

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
February 05, 2008**

A meeting of the Fayetteville City Council will be held on February 05, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions: None.

A. Consent:

1. Approval of the December 18, 2007, December 27, 2007, January 3, 2008, January 8, 2008 and January 15, 2008 City Council meeting minutes. **APPROVED.**
2. **Robinson Aviation (RVA), Inc:** A resolution to approve an agreement with Robinson Aviation in cooperation with the FAA to fund a portion of air traffic control services for the Fayetteville Municipal Airport for a monthly cost of \$2,028.42 (subject to an adjustment in October 2008) and to approve a budget adjustment of \$1,111.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 17-08.

3. **Arkansas Parks and Tourism Grant for Eagle Park:** A resolution authorizing the Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation 50/50 matching grant in the amount of \$100,000.00 for the development of Eagle Park.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 18-08.

4. **Walker Park Neighborhood Master Plan:** A resolution to adopt the Walker Park Neighborhood Master Plan vision document and illustrative master plan.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 19-08.

B. Unfinished Business:

1. **Hiring Freeze Appeals:**

Police Department – One Police Officer and One Park Patrol Employee

Animal Services – One Veterinary Assistant

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 20-08.

2. **Northwest Arkansas Community Creative Center Lease Agreement:** A resolution to approve a lease agreement with the Northwest Arkansas Community Creative Center for a portion of the former Tyson Complex on Huntsville Road. *This resolution was tabled at the January 3, 2008 City Council meeting to the February 5, 2008 City Council meeting.*

THIS ITEM WAS TABLED INDEFINITELY.

3. **Hobson, Inc. Appeal:** An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting. This ordinance was tabled indefinitely at the October 2, 2007 City Council meeting.*

THIS ITEM WAS LEFT ON THE SECOND READING OF THE ORDINANCE.

C. New Business:

1. **Van Scoyoc Associates Memorandum Agreement:** A resolution approving renewal of the memorandum of agreement with Van Scoyoc Associates in the amount of \$84,000.00 to provide lobbying services to the City of Fayetteville for 2008.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 21-08.

2. **RZN 07-2852 (Broyles/Woodstock):** An ordinance rezoning that property described in rezoning petition RZN 07-2852, for approximately 1.88 acres, located at 845 North 46th Avenue from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 units per acre.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5106.

3. **VAC 07-2853 (First Christian Church):** An ordinance approving VAC 07-2853 submitted by McGoodwin, Williams and Yates, Inc. for property located at 220 North College Avenue to vacate an alley, a total of 0.08 acres.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5107.

4. **ADM 08-2902 (Woodstock PZD Phasing Modification):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2576, Woodstock, located on the south side of Wedington Drive from 46th Street to Broyles Avenue, containing approximately 29.63 acres, to reflect revised construction phasing as described and depicted herein.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5108.

5. **Drake Field Hangar Local Ordinance District:** An ordinance to establish the Drake Field Hangar Local Ordinance District.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5109.

Announcements:

1. **City Council Tour:** None

Adjournment: Meeting adjourned at 7:25 p.m.

Adjourn 7:25 PM

Subject: Roll					
Motion To:					
Motion By:					
Seconded:					
	Ferrell	✓			
	Lucas	absent			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Mayor Coody	✓			

Subject: Consent					
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Gray			
	Ferrell	✓			
	Lucas	absent			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Mayor Coody				

Passed
Res.
17-08
to
19-08

Subject: Hiring Freeze					
Motion To:		Approve all positions but the Park Patrol			
Motion By:		Gray			
Seconded:		Thiel			
B.I. Unfinished Business passed 20-08	Ferrell	✓			
	Lucas	absent			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Mayor Coody				
7-0					

Subject: Hiring Freeze					
Motion To:		Park Patrol Position			
Motion By:		Gray			
Seconded:		Jordan			
B.I. Unfinished Business passed See 20-08	Ferrell	✓			
	Lucas	absent			
	Jordan	N			
	Gray	✓			
	Thiel	✓			
	Cook	N			
	Allen	N			
	Rhoads	✓			
	Mayor Coody	yes			

5-3 Mayor Coody voted yes so the resolution passed.

Subject: NW Arkansas Community Creative Center Lease					
Motion To:		Table Indefinitely			Agreement
Motion By:		Thiel			
Seconded:		Ferrell			
B.2. Unfinished Business <u>Tabled Indefinitely</u>	Ferrell	✓			
	Lucas	Absent			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Mayor Coody				

7-0

Subject: Hobson, Inc. Appeal					
Motion To:		2nd Read		Amend to New legal	
Motion By:		Jordan		Jordan	
Seconded:		Ferrell		Ferrell	
B.3. Unfinished Business <u>Left on the Second Reading</u>	Ferrell	✓		✓	
	Lucas	Absent		Absent	
	Jordan	✓		✓	
	Gray	✓		✓	
	Thiel	✓		✓	
	Cook	✓		✓	
	Allen	✓		✓	
	Rhoads	✓		✓	
	Mayor Coody				

7-0

7-0

Subject: Van Scope Associates Memorandum Agreement					
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Gray			
C.1. New Business	Ferrell	✓			
	Lucas	Absent			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	N			
	Allen	N			
	Rhoads	✓			
Passed 2/1-08	Mayor Coody				

5-2

Subject: RZN 07-2852 Brayles/Woodstock					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Cook	Ferrell		
C.2 New Business	Ferrell	✓	✓	✓	
	Lucas	absent	absent	Absent	
	Jordan	✓	✓	✓	
Passed 5106	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	Absent during the vote	Absent during the vote	Absent during the vote	
	Mayor Coody				

6-0

6-0

6-0

Subject: VAC 07-2853 First Christian Church					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Ferrell	Cook		
C.3. New Business Passed 5107	Ferrell	✓	✓	✓	
	Lucas	Absent	Absent	Absent	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

Subject: ADM 08-2902 Woodstock PZD Phasing Modification					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Ferrell	Ferrell		
C.4. New Business Passed 5108	Ferrell	✓	✓	✓	
	Lucas	Absent	absent	absent	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

Subject: Drake Field Hangar Local Ordinance District					
Motion To:		Amend to change the name			
Motion By:		Thiel			
Seconded:		Allen			
C. 5. New Business <u>passed</u>	Ferrell	✓			
	Lucas	Absent			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Mayor Coody				
7-0					

Subject: Drake Field Hangar Local Ordinance District					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Thiel	Ferrell		
Seconded:		Ferrell	Jordan		
C. 5. New Business <u>passed</u> 5109	Ferrell	✓	✓	✓	
	Lucas	absent	absent	absent	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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Animal Services – One Veterinary Assistant

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- 5. Drake Field Hangar Local Ordinance District:** An ordinance to establish the Drake Field Hangar Local Ordinance District.

Announcements:

- 1. City Council Tour: None**

Adjournment:



FAYETTEVILLE

B. 1
Hiring Freeze Appeals
Page 1 of 6

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

To: Mayor Dan Coody and members of the City Council
From: Greg Tabor, Chief of Police 
Date: January 24, 2008
Re: Replacement of Police Officer

Recommendation: City Council approves the hiring of one (1) additional police officer to replace a recent resignation.

Background: On January 4, 2008, the Fayetteville City Council approved a hiring freeze for replacement employees funded by General Fund. This hiring freeze allowed replacement of these positions with Council approval. On Tuesday, January 22, 2008, Officer Sean Chandler submitted his resignation to take a job with the Bentonville Police Department.

Discussion: The Fayetteville Police Department currently has 121 authorized slots. Two of these slots remained unfilled due to structured budget reductions. There are eight officers with military commitments. One officer is currently deployed, one has orders for deployment in February, one is expecting orders any day, one will be deployed in July, two have heard of possible deployment sometime in 2008 and two do not expect deployment in the near future. Deployments typically last from 8-18 months. With the most recent resignation, current and potential military deployments we may be down from 121 officers to 112 by the end of the year.

Budget Impact: The difference between the salary of the resigning officer and a newly hired officer is \$12,964.



FAYETTEVILLE

B. 1
Hiring Freeze Appeals
Page 2 of 6

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

To: Mayor Dan Coody and members of the City Council

From: Greg Tabor, Chief of Police

A handwritten signature in black ink, appearing to be "GT", is written over the name "Greg Tabor".

Date: January 24, 2008

Re: Replacement of Park Patrol Employee

Recommendation: City Council approves the hiring of one (1) part-time Park Patrol Employee to replace a recent resignation.

Background: On January 4, 2008, the Fayetteville City Council approved a hiring freeze for replacement employees funded by General Fund. This hiring freeze allowed replacement of these positions with Council approval. On Tuesday, January 23, 2008, Shawna Parker submitted her resignation.

Discussion: With this resignation The Fayetteville Police Department will only have one (1) part-time employee assigned to Park Patrol. Park Patrol's primary function is to patrol Fayetteville City Parks in an effort to report and deter potential crimes. They interact with citizens, calling for the assistance of locksmiths, wreckers or Patrol Officers as well as giving directions and assisting with parking and traffic at park related special events.

Budget Impact: Park Patrol positions are paid hourly at a rate of \$8.28/hr



MEMORANDUM

TO: Mayor Dan Coody & City Council Members
THRU: Greg Tabor, Police Chief
FROM: Jill Hatfield, Animal Services Superintendent 
DATE: January 25, 2008
RE: Veterinary Assistant Position Opening

The Animal Services Division currently has a vacancy in the Veterinary Assistant position. The position is vital to the daily operation of the shelter veterinarian clinic. Currently an animal caregiver is assisting the veterinarian along with an animal control officer that has previous veterinarian technician experience and skills.

The division has increased a part-time caregiver's hours by 15 hours per week and will need to pay overtime hours to the animal control officer for additional hours worked in the clinic assisting the veterinarian. During the period that animals are in surgery, it is vital that the veterinarian has assistance by personnel that possess medical knowledge and are trained to monitor the animals while they are under anesthesia.

The division has reduced the low cost spay/neuter surgery schedule to ensure the deliverance of safe surgeries to the adopted animals and to allow the veterinarian to assist with several of the duties normally performed by the veterinarian assistant.

Please see the Veterinary Assistant position description attached for more information. Thank you for your consideration.

cc: Sondra Smith, City Clerk



CITY OF FAYETTEVILLE
Position Description

POSITION TITLE: Veterinary Assistant

EXEMPT (Y/N): No
SUPERVISOR: Veterinarian
EEO/JOB CODE:

DEPARTMENT: Police
DIVISION: Animal Services
DATE REVISED: April 2007

ESSENTIAL DUTIES AND RESPONSIBILITIES: *Note: All City of Fayetteville positions require the employee to provide good customer service to both internal and external customers, maintain positive and effective working relationships with other City employees (especially members of his or her own team), and have regular and reliable attendance that is non-disruptive. Other essential duties of this position include the following:*

1. Intake animals from the public for low cost surgery. Receive money and make receipts.
2. Insure animals receive proper treatments and medication as prescribed by Veterinarian.
3. Prep animals for surgery, assist Veterinarian in surgery and monitor animal during surgery.
4. Clean and disinfect cages, walls, floors, and equipment.
5. Feed, water and walk all animals in the clinic.
6. Clean and disinfect surgery room after surgery, sterilize and autoclave surgical instruments.
7. Maintain medical records, drug logs, inventory of clinic supplies, vaccination records and enter information into computer.
8. Insure animals receive proper treatments and medication as prescribed by Veterinarian.
9. Order supplies as necessary.
10. Educate the public on Heartworm, Feline Leukemia, after care for surgery and flea/tick prevention.
11. Perform other duties as assigned.

SECONDARY DUTIES AND RESPONSIBILITIES include the following:

1. Assist in euthanasia – perform euthanasia at request of Veterinarian, Coordinator or Superintendent.
2. Secondary duties as assigned.

MINIMUM QUALIFICATIONS

1. High school diploma or GED plus specialized training and/or additional college courses and 1 year of related experience and/or training; or equivalent combination of education and experience.
2. Must be proficient in the use of a personal computer and other related software programs. Must be able to effectively operate standard office equipment.
3. Must obtain Euthanasia Technician Certification within one year.
4. Effectively communicate with others orally and in writing.
5. Ability to read, analyze, and interpret animal science journals.
6. Ability to respond to common inquiries or complaints from customers and/or regulatory agencies.
7. Ability to effectively present information to clients and citizens.
8. While performing the functions of this job, the employee is regularly required to talk and hear. The employee regularly is required to stand, walk, and sit; use hands to finger, handle, or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl. The employee must frequently lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, color vision, peripheral vision, depth perception, and ability to adjust focus.
9. While performing the functions of this job, the employee is regularly exposed to wet/and or humid conditions, moving mechanical parts; fumes or airborne particles; toxic or caustic chemicals and outside weather conditions.



THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

To: City Council, Mayor Dan Coody
From: Jeremy Pate, Director of Current Planning *J*
Date: 30 January 2008
Subject: Hobson, Inc. Rezoning Request

Please find the attached, amended ordinance and exhibits for the Hobson, Inc. rezoning request, RZN 07-2667, located at 7613 Wedington Road. The request is rezone the property from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. The amendment reflects a reduction of 1 acre from the total property requested to be rezoned. The original request that was denied by the Planning Commission and the decision of which was appealed to the City Council was for 2.38 acres. As you can see in the attached Exhibit "A," one acre from the back portion of the property has been removed.

I have also attached the minutes associated with this request. Planning Staff and the Planning Commission recommended denial of the rezoning request, based on the findings within the staff report and the Future Land Use Plan for this area.

ORDINANCE NO.

AN ORDINANCE REZONING A PORTION OF PROPERTY DESCRIBED IN REZONING PETITION RZN 07-2667, FOR APPROXIMATELY 1.38 ACRES, LOCATED AT 7613 WEDINGTON FROM R-A, RESIDENTIAL AGRICULTURAL, TO C-2, THOROUGHFARE COMMERCIAL.

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

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

From R-A, Residential Agricultural to C-2, Thoroughfare Commercial, as shown and described on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the rezoning of the subject property is subject to the Bill of Assurance offered by the applicant as shown in exhibit "C" attached hereto and made a part hereof.

Section 3: 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 , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

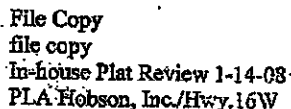


EXHIBIT "B"
RZN 07-2667

A PART OF THE SW ¼, OF THE SE ¼, SECTION 9, T-16-N, R-31-W BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED S02°45'20"W 39.12 FEET FROM THE NORTHEAST CORNER OF THE SW 1/4 OF THE SE ¼ OF SAID SECTION 9, SAID POINT BEING A ½" REBAR LOCATED ON THE SOUTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY 16 (W. WEDINGTON DR.), AND RUNNING THENCE S02°45'20" W 353.62 FEET TO A ½" REBAR; THENCE N88°04'35" W 250.00 FEET TO A ½" REBAR; THENCE N02°45'20" E 199.51 FEET, TO A 1/2" REBAR; THENCE S89°50'55" E 188.33 FEET TO A ½" REBAR; THENCE N02°08'16" E 148.25 FEET TO A SAID HIGHWAY RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY S88°05'54" E 63.34 FEET TO THE POINT OF BEGINNING, CONTAINING 1.38 ACRES, MORE OR LESS, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

SUBJECT TO AN 18.00 FOOT WIDE ROAD EASEMENT ALONG THE EAST SIDE AND ANY OTHER EASEMENTS AND/OR RIGHT-OF-WAY OF RECORD

EXHIBIT "C" **RZN 07-2667**

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner of this property (hereinafter "Petitioner") Hobson, Inc., an Arkansas Corporation, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

Petitioner holds title to, and seeks a rezoning classification for, the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW1/4 of the SE1/4, Section 9, T-16-N, R-31-W being more particularly described as follows:

Beginning at a point located S02°45'20"W 39.12 feet from the Northeast corner of the SW1/4 of the SE1/4 of said Section 9, said point being a 1/2" rebar located on the South Right-of-Way of Arkansas State Highway No. 16 (W. Weddington Dr.), and running thence S02°45'20"W 353.62 feet to a 1/2" rebar; thence N88°04'35"W 250.00 feet to a 1/2" rebar; thence N02°45'20"E 199.51 feet to a 1/2" rebar; thence S89°50'55"E 188.33 feet to a 1/2" rebar; thence N02°08'16"E 148.25 feet to said Highway Right-of-Way; thence along said Right-of-Way S88°05'54"E 63.34 feet to the point of beginning, containing 1.38 acres, more or less, City of Fayetteville, Washington County, Arkansas.

Subject to an 18.0' foot wide road easement along the East side thereof and any other easements and/or Right-of-Way of record.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will reasonably rely upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning requests.

EXHIBIT "C" RZN 07-2667

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to Use Unit 12, Use Unit 17, and Use Unit 25 as described and set forth in Chapter 162, Title XV, of the Unified Development Code for the City of Fayetteville, Arkansas.
2. Other restrictions including number and type of structures upon the property are limited to _____
3. Specific activities will not be allowed upon petitioner's property include any uses not included in Use Units 12, 17, and 25 described above; and any activities related to: (a) body piercing and tattoo services; (b) manufactured homes; and (c) the sale and repair of large commercial type vehicles otherwise allowed under Use Unit 17, to include buses, trucks, trailers, and farm equipment
4. (Any other terms or conditions) An area consisting of no less than twenty (20) feet in width and running adjacent and along the south property line of the subject property shall serve as a buffer zone between the subject property and the neighbors to the south of the subject property. The buffer area shall be maintained in conformity with the remainder of the subject property, but shall not be used for any purpose other than landscaping and/or natural vegetation growth. If requested by the City of Fayetteville at any time, a privacy fence or a natural vegetation barrier (such as hedge), shall be constructed along the said boundary line to the rear (south) of the subject property.
5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the

EXHIBIT "C" RZN 07-2667

Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above,, Hobson, Inc., as owner (Petitioner) voluntarily offer all such assurances and sign my name below.

Hobson, Inc.

Date

By:

David Pearce, President

Rt. 6, Box 269-1
Fayetteville, AR 72701

By:

Patricia Pearce, Secretary

NOTARY OATH

STATE OF ARKANSAS }

COUNTY OF WASHINGTON }

} ss\

And now on this the _____ day of _____, 2007, appeared before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, after being placed upon their oath swore or affirmed that they agreed with the terms of the above Bill of Assurance in their aforesaid capacities of said corporation and on behalf of said corporation, and signed their names above for the consideration, uses and purposes therein mentioned and set forth.

My Commission Expires: _____

NOTARY PUBLIC

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5062 as Recorded in the Office of the City Clerk.

Hobson, Inc. Appeal: An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning: This is an appeal by an applicant of the decision made by the Planning Commission to deny a rezoning request. This property contains approximately 2.4 acres that's currently zoned R-A, residential agricultural. It is located at 7613 Wedington and was part of the recently annexed areas. The property is currently being utilized for Bud's Auto Repair Shop. Planning staff received complaints of an auto repair shop being operated at this location and they asked if that was allowed in an R-A zoning district. We replied no it's not a use that's allowed to be established by our permitted uses within an R-A, Residential Agricultural Zoning District. The closest zoning district that could allow that is the C-2, Thoroughfare Commercial Zoning District. We informed the applicant that we could not support a C-2 in this area. It is not on our future land use map to support commercial anywhere close to this area. Staff recommended denial and it was denied unanimously.

Staff and Planning Commission publicly recommended that the applicant pursue another avenue to potentially allow this use that would be a conditional use permit. That can be issued by the Planning Commission and we can look at the appropriateness of uses of what has been there before. I certainly agree with the applicant that this has been used historically as a nonresidential use and I think we would take that into consideration when reviewing a conditional use permit. I can't speak for the Planning Commission but my impression was that many of the commissioners would much rather see that as an application as opposed to a rezoning. I can't speak to whether they would support it or not but I received favorable remarks from that meeting. The negative about that for the applicant is that it doesn't guarantee that, if they sold the property and wanted to utilize it for something else, that another use would be appropriate or approved there. It would still be eligible for a conditional use permit so long as it hadn't been occupied for a greater period of 180 days is the code requirement. I feel from a Planning perspective rezoning this to C-2 is a spot zoning. It is surrounded by R-A in all directions and is not appropriate at this point in time. We felt a more appropriate way to hopefully achieve the same result for this particular business would be to look at a conditional use request. The applicants submitted a bill of assurance after the agenda session and that's included on the first

couple of pages with your final agenda. They are proposing a bill of assurance to limit it to three uses within the C-2 zoning district; Use Unit 12 which is office, studios and related services; Use Unit 17, trades and services which allows the auto repair; and Use Unit 25, commercial offices. I think Use Unit 17 primarily is our concern.

Alderman Cook: What was the first one Jeremy?

Jeremy Pate: Use Unit 12, office, studios and related services that includes items such as artist studios, drafting services, dentists, funeral homes, financial banks, sale of equipment, things like that. Use Unit 17 which is where auto repair is found you would find automobile sales, service, and repair including body shops, manufactured home sales, motorcycle sales, large truck sales, trailer sales, used car lots, farm supplies, boat and accessories. There's a long list in that particular use unit. It's probably one of our most intense commercial use designations that we have. Following that is Use Unit 25. The applicants are offering those three uses be allowed. Use Unit 25 is professional offices, much like 12 only a little higher intensity in terms of those uses. Staff recommended denial of this request and the Planning Commission recommended denial as well. It has been appealed in accordance with our code and the City Council is requested to make the final decision.

Mayor Coody: So basically if the City Council votes yes the appeal is granted.

City Attorney Kit Williams: What we've always done in the past with appeals of rezonings is that we have automatically heard them. It's a right of the applicant to appeal to you. So we've read the ordinance three times either the ordinance is passed or denied.

Mayor Coody: I see.

City Attorney Kit Williams: It takes five votes to in fact pass the ordinance. If we pass the ordinance we would grant the appeal.

Don Wilson, on behalf of Hobson, Inc.: Hobson, Inc. is owned by two people a husband and wife, Patricia Pearce and David Pearce. They have owned this property since approximately 1976. This is a significant piece of property and is very important to Mr. & Mrs. Pearce. The property has always been use as a trades and services type of establishment. It's been rented and at one time was used by them.

Mr. Wilson gave a list of the things that it has been operated under.

For the past 30 years this business has been located at this property. The City only came into play when they did the massive substantial annexation into the city. Mr. & Mrs. Pearce never asked to be annexed into the city. They're trying to comply right now with your city code of ordinances. It was brought in as R-A which is typical when you rezone something you bring it in as some form like R-A. The applicant can then come in and submit what they would like to use it for. The City Council and Planning Commission has a chance to view it that way and see what it is they want to put in there, that's pretty standard. It's my understanding that's the way it works. There's no conditional use under R-A for trades and services. There's no permitted use

under R-A for trades and services. The closest we have for a trades and services which is historically what that property has been used for is C-2. There is an exception under some particular use where we can apply to use it as an auto repair shop. The problem with that is it limits us to that auto repair shop. As I already told you it's had numerous trades and services establishments there. They're not really asking anything extra tonight. They're asking to let us continue to use it for what we have used it for. That's all they're asking for, don't restrict us, don't limit it, all we want to do is use it that way. The planning staff was concerned about the impact of C-2 on the environmental in that area. That's where the trades and services have been for 30 years, that's where it is located. The Planning Commission did not just flat out deny it there was discussion at the Planning Commission meeting. One of the things we brought up was that you are going to limit this to being leased to Bud's Auto Repair. We may not want to lease to Bud's Auto Repair, in fact their lease expires at the end of December. So if a cabinet shop wants to come in we've got to come back to this commission to get a cabinet shop. Every time we get a new lease we've got to come back no matter what it is.

So what we tried to do is offer a bill of assurance. We didn't bring up a bill of assurance, the Planning Commission brought up the bill of assurance and we proposed it after that. The Planning Commission said you have ten days to appeal to the City Council which is what we did. We also brought forward to you the bill of assurance. What does the bill of assurance accomplish? It accomplishes exactly what the planning staff has recommended but without all of the restrictions that says you can only have Bud's Auto Repair Shop there. If we want to change it to a drapery shop we have to come back to the Planning Commission and request an exception for a drapery shop. That is going to substantially devalue the property value on that piece of property because if we have Bud's Auto Repair there then we have no one else to lease to without coming back to the Planning Commission for an auto repair business. All we're asking for is to let us use it historically as we have used it for last the 30 years, the way it was when you annexed it into the City. We're offering a bill of assurance to assure you that's what we're going to do. C-2 has many classifications; we only want to use it for those trades and services like we used it for historically. I've got the bill of assurance here tonight. It's been signed and notarized and we're prepared to get this filed for the records.

Mayor Coody: Has this been submitted to the city clerk?

Mr. Wilson: We just got this and I'll submit it. It was my understanding from the planning staff that their primary concern at the Planning Commission meeting was the impact that C-2 would have on the area. According to their findings a C-2 zoning allows several intense uses that are more appropriate in urban centers and at designated commercial nodes and may be objectionable to surrounding rural residential uses. We've not had any neighbors complain to us. Staff said they have received some complaints but I don't know who they came from. Staff was concerned about the higher impact uses into the area without adequate services to support urban development. The property out there is already urban. You annexed it into the City and in this particular area there's already residential areas and numerous commercial places up and down the road that are going to be grandfathered in. When they change their zoning, when they change their use, they're going to have a problem. I don't know if you've been out to see the business or not but the business is small in comparison. It's deeper in the back and there's a side road that goes beside the building. There's a small parking area in the front that holds maybe six

to eight cars. The rest of it goes behind the building and all the work is done internal. There are trees on both sides so the impact is not going to be substantial at all by rezoning this to C-2 with a bill of assurance in place. I'd be happy to answer any questions.

Mayor Coody: Any questions for the petitioner?

Alderman Thiel: You said staff received complaints about the parking of cars?

Jeremy Pate: The entire reason this came up is because we received a complaint that an auto salvage dealership or something of that nature was operating out of the property. We investigated in conjunction with Code Compliance. We did a site visit and logged what we saw by photographs and that's when we established the use was not allowed in R-A and that started this process.

Alderman Thiel: But there is actually an auto salvage business out there. Not there, on past there. How is that being allowed?

Jeremy Pate: That's grandfathered in. It was established before we ever annexed the property into this particular use.

Alderman Thiel: Hasn't this been grandfathered in then?

Jeremy Pate: Bud's Auto Repair was not established before we annexed the property. We annexed it October and this was established in January based on the records that we have.

Alderman Ferrell: I just wanted to make sure I understand. I know this business. It's been a business ever since I can remember. We've got pictures here that show twelve vehicles.

Mrs. Pearce: That's in the rear.

Alderman Ferrell: Are those rigs waiting to be worked on?

Mr. Wilson: The one that's in the picture?

Mrs. Pearce: I've seen this picture I think the Planning Commission took it and those were cars waiting to be worked on going in and out. We certainly wouldn't have a problem with building a fence if that was objectionable. The only person who really sees stuff is the person that is behind that shop and we've been there far longer than they have been there.

Alderman Ferrell: I've heard the man representing you say that you visited with the neighbors? I read where you visited with the neighbors but Jeremy there hasn't been any communication or correspondence from neighbors has there.

Jeremy Pate: No sir not that I'm aware of in the rezoning application.

Alderman Ferrell: Kit on the bill of assurance what is he saying in the bill of assurance. What uses?

City Attorney Kit Williams: It's not our standard bill of assurance. I've created a form that made sure that the bill of assurance would in fact be enforceable and has a lot of language that this does not have. Even though it's entitled a bill of assurance I can't tell you it's necessarily enforceable but if it was enforceable it would be limiting the uses to Unit 12 which is office, studios and related services, Unit 17 which is trade and services which Jeremy told you about all the different things that were in there, and Unit 25, commercial offices. So if it is in fact enforceable then it would be limited to those three use units.

Mr. Wilson: We'd certainly be able to stipulate that it is enforceable. We don't have a problem with it being enforceable. I haven't seen Mr. Williams' forms.

City Attorney Kit Williams: I have a form that I supply to the Planning Department.

Mr. Wilson: I did not see that, I am sorry.

Alderman Thiel: If we were going to consider this we have to wait until we get the right form wouldn't we?

City Attorney Kit Williams: It would probably be preferable to do that. It doesn't have some of the language that mine has to make sure that it runs with the land and other things. It would allow the city a much better and stronger position to enforce it should something ever happen.

Alderman Allen: If it is enforceable it doesn't seem problematic to me.

City Attorney Kit Williams: You can just leave it on the first reading.

Alderman Thiel: I think it is worth considering because there are other businesses out there. One advantage to a conditional use though is we could require screening and so forth and we cannot do that if it is just rezoned. So that's a problem.

Alderman Allen: He volunteered that though.

Alderman Thiel: Did they volunteer screening?

Mayor Coody: Yes verbally just a minute ago.

Alderman Thiel: If that's something they want to offer.

Mr. Wilson: We're willing to work with you. All they want to do is keep using it as trades and services. What we've been using it for and that's it.

Mayor Coody: Why don't you visit with Kit and get the form and fill it out. I think the City Council just wants to leave it on this reading and then get all the details worked out and then bring it back for further consideration at the next meeting.

Mr. Wilson: I'd be happy to.

Alderman Jordan: I would like to see you at the Ward 4 meeting at the end of the month. So you can show the people what you are proposing to do and the people in that area if they want to can come and make comments. There will be some other folks in the area that will help critique.

Mayor Coody: Thank you.

A discussion followed on an auto salvage yard that is located on Highway 62.

Mayor Coody: What you are afraid of is a spot zone where you would allow a use and then eventually around it there might develop incompatible uses.

Alderman Lucas: That's right.

Alderman Jordan: That's a fact.

Alderman Thiel: But this is not a salvage yard.

Jeremy Pate: That's correct.

Alderman Thiel: Are they excluding that in the bill of assurance?

Jeremy Pate: It's no longer allowed in C-2 zoning away. So it wouldn't be allowed regardless.

 **This ordinance was left on the First Reading.**

The following item was added to the City Council agenda at the City Council meeting:

Cultural Arts District Boundary Amendment: A resolution to amend the boundaries of the Cultural Arts District and specify its revised borders.

Alderman Allen: This is a resolution to remove some areas from the Cultural Arts District, one being the West Lafayette Historical Neighborhood and one being the Evergreen National Cemetery. I don't know whether anybody had time to get the map but here's the original map. I have letters from members of the neighborhood association and from the cemetery asking for removal.

City Attorney Kit Williams: Mayor even though we don't usually read the resolution you might want to go ahead and do that so that everybody is aware.

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established neighborhoods we are going to have another Leverett School situation. Families want a little space around their home for their children and so they are having to move out. That really bothers me and worries me. I would like to see this as RSF-4.

Alderman Jordan: My thoughts echo Shirley's. I have had several contacts with residents in the area. There were concerns at the Ward 4 meeting about people buying and putting students in them which there is nothing we can do about that. This neighborhood has for years fought different developments. I think the R-6 is a little too dense. I also have problems with access. It is just not compatible with the neighborhood. I will not be able to support it.

Mayor Coody: If this fails it will be a year before you can come back without some substantial changes. It looks like you have a good chance of having your project turned down tonight. So do you want to go ahead and move forward with that or do you want us to table it and you come back with a different plan and maybe visit with the Ward 4 folks some more?

Tim Brisiel: I prefer to table it.

Alderman Jordan moved to table the ordinance indefinitely. **Alderman Lucas** seconded the motion. Upon roll call the motion to table passed unanimously.

This Ordinance was Tabled Indefinitely.

Hobson, Inc. Appeal: An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting.*

Alderman Ferrell moved to suspend the rules and go to the second reading. **Alderman Gray** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Jordan** was absent during the vote.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: A signed copy of the bill of assurance in the acceptable format by the City Attorney has been submitted. This is an appeal of the Planning Commission's decision to deny this project unanimously. Staff also recommended denial. I can not speak for the Planning Commission but from our perspective and findings in the rezoning request, the bill of assurance does not alleviate those concerns. Staff still has concerns with this.

Alderman Ferrell: What was your concern about the bill of assurance?

Jeremy Pate: Any bill of assurance is hard to track. They can be amended to the Council without notification to the property owners and without the Planning Commission making a recommendation.

Alderman Ferrell: Are bills of assurance recorded?

Jeremy Pate: Yes.

City Attorney Kit Williams: Regardless of what you are going to do I think you should add a subsection three to the ordinance to acknowledge the bill of assurance.

Alderman Rhoads moved to amend the ordinance to add a Bill of Assurance. Alderman Rhoads seconded the motion. Upon roll call the motion passed unanimously.

Alderman Thiel: Initially when I saw this I felt that this is a business that has been there and the owner should have the right to continue that business as it is. After listening to Jeremy and our staff recommendation I think there are still other ways they can achieve this that might be more acceptable to the Council and to the Planning staff. I probably will not support this rezoning. C-2 is a pretty strong zoning.

Alderman Allen: I would like to explore what those options might be. These peoples livelihood, their whole life, is put into this piece of land. I do not want to take away their way to make a living, their retirement, and their future.

Jeremy Pate: A conditional use permit is another option.

Alderman Allen: Would that limit it to one thing.

Jeremy Pate: Yes. It is usually aligned with a very specific use in mind. Rezoning the property is a policy decision that affects other property around it as well. The conditional use process may be a little more cumbersome. If it changes uses the applicant can come back before the Planning Commission and request a similar type of application.

Alderman Allen: I certainly am not an advocate of spot zoning. I feel like this is a situation that was created through no fault of the applicant and that is a real concern to me. Does the applicant intend to use the building in the same way as they are now indefinitely?

Donald Wilson, representing the applicants: Absolutely. Until they sale it or whatever happens to the property. Mr. Wilson gave a revised copy of the bill of assurance to the Council. He stated they have tried to limit this to the type of activity that the building has historically been used for.

Mr. Wilson explained what the bill of assurance and the use limits are that they are limiting the use of the property too. In the bill of assurance we have offered a 20 foot buffer zone to the south end of the property. We have had no neighbors complain to us. We tried to address all the concerns. All we want to do is use the property like we have always used it. If we can have only one conditional use on the property we have probably substantially devalued our property, because no one is going to buy the property if all they can use the property for is the conditional use. We are asking that you let us keep the value where it is and use it for what we have been using it for. This is nothing new for this area. There are a lot of businesses in the area that have

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been grandfathered in. The city says we are not grandfathered in because it was not an auto repair store when it was annexed into the city. I would say we are grandfathered in as a trade services business because that is what we have been using it for. That is all we are asking for.

Alderman Allen: What does our City Attorney think about the bill of assurance?

City Attorney Kit Williams: He has followed the form that I prepared for the bill of assurance. It meets the requirements that I have and I think it is an enforceable bill of assurance. It is up to you to decide if it has the right terms in it. From a legal point of view it is certainly an adequate bill of assurance.

Alderman Allen: A conditional use runs with the property. When does it end if it is left open?

Alderman Jordan: I think it is six months.

Alderman Thiel: Is the entire piece of property being used for this business?

Patricia Pearce, owner: No. The building fronts Highway 16 that is what is being used. The area behind the building is being used for a parking lot for the cars. The building has been used for many different uses during the years. It will be difficult to lease the building with a conditional use permit. I think it is unfair for the city to tell me that my building will be relatively worthless.

Alderman Thiel: I think what concerns me is the entire parcel behind being considered. You are not utilizing all of that. We are rezoning a substantial piece of property behind this. That troubles me. I could almost consider rezoning the front of the property because of in a sense the hardship. To rezone the entire property troubles me. You might want to come back with a PZD.

Alderman Ferrell: Ms. Pearce did you consider asking for the front part to be C-2 or was it your intent to do the entire piece.

Patricia Pearce: It has always been a single piece of property so I guess we did not consider it. I would hate to think that I would have a long term tenant or someone who wanted to buy that property from me if they just had an ability to add on to the back of that building. Every limitation the city does to me decreases the value of that property to me.

Alderman Ferrell: Plus you have been paying commercial taxes on it for 30 years. Approximately what year did the printing business start out there?

Person from the Audience: 1984.

Alderman Ferrell: What was it before it was a printing company?

Patricia Pearce: It was a drapery shop and a TV repair business before that.

Alderman Ferrell: I know it has always been a business. I will support this. You have been there for years and paying taxes. Public law does not intend I don't think to take something.

Mayor Coody: The use that is happening on the property at the time it is annexed is essentially grandfathered in. When the use changes after it has been annexed they have to conform to a zoning, they lose the grandfather capability. The reason the staff is concerned about it is we have had instances where someone got something rezoned really different than everything else around it and the rezoning stays permanent. That can really create an incompatibility.

Alderman Ferrell: I appreciate the second effort on the bill of assurance.

Alderman Lucas: When a piece of property is grandfathered in can they get a conditional use later on if it changes business.

Jeremy Pate: Yes.

Alderman Lucas: So we are not penalizing these people particularly. It is the same for all.

Jeremy Pate: I would say 99% of the businesses that were annexed in that election are now nonconforming uses because they are now in the City of Fayetteville. If they were still in the county they would be nonconforming because the county has zoning now as well. They are only allowed one unit per acre in those particular cases. They are nonconforming regardless if they are in the city or the county at this point in time.

Alderman Lucas: One of the things that really encourages people to come into the city is you can kind of control what you will have built next to you. This kind of concerns me because if we go to the C-2 even with the bill of assurance they do not have to contact the neighbors around them if they want to change the bill of assurance. By having a conditional use it protects the neighbors around them because then they have to be notified if there is going to be a change. They can then give their views if they want that change or not. The business can go on with this conditional use. One of the things I thought we were going to work toward with the 2025 Plan is planning areas.

Jeremy Pate: Our City Plan 2025 looks at areas not only within the city but also areas outside the city. When looking at that annexation we actually included that in our long term plans. I think this area will over time change but the timing of that change is critical. I think from a planning perspective rezoning C-2 that far out at this point in time is a timing issue. We normally look at C-2 for corner or major intersections.

Alderman Lucas: I really consider this a spot zoning so I can't support it.

Mayor Coody: If the Planning Commission can grant a conditional approval for a business is there a way to do a conditional use for a range of activities like they are asking for in the bill of assurance?

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Jeremy Pate: That question was asked at the Planning Commission meeting also. In my reading of the code it is limited to a specific use. It is changing from one nonconforming use to another nonconforming use and I am not comfortable interpreting that to be just this range of uses. That could be just about anything within that use unit.

Alderman Allen: I did not know they could come back and change the bill of assurance without notifying the neighbors.

Alderman Jordan: The bill of assurance is between the city and the property owners but if the city and property owners agree they do not have to notify anybody to change it. It has to go through the City Council.

Jeremy Pate: It does not go through our notification process like it does at Planning Commission.

City Attorney Kit Williams: Since it is accepted by an ordinance it has to be changed by ordinance.

Alderman Allen: I don't like the spot zoning at all and I understand the concerns that everyone is expressing. Maybe sometimes we need to add a human factor into things. I really have a lot of trouble with the fact that people have put their livelihood into something and through no fault of their own that is going to be taken away. That is a problem to me.

Alderman Thiel: I tend to agree with Nancy but they are rezoning more. The bulk of this that is being requested as C-2 is off the highway. For C-2 zoning that seems backwards. I would feel more comfortable about this if they were just asking for the portion that would serve for the parking and the business itself. I feel like they can come back with something that we will be happier with.

Donald Wilson: C-2 was chosen because it had Unit 17 in it.

City Attorney Kit Williams: The City Council has a lot of discretion in this. They have asked to have all the acreage rezoned to C-2. The Planning Commission voted against it and they appealed it to you. It is your decision. You can look at it as an entire unit or you can look at approving only part of it as C-2.

Alderman Thiel: I would be open to amending this to include the top portion of Exhibit B.

Patricia Pearce: I am not sure if the building sits entirely on that portion.

Alderman Thiel: Maybe we should rethink this a little bit.

City Attorney Kit Williams: The applicant can apply for an administrative lot line adjustment from the Planning Division and they could reconfigure their lot to make sure they have their building totally on the front lot.

Alderman Thiel: I would be more supportive of rezoning just that top portion. You might also consider other ideas like a PZD that might work and may make the property more saleable in the future. Can they operate their business if we table this?

Jeremy Pate: Yes. Any code violations that we have are suspended pending the decision on the rezoning.

Alderman Jordan: At the end of the day we will make a decision that we think is best for the ward.

Alderman Lucas: It is not a done deal that I will agree to it if you were to come back. We have to protect the property owners around this property too. They have rights also.

Alderman Jordan: I believe the property is too large and I think it is somewhat of a spot zoning.

Alderman Thiel moved to table the ordinance indefinitely. **Alderman Gray** seconded the motion. Upon roll call the motion to table passed unanimously.

This Ordinance was Tabled Indefinitely.

NEW BUSINESS:

2007 Millage Levy: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2007 fixing the rate thereof at 2.2 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.

City Attorney Kit Williams read the ordinance.

Paul Becker, Finance Director: This is a request for 4 mills for the city. This would represent a .9 mill increase for General Fund operations, from 1.3 mills to 2.2 mills. This would generate approximately \$1 million in additional revenue to fund the General Fund. We will have answers to the questions that were asked at our meeting on Thursday.

Alderman Ferrell: I would like to invite a representative from the public schools to come and give us a brief overview of what they are looking at as far as the financial impact that is coming up for the school district.

This Ordinance was Left on the First Reading.

Illinois River Watershed Partnership: An ordinance waiving the requirements of §34.23, (purchases and contracts not in excess of \$20,000.00), of the Fayetteville Code of Ordinances

ORDINANCE NO. _____

**AN ORDINANCE TO ESTABLISH THE DRAKE FIELD HANGAR
LOCAL ORDINANCE DISTRICT**

WHEREAS, the Drake Field Hangar serves as an example of one of the two dozen or so existing World War II-era aircraft hangars; and

WHEREAS, the Drake Field Hangar was designed and constructed by City Engineer Henry George in 1943; and

WHEREAS, the Fayetteville Historic District Commission was charged with creating a local ordinance district; and

WHEREAS, the Drake Field Hangar would benefit from a Local Ordinance District with the ability to receive grants for the historic restoration of the structure; and

WHEREAS, the Drake Field Hangar provides a valuable asset to the community as a resource for tourism and education.

**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 in accordance with A.C.A. §14-172-207, hereby establishes the Drake Field Hangar Local Ordinance as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

PASSED and APPROVED this the 5th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

Mayor Dan Coody

City Attorney Kit Williams

City Clerk/Treasurer Sondra E. Smith



**City of Fayetteville Arkansas
City Council Meeting Minutes
December 18, 2007**

A meeting of the Fayetteville City Council was held on December 18, 2007 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Vice Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Allen, Ferrell, Lucas, Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience

ABSENT: Mayor Coody and Alderman Rhoads

Presentations, Reports and Discussion Items:

Nominating Committee Report: Alderman Cook presented the Nominating Committee Report.

Alderman Cook: The Nominating Committee met Monday, December 10, 2007 and we would like to recommend the following report for approval.

A copy of the Nominating Committee Report is attached.

Alderman Ferrell moved to approve the Nominating Committee report. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Approved.

Consent:

Approval of the November 20, 2007 and December 4, 2007 City Council meeting minutes.

Approved

Bid # 07-74 Benchmark Construction of NWA, Inc: A resolution awarding Bid # 07-74 and approving a contract with Benchmark Construction of NWA, Inc. in the amount of \$142,868.85 for development of David Lashley Park; and approving a project contingency in the amount of \$12,210.15.

Resolution 210-07 as Recorded in the office of the City Clerk.

RFP # 07-17 RJR Enterprises, Inc: A resolution awarding RFP # 07-17 and approving a contract with RJR Enterprises Inc. in the amount of \$196,000.00 for construction of improvements to Sweetbriar and Bryce Davis Parks; and approving a project contingency in the amount of \$12,000.00.

Resolution 211-07 as Recorded in the office of the City Clerk.

HDR/EES, Inc: A resolution approving an addendum to the engineering services contract with HDR/EES, Inc. in the amount of \$9,300.00 for completion of a comprehensive water and sewer rate study.

Resolution 212-07 as Recorded in the office of the City Clerk.

Rausch Coleman Homes, LLC: A resolution to approve the promotion of affordable housing agreement with Rausch Coleman Homes, LLC.

Resolution 213-07 as Recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda as read. **Alderman Lucas** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

Unfinished Business:

Proposed 2008 Annual Budget & Work Program: A resolution adopting the 2008 Annual Budget and Work Program as approved and amended. *This resolution was Tabled at the November 20, 2007 City Council meeting to the December 4, 2007 City Council meeting. This resolution was Tabled at the December 4, 2007 City Council meeting to the December 18, 2007 City Council meeting.*

Alderman Gray moved to move the Proposed 2008 Annual Budget & Work Program resolution to the end of the agenda. **Alderman Lucas** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

This item was moved to the end of the agenda.

Bid # 07-69 Downing Sales and Service: A resolution awarding Bid # 07-69 to Downing Sales and Service for the purchase of one (1) recycle truck in the amount of \$163,101.00 for use by the Solid Waste Division. *This resolution was Tabled at the December 4, 2007 City Council meeting to the December 18, 2007 City Council meeting.*

Alderman Ferrell: This is an additional unit. This is not a replacement. I am a recycler and I support recycling 100%. When you are operating in the red to a point to where you are having an affect on the rate that rate payers pay in Solid Waste, I think it is time to take a look at it. I think it can be argued that if you are operating in the red over six or seven digits in recycling that that has an affect on the Solid Waste rates that are going to be charged to the citizens. It doesn't have a downward rate. I brought this up before on another piece of equipment and I don't think it was an expansion. I don't think it makes good fiscal sense. It also requires another employee. I understand that we are looking at perhaps taking some proposals for some commercial recycling but I stand by what I said and I would be glad to listen to some different statistics on the rate base and how it affects citizens.

Gary Dumas, Director of Operations: The Solid Waste activity is an Enterprise Fund. Picking up garbage at your house and picking up recycling at your house costs money. The rates pay for both of those activities, so I think to say that the recycling operation is operating in the red is accurate only if you assume that the entire Solid Waste operation operates in the red. It is fee based, you pay for the service and you get that service. There are certainly opportunities to do everything better. We just received statements of qualifications today from interested parties to provide an analysis of a recycling operation from the ground up both residential and the potential expansion into commercial services. That study will likely take approximately one year. Implementation of that will probably be budget based if there is anything to implement which could be another year. So we are looking at two years before we can have any substantive change in the way we do our recycling operation.

He went on to discuss the growth of Fayetteville and the current operations of Solid Waste.

I think there are several reasons to go ahead and approve this. It will be two years before any change in the system probably and the system has grown and the vehicle is needed and the new driver is needed to get the work done. Hopefully we can avoid any injuries that could cost as much as this vehicle.

Alderman Ferrell: In the past we have had a higher instance than in the other parts of our operations with lost time and workman's compensation accidents. The figures that we got said that the proceeds from the revenue from recycling looked like \$555,000 and that the cost is \$1.4 million. I will let you all do the math.

Alderman Thiel: Gary, do we directly charge in our rates for recycling?

Gary Dumas: Recycling is just a component of the rate. If you recall when we redid the rates back in 2003 and went to the current rate structure, at that time I think we evaluated the cost of recycling which is about \$6.00 per house per month which was just about the same cost as a small 32 gallon container charge.

Alderman Thiel: The numbers that Bobby is referring to, that is the sale of the product.

Gary Dumas: His numbers are probably very accurate.

Alderman Thiel: Is the revenue from the sale of the product?

Gary Dumas: Correct.

Alderman Thiel: Is any of the revenue from the fee that is charged to the customer in that amount?

Gary Dumas: Yes.

Alderman Thiel: The \$1.5 million and the \$500,000 that you were referring to, does that include the percentage of the fee that is charged to the customer in that amount too. Are we comparing apples and oranges here? The fees that come in for the solid waste that cost us, we don't make

money from solid waste, and we can't sell it to anybody so whenever you are looking at the numbers on the solid waste you are looking at the revenue which is coming from the citizens for what they pay in the fees. I was wondering on the numbers Bobby was referring to, do they have that percentage of the fee from the customer or is that strictly the amount that we are earning on selling the product.

Gary Dumas: The cost of recycling is annually about \$1.5 million. Revenue generated from the sale of the commodities is about \$500,000 and that revenue is factored into the rate to help reduce the overall rate.

Alderman Thiel: What is the loss in solid waste? There is none because you are paying for that by the rate payer.

Gary Dumas: Yes.

Alderman Thiel: If you factor that percentage that is charged to the rate payer for recycling, if you put that over on the recycling side there would be more.

Gary Dumas: We had this discussion with our Internal Auditor here a few years ago on how you calculate the cost of recycling. Is recycling at a loss or is it just a part of the service that you are providing. If you assume that recycling is a loss then you have to assume that picking up the garbage is a loss also. Both of those are just components of the service we provide, each of them has a cost and the rate that we charge is based on the revenue that we gain from the commodity sale and the expense. If we didn't have the recycling revenue, we wouldn't have the recycling

expense, we would just be burying that. So it would probably cost less because it is cheaper to bury than it is to recycle.

Alderman Thiel: Even though you sell it?

Gary Dumas: Yes.

Alderman Thiel: That would be what I would want to know.

Gary Dumas: I can give you the number that it would cost to abandon and what it would cost to bury it.

Alderman Thiel: I think that would tell us more than anything if we just buried it all.

Gary Dumas: We have that number because it's a certain number of tons per year. That is \$24.45 per ton plus whatever it would take in additional equipment to pick that up. Right now our equipment is based on picking up what each resident puts out.

Alderman Ferrell: In my understanding of enterprise funds they have to operate at a profit to create a reserve. I still feel that if the cost is passed on to the rate payers in the form of monthly rates, then it costs more than it would if some of it were contracted out.

Alderman Lucas: What is the life of a recycling truck?

Gary Dumas: Seven to ten years.

Alderman Lucas: How many do we have?

Gary Dumas: We have 12 right now and this would be an additional one.

Alderman Lucas: Is this the ones that we have been replacing?

Gary Dumas: We initially had 12 of the old style trucks.

Alderman Lucas: How many of those do we have left?

Gary Dumas: We have six left. We are trying to get those out of the fleet as quickly as possible. You don't want to sell them before you have gotten your value out of them.

Alderman Lucas: So you are saying that we will make a decision in two years and we are buying a truck that will last ten.

Gary Dumas: That's correct. At the same time we have to provide a service for those next two years also. We may continue the service. One of the things that we have proven over and over again is that we can provide the service as efficiently as the private sector can.

Alderman Lucas: How much is the study costing?

Gary Dumas: We have a budgeted amount that is in the CIP. I would rather not say because we have to negotiate a contract eventually.

Alderman Gray: I am strongly supporting this resolution because if there is anything I want to do it's expand our recycling program. I feel strongly that we should be offering recycling to businesses and to apartments. We are a university town and we have a huge obligation to train young people in the habit. It is a habit to recycle. I am all for expanding. Even though the buying of this truck might not expand it, we certainly don't want to have people getting hurt and have problems with the recycling program. I am in support of this resolution.

Alderman Lucas: I don't think the questions we are asking are implying that we are not in favor of recycling. I think what we are looking at is if we change our ways we are going to have 13 trucks with a tight budget. That is what we are asking questions about.

Gary Dumas: It's either that or if we do contract it out and maintain the same curbside sort that we have now then whoever the vendor is will probably want to use our vehicles. If we go with a different kind of sorting system then the collection process will be totally different.

Alderman Gray moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed 6-1. Alderman Ferrell voting no. Alderman Rhoads was absent.

Resolution 214-07 as Recorded in the office of the City Clerk.

RZN 07-2781 (Dandy): An ordinance rezoning that property described in rezoning petition RZN 07-2781, for approximately 0.55 acres, located ¼ mile north of North Street on the east side of Leverett from I-1, Heavy Commercial/Light Industrial, to RMF-24, Residential Multi-Family, 24 units per acre. *This ordinance was left on the Second Reading at the December 4, 2007 City Council meeting.*

Alderman Cook moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Lucas: This is a street that we are vacating?

Jeremy Pate, Director of Current Planning: Not in this item. It is on the same street but this is the rezoning application. It is a little further south than the vacation application.

Alderman Cook: My frustration is that part of town is gradually becoming multi-family units all up and down Leverett Avenue. In that particular area most of the single family houses have

already been lost. That area of town is slowly becoming apartment buildings up and down that street. I have heard a few comments along those lines.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.

Ordinance 5090 as Recorded in the office of the City Clerk.

New Business:

Wilson Estes Police Architects: A resolution approving an addendum to the contract with Wilson Estes Police Architects in the amount of \$35,500.00 for services associated with gaining LEED Certification for the District Court and City Prosecutor Facility.

John Coleman, Sustainability Coordinator: I am standing in for Coy this evening. When we passed the energy efficient building resolution that required all new City owned buildings to meet this LEED Silver standard, Wilson Estes had already been hired and was working on the courts building at that time. That is why we are coming back with the addendum at this point. The LEED Silver process is essentially building above and beyond what the standard construction and design practices are so you are going to have to pay a little more up front to save a lot more on the operation and maintenance on the back end. That is really what this work is doing it is ensuring that the documentation and all those things that are required to ensure that we meet that goal is done. That is what we are paying for here.

He briefly went over the details of the addendum and achieving LEED Silver.

Alderman Cook: At what point does that cost benefit analysis happen?

John Coleman: Normally, it would occur before. That is why it was included in the resolution in the beginning. The reason it didn't occur before this time is because we had already hired them and they already had renderings that had been agreed upon. The original intent in the resolution was to look at the cost benefit analysis and say is this something that we want to do and then decide at that point whether we want to do it. Since we are in the process as it is we are not going to get that in time to make that decision.

Alderman Cook: I don't want people to think that this \$35,500 is what it costs to build a LEED building. This is basically just the paperwork version of it. I would be curious to see what the cost benefit of this would be versus a standard building practice, compared to the LEED Silver Certification practice and how many years that payoff is. I support LEED Certified but I have always said you can build a Green Building without having LEED Certification. That is just a paperwork process to verify what you are doing. An architect can design a building to be energy efficient and follow all the standards of LEED without being LEED Certified. I would be curious what the cost benefit is on this building particularly since it is our first one.

Alderman Ferrell: I know the resolution came after they already started on this but I would certainly hope that the City of Fayetteville would be anticipating that we want to build as energy efficient as possible. Do you think the cost associated with the actual certification or paperwork with LEED will go down as it comes more prevalent?

John Coleman: There is an education process for all parties involved in this. The studies I looked at when I first proposed the resolution said that it is on average around the country about 2%. I really anticipate more like 4% or 5% in this area because we are cutting our teeth on this process and leading the way on this. I think that cost will come down in a lot of the areas. It is hard to say on documentation alone. There is really no way of knowing that for sure. The premium as a whole will come down as we gain more experience with this. I have talked to contractors about not requiring the certification and they have a very difficult time keeping people pointed towards the goal. That is why I felt like it was important to go ahead and do this additional cost to get the certification to make sure that everyone is on board and focusing on the same goal.

Alderman Ferrell: Do you think it would be possible if you loaded the cost for the certification and the additional construction cost to build something LEED Certified that when you do a cost benefit it might not benefit you.

John Coleman: There are four levels of certification and the Silver level is the one that is the most cost effective. In the private sector this is starting to take hold. We are not going to be the only ones doing this. I feel like the costs are going to come down quicker because we are not the only ones. At this current time on this project then I feel it is going to be a little more expensive than the national average. I still feel the pay back is going to be there.

Alderman Cook: If we pass this are we still going to see a cost benefit analysis from them?

John Coleman: Yes, that is part of the agreement.

Alderman Cook: Also if we pass this they are going to move forward with redesign of what they already have at this point.

John Coleman: They are actually already working on implementing some of these things. The cost itself isn't so much on the redesign as it is everything else.

Alderman Cook: On the resolution that we passed to go with LEED Certified on City buildings, on future buildings will we see a cost benefit analysis before they proceed with construction.

John Coleman: We can require them to do the cost benefit analysis earlier on in the process to make the decision which was the intent of the proposal in the beginning.

Alderman Allen: I would like that, I think this is such new ground for us that we need as much information as we can get.

John Coleman: I understand.

Alderman Lucas: If we pass this, are we then going to look at future increases in the cost of everything that we have passed before.

John Coleman: Just from talking to Coy, he feels we are going to come in at the same budget that was proposed originally on this project. There are additional expenses there but there are things that have relieved that expense and he knows more about the intricacies of the total budget but he feels like we are going to come in at the original construction cost. To answer your questions, no I can't say that definitely but this is something that they came back and asked for. It's going to be included in all future projects it's just something that will be rolled in at the very beginning instead of coming in after the process has already begun.

Alderman Cook: I will support this change but I will be curious to see the cost benefit analysis and hopefully on future projects we will see that ahead of time. I support the premise of LEED certification. To me it is more paperwork to certify that certain things have been done on the construction site. There is also Green Globes and they are a little different than LEEDS, they take your word for it. They do not require all the documentation. LEED is much more stringent on their policy. I will go ahead and support it.

Alderman Thiel moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 7-0. Alderman Rhoads was absent.

Resolution 215-07 as Recorded in the office of the City Clerk.

RZN 07-2603: (Kooshesh): An ordinance rezoning that property described in rezoning petition RZN 07-2603, for approximately 1.59 acres, located at 956 and 918 North 46th Avenue from R-A, Residential-Agricultural, to R-O, Residential Office.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning. He stated the Planning Commission recommended this voting unanimously in favor and staff is also recommending in favor.

Alderman Lucas: I have not gotten any calls on it myself.

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

David Trudy read a brief letter from Professor Kooshesh requesting approval of the rezoning from the City Council.

Alderman Lucas moved to suspend the rules and go to the third and final reading. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

City Attorney Kit Williams read the ordinance.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Rhoads** was absent.

Alderman Ferrell thanked David Trudy for coming here and he stated Professor Kooshesh has a very good friend in you.

David Trudy: Thank you, he is a fine professor at the university where he teaches and I have known him for many years so I was more than happy to do that.

Ordinance 5091 as Recorded in the Office of the City Clerk.

VAC 07-2804: (The City of Fayetteville): An ordinance approving VAC 07-2804 submitted by City of Fayetteville for property located east of Leverett Avenue, south of Robinson Apartments and north of Leverett Townhomes to vacate a portion of an unused right-of-way and create a general utility easement on the subject property, a total of 9,802.11 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the item. He stated this request is actually coming from city staff. It is property owned by the City of Fayetteville, as right of way always is, but it is on someone else's property. All the utility companies and the City recommend approval of the request as did the Planning Commission 9-0.

Alderman Lucas: This had been proposed as a street right?

