

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

---

## FINAL AGENDA CITY COUNCIL DECEMBER 18, 2001

A meeting of the Fayetteville City Council will be held on December 18, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

**AWARD PRESENTATION:** Presentation of the GOFA award.

### A. CONSENT

1. **APPROVAL OF THE MINUTES**
2. **SUNBRIDGE AND GREGG:** A resolution awarding a contract to Mobley Contractors, Inc. in the amount of \$241,627.00 (contingent upon receiving an easement or right-of-way from the Arkansas & Missouri Railroad), approve funding of \$30,000 for project contingency and of \$3,000 for materials testing for the project entitled "Sunbridge Drive and Gregg Avenue Intersection Improvements" and approval of a budget adjustment.
3. **MICROSOFT OFFICE:** A resolution approving the purchase of 223 Microsoft Office XP software licenses from Dell Incorporated. The purchases are authorized through the State of Arkansas Contract Award ST-98-0491; and approval of a budget adjustment.
4. **US ABLE LIFE:** A resolution renewing employee group policies from US Able Life to provide life, AD&D, and LTD coverage and Section. 125 Cafeteria Plan Administration.
5. **TROLLEY:** A resolution accepting the renewal agreement with Jones Transportation for trolley operations for the period of January 1, 2002, through June 30, 2002. This is in accordance with the provision of Resolution 11-99.

## **B. OLD BUSINESS**

1. **ANX 01-4.00:** An ordinance approving annexation request ANX 01-4.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51<sup>st</sup> Street. The request is to annex into the city approximately 30.99 acres located in the Planning Area. The ordinance was left on the second reading at the December 4, 2001, meeting.
2. **RZN 01-22.00:** An ordinance approving rezoning request RZN 01-22.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51<sup>st</sup> Street. The property is zoned A-1, Agricultural, and contains approximately 30.99 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the second reading at the December 4, 2001, meeting.
3. **BUDGET:** A resolution adopting the 2002 Operating Budget. The resolution was tabled at the December 4, 2001, meeting.
4. **SALE OF MUNICIPALLY OWNED PROPERTY:** An ordinance amending Chapter 34, Finance and Revenue, of the Code of Fayetteville to establish a formal process for the sale of municipally owned real property. The item was forwarded to the Ordinance Review Committee at the November 20, 2001, meeting.

## **C. NEW BUSINESS**

1. **ANX 01-5.00:** An ordinance approving annexation request ANX 01-5.00 as submitted by Raymond C. Smith on behalf of Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.
2. **RZN 01-24.00:** An ordinance approving rezoning request RZN 01-24.00 as submitted by Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.

3. **RZN 01-27.00:** An ordinance approving rezoning request RZN 01-27.00 as submitted by Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential.
4. **RZN 01-26.00:** An ordinance approving rezoning request RZN 01-26.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial.
5. **RZN 01-28.00:** An ordinance approving rezoning request RZN 01-28.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential.
6. **SENIOR CITIZEN CENTER:** A resolution authorizing a change order for activities associated with construction of the Senior Citizen Center.
7. **MUNICIPAL JUDGE:** An ordinance amending Ordinance 3765 to add Municipal Judge to the City Officials listed in Section 1.
8. **DOWNTOWN DICKSON ENHANCEMENT PROJECT:** A resolution approving an amendment for Downtown Dickson Enhancement Project in the amount of \$120,972.03 to address: (1) easement revisions - \$9,660.00, (2) construction engineering - \$39,552.03, and (3) project construction inspection - \$71,760.00 (option to allow use of Engineering Division personnel for full-time inspection. Current contract amount is \$530,227.62 to \$651,200.15.
9. **CAT:** A resolution approving a contract in the amount of \$34,500.00 with Community Access Television for public access television services for 2002.
10. **ELDERLY TAXI PROGRAM:** A resolution approving a contract with the Area Agency on Aging for the Elderly Taxi Program.



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BD LG.

|          | Roll |  | Consent |  |  |
|----------|------|--|---------|--|--|
| REYNOLDS | ✓    |  | ✓       |  |  |
| THIEL    | ✓    |  | ✓       |  |  |
| YOUNG    | ✓    |  | ✓       |  |  |
| ZURCHER  | ✓    |  | ✓       |  |  |
| TRUMBO   | ✓    |  | ✓       |  |  |
| DAVIS    | ✓    |  | ✓       |  |  |
| SANTOS   | ✓    |  | ✓       |  |  |
| JORDAN   | ✓    |  | ✓       |  |  |
| COODY    | ✓    |  |         |  |  |
|          |      |  |         |  |  |

|             |        |        |      |  |  |
|-------------|--------|--------|------|--|--|
| ANX 01-4-00 | H 3 NA | BID.   | pass |  |  |
| REYNOLDS    | ✓      | ✓      | ✓    |  |  |
| THIEL       | ✓      | ✓      | ✓    |  |  |
| YOUNG       | ✓      | ✓      | ✓    |  |  |
| ZURCHER     | ✓      | ✓      | ✓    |  |  |
| TRUMBO      | ✓      | ✓      | ✓    |  |  |
| DAVIS       | ✓      | ✓      | ✓    |  |  |
| SANTOS      | ✓      | ✓      | ✓    |  |  |
| JORDAN      | ✓      | ✓      | ✓    |  |  |
| COODY       |        |        |      |  |  |
|             |        | 6-2-0. |      |  |  |



Meeting of December 18, 2001

|           |                       |  |        |  |  |
|-----------|-----------------------|--|--------|--|--|
| PZN 1-22. | BD 22. <sup>3rd</sup> |  | PASS   |  |  |
| REYNOLDS  | ✓                     |  | ✓      |  |  |
| THIEL     | ✓                     |  | ✓      |  |  |
| YOUNG     | ✓                     |  | ✓      |  |  |
| ZURCHER   | ✓                     |  | ✓      |  |  |
| TRUMBO    | ✓                     |  | ✓      |  |  |
| DAVIS     | ✓                     |  | ✓      |  |  |
| SANTOS    | ✓                     |  | ✓      |  |  |
| JORDAN    | ✓                     |  | ✓      |  |  |
| COODY     |                       |  |        |  |  |
|           |                       |  | 6-2-0. |  |  |

|          |                   |             |  |  |  |
|----------|-------------------|-------------|--|--|--|
| Budget   | KS H remove table | KS H remove |  |  |  |
| REYNOLDS | ✓                 | ✓           |  |  |  |
| THIEL    | ✓                 | ✓           |  |  |  |
| YOUNG    | ✓                 | ✓           |  |  |  |
| ZURCHER  | ✓                 | ✓           |  |  |  |
| TRUMBO   | ✓                 | ✓           |  |  |  |
| DAVIS    | ✓                 | ✓           |  |  |  |
| SANTOS   | ✓                 | ✓           |  |  |  |
| JORDAN   | ✓                 | ✓           |  |  |  |
| COODY    |                   |             |  |  |  |
|          |                   |             |  |  |  |

Meeting of December 18, 2001

*CR. amendment.*

|                  |                                        |  |  |  |  |
|------------------|----------------------------------------|--|--|--|--|
| <u>SALE LAND</u> |                                        |  |  |  |  |
| REYNOLDS         | ✓                                      |  |  |  |  |
| THIEL            | ✓                                      |  |  |  |  |
| YOUNG            | ✓                                      |  |  |  |  |
| ZURCHER          | ✓                                      |  |  |  |  |
| TRUMBO           | ✓                                      |  |  |  |  |
| DAVIS            | ✓                                      |  |  |  |  |
| SANTOS           | ✓                                      |  |  |  |  |
| JORDAN           | ✓                                      |  |  |  |  |
| COODY            |                                        |  |  |  |  |
|                  | <i>Left on 1st reading as amended.</i> |  |  |  |  |

*BD CR. 2ND.*

|                    |   |  |  |  |  |
|--------------------|---|--|--|--|--|
| <u>ANX 01-5.00</u> |   |  |  |  |  |
| REYNOLDS           | ✓ |  |  |  |  |
| THIEL              | ✓ |  |  |  |  |
| YOUNG              | ✓ |  |  |  |  |
| ZURCHER            | ✓ |  |  |  |  |
| TRUMBO             | ✓ |  |  |  |  |
| DAVIS              | ✓ |  |  |  |  |
| SANTOS             | ✓ |  |  |  |  |
| JORDAN             | ✓ |  |  |  |  |
| COODY              |   |  |  |  |  |
|                    |   |  |  |  |  |

Meeting of December 18, 2001

|                 |              |  |  |  |  |
|-----------------|--------------|--|--|--|--|
| <i>Sr. Cnt.</i> | <i>H BD.</i> |  |  |  |  |
| REYNOLDS        | ✓            |  |  |  |  |
| THIEL           | ✓            |  |  |  |  |
| YOUNG           | ✓            |  |  |  |  |
| ZURCHER         | ✓            |  |  |  |  |
| TRUMBO          | ✓            |  |  |  |  |
| DAVIS           | ✓            |  |  |  |  |
| SANTOS          | ✓            |  |  |  |  |
| JORDAN          | ✓            |  |  |  |  |
| COODY           |              |  |  |  |  |
|                 |              |  |  |  |  |

|                    |               |               |             |  |  |
|--------------------|---------------|---------------|-------------|--|--|
| <i>Manx. Judge</i> | <i>BD 2nd</i> | <i>RZ 3rd</i> | <i>PASS</i> |  |  |
| REYNOLDS           | ✓             | ✓             | ✓           |  |  |
| THIEL              | ✓             | ✓             | ✓           |  |  |
| YOUNG              | ✓             | ✓             | ✓           |  |  |
| ZURCHER            | ✓             | ✓             | ✓           |  |  |
| TRUMBO             | ✓             | ✓             | ✓           |  |  |
| DAVIS              | ✓             | ✓             | ✓           |  |  |
| SANTOS             | ✓             | ✓             | ✓           |  |  |
| JORDAN             | ✓             | ✓             | ✓           |  |  |
| COODY              |               |               |             |  |  |
|                    |               |               |             |  |  |



Meeting of December 18, 2001

*ZND*

|           |         |      |  |  |  |
|-----------|---------|------|--|--|--|
| RZN 01-24 | BD RR.  |      |  |  |  |
| REYNOLDS  | ✓       |      |  |  |  |
| THIEL     | ✓       |      |  |  |  |
| YOUNG     | ✓       |      |  |  |  |
| ZURCHER   | ✓       |      |  |  |  |
| TRUMBO    | ✓       |      |  |  |  |
| DAVIS     | ✓       |      |  |  |  |
| SANTOS    | ✓       |      |  |  |  |
| JORDAN    | ✓       |      |  |  |  |
| COODY     |         |      |  |  |  |
|           | left on | ZND. |  |  |  |

*ZND*

|          |         |      |  |  |  |
|----------|---------|------|--|--|--|
| RZN 1-27 | BD RR.  |      |  |  |  |
| REYNOLDS | ✓       |      |  |  |  |
| THIEL    | ✓       |      |  |  |  |
| YOUNG    | ✓       |      |  |  |  |
| ZURCHER  | ✓       |      |  |  |  |
| TRUMBO   | ✓       |      |  |  |  |
| DAVIS    | ✓       |      |  |  |  |
| SANTOS   | ✓       |      |  |  |  |
| JORDAN   | ✓       |      |  |  |  |
| COODY    |         |      |  |  |  |
|          | left on | ZND. |  |  |  |

Meeting of December 18, 2001

|           |                      |  |  |  |  |
|-----------|----------------------|--|--|--|--|
| RZW01-26. | KS <sup>ZNP</sup> LA |  |  |  |  |
| REYNOLDS  | ✓                    |  |  |  |  |
| THIEL     | ✓                    |  |  |  |  |
| YOUNG     | ✓                    |  |  |  |  |
| ZURCHER   | ✓                    |  |  |  |  |
| TRUMBO    | ✓                    |  |  |  |  |
| DAVIS     | ✓                    |  |  |  |  |
| SANTOS    | ✓                    |  |  |  |  |
| JORDAN    | ✓                    |  |  |  |  |
| COODY     |                      |  |  |  |  |
|           |                      |  |  |  |  |

|           |                     |  |  |  |  |
|-----------|---------------------|--|--|--|--|
| RZW01-28. | LA <sup>ZNP</sup> H |  |  |  |  |
| REYNOLDS  | ✓                   |  |  |  |  |
| THIEL     | ✓                   |  |  |  |  |
| YOUNG     | ✓                   |  |  |  |  |
| ZURCHER   | ✓                   |  |  |  |  |
| TRUMBO    | ✓                   |  |  |  |  |
| DAVIS     | ✓                   |  |  |  |  |
| SANTOS    | ✓                   |  |  |  |  |
| JORDAN    | ✓                   |  |  |  |  |
| COODY     |                     |  |  |  |  |
|           |                     |  |  |  |  |

Meeting of December 18, 2001

|                        |       |  |  |  |  |
|------------------------|-------|--|--|--|--|
| P27 Deck Enh. Project. | # BD. |  |  |  |  |
| REYNOLDS               | ✓     |  |  |  |  |
| THIEL                  | ✓     |  |  |  |  |
| YOUNG                  | ✓     |  |  |  |  |
| ZURCHER                | ✓     |  |  |  |  |
| TRUMBO                 | ✓     |  |  |  |  |
| DAVIS                  | ✓     |  |  |  |  |
| SANTOS                 | ✓     |  |  |  |  |
| JORDAN                 | ✓     |  |  |  |  |
| COODY                  |       |  |  |  |  |
|                        |       |  |  |  |  |

|                |              |       |   |  |  |
|----------------|--------------|-------|---|--|--|
| <del>CA7</del> | ✓ to approve | ✓ and |   |  |  |
| REYNOLDS       | ✓            | ✓     | * |  |  |
| THIEL          | ✓            | ✓     |   |  |  |
| YOUNG          | ✓            | ✓     |   |  |  |
| ZURCHER        | ✓            | ✓     |   |  |  |
| TRUMBO         | ✓            | ✓     |   |  |  |
| DAVIS          | ✓            | ✓     |   |  |  |
| SANTOS         | ✓            | ✓     |   |  |  |
| JORDAN         | ✓            | ✓     |   |  |  |
| COODY          |              |       |   |  |  |
|                |              |       |   |  |  |



Meeting of December 18, 2001 *to approve*

|                              |              |  |  |  |  |
|------------------------------|--------------|--|--|--|--|
| <i>Elaborate for program</i> | <i>H R R</i> |  |  |  |  |
| REYNOLDS                     | <i>✓</i>     |  |  |  |  |
| THIEL                        | <i>✓</i>     |  |  |  |  |
| YOUNG                        | <i>✓</i>     |  |  |  |  |
| ZURCHER                      | <i>✓</i>     |  |  |  |  |
| TRUMBO                       | <i>✓</i>     |  |  |  |  |
| DAVIS                        | <i>✓</i>     |  |  |  |  |
| SANTOS                       | <i>✓</i>     |  |  |  |  |
| JORDAN                       | <i>✓</i>     |  |  |  |  |
| COODY                        |              |  |  |  |  |
|                              |              |  |  |  |  |

|          |  |  |  |  |  |
|----------|--|--|--|--|--|
|          |  |  |  |  |  |
| REYNOLDS |  |  |  |  |  |
| THIEL    |  |  |  |  |  |
| YOUNG    |  |  |  |  |  |
| ZURCHER  |  |  |  |  |  |
| TRUMBO   |  |  |  |  |  |
| DAVIS    |  |  |  |  |  |
| SANTOS   |  |  |  |  |  |
| JORDAN   |  |  |  |  |  |
| COODY    |  |  |  |  |  |
|          |  |  |  |  |  |

*meeting adjourned.  
10:05*



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

## FINAL AGENDA CITY COUNCIL DECEMBER 18, 2001

A meeting of the Fayetteville City Council will be held on December 18, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

**AWARD PRESENTATION:** Presentation of the GFOA Distinguished Budget Presentation Award.

*Approved*  
A. **CONSENT**

1. **APPROVAL OF THE MINUTES**

2. **SUNBRIDGE AND GREGG:** A resolution awarding a contract to Mobley Contractors, Inc. in the amount of \$241,627.00 (contingent upon receiving an easement or right-of-way from the Arkansas & Missouri Railroad), approve funding of \$30,000 for project contingency and of \$3,000 for materials testing for the project entitled "Sunbridge Drive and Gregg Avenue Intersection Improvements" and approval of a budget adjustment.

3. **MICROSOFT OFFICE:** A resolution approving the purchase of 223 Microsoft Office XP software licenses from Dell Incorporated. The purchases are authorized through the State of Arkansas Contract Award ST-98-0491; and approval of a budget adjustment.

4. **US ABLE LIFE:** A resolution renewing employee group policies from US Able Life to provide life, AD&D, and LTD coverage and Section. 125 Cafeteria Plan Administration.

5. **TROLLEY:** A resolution accepting the renewal agreement with Jones Transportation for trolley operations for the period of January 1, 2002, through June 30, 2002. This is in accordance with the provision of Resolution 11-99.

**B. OLD BUSINESS**

*ORA. 4355* 1. ✓✓ **ANX 01-4.00:** An ordinance approving annexation request ANX 01-4.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51<sup>st</sup> Street. The request is to annex into the city approximately 30.99 acres located in the Planning Area. The ordinance was left on the second reading at the December 4, 2001, meeting.

*ORA. 4356* 2. ✓✓ **RZN 01-22.00:** An ordinance approving rezoning request RZN 01-22.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51<sup>st</sup> Street. The property is zoned A-1, Agricultural, and contains approximately 30.99 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the second reading at the December 4, 2001, meeting.

*RES. 175-253* **BUDGET:** A resolution adopting the 2002 Operating Budget. The resolution was tabled at the December 4, 2001, meeting.

4. ✓ **SALE OF MUNICIPALLY OWNED PROPERTY:** An ordinance amending Chapter 34, Finance and Revenue, of the Code of Fayetteville to establish a formal process for the sale of municipally owned real property. The item was forwarded to the Ordinance Review Committee at the November 20, 2001, meeting.

*left on 1st reading as amended.*  
**C. NEW BUSINESS**

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6. *PASS* **SENIOR CITIZEN CENTER:** A resolution authorizing a change order for activities associated with construction of the Senior Citizen Center.

7. ✓ *PASS* **MUNICIPAL JUDGE:** An ordinance amending Ordinance 3765 to add Municipal Judge to the City Officials listed in Section 1.

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10. *failed* **ELDERLY TAXI PROGRAM:** A resolution approving a contract with the Area Agency on Aging for the Elderly Taxi Program.

*meeting adjourned at 10:05*



Roll.

Jordan →

Reynolds

Thiel.

Young.

Zander.

Zumbo.

Davis

Santos.

Mayra.

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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PASSED A. **CONSENT**

PASSED 1. **APPROVAL OF THE MINUTES**

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*Left on first Reading as amended* **SALE OF MUNICIPALLY OWNED PROPERTY:** An ordinance amending Chapter 34, Finance and Revenue, of the Code of Fayetteville to establish a formal process for the sale of municipally owned real property. The item was forwarded to the Ordinance Review Committee at the November 20, 2001, meeting.

## C. NEW BUSINESS

*Left on Second Reading* **ANX 01-5.00:** An ordinance approving annexation request ANX 01-5.00 as submitted by Raymond C. Smith on behalf of Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.

*Left on Second Reading* **RZN 01-24.00:** An ordinance approving rezoning request RZN 01-24.00 as submitted by Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.



*Left on  
Second Reading*

**RZN 01-27.00:** An ordinance approving rezoning request RZN 01-27.00 as submitted by Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential.

*Left on  
Second Reading*

**RZN 01-26.00:** An ordinance approving rezoning request RZN 01-26.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial.

*Left on  
Second Reading*

**RZN 01-28.00:** An ordinance approving rezoning request RZN 01-28.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential.

*Res. 176-01*

6.

**SENIOR CITIZEN CENTER:** A resolution authorizing a change order for activities associated with construction of the Senior Citizen Center.

*Ord. 4357*

7.

**MUNICIPAL JUDGE:** An ordinance amending Ordinance 3765 to add Municipal Judge to the City Officials listed in Section 1.

*Res. 177-01*

8.

**DOWNTOWN DICKSON ENHANCEMENT PROJECT:** A resolution approving an amendment for Downtown Dickson Enhancement Project in the amount of \$120,972.03 to address: (1) easement revisions - \$9,660.00, (2) construction engineering - \$39,552.03, and (3) project construction inspection - \$71,760.00 (option to allow use of Engineering Division personnel for full-time inspection. Current contract amount is \$530,227.62 to \$651,200.15.

*Res. 178-01*

9.

**CAT:** A resolution approving a contract in the amount of \$34,500.00 with Community Access Television for public access television services for 2002.

*Failed*

10.

**ELDERLY TAXI PROGRAM:** A resolution approving a contract with the Area Agency on Aging for the Elderly Taxi Program.

015 03

City of Fayetteville

1/29/2002

12/18/2001 - 12/18/2001

Maintenance/Inquiry

11:16:29

Exp...:

6 Matches

Cont.:

RES

Sel- (B=Browse )

Sel Ref.

Date

Item

Action

Brief Description

(P=Print )

|     |            |     |  |                                   |
|-----|------------|-----|--|-----------------------------------|
| RES | 12/18/2001 | 171 |  | SUNRIDGE DR/GREGG INTERSECTION    |
| RES | 12/18/2001 | 172 |  | DELL INC/MICROSOFT OFFICE XP      |
| RES | 12/18/2001 | 173 |  | US ABLE LIFE/INSURANCE            |
| RES | 12/18/2001 | 174 |  | JONES TRANSPORTATION/CONTRACT     |
| RES | 12/18/2001 | 175 |  | 2002 BUDGET                       |
| RES | 12/18/2001 | 178 |  | CAT/CONTRACT/COMMUNITY ACCESS TEL |

Cmd1-Return

Roll Keys

Page 1 of 1

Cmd3-End

Press 'ENTER' to Continue

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Res. 176-01

C.O. #1 Harrison Davis Constr.  
Co.

Res. 177-01

Contract Amendment #4  
w/ The Berkam Group  
Re: DDEP



015 03

City of Fayetteville

1/29/2002

12/18/2001 - 12/18/2001 Maintenance/Inquiry

11:16:56

Exp..:

3 Matches

Cont.:

ORD

Sel- (B=Browse )

Sel Ref.

Date

Item

Action

Brief Description

(P=Print )

|     |            |      |  |                                     |
|-----|------------|------|--|-------------------------------------|
| ORD | 12/18/2001 | 4355 |  | ANNEXING/WEDINGTON & 15TH STREET    |
| ORD | 12/18/2001 | 4356 |  | REZONING WEDINGTON AND 15TH         |
| ORD | 12/18/2001 | 4357 |  | SALARY PROVISION FOR DISTRICT JUDGE |

Page 1 of 1

Cmd1-Return

Roll Keys

Cmd3-End

Press 'ENTER' to Continue

(c) 1986-1992 Munimetrix Systems Corp.

**MINUTES OF A MEETING  
OF THE  
CITY COUNCIL  
NOVEMBER 6, 2001**

A meeting of the Fayetteville City Council was held on November 6, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**PRESENT:** Mayor Coody, Aldermen, Trumbo, Davis, Santos, Jordan, Thiel, Young and Zurcher, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press, and Audience.

**ABSENT:** Alderman Reynolds.

**FIRST NIGHT:** Annual presentation from First Night.

Ms. Toby Kaufman, First Night, gave a presentation explaining their program and their outreach programs to reach different segments of the community.

Ms. Vena Pesero thanked the city for their participation and expressed her feeling about how First Night brought multi-cultural people together with their different programs.

Phil and Glenda expressed the need for the community to join together provide an environment without substance abuse or violence and encourage community events which encouraged healthy lifestyle choices and opportunities for community involvement and opportunity to develop community pride and a sense of community belonging.

Representative from the Boys and Girls Club stated this was their second year for their club members to be involved in First Night. It was a good learning opportunity for the children to be creative and to show off the work that they have done.

A student representative from the University stated First Night provided a non-alcoholic event for University people and a good opportunity for them to become involved in their community.

John Roanack thanked the Council for their participation and stated they had been able to keep the cost of the buttons to twelve dollars. Children under six are admitted free. They also presented several free community activities such as the starlight procession, the parade, creation corner, and the fireworks display. They also gave away buttons to low income families, at risk youth, and disabled students. The first year they had been able to give away thousands of buttons. The second year over fifteen hundred. Last year almost two thousand. This year they hoped to give away over two thousand buttons. He encouraged them to continue their support in the future.

Dr. David Williams thanked the council for their support. They helped with substance abuse, prevention and helping kids develop constructive alternative lifestyles. They helped them with the arts and to bond people from every walk of life together. They helped them transform a community celebration into something wonderful and positive. It was becoming a great winter festival.

**NOMINATING COMMITTEE:** Appointment of Gary E. Garton to the Fayetteville Housing Authority.

Alderman Santos moved to approve the nominee. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

## **CONSENT**

## **APPROVAL OF THE MINUTES**

**LIBRARY:** A resolution approving Amendment No. 9 to the contract with Meyer, Scherer and Rockcastle LTD in the amount of \$36,970 for completion of the design, documentation, engineering and construction observations services for off-site utilities work for the new Fayetteville Public Library at 401 W. Mountain; and approval of a budget adjustment.

*RESOLUTION 147-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**WILSON PARK TENNIS COURTS:** A resolution approving a contract with John P. Marinoni Construction for the renovation of the Wilson Park tennis courts in the amount of \$174,716, plus a ten percent project contingency of \$17,470 for a total cost of \$192,186.

*RESOLUTION 148-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**TRASH BAGS:** A resolution authorizing the purchase of up to 682,672 purple residential trash bags from Phoenix Recycling in the amount of \$82,419 or \$0.1311 per bag to complete annual budgeted purchase of volume based residential trash bags.

*RESOLUTION 149-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**DBE PROGRAM UPDATE:** A resolution accepting and approving the updated DBE participation goal for 2002.

*RESOLUTION 150-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

Alderman Thiel stated on page twenty-two of the minutes at the bottom, "this action was intended to shut down the track." It should read, "this action was *not* intended to shut down the tract."

**Alderman Davis moved to approve the Consent Agenda. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.**



## **OLD BUSINESS**

**RZN 01-16.00:** An ordinance approving rezoning request RZN 01-16.00 as submitted by Ronnie Ball on behalf of William Lazenby for property located at the southwest corner of Millennium Drive and Crossover. The property is zoned C-1, Neighborhood Commercial and contains approximately 0.70 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the second reading at the October 16, 2001, meeting.

*Mr. Williams read the ordinance.*

Mr. Williams stated a bill of assurance had been offered by the owner. The rezoning would be done the condition of accepting the bill of assurance. He read, "the use of the petitioners property shall be limited to the uses in C-1, plus a liquor store." It could only be used for a liquor store that was required in C-2.

Alderman Davis thanked Tim for the drawings of the structure. He had received one call that asked them not to rezone this tonight. That was the only complaint or person that had asked him not to vote this proposal. He appreciated the bill of assurance. If the liquor store was to cease operation, then the property should revert back to C-1.

Alderman Trumbo asked if this was new liquor store?

Alderman Davis stated this would be moving Dan's Liquor Store from the corner of Rolling Hills and Hwy 71 to this location.

Mr. Lazenby, applicant, stated he did not want to limit it to just the moving a liquor store. It needed to be just "a liquor store." He was building the building to lease to a liquor store. Right now it was Dan. He had some other inquiries.

Mr. Conklin stated he had received a call from the property owner north of Millennium Subdivision, Mr. Robinson, did call in and express his concern about the rezoning. Mr. Robinson is opposed to the rezoning. He feels that with Visa Health Care down the street and other detox facilities that it was not an appropriate location.

Alderman Davis stated he had received calls from Rich and Dotty Brown. He had heard concerns about the design of the building.

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

*ORDINANCE 4344 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**RZN 01-17.00:** An ordinance approving rezoning request RZN 01-17.00 as submitted by Cynthia Beard and Williams M. Center for property located on the southeast corner of 15<sup>th</sup> Street and Beechwood Avenue. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 12.13 acres. The request is rezone to R-2, Medium Density Residential. The ordinance was left on the first reading at the October 16, 2001, meeting.

**Alderman Santos moved to suspend the rules and go to the second reading. Alderman Davis seconded the motion. Upon roll call the motion passed by a vote of 6-2-0, Jordan and Zurcher voting nay and Mayor Coody voting yea.**

*Mr. Williams read the ordinance for the second time.*

Alderman Jordan stated he had received a petition from that neighborhood of about seventy-five signatures. They did not wish for this to be rezoned. The problem with that area was that the creek would get completely out of its banks. Water would get as far as Eighteenth Street. The people were concerned that if the apartment complex went in there that the water would get into some homes. He knew they were down zoning, but that was not the issue. The issue was that he represented those people in that area. That neighborhood did not want that apartment complex in there. They were concerned about possible flooding and traffic congestion and their quality of life in that neighborhood. These were concerns. If the city could write some sort of contract that would guarantee these people that their homes would not be flooded, he might support this if they would do that. As it stood right now, he could not support this development.

Alderman Davis asked if the developer would be willing to meet with the neighbors.

Mr. Bill McClard, applicant, stated tonight was the first indication that anyone was disappointed with what they were planning to do to this neighborhood. They would be more than happy to meet with the people of the neighborhood and try and explain what they were trying to do.

Alderman Jordan stated on Brooke Street there were homes that were flooding. The point was they were putting in all kinds of new develops, and new development was fine, but there was the possibility that they could be flooding peoples homes. The city was not willing to take responsibility for that flooding. The traffic congestion was going to be another problem.

Mr. McClard agreed to met with the neighbors.

Alderman Santos stated they had ordinances in place. If anybody flooded, it would not have anything to do with this development, if it was developed according to their ordinance. They had the ordinances in place to prevent this kind of thing from happening. He did not believe the flooding fears were founded. He did not believe that if this development was done according to our ordinance, that there was any possibility that they could be adding to the flood risk. They could not



guarantee that there would not be another great flood. This development would not have any impact on whether the great flood came or not. The traffic congestion he found to be silly. Anybody could go out to that intersection and see it was the biggest, emptiest intersection he had ever seen. The infrastructure was already in place.

Mr. McClard stated there were ordinances in place that when they went through large scale they had to have engineering grading that had to be approved. The study had not been made yet. These objections that any project had to go through to make sure that they did not put water onto the neighbors.

Alderman Young stated the neighbors were concerned about flooding. The ordinance addressed it, but if they read the ordinance it just talked about no increased flow onto the neighbors. They had to be very careful about how the ordinance read.

Mr. McClard asked if he was wanting the developer to go back and make sure that no flooding could happen, when it may already exist?

Alderman Young replied no that was not what he was wanting. This was a rezoning. There were two major things that they could consider-flooding and traffic. Whether or not the traffic issue was there, he did not know. He was certain the flooding issue was there. His advice to him was to address the flooding issue, if he wanted to get this rezoning.

Ms. Terry Easton, an area resident, stated she would be a neighbor to this development. What they were discussing at this point in time was a rezoning. They did not know that this development would ever come into being. What they were talking about was a down zoning. No matter who this land was developed by, if it was developed for an industrial usage, they were still going to encounter the same problems if not more problems than what they could encounter if they down zoned the property and worked with this developer to put in a multi-family residential complex, a restaurant and a hotel. She believed these things could be accomplished without affecting the flood plain. She believed this development could move forward without causing flooding problems. She was not opposed to this rezoning. She reminded them that they were considering the rezoning and the development. This was a down zoning and an in-fill project, which was what smart growth was about.

Mr. Allen Gibson, an area resident, stated he was concerned about the wetland and the pollution. He drove through the intersection many times a day. It was busy in the morning and evenings. They were concerned about the traffic. He questioned where the city apartment occupancy stood. Did the city really need more apartments?

Alderman Trumbo stated he was on the University's board for student affairs. Their dorms were at one hundred percent occupancy.

Mr. Gibson stated if the occupancy rate was not over ninety percent he did not see any need for this. All the motels in this area were not filled. There was not a need for another motel. They were concerned about the quality of life and people using their streets to avoid using the large intersection. He was not for this project. He believed his quality of living would go down. Student population would go up. It was an optimum place to make money. He believed if they went for making money rather than the quality of life their children were losing venues around there. They were not going to be able to see a field. He grew up in this town and he had seen the land disappear. It was amazing to him. What were they going to do, have their children walk around on parking lots? He asked if it as necessary.

Alderman Thiel asked if they would prefer to have an industry or factory there.

Mr. Gibson replied absolutely not.

Alderman Thiel stated that was all they were doing was changing the zoning from Industrial to residential. Right now, anybody could go in there and build a factory and any of the things that came in under the industrial zoning.

Mr. Gibson stated that would be unacceptable too.

Mayor Coody stated they would not be able to tell someone that they could not develop the land the way it was zoned. It was zoned Heavy Commercial/Light Industrial now. There were a lot of industries that could move in there tomorrow without having to change the zoning.

Alderman Jordan asked if the Council had the right to appeal the decision of the Planning Commission.

Alderman Young stated it would not be a decision of the Planning Commission. They could get a building permit tomorrow. If it was a large scale development, they would have to go through large scale development.

Mr. Conklin stated with their current zoning they typically saw mini-storage units, warehousing, light manufacturing, used car lots, trailer sales, that type of retail sales. That is the type of development that they have been seeing recently. Industrial looking uses, metal buildings. Their tree ordinance required fifteen percent tree canopy required in I-1 and twenty percent in R-2. They did have more tree preservation with the down zoning. R-2 zoning allowed single family, duplex, triplex, multi-family, up to twenty-four units per acre. The C-2 was going to allow for the hotel. The restaurant was already allowed in the I-1. Looking at the process, they would have to either subdivide it or split it or they could do one large scale development. At minimum, they were going to have to come to the Planning Commission, either for a lot split or a subdivision. If it was larger than one acre they would have to do a large scale development. At that time, it did go through a development review

process. It was a thirty-five day process. It involved three meetings. That was from the first submittal to Planning Commission. At that time, Stormwater, Floodplain, grading, subdivision, zoning, tree preservation, those ordinances would be looked at and the development would have to comply in order to get their development approved at Planning Commission. His feeling in regard to potential uses, C-2 allowed them to enforce their Commercial Design Standards. It did not allow for metal buildings to be constructed. He thought it would be more appropriate to have some type of commercial use than some type of I-1 use, such as mini-storage, warehouse, in that location. As he looked at that corridor he thought it would be beneficial to be able to use their Commercial Design Standards. They did have standards for stormwater retention. They needed to remember that they were looking at land use and how that could develop in the future. Staff had recommended to down zone the property. They would rather see residential, commercial uses rather than metal buildings, warehouse uses or trailer sales.

Alderman Thiel stated if they approved this down zoning, the Council would still have the opportunity to appeal any project offered.

Mr. Conklin replied yes. Tonight they were considering a legislative decision. When they got to the point of developing, and they applied for a large scale development, then the city set out the ordinances they had to meet. They had to instruct the developer how to meet their ordinance. They could not just say no. A rezoning was a policy decision. As staff they had to walk people through a process from start to finish and make sure what their ordinance required. The Planning Commission could not just say "no". They had to make sure they could approve their development, if they do what is required by the ordinance. If they met the ordinances, then their project was approved.

Alderman Zurcher stated if it were economically feasible to build I-1 on that land, that was what would be happening right now. It was a profit motive. He did not believe they were at a risk in having something I-1 develop there.

Mr. Conklin stated that they required the property owner to sign all applications. The property owner had to be willing to sell or rezone the property.

Alderman Zurcher reiterated no one has applied for an application to build on this property in I-1, meaning it was not economically feasible to develop in I-1 or they would have done it. They were saying it was economically feasible to build R-2 here.

Alderman Davis stated they were discussing a rezoning from I-1 to R-2. They had been asked to allow the people who have signed the petition to meet with the developers and to continue this discussion. They needed to decide if they wanted to rezone this tonight or wait. He thought they needed to all them time and table this for two weeks.



Mr. Conklin stated in his office they received at least one phone call a month from someone who wants to develop mini-storage units. They looked at commercially zoned property, which was a conditional use. As the Planning Director, he was not going to support metal storage units in C-2 zones. He would ask them to look for I-1 property.

Mr. Al Vic, an area resident, stated they needed to stop and slow down this type of development. This was not what he called smart growth. This is the developers in total control and no body was going to try and stop it. What ever they could put or enforce upon a quite neighborhood, they were going to do it. It had to stop.

Mayor Coody asked him what he would have them do. Bring them a suggestion. If he were in their shoes what would he do?

Mr. Vic stated he did not know all the legalities, but he did know that other communities have had growth boundaries. They could have ordinances where they had a certain amount of green spaces.

Mayor Coody stated if they wanted this land to be green space, then the city had to buy it. They could not tell land owners that they could not sell their land or that they could not develop it. They did not have the authority to do it. They would have to allow them to develop it in ways that would match their ordinances and the zoning.

Alderman Santos stated their plan did call for this kind of growth. The reason to have an urban growth boundary would be to force people to do this kind of in-fill development because this was what they considered desirable. The infrastructure was already there. This was the desirable kind of development that they wanted. An urban growth boundary would be the thing that would force people to do this kind of development and not prevent them from doing this kind of development.

Mr. Vic stated in-fill could mean different things. It could mean hotels and apartments or single houses on acre lots. People in quite neighborhood should have some property rights. There were huge complexes. He did not believe this was smart growth.

Ms. Easton stated this was a rezoning to bring an R-2 zone next to an already existing R-2 zone. It made more sense to have an R-2 zone next to an R-2 zone than to have an I-1 zone next to an R-2 area. No matter what they believed about the proposed development, it was already a noisy area. It was noisy because of the industrial usages that were forced upon the residents of the area. She asked the Council to support the down zoning. It had nothing to with the developer or what was proposed to be developed on this site. The important part was to get this land down zoned. They may never have an apartment complex on this site. But, they did not want to take the chance of having a concrete company or worse next to this neighborhood.

Ms. Barbara Moorman, an area resident, stated there had not been any extensive discussion on the water. She presented a map of the area illustrating the possible flooding problems. The General Plan mandated that they define and protect areas of significant flood plain. They also had principle number four which stated they were supposed to relate the natural and built environments through community design. The city currently had a contract for a city wide drainage study. The first phase has been completed. That was the drainage manual and ordinance. The second phase was going to be an inventory of the stormwater system. The third phase was a study of the systems water shed. If phases two and three were not finished she did not know how they could ensure anyone of anything. She did not know how they could go on planning new developments, such as this. She thought they should follow their mandate to protect the flood plain. She thought they should postpone doing any developments such as this one until all the studies were done.

*THE ORDINANCE WAS LEFT ON THE SECOND READING.*

**Alderman Santos move that they table the next two items until the next meeting. Alderman Zurcher seconded the motion. Upon roll call the motion carried unanimously.**

**RZN 01-18.00:** An ordinance approving rezoning request RZN 01-18.00 as submitted by Bill McClard of Lindsey and Associates on behalf of Cynthia Beard and William M. Center for property located on the Southwest corner of 15<sup>th</sup> Street and Beechwood Avenue. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 19.39 acres. The request is to rezone to R-2, Medium Density Residential. The ordinance was left on the first reading at the October 16, 2001, meeting.

*THE ORDINANCE WAS TABLED ON THE FIRST READING.*

**RZN 01-19.00:** An ordinance approving rezoning request RZN 01-19.00 as submitted by Bill McClard of Lindsey and Associates on behalf of Cynthia Beard and William M. Center for property located south of 15<sup>th</sup> Street between Beechwood Avenue and Razorback Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 9.86 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the October 16, 2001, meeting.

*THE ORDINANCE WAS TABLED ON THE FIRST READING.*

**REAL AND PERSONAL PROPERTY TAX RATE:** An ordinance adopting the real and personal property tax rates for 2001 for Policemen's Pension and Relief Fund and the Firemen's Pension and Relief Fund. The rate to be adopted is 0.4 mils for real property and 0.4 mils for personal property. There is no millage proposed for general government operations. The ordinance was tabled on the third reading at the October 16, 2001, meeting.

**Alderman Trumbo move that they remove the item from the table. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.**

Mr. Steve Davis, Budget Manager, stated this item had been tabled because there was some uncertainty as to whether the City of Fayetteville would be involved in a roll back as dictated by Amendment 59. The city is not subject to a roll back. The current millage of .4 mils for real and personal property for the Fire and Police Pension fund, there was no impediment from that stand point.

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

*ORDINANCE 4345 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**OFFER AND ACCEPTANCE-RAILROAD R-O-W:** A resolution approving the offer and acceptance contract between the City of Fayetteville and the Arkansas and Missouri Railroad Company for the purchase of 6.58 acres of railroad right-of-way along the east side of railroad right-of-way and the west side of Gregg Avenue from Poplar Street to the four lane south of the new bridge on Mud Creek for a price of \$263,200. Approval includes purchase price and associated closing costs; and the approval of a budget adjustment. The resolution was tabled at the October 16, 2001, meeting.

Alderman Davis stated the Street Committee had addressed this at their October meeting. It had been unanimous that they purchase this. He presented a map illustrating exactly what they were acquiring. The land went from Popular Street to Van Asche.

**Alderman Trumbo moved to approve the resolution. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.**

*RESOLUTION 151-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

Mr. Williams stated there was a separate resolution for the budget adjustment. The total of the budget adjustment was four hundred and ninety-eight thousand one hundred and thirty-four dollars, which included the money for this, plus other projects as listed in the budget adjustment.

Mr. Davis explained the right-of-way street improvements and some park improvements were generally paid for out of sales tax capital improvement funds. In order to purchase this right-of-way they had to make room for this purchase within the sale tax capital improvement fund. They found a water and sewer project that was not needed. That project was Hwy 62 West water line replacement. When the city sold water to Washington Water Authority, they had a large volume of water which would move that pipe line, it had experience frequent breaks. Washington Water Authority had completed their agreement with the two ton loop and had begun buying the majority



of their water from them. It relieved the pressure on the water line on Hwy 62, the breaks have decrease substantially over the last two years and they have concluded that it was not necessary to replace that line now. It may need to be replaced sometime in the future, but it was not needed in the near future. They have money in the sales tax capital improvement fund for the Garland Street water and sewer relocations. The Garland Street improvements are on hold currently pending resolution between the Highway Department, the University, and the School District on improvements to be made on Garland. So they had the opportunity to move the Garland Water and Sewer relocations from sales tax capital improvement fund to the water and sewer fund by reducing the Hwy 62 water line project. If they approved that transaction, then they could add funding for the Gregg Street right-of-way project in the sales tax capital improvement fund as well as add additional money to take advantage of an offer from Motorola to upgrade radio repeater in their radio replacement project, which was a two million dollar public safety/ public works radio system, which would be city wide. It was linked together so that if they needed to have communication between a public works staff member and a public safety member that they had that ability. In order to enhance this radio replacement project, they needed approximately one hundred and twenty seven thousand dollars. It was a repeater that could be done later, but if they did it prior to December 31, the company would give them a thirty thousand dollar price break. An additional project which needed money was Starr Drive. The developer was doing their share of the road improvements. The city needed to do the rest of the improvement so that there would be a consistent street. Additional money was needed for the Sunbridge and Gregg intersection. This intersection project was ready to be bid or implemented as soon as they bought the right-of-way, but it needed a forty-seven thousand dollars more.

Mr. Greg Boettcher, Public Works Director, stated both sides of the street were within the city limits. The developer had to do a half street improvement on their side, while they were improving one lane, the decision was to improve the other lane. Details on that would come to the Council at the next meeting.

**Alderman Davis moved to approve the budget adjustment. Alderman Jordan seconded the motion. Upon roll call the motion carried unanimously.**

*RESOLUTION 152-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*



**NEW BUSINESS**

**ANX 01-3.00:** An ordinance approving annexation request ANX 01-3.00 as submitted by Andy Feinstein on behalf of Don Hendricks and Eric Harper for property located at 4840 Constitution Drive. The request is to annex into the city approximately 8.74 acres currently located in the Planning Area.

*Mr. Williams read the ordinance for the first time.*

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

*Mr. Williams read the ordinance for the second time.*

**Alderman Davis moved to suspend the rules and move to the third and final reading. Alderman Jordan seconded the motion. Upon roll call the motion carried unanimously.**

*Mr. Williams read the ordinance for the third time.*

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

**ORDINANCE 4346 AS RECORDED IN THE OFFICE OF THE CITY CLERK.**

**RZN 01-20.00:** An ordinance approving rezoning request RZN 01-20.00 as submitted by Colleen Pancake for property located at 302 S. Gregg Street. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.16 acres. The request is to rezone to R-S, Residential Small Lot.

*Mr. Williams read the ordinance for the first time.*

Mr. Conklin explained there was one house on this lot. This was zoned I-1 with a residential use. The city was bringing this to them as part of their Community Development Division renovating her house. Due to the nonconforming use status they had to rezone the property. The city is requesting this rezoning and they have waived her fees.

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

*Mr. Williams read the ordinance for the second time.*

**Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Jordan seconded the motion. Upon roll call the motion carried unanimously.**

*Mr. Williams read the ordinance for the third and final time.*

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

*ORDINANCE 4347 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**RZN 01-21.00:** An ordinance approving rezoning request 01-21.00 as submitted by Chris Brackett of Jorgensen and Associates on behalf of Louise Sager and Paul Guisinger for property located west of Shiloh Drive, east of Deane Solomon Road and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 1.02 acres. The request is to rezoned to C-1, Neighborhood Commercial.

*Mr. Williams read the ordinance for the first time.*

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

*Mr. Williams read the ordinance for the second time.*

**Alderman Jordan moved to suspend the rules and move to the third and final time. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.**

*Mr. Williams read the ordinance for the third and final time.*

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

*ORDINANCE 4348 AS RECORDED IN THE OFFICE OF THE CITY CLERK .*

**YARD WASTE SUBSCRIPTION FEE:** An ordinance repealing yard waste subscription fees.

*Mr. Williams read the ordinance for the first time.*

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

*Mr. Williams read the ordinance for the second time.*

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

*Mr. Williams read the ordinance for the third and final time.*

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

*ORDINANCE 4349 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**LIQUOR STORE PERMITS:** A resolution to request that the Alcohol Beverage Commission issue no additional permits for liquor stores within the City of Fayetteville.

Alderman Trumbo stated he was not wanting to place a moratorium on new liquor permits or to inhibit new liquor stores in Fayetteville other than to what the State did, which was one liquor store per four thousand residents. What this resolution asked to ABC Commission was for them to think of Fayetteville as a political subdivision and not as the census that was taken in 2000 for the entire Washington County. The reason for this resolution is to equate in a more equitable manner the amount of liquor permits the city will have going forward for the next ten years. The law was put in place based on the census of Washington County. He wanted to ask the ABC Board to look at applying the one permit per four thousand on the City of Fayetteville's population because they have not been growing as fast as the county. He noted liquor stores were heavily regulated by the State of Arkansas.

Alderman Thiel asked if the five new permits which could be issued were to last between now and the next census in ten years.

Alderman Trumbo replied yes.

Alderman Theil stated the City of Fayetteville was projected to grow. They were limited to five permits in Washington County or if they changed this, no more in Fayetteville. She realized that there was possibly too many right now, but the five new permits were to last them the next ten years. Their population was going to grow. Liquor stores did provide money to the city's coffers.

Alderman Trumbo stated if they added five more stores they would be taking those tax dollars from existing stores and spreading it out.

Sargent Hardy, Juvenile Detective Division, stated he oversaw the alcohol enforcement and the application of ABC alcohol permits. They had far more problems with bars. Liquor stores have been more stable and have created fewer violations than their bars and night clubs.



In response to questions, Mr. Hardy stated if all five permits were to come at one time, it could possibly cause their environment to become unstable. If they were spread over the next ten years it would not be to much of a problem.

Mr. Jay Golesbee, an area resident and business person, stated this was a free enterprise but with regulations. The city regulated the hours that the could operate. He did not see this as limiting competition. All they were asking was that the council consider adopting the same guidelines that the State of Arkansas uses and limit the number of permits to one per every four thousand.

In response to questions, Mr. Golesbee stated if the permits were issued outside of Fayetteville, then it would take sale tax revenue from Fayetteville, but if they were issued in Fayetteville it still would not increase the revenue. It would just redistribute where it came from. There were a lot of areas in the county that were dry. This resolution would limit the number of stores in Fayetteville.

Mr. Dennis Bee stated he was wanting to move his liquor store. His was wanting to serve the community in a different location hopefully on the west side of town.

**Alderman Zurcher moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the motion failed by a vote of 1-6. Trumbo voting yea.**

Meeting adjourned at 8:45p.m.

**INFORMATIONAL ITEMS:**

**GRANT REVIEW:** Review of Arkansas Department of Aeronautics grant request.

**CHAMPIONS OF CHARACTER:** 2000-2001 final report from Champions of Character.

**MINUTES OF A MEETING  
OF THE  
CITY COUNCIL  
NOVEMBER 20, 2001**

A meeting of the Fayetteville City Council will be held on November 20, 2001, at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

**PRESENT:** Mayor Coody, Aldermen Davis, Santos, Jordan, Reynolds, Thiel, Young, Zurcher, and Trumbo, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press, and Audience.

**NOMINATING COMMITTEE REPORT**

**ENVIRONMENTAL CONCERNS COMMITTEE**

Richard L. McMullen-One unexpired Local Industry term ending 06/30/02  
Adrienne Pilmanis-One unexpired Science Discipline term ending 06/30/02  
Karen McSpadden Faupel-One unexpired Community/Citizen-at-Large term ending 06/30/02

**PARKS AND RECREATION ADVISORY BOARD**

Craig T. Mauritsen-One two-year term ending 12/31/03  
Michael E. Hill-One two-year term ending 12/31/03  
Trey Marley-One two-year term ending 12/31/03  
Kristin Pawlik-Holmes-One two-year term ending 12/31/03

**SIDEWALK AND TRAILS ADVISORY COMMITTEE**

Richard C. Covey-One two-year Community/Citizen-at-Large term ending 12/31/03  
Kay Curry-Troutman-One two-year Community/Citizen-at-Large term ending 12/31/03  
Ken Eastin-One two-year Community/Citizen-at-Large term ending 12/31/03  
Laura Kelly-One two-year Community/Citizen-at-Large term ending 12/31/03  
Seajay Crosson-One two-year Community/Citizen-at-Large term ending 12/31/03

**TREE AND LANDSCAPE COMMITTEE**

Bill Dollar-One two-year Business term ending 12/31/03  
Janice C. Ryan-One two-year Service Organization term ending 12/31/03  
Melissa Evans-One two-year Landscape Development term ending 12/31/03  
David Hensley-One two-year University Representative term ending 12/31/03  
Carl M. Thomas, Jr.-One two-year Utility Representative term ending 12/31/03  
J. S. Candy Clark-One unexpired Community/Citizen-at-Large term ending 12/31/02

**YOUTH ADVOCACY COMMITTEE**

Ila Campbell-One full two-year Teacher position term ending 05/31/04  
Sarah Leflar-One full two-year Parent position term ending 05/31/04  
Elizabeth Echols-One full one-year Student position term ending 05/31/03

**Alderman Santos moved to approve the Nominating Committee Report. Alderman Thiel seconded the motion. Upon roll call the motion carried unanimously.**

## **CONSENT**

### **APPROVAL OF THE MINUTES**

**MOTOROLA INC.:** A resolution awarding a contract to Motorola Inc. in the amount of \$125,341.95 to replace and install five new Quantar repeater stations and one conventional repeater at the Mt. Robinson Tower Site and approval of a change order to Phase I of the radio project to allow the replacement of these repeaters, and contingency of \$10,000 to complete Phase I.

*RESOLUTION 153-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**STARR DRIVE:** A resolution approving a cost share with St. Joseph Catholic Church in the amount of \$61,200.00 for the widening of Starr Drive and the associated drainage improvements.

*RESOLUTION 154-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**ADM 01-42.00:** A resolution amending the Planning Area Boundary.

*REMOVED FROM AGENDA.*

**AIRPORT DRAINAGE:** A resolution awarding a bid for the construction of trench drains at Drake Field to John P. Marinoni Construction in the amount of \$41,022.14.

*RESOLUTION 155-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**Alderman Davis moved to approve the Consent Agenda. Alderman Zurcher seconded the motion. Upon roll call the motion carried unanimously.**

## **OLD BUSINESS**

Rezoning requests RZN 01-17.00, 01-18.00, and 01-19.00 were tabled at the November 6, 2001 meeting. The applicant has requested that these items not be heard at the November 20, 2001 meeting, but be brought up at the December 4, 2001 meeting.

## **NEW BUSINESS**

**PUBLIC STREETS:** An ordinance accepting and confirming the dedication of all public streets previously accepted by the Fayetteville Planning Commission.



*Mr. Williams read the ordinance for the first time.*

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

*Mr. Williams read the ordinance for the second time.*

**Alderman Jordan moved to suspend the rules and move to the third and final reading. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.**

*Mr. Williams read the ordinance for the third time.*

Mr. Williams stated this was based on State law which requires that the City accept and confirm any streets dedicated to it. Once they accepted the street they would have to maintain it. They had not done this for a while that was why they were covering all the streets now. In the future as streets came forward they would accept them one at time as they were presented to them.

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

*ORDINANCE 4350 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**ANX 01-4.00:** An ordinance approving annexation request ANX 01-4.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51<sup>st</sup> Street. The request is to annex into the city approximately 30.99 acres located in the Planning Area.

*Mr. Williams read the ordinance for the first time.*

*THE ITEM WAS LEFT ON THE FIRST READING.*

**RZN 01-22.00:** An ordinance approving rezoning request RZN 01-22.00 as submitted by David Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51<sup>st</sup> Street. The property is zoned A-1, Agricultural and contains approximately 30.99 acres. The request is to rezone to R-1, Residential.

*THE ITEM WAS LEFT ON THE FIRST READING.*

**RAZE AND REMOVAL:** An ordinance approving the raze and removal of the property at 352 W. Sycamore as per Ordinance 3948.

*REMOVED FROM AGENDA.*

**SALE OF MUNICIPALLY OWNED REAL PROPERTY:** An ordinance amending Chapter 34: Finance and Revenue, of the Code of Fayetteville, to establish a formal process for the sale of municipally-owned real property.

Mayor Coody suggested forwarding this item to the Ordinance Review Committee.

Alderman Young agreed and asked the City Clerk to reserve a room for this meeting after the agenda session next Tuesday.

**Alderman Zurcher moved to forward the item to the Ordinance Review Committee. Alderman Jordan seconded the motion. Upon roll call the motion carried unanimously.**

Ms. Fran Alexander stated she would like to have some form of public dialogue.

*THE ORDINANCE WAS FORWARDED TO THE ORDINANCE REVIEW COMMITTEE.*

**ARCTIC OIL DRILLING:** A resolution opposing arctic oil drilling.

Alderman Zurcher stated he had brought this forward because he believed it was an important item. In 1998 the city had passed a Tibetan National Independence Day. He was bringing the Arctic resolution forward because there were people living around the Arctic National Wildlife Refuge. They were speaking out and not being heard. They did not have the voice that they should have and they were not being listened to. The US Geological Survey estimated that the oil recovered from the Arctic Refuge would amount to less than a six month supply for the American consumer. By oil industry estimates it could take up to ten years to actually see oil from this project.

Alderman Davis stated he had not had the time to look at the information presented by Mr. Zurcher. He did not know if the facts on the handout were correct or not. He had received numerous calls where people were asking him what they were doing discussing this. They did not believe it to be related to city business. He would be opposing this.

Alderman Zurcher responded that it was their national refuge and it belonged to the citizens. If every city in this State passed a resolution stating they were going to protect this, he believed their elected officials would hear it and they would protect it.

Alderman Davis stated he had no idea what was factual and what was not.

Alderman Zurcher stated that a lot of the information he had received was from conservation groups web sites.



Alderman Santos stated he could support the resolution, however, he had to question why they were discussing this. Were they really helping by discussing this at the city council level. What good did they hope to do and where did they stop. There were a million good things that could have resolution support. Were they representing their constituents? Was it their place?

Alderman Zurcher stated there was a House Bill, HR4, which had now moved on to the US Senate. It was an energy bill. What they were trying to do was to attach this onto any part of the economic stimulus package. He felt it was their place.

**Alderman Santos moved to pass the resolution. Alderman Zurcher seconded the motion.**

Mr. Don Nelms, an area resident, stated he was on the Board of Directors of the Audubon Society in the State of Arkansas. He personally felt very strongly that he would hate to see drilling in this national refuge. His concern was that this would be the first step in drilling in other national parks and refuges. He thought it was important and he did not disagree with the intent of this. He had personally contacted Blanch Lincoln's office. She might be the swing vote. That was the person that they needed to be convincing. He felt this was a bad precedent for the city and that it was a bad idea. He suggested that they stop these things by not voting for this. This was inappropriate. They had a lot of issues in front of this city that needed to be attended to. They had a specific job and in order to accomplish things they needed to be focused. They needed to focus on the things that they could really do something about. They needed to do everything that they could within their own personal power first.

Alderman Thiel stated she was in agreement with Alderman Zurcher, but it was inappropriate for them to advocate a position on this. They were elected to represent citizens of Fayetteville and she did not know if they would be doing that if they voted for this. She thought it would be appropriate for them to ask citizens to advocate their positions. She had only heard from two people today and both of them were opposed to this for totally different reasons.

Alderman Zurcher stated having worked with Blanch Lincoln was that she did not respond to grass roots encouragement. What she responds to most was grass tops, important people. That was why he felt the City Council's vote was so important. In Arkansas they tended to not see beyond their own noses. These issues did affect them and until we realized that we would remain a State that was behind in on a lot of lists. Progress was going to be slow until they could grasp the big picture.

**Upon roll call the motion failed by a vote of 4-4-1. Davis, Reynolds, Thiel, and Trumbo voting nay. Mayor Coody abstaining.**

#### **HIRING FREEZE**

**Alderman Young moved to suspend the rules and to add a new item to the agenda. Alderman**



**Jordan seconded the motion. Upon roll call the motion carried unanimously.**

Alderman Trumbo read the resolution to freeze the number of employees at the current level until the city could balance their budget.

Mr. Williams stated there are three officers which had been authorized by the City Council, but were not on the pay roll. It was his understanding that if there was a staff position which was already budgeted and approved that would fall within this resolution, therefore the Police Department would still be able to hire those individuals.

Alderman Young asked if this only applied to the Police Department and were there any others in the city like this one.

Mr. Williams stated he thought those were the only staff positions that have not had someone in them previously.

Alderman Thiel asked what they meant by previous authorized.

Mr. Williams replied they were authorized and funded.

Alderman Davis asked if Alderman Young's concern was that in April or May they had approved some hiring and not all of those positions were filled yet. Was he not wanting anyone to accept those positions.

Alderman Young replied yes, that was one of the things on his mind. He suggesting a staffing freeze, then if someone left and it was necessary to fill it, then it would be brought back to the Council to replace them.

Alderman Santos stated he would like it. He quoted from the resolution, "number of city employees will not increase from existing levels until the City of Fayetteville must no longer use its reserves to pay its expenses".

Mayor Coody stated every week they had people coming and going. So every two weeks they would be bringing to them a dozen or so entry level positions.

Alderman Young stated that might spotlight some of the problems in the city, if they had that many people coming and going.

Mayor Coody stated he had sent out a memo stating they were not going to increase the number of Full Time Equivalent positions.

Alderman Young stated the Engineering position was not an entry level position. One of the discussions they had a couple of weeks ago was laying people off. Did they want to do that or did they want to question when people left if they needed to replace them. That seemed to be easier to him than to lay people off.

Alderman Jordan stated he had been through three hiring freezes at the University. When they did a hiring freeze, when that position becomes vacant, it stayed vacant. They then made the decision on whether that position is essential or not. If they did not feel that it was essential then it did not get filled. He agreed with Cyrus on this that if someone left then they needed to look at that position to see if it was essential, then they could take a vote and make decision. That was better than laying off people. He would not support people losing their jobs.

Mayor Coody stated he did not support anyone losing their job. They were in the middle of their budget process now. They were eliminating three positions. In 2002 they should have fewer positions than they do now. They had planned to leave some of the positions vacant. They have already de-funded them. They were going to leave them vacant.

Alderman Young stated that matched what he said. They needed to just do the first sentence. "Staffing Freeze".

Mr. Williams stated what they did with the budget was that they authorized a certain amount of money to be spent and they authorized the number of positions. It was the mayor and his staff that through the years hires people to replace people that leave. That was the mayor's position. The mayor was to be the executive of the city. The resolution that was presented, stated that they could not have more employees than they have now. They were not going to grow their employees any more. That was a very appropriate thing for this City Council to do. That was a legislative policy decision. How that decision is executed was the mayor's job. The Council needed to set limits, but not over step their boundaries.

Alderman Young stated they thought they had a hiring freeze in August, but more people have been hired. What was the deal?

Mr. Williams stated those positions had been previously authorized by the City Council.

Alderman Young stated he was playing with words, were they going to have a hiring freeze or not.

Mayor Coody proposed that they keep 646 full-time equivalents for next year. Between 1992 and 2001 the City of Fayetteville had hired 248 new employees and the Council approved every one of them. If they would let them try and paring this number down and be financially responsible. They wanted to take the existing number and try and reduce it and not increase it.

Alderman Reynolds stated the mayor needs to be able to hire hourly employees to run the city. If they wanted to freeze salaried employees, then they needed to do that. If they needed drivers down in Solid Waste, they needed them in two hours and not two weeks. If they wanted to put a freeze on the mayor hiring salaried employees then that was what they needed to state and go on with this thing.

**Alderman Santos stated he did not believe that it mattered if they were hourly or salaried. He thought they could keep all the wording in the resolution. Which stated, "replacement employees may be hired to replace departing or retiring employees but no new staff position can be filled even if the staff position was previous authorized. It was the intent of the city council that employees will be terminated because of budget problems, but also that the number of city employee from existing levels *without city council approval* until the City of Fayetteville must no longer use its reserves to pay for expenses. That way the administration could continue to operate to replace people who depart or retire, but to add any new position would require city council approval.**

**Alderman Young asked if he was going to make that a motion.**

**Alderman Santos replied yes. Alderman Young seconded. They were going to stay where they were at, they were not going to add any new positions. They would replace people in existing positions. If they needed to add a new position, they would have to justify it to the council. Upon roll call the amendment passed unanimously.**

**Alderman Davis moved to approve the resolution. Alderman Santos seconded. Upon roll call the motion carried unanimously.**

***RESOLUTION 156-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.***

**SOLID WASTE:** Discussion of Recycling / Solid Waste Program evaluation and recommended system improvements.

Mr. Gary Dumas, Utility Services Director, gave a power point presentation on solid waste system recommended system improvements. He stated the Fleet was aging and was ready for replacement. The decision they made on the fleet was going to affect how they handled residential solid waste for the next decade or so. His perception was that there was a need to improve the volume based program. That was the entire premise of this concept. Secondly, there was a need to address escalating workman's compensation. What they were trying to do was to address the turnover on the residential trash side. The drivers and route workers turn over quickly. The commercial side, where the workers primarily drive a truck, they were paid a liveable wage. It was not back breaking work. They had some very long term employees there. They were trying to create that on the residential side also. They were also trying to address the rising cost of trash. They had to find ways



to minimize the rising cost of labor, medical expenses and equipment expenses. The options they had were to continue the operations that they had now and modify the existing volume based program by selling the trash bags at retail. Or they could go to an automated cart program. They could also expand the revenue generating capabilities of the system. He explained the difference between their existing manual system and their proposed automated system. He discussed their current rate structure and several other options which had been presented in their rate study. He also presented the results of their cart pilot program, which had been successful. He explained they were considering several new operations such as the roll-off compactor container for the larger commercial businesses and industries. They were currently unable to provide previously. Most cities don't provide that service, but they did have the equipment to service them at the transfer station. They could easily move into this on a gradual bases. It could build a very important revenue stream. He presented graphs and charts illustrating the difference between the current system and the proposed cart system.

Alderman Davis requested that they look at this at the last meeting in December to give people time to look over the information.

The meeting adjourned at 8:45 p.m.

STAFF REVIEW FORM

☒ AGENDA REQUEST  
☒ CONTRACT REVIEW  
☐ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001

FROM:

Paul Libertini  
Name

Engineering  
Division

Public Works  
Department

**ACTION REQUIRED:** Award a construction contract to *Mobley Contractors, Inc.* in the amount of \$241,627.00 (contingent upon receiving an easement or right-of-way from the Arkansas & Missouri Railroad), approve funding of \$30,000.00 for project contingency and of \$3,000.00 for materials testing for the project entitled "Sunbridge Drive & Gregg Avenue Intersection Improvements", and approve the attached Budget Adjustment.

COST TO CITY:

\$274,627  
Cost of this Request

\$ 376,496  
Category/Project Budget

Street ROW/Intersection/Cost Sharing  
Category/Project Name

4470-9470-5809.00  
Account Number

\$ 120,496  
Funds Used To Date

Street Improvements  
Program Name

98033  
Project Number

\$ 256,000  
Remaining Balance

Sales Tax  
Fund

BUDGET REVIEW:

☒ Budgeted Item

☒ Budget Adjustment Attached (to be furnished)

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: \_\_\_\_\_

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Approval of the action items listed above.

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes ☒ No ☐

Administrative Services Director

Date

Prev Ord/Res #: \_\_\_\_\_

Mayor

Date

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_



## **DEPARTMENTAL CORRESPONDENCE**

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To: Fayetteville City Council

Thru: Mayor Dan Coody  
Greg Boettcher, Public Works Director  
Jim Beavers, City Engineer

From: Paul Libertini, Staff Engineer

Date: December 12, 2001

Re: **Agenda Request, Council Meeting of December 18, 2001**  
**Sunbridge Drive & Gregg Avenue Intersection Improvements**

1. Staff Recommendation: Staff recommends that the City Council award a construction contract to **Mobley Contractors, Inc.** in the amount of \$241,627.00 (contingent upon receiving an easement or right-of-way from the Arkansas & Missouri Railroad), approve funding for project contingency and materials testing, and approve the attached Budget Adjustment for the project entitled "Sunbridge Drive & Gregg Avenue Intersection Improvements".

2. Project Background: This intersection improvement will add a southbound left turn lane on Gregg Avenue (State Highway 180), a northbound right turn lane on Gregg Avenue & a westbound right turn lane on Sunbridge Drive. A traffic study was performed by AHTD and the results showed that this intersection met the warrants for signalization. Therefore, the Engineering Division utilized in-house design staff to develop two sets of construction plans (Signalization Plans & Intersection Improvement Plans) to submit to AHTD for their approval and permitting. The City Traffic Division will install the traffic signal utilizing in-house forces. The proposed right-of-way purchase from Arkansas & Missouri Railroad for the future widening of Gregg Avenue will allow the signal poles on the west side of Gregg Avenue to be set far enough back so that the poles will not have to be relocated in the future Gregg Avenue widening project, while at the same time providing for better highway safety for the subject intersection improvement project.

3. Estimated Project Costs: Bids were opened Thursday, November 29<sup>th</sup>, 2001. The engineer has reviewed the bids and recommends awarding the contract to the low bidder, Mobley Contractors, Inc. in the amount of \$ 241,626.92 which is approximately 5% above the engineer's estimate. The estimated total project costs including contingency monies for unforeseen project expenditures are as follows:

|                                          |                    |
|------------------------------------------|--------------------|
| Sunbridge Drive & Gregg Avenue           |                    |
| Intersection Improvements                | \$ 241,627.00      |
| Project contingency ( $\approx 12.4\%$ ) | \$ 30,000.00       |
| <u>Materials testing</u>                 | <u>\$ 3,000.00</u> |
| Total                                    | \$ 274,627.00      |

4. Project Funding: This project will require a Budget Adjustment to move the remaining balance of \$18,756 from Project #97025, Intersection Improvements, to this Project #98033, Street ROW/Intersection/Cost Sharing.



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION TO APPROVE A CONTRACT  
WITH THE AREA AGENCY ON AGING FOR  
THE ELDERLY TAXI PROGRAM

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the contract attached as Exhibit "A" with the Area Agency on Aging to accept \$4,000.00 for the Elderly Taxi Program and performing all requirements placed upon the city in that contract including paragraph 33 entitled Risk Management Assurances and hereby authorized and directs the Mayor to sign this contract.

PASSED and APPROVED this the 18<sup>th</sup> day of December, 2001.

APPROVED:

By: \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Heather Woodruff, City Clerk

# FAYETTEVILLE



THE CITY OF FAYETTEVILLE, ARKANSAS

CITY ATTORNEY DIVISION  
113 WEST MOUNTAIN, 72701  
PHONE: 501-575-8313  
FAX: 501-575-8315

**Kit Williams**  
CITY ATTORNEY

December 12, 2001

Honorable Fred C. Kirkpatrick  
P.O. Box 58  
Harrison, AR 72601

By FAX: (870) 741-2515

RE: Elderly Taxi Program

Dear Fred:

The Fayetteville City Council has decided to approve your proffered contract as written. Attached is the Resolution which should be officially approved at our next regular City Council meeting of December 18, 2001. The Mayor and Clerk should sign and witness it the next day, December 19th.

Please send us the contract (hopefully already signed by your client) so we can get a fully executed copy back to you promptly. Please let me know if you have any questions or concerns about getting the contract signed in this manner and time format.

With kindest regards,

Kit Williams  
Fayetteville City Attorney

KW/jh

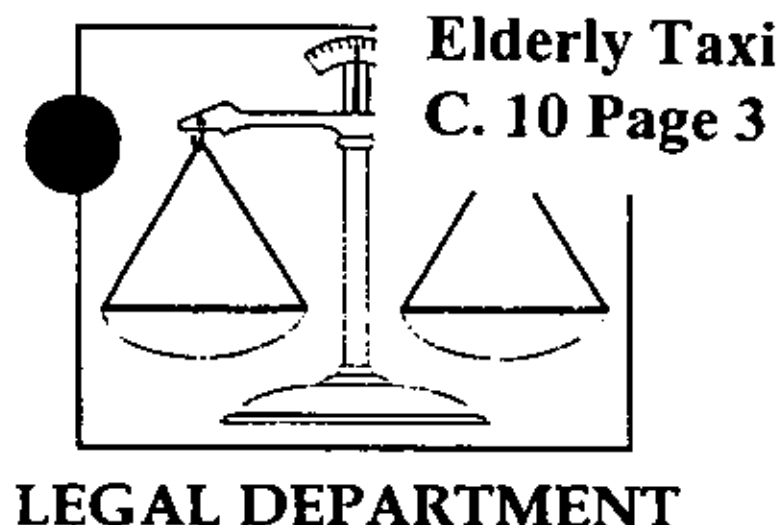
Enclosure  
cc: Dan Coody, Mayor

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



## DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor  
City Council Members

FROM: Kit Williams, City Attorney

A handwritten signature in dark ink, appearing to be "Kit Williams", with a long horizontal line extending to the right.

DATE: December 7, 2001

RE: Elderly Taxi Program

The Area Agency on Aging has long provided modest support for the Elderly Taxi Program. This very cost effective and worthwhile program subsidizes taxi fare for elderly/poor persons without vehicles. I strongly supported this when I served as an Alderman and still do.

However, upon reviewing the proposed contract sent by AAA so that Fayetteville could receive and pass on the \$4,000.00 distribution, I came upon a section entitled "Risk Management Assurance."

I am not aware of any suits against anybody as a result of the Elderly Taxi Program. However, I did not like the fact that this provision required the City to pay for all of the Area Agency on Aging expenses (including attorney fees) and costs to settle or pay all claims even if those claims were only against the Area Agency on Aging. So even if we were immune from suit and had done nothing wrong, this provision would require us to pay legal costs and any judgment if AAA had done something wrong that caused it to be sued.



I notified Hugh Earnest of my concern by departmental memo on August 10, 2001. With his concurrence I faxed and wrote Mr. Jerry Mitchell, Executive Director of the Area Agency on Aging on September 14 and told him of my concerns (copy enclosed).

A couple of weeks later Mr. Mitchell called me and asked that I submit substitute language. I did so by letter and fax of September 28 (copy enclosed). I have heard no response.

About November 20, 2001, Elaine Walker of the Northwest Arkansas Regional Planning Commission called me and asked about the problem. I wrote her with the details in my letter of November 20<sup>th</sup> (enclosed).

I just received the enclosed letter from Fred C. Kirkpatrick as counsel for the Area Agency on Aging. If we do not accept Chapter 33 Risk Management Assurances as written (copy enclosed), by December 14, they will distribute the \$4,000.00 ear-marked for Fayetteville to Springdale and Harrison.

I need to know whether the City Council and Mayor desire to enter into this contract as written to receive the \$4,000.00 for our elderly taxi program. I am not aware of any litigation or claims from this program in the past so I estimate the chance of future litigation is low. However, if the city or AAA could be found negligent or liable for the negligence of a taxi paid through this program, a potential judgment could be very large.

I will inquire at the Agenda Session what you wish to do. One way or another, we need to fund the Elderly Taxi Program which is desperately needed and appreciated by many Fayetteville citizens.

**MINUTES OF A MEETING  
OF THE  
CITY COUNCIL  
NOVEMBER 6, 2001**

A meeting of the Fayetteville City Council was held on November 6, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**PRESENT:** Mayor Coody, Aldermen, Trumbo, Davis, Santos, Jordan, Thiel, Young and Zurcher, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press, and Audience.

**ABSENT:** Alderman Reynolds.

**FIRST NIGHT:** Annual presentation from First Night.

Ms. Toby Kaufman, First Night, gave a presentation explaining their program and their outreach programs to reach different segments of the community.

Ms. Vena Pesero thanked the city for their participation and expressed her feeling about how First Night brought multi-cultural people together with their different programs.

Phil and Glenda expressed the need for the community to join together provide an environment without substance abuse or violence and encourage community events which encouraged healthy lifestyle choices and opportunities for community involvement and opportunity to develop community pride and a sense of community belonging.

Representative from the Boys and Girls Club stated this was their second year for their club members to be involved in First Night. It was a good learning opportunity for the children to be creative and to show off the work that they have done.

A student representative from the University stated First Night provided a non-alcoholic event for University people and a good opportunity for them to become involved in their community.

John Roanack thanked the Council for their participation and stated they had been able to keep the cost of the buttons to twelve dollars. Children under six are admitted free. They also presented several free community activities such as the starlight procession, the parade, creation corner, and the fireworks display. They also gave away buttons to low income families, at risk youth, and disabled students. The first year they had been able to give away thousands of buttons. The second year over fifteen hundred. Last year almost two thousand. This year they hoped to give away over two thousand buttons. He encouraged them to continue their support in the future.

Dr. David Williams thanked the council for their support. They helped with substance abuse, prevention and helping kids develop constructive alternative lifestyles. They helped them with the arts and to bond people from every walk of life together. They helped them transform a community celebration into something wonderful and positive. It was becoming a great winter festival.

**NOMINATING COMMITTEE:** Appointment of Gary E. Garton to the Fayetteville Housing Authority.

Alderman Santos moved to approve the nominee. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

**CONSENT**

**APPROVAL OF THE MINUTES**

**LIBRARY:** A resolution approving Amendment No. 9 to the contract with Meyer, Scherer and Rockcastle LTD in the amount of \$36,970 for completion of the design, documentation, engineering and construction observations services for off-site utilities work for the new Fayetteville Public Library at 401 W. Mountain; and approval of a budget adjustment.

*RESOLUTION 147-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**WILSON PARK TENNIS COURTS:** A resolution approving a contract with John P. Marinoni Construction for the renovation of the Wilson Park tennis courts in the amount of \$174,716, plus a ten percent project contingency of \$17,470 for a total cost of \$192,186.

*RESOLUTION 148-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**TRASH BAGS:** A resolution authorizing the purchase of up to 682,672 purple residential trash bags from Phoenix Recycling in the amount of \$82,419 or \$0.1311 per bag to complete annual budgeted purchase of volume based residential trash bags.

*RESOLUTION 149-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**DBE PROGRAM UPDATE:** A resolution accepting and approving the updated DBE participation goal for 2002.

*RESOLUTION 150-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

Alderman Thiel stated on page twenty-two of the minutes at the bottom, "this action was intended to shut down the track." It should read, "this action was *not* intended to shut down the tract."

Alderman Davis moved to approve the Consent Agenda. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.



## **OLD BUSINESS**

**RZN 01-16.00:** An ordinance approving rezoning request RZN 01-16.00 as submitted by Ronnie Ball on behalf of William Lazenby for property located at the southwest corner of Millennium Drive and Crossover. The property is zoned C-1, Neighborhood Commercial and contains approximately 0.70 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the second reading at the October 16, 2001, meeting.

*Mr. Williams read the ordinance.*

Mr. Williams stated a bill of assurance had been offered by the owner. The rezoning would be done the condition of accepting the bill of assurance. He read, "the use of the petitioners property shall be limited to the uses in C-1, plus a liquor store." It could only be used for a liquor store that was required in C-2.

Alderman Davis thanked Tim for the drawings of the structure. He had received one call that asked them not to rezone this tonight. That was the only complaint or person that had asked him not to vote this proposal. He appreciated the bill of assurance. If the liquor store was to cease operation, then the property should revert back to C-1.

Alderman Trumbo asked if this was new liquor store?

Alderman Davis stated this would be moving Dan's Liquor Store from the corner of Rolling Hills and Hwy 71 to this location.

Mr. Lazenby, applicant, stated he did not want to limit it to just the moving a liquor store. It needed to be just "a liquor store." He was building the building to lease to a liquor store. Right now it was Dan. He had some other inquiries.

Mr. Conklin stated he had received a call from the property owner north of Millennium Subdivision, Mr. Robinson, did call in and express his concern about the rezoning. Mr. Robinson is opposed to the rezoning. He feels that with Visa Health Care down the street and other detox facilities that it was not an appropriate location.

Alderman Davis stated he had received calls from Rich and Dotty Brown. He had heard concerns about the design of the building.

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

***ORDINANCE 4344 AS RECORDED IN THE OFFICE OF THE CITY CLERK.***

**RZN 01-17.00:** An ordinance approving rezoning request RZN 01-17.00 as submitted by Cynthia Beard and Williams M. Center for property located on the southeast corner of 15<sup>th</sup> Street and Beechwood Avenue. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 12.13 acres. The request is rezone to R-2, Medium Density Residential. The ordinance was left on the first reading at the October 16, 2001, meeting.

**Alderman Santos moved to suspend the rules and go to the second reading. Alderman Davis seconded the motion. Upon roll call the motion passed by a vote of 6-2-0, Jordan and Zurcher voting nay and Mayor Coody voting yea.**

*Mr. Williams read the ordinance for the second time.*

Alderman Jordan stated he had received a petition from that neighborhood of about seventy-five signatures. They did not wish for this to be rezoned. The problem with that area was that the creek would get completely out of its banks. Water would get as far as Eighteenth Street. The people were concerned that if the apartment complex went in there that the water would get into some homes. He knew they were down zoning, but that was not the issue. The issue was that he represented those people in that area. That neighborhood did not want that apartment complex in there. They were concerned about possible flooding and traffic congestion and their quality of life in that neighborhood. These were concerns. If the city could write some sort of contract that would guarantee these people that their homes would not be flooded, he might support this if they would do that. As it stood right now, he could not support this development.

Alderman Davis asked if the developer would be willing to meet with the neighbors.

Mr. Bill McClard, applicant, stated tonight was the first indication that anyone was disappointed with what they were planning to do to this neighborhood. They would be more than happy to meet with the people of the neighborhood and try and explain what they were trying to do.

Alderman Jordan stated on Brooke Street there were homes that were flooding. The point was they were putting in all kinds of new develops, and new development was fine, but there was the possibility that they could be flooding peoples homes. The city was not willing to take responsibility for that flooding. The traffic congestion was going to be another problem.

Mr. McClard agreed to met with the neighbors.

