Fayetteville contractor. We are making an investment in Fayetteville.

Current code requires an additional fifteen feet of right-of-way dedication for North College Avenue on the eastern side of my property. The Planning Commission approved our Large Scale Development based on this requirement being met. I object to this requirement.

We have endeavored to meet all of the codes and requirements for the development of our property through the course prescribed by the Planning and Engineering Department's of the city. Our property is limited to the North and West by topography

and existing utility easements. We have already limited our project scope to meet these constraints. Also, about sixty percent of my highway frontage is below the elevation of the highway so we are limited to the East regarding access and visibility. With the addition of required interior planting islands, combined with the proposed loss of the additional fifteen feet, I will lose 25% of my prime display area. This requirement is based on the requirements for a principal arterial on the Master Street Plan and can only be modified by you, the City Council.

My property was also included in the Design Overlay District when it was established. The intent of this district was to maintain an attractive corridor within 660' of the Fulbright Expressway. My property is located more than 730' from the expressway but was included since the ramp to North College extends further. There are at least two platted developments between my property and the expressway that were grandfathered in at the time the district was platted, and they do not have to uphold the requirements of the Overlay District. We are located in the transition zone.

As most of you are aware, my direct and adjacent competitors recently constructed a new project on their western boundary. The Lewis group was not required to dedicate the additional right-of-way on North College. The Planning Department states that they were not required to do so because their development fronted other adjacent streets, yet all of their property, including their N. College frontage is owned by one company. This decision set a precedent. My development is being held to this standard and theirs was not.

Also, we are all aware that North College is a U.S. Highway and is governed and maintained by the State Highway Department. This road functions as the principal arterial for local traffic through Fayetteville. The street is currently five lanes and carries more traffic than any other road in Fayetteville adequately. The Master Street Plan shows a median on the principal arterial section. Changing North College into a boulevard through the state highway department will be no minor undertaking. There

are numerous city street intersections and commercial access points that will need to be considered. My business is only one of these to be considered. I feel that if I relinquish my property to the city now, I will have no consideration if and when this process begins. There are currently no plans to widen this highway.

The Planning Commissioners were told by the staff at the planning commission meeting that they were not requiring changes to my display area within the dedicated right-of-way area "at this time". However, I have to plan for my business just as the city plans for theirs. Once I give my property to the city, I have no control of this area. I have no way of knowing what the city might plan for this area, or when I would have to modify my display area.

My property currently has more green area, trees and shrubs than any of the lots located on North College in my immediate vicinity and more than the majority of all the developments on the highway. With my current proposal we are meeting the city ordinances for green space and plantings along the right-of-way, which far exceeds the majority of properties on North College. We want to have a quality site that attracts business.

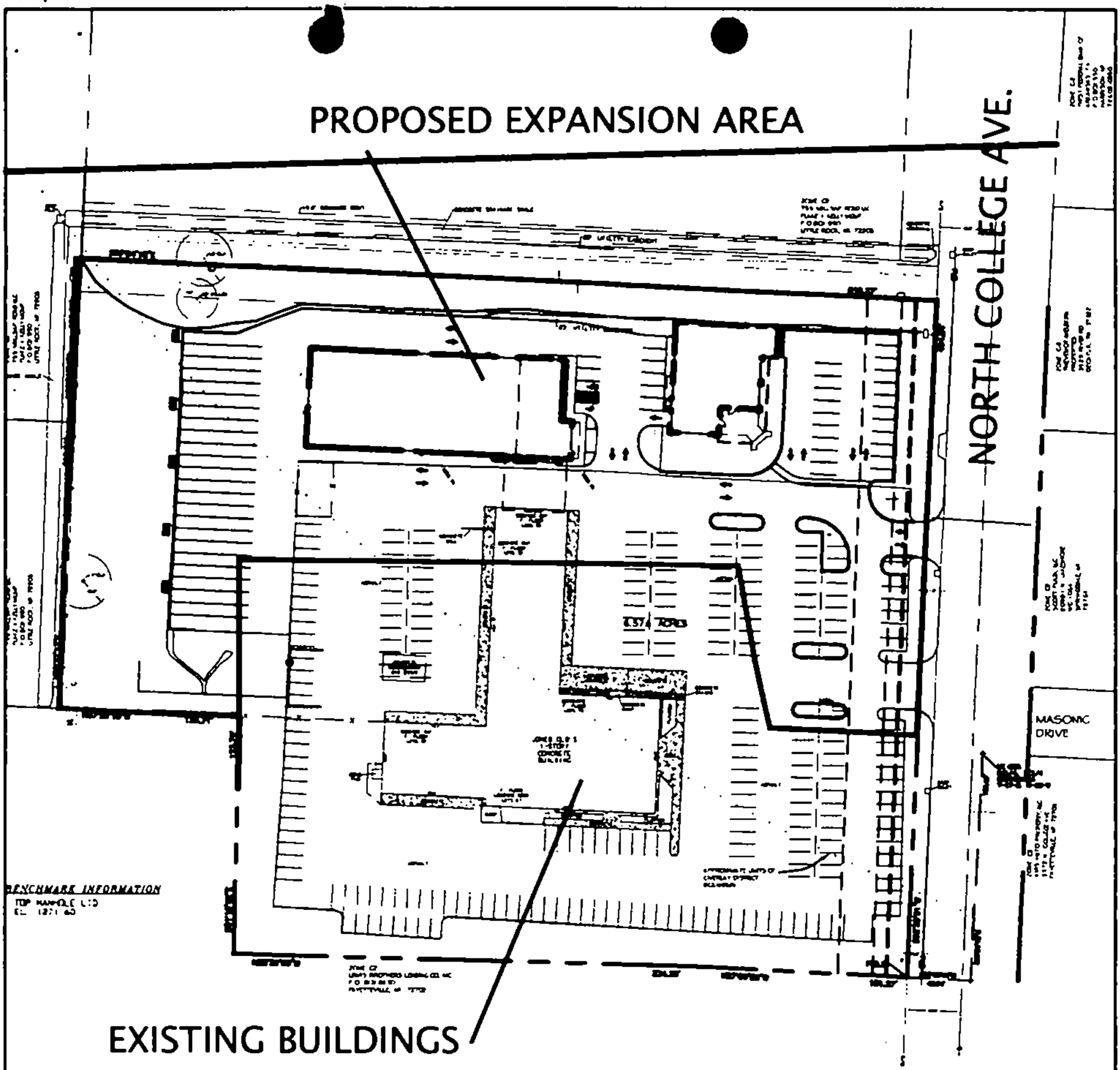
With current projections, our proposed expansion will double our tax contribution to the city. Our city spends a great deal of money trying to solicit new business, I am requesting that the city give Jones Motorcars the opportunity to generate new business in a competitive market. I have attached three exhibits for your use. These exhibits show our current site plan, photographs of our site showing existing topography constraints, and an enlarged view of the effect the R.O.W. Dedication will have on my business.

Thank you for your consideration. I look forward to sharing additional information and answering your questions at the council meeting.

Sincerely:

Mr. Michael R. Jones
Owner/Operator
Jones Motorcars, Inc.

PROPOSED EXPANSION AREA



EXISTING BUILDINGS

DATE: 9/18/03

JOB # 2403

SHEET TITLE:

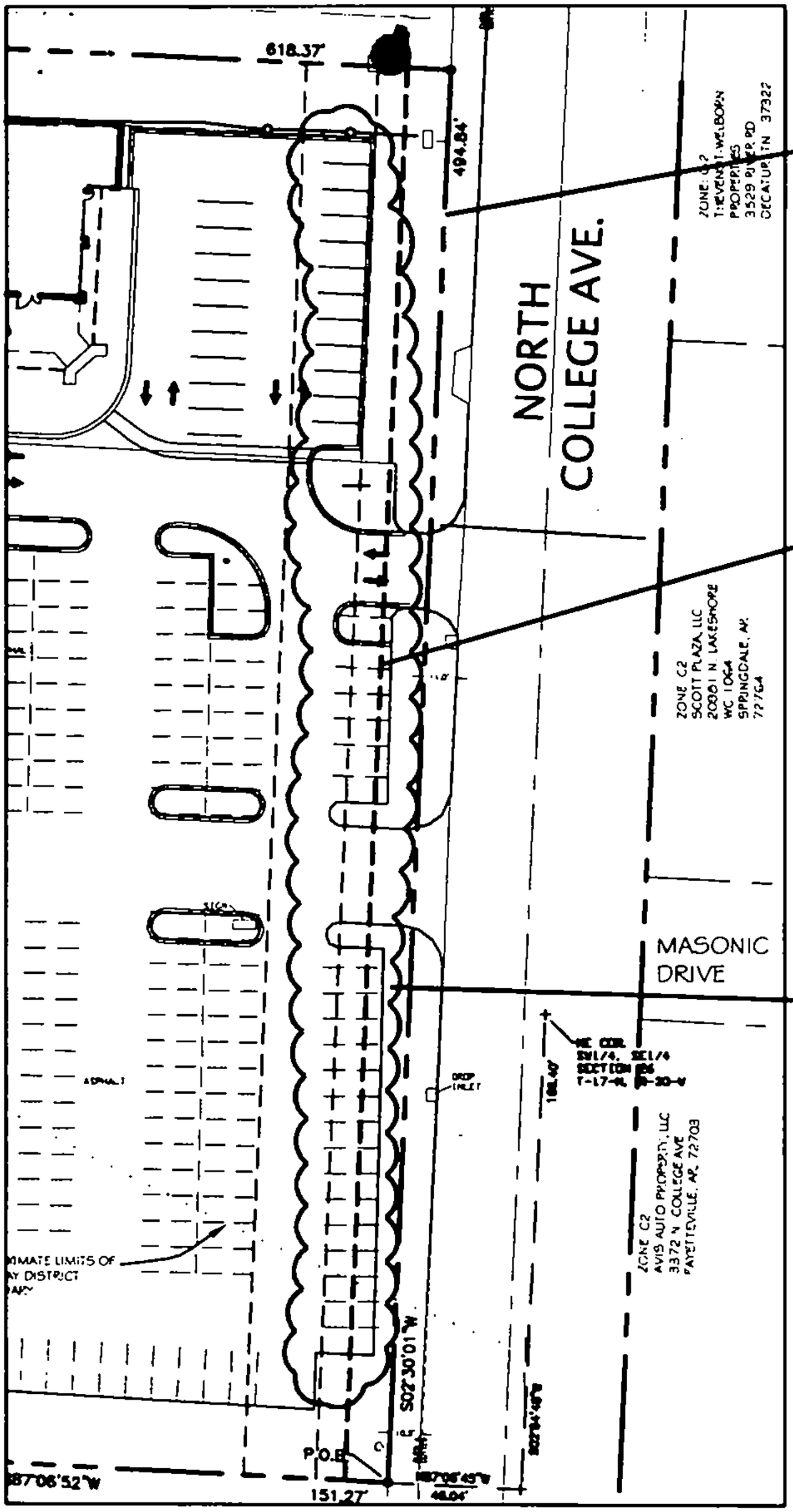
SITE EXH

PROJECT NAME AND LOCATION:

JONES MOTORCARS
FAYETTEVILLE, ARKANSAS

EB LandWorks, Inc.

P.O. BOX 3432
Fayetteville, Arkansas 72702
Voice 479.444.7769
Fax 479.444.7793



DATE: 9/18/03

JOB # 2403

SHEET TITLE:

R.O.W. EXH

PROJECT NAME AND LOCATION:

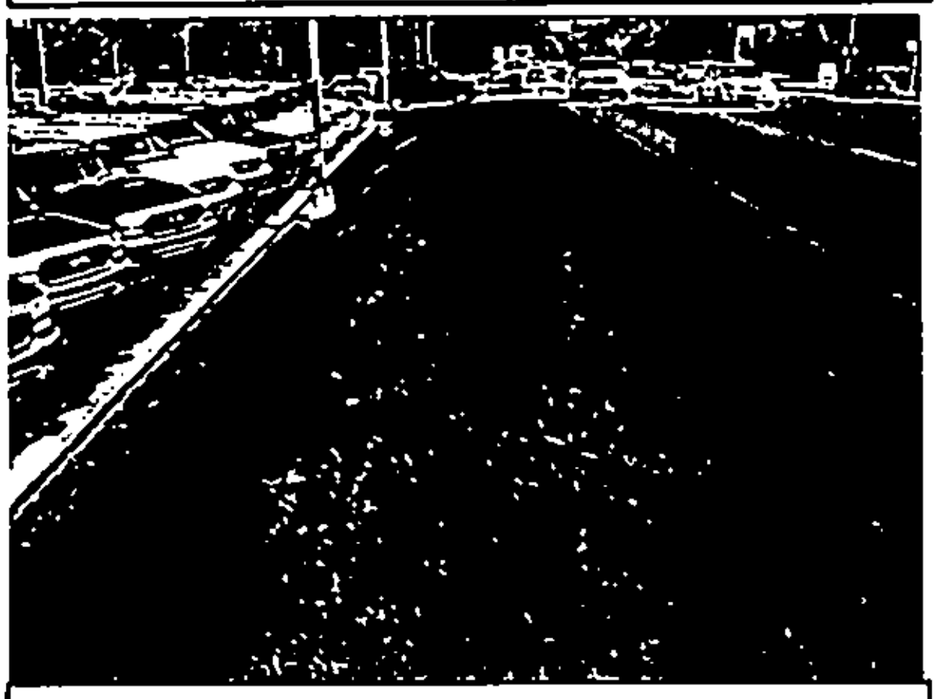
JONES MOTORCARS
FAYETTEVILLE, ARKANSAS

EB LandWorks, Inc.