Jeremy Pate: It was dedicated and it actually does not show up on any of our right of way maps. Our City surveyor found it. It was a part of the Evans Farm Subdivision. This is just one part of many rights of way that are in this area that will likely need to be vacated.

Alderman Lucas: The only two east west's there are North Street and Sycamore and then all the way down to Poplar. Are we going to come back in a few years and say well we should have kept that street to have some connectivity or cross streets because there is a bunch of apartments going in behind that?

Jeremy Pate: I think if this were a right of way in a location and with the width that was sufficient for a street.

Alderman Lucas: Its 20 feet.

Jeremy Pate: Right, so you might get an alley in but you couldn't get a street width. Our minimum street width is 24 feet which is a residential street. So it really wouldn't fit unless we bought some of the property and we would have to tear the building down too.

Alderman Lucas: Or go a little bit to the south.

Jeremy Pate: If there weren't more encumbrances I think we might take a closer look at that and there are some rights of way platted that we would probably have a little bit different recommendation on for that exact same reason especially those that would provide a good connection in this area. This doesn't connect over to the creek at all so there is not any real access except right into the creek that it provides.

Alderman Lucas: What's on the other side of the creek?

Jeremy Pate: The street that comes closest is called Moan Place, it's a duplex subdivision that comes off of Sycamore and it just loops back around so it actually dead ends into some structures at this point.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook moved to suspend the rules and go to the third and final reading. Alderman Allen seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook: At some point in the past when that was developed there was never any stub out or any idea of connectivity through there. Therefore now unfortunately it is locked, there would be no connectivity. You would have to tear buildings down to make that connect in any way.

Alderman Lucas: There is no way to make a walk way through so you can walk over and to catch the bus.

Alderman Cook: Yes, we are going to have Scull Creek.

Alderman Lucas: But Skull Creek is going up to Sycamore isn't it?

Alderman Cook: Yes, it runs parallel with Leverett all the way up and down.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.

Ordinance 5092 as Recorded in the Office of the City Clerk.

VAC 07-2832: (Lots 6-9 Timberlake Office Park): An ordinance approving VAC 07-2832 submitted by H2 Engineering for property located at Lots 6-9 of the Timberlake Office Park to vacate the erosion control easement on the subject property, a total of 1.83 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the item. He stated no objections or public comment has been received on this particular request and the Planning Commission and staff recommend approval.

Alderman Cook: I can't get my mind wrapped around giving that up. It was originally for preservation and stabilization of the hill above the lake.

Alderman Thiel: I certainly was pleased once I heard who was going to go there. It would be nice to know how far back they were going to build and how they were going to affect it.

Jeremy Pate: I can certainly provide that information.

Jeremy Thompson, with H2 Engineering: About 150 feet from the property line.

Alderman Thiel: So how far back into the easement does it go?

Jeremy Thompson: The back of the building is about 150 feet from the property line and I believe this easement itself is fairly close to that maybe about 120 feet wide. We are staying well back off the property line. There is a steep slope running down to the northeast towards the spillway. If this easement is vacated it will all be dedicated as tree preservation area set aside to the City's permanent tree preservation area. We really are not touching that slope at all other than the building we would like to put there is going to be hanging out into that easement a little bit.

Alderman Thiel: That sounds good. So how many feet back into the easement are you going?

Jeremy Thompson: The building is about 150 feet from the property line. It's 30 or 40 feet into the easement. It was originally set aside for erosion control purposes. There is actually a small ridge that runs between where the water catches the spillway and this property. The water that would be causing erosion problems will not even make it to the property with the location of the spillway and how they have handled the discharge of that. I feel that it would never be used for erosion control purposes at all.

Alderman Cook: When this was platted why wasn't that easement asked to be abandoned at that time.

Jeremy Pate: When the subdivision was platted?

Alderman Cook: Yes.

Jeremy Pate: I don't believe that the applicants even knew the easement existed. It was not a platted easement, it simply showed up in a deed record search. It was showed to them when the project came through. From the very out set of the project, they knew that was something they would have to come forward before the City Council before they got any permits.

Alderman Ferrell: The northeast part of that hill was my concern. You are saying the trees will remain on the northeast part of the hill to anchor that and they will be there for perpetuity?

Jeremy Pate: What we required as part of this development and all of this is subject to the easement being vacated, that was a significant portion of the tree preservation area. As you know with any development we require tree preservation of a certain percentage and that would qualify in a permanent easement. It's kind of like a deed restriction there is a permit easement recorded before they can get a building permit there is an easement recorded on the property, it's called a tree preservation area, and no disturbance or tree removal even of dead trees in those protected areas can occur without approval of the Urban Forester. The City will always have some oversight in those areas.

Alderman Ferrell: It's a beautiful area along that hillside and it looks like you all are trying to do a good job to protect it.

City Attorney Kit Williams: Jeremy, has the tree preservation already been dedicated? Does the City already have that from the developers?

Jeremy Pate: It is not because it is subject to this easement being vacated. The tree preservation cannot be counted within utility easements and so it is really subject to this easement being vacated and then it can be recorded as a tree preservation easement. That is one of the conditions of approval with the large scale development.

City Attorney Kit Williams: And you don't think we need that as a condition of approval here?

Jeremy Pate: I don't believe so because they can't go forward with the large scale development unless they comply with that particular condition.

Alderman Cook: I have faith in staff to make sure that this area is properly protected.

Alderman Cook moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Sharon Davison, a citizen: Who will be liable if that spillway breaches? My deal is if we sign off on this and give it up and they are allowed to build closer I feel we could be setting ourselves up for lawsuits from the homeowners who will probably get flooded.

City Attorney Kit Williams: I don't think we are probably facing legal liability on something like that. If something that we have constructed like the dam or spillway has problems then we are going to have to resolve it no matter what is the cause of it. If there was damage because of improper actions by a third party then we would look at trying to require that third party, whoever they might be, to pay for the cost or damages associated with that. I have confidence in Jeremy, our Planning staff and our Engineers who have looked at this site and determined that we do not need this drainage control easement if we have the tree preservation area.

David Jurgens: Water and Wastewater Director: I have probably walked the dam with the inspectors more than anyone else on staff and I don't think this is going to have a negative impact on the spillway or the dam or the integrity of the structures at all especially since we are maintaining that tree preservation easement. From an engineering standpoint I think it is a completely safe bet to do this and it doesn't have an impact on the dam whatsoever. When ANRC looked at it that was their opinion as well. They have the state over watch for dam safety throughout the state of Arkansas. They inspect this dam on an annual basis as well.

Alderman Ferrell: Who has the charge locally of looking at the dams and insuring the integrity?

David Jurgens: It is a City owned dam. It was built for the water utility and the water utility still has ownership of the dam, the lake, and the lake property. We have to approve any changes that have to do with the lake property to insure they do not undermine the integrity of the water structure and the waterway or the water system business under which the property was purchased. So we do collectively.

Alderman Ferrell: On whatever is required, an annual basis, who certifies the integrity of the dam or decides whether it needs any action.

David Jurgens: We have a program set up formally and approved by the state for maintaining and inspecting the dam. It's a shared water and wastewater responsibility and the City Engineers responsibility.

Alderman Cook moved to suspend the rules and go to the third and final reading. **Alderman Thiel** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

City Attorney Kit Williams read the ordinance.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Rhoads** was absent.

Ordinance 5093 as Recorded in the Office of the City Clerk.

ADM 07-2849 (East Square Development): An ordinance to waive Section 166.20 of the Unified Development Code and to extend the expiration date for C-PZD 05-1610 (East Square Development) to December 20, 2010.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the project. Staff is recommending approval of this request. We are certain the project is continuing forward. We would recommend approval of the extension so that we can continue issuing permits on this property.

Sharon Davison, a citizen voiced her concern about the project not moving forward. She stated she has never heard of a major iron working structure go up in segments of four stories each. She is also concerned about the crane that is on the property ruining the view.

Alderman Lucas: Are you opposed to us extending this?

Sharon Davison: Most definitely.

Alderman Lucas: Why are you opposed to us extending it?

Sharon Davison stated because of no faith and the fact that people are afraid that with the economy and where we are now. She went on to speak on promises that have not been fulfilled at this time. She would like the city to take the property back because this is really a blighted area. She would also like the crane removed. She also asked Mr. Williams to research our buy back options.

City Attorney Kit Williams: The City has a contract with the buyers of this property when they bought the property from the City for \$300,000 which we used to help build sidewalks throughout the TIF area. Because of this contract they are currently paying the City \$25,000 per month in liquidated damages for not having the project done as quickly as they had promised us in the contract that it would be done. I don't think it's timely at this point in time to talk about whether or not the City has much if any grounds to seek any recovery of the property. There are some potential issues there but I think the City spent the money to purchase the property and to remove the structures because we were interested in this project to be built not because we wanted to end up with the property. Obviously the only thing the City can do with the property is sell it to someone else. The project that was presented to the City became larger because of what the City Council allowed to happen and if and when it is built I think it will be a major asset to the City. I think at this point in time I would concur with what Jeremy has recommended to you that we not throw a road block in front of these developers who have proposed this project but instead we give them the opportunity to complete the project. I think the City should remain positive and helpful to them and not do anything that could be construed as destroying the project or their chance to complete the project. Instead I think we should assist them if we can then if nothing happens that would be the time to look at other remedies. The city a long time

ago expressed its intent that the project would be built, that's why you agreed to the TIF District and you agreed to invest that money into this project. I recommend approval of this ordinance.

Alderman Lucas: I agree with what Kit and Jeremy said, I think we need to stay the line to help these people out because we want a hotel there. I will support the extension.

Alderman Ferrell: There has been work around there, this thing is started, and it's not going to happen overnight.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Allen: The extended date, could that just go on indefinitely?

Jeremy Pate: With any date that is set, it is actually set by this ordinance, the only way it can be extended beyond that date is they would have to come back before you as a Council and revisit this issue at that point in time.

Alderman Allen: So would that mean that their anticipation is that the hotel would be completed in the three year extension period?

Jeremy Pate: I believe that is the anticipation. I believe they hope to have it open sooner than that. What they are looking at in terms of this expiration is to allow them ample time to obtain all permits. We sat down with the contractors and our Building Safety Director and looked at the different ways in which this building could be constructed. Downtown buildings are always difficult; there is a very limited amount of space. We are probably looking at a staging area of one portion of the site while they construct part of the property and then once that is constructed they would actually have to relocate their entire construction team someplace else and it's likely going to be very tight at that point to construct the parking structure. The way the permits are staged, you almost have to have everything done in one structure before you can obtain a building permit for another. Part of the conditions of approval with the planned zoning district is that the parking structure be completed with the building in order for any final occupancy permits to be granted.

Alderman Allen: I wasn't on the Council when the TIF project came through. I read the article in the paper a few days ago about the developer's reluctance to speak to us about any projections. I hope that won't be the case if we feel we need to talk about that sometime in the future since we are all in this together. I feel like at this time if we are getting the \$25,000 per month in liquidated damages then I feel that if someone is paying that kind of damage they have the intent to build the building. I would like the building to be there sooner rather than later. Hearing that the developers anticipate that it will have to be finished in three years and with the liquidated damages coming forth I could agree with this.

Jeremy Pate: I think they have been very forthcoming to the Council when asked by the Council to present that type of information. I think they would be willing to do that at some point in the future should you ask.

Alderman Allen: Is that true and correct, okay.

Alderman Cook: I apologize for my frustration but I just want the building too in the long run. It's a great project, but I just want to see it get out of the ground. It is a very complicated project but I just want to see it built.

Alderman Cook moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.

Ordinance 5094 as Recorded in the Office of the City Clerk.

2008 CPI Residential Solid Waste Rate Adjustment: An ordinance waiving the automatic annual price increase for residential trash service for fiscal year 2008.

City Attorney Kit Williams read the ordinance.

Gary Dumas: We are asking for a non-rate increase for one year. The Solid Waste fund is solid but the ordinance allows an annual cost of living adjustment to the rates. With the condition of the fund and the expansions planned throughout this next year that rate increase is not necessary so we ask that it be waived for 2008.

Alderman Thiel: So recycling isn't hurting the fund too much.

Alderman Gray: This causes me great concern, because as I said earlier this evening, I want us to increase our recycling. Explain to me why we are not letting that build up so that we can increase.

Gary Dumas: I think the next expansion for recycling would be in the commercial sector.

Alderman Gray: We also need apartments just as bad.

Gary Dumas: Commercial and apartments are over in a separate rate structure from the residential side. This rate adjustment only affects the residential side. If the Council chooses to go to commercial apartment recycling we will have to look at the rate structure for the commercial and apartment side.

Alderman Gray: So they would have an entirely different rate structure?

Gary Dumas: Yes. There are essentially three rates, a residential rate which has three components, the apartment rate, and the commercial rate which is volume based. Once we get into a commercial apartment recycling those rates will have to be adjusted to accommodate the increased cost for that action but not the residential side.

Alderman Gray: So explain to me what it's going to take to get into that?

Gary Dumas: That is why we are going through this consultant study.

Alderman Thiel: We also had a task force that worked on it for several months. It's a pretty complex issue.

Gary Dumas: The cost was quite substantial; the users of that service were not willing at that time to step up to the rate structure that was necessary.

Alderman Lucas: There is not an incentive. With homes you can save yourself by having a smaller container.

Alderman Thiel: Right, and there are several issues with the apartments because they are metered differently and there is parking logistics. We all were very supportive of the idea of recycling apartments and there are a few that are doing it on their own, but it's really a very complex issue. I know that Solid Waste is still looking at that potential and maybe some different ways of doing it. As Gary said it would have to be commercially billed. I know there is a large amount of support for it. It is not as simple as it sounds.

Alderman Gray: There was an article in the paper about the one business that is already doing it and it has cut his garbage from around 75%. I think we need to do what we can as a city to encourage that.

Gary Dumas: There has been one pilot project with apartment recycling and it's referenced in the paper that we provided to you. What we learned from that is that it takes intense apartment management education of the constantly cycling tenants in order to keep it as an effective program. It is a very complex program that will require some significant capital investment.

Alderman Gray: I still feel that we as a university city have that responsibility to do what we can to encourage that in every area.

Gary Dumas: I would expect that the study will probably point out that there are some locations that we can do effectively and others that we can't physically serve.

Alderman Ferrell: If we can go without a rate increase this year and we are losing money in recycling, if we weren't losing money in recycling do you think our rates for Solid Waste would be what they are today, no they wouldn't.

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Thiel moved to suspend the rules and go to the third and final reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.

Ordinance 5095 as Recorded in the Office of the City Clerk.

Gantert Family Trust Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Gantert Family Trust.

Ron Petrie, City Engineer: This particular condemnation is in association with the Zion Road project. The property is located to the north side of Zion Road just to the west of the entrance into the park. We started contact with this family back in July and had numerous contacts through that process. We have not been able to make contact in the last four weeks to finalize something so that the project can move forward.

Alderman Cook: We have experienced a little bit of these with water and sewer during the wastewater project. In all of our street bond programs we are going to see some of these as we move forward.

City Attorney Kit Williams: Even with this authority the City Attorney's office will attempt to continue any negotiations that are possible to resolve this short of actually going to court. It looks like in the entire water and sewer improvement project with hundreds of pieces of easements that were required to be obtained that we are only going to have to go to court over one easement. The land agents, our water and sewer people as well as our office continued to negotiate and were able to get all of the other cases settled amiable.

Alderman Cook: It's basically a last resort, that's what we are looking at.

Alderman Ferrell moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed 7-0. Alderman Rhoads was absent.

Resolution 216-07 as Recorded in the office of the City Clerk.

Bellafont Gardens POA Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Bellafont Gardens POA.

Ron Petrie: Since Agenda Session we have contacted a live person who's now President of the POA and we sent the information and they are agreeable it appears. They have to get their board to meet and agree upon it finally. At this time we would just request that it be tabled.

Alderman Thiel moved to table the resolution to the January 3, 2008 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 7-0. Alderman Rhoads was absent.

This resolution was tabled to the January 3, 2008 City Council meeting.

Proposed 2008 Annual Budget & Work Program: A resolution adopting the 2008 Annual Budget and Work Program as approved and amended. *This resolution was Tabled at the November 20, 2007 City Council meeting to the December 4, 2007 City Council meeting. This resolution was Tabled at the December 4, 2007 City Council meeting to the December 18, 2007 City Council meeting.*

Vice Mayor Jordan: Last night we had a pretty long budget session and there were a lot of ideas that came up and we came to a consensus about some things. Right now we will open it up.

Alderman Thiel: Last night we discussed not doing anything about that \$311,000 from the fire truck. We didn't really discuss the personnel related cuts and I have an issue with that because it's occurred to me that the part time police and the park patrol, if we don't make a decision, will have to be laid off. I want to make sure that we discuss that a little bit more.

Vice Mayor Jordan: I think what we need to decide right now is whether we want to move the money forward and use it right now and fund that personnel or if we want to leave it where it is. I think that would be a decision of this Council whether they move it forward or whether they just leave it.

Alderman Thiel: Do these employees stay if that money is not designated for them?

Paul Becker, Finance and Internal Services Director: No.

Alderman Thiel: I don't support that.

Vice Mayor Jordan: I tend to agree with that.

Alderman Lucas: Is that the Police Patrol? How many people is that?

Paul Becker: Police Patrol is two.

Police Chief Greg Tabor: We have seven part time people total. Five of those work in different divisions inside the Police Department and at the animal shelter. Two of those are assigned to the Park Patrol division.

A discussion followed on the cost for these employees.

Alderman Ferrell: Have we ever considered having the Police Park Patrol as part of Parks.

Police Chief Greg Tabor: As long as I can recall it has always been a division under the Police Department. We used to have a certified police officer assigned to that Park Patrol position and then at some point it went to civilian personnel that patrolled the parks.

Alderman Lucas: So there has been no discussion of Parks paying part of it or anything?

Police Chief Greg Tabor: Not in recent budget discussion.

Kevin Springer, Budget Director: I believe at one time it was paid out Parks and we moved it over to Police.

Connie Edmonston, Parks and Recreation Director: It was. Back in 1993-1994 when the Park Patrol was first established it was under Parks. Then we saw the need to have training and it went over to the Police Division.

Vice Mayor Jordan: I think we need to establish whether we want to move the money forward. I would like to take the list the staff has given us and look at that list and see if you want to make amendments or if you want to throw something out to discuss.

Alderman Gray: I didn't want to cut anything so I left the meeting last night very troubled. The Fire Department offered to allow us to use the \$311,000 and we really have not done anything with it. I am very much in support of moving this \$311,000 right now and using it.

A discussion followed on how they should make the motion to proceed with this action.

Alderman Thiel moved to move the \$311,000 for the purchase of a fire truck to the operations side. Alderman Gray seconded the motion.

Alderman Lucas expressed her concerns with moving the money from the Fire Department. Are we causing problems legally by bringing this \$311,000 into the General Fund and keeping the 60/40 split?

City Attorney Kit Williams: No, I don't think it is a legal problem to do that.

Alderman Ferrell: This is for one year only, for this year, the 60/40 split?

Paul Becker: I feel it is going to have to continue but that is for this year. Next year you can set that you don't want it factored that way.

Alderman Ferrell: I would like to have that in there that the 60/40 is a one year thing.

City Attorney Kit Williams: I don't think that it has to be in there because it is in fact a one year decision. That is when you have to decide what the split is going to be at that point in time.

Paul Becker: I would like to caution that I think it is going to have to continue.

Vice Mayor Jordan: Until the Council makes a decision.

Alderman Ferrell: If you look at the vast majority of the money spent on personnel and you are anticipating that that is going to grow greater then the decision needs to be made one way or another about controlling personnel or spending or changing the way we do the budget.

Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Vice Mayor Jordan suggested going through the list the staff gave them first to determine what they want to keep and what they want to deny. Then after that if there is any money left they can go back through the long list.

Alderman Thiel asked can we start with just the personnel related in the first section and do one section at a time.

A discussion followed on the order of the items.

The City Council and staff briefly discussed the following items:

Departmental reorganizations in the Cable and Planning Division:

Susan Thomas: You are not adding any thing to the budget. These were proposed cuts out of the budget; you would be replenishing those cuts with the money you have just transferred from the fire truck. The proposed cuts were \$70,000.

Alderman Gray: Susan do you still stand by your original memo?

Susan Thomas: Absolutely.

Alderman Gray: So you do not support this?

Susan Thomas: When the Council gives us direction to try to find places to save money then we as staff feel obligated to make proposals to you. It is not anything that we want to do particularly. I think the proposal is good but it is not something that I would want to do all of if I don't have to.

Alderman Lucas: I encourage reorganization to become more efficient.

Susan Thomas: I think there are certainly ways we can become more efficient and we will continue to pursue those. It probably wasn't a good idea to put a restructuring component into the budget discussion.

The City Council agreed to leave the Cable Administration and Planning Division positions funding in the budget.

Police Part Time Employees:

Greg Tabor, Police Chief: There are five part time employees. I think we need to ask ourselves if Park Patrol is a core service and then how do you weight that against laying off two part time people. We eliminated a canine unit which I believe is more of a core service. The amount eliminated was for the vehicle and the cost for maintaining the dog.

Chief Tabor explained the duties of the Park Patrol positions. A discussion followed on the Park Patrol positions and the duties of the police canine units.

Connie Edmonston, Parks and Recreation Director voiced her concern about losing the Park Patrol positions.

Alderman Thiel voiced her concern about eliminating the Park Patrol.

The City Council agreed to leave the part time police positions funding in the budget.

After discussion the City Council agreed to come back to the Park Patrol positions and discuss them later.

The Replacement of One Firefighter:

Tony Johnson, Fire Chief: After reevaluating the fleet we felt we could forego one year in replacing a truck. By offering up the \$311,000 for the fire truck I would like to benefit by recouping one person.

The City Council agreed to leave the funding for the replacement of one firefighter in the budget.

Gulley Park Concerts:

Alderman Allen: I think we should look for private donations.

Alderman Thiel: Isn't this already funded quite a bit from outside sponsors?

Connie Edmonston: Last year we had \$3,750 from outside sponsors.

Alderman Thiel: I think this is a wonderful program because it is free to all the public. Maybe we could look at partially funding it.

Alderman Ferrell: I think we can leave it out and get funding from sponsors.

Alderman Jordan: Why don't we think about a partial funding?

Alderman Ferrell moved to deny the funding for the Gulley Park Concerts and to seek private funding. Alderman Lucas seconded the motion. Upon Roll call the motion failed 3-4. Alderman Cook, Ferrell and Lucas voting yes. Alderman Gray, Thiel, Allen and Jordan voting no. Alderman Rhoads was absent.

Alderman Thiel moved to grant half the funding for the Gulley Park Concerts. Alderman Allen seconded the motion. Upon Roll call the motion passed 5-2. Alderman Gray, Thiel, Cook, Allen and Jordan voting yes. Alderman Ferrell and Lucas voting no. Alderman Rhoads was absent.

The City Council agreed to grant one half the funding for the Gulley Park Concerts in the budget.

Movies in the Park:

Alderman Allen stated she felt we had an ethical responsibility to have services for people who are poor and elderly.

A discussion followed on movies in the park, the cost, and attendance.

Connie Edmonston: Last year we had \$1,500 in sponsorship.

The City Council agreed not to provide funding for this program.

Boys and Girls Club:

Alderman Cook voiced his concern on cutting this project because of the transportation it provides. He proposed restoring \$64,000 in the budget for the Boys and Girls Club so they can fund transportation.

Alderman Allen stated she felt they needed to try to maintain this out reach program.

Alderman Thiel stated she feels it is critical that the City continue to fund the core functions adequately. Those are the Fire, Police, Animal Services, safe and clean parks, streets, sidewalks and trails. Once we feel we have funded those core services adequately looking at some of this. I appreciate the value of the Boys and Girls Club, they provide a great service. This year we

budgeted \$147,750 for the Club. I am not opposed to some of this going to transportation for the Boys and Girls Club.

Eric Schuldt, Boys and Girls Club explained the scholarships they provide on a yearly basis and how they have not asked the city for additional funding even though their budget has gone up.

Alderman Lucas: I think we should support the transportation aspect of it.

The City Council agreed to leave \$64,000 in the budget for funding transportation cost at the Boys and Girls Club.

Kevin Springer listed the amounts as follows:

Reorganization	\$70,000
Police Part Time	\$42,192
Replacement of One Firefighter	\$50,794
One Half of Gulley Park Concerts	\$ 8,450
Boys and Girls Club	<u>\$64,000</u>
Total	\$235,436

Vice Mayor Jordan stated we now need to go and revisit the Police Park Patrol.

Kevin Springer: We have \$75,564 left from the \$311,000 to allocate.

A discussion continued of each remaining items to add back to the budget.

The City Council and staff briefly discussed the following items:

Police Canine Unit:

Alderman Thiel moved to leave funding for the Canine Unit in the budget. **Alderman Gray** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

The City Council agreed to fund the Canine Unit.

Police Park Patrol:

Alderman Gray moved to fund the Police Park Patrol. **Alderman Thiel** seconded the motion. Upon Roll call the motion passed 5-2. **Alderman Gray, Thiel, Ferrell, Lucas** and **Jordan** voting yes. **Alderman Cook** and **Allen** voting no. **Alderman Rhoads** was absent.

The City Council agreed to fund the Police Park Patrol.

Kevin Springer: That leaves \$33,560.

The City Council asked the staff for a recommendation.

Paul Becker recommended placing the remaining funds back into the Fire Department.

Alderman Thiel moved to place the remaining funds into the Fire Department for salaries to phase in a new position. **Alderman Gray** seconded the motion. Upon Roll call the motion passed unanimously. **Alderman Rhoads** was absent.

The City Council agreed to place the remaining funds into the Fire Department for salaries to phase in a new position.

Vice Mayor Jordan confirmed that everyone was in agreement on the following items:

The Hiring Freeze, not purchasing a fire truck, moving the money from the manpower study from Police into the Lights of the Ozarks for this year, the K-9 Unit, one half funding for Gulley Park Concert, no funding for Movies in the Park, Boys and Girls Club in an amount of \$64,000, Police Park Patrol in an amount of \$33,000, Police Part time in amount of \$42,000, department reorganizations in an amount of \$70,000.

The City Council confirmed that they were all in agreement for the items listed above.

Alderman Ferrell: I would like to bring something up that is not for a funding request that was made to us but it will not be coming out of the General Fund or the CIP.

Alderman Lucas: It's the lighting for the Smithsonian Classification at the Air Museum. They have received \$25,000 toward it and we would like to do the \$25,000 from the Economic Development Fund.

Vice Mayor Jordan: Does anyone have a problem with that?

Alderman Lucas: How can we do that?

Alderman Thiel: That is not really a part of this budget is it?

City Attorney Kit Williams: I'm not sure. Normally something like that probably should go forward by itself especially if you are matching a grant or something. Is that what you are doing?

Alderman Lucas: No, I just found out that they had gotten \$20,000 toward it.

Vice Mayor Jordan: Can we talk about this after the budget is passed?

City Attorney Kit Williams: I don't think this is necessarily in the budget is it?

Kevin Springer: Since the funds are designated in the fund balance it's going to need a separate City Council item to undesignate it.

Alderman Thiel: I think this is a separate item.

Alderman Lucas: So we will bring it forward as a resolution?

Kevin Springer: Yes.

Paul Becker: We would recognize the revenue unappropriated at that time so you would un-designate it and then you would recognize the revenue and appropriate it at that time so you would do it separately. Right now it is designated as part of the designated reserve.

City Attorney Kit Williams: We will try to get it to you on the first meeting of January.

Alderman Lucas: I thought we had some from Wilson Springs.

Paul Becker: That is what we are talking about. It is right now a part of the designated reserves and we would un-designate it and then recognize the revenue and appropriate it.

Alderman Ferrell: Shirley said she was voting for the Lights of the Ozarks one more time. That is the way I am on the Park Patrol. I will vote for it this time.

Vice Mayor Jordan: Duly noted.

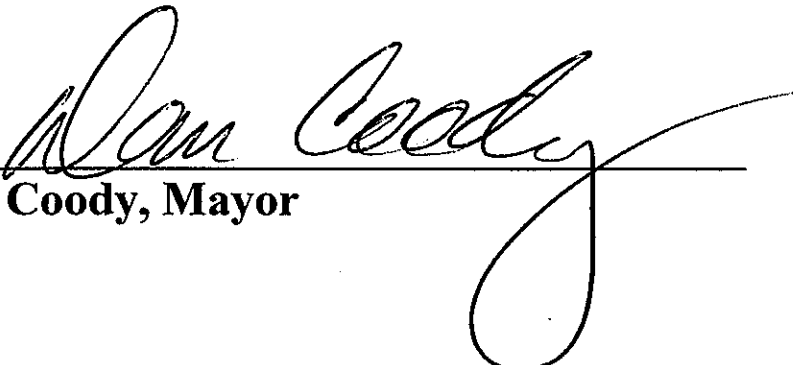
Vice Mayor Jordan thanked the staff and the City Council for their work on this budget. He stated you all have done a marvelous job. He also thanked the administration for their work.

Alderman Thiel moved to approve the amended budget. Alderman Gray seconded. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Resolution 217-07 as Recorded in the office of the City Clerk.

Vice Mayor Jordan wished all the citizens on behalf of the Mayor and the City Council a great holiday and new year.

Adjournment: Meeting adjourned at 9:25 PM


Dan Coody, Mayor


Sondra E. Smith, City Clerk/Treasurer

Nominating Committee Report
Meeting: Monday, December 10, 2007
Room 326, City Hall 5:00 p.m.
Members Present – Kyle Cook, Shirley Lucas

Airport Board

The Committee recommends the following candidate for appointment:

- ***Bob Nickle*** – One Member-at-Large term ending 12/31/12.

Audit Committee

The Committee recommends the following candidate for appointment:

- ***Tony Uth*** – One term ending 12/31/10.

Environmental Concerns Committee

The Committee recommends the following candidates for appointment:

- ***Stephanie Shepherd*** – One community citizen at large term ending 12/31/10.

Parks and Recreation Advisory Board

The Committee recommends the following candidates for appointment:

- ***Wade Colwell*** – One term ending 12/31/09.
- ***Jon Bitler*** – One term ending 12/31/09.
- ***Phil Jones*** – One term ending 12/31/09.
- ***Billy Waite*** – One term ending 12/31/09.

Sidewalks and Trails Task Force

The Committee recommends the following candidates for appointment:

- ***Shaune Colwell*** - One community citizen-at-large term ending 12/31/09.
- ***Karen Freeman*** - One community citizen-at-large term ending 12/31/09.
- ***Jennifer Hazelrigs*** - One community citizen-at-large term ending 12/31/09.
- ***Susan Jenkins*** - One community citizen-at-large term ending 12/31/09.
- ***Paul LeBlanc*** - One community citizen-at-large term ending 12/31/09.

Telecommunications Board

The committee recommends the following candidate for appointment:

- ***Aubrey Shepherd*** – One unexpired term ending 6/30/09.

Tree and Landscape Advisory Committee

The Committee recommends the following candidates for appointment:

- ***Gayle Howard*** – One service organization term ending 12/31/09.
- ***David Reynolds*** – One land development term ending 12/31/09.
- ***Wade Colwell*** – One business term ending 12/31/09.
- ***John Crone*** – One university representative term ending 12/31/09.

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**City of Fayetteville Arkansas
Special City Council Meeting Minutes
December 27, 2007**

A special meeting of the Fayetteville City Council was held on December 27, 2007 at 4:30 PM in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Allen, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience

ABSENT: Alderman Rhoads

New Business:

Amend § 94.05 Sale and Use of Fireworks: An ordinance to amend § 94.05 Sale and Use of Fireworks of the Fayetteville Code to allow First Night Fayetteville to set off a public fireworks display near midnight of December 31st.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I saw in the paper this morning that the location of the fireworks was going to be changed. It was my understanding that in the past it has been set off on University property. Our regulations do not always extend to University property so they did not have to comply with our fireworks ordinance. This year they are going to be set off on City property and we do need to comply with our ordinances. There was not a provision to allow it so Subsection G would allow the fireworks to be displayed by First Night Fayetteville on December 31. That is why we had to have a special meeting.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

City Attorney Kit Williams read the ordinance.

Alderman Thiel: Even though I support this the Police Department will probably get some calls from some people that will be unhappy about the noise that late at night. It will be pretty disruptive to this area of town. I am not quite sure why they decided to have it downtown. We will see how this goes this year. On top of this hill that sound really carries.

Alderman Allen: Will we be able to fund this again next year?

City Attorney Kit Williams: It will continue as long as First Night Fayetteville will want to set off fireworks on December 31. It is particular for that celebration.

Alderman Thiel: So this is permanent?

City Attorney Kit Williams: The next City Council or this City Council can change this in the future by repealing Subsection G but it is permanent until that time.

Mayor Coody: They have different classifications of fireworks and the big ones, the huge ones and loud ones will they be using those?

Tony Johnson, Fire Chief: They plan to use two inch mortar which is the small aerial. The debris will be less and it will not be as loud of a noise as if they were using five to six inch mortar.

Mayor Coody: So it will not be like July 4th with those really big fireworks. This will be more subdued.

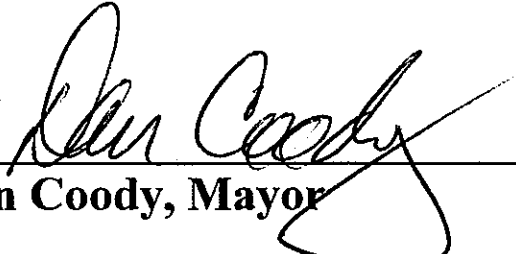
Tony Johnson, Fire Chief: That is correct.

Mayor Coody: So we will get fewer complaints maybe.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Rhoads** was absent.

Ordinance 5096 as Recorded in the Office of the City Clerk.

Adjournment: 4:35 PM



Dan Coody, Mayor



Sondra E. Smith, City Clerk/Treasurer

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



**City of Fayetteville Arkansas
City Council Meeting Minutes
January 03, 2008**

A meeting of the Fayetteville City Council was held on January 03, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Allen, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience

ABSENT: Alderman Rhoads

Mayor's Announcements, Proclamations and Recognitions:

Mayor Coody thanked Hugh Brewer for his generous contribution to the Air Museum.

Presentations, Reports and Discussion Items:

Election of Vice Mayor:

Alderman Lucas moved to elect Alderman Jordan as Vice Mayor. Alderman Allen seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Alderman Jordan was elected to serve as Vice Mayor

Report on the Firemen's and Policemen's Pension and Relief Fund:

Mayor Coody gave the report on the Pension Funds. A copy of the report is attached

Housing Authority Board Appointment:

Alderman Cook moved to approve the appointment of Attorney Leon Jones, Jr. to the Fayetteville Housing Authority. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Agenda Additions: None

Consent:

Re-approval of the September 18, 2007 City Council meeting minutes.

Approved

2008 Community Development Block Grant: A resolution to approve the Community Development Block Grant program and to authorize Mayor Coody to execute the grant agreement in the estimated amount of \$655,977.00.

Resolution 01-08 as Recorded in the office of the City Clerk.

UATV Contract: A resolution approving a contract with UATV, a service of the University of Arkansas, to operate the Education Channel throughout 2008, with automatic annual one-year renewals through December 31, 2012.

Resolution 02-08 as Recorded in the office of the City Clerk.

Community Access Television Contract: A resolution approving a contract in the amount of \$93,000.00 with Community Access Television, Inc., to operate the Public Access Television Channel throughout 2008.

Resolution 03-08 as Recorded in the office of the City Clerk.

Arkansas Department of Parks and Tourism Grant: A resolution to approve and authorize the City to apply for grant funding from the Arkansas Department of Parks and Tourism for a \$35,000.00 grant for a pavilion at Gary Hampton Softball Complex and a \$90,000.00 grant for a pavilion at the Yvonne Richardson Center.

Resolution 04-08 as Recorded in the office of the City Clerk.

Arkansas Air Museum: A resolution to approve appropriating \$25,000.00 of Economic Development Funds to match a \$25,000.00 private donation to fund the \$45,000.00 lighting project for the Arkansas Air Museum.

Resolution 05-08 as Recorded in the office of the City Clerk.

Elkins Sewer Contract Amendment: A resolution approving an amendment to the sewer contract between the City of Fayetteville, and the City of Elkins.

Resolution 06-08 as Recorded in the office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Alderman Ferrell: Has Community Access Television met its contract requirements for 2007?

Susan Thomas, Public Information and Policy Advisor: They issued their quarterly report today and all of them have been met.

Unfinished Business:

Bellafront Gardens POA Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Bellafront Gardens POA. *This resolution was tabled at the December 18, 2007 City Council meeting to the January 3, 2008 City Council meeting.*

City Attorney Kit Williams: They have been able to work this out without the condemnation.

Alderman Cook moved to deny the resolution. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

This resolution was denied.

New Business:

Fayetteville Municipal Property Owners' Improvement District No. 22 – Holcomb Heights: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 22 - Holcomb Heights, Phase 1 Subdivision Infrastructure Project.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.

Ordinance 5097 as Recorded in the Office of the City Clerk.

Fayetteville Municipal Property Owners' Improvement District No. 23 – Woodstock: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 23 - Woodstock Subdivision Infrastructure Project.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.

Ordinance 5098 as Recorded in the Office of the City Clerk.

R-PZD 07-2763 (Skate Place II): An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2763, Skate Place II, located at 646 West Sycamore Street; containing approximately 1.08 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning gave a brief description of the project. He stated staff recommends approval of this project. The Planning Commission also approved the project with a vote of 9-0. All building permits will need to be obtained within one year.

Alderman Lucas: Are they going to use the present building?

Jeremy Pate: They art not.

Alderman Cook moved to suspend the rules and go to the second reading. **Alderman Jordan** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

This ordinance was left on the Second Reading.

Tyson Complex Appraisal: An ordinance to waive the requirements of § 34.27 of the Code of Fayetteville and to authorize an appraisal of the available property of the former Tyson Complex on Huntsville Road for sale.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell: When this was appraised before there was 5.1 acres of the total property that was appraised. There was two appraisals one with the buildings and one without the buildings. The property was not zoned C-2 at the time. I am hoping they will use the C-2 zoning. That is a very valuable piece of property on a major thoroughfare with that amount of property.

Alderman Ferrell also spoke about the Arts District. He suggested forming a Blue Ribbon Committee to look at the future of the Walton Arts Center and how the City and the Walton Arts Center can plan that future.

Alderman Thiel: I think we need to determine what we want to sell before we have an appraisal done. I have concerns about this property being rezoned to C-2 instead of C-1. There are several uses in C-2 that concern me because this is a neighborhood. We own this land and it is in the center of town. In the future we may need it for the Police Department or Animal Services. It will cost us a lot in the future to replace this land. I am concerned about selling the land behind the fire station. I would like to see the Arts Center at this location. I can not support this as C-2.

Alderman Lucas: If we get an appraisal on this as C-1 or C-2 when we get ready to sell it do we have any control over what goes in there?

Jeremy Pate: I think it could work in either scenario. For us the clarification would need to be what property are we actually rezoning.

City Attorney Kit Williams: We can't do a Bill of Assurance with ourselves. We have a lot of control over this property as long as we own it. We can as a condition of a sale place requirements on it or limit the uses that are allowed.

Alderman Lucas: I am in support of going ahead with the appraisals because we have control over it if we sell it. I think that is important to get this process started. Once we get it appraised a committee can be formed to decide the uses. It is costing the City money to maintain this property.

A discussion followed on the zoning of the property and the appraisals.

Alderman Ferrell: A real estate person told me that we would probably get the maximum price for it if it was zoned C-2.

Alderman Gray: I think that is right if we don't care about the neighborhood and we don't care what goes in there. It is in my ward and I care about what goes in there.

Alderman Allen: It doesn't seem to me that having it appraised commits us to anything.

Alderman Thiel: If that was the case we could just use the appraisal we have. We had one that was done six months ago but it is based on industrial zoning.

Alderman Ferrell: A little over five acres was appraised before not the entire property.

Alderman Thiel: So you want the other five acres appraised?

Alderman Ferrell: We want to have all of it appraised and a secondary appraisal with some of it removed.

A discussion followed on what portions of the property to appraise and if the appraisal should be C-1 or C-2.

Alderman Jordan: I think it is a good idea to change the zoning to C-1. I want to protect neighborhoods as much as anyone else. I think we need two appraisals one with all the property and one with a portion of the property,

Alderman Thiel moved to amend the property zoning to C-1. Alderman Gray seconded the motion. Upon roll call the motion passed 6-1. Alderman Ferrell voting no. Alderman Rhoads was absent.

Alderman Cook: I think we should at least look at it and see what the value is and then we can decide if we want to sell it.

Mayor Coody: We are going to decommission the building to cut down on the expenses associated with the building.

Greg Tabor, Police Chief: Please do not forget the Police Department's space needs. Once a new Court and Prosecutors building is built we will expand into the court's portion of the

building. However please keep in mind even with that space that still puts us below what we currently needed a year ago when the space needs study was done.

Chief Tabor said he did some research on property that is available for sale in Fayetteville. He stated the potential cost three or more years down the road to buy land for a Police Department, even with paying the current expenses of the property, I think you will be well below what it might cost to purchase property. He stated we are using this building currently for storage.

Alderman Gray: I support the Chief. We are going to need more room for the Police Department before very long. We all know what property sells for and that is something we need to keep in mind when we sell this property. Once it is sold it is sold and we won't ever get it back for what we have in it.

Alderman Ferrell: The city owns property all over Fayetteville. There is more than one place that the Police Department can go. I think there is more than one location that can be considered without having to go out and buy property.

Alderman Thiel: I support the appraisal of the building. I hope the Mayor appoints a committee and gives us a chance to visit with the neighborhood and get their input on what they would like to see happen there.

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Lucas moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody stated that property was a good investment and we saved money by not having to buy right of way and property for the fire station. We need to be aware that the decision we make now will have ramifications for the future of Fayetteville.

He spoke of how the building has been used in the past and can be used in the future. He said we made a commitment to move the Police Department down there.

We can wind up with a total project down there that can satisfy the greatest need for the greatest number of people. I would like to have a plan. I think we would be very short sighted to sell it especially in this market. I think we have to be very careful about this.

Alderman Lucas: I agree with you. I wish we had talked about this three years ago. That building does not help that neighborhood. I think we owe it to the neighborhood to try to get

something in there that is nice and that will improve their neighborhood. I want to thank Alderman Ferrell for bringing this forward.

Alderman Ferrell: I don't see this as being a draconian decision. We are not going to get this appraised and rush out and do something with it. All we are trying to do is get an appraisal on the building.

Mayor Coody: We have two appraisals.

Daymara Baker, Northwest Arkansas Community Creative Center spoke about the proposal they presented to the City regarding the Northwest Arkansas Community Creative Center and how it would benefit the City if it is allowed at the Tyson Complex. She voiced her concern about the lack of places to produce art in the city.

Mayor Coody: We see people to the north of us really wanting to attract all the arts away from Fayetteville to enhance their quality of life. Bentonville clearly supports the value of the arts and I hope that Fayetteville sees the value as well.

Alderman Lucas: I agree that we should support the arts. I hope you will form a committee because we need to preserve what we have in the Walton Arts Center and expand there.

Mayor Coody: We have been working closely with the consultants at the Walton Arts Center. We think they need to expand where they are. If we lose the Walton Arts Center then we lose something very valuable for this community.

Susan Hutchcroft, Northwest Arkansas Community Creative Center: The Walton Arts Center has changed its mission statement. It will not be doing visual arts any more. It is a performing arts center now. You need to take that into consideration when you form your committee.

Alderman Thiel: We are having this property appraised and the Mayor will appoint a committee to look at the uses for that property. Your group is an important part of our community and we need to look at what is happening and what we need to do to help.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.

Ordinance 5099 as Recorded in the Office of the City Clerk.

Northwest Arkansas Community Creative Center Lease Agreement: A resolution to approve a lease agreement with the Northwest Arkansas Community Creative Center for a portion of the former Tyson Complex on Huntsville Road.

City Attorney Kit Williams: I have not received a signed copy of the lease. I think it would be premature at this point in time to consider the lease due to the appraisals that will be conducted on the Tyson Complex.

Mayor Coody: I know that they have worked long and hard on this and I think they have talked to everyone on this Council.

Alderman Ferrell: That coincided unfortunately with the time that we hit a real financial down fall. We hit a bad time. We are responsible to the citizens for the money and the way it is spent and what we can do.

Mayor Coody: If it is just about the money then if we have these other parcels of land around town would it be the same if we sold another parcel of land for the same amount of money?

Alderman Ferrell: Mayor, I told you last week that I was in favor of looking at all the property the city had and trying to sell it or taking a look at the best things to sell. I am not rushing to sell everything but I am certainly open to looking at the property that we have and consider selling it.

Susan Hutchcroft: We are sort of in a time crunch. We don't know how much longer we will be able to stay at our current location. It is important that we continue what we are doing for the public. We are going to look at other areas to see what we can come up with. We love the Tyson Complex it is perfect for what we do. We know it is a positive place for us to move to.

Alderman Gray: We talk all the time about Fayetteville being the Arts Center of Northwest Arkansas. If we table this we are just giving lip service about being the Arts Center of Northwest Arkansas. Are we really willing to do anything to help the arts?

Alderman Jordan: I don't know what else we are going to do because we don't have a time when the appraisals will be completed.

A discussion followed on the areas that will be appraised and what portion of the property could be sold.

Alderman Lucas moved to table the resolution to the February 5, 2008 City Council meeting. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

This resolution was Tabled to the February 5, 2008 City Council meeting.

2008 Hiring Freeze: A resolution to impose a hiring freeze for all employees paid with General Fund revenues.

City Attorney Kit Williams: I drafted this at the request of the Council so this is from the City Council.

Alderman Jordan: This is an issue that came up during the budget discussion. We would like to implement a hiring freeze contingent on if someone leaves we will not replace the position unless it goes through the City Council.

Alderman Thiel asked how the temporary and summer positions will be implemented.

After discussion about the temporary and summer positions Alderman Thiel proposed the following amendment.

Alderman Thiel moved to amend Section B of the ordinance to state *Seasonal, temporary employee positions (primarily in the Parks Department) may be filled when scheduled (usually in the summer) without a separate Resolution.* Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0.

Alderman Thiel: This pertains just to the General Fund?

City Attorney Kit Williams: Yes. If an employee is employed in part by the General Fund that employee is covered by this.

Alderman Thiel: We are not excluding the Police and Fire from this?

City Attorney Kit Williams: No.

Alderman Thiel: Does the Police and Fire Department see this as being a serious problem?

Tony Johnson, Fire Chief: I don't see it as a problem however I will forewarn you I will have a request to fill three positions at the next meeting.

Greg Tabor, Police Chief: In the 2007 budget we reduced our staff by one and in 2008 we reduced it another person. We are two people less than we were in 2006. We have two employees that are gone to military leave currently. We have two more that will be gone in the next couple of weeks and we have two more that are expecting orders any day. That is a total of eight positions out of 121 that we are not going to have available in 2008. My concern with us having to come to you every time someone leaves is scheduling. It takes a long time from the time you hire a police officer until he is out there working. We will probably have to pay over time until we get positions before you.

Alderman Thiel: So the overtime cost could offset any savings?

Greg Tabor: I can't say that for sure but that potential is there.

City Attorney Kit Williams discussed the process to get the items before the Council.

A discussion followed on what positions will be brought before the Council when there is a promotion.

Alderman Thiel asked how much the hiring freeze is going to save the City.

Paul Becker, Finance Director: It is hard to say. If we replace Police and Fire we could save up to \$200,000.

City Attorney Kit Williams: Does that take into account overtime cost that might need to be paid?

Paul Becker: No.

A discussion followed on the possible savings of implementing the hiring freeze.

Alderman Thiel: I support the idea of saving money. I am having trouble seeing how this is going to work if we are going to approve everyone they bring forward. This will just cause a lot of work for staff and could have overtime cost associated with it. It is going to be hard to determine if this is going to save us any money.

Alderman Lucas: I think we approached this with the idea that we will review this quarterly. We hope that we can be efficient too.

Alderman Jordan moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-1. Alderman Thiel voting no. Alderman Rhoads was absent.

Resolution 07-08 as Recorded in the office of the City Clerk.

Northwest Arkansas Economic Development District: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of \$55,000.00 to provide public recreation services for the senior citizens of Fayetteville for 2008.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.

Ordinance 5100 as Recorded in the Office of the City Clerk.

Fayetteville Youth Center, Inc: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Fayetteville Youth Center, Inc. in the amount of \$211,750.00 to provide public recreation services for the youth and citizens of Fayetteville for 2008.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the second reading. **Alderman Jordan** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third and final reading. **Alderman Jordan** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Rhoads** was absent.

Ordinance 5101 as Recorded in the Office of the City Clerk.

Susan Thomas: I have to beg your pardon. Community Access Television has three quantitative elements to the contract. Regarding the first time local producers per year they were required to have 40 and they have only achieved 33 out of the 40. I wanted to answer **Alderman Ferrell's** question correctly.

Alderman Ferrell: Was there any indication when this would be complete.

Susan Thomas: That is the final numbers for the year.

Alderman Ferrell: So they did not fulfill the contract regarding the new producers.

Susan Thomas: That is correct. There are some extenuating circumstances around that.

Sky Blaylock: The selection committee doubled some of our budgeted goals. We were closed the whole month of July to put in the new play back system. We have had to do some trouble shooting on that. That is one of the reasons. We are 300% over what we are required to do as far as hours of programs on the channel. That along with how many programs that were

submitted, we were suppose to have 500 and we had 510, we were supposed to have 2,080 cable cast hours and we had 6,500. Those statistics were very high.

Alderman Ferrell: I am really interested in the producers.

Sky Blaylock: The Telecommunications Board is going to talk about our goals and how they are derived and where they come from. There are a lot of the goals that we have achieved. The selection committee decided to double many of those goals rather than increase them a percentage. We are positive that we can make those goals.

Alderman Ferrell: Susan said there were extenuating circumstances so I guess I am going to consider that. But, if you are in here again and I ask a question I would like for you to answer.

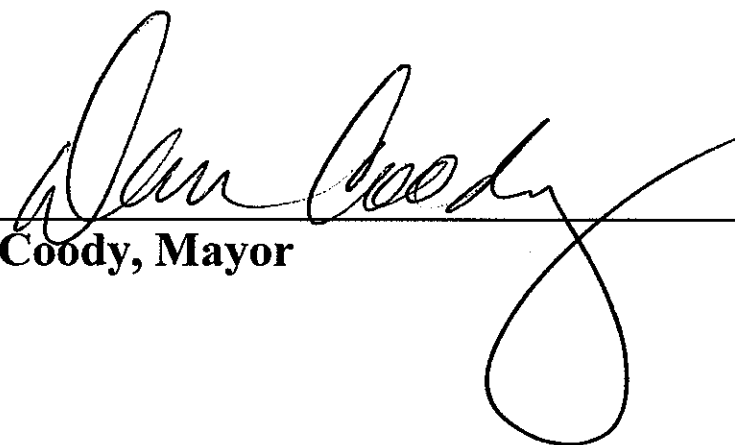
Sky Blalock: I sure will. I was very confident we could achieve our goals and we have in 90% of the areas. In most of the areas we have exceeded our goals. We have made it in a lot of the areas. We will focus better on the contract. As you know the last few years we have had some issues with the contract every time we renegotiate the contract. Some of the goals that we have had in the past have not been attainable but we have attained them anyway. We have done really well. I didn't know that we were not in compliance. I think we are in compliance.

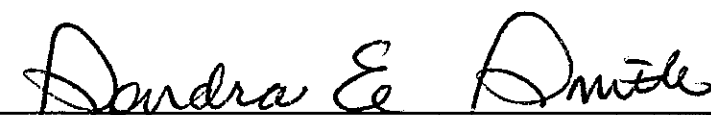
Alderman Ferrell: Well we have a question then if we have the administrator saying no and you are saying yes.

Sky Blaylock: There are extenuating circumstances because the stats were doubled last year.

Susan Thomas: The current Telecommunication Board Chairman is taking action on getting that board back together and populated with good members. He is working on issues like the contract requirements and he is gathering input about what citizens expect from the Telecommunications Board and what they would like to see happening. I think you will see better attentiveness on this contract issue as well as any others.

Meeting adjourned at 7:45 PM


Dan Coody, Mayor


Sondra E. Smith, City Clerk/Treasurer

LOCAL PENSION FUND REPORT 2007

In keeping with statutory requirements, I am presenting this report for 2007 on the local Police and Fire retirement funds for the City of Fayetteville. Both of these plans were closed, by law, in 1983. There are currently 52 police pensioners and 61 fire pensioners in the system.

During 2007 total expenditures from the fire pension fund were in excess of \$1,500,000 as compared to fund revenues of approximately \$1,200,000. Police pension fund expenditures exceeded \$1,700,000 as compared to fund revenues of approximately \$1,500,000.

Actuarial evaluations are the responsibility of the State of Arkansas Fire and Police Review Board. Since these evaluations are performed biennially, the last one was completed as of December 31, 2005. Based on those evaluations the unfunded pension obligation of police and fire were \$2,000,000 and \$3,700,000 respectively and had grown considerably from prior years. Although, the City has no obligation to fund these pension plans other than a .4 mill dedicated levy for each, plus state insurance turnback and certain dedicated fees, the status of these plans need to be carefully monitored in future years.

The next actuarial evaluation will be performed using final 2007 year end financial information during the spring of 2008. The results of this evaluation will be included in the 2007 annual Financial Report for the City of Fayetteville

FAYETTEVILLE HOUSING AUTHORITY

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E-MAIL: fayettevilleha@moregti.net

December 27, 2007

Mayor Dan Coody &
Fayetteville City Council Members
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mayor Dan Coody & Fayetteville City Council Members:

This letter is to confirm that the Fayetteville Housing Authority's Board has elected a new commissioner at its December 18th, 2007, Regular Board Meeting.

The new Commissioner for the Fayetteville Housing Authority Board is Attorney Leon Jones, Jr. His term will begin December 28th, 2007 and end on December 28, 2012.

The Fayetteville Housing Authority Board requests that this newly elected commissioner (Attorney Leon Jones, Jr.) be placed on the next City Council Meeting Agenda to be formally confirmed by the municipality's governing body in accordance with the Arkansas State Statue #14-169-208.

If you have any questions, please feel free to call or e-mail.

Sincerely yours,

Fredia Sawin
Executive Director

fs

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan



Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

**City of Fayetteville Arkansas
Special City Council Meeting Minutes
January 8, 2008**

A special meeting of the Fayetteville City Council was held on January 8, 2008 at 4:30 PM in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Vice Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Allen, Ferrell, Lucas, Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience

ABSENT: Mayor Coody and Alderman Rhoads

Pledge of Allegiance

New Business:

Commonwealth-Ghosen Theatre Corporation Settlement Agreement: A resolution to approve a settlement agreement with Commonwealth-Ghosen Theatre Corporation to purchase a construction easement and a permanent sewer main easement for the West Side Sewer Improvement Project for a total monetary consideration of \$100,000.00 plus other considerations.

City Attorney Kit Williams: I want to thank all of you for coming to this special meeting. I think it is very important. This condemnation case is scheduled for a two day trial beginning next Tuesday. We were in the midst of trial preparation. Normally Assistant City Attorney David Whitaker has the responsibility for handling easement condemnation cases. He has been able to resolve them. There was only one other one that had to go into litigation for a while and you approved that settlement several months ago.

In this particular case the City had to obtain an order of possession for the necessary easements for the Highway 112 Drive In property in July, 2006 in order not to delay the construction of the longest and largest sewer main for the west side project. We have been negotiating with the owner and the owner's attorney as early as 2005 but could never come to any agreement. As the initial trial date approached for this condemnation case last fall the land owners appraiser finally finished his in depth and lengthy appraisal of what he estimated would be the proper value of both the construction and permanent sewer easement. His \$825,600 valuation was many times the \$36,550 valuation estimated by the City's appraiser. With such a large discrepancy, the hundreds of thousands dollars at stake, and the probability of a jury trial, David asked that I assist and I agreed to do that. I issued written interrogatories, request for documents, and other discovery. I conducted lengthy depositions of the land owner's representative and their appraiser. We agreed to some minor changes to the sewer easement language. The land owners appraiser reconsidered and substantially lowered by almost half a million dollars their earlier demand. His valuation then came down to \$335,600. This is still many times more than what our appraiser was. It is difficult to predict how a jury will determine the actual value when they hear two real estate appraisers give very different valuations.

In a condemnation jury trial about a year ago involving Springdale a Washington County jury awarded almost what the land owner had requested and more than four times what Springdale's appraisers had valued a particular taking. That was about four tenths of an acre for a road and it cost Springdale \$100,000, much more than the less than \$24,000 that they had valued it at.

In our case the permanent sewer easement aligning across Highway 112 has to stay away from Clabber Creek in order not to endanger the habitat of the Arkansas Darter.

The permanent sewer easement is almost a full acre. There was also about six tenths of an acre which was the temporary construction easement which we have been using for a little over a year and a half now. We are not quite finished there, the pipe is in but not everything is done. The pipe is in the ground, the land has been reclaimed, the grass is growing and it looks real nice out there.

I felt it would be wise to make one final attempt to settle this case now that the land owner has reduced his demand by half a million dollars. I spoke with David Jurgens and the Mayor about this and then gave the land owner's attorney the top figure that I could recommend to you. It was less than one eighth of the land owner's original demand and less than 30% of their latest demand, but I felt it was a reasonable compromise figure. Fortunately the land owner has agreed, with some small additional items, involving a couple of sewer and water taps, access to Highway 112, extending the tops of the manholes that are there up to two feet, things like that. With that we have a settlement proposal acceptable to them which I can also recommend to you.

I think you should approve this settlement because you avoid any chance that the jury could side with the land owner and force us to pay up to \$335,000. Their attorney has asked for attorney's fees. We don't believe they are entitled to attorney's fees but there is a recent Supreme Court case that has broadened attorney's fees in these sorts of cases, involving water, not sewer and that is why we think he is not entitled to them. There is some chance that the court could rule against us. He claims in his letter to me that the attorney's fees might be as much as \$100,000. I

don't know, the case has been going on a long time but that seems high to me. Attorney's fees always seem high to me. You avoid any chance of that. You avoid the continuing out of pocket expenses, litigation expenses and any appellate cost that would be there if in fact we went to trial. We certainly would not agree to pay any attorney's fees and so that would eventually end up at the Supreme Court level if that issue was being pushed. All of this can be achieved for a net additional payment of \$63,450. I think it is a fair settlement. I have been a lawyer for over 30 years now, I have had many jury trials and I have also settled many cases especially during my 14 years as a private attorney. My experience both as your City Attorney and in private practice tells me that this is a fair settlement both for the land owner, our citizens and our rate payers. It is less than an eighth from where they started and less than 30% of what they are demanding now. I appreciate you coming and thinking about this. I know this is a big decision but this is as quick as we could get to it after they lowered their other demand to make it where any settlement was at all possible.