Alderman Santos stated they had ordinances in place. If anybody flooded, it would not have anything to do with this development, if it was developed according to their ordinance. They had the ordinances in place to prevent this kind of thing from happening. He did not believe the flooding fears were founded. He did not believe that if this development was done according to our ordinance, that there was any possibility that they could be adding to the flood risk. They could not

guarantee that there would not be another great flood. This development would not have any impact on whether the great flood came or not. The traffic congestion he found to be silly. Anybody could go out to that intersection and see it was the biggest, emptiest intersection he had ever seen. The infrastructure was already in place.

Mr. McClard stated there were ordinances in place that when they went through large scale they had to have engineering grading that had to be approved. The study had not been made yet. These objections that any project had to go through to make sure that they did not put water onto the neighbors.

Alderman Young stated the neighbors were concerned about flooding. The ordinance addressed it, but if they read the ordinance it just talked about no increased flow onto the neighbors. They had to be very careful about how the ordinance read.

Mr. McClard asked if he was wanting the developer to go back and make sure that no flooding could happen, when it may already exist?

Alderman Young replied no that was not what he was wanting. This was a rezoning. There were two major things that they could consider-flooding and traffic. Whether or not the traffic issue was there, he did not know. He was certain the flooding issue was there. His advice to him was to address the flooding issue, if he wanted to get this rezoning.

Ms. Terry Easton, an area resident, stated she would be a neighbor to this development. What they were discussing at this point in time was a rezoning. They did not know that this development would ever come into being. What they were talking about was a down zoning. No matter who this land was developed by, if it was developed for an industrial usage, they were still going to encounter the same problems if not more problems than what they could encounter if they down zoned the property and worked with this developer to put in a multi-family residential complex, a restaurant and a hotel. She believed these things could be accomplished without affecting the flood plain. She believed this development could move forward without causing flooding problems. She was not opposed to this rezoning. She reminded them that they were considering the rezoning and the development. This was a down zoning and an in-fill project, which was what smart growth was about.

Mr. Allen Gibson, an area resident, stated he was concerned about the wetland and the pollution. He drove through the intersection many times a day. It was busy in the morning and evenings. They were concerned about the traffic. He questioned where the city apartment occupancy stood. Did the city really need more apartments?

Alderman Trumbo stated he was on the University's board for student affairs. Their dorms were at one hundred percent occupancy.



Mr. Gibson stated if the occupancy rate was not over ninety percent he did not see any need for this. All the motels in this area were not filled. There was not a need for another motel. They were concerned about the quality of life and people using their streets to avoid using the large intersection. He was not for this project. He believed his quality of living would go down. Student population would go up. It was an optimum place to make money. He believed if they went for making money rather than the quality of life their children were losing venues around there. They were not going to be able to see a field. He grew up in this town and he had seen the land disappear. It was amazing to him. What were they going to do, have their children walk around on parking lots? He asked if it as necessary.

Alderman Thiel asked if they would prefer to have an industry or factory there.

Mr. Gibson replied absolutely not.

Alderman Thiel stated that was all they were doing was changing the zoning from Industrial to residential. Right now, anybody could go in there and build a factory and any of the things that came in under the industrial zoning.

Mr. Gibson stated that would be unacceptable too.

Mayor Cocdy stated they would not be able to tell someone that they could not develop the land the way it was zoned. It was zoned Heavy Commercial/Light Industrial now. There were a lot of industries that could move in there tomorrow without having to change the zoning.

Alderman Jordan asked if the Council had the right to appeal the decision of the Planning Commission.

Alderman Young stated it would not be a decision of the Planning Commission. They could get a building permit tomorrow. If it was a large scale development, they would have to go through large scale development.

Mr. Conklin stated with their current zoning they typically saw mini-storage units, warehousing, light manufacturing, used car lots, trailer sales, that type of retail sales. That is the type of development that they have been seeing recently. Industrial looking uses, metal buildings. Their tree ordinance required fifteen percent tree canopy required in I-1 and twenty percent in R-2. They did have more tree preservation with the down zoning. R-2 zoning allowed single family, duplex, triplex, multi-family, up to twenty-four units per acre. The C-2 was going to allow for the hotel. The restaurant was already allowed in the I-1. Looking at the process, they would have to either subdivide it or split it or they could do one large scale development. At minimum, they were going to have to come to the Planning Commission, either for a lot split or a subdivision. If it was larger than one acre they would have to do a large scale development. At that time, it did go through a development review



process. It was a thirty-five day process. It involved three meetings. That was from the first submittal to Planning Commission. At that time, Stormwater, Floodplain, grading, subdivision, zoning, tree preservation, those ordinances would be looked at and the development would have to comply in order to get their development approved at Planning Commission. His feeling in regard to potential uses, C-2 allowed them to enforce their Commercial Design Standards. It did not allow for metal buildings to be constructed. He thought it would be more appropriate to have some type of commercial use than some type of I-1 use, such as mini-storage, warehouse, in that location. As he looked at that corridor he thought it would be beneficial to be able to use their Commercial Design Standards. They did have standards for stormwater retention. They needed to remember that they were looking at land use and how that could develop in the future. Staff had recommended to down zone the property. They would rather see residential, commercial uses rather than metal buildings, warehouse uses or trailer sales.

Alderman Thiel stated if they approved this down zoning, the Council would still have the opportunity to appeal any project offered.

Mr. Conklin replied yes. Tonight they were considering a legislative decision. When they got to the point of developing, and they applied for a large scale development, then the city set out the ordinances they had to meet. They had to instruct the developer how to meet their ordinance. They could not just say no. A rezoning was a policy decision. As staff they had to walk people through a process from start to finish and make sure what their ordinance required. The Planning Commission could not just say "no". They had to make sure they could approve their development, if they do what is required by the ordinance. If they met the ordinances, then their project was approved.

Alderman Zurcher stated if it were economically feasible to build I-1 on that land, that was what would be happening right now. It was a profit motive. He did not believe they were at a risk in having something I-1 develop there.

Mr. Conklin stated that they required the property owner to sign all applications. The property owner had to be willing to sell or rezone the property.

Alderman Zurcher reiterated no one has applied for an application to build on this property in I-1, meaning it was not economically feasible to develop in I-1 or they would have done it. They were saying it was economically feasible to build R-2 here.

Alderman Davis stated they were discussing a rezoning from I-1 to R-2. They had been asked to allow the people who have signed the petition to meet with the developers and to continue this discussion. They needed to decide if they wanted to rezone this tonight or wait. He thought they needed to all them time and table this for two weeks.

Mr. Conklin stated in his office they received at least one phone call a month from someone who wants to develop mini-storage units. They looked at commercially zoned property, which was a conditional use. As the Planning Director, he was not going to support metal storage units in C-2 zones. He would ask them to look for I-1 property.

Mr. Al Vic, an area resident, stated they needed to stop and slow down this type of development. This was not what he called smart growth. This is the developers in total control and no body was going to try and stop it. What ever they could put or enforce upon a quite neighborhood, they were going to do it. It had to stop.

Mayor Coody asked him what he would have them do. Bring them a suggestion. If he were in their shoes what would he do?

Mr. Vic stated he did not know all the legalities, but he did know that other communities have had growth boundaries. They could have ordinances where they had a certain amount of green spaces.

Mayor Coody stated if they wanted this land to be green space, then the city had to buy it. They could not tell land owners that they could not sell their land or that they could not develop it. They did not have the authority to do it. They would have to allow them to develop it in ways that would match their ordinances and the zoning.

Alderman Santos stated their plan did call for this kind of growth. The reason to have an urban growth boundary would be to force people to do this kind of in-fill development because this was what they considered desirable. The infrastructure was already there. This was the desirable kind of development that they wanted. An urban growth boundary would be the thing that would force people to do this kind of development and not prevent them from doing this kind of development.

Mr. Vic stated in-fill could mean different things. It could mean hotels and apartments or single houses on acre lots. People in quite neighborhood should have some property rights. There were huge complexes. He did not believe this was smart growth.

Ms. Easton stated this was a rezoning to bring an R-2 zone next to an already existing R-2 zone. It made more sense to have an R-2 zone next to an R-2 zone than to have an I-1 zone next to an R-2 area. No matter what they believed about the proposed development, it was already a noisy area. It was noisy because of the industrial usages that were forced upon the residents of the area. She asked the Council to support the down zoning. It had nothing to with the developer or what was proposed to be developed on this site. The important part was to get this land down zoned. They may never have an apartment complex on this site. But, they did not want to take the chance of having a concrete company or worse next to this neighborhood.



Ms. Barbara Moorman, an area resident, stated there had not been any extensive discussion on the water. She presented a map of the area illustrating the possible flooding problems. The General Plan mandated that they define and protect areas of significant flood plain. They also had principle number four which stated they were supposed to relate the natural and built environments through community design. The city currently had a contract for a city wide drainage study. The first phase has been completed. That was the drainage manual and ordinance. The second phase was going to be an inventory of the stormwater system. The third phase was a study of the systems water shed. If phases two and three were not finished she did not know how they could ensure anyone of anything. She did not know how they could go on planning new developments, such as this. She thought they should follow their mandate to protect the flood plain. She thought they should postpone doing any developments such as this one until all the studies were done.

*THE ORDINANCE WAS LEFT ON THE SECOND READING.*

**Alderman Santos move that they table the next two items until the next meeting. Alderman Zurcher seconded the motion. Upon roll call the motion carried unanimously.**

**RZN 01-18.00:** An ordinance approving rezoning request RZN 01-18.00 as submitted by Bill McClard of Lindsey and Associates on behalf of Cynthia Beard and William M. Center for property located on the Southwest corner of 15<sup>th</sup> Street and Beechwood Avenue. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 19.39 acres. The request is to rezone to R-2, Medium Density Residential. The ordinance was left on the first reading at the October 16, 2001, meeting.

*THE ORDINANCE WAS TABLED ON THE FIRST READING.*

**RZN 01-19.00:** An ordinance approving rezoning request RZN 01-19.00 as submitted by Bill McClard of Lindsey and Associates on behalf of Cynthia Beard and William M. Center for property located south of 15<sup>th</sup> Street between Beechwood Avenue and Razorback Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 9.86 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the October 16, 2001, meeting.

*THE ORDINANCE WAS TABLED ON THE FIRST READING.*

**REAL AND PERSONAL PROPERTY TAX RATE:** An ordinance adopting the real and personal property tax rates for 2001 for Policemen's Pension and Relief Fund and the Firemen's Pension and Relief Fund. The rate to be adopted is 0.4 mils for real property and 0.4 mils for personal property. There is no millage proposed for general government operations. The ordinance was tabled on the third reading at the October 16, 2001, meeting.

**Alderman Trumbo move that they remove the item from the table. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.**

Mr. Steve Davis, Budget Manager, stated this item had been tabled because there was some uncertainty as to whether the City of Fayetteville would be involved in a roll back as dictated by Amendment 59. The city is not subject to a roll back. The current millage of .4 mils for real and personal property for the Fire and Police Pension fund, there was no impediment from that stand point.

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

*ORDINANCE 4345 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**OFFER AND ACCEPTANCE-RAILROAD R-O-W:** A resolution approving the offer and acceptance contract between the City of Fayetteville and the Arkansas and Missouri Railroad Company for the purchase of 6.58 acres of railroad right-of-way along the east side of railroad right-of-way and the west side of Gregg Avenue from Poplar Street to the four lane south of the new bridge on Mud Creek for a price of \$263,200. Approval includes purchase price and associated closing costs; and the approval of a budget adjustment. The resolution was tabled at the October 16, 2001, meeting.

Alderman Davis stated the Street Committee had addressed this at their October meeting. It had been unanimous that they purchase this. He presented a map illustrating exactly what they were acquiring. The land went from Popular Street to Van Asche.

**Alderman Trumbo moved to approve the resolution. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.**

*RESOLUTION 151-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

Mr. Williams stated there was a separate resolution for the budget adjustment. The total of the budget adjustment was four hundred and ninety-eight thousand one hundred and thirty-four dollars, which included the money for this, plus other projects as listed in the budget adjustment.

Mr. Davis explained the right-of-way street improvements and some park improvements were generally paid for out of sales tax capital improvement funds. In order to purchase this right-of-way they had to make room for this purchase within the sale tax capital improvement fund. They found a water and sewer project that was not needed. That project was Hwy 62 West water line replacement. When the city sold water to Washington Water Authority, they had a large volume of water which would move that pipe line, it had experience frequent breaks. Washington Water Authority had completed their agreement with the two ton loop and had begun buying the majority

of their water from them. It relieved the pressure on the water line on Hwy 62, the breaks have decrease substantially over the last two years and they have concluded that it was not necessary to replace that line now. It may need to be replaced sometime in the future, but it was not needed in the near future. They have money in the sales tax capital improvement fund for the Garland Street water and sewer relocations. The Garland Street improvements are on hold currently pending resolution between the Highway Department, the University, and the School District on improvements to be made on Garland. So they had the opportunity to move the Garland Water and Sewer relocations from sales tax capital improvement fund to the water and sewer fund by reducing the Hwy 62 water line project. If they approved that transaction, then they could add funding for the Gregg Street right-of-way project in the sales tax capital improvement fund as well as add additional money to take advantage of an offer from Motorola to upgrade radio repeater in their radio replacement project, which was a two million dollar public safety/ public works radio system, which would be city wide. It was linked together so that if they needed to have communication between a public works staff member and a public safety member that they had that ability. In order to enhance this radio replacement project, they needed approximately one hundred and twenty seven thousand dollars. It was a repeater that could be done later, but if they did it prior to December 31, the company would give them a thirty thousand dollar price break. An additional project which needed money was Starr Drive. The developer was doing their share of the road improvements. The city needed to do the rest of the improvement so that there would be a consistent street. Additional money was needed for the Sunbridge and Gregg intersection. This intersection project was ready to be bid or implemented as soon as they bought the right-of-way, but it needed a forty-seven thousand dollars more.

Mr. Greg Boettcher, Public Works Director, stated both sides of the street were within the city limits. The developer had to do a half street improvement on their side, while they were improving one lane, the decision was to improve the other lane. Details on that would come to the Council at the next meeting.

**Alderman Davis moved to approve the budget adjustment. Alderman Jordan seconded the motion. Upon roll call the motion carried unanimously.**

*RESOLUTION 152-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*



**NEW BUSINESS**

**ANX 01-3.00:** An ordinance approving annexation request ANX 01-3.00 as submitted by Andy Feinstein on behalf of Don Hendricks and Eric Harper for property located at 4840 Constitution Drive. The request is to annex into the city approximately 8.74 acres currently located in the Planning Area.

*Mr. Williams read the ordinance for the first time.*

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

*Mr. Williams read the ordinance for the second time.*

**Alderman Davis moved to suspend the rules and move to the third and final reading. Alderman Jordan seconded the motion. Upon roll call the motion carried unanimously.**

*Mr. Williams read the ordinance for the third time.*

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

**ORDINANCE 4346 AS RECORDED IN THE OFFICE OF THE CITY CLERK.**

**RZN 01-20.00:** An ordinance approving rezoning request RZN 01-20.00 as submitted by Colleen Pancake for property located at 302 S. Gregg Street. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.16 acres. The request is to rezone to R-S, Residential Small Lot.

*Mr. Williams read the ordinance for the first time.*

Mr. Conklin explained there was one house on this lot. This was zoned I-1 with a residential use. The city was bringing this to them as part of their Community Development Division renovating her house. Due to the nonconforming use status they had to rezone the property. The city is requesting this rezoning and they have waived her fees.

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

*Mr. Williams read the ordinance for the second time.*

**Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Jordan seconded the motion. Upon roll call the motion carried unanimously.**

*Mr. Williams read the ordinance for the third and final time.*

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

*ORDINANCE 4347 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**RZN 01-21.00:** An ordinance approving rezoning request 01-21.00 as submitted by Chris Brackett of Jorgensen and Associates on behalf of Louise Sager and Paul Guisinger for property located west of Shiloh Drive, east of Deane Soloman Road and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 1.02 acres. The request is to rezoned to C-1, Neighborhood Commercial.

*Mr. Williams read the ordinance for the first time.*

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

*Mr. Williams read the ordinance for the second time.*

**Alderman Jordan moved to suspend the rules and move to the third and final time. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.**

*Mr. Williams read the ordinance for the third and final time.*

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

*ORDINANCE 4348 AS RECORDED IN THE OFFICE OF THE CITY CLERK .*

**YARD WASTE SUBSCRIPTION FEE:** An ordinance repealing yard waste subscription fees.

*Mr. Williams read the ordinance for the first time.*

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

*Mr. Williams read the ordinance for the second time.*



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

*Mr. Williams read the ordinance for the third and final time.*

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

*ORDINANCE 4349 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**LIQUOR STORE PERMITS:** A resolution to request that the Alcohol Beverage Commission issue no additional permits for liquor stores within the City of Fayetteville.

Alderman Trumbo stated he was not wanting to place a moratorium on new liquor permits or to inhibit new liquor stores in Fayetteville other than to what the State did, which was one liquor store per four thousand residents. What this resolution asked to ABC Commission was for them to think of Fayetteville as a political subdivision and not as the census that was taken in 2000 for the entire Washington County. The reason for this resolution is to equate in a more equitable manner the amount of liquor permits the city will have going forward for the next ten years. The law was put in place based on the census of Washington County. He wanted to ask the ABC Board to look at applying the one permit per four thousand on the City of Fayetteville's population because they have not been growing as fast as the county. He noted liquor stores were heavily regulated by the State of Arkansas.

Alderman Thiel asked if the five new permits which could be issued were to last between now and the next census in ten years.

Alderman Trumbo replied yes.

Alderman Theil stated the City of Fayetteville was projected to grow. They were limited to five permits in Washington County or if they changed this, no more in Fayetteville. She realized that there was possibly to many right now, but the five new permits were to last them the next ten years. Their population was going to grow. Liquor stores did provide money to the city's coffers.

Alderman Trumbo stated if they added five more stores they would be taking those tax dollars from existing stores and spreading it out.

Sargent Hardy, Juvenile Detective Division, stated he oversaw the alcohol enforcement and the application of ABC alcohol permits. They had far more problems with bars. Liquor stores have been more stable and have created fewer violations than their bars and night clubs.



In response to questions, Mr. Hardy stated if all five permits were to come at one time, it could possibly cause their environment to become unstable. If they were spread over the next ten years it would not be to much of a problem.

Mr. Jay Golesbee, an area resident and business person, stated this was a free enterprise but with regulations. The city regulated the hours that the could operate. He did not see this as limiting competition. All they were asking was that the council consider adopting the same guidelines that the State of Arkansas uses and limit the number of permits to one per every four thousand.

In response to questions, Mr. Golesbee stated if the permits were issued outside of Fayetteville, then it would take sale tax revenue from Fayetteville, but if they were issued in Fayetteville it still would not increase the revenue. It would just redistribute where it came from. There were a lot of areas in the county that were dry. This resolution would limit the number of stores in Fayetteville.

Mr. Dennis Bee stated he was wanting to move his liquor store. His was wanting to serve the community in a different location hopefully on the west side of town.

**Alderman Zurcher moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the motion failed by a vote of 1-6. Trumbo voting yea.**

Meeting adjourned at 8:45p.m.

**INFORMATIONAL ITEMS:**

**GRANT REVIEW:** Review of Arkansas Department of Aeronautics grant request.

**CHAMPIONS OF CHARACTER:** 2000-2001 final report from Champions of Character.

**MINUTES OF A MEETING  
OF THE  
CITY COUNCIL  
NOVEMBER 20, 2001**

A meeting of the Fayetteville City Council will be held on November 20, 2001, at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

**PRESENT:** Mayor Coody, Aldermen Davis, Santos, Jordan, Reynolds, Thiel, Young, Zurcher, and Trumbo, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press, and Audience.

**NOMINATING COMMITTEE REPORT**

**ENVIRONMENTAL CONCERNS COMMITTEE**

Richard L. McMullen-One unexpired Local Industry term ending 06/30/02

Adrienne Pilmanis-One unexpired Science Discipline term ending 06/30/02

Karen McSpadden Faupel-One unexpired Community/Citizen-at-Large term ending 06/30/02

**PARKS AND RECREATION ADVISORY BOARD**

Craig T. Mauritsen-One two-year term ending 12/31/03

Michael E. Hill-One two-year term ending 12/31/03

Trey Marley-One two-year term ending 12/31/03

Kristin Pawlik-Holmes-One two-year term ending 12/31/03

**SIDEWALK AND TRAILS ADVISORY COMMITTEE**

Richard C. Covey-One two-year Community/Citizen-at-Large term ending 12/31/03

Kay Curry-Troutman-One two-year Community/Citizen-at-Large term ending 12/31/03

Ken Eastin-One two-year Community/Citizen-at-Large term ending 12/31/03

Laura Kelly-One two-year Community/Citizen-at-Large term ending 12/31/03

Seajay Crosson-One two-year Community/Citizen-at-Large term ending 12/31/03

**TREE AND LANDSCAPE COMMITTEE**

Bill Dollar-One two-year Business term ending 12/31/03

Janice C. Ryan-One two-year Service Organization term ending 12/31/03

Melissa Evans-One two-year Landscape Development term ending 12/31/03

David Hensley-One two-year University Representative term ending 12/31/03

Carl M. Thomas, Jr.-One two-year Utility Representative term ending 12/31/03

J. S. Candy Clark-One unexpired Community/Citizen-at-Large term ending 12/31/02

**YOUTH ADVOCACY COMMITTEE**

Ila Campbell-One full two-year Teacher position term ending 05/31/04

Sarah Leflar-One full two-year Parent position term ending 05/31/04

Elizabeth Echols-One full one-year Student position term ending 05/31/03

**Alderman Santos moved to approve the Nominating Committee Report. Alderman Thiel seconded the motion. Upon roll call the motion carried unanimously.**

## **CONSENT**

### **APPROVAL OF THE MINUTES**

**MOTOROLA INC.:** A resolution awarding a contract to Motorola Inc. in the amount of \$125,341.95 to replace and install five new Quantar repeater stations and one conventional repeater at the Mt. Robinson Tower Site and approval of a change order to Phase I of the radio project to allow the replacement of these repeaters, and contingency of \$10,000 to complete Phase I.

*RESOLUTION 153-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**STARR DRIVE:** A resolution approving a cost share with St. Joseph Catholic Church in the amount of \$61,200.00 for the widening of Starr Drive and the associated drainage improvements.

*RESOLUTION 154-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**ADM 01-42.00:** A resolution amending the Planning Area Boundary.

*REMOVED FROM AGENDA.*

**AIRPORT DRAINAGE:** A resolution awarding a bid for the construction of trench drains at Drake Field to John P. Marinoni Construction in the amount of \$41,022.14.

*RESOLUTION 155-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**Alderman Davis moved to approve the Consent Agenda. Alderman Zurcher seconded the motion. Upon roll call the motion carried unanimously.**

## **OLD BUSINESS**

Rezoning requests RZN 01-17.00, 01-18.00, and 01-19.00 were tabled at the November 6, 2001 meeting. The applicant has requested that these items not be heard at the November 20, 2001 meeting, but be brought up at the December 4, 2001 meeting.

## **NEW BUSINESS**

**PUBLIC STREETS:** An ordinance accepting and confirming the dedication of all public streets previously accepted by the Fayetteville Planning Commission.



*Mr. Williams read the ordinance for the first time.*

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

*Mr. Williams read the ordinance for the second time.*

**Alderman Jordan moved to suspend the rules and move to the third and final reading. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.**

*Mr. Williams read the ordinance for the third time.*

Mr. Williams stated this was based on State law which requires that the City accept and confirm any streets dedicated to it. Once they accepted the street they would have to maintain it. They had not done this for a while that was why they were covering all the streets now. In the future as streets came forward they would accept them one at time as they were presented to them.

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

*ORDINANCE 4350 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**ANX 01-4.00:** An ordinance approving annexation request ANX 01-4.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51<sup>st</sup> Street. The request is to annex into the city approximately 30.99 acres located in the Planning Area.

*Mr. Williams read the ordinance for the first time.*

*THE ITEM WAS LEFT ON THE FIRST READING.*

**RZN 01-22.00:** An ordinance approving rezoning request RZN 01-22.00 as submitted by David Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51<sup>st</sup> Street. The property is zoned A-1, Agricultural and contains approximately 30.99 acres. The request is to rezone to R-1, Residential.

*THE ITEM WAS LEFT ON THE FIRST READING.*

**RAZE AND REMOVAL:** An ordinance approving the raze and removal of the property at 352 W. Sycamore as per Ordinance 3948.

*REMOVED FROM AGENDA.*

**SALE OF MUNICIPALLY OWNED REAL PROPERTY:** An ordinance amending Chapter 34: Finance and Revenue, of the Code of Fayetteville, to establish a formal process for the sale of municipally-owned real property.

Mayor Coody suggested forwarding this item to the Ordinance Review Committee.

Alderman Young agreed and asked the City Clerk to reserve a room for this meeting after the agenda session next Tuesday.

**Alderman Zurcher moved to forward the item to the Ordinance Review Committee. Alderman Jordan seconded the motion. Upon roll call the motion carried unanimously.**

Ms. Fran Alexander stated she would like to have some form of public dialogue.

*THE ORDINANCE WAS FORWARDED TO THE ORDINANCE REVIEW COMMITTEE.*

**ARCTIC OIL DRILLING:** A resolution opposing arctic oil drilling.

Alderman Zurcher stated he had brought this forward because he believed it was an important item. In 1998 the city had passed a Tibetan National Independence Day. He was bringing the Arctic resolution forward because there were people living around the Arctic National Wildlife Refuge. They were speaking out and not being heard. They did not have the voice that they should have and they were not being listened to. The US Geological Survey estimated that the oil recovered from the Arctic Refuge would amount to less than a six month supply for the American consumer. By oil industry estimates it could take up to ten years to actually see oil from this project.

Alderman Davis stated he had not had the time to look at the information presented by Mr. Zurcher. He did not know if the facts on the handout were correct or not. He had received numerous calls where people were asking him what they were doing discussing this. They did not believe it to be related to city business. He would be opposing this.

Alderman Zurcher responded that it was their national refuge and it belonged to the citizens. If every city in this State passed a resolution stating they were going to protect this, he believed their elected officials would hear it and they would protect it.

Alderman Davis stated he had no idea what was factual and what was not.

Alderman Zurcher stated that a lot of the information he had received was from conservation groups web sites.



Alderman Santos stated he could support the resolution, however, he had to question why they were discussing this. Were they really helping by discussing this at the city council level. What good did they hope to do and where did they stop. There were a million good things that could have resolution support. Were they representing their constituents? Was it their place?

Alderman Zurcher stated there was a House Bill, HR4, which had now moved on to the US Senate. It was an energy bill. What they were trying do was to attach this onto any part of the economic stimulus package. He felt it was their place.

**Alderman Santos moved to pass the resolution. Alderman Zurcher seconded the motion.**

Mr. Don Nelms, an area resident, stated he was on the Board of Directors of the Audubon Society in the State of Arkansas. He personally felt very strongly that he would hate to see drilling in this national refuge. His concern was that this would be the first step in drilling in other national parks and refuges. He thought it was important and he did not disagree with the intent of this. He had personally contacted Blanch Lincoln's office. She might be the swing vote. That was the person that they needed to be convincing. He felt this was a bad precedent for the city and that it was a bad idea. He suggested that they stop these things by not voting for this. This was inappropriate. They had a lot of issues in front of this city that needed to be attended to. They had a specific job and in order to accomplish things they needed to be focused. They needed to focus on the things that they could really do something about. They needed to do everything that they could within their own personal power first.

Alderman Thiel stated she was in agreement with Alderman Zurcher, but it was inappropriate for them to advocate a position on this. They were elected to represent citizens of Fayetteville and she did not know if they would be doing that if they voted for this. She thought it would be appropriate for them to ask citizens to advocate their positions. She had only heard from two people today and both of them were opposed to this for totally different reasons.

Alderman Zurcher stated having worked with Blanch Lincoln was that she did not respond to grass roots encouragement. What she responds to most was grass tops, important people. That was why he felt the City Council's vote was so important. In Arkansas they tended to not see beyond their own noses. These issues did affect them and until we realized that we would remain a State that was behind in on a lot of lists. Progress was going to be slow until they could grasp the big picture.

**Upon roll call the motion failed by a vote of 4-4-1. Davis, Reynolds, Thiel, and Trumbo voting nay. Mayor Coody abstaining.**

#### **HIRING FREEZE**

**Alderman Young moved to suspend the rules and to add a new item to the agenda. Alderman**



**Jordan seconded the motion. Upon roll call the motion carried unanimously.**

Alderman Trumbo read the resolution to freeze the number of employees at the current level until the city could balance their budget.

Mr. Williams stated there are three officers which had been authorized by the City Council, but were not on the pay roll. It was his understanding that if there was a staff position which was already budgeted and approved that would fall within this resolution, therefore the Police Department would still be able to hire those individuals.

Alderman Young asked if this only applied to the Police Department and were there any others in the city like this one.

Mr. Williams stated he thought those were the only staff positions that have not had someone in them previously.

Alderman Thiel asked what they meant by previous authorized.

Mr. Williams replied they were authorized and funded.

Alderman Davis asked if Alderman Young's concern was that in April or May they had approved some hiring and not all of those positions were filled yet. Was he not wanting anyone to accept those positions.

Alderman Young replied yes, that was one of the things on his mind. He suggesting a staffing freeze, then if someone left and it was necessary to fill it, then it would be brought back to the Council to replace them.

Alderman Santos stated he would like it. He quoted from the resolution, "number of city employees will not increase from existing levels until the City of Fayetteville must no longer use its reserves to pay its expenses".

Mayor Coody stated every week they had people coming and going. So every two weeks they would be bringing to them a dozen or so entry level positions.

Alderman Young stated that might spotlight some of the problems in the city, if they had that many people coming and going.

Mayor Coody stated he had sent out a memo stating they were not going to increase the number of Full Time Equivalent positions.

Alderman Young stated the Engineering position was not an entry level position. One of the discussions they had a couple of weeks ago was laying people off. Did they want to do that or did they want to question when people left if they needed to replace them. That seemed to be easier to him than to lay people off.

Alderman Jordan stated he had been through three hiring freezes at the University. When they did a hiring freeze, when that position becomes vacant, it stayed vacant. They then made the decision on whether that position is essential or not. If they did not feel that it was essential then it did not get filled. He agreed with Cyrus on this that if someone left then they needed to look at that position to see if it was essential, then they could take a vote and make decision. That was better than laying off people. He would not support people losing their jobs.

Mayor Coody stated he did not support anyone losing their job. They were in the middle of their budget process now. They were eliminating three positions. In 2002 they should have fewer positions than they do now. They had planned to leave some of the positions vacant. They have already de-funded them. They were going to leave them vacant.

Alderman Young stated that matched what he said. They needed to just do the first sentence. "Staffing Freeze".

Mr. Williams stated what they did with the budget was that they authorized a certain amount of money to be spent and they authorized the number of positions. It was the mayor and his staff that through the years hires people to replace people that leave. That was the mayor's position. The mayor was to be the executive of the city. The resolution that was presented, stated that they could not have more employees than they have now. They were not going to grow their employees any more. That was a very appropriate thing for this City Council to do. That was a legislative policy decision. How that decision is executed was the mayor's job. The Council needed to set limits, but not over step their boundaries.

Alderman Young stated they thought they had a hiring freeze in August, but more people have been hired. What was the deal?

Mr. Williams stated those positions had been previously authorized by the City Council.

Alderman Young stated he was playing with words, were they going to have a hiring freeze or not.

Mayor Coody proposed that they keep 646 full-time equivalents for next year. Between 1992 and 2001 the City of Fayetteville had hired 248 new employees and the Council approved every one of them. If they would let them try and paring this number down and be financially responsible. They wanted to take the existing number and try and reduce it and not increase it.

Alderman Reynolds stated the mayor needs to be able to hire hourly employees to run the city. If they wanted to freeze salaried employees, then they needed to do that. If they needed drivers down in Solid Waste, they needed them in two hours and not two weeks. If they wanted to put a freeze on the mayor hiring salaried employees then that was what they needed to state and go on with this thing.

Alderman Santos stated he did not believe that it mattered if they were hourly or salaried. He thought they could keep all the wording in the resolution. Which stated, "replacement employees may be hired to replace departing or retiring employees but no new staff position can be filled even if the staff position was previous authorized. It was the intent of the city council that employees will be terminated because of budget problems, but also that the number of city employee from existing levels *without city council approval* until the City of Fayetteville must no longer use its reserves to pay for expenses. That way the administration could continue to operate to replace people who depart or retire, but to add any new position would require city council approval.

Alderman Young asked if he was going to make that a motion.

Alderman Santos replied yes. Alderman Young seconded. They were going to stay where they were at, they were not going to add any new positions. They would replace people in existing positions. If they needed to add a new position, they would have to justify it to the council. Upon roll call the amendment passed unanimously.

Alderman Davis moved to approve the resolution. Alderman Santos seconded. Upon roll call the motion carried unanimously.

*RESOLUTION 156-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.*

**SOLID WASTE:** Discussion of Recycling / Solid Waste Program evaluation and recommended system improvements.

Mr. Gary Dumas, Utility Services Director, gave a power point presentation on solid waste system recommended system improvements. He stated the Fleet was aging and was ready for replacement. The decision they made on the fleet was going to affect how they handled residential solid waste for the next decade or so. His perception was that there was a need to improve the volume based program. That was the entire premise of this concept. Secondly, there was a need to address escalating workman's compensation. What they were trying to do was to address the turnover on the residential trash side. The drivers and route workers turn over quickly. The commercial side, where the workers primarily drive a truck, they were paid a liveable wage. It was not back breaking work. They had some very long term employees there. They were trying to create that on the residential side also. They were also trying to address the rising cost of trash. They had to find ways



to minimize the rising cost of labor, medical expenses and equipment expenses. The options they had were to continue the operations that they had now and modify the existing volume based program by selling the trash bags at retail. Or they could go to an automated cart program. They could also expand the revenue generating capabilities of the system. He explained the difference between their existing manual system and their proposed automated system. He discussed their current rate structure and several other options which had been presented in their rate study. He also presented the results of their cart pilot program, which had been successful. He explained they were considering several new operations such as the roll-off compactor container for the larger commercial businesses and industries. They were currently unable to provide previously. Most cities don't provide that service, but they did have the equipment to service them at the transfer station. They could easily move into this on a gradual bases. It could build a very important revenue stream. He presented graphs and charts illustrating the difference between the current system and the proposed cart system.

Alderman Davis requested that they look at this at the last meeting in December to give people time to look over the information.

The meeting adjourned at 8:45 p.m.

# STAFF REVIEW FORM

☒ AGENDA REQUEST  
☒ CONTRACT REVIEW  
☐ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001

## FROM:

Paul Libertini  
Name

Engineering  
Division

Public Works  
Department

**ACTION REQUIRED:** Award a construction contract to *Mobley Contractors, Inc.* in the amount of \$241,627.00 (contingent upon receiving an easement or right-of-way from the Arkansas & Missouri Railroad), approve funding of \$30,000.00 for project contingency and of \$3,000.00 for materials testing for the project entitled "Sunbridge Drive & Gregg Avenue Intersection Improvements", and approve the attached Budget Adjustment.

## COST TO CITY:

\$ 274,627  
Cost of this Request

\$ 376,496  
Category/Project Budget

Street ROW/Intersection/Cost Sharing  
Category/Project Name

4470-9470-5809.00  
Account Number

\$ 120,496  
Funds Used To Date

Street Improvements  
Program Name

98033  
Project Number

\$ 256,000  
Remaining Balance

Sales Tax  
Fund

## BUDGET REVIEW:

☒ Budgeted Item

☒ Budget Adjustment Attached (to be furnished)

Budget Coordinator

Administrative Services Director

## CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: \_\_\_\_\_

Accounting Manager Date

Internal Auditor Date

City Attorney Date

ADA Coordinator Date

Purchasing Officer Date

**STAFF RECOMMENDATION:** Approval of the action items listed above.

Division Head Date

Cross Reference

Department Director Date

New Item: Yes ☒ No ☐

Administrative Services Director Date

Prev Ord/Res #: \_\_\_\_\_

Mayor Date

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

## DEPARTMENTAL CORRESPONDENCE

---

To: Fayetteville City Council

Thru: Mayor Dan Coody  
Greg Boettcher, Public Works Director  
Jim Beavers, City Engineer

From: Paul Libertini, Staff Engineer

Date: December 12, 2001

Re: **Agenda Request, Council Meeting of December 18, 2001**  
**Sunbridge Drive & Gregg Avenue Intersection Improvements**

1. Staff Recommendation: Staff recommends that the City Council award a construction contract to **Mobley Contractors, Inc.** in the amount of \$241,627.00 (contingent upon receiving an easement or right-of-way from the Arkansas & Missouri Railroad), approve funding for project contingency and materials testing, and approve the attached Budget Adjustment for the project entitled "Sunbridge Drive & Gregg Avenue Intersection Improvements".

2. Project Background: This intersection improvement will add a southbound left turn lane on Gregg Avenue (State Highway 180), a northbound right turn lane on Gregg Avenue & a westbound right turn lane on Sunbridge Drive. A traffic study was performed by AHTD and the results showed that this intersection met the warrants for signalization. Therefore, the Engineering Division utilized in-house design staff to develop two sets of construction plans (Signalization Plans & Intersection Improvement Plans) to submit to AHTD for their approval and permitting. The City Traffic Division will install the traffic signal utilizing in-house forces. The proposed right-of-way purchase from Arkansas & Missouri Railroad for the future widening of Gregg Avenue will allow the signal poles on the west side of Gregg Avenue to be set far enough back so that the poles will not have to be relocated in the future Gregg Avenue widening project, while at the same time providing for better highway safety for the subject intersection improvement project.

3. Estimated Project Costs: Bids were opened Thursday, November 29<sup>th</sup>, 2001. The engineer has reviewed the bids and recommends awarding the contract to the low bidder, Mobley Contractors, Inc. in the amount of \$ 241,626.92 which is approximately 5% above the engineer's estimate. The estimated total project costs including contingency monies for unforeseen project expenditures are as follows:

|                                          |                    |
|------------------------------------------|--------------------|
| Sunbridge Drive & Gregg Avenue           |                    |
| Intersection Improvements                | \$ 241,627.00      |
| Project contingency ( $\approx 12.4\%$ ) | \$ 30,000.00       |
| <u>Materials testing</u>                 | <u>\$ 3,000.00</u> |
| Total                                    | \$ 274,627.00      |

4. Project Funding: This project will require a Budget Adjustment to move the remaining balance of \$18,756 from Project #97025, Intersection Improvements, to this Project #98033, Street ROW/Intersection/Cost Sharing.



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION TO APPROVE A CONTRACT  
WITH THE AREA AGENCY ON AGING FOR  
THE ELDERLY TAXI PROGRAM

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the contract attached as Exhibit "A" with the Area Agency on Aging to accept \$4,000.00 for the Elderly Taxi Program and performing all requirements placed upon the city in that contract including paragraph 33 entitled Risk Management Assurances and hereby authorized and directs the Mayor to sign this contract.

PASSED and APPROVED this the 18<sup>th</sup> day of December, 2001.

APPROVED:

By: \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Heather Woodruff, City Clerk

# FAYETTEVILLE



THE CITY OF FAYETTEVILLE, ARKANSAS

CITY ATTORNEY DIVISION  
113 WEST MOUNTAIN, 72701  
PHONE: 501-575-8313  
FAX: 501-575-8315

**Kit Williams**  
CITY ATTORNEY

December 12, 2001

Honorable Fred C. Kirkpatrick  
P.O. Box 58  
Harrison, AR 72601

By FAX: (870) 741-2515

RE: Elderly Taxi Program

Dear Fred:

The Fayetteville City Council has decided to approve your proffered contract as written. Attached is the Resolution which should be officially approved at our next regular City Council meeting of December 18, 2001. The Mayor and Clerk should sign and witness it the next day, December 19th.

Please send us the contract (hopefully already signed by your client) so we can get a fully executed copy back to you promptly. Please let me know if you have any questions or concerns about getting the contract signed in this manner and time format.

With kindest regards,

Kit Williams  
Fayetteville City Attorney

KW/jh

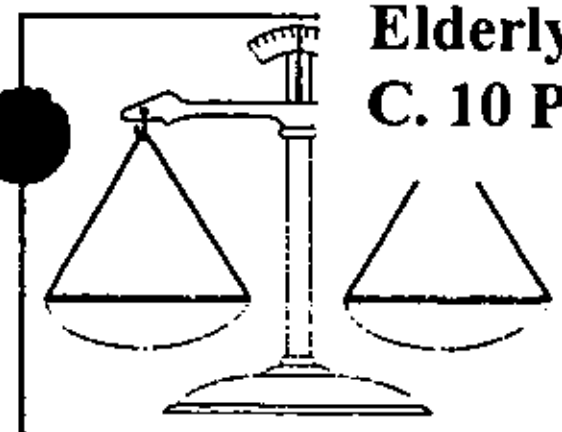
Enclosure  
cc: Dan Coody, Mayor

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



Elderly Taxi  
C. 10 Page 3

LEGAL DEPARTMENT

## DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor  
City Council Members

FROM: Kit Williams, City Attorney

A handwritten signature in dark ink, appearing to be 'Kit Williams', written over a horizontal line.

DATE: December 7, 2001

RE: Elderly Taxi Program

The Area Agency on Aging has long provided modest support for the Elderly Taxi Program. This very cost effective and worthwhile program subsidizes taxi fare for elderly/poor persons without vehicles. I strongly supported this when I served as an Alderman and still do.

However, upon reviewing the proposed contract sent by AAA so that Fayetteville could receive and pass on the \$4,000.00 distribution, I came upon a section entitled "Risk Management Assurance."

I am not aware of any suits against anybody as a result of the Elderly Taxi Program. However, I did not like the fact that this provision required the City to pay for all of the Area Agency on Aging expenses (including attorney fees) and costs to settle or pay all claims even if those claims were only against the Area Agency on Aging. So even if we were immune from suit and had done nothing wrong, this provision would require us to pay legal costs and any judgment if AAA had done something wrong that caused it to be sued.



I notified Hugh Earnest of my concern by departmental memo on August 10, 2001. With his concurrence I faxed and wrote Mr. Jerry Mitchell, Executive Director of the Area Agency on Aging on September 14 and told him of my concerns (copy enclosed).

A couple of weeks later Mr. Mitchell called me and asked that I submit substitute language. I did so by letter and fax of September 28 (copy enclosed). I have heard no response.

About November 20, 2001, Elaine Walker of the Northwest Arkansas Regional Planning Commission called me and asked about the problem. I wrote her with the details in my letter of November 20<sup>th</sup> (enclosed).

I just received the enclosed letter from Fred C. Kirkpatrick as counsel for the Area Agency on Aging. If we do not accept Chapter 33 Risk Management Assurances as written (copy enclosed), by December 14, they will distribute the \$4,000.00 ear-marked for Fayetteville to Springdale and Harrison.

I need to know whether the City Council and Mayor desire to enter into this contract as written to receive the \$4,000.00 for our elderly taxi program. I am not aware of any litigation or claims from this program in the past so I estimate the chance of future litigation is low. However, if the city or AAA could be found negligent or liable for the negligence of a taxi paid through this program, a potential judgment could be very large.

I will inquire at the Agenda Session what you wish to do. One way or another, we need to fund the Elderly Taxi Program which is desperately needed and appreciated by many Fayetteville citizens.



Community Adult Center  
Adult Day Services  
Elderly Services &  
Nutrition Program  
(501) 582-1604

**COUNCIL  
ON AGING, Inc.**

RECEIVED

DEC 17 2001

CITY OF FAYETTEVILLE  
MAYOR'S OFFICE

December 7, 2001

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

Dear Mayor Coody:

During the past few months, the Council on Aging has discussed adding kitchen equipment to the new Fayetteville Senior Center. At this time, we are ready to bring this request to the City Council for approval.

The new equipment and changes to the original design will cost \$100,192.00 (see attached change request for detail). The Council on Aging will provide the funding for the kitchen design change and equipment.

If you need any additional information, please feel free to contact me at 582-1604. I look forward to the completion of the new center and hope that we can continue to work together for Fayetteville's senior citizens.

Sincerely,

Rodney Ryan  
President

For the Senior at the Center of Your World  
FAX (501) 521-5047 • 901 S. College Ave. Fayetteville, AR. 72701

**STAFF REVIEW FORM**

- ☒ Agenda Request  
☐ Contract Review  
☐ Grant Review

for the Fayetteville City Council meeting of December 18, 2001

**FROM:**

|                       |                    |                     |
|-----------------------|--------------------|---------------------|
| <u>Greg Boettcher</u> | <u>Engineering</u> | <u>Public Works</u> |
| Name                  | Division           | Department          |

**ACTION REQUIRED:** Approval of a Consultant Contract Amendment (original contract dated December 15, 1998) for Downtown Dickson Enhancement Project in the amount of \$120,972.03 to address: (1) easement revisions - \$9,660.00, (2) construction engineering - \$39,552.53, and (3) project construction inspection - \$71,760.00 (option to allow use of Engineering Division personnel for full-time inspection). Current contract amount is \$530,227.62 to \$651,200.15.

**COST TO CITY:**

|                          |                          |                                       |
|--------------------------|--------------------------|---------------------------------------|
| <u>\$ \$120,972.53</u>   | <u>\$ \$2,224,098.00</u> | <u>Contract Services</u>              |
| Cost of this Request     | Category/Project Budget  | Category/Project Name                 |
| <u>4470-9470-5809-00</u> | <u>\$ 206,302.00</u>     | <u>Street Improvements</u>            |
| Account Number           | Funds Used to Date       | Program Name                          |
| <u>98097</u>             | <u>\$ \$2,017,796.00</u> | <u>Sales Tax Capital Improvements</u> |
| Project Number           | Remaining Balance        | Fund                                  |

**BUDGET REVIEW:**      Budgeted Item      Budget Adjustment Attached

     Budget Manager      Administrative Services Director

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

|                                                 |                                               |
|-------------------------------------------------|-----------------------------------------------|
| <u>    </u> Accounting Manager <u>    </u> Date | <u>    </u> ADA Coordinator <u>    </u> Date  |
| <u>    </u> City Attorney <u>    </u> Date      | <u>    </u> Internal Auditor <u>    </u> Date |
| <u>    </u> Purchasing Officer <u>    </u> Date |                                               |

**STAFF RECOMMENDATION:** Approval of the Resolution and Budget Adjustment

|                                                               |                                 |
|---------------------------------------------------------------|---------------------------------|
| <u>    </u> Division Head <u>    </u> Date                    | <u>    </u> Cross Reference     |
| <u>    </u> Department Director <u>    </u> Date              | New Item: <b>Yes</b> <b>No</b>  |
| <u>    </u> Administrative Services Director <u>    </u> Date | Prev Ord/Res #: <u>    </u>     |
| <u>    </u> Mayor <u>    </u> Date                            | Orig Contract Date: <u>    </u> |



# **FAYETTEVILLE, ARKANSAS**

## **PUBLIC WORKS DEPARTMENT**

### ***ADMINISTRATIVE CORRESPONDENCE***

**TO:** Mayor Dan Coody and Board of Aldermen  
City of Fayetteville, Arkansas

**FROM:** Greg Boettcher, Public Works Director

**DATE:** December 6, 2001

**RE:** Downtown Dickson Street Enhancement Project  
Consultant Contract Amendment Number 4  
Atkins Benham Group

\*\*\*\*\*

### **BACKGROUND**

The City of Fayetteville and Atkins Benham, Inc. entered into an agreement for the planning and design of the Downtown Dickson Enhancement Project on December 13, 1998, the contract amount being \$530,227.62. The design phase of this project is completed including right-of-way acquisition. The Arkansas Highway and Transportation Department is expected to release the Project for bids in the latter part of December 2001. The consultant has submitted contract amendment number 4 in the amount of \$120,972.53, covering the following items: (1) easement and drawing revisions to enable right-of-way acquisitions - \$9,660.00, (2) bidding/construction phase services not included in the original contract - \$39,552.53, and (3) full-time resident inspection for the construction of the project - \$71,760.00.

### **DISCUSSION**

(1) Revisions to previously approved easements and drawings, to enable negotiations of rights-of-way were required to allow voluntary acquisitions from certain property owners. These changes were not anticipated within the original project scope, thereby constituting additional consultant services.

(2) The consultant contract did not include the construction administration phase services, relating to the bidding and construction phases of the project. These needed services must be negotiated and incorporated into the contract by an amendment.

(3) The consultant contract did not include resident inspection services for the full-time

inspection of the project's construction. The Project shall require full-time inspection due to the complexity of the construction and to conform with requirements for the construction of public infrastructure. Upon receiving these costs, the Engineering Division has reviewed its inspection workload and is proposed as the provider using existing staff.

Contract Amendment Number 4 is structured to allow the authorization of any, all or none of the items listed above. The authorization shall be in writing as a separate instrument.

### **Recommendation**

The Fayetteville City Council's approval of Contract Amendment Number 4 is recommended, increasing the consultant services contract budget to \$651,200.15. The current Project Budget includes funds to cover this increase in the contract. The approval requested is to include a condition allowing the use of the Engineering Division to provide the full-time resident inspection services, charging said labor to the Project Budget. This option will enable the evaluation of in-house versus out-source arrangements for Item No. 3, resident project inspection services. The justification for the alternative use of in-house staffing includes economy, improved coordination, direct communication between City and Owners and the increased familiarity of Engineering Division personnel with standards/local setting.

**AMENDMENT NO 4  
TO  
THE AGREEMENT FOR CONSULTING SERVICES**

**PROJECT:** Downtown Dickson Street Enhancement Project

**CONSULTANT:** The Benham Group, 117 S. Parkwood,  
Lowell, Arkansas 72745

**OWNER/CLIENT:** City of Fayetteville, 113 West Mountain,  
Fayetteville, AR 72701

WHEREAS, The Benham Group (CONSULTANT) and the City of Fayetteville, Arkansas (CLIENT) entered into an agreement for Consulting Services dated December 15, 1998, and,

WHEREAS, The scope of the December 15, 1998 agreement set out a specific scope of services, and additional items of work, outside the initial scope of services have been required to complete the design of the Downtown Dickson Street Enhancement Project (PROJECT), including :

- ITEM NO 1- Revision of previously approved parcel maps and revision of previously approved construction drawings to correspond to negotiated easement purchases (tracts involved included: University of Arkansas, Campus Bookstore, Sound Warehouse, Mr. Tux, Dickson Street Bookstore and Mr. Lamar Petus), including applicable subcontract costs, and,

WHEREAS, The scope of the December 15, 1998 agreement did not include needed services associated with basic construction administration services, including:

- ITEM NO 2- Provision of bidding and construction phase services associated with the construction of the PROJECT, including street, sidewalk and landscaping improvements, said basic construction administration services to include: bidding, bid opening, bid evaluations, award recommendations, award processing, pre-construction conference, shop drawing reviews, progress and payment reviews, change order processing, weekly monitoring of the work (5 hours/week), final inspection of completed PROJECT and related consulting services associated with the bidding/construction phases of the PROJECT, and,

WHEREAS, The scope of the December 15, 1998 agreement did not include needed services associated with the full-time resident observation of PROJECT construction, including:

- ITEM NO 3- Provision of a full-time on-site resident inspector to observe and document all PROJECT construction for compliance with the drawings and contract documents, to report non conforming work/problems to the CONSULTANT, to conduct, observe and record quality control testing, to maintain complete construction records and to coordinate the PROJECT construction with all concerned parties,



NOW THEREFORE be it resolved between the CONSULTANT and CLIENT, that the above referenced items of additional work, if authorized in writing by the CLIENT, shall be performed for the following not-to-exceed amounts:

|                                              |             |
|----------------------------------------------|-------------|
| ITEM NO 1- Additional Design Services        | \$ 9,660.00 |
| ITEM NO 2- Basic Construction Administration | \$39,552.53 |
| ITEM NO 3- Full-Time Residential Inspection  | \$71,760.00 |

The CLIENT may authorize one, two or all three items as it deems appropriate, with said authorized additional items of work and upper limits of compensation to be added to the scope of the December 15, 1998 agreement for Consulting Services and the current upper limit of costs of \$530,227.62. All additional services subsequently authorized by the CLIENT in writing shall be invoiced on a cost plus fixed-fee basis, with cost to be direct labor and direct expenses, indirect labor cost to be based upon an audited overhead rate, not to exceed a factor of 150% and fixed fee to be 15% of the combined direct and indirect costs.

IN WITNESS WHEREOF to the acceptance of the terms and conditions as set forth in the Amendment No 4 to the December 15, 1998 agreement for Consultant Services, the Benham Group and the City of Fayetteville Arkansas have executed this amendment to agreement effective the date set forth below. All other terms and conditions of said Agreement not in conflict with or amended herewith remain in full force and effect.

Signed this \_\_\_\_\_ day of December, 2001.

CITY OF FAYETTEVILLE  
FAYETTEVILLE, AR

THE BENHAM GROUP  
LOWELL, AR

\_\_\_\_\_  
Dan Coody  
Mayor of Fayetteville

\_\_\_\_\_  
Gary L. Carnahan  
Vice - President

**DRAFT TENTATIVE AGENDA  
CITY COUNCIL  
DECEMBER 18, 2001**

A meeting of the Fayetteville City Council will be held on December 18, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

*Sp. City Council*  
*5:30-7:19*  
*need details*  
*\$15,000 02 Reg. Trust*  
*per roll + budget adj.*

**A. CONSENT**

**1. APPROVAL OF THE MINUTES**

*241.627*  
**2. SUNBRIDGE AND GREGG:** A resolution awarding a contract to ??? and approval of funding for project contingency and material testing for the project entitled "Sunbridge Drive and Gregg Avenue Intersection Improvements."

**3. MICROSOFT OFFICE:** A resolution approving the purchase of 223 Microsoft Office XP software licenses from Dell Incorporated. The purchases are authorized through the State of Arkansas Contract Award ST-98-0491. In addition, a budget adjustment is also requested.

*Consent?*  
**4. TROLLEY:** A resolution renewing an agreement with Jones Transportation Service for trolley operation for the period of January 1, 2002 through December 31, 2002. *condition upon 2002 funding -*

**5. CAT TELEVISION:** A resolution accepting a contract with Community Access Television for the public access television services for 2002. *should be June 30 2002 Date only thing changed*

**B. OLD BUSINESS**

**C. NEW BUSINESS**

**1. RZN 01-24:** An ordinance approving rezoning request RZN 01-24 as submitted by Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.

**2. RZN 01-27:** An ordinance approving rezoning request RZN 01-24 as submitted by Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential.

*Remove*  
*Sale of Property - 17 Thunder Valley Speedway*  
*AB?*  
*still to be on tentative agenda*



Applicant  
Went to 3.  
pulled  
as of 12-4-01

**RZN 01-25:** An ordinance approving rezoning request RZN 01-25 as submitted by Shawki Al Madoun of Northstar Engineering Consultants on behalf of Fadil Bayarri for property located west of Hwy I-540 and south of Porter Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 12.22 acres. The request is to rezone to R-1.5, Moderate Density Residential.

4. **RZN 01-26:** An ordinance approving rezoning request RZN 01-26 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial.
5. **RZN 01-28:** An ordinance approving rezoning request RZN 01-26 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential.

? Valid Parking &

? Com. Dev. Annual action plan.  
• move to January

\* ~~Res. of J. H. - Dickson St. Enhancement - See~~  
~~not ready \$120,000 contract amendment. Guy B.~~  
need St. Plan. mtg. - Bob Davis



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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## **TENTATIVE AGENDA CITY COUNCIL DECEMBER 18, 2001**

A meeting of the Fayetteville City Council will be held on December 18, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

### **A. CONSENT**

1. **APPROVAL OF THE MINUTES**
2. **SUNBRIDGE AND GREGG:** A resolution awarding a contract in the amount of \$274,627 to Mobley Contractors, Inc. and approval of funding for project contingency and material testing for the project entitled "Sunbridge Drive and Gregg Avenue Intersection Improvements."
3. **MICROSOFT OFFICE:** A resolution approving the purchase of 223 Microsoft Office XP software licenses from Dell Incorporated. The purchases are authorized through the State of Arkansas Contract Award ST-98-0491; and approval of a budget adjustment.
4. **US ABLE LIFE:** A resolution renewing employee group policies from US Able Life to provide life, AD&D, and LTD coverage and Section. 125 Cafeteria Plan Administration.

### **B. OLD BUSINESS**

1. **ANX 01-4.00:** An ordinance approving annexation request ANX 01-4.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51<sup>st</sup> Street. The request is to annex into the city approximately 30.99 acres located in the Planning Area. The ordinance was left on the second reading at the December 4, 2001, meeting.

2. **RZN 01-22.00:** An ordinance approving rezoning request RZN 01-22.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthoney Turchi and located north of Wedington Drive on the east side of 51<sup>st</sup> Street. The property is zoned A-1, Agricultural, and contains approximately 30.99 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the second reading at the December 4, 2001, meeting.
3. **BUDGET:** A resolution adopting the 2002 Operating Budget. The resolution was tabled at the December 4, 2001, meeting.
4. **SALE OF MUNICIPALLY OWNED PROPERTY:** An ordinance amending Chapter 34, Finance and Revenue, of the Code of Fayetteville to establish a formal process for the sale of municipally owned real property. The item was forwarded to the Ordinance Review Committee at the November 20, 2001, meeting.

#### **C. NEW BUSINESS**

1. **ANX 01-5:** An ordinance approving annexation request ANX 01-5 as submitted by Raymond C. Smith on behalf of Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.
2. **RZN 01-24:** An ordinance approving rezoning request RZN 01-24 as submitted by Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.
3. **RZN 01-27:** An ordinance approving rezoning request RZN 01-24 as submitted by Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential.
4. **RZN 01-26:** An ordinance approving rezoning request RZN 01-26 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial.

5. **RZN 01-28:** An ordinance approving rezoning request RZN 01-26 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential.
6. **SENIOR CITIZEN CENTER:** A resolution authorizing a change order for activities associated with construction of the Senior Citizen Center.
7. **MUNICIPAL JUDGE:** An ordinance amending Ordinance 3765 to add Municipal Judge to the City Officials listed in Section 1.
8. **DOWNTOWN DICKSON ENHANCEMENT PROJECT:** A resolution approving an amendment for Downtown Dickson Enhancement Project in the amount of \$120,972.03 to address: (1) easement revisions - \$9,660.00, (2) construction engineering - \$39,552.03, and (3) project construction inspection - \$71,760.00 (option to allow use of Engineering Division personnel for full-time inspection. Current contract amount is \$530,227.62 to \$651,200.15.



# STAFF REVIEW FORM

X AGENDA REQUEST  
X CONTRACT REVIEW  
    GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001

## FROM:

Paul Libertini P.L.  
Name

Engineering  
Division

Public Works  
Department

**ACTION REQUIRED:** Award the construction contract to *Mobley Contractors, Inc.* (contingent upon receiving written concurrence from AHTD to utilize the proposed right-of-way purchase from Arkansas & Missouri Railroad), approve funding for project contingency and material testing for the project entitled "Sunbridge Drive & Gregg Avenue Intersection Improvements", and approve the attached Budget Adjustment.

## COST TO CITY:

\$274,627  
Cost of this Request

\$376,496  
Category/Project Budget

Street ROW/Intersection/Cost Sharing  
Category/Project Name

4470-9470-5809.00  
Account Number

\$120,496  
Funds Used To Date

Street Improvements  
Program Name

98033  
Project Number

\$256,000  
Remaining Balance

Sales Tax  
Fund

## BUDGET REVIEW:

X Budgeted Item

X Budget Adjustment Attached (to be furnished)

Steph Davis  
Budget Coordinator

Administrative Services Director

## CONTRACT/GRANT/LEASE REVIEW:

Masha Fuching 12/3/01  
Accounting Manager Date

D. Whitst 12/3/01  
City Attorney (See Comment) Date

Nice 12/4/01  
Purchasing Officer Date

## GRANTING AGENCY:

Nancy Smite 12/3/01  
Internal Auditor Date

ADA Coordinator Date

**STAFF RECOMMENDATION:** Approval of the action items listed above.

Paul Libertini  
Division Head

My Brethels  
Department Director

Ed Whitten  
Administrative Services Director

Dan Cooley  
Mayor

12/3/01  
Date

12/4/01  
Date

12/4/01  
Date

12/6/01  
Date

## Cross Reference

New Item: Yes x No    

Prev Ord/Res #:                     

Orig Contract Date:                     

Orig Contract Number:                     

Exhibit A "Performance Bond" are missing in pp 00500-9  
Exhibit B "Payment Bond" 00500-10

## DEPARTMENTAL CORRESPONDENCE

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To: Fayetteville City Council

Thru: Mayor Dan Coody  
Greg Boettcher, Public Works Director  
*Jim Beavers, City Engineer P.L.*

From: Paul Libertini, Staff Engineer *P.L.*

Date: December 3, 2001

Re: **Agenda Request, Council Meeting of December 18, 2001**  
**Sunbridge Drive & Gregg Avenue Intersection Improvements**

1. Staff Recommendation: Staff recommends that the City Council award the construction contract to **Mobley Contractors, Inc.** (contingent upon receiving written concurrence from AHTD to utilize the proposed right-of-way purchase from Arkansas & Missouri Railroad), and approve funding for project contingency and materials testing for "Sunbridge Drive & Gregg Avenue Intersection Improvements".

2. Project Background: This intersection improvement will add a southbound left turn lane on Gregg Avenue (State Highway 180), a northbound right turn lane on Gregg Avenue & a westbound right turn lane on Sunbridge Drive. A traffic study was performed by AHTD and the results showed that this intersection met the warrants for signalization. Therefore, the Engineering Division utilized in-house design staff to develop two sets of construction plans (Signalization Plans & Intersection Improvement Plans) to submit to AHTD for their approval and permitting. The City Traffic Division will install the traffic signal utilizing in-house forces. The proposed right-of-way purchase from Arkansas & Missouri Railroad for the future widening of Gregg Avenue will allow the signal poles on the west side of Gregg Avenue to be set far enough back so that the poles will not have to be relocated in the future Gregg Avenue widening project, while at the same time providing for better highway safety for the subject intersection improvement project.

3. Estimated Project Costs: Bids were opened Thursday, November 29<sup>th</sup>, 2001. The engineer has reviewed the bids and recommends awarding the contract to the low bidder, Mobley Contractors, Inc. in the amount of \$ 241,626.92 which is approximately 5% above the engineer's estimate. The estimated total project costs including contingency monies for unforeseen project expenditures are as follows:

|                                          |                    |
|------------------------------------------|--------------------|
| Sunbridge Drive & Gregg Avenue           |                    |
| Intersection Improvements                | \$ 241,627.00      |
| Project contingency ( $\approx 12.4\%$ ) | \$ 30,000.00       |
| <u>Materials testing</u>                 | <u>\$ 3,000.00</u> |
| Total                                    | \$ 274,627.00      |

4. Project Funding: This project will require a Budget Adjustment to move the remaining balance of \$18,756 from Project #97025, Intersection Improvements, to this Project #98033, Street ROW/Intersection/Cost Sharing.

**City of Fayetteville, Arkansas  
Budget Adjustment Form**

**Sunbridge/Gregg  
A. 2. Page 3**

|                         |                                                                         |                                    |              |
|-------------------------|-------------------------------------------------------------------------|------------------------------------|--------------|
| Budget Year<br><br>2001 | Department: Sales Tax Capital Improvement Fund<br>Division:<br>Program: | Date Requested<br><br>DEC 18, 2001 | Adjustment # |
|-------------------------|-------------------------------------------------------------------------|------------------------------------|--------------|

|                                                                                                                    |                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| <b>Project or Item Requested:</b><br>Additional funding is requested for Sunbridge/Gregg Intersection Improvements | <b>Project or Item Deleted:</b><br>Proposed funding for this adjustment is from the intersection Improvements Project. |
|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                              |                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <b>Justification of this Increase:</b><br>The additional funding is needed to fully fund the project based on bids received. | <b>Justification of this Decrease:</b><br>The Intersection Improvements Project is complete and the remaining funding is not needed. |
|------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|

**Increase Expense (Decrease Revenue)**

| Account Name        | Amount | Account Number    | Project Number |
|---------------------|--------|-------------------|----------------|
| Street Improvements | 19,385 | 4470 9470 5809 00 | 98033 30       |

**Decrease Expense (Increase Revenue)**

| Account Name        | Amount | Account Number    | Project Number |
|---------------------|--------|-------------------|----------------|
| Street Improvements | 19,385 | 4470 9470 5809 00 | 97025 40       |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |              |      |  |          |                |      |  |          |                     |      |  |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------|--|----------|----------------|------|--|----------|---------------------|------|--|---------|--------------------------|------|-------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p align="center"><b>Approval Signatures</b></p> <table style="width:100%;"> <tr> <td style="width:60%;">Requested By</td> <td style="width:40%;">Date</td> </tr> <tr> <td></td> <td align="center">12-03-01</td> </tr> <tr> <td>Budget Manager</td> <td>Date</td> </tr> <tr> <td></td> <td align="center">12-04-01</td> </tr> <tr> <td>Department Director</td> <td>Date</td> </tr> <tr> <td></td> <td align="center">12/4/01</td> </tr> <tr> <td>Admin. Services Director</td> <td>Date</td> </tr> <tr> <td>Mayor</td> <td>Date</td> </tr> </table> | Requested By | Date |  | 12-03-01 | Budget Manager | Date |  | 12-04-01 | Department Director | Date |  | 12/4/01 | Admin. Services Director | Date | Mayor | Date | <p align="center"><b>Budget Office Use Only</b></p> <p>Type:      A      B      C      <u>D</u>      E</p> <p>Date of Approval _____</p> <p>Posted to General Ledger _____</p> <p>Posted to Project Accounting _____</p> <p>Entered in Category Log _____</p> |
| Requested By                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Date         |      |  |          |                |      |  |          |                     |      |  |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 12-03-01     |      |  |          |                |      |  |          |                     |      |  |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
| Budget Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Date         |      |  |          |                |      |  |          |                     |      |  |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 12-04-01     |      |  |          |                |      |  |          |                     |      |  |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
| Department Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Date         |      |  |          |                |      |  |          |                     |      |  |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 12/4/01      |      |  |          |                |      |  |          |                     |      |  |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
| Admin. Services Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Date         |      |  |          |                |      |  |          |                     |      |  |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
| Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Date         |      |  |          |                |      |  |          |                     |      |  |         |                          |      |       |      |                                                                                                                                                                                                                                                               |

Blue Copy: Budget & Research / White Copy: Requester

H:\BUDGET\PROJECTS\BUD\_AD\BA\_2001\SUNB\_INT.WK





SUNBRIDGE DRIVE & GREGG AVENUE  
INTERSECTION IMPROVEMENTS

BID #01-00, BID TABULATION FORM  
BID OPENING - NOVEMBER 29, 2001 @ 2:00PM  
City of Fayetteville, Arkansas

| Item No.                    | Description                                                | Unit | Estimated Quantity | AFAC-McClinton Auction | Mobley Contractors, Inc. | Jerry D. Swetter, Inc. | Tomlinson Asphalt Co., Inc. | Mean Value   | City of Fayetteville |
|-----------------------------|------------------------------------------------------------|------|--------------------|------------------------|--------------------------|------------------------|-----------------------------|--------------|----------------------|
| 1                           | Mobilization                                               | LS   | 1                  | \$5,986.00             | \$5,986.00               | \$5,668.75             | \$5,668.75                  | \$3,500.00   | \$10,000.00          |
| 2                           | Roadway Construction Control                               | LS   | 1                  | \$15,572.00            | \$15,572.00              | \$7,037.19             | \$7,037.19                  | \$2,500.00   | \$4,000.00           |
| 3                           | Maintenance of Traffic                                     | LS   | 1                  | \$30,264.00            | \$30,264.00              | \$19,336.33            | \$19,336.33                 | \$64,000.00  | \$20,000.00          |
| 4                           | Tree Protection Fencing                                    | LF   | 200                | \$12.25                | \$2,450.00               | \$10.32                | \$2,064.00                  | \$7.00       | \$1,000.00           |
| 5                           | Excavation Safety                                          | LS   | 1                  | \$1,120.00             | \$1,120.00               | \$5,007.23             | \$5,007.23                  | \$1,500.00   | \$2,000.00           |
| 6                           | Clearing and Grubbing                                      | LS   | 1                  | \$10,910.00            | \$10,910.00              | \$6,693.75             | \$6,693.75                  | \$12,500.00  | \$10,000.00          |
| 7                           | R & D Retaining Wall                                       | LS   | 1                  | \$1,230.00             | \$1,230.00               | \$662.50               | \$662.50                    | \$500.00     | \$5,000.00           |
| 8                           | R & D Curb & Gutter                                        | LF   | 500                | \$13.45                | \$6,725.00               | \$5.85                 | \$2,925.00                  | \$10.00      | \$30.00              |
| 9                           | R & D 18" Corrugated Metal Pipe (CMP)                      | LF   | 20                 | \$23.10                | \$462.00                 | \$43.44                | \$868.80                    | \$30.00      | \$400.00             |
| 10                          | R & D 18" Corrugated Metal Pipe (CMP) Flared End Section   | EA   | 4                  | \$115.00               | \$460.00                 | \$82.81                | \$331.24                    | \$100.00     | \$100.00             |
| 11                          | R & D Asphalt Driveway                                     | SY   | 70                 | \$15.40                | \$1,078.00               | \$23.84                | \$1,668.80                  | \$10.00      | \$700.00             |
| 12                          | R & D Concrete Sidewalk                                    | SY   | 100                | \$13.55                | \$1,355.00               | \$3.31                 | \$331.00                    | \$9.00       | \$900.00             |
| 13                          | R & D Brick/Concrete Entrance Walls                        | LS   | 1                  | \$1,080.00             | \$1,080.00               | \$662.50               | \$662.50                    | \$1,000.00   | \$1,000.00           |
| 14                          | R & D Traffic Island (Sunbridge Drive)                     | LS   | 1                  | \$1,080.00             | \$1,080.00               | \$2,025.00             | \$2,025.00                  | \$500.00     | \$500.00             |
| 15                          | R & D Concrete Flume                                       | BA   | 3                  | \$360.00               | \$1,080.00               | \$70.83                | \$212.49                    | \$500.00     | \$1,500.00           |
| 16                          | Unclassified Excavation                                    | CY   | 1,200              | \$47.15                | \$61,295.00              | \$14.54                | \$18,902.00                 | \$15.00      | \$19,500.00          |
| 17                          | Compacted Embankment-Select Fillside Material (Borrow)     | CY   | 1,100              | \$26.80                | \$29,480.00              | \$20.57                | \$22,627.00                 | \$10.00      | \$11,000.00          |
| 18                          | Undercut and Backfill                                      | CY   | 300                | \$59.10                | \$17,730.00              | \$32.59                | \$9,777.00                  | \$14.00      | \$4,200.00           |
| 19                          | Aggregate Base Course (Class 7)                            | TN   | 800                | \$39.10                | \$31,280.00              | \$25.88                | \$20,704.00                 | \$14.00      | \$11,200.00          |
| 20                          | Concrete Curb and Gutter                                   | LF   | 475                | \$11.20                | \$5,320.00               | \$24.42                | \$11,599.50                 | \$8.00       | \$3,800.00           |
| 21                          | Cold Milling Asphalt Pavement                              | SY   | 250                | \$30.90                | \$7,725.00               | \$24.78                | \$6,195.00                  | \$13.00      | \$3,250.00           |
| 22                          | ACHM Surface Course (PG 70-22)                             | TN   | 450                | \$102.60               | \$46,170.00              | \$36.70                | \$23,515.00                 | \$35.00      | \$24,750.00          |
| 23                          | ACHM Binder Course (PG 70-22)                              | TN   | 350                | \$86.40                | \$30,240.00              | \$54.60                | \$19,110.00                 | \$35.00      | \$19,250.00          |
| 24                          | 14-inch Corrugated Metal Pipe (CMP)                        | LF   | 170                | \$86.80                | \$14,756.00              | \$40.59                | \$6,900.30                  | \$35.00      | \$5,950.00           |
| 25                          | Drop Inlet, Type ST (AHTD) w/ Vase Grates                  | EA   | 1                  | \$3,370.00             | \$3,370.00               | \$4,021.86             | \$4,021.86                  | \$2,600.00   | \$2,100.00           |
| 26                          | Junction Box 4'x4'                                         | EA   | 1                  | \$2,977.00             | \$2,977.00               | \$2,351.00             | \$2,351.00                  | \$1,800.00   | \$1,800.00           |
| 27                          | Concrete Sidewalk (4')                                     | SY   | 100                | \$29.10                | \$2,910.00               | \$32.30                | \$3,230.00                  | \$34.00      | \$3,400.00           |
| 28                          | Concrete Access Ramps (4')                                 | SY   | 35                 | \$49.45                | \$1,730.75               | \$44.78                | \$1,567.30                  | \$34.00      | \$1,190.00           |
| 29                          | Concrete Driveway (6')                                     | SY   | 175                | \$43.75                | \$7,656.25               | \$31.53                | \$5,517.75                  | \$34.00      | \$5,950.00           |
| 30                          | Seeding and Mowing                                         | AC   | 0.75               | \$12,425.00            | \$9,318.75               | \$3,504.17             | \$3,478.13                  | \$3,500.00   | \$2,500.00           |
| 31                          | Imported Top Soil                                          | CY   | 450                | \$48.10                | \$21,645.00              | \$24.46                | \$11,007.00                 | \$20.00      | \$9,000.00           |
| 32                          | Signs                                                      | SF   | 50                 | \$26.25                | \$1,312.50               | \$26.25                | \$1,312.50                  | \$30.00      | \$1,500.00           |
| 33                          | 6" Yellow or White Solid Pavement Markings (Thermoplastic) | LF   | 5,000              | \$0.58                 | \$2,900.00               | \$0.58                 | \$2,900.00                  | \$0.60       | \$3,000.00           |
| 34                          | 24" White Pavement Markings (Thermoplastic)                | LF   | 75                 | \$16.80                | \$1,260.00               | \$16.80                | \$1,260.00                  | \$18.00      | \$1,350.00           |
| 35                          | 12" Yellow Diagonal Pavement Markings (Thermoplastic)      | LF   | 60                 | \$8.40                 | \$504.00                 | \$8.40                 | \$504.00                    | \$9.00       | \$540.00             |
| 36                          | White Pavement Marking Arrows (Thermoplastic)              | EA   | 13                 | \$210.00               | \$2,730.00               | \$210.00               | \$2,730.00                  | \$210.00     | \$2,730.00           |
| 37                          | Grass Bales (E-1)                                          | EA   | 75                 | \$47.25                | \$3,543.75               | \$14.12                | \$1,059.00                  | \$100.00     | \$7,500.00           |
| 38                          | Silt Fence (E-3)                                           | LF   | 1,600              | \$4.75                 | \$7,600.00               | \$3.04                 | \$4,864.00                  | \$3.50       | \$5,600.00           |
| Subtotal Construction Costs |                                                            |      |                    | \$195,306.00           | \$241,626.92             | \$248,645.60           | \$239,211.00                | \$256,483.06 | \$229,410.00         |
| Contingency 15%             |                                                            |      |                    |                        | \$36,244.04              | \$37,797.96            |                             |              | \$34,411.50          |
| TOTAL CONSTRUCTION COSTS    |                                                            |      |                    |                        |                          |                        |                             |              | \$263,821.50         |

STAFF REVIEW FORM

☒ AGENDA REQUEST  
☐ CONTRACT REVIEW  
☐ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001

FROM:

|                       |                              |                             |
|-----------------------|------------------------------|-----------------------------|
| <u>Kevin Springer</u> | <u>Budget &amp; Research</u> | <u>Administrative Svcs.</u> |
| Name                  | Division                     | Department                  |

ACTION REQUIRED:

City Council is requested to approve the purchase of 223 Microsoft Office XP software licenses from Dell Incorporated. The purchases are authorized through the State of Arkansas Contract Award ST-98-0491. In addition, a budget adjustment is also requested. CIP FUND.

COST TO CITY:

|                      |                         |                       |
|----------------------|-------------------------|-----------------------|
| \$ 63,923.56         | \$ 60,000.00            | Software Upgrades     |
| Cost of this Request | Category/Project Budget | Category/Project Name |
| 4470-9470-5209-00    | \$ 0.00                 | Other Capital         |
| Account Number       | Funds Used To Date      | Program Name          |
| 00022-1              | \$ 60,000.00            | Sales Tax Capital     |
| Project Number       | Remaining Balance       | Fund                  |

BUDGET REVIEW: ☒ Budgeted Item ☒ Budget Adjustment Attached

[Signature]  
Budget Manager

[Signature]  
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]  
Accounting Manager

11/29/01  
Date

[Signature]  
Internal Auditor

11/29/01  
Date

[Signature]  
City Attorney

11/29/01  
Date

[Signature]  
ADA Coordinator

[Signature]  
Date

[Signature]  
Purchasing Officer

[Signature]  
Date

[Signature]  
Grant Coordinator

[Signature]  
Date

STAFF RECOMMENDATION: Purchase of Office XP software licenses from Dell Incorporated and the attached Budget Adjustment.

[Signature]  
Division Head

11-29-01  
Date

Cross Reference

[Signature]  
Department Director

12/3/01  
Date

New Item: Yes No

[Signature]  
Administrative Services Director

Prev Ord/Res #: \_\_\_\_\_

[Signature]  
Mayor

12/04/01  
Date

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_



## DEPARTMENTAL CORRESPONDENCE

---

TO: Mayor Dan Coody and the Fayetteville City Council

THRU: Ted H. Webber, Administrative Services Director

FROM: Budget & Research 

DATE: November 28, 2001

SUBJECT: **Request for Approval of Expenditures - Microsoft Office XP Licenses**

Staff requests City Council's approval for the purchase of 223 Microsoft Office XP Licenses from Dell Incorporated. The pricing of the software is made possible through the State of Arkansas purchasing contract ST-98-0491 for computer software.

### Background:

Back in 2000, a survey was sent out to City employees to find usage preferences for business (i.e. word processing, spreadsheet, and database) software. The survey asked questions concerning current and preferred software usage. The results of the survey showed that there were major incompatibilities with the current software used. This caused problems with the sharing of information between City areas and outside agencies. The main results of the survey showed that over 56% of the employees surveyed wanted the City to switch to the Microsoft Office software suite. The decision to standardized to Microsoft Office was made due to the training options available and also the trend of increased usage of this software.

### Items & Funding Requested:

The items requested on the attached page will allow for the purchase of software licenses for all City computers with the exception of the Police Department. They are already using the Microsoft Office software suite. The vendor selected for the purchase is Dell Incorporated which is on the State of Arkansas Purchasing Contract ST-98-0491. By purchasing from the State Contract, almost \$15,000 in cost is saved.