P.O. BOX 3432
Fayetteville, Arkansas 72702
Voice 479.444.7769
Fax 479.444.7793

PICTURE 1
VIEW OF SOUTHEAST CORNER GRADE CHANGE

PICTURE 2
VIEW OF 6' ELEVATION DIFFERENCE IN LOT AND NORTH COLLEGE



PICTURE 3
VIEW OF EXISTING 20' GREEN SPACE

PICTURE 4
VIEW OF SOUTHERN BOUNDARY GRADE CHANGE

PICTURE 5
VIEW FROM CORNER OF MILLSAP AND COLLEGE
(SITE IS NOT VISIBLE)

C.3
Appeal
of LSD
03-2100

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: **September 23, 2003**

RE: **Jones Motorcars' Large Scale Development (LSD)**
Appeal of requirement for dedication of right-of-way

Mr. Michael Jones, owner of Jones Motorcars, has appealed a condition in his LSD approved by the Planning Commission. Pursuant to §166.05 (c) (6) of the Unified development Code, a developer is required to "(d)edicate sufficient right-of-way to bring those streets which the Master Street Plan shows to abut or intersect the large scale development into conformance with the right-of-way requirement of the Master Street Plan …."

Since North College Avenue abuts this LSD and is designated a major arterial with a 110 foot right-of-way requirement, a dedication of that portion of the developer's land, 55 feet from the center line of College (not already dedicated), was approved by the Planning Commission. This dedication amounted to an additional 15 foot section running in front of the proposed new buildings and display area.

A developer may seek "a lesser dedication in the event of **undue hardship or practical difficulties.**" Id. (emphasis added). Any such lesser dedication is subject to City Council approval.

One potential hardship or practical difficulty noted by Mr. Jones is the damage to his display area if the fifteen foot additional dedication is required. **§166.18 Master Street Plan Setbacks** seems to bear out his concerns since "setback lines (are) based on the right-of-way" and "All building setbacks, required landscaping, parking lots, **display areas ... shall be located outside of such established setback area.**"

As in the Butterfield Trail Village appeal, this is a City Council decision. The increased right-of-way dedication pursuant to the Master Street Plan adopted by the City Council must be dedicated unless you determine that "undue hardship or practical difficulties" justify a lesser dedication.

Attached are the two code sections for your review.

(6) *Dedication of right-of-way.* Dedicate sufficient right-of-way to bring those streets which the Master Street Plan shows to abut or intersect the large scale development into conformance with the right-of-way requirements of the Master Street Plan for said streets; provided, the Planning Commission may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council.

166.18 Master Street Plan Setbacks

The city shall require the applicant/developer to establish a right-of-way setback line based on the right-of-way requirements for streets and highways designated by the Master Street Plan. Such setback line shall be considered the property line for such purpose of satisfying the requirements of the UDO. All building setbacks, required landscaping, parking lots, display areas, storage areas and other improvements and uses shall be located outside of such established setback area. The required width of setbacks, landscaped areas, buffers, and all other setback requirements shall be dimensioned from the established right-of-way setback line. The establishment of any new structure or other improvements within the right-of-way setback is prohibited.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of September 08, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission Members
THRU:	Dawn Warrick, AICP, Zoning & Development Administrator
FROM:	Jeremy Pate, Associate Planner
	Matt Casey, Staff Engineer
DATE:	September 03, 2003

LSD 03-21.00: Large Scale Development (Jones Motor Cars, pp 213) was submitted by Mandy Bunch, P.E. of EB Landworks, Inc. on behalf of Mr. Mike Jones of Whitfield Motor Co. /Jones Motorcars for property located at 3535 N. College Avenue. The property is located in the Design Overlay District, zoned C-2, Thoroughfare Commercial and contains approximately 6.57 acres. The request is to construct a 4,678 s.f. Mercedes-Benz Center and a 13,009 s.f. Collision Center with 48 parking spaces proposed.

Findings:

Proposal: The applicant is requesting to construct a new Mercedes-Benz Center and a detached Collision Center to the north of the existing Jones MotorCars automobile dealership on College Avenue. This particular site lies within the Design Overlay District. The proposal limits additional site development to the north of the existing dealership, at approximately the existing north entrance.

Surrounding Land Use / Zoning:

Direction	Land Use	Zoning
North	Merrill Lynch, Proctor & Gamble	C-2, Thoroughfare Commercial
South	Jones MotorCars, Lewis Ford	C-2, Thoroughfare Commercial
East	Webster University, Commercial	C-2, Thoroughfare Commercial
West	Vacant	C-2, Thoroughfare Commercial

Right-of-way being dedicated: Currently 40 feet of right-of-way from centerline exists on College Avenue (Hwy 71B). An additional 15 feet of right-of-way to reach the 55 feet from centerline is required by the Master Street Plan for a Principal Arterial. The applicant is requesting no additional right-of-way be dedicated with this proposal (see attached letter). Staff is not in favor of this request.

Street Improvements: Staff is recommending that the developer install a 6-foot sidewalk for the entire length of the property frontage along College Avenue. Specific sidewalk location will need to be coordinated with the Sidewalk Administrator due to existing constraints. No other

street improvements are proposed, except the removal of an unused drive/curb cut along College Avenue, to be approved by AHTD.

Design Overlay District

Sec. 161.24. Design Overlay District (I-540 Highway Corridor).
(D) *Nonresidential site design and development standards.*

(1) *Greenspace.* A minimum of 25 feet of landscaped greenspace exclusive of right-of-way shall be provided along the highway right-of-way and any public street to which the development has frontage. Parking lots shall not encroach into the greenspace and shall be screened when abutting a required greenspace area. Trees shall be planted at the interval of one tree per 30 linear feet of greenspace area when practicable.

Finding: *The applicant has indicated the required 25 feet of greenspace, landscaped in accordance with City regulations for the Design Overlay District. This 25 feet, however, is measured from the existing right-of-way line, without the required dedication amount. Staff is not in support of this request. The project location is currently vacant, and a number of opportunities are available within the proposed structures, parking/drive aisle arrangements, and site boundaries to meet this minimum requirement without undue hardship being placed upon the developer. Staff is recommending the minimum 55 feet from centerline right-of-way be dedicated as required, with 25 feet of landscaped greenspace exclusive of the right-of-way, as the City ordinance dictates.*

(2) *Signage.*

(a) *Nonresidential free-standing signs.*

(i) Each separate nonresidential lot will be allowed a single ground-mounted (monument) sign located on the building site. In the case of lots with double frontage, two ground-mounted (monument) signs shall be allowed.

(ii) The sign shall be a maximum of six feet high, 75 square feet in area, and setback a minimum of 10 feet from the property line.

(b) *Wall signs.* One wall sign may be installed per business. Sign area shall not exceed 20% of that wall area or 200 square feet, whichever is less. A second sign may be allowed if it is determined that the structure has more than one front facing a street or highway right-of-way.

(c) *Illumination.* Only indirect lighting may be used for illumination of all signs.

(d) *Multiple tenants.* The owner of the building shall be responsible for the provisions of one monument sign with sign area for multiple tenants.

(e) *Sign content.* Content of monument and wall signs shall be limited to the name of the business. Advertising shall not be permitted on the structure, wall sign or monument.

Finding: *The applicant is currently proposing two wall signs, a Mercedez-Benz logo with "Jones" text and a sign along the east elevation stating "Mercedez-Benz Center." The Mercedez-Benz dealership is permitted one wall sign for the structure's frontage onto Hwy 71B, in accordance with Design Overlay District requirements. Any variance from this requirement requires Planning Commission approval and review/approval by the Board of Sign Appeals.*

The applicant is currently indicating one monument sign to be utilized, in accordance with all size and area requirements as regulated by the Design Overlay District. A pylon sign currently exists on-site, to the south of the proposed development. Staff is recommending that a single ground-mounted (monument) sign a maximum of six feet high, 75 square feet in display surface area, be allowed on the site, a minimum of ten feet from the right-of-way line. If the monument sign option is utilized, the pylon sign must be removed. Pylon signs are not allowed within the Design Overlay District. The existing pylon sign is a non-conforming structure; the sign is allowed to remain in its current state without any considerable alterations. Should the applicant retain the use of the pylon sign, Staff recommends that the monument sign not be permitted.

(3) *Curb cuts.* One curb shall be allowed per 200 feet of frontage. No curb cuts shall be allowed within 250 feet of any intersection.

Finding: *An existing curb cut is proposed to be utilized to serve the new development. No additional curb cuts along College Avenue are requested by the applicant.*

(4) *Lighting.* Parking lot lighting shall be designed and located in such a manner to preserve the scenic appearance of the corridor. Lighting shall be shielded and directed downward to the parking lot and light spread shall not reflect into the adjacent neighborhood. Lighting shall not exceed 35 feet in height and shall utilize sodium lighting fixtures.

Finding: *The applicant is requesting a waiver to allow for the use of metal halide lighting fixtures, as opposed to the sodium lighting fixtures required by ordinance. Staff is in support of this waiver request, finding that it is consistent with the approved lighting for automobile dealerships within the City. All lighting shall meet the IESNA standards for illumination of automobile display areas and shall be a maximum of 35 feet in height, shielded and directed downward, utilizing full cut-off fixtures.*

(5) *Exterior appearance.* All structures shall be architecturally designed to have front facades facing all street and highway right-of-way. An elevation drawing shall be submitted for each side of the building that faces a street or highway.

Finding: *The applicant has submitted color elevation drawings for each side of the two proposed structures, along with a materials sample board indicating the color and materials to be utilized for the proposed buildings. Staff is in support of the proposed elevations, finding that the elevations submitted indicate a well-articulated structure facing the street right-of-way. The Planning Commission must also make a determination of compliance with Commercial Design Standards with regard to these particular structures.*

(6) *Building material.* Buildings shall be constructed of wood, masonry, or natural looking materials. No structures shall be allowed that have metal side walls UNLESS such metal siding is similar in appearance to wood, masonry, or natural looking material.

Finding: *The applicant has submitted a materials sample board indicating the color and materials to be utilized for the proposed buildings. Primary materials include red brick, stucco, split-face block, and pre-cast concrete.*

(7) *Site coverage.* Twenty-five percent (25%) of the site shall be left in open space. Eighty percent (80%) of the open space shall be landscaped which may include ponds and fountains.

Finding: *The applicant has complied with this requirement.*

(8) *Optional fencing.* All fencing shall be constructed of wood, masonry, or natural looking materials. No optional fencing shall be located within the greenspace required by Section (D)(1). No metal fencing shall be allowed except in the following cases:

(a) Wrought iron fencing.

(b) If other types of metal fencing are necessary, for security purposes, they may be used if the area is first fenced off with a view obscuring natural or natural looking fencing material. The metal fencing shall be placed inside the view obscuring fencing, and the view obscuring fencing shall be at least the height of the metal fencing.

Finding: *The applicant has complied with this requirement.*

(9) *Outdoor storage of material and equipment.* All outdoor storage of material and equipment shall be screened with natural vegetation.

Finding: *The applicant has complied with this requirement.*

(10) *Access.*

(a) *Pedestrian.* Pedestrian access shall be provided from the street to the entrance of the structure by way of a designated trail or sidewalk.

(b) *Multi-modal.* Multi-modal access may be required on nonresidential sites within the Design Overlay District. (For example: The provision of bus stops, bicycle racks, parking stalls for car pools, and bicycle and pedestrian walks and trails).

Finding: *The applicant proposes providing two bicycle racks for the new development. The recommended sidewalk construction along College Avenue will also accommodate pedestrian traffic in a more accessible manner.*

(E) *Nonresidential developments and multiple building sites.* In the case of nonresidential development involving multiple building sites, whether on one or more platted lots, the above-described regulations shall apply to the development as an entire tract rather than to each platted lot.

Finding: *The applicant is proposing to construct new structures on a portion of a site currently developed as Jones MotorCars. All of the structures will be located on one common platted parcel of land. City Ordinance thus requires that the development be reviewed for the site in its entirety. The existing Jones MotorCars parking lot is a non-conforming structure, in that it does not comply with current City codes for interior landscape islands, parking lot screening from adjacent right-of-way, and greenspace requirements, and sidewalks. The Unified Development Code requires that a percentage of the existing dealership must be brought into compliance with current City Ordinance requirements with regard to parking lot landscaping (§172.08). This is based upon the percentage of new structure added to the existing dealership structure, on a graduated scale. Additional landscape islands are proposed at the entrance of the existing dealership to provide for more visible effect, along with the required interior landscaping islands for the proposed dealership. Staff is also recommending that sidewalks be constructed, with the coordination of the Sidewalk Administrator, along the entire frontage of the property.*

(F) *Large scale development.* All nonresidential development within the Design Overlay District shall be reviewed through the large scale development procedure and shall meet all those requirements regulating large scale developments regardless of the size of the tract.