Alderman Ferrell: In light of the fact of where they started from and where we are right now with them, couple that with the fact of the unknown if it gets litigated. That all goes into the time table which we desperately are striving to stay on to finish this WSIP program so I would move that we approve the resolution.

Alderman Cook: I am not going to vote against this but I have some issues with some of the terms that are in here. One of them is allowing them an additional two or three lane curb cut at some future date. We are sort of circumventing Planning at some future date.

City Attorney Kit Williams: They have requested two entrances onto Highway 112 for this bottom 15 acre parcel. We could not agree to that because that would be in violation of the access management plans and ordinances that you are considering and certainly against what I think Planning would like. I don't think it is unreasonable at all to give this 15 acre site an access to Highway 112. I think they would be entitled to that under our ordinances. That is why I was willing to do that. They did ask for two and I said I could not ask you to go against the kind of ordinances that you are going to pass. So they agreed and allowed it to be just one so that is why it is just one.

Alderman Cook: What would you think the monetary value of two sewer and two water tap fees would be?

David Jurgens, Water and Wastewater Director: For a domestic tap or for taps for a single structure the price would be roughly \$425. It is outside the highway right of way and on the same side of the road. Monetary value as we charge right now for tapping fees would be less than \$1,000 for those two sewer taps and the water taps are about the same.

Alderman Cook: If I read this right at some future point once they develop and they find a final finished grade the City is going to be responsible for raising the manhole to that level.

David Jurgens: Yes and I had some reservations with that and that was a lot less than they originally asked for. We put a height limit of two feet and you can raise a man hole two feet without taking the entire upper section off, if it is more than two feet you have to take the entire

subsection off and that is pretty major work. With the two feet there is a riser we can bring in and bring it up to grade that way; it is not that difficult to do. It is probably less than \$250 per manhole and I think there are five manholes on the property. So I was comfortable with that two foot adjustment for flood plain issues. I think we put a time constraint on that as well.

City Attorney Kit Williams: Ten year time which is reasonable. I think if they are going to develop they very well might develop in ten years. We talked about that we might have to do some fill there, that is why they were asking for that. I appreciate David's work on this. I kept him involved all the way through. This is his pipe so I wanted to make sure we were doing everything right and not offering something that would be detrimental to the City in the future. He gave me good advice about keeping it down to no more than two feet and we are not allowing a tap on our main giant pipe going through there because we don't do that. I want to thank David for his help on this in making sure that these terms would be fair.

Alderman Cook: Don't misunderstand me; I think staff has best intentions. I wanted to make sure everyone understands up front what we are voting on.

Tim Conklin, Planning and Development Management Director: Does the water and sewer impact fees still apply?

City Attorney Kit Williams: This is a sewer connection tap fee.

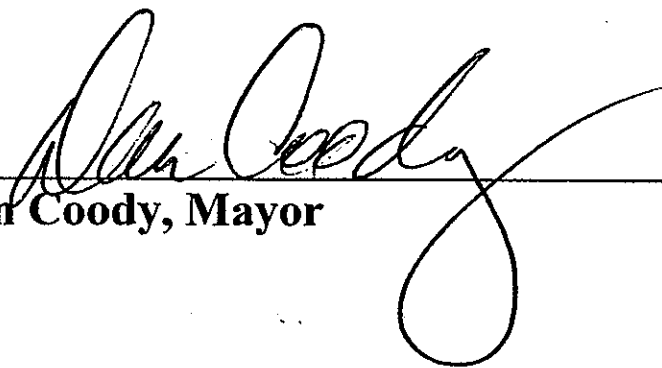
Tim Conklin: Okay.

City Attorney Kit Williams: That's what they asked for so that is what we gave them.

Alderman Ferrell moved to approve the resolution. Alderman Lucas seconded the motion. Upon roll call the resolution passed 7-0. Alderman Rhoads was absent.

Resolution 08-08 as Recorded in the office of the City Clerk.

Adjournment: 4:45 PM



Dan Coody, Mayor

Sondra E. Smith, City Clerk/Treasurer

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**City of Fayetteville Arkansas
City Council Meeting Minutes
January 15, 2008**

A meeting of the Fayetteville City Council was held on January 15, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Allen, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience

Pledge of Allegiance

Presentations, Reports and Discussion Items:

State of the City Report

Mayor Coody gave the State of the City Report. A copy of the State of the City Report is attached.

Consent:

Arkansas State Police Grant: A resolution accepting an Arkansas State Police Drug Task Force General Improvement Grant in the amount of \$54,455.00 for the purchase of a vehicle, surveillance equipment and supplies for use by the 4th Judicial District Drug Task Force; and approving a budget adjustment.

Resolution 09-08 as Recorded in the office of the City Clerk.

Arkansas Razorback Transit: A resolution approving a contract in the amount of \$50,000.00 with the University of Arkansas Razorback Transit to provide public transit services.

Resolution 10-08 as Recorded in the office of the City Clerk.

Bid #07-79 JWC Environmental: A resolution awarding Bid #07-79 to JWC Environmental in the amount of \$163,436.00 for the purchase of a Channel Grinder for the Hamestring Sewer Lift Station, WSIP Subproject WL-6.

Resolution 11-08 as Recorded in the office of the City Clerk.

Rules of Order and Procedure: A resolution to amend the Rules of Order and Procedure to clarify the final denial of ordinances or resolutions that have been tabled indefinitely.

Resolution 12-08 as Recorded in the office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

Hiring Freeze: Hiring Freeze Appeals.

Fire Department: Three Firemen – Approved 8-0

Tony Johnson, Fire Chief: I am seeking a review and approval to allow me to proceed with hiring three firefighters.

Alderman Jordan moved to approve the positions. Alderman Allen seconded the motion. Upon roll call the motion passed unanimously.

Police Department: One Policeman – Approved 8-0

Greg Tabor, Police Chief: I have several open positions right now due to staff reductions and military deployments. We had an officer resign yesterday.

Alderman Jordan asked what happens to the positions of officers on military leave.

Greg Tabor We do fill positions of officers that are on military leave. We hold that position open.

Alderman Jordan moved to approve the position. Alderman Allen seconded the motion. Upon roll call the motion passed unanimously.

Resolution 13-08 as Recorded in the office of the City Clerk.

R-PZD 07-2763 (Skate Place II): An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2763, Skate Place II, located at 646 West Sycamore Street; containing approximately 1.08 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the January 3, 2008 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Alderman Cook: I appreciate you all keeping it on the second reading at the last meeting. The comments were few.

Alderman Allen: I would just concur. We had a Ward 2 meeting recently and I didn't hear a word about it.

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

Ordinance 5102 as Recorded in the Office of the City Clerk.

New Business:

2007 Items Tabled Indefinitely – Final Actions: A resolution to deny several items tabled indefinitely and reschedule for hearing three items that may need further City Council action.

City Attorney Kit Williams: Jeremy Pate, the City Clerk and I are bringing this forward.

Jeremy Pate, Director of Current Planning: This is a resolution that would deny several items that were tabled indefinitely from 2007 and years passed and also reschedule for hearing three items that may need further City Council Action. Projects that are tabled indefinitely by the Council and not brought back up are still relatively active. They stay in the City Clerk's office files and our files and we have to hold onto them until the Council brings it back up. The item approved on Consent tonight would take care of that for years after 2007 however we did not want to just wipe the slate clean for 2007 since there were several specific items. This action would adopt the recommendations put forward by staff. Three items have been scheduled specifically for dates that you will see in February and one is scheduled for July. We are recommending approval of this resolution to take final action on these items and anything in the future can be brought back as a new item.

Alderman Cook: So if we approve this we are basically denying those listed and we are setting meeting times for the other three items.

Alderman Jordan moved to approve the resolution. **Alderman Gray** seconded the motion. Upon roll call the motion passed unanimously.

Resolution 14-08 as Recorded in the office of the City Clerk.

Martin Luther King Boulevard: A resolution to change the name of Sixth Street to Martin Luther King Boulevard.

Alderman Jordan: Shirley and I were approached by the Martin Luther King Committee and then Nancy signed on with us to bring this forward to the Council to make it from an honorary street to a permanent street.

Alderman Allen: While I am sympathetic to the inconveniences of the businesses and the homes along Sixth Street, it is my understanding that this proposal has been in the works for over five years. If this passes tonight it will be another year before it actually goes into effect and another year that the mail can be forwarded on by the Post Office. I hope it passes with pride, the kind of pride I hope most folks have for Fayetteville. We are a diverse and tolerant community. We were the first town whose school board voted to integrate in the south.

She spoke regarding the legacy of Dr. Martin Luther King and she stated he was an inspiration and a hero to many. She stated that surely that is worthy of a street name.

Alderman Jordan: In 2002 we had a discussion about reviewing this later on.

Alderman Lucas: I agree with Alderman Jordan as to why we brought it forward.

Linda Brothers, teacher at Fayetteville High School spoke in favor of the street name change.

Edith Hawkins, past president of the Martin Luther King Committee spoke in favor of the street name change.

Deborah Bradford Jennings, a citizen spoke in favor of the street name change.

Jim Burnett, a business owner spoke highly of Dr. Martin Luther King however he spoke against the street name change due to the inconvenience this will cause to the business owners on Sixth Street. He provided the Council with a list of names of businesses opposed to the street name change. He stated it was not due to disrespect it is just because of the money, time, and the confusion involved.

A copy of the list of names of businesses opposed to the street name change is attached.

He suggested to the Council perhaps changing the name of a different street that does not have as many businesses on it. He listed all the problems this would cause which are also included in the list that is attached. None of the people on the list have an objection to the purpose other than the time and expense involved.

Alderman Jordan: If this is passed tonight, what we have intended to do is it will go into effect one year from today which gives the businesses yet another year to adjust. What I understand the Post Office will deliver yet another year to both addresses which basically gives the

businesses two years to adjust. If the price that you are talking about is \$1,000 per business, that is about \$500 per year to adjust.

Jim Burnett: The price I came up with is a random number. I figure it will cost me that much by the time we get it changed. I would ask that it be two years before you make it permanent.

Alderman Jordan: If it is passed tonight a year from today we will dedicate the street. Then the Post Office will continue to deliver to both addresses for yet another year which gives two years. The businesses have had five years.

Jim Burnett: I never knew that suddenly in five years it was going to change. If you were going to do that why wasn't it passed four or five years ago that on the fifth year it would change?

Ernestine Gibson, President of the NWA Martin Luther King Planning Committee spoke in favor of the street name change. She stated this change will allow us to join other cities to prove how much we care about racial equality and justice for all people. We are a city where progressive ideas take place. Let us continue to be the greatest treasure in Northwest Arkansas by moving forward and not moving backwards.

Aaron Gabriel of the Community Design Center spoke in favor of the street name change. He would like the street changed to make it a proper gateway to a great town and a street that is named after a great man.

Dave Brian from the University of Arkansas spoke in favor of the street name change.

Beverly Heon a citizen spoke in favor of the street name change. She stated the businesses on Sixth Street knew this was an honorary street so therefore they knew that there was a potential of a change coming.

Don Marr a citizen and former Alderman: I was on the Council the first time this came through and I specifically remember asking questions about what was the rational for not changing the street name permanently at the time and would there be a time that we would come back and revisit this again in the future. I do think it was public discussion that this would be a matter to come back.

He went on to speak in favor of the street name change.

Alderman Allen quoted Dr. Martin Luther King by saying "The time is always right to do what is right."

Alderman Jordan gave numerous reasons why we should honor Dr. Martin Luther King Jr. with a street name change. He spoke about what Dr. King stood for. He stated he fought for equality for all people just like our constitution says. He was a man of peace, he told his followers to change the system through peace instead of violence. He was awarded the Noble Peace Prize. Dr. King changed the world, he gave us one word to live by and that is believe.

Alderman Ferrell stated I understand the concerns of businesses and the expenses related with changing addresses and letterheads but I must make a choice. My choice is to back up the commitment that the Council made previously. I choose to vote for this for the pioneering work that Dr. King did and the sacrifices that he made. I feel like that transcends to the objections that were expressed.

Alderman Allen moved to approve the resolution. **Alderman Jordan** seconded the motion. Upon roll call the motion passed unanimously.

Resolution 15-08 as Recorded in the office of the City Clerk.

Amend Chapter 163 Home Occupations: An ordinance amending §163.09 Home Occupations of the Unified Development Code to permit limited signage in RSF-4 Zones.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the item. He stated this requested amendment is to allow for those occupations for professions and avocations to continue to pursue conditional use permits for home occupations and allow for that three square foot sign when and if they provide evidence that they are required by a licensing board or under a separate state law that signs are required.

Alderman Cook: I think this is a fair and strict change to the sign ordinance.

Alderman Cook moved to suspend the rules and go to the second reading. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Don Ward the owner and Principal Broker of A Vision Realty stated I would appreciate it if you would pass it. I don't want or need a sign but the Arkansas Real Estate Commission says I have to have a sign wherever I am located as a Principal Broker operating a Real Estate company.

City Attorney Kit Williams stated I would like to point out that he called Planning and this shows the responsiveness of our Planning Department to try to find a solution when we had a problem like this. Jeremy deserves a lot of credit for coming up with a solution to solve this problem.

Mayor Coody: This is not the first time. They come up with solutions all the time to individual small problems like this. They do good for our citizens and we appreciate them.

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

Ordinance 5103 as Recorded in the Office of the City Clerk.

Amend Chapter 166 Development: An ordinance to amend §166.06 of the UDC to allow consideration of property within the City's planning area to receive conditional approval of a PZD.

City Attorney Kit Williams read the ordinance.

Tim Conklin, Planning and Development Management Director gave a brief description of the item. He stated staff is recommending an ordinance amendment to allow an applicant to come before you to request approval to submit a Planned Zoning District when a piece of property is within our planning area but not yet annexed. I think there are some benefits especially on these large complex projects to look at the zoning and development at the same time as annexation.

City Attorney Kit Williams: This is fixing a quirk in the law. We have heard annexations and rezonings for the same property the same night except for PZD's people have already been able to have annexations and rezonings coming through at the same time. The way the PZD ordinance was drafted it did not allow that. This just changes it and actually puts another step in having to get City Council approval. This is to make it more in conformity with the other ways of rezoning.

Alderman Thiel: I agree, I think this is a very good process because I prefer PZD's. You mentioned this PZD would come back to the Council again later after it went through the Planning process and all of that.

Tim Conklin: At the time of annexation you will be reviewing the Planned Zoning District for this development.

Alderman Thiel: You mentioned that the reason we are drafting this is that it is so large that it would go back through the process. .

Tim Conklin: Southpass Development will need to request approval to submit their PZD. This is an ordinance amendment to allow them to request Council approval to do that due to the fact that it is not in the ordinance today and it will take 31 days to become effective, that is the issue. They cannot request to utilize this process unless you pass this ordinance.

Alderman Ferrell: If it's passed we are still going to have the yea or nay when it comes before us correct?

Tim Conklin: That is correct.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5104 as Recorded in the Office of the City Clerk.

Habitat for Humanity Low Impact Development (LID) Demonstration Project: A resolution to grant a variance from the parkland dedication requirement, in accordance with §156.03 (B) of the Unified Development Code for the Habitat for Humanity Low Impact Development (LID) Demonstration Project; and designating the three and one-half acres adjacent to the project as a city park.

Tim Conklin: The Parks Board met on January 7th and moved to approve the variance of a Park Land Dedication Requirements for Habitat for Humanity. This project is located on Huntsville Road and it is one of two (LID) neighborhood developments in the State of Arkansas with both (LID) Pilot Developments being in Fayetteville, Arkansas. We should be very proud that we are the only City with two (LID) Pilot neighborhood projects in our city. As part of this project, Habitat for Humanity along with the University Of Arkansas Community Design Center received a \$460,000 grant to do a demonstration project for a low impact development. Part of that project will be also to create a best practices manual for the State of Arkansas for other developers within the State to look at how to design a development to reduce impacts for stormwater run-off. Aaron Gabriel is here from the UACDC and has a short presentation if you would like to learn more about this project.

Aaron Gabriel pointed out the housing that will be in Fayetteville by the year 2050. He stated we need new planning strategies that are sustainable if we are going to keep Fayetteville healthy and vibrant as we move forward. He gave a PowerPoint presentation and explained the park and the project.

Tim Conklin: I would just like to add that UACDC along with Patsy Brewer with Habitat have been coordinating with Nancy Baldwin with the Sage House so that planning effort has been coordinated with Sage House.

Aaron Gabriel: That's correct; in fact we are providing pro bono planning services for both Sage House and for the City Park.

He went on to finish his presentation.

Alderman Thiel moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent during the vote.

Resolution 16-08 as Recorded in the office of the City Clerk.

Mayor Coody: Thank you for your work Aaron. You guys are doing a really good job for us.

Tim Conklin: This project is also using CDBG funding for Habitat for Humanity which applied through the 2007 program to purchase this property. There has been money allocated for Habitat and we have in the past used CDBG money to purchase lots so that money will be going towards purchasing this land and they plan on closing this land hopefully by the end of this month, if not it will be next month.

Alderman Thiel: I just want to add it is a very good bargain for the CDBG funding because I think they have been spending something like \$25,000 to \$35,000 per lot which only enables them to buy about four lots per year.

Amend Chapter 111 Alcoholic Beverages: An ordinance to amend §111.30 Retail of Chapter 111 Alcoholic Beverages of the Code of Fayetteville.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell: I have been contacted by a person from a business in my Ward and they had a lot of concerns. I am in favor of this but one of the questions they had was there are sometimes they would like to stay open until midnight. Would you entertain an amendment that would be permissive rather than mandate the hours could be from 7:00 am to 12:00 pm?

Mayor Coody: I don't know the answer to that because we are basically following State Law.

City Attorney Kit Williams: This is permissive; it just permits them to be open during this period of time. I don't think it changes during the week, Sunday it's off, Christmas it's off and they can't open before 7:00 am. I did not research this to see if midnight was allowed every night except Sunday. I would imagine that is correct but I can't guarantee it.

Mayor Coody: What I understand is that the City allows liquor stores to stay open until 11:00 pm Monday thru Thursday and then Friday and Saturday they stay open until Midnight.

Alderman Ferrell: Monday thru Thursday is what I was thinking. Kit, does anyone really have a problem if we do a little research on that? Mayor, do you have a problem with that?

Mayor Coody: No, I would like to go ahead and pass this and bring back the amendment. If you want to amend it at the next meeting after you have done some homework.

Alderman Allen: I thought there were laws about liquor sales on election days.

Alderman Ferrell: That is defunct.

City Attorney Kit Williams: If we are thinking about amending this I would not suggest we pass it tonight and then amend it in two weeks.

Mayor Coody: Bobby, is it alright if we just go ahead and pass it the way it is?

Alderman Ferrell: Yes, but I may come back later.

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

City Attorney Kit Williams read the ordinance.

Karen Stewart, a citizen spoke against the ordinance. She expressed her concerns about one liquor store in particular that was in the County across from her home.

Mayor Coody: This is in Baldwin which is in the County?

Karen Stewart: It's in the City. This particular property is just 45 feet out of the City and into the Planning Zone.

Mayor Coody: So is it in the City or County?

City Attorney Kit Williams: The actual establishment is in the County.

Karen Stewart: It's in the Planning Zone.

City Attorney Kit Williams: But it still does not allow our ordinances to affect it.

Karen Stewart: If you pass this it will probably help us because that will mean competition for this liquor store and we won't have all these cars coming out from the City to buy liquor at 7:00 am in the morning.

She went on to voice her concerns about the ordinance.

Alderman Thiel: I think we are sympathetic with the issue that happened out there although I really can't see where this makes that much difference. If anything it might actually help you. I would like to help but we can't.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5105 as Recorded in the Office of the City Clerk.

Alderman Ferrell: Mayor I have one question about the renaming of Sixth Street. If somebody applies for a building permit and they are going to be building sometime in 2008 how will they know that the new address will be coming in January?

Tim Conklin: I think that is something that we will have to establish. Typically when we change the street name it's immediate or once it becomes effective. There is a timing phase and when we assign addresses with GIS we will have some notice up and maybe something on the

form that we use to assign that address on Sixth Street. We can get with GIS and the current Planning staff.

Alderman Ferrell: Thank you, I just thought of that possibility of someone coming along and so if there is something to flag that it would be helpful.

Alderman Thiel: Will the City be sending out notification to everyone on Sixth Street that this will be changed in one year or should that have been part of the resolution? I feel like that would be a good thing to do.

Tim Conklin: I think it's a good idea to notify the business owners and residents that their street name is going to change. I believe there are 391 addresses that should be notified. If everyone is in concurrence that you want us to do that we will.

Alderman Thiel: Yes please do that.

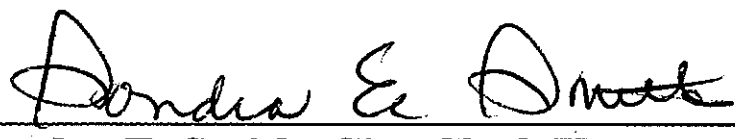
Mayor Coody asked what the exact name of the street will be.

Tim Conklin: I am going to defer that to our address committee.

Meeting adjourned at 8:00 PM



Dan Coody, Mayor



Sondra E. Smith, City Clerk/Treasurer

State of the City 2008
January 15, 2008

I bring to you tonight the State of the City 2008 address. But I want to discuss with the Council and the public more than just the work that has been accomplished for 2007. After an abbreviated recounting of the some of the work that has been done, and is being done, I want to talk about some issues we are facing that must become a point of focus for ourselves and the community for 2008 and beyond.

Our infrastructure work continues at a very healthy pace. Our largest project, by far, will be complete this year. After a rough start, the Wastewater System Improvement Project has been sailing smoothly thanks to the dedicated staff and excellent contractors we have in place. We will be opening valves at the new west side facility in less than five months. Since bringing the project in-house, we have worked very hard to keep the public informed on all aspects of the project, from the pace and quality of the project, to the outstanding success of the wetland mitigation area.

Our road bond issue is the next biggest project on our agenda.

This program is moving along and will be a huge improvement to our city's transportation system. This series of road projects will add capacity and convenience for automotive travel for many years to come. While we must still deal with the reality of the increased cost estimates from the Highway Department for certain projects, just as we had to deal with the same increased costs of the wastewater system, we are doing all we can to move forward to complete these important road projects.

We opened a new fire station on Highway 265 and we are completing the next one on land purchased at the Tyson Mexican original location. After decades of not expanding our fire service, we have dramatically improved our position to respond to emergencies to save lives and protect property.

With the building of the new Courts building, the police will be able to expand into the room the court now occupies. This will provide a little more space for the police to operate until a new police building can be built. This will reduce, for the time being, the need to use hallways as a place to interview crime victims, store files, or change clothes.

After our reorganization in 2002, productivity improved just as we knew it would, thanks to the new management and team of the transportation department. Street paving increased 60% while our sidewalk production grew from under 3000 linear feet per year to over 17,000 feet per year. We are building sidewalks almost 6 times faster than we were before the reorganization.

Our multi-use trails program continues to gather support in the community. While our trails bond issue passed with more than 60% of the vote, more and more people are seeing the benefits of the program. This year we will see the completion of Scull Creek Trail, the main artery of the system. When we open that alternative transportation lane, more of our citizens will really begin to understand what a well-planned trails system will do for our city.

In 2007, we added a new position to our organization. We created the first public Sustainability Coordinator position in the State and it seems to have become the hiring heard 'round the world. Cities across America are following suit after asking how we did it and how it is working.

Through John Coleman's leadership in this position and the collaborative efforts of all city employees, the City has created various programs that have saved taxpayers about \$200,000 and reduced our carbon output in a similar fashion. And when it comes to efficiency in government, I am very pleased to report that our contract with Van Scoyoc is paying off well. Under that contract, we have spent a total of \$318,078. Our return has been \$16,312,500 -- a \$51 return for every dollar spent. Other Arkansas cities are beginning to follow our lead.

These are just a few of the many examples I could point out that show how well our organization is working. There are always people who feel that governments are inherently bloated and inefficient bureaucracies which should be completely dismantled, except, of course for the part that provides all the services. But our citizen survey consistently shows that a solid majority of Fayetteville residents, 60%, understand that this is a well-run, efficient, and responsive organization.

When we look back on the progress we made in 2007 and the quality of life we have been able to build over the last several years, you can see why the citizens continue to give this government high marks. However, there are a handful of critical issues that we need to focus on in 2008 if we plan to maintain our quality of life and maintain the level of service we provide our citizens. One is the local economy. For the first time ever, our sales tax collections took a dive for the whole year. This was expected as the Rogers/Bentonville area gained enough population and per capita income to warrant its own shopping area. The need to address our financial situation and increase our revenue to prepare for this day was discussed in every State of the City address since 2002. In the early 1990's the City promised to give up our 3.8 mills of property tax if the voters approved a millage increase for the schools. Since then we have relied on sales tax alone until a modest 1.3 mills was approved for city operations in 2006. Our almost total reliance on sales tax for the last decade and a half worked fine until the inevitable happened and the shoppers from up north ended their subsidy to Fayetteville.

Our municipal property tax rate remains, by far, the lowest in the region. While this is good news on the surface, it has set the stage for serious problems. The budget that was approved for 2008 is not sustainable unless we are willing to sacrifice the very things we love about our city.

I believe that most people now understand how tight our budgets have been in previous years. If our income increases at 2%, only to be eaten alive by 2% inflation in our expenses, our problems worsen. If we continue to avoid the issue of diversifying our revenue stream, we will create enormous problems that will take a real shock to the system to resolve. I liken this to burning our winter clothing to stay warm. It may feel good right now, but is it a good plan for tomorrow?

Another critical issue that we face in 2008 is the Walton Arts Center plans for expansion. As most of you know they are casting about in an effort to find a home for a new 2500 seat hall. I understand when we are asked to wait for the study to be finished to see what the results are, but I do not like waiting. I am reminded of the saying, "all comes to those who wait, as long as they work like hell while they wait." I don't think we can afford to be passive.

We have to be proactive and let them know exactly what we are willing to do to make sure that new facility is built in Fayetteville. I have asked the University to join us in discussing the situation. Our plan for the new parking decks, hotel, and retail all connected to the Arts Center should help make the location for the new hall obvious. Improvements in way finding and streetscaping should also help. The Walton Arts Center is an important feature of our economy, a hallmark of this community, and we have to be aggressive in our efforts to keep it here.

We also have to be proactive in improving the way we handle the world of growth and development. We have great fanfare for the public's participation when we ask them to help us customize our future. When we ask our citizens to take part in an exercise to determine how our city will look, they turn out in droves on their days off and pour their hearts into the work we have asked them to do. When the process is complete the headlines read "Triumph of Participation" and we all pat ourselves on the back for the project's success. Developers will study the plan and, with the help of our nationally recognized planning staff, design a project that fits perfectly within the planning criteria that the public has designed, the staff has supported, and the Council has approved. The project goes through the Planning staff, Technical plat review, Subdivision Committee and the Planning Commission. Then, in the final step, the project comes before us.

This process, while time consuming and expensive, works reasonably well to this point. But then, once it gets to us, all bets are off. If a few individuals oppose any part of the project we will thwart the will of all the citizens who designed the plan, all the creative massaging of the Planning and Engineering staff, the citizen's subcommittees, and the Planning Commission. In being hyper responsive to the individual, we completely discount the majority.

The ripple effects are serious. The developer, who is risking millions of private dollars in the project, just had his costs go up, making the price of everything in the project increase. That is bad for the consumer. The chances for financial success of the project are diminished. This is bad for the city and the developer, and it erodes the confidence of our city staff. It teaches the developer to avoid anything that is creative or innovative. It shows the developer how much easier, cheaper, and faster it would be just to do the same old sprawl-inducing, cookie-cutter, unimaginative development the public says, the staff says, and the Plan says we do not want.

Don't get me wrong. I am not saying that we should just rubber stamp everything that comes in the door. But if we could approve the creative, innovative, new-urban design that fits our plan as quickly and easily as we approve the bad developments, it would be a vast improvement for the future of our city - and our reputation.

The last seven years has seen Fayetteville become less controversial, a place where long overdue work gets done and progressive ideas take root. Our citizens love it here. When people think of Fayetteville, Arkansas, they think of quality of life. Clearly the number one issue concerning our residents is traffic congestion. This has long been the case. Our traffic infrastructure lagged behind our growth for decades. But we have been in catch-up mode for a while now. With the road bond issue, newly-acquired federal earmarks, more thoughtful urban design, and alternative transportation opportunities, we will continue to make improvement for years to come. But here's the rub. While it will take years to complete the work we have on the boards, more people will likely move here, and they will bring their cars. This problem is a staple of any growing community. From my perspective, to have traffic congestion as a top concern is good news, indeed.

When I consider the top concerns of many other communities, crushing poverty, high murder and violent crime rates, systemic corruption, failing schools, crumbling infrastructure, dangerous pollution, absence of opportunity to name just a few, I thank God traffic congestion is our biggest immediate problem.

But here is a friendly reminder for everyone who is concerned about too much growth and too much traffic. Almost 60 million Americans live in coastal areas threatened by rising tides and stronger storms caused by climate change. Many will be forced to move. A lot of them will move here. And it's already happening. Many Katrina evacuees have relocated here permanently. Floridians are moving here because of skyrocketing insurance rates due to storms. If only one tenth of one percent of the threatened coastal dwellers move to Fayetteville, our population will double. Add to this scenario those who would move here to escape the fires out west due to unprecedented drought. Or even Texans (sound the alarms) who will move here so they could actually breathe during the summer. So if we do not address a larger issue, one day soon we may look back fondly at today's traffic congestion.

There are many compelling reasons to reduce our impact on our environment. Some are social, recognizing that those who are least able to cope, and who have not caused the problem, will bear the biggest burden. Some spiritual, in that planet Earth is a creation of God that deserves our attention and respect, or else. Some are National Security issues, but we can't talk about that. Some concern enlightened self interest, considering the hassle of finding another planet, in a good neighborhood, onto which we could move.

But I want to discuss one aspect in particular that I find especially compelling for Fayetteville. In the Presidential Climate Action Project's-State of the Union's Climate report, there are 6 points that form the argument that the next President of the United States must confront the challenges of climate change. Point number 5 is the one I want to focus on.

I quote:

"We must recognize not only the threat of climate change, but the enormous opportunities that we can capture by addressing it. The urgent worldwide demand for clean energy technologies is arguably the greatest entrepreneurial opportunity the United States has ever known. The transformation to a clean economy will open paths of possibility to all income classes, including those the old economy left behind. As the world's leading innovator, we can and should become the world's leading supplier of the technologies and products that will help all people in all nations -- including our own -- achieve dignity, financial security and a decent standard of living, while dramatically reducing effects on climate."

As you well know, Fayetteville is being recognized as a national leader for cities our size in the movement for a cleaner, more efficient, more sustainable communities. We are beginning to attract the attention of companies wanting to seize the opportunities of the new economy and the technological advances of the global sustainability movement. These businesses, from start-up entrepreneurs to well-established companies are looking nation wide for places in which to locate that have the right attributes.

Because of the recent national publicity for our perspective and our drive, they are seeing Fayetteville as an unexpected possibility. And this national recognition is now generating international interest from places such as France, Sweden, and now Japan. These green, clean-tech businesses can help us strengthen our local economy and bring real diversity to our revenue stream. We have four essential building blocks that dramatically increase Fayetteville's chances for success. The weakening of any one of them diminishes our position.

The cornerstone is Fayetteville's proximity to Wal-Mart. The power of Wal-Mart and their leadership in the private sector for sustainability is, in my opinion, the single greatest factor in the changing mindset of business in the global environmental movement.

The second building block is being the home of the University of Arkansas and the Arkansas Research and Technology Park. The Center for Applied Sustainability at the University and the focus on clean technology at the Research Park provide the intellectual capital that is so important to new businesses.

The third building block means increasing the momentum of Fayetteville's sustainability efforts. While we lead the state in our actions, the low-hanging fruit is still plentiful. We must find ways to encourage the private sector to incorporate more sustainable practices. Some good examples are exempting buildings from impact fees if they achieve a LEED Certified "Silver" designation or give cars that meet certain efficiency standards free parking. We must also find ways to help our citizens of modest means to replace old, energy-hog appliances and fixtures with new, much more efficient models.

This would help reduce the monthly bills of these families, and reduce the need to build expensive, carbon-spewing power plants. If we bring our building codes up to today's standards we will significantly reduce our energy consumption while saving consumers money on their utility bills. An aggressive public education campaign is necessary if Fayetteville is going to see significant cuts to our greenhouse gas emissions.

The fourth building block that completes the foundation is directly tied to public policy decisions made by the elected officials of the City of Fayetteville. It is crucial that we develop the political will to commit to long-term investments in quality of life amenities. Making Fayetteville an even better place for her residents to enjoy a fulfilling, well-rounded life is vital if we are going to compete with other cities that have focused on this for many years. Building roads, wastewater systems, and water lines is very important, and with an investment of \$250 million in hard infrastructure, it is clear we are willing to make those investments. But while we continue this important work, we have to recognize that there is more to a beautiful, livable city than just the hard infrastructure of pipes, concrete, and asphalt.

When we win accolades from organizations and publications from around the country, what they evaluate is our "soft" infrastructure. They see the University, our Square Gardens, our natural surroundings, our creative class, the Farmer's Market, the Walton Arts Center, our landscaping, our trails system, Dickson Street, our parks, our public safety, our economy, and our high quality of life. In all the top rankings we have received I cannot think of a single mention of our paving program, our street bond issue, or the wastewater system overhaul.

Thinking of these "soft" infrastructure quality of life requirements only as "wants" instead of "needs" fails to understand what it is that makes Fayetteville such a great place to live. It also fails to understand what is required of us if we are going to compete with the outside world. That is precisely why Rogers is pulling together a \$25 million bond issue to invest in their quality of life infrastructure. They are dramatically increasing their funding in the very area we are becoming reluctant to support.

While we are doing this work, we must advertise. We have to seek out opportunities to let the outside world know of our local actions and positioning in this new, green marketplace. All the recognition we have gotten for our sustainability efforts did not happen by accident. We must seize every opportunity to let the outside world know that we are serious about being a leader in this field.

There is no middle ground. Other cities are competing for this position with single-minded determination with no holds barred. If we do not have the political will to do what it takes, if we can only achieve half-measures, we should just give up right now and not waste our time dreaming that we will be players in the coming technological revolution.

The first test of our political fortitude will be to see if we are willing to develop an economic plan that balances our economic, social, and environmental needs as a community. This is the most pressing issue we face in 2008. We have to start articulating our plan for the economic future of this city and we have to start right now. I have approached the university to see if they will partner with the City to develop a clear plan to accomplish our common goal of securing the coming green collar, clean tech economy. This work would be tailored for Fayetteville and the university, designed to accentuate our strengths and assets and shore up our weaknesses. If the university says they will participate, I will bring to you the information you will need to approve moving forward. If we pass that first test, the second test will be sticking to the plan - because this is the only way to ensure a successful long-term future.

We have much to accomplish on this front and time is not on our side. It is crucial that the Fayetteville City Council adopt a sense of urgency and adopt this issue as an extremely important element of our city's policies and planning. This issue needs to develop a life of its own that will last beyond those of us in office today. I will be leaving office in less than one year and it will be tremendously discouraging if Fayetteville's successes and momentum in the sustainability movement leave with me.

2008 will be a watershed year for Fayetteville. We need to diversify our revenue stream and expand the tax base. We need to do whatever we can to ensure that Fayetteville is the site of the new 2,500 seat Walton Arts Center theatre. And we need to immediately begin the dialogue about how we build the sustainable economic future of this City. Our tight budget will make it tempting for us to pull back on investing in our future. Coasting downhill is always easier than striving for new heights. But that is not what we were elected to do. This year is our test.

All of us ran for election to do what we think is right for our city. The decisions we make this year will set the course for our future. We can focus only on the minutia of governing a city and spend our time debating the relatively unimportant. Or we can take a more elevated, long-term view and work out policies that set our course to achieve the highest standards possible. We only get one chance at this before our time is up. Let's make those who follow us proud to sit in those chairs.

Handed Out at the
City Council Meeting
1-15-08.

1-15-08 Minutes
Martin Luther King Boulevard

BUSINESS OPPOSED TO RE-NAMING SIXTH STREET:

(This list contains affected businesses who have signed petitions)

1. Wal-Mart
2. Ye Olde King Pizza
3. Osburn Motor Co.
4. Halbert Vet. Supplies
5. Shelter Insurance
6. Block Buster
7. Big Reds
8. E-Z Mart
9. Charlies' Chicken
10. Ozark Mountain Air
11. Hardees
12. Waffle House
13. Locke Electric
14. Kentucky Fried Chicken
15. E-Z Mart (there are two)
16. AAF Car Lot
17. Sprint
18. Mattress King
19. Jim's Razorback Pizza
20. Jackson Hewitt Tax Service
21. Fire House Subs
22. Dollar Tree
23. Auto Zone
24. Westside Liquor
25. Signature Nail
26. Craigs Hair Care
27. Subway
28. Tobacco Super Store
29. Daddy Dave's Liquor
30. Razor Sprit Zone
31. Cricket Phones
32. J. D. China
33. Farmers Coop.
34. Alston Saloon
35. College Shoe Repair
36. Pay Day Money Store
37. The Grease Pig Lub & Tune Store
38. Castle Rentals
39. Brenda's Drive In

PAGE 2 - BUSINESSES OPPOSING RE-NAMING OF SIXTH ST. PAGE 2

40. Little Mountain Bindery
41. J C's Small Engine
42. Fastenal
43. U.S.A. Pharmacy
44. Best Buy Here Pay Here
45. Triple A Self Storage
46. Rent Shop
47. Comet Cleaners
48. Advance Floor Company
49. TACO Place
50. Metro Collision
51. Car Mart
52. Carlson Wagonlit Travel
53. Vaughn Battery
54. Kim's Tire and Auto
55. Mid South Security Systems
56. Skat Screen Printing
57. O'Reilly Auto
58. Hwy 62 Auto Salvage and Sales
59. H & R. Tire and Auto
60. Walgreens
61. Flash Market
62. Calipso Properties
63. Triple J Logistics
64. J & J Leasing Inc.
65. John Hancock Financial Network
66. Super Savers
67. Billards' Place
68. Electric Cowboy
69. Jim Burnett Attorney
70. C.A.R.E. Chiropractic
71. Chick - Fil - A Store opened January 10, 2008.

Some of the problems associated with re-naming a street are:

- 1- Much work for the post office.
- 2- All 911 address will be changed.
- 3- GPS address will be incorrect for several years.
- 4- Truck delivery problems
- 5- Each business will spend not less than \$1,000.00 in time and money. Some business will spend a lot more.

5

[illegible]



*Added at the February 5, 2008
City Council Mtg.*

Fayetteville Police Department
100-A West Rock
Fayetteville, AR 72701
Telephone: (479) 587-3555
Fax: (479) 587-3563

Departmental Correspondence

To: Mayor Dan Coody and members of the City Council
From: Greg Tabor, Chief of Police 
Date: February 1, 2008
Re: **Replacement of Dispatcher**

Recommendation: City Council approves the hiring of one (1) dispatcher to replace a recent resignation.

Background: On January 4, 2008, the Fayetteville City Council approved a hiring freeze for replacement employees funded by General Fund. This hiring freeze allowed replacement of these positions with Council approval. On Thursday, January 31, 2008, Dispatcher Kevin Fratt resigned to move back to Branson, MO where he can take care of elderly parents.

Discussion: The Fayetteville Police Department Central Dispatch currently has 18 authorized dispatch positions. We are currently training two dispatchers for the Night Shift and this vacancy is for that shift also. We have been covering this shift by using Shift Supervisors, Trainers and dispatchers from other shifts. It takes us six months to train a new dispatcher and any delay could cause a critical situation for this shift.

Budget Impact: This is a budgeted position.

Added at the Feb 5th 2008 City Council Mtg.



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

To: Mayor Dan Coody and members of the City Council

From: Greg Tabor, Chief of Police

A handwritten signature in black ink, appearing to be "GT", is written over the name "Greg Tabor".

Date: February 4, 2008

Re: Replacement of Police Officer

Recommendation: City Council approves the hiring of one (1) additional police officer to replace a recent termination.

Background: On January 4, 2008, the Fayetteville City Council approved a hiring freeze for replacement employees funded by General Fund. This hiring freeze allowed replacement of these positions with Council approval. On Monday, February 4, 2008, a probationary officer was terminated.

Discussion: The Fayetteville Police Department currently has 121 authorized slots. Two of these slots remained unfilled due to structured budget reductions. There are eight officers with military commitments. One officer is currently deployed, one has orders for deployment in February, one is expecting orders any day, one will be deployed in July, two have heard of possible deployment sometime in 2008 and two do not expect deployment in the near future. Deployments typically last from 8-18 months. With the most recent resignation, current and potential military deployments we may be down from 121 officers to 112 by the end of the year.

Budget Impact: The salary of the terminated officer and a newly hired officer is the same, \$33,306.

Handed out at the City Council Meeting
2/5/08



REVISED 2-5-08

2008 White Paper Summary Federal Requests FY 2009

\$4.0 million - Fayetteville Regional Wastewater System Improvements

The City of Fayetteville requests \$4 million in the FY 2009 Interior Appropriations Bill to continue the existing initiative of rehabilitation of the regional wastewater system.

\$1.0 million - Housing Partnership: To provide attainable/ affordable housing

The City of Fayetteville is requesting \$1 million to increase current efforts aimed at addressing the lack of attainable/affordable single family housing for a significant percentage of the population in the city.

\$3.6 million - Municipal Airport: Runway Extension & Safety Improvements

Because of the need for safety area improvements, as required by the Federal Aviation Administration (FAA), at the North End Runway Safety Area (RSA) of the Drake Field/Fayetteville Municipal Airport (FYV), the City of Fayetteville requests \$3.6 million through the FAA's Airport Improvement Program (AIP) for better operational capability of corporate/business aircraft.

\$9.8 million - Simulcast System for Public Safety Communication

The City of Fayetteville is requesting \$9.8 million in the Fiscal Year 2009 Commerce, Justice and Science Appropriations Bill for the purchase, installation and implementation of a three site ASTRO 25 LE simulcast radio system – offering a broad range of communication features, capabilities and benefits for public safety agencies in the Fayetteville area with wireless communication needs. The ASTRO system will ensure a coordinated approach to preparedness issues and is the next logical and quite necessary step towards regional interoperability.

JOINT REQUESTS WITH THE UNIVERSITY OF ARKANSAS

\$11.6 million - Fayetteville Expressway Economic Development Corridor

The City of Fayetteville and the University of Arkansas request \$11.6 million in the Fiscal Year 2009 Transportation and Housing and Urban Development Appropriations Bill for continued revitalization of the northern section of the Fayetteville Expressway Economic Development Corridor. The Corridor is a seven-mile thoroughfare that serves as the major north-south route for vehicular traffic along the east side of Fayetteville and into the City's historic downtown. To begin upgrades to the Corridor's northern section, this request received \$9 million in the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59), which was enacted in 2005.

\$6.2 million – Razorback Road (Hwy 112)

In an effort to address safety needs and the adverse impact of congestion in an area of heavy pedestrian traffic, the University of Arkansas, with the support of the City of Fayetteville and the Arkansas Highway and Transportation Department, requests an authorization of \$6.2 Million for a joint project to improve access to the campus from Interstate 540 along Razorback Road and Maple Street. Currently, Highway 112, or "Razorback Road" as it is commonly called, is unsustainable given the growth of the area, and that it serves as the major throughway from the Arkansas Research and Technical Park and the University. Highway 112 is becoming a major thoroughfare, vital for economic development as it links the University and other economic engines of Fayetteville, yet as the needs of the road have grown, the safety and size of the road has not. The safety concerns are real, during game days at Donald W. Reynolds Razorback Stadium, tens of thousands of fans are now required to park a distance from the stadium due to traffic bottlenecks and walk in trenches on the side of the road to the stadium as traffic passes them. The construction of 10 foot sidewalks will help mitigate this safety issue as will the widening of the road allow for fewer traffic tie-ups.

\$2.0 million - Arkansas Research and Technology Park

The University of Arkansas Technology Development Foundation (UATDF), in cooperation with its strategic partners, requests an additional \$2 Million in the Small Business Administration (SBA) to equip laboratories in a new, privately developed multi-tenant research facility at the Arkansas Research and Technology Park (ARTP). Through the development of the ARTP, the UATDF, the City of Fayetteville, the State of Arkansas, and the region are building an economic development engine, focused on innovation and Northwest Arkansas entrepreneurial strength that is attracting and retaining knowledge-based, highly skilled jobs and the production of technology-based business cluster formation. The ARTP provides the physical infrastructure and environment to encourage research and development. Therefore the ARTP is viewed as the cornerstone toward developing the building blocks essential to growing and sustaining a knowledge-based economy in Arkansas. In fiscal year 2006, \$1.1 Million was provided for the Park in SBA, and \$446,500 was provided in fiscal year 2008.

\$600,000 – Razorback Transit System

Razorback Transit, a federally funded public mass transit system operated by the University of Arkansas that transports 1.3 million passengers annually, is requesting \$600,000 in the FY 2009 Transportation, Housing & Urban Development Appropriations Bill. This request is sought in response to environmental concerns, in support of sustainability initiatives supported by the University of Arkansas and the city of Fayetteville, AR, to improve communication during emergency operations, to increase security of the federally funded vehicles and facilities and to increase the universal accessibility to all those living in Fayetteville, AR and the surrounding area. These funds will be used to upgrade the vehicle fueling and maintenance facility; improve security on the buses, and improve operating efficiency for the transit system.

January 31, 2008

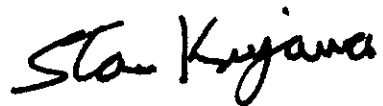
Subject: "Fayetteville, Arkansas Airport White Hanger"

To: Mayor Dan Coody
 ▶ Kit Williams
 Adella Gray
 Brenda Thiel
 Kyle Cook
 Nancy Allen
 Robert Rhoads
 Bobby Ferrell
 Shirley Lucas
 Lioneld Jordan

Reference: Meeting on cable TV on January 30, 2008.

The attached information is provided for your information.

The pages are included in "Historic Places, Fayetteville, Arkansas", a book published in December of 2007 which includes 61 historic sites.



Stan Kujawa

camelot2k@aol.com

www.camelot2k.com

Fayetteville Airport White Hangar



View looking at the northwest corner of the "White Hangar" in June 2007.

Stan Kujawa photo 3745

This hangar is the oldest aviation-related structure still standing in Northwest Arkansas. The cost for building the hangar, which was built entirely with funds from the city of Fayetteville, was approximately \$15,000.

The only supports for the roof arching over the 100' x 150' floor are the eleven 8-inch wide beams, each set on 15-foot centers. Made of several 2 x 8 and 2 x 6 timbers, the beams are curved and internally braced so as not to give or sag. The concrete foundations they rest on are set five feet into the ground.

Over the years the White Hangar housed the airport manager's office, Fayetteville Flying Service, the airport's Flight Service Station and headquarters for Scheduled Skyways.

The White Hangar was renovated at a cost of \$150,000 to mark Arkansas's Sesquicentennial in 1986 and established as the home of the Arkansas Air Museum under a lease agreement with the city of Fayetteville. The renovation included changing the slope of the roofs over the space that runs down each side of the hangar, installing a sprinkler system for fire protection, termite protection and the removal of four layers of shingles to allow for the addition of new black roofing.



View of a portion of the interior of the "White Hangar" in June 2007.

Stan Kujawa photo 3738

Fayetteville Airport White Hangar



View looking at the southeast corner of the "White Hangar" in June 2007.

Stan Kujawa photo 3740



View of a portion of the interior of the "White Hangar" in June 2007.

Stan Kujawa photo 3743

Address: Fayetteville Municipal Airport

Date Built: 1944

Architecture Style:

National Historic Register Number: N/A

Date: N/A

Arkansas Resource Number: WA0792

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
February 05, 2008**

A meeting of the Fayetteville City Council will be held on February 05, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

1. Telecommunications Board Annual Report by Richard Drake, Chair of the Telecommunications Board
2. Fayetteville Downtown Partners – 2007 Report.

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the December 18, 2007, December 27, 2007, January 3, 2008, January 8, 2008 and January 15, 2008 City Council meeting minutes.

2. **Robinson Aviation (RVA), Inc:** A resolution to approve an agreement with Robinson Aviation in cooperation with the FAA to fund a portion of air traffic control services for the Fayetteville Municipal Airport for a monthly cost of \$2,028.42 (subject to an adjustment in October 2008) and to approve a budget adjustment of \$1,111.00.
3. **Van Scoyoc Associates Memorandum Agreement:** A resolution approving renewal of the memorandum of agreement with Van Scoyoc Associates in the amount of \$84,000.00 to provide lobbying services to the City of Fayetteville for 2008.
4. **Arkansas Parks and Tourism Grant for Eagle Park:** A resolution authorizing the Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation 50/50 matching grant in the amount of \$100,000.00 for the development of Eagle Park.
5. **Walker Park Neighborhood Master Plan:** A resolution to adopt the Walker Park Neighborhood Master Plan vision document and illustrative master plan.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:
2. **Northwest Arkansas Community Creative Center Lease Agreement:** A resolution to approve a lease agreement with the Northwest Arkansas Community Creative Center for a portion of the former Tyson Complex on Huntsville Road. *This resolution was tabled at the January 3, 2008 City Council meeting to the February 5, 2008 City Council meeting.*
3. **Hobson, Inc. Appeal:** An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting. This ordinance was tabled indefinitely at the October 2, 2007 City Council meeting.*

C. New Business:

1. **RZN 07-2852 (Broyles/Woodstock):** An ordinance rezoning that property described in rezoning petition RZN 07-2852, for approximately 1.88 acres, located at 845 North 46th Avenue from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 units per acre.
2. **VAC 07-2853 (First Christian Church):** An ordinance approving VAC 07-2853 submitted by McGoodwin, Williams and Yates, Inc. for property located at 220 North College Avenue to vacate an alley, a total of 0.08 acres.
3. **ADM 08-2902 (Woodstock PZD Phasing Modification):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2576, Woodstock, located on the south side of Wedington Drive from 46th Street to Broyles Avenue, containing approximately 29.63 acres, to reflect revised construction phasing as described and depicted herein.

- 4. White Hangar Local Ordinance District:** An ordinance to establish the White Hangar Local Ordinance District.

Announcements:

- 1. City Council Tour: February 04, 2008**

Adjournment:

**City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts**

A. 2
Robinson Aviation (RVA), Inc.
Page 1 of 8

2/5/2008
City Council Meeting Date

Ray M. Boudreaux
Submitted By

Aviation & Economic Development
Division

General Government
Department

Action Required:

Action Required: Approval of an Agreement with Robinson Aviation (RVA), Inc. to provide air traffic control services. Contact: Keren Williams McLendon, CFO, VP Administration; 1601 NW Expressway, Suite 850, Oklahoma City, OK, 73118; 405-840-3771; fax 405-840-3772. **Approval of the attached budget adjustment.**

\$ 24,341.00
Cost of this request

\$ 224,368.00

Serv/chrgs
Program Category / Project Name

5550.3940.5315.00
Account Number

\$ 18.00
Funds Used to Date

Airport Administration
Program / Project Category Name

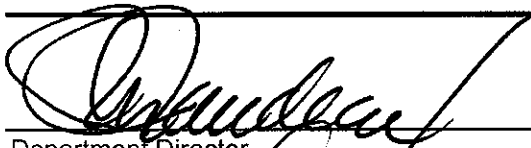
NA
Project Number

\$ 224,350.00
Remaining Balance

Airport
Fund Name

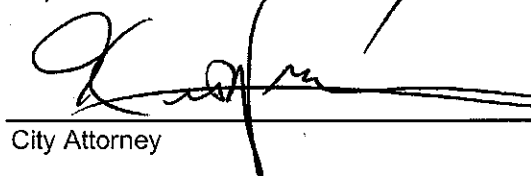
Budgeted Item ☒

Budget Adjustment Attached ☒


Department Director

1/4/08
Date

Previous Ordinance or Resolution # 170-04


City Attorney

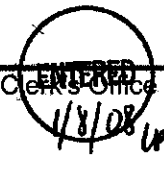
1-8-08
Date

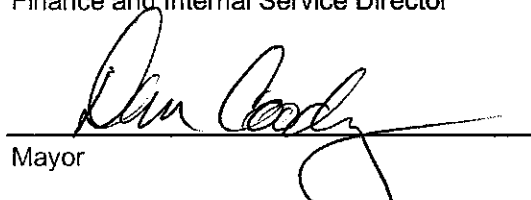
Original Contract Date: 02/08/05

Original Contract Number: _____

Paul a. Berke
Finance and Internal Service Director

1-9-08
Date

Received in City Clerk's Office



Mayor

1/10/08
Date

Received in Mayor's Office


Comments:

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor and Members of the City Council
THRU: Staff/Contract Review Committee
FROM: Ray M. Boudreaux, Director, Aviation and Economic Development
DATE: January 4, 2008
SUBJECT: Approval of Contract with Robinson Aviation (RVA) for the continued operation of the Air Traffic Control Tower (ATCT) at Fayetteville Municipal Airport, Drake Field.

RECOMMENDATION: Approval of contract with RVA for operation of the ATCT at Drake Field for the year October 1, 2007 until September 30, 2008. The new contract represents an increase of \$154.50 per month for the new Federal Fiscal Year. The increases are the result of Department of Labor rate increases.

BACKGROUND: Fayetteville Municipal Airport, Drake Field participates in the Cost Share program to fund our Tower. The RVA contract is in force and an updated cost share agreement is prepared by RVA every year once the information is available from the Department of Labor. The undated agreement is routinely behind as the information from the Federal Government is routinely late.

BUDGET IMPACT: This represents an \$1,854.00 increase for the year. A budget adjustment is attached.

Attachments: Staff Review Form
Cost Share Agreement
Budget Adjustment

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN AGREEMENT WITH ROBINSON AVIATION IN COOPERATION WITH THE FAA TO FUND A PORTION OF AIR TRAFFIC CONTROL SERVICES FOR THE FAYETTEVILLE MUNICIPAL AIRPORT FOR A MONTHLY COST OF \$2,028.42 (SUBJECT TO AN ADJUSTMENT IN OCTOBER 2008) AND TO APPROVE A BUDGET ADJUSTMENT OF \$1,111.00

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

Section 1: The City Council of the City of Fayetteville, Arkansas hereby approves the agreement attached as Exhibit A to partially fund (\$2,028.42 monthly) air traffic control services in conjunction with the FAA at the Fayetteville Municipal Airport for 2008.

Section 2: The City Council of the City of Fayetteville, Arkansas hereby approves the budget adjustment in the amount of \$1,111.00 attached as Exhibit B.

PASSED and APPROVED this 5th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Agreement

THIS AGREEMENT made this _____ day of _____, 2007, by and between City of Fayetteville (hereinafter referred to as "Sponsor") and Robinson Aviation (RVA), Inc., a corporation with its principal place of business in Oklahoma and authorized to conduct business in the State of Arkansas (hereinafter referred to as "Company").

WHEREAS, Company currently operates the control tower at the Fayetteville Municipal Airport under contract with the Federal Aviation Administration (FAA); and

WHEREAS, Sponsor, in carrying out its agreement with the FAA to fund a portion of the air traffic control services under the FAA Cost Share Program, desires to enter into an agreement with Company to ensure full funding of continued operations of the control tower at the Fayetteville Municipal Airport; and

WHEREAS, Company is willing to enter into such an agreement;

NOW, therefore, in the consideration of the terms, conditions and covenants set forth herein, it is mutually agreed as follows:

1. Term: The term of this agreement shall be from October 1, 2007 through September 30, 2008 and continuing on a month-to-month basis thereafter until terminated by either party with thirty (30) days written notice;
2. Services: Company shall provide air traffic control services at Airport as specified in its agreement with the FAA. This Agreement will terminate in its entirety concurrently with the Company's Agreement with the FAA;
3. Payment: In accordance with its cost-sharing agreement with the FAA, Sponsor shall pay Company \$2,028.42 per month from October 1, 2007 through September 30, 2008. This amount may be adjusted from time to time, as approved by the FAA, to cover increases or decreases in Company's approved operating costs including, but not limited to, its labor costs. Company shall endeavor to provide to the Sponsor as much advance notice as possible when adjustments to costs are expected. Company shall invoice Sponsor on a monthly basis. Invoices shall be payable to Company within 30 days of receipt. Failure to pay any portion of any invoice may result in an immediate termination of services. Sponsor understands that annual price changes in accordance with Company's Agreement with the FAA are effective October 1st of each year; accordingly, the amount due under this agreement will change effective October 1st of each year. Price changes may not be approved by the FAA in time to accurately bill for services rendered after October 1st; both parties agree that such price changes will be communicated as soon as possible after FAA approval and that any price adjustments (negative/positive) will be effective retroactive to October 1st.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

Sponsor:

Company:

By: _____

By: _____
Keren J. Williams McLendon

Agreement

THIS AGREEMENT made this _____ day of _____, 2007, by and between City of Fayetteville (hereinafter referred to as "Sponsor") and Robinson Aviation (RVA), Inc., a corporation with its principal place of business in Oklahoma and authorized to conduct business in the State of Arkansas (hereinafter referred to as "Company").