Currently there is \$60,000 budgeted for this conversion with the quoted price coming in at \$63,923.56. Since Microsoft has gone to the new Office XP version and has also eliminated all competitive upgrades from other programs (i.e. Word Perfect, Lotus), the cost has increased over what was projected. In addition, \$27,234 in funding is needed to cover the cost of training over the next 12 months. The training will be performed by the University of Arkansas at the Continuing Education Center. Because of the increase in software costs and the training needs, a budget adjustment in the amount of \$31,158 is attached for your approval.

|                            |                                                                                                                                         |                                     |                     |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------|
| <b>Budget Year</b><br>2001 | <b>Department:</b> Administrative Services<br><b>Division:</b> Budget & Research<br><b>Program:</b> Sales Tax Capital Improvements Fund | <b>Date Requested</b><br>12/18/2001 | <b>Adjustment #</b> |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------|

|                                                                                                                   |                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Project or Item Requested:</b><br><br>\$31,158 is requested in the Citywide Software Upgrades capital project. | <b>Project or Item Deleted:</b><br><br>None. \$31,158 from the Printer Replacements capital project |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                          |                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b>Justification of this Increase:</b><br><br>The funding is needed to cover the purchase and training costs associated with the conversion to the Microsoft Office XP software package. | <b>Justification of this Decrease:</b><br><br>There is sufficient funding available in the project to meet current objectives. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|

| Increase Expense (Decrease Revenue) |        |                |      |      |    |                |   |
|-------------------------------------|--------|----------------|------|------|----|----------------|---|
| Account Name                        | Amount | Account Number |      |      |    | Project Number |   |
| Software Expense                    | 31,158 | 4470           | 9470 | 5209 | 00 | 00022          | 1 |
|                                     |        |                |      |      |    |                |   |
|                                     |        |                |      |      |    |                |   |

| Decrease Expense (Increase Revenue) |        |                |      |      |    |                |   |
|-------------------------------------|--------|----------------|------|------|----|----------------|---|
| Account Name                        | Amount | Account Number |      |      |    | Project Number |   |
| Minor Equipment                     | 31,158 | 4470           | 9470 | 5890 | 00 | 96017          | 1 |
|                                     |        |                |      |      |    |                |   |
|                                     |        |                |      |      |    |                |   |

| Approval Signatures                                                                                                                                 |                                        | Budget Office Use Only                    |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------|--|
| <b>Requested By</b><br><br><b>Budget Manager</b>                  | <b>Date</b><br>11-29-01<br><b>Date</b> | <b>Type:</b> A      B      C <u>D</u> E   |  |
|                                                                                                                                                     |                                        | <b>Date of Approval</b> _____             |  |
| <b>Department Director</b><br><br><b>Admin. Services Director</b> | <b>Date</b><br>12/3/01<br><b>Date</b>  | <b>Posted to General Ledger</b> _____     |  |
|                                                                                                                                                     |                                        | <b>Posted to Project Accounting</b> _____ |  |
| <b>Mayor</b>                                                                                                                                        | <b>Date</b>                            | <b>Entered in Category Log</b> _____      |  |

## Costs:

| Software Version        | Dell               | CDWG               | Beyond.com         |
|-------------------------|--------------------|--------------------|--------------------|
| <u>Software Expense</u> |                    |                    |                    |
| Office XP Professional  | \$316.95           | \$389.00           | \$404.26           |
| # of Copies             | 20                 | 20                 | 20                 |
| Total Cost              | \$6,339.00         | \$7,780.00         | \$8,085.20         |
| Office XP Standard      | \$263.19           | \$325.00           | \$335.70           |
| # of Copies             | 200                | 200                | 200                |
| Total Cost              | \$52,638.00        | \$65,000.00        | \$67,140.00        |
| Office XP Developer     | \$442.36           | \$540.00           | \$564.55           |
| # of Copies             | 3                  | 3                  | 3                  |
| Total Cost              | \$1,327.08         | \$1,620.00         | \$1,693.65         |
| <u>Documentation:</u>   |                    |                    |                    |
| Office XP Standard      | 3                  | 3                  | 3                  |
| Office XP Professional  | 3                  | 3                  | 3                  |
| Office XP Developer     | 3                  | 3                  | 3                  |
| # of Copies             | 9                  | 9                  | 9                  |
| Copy Price              | \$23.53            | \$22.00            | \$22.22            |
|                         | \$211.77           | \$198.00           | \$199.98           |
| <u>Disk Media:</u>      |                    |                    |                    |
| Office XP Standard      | 5                  | 5                  | 5                  |
| Office XP Professional  | 3                  | 3                  | 3                  |
| Office XP Developer     | 3                  | 3                  | 3                  |
| # of Copies             | 11                 | 11                 | 11                 |
| Copy Price              | \$20.00            | \$22.00            | \$18.89            |
|                         | \$220.00           | \$242.00           | \$207.79           |
| Sub Total               | \$60,735.85        | \$74,840.00        | \$77,326.62        |
| Tax (8.125%)            | 3,187.71           | 3,910.55           | 4,037.99           |
|                         | <u>\$63,923.56</u> | <u>\$78,750.55</u> | <u>\$81,364.61</u> |



# Training Costs:

| Training Class                     | # Students | Cost/Student | Total Cost          |
|------------------------------------|------------|--------------|---------------------|
| Office XP: Word I (4 Hours)        | 72         | 55.25        | 3,978.00            |
| Office XP: Word II (4 Hours)       | 24         | 55.25        | 1,326.00            |
| Office XP: Word III (4 Hours)      | 24         | 55.25        | 1,326.00            |
| Office XP: Excel I (4 Hours)       | 72         | 72.25        | 5,202.00            |
| Office XP: Excel II (6 Hours)      | 24         | 106.25       | 2,550.00            |
| Office XP: Excel III (4 Hours)     | 24         | 72.25        | 1,734.00            |
| Office XP: Powerpoint I (4 Hours)  | 48         | 72.25        | 3,468.00            |
| Office XP: Powerpoint II (4 Hours) | 24         | 72.25        | 1,734.00            |
| Office XP: Access I (6 Hours)      | 24         | 140.25       | 3,366.00            |
| Groupwise (6 Hours)                | 24         | 106.25       | 2,550.00            |
|                                    | <u>360</u> |              | <u>\$ 27,234.00</u> |

# CITY OF FAYETTEVILLE

## Purchase Requisition

(not a purchase order)

|                         |  |                      |  |                            |  |                   |  |
|-------------------------|--|----------------------|--|----------------------------|--|-------------------|--|
| Vendor #:               |  | 2978                 |  | Vendor Name:               |  | Dell Marketing LP |  |
| Address:                |  | 8505 Arboretum Blvd. |  |                            |  |                   |  |
| City:                   |  | Austin               |  | State:                     |  | TX                |  |
| Requester:              |  | Kevin Springer       |  | Zip:                       |  | 78759             |  |
| FOB Point:              |  | Fayetteville, AR     |  |                            |  |                   |  |
| Ship To Code:           |  | 180                  |  |                            |  |                   |  |
| *Requester's Employee#: |  | 304                  |  |                            |  |                   |  |
| Requisition No.:        |  | 226                  |  | Project/SubProject Number: |  | 00022-1           |  |
| Date:                   |  | 12/18/2001           |  | Inventory #                |  | Fixed Asset #     |  |
| P.O. Number:            |  | 12/28/2001           |  | Taxable:                   |  | Yes X No          |  |
| Expected Delivery Date: |  | 12/28/2001           |  | Division Head Approval:    |  |                   |  |
| Extension:              |  | 226                  |  |                            |  |                   |  |

| Item              | Description:                            | Quantity | Unit of Issue | Unit Cost | Extended Cost | Account Number:   | Project/SubProject Number: | Inventory # | Fixed Asset # |
|-------------------|-----------------------------------------|----------|---------------|-----------|---------------|-------------------|----------------------------|-------------|---------------|
| 1                 | Office XP Enterprise MVL (414-9268)     | 200      | Ea            | \$263.19  | \$52,638.00   | 4470-9470-5209-00 | 00022-1                    |             |               |
| 2                 | Office XP Pro Enterprise MVL (414-9266) | 20       | Ea            | \$316.95  | \$6,339.00    | 4470-9470-5209-00 | 00022-1                    |             |               |
| 3                 | Office XP Dev MVL (414-9137)            | 3        | Ea            | \$442.36  | \$1,327.08    | 4470-9470-5209-00 | 00022-1                    |             |               |
| 4                 | Office XP Dockit (03-11568)             | 3        | Ea            | \$23.53   | \$70.59       | 4470-9470-5209-00 | 00022-1                    |             |               |
| 5                 | Office XP Pro Dockit (03-11565)         | 3        | Ea            | \$23.53   | \$70.59       | 4470-9470-5209-00 | 00022-1                    |             |               |
| 6                 | Office XP Dev Dockit (03-11561)         | 3        | Ea            | \$23.53   | \$70.59       | 4470-9470-5209-00 | 00022-1                    |             |               |
| 7                 | Office XP Disk CD WWF (03-11567)        | 5        | Ea            | \$20.00   | \$100.00      | 4470-9470-5209-00 | 00022-1                    |             |               |
| 8                 | Office XP Pro Disk CD WWF (03-11564)    | 3        | Ea            | \$20.00   | \$60.00       | 4470-9470-5209-00 | 00022-1                    |             |               |
| 9                 | Office XP Dev NA Disk Kit CD (03-11563) | 3        | Ea            | \$20.00   | \$60.00       | 4470-9470-5209-00 | 00022-1                    |             |               |
| 10                |                                         |          |               |           |               |                   |                            |             |               |
| 11                |                                         |          |               |           |               |                   |                            |             |               |
| SHIPPING/HANDLING |                                         |          |               |           |               |                   |                            |             |               |

|           |  |             |
|-----------|--|-------------|
| Subtotal: |  | \$60,735.85 |
| Tax:      |  | \$3,187.71  |
| TOTAL:    |  | \$63,923.56 |

Special Instructions:  
*Awaiting Budget Transfer on 12/18/01*

|                           |                                  |
|---------------------------|----------------------------------|
| Approvals:                | (for purchasing office use only) |
| Mayor:                    | Department Director:             |
| Admin. Services Director: | Budget Manager:                  |
| Purchasing Manager:       | Info. Technology Mgr:            |

|                                                               |                                 |                                  |               |                         |               |                                                         |                            |             |               |                       |                                                                     |                         |            |                                                                     |
|---------------------------------------------------------------|---------------------------------|----------------------------------|---------------|-------------------------|---------------|---------------------------------------------------------|----------------------------|-------------|---------------|-----------------------|---------------------------------------------------------------------|-------------------------|------------|---------------------------------------------------------------------|
| <b>CITY OF FAYETTEVILLE</b>                                   |                                 |                                  |               |                         |               |                                                         |                            |             |               | Requisition No.:      | 12/18/2001                                                          | Date:                   | 12/18/2001 |                                                                     |
| Purchase Requisition<br><small>(not a purchase order)</small> |                                 |                                  |               |                         |               |                                                         |                            |             |               | P.O. Number:          | 12/28/2001                                                          | Expected Delivery Date: | 12/28/2001 |                                                                     |
| Vendor #:                                                     |                                 | 86010                            |               | Vendor Name:            |               | University of Arkansas Division of Continuing Education |                            |             |               | Mall:                 | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |                         |            |                                                                     |
| Address:                                                      |                                 | Room #205 - #2 University Center |               | City:                   |               | Fayetteville                                            |                            | State:      |               | AR                    | Zip:                                                                |                         | 72701      |                                                                     |
| City:                                                         |                                 | Fayetteville                     |               | Ship To Code:           |               | 180                                                     |                            | FOB Point:  |               | Fayetteville, AR      |                                                                     | Taxable:                |            | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Requester:                                                    |                                 | Kevin Springer                   |               | *Requester's Employee#: |               | 304                                                     |                            | Extension:  |               | 226                   |                                                                     | Division Head Approval: |            |                                                                     |
| Item                                                          | Description:                    | Quantity                         | Unit of Issue | Unit Cost               | Extended Cost | Account Number:                                         | Project/SubProject Number: | Inventory # | Fixed Asset # |                       |                                                                     |                         |            |                                                                     |
| 1                                                             | 2002 Computer Software Training | 1                                | Ea            | 27,234                  | \$27,234.00   | 4470-9470-5315-00                                       | 00022-1                    |             |               |                       |                                                                     |                         |            |                                                                     |
| 2                                                             |                                 |                                  | Ea            |                         |               |                                                         |                            |             |               |                       |                                                                     |                         |            |                                                                     |
| 3                                                             |                                 |                                  | Ea            |                         |               |                                                         |                            |             |               |                       |                                                                     |                         |            |                                                                     |
| 4                                                             |                                 |                                  | Ea            |                         |               |                                                         |                            |             |               |                       |                                                                     |                         |            |                                                                     |
| 5                                                             |                                 |                                  | Ea            |                         |               |                                                         |                            |             |               |                       |                                                                     |                         |            |                                                                     |
| 6                                                             |                                 |                                  | Ea            |                         |               |                                                         |                            |             |               |                       |                                                                     |                         |            |                                                                     |
| 7                                                             |                                 |                                  | Ea            |                         |               |                                                         |                            |             |               |                       |                                                                     |                         |            |                                                                     |
| 8                                                             |                                 |                                  | Ea            |                         |               |                                                         |                            |             |               |                       |                                                                     |                         |            |                                                                     |
| 9                                                             |                                 |                                  | Ea            |                         |               |                                                         |                            |             |               |                       |                                                                     |                         |            |                                                                     |
| 10                                                            |                                 |                                  |               |                         |               |                                                         |                            |             |               |                       |                                                                     |                         |            |                                                                     |
| 11                                                            |                                 |                                  |               |                         |               |                                                         |                            |             |               |                       |                                                                     |                         |            |                                                                     |
| SHIPPING/HANDLING                                             |                                 |                                  |               |                         |               |                                                         |                            |             |               |                       |                                                                     |                         |            |                                                                     |
| Special Instructions:                                         |                                 |                                  |               |                         |               |                                                         |                            |             |               | Subtotal:             |                                                                     | \$27,234.00             |            |                                                                     |
| AWARNING Budget Transfer on 12/18/01                          |                                 |                                  |               |                         |               |                                                         |                            |             |               | Tax:                  |                                                                     |                         |            |                                                                     |
|                                                               |                                 |                                  |               |                         |               |                                                         |                            |             |               | TOTAL:                |                                                                     | \$27,234.00             |            |                                                                     |
| Approvals:                                                    |                                 |                                  |               |                         |               |                                                         |                            |             |               |                       |                                                                     |                         |            |                                                                     |
| Mayor:                                                        |                                 |                                  |               |                         |               |                                                         |                            |             |               | Purchasing Manager:   |                                                                     |                         |            |                                                                     |
| Admin. Services Director:                                     |                                 |                                  |               |                         |               |                                                         |                            |             |               | Info. Technology Mgr: |                                                                     |                         |            |                                                                     |



STAFF REVIEW FORM

XX AGENDA REQUEST  
\_\_\_\_ CONTRACT REVIEW  
\_\_\_\_ GRANT REVIEW

For the Fayetteville City Council meeting of DECEMBER 18, 2000

FROM:

|                   |                  |                        |
|-------------------|------------------|------------------------|
| <u>DON BAILEY</u> | <u>PERSONNEL</u> | <u>ADMIN. SERVICES</u> |
| Name              | Division         | Department             |

ACTION REQUIRED:

RENEW EMPLOYEE GROUP POLICIES FROM U S ABLE LIFE TO PROVIDE LIFE, AD&D, LTD COVERAGE  
AND SEC. 125 CAFETERIA PLAN ADMINISTRATION

COST TO CITY:

|                                 |                                 |                                |
|---------------------------------|---------------------------------|--------------------------------|
| <u>\$ 184,653 EST. YR. 2002</u> | <u>\$ 184,653 EST. YR. 2002</u> | <u>LIFE/AD&amp;D, LTD INS.</u> |
| Cost of this Request            | Category/Project Budget         | Category/Project Name          |
| <u>VARIOUS</u>                  | <u>\$ 0</u>                     | <u>CITY WIDE</u>               |
| Account Number                  | Funds Used To Date              | Program Name                   |
| <u>Project Number</u>           | <u>\$ 184,653</u>               | <u>CITY WIDE</u>               |
|                                 | Remaining Balance               | Fund                           |

BUDGET REVIEW: \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

[Signature]  
Budget Manager

\_\_\_\_\_  
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

|                       |                |                    |                |
|-----------------------|----------------|--------------------|----------------|
| <u>Maria Farthing</u> | <u>12/4/01</u> | <u>Danny Smith</u> | <u>12/4/01</u> |
| Accounting Manager    | Date           | Internal Auditor   | Date           |
| <u>[Signature]</u>    | <u>12/4/01</u> |                    |                |
| City Attorney         | Date           | ADA Coordinator    | Date           |
| <u>P. Vice</u>        | <u>12-4-01</u> |                    |                |
| Purchasing Officer    | Date           |                    |                |

STAFF RECOMMENDATION:

APPROVE CONTRACT

[Signature] 11-30-01  
Division Head Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: \_\_\_\_\_

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_

\_\_\_\_\_  
Department Director Date

[Signature] 12/4/01  
Administrative Services Director Date

[Signature] 12/6/01  
Mayor Date

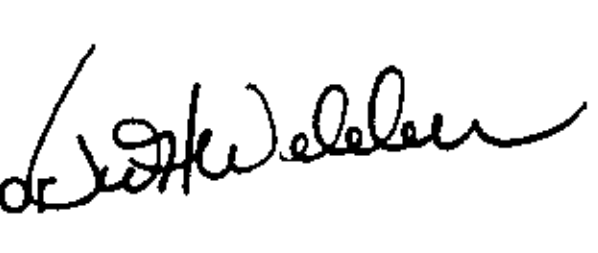
# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

## DEPARTMENTAL CORRESPONDENCE

---

TO: Mayor Dan Coody and The City Council

FROM: Ted Webber, Administration Services Director   
 Don Bailey, Personnel Director 

DATE: November 30, 2001

SUBJECT: Employee Group Life, AD&D, LTD, Voluntary AD&D and Cancer policies, and Cafeteria Plan Administration renewal for calender year 2002.

The expiration date for each of the policies and Cafeteria Plan Administration is 12-31-01. The rates for these coverages were set through competitive bidding for plan year 2000. We received a two year rate guarantee which continued these same rates through the plan year 2001. U.S. Able Life notified us by letter dated November 9, 2001 that there would be no increase for 2002.

|                |                                |                    |
|----------------|--------------------------------|--------------------|
| Life           | (Per \$1,000 coverage)         | .21                |
| AD&D           | (Per \$1,000 coverage)         | .05                |
| LTD            | (Per \$100 of covered payroll) | .46                |
| Vol AD&D*      | (Per \$25,000 coverage)        | 1.50 Employee only |
| Vol AD&D*      | (Per \$25,000 coverage)        | 2.00 Family        |
| Cancer*        |                                | Various            |
| Cafeteria Plan |                                | No cost            |

\* Employer pays for \$25,000 of voluntary AD&D coverage on each employee. The employee pays 100% of premium for coverage above \$25,000 or for Family coverage. The employee pays 100% of premium for Cancer coverage he or she may elect.

U.S. Able, in consideration of employee participation in two of their Voluntary Group Plans (Cancer and Voluntary AD&D), serves at no cost as a third party administrator for our Section 125 Cafeteria Plan. Internal Revenue regulations permit Group premiums, employee and dependent unreimbursed medical care, deductible and co-payment expense and dependent care cost for eligible children and other dependents to be incurred on a pre-tax basis through payroll contributions to a flexible spending account. These expenses are reimbursed to the employee as projected expense occurs.

The estimated cost to be incorporated in the 2002 Budget has been calculated by the Budget & Research Division and is attached as a schedule. An annualized cost forecast of these plans is relatively simple and we are confident the projected costs will not be exceeded.



# 2002 Budget Summary By Fund

- Long Term Disability (LTD)
- Accidental Death & Dismemberment (AD&D)
- Life Insurance

| Fund                         | LTD<br>Budget    | AD&D<br>Budget   | Life Insurance<br>Budget |
|------------------------------|------------------|------------------|--------------------------|
| General (1010)               | \$ 62,641        | \$ 7,646         | \$ 63,731                |
| Street (2100)                | 4,333            | 666              | 4,409                    |
| Community Development (2180) | 468              | 54               | 476                      |
| Parks Development (2250)     | 1,940            | 267              | 1,974                    |
| Drug Law Enforcement (2930)  | 471              | 59               | 480                      |
| Water & Sewer (5400)         | 7,563            | 1,169            | 7,694                    |
| Solid Waste (5500)           | 5,815            | 907              | 5,916                    |
| Airport (5550)               | 898              | 136              | 914                      |
| Shop (9700)                  | 1,862            | 270              | 1,894                    |
|                              | <u>\$ 85,991</u> | <u>\$ 11,174</u> | <u>\$ 87,488</u>         |



November 30, 2001

City of Fayetteville  
Beff Ray  
113 W. Mountain  
Fayetteville, AR 72701

RE: Policy Number 1000246701

Dear Beff Ray:

Your group life insurance plan with US Able Life renews January 1, 2002. We have completed the annual review of the rates for your plan. Based on this analysis, we are pleased to inform you that for the upcoming plan year your rates will remain the same. Your rates are shown below:

| <u>Benefit</u>       | <u>Current Rate</u>                |
|----------------------|------------------------------------|
| Life                 | \$0.21                             |
| AD&D                 | \$0.05                             |
| Long Term Disability | \$0.46                             |
| VAD&D Employee Plan  | \$1.50 per \$25,000 Benefit Amount |
| VAD&D Family Plan    | \$2.00 per \$25,000 Benefit Amount |

Thank you for giving us the opportunity to serve your employees' insurance needs. Please feel free to contact our office (375-7200 or 800/648-0271) or your local insurance representative whenever we can be of assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Henry W. Reed'.

Henry W. Reed  
Director, Group Underwriting

cc: Barbara Lovin 0185

## Schedule of Insurance

| Policy Number | Policyholder         | Effective Date  |
|---------------|----------------------|-----------------|
| R2467         | City of Fayetteville | January 1, 2000 |

|                 |                    |         |
|-----------------|--------------------|---------|
| Waiting Period: | Present Employees: | 30 days |
|                 | Future Employees:  | 30 days |

Benefits for eligible employees shall be determined in accordance with the following schedule:

| CLASSIFICATION                                                                                                                                          | LIFE AND AD&D                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Class 1: All Full-Time Employees customarily working at least 40 hours per week                                                                         | 1 1/2 Times Annual Salary Maximum \$150,000*                                    |
| Class 2: Any Employee previously employed full-time who is a designated staged retiree and who works an average of 20 hours per week on a regular basis | 1 1/2 Times Annual Salary Last Earned When Working Full-Time Maximum \$150,000* |

\* Insurance amounts will be rounded to the next higher thousand.

### REDUCTIONS, TERMINATIONS AND SPECIAL PROVISIONS

**Class 1: Employee Life and Accidental Death & Dismemberment:** Benefits reduce 33 1/3 % of the pre-age 67 amount at ages 67 and 70, and terminate at retirement.

**Class 2: Employee Life and Accidental Death & Dismemberment:** Benefits reduce 33 1/3 % of the pre-age 67 amount at ages 67 and 70, and terminates the earlier of age 75 or retirement.



## Employee Accidental Death and Dismemberment Benefit

If an insured employee suffers a loss described below, we will pay the amount of insurance that applies. The insured employee or his beneficiary must give us proof that:

1. injury occurred while the insurance was in force under this section;
2. loss occurred within 90 days after the injury; and
3. loss was due to injury independent of all other causes.

### AMOUNT OF INSURANCE

We will pay the full benefit shown in the Schedule of Insurance for loss of:

1. life;
2. both hands or both feet;
3. one hand and one foot;
4. sight of both eyes;
5. one hand and sight of one eye; or
6. one foot and sight of one eye.

We will pay one-half the full benefit shown in the Schedule of Insurance for loss of:

1. one hand;
2. one foot; or
3. sight of one eye.

Loss of sight means total and irrecoverable loss of sight. Loss of hands or feet means severance at or above the wrist or ankle, unless the State in which this policy is issued defines the loss differently.

In paying this benefit, we will consider only losses sustained while insured under this section of the policy. We will pay no more than the full amount shown in the Schedule of Insurance for losses resulting from any one injury.

### LIMITATIONS

We will not pay a benefit for a loss caused directly or indirectly by:

1. disease, bodily or mental infirmity, or infection (except bacterial infection of a visible injury);
2. suicide or intentionally self-inflicted injury, whether sane or insane;
3. participation in a riot or insurrection, or commission of an assault or felony;
4. war or any act of war, declared or undeclared;
5. use of any drug, hallucinogen, controlled substance, or narcotic unless prescribed by a physician;
6. travel or flight in, or descent from, any aircraft unless as a fare paying passenger on a commercial airline flying between established airports on: (a) a scheduled route, or (b) a charter flight; or
7. participation in parachute or hang gliding sports, or an organized race or speed contest.

"Participation" in a riot shall include promoting, inciting, conspiring to promote or incite, aiding, abetting, and all forms of taking part in, but shall not include actions taken in defense of public or private property, or actions taken in defense of the person of the insured, if such actions of defense are not taken against persons seeking to maintain or restore law and order including but not limited to police officers and firemen.

**Employee Accidental Death and Dismemberment (continued)**

"Riot" shall include all forms of public violence, disorder or disturbance of the public peace, by three or more persons assembled together, whether or not acting with common intent and whether or not damage to persons or property or unlawful act or acts is the intent or the consequence of such disorder.

"War" means declared or undeclared war or a conflict involving the armed forces of any country, group of countries, governments, or international organization.

## Schedule of Insurance — Optional Benefit

### Voluntary Accidental Death & Dismemberment (VAD&D)

Any eligible employee may select Voluntary AD&D coverage in units of \$25,000 up to a maximum of \$250,000 by completing an application during the enrollment period and paying the required premium. Amounts over \$150,000 are subject to a limit of ten (10) times the employee's annual salary rounded to the next higher \$25,000 increment.

#### FAMILY PLAN COVERAGE

The insured employee may also choose to cover his spouse and/or dependent children. If he does, the amount of insurance applicable to members of the family is based on the composition of the family at the time of loss and is expressed as a percentage of the employee's benefit amount as follows:

| PERCENTAGE OF<br>INSURANCE FOR: | FAMILY COMPOSITION AT TIME OF LOSS |                        |                                 |
|---------------------------------|------------------------------------|------------------------|---------------------------------|
|                                 | Employee &<br>Spouse               | Employee &<br>Children | Employee, Spouse,<br>& Children |
| Employee                        | 100%                               | 100%                   | 100%                            |
| Spouse                          | 50%                                | N/A                    | 40%                             |
| Each Child                      | N/A                                | 10%                    | 5%                              |

#### REDUCTIONS, TERMINATIONS AND SPECIAL PROVISIONS

**Employee VAD&D:** Benefits reduce 35% at age 70. A further reduction of 20% will occur at age 75, as well as additional 15% reductions at ages 80 and 85. All reductions are based upon the pre-age 70 benefit amount. Benefits terminate at retirement.

**Dependent VAD&D:** Coverage for a dependent spouse terminates at the spouse's age 70. Coverage for dependent children terminates on the date the employee's coverage terminates or the date as defined under Termination of Dependent Insurance.



## DISABILITY BENEFIT

### CLASSES TO BE COVERED

All Full Time Employees

### AMOUNT OF INSURANCE

- a. 60% (benefit percentage) of basic monthly earnings not to exceed the maximum monthly benefit, less other income benefits.
- b. The maximum monthly benefit is \$6,000.
- c. The minimum monthly benefit is \$50.00.

### MAXIMUM BENEFIT PERIOD

| <u>Age At Disability</u> | <u>Benefit Period</u> | <u>Age At Disability</u> | <u>Benefit Period</u> |
|--------------------------|-----------------------|--------------------------|-----------------------|
| Less than age 60         | To Age 65             | 65                       | 24 months             |
| 60                       | 60 months             | 66                       | 21 months             |
| 61                       | 48 months             | 67                       | 18 months             |
| 62                       | 42 months             | 68                       | 15 months             |
| 63                       | 36 months             | 69 and over              | 12 months             |
| 64                       | 30 months             |                          |                       |

ELIMINATION PERIOD 180 days

### MINIMUM REQUIREMENT FOR ACTIVE EMPLOYMENT

30 regularly scheduled hours per week.

WAITING PERIOD: If you were hired on or before the policy effective date: 00 days  
If you were hired after the policy effective date: 90 days

### CONTRIBUTIONS

You are not required to contribute to the cost of your insurance.

STAFF REVIEW FORM

XX AGENDA REQUEST  
 \_\_\_\_\_ CONTRACT REVIEW  
 \_\_\_\_\_ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001

FROM:

|                      |                              |                                |
|----------------------|------------------------------|--------------------------------|
| <u>Stephen Davis</u> | <u>Budget &amp; Research</u> | <u>Administrative Services</u> |
| Name                 | Division                     | Department                     |

ACTION REQUIRED:

Proposed amendment to the City of Fayetteville, Arkansas 2002 Annual Budget & Work Program

COST TO CITY:

\$

|                             |                                |                              |
|-----------------------------|--------------------------------|------------------------------|
| <u>Cost of this Request</u> | <u>Category/Project Budget</u> | <u>Category/Project Name</u> |
| <u>Account Number</u>       | <u>Funds Used To Date</u>      | <u>Program Name</u>          |
| <u>Project Number</u>       | <u>Remaining Balance</u>       | <u>Fund</u>                  |

BUDGET REVIEW: \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

[Signature]  
Budget Manager

\_\_\_\_\_  
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]  
Accounting Manager

12/6/01  
Date

[Signature]  
Internal Auditor

12/7/01  
Date

[Signature]  
City Attorney

12/6/01  
Date

\_\_\_\_\_  
ADA Coordinator

\_\_\_\_\_  
Date

[Signature]  
Purchasing Officer

12/6/01  
Date

\_\_\_\_\_  
Grant Coordinator

\_\_\_\_\_  
Date

STAFF RECOMMENDATION:

[Signature]  
Division Head

12-6-01  
Date

Cross Reference

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Date

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

[Signature]  
Administrative Services Director

12/6/01  
Date

Prev Ord/Res #: \_\_\_\_\_

[Signature]  
Mayor

12/6/01  
Date

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_

## City of Fayetteville, Arkansas - 2002 Annual Budget

### Amendment #1

#### General Fund:

Increase Revenue - A&P Commission Town Center Gardens Contract (1010-0001) . . (\$ 17,500)

The Advertising & Promotion Commission is contracting with the City for the City to maintain the Town Center Gardens.

Increase Transfer to the Fayetteville Public Library (1010-5240) . . . . . \$ 54,000

Decrease Salary Contingency (1010-6600) . . . . . (\$ 54,000)

The increase in transfer amounts is to provide funding for the impact of implementing the pay plan amendments approved by City Council December 4, 2001 that are to be effective January 7, 2002.

#### Street Fund:

Decrease - Ozark Regional Transit (2100-4100) . . . . . (\$ 12,471)

City Council approved an advance appropriation for Ozark Regional Transit at a special City Council meeting December 3, 2001.

Increase - Property Tax Rollback Settlement (2100-4100) . . . . . \$ 115,000

This cost increase recognizes the projected cost to the City associated with the Hicks v. City of Fayetteville et. al. (Millage Lawsuit.) A settlement agreement with Washington County on this issue will be brought forward for City Council approval in early 2002.

#### Community Development Block Grant:

Decrease - Community Development - Office Supplies (2180-4930) . . . . . (\$ 300)

Decrease - Community Development - Public Notification (2180-4930) . . . . . (\$ 500)

Decrease - Community Development - Publications & Dues (2180-4930) . . . . . (\$ 200)

Decrease - Community Development - Travel & Training (2180-4930) . . . . . (\$ 400)

Decrease - Community Development - Minor Equipment (2180-4930) . . . . . (\$ 2,400)

Increase - Community Development - Contract Services (2180-4940) . . . . . \$ 3,800

These changes listed above are due allocation changes made by Housing & Urban Development. The net effect to Community Development Block Grant funding is \$0.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 34: FINANCE AND REVENUE, OF THE CODE OF FAYETTEVILLE, TO ESTABLISH A FORMAL PROCESS FOR THE SALE OF MUNICIPALLY-OWNED REAL PROPERTY.

WHEREAS, from time to time, the City of Fayetteville finds it necessary and desirable to offer for sale certain parcels of real property in its possession; and,

WHEREAS, the sale of any such municipally-owned real property is a matter of great importance and concern to the citizens of the City of Fayetteville;

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

Section 1. That Chapter 34: Finance and Revenue, Code of Fayetteville is hereby amended by inserting the following:

**§34.27 Sale of municipally-owned real property.**

(A) No municipally-owned real property shall be offered for sale without the express authorization, by resolution, of the City Council. The City Council shall determine whether the property should be rezoned prior to offering it for sale.

(B) Such resolutions shall contain a specific finding by the City Council that the subject real property no longer serves a municipal purpose.

(C) Two (2) simultaneous and independent appraisals of the real property shall be obtained for the Council's consideration, dated within six (6) months of the proposed sale.

(D) Public notice shall be given not less than thirty (30) calendar days before the first City Council meeting at which such a resolution is introduced, by all of the following means:

(1) A conspicuous display advertisement placed in a newspaper of general circulation in the City on at least four (4) separate occasions;

(2) Certified mail, return receipt requested, to all adjacent property owners;

(3) Signs, prominently displayed, and at all approaches to the subject real property, announcing that the City Council will be considering the sale of the real

property, the date on which the sale is to be debated, as well as the telephone number of the Mayor's Office.

(E) Upon an affirmative vote of the City Council, the City shall solicit sealed bids, at a minimum price set by the City Council, from all interested parties. Bids must equal or exceed the minimum price set by the City Council and the appraised value of the property.

(F) The City shall sell the subject real property to the highest qualified bidder. In the event none of the bids from a qualified bidder equals the minimum price set by the City Council, the City shall reject all bids, and may reopen the bidding, upon City Council approval.

(G) Upon receipt of an acceptable bid, and authorization by a separate resolution of the City Council, the conveyance of the real property shall be performed by the Mayor and City Clerk.

(H) The sale of industrial, business and technology park lands, and the sale of real property to other public entities are expressly exempt from the provisions of this section.

(I) The sale of real property to a non-profit corporation for charitable purposes shall only require a single appraisal, a single display advertisement placed in a newspaper of general circulation in the City, the certified mail, and sign requirements set forth in subsections (D) (2) & (3). Following the setting of a minimum price by the City Council no lower than the appraised value, the non-profit corporation may purchase the property at that price, and the sale shall be exempt from the provisions of subsections (E), (F), & (G) of this ordinance.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2001

APPROVED:

By:

DAN COODY, Mayor

ATTEST

By:

HEATHER WOODRUFF, City Clerk

**DRAFT**

STAFF REVIEW FORM

X AGENDA REQUEST  
 \_\_\_\_\_ CONTRACT REVIEW  
 \_\_\_\_\_ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001.

FROM:

Tim Conklin Planning Urban Development  
 Name Division Department

**ACTION REQUIRED:** To approve an ordinance for ANX 01-5.00 as submitted by Raymond C. Smith, Attorney, on behalf of Gerald and Irene Griscom and Sylvester C. and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.

**COST TO CITY:**

\$

|                             |                                |                              |
|-----------------------------|--------------------------------|------------------------------|
| <u>Cost of this Request</u> | <u>Category/Project Budget</u> | <u>Category/Project Name</u> |
| <u>Account Number</u>       | <u>Funds Used To Date</u>      | <u>Program Name</u>          |
| <u>Project Number</u>       | <u>Remaining Balance</u>       | <u>Fund</u>                  |

**BUDGET REVIEW:** \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

Budget Manager Administrative Services Director

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

|                           |                 |                         |             |
|---------------------------|-----------------|-------------------------|-------------|
| <u>Accounting Manager</u> | <u>Date</u>     | <u>Internal Auditor</u> | <u>Date</u> |
| <u>City Attorney</u>      | <u>11/20/01</u> | <u>ADA Coordinator</u>  | <u>Date</u> |
| <u>Purchasing Officer</u> | <u>Date</u>     |                         |             |

**STAFF RECOMMENDATION:** Staff recommended approval and on November 26, 2001 the Fayetteville Planning Commission voted 8-0-0 to recommend approval by the City Council.

Division Head 11-30-01 Cross Reference  
 Date

Department Director Date New Item: **Yes**  
Administrative Services Director 12/4/01 Prev Ord/Res #: \_\_\_\_\_  
Mayor 12/6/01 Orig Contract Date: \_\_\_\_\_  
 Date Orig Contract Number: \_\_\_\_\_



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ANNEXING THAT PROPERTY DESCRIBED  
IN ANNEXATION PETITION ANX 01-5.00 FOR A PARCEL  
CONTAINING APPROXIMATELY 13.61 ACRES FOR PROPERTY  
LOCATED EAST OF DOUBLE SPRINGS ROAD AND SOUTH OF OWL  
CREEK SUBDIVISION, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY  
RAYMOND C. SMITH, ATTORNEY, ON BEHALF OF CONLEY AND  
VIRGINIA WORLEY, GERALD AND IRENE GRISCOM AND SYLVESTER  
AND CAROL GUIST.

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

Section 1: That the City of Fayetteville hereby confirms the  
annexation to the City of Fayetteville, Arkansas, of the following described  
property:

Section 2: That the above described property is hereby assigned  
to Ward number \_\_\_\_\_

Section 3: That the official zoning map of the City of Fayetteville,  
Arkansas is hereby amended to reflect that the zoning of the  
property described above shall be A-1, Agricultural.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

APPROVED:

By: DRAFT  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Heather Woodruff, City Clerk

EXHIBIT "A"

ANX 01-5.00

PART OF THE NE1/4 OF THE NE ¼ OF SECTION 15, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID NE1/4, NE1/4 THENCE S00°09'50"W 328.42 FEET, THENCE S89°33'51"W 1322.90 FEET TO THE CENTERLINE OF DOUBLE SPRINGS ROAD, THENCE ALONG SAID CENTERLINE N00°00'56"W 330.00 FEET, THENCE LEAVING SAID CENTERLINE N89°37'59"E 1323.92 FEET TO THE P.O.B.; CONTAINING 10.00 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

PART OF THE NE1/4 OF THE NE1/4 OF SECTION 15, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID NE1/4, NE ¼ THENCE S00°09'50"W 328.42 FEET TO THE P.O.B., THENCE S00°10'21"E 165.63, THENCE S89°33'51"W 949.79 FEET, THENCE NORTH 165.64 FEET, THENCE N89°33'51"E 949.29 FEET TO THE P.O.B.; CONTAINING 3.61 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

Planning Commission  
November 26, 2001  
Page 17

**ANX 01-5.00: Annexation (Griscom/Guist, pp 476)** was submitted by Raymond C. Smith, Attorney on behalf of Gerald & Irene Griscom and Sylvester C. & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.

**Estes:** The next item on the agenda is item number four, this is an annexation request. It is submitted by Mr. Raymond C. Smith, Attorney on behalf of Gerald and Irene Griscom and Sylvester C. & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city. Staff recommends approval of the requested annexation based on the findings that are included in your packet. Is the applicant present or the applicant's representative present? Do you have a presentation that you would like to make? If so, please state your name and provide us with the benefit of your presentation.

**Smith:** My name is Raymond Smith, I'm an attorney representing both the Griscoms and the Guists in this petition for annexation of 13.61 acres from the county into the City of Fayetteville. I believe the packet there has quite a bit of material in there. If there are any questions as far as the developer on this or the planning people on this, Mr. Jorgensen, they are in the audience here and would be available to answer any questions.

**Estes:** Thank you Mr. Smith. Is there any member of the audience who would like to comment on this requested annexation 01-5? Seeing none, I will bring it back to the full commission for discussion, comments or motions. Commissioners?

**Marr:** This is consistent with our planning area. I would like to move for approval of ANX 01-5.00.

**Estes:** We have a motion by Commissioner Marr to approve ANX 01-5.00, is there a second?

**Shackelford:** I'll second.

**Estes:** We have a second by Commissioner Shackelford. Is there any discussion, any comments, any questions? We have a motion by Commissioner Marr and a second by Commissioner Shackelford to approve ANX 01-5.00, any questions or comments? Renee, would you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to approve ANX 01-5.00 was approved by a vote of eight to zero.

**Estes:** The motion passes by a vote of eight to zero.



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

## PLANNING DIVISION CORRESPONDENCE

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TO: Fayetteville Planning Commission  
FROM: Dawn T. Warrick, Senior Planner  
THRU: Tim Conklin, A.I.C.P., City Planner  
DATE: November 20, 2001

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**ANX 01-5.00: Annexation (Griscom/Guist, pp 476) was submitted by Raymond C. Smith, Attorney on behalf of Gerald & Irene Griscom and Sylvester C. & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.**

### RECOMMENDATION:

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

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

**Date:** November 26, 2001

|                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CITY COUNCIL ACTION:</b> Required <u>YES</u><br><input type="radio"/> Approved <input type="radio"/> Denied<br><b>Date:</b> <u>December 18, 2001 (1<sup>st</sup> reading)</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Comments:** \_\_\_\_\_  
\_\_\_\_\_

---

## BACKGROUND

The subject property is located at the western edge of the city, south of Hwy 16W on Double Springs Road. Recently property west and south of this tract was annexed and zoned R-1 for the Silverthorne Subdivision. The two different property owners have obtained an order of annexation from Washington County and are now requesting that the 13.61 acres be annexed into the City of Fayetteville. Two companion requests are also being brought to the Planning Commission for consideration. These property owners, along with the owner of property to the north, are requesting that the entire parcel be rezoned from A-1, Agricultural, to two different types of residential zoning designations.

Surrounding properties are predominately large acreages with single family homes and some agricultural uses.

Annexation will allow for the controlled development under current City regulations. Tree preservation, park land dedication, stormwater management and grading and drainage, will all apply at the time of development for this property if it is annexed into the City. During development review utilities are coordinated. More efficient use of infrastructure is a positive result of development under City regulation. The developer will benefit by having the opportunity to better utilize the subject property and gain access to the City's sewer system as well as police and fire protection and solid waste pickup.

## SURROUNDING LAND USE AND ZONING

|        |                                                                                        |
|--------|----------------------------------------------------------------------------------------|
| North: | Large acreage / single family home, A-1 (R-1 request pending)                          |
| South: | Large acreage / single family homes, Washington County                                 |
| East:  | Large acreage / single family homes, Washington County                                 |
| West:  | Agricultural / single family homes, Washington County & Silverthorne Subdivision (R-1) |

## INFRASTRUCTURE:

Access to this property is from Double Springs Road which runs along the western property boundary and intersects Wedington Drive / Hwy 16W to the north and Hwy 62W to the south (through Farmington). Double Springs Road in this location is classified a minor arterial on the City's Master Street Plan. A minor arterial requires a total of 90' of right of way and is designed to carry approximately 12,200 vehicles per day. Persimmon, a proposed collector street on the Master Street Plan lies immediately north of the subject property.

An existing 8" water line along the west side of Double Springs Road is available to serve this site. Sewer will have to be brought to the site at the time of development. A lift station and a 12" sewer line are located north of this property which serve nearby residential subdivisions (Silverthorne, Owl Creek).

**LAND USE PLAN:** General Plan 2020 designates this site Residential.



IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF:

ANNEXATION OF CERTAIN LANDS TO THE  
CITY OF FAYETTEVILLE, ARKANSAS

01 AUG 24 PM 2 54

CASE NO. CC 2001-20

MARILYN EDWARDS  
CO. & PROBATE CLERK  
WASHINGTON

PETITION FOR ANNEXATION

Comes now, Gerald F. Griscom and Irena M. Griscom, husband and wife, and Sylvester Charles Guist and Carol Ann Guist, husband and wife, Petitioners, and for their Petition for Annexation state as follows:

1. Petitioners, Gerald F. Griscom and Irena M. Griscom, husband and wife, are record owners of the following described property situated in Washington County, Arkansas, to wit:

Part of the NE1/4 of the NE1/4 of Section 15, T16N, R31W in Washington County, Arkansas and being more particularly described as follows: Beginning at the NE Corner of said NE1/4, NE1/4 thence S 00 degrees 09 minutes 50 seconds W 328.42 feet, thence S 89 degrees 33 minutes 51 seconds W 1322.90 feet to the centerline of Double Springs Road, thence along said centerline N 00 degrees 00 seconds 56 seconds W 330.00 feet, thence leaving said centerline N 89 degrees 37 minutes 59 seconds E 1323.92 feet to the P.O.B.; containing 10.00 acres more or less subject to easements and Right of Way of record.

Said property is depicted on a Property Survey and Vicinity Map dated August 9, 2001, prepared by Jorgensen & Associates, a copy of which is attached hereto as Exhibit "A" and made a part hereof by reference.

2. Petitioners, Sylvester Charles Guist and Carol Ann Guist, husband and wife, are record Owners of the following described property situated in Washington County, Arkansas:

Part of the NE1/4 of the NE1/4 of Section 15, T16N, R31W in Washington County, Arkansas and being more particularly described as follows: Beginning at the NE corner of said NE1/4, NE1/4 thence S 00 degrees 09 minutes 50 seconds W 328.42 feet to the P.O.B., thence S 00 degrees 10 minutes 21 seconds E 165.63 feet, thence S 89 degrees 33 minutes 51 seconds W 949.79 feet, thence North 165.64 feet, thence N 89 degrees 33 minutes 51 seconds E 949.29 feet to the P.O.B.; containing 3.61 acres more or less subject to easements and right of way of record.

Said property is depicted on the Property Survey and Vicinity Map dated August 9, 2001, prepared by Jorgensen & Associates, a copy of which is attached hereto as Exhibit "B" and made a part hereof by reference.

3. All of the above described property is adjacent to and contiguous to the present city Boundary line for the City of Fayetteville, Washington County, Arkansas.

4. The above-described property is suitable for annexation to the City of Fayetteville, Arkansas, and is necessary for the proper growth, prosperity and management of the above Described property and the City of Fayetteville, Arkansas.

5. Pursuant to Arkansas Code Annotated Sections 14-40-601 et seq, this Court has jurisdiction over the subject matter herein, and Petitioners request that the above-described be annexed to the City of Fayetteville.

6. Petitioners further state that the law firm of Raymond C. Smith, P.A., Fayetteville, Arkansas, is authorized to act for and on behalf of the Petitioners in all matters connected with this Petition and subsequent hearings or annexation proceedings connected herewith.

7. Petitioners request that this Court set a date for hearing on this Petition, not less than thirty days after the filing of this Petition and subsequent hearings or annexation proceedings therewith.

WHEREFORE, Petitioners pray that the above-described property be annexed to the City of Fayetteville, Washington County, Arkansas, pursuant to the provisions of Arkansas law, after a hearing thereon as required by law; and that this Court, by Order, fix a time and place for said hearing not less than thirty days from the filing of this Petition; and for all other proper and just relief which the Petitioners may be entitled.

GERALD F. GRISCOM and IRENA M. GRISCOM, H&W  
SYLVESTER CHARLES GUIST and CAROL ANN  
GUIST, H&W, PETITIONERS

By: RAYMOND C. SMITH, P.A.

By: 

Raymond C. Smith  
Attorney at Law  
70 N. College, Suite 11  
Fayetteville, AR 72701  
(501) 521-7011  
Ark. Bar No. 80135  
Attorney for Petitioners

VERIFICATION

STATE OF ARKANSAS        }  
                                      } ss.  
COUNTY OF WASHINGTON    }

We, Gerald F. Griscom and Irena M. Griscom, husband and wife, Petitioners, herein, having first been duly sworn, do hereby state on oath that the facts, statements and allegations set forth and contained in the above and foregoing document are true and correct to the best of my knowledge, information and belief.

Gerald F. Griscom  
Gerald F. Griscom  
Petitioner

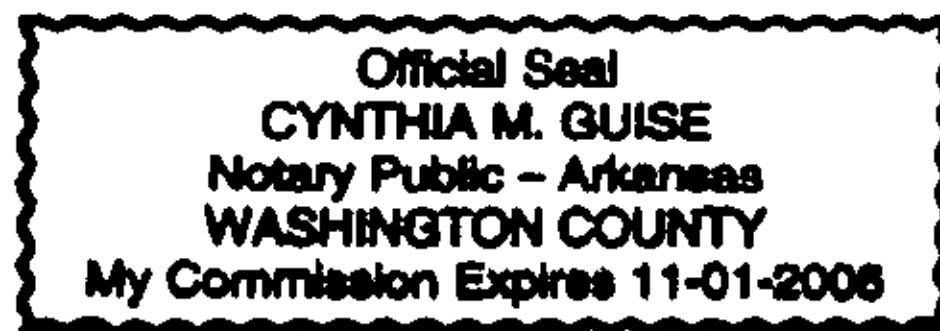
Irena M. Griscom  
Irena M. Griscom  
Petitioner

Subscribed and sworn to before the undersigned, a Notary Public, this 21 day of August, 2001.

Cynthia M. Guise  
Notary Public

My Commission Expires:

11/01/2006





VERIFICATION

STATE OF ARKANSAS                    }  
                                              } ss.  
COUNTY OF WASHINGTON            }

We, Sylvester Charles Guist and Carol Ann Guist, husband and wife, Petitioners, herein, having first been duly sworn, do hereby state on oath that the facts, statements and allegations set forth and contained in the above and foregoing document are true and correct to the best of my knowledge, information and belief.

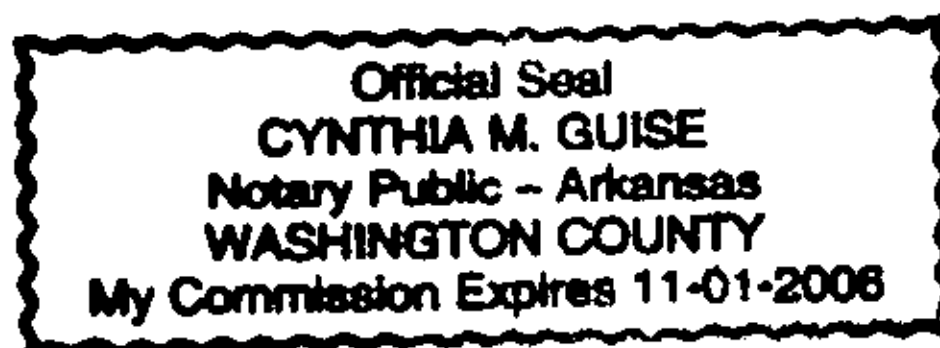
Sylvester Charles Guist  
Sylvester Charles Guist  
Petitioner

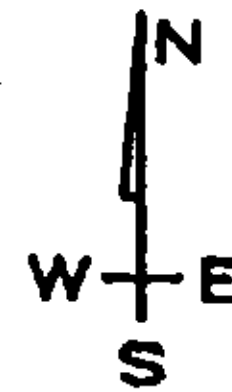
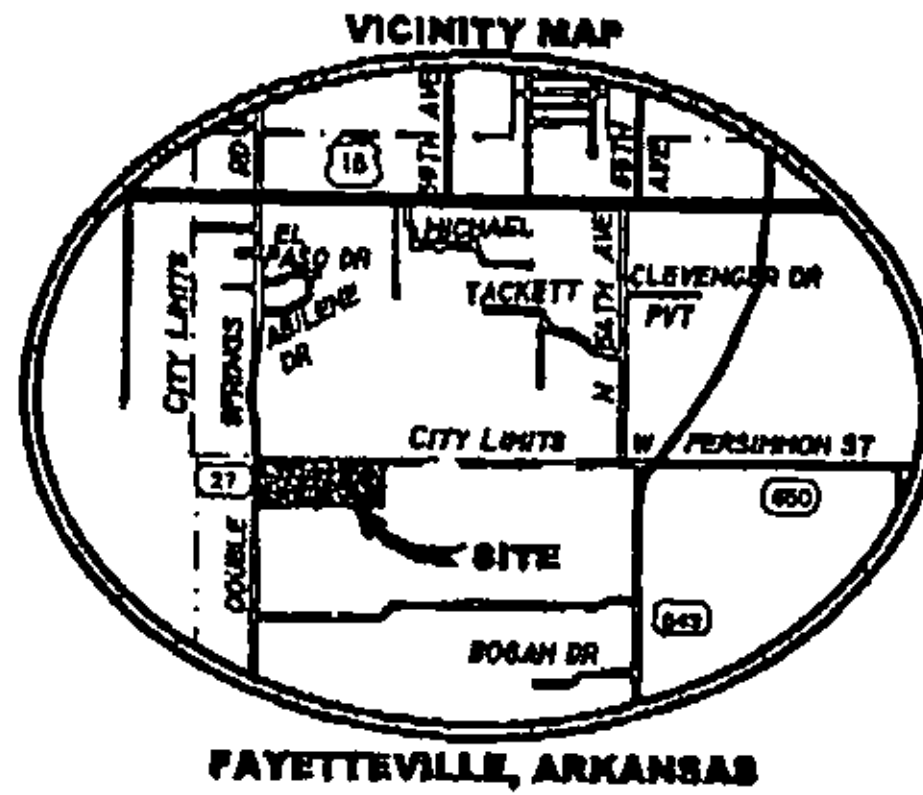
Carol Ann Guist  
Carol Ann Guist  
Petitioner

Subscribed and sworn to before the undersigned, a Notary Public, this 21 day of August, 2001.

Cynthia M. Guise  
Notary Public

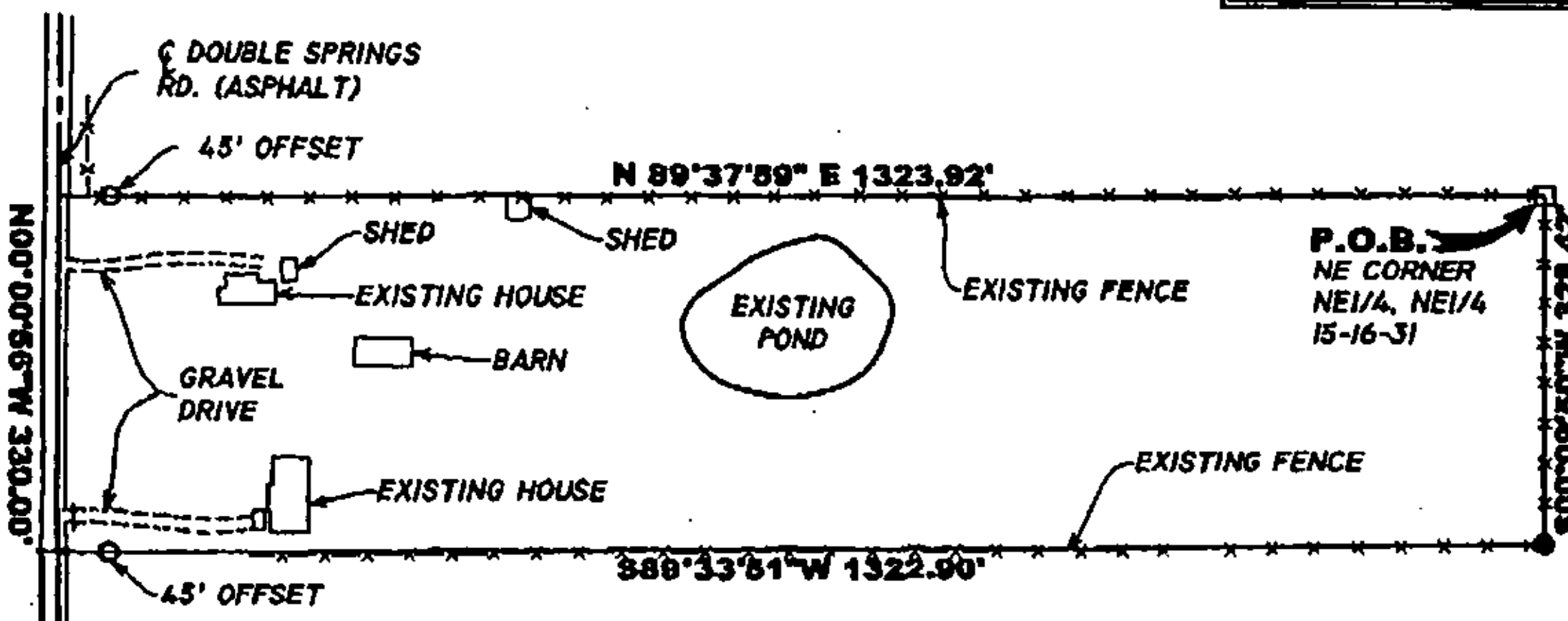
My Commission Expires:  
11-01-2006





# LEGEND

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- SET IRON PIN
- NAIL IN FENCE CORNER

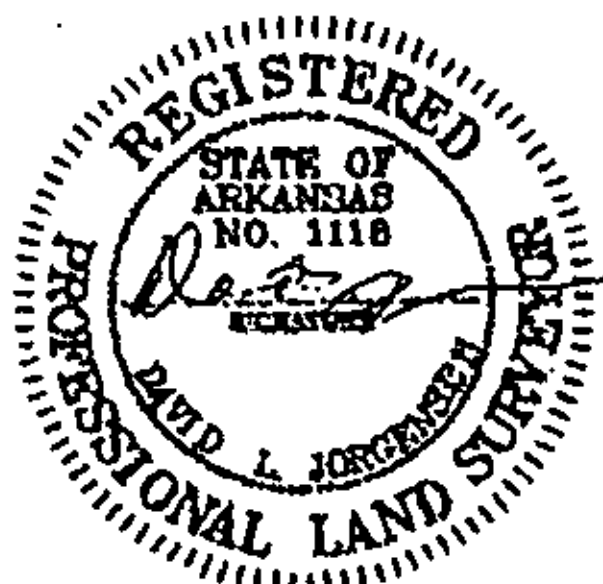


## LEGAL DESCRIPTION:

PART OF THE NE1/4 OF THE NE1/4 OF SECTION 15, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID NE1/4, NE1/4 THENCE S00°09'50"W 328.42 FEET, THENCE S89°33'51"W 1322.90 FEET TO THE CENTERLINE OF DOUBLE SPRINGS ROAD, THENCE ALONG SAID CENTERLINE N00°00'56"W 330.00 FEET, THENCE LEAVING SAID CENTERLINE N89°37'59"E 1323.92 FEET TO THE P.O.B.; CONTAINING 10.00 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

THIS IS TO CERTIFY THAT THE ABOVE SURVEY WAS PERFORMED UNDER MY SUPERVISION AND ALL CORNERS WERE SET AS SHOWN ON THE PLAT AND TO THE BEST OF MY KNOWLEDGE ARE CORRECT.

*David L. Jorgensen* 8/13/01  
DAVID L. JORGENSEN, ARLS 1118 DATE

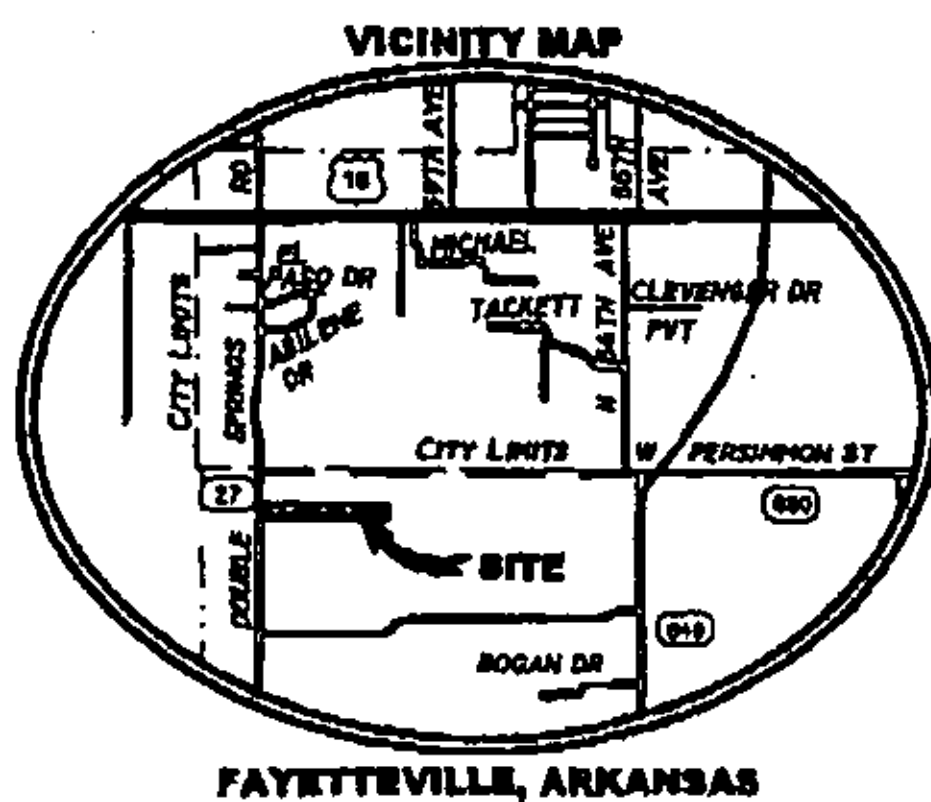


**JORGENSEN & ASSOCIATES**  
CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (501) 442-0127 • FAX (501) 582-4837

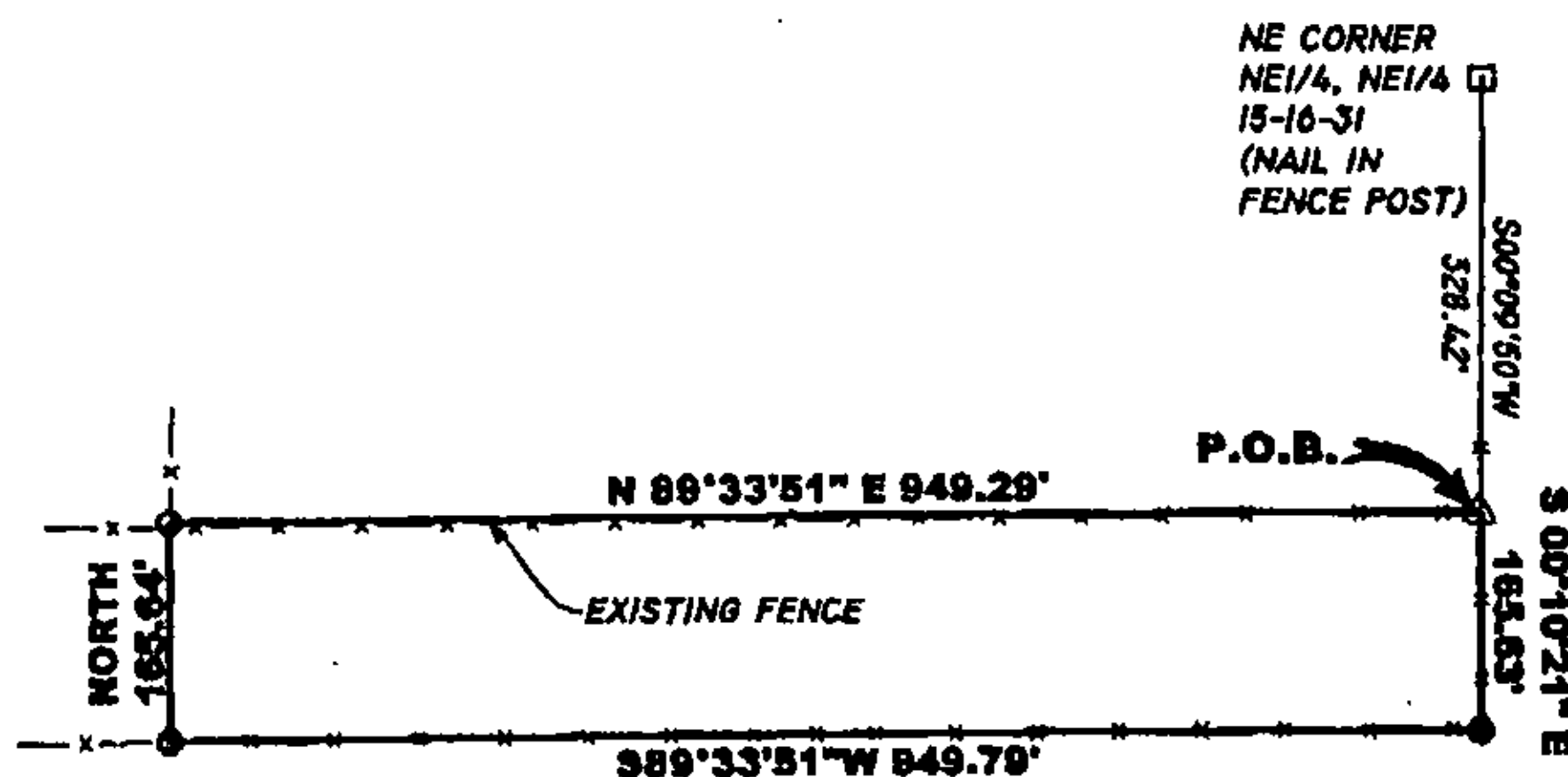
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| SCALE: 1"=200' | DATE REVISED | CHECKED BY: DLJ | DRAWN BY: BJR                    |
| DATE: 09AUG01  |              |                 | C:\SLOAN\JOBS\1015\DOUBLESPRINGS |

PROPERTY SURVEY FOR  
CHARLE SLOAN



**LEGEND**

- FOUND IRON PIN
- SET IRON PIN
- △ FOUND PINCHED PIPE

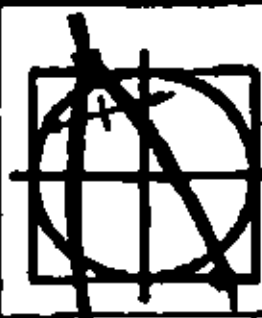


**LEGAL DESCRIPTION:**

PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 15, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID NE 1/4, NE 1/4 THENCE S00°09'50"W 328.42 FEET TO THE P.O.B., THENCE S00°10'21"E 165.63 FEET, THENCE S89°33'51"W 949.79 FEET, THENCE NORTH 165.64 FEET, THENCE N89°33'51"E 949.29 FEET TO THE P.O.B.; CONTAINING 3.61 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

THIS IS TO CERTIFY THAT THE ABOVE SURVEY WAS PERFORMED UNDER MY SUPERVISION AND ALL CORNERS WERE SET AS SHOWN ON THE PLAT AND TO THE BEST OF MY KNOWLEDGE ARE CORRECT.

*David L. Jorgensen* 8/13/01  
DAVID L. JORGENSEN, ARLS 1118 DATE



**JORGENSEN & ASSOCIATES**  
CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (501) 442-9127 • FAX (501) 582-4807

|                |              |                 |                                 |
|----------------|--------------|-----------------|---------------------------------|
| SCALE: 1"=200' | DATE REVISED | CHECKED BY: DLJ | DRAWN BY: BJR                   |
| DATE: 09AUG01  |              |                 | C:\SDSK\LOBS\LOTS\DOUBLES\PRAES |

**PROPERTY SURVEY FOR**  
**CHARLE SLOAN**



IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS  
FILED

IN THE MATTER OF:  
ANNEXATION OF CERTAIN LANDS TO THE  
CITY OF FAYETTEVILLE, ARKANSAS

'01 AUG 30 PM 2 31 CASE NO. CC 2001-20

MARILYN EDWARDS  
CO. & PROBATE CLERK  
WASHINGTON CO. ARK.

ORDER SETTING HEARING

On this 30<sup>th</sup> day of August, 2001, is presented to this Court a Petition for Annexation filed in the County Court of Washington County, Arkansas on August 24, 2001, by the Petitioners GERALD F. GRISCOM and IRENA M. GRISCOM, husband and wife, and SYLVESTER CHARLES GUIST and CAROL ANN GUIST, husband and wife.

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that pursuant to Arkansas Code Annotated § 14-40-602, a hearing on said Petition for Annexation shall be held in the County Court of Washington County, Arkansas, on the 1<sup>st</sup> day of October, 2001, at 10:30 o'clock a.m.; and the Clerk of this Court is hereby directed to issue a notice of said hearing as set forth herein shall be published in the manner and for the full length of time as required by law.

  
COUNTY JUDGE

Annexation / Rezoning  
Level of Service Report

Division: INSPECTION

Date: 11-13-01

**Project:** ANX 01-5.00: Annexation (Griscom/Guist, pp 476) was submitted by Raymond C. Smith, Attorney on behalf of Gerald & Irene Griscom and Sylvester C. & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.

RZN 01-24.00: Rezoning (Worley/Griscom/Guist, pp 435/474) was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.

RZN 01-27.00: Rezoning (Worley/Griscom/Guist, pp 435/474) was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF 6, Low Density Multi-Family Residential.

Please provide comments regarding the impact of the proposed annexation and rezonings which will be forwarded to the Planning Commission and City Council for their consideration when reviewing these requests. Responses and additional information may be continued on the back of this report or on additional pages as necessary.

Current level and/or type of service provided (describe):

CHANGES AREA TO BE ANNEXED FROM  
PLUMBING TO TOTAL BUILDING PERMITTING  
& INSPECTION.

Statement regarding the impact of the proposed annexation on the level and/or type of service provided by your division:

NORMAL GROWTH ACTIVITIES.



**Annexation / Rezoning  
Level of Service Report**

**Division:** Sidewalk and Trails

**Date:** November 15, 2001

**Name / Title:** Keith Shreve, Development Coordinator

**Project:** ANX 01-5.00: Annexation (Griscom/Guist, pp 476) was submitted by Raymind C. Smith, Attorney on behalf of Gerald & Irene Griscom and Sylvester C. Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.

RZN 01-24.00: Rezoning (Worley/Griscom/Guist, pp 435/474) was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.

RZN 01-27.00: Rezoning (Worley/Griscom/Guist, pp 435/474) was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF 6, Low Density Multi-Family Residential.

Please provide comments regarding the impact of the proposed annexation and rezoning which will be forwarded to the Planning Commission and City Council for their consideration when reviewing these requests. Responses and additional information may be continued on the back of this report or on additional pages as necessary.

1. Current level and/or type of service provided (describe):

The Sidewalk Division currently does not provide any services to this area.

2. Statement regarding the impact of the proposed annexation on the level and/or type of service provided by your division:

Immediate impact would be minimal. Sidewalk construction would be required as development occurred, with the cost born by the developer/owner.

If street improvements (to existing County roads) were made by the City then sidewalk construction costs would be included with the street improvements.

All future maintenance cost for sidewalk repairs would be born by the City.

Annexation / Rezoning  
Level of Service Report

Division: Street

Date: 11-14-01

**Project:** ANX 01-5.00: Annexation (Griscom/Guist, pp 476) was submitted by Raymond C. Smith, Attorney on behalf of Gerald & Irene Griscom and Sylvester C. & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.

RZN 01-24.00: Rezoning (Worley/Griscom/Guist, pp 435/474) was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.

RZN 01-27.00: Rezoning (Worley/Griscom/Guist, pp 435/474) was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF 6, Low Density Multi-Family Residential.

Please provide comments regarding the impact of the proposed annexation and rezonings which will be forwarded to the Planning Commission and City Council for their consideration when reviewing these requests. Responses and additional information may be continued on the back of this report or on additional pages as necessary.

Current level and/or type of service provided (describe):

City services of street, & drainage, & low maintenance, (within  
current city limits)

Statement regarding the impact of the proposed annexation on the level and/or type of service provided by your division:

City limits would extend further South on the E. side of  
Doubt Springs Rd.



**Annexation / Rezoning  
Level of Service Report**

**Division:** Parks and Recreation

**Date:** 11-16-01

**Project:** ANX 01-5.00: Annexation (Griscom/Guist, pp 476) was submitted by Raymond C. Smith, Attorney on behalf of Gerald & Irene Griscom and Sylvester C. & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.

RZN 01-24.00: Rezoning (Worley/Griscom/Guist, pp 435/474) was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.

RZN 01-27.00: Rezoning (Worley/Griscom/Guist, pp 435/474) was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF 6, Low Density Multi-Family Residential.

Please provide comments regarding the impact of the proposed annexation and rezonings which will be forwarded to the Planning Commission and City Council for their consideration when reviewing these requests. Responses and additional information may be continued on the back of this report or on additional pages as necessary.

**Current level and/or type of service provided (describe):**

Currently, the Parks and Recreation Division has three parks in the general vicinity of this property: Bundrick Park, Red Oak Park and Ozark View Park. Ozark View Park is located next to the site of the new Fayetteville Boys and Girls Club.

**Statement regarding the impact of the proposed annexation on the level and/or type of service provided by your division:**

This proposed annexation, rezoning and future residential development would have an impact on the level of service required by the Parks and Recreation Division. The Park Land Dedication Ordinance would be applicable at the time of development. The Park Land Dedication Ordinance, with figures provided, would require an estimated 5.21 acres of new park land, unless a money-in-lieu wavier was requested by the Parks and Recreation Advisory Board. Estimated development cost for the new parkland would range from \$75,000 to \$300,000, depending on the needs of the community. Yearly maintenance costs for mowing, trash pick-up, playground maintenance and equipment repair would be approximately \$15,000 to \$20,000.

**ANX01-05.00**

Close Up View

**W.G & G**



A-1

A-1

DOUBLE SPRINGS RD

FESTIVON ST

MESA ST

R-1

PAGOSA PL

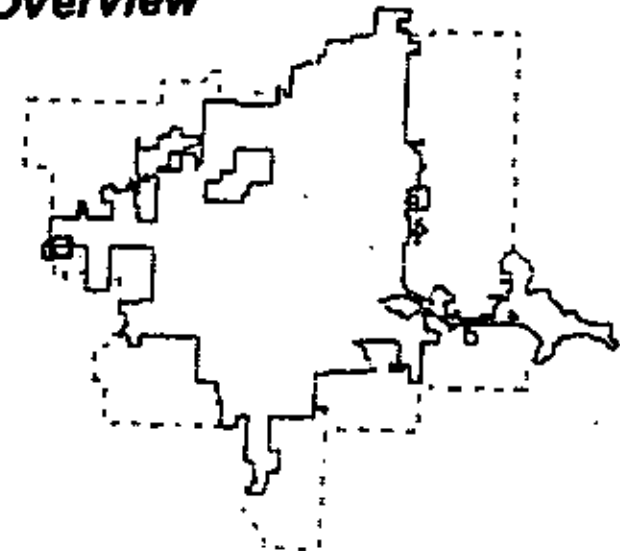
SILVERTHORNE RD

DOUBLE SPRINGS RD

DOUBLE SPRINGS RD

DOUBLE SPRINGS RD

**Overview**



**Legend**

**Subject Property**

ANX01-05.00

**Streets**

Existing

Planned

**Boundary**

Planning Area

Overlay District

City Limits

Outside City

**Master Street Plan**

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

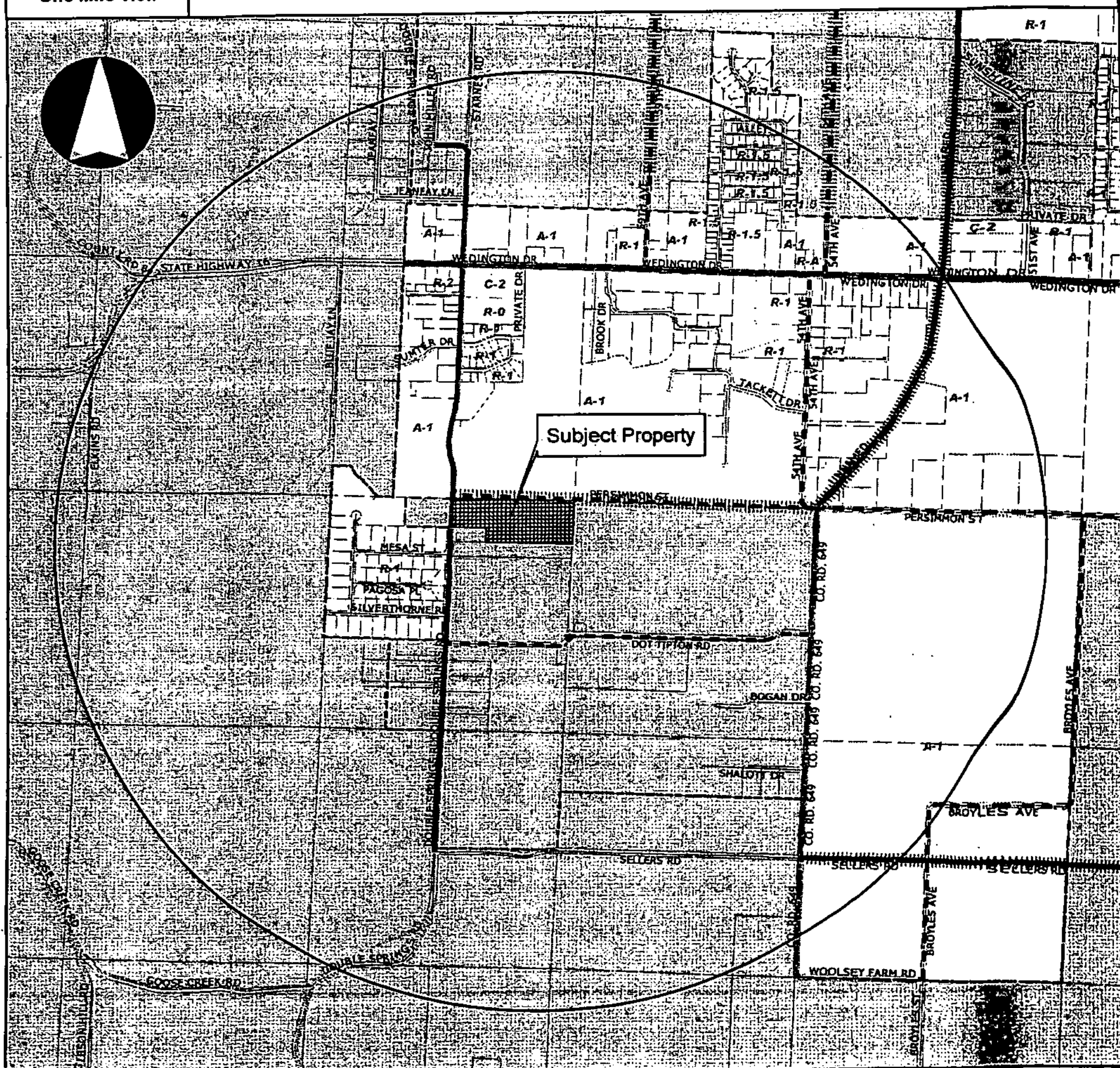
0 125 250 500 750 1,000 Feet



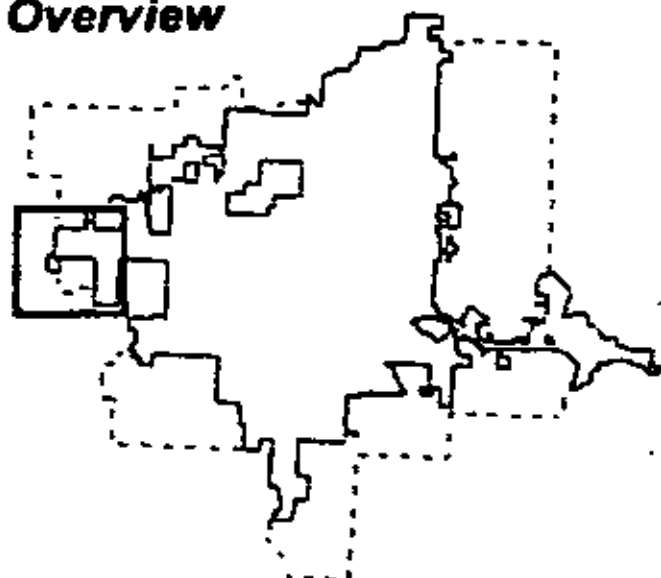
**ANX01-05.00**

### One Mile View

**W, G & G**



## Overview



### Legend

### Subject Property

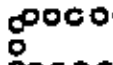


## Streets

Existing

**Planned**

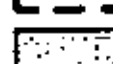
## Boundary

 Planning Area

### Overlay District



### City Limits



## Outside City

## Master Street Plan

➔ **Freeway/Expressway**

➔ **Principal Arterial**



### Minor Arterial



• **Collector**



### Historic Collector





ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 01-24.00 FOR A PARCEL  
CONTAINING APPROXIMATELY 41.90 ACRES FOR PROPERTY  
LOCATED EAST OF DOUBLE SPRINGS ROAD AND SOUTH OF OWL  
CREEK SUBDIVISION, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY  
RAYMOND C. SMITH, ATTORNEY, ON BEHALF OF CONLEY AND  
VIRGINIA WORLEY, GERALD AND IRENE GRISCOM AND SYLVESTER  
AND CAROL GUIST.