Finding: *The large scale development process is being pursued as required.*

Adjacent Master Street Plan Streets: Hwy 71B (Principal Arterial), 110 feet of right-of-way

Parking:	Required:	48 spaces (1/200 SF retail, 4/Service Bay)
	Provided:	103 spaces *(includes vehicle display and storage*

spaces without interior landscape islands as allowed by ordinance §172.07)

Tree Preservation:	Existing canopy:	13.0%
	Preserved canopy:	10.0 %
	Mitigation:	14 Trees, on-site

Recommendation: Staff is recommending approval of **LSD 3-21.00** with the following conditions:

Conditions of Approval:

1. The plat shall reflect 55 feet right-of-way dedication from centerline. Any lesser dedication of right-of-way than that required by the Master Street Plan shall be approved by City Council.

2. The required ~~25~~ 15 (amended with Commissioners' motion & approval) feet of landscaped greenspace as required in the Design Overlay District shall be provided exclusive of the required right-of-way, along the site project limits right-of-way frontage as depicted on the site plan.

3. All work on Hwy 71B shall be approved by AHTD.

4. A twenty-five (25) foot utility easement exclusive of the 55-feet from centerline right-of-way along Hwy 71B shall be granted and indicated on the plat pursuant to the request of utility representatives.

5. Any tree removal within utility easements shall be approved by the Landscape Administrator.

6. With future development of the remainder of this lot, the parking lot shall be constructed to comply with current City ordinances.

7. A six-foot sidewalk shall be constructed in accordance with City Standards along College Avenue for the entire property's frontage. Exact location shall be coordinated with the City of Fayetteville Sidewalk Administrator.

8. Planning Commission determination and approval of Commercial Design Standards. *Staff believes the showroom elevations indicate a structure that meets the requirements as set forth in the Commercial Design Standards. The Collision Center is less articulated than the Mercedez-Benz dealership, however is in a location that is difficult to view from the public street.*

9. Planning Commission determination of a waiver to allow the use of metal halide lighting fixtures. All lighting shall meet the IESNA standards for illumination of automobile display areas and shall be shielded and directed downward, utilizing full

cut-off fixtures. *Staff is in support of this waiver request, finding that it is consistent with the approved lighting for automobile dealerships within the City.*

10. Planning Commission determination of signage requirements in the Design Overlay District. *The Mercedez-Benz dealership is permitted one wall sign for the structure's frontage onto Hwy 71B, in accordance with Design Overlay District requirements. A single ground-mounted (monument) sign a maximum of six feet high, 75 square feet in display surface area, shall also be allowed on the site, a minimum of ten feet from the right-of-way line. If the monument sign is utilized, the existing pylon sign shall be removed. If the pylon sign remains, the monument sign shall not be permitted.*

Standard Conditions:

11. 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)

12. 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.

13. Large scale development shall be valid for one calendar year.

14. All electric lines under 12 kv shall be relocated underground. All proposed utilities shall be located underground.

15. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits
    b. Separate easement plat for this project that shall include the tree preservation area.
    c. Project Disk with all final revisions
    d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy

17. Additional conditions:

PLANNING COMMISSION ACTION: __yes__ **Required**
__✓__ **Approved** _____ **Denied**

Date: September 08, 2003 7-1-0

Comments:
Condition #2 revised to 15' greenspace ; parking lot lighting waiver approved ; signage approved as staff report condition is currently written ; Commercial Design Standards found acceptable

The "CONDITIONS OF APPROVAL", beginning on page two of this report, are accepted in total without exception by the entity requesting approval of this development item.

_____
By

_____
Title

_____
Date

LB LandWorks, Inc.

PO Box 3432, Fayetteville, Arkansas 72702-3432
phone 479.444.7769 fax 479.444.7793

September 2, 2003

City of Fayetteville Planning Commission
c/o Mrs. Dawn Warrick, AICP
Zoning & Development Administrator
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Phone: (479) 575-8264

RE: Proposed Mercedes-Benz Center & Collision Center
Jones Motor Cars Large Scale Development
3535 N. College Avenue
Fayetteville, AR

Dear Mrs. Warrick:

At the request of Mr. Mike Jones, please accept this letter as the request of Jones Motor Cars to reduce the requirement for the right-of-way dedication on North College Avenue for their current proposed Large Scale Development. There is currently 40' of right-of-way from the centerline of N. College along the property. The dedication required is 55' from the centerline. The request is for the right-of-way to remain unchanged.

The existing site is constrained to the North, West, and South. To the North and West, the property has slopes that are too steep to develop. An existing structure is located south of the proposed improvements. The requested right-of-way will further constrain the site to the East by reducing the usable property by fifteen feet (15').

Additionally, the site is located in the Overlay District, which requires a green area of twenty-five feet (25') instead of the standard requirement of fifteen feet (15'). The site is in the overlay district only because the southbound ramp area from the expressway was offset as well as the main East/West right-of-way boundary. This district was developed in spirit to protect the area six-hundred and sixty feet (660') on both sides of the Fulbright Expressway. The Jones Motor Cars site is located approximately 730' from the main expressway right-of-way, and there are six (6) other businesses as well as a treed hillside between the expressway and the development.

Mr. Jones understands the action requested in this letter requires additional action by the City Council by ordinance. Please call with any questions or if you need any additional information.

Best Regards

Mandy R. Bunch, PE

RECEIVED
SEP 0 2 2003
PLANNING DIV.

LITTLE ROCK, AR. 72203

CONCRETE HEADWALL

40.0'

DROP INLET

618.37'

494.84'

25' REQUIRED PARKING SETBACK & UTILITY EASEMENT

MERCEDES-BENZ CENTER
4,678 SF
(HT: 25.5')

LOCATION OF REQUESTED R.O.W.

55'

10'

17'

JSTOMER
LIVERY AREA

GRAVEL

DRIVE

LOCATION OF EXISTING R.O.W.

25'

40'

PEDESTRIAN PATH, (COMBINATION OF 5' SIDEWALK & AND 5' STRIPED PATH)

TEMPORARY BENCHMARK

FLAG POLE

DROP INLET

ASPHALT

110'

ZONE: C-2
THEVENOT-WELBORN PROPERTIES
3529 RIVER RD.
DECATUR, TN. 37322

ZONE: C2
SCOTT PLAZA, LLC
20981 N. LAKESHORE
WC 1064
SPRINGDALE, AR.
72764

S. 71 B)

40 0 40 80 120

Scale 1" = 40'

RECEIVED
SEP 02 2003
PLANNING DIV.

DATE: 9/2/03

JOB # 24.03

SHEET TITLE:
R.O.W. EXH

PROJECT NAME AND LOCATION:
JONES MOTOR CARS
FAYETTEVILLE, ARKANSAS

EB LandWorks, Inc.
P.O. BOX 3432
Fayetteville, Arkansas 72702
Voice 479.444.7769
Fax 479.444.7793

LandWorks, Inc.

758 N. Fowler Avenue, Fayetteville, Arkansas 72701
phone 479.444.7769 fax 479.444.7793

August 20, 2003

City of Fayetteville Planning Commission
c/o Mrs. Dawn Warrick, AICP
Zoning & Development Administrator
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Phone: (479) 575-8264

RE: Proposed Mercedes-Benz Center & Collision Center
Jones Motor Cars
3535 N. College Avenue
Fayetteville, AR

Dear Mrs. Warrick:

Please accept this letter as the request of Jones Motor Cars to waive the requirement to use sodium lighting fixtures. The sodium fixtures create a 'yellow' light which is not conducive for car sales. The 'white' light produced by metal halide is an industry standard and is proposed for this site.

Please call with any questions or if you need any additional information.

Best Regards

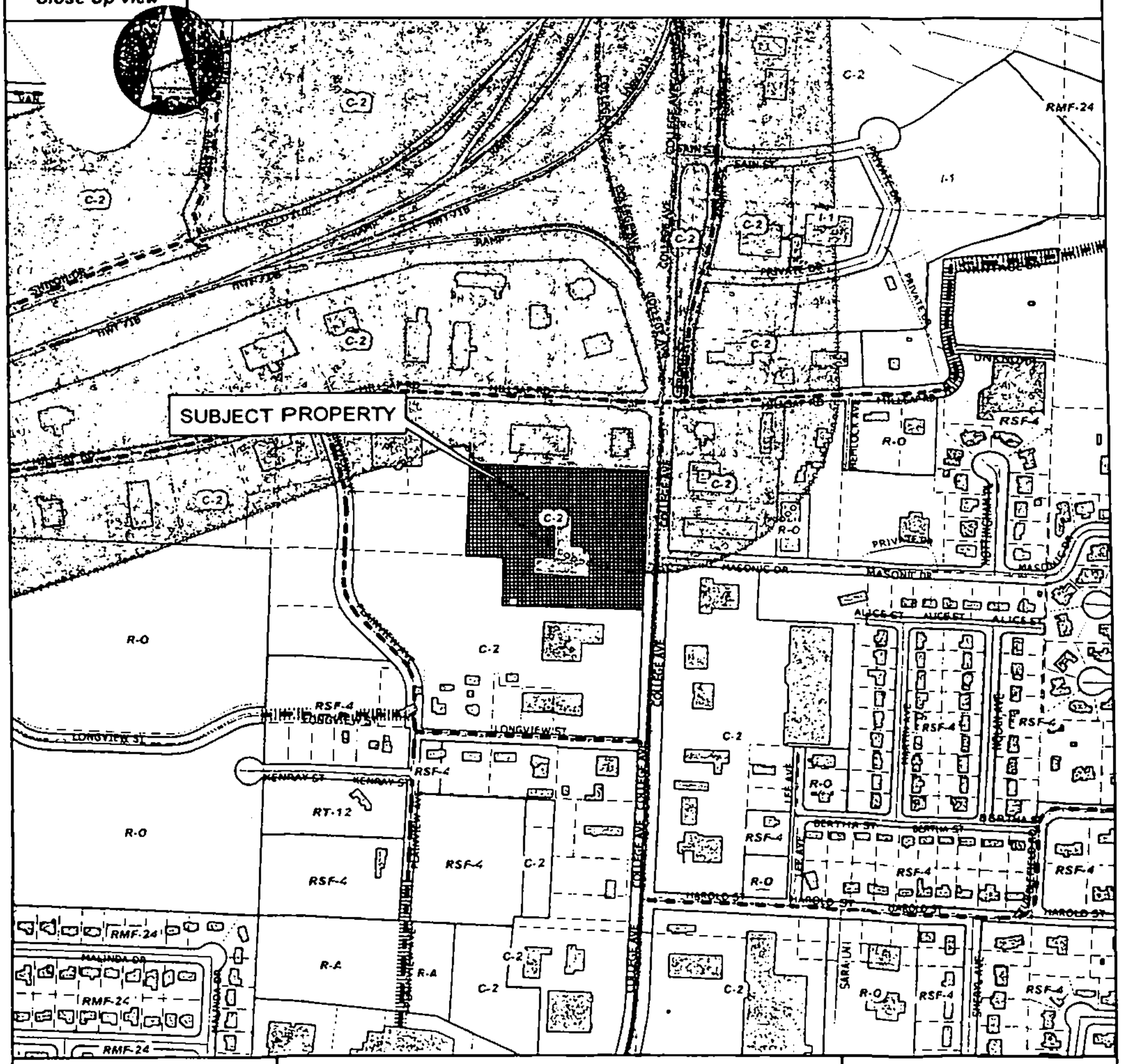
Mandy R. Bunch, PE

RECEIVED
AUG 19 2003
PLANNING DIV.

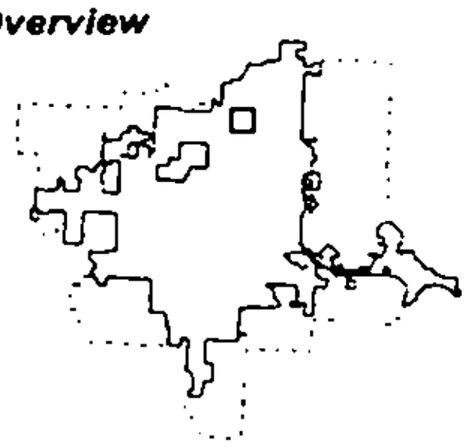
LSD03-21.00

Close Up View

JONES MOTOR CARS



Overview



Legend

Subject Property

LSD03-21.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 200 400 800 1,200 1,600 Feet

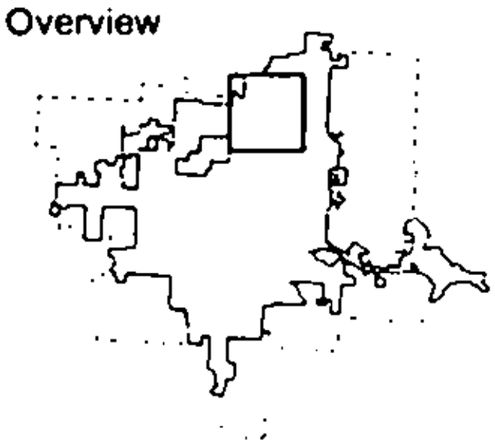
LSD03-21.00

One Mile View

JONES MOTOR CARS

SUBJECT PROPERTY

Overview



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0 0.1 0.2 0.4 0.6 0.8 Miles

LSD 03-21.00: Large Scale Development (Jones Motor Cars, pp 213) was submitted by Mandy Bunch, P.E. of EB Landworks, Inc. on behalf of Mr. Mike Jones of Whitfield Motor Co. /Jones Motorcars for property located at 3535 N. College Avenue. The property is located in the Design Overlay District, zoned C-2, Thoroughfare Commercial and contains approximately 6.57 acres. The request is to construct a 4,678 s.f. Mercedes-Benz Center and a 13,009 s.f. Collision Center with 48 parking spaces proposed.