WHEREAS, Company currently operates the control tower at the Fayetteville Municipal Airport under contract with the Federal Aviation Administration (FAA); and

WHEREAS, Sponsor, in carrying out its agreement with the FAA to fund a portion of the air traffic control services under the FAA Cost Share Program, desires to enter into an agreement with Company to ensure full funding of continued operations of the control tower at the Fayetteville Municipal Airport; and

WHEREAS, Company is willing to enter into such an agreement;

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1. Term: The term of this agreement shall be from October 1, 2007 through September 30, 2008 and continuing on a month-to-month basis thereafter until terminated by either party with thirty (30) days written notice;
2. Services: Company shall provide air traffic control services at Airport as specified in its agreement with the FAA. This Agreement will terminate in its entirety concurrently with the Company's Agreement with the FAA;
3. Payment: In accordance with its cost-sharing agreement with the FAA, Sponsor shall pay Company \$2,028.42 per month from October 1, 2007 through September 30, 2008. This amount may be adjusted from time to time, as approved by the FAA, to cover increases or decreases in Company's approved operating costs including, but not limited to, its labor costs. Company shall endeavor to provide to the Sponsor as much advance notice as possible when adjustments to costs are expected. Company shall invoice Sponsor on a monthly basis. Invoices shall be payable to Company within 30 days of receipt. Failure to pay any portion of any invoice may result in an immediate termination of services. Sponsor understands that annual price changes in accordance with Company's Agreement with the FAA are effective October 1st of each year; accordingly, the amount due under this agreement will change effective October 1st of each year. Price changes may not be approved by the FAA in time to accurately bill for services rendered after October 1st; both parties agree that such price changes will be communicated as soon as possible after FAA approval and that any price adjustments (negative/positive) will be effective retroactive to October 1st.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

Sponsor:

Company:

By: _____

By: _____
Keren J. Williams McLendon

**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 2
Robinson Aviation (RVA), Inc.
Page 6 of 8

Budget Year 2008	Department: General Government Division: Aviation & Economic Development Program: Airport Administration	Date Requested 2/5/2008	Adjustment Number
-------------------------	--	--------------------------------	-------------------

Project or Item Added/Increased: \$1111.00 in the Contract Services account	Project or Item Deleted/Reduced: None. Increase Use of Fund Balance
--	--

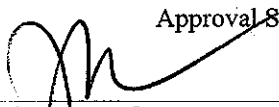
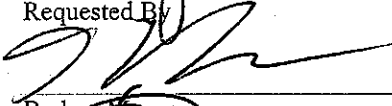
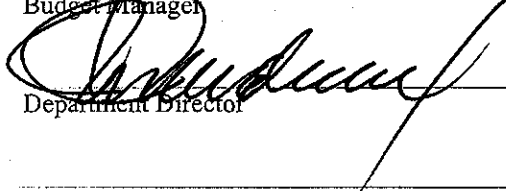
Justification of this Increase: 2008 cost increase for Air Traffic Control services is added to the line item budget in order to avoid overages in the category later in the year.	Justification of this Decrease: No other source of funds is available in the Airport accounts due to strict FY2008 budgeting requirements.
---	---

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number
Contract services	5550	3940	5315	00	1,111	

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number
Use of fund balance	5550	0955	4999	99	1,111	

Approval Signatures		Budget Office Use Only	
Requested By 	Date 1-4-08	Type: A B C <u>D</u> E	
Budget Manager 	Date 1-9-08	Posted to General Ledger	Initial _____ Date _____
Department Director 	Date 1/4/08	Posted to Project Accounting	Initial _____ Date _____
Finance & Internal Services Director	Date	Entered in Category Log	Initial _____ Date _____
Mayor	Date		



Robinson Aviation (RVA), Inc.
Corporate Headquarters
Oklahoma City, Oklahoma

Our Quality Goal: "Do each job right the first time, every time."

December 20, 2007

Ray M. Boudreaux, Airport Director
Fayetteville Municipal Airport
4500 S. School, Suite F
Fayetteville, AR 72701

RECEIVED
DEC 26 2007
AIRPORT

Dear Mr. Boudreaux:

Pursuant to your agreement with the FAA to participate in the cost sharing program for air traffic control services, I have enclosed two copies of the updated cost-share agreement that covers services from October 1, 2007 through September 30, 2008. This updated agreement provides for the approved monthly amounts, retroactive to October 1st (the beginning of the government's fiscal year and implementation date of the DOL rate changes).

Please have the appropriate parties sign as necessary in the space provided on the two Agreements and return one copy to me at the address listed below. Should you have any questions, please do not hesitate to call me.

Sincerely,

Keren Williams McLendon
CFO; VP, Administration

Current \$ 1873.92

154.50 monthly
increase
1854 / yr

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

2/5/2008
City Council Meeting Date

Susan Thomas
Submitted By

Public Information
Division

General Government
Department

Action Required:

A resolution approving a Memorandum of Understanding with Van Scoyoc Associates in the amount of \$84,000 to provide lobbying services to the City of Fayetteville.

\$84,000

Cost of this request

\$

85,000.00

Category / Project Budget

Professional Services

Program Category / Project Name

1010-6600-5314-00

Account Number

\$

-

Funds Used to Date

Miscellaneous

Program / Project Category Name

\$

85,000.00

Remaining Balance

General fund

Fund Name

Project Number

Budgeted Item

☒

Budget Adjustment Attached

Previous Ordinance or Resolution #

Department Director

1/3/2008

Date

Original Contract Date:

Original Contract Number:

City Attorney

1/11/08

Date

Finance and Internal Service Director

1-11-08

Date

Mayor

1/18/08

Date

Received in City Clerk's Office

ENTERED
1/10/08
AW

Received in Mayor's Office

ENTERED
1/11/08
PH

Comments:



City Council Memo

TO: Mayor Coody and City Council

FROM: Susan B. Thomas, Ph.D., Public Information & Policy Advisor *SBT*

DATE: January 3, 2008

SUBJECT: Van Scoyoc Associates Memorandum of Agreement

Recommendation

A resolution approving a Memorandum of Agreement with Van Scoyoc Associates in the amount of \$84,000 to provide lobbying services to the City of Fayetteville.

Background

The City of Fayetteville entered into a one year renewable Memorandum of Agreement with Van Scoyoc and Associates (VSA) in February 2004. The firm is a Washington D.C. based consulting firm that assists clients with securing federal funding including line-item earmarks and agency-based grants. A summary of requests and funding received since our initial contract with Van Scoyoc is attached.

Current Status

This year we have developed a list of seven projects for FY 2009 totaling approximately \$23.1 million (attached as FY 2009 Federal Requests Summary). VSA will begin actively lobbying for these proposals in the first quarter of 2008. They are also providing written progress reports, e-mail briefings on relevant budget and/or congressional committee activities, and a monthly conference call to provide funding status reports and to help us generate ideas for increasing our chances for securing federal dollars including earmarks and agency grants.

Currently, the firm is also under contract with the University of Arkansas.

Budget Impact

The firm works on an annual retainer basis. The annual retainer fee for services is \$84,000 which was included in the approved 2008 budget. The City may incur additional reimbursable expenses not to exceed \$5,000 for the one-year contract term.

RESOLUTION NO. _____

A RESOLUTION APPROVING RENEWAL OF THE MEMORANDUM OF AGREEMENT WITH VAN SCOYOC ASSOCIATES IN THE AMOUNT OF \$84,000.00 TO PROVIDE LOBBYING SERVICES TO THE CITY OF FAYETTEVILLE FOR 2008.

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 renewal of the Memorandum of Agreement with Van Scoyoc Associates in the amount of \$84,000.00 to provide lobbying services to the City of Fayetteville for 2008.

PASSED and APPROVED this 5th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

**Federal Funding Summary
2004 (FY 2005) through 2007 (FY 2008)**

CLIENT	PROJECT	VEHICLE	AGENCY	ACCOUNT	REQUESTED AMOUNT	FINAL OUTCOME
FY 2005						
0540 Fayetteville	Community Infrastructure	VA/HUD	EPA	State & Tribal Assistance Grants	\$3.5M	\$500,000
FY 2006						
0540 Fayetteville	Arkansas Research & Technology Park	C/J/S	SBA	Salaries & Expenses	\$1.1M	\$1.1M
0540 Fayetteville	Fayetteville Expressway Economic Dev. Corridor	Highway Bill	DOT	National Corridor & Planning and Border Infrastructure Programs	\$16.8M	\$9M
0540 Fayetteville	Technology Corridor Enhancement	Highway Bill	DOT	Federal Aid Highways	\$4.95M	\$3.2M
0540 Fayetteville	Wastewater System Improvements	Interior	EPA	State & Tribal Assistance Grants	\$4M	\$500,000
No Domestic Earmarks in 2007						
FY 2008						
0540 Fayetteville	Simulcast Public Safety Communications	C/J/S	DOJ	COPS, Law Enforcement Technology Programs	\$2.5M	\$446,500
0540 Fayetteville	Arkansas Research & Technology Park	Financial Services	SBA	Salaries & Expenses	\$2M	\$500,000
0540 Fayetteville	Wastewater System Improvements	Interior	EPA	State & Tribal Assistance Grants	\$4M	\$300,000
0540 Fayetteville	Housing Partnership	TTHUD	HUD	EDI	\$1M	\$670,000



2008 White Paper Summary Federal Requests FY 2009

\$9.0 million - Fayetteville Expressway Economic Development Corridor

The City of Fayetteville and the University of Arkansas request \$9 million in the Fiscal Year 2009 Transportation and Housing and Urban Development Appropriations Bill for continued revitalization of the northern section of the Fayetteville Expressway Economic Development Corridor. The Corridor is a seven-mile thoroughfare that serves as the major north-south route for vehicular traffic along the east side of Fayetteville and into the City's historic downtown. To begin upgrades to the Corridor's northern section, this request received \$9 million in the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59), which was enacted in 2005.

\$4.0 million - Fayetteville Regional Wastewater System Improvements

The City of Fayetteville requests \$4 million in the FY 2009 Interior Appropriations Bill to continue the existing initiative of rehabilitation of the regional wastewater system.

\$1.0 million - Housing Partnership: An effort to provide attainable/ affordable housing

The City of Fayetteville is requesting \$1 million to increase current efforts aimed at addressing the lack of attainable/affordable single family housing for a significant percentage of the population in the city.

\$3.6 million - Drake Field / Municipal Airport: Runway extension & Safety Improvements

Because of the need for safety area improvements, as required by the Federal Aviation Administration (FAA), at the North End Runway Safety Area (RSA) of the Drake Field/Fayetteville Municipal Airport (FYV), the City of Fayetteville requests \$3.6 million through the FAA's Airport Improvement Program (AIP) for better operational capability of corporate/business aircraft.

\$1.0 million - City of Fayetteville - Sustainability Initiative

White paper not complete

\$2.5 million - Simulcast System for Public Safety Communication

The City of Fayetteville is requesting \$2.5 million in the Fiscal Year 2009 Commerce, Justice and Science Appropriations Bill to complete the purchase, installation and

implementation of an ASTRO 25 LE simulcast system – offering a broad range of communication features, capabilities and benefits for public safety agencies in the Fayetteville area with wireless communication needs. The ASTRO system will ensure a coordinated approach to preparedness issues and is the next logical and quite necessary step towards regional interoperability.

\$2.0 million - Arkansas Research and Technology Park

Through the development of the Arkansas Research and Technology Park (ARTP), the University of Arkansas Technology Development Foundation (UATDF), the City of Fayetteville, the State of Arkansas, and region are building an economic development engine focused on innovation and Northwest Arkansas entrepreneurial strength that is able to attract and retain knowledge-based workers and induce technology-based business cluster formation. Because research parks provide the physical infrastructure and environment to encourage research and development, the ARTP is viewed as the cornerstone toward developing the building blocks essential to growing and sustaining a knowledge-based economy in Arkansas. Accordingly, the UATDF, in cooperation with its strategic partners, requests an additional \$2 million in the Small Business Administration (SBA) for site-specific infrastructure necessary to support the ARTP. In fiscal year 2006, \$1.1 million was provided for the Park in SBA. An appropriation of \$500,000 was recommended in Committee Report 109-280 accompanying the Senate version of the fiscal year 2007 Commerce, Justice and Science Appropriations Bill.

MEMORANDUM OF AGREEMENT

Agreement. The City of Fayetteville ("the City") hereby retains Van Scoyoc Associates, Inc. ("VSA") as consultants and advisors with regard to various legislative and administrative matters.

Statement of Work. VSA will assist the City and its personnel in the following areas:

- Developing a program and strategy towards obtaining federal appropriations and grants for Fayetteville's future economic viability.
- Analyzing and informing the City of contemplated legislative and regulatory changes that may positively or negatively affect programs of interest to the City.
- Educating Members of Congress and their staffs about Fayetteville concerns or opportunities with respect to legislation or regulations.
- Building grassroots support of the projects to demonstrate local interest by finding individuals and groups with goals similar to those of the City.
- Working with the relevant committees to secure enactment of the legislative agenda or otherwise advance the interests of the City.
- Assisting in working with federal agencies and the federal administration to identify, create and secure new federal grant and funding opportunities.

Lobby Disclosure Act. It is understood that VSA will be required to register on behalf of the City under the terms of the Lobbying and Disclosure Act of 1995 (P.L. 104-65) and any subsequent laws or regulations.

Term. In consideration of the performance of these services, the City shall pay to VSA the sum of \$7,000 per month for the period of February 1, 2008 through January 31, 2009, for a total of \$84,000 in retainer expenses subject to appropriation by the Fayetteville City Council.

The City further agrees to pay all reasonable costs and expenses incurred by VSA in furtherance of its efforts on behalf of the City, including, but not limited to, copies, facsimiles, couriers, telephone, local transportation and meals directly attributable to those efforts. VSA agrees that these expenses, exclusive of out-of-town travel costs taken solely at the City's direction, shall not exceed \$5,000 during the contract term. The City hereby warrants that these obligations will not be paid with federally appropriated funds.

Notice. The City shall have the right to terminate this contract after giving VSA 30 days advance written notice. Should the City exercise this option, it agrees to pay VSA all outstanding retainer and expense costs owed through the termination date.

VAN SCOYOC ASSOCIATES

Date: 12/21/07

By: H. Stewart Van Scoyoc
H. Stewart Van Scoyoc
President

CITY OF FAYETTEVILLE

Date: _____

By: _____
Dan Coody
Mayor

**City of Fayetteville
Staff Review Form
City Council Agenda Items
and Contracts, Leases or Agreements**

5-Feb-08

City Council Meeting Date


Carole Jones/Connie Edmonston
Submitted By

Parks and Recreation
Division

Operations
Department

Action Required:

A resolution approving the acceptance of a Arkansas Parks and Tourism Outdoor Recreation 50/50 Matching Grant in the amount of \$100,000 for the development of Eagle Park. ALSO To approve THE ATTACHED budget ADJUSTMENT.

\$100,000
Cost of this request
2250.9255.5806.00
Account Number
02013.XX
Project Number

\$ 100,000
Category/Project Budget
\$ -
Funds Used to Date
\$100,000
Remaining Balance

Neighborhood Park Development
Program Category / Project Name
Eagle Park (Grant Match)
Program / Project Category Name
Park Land Dedication (SE)
Fund Name

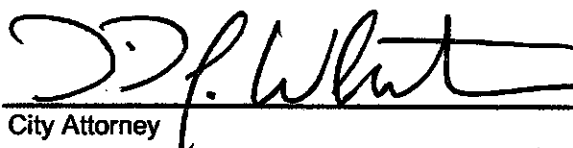
Budgeted Item

☒

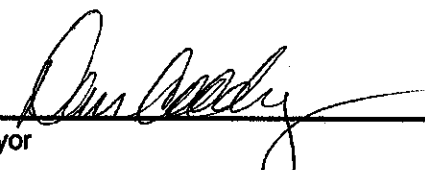
Budget Adjustment Attached

☒


Department Director 1-11-08
Date


City Attorney 1/17/08
Date


Finance and Internal Service Director 1-18-08
Date


Mayor 1/22/08
Date

Previous Ordinance or Resolution # 146-07

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office

ENTERED

1/17/08

Received in Mayor's Office

ENTERED

1/17/08

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Dan Coody and City Council
Thru: Gary Dumas, Operations Director
Connie Edmonston, Parks and Recreation Director *CE*
From: Carole Jones, Park Planner *CJ*
Date: January 10, 2008
RE: **Acceptance of Arkansas Parks and Tourism Outdoor Recreation
Grant for Eagle Park**

RECOMMENDATION

Parks and Recreation requests City Council approval of a resolution to authorize the City to accept \$100,000 from the Arkansas Parks and Tourism Outdoor Recreation Grant Program for the development of Eagle Park (see attached conceptual plan).

BACKGROUND

The Land and Water Conservation Fund (LWCF) is a federal program with funds derived from the sale of federal surplus real estate property, federal motor boat fuel tax, and Outer Continental Shelf mineral receipts. The Natural and Cultural Resources Grant and Trust Fund (NCRGTF) is a state program with funds collected from a tax on the transfer of certain real estate in the State of Arkansas. LWCF and NCRGTF funds are included in the Department of Parks and Tourism's Outdoor Recreation Grants Program for funding outdoor recreation facilities. This is a 50/50 reimbursable matching grant with a \$250,000 maximum request on matching funds. This year, the City of Fayetteville has been awarded \$100,000 for the development of Eagle Park (see attached letter from the office of Governor Beebe).

Eagle Park contains 7.44 acres and is located at 1852 S. River Meadows Drive in the Stonebridge Meadows Subdivision. The park land is situated in the southeast quadrant of town east of S. River Meadows Drive. The park serves residents within a ½-mile radius. Two public meeting were conducted to involve the neighborhood and assess the community's needs and desires for amenities within the park. Based on the findings, a park master plan that included two age appropriate playgrounds, a picnic area with a pavilion and an open area to allow for baseball / wiffle ball was designed by Park Staff and presented to the neighborhood. The plan was approved by the neighborhood on August 1, 2007.

On August 6, 2007, the Parks and Recreation Advisory Board approved the master plan and the request to apply for the grant (see attached PRAB minutes). On August 7, 2007, City Council passed Resolution Number 146-07 authorizing Parks and Recreation to apply for a grant from Arkansas Department of Parks and Tourism (see attached resolution).

DISCUSSION

The Outdoor Recreation Grant is a 50/50 Matching Grant that is reimbursed to the City. The State of Arkansas awarded the Parks and Recreation Division \$100,000. Parks and Recreation Staff plans to complete the project as planned in the grant. The project will start after a Project Management meeting is held with Arkansas State Parks Officials. After this meeting, the Outdoor Recreation and Grants Program will issue the City of Fayetteville a Notice to Proceed. Work on the project should begin in late spring.

BUDGET IMPACT

Arkansas State Parks Outdoor Recreation Program awarded the City of Fayetteville a total of \$100,000 to complete the project. This grant is a 50/50 matching grant, meaning the Outdoor Recreation Grant Program will pay half of the expenses, up to \$100,000. The City's match is accounted for in project number 02013, Neighborhood Park Development.

This project is funded with Park Land Dedication Funds from the Southeast Park District (\$100,000). The annual maintenance cost for the developed portion of park (2.8 acres) is anticipated to be \$5,640, and the annual maintenance cost for the undeveloped portion of park (4.64 acres) is anticipated to be \$960. This is a total anticipated annual maintenance cost of \$6,600 for 7.44 total acres.

Attachments:

Eagle Park Conceptual Plan
Letter of Award Notification from the Office of Governor Beebe
PRAB Minutes August 6, 2007
Resolution No. 147-07

**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 4
Arkansas Parks and Tourism
Grant for Eagle Park
Adjustment Number 4 of 12

Budget Year 2008	Department: Operations Division: Parks & Recreation Program: Parks Development Revenue	Date Requested 2/15/2008
-------------------------	--	---------------------------------

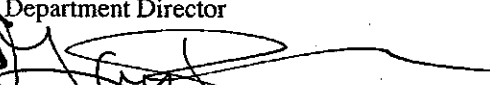
Project or Item Added/Increased: None. To recognize \$100,000 in State Grant Revenue from the Arkansas Parks & Tourism Outdoor Recreation 50/50 Matching Grant.	Project or Item Deleted/Reduced: \$100,000 from the Use of Fund Balance.
Justification of this Increase: Eagle Park Development was original budgeted to receive its funding from Fund Balance (\$100,000) and Greenspace SE (\$100,000). This adjustment will replace the Fund Balance reserves with State grant revenue.	Justification of this Decrease:

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Use of Fund Balance	2250	0925	4999	99	100,000		

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
State Grants - Capital	2250	0925	4302	00	100,000	02013	0801

Approval Signatures		Budget & Research Use Only	
Requested By 	Date 1-18-08	Type: A B C D E	
Budget Director	Date	General Ledger Date	
Paula A. Duke Department Director	1-18-08 Date	Posted to General Ledger	Initial Date
 Finance Director	1-18-08 Date	Posted to Project Accounting	Initial Date
Mayor	Date	Entered in Category Log	Initial Date

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PARKS AND RECREATION DIVISION TO ACCEPT AN ARKANSAS PARKS AND TOURISM OUTDOOR RECREATION 50/50 MATCHING GRANT IN THE AMOUNT OF \$100,000.00 FOR THE DEVELOPMENT OF EAGLE PARK.

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 Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation 50/50 Matching Grant in the amount of \$100,000.00 for the development of Eagle Park.

PASSED and APPROVED this 5th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



RECEIVED

DEC 26 2007

CITY OF FAYETTEVILLE
MAYOR'S OFFICE



STATE OF ARKANSAS
MIKE BEEBE
GOVERNOR

December 21, 2007

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Mayor Coody:

It is my pleasure to inform you that the Outdoor Recreation Grants Advisory Committee of the Department of Parks and Tourism has recommended that the City of Fayetteville be awarded a grant based on their FY 2008 application for matching-grant funds.

I am pleased to award the City of Fayetteville a matching grant in the amount of \$100,000.00 to assist in the construction of playground, ball-field, pavilion, walkways, and ADA parking at Eagle Park.

The Department of Parks and Tourism will contact you in the near future to explain our procedure for the awards. Best wishes for much success with your endeavor.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mike Beebe".

Mike Beebe

MB:jb

cc: Senator Sue Madison
Representative Jim House
Richard W. Davies, Executive Director
Department of Parks and Tourism

FAYETTEVILLE
PARKS AND RECREATION ADVISORY BOARD
Meeting Minutes August 6, 2007

Opening:

The regular meeting of the Parks and Recreation Advisory Board was called to order by Chairman Wade Colwell at 5:35 P.M. on August 6, 2007 in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Present:

Parks and Recreation Advisory Board members Colwell, Biendara, Hatfield, Burke, and Davidson were present; Davis, Mauritsen, and Bitler were absent. Park staff Edmonston, Coles, Wright, Jumper, Jones, and Thomas and audience were in attendance.

1. Approval of July 9th, 2007 PRAB Meeting Minutes

PRAB Motion: Davidson moved to approve as written. Biendara seconded the motion. Motion passed by voice vote of five approvals.

2. Park Land Dedication

Alison Jumper, Park Planner

Development Name:	Lierly Lane Phase II
Engineer:	H2 Engineering
Owner:	Blind Squirrel LLC
Location:	South of Weir Rd., east of Hugh Mount
Park District:	NW
Units:	18 single family units
Total Acres:	4.22 acres
Land Dedication Requirement:	0.36 acres
Money in Lieu Requirement:	\$14,400
Existing Parks:	Clabber Creek Trail Corridor and park land
Developer's Request:	Money in lieu
Staff Recommendation:	Money in lieu
Developer's Comments:	
Justification:	

The acreage requirement for this development is not adequate for a neighborhood park. Surrounding land is already developed and no potential for expansion exists. Additionally, Clabber Creek Trail and park land is within the half mile service area.

There was no discussion.

PRAB Motion: Burke moved to accept staff recommendation. Biendara seconded it. The motion passed 5-0-0 by voice vote.

3. Eagle Park Master Plan: Alison Jumper, Park Planner

Parks & Recreation Staff Recommendation: Approval of the Eagle Park Master Plan and to apply for AR Parks and Recreation Outdoor Recreation 50/50 Matching Grant Funding for the development of Eagle Park in 2008.

Colwell asked if the gas line is a possible easement for a trail. He also commented that the wiffleball was a good idea.

Edmonston said that when Staff made the initial visit to Eagle Park, the neighborhood had an area mowed. The Parks staff thought it was mowed for their meeting. It was actually mowed for the wiffleball games the neighborhood had. About 25 people attended the meeting.

Biendara commented that several people have told her that they would like to see the trees concentrated around the playground.

Jumper commented that the benches will be incorporated into the play area.

Colwell asked if we could possibly get matching grants.

Wright replied that we have a good chance of getting a grant. Fayetteville Parks and Recreation has a good track record with Arkansas State Parks. Most of the parks grants we have applied for- such as Sweetbriar Park, Davis Park, and Braden Park, we have gotten.

PRAB Motion: Colwell moved to approve the park, and also to approve the request for the grant. Burke seconded it. The motion passed 5-0-0 by voice vote.

4. Red Oak Park Update: Carole Jones, Park Planner

A public meeting will be held on Tuesday, August 14th at 5:30 pm at the Red Oak Park pavilion on New Bridge Road in the Bridgeport Subdivision to update the surrounding neighborhoods on the Red Oak Park Streambank Improvement Project.

Jones explained that there is a big drainage problem at the park. The park has approximately 1400 residents within a half mile of the park, so the public meeting may be full. Fayetteville Parks and Recreation has received a \$10,000 matching grant for the downstream portion of the park. We will use part of that money to plant trees. A tour of the park is planned for the City Council on August 20, 2007. We have two preliminary designs for the park, one for each end. There is a safety issue with the erosion on the bank.

Davidson asked if there were any concerns from the neighborhood.

Biendara said people would just like something to be done.

Davidson said he would like to see the park after a big rain.

Jones commented that the stream bed is dry, but during a rain, it is raging.

Colwell said that he's surprised that Gulley Park hasn't done the same thing.

RESOLUTION NO. 146-07

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AN ARKANSAS PARKS AND TOURISM OUTDOOR RECREATION GRANT IN AN AMOUNT NOT TO EXCEED \$125,000.00 FOR IMPROVEMENTS TO EAGLE PARK.

WHEREAS, the City of Fayetteville, Arkansas seeks to improve recreation facilities and wishes to seek grant funding assistance; and,

WHEREAS, in order to obtain the funds necessary to develop and/or improve the site for such a recreation area, it is necessary to obtain a 50/50 Matching Grant from the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program; and,

WHEREAS, the plans for such recreation areas have been prepared and the price therefore has been established; and,

WHEREAS, the City Council of the City of Fayetteville, Arkansas understands the grantee and grantor will enter into a binding agreement which obligates both parties to the policies and procedures contained in the Land and Water Conservation Fund Grants Manual including, but not limited to the following: the park area defined by the project boundary map, submitted in the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds and; all present and future overhead utility lines within the project boundary must be routed away or placed underground and; the project area must remain open and available for use by the public at all reasonable times of the day and year; facilities can be reserved for special events, league play, etc. but cannot be reserved, leased, or assigned for exclusive use, and; the project area must be kept clean, maintained, and operated in a safe and healthful manner. The City Council of the City of Fayetteville, Arkansas is well aware and apprised of the above-mentioned project, and will provide the local portion of the development cost of the entire project.

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

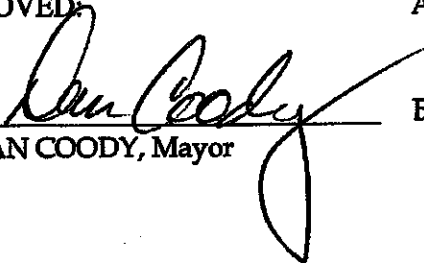
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to make application to the Arkansas Department of Parks and Tourism for assistance, in an amount not to exceed \$125,000.00, for improvements to Eagle Park. Therefore, such application shall be submitted as expediently as possible.



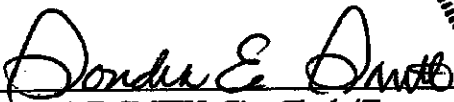
Page 2
Res. 146-07

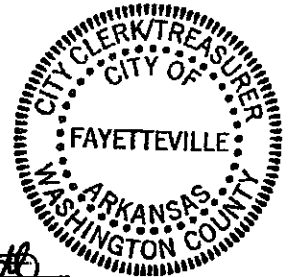
PASSED and APPROVED this 7th day of August, 2007.

APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer



A. 5
Walker Park Neighborhood
Master Plan
Page 1 of 8

2/5/2008

Tim Conklin

Planning and Development Mgmt.

Operations

Submitted By

Division

Department

Approval of a resolution adopting the proposed Walker Park Neighborhood Master Plan vision document and illustrative master plan (ADM 07-2895)

\$

Cost of this request

Category / Project Budget

Program Category / Project Name

Account Number

Funds Used to Date

Program / Project Category Name

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

11

Department/Director

Date _____

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

Date _____

Original Contract Number:

Finance and Internal Service Director

Date _____

Received in City
Clerk's Office

Received in
Mayor's Office

Comments:

RESOLUTION NO. _____

**A RESOLUTION TO ADOPT THE WALKER PARK
NEIGHBORHOOD MASTER PLAN VISION DOCUMENT
AND ILLUSTRATIVE MASTER PLAN**

WHEREAS, The City of Fayetteville developed City Plan 2025 through a collaborative planning process in 2006; and

WHEREAS, City Plan 2025 calls for a comprehensive neighborhood master plan to be prepared every year; and

WHEREAS, the Walker Park Neighborhood Plan is the first neighborhood plan to be prepared by City Staff; and

WHEREAS, the Walker Park Neighborhood Plan was developed through an intensive and inclusive charrette process involving all stakeholders; and

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a resolution to adopt the Walker Park Neighborhood Master Plan vision document and illustrative master plan.

PASSED and APPROVED this the 5th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

DRAFT

Fayetteville
ARKANSAS

WALKER PARK NEIGHBORHOOD ILLUSTRATIVE MASTER PLAN FAYETTEVILLE, ARKANSAS SEPTEMBER 2007

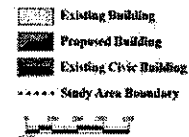


EXHIBIT "B"



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Tim Conklin, Planning and Development Management Director

From: Kristina Jones, Long Range Planning Technician

Date: January 18, 2008

Subject: Administrative item to pass a resolution adopting the Walker Park Neighborhood Master Plan vision document and illustrative master plan (ADM 07-2895).

RECOMMENDATION

Planning Staff and the Fayetteville Planning Commission recommend approval of a resolution to adopt the Walker Park Neighborhood Master Plan vision document and illustrative master plan.

BACKGROUND

The Fayetteville Planning Commission voted unanimously to recommend approval of the Walker Park Neighborhood Master Plan. The City Council adopted City Plan 2025 on July 17, 2006. City Plan 2025 set a goal of using a charrette process to generate a complete neighborhood plan once a year for the next five years for key areas of the City. These plans were intended to incorporate key principles of City Plan 2025, including appropriate infill and revitalization, traditional neighborhood development and attainable housing. The Walker Park Neighborhood plan area was selected by the City Council on March 6, 2007 as the first complete neighborhood plan project.

The criteria used to select an area included: 1) Meets the City's goals as outlined in the City Council's Strategic Plan and City Plan 2025; 2) Has a high percentage of nonconforming structures; 3) Is experiencing development pressure; 4) Has a high percentage of vacant or underutilized land; and 5) Has potential for significant public participation; 6) Has potential partners in the design process; and 7) The Plan would be developed concurrently with road improvement projects. The Walker Park Neighborhood met all these criteria.

City Goals: The Strategic Plan adopted by the City Council specifically mentions the revitalization of Walker Park and the surrounding area and greater commercial development in South Fayetteville that would offer a variety of places to shop and eat. City Plan 2025 states, "We will make appropriate infill and revitalization our highest priorities." This area offers multiple opportunities for addressing all the goals outlined in City Plan 2025, with infill and revitalization remaining the highest priority.

Nonconforming Structures: Approximately 34 percent of the structures in this area are nonconforming to the current zoning regulations. Most of the nonconforming structures are in established neighborhoods of single-family detached homes. Currently, the entire area, excluding Walker Park and the South School corridor, is zoned Residential Multi-Family 24 units per acre, which is inconsistent with the existing structures and implies the transformation of this area from single-family neighborhoods to multi-family complexes. Developing a Master Plan for this area that proposed a form-based zoning would protect these neighborhoods and bring the majority of these structures into compliance.

The current zoning of this area may also have a paralyzing effect on development; any new development often requires numerous waivers, variances or rezonings, lengthening the approval process. A form-based zoning code applied to this area with as-of-right development would decrease these barriers, creating opportunities for revitalization and redevelopment.

Development Pressure: Development in this area of South Fayetteville is inevitable over the next several years. The proximity to Downtown and the relatively modest land values make this area susceptible to significant development pressure. A Master Plan for this area could direct new development toward the creation of a complete, compact and connected neighborhood that meets the goals of City plans and policies, protects established neighborhoods, and creates a seamless interface with the Downtown Master Plan area.

Vacant or Underutilized Land: Approximately 25 percent of the parcels are vacant. Additionally, multiple parcels on either side of South School have underutilized land. These vacant and underutilized parcels indicated opportunities for infill and/or open space preservation projects.

Public Participation: Approximately 37 percent of the parcels in this area are rental properties. Staff reviewed property records and attributed parcels with property owners who had addresses in other cities, post office boxes or LLCs as rental property. This estimate is probably a conservative estimate, but does indicate that a critical mass still has a vested interest in this area. During City Plan 2025, the hands-on design workshop held at the Senior Center attracted the largest number of attendees and included a significant number of residents from this area. This area also has a rich history that includes many of Fayetteville longtime residents and families who have attachments to the area and institutions such as Jefferson School. A Master Plan for this area may generate less interest than the Downtown Master Plan, but could engage Fayetteville residents who live outside of the proposed boundaries but have historic, academic and/or property ties to the area.

Potential Partners in the Process: This area of South Fayetteville offers multiple resources and partners in the design process. The Long Range Planning Division worked closely with Current Planning, Engineering, Community Resources and Parks Divisions

throughout the process. The area also encompasses all or part of three active neighborhood associations: Jefferson-Walker, Jennings Plus and Town Branch.

Planning staff also worked with a studio class from the University of Arkansas School of Architecture; the students participated in the charrette and developed their own master plans as a semester project.

Street Projects: The 15th Street Improvement Projects design phase begins in January 2008. The South Fayetteville neighborhoods Master Plan project will precede the design and construction phase, providing more certainty about land use along the 15th Street corridor.

Discussion: Close to 200 citizens offered input on the vision for the Walker Park Neighborhood Master Plan September 21-27. The week included an ice-cream social kick-off in Walker Park, a Hands-on Design Workshop held at the Senior Center, an Open Design Studio and Open House at the Jefferson Building and a Work-in-Progress session at the Senior Center. Ninety-seven percent of the attendees at the Work-in-Progress session who completed a survey thought that the plan was "on the right track." During the charrette process, the diverse voices and opinions of the residents, business owners and other stakeholders converged to shape four guiding principles.

The neighborhood has a *balance of uses and housing*, and stakeholders wanted the zoning and other City regulations to reflect and encourage that balance. This means the neighborhood should retain and develop a variety of housing types for different income levels and retain and develop neighborhood commercial nodes that serve the neighborhood residents as well as the nearby employment centers. There was also an emphasis on *connectivity and walkability*. Connecting the street grid and improving pedestrian mobility between key destinations will unify the neighborhood, making it more sustainable over time. Third, creating *Jefferson Square as a core of the neighborhood* will help to preserve some of the rich history embedded in the Jefferson Building and create a neighborhood center. Last, *accessible greenspace* in the form of community gardens throughout the neighborhood and additional uses and access points to Walker Park will capitalize on existing resources within the neighborhood and provide function and beauty for both residents and visitors.

The vision document provides implementations steps for the short-term (0-5 years), mid-term (6-10 years) and long-term. While the illustrative plan captures a vision for final build-out, the action steps provide a roadmap for achieving the vision. Short-term recommendations are those that require little capital investment and collaboration among different groups. The long-term recommendations require more significant capital investment or collaboration.

Short-term recommendations are to:

- Rezone the neighborhood to encourage an appropriate mix of uses and protect established neighborhoods
- Utilize urban residential design standards and accessory dwelling units

- Amend the Master Street Plan to include the proposed street connections
- Create a nature trail system throughout the northeast quadrant of Walker Park
- Establish a series of rain gardens throughout the neighborhood
- Add a dog park to Walker Park
- Utilize Act 854 to address vacant or abandoned properties

Mid-term recommendations are to:

- Complete a Master Plan for Walker Park
- Add amenities to the Walker Park trail along Spout Spring Creek
- Utilize grant funds to restore the Waxhaws Memorial
- Add or repair sidewalks along existing streets within the neighborhood
- Develop attainable housing on Huntsville Road existing right-of-way

Long-term recommendations are to:

- Transition South School Avenue from a five-lane principal arterial to a principal arterial boulevard
- Extend Washington Avenue to form Jefferson Square
- Add additional uses to Walker Park such as a splash pad and outdoor amphitheatre

The draft vision document and illustrative plan were made available to the public on December 11, 2007, and a final community presentation was given at the Senior Center. Over 60 residents and stakeholders attended the presentation.

Attached to the report are:

- 1) Exhibit A: Illustrative Master Plan
- 2) Exhibit B: 2006 Aerial Imagery with site boundary
- 3) Disc containing: Digital draft of the Vision Document.
Color Illustrative Master Plan
2006 Aerial Imagery with site boundary

BUDGET IMPACT

None.

AGENDA REQUEST

FOR: COUNCIL MEETING OF JANUARY 3, 2008

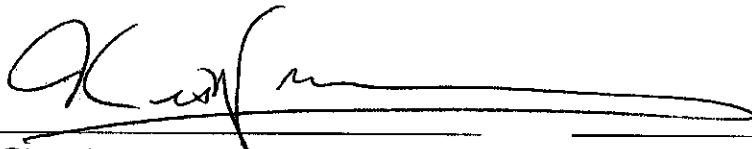
FROM:

KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Approve A Lease Agreement With The Northwest Arkansas Community Creative Center For A Portion Of The Former Tyson Complex On Huntsville Road

APPROVED FOR AGENDA:



City Attorney

12-17-07

Date

Tabled to February 5, 2008 City Council Mtg 1/3/08

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

B. 1
Northwest Arkansas Community
Creative Center Lease Agreement
Page 2 of 10



LEGAL DEPARTMENT

TO: Dan Coody, Mayor
City Council

FROM: Kit Williams, City Attorney

A handwritten signature in black ink, appearing to read 'Kit Williams', written over a horizontal line.

DATE: December 17, 2007

RE: Lease Agreement with Northwest Arkansas Community Creative Center

Attached is a proposed Lease Agreement with the Northwest Arkansas Community Center for a small portion of the former Tyson Complex as requested by the City Council at the Agenda meeting. I have broken the lease into three segments to correspond to the phases of their proposed development. I have sent this proposed lease to their representative, but have not heard any response yet.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A LEASE AGREEMENT
WITH THE NORTHWEST ARKANSAS COMMUNITY
CREATIVE CENTER FOR A PORTION OF THE FORMER
TYSON COMPLEX ON HUNTSVILLE ROAD**

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

Section 1: The City Council of the City of Fayetteville, Arkansas hereby approves the Lease Agreement (attached at Exhibit A) with the Northwest Arkansas Community Creative Center, Inc. for a portion of the former Tyson Complex on Huntsville Road and authorizes Mayor Coody to execute this lease.

PASSED and APPROVED this 3rd day of January, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

LEASE AGREEMENT

This Lease Agreement is entered into on this ____ day of January, 2008, by and between the City of Fayetteville as owner of the property and the Northwest Arkansas Community Creative Center, Inc., a non-profit corporation seeking to foster the arts in Fayetteville and hereinafter referred to as the "Community Creative Center".

WHEREAS, the City of Fayetteville seeks to promote, foster and support the arts in Fayetteville by providing currently unused and unneeded space within the former Tyson Complex on Huntsville Road to the Community Creative Center for rehabilitation and remodeling into usable studio and creative purposes to serve Fayetteville artists and citizens; and

WHEREAS, the Northwest Arkansas Community Creative Center has partnered with Marlon Blackwell Architect of Fayetteville and the University of Arkansas Community Design Center to design a proposed site plan for an Artist Facility, Entry Mound, Amphitheater Mound, Allee, Park, and Parking Lot modifications of the former Tyson Complex; and

WHEREAS, it is in the best interests of the citizens of Fayetteville to allow the Community Creative Center to utilize a small portion of the remaining Tyson Complex to develop its Artist Facility and other components of its site plan in three phases in order to attract, train and assist local artists thereby improving Fayetteville's economic, cultural and educational opportunities.

NOW, Therefore, the City of Fayetteville and the Northwest Arkansas Community Creative Center, Inc. hereby agree as follows:

1. **The City of Fayetteville hereby agrees** to lease that portion of the former Tyson Complex on Huntsville Road as shown on the Site Plan attached as Exhibit A and more particularly the area of approximately 6,000 square feet as shown on the Phase I Site Plan (attached as Exhibit B) primarily to be used for pottery.

2. **The Northwest Arkansas Community Creative Center, Inc. hereby agrees** to lease from the City that property identified in paragraph 1 for the following consideration:

A. The Community creative Center shall rehabilitate and remodel this site pursuant to the site plans presented to the City Council during its Agenda meeting of December 4, 2007;

B. The Community Creative Center shall make available to Fayetteville citizens and artists the use of this facility in a fair, non-discriminatory, and non-profit manner;

C. All improvements to this property shall remain after the termination of the lease as the property of the City of Fayetteville.

D. The Community Creative Center agrees not to seek funds from the City of Fayetteville for the repair, rehabilitation or operation of its Artist Facility.

E. The Community Creative Center shall pay its portion of all utilities and shall attempt to separate its utilities from the City's utilities serving the remainder of the complex;

F. The Community Creative Center agrees to obtain and maintain during this lease at its own expense, Commercial General Liability Insurance covering public liability, bodily injuries or death, and property damage in the amount of at least \$250,000.00 and provide a copy of such policy to the City. The policy shall have a provision that its lapse or termination shall be promptly communicated directly to the City of Fayetteville;

G. The Community Creative Center shall annually file a written report with the Fayetteville City Clerk's Office in March concerning its activities, programs, citizens served, remodeling and rehabilitation progress of the preceding year. It shall appear to answer City Council questions if so requested;

H. The Community Creative Center shall follow all the ordinances and rules of the City of Fayetteville while remodeling and operating its facility.

3. Term of Lease.

A. The lease shall have an initial term of five years beginning when this lease is approved by both parties. During this initial term the Community Creative Center shall initially complete Phase I of its plans and notify the City Council of such satisfactory completion.

B. Upon the satisfactory completion of Phase I, the City Council may by Resolution authorize the leasing of the additional space shown as the Phase II Site Plan (attached as Exhibit C) for remodeling and use by the Community Creative Center under the same terms of this lease and for a term of years deemed appropriate by the City Council.

C. Upon the satisfactory completion of Phase II, the City Council may by Resolution authorize the leasing of the additional space shown as the Phase III Site Plan (attached as Exhibit D) for remodeling and use by the Community Creative Center under the same terms of this lease and for a term of years deemed appropriate by the City Council.

D. Upon the satisfactory completion of Phase III, the City Council may by Resolution extend this lease by a term of years deemed appropriate by the City Council.

E. If the City of Fayetteville needs some or all of the leased premises for a corporate purpose during the term of this lease, it shall notify the Northwest Arkansas Community Creative Center of this need in writing delivered to this site. The Community Creative Center shall have six months from the date this notification is delivered to vacate the premises. The Community Creative Center may remove movable machinery, furniture, appliances, and equipment from the premises prior to the end of this six month period. Fixtures and improvements to the real property may not be removed.

F. If the Northwest Arkansas Community Creative Center breaches any of its agreements found in paragraph 2, the City shall notify the Creative Center in writing of the suspected breach, which if not cured within 30 days shall give the City of Fayetteville the right to immediately terminate this Lease Agreement and take back exclusive possession of the leased premises.

IN AGREEMENT WITH ALL THE TERMS, CONDITIONS AND OBLIGATIONS ABOVE, we sign our names below.

**NORTHWEST ARKANSAS
COMMUNITY CREATIVE CENTER, INC.**

**CITY OF
FAYETTEVILLE, ARKANSAS**

DAYMARA BAKER

DAN COODY, Mayor

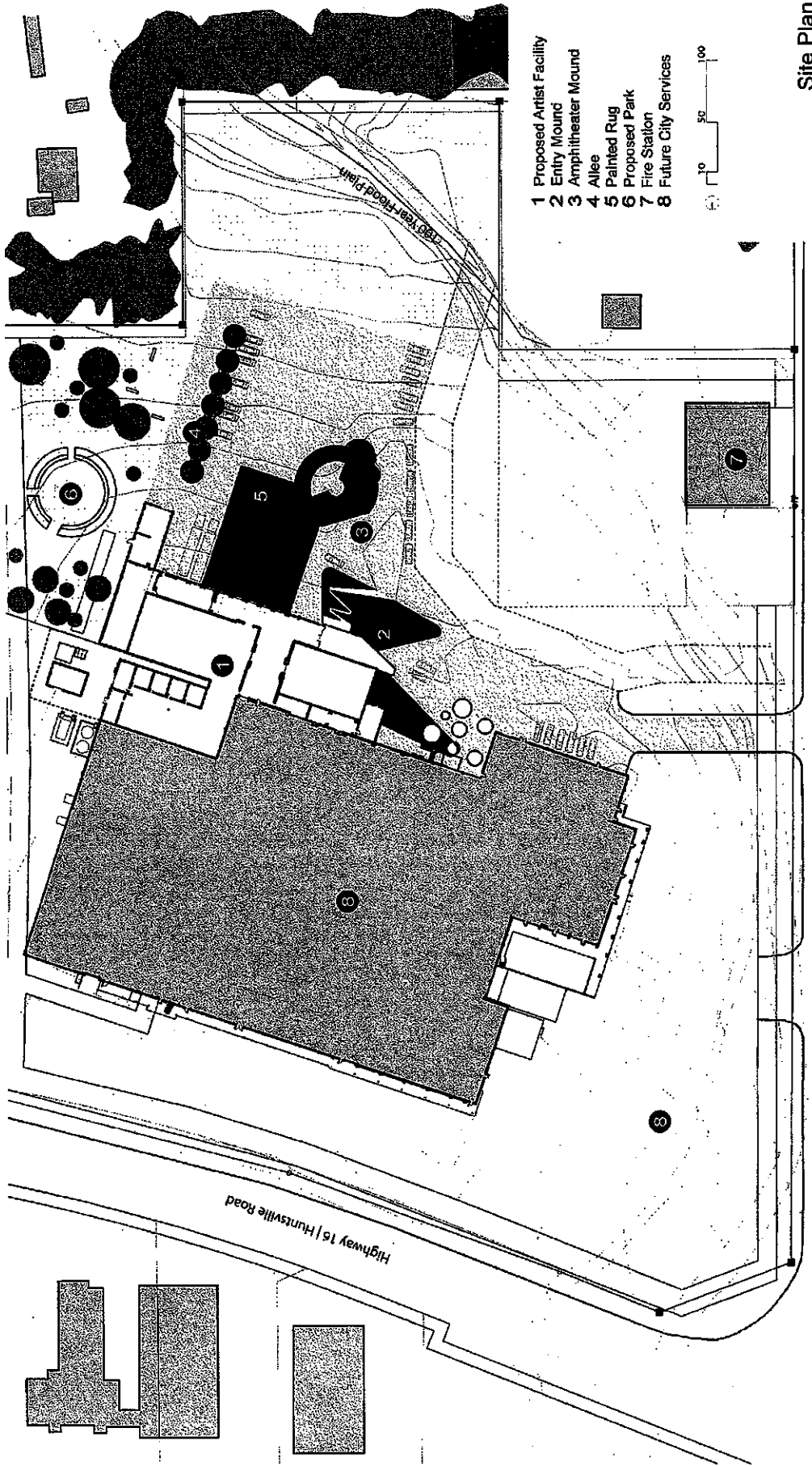
Title

ATTEST:

Date signed: _____

Sondra E. Smith, City Clerk/Treasurer

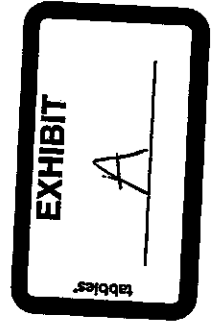
Date signed: _____



MARLON BLACKWELL ARCHITECT
100 W. Center Street, Suite 001 | Fayetteville, Arkansas 72701
t. (479) 973.9121 e. info@marlonblackwell.com

NWA Community Creative Center

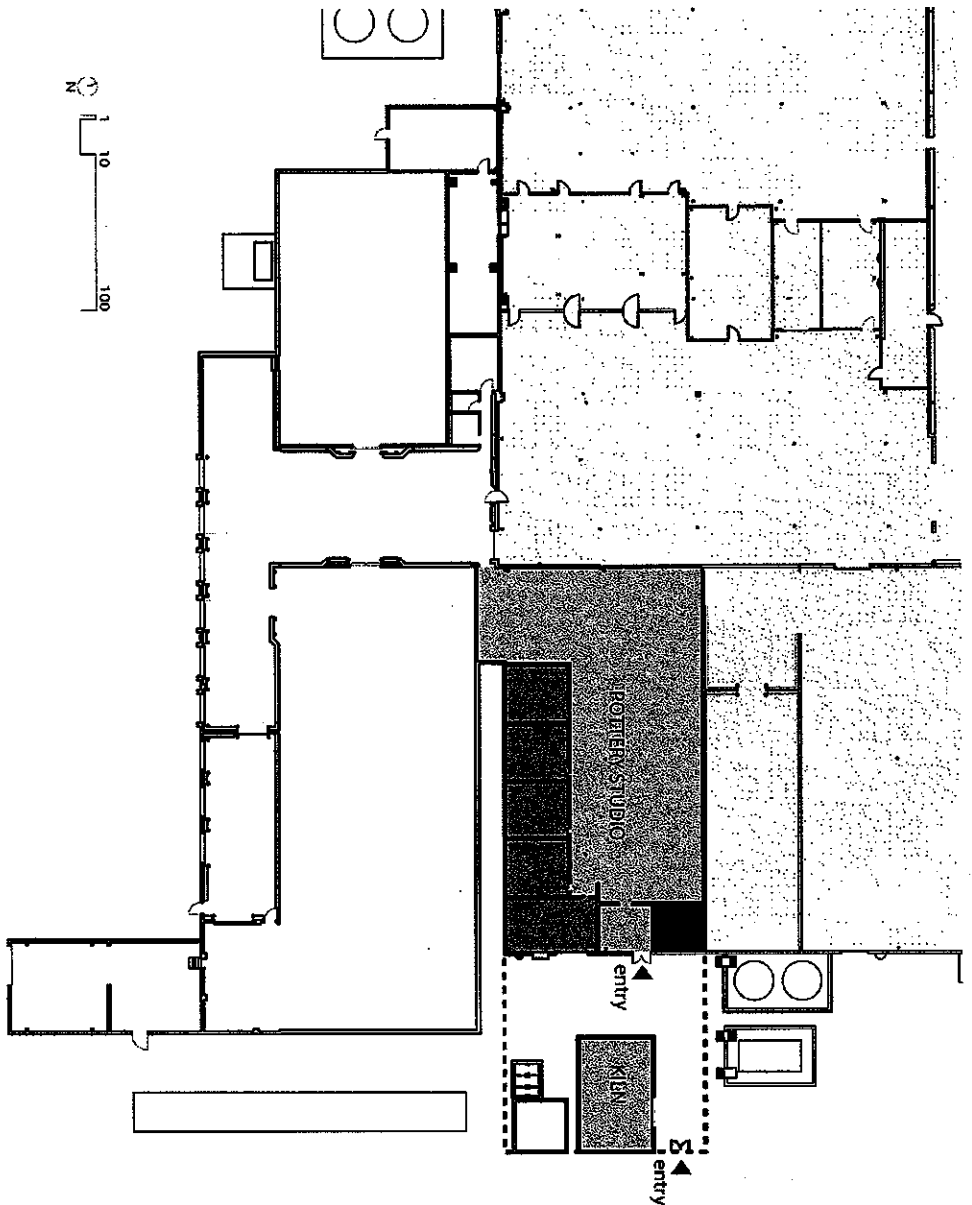
UACDC UNIVERSITY OF ARKANSAS
COMMUNITY DESIGN CENTER



MARLON BLACKWELL ARCHITECT
100 W. Center Street, Suite 001 | Fayetteville, Arkansas 72701
t: (479) 973.9121 e: info@marlonblackwell.com

NWA Community Creative Center

UACDC UNIVERSITY OF ARKANSAS
COMMUNITY DESIGN CENTER



PHASE 1

5975 SF

POTTERY

4200 SF

SERVICES

165 SF

PRIVATE STUDIOS

1610 SF

FLEX SPACE | GALLERY

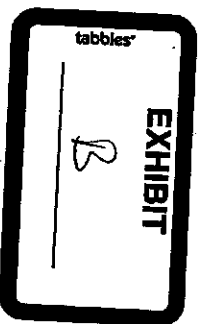
MULTI-USE

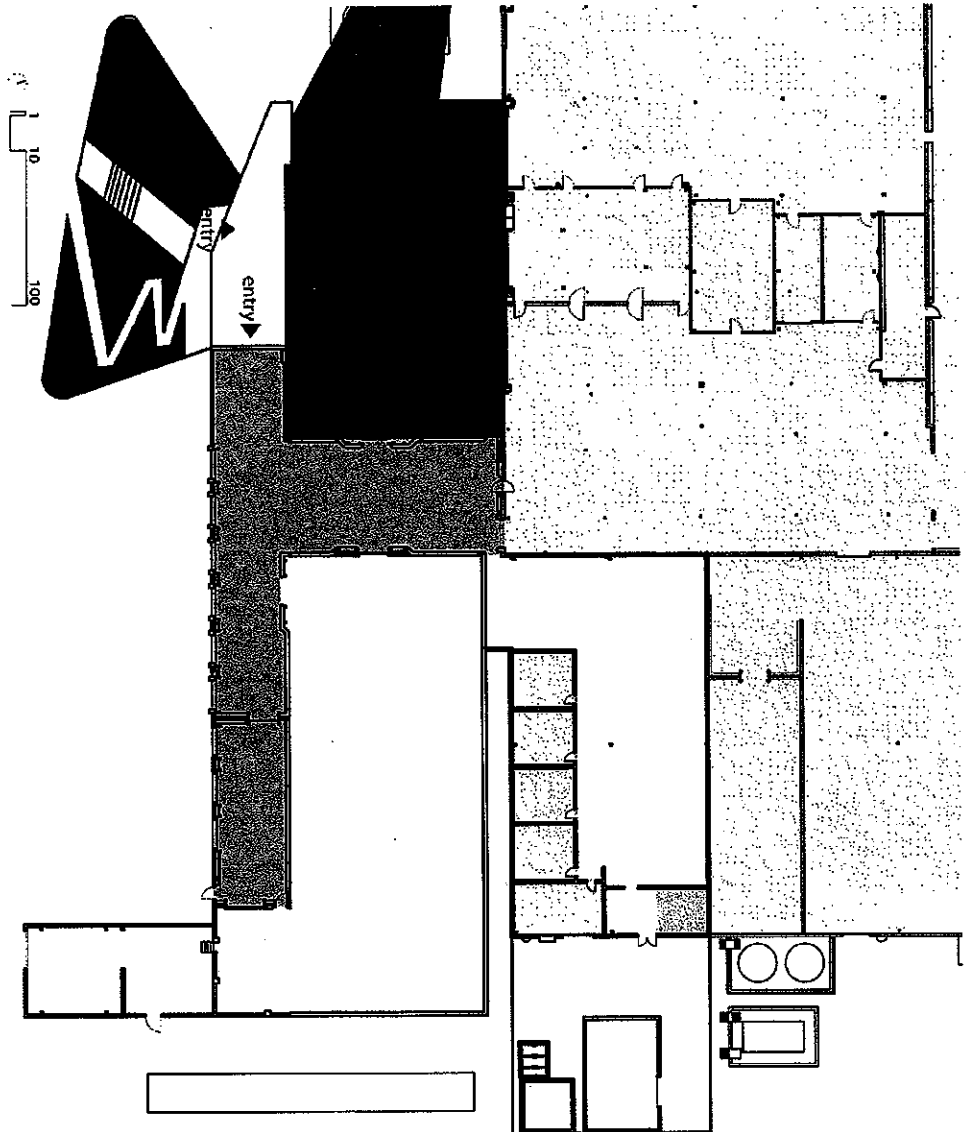
THEATER

METAL + WOOD SHOP

NEW WALLS

1. Close off access to adjacent spaces.
2. Fence pottery kiln for security.
3. Remove existing fence.
4. Add public entry.
5. Re-use existing offices as private studios.
6. Install services, mechanical, and electrical.





PHASE 2

16284 SF

POTTERY

4200 SF

SERVICES

1593 SF

PRIVATE STUDIOS

1430 SF

FLEX SPACE | GALLERY

4537 SF

MULTI-USE

4524 SF

THEATER

METAL + WOOD SHOP

NEW WALLS

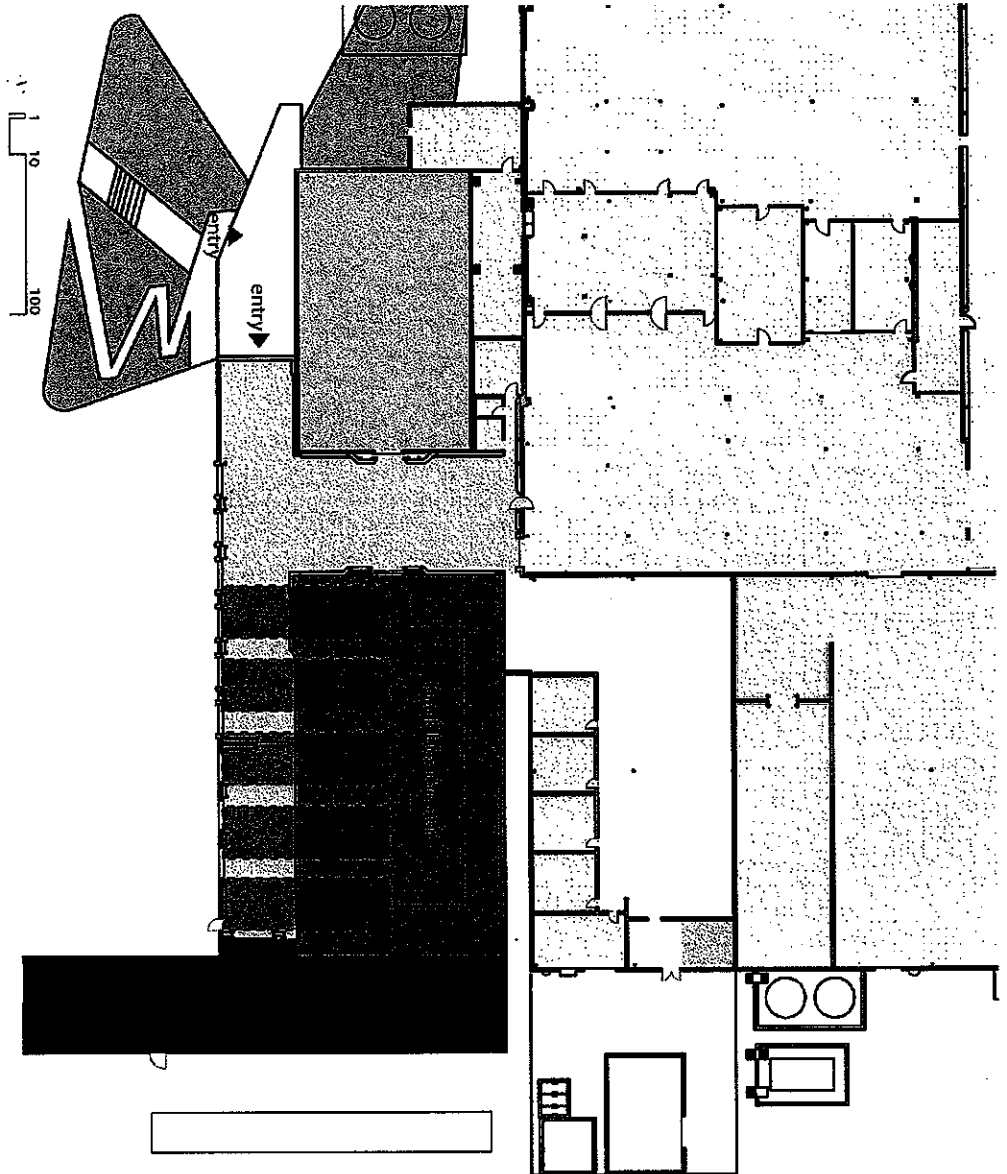
1. Upgrade services.
2. Upgrade dock doors.
3. Install entry mound and move public access.
4. Add landscape.
5. Paint exterior.