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

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

APPROVED:

By: DRAFT  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Heather Woodruff, City Clerk



EXHIBIT "A"

RZN 01-24.00

PART OF THE SE1/4 OF THE SE1/4 OF SECTION 10, ALSO PART OF THE NE1/4 OF THE NE1/4 OF SECTION 15 ALL IN T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID NE1/4, NE1/4 THENCE S00°09'50"W 328.42 FEET, THENCE S00°10'21"E 165.63 FEET, THENCE S89°33'51"W 949.79 FEET, THENCE NORTH 165.64 FEET, THENCE S89°33'51"W 373.61 FEET, THENCE N00°00'56"W 1073.70 FEET, THENCE N38°11'24"E 356.88 FEET, THENCE N45°08'49"E 438.56 FEET, THENCE N88°37'31"E 153.82 FEET, THENCE SOUTH 94.07 FEET, THENCE S40°23'50"W 657.20 FEET, THENCE SOUTH 122.97 FEET, THENCE EAST 308.97 FEET, THENCE N40°23'50"E 525.39 FEET, THENCE EAST 415.21 FEET, THENCE SOUTH 1011.30 FEET TO THE P.O.B.; CONTAINING 41.90 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

Planning Commission  
November 26, 2001  
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**RZN 01-24.00: Rezoning (Worley/Griscom/Guist, pp 435/474)** was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.

Estes: The next item on the agenda is item number five. This is a companion item, it is a rezoning request submitted by Mr. Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald & Irene Griscom and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential. Staff recommends approval of the requested rezoning based on the findings included as a part of your report. Is the applicant's representative present and if so Ray, do you have any presentation that you would like to make?

Smith: I'm Raymond Smith, attorney, representing the petitioners on this case. I believe the packet is comprehensive as there is also a companion rezoning which will be the next item. I'll be glad to answer any questions that anyone may have.

Estes: Commissioners, do you have any questions of Mr. Smith at this time? Thank you Ray. Is there any member of the audience that would like to comment on this rezoning request 01-24.00? Seeing none, I will bring it back to the full commission for discussions, motions or comments. Commissioners?

**Motion:**

Marr: Mr. Chair, in looking at the staff report and agreeing with the findings that it is consistent with our land use, planning objectives and is needed and justified at the time based on where this is located and the existing R-1 development around there, I support the approval of this and will recommend as a Planning Commission that we approve RZN 01-24.00 and forward it to the City Council.

Estes: We have a motion by Commissioner Marr to approve RZN 01-24, is there a second?

Allen: I'll second.

Estes: We have a second by Commissioner Allen. Is there any further discussion or any questions?

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Hoffman: A question for staff, can you tell me how road access is planned to the site? We don't have any road access currently shown on our plats but we do adjoin a subdivision.

Conklin: You do adjoin a subdivision to the north but there is not a street stub out. This rezoning annexation, probably the best way to look at this is the map that was handed out at agenda session and tonight. It does have frontage on Double Springs Road. The developer has met with staff and we have talked about at least a minimum of two ways in off of Double Springs Road then future stub outs for the south and east. There will be access through Double Springs Road and as development occurs out there, potential access for future development to tie into this.

Hoffman: That clears it up, thanks.

Estes: Any other questions? We have a motion by Commissioner Marr and a second by Commissioner Allen to approve RZN 01-24.00, would you call the roll Renee?

**Roll Call:** Upon the completion of roll call the motion to approve RZN 01-24.00 and to forward it along to City Council was approved by a vote of 8-0-0.

Estes: The motion passes by a vote of eight to zero and the rezoning request will be forwarded to the City Council for its consideration.



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

## PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission  
FROM: Dawn T. Warrick, Senior Planner  
THRU: Tim Conklin, A.I.C.P., City Planner  
DATE: November 20, 2001

**RZN 01-24.00: Rezoning (Worley/Griscom/Guist, pp 435/474) was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.**

### RECOMMENDATION:

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

|                                                         |                                                             |
|---------------------------------------------------------|-------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                      | Required <u>YES</u>                                         |
|                                                         | <input type="radio"/> Approved <input type="radio"/> Denied |
| Date: <u>November 26, 2001</u>                          |                                                             |
| <b>CITY COUNCIL ACTION:</b>                             | Required <u>YES</u>                                         |
|                                                         | <input type="radio"/> Approved <input type="radio"/> Denied |
| Date: <u>December 18, 2001 (1<sup>st</sup> reading)</u> |                                                             |



Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **BACKGROUND:**

The subject property is located south of Owl Creek Subdivision (and south of Owl Creek) on the east side of Double Springs Road (south of Hwy 16W). A new single family subdivision (zoned R-1), Silverthorne, has been built just south and west of this site. Property in this area carries several different zoning designations. Along Double Springs Road, south of Wedington Drive, you see R-O, R-2, R-1, C-2 and A-1 districts. Providing a mix of housing types and land uses fulfills specific goals stated in the City's adopted General Plan 2020.

Development of this 41.90 acres in single family dwellings will allow a maximum of 167 homes. At the time of development, connections to water and sewer systems as well as provisions for future street connections will be necessary. Persimmon Street, a proposed collector street on the Master Street Plan bisects the subject property. This street will also have to be included in future development plans.

## **SURROUNDING LAND USE AND ZONING**

|        |                                                                     |
|--------|---------------------------------------------------------------------|
| North: | Owl Creek / Owl Creek Subdivision, R-1                              |
| South: | Large acreage / single family home, Outside City                    |
| East:  | Vacant / large acreage, Outside City                                |
| West:  | Large acreage / single family residential, A-1 / R-1 / Outside City |

## **INFRASTRUCTURE:**

Access to this property is from Double Springs Road which runs north/south between Hwy 16W and Hwy 62W. Double Springs Road is primarily a county road, but developments such as Silverthorne and Owl Creek Subdivisions within the City of Fayetteville have made improvements to the road based on the impact of the project. Improvement of the road to include one half of a City street adjacent to the project site is the standard requirement. Additional street construction for this development will include Persimmon Street, a proposed Master Street Plan collector, which bisects the subject property.

Water is available along the west side of Double Springs Road (8" line). A 12" sewer line is located along the northern portion of the subject property. A lift station exists in the northwest corner of the property according to the applicant's representative/engineer.

**LAND USE PLAN:** General Plan 2020 designates this site Residential. Rezoning this property to R-1, Low Density Residential is consistent with the land use plan and compatible with surrounding land uses in the area.

## **FINDINGS OF THE STAFF**

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding:** The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. This area is designated as residential on the adopted General Plan 2020 as is the surrounding property. The predominant land use in this area is single family residential.

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

**Finding:** The proposed rezoning is justified at this time in that it is in keeping with the policies and adopted plans of the City. Zoning this property R-1 is consistent with surrounding subdivisions.

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

**Finding:** The proposed zoning will not create or appreciably increase traffic danger and congestion. Improvement of Double Springs Road adjacent to this property is contemplated at the time of development. This road carries traffic both north and south to major arterials (Hwy 16W, Hwy 62W).

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:** This increase is not expected to undesirably increase the load on public services including schools, water, and sewer facilities. The applicant, like all project applicants, has signed the sewer capacity warning designed by the City attorney regarding the status of Fayetteville's wastewater treatment facility.

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.

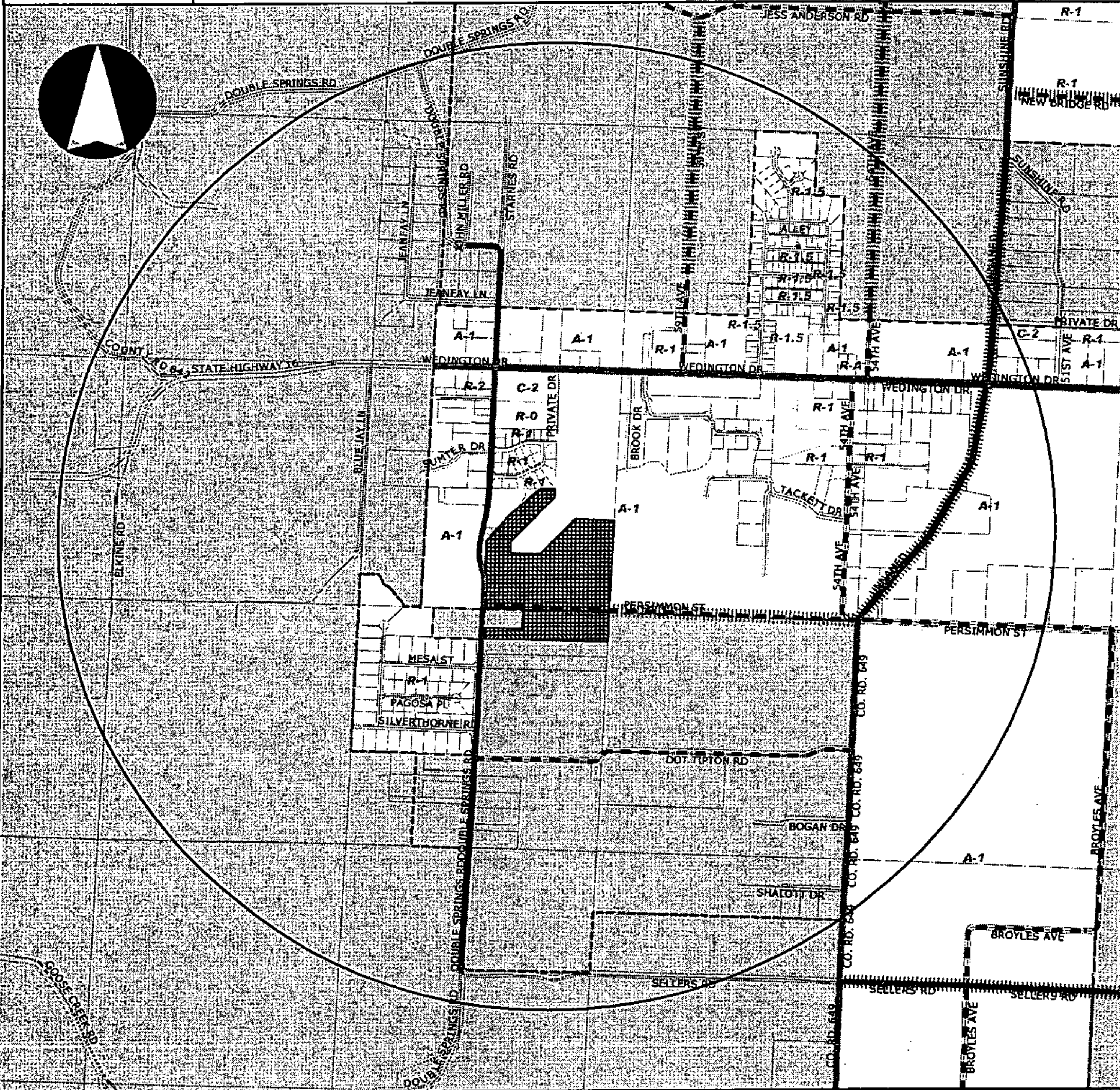
**Finding:** N/A



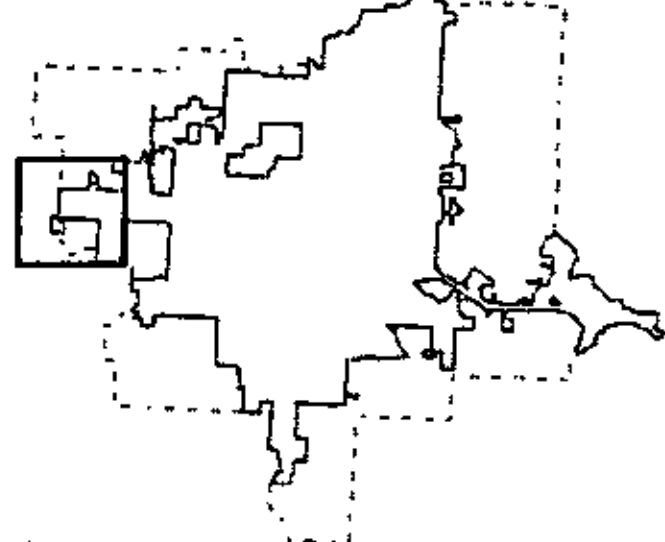
RZN01-24.00

One Mile View

WORLEY/GRISCOM/GUIST



Overview



Legend

- |                         |                  |                           |
|-------------------------|------------------|---------------------------|
| <b>Subject Property</b> | <b>Boundary</b>  | <b>Master Street Plan</b> |
| RZN01-24.00             | Planning Area    | Freeway/Expressway        |
| <b>Streets</b>          | Overlay District | Principal Arterial        |
| Existing                | City Limits      | Minor Arterial            |
| Planned                 | Outside City     | Collector                 |
|                         |                  | Historic Collector        |

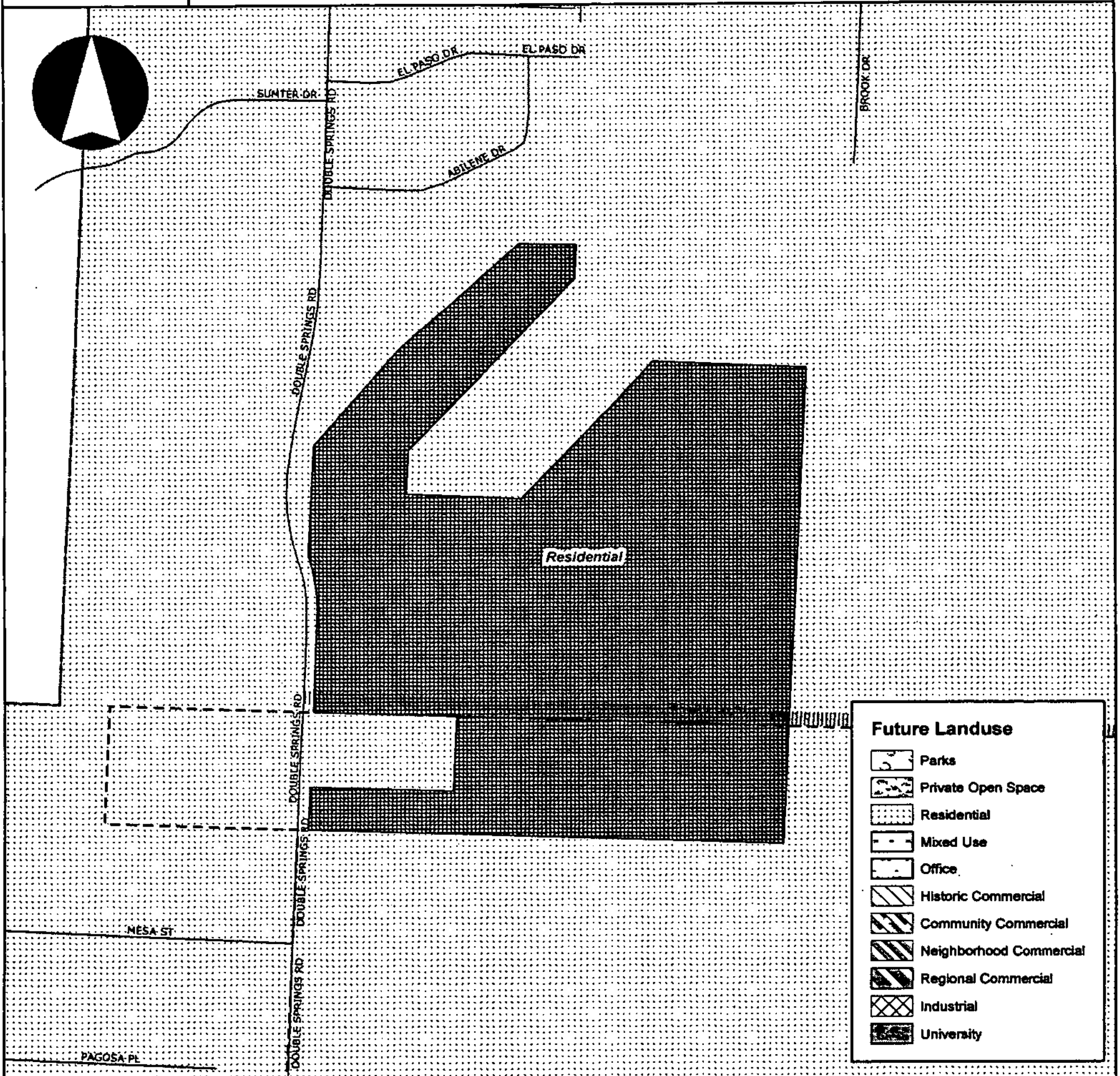




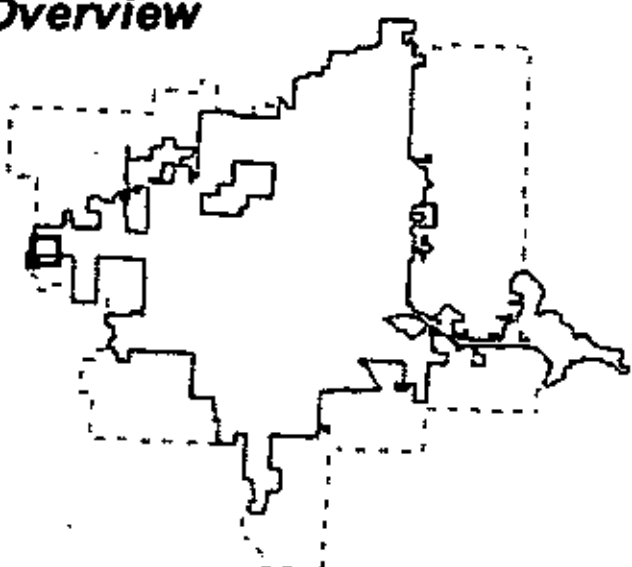
**RZN01-24.00**

*Future Landuse*

# WORLEY/GRISCOM/GUIST



## Overview



## Legend

**Subject Property**

RZN01-24.00

**Streets**

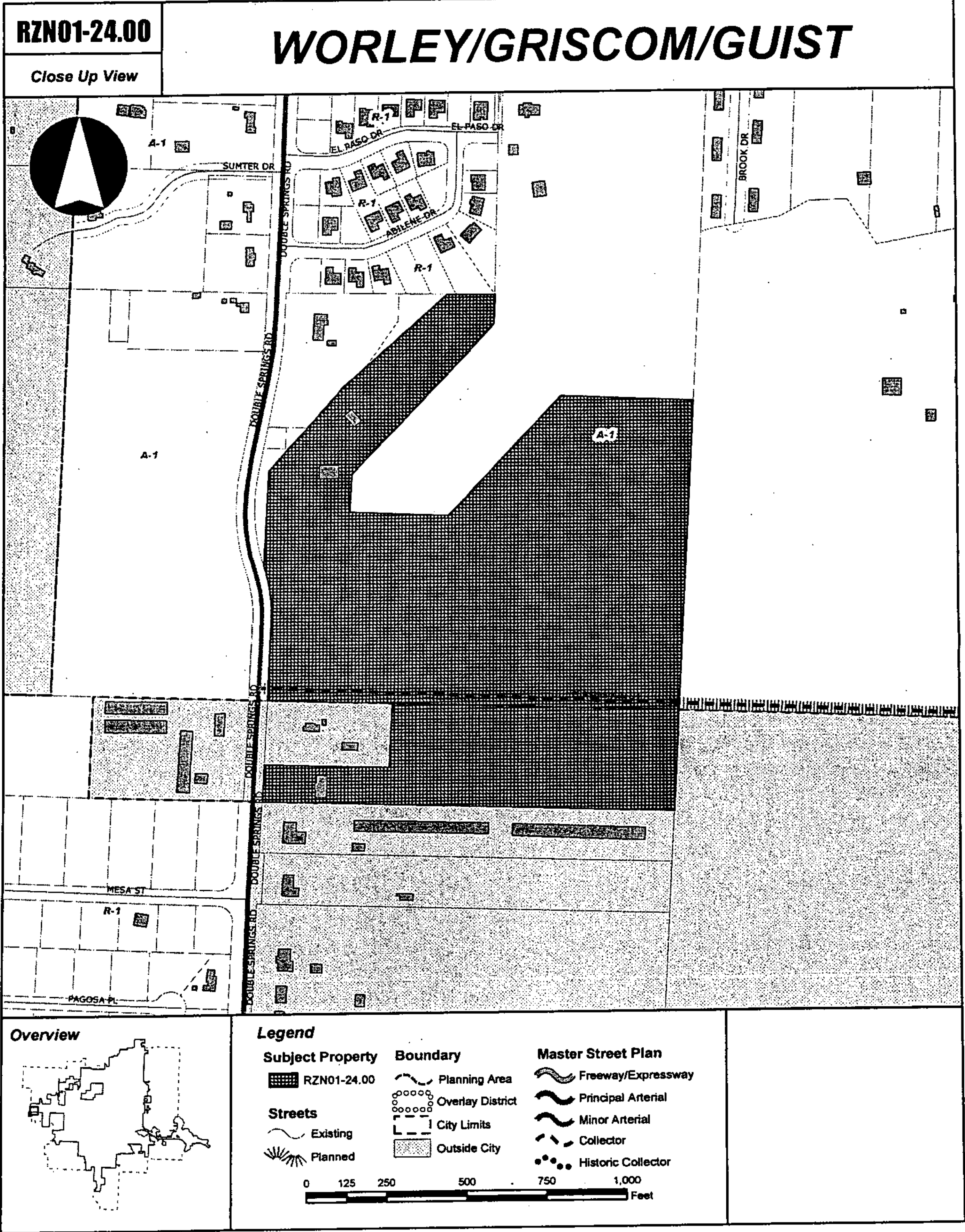
Existing  
 Planned

**Boundary**

Planning Area  
 Overlay District  
 City Limits

0 125 250 500 750 1,000 Feet





## STAFF REVIEW FORM

X AGENDA REQUEST  
\_\_\_\_ CONTRACT REVIEW  
\_\_\_\_ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001.

## FROM:

Tim Conklin  
Name

Planning  
Division

Urban Development  
Department

**ACTION REQUIRED:** To approve an ordinance for RZN 01-27 as submitted by Raymond C. Smith, Attorney, on behalf of the property owners Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF-6, Low Density Multi Family Residential.

## COST TO CITY:

\$

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used To Date

Program Name

Project Number

Remaining Balance

Fund

**BUDGET REVIEW:** \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

Budget Manager

Administrative Services Director

## CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: \_\_\_\_\_

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

**STAFF RECOMMENDATION:** Staff recommended approval and on November 26, 2001, Planning Commission unanimously voted 8-0-0 to recommend approval and to forward the rezoning to the City Council.

Division Head

Date

Cross Reference

Department Director

Date

New Item: **Yes**

Administrative Services Director

Date

Prev Ord/Res #: \_\_\_\_\_

Mayor

Date

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 01-27.00 FOR A PARCEL  
CONTAINING APPROXIMATELY 8.74 ACRES FOR PROPERTY  
LOCATED EAST OF DOUBLE SPRINGS ROAD AND SOUTH OF OWL  
CREEK SUBDIVISION, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY  
RAYMOND C. SMITH, ATTORNEY, ON BEHALF OF CONLEY AND  
VIRGINIA WORLEY, GERALD AND IRENE GRISCOM AND SYLVESTER  
AND CAROL GUIST.

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

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

From A-1, Agricultural to RMF 6 Low Density Residential as shown in Exhibit  
"A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

APPROVED:

By: DRAFT  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Heather Woodruff, City Clerk



EXHIBIT "A"

RZN 01-27.00

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 10, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID SE1/4, SE1/4 THENCE SOUTH 310.00 FEET, THENCE WEST 415.21 FEET, THENCE S40°23'50"W 525.39 FEET, THENCE WEST 308.97 FEET, THENCE NORTH 122.97 FEET, THENCE N40°23'50"E 657.20 FEET, THENCE NORTH 94.07 FEET, THENCE S89°20'05"E 638.81 FEET TO THE P.O.B.; CONTAINING 8.74 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD..

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November 26, 2001  
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**RZN 01-27.00: Rezoning (Worley/Griscom/Guist, pp 435/474)** was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF 6, Low Density Multi-Family Residential.

Estes: The next item that we have on our agenda is a third companion item. It is RZN 01-27.00, it is submitted by Mr. Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF 6, Low Density, Multi-Family Residential. Staff recommends approval of the requested rezoning based on the findings included as a part of the report. Mr. Smith, do you have any presentation that you would like to make in support of this request?

Smith: I have no actual presentation but I would be glad to answer any questions or have Mr. Sloane or Mr. Jorgensen answer any questions anyone may have.

Estes: Commissioners, do you have any questions for Mr. Smith at this time?

Ward: No, I would like to direct a question to Tim about explaining to us again about the RMF 6, Low Density, Multi-Family Residential.

Conklin: We amended our zoning ordinance and created three new zoning districts to reduce the density from 24 units per acre for multi family to allow for 6 units as a multi family zoning district. This will be the first time we've used this zoning. The applicant has a desire to provide some townhouse type units within this R-1 neighborhood. It is a mix of residential uses that is going to be incorporated within the actual development. Staff is recommending approval. Probably other projects that I can think of in front of Park Place, there is some multifamily residential in front of that subdivision and this subdivision will have these duplex units within the single family homes.

Estes: Tim, if I understand correctly, the RMF 6 is 6 units to an acre without regard to type but limited by density, is that correct?

Conklin: That is correct. The maximum density is six units per acre.

Estes: Any other questions for Mr. Smith? Thank you Ray. Is there any other member of the public that would like to comment on this requested rezoning, 01-27.00? Seeing none, I

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will bring it back to the Commission for discussion, motions or comments.

**Motion:**

**Marr:** For the same reasons that I sited earlier and that it is consistent with our land use plan and is needed and justified in this part of town at the time, I recommend approval of RZN 01-27.00 to forward to the City Council.

**Estes:** We have a motion by Commissioner Marr to approve RZN 01-27.00, is there a second?

**Shackelford:** I'll second.

**Estes:** We have a second by Commissioner Shackelford. We have a motion by Commissioner Marr and a second by Commissioner Shackelford to approve RZN 01-27.00, is there any discussion or any comments? Renee, would you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to approve RZN 01-27.00 and forward it to City Council was approved by a vote of 8-0-0.

**Estes:** The motion passes by a vote of eight to zero and the requested rezoning will be forwarded to the full City Council for its consideration. Thank you Mr. Smith.



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

## PLANNING DIVISION CORRESPONDENCE

---

TO: Fayetteville Planning Commission  
FROM: Dawn T. Warrick, Senior Planner  
THRU: Tim Conklin, A.I.C.P., City Planner  
DATE: November 20, 2001

---

**RZN 01-27.00: Rezoning (Worley/Griscom/Guist, pp 435/474) was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF 6, Low Density Multi-Family Residential.**

### RECOMMENDATION:

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

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

**Date:** November 26, 2001

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

**Date:** December 18, 2001 (1<sup>st</sup> reading)

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## **BACKGROUND:**

The subject property is located within an overall (50.64acre) tract. The overall proposal includes annexation of 13.61 acres and rezoning of 41.90 acres to R-1 in addition to this request to rezone 8.74 acres to RMF-6. This marks the City's first request for the new RMF-6 zoning district.

The prospective developer of this property approached Planning staff with a proposal for a subdivision that would provide a mix of at least two different housing types. The desire is to create a portion of the development which consists of two-family units that can be constructed for separate ownership. This type of construction is also referred to as zero lot line or patio home development.

While the R-1.5 zoning district would allow for duplex and triplex development by right, it does not permit zero lot line configurations. The new RMF-6 district does allow this and it has the added benefit of regulating the density of the project at a maximum of 6 units per acre. (Note – the R-1 district permits duplexes by conditional use at a max. density of 7 units per acre.)

Located in the northeastern corner of the overall subdivision, this zoning district has a natural buffer to the north in Owl Creek.

## **SURROUNDING LAND USE AND ZONING**

|        |                                                                     |
|--------|---------------------------------------------------------------------|
| North: | Owl Creek / Owl Creek Subdivision, R-1                              |
| South: | Large acreage / single family home, Outside City                    |
| East:  | Vacant / large acreage, Outside City                                |
| West:  | Large acreage / single family residential, A-1 / R-1 / Outside City |

## **INFRASTRUCTURE:**

Access to this property is from Double Springs Road which runs north/south between Hwy 16W and Hwy 62W. Double Springs Road is primarily a county road, but developments such as Silverthorne and Owl Creek Subdivisions within the City of Fayetteville have made improvements to the road based on the impact of the project. Improvement of the road to include one half of a City street adjacent to the project site is the standard requirement. Additional street



construction for this development will include Persimmon Street, a proposed Master Street Plan collector, which bisects the subject property.

Water is available along the west side of Double Springs Road (8" line). A 12" sewer line is located along the northern portion of the subject property. A lift station exists in the northwest corner of the property according to the applicant's representative/engineer.

**LAND USE PLAN:** General Plan 2020 designates this site Residential. Rezoning this property to RMF-6, Low Density Multi Family Residential is consistent with the land use plan and compatible with surrounding land uses in the area.

### **FINDINGS OF THE STAFF**

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding:** The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. This area is designated as residential on the adopted General Plan 2020 as is the surrounding property.

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

**Finding:** The proposed rezoning is justified at this time in that it is in keeping with the policies and adopted plans of the City. Zoning this property RMF-6 is consistent with implementation strategies for residential areas as described in the General Plan 2020. Rezoning this property is necessary to develop in a controlled manner making efficient use of infrastructure.

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

**Finding:** The proposed zoning will not create or appreciably increase traffic danger and congestion. Improvement of Double Springs Road adjacent to this property is contemplated at the time of development. This road carries traffic both north and south to major arterials (Hwy 16W, Hwy 62W).

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:** This increase is not expected to undesirably increase the load on public services including schools, water, and sewer facilities. The applicant, like all project applicants, has signed the sewer capacity warning designed by the City attorney regarding the status of Fayetteville's wastewater treatment facility.

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

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

**Finding:** N/A

## **CURRENT OWNERSHIP INFORMATION AND ANY PROPOSED OR PENDING PROPERTY SALES**

a. Assessor's Parcel Number 756-16157-000, P/O SE1/4, SE1/4, S10, T16N, R31W (36.92 Acres). Current owners are Conley Eugene & Virginia Lee Worley. Pending sale to Charles Sloan d/b/a Charles W. Sloan & Associates.

b. Assessor's Parcel Numbers 001-11822-000 and 001-11825-000, P/O SE1/4, SE1/4, S10, T16N, R31W (10.0 Acres). Current owners are Gerald F. & Irena M. Griscom. Pending sale to Charles Sloan d/b/a Charles W. Sloan & Associates.

c. Assessor's Parcel Number 001-11823-000, P/O SE1/4, SE1/4, S10, T16N, R31W (3.61 Acres). Current owners are Sylvester C. & Carol A. Guist. Pending sale to Charles Sloan d/b/a Charles W. Sloan & Associates.

## **REASON FOR REQUESTED ZONING CHANGE**

A. Parcels 001-11822-000, 001-11823-000 and 001-11825-000 are currently A-1. Land will be annexed to City of Fayetteville and developed into single family dwellings lots R-1.

B. Parcel 765-16157-000 is currently A-1. Land will be developed into single family dwellings lots R-1 and multi family dwellings lots RMF6.

## **LAND DEVELOPMENT**

The development of this property is consistent with the land use of the residential areas surrounding the proposed development with slight increase in traffic.

## **WATER/SEWER ACCESS**

8" water line on the west side along Double Springs Road.

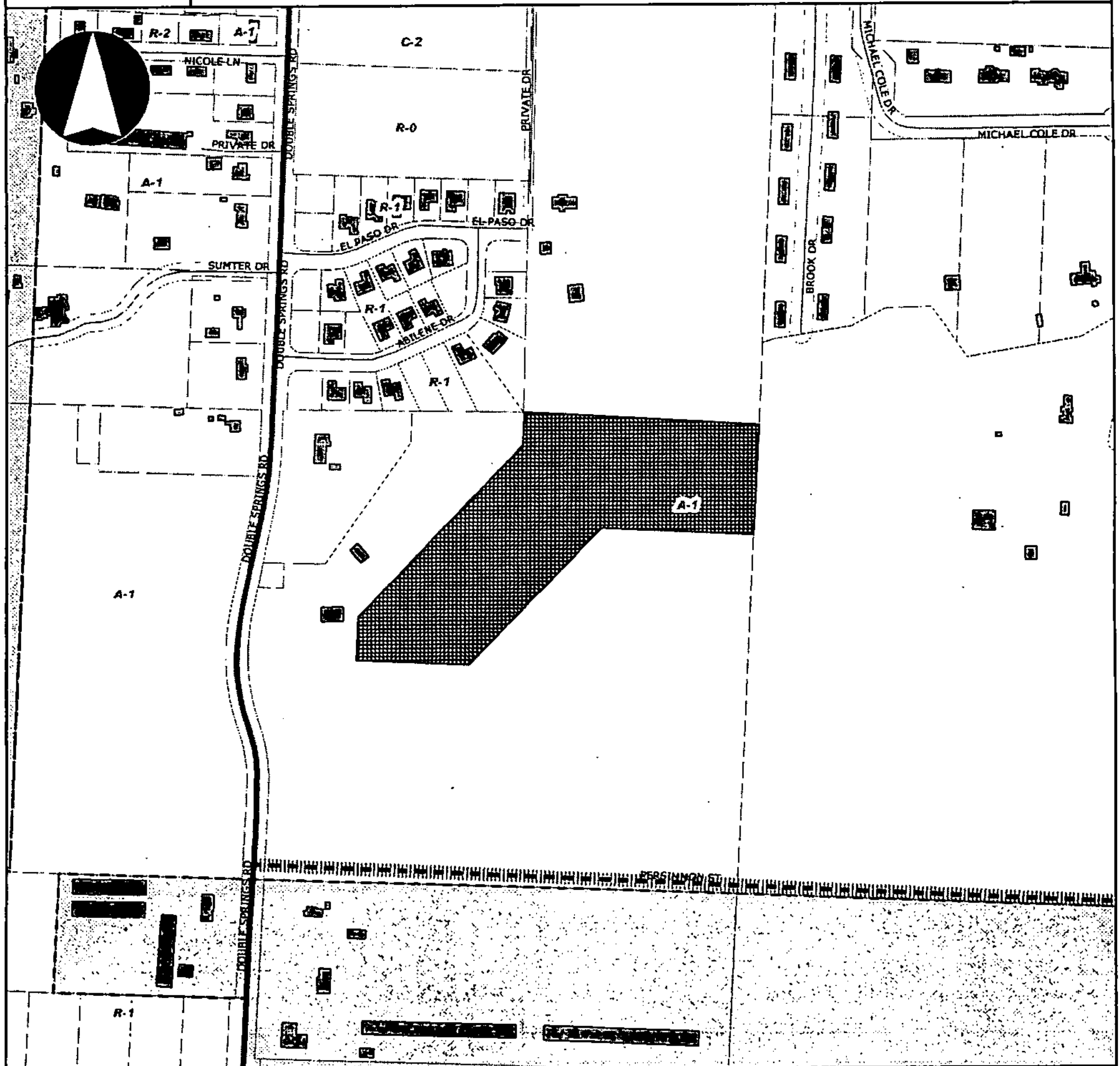
12" sewer line along the north side. Lift station in northwest corner of property.



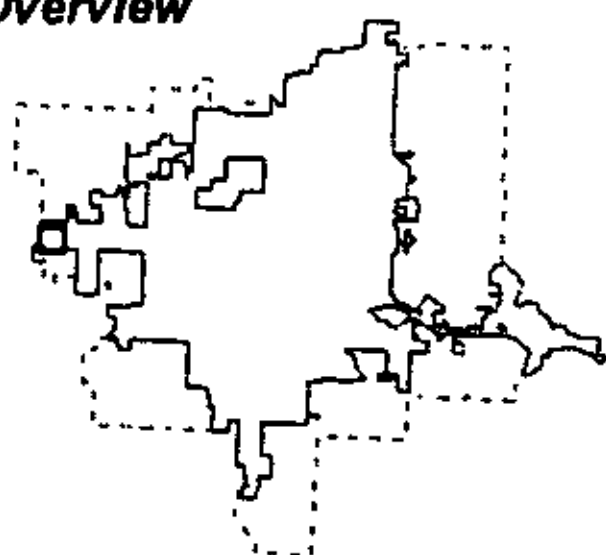
RZN01-27.00

Close Up View

# WORLEY/GRISCOM/GUIST



## Overview



## Legend

### Subject Property

RZN01-27.00

### Streets

Existing

Planned

### Boundary

Planning Area

Overlay District

City Limits

Outside City

### Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

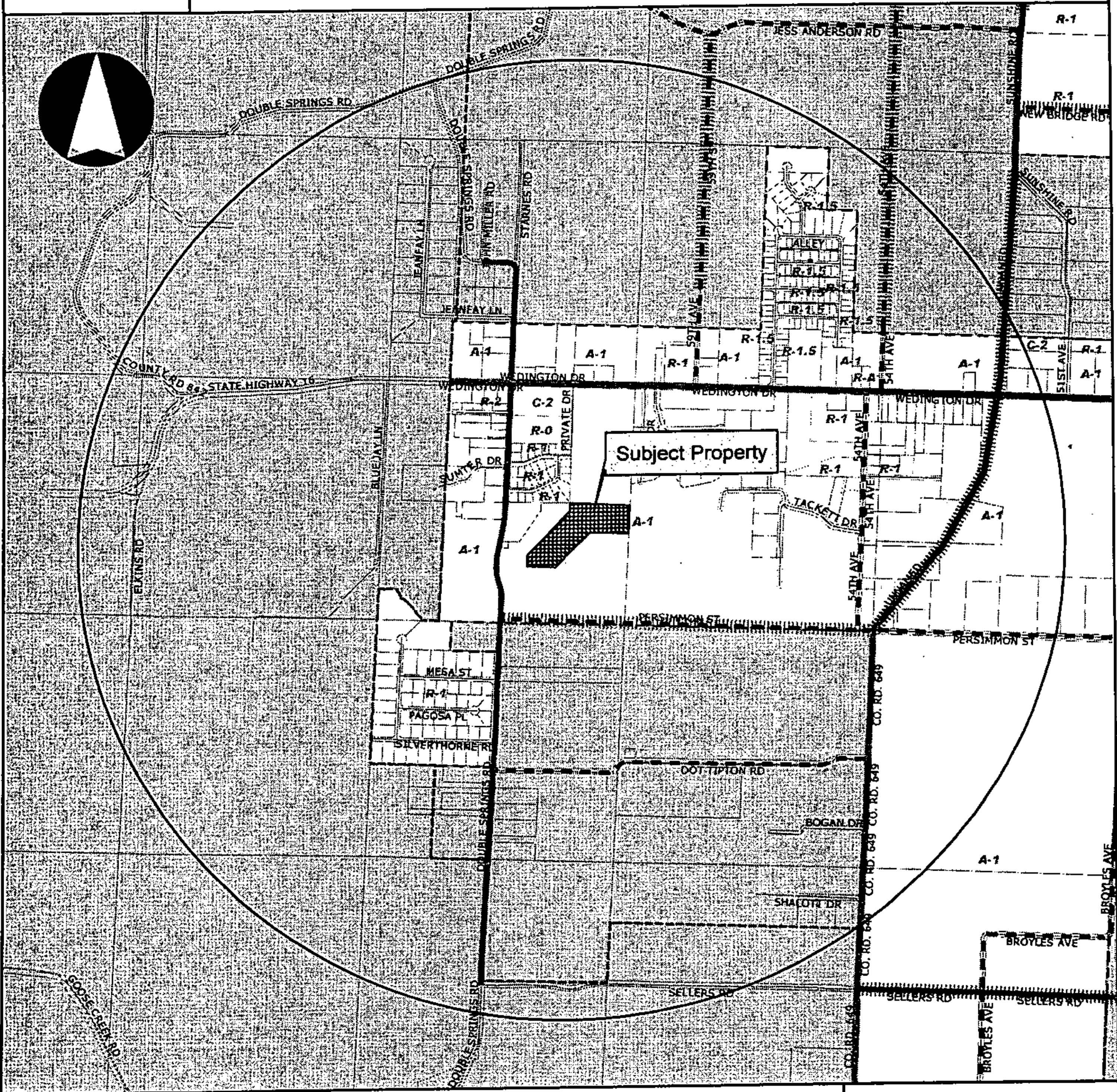
0 125 250 500 750 1,000 Feet



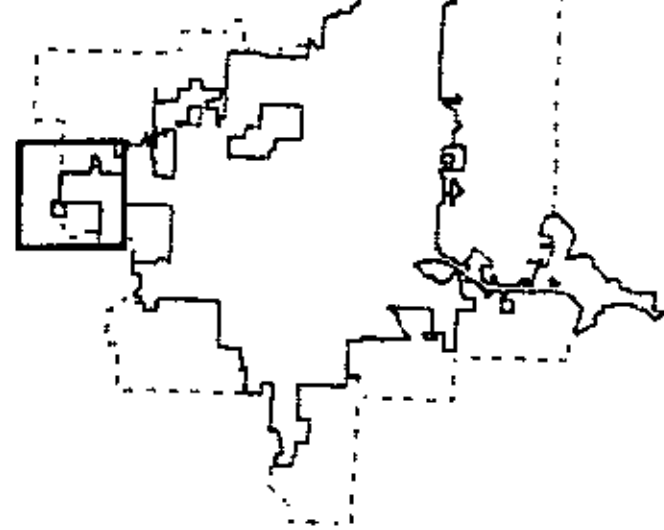
RZN01-27.00

One Mile View

# WORLEY/GRISCOM/GUIST

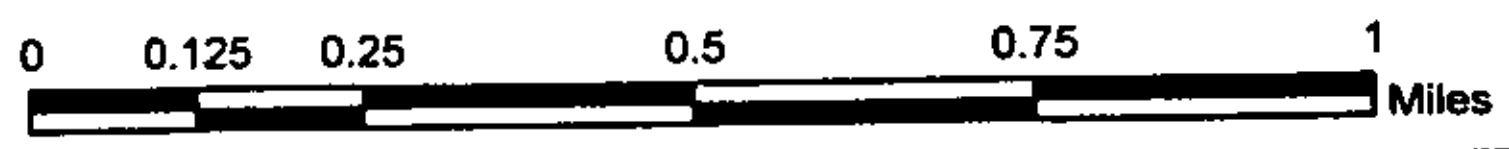


## Overview



## Legend

|                         |                  |                           |
|-------------------------|------------------|---------------------------|
| <b>Subject Property</b> | <b>Boundary</b>  | <b>Master Street Plan</b> |
| RZN01-27.00             | Planning Area    | Freeway/Expressway        |
| <b>Streets</b>          | Overlay District | Principal Arterial        |
| Existing                | City Limits      | Minor Arterial            |
| Planned                 | Outside City     | Collector                 |
|                         |                  | Historic Collector        |

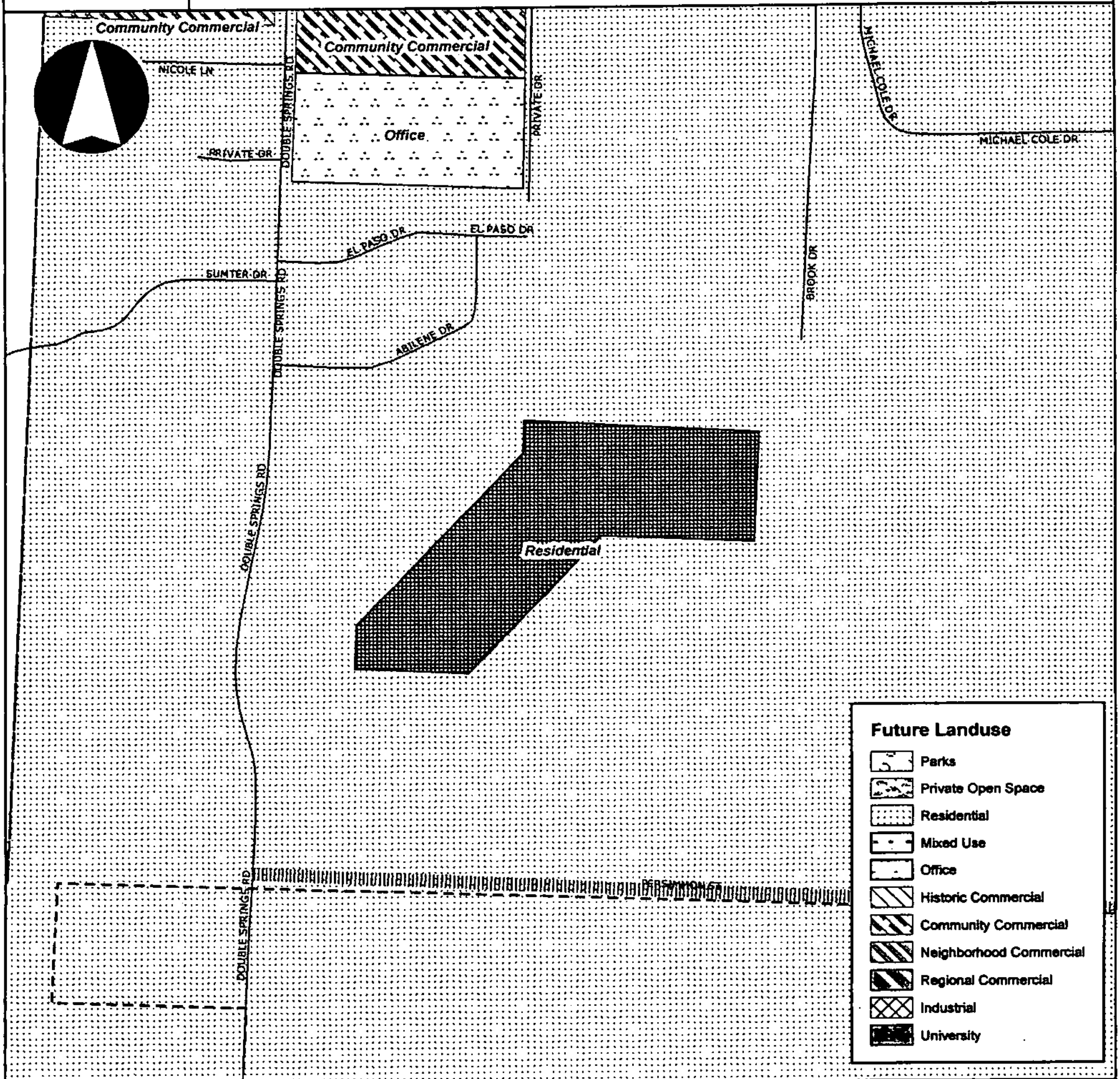




RZN01-27.00

Future Landuse

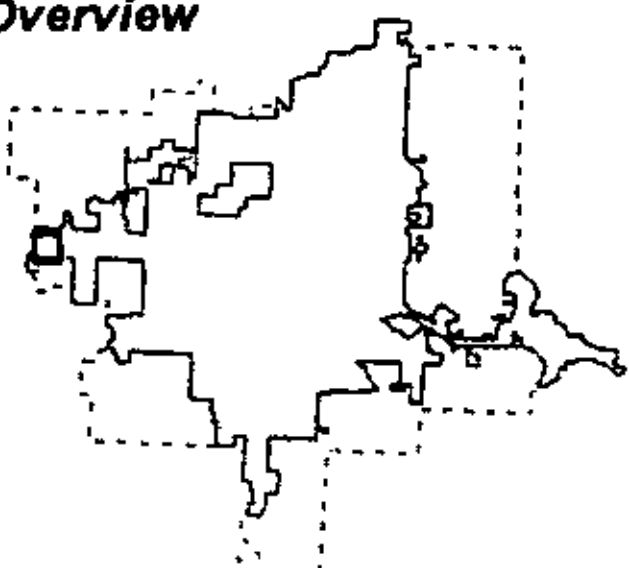
# WORLEY/GRISCOM/GUIST



## Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

## Overview



## Legend

### Subject Property

RZN01-27.00

### Streets

- Existing
- Planned

### Boundary

- Planning Area
- Overlay District
- City Limits

0 125 250 500 750 1,000 Feet

## STAFF REVIEW FORM

☒ AGENDA REQUEST  
☐ CONTRACT REVIEW  
☐ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001.

## FROM:

Tim Conklin  
Name

Planning  
Division

Urban Development  
Department

**ACTION REQUIRED:** To approve an ordinance for RZN 01-26 as submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural, and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial.

## COST TO CITY:

\$

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used To Date

Program Name

Project Number

Remaining Balance

Fund

**BUDGET REVIEW:** \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

Budget Manager

Administrative Services Director

**CONTRACT/GRANT/LEASE REVIEW:**

**GRANTING AGENCY:** \_\_\_\_\_

Accounting Manager

Date

Internal Auditor

Date

D. F. Whitel  
City Attorney

11/30/01  
Date

ADA Coordinator

Date

Purchasing Officer

Date

**STAFF RECOMMENDATION:** Staff recommended approval and on November 26, 2001, Planning Commission unanimously voted 8-0-0 to recommend approval and to forward the rezoning to the City Council.

[Signature]  
Division Head

11-30-01  
Date

Cross Reference

Department Director

Date

New Item: **Yes**

[Signature]  
Administrative Services Director

12/4/01  
Date

Prev Ord/Res #: \_\_\_\_\_

[Signature]  
Mayor

12/6/01  
Date

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 01-26.00 FOR A PARCEL  
CONTAINING APPROXIMATELY 12.08 ACRES FOR PROPERTY  
LOCATED WEST OF SHILOH DRIVE AND NORTH OF PORTER ROAD,  
FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY DAVE JORGENSEN  
ON BEHALF OF TOM AND LOUISE SAGER AND PAUL AND BERNICE  
GUISINGER.

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

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

From A-1, Agricultural to C-2, Thoroughfare Commercial as shown in Exhibit "A"  
attached hereto and made a part hereof.

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

APPROVED:

By: DRAFT  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Heather Woodruff, City Clerk



EXHIBIT "A"

RZN 01-26.00

PART OF THE NW1/4 OF SECTION 5, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE W1/4 CORNER OF SECTION 5 THENCE S88°18'51"E 164.24 FEET, THENCE N01°41'09"E 209.11 FEET TO THE P.O.B., THENCE N09°09'29"E 988.32 FEET, THENCE S88°48'12"E 771.17 FEET, THENCE S32°56'44"W 108.83 FEET, THENCE S31°12'08"W 300.16 FEET, THENCE S35°53'23"W 200.42 FEET, THENCE S33°02'58"W 200.39 FEET, THENCE S33°48'17"W 347.99 FEET, THENCE N88°26'51"W 293.34 FEET TO THE P.O.B.; CONTAINING 12.08 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

Planning Commission  
November 26, 2001  
Page 32

**RZN 01-26.00: Rezoning (Sager/Guisinger, pp 325)** was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Tom & Louise Sager and Paul & Bernice Guisinger for property located at west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Estes: The next item on our agenda is RZN 01-26.00 submitted on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial. Staff recommends approval of the requested rezoning based on the findings included as a part of this report. Is the applicant or the applicant's representative present?

Jorgensen: Yes, my name is Dave Jorgensen on behalf of the Sagers and Guisingers. I'm here to answer questions and represent them and see if we can get this taken care of.

Estes: Thank you Mr. Jorgensen. Is there any member of the audience who would like to provide public comment on this rezoning request, 01-26? Seeing none, I will bring it back to the Commission for discussions, comments or motions.

Ward: The staff recommends approval and it meets all of our 2020 plans and I would go ahead and recommend that we approve RZN 01-26 for rezoning of this property from A-1 to C-2, thoroughfare commercial.

Estes: We have a motion by Commissioner Ward to approve RZN 01-26.00, is there a second?

Hoffman: I'll second.

Estes: We have a second by Commissioner Hoffman. Is there any discussion?

Hoffman: I would like to make a comment along with that, both of these rezonings, if ultimately approved, are really going to add a lot of traffic to this Porter Road intersection, Mount Comfort, Porter Road. Tim, when do we start contacting, is that a state highway, Mount Comfort?

Conklin: That is a city road.

Hoffman: Can we get the Traffic Department, if this is ultimately approved, doing a study on stop lights or something like that? That is a difficult intersection to negotiate now.



Planning Commission  
November 26, 2001  
Page 33

Conklin: Sure, I can contact our Traffic Division and have them look at that.

Hoffman: Ok, thank you.

Estes: We have a motion by Commissioner Ward and a second by Commissioner Hoffman to approve RZN 01-26.00, is there any discussion? Dawn, would you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to approve RZN 01-26.00 was approved by a vote of 8-0-0.

Estes: The motion passes by a unanimous vote of eight to zero and will be forwarded to the City Council for its consideration, with the first reading being on December 18, 2001.

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

## PLANNING DIVISION CORRESPONDENCE

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TO: Fayetteville Planning Commission  
FROM: Dawn T. Warrick, Senior Planner  
THRU: Tim Conklin, A.I.C.P., City Planner  
DATE: November 20, 2001

---

**RZN 01-26.00: Rezoning (Sager/Guisinger, pp 325) was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Tom & Louise Sager and Paul & Bernice Guisinger for property located at west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial.**

### RECOMMENDATION:

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

|                                                         |                                                             |
|---------------------------------------------------------|-------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                      | Required <u>YES</u>                                         |
|                                                         | <input type="radio"/> Approved <input type="radio"/> Denied |
| Date: <u>November 26, 2001</u>                          |                                                             |
| <b>CITY COUNCIL ACTION:</b>                             | Required <u>YES</u>                                         |
|                                                         | <input type="radio"/> Approved <input type="radio"/> Denied |
| Date: <u>December 18, 2001 (1<sup>st</sup> reading)</u> |                                                             |

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **BACKGROUND:**

The subject property is located just north of the intersection of Porter Rd., Mt. Comfort Rd. and Shiloh Drive just west of I-540. Currently the property is vacant. This rezoning request is being considered along with a companion request for R-2, Medium Density Residential zoning on the property immediately west of this site and adjacent to Deane Solomon Road.

This request is to consider C-2, Thoroughfare Commercial zoning for 12.08 acres which lies along Shiloh Drive. Property to the north is currently zoned C-2 and contains the Williams Ford Tractor facility. Property immediately south of this subject tract was recently rezoned C-1 and a large scale development for an office building is being reviewed at this time.

The General Plan designates the area along the I-540 corridor between Hwy 112 and Mt. Comfort Rd. as a node of Regional Commercial development.

## **SURROUNDING LAND USE AND ZONING**

|        |                                                                      |
|--------|----------------------------------------------------------------------|
| North: | Williams Ford Tractor, C-2                                           |
| South: | Porter Rd.-Mt. Comfort intersection / Mixed uses, R-O, R-2, R-1, A-1 |
| East:  | I-540 / Vacant, A-1                                                  |
| West:  | Vacant, A-1 (R-2 request pending)                                    |

## **INFRASTRUCTURE:**

Shiloh Drive provides access to this site. Shiloh Dr. is designated a collector on the Master Street Plan. Additional development may allow for access from the west through currently undeveloped pasture land in the future also.

Water is available from an existing 8" line along Shiloh Drive. Sewer will have to be extended to the site by the developer when a project is proposed.



**LAND USE PLAN:** General Plan 2020 designates this site Regional Commercial. Rezoning this property to C-2, Thoroughfare Commercial is consistent with the land use plan and compatible with surrounding land uses in the area.

## **FINDINGS OF THE STAFF**

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding:** The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. This property is designated Regional Commercial are areas "indicated for regional commercial development on the future land use map (that) were selected to best maximize and enhance the existing regional commercial areas of the City and to create regional identity."

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

**Finding:** The proposed zoning is needed in order for this property to develop in a commercial nature.

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

**Finding:** The proposed zoning will not appreciably increase traffic danger and congestion. Access is from Shiloh Drive, a collector on the Master Street Plan and an outer road for I-540. This access will carry traffic to the interstate connections either north or south of the subject property.

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

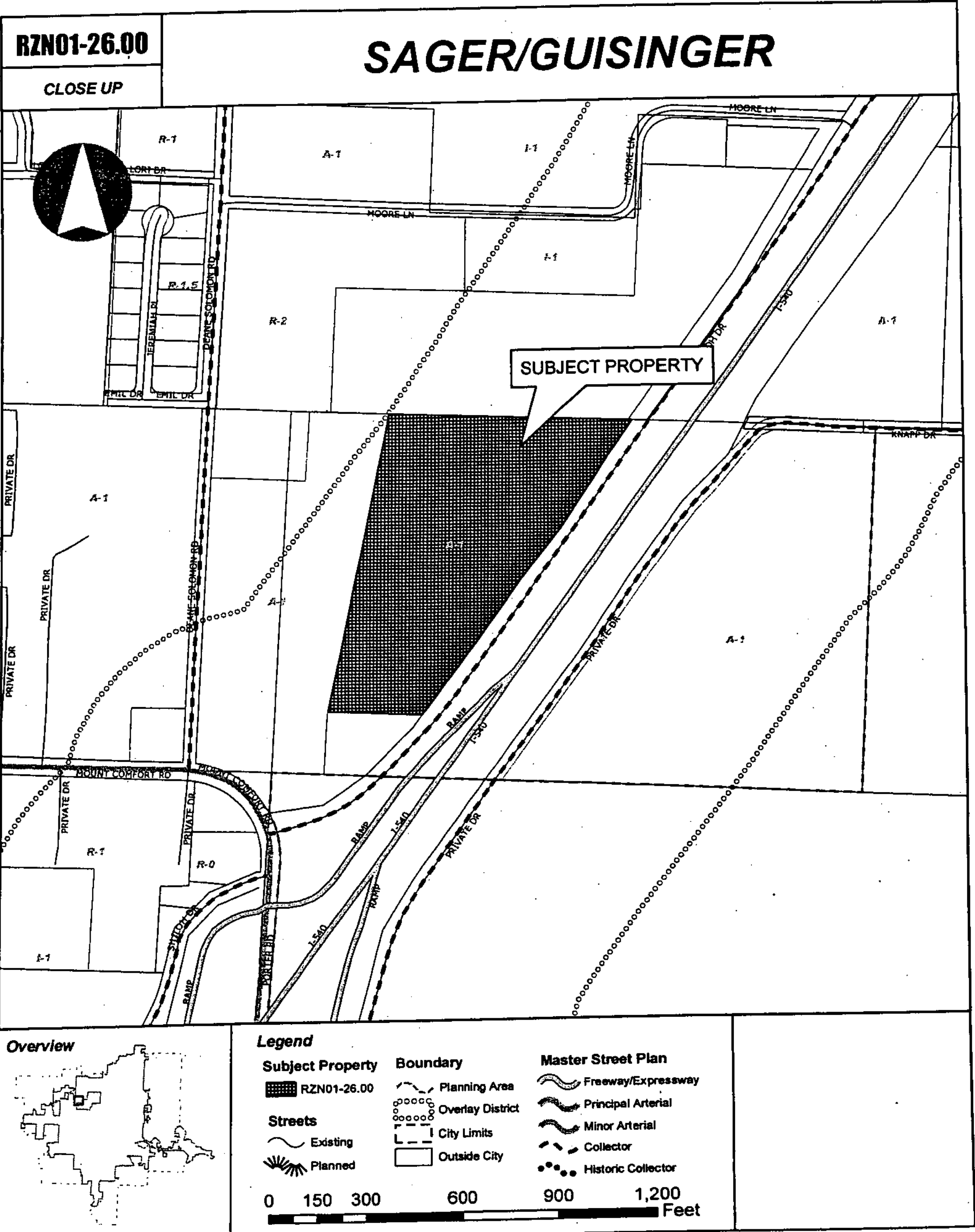
**Finding:** The proposed zoning will not alter population density. The property currently functions as pasture land and no residential development is proposed for this 12.08 acre tract.

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

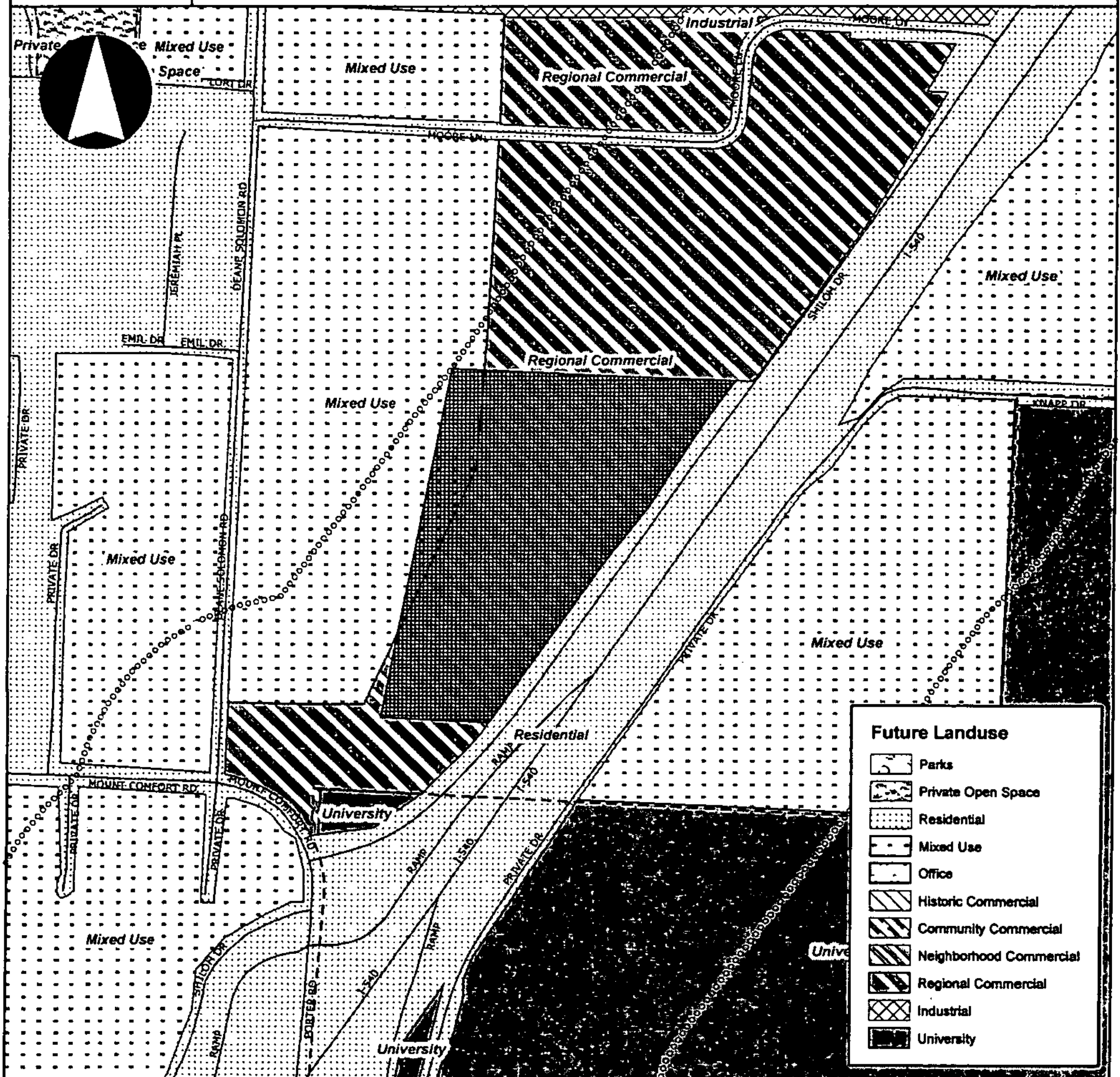




**RZN01-26.00**

Future Landuse

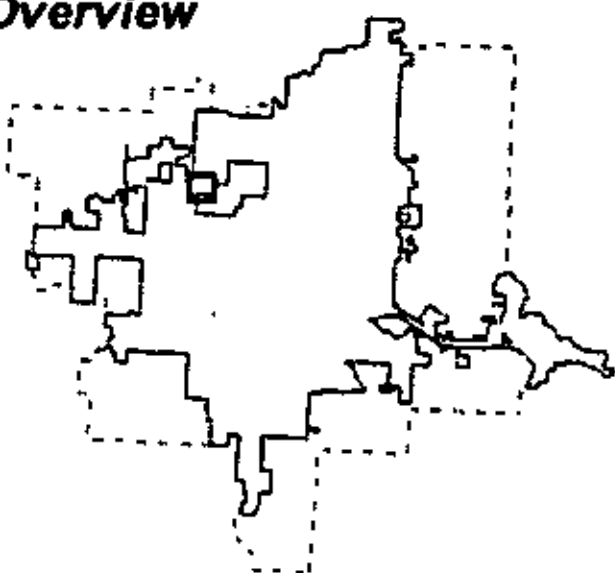
# SAGER/GUISINGER



## Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

## Overview



## Legend

### Subject Property

rzn01-26.00

### Streets

Existing

Planned

### Boundary

Planning Area

Overlay District

City Limits

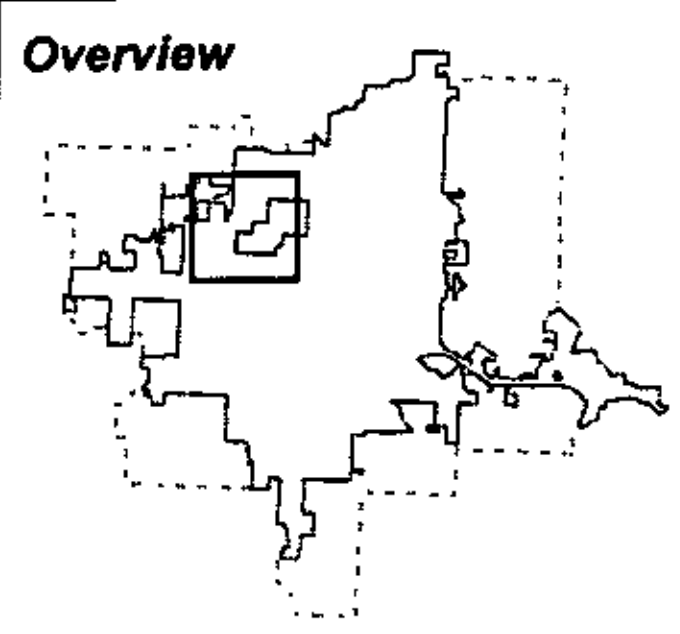
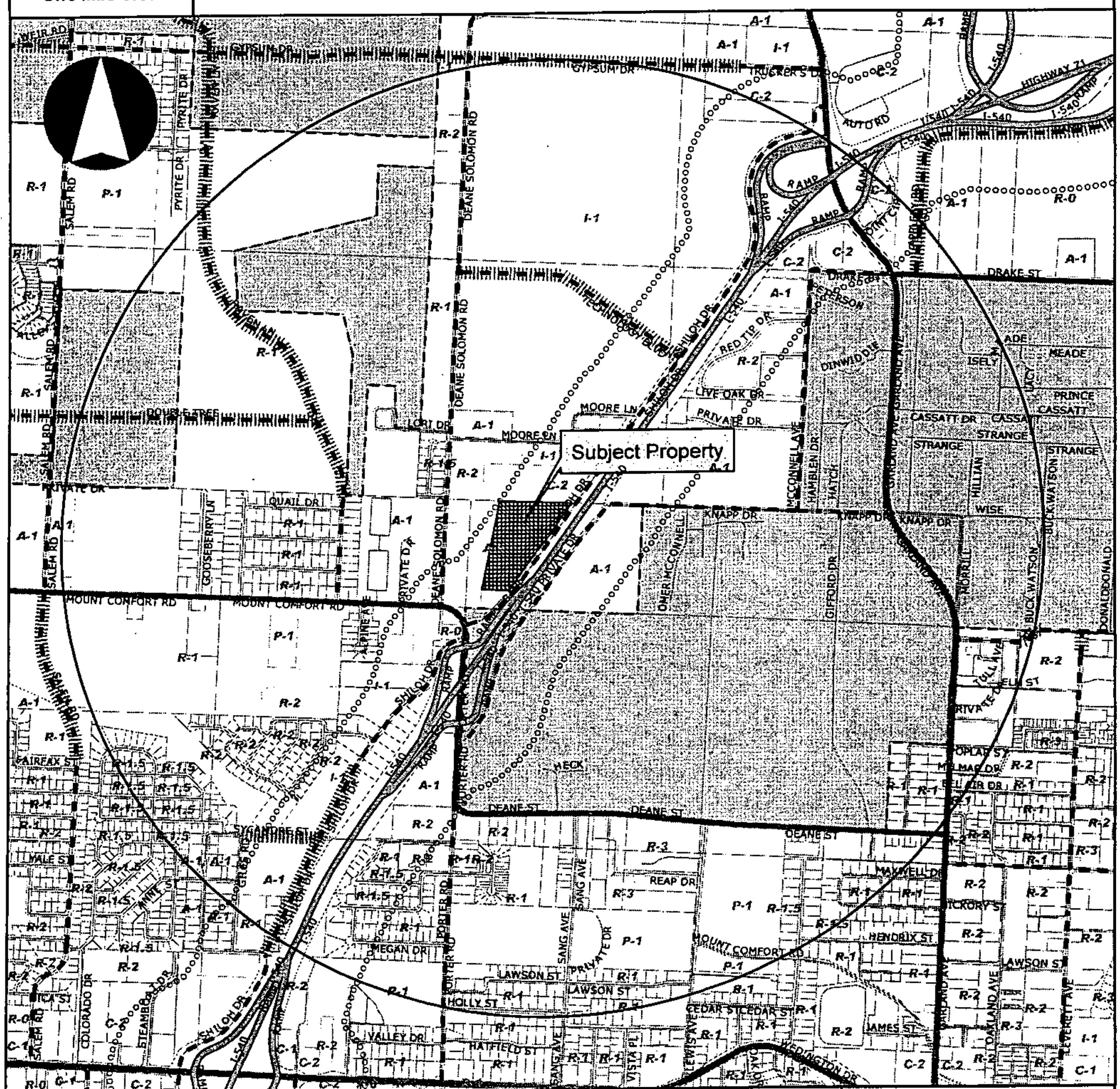
0 125 250 500 750 1,000 Feet



RZN01-26.00

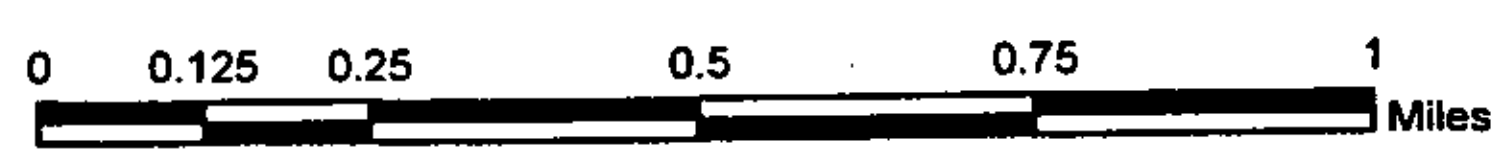
One Mile View

# SAGER/GUISINGER



## Legend

- |                         |                  |                           |
|-------------------------|------------------|---------------------------|
| <b>Subject Property</b> | <b>Boundary</b>  | <b>Master Street Plan</b> |
| RZN01-26.00             | Planning Area    | Freeway/Expressway        |
| <b>Streets</b>          | Overlay District | Principal Arterial        |
| Existing                | City Limits      | Minor Arterial            |
| Planned                 | Outside City     | Collector                 |
|                         |                  | Historic Collector        |



## STAFF REVIEW FORM

X AGENDA REQUEST  
\_\_\_\_ CONTRACT REVIEW  
\_\_\_\_ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001.

## FROM:

Tim Conklin  
Name

Planning  
Division

Urban Development  
Department

**ACTION REQUIRED:** To approve an ordinance for RZN 01-28 as submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural, and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential.

## COST TO CITY:

\$

Cost of this RequestCategory/Project BudgetCategory/Project NameAccount NumberFunds Used To DateProgram NameProject NumberRemaining BalanceFund

**BUDGET REVIEW:** \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

Budget ManagerAdministrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: \_\_\_\_\_

Accounting ManagerDateInternal AuditorDateCity AttorneyDateADA CoordinatorDatePurchasing OfficerDate

**STAFF RECOMMENDATION:** Staff recommended approval and on November 26, 2001, Planning Commission unanimously voted 8-0-0 to recommend approval and to forward the rezoning to the City Council.

Division HeadDateCross ReferenceDepartment DirectorDateNew Item: **Yes**Administrative Services DirectorDate

Prev Ord/Res #: \_\_\_\_\_

MayorDate

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 01-28.00 FOR A PARCEL  
CONTAINING APPROXIMATELY 11.68 ACRES FOR PROPERTY  
LOCATED WEST OF SHILOH DRIVE AND NORTH OF PORTER ROAD,  
FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY DAVE JORGENSEN  
ON BEHALF OF TOM AND LOUISE SAGER AND PAUL AND BERNICE  
GUISINGER.

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

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

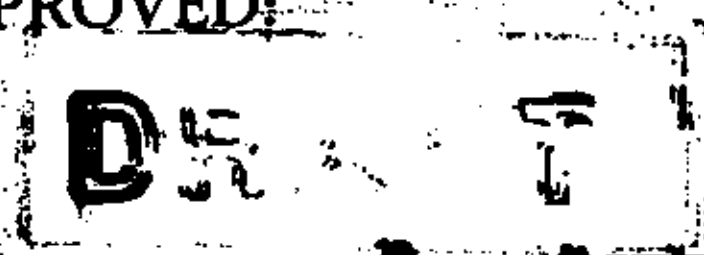
From A-1, Agricultural to R-2, Medium Density Residential as shown in Exhibit  
"A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

APPROVED:

By:

  
DAN COODY, Mayor

ATTEST:

By:

\_\_\_\_\_  
Heather Woodruff, City Clerk



EXHIBIT "A"

RZN 01-28.00

PART OF THE NW 1/4 OF SECTION 5, ALSO PART OF THE NE1/4 OF SECTION 6 ALL IN T16N, R30W AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE W 1/4 CORNER OF SECTION 5 THENCE N88°46'46"W 264.00 FEET, THENCE N01°33'09"E 693.00 FEET, THENCE N88°48'12"W 10.85 FEET, N01°00'25"E 175.76 FEET, THENCE S88°46'33"E 323.02 FEET, THENCE N01°33'09"E 217.80 FEET, THENCE S88°48'12"E 250.00 FEET, THENCE S09°09'29"W 988.32 FEET, THENCE S01°41'09"W 209.11 FEET, THENCE N88°18'51"W 164.24 FEET TO THE P.O.B.; CONTAINING 11.68 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

Planning Commission  
November 26, 2001  
Page 34

**RZN 01-28.00: Rezoning (Sager/Guisinger, pp 325)** was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Tom & Louise Sager and Paul & Bernice Guisinger for property located at west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential.

Estes: The next and last remaining item of business is a companion rezoning request, 01-28.00, submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential. Staff recommends approval of the requested rezoning based on the findings included as a part of your report. Is the applicant or the applicant's representative present?

Jorgensen: Yes, my name is Dave Jorgensen and I'm here to represent the owners on this property and answer questions and point out that this is affected by the overlay district.

Estes: Thank you Mr. Jorgensen. Does any member of the audience wish to provide public comment on this requested rezoning, 01-28.00? Would you please come forward and say your name and where you live and give us the benefit of your comments?

Herrin: I'm Renee Herrin, I live on Pine Valley Road in the subdivision and I just want to reiterate that this is also going to have an affect on all of the decisions to come for the other Bayarri, Shawki land. I just want to make that known, I'm sure that you realize that but there are two or three things here that are all affecting one. Thank you.

Estes: Does anyone else wish to comment on the requested RZN 01-28.00? Seeing none, I'll bring it back to the Commission for discussions, motions or comments. Commissioners?

Ward: Tim, in rezoning this to R-2, when do we start putting lighter units, like six or twelve units per acre, when do we start putting that on R-2?

Conklin: Those are individual zoning districts so we still have the R-2 also which is 24 units per acre.

Ward: If we didn't want to put 24 units per acre on this particular area. . .

Conklin: Then you would recommend something different.

Ward: Then you would recommend a different type of zoning besides R-2?

Planning Commission  
November 26, 2001  
Page 35

- Conklin: That is correct, you can always modify requests, change it to 18 or 12 or 6.
- Ward: Ok, I understand that the applicant is always going to usually apply for the most which is R-2, without designating 18 or 12 or something like that and without me looking at the property or all of us really evaluating it how do we come to the conclusion that this maybe shouldn't be a 24 unit development?
- Marr: If I could add on, because I think it is appropriate to the question that Commissioner Ward asked is that the findings that we have to look at is the justification or need of that and when we just approved another development in what I would consider to be a very similar service area in reference to the lady's comment just a minute ago. Again, how would that be taken into consideration on whether there is justified need if you have 12 per acre and 24 per acre and X amount when you look at answering that finding.
- Conklin: What we have done is to work with the applicants and also recognize what is surrounding and the vicinity and in those cases where it is more appropriate because there are duplexes there already and that a certain density we've made these recommendations. That is how we have used those zoning districts. I don't think there is anything wrong with R-2, the 24 units per acre but I've gone backwards and used the three new zoning districts to provide compatibility for the adjoining developments. That is kind of how we use those three zoning districts.
- Hoffman: One of the things, I too am concerned about the density. One of the things that I've seen in both of these developments is that they are giving us opportunities to upgrade things that are either nonexistent like Sycamore or Porter Road, this A-1 actually touches Porter Road or Mount Comfort, I'm not sure what you call it at that point. Along with our study of the traffic, the developer many times is required to pay for offsite improvements and upgrade existing road conditions based on the impact that they are going to be putting on these roads and with the C-1 development adjacent to Shiloh, that is not going to actually be going onto Porter but whatever density development will, in addition to Deane Soloman. Deane Soloman does go north and intersect with 112 but I see an opportunity here for improvement to that intersection that is sorely needed by the approval of some sort of this rezoning. I would be receptive to hearing if you have an idea of a lesser number of units although 24 units could be any number of bedrooms.
- Conklin: Twenty-four units per acre, dwelling units. Keep in mind too, the density issue also relates to how many people you put on one piece of property or per acre. Just because we only allow six dwelling units per acre doesn't mean that people are not going to move to Northwest Arkansas, we're just going to consume more land and build more units. I don't



Planning Commission  
November 26, 2001  
Page 36

think because we build dwelling units people move here. I just want to bring that point up so when we start looking at density and infill and smart growth and sprawl, where we put people and how many people we put per acre and how efficient we are with our land use I think is going to impact all of Northwest Arkansas. We can either spread everybody out or we can try to create higher densities which allows more opportunities for mass transit and more efficiency with infrastructure and not having to maintain as many miles of street and water line and there are a lot of issues with regard to density but I would just like to bring that point out that density is not always bad. You can't have mass transit typically if you don't have higher densities in a community.

Hoffman: I can actually see a scenario, since we do have this part adjoining Mount Comfort for a turn out lane and for possibly a stop light at that intersection or something, I'm not sure. The way the street is designed is not ideal at all because of its proximity to the freeway and the curb, the blind turn but at least something. I don't know if it would create a bottle neck to have a stop light but we might be able to widen the street out and put in left turn lanes and right turn lanes and things like that that would help. I pretty much agree with Tim, I just don't know about the density.

Ward: I agree with Tim about the R-2, I think it is zoned since it is sitting right next to C-2 that we just rezoned and basically in the overlay district on I540, I have no problem with R-2 personally at this particular site. I just was trying to ask Tim when do we consider more units or what not? What type of sites are we looking for to limit the number of units per acre? In order to get this thing going I would like to recommend that we approve RZN 01-28.00 for changing it from A-1 to R-2 and this is on 11.68 acres just off I540.

Estes: We have a motion by Commissioner Ward to approve RZN 01-28.00, is there a second?

Church: I'll second it.

Estes: We have a second by Commissioner Church. Is there any discussion? We have a motion by Commissioner Ward to approve RZN 01-28 and a second by Commissioner Church. Renee, would you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to approve RZN 01-28.00 was approved by a vote of 8-0-0.