Hoover: Item number two on the agenda is LSD 03-21.00 for Jones Motor Cars.

Pate: This property is located at 3535 N. College Avenue. It is located in the Design Overlay District and is zoned C-2, Thoroughfare Commercial and contains approximately 6.57 acres. The applicant is requesting to construct a new Mercedes Benz center and a detached collision center to the north of the existing Jones Motor Cars automobile dealership on College Avenue. The actual site limits is on the same lot as the Jones Motor Cars automobile dealership and I think it is important to keep that in mind. The proposed limits are basically to the north of the existing dealership and utilizes the existing curb cut. Surrounding land use and zoning is primarily C-2, Thoroughfare Commercial. Merrill Lynch, Proctor and Gamble is to the north. Jones Motor Cars is to the south. Webster University and a commercial strip to the east and to the west is vacant at this time. The right of way being dedicated at this time the applicant is proposing to dedicate no additional right of way. Currently there is 40' of right of way from centerline existing on College Avenue, which is Hwy. 71B. An additional 15' of right of way to reach the required 55' from centerline for the Master Street Plan for a principal arterial is required. The applicant is requesting that no additional right of way be dedicated and there is an attached letter that addresses this with your packets. Staff is not in favor of this request. Staff is recommending that the developer install a 6' sidewalk for the entire length of the frontage along College Avenue. Specific sidewalk location will need to be coordinated with the Sidewalk Administrator due to existing constraints. No other street improvements are proposed or required by staff except for the removal of the unused drive and curb cut along College Avenue. Staff has made some findings with regard to the Design Overlay District and I will go over a few of those for you. Particularly, the greenspace requirement in the Design Overlay District is 25' as opposed to 15' normally required in commercial districts. That is exclusive of right of way. The applicant has indicated the required 25' of greenspace landscaped in accordance with the city regulations for the Design Overlay District. This 25' however, is measured from the existing right of way line without the required dedication amount. Staff is not in support of this request as noted on the site plan. The project location is currently vacant and a number of opportunities are available with proposed structures. The parking drive aisle arrangement and site boundaries to meet this minimum requirement without undue hardship being placed upon the developer.

Staff is recommending the minimum 55' from centerline right of way be dedicated as required with a 25' of landscaped greenspace exclusive of right of way. Another finding is to do with the signage in the Design Overlay District. Each separate non-residential lot is allowed a single ground mounted or monument sign not to exceed 6' in height and 75 sq.ft. The applicant is proposing to utilize a monument sign at this time. There is also one wall sign may be installed per business per highway or street frontage. There is one frontage on this project location and the applicant is actually proposing, as you can see by the elevations, at least two signs, one being the Jones Mercedes emblem sign and the other being the Mercedes Benz center which staff has determined to be two separate and distinct signs. Another issue with the monument sign as well, there is currently a pylon or pole sign on site. In the Design Overlay District those are not allowed. It is currently a non-conforming use. If the monument sign option is utilized staff would like to see that pylon sign or pole sign come down. Otherwise, the pylon sign can remain as it is without considerable alterations but without the monument sign. Lighting is also an issue in the Design Overlay District. An additional consideration not to exceed 35' in height and utilizing sodium lighting fixtures. The applicant has requested a waiver to allow for the use of metal halide lighting. Staff is in support of that request. It is consistent with other automobile dealerships within the city. All other standards do apply. Another finding that staff is charged to make with regards to the Design Overlay District is access to the site whether it be pedestrian or multi-model, the applicant is proposing to provide two bicycle racks for this new development and the recommended sidewalk construction along College Avenue will also hopefully accommodate pedestrian traffic in a more accessible manner than what is existing at this time. Non-residential developments and multiple building sites, in the case of non-residential development involving multiple buildings or sites, we have to look at each one of those lots as one overall large lot. The applicant is proposing to construct new structures on the portion of the site currently developed as Jones Motor Cars. All of the structures will be located on that one common flatted parcel of land. Therefore, city ordinance requires that the development be reviewed for the site in its entirety. The existing Jones Motor Cars parking lot is a non-conforming structure in that it does not comply with the current ordinances. What staff has to do is make a finding based on the percentage of the additional structure as an addition to the existing structure. The proposed percentage verses the existing percentage and we have to look at on a graduated scale the proposed landscaping islands that can be accommodated in the existing parking lot. Staff is recommending that sidewalks be constructed again, along College Avenue to help with that and the applicant has proposed additional landscape islands at the entrance of the existing dealership for better visual public affect. The parking required is 48 spaces, provided is 103 spaces, which includes vehicle display and storage spaces allowed without interior landscape

islands as allowed by ordinance. Fourteen trees are being planted on site for tree preservation mitigation. Staff is recommending approval of the Large Scale Development with the following conditions and I will go over those for you. 1) The plat shall reflect 55 feet right-of-way dedication from centerline. Any lesser dedication of right-of-way than that required by the Master Street Plan shall be approved by City Council. 2) The required 25 feet of landscaped greenspace as required in the Design Overlay District shall be provided exclusive of the required right-of-way, along the site project limits right-of-way frontage as depicted on the site plan. 3) All work on Hwy 71B shall be approved by AHTD. 4) A twenty-five (25) foot utility easement exclusive of the 55-feet from centerline right-of-way along Hwy 71B shall be granted and indicated on the plat pursuant to the request of utility representatives. 5) Any tree removal within utility easements shall be approved by the Landscape Administrator. 6) With future development of the remainder of this lot, the parking lot shall be constructed to comply with current City ordinances. 7) A six-foot sidewalk shall be constructed in accordance with City Standards along College Avenue for the entire property's frontage. Exact location shall be coordinated with the City of Fayetteville Sidewalk Administrator. 8) Planning Commission determination and approval of Commercial Design Standards. Staff believes the showroom elevations indicate a structure that meets the requirements as set forth in the Commercial Design Standards. The Collision Center is less articulated than the Mercedes-Benz dealership, however is in a location that is difficult to view from the public street. 9) Planning Commission determination of a waiver to allow the use of metal halide lighting fixtures. 10) Planning Commission determination of signage requirements in the Design Overlay District. The Mercedes-Benz dealership is permitted one wall sign for the structure's frontage onto Hwy 71B, in accordance with Design Overlay District requirements. A single ground-mounted (**monument**) sign a maximum of six feet high, 75 square feet in display surface area, shall also be allowed on the site, a minimum of ten feet from the right-of-way line. If the monument sign is utilized, the existing pylon sign shall be removed. If the pylon sign remains, the monument sign shall not be permitted. The rest are standard conditions of approval.

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

Bunch, M.: Good evening, my name is Mandy Bunch and I am here representing Mike Jones who is also here. Mr. Ken Shireman is the architect on the project and he is also here this evening. Basically we have kind of come through the process this far and addressed all of the other items that staff has required except for the additional right of way dedication. Mr. Jones does not want to dedicate the additional right of way and we understand that that is a City Council decision and you guys need to go through this

process with us. I want to touch a couple of things, I had some questions earlier about the percentage of improvement in the parking lot. Basically, there is an existing 21,300 sq.ft. of building. We are proposing an additional 17,687 sq.ft. It comes out to be basically an 83% number. There are currently 55 stalls used for their employee parking and service bays so we took that percentage to that number and came up with 46 stalls so an additional 46 stalls received interior landscaping in the front of the parking lot. If there are any other questions about that I would be happy to address that. Basically, what we did with the landscape islands, we added some delineation in the front dries and also clumped or pocketed all of the required landscape stalls in the front of the development. It works better for visual appearance of the site from the highway. It does, however, take out some prime display stalls so it is kind of a balance of priorities there. We have met all of the other ordinances except the right of way that I know of except for the request for the metal halide lights verses the sodium and the signage issue. The architect is probably going to speak to the signage issue as well as Mr. Jones. I am going to be quiet for right now and let them address their things and when you guys have specific items that are related to the rest of it I will be more than happy to address those.

Jones: Good evening, I am Mike Jones, it is nice to be with you this evening. I know several of your faces from our dealership and it is good to see you all on that part of it but for many of the others, Jones Motor Cars was originally Whitfield Motor Company and began its heritage here in Fayetteville in 1934. We will be addressing our 70 year anniversary this next year. We started where the Fayetteville Radisson is right now. We were just off the square and were there until 1979 when we moved out to our present location where we have been since then. We have seen a lot of growth and a lot of things come and go up and down the highway right there in front of us and we appreciate what the Council and the Planning Commission is trying to do. I happen to disagree whole heartedly with what city staff says is not creating an undue hardship for our dealership. We have worked very hard trying to meet the ordinances and the requirements that the city has proposed. The biggest issue that we have to deal with of course is this 55' of right of way proposed for Hwy. 71 or North College there in front of us. At this point in time I would like to just share a few facts with you in regards to some of the setbacks that are currently there and hope that you understand where I am coming from in regards to why I do not want to relinquish this additional footage. First of all, this is prime display space for us. We are in somewhat of a disadvantage in that our southeast corner lot is some 6' below the street level at that point where we graduate or actually taper out and flatten out on the north level of our dealership. At that particular point if you move me back another 15' at that point in time probably a retaining wall will be required and it will just absorb more or encroach more into my display

space. Currently with what has been proposed at this point with that additional 15' when it is taken out for city right of way will take away approximately 25 of my prime display spaces right off the very front of my building at that particular point in time. As you can see, I'm very concerned in regards to that. That is approximately 20% of my prime display space and I feel that is unreasonable to request me to give up that much of my property in display space when there is no proposed project for Hwy. 71 to be widened, no funded projects that I'm aware of for 71 at this point in time. I have great concerns over that and I do believe that it creates a tremendous undue hardship on my dealership and a tremendous disadvantage of what my competitors have currently right now. Some additional facts I'd like to share with you, we currently sit 21' back from the curb of Hwy. 71 to the front curbs of my parking spaces at our dealership. To give you a little bit of an idea with regards to the other properties that are around me at this point in time is that if you go right next door to Lewis Ford and Lewis Chrysler is south of our location, they sit 12' back from the curb of Hwy. 71. If you go across the street to Scott Plaza, which is built directly across from us, is 16'. If you go to Webster University, which is just north and east of us, they are set back 12'. If you go to the Village Inn or Kinko's their parking lot is set back 10', and if you go directly across the street from me to Superior Nissan, they are set back 8'. I believe I am one of the greenest dealerships in Northwest Arkansas. I have more grass space and I have more trees than any other dealership bar none. Just to give you an example, we have seventeen trees on our south and east side of our dealership, they all sit on my property. They are shared and Ford benefits from them and they are shared and Merrill Lynch benefits from them but they sit on my property and my easements. We also have 50 to 100 trees that are on our north boundary. Granted this is a scrub tree line but it has grown up as a result of our dealership being put there some 20 years ago. If you compare that again to what you see around us, you go right next door, Lewis Ford has one tree in front of their dealership and no shrubs or plantings. You go next door to Lewis Chrysler, they have two trees and they have a few plantings in front of their dealership. If you go across the street to Superior Nissan, they have one tree in front of their dealership. If you go to Scott Plaza, they have zero trees on the street line or on 71 but they do have about a dozen trees on Masonic Drive. If you go to Webster University, they have five trees in front on Hwy. 71, they have about six more Bradford Pears on their side or entry access between them and Scott Plaza. Many of these businesses, just like myself, have many trees behind us as well. I believe that we are a very green and a very tree friendly environment at our dealership. With the addition of what we have proposed we will be adding more planting islands and more trees as well. That is why the variance I think can be waived at this point in time. It does create a tremendous undue hardship. It takes my parking away. It also gives us additional trees in which we want in the city. We have plenty of those that we are

doing but I don't feel like I should have to share the undue burden of carrying all the trees right there in that 200 or 300 yard sector of northern Fayetteville. I will do my part but I have five, ten or twenty times as much greenspace and tree space as what any of my surrounding businesses have around us. That is why we have applied for the variance. We feel that it is critical that we receive that variance. We will be making the city more beautiful, we will be enhancing our property, we will be adding additional facilities to serve and create more revenue for the city. Secondly, I would like to address the issue of signage. I am sorry I do not know all of the technicalities nor do I want to about what all the signage is in Fayetteville. The reality of the situation is you go right next door from my dealership to the Lewis Group and Lewis Chrysler and Lewis Ford each have their own separate pylon signs. You go up the road one mile from me to the Superior Group, which is David Sloan. The Superior Pontiac and Cadillac and Superior Isuzu each have their own pylon signs. You want to go the Overlay District, you go to Landers Auto Park, you will see five separate buildings, there is a minimum of at least two signs on every building, three on two buildings and five signs on their main used car building. I am not asking or anything unreasonable. I only wish to be treated fairly. That is what we are proposing. The manufacturers of General Motors and Mercedes Benz will never, ever agree to having the same signage on the same pole. It will never happen. We have created what we thought was a tremendous compromise in incorporating signage into the side of our building. The one main Mercedes star meets all of the Mercedes requirements. The Mercedes Benz center is a facia that Mercedes Benz requires for all new dealerships. I wish I could get it done. I have been after the Council for twelve years to have a separate sign for Mercedes Benz but nobody is budging here. What I need is some help. I need some help from my city to help us do what's right for everybody. As you can see, it is not ugly and there sure are not as many signs as what you will see out at Landers Auto Park. You have all probably been by my dealership, you know that I am not one to paint the windows. I am not one to stick up a bunch of banners and everything all over the place. We try to do it with class and distinction. That is why we felt like it was a tremendous opportunity to blend signage into the building, a monument sign is certainly a compromise on our parts in regards to what Mercedes Benz as a manufacturer wants. They want their own 20' pylon sign out there, that is not going to happen. We feel like we can compromise somewhere along the way and reach signage that can be seen by most people. The other part of this that is very difficult and a lot of people do no understand is that as you approach my building from the north or in the south bound lane you cannot see my building or signage until you pass Merrill Lynch because of that tree line that is on my north boundary. We have not even pretended to try to address that at this particular point. Hopefully a monument sign will be tall enough. I can't tell you how many times people come by and pass our dealership two or three times a day and say

"I didn't see ya."; "Well, I missed ya."; "I had to turn around and come back." because they just didn't see us. That is what we are trying to address is to have not too much signage but just enough signage so we can be seen. Signage is still the number one advertising tool of any business and most of you all know that and without it it is very difficult. I hope you can see the building is the highest quality and certainly designed to as you can see, almost give a red brick type look, a bank type look basically is what I was looking for on that. It is going to be of the highest quality only as would be expected of a Mercedes Benz dealership and this is what we are trying to address and our space is extremely limited. I feel like I've already been easemented to death. I have a 25' easement on my entire north boundary that consumes some 15,750 sq.ft. of my property because of a utility easement. Our topography is not gracious to us. When we built the property originally we had to come up some 30' in the back corner and as a result we have some very steep slopes both on our north and west side which prohibit us from moving back and to the north without tremendous and great expense. With those things in mind, we have to work within the limits and the confines of what we have in our topography and with what the city regulations are. We hope that we have been able to propose an agreement or a facility that will work for us and will benefit and be beautiful to the city. Again, I just want to reiterate the city staff has made it clear they feel like there is no undue hardship here. I disagree whole heartedly. There is a tremendous undue hardship being created by these issues that have been raised. We will work hand in hand trying to ensure that we can get as much of this done as we can but I do need your help and your support to be able to achieve that. Thank you.

Hoover: I would like to open this Large Scale Development up for public comment for Jones Motor Cars. Is there anyone in the public that would like to address this project? Seeing none, I will bring it back to the Commission and the applicant. Commissioners, do you want to go item by item?

Shackelford: Madam Chair, can we start with the city attorney kind of explaining, if you would in detail, obviously a lot of the conversation we have heard about is regarding the right of way dedication on North College. My understanding is that is something that would take City Council action, correct?

Williams: It would take both actions. The City Council makes the final decision. The Unified Development Code specifically addresses this and it says the Planning Commission may recommend a lesser dedication in the event of undue hardship or practical difficulties. That is the standard that you are supposed to use. Then it goes on to say such lesser dedication shall be subject to approval by the City Council. That would go on to the City Council. You would make a recommendation one way or the other but then the City Council would make the final decision.

Shackelford: Thank you for that clarification.

Estes: If I could ask Mr. Williams to opine on undue hardship. I know that we have had this discussion before and what is the finding that we must make to substantiate an undue hardship?

Williams: It would need to be specific to this property itself so it would not be some general thing that any property would be looking at. The general rule is that you will comply with the Master Street Plan and its setbacks. The undue hardship you would look at would be consideration of what the applicant has told you. The fact that by moving the right of way back a certain length of space he would lose display area. There might have to be some sort of retaining wall built that could further make it difficult to display his product and also I think you would look at the surrounding businesses that he is competing with and consider whether this is putting his business at an undue hardship compared to his neighbors. It is really difficult to define. I think that basically you can look at almost any factor that you want to in considering whether or not he has proven his case and whether it is a hardship for him in this circumstance.

Estes: Would this be an overstatement, and I'm referring back to the dialogue that we have had before that undue hardship does not mean extraordinary expense. Undue hardship means the inability to use the property for the intended use and purpose, is that a fair statement?

Williams: I would say that you could get to a point where the expense would be so much that it would be undue hardship but expense or a minor expense or minor difficulties is not enough. It has to be an undue hardship. It has to be something fairly substantial for you to be willing to make that recommendation to the City Council I think.

Vaught: I have an additional question on this. On variances for setbacks, not the dedication but the 25' setback, is that something that must go before the City Council or is that approved here?

Williams: It is funny, they do have a separate variance requirement for provisions within the Unified Development Code. Chapter 156.03(A) and it again, talks about undue hardships as they apply to the proposed development including, but not limited to, financial environmental or regulatory, you must find the situations unique to the subject property and then you may grant a variance so that substantial justice may be done and the public interest served. However, there is a specific variance provision within the Unified Development Code just for the Master Street Plan, that is the one I read first. I think that is the one that you probably ought to use because that covers specifically a deviation from the setback requirements of the

Master Street Plan so that is probably the most relevant variance section for you to consider.

Vaught: I also had an additional question for staff. Is the easement or the dedication of the additional 15' the entire length of the property or just the new development portion?

Warrick: It is for the entire length of the property.

Hoover: Are there any other questions about right of ways?

Bunch: A question for staff. Not too long ago there was a Large Scale Development that came through for the next door neighbors to this project for the Lewis group, at that time was additional right of way on North College taken do you recall?

Warrick: I believe that that project had several pieces of property that were deeded separately. I would have to do some research to find you that exact answer. I don't know for sure.

Bunch: I seem to remember the side street dedication along that and most of the work was on the back side, the west side of the property but I couldn't recall whether or not there was any dedication on North College.

Warrick: I will have to look it up.

Bunch: Thank you.

Hoover: Is there any other discussion about right of way or questions?

Vaught: Right of way and the landscaping setback or just right of way right now?

Hoover: I was just going with condition one.

Vaught: To me one and two kind of can be the same in the fact that I have a hard time giving up right of way because if we ever do something we are going to have to purchase that in the future, but the 25' landscaped greenspace that is required by the Design Overlay District, that being on the fringe of it and really screened, I drive by this every day on the way to work, and you cannot see this from anywhere north of the property. I would be more inclined to reduce that to 15' possibly and require the dedication if it is something that staff and the applicant could agree to just to keep it more consistently with what is on this property and what is surrounding it and the fact that you really can't even see it from I-540 and they would really only be losing five additional feet of space. That is just an idea of possibly a compromise. That is why I was asking about variances.

Williams: I didn't understand, I thought you were still talking about street right of way.

Vaught: No, landscaping setbacks.

Williams: What I read for you before was a general requirement but there is one for the Design Overlay also that talks about undue hardship if it is undue hardship shown by the developer. It is basically the same sort of thing you are considering. It is undue hardship and no matter which way you go has the developer been able to show that, if he has and substantial justice may be done by granting a variance then you can in fact, do that and you could do that on the greenspace requirement.

Vaught: For staff, are there other instances in the design Overlay District where we have given a variance of the setback requirement?

Warrick: I can't recall one.

Vaught: I am just thinking about Futrall and Millsap. That is where my office is.

Warrick: That subdivision is exempted from the Design Overlay District. CMN Park I, which is basically flanking both sides of Millsap, there were three subdivisions that were legislated exempted when the Design Overlay District was adopted and that was one of them because it had already been platted and was under construction at the time in 1994 when that ordinance was adopted by Council.

Vaught: You can't think of any other instances?

Warrick: I can't. It doesn't mean that there aren't any. I think that it would probably come to mind had we done one.

Vaught: I don't know, that is just an idea. I don't know what the applicant thinks about that prospect or even city staff what they think about the prospect of doing that.

Bunch, M.: Can I jump in for just a second?

Vaught: Yes.

Bunch, M.: There are a couple of things I can shed a little bit of light on. One being the Lewis development. There was additional right of way required along Longview as well as improvements, street improvements, percentage complete, money in lieu of street improvements on that street. There was no right of way required on North College. Then, this is Fulbright

Expressway. Here is Mr. Jones' property. I believe on page 12 of your packets it actually shows the limits of the Design Overlay District in your packet, does that look kind f right?

Warrick: It is page 2.12.

Bunch, M.: It is my understanding and Dawn can correct me, this is the subdivision that is exempt for this area, right?

Warrick: That is correct.

Bunch, M: This line represented here is the 660' offset, which is by ordinance what the Design Overlay District is bound by. This development is exempt from that and they lie wholly within the 660'. Mr. Jones' property fell within the Design Overlay District only because this ramp area was taken into account. This 665', his boundary comes in like that. It is the dark area on your plan. It kind of comes down in a bowl and takes into account part of his property. That has been one thing that we recognize that it is platted area and it is within the Design Overlay District but if you look at the spirit of that ordinance we are definitely screened from the expressway. I don't think anybody can refute that. I just wanted to give you those facts.

Williams: I could note for the record too the reason that the other commercial subdivision was excluded was because it was already platted so the Council at that point grandfathered it in in order for it to not have to conform with the Overlay District. Of course, at that point in time Mr. Jones' property was already platted in too but he already built on it. It was very similar except it already had a structure on it when this other part, most of that other development had not actually been built yet.

Warrick: I think it was primarily vacant.

Williams: That is why it was grandfathered in and is not subject to the Overlay District.

Hoover: Are there any other questions along that line? Would the architect mind explaining the building materials to us so we can discuss commercial design guidelines and see if anyone has any questions on that?

Shireman: I am Ken Shireman. We tried to design this building to let Mike have what he wants and needs to sell more cars and to keep him in Fayetteville. He has asked us to give a bit of a southern style to this with the red brick and Mercedes, all of their colors, the sign will be blue and it will be silver, everything surrounding it. That is pretty much all they allow. We have tried to do that. When we are talking about materials, we have two

buildings. The showroom itself would be brick, precast concrete and this sign right here will be metallic silver and then the letters will be cut into that. This sign sits at a 45° angle to the building, it is actually a corner sign. You are seeing that Mercedes emblem as an ellipse because the sign actually faces southeast. Because you obviously can't see the building from the north so we want to give a good shot at the sign so as you come south and look down over the building you will be able to see it. We tried to incorporate it into the architecture of the building so that it is not just something stuck in the lot out there. We tried to tie it all, we want to do this with steel and this will all be metallic silver also. We tried to bring these colors all together. Essentially, the Mercedes showroom building is done with precast concrete and we have some stucco bands in there but basically the materials that we are using on there are brick, precast, the composite wall panel and stucco. The collision center building is pretty much the lower 40 inches of the building will be split faced CMU. Everything from there up will be stucco. That is pretty much it on that building. Both of them are conventional steel frame buildings.

Hoover: Thank you. Commissioners, do you have any questions? Thank you. Moving on to another issue of conditions. Does anyone have a problem with the metal halide lighting fixtures?

Anthes: I notice on condition nine they did say that the lighting shall be shielded, directed downward and utilizing full cutoff fixtures. Is that what is specified and what you will be using?

Shireman: We haven't done any. The lighting will have to comply with the ordinance. We have not done construction documents on the buildings. We haven't specified any lighting fixtures as such but obviously, what we do will have to be in compliance with the ordinance. The ones that are used on other parking lots pretty much only throw a down beam. You can't really do drop globes where you see them from the side and this sort of thing. That is normally what we use though.

Anthes: Will the applicant agree to full cut off fixtures?

Jones: I don't know what you mean full cut off fixtures.

Hoover: I think if it is in the conditions of approval they will have to.

Anthes: Good. That is what I wanted to know, thank you.

Shireman: We will do what we have to do to comply with the conditions obviously on the lighting standards.

Jones: Are you talking about just a straight down light like I have or any of the

other car dealership have? That's what you're referring to right?

Hoover: They are specific. Staff, do you know what the other car dealerships have?

Warrick: I am not able to go through the various dealership and tell you what kind of lighting they have. The full cut off fixtures are the boxes that don't have any kind of bulbs exposed underneath those boxes. They are specific types of light and they do create a down light.

Jones: I believe that is what we currently have and that is what we intend to match.

Shackelford: I was just going to ask for clarification purposes, this is what we required when we did Landers the last time. It is full cut off but we did allow the other type of light. It would basically be, if you've been out to the Landers Park, the same thing.

Shireman: We have that same type of lighting in the parking lot.

Hoover: Great, thank you for enlightening us. Moving on to the signage discussion. Just to refresh my memory, what is on the pylon sign?

Jones: Currently our pylon sign has the three different manufacturers of General Motors, Buick, Oldsmobile, GMC Truck, and then it has our name, Jones as the fourth part of that sign.

Hoover: Thank you. Discussion Commissioners?

Bunch: Madam Chair, I know that some of the other dealerships have two streets of frontage and that is why they are allowed the two signs on two sides of the building. Since this is in an area right at the edge of the Overlay District as Commissioner Vaught described, and e are looking at a transition and also with not having a competitive disadvantage, the 45° offset Mercedes logo sign and the Mercedes Benz center sign, if you look at the square feet of those two combined it is within the 200 sq.ft. limit and I have personally no problem with allowing those two as parts of one sign, we are not plastering signs all over the building. I think is meets the spirit of the Overlay District and it also works as a transition from our existing situation on North College into the Overlay District and also it is not visible from the Overlay District, or from most portions of the Overlay District that create the 660' border that bisects this property. From the standpoint of the wall sign I have no problem with that. The monument sign, I don't know yet. I want to hear what the other Commissioners have to say on that.

Estes: If I understand Commissioner Bunch's comments correctly, Commissioner Bunch has no problem with the one wall sign being denominated as we see on the board. That is with the Jones and then the Mercedes star and then the Mercedes Benz Center, is that correct? You are satisfied that that is one sign?

Bunch: That is correct.

Estes: The second issue then becomes the single ground monument sign. If I understand staff's comments correctly, if the monument sign is used then the pylon sign goes. If the monument sign is not used the pylon sign stays, is that right?

Warrick: Yes Sir.

Estes: That is at the option of Mr. Jones?

Warrick: Yes Sir.

Hoover: Can I ask staff, what does the monument sign have on it?

Warrick: In your small packet of elevation near the last page is an elevation of the monument sign proposal.

Shackelford: A question of staff, on that monument sign that is being proposed, it will face North College is that correct?

Warrick: I believe it is proposed to be perpendicular to North College so that it can be read from a north and south direction.

Shackelford: Thank you.

Hoover: Staff, can I ask on Landers, does each one of those dealerships, Honda and Toyota have a separate monument sign?

Warrick: There were several monument signs approved for Landers through the variance process that was in addition to a wall signage package. Landers is a little bit different in that it does have frontage on two or in some cases, three, street frontages and therefore, additional wall signage is permitted by right through the Overlay District ordinance. The monument signs though did go through an appeal process through the Board of Sign Appeals.

Hoover: Thank you.

Shackelford: I will carry Commissioner Bunch's comments a little bit further. I agree

with what he is saying regarding the sign that is depicted on the front of the building there. My personal feelings about the monument sign, I think personally I could get comfortable with that sign being allowed on this property as well. We are in kind of a hybrid situation in the fact that this property is somewhat in the Overlay District, somewhat not in the Overlay District. As I interpret the sign issue with the Overlay District it is more to protect the view from Fulbright Expressway. Obviously, this sign is going to be directed more towards the existing frontage that has been on this property for the last twenty years, which is North College. I don't think that it is going to be a detriment to anybody, in fact, I think it might improve the visibility of the company as well as improve the visibility of the property. I personally would support some sort of variance to allow the monument sign without requiring the removal of the existing Jones Motor sign that is in place.

Hoover: Thank you.

Estes: Madam Chair, if I understand correctly, with the conditions of approval as they are now drafted, if Mr. Jones chooses the monument sign the pylon sign goes right?

Warrick: That is correct. If I might, I don't know if that was the end of your comment.

Estes: No, to me it seems to be a very simple solution. If we hold Mr. Jones to the condition of approval he cannot select a monument sign because he will lose his signage for his GM products so he has to forgo the monument sign to keep the pylon sign is that right? He wouldn't want to choose the monument sign because then he loses the signage for his GM products.

Warrick: The amount of display surface area on the monument sign is 75 sq.ft. permitted. The amount of display surface area on the whole sign, under our current ordinance, is 75 sq.ft. The same amount of signage. One thing that I think is important to note, is that in the Overlay District there is a requirement that each separate non-residential lot shall be allowed a single ground mounted monument sign located on the building site. In the case of lots with double frontage, two street rights of way adjoining the lot, two ground mounted or monument signs would be permitted. Under standard regulations city wide any commercial lot is allowed one free standing sign. It can be a monument sign, it can be a pylon sign, the restriction in the Overlay District is that it be a monument sign and there is a condition in the Overlay District that if there is additional frontage that two monument signs can be permitted. In the standard regulation city wide commercial development there is not an option for two free standing signs. There is a regulation that there be one free standing sign on that lot. That is something that I think is important to consider when we are talking about

additional free standing signs for any site in the city whether it be the Overlay District or not.

Estes: Do I understand correctly that there is no variances permissible from that requirement that that is an ordinance requirement?

Warrick: That is an ordinance requirement. We do have a Board of Sign Appeals.

Estes: Mr. Jones could choose the monument sign for his Mercedes Benz sign but then he would have to take down his pylon sign and replace it with a monument sign for his GM products?

Warrick: We are not mandating the content of the sign. If he chooses to have a monument sign he can choose whatever goes into that 75 sq.ft. of display surface area.

Estes: It would be permissible for him to choose the Mercedes Benz monument sign but then he is going to have to tear down the pylon sign, take it down and replace it with a monument sign?

Warrick: No, that would be two free standing signs on the site.

Estes: I'm confused. I thought he could have a monument sign on the lot that he is going to put the Mercedes Benz showroom.

Warrick: It is not a separate lot. This is one property.

Estes: Mr. Jones, I tried but it won't work for you.

Jones: I appreciate that and I understand. I think if you make me do this I will have to subdivide the property and make it two separate pieces of property. That doesn't make sense because I can still build whatever I want. Let's be practical about this and think about from the fact of a variance here. I am not asking for anything more than what anybody else has in Fayetteville, not anybody. As a matter of fact, I'm asking for less.

Estes: Let me ask staff this, is it permissible for Mr. Jones to choose the monument sign and then go to the Board of Sign Appeals and ask for a second free standing sign which would be a monument sign?

Warrick: Yes.

Estes: Can he go to the Board of Sign Appeals and ask for a second free standing sign which would be the existing pylon sign or does it just have to go?

Warrick: I believe we can go and ask for that second free standing sign for the

existing sign on site.

Estes: Thank you. I think that is all I have.

Shackelford: I probably should've expanded a little bit further in what I said earlier and my support for a second additional sign. City regulation obviously is not ever going to be thorough enough to cover every situation. One point that the applicant made that I've seen in other dealings with car dealerships, there are specific requirements for advertising as far as what line can be advertised with what. He made a very good point. There is no way possible that there is ever going to be a situation where Mercedes will approve a situation where they can advertise on the same size with a General Motors product. I think this is a very unique situation based on the fact that this is a car lot located on this location that sales two separate products and based on the product type there is a need for two separate signages to show the type of products that he is selling. I know that Commissioner Estes made some very good points that this is city regulation and it is not in our privy to do that at this point but I would like the public record to show at least my opinion that the Board of Adjustment should take that into consideration. I think that we need to give this applicant the benefit of the doubt in this situation based on the fact that he is selling two separate product lines. There is a specific need for different signage that is going to be required by his vendors and that is why we have the whole appeal system and we would like to see him given that benefit at that meeting.

Estes: I have a question for Mr. Jones. Is my memory correct that at one time you had the Mercedes star on the pylon sign?

Jones: No Sir, that has never been the case. We have Mercedes Benz written on the front part of our showroom building now but we have never had the star on the sign.

Estes: I have one more question for staff. Dawn, if we approve with condition of approval number ten as it is now written then the applicant can go to the Board of Sign Appeals?

Warrick: Yes Sir.

MOTION:

Estes: I move that we approve LSD 03-21.00 with condition of approval number two to read the required 15' of landscaped greenspace and with all other conditions of approval to be as prepared and written by staff.

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

Vaught: I have a quick question for staff. How would that affect the 25' utility easement?

Warrick: We would still need to obtain a 25' utility easement to satisfy the need of buried utilities. Utility easements can run through landscaped areas as well as parking areas.

Vaught: They could pave over it for display space?

Warrick: They could pave over it and have driveways through it if necessary.

Vaught: I would second the motion then.

Hoover: We have a motion by Commissioner Estes and a second by Commissioner Vaught.

Shackelford: Madam Chair, this is somewhat of a unique situation because although I think it is a great idea that Commissioner Vaught had, it is a compromise we are trying to strike. I would like to give the applicant an opportunity to make comment on his opinion on this option that we are getting ready to vote on and requiring the 55' right of way from centerline, which is an increase of 15' but allowing a 10' right of way reduction in the landscape greenspace. Just real quick if you would, your thoughts on that and whether or not you think that is an amicable compromise.

Jones: Again, I have to go back to what we talked about earlier in regards to the topography of my land and I do not believe that is going to be an amicable compromise. Again, with a 6' drop on the south east corner of my property as soon as you come in and impede onto that you are going to take out at least 20% of my parking and my display space by doing that. I just can't see where that is being fair to me in regards to what you are asking me to do. We are restricted on both our north and south bound borders and we do not have any place to go. It would not benefit us to go backwards other than in a building configuration to go behind us but for display space, which is critical, and with an ever increasing growth of Northwest Arkansas, whereas ten years ago I could keep 30 or 40 cars on the lot and be sufficient. Now it requires 130 cars on the lot to meet the demand of what is going on in this area. I am sorry but I just don't feel like that can be an amiable in regards for me to try to keep my display space and continue to grow in the area.

Shackelford: A question for staff. If it is approved as far as the motion and second stands now, what is the applicant's right? Will he have an opportunity to voice an appeal for City Council to review a reduction of this right of way or is that something that would have to be recommended by us prior to

City Council hearing that?

Warrick: Within ten working days the applicant can appeal the approval with the conditions that you approve it with. One thing I don't know if it is clear, staff is only recommending that the improvement on the north end of the site, the development area, meet the setback requirements. We are not talking about improving the existing frontage. Aside from installation of a sidewalk we are not requiring that that display area, that those parking spaces be removed south of the project area for the redevelopment site.

Shackelford: Now I'm confused because I thought that was the specific question that Commissioner Vaught asked earlier if this right of way ran the entire length of the property.

Warrick: The right of way dedication does and we feel it is important to be consistent with the Master Street Plan and obtain the right of way dedication but they are not proposing any development south of the entrance drive and we are not proposing that there be modifications made with the exception of some additional landscape islands within the parking area. We are not proposing that improvements be made south of that entrance drive. What affects this is the development area and the proposed location of the new display lot in front of the Mercedes show room. It is important that we are not asking that that front row of parking south of the entrance drive be modified in any way with the exception of the installation of a sidewalk.

Shackelford: Thank you for the clarification.

Jones: My comment to that is that you are asking for it in the future. At some point in time you are going to come back to me and say "I want that property."

Warrick: We are asking for the dedication to be consistent with the Master Street Plan.

Shackelford: We would require that for any development of the neighboring properties that he is talking about. Any future development of those properties will be requiring the same thing correct?

Warrick: Yes.

Shackelford: Thank you.

Hoover: Is there any other discussion?

Bunch: Just a question of clarification for the motioner and seconder. The

modification on the 25' to the 15' does your motion and the second reflect that it is only applying to the area north of the driveway?

Estes: Condition of approval number two, Commissioner Bunch, would just change 25' to 15'. The required 15' of landscape as required in the Design Overlay District.

Vaught: It is my understanding that it would affect the setback requirement of the whole property if future development is done south of the entrance. The dedication and the setback requirement are running the entire length.

Warrick: The way that that condition is stated is along the site project limits right of way as depicted on the site plan. The site project limits is the north part of this property where development will take place.

Vaught: That is fine.

Hoover: We're all on the same page now? The right of way is the entire site. The greenspace is only on the new development. Is there any other discussion?

Allen: If the motion is not acceptable to Mr. Jones, we went out and toured this site and I think he pleads a really good case but it is my inclination to vote against the motion and let him plead that case to the City Council and vote for this as it stands with the conditions of approval so I will vote against the motion.

Hoover: Ok. Is there any other discussion?

Shackelford: I will be voting for this motion. Obviously, I understand and hear the concerns of the applicant. I am always perplexed by these deals where we have existing businesses and particularly that part of the property is in the Overlay District, part of the property is not in the Overlay District. I have been in this town my entire life. This property I think is maintained very well. I think Mr. Jones is a good corporate neighbor of the city. I think that this is the best compromise that we can do at this point. I would very strongly encourage you to file an appeal with the Board of Adjustment on the signage issue. They hopefully will review our minutes and will take into consideration my comments in that area and a reminder that you do have the right to appeal to City Council who would have the final say in any adjustments on the right of way anyhow. You will still have that audience if you so choose.

Hoover: Is there any other comment?

Bunch: I will also be supporting this knowing that the applicant is not as satisfied

with the amended motion. However, in the interest of time, will avoid having to come back through the cycle depending on what subsequent action is taken. I think it is expedient and at this time it would actually save considerable expense and considerable misunderstandings and a lot of time to go ahead and support it at this time. I will be supporting the compromised motion as presented.

Hoover: Thank you. Is there anymore discussion?

Allen: Madam Chair, just to clarify. I do feel that Mr. Jones pleads a very good case, I just don't feel that I can go against what staff has recommended.

Vaught: I would concur with Commissioner Shackelford on the signage issue. I do feel that there is a good case there and would hope that the Board of Adjustment would take that into account. It is one of those situations where you have an existing structure and an existing development and trying to incorporate our new standards into that. As for the right of way dedication, it is very rare on our level at least, that I can see us making that waiver. I think that is a City Council decision because it affects future resources the city controls and not us on that issue. If that is something you still want to pursue, under the compromise you just lose 5' instead of 15', if that is something you still want to pursue I would encourage you to go there. I know they recently did overturn us on one issue on right of way dedication so it can be done. I think that is a decision better made at the City Council level than at our level. That is why I introduced the compromise hoping that it would somehow work better for your development.

Hoover: Is there any more discussion? Renee, would you call the roll please?

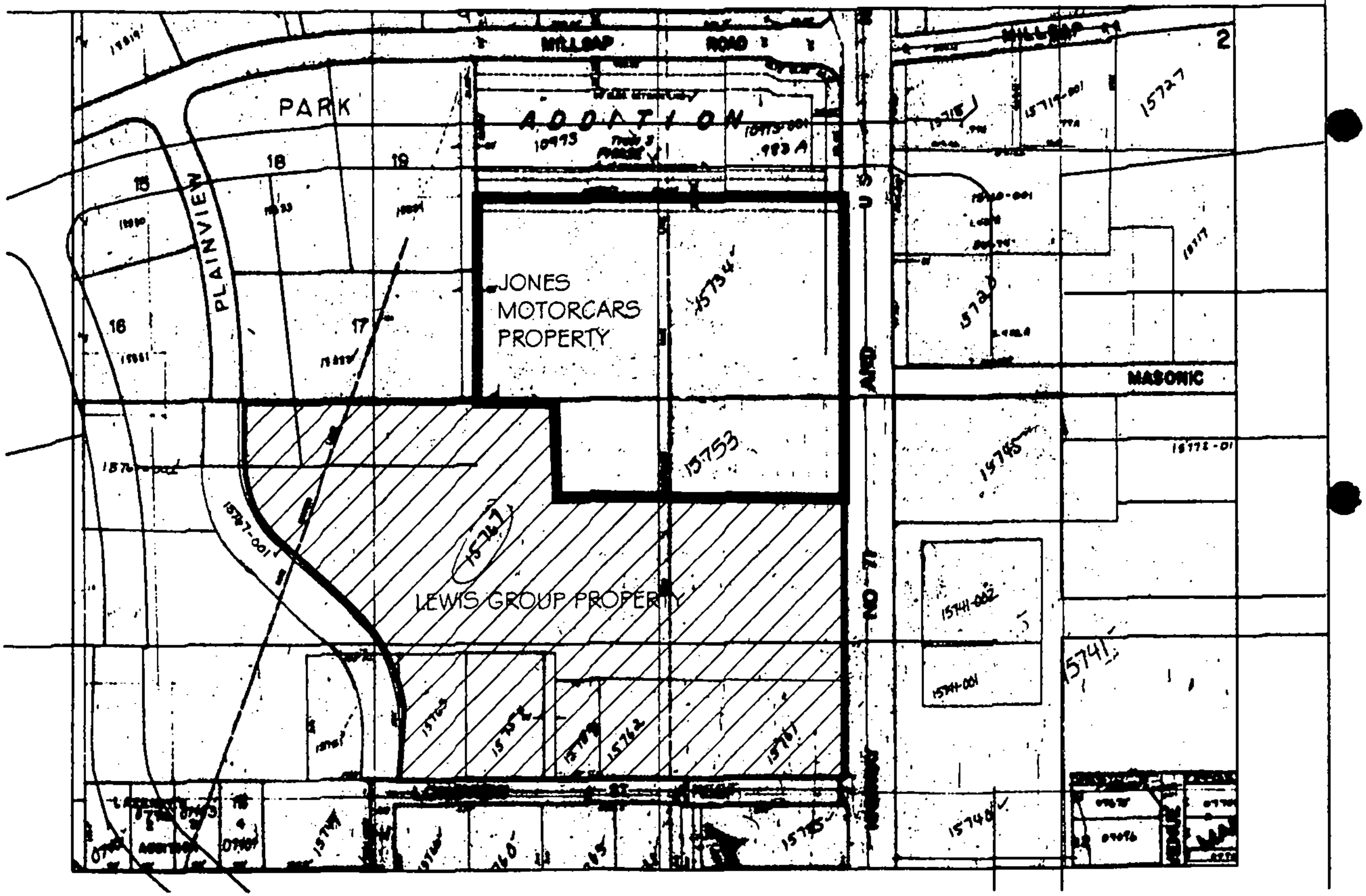
Roll Call: Upon the completion of roll call the motion to approve LSD 03-21.00 was approved by a vote of 7-1-0 with Commissioner Allen voting no.

Thomas: The motion carries seven to one.

Hoover: Thank you.

ASSESSOR'S MAP EXHIBIT

Jones Motorcars.



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: **October 8, 2003**

RE: **Passed Resolutions and Ordinances from City Council meeting of October 7, 2003**

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

Enclosed are:

1. **Crossland Contractors Bid 03-31:** Resolution awarding construction contract to Crossland Contractors in amount of $693,662.00 for Gregg Avenue Waterline Improvements – Phase 1; approving contingency in amount of $80,000.00 and approving budget adjustment in amount of $53,394.00;

2. **RJN Amendment #2, Wastewater Collection:** Resolution approving contract amendment #2 in amount of $36,780.00 w/RJN Group, Inc. to update Wastewater Collection System Model and approving contingency in amount of $3,220.00;

3. **Zion Vantage Apartments Money in Lieu of land for Park Land Dedication:** Resolution accepting Parks & Recreation Advisory Board's recommendation to accept $108,486.00 cash in lieu of required park land dedication for Zion Vantage Apartments;

4. **Lazenby Apartments Money in lieu of land for Park Land Dedication:** Resolution accepting Parks & Recreation Advisory Board's recommendation to accept $$40,016.00 cash in lieu of required park land dedication for Lazenby Apartments;

5. **Cruzen Equipment Company, Inc. Contract:** Resolution awarding Bid #03.52 and approving construction contract w/Cruzen Equipment Company, Inc. in amount of $32,534.83 for construction of aviation fuel self-serve facility at Fayetteville Municipal Airport;

6. **Arkansas Dept. of Aeronautics Grant:** Resolution authorizing Fayetteville Municipal Airport staff to apply for and accept grant in amount of $17,966.00 from Arkansas Department of Aeronautics for construction of aviation fuel self-serve facility; and approving budget adjustment for same;

7. **Multi-Craft Contract Repair Filtering System Bid Waiver:** Resolution awarding contract in amount of $95,000.00 to Multi-Craft Contractors, Inc. for repairs to Effluent Filtering System at Noland Wastewater Treatment Plant and approving project contingency in amount of $5,000.00;

8. **ADM 03-18.00:** Resolution affirming Planning Commission's approval of variance from requirements of §167.04, Tree Preservation & Protection, Unified Development Code to allow on-site mitigation in Legacy Pointe Residential Subdivision;

9. **Arkansas State Highway & Transportation Dept. Arkansas Recreational Trails Grant:** Resolution authorizing Fayetteville Parks & Recreation Division to accept grant in amount of $51,247.00 from Arkansas Highway & Transportation Department for Arkansas Recreational Trails funds to continue development of trails at Lake Fayetteville North Shore Park; and approving budget adjustment for same;

10. **Sale of Library Building at 217 E. Dickson:** Ordinance amending Ordinance No. 4358 in order to exempt City Library Complex on Dickson Street;

11. **ANX 03-3.00:** Ordinance confirming annexation to City of Fayetteville of 18.38 acres located north of Mt. Comfort Road and west of Rupple Road owned by James Coger;

12. **ANX 03-4.00:** Ordinance confirming annexation to City of Fayetteville of 1.08 acres located north of Mt. Comfort Road and west of Rupple Road owned by Carol Stephens;

13. **RZN 03-18.00:** Ordinance rezoning that property described in rezoning petition as submitted by Geoff Bates of Keystone Consultants on behalf of James Coger for 18.38 acres located north of Mt. Comfort Road and west of Rupple Road;

14. **RZN 03-27.00:** Ordinance rezoning property described in rezoning petition as submitted by Geoff Bates of Keystone Consultants on behalf of Carol Stephens for 1.08 acres located north of Mt. Comfort Road and west of Rupple Road;

15. **Dover, Kohl & Partners for Downtown Master Plan Contract:** Resolution awarding contract in amount not-to-exceed $200,000.00 to Dover, Kohl and Partners to prepare a Downtown Master Plan;

16. **VAC 03-10.00:** Ordinance approving VAC 03-10.00 to vacate and abandon a 10-foot utility easement along Lots 23, 24 and 25 on the Jackson's first addition as described on attached map and legal description.

Oct 28
8-2

Tentative Agenda
For
City Council Meeting
October 7, 2003

A meeting of the Fayetteville City Council will be held on October 7, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Dover, Kohl & Partners Downtown Master Plan Presentation at City Council Agenda Session on September 30, 2003

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the September 2, 2003 meeting minutes.

2. **Crossland Contractors Bid 03-31:** A resolution awarding a construction contract in the amount of $693,662.00 to Crossland Heavy Contractors, Inc. for Gregg Avenue waterline improvements – Phase I; approving a project contingency in the amount of $80,000.00; and approving a budget adjustment in the amount of $53,394.00 for same.

3. **RJN Amendment #2, Wastewater Collection:** A resolution approving contract amendment #2 in the amount of $36,780.00 with RJN Group, Inc. to update the Wastewater Collection System Model; and approving a contingency in the amount of $3,220.00 for same.

4. **Zion Vantage Apartments Money in lieu of Land for Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $108,468.00 cash in lieu of the required park land dedication for Zion Vantage Apartments.

5. **Lazenby Apartments Money in lieu of land for Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $40,016.00 cash in lieu of the required park land dedication for Lazenby Apartments.

6. **Cruzen Equipment Company, Inc. Contract Aviation Fuel Self-Serve Facility:** A resolution awarding Bid #03-52 and approving a construction contract with Cruzen Equipment Company, Inc. in the amount of $32,534.83 for the construction of an aviation fuel self-serve facility at the Fayetteville Municipal Airport.

Contingency - List of projects that have used the contingency and the percent used, on an ongoing basis. Quarterly report - add a page to it Sumary data, added to quarterly report

1. **Arkansas Dept. of Aeronautics Grant Aviation Fuel Self-Serve Facility:** A resolution authorizing the Fayetteville Municipal Airport staff to apply for and accept a grant in the amount of $17,966.00 from the Arkansas Department of Aeronautics for the construction of an aviation fuel self-serve facility; and approving a budget adjustment for same.

B. OLD BUSINESS:

1. **Public Hearing Raze and Removal 226 North School Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Timothy C. and Christine Klinger located at 226 N. School Avenue in the City of Fayetteville, Arkansas. ***This Resolution was tabled at the August 19, 2003 City Council meeting.***

Get Schedule on time frame.

2. **Public Hearing Raze and Removal 323 N. West Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by the Bank of Fayetteville, N.A. located at 323 N. West Avenue in the City of Fayetteville, Arkansas. ***This Resolution was tabled at the August 19, 2003 City Council meeting.***

3. **Police and Fire Pension LOPFI Agreement**: An ordinance electing coverage for eligible members of the Police Pension and Relief Fund and Firefighter Pension and Relief Fund under LOPFI and authorizing Mayor Coody to enter into an agreement with LOPFI. ***This Resolution was tabled at the August 19, 2003 City Council meeting.***

4. **Sale of Library Building at 217 E. Dickson:** An ordinance to amend Ordinance No. 4358 in order to exempt the City Library Complex on Dickson Street. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

5. **ANX 03-2.00 (Shiloh Community Church):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of 3.95 acres located North of Mt. Comfort Road and West of Rupple Road owned by Shiloh Community Church. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

6. **ANX 03-3.00 (James Coger):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas of 18.38 acres located North of Mt. Comfort Road and West of Rupple Road owned by James Coger. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

7. **ANX 03-4.00 (Carol Stephens):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of 1.08 acres located North of Mt. Comfort Road and West of Rupple Road owned by Carol Stephens. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

Aldermen Jordan: City Wide R-1 Zoning

8. **RZN 03-17.00 (Shiloh Community Church):** An ordinance rezoning that property described in rezoning petition RZN 03-17.00 as submitted by Geoff Bates of Keystone Consultants on behalf of Shiloh Community Church for 3.95 acres located North of Mt. Comfort Road and West of Rupple Road. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

9. **RZN 03-18.00 (James Coger):** An ordinance rezoning that property described in rezoning petition RZN-03-18.00 as submitted by Geoff Bates of Keystone Consultants on behalf of James Coger for 18.38 acres located North of Mt. Comfort Road and West of Rupple Road. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

10. **RZN 03-27.00 (Carol Stephens):** An ordinance rezoning that property described in rezoning petition RZN 03-27.00 as submitted by Geoff Bates of Keystone Consultants on behalf of Carol Stephens for property containing 1.08 acres located North of Mt. Comfort Road and West of Rupple Road. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

11. **Amend Chapter 51.136 Monthly Water Rates:** An ordinance amending Chapter 51, Water and Sewers, of the Code of Fayetteville, to change nomenclature; and adjust water and sewer rates consistent with the recommendations of the Black & Veatch Rate Study. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

C. NEW BUSINESS:

1. **Dover, Kohl & Partners Downtown Master Plan Contract:** A resolution awarding a contract in an amount not to exceed $200,000.00 to Dover, Kohl and Partners to prepare a Downtown Master Plan

pull until ordinance reads.

2. ~~**Business License Program:** An ordinance to establish a Business License~~ requirement for all establishments legally required to pay hotel, motel ~~and~~ restaurant ~~taxes in~~ Fayetteville.

3. **2003 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2003 fixing the rate thereof at 0.4 mils for the Firemen's Pension and Relief Fund, 0.4 mils for the Policemen's Pension and Relief Fund, 1.0 mil for the Fayetteville City library; and 1.0 mil for General Purposes and Operations of the City; and certifying the same to the County Clerk of Washington county, Arkansas.

Consent

4. **Multicraft Contract Repair Filtering System Bid Waiver:** A resolution awarding a contract in the amount of $95,000.00 to Multi-Craft contractors, Inc. for repairs to the effluent filtering system at the Noland Wastewater Treatment Plant; and approving a project contingency in the amount of $5,000.00 for same.

5. **Appeal of LSD 03-21.00 Planning Commission Approval:** Jones Motorcars, Inc. appeal of right-of-way dedication along Highway 71B/ N. College Avenue.

6. **ADM 03-18.00 (Legacy Pointe Subdivision):** A resolution affirming the Planning Commission's approval of a variance from the requirements of §167.04, Tree Preservation Protection, Unified Development Code to allow on-site mitigation in the Legacy Pointe Residential Subdivision.

Consent

7. **VAC 03-10.00 (Tamara Breland Brickey)**: An ordinance approving VAC 03-10.00 to vacate and abandon a 10' utility easement along lots 23, 24, and 25 of the Jackson's First Addition as described on the attached map and legal description.

8. **Arkansas State Highway & Transportation Dept. Arkansas Recreational Trails Grant**: A resolution authorizing the Fayetteville Parks and Recreation Division to accept a grant in the amount of $51,247.00 from the Arkansas Highway and Transportation Department for Arkansas Recreational Trails Funds to continue development of trails at Lake Fayetteville North Shore Park; and approving a budget adjustment for same.

Consent

D. INFORMATIONAL:

1. **Council Tour: October 6, 2003** – Jones Motorcars, Inc.

#5 - Copy of Planning Comission minutes.

Tentative Agenda
For
City Council Meeting
October 7, 2003

A meeting of the Fayetteville City Council will be held on October 7, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Dover, Kohl & Partners Downtown Master Plan Presentation at Agenda Session

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the September 2, 2003 meeting minutes.

B. OLD BUSINESS:

1. **Public Hearing Raze and Removal 226 North School Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Timothy C. and Christine Klinger located at 226 N. School Avenue in the City of Fayetteville, Arkansas. ***This Resolution was tabled at the August 19, 2003 City Council meeting.***

2. **Public Hearing Raze and Removal 323 N. West Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by the Bank of Fayetteville, N.A. located at 323 N. West Avenue in the City of Fayetteville, Arkansas. ***This Resolution was tabled at the August 19, 2003 City Council meeting.***

3. **Police and Fire Pension LOPFI Agreement**: An ordinance electing coverage for eligible members of the Police Pension and Relief Fund and Firefighter Pension and Relief Fund under LOPFI and authorizing Mayor Coody to enter into an agreement with LOPFI. ***This Resolution was tabled at the August 19, 2003 City Council meeting.***

4. **Sale of Library Building at 217 E. Dickson:** An ordinance to amend Ordinance No. 4358 in order to exempt the City Library Complex on Dickson Street. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

5. **ANX 03-2.00 (Shiloh Community Church):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of 3.95 acres located North of Mt. Comfort Road and West of Rupple Road owned by Shiloh Community Church. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

6. **ANX 03-3.00 (James Coger):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas of 18.38 acres located North of Mt. Comfort Road and West of Rupple Road owned by James Coger. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

7. **ANX 03-4.00 (Carol Stephens):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of 1.08 acres located North of Mt. Comfort Road and West of Rupple Road owned by Carol Stephens. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

8. **RZN 03-17.00 (Shiloh Community Church):** An ordinance rezoning that property described in rezoning petition RZN 03-17.00 as submitted by Geoff Bates of Keystone Consultants on behalf of Shiloh Community Church for 3.95 acres located North of Mt. Comfort Road and West of Rupple Road. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

9. **RZN 03-18.00 (James Coger):** An ordinance rezoning that property described in rezoning petition RZN-03-18.00 as submitted by Geoff Bates of Keystone Consultants on behalf of James Coger for 18.38 acres located North of Mt. Comfort Road and West of Rupple Road. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

10. **RZN 03-27.00 (Carol Stephens):** An ordinance rezoning that property described in rezoning petition RZN 03-27.00 as submitted by Geoff Bates of Keystone Consultants on behalf of Carol Stephens for property containing 1.08 acres located North of Mt. Comfort Road and West of Rupple Road. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

11. **Amend Chapter 51.136 Monthly Water Rates:** An ordinance amending Chapter 51, Water and Sewers, of the Code of Fayetteville, to change nomenclature; and adjust water and sewer rates consistent with the recommendations of the Black & Veatch Rate Study. ***This Ordinance was left on the first reading at the September 16, 2003 City Council meeting.***

C. NEW BUSINESS:

1. **Dover, Kohl & Partners Downtown Master Plan Contract:** A resolution awarding a contract in an amount not to exceed $200,000.00 to Dover, Kohl and Partners to prepare a Downtown Master Plan.

2. **Business License Program:** An ordinance to establish a Business License requirement for all establishments legally required to pay hotel, motel and restaurant taxes in Fayetteville.

3. **Personal Property Tax Rates Adoption for 2003:** [redacted]

4. **Multicraft Contract Repair Filtering System:** *No Information.*

5. ~~Council on Aging Lease Agreement Senior Activity Center at Walker Park: No Information~~

6. **Appeal of LSD 03-21.00 Planning Commission Approval:** ***Need Resolution drafted.***

7. **ADM 03-18.00 (Legacy Pointe Subdivision):** A resolution affirming the Planning Commission's approval of a variance from the requirements of §167.04, Tree Preservation Protection, Unified Development Code to allow on-site mitigation in the Legacy Pointe Residential Subdivision.

8. **VAC 03-10.00 (Tamara Breland Brickey):** An ordinance approving VAC 03-10.00 to vacate and abandon a 10' utility easement along lots 23, 24, and 25 of the Jackson's First Addition as described on the attached map and legal description.

Consent (9.) **Crossland Contractors Bid 03-31:** A resolution awarding a construction contract in the amount of $693,662.00 to Crossland Heavy Contractors, Inc. for Gregg Avenue waterline improvements – Phase I; approving a project contingency in the amount of $80,000.00; and approving a budget adjustment in the amount of $53,394.00 for same.

Consent (10.) **RJN Amendment #2, Wastewater Collection:** A resolution approving contract amendment #2 in the amount of $36,780.00 with RJN Group, Inc. to update the Wastewater Collection System Model; and approving a contingency in the amount of $3,220.00 for same.

11. **Arkansas State Highway & Transportation Dept. Arkansas Recreational Trails Grant:** ***No Information.***

Consent (12.) **Zion Vantage Apartments Money in lieu of Land for Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $108,468.00 cash in lieu of the required park land dedication for Zion Vantage Apartments.

Consent (13.) **Lazenby Apartments Money in lieu of land for Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $40,016.00 cash in lieu of the required park land dedication for Lazenby Apartments.

Consent (14.) **Cruzen Equipment Company, Inc. Contract Aviation Fuel Self-Serve Facility:** ***No Information.***

Consent (15.) **Arkansas Dept. of Aeronautics Grant Aviation Fuel Self-Serve Facility:** ***No Information***

D. INFORMATIONAL:

1. **Council Tour: October 6, 2003**

Tentative Agenda
For
City Council Meeting
October 7, 2003

A meeting of the Fayetteville City Council will be held on October 7, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Dover, Kohl & Partners Presentation.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the September 2, 2003 meeting minutes.

B. OLD BUSINESS:

1. **Public Hearing Raze and Removal 226 North School Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Timothy C. and Christine Klinger located at 226 N. School Avenue in the City of Fayetteville, Arkansas. ***This Resolution was tabled at the August 19, 2003 City Council meeting.***

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C. NEW BUSINESS:

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2. **Business License Program:** An ordinance to establish a Business License requirement for all establishments legally required to pay hotel, motel and restaurant taxes in Fayetteville.

3. **Personal Property Tax Rates Adoption for 2003:** ***No Information.***

4. **Multicraft Contract Repair Filtering System:** ***No Information.***

5. **Council on Aging Lease Agreement Senior Activity Center at Walker Park:** ***No Information.***

6. **Dover, Kohl & Partners Downtown Master Plan Contract:** ***No Information.***

7. **ADM 03-18.00 (Legacy Pointe Subdivision):** ***No Information.***

NO Ith 8. **VAC 03-*10.00 (Tamara Breland Brickey):*** ***No Information.***

9. **Arkansas State Highway & Transportation Dept. Arkansas Recreational Trails Grant:** ***No Information.***

10. Zion Vantage Apartments Money in lieu of Land for Park Land Dedication: *No Information.*

11. Lazenby Apartments Money in lieu of land for Park Land Dedication: *No Information.*

12. McClinton Anchor Change Order # 4 Taxiway: *No Information.*

13. Cruzen Equipment Company, Inc. Contract Aviation Fuel Self-Serve Facility: *No Information.*

14. Crosland Contractors Bid 03-31

D. INFORMATIONAL:

1. Council Tour: October 6, 2003

15. RJN Amendment #2 Wastewater Collection.

Council Date	Received From	Division	Form Type	Action Requested	Routed to	Date Routed
10/7/2003	Davis, Stephen	Mayor	Agenda	Transfers Financial Responsibility & Management/Fireman's & Police Pension & Relief to Arkansas Local Police & Fire Retirement System LOPFI	City Clerk	8/26/2003
10/7/2003	Norbash, Sid	Engineering	Contract	Cleveland Street Improvements	Budget	9/18/2003
10/7/2003	Ohman, Rebecca	Parks & Recreation	Agenda	Park Land Dedication/Lazenby Apartments	City Attorney	9/18/2003
10/7/2003	Ohman, Rebecca	Parks & Recreation	Agenda	Zion Vantge Apartment/Lazenby Apartment	City Attorney	9/17/2003
10/7/2003	Warrick,Dawn	Planning	Agenda	VAC 03-10.00/1765 Applebury Road	City Attorney	9/17/2003
10/7/2003	Warrick,Dawn	Planning	Agenda	ADM 03-18.00/Varinace of UDO code of 167.04	City Attorney	9/17/2003
10/7/2003	Libertini, Paul	Engineering	Agenda	Crossland Heavy Contractors, Inc./Bid 03-31	Budget	9/17/2003
10/7/2003	Conklin, Tim	Planning	Agenda	Downtown Master Plan $200,000 with Dover,Kohl & Partners	Budget	9/18/2003
10/7/2003	Boudreaux, Ray	Airport	Agenda	Change Order (C0#4) With APAC	Budget	9/19/2003
10/7/2003	Boudreaux, Ray	Airport	Agenda	Contract with Cruzen Equipment Company, Inc.	Budget	9/19/2003
10/7/2003	Edmonston, Connie	Parks & Recreation	Agenda	Arkansas Recreation Trails Funds	Dumas, Gary	9/16/2003
10/7/2003	Springer, Kevin	Budget	Agenda	Real & Property Tax for 2003	Farthing, Marsha	9/16/2003
10/7/2003	Boettcher, Greg	Administration	Agenda	Amendment No. 2 RJN Group's / Updating wastewater collection	Budget	9/22/2003