MARLON BLACKWELL ARCHITECT
100 W. Center Street, Suite 001 | Fayetteville, Arkansas 72701
t: [479] 973.9121 | e: info@marlonblackwell.com

NWA Community Creative Center

UACDC UNIVERSITY OF ARKANSAS
COMMUNITY DESIGN CENTER





PHASE 3

28025 SF

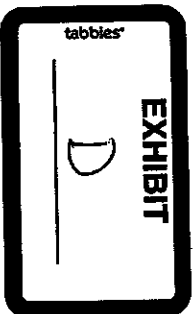
	POTTERY	4200 SF
	SERVICES	1593 SF
	PRIVATE STUDIOS	5096 SF
	FLEX SPACE GALLERY	4537 SF
	MULTI-USE	4524 SF
	THEATER	5053 SF
	METAL + WOOD SHOP	3022 SF
	NEW WALLS	

1. Add black box theater.
2. Add private studios.
3. Construct amphitheater.
4. Install mechanical and electrical.

MARLON BLACKWELL ARCHITECT
100 W. Center Street, Suite 001 Fayetteville, AR 72701
t. (479) 973.9121 e. info@marlonblackwell.com

NWA Community Creative Center

UACDC UNIVERSITY OF ARKANSAS
COMMUNITY DESIGN CENTER



From: "Don Wilson" <don@dewilsonlaw.com>
To: <city_clerk@ci.fayetteville.ar.us>
CC: "Tricia Pearce" <tpearce@coldwellbanker.com>
Date: 8/17/2007 11:59 AM
Subject: RZN 07-2667 (Hobson, Inc.) Appeal to City Council

RECEIVED

AUG 17 2007

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

Ms. Smith, per our telephone conversation this morning, please accept this communication as my request for an appeal of the decision of the Planning Commission held on August 13, 2007, on the rezoning for the property located at 7613 Wedington (12611 Hwy 16W), RZN 07-2667 (Hobson Inc., 433).

The property in question is located within the newly annexed area brought into the city limits in 2006 as R-A Zoning. The request for rezoning to C-2 was made so that the property could be used for its historical use for commercial trades, as a permitted use under C-2. The Planning Commission acted on recommendation of city planning staff that the broad impact of a C-2 rezoning had the potential to bring other impact uses into the area without adequate services to support urban development. The potential to bring other impact uses can be resolved by limiting the use to its historical use through the use of a bill of assurance. The subject property has been commercial property for more than 30 years for various trades, and is not compatible with the current R-A zoning. This is an important issue to the owners of the property, and denial of the use of the property for use as has existed for 30 years would subject the owners to economic hardship.

The appeal to the City Council is requested for the above-stated reasons. I would request this matter be placed on the agenda of the September 18, 2007 meeting of the City Council.

I appreciate your assistance, and would also appreciate your confirmation of this email. Please do not hesitate to call if you have any questions. Thanks.

Donald E. Wilson

Attorney at Law

P.O. Box 1285

Fayetteville, AR 72702-1285

(479) 443-2249

(479) 443-8016 (fax)

*Tabled Indefinitely 10/2/07
9-18-07 Left on the First Reading*

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations 

From: Jeremy C. Pate, Director of Current Planning 

Date: August 24, 2007

Subject: Rezoning for Hobson, Inc. (RZN 07-2667)

RECOMMENDATION

Planning staff recommended and the Planning Commission voted to deny rezoning the subject property from R-A, Residential Agricultural to C-2, Thoroughfare Commercial for approximately 2.38 acres located at 7613 Wedington in west Fayetteville. The applicant has appealed the Planning Commission's decision to the City Council.

BACKGROUND

The subject property contains two parcels of property containing 2.38 acres. The property is located at 7613 Wedington Road. There are two buildings on the property, an office and a shop. The property is currently being used for Bud's Auto Repair shop. The backyard is currently being used to park cars that are being repaired in the shop. This property was annexed into the City as part of the general election in October 2006. The property has been used for various non-residential uses for several decades, and was most recently used as a custom cabinet shop starting in 2005. The building sustained fire damage in June 2006 and was completely remodeled. In approximately January 2007 the property was converted and opened as Bud's Auto Repair shop. The property is surrounded by rural residential properties all zoned R-A. Staff advised the owner and applicant that since the car repair shop is a change in non-conforming use a conditional use permit could be issued by the Planning Commission to allow the car repair shop to continue, or the property would have to be rezoned to C-2. Staff and the Planning Commission both recommended the applicant pursue a conditional use for the use of the property, as opposed to rezoning this property to C-2, which would constitute spot zoning and could lead to incompatible uses.

DISCUSSION

This item was heard at the regular Planning Commission meeting on August 13, 2007. The Planning Commission voted 7-0-0 to recommend denial of this rezoning request. The main issues discussed included the historic nature of non-residential use at this property and the potential for incompatible uses under the proposed C-2 zoning. Minutes from this meeting are included in the report.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 07-2667, FOR APPROXIMATELY 2.38 ACRES, LOCATED AT 7613 WEDINGTON FROM R-A, RESIDENTIAL AGRICULTURAL, TO C-2, THOROUGHFARE COMMERCIAL

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

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

From R-A, Residential Agricultural acre to C-2, Thoroughfare Commercial, as shown and described on Exhibits "A" and "B" 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 , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

B. 2
Hobson, Inc. Appeal
Page 4 of 50

RZN07-2667

HOBSON INC.

Close Up View



Overview



0 75 150 300 450 600 Feet

EXHIBIT "B"
RZN 07-2667

A PART OF THE SW ¼, OF THE SE ¼, SECTION 9, T-16-N, R-31-W DESCRIBED AS BEGINNING AT A POINT S1°17'49"W 39.12 FEET FROM THE NORTHEAST CORNER OF SAID 40 ACRE TRACT, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY 16; THENCE S1°17'49" W 146.88 FEET; THENCE ALONG A FENCE S89°10'35" W 61.88 FEET; THENCE N0°40'45" E 148.25 FEET, TO THE SAID HIGHWAY RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY S89°33'25" E 63.44 FEET, TO THE POINT OF BEGINNING, CONTAINING 0.21 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. SUBJECT TO A 18.00 FOOT ROAD EASEMENT ALONG THE EAST SIDE THEREOF.

-AND-

A PART OF THE SW ¼, OF THE SE ¼, SECTION 9, T-16-N, R-31-W DESCRIBED AS BEGINNING AT A POINT S1°17'49" W 186.00 FEET FROM THE NORTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE S1°17'49" W 381.00 FEET; THENCE N89°32'06" W 250.00 FEET; THENCE N1°17'49" E 373.33 FEET; THENCE ALONG A FENCE N88°41'34" E 188.33 FEET, N89°10'35" E 61.88 FEET, TO THE POINT OF BEGINNING, CONTAINING 2.17 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. SUBJECT TO: AN 18.00 FOOT ROAD EASEMENT ALONG THE EAST SIDE THEREOF.

RZN 07-2667: (HOBSON INC., 433): Submitted by DONALD E. WILSON for property located at 7613 WEDINGTON (12611 HWY 16W). The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 2.38 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Andrew Garner, Senior Planner, gave the staff report. Garner discussed that the property has been used for non-residential uses since the structures on the property were first constructed. The property had been used for a cabinet shop prior to the current use as Bud's Auto Repair Shop. The cabinet shop was damaged by fire, remodeled and occupied by Bud's Auto Shop in approximately January 2007. Concerned property owners have contacted staff regarding the use of the property for auto salvage uses. Garner discussed with the applicant the option to allow for the business by a Conditional Use Permit (CUP) as a change in the nonconforming use, instead of rezoning. Staff finds that C-2 zoning would be incompatible and would not be consistent with the City's land use planning objectives and policies.

Donald Wilson (representative for the applicant) discussed that the property has been used by Hobson, Inc. since 1976. The property has been commercially used for years, and the owner has been paying commercial taxes. The current use is not auto salvage but auto repair. The owner has not received any complaints from neighbors. This property is part of an already urban area. The business in this location has always been used as a trade-type of business. Trade-type businesses are not allowed in the R-A zoning. The CUP would tie us to the Bud's Auto Repair Shop, which would limit the ability for future tenants. The proposed C-2 zoning fits this site for what has been used since 1976.

No public comment was presented.

Commissioner Winston asked if certain use units can be removed from the requested zoning.

Jeremy Pate, Director of Current Planning, responded that only the applicant can offer that use units be removed through a Bill of Assurance.

Kit Williams, City Attorney, explained what a Bill of Assurance is, and gave the example of Pop's Barbeque on 15th Street, discussing that the Planning Commission denied the request for C-2, and that the applicant subsequently appealed the decision to the City Council and offered a Bill of Assurance limiting some of the potentially objectionable uses, and that the City Council approved the request with the Bill of Assurance.

Commissioner Anthes asked when the Bud's Auto Repair Shop started operation on the property.

Pate stated January 2007.

Commissioner Myres asked if a CUP in the R-A zoning district would allow for trades and services.

Pate responded that trades and services are not allowed under the R-A zoning regulations. However

an existing nonconforming use may be changed to another nonconforming use by CUP permit. He discussed that staff tries to facilitate the use of the property. Pate discussed that a proposed C-1 zoning was debated extensively at the corner of Harmon Road and Hwy 16; this is a request for a much more intense use than that zoning, and is not located a corner.

Commissioner Myres stated agreement with staff's findings and that she cannot support the request as the C-2 zoning is too intense for this area, and that she hopes the applicant can bring forward a CUP application.

Commissioner Anthes asked if the property is two parcels.

Wilson stated that yes, the property is two parcels and that both parcels are needed to allow for the operation of a business.

Commissioner Winston asked if a CUP may be approved to allow for general trades and services, and not be specific.

Pate responded that in general, a CUP needs to be requested for specific uses to allow for staff to make a recommendation on that specific use. Pate read all of the uses allowed in the UDC under Use Unit 17, Trades and Services.

Commissioner Winston asked if the Planning Commission could approve a CUP to allow for Use Unit 17.

Pate responded that he had never seen a CUP of that nature, but that he supposed it was possible for the Planning Commission to approve such a request. It would be hard to make individual findings, though.

Commissioner Cabe asked if the rezoning request were denied, could the applicant return to the Planning Commission for a CUP request.

Pate replied, yes.

Motion:

Commissioner Cabe made a motion to deny the request. **Commissioner Myres** seconded the motion.

Commissioner Ostner discussed that if the rezoning request were denied, the applicant may appeal the decision to City Council, and that they may offer a Bill of Assurance at that time if they wish.

Pate stated that it must be appealed to the City Council within 10 days from the Planning Commission's decision.

Commissioner Anthes stated that the Planning Commission would rather see a CUP than a rezoning to C-2 in this area.

Upon roll call, the motion to deny passed 7-0-0.



PC Meeting of August 13, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: August 7, 2007 Updated August 21, 2007

RZN 07-2667: (HOBSON INC., 433): Submitted by DONALD E. WILSON for property located at 7613 WEDINGTON (12611 HWY 16W). The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 2.38 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Property Owner: Hobson, Inc.
Planner: Andrew Garner

RECOMMENDATION:

Staff recommends denial of the requested rezoning request from R-A to C-2 based on the findings herein.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
☐ Forward to City Council (recommend approval)			<u>X</u> Denied
Date: <u>August 13, 2007</u>			
Motion: <u>Cabe</u>			
Second: <u>Myres</u>			
Vote: <u>7-0-0</u>			
CITY COUNCIL ACTION:		Required	<u>YES</u>
☐ Approved			☐ Denied
Date: <u>September 4, 2007 (1st reading if recommended)</u>			

BACKGROUND:

Property description: The subject property contains two parcels of property containing 2.38 acres. The property is located at 7613 Wedington Road. There are two buildings on the property, an office and a shop. The backyard is currently being used to park cars that are being repaired in the shop. The property is currently being used for Bud's Auto Repair shop. This property was annexed into the City as part of the general election in October 2006. The property has been used for various non-residential uses for several decades, and was most recently used as a custom cabinet shop starting in 2005. The building sustained fire damage in June 2006 and was completely remodeled. In approximately January 2007 the property was converted and opened as Bud's Auto Repair shop. Photos of the property are attached to this report. Staff advised the owner and applicant that since the car repair shop is a change in non-conforming use a conditional use permit is required to be issued by the Planning Commission to allow the car repair shop to continue, or the property would have to be re-zoned to C-2. It should be noted that per UDC Section 164.12(E)(5), when a nonconforming use of a structure is discontinued for six consecutive months, the structure shall not thereafter be used except in conformity with the regulations of the district in which it is located.

Public Comment: Staff has received several complaints from neighbors about the auto repair shop, stating that it should not be allowed, and that the property is being used as an auto salvage yard and not an auto repair shop.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North, South, East, and West	Rural Residential	R-A

Proposal: The applicant proposes to rezone the 2.38 acre property from R-A to C-2 to bring the historic non-residential uses, and current nonconforming auto repair use into compliance. The applicant discussed with staff that they do not want to apply for a conditional use permit for the auto repair shop, though it would be permitted by conditional use permit as a change in nonconforming use. The zoning criteria for R-A and C-2 are attached to this report.

INFRASTRUCTURE:

Streets: The site has access to Wedington Road/State Highway 16. Wedington Road is currently being widened by the Arkansas Highway Transportation Department to be a five-lane state highway up to Double Springs Road. The improvements do not extend west as far as the subject property. Wedington at this site is a two-lane state highway.

Water: Public water is located adjacent to the site. However this property is served by the Washington Water Authority instead of the City of Fayetteville.

Sewer: Sanitary sewer is not available on the site. The nearest public sewer main is at the intersection of Wedington/Double Springs Road, which is approximately 6,000 feet to the east of this site.

Fire: These 2.38 acres are covered by Engine 7 located at 835 Ruppel Road. It is 3.4 miles from the station with an anticipated response time of 5.75 minutes. There are no recorded hydrant flows in this area. The Fire Department does not figure calls for service for developments rezoning to C-2, Thoroughfare Commercial, but typically this type of development does not result in any increase in calls for service.

Police: It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger and congestion in the area.

LAND USE PLAN: The Future Land Use Plan adopted as part of the City Plan 2025 designates this site **Rural Area**. Rezoning this one specific property to C-2 would not encourage conservation and preservation, and could encourage suburban sprawl, in contrast to the currently adopted land use plan policies. While staff generally supports bringing non-conforming uses into compliance, a rezoning to C-2 has the potential to bring other higher impact uses into the area without adequate services to support urban development. Additionally, being that non-residential uses have been a historic use on this property for almost 30 years, the current auto repair use may become conforming with a conditional use permit. Rezoning the property to C-2 is not consistent with the land use plan, and long-range planning objectives for this area of the City.

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 rezoning is not consistent with future land use planning objectives, principles, and policies for Rural Areas. The Future Land Use plan identifies these areas to:

“...encourage conservation and preservation in any development pattern.”

“If developed, encourage alternative development patterns to achieve compatibility with surrounding rural areas.”

It is acknowledged that commercial uses as allowed in the proposed C-2 zoning district have been used on this property for several decades, prior to this property being annexed into the City. However, rezoning the property to C-2 does not assure the City that this property would be integrated into a compatible development pattern with the surrounding rural-residential uses.

The proposed C-2 zoning does not provide the City the assurance that the development would be compatible with the surrounding rural residential uses. In fact, staff has received several phone calls and in-person visits from neighbors in the vicinity complaining that the new auto shop on the property is not compatible, and is conducting auto salvage operations on the property. Staff has concerns with the compatibility of the existing auto shop and other commercial uses that would be allowed under the proposed C-2 zoning at this location. There are several non-conforming uses along this area of Wedington as a result of general election annexation into the City in 2006. Staff finds the potential to support a change in some of the nonconforming non-residential uses along Wedington Road through the conditional use process to ensure compatibility of those uses. However allowing a C-2, Thoroughfare Commercial zoning district adjacent to rural residential uses on the outskirts of the City is not consistent with the Future Land Use Plan guiding policies and strategies. As the City Plan 2025, indicates this vicinity is designated as a Rural Area.

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 not justified. The applicant's stated intent is to rezone the property to bring the non-conforming use into compliance and to recognize the historic commercial use on the property. While staff recognizes that this property has been historically used for non-residential uses, staff would recommend a Conditional Use Permit to allow for a change in the non-conforming use if desired. A C-2 zoning allows several intense uses that are more appropriate in urban centers and at designated commercial nodes, and may be objectionable to surrounding rural residential uses.

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

Finding: The size of the subject property will limit a great increase in traffic danger and congestion, due to the size of development generated by 2.38 acres. Planning of any future commercial development on this site must address safe access concerns. At the time of development, improvement to this street may be required; and ingress/egress evaluated carefully.

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 increase population density.

Increased load on public services was taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report. The site does not have access to City water or sewer, and the property is located on an unimproved two-lane highway. The existing infrastructure is a concern with the urban uses that would be allowed under the proposed C-2 zoning.

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

FAYETTEVILLE UNIFIED DEVELOPMENT CODE

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
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(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	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)

161.18 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Professional offices
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Height regulations.* In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(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(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07)

Fayetteville Unified Development Code Chapter 162

(Q) Unit 17: Trades and Services

(1) *Description.* Unit 17 consists of establishments engaged primarily in providing household and automotive maintenance and similar services which fulfill recurrent needs of residents of nearby areas, but are generally incompatible with primary retail districts because they break the continuity of retail frontage.

(2) *Included uses.*

Retail trade establishments, general:	•Automotive sales, service and repair, including body shop * •Buses •Manufactured home sales •Motorcycle sales, including service and repair •Truck sales, including service and repair •Trailer sales, camping, hauling, travel •Used car lots •Farm supplies and equipment and repair
General merchandise establishment:	•Direct selling
Merchandise vending machine operations	
Institutional furniture and furnishings	
Marine craft, sales & service:	•Boats and accessories
Medical and orthopedic appliances	
Personal help:	•Animal hospital •Auctioneer •Bindery •Body piercing •Cabinetmaker •Frozen food locker •Drapery service •Linen supply and industrial laundry •Packing and crating •Rug cleaning •Tattoo services •Taxidermist •Tool sharpening repair service •Armature rewinding •Auto wash •Electrical repair service •Furniture repair •Motor repair •Radio and television repair •Reupholstery •Rug repair

The subject property is part of 1,419.30 acres in the Highway 16 corridor annexed into the City in 2006, and zoned Residential Agricultural (R-A) upon annexation.

The subject property is located along and adjacent to Highway 16 West, approximately four miles west of the Interstate 540/Highway 62 intersection. There is one commercial building on the real property, which is believed to have been built in or about 1976. The present owners purchased the property in 1984. Prior to 1984, the building had been used as a television repair shop, a custom drapery shop, and a used furniture store. From 1984 until 2001, the present owners operated a printing business at the location. In 2002, the building was used as a cheerleading training school. In 2003 and part of 2004, the building was used as warehouse for a moving and storage operation. In 2005, it was the location of a custom cabinet shop. The building sustained fire damage in June 2006 and was completely remodeled. The property has now been leased to Bud's Foreign Car Repair. The present owners do not anticipate there will be any significant change or adverse affect on surrounding properties.

The reason for requesting the zoning change is to conform the property to its most compatible historical use following annexation into the Fayetteville city limits.

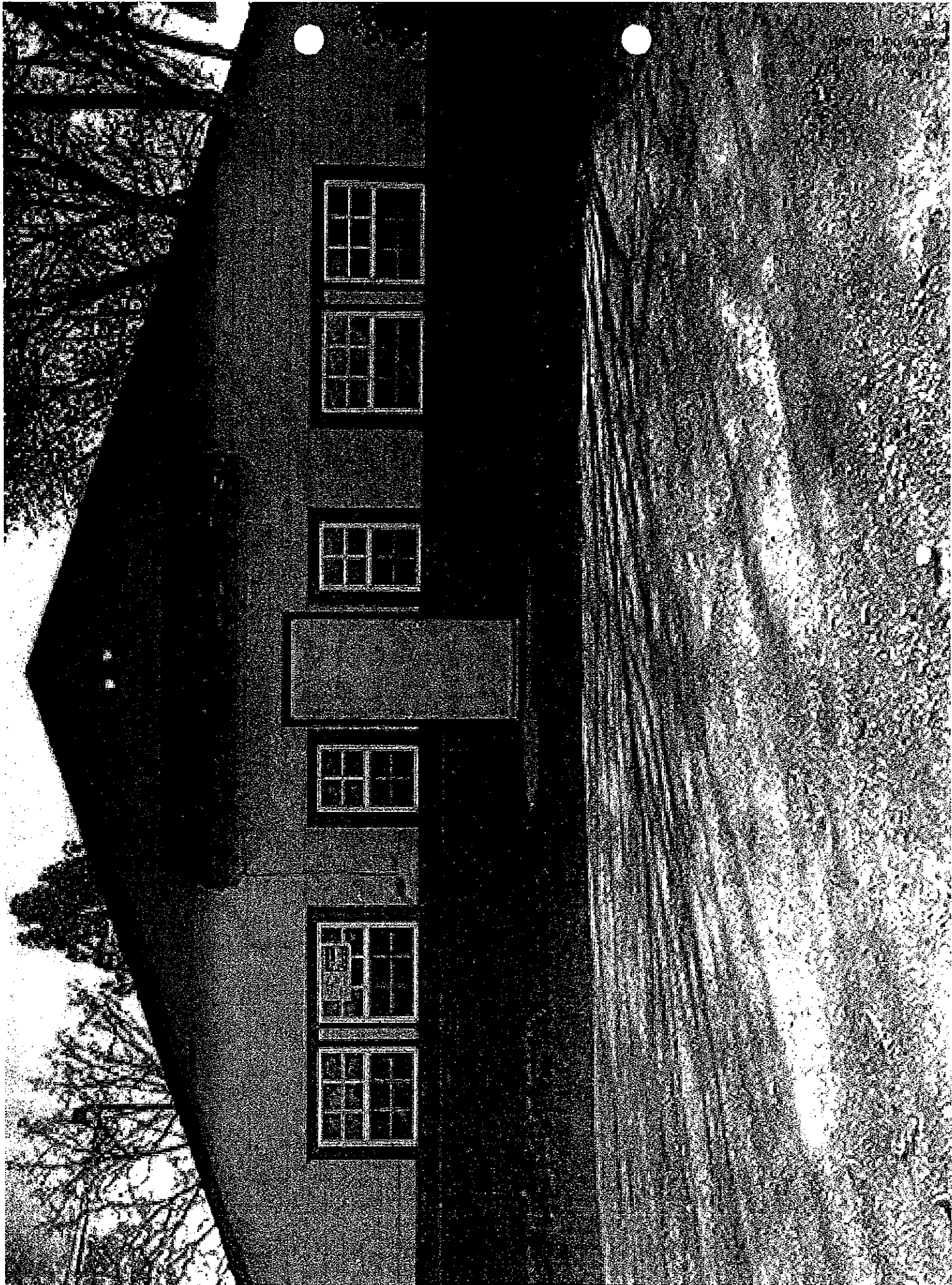
The present owners believe that under the Zoning Districts Code adopted by the City of Fayetteville, a C-2 classification would be the most compatible to the pre-annexation and historical uses of the property, and the classification that is most consistent with its pre-annexation and present use. A zoning classification is also compatible with the surrounding area and other businesses in the area along the Highway 16 corridor. The property is adjacent to and contains highway frontage along Highway 16. Highway 16 is a major highway access artery to Fayetteville on the Fayetteville Master Street Plan, and the subject property caters to the highway traveler. Numerous businesses are located along Highway 16 on both sides of the subject property, including a used auto sales business, an automobile service business, a machine shop business, and a heavy equipment sales business.

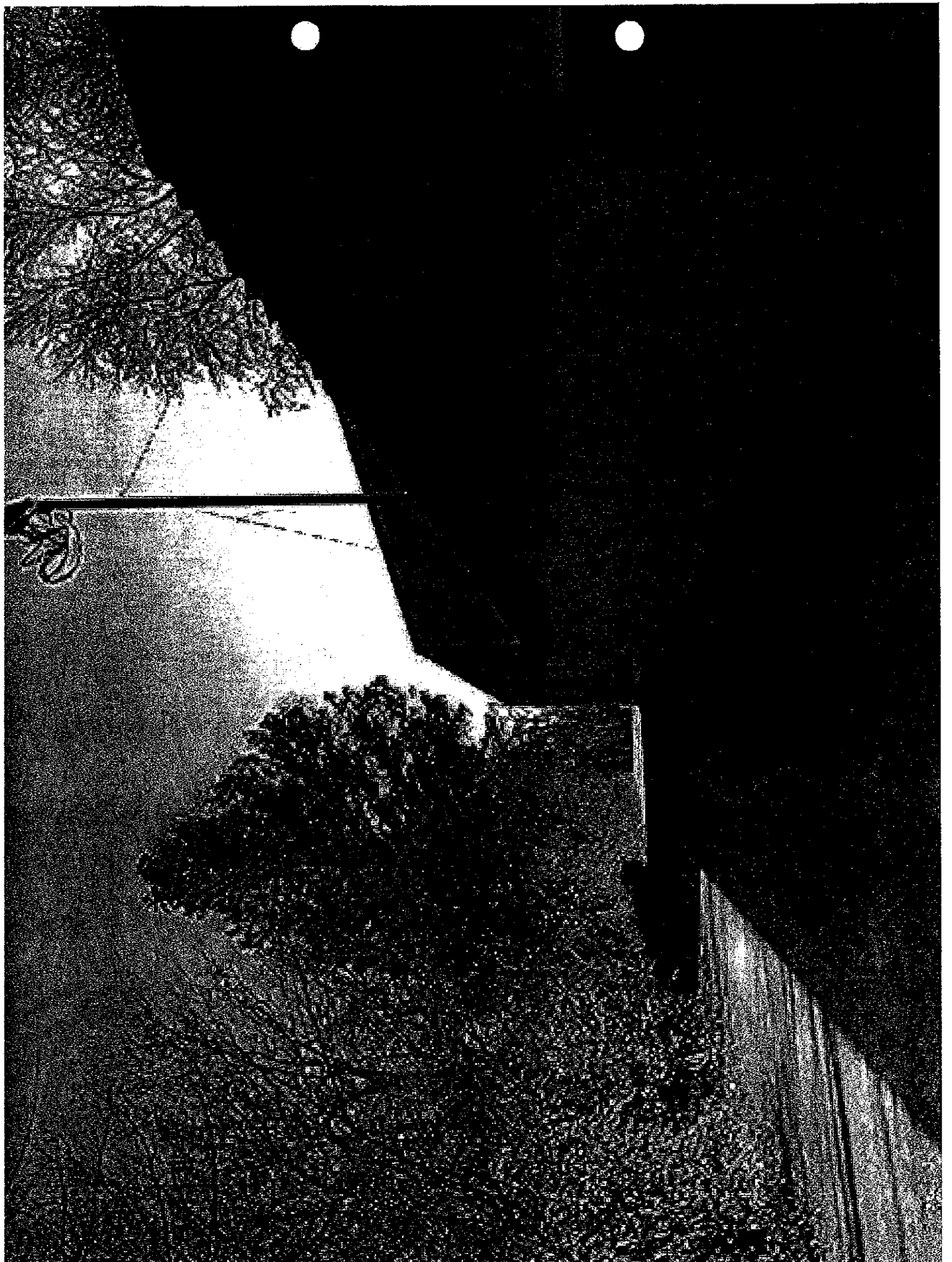
At the time of the City's annexation of the property in 2006, water was provided to the subject property through the ~~through the~~ Washington County Water Authority. As of the date of this application, the City of Fayetteville has not taken over responsibility for providing water, nor is sewer service~~d~~ provided by the City of Fayetteville.

Attached hereto are two photographs, the first being a view of the front of the building with highway frontage along Highway 16, and the second being a view along the east side of said building. Both photographs are viewed from the perspective of Highway 16.

There are no pending sales for the property, and it is anticipated there will be no change or adverse affect upon surrounding properties.

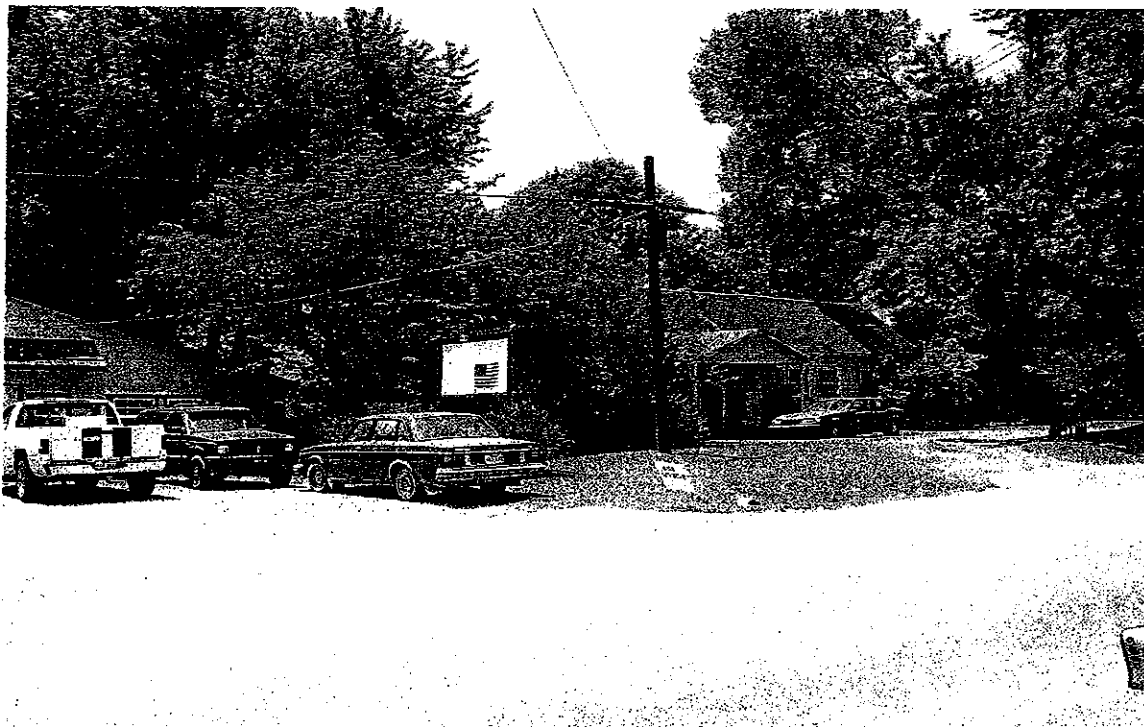
Accordingly, the present owners request re-zoning of the subject property from its present annexed zoning classification to its more compatible use of C-2.







1. View from Wedington looking south at the subject property.



2. View from Wedington looking southwest at the subject property and the adjacent single family residence to the west.



3. View from Wedington looking south at the entrance into the rural residential property adjacent to the east of the subject property.



4. View from Wedington looking north at the adjacent rural residential use across Wedington from the subject property.



5. View of the backyard on the subject property.



6. View looking north at the rear of the shop on the subject property.

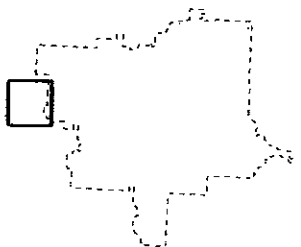
RZN07-2667

HOBSON INC.

One Mile View

SUBJECT PROPERTY

Overview



Legend

Subject Property

 RZN07-2667

Boundary

Legend

0 0.25 0.5 1 Miles

RZN07-2667

HOBSON INC.

Close Up View



SUBJECT PROPERTY

Overview



0 75 150 300 450 600 Feet

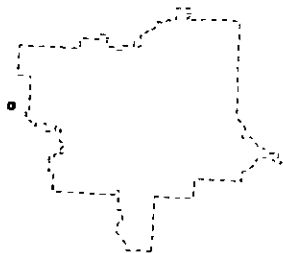
RZN07-2667

Future Land Use

HOBSON INC.

SUBJECT PROPERTY

Overview



Legend

Subject Property

 RZN07-2667

Streets

 Existing

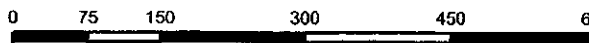
 Planned

Boundary

 Planning Area

 Overlay District

Legend

0 75 150 300 450 600
 Feet

Hobson, Inc. Appeal Handed out at
the City Council
Meeting 10/2/07

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner of this property (hereinafter "Petitioner") Hobson, Inc., an Arkansas Corporation, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

Petitioner holds title to, and seeks a rezoning classification for, the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49"W 39.12 feet from the Northeast corner of said 40 acre tract, said point being on the South Right-of-Way of Arkansas Highway 16; thence S1°17'49" W 146.88 feet; thence along a fence S89°10'35" W 61.88 feet; thence N0°40'45" E 148.25 feet, to the said Highway Right-of-Way; thence along said Right-of-Way S89°33'25" E 63.44 feet, to the point of beginning, containing 0.21 acres, more or less, Washington County, Arkansas. Subject to a 18.00 foot road easement along the East side thereof.

-and-

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49" W 186.00 feet from the Northeast corner of said 40 acre tract; thence S1°17'49" W 381.00 feet; thence N89°32'06" W 250.00 feet; thence N1°17'49" E 373.78 feet; thence along a fence N88°41'34" E 188.33 feet, N89°10'35" E 61.88 feet, to the point of beginning, containing 2.17 acres, more or less, Washington County, Arkansas. Subject to: An 18.00 foot Road Easement along the East side thereof.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the

terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning requests.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to Use Unit 12, Use Unit 17, and Use Unit 25 as described and set forth in Chapter 162, Title XV, of the Unified Development Code for the City of Fayetteville, Arkansas.

2. Other restrictions including number and type of structures upon the property are limited to _____.

3. Specific activities will not be allowed upon petitioner's property include any uses not included in Use Units 12, 17, and 25 described above; and any activities related to: (a) body piercing and tattoo services; (b) manufactured homes; and (c) the sale and repair of large commercial type vehicles otherwise allowed under Use Unit 17, to include buses, trucks, trailers, and farm equipment

4. (Any other terms or conditions) An area consisting of no less than twenty (20) feet in width and running adjacent and along the south property line of the subject property shall serve as a buffer zone between the subject property and the neighbors to the south of the subject property. The buffer area shall be maintained in conformity with the remainder of the subject property, but shall not be used for any purpose other than landscaping and/or natural vegetation growth. If requested by the City of Fayetteville at any time, a privacy fence or a natural vegetation barrier (such as hedge), shall be constructed along the said boundary line to the rear (south) of the subject property.

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above,, Hobson, Inc., as owner (Petitioner) **voluntarily offer** all such assurances and sign my name below.

Hobson, Inc.

October 2, 2007
Date

By: David Pearce, President
David Pearce, President

Rt. 6, Box 269-1
Fayetteville, AR 72701

By: Patricia Pearce, Secretary
Patricia Pearce, Secretary

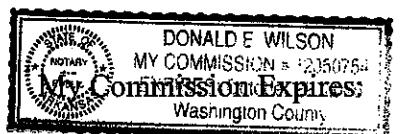
NOTARY OATH

STATE OF ARKANSAS

COUNTY OF WASHINGTON

}
}
} .ss\
}

And now on this the 2d day of October, 2007, appeared before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, after being placed upon their oath swore or affirmed that they agreed with the terms of the above Bill of Assurance in their aforesaid capacities of said corporation and on behalf of said corporation, and signed their names above for the consideration, uses and purposes therein mentioned and set forth.



[Signature]
NOTARY PUBLIC

*Hobson, Inc. Appeal
Handed out at
the City Council
Meeting 9/18/07*

THIS INSTRUMENT PREPARED BY:

Donald E. Wilson, P.A.
Attorney at Law
P.O. Box 1285
Fayetteville, AR 72702-1285

BILL OF ASSURANCE

KNOW ALL MEN BY THESE PRESENTS:

THAT Hobson, Inc., an Arkansas Corporation, holds title to the following described lands situated in Washington County, Arkansas, to-wit:

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49" W 39.12 feet from the Northeast corner of said 40 acre tract, said point being on the South Right-of-Way of Arkansas Highway 16; thence S1°17'49" W 146.88 feet; thence along a fence S89°10'35" W 61.88 feet; thence N0°40'45" E 148.25 feet, to the said Highway Right-of-Way; thence along said Right-of-Way S89°33'25" E 63.44 feet, to the point of beginning, containing 0.21 acres, more or less, Washington County, Arkansas. Subject to a 18.00 foot road easement along the East side thereof.

-and-

A part of the SW $\frac{1}{4}$, of the SE $\frac{1}{4}$, Section 9, T-16-N, R-31-W described as beginning at a point S1°17'49" W 186.00 feet from the Northeast corner of said 40 acre tract; thence S1°17'49" W 381.00 feet; thence N89°32'06" W 250.00 feet; thence N1°17'49" E 373.78 feet; thence along a fence N88°41'34" E 188.33 feet, N89°10'35" E 61.88 feet, to the point of beginning, containing 2.17 acres, more or less, Washington County, Arkansas. Subject to: An 18.00 foot Road Easement along the East side thereof.

And having a property street address of 7613 Wedington (12611 Hwy 16W), Fayetteville, Arkansas.

The Grantor, Hobson, Inc., has filed its application with the City of Fayetteville for rezoning of the above-described property from R-A, Residential-Agricultural, to C-2, Thoroughfare Commercial.

As a part of this Bill of Assurance, certain safeguards and restrictions hereinafter referred to as "Restrictions" are hereby placed on the above-described real property.

RESTRICTIONS

The purpose of these restrictions is to restrict and limit the use of the above-described real property under a C-2 Zoning classification as set forth in Chapter 161.18,

District C-2, Thorough Commercial, of the Fayetteville Unified Development Code, to the following permitted uses, as follows:

Unit 12	Offices, studios and related services
Unit 17	Trades and services
Unit 25	Commercial offices

It is the intention of these restrictions to limit the permitted uses as described above, and to restrict all other uses of the said property.

The hereinabove-described real property shall be used only for the permitted uses described in Unit 12, Unit 17, and Unit 25 of Chapter 161.18 of the Fayetteville Unified Development Code.

IN WITNESS WHEREOF, the name of the Grantor is hereunto affixed by its undersigned representative this 18 day of September, 2007.

Hobson, Inc.

By: David Pearce, President
David Pearce, President

By: Patricia Pearce
Patricia Pearce, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)

On this 18 day of September, 2007, before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, as such President and Secretary of said corporation, being authorized so to do, executed the foregoing instrument for and in the name and behalf of said corporation by signing the name of the corporation by themselves as President and Secretary, 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 WITNESS WHEREOF, I hereunto set my hand and official seal.

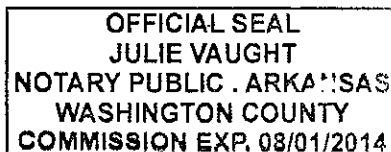
My Commission Expires:

8-1-2014

(Note: Legal Description is
not scrivener's description)



Notary Public



*Add to Final
Hobson, Inc. Appeal
9/18/07 Agenda.*

THIS INSTRUMENT PREPARED BY:

Donald E. Wilson, P.A.
Attorney at Law
P.O. Box 1285
Fayetteville, AR 72702-1285

BILL OF ASSURANCE

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Left on the first reading 9/18/07

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IN WITNESS WHEREOF, the name of the Grantor is hereunto affixed by its undersigned representative this _____ day of _____, 2007.

Hobson, Inc.

By: _____
David Pearce, President

By: _____
Patricia Pearce, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)

On this _____ day of _____, 2007, before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared David Pearce and Patricia Pearce, who acknowledged themselves to be the President and Secretary, respectively, of Hobson, Inc., an Arkansas Corporation, and that they, as such President and Secretary of said corporation, being authorized so to do, executed the foregoing instrument for and in the name and behalf of said corporation by signing the name of the corporation by themselves as President and Secretary, 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 WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:

Notary Public

(Note: Legal Description is
not scrivener's description)

*Handed out at Agenda
Session 9/11/07*

CITY COUNCIL MAPS

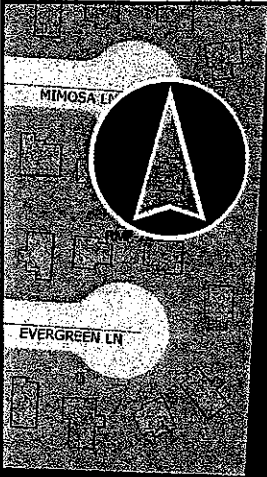
September 18, 2007

**College Avenue Townhomes PZD
Arcadian Court PZD
Walgreens Vacation
Hobson, Inc. Rezoning Appeal**

RPZD07-2649

Close Up View

COLLEGE AVENUE TOWNHOMES



SUBJECT PROPERTY

Overview

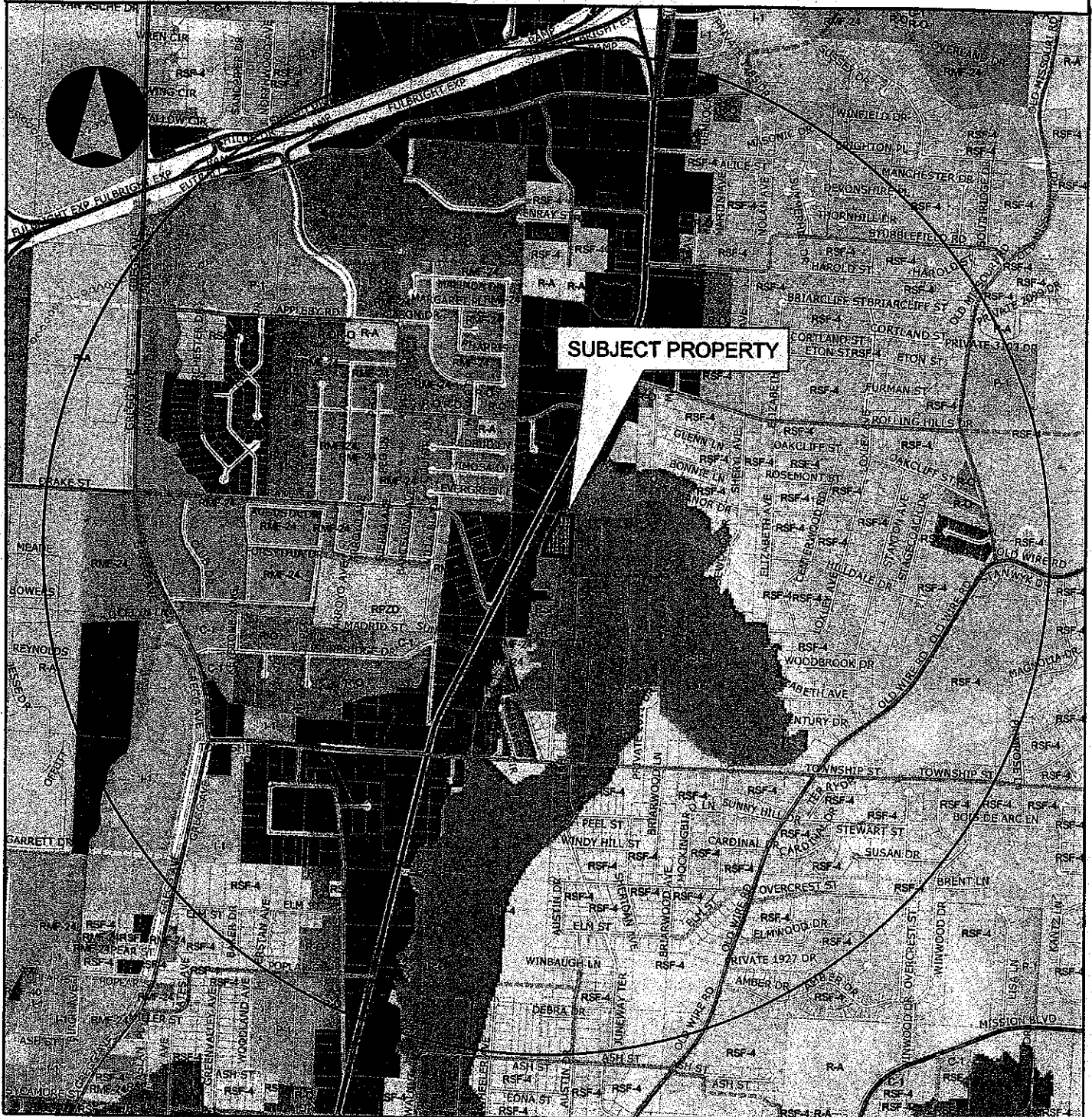


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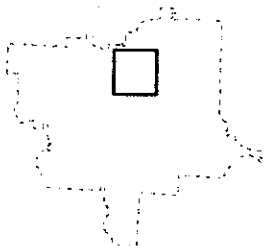
RPZD07-2649

One Mile View

COLLEGE AVENUE TOWNHOMES



Overview



Legend

Subject Property

RPZD07-2649

Boundary

Planning Area

Overlay District

Outside City

Legend

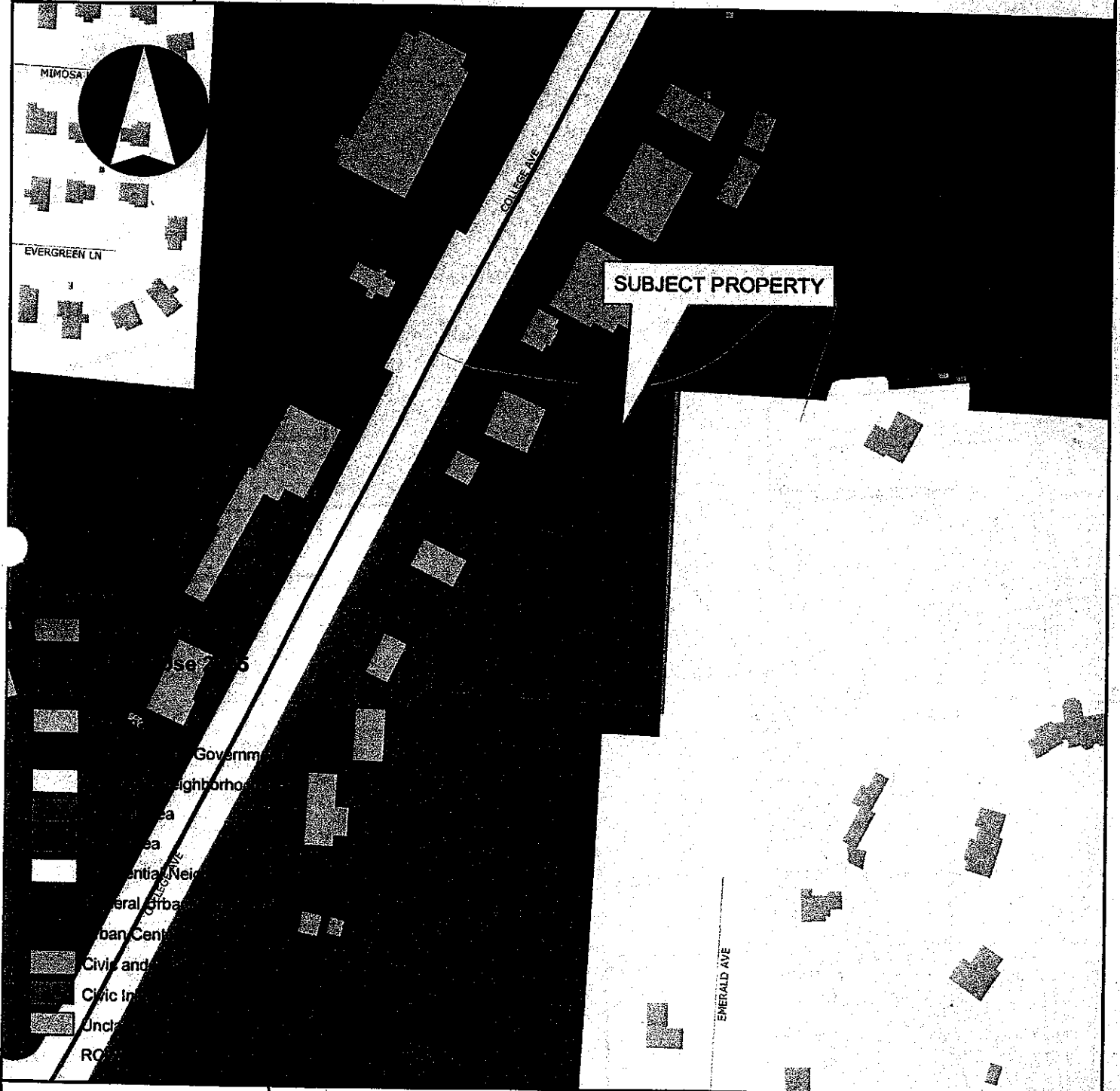
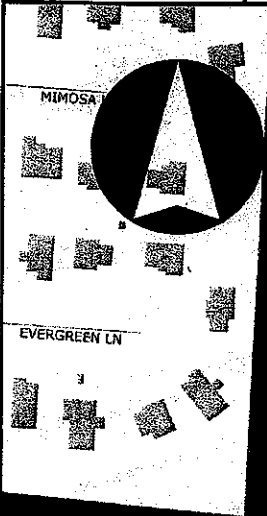
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

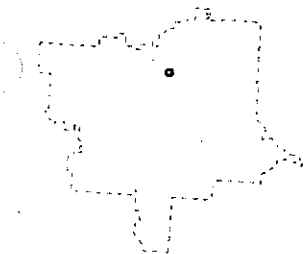
RPZD07-2649

COLLEGE AVENUE TOWNHOMES

Future Land Use



Overview



Legend
Subject Property

RPZD07-2649

Streets

Existing

Planned

Boundary

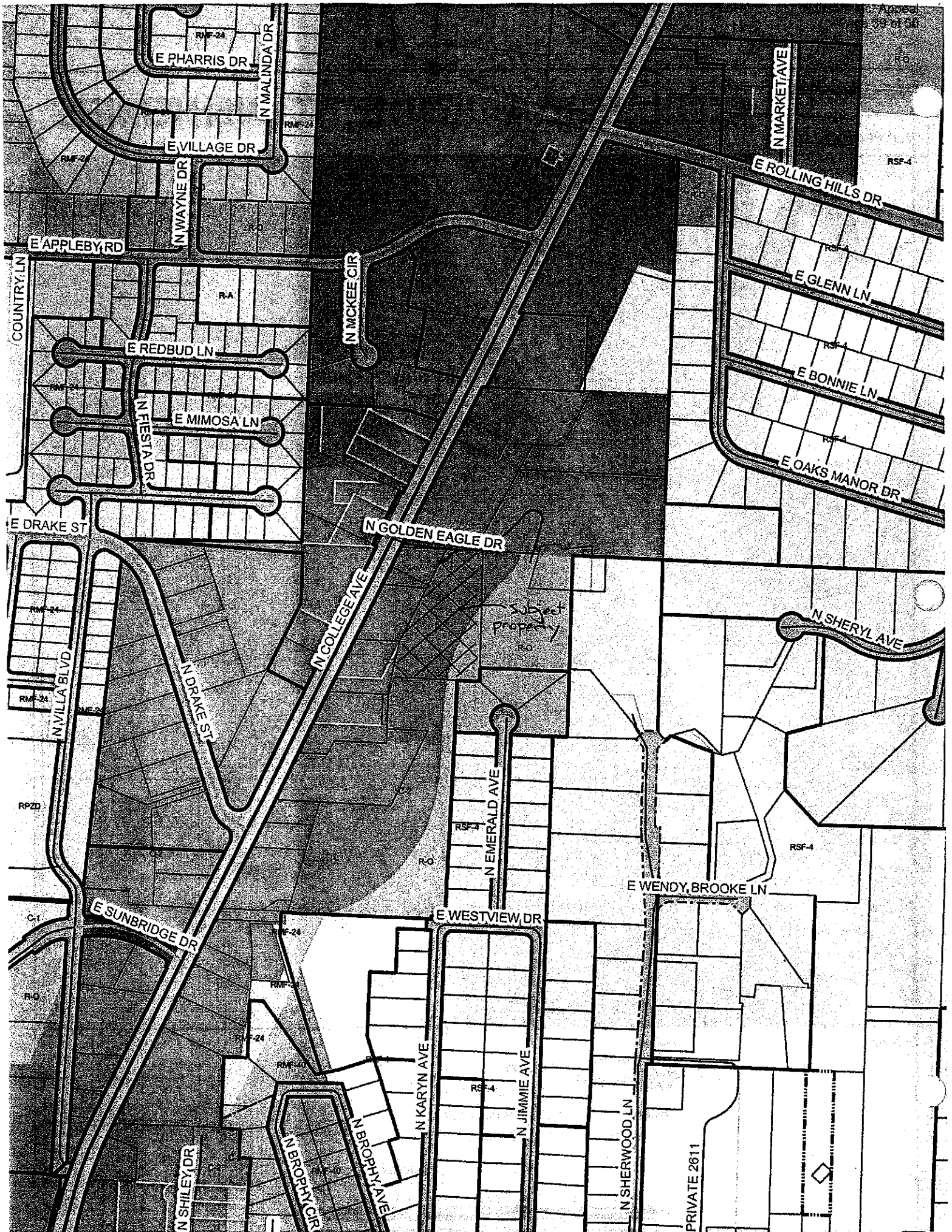
Planning Area

Overlay District

Outside City

Legend

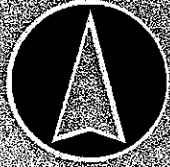




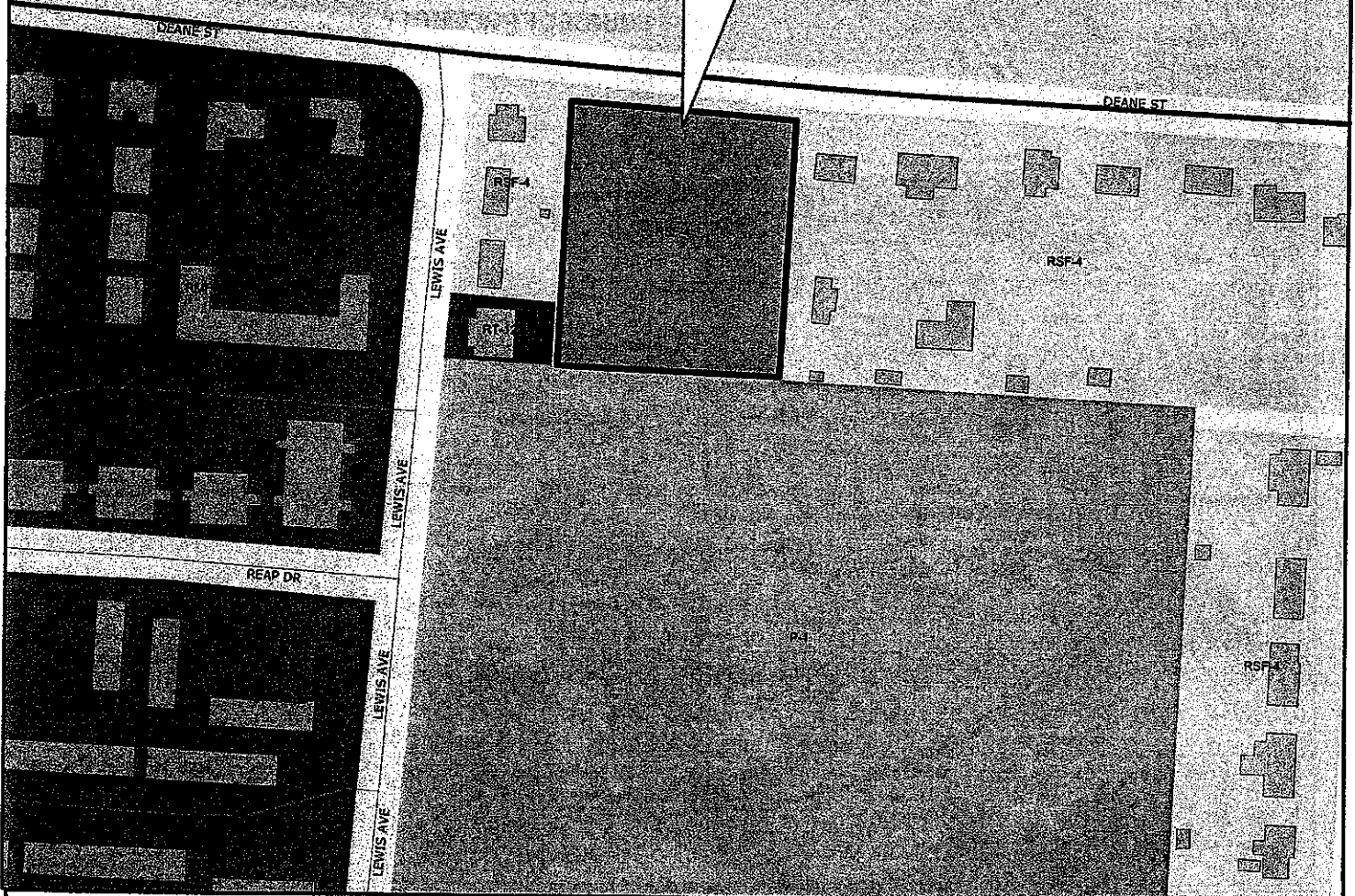
RPZD07-2680

Close Up View

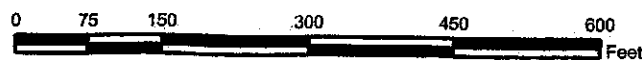
ARCADIAN COURT



SUBJECT PROPERTY



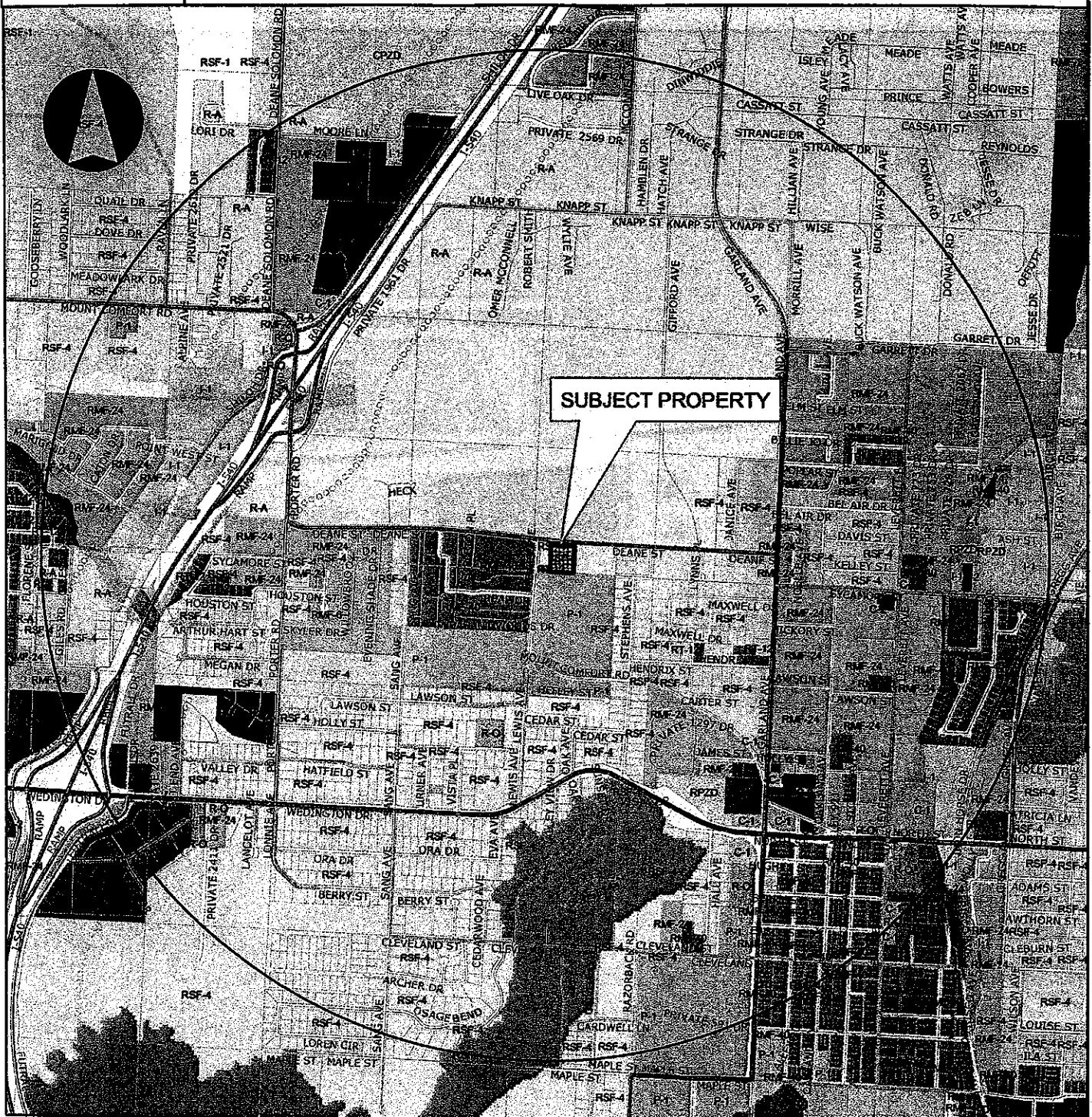
Overview



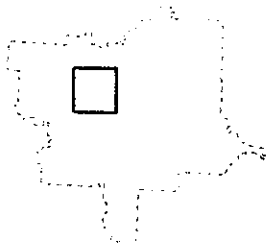
RPZD07-2680

One Mile View

ARCADIAN COURT



Overview



Legend

Subject Property
RPZD07-2680

Boundary

Planning Area
Overlay District
Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