Estes: The motion to approve RZN 01-28.00 passes by a unanimous vote of eight to zero and will be forwarded to the Fayetteville City Council for its determination and consideration. The first reading will be on December 18, 2001. Tim, are there any announcements before

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

## PLANNING DIVISION CORRESPONDENCE

---

TO: Fayetteville Planning Commission  
FROM: Dawn T. Warrick, Senior Planner  
THRU: Tim Conklin, A.I.C.P., City Planner  
DATE: November 20, 2001

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**RZN 01-28.00: Rezoning (Sager/Guisinger, pp 325) was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Tom & Louise Sager and Paul & Bernice Guisinger for property located at west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential.**

### RECOMMENDATION:

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

|                                                                |                                                             |
|----------------------------------------------------------------|-------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                             | Required <u>YES</u>                                         |
|                                                                | <input type="radio"/> Approved <input type="radio"/> Denied |
| <b>Date:</b> <u>November 26, 2001</u>                          |                                                             |
| <b>CITY COUNCIL ACTION:</b>                                    | Required <u>YES</u>                                         |
|                                                                | <input type="radio"/> Approved <input type="radio"/> Denied |
| <b>Date:</b> <u>December 18, 2001 (1<sup>st</sup> reading)</u> |                                                             |



Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **BACKGROUND:**

The subject property is located just north of the intersection of Porter Rd., Mt. Comfort Rd. and Shiloh Drive just west of I-540. It is bordered on the west by Deane Solomon Road. Currently the property is vacant. This rezoning request is being considered along with a companion request for C-2, Thoroughfare Commercial zoning on the property immediately east of this site.

This request is to consider R-2, Medium Density Residential zoning for 11.68 acres which lies along Deane Solomon Road. Property to the north is currently zoned R-2 and contains residential development. Property at the southeast corner of this subject tract was recently rezoned C-1 and a large scale development for an office building is being reviewed at this time.

The General Plan designates the area along the I-540 corridor between Hwy 112 and Mt. Comfort Rd. as a node of Regional Commercial development. This project area is designated Mixed Use.

With adjoining properties zoned A-1, Agricultural and containing a variety of land uses including single family residential, agricultural, a mobile home park, offices and even industrial. It is expected that in time redevelopment and new development will occur in this area. The proposed R-2 zoning will create a buffer between commercial developments along I-540 and residential areas to the west, across Deane Solomon Road.

Medium Density Residential zoning in this location would allow for a maximum of 280 units. A specific project proposal has not been brought forward to staff at this time. Improvements to existing infrastructure made necessary by a development in this location will be the responsibility of the developer at that time.

## **SURROUNDING LAND USE AND ZONING**

|        |                                                                      |
|--------|----------------------------------------------------------------------|
| North: | Williams Ford Tractor, C-2                                           |
| South: | Porter Rd.-Mt. Comfort intersection / Mixed uses, R-O, R-2, R-1, A-1 |
| East:  | I-540 / Vacant, A-1                                                  |
| West:  | Vacant, A-1                                                          |

## **INFRASTRUCTURE:**

Shiloh Drive provides access to this site. Shiloh Dr. is designated a collector on the Master Street Plan. Additional development may allow for access from the west through currently undeveloped pasture land in the future also.

Water is available from an existing 8" line along Shiloh Drive. Sewer will have to be extended to the site by the developer when a project is proposed.

**LAND USE PLAN:** General Plan 2020 designates this site Mixed Use. Rezoning this property to R-2, Medium Density Residential is consistent with the land use plan and compatible with surrounding land uses in the area.

## **FINDINGS OF THE STAFF**

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding:** The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. This area is designated Mixed Use on the Future Land Use Map and those areas are defined as "areas where residential, commercial, office and agricultural uses would be appropriate." With regard to these areas, the General Plan states "Designation of mixed use areas will allow developers a great deal of flexibility in terms of uses, while City regulations will maintain standards for quality mixed development. This part of the plan recognizes that development is market driven and therefore doesn't attempt to designate specific future land uses within these areas."

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

**Finding:** The proposed rezoning is needed in order to develop this property residentially.

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

**Finding:** The proposed zoning will increase traffic, however it will not create or appreciably increase traffic danger and congestion. Access to Deane

**Solomon as well as to Mt. Comfort/Porter Road will serve any development on this site.**

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

**Finding: This increase is not expected to undesirably increase the load on public services including schools, water, and sewer facilities. The applicant, like all project applicants, has signed the sewer capacity warning designed by the City attorney regarding the status of Fayetteville's wastewater treatment facility.**

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.

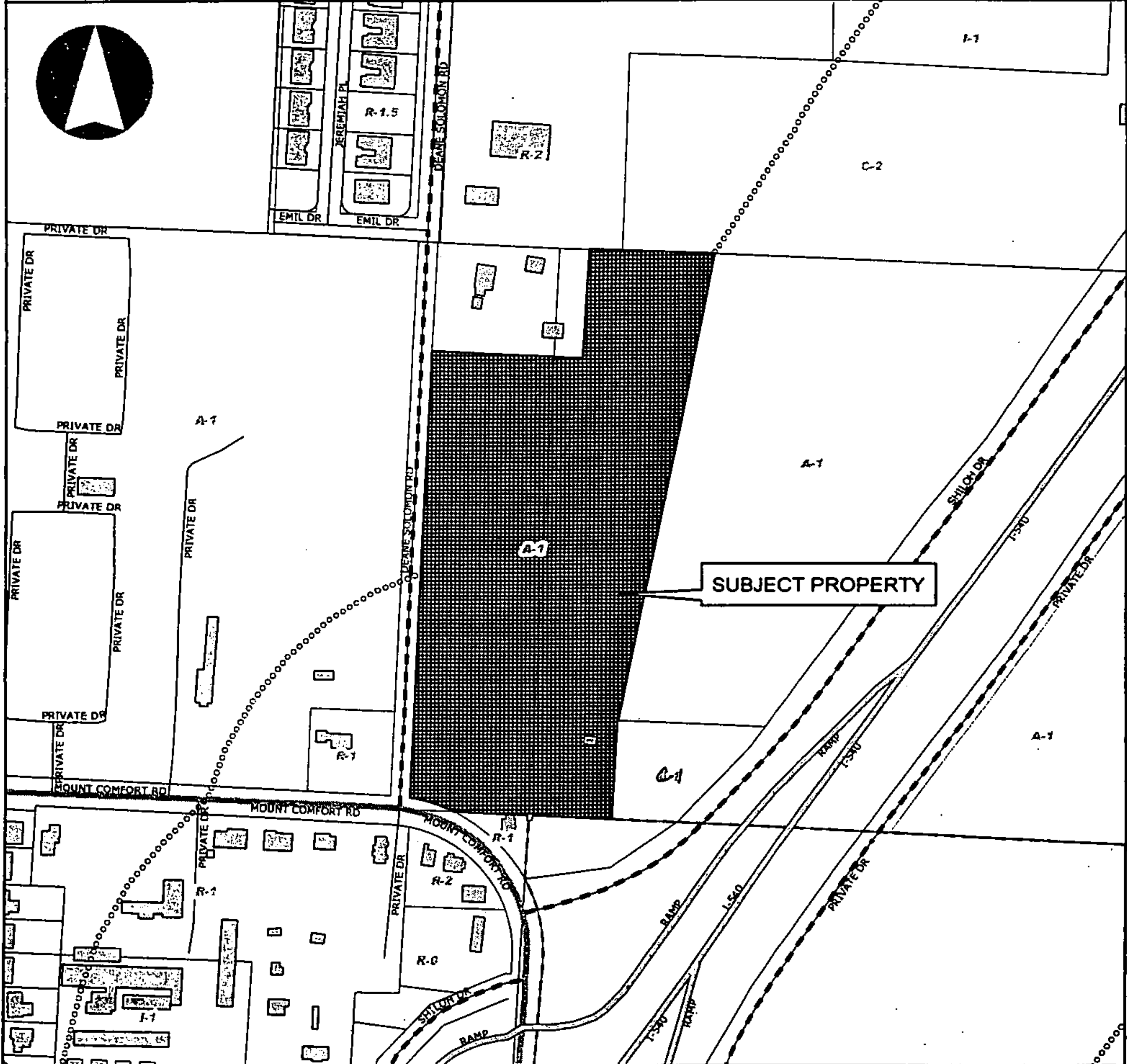
**Finding: N/A**



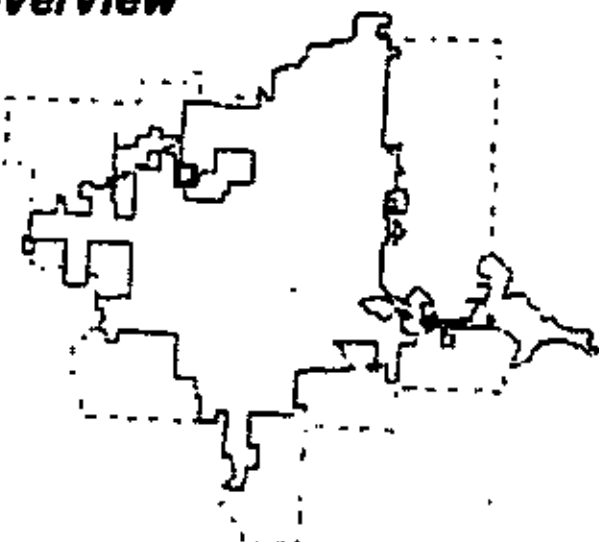
**RZN01-28.00**

Close Up View

# **GUISINGER/ SAGER**



## **Overview**



## **Legend**

### **Subject Property**

RZN01-28.00

### **Streets**

Existing

Planned

### **Boundary**

Planning Area

Overlay District

City Limits

Outside City

### **Master Street Plan**

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

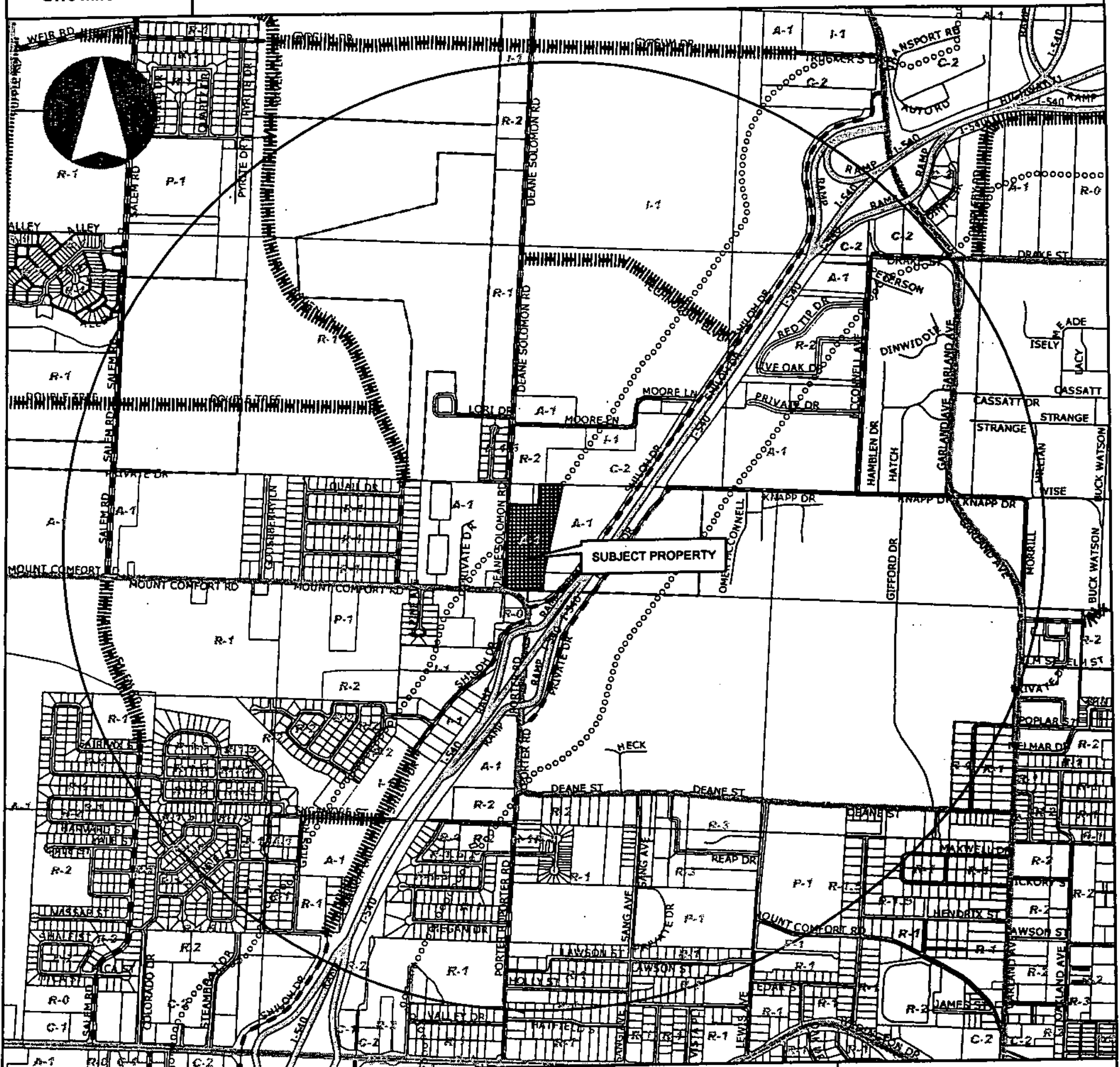




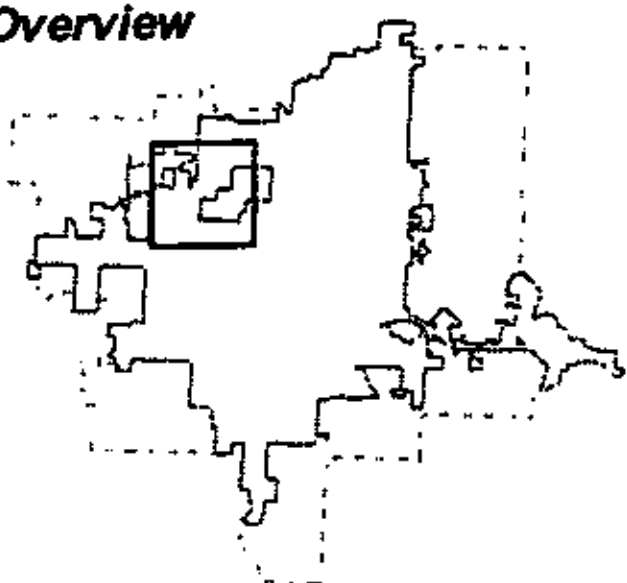
RZN01-28.00

One Mile View

# GUISINGER/ SAGER



## Overview



## Legend

### Subject Property

RZN01-28.00

### Streets

Existing

Planned

### Boundary

Planning Area

Overlay District

City Limits

Outside City

### Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

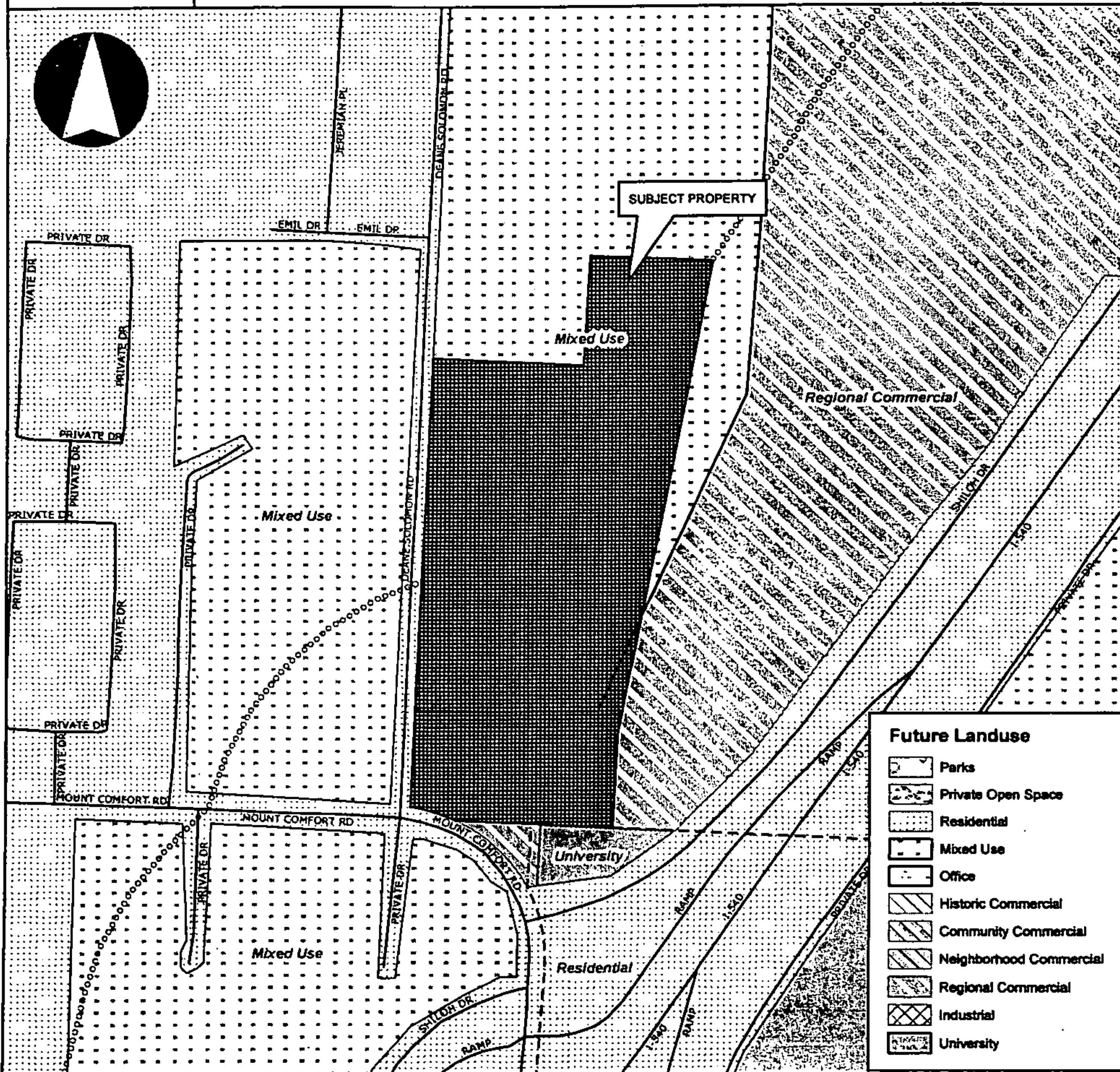
0 0.125 0.25 0.5 0.75 1 Miles



**RZN01-28.00**

Future Landuse

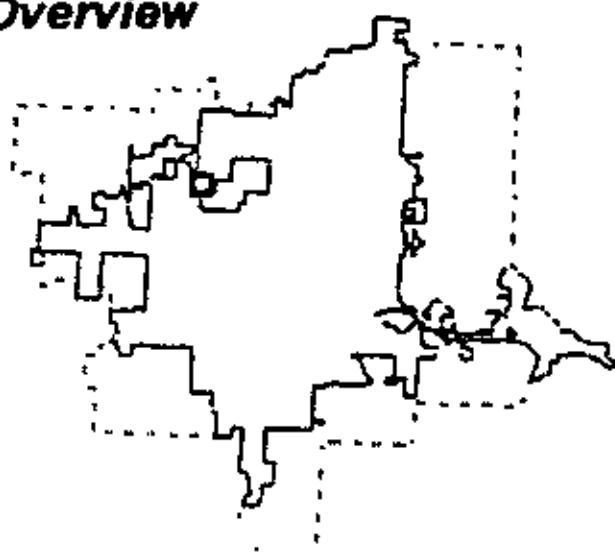
# **GUISINGER/ SAGER**



## **Future Landuse**

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

## **Overview**



## **Legend**

**Subject Property**

RZN01-28.00

**Streets**

Existing

Planned

**Boundary**

Planning Area

Overlay District

City Limits

0 125 250 500 750 1,000 Feet

## STAFF REVIEW FORM

Senior Center  
C. 7. Page 1

☒ Agenda Request  
☐ Contract Review  
☐ Grant Review

For the Fayetteville City Council meeting of December 18, 2001

## FROM:

Hugh Earnest

Name

Division

Urban Development

Department

**ACTION REQUIRED:** Approve a Resolution authorizing a change order for activities associated with construction of the Senior Citizen Center.

## COST TO CITY:

\$

Cost of this Request

\$

Category/Project Budget

Category/Project Name

Account Number

\$

Funds Used to Date

Program Name

Project Number

\$

Remaining Balance

Fund

## BUDGET REVIEW:

Budgeted ItemBudget Adjustment Attached

Budget Manager

Administrative Services Director

## CONTRACT/GRANT/LEASE REVIEW:

## GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

## STAFF RECOMMENDATION: Approval of the Resolution and Budget Adjustment

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes No

Administrative Services Director

Date

Prev Ord/Res #: \_\_\_\_\_

Mayor

Date

Orig Contract Date: \_\_\_\_\_

STAFF REVIEW FORM

Description\_\_\_\_\_ Meeting Date\_\_\_\_\_

Comments:

Reference Comments:

Budget Coordinator

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Accounting Manager

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City Attorney

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Purchasing Officer

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ADA Coordinator

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Internal Auditor

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\_\_\_\_\_



THE CITY OF FAYETTEVILLE, ARKANSAS

---

Date: December 6, 2001

To: December 5, 2001 Meeting Attendees:  
Minor Wallace, Bert Rakes - City of Fayetteville  
Mark Sugg, Daryl Rantis - Daryl S. Rantis Architects  
Ben Smith, Harrison Davis - Harrison Davis Construction  
Janet Linebaugh, Michael Cosgrove, Rodney Ryan, Andy Lucas,  
Cindy Webb - Council on Aging

From: Hugh Earnest  
Urban Development Director *Hugh Earnest*

Subject: December 5<sup>th</sup> meeting on Senior Citizen Center

I offered to reduce to writing the extensive and productive meeting held on Wednesday to discuss the status of the construction of a Senior Citizens Center for the Council on Aging. The following list is presented as bullet points to insure clarity and brevity. As we agreed, all attendees will be responsible for reviewing these to insure that there is agreement on what was discussed and agreed upon. The list is presented in no particular order.

- Hugh Earnest will be the principal contact for the City and will act as Project Manager. Minor Wallace will be the City representative on a day-to-day basis.
- Hugh Earnest will be the authorized spokesperson for the City. All comments on this project from City staff will be his responsibility.
- The Council on Aging will be responsible for designating a spokesperson
- Harrsion Davis Construction Company committed to completion of the project.
- The City commitment to this project is capped at \$1,982,600. That amount is the contract between the City and Davis Construction. There is no contingency in the contract.
- It was agreed that all change orders to the contract would be the fiscal responsibility of the Council on Aging.

December 5<sup>th</sup> meeting on Senior Citizen Center  
Page 2

- The City will process no change orders without a commitment of funds from the Council. City and Council representatives will determine the issue of what constitutes an acceptable commitment by December 14<sup>th</sup>, 2001.
- There will be at a minimum bi-weekly meeting between the parties to ensure that acceptable progress is being made.
- The architect agreed to fax meeting dates and an agenda to all parties as part of the preparation for the bi-weekly meetings.
- Harrison Davis Construction will provide, at a minimum, a monthly progress report that summarizes their progress against the project time line.
- The City will not process any change order that has not been approved by the representative from the Council on Aging.
- The issue of additional days and the imposition of liquidated damages were not discussed. It will be dealt with over the next several months.

CC. Mayor Dan Coody  
Ted Webber  
Steve Davis



STAFF REVIEW FORM

XX AGENDA REQUEST  
\_\_\_\_ CONTRACT REVIEW  
\_\_\_\_ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001

FROM:

|                      |                              |                                |
|----------------------|------------------------------|--------------------------------|
| <u>Stephen Davis</u> | <u>Budget &amp; Research</u> | <u>Administrative Services</u> |
| Name                 | Division                     | Department                     |

ACTION REQUIRED:

Amend Ordinance 3765 to add Municipal Judge to the City Officials listed in Section 1.

COST TO CITY:

|                             |                                |                              |
|-----------------------------|--------------------------------|------------------------------|
| \$                          |                                |                              |
| <u>Cost of this Request</u> | <u>Category/Project Budget</u> | <u>Category/Project Name</u> |
| <u>Account Number</u>       | <u>Funds Used To Date</u>      | <u>Program Name</u>          |
| <u>Project Number</u>       | <u>Remaining Balance</u>       | <u>Fund</u>                  |

BUDGET REVIEW: \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

|                    |                                         |
|--------------------|-----------------------------------------|
| <u>[Signature]</u> | <u>Administrative Services Director</u> |
| Budget Manager     |                                         |

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: \_\_\_\_\_

|                           |             |                          |             |
|---------------------------|-------------|--------------------------|-------------|
| <u>Accounting Manager</u> | <u>Date</u> | <u>Internal Auditor</u>  | <u>Date</u> |
| <u>City Attorney</u>      | <u>Date</u> | <u>ADA Coordinator</u>   | <u>Date</u> |
| <u>Purchasing Officer</u> | <u>Date</u> | <u>Grant Coordinator</u> | <u>Date</u> |

STAFF RECOMMENDATION:

|                    |                |
|--------------------|----------------|
| <u>[Signature]</u> | <u>12/6/01</u> |
| Division Head      | Date           |

|                                  |                |
|----------------------------------|----------------|
| <u>[Signature]</u>               | <u>12/6/01</u> |
| Department Director              | Date           |
| <u>[Signature]</u>               | <u>12/6/01</u> |
| Administrative Services Director | Date           |
| <u>[Signature]</u>               | <u>12/6/01</u> |
| Mayor                            | Date           |

Cross Reference

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

Prev Ord/Res #: \_\_\_\_\_

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_

# STAFF REVIEW FORM

☒ Agenda Request  
☐ Contract Review  
☐ Grant Review

For the Fayetteville City Council meeting of December 18, 2001

## FROM:

Greg Boettcher  
Name

Engineering  
Division

Public Works  
Department

## ACTION REQUIRED:

Approval of a Consultant Contract Amendment (original contract dated December 15, 1998) for Downtown Dickson Enhancement Project in the amount of \$120,972.03 to address: (1) easement revisions - \$9,660.00, (2) construction engineering - \$39,552.03, and (3) project construction inspection - \$71,760.00 (option to allow use of Engineering Division personnel for full-time inspection). Current contract amount is \$530,227.62 to \$651,200.15.

## COST TO CITY:

\$120,972.03  
Cost of this Request

\$2,224,098.00  
Category/Project Budget

Contract Services  
Category/Project Name

4470-9470-5809-00  
Account Number

\$206,302.00  
Funds Used to Date

Street Improvements  
Program Name

98097  
Project Number

\$2,017,796.00  
Remaining Balance

Sales Tax Capital Improvement  
Fund

## BUDGET REVIEW:

☐ Budgeted Item

☐ Budget Adjustment Attached

Budget Manager

Administrative Services Director

## CONTRACT/GRANT/LEASE REVIEW:

## GRANTING AGENCY:

Accounting Manager Date

ADA Coordinator

Date

City Attorney Date

Internal Auditor

Date

Purchasing Officer Date

## STAFF RECOMMENDATION: Approval of the Resolution and Budget Adjustment

Division Head

Date

Cross Reference

*Greg Boettcher*  
Department Director

12-07-01  
Date

New Item: Yes No

Administrative Services Director

Date

Prev Ord/Res #: \_\_\_\_\_

COPY

**AMENDMENT NO 4  
TO  
THE AGREEMENT FOR CONSULTING SERVICES**

**PROJECT:** Downtown Dickson Street Enhancement Project

**CONSULTANT:** The Benham Group, 117 S. Parkwood,  
Lowell, Arkansas 72745

**OWNER/CLIENT:** City of Fayetteville, 113 West Mountain,  
Fayetteville, AR 72701

WHEREAS, The Benham Group (CONSULTANT) and the City of Fayetteville, Arkansas (CLIENT) entered into an agreement for Consulting Services dated December 15, 1998, and,

WHEREAS, The scope of the December 15, 1998 agreement set out a specific scope of services, and additional items of work, outside the initial scope of services have been required to complete the design of the Downtown Dickson Street Enhancement Project (PROJECT), including :

- ITEM NO 1- Revision of previously approved parcel maps and revision of previously approved construction drawings to correspond to negotiated easement purchases (tracts involved included: University of Arkansas, Campus Bookstore, Sound Warehouse, Mr. Tux, Dickson Street Bookstore and Mr. Lamar Petus), including applicable subcontract costs, and,

WHEREAS, The scope of the December 15, 1998 agreement did not include needed services associated with basic construction administration services, including:

- ITEM NO 2- Provision of bidding and construction phase services associated with the construction of the PROJECT, including street, sidewalk and landscaping improvements, said basic construction administration services to include: bidding, bid opening, bid evaluations, award recommendations, award processing, pre-construction conference, shop drawing reviews, progress and payment reviews, change order processing, weekly monitoring of the work (5 hours/week), final inspection of completed PROJECT and related consulting services associated with the bidding/construction phases of the PROJECT, and,

WHEREAS, The scope of the December 15, 1998 agreement did not include needed services associated with the full-time resident observation of PROJECT construction, including:

- ITEM NO 3- Provision of a full-time on-site resident inspector to observe and document all PROJECT construction for compliance with the drawings and contract documents, to report non conforming work/problems to the CONSULTANT, to conduct, observe and record quality control testing, to maintain complete construction records and to coordinate the PROJECT construction with all concerned parties,



Downtown Dickson Street Enhancement Project  
Page 2

NOW THEREFORE be it resolved between the CONSULTANT and CLIENT, that the above referenced items of additional work, if authorized in writing by the CLIENT, shall be performed for the following not-to-exceed amounts:

|                                              |             |
|----------------------------------------------|-------------|
| ITEM NO 1- Additional Design Services        | \$ 9,660.00 |
| ITEM NO 2- Basic Construction Administration | \$39,552.03 |
| ITEM NO 3- Full-Time Residential Inspection  | \$71,760.00 |

The CLIENT may authorize one, two or all three items as it deems appropriate, with said authorized additional items of work and upper limits of compensation to be added to the scope of the December 15, 1998 agreement for Consulting Services and the current upper limit of costs of \$530,227.62. All additional services subsequently authorized by the CLIENT in writing shall be invoiced on a cost plus fixed-fee basis, with cost to be direct labor and direct expenses, indirect labor cost to be based upon an audited overhead rate, not to exceed a factor of 150% and fixed fee to be 15% of the combined direct and indirect costs. The CLIENT reserves the right to provide resident inspection services, ITEM NO 3, using its own staff.

IN WITNESS WHEREOF to the acceptance of the terms and conditions as set forth in the Amendment No 4 to the December 15, 1998 agreement for Consultant Services, the Benham Group and the City of Fayetteville Arkansas have executed this amendment to agreement effective the date set forth below. All other terms and conditions of said Agreement not in conflict with or amended herewith remain in full force and effect.

Signed this \_\_\_\_\_ day of December, 2001.

CITY OF FAYETTEVILLE  
FAYETTEVILLE, AR

THE BENHAM GROUP  
LOWELL, AR

\_\_\_\_\_  
Dan Coody  
Mayor of Fayetteville

\_\_\_\_\_  
Gary L. Carnahan  
Vice - President

December 11, 2001

**NEW ITEMS:**

- Consent*
1. **TROLLEY:** A resolution accepting the renewal agreement with Jones Transportation for trolley operations for the period of January 1, 2002 through June 30, 2002. This is in accordance with the provisions of resolution 11-99.
  2. **CAT:** A resolution accepting a contract with Community Access Television for public access television services for 2002.

**ADDITIONAL INFORMATION:**

1. **Sr. Center:** Additional information for Item C. 6.
2. **Downtown Dickson Enhancement:** Additional information for Item C. 8.

*Elderly tax contract.*



# STAFF REVIEW FORM

☒ AGENDA REQUEST  
☒ CONTRACT REVIEW  
☐ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001

FROM:

Paul Libertini  
Name

Engineering  
Division

Public Works  
Department

**ACTION REQUIRED:** Award the construction contract to *Mobley Contractors, Inc.* (contingent upon receiving an easement or right-of-way from Arkansas & Missouri Railroad), approve funding for project contingency and material testing for the project entitled "Sunbridge Drive & Gregg Avenue Intersection Improvements", and approve the attached Budget Adjustment.

## COST TO CITY:

\$274,627  
Cost of this Request

\$ 376,496  
Category/Project Budget

Street ROW/Intersection/Cost Sharing  
Category/Project Name

4470-9470-5809.00  
Account Number

\$ 120,496  
Funds Used To Date

Street Improvements  
Program Name

98033  
Project Number

\$ 256,000  
Remaining Balance

Sales Tax  
Fund

**BUDGET REVIEW:** ☒ Budgeted Item ☒ Budget Adjustment Attached (to be furnished)

Budget Coordinator

Administrative Services Director

## CONTRACT/GRANT/LEASE REVIEW:

**GRANTING AGENCY:** \_\_\_\_\_

Accounting Manager

Date

Internal Auditor

Date

*D. J. White*  
City Attorney

12/12/01  
Date

ADA Coordinator

Date

Purchasing Officer

Date

**STAFF RECOMMENDATION:** Approval of the action items listed above.

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes ☒ No ☐

Administrative Services Director

Date

Prev Ord/Res #: \_\_\_\_\_

Mayor

Date

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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## **FINAL AGENDA CITY COUNCIL DECEMBER 18, 2001**

A meeting of the Fayetteville City Council will be held on December 18, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

**AWARD PRESENTATION:** Presentation of the GFOA Distinguished Budget Presentation Award.

### **A. CONSENT**

- 1. APPROVAL OF THE MINUTES**
- 2. SUNBRIDGE AND GREGG:** A resolution awarding a contract to Mobley Contractors, Inc. in the amount of \$241,627.00 (contingent upon receiving an easement or right-of-way from the Arkansas & Missouri Railroad), approve funding of \$30,000 for project contingency and of \$3,000 for materials testing for the project entitled "Sunbridge Drive and Gregg Avenue Intersection Improvements" and approval of a budget adjustment.
- 3. MICROSOFT OFFICE:** A resolution approving the purchase of 223 Microsoft Office XP software licenses from Dell Incorporated. The purchases are authorized through the State of Arkansas Contract Award ST-98-0491; and approval of a budget adjustment.
- 4. US ABLE LIFE:** A resolution renewing employee group policies from US Able Life to provide life, AD&D, and LTD coverage and Section. 125 Cafeteria Plan Administration.
- 5. TROLLEY:** A resolution accepting the renewal agreement with Jones Transportation for trolley operations for the period of January 1, 2002, through June 30, 2002. This is in accordance with the provision of Resolution 11-99.

## **B. OLD BUSINESS**

1. **ANX 01-4.00:** An ordinance approving annexation request ANX 01-4.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51<sup>st</sup> Street. The request is to annex into the city approximately 30.99 acres located in the Planning Area. The ordinance was left on the second reading at the December 4, 2001, meeting.
2. **RZN 01-22.00:** An ordinance approving rezoning request RZN 01-22.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51<sup>st</sup> Street. The property is zoned A-1, Agricultural, and contains approximately 30.99 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the second reading at the December 4, 2001, meeting.
3. **BUDGET:** A resolution adopting the 2002 Operating Budget. The resolution was tabled at the December 4, 2001, meeting.
4. **SALE OF MUNICIPALLY OWNED PROPERTY:** An ordinance amending Chapter 34, Finance and Revenue, of the Code of Fayetteville to establish a formal process for the sale of municipally owned real property. The item was forwarded to the Ordinance Review Committee at the November 20, 2001, meeting.

## **C. NEW BUSINESS**

1. **ANX 01-5.00:** An ordinance approving annexation request ANX 01-5.00 as submitted by Raymond C. Smith on behalf of Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.
2. **RZN 01-24.00:** An ordinance approving rezoning request RZN 01-24.00 as submitted by Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.



3. **RZN 01-27.00:** An ordinance approving rezoning request RZN 01-27.00 as submitted by Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential.
4. **RZN 01-26.00:** An ordinance approving rezoning request RZN 01-26.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial.
5. **RZN 01-28.00:** An ordinance approving rezoning request RZN 01-28.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential.
6. **SENIOR CITIZEN CENTER:** A resolution authorizing a change order for activities associated with construction of the Senior Citizen Center.
7. **MUNICIPAL JUDGE:** An ordinance amending Ordinance 3765 to add Municipal Judge to the City Officials listed in Section 1.
8. **DOWNTOWN DICKSON ENHANCEMENT PROJECT:** A resolution approving an amendment for Downtown Dickson Enhancement Project in the amount of \$120,972.03 to address: (1) easement revisions - \$9,660.00, (2) construction engineering - \$39,552.03, and (3) project construction inspection - \$71,760.00 (option to allow use of Engineering Division personnel for full-time inspection. Current contract amount is \$530,227.62 to \$651,200.15.
9. **CAT:** A resolution approving a contract in the amount of \$34,500.00 with Community Access Television for public access television services for 2002.
10. **ELDERLY TAXI PROGRAM:** A resolution approving a contract with the Area Agency on Aging for the Elderly Taxi Program.

December 11, 2001

**NEW ITEMS:**

1. **TROLLEY:** A resolution accepting the renewal agreement with Jones Transportation for trolley operations for the period of January 1, 2002 through June 30, 2002. This is in accordance with the provisions of resolution 11-99.
2. **CAT:** A resolution accepting a contract with Community Access Television for public access television services for 2002.

**ADDITIONAL INFORMATION:**

1. **Sr. Center:** Additional information for Item C. 6.
2. **Downtown Dickson Enhancement:** Additional information for Item C. 8.

*— Municipal Judge - ordinance —*



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 31 OF THE FAYETTEVILLE  
CODE OF ORDINANCES AND ESTABLISHING SALARY PROVISION  
FOR DISTRICT JUDGE OF FAYETTEVILLE

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

Section 1. That Chapter 31, City Officials is amended by adding  
Section 31.18 District Judge Compensation as follows:

§31.18 District Judge Compensation

a. The District Judge of Fayetteville's compensation shall fall  
within the current pay range determined by the most recent public sector survey  
conducted by the City or independent survey contractor and any applicable state  
law.

b. Annually at the first payroll period coincident with or first  
following January 1<sup>st</sup>, a pay adjustment will be made equal to the average  
percentage pay increase granted to regular full time non-civil service City  
employees during the previous calendar year.

c. Cumulative annual pay increases over time may not cause the  
salary level to exceed the salary range for the position without Council approval.

Section 2. All ordinances, sections and/or parts of ordinances in conflict  
with this ordinance are hereby repealed.

**PASSED** and **APPROVED** this the \_\_\_\_\_ day of December, 2001.

APPROVED:

By: \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Heather Woodruff, City Clerk

# STAFF REVIEW FORM

X AGENDA REQUEST  
X CONTRACT REVIEW  
    GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001

## FROM:

Paul Libertini  
Name

Engineering  
Division

Public Works  
Department

**ACTION REQUIRED:** Award the construction contract to *Mobley Contractors, Inc.* (contingent upon receiving written concurrence from AHTD to utilize the proposed right-of-way purchase from Arkansas & Missouri Railroad), approve funding for project contingency and material testing for the project entitled "Sunbridge Drive & Gregg Avenue Intersection Improvements", and approve the attached Budget Adjustment.

## COST TO CITY:

\$274,627  
Cost of this Request

\$ 376,496  
Category/Project Budget

Street ROW/Intersection/Cost Sharing  
Category/Project Name

4470-9470-5809.00  
Account Number

\$ 120,496  
Funds Used To Date

Street Improvements  
Program Name

98033  
Project Number

\$ 256,000  
Remaining Balance

Sales Tax  
Fund

**BUDGET REVIEW:** X Budgeted Item X Budget Adjustment Attached (to be furnished)

Steph Davis  
Budget Coordinator

Administrative Services Director

## CONTRACT/GRANT/LEASE REVIEW:

## GRANTING AGENCY:

Maria Fanning 12/3/01  
Accounting Manager Date

Nancy Smith 12/3/01  
Internal Auditor Date

D. Whitst 12/3/01  
City Attorney (See Comment) Date

ADA Coordinator Date

Nice 12/4/01  
Purchasing Officer Date

**STAFF RECOMMENDATION:** Approval of the action items listed above.

Paul Libertini  
for Division Head

12/3/01  
Date

## Cross Reference

Jim Brubaker  
Department Director

12/4/01  
Date

New Item: Yes x No    

Ed Wilbur  
Administrative Services Director

12/4/01  
Date

Prev Ord/Res #:                     

Dan Coody  
Mayor

12/6/01  
Date

Orig Contract Date:                     

Exhibit A "Performance Bond" are missing in pp 00500-9  
Exhibit B "Payment Bond" 00500-10

Orig Contract Number:

**DEPARTMENTAL CORRESPONDENCE**

---

To: Fayetteville City Council

Thru: Mayor Dan Coody

Greg Boettcher, Public Works Director

*for* Jim Beavers, City Engineer *P.L.*

From: Paul Libertini, Staff Engineer *P.L.*

Date: December 3, 2001

Re: **Agenda Request, Council Meeting of December 18, 2001**  
**Sunbridge Drive & Gregg Avenue Intersection Improvements**

1. Staff Recommendation: Staff recommends that the City Council award the construction contract to **Mobley Contractors, Inc.** (contingent upon receiving written concurrence from AHTD to utilize the proposed right-of-way purchase from Arkansas & Missouri Railroad), and approve funding for project contingency and materials testing for "Sunbridge Drive & Gregg Avenue Intersection Improvements".

2. Project Background: This intersection improvement will add a southbound left turn lane on Gregg Avenue (State Highway 180), a northbound right turn lane on Gregg Avenue & a westbound right turn lane on Sunbridge Drive. A traffic study was performed by AHTD and the results showed that this intersection met the warrants for signalization. Therefore, the Engineering Division utilized in-house design staff to develop two sets of construction plans (Signalization Plans & Intersection Improvement Plans) to submit to AHTD for their approval and permitting. The City Traffic Division will install the traffic signal utilizing in-house forces. The proposed right-of-way purchase from Arkansas & Missouri Railroad for the future widening of Gregg Avenue will allow the signal poles on the west side of Gregg Avenue to be set far enough back so that the poles will not have to be relocated in the future Gregg Avenue widening project, while at the same time providing for better highway safety for the subject intersection improvement project.

3. Estimated Project Costs: Bids were opened Thursday, November 29<sup>th</sup>, 2001. The engineer has reviewed the bids and recommends awarding the contract to the low bidder, Mobley Contractors, Inc. in the amount of \$ 241,626.92 which is approximately 5% above the engineer's estimate. The estimated total project costs including contingency monies for unforeseen project expenditures are as follows:

|                                        |                    |
|----------------------------------------|--------------------|
| Sunbridge Drive & Gregg Avenue         |                    |
| Intersection Improvements              | \$ 241,627.00      |
| Project contingency ( $\approx$ 12.4%) | \$ 30,000.00       |
| <u>Materials testing</u>               | <u>\$ 3,000.00</u> |
| Total                                  | \$ 274,627.00      |

4. Project Funding: This project will require a Budget Adjustment to move the remaining balance of \$18,756 from Project #97025, Intersection Improvements, to this Project #98033, Street ROW/Intersection/Cost Sharing.



**City of Fayetteville, Arkansas  
Budget Adjustment Form**

**Sunbridge/Gregg  
A. 2. Page 3**

|                         |                                                                         |                                    |              |
|-------------------------|-------------------------------------------------------------------------|------------------------------------|--------------|
| Budget Year<br><br>2001 | Department: Sales Tax Capital Improvement Fund<br>Division:<br>Program: | Date Requested<br><br>DEC 18, 2001 | Adjustment # |
|-------------------------|-------------------------------------------------------------------------|------------------------------------|--------------|

|                                                                                                                    |                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| <b>Project or Item Requested:</b><br>Additional funding is requested for Sunbridge/Gregg Intersection Improvements | <b>Project or Item Deleted:</b><br>Proposed funding for this adjustment is from the intersection Improvements Project. |
|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                              |                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <b>Justification of this Increase:</b><br>The additional funding is needed to fully fund the project based on bids received. | <b>Justification of this Decrease:</b><br>The Intersection Improvements Project is complete and the remaining funding is not needed. |
|------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|

**Increase Expense (Decrease Revenue)**

| Account Name        | Amount | Account Number    | Project Number |
|---------------------|--------|-------------------|----------------|
| Street Improvements | 19,385 | 4470 9470 5809 00 | 98033 30       |

**Decrease Expense (Increase Revenue)**

| Account Name        | Amount | Account Number    | Project Number |
|---------------------|--------|-------------------|----------------|
| Street Improvements | 19,385 | 4470 9470 5809 00 | 97025 40       |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |              |      |                                                                                    |          |                |      |                                                                                    |          |                     |      |                                                                                    |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------|------------------------------------------------------------------------------------|----------|----------------|------|------------------------------------------------------------------------------------|----------|---------------------|------|------------------------------------------------------------------------------------|---------|--------------------------|------|-------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p align="center"><b>Approval Signatures</b></p> <table style="width:100%;"> <tr> <td style="width:60%;">Requested By</td> <td style="width:40%;">Date</td> </tr> <tr> <td></td> <td>12-03-01</td> </tr> <tr> <td>Budget Manager</td> <td>Date</td> </tr> <tr> <td></td> <td>12-04-01</td> </tr> <tr> <td>Department Director</td> <td>Date</td> </tr> <tr> <td></td> <td>12/4/01</td> </tr> <tr> <td>Admin. Services Director</td> <td>Date</td> </tr> <tr> <td>Mayor</td> <td>Date</td> </tr> </table> | Requested By | Date |  | 12-03-01 | Budget Manager | Date |  | 12-04-01 | Department Director | Date |  | 12/4/01 | Admin. Services Director | Date | Mayor | Date | <p align="center"><b>Budget Office Use Only</b></p> <p>Type:      A      B      C      <u>D</u>      E</p> <p>Date of Approval _____</p> <p>Posted to General Ledger _____</p> <p>Posted to Project Accounting _____</p> <p>Entered in Category Log _____</p> |
| Requested By                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Date         |      |                                                                                    |          |                |      |                                                                                    |          |                     |      |                                                                                    |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 12-03-01     |      |                                                                                    |          |                |      |                                                                                    |          |                     |      |                                                                                    |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
| Budget Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Date         |      |                                                                                    |          |                |      |                                                                                    |          |                     |      |                                                                                    |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 12-04-01     |      |                                                                                    |          |                |      |                                                                                    |          |                     |      |                                                                                    |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
| Department Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Date         |      |                                                                                    |          |                |      |                                                                                    |          |                     |      |                                                                                    |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 12/4/01      |      |                                                                                    |          |                |      |                                                                                    |          |                     |      |                                                                                    |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
| Admin. Services Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Date         |      |                                                                                    |          |                |      |                                                                                    |          |                     |      |                                                                                    |         |                          |      |       |      |                                                                                                                                                                                                                                                               |
| Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Date         |      |                                                                                    |          |                |      |                                                                                    |          |                     |      |                                                                                    |         |                          |      |       |      |                                                                                                                                                                                                                                                               |

Blue Copy: Budget & Research / White Copy: Requester

H:\BUDGET\PROJECTS\BUD\_ADJ\BA\_2001\SUNB\_INT.WK





**SUNBRIDGE DRIVE & GREGG AVENUE  
INTERSECTION IMPROVEMENTS**  
BID #0140, BID TABULATION FORM  
BID OPENING - NOVEMBER 29, 2001 @ 2:00PM  
City of Fayetteville, Arkansas

| Item No.                    | Description                                               | Unit | Quantity | AFAC-McClintock Auction | Mobley Contractors, Inc. | Jerry D. Sweetser, Inc. | Tomlinson Asphalt Co., Inc. | Mean Value   | City of Fayetteville |
|-----------------------------|-----------------------------------------------------------|------|----------|-------------------------|--------------------------|-------------------------|-----------------------------|--------------|----------------------|
| 1                           | Mobilization                                              | LS   | 1        | \$5,986.00              | \$5,986.00               | \$5,986.00              | \$5,986.00                  | \$5,986.00   | \$5,986.00           |
| 2                           | Roadway Construction Control                              | LS   | 1        | \$15,572.00             | \$15,572.00              | \$15,572.00             | \$15,572.00                 | \$15,572.00  | \$15,572.00          |
| 3                           | Maintenance of Traffic                                    | LS   | 1        | \$30,264.00             | \$30,264.00              | \$30,264.00             | \$30,264.00                 | \$30,264.00  | \$30,264.00          |
| 4                           | Tree Protection Fencing                                   | LF   | 200      | \$12.25                 | \$2,450.00               | \$10.32                 | \$2,064.00                  | \$7.00       | \$1,400.00           |
| 5                           | Excavation Safety                                         | LS   | 1        | \$1,120.00              | \$1,120.00               | \$5,007.23              | \$5,007.23                  | \$1,500.00   | \$1,500.00           |
| 6                           | Cleaning and Grubbing                                     | LS   | 1        | \$10,910.00             | \$10,910.00              | \$6,693.75              | \$6,693.75                  | \$12,500.00  | \$12,500.00          |
| 7                           | R & D Retaining Wall                                      | LS   | 1        | \$1,230.00              | \$1,230.00               | \$662.50                | \$662.50                    | \$500.00     | \$500.00             |
| 8                           | R & D Curb & Gutter                                       | LF   | 500      | \$15.45                 | \$7,725.00               | \$3.85                  | \$1,925.00                  | \$10.00      | \$5,000.00           |
| 9                           | R & D 18" Corrugated Metal Pipe (CMP)                     | LF   | 20       | \$23.10                 | \$462.00                 | \$43.44                 | \$868.80                    | \$30.00      | \$600.00             |
| 10                          | R & D 18" Corrugated Metal Pipe (CMP) Flared End Section  | EA   | 4        | \$115.00                | \$460.00                 | \$82.81                 | \$331.24                    | \$100.00     | \$400.00             |
| 11                          | R & D Asphalt Driveway                                    | SY   | 70       | \$15.40                 | \$1,078.00               | \$23.84                 | \$1,668.80                  | \$10.00      | \$700.00             |
| 12                          | R & D Concrete Sidewalk                                   | SY   | 100      | \$13.55                 | \$1,355.00               | \$3.31                  | \$331.00                    | \$9.00       | \$900.00             |
| 13                          | R & D Brick/Concrete Entrance Walls                       | LS   | 1        | \$1,080.00              | \$1,080.00               | \$662.50                | \$662.50                    | \$1,000.00   | \$1,000.00           |
| 14                          | R & D Traffic Island (Sunbridge Drive)                    | LS   | 1        | \$1,080.00              | \$1,080.00               | \$2,025.00              | \$2,025.00                  | \$500.00     | \$500.00             |
| 15                          | R & D Concrete Pave                                       | EA   | 3        | \$360.00                | \$1,080.00               | \$70.83                 | \$212.49                    | \$500.00     | \$1,500.00           |
| 16                          | Unclassified Excavation                                   | CY   | 1,300    | \$47.15                 | \$61,295.00              | \$14.54                 | \$18,902.00                 | \$15.00      | \$19,500.00          |
| 17                          | Compacted Embankment-Select Hillside Material (Borrow)    | CY   | 1,100    | \$26.80                 | \$29,480.00              | \$20.57                 | \$22,627.00                 | \$10.00      | \$11,000.00          |
| 18                          | Undercut and Backfill                                     | CY   | 300      | \$59.10                 | \$17,730.00              | \$32.59                 | \$9,777.00                  | \$14.00      | \$4,200.00           |
| 19                          | Aggregate Base Course (Class 7)                           | TN   | 800      | \$39.10                 | \$31,280.00              | \$25.88                 | \$20,704.00                 | \$14.00      | \$11,200.00          |
| 20                          | Concrete Curb and Gutter                                  | LF   | 475      | \$11.20                 | \$5,320.00               | \$24.42                 | \$11,599.50                 | \$8.00       | \$3,800.00           |
| 21                          | Cold Milling Asphalt Pavement                             | SY   | 250      | \$10.90                 | \$2,725.00               | \$24.78                 | \$6,195.00                  | \$15.00      | \$3,750.00           |
| 22                          | ACI/M Surface Course (PG 70-22)                           | TN   | 450      | \$102.60                | \$46,170.00              | \$56.70                 | \$25,515.00                 | \$55.00      | \$24,750.00          |
| 23                          | ACI/M Binder Course (PG 70-22)                            | TN   | 350      | \$86.40                 | \$30,240.00              | \$54.60                 | \$19,110.00                 | \$55.00      | \$19,250.00          |
| 24                          | 18-inch Corrugated Metal Pipe (CMP)                       | LF   | 170      | \$86.80                 | \$14,756.00              | \$40.59                 | \$6,900.30                  | \$35.00      | \$5,950.00           |
| 25                          | Drop Inlet, Type ST (AHTD) w/ Vase Grates                 | EA   | 1        | \$3,370.00              | \$3,370.00               | \$4,021.86              | \$4,021.86                  | \$2,600.00   | \$2,600.00           |
| 26                          | Junction Box 4"x6"                                        | EA   | 1        | \$2,977.00              | \$2,977.00               | \$2,351.00              | \$2,351.00                  | \$1,800.00   | \$1,800.00           |
| 27                          | Concrete Sidewalk (4")                                    | SY   | 100      | \$29.10                 | \$2,910.00               | \$32.30                 | \$3,230.00                  | \$34.00      | \$3,400.00           |
| 28                          | Concrete Access Ramp (4")                                 | SY   | 35       | \$49.45                 | \$1,730.75               | \$44.78                 | \$1,567.30                  | \$34.00      | \$1,190.00           |
| 29                          | Concrete Driveway (6")                                    | SY   | 175      | \$43.75                 | \$7,656.25               | \$31.55                 | \$5,517.75                  | \$34.00      | \$5,950.00           |
| 30                          | Seeding and Mowing                                        | AC   | 0.75     | \$12,435.00             | \$9,318.75               | \$3,204.17              | \$2,478.13                  | \$3,500.00   | \$2,625.00           |
| 31                          | Imported Top Soil                                         | CY   | 450      | \$48.10                 | \$21,645.00              | \$24.46                 | \$11,007.00                 | \$20.00      | \$9,000.00           |
| 32                          | Signs                                                     | SF   | 50       | \$26.25                 | \$1,312.50               | \$26.25                 | \$1,312.50                  | \$30.00      | \$1,500.00           |
| 33                          | 6" Yellow or White Solid Pavement Marking (Thermoplastic) | LF   | 5,000    | \$0.58                  | \$2,900.00               | \$0.58                  | \$2,900.00                  | \$0.60       | \$3,000.00           |
| 34                          | 24" White Pavement Marking (Thermoplastic)                | LF   | 75       | \$16.80                 | \$1,260.00               | \$16.80                 | \$1,260.00                  | \$18.00      | \$1,350.00           |
| 35                          | 12" Yellow Diagonal Pavement Marking (Thermoplastic)      | LF   | 60       | \$8.40                  | \$504.00                 | \$8.40                  | \$504.00                    | \$9.00       | \$540.00             |
| 36                          | White Pavement Marking Arrows (Thermoplastic)             | EA   | 13       | \$210.00                | \$2,730.00               | \$210.00                | \$2,730.00                  | \$210.00     | \$2,730.00           |
| 37                          | Shrub Bales (E-1)                                         | EA   | 75       | \$47.25                 | \$3,543.75               | \$14.12                 | \$1,059.00                  | \$100.00     | \$7,500.00           |
| 38                          | Silt Fence (E-3)                                          | LF   | 1,600    | \$4.75                  | \$7,600.00               | \$3.04                  | \$4,864.00                  | \$3.50       | \$5,600.00           |
| Subtotal Construction Costs |                                                           |      |          | \$129,386.00            | \$141,626.57             | \$148,685.00            | \$159,211.06                | \$156,481.86 | \$179,418.00         |
| Contingency 15%             |                                                           |      |          |                         | \$21,244.04              |                         |                             |              | \$26,911.50          |
| TOTAL CONSTRUCTION COSTS    |                                                           |      |          |                         | \$177,870.96             |                         |                             |              | \$206,329.50         |

STAFF REVIEW FORM

☒ AGENDA REQUEST  
☐ CONTRACT REVIEW  
☐ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001

FROM:

Kevin Springer Budget & Research Administrative Svcs.  
Name Division Department

ACTION REQUIRED:

City Council is requested to approve the purchase of 223 Microsoft Office XP software licenses from Dell Incorporated. The purchases are authorized through the State of Arkansas Contract Award ST-98-0491. In addition, a budget adjustment is also requested. CIP FUND.

COST TO CITY:

|                      |                         |                       |
|----------------------|-------------------------|-----------------------|
| \$ 63,923.56         | \$ 60,000.00            | Software Upgrades     |
| Cost of this Request | Category/Project Budget | Category/Project Name |
| 4470-9470-5209-00    | \$ 0.00                 | Other Capital         |
| Account Number       | Funds Used To Date      | Program Name          |
| 00022-1              | \$ 60,000.00            | Sales Tax Capital     |
| Project Number       | Remaining Balance       | Fund                  |

BUDGET REVIEW: ☒ Budgeted Item ☒ Budget Adjustment Attached

[Signature]  
Budget Manager

[Signature]  
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]  
Accounting Manager

11/29/01  
Date

[Signature]  
Internal Auditor

11/29/01  
Date

[Signature]  
City Attorney

11/29/01  
Date

[Signature]  
ADA Coordinator

[Signature]  
Date

[Signature]  
Purchasing Officer

[Signature]  
Date

[Signature]  
Grant Coordinator

[Signature]  
Date

STAFF RECOMMENDATION: Purchase of Office XP software licenses from Dell Incorporated and the attached Budget Adjustment.

[Signature]  
Division Head

11-29-01  
Date

Cross Reference

[Signature]  
Department Director

[Signature]  
Date

New Item: Yes No

[Signature]  
Administrative Services Director

12/3/01  
Date

Prev Ord/Res #: \_\_\_\_\_

[Signature]  
Mayor

12/04/01  
Date

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_

## DEPARTMENTAL CORRESPONDENCE

---

TO: Mayor Dan Coody and the Fayetteville City Council

THRU: Ted H. Webber, Administrative Services Director

FROM: Budget & Research 

DATE: November 28, 2001

SUBJECT: Request for Approval of Expenditures - Microsoft Office XP Licenses

Staff requests City Council's approval for the purchase of 223 Microsoft Office XP Licenses from Dell Incorporated. The pricing of the software is made possible through the State of Arkansas purchasing contract ST-98-0491 for computer software.

### Background:

Back in 2000, a survey was sent out to City employees to find usage preferences for business (i.e. word processing, spreadsheet, and database) software. The survey asked questions concerning current and preferred software usage. The results of the survey showed that there were major incompatibilities with the current software used. This caused problems with the sharing of information between City areas and outside agencies. The main results of the survey showed that over 56% of the employees surveyed wanted the City to switch to the Microsoft Office software suite. The decision to standardized to Microsoft Office was made due to the training options available and also the trend of increased usage of this software.

### Items & Funding Requested:

The items requested on the attached page will allow for the purchase of software licenses for all City computers with the exception of the Police Department. They are already using the Microsoft Office software suite. The vendor selected for the purchase is Dell Incorporated which is on the State of Arkansas Purchasing Contract ST-98-0491. By purchasing from the State Contract, almost \$15,000 in cost is saved.

Currently there is \$60,000 budgeted for this conversion with the quoted price coming in at \$63,923.56. Since Microsoft has gone to the new Office XP version and has also eliminated all competitive upgrades from other programs (i.e. Word Perfect, Lotus), the cost has increased over what was projected. In addition, \$27,234 in funding is needed to cover the cost of training over the next 12 months. The training will be performed by the University of Arkansas at the Continuing Education Center. Because of the increase in software costs and the training needs, a budget adjustment in the amount of \$31,158 is attached for your approval.



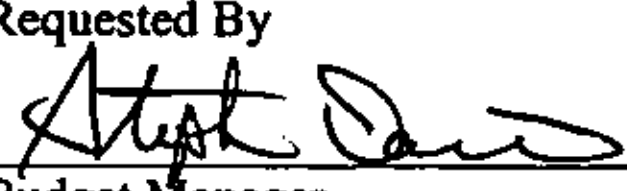
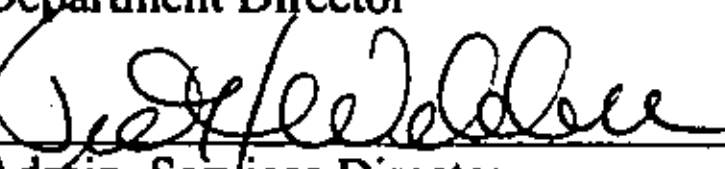
|                    |                                                     |                       |                     |
|--------------------|-----------------------------------------------------|-----------------------|---------------------|
| <b>Budget Year</b> | <b>Department:</b> Administrative Services          | <b>Date Requested</b> | <b>Adjustment #</b> |
| 2001               | <b>Division:</b> Budget & Research                  | 12/18/2001            |                     |
|                    | <b>Program:</b> Sales Tax Capital Improvements Fund |                       |                     |

|                                                                                                                   |                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Project or Item Requested:</b><br><br>\$31,158 is requested in the Citywide Software Upgrades capital project. | <b>Project or Item Deleted:</b><br><br>None. \$31,158 from the Printer Replacements capital project |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                          |                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b>Justification of this Increase:</b><br><br>The funding is needed to cover the purchase and training costs associated with the conversion to the Microsoft Office XP software package. | <b>Justification of this Decrease:</b><br><br>There is sufficient funding available in the project to meet current objectives. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|

| Increase Expense (Decrease Revenue) |        |                |      |      |    |                |   |
|-------------------------------------|--------|----------------|------|------|----|----------------|---|
| Account Name                        | Amount | Account Number |      |      |    | Project Number |   |
| Software Expense                    | 31,158 | 4470           | 9470 | 5209 | 00 | 00022          | 1 |
|                                     |        |                |      |      |    |                |   |
|                                     |        |                |      |      |    |                |   |

| Decrease Expense (Increase Revenue) |        |                |      |      |    |                |   |
|-------------------------------------|--------|----------------|------|------|----|----------------|---|
| Account Name                        | Amount | Account Number |      |      |    | Project Number |   |
| Minor Equipment                     | 31,158 | 4470           | 9470 | 5890 | 00 | 96017          | 1 |
|                                     |        |                |      |      |    |                |   |
|                                     |        |                |      |      |    |                |   |

| Approval Signatures                                                                |          | Budget Office Use Only       |                            |
|------------------------------------------------------------------------------------|----------|------------------------------|----------------------------|
| Requested By                                                                       | Date     | Type:                        | A      B      C <u>D</u> E |
|  | 11-29-01 | Date of Approval             | _____                      |
| Budget Manager                                                                     | Date     | Posted to General Ledger     | _____                      |
| Department Director                                                                | Date     | Posted to Project Accounting | _____                      |
|  | 12/3/01  | Entered in Category Log      | _____                      |
| Admin. Services Director                                                           | Date     |                              |                            |
| Mayor                                                                              | Date     |                              |                            |

## Costs:

| Software Version        | Dell               | CDWG               | Beyond.com         |
|-------------------------|--------------------|--------------------|--------------------|
| <u>Software Expense</u> |                    |                    |                    |
| Office XP Professional  | \$316.95           | \$389.00           | \$404.26           |
| # of Copies             | 20                 | 20                 | 20                 |
| Total Cost              | \$6,339.00         | \$7,780.00         | \$8,085.20         |
| Office XP Standard      | \$263.19           | \$325.00           | \$335.70           |
| # of Copies             | 200                | 200                | 200                |
| Total Cost              | \$52,638.00        | \$65,000.00        | \$67,140.00        |
| Office XP Developer     | \$442.36           | \$540.00           | \$564.55           |
| # of Copies             | 3                  | 3                  | 3                  |
| Total Cost              | \$1,327.08         | \$1,620.00         | \$1,693.65         |
| <u>Documentation:</u>   |                    |                    |                    |
| Office XP Standard      | 3                  | 3                  | 3                  |
| Office XP Professional  | 3                  | 3                  | 3                  |
| Office XP Developer     | 3                  | 3                  | 3                  |
| # of Copies             | 9                  | 9                  | 9                  |
| Copy Price              | \$23.53            | \$22.00            | \$22.22            |
|                         | \$211.77           | \$198.00           | \$199.98           |
| <u>Disk Media:</u>      |                    |                    |                    |
| Office XP Standard      | 5                  | 5                  | 5                  |
| Office XP Professional  | 3                  | 3                  | 3                  |
| Office XP Developer     | 3                  | 3                  | 3                  |
| # of Copies             | 11                 | 11                 | 11                 |
| Copy Price              | \$20.00            | \$22.00            | \$18.89            |
|                         | \$220.00           | \$242.00           | \$207.79           |
| Sub Total               | \$60,735.85        | \$74,840.00        | \$77,326.62        |
| Tax (8.125%)            | 3,187.71           | 3,910.55           | 4,037.99           |
|                         | <u>\$63,923.56</u> | <u>\$78,750.55</u> | <u>\$81,364.61</u> |



# Training Costs:

| Training Class                     | # Students | Cost/Student | Total Cost          |
|------------------------------------|------------|--------------|---------------------|
| Office XP: Word I (4 Hours)        | 72         | 55.25        | 3,978.00            |
| Office XP: Word II (4 Hours)       | 24         | 55.25        | 1,326.00            |
| Office XP: Word III (4 Hours)      | 24         | 55.25        | 1,326.00            |
| Office XP: Excel I (4 Hours)       | 72         | 72.25        | 5,202.00            |
| Office XP: Excel II (6 Hours)      | 24         | 106.25       | 2,550.00            |
| Office XP: Excel III (4 Hours)     | 24         | 72.25        | 1,734.00            |
| Office XP: Powerpoint I (4 Hours)  | 48         | 72.25        | 3,468.00            |
| Office XP: Powerpoint II (4 Hours) | 24         | 72.25        | 1,734.00            |
| Office XP: Access I (6 Hours)      | 24         | 140.25       | 3,366.00            |
| Groupwise (6 Hours)                | 24         | 106.25       | 2,550.00            |
|                                    | <u>360</u> |              | <u>\$ 27,234.00</u> |

CITY OF FAYETTEVILLE

Purchase Requisition  
(not a purchase order)

|                                                                                                                                                                                                                                                                          |                                         |                                                                              |    |          |             |                   |         |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|------------------------------------------------------------------------------|----|----------|-------------|-------------------|---------|--|--|
| Requisition No.: 12/18/2001                                                                                                                                                                                                                                              |                                         | Date: 12/18/2001                                                             |    |          |             |                   |         |  |  |
| P.O. Number:                                                                                                                                                                                                                                                             |                                         | Expected Delivery Date: 12/28/2001                                           |    |          |             |                   |         |  |  |
| Vendor #:                                                                                                                                                                                                                                                                |                                         | Vendor Name: Dell Marketing LP                                               |    |          |             |                   |         |  |  |
| Address: 8505 Arboretum Blvd.                                                                                                                                                                                                                                            |                                         | City: Austin                                                                 |    |          |             |                   |         |  |  |
| State: TX                                                                                                                                                                                                                                                                |                                         | Zip: 78759                                                                   |    |          |             |                   |         |  |  |
| Requester: Kevin Springer                                                                                                                                                                                                                                                |                                         | *Requester's Employee #: 304                                                 |    |          |             |                   |         |  |  |
| Division Head Approval:                                                                                                                                                                 |                                         | Extension: 226                                                               |    |          |             |                   |         |  |  |
| Mail: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                                                                                                                                                                                |                                         | Taxable: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |    |          |             |                   |         |  |  |
| FOB Point: Fayetteville, AR                                                                                                                                                                                                                                              |                                         | Ship To Code: 180                                                            |    |          |             |                   |         |  |  |
| Quantity                                                                                                                                                                                                                                                                 |                                         | Unit of Issue                                                                |    |          |             |                   |         |  |  |
| Description:                                                                                                                                                                                                                                                             |                                         | Unit Cost                                                                    |    |          |             |                   |         |  |  |
| Extended Cost                                                                                                                                                                                                                                                            |                                         | Account Number:                                                              |    |          |             |                   |         |  |  |
| Fixed Asset #                                                                                                                                                                                                                                                            |                                         | Inventory #                                                                  |    |          |             |                   |         |  |  |
| Project/SubProject Number:                                                                                                                                                                                                                                               |                                         | Fixed Asset #                                                                |    |          |             |                   |         |  |  |
| 1                                                                                                                                                                                                                                                                        | Office XP Enterprise MVL (414-9268)     | 200                                                                          | Ea | \$263.19 | \$52,638.00 | 4470-9470-5209-00 | 00022-1 |  |  |
| 2                                                                                                                                                                                                                                                                        | Office XP Pro Enterprise MVL (414-9266) | 20                                                                           | Ea | \$316.95 | \$6,339.00  | 4470-9470-5209-00 | 00022-1 |  |  |
| 3                                                                                                                                                                                                                                                                        | Office XP Dev MVL (414-9137)            | 3                                                                            | Ea | \$442.36 | \$1,327.08  | 4470-9470-5209-00 | 00022-1 |  |  |
| 4                                                                                                                                                                                                                                                                        | Office XP DockKit (03-11568)            | 3                                                                            | Ea | \$23.53  | \$70.59     | 4470-9470-5209-00 | 00022-1 |  |  |
| 5                                                                                                                                                                                                                                                                        | Office XP Pro DockKit (03-11565)        | 3                                                                            | Ea | \$23.53  | \$70.59     | 4470-9470-5209-00 | 00022-1 |  |  |
| 6                                                                                                                                                                                                                                                                        | Office XP Dev DockKit (03-11561)        | 3                                                                            | Ea | \$23.53  | \$70.59     | 4470-9470-5209-00 | 00022-1 |  |  |
| 7                                                                                                                                                                                                                                                                        | Office XP Disk CD WWF (03-11567)        | 5                                                                            | Ea | \$20.00  | \$100.00    | 4470-9470-5209-00 | 00022-1 |  |  |
| 8                                                                                                                                                                                                                                                                        | Office XP Pro Disk CD WWF (03-11564)    | 3                                                                            | Ea | \$20.00  | \$60.00     | 4470-9470-5209-00 | 00022-1 |  |  |
| 9                                                                                                                                                                                                                                                                        | Office XP Dev NA Disk Kit CD (03-11563) | 3                                                                            | Ea | \$20.00  | \$60.00     | 4470-9470-5209-00 | 00022-1 |  |  |
| 10                                                                                                                                                                                                                                                                       |                                         |                                                                              |    |          |             |                   |         |  |  |
| 11                                                                                                                                                                                                                                                                       |                                         |                                                                              |    |          |             |                   |         |  |  |
| SHIPPING/HANDLING                                                                                                                                                                                                                                                        |                                         |                                                                              |    |          |             |                   |         |  |  |
| Subtotal: \$60,735.85                                                                                                                                                                                                                                                    |                                         |                                                                              |    |          |             |                   |         |  |  |
| Tax: \$3,187.71                                                                                                                                                                                                                                                          |                                         |                                                                              |    |          |             |                   |         |  |  |
| TOTAL: \$63,923.56                                                                                                                                                                                                                                                       |                                         |                                                                              |    |          |             |                   |         |  |  |
| Special Instructions: Awaiting Budget Transfer on 12/18/01                                                                                                                                                                                                               |                                         |                                                                              |    |          |             |                   |         |  |  |
| Approvals: Mayor:  Admin. Services Director:  Department Director: _____ Budget Manager: _____ |                                         |                                                                              |    |          |             |                   |         |  |  |
| Purchasing Manager: _____ Info. Technology Mgr: _____                                                                                                                                                                                                                    |                                         |                                                                              |    |          |             |                   |         |  |  |

# CITY OF FAYETTEVILLE

## Purchase Requisition

(not a purchase order)

|            |                                  |                         |                                                         |
|------------|----------------------------------|-------------------------|---------------------------------------------------------|
| Vendor #:  | 86010                            | Vendor Name:            | University of Arkansas Division of Continuing Education |
| Address:   | Room #205 - #2 University Center | FOB Point:              | Fayetteville, AR                                        |
| City:      | Fayetteville                     | State:                  | AR                                                      |
|            |                                  | Zip:                    | 72701                                                   |
| Requester: | Kevin Springer                   | *Requester's Employee#: | 304                                                     |
|            |                                  | Ship To Code:           | 180                                                     |
|            |                                  | Division Head Approval: |                                                         |
|            |                                  | Extension:              | 226                                                     |

| Item              | Description:                    | Quantity | Unit of Issue | Unit Cost | Extended Cost | Account Number:   | Project/SubProject Number: | Inventory # | Fixed Asset # |
|-------------------|---------------------------------|----------|---------------|-----------|---------------|-------------------|----------------------------|-------------|---------------|
| 1                 | 2002 Computer Software Training | 1        | Ea            | 27,234    | \$27,234.00   | 4470-9470-5315-00 | 00022-1                    |             |               |
| 2                 |                                 |          | Ea            |           |               |                   |                            |             |               |
| 3                 |                                 |          | Ea            |           |               |                   |                            |             |               |
| 4                 |                                 |          | Ea            |           |               |                   |                            |             |               |
| 5                 |                                 |          | Ea            |           |               |                   |                            |             |               |
| 6                 |                                 |          | Ea            |           |               |                   |                            |             |               |
| 7                 |                                 |          | Ea            |           |               |                   |                            |             |               |
| 8                 |                                 |          | Ea            |           |               |                   |                            |             |               |
| 9                 |                                 |          | Ea            |           |               |                   |                            |             |               |
| 10                |                                 |          |               |           |               |                   |                            |             |               |
| 11                |                                 |          |               |           |               |                   |                            |             |               |
| SHIPPING/HANDLING |                                 |          |               |           |               |                   |                            |             |               |

|                       |                                      |
|-----------------------|--------------------------------------|
| Special Instructions: | AWARNING Budget Transfer on 12/18/01 |
| Subtotal:             | \$27,234.00                          |
| Tax:                  |                                      |
| TOTAL:                | \$27,234.00                          |

Approval: \_\_\_\_\_

Mayor: \_\_\_\_\_

Admin. Services Director: *Kevin Springer*

Department Director: \_\_\_\_\_

Budget Manager: \_\_\_\_\_

Purchasing Manager: \_\_\_\_\_

Info. Technology Mgr: \_\_\_\_\_



STAFF REVIEW FORM

XX AGENDA REQUEST  
\_\_\_\_ CONTRACT REVIEW  
\_\_\_\_ GRANT REVIEW

For the Fayetteville City Council meeting of DECEMBER 18, 2000

FROM:

|                   |                  |                        |
|-------------------|------------------|------------------------|
| <u>DON BAILEY</u> | <u>PERSONNEL</u> | <u>ADMIN. SERVICES</u> |
| Name              | Division         | Department             |

ACTION REQUIRED:

RENEW EMPLOYEE GROUP POLICIES FROM U S ABLE LIFE TO PROVIDE LIFE, AD&D, LTD COVERAGE  
AND SEC. 125 CAFETERIA PLAN ADMINISTRATION

COST TO CITY:

|                                 |                                 |                                |
|---------------------------------|---------------------------------|--------------------------------|
| <u>\$ 184,653 EST. YR. 2002</u> | <u>\$ 184,653 EST. YR. 2002</u> | <u>LIFE/AD&amp;D, LTD INS.</u> |
| Cost of this Request            | Category/Project Budget         | Category/Project Name          |
| <u>VARIOUS</u>                  | <u>\$ 0</u>                     | <u>CITY WIDE</u>               |
| Account Number                  | Funds Used To Date              | Program Name                   |
| <u>Project Number</u>           | <u>\$ 184,653</u>               | <u>CITY WIDE</u>               |
|                                 | Remaining Balance               | Fund                           |

BUDGET REVIEW: \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

[Signature]  
Budget Manager

\_\_\_\_\_  
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

|                      |                |                    |                |
|----------------------|----------------|--------------------|----------------|
| <u>Maisha Fathig</u> | <u>12/4/01</u> | <u>Nancy Smith</u> | <u>12/4/01</u> |
| Accounting Manager   | Date           | Internal Auditor   | Date           |
| <u>[Signature]</u>   | <u>12/4/01</u> |                    |                |
| City Attorney        | Date           | ADA Coordinator    | Date           |
| <u>P. Vice</u>       | <u>12-4-01</u> |                    |                |
| Purchasing Officer   | Date           |                    |                |

STAFF RECOMMENDATION:

APPROVE CONTRACT

[Signature] 11-30-01  
Division Head Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: \_\_\_\_\_

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_

\_\_\_\_\_  
Department Director Date

[Signature] 12/4/01  
Administrative Services Director Date

[Signature] 12/6/01  
Mayor Date

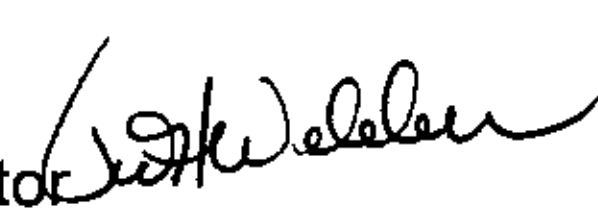
# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

## DEPARTMENTAL CORRESPONDENCE

---

TO: Mayor Dan Coody and The City Council

FROM: Ted Webber, Administration Services Director   
 Don Bailey, Personnel Director 

DATE: November 30, 2001

SUBJECT: Employee Group Life, AD&D, LTD, Voluntary AD&D and Cancer policies,  
 and Cafeteria Plan Administration renewal for calender year 2002.

The expiration date for each of the policies and Cafeteria Plan Administration is 12-31-01. The rates for these coverages were set through competitive bidding for plan year 2000. We received a two year rate guarantee which continued these same rates through the plan year 2001. U.S. Able Life notified us by letter dated November 9, 2001 that there would be no increase for 2002.

|                |                                |                    |
|----------------|--------------------------------|--------------------|
| Life           | (Per \$1,000 coverage)         | .21                |
| AD&D           | (Per \$1,000 coverage)         | .05                |
| LTD            | (Per \$100 of covered payroll) | .46                |
| Vol AD&D*      | (Per \$25,000 coverage)        | 1.50 Employee only |
| Vol AD&D*      | (Per \$25,000 coverage)        | 2.00 Family        |
| Cancer*        |                                | Various            |
| Cafeteria Plan |                                | No cost            |

\* Employer pays for \$25,000 of voluntary AD&D coverage on each employee. The employee pays 100% of premium for coverage above \$25,000 or for Family coverage. The employee pays 100% of premium for Cancer coverage he or she may elect.

U.S. Able, in consideration of employee participation in two of their Voluntary Group Plans (Cancer and Voluntary AD&D), serves at no cost as a third party administrator for our Section 125 Cafeteria Plan. Internal Revenue regulations permit Group premiums, employee and dependent unreimbursed medical care, deductible and co-payment expense and dependent care cost for eligible children and other dependents to be incurred on a pre-tax basis through payroll contributions to a flexible spending account. These expenses are reimbursed to the employee as projected expense occurs.



The estimated cost to be incorporated in the 2002 Budget has been calculated by the Budget & Research Division and is attached as a schedule. An annualized cost forecast of these plans is relatively simple and we are confident the projected costs will not be exceeded.

# 2002 Budget Summary By Fund

- Long Term Disability (LTD)
- Accidental Death & Dismemberment (AD&D)
- Life Insurance

| Fund                         | LTD<br>Budget    | AD&D<br>Budget   | Life Insurance<br>Budget |
|------------------------------|------------------|------------------|--------------------------|
| General (1010)               | \$ 62,641        | \$ 7,646         | \$ 63,731                |
| Street (2100)                | 4,333            | 666              | 4,409                    |
| Community Development (2180) | 468              | 54               | 476                      |
| Parks Development (2250)     | 1,940            | 267              | 1,974                    |
| Drug Law Enforcement (2930)  | 471              | 59               | 480                      |
| Water & Sewer (5400)         | 7,563            | 1,169            | 7,694                    |
| Solid Waste (5500)           | 5,815            | 907              | 5,916                    |
| Airport (5550)               | 898              | 136              | 914                      |
| Shop (9700)                  | 1,862            | 270              | 1,894                    |
|                              | <u>\$ 85,991</u> | <u>\$ 11,174</u> | <u>\$ 87,488</u>         |



November 30, 2001

City of Fayetteville  
Beff Ray  
113 W. Mountain  
Fayetteville, AR 72701

RE: Policy Number 1000246701

Dear Beff Ray:

Your group life insurance plan with US Able Life renews January 1, 2002. We have completed the annual review of the rates for your plan. Based on this analysis, we are pleased to inform you that for the upcoming plan year your rates will remain the same. Your rates are shown below:

| <u>Benefit</u>       | <u>Current Rate</u>                |
|----------------------|------------------------------------|
| Life                 | \$0.21                             |
| AD&D                 | \$0.05                             |
| Long Term Disability | \$0.46                             |
| VAD&D Employee Plan  | \$1.50 per \$25,000 Benefit Amount |
| VAD&D Family Plan    | \$2.00 per \$25,000 Benefit Amount |

Thank you for giving us the opportunity to serve your employees' insurance needs. Please feel free to contact our office (375-7200 or 800/648-0271) or your local insurance representative whenever we can be of assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Henry W. Reed'.

Henry W. Reed  
Director, Group Underwriting

cc: Barbara Lovin 0185

P.O. Box 1650  
Little Rock, Arkansas 72203-1650  
(501) 375-7200



## Schedule of Insurance

| Policy Number | Policyholder         | Effective Date  |
|---------------|----------------------|-----------------|
| R2467         | City of Fayetteville | January 1, 2000 |

|                 |                    |         |
|-----------------|--------------------|---------|
| Waiting Period: | Present Employees: | 30 days |
|                 | Future Employees:  | 30 days |

Benefits for eligible employees shall be determined in accordance with the following schedule:

| CLASSIFICATION                                                                                                                                          | LIFE AND AD&D                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Class 1: All Full-Time Employees customarily working at least 40 hours per week                                                                         | 1 1/2 Times Annual Salary Maximum \$150,000*                                    |
| Class 2: Any Employee previously employed full-time who is a designated staged retiree and who works an average of 20 hours per week on a regular basis | 1 1/2 Times Annual Salary Last Earned When Working Full-Time Maximum \$150,000* |

\* Insurance amounts will be rounded to the next higher thousand.

### REDUCTIONS, TERMINATIONS AND SPECIAL PROVISIONS

**Class 1: Employee Life and Accidental Death & Dismemberment:** Benefits reduce 33 1/3 % of the pre-age 67 amount at ages 67 and 70, and terminate at retirement.

**Class 2: Employee Life and Accidental Death & Dismemberment:** Benefits reduce 33 1/3 % of the pre-age 67 amount at ages 67 and 70, and terminates the earlier of age 75 or retirement.

## Employee Accidental Death and Dismemberment Benefit

If an insured employee suffers a loss described below, we will pay the amount of insurance that applies. The insured employee or his beneficiary must give us proof that:

1. injury occurred while the insurance was in force under this section;
2. loss occurred within 90 days after the injury; and
3. loss was due to injury independent of all other causes.

### AMOUNT OF INSURANCE

We will pay the full benefit shown in the Schedule of Insurance for loss of:

1. life;
2. both hands or both feet;
3. one hand and one foot;
4. sight of both eyes;
5. one hand and sight of one eye; or
6. one foot and sight of one eye.

We will pay one-half the full benefit shown in the Schedule of Insurance for loss of:

1. one hand;
2. one foot; or
3. sight of one eye.

Loss of sight means total and irrecoverable loss of sight. Loss of hands or feet means severance at or above the wrist or ankle, unless the State in which this policy is issued defines the loss differently.

In paying this benefit, we will consider only losses sustained while insured under this section of the policy. We will pay no more than the full amount shown in the Schedule of Insurance for losses resulting from any one injury.

### LIMITATIONS

We will not pay a benefit for a loss caused directly or indirectly by:

1. disease, bodily or mental infirmity, or infection (except bacterial infection of a visible injury);
2. suicide or intentionally self-inflicted injury, whether sane or insane;
3. participation in a riot or insurrection, or commission of an assault or felony;
4. war or any act of war, declared or undeclared;
5. use of any drug, hallucinogen, controlled substance, or narcotic unless prescribed by a physician;
6. travel or flight in, or descent from, any aircraft unless as a fare paying passenger on a commercial airline flying between established airports on: (a) a scheduled route, or (b) a charter flight; or
7. participation in parachute or hang gliding sports, or an organized race or speed contest.

"Participation" in a riot shall include promoting, inciting, conspiring to promote or incite, aiding, abetting, and all forms of taking part in, but shall not include actions taken in defense of public or private property, or actions taken in defense of the person of the insured, if such actions of defense are not taken against persons seeking to maintain or restore law and order including but not limited to police officers and firemen.



**Employee Accidental Death and Dismemberment (continued)**

"Riot" shall include all forms of public violence, disorder or disturbance of the public peace, by three or more persons assembled together, whether or not acting with common intent and whether or not damage to persons or property or unlawful act or acts is the intent or the consequence of such disorder.

"War" means declared or undeclared war or a conflict involving the armed forces of any country, group of countries, governments, or international organization.

## Schedule of Insurance — Optional Benefit

### Voluntary Accidental Death & Dismemberment (VAD&D)

Any eligible employee may select Voluntary AD&D coverage in units of \$25,000 up to a maximum of \$250,000 by completing an application during the enrollment period and paying the required premium. Amounts over \$150,000 are subject to a limit of ten (10) times the employee's annual salary rounded to the next higher \$25,000 increment.

#### FAMILY PLAN COVERAGE

The insured employee may also choose to cover his spouse and/or dependent children. If he does, the amount of insurance applicable to members of the family is based on the composition of the family at the time of loss and is expressed as a percentage of the employee's benefit amount as follows:

| PERCENTAGE OF<br>INSURANCE FOR: | FAMILY COMPOSITION AT TIME OF LOSS |                        |                                 |
|---------------------------------|------------------------------------|------------------------|---------------------------------|
|                                 | Employee &<br>Spouse               | Employee &<br>Children | Employee, Spouse,<br>& Children |
| Employee                        | 100%                               | 100%                   | 100%                            |
| Spouse                          | 50%                                | N/A                    | 40%                             |
| Each Child                      | N/A                                | 10%                    | 5%                              |

#### REDUCTIONS, TERMINATIONS AND SPECIAL PROVISIONS

**Employee VAD&D:** Benefits reduce 35% at age 70. A further reduction of 20% will occur at age 75, as well as additional 15% reductions at ages 80 and 85. All reductions are based upon the pre-age 70 benefit amount. Benefits terminate at retirement.

**Dependent VAD&D:** Coverage for a dependent spouse terminates at the spouse's age 70. Coverage for dependent children terminates on the date the employee's coverage terminates or the date as defined under Termination of Dependent Insurance.

DISABILITY BENEFIT

CLASSES TO BE COVERED

All Full Time Employees

AMOUNT OF INSURANCE

- a. 60% (benefit percentage) of basic monthly earnings not to exceed the maximum monthly benefit, less other income benefits.
- b. The maximum monthly benefit is \$6,000.
- c. The minimum monthly benefit is \$50.00.

MAXIMUM BENEFIT PERIOD

| <u>Age At Disability</u> | <u>Benefit Period</u> | <u>Age At Disability</u> | <u>Benefit Period</u> |
|--------------------------|-----------------------|--------------------------|-----------------------|
| Less than age 60         | To Age 65             | 65                       | 24 months             |
| 60                       | 60 months             | 66                       | 21 months             |
| 61                       | 48 months             | 67                       | 18 months             |
| 62                       | 42 months             | 68                       | 15 months             |
| 63                       | 36 months             | 69 and over              | 12 months             |
| 64                       | 30 months             |                          |                       |

ELIMINATION PERIOD 180 days

MINIMUM REQUIREMENT FOR ACTIVE EMPLOYMENT

30 regularly scheduled hours per week.

WAITING PERIOD: If you were hired on or before the policy effective date: 00 days  
If you were hired after the policy effective date: 90 days

CONTRIBUTIONS

You are not required to contribute to the cost of your insurance.



STAFF REVIEW FORM

XX AGENDA REQUEST  
 \_\_\_\_\_ CONTRACT REVIEW  
 \_\_\_\_\_ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001

FROM:

Stephen Davis Budget & Research Administrative Services  
 Name Division Department

ACTION REQUIRED:

Proposed amendment to the City of Fayetteville, Arkansas 2002 Annual Budget & Work Program

COST TO CITY:

|                      |                         |                       |
|----------------------|-------------------------|-----------------------|
| \$                   |                         |                       |
| Cost of this Request | Category/Project Budget | Category/Project Name |
| Account Number       | Funds Used To Date      | Program Name          |
| Project Number       | Remaining Balance       | Fund                  |

BUDGET REVIEW: \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

Steph Davis Administrative Services Director  
 Budget Manager

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

|                                            |                        |                                        |                        |
|--------------------------------------------|------------------------|----------------------------------------|------------------------|
| <u>Marsha Fathig</u><br>Accounting Manager | <u>12/6/01</u><br>Date | <u>Danny Smith</u><br>Internal Auditor | <u>12/7/01</u><br>Date |
| <u>[Signature]</u><br>City Attorney        | <u>12/6/01</u><br>Date | _____<br>ADA Coordinator               | _____<br>Date          |
| <u>[Signature]</u><br>Purchasing Officer   | <u>12/6/01</u><br>Date | _____<br>Grant Coordinator             | _____<br>Date          |

STAFF RECOMMENDATION:

|                                                        |                        |
|--------------------------------------------------------|------------------------|
| <u>Steph Davis</u><br>Division Head                    | <u>12-6-01</u><br>Date |
| _____<br>Department Director                           | _____<br>Date          |
| <u>[Signature]</u><br>Administrative Services Director | <u>12/6/01</u><br>Date |
| <u>[Signature]</u><br>Mayor                            | <u>12/6/01</u><br>Date |

Cross Reference

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

Prev Ord/Res #: \_\_\_\_\_

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_

## City of Fayetteville, Arkansas - 2002 Annual Budget

### Amendment #1

#### General Fund:

Increase Revenue - A&P Commission Town Center Gardens Contract (1010-0001) . . (\$ 17,500)

The Advertising & Promotion Commission is contracting with the City for the City to maintain the Town Center Gardens.

Increase Transfer to the Fayetteville Public Library (1010-5240) . . . . . \$ 54,000  
Decrease Salary Contingency (1010-6600) . . . . . (\$ 54,000)

The increase in transfer amounts is to provide funding for the impact of implementing the pay plan amendments approved by City Council December 4, 2001 that are to be effective January 7, 2002.

#### Street Fund:

Decrease - Ozark Regional Transit (2100-4100) . . . . . (\$ 12,471)

City Council approved an advance appropriation for Ozark Regional Transit at a special City Council meeting December 3, 2001.

Increase - Property Tax Rollback Settlement (2100-4100) . . . . . \$ 115,000

This cost increase recognizes the projected cost to the City associated with the Hicks v. City of Fayetteville et. al. (Millage Lawsuit.) A settlement agreement with Washington County on this issue will be brought forward for City Council approval in early 2002.

#### Community Development Block Grant:

Decrease - Community Development - Office Supplies (2180-4930) . . . . . (\$ 300)  
Decrease - Community Development - Public Notification (2180-4930) . . . . . (\$ 500)  
Decrease - Community Development - Publications & Dues (2180-4930) . . . . . (\$ 200)  
Decrease - Community Development - Travel & Training (2180-4930) . . . . . (\$ 400)  
Decrease - Community Development - Minor Equipment (2180-4930) . . . . . (\$ 2,400)  
Increase - Community Development - Contract Services (2180-4940) . . . . . \$ 3,800

These changes listed above are due allocation changes made by Housing & Urban Development. The net effect to Community Development Block Grant funding is \$0.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 34: FINANCE AND REVENUE, OF THE CODE OF FAYETTEVILLE, TO ESTABLISH A FORMAL PROCESS FOR THE SALE OF MUNICIPALLY-OWNED REAL PROPERTY.

WHEREAS, from time to time, the City of Fayetteville finds it necessary and desirable to offer for sale certain parcels of real property in its possession; and,

WHEREAS, the sale of any such municipally-owned real property is a matter of great importance and concern to the citizens of the City of Fayetteville;

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

Section 1. That Chapter 34: Finance and Revenue, Code of Fayetteville is hereby amended by inserting the following:

**§34.27 Sale of municipally-owned real property.**

(A) No municipally-owned real property shall be offered for sale without the express authorization, by resolution, of the City Council. The City Council shall determine whether the property should be rezoned prior to offering it for sale.

(B) Such resolutions shall contain a specific finding by the City Council that the subject real property no longer serves a municipal purpose.

(C) Two (2) simultaneous and independent appraisals of the real property shall be obtained for the Council's consideration, dated within six (6) months of the proposed sale.

(D) Public notice shall be given not less than thirty (30) calendar days before the first City Council meeting at which such a resolution is introduced, by one of the following means:

- (1) A conspicuous display advertisement placed in a newspaper of general circulation in the City on at least four (4) separate occasions;
- (2) Certified mail, return receipt requested, to all adjacent property owners;
- (3) Signs, prominently displayed, and at all approaches to the subject real property, announcing that the City Council will be considering the sale of the real

property, the date on which the sale is to be debated, as well as the telephone number of the Mayor's Office.

(E) Upon an affirmative vote of the City Council, the City shall solicit sealed bids, at a minimum price set by the City Council, from all interested parties. Bids must equal or exceed the minimum price set by the City Council and the appraised value of the property.

(F) The City shall sell the subject real property to the highest qualified bidder. In the event none of the bids from a qualified bidder equals the minimum price set by the City Council, the City shall reject all bids, and may reopen the bidding, upon City Council approval.

(G) Upon receipt of an acceptable bid, and authorization by a separate resolution of the City Council, the conveyance of the real property shall be performed by the Mayor and City Clerk.

(H) The sale of industrial, business and technology park lands, and the sale of real property to other public entities are expressly exempt from the provisions of this section.

(I) The sale of real property to a non-profit corporation for charitable purposes shall only require a single appraisal, a single display advertisement placed in a newspaper of general circulation in the City, the certified mail, and sign requirements set forth in subsections (D) (2) & (3). Following the setting of a minimum price by the City Council no lower than the appraised value, the non-profit corporation may purchase the property at that price, and the sale shall be exempt from the provisions of subsections (E), (F), & (G) of this ordinance.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001

APPROVED:

By:

DAN COODY Mayor

ATTEST

By:

HEATHER WOODRUFF, City Clerk

**DRAFT**

STAFF REVIEW FORM

X AGENDA REQUEST  
\_\_\_\_ CONTRACT REVIEW  
\_\_\_\_ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001.

FROM:

Tim Conklin Planning Urban Development  
Name Division Department

**ACTION REQUIRED:** To approve an ordinance for ANX 01-5.00 as submitted by Raymond C. Smith, Attorney, on behalf of Gerald and Irene Griscom and Sylvester C. and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.

COST TO CITY:

\$

|                      |                         |                       |
|----------------------|-------------------------|-----------------------|
| Cost of this Request | Category/Project Budget | Category/Project Name |
| Account Number       | Funds Used To Date      | Program Name          |
| Project Number       | Remaining Balance       | Fund                  |

BUDGET REVIEW: \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

Budget Manager \_\_\_\_\_ Administrative Services Director \_\_\_\_\_

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: \_\_\_\_\_

|                    |                 |                  |      |
|--------------------|-----------------|------------------|------|
| Accounting Manager | Date            | Internal Auditor | Date |
| <u>[Signature]</u> | <u>11/20/01</u> |                  |      |
| City Attorney      | Date            | ADA Coordinator  | Date |
|                    |                 |                  |      |
| Purchasing Officer | Date            |                  |      |

**STAFF RECOMMENDATION:** Staff recommended approval and on November 26, 2001 the Fayetteville Planning Commission voted 8-0-0 to recommend approval by the City Council.

[Signature] 11-30-01  
Division Head Date

Cross Reference

New Item: **Yes**

[Signature] \_\_\_\_\_  
Department Director Date  
[Signature] 12/4/01  
Administrative Services Director Date

Prev Ord/Res #: \_\_\_\_\_

[Signature] 12/6/01  
Mayor Date

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ANNEXING THAT PROPERTY DESCRIBED  
IN ANNEXATION PETITION ANX 01-5.00 FOR A PARCEL  
CONTAINING APPROXIMATELY 13.61 ACRES FOR PROPERTY  
LOCATED EAST OF DOUBLE SPRINGS ROAD AND SOUTH OF OWL  
CREEK SUBDIVISION, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY  
RAYMOND C. SMITH, ATTORNEY, ON BEHALF OF CONLEY AND  
VIRGINIA WORLEY, GERALD AND IRENE GRISCOM AND SYLVESTER  
AND CAROL GUIST.

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

Section 1: That the City of Fayetteville hereby confirms the  
annexation to the City of Fayetteville, Arkansas, of the following described  
property:

Section 2: That the above described property is hereby assigned  
to Ward number \_\_\_\_\_

Section 3: That the official zoning map of the City of Fayetteville,  
Arkansas is hereby amended to reflect that the zoning of the  
property described above shall be A-1, Agricultural.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

APPROVED:

By: DRAFT  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Heather Woodruff, City Clerk

EXHIBIT "A"

ANX 01-5.00

PART OF THE NE1/4 OF THE NE ¼ OF SECTION 15, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID NE1/4, NE1/4 THENCE S00°09'50"W 328.42 FEET, THENCE S89°33'51"W 1322.90 FEET TO THE CENTERLINE OF DOUBLE SPRINGS ROAD, THENCE ALONG SAID CENTERLINE N00°00'56"W 330.00 FEET, THENCE LEAVING SAID CENTERLINE N89°37'59"E 1323.92 FEET TO THE P.O.B.; CONTAINING 10.00 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

PART OF THE NE1/4 OF THE NE1/4 OF SECTION 15, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID NE1/4, NE ¼ THENCE S00°09'50"W 328.42 FEET TO THE P.O.B., THENCE S00°10'21"E 165.63, THENCE S89°33'51"W 949.79 FEET, THENCE NORTH 165.64 FEET, THENCE N89°33'51"E 949.29 FEET TO THE P.O.B.; CONTAINING 3.61 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.



Planning Commission  
November 26, 2001  
Page 17

**ANX 01-5.00: Annexation (Griscom/Guist, pp 476)** was submitted by Raymond C. Smith, Attorney on behalf of Gerald & Irene Griscom and Sylvester C. & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.

**Estes:** The next item on the agenda is item number four, this is an annexation request. It is submitted by Mr. Raymond C. Smith, Attorney on behalf of Gerald and Irene Griscom and Sylvester C. & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city. Staff recommends approval of the requested annexation based on the findings that are included in your packet. Is the applicant present or the applicant's representative present? Do you have a presentation that you would like to make? If so, please state your name and provide us with the benefit of your presentation.

**Smith:** My name is Raymond Smith, I'm an attorney representing both the Griscoms and the Guists in this petition for annexation of 13.61 acres from the county into the City of Fayetteville. I believe the packet there has quite a bit of material in there. If there are any questions as far as the developer on this or the planning people on this, Mr. Jorgensen, they are in the audience here and would be available to answer any questions.

**Estes:** Thank you Mr. Smith. Is there any member of the audience who would like to comment on this requested annexation 01-5? Seeing none, I will bring it back to the full commission for discussion, comments or motions. Commissioners?

**Marr:** This is consistent with our planning area. I would like to move for approval of ANX 01-5.00.

**Estes:** We have a motion by Commissioner Marr to approve ANX 01-5.00, is there a second?

**Shackelford:** I'll second.

**Estes:** We have a second by Commissioner Shackelford. Is there any discussion, any comments, any questions? We have a motion by Commissioner Marr and a second by Commissioner Shackelford to approve ANX 01-5.00, any questions or comments? Renee, would you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to approve ANX 01-5.00 was approved by a vote of eight to zero.

**Estes:** The motion passes by a vote of eight to zero.

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

## PLANNING DIVISION CORRESPONDENCE

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TO: Fayetteville Planning Commission  
FROM: Dawn T. Warrick, Senior Planner  
THRU: Tim Conklin, A.I.C.P., City Planner  
DATE: November 20, 2001

---

**ANX 01-5.00: Annexation (Griscom/Guist, pp 476) was submitted by Raymond C. Smith, Attorney on behalf of Gerald & Irene Griscom and Sylvester C. & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.**

### RECOMMENDATION:

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

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

**Date:** November 26, 2001

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

**Date:** December 18, 2001 (1<sup>st</sup> reading)

**Comments:** \_\_\_\_\_

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## BACKGROUND

The subject property is located at the western edge of the city, south of Hwy 16W on Double Springs Road. Recently property west and south of this tract was annexed and zoned R-1 for the Silverthorne Subdivision. The two different property owners have obtained an order of annexation from Washington County and are now requesting that the 13.61 acres be annexed into the City of Fayetteville. Two companion requests are also being brought to the Planning Commission for consideration. These property owners, along with the owner of property to the north, are requesting that the entire parcel be rezoned from A-1, Agricultural, to two different types of residential zoning designations.

Surrounding properties are predominately large acreages with single family homes and some agricultural uses.

Annexation will allow for the controlled development under current City regulations. Tree preservation, park land dedication, stormwater management and grading and drainage, will all apply at the time of development for this property if it is annexed into the City. During development review utilities are coordinated. More efficient use of infrastructure is a positive result of development under City regulation. The developer will benefit by having the opportunity to better utilize the subject property and gain access to the City's sewer system as well as police and fire protection and solid waste pickup.

## SURROUNDING LAND USE AND ZONING

|        |                                                                                        |
|--------|----------------------------------------------------------------------------------------|
| North: | Large acreage / single family home, A-1 (R-1 request pending)                          |
| South: | Large acreage / single family homes, Washington County                                 |
| East:  | Large acreage / single family homes, Washington County                                 |
| West:  | Agricultural / single family homes, Washington County & Silverthorne Subdivision (R-1) |

## INFRASTRUCTURE:

Access to this property is from Double Springs Road which runs along the western property boundary and intersects Wedington Drive / Hwy 16W to the north and Hwy 62W to the south (through Farmington). Double Springs Road in this location is classified a minor arterial on the City's Master Street Plan. A minor arterial requires a total of 90' of right of way and is designed to carry approximately 12,200 vehicles per day. Persimmon, a proposed collector street on the Master Street Plan lies immediately north of the subject property.



An existing 8" water line along the west side of Double Springs Road is available to serve this site. Sewer will have to be brought to the site at the time of development. A lift station and a 12" sewer line are located north of this property which serve nearby residential subdivisions (Silverthorne, Owl Creek).

**LAND USE PLAN:** General Plan 2020 designates this site Residential.

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF:

ANNEXATION OF CERTAIN LANDS TO THE  
CITY OF FAYETTEVILLE, ARKANSAS

'01 AUG 24 PM 2 54

CASE NO. CC 2001-20

MARILYN EDWARDS  
CO. & PROBATE CLERK  
WASHINGTON  
**PETITION FOR ANNEXATION**

Comes now, Gerald F. Griscom and Irena M. Griscom, husband and wife, and Sylvester Charles Guist and Carol Ann Guist, husband and wife, Petitioners, and for their Petition for Annexation state as follows:

1. Petitioners, Gerald F. Griscom and Irena M. Griscom, husband and wife, are record owners of the following described property situated in Washington County, Arkansas, to wit:

Part of the NE1/4 of the NE1/4 of Section 15, T16N, R31W in Washington County, Arkansas and being more particularly described as follows: Beginning at the NE Corner of said NE1/4, NE1/4 thence S 00 degrees 09 minutes 50 seconds W 328.42 feet, thence S 89 degrees 33 minutes 51 seconds W 1322.90 feet to the centerline of Double Springs Road, thence along said centerline N 00 degrees 00 seconds 56 seconds W 330.00 feet, thence leaving said centerline N 89 degrees 37 minutes 59 seconds E 1323.92 feet to the P.O.B.; containing 10.00 acres more or less subject to easements and Right of Way of record.

Said property is depicted on a Property Survey and Vicinity Map dated August 9, 2001, prepared by Jorgensen & Associates, a copy of which is attached hereto as Exhibit "A" and made a part hereof by reference.

2. Petitioners, Sylvester Charles Guist and Carol Ann Guist, husband and wife, are record Owners of the following described property situated in Washington County, Arkansas:

Part of the NE1/4 of the NE1/4 of Section 15, T16N, R31W in Washington County, Arkansas and being more particularly described as follows: Beginning at the NE corner of said NE1/4, NE1/4 thence S 00 degrees 09 minutes 50 seconds W 328.42 feet to the P.O.B., thence S 00 degrees 10 minutes 21 seconds E 165.63 feet, thence S 89 degrees 33 minutes 51 seconds W 949.79 feet, thence North 165.64 feet, thence N 89 degrees 33 minutes 51 seconds E 949.29 feet to the P.O.B.; containing 3.61 acres more or less subject to easements and right of way of record.

Said property is depicted on the Property Survey and Vicinity Map dated August 9, 2001, prepared by Jorgensen & Associates, a copy of which is attached hereto as Exhibit "B" and made a part hereof by reference.

3. All of the above described property is adjacent to and contiguous to the present city Boundary line for the City of Fayetteville, Washington County, Arkansas.



4. The above-described property is suitable for annexation to the City of Fayetteville, Arkansas, and is necessary for the proper growth, prosperity and management of the above Described property and the City of Fayetteville, Arkansas.

5. Pursuant to Arkansas Code Annotated Sections 14-40-601 et seq, this Court has jurisdiction over the subject matter herein, and Petitioners request that the above-described be annexed to the City of Fayetteville.

6. Petitioners further state that the law firm of Raymond C. Smith, P.A., Fayetteville, Arkansas, is authorized to act for and on behalf of the Petitioners in all matters connected with this Petition and subsequent hearings or annexation proceedings connected herewith.

7. Petitioners request that this Court set a date for hearing on this Petition, not less than thirty days after the filing of this Petition and subsequent hearings or annexation proceedings therewith.

WHEREFORE, Petitioners pray that the above-described property be annexed to the City of Fayetteville, Washington County, Arkansas, pursuant to the provisions of Arkansas law, after a hearing thereon as required by law; and that this Court, by Order, fix a time and place for said hearing not less than thirty days from the filing of this Petition; and for all other proper and just relief which the Petitioners may be entitled.

GERALD F. GRISCOM and IRENA M. GRISCOM, H&W  
SYLVESTER CHARLES GUIST and CAROL ANN  
GUIST, H&W, PETITIONERS

By: RAYMOND C. SMITH, P.A.

By: 

Raymond C. Smith

Attorney at Law

70 N. College, Suite 11

Fayetteville, AR 72701

(501) 521-7011

Ark. Bar No. 80135

Attorney for Petitioners

VERIFICATION

STATE OF ARKANSAS        }  
                                      } ss.  
COUNTY OF WASHINGTON    }

We, Gerald F. Griscom and Irena M. Griscom, husband and wife, Petitioners, herein, having first been duly sworn, do hereby state on oath that the facts, statements and allegations set forth and contained in the above and foregoing document are true and correct to the best of my knowledge, information and belief.

Gerald F. Griscom  
Gerald F. Griscom  
Petitioner

Irena M. Griscom  
Irena M. Griscom  
Petitioner

Subscribed and sworn to before the undersigned, a Notary Public, this 21 day of August, 2001.

Cynthia M. Guise  
Notary Public

My Commission Expires:  
11/01/2006



**VERIFICATION**

STATE OF ARKANSAS                    }  
                                                  } ss.  
COUNTY OF WASHINGTON            }

We, Sylvester Charles Guist and Carol Ann Guist, husband and wife, Petitioners, herein, having first been duly sworn, do hereby state on oath that the facts, statements and allegations set forth and contained in the above and foregoing document are true and correct to the best of my knowledge, information and belief.

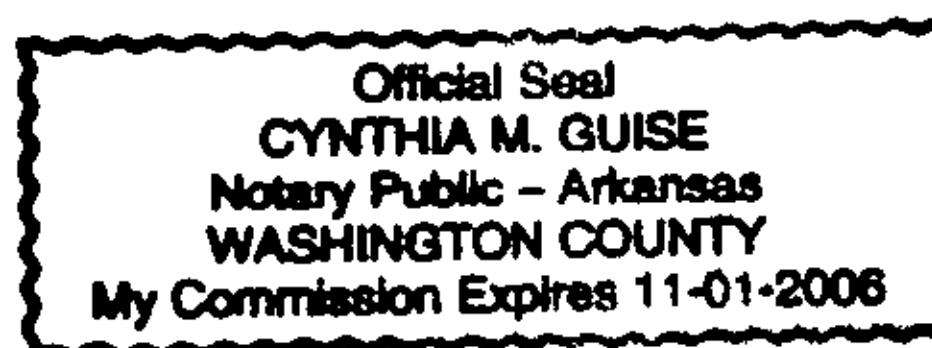
*Sylvester Charles Guist*  
Sylvester Charles Guist  
Petitioner

*Carol Ann Guist*  
Carol Ann Guist  
Petitioner

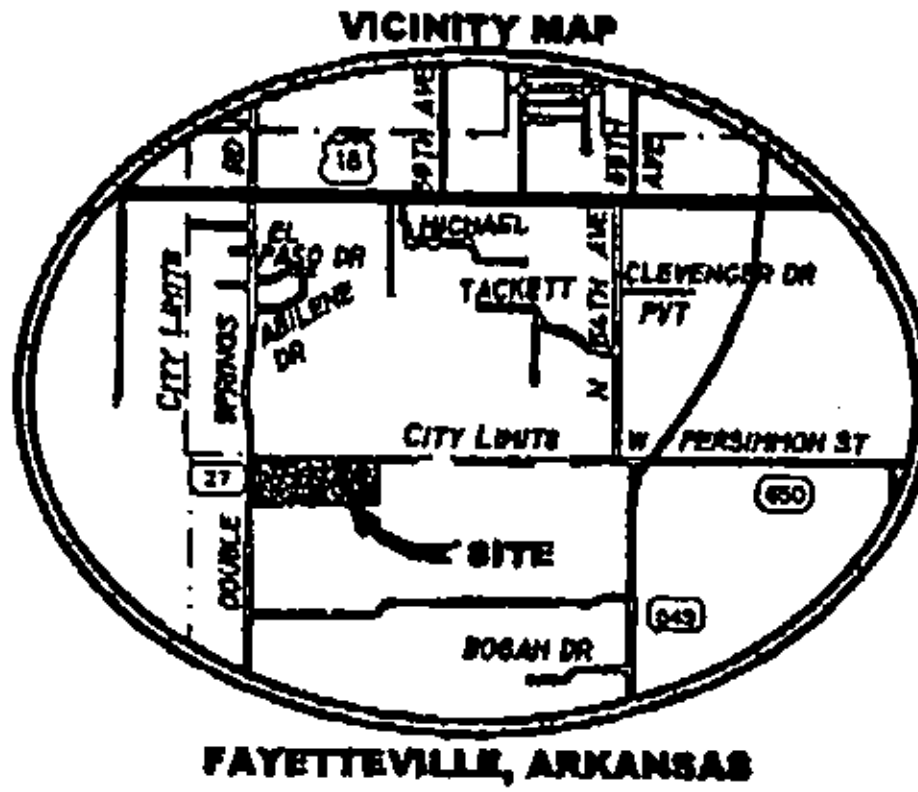
Subscribed and sworn to before the undersigned, a Notary Public, this 21 day of August, 2001.

*Cynthia M. Guise*  
Notary Public

My Commission Expires:  
11-01-2006

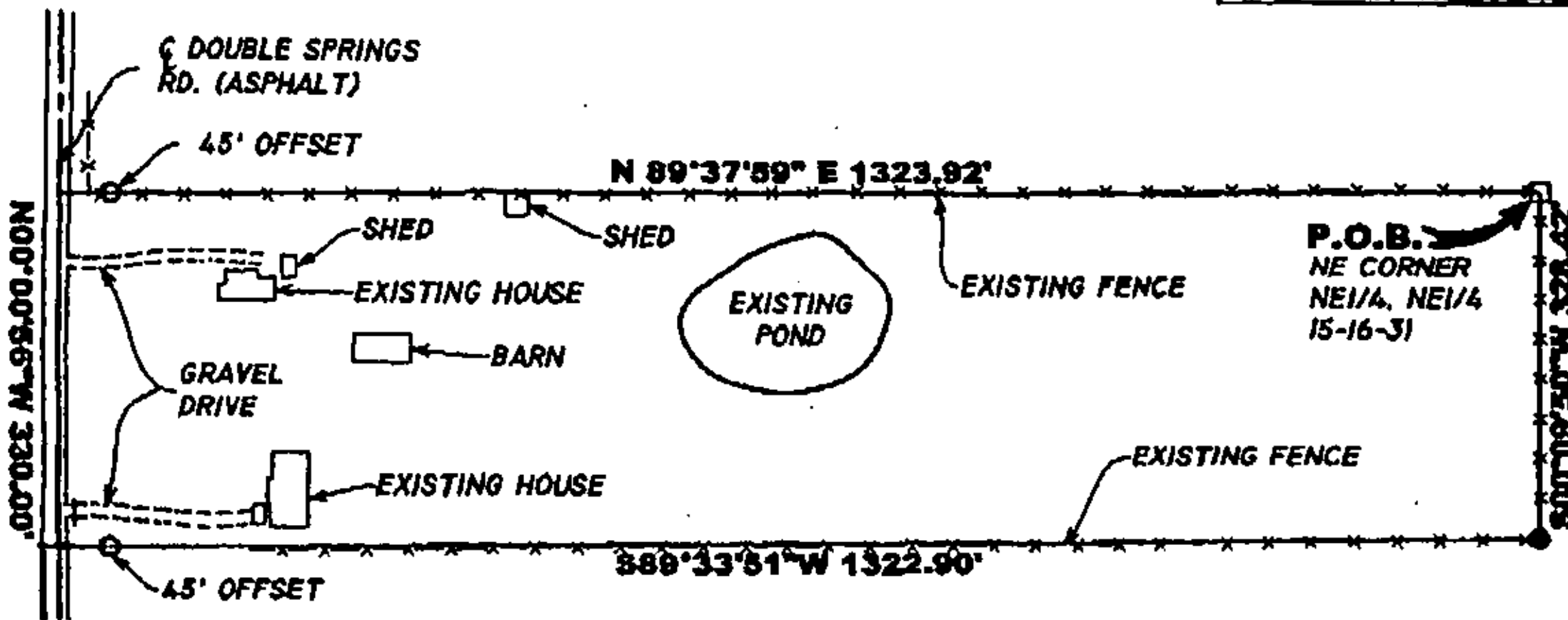






# LEGEND

- FOUND PINCHED PIPE
- SET IRON PIN
- NAIL IN FENCE CORNER

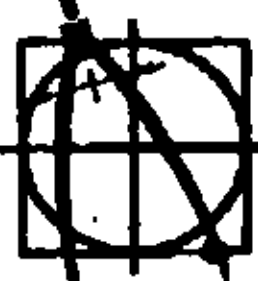


## LEGAL DESCRIPTION:

PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 15, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID NE 1/4, NE 1/4 THENCE S00°09'50"W 328.42 FEET, THENCE S89°33'51"W 1322.90 FEET TO THE CENTERLINE OF DOUBLE SPRINGS ROAD, THENCE ALONG SAID CENTERLINE N00°00'56"W 330.00 FEET, THENCE LEAVING SAID CENTERLINE N89°37'59"E 1323.92 FEET TO THE P.O.B.; CONTAINING 10.00 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

THIS IS TO CERTIFY THAT THE ABOVE SURVEY WAS PERFORMED UNDER MY SUPERVISION AND ALL CORNERS WERE SET AS SHOWN ON THE PLAT AND TO THE BEST OF MY KNOWLEDGE ARE CORRECT.

*David L. Jorgensen* 8/13/01  
DAVID L. JORGENSEN, ARLS 1118 DATE

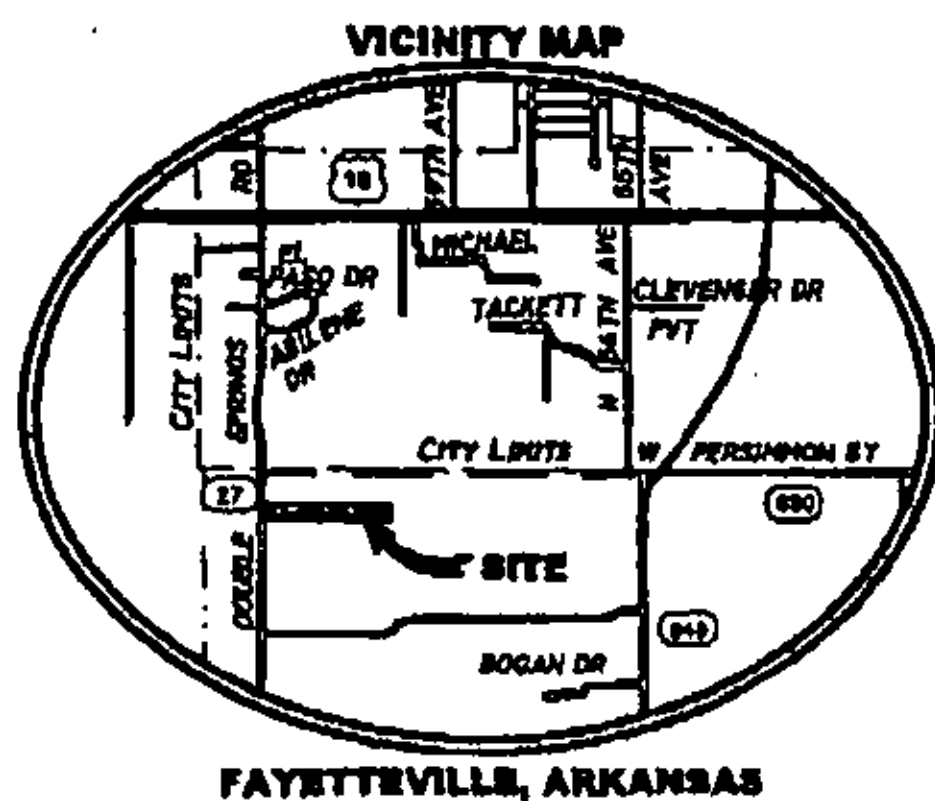


**JORGENSEN & ASSOCIATES**  
CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (501) 442-9127 • FAX (501) 582-4127

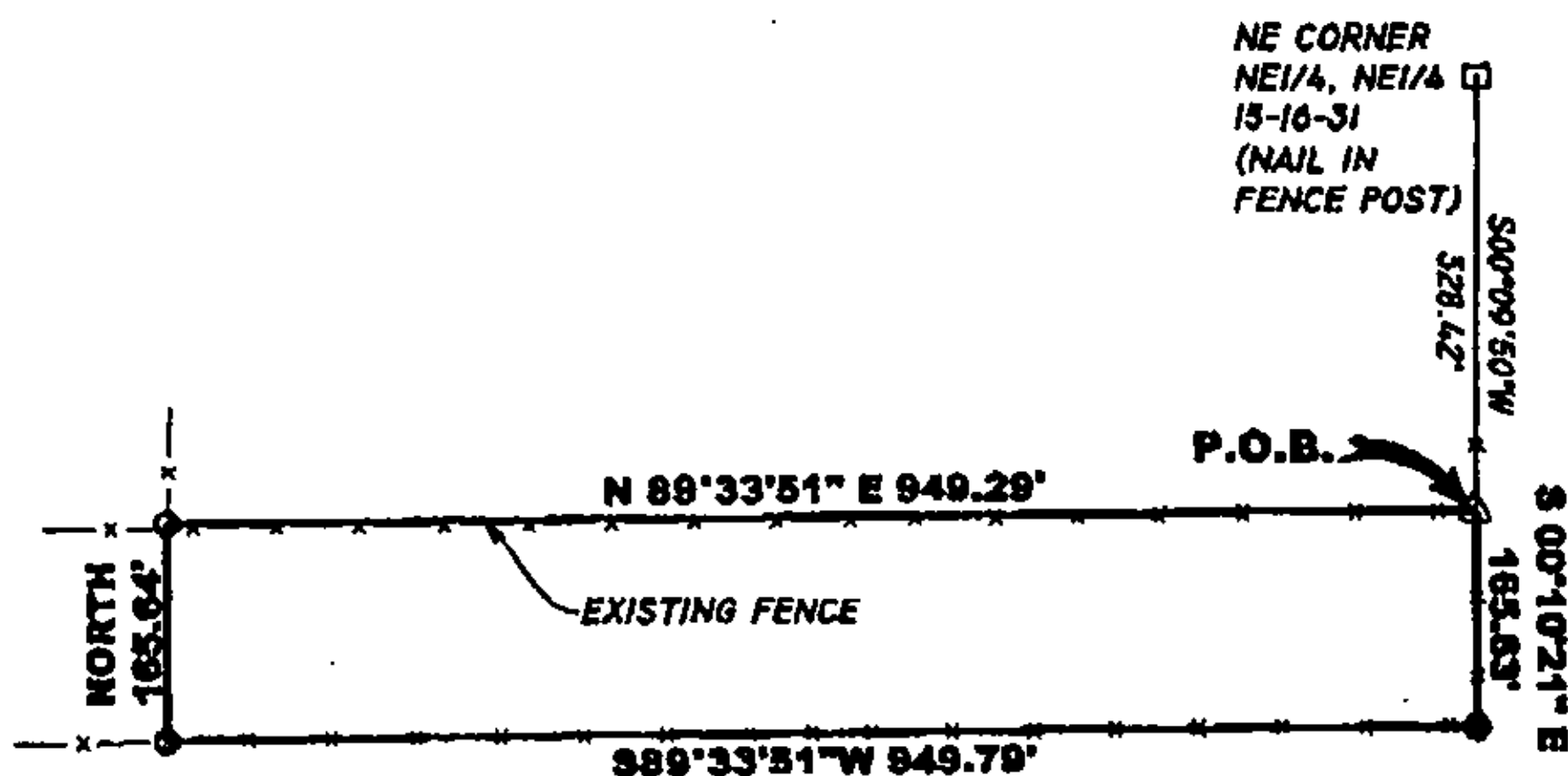
|                |              |                 |                                   |
|----------------|--------------|-----------------|-----------------------------------|
| SCALE: 1"=200' | DATE REVISED | CHECKED BY: DLJ | DRAWN BY: BJR                     |
| DATE: 09AUG01  |              |                 | C:\SLOAN\LOBS\LOTS\DOUBLESPPRINGS |

**PROPERTY SURVEY FOR**  
**CHARLE SLOAN**



**LEGEND**

- FOUND IRON PIN
- SET IRON PIN
- △ FOUND PINCHED PIPE



**LEGAL DESCRIPTION:**

PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 15, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID NE 1/4, NE 1/4 THENCE S 00°09'50"W 328.42 FEET TO THE P.O.B., THENCE S 00°10'21"E 165.63 FEET, THENCE S 89°33'51"W 949.79 FEET, THENCE NORTH 165.64 FEET, THENCE N 89°33'51"E 949.29 FEET TO THE P.O.B.; CONTAINING 3.61 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

THIS IS TO CERTIFY THAT THE ABOVE SURVEY WAS PERFORMED UNDER MY SUPERVISION AND ALL CORNERS WERE SET AS SHOWN ON THE PLAT AND TO THE BEST OF MY KNOWLEDGE ARE CORRECT.

*David L. Jorgensen* 8/13/01  
DAVID L. JORGENSEN, ARLS 1118 DATE



|                                                                                                  |              |                 |                                 |
|--------------------------------------------------------------------------------------------------|--------------|-----------------|---------------------------------|
| <b>JORGENSEN &amp; ASSOCIATES</b>                                                                |              |                 |                                 |
| CIVIL ENGINEERS • SURVEYORS                                                                      |              |                 |                                 |
| 124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (501) 442-9127 • FAX (501) 582-1807 |              |                 |                                 |
| SCALE: 1"=200'                                                                                   | DATE REVISED | CHECKED BY: DLJ | DRAWN BY: BJR                   |
| DATE: 09AUG01                                                                                    |              |                 | C:\SDSK\JOBS\LOTS\DOUBLES\PLATS |
| <b>PROPERTY SURVEY FOR</b>                                                                       |              |                 |                                 |
| <b>CHARLE SLOAN</b>                                                                              |              |                 |                                 |



IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS  
FILED

IN THE MATTER OF:  
ANNEXATION OF CERTAIN LANDS TO THE  
CITY OF FAYETTEVILLE, ARKANSAS

'01 AUG 30 PM 2 31 CASE NO. CC 2001-20

MARILYN EDWARDS  
CO. & PROBATE CLERK  
WASHINGTON CO. ARK.

ORDER SETTING HEARING

On this 30<sup>th</sup> day of August, 2001, is presented to this Court a Petition for Annexation filed in the County Court of Washington County, Arkansas on August 24, 2001, by the Petitioners GERALD F. GRISCOM and IRENA M. GRISCOM, husband and wife, and SYLVESTER CHARLES GUIST and CAROL ANN GUIST, husband and wife.

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that pursuant to Arkansas Code Annotated § 14-40-602, a hearing on said Petition for Annexation shall be held in the County Court of Washington County, Arkansas, on the 1<sup>st</sup> day of October, 2001, at 10:30 o'clock a.m.; and the Clerk of this Court is hereby directed to issue a notice of said hearing as set forth herein shall be published in the manner and for the full length of time as required by law.

  
COUNTY JUDGE

Annexation / Rezoning  
Level of Service Report

Division: INSPECTION

Date: 11-13-01

**Project:** ANX 01-5.00: Annexation (Griscom/Guist, pp 476) was submitted by Raymond C. Smith, Attorney on behalf of Gerald & Irene Griscom and Sylvester C. & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.

RZN 01-24.00: Rezoning (Worley/Griscom/Guist, pp 435/474) was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.

RZN 01-27.00: Rezoning (Worley/Griscom/Guist, pp 435/474) was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF 6, Low Density Multi-Family Residential.

Please provide comments regarding the impact of the proposed annexation and rezonings which will be forwarded to the Planning Commission and City Council for their consideration when reviewing these requests. Responses and additional information may be continued on the back of this report or on additional pages as necessary.

Current level and/or type of service provided (describe):

CHANGES AREA TO BE ANNEXED FROM  
PLUMBING TO TOTAL BUILDING PERMITTING  
& INSPECTION.

Statement regarding the impact of the proposed annexation on the level and/or type of service provided by your division:

NORMAL GROWTH ACTIVITIES.



**Annexation / Rezoning  
Level of Service Report**

**Division:** Sidewalk and Trails

**Date:** November 15, 2001

**Name / Title:** Keith Shreve, Development Coordinator

**Project:** ANX 01-5.00: Annexation (Griscom/Guist, pp 476) was submitted by Raymind C. Smith, Attorney on behalf of Gerald & Irene Griscom and Sylvester C. Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.

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Please provide comments regarding the impact of the proposed annexation and rezoning which will be forwarded to the Planning Commission and City Council for their consideration when reviewing these requests. Responses and additional information may be continued on the back of this report or on additional pages as necessary.

1. Current level and/or type of service provided (describe):

The Sidewalk Division currently does not provide any services to this area.

2. Statement regarding the impact of the proposed annexation on the level and/or type of service provided by your division:

Immediate impact would be minimal. Sidewalk construction would be required as development occurred, with the cost born by the developer/owner.

If street improvements (to existing County roads) were made by the City then sidewalk construction costs would be included with the street improvements.

All future maintenance cost for sidewalk repairs would be born by the City.

Annexation / Rezoning  
Level of Service Report

Division: Street

Date: 11-14-01

**Project:** ANX 01-5.00: Annexation (Griscom/Guist, pp 476) was submitted by Raymond C. Smith, Attorney on behalf of Gerald & Irene Griscom and Sylvester C. & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.

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Please provide comments regarding the impact of the proposed annexation and rezonings which will be forwarded to the Planning Commission and City Council for their consideration when reviewing these requests. Responses and additional information may be continued on the back of this report or on additional pages as necessary.

Current level and/or type of service provided (describe):

City services of street, & drainage, & low maintenance. (within  
current city limits)



Statement regarding the impact of the proposed annexation on the level and/or type of service provided by your division:

City limits would extend further South on the E. side of  
Double Springs Rd.

**Annexation / Rezoning  
Level of Service Report**

**Division:** Parks and Recreation

**Date:** 11-16-01

**Project:** ANX 01-5.00: Annexation (Griscom/Guist, pp 476) was submitted by Raymond C. Smith, Attorney on behalf of Gerald & Irene Griscom and Sylvester C. & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.

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Please provide comments regarding the impact of the proposed annexation and rezonings which will be forwarded to the Planning Commission and City Council for their consideration when reviewing these requests. Responses and additional information may be continued on the back of this report or on additional pages as necessary.

**Current level and/or type of service provided (describe):**

Currently, the Parks and Recreation Division has three parks in the general vicinity of this property: Bundrick Park, Red Oak Park and Ozark View Park. Ozark View Park is located next to the site of the new Fayetteville Boys and Girls Club.

**Statement regarding the impact of the proposed annexation on the level and/or type of service provided by your division:**

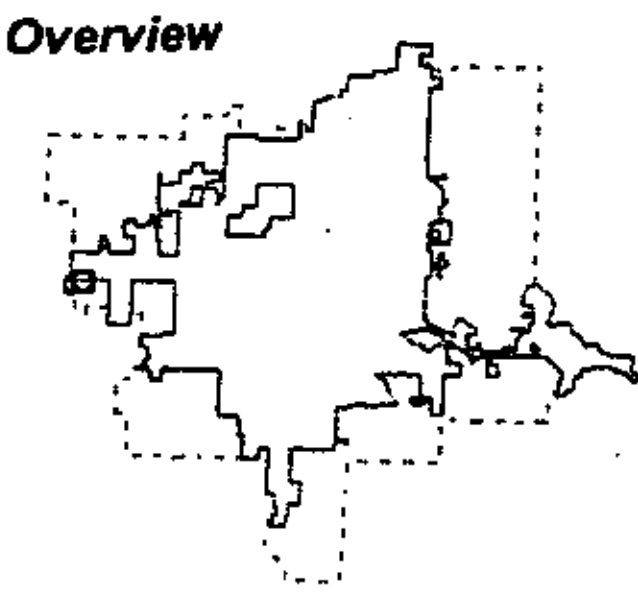
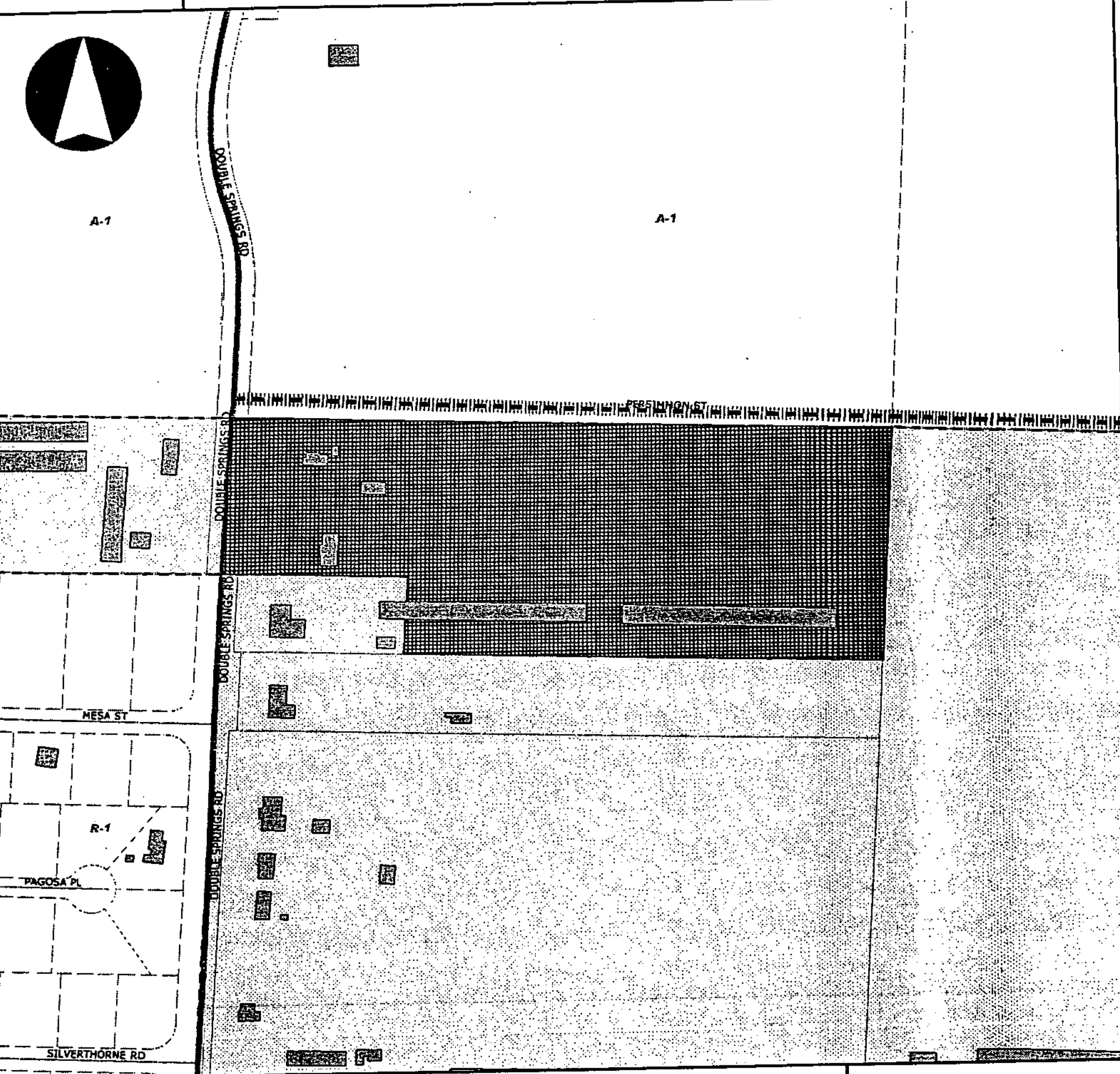
This proposed annexation, rezoning and future residential development would have an impact on the level of service required by the Parks and Recreation Division. The Park Land Dedication Ordinance would be applicable at the time of development. The Park Land Dedication Ordinance, with figures provided, would require an estimated 5.21 acres of new park land, unless a money-in-lieu waiver was requested by the Parks and Recreation Advisory Board. Estimated development cost for the new parkland would range from \$75,000 to \$300,000, depending on the needs of the community. Yearly maintenance costs for mowing, trash pick-up, playground maintenance and equipment repair would be approximately \$15,000 to \$20,000.



ANX01-05.00

W.G & G

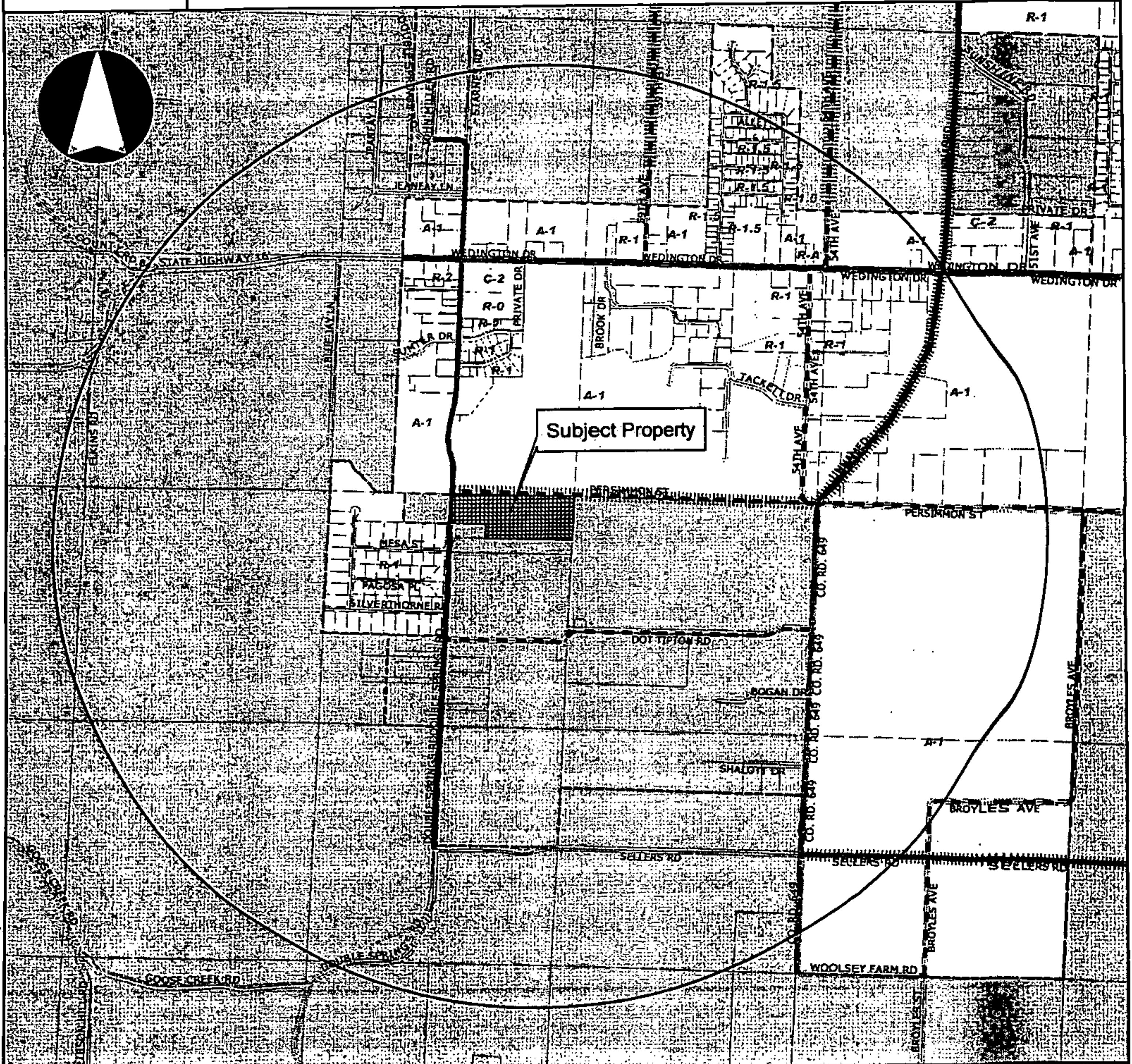
Close Up View



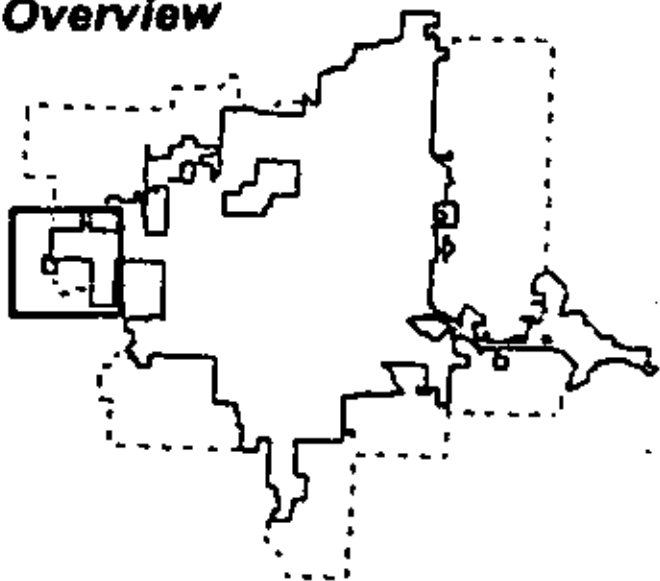
Legend

- |                                                                  |                                                                                                                                           |                                                                                                                                                                                                              |
|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subject Property</b><br>[Pattern] ANX01-05.00                 | <b>Boundary</b><br>[Dashed line] Planning Area<br>[Dotted line] Overlay District<br>[Solid line] City Limits<br>[Shaded box] Outside City | <b>Master Street Plan</b><br>[Thick wavy line] Freeway/Expressway<br>[Medium wavy line] Principal Arterial<br>[Thin wavy line] Minor Arterial<br>[Dashed line] Collector<br>[Dotted line] Historic Collector |
| <b>Streets</b><br>[Solid line] Existing<br>[Dashed line] Planned |                                                                                                                                           |                                                                                                                                                                                                              |
- 0 125 250 500 750 1,000 Feet





## Overview



### Legend

### Subject Property



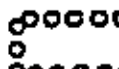
## Streets

 **Planned**

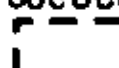
## Boundary



### Planning Area



**Overlay District**



### City Limits



## Outside City

## Master Street Plan



➔ **Freeway/Expressway**



### ► Principal Arterial



### ➔ Minor Arterial



## Historic Collector



X   AGENDA REQUEST  
       CONTRACT REVIEW  
       GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001.

**FROM:**

|                    |                 |                          |
|--------------------|-----------------|--------------------------|
| <u>Tim Conklin</u> | <u>Planning</u> | <u>Urban Development</u> |
| Name               | Division        | Department               |

**ACTION REQUIRED:** To approve an ordinance for RZN 01-24 as submitted by Raymond C. Smith, Attorney, on behalf of the property owners Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.

**COST TO CITY:**

\$

| Cost of this Request | Category/Project Budget | Category/Project Name |
|----------------------|-------------------------|-----------------------|
| Account Number       | Funds Used To Date      | Program Name          |
| Project Number       | Remaining Balance       | Fund                  |

| BUDGET REVIEW: |  | Budgeted Item | Budget Adjustment | Attached |
|----------------|--|---------------|-------------------|----------|
|                |  |               |                   |          |

|                |                                  |
|----------------|----------------------------------|
| Budget Manager | Administrative Services Director |
|----------------|----------------------------------|

**CONTRACT/GRANT/LEASE REVIEW:**

**GRANTING AGENCY:**

## Accounting Manager

City Attorney

Date \_\_\_\_\_

Internal Auditor

Date \_\_\_\_\_

Date /

ADA Coordinator

Date \_\_\_\_\_

Purchasing Officer

Date \_\_\_\_\_

**STAFF RECOMMENDATION:** Staff recommended approval and on November 26, 2001, Planning Commission unanimously voted 8-0-0 to recommend approval and to forward the rezoning to the City Council.

Division Head

Date \_\_\_\_\_

### Cross Reference

Department Director

Date \_\_\_\_\_

New Item: **Yes**

Administrative Services Director

Date \_\_\_\_\_

Prev Ord/Res #:

Mayor

Date \_\_\_\_\_

Orig Contract Date:

Orig Contract Number:\_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 01-24.00 FOR A PARCEL  
CONTAINING APPROXIMATELY 41.90 ACRES FOR PROPERTY  
LOCATED EAST OF DOUBLE SPRINGS ROAD AND SOUTH OF OWL  
CREEK SUBDIVISION, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY  
RAYMOND C. SMITH, ATTORNEY, ON BEHALF OF CONLEY AND  
VIRGINIA WORLEY, GERALD AND IRENE GRISCOM AND SYLVESTER  
AND CAROL GUIST.

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

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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

APPROVED:

By: DRAFT  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Heather Woodruff, City Clerk

EXHIBIT "A"

RZN 01-24.00

PART OF THE SE1/4 OF THE SE1/4 OF SECTION 10, ALSO PART OF THE NE1/4 OF THE NE1/4 OF SECTION 15 ALL IN T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID NE1/4, NE1/4 THENCE S00°09'50"W 328.42 FEET, THENCE S00°10'21"E 165.63 FEET, THENCE S89°33'51"W 949.79 FEET, THENCE NORTH 165.64 FEET, THENCE S89°33'51"W 373.61 FEET, THENCE N00°00'56"W 1073.70 FEET, THENCE N38°11'24"E 356.88 FEET, THENCE N45°08'49"E 438.56 FEET, THENCE N88°37'31"E 153.82 FEET, THENCE SOUTH 94.07 FEET, THENCE S40°23'50"W 657.20 FEET, THENCE SOUTH 122.97 FEET, THENCE EAST 308.97 FEET, THENCE N40°23'50"E 525.39 FEET, THENCE EAST 415.21 FEET, THENCE SOUTH 1011.30 FEET TO THE P.O.B.; CONTAINING 41.90 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.



Planning Commission  
November 26, 2001  
Page 18

**RZN 01-24.00: Rezoning (Worley/Griscom/Guist, pp 435/474)** was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.

Estes: The next item on the agenda is item number five. This is a companion item, it is a rezoning request submitted by Mr. Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald & Irene Griscom and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential. Staff recommends approval of the requested rezoning based on the findings included as a part of your report. Is the applicant's representative present and if so Ray, do you have any presentation that you would like to make?

Smith: I'm Raymond Smith, attorney, representing the petitioners on this case. I believe the packet is comprehensive as there is also a companion rezoning which will be the next item. I'll be glad to answer any questions that anyone may have.

Estes: Commissioners, do you have any questions of Mr. Smith at this time? Thank you Ray. Is there any member of the audience that would like to comment on this rezoning request 01-24.00? Seeing none, I will bring it back to the full commission for discussions, motions or comments. Commissioners?

**Motion:**

Marr: Mr. Chair, in looking at the staff report and agreeing with the findings that it is consistent with our land use, planning objectives and is needed and justified at the time based on where this is located and the existing R-1 development around there, I support the approval of this and will recommend as a Planning Commission that we approve RZN 01-24.00 and forward it to the City Council.

Estes: We have a motion by Commissioner Marr to approve RZN 01-24, is there a second?

Allen: I'll second.

Estes: We have a second by Commissioner Allen. Is there any further discussion or any questions?

Planning Commission  
November 26, 2001  
Page 19

- Hoffman: A question for staff, can you tell me how road access is planned to the site? We don't have any road access currently shown on our plats but we do adjoin a subdivision.
- Conklin: You do adjoin a subdivision to the north but there is not a street stub out. This rezoning annexation, probably the best way to look at this is the map that was handed out at agenda session and tonight. It does have frontage on Double Springs Road. The developer has met with staff and we have talked about at least a minimum of two ways in off of Double Springs Road then future stub outs for the south and east. There will be access through Double Springs Road and as development occurs out there, potential access for future development to tie into this.
- Hoffman: That clears it up, thanks.
- Estes: Any other questions? We have a motion by Commissioner Marr and a second by Commissioner Allen to approve RZN 01-24.00, would you call the roll Renee?
- Roll Call:** Upon the completion of roll call the motion to approve RZN 01-24.00 and to forward it along to City Council was approved by a vote of 8-0-0.
- Estes: The motion passes by a vote of eight to zero and the rezoning request will be forwarded to the City Council for its consideration.



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

## PLANNING DIVISION CORRESPONDENCE

---

TO: Fayetteville Planning Commission  
FROM: Dawn T. Warrick, Senior Planner  
THRU: Tim Conklin, A.I.C.P., City Planner  
DATE: November 20, 2001

---

**RZN 01-24.00: Rezoning (Worley/Griscom/Guist, pp 435/474) was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.**

### RECOMMENDATION:

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

|                                                         |                                                                        |
|---------------------------------------------------------|------------------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                      | Required <u>YES</u>                                                    |
|                                                         | <input type="radio"/> Approved <input checked="" type="radio"/> Denied |
| Date: <u>November 26, 2001</u>                          |                                                                        |
| <b>CITY COUNCIL ACTION:</b>                             | Required <u>YES</u>                                                    |
|                                                         | <input type="radio"/> Approved <input checked="" type="radio"/> Denied |
| Date: <u>December 18, 2001 (1<sup>st</sup> reading)</u> |                                                                        |

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **BACKGROUND:**

The subject property is located south of Owl Creek Subdivision (and south of Owl Creek) on the east side of Double Springs Road (south of Hwy 16W). A new single family subdivision (zoned R-1), Silverthorne, has been built just south and west of this site. Property in this area carries several different zoning designations. Along Double Springs Road, south of Wedington Drive, you see R-O, R-2, R-1, C-2 and A-1 districts. Providing a mix of housing types and land uses fulfills specific goals stated in the City's adopted General Plan 2020.

Development of this 41.90 acres in single family dwellings will allow a maximum of 167 homes. At the time of development, connections to water and sewer systems as well as provisions for future street connections will be necessary. Persimmon Street, a proposed collector street on the Master Street Plan bisects the subject property. This street will also have to be included in future development plans.

## **SURROUNDING LAND USE AND ZONING**

|        |                                                                     |
|--------|---------------------------------------------------------------------|
| North: | Owl Creek / Owl Creek Subdivision, R-1                              |
| South: | Large acreage / single family home, Outside City                    |
| East:  | Vacant / large acreage, Outside City                                |
| West:  | Large acreage / single family residential, A-1 / R-1 / Outside City |

## **INFRASTRUCTURE:**

Access to this property is from Double Springs Road which runs north/south between Hwy 16W and Hwy 62W. Double Springs Road is primarily a county road, but developments such as Silverthorne and Owl Creek Subdivisions within the City of Fayetteville have made improvements to the road based on the impact of the project. Improvement of the road to include one half of a City street adjacent to the project site is the standard requirement. Additional street construction for this development will include Persimmon Street, a proposed Master Street Plan collector, which bisects the subject property.

Water is available along the west side of Double Springs Road (8" line). A 12" sewer line is located along the northern portion of the subject property. A lift station exists in the northwest corner of the property according to the applicant's representative/engineer.

**LAND USE PLAN:** General Plan 2020 designates this site Residential. Rezoning this property to R-1, Low Density Residential is consistent with the land use plan and compatible with surrounding land uses in the area.

## **FINDINGS OF THE STAFF**

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding:** The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. This area is designated as residential on the adopted General Plan 2020 as is the surrounding property. The predominant land use in this area is single family residential.

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

**Finding:** The proposed rezoning is justified at this time in that it is in keeping with the policies and adopted plans of the City. Zoning this property R-1 is consistent with surrounding subdivisions.

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

**Finding:** The proposed zoning will not create or appreciably increase traffic danger and congestion. Improvement of Double Springs Road adjacent to this property is contemplated at the time of development. This road carries traffic both north and south to major arterials (Hwy 16W, Hwy 62W).

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:** This increase is not expected to undesirably increase the load on public services including schools, water, and sewer facilities. The applicant, like all project applicants, has signed the sewer capacity warning designed by the City attorney regarding the status of Fayetteville's wastewater treatment facility.

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.

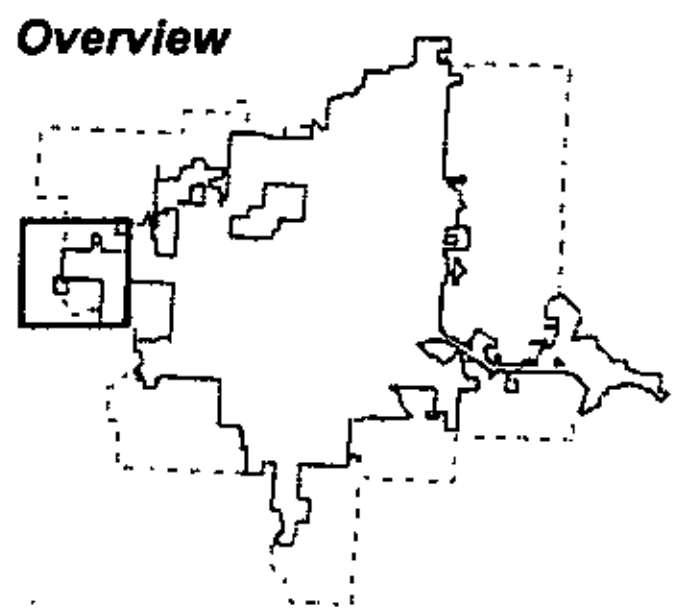
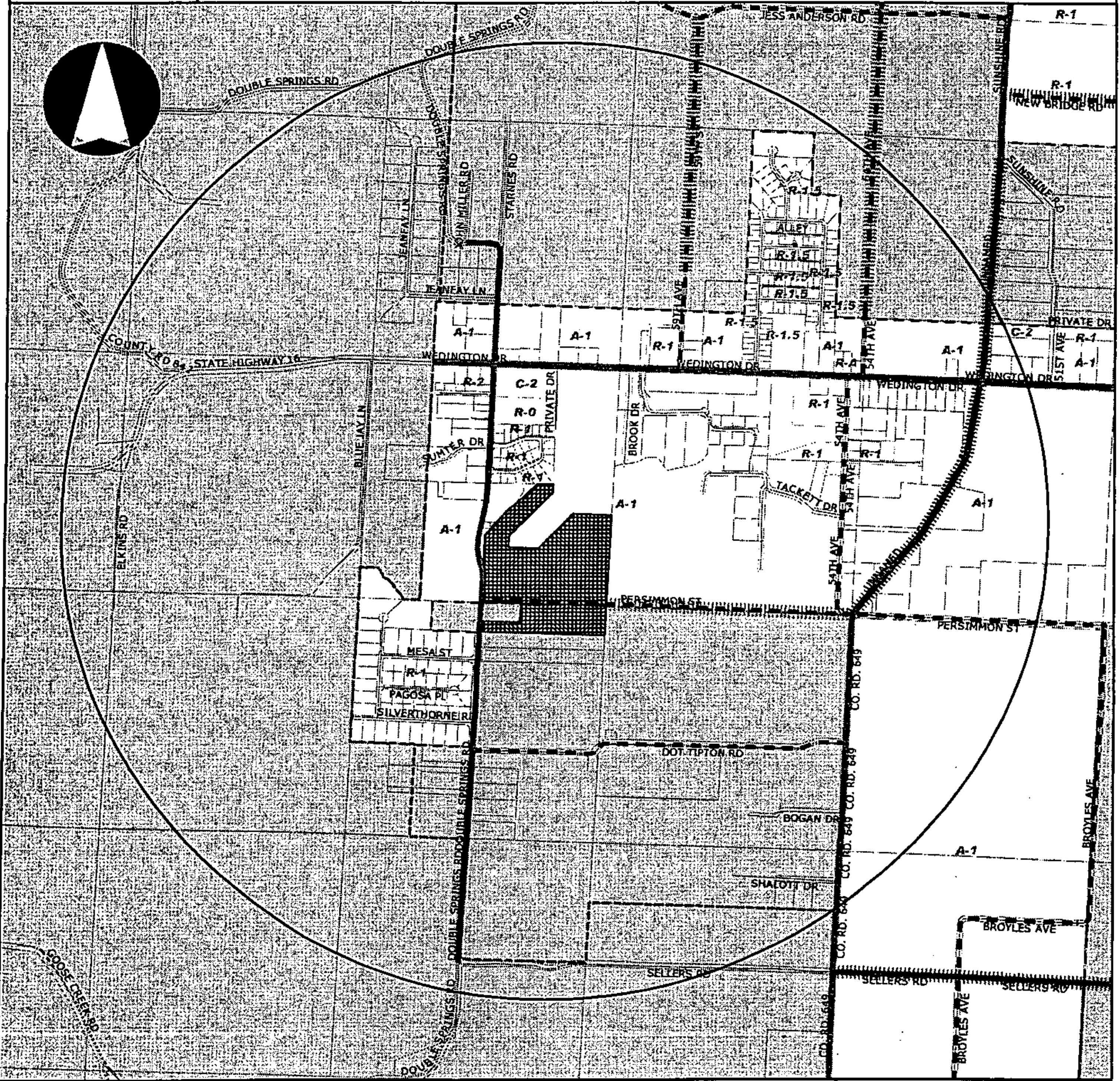
**Finding:** N/A



RZN01-24.00

One Mile View

WORLEY/GRISCOM/GUIST



Legend

- |                                        |                                                                                     |                                                                                                                            |
|----------------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>Subject Property</b><br>RZN01-24.00 | <b>Boundary</b><br>Planning Area<br>Overlay District<br>City Limits<br>Outside City | <b>Master Street Plan</b><br>Freeway/Expressway<br>Principal Arterial<br>Minor Arterial<br>Collector<br>Historic Collector |
|----------------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|

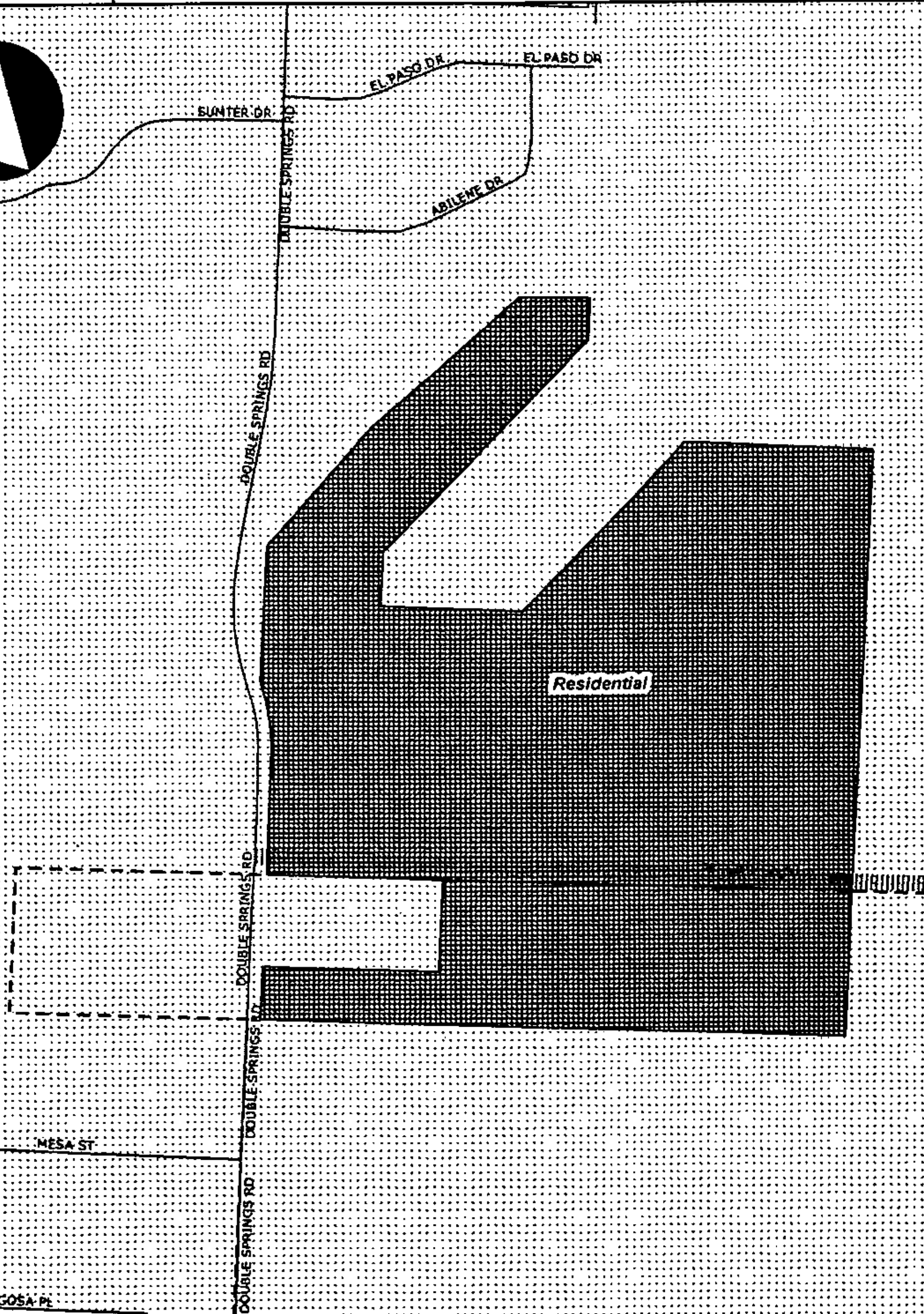




**RZN01-24.00**

Future Landuse

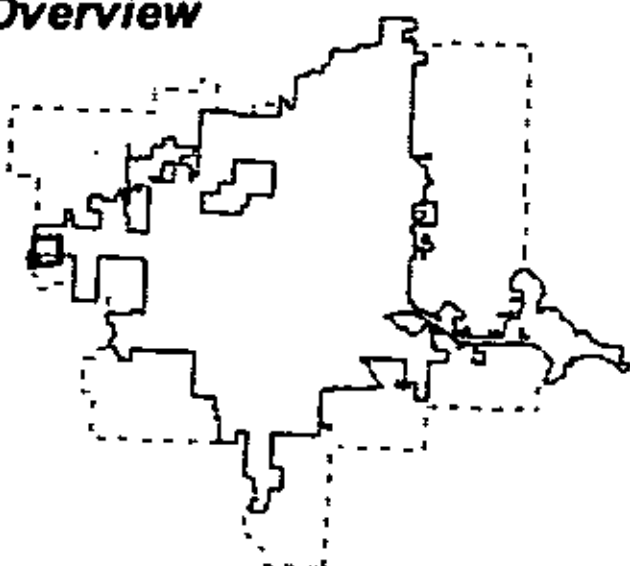
# WORLEY/GRISCOM/GUIST



## Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

## Overview



## Legend

### Subject Property

RZN01-24.00

### Streets

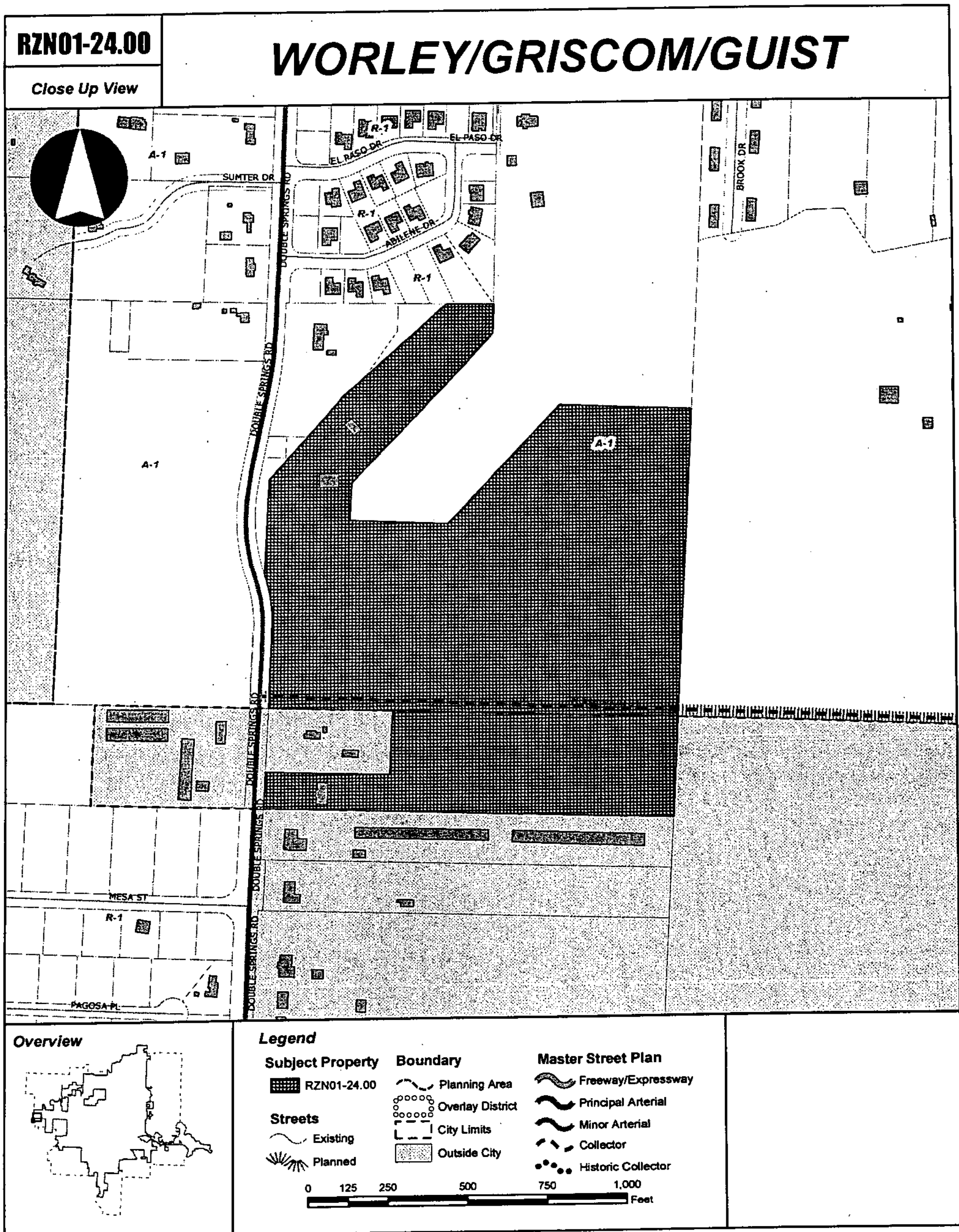
Existing  
 Planned

### Boundary

Planning Area  
 Overlay District  
 City Limits

0 125 250 500 750 1,000 Feet





## STAFF REVIEW FORM

X AGENDA REQUEST  
\_\_\_\_ CONTRACT REVIEW  
\_\_\_\_ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001.