RPZD07-2680

Future Land Use

ARCADIAN COURT

SUBJECT PROPERTY

Legend

Building (2004)

Future Land Use 2025

CLASS

Industrial

Non-Municipal Government

Complete Neighborhood Plan

Natural Area

Rural Area

Residential Neighborhood Area

General Urban/City Neighborhood Area

Urban Center Area

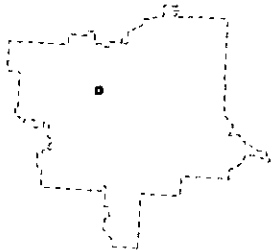
Civic and Private Open Space/Park

Civic Institutional

Unclassified

ROW

Overview



Legend

Subject Property

RPZD07-2680

Boundary

Planning Area

Overlay District

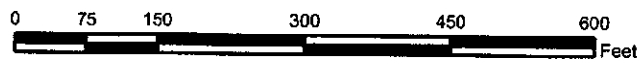
Outside City

Streets

Existing

Planned

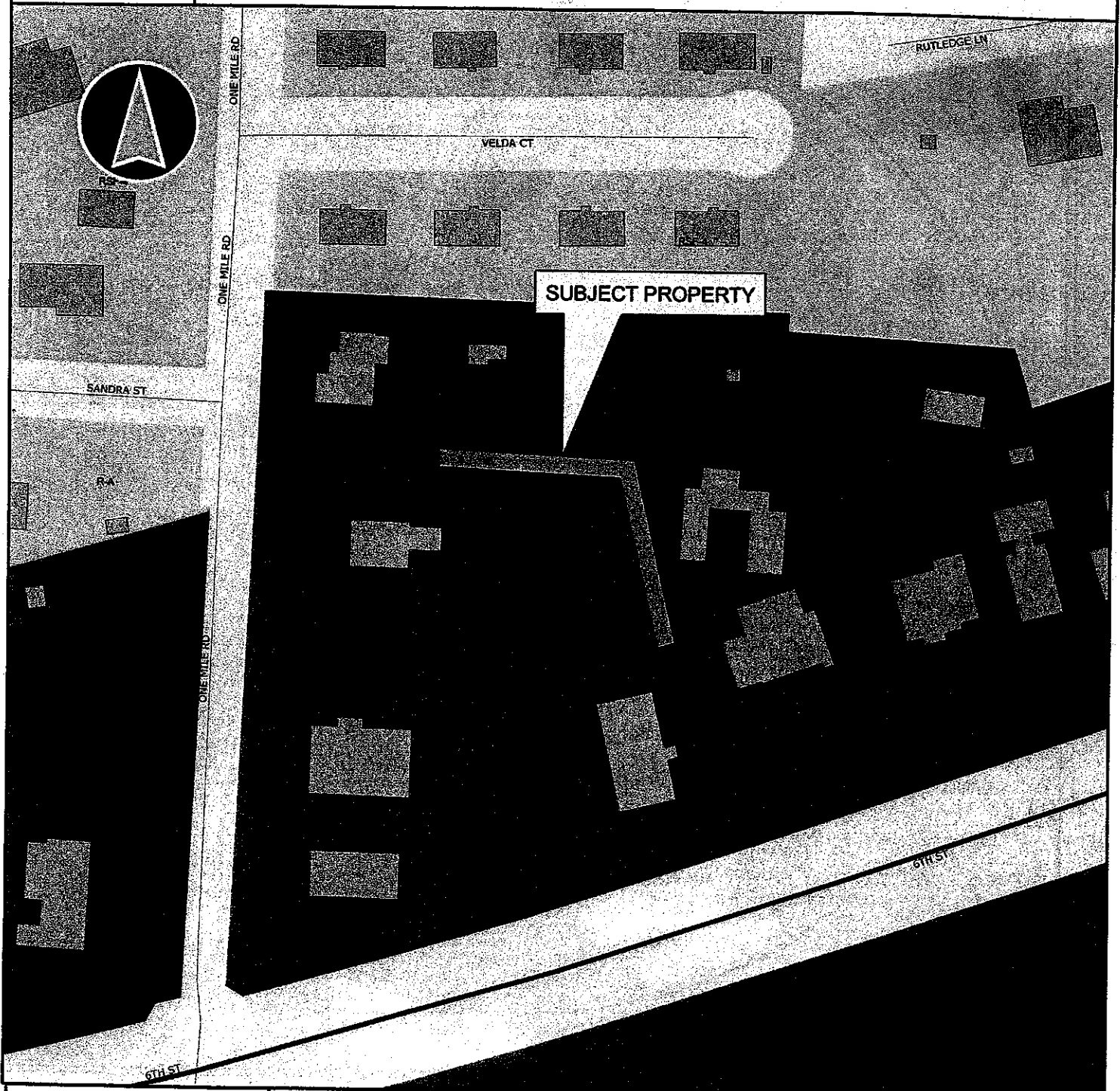
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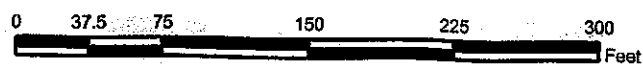
VAC07-2688

Close Up View

WALGREENS @ 6TH AND ONE MILE RD



Overview



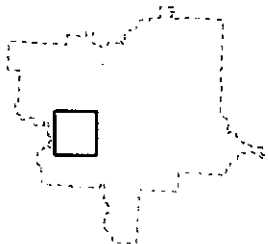
VAC07-2688

WALGREENS @6TH AND ONE MILE RD

One Mile View



Overview



Legend

Subject Property

VAC07-2688

Boundary

Planning Area

Overlay District

Outside City

Legend

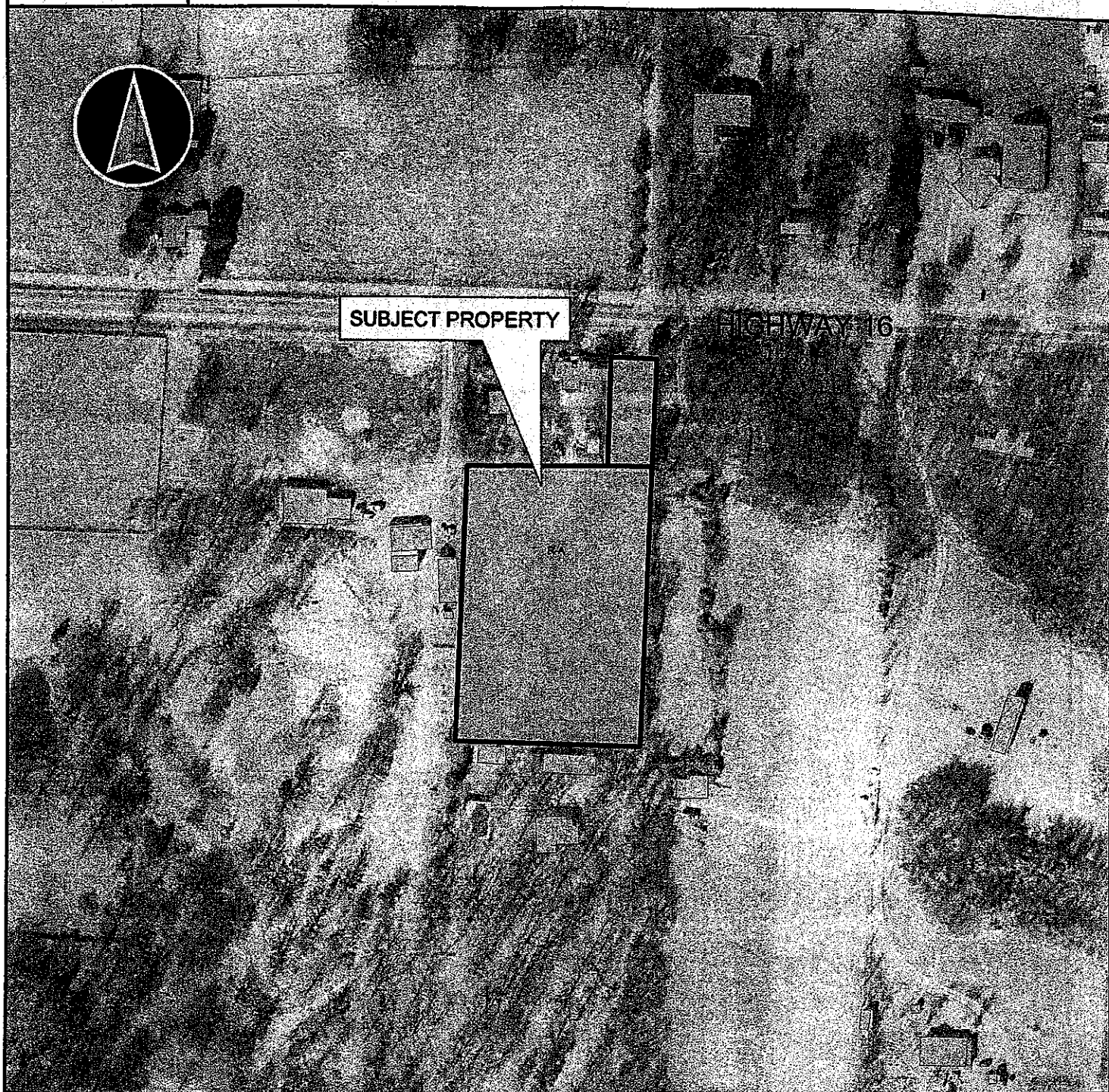
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

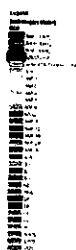
RZN07-2667

HOBSON INC.

Close Up View



Overview

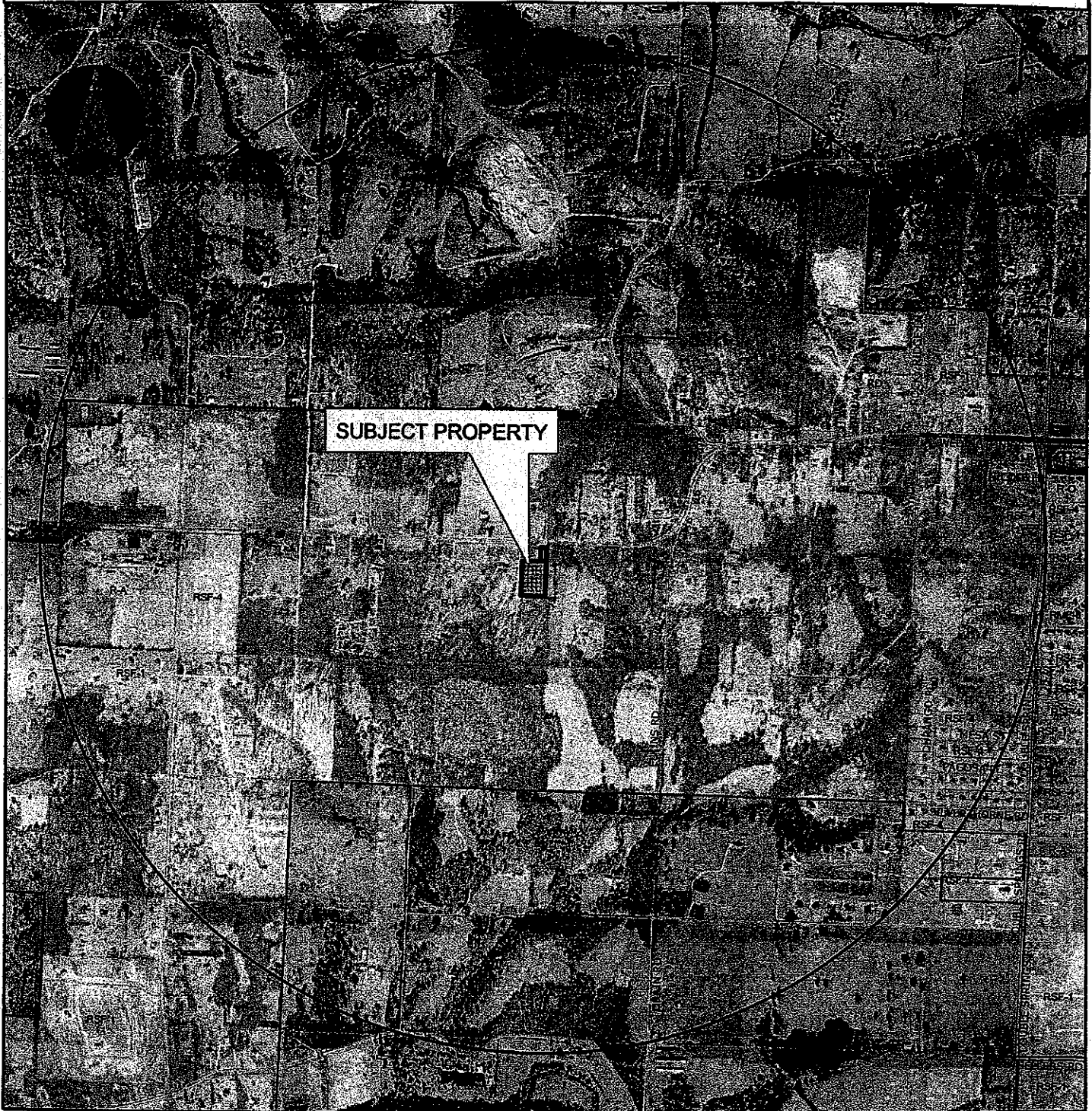


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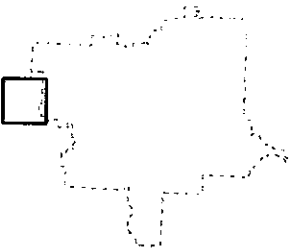
RZN07-2667

HOBSON INC.

One Mile View



Overview



Legend

Subject Property

 RZN07-2667

Boundary

Legend

0 0.25 0.5 1 Miles

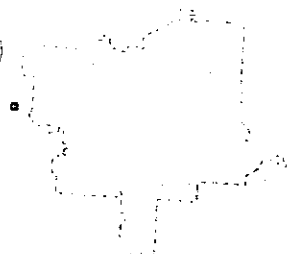
RZN07-2667

Future Land Use

HOBSON INC.

SUBJECT PROPERTY

Overview



Legend

Subject Property



RZN07-2667

Boundary

Streets

Existing

Planned

Planning Area

Overlay District

Legend



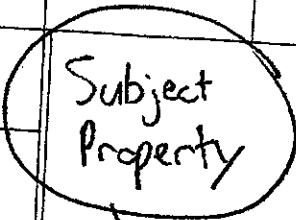


RZN 07-2667 (Hobson, Inc.)



1 inch equals 119.529068 feet





A
N

1,700 850 0 1,700 Feet

**City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts**

5-Feb-08
City Council Meeting Date

Jeremy Pate *JP*
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 07-2852: (Broyles/Woodstock, 438): Submitted by Appian Centre for Design for property located at 845 North 46th Avenue. The property is zoned R-A, Residential Agricultural, and contains approximately 1.88 acres. The request is to rezone the subject property to RSF-4, Residential Single-Family, 4 units per acre.

Action Required:	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$ -	

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 1-8-08
Department Director Date

Previous Ordinance or Resolution # n/a

[Signature] 1-22-08
City Attorney Date

Original Contract Date: n/a

Original Contract Number: n/a

Paul A. Becker 1-22-08
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED
1-18-08

[Signature] 1/22/08
Mayor Date

Received in Mayor's Office
ENTERED
1/22/08

Comments:

City Council Meeting of February 05, 2008
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning X

Date: January 18, 2008

Subject: Rezoning for Broyles/Woodstock 845 North 46th Avenue (RZN 07-2852)

RECOMMENDATION

Planning staff and the Planning Commission recommended to approve rezoning the subject property from R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4 units per acre for approximately 1.88 acres located at 845 North 46th Avenue.

BACKGROUND

The subject property contains approximately 1.88 acres and is located on the west side of 46th Street, approximately 650 feet south of Wedington Drive (State Highway 16). The property is zoned R-A, Residential Agricultural and contains an existing residence and barn. On January 7, 2008 the Fayetteville Board of Adjustment approved a rear building setback variance on the subject property for the existing barn.

The property is surrounded by undeveloped land to the north, south, and west that is zoned R-PZD 07-2576 (Woodstock) for a mixed use development. The property adjacent to the east and south is zoned R-A and R-O and contains single-family residences.

DISCUSSION

This item was heard at the regular Planning Commission meeting on January 14, 2008. The Planning Commission voted 8-0-0 to recommend forwarding this rezoning request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 07-2852, FOR APPROXIMATELY 1.88 ACRES, LOCATED AT 845 NORTH 46TH AVENUE FROM R-A, RESIDENTIAL AGRICULTURAL, TO RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE.

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, 4 units per acre, as shown on Exhibits "A" and "B" 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 , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

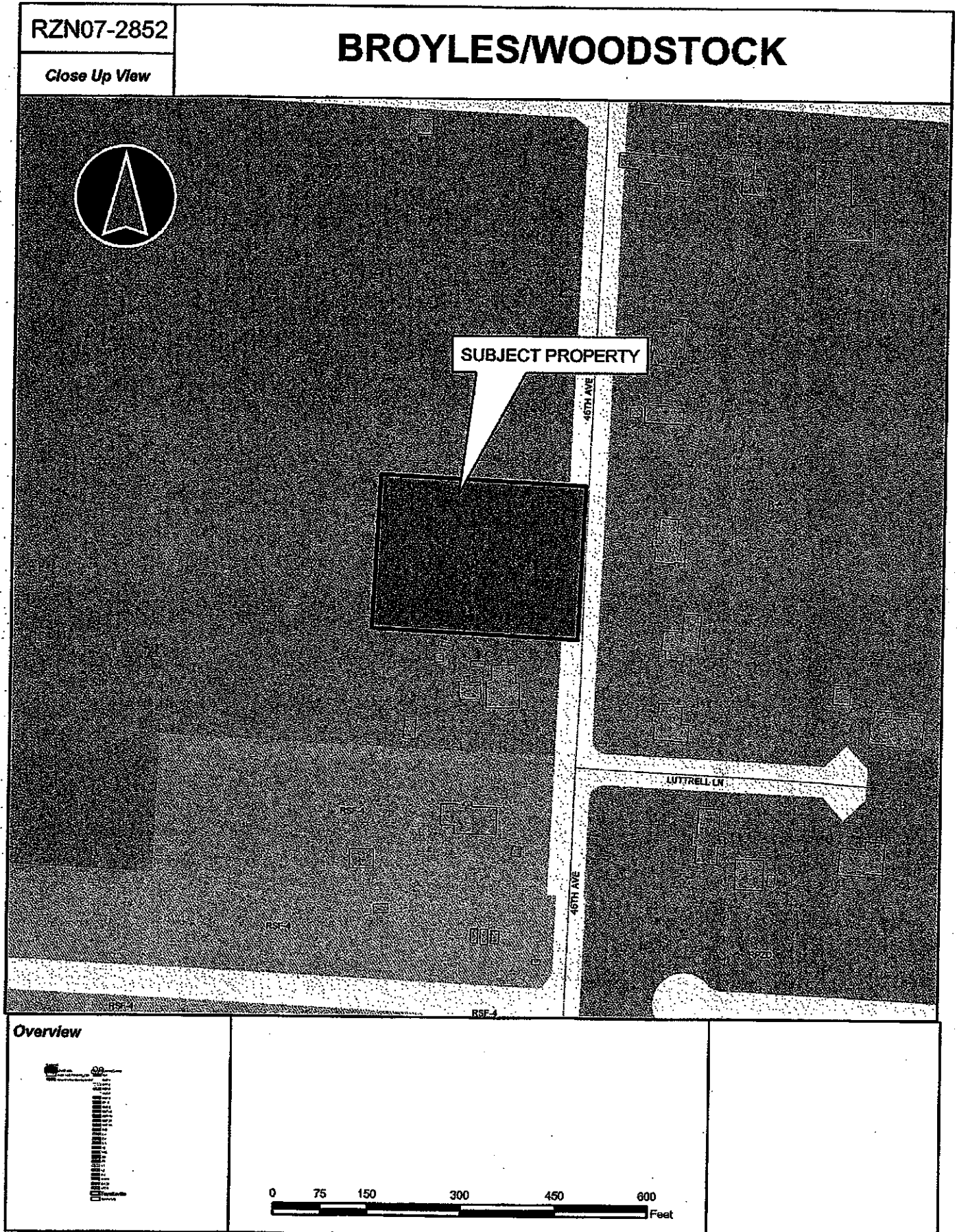


EXHIBIT "B"
RZN 07-2852

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°18'50"E 413.46 FEET FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N87°07'41"W 329.49 FEET, THENCE N02°39'01"E 249.48 FEET, THENCE S87°07'41"E 328.67 FEET, THENCE S02°27'45"W 249.48 FEET TO THE POINT OF BEGINNING. CONTAINING 1.88 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



PC Meeting of January 14, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: January 9, 2008 Updated January 15, 2008

RZN 07-2852: (BROYLES / WOODSTOCK, 438): Submitted by APPIAN CENTRE FOR DESIGN for property located at 845 N. 46TH AVENUE. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.88 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

Property Owner: HANK BROYLES
Planner: ANDREW GARNER

BACKGROUND:

Property Description and Background: The subject property contains approximately 1.88 acres and is located on the west side of 46th Street, approximately 650 feet south of Wedington Drive (State Highway 16). The property is zoned R-A and contains an existing residence and barn.

The property is surrounded by undeveloped land to the north, south, and west that is zoned R-PZD 07-2576 (Woodstock) for a mixed use development (*see Table 1*). The property adjacent to the east and south is zoned R-A and R-O and contains single family residences.

**TABLE 1
SURROUNDING LAND USE AND ZONING**

Direction	Land Use	Zoning
North and West	Undeveloped (approved Woodstock mixed use development)	R-PZD (Woodstock)
South and East	Single-Family Residential	R-A and R-O

Woodstock PZD: The Woodstock Residential Planned Zoning District (R-PZD 07-2576) was approved by the Fayetteville City Council on October 2, 2007. The R-PZD is for 342 attached and detached dwellings as well as 100,390 square feet of non-residential/commercial space. The approved site plan for the Woodstock project included the storm water detention area adjacent to the western property line of the property and single family residences are approved to the north (*see attached site plan*).

Fayetteville Board of Adjustment: On January 7, 2008 the Fayetteville Board of Adjustment approved a rear building setback variance on the subject property for the existing barn.

Proposal: The applicant proposes to rezone the property from R-A to RSF-4. The applicant has indicated that they have no immediate intention of developing the property, and intend on retaining the single family home and barn on the property.

Recommendation: Staff recommends approval of the rezoning based on findings stated herein. The proposed zoning would be compatible with adjacent zoning, existing and approved development, and the future land use plan for a primarily residential uses.

Public Comment: Staff has not received public comment.

INFRASTRUCTURE:

Streets: The site has access to 46th Avenue. 46th Avenue is currently an unimproved two lane paved road at this property. Street improvements will be evaluated at the time of development.

Water: Public water is available to the site. There is an 8" waterline along 46th Street. Water service may need to be extended through the property at the time of development.

Sewer: Sanitary sewer is available to the site. There is a 6" sewer main located along the south property line. Sewer service may need to be extended through the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main may need to be studied at the time of development.

Drainage: Standard improvements and requirements for drainage will be required at the time of development.

Fire: This property is covered by Engine 7 at 835 North Ruppel Road. It is 0.8 miles from the station with an expected response time of 2.25 minutes. The Fire Department anticipates two calls for service once. Measured hydrant flow in this area is 1,560 gallons/minute. The rezoning **will not** affect response times or calls for service.

Police: It is the opinion of the Fayetteville Police Department that this rezoning **will not** substantially alter the population density, create an undesirable increase in load on police services, or create an undesirable increase in traffic danger and congestion.

CITY PLAN 2025 FUTURE LAND USE PLAN: The City Plan 2025 Future Land Use Plan designates this site as **City Neighborhood Area**. Staff finds that due to the large number of existing and approved single family residences in this area that the RSF-4 zoning is appropriate at this location and would be compatible with the existing and planned land uses in the immediate vicinity.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
☐ Approved	☒ Forwarded	☐ Denied	
Motion: <u>Trumbo</u>	Second: <u>Ostner</u>	Vote: <u>8-0-0</u>	
Date: <u>January 14, 2008</u>			
CITY COUNCIL ACTION:		Required	<u>YES</u>
☐ Approved	☐ Forwarded	☐ Denied	
Date: <u>February 5, 2008 (1st reading if recommended)</u>			

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 property is designated as City Neighborhood Area in the City Plan 2025 Future Land Use Plan. The proposed RSF-4 zoning is consistent with the City's land use planning objectives, principles and policies to provide primarily residential land uses indicated by the City Neighborhood Area designation.

The surrounding property to the south and east is established single-family residences, and the property to the north and west has been recently approved for the Woodstock mixed use development. In the approved Woodstock plan, the property directly adjacent to the north of the subject property would be single family detached residences, and the property directly adjacent to the west would be storm water detention. The proposed RSF-4 zoning would be compatible with the existing and planned land uses and zonings.

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

Finding: Staff finds the proposed zoning is justified. The 1.88-acre property is currently zoned R-A. Based on the surrounding single family residential land uses and the Woodstock mixed use project being approved adjacent to the north and west, it is appropriate for this property to be zoned to allow for typical single family residential uses as opposed to the rural residential uses allowed under the current zoning. The property is no longer suitable for agricultural purposes.

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

Finding: It is expected that a rezoning from R-A to RSF-4 would create an increase in

traffic, when developed, compared with that allowed under the existing zoning. However, the property is in direct proximity to 46th Street, and in close proximity to Wedington Drive (State Highway 16), which is a Principal Arterial. Under the proposed zoning a maximum of seven residential units would be allowed compared to the one existing single family residence on the property. Traffic generated from six additional units would be relatively minimal. The proposed zoning would not result in traffic danger and congestion.

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 RSF-4 zoning would increase the potential population density and would allow for an additional six residential units on the property, as noted in Finding No. 3 above. The proposed zoning would not create undesirable impacts to public services, or a density that is incompatible with the surrounding area, based on a review of infrastructure, existing land uses, and the development potential of the property.

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

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;

These parcels have been developed and utilized for single-family residence for many years. However, because of the Woodstock PZD, the western portion of the parent tract of the subject parcel will be utilized for storm water detention, and requires the parent tract to be reduced to 1.88 acres. The current R-A zoning would result in a non-conforming lot if it is not rezoned. It is more practical and appropriate to re-zone the property to RSF-4 than to create a nonconforming lot under the current R-A zoning.

- 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: Not applicable. Staff recommends in favor of the requested zoning.

Fayetteville Unified Development Code

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.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District 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.
HOD Front	HOD Side	HOD Rear

15 ft.	5 ft.	15 ft.
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- (F) *Height.* Structures in this District are limited to a building height of 45 feet. The height of a proposed structure may only be increased above 45 feet by obtaining a variance after hearing by the Planning Commission. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.
- (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; Ord. 4858, 4-18-06)

Fayetteville Unified Development Code

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 5	Government 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:	2 acres
Nonresidential:	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; Ord. 5028, 6-19-07)



Fayetteville Fire Department

MEMO

To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
Assistant Chief Bud Thompson
From: Captain Dale Riggins
Date: January 9, 2008
Re: January 2, 2008 Zoning Review

RZN 07-2852: (BROYLES / WOODSTOCK, 438)

Submitted by APPIAN CENTER FOR DESIGN for property located at 845 N. 46TH AVENUE. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.88 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE. This property will be covered by Engine 7 located at 835 N Ruppel Road. It is .8 miles from the station with an anticipated response time of 2.25 minutes. The Fire Department anticipates 2(1EMS and 1 Fire/Other) calls for service once this development is completed and all units are occupied. Measured hydrant flow in this area is 1560 gallons/minute. This development should not affect our response times or calls for service.

ANX 07-2848: (NOCK-BROYLES LAND DEVELOPMENT, 139)

Submitted by JAMES ATWOOD for property located at VARIOUS PROPERTIES N OF JOYCE BLVD, E OF LEXINGTON TO OLD WIRE RD. The property is in the Planning Area and contains approximately 9.96 acres. The request is to annex the subject property into the City of Fayetteville.

This property will be covered by Engine 5 located at 2979 N Crossover Road.

It is 1.6 miles from the station with an anticipated response time of 4 minutes.

With the maximum units allowed under the R-4 zoning, the Fire Department anticipates 9 (6 EMS and 3 Fire/Other) calls for service after the development is completed and maximum building out has occurred.

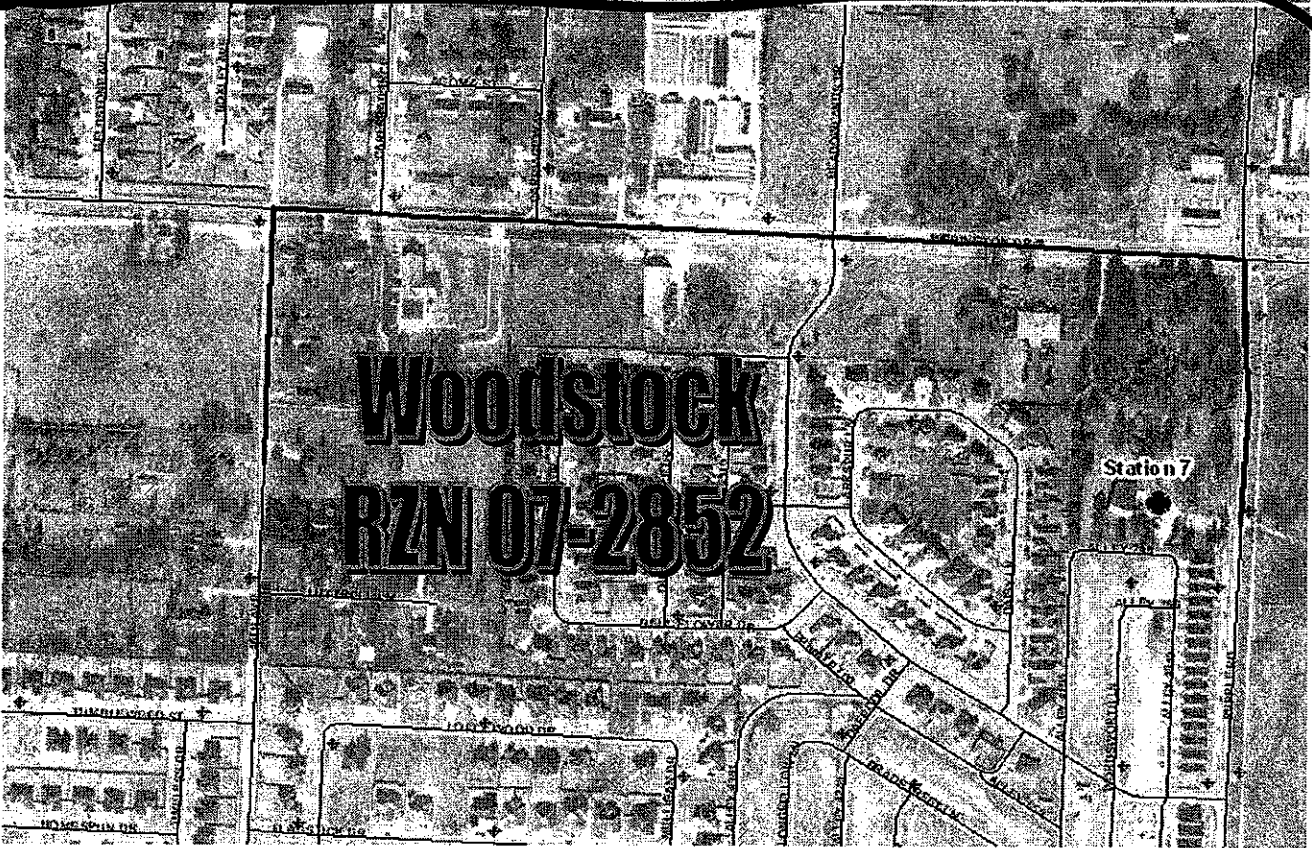
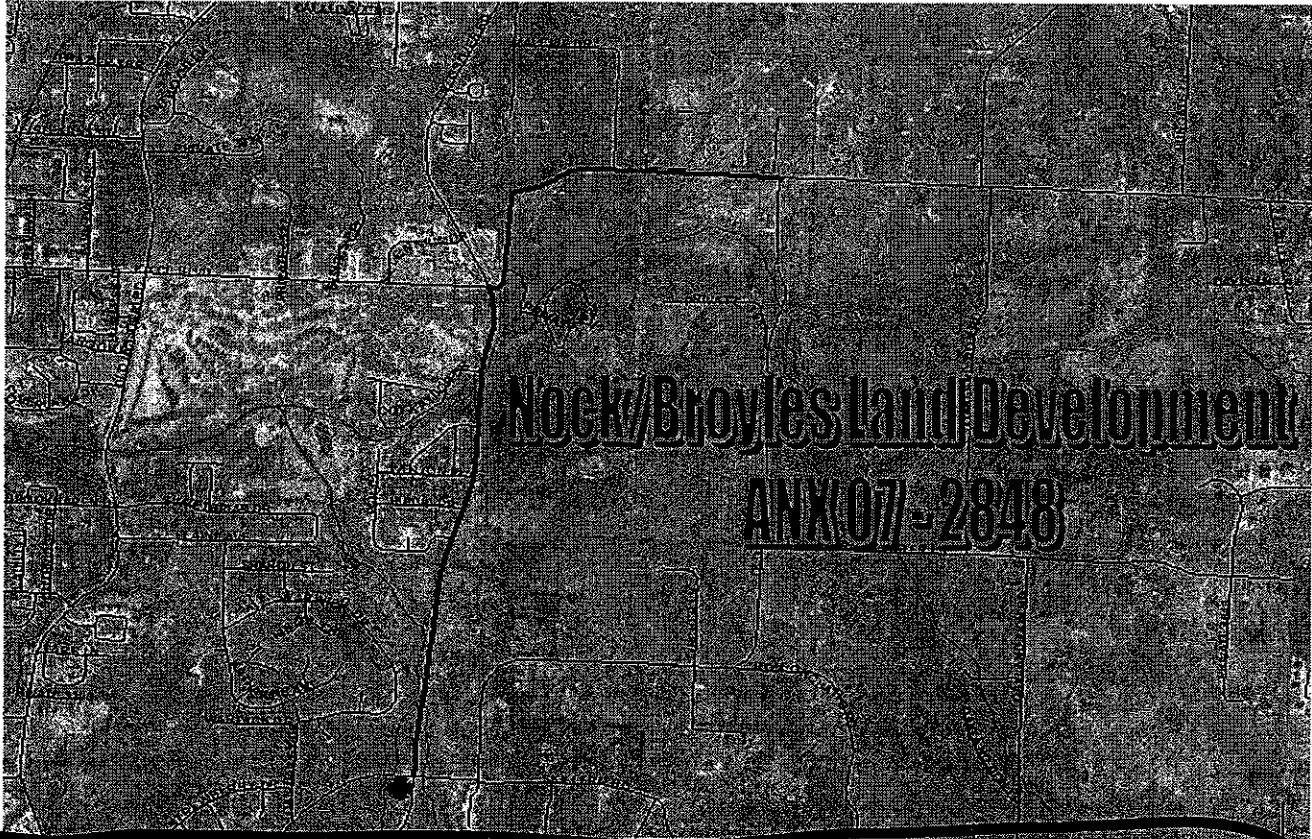
No measured hydrant flow is recorded in this area.

We do not anticipate any effects on our response times or calls for service with this development.

If you have any questions concerning these comments please don't hesitate to call me

Dale Riggins

Dale Riggins, Captain



Comments from Matt Casey, Engineering Division

C-PZD 07-2858: Planned Zoning District (FARMER'S MARKET / 6TH ST., 558):

Submitted by STEVE CLARK for property located at S SIDE OF 6TH STREET, BETWEEN E AND W FARMERS DRIVE. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.10 acres. The request is for rezoning, land use and large scale development approval for a C-PZD with a 5,000 s.f. commercial building with associated parking. Planner: Jesse Fulcher

Public water is located adjacent to the site. There is a 12" waterline along Sixth Street.

Sanitary sewer is available to the site. There is an 8" sewer main along the south property line. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main may need to be studied at the time of development

The site has access to Sixth Street. Sixth Street is currently an improved five lane paved state highway. Street improvements will be evaluated with the proposed development.

Standard improvements and requirements for drainage will be required for the development. This property is affected by the 100-year floodplain.

RZN 07-2852: (BROYLES / WOODSTOCK, 438): Submitted by APPIAN CENTER FOR DESIGN for property located at 845 N. 46TH AVENUE. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.88 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE. Planner: Andrew Garner

Public water is located adjacent to the site. There is an 8" waterline along 46th Street. Water service may need to be extended through the property at the time of development.

Sanitary sewer is available to the site. There is a 6" sewer main along the south property line. Sewer service may need to be extended through the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main may need to be studied at the time of development

The site has access to 46th Avenue. 46th Avenue is currently an unimproved two lane paved roadway at this property. Street improvements will be evaluated with the proposed development.

Standard improvements and requirements for drainage will be required for the development.

ANX 07-2848: (NOCK-BROYLES LAND DEVELOPMENT, 139): Submitted by JAMES ATWOOD for property located at VARIOUS PROPERTIES N OF JOYCE BLVD, E OF LEXINGTON TO OLD WIRE RD. The property is in the Planning Area and contains approximately 9.96 acres. The request is to annex the subject property into the City of Fayetteville. Planner: Dara Sanders

Date 12/17/07

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed **RZN 07-2852: (Broyles / Woodstock, 438)**: Submitted by **Appian Center for Design** for property located at **845 N. 46th Avenue**, would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. The property is **zoned R-A** and contains **approximately 1.88 acres**. The request is to rezone the subject property to **RSF-4**.

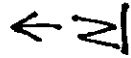
It is the opinion of the Fayetteville Police Department that this RZN **will not** substantially alter the population density, and **will not** create an undesirable increase in the load on police services. The RZN **will not** create an undesirable increase in traffic danger and congestion in the area.

Sincerely,

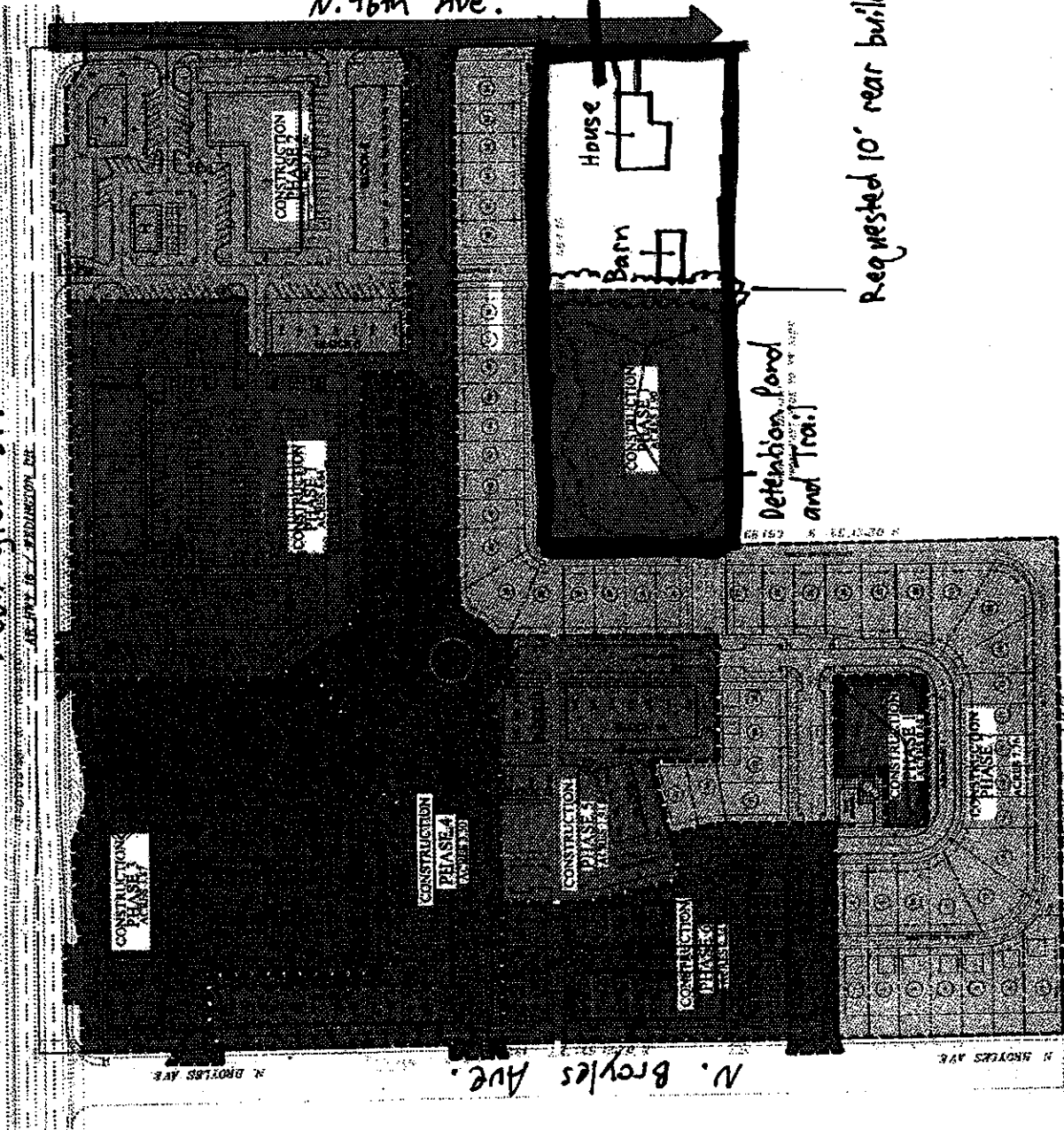
Captain William Brown
Fayetteville Police Department

Woodstock R-PZD Site Plan

Wedington Dr.



Counsel approval. Construction years.
 PHASE 4: Permits will be pulled within five years
 PHASE 5: Permits will be pulled within six years
 PHASE 6: Permits will be pulled within seven years
 PHASE 7: Permits will be pulled
 Counsel approval. Construction approval.



Subject Property

N. 46th Ave.

Requested 10' rear building setback

Detention Pond and Trail

RZN07-2852

Close Up View

BROYLES/WOODSTOCK



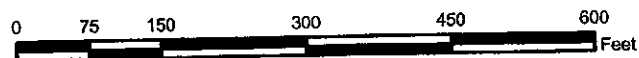
SUBJECT PROPERTY

46TH AVE

LUTTRELL LN

46TH AVE

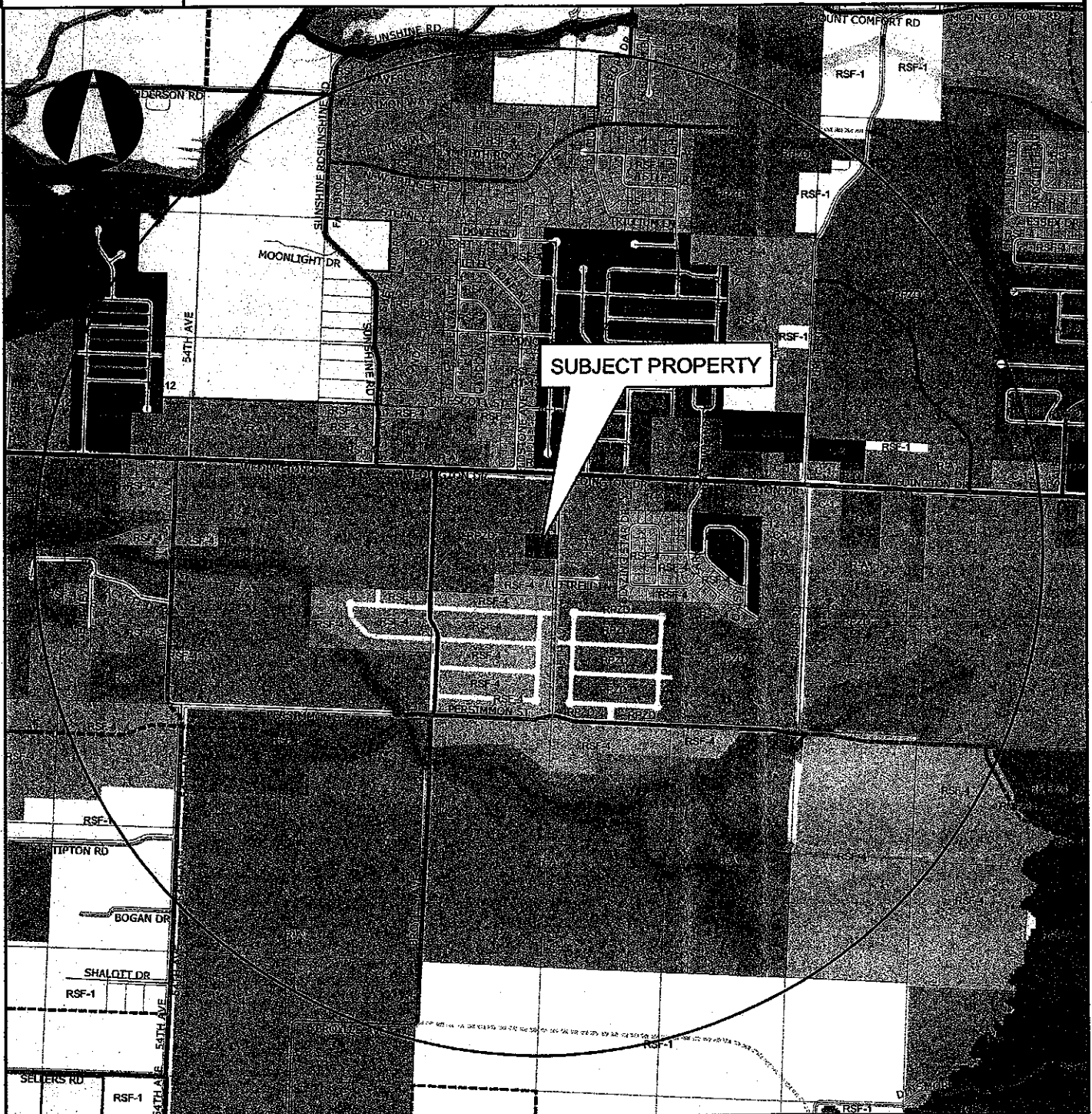
Overview



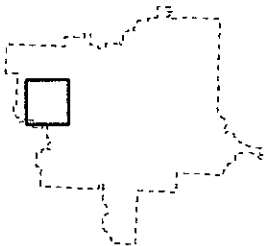
RZN07-2852

BROYLES/WOODSTOCK

One Mile View



Overview



Legend

Subject Property

RZN07-2852

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

C. 2
VAC 07-2853
(First Christian Church)
Page 1 of 30

5-Feb-08

City Council Meeting Date

Jeremy Pate *JP*
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 07-2853: (First Christian Church, 485): Submitted by McGoodwin, Williams and Yates, Inc. for property located at 220 North College Avenue. The request is to vacate an alley within the subject property.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

[Signature] 1-18-08
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature] 1-22-08
City Attorney Date

Original Contract Number: n/a

Paul A. Behn 1-22-08
Finance and Internal Service Director Date

Received in City Clerk's Office

ENTERED
1-18-08

[Signature] 1-22-08
Mayor Date

Received in Mayor's Office

ENTERED
1/22/08

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: January 17, 2008

Subject: Alley Vacation for First Christian Church (VAC 07-2853)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating an alley on the subject property containing approximately 3,550 square feet.

BACKGROUND

The subject property is located at 220 N. College Avenue, just south of the Washington County Courthouse and is zoned Main Street Center. There is an existing alley bisecting the site that varies in width from 5' at the east end of the property to 10' at the west end of the property. The south side of the existing church building encroaches into the alley right-of-way.

The applicant is requesting to vacate the length of the alley within the subject property, in order to allow improvements to the parking lot and church grounds. The applicants have submitted a conditional use request to allow for a shared parking agreement with the Washington County Courthouse, which is scheduled to be on the January 28, 2008 Planning Commission agenda. In addition to the proposed improvements to the property, the vacation will also resolve the building encroachment in the alley right-of-way. The applicant has submitted the required notification forms to the utility companies and to the City with the result summarized below.

DISCUSSION

Notification was provided to all appropriate utility representatives and to the City with no objections to the requested alley vacation. This item was heard at the regular Planning Commission meeting on January 14, 2008 and forwarded by vote of 8-0-0 on the consent agenda to recommend this vacation request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 07-2853 SUBMITTED
BY MCGOODWIN, WILLIAMS AND YATES, INC. FOR
PROPERTY LOCATED AT 220 NORTH COLLEGE AVENUE
TO VACATE AN ALLEY, A TOTAL OF 0.08 ACRES.

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 portion of the
platted alley 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 Council of the City of Fayetteville, Arkansas hereby vacates and
abandons the following described alley:

See Exhibit "B" 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 "A" shall be filed in the office of the Recorder of the
County and recorded in the Deed Records of the County.

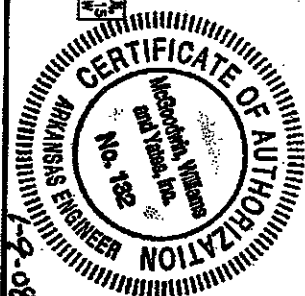
PASSED and APPROVED this day of , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

[illegible]

McGraw-Hill Williams & Yates
Engineering Conference
1200 Broadway, New York
NY 10019

REVISED PLAT OF SURVEY FOR ALLEY VACATION	STANDARD NO.
FIRST CHRISTIAN CHURCH 220 N. COLLEGE AVE. FAYETTEVILLE, ARKANSAS	1/1

[illegible]

PROJECT LOCATION



ALLEY WAYPOINT LOCATION

RIGHT OF WAY LINE

PROPERTY LINE

CHURCH BUILDING LINE

RECORDED DISTANCES

(479.25')

● FOUND IRON PIN WITH GUNP

[illegible]**ALLEY DESCRIPTION**

430.07

15600' S 87°25'52" E

S 24° 00' W
5.00'

S 247°00' W

PL-1

1

PLA

—

10

100-443877

2025 RELEASE UNDER E.O. 14176

1 PM
PLAT OF SURVEY
BY ALAN BETH DEK
P2

7d

1. The first part of the document is a title page. It contains the title "The Role of the State in the Development of the Economy" and the author's name "John Maynard Keynes".

10

[illegible]

10

11

10

[illegible]

1. *Phragmites australis* (Cav.) Trin. ex Steud.

EXHIBIT "B"
VAC 07-2853

A PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID 40 ACRE TRACT AND RUN THENCE SOUTH 02° 47' 00" WEST ALONG THE WEST LINE OF SAID 40 ACRE TRACT A DISTANCE OF 375.89 FEET; THENCE LEAVING SAID WEST LINE, SOUTH 87° 13' 00" EAST A DISTANCE OF 30.00 FEET TO A SET MAGNETIC NAIL ON THE EAST RIGHT OF WAY LINE OF COLLEGE AVENUE AT THE SOUTHWEST CORNER OF LOT 6 IN BLOCK 2 OF THE VAN HOOSE/VAN WINKLE ADDITION TO CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF SAID ADDITION RECORDED IN BOOK 4C PAGE 207 OF THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, FOR THE "TRUE POINT OF BEGINNING"; THENCE SOUTH 87° 25' 52" EAST ALONG THE SOUTH LINE OF LOTS 5 AND 6 IN BLOCK 2 OF SAID ADDITION A DISTANCE OF 280.00 FEET TO A SET COTTON SPINDLE ON THE WEST LINE OF LOT 10 IN BLOCK 2 OF SAID ADDITION; THENCE SOUTH 02° 47' 00" WEST ALONG SAID WEST LINE OF SAID LOT 10 A DISTANCE OF 5.00 FEET TO A SET COTTON SPINDLE AT THE SOUTHWEST CORNER OF SAID LOT 10; THENCE SOUTH 87° 25' 52" EAST ALONG THE SOUTH LINE OF SAID LOT 10 A DISTANCE OF 150.00 FEET TO A SET COTTON SPINDLE AT THE SOUTHEAST CORNER OF SAID LOT 10; THENCE LEAVING SAID SOUTH LINE OF SAID LOT 10 SOUTH 02° 47' 00" WEST A DISTANCE OF 5.00 FEET TO A SET COTTON SPINDLE AT THE SOUTHEAST CORNER OF THE ALLEY; THENCE NORTH 87° 25' 52" WEST ALONG THE SOUTH LINE OF SAID ALLEY A DISTANCE OF 430.00 FEET TO A SET MAGNETIC NAIL ALONG THE EAST RIGHT OF WAY LINE OF COLLEGE AVENUE; THENCE LEAVING SAID SOUTH LINE OF SAID ALLEY NORTH 02° 47' 00" EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3550 SQUARE FEET OR 0.08 ACRES, MORE OR LESS.



PC Meeting of January 14, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: January 8, 2008 *Updated January 15, 2007*

VAC 07-2853: (FIRST CHRISTIAN CHURCH, 485): Submitted by MCGOODWIN, WILLIAMS & YATES, INC. for property located at 220 N. COLLEGE AVENUE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.80 acres. The request is to vacate an alley on the subject property.

Planner: Jesse Fulcher

Findings:

Property Description and Background: The subject property is located at 220 N. College Avenue, just south of the Washington County Courthouse and is zoned Main Street Center. There is an existing alley bisecting the site that varies in width from 5' at the east end of the property to 10' at the west end of the property. The south side of the existing church building encroaches into the alley right-of-way.

Request: The applicant is requesting to vacate the length of the alley within the subject property, in order to allow improvements to the parking lot and church grounds. The applicants have submitted a conditional use request to allow for a shared parking agreement with the Washington County Courthouse, which is scheduled to be on the January 28, 2008 Planning Commission agenda. In addition to the proposed improvements to the property, the vacation will also resolve the building encroachment in the alley right-of-way. The applicant has submitted the required notification forms to the utility companies and to the City with the result summarized below.

UTILITIES

RESPONSE

Ozarks Electric	No Objections
Cox Communications	No Objections
Southwestern Electric Power Company	No Objection.
Arkansas Western Gas	No Objections

AT&T Arkansas

No objections with dedicated
easement. See attached.

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No Objections

Transportation

No Objections

Solid Waste

No Objections

Public Comment: The two property owners adjacent to the alley do not object to the vacation.

Recommendation: Staff recommends forwarding VAC 07-2853 to the City Council with a recommendation of approval to vacate the alley as described herein.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Date: January 14, 2008

Motion: Ostner

Second: Myers

Vote: 8-0-0

Comments: _____

The "CONDITIONS OF APPROVAL", as stated in this report, are accepted in total without exception by the entity requesting approval of this development item.

By _____

Date _____



McGoodwin Williams & Yates
Engineering Confidence



December 3, 2007

Mr. Jeremy Pate
Director of Planning
City of Fayetteville
City Administration Building
113 West Mountain
Fayetteville, Arkansas 72701

Re: Application for Alley Vacation
First Christian Church
MWY Project No. FY-336

Dear Mr. Pate:

Enclosed are application materials for vacation of the Alley crossing the First Christian Church property located at 220 N. College Avenue, Fayetteville, Arkansas. The western part of this alley is 10 feet in width and the eastern part is 5 feet in width.

The reason for this vacation request by First Christian Church is to allow parking lot improvements. This alley has only been used by First Christian Church and has not been used by the public for many years and the public interest and welfare would not be adversely affected by the abandonment of this alley.

Thank you for your consideration of this application. If you require additional materials, please let me know.

Sincerely,

Gary L. Denzer, P. S.

GLD:gd
Enclosures



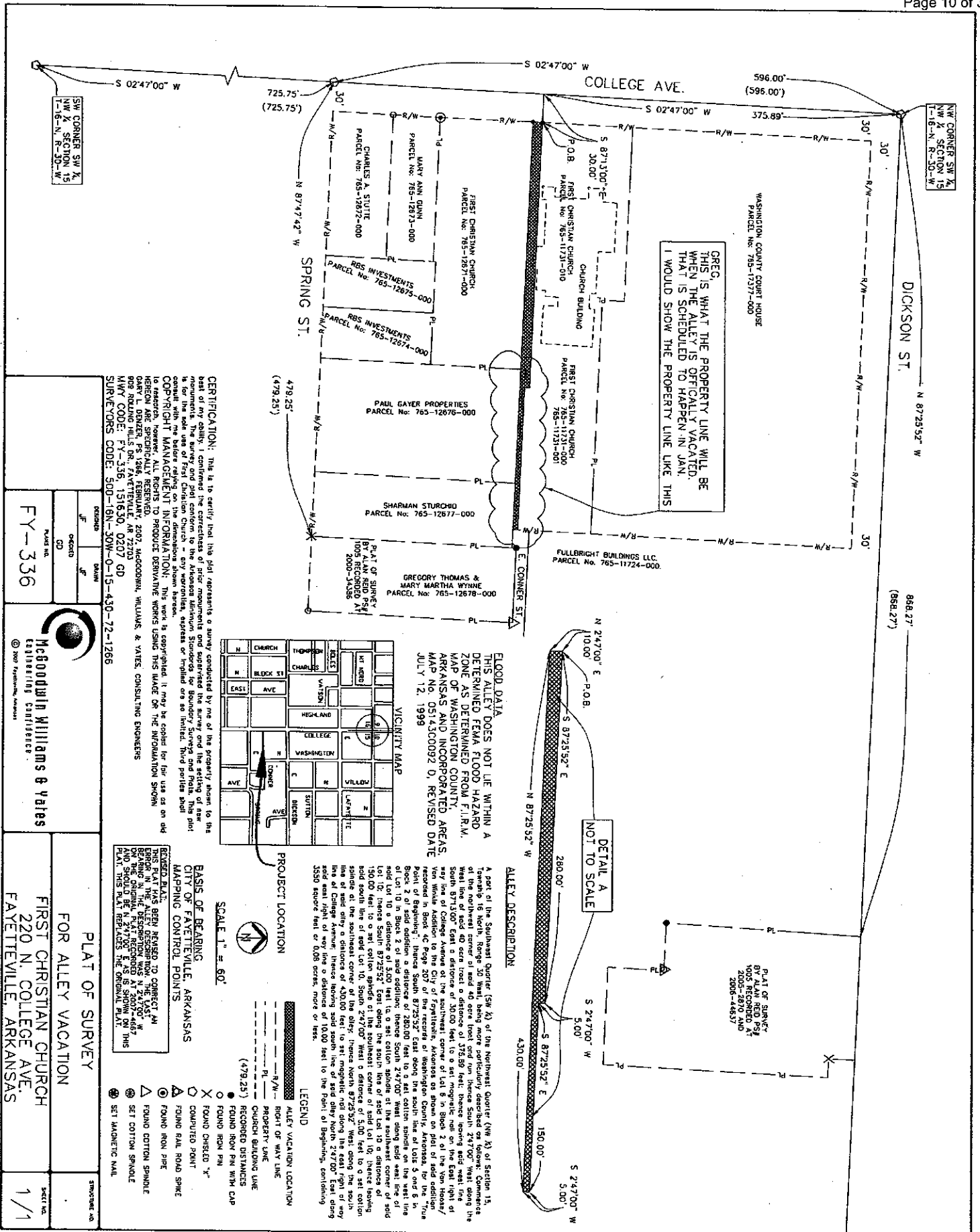
McGoodwin Williams & Yates
Engineering Confidence

909 Rolling Hills Drive - Fayetteville, Arkansas 72703 - Phone: (479) 443-3404 - FAX: (479) 443-4340

memo

To: Mr. Jeremy Pate, Director of Current Planning
From: Gary Denzer, PS
CC: File
Date: 12/03/07
Re: FY-336 Alley Vacation General Utility Easement

Included in the Alley Vacation Application for First Christian Church in Fayetteville, Arkansas is a General Utility Easement from First Christian Church to the City of Fayetteville, Arkansas. There were existing gas, telephone and overhead electric lines in the eastern end of the alley. Those utilities requested a general utility easement to cover their lines serving the church building as part of their approval of the alley vacation. If you have any questions please let me know. Thanks.



ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: 11/1/07

Address / location of vacation: 220 N. College Ave, Fayetteville, Arkansas

Adjacent property address: 130 Spring Street, Fayetteville, Arkansas

Lot: Part 5 Block: Subdivision: County Court Plat of Section 15

REQUESTED VACATION:

I have been notified of the petition to vacate the following (alley, ~~easement, right-of-way~~), described as follows:

(See Attached Survey Plat)

ADJACENT PROPERTY OWNERS COMMENTS:

☐ I have been notified of the requested vacation and decline to comment.

☒ I do not object to the vacation described above.

☐ I do object to the requested vacation because:

SHARMAN STURCHIO

Name of Adjacent Property Owner (printed)

Shorman Sturchio

Signature of Adjacent Property Owner

FIRST CHRISTIAN CHURCH

Applicant Name

ADJACENT PROPERTY OWNER NOTIFICATION FORM

RECEIVED

MAR 07 2007

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

McGoodwin, Williams and Yates

Date: 6-Mar-07

Address / location of vacation: 220 N. College Ave, Fayetteville, Arkansas

Adjacent property address: 124 Spring Street, Fayetteville, Arkansas

Lot: 4 Block: Subdivision: County Court Plat of Section 15

REQUESTED VACATION:

I have been notified of the petition to vacate the following (alley, ~~easement, right-of-way~~), described as follows:

(See Attached Survey Plat)

ADJACENT PROPERTY OWNERS COMMENTS:

☐ I have been notified of the requested vacation and decline to comment.

☒ I do not object to the vacation described above.

☐ I do object to the requested vacation because:

PAUL GAYER PROPERTIES

Name of Adjacent Property Owner (printed)

Paul Gayer
Signature of Adjacent Property Owner

FIRST CHRISTIAN CHURCH

Applicant Name

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: 2-20-07UTILITY COMPANY: Ozarks ElectricAPPLICANT NAME: First Christian Church APPLICANT PHONE: 479-442-4674
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☒ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address: (referring to attached document-must be completed**)

** 220 N. College Avenue, Fayetteville, Arkansas

(See Attached Survey Plat)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Mike Phipps
Signature of Utility Company Representative

System Staking Tech
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 2-20-07

UTILITY COMPANY: Cox Communications

APPLICANT NAME: First Christian Church APPLICANT PHONE: 479-442-1674
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☒ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address: (referring to attached document-must be completed**)

** 220 N. College Avenue, Fayetteville, Arkansas

(See Attached Survey Plat)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Michael Smith
Signature of Utility Company Representative

Surveyor
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: _____

UTILITY COMPANY: AEP/SWEPCOAPPLICANT NAME: First Christian Church APPLICANT PHONE: 479-442-4674
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☒ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address: (referring to attached document-must be completed**)

** 220 N. College Avenue, Fayetteville, Arkansas

(See Attached Survey Plat)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

BOOK 2007 PAGE 00040546 EASEMENT
WILL COVER OUR REQUIREMENTS

- ☐ No objections provided the following conditions are met:
- _____
- _____

Samy Winkler 11/05/07
Signature of Utility Company Representative

RIGHT/WAY AGENT
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: 8-1-07UTILITY COMPANY: Arkansas Western GasAPPLICANT NAME: First Christian Church APPLICANT PHONE: 479-442-4674
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☒ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

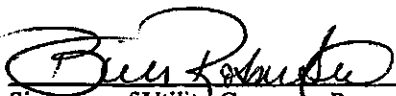
General location / Address: (referring to attached document-must be completed**)

** 220 N. College Avenue, Fayetteville, Arkansas*(See Attached Survey Plat)*

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:


Signature of Utility Company RepresentativeNORTHWEST REGIONAL MANAGER
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 11-10-07

UTILITY COMPANY: Southwestern Bell Telephone Company

APPLICANT NAME: First Christian Church APPLICANT PHONE: 479-442-4674
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☒ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address: (referring to attached document-must be completed**)

** 220 N. College Avenue, Fayetteville, Arkansas

(See Attached Survey Plat)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

WITH ATTACHED GENERAL UTILITY EASEMENT
DEDICATION

- ☐ No objections provided the following conditions are met:

Susan K. Clouser
Signature of Utility Company Representative

MANAGER ENGINEERING DESIGN
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: 3-6-07UTILITY COMPANY: City Water and Sewer DepartmentAPPLICANT NAME: First Christian Church APPLICANT PHONE: 479-442-4674
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☒ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address: (referring to attached document-must be completed**)

** 220 N. College Avenue, Fayetteville, Arkansas

(See Attached Survey Plat)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:


Signature of Utility Company RepresentativeW+S Ops Mgr.
Title

Post-It® Fax Note 7671		Date <u>3-5-07</u>	# of pages <u>2</u>
To <u>Gary Denzer</u>	From <u>Tom Hubbard</u>		
Co./Dept. <u>M. Goodwin</u>	Co. <u>City Water/Sewer</u>		
Phone # <u>443-3464</u>	Phone # <u>575-8386</u>		
Fax # <u>443-4340</u>	Fax # <u>684-4730</u>		

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 2/16/07

UTILITY COMPANY: City Streets Department

APPLICANT NAME: First Christian Church APPLICANT PHONE: 479-442-4674
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☒ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address: (referring to attached document-must be completed**)

** 220 N. College Avenue, Fayetteville, Arkansas

(See Attached Survey Plat)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

[Signature] 2/16/07
Signature of Utility Company Representative

Transportation Suplt.
Title
Operations Dept.
Transportation Division
City of Fayetteville

575 8227

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONSDATE: 2-20-07UTILITY COMPANY: City Sanitation DepartmentAPPLICANT NAME: First Christian Church APPLICANT PHONE: 479-442-4674
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☒ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address: (referring to attached document-must be completed**)

** 220 N. College Avenue, Fayetteville, Arkansas

(See Attached Survey Plat)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:
Improvements do not hinder solid waste collection

Brian Paul
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

C. 2
Doc ID: 011704220004667
Recorded: 10/30/2007 at 10:23:00
Fee Amt: \$30.00 Page 1 of 4
Washington County, AR
Bette Stamps Circuit Clerk
File **2007-00040546**

GENERAL UTILITY EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT First Christian Church, hereinafter called GRANTOR, for and inconsideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL AND CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement for the purpose of construction, maintenance, repair and/or replacement, enlargement and operation of general utilities including natural gas, electrical power, and telephone line and appurtenances thereto, on over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION:

Parcel No: 765-11731-010

Deed: 2006-44637

Lot 6 in Block 2 of the Van Hoose/Van Winkle Addition to the City of Fayetteville, Arkansas.

Parcel No: 765-11731-000 & 765-11731-001

Deed - 97052924

A part of Lots number five (5), Nine (9) and Ten (10) in Block Numbered Two (2) in the Van Hoose-Van Winkle Addition to the City of Fayetteville, as designated upon the recorded plat of said addition, and more particularly described as follows: Beginning at a point which is three hundred four and three-tenths (304.3) feet South and two hundred twelve (212) feet East of the northwest corner of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section 15, in Township 16 North, Range 30 West, and running, thence East two hundred thirty-eight (238) feet; thence South seventy-six and seven-tenth (76.7) feet; thence West two hundred thirty-eight (238) feet; thence North seventy-six and seven-tenths (76.7) feet to the beginning point.

Deed - 97052926

A part of Lots Nine (9) and Ten (10), in Van Hoose-Van Winkle Addition to the City of Fayetteville, Arkansas, more particularly described as follows, to-wit: Beginning at an old iron pin which iron pin is located at a point which is 304.3 feet South and 450 feet East of the northwest corner of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Fifteen (15) in Township Sixteen (16) North of Range Thirty (30) West of the 5th Principal Meridian, thence East 12.5 feet to an old iron pin located on the West boundary line of an existing ten (10) foot alley; thence South along the western boundary line of said ten (10) foot alley a distance of 76.7 feet, thence West 12.5 feet, thence North 76.7 feet to the old iron pin marking the point of beginning, as reflected upon plat or survey dated August 24, 1966, prepared by John E. Mahaffey and Associates, Consulting Engineers, Fayetteville, Arkansas.

Parcel No: 765-12671-000

Deed - 1045-981

Part of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Fifteen (15), in Township Sixteen (16) North, of Range Thirty (30) West of the 5th Principal Meridian, described as follows, to-wit: Beginning at a point which is one hundred three and one-eleventh (103 1/11) poles South of the northwest corner of said Section 15, and running, thence South one hundred (100) feet; thence East two hundred eighty-four and one-half (284 ½) feet; thence North one hundred (100) feet; thence West two hundred eight-four and one-half (284 ½) feet to the place of beginning, except so much off the west end thereof as is now occupied and used as a portion of College Avenue, in the City of Fayetteville, further known as Lot One (1) in the County Court Plat of the Northwest Quarter (NW ¼) of Section 15, Township 16 North, Range 30 West, in said City.

PERMANENT EASEMENT DESCRIPTION:

A permanent easement described as follows: Begin at the Northeast corner of the 5 foot wide alley as shown on Plat of Survey by Gary Lee Denzer, PS 1266 recorded at 2007-00004667 of the records of Washington County, Arkansas, and run thence North 02° 47' 00" East along the east line of Lot 10 as shown on said Plat of Survey a distance of 17.23 feet; thence leaving said east line South 86° 59' 14" West a distance of 118.67 feet; thence North 87° 30' 42" West a distance of 63.28 feet; thence North 02° 38' 56" East a distance of 70.04 feet; thence North 87° 21' 32" West a distance of 75.31 feet; thence South 03° 04' 34" West a distance of 5.73 feet; thence

South 86° 24' 17" East a distance of 65.37 feet; thence South 02° 38' 56" West a distance of 64.68 feet; thence North 83° 54' 07" West a distance of 47.34 feet; thence North 65° 42' 10" West a distance of 15.46 feet; thence South 03° 58' 34" West a distance of 10.66 feet; thence South 65° 42' 10" East a distance of 13.37 feet; thence South 83° 49' 06" East a distance of 71.89 feet; thence North 02° 47' 00" East a distance of 7.35 feet; thence South 87° 25' 52" East a distance of 19.00 feet; thence South 02° 47' 00" West a distance of 2.50 feet; thence South 87° 25' 52" East a distance of 150.00 feet; thence North 02° 47' 00" East a distance of 2.50 feet to the point of beginning, containing 4,030 square feet or 0.09 acres, more or less.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, until the use of said permanent easement is relinquished, abandoned or vacated and so long as such rock wall and driveway shall be maintained, together with free ingress to and egress from the real estate first herein above described for the uses and purposes herein above set forth.

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 pipes, lines and/or cables where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above water.

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipe lines, electric power lines, telephone and/or television lines or cables upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 24th day of October, 2007.



ACKNOWLEDGMENT

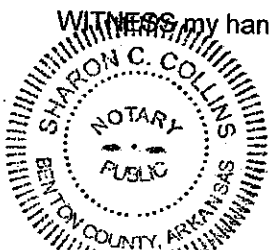
STATE OF ARKANSAS

COUNTY OF WASHINGTON

)
)
) SS.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared M. Lane Cider, to me well known as the person(s) who executed the foregoing document, and who stated and acknowledged that he/she/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 24th day of October, 2007.

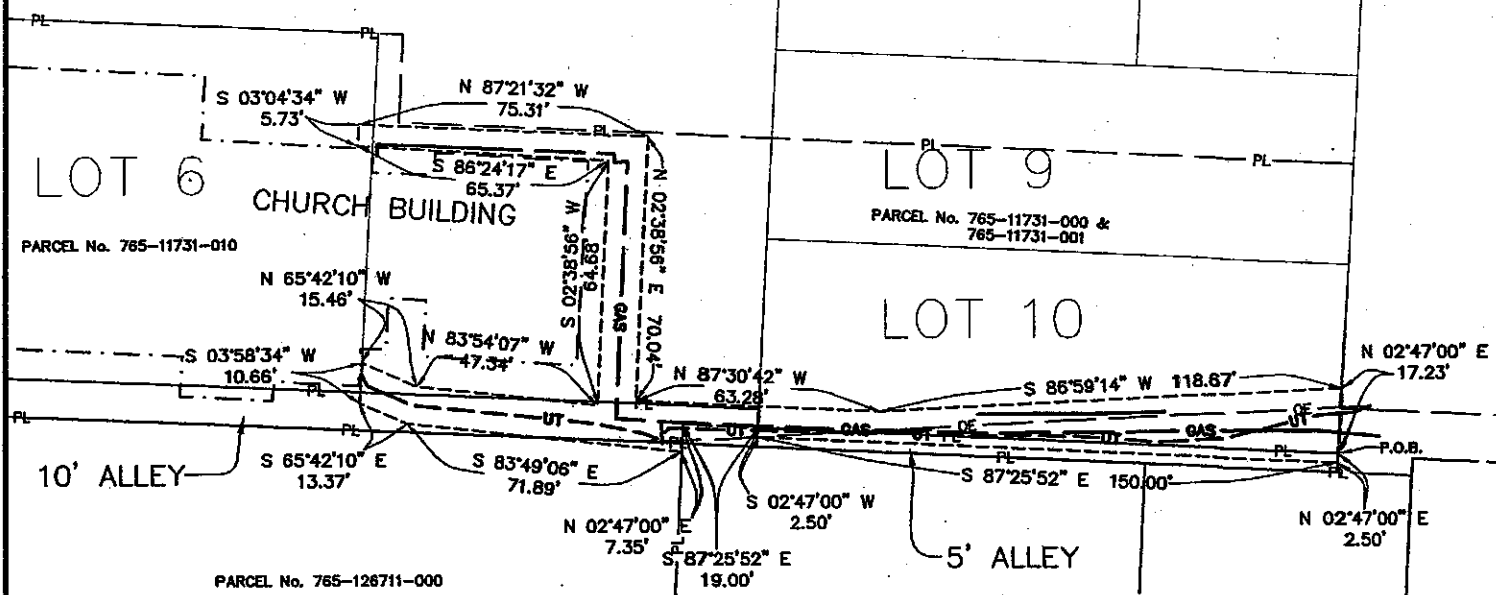


Sharon C. Collins
Notary Public

MY COMMISSION EXPIRES:

April 1, 2012

HOOSE/ VAN WINKLE ADDITION
 BLOCK 2
 LOT 5



SCALE 1" = 50'
 LEGEND

- GENERAL UTILITY EASEMENT
- BUILDING LINE
- ALLEY LINE
- PROPERTY LINE
- VAN HOOSE/VAN WINKLE LINE
- GAS LINE
- OVERHEAD ELECTRIC LINE
- UNDERGROUND TELEPHONE LINE

DESIGNED
 JF
 CHECKED
 CD
 PLANS NO.
 FY-336

McGoodwin Williams & Yates
 Engineering Confidence
 © 2007 Fayetteville, Missouri

GENERAL UTILITY EASEMENT

FIRST CHRISTIAN CHURCH
 220 N. COLLEGE AVE.
 FAYETTEVILLE, ARKANSAS

STRUCTURE NO.
 .
 SHEET NO.
 1/1

N COLLEGE AVE

206 N COLLEGE AVE

208 N COLLEGE AVE

220 N COLLEGE AVE

Washington County
Carpenter

Subject
alley

124 E SPRING ST

124 E SPRING ST

118 E SPRING ST

124 E SPRING ST

130 E SPRING ST 130 E SPRING ST

127 E CONNER ST

125 E CONNER ST

135 E CONNER ST

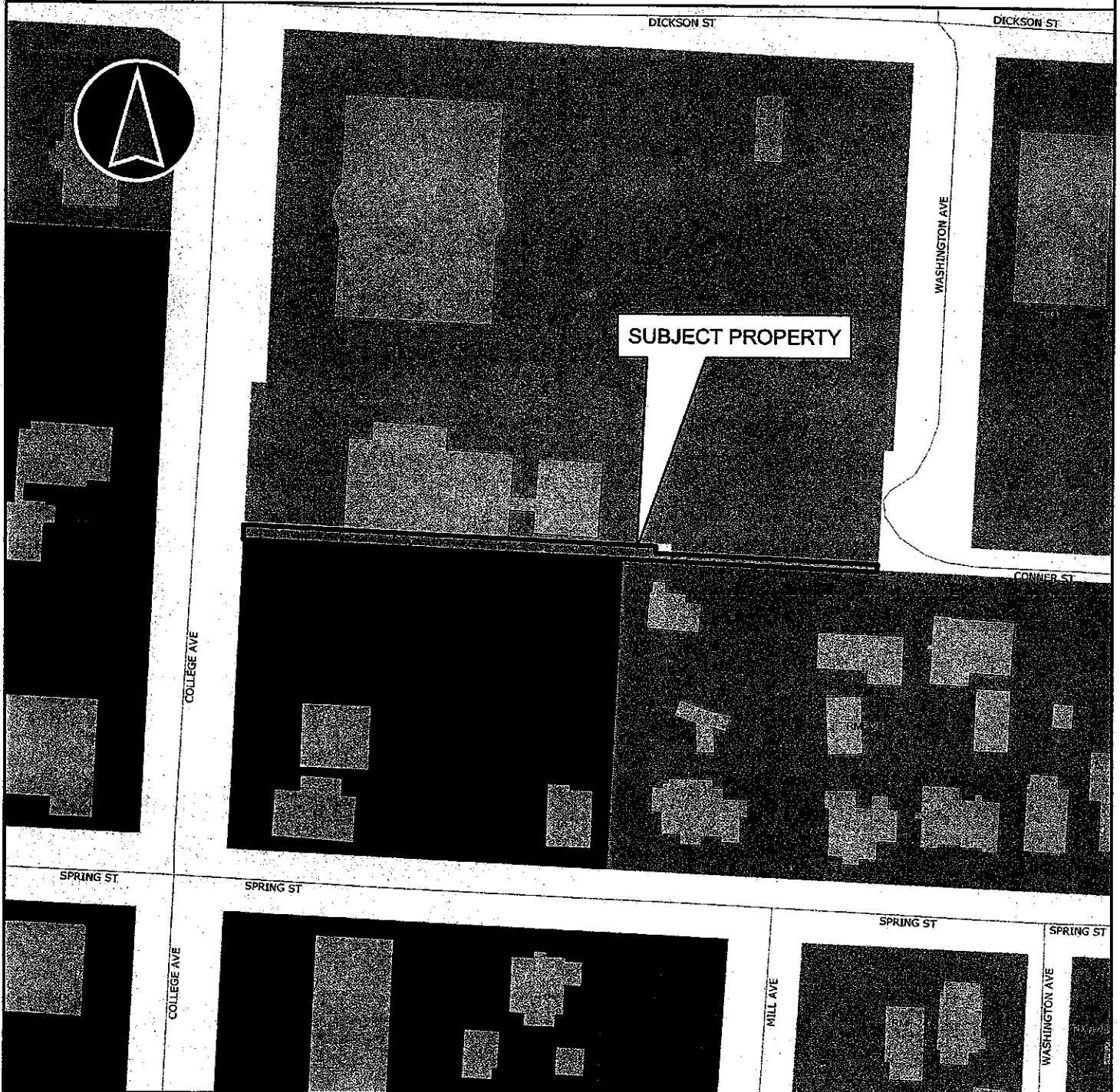
E CONNER ST

N WASHINGTON AVE

VAC07-2853

Close Up View

FIRST CHRISTIAN CHURCH



Overview



0 37.5 75 150 225 300
Feet

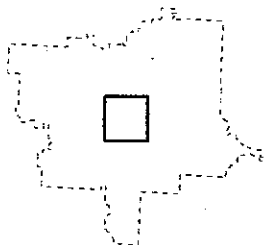
VAC07-2853

One Mile View

FIRST CHRISTIAN CHURCH



Overview



Legend

Subject Property

VAC07-2853

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1
Miles

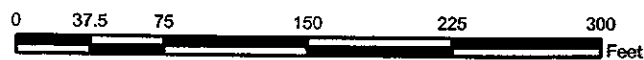
VAC07-2853

Close Up View

FIRST CHRISTIAN CHURCH



Overview



**City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts**

C. 3
ADM 08-2902
(Woodstock PZD Phasing Modification)
Page 1 of 18

5-Feb-08

City Council Meeting Date

Jeremy Pate *JP*
Submitted By

Planning
Division

Operations
Department

Action Required:

ADM 08-2902: Administrative Item (WOODSTOCK PZD PHASING MODIFICATION, 438): Submitted by Appian Center for Design for property located on the south side of Wedington Drive between 46th Avenue and Broyles. The property is zoned R-PZD 07-2576, Woodstock and contains approximately 19.63 acres. The request is to change the construction phasing line to add 30 townhome units, two entry streets, and an extension to Public Street 1.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$ -	

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 1-8-08
Department Director Date

[Signature] 1-22-08
City Attorney Date

Paul A. Bahr 1-22-08
Finance and Internal Service Director Date

[Signature] 1/22/08
Mayor Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office
ENTERED
1-18-08 *UH*

Received in Mayor's Office
ENTERED
1/22/08 *PH*

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy Pate, Director of Current Planning *JP*

Date: January 18, 2008

Subject: Administrative item modifying the Master Development Plan of the Woodstock Residential Planned Zoning District (ADM 08-2902)

RECOMMENDATION

The City Planning and Engineering Divisions recommend approval of an ordinance amending the Woodstock Planned Zoning District to modify the phasing line for Phase I approved by City Council as part of the Woodstock Master Development Plan (R-PZD 07-2576).

BACKGROUND

The subject property consists of approximately 29.63 acres located on the south side of Wedington Drive (State Highway 116) between 46th Street and Broyles Avenue. The Fayetteville City Council approved R-PZD 07-2576 (Woodstock) on October 2, 2007 for a mixed use development with 342 residential units and 103,900 square feet of non-residential space, after all amendments to the plan were accepted and approved by the City Council.

The applicant requests a modification to the project phasing exhibit approved with the PZD. As shown on the exhibits submitted by the applicant, the modification would change Phase 1 to add 30 townhome units, two entry streets and an extension to Public Street 1. Adding two more vehicle entries into the project would provide better vehicular circulation and options for Wedington Drive and 46th Avenue. These changes make for a more efficient and logical boundary for the construction of the first phase of this development. The changes would also add a natural turnaround by extending the street to include a roundabout, and add 30 townhomes to the first phase which frame the street and screen the large interior parking lots for the mixed use buildings. The phasing modification would also work very well with the construction of water and sewer for the first phase.

DISCUSSION

This item was not heard by the Planning Commission.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 07-2576, WOODSTOCK, LOCATED ON THE SOUTH SIDE OF WEDINGTON DRIVE FROM 46TH STREET TO BROYLES AVENUE, CONTAINING APPROXIMATELY 29.63 ACRES, TO REFLECT REVISED CONSTRUCTION PHASING AS DESCRIBED AND DEPICTED HEREIN.

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

Section 1. That the change in construction phasing as depicted on Exhibit "A" attached hereto and made a part hereof is hereby approved and reflected in the Planned Zoning District zoning criteria for R-PZD 07-2576.

Section 2. That the approvals and conditions for R-PZD 07-2576 (Woodstock) as approved by the City Council on October 2, 2007 with Ordinance No. 5063 shall be modified with the revisions to the Master Development Plan and project booklet as described and depicted herein (Exhibit "A").

PASSED AND APPROVED this _____ day of _____, 2008.

APPROVED:

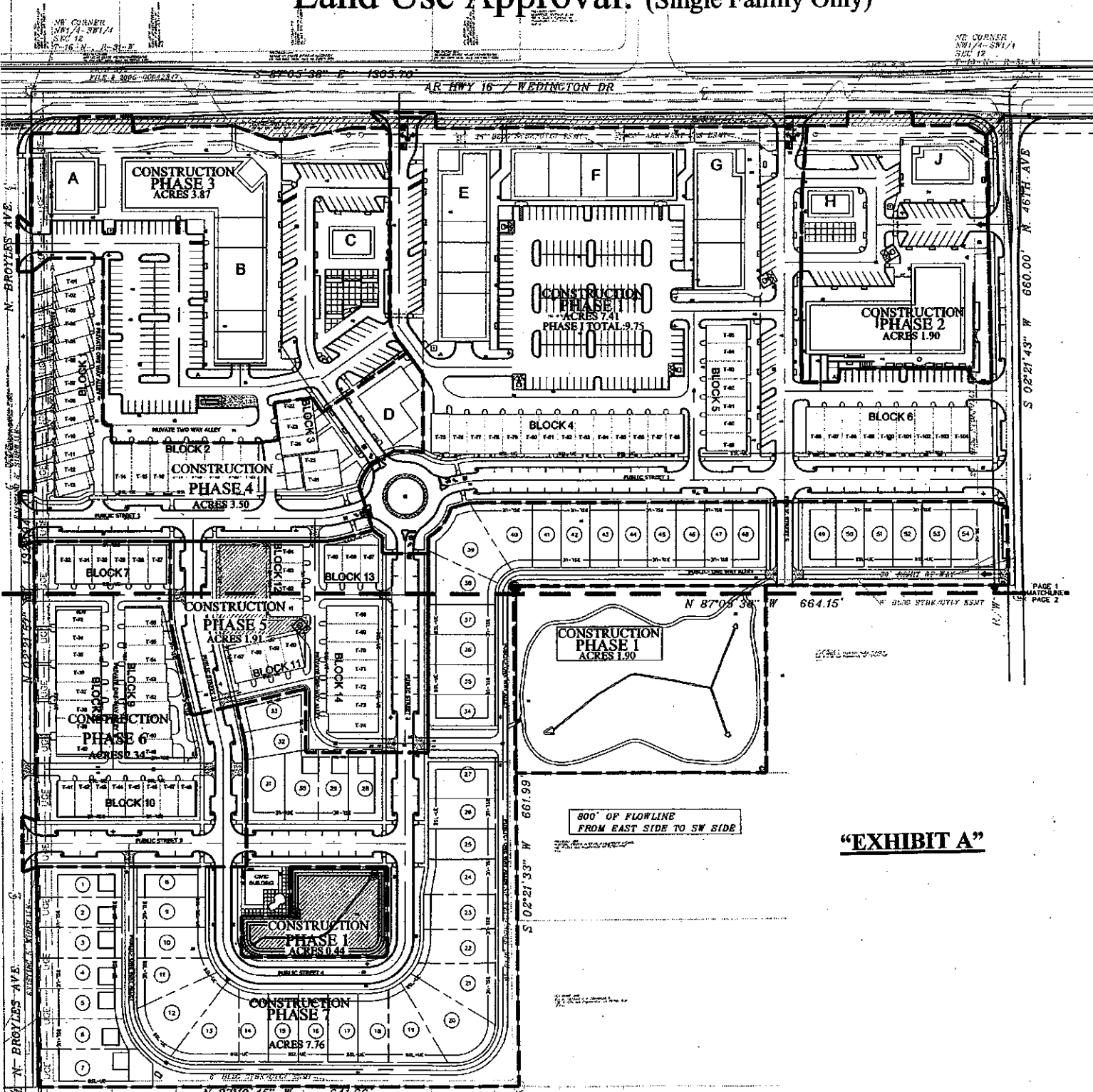
**By: _____
DAN COODY, Mayor**

**By: _____
SONDRA SMITH, City Clerk**

Woodstock Community

Large Scale Development: (Everything but Single Family)

Land Use Approval: (Single Family Only)



"EXHIBIT A"



January 8, 2008

Jeremy Pate
Director of Current Planning
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RE: Woodstock Community

CC: Matt Casey P.E. Assistant City Engineer

Mr. Pate,

Appian Centre for Design and Nock-Broyles Development would like to propose a change in the construction of phase 1 of the Woodstock Community to create better circulation and establish a stronger variety of housing types.

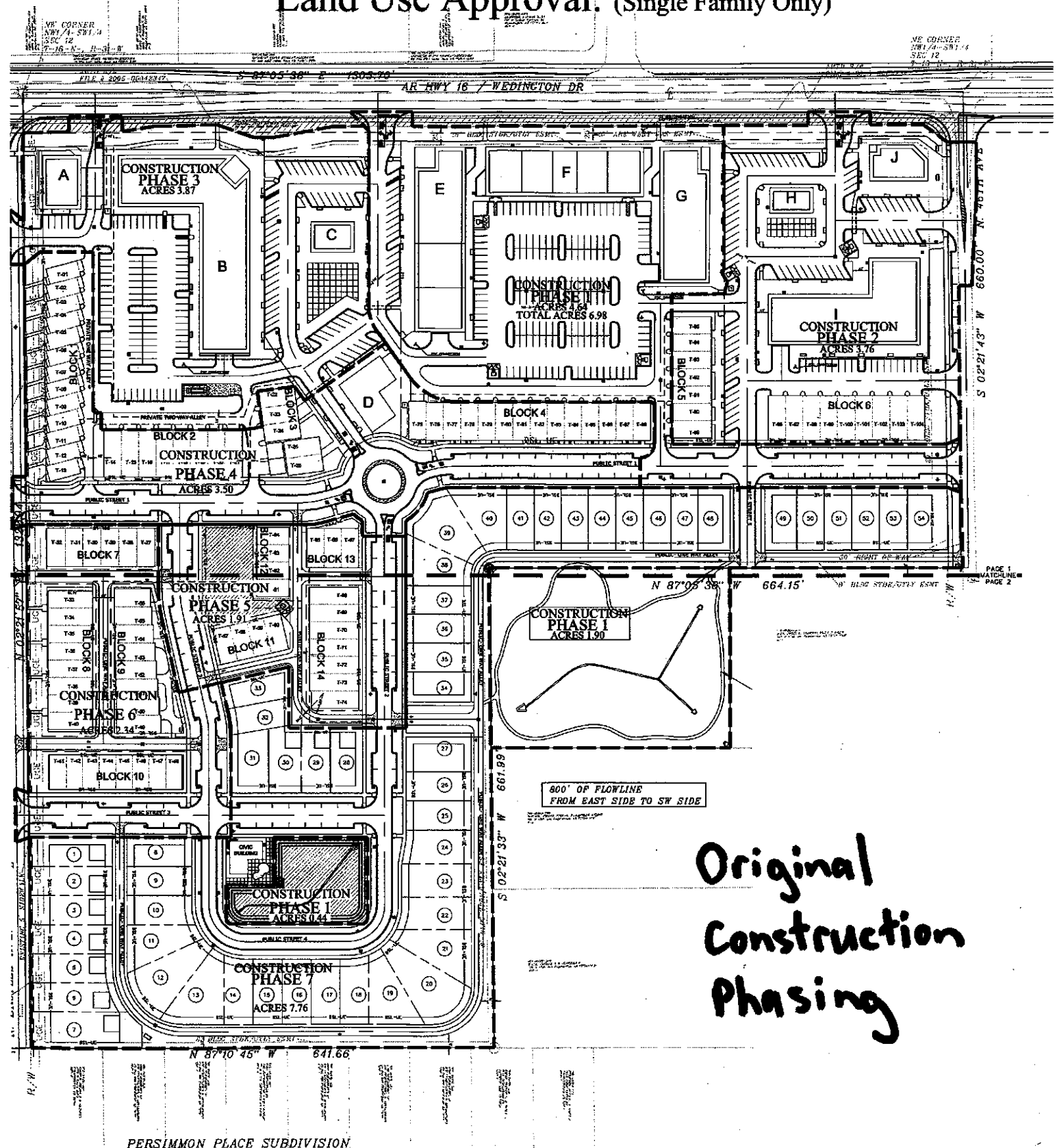
Changing the phasing will add 30 townhome units, two entry streets and an extension to Public Street 1. Adding two more vehicular entries into the project will provide better vehicular circulation and options for Wedington Drive and 46th Ave. The extension on Public Street 1 to the roundabout will allow a natural turnaround without the creation of a temporary cul-de-sac. Adding townhouse units along Public Street 1 and Entry Street 2 will allow the streets to be framed and screen the large interior parking lot and create a stronger sense of community.

We appreciate your consideration in this matter. Attached are two exhibits – First, original construction phasing and secondly, revised construction phasing. If you have any questions, please feel free to contact us.

Sincerely,

Todd Jacobs
Appian Centre for Design, Inc.
Director of Design
217 East Dickson Street, Suite 104
Fayetteville, AR 72701
Phone: 442-1444
Fax: 442-1450

Land Use Approval: (Single Family Only)



Doc ID: 011737050011 Type: REL
Recorded: 11/08/2007 at 04:11:22 PM
Fee Amt: \$65.00 Page 1 of 11
Washington County, AR
Bette Stamps Circuit Clerk
File **2007-00041882**

ORDINANCE NO. 5063

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 07-2576, WOODSTOCK COMMUNITY, LOCATED SOUTH OF WEDINGTON DRIVE FROM 46TH TO BROYLES AVENUE; CONTAINING APPROXIMATELY 28.90 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN

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 R-PZD 07-2576, Woodstock Community, as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council; further, that the conditions of approval shall be filed and available for viewing in the office of the City Clerk/Treasurer of the City of Fayetteville.

Section 3: That this ordinance shall take effect and be in full force at such time as all of the requirements of the master development plan have been met.

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

PASSED and APPROVED this 2nd day of October, 2007.

APPROVED:

By:

Dan Coody
DAN COODY, Mayor

ATTEST:

By:

Sondra E. Smith
SONDRA SMITH, City Clerk/Treasurer

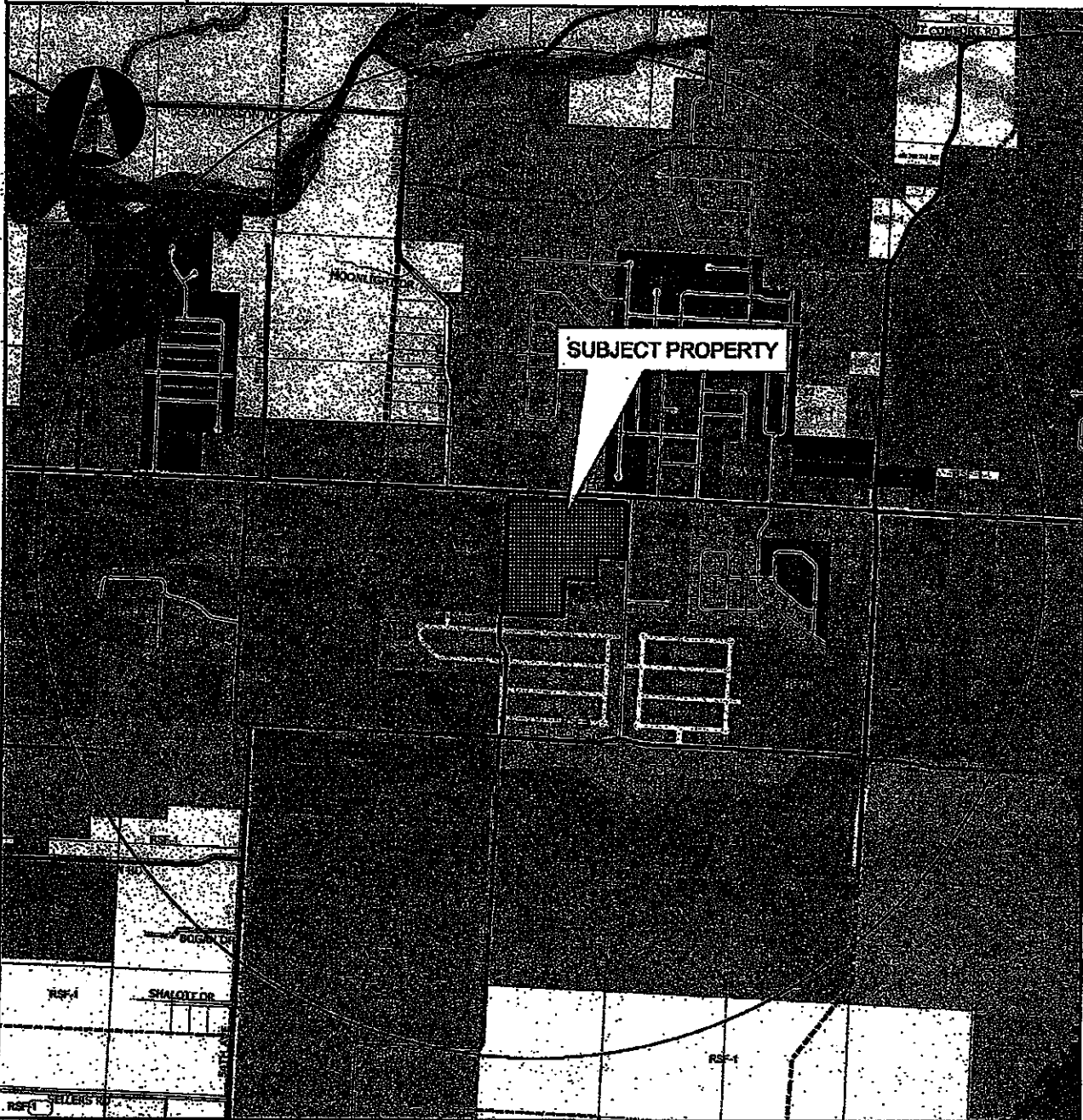


EXHIBIT "A"

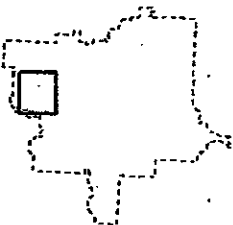
RPZD07-2576

One Mile View

WOODSTOCK COMMUNITY



Overview



Legend

Subject Property

RPZD07-2576

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1
 Miles

EXHIBIT "B"
R-PZD 07-2576

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S87°15'08"E 3.06' FROM THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT SAID POINT BEING ON THE EAST RIGHT-OF-WAY OF BROYLES AVENUE AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N02°06'49"E 733.46', N02°21'11"E 511.99' TO THE SOUTH RIGHT-OF-WAY OF ARKANSAS STATE HIGHWAY #16, THENCE ALONG SAID RIGHT-OF-WAY S87°34'33"E 139.56', N83°35'24"E 44.55', S88°01'12"E 87.99', S67°36'50"E 53.26', S87°22'34"E 27.88', N82°00'44"E 81.38', S87°19'33"E 819.69', S51°33'46"E 28.62' TO THE WEST RIGHT-OF-WAY OF NORTH 46TH AVENUE, THENCE ALONG SAID RIGHT-OF-WAY OF NORTH 46TH AVENUE S01°52'14"W 575.81', THENCE LEAVING SAID RIGHT-OF-WAY N87°16'34"W 300.48' TO A SET IRON PIN, THENCE S02°30'08"W 249.48' TO A SET IRON PIN, THENCE N87°16'34"W 332.21' TO A SET IRON PIN, THENCE S02°30'08"W 410.65' TO A SET IRON PIN, THENCE N87°15'06"W 639.76' TO THE POINT OF BEGINNING. CONTAINING 28.90 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AMENDED CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 1 of 8

Following are the conditions of approval determined appropriate and approved by the City Council associated with R-PZD 07-2576 (Woodstock Community) on October 02, 2007:

Streets and Right-of-Way

1. **Street improvements.** This property has frontage on three streets: Wedington Drive, Broyles Avenue, and 46th Street. Wedington is being fully improved along the project frontage by the Arkansas State Highway Department, Broyles Avenue has recently been fully improved by the City, and 46th Street is an unimproved two-lane paved street along the project frontage and continues south until improvements to this street begin with the Cross Keys Subdivision. Based on the condition of the immediate surrounding street system and the impact of the amount of traffic generated by 100,390 square feet of non-residential spaces and 382 dwelling units from this project, staff recommends the following street improvements as being proportional to the development:

- A. The applicant shall contribute half the cost of a traffic signal at Broyles/Wedington in the amount not to exceed \$62,500.00. The delayed off-site improvement assessment shall be paid proportionally through the first three phases, prior to issuance of a building permit for each respective phase, as follows:

(1)	Phase I:	\$20,833.34
	Phase II:	\$20,833.34
	Phase III:	\$20,833.34

- B. The applicant shall pay for and construct improvements on 46th Avenue concurrent with Phase I to include the following:

- (1) 28-foot wide street cross section, including curb, gutter, storm drains, on both sides along the property frontage.
- (2) South of the property frontage, 46th Avenue shall be improved to a 24' wide pavement width, with no other improvements recommended.

- C. Street lights and sidewalks shall be installed along all public streets adjacent to the project boundaries pursuant to City codes.

ADDED CONDITIONS:

- D. The applicant shall install a 5-foot sidewalk on one side of 46th Avenue from the southern boundary of the subject property to connect to the existing sidewalk along 46th Avenue, approximately 650 ft. to the south. The sidewalk shall be constructed within existing right-of-way where possible. Final location shall be approved by the City Engineer.

AMENDED CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 2 of 8

- E. The applicant shall install two (2) traffic tables on 46th Avenue between Wedington Drive and Persimmon Street. Traffic tables shall meet City of Fayetteville specifications, and shall be approved by the Engineering Division.**
2. **Right-of-way dedication.** 55' from centerline along Wedington Drive by warranty deed is required. 35' from centerline along Broyles Avenue by easement plat; 25' from centerline along 46th Street by easement plat; variable right-of-way dedication along the internal streets as depicted on the site plan by easement plat; private drives would be under an access easement owned and maintained by the property owner's association and dedicated by easement plat.
3. Planning Commission determination of a waiver of minimum street design standards:
- a. The applicant requests a waiver to allow a 20' curb return radius (CRR) at all interior street intersections and driveways when City Code requires a 30' CRR for streets (UDC Section 171.02(C)) and 25' CRR for the street intersections with Broyles, a Collector. *Engineering staff has reviewed this request and is in favor of the CRR waiver requests, finding that adverse impacts to traffic and pedestrian safety would not occur.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

- b. The applicant requests a waiver to allow a different street cross sections than required by the current Master Street Plan standard (UDC Section 166.06 (k)(10)(a) and 166.08(C)(14)). The applicant proposes on-street parallel parking, when the Master Street Plan does not have a cross-section that allows parallel parking as proposed. In addition, the palette of street widths proposed is not allowed under the Master Street Plan – there are not Master Street Plan street cross-sections with the exact width and dimensions proposed.

1. *Staff recommends in favor of a waiver to construct the street cross sections as requested (see plat sheet 2 of 16) finding the more narrow street widths will help in traffic calming and are consistent with the overall TND development philosophy for this project to help encourage pedestrian activity. Provided that 7.5' parking lane is maintained, as measured to the face of curb, and that all sidewalks to be used by the public be constructed with a 5' minimum width.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

- ii. *Alley cross-section/private drive aisle width. Staff recommends in favor of the alley widths as depicted on the revised alley exhibits showing turning movements on these alleys. The bump outs directly adjacent to the garages shall be a flat, paved driving surface to allow for vehicular movement as shown on the exhibit.*

AMENDED CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 3 of 8

PLANNING COMMISSION RECOMMENDED THAT STAFF WORK WITH THE APPLICANT FOR A RECOMMENDATION TO THE CITY COUNCIL (07/23/07).

THE APPLICANT AND STAFF MET SINCE THE PLANNING COMMISSION MEETING AND CAME TO AN AGREEMENT ON THE ALLEY WIDTHS AS DEPICTED ON THE REVISED ALLEY WIDTHS EXHIBITS ATTACHED TO THIS REPORT (08/14/07).

- c. The applicant requests a waiver of the centerline radii required by the City of Fayetteville Minimum Street Standards due to site constraints. The applicant proposes a 50' centerline radius on Street Four, where 150' is the minimum. *Staff recommends in favor of this request.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

- d. Curb sections. The applicant requests 18" curb on all streets versus a standard 24" curb, in contrast to the City's street design standards. *Staff finds in favor of this request, agreeing with the applicant's justification that a narrow curb is acceptable in a Traditional Neighborhood Development as proposed.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

4. All private drives and alleys and any sidewalks outside the right-of-way shall be included in a shared access easement. This access easement shall be included on the easement plat.
5. A minimum of 26' clear of any structure (fence, building, wall, etc.) shall be provided along all alleys utilizing residential trash service to provide adequate room for a trash truck and arm to pick up residential trash carts.
6. Signs indicating future street extension shall be installed at all street stub-outs.

Commercial Design Standards

7. Planning Commission determination of commercial design standards for the commercial portion of the mixed use structures, and the stand-alone commercial structures, and overall compatibility and transition in the proposed development. *Staff finds in favor of this determination. The building elevations of other structures in this development are well-articulated and provide for a consistent and overriding theme throughout the development, which transitions well between the mixed use buildings/flats, commercial structures, townhouses, and single-family detached houses. The zoning criteria and elevations for the residential and non-residential structures requires buildings to front the street, and small building setbacks help create a streetscape and facilitate an overall compact and complete development. There is a wide variety of uses and structures prevent a visual monotony while maintaining a compatible architectural design throughout the site.*

AMENDED CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 4 of 8

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION, BUT REQUIRED THAT THE APPLICANT SHALL PROVIDE REVISED ELEVATIONS TO CITY COUNCIL TO SHOW GRADING/GARAGE ENTRIES FROM UNDERNEATH (07/23/07).

REVISED ELEVATIONS HAVE BEEN PROVIDED IN THE BOOKLET TO ADDRESS THE PLANNING COMMISSION'S COMMENT (08/13/07).

General

8. A preliminary and final plat approval is required prior to development of the single family portion of this project.
9. All infrastructure necessary to support Phase I of the project, including streets, is required to be constructed prior to final occupancy permits.
10. Buildings shall be constructed to be consistent with the concepts depicted in the building elevations in the PZD booklet. All buildings shall be designed and constructed to front onto public rights-of-way. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards.
11. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code, and shall be subject to signage requirements for commercial development for Planning Area 1, and for residential development for all other Planning Areas.
12. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
13. Due to the very complex nature of this project, a detailed review of all aspects of the site and landscape plans in each phase of construction shall take place prior to issuance of building permits. The development shall be consistent with the site plan and mix of uses as approved in the PZD. All development shall meet applicable zoning and development criteria, unless specifically waived or varied by the Planning Commission as part of the PZD approval.
14. Should the detention pond area be approved as part of this project, it shall be formally incorporated into the property by way of a property line adjustment prior to issuance of construction permits.

Phasing

15. This project is required to obtain all permits in accordance to the Phasing as listed below. A one-year extension may be approved by the Planning Commission (subject to the criteria in UDC Chapter 166 for extensions). *The PZD booklet should be revised to reflect this*

AMENDED CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 5 of 8

phasing, including an exhibit graphically depicting the limits of construction for each phase.

Phase No.	Timeframe for Permits (years)	Timeframe for Construction (years)
Phase 1	1	2.5
Phase 2	2	3.5
Phase 3	3	4.5
Phase 4	4	5.5
Phase 5	5	6.5
Phase 6	6	7.5
Phase 7	7	8

Parks

16. PRAB reviewed this project on March 15, 2007 and made a recommendation of accepting 6.87 acres of park land (the total amount required for the complete development including the future 54 single family lots) offsite along the south side of Owl Creek commencing at Broyles Ave. The required park land dedication for the current development request is 5.57 acres. A deed for the land must be submitted to the city land agents for review and filed at the County. A copy of the filed deed must be provided to Parks prior to issuance of building permits.

Landscape and Tree Preservation Plan Conditions

17. Planning Commission determination of a waiver of Unified Development Code Section 177.04(D)(3). *Staff finds in favor of the waiver for greenspace. Currently Chapter 177.04(D)(3) requires street trees to either be planted in a 15 foot greenspace or within an urban streetscape option utilizing tree grates. The applicant is proposing to plant the trees within a 7 foot greenspace between the sidewalk and the curb. Staff feels this space is adequate for tree growth and a superior environment to that found within a sidewalk. This waiver will meet the intent of the ordinance in supplying a tree lined street to encourage a walkable environment.*

PLANNING COMMISSION RECOMMENDED IN FAVOR OF THIS CONDITION (07/23/07).

18. Installation of the sidewalk north of Building H needs to be coordinated with the Urban Forester and the Sidewalk Administrator to achieve the highest amount of preservation.
19. Mitigation will be required on the site. The applicant has requested and been approved to utilize the Residential On-site Planting option. Using a combination of low and high priority trees, 215 (2) inch caliper large species trees will be required for this development.
20. The 215 mitigation trees will be planted at the time of C of O for the building they are associated with. If all the trees can not be located on the site, outside of utility easements, money in lieu will be accepted.

AMENDED CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 6 of 8

21. A 3-year bond, letter of credit, or check will be required before issuance of a final certificate of occupancy for the buildings in phase I. This should amount to \$53,750.
22. The Tree Preservation Calculations do not include canopy removed for the proposed single family homes. At the time of development approval, this canopy will be assessed for preservation and subsequent mitigation.
23. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.
24. Prior to building permit, a cost estimate for all required landscape is to be submitted to the Urban Forester for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
25. Under Landscape Regulations Chapter 177, street trees must be bonded for a 3 year period. This bond is for the maintenance of the trees. This amount must be deposited with the City before issuance of a final certificate of occupancy.

Plat and Booklet Revisions

26. Plat revisions to be completed prior to Planning Commission:
 - a. Provide two points in Arkansas State Plane Coordinates on the plat.

Standard Conditions of Approval

27. 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).
28. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Add this note to the site plan and all construction documents. Elevations shall be submitted to Planning staff for review and approval prior to building permit.
29. All mechanical and utility equipment located on the wall and/or on the ground shall be screened. All roof-mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting buildings. Mechanical and utility equipment over 30 inches in height shall meet building setbacks. Smaller ground-mounted equipment may be screened with tall grasses or shrubs. Add this note to the site plan and all construction documents.
30. 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

AMENDED CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 7 of 8

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.

31. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
32. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
33. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - b. Final plat for this project that shall include all easements and 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 Section 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.

34. The PZD booklet shall be revised to correct reference to on-street parking on page 6, change note that sidewalk cafes are allowed only by conditional use, and eliminate the duplicate text on alleys on page 32.

ADDED CONDITIONS:

Building Height:

35. Buildings B, E and G that front onto Wedington Drive shall be permitted two maximum building heights. The northern half of each building shall contain a maximum of three floors, not to exceed 50 feet in total height. The southern half of each building shall contain a maximum of four floors, not to exceed 62 feet in total height (*see attached diagram labeled "Amended Building Height"*).
36. Building I that fronts onto 46th Avenue shall be permitted two maximum building heights. The eastern half of the building shall contain a maximum of three floors, not to exceed 50 feet in total height. The western half of the building shall contain a maximum of four floors, not to exceed 62 feet in total height (*see attached diagram labeled "Amended Building Height"*).

Density:

37. The total number of dwelling units within Planning Area 1 (Mixed Use) shall subsequently be reduced by 40 units, in accordance with the reduction in building height of Buildings B, E, G

AMENDED CONDITIONS OF APPROVAL:

R-PZD 07-2576

Page 8 of 8

and I. A maximum of 184 dwelling units shall be permitted within Planning Area 1, Mixed Use, which results in a total maximum number of 342 dwelling units on the subject property.

46th Avenue Access:

38. The northern- and southern-most access drives to 46th Avenue shall be constructed as ingress-only (the drive south of Building J and the drive south of Lot 54).

Stormwater Management Bond:

39. A Performance Guarantee shall be provided for Phases 2-7 of construction in the amount of 100% of the costs for installing the storm water erosion control devices and maintaining said devices for a period of one year. No grading beyond Phase I shall proceed on the future phases until the performance guarantee has been submitted and accepted by the City Engineer.

All conditions shall be reflected accordingly in the PZD booklets and plats and submitted to the Planning Division for final approval prior to issuance of any construction permits.

City Council Agenda Items
and
Contracts, Leases or Agreements2/5/2008City Council Meeting Date
Agenda Items OnlyTim Conklin

Submitted By

Planning and Development Mgmt.

Division

Operations

Department

Action Required:

An ordinance to approve the proposed White Hangar Local Ordinance District.

Cost of this requestCategory / Project BudgetProgram Category / Project NameAccount NumberFunds Used to DateProgram / Project Category NameProject Number

\$

Remaining BalanceFund NameBudgeted Item ☐Budget Adjustment Attached ☐Department Director

Date

Previous Ordinance or Resolution # 1-18-08Original Contract Date: 01/23/08Original Contract Number: 01/23/08City Attorney

Date

Received in City
Clerk's OfficeFinance and Internal Service Director

Date

Received in
Mayor's OfficeMayor

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Tim Conklin, Planning and Development Management Director

From: Kristina Jones, Long Range Planning Technician

Date: January 18, 2008

Subject: Administrative item to pass an ordinance adopting the proposed White Hangar Local Ordinance District (ADM 07-2833).