## FROM:

Tim Conklin  
Name

Planning  
Division

Urban Development  
Department

**ACTION REQUIRED:** To approve an ordinance for RZN 01-27 as submitted by Raymond C. Smith, Attorney, on behalf of the property owners Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF-6, Low Density Multi Family Residential.

## COST TO CITY:

\$

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used To Date

Program Name

Project Number

Remaining Balance

Fund

**BUDGET REVIEW:** \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

Budget Manager

Administrative Services Director

**CONTRACT/GRANT/LEASE REVIEW:**

**GRANTING AGENCY:** \_\_\_\_\_

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

**STAFF RECOMMENDATION:** Staff recommended approval and on November 26, 2001, Planning Commission unanimously voted 8-0-0 to recommend approval and to forward the rezoning to the City Council.

Division Head

Date

Cross Reference

Department Director

Date

New Item: **Yes**

Administrative Services Director

Date

Prev Ord/Res #: \_\_\_\_\_

Mayor

Date

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 01-27.00 FOR A PARCEL  
CONTAINING APPROXIMATELY 8.74 ACRES FOR PROPERTY  
LOCATED EAST OF DOUBLE SPRINGS ROAD AND SOUTH OF OWL  
CREEK SUBDIVISION, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY  
RAYMOND C. SMITH, ATTORNEY, ON BEHALF OF CONLEY AND  
VIRGINIA WORLEY, GERALD AND IRENE GRISCOM AND SYLVESTER  
AND CAROL GUIST.

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

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

From A-1, Agricultural to RMF 6 Low Density Residential as shown in Exhibit  
"A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

APPROVED:

By: DRAFT  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Heather Woodruff, City Clerk



EXHIBIT "A"

RZN 01-27.00

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 10, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID SE1/4, SE1/4 THENCE SOUTH 310.00 FEET, THENCE WEST 415.21 FEET, THENCE S40°23'50"W 525.39 FEET, THENCE WEST 308.97 FEET, THENCE NORTH 122.97 FEET, THENCE N40°23'50"E 657.20 FEET, THENCE NORTH 94.07 FEET, THENCE S89°20'05"E 638.81 FEET TO THE P.O.B.; CONTAINING 8.74 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD..



Planning Commission  
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**RZN 01-27.00: Rezoning (Worley/Griscom/Guist, pp 435/474)** was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF 6, Low Density Multi-Family Residential.

Estes: The next item that we have on our agenda is a third companion item. It is RZN 01-27.00, it is submitted by Mr. Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF 6, Low Density, Multi-Family Residential. Staff recommends approval of the requested rezoning based on the findings included as a part of the report. Mr. Smith, do you have any presentation that you would like to make in support of this request?

Smith: I have no actual presentation but I would be glad to answer any questions or have Mr. Sloane or Mr. Jorgensen answer any questions anyone may have.

Estes: Commissioners, do you have any questions for Mr. Smith at this time?

Ward: No, I would like to direct a question to Tim about explaining to us again about the RMF 6, Low Density, Multi-Family Residential.

Conklin: We amended our zoning ordinance and created three new zoning districts to reduce the density from 24 units per acre for multi family to allow for 6 units as a multi family zoning district. This will be the first time we've used this zoning. The applicant has a desire to provide some townhouse type units within this R-1 neighborhood. It is a mix of residential uses that is going to be incorporated within the actual development. Staff is recommending approval. Probably other projects that I can think of in front of Park Place, there is some multifamily residential in front of that subdivision and this subdivision will have these duplex units within the single family homes.

Estes: Tim, if I understand correctly, the RMF 6 is 6 units to an acre without regard to type but limited by density, is that correct?

Conklin: That is correct. The maximum density is six units per acre.

Estes: Any other questions for Mr. Smith? Thank you Ray. Is there any other member of the public that would like to comment on this requested rezoning, 01-27.00? Seeing none, I

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will bring it back to the Commission for discussion, motions or comments.

**Motion:**

**Marr:** For the same reasons that I sited earlier and that it is consistent with our land use plan and is needed and justified in this part of town at the time, I recommend approval of RZN 01-27.00 to forward to the City Council.

**Estes:** We have a motion by Commissioner Marr to approve RZN 01-27.00, is there a second?

**Shackelford:** I'll second.

**Estes:** We have a second by Commissioner Shackelford. We have a motion by Commissioner Marr and a second by Commissioner Shackelford to approve RZN 01-27.00, is there any discussion or any comments? Renee, would you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to approve RZN 01-27.00 and forward it to City Council was approved by a vote of 8-0-0.

**Estes:** The motion passes by a vote of eight to zero and the requested rezoning will be forwarded to the full City Council for its consideration. Thank you Mr. Smith.

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

## PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission  
FROM: Dawn T. Warrick, Senior Planner  
THRU: Tim Conklin, A.I.C.P., City Planner  
DATE: November 20, 2001

**RZN 01-27.00: Rezoning (Worley/Griscom/Guist, pp 435/474) was submitted by Raymond C. Smith, Attorney on behalf of Conley & Virginia Worley, Gerald & Irene Griscom, and Sylvester & Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF 6, Low Density Multi-Family Residential.**

### RECOMMENDATION:

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

|                                                                |                                |                              |
|----------------------------------------------------------------|--------------------------------|------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                             | <b>Required</b>                | <b><u>YES</u></b>            |
|                                                                | <input type="radio"/> Approved | <input type="radio"/> Denied |
| <b>Date: <u>November 26, 2001</u></b>                          |                                |                              |
| <b>CITY COUNCIL ACTION:</b>                                    | <b>Required</b>                | <b><u>YES</u></b>            |
|                                                                | <input type="radio"/> Approved | <input type="radio"/> Denied |
| <b>Date: <u>December 18, 2001 (1<sup>st</sup> reading)</u></b> |                                |                              |



Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **BACKGROUND:**

The subject property is located within an overall (50.64acre) tract. The overall proposal includes annexation of 13.61 acres and rezoning of 41.90 acres to R-1 in addition to this request to rezone 8.74 acres to RMF-6. This marks the City's first request for the new RMF-6 zoning district.

The prospective developer of this property approached Planning staff with a proposal for a subdivision that would provide a mix of at least two different housing types. The desire is to create a portion of the development which consists of two-family units that can be constructed for separate ownership. This type of construction is also referred to as zero lot line or patio home development.

While the R-1.5 zoning district would allow for duplex and triplex development by right, it does not permit zero lot line configurations. The new RMF-6 district does allow this and it has the added benefit of regulating the density of the project at a maximum of 6 units per acre. (Note – the R-1 district permits duplexes by conditional use at a max. density of 7 units per acre.)

Located in the northeastern corner of the overall subdivision, this zoning district has a natural buffer to the north in Owl Creek.

## **SURROUNDING LAND USE AND ZONING**

|        |                                                                     |
|--------|---------------------------------------------------------------------|
| North: | Owl Creek / Owl Creek Subdivision, R-1                              |
| South: | Large acreage / single family home, Outside City                    |
| East:  | Vacant / large acreage, Outside City                                |
| West:  | Large acreage / single family residential, A-1 / R-1 / Outside City |

## **INFRASTRUCTURE:**

Access to this property is from Double Springs Road which runs north/south between Hwy 16W and Hwy 62W. Double Springs Road is primarily a county road, but developments such as Silverthorne and Owl Creek Subdivisions within the City of Fayetteville have made improvements to the road based on the impact of the project. Improvement of the road to include one half of a City street adjacent to the project site is the standard requirement. Additional street



construction for this development will include Persimmon Street, a proposed Master Street Plan collector, which bisects the subject property.

Water is available along the west side of Double Springs Road (8" line). A 12" sewer line is located along the northern portion of the subject property. A lift station exists in the northwest corner of the property according to the applicant's representative/engineer.

**LAND USE PLAN:** General Plan 2020 designates this site Residential. Rezoning this property to RMF-6, Low Density Multi Family Residential is consistent with the land use plan and compatible with surrounding land uses in the area.

### **FINDINGS OF THE STAFF**

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding:** The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. This area is designated as residential on the adopted General Plan 2020 as is the surrounding property.

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

**Finding:** The proposed rezoning is justified at this time in that it is in keeping with the policies and adopted plans of the City. Zoning this property RMF-6 is consistent with implementation strategies for residential areas as described in the General Plan 2020. Rezoning this property is necessary to develop in a controlled manner making efficient use of infrastructure.

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

**Finding:** The proposed zoning will not create or appreciably increase traffic danger and congestion. Improvement of Double Springs Road adjacent to this property is contemplated at the time of development. This road carries traffic both north and south to major arterials (Hwy 16W, Hwy 62W).

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:** This increase is not expected to undesirably increase the load on public services including schools, water, and sewer facilities. The applicant, like all project applicants, has signed the sewer capacity warning designed by the City attorney regarding the status of Fayetteville's wastewater treatment facility.

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

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

**Finding:** N/A

## **CURRENT OWNERSHIP INFORMATION AND ANY PROPOSED OR PENDING PROPERTY SALES**

- a. Assessor's Parcel Number 756-16157-000, P/O SE1/4, SE1/4, S10, T16N, R31W (36.92 Acres). Current owners are Conley Eugene & Virginia Lee Worley. Pending sale to Charles Sloan d/b/a Charles W. Sloan & Associates.
- b. Assessor's Parcel Numbers 001-11822-000 and 001-11825-000, P/O SE1/4, SE1/4, S10, T16N, R31W (10.0 Acres). Current owners are Gerald F. & Irena M. Griscom. Pending sale to Charles Sloan d/b/a Charles W. Sloan & Associates.
- c. Assessor's Parcel Number 001-11823-000, P/O SE1/4, SE1/4, S10, T16N, R31W (3.61 Acres). Current owners are Sylvester C. & Carol A. Guist. Pending sale to Charles Sloan d/b/a Charles W. Sloan & Associates.

## **REASON FOR REQUESTED ZONING CHANGE**

- A. Parcels 001-11822-000, 001-11823-000 and 001-11825-000 are currently A-1. Land will be annexed to City of Fayetteville and developed into single family dwellings lots R-1.
- B. Parcel 765-16157-000 is currently A-1. Land will be developed into single family dwellings lots R-1 and multi family dwellings lots RMF6.

## **LAND DEVELOPMENT**

The development of this property is consistent with the land use of the residential areas surrounding the proposed development with slight increase in traffic.

## **WATER/SEWER ACCESS**

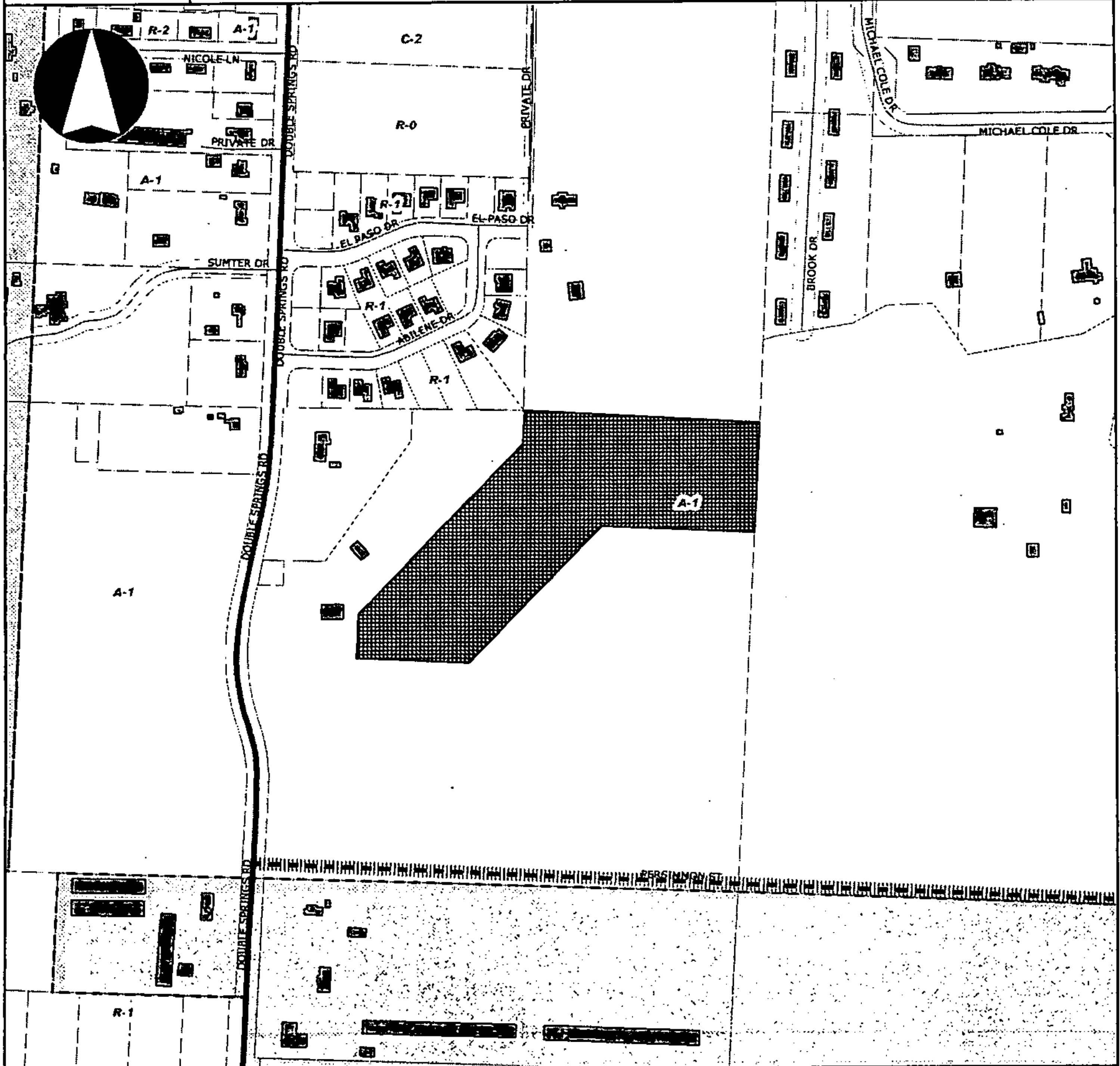
8" water line on the west side along Double Springs Road.

12" sewer line along the north side. Lift station in northwest corner of property.

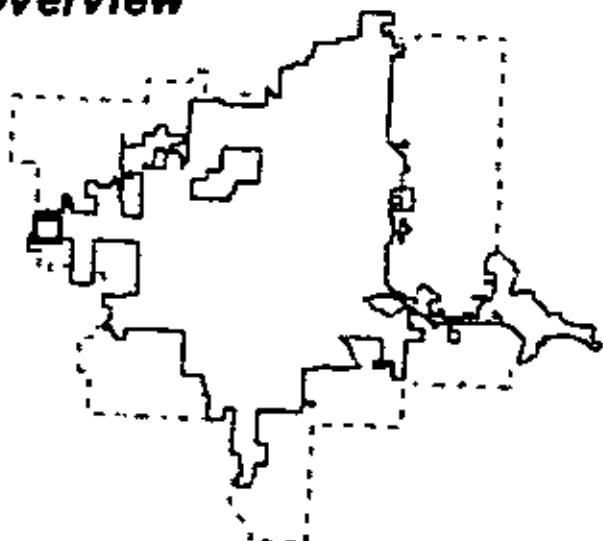
**RZN01-27.00**

Close Up View

# WORLEY/GRISCOM/GUIST



## Overview



## Legend

### Subject Property

RZN01-27.00

### Streets

Existing

Planned

### Boundary

Planning Area

Overlay District

City Limits

Outside City

### Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

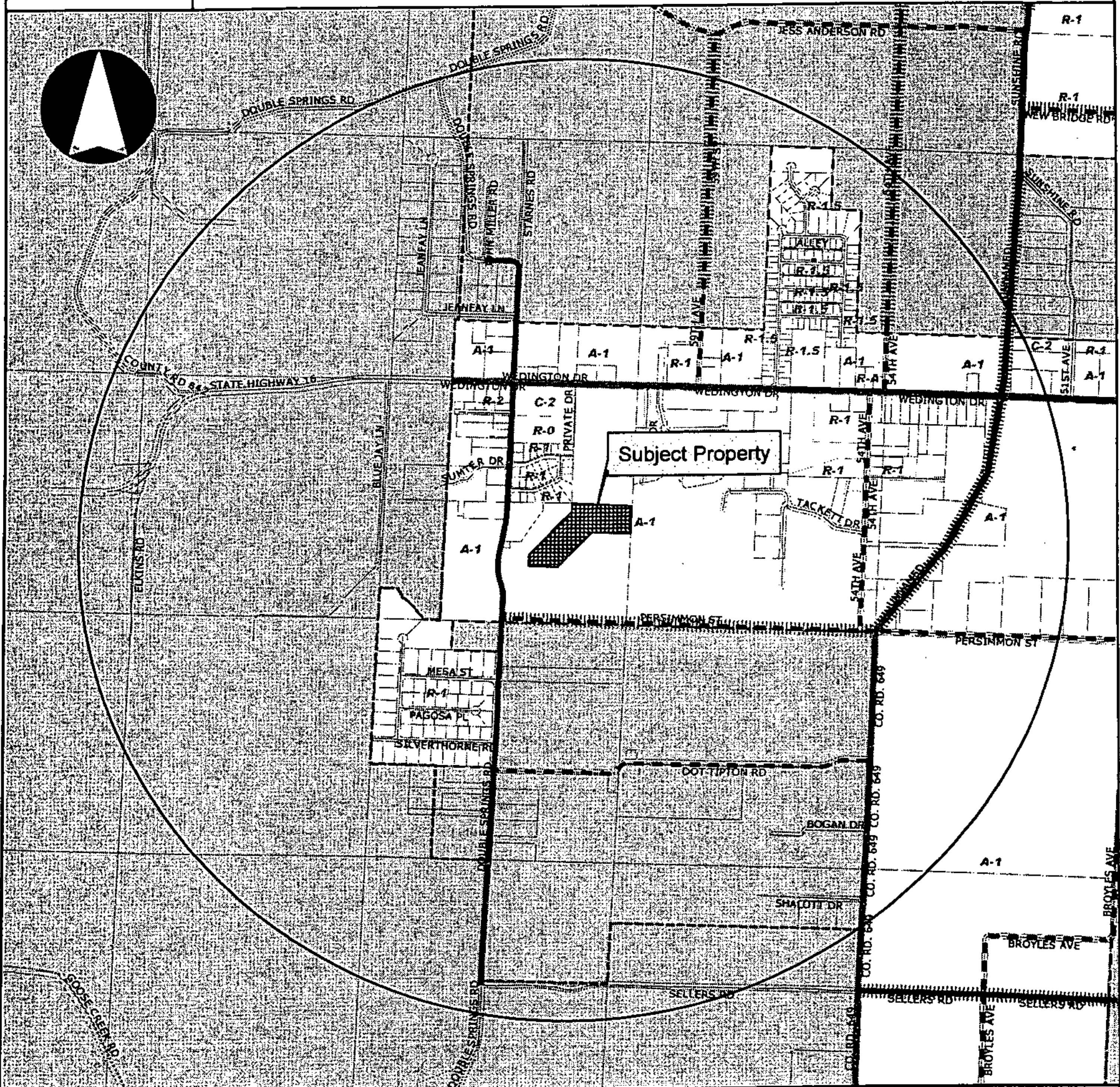
0 125 250 500 750 1,000 Feet



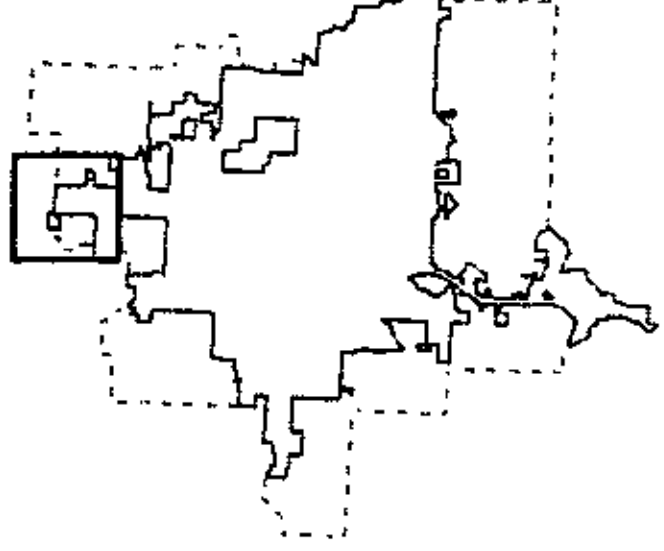
RZN01-27.00

One Mile View

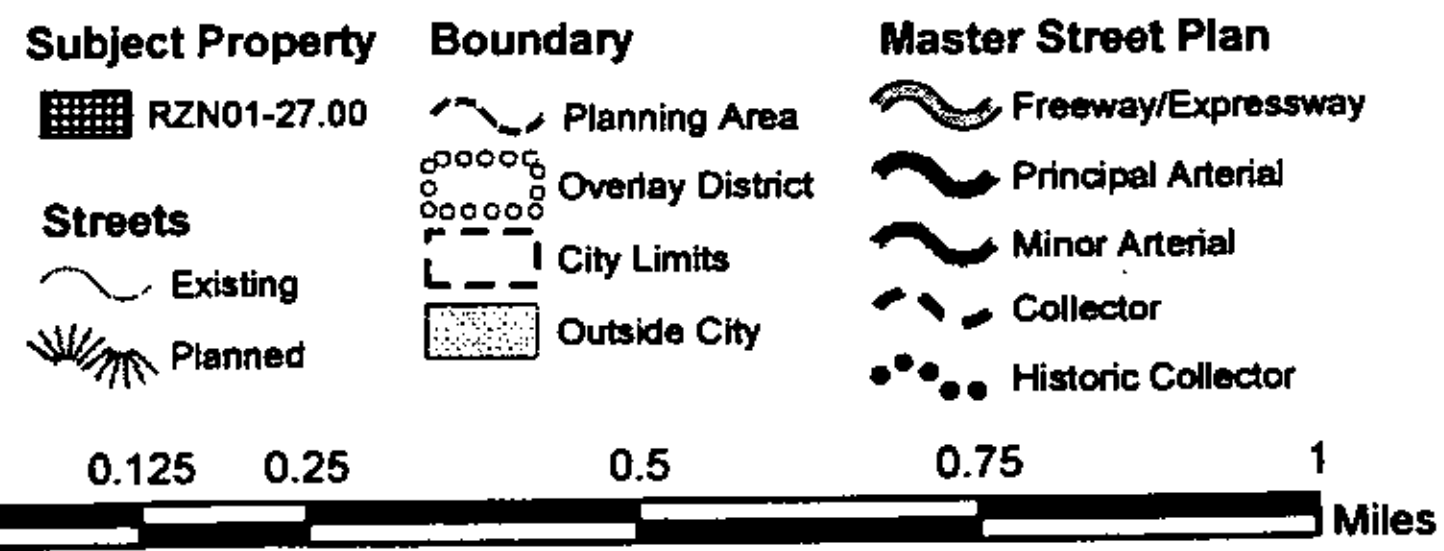
# WORLEY/GRISCOM/GUIST



Overview



Legend

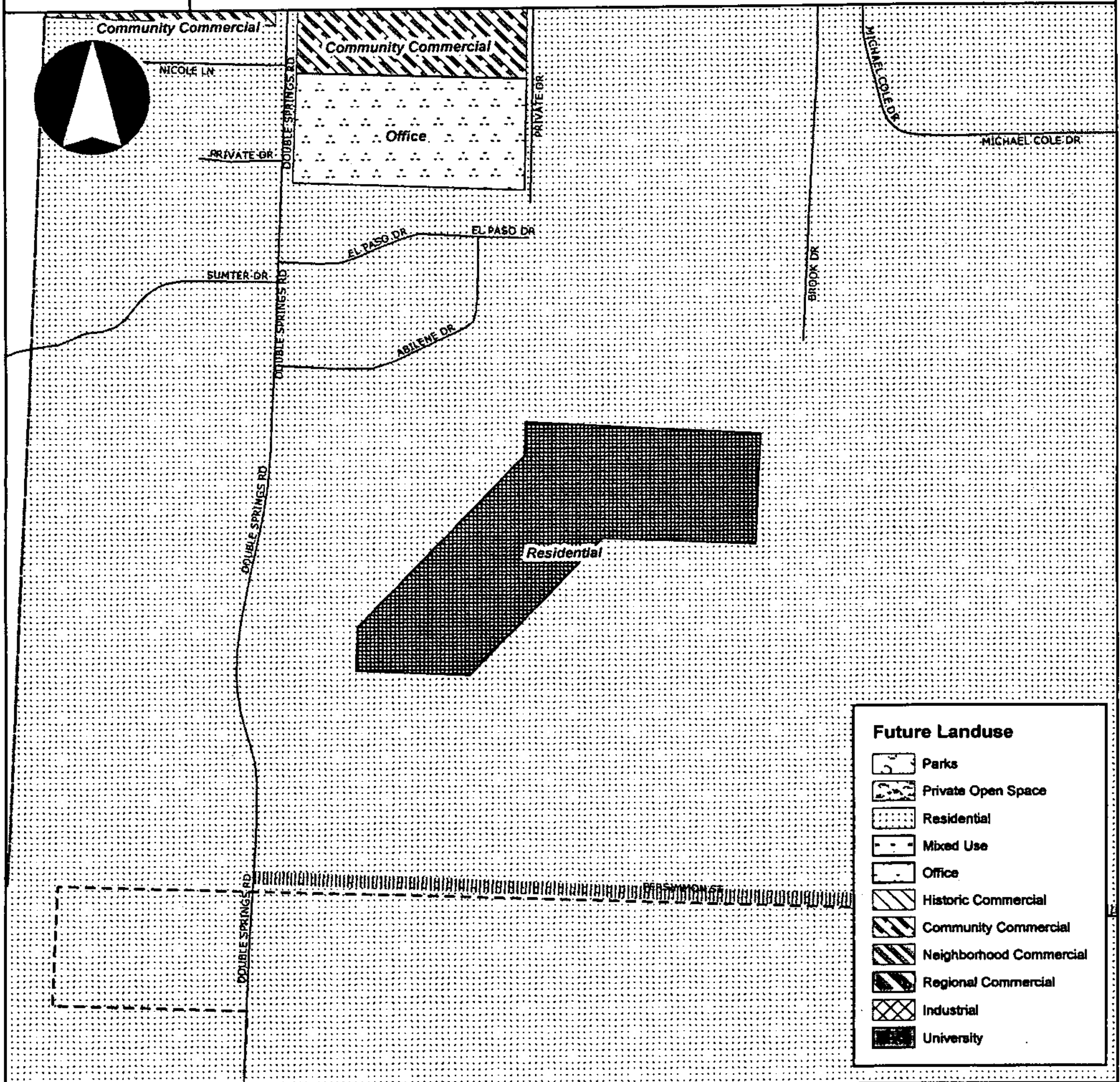




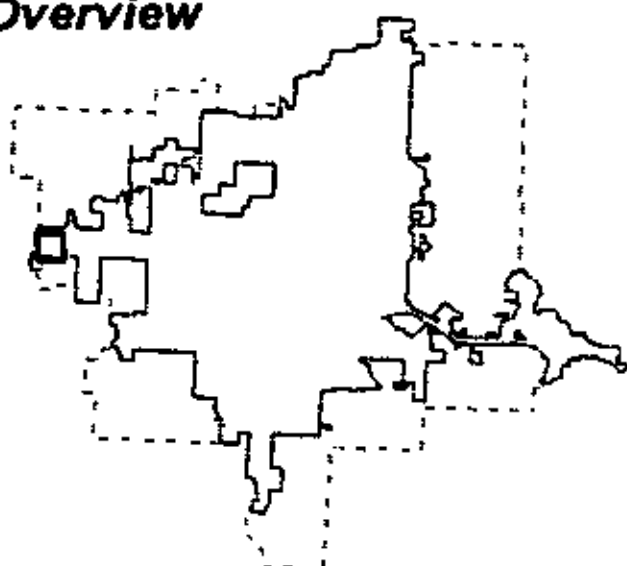
**RZN01-27.00**

Future Landuse

# WORLEY/GRISCOM/GUIST



## Overview



## Legend

**Subject Property**

RZN01-27.00

**Streets**

Existing  
 Planned

**Boundary**

Planning Area  
 Overlay District  
 City Limits

0 125 250 500 750 1,000 Feet



## STAFF REVIEW FORM

☒ AGENDA REQUEST  
☐ CONTRACT REVIEW  
☐ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001.

## FROM:

Tim Conklin  
Name

Planning  
Division

Urban Development  
Department

**ACTION REQUIRED:** To approve an ordinance for RZN 01-26 as submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural, and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial.

**COST TO CITY:**

|                      |                         |                       |
|----------------------|-------------------------|-----------------------|
| \$                   |                         |                       |
| Cost of this Request | Category/Project Budget | Category/Project Name |
| Account Number       | Funds Used To Date      | Program Name          |
| Project Number       | Remaining Balance       | Fund                  |

**BUDGET REVIEW:** \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

\_\_\_\_\_  
Budget Manager

\_\_\_\_\_  
Administrative Services Director

**CONTRACT/GRANT/LEASE REVIEW:**

**GRANTING AGENCY:** \_\_\_\_\_

\_\_\_\_\_  
Accounting Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Internal Auditor

\_\_\_\_\_  
Date

D. F. Whitel  
City Attorney

11/30/01  
Date

\_\_\_\_\_  
ADA Coordinator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Purchasing Officer

\_\_\_\_\_  
Date

**STAFF RECOMMENDATION:** Staff recommended approval and on November 26, 2001, Planning Commission unanimously voted 8-0-0 to recommend approval and to forward the rezoning to the City Council.

[Signature]  
Division Head

11-30-01  
Date

Cross Reference

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Date

New Item: **Yes**

[Signature]  
Administrative Services Director

12/4/01  
Date

Prev Ord/Res #: \_\_\_\_\_

[Signature]  
Mayor

12/6/01  
Date

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 01-26.00 FOR A PARCEL  
CONTAINING APPROXIMATELY 12.08 ACRES FOR PROPERTY  
LOCATED WEST OF SHILOH DRIVE AND NORTH OF PORTER ROAD,  
FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY DAVE JORGENSEN  
ON BEHALF OF TOM AND LOUISE SAGER AND PAUL AND BERNICE  
GUISINGER.

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

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

From A-1, Agricultural to C-2, Thoroughfare Commercial as shown in Exhibit "A"  
attached hereto and made a part hereof.

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

APPROVED:

By: DRAFT  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Heather Woodruff, City Clerk

EXHIBIT "A"

RZN 01-26.00

PART OF THE NW1/4 OF SECTION 5, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE W1/4 CORNER OF SECTION 5 THENCE S88°18'51"E 164.24 FEET, THENCE N01°41'09"E 209.11 FEET TO THE P.O.B., THENCE N09°09'29"E 988.32 FEET, THENCE S88°48'12"E 771.17 FEET, THENCE S32°56'44"W 108.83 FEET, THENCE S31°12'08"W 300.16 FEET, THENCE S35°53'23"W 200.42 FEET, THENCE S33°02'58"W 200.39 FEET, THENCE S33°48'17"W 347.99 FEET, THENCE N88°26'51"W 293.34 FEET TO THE P.O.B.; CONTAINING 12.08 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.



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**RZN 01-26.00: Rezoning (Sager/Guisinger, pp 325)** was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Tom & Louise Sager and Paul & Bernice Guisinger for property located at west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Estes: The next item on our agenda is RZN 01-26.00 submitted on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial. Staff recommends approval of the requested rezoning based on the findings included as a part of this report. Is the applicant or the applicant's representative present?

Jorgensen: Yes, my name is Dave Jorgensen on behalf of the Sagers and Guisingers. I'm here to answer questions and represent them and see if we can get this taken care of.

Estes: Thank you Mr. Jorgensen. Is there any member of the audience who would like to provide public comment on this rezoning request, 01-26? Seeing none, I will bring it back to the Commission for discussions, comments or motions.

Ward: The staff recommends approval and it meets all of our 2020 plans and I would go ahead and recommend that we approve RZN 01-26 for rezoning of this property from A-1 to C-2, thoroughfare commercial.

Estes: We have a motion by Commissioner Ward to approve RZN 01-26.00, is there a second?

Hoffman: I'll second.

Estes: We have a second by Commissioner Hoffman. Is there any discussion?

Hoffman: I would like to make a comment along with that, both of these rezonings, if ultimately approved, are really going to add a lot of traffic to this Porter Road intersection, Mount Comfort, Porter Road. Tim, when do we start contacting, is that a state highway, Mount Comfort?

Conklin: That is a city road.

Hoffman: Can we get the Traffic Department, if this is ultimately approved, doing a study on stop lights or something like that? That is a difficult intersection to negotiate now.

Planning Commission  
November 26, 2001  
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Conklin: Sure, I can contact our Traffic Division and have them look at that.

Hoffman: Ok, thank you.

Estes: We have a motion by Commissioner Ward and a second by Commissioner Hoffman to approve RZN 01-26.00, is there any discussion? Dawn, would you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to approve RZN 01-26.00 was approved by a vote of 8-0-0.

Estes: The motion passes by a unanimous vote of eight to zero and will be forwarded to the City Council for its consideration, with the first reading being on December 18, 2001.



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

## PLANNING DIVISION CORRESPONDENCE

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TO: Fayetteville Planning Commission  
FROM: Dawn T. Warrick, Senior Planner  
THRU: Tim Conklin, A.I.C.P., City Planner  
DATE: November 20, 2001

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**RZN 01-26.00: Rezoning (Sager/Guisinger, pp 325) was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Tom & Louise Sager and Paul & Bernice Guisinger for property located at west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial.**

### RECOMMENDATION:

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

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

**Date:** November 26, 2001

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

**Date:** December 18, 2001 (1<sup>st</sup> reading)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **BACKGROUND:**

The subject property is located just north of the intersection of Porter Rd., Mt. Comfort Rd. and Shiloh Drive just west of I-540. Currently the property is vacant. This rezoning request is being considered along with a companion request for R-2, Medium Density Residential zoning on the property immediately west of this site and adjacent to Deane Solomon Road.

This request is to consider C-2, Thoroughfare Commercial zoning for 12.08 acres which lies along Shiloh Drive. Property to the north is currently zoned C-2 and contains the Williams Ford Tractor facility. Property immediately south of this subject tract was recently rezoned C-1 and a large scale development for an office building is being reviewed at this time.

The General Plan designates the area along the I-540 corridor between Hwy 112 and Mt. Comfort Rd. as a node of Regional Commercial development.

## **SURROUNDING LAND USE AND ZONING**

|        |                                                                      |
|--------|----------------------------------------------------------------------|
| North: | Williams Ford Tractor, C-2                                           |
| South: | Porter Rd.-Mt. Comfort intersection / Mixed uses, R-O, R-2, R-1, A-1 |
| East:  | I-540 / Vacant, A-1                                                  |
| West:  | Vacant, A-1 (R-2 request pending)                                    |

## **INFRASTRUCTURE:**

Shiloh Drive provides access to this site. Shiloh Dr. is designated a collector on the Master Street Plan. Additional development may allow for access from the west through currently undeveloped pasture land in the future also.

Water is available from an existing 8" line along Shiloh Drive. Sewer will have to be extended to the site by the developer when a project is proposed.

**LAND USE PLAN:** General Plan 2020 designates this site Regional Commercial. Rezoning this property to C-2, Thoroughfare Commercial is consistent with the land use plan and compatible with surrounding land uses in the area.

## **FINDINGS OF THE STAFF**

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding:** The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. This property is designated Regional Commercial are areas "indicated for regional commercial development on the future land use map (that) were selected to best maximize and enhance the existing regional commercial areas of the City and to create regional identity."

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

**Finding:** The proposed zoning is needed in order for this property to develop in a commercial nature.

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

**Finding:** The proposed zoning will not appreciably increase traffic danger and congestion. Access is from Shiloh Drive, a collector on the Master Street Plan and an outer road for I-540. This access will carry traffic to the interstate connections either north or south of the subject property.

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

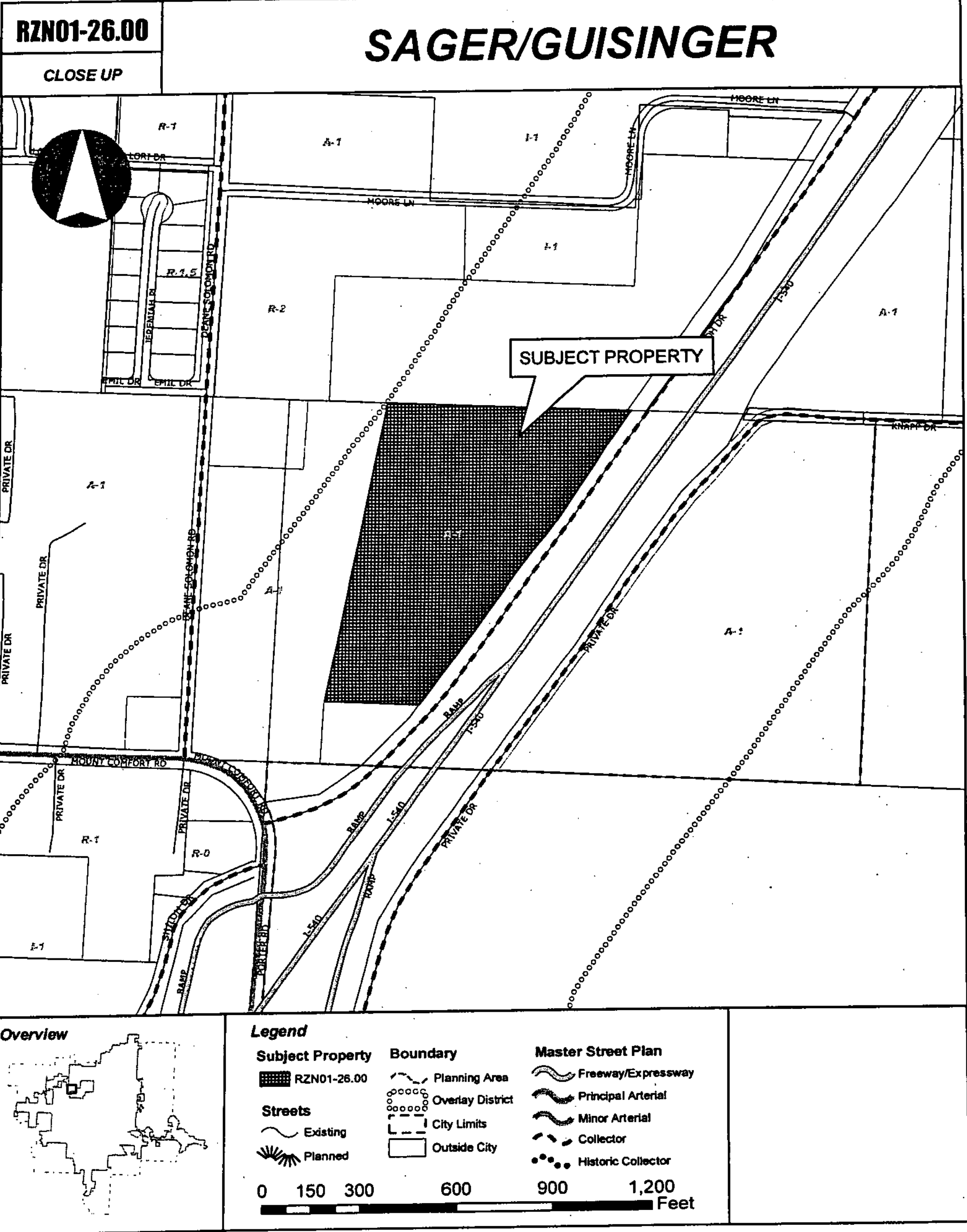
**Finding:** The proposed zoning will not alter population density. The property currently functions as pasture land and no residential development is proposed for this 12.08 acre tract.

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

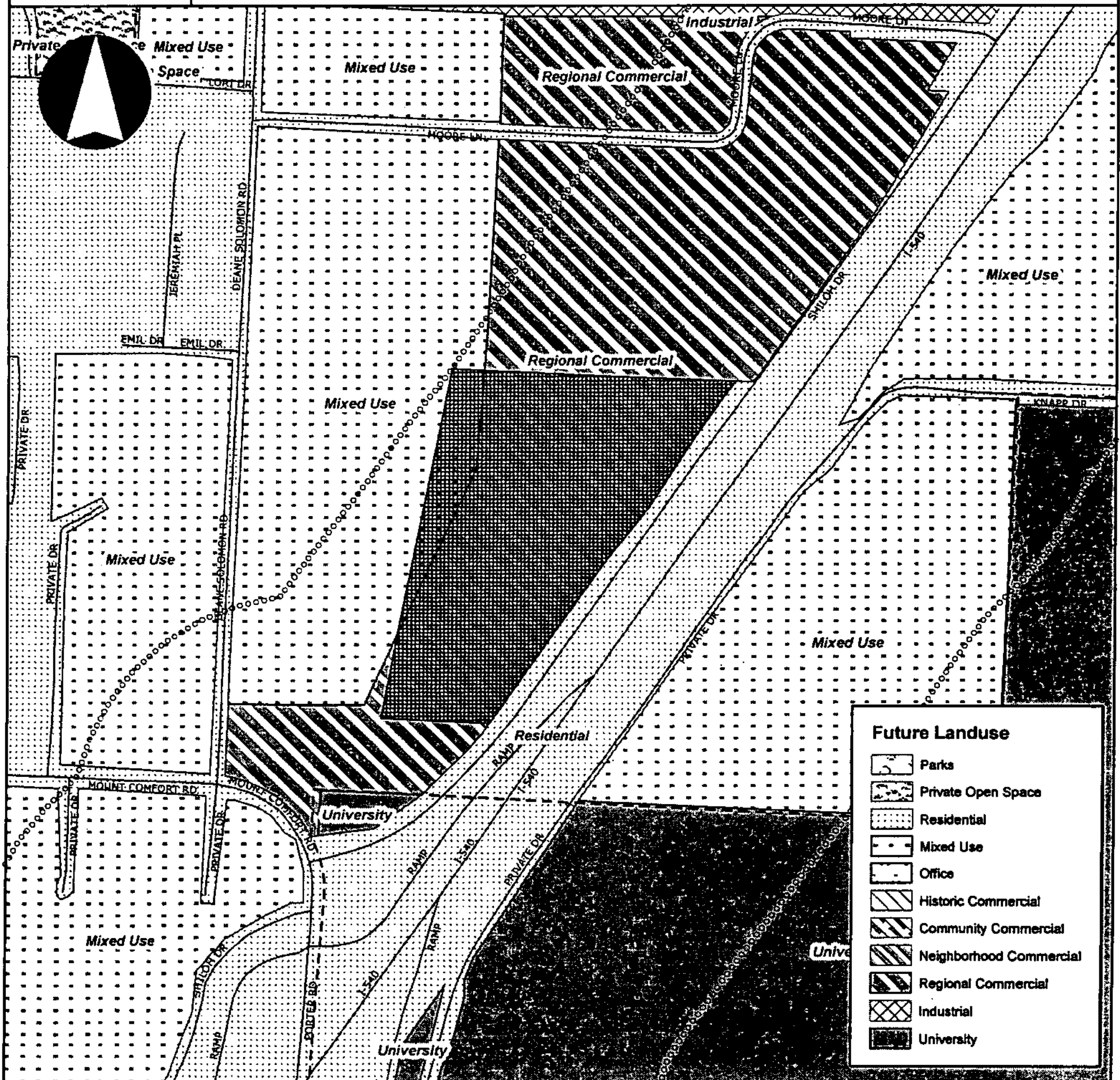




**RZN01-26.00**

Future Landuse

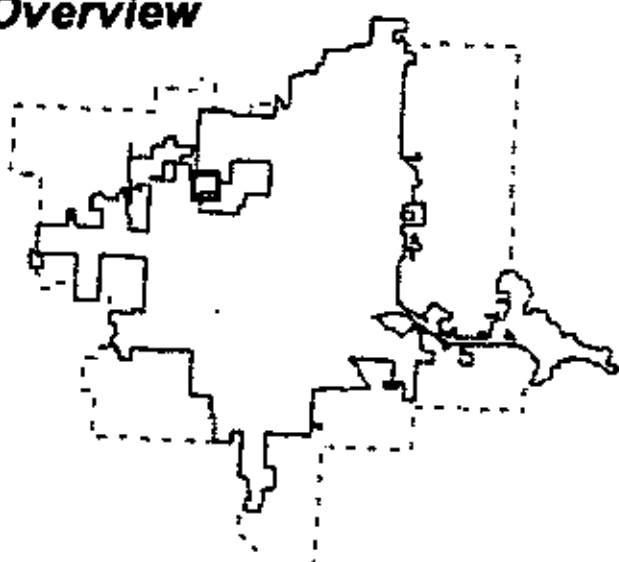
# SAGER/GUISINGER



## Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

## Overview



## Legend

### Subject Property

rzn01-26.00

### Streets

- Existing
- Planned

### Boundary

- Planning Area
- Overlay District
- City Limits

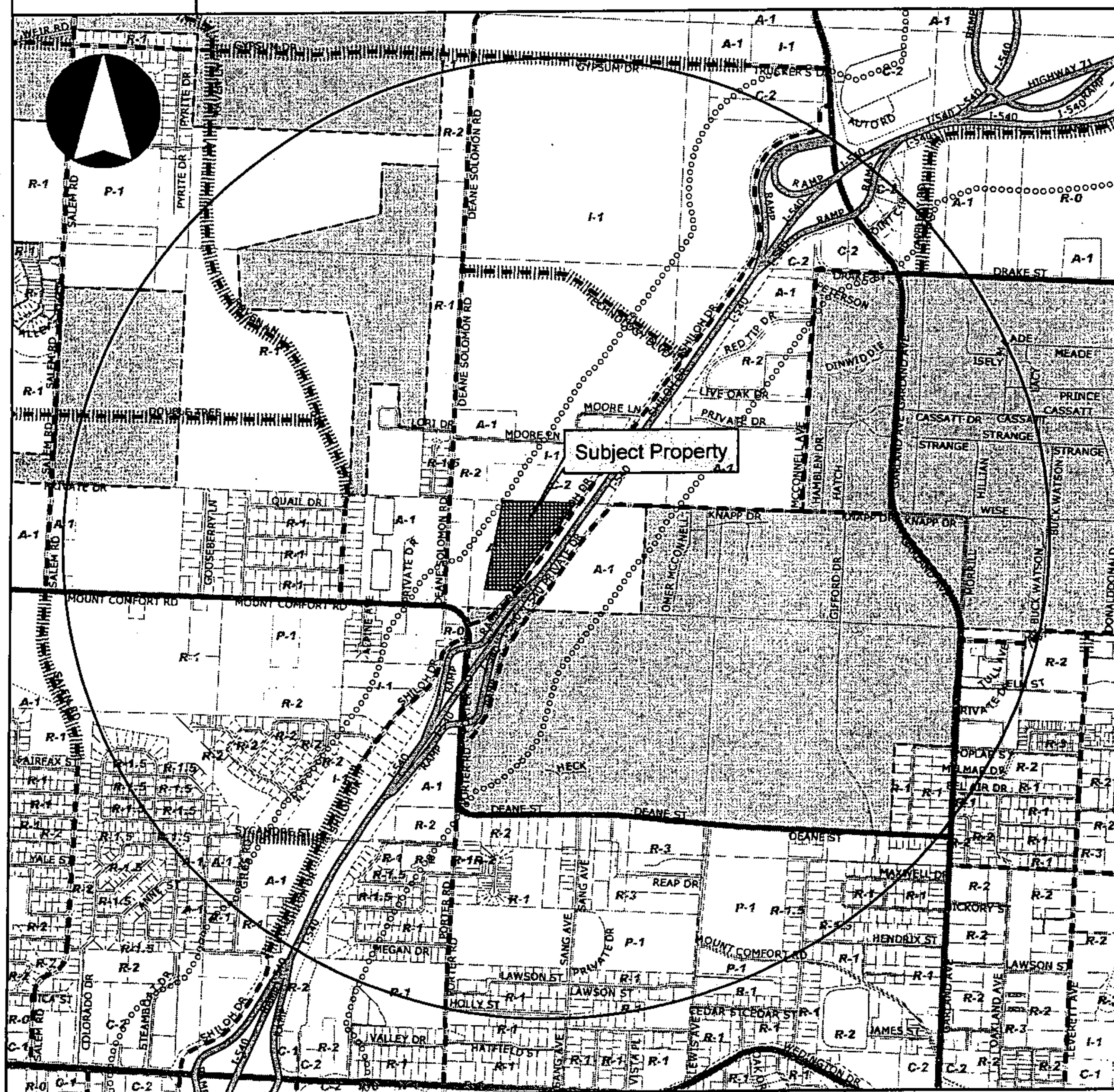




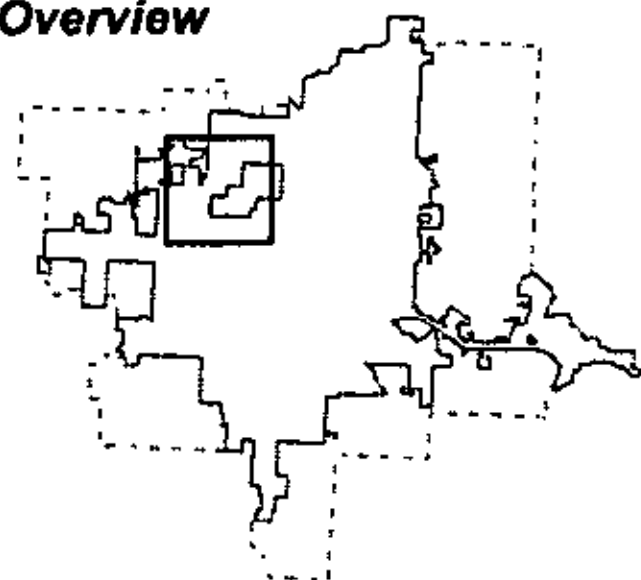
**RZN01-26.00**

### One Mile View

**SAGER/GUISINGER**



## Overview



### Legend

### Subject Property



## Streets

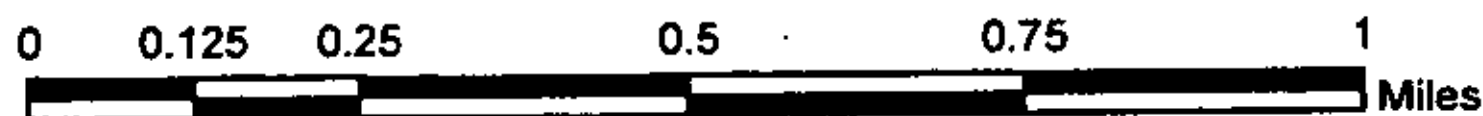
Existing  
Planned

## Boundary

 Planning Area  
 Overlay District  
 City Limits  
 Outside City

## Master Street Plan

 Freeway/Expressway  
 Principal Arterial  
 Minor Arterial  
 Collector  
 Historic Collector



## STAFF REVIEW FORM

X AGENDA REQUEST  
\_\_\_\_ CONTRACT REVIEW  
\_\_\_\_ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001.

## FROM:

Tim Conklin  
Name

Planning  
Division

Urban Development  
Department

**ACTION REQUIRED:** To approve an ordinance for RZN 01-28 as submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural, and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential.

## COST TO CITY:

\$

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used To Date

Program Name

Project Number

Remaining Balance

Fund

**BUDGET REVIEW:** \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

Budget Manager

Administrative Services Director

**CONTRACT/GRANT/LEASE REVIEW:**

**GRANTING AGENCY:** \_\_\_\_\_

Accounting Manager

Date

Internal Auditor

Date

  
City Attorney

11/30/01  
Date

ADA Coordinator

Date

Purchasing Officer

Date

**STAFF RECOMMENDATION:** Staff recommended approval and on November 26, 2001, Planning Commission unanimously voted 8-0-0 to recommend approval and to forward the rezoning to the City Council.

  
Division Head

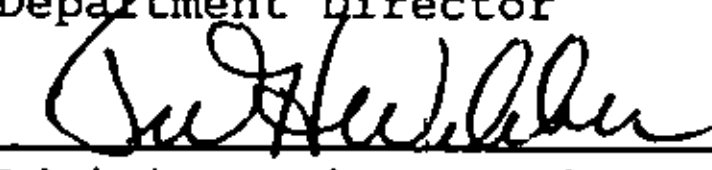
11-30-01  
Date

Cross Reference

Department Director

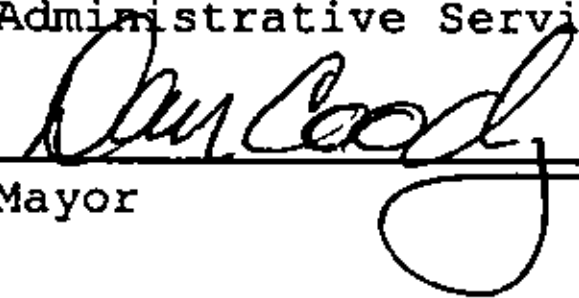
Date

New Item: **Yes**

  
Administrative Services Director

12/4/01  
Date

Prev Ord/Res #: \_\_\_\_\_

  
Mayor

12/6/01  
Date

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 01-28.00 FOR A PARCEL  
CONTAINING APPROXIMATELY 11.68 ACRES FOR PROPERTY  
LOCATED WEST OF SHILOH DRIVE AND NORTH OF PORTER ROAD,  
FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY DAVE JORGENSEN  
ON BEHALF OF TOM AND LOUISE SAGER AND PAUL AND BERNICE  
GUISINGER.

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

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

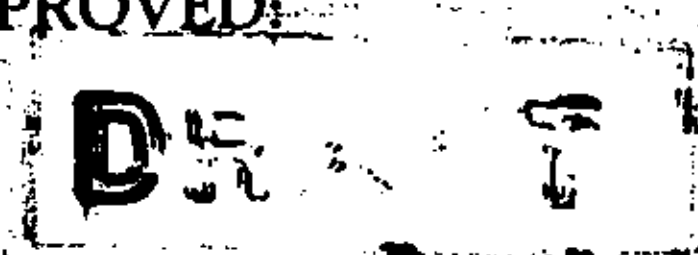
From A-1, Agricultural to R-2, Medium Density Residential as shown in Exhibit  
"A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

APPROVED:

By:

  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Heather Woodruff, City Clerk



EXHIBIT "A"

RZN 01-28.00

PART OF THE NW 1/4 OF SECTION 5, ALSO PART OF THE NE1/4 OF SECTION 6 ALL IN T16N, R30W AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE W 1/4 CORNER OF SECTION 5 THENCE N88°46'46"W 264.00 FEET, THENCE N01°33'09"E 693.00 FEET, THENCE N88°48'12"W 10.85 FEET, N01°00'25"E 175.76 FEET, THENCE S88°46'33"E 323.02 FEET, THENCE N01°33'09"E 217.80 FEET, THENCE S88°48'12"E 250.00 FEET, THENCE S09°09'29"W 988.32 FEET, THENCE S01°41'09"W 209.11 FEET, THENCE N88°18'51"W 164.24 FEET TO THE P.O.B.; CONTAINING 11.68 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.



Planning Commission  
November 26, 2001  
Page 34

**RZN 01-28.00: Rezoning (Sager/Guisinger, pp 325)** was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Tom & Louise Sager and Paul & Bernice Guisinger for property located at west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential.

Estes: The next and last remaining item of business is a companion rezoning request, 01-28.00, submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential. Staff recommends approval of the requested rezoning based on the findings included as a part of your report. Is the applicant or the applicant's representative present?

Jorgensen: Yes, my name is Dave Jorgensen and I'm here to represent the owners on this property and answer questions and point out that this is affected by the overlay district.

Estes: Thank you Mr. Jorgensen. Does any member of the audience wish to provide public comment on this requested rezoning, 01-28.00? Would you please come forward and say your name and where you live and give us the benefit of your comments?

Herrin: I'm Renee Herrin, I live on Pine Valley Road in the subdivision and I just want to reiterate that this is also going to have an affect on all of the decisions to come for the other Bayarri, Shawki land. I just want to make that known, I'm sure that you realize that but there are two or three things here that are all affecting one. Thank you.

Estes: Does anyone else wish to comment on the requested RZN 01-28.00? Seeing none, I'll bring it back to the Commission for discussions, motions or comments. Commissioners?

Ward: Tim, in rezoning this to R-2, when do we start putting lighter units, like six or twelve units per acre, when do we start putting that on R-2?

Conklin: Those are individual zoning districts so we still have the R-2 also which is 24 units per acre.

Ward: If we didn't want to put 24 units per acre on this particular area. . .

Conklin: Then you would recommend something different.

Ward: Then you would recommend a different type of zoning besides R-2?

Planning Commission  
November 26, 2001  
Page 35

- Conklin: That is correct, you can always modify requests, change it to 18 or 12 or 6.
- Ward: Ok, I understand that the applicant is always going to usually apply for the most which is R-2, without designating 18 or 12 or something like that and without me looking at the property or all of us really evaluating it how do we come to the conclusion that this maybe shouldn't be a 24 unit development?
- Marr: If I could add on, because I think it is appropriate to the question that Commissioner Ward asked is that the findings that we have to look at is the justification or need of that and when we just approved another development in what I would consider to be a very similar service area in reference to the lady's comment just a minute ago. Again, how would that be taken into consideration on whether there is justified need if you have 12 per acre and 24 per acre and X amount when you look at answering that finding.
- Conklin: What we have done is to work with the applicants and also recognize what is surrounding and the vicinity and in those cases where it is more appropriate because there are duplexes there already and that a certain density we've made these recommendations. That is how we have used those zoning districts. I don't think there is anything wrong with R-2, the 24 units per acre but I've gone backwards and used the three new zoning districts to provide compatibility for the adjoining developments. That is kind of how we use those three zoning districts.
- Hoffman: One of the things, I too am concerned about the density. One of the things that I've seen in both of these developments is that they are giving us opportunities to upgrade things that are either nonexistent like Sycamore or Porter Road, this A-1 actually touches Porter Road or Mount Comfort, I'm not sure what you call it at that point. Along with our study of the traffic, the developer many times is required to pay for offsite improvements and upgrade existing road conditions based on the impact that they are going to be putting on these roads and with the C-1 development adjacent to Shiloh, that is not going to actually be going onto Porter but whatever density development will, in addition to Deane Soloman. Deane Soloman does go north and intersect with 112 but I see an opportunity here for improvement to that intersection that is sorely needed by the approval of some sort of this rezoning. I would be receptive to hearing if you have an idea of a lesser number of units although 24 units could be any number of bedrooms.
- Conklin: Twenty-four units per acre, dwelling units. Keep in mind too, the density issue also relates to how many people you put on one piece of property or per acre. Just because we only allow six dwelling units per acre doesn't mean that people are not going to move to Northwest Arkansas, we're just going to consume more land and build more units. I don't

Planning Commission  
November 26, 2001  
Page 36

think because we build dwelling units people move here. I just want to bring that point up so when we start looking at density and infill and smart growth and sprawl, where we put people and how many people we put per acre and how efficient we are with our land use I think is going to impact all of Northwest Arkansas. We can either spread everybody out or we can try to create higher densities which allows more opportunities for mass transit and more efficiency with infrastructure and not having to maintain as many miles of street and water line and there are a lot of issues with regard to density but I would just like to bring that point out that density is not always bad. You can't have mass transit typically if you don't have higher densities in a community.

Hoffman: I can actually see a scenario, since we do have this part adjoining Mount Comfort for a turn out lane and for possibly a stop light at that intersection or something, I'm not sure. The way the street is designed is not ideal at all because of its proximity to the freeway and the curb, the blind turn but at least something. I don't know if it would create a bottle neck to have a stop light but we might be able to widen the street out and put in left turn lanes and right turn lanes and things like that that would help. I pretty much agree with Tim, I just don't know about the density.

Ward: I agree with Tim about the R-2, I think it is zoned since it is sitting right next to C-2 that we just rezoned and basically in the overlay district on I540, I have no problem with R-2 personally at this particular site. I just was trying to ask Tim when do we consider more units or what not? What type of sites are we looking for to limit the number of units per acre? In order to get this thing going I would like to recommend that we approve RZN 01-28.00 for changing it from A-1 to R-2 and this is on 11.68 acres just off I540.

Estes: We have a motion by Commissioner Ward to approve RZN 01-28.00, is there a second?

Church: I'll second it.

Estes: We have a second by Commissioner Church. Is there any discussion? We have a motion by Commissioner Ward to approve RZN 01-28 and a second by Commissioner Church. Renee, would you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to approve RZN 01-28.00 was approved by a vote of 8-0-0.

Estes: The motion to approve RZN 01-28.00 passes by a unanimous vote of eight to zero and will be forwarded to the Fayetteville City Council for its determination and consideration. The first reading will be on December 18, 2001. Tim, are there any announcements before



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

## PLANNING DIVISION CORRESPONDENCE

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TO: Fayetteville Planning Commission  
FROM: Dawn T. Warrick, Senior Planner  
THRU: Tim Conklin, A.I.C.P., City Planner  
DATE: November 20, 2001

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**RZN 01-28.00: Rezoning (Sager/Guisinger, pp 325) was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Tom & Louise Sager and Paul & Bernice Guisinger for property located at west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential.**

### RECOMMENDATION:

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

|                                                         |                                                             |
|---------------------------------------------------------|-------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                      | Required <u>YES</u>                                         |
|                                                         | <input type="radio"/> Approved <input type="radio"/> Denied |
| Date: <u>November 26, 2001</u>                          |                                                             |
| <b>CITY COUNCIL ACTION:</b>                             | Required <u>YES</u>                                         |
|                                                         | <input type="radio"/> Approved <input type="radio"/> Denied |
| Date: <u>December 18, 2001 (1<sup>st</sup> reading)</u> |                                                             |



Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## BACKGROUND:

The subject property is located just north of the intersection of Porter Rd., Mt. Comfort Rd. and Shiloh Drive just west of I-540. It is bordered on the west by Deane Solomon Road. Currently the property is vacant. This rezoning request is being considered along with a companion request for C-2, Thoroughfare Commercial zoning on the property immediately east of this site.

This request is to consider R-2, Medium Density Residential zoning for 11.68 acres which lies along Deane Solomon Road. Property to the north is currently zoned R-2 and contains residential development. Property at the southeast corner of this subject tract was recently rezoned C-1 and a large scale development for an office building is being reviewed at this time.

The General Plan designates the area along the I-540 corridor between Hwy 112 and Mt. Comfort Rd. as a node of Regional Commercial development. This project area is designated Mixed Use.

With adjoining properties zoned A-1, Agricultural and containing a variety of land uses including single family residential, agricultural, a mobile home park, offices and even industrial. It is expected that in time redevelopment and new development will occur in this area. The proposed R-2 zoning will create a buffer between commercial developments along I-540 and residential areas to the west, across Deane Solomon Road.

Medium Density Residential zoning in this location would allow for a maximum of 280 units. A specific project proposal has not been brought forward to staff at this time. Improvements to existing infrastructure made necessary by a development in this location will be the responsibility of the developer at that time.

## SURROUNDING LAND USE AND ZONING

|        |                                                                      |
|--------|----------------------------------------------------------------------|
| North: | Williams Ford Tractor, C-2                                           |
| South: | Porter Rd.-Mt. Comfort intersection / Mixed uses, R-O, R-2, R-1, A-1 |
| East:  | I-540 / Vacant, A-1                                                  |
| West:  | Vacant, A-1                                                          |



## **INFRASTRUCTURE:**

Shiloh Drive provides access to this site. Shiloh Dr. is designated a collector on the Master Street Plan. Additional development may allow for access from the west through currently undeveloped pasture land in the future also.

Water is available from an existing 8" line along Shiloh Drive. Sewer will have to be extended to the site by the developer when a project is proposed.

**LAND USE PLAN:** General Plan 2020 designates this site Mixed Use. Rezoning this property to R-2, Medium Density Residential is consistent with the land use plan and compatible with surrounding land uses in the area.

## **FINDINGS OF THE STAFF**

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding:** The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. This area is designated Mixed Use on the Future Land Use Map and those areas are defined as "areas where residential, commercial, office and agricultural uses would be appropriate." With regard to these areas, the General Plan states "Designation of mixed use areas will allow developers a great deal of flexibility in terms of uses, while City regulations will maintain standards for quality mixed development. This part of the plan recognizes that development is market driven and therefore doesn't attempt to designate specific future land uses within these areas."

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

**Finding:** The proposed rezoning is needed in order to develop this property residentially.

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

**Finding:** The proposed zoning will increase traffic, however it will not create or appreciably increase traffic danger and congestion. Access to Deane

**Solomon as well as to Mt. Comfort/Porter Road will serve any development on this site.**

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

**Finding: This increase is not expected to undesirably increase the load on public services including schools, water, and sewer facilities. The applicant, like all project applicants, has signed the sewer capacity warning designed by the City attorney regarding the status of Fayetteville's wastewater treatment facility.**

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:

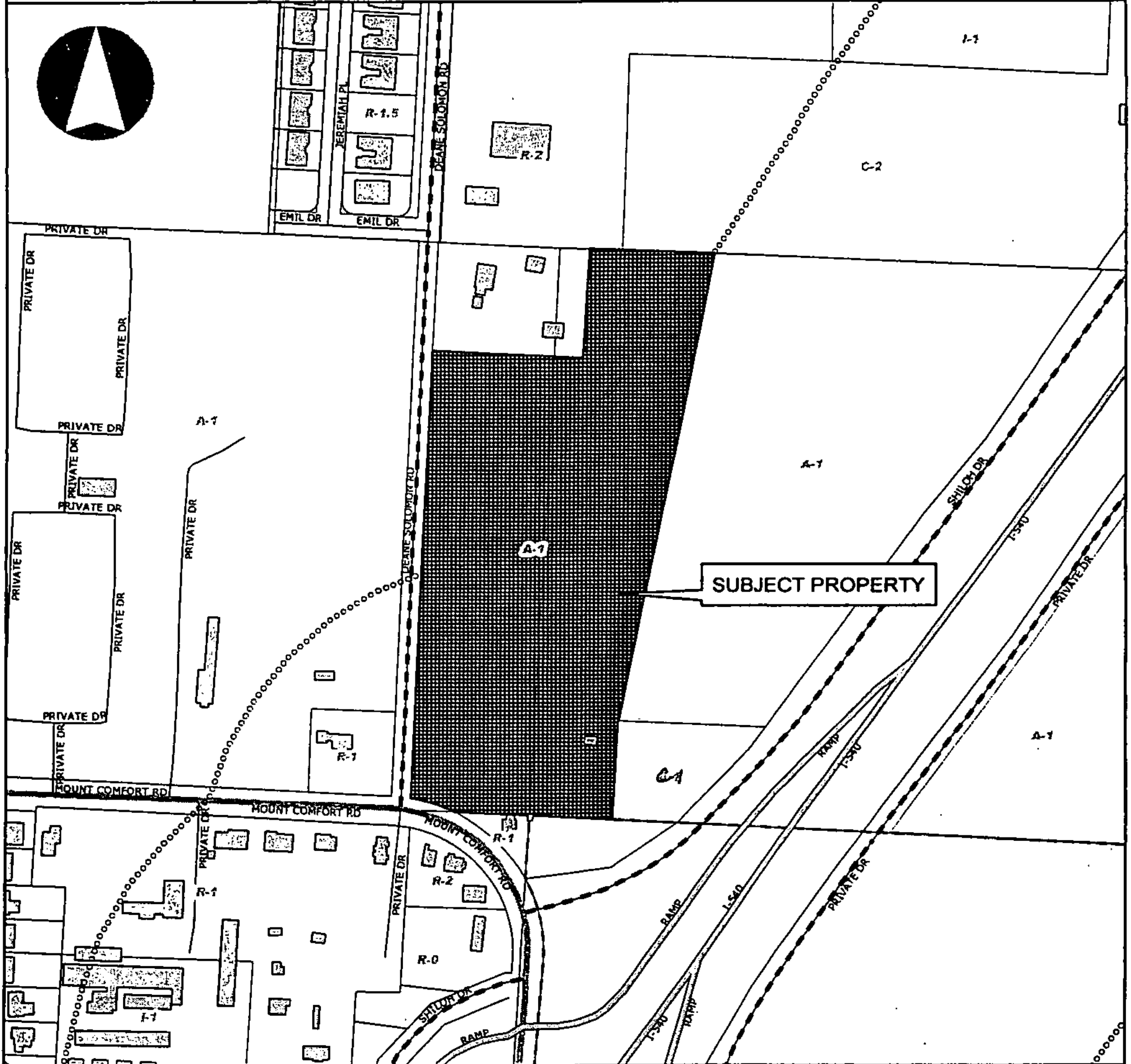
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

**Finding: N/A**

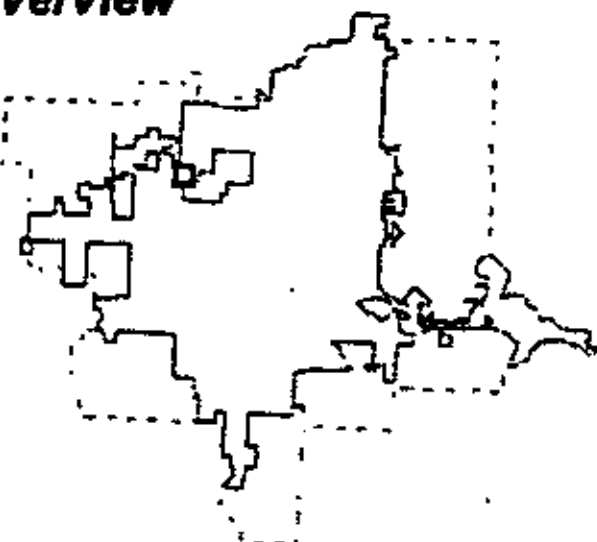
**RZN01-28.00**

Close Up View

# **GUISINGER/ SAGER**



## **Overview**



## **Legend**

### **Subject Property**

RZN01-28.00

### **Streets**

Existing

Planned

### **Boundary**

Planning Area

Overlay District

City Limits

Outside City

### **Master Street Plan**

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

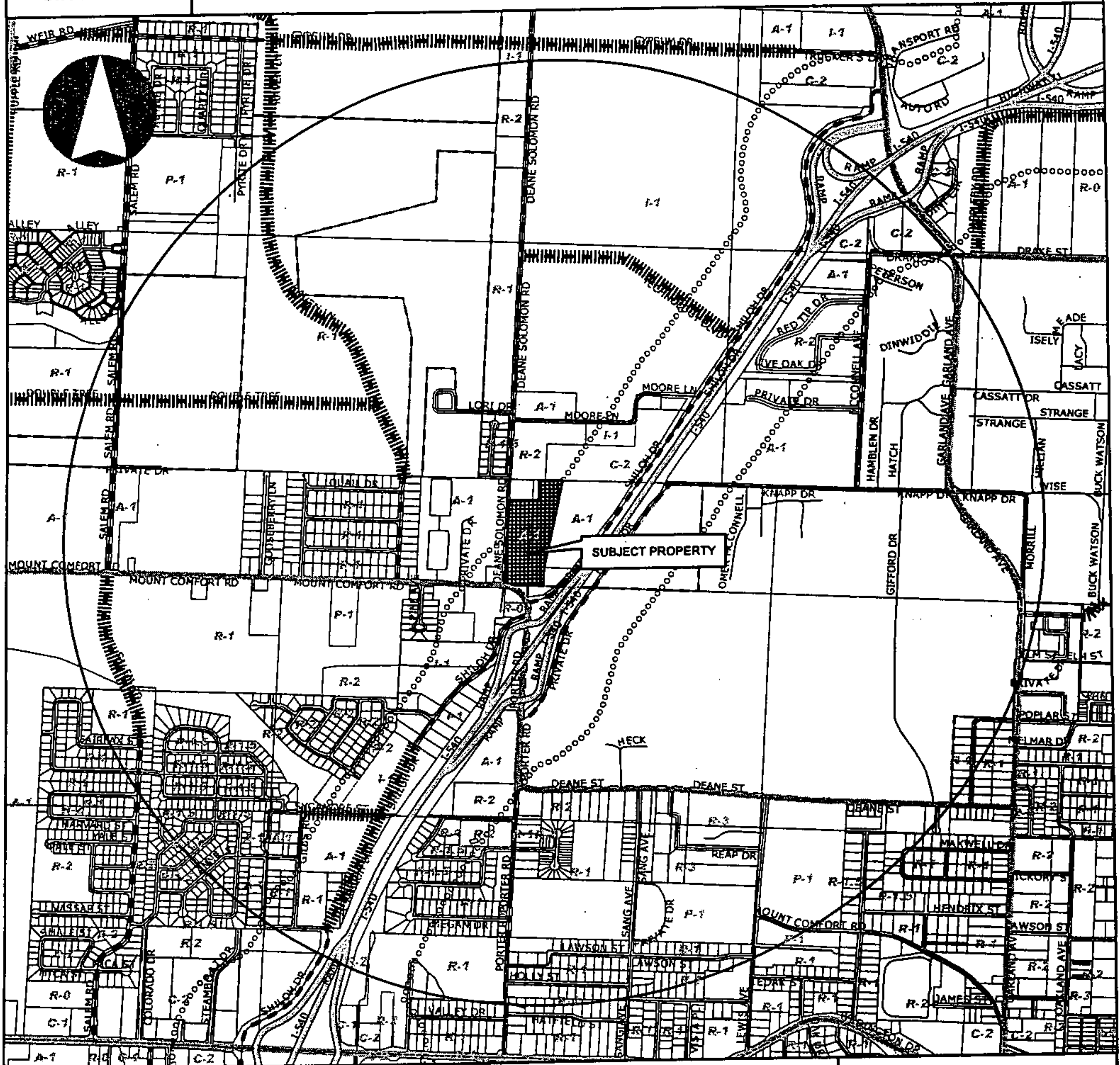




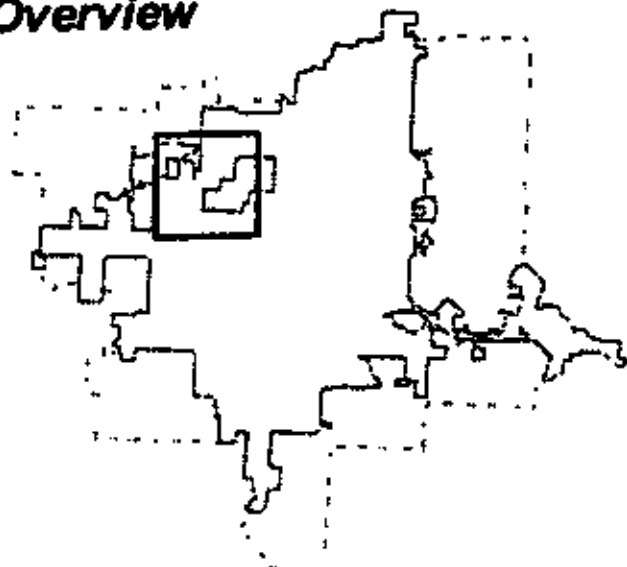
**RZN01-28.00**

One Mile View

# **GUISINGER/ SAGER**



## **Overview**



## **Legend**

### **Subject Property**

RZN01-28.00

### **Streets**

Existing

Planned

### **Boundary**

Planning Area

Overlay District

City Limits

Outside City

### **Master Street Plan**

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

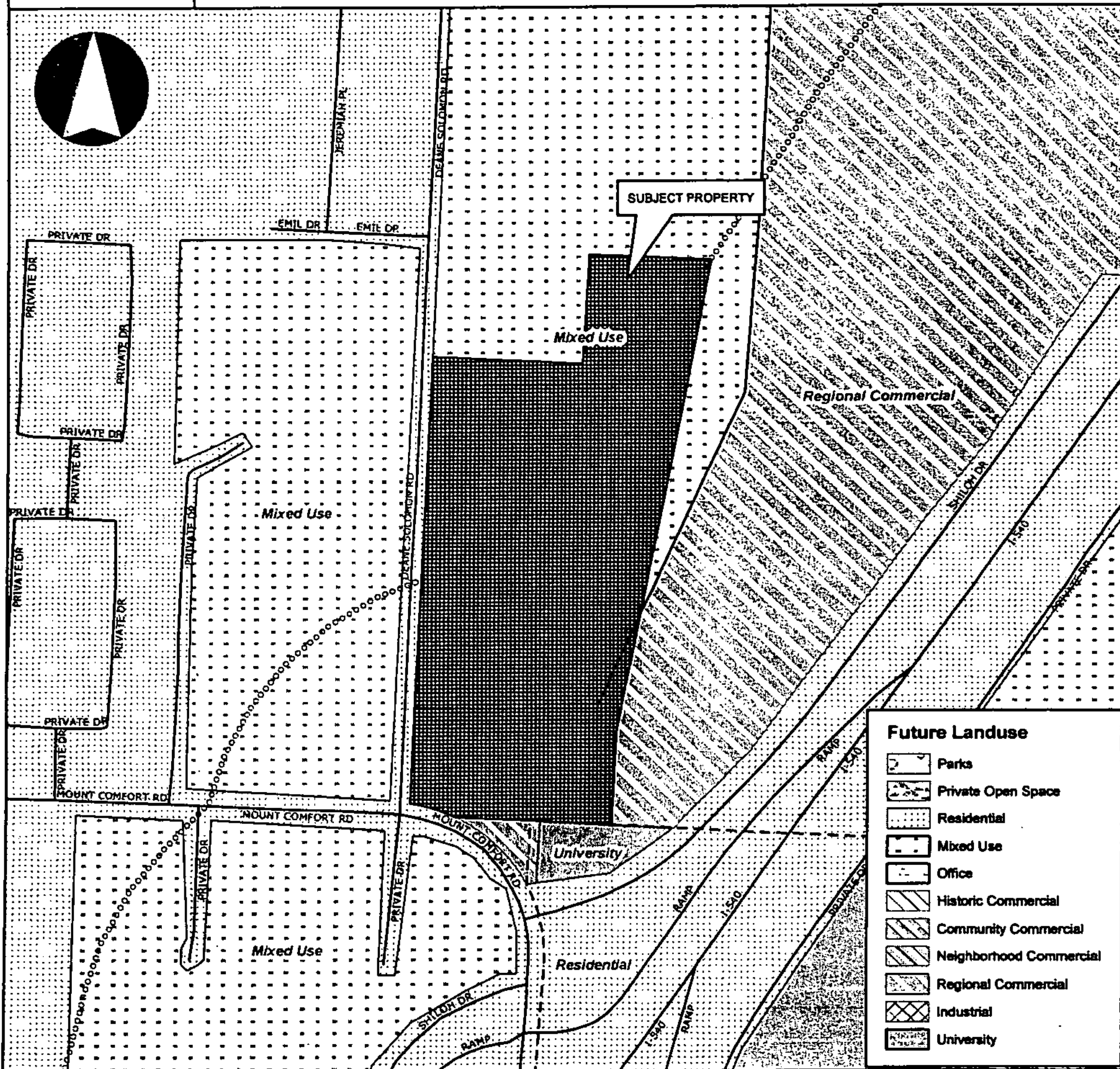
0 0.125 0.25 0.5 0.75 1 Miles



**RZN01-28.00**

Future Landuse

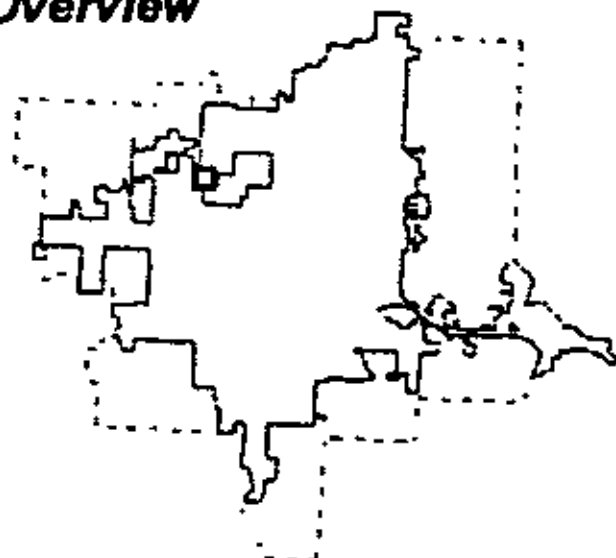
# **GUISINGER/ SAGER**



## **Future Landuse**

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

## **Overview**



## **Legend**

### **Subject Property**

RZN01-28.00

### **Streets**

Existing  
 Planned

### **Boundary**

Planning Area  
 Overlay District  
 City Limits

0 125 250 500 750 1,000 Feet



## STAFF REVIEW FORM

Senior Center  
C. 7. Page 1

☒ Agenda Request  
☐ Contract Review  
☐ Grant Review

For the Fayetteville City Council meeting of December 18, 2001

## FROM:

Hugh Earnest

Name

Division

Urban Development

Department

**ACTION REQUIRED:** Approve a Resolution authorizing a change order for activities associated with construction of the Senior Citizen Center.

## COST TO CITY:

\$  
Cost of this Request\$  
Category/Project Budget  
Category/Project Name  
Account Number\$  
Funds Used to Date  
Program Name  
Project Number\$  
Remaining Balance  
Fund

## BUDGET REVIEW:

 Budgeted Item Budget Adjustment Attached  
Budget Manager  
Administrative Services DirectorCONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:  Accounting Manager  Date ADA Coordinator  Date City Attorney  Date Internal Auditor  Date Purchasing Officer  Date

## STAFF RECOMMENDATION: Approval of the Resolution and Budget Adjustment

  
Division Head  
Date  
Cross ReferenceHugh Earnest  
Department Director12-6-01  
Date

New Item: Yes No

  
Administrative Services Director  
DatePrev Ord/Res #:   
Mayor  
DateOrig Contract Date:

**STAFF REVIEW FORM**

Description\_\_\_\_\_ Meeting Date\_\_\_\_\_

Comments:

Reference Comments:

Budget Coordinator

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Accounting Manager

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City Attorney

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Purchasing Officer

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ADA Coordinator

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Internal Auditor

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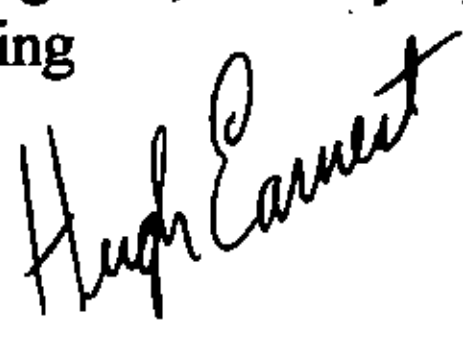
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THE CITY OF FAYETTEVILLE, ARKANSAS

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Date: December 6, 2001

To: December 5, 2001 Meeting Attendees:  
Minor Wallace, Bert Rakes - City of Fayetteville  
Mark Sugg, Daryl Rantis - Daryl S. Rantis Architects  
Ben Smith, Harrison Davis - Harrison Davis Construction  
Janet Linebaugh, Michael Cosgrove, Rodney Ryan, Andy Lucas,  
Cindy Webb - Council on Aging

From: Hugh Earnest  
Urban Development Director 

Subject: December 5<sup>th</sup> meeting on Senior Citizen Center

I offered to reduce to writing the extensive and productive meeting held on Wednesday to discuss the status of the construction of a Senior Citizens Center for the Council on Aging. The following list is presented as bullet points to insure clarity and brevity. As we agreed, all attendees will be responsible for reviewing these to insure that there is agreement on what was discussed and agreed upon. The list is presented in no particular order.

- Hugh Earnest will be the principal contact for the City and will act as Project Manager. Minor Wallace will be the City representative on a day-to-day basis.
- Hugh Earnest will be the authorized spokesperson for the City. All comments on this project from City staff will be his responsibility.
- The Council on Aging will be responsible for designating a spokesperson
- Harrison Davis Construction Company committed to completion of the project.
- The City commitment to this project is capped at \$1,982,600. That amount is the contract between the City and Davis Construction. There is no contingency in the contract.
- It was agreed that all change orders to the contract would be the fiscal responsibility of the Council on Aging.



December 5<sup>th</sup> meeting on Senior Citizen Center  
Page 2

- The City will process no change orders without a commitment of funds from the Council. City and Council representatives will determine the issue of what constitutes an acceptable commitment by December 14<sup>th</sup>, 2001.
- There will be at a minimum bi-weekly meeting between the parties to ensure that acceptable progress is being made.
- The architect agreed to fax meeting dates and an agenda to all parties as part of the preparation for the bi-weekly meetings.
- Harrison Davis Construction will provide, at a minimum, a monthly progress report that summarizes their progress against the project time line.
- The City will not process any change order that has not been approved by the representative from the Council on Aging.
- The issue of additional days and the imposition of liquidated damages were not discussed. It will be dealt with over the next several months.

CC. Mayor Dan Coody  
Ted Webber  
Steve Davis

STAFF REVIEW FORM

XX AGENDA REQUEST  
\_\_\_\_ CONTRACT REVIEW  
\_\_\_\_ GRANT REVIEW

For the Fayetteville City Council meeting of December 18, 2001

FROM:

Stephen Davis  
Name

Budget & Research  
Division

Administrative Services  
Department

ACTION REQUIRED:

Amend Ordinance 3765 to add Municipal Judge to the City Officials listed in Section 1.

COST TO CITY:

\$

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used To Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW:

\_\_\_\_ Budgeted Item \_\_\_\_ Budget Adjustment Attached

Steph Davis  
Budget Manager

\_\_\_\_  
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

Grant Coordinator

Date

STAFF RECOMMENDATION:

Steph Davis  
Division Head

12/6/01  
Date

Cross Reference

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

\_\_\_\_  
Department Director  
Steph Davis  
Administrative Services Director

Date

12/6/01  
Date

Prev Ord/Res #: \_\_\_\_\_

Dan Coody  
Mayor

12/6/01  
Date

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_



# STAFF REVIEW FORM

☒ Agenda Request  
☐ Contract Review  
☐ Grant Review

For the Fayetteville City Council meeting of December 18, 2001

## FROM:

Greg Boettcher  
Name

Engineering  
Division

Public Works  
Department

## ACTION REQUIRED:

Approval of a Consultant Contract Amendment (original contract dated December 15, 1998) for Downtown Dickson Enhancement Project in the amount of \$120,972.03 to address: (1) easement revisions - \$9,660.00, (2) construction engineering - \$39,552.03, and (3) project construction inspection - \$71,760.00 (option to allow use of Engineering Division personnel for full-time inspection). Current contract amount is \$530,227.62 to \$651,200.15.

## COST TO CITY:

\$120,972.03  
Cost of this Request

\$2,224,098.00  
Category/Project Budget

Contract Services  
Category/Project Name

4470-9470-5809-00  
Account Number

\$206,302.00  
Funds Used to Date

Street Improvements  
Program Name

98097  
Project Number

\$2,017,796.00  
Remaining Balance

Sales Tax Capital Improvement  
Fund

## BUDGET REVIEW:

☐ Budgeted Item

☐ Budget Adjustment Attached

Budget Manager

Administrative Services Director

## CONTRACT/GRANT/LEASE REVIEW:

## GRANTING AGENCY:

Accounting Manager Date

ADA Coordinator

Date

City Attorney Date

Internal Auditor

Date

Purchasing Officer Date

## STAFF RECOMMENDATION: Approval of the Resolution and Budget Adjustment

Division Head

Date

Cross Reference

*Greg Boettcher*  
Department Director

12-07-01  
Date

New Item: Yes No

Administrative Services Director

Date

Prev Ord/Res #: \_\_\_\_\_

COPY

**AMENDMENT NO 4  
TO  
THE AGREEMENT FOR CONSULTING SERVICES**

**PROJECT:** Downtown Dickson Street Enhancement Project

**CONSULTANT:** The Benham Group, 117 S. Parkwood,  
Lowell, Arkansas 72745

**OWNER/CLIENT:** City of Fayetteville, 113 West Mountain,  
Fayetteville, AR 72701

WHEREAS, The Benham Group (CONSULTANT) and the City of Fayetteville, Arkansas (CLIENT) entered into an agreement for Consulting Services dated December 15, 1998, and,

WHEREAS, The scope of the December 15, 1998 agreement set out a specific scope of services, and additional items of work, outside the initial scope of services have been required to complete the design of the Downtown Dickson Street Enhancement Project (PROJECT), including :

- ITEM NO 1- Revision of previously approved parcel maps and revision of previously approved construction drawings to correspond to negotiated easement purchases (tracts involved included: University of Arkansas, Campus Bookstore, Sound Warehouse, Mr. Tux, Dickson Street Bookstore and Mr. Lamar Petus), including applicable subcontract costs, and,

WHEREAS, The scope of the December 15, 1998 agreement did not include needed services associated with basic construction administration services, including:

- ITEM NO 2- Provision of bidding and construction phase services associated with the construction of the PROJECT, including street, sidewalk and landscaping improvements, said basic construction administration services to include: bidding, bid opening, bid evaluations, award recommendations, award processing, pre-construction conference, shop drawing reviews, progress and payment reviews, change order processing, weekly monitoring of the work (5 hours/week), final inspection of completed PROJECT and related consulting services associated with the bidding/construction phases of the PROJECT, and,

WHEREAS, The scope of the December 15, 1998 agreement did not include needed services associated with the full-time resident observation of PROJECT construction, including:

- ITEM NO 3- Provision of a full-time on-site resident inspector to observe and document all PROJECT construction for compliance with the drawings and contract documents, to report non conforming work/problems to the CONSULTANT, to conduct, observe and record quality control testing, to maintain complete construction records and to coordinate the PROJECT construction with all concerned parties,

Downtown Dickson Street Enhancement Project  
Page 2

NOW THEREFORE be it resolved between the CONSULTANT and CLIENT, that the above referenced items of additional work, if authorized in writing by the CLIENT, shall be performed for the following not-to-exceed amounts:

|                                              |             |
|----------------------------------------------|-------------|
| ITEM NO 1- Additional Design Services        | \$ 9,660.00 |
| ITEM NO 2- Basic Construction Administration | \$39,552.03 |
| ITEM NO 3- Full-Time Residential Inspection  | \$71,760.00 |

The CLIENT may authorize one, two or all three items as it deems appropriate, with said authorized additional items of work and upper limits of compensation to be added to the scope of the December 15, 1998 agreement for Consulting Services and the current upper limit of costs of \$530,227.62. All additional services subsequently authorized by the CLIENT in writing shall be invoiced on a cost plus fixed-fee basis, with cost to be direct labor and direct expenses, indirect labor cost to be based upon an audited overhead rate, not to exceed a factor of 150% and fixed fee to be 15% of the combined direct and indirect costs. The CLIENT reserves the right to provide resident inspection services, ITEM NO 3, using its own staff.

IN WITNESS WHEREOF to the acceptance of the terms and conditions as set forth in the Amendment No 4 to the December 15, 1998 agreement for Consultant Services, the Benham Group and the City of Fayetteville Arkansas have executed this amendment to agreement effective the date set forth below. All other terms and conditions of said Agreement not in conflict with or amended herewith remain in full force and effect.

Signed this \_\_\_\_\_ day of December, 2001.

CITY OF FAYETTEVILLE  
FAYETTEVILLE, AR

THE BENHAM GROUP  
LOWELL, AR

\_\_\_\_\_  
Dan Coody  
Mayor of Fayetteville

\_\_\_\_\_  
Gary L. Carnahan  
Vice - President

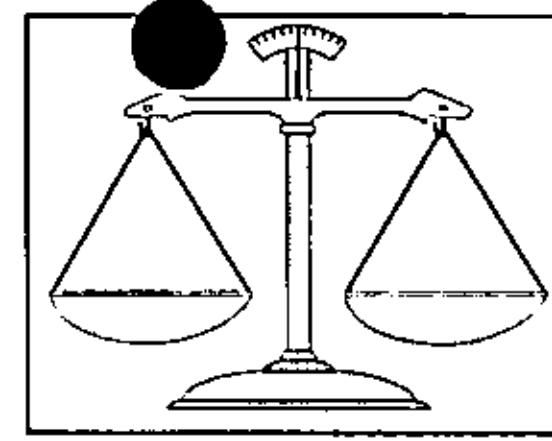


# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

## **DEPARTMENTAL CORRESPONDENCE**

---

TO: Dan Coody, Mayor

THRU: Heather Woodruff, City Clerk

FROM: Kit Williams, City Attorney

A handwritten signature in black ink, appearing to read 'Kit Williams', written over a horizontal line.

DATE: December 19, 2001

RE: **Passed Ordinances and Resolutions from City Council  
meeting of December 18, 2001**

The following Ordinances and Resolutions were passed at  
the last City Council meeting.

Enclosed are:

1. **Sunbridge & Gregg:** Resolution awarding  
contract to Moblery Contractors, Inc in amount of  
\$241,627.00
2. **Microsoft Office:** Resolution approving purchase  
of 223 Microsoft Office XP software licenses from  
Dell Inc.
3. **US Able Life:** Resolution renewing employee  
group policies from US Able Life

4. **Trolley:** Resolution to approve agreement contract w/Jones Transportation
5. **ANX 01-4.00:** Ordinance approving annexation request as submitted by Dave Jorgensen on behalf of Mark Foster for property owned by Eugene Nottenkamper & Anthony Turchi
6. **RZN 01-22.00:** Ordinance approving rezoning request as submitted by Dave Jorgensen on behalf of Mark Foster for property owned by Eugene Nottenkamper & Anthony Turchi
7. **Budget:** Resolution to approve & adopt 2002 annual City budget & work program as amended
8. **Senior Citizen Center:** Resolution authorizing change order for activities associated w/construction of Senior Citizen Center and approving a budget adjustment
9. **Municipal Judge:** Ordinance amending Chapter 31 of Fayetteville Code or Ordinances & establishing salary provision for District Judge of Fayetteville
10. **Downtown Dickson Enhancement Project:** Resolution approving amendment for DDEP in amount of \$120,972.53
11. **CAT:** Resolution approving contract in amount of \$34,500.00 with Community Access Television for public access television services for first half of 2002



12/19/2001

11:11:05

#### 4 Matches

Sel - (B=Browse )

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(P=Print
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|     |            |      |                            |
|-----|------------|------|----------------------------|
| ORD | 12/04/2001 | 4351 | REZONING RZN 01-17.00      |
| ORD | 12/04/2001 | 4352 | REZONING RZN 01-18.00      |
| ORD | 12/04/2001 | 4353 | REZONING RZN 01-19.00      |
| ORD | 12/04/2001 | 4354 | VACATE & ABANDON VA01-8.00 |

Page 1 of 1

### Cmd1-Return

## Roll Keys

Cmd3 - End

Press 'ENTER' to Continue

(c) 1986-1992 Munimetrix Systems Corp.

015 03

City of Fayetteville

12/19/2001

12/01/2001 - 12/31/2001

Maintenance/Inquiry

11:10:03

Exp...:

14 Matches

Cont.:

RES

Sel- (B=Browse )

Sel Ref.

Date

Item

Action

Brief Description

(P=Print )

|     |            |     |  |                                     |
|-----|------------|-----|--|-------------------------------------|
| RES | 12/03/2001 | 157 |  | TRANSFER OF FUNDS/OZARK TRANSIT     |
| RES | 12/04/2001 | 158 |  | LAKE SEQUOYAH BOAT DOCK/2002        |
| RES | 12/04/2001 | 159 |  | SMITH & WESSON MODEL HANDGUNS       |
| RES | 12/04/2001 | 160 |  | RADIO MAINTENANCE/MOTOROLA, INC     |
| RES | 12/04/2001 | 161 |  | CABLE COMMUNICATIONS SYSTEM         |
| RES | 12/04/2001 | 162 |  | MITCHELL OIL COMPANY, INC CONTRACT  |
| RES | 12/04/2001 | 163 |  | PURCHASE OF TRASH CONTAINERS        |
| RES | 12/04/2001 | 164 |  | PURCHASE TRASH COMPACTORS/ROLL-OFF  |
| RES | 12/04/2001 | 165 |  | FIVE YEAR CAPITAL IMPROVEMNT PROGRM |
| RES | 12/04/2001 | 166 |  | OFFER AND ACCEPTANCE CONTRACT       |
| RES | 12/04/2001 | 167 |  | OFFER AND ACCEPTNANCE CONTRACT      |
| RES | 12/04/2001 | 168 |  | RENEWAL BLUE CROSS/BLUE SHIELD GRP  |
| RES | 12/04/2001 | 169 |  | ACCEPT & ADOPT AMENDMENTS/PAY PLAN  |
| RES | 12/04/2001 | 170 |  | BUDGET ADJUSTMENT/SALARY SURVEY     |

Page 1 of 1

Cmd1-Return

Roll Keys

Cmd3-End

Press 'ENTER' to Continue

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**STAFF REVIEW FORM**

*file w/ agenda 11-18-01 Remove from agenda*

☒ **AGENDA REQUEST**  
☐ **CONTRACT REVIEW**  
☐ **GRANT REVIEW**

For the Fayetteville City Council meeting of December 18, 2001.

**FROM:**

|                    |                 |                          |
|--------------------|-----------------|--------------------------|
| <u>Tim Conklin</u> | <u>Planning</u> | <u>Urban Development</u> |
| Name               | Division        | Department               |

**ACTION REQUIRED:** To approve an ordinance for RZN 01-25 as submitted by Shawki Al Madoun of Northstar Engineering Consultants, Inc. on behalf of Fadil Bayarri for property located west of Highway I-540 and south of Porter Road. The property is zoned I-1, Heavy Commercial, Light Industrial and contains approximately 12.22 acres. The request is to rezone to R-1.5, Moderate Density Residential.

**COST TO CITY:**

|                      |                         |                       |
|----------------------|-------------------------|-----------------------|
| \$ _____             | _____                   | _____                 |
| Cost of this Request | Category/Project Budget | Category/Project Name |
| _____                | _____                   | _____                 |
| Account Number       | Funds Used To Date      | Program Name          |
| _____                | _____                   | _____                 |
| Project Number       | Remaining Balance       | Fund                  |

**BUDGET REVIEW:** \_\_\_\_\_ Budgeted Item \_\_\_\_\_ Budget Adjustment Attached

|                |                                  |
|----------------|----------------------------------|
| _____          | _____                            |
| Budget Manager | Administrative Services Director |

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

|                    |                 |                  |       |
|--------------------|-----------------|------------------|-------|
| _____              | _____           | _____            | _____ |
| Accounting Manager | Date            | Internal Auditor | Date  |
| <i>[Signature]</i> | <i>11/30/01</i> | _____            | _____ |
| City Attorney      | Date            | ADA Coordinator  | Date  |
| _____              | _____           | _____            | _____ |
| Purchasing Officer | Date            |                  |       |

**STAFF RECOMMENDATION:** Staff recommended approval and on November 26, 2001, Planning Commission unanimously voted 8-0-0 to recommend approval and to forward the rezoning to the City Council.

|                    |                 |
|--------------------|-----------------|
| _____              | _____           |
| Division Head      | Date            |
| <i>[Signature]</i> | <i>11-30-01</i> |

|                                  |                 |
|----------------------------------|-----------------|
| _____                            | _____           |
| Department Director              | Date            |
| <i>[Signature]</i>               | <i>12/4/01</i>  |
| Administrative Services Director | Date            |
| <i>[Signature]</i>               | <i>12/06/01</i> |
| Mayor                            | Date            |

Cross Reference

New Item: **Yes**

Prev Ord/Res #: \_\_\_\_\_

Orig Contract Date: \_\_\_\_\_

Orig Contract Number: \_\_\_\_\_





ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 01-25.00 FOR A PARCEL  
CONTAINING APPROXIMATELY 12.22 ACRES FOR PROPERTY  
LOCATED WEST OF HIGHWAY I540 AND SOUTH OF PORTER ROAD,  
FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY SHAWKI AL-  
MADOUN ON BEHALF OF FADIL BAYYARI.

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

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

From I-1, Heavy Commercial, Light Industrial to R-1.5, Moderate Density  
Residential as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

APPROVED:

By:



DAN COODY, Mayor

ATTEST:

By:

Heather Woodruff, City Clerk

EXHIBIT "A"

RZN 01-25.00

A PART OF THE SE 1/4 OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SE CORNER OF SAID SECTION 6, THENCE N88°47'54"W 1296.52 FEET TO THE POINT OF BEGINNING, THENCE N88°47'53"W 652.09 FEET, THENCE N33°41'39"E 467.93 FEET TO A FOUND MONUMENT FOR THE SOUTHEAST CORNER OF PINE VALLEY SUBDIVISION, THENCE N33°41'39"E 657.97 FEET TO A FOUND IRON PIN FOR THE SOUTHWEST CORNER OF POINT WEST, PH I AND THE WESTERLY RIGHT OF WAY OF THE US HIGHWAY 71 BYPASS, THENCE S35°11'42"W 299.97 FEET TO A CONCRETE MONUMENT, THENCE S32°24'48"W 261/43 FEET TO A CONCRETE MONUMENT, THENCE S67°31'21"W 28.54 FEET TO THE POINT OF BEGINNING. CONTAINING 12.22 ACRES MORE OR LESS.



**RZN 01-25.00: Rezoning (Bayyari, pp 363)** was submitted by Shawki Ali-Madoun, PE of Northstar Engineering Consultants, Inc. on behalf of Fadil Bayyari for property located west of Highway I-540 and south of Porter Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 12.22 acres. The request is to rezone to R-1.5, Moderate Density Residential.

Estes: The next item on our agenda is item number 7, RZN 01-25.00, this is a rezoning request submitted by Northstar Engineering Consultants, Inc. for property located west of Highway I-540 and south of Porter Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 12.22 acres. The request is to rezone to R-1.5, Moderate Density Residential. Staff recommends approval of the requested rezoning based on the findings included as a part of your report. Is the applicant or the applicant's representative present? If you have a presentation that you would like to make would you please state your name and provide us with the benefit of your presentation.

Al-Madoun: My name is Shawki Al-Madoun, Northstar Engineering, I'm here on behalf of Fidel Properties. This particular property is requesting rezoned to R-1.5, on the north side of it is industrial, on the east across I540 is mainly apartments on the west side, there are R-2 duplexes on the south side and of course there is vacant property. We appreciate your consideration of this request and I will be more than happy to answer any questions.

**PUBLIC COMMENT:**

Estes: Commissioners, do you have any questions at this time? Is there any member of the public who would like to comment on this requested rezoning, 01-25.00? If so, would you come forward to the microphone please, state your name and your address and provide us with the benefit of your comments.

Jensen: Thank you. My name is Sue Jensen. I live at 1980 Caton Drive. I am the representative of the Pine Valley Neighborhood Association. We have a number of our people here this evening. I believe you all have in your packets a letter that one of our members has put together stating our concerns. We would like to know, we would really like to know before the zoning is changed, what actually is in mind for the property. We were told by the City Planning Department that there was no finding of fact, they did not have anything for large scale development, they had nothing in the way of prints. We do not know anything about access and egress. We're having a terrible time with that because we only have one access and that out onto Mount Comfort. We're looking at a tremendous number of changes in our area and it is going to be affecting all of us in a variety of ways. We would like to know about it at the beginning as opposed to after the fact. I made a call

two weeks ago to the engineering firm to inquire about it, I left my name and number, I have not had a return call. We have had no help from the city Planning Department. They say that they don't have anything. We are here tonight to ask you if you would consider tabling it please until we can find some of these things out and see what can be worked on.

Estes: Thank you Ms. Jensen. Tim, in response to some of Ms. Jensen's concerns and the neighborhood association, could you give us a brief summary please of what we have before us that is a rezoning request and that we do not have a large scale development request or the preliminary plat and how that goes through the process and when we will see that and when the appropriate time will arise to address what I understand to be Ms. Jensen's concerns and the neighborhood association's concerns.

Conklin: Sure. This evening, we have an applicant who has applied to change the zone from heavy commercial, light industrial to R-1.5, Moderate Density Residential, which allows single family duplex, triplex uses. Before someone can submit a large scale development or preliminary plat, they have to have the zoning in place for the type of project they're going to be developing on this type of property. If we had a developer who wanted to utilize the current heavy commercial, light industrial zoning that is already there, they would submit plans for a large scale development or a preliminary plat and at that time we would consider street connections, what the developer's responsibilities would be with regard to extending streets and participating in offsite improvements. However, at this time, this evening we're looking at should this property stay heavy commercial, light industrial or should it be rezoned to R-1.5, moderate density residential. What you are considering tonight is land use, how the property should be developed in the future. Currently it is the heavy commercial, light industrial. We do not allow individuals to bring large scale developments or preliminary plats to us in zoning districts that do not allow for those type of uses so the applicant would not be allowed to provide to us a preliminary plat on this piece of property for duplexes since duplexes are currently not allowed on this piece of property. After the Planning Commission makes a recommendation, if you make a recommendation to approve it, it will automatically go forward to the City Council. Zoning changes, by ordinance, it takes three readings at City Council. Typically, you'll at least have two meetings at City Council. If it is denied, the applicant can appeal within ten working days to the City Council and the City Council will make a final decision and based on their decision on the zoning, if they change it to R-1.5, the applicant and developer will be able to proceed with plans to develop it with those allowed uses which would be a single family duplex or triplex uses. He would submit to the Planning Division a large scale development, preliminary plat, we would go through a similar process, there would be one additional public hearing at the Subdivision Committee level, at that time we will look at streets, sidewalks, water, the typical improvements the developers are required to

participate in plus offsite improvements.

Estes: Thank you Tim. Tim, the property is presently zoned I-1, the request is to rezone to R-1.5, is this typically referred to as a downzoning?

Conklin: Yes, typically we refer to those as downzonings when we're actually removing the rights of individuals to develop it more intensely. The I-1 zoning does allow for warehousing, ministorage, car sales, those type of uses. The applicant is asking to change the zoning to no longer allow those type of uses and to allow for residential types of uses on this piece of property.

Estes: Thank you Tim. Is there any other member of the audience who would like to comment on this requested rezoning?

Campbell: My name is Samuel Campbell, I live at 1881 N. Pine Valley Drive which is that housing area, mainly duplexes, west of the proposed development. I think the main consideration here is not just this parcel by itself but what is taking place along the Porter Road, Mount Comfort arterial. I believe it might be in the knowledge of the Commission that there are pending developments at that intersection of Shiloh with Porter Road. One on the south and one on the north. The traffic at critical hours from 7:30 to 8:00 a.m. is already dangerously congested as you are aware, Porter Road has a curve in it along there and as cars sweep around the curve, in spite of the warnings to the contrary, they come pretty fast and cars pulling out of Shiloh turning sometimes left and sometimes right constitutes already a dangerous situation. Police Department should be called into this and testify from their point of view. I don't think there is any particular rush on this to do something with the strategic piece of property. I believe you have some papers there that indicate that this is strategic from a distribution standpoint, it is a warehousing area, a small business area. It communicates to other points in Arkansas and Oklahoma with high quality roads. Therefore, as a plus for any city that has this type of surface communication. However, even so, I believe the sentiment in our neighborhood is not to stand in the way of progress but it does seem that it would raise a question requiring some study when you sacrifice a strategic job area, employment center for a housing area. Each one of the bedrooms that you foresee here will account for a motor vehicle. What people in Arkansas do when they send their offspring to the University of Arkansas, they buy them a little red car, a cell phone and send them off to meet the real world. When they send them there they are sending them into what is already a traffic jam. I think that what you would do is you would take some time on this and you would study the access, you would study the other developments that are taking place that will also add to the congestion. You would probably look at some egress to the south to drain off part of the little red cars. My point



is to take some time and do it right.

Estes: Thank you Mr. Campbell. Is there any other member of the audience who would like to comment on this requested rezoning, 01-25.00?

Albert: My name is Dianna Baine Albert and I live at 1860 Pine Valley Drive. My property faces the property in question. What I am most concerned about is the Planning Commission was very helpful in providing this little map to us about the flood plain. Where the property that they are talking about rezoning, it faces directly behind me. There is a huge, big gully that runs through there and I've always been really concerned when it rains. There is a big ditch that actually floods my back yard. I'm extremely concerned about what we're going to do if they rezone to what it is going to do and how they are going to fix this. On this, it shows where there is a hundred year flood plain. Right exactly, I'm sure that you all have seen this, it shows exactly where there is a huge flood plain, the whole piece of property is. What kind of drainage would go in there, I live at the very end that faces exactly back towards it. There is a piece of property right directly beside me to the south that I wanted to purchase, just to have and they told us that nothing could ever be built there because it was a flood plain. They couldn't build another duplex there or anything. We've cleaned out a lot. Directly behind us they told us that even if they built a big factory they would have to do something, that was two years ago when we first purchased the property. That is a major concern to me about what they are going to do about that.

Estes: Thank you Dianna. Is there any other member of the audience that would like to comment about RZN 01-25.00? Seeing none, I'll bring it back to the applicant for any comments or rebuttal.

Al-Madoun: Mr. Chairman, I probably need to clarify a few things. My office did receive a request from Ms. Sue, she asked some questions wanting to know about the property. We did pass that to Mr. Fidel Bayarri. He unfortunately tried, in my presence twice, to contact Ms. Sue and he wasn't successful. He instructed me to pass on his phone number for any concerned citizen to ask what he wants to do and he did direct me to share this with you that on this property that he is looking at 36 total lots, duplexes. It is going to be as part of the design, we will be taking into consideration the floodplain and all other requirements. This is one of the reasons we changed the zoning request from a higher density to a lower density, simply because we're going with 36 lots, although the zoning allows us to go almost up to 144 units, I'm sorry. We're only going only a % of that capacity. I will be more than happy to answer any questions for the citizens at any time. I will pass on my number and my client's number.



- Estes: Thank you. Any other public comment before I close the floor? The floor will be closed to public comment and I'll bring the item back to the Commission for discussion, questions or motions.
- Allen: I thought Tim, that it might be helpful for you to tell the neighbors the kinds of buildings that might be able to be allowed under right right now with the R-1.
- Conklin: Sure. Just to the north of this is I-1 and you can see what is developed there. Other uses allowed, ministorage, warehousing, car sales, pretty much most of the things that you see on commercial corridors like College Avenue would be allowed on this property. Rezoning it does allow us to control a little more of what goes on there. In I-1 if you do industrial uses, we don't have any design standards with the building materials. If you had a ministorage there you would potentially have metal buildings or that type of thing. The R-1.5, if it is rezoned and they bring a development through, I have given the park land dedication ordinance. I'm not sure whether that will be used to help preserve and keep out of areas that are in the floodplain, floodway. That is kind of what the developer did in Pine Valley and Pine Crest, that is why there is a park there. The city is trying to develop a greenway trail system and using part of that open space. With regard to the improvements, those will have to be considered at the time of development. If it stays I-1 when they come in the Planning Commission will have to deal with that and look at what the ordinances require and the studies that will be required to be performed to do this type of development, either commercial or residential.
- Estes: Any other discussion?
- Bunch: Yes, a couple of questions for staff. Even though this is zoned I-1, it is in the overlay district so wouldn't there still be some design standards or do they not apply in I-1?
- Conklin: If it is industrial uses, we haven't been allowed to apply those for the industrial areas.
- Bunch: Even in the overlay district?
- Conklin: Even in the overlay district, we're limited.
- Bunch: One other question, it is hard to tell from the maps that I have. Is there any access to the Pine Valley subdivision other than point west?
- Conklin: There is a stub out, River Ridge, that was required as part of Pine Valley. However, that stub out wasn't actually built. That would be something that would have to be discussed



and be required of the developer to make that connection. This property has many issues with regard to future street connections and offsite improvements and I've not sat down with our City Engineer and reviewed any development proposal because right now we're looking at the rezoning phase. In the past when we've worked with developers with preapplication meetings we have had discussion with regard to extension of Shiloh to the south and future connections across Hamstring Creek.

Bunch: One of the things that seem to be a concern here is the traffic. Eventually, if all of this builds out Shiloh and Sycamore will both be connected to something and will be alternate routes but as it stands right now, even this point west road is not a good situation because we have a subdivision that only has one way in and out that doesn't have connections to anything else until other subdivisions go in next to it and provide those connections. I was just wondering, it is hard to tell if there is anything to the west on Marigold Drive if there is any connection to anything there.

Conklin: There is a stub out back to the north but there is vacant property to the north.

Bunch: Ok, so this is a subdivision that is going to be dependent upon other developments around it to have multiple access. I'm talking about the Pine Valley Subdivision, the one that is already in existence.

Conklin: Yes...

Bunch: Until other developments develop around it and put in the needed infrastructure to spread the traffic out.

Conklin: That is correct.

Hoffman: I would like to address some of the neighborhood's concerns about the type of zoning. Mr. Bayarri has provided us with the trip generation calculations for both an industrial park and 146 dwelling units and residential in town house construction and I would like to go ahead and ask the applicant to come back up and explain these numbers and talk with staff the impact on the proposed Sycamore Street after we talk about the trip volume numbers. I don't know if the neighborhood association has gotten a hold of this but it looks to me as though you've compared the industrial development with the residential development and could you explain the differences please?

Conklin: Actually those are trip generation rates from our software, we ran those.

Hoffman: Ok, can you explain them then please?

Warrick: In order to determine a difference in the existing zoning and the proposed zoning I ran, using the ITE trip generation software, a summary report of 12.22 acres developed industrially that generated a traffic volume, weekday two way volume of 771 vehicles and then I utilized the R-1.5 zoning on 12.22 acres at the maximum density, which is twelve units per acre, which would be 146 dwelling units and generated a traffic volume based on that information which came up to 856 vehicles per day, there is about a 10% increase in the residential if it is developed at its maximum density which would be 12 units per acre.

Hoffman: Now I realize, I know we don't have any bills of assurance or anything like that but they're discussing 72 units per acre.

Warrick: Which is about 1/2 of what this was calculated at.

Hoffman: Right, so then we would see a net decrease in the amount of traffic based on what we've been told. Thanks Dawn, I wanted to make sure I was reading that right. The second thing I wanted to bring up is that anytime we look at a residential development connectivity is a big thing. I'm not sure how this would work with regard to connecting to River Ridge if it hasn't been built out, how close is it to this property line?

Conklin: It is one lot deep.

Hoffman: Is it that floodway deal, does it need a bridge or something?

Conklin: No, just for some reason it wasn't built. I haven't been able to determine why it wasn't built.

Hoffman: Is that something that would fall to the city to do should this rezoning be approved and the development go forward to get te connectivity between this development and I'm assuming the future Sycamore Street which is shown on the south edge of the property.

Conklin: The city probably wouldn't do that, the developer would be required to do that.

Hoffman: Ok.

Conklin: We require that of developers as an access issue.

Hoffman: I wonder if we can address the drainage questions more specifically, I know Ron is gone.

Conklin: Sure, at the time of development application we do have a floodplain ordinance and a grading ordinance and a storm water ordinance. All three of those ordinances will have to be followed with regard to the floodway and the floodplain. There are specific regulations with regard to what you can and can't do within those areas and if you do zone to those areas you have to engineer it so it doesn't cause potential increase in flooding in a floodway area. The storm water ordinances require that predevelopment and postdevelopment flows during the peak storm be either detained in a detention pond or they are shown to be better released in a stream up front before a flood occurs. The grading ordinance requires erosion control and other items to make sure that we don't cause future problems down stream. All of that would have to be engineered, that is done through preliminary grading drainage plan as part of the submittal for preliminary large scale development.

Hoffman: Right, I just wanted to touch all of those points. I'm going to support this and actually make a motion for approval but to let the concerned neighborhood know that there are plenty of protecting ordinances to address your concerns and that there will be additional opportunity for public input and I'm sure that it sounds like you have been playing phone tag with the developer. You can get together prior to the next public meeting, which will be City Council. With that being said, I'm going to make a motion for approval of RZN 01-25 with the specific findings in agreement with the findings of the staff for R-1.5 residential zoning.

Estes: We have a motion by Commissioner Hoffman to approve RZN 01-25, is there a second?

Ward: I'll second.

Estes: We have a second by Commissioner Ward, is there any discussion?

Conklin: I just want to make sure that you did receive that letter from Conway Therapy Services from Greg Wren. He states in his letter "My property is not within the 300', therefore I did not receive any notification of the rezoning but this rezoning will affect my property. Another property owner notified me as you will see in another letter from the other property owners, there are some concerns that need to be answered before this request is granted. I would hope that the Planning Commission, City Council, Mr. Bayyari and Northstar Engineering would address these concerns before making a final determination, even if it delays the decision for another month." Just to respond to the 300', our ordinances in Fayetteville require that adjoining property owners be notified, not the 300' requirement.



Estes: Thank you Tim.

Allen: I didn't want to be presumptuous enough to presume to know what the property owners might feel since I don't live in that area but I didn't know whether they all realized that the property already has the divine right of being a potential College Avenue without any of these protective ordinances that you would have if we do the downzoning so that it does come back through us and we can have some control over what is and how it is designed and what it looks like so that your neighborhood won't have metal buildings and carwashes and storage units in that area.

Marr: I think I will support this motion but I want to make you clear that I think that the Pine Valley Neighborhood Association has brought some very legitimate issues that are more and most appropriately addressed at large scale development. For me certainly I just want to make sure that it is clear to the developer that it is important to work with this group and address those issues prior to coming here. It will save all of us a lot of time because I certainly have the same issues, not relative to zoning, but to ingress and egress from this site which is a big concern of mine on how we do that. Looking at this information in front of me I will support the rezoning but there is going to be a lot of information, at least from my perspective, that I want to see relative to these individual's concerns when it comes back through.

Estes: Thank you Commissioner Marr, any other discussion?

Ward: Staff might briefly touch on the extension of Shiloh and putting a bridge in there south of this property, that is in our Master Street Plan and I'm sure the developer is going to have to partake in paying for part of that right?

Conklin: Yes, we have had this conversation probably two or three times already and preapplication meetings with other developers who are looking at developing this property, heavy commercial, light industrial. That is something that we will definitely have to consider. We required the developer of Pine Crest, I'm not sure if Pine Valley participated in the money for a bridge for Salem Road also so it is not uncommon that we look at that. Probably one reason why this road is not constructed is the city has been waiting for a developer to develop this piece of property, extend the road and participate in some type of project to cross Hamstring Creek. It has sat there for some time. That is something that we will definitely have to take a look at and work out in the way of a rational nexus formula.

Ward: Thanks Tim.

Estes: We have a motion by Commissioner Hoffman and a second by Commissioner Ward to approve RZN 01-25.00, is there any further discussion?

Hoffman: I want to clarify for the neighborhood association just how many meetings there are. As it goes through it will go to City Council, you'll have opportunity for input then. If it is approved, it has to go through the Technical Plat Review with the city staff and the Subdivision Committee before it ever comes back to the Planning Commission. There will be lots of opportunity for input on your questions and I think everybody's sentiments that these items do need to be addressed. That is all I had to say.

Estes: Any further discussion? Yes Sir.

Neighbor: I didn't know if there was any discussion regarding the rental values and how this new subdivision would affect the rental values. I think all of us as property owners, not only the ingress and egress and the amount of traffic that is going to be produced from that subdivision but Mr. Bayarri and the development company plans on building out there regarding these rental rates if they are duplexes, triplexes or whatever. There is a medium out there that we need to be careful with. If a bunch of triplexes go in there and they rent for \$200 to \$300 less per month than we're getting right now then that is going to be a tremendous detriment to our property values. Not only the physical aspects, draining aspects and everything else that is involved in this thing and I hope you and City Council and everyone else will consider that the property values be addressed. When I go get an appraisal made on my property value, they have to look at the rental rates around us so if the rental values of this new subdivision are going to be \$100, \$200, anything less than what we get now, then it is going to be a detriment to us and definitely a shortfall from what our values are now so I hope the Commission and the Council will consider that as well.

Estes: Commissioners, are there any other questions or comments? We have a motion by Commissioner Hoffman and a second by Commissioner Ward to approve RZN 01-25.00, any other discussion? Renee, would you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to approve RZN 01-25.00 and to forward it to City Council was approved by a vote of 8-0-0.

Estes: The motion to approve RZN 01-25.00 passes by a unanimous vote, this is advisory only to the City Council, it now goes forward to the City Council for a determination. The first reading will appear on the December 18, 2001 meeting of the Fayetteville City Council.



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

## PLANNING DIVISION CORRESPONDENCE

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TO: Fayetteville Planning Commission  
FROM: Dawn T. Warrick, Senior Planner  
THRU: Tim Conklin, A.I.C.P., City Planner  
DATE: November 20, 2001

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**RZN 01-25.00: Rezoning (Bayyari, pp 363) was submitted by Shawki Ali-Madoun, PE of Northstar Engineering Consultants, Inc. on behalf of Fadil Bayyari for property located west of Highway I-540 and south of Porter Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 12.22 acres. The request is to rezone to R-1.5, Moderate Density Residential.**

### RECOMMENDATION:

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

|                                                         |                                                             |
|---------------------------------------------------------|-------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                      | Required <u>YES</u>                                         |
|                                                         | <input type="radio"/> Approved <input type="radio"/> Denied |
| Date: <u>November 26, 2001</u>                          |                                                             |
| <b>CITY COUNCIL ACTION:</b>                             | Required <u>YES</u>                                         |
|                                                         | <input type="radio"/> Approved <input type="radio"/> Denied |
| Date: <u>December 18, 2001 (1<sup>st</sup> reading)</u> |                                                             |

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## **BACKGROUND:**

The original request for this rezoning was for an R-2, Medium Density Residential designation. After reviewing the proposal with the applicant's representative, staff has recommended R-1.5, Moderate Density Residential and the applicant has revised his request.

The subject property is located along the western edge of I-540 at the south end of Shiloh Drive as it is now constructed. Shiloh Dr. intersects Porter Road to the north and is the major traffic artery for this area. To the west lies a residential area which is zoned R-2 and contains a duplex subdivision. Further west and south of the subject property is a predominantly single family development which is zoned R-1.5. Between these developments is an area of park land that was dedicated to the City as a part of each of the subdivision proposals. This park land has not been developed. It runs along a creek in this location. The subject property as well as the existing park land both contain areas of floodway and floodplain.

This property is currently zoned I-1, Heavy Commercial Light Industrial. There are nearby industrial developments, mainly the Point West Subdivision (along Shiloh Drive, north of the subject property) which contains several facilities for Budget Text (formerly Arkansas Book Services). South of the property is a large vacant tract of land which is currently zoned A-1, Agricultural.

The R-1.5 zoning that is being requested would permit a maximum of 12 units per acre and will only allow for single, duplex and triplex units. This type of zoning will allow the developer some flexibility in the type of structures and lots that are created. Lot sizes and frontage requirements correspond with the number of units desired for each lot. Apartments (any structure housing more than three units) will not be permitted in the R-1.5 zoning district. This downzoning will enable compatibility with surrounding developments, provide an opportunity for a mix of different housing types and protect the integrity of the Design Overlay District by eliminating the potential for industrial developments in this location.

## **SURROUNDING LAND USE AND ZONING**

|        |                                         |
|--------|-----------------------------------------|
| North: | Industrial, I-1                         |
| South: | Vacant, A-1                             |
| East:  | I-540 / Church, A-1 and Apartments, R-2 |
| West:  | Duplexes, R-2                           |

## **INFRASTRUCTURE:**

Access to this property is available from Shiloh Drive which is designated a collector on the Master Street Plan and proposed to be extended to the south through the subject tract connecting with Shiloh Dr. where it is built near Wedington Drive. Sycamore St. carries a residential designation and is also indicated on the Master Street Plan to be extended. This proposed street is located along the south property line of the subject tract. Access to the existing Pine Valley subdivision through Riveridge Drive is also available and would be extended at the time of development.

Water and sewer lines are available to this site and would have to be extended at the developer's expense as needed. A 6" water line is located along the north side of Sycamore Street and an 8" water line is located along the south side of Sycamore Street. An 8" sewer line exists running north/south along the west side of Porter Road.

**LAND USE PLAN:** General Plan 2020 designates this site Mixed Use. Rezoning this property to R-1.5, Moderate Density Residential is consistent with the land use plan and compatible with surrounding land uses in the area.

## **FINDINGS OF THE STAFF**

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding:** The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. The General Plan 2020 encourages a mix of housing types which is possible with this type of zoning designation. (Residential Implementation Strategies – 6.3.g “Encourage residential units in appropriate specified Mixed Use areas.”)

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

**Finding:** Residential developments in this area are fully developed and do not provide for the mix of housing types that this rezoning will create. A change in zoning is required in order for the owner to develop this property in a residential manner.

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



**Finding:** Traffic generation for residential units in this location will total approximately 10% more than that generated by an industrial development on the same property. ITE (Institute of Traffic Engineers) trip generation calculations for a townhome type development report an average weekday volume of 856 vehicles per day. An industrial development on 12.22 acres would generate 771 vehicles per day according to ITE software.

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

**Finding:** The proposed zoning will alter population density, however it will not undesirably increase the load on public services including schools, water and sewer facilities. The status of the City's sewer capacity is of issue as it would be regardless of the type of development proposed for this 12.22 acre tract. Developments within the Hamestring basin are assessed additional fees for sewer lift stations in this area. A contribution equivalent to \$200 per single family home will be assessed for any development on this property in order to maintain the lift stations which have been installed in this area.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
  - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
  - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

**Finding:** N/A

**§161.05 DISTRICT R-1.5 MODERATE DENSITY RESIDENTIAL.**

**A. Purpose.** The Moderate Density Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

**B. Uses.**

**1. Permitted Uses..**

|         |                                                      |
|---------|------------------------------------------------------|
| Unit 1  | City-Wide Uses by Right                              |
| Unit 2  | Single-Family and Two-Family Dwellings               |
| Unit 26 | Single-Family Dwellings                              |
| Unit 29 | Single-Family, Two-Family and Three-Family Dwellings |

**2. Uses Permissible on Appeal to the Planning Commission**

|        |                                          |
|--------|------------------------------------------|
| Unit 2 | City-Wide Uses by Conditional Use Permit |
| Unit 3 | Public Protection and Utility Facilities |
| Unit 4 | Cultural and Recreational Facilities     |

**C. Density.**

|                   |            |
|-------------------|------------|
| Families Per Acre | 12 or Less |
|-------------------|------------|

**D. Bulk and Area Regulations.**

|                              | One-Family    | Two-Family    | Three-Family   |
|------------------------------|---------------|---------------|----------------|
| Lot Minimum Width:           | 60 ft.        | 70 ft.        | 90 ft.         |
| Lot Area Minimum:            | 6,000 sq. ft. | 7,260 sq. ft. | 10,890 sq. ft. |
| Land Area Per Dwelling Unit: | 6,000 sq. ft. | 3,630 sq. ft. | 3,630 sq. ft.  |

**E. Yard Requirements (feet).**

| FRONT YARD | SIDE YARD | REAR YARD |
|------------|-----------|-----------|
| 25         | 8         | 20        |

Cross Reference: Variance, Chapter 156.

**F. Building Area.** The area occupied by all buildings shall not exceed 50% of the total lot area.

**G. Height Regulations.** No building shall exceed a height of 30 feet.

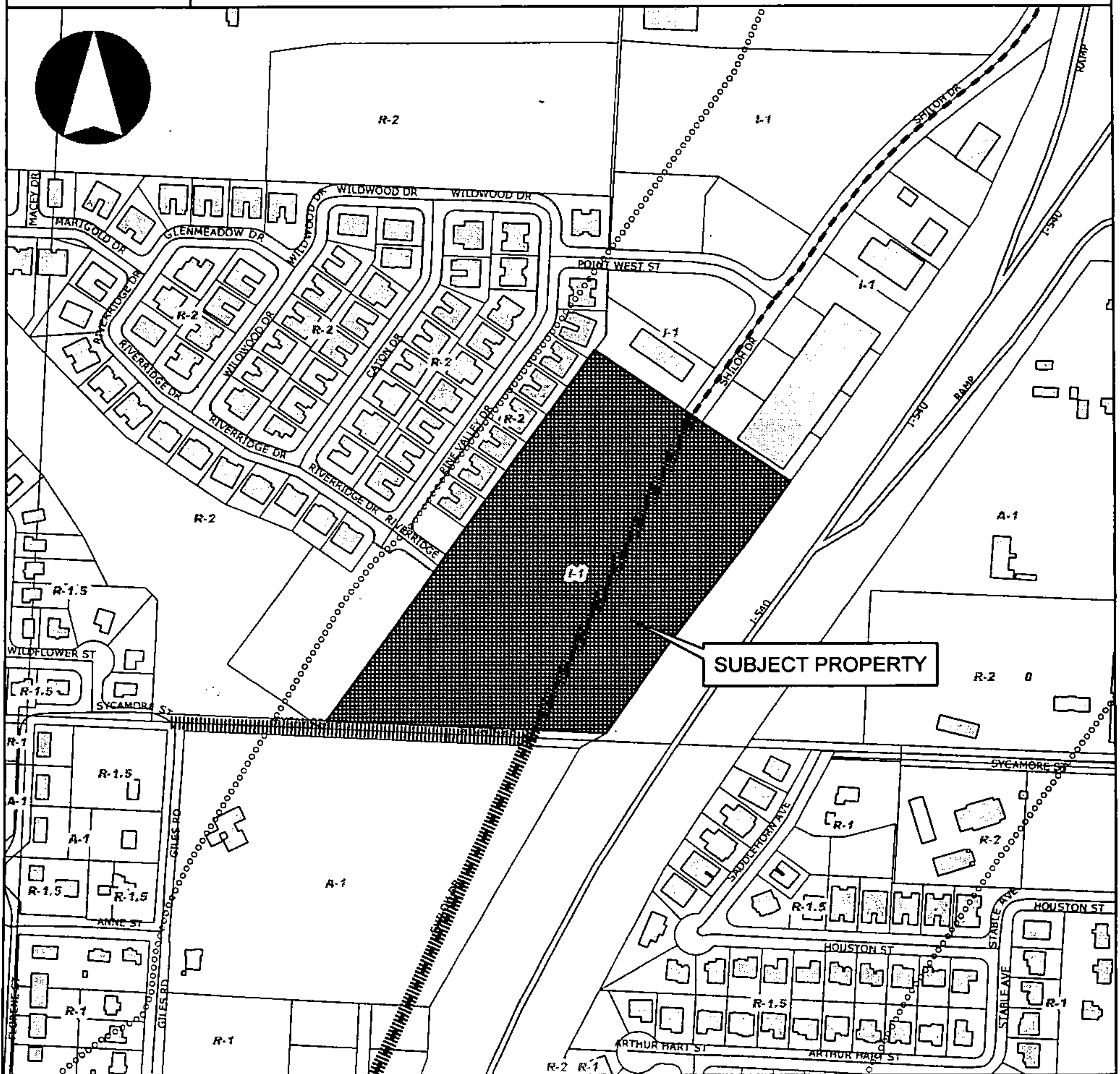
(Code 1991, §160.032; Code 1965, App. A, Art. 5(IIA); Ord. No. 3128, 10-1-85)



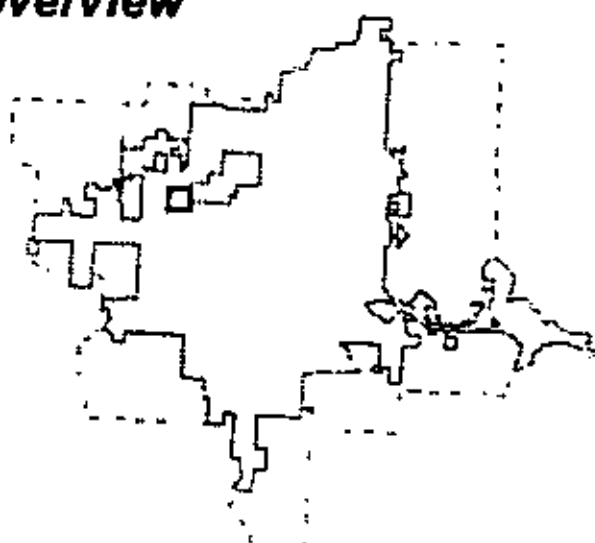
RZN01-25.00

Close Up View

# BAYYARI



## Overview



## Legend

### Subject Property

RZN01-25.00

### Streets

Existing

Planned

### Boundary

Planning Area

Overlay District

City Limits

Outside City

### Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

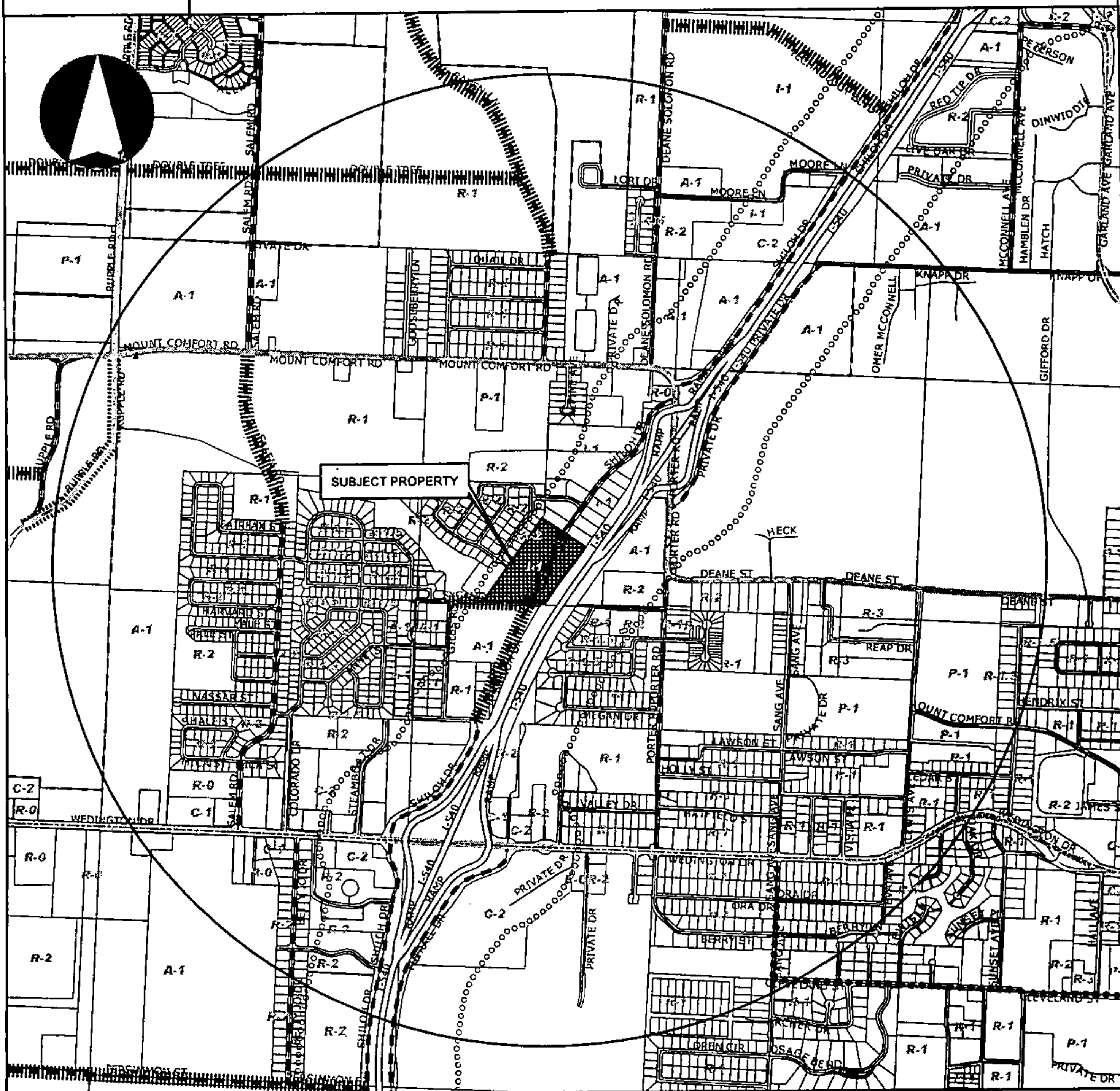
Historic Collector

0 125 250 500 750 1,000 Feet

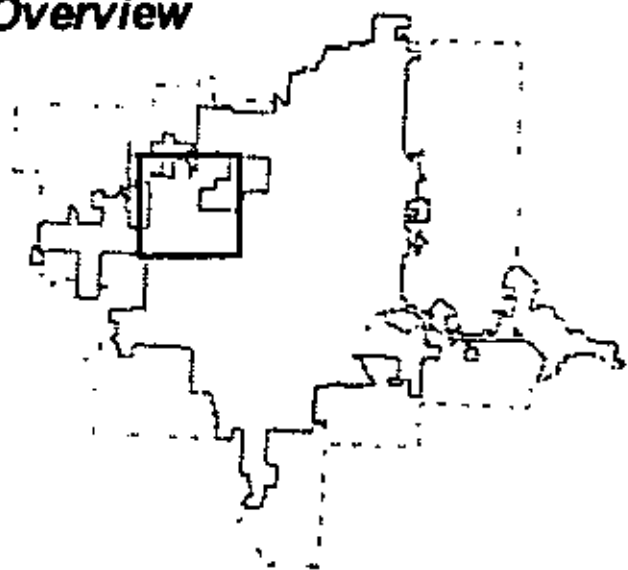
**RZN01-25.00**

One Mile View

# BAYYARI



## Overview



## Legend

### Subject Property

RZN01-25.00

### Streets

Existing  
 Planned

### Boundary

Planning Area  
 Overlay District  
 City Limits  
 Outside City

### Master Street Plan

Freeway/Expressway  
 Principal Arterial  
 Minor Arterial  
 Collector  
 Historic Collector

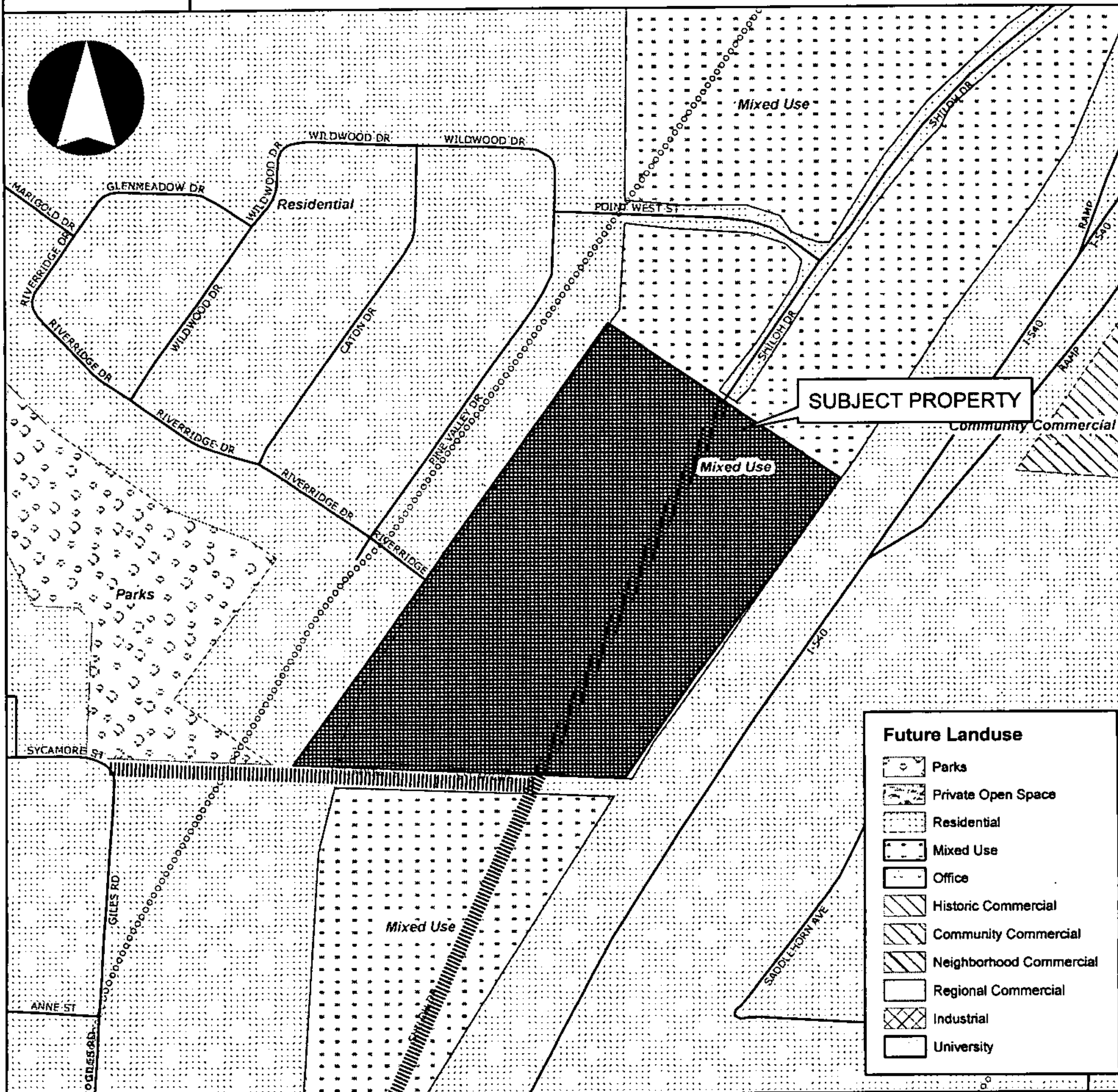
0 0.1 0.2 0.4 0.6 0.8 Miles



**RZN01-25.00**

*Future Landuse*

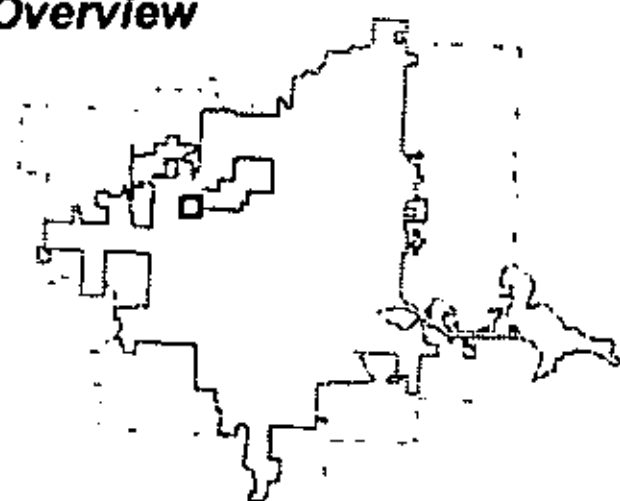
# BAYYARI



## Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

## Overview



## Legend

### Subject Property

RZN01-25.00

### Streets

- Existing
- Planned

### Boundary

- Planning Area
- Overlay District
- City Limits

0 125 250 500 750 1,000 Feet

Anders, Sterling P. & Kay Z.  
P.O. Box 3330  
Fayetteville, AR 72702

Prater, Dennis  
1915 N Shiloh Dr  
Fayetteville, AR 72704-6718

Henley Properties, LLC  
200 W Meadow ST  
Springdale, AR 72764

Henley, Waylon & Becky  
2025 Pinewood Rd  
Springdale, AR 72764

Kent, Zachary E. & Darci R.  
1918 Pine Valley Dr  
Fayetteville, AR 72704

Beil, Joseph H.  
1900 Pine Valley Dr  
Fayetteville, AR 72704

Cunningham, Roger G JR & Christine S  
1888 Pine Valley Dr  
Fayetteville, AR 72703

Lenahan, John P. & Charlotte W.  
1971 Harold Street  
Fayetteville, AR 72703

Albert, Douglas L. & Bain-Albert Dianna  
1862 Pine Valley Dr  
Fayetteville, AR 72704

BMP Development, Inc.  
3065 N College Suite 146  
Fayetteville, AR 72703

Bayyari, Fadil Ttee Fadil Bayyar  
Revocable Living Trust  
P.O. Box 6250  
Springdale, AR 72766

Lamp, John P. & Reba J.  
1670 Giles Road  
Fayetteville, AR 72704

Cockrill, J. Mitchell & Sherna  
1295 N Wood Creek Lane  
Fayetteville, AR 72701

Life Covenant Church  
1855 Porter Rd  
Fayetteville, AR 72703

Davis, Timothy L.  
15004 Elkins Rd  
Fayetteville, AR 72704

Arkansas State Highway Comm

Eubanks, Don L. & Ginger O.  
231 East North St  
Fayetteville, AR 72701

Arkansas State Highway Comm

Brewer, Helen B. (Survivor)  
3011 Mt Comfort Rd  
Fayetteville, AR 72703



015 04

City of Fayetteville  
Maintenance/Inquiry

10/29/2002  
14:29:43

| Document<br>Reference | Date       | Item<br>Ref. | Action<br>Taken | Brief Description             |
|-----------------------|------------|--------------|-----------------|-------------------------------|
| PL                    | 12/18/2001 | RZN          |                 | RZN 01-25 REMOVED FROM AGENDA |

-----  
Keywords.....: REZONING  
RZN 01-25  
FADIL BAYARRI  
HIGHWAY I-540  
12.22 ACRES  
REMOVED FROM AGENDA  
DECEMBER 18, 2001  
REZONE

File Reference #.....: MICROFILM  
Security Class.....:  
Expiration Date.....:  
Date for Cont/Referred:  
Name Referred to.....:

Retention Type:  
\*\*\*\* Active \*\*\*\*

Press Cmd 6 to Update  
Cmd1-Return Cmd2-Check Out Cmd8-Retention Cmd3-End Press 'ENTER' to Continue  
Cmd5-Abstract Yes No (c) 1986-1992 Munimetrix Systems Corp.



**CITY OF FAYETTEVILLE  
FINAL AGENDA  
CITY COUNCIL**

A meeting of the Fayetteville City Council will be held on December 18, 2001 at 6:30 p.m. in Room 219, of the City Administration Building, located at 113 West Mountain Street, Fayetteville, Arkansas.

**AWARD PRESENTATION:** Presentation of the GOFA award.

**A. CONSENT**

**1. APPROVAL OF THE MINUTES**

**2. SUNBRIDGE AND GREGG:** A resolution warding a contract to Mobley Contractors, Inc. in the amount of \$241,627.00 (contingent upon receiving an easement or right-of-way from the Arkansas & Missouri Railroad, approve funding of \$30,000 for the project contingency and of \$3,000 for materials testing for the project entitled "Sunbridge Drive and Gregg Avenue Intersection Improvements" and approval of a budget adjustment.

**3. MICROSOFT OFFICE:** A resolution approving the purchase of 223 Microsoft Office XP software licenses from Dell Incorporated. The purchases are authorized through the State of Arkansas Contract Award ST-98-0491; and approval of a budget adjustment.

**4. US ABLE LIFE:** A resolution renewing employee group policies from UA Able Life to provide life, AD&D, and LTD coverage and Section 125 Cafeteria Plan Administration.

**5. TROLLEY:** A resolution accepting the renewal agreement with Jones Transportation for trolley operations for the period of January 1, 2002, through June 30, 2002. This is in accordance with the provision of Resolution 11-99.

**B. OLD BUSINESS**

**1. ANX 01-4.00:** An ordinance approving annexation request ANX 01-4.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51<sup>st</sup> Street. The request is to annex into the city approximately 30.99 acres located in the Planning Area. The ordinance was left on the second reading at the December 4, 2001 meeting.

**2. RZN 01-22.00:** An ordinance approving rezoning request RZN 01-21.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51<sup>st</sup> Street. The property is zoned A-1 Agricultural, and contains approximately 30.99 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the second reading at the December 4, 2001, meeting.

**3. BUDGET:** A resolution adopting the 2002 Operating Budget. The resolution was tabled at the December 4, 2001 meeting.

**4. SALE OF MUNICIPALLY OWNED PROPERTY:** An ordinance amending Chapter 34, Finance and Revenue of the Code of Fayetteville to establish a formal process for the sale of municipally owned real property. The item was forwarded to the Ordinance Review Committee at the November 20, 2001, meeting.

**C. NEW BUSINESS**

**1. ANX 01-5.00:** An ordinance approving annexation request ANX 01-5.00 as submitted by Raymond C. Smith on behalf of Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.

**2. RZN 01-24.00:** An ordinance approving rezoning request RZN 01-24.00 as submitted by Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.

**3. RZN 01-27.00:** An ordinance approving rezoning request RZN 01-27.00 as submitted by Raymond C. Smith on behalf of Conley and Virginia Worley, Gerald, and Irene Griscom and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1 Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF-6, Low Density Multi Family Residential.

**4. RZN 01-26.00:** An ordinance approving rezoning request RZN 01-26.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 12.08 acres. The request is to rezone C-2, Thoroughfare Commercial.

**5. RZN 01-28.00:** An ordinance approving rezoning request RZN 01-28.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Guisinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential.

**6. SENIOR CITIZEN CENTER:** A resolution authorizing a change order for activities associated with the construction of the Senior Citizen Center.

**7. MUNICIPAL JUDGE:** An ordinance amending Ordinance 3765 to add Municipal Judge to the City Officials listed in Section 1.

**8. DOWNTOWN DICKSON ENHANCEMENT PROJECT:** A resolution approving an amendment for Downtown Dickson Enhancement Project in the amount of \$120,972.03 to address (1) easement revisions - \$9,660.00 (2) construction engineering - \$39,552.03 and (3) project construction inspection - \$71,760.00 (option to allow use of Engineering Division personnel for full-time inspection. Current contract amount is \$530,227.62 to \$651,200.15.

**9. CAT:** A resolution approving a contract in the amount of \$34,500 with Community Access Television for public access television services for 2002.

**10. ELDERLY TAXI PROGRAM:** A resolution approving a contract with the Area Agency on Aging for the Elderly Taxi Program.



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Job # 12178124



## CITY OF FAYETTEVILLE FINAL AGENDA CITY COUNCIL

A meeting of the Fayetteville City Council will be held on December 18, 2001 at 6:30 p.m. in Room 219, of the City Administration Building, located at 113 West Mountain Street, Fayetteville, Arkansas.

**AWARD PRESENTATION:** Presentation of the GOFA award.

### A. CONSENT

1. **APPROVAL OF THE MINUTES**
2. **SUNBRIDGE AND GREGG:** A resolution awarding a contract to Mobley Construction, Inc. in the amount of \$241,727.00 (contingent upon receiving an easement or right-of-way from the Arkansas & Missouri Railroad, approve funding of \$30,000 for the project contingency and of \$3,000 for materials testing for the project entitled "Sunbridge Drive and Gregg Avenue Intersection Improvements" and approval of a budget adjustment.
3. **MICROSOFT OFFICE:** A resolution approving the purchase of 223 Microsoft Office XP software licenses from Dell Incorporated. The purchases are authorized through the State of Arkansas Contract Award ST-96-0491; and approval of a budget adjustment.
4. **US ABLE LIFE:** A resolution renewing employee group policies from UA Able Life to provide life, AD&D, and LTD coverage and Section 125 Cafeteria Plan Administration.
5. **TROLLEY:** A resolution accepting the renewal agreement with Jones Transportation for trolley operations for the period of January 1, 2002, through June 30, 2002. This is in accordance with the provisions of Resolution 11-99.

### B. OLD BUSINESS

1. **ANX 01-4.00:** An ordinance approving annexation request ANX 01-4.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkammer and Anthony Turchi and located north of Westington Drive on the east side of 51<sup>st</sup> Street. The request is to annex into the city approximately 30.99 acres located in the Planning Area. The ordinance was left on the second reading at the December 4, 2001 meeting.
2. **RZN 01-22.00:** An ordinance approving rezoning request RZN 01-21.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkammer and Anthony Turchi and located north of Westington Drive on the east side of 51<sup>st</sup> Street. The property is zoned A-1 Agricultural, and contains approximately 30.9 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the second reading at the December 4, 2001 meeting.
3. **BUDGET:** A resolution adopting the 2002 Operating Budget. The resolution was tabled at the December 4, 2001 meeting.
4. **SALE OF MUNICIPALLY OWNED PROPERTY:** An ordinance amending Chapter 34, Finance and Revenue of the Code of Fayetteville to establish a formal process for the sale of municipally owned real property. The item was forwarded to the Ordinance Review Committee at the November 20, 2001 meeting.

### C. NEW BUSINESS

1. **ANX 01-5.00:** An ordinance approving annexation request ANX 01-5.00 as submitted by Raymond C. Smith on behalf of Gerald and Irene Griscum and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek subdivision. The property is in the Planning Area and contains approximately 13.61 acres. The request is to annex into the city.
2. **RZN 01-24.00:** An ordinance approving rezoning request RZN 01-24.00 as submitted by Raymond C. Smith on behalf of Conley and Virginia Wiley, Gerald and Irene Griscum and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1, Agricultural and contains approximately 41.90 acres. The request is to rezone to R-1, Low Density Residential.
3. **RZN 01-27.00:** An ordinance approving rezoning request RZN 01-27.00 as submitted by Raymond C. Smith on behalf of Conley and Virginia Wiley, Gerald, and Irene Griscum and Sylvester and Carol Guist for property located east of Double Springs Road and south of Owl Creek Subdivision. The property is zoned A-1 Agricultural and contains approximately 8.74 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential.
4. **RZN 01-26.00:** An ordinance approving rezoning request RZN 01-26.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Griesinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 12.08 acres. The request is to rezone to C-2, Thoroughfare Commercial.
5. **RZN 01-28.00:** An ordinance approving rezoning request RZN 01-28.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Tom and Louise Sager and Paul and Bernice Griesinger for property located west of Shiloh Drive and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 11.68 acres. The request is to rezone to R-2, Medium Density Residential.
6. **SENIOR CITIZEN CENTER:** A resolution authorizing a change order for activities associated with the construction of the Senior Citizen Center.
7. **MUNICIPAL JUDGE:** An ordinance amending Ordinance 3765 to add Municipal Judges to the City Officials listed in Section 1.
8. **DOWNTOWN DICKSON ENHANCEMENT PROJECT:** A resolution approving an amendment for Downtown Dickson Enhancement Project in the amount of \$120,972.03 to address (1) easement revisions - \$9,660.00 (2) construction engineering - \$39,552.03 and (3) project construction inspection - \$71,760.00 (option to allow use of Engineering Division personnel for full-time inspection. Current contract amount is \$330,227.62 to \$651,200.15).
9. **CAT:** A resolution approving an amendment for Downtown Dickson Enhancement Project in the amount of \$120,972.03 to address (1) easement revisions - \$9,660.00 (2) construction engineering - \$39,552.03 and (3) project construction inspection - \$71,760.00 (option to allow use of Engineering Division personnel for full-time inspection. Current contract amount is \$330,227.62 to \$651,200.15).
10. **ELDERLY TAXI PROGRAM:** A resolution approving a contract with the Area Agency on Aging for the Elderly Taxi Program.