RECOMMENDATION

Planning Staff recommends approval to a resolution designating White Hangar as a Local Ordinance District.

BACKGROUND

White Hangar or the Arkansas Air Museum serves as an example of one of the two dozen or so existing World War II-era aircraft hangars. White Hangar was designed and constructed by assistant City Engineer Henry George in 1943. A shortage of building material during the war led Mr. George to utilize the supply of wood found in the Boston Mountains to construct the trusses. Metals were scavenged from old barns, cars, buildings and junk yards to make the nails and sixteen 400-pound doors (Arkansas Register of Historic Places, www.arkansaspreservation.org).

Only eight men worked on the structure, which was completed in less than 14 months for \$15,000. Their efforts resulted in a wooden structure 150 feet long by 100 feet wide with additional wings for offices and workshops. Eleven curved and exposed wooden trusses and lateral bracing form the structure; the floor is concrete.

White Hangar was renovated in 1985 when the Air Museum took over the structure. Vinyl siding was added during the renovations, which is one of the modifications that has prevented the structure from receiving recognition from the National Register of Historic Places. The 20,000-square-foot museum houses static and flying aircraft and is open seven days a week. A nine-member board governs the museum's operations.

The Fayetteville Historic District Commission was charged with creating a local ordinance district. The benefits of a local historic district include protection and preservation of significant community landmarks as well as opportunities for preservation and restoration grant funds from the State Historic Preservation Program.

White Hangar is a significant community landmark and asset both to the City and to the State. In addition to showcasing a unique architectural style from the 1940s, the hangar

represents the resourcefulness exhibited by builders during World War II. The Arkansas Historic Preservation Program recognizes the structure as an historic property, but modifications to the building have made it ineligible for the National Registry. Designating White Hangar as a local historic district will make the building eligible for potential grant funds that could preserve and restore the original structure. Restoring the original structure would include removing the vinyl siding and replacement windows (Wollenburg Building Conservation, *Architectural Assessment Report on the Arkansas Air Museum*, 2004). The Historic District Commission report was presented and approved by the Airport Board on November 14, 2007 pending Federal Aviation Administration approval, and presented and approved by the Air Museum Board on December 3, 2007.

Attached to the report are:

- 1) Exhibit A: White Hangar Location Map
- 2) Arkansas Register of Historic Places Nomination Form
- 3) Arkansas Historic Preservation Program description of White Hangar
- 4) Arkansas Historic Preservation Program endorsement of White Hangar
- 5) Planning Commission minutes and approval of White Hangar
- 6) Historic District Commission minutes approving White Hangar
- 7) Arkansas State Code 14-172-207

BUDGET IMPACT

None.

ORDINANCE NO. _____

**AN ORDINANCE TO ESTABLISH THE WHITE HANGAR LOCAL
ORDINANCE DISTRICT**

WHEREAS, White Hangar serves as an example of one of the two dozen or so existing World War II-era aircraft hangars; and

WHEREAS, White Hangar was designed and constructed by City Engineer Henry George in 1943; and

WHEREAS, the Fayetteville Historic District Commission was charged with creating a local ordinance district; and

WHEREAS, White Hangar would benefit from a Local Ordinance District with the ability to receive grants for the historic restoration of the structure; and

WHEREAS, White Hangar provides a valuable asset to the community as a resource for tourism and education.

**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 in accordance with A.C.A. §14-172-207, hereby establishes the White Hangar Local Ordinance as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

PASSED and APPROVED this the 5th day of February, 2008.

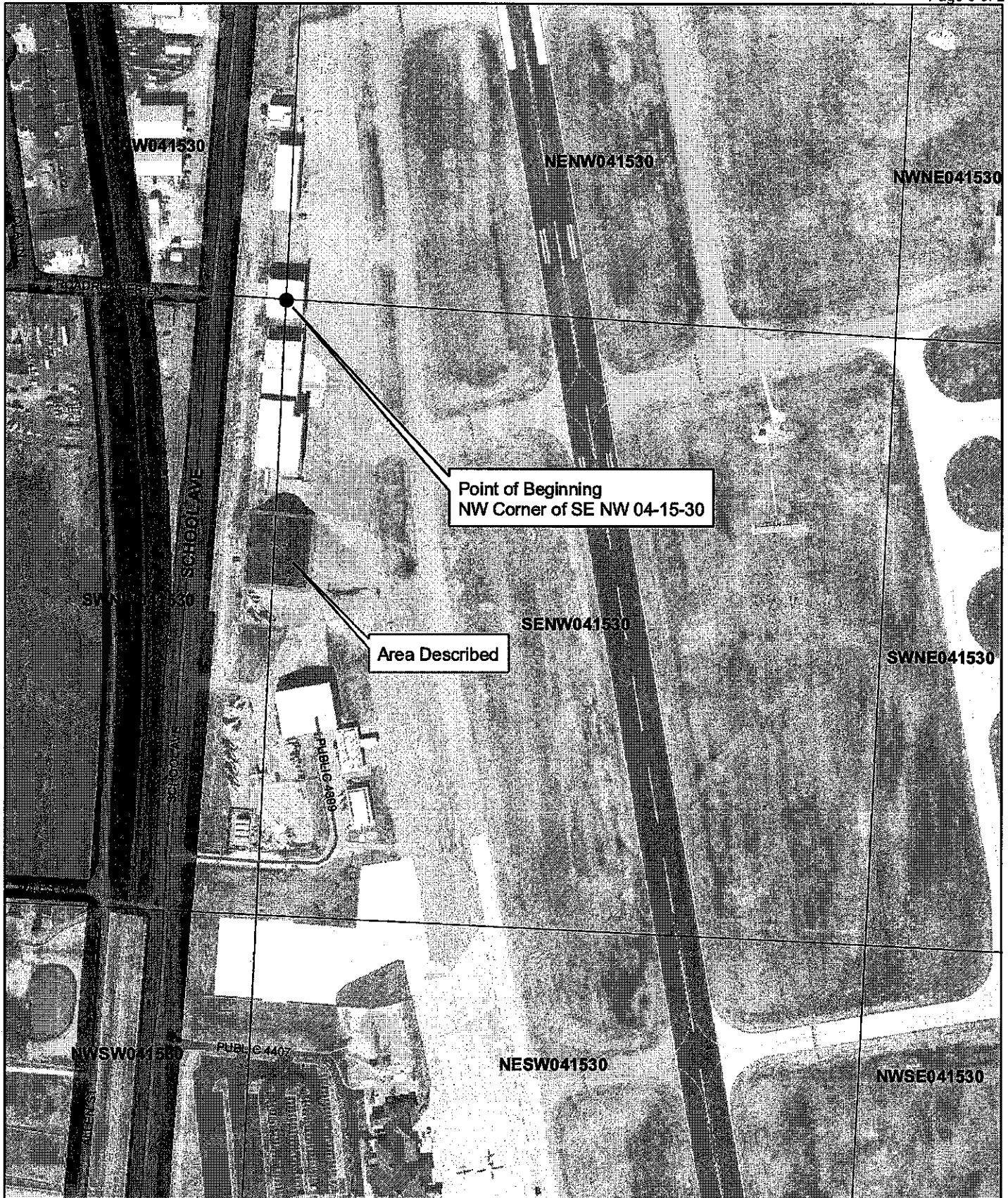
APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"



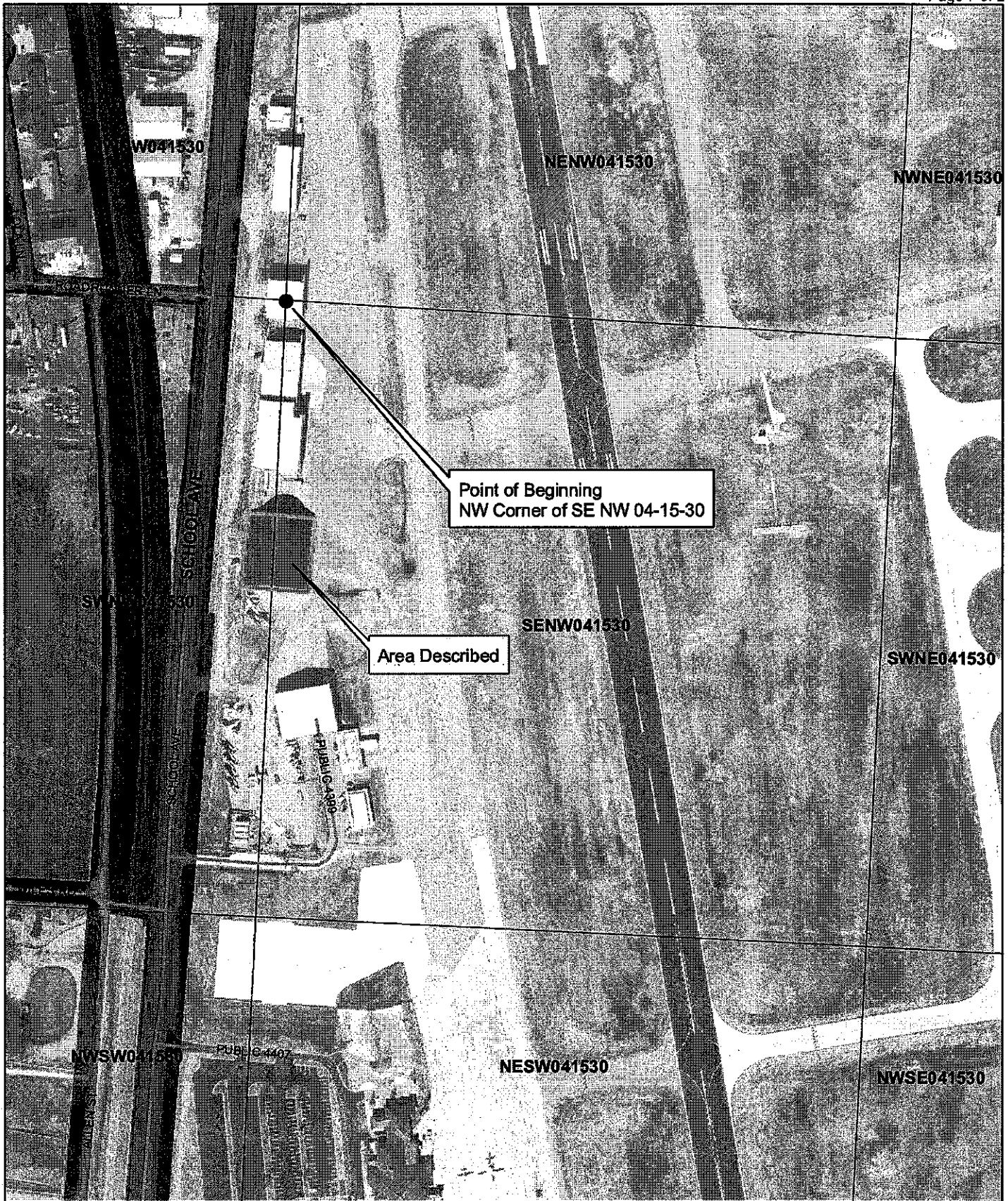
0 95 190 380 570 760 Feet

EXHIBIT "B"
WHITE HANGAR

AIR MUSEUM (WHITE HANGAR):

A PART OF THE NORTHWEST QUARTER (NW¼) OF SECTION 4, TOWNSHIP 15 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE¼) OF THE NORTHWEST QUARTER (NW¼) OF SAID SECTION 4, THENCE SOUTH 02° 46' 13" WEST 465.00 FEET, TO THE POINT OF BEGINNING; THENCE SOUTH 84° 33' 45" EAST 85.00 FEET; THENCE SOUTH 04° 43' 28" WEST 160.00 FEET; THENCE NORTH 85° 16' 32" WEST 146.00 FEET; THENCE NORTH 04° 43' 28" EAST 160.00 FEET; THENCE SOUTH 86° 16' 08" EAST 61.00 FEET, TO THE POINT OF BEGINNING AND CONTAINING 23,436 SQUARE FEET (0.538 ACRES), MORE OR LESS.

EXHIBIT "A"



0 95 190 380 570 760 Feet

AHPP Form (May 2000)

Arkansas Historic Preservation Program
"An Agency of the Department of Arkansas Heritage"

ARKANSAS REGISTER OF HISTORIC PLACES REGISTRATION FORM

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in *How to Complete the Arkansas Register of Historic Places Registration Form*. Complete each item by marking "x" in the appropriate box or by entering the information requested. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets. Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name White Hangar, Drake Field

other names/site number Drake Field Air Museum, Site #WA0792

2. Location

street & number East of U.S. 71 (4290 South School Street)

city or town Fayetteville

☐ vicinity

county Washington

zip code 72701

☐ not for publication

3. State/Federal Agency Certification

As the designated authority under the State Register of Historic places Act (13-7-109 Arkansas Code), I hereby certify that this nomination ☒ meets ☐ does not meet the documentation standards and criteria for registering properties in the Arkansas Register of Historic Places. (See continuation sheet for additional comments.)

Signature of certifying official/Title

Date

4. Classification

Ownership of Property

(Check as many boxes as apply)

- ☒ private
☐ public-local
☐ public-State
☐ public-Federal

Category of Property

(Check only one box)

- ☒ building(s)
☐ district
☐ site
☐ structure
☐ object

Number of Resources within Property

(Do not include previously listed resources in count.)

Contributing

Noncontributing

1

buildings

sites

structures

objects

1

Total

Property Owner

name Arkansas Air Museum

address PO Box 1911

city Fayetteville

state code AR

zip code 72702 phone (479) 521-4947

White Hangar, Drake Field

Name of Property

Washington County

County

5. State Review Board

Approval date June 5, 1996

Comments

6. Function or Use

Historic Functions

(Enter categories from instructions)

TRANSPORTATION/air-related

Current Functions

(Enter categories from instructions)

TRANSPORTATION/air-related

7. Description

Architectural Classification

(Enter categories from instructions)

OTHER

Materials

(Enter categories from instructions)

foundation CONCRETE

walls SYNTHETIC SIDING

roof ASPHALT

other

Narrative Description

(Describe the historic and current condition of the property on one or more continuation sheets.)

SEE CONTINUATION SHEET

White Hangar, Drake Field

Name of Property

Washington County

County

8. Statement of Significance

Applicable Arkansas Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for Arkansas Register listing.)

- ☐ A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☐ B Property is associated with the lives of persons significant in our past.
- ☒ C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ D Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

Property is:

- ☐ A owned by a religious institution or used for religious purposes.
- ☐ B removed from its original location.
- ☐ C moved from its original location.
- ☐ D a cemetery.
- ☐ E a reconstructed building, object, or structure.
- ☐ F a commemorative property.
- ☐ G less than 50 years of age or achieved significance within the past 50 years.

Narrative Statement of Significance

(Explain the significance of the property on one or more continuation sheets.)

SEE CONTINUATION SHEET

Levels of Significance (local, state)

LOCAL

Areas of Significance (Enter categories from instructions)

ARCHITECTURE

Period of Significance

1943

Significant Dates

1943

Significant Person (Complete if Criterion B is marked)

Cultural Affiliation (Complete if Criterion D is marked)

Architect/Builder

George Henry, Architect and Builder

White Hangar, Drake Field

Name of Property

Washington County

County

9. Major Bibliographical References

Bibliography

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

10. Geographical Data

Acreage of Property Less than one.

UTM References

(Place additional UTM references on a continuation sheet.)

1	<u>15</u>	<u>394274</u>	<u>3985393</u>
	Zone	Easting	Northing
2	<u> </u>	<u> </u>	<u> </u>

3	<u> </u>	<u> </u>	<u> </u>
	Zone	Easting	Northing
4	<u> </u>	<u> </u>	<u> </u>

☐ See continuation sheet

Verbal Boundary Description

(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification

(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title John Kalagias, Director

organization Arkansas Air Museum

date 1996

street & number 4290 South School Street

telephone (479) 521-4947

city or town Fayetteville

state AR

zip code 72701

White Hangar, Drake Field
Name of Property

Washington County
County

Arkansas Historic Preservation Program
"An Agency of the Department of Arkansas Heritage"

Arkansas Register of Historic Places Continuation Sheet

Section number 7 Page 1

Summary

The White Hangar is located at Drake Field Airport in Fayetteville, Arkansas. It was constructed in 1943 and designed by Mr. Henry George. The hangar has an arch-shaped roof with shed projections and is covered with composition shingles. The exterior of the building is covered with artificial siding.

Elaboration

The structure sits on a concrete foundation with footings that were dug six feet into the ground with supports for the eleven trusses sitting on top of them. These footings were fifteen feet long – the length at the base of the trusses – and twelve inches wide. After these were in place, the one hundred foot by one hundred fifty foot concrete foundation was poured. The design features a series of large half-moon trusses with a ground clearance of about thirty five feet at the peak. The trusses were built eight inches thick to help distribute the weight of the roof evenly.

The City of Fayetteville carpenter, under the direction of Frank Brooks, constructed the wooden framework on the ground so that it would enable the men, who were working by hand, to cut and bend the two-inch dimension lumber and locate the angle braces. Several one hundred pound wood kegs of nails and many board feet of lumber were used for each truss.

A most interesting feature of the White Hangar are the sixteen, four hundred pound doors. The ten-by-sixteen foot doors were split evenly between the north and south ends of the hangar so that when they were open they would expose two large sixteen by eighty foot apertures. These openings would enable the students and instructors to remove flying equipment from the hangar with ease. The doors were put together from recycled parts of cars and other metal material that could be locally found.

The west extension of the structure contains two thirty-by-eighteen foot classrooms and four fifteen-by-fifteen foot offices.

The east extension houses a pilot, instructor and student ready room plus restrooms. A conference room was built into the facility to take care of additional needs.

On the southeast end was a parachute loft for storage and a packing area.

White Hangar, Drake Field
Name of Property

Washington County
County

Arkansas Historic Preservation Program
"An Agency of the Department of Arkansas Heritage"

Arkansas Register of Historic Places Continuation Sheet

Section number 8 Page 1

Summary

The White Hangar is being nominated to the Arkansas Register of Historic Places under Criterion C with local significance as a good example of a World War II-era aircraft hangar. The White Hangar, located at Drake Field in Fayetteville, Arkansas, was designed and constructed by assistant City Engineer Henry George. The War Department and the 305th College Training Detachment joined to assist in the funding of the project in 1941.

Elaboration

The White Hangar, located at Drake Field in Fayetteville, Arkansas, was designed and constructed by assistant City Engineer Henry George. The War Department and the 305th College Training Detachment joined to assist in the funding of the project in 1941. Since the building of the structure was during the war years, there was a serious shortage of building material. The builder decided to build the hangar from the plentiful supply of wood found in the nearby Boston Mountains. While the timber was being cut and processed, a search was organized to find the metals required to hold the building together. Old barns, cars, buildings, and junk yards were all sources for obtaining the materials used to make the hangar's nails and sixteen, four hundred pound doors, including rails and runners.

There were two separate phases of construction. The concrete footings were put down first. These footings were dug six feet into the ground as supports for the eleven trusses sitting on top of them. The footings were fifteen feet long at the base and twelve inches wide. After these were in place, the foundation was poured. The one hundred by one hundred fifty foot foundation rose high enough above the ground to protect the wood trusses from rot and insect infestation. The eleven half moon trusses sat on top. The trusses were constructed on the ground so that they could first be assembled by hand. The finished trusses were then raised by pulleys and the use of local trucks. Braces were then placed between so as to prevent structural damage from wind forces.

Only eight men at a time worked on the hangar. Henry George did all of the plumbing, welding, electrical wiring and engineering work while four carpenters and three helpers accomplished the completion on the exterior as well as the interior of the structure.

Henry George boasted that the completed hangar would hold eighty aircraft. A short time later, he had the opportunity to prove his claim. However, he was only able to fit forty-one planes in the hangar for the simple reason there were only forty-one planes on the grounds. In order to fit the forty-one planes in the structure, it was necessary to tip some of the J-3 Cubs on their noses.

White Hangar, Drake Field
Name of Property

Washington County
County

Arkansas Historic Preservation Program
"An Agency of the Department of Arkansas Heritage"

Arkansas Register of Historic Places Continuation Sheet

Section number 8 Page 2

Henry George and seven other men constructed a one hundred and thirty six by one hundred and fifty foot all wood hangar using what materials they could find locally. It became a reality in less than fourteen months at the cost of \$15,000.

The structure has been kept in good repair.

White Hangar, Drake Field
Name of Property

Washington County
County

Arkansas Historic Preservation Program
"An Agency of the Department of Arkansas Heritage"

Arkansas Register of Historic Places Continuation Sheet

Section number 9 Page 1

Bibliography

Eckels, Mike. The Fayetteville Experience. The Story of the Fayetteville, Arkansas, Civilian Pilot Training Program, War Training Service and the 305th College Training Detachment (1934-1944).

White Hangar, Drake Field
Name of Property

Washington County
County

Arkansas Historic Preservation Program
"An Agency of the Department of Arkansas Heritage"

Arkansas Register of Historic Places Continuation Sheet

Section number 10 Page 1

Verbal Boundary Description

From a point 425 feet south of the southeast corner of the U.S. 71 (South School Street) and Dickson Street intersection, proceed easterly 265 feet then, proceed southerly 265 feet, then proceed westerly 265 feet, then proceed northerly 265 feet to the point of beginning.

Boundary Justification

The boundary contains the land around the White Hangar that retains integrity.

**ARKANSAS HISTORIC
PRESERVATION PROGRAM****FAYETTEVILLE MUNICIPAL AIRPORT
HANGAR ("WHITE HANGAR"),
FAYETTEVILLE, WASHINGTON COUNTY****SUMMARY**

The White Hangar is being nominated to the Arkansas Register of Historic Places under Criterion C with local significance as a good example of a World War II-era aircraft hangar. The White Hangar, located at Drake Field in Fayetteville, Arkansas, was designed and constructed by assistant City Engineer Henry George. The War Department and the 305th College Training Detachment joined to assist in the funding of the project in 1941.



Fayetteville Municipal Airport Hangar ("White Hangar")

ELABORATION

The White Hangar, located at Drake Field in Fayetteville, Arkansas, was designed and constructed by assistant City Engineer Henry George. The War Department and the 305th College Training Detachment joined to assist in the funding of the project in 1941. Since the building of the structure was during the war years, there was a serious shortage of building material. The builder decided to build the hangar from the plentiful supply of wood found in the nearby Boston Mountains. While the timber was being cut and processed, a search was organized to find the metals required to hold the building together. Old barns, cars, buildings, and junk yards were all sources for obtaining the materials used to make the hangar's nails and sixteen, four hundred pound doors, including rails and runners.

There were two separate phases of construction. The concrete footings were put down first. These footings were dug six feet into the ground as supports for the eleven trusses sitting on top of them. The footings were fifteen feet long at the base and twelve inches wide. After these were in place, the foundation was poured. The one hundred by one hundred fifty foot foundation rose high enough above the ground to protect the wood trusses from rot and insect infestation. The eleven half moon trusses sat on top. The trusses were constructed on the ground so that they could first be assembled by hand. The finished trusses were then raised by pulleys and the use of local trucks. Braces were then placed between so as to prevent structural damage from wind forces.

Only eight men at a time worked on the hangar. Henry George did all of the plumbing, welding, electrical wiring and engineering work while four carpenters and three helpers accomplished the completion on the exterior as well as the interior of the structure.

Henry George boasted that the completed hangar would hold eighty aircraft. A short time later, he had the opportunity to prove his claim. However, he was only able to fit forty-one planes in the hangar for the simple reason there were only forty-one planes on the grounds. In order to fit the forty-one planes in the structure, it was necessary to tip some of the J-3 Cubs on their noses.

Henry George and seven other men constructed a one hundred and thirty six by one hundred and fifty foot all wood hangar using what materials they could find locally. It became a reality in less

than fourteen months at the cost of \$15,000.

The structure has been kept in good repair.

BIBLIOGRAPHY

Eckels, Mike. The Fayetteville Experience. The Story of the Fayetteville, Arkansas, Civilian Pilot Training Program, War Training Service and the 305th College Training Detachment (1934-1944).

[Close Window](#)



The Department of Arkansas Heritage

Mike Beebe
Governor

Cathie Matthews
Director

Arkansas Arts Council

Arkansas Natural Heritage
Commission

Delta Cultural Center

Historic Arkansas Museum

Mosaic Templars
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.com

An Equal Opportunity Employer



December 6, 2007

Karen Minkel, Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, AR 72701

Dear Mrs. Minkel *Karen*

We at AHPP are in receipt of your memorandum of November 13, and we are very encouraged by the Fayetteville Historic District Commission's decision to designate White Hangar at Drake Field as Fayetteville's first local ordinance historic district according to the provisions of the Arkansas Historic Districts Act.

All of Arkansas's historic sites are treasures to be cherished. But only cities with local preservation ordinances have the legal authority to protect their architectural heritage. A historic district commission with the power of design review is an excellent tool for preserving an area's "sense of place," for protecting the integrity of individual landmarks such as White Hangar, as well as for fostering community pride and enhancing property values.

It is especially encouraging to hear that the White Hangar Historic District was initiated by the property owners working closely with city planning staff. Because of this close cooperation, White Hangar will become one of only four local landmarks in Arkansas to be individually protected by a preservation ordinance. (The others ^{are} in Texarkana and Van Buren.)

In summary, AHPP strongly endorses the Fayetteville Historic District Commission's proposal to adopt the White Hangar Historic District as a local ordinance historic district for the City of Fayetteville. We applaud the commission's efforts to date and look forward to your City Council's decision on this important matter.

This office and I are available as resources to you and your commission should you have any questions. As always, please feel free to contact Boyd Maher, our Certified Local Government Coordinator, at 501-324-9665 if we can be of assistance.

Sincerely,

Frances McSwain, Director
Deputy State Historic Preservation Officer

*Planning Commission
December 10, 2007
Page 1 of 2*

DRAFT

MINUTES OF A MEETING OF THE PLANNING COMMISSION

A regular meeting of the Fayetteville Planning Commission was held on December 10, 2007 at 5:30 p.m. in Room 219, City Administration Building in Fayetteville, Arkansas.

ITEMS DISCUSSED

ACTION TAKEN

MINUTES: November 26, 2007
Page 3

Approved

LSD 07-2728: (WASHINGTON COUNTY FARM BUREAU, 400)
Page 3

Approved

CUP 07-2783/2784/2785/2786/2787/2788: (RUSSELL, 402)
Page 4

Withdrawn

CUP 07-2810: (ENGLAND, 610)
Page 5

Approved

CUP 07-2827: (19TH STREET RV PARK, 601)
Page 8

Approved

ADM 07-2833: (WHITE HANGAR LOCAL ORDINANCE DISTRICT)
Page 11

Approved

A DVD copy of each Planning Commission meeting is available for viewing in the Fayetteville Planning Division.

*Planning Commission
December 10, 2007
Page 2 of 2*

DRAFT

ADM 07-2833: (White Hangar Local Ordinance District): The request is to approve the proposed local ordinance district and send it to the Historic District Commission for a formal public hearing.

Tim Conklin, Planning & Development Mgmt Director, gave the staff report and described the intent of the item, recommending approval of the report and for the Planning Commission to forward to the Historic District Commission a recommendation of approval. Conklin described the purpose of a Local Ordinance District, and the process by which one is established.

Dr. Ethyl Goodstein-Murphree (public) stated this is a "what's-not-to-like" situation. The property owner wants to establish a Local Ordinance District, and the Historic District Commission is also supportive. The LOD has also received the support of the State Office. The local Historic Preservation Committee is supportive. This would create Fayetteville's first local ordinance district.

Leslie Belden (public) stated she is the Vice Chair of the Historic District Commission, and stated she wanted to assure the Commission that it is appropriate for one building to constitute a Local Ordinance District.

Commissioner Myres stated she was very enthusiastic about the idea, and wholeheartedly supports it.

Motion:

Commissioner Myres made a motion to approve the request and forward it to the Historic District Commission for a formal public hearing. **Commissioner Winston** seconded the motion.

Commissioner Ostner reiterated Dr. Goodstein-Murphree's comments about there being little to not like. The Commission has seen two tourism items on one agenda tonight. He stated he was on a previous Historic District Commission that had attempted to adopt an LOD, and had failed. A Local Ordinance district would finally be in Fayetteville. He hopes this will solidify the Historic District Commission and its presence in Fayetteville. He stated he also hopes this will lead to others, as well.

Upon roll call the motion passed with a vote of 6-0-0.

*Historic District Commission
January 10, 2008
Page 1*

DRAFT

MINUTES OF A MEETING OF THE HISTORIC DISTRICT COMMISSION

A regular meeting of the Fayetteville Historic District Commission was held on January 10, 2007 at 5:30 p.m. in Room 111 of the City Administration Building, 113 W. Mountain, Fayetteville, Arkansas.

ITEMS DISCUSSED

ACTION TAKEN

ADM 07-2833: (WHITE HANGAR LOCAL ORDINANCE DISTRICT) Approved

MEMBERS PRESENT

Vince Chadick
Cheri Coley
Leslie Belden
Ethel Goodstein-Murphee
Rob Merry-Ship
Karon Reese

MEMBERS ABSENT

Tim Cooper

STAFF PRESENT

Tim Conklin, Long Range Planning
Kristina Jones, Long Range Planning

STAFF ABSENT

Motion:

Commissioner Chadick made a motion to autoorize the creation of the White Hangar Local Ordinance District and forward it to City Council for approval as the City's first Local Ordinance District. **Commissioner Belden** seconded the motion.

Upon roll call the motion passed with a vote of 6-0-0.

14-172-207. Establishment of historic districts.

By ordinance adopted by vote of the governing body thereof, any city, town, or county may establish historic districts and may make appropriations for the purpose of carrying out the provisions of this subchapter, subject to the following provisions:

(1) (A) (i) An historic district commission, established as provided in § 14-172-206, shall make an investigation and report on the historic significance of the buildings, structures, features, sites, or surroundings included in any such proposed historic district and shall transmit copies of its report to the Arkansas Historic Preservation Program, a division of the Department of Arkansas Heritage, to the planning commission of the municipality or county, if any, and in the absence of such commission, to the governing body of the municipality or county for its consideration and recommendation.

(ii) Each such body or individual shall give its recommendation to the historic district commission within sixty (60) days from the date of receipt of the report.

(B) (i) Recommendations shall be read in full at the public hearing to be held by the commission as specified in this section.

(ii) Failure to make recommendations within sixty (60) days after the date of receipt shall be taken as approval of the report of the commission.

(2) (A) The commission shall hold a public hearing on the establishment of a proposed historic district after giving notice of the hearing by publication in a newspaper of general circulation in the municipality or county once a week for three (3) consecutive weeks, the first such publication to be at least twenty (20) days prior to the public hearing.

(B) The notice shall include the time and place of the hearing, specify the purpose, and describe the boundaries of the proposed historic district.

(3) (A) The commission shall submit a final report with its recommendations and a draft of a proposed ordinance to the governing body of the municipality or county within sixty (60) days after the public hearing.

(B) The report shall contain the following:

(i) A complete description of the area or areas to be included in the historic district. Any single historic district may embrace noncontiguous lands;

(ii) A map showing the exact boundaries of the area to be included within the proposed district;

(iii) A proposed ordinance designed to implement the provisions of this subchapter; and

(iv) Such other matters as the commission may deem necessary and advisable.

(4) The governing body of the municipality or county, after reviewing the report of the commission, shall take one (1) of the following steps:

(A) Accept the report of the commission and enact an ordinance to carry out the provisions of this subchapter;

(B) Return the report to the commission, with such amendments and revisions thereto as it may deem advisable, for consideration by the commission and a further report to the governing body of the municipality or county within ninety (90) days of such return; or

(C) Reject the report of the commission, stating its reasons therefor, and discharge the commission.

(5) The commission established under the provisions of this subchapter, by following the procedures set out in subdivisions (2) to (4), inclusive, of this section, may, from time to time, suggest proposed amendments to any ordinance adopted under this section or suggest additional ordinances to be adopted under this section.

History. Acts 1963, No. 484, § 3; 1965, No. 170, § 1; 1977, No. 480, § 11; A.S.A. 1947, § 19-5003; Acts 1993, No. 194, § 3.

Agenda Session

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



Tentative Agenda City of Fayetteville Arkansas City Council Meeting February 05, 2008

A meeting of the Fayetteville City Council will be held on February 05, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

- Move to next agenda did not show up*
1. Telecommunications Board Annual Report by Richard Drake, Chair of the Telecommunications Board
 2. Fayetteville Downtown Partners – 2007 Report.

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the December 18, 2007, December 27, 2007, January 3, 2008, January 8, 2008 and January 15, 2008 City Council meeting minutes.

- New Resolution from Kit*
4. **White Hangar Local Ordinance District:** An ordinance to establish the White Hangar Local Ordinance District.

Announcements:

1. **City Council Tour:** ~~February 04, 2008~~

NONE

Adjournment:

Pre-Agenda Session Meeting.

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan



Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith

Tentative Agenda City of Fayetteville Arkansas City Council Meeting February 05, 2008

A meeting of the Fayetteville City Council will be held on February 05, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

1. Telecommunications Board Annual Report by Richard Drake, Chair of the Telecommunications Board
2. Fayetteville Downtown Partners – 2007 ~~Accomplishments~~ *Report.*

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Quarterly Report of Financial Condition of the City – City Clerk

Agenda Additions:

3. **ADM 08-2902 (Woodstock PZD Phasing Modification):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2576, Woodstock, located on the south side of Wedington Drive from 46th Street to Broyles Avenue, containing approximately 29.63 acres, to reflect revised construction phasing as described and depicted herein.

4. **White Hangar Local Ordinance District: Waiting on this item.**

Announcements:

1. **City Council Tour: February 04, 2008**

Adjournment:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **February 6, 2008**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of February 5, 2008**

1. **Robinson Aviation, Inc.:** A Resolution to approve an agreement with Robinson Aviation in cooperation with the FAA to fund a portion of Air Traffic Control Services for the Fayetteville Municipal Airport for a monthly cost of \$2,028.42 (subject to an adjustment in October 2008) and to approve a budget adjustment of \$1,111.00;
2. **Arkansas Parks & Tourism Grant for Eagle Park:** A resolution authorizing the Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation 50/50 matching grant in the amount of \$100,000.00 for the development of Eagle Park;
3. **Walker Park Neighborhood Master Plan:** A Resolution to adopt the Walker Park Neighborhood Master Plan Vision Document and Illustrative Master Plan;
4. **Hiring Freeze Appeals:** A resolution to approve the hiring of replacement employees;
5. **Van Scoyoc Associates Memorandum Agreement:** A resolution approving renewal of the memorandum of agreement with Van Scoyoc Associates in the amount of \$84,000.00 to provide lobbying services to the City of Fayetteville for 2008;
6. **Drake Field White Hangar Local Ordinance District:** An ordinance to establish the Drake Field White Hangar Local Ordinance District.

From: City Clerk
To: Branson, Lisa
Date: 12/20/2007 11:13 AM
Subject: Fwd: Telecom Board

City of Fayetteville
City Clerk's Office
113 W. Mountain
Fayetteville, AR 72701
479-575-8323

>>> Susan Thomas 12/19/2007 4:15 PM >>>
Sondra -

Will you please add the following to the February 5th agenda:

Telecom Board Annual Report by Richard Drake, Chair of the Telecom Board

Agenda Session Only (Jan 29). Thanks.

Susan

From: Tim Conklin
To: Smith, Sondra; Wood, Amber
CC: danielkeeley@sbcglobal.com>
Date: 12/28/2007 1:07 PM
Subject: Presentation by Fayetteville Downtown Partners -- Jan. 29, 2008 -- Agenda Session Only

Sondra- Please place this presentation on the February 5, 2008 City Council Agenda for Agenda Session Only -- January 29, 2008.

Fayetteville Downtown Partners -- 2007 Accomplishments -- Agenda Session Only Presentation

Thanks.

Tim Conklin, AICP
Director of Planning and Development Management
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Phone: 479-575-8267
Fax: 479-575-8202

planning@ci.fayetteville.ar.us

Handed out at Agenda
Session 1-29-08

FAYETTEVILLE DOWNTOWN PARTNERS REPORT TO FAYETTEVILLE CITY COUNCIL
January 29, 2008

EXECUTIVE SUMMARY

Strengthen the Infrastructure of Downtown Fayetteville

Highlights:

- Assisted with City of Fayetteville RFP Downtown Parking Deck Project
- Assisted with Downtown Master Plan Height Amendment
- Assisted with Downtown Master Plan Architectural Standards
- Managed Dickson Street Banner Program
- Organized One Vision. One Voice II – Way finding and Signage

Create a Cultural District in Downtown Fayetteville

Mission accomplished! Boundaries of the Cultural Arts District were successfully passed by City Council.

Highlights:

- Updated Cultural Arts District White Paper recommending policies and processes for the establishment of a sustainable district
- Expansion of the Fayetteville Arts Festival
- Establishment of a Public Art Policy
- Establishment of a Fayetteville Arts Council
- www.FayettevilleArts.org – Fayetteville's Arts and Culture Web Site
- www.FayettevilleDowntown.org

Manage Downtown Banner Program

FDP coordinated the installation of banners on Dickson St. through December 31st, 2007, and collaborated with the City Planning Department to negotiate the successful perpetuation of the program. The Advertising and Promotions Commission will manage the program in 2008.

Establish a Downtown Improvement District (DID)

FDP worked diligently in 2007, through continued outreach to downtown property owners, to garner additional signatures toward the creation of the district. The current progress level is 50.44% out of the 67% (signatures from property owners representing 67% of the total assessed property of downtown) required to form the district, representing an approximate 17 point gain for 2007. FDP also worked closely with the DID Commissioners-elect and forwarded all necessary materials and information to ensure their ability to drive efforts towards the successful establishment of the DID in 2008.

Highlight:

FDP changed state law, empowering improvement districts to more easily address local goals and needs, such as district marketing and producing special events. Also changed the number of commissioners that serve on the board to a minimum of 5, thereby allowing local organizers to define the size of their local board to fully represent the diverse constituency of property owners in their district.

Support Downtown Businesses

Highlights:

- FDP's Executive Director served as chair of the Small Business Development Committee for the Fayetteville Chamber of Commerce
- Promotion of 57 Fayetteville restaurants and bars, 66 Fayetteville retail stores and 3 Fayetteville hotels/motels through 2007 Fayetteville Arts Festival

Engage Downtown Neighborhoods

Highlights:

- The Fayetteville Council of Neighborhoods was included as a Fayetteville Downtown Partners Board of Directors Ex-Officio member, and its chair received Fayetteville Downtown Partners Board member information and correspondence.
- Fayetteville Downtown Partners informed the Council of Neighborhoods' identified chairs of the Dickson Street Neighborhood Association, Town Mountain South Neighborhood Association, Mill District Neighborhood Association, West Lafayette Historic District Neighborhood Association, Washington Willow Historic District Neighborhood Association and the Jennings Plus Neighborhood Association about issues impacting their downtown neighborhoods.
- 2007 Fayetteville Arts Festival provided two weekends of entertainment and education to approximately 9,000 attendees, including many downtown residents.

Market the Downtown Experience

Highlights:

- www.FayettevilleArts.org
- www.FayettevilleDowntown.org
- Managed downtown banner program
- Promotion of 57 Fayetteville restaurants and bars, 66 Fayetteville retail stores and 3 Fayetteville hotels/motels through media outreach to approximately 1.9 million individuals in a 4-state area during 2007 Fayetteville Arts Festival



TO: Ted Belden
Hope Bradberry
Richard Alexander
Greg House
John Nock
Fayetteville Downtown Improvement Commissioners

FROM: Tom Overbey, Board Member

RE: Fayetteville Downtown Improvement District Records

DATE: January 28, 2008

Enclosed are the records maintained by Fayetteville Downtown Partners in connection with its work on the Fayetteville Downtown Improvement District. These include all of the signed Petitions, correspondence, property assessment records, and spreadsheets with respect to the status of each property owner. These records were maintained by Doug Walsh as Project Manager for the Fayetteville Downtown Improvement District.

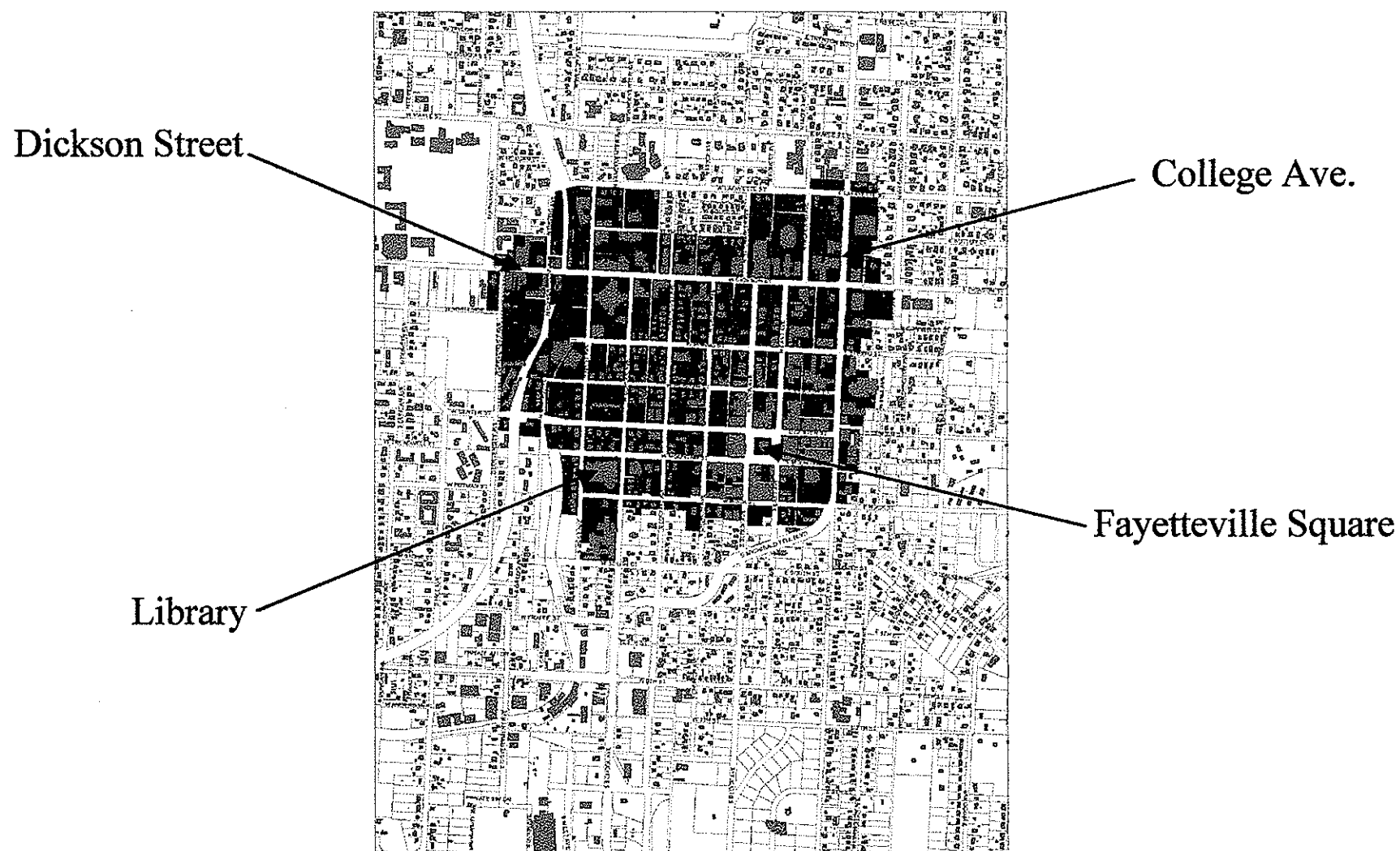
Please call if we can provide any further information.

cc: Fayetteville City Council

Report on the Fayetteville Downtown Improvement District (FDID)

The effort to establish a Fayetteville Downtown Improvement District is a response to one of the recommendations from Dover, Kohl and Partners who led the formation of the Downtown Master Plan approved by the city. If the property owners are successful in establishing the district, it will affect 2008 property taxes due in October of 2009.

The goal of Fayetteville Downtown Partners in 2007 was to establish the FDID by achieving a vote of 67% of the assessed value of the property within the district. The FDID would work in the area shaded in the map below:



Fayetteville Downtown Partners, the FDID commissioners and others were able to obtain approval of 50.44% of the required petitions represented by the following:

6th Street Development Co., Jennifer Alexander Revocable Trust, Richard Alexander, Rob Merry-Ship, Mitchell Massey, John Nock, Anori Associated, Arvest Bank, Ted & Carolyn Ashcraft, Bank of Fayetteville, David Banks, Barbstan Partners, Billy & Lena Batson, Ted & Leslie Belden, University of Arkansas, John & Hope Bradberry, Stephen & Julie Brents, Campbell Bell Building LLC, Center Street Development, Daniel & Deborah Coody, Condo Square, Cosmopolitan Ventures, Stephen & Darlene Davis, Dickson Street Development Co., Dickson Street Renovations, East Square Development LLC, John & Amelia Eldridge, Fayetteville Chamber of Commerce, Fayetteville Depot, Mary Figone Survivors Trust, James & Betty George, Dent Gitchel & Charlotte John, Dash Goff, Growth Group Building, Collins & Cynthia Haynes, Hunter Haynes, Stephan & Sharon Hoover, House Development Co., House Family LLC, Gregory T. House Revocable Trust, Houses Inc., JNA LLC, Kelly Eason Building LLC, Timothy & Christine Klinger, Greg & Hannah Lee, LynnKohn LLC, Mansfield House Holdings, Alice Martin, Victoria G. Mayo Revocable Trust, McBride Properties, Metro District, MNJC Properties, Jerry & Gail Moore, Moore's Chapel, Mr. Tux Holdings, Northwest Office Properties, One East Center, Alan Ostner & Molly Jensen, Ozark Theatre Ltd., Pearson Family Trust, C.T. Pearson Jr., John P. Pearson, Wyma Pearson, Penny Lane Properties, Christopher & Melody Harris Piazza, RJ Merry-Ship Property Management, Shelby Rogers, S&A Long Properties, Frank & Sara Sharp (Sharpridge), James & Celia Scott Silkwood, William Spaine, Sweden Land, Tagon Corp, Frederick & Mary Taldo, UARK Bowl, Underwood Building, Waller Investments, West Dickson Street Development Co., Roller Wilson, Ronald Woodruff, and others.

Two Budgets

<u>Capital improvement budget</u>
2009: \$0.00
Maximum allowed 2.5% of assessed value
Any and all capital improvement budgets must be approved by a majority of the property owners.

<u>Supplemental Budget</u>
2009: 0.6236% of assessed value which would provide \$170,000
Roughly \$125.00 for every 100,000 of market value
Maximum allowed 2% of assessed value

Board of Commissioners

The recommended FDID commissioners were selected through a property owner election process. These individuals and their represented seats are – Hope Bradberry (residential), Richard Alexander (large assessment), Greg House (small assessment), John Nock (business), and Ted Belden (at-large).

The FDID commissioners will move forward with several goals for the district upon formation:

1. Define a capital improvement plan.
2. Seek State and Federal matching dollars to fund capital improvements.
3. Enhance but not replace existing services provided by the City.
4. Promote and advocate the unique qualities of downtown Fayetteville for all of its users.

cc: Ted Belden
Hope Bradberry
Richard Alexander
Greg House
John Nock
Fayetteville Downtown Improvement Commissioners

"I feel (Fayetteville Downtown Partners) is critical to maintaining a vibrant downtown that belongs to all of us... Their effectiveness is due in large part to their independence from any once faction: FDP works directly with citizens, artists, local retailers, property owners, developers, city planners, and downtown residents. No other group advocates for such a large clientele."

Rob Sharp, *Architect*

"We sincerely appreciate the work that Fayetteville Downtown Partners is doing to ensure that downtown Fayetteville is a dynamic and vital part of the Northwest Arkansas community... There is no other entity able to do the work they are doing."

Terri Trotter, *Vice President of External Affairs, Walton Arts Center*

"Fayetteville is a prime location for the arts community to flourish, and I certainly hope to see the fruits of your efforts through your model Cultural Arts District."

Rep. John Boozman (R-AR 3rd District)

"The organization is extremely creative, knowledgeable and experienced, and thus able to accomplish things on a high order of importance."

Ralph Nesson, *Jefferson/Walker Park Neighborhood Association*

"I have found the Fayetteville Downtown Partners to be a terrific neighborhood resource. They seem to establish a link between the citizens and the City Staff. They have the time and the expertise to understand the often complicated City Policy and Ordinance, and are able to educate the neighbors as to how we can live in and promote the Fayetteville Downtown Neighborhoods... It is my hope they will be a resource in the years to come."

Alan Ostner, *Jennings Plus Neighborhood Association*

"Fayetteville Downtown Partners work pays huge dividends for our citizens and the thousands who visit each year and wish they were citizens."

Mark Blackwood, *former executive vice president of Blackwood Martin/CJRW Advertising*

"Through the efforts of Fayetteville Downtown Partners, we receive immeasurable support in the continued development of the cultural and tourism experiences that our downtown district has to offer."

Shannon McCaig, *Director of Sales and Marketing, Cosmopolitan Hotel*

"I want to express how important Fayetteville Downtown Partners is to the growth and development of downtown Fayetteville."

Cindy Arsaga, *owner, Arsaga's Coffee*

"The work FDP is doing is important, but the way you approach your work is something that I particularly appreciate. First, you work toward, then from, a consensus vision for the future... Second, you skillfully work with current efforts."

Jim Lukens, *former Market Manager, Fayetteville Farmer's Market*

"Your sponsorship of the Fayetteville Arts Festival and leadership in the formation of the Downtown Improvement District and Cultural Arts District is impressive."

Sen. Blanche Lincoln (D-AR)

"As we look to neighboring communities, Fayetteville enjoys the reputation of having a dynamic downtown where people come from all over to enjoy our entertainment/arts district. We must expand upon that reputation, and create new and exciting draws to our area. I believe FDP is working to accomplish this goal
Hope Bradberry, *Director of Development, Fayetteville Public Library*

"As a new business just off the historic Downtown Square, FDP has been extremely supportive of my gallery. They have made themselves available as a sounding board, given suggestions and relayed aspects of the business climate."
Dede Peters, *Owner, ddp gallery*

"As a small business owner, the resources and services provided by (Fayetteville Downtown Partners) far surpass what I can do as an individual. The larger chain operations have their own built-in resources, but we, as single operation businesses, rely on entities such as FDP."
Vince Pinalto, *Owner, La Maison des Tartes*

"Fayetteville Downtown Partners is an ally to downtown businesses and organizations, not only to retail and entertainment concerns, but to service based businesses like ours as well."

Tim Walker, *President and Creative Director, DOXA Total Design Strategies*

"The Fayetteville Economic Development Council believes both organizations have a vital role to play and we complement each other, all for the long term good of Fayetteville."

Steve Rust, *President, Fayetteville Economic Development Council*



Handed out at
Agenda Session 1-29-08

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Mayor Dan Coody and Members of the City Council

FROM: Paul A. Becker, Finance Director *Paul A. Becker*

DATE: January 29, 2008

SUBJECT: **Monthly report of Sales Tax Revenue received in January for November Collections**

The following key points need to be communicated regarding sales tax collections:

FAYETTEVILLE SALES TAX ACTIVITY

1. Sales tax collections remitted for sales tax subject to the 1 cent City tax in January, 2008 were up \$62,958 / 5.04% as compared to the same month prior year. These collections represent sales which occurred in November, 2007.
2. Sales tax collections remitted to the City for the City's share of County tax collections January, 2008 were down \$2,597 / -0.29% as compared to the same month prior year. These collections represent sales which occurred in November, 2007.
3. When compared to budget for the month, sales tax collections were down a total of \$223,513.
4. The year to date budget impact for the twelve months of collections used to finance the 2007 budget is down a total of \$1,934,263.

NWA REGION SALES TAX ACTIVITY - NOVEMBER 2007 COLLECTIONS

5. November, 2007 collections as compared to the surrounding areas were as follows:

Sales Tax Collections:		November 2006	November 2007	\$ Increase (Decrease)	% Increase (Decrease)
1% City:	Bentonville	\$ 544,664	\$ 572,738	\$ 28,074	5.15%
	Fayetteville	\$ 1,248,062	\$ 1,311,019	\$ 62,958	5.04%
	Rogers	\$ 913,442	\$ 956,935	\$ 43,494	4.76%
	Springdale	\$ 949,650	\$ 863,971	\$ (85,679)	(9.02%)

6. November, 2007 countywide collections for the combined Washington and Benton Counties were up \$73,521 / 1.56%.

Sales Tax Collections:		November 2006	November 2007	\$ Increase (Decrease)	% Increase (Decrease)
Washington County		\$ 2,406,644	\$ 2,399,587	\$ (7,057)	(0.29%)
Benton County		2,299,052	2,379,630	80,578	3.50%
		\$ 4,705,696	\$ 4,779,217	\$ 73,521	1.56%

NWA REGION SALES TAX ACTIVITY - YEAR-TO-DATE COLLECTIONS

7. Year-to-Date (twelve months) collections as compared to the surrounding areas were as follows:

<u>Sales Tax Collections:</u>		<u>(12 Months)</u> <u>YTD 2006</u>	<u>(12 Months)</u> <u>YTD 2007</u>	<u>\$ Increase</u> <u>(Decrease)</u>	<u>% Increase</u> <u>(Decrease)</u>
1% City:	Bentonville	\$ 6,738,103	\$ 7,373,353	\$ 635,250	9.43%
	Fayetteville	\$ 15,761,266	\$ 15,564,174	\$ (197,092)	(1.25%)
	Rogers	\$ 10,386,148	\$ 11,326,700	\$ 940,551	9.06%
	Springdale	\$ 12,417,852	\$ 11,510,422	\$ (907,430)	(7.31%)

8. Year-to-Date (twelve months) for the combined Washington and Benton Counties, sales were down - \$161,047 / -0.27%.

<u>Sales Tax Collections:</u>		<u>(12 Months)</u> <u>YTD 2006</u>	<u>(12 Months)</u> <u>YTD 2007</u>	<u>\$ Increase</u> <u>(Decrease)</u>	<u>% Increase</u> <u>(Decrease)</u>
Washington County		\$ 31,170,367	\$ 30,037,939	\$ (1,132,428)	(3.63%)
Benton County		28,691,424	29,662,805	971,381	3.39%
		<u>\$ 59,861,791</u>	<u>\$ 59,700,744</u>	<u>\$ (161,047)</u>	<u>(0.27%)</u>

Arkansas Democrat Gazette

NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record

P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

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**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

AFFIDAVIT OF PUBLICATION

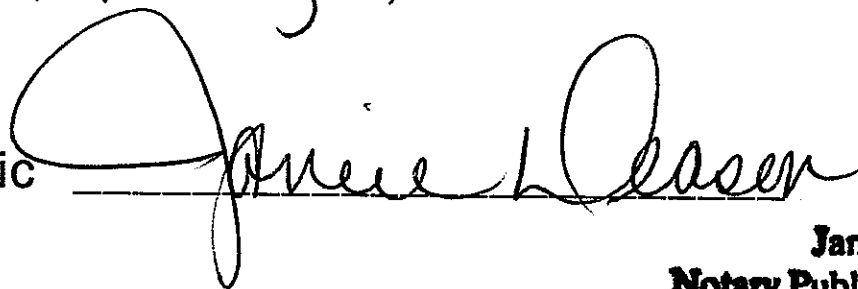
I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville – Final Agenda

February 4, 2008

Publication Charge: \$137.15

Subscribed and sworn to before me
This 5th day of February, 2008.

Notary Public



Janice Deason
Notary Public, State of Arkansas
Washington County
My Commission Expires 11/15/14

My Commission Expires: 11/15/14

Do not pay from Affidavit, an invoice will be sent

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
FEBRUARY 05, 2008**



A meeting of the Fayetteville City Council will be held on February 05, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order
Roll Call
Pledge of Allegiance**

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

- 1.** Approval of the December 18, 2007, December 27, 2007, January 3, 2008, January 8, 2008 and January 15, 2008 City Council meeting minutes.
- 2. Robinson Aviation (RVA), Inc:** A resolution to approve an agreement with Robinson Aviation in cooperation with the FAA to fund a portion of air traffic control services for the Fayetteville Municipal Airport for a monthly cost of \$2,028.42 (subject to an adjustment in October 2008) and to approve a budget adjustment of \$1,111.00.
- 3. Arkansas Parks and Tourism Grant for Eagle Park:** A resolution authorizing the Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation 50/50 matching grant in the amount of \$100,000.00 for the development of Eagle Park.
- 4. Walker Park Neighborhood Master Plan:** A resolution to adopt the Walker Park Neighborhood Master Plan vision document and illustrative master plan.

B. Unfinished Business:

- 1. Hiring Freeze: Hiring Freeze Appeals:**
Police Department – One Police Officer and One Park Patrol Employee

Animal Services – One Veterinary Assistant

- 2. Northwest Arkansas Community Creative Center Lease Agreement:** A resolution to approve a lease agreement with the Northwest Arkansas Community Creative Center for a portion of the former Tyson Complex on Huntsville Road. *This resolution was tabled at the January 3, 2008 City Council meeting to the February 5, 2008 City Council meeting.*
- 3. Hobson, Inc. Appeal:** An ordinance rezoning that property described in rezoning petition RZN 07-2667, for approximately 2.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting. This ordinance was tabled indefinitely at the October 2, 2007 City Council meeting.*

C. New Business:

- 1. Van Scoyoc Associates Memorandum Agreement:** A resolution approving renewal of the memorandum of agreement with Van Scoyoc Associates in the amount of \$84,000.00 to provide lobbying services to the City of Fayetteville for 2008.
- 2. RZN 07-2852 (Broyles/Woodstock):** An ordinance rezoning that property described in rezoning petition RZN 07-2852, for approximately 1.88 acres, located at 845 North 46th Avenue from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 units per acre.
- 3. VAC 07-2853 (First Christian Church):** An ordinance approving VAC 07-2853 submitted by McGoodwin, Williams and Yates, Inc. for property located at 220 North College Avenue to vacate an alley, a total of 0.08 acres.
- 4. ADM 08-2902 (Woodstock PZD Phasing Modification):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2576, Woodstock, located on the south side of Wedington Drive from 46th Street to Broyles Avenue, containing approximately 29.63 acres, to reflect revised construction phasing as described and depicted herein.
- 5. Drake Field Hangar Local Ordinance District:** An ordinance to establish the Drake Field Hangar Local Ordinance District.

Announcements:

- 1. City Council Tour:** None

Adjournment: