Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
June 20, 2006

A meeting of the Fayetteville City Council will be held on June 20, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

Police Department Presentation Recognizing 12 members of the Fayetteville Citizen's Police Academy – Sergeant Shannon Gabbard

Nominating Committee Report: Kyle Cook, Chairman

A. CONSENT:

1. **Approval of the June 6, 2006 City Council Meeting Minutes.**

   APPROVED.

2. **Rescind Res. 82-06 – McClelland Consulting Engineers Task Order #13:** A resolution rescinding the budget adjustment approved by Resolution No. 82-06 of May 2, 2006.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 110-06.

3. **Professional Turf Products of Tulsa – Bid # 06-38:** A resolution awarding Bid # 06-38 and approving the purchase of two (2) multi-deck turf mowers from Professional Turf Products of Tulsa in the amount of $43,987.00 for use by the Parks & Recreation Division.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 111-06.

4. **Radisson Hotel Parking Space Lease Agreement:** A resolution approving a lease agreement with Radisson Hotel Fayetteville for the use of 178 parking spaces on Level One and Three of the Meadow Street Municipal Parking Garage.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 112-06.

B. UNFINISHED BUSINESS:

1. **Crystal Springs IV Appeal:** Appeal the approval of the PPL 06-1977 Preliminary Plat Crystal Springs IV for property located north of Mt. Comfort Road, at the end of Raven Lane. ***This item was tabled at the June 6, 2006 City Council meeting to the June 20, 2006 City Council meeting.***

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 113-06.

2. **RZN 06-2028 Mountain Ranch RMF-18:** An ordinance rezoning that property described in rezoning petition RZN 06-2028 for approximately 9.16 acres, located west of I-540 and south of Betty Jo Drive, from C-1, Neighborhood Commercial and R-A, Residential-Agricultural to RMF-18, Residential Multi-Family, 18 units per acre. ***This ordinance was left on the first reading at the June 6, 2006 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4887.

3. **West Fayetteville Annexation Election:** An ordinance calling an election to determine whether approximately 2,000 acres contiguous to the western city limits should be annexed into Fayetteville. ***This ordinance was amended and left on the first reading at the June 6, 2006 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4888.

C. NEW BUSINESS:

1. **Amend Chapter 72 – Parking Garage Rate Adjustment:** An ordinance amending § 72.58 (I), (1), City Parking Garage on Meadow Street, to adjust per visit rates.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4889.

2. **Duncan Associates Road Impact Fee Study:** A resolution to accept and adopt the May 2006 Road Impact Fee Study by Duncan Associates.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 114-06.

3. **Duncan Associates Water & Wastewater Impact Fee Update:** A resolution accepting a proposal from Duncan Associates in the amount of $110,000.00 to update the existing Water and Wastewater Impact Fees, to calculate fees for the collection system, and negotiate contracts with the cities of Elkins, Farmington and Greenland to pay for and provide potential Water and Wastewater Impact Fees within their corporate boundaries.

THIS ITEM WAS TABLED TO THE JULY 6, 2006 CITY COUNCIL MEETING.

4. **ADM 06-2093 - Springwoods C-PZD Amendment:** An ordinance to amend the approved Commercial Planned Zoning District titled C-PZD 03-8.00, Springwoods, located at I-540 and Hwy 112, containing approximately 289.26 acres.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4890.

5. **Special Election Capital Sales Tax Extension:** An ordinance calling for a Special Election on September 12, 2006 to extend the current three quarter (¾) cent Capital Sales Tax and authorize a one quarter (¼) cent Capital Sales Tax for a Total Sales Tax of one (1) cent, issue bonds and short-term debt to pay for additional cost of the Waste Water System Improvement Program and for Phase 1 of the Transportation Improvement Program as recommended by the Street Committee and the Water and Sewer Committee.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4891.

6. **Planning Commission Compensation:** An ordinance to amend § 33.108 Compensation of Article VII Planning Commission of the Fayetteville Code to provide that Planning Commissioners shall be compensated.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4892.

Meeting Adjourned at 7:35 p.m.

City Council Meeting June 20, 2006

7:35 PM

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

7-0

Subject:		Nominating Committee Report			Thank You
Motion To:		Approve			Letter from Kyle Cook
Motion By:		Cook			
Seconded:		Marr			
	Cook	✓			
	Marr	✓			
Approved	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	Absent			
	Thiel	✓			
	Mayor Coody				

7-0

City Council Meeting June 20, 2006

Subject:		Consent Agenda			
Motion To:		Approve			
Motion By:		Ferrell			
Seconded:		Jordan			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
passed Res. 110-06 to 112-06	Jordan	✓			
	Reynolds	Absent			
	Thiel	✓			
	Mayor Coody				

7-0

Subject:		Crystal Springs IV Appeal			
Motion To:		Approve the resolution prepared by Kit Williams			
Motion By:		Lucas			
Seconded:		Jordan			
B.1. Unfinished Business	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
passed 113-06	Jordan	✓			
	Reynolds	Absent			
Get new resolution from Kit.	Thiel	✓			
	Mayor Coody				

7-0

City Council Meeting June 20, 2006

Subject:		RZN 06-2028 Mountain Ranch RMF-18			
Motion To:		Amend zoning to C-1 - Kitchen	3rd read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Marr	Lucas		
B.2. Unfinished Business passed as amended (C-1) 4887	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	absent	absent	absent	
	Thiel	✓	✓	✓	
	Mayor Coody				
		7-0			

Subject:		West Fayetteville Annexation Election			
Motion To:		2nd read	Amend to change date	to Dec. 12th.	
Motion By:		Jordan	Thiel		
Seconded:		Ferrell	Marr		
B.3. Unfinished Business	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	absent	absent		
	Thiel	✓	✓		
	Mayor Coody				
		7-0	7-0		

City Council Meeting June 20, 2006

Subject:		West Fayetteville Annexation Election.			
Motion To:		Reconsider Dec. 12, 2006 Election Date.	Oct. 10, 2006	Election date.	
Motion By:		Thiel	Thiel		
Seconded:		Ferrell	Marr		
B. 3. Unfinished Business	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	absent	absent		
	Thiel	✓	✓		
	Mayor Coody				
		7-0	7-0		

Subject:		West Fayetteville Annexation Election.			
Motion To:		3rd read	Pass		
Motion By:		Marr			
Seconded:		Jordan			
B. 3. Unfinished Business	Cook	✓	N		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
Passed 4888 Election date Oct 10, 2006	Jordan	✓	✓		
	Reynolds	absent	absent		
	Thiel	✓	✓		
	Mayor Coody				
		7-0	6-1		

City Council Meeting June 20, 2006

Subject:	Amend Chapter 72 - Parking Garage Rate Adj.				
Motion To:		2nd read	3rd read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Ferrell	Marr		
C.1. New Business	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
passed.	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	absent	absent	absent	
4889	Thiel	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

Subject:	Duncan Associates Road Impact Fee Study.				
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Marr			
C.2. New Business	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	N			
	Lucas	✓			
passed	Jordan	✓			
114-06	Reynolds	absent			
	Thiel	✓			
	Mayor Coody				
		6-1			

City Council Meeting June 20, 2006

Subject:		Duncan Associates Water & Wastewater Impact Fee Update.			
Motion To:		Table to the next meeting			
Motion By:		Cook			
Seconded:		Ferrell			
C.3, New Business Tabled to July 6, 2006 Meeting.	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	absent			
	Thiel	✓			
	Mayor Coody				

Subject:		ADM 06-2093 Springwoods C-PZD Amendment			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Cook	Jordan		
Seconded:		Ferrell	Lucas		
C.4, New Business passed	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	absent	absent	absent	
	Thiel	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

City Council Meeting June 20, 2006

Subject:		Special Election Capital Sales Tax Extension			
Motion To:		Amend as Changed by	Kit William		
Motion By:		Jordan			
Seconded:		Rhoads			
C.5. New Business	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	absent			
	Thiel	✓			
	Mayor Coody				

7-0

Subject:		Special Election Capital Sales Tax Extension			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Marr	Jordan		
Seconded:		Jordan	Ferrell		
C.5. New Business	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	Absent	absent	absent	
	Thiel	✓	✓	✓	
	Mayor Coody				

passed H891 Give Sonda a copy of the Final Version of the signed ordinance

City Council Meeting June 20, 2006

Subject:		Planning Comission Compensation			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Marr	Marr		
Seconded:		Jordan	Jordan		
C.6, New Business passed 4892	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	absent	absent	absent	
	Thiel	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

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

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
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Ward 3 Position 1 - Robert K. Rhoads
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Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
June 20, 2006

A meeting of the Fayetteville City Council will be held on June 20, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

For Discussion Only: Steve Davis Contract Proposal – Agenda Session Only.

Progress Report on Phase I of the Classification and Compensation System Project Job Description Development given by Johanson Group. – Agenda Session Only

Police Department Presentation Recognizing 12 members of the Fayetteville Citizen's Police Academy – Sergeant Shannon Gabbard

A. CONSENT:

1. **Approve the minutes for June 6, 2006.**

2. **Rescind Res. 82-06 – McClelland Consulting Engineers Task Order #13:** A resolution rescinding the budget adjustment approved by Resolution No. 82-06 of May 2, 2006.

3. **Professional Turf Products of Tulsa – Bid # 06-38:** A resolution awarding Bid # 06-38 and approving the purchase of two (2) multi-deck turf mowers from Professional Turf Products of Tulsa in the amount of $43,987.00 for use by the Parks & Recreation Division.

B. UNFINISHED BUSINESS:

1. **Crystal Springs IV Appeal:** Appeal the approval of the PPL 06-1977 Preliminary Plat Crystal Springs IV for property located north of Mt. Comfort Road, at the end of Raven Lane. ***This item was tabled at the June 6, 2006 City Council meeting to the June 20, 2006 City Council meeting.***

2. **RZN 06-2028 Mountain Ranch RMF-18:** An ordinance rezoning that property described in rezoning petition RZN 06-2028 for approximately 9.16 acres, located west of I-540 and south of Betty Jo Drive, from C-1, Neighborhood Commercial and R-A, Residential-Agricultural to RMF-18, Residential Multi-Family, 18 units per acre. ***This ordinance was left on the first reading at the June 6, 2006 City Council meeting.***

3. **West Fayetteville Annexation Election:** An ordinance calling an election to determine whether approximately 2,000 acres contiguous to the western city limits should be annexed into Fayetteville. ***This ordinance was amended and left on the first reading at the June 6, 2006 City Council meeting.***

C. NEW BUSINESS:

1. **Amend Chapter 72 – Parking Garage Rate Adjustment:** An ordinance amending § 72.58 (I), (1), City Parking Garage on Meadow Street, to adjust per visit rates.

2. **Duncan Associates Road Impact Fee Study:** A resolution to accept and adopt the May 2006 Road Impact Fee Study by Duncan Associates.

3. **Duncan Associates Water & Wastewater Impact Fee Update:** A resolution accepting a proposal from Duncan Associates in the amount of $110,000.00 to update the existing Water and Wastewater Impact Fees, to calculate fees for the collection system, and negotiate contracts with the cities of Elkins, Farmington and Greenland to pay for and provide potential Water and Wastewater Impact Fees within their corporate boundaries.

4. **ADM 06-2093 - Springwoods C-PZD Amendment:** An ordinance to amend the approved Commercial Planned Zoning District titled C-PZD 03-8.00, Springwoods, located at I-540 and Hwy 112, containing approximately 289.26 acres.

5. **Special Election Capital Sales Tax Extension:** An ordinance calling for a Special Election on September 12, 2006 to extend the current three quarter (¾) cent Capital Sales Tax and authorize a one quarter (¼) cent Capital Sales Tax for a Total Sales Tax of one (1) cent, issue bonds and short-term debt to pay for additional cost of the Waste Water System Improvement Program and for Phase 1 of the Transportation Improvement Program as recommended by the Street Committee and the Water and Sewer Committee.

D. INFORMATIONAL:

City Council Tour: June 19, 2006 - 4:30 PM

Agenda Session 6/13/06

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 - Shirley Lucas
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Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
June 20, 2006

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Roll Call
Pledge of Allegiance

~~For Discussion Only:~~ Steve Davis Contract Proposal – Agenda Session Only.

~~Progress Report on~~ Phase I of the Classification and Compensation System Project Job ~~Description Dev~~elopment given by Johanson Group. – Agenda Session Only

Nominating Committee Report: Kyle Cook, Chairman

Police Department Presentation Recognizing 12 members of the Fayetteville Citizen's Police Academy – Sergeant Shannon Gabbard

A. CONSENT:

1. **Approve the ~~minutes for~~ June 6, 2006** City Council Meeting Minutes.
2. **Rescind Res. 82-06 – McClelland Consulting Engineers Task Order #13:** A resolution rescinding the budget adjustment approved by Resolution No. 82-06 of May 2, 2006.
3. **Professional Turf Products of Tulsa – Bid # 06-38:** A resolution awarding Bid # 06-38 and approving the purchase of two (2) multi-deck turf mowers from Professional Turf Products of Tulsa in the amount of $43,987.00 for use by the Parks & Recreation Division.

4. **Radisson Hotel Parking Space Lease Agreement:** A resolution approving a lease agreement with Radisson Hotel Fayetteville for the use of 178 parking spaces on Level One and Three of the Meadow Street Municipal Parking Garage.

B. UNFINISHED BUSINESS:

1. **Crystal Springs IV Appeal:** Appeal the approval of the PPL 06-1977 Preliminary Plat Crystal Springs IV for property located north of Mt. Comfort Road, at the end of Raven Lane. ***This item was tabled at the June 6, 2006 City Council meeting to the June 20, 2006 City Council meeting.***

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3. **West Fayetteville Annexation Election:** An ordinance calling an election to determine whether approximately 2,000 acres contiguous to the western city limits should be annexed into Fayetteville. ***This ordinance was amended and left on the first reading at the June 6, 2006 City Council meeting.***

C. NEW BUSINESS:

1. **Amend Chapter 72 – Parking Garage Rate Adjustment:** An ordinance amending § 72.58 (I), (1), City Parking Garage on Meadow Street, to adjust per visit rates.

2. **Duncan Associates Road Impact Fee Study:** A resolution to accept and adopt the May 2006 Road Impact Fee Study by Duncan Associates.

3. **Duncan Associates Water & Wastewater Impact Fee Update:** A resolution accepting a proposal from Duncan Associates in the amount of $110,000.00 to update the existing Water and Wastewater Impact Fees, to calculate fees for the collection system, and negotiate contracts with the cities of Elkins, Farmington and Greenland to pay for and provide potential Water and Wastewater Impact Fees within their corporate boundaries.

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6. Add: Planning Commission Compensation.

~~D. INFORMATIONAL:~~

~~City Council Tour: June 19, 2006 - 4:30 PM~~ No Tour

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
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Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
June 20, 2006

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Roll Call
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Progress Report on Phase I of the Classification and Compensation System Project Job Description Development given by Johanson Group. – Agenda Session Only

Police Department Presentation recognizing 12 members of the Fayetteville Citizen's Police Academy – Sergeant Shannon Gabbard

A. CONSENT:

1. Approve the ~~minutes for~~ June 6, 2006. City Council Meeting Minutes

2. **Rescind Res. 82-06:** A **resolution** rescinding the budget adjustment approved by Resolution No. 82-06 of May 2, 2006.

3. **Professional Turf Products of Tulsa – Bid # 06-38:** A **resolution** awarding Bid # 06-38 and approving the purchase of two (2) multi-deck turf mowers from Professional Turf Products of Tulsa in the amount of $43,987.00 for use by the Parks & Recreation Division.

New Business

4. **Adopt Road Impact Fee Study:** A **resolution** accepting a proposal from Duncan Associates in the amount of $110,000.00 to update the existing water and wastewater impact fees, to calculate fees for the collection system, and negotiate contracts with the

Description incorrect

cities of Elkins, Farmington and Greenland to pay for and provide potential water and wastewater impact fees within their corporate boundaries.

New Business 5. **Duncan Associates Recommendation:** A **resolution** to accept and adopt the May 2006 ~~Road~~ Impact Fee Study by Duncan Associates. Water & Sewer Description Incorrect.

B. UNFINISHED BUSINESS:

1. **Crystal Springs IV Appeal:** Appeal the approval of the PPL 06-1977 Preliminary Plat Crystal Springs IV for property located north of Mt. Comfort Road, at the end of Raven Lane. ***This item was tabled at the June 6, 2006 City Council meeting.*** to the June 20th City Council Meeting

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C. NEW BUSINESS:

1- ~~4.~~ **Amend Chapter 72 – Parking Garage Rate Adjustment:** An **ordinance** amending § 72.58 (I), (1), City Parking Garage on Meadow Street, to adjust per visit rates.

Consent 2- ~~5.~~ **Radisson Hotel Lease Agreement:** A **resolution** approving a lease agreement with Radisson Hotel Fayetteville for the use ~~of 178~~ parking spaces on Level One and Three of the Meadow Street Municipal Parking Garage.

3- ~~6.~~ **ADM 06-2093 - Springwoods Use Units:** An **ordinance** ~~to~~ amend the approved Commercial Planned Zoning District titled C-PZD 03-8.00, Springwoods, located at I-540 and Hwy 112, containing approximately 289.26 acres.

D. INFORMATIONAL:

City Council Tour: June 19, 2006 - 4:30 PM

~~Ask all of Shawn's together, was there @ 2 or 3 items~~

New B. #6 Sales Tax

From: Sondra Smith
To: Gabbard, Shannon
Subject: Re: June 20, 2006 City Council Meeting

We have added it to the Agenda. Have a great day!

>>> Shannon Gabbard 06/07/06 8:26 AM >>>
Sondra,

Thank you, we will be presenting 12 members of the Fayetteville Citizen's Police Academy to the Mayor and City Council. It will literally take two minutes. This is just an acknowledgement for their time and effort over the course of 13 weeks. They graciously gave their time to learn more about police operations.

Thanks,

Shannnon

>>> Sondra Smith 06/06/06 05:05PM >>>
Good Morning Shannon!
Please send me a short email regarding the presentation for the June 20th meeting. I have you at the beginning of the agenda. Thanks!

Sondra Smith
City Clerk
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
(479) 718-7695 (Fax)
ssmith@ci.fayetteville.ar.us

June 20, 2006
Agenda

From: Michele Bechhold
To: Wood, Amber
Date: 5/5/06 5:23PM
Subject: Information Item for Agenda Session

For each Agenda Session starting with May 9 and ending with July 11 I need an informational item to be on the agenda.

Johanson Group: Progress Report on Phase I of the Classification and Compensation System Project - Job Description Development

I know the 5-9 Tentative Agenda is already out, but they will still need to make a report on Tuesday. Sondra said that she would tell the Mayor this.

Thanks for your help
Michele

From: Shannon Gabbard
To: Smith, Sondra
Date: 6.7.06 8:26AM
Subject: Re: June 20, 2006 City Council Meeting

Sondra,

Thank you, we will be presenting 12 members of the Fayetteville Citizen's Police Academy to the Mayor and City Council. It will literally take two minutes. This is just an acknowledgement for their time and effort over the course of 13 weeks. They graciously gave their time to learn more about police operations.

Thanks,

Shannnon

>>> Sondra Smith 06/06/06 05:05PM >>>
Good Morning Shannon!
Please send me a short email regarding the presentation for the June 20th meeting. I have you at the beginning of the agenda. Thanks!

Sondra Smith
City Clerk
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
(479) 718-7695 (Fax)
ssmith@ci.fayetteville.ar.us

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **June 21, 2006**

RE: **Passed Ordinances and Resolutions from City Council meeting of June 20, 2006**

1. **Rescind Res. 82-06:** Resolution rescinding budget adjustment approved by Resolution No. 82-60 of May 2, 2006;

2. **Professional Turf Products of Tulsa:** Resolution awarding Bid #06-38 and approving purchase of two multi-deck turf mowers from Professional Turf Products of Tulsa in amount of $43,987.00 for use by Parks & Recreation Division;

3. **Radisson Hotel Parking Space Lease Agreement:** Resolution approving lease agreement w/Radisson Hotel for use of 178 parking spaces on Levels one and three of the Meadow Street Municipal Parking Garage;

4. **Crystal Springs IV Appeal:** Resolution granting appeal of approval of PPL 06-1977 (Crystal Springs IV) and approving PPL 06-1977 as slightly modified by City Council;

5. **RZN 06-2028:** Ordinance rezoning property described in RZN 06-2028 for approximately 9.16 acres, located west of I-540 and south of Betty Jo Drive, from C-1, Neighborhood Commercial and R-A, Residential-Agricultural to C-1, Neighborhood Commercial;

6. **West Fayetteville Annexation Election:** Ordinance calling an election to determine whether approximately 2,000 acres contiguous to the western city limits should be annexed into Fayetteville;

7. **Chapter 72 Amendment – Parking Garage Rate Adjustment:** Ordinance amending §72.58 (I) (1), City Parking Garage on Meadow Street, to adjust per visit rates;

8. **Duncan Associates Road Impact Fee Study:** Resolution accepting and adopting May 2006 Road Impact Fee Study by Duncan Associates;

9. **ADM 06-2093:** Ordinance amending approved C-PZD 03-08.00, Springwoods, located at I-540 and Hwy. 112, containing approximately 289.26 acres;

10. **Special Election Capital Sales Tax Extension:** Ordinance Calling and setting a date for Special Election on the questions of issuance by City of (1) not to exceed $25,000,000 of Capital Improvement Bonds for purpose of financing certain wastewater system improvements, (2) not to exceed $17,000,000 of Capital Improvement Bonds for purpose of directly financing or refunding Revenue Bonds issued to finance certain wastewater system improvements, (3) not to exceed $65,900,000 of Capital Improvement Bonds for purpose of financing certain street improvements, and (4) not to exceed $2,100,000 of Capital Improvement Bonds for purpose of financing certain trail system improvements; levying Special Local Sales and Use Tax at the rate of one-quarter of one percent (0.25%) and levying a Replacement Special Local Sales and Use Tax at the rate of three-quarters of one percent (0.75%) for the purpose of retiring such bonds; and prescribing other matters pertaining thereto;

11. **Planning Commission Compensation:** Ordinance amending §33.108 Compensation of Article VII Planning Commission of the Fayetteville Code to provide that Planning commissioners shall be compensated.

Arkansas Democrat Gazette
NORTHWEST ARKANSAS EDITION
Northwest Arkansas Times
Benton County Daily Record
P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6415

AFFIDAVIT OF PUBLICATION

I, Maria Attaway, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of:

Final Agenda

Was inserted in the Regular Editions:

June 19, 2006

Publication Charge: $191.63

Subscribed and sworn to before me
This 19 day of June, 2006.

Notary Public Sharlene D. Williams

Sharlene D. Williams
Notary Public
State of Arkansas
My Commission Expires
October 18, 2014

My Commission Expires:

****NOTE** Please do not pay from Affidavit.
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RECEIVED
JUN 21 2006
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
JUNE 20, 2006

Fayetteville
ARKANSAS

A meeting of the Fayetteville City Council will be held on June 20, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

Police Department Presentation Recognizing 12 members of the Fayetteville Citizen's Police Academy – Sergeant Shannon Gabbard

Nominating Committee Report: Kyle Cook, Chairman

A. CONSENT:
1. Approval of the June 6, 2006 City Council Meeting Minutes.
2. Rescind Res. 82-06 – McClelland Consulting Engineers Task Order #13: A resolution rescinding the budget adjustment approved by Resolution No. 82-06 of May 2, 2006.
3. Professional Turf Products of Tulsa – Bid # 06-38: A resolution awarding Bid # 06-38 and approving the purchase of two (2) multi-deck turf mowers from Professional Turf Products of Tulsa in the amount of $43,987.00 for use by the Parks & Recreation Division.
4. Radisson Hotel Parking Space Lease Agreement: A resolution approving a lease agreement with Radisson Hotel Fayetteville for the use of 178 parking spaces on Level One and Three of the Meadow Street Municipal Parking Garage.

B. UNFINISHED BUSINESS:
1. Crystal Springs IV Appeal: Appeal the approval of the PPL 06-1977 Preliminary Plat Crystal Springs IV for property located north of Mt. Comfort Road, at the end of Raven Lane. This item was tabled at the June 6, 2006 City Council meeting to the June 20, 2006 City Council meeting.
2. RZN 06-2028 Mountain Ranch RMF-18: An ordinance rezoning that property described in rezoning petition RZN 06-2028 for approximately 9.16 acres, located west of I-540 and south of Betty Jo Drive, from C-1, Neighborhood Commercial and R-A, Residential-Agricultural to RMF-18, Residential Multi-Family, 18 units per acre. This ordinance was left on the first reading at the June 6, 2006 City Council meeting.
3. West Fayetteville Annexation Election: An ordinance calling an election to determine whether approximately 2,000 acres contiguous to the western city limits should be annexed into Fayetteville. This ordinance was amended and left on the first reading at the June 6, 2006 City Council meeting.

C. NEW BUSINESS:
1. Amend Chapter 72 – Parking Garage Rate Adjustment: An ordinance amending § 72.58 (I); (1), City Parking Garage on Meadow Street, to adjust per visit rates.
2. Duncan Associates Road Impact Fee Study: A resolution to accept and adopt the May 2006 Road Impact Fee Study by Duncan Associates.
3. Duncan Associates Water & Wastewater Impact Fee Update: A resolution accepting a proposal from Duncan Associates in the amount of $110,000.00 to update the existing Water and Wastewater Impact Fees, to calculate fees for the collection system, and negotiate contracts with the cities of Elkins, Farmington and Greenland to pay for and provide potential Water and Wastewater Impact Fees within their corporate boundaries.
4. ADM 06-2093 - Springwoods C-PZD Amendment: An ordinance to amend the approved Commercial Planned Zoning District titled C-PZD 03-8.00, Springwoods, located at I-540 and Hwy 112, containing approximately 289.26 acres.
5. Special Election Capital Sales Tax Extension: An ordinance calling for a Special Election on September 12, 2006 to extend the current three quarter (?) cent Capital Sales Tax and authorize a one quarter (?) cent Capital Sales Tax for a Total Sales Tax of one (1) cent, issue bonds and short-term debt to pay for additional cost of the Waste Water System Improvement Program and for Phase 1 of the Transportation Improvement Program as recommended by the Street Committee and the Water and Sewer Committee.
6. Planning Commission Compensation: An ordinance to amend § 33.108 Compensation of Article VII Planning Commission of the Fayetteville Code to provide that Planning Commissioners shall be compensated.

RECEIVED
JUN 21 2006
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

City of Fayetteville Arkansas
City Council
Meeting Minutes
June 6, 2006

A meeting of the Fayetteville City Council was held on June 6, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Vice Mayor Lioneld Jordan called the meeting to order.

PRESENT: Alderman Reynolds, Thiel, Cook, Marr, Rhoads, Ferrell, Lucas, Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Rhoads and Marr were absent until 6:10 PM.

Pledge of Allegiance

Vice Mayor Jordan: Mayor Coody is attending the US Conference of Mayors annual meeting in Las Vegas this week. He will return to the office on Monday.

Commemoration of the Fayetteville Public Library's 90th birthday - Louise Schaper, Library Director. Louise gave a brief history of the library. See attached report.

Alderman Thiel moved to suspend the rules and add to the Consent Agenda a resolution in support of Local Television Cable Franchising Authority and in opposition to Federal Legislation Reducing Local Authority. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

This item was added to the end of the Consent Agenda.

CONSENT:

Approval of the April 18, 2006, May 2, 2006 and May 16, 2006 City Council meeting minutes.

Approved.

Community Development Block Grant: A resolution approving the Community Development Block Grant (CDBG) Agreement for 2006 in the amount of $653,244.00.

Resolution 95-06 as Recorded in the Office of the City Clerk.

APAC-Arkansas, Inc. Change Order No. 2: A resolution approving Change Order #2 to the construction contract with APAC-Arkansas, Inc., McClinton-Anchor Division in the amount of $277,505.60; and approving a Budget Adjustment in the amount of $185,605.00 recognizing restored grant revenues.

Resolution 96-06 as Recorded in the Office of the City Clerk.

McClelland Consulting Engineers, Inc: A resolution approving a three-year contract with McClelland Consulting Engineers, Inc. for airport engineering services.

Resolution 97-06 as Recorded in the Office of the City Clerk.

Washington Regional Medical Center's Performance Bond: A resolution to approve Washington Regional Medical Center's Performance Bond and Promissory Note to guarantee payment of an offsite improvement (traffic light) in the amount of $110,000.00.

Resolution 98-06 as Recorded in the Office of the City Clerk.

Score Uniforms - Soccer Uniform Purchase: A resolution awarding Bid #06-05 and approving the purchase of youth soccer uniforms from Score Uniforms in an amount not to exceed $22,394.00 for the fall 2006 season and $4,000.00 for spring 2007 season.

Resolution 99-06 as Recorded in the Office of the City Clerk.

RJN Group, Inc. Amendment No. 2: A resolution approving contract Amendment #2 to the June 15, 2004 agreement for professional engineering services with RJN Group, Inc. in the amount of $124,105.00 to provide engineering design and construction phased services including inspection for sanitary sewer rehabilitation in the Farmington Sewer Basin; and approving a five percent (5%) contingency in the amount of $6,200.00.

Resolution 100-06 as Recorded in the Office of the City Clerk.

AHTD Widening of Hwy 16/Hwy 71B East Cost-share: A resolution expressing the willingness of the City of Fayetteville to participate in partial funding of the proposed widening of Highway 16 from Highway 71B East to Stone Bridge Road.

Resolution 101-06 as Recorded in the Office of the City Clerk.

AHTD Widening of Hwy 112 from Hwy 112 Spur North Cost-share: A resolution expressing the willingness of the City of Fayetteville to participate in partial funding of the proposed widening of Highway 112 from Highway 112 Spur North.

Resolution 102-06 as Recorded in the Office of the City Clerk.

Wheeler Lumber, LLC: A resolution approving the award of Bid #06-37 for the construction and delivery of the Crown Trail Bridge to Wheeler Lumber, LLC in the amount of $27,423.00.

Resolution 103-06 as Recorded in the Office of the City Clerk.

The Heights at Park West Master Street Plan Amendments: A resolution for PPL 06-1998 amending the Master Street Plan, realigning Deane Solomon Collector Street to the east and reclassifying the existing Deane Solomon Road to a local street; realigning the planned Collector Park West Boulevard south of the current alignment as described and depicted in the attached maps.

Resolution 104-06 as Recorded in the Office of the City Clerk.

2006 Justice Assistance Grant: A resolution authorizing the Fayetteville Police Department to accept a continuation of the Justice Assistance Grant in the amount of $181,426.00 to assist in funding the Fourth Judicial District Drug Task Force; and approving a budget adjustment in the amount of $31,426.00.

Resolution 105-06 as Recorded in the Office of the City Clerk.

Support of Local Television Cable Franchising Authority: A resolution in support of Local Television Cable Franchising Authority and in opposition to Federal Legislation Reducing Local Authority.

Resolution 106-06 as Recorded in the Office of the City Clerk.

Alderman Reynolds moved to approve the Consent Agenda as read. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Ferrell abstained.

UNFINISHED BUSINESS:

C-PZD 06-1921 Lazenby Phase II: An ordinance establishing a Commercial Planned Zoning District titled C-PZD 06-1921 Lazenby Phase II, located west of Razorback Road, north of 15th Street, containing approximately 1.34 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. ***This ordinance was left on the Second Reading at the May 16, 2006 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Vice Mayor Jordan: I have not received any calls in opposition to this.

Alderman Lucas: I haven't either. I was disappointed because one building was taken out and I understand why. If they are going to do a berm with trees then I think everyone seems to be okay with it.

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

Ordinance 4875 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

Recognition of Local Redevelopment Authority (LRA): A resolution recognizing the Local Redevelopment Authority (LRA) for planning the redevelopment of Leroy R. Pond U.S. Army Reserve Center (USARC), including outreach to homeless providers and to other interested parties.

Susan Thomas, Public Information and Policy Advisor: In the information that I am handing out there is an ad that will go in the paper assuming that Council approves the LRA tonight and a time line as indicated by the Department of Defense. There is also information regarding an informational presentation that I gave today to the NWA Housing Coalition that gave some basic information talking about the proposed membership of the committee and the Army's time line. We went out and looked at the property last week and they think it's going to be the full five years before they are ready to move. They have to select a site and build a building all of which takes congressional approval. Everything is scheduled to be completed by September 15, 2011. Our time line is that we will publish our notice on Thursday, we conduct public outreach for 90 to 180 days. The deadline for the notice of interest is the end of that period, so if we do the 180 day that will be somewhere around December 8th. The LRA issues their proposed redevelopment plan to HUD and the Department of Defense no more than 270 days after that.

Page three of that presentation lists the various property disposal alternatives, the disposal of property for use by the homeless, the second option is a Public Benefit Conveyance. Conservation Conveyance is another option, a public sale and Economical Development Conveyance is an option. I suspect with that piece of land being as beautiful and strategically located as it is there will be a great deal of public interest. We have already heard from the Cultural Arts District Initiative, NWA Housing Coalition, and the VA and I suspect that we will hear from others.

Alderman Cook: So we publicize it and we just sit back and see who responds to that?

Susan Thomas: We have to have at least one public meeting and a tour of the property for the interested parties.

Alderman Ferrell: I tend to agree with you that there will probably be a lot of people competing to try to get this property. When we make our case to try to get it I'm assuming the rational for what we are going to use it for will be expressed then.

Susan Thomas: That's correct.

Alderman Ferrell: Can I ask that the council get a copy of that?

Susan Thomas: Before it is submitted?

Alderman Ferrell: Yes.

Susan Thomas: Yes sir.

Alderman Marr: For the public record people are concerned that there's already a desired use from the City Administration's perspective for this as a homeless shelter or as a particular item. Is there any desired use at this point?

Susan Thomas: Not that I'm aware of.

Alderman Marr: So at this point it is still all up for public discussion and no initiative being driven at this time?

Susan Thomas: No.

Alderman Thiel: It's my understanding that the city has to prove that it has provided services necessary for the homeless. Is that right?

Susan Thomas: We do have to address the homeless issues in our community. You don't have to address those on that specific property but HUD will expect you to include in your report why you are not using the property to address homelessness issues.

Alderman Thiel: Was there not any consideration to add a local representative on this committee that had a broader knowledge of low income citizens and possibly homeless issues?

Susan Thomas: The make up of the committee was based on past experience with (BRAC) Base Realignment and Closure issues and the Economic Development nature of the redevelopment planning process. If it is Council's desire to add a public representative like that I don't see a problem with adding another member to the committee.

Alderman Thiel: Well it sounds like you are kind of addressing that. As long as you make sure you're visiting with all of these groups.

Susan Thomas: That is part of the requirement. You have to prove that you have done specific things in outreach to all of those groups. HUD also has to approve your redevelopment plan in addition to the military.

Alderman Thiel: One other thing that I wanted to ask Kit. Didn't the City Council give this entity a certain amount of our Gregory Park for easement or something?

Kit Williams, City Attorney: There was an issue between the us and the military actually about where the property line lay between that property and our park and so we compromised with

them and we both adjusted our lines and traded deeds I think if I remember right so that it would be a clear demarcation between our Gregory Park land and this facility.

Alderman Thiel: We didn't actually give up any of our Gregory Park?

Kit Williams: I think because there was conflicting descriptions or ideas about exactly where the border was between us and the park, yes we did in fact compromise with them. They gave up some and we gave up some too and of course dealing with Federal Government I think we probably gave up more.

Alderman Thiel: It might be a good time to get some of that back; I don't know it's just a thought.

Kit Williams: Well it looks like at this point we basically might be able get it all back and then we will have to use it for specific federal approved purposes but it all will be coming back to the city now.

Alderman Thiel: Okay. Thank you.

Alderman Rhoads: Is the homeless a 100% discount or 75%? I noticed on this chart there's like 75% if it is a self help homeless.

Susan Thomas: The self help housing is a different program that would be a public benefit conveyance verses the homelessness conveyance which is the first option.

Alderman Rhoads: Which is 100%.

Susan Thomas: Yes.

Alderman Rhoads: What other options are there that the city could push forward?

Susan Thomas: These are all listed in the (BRRM) Base Redevelopment Realignment Manual.

Alderman Cook: This building is sandwiched between two neighborhoods, Woodland Neighborhood Association and the VA Hill Neighborhood Association. I would certainly hope that there would be some representation or some outreach to these neighborhoods.

Susan Thomas: They will defiantly be outreach.

Alderman Cook: This building will definitely affect these neighborhoods.

Susan Thomas: Absolutely.

Alderman Cook: No matter what the use is.

Susan Thomas: They will be open public meetings. Like I said we are required to have at least one public meeting but I suspect that we will have more and there will be opportunity for people that are interested in disposal alternatives but also people that are interested in defining the Redevelopment Plan.

Vice Mayor Jordan: Thank you Susan.

Susan Thomas: Thank you.

Eric Parkinson, resident of Fayetteville and member of the VA Hill Neighborhood Association: I don't know if any of you have had a chance to actually look at the facility. It's a real prime price of property on 4 ½ acres, 3 buildings and 26,000 square feet. I went and looked at it and was given a tour and I think there is quit a few possible uses some of which were mentioned on the list and some of which weren't. In speaking to the VA, they are very interested in that property and they are going to pursue whatever they need to pursue to annex it to the VA. I don't know the legalities and I don't know whether or not it is going to be a fight. I do know that depending upon how you decide to use that property you are going to encounter different levels of resistance ranging from the VA and their issues of security to the neighborhood and their issues of traffic and proper usage. I have seen the buildings and I know that there are a few things that you could do that would require very little modification, there are other things such as if you were going to turn it into housing it would require a tremendous amount of modification. There would be infrastructure cost and a lot of expense there may be hidden costs that will need to be analyzed. In talking to Allen Wilborn who works for Fayetteville schools he liked the idea of looking at it as a Children's Science Center. There is funding available through the National Science Foundation, NASA and other groups to possibly cover the grants that would be needed for overhead infrastructure and administration. As a member of the VA Hill Neighborhood Association I would just like to say that we would very much like to participate in the public hearing process about how that property is used. I think that Fayetteville has spent a lot of money as a city on various plans for the Downtown Master Plan and the over all city plan. I think that is a very important consideration and that we shouldn't just throw it off for the most convenient idea that everybody comes up with. We should really analyze it and study it for an overall cost benefit to the city.

Vice Mayor Jordan: Thank you.

Susan Thomas: Mr. Parkinson brought up a good point. Their idea of an education purpose would fall under the Public Benefit Conveyance and for each of those options there is a federal agency that would correlate with those possibilities and each federal agency has their own guidelines and processes for approving those plans.

Alderman Cook: They are not looking to move for probably five years down the road.

Susan Thomas: They are consolidating some reserve centers, so they've got to put there plans together for a new facility, they have to find a site and location and then deal with all of the congressional approvals that go along with that. Their estimate to me was that they would take the full five years to do that but our planning process won't take that long.

Alderman Cook: Then our planning process takes about a year roughly?

Susan Thomas: I'm guessing if we use the full amount of time next September.

Alderman Cook: Then we forward our plan to the government and they decide from there.

Susan Thomas: Yes, and they may send it back and say fix these things or they may say sure that's great. For a site this small the plan is usually going to be 2 to 3 pages. It not a real complicated process from a content prospective it is complicated from the federal hoops and loops that you've got to jump through.

Alderman Ferrell: Susan is that 3 ½ or 4 ½ acres?

Susan Thomas: I thought it was 3 ½ but I will double check.

Alderman Ferrell: Okay.

Susan Thomas: Your memo has the information that was provided to me so whatever that first memo said is the information that I have.

Alderman Thiel moved to approve the resolution. Alderman Lucas seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 107-06 as Recorded in the Office of the City Clerk.

Improvement District No. 14 Clearwood Crossing Dissolution: An ordinance to repeal Ordinance No. 4843 and dissolve the Clearwood Crossing Improvement District No. 14 of Fayetteville, Arkansas.

City Attorney Kit Williams read the ordinance.

Kit Williams: Their attorney contacted me and indicated they wanted to dissolve this, they have done no business or issued any bonds. Their initial analysis was that it wasn't going to be feasible to go forward with this to build the infrastructure improvements by selling the bonds and that they wish to dissolve this. I told them we needed a unanimous resolution according to the statue from their commissioners to dissolve it. They sent me one and so I drafted the ordinance. It is very similar to how we establish them we don't really have to much authority one way or the other. We establish them if they all want it but now when they want to dissolve it I think since there is no debt owed or anything I think they have the right to have it dissolved.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4876 as Recorded in the Office of the City Clerk.

East Square Redevelopment PZD Appeal (C-PZD 05-1610): A resolution to grant the appeal of East Square Developers to add two floors of Hotel Rooms as a minor modification of C-PZD 05-1610.

Jeremy Pate: The planning staff has prepared an ordinance and staff report for you. The applicant previously presented to staff a request for a minor modification of their previously approved Planed Zoning District for East Square Development. That proposal was approved by the City Council in December, 2005 for a mixed use 16 story maximum height structure consisting of 147 hotel rooms, 25 condominiums, a restaurant, retail and meeting space. At that time we were going through amendments to our Planned Zoning District process which changed pretty dramatically in October or November. The applicant because they were already in the process elected not to utilize that new ordinance. The new ordinance as opposed to the older one that was repealed allowed for minor modifications to be approved administratively. Staff did not feel comfortable approving a modification for this Planned Zoning District because when the City Council and Planning Commission reviewed the Planned Zoning District at that time staff would not have had the ability to approval anything administratively. We felt it was important for the City Council to act on this request. The request is to extend the height of the structure for two additional floors, I believe the applicant stated a maximum of 22 feet; that would be a total of 18 floors. The reason for that request is the demand for 53 additional hotel rooms as approved it was 147 rooms. This does fall within the minor modification of the PZD; it is about a 13% increase in the overall height. Staff is allowed to make an administrative amendment up to 20%; however we did feel that it was important for the City Council to look at this particular request.

John Nock, developer: This was originally C-4 we went through the PZD obviously there was not a limitation on the height at the time we did it because of the residential and the parking deck requirements that came under the PZD. Also one of the questions that come up was the parking requirements, the requirements were 280.5 spaces we are providing 348 spaces which gives an overage of the requirement of 67.5 spaces. We were very concerned when Marriott made the request to us they asked that we go out and hire a feasibility expert again to review that. We brought in an international hospitality advisor they are one of the leading firms in the country. They came in and did another market survey since the previous approval process and said that by far if we are looking at an economical model and because of the growth, the convention space that's available in downtown Fayetteville, that you need the additional spaces in the hotel. That's when we reluctantly decided to go through this process.

Alderman Cook: John there is a comment in there about if you need the additional hotel rooms then why don't you use the space you already have in the existing 16 story building.

John Nock: That's a good question we as you know in the current regime we have 5 condo floors, plus we have the meeting space which is approximately 12,500 square feet. The meeting space we set up banquet facilities and other adjunt space to that allowed us to get the state tourism tax credit dollars which was a major issue in getting the project to come with a real economical model that worked. Secondly the condos are used simply to pay down debts so the hotel that we built won't be like the other hotels that were on that site that failed over time. The other option was we could tear down addition historic buildings but we were pretty clear when we were in front of the City Council and the public that what was being taken down was it. We weren't going to take down any more of the historic structures and we have already put as much on that site as we could. Could we remove some of the other uses in the building, sure and you could redesign it again but that not what the economic model says is the right thing to do so that

was our proposal. It was the least painful and probably the smartest in the long term for Fayetteville and for the project and for us as developers.

Alderman Marr: John I had citizens say to me that when this came through as a TIF these guys stood in front of you and said we have everything all we are waiting on is you guys to go forward and now it appears that a big part of what was the sale on this project with the hotel was not a deal so to speak. How would you respond to that?

John Nock: That's a fairly good question. It's a give and take process when you're dealing with a project of this size, especially when you're dealing with one of the largest hoteliers in the world, Marriott. We have currently an agreement to build it with the size stated that we have, when they came back with the 200 rooms that was a suggestion from them not from us. Yes that was what we presented and that was a very accurate statement at the time but when you get better information from better sources that are smarter and know what they are doing the right thing to do is just stop and listen.

Alderman Marr: Is your contract with the Marriott contingent on the difference between 153 and 200?

John Nock: Our draft contract that we have is based upon approval as is with a very strong push to go with additional floors.

Rick Alexander, developer: I just want to expand on that, you asked why we are here you said you had everything, we did have everything but part of what we had was a letter of intent form Marriott as the franchiser to approve this project and go forward. Now if you know anything about the franchising operation they come in then and do an extensive dodiligence and they look at your qualifications once you sign your letter of intent. They spend significant resources and send teams of people to review all of your plans. We have redrawn all of our plans to fit their model. Mr. Alexander went through the process they have been going through with Marriott.

Karen Reece, a resident of Fayetteville stated she is a friend of Rick Alexander's and spoke highly of the work that he has done. She states height however has been a huge issue for Fayetteville residents. She feels the decision to grant two more stories would be a mistake.

Hank Broyles, a resident of Fayetteville spoke about the difficulty of financing a hotel. He stated that trying to get another hotelier in at this point in time would be a disaster. He stated he likes tall buildings and hopes the Council approves the 18 stories.

Rick Hancock stated he is excited and has talked to a lot of people that are excited about the height of the building and they want something that is successful here. He feels that the Marriott has done the research and knows what they are doing and feels we should listen to what they are saying and try to give this thing the best opportunity that it can have going forward.

Steve, Fayetteville Economic Development Council stated he has been watching this for a long time and this has been a tremendous team effort using the TFI in a very innovative way. He feels this will be an example of how a community can work together to make a really beautiful project work and now we have one of the best hoteliers in the world working with us. He states he would certainly encourage you to approve it tonight. He feels it will certainly be a shining star in everybody's hat for a long time to come.

Alderman Lucas: This was zoned C-4 is there a height requirement in C-4?

Jeremy Pate: There is no height requirement in C-4.

Alderman Marr: This is a project that I supported when it came through as a 16 story project. Since then we have had a lot of discussion about height in Fayetteville and what it means. As the construction on the Bank of America site has added two floors if you're at the Farmers Market on Saturday you hear people say when we build this 16 story building is the square going to be in shad? One thing I want to know is what would the shadow of an 18 story building on this site do, would it hit the square? Do we have any idea of what that pitch is?

Jeremy Pate: I don't know what the answer to that question is.

Alderman Marr: So it's never been looked at at this point.

Jeremy Pate: Not that I'm aware of.

Richard Alexander: It depends on what time of the day.

Alderman Marr: Right, but I guess I'm talking about how long it would be in the shade.

Vice Mayor Jordan: I don't think there's an answer to that.

Alderman Marr: I guess it will continue to be the discussion at the Farmers Market.

Alderman Rhoads: I think from the position of the building and what I know about having leaved in Chicago, having visited cities all over the country, there's probably going to be a bit of shade but I think it's going to be pretty minimal based on the distance of the building from the square.

Alderman Marr: I guess that's the point I've been having with people, the further away you are from the square the shorter the distance that the time period will be in the shade. I asked the question because no one has really talked about it and all of these discussions keep coming up. I go back to what would we have done if we would have had an 18 story building in front of us a year ago when we talked about tearing down the Mountain Inn and when we approved it at 16 because at that time we had no discussion about the height of the building. We talked about the blight, job creation, property tax mileage for our school district, there were positive items about it and I'm not sure I would not have voted for it if had been 18 at that time. It really concerns me to lose a project of this scope if that is truly what would happen in this case and more importantly we are competing against an Embassy Hotel and Convention Center in Rogers and I think if you're going to compete in Fayetteville with our own benefits we have to still have a comparable hotel quality to compete against someone who wants to stay in that and Marriott obviously is world renowned.

Alderman Thiel: I agree with Don that this building is going to cast a big shadow probably but I think a few years ago when we first approved this it was casting a big shadow and I don't think we really discussed that at that point that much. I don't think 22 feet more is that significant. I think the city has a very large vested interest in this project both in the project and the

redevelopment of that area. I think it's going to be a land mark building, it's a beautiful building. I understand the concerns about the height and I appreciate those concerns but I think once we accept it and really didn't even consider the 16 stories that strongly, I just don't think the additional 22 feet is that significant at this time. I feel like it is very important that they do get the Marriott. I feel like we would be taking a giant step backward if we even considered not going along with this project.

Alderman Ferrell: Those extra 2 stories or 22 feet aren't free there's going to be further infusion of capital dollars spent which will trickle through this community. I now that there are people that the height bothers but I ask them to consider what the community faces with other things this is going to help us retire some of the debt with more money being spent. We've got to put our best foot forward sometimes and I think that once again baring in mind what used to be sitting on that corner this will be a diamond.

Alderman Reynolds: I just want to say that when I go to St. Louis or wherever I go if there is a Marriott that's where we stay because we know their product we know what they produce it a great place. I'm going to support this because we have gone too far to stop now. We need to support these guys.

Vice Mayor Jordan: Robert.

Alderman Rhoads: I'm going to pass everything I was about to say has been said once or twice already.

Alderman Lucas: The reason I asked about the C-4 is we don't have a height limit for C-4 we may have other buildings that come forward even taller as long as we keep no height limit in C-4. I don't think that 22 feet is going to add that much. I think this is probably the appropriate place to have them. I don't think that tall buildings like this are appropriate in other areas downtown but I think this corner can handle it. I'm going to support it.

Vice Mayor Jordan: Kyle.

Alderman Cook: I'm a little frustrated about the fact that we are talking about this again and I'm sure the developers are frustrated that they had to come in front of us also. I'm going to be the only one to vote against it. We as the City of Fayetteville have given and given to this project and we all want to see it be successful. You are right we did spend a lot of time on this project. We bought all the properties, provided the building pad, reworked the utilities that was roughly our $3.5 million contribution from the TIF. We made adjustments on set backs, we allowed them to build over part of Mountain Street with the parking deck, I feel like we gave and gave to this project, we did everything we could to make it work and frankly I'm tired of giving to the project. Richard's comment about the letter of intent I'm really surprised they give a letter of intent at 153 rooms if they require 200 rooms. I do support the Mountain Inn project and voted for it originally I'm not willing to add two more stories.

Alderman Marr: I want to make a comment because I'm going to vote in support of the project but I want to make a statement clear at least from my view on this and how it is different from other height discussions we're having. This is a PZD and it came before us in a zone that is C-4. I think it sends a message why we need to get the Downtown Master Plan zone passed because we don't have a downtown commercial core. We don't have the zones we are talking about in

that plan that citizens are locking into a particular height that is in that particular plan. These zones don't have a height today and I think we also have to make decisions about that until we buck up and decide to vote on that particular plan. Even in that plan if we were going to use it as a guiding document it sits in the very foot print of what we are calling our downtown core which is our tallest and highest buildings. So that the other reason I would look at it differently in this case.

Alderman Ferrell moved to approve the resolution. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-1. Alderman Cook voting no.

Resolution 108-06 as Recorded in the Office of the City Clerk.

Crystal Springs IV Appeal: Appeal the approval of the PPL 06-1977 Preliminary Plat Crystal Springs IV for property located north of Mt. Comfort Road, at the end of Raven Lane.

Jeremy Pate: The staff recommended and the Planning Commission approved a Preliminary Plat for Crystal Springs Subdivision Phase 4 with a vote of 7-2. Jeremy gave a brief description of the property.

Vice Mayor Jordan: Shirley and I appealed this decision of the Planning Commission simply to let the neighborhood be heard before this council. At the neighborhood meeting most of the discussion was around the connectivity going through the neighborhood but we also released that if the bridge was built first then that would not happen and would give people a northern access later on out of that area.

Alderman Lucas: If they started the construction before the bridge was built then all the construction vehicles would have to go through this neighborhood. This is an established neighborhood that's been there a while. It's a quit neighborhood and we just felt like it was important for us to look at this and decide about protecting an established neighborhood that's been there awhile.

Vice Mayor Jordan: Would the owner of the property like to address us?

Mel Milholland, Milholland Engineering: I represent Jed Inc. who is the developers and Mr. Joe Edwards is here tonight representing them. We appreciate the staff working with us and we do concur with what Jeremy read her tonight and what the staff has recommended on this project. We also concur with the Planning Commissions approval of the Preliminary Plat of this final phase of this project. He gave a brief history of the project.

Jeremy Pate: If the City Council wanted to change the condition of approval as discussed with the City Attorney and did not want to affirm the Planning Commissions decision. The resolution would read *a resolution affirming the Planning Commission approval of Preliminary Plat 06-1997with one additional condition as offered by the applicant that would state the applicant shall construct the crossing at Clabber Creek to the north to be completed and accepted by the City with Phases I and II of the subdivision prior to the construction of a home on the subject property.*

Mel Milholland: We respectfully offer that.

Vice Mayor Jordan: So basically we are saying no homes would be built until the bridge is put in.

Mel Milholland: That is correct.

Greg Edwards with Jed, Inc.: We will be glad to do both connectivity's in the beginning. There will not be a house built on any of the property until we connectivity to the north and to the south.

Wayland Harris, 2397 Woodlark Lane stated he is speaking tonight on behalf of the residents in the Bird Haven Subdivision. He stated they are opposed to this development for several reasons. He stated they are concerned about the traffic on Mount Comfort Road and that it can not handle the additional traffic this subdivision will produce. They have not seen any road improvements even though two schools are accessed from this road as well as numerous other subdivisions. He stated this development will only compound the existing problems. He stated they do not have a city park, bicycle trails or any sidewalks to walk on therefore the residents in this area must use the streets to walk, ride and play on. He voiced his concern about the lack of connectivity. He also voiced his concern about the infrastructure in this area. He stated they do not feel like their subdivision should have to bear the impact of this development because of poor planning. He stated this is a safety hazard both to the residents of Bird Haven and to the drivers.

Vice Mayor Jordan: Mr. Harris you are asking that Raven and Woodlark Streets remain closed until there are improvements on Mount Comfort and the bridge to the north is in place is that correct?

Wayland Harris: Yes sir.

Alderman Lucas: Can the connection be made but they remain closed until Mount Comfort is improved?

Jeremy Pate: I suppose they could. I think that would probably be a decision of the City Council.

Alderman Thiel: They will be building a road to Rupple Right?

Jeremy Pate: No madam. There will be one connection to the north and two connections to the south through the existing subdivision.

Alderman Thiel: Unless we don't make those connections.

Jeremy Pate: Right and then there would be only one connection into the entire development.

A discussion followed on connections to the property.

Jim Smith, attorney for Jed, Inc. stated the developer is caught in the middle of growth. He said they understand the position of the neighborhood. He stated they are not opposed to leaving Raven and Woodlark closed however if they do need to build these streets they would like to go ahead and do it while they do the development. The developer has caused and created significant improvement in this area. We are working closely with staff to preserve the

connectivity that is so vital to the growth and that is so important to the growth and expansion of Fayetteville.

Ann Donovan a resident of the area stated she thinks until Mount Comfort Road has been expanded that any access that is built along Raven and Woodlark is just going to cause difficulty.

Joyce Thompson stated if this additional traffic is allowed to come onto Mount Comfort it impacts everyone else out there. She stated there is a traffic problem in the mornings right now. She stated she is not here to oppose the development but she is trying to emphasis to everyone that putting this traffic on Mount Comfort is the thing to do.

A discussion followed on connections in the area, fire access and installing traffic signals in this area.

Alderman Lucas: Lioneld and I have pushed for improvements to Mount Comfort Road. The City has a policy that development is going to build the infrastructure instead of the infrastructure happening at the same time or before the development. This is a classic case of where that fails. We have to have this infrastructure in place before we get all this development. Mount Comfort Road is horrendous. I know the developer has done a lot. This has been coming since 1992 and we still have not improved Mount Comfort in that length of time. It is something that we have to do before someone is killed. This is just an accident waiting to happen.

Vice Mayor Jordan: I have to agree with Alderman Lucas on this. Mount Comfort Road is one area of our Ward that I have the most complaints on. I can not get the premise that we are going to put more cars in that area without any kind of improvements. I don't have a problem if we leave those closed off until we get the bridge and we get a way north out of there and we have made the improvements to Mount Comfort.

Alderman Marr: Our City 2025 Plan talks about our strategy when we talk about infrastructure. Today our policy is the developer builds it as they develop it. We do not have a policy to go out and build things before it is developed. This land is zoned to build out at a certain level and it is required to develop at a certain planning process with certain connectively because that is how we do it until we change one of the items that the 2020 Plan talked about which infrastructure concurrency with development. We don't have that today. I am for building it than not building it. Concurrency development is an item in 2025 Master plan that I hope we all support because we need to talk about where we want to drive traffic in those particular areas. It concerns me to not have connectivity.

A discussion followed on connectivity.

Mel Milholland: The Master Street Plan is a direction for developers to use and this developer has used that. One of these streets is a collector street.

Alderman Ferrell moved to amend the preliminary plat to add a condition of approval to build a bridge for access to the north and that no houses be built until that bridge is constructed. Alderman Reynolds seconded the motion.

Wayland Harris: Emergency vehicles can not access Bird Haven now in the morning due to the traffic. He voiced his concern about streets in the area and access from the north or south.

Alderman Thiel stated if this north south connection is required before houses are built and it connects into the current development then that has given the current development another access. I do not understand why that would not benefit the current development.

Alderman Marr: If that bridge is built and then the connection goes to the north have you had any feedback from that neighborhood on the north side if you close it off that they don't want the connection coming through their neighborhood?

Vice Mayor Jordan: No we have not.

A discussion followed on street in the area and the collector streets in the area and the proposed collector streets in this area.

Alderman Ferrell withdrew his motion. Alderman Reynolds withdrew his second.

Alderman Jordan moved to table the appeal until the June 20, 2006 City Council meeting. Alderman Rhoads seconded the motion. Upon roll call the motion passed unanimously.

This appeal was tabled until the June 20, 2006 City Council meeting.

Arkansas Department of Aeronautics SAAG Grants: A resolution authorizing airport staff to apply for and accept two (2) SAAG Grants in the amount of $250,000.00 each from the Arkansas Department of Aeronautics to fund a portion of the cost to construct two (2) corporate hangars at the Fayetteville Municipal Airport; approving the financing plan to cover the city's match of $700,000.00; and approving budget adjustments recognizing the grant revenues.

Ray Boudreau, Aviation and Economic Development: The hanger buildings at Fayetteville Municipal Airport are fully occupied and we have a waiting list. Drake Field continues to grow at an unprecedented rate mirroring the entire region. Recently we were able to convince the FAA Contract Tower Department to lower our cost share for the air traffic control tower due to that unprecedented growth. Recently the airport was selected Arkansas Airport of the year by the FAA District office in Fort Worth, Texas for management of the growth and successful rebirth as a general aviation airport. We need to continue this momentum to be able to support our citizens and our visitors. This action allows staff to apply to the State Department of Aernomics Commission for two hanger construction grants of $250,000 each. It also allows the Airport Fund to finance up to $700,050 from the General Revenue Fund to match the SAAG grant from the State and complete the project. The airport needs space for aircraft, more aircraft activity and increased cash flow to the Airport Fund. This project as structured can accomplish all three.

Alderman Thiel: I am supportive of doing this.

Alderman Thiel amended the resolution to state that $700,000 will come from the General Fund and the Airport will repay that over 15 years at 5% annual interest rate. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

Alderman Cook moved to approve the resolution. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

Resolution 109-06 as Recorded in the Office of the City Clerk.

VAC 06-2045 Bellafont II: An ordinance approving VAC 06-2045 submitted by H2 Engineering, Inc. for property located northwest of Joyce Boulevard and Vantage Drive, vacating a portion of the utility easement located within the subject property.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the vacation. Staff is recommending approval.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4877 as Recorded in the Office of the City Clerk.

RZN 06-2026 Lafayette and Mission: An ordinance rezoning that property described in rezoning petition RZN 06-2026 for 11 non-contiguous parcels, located north of Lafayette Street and east of Mission Boulevard, from RMF-24, Residential Multi-Family, 24 units per acre to RMF-6, Residential Multi-Family, 6 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning. Staff is recommending approval.

Alderman Thiel: I worked with these residents some time back and they wanted to rezone their property to make their property more compatible with the adjoining neighborhood. They still have concerns about the property that is owned by Mr. Lindsey. I am still working with Mr. Lindsey regarding the rezoning of his property. I think this rezoning is a very good effort by the neighborhood. I appreciate their effort in doing this.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4878 as Recorded in the Office of the City Clerk.

BMW Investments, LLC Cost-Share: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with BMW Investments, LLC in the amount of $14,500.00 for the upsizing of approximately 860 feet of 8" water main to 12" water main; and approving a contingency in the amount of $1,450.00.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4879 as Recorded in the Office of the City Clerk.

RZN 06-2028 Mountain Ranch C-2: An ordinance rezoning that property described in rezoning petition RZN 06-2028 for approximately 22.68 acres, located west of I-540 and south of Betty Jo Drive, from R-A, Residential-Agricultural, C-1, Neighborhood Commercial, and RMF-24, Residential Multi-Family, 24 units per acre to C-2 Thoroughfare Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description regarding this rezoning and the next five rezonings.

Chris Bracket, Jorgenson and Associates: We have taken over this project. He explained the reason for the rezonings. Most of these rezonings are due to a road that had to be moved.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4881 as Recorded in the Office of the City Clerk.

RZN 06-2028 Mountain Ranch RMF-24: An ordinance rezoning that property described in rezoning petition RZN 06-2028 for approximately 0.28 acres, located west of I-540 and south of Betty Jo Drive, from RSF-4, Residential Single Family, 4 units per acre to RMF-24, Residential Multi-Family, 24 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4882 as Recorded in the Office of the City Clerk.

RZN 06-2028 Mountain Ranch RSF-4: An ordinance rezoning that property described in rezoning petition RZN 06-2028 for approximately 1.17 acres, located west of I-540 and south of Betty Jo Drive, from RMF-24, Residential Multi-Family, 24 units per acre to RSF-4, Residential Single Family, 4 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4883 as Recorded in the Office of the City Clerk.

RZN 06-2028 Mountain Ranch RMF-12: An ordinance rezoning that property described in rezoning petition RZN 06-2028 for approximately 5.28 acres, located west of I-540 and south of Betty Jo Drive, from C-1, Neighborhood Commercial to RMF-12, Residential Multi-Family, 12 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Cook: I am not enthusiastic about having more apartments along I-540.

Chris Bracket: Out thought process behind that is when we first looked at it we had single family homes directly across the street from our commercial and we felt that was not in the best interest of the development or the City. This is set off from I540 there is quite a bit of room between us and I-540. It is shaped more for town homes, condo development as opposed to what you see now on I-540.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Thiel, Marr, Rhoads, Ferrell, Lucas, Jordan and Reynolds voting yes. Alderman Cook voting no.

Ordinance 4884 as Recorded in the Office of the City Clerk.

RZN 06-2028 Mountain Ranch RSF-2: An ordinance rezoning that property described in rezoning petition RZN 06-2028 for approximately 8.91 acres, located west of I-540 and south of Betty Jo Drive, from C-1, Neighborhood Commercial and R-A, Residential-Agricultural to RSF-2, Residential Single Family, 2 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4885 as Recorded in the Office of the City Clerk.

RZN 06-2028 Mountain Ranch RMF-18: An ordinance rezoning that property described in rezoning petition RZN 06-2028 for approximately 9.16 acres, located west of I-540 and south of Betty Jo Drive, from C-1, Neighborhood Commercial and R-A, Residential-Agricultural to RMF-18, Residential Multi-Family, 18 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning.

A discussion followed on the map.

Alderman Marr: Part of this parcel is in the commercial design overlay area and I don't think we should give up commercial zoning that is next to I-40.

Alderman Thiel: Agreed with Alderman Marr.

Chris Bracket: This parcel does not have direct access to Shiloh Street. That commercial would have to access our residential road to get to it. Also we need some kind of buffer between our single family and our commercial.

Alderman Thiel: The property just north of there is C-2 so you would have access through that property to Shiloh Street.

Chris Bracket: But we would not have a buffer between our single family and our commercial.

Alderman Marr: Again I will go back to our 2025 Plan talks about having neighborhood commercial in residential areas to reduce the need to get in your car and go some where. I do not think of neighborhood commercial as being high impact commercial. I am not comfortable with that being residential.

Chris Bracket: I would propose that you hold it at this reading so I can talk to my client.

This ordinance was left on the First Reading.

RZN 06-2050 Wales: An ordinance rezoning that property described in rezoning petition RZN 06-2050 for approximately 1.4 acres, located at 2055 North Fox Hunter Road, from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4886 as Recorded in the Office of the City Clerk.

West Fayetteville Annexation Election: An ordinance calling an election to determine whether approximately 2,000 acres contiguous to the western city limits should be annexed into Fayetteville.

City Attorney Kit Williams read the ordinance.

Tim Conklin gave a brief description of the annexation. He stated the Annexation Study Committee is recommending this annexation. In the ordinance it talks about the Special Election occurring on August 8. The Special Election will cost approximately $20,000. The City Clerk's budget had one Special Election budget for 2006 which was used for the library millage that was approximately $17,000. If you would like to go forward with this proposal if you set the Special Election for August 8 it is possible to meet those deadlines with regard to notification. If you do pass this ordinance this evening we will need to bring forward a budget adjustment to ass money to the City Clerk's budget in order to fund that election.

The City of Farmington is looking at utilizing the new state law that allows annexation of islands that are in between two cities. Whoever has the most frontage or lineal feet of contiguous corporate boundary. It is my understanding they are moving forward with that. There are also some annexation petitions that have been filed at the County by private property owners to come into the City of Fayetteville. At the time of annexation the property would be zoned residential agricultural.

A discussion followed on the date for the Special Election.

Alderman Thiel moved to amend the date for the Special Election to September 12, 2006. Alderman Marr seconded the motion.

Alderman Ferrell: Is the idea to have this election in September and to have the sales tax election on the same day.

Tim Conklin: That is correct.

Alderman Lucas: I am all for saving money but this type of election is going to be very confusing because the people outside the city can not vote on other city election items.

Alderman Marr: It concerns be that we may create a very confusing ballot in a time when we really need to educate and motivate people to support these projects.

Alderman Cook: Because of the timing of the projects we have to have the Sales Tax Election no later than September 12th.

A discussion followed on the dates for the election.

Alderman Thiel withdrew her motion. Alderman Marr withdrew his second.

Alderman Thiel: If we combine this with the School Board Election we might have some savings in the cost of the election. I have an issue about special elections.

Alderman Marr: I think you make a good point. There is just a lot of education on these issues that is why we think it should stand alone.

Ernie Penn, Farmington Alderman: We are exercising that state law that allows us to bring into our City an annexation without an election. I am here to appeal to you that we object to the annexation area that you are proposing with your boundary maps.

It has been my pleasure to work with Kyle Cook and Stephen Davis on the Sewer Negotiating Team. I appreciate their efforts and everything they have done to make that a pleasurable situation.

Mr. Penn discussed some of the areas of annexation that were talked about with the City of Fayetteville. He stated they talked about Farmington not extending their annexation north of Dot Tipton Road that seemed to be a line that was reasonably acceptable to both parties. He said if someone wishes to annex to the City of Fayetteville they are not going to be disagreeable with that. He said the area they are most concerned about is south of Edwards Road because they

have city limits on the west side already and that will restrict them. He discussed the areas that they are concentrating their annexation efforts on. They would like to square their boundaries up.

Alderman Marr: The annexation that you did last night is any of that north of Dot Tipton Road?

Ernie Penn: There is a small section above that on the other side of the road. We are willing to pull that back if necessary.

A discussion followed on the proposed area that the City of Farmington would like to annex. They also discussed the fire response time for the proposed annexed area.

Ernie Penn: We are trying to determine a good area that would be beneficial to us and to you also.

John Shreve representing the Shreve family stated they really do not want to be in any city limits but they would prefer to be in Fayetteville.

Alderman Cook: Should we even annex this amount of land. Alderman Cook voiced his concern about being able to provide the infrastructure for the annexed area. He is also concerned about the current congestion on the streets. He stated the first two goals on the 2025 Plan are infill and revitalization which are our highest priorities and we will discourage suburban sprawl. I don't see why we continue to annex.

Alderman Thiel: I am supportive of developers coming to us and wanting to annex because we get the services done when the annexation occurs. It concerns me when and if we can provide services to the annexed area if we annex this. If we do go with this annexation I think we need to make some modifications to the map.

Alderman Reynolds: I feel like we do not need to go out and grab up more when we can't handle what we have.

Alderman Lucas: Some of these things we discuss every time an annexation is brought before us. The Task Force was given the responsibility to look at this mainly because we are always talking about planning growth instead of just piece milling it. This would give us the opportunity to do what consultants have told us that we need to do, look at areas and designate things such as the commercial nodes. We are going to be providing sewer to this area whether it is in Fayetteville or not and it is going to develop whether it is in the City of Fayetteville or not. I just feel there can be some planning if it is brought into the City.

Alderman Ferrell: There is a large portion of developable land in this area that is under contract to be sold. It is not coming it is here. I think we need to be good partners with Farmington and try to work something out.

Alderman Marr: The arguments for annexation never go away, when you create the new line there is another line. At some point you have to say where is the line going to be and how does the City benefit regarding revenue. The majority of our revenue is sales tax based, do we have the majority of these individuals buying in our City. I think there is a risk to that because if it

develops as commercial nodes it will drain money being spent in our City. I like not having something coming in five acres at a time. If I felt the Council was actually going to commit to these boundaries and vote against something that is outside of them I might feel better about looking at something this size but we do not have a track record of doing that. We have Highway 16 on this section and I believe Highway 16 will develop as a commercial node and it is something that we should all consider when we think about the impact on our future tax base.

A discussion followed on Farmington's annexation and the affect that would have on our proposed annexation.

Kit Williams: I would recommend that we have a new subsection 6 that says if any area is no longer legally annexable then the ballot shall so reflect the land that can still be annexed within the City of Fayetteville. If you do not pass this ordinance tonight there would not be enough time to get this before the voters on August 8, 2006. Obviously you cannot annex an area if it has already been annexed into another city.

Alderman Thiel: I am not saying I am not in support of this going to the voters and let them decide.

Kit Williams: I would add a Section 6 *if any of the property identified for annexation by Exhibits A, B, C and D is no longer legally available for annexation at the time of the election, this ordinance and the ballot shall refer to only to the remaining legally annexable area.*

Alderman Lucas moved to amend the ordinance to add a new Section 6 as proposed by City Attorney Kit Williams. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Alderman Marr moved to amend the ordinance to have the election held at the next General Election, November 7, 2006. Alderman Thiel seconded the motion.

Alderman Marr: The reason for the motion is we have had a request from the Farmington City Council that we come to an agreement on boundary lines and we need some time to do that. I do not want this on the Road and Sewer Election which is September 12, 2006.

Upon roll call the motion passed 7-1. Alderman Lucas voting no.

Alderman Lucas: The reason that I voted no was because when the committee to study this was formed we had a mandate to bring this back in four weeks.

A discussion followed on the boundaries for the proposed annexation.

Staff will draw up proposed annexation area maps.

This ordinance was left on the First Reading

Fire Stations #3 and #5 Bond Purchase Agreement: An ordinance authorizing the issuance and sale of not to exceed three million two hundred thousand dollars ($3,500,000.00) of the city's General Obligation Bonds, Series 2006A, for the purpose of financing all or a portion of

the cost of Fire Station facility improvements; authorizing the execution and delivery of a trust indenture pursuant to which the bonds will be issued and secured; authorizing the execution and delivery of an Official Statement pursuant to which the bonds will be offered; authorizing the execution and delivery of a Bond Purchase Agreement providing for the sale of the bonds; authorizing the execution and delivery of a Continuing Disclosure Agreement; and prescribing other matters relating thereto.

Alderman Marr moved to move this to Item # 9 on the agenda. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Kit Williams: I think there is a request that this be amended to $4,000,000

Bob Wright, Crews and Associates stated the request from the City is for $3.560 million for the project. They gave the Council information regarding the new amount. He stated the only reason they are going above the $3.560 is to have a little more cushion. He stated in marketing these bonds they have seen recently some very aggressive bids with some institutions that are asking for a Debt Service Reserve Fund attached to he financing. He stated they do not expect to issue a Debt Service Reserve Fund on this financing but they wanted that flexibility in case it made sense and saved the City money.

Alderman Marr moved to amend the ordinance amount to $4,000,0000 and replace the previous ordinance with a new ordinance. Alderman Cook seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell stated he is very much in favor of fire stations. He stated his concern about the amount of this Bond Purchase Agreement. He is concerned about the cost of these fire stations.

Alderman Marr: I thought he Rupple Road Fire Station was around $1.8 million without the land cost.

Steve Davis, Finance and Internal Services Director: I would have to check the files on that. We based the Fire Station # 5 construction cost on what it cost us to construct Fire Station # 7.

Kit Williams: This is not approving any contract to build anything. The City Council has the last word whether or not they want to accept a bid to build any fire station.

Alderman Thiel: The building that will be constructed on the Tyson property is not just a fire station it will also include a training center. The cost of construction has gone up tremendously.

Alderman Marr: This is where we get in trouble communicating numbers two and three times before we actually have dates because it sets a public expectation that it is going to be a certain amount. I think we need to learn from prior projects that throwing a number out to be published on the cost of a project shouldn't be done until we feel fairly confident on the range.

Steve Davis: Construction cost was $1,613,065.90. The land cost was on top of this amount. The land cost was approximately $230,000 to $240,000. That was two years ago. This is the full

cost. Basic construction materials are going up. It is reasonable to expect that Fire Station # 5 relocation will probably come in closer to $1.7 million.

Bob Wright: The true cost as far as the financing itself the expected amount is $3.560. If there are questions on that we can certainly adjust the size of the issue.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4880 as Recorded in the Office of the City Clerk.

Meeting Adjourned at 10:50 PM

_____
Dan Coody, Mayor

_____
Sondra Smith, City Clerk/Treasurer

6/20/06 City Council Meeting

Nominating Committee Report
Meeting: Tuesday, June 13, 2006
Room 326, City Hall 6:00 p.m.
Members Present – Kyle Cook, Shirley Lucas, Robert Rhoads and Brenda Thiel

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The following is being submitted to the entire City Council for consideration.

Construction Board of Adjustments and Appeals
The Nominating Committee did not receive any applicants for the board. Positions that remain to be filled are as follows:

- Two Unexpired Alternate Member Terms ending 03/31/07

Environmental Concerns Committee
The Nominating Committee did not receive any applicants for the committee. Positions that remain to be filled are as follows:

- One Unexpired Community Citizen-at-Large Term ending 12/31/06
- One Unexpired Community Citizen-at-Large Term ending 12/31/08
- One Community Citizen-at-Large Term ending 06/30/09

Parks and Recreation Advisory Board
The Committee recommends the following candidate for appointment:

- ***Fran Free*** – One Unexpired Term ending 12/31/06

Public Library Board of Trustees
Mayor Coody recommends the following candidate for reappointment:

- ***Beverly Schaffer*** – One Unexpired Term ending 04/01/11

Telecommunications Board
The committee recommends the following candidate for reappointment:

- ***Jon Zimmer*** – One term ending 06/30/10

Positions that remain to be filled are as follows:

- One term ending 06/30/10

Tree and Landscape Advisory Committee
The committee recommends the following candidate for appointment:

- ***Cynthia Cope*** – One Unexpired Environmental Term ending 12/31/06

Positions that remain to be filled are as follows:
- One Unexpired Business Term ending 12/31/07

Walton Arts Center Council
The committee recommends the following candidate for reappointment:

- ***David Banks*** – One Term ending 06/30/09

Walton Arts Center Foundation
The committee recommends the following candidate for appointment:

- ***Allen Crouch*** – One Term ending 06/30/09

Youth Activities Committee
- ***Christina Chalfant*** – One Parent Term ending 08/31/08
- ***Debby Winters*** – One Parent Term ending 08/31/08
- ***Kate Ivey*** – One Student Term ending 08/31/07

Positions that remain to be filled are as follows:

- One Citizen-at-Large Term Ending 08/31/08
- Three Teacher Terms Ending 08/31/08
- Three Student Terms Ending 08/31/07

Final (4:45 P.M.
June 19, 2006)

ORDINANCE NO. _____

AN ORDINANCE CALLING AND SETTING A DATE FOR A SPECIAL ELECTION ON THE QUESTIONS OF THE ISSUANCE BY THE CITY OF (1) NOT TO EXCEED $25,000,000 OF CAPITAL IMPROVEMENT BONDS FOR THE PURPOSE OF FINANCING CERTAIN WASTEWATER SYSTEM IMPROVEMENTS, (2) NOT TO EXCEED $17,000,000 OF CAPITAL IMPROVEMENT BONDS FOR THE PURPOSE OF DIRECTLY FINANCING OR REFUNDING REVENUE BONDS ISSUED TO FINANCE CERTAIN WASTEWATER SYSTEM IMPROVEMENTS, (3) NOT TO EXCEED $65,900,000 OF CAPITAL IMPROVEMENT BONDS FOR THE PURPOSE OF FINANCING CERTAIN STREET IMPROVEMENTS, AND (4) NOT TO EXCEED $2,100,000 OF CAPITAL IMPROVEMENT BONDS FOR THE PURPOSE OF FINANCING CERTAIN TRAIL SYSTEM IMPROVEMENTS; LEVYING A SPECIAL LOCAL SALES AND USE TAX AT THE RATE OF ONE-QUARTER OF ONE PERCENT (0.25%) AND LEVYING A REPLACEMENT SPECIAL LOCAL SALES AND USE TAX AT THE RATE OF THREE-QUARTERS OF ONE PERCENT (0.75%) FOR THE PURPOSE OF RETIRING SUCH BONDS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Fayetteville, Arkansas (the "City") has determined that there is a critical need for an additional source of revenue to finance wastewater facilities and street and trail improvements within the City; and

WHEREAS, Amendment 62 to the Constitution of the State of Arkansas ("Amendment 62") and Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Local Government Bond Act") authorize the issuance of capital improvement bonds by municipalities, which bonds may be secured by the pledge of all of the receipts of the special citywide sales and use tax prescribed by the Local Government Bond Act; and

WHEREAS, said special citywide sales and use taxes are to be levied and collected only on the first $2,500 of each single transaction; and

WHEREAS, the City has previously issued and there are presently outstanding (i) its not to exceed $20,000,000 Sales and Use Tax Revenue Bond, Series 2006 (the "Series 2006 Bond"), (ii) its $27,000,000 Sales and Use Tax Refunding and Capital Improvement Bonds, Series 2005A (the "Series 2005A Bonds"), and (iii) its $43,995,000 Sales and Use Tax Capital Improvement Bonds, Series 2005B (the "Series 2005B Bonds," and together with the Series 2006 Bond and the Series 2005A Bonds, the "Prior Bonds"); and

WHEREAS, the Prior Bonds are secured by and payable from the receipts of a three-quarters of one percent (0.75%) special citywide sales and use tax previously levied under the authority of the Local Government Bond Act (the "Prior Tax"); and

WHEREAS, if approved by the electors of the City, the City has determined to issue (1) its capital improvement bonds in principal amount not to exceed $25,000,000 for the purpose of financing certain wastewater system improvements, (2) its capital improvement bonds in principal amount not to exceed $17,000,000 for the purpose of financing certain additional wastewater system improvements or to refund water and wastewater revenue bonds originally issued to finance said improvements, (iii) its capital improvement bonds in principal amount not to exceed $65,900,000 for the purpose of financing certain street improvements, and (iv) its capital improvement bonds in principal amount not to exceed $2,100,000 for the purpose of financing certain trail system improvements (collectively, the "Bonds"), which Bonds are to be secured by (a) a pledge of and lien upon all of the receipts of a one-quarter of one percent (0.25%) special citywide sales and use tax (the "0.25% Sales and Use Tax") and (b) when all of the Prior Bonds have been retired from the receipts of the Prior Tax, a pledge of and lien upon all of the receipts of a three-quarter of one percent (0.75%) special citywide sales and use tax (the "0.75% Sales and Use Tax") replacing the Prior Tax, all as authorized by Amendment 62 and the Local Government Bond Act; and

WHEREAS, the purpose of this Ordinance is to call a special election on the issuance of the Bonds by the City and for related purposes;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fayetteville, Arkansas:

Section 1. That under the authority of Amendment 62 and the Local Government Bond Act and subject to approval of the issuance of any series of the Bonds by the electors of the City as provided in Section 3 below, there are hereby levied (i) a sales tax at the rate of one-quarter of one percent (0.25%) and (ii) a sales tax at the rate of three-quarters of one percent (0.75%) on the gross receipts from the sale at retail within the City of all items and services which are subject to taxation under the Arkansas Gross Receipts Act of 1941, as amended (Arkansas Code of 1987 Annotated §26-52-101 *et seq.*), and (iii) an excise (or use) tax at the rate of one-quarter of one percent (0.25%) and (iv) an excise (or use) tax at the rate of three-quarters of one percent (0.75%) on the storage, use, distribution or other consumption within the City of tangible personal property or taxable services subject to taxation under the Arkansas Compensating Tax Act of 1949, as amended (Arkansas Code of 1987 Annotated §26-53-101 *et seq.*), on the sale price of the property or, in the case of leases or rentals, on the lease or rental price (collectively,

the "Sales and Use Tax"). The Sales and Use Tax shall be levied and collected only on the first $2,500 of each "single transaction" (as defined in Section 9 hereof). The levy and collection of the 0.25% Sales and Use Tax shall commence on and as of such date as provided in the Local Government Bond Act, and shall cease upon retirement in full of the Bonds. The levy and collection of the 0.75% Sales and Use Tax shall commence on the day following the date of expiration of the Prior Tax, and shall cease upon retirement in full of the Bonds. Any collections of the Prior Tax received after its expiration shall be used, if necessary or appropriate, to provide for the payment of debt service on the Bonds. Revenues resulting from the collection of the Sales and Use Tax shall be utilized solely for the payment of debt service on the Bonds.

Section 2. That under the authority of Amendment 62 and the Local Government Bond Act and subject to approval by the electors of the City as provided in Section 3 below, there is hereby authorized (1) the issuance of the City's capital improvement bonds in the aggregate principal amount of not to exceed $25,000,000 for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of certain improvements to the City's wastewater treatment plants, sewerage and related facilities, including right-of-way acquisition, (2) the issuance of the City's capital improvement bonds in the aggregate principal amount of not to exceed $17,000,000 for the purpose of directly financing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of certain improvements to the City's wastewater treatment plants, sewerage and related facilities, including right-of-way acquisition, or, alternatively, for the purpose of refunding water and wastewater revenue bonds originally issued to finance said improvements, (3) the issuance of the City's capital improvement bonds in the aggregate principal amount of not to exceed $65,900,000 for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, repair, straightening and widening of certain City streets, which may include related sidewalk, traffic signal and control, curbing, guttering and drainage improvements and right-of-way acquisition, and (4) the issuance of the City's capital improvement bonds in the aggregate principal amount of not to exceed $2,100,000 for the purpose of financing all or a portion of the costs of acquisition and construction of certain City trail system improvements, which may include related pedestrian signal and drainage improvements and right-of-way acquisition. If the issuance of any of the aforementioned capital improvement bonds (collectively, the "Bonds") is approved by the electors of the City, such Bonds may thereafter be issued in one or more series from time to time in an aggregate principal amount not to exceed the respective principal amount(s) approved by the City's electors. If approved by the electors of the City and issued, the Bonds shall be secured by a pledge of and a lien upon all of the receipts of the Sales and Use Tax, as authorized by the Local Government Bond Act.

Section 3. That there be, and there is hereby called, a special election to be held on Tuesday, September 12, 2006, at which election there shall be submitted to the electors of the City the questions of the issuance of the Bonds.

Section 4. That the questions shall be placed on the ballot for the special election in substantially the following forms:

The bonds described below that are approved may be combined into a single issue or may be issued in series from time to time. If the bonds for one or more of the purposes described below are approved, there will be levied (i) a one-quarter of one percent (0.25%) sales and use tax (the "0.25% Sales and Use Tax") and (ii) a three-quarter of one percent (0.75%) sales and use tax (the "0.75% Sales and Use Tax"), the net collections of which remaining after the State of Arkansas deducts its administrative charges will be used solely to retire the bonds and obligations of the City with respect thereto. The levy and collection of the 0.25% Sales and Use Tax will commence on January 1, 2007. The aforementioned 0.75% Sales and Use Tax will replace an existing three-quarters of one percent sales and use tax (the "Prior Tax"). The Prior Tax is pledged to the payment of certain existing indebtedness of the City and will continue to be levied and collected until such existing indebtedness is paid in full. The levy and collection of the 0.75% Sales and Use Tax shall commence on the day following the date of expiration of the Prior Tax.

Question One:

There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of capital improvement bonds in principal amount not to exceed $25,000,000 (the "Wastewater Improvement Bonds") pursuant to Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Local Government Bond Act") for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of certain improvements to the City's wastewater treatment plants, sewerage and related facilities. If the issuance of the Wastewater Improvement Bonds is approved, the Wastewater Improvement Bonds shall be secured by a pledge of and lien upon (i) all of the receipts of the 0.25% Sales and Use Tax and (ii) all of the receipts of the 0.75% Sales and Use Tax, each levied pursuant to the Local Government Bond Act.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR the issuance of Wastewater Improvement Bonds in principal amount not to exceed $25,000,000 for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of certain improvements to the City's wastewater treatment plants, sewerage and related facilities, including right-of-way acquisition .....☐

AGAINST the issuance of Wastewater Improvement Bonds in principal amount not to exceed $25,000,000 for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of certain improvements to the City's wastewater treatment plants, sewerage and related facilities, including right-of-way acquisition .....☐

Question Two:
There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of capital improvement bonds in principal amount not to exceed $17,000,000 (the "Wastewater Improvement/Refunding Bonds") pursuant to the Local Government Bond Act for the purpose of directly financing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of certain improvements to the City's wastewater treatment plants, sewerage and related facilities (the "Project") or, alternatively, for the purpose of refunding the City's water and wastewater revenue bonds originally issued to finance all or a portion of the Project. If the issuance of the Wastewater Improvement/Refunding Bonds is approved, the Wastewater Improvement/Refunding Bonds shall be secured by a pledge of and lien upon (i) all of the receipts of the 0.25% Sales and Use Tax and (ii) all of the receipts of the 0.75% Sales and Use Tax, each levied pursuant to the Local Government Bond Act.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR the issuance of Wastewater Improvement/Refunding Bonds in principal amount not to exceed $17,000,000 for the purpose of financing or refinancing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of certain improvements to the City's wastewater treatment plants, sewerage and related facilities, including right-of-way acquisition .....☐

AGAINST the issuance of Wastewater Improvement/Refunding Bonds in principal amount not to exceed $17,000,000 for the purpose of financing or refinancing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of the improvements to the City's wastewater treatment plants, sewerage and related facilities, including right-of-way acquisition .....☐

Question Three:
There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of capital improvement bonds in principal amount not to exceed $65,900,000 (the "Street Improvement Bonds") pursuant to the Local Government Bond Act for the purpose of financing all or a portion of the costs of acquisition, construction and equipping of certain street improvements. If the issuance of the Street Improvement Bonds is approved, the Street Improvement Bonds shall be secured by a pledge of and lien upon (i) all of the receipts of the 0.25% Sales and Use Tax and (ii) all of the receipts of the 0.75% Sales and Use Tax, each levied pursuant to the Local Government Bond Act.
Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR the issuance of Street Improvement Bonds in principal amount not to exceed $65,900,000 for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, repair, straightening and widening of certain City streets, which may include related sidewalk, traffic signal and control, curbing, guttering and drainage improvements and right-of-way acquisition .....☐

AGAINST the issuance of Street Improvement Bonds in principal amount not to exceed $65,900,000 for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, repair, straightening and widening of certain City streets, which may include related sidewalk, traffic signal and control, curbing, guttering and drainage improvements and right-of-way acquisition .....☐

Question Four:
There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of capital improvement bonds in principal amount not to exceed $2,100,000 (the "Trail Improvement Bonds") pursuant to the Local Government Bond Act for the purpose of financing all or a portion of the costs of acquisition, construction and equipping of certain City trail system improvements. If the issuance of the Trail Improvement Bonds is approved, the Trail Improvement Bonds shall be secured by a pledge of and lien upon (i) all of the receipts of the 0.25% Sales and Use Tax and (ii) all of the receipts of the 0.75% Sales and Use Tax, each levied pursuant to the Local Government Bond Act.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR the issuance of Trail Improvement Bonds in principal amount not to exceed $2,100,000 for the purpose of financing all or a portion of the costs of acquisition and construction of certain City trail system improvements, which may include related pedestrian signal and drainage improvements and right-of-way acquisition.....☐

AGAINST the issuance of Trail Improvement Bonds in principal amount not to exceed $2,100,000 for the purpose of financing all or a portion of the costs of acquisition and construction of certain City trail system improvements, which may include related pedestrian signal and drainage improvements and right-of-way acquisition .....☐

Section 5. That the election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for Arkansas municipal elections unless otherwise provided in the Local Government Bond Act, and only qualified voters of the City shall have the right to vote at the election. The City Clerk is hereby directed to give notice of the special election by one advertisement in a newspaper of general circulation within the City, the publication to be not less than ten (10) days prior to the date of the election.

Section 6. That a copy of this Ordinance shall be given to the Washington County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance shall also be provided to the Director of the Department of Finance and Administration of the State of Arkansas as soon as practical.

Section 7. That the results of the special election shall be proclaimed by the Mayor, and his proclamation shall be published one time in a newspaper of general circulation within the City. The proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the Circuit Court of Washington County within thirty (30) days after the date of publication of the proclamation.

Section 8. That the Mayor and the City Clerk, for and on behalf of the City, be, and they hereby are authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the issuance of any of the Bonds are approved by the electors, to cause the Sales and Use Tax to be collected in accordance with the Local Government Bond Act, and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

Section 9. That, for purposes of the Sales and Use Tax, the term "single transaction" is defined according to the nature of the goods purchased as follows:

A. When two (2) or more devices in which, upon which or by which any person or property is, or may be, transported or drawn, including, but not limited to, on-road vehicles, off-road vehicles or farm vehicles, whether required to be licensed or not, airplanes, water vessels, motor vehicles, non-motorized vehicles or mobile homes, are sold to a person by a seller, each individual unit, whether part of a "fleet" sale or not, shall be treated as a single transaction for the purposes of the Sales and Use Tax;

B. Charges for utility services which are subject to the Sales and Use Tax, and which are furnished on a continuous service basis, whether such services are paid for daily, weekly, monthly or annually, shall be computed in daily increments, and each such daily charge increment shall be considered to be a single transaction for the purposes of the Sales and Use Tax;

C. For sales of building materials and supplies to contractors, builders or other persons, a single transaction, for the purposes of the Sales and Use Tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales (or use) tax figure has been reported and remitted to the State of Arkansas;

D. When two (2) or more items of major household appliances, commercial appliances, major equipment or machinery are sold, each individual unit shall be treated as a single transaction for the purposes of the Sales and Use Tax; and

E. For groceries, drug items, dry goods and other tangible personal property and/or services not expressly covered in this Section 9, a single transaction, for the purposes of the Sales and Use Tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the State of Arkansas.

In the event that the General Assembly of the State of Arkansas shall define "single transaction," the General Assembly's definition shall replace the one in this Section 9.

Section 10. That the City considers this Ordinance to be its declaration of official intent to issue the Bonds and to make reimbursement to the City with a portion of the proceeds thereof for all original expenditures incurred by the City in acquiring, constructing or equipping the Projects approved by the voters between the date that is sixty (60) days prior to the date of this Ordinance and the date a series of Bonds is issued, plus a *de minimis* amount and preliminary expenditures, as such terms are defined in Section 1.150-2(f) of the Federal Income Tax Regulations.

Section 11. That Kutak Rock LLP is hereby engaged as Bond Counsel and Stephens Inc. is hereby engaged as Underwriter with respect to the issuance of the Bonds. The fees and expenses of Bond Counsel and the Underwriter shall be a cost of issuance of the Bond to be paid with Bond proceeds.

Section 12. That the provisions of this Ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of this Ordinance.

Section 13. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and **APPROVED** this 20th day of June, 2006.

APPROVED:

By:_____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
June 20, 2006

A meeting of the Fayetteville City Council will be held on June 20, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

Police Department Presentation Recognizing 12 members of the Fayetteville Citizen's Police Academy – Sergeant Shannon Gabbard

Nominating Committee Report: Kyle Cook, Chairman

A. CONSENT:

1. **Approval of the June 6, 2006 City Council Meeting Minutes.**

2. **Rescind Res. 82-06 – McClelland Consulting Engineers Task Order #13:** A resolution rescinding the budget adjustment approved by Resolution No. 82-06 of May 2, 2006.

3. **Professional Turf Products of Tulsa – Bid # 06-38:** A resolution awarding Bid # 06-38 and approving the purchase of two (2) multi-deck turf mowers from Professional Turf Products of Tulsa in the amount of $43,987.00 for use by the Parks & Recreation Division.

4. **Radisson Hotel Parking Space Lease Agreement:** A resolution approving a lease agreement with Radisson Hotel Fayetteville for the use of 178 parking spaces on Level One and Three of the Meadow Street Municipal Parking Garage.

B. UNFINISHED BUSINESS:

1. **Crystal Springs IV Appeal:** Appeal the approval of the PPL 06-1977 Preliminary Plat Crystal Springs IV for property located north of Mt. Comfort Road, at the end of Raven Lane. ***This item was tabled at the June 6, 2006 City Council meeting to the June 20, 2006 City Council meeting.***

2. **RZN 06-2028 Mountain Ranch RMF-18:** An ordinance rezoning that property described in rezoning petition RZN 06-2028 for approximately 9.16 acres, located west of I-540 and south of Betty Jo Drive, from C-1, Neighborhood Commercial and R-A, Residential-Agricultural to RMF-18, Residential Multi-Family, 18 units per acre. ***This ordinance was left on the first reading at the June 6, 2006 City Council meeting.***

3. **West Fayetteville Annexation Election:** An ordinance calling an election to determine whether approximately 2,000 acres contiguous to the western city limits should be annexed into Fayetteville. ***This ordinance was amended and left on the first reading at the June 6, 2006 City Council meeting.***

C. NEW BUSINESS:

1. **Amend Chapter 72 – Parking Garage Rate Adjustment:** An ordinance amending § 72.58 (I), (1), City Parking Garage on Meadow Street, to adjust per visit rates.

2. **Duncan Associates Road Impact Fee Study:** A resolution to accept and adopt the May 2006 Road Impact Fee Study by Duncan Associates.

3. **Duncan Associates Water & Wastewater Impact Fee Update:** A resolution accepting a proposal from Duncan Associates in the amount of $110,000.00 to update the existing Water and Wastewater Impact Fees, to calculate fees for the collection system, and negotiate contracts with the cities of Elkins, Farmington and Greenland to pay for and provide potential Water and Wastewater Impact Fees within their corporate boundaries.

4. **ADM 06-2093 - Springwoods C-PZD Amendment:** An ordinance to amend the approved Commercial Planned Zoning District titled C-PZD 03-8.00, Springwoods, located at I-540 and Hwy 112, containing approximately 289.26 acres.

5. **Special Election Capital Sales Tax Extension:** An ordinance calling for a Special Election on September 12, 2006 to extend the current three quarter (¾) cent Capital Sales Tax and authorize a one quarter (¼) cent Capital Sales Tax for a Total Sales Tax of one (1) cent, issue bonds and short-term debt to pay for additional cost of the Waste Water System Improvement Program and for Phase 1 of the Transportation Improvement Program as recommended by the Street Committee and the Water and Sewer Committee.

6. **Planning Commission Compensation:** An ordinance to amend § 33.108 Compensation of Article VII Planning Commission of the Fayetteville Code to provide that Planning Commissioners shall be compensated.

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
CHRISTOPHER B. BRACKETT, P.E.

June 8, 2006

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

Attn: Planning Department
Re: Rezoning for Mountain Ranch Subdivision (RZN 06-2028) – RMF-18

On behalf of the owner of the above mentioned project, we are requesting that the rezoning request (RZN 06-2028) for the above mentioned project be adjusted. We would like to change the requested rezoning to RMF-18 be changed to C-1. This change to due to the concerns expressed by several members of the City Council at the June 6th City Council Meeting with multi-family zoning in close proximity to I-540. We have revised our request to better fit their comments.

Please call concerning any questions you may have.

Thank you.

Sincerely;

Christopher B. Brackett

Christopher B. Brackett, P.E.

Agenda Session
6/13/06

DRAFT

ORDINANCE NO. _____

AN ORDINANCE CALLING AND SETTING A DATE FOR A SPECIAL ELECTION ON THE QUESTIONS OF THE ISSUANCE BY THE CITY OF (1) NOT TO EXCEED $25,000,000 OF CAPITAL IMPROVEMENT BONDS FOR THE PURPOSE OF FINANCING CERTAIN WASTEWATER SYSTEM IMPROVEMENTS, (2) NOT TO EXCEED $17,000,000 OF CAPITAL IMPROVEMENT BONDS FOR THE PURPOSE OF DIRECTLY FINANCING OR REFUNDING REVENUE BONDS ISSUED TO FINANCE CERTAIN WASTEWATER SYSTEM IMPROVEMENTS, (3) NOT TO EXCEED $65,900,000 OF CAPITAL IMPROVEMENT BONDS FOR THE PURPOSE OF FINANCING CERTAIN STREET IMPROVEMENTS, AND (4) NOT TO EXCEED $2,100,000 OF CAPITAL IMPROVEMENT BONDS FOR THE PURPOSE OF FINANCING CERTAIN TRAIL SYSTEM IMPROVEMENTS; LEVYING A SPECIAL LOCAL SALES AND USE TAX AT THE RATE OF ONE-QUARTER OF ONE PERCENT (0.25%) AND LEVYING A REPLACEMENT SPECIAL LOCAL SALES AND USE TAX AT THE RATE OF THREE-QUARTERS OF ONE PERCENT (0.75%) FOR THE PURPOSE OF RETIRING SUCH BONDS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO

WHEREAS, the City Council of the City of Fayetteville, Arkansas (the "City") has determined that there is a critical need for an additional source of revenue to finance wastewater facilities and street and trail improvements within the City; and

WHEREAS, Amendment 62 to the Constitution of the State of Arkansas ("Amendment 62") and Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Local Government Bond Act") authorize the issuance of capital improvement bonds by municipalities, which bonds may be secured by the pledge of all of the receipts of the special citywide sales and use tax prescribed by the Local Government Bond Act; and

WHEREAS, said special citywide sales and use taxes are to be levied and collected only on the first $2,500 of each single transaction; and

WHEREAS, the City has previously issued and there are presently outstanding (i) its not to exceed $20,000,000 Sales and Use Tax Revenue Bond, Series 2006 (the "Series 2006 Bond"), (ii) its $_____ Sales and Use Tax Refunding and Capital Improvement Bonds, Series 2005A

(the "Series 2005A Bonds"), and (iii) its $_____ Sales and Use Tax Capital Improvement Bonds, Series 2005B (the "Series 2005B Bonds," and together with the Series 2006 Bond and the Series 2005A Bonds, the "Prior Bonds"); and

WHEREAS, the Prior Bonds are secured by and payable from the receipts of a three-quarters of one percent (0.75%) special citywide sales and use tax previously levied under the authority of the Local Government Bond Act (the "Prior Tax"); and

WHEREAS, if approved by the electors of the City, the City has determined to issue (1) its capital improvement bonds in principal amount not to exceed $25,000,000 for the purpose of financing certain wastewater system improvements, (2) its capital improvement bonds in principal amount not to exceed $17,000,000 for the purpose of financing certain additional wastewater system improvements or to refund water and wastewater revenue bonds originally issued to finance said improvements, (iii) its capital improvement bonds in principal amount not to exceed $65,900,000 for the purpose of financing certain street improvements, and (iv) its capital improvement bonds in principal amount not to exceed $2,100,000 for the purpose of financing certain trail system improvements (collectively, the "Bonds"), which Bonds are to be secured by (a) a pledge of and lien upon all of the receipts of a one-quarter of one percent (0.25%) special citywide sales and use tax (the "0.25% Sales and Use Tax") and (b) when all of the Prior Bonds have been retired from the receipts of the Prior Tax, a pledge of and lien upon all of the receipts of a three-quarter of one percent (0.75%) special citywide sales and use tax (the "0.75% Sales and Use Tax") replacing the Prior Tax, all as authorized by Amendment 62 and the Local Government Bond Act; and

WHEREAS, the purpose of this Ordinance is to call a special election on the issuance of the Bonds by the City and for related purposes;

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

Section 1. That under the authority of Amendment 62 and the Local Government Bond Act and subject to approval of the issuance of any series of the Bonds by the electors of the City as provided in Section 3 below, there are hereby levied (i) a sales tax at the rate of one-quarter of one percent (0.25%) and (ii) a sales tax at the rate of three-quarters of one percent (0.75%) on the gross receipts from the sale at retail within the City of all items and services which are subject to taxation under the Arkansas Gross Receipts Act of 1941, as amended (Arkansas Code of 1987 Annotated §26-52-101 *et seq.*), and (iii) an excise (or use) tax at the rate of one-quarter of one percent (0.25%) and (iv) an excise (or use) tax at the rate of three-quarters of one percent (0.75%) on the storage, use, distribution or other consumption within the City of tangible personal property or taxable services subject to taxation under the Arkansas Compensating Tax Act of 1949, as amended (Arkansas Code of 1987 Annotated §26-53-101 *et seq.*), on the sale price of the property or, in the case of leases or rentals, on the lease or rental price (collectively, the "Sales and Use Tax"). The Sales and Use Tax shall be levied and collected only on the first $2,500 of each "single transaction" (as defined in Section 9 hereof). The levy and collection of the 0.25% Sales and Use Tax shall commence on and as of such date as provided in the Local Government Bond Act, and shall cease upon retirement in full of the Bonds. The levy and collection of the 0.75% Sales and Use Tax shall commence on the day following the date of expiration of the Prior Tax, and shall cease upon retirement in full of the Bonds. Any collections

of the Prior Tax received after its expiration shall be used, if necessary or appropriate, to provide for the payment of debt service on the Bonds. Revenues resulting from the collection of the Sales and Use Tax shall be utilized solely for the payment of debt service on the Bonds.

Section 2. That under the authority of Amendment 62 and the Local Government Bond Act and subject to approval by the electors of the City as provided in Section 3 below, there is hereby authorized (1) the issuance of the City's capital improvement bonds in the aggregate principal amount of not to exceed $25,000,000 for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of certain improvements to the City's wastewater treatment plants, sewerage and related facilities, [including right-of-way acquisition,] (2) the issuance of the City's capital improvement bonds in the aggregate principal amount of not to exceed $17,000,000 for the purpose of directly financing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of certain improvements to the City's wastewater treatment plants, sewerage and related facilities, [including right-of-way acquisition,] or, alternatively, for the purpose of refunding water and wastewater revenue bonds originally issued to finance said improvements, (3) the issuance of the City's capital improvement bonds in the aggregate principal amount of not to exceed $65,900,000 for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, repair, straightening and widening of certain City streets, which may include related sidewalk, traffic signal, curbing, guttering and drainage improvements [and right-of-way acquisition], and (4) the issuance of the City's capital improvement bonds in the aggregate principal amount of not to exceed $2,100,000 for the purpose of financing all or a portion of the costs of acquisition and construction of certain City trail system improvements, which may include related _____ improvements [and right-of-way acquisition]. If the issuance of any of the aforementioned capital improvement bonds (collectively, the "Bonds") is approved by the electors of the City, such Bonds may thereafter be issued in one or more series from time to time in an aggregate principal amount not to exceed the respective principal amount(s) approved by the City's electors. If approved by the electors of the City and issued, the Bonds shall be secured by a pledge of and a lien upon all of the receipts of the Sales and Use Tax, as authorized by the Local Government Bond Act.

Section 3. That there be, and there is hereby called, a special election to be held on Tuesday, September 12, 2006, at which election there shall be submitted to the electors of the City the questions of the issuance of the Bonds.

Section 4. That the questions shall be placed on the ballot for the special election in substantially the following forms:

The bonds described below that are approved may be combined into a single issue or may be issued in series from time to time. If the bonds for one or more of the purposes described below are approved, there will be levied (i) a one-quarter of one percent (0.25%) sales and use tax (the "0.25% Sales and Use Tax") and (ii) a three-quarter of one percent (0.75%) sales and use tax (the "0.75% Sales and Use Tax"), the net collections of which remaining after the State of Arkansas deducts its administrative charges will be used solely to retire the bonds and obligations of the City with respect thereto. The levy and collection of the 0.25% Sales and Use Tax will commence on January 1, 2007. The aforementioned 0.75% Sales and Use Tax will replace an existing three-quarters of one percent sales and use tax (the "Prior Tax"). The Prior Tax is pledged to the payment of certain existing indebtedness of the City and will continue to be levied and collected until such existing indebtedness is paid in full. The levy and collection of

the 0.75% Sales and Use Tax shall commence on the day following the date of expiration of the Prior Tax.

Question One:

There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of capital improvement bonds in principal amount not to exceed $25,000,000 (the "Wastewater Improvement Bonds") pursuant to Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Local Government Bond Act") for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of certain improvements to the City's wastewater treatment plants, sewerage and related facilities. If the issuance of the Wastewater Improvement Bonds is approved, the Wastewater Improvement Bonds shall be secured by a pledge of and lien upon (i) all of the receipts of the 0.25% Sales and Use Tax and (ii) all of the receipts of the 0.75% Sales and Use Tax, each levied pursuant to the Local Government Bond Act.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR the issuance of Wastewater Improvement Bonds in principal amount not to exceed $25,000,000 for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of certain improvements to the City's wastewater treatment plants, sewerage and related facilities, [including right-of-way acquisition] .....☐

AGAINST the issuance of Wastewater Improvement Bonds in principal amount not to exceed $25,000,000 for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of certain improvements to the City's wastewater treatment plants, sewerage and related facilities, [including right-of-way acquisition] .....☐

Question Two:

There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of capital improvement bonds in principal amount not to exceed $17,000,000 (the "Wastewater Improvement/Refunding Bonds") pursuant to the Local Government Bond Act for the purpose of directly financing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of certain improvements to the City's wastewater treatment plants, sewerage and related facilities (the "Project") or, alternatively, for the purpose of refunding the City's water and wastewater revenue bonds originally issued to finance all or a portion of the Project. If the issuance of the Wastewater Improvement/Refunding Bonds is approved, the Wastewater Improvement/Refunding Bonds shall be secured by a pledge of and lien upon (i) all of the receipts of the 0.25% Sales and Use Tax and (ii) all of the receipts of the 0.75% Sales and Use Tax, each levied pursuant to the Local Government Bond Act.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR the issuance of Wastewater Improvement/Refunding Bonds in principal amount not to exceed $17,000,000 for the purpose of financing or refinancing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of certain improvements to the City's wastewater treatment plants, sewerage and related facilities, [including right-of-way acquisition] .....☐

AGAINST the issuance of Wastewater Improvement/Refunding Bonds in principal amount not to exceed $17,000,000 for the purpose of financing or refinancing all or a portion of the costs of acquisition, construction, reconstruction, extension and equipping of the improvements to the City's wastewater treatment plants, sewerage and related facilities, [including right-of-way acquisition] .....☐

Question Three:
There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of capital improvement bonds in principal amount not to exceed $65,900,000 (the "Street Improvement Bonds") pursuant to the Local Government Bond Act for the purpose of financing all or a portion of the costs of acquisition, construction and equipping of certain street improvements. If the issuance of the Street Improvement Bonds is approved, the Street Improvement Bonds shall be secured by a pledge of and lien upon (i) all of the receipts of the 0.25% Sales and Use Tax and (ii) all of the receipts of the 0.75% Sales and Use Tax, each levied pursuant to the Local Government Bond Act.
Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR the issuance of Street Improvement Bonds in principal amount not to exceed $65,900,000 for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, repair, straightening and widening of certain City streets, which may include related sidewalk, traffic signal, curbing, guttering and drainage improvements [and right-of-way acquisition] .....☐

AGAINST the issuance of Street Improvement Bonds in principal amount not to exceed $65,900,000 for the purpose of financing all or a portion of the costs of acquisition, construction, reconstruction, repair, straightening and widening of certain City streets, which may include related sidewalk, traffic signal, curbing, guttering and drainage improvements [and right-of-way acquisition].....☐

Question Four:
There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of capital improvement bonds in principal amount not to exceed $2,100,000 (the "Trail Improvement Bonds") pursuant to the Local Government Bond Act for the purpose of financing all or a portion of the costs of acquisition, construction and equipping of certain City trail system improvements. If the issuance of the Trail Improvement Bonds is approved, the Trail Improvement Bonds shall be secured by a pledge of and lien upon (i) all of the receipts of the 0.25% Sales and Use Tax and (ii) all of the receipts of the 0.75% Sales and Use Tax, each levied pursuant to the Local Government Bond Act.
Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR the issuance of Trail Improvement Bonds in principal amount not to exceed $2,100,000 for the purpose of financing all or a portion of the costs of acquisition and construction of certain City trail system improvements, which may include related _____ improvements [and right-of-way acquisition] .....☐

AGAINST the issuance of Trail Improvement Bonds in principal amount not to exceed $2,100,000 for the purpose of financing all or a portion of the costs of acquisition and construction of certain City trail system improvements, which may include related _____ improvements [and right-of-way acquisition] .....☐

Section 5. That the election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for Arkansas municipal elections unless otherwise provided in the Local Government Bond Act, and only qualified voters of the City shall have the right to vote at the election. The City Clerk is hereby directed to give notice of the special election by one advertisement in a newspaper of general circulation within the City, the publication to be not less than ten (10) days prior to the date of the election.

Section 6. That a copy of this Ordinance shall be given to the Washington County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance shall also be provided to the Director of the Department of Finance and Administration of the State of Arkansas as soon as practical.

Section 7. That the results of the special election shall be proclaimed by the Mayor, and his proclamation shall be published one time in a newspaper of general circulation within the City. The proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the Circuit Court of Washington County within thirty (30) days after the date of publication of the proclamation.

Section 8. That the Mayor and the City Clerk, for and on behalf of the City, be, and they hereby are authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the issuance of any of the Bonds are approved by the electors, to cause the Sales and Use Tax to be collected in accordance with the Local

Government Bond Act, and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

Section 9. That, for purposes of the Sales and Use Tax, the term "single transaction" is defined according to the nature of the goods purchased as follows:

A. When two (2) or more devices in which, upon which or by which any person or property is, or may be, transported or drawn, including, but not limited to, on-road vehicles, off-road vehicles or farm vehicles, whether required to be licensed or not, airplanes, water vessels, motor vehicles, non-motorized vehicles or mobile homes, are sold to a person by a seller, each individual unit, whether part of a "fleet" sale or not, shall be treated as a single transaction for the purposes of the Sales and Use Tax;

B. Charges for utility services which are subject to the Sales and Use Tax, and which are furnished on a continuous service basis, whether such services are paid for daily, weekly, monthly or annually, shall be computed in daily increments, and each such daily charge increment shall be considered to be a single transaction for the purposes of the Sales and Use Tax;

C. For sales of building materials and supplies to contractors, builders or other persons, a single transaction, for the purposes of the Sales and Use Tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales (or use) tax figure has been reported and remitted to the State of Arkansas;

D. When two (2) or more items of major household appliances, commercial appliances, major equipment or machinery are sold, each individual unit shall be treated as a single transaction for the purposes of the Sales and Use Tax; and

E. For groceries, drug items, dry goods and other tangible personal property and/or services not expressly covered in this Section 9, a single transaction, for the purposes of the Sales and Use Tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the State of Arkansas.

In the event that the General Assembly of the State of Arkansas shall define "single transaction," the General Assembly's definition shall replace the one in this Section 9.

Section 10. That the City considers this Ordinance to be its declaration of official intent to issue the Bonds and to make reimbursement to the City with a portion of the proceeds thereof for all original expenditures incurred by the City in acquiring, constructing or equipping the Projects approved by the voters between the date that is sixty (60) days prior to the date of this Ordinance and the date a series of Bonds is issued, plus a *de minimis* amount and

preliminary expenditures, as such terms are defined in Section 1.150-2(f) of the Federal Income Tax Regulations.

Section 11. That Kutak Rock LLP is hereby engaged as Bond Counsel and Stephens Inc. is hereby engaged as Underwriter with respect to the issuance of the Bonds. The fees and expenses of Bond Counsel and the Underwriter shall be a cost of issuance of the Bond to be paid with Bond proceeds.

Section 12. That the provisions of this Ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of this Ordinance.

Section 13. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and **APPROVED** this 20th day of June, 2006.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

CERTIFICATE

The undersigned, City Clerk of the City of Fayetteville, Arkansas, hereby certifies that the foregoing is a true and perfect copy of an Ordinance adopted at a regular meeting of the City Council of the City of Fayetteville, Arkansas, held at 6:00 p.m. on June 20, 2006.
DATED: _____, 2006

_____
SONDRA SMITH, City Clerk

Added at Agenda Session 6/13/06

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF JUNE 20, 2006

FROM: ALDERMAN DON MARR, ALDERMAN BRENDA THIEL, ALDERMAN LIONELD JORDAN, ALDERMAN KYLE COOK, & ALDERMAN ROBERT RHOADS

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §33.108 **Compensation** Of Article VII Planning Commission Of The Fayetteville Code To Provide That Planning Commissioners Shall Be Compensated

APPROVED FOR AGENDA:

Don Marr
Alderman
6/13/06
Date

SWIFTY REYNOLDS 6/13/06

Robert Rhoads
Alderman
6/13/06
Date

Brenda Thiel
Alderman
6/13/06
Date

Lioneld Jordan
Alderman
6/13/06
Date

Kyle Cook
Alderman
6/13/06
Date

Kit Williams
City Attorney (as to form)
6-13-06
Date

ORDINANCE NO. _____

AN ORDINANCE TO AMEND **§33.108 COMPENSATION** OF ARTICLE VII PLANNING COMMISSION OF THE FAYETTEVILLE CODE TO PROVIDE THAT PLANNING COMMISSIONERS SHALL BE COMPENSATED

WHEREAS, Arkansas law provides that municipal planning commissioners shall be entitled to receive compensation if so authorized by ordinance; and

WHEREAS, the Planning Commissioners devote many hours weekly in their statutory duty to help plan our rapid development during Subdivision Committee meetings, Agenda meeting, regular Planning Commission meetings and special Planning Commission meetings (Downtown Code, Hillside Task Force, 2025 Plan, etc.); and

WHEREAS, it is right and proper that these appointed commissioners receive some compensation for all the valuable and necessary work that they perform for the City.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals **§33.108 Compensation** in its entirety and enacts a replacement §33.108 as follows:

> **"§33.108 Compensation**
>
> "The members of the Planning Commission shall receive $375.00 per month during their service on the Planning Commission."

PASSED and **APPROVED** this 20th day of June, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
June 20, 2006

A meeting of the Fayetteville City Council will be held on June 20, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

For Discussion Only: Steve Davis Contract Proposal – Agenda Session Only.

Progress Report on Phase I of the Classification and Compensation System Project Job Description Development given by Johanson Group. – Agenda Session Only

Police Department Presentation Recognizing 12 members of the Fayetteville Citizen's Police Academy – Sergeant Shannon Gabbard

A. CONSENT:

1. **Approve the minutes for June 6, 2006.**

2. **Rescind Res. 82-06 – McClelland Consulting Engineers Task Order #13:** A resolution rescinding the budget adjustment approved by Resolution No. 82-06 of May 2, 2006.

3. **Professional Turf Products of Tulsa – Bid # 06-38:** A resolution awarding Bid # 06-38 and approving the purchase of two (2) multi-deck turf mowers from Professional Turf Products of Tulsa in the amount of $43,987.00 for use by the Parks & Recreation Division.

4. **Radisson Hotel Parking Space Lease Agreement:** A resolution approving a lease agreement with Radisson Hotel Fayetteville for the use of 178 parking spaces on Level One and Three of the Meadow Street Municipal Parking Garage.

B. UNFINISHED BUSINESS:

1. **Crystal Springs IV Appeal:** Appeal the approval of the PPL 06-1977 Preliminary Plat Crystal Springs IV for property located north of Mt. Comfort Road, at the end of Raven Lane. ***This item was tabled at the June 6, 2006 City Council meeting to the June 20, 2006 City Council meeting.***

2. **RZN 06-2028 Mountain Ranch RMF-18:** An ordinance rezoning that property described in rezoning petition RZN 06-2028 for approximately 9.16 acres, located west of I-540 and south of Betty Jo Drive, from C-1, Neighborhood Commercial and R-A, Residential-Agricultural to RMF-18, Residential Multi-Family, 18 units per acre. ***This ordinance was left on the first reading at the June 6, 2006 City Council meeting.***

3. **West Fayetteville Annexation Election:** An ordinance calling an election to determine whether approximately 2,000 acres contiguous to the western city limits should be annexed into Fayetteville. ***This ordinance was amended and left on the first reading at the June 6, 2006 City Council meeting.***

C. NEW BUSINESS:

1. **Amend Chapter 72 – Parking Garage Rate Adjustment:** An ordinance amending § 72.58 (I), (1), City Parking Garage on Meadow Street, to adjust per visit rates.

2. **Duncan Associates Road Impact Fee Study:** A resolution to accept and adopt the May 2006 Road Impact Fee Study by Duncan Associates.

3. **Duncan Associates Water & Wastewater Impact Fee Update:** A resolution accepting a proposal from Duncan Associates in the amount of $110,000.00 to update the existing Water and Wastewater Impact Fees, to calculate fees for the collection system, and negotiate contracts with the cities of Elkins, Farmington and Greenland to pay for and provide potential Water and Wastewater Impact Fees within their corporate boundaries.

4. **ADM 06-2093 - Springwoods C-PZD Amendment:** An ordinance to amend the approved Commercial Planned Zoning District titled C-PZD 03-8.00, Springwoods, located at I-540 and Hwy 112, containing approximately 289.26 acres.

5. **Special Election Capital Sales Tax Extension:** An ordinance calling for a Special Election on September 12, 2006 to extend the current three quarter (¾) cent Capital Sales Tax and authorize a one quarter (¼) cent Capital Sales Tax for a Total Sales Tax of one (1) cent, issue bonds and short-term debt to pay for additional cost of the Waste Water System Improvement Program and for Phase 1 of the Transportation Improvement Program as recommended by the Street Committee and the Water and Sewer Committee.

D. INFORMATIONAL:

City Council Tour: June 19, 2006 - 4:30 PM

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

20-Jun
City Council Meeting Date

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

Action Required:

Approve a Resolution to rescind the Budget Adjustment approved by Resolution 82-06, in order to correct a procedural error.

$0.00		
Cost of this request	Category/Project Budget	Program Category / Project Name
		Airport Cap Exp
Account Number	Funds Used to Date	Program / Project Category Name
NA	$ -	General Fund / Airport
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 5/25/06 Date

Previous Ordinance or Resolution # 82-06

Original Contract Date:

Original Contract Number:

City Attorney — 5/26/06

Finance and Internal Service Director — 5/30/06 Date

Received in City Clerk's Office ENTERED 5/26/06

Mayor — 5/30/06 Date

Received in Mayor's Office ENTERED 5/30/06

Comments:

City Council Meeting of: June 20, 2006
Agenda Item Number:

CITY COUNCIL AGENDA MEMO

TO: City Council Members
Dan Coody, Mayor

THRU: Staff/Contract Review Committee

FROM: Ray M. Boudreaux, Director, Aviation and Economic Development

DATE: May 25, 2006

SUBJECT: Rescind BA for Airfield Striping, Resolution 82-06

RECOMMENDATION: Void the Budget Adjustment approved by Resolution 82-06

BACKGROUND: The FAA project manager requested that the airport prepare a design and specification for re-striping the Airfield markings. It is anticipated that the project will be funded 95/5% by the FAA and AR Dept of Aeronautics. A Task Order #13 with McClelland Consulting Engineers, Inc (MCE) was approved by the City Council May 2, 2006 for the design and oversight of the work. A Budget Adjustment for the total project budget was approved at that time.

DISCUSSION: The Budget Adjustment submitted with the Task Order was in error. The BA recognized the grant funds in the correspondent revenue account; however, the funds have not yet been made available by the FAA. The FAA project manager expects to take advantage of residual grant dollars made available after their initial funding round. Time is of the essence, and if our project is ready to go when monies become available, the chance is greater for funds commitment to the striping project by the FAA.

The procedural error is resolved by submitting a new BA which uses Airport fund balance to fund the design work. These monies will be refunded by AIP/AR Dept Aero grants when they become available.

BUDGET IMPACT: The new BA will temporarily reduce the Airport fund balance until such time as the funds are reimbursed by the FAA / AR Dept Aero.

Attachments: Staff Review form
Resolution 82-06
Orig BA (copy)

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

RESOLUTION NO. _____

A RESOLUTION RESCINDING THE BUDGET ADJUSTMENT APPROVED BY RESOLUTION NO. 82-06 OF MAY 2, 2006.

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 rescinds the Budget Adjustment approved in Section 2 of Resolution No. 82-06 of May 2, 2006.

PASSED and **APPROVED** this 20th day of June, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

RESOLUTION NO. 82-06

A RESOLUTION APPROVING TASK ORDER NO. 13 WITH McCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF $9,650.00 FOR DESIGN OF THE AIRFIELD STRIPING PLAN, BIDDING SERVICES AND PROJECT OVERSIGHT AT THE FAYETTEVILLE MUNICIPAL AIRPORT; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING $85,000.00 IN GRANT REVENUE

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 Task Order No. 13 with McClelland Consulting Engineers in the amount of $9,650.00 for design of the airfield striping plan, bidding services and project oversight at the Fayetteville Municipal Airport. A copy of Task Order No. 13, marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment recognizing $85,000.00 in grant revenues.

PASSED and **APPROVED** this 2nd day of May, 2006.

APPROVED:

BY: Dan Coody

Dan Coody, Mayor

ATTEST:

By: Sondra Smith

Sondra Smith, City Clerk

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: General Government Division: Aviation & Economic Development Program: Airport Capital Expenditures	Date Requested	Adjustment Number
2006		4/14/2006	

Project or Item Added/Increased:
$85,000.00 in the Airfield Re-striping capital project account.

Project or Item Deleted/Reduced:
None. Recognize $80,750.00 in FAA AIP grant funds, Recognize $4250.00 in State Department of Aeronautics grant funds

Justification of this Increase:
Will provide for Re-Striping of the Airfield markings. Mandated by FAA.

Justification of this Decrease:
The project is fully funded by grants. Project will proceed when grants have been awarded.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
#N/A	5550	3960	7820	35	85,000	06021	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
#N/A	5550	0955	6820	35	80,750	06021	1
State grants on Fed proj	5550	0955	6803	00	4,250	06021	1

Approval Signatures

Requested By	5/5/06 Date
Budget Manager	Date
Department Director	5/5/06 Date
Finance & Internal Services Director	Date
Mayor	5/8/06 Date

Budget Office Use Only

Type: A B C D E

	Initial	Date
Posted to General Ledger		
Posted to Project Accounting		
Entered in Category Log		

2006
DEPT

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

RECEIVED
JUN 01 2006
ACCTG. DEPT.

20-Jun-06
City Council Meeting Date

David Bragg	Fleet Operations	Operations
Submitted By	Division	Department

Action Required:

A resolution awarding Bid #06-38 to Professional Turf Products of Tulsa in the amount of $43,987.00 for the purchase of two Multi-Deck Turf Mowers for use by Parks Division.

$43,987.00	$ 188,000.00	Tractors/Mowers
Cost of this request	Category/Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 33,293.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02083	$ 154,707.00	Shop Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [ ]

Department Director — Date: 6-1-06

City Attorney — Date: 6/2/06

Mayor — Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office ENTERED 6-1-06

Received in Mayor's Office ENTERED 6/3/06

Comments:

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

To: Mayor/City Council

Thru: Gary Dumas, Director of Operations

From: David Bragg, Fleet Operations Superintendent

Date: May 31, 2006

Subject: Purchase of two Multi Deck Turf Mowers

RECOMMENDATION: That City Council approve the purchase of two Multi-Deck Turf Mowers for use by Parks Division in the amount of $43,987.

BACKGROUND: Bid #06-38 was opened on May 16, 2006. One bid response was received. The bid from Professional Turf Products of Tulsa meets all specifications.

These mowers will replace units #561, a 1998 Ford New Holland Utility Tractor and unit #569, a 2000 Ford New Holland utility Tractor. The Toro Groundsmaster is a unique machine for finish mowing sports fields and has limited competition in the market. Parks Division experience with numerous Toro products has been positive.

Funds are available for this purchase in Fleet Replacement Project 02083 – Tractors/Mowers.

The purchase of these units was approved by the Equipment Committee on May 30th, 2006.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #06-38 AND APPROVING THE PURCHASE OF TWO (2) MULTI-DECK TURF MOWERS FROM PROFESSIONAL TURF PRODUCTS OF TULSA IN THE AMOUNT OF $43,987.00 FOR USE BY THE PARKS & RECREATION DIVISION.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #06-38 and approves the purchase of Two (2) Multi-Deck Turf Mowers from Professional Turf Products of Tulsa in the amount of $43,987.00 for use by the Parks & Recreation Division.

PASSED and **APPROVED** this 20th day of June, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

Fayetteville
ARKANSAS

FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville, AR 72701

Equipment Committee Correspondence

TO: **City of Fayetteville, Equipment Committee**
Robert Reynolds, Chairman **Don Marr**
Bobby Ferrell **Lioneld Jordan**

FROM: **David Bragg, Fleet Operations Supt**

DATE: **May 22, 2006**

SUBJECT: **Award of Equipment Bid**

Bid #06-38 was opened on May 16, 2006 for two Multi-Deck Turf Mowers for use by Parks Division. One bid response was received.

The lowest bid from Professional Turf Products of Tulsa meets all specifications. The Toro Groundsmaster is a unique machine for finish mowing sports fields and has limited competition in the market. Parks Division experience with numerous Toro products has been positive.

I recommend acceptance of the bid from Professional Turf Products in the amount of $43,987.00.

These mowers will replace units 561, a 1998 Ford New Holland utility tractor that is no longer dependable for daily use and unit 569, a 2000 Ford New Holland utility tractor. These utility tractors with mid mounted mowers were the industry standard commercial mowing unit when purchased, but they are not nearly as productive or as well suited for quality sports field maintenance as the Toro Groundsmaster.

Funds are available for this purchase in Fleet Replacement Special Project 02083– Tractors/Mowers.

Cc:
Gary Dumas

APPROVED 5/30/06
JRB

A. 3
Professional Turf Products
of Tulsa - Bid # 06-38
Page 5 of 8

City Of Fayetteville

(Not a Purchase Order)

Requisition No.	
Date:	6/1/2006
P.O Number	
Expected Delivery Date:	

Vendor # 10149	Vendor Name: PROFESSIONAL TURF PRODUCTS		Mail Yes:__ No:_XX_
Address:		Fob Point:	Taxable Yes:_XX_ No:____
City:	State:	Zip Code / Ship to code: 050	Divison Head Approval
Quotes Attached Yes:_____ No:_____			
Requester MARGARET HATTABAUGH		Requester's Employee # 2256	Extension: 495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	MULTI-DECK TURF MOWER PER	2	EA	$21,993.50	$43,987.00	9700.1920.5802.00	02083.1		
2	SPECS, BID #06-38		EA		$0.00				
3	TO BE UNITS 592 AND 593, FIXED		EA		$0.00				
4	ASSET #700592 AND 700593		EA		$0.00				
5			EA		$0.00				
6			EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: _____ 43,987.00

Tax: _____EXEMPT_____

Total:_____ 43,987.00

Approvals:

Mayor: _____

Department Director:_____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager:_____

Dispatch Manager:_____

Utilities Manager:_____

(1)

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

6/20/2006
City Council Meeting Date

Sharon Jenkins	Parking Management	Operations
Submitted By	Division	Department

Action Required:

Approval of resolution to approve Lease Agreement with the Radisson Hotel Fayetteville for the lease of 178 parking spaces in the municipal parking garage, levels one and three, located on Meadow Street in Fayetteville.

$ (80,100.00)	$ (80,100.00)	Revenue - Rent Lot 9 Deck
Cost of this request	Category / Project Budget	Program Category / Project Name
2130-0913-4426-09	$ -	Parking Management
Account Number	Funds Used to Date	Program / Project Category Name
	$ (80,100.00)	Off-Street Parking
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [ ]

Department Director — Date 5-30-06

City Attorney — Date 5/31/06

Finance and Internal Service Director — Date 6-1-06

Mayor — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 5/30/06

Received in Mayor's Office — ENTERED 5/31/06

Comments:

CITY COUNCIL AGENDA MEMO

TO: Mayor Dan Coody

THRU: Gary Dumas, Director of Operations

FROM: Sharon Jenkins, Parking & Telecommunications Manager SJ

DATE: May 26, 2006

SUBJECT: Parking Lease Agreement with Radisson Hotel Fayetteville

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RECOMMENDATION

Staff recommends approving a Parking Lease Agreement with the Radisson Hotel Fayetteville for a term of one (1) year, with an automatic annual renewal for up to four (4) additional years. The lease is for the use of 178 parking spaces in the municipal parking garage, levels 1 and 3, located on Meadow Street in Fayetteville.

BACKGROUND

The City entered into the original Lease Agreement with FOURTEN SOUTH BROADWAY CORPORATION d/b/a The Hilton Hotel on October 16, 1990. The term of the lease ran for a period of fourteen years and ended on September 30, 2004. City Council extended this contract allow time for the city to finish deck rehabilitation and the installation of new parking equipment.

DISCUSSION

Now that these improvements have been completed, we have drawn up a new Lease Agreement that is basically identical to the original Agreement, with the addition of city staff retaining service and control of the equipment and revenue control machines. The Radisson Hotel Fayetteville will lease the entire first level and third level of the parking garage and retain all parking revenues collected. The City of Fayetteville will maintain and service all parking equipment. This is the same arrangement that the City currently has with the Fayetteville Town Center.

BUDGET IMPACT

The Radisson Hotel currently pays $80,100.00 annually to the City for the lease of the parking garage. The first level rents for $45.00 per space per month and the third level rents for $30.00 per space per month. This revenue would remain the same under this new Lease Agreement. The hotel pays the same rate per parking space as an individual pays for a comparable space.

RESOLUTION NO. _____

A RESOLUTION APPROVING A LEASE AGREEMENT WITH RADISSON HOTEL FAYETTEVILLE FOR THE USE OF 178 PARKING SPACES ON LEVELS ONE & THREE OF THE MEADOW STREET MUNICIPAL PARKING GARAGE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a Lease Agreement with Radisson Hotel Fayetteville for the use of 178 parking spaces on Levels One & Three of the Meadow Street Municipal Parking Garage. A copy of the Lease Agreement marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED and **APPROVED** this 20th day of June, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

AGREEMENT

This Agreement, made and entered into this _____ day of _____, 2006, by and between the City of Fayetteville, Arkansas, a Municipal Corporation, 113 W. Mountain St., Fayetteville, Arkansas, and the Radisson Hotel Fayetteville, 70 North East Avenue, Fayetteville, Arkansas.

WITNESSETH:

The City of Fayetteville, for and in consideration of the rents hereinafter reserved, and of the covenants and agreements hereinafter set forth, to be kept and performed by the Radisson Hotel Fayetteville, and the Radisson Hotel Fayetteville does hereby lease from the City of Fayetteville, that parcel of land situated in the County of Washington and State of Arkansas, and more particularly described as:

> One hundred and seventy-eight parking spaces located in a multi-level parking deck located upon real property more particularly described as:
>
> A part of Block numbered Fifteen (15) in the original plat of the City of Fayetteville, Arkansas, described as follows: Beginning at a point 127 feet west of the northeast corner of said Block Fifteen; and running thence west 177 feet; thence south 206 feet; thence east 177 feet; thence north 206 feet to the place of beginning.

Said parcel of land and parking spaces hereinafter referred to as the "Leased Premises".

1. Term of Lease. The term of this Lease shall be for a period of one (1) year, with an automatic annual renewal for up to four (4) additional years, commencing on the date of execution hereof.

2. Right of First Refusal. If at any time during the term of this Lease the City of Fayetteville receives an acceptable bona fide offer to purchase the Leased Premises, or any part thereof, the City of Fayetteville shall submit a written copy of such offer to Radisson Hotel Fayetteville giving Radisson Hotel Fayetteville thirty (30) days within which to elect to meet such offer.

3. Parking Spaces. This Lease shall be for the entire first level of the Leased Premises consisting of eighty-nine (89) parking spaces, and the entire third level of the Leased Premises consisting of eighty-nine (89) parking spaces, for a total of one hundred seventy-eight (178) spaces.

4. Rent. The Radisson Hotel Fayetteville shall pay to the City of Fayetteville as rent for the Leased Premises the following:
   a. The sum of forty-five dollars ($45.00) per month per parking space rented on the first level of the Leased Premises.
   b. The sum of thirty dollars ($30.00) per month per parking space rented on the third level of the Leased Premises.
   c. The monthly rental shall be payable in consecutive monthly installments payable in advance on or before the first day of every calendar month.

5. Use. The Radisson Hotel Fayetteville and their subtenant or occupants shall have the right to use the Leased Premises for parking only; any other use of the Leased Premises must be pre-approved by the City of Fayetteville which shall meet all present and future building codes, zoning and other laws.

6. Repairs. The City of Fayetteville shall, during the term of this Lease and any renewal or extension thereof, at its sole expense, keep the Leased Premises in as good order and repair as it is at the date of the commencement of this Lease, reasonable wear and tear and damage by accidental fire or other casualty not within the control of City of Fayetteville excepted. The Radisson Hotel Fayetteville shall not knowingly commit or willfully permit to be committed on the Leased Premises any act or thing contrary to the rules and regulations prescribed from time to time by either federal, state or municipal authority.

7. Casualty. If at any time the Leased Premises or the building which forms the principal component of the Leased Premises should be damaged by fire or any major casualty to the fault of the Lessee and the cost of repairing the damage does not exceed 35% or the value of the improvements of the premises herein leased or the building which forms the principal component part of the Leased Premises, then Lessor shall as soon as reasonably practical repair the damage cased by said fire or other casualty. If, however, the damage should exceed 35% of the value of the improvements of the premises herein leased or the building which forms the principal component part of the Leased Premises, the Lessor shall have the option of either repairing said premises or terminating this Lease as of the date of said fire or other casualty by notice to lessee within thirty (30) days after said date. If the damages should render the Leased Premises untenantable for the use of Lessee's business as set forth herein, the rental from the date of said fire, or any major casualty not the fault of the Lessee, to the date of the completion of the restoration of the premises shall be abated, such abatement being figured on a pro rata basis of the rentals, herein provided.

   In the event the damage should exceed 35% of the value of the improvements of the premises herein leased or the building which forms the principal component part of the Leased Premises and the City of Fayetteville makes the decision not to repair the Leased Premises such a decision must be submitted in writing to the Radisson Hotel Fayetteville. Upon receipt of the notice from City of Fayetteville the Radisson Hotel Fayetteville has thirty (30) days to elect either, or both, of the following options:

   a. To purchase the entire Leased Premises from City of Fayetteville at its then fair market value and/or,
   b. To repair the Leased Premises at Radisson Hotel Fayetteville's sole and exclusive expense with all terms of the Lease Agreement, except for abatement of rent provided for herein, continuing in effect.

8. Lighting and Painting. City of Fayetteville shall, during the term of this Lease and any renewal or extension thereof, at its sole expense, keep, in the same manner as it is as of the date of the commencement of this Lease, the Leased Premises lighted, have all parking spaces properly striped and the premises painted.

9. Parking Equipment. City of Fayetteville shall, during the term of this Lease and any renewal or extension thereof, at its sole expense, provide revenue control and access equipment for

the Leased Premises. This equipment shall include parking gates, parking card readers, and automatic revenue control machines located at the entrances of both levels of the parking deck.

10. Parking Management Services. The City of Fayetteville shall provide services to manage the municipal parking deck located east of the Radisson Hotel Fayetteville. This service shall include the following:
    a. Provide parking revenues and access control equipment for both levels of Leased Premises.
    b. Program parking cards and distributing them to the Radisson Hotel Fayetteville; activate and deactivate parking cards as requested by the Radisson Hotel Fayetteville.
    c. Provide routine maintenance on gates, card readers, revenue control machines, etc. Expenses incurred for maintenance on equipment shall be borne by the City of Fayetteville.
    d. Provide a minimum of four (4) hours of cleaning services per week; cleaning services include sweeping; blowing; vacuuming; spot washing of soft drinks, mud, or other spills; and the emptying of trash containers into the dumpster.
    e. Retrieve revenues from revenue control machines no less than twice per month.
    f. Frequently service the revenue control machines to ensure quarter hoppers have sufficient coins to make change to customers. City staff will take sufficient amount of money from the revenues collected in order to purchase enough quarters and dollar coins to keep revenue machines fully operational. One hundred percent (100%) of the revenues collected, less monies used to replenish quarter and dollar coin hoppers, will be deposited into the City's account; a check will be issued to the Radisson Hotel for one hundred percent (100%) of the total revenues, less monies used to replenish quarter and dollar coin hoppers. This revenue shall be reimbursed to the Radisson Hotel within forty (45) days of receipt of monies collected.
    g. Provide accounting of all revenues received through the revenue control machines on a monthly basis; provide audit statements of revenues collected to the Radisson Hotel Fayetteville on a monthly basis.
    h. All expenses incurred for the purchase of equipment and supplies for the operations of the deck shall be borne by the City of Fayetteville. All purchases shall be initiated by the City of Fayetteville.
    i. The City agrees to allocate parking cards only to the Radisson Hotel Fayetteville and employees of the Parking Management Division for purposes of executing parking services.
    j. The Radisson Hotel Fayetteville may reallocate parking cards to a second party as they deem necessary; however, the Radisson Hotel Fayetteville may not resell parking spaces for a greater amount than that paid by the Radisson Hotel Fayetteville to the City of Fayetteville as set forth in this contract.

11. Tenant Responsibilities. The Radisson Hotel Fayetteville shall provide the following:
    a. Reimburse the City of Fayetteville for cost of all parking cards provided for access into the Leased Premises. The City of Fayetteville shall bill the Radisson Hotel for all parking cards issued to the Radisson Hotel Fayetteville at the actual cost of the cards plus applicable sales tax. The Radisson Hotel Fayetteville shall submit payment within thirty (30) days of invoice date to the City of Fayetteville.
    b. Provide advance notification and post signage at the Leased Premises at least twenty-four (24) hours in advance prior to any parking area closure on Leased Premises.

c. Provide advance notification at least twenty-four (24) hours in advance to the City of Fayetteville when gates are going to be manually raised by the Radisson Hotel Fayetteville for special events or any other reason.

12. Insurance. Radisson Hotel Fayetteville shall be solely responsible for insuring its interests in the Leased Premises and improvements for its protection.

13. Taxes. The City of Fayetteville shall pay all real estate taxes and special assessments, if any, during the term of the Lease.

14. Utilities/Janitorial. The City of Fayetteville shall pay for all utility service and janitorial service in the Leased Premises.

15. Nuisance. The Radisson Hotel Fayetteville covenants and agrees that the Radisson Hotel Fayetteville will not use or allow the Leased Premises to be used for any purpose or in any manner which would constitute or create a nuisance, which would constitute waste, which would interfere with the lawful rights of owners, Radisson Hotel Fayetteville or occupants to adjoining property or which would in any way be contrary to the law, ordinances, orders, rules, regulations or requirements of the federal, state, county or municipal governments or any department, board or bureau thereof. The Radisson Hotel Fayetteville further agrees that Radisson Hotel Fayetteville will promptly comply with the requirements of any of the aforesaid authorities with reference to the installation, erection, construction, use, repair or modifications or any improvements situated upon the Leased Premises during the term of this Lease.

16. Holding Over. An occupancy by the Radisson Hotel Fayetteville of the Leased Premises beyond the expiration of this Lease as herein provided shall be a tenancy from month to month.

17. Notices. All notices, demands and requests provided for or permitted to be given under this Agreement must be in writing and shall be deemed to have been properly given or served by depositing the same in the United States Mail, addressed to the City of Fayetteville or to the Radisson Hotel Fayetteville, as the case may be, prepaid and certified mail, return receipt requested, at the party's last known address. All notices, demands and requests shall be effective seventy-two (72) hours after being deposited in the United States Mail. Rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice, demand or request. Either party shall have the right from time to time and at any time upon at least ten (10) days written notice thereof, to change their respective addresses and each shall have the right to specify as its address any other address within the United States of America.

18. Legal Representatives, Successors and Assigns. It is further covenanted and agreed by and between the City of Fayetteville and the Radisson Hotel Fayetteville, that all covenants, agreements, provisions, conditions and undertakings in this Lease contained shall extend to and be binding upon the heirs, executors, successors and assigns of the respective expressed, and shall be construed as covenants and conditions running with the land and the reversion; and that wherever in this Lease reference is made to either the City of Fayetteville or the Radisson Hotel Fayetteville hereto, it shall be held to include and apply to (wherever and whenever applicable) the heirs, executors, successors, personal or legal representatives and

assigns of the City of Fayetteville or the Radisson Hotel Fayetteville, the same as if in each and every case so expressed.

19. Condemnation. If during the term of this Lease, or any renewal thereof, all or substantially all of the Leased Premises shall be taken or condemned by a competent authority for any purpose or use, then the Lease shall terminate immediately after the vesting of title in such authority and rent shall be paid to and adjusted as of that day. The term "all or substantially all" shall be deemed to mean a taking of all of the Leased Premises or a taking of such portion of the Leased Premises that the Radisson Hotel Fayetteville cannot reasonably operate in the remainder in substantially the same manner as before.

20. Right Upon Default. Whenever the Radisson Hotel Fayetteville shall do either of the following:

    a. Default in the payment of any installment of monthly rent and continue in default for thirty (30) days after the City of Fayetteville gives the Radisson Hotel Fayetteville written notice specifying the default; or
    b. Fails to timely pay monthly rental payments for four or more months during any consecutive twelve (12) month period during the term of this lease may, at the discretion of the Lessor constitute default.
    c. Default in any other covenant of the Radisson Hotel Fayetteville in this Lease and fail to commence (subject to unavoidable delay) to take steps to remedy same within twenty (20) days after the City of Fayetteville gives the Radisson Hotel Fayetteville written notice specifying same; then the City of Fayetteville may terminate this Lease upon ten (10) days written notice of their intent to so terminate, provided the termination shall not be allowed if either of the following provisions are complied with during the notice period or at any prior time:
        i. The Radisson Hotel Fayetteville proceeds to cure same or takes remedies to cure same; or
        ii. The Radisson Hotel Fayetteville contests the amount claimed to be due or any other item for which an amount could be estimated (definite or estimated), and the Radisson Hotel Fayetteville deposits the contested amount in an escrow account with instructions to the escrow agent to disburse the amount in accordance with the written agreement of the Radisson Hotel Fayetteville and the City of Fayetteville or in accordance with the order of a court exercising jurisdiction over the controversy.

21. Assignability. Radisson Hotel Fayetteville shall not, without the written consent of City of Fayetteville, assign this Lease, or any rights thereunder, or sublet any part of the Leased Premises, provided however, Radisson Hotel Fayetteville is authorized to assign this Lease as part of any sale of the hotel that is located adjacent to the Leased Premises provided that, at the time of the closing of the sale, it is the intention of the purchaser to continue to operate the purchased improvements as a hotel. Upon any assignment of this lease by the Radisson Hotel Fayetteville the Radisson Hotel Fayetteville is released and discharged from any further obligations or liabilities it has hereunder and any assignee of the Radisson Hotel Fayetteville shall have all rights belonging to the Radisson Hotel Fayetteville under this Lease.

22. Entire Agreement. All previous negotiations and understandings between the City of Fayetteville and the Radisson Hotel Fayetteville, or their respective agents and employees, with respect to the Lease Agreement set forth herein are merged in this Lease Agreement which alone fully and completely expresses the parties' rights, duties and obligations.

23. Amendments. No waivers, alterations or modifications of this Lease shall be valid unless written upon or attached to the fully executed copies of this Lease and further executed by both the City of Fayetteville and the Radisson Hotel Fayetteville herein.

24. Binding. This Lease shall be binding upon the parties and upon their heirs, successors and assigns. This Lease shall be construed under the laws of the State of Arkansas.

IN WITNESS WHEREOF, the City of Fayetteville and the Radisson Hotel Fayetteville have executed this Agreement on or as of the date first written above.

CITY OF FAYETTEVILLE

_____
DAN COODY, Mayor

ATTEST:

_____
SONDRA SMITH, City Clerk

RADISSON HOTEL FAYETTEVILLE

By: DAVID G MCGEADY
(Printed Name)

By: _____
(Signature)

GENERAL MANAGER
(Title)

ALDERMAN APPEAL REQUEST FORM

COUNCIL MEETING OF: June 6, 2006

FROM: Alderman Lioneld Jordan

APPEAL TITLE AND SUBJECT:

Appeal the approval of the PPL 06-1977: Preliminary Plat (Crystal Springs IV)

Preliminary Plat submitted by Mel Milholland for property located north of Mt. Comfort Road, at the end of Raven Lane. The property is zoned RSF-4, Single Family – 4 Units/Acre and contains approximately 85.18 acres. The request is for a residential subdivision with 273 single family lots.

Alderman — Date: 5/12/06

Alderman — Date: 5-12-06

Alderman — Date

Alderman — Date

Tabled to June 20, 2006 meeting 6/6/06

Fayetteville
ARKANSAS

May 11, 2006

City of Fayetteville
Sondra Smith, City Clerk
113 West Mountain Street
Fayetteville, AR 72701

RE: Appeal of PPL 06-1977: Preliminary Plat (Crystal Springs IV)

Dear Sondra,

I would like to appeal the Planning Commission's decision regarding PPL 06-1977, Preliminary Plat (Crystal Springs IV). I am appealing their decision on the behalf of Kathleen Stocker and Susan Pomoransky. I have received numerous calls regarding this preliminary plat therefore I feel this appeal is warranted. Please present this appeal to the City Council at the June 6, 2006 City Council meeting.

Sincerely,

Alderman Lioneld Jordan
Ward 4

RECEIVED
MAY 12 2006
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

City Clerk

Fayetteville
ARKANSAS

Final

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

AGENDA FOR A MEETING OF THE
PLANNING COMMISSION
Monday, May 8, 2006, 5:30 p.m.
Room 219, City Administration Building

The following items will be considered:

Discussion Item: Downtown Master Plan/Entertainment District Ordinance Amendments

Consent:

1. VAC 06-2045: (BELLAFONT II, 175): Submitted by H2 ENGINEERING, INC. for property located NW OF JOYCE BLVD. AND VANTAGE DRIVE. The property is zoned C-3, CENTRAL COMMERCIAL and contains approximately 0.28 acres. The request is to vacate a portion of a utility easement located within the subject property. Planner: Andrew Garner

2. LSD 06-2036: Large Scale Development (VALUE PLACE HOTEL, 519): Submitted by DIRK THIBODAUX, FREELAND KAUFFMAN & FREDEEN, INC. for property located NE OF OLD FARMINGTON ROAD AND SHILOH DRIVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 3.70 acres. The request is for a 4-story, 42,620 s.f. hotel with 120 parking spaces and 120 guest rooms. Planner: Andrew Garner

New Business:

3. PPL 06-1977: Preliminary Plat (CRYSTAL SPRINGS IV, 285): Submitted by MEL MILHOLLAND for property located N OF MT. COMFORT RD., AT THE N END OF RAVEN LANE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 85.18 acres. The request is for a residential subdivision with 273 single family lots.
Planner: Suzanne Morgan

4. PPL 06-1998: Preliminary Plat (THE HEIGHTS @ PARK WEST, 208): Submitted by MEL MILHOLLAND for property located at HWY 112, N OF I-540. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT (R-PZD 05-1796, PA-1) and contains approximately 27.62 acres. The request is for residential subdivision with 100 dwelling units.
Planner: Suzanne Morgan

5. RZN 06-2026: Rezoning (LAFAYETTE & MISSION, 485, 486): Submitted by Planning Staff on behalf of the neighborhood for property located NORTH AND EAST OF MISSION BOULEVARD AND LAFAYETTE STREET. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY 24 UNITS PER ACRE AND I-1, HEAVY COMMERCIAL, LIGHT INDUSTRIAL. The request is to rezone the area to RMF-6, Residential Multi-family 6 units per acre. Planner: Leif Olson

6. RZN 06-2049: (COMBS, 564): Submitted by ENGINEERING SERVICES, INC for property located at SE CORNER HWY 16 AND MORNINGSIDE DRIVE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 62.00 acres. The request is to rezone the subject property to RMF-24, Residential Multi-family, 24 units per acre. Planner: Andrew Garner

7. ANX 06-2046: (OLD WIRE INVESTORS, 217): Submitted by RAYMOND SMITH for property located at NW INTERSECTION OF OLD WIRE AND ROM ORCHARD ROAD. The property is in the Planning Area and contains approximately 30.70 acres. The request is to annex the subject property into the City of Fayetteville. Planner: Andrew Garner

8. RZN 06-2047: (OLD WIRE INVESTORS, 217): Submitted by RAYMOND SMITH for property located at NW INTERSECTION OF OLD WIRE ROAD AND ROM ORCHARD ROAD. The property is in the Planning Area and contains approximately 35.51 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acre. Planner: Andrew Garner

9. RZN 06-2048: (TETRA INVESTMENTS, 598): Submitted by PROJECT DESIGN CONSULTANTS, INC for property located at 1938 W CUSTER LANE. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.37 acres. The request is to rezone the subject property to RMF-24, Residential Multi-family, 24 units per acre.
Planner: Suzanne Morgan

10. RZN 06-2050: (WALES, 373): Submitted by JASON AND AMY WALES for property located at 2055 N FOX HUNTER ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.43 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre. Planner: Jesse Fulcher

11. RZN 06-2028: (MOUNTAIN RANCH, 479): Submitted by TOM TERMINELLA for property located at WEST OF I-540 AND SOUTH OF BETTY JO DRIVE. The property is zoned C-1, RMF-24, RSF-4, and R-A, containing approximately 47.48 acres. The request is to adjust existing zoning lines and to rezone certain parcels of the property in the manner indicated with the attached maps and descriptions.
Planner: Jeremy Pate

All interested parties may appear and be heard at the public hearings. A copy of the proposed amendments and other pertinent data are open and available for inspection in the office of City Planning (575-8267), 125 West Mountain Street, Fayetteville, Arkansas. All interested parties are invited to review the petitions. Interpreters or TDD for hearing impaired are available for all public hearings; 72 hour notice is required. For further information or to request an interpreter, please call 575-8330.

May 10, 2006

RE: Request for Appeal of the Planning Commission Ruling regarding PPL 06-1977 Preliminary Platt (Crystal Springs IV, 285) Submitted by Mel Milholland for property located N of MT Comfort RD at the end N END of Raven Ln. The property is zoned RSF-4, Single Family – 4 UNITS/ACRE and contains approximately 85.18 acres. The request is for a residential subdivision with **273 single family lots**.

Dear Alderman Jordan

The citizens of Birdhaven addition are requesting you bring this appeal before the City Council. Under Title XZV Unified Development Code 155.04 Alderman may bring an appeal on behalf of any resident of the city on actions which are appealable to the City Council. 155.05 A (2) Appeals from Planning Commission Decisions states any member of the City Council may appeal the decision to deny or approve a preliminary plat. We are requesting the Planning Commission ruling approving the above listed item be overturned for the following reasons.

- **Connectivity** -This development has poor connectivity and has not been able to gain access to the east and west of the development in this phase. It is clear these property owners do not want connections made.

- **Mount Comfort** – We are being told it is in the design phase. Is there current funding to do the road work needed for Mount Comfort. I am confident the answer is no. Even if the road work began today it might be years before we see relief from the current traffic problems. This development of 273 houses will only make a bad situation worse.

- **Comments made by Planning Commissioners**

  Commissioners stated "sometimes all we can do is make dumb decisions because of dumb rules", **What rules kept them from denying this development?**

  They also said they would not likely support another such development if traffic conditions in the area did not improve. This was an acknowledgement of the traffic problems. They referred the Birdhaven citizens back to city council by encouraging us to contact our alderman. One suggestion was to develop an ordinance that said infrastructure needs to be in place before the development instead of current methods. We were told to go to Street Committee meetings.

All of these comments lead us to believe a mistake was made in their approving this development and we hope you will support us in this appeal.

This development does not have the proper connections, and will impact our neighborhood immediately with traffic problems. That is recognized by putting speed tables in as part of the project. You know we are going to have problems before we even get this project started.

Our subdivision is going to suffer from this development and I think our traffic concerns are legitimate; numerous people in our neighborhood sent in letters, postcards and/or signed a petition against this development. We ask for your support and ask you to please bring this appeal to City Council for consideration.

Kathleen Stocker
2848 W, Quail Drive
Fayetteville, AR 72704

Subject: FW: CRYSTAL SPRINGS 4 SUBDIVISION
To: lljordan@uark.edu

From: Susan Pomoransky [mailto:spomoransky@mwyusa.com]
Sent: Wednesday, April 26, 2006 2:30 PM
To: 'smorgan@ci.fayettevillear.us'
Subject: CRYSTAL SPRINGS 4 SUBDIVISION

Suzanne and Planning Commission:

I am writing in regards to this meeting on the 27th at 9 A.M. First of all: Not all of us whom would like to be there; can just take off of work and go to this meeting. Can you not change it's time??? There is a lot of us who would like to voice our option. You gave another big builder a special hearing can't we ask for that too???

I am concerned with the idea of you all wanting to open up the cul-de-sac on Raven Lane and Woodlark Lane being opened as an outlet for the 274 Homes that are purposed to be built. This will increase the traffic in our small streets and neighborhood. We are an established neighborhood and have no sidewalks or any kind of green space. Our children play in the streets and we have no problems with that at all. No speeders and our school buses come into our neighborhood to pick up children, because us as concerned parents refused to let our children stand on Mt. Comfort Road because of the danger. Now, the planning commission wants to open up these roads as outlets. This will increase the danger to our children and our neighborhood. We can not handle 400 to 600 cars every morning and night. We have a hard enough time getting out on Mr. Comfort Road as it is. This is our only outlet. Sometimes, the traffic is really tied up there. No improvements have been made on Mt. Comfort Road or any other road near by. You all have let so many subdivisions go in and no improvements to the roads. It doesn't take a someone with a college education to figure it out more homes going in sooner or later you have to build or improve the old roads. You know as well as I do that with 274 purposed houses going in will have at least 2 -3 cars per house hold (546 cars if 2 cars per house/ or 3 per household will be 822 cars) and then if you get families moving in together or students you can bet on at least two or three more vehicles per house hold. Do you think our streets can handle that??? So, you see; we will truly have a much bigger problem. Mt. Comfort is already crowded and so is Salem Road and so is Rupple Road. When the new school went in off of Rupple Road that road was supposed to be straightened out and fixed. That still hasn't happened and a new housing addition is going in there now. These roads need to be improved. Can you not find another outlet somewhere else for the Crystal Springs Subdivision # 4.??? Please do not ruin our nice neighborhood.

Susan Pomoransky
2732 Meadowlark Lane
Fayetteville, AR 72704

City Council Meeting of June 06, 2006
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: May 12, 2006

Subject: Alderman Appeal of Crystal Springs IV (PPL 06-1977)

RECOMMENDATION

Staff recommended and the Planning Commission approved with a vote of 7-2-0 a preliminary plat for Crystal Springs Subdivision Phase IV (PPL 06-1977), with conditions of approval as noted in the staff report.

BACKGROUND

A masterplan of development for the overall Crystal Springs Development has been in place since the early 1990s. Almost every phase of Crystal Springs Development has been appealed or challenged; all have been upheld (or amended) by the City Council as meeting applicable city ordinances. Phase I consisted of 112 lots accessed off of Salem Road, in an area that was in the county at the time of submittal in 1993. With this initial phase, the developer donated approximately 20 acres to the Fayetteville School District, on which Holcomb Elementary is now located. An additional 15.45 acres was dedicated in 1994 to the City for parkland; the Parks and Recreation Board and Planning Commission accepted land that would meet the requirements for a total of 575 single family residential lots in all of the future Crystal Springs phases. Gary Hampton Softball Field complex was constructed in 2000-2001 on this property, and is enjoyed by the neighborhoods that have since developed in this rapidly growing area. Crystal Springs II and III have been developed/platted north of Clabber Creek, and consist of 14 and 101 lots, respectively.

The applicant received approval by the Planning Commission of PPL 06-1977 for Crystal Springs IV, the final phase of a planned residential development north of Mount Comfort Road, south of Clabber Creek. This final phase consists of 273 single family lots on 85 acres, to be constructed in six (6) phases. Based on the amount of lots proposed and future traffic generation, staff recommended significant off-site improvements to be constructed as part of this project. Most significantly, this includes a crossing of Clabber Creek to the north, which will distribute traffic and thereby decrease dependency of use on Mount Comfort Road, which is an unimproved street at this time. This bridge crossing is anticipated to be close to $500,000 in cost, and will include trail crossings along Clabber Creek. No cost-share by the city for this significant street improvement is recommended by staff. Other off-site improvements recommended include an assessment for a turn lane at Raven Lane and Mount Comfort Road, the removal of existing

temporary cul-de-sacs and installation of curb, gutter, sidewalk, etc. to make adequate street connections and the installation (at the developer's cost) of four (4) speed tables within Birdhaven Terrace Subdivision, south of the planned development to alleviate any future speeding within the established neighborhood. Two streets within Birdhaven Terrace currently provide access to the subject 85-acre parcel, including the Collector Street Raven Lane, and will be continued into the development in the first phase, which contains a maximum of 58 lots. Staff's recommendation to the Planning Commission also included the Clabber Creek crossing to occur at minimum with the second phase of development, which ensures that a maximum of 58 homes (and the traffic generated therefrom) can be constructed before the north connection is completed.

DISCUSSION

Staff has spoken with numerous residents in this area, primarily those residing in Bird Haven Terrace to the south of Crystal Springs IV or on Gooseberry Lane. The resounding concern has been the detrimental impact of through traffic within the established neighborhood and expected congestion and delays on Mount Comfort Road without significant improvements. Staff recognized the impact on these neighborhoods, and made recommendations to the Planning Commission for the developer to make improvements which would be considered roughly proportional to the impact of the development, as required by city ordinance. Five persons spoke at the Planning Commission meeting, and all written comments are included in the attached reports.

The Planning Commission also questioned staff as to future improvements of Mount Comfort Road. As noted at recent Street Committee meetings, a bond program for improvements to streets, including Mt. Comfort Road, is being discussed. This is a decision to be made by the City Council and ultimately by voters, however, and can not be depended upon as of right now to occur. At this time, staff is recommending assessments for most developments that have an impact on Mount Comfort Road and are not contributing in other ways to alleviate the impact that additional traffic created by their proposal is having on existing infrastructure. This decision to take assessments instead of piecemeal improvements along Mt. Comfort is relatively recent, and is in part an effort to plan for comprehensive improvements to Mt. Comfort Road as has been discussed in meetings with the Street Committee. It must be noted, however, that staff does not at this time depend whatsoever on planned improvements by the City to offset the contributions a developer must make. Our ordinances direct us to recommend to the Planning Commission the improvement that would be proportional to the development requested. A future Capital project to improve Mt. Comfort Road may be forthcoming, and may not. With that in mind, staff recommended significant improvements for this development to increase connectivity between neighborhoods and decrease dependency upon Mt. Comfort Road as the only means of east-west access in the area.

BUDGET IMPACT

None.

Fayetteville
ARKANSAS

PC Meeting of May 08, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Suzanne Morgan, Current Planner
	Matt Casey, Staff Engineer
THRU:	Jeremy Pate, Director of Current Planning
DATE:	May 3, 2006

PPL 06-1977: Preliminary Plat (CRYSTAL SPRINGS IV, 285): Submitted by MEL MILHOLLAND for property located at N OF MT. COMFORT RD., AT THE N END OF RAVEN LANE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 85.18 acres. The request is for a residential subdivision with 273 single-family lots. Planner: SUZANNE MORGAN

Findings:

Property: The subject property contains approximately 85.18 acres located north of Bird Haven Terrace, north of Mount Comfort Road. This property is zoned RSF-4. The applicant proposes to create a 273 single-family lot subdivision (with an additional unbuildable lot), a density of 3.2 units per acre, within six phases of development. A bridge connection is proposed to Raven Lane within Crystal Springs Phase III, which cost and construction is the burden of the developer. A masterplan of the overall Crystal Springs development, including this property, has been in place since the early 1990s. This developer, with the initial phase of Crystal Springs, donated land for parks and schools in this area.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Single family residential (Crystal Springs Phase III), Clabber Creek	RSF-4
South	Single family residential (Bird Haven Terrace, Mt Comfort Addition, Crofton Manor)	RSF-4
East	Golf Course	RSF-1
West	Vacant – Pasture	RSF-1

Water and Sewer: Water and sewer lines shall be extended to serve the proposed development.

Adjacent Master Street Plan Streets: Raven Lane, a Collector Street. Staff finds that the extension of Raven Lane is compliant with the Master Street Plan, as is the east-west Collector Street which will provide a future connection to McClaren Drive within Salem Heights Subdivision.

Right-of-way to be dedicated: The majority of interior streets are proposed to be 42' rights-of-way with a 24' wide street and 4' sidewalks on both sides. Streets A, C, and D are 50' rights-of-way with 28' wide streets and sidewalks on both sides. The two interior Collector Streets (a portion of Street H and Raven Lane) will be dedicated with 70' right-of-way. Raven Lane is proposed to be extended between Crystal Springs Phase III and Phase IV through property owned by Crystal Springs LTD Partnership. Right-of-way for this street/bridge connection shall be dedicated by separate document prior to recordation of Phase II.

Phasing:
As proposed by the developer, the Phasing of the subdivision will occur with the following number of lots and street connections to existing infrastructure:

Phase	Number of Lots	Number of Street Connections to Existing Streets	Stub-outs to the east and west for future street connections
I	58	2 (Raven Lane & Woodlark Lane)	1 (East)
II	19	1 (Raven Lane connection to the north)	0
III	43	0	0
IV	58	0	1 (East)
V	35	0	0
VI	61	0	2 (West)

Staff finds that the number of street connections made for each phase are adequate for the volume of traffic generated by the lots proposed.

Connectivity:
<u>To the South (Phase I):</u>
Two street connections are proposed to the south, through Bird Haven Terrace Subdivision. The right-of-way for Woodlark Lane and Raven Lane were platted to the property line which would allow future right-of-way extension to the north. The connection to these streets has been shown. The existing cul-de-sacs shall be removed by the developer.

Staff requested that the applicant explore the possibility of a street connection onto Gooseberry Lane located within Mount Comfort Addition, which would require the dedication of right-of-way on either side of the existing cul-de-sac. Staff received a petition from the neighbors within this subdivision stating their disagreement to a street connection; however, this petition did not include the signatures of the owners on either side of the cul-de-sac. The applicant stated that an informal discussion with Mr. Strange and Mr. Thompson who, according to the applicant, indicate a negative attitude to any development. Staff has met with the owners to discuss this connection, and Mr. Strange did attend one Subdivision Committee meeting and expressed his disagreement with a street connection to Gooseberry Drive. Another street connection would further dispense traffic in the area. Should the adjoining property owners agree to sell property to allow this street connection, staff would recommend such a connection.

A street connection to Kenswick Avenue, located to the southwest of property within Crofton Manor Subdivision, will alleviate the volume of traffic through Bird Haven Subdivision.

Kenswick Ave. was platted to be extended to the north. Staff recommended that the applicant obtain right-of-way to connect Street B to Kenswick Ave. prior to the recordation of an initial Phase of this development, also stating that if the applicant provides this connection to Kenswick Avenue, a connection to Gooseberry Lane is less desirable. Since the Subdivision Committee meeting on March 30, 2006, staff has met with the owner of the property to the west through which the street connection to Kenswick Avenue would occur. The owner has stated his opposition in this connection and submitted a letter regarding the matter (see attached).

To the West (Phase VI):
The applicant has provided two street connections to the west. The southern connection can eventually connect to Kenswick Ave. within the Crofton Manor Subdivision, just off-site of the property. The second western stub-out is shown as a Collector Street, per the Master Street Plan. This street will align with McClaren Drive, located within the Salem Heights Subdivision, at Salem Road.

To the North (Phase II):
The applicant proposes to construct Raven Street, a Collector Street, across Clabber Creek. The street will make a connection with the constructed Raven Lane within Crystal Springs Phase III. Staff recommends that this street connection occur no later than Phase II in order to provide sufficient connectivity to the north and potentially relieve some traffic exiting through Bird Haven Terrace onto Mount Comfort Road. Another connection to the north is not desirable, due to the presence of significant floodplain and floodway.

To the East (Phase I and IV):
Two street stub-outs are provided to the east – at the southeast and northeast corners of the subdivision. The property to the north and east is currently developed for a golf course. However, it may not remain undeveloped for this use and this amenity is not being utilized as a main feature within this subdivision with homes directed toward views of the golf course. If ever developed, traffic would have the ability to access the property via Deane Solomon Road and through the proposed subdivision. The street connection at the northeast corner of the property will provide a street connection to the north when the adjacent property develops.

Traffic Calming: The applicant shall install two speed tables on both Raven Lane and Woodlark Lane at a location specified by the Transportation Division.

Street Improvements: The applicant has submitted a traffic study to evaluate the effect of the additional 273 lots on the existing infrastructure. After review of the traffic study and current traffic demands, staff recommends the following street improvements:

a. If the applicant is able to secure right-of-way for a connection to Kenswick Avenue in Crofton Manor Subdivision, the street connection of a 28' street with curb, gutter, storm drains, sidewalks and street lights shall be constructed with Phase VI of the development. The off-site dedication of 50' right-of-way by separate document should occur prior to the recordation of Phase VI.
b. The installation of 4 speed tables (2 on Raven Lane and 2 on Woodlark Lane) to provide traffic calming. These speed tables shall be installed at a location approved by the Transportation Department prior to recordation of Phase I of the subdivision.
c. The developer shall pay an assessment in the amount of $9,405.00 for a left turn

lane on Raven Lane for traffic accessing onto Mount Comfort prior to the recordation of Phase I.

d. Construction of a bridge or crossing over Clabber Creek to connect the proposed subdivision to Crystal Springs Phase III to be completed prior to the recordation of Phase II of Crystal Springs Phase IV.

e. The developer shall be responsible for the removal of the existing cul-de-sacs on Raven Lane and Woodlark Lane, into which the new streets will connect, and the extension of a minimum 28' street, curb, gutter, storm drain, and sidewalk (6' on Raven Lane and 4' on Woodlark Lane) to the cut-point as shown on the plat. The sidewalk shall extend beyond the cut point to tie into the existing sidewalk. The applicant shall reconstruct the existing driveways to connect to the new street, along with all soil, grass, etc. to reconstruct these yards.

Staff is not recommending additional off-site improvements on Mount Comfort Road due to the significant cost associated with the construction of a crossing over Clabber Creek, for which a cost-share is not recommended. The applicant's engineer has estimated that the cost of the bridge will be from $488,000 to $560,000. This connection will alleviate traffic on Mount Comfort Road and will be utilized by residents in the area to move north and south.

Tree Preservation:	Existing:	9.9%
	Preserved:	5.8%
	Required:	9.9%
	Mitigation:	Required – 350 trees

Parks: On July 15th 1994 a deed for 15.45 acres was received from Crystal Springs Limited Partnership satisfying the park land dedication requirements for this development. Below is a break down of the banked park land.

- Phase I – Lots 1-112 = 112 units x .025 = 2.8 acres
- Phase II – Lots 113-127 = 14 units x .025 = .35 acres
- Phase III – Lots 128-229 =101 units x .025 = 2.525 acres
- Phase IV – 274 SF units proposed x .025 = 6.85

Total Used =12.525 acres - 2.925 acres remains.

*Land calculations are based the 1994 ordinance amount of .025 acres per single family Unit.

Clabber Creek Trail is identified on the Fayetteville Alternative Transportation and Trail Plan and is shown along the northern part of this development. The developer has agreed to donate all the land between the flood plain lines from the west property line to the east property line prior to approval of final plat. Additional land may be necessary to provide an at-grade trail crossing at Raven Lane. The additional land shall be approved by the Trails Coordinator.

Public Comment: Many neighbors attended the Subdivision Committee meetings, voicing concerns regarding the project. The Planning Division has received numerous petitions, comments, post cards, and letters from surrounding property owners who are in opposition to the proposed development with most concerns addressing the increase in traffic and connections onto Woodlark Lane, Raven Lane and Goosberry Lane. These comments are available at the Planning Division.

Background: This project was heard at the March 30, 2006 Subdivision Committee. It was tabled at this meeting to address the comments regarding the phasing, connectivity, street design, and other plat comments. The Subdivision Committee considered this preliminary plat again on April 27, 2006 at which meeting it was forwarded to the Planning Commission with recommendations. The discussion by the Subdivision Committee included the routing of construction traffic through Crystal Springs Phase III to avoid Bird Haven Terrace, the possibility of requiring repair to Raven Lane and Woodlark Lane if damaged during construction, the proposed block lengths, and traffic circulation around the proposed landscape islands on Raven Lane.

Recommendation: Staff recommends approval of **PPL 06-1977** subject to the following conditions:

Conditions of Approval:

1. Planning Commission determination of appropriate street connectivity. *Staff finds that the dedication of right-of-way to provide a street connection from Street B to Kenswick Avenue in Crofton Manor prior to the recordation of Phase II is essential to provide sufficient connectivity to Mount Comfort Road for this amount of lots. Staff finds that all other street connections are adequate.*
   The Subdivision Committee recommended in favor of the proposed street connectivity.

2. Planning Commission determination of street improvements. *Staff recommends the following street improvements:*
   a. *If the applicant is able to secure right-of-way for a connection to Kenswick Avenue in Crofton Manor Subdivision, the street connection of a 28' street with curb, gutter, storm drains, sidewalks and street lights shall be constructed with Phase VI of the development. The off-site dedication of 50' right-of-way by separate document should occur prior to the recordation of Phase VI.*
   b. *The installation of 4 speed tables (2 on Raven Lane and 2 on Woodlark Lane) to provide traffic calming. These speed tables shall be installed at a location approved by the Transportation Department prior to recordation of Phase I.*
   c. *The developer shall pay an assessment in the amount of $9,405.00 for a left turn lane on Raven Lane for traffic accessing onto Mount Comfort prior to the recordation of Phase I.*
   d. *Construction of a bridge or crossing over Clabber Creek to connect the proposed subdivision to Crystal Springs Phase III to be completed prior to the recordation of Phase II of Crystal Springs Phase IV.*
   e. *The developer shall be responsible for the removal of the existing cul-de-sacs on Raven Lane and Woodlark Lane, into which the new streets will connect, and the extension of a minimum 28' street, curb, gutter, storm drain, and sidewalk (6' on Raven Lane and 4' on Woodlark Lane) to the cut-point as shown on the plat. The sidewalk shall extend beyond the cut point to tie into the existing sidewalk. The applicant shall reconstruct the existing driveways to connect to the new street, along with all soil, grass, etc. to reconstruct these yards.*

   Staff is not recommending additional off-site improvements on Mount Comfort Road due to the significant cost associated with the construction of a crossing over Clabber Creek, for which a cost-share is not recommended. The applicant's engineer has estimated that

the cost of the bridge will be from $488,000 to $560,000. This connection will alleviate traffic on Mount Comfort Road and will be utilized by residents in the area to move north and south.
The Subdivision Committee recommended in favor of street improvements as listed above.

3. Planning Commission determination of appropriate phasing of the development. *Staff recommends in favor of the phase lines in relationship to street connectivity.*
The Subdivision Committee recommended in favor of the proposed phasing of the development.

4. ~~Planning Commission determination of a waiver of the maximum 1400' block length requirement for the eastern block on Street 'C', which is approximately 1520' in length. *Staff recommends the requested waiver, finding that the two proposed eastern street connections to the existing golf course are adequate for future development connections.*~~ Street 'F' shall extend to the east property line (a new stub out).

5. Raven Lane is proposed to be extended between Crystal Springs Phase III and Phase IV through property owned by Crystal Springs LTD Partnership. The complete construction and acceptance of a bridge or crossing over Clabber Creek and the dedication of right-of-way for this portion of Raven Lane by separate document is required prior to recordation of Phase II.

6. Construction traffic other than passenger vehicles is encouraged not to access the property through Woodlark Lane and Raven Lane. Temporary barricades shall be installed at the terminus of the existing streets to discourage construction traffic access. Once sufficient access has been established from the north, no construction traffic shall access the sight from residential streets to the south.

7. The applicant shall repair any damage of existing streets caused by vehicular traffic generated by the construction of this subdivision.

8. The applicant shall submit a guarantee (letter of credit, bond, or cash) of $1,000 per lot prior to the recordation of the final plat for contributions to an interim solution to wastewater capacity concerns in the Owl Creek/Hamestring Creek basin, if the improvement is required. Final determination of the contribution shall be made by the City Engineer.

9. Sidewalks along all Collector Streets within the Subdivision shall be constructed (not guaranteed) prior to recordation of the final plat for each Phase.

10. The applicant shall provide a separate filed document dedicating off-site drainage easements to the detention pond prior to recordation of the final plat. The P.O.A. shall be responsible for maintenance of the required detention pond.

11. No lots shall access the east-west Collector Street or Raven Lane (a Collector Street) if an interior street may be accessed. A note shall be included on the final plat to indicate this requirement. Lots required to access these Collector Streets are encouraged to utilize shared drives to decrease curb cuts on the Collector Street.

12. Clabber Creek Trail is identified on the Fayetteville Alternative Transportation and Trail Plan and is shown along the northern part of this development. The developer has agreed to donate all the land between the floodplain lines from the west property line to the east property line prior to approval of final plat. Additional land may be necessary to provide an at-grade trail crossing at Raven Lane. The additional land and location of the trail under the creek crossing shall be approved by the Trails Coordinator.

13. Mitigation is required in the amount of 350 (2) inch caliper large. Staff is recommending the Residential On-Site Mitigation Option. An on-site mitigation plan must be submitted at time of Final Plat for review and approval by the Urban Forester.

14. A 3-year maintenance and monitoring bond in the amount of $87,500 will be required for these trees.

15. The P.O.A. shall be responsible for the maintenance of the landscape islands and Lot 77, an unbuildable lot.

16. The developer shall install a centerline between the two proposed landscape islands on Raven Lane and north to the intersection of Street 'B' and Raven Lane in order to delineate traffic lanes.

17. Street lights shall be installed or guaranteed with a maximum separation of 300 feet along all streets within each Phase prior to recordation of the final plat for that Phase.

18. Subdivision area signage shall be permitted in accordance with applicable city codes.

19. Signs shall be installed at each street stub-out to indicate the future extension of the right-of-way (including the stub-out provided on Raven Lane at the southeast corner of the property) prior to recordation of the final plat of each Phase. (Coordinate with the Transportation Division.)

20. All lots shall be platted in conformance with the RSF-4 bulk and area regulations. It is inconclusive whether all lots meet the lot width requirements at the right-of-way and building setback lines. Note the lot width at the 25' building setback on the plat for those lots that are either located on a curve or cul-de-sac and have less than 70' lot width. (See lots 24-26, 61, 78, 85, 96, 97, 109, 110, 148-150, 179, 192, 196, 197, 200, 201, 233.)

21. In addition to those items within the conditions of approval that must be addressed on the proposed plat, modify the plat to address the following comments prior to construction plan review:
    a. Revise the note regarding improvements to Woodlark Lane and Raven Lane to include all requirements set forth in condition of approval 4e, which requires some improvements to extend beyond the cut point.
    b. Building setbacks applied to corner lots are as follows: a 25' front BSB adjacent to the right-of-way and an 8' side BSB (or greater if a utility easement) on the remaining two property lines. Revise the building setback lines on all corner lots to meet this requirement.
    c. Verify that all lots are of sufficient size for home construction (see lots 16, 20 and

108 specifically).

d. The GIS Division will review the revised plat to ensure that the State Plane Coordinates are correct. Please modify if necessary. (Coordinate with Planning Staff.)

e. Show the location of the all streets identified on the Master Street Plan on the vicinity map.

f. Identify the west building setback line of lot 148 as a drainage easement, as it appears to be.

Standard Conditions of Approval:

22. All street names and addresses shall be approved by the 911 coordinator.

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

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

25. All overhead electric lines under 12Kv shall be relocated underground. All proposed utilities shall be located underground.

26. Preliminary Plat approval shall be valid for one calendar year.

Additional conditions:

a. Motion to Strike Condition #4 as written and in stead require

b. a street stub-out at street 'F'. Motion: Ostner; Second: Myers Vote: 9-0

c.

Planning Commission Action: ☒ Approved ☐ Denied ☐ Tabled

Meeting Date: **May 08, 2006** ; Motion to approve: Graves Second: Trumbo

Comments: Vote: 7-2-0 w/ Anthes & Myers voting no.

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature

Date

Fayetteville
ARKANSAS

PC Meeting of May 8, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Planning Commission

From: Sarah K. Patterson, Urban Forester

Date: May 2, 2006

ITEM # PPL 06-1977: Preliminary Plat (Crystal Springs IV)

Requirements Submitted:

	Initial Review with the Landscape Administrator
✓	Site Analysis Map Submitted
✓	Site Analysis Written Report Submitted
T	Complete Tree Preservation Plan Submitted

Canopy Measurements:

Total Site Area	
acres	85.18
square feet	3,710,568
Existing Tree Canopy	
acres	8.4
square feet	365,904
percent of site area	9.9%
Existing Tree Canopy Preserved	
acres	4.9
square feet	213,444
percent of total site area	5.8%
Percent Minimum Canopy Required	**9.9%**

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.

- **This site has less than 10% canopy cover. 29 of the trees are significant by City standards. Several of these 29 are located in close proximity to the project but on adjacent properties.**

The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

- **Environmental degradation should not occur on this site.**

The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.

- **Canopy removed will affect all adjacent property owners seeing that utility easements along the back of lots is proposed.**

Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.

- **N/A**

Whether the size or shape of the lot reduces the flexibility of the design.

- **Size and shape of the lot does not reduce flexibility of design.**

The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.

- **The general health of these trees is fair to good.**

The placement of the tree or group of trees in relation to utilities, structures, and use of the property.

- **Most canopy will be removed due to the installation of utilities and roads. The site has canopy spread out across it which makes it difficult to design around.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **Many trees will be removed for the installation of public utilities and further maintenance.**

Whether roads and utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.

- **Roads and utilities have been designed to minimize impact on the existing topography. The existing canopy is unavoidable.**

Construction requirements for On-Site and Off-Site Alternatives.

- **N/A**

The effects of proposed On-Site Mitigation or Off-Site Alternatives.

- **Mitigation will be required on the site to replace the 151,260 square feet of canopy removed. These mitigation trees will be extremely beneficial to this area.**

The effect other chapters of the UDC, and departmental regulations have on the development design.

- **N/A**

The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations:

- **N/A**

The impact a substantial modification or rejection of the application would have on the Applicant:

- **Staff is recommending approval of the submitted Tree Preservation Plan with the following Conditions of Approval.**

Conditions of Approval:

1. **Mitigation is required in the amount of 350 (2) inch caliper large. Staff is recommending the Residential On-Site Mitigation Option. An on-site mitigation plan must be submitted at time of Final Plat for review and approval by the Urban Forester.**

2. **A 3-year maintenance and monitoring bond in the amount of $87,500 will be required for these trees.**

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3469

TO: Suzanne Morgan, Associate Planner

FROM: Alison Jumper, Park Planner

DATE: April 25, 2006

SUBJECT: Parks & Recreation Subdivision Committee Comments

****

Meeting Date: April 27, 2006
Item: LSD 06-1977 (Crystal Springs IV)
Park District: NW
Zoned: RSF-4
Billing Name & Address: Milholland and JED, Inc C/O Greg Edwards

	Current Land Dedication Requirement	*Money in Lieu*
Single Family	274 @ .025* acre per unit = 6.85 acres	____ @ $555 per unit = $____
Multi Family	____ @ .017 acre per unit = ____ acres	____ @ $393 per unit = $____
Mobile Home	____ @ .024 acre per unit = ____ acres	____ @ $555 per unit = $____
Lot Split		____ @ $555 per unit = $____
		Total = $____

COMMENTS:

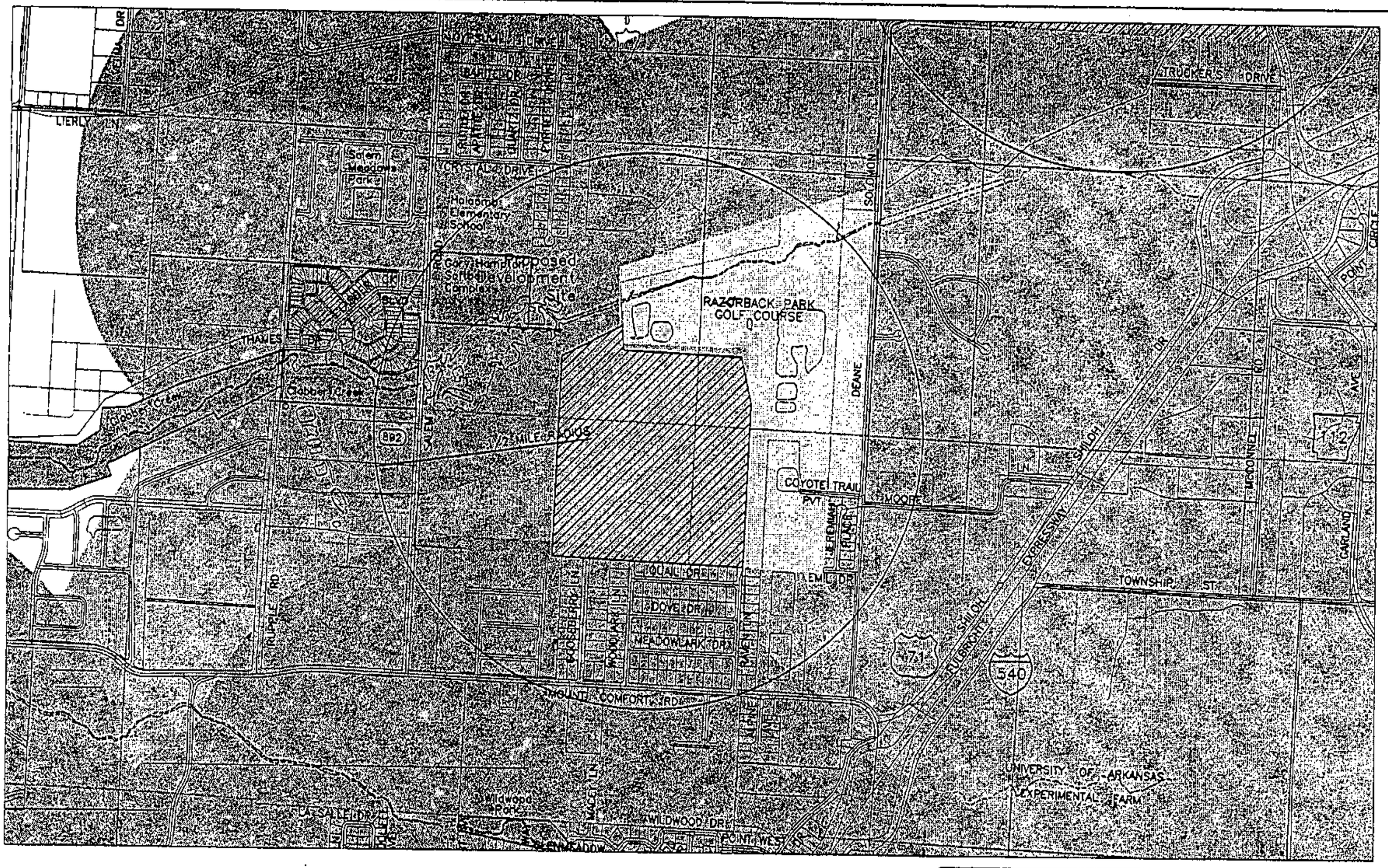
- On July 15th 1994 a deed for 15.45 acres was received from Crystal Springs Limited Partnership satisfying the park land dedication requirements for this development. Below is a break down of the banked park land.
  - Phase I – Lots 1-112 = 112 units x .025 = 2.8 acres
  - Phase II – Lots 113-127 = 14 units x .025 = .35 acres
  - Phase III – Lots 128-229 =101 units x .025 = 2.525 acres
  - Phase IV – 274 SF units proposed x .025 = 6.85

  Total Used =12.525 acres - 2.925 acres remains.

  *Land calculations are based the 1994 ordinance amount of .025 acres per single family Unit.

- Clabber Creek Trail is identified on the Fayetteville Alternative Transportation and Trail Plan and is shown along the northern part of this development. The developer has agreed to donate land for Clabber Creek trail corridor along northern property line of Crystal

Springs Phase IV. Legal description of land to be donated shall be submitted prior to final plat for review by Park Staff and Trails Coordinator.

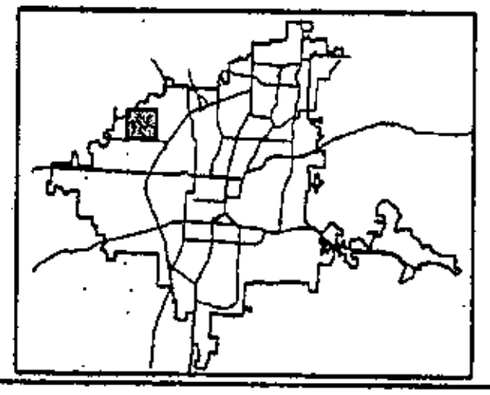


Crystal Springs Phase IV

0 800 1600 2400

Legend

- Existing Park Land
- Community Park Service Area
- Neighborhood Park Service Area
- Mini Park Service Area



PROXIMITY MAP

crystal springs

Milholland Company
Engineering & Surveying
Melvin L. Milholland, PE, PLS
Thomas M. Jefcoat, RLA, REM, CPESC, ISA-CA

REGISTRATIONS:
PE: AR, MO
PLS: AR
RLA: AR

ENGINEER'S COST ESTIMATE FOR LEFT TURN LANE ON RAVEN LANE
for traffic accessing onto Mount Comfort Road

70-foot by 12-foot wide roadway width expansion to the west side of Raven Lane to provide for a center left turn lane. Construction of the turn lane will included replacement curb and gutter, and drainage, and sidewalk.

Item No.	Description	Quantity	Unit	Unit Cost	Total Cost
1	Strip top soil and removal	30	cyd	3.25	105.00
2	Excavation of un-classified material to 2-feet sub-grade and removal	80	cyd	3.75	300.00
3	2" surface, 3" base, 6" SB-2, and 2-foot compacted Hillside material	95	sqyd	32.50	3,087.50
4	Standard curb and gutter	105	l ft	10.5	1,102.50
5	6-foot sidewalk	105	l ft	18.00	1,890.00
6	Extended drain title	16	l ft	45.00	720.00
7	Lane striping and directional arrows	1	ls	450.00	450.00
8	Signage (stop, turn only, etc)	1	ls	700.00	700.00
9	Topsoil, sodding and finish up	50	sqyd	5.00	250.00
10	Traffic control	1	ls	800.00	800.00
	does not include land acquisition				
	TOTAL				**$9,405.00**

205 W. Center St., Fayetteville, AR 72701; phone: (479) 443-4724; fax: 443-4707; e-mail: MCOengr@swbell.net; web: www.mcoengr.com

Edwards Design & Construction, Inc.
2200 Highway 265
Springdale, AR 72765
479-751-9591
479-756-3325 Fax

April 17, 2006

Mill Holland
Tom Jehcoat

Per our phone conversation Friday, April 14, 2006, I attempted to contact Mr. Terry Kimbrough whom has passed away. However, I did speak with his wife who told me that the Kimbrough Family had approximately 60 acres in trust in this general area.

I explained to her that the city had asked us to purchase enough right of way to extend Street B of Crystal Springs Subdivision and tie it to the street coming from the South. She told me she had no interest whatsoever in developing her property and did not wish to sell. I asked if I could contact her sons whom are trustees of the property and she told me their numbers were unlisted and she would have them contact me if they were interested. She also said none of the property would be sold or developed as long as she was living. If you have any questions please give me a call at 479-435-1048.

Sincerely,

Greg Edwards

From: "Les Kimbrough" <Leskim@cox-internet.com>
To: <smorgan@ci.fayetteville.ar.us>
Date: 4/15/06 1:13PM
Subject: Crystal Springs

Ms. Morgan,

Thank you for taking the time to explain to me the proposed connection through my property to Kenswick Ave. I understand the rational used in requesting this connection however I do not wish to participate in any way. I am not interested in selling property, or granting any easements whatsoever.

I would also like to register my strong objection to any stub outs on my family's property line. While I understand the need to fairly represent to prospective property owners the likelihood a street will continue through a given piece of property, I think that can be done contractually or via official city notification with out creating an eyesore for the entire community. Stub outs attract trash, yard waste, yard equipment, and provide easy access for children and other sight seers to trespass.
I have personally witnessed these problems on the stub out for Drakestone St. terminating in property owned by my mother.

I realize from the outside looking in you might wonder with the available space why I would have an objection. My reasons are as follows. For years now we have struggled with trash and construction debris blowing across our property on a daily basis. It went so far the city actually sent us a letter once requesting a clean up along Salem Road. Frankly I was furious because upon inspection it became quite clear to me this trash came from the construction site. I objected and requested the city do a better job of holding the developers accountable for their trash. That effort has been semi successful. As I sit today the road looks like a dump as does the South boundary of my property with trash blowing from the development along Mt. Comfort Road. My rational is simple. The farther away I can keep potential developers the better. I have witnessed a completely cavalier attitude toward existing property owners with improvements coming only after numerous demands and ultimatums. Honestly I am tired of them.

I do appreciate your professional attitude and competence in explaining the situation to me.

Sincerely,

Lesley Kimbrough.

Milholland Company
Engineering & Surveying
Melvin L. Milholland, PE, PLS
Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:
PE: AR, MO
PLS: AR
RLA: AR

Providing stub-out streets onto a golf course is not desirable, in fact it is a hindrance, a hazardous condition. Such dead end streets will provide easy access that invite unwanted pedestrian traffic onto the course, it could encourage vandalism and damage to the course by vehicles including ATVs, trail bikes, etc. This will impose an undesirable condition.

Comments:
Assessments for the interim lift station shall be applied at the time of final plat, if deemed necessary at that time.
Acknowledged.

Provide information that the ROW for Gooseberry Lane. Has the applicant investigated the possibility of acquiring ROW from the adjacent property owners to have a street connection?
ROW information for that of Gooseberry Lane is shown correctly on the plat and is available as public data if you should need additional verification.
The adjacent property owners have not been formally contacted as to the sale of their property for the suggested connection. However, informal discussions with these property owners, indicate a negative attitude to any development and especially to a connection that would increasing traffic flow onto their current enjoyable cul-de-sack condition. That condition is one of the reasons they enjoy and of which they liked when purchasing their properties.

Staff recommends that the applicant hold a neighborhood meeting and/or attend a Ward 4 meeting to present this subdivision proposal.
Adjoining property owners have been contacted by letter. Neighborhood meetings with the Crystal Springs Neighborhood have taken place in the past and are knowledgeable that this continued development was taking place. Also, this project has been presented at Ward 4 meetings. Once is was presented as a re-zoning request with apartments near the golf course and prior to that as a future subdivision. Additional meeting may be warranted and necessary for current clarification and understanding that construction is near.

The POA shall be responsible for maintenance of the detention pond (include a note on the plat indicating this requirement).
Acknowledged. This note is added to the plat.

A receipt for street lights or installation of them is required prior to recordation of the final plat.
Acknowledged.

205 W. Center St., Fayetteville, AR 72701; phone: (479) 443-4724; fax: 443-4707; e-mail: MCOengr@swbell.net; web: www.mcoengr.com

Milholland Company
Engineering & Surveying
Melvin L. Milholland, PE, PLS
Thomas M. Jefcoat, RLA, REM, CPESC, ISA-CA

RECEIVED
MAR 0 9 2006
PLANNING DIV.

REGISTRATIONS:
PE: AR, MO
PLS: AR
RLA: AR

March 6, 2006

Project No. E-640

Dear Property Owner:

This correspondence is to notify you that the City of Fayetteville is requiring the Owner/Developer of Crystal Springs, Phase IV, Crystal Springs Limited Partnership, to extend connection from the future subdivision development to your immediate north, to be straight in front of your property, home. This means that the present cul-de-sack arrangement will be eliminated (straighten), replace with curb and guttering, and your driveway extended from its present end location to the new roadway.

This is a City requirement of the developer. There is no cost of this construction activity to you. It is our understanding that the abandoned cul-de-sack area adjacent to your home will revert as your property. A Milholland Company, MCO, field survey crew may be in your home front yard locating your driveway and utilities (water meter, gas lines, electrical, etc.) for possible relocation caused by this requirement. Construction activities may begin early this summer.

Should you have concerns or questions, you may address them to the City's Planning Division, attention Suzanne Morgan, copy myself at Milholland Company. MCO will be glade to assist in your understanding of this requirement, and of the work that will take place.

Your acknowledgment, awareness and agreement, that this requirement will be constructed, affecting your property will be helpful.

Thank you for your cooperation and understanding in the meeting of this City requirement of the developer.

Sincerely,
Milholland Company

Thomas M. Jefcoat, ASLA
Senior Projects Manager

cc: Suzanne Morgan
Greg Edwards

E:\E-640 CRYSTAL SPRINGS IV\CORRESPONDENCE\06-03-06-cul-de-sack connection.wpd

205 W. Center St., Fayetteville, AR 72701; phone: (479) 443-4724; fax: 443-4707; e-mail: MCOengr@swbell.net; web: www.mcoengr.com

FINDINGS AND RECOMMENDATIONS

Findings of this study are summarized as follows:

- Traffic volumes projected to be generated by the residential land use of the site are approximately 2,613 vehicle trips (combined in and out) per average weekday.

- The AM peak hour and the PM peak hour have been determined to be the worst-case traffic conditions in the vicinity. It is estimated that approximately 205 additional vehicle trips will seek ingress and egress at the site during the AM peak hour and approximately 276 additional vehicle trips will seek ingress and egress at the site during the PM peak hour at full development of the site.

- There are future planned City of Fayetteville projects in the immediate vicinity of the site. There are future plans by the City to widen Mt. Comfort Road to a four-lane roadway from I-540 to west of Rupple Road. Additional left-turn lanes are planned (as a part of this roadway widening) along Mt. Comfort Road at its intersections with Rupple Road, Salem Road and possibly Deane Solomon Road (additional left-turn lanes are not to be included at Raven Lane). No timeframe for these improvements to Mt. Comfort Road has been determined.

- Analyses for existing traffic conditions (existing traffic volumes, lane geometry and traffic control) were conducted for the adjacent street AM and PM peak hours. For the intersections included in this study all of the existing vehicle movements for existing traffic conditions presently operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours except for the northbound vehicle movements on Stone Bridge Road at Highway 16 (LOS "F") with "Stop" sign control.

- Analyses for projected traffic conditions were conducted at the intersections studied proposed to serve the site. Results of the analysis have indicated all of the vehicle movements at of the five intersections analyzed are projected to operate at an acceptable LOS "D" or better during the AM and PM peak hours accept for the southbound movements on Raven Lane at Mt. Comfort Road during the AM peak hour (LOS "E"). With the City-planned improvements to widen Mt. Comfort Road to four lanes, the LOS "E" for the southbound movements on Raven Lane at Mt. Comfort Road is expected to improve to an acceptable LOS "C" during the AM peak hour.

Recommendations of this study are summarized as follows:

- It is recommended that the new streets be constructed as a part of this development to conform to the City of Fayetteville design standards which will also require approval by the City of Fayetteville.

From: Kevin Smith <Kevin_Smith@ivstaff.org>
To: <lljordan7@hotmail.com>, <ward4_pos1@ci.fayetteville.ar.us>
Date: 3/17/06 8:52AM
Subject: Making Gooseberry Lane a through street???

Hi there,

Today a neighbor came over and told me that she received a letter saying that the city is making Gooseberry Lane (on the west side of town off Mt. Comfort) a through street to make it easier for a developer to build past Gooseberry lane.

I am dismayed about this! Surely this isn't true. When we bought our house we went to our aldermen, Schafer and Heather Daniels, and we were shown a map that showed the plans for the future and it showed that gooseberry would not be a through street. Further they said that since there are a number of trees at the end of the street that would have to be cut down to make it a through street that the city would never cut those trees down since there are good options else where without cutting down trees.

When the city allowed the so called "Crofton Manor" development we were disappointed that these houses, that are behind our house, are so dissimilar to our neighborhood. Every house on Gooseberry (except a new one that some how snuck in a few year ago) is at least a 1/2 acre lot, ours is a full acre as are a few others. Yet Crofton Manor is 4 houses to the acre (I think, I'm not sure of the final count) - in other words not at all similar to the existing houses. The houses look fine enough it's just such a different kind of neighbor hood that it changes the character of Gooseberry.

Additionally, the construction of those houses destroyed what use to be a "natural fence" around my back yard. Bushes and trees use to line the back but the developer cleared his side of the yard, which of course damaged our side. Presently two trees have died from their work (they used a back hoe to clear the brush and dug, for some reason, around these trees). I've been meaning to ask how this fits into our city's tree ordinance.

Now apparently the city wants to cut down more trees to make a through street through a very nice quiet neighborhood. Please don't say this is so!

Mt. Comfort is already over taxed with traffic but now the city wants to make gooseberry a part of that. Gooseberry Lane a through street to a busy street where it is difficult to pull out already? A new development using our old development at their freeway? Won't this greatly reduce our property value?

Does there have to be a hearing before the city destroys our neighborhood's character? Can the city cut down trees and change a street without notifying us? So far only one neighbor received this letter!

Please let me know what's going on. Certainly this is a mistake - right? If not, please let us have some say in it - there are better options without further damaging a longtime existing neighborhoods. Maybe you would all like to come to our neighbor hood on a nice spring day and enjoy it's character.

Thank you in advance for your response.

Kevin Smith

PS: you may remember me when I contacted you last year when the Crofton Manor developer tore down our back fence to replace it with his new fence (which was fine with me) but they tore it down without replacing it for two weeks meaning I had a open back yard and two dogs were roaming free without us knowing it. You helped greatly fix that and I appreciate it. Please let me know about this Gooseberry Lane problem.

Kevin Smith
2299 Gooseberry Lane
Fayetteville AR 72704
479 601-1750

CC: <mayor@ci.fayetteville.ar.us>

Petition Against the Crystal Springs IV Development

The following signatures obtained from people residing in the Birdhaven Subdivision and surrounding area strongly oppose the Crystal Springs Development. We are against the development for several reasons.

- Traffic Issues with connections using Raven and Woodlark.
- Lack of street improvements to Mt. Comfort and Rupple Rd
- Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

Signature/Name:	Address	Date
Ann Barton	2388 Raven Lane	4/11/06
Wallace D Reed	2398 RAVEN	4/11/06
Mary Reed	2390 Raven Lane	4/11/06
Leon Hall	2352 RAVEN	4/11/06
Woodcock	2338 Raven	4-11-06
Raymond Stargos	2340 Raven	4-11-06
Bill Rowland	2316 RAVEN	4/11/06
Katherine Harris	2308 Raven	4-11-06
Angela Williams	2316 Raven	4/11/06
John E. Parson	2701 Dove	4/11/06
Rick Ball	2723 Dove	4-11-06
Ginger Ball	2723 Dove	4-11-06
Jacob Patrick	2733 Dove	4-11-06
Chris Patrick	2733 Dove	4-11-06
Barbara Noel	2747 Dove	4-11-06

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- Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

Signature/Name:	Address	Date
Karla A Slater	2848 W. QUAIL	4-11-06
Gene L Smith	2840 W Quail	4-11-06
Brian Wilson	2849 Quail	4-11-06
Jeremy Yamamoto	2357 Woodlark	4-11-06
Cato W. Allen	2393 WOODLARK	4-11-06
Wanda Harris	2397 Woodlark	4-11-06
Marcia Overby	2399 Woodlark	4/11/06
W. Overby III	2399 WOODLARK	4/11/06
Waylland A. Harris	2397 Woodlark	4/11/06
Hal Jones	2833 west quail	4/11/06
Bobbi Lutkary	2732 Quail Dr	4-11-06
Teresa Wilson	2708 W. Quail Dr	4-11-06
Otto Lee Johnson	2717 W. Quail Dr.	4-11-06
Ryan Finley	2701 W. Quail Dr	4/11/06
Carri Finley	2701 W. Quail Dr.	4/11/06

Petition Against the Crystal Springs IV Development

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- Lack of street improvements to Mt. Comfort and Rupple Rd
- Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

Signature/Name:	Address	Date
Alexander Ro	2816 Dove Dr	4/11/06
Harold L. Wight	2880 Dove Dr	4-11-06
Gary Kilpatrick	2333 Woodlark Ln	4-11-06
Sandra Kilpatrick	2333 Woodlark Lane	4-11-06
Thomas Vaughn	2873 Dove Dr	4-12-06
Helen R Daley	2827 Dove Dr.	4-12-06
Joe & Pamela Rangel	2741 W. Meadowpark Dr	4-12-06
Leon Martin	2349 Woodlark	4-12-06
Bobbie Martin	2349 Woodlark	4-12-06
Jeffrey L Myers	2325 Woodlark	4/12/06

April 24, 2006

City of Fayetteville Planning Office
Planning Commission Subdivision Committee
113 W. Mountain
Fayetteville AR 72701

Dear Subdivision Committee

This letter is to notify the Committee of our opposition to the Crystal Spring Phase IV. We have lived in this neighborhood since it was built. We were one of four original families that formed our neighborhood. One of the reasons that we bought in this neighborhood was that it was small and that it did not have through streets. Thus, having very little traffic and making the neighborhood more safe and secure for families.

We recognize that developers have a right to build the project. However, we do not want to see our neighborhood swallowed up by this larger development and making Woodlark and Raven into busy streets that would connect the proposed project to Mount Comfort. Mount Comfort is already congested with traffic! The building of additional homes connecting these streets will not help with traffic on Mount Comfort. In addition, there are almost no sidewalks in our neighborhood and with the increased amount of traffic there would be no safe place for riding bikes and walking. One of the great features of our neighborhood is safety. Today, there are probably twenty or thirty cars coming and going on our street per day; however, if Woodlark becomes a connector street, then that number could easily increase to three or four hundred cars daily.

In closing, we do not want Woodlark or Raven to become through streets! Our neighborhood will not be the same if the Commission approves the Crystal Springs Project as it is planned.

Sincerely,

Jeffrey L. Myers / Karen Myers

Jeffrey and Karen Myers
2325 Woodlark Lane

March 17, 2006

Suzanne Morgan, City Planning Division
113 West Mountain Street
Fayetteville, AR 72701

Re: Gooseberry Street Extension

The reason I bought my house on this street 34 years ago is because it was a dead end street. There is no cul-de-sack on our street. I do not need my driveway extended or altered as I have spend several thousand dollars replacing my old one. You say there is No cost, it is my tax dollars being spent and for something I definitely do not want. I Think our tax dollars could be better spent on a need not a want.

If you want a thru street, go to Crofton Manor as it was just built. This used to be a nice Quiet neighborhood, I think everyone in that addition has a big dog that barks all night long, try listening to that and getting up at 5:15 A.M.

Herbert Holcomb is the man that plotted this addition and he designated that this was never to be a thru street that it was always to be a dead end street. I knew him and he told me this.

I will in no way support this. Enclosed are documents by Gooseberry Homeowners attesting to the fact that they want the street to remain a dead end. Everyone was in Agreement. Carl Strange and Jack Thompson were at City Planning yesterday. This Affects everyone on this street if it is no longer dead end so everyone should have received a letter.

I am hand delivering the originals to your office and copies to Milholland Company and keeping a set of copies.

I am requesting a written response to the decision on this from your office an also from Milholland Company.

Sincerely,
Bettie Patrick
Bettie Patrick
2361 Gooseberry Lane
Fayetteville, AR 72704
479-521-3749

cc: Thomas Jefcoat
Milholland Company

RE: Crystal Springs IV Development

TO: Fayetteville Planning Commission
113 W. Mountain
Fayetteville, AR 72701

I oppose the Crystal Springs IV Development for the following reasons:

- Traffic Issues with connections using Raven and Woodlark.
- Lack of street improvements to Mt. Comfort and Rupple Rd
- Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

RECEIVED
MAR 28 2006
PLANNING DIV.

Additional Comments: _____

We urge the planning commission to deny this development.

Respectfully Submitted

Signature: Carl P. Hall

Address: 2841 W. Meadowlark Drive
Fayetteville, AR 72704

Date: 3/27/06

RE: Crystal Springs IV Development

TO: Fayetteville Planning Commission
113 W. Mountain
Fayetteville, AR 72701

I oppose the Crystal Springs IV Development for the following reasons:

- Traffic Issues with connections using Raven and Woodlark.
- Lack of street improvements to Mt. Comfort and Rupple Rd
- Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

Additional Comments: Please leave Birdhaven Subdivision as is. Find another way to connect to Crystal Springs. Keep out of Birdhaven.

We urge the planning commission to deny this development.

Respectfully Submitted

Signature: Richard Noyce

Address: 2862 Meadowlark Dr.

Date: 3-3006

RICHARD and LORNA NOYCE
2862 MEADOWLARK DRIVE
FAYETTEVILLE, AR 72704 U.S.A.

RE: Crystal Springs IV Development

TO: Fayetteville Planning Commission
113 W. Mountain
Fayetteville, AR 72701

I oppose the Crystal Springs IV Development for the following reasons:

- Traffic Issues with connections using Raven and Woodlark.
- Lack of street improvements to Mt. Comfort and Rupple Rd
- Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

Additional
Comments:_____

We urge the planning commission to deny this development.

RECEIVED
MAR 30 2006
CITY OF FAYETTEVILLE
PLANNING DIVISION

Respectfully Submitted

Signature: Rhonda Parsons

Address: 2701 W. Dave Dr. Fay. AR 72704

Date: 3/30/06

John E Parsons

RE: Crystal Springs IV Development

TO: Fayetteville Planning Commission
113 W. Mountain
Fayetteville, AR 72701

I oppose the Crystal Springs IV Development for the following reasons:

- Traffic Issues with connections using Raven and Woodlark.
- Lack of street improvements to Mt. Comfort and Rupple Rd
- Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

Additional
Comments: _____

We urge the planning commission to deny this development.

RECEIVED
MAR 30 2006
CITY OF FAYETTEVILLE
PLANNING DIVISION

Respectfully Submitted

Signature: [illegible]

Address: 2825 Quail Dr.

Date: 30 March 06

RE: Crystal Springs IV Development

TO: Fayetteville Planning Commission
113 W. Mountain
Fayetteville, AR 72701

I oppose the Crystal Springs IV Development for the following reasons:

- Traffic Issues with connections using Raven and Woodlark.
- Lack of street improvements to Mt. Comfort and Rupple Rd
- Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

Additional Comments: The traffic is already to bad. It would ruin our neighborhood. The quality of life would go down drastically. The noise level of traffic is already too high.

We urge the planning commission to deny this development.

Respectfully Submitted

Signature: Linda K. Wright

Address: 2825 Meadowlark

Date: 4-3-08

RE: Crystal Springs IV Development

TO: Fayetteville Planning Commission
113 W. Mountain
Fayetteville, AR 72701

I oppose the Crystal Springs IV Development for the following reasons:

- Traffic Issues with connections using Raven and Woodlark.
- Lack of street improvements to Mt. Comfort and Rupple Rd
- Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

Additional Comments: I live on Woodlark Lane and DO NOT want it connected because of the large increase in traffic. Crystal Springs developers could put a park or club house on that lot and leave Woodlark + Raven as dead end streets.

We urge the planning commission to deny this development.

Please don't open birdhaven streets.

Respectfully Submitted

Signature: Debbie Mendenhall

Address: 2241 Woodlark Lane

Date: April 9, 2006

RECEIVED
APR 12 2006
PLANNING DIV.

RE: Crystal Springs IV Development

RECEIVED
MAR 28 2006
PLANNING DIV.

TO: Fayetteville Planning Commission
113 W. Mountain
Fayetteville, AR 72701

I oppose the Crystal Springs IV Development for the following reasons:

- Traffic Issues with connections using Raven and Woodlark.
- Lack of street improvements to Mt. Comfort and Rupple Rd
- Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

Additional Comments: My family moved into this neighborhood because it was quiet and there was not any traffic. This sub division would ruin the charm and tranquility of this neighborhood. We will fight it all the way. Find somewhere else to build!!! Thank you.

We urge the planning commission to deny this development.

[redacted]

RE: Crystal Springs Development

TO: Fayetteville Planning Commission
113 W. Mountain
Fayetteville, AR 72701

RECEIVED
MAR 28 2006
PLANNING DIV.

I oppose the Crystal Springs IV Development for the following reasons:

- Traffic Issues with connections using Raven and Woodlark.
- Lack of street improvements to Mt. Comfort and Rupple Rd
- Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

Additional Comments: Our Street won't accomodate the traffic of 274 additional Homes and we can Hardly get on Mt Comfort now, we Have a nice neighborhood Pleasedont Ruin it-

We urge the planning commission to deny this development.

Respectfully Submitted

Signature: R Leon Martin

Address: 2349 Woodlark

Date: 3-25-06

RECEIVED
MAR 28 2006
PLANNING DIV.

RE: Crystal Springs IV Development

TO: Fayetteville Planning Commission
113 W. Mountain
Fayetteville, AR 72701

I oppose the Crystal Springs IV Development for the following reasons:

- Traffic Issues with connections using Raven and Woodlark.
- Lack of street improvements to Mt. Comfort and Rupple Rd
- Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

Additional Comments: I love this Birdhaven Neighborhood. It is quiet and crime free. I've lived in Neighborhood for 12 years, my home is paid in full.

We urge the planning commission to deny this development.

Respectfully Submitted

Signature: Mildred Montague
Address: 2813 Dove Dr. City
Date: Mar. 27, 2006

RECEIVED
MAR 28 2006
PLANNING DIV.

RE: Crystal Springs IV Development

TO: Fayetteville Planning Commission
113 W. Mountain
Fayetteville, AR 72701

I oppose the Crystal Springs IV Development for the following reasons:

- Traffic Issues with connections using Raven and Woodlark.
- Lack of street improvements to Mt. Comfort and Rupple Rd
- Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

Additional Comments: ALL of the above do you Know how hard it is already just to get on Mt. Comfort.

We urge the planning commission to deny this development.

Respectfully Submitted

Signature: Redell & Laverne Thompson

Address: 2807 Meadowlark Dr.

Date: 3/25/06

RE: Crystal Springs IV Development

RECEIVED
MAR 28 2006
PLANNING DIV.

TO: Fayetteville Planning Commission
113 W. Mountain
Fayetteville, AR 72701

I oppose the Crystal Springs IV Development for the following reasons:

- ✓ Traffic Issues with connections using Raven and Woodlark.
- ✓ Lack of street improvements to Mt. Comfort and Rupple Rd
- ✓ Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

All of the above and...

Additional Comments: We do NOT want the Streets WooKlark and Raven to open. If these roads are opened, the traffic overload will be too much for our neighborhood. I am very concerned that this neighborhood will turn into a traffic disaster. Mt. Comfort Road is already over populated with traffic. This is a neighborhood, please Keep it that way and find another way. I am sorry I can not be at the meeting I have to work.

We urge the planning commission to deny this development.

Respectfully Submitted

Signature: Barbara Waselues

Address: 2863 Quail Drive (Corner of Quail & Woodlark)

Date: March 26, 2006

RE: Crystal Springs IV Development

RECEIVED
MAR 28 2006
PLANNING DIV.

TO: Fayetteville Planning Commission
113 W. Mountain
Fayetteville, AR 72701

I oppose the Crystal Springs IV Development for the following reasons:

- Traffic Issues with connections using Raven and Woodlark.
- Lack of street improvements to Mt. Comfort and Rupple Rd
- Impact the street connections will make to the Birdhaven Subdivision and quality of life of the citizens who live here.

Additional Comments: We have so much traffic already on Mt. Comfort - I cannot imagine a ~~so~~ new influx of traffic through my neighborhood

We urge the planning commission to deny this development.

Respectfully Submitted

Signature: Bill Rowland

Address: 2316 RAVEN LN.

Date: FAYETTEVILLE, AR 72704
3/27/06

March 16, 2006

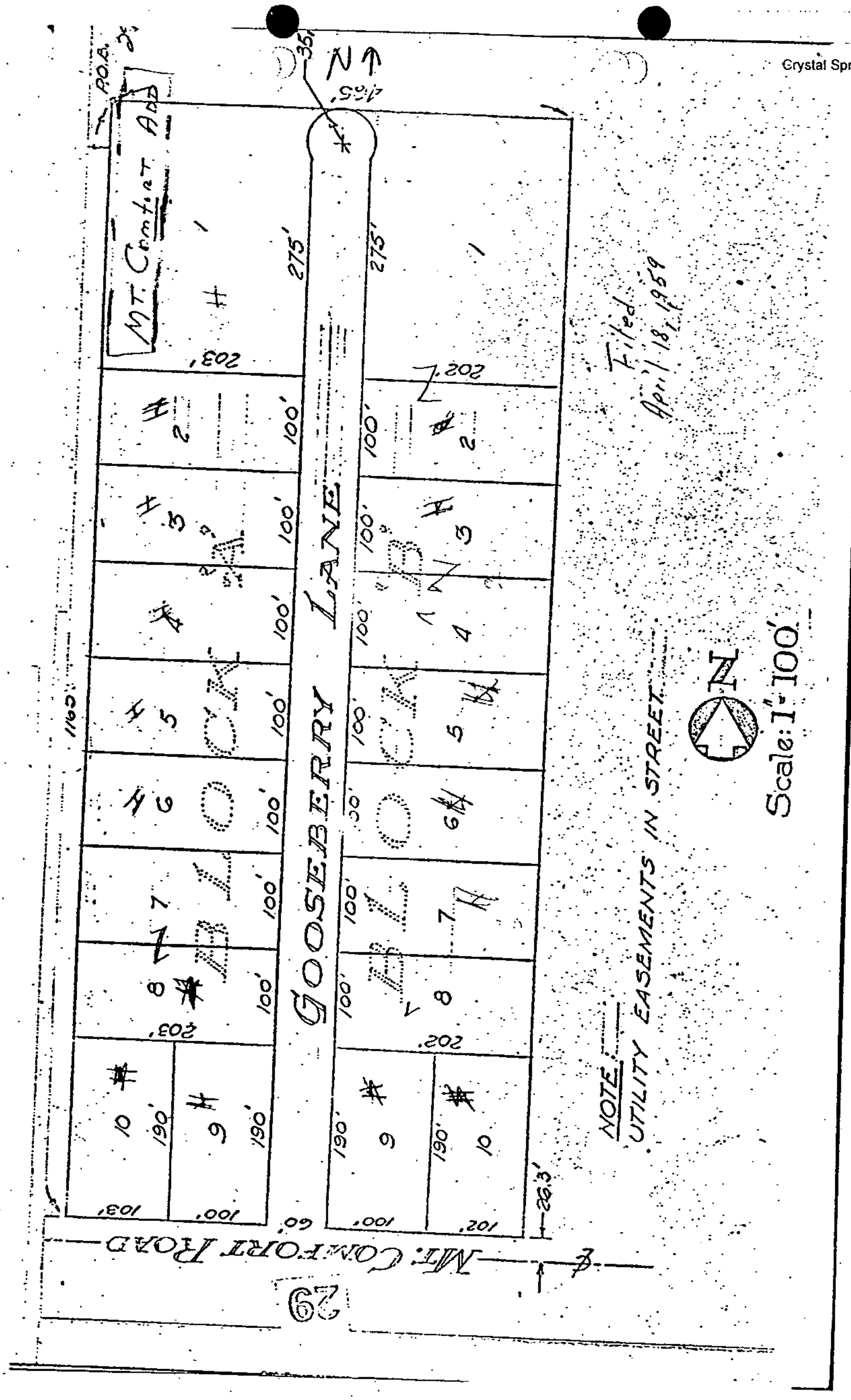
Suzanne Morgan, City Planning Division
Thomas Jefcoat, Milholland Company

This is a list of Homeowners on Gooseberry Lane, Fayetteville,AR that want this street to continue as a dead end street. Also included are signed documents:

B.J. Shell	Sue Howerton	Phyllis Smith	Ken Young	Evelyn Smith
Everett Evans	Jack Thompson	Carl Strange	Bettie Patrick	Jane Williams
Terry Carpenter	Mike Freeman	Vicki Stafford	Kevin Smith	Dan Worley

Carl Strange and Jack Thompson were at a meeting on this today.

Bettie Patrick
2361 Gooseberry Lane
Fayetteville, AR 72704


P.O.B.
Mt. Comfort Add
N
35'
465'
275'
275'
203'
202'
100'
GOOSEBERRY LANE
190'
103'
100'
102'
26.3'
60'
Mt. Comfort Road
NOTE:
UTILITY EASEMENTS IN STREET
Scale: 1" 100'
Filed April 18, 1959

From: Bill Rowland <browland@uark.edu>
To: <planning@ci.fayetteville.ar.us>
Date: Tue, Apr 25, 2006 12:58 PM
Subject: re: Crystal Springs developement Phase IV

My name is Bill Rowland, and I reside at 2316 Raven Lane, the neighborhood that will be impacted as an outlet for the proposed developement north of our home. I will be unable to attend the meeting, since you are choosing to have it during working hours, but I wanted my voice to be heard.

This is a terrible idea for the residents of my neighborhood and the quality of life there. We will unable to walk the streets in safety and our children's well being will be in question. I already sit behind three or more cars when I try to exit the neighborhood onto Mt. Comfort, with a several minute wait to do so, and with 200 more homes in addition, with maybe anywhere from 200 to 400 or more vehicles impacting the streets, I could well envision a string of 20 or more cars attempting to exit onto Mt. Comfort. Not to mention the increase in traffic right in front of my dwelling.

Please try to place yourself in our position, would you really want that type of increase in the traffic in your own neighborhood? I am in extreme opposition to this proposal. Thank you for your time.

Bill Rowland

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YAHOO! MAIL Welcome, **amailbox4ann**
[Sign Out, My Account]

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This message is not flagged. [Flag Message - Mark as Unread] Printable View

Date: Fri, 14 Apr 2006 13:58:39 -0700 (PDT)

From: "Ann Barton" <amailbox4ann@yahoo.com> Add to Address Book Add Mobile Alert

Subject: New subdivision at the end of Raven Lane

To: ward4_pos1@ci.fayetteville.ar.us

CC: lljordan7@hotmail.com

Folders [Add - Edit]
Inbox
Draft
Sent
Bulk [Empty]
Trash [Empty]

See your credit score: $0

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Dear Sir and Madam,

I am writing to you to express my concern about a new subdivision that will be going in near my home. As I understand it, this new construction will mean my street, Raven Lane, and another street in my neighborhood, will be extended to give access to this new neighborhood. This is a very bad idea and I would like to tell you why I feel this way.

I own and live in a duplex near the end of Raven Lane. I can look down the cross street from my front door. Many days, I can see children and teenagers playing in their front yards or playing catch in the street. This will not be safe with additional traffic.

Individuals walk their dogs and walk for exercise in the neighborhood. The increased traffic the new subdivision will not allow for this to occur safely as there are no sidewalks.

The East side of Raven Lane is made up of almost all duplexes. If each duplex is like mine, both sides are two bedroom units. That means there could be 4 drivers living in each duplex. Each drive way allows for a car to be parked at each front door and two cars in the turn around spot. If there are 4 cars, in order to get out of the driveway, the driver must back out into the street. This will be more dangerous than it already is if Raven Lane is extended and traffic is increased.

On the same subject of parking, if all 4 cars are at home and a guest comes to visit, that car must park on the street. Additional traffic will not be good for our street as the road is not very wide.

Have you ever tried to pull out onto Mt. Comfort in the morning or during the evening traffic? If you have, you will understand why I don't want unneeded, additional traffic on Raven Lane.

My neighborhood is one of those great older neighborhoods because there are so many different styles of homes. It is a quite neighborhood. I love my neighborhood. It is my home now. I was born in and have lived in Fayetteville for almost 30 years. I have tried to improve the appearance and value of my home. I understand that growth is great for the area economy. It does not need to hurt existing neighborhoods.

Making Raven Lane a through street will ruin my neighborhood. There has got to be a better

alternative.

Thank you for giving your time to hear my opinion and for representing our part of Fayetteville.

Sincerely,
Ann Barton
2388 Raven Lane
Fayetteville, AR 72704
479-841-8485

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From: "Susan Pomoransky" <spomoransky@mwyusa.com>
To: "'smorgan@ci.fayettevillear.us'" <smorgan@ci.fayetteville.ar.us>
Date: 4/26/06 2:29PM
Subject: CRYSTAL SPRINGS 4 SUBDIVISION

Suzanne and Planning Commission:

I am writing in regards to this meeting on the 27th at 9 A.M. First of all: Not all of us whom would like to be there; can just take off of work and go to this meeting. Can you not change it's time??? There is a lot of us who would like to voice our option. You gave another big builder a special hearing can't we ask for that too???

I am concerned with the idea of you all wanting to open up the cul-de-sac on Raven Lane and Woodlark Lane being opened as an outlet for the 274 Homes that are purposed to be built. This will increase the traffic in our small streets and neighborhood. We are an established neighborhood and have no sidewalks or any kind of green space. Our children play in the streets and we have no problems with that at all. No speeders and our school buses come into our neighborhood to pick up children, because us as concerned parents refused to let our children stand on Mt. Comfort Road because of the danger. Now, the planning commission wants to open up these roads as outlets. This will increase the danger to our children and our neighborhood. We can not handle 400 to 600 cars every morning and night. We have a hard enough time getting out on Mr. Comfort Road as it is. This is our only outlet. Sometimes, the traffic is really tied up there. No improvements have been made on Mt. Comfort Road or any other road near by. You all have let so many subdivisions go in and no improvements to the roads. It doesn't take a someone with a college education to figure it out more homes going in sooner or later you have to build or improve the old roads. You know as well as I do that with 274 purposed houses going in will have at least 2 -3 cars per house hold (546 cars if 2 cars per house/ or 3 per household will be 822 cars) and then if you get families moving in together or students you can bet on at least two or three more vehicles per house hold. Do you think our streets can handle that??? So, you see; we will truly have a much bigger problem. Mt. Comfort is already crowded and so is Salem Road and so is Rupple Road. When the new school went in off of Rupple Road that road was supposed to be straightened out and fixed. That still hasn't happened and a new housing addition is going in there now. These roads need to be improved. Can you not find another outlet somewhere else for the Crystal Springs Subdivision # 4.??? Please do not ruin our nice neighborhood.

Susan Pomoransky

2732 Meadowlark Lane

It is amazing what I discovered. If you take lowest count 520 vehicles per hour and the highest count 1408 vehicles per hour and you averages them 924 vehicles per hour and then multiplied by 24 hours per day. We get 23,136 vehicles per day. Which is within 10 per cent of the estimated count of 25,000 vehicles per day. This is an average of 3.45 seconds per vehicles. Which is not much time to pull across a lane of traffic while turning left. We have Bird Haven residents waiting between 5 & 10 minutes to get onto Mount Comfort now. We need a traffic light now for accessing Mount Comfort.

This is the volume of traffic today. However, there are 14 to 18 subdivisions that have been approved out Mount Comfort that will add additional 5,000 residences and 50,000 more vehicles to this farm road.
There will be a total of 75,000 vehicles on Mount Comfort 1.15 second per vehicle. (This is an average per day – during the high volume traffic time it will be approximately 0.8 second per vehicle).

A person living in Bird Haven, Crofton Manor or on Gooseberry Lane cannot safely turn out onto Mount Comfort. People living on Mount Comfort between Deane Solomon and Salem have worse problems. If it were not for a few good Samaritans, the 100 residences of the Bird Haven Addition would not get access to Mount Comfort at this time. Think what it will be when you add the 274 residences and the 2740 vehicles per day from Crystal Springs.

I am a Fayetteville School Bus driver and I have to deal with the traffic problems each day. In May I saw traffic at 7:50 AM at a standstill and backed up to Raven waiting to get onto I540. Another morning Mount Comfort was completely shutdown because a patrol car had stopped 100 feet north of Mount Comfort on Salem. It is not unusual for 20 vehicles or more to be backed up on Salem Road trying to get onto Mount Comfort.

A stalled vehicle on Mount Comfort between Deane Solomon and Salem and between 6:45 and 8:15 AM will totally shut down the traffic on Mount Comfort. When the traffic stops during this time, you will have a difficult time getting a wrecker to the vehicle or any emergency vehicles into the area.

I will stop with the numbers and traffic issues. The traffic is a very obvious problem and I think it is to the city staffers and planning committee. However, I think they have their own agenda when it comes to subdivision developments and street layouts and that agenda is not good for the city and its citizens.

I want to address the changes that were discussed at the neighbor meeting and what the residents want changed.

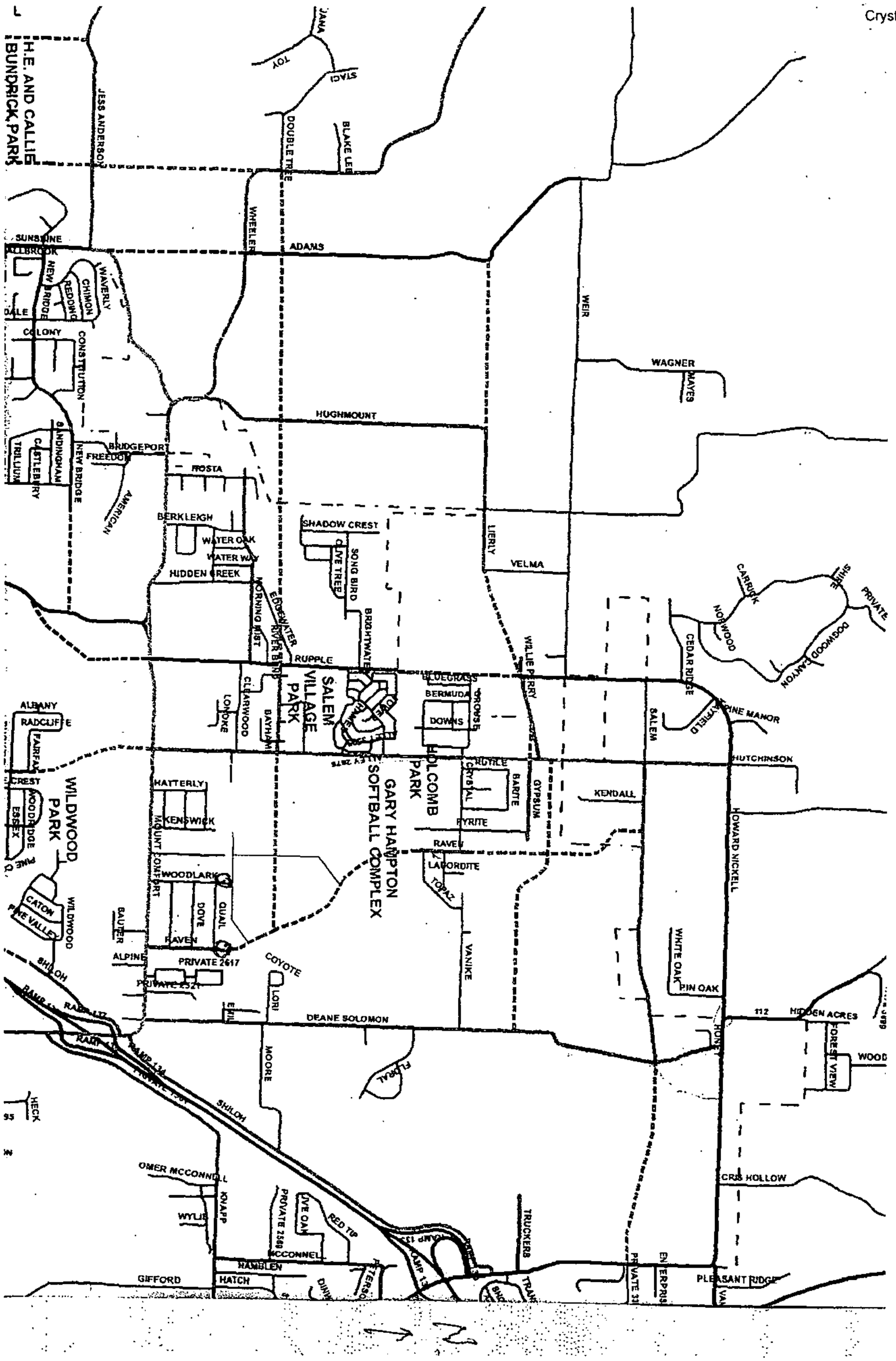
The developer told us he would put in the bridge across the Clabber Creek first and leave the Raven and Woodlark Lane stub outs closed. Keeping the Raven and Woodlark Lane stub outs closed, the traffic would be directed north from the Crystal Springs Subdivision. Then as the subdivision became fully populated he would open up the Raven and Woodlark Lane stub outs.

The Bird Haven residents want the Raven and Woodlark stub outs to remain closed until Mount Comfort is completely up graded to handle the traffic. In addition, we want a traffic light installed now so that the Bird Haven residents can safely turn onto Mount Comfort before we have a fatality. We want some east west exits from the Crystal Springs Subdivision.

We, also, want the water and sewer services reviewed. There are 5,000 new homes are scheduled to be built and we do not see any new water lines being installed and water towers being constructed on the West Side of town. Water lines and water towers must be in place for adequate water pressure and fire protection.

One of your primary responsibilities as an elected official is to provide safety for the citizens of Fayetteville. The traffic coming through the Bird Haven addition and turning onto Mount Comfort are safety hazards both the residents and to the drivers.

I want to thank in advance for taking your oath seriously and doing the right thing. The right thing would be to rescind the current development plan for the Crystal Springs Subdivision because of the safety issues. Approve the plan worked out by the developer Mr. Edwards and residents of the neighborhoods involved. In addition, doing the right thing would be to approve the installation of a traffic light now on Mount Comfort at Raven or Woodlark Lane so the residents of Bird Haven can safely turn onto Mount Comfort. Also, approve leaving Raven and Woodlark Lane streets closed until Mount Comfort is completely up graded.


H.E. AND CALLIE BUNDRICK PARK
JESS ANDERSON
JANA
TOY
STACI
DOUBLE TREE
BLAKE LEE
WHEELER
ADAMS
SUNSHINE
WAVERLY
CHIMON
REDDING
NEW BRIDGE
COLONY
CONSTITUTION
WEIR
WAGNER
MAYES
HUGHMOUNT
BRIDGEPORT
FREEDOM
NEW BRIDGE
BANDINGHAM
CASTLEBERRY
TRILLIUM
AMERICAN
ROSTA
BERKLEIGH
WATER OAK
WATER WAY
HIDDEN CREEK
SHADOW CREST
DOVE TREE
SONG BIRD
LIERLY
VELMA
CARRUCK
SHIRE
PRIVATE
NORWOOD
DOGWOOD
CANYON
CEDAR RIDGE
MORNING MIST
EDGEWATER
RIVER BIRD
RUPPLE
BRIGHTWATER
WILLIE PERRY
SALEM
PINE MANOR
HUTCHINSON
ALBANY
RADCLIFFE
FAIRFAX
CLEARWOOD
LONOKE
BAYHAM
SALEM VILLAGE PARK
BLUEGRASS
BERMUDA
DOWNS
BROWSE
RUTILE
CRYSTAL
BARITE
GYPSUM
KENDALL
HOWARD NICKELL
WILDWOOD PARK
HATTERLY
KENSWICK
MOUNT COMFORT
WOODLARK
DOVE
QUAIL
RAVEN
PYRITE
RAVEN
LABORDITE
TOPAZ
GARY HAMPTON SOFTBALL COMPLEX
HOLCOMB PARK
CREST
WOODRIDGE
ESSEX
PINE
CATON
PINE VALLEY
WILDWOOD
BAUTER
ALPINE
PRIVATE 2617
PRIVATE 2521
COYOTE
LORI
EMILY
DEANE SOLOMON
VANIKE
WHITE OAK
PIN OAK
112
HIDDEN ACRES
FOREST VIEW
WOOD
MOORE
FLORAL
HECK
SHILOH
OMER MCCONNELL
WYLIE
KNAPP
PRIVATE 2589
LIVE OAK
RED TIP
MCCONNEL
RAMBLEN
HATCH
GIFFORD
TRUCKERS
PRIVATE 33
ENTERPRISE
CRIS HOLLOW
PLEASANT RIDGE

Crystal Springs

6

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

6-Jun-06
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

RZN 06-2028 (Mountain Ranch, 440): Submitted by Tom Terminella for property located west of I-540 and South of Betty Jo Drive. The property is zoned C-1, Neighborhood Commercial and R-A, Residential-Agricultural and contains approximately 9.16 acres. The request is to rezone the subject property to RMF-18, Residential Multi-Family, 18 units per acre.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 5-15-06 Date

City Attorney — 5-16-06

Finance and Internal Service Director — 5/18/06 Date

Mayor — 5/23/06 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office
ENTERED 5/16/06

Received in Mayor's Office
ENTERED 5/16/06

Comments:

Left on the first reading 6/6/06.

City Council Meeting of June 06, 2006
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: May 11, 2006

Subject: Rezoning for Mountain Ranch (RZN 06-2028) – RMF-18

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 9.16 acres of property from C-1, Neighborhood Commercial and R-A, Residential Agricultural to RMF-18, Residential Multi-family 18 units per acre.

BACKGROUND

The subject property contains two areas of approximately 9.16 acres, located west of Shiloh Drive. This area is identified as **Parcel Nos. 9 and 10** in the attached maps.

In 2005, the applicant requested this area, along with additional acreage, to be rezoned to RMF-24 as part of a large, 350-acre rezoning request with multiple zoning districts. Finding this area to be within areas of hillside, and without an ordinance to protect those hillsides (though it was being discussed by the Planning Commission and City Council at that time), staff could not support the request and recommended denial. Staff recommended the boundary of the RMF-24 be moved to the east; a use greater in intensity than single family is appropriate adjacent to I-540 and Collector Streets, and staff was in support of an increased density, but not on the hillside without knowledge of protection. The applicant subsequently withdrew the request at the Planning Commission. With the current request, staff has the knowledge that the Hillside/Hilltop Overlay District has been adopted, which will allow the applicant and staff to have the ability to work together to both preserve and protect sensitive hillside while allowing for development at appropriate densities by clustering and encouraging reduced setbacks and land disturbance. Additionally, the boundary has been moved to the east as originally requested, and the density requested has been reduced from 24 to 18 units per acre.

DISCUSSION

This item was heard at the regular Planning Commission on May 22, 2006. There was no public comment. The Planning Commission voted 9-0-0 to forward this item to the City Council with a recommendation in favor of the rezoning.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 06-2028 FOR APPROXIMATELY 9.16 ACRES, LOCATED WEST OF I-540 AND SOUTH OF BETTY JO DRIVE, FROM C-1, NEIGHBORHOOD COMMERCIAL AND R-A, RESIDENTIAL-AGRICULTURAL TO RMF-18, RESIDENTIAL MULTI-FAMILY, 18 UNITS PER ACRE.

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

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

From C-1, Neighborhood Commercial and R-A, Residential-Agricultural to RMF-18, Residential Multi-Family, 18 units per acre, as shown on 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 ___, 2006.

APPROVED: ATTEST:

By: _____ By: _____

DAN COODY, Mayor **SONDRA SMITH**, City Clerk

EXHIBIT "A"
RZN 06-2028 PARCEL 9 and 10

LEGAL DESCRIPTION :(PARCEL "9" R-A TO RMF-18)

PART OF THE SE1/4, NW1/4 OF SECTION 18, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID SE1/4, NW1/4 THENCE SOUTH 540.86 FEET, THENCE WEST 28.03 FEET TO THE P.O.B., THENCE S02°57'58"W 772.98 FEET, THENCE N86°16'26"W 520.17 FEET, THENCE N06°59'24"E 5.77 FEET, THENCE ALONG A CURVE TO THE LEFT 224.01 FEET, SAID CURVE HAVING A RADIUS OF 1000.00 FEET AND A CHORD BEARING OF N00°34'22"E 223.54 FEET, THENCE N05°50'40"W 346.68 FEET, THENCE S57°34'28"E 99.83 FEET, THENCE N25°05'22"E 192.07 FEET, THENCE N84°09'20"E 427.95 FEET TO THE P.O.B.; CONTAINING 8.73 ACRES MORE OR LESS.

LEGAL DESCRIPTION: (PARCEL "10" C-1 TO RMF-18)

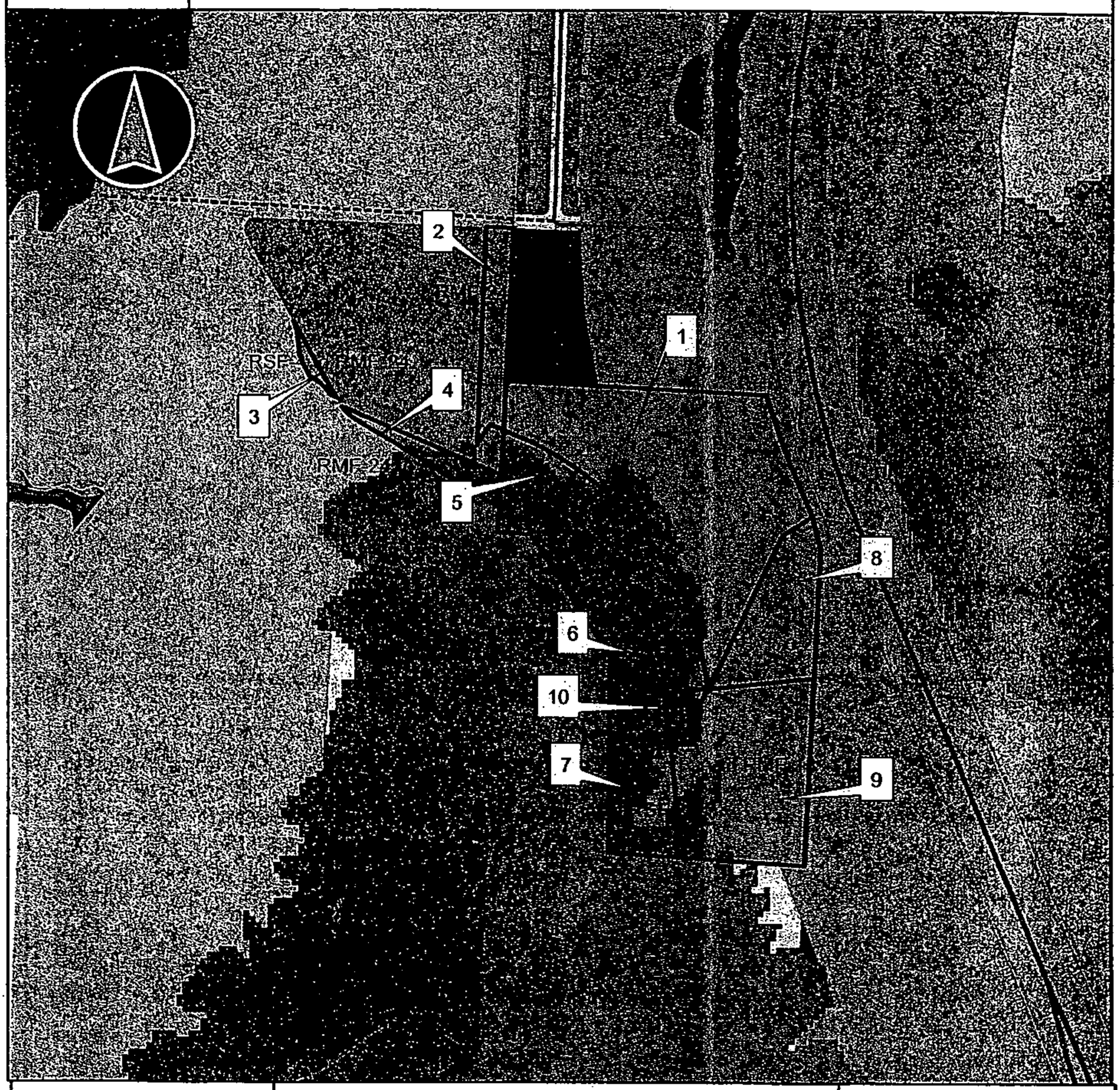
PART OF THE SE1/4, NW1/4 OF SECTION 18, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID SE1/4, NW1/4 THENCE SOUTH 584.44 FEET, THENCE WEST 453.75 FEET TO THE P.O.B., THENCE S84°09'20"W 2.11 FEET, THENCE S84°09'20"W 175.00 FEET, THENCE S05°50'40"E 102.92 FEET, THENCE S57°34'28"E 99.83 FEET, THENCE N25°05'22"E 192.07 FEET TO THE P.O.B.; CONTAINING 0.43 ACRES MORE OR LESS.

2006

RZN06-2028

MOUNTAIN RANCH

Close Up View



Overview

0 200 400 800 1,200 1,600

DATE: June 13, 2006

TO: Fayetteville City Council

FROM: John Logan Burrow, Chairman
Washington County Election Commission

RE: Recommendation of date for special elections

It is the Commission's understanding that the City is considering calling two and perhaps three special elections this year. We recommend that they be conducted on September 12, 2006.

One reason for this is that consolidating them all on one day will save the expense of separate elections.

Another particular concern of the Commission is that one such election is an annexation, which is currently being considered for the General Election Day in November. It will be difficult for our poll workers to deal with the eligibility of voters to vote in the election, if the annexation election is held on the same day as the November General Election. We anticipate a large turn-out for that election with the Help America Vote Act technology that will be new to most voters.

Therefore it would be helpful to us if these special elections were scheduled for September 12.

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

6-Jun-06
City Council Meeting Date

Tim Conklin	Planning & Development Mgmt.	Operations
Submitted By	Division	Department

Action Required:

An Ordinance calling an election to determine whether approximately 2,017 acres of certain lands contiguous to the Western City Limits should be annexed into the City of Fayetteville.

$20,000.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — Date: 5-19-06

City Attorney — Date: 5-19-06

Finance and Internal Service Director — Date: 5-19-06

Mayor — Date: 5/19/06

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office
ENTERED
5/19/2006

Received in Mayor's Office

Comments:

Left on the first reading 6/6/06

City Council Meeting of June 06, 2006
Agenda Item Number

CITY COUNCIL AGENDA MEMO

TO:	Mayor and City Council
FROM:	Annexation Study Committee
DATE:	May 18, 2006
RE:	**AN ORDINANCE CALLING AN ELECTION TO DETERMINE WHETHER APPROXMATELY 2,017 ACRES OF CERTAIN LANDS CONTIGUOUS TO THE WESTERN CITY LIMITS SHOULD BE ANNEXED INTO THE CITY OF FAYETTEVILLE**

RECOMMENDATION

Adoption of an ordinance calling an election to determine whether all areas south of Wedington between Broyles and Double Springs to the current Farmington City Limits and all areas west of Double Springs 1320' west of Harmon Road including all of Forest Hills Subdivision and potentially south to Goose Creek should be annexed into the city of Fayetteville. Staff recommends the City Council set a special election to be held on Tuesday, August 8, 2006 or Tuesday, September 12, 2006.

BACKGROUND

On April 4, 2006 the City Council passed resolution No. 66-06 establishing an annexation Study Committee to provide analysis and recommendations for annexation options in west Fayetteville. The annexation study committee consisted of the director of Operations, the City Engineer, the Water /Wastewater Director, the Planning and Development Management Director, and City Council Representative Shirley Lucas. The Resolution stated that a recommendation was to be made within four weeks to the full City Council. On May 2, 2006, the Fayetteville City Council received a report and recommendation regarding annexation of additional land into the City. The City Council voted 7-1-0 to move forward with the annexation process at the May 2, 2006 City Council meeting.

BUDGET IMPACT

Property Tax. The current Fayetteville property tax millage impact of this annexation is an additional 3.1 mils for the City of Fayetteville. The current City of Fayetteville millage is:

0.4 mil police pension
0.4 mil fire pension,
1.0 mil City Library (replaces the existing 1 mil County Library)
1.3 mils City General Fund.

3.1 mils total

The impact to property owners in the annexed areas would be an additional 2.1 mils. The current millage is .4 mil police pension, .4 mil fire pension, 1 mil City Library (replaces the 1 mil county library) 1.3 mils City General Fund.

For Example: Value – Your value is based on 20% of the market value of real estate (subject to limits of Amendment 79). If the fair market value of real estate is $100,000, it will have a value of 20% X $100,000 = $20,000. Multiply $20,000 by the additional millage and this will equal your additional tax: (Source: Washington County, AR)

1 mil is 1/10 of one cent ($.001)

Additional 2.1 mils on a 100,000 home ($20,000 X 0.0021 mils) = $42.00

Sales Tax. The potential sales tax revenue is limited at this time due to limited commercial activity in the proposed annexed area. The annexation study committee has recommended that future commercial nodes be identified along the Wedington Corridor to capture future sales tax revenue within the proposed annexed area.

General Fund. No additional FTE's are anticipated at this time.

Enterprise Funds (Solid Waste, Water, Sewer, Street). An additional solid waste route would be generated with the 1,472.55 acre annexation and would require the purchase of 1 Truck and an additional 1 FTE. The current population in this area would utilize approximately 20% of the capacity of this vehicle and FTE. The estimated cost for the truck is $200,000 and $28,000/year for the FTE.

CITY SERVICES TO BE PROVIDED

The following City services (including but not limited to) will be available to the existing and future residences after annexation:

- **Trash service**
- **Police protection**
- **Fire protection (fire department, fire flows where available)**
- **Fire Department as first responders**
- **Sewer service if available- any extensions of public or private lines to serve these areas will be the responsibility of the property owner/developer**
- **Curbside recycling and yard waste pick up**
- **Water and sewer rates inside the city that are lower than rates outside the City**
- **Areas located in the Washington Water Authority (WWA) service area will continue to be served by their system**

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

LEGAL DEPARTMENT

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

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor
City Council

CC: **Sondra Smith**, City Clerk
Karen Combs Pritchard, Washington County Clerk
Tim Conklin, Planning & Development Management Director
Karen Minkel, City Planner
Frank Johnson, Police Chief
Tony Johnson, Fire Chief
Gary Dumas, Director of Operations
David Jurgens, Water & Wastewater Director

FROM: **Kit Williams**, City Attorney

DATE: **May 9, 2006**

RE: **Annexation Ordinance**

As instructed by the City Council, I am drafting an Annexation Ordinance for the proposed areas to be annexed on our western border. Attached is a first draft (without legal descriptions, total acreage, etc.). I need the legal descriptions of the lands within an exhibit I can attach. I will also attach the maps. I also need information from the Directors and Chiefs about promises of services and dates (3 years in the maximum) such service would be provided.

A.C.A. §14-40-303 provided that the City Council's ordinance will set the date for the election to decide the annexation. It can be scheduled for either "the next general election or at a special election ... no earlier than sixty (60) days after the date and enactment of the ordinance." A.C.A. §14-40-303 (b)(1)(A).

The City Clerk must identify and give notice to all persons residing in the areas proposed to be annexed at least 45 days before the election. A.C.A. §14-40-303 (c)(1)(B). Using the information from the City Clerk, the Washington County

Clerk must then notify (at least forty days before the election) by regular mail all electors in the proposed annexation area.

These tasks will be difficult and time consuming especially for our City Clerk. Placing this issue on the general election ballot would make the Washington County Election Commission's job very complex in the areas to be annexed (which may include parts of various precincts). Poll Workers would have to specifically identify voters in a precinct to determine whether they would or would not be able to vote in the annexation election. I believe that the in-town ballots would be fairly simple since special ballots are already required within Fayetteville for municipal elections to which an annexation question could be added.

Since a special election would deal only with the single issue of annexation, poll workers in the county would be less rushed, and I believe there would be less confusion. However, a special election costs the City around $20,000.00 and results in lower voter turnout.

I will invite the Washington County Election Commission or County Clerk to provide their advice when you consider the ordinance. It is then the City Council's call.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Mayor Dan Coody**
City Council

CC: **Tim Conklin**, Community Planning & Engineering Svs. Director
Karen Minkle, City Planner

FROM: **Kit Williams**, City Attorney

DATE: **October 27, 2005**

RE: **Annexation of land contiguous to the Fayetteville City Limits**

Fayetteville's right to annex land contiguous to our city limits is set forth in A.C.A. §14-40-302. The same statutory requirements apply to this type of annexation as applied to our 2004 annexation of the islands of county land totally surrounded by our City.

The areas to be annexed must comply with one of five described conditions set forth in A.C.A. §14-40-302:

> "(1) Platted and held for sale or use as municipal lots;
> (2) Whether platted or not, if the lands are held to be sold as suburban property;
> (3) When the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;
> (4) When the lands are needed for any proper municipal purposes such as for the extension of needed police regulation; or
> (5) When they are valuable by reason of their adaptability for prospective municipal uses."

The Supreme Court has interpreted these five criteria fairly broadly. As clear in the statute, "**the lands must meet only one of the five (criteria).**" Utley v. City of Dover, 101 S.W. 3rd 191, 194 (Ark. 2003) (emphasis added); accord, Town of Houston v. Carden, 332 Ark. 340, 965 S.W. 2d 131 (1998).

> "However, this Court has also made it clear that if a part of the proposed area does not meet one of the five requirements, the annexation of the entire area is void *in toto*. Id.

Therefore, we need to be certain that every parcel we decide to annex meets one of the five criteria required by A.C.A. §14-40-302. However, if even one parcel within an ordinance fails to meet one of those criteria, that entire annexation ordinance and the required election may be voided.

The primary issue in these annexation cases almost always revolves around land (sometimes in flood plains) being used for agricultural purposes.

> "(b)(1) Contiguous lands shall not be annexed when they either:
>
> "(A) Have a fair market value, at the time of the adoption of the ordinance, of lands used only for agricultural or horticultural purposes and the highest and best use of the lands is for agricultural or horticultural purposes." A.C.A. §14-40-302

> "Before 1975 lands used for agricultural purposes could not be annexed. Act 309 of 1975 amended the law to provide that agricultural lands could not annexed if their highest and best use is for agricultural purposes. We interpreted this amendment in *Gay v. City of Springdale, supra*, and held that the prohibition against annexing agricultural lands is no longer absolute. The lands may be annexed if their highest and best use is for a purpose other than agriculture." Chappell v. City of Russellville, 288 Ark. 261, 704 S.W.2d 166, 167 (1986).

The Supreme Court has found that agricultural property even in **floodways** can be annexed as needed for a proper municipal purpose such as the extension of needed police and fire protection. Chandler v. City of Little Rock, 351 Ark. 172, 89 S.W.3d 913 (2002). The Supreme Court held that Little Rock's proposed use of that property as open space or park land was a higher use than agricultural use. Id.

> "The fact that the land is agricultural and the owner does not want it developed does not determine its fate as to annexation. Gay v. City of Springdale, 298 Ark. 554, 769 S.W. 2d 740, 742 (1989).

> "Simply because land is in a flood plain does not exclude it from consideration for annexation." Lee v. City of Pine Bluff, 289 Ark. 204, 710 S.W.2d 205, 207 (1986).

In the Russellville case, the Supreme Court affirmed the contested annexation even though "some of the land is swampland which runs into a wooded area ...." Chappell v. City of Russellville, supra.

In the Gay v. City of Springdale case, the Supreme Court noted testimony that "the city has proper municipal purpose for controlling orderly growth in all four tracts; and that annexation would serve that purpose." Both the police and fire chiefs indicated it would be easier to provide service within the more easily identifiable city limits of the new Springdale annexation. These cases indicate that the Courts will give wide latitude to cities seeking annexation.

The ordinance for annexation shall "contain an accurate description of the lands desired to be annexed (and) include a schedule of the services of the annexing municipality that will be extended to the area within three (3) years ...." A.C.A. §14-40-303 (a).

The annexation ordinance requires a two thirds majority vote "of the total number of members making up its governing body ...." A.C.A. §14-40-302 (a). The annexing ordinance will then be submitted to the qualified electors within the City and the area proposed to be annexed. This can be at the next general election or at a special election no earlier than sixty (60) days after enactment of the annexation ordinance. A majority of all voters (city and non-city together) is required to pass the annexation.

CONCLUSION

The City Council is provided wide statutory authority to annex county property contiguous to Fayetteville. Even land currently being used for agricultural purposes is likely to be legally annexable because it could probably meet the statutory test of "adaptability for prospective municipal uses: (residential development, park land and trail development)." And such prospective uses will likely be determined to be a higher and better use than agricultural or horticultural purposes.

I am concerned that some may think that this annexation might have been proposed to obtain the right to stop development on the annexed land. While reasonable control over future development probably fits within the "police regulation" criteria for annexation, attempting to impose a preserve of land on the edge of our borders in which further development in the foreseeable future would not be permitted might exceed our statutory authority.

ORDINANCE NO. _____

AN ORDINANCE CALLING AN ELECTION TO DETERMINE WHETHER APPROXIMATELY 2,000 ACRES CONTIGUOUS TO THE WESTERN CITY LIMITS SHOULD BE ANNEXED INTO FAYETTEVILLE

WHEREAS, the hereinafter described territory is contiguous to the City of Fayetteville and is necessary for the orderly growth of Fayetteville; and

WHEREAS, the lands platted and held for sale or use as municipal lots or held to be sold as suburban property, represent the actual growth of the municipality beyond its legal boundary; and

WHEREAS, the lands are needed for proper municipal purposes; and

WHEREAS, the lands are valuable by reason of their adaptability for prospective municipal uses; and

WHEREAS, the fair market value of the lands proposed to be annexed is greater than lands used only for agricultural or horticultural purposes, and the highest and best uses of the lands is not for agricultural or horticultural purposes; and

WHEREAS, the proposed annexed lands meet all the statutory requirements for annexation set forth in A.C.A. §14-40-302.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby submits to the qualified electors of the City of Fayetteville, Arkansas, and to the qualified electors residing within the proposed lands to be annexed, the question of annexation of the following described lands into the City of Fayetteville:

See Exhibits "A", "B" and "C" attached hereto and made a part hereof. Please also see Exhibit "D" which is a map of the areas proposed to be annexed which is

also attached and made a part hereof. The total net acreage of all sections annexed herewith and referred to hereinabove is about 2,017 acres.

Section 2: The question of annexation of the territory described above in Section 1 shall be submitted to the electors qualified to vote on this issue at a Special Election to be held on Tuesday, the 7th day of November, 2006. The City Clerk shall immediately notify the County Election Commission by forwarding a certified copy of this ordinance.

Section 3: If at such election a majority of the qualified electors voting in such election shall vote for such annexation, the municipality shall proceed to file a description and map of the annexed area with the County Clerk of Washington County and with the Secretary of State. The annexation shall be included within the corporate limits of the City of Fayetteville thirty (30) days following the filing of the description and map with the County Clerk, or in the event an action is filed with the circuit court, on the date the judgment of said court becomes final. If a majority of the qualified electors voting on the issue at the election vote against the annexation, the annexation ordinance shall be null and void.

Section 4: If the annexation is approved and becomes final, the following services shall be extended to the area within three (3) years or less:

- Trash service
- Police protection
- Fire protection (fire department, fire flows where available)
- Fire Department as first responders
- Sewer service if available – any extensions of public or private lines to serve these areas will be the responsibility of the property owner/developer
- Curbside recycling and yard waste pick up
- Zoning and development regulation protections

Section 5: The ballots used at said election on the question of annexation shall be marked as follows:

☐ FOR annexation into the City of Fayetteville of the territory described in Ordinance No. _____.

☐ AGAINST annexation into the City of Fayetteville of the territory described in Ordinance No. _____.

Section 6: If any of the property identified for annexation by Exhibits A, B, C, and D is no longer legally available for annexation at the time of election this ordinance and the ballot shall refer only to the remaining legally annexable area.

PASSED and **APPROVED** this 20th day of June, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

PROPOSED 2017 ACRE ANNEXATION (MAY 2006)

EXHIBIT A

DESCRIPTION 1:

A part of Sections 8, 9, 10, 15, 16, 17 and 20, all within Township 16 North, Range 31 West, Washington County, Arkansas, and being more particularly described as follows:
Beginning at the NE corner of the NE-NW-15-16-31;
Thence Southerly to the SE corner of the NE-NW-15-16-31;
Thence Westerly to the SW corner of the NE-NW-15-16-31;
Thence Southerly to the SE corner of the SW-NW-15-16-31;
Thence Westerly to the SW corner of the SE-NE-16-16-31;
Thence Northerly to the SE corner of the NW-NE-16-16-31;
Thence Westerly to the SW corner of the NE-NW-16-16-31;
Thence Southerly to the SE corner of the SW-SW-16-16-31;
Thence N 88° 12' 11" W 357.41 feet;
Thence N 88° 12' 12" W 243.53 feet;
Thence S 75° 55' 59" W 282.72 feet;
Thence S 65° 08' 19" W 233.2 feet;
Thence N 83° 24' 43" W 218.68 feet;
Thence S 02° 23' 49" W 86.18 feet;
Thence S 85° 35' 11" W 307.42 feet;
Thence S 85° 35' 12" W 307.94 feet;
Thence S 86° 02' 18" W 307.66 feet;
Thence S 76° 41' 36" W 317.55 feet;
Thence S 02° 18' 53" W 29.79 feet;
Thence S 81° 20' 27" W 309.07 feet;
Thence N 02° 18' 57" E 28.91 feet;
Thence S 69° 48' 29" W 166.43 feet;
Thence N 37° 10' 26" W 175.55 feet;
Thence N 29° 34' 28" W 76.14 feet;
Thence N 15° 14' 14" W 83.02 feet;
Thence N 02° 59' 57" W 104.18 feet;
Thence N 02° 44' 06" E 244.98 feet;
Thence N 88° 15' 05" W 82.97 feet;
Thence N 02° 10' 21" E 1283.34 feet;
Thence S 87° 14' 06" E 650.40 feet, to the SW corner of the NE-SE-17-16-31;
Thence Northerly to the SE corner of the SW-NE-17-16-31;
Thence N 87° 24' 53" W 631.72 feet;
Thence N 03° 01' 07" E 1093.69 feet;
Thence N 03° 01' 07" E 231.03 feet;
Thence N 87° 35' 37" W 691.83 feet, to the SE corner of the NE-NW-17-16-31;
Thence Westerly to the SW corner of the NE-NW-17-16-31;
Thence Northerly to the NW corner of the NE-NW-17-16-31;
Thence Easterly to the SW corner of the SW-SE-8-16-31;
Thence N02° 38' 58" E 1115.58 feet;
Thence S 87° 45' 35" E 1304.80 feet;
Thence N 02° 31' 33" E 209.98 feet, to the SW corner of the NE-SE-8-16-31;
Thence Northerly to the NW corner of the NE-SE-8-16-31;
Thence Easterly to the NW corner of the NE-SE-9-16-31;
Thence S 87° 47' 35" E 506.32 feet;
Thence N 02° 19' 25' E 210.00 feet;
Thence S 87° 40' 35" E 210.00 feet;
Thence N 02° 19' 25" E 711.00 feet;
Thence S 87° 40' 35" E 594.00 feet;

Thence N 02° 19' 24" E 403.44 feet; to the NW corner of the SW-NW-10-16-31;
Thence Easterly to the NE corner of the SW-NW-10-16-31;
Thence Northerly to the NW corner of the NE-NW-10-16-31;
Thence S 87° 54' 23" E 662.49 feet;
Thence S 02° 33' 40" W 1094.55 feet;
Thence S 02° 00' 01" W 226.54 feet;
Thence S 88° 00' 23" E 667.00 feet;
Thence N 02° 27' 55" E 34.52 feet;
Thence S 87° 52' 34" E 659.92 feet;
Thence S 02° 28' 07" W 591.27 feet;
Thence S 02° 27' 58" W 94.22 feet;
Thence S 02° 25' 02" W 3310.46 feet;
Thence N 87° 57' 35" W 184.36 feet;
Thence N 17° 05' 57" W 32.8 feet;
Thence N 41° 18' 37" W 112.77 feet;
Thence N 38° 39' 04" W 55.87 feet;
Thence N 38° 39' 03" W 65.31 feet;
Thence 57° 21' 02" W 69.84 feet;
Thence N 25° 29' 06" W 114.53 feet;
Thence N 87° 57' 34" W 198.00 feet;
Thence S 02° 04' 40" W 342.00 feet,
To the Point of Beginning and containing 1,499.80 acres, more or less.

EXHIBIT B

DESCRIPTION 2:

A part of Sections 14, 15, 22, and 23, all within Township 16 North, Range 30 West, Washington County, Arkansas, and being more particularly described as follows:
Beginning at the NE corner of the NE-SW-14-16-31;
Thence Southerly to the SE corner of the NE-SW-14-16-31;
Thence S 02° 35' 16" W 661.59 feet;
Thence N 87° 36' 00" W 661.32 feet;
Thence N 02° 35' 19" E 630.16 feet;
Thence N 88° 00' 21" W 661.34 feet;
Thence S 02° 35' 23" W 1294.47 feet, to the SE corner of the SW-SW-14-16-31;
Thence Southerly to the SE corner of the NW-NW-23-16-31;
Thence Westerly to the SW corner of the NW-NW-23-16-31;
Thence N 88° 00' 26" W 269.64 feet;
Thence N 02° 22' 19" E 177.38 feet;
Thence N 88° 00' 25" W 528.06 feet;
Thence N 02° 21' 13" E 15.00 feet;
Thence S 88° 07' 35" E 291.78 feet;
Thence N 01° 52' 25" E 150.00 feet;
Thence N 87° 54' 34" W 290.52 feet;
Thence S 02° 21' 07" W 343.49 feet;
Thence N 88° 00' 25" W 528.00 feet, to the SW corner of the NE-NE-22-16-31;
Thence Northerly to the SE corner of the SW-SE-15-16-31;
Thence N 88° 10' 52" W 634.49 feet;
Thence N 02° 31' 09" E 196.86 feet;
Thence N 68° 47' 48" E 641.04 feet;
Thence N 68° 47' 48" E 51.96 feet;
Thence N 02° 31' 08" E 858.00 feet, to the SW corner of the NE-SE-15-16-31;
Thence Northerly to the SE corner of the SW-NE-15-16-31;
Thence Westerly to the SW corner of the SW-NE-15-16-31;
Thence N 02° 38' 07" E 1024.77 feet;
Thence S 87° 50' 01" E 1328.58 feet;
Thence N 02° 41' 31" E 292.53 feet;
Thence N 02° 31' 48" E 999.24 feet;
Thence S 88° 00' 29" E 376.18 feet;
Thence S 02° 25' 42" W 165.64 feet;
Thence S 88° 00' 29" E 948.26 feet;
Thence S 02° 39' 20" W 161.71 feet;
Thence N 88° 20' 14" W 1279.93 feet;
Thence S 02° 27' 01" W 329.38 feet;
Thence S 88° 16' 00" E 1278.73 feet;
Thence S 02° 39' 19" W 302.10 feet;
Thence S 87° 38' 05" E 990.63 feet;
Thence N 02° 37' 05" E 236.24 feet;
Thence S 87° 35' 38" E 825.49 feet;
Thence N 02° 54' 56" E 146.47 feet;
Thence S 87° 46' 26" E 823.53 feet;
Thence S 02° 35' 16" W 412.10 feet, to the NE corner of the SE-NW-14-16-31;
Thence Southerly to the Point of Beginning and containing 476.25 acres, more or less.

EXHIBIT C

DESCRIPTION 3:

The Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of Section 23, Township 16 North, Range 31 West, Washington County, Arkansas, containing 40.67 acres, more or less.

Fayetteville
ARKANSAS

To: City Council

From: Dan Coody, Mayor

Date: March 24, 2006

RE: Resolution Establishing an Annexation Study Committee to Review Annexation Options for West Fayetteville

As the City Council is aware, our neighboring community to the west has been discussing annexation of a significant amount of land immediately west of the Fayetteville corporate boundary. In the published discussions of this annexation, the Farmington corporate limits would extend to Highway 16. If this were to occur, the City of Fayetteville would essentially become land-locked between Highway 62 and Highway 16.

There are potential implications if the City of Fayetteville were to become restricted in its ability to continue to grow and annex in this corridor.

I am proposing that the Study Committee, comprised of one City Council representative, the Director of Operations, the City Engineer, the Water/Waste Water Director, and the Director of Long-Range Planning, would report to the full Council within 4-weeks with an analysis and recommendation regarding any actions that the City of Fayetteville should undertake.

14-40-303. Annexation ordinance - Election - Procedures.

(a) The annexation ordinance shall:
(1) Contain an accurate description of the lands desired to be annexed;

(2) Include a schedule of the services of the annexing municipality that will be extended to the area within three (3) years after the date the annexation becomes final; and

(3) Fix the date for the election provided in this section.

(b)(1) The annexation ordinance shall not become effective until the question of annexation is submitted to the qualified electors of the annexing municipality and of the area to be annexed at the next general election or at a special election. The special election shall be conducted no earlier than sixty (60) days after the date of enactment of the ordinance. The special election shall occur on the second Tuesday of the month, except as provided in subdivision (b)(2) of this section.

(2) Special elections held in months in which a presidential preferential primary election, preferential primary election, general primary election, or general election is scheduled to occur shall be held on the date of the presidential preferential primary election, preferential primary election, general primary election, or general election.

(3)(A) If a special election is held on the date of the presidential preferential primary election, preferential primary election, or general primary election, the issue or issues to be voted upon at the special election shall be included on the ballot of each political party.

(B) However, separate ballots containing only the issue or issues to be voted upon at the special election shall be prepared and made available to voters requesting a separate ballot.

(4) No voter shall be required to vote in a political party's presidential preferential primary, preferential primary, or general primary in order to be able to vote in the special election.

(5) Special elections scheduled to occur in a month in which the second Tuesday is a legal holiday shall be held on the third Tuesday of the month.

(6)(A) If a majority of the qualified electors voting in the election vote for the annexation, no later than seven (7) days following the election, the county clerk shall certify the election results and record the same, along with the description and a map of the annexed area, in the county records, and file a certified copy thereof with the Secretary of State.

(B) The annexation shall be effective, and the lands annexed shall be included within the corporate limits of the annexing municipality thirty (30) days following the date of recording and filing of the description and map, as provided in this section, or in the event an action is filed with the circuit court as provided in § 14-40-304, on the date the judgment of the court becomes final.

(7) If a majority of the qualified electors voting on the issue at the election vote against the annexation, the annexation ordinance shall be null and void.

(c)(1)(A) The city clerk shall certify two (2) copies of the annexation ordinance and a plat or map of the area to be annexed and convey one (1) copy to the county clerk and one (1) copy to the county election commission at least sixty (60) days before the election.

(B)(i) No later than forty-five (45) days prior to the election, the city shall identify all persons who reside within the area proposed to be annexed, and the county clerk shall assist the city in determining the names and addresses of all qualified electors residing within that area.

(ii) The failure to identify all persons residing within the area proposed to be annexed or the failure to determine the names and addresses of all qualified electors residing within that area shall not invalidate or otherwise affect the results of the election.

(C) All of the qualified electors residing within the territory to be annexed shall be entitled to vote in the election.

(D) The city clerk shall give notice of the election by publication by at least one (1) insertion in some newspaper having a general circulation in the city.

(2)(A) The county clerk shall give notice of the voter registration deadlines at least forty (40) days before the election by ordinary mail to those persons whose names and addresses are on the list provided by the city clerk.

(B) The county clerk shall prepare a list by precinct of all those qualified electors residing within the area to be annexed who are qualified to vote in that precinct and furnish that list to the election officials at the time the ballot boxes are delivered.

(3) If the county clerk or the county election commission shall fail to perform any duties required of it, then any interested party may apply for a writ of mandamus to require the performance of the duties. The failure of the county clerk or the county election commission to perform the duties shall not void the annexation election unless a court finds that the failure to perform the duties substantially prejudiced an interested party.

(d) If the annexation is approved and becomes final, the governing body of the city shall, by ordinance, as soon as practical after the annexation, attach and incorporate such annexed territory to and in one (1) or more wards of the city lying adjacent thereto, and the territory so assigned and attached to a ward shall thereafter be considered and become a part thereof as fully as any other part of the city.

(e) From the map or plat provided by city ordinance of the wards assigned, the county clerk shall proceed to ascertain and determine the voters' proper precinct and shall enter the same upon the voter registration records of those inhabitants of the territory so annexed and give notice of that change within thirty (30) days after the adoption of the city ordinance assigning the territory to wards.

(f)(1) In the event that within thirty (30) days of the date that one (1) city calls for an annexation election, another city calls for an annexation election on all or part of the same land proposed to be annexed by the first city, then both annexation elections shall be held; provided that the second city must call for its annexation election to be held within thirty (30) days before or after the holding of the first city's election.

(2)(A) If the annexation election held first is approved by the voters, the results of it shall be stayed until the second annexation election is held.

(B)(i) If only one (1) of the annexation elections is approved by the voters, then the city that called that election shall proceed with the annexation of the land.

(ii) If both annexation elections are approved by the voters, then a third election shall be held three (3) weeks after the second annexation election.

(iii) Only the residents of the area proposed to be annexed by both cities shall vote in the third election.

(iv) The issue on the ballot in the third election shall be into which of the two (2) cities the residents of the area want to be annexed.

(v) The area shall be annexed into the city receiving the most votes in the third election.

(vi) In the event of a tie vote in the third election, the area shall be annexed to the city that had the highest percentage vote in favor of the annexation in the first or second election.

(3) If the city that does not get to annex the area voted on by both cities included land in its annexation election other than the land voted on by both cities, then that land shall be annexed into such city if it is still contiguous to such city after the other land is annexed to the other city, but such land shall remain part of the county if it is not so contiguous.

History. Acts 1971, No. 298, § 2; 1975, No. 309, § 2; A.S.A. 1947, § 19-307.2; Acts 1991, No. 725, § 1; 1993, No. 356, § 1; 1999, No. 639, § 1; 2005, No. 2145, § 22.

14-40-302. Authority - Exceptions.

(a) By vote of two-thirds (2/3) of the total number of members making up its governing body, any municipality may adopt an ordinance to annex lands contiguous to the municipality if the lands are any of the following:

(1) Platted and held for sale or use as municipal lots;

(2) Whether platted or not, if the lands are held to be sold as suburban property;

(3) When the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;

(4) When the lands are needed for any proper municipal purposes such as for the extension of needed police regulation; or

(5) When they are valuable by reason of their adaptability for prospective municipal uses.

(b)(1) Contiguous lands shall not be annexed when they either:

(A) Have a fair market value, at the time of the adoption of the ordinance, of lands used only for agricultural or horticultural purposes and the highest and best use of the lands is for agricultural or horticultural purposes; or

(B) Are lands upon which a new community is to be constructed with funds guaranteed, in whole or in part, by the federal government under Title IV of the Housing and Urban Development Act of 1968 or under Title VII of the Housing and Urban Development Act of 1970.

(2) Any person, firm, corporation, partnership, or joint venturer desiring to come within this exclusion must have received from the Department of Housing and Urban Development a letter of preliminary commitment to fund the new community under one (1) of the federal acts.

(3) If any lands are annexed that are being used exclusively for agricultural purposes, the lands may continue to be used for such purposes so long as the owner desires and the lands shall be assessed as agricultural lands.

(c) However, a municipality having a population of fewer than one thousand (1,000) persons shall not annex in any one (1) calendar year contiguous lands in excess of ten percent (10%) of the current land area of the municipality.

History. Acts 1971, No. 298, § 1; 1975, No. 309, § 1; 1975, No. 904, § 1; A.S.A. 1947, § 19-307.1; Acts 2001, No. 1751, § 1.

Fayetteville
ARKANSAS

OPERATIONS DIRECTOR

TO: **Mayor and City Council**

FROM: **Annexation Study Committee**

DATE: **May 2, 2006**

RE: **Report #1 Annexation Study Committee and Recommendation Concerning West Fayetteville**

BACKGROUND

As the City Council is aware, the City of Farmington has been discussing annexation of a significant amount of land immediately west of the Fayetteville corporate boundary. In the published discussions of this annexation, the Farmington corporate limits would extend to Highway 16. If this were to occur, the City of Fayetteville would essentially become land-locked between Highway 62 and Highway 16.

There are potential implications if the City of Fayetteville were to become restricted in its ability to continue to grow and annex west along this corridor.

A Study Committee, comprised of one City Council Representative, Shirley Lucas, the Director of Operations, the City Engineer, the Water/Waste Water Director, and the Planning and Development Management Director, were charged with reviewing the implications of not annexing or annexing this area into the City of Fayetteville and reporting to the full Council within four weeks with a recommendation regarding any actions that the City of Fayetteville should undertake.

The Study Committee met numerous times during this four-week period and interviewed representatives of the Police Department and the Fire Department to gain an understanding of any operational issues that may arise with extending the city boundary in this area.

As the annexation discussions continued, it became apparent that there would be little impact upon any City service except for the provision of an adequate water supply for fire protection. The issue of water supply led to preliminary discussions with the Washington County Water Authority (WWA).

In the following section, the various issues are discussed in more detail.

DISCUSSION

Growth is occurring at the edges of Fayetteville and beyond. The attached aerial photography map from 2004 provides an indication of that development. Development has continued at a significant pace since the date of this photography, as any tour through the area will reveal. What is clear from the aerial photography is that the nearer to the City Limits of Fayetteville, the greater the density.

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Fayetteville, Arkansas 72701
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Fax - 479-575-8257
e-mail - gdumas@ci.fayetteville.ar.us

The traffic congestion causing concerns along the Hwy 16 corridor within the corporate limits of Fayetteville will not be affected by a decision to annex or not annex. Recent changes in the methods and techniques for treating liquid wastes from housing and commercial developments will create additional opportunities for urban density and intensity at any location throughout the County as long as a potable water supply is available.

The conversion of rural land to urban growth density and intensity will continue regardless of the actions of the City of Fayetteville. What the City can do, however, is begin a practice of providing opportunities that will encourage development within the City, in order to ensure that as growth occurs, it will provide the amenities and security of investment that only municipal regulation can provide.

These regulations include Land Use and Development Control through the Unified Development Ordinance:

- **Sign Ordinance**
- **Tree Ordinance**
- **Storm Water Ordinance**
- **Zoning**
- **Subdivision Regulation**
- **Fire and Police Impact Fees**
- **Park Fees / Land Dedication**
- **Commercial Design Standards**
- **Code Enforcement**

While no one desires regulation on their own property, most desire to have their neighbors' uses and activities controlled and regulated. In order to provide a rationale to accept the regulation and cost of regulation, the City provides a fully staffed fire service and police service. Additionally, in this area, the City can, in partnership with the Washington Water Authority, provide necessary water system fire flows, rather than the current water tanker system necessitated by the volume of water available through the rural water system. Other City services also become accessible such as sanitary sewer and municipal sanitation services, rather than step or septic systems and private trash haulers.

But the question is: what does the City gain and at what cost?

Gains

- **Management and control of land use density and intensity**
- **Timing of development through zoning**
- **Increased environmental protection**
- **Compatibility in land use and development standards**
- **Less confusion for public safety – city police and fire**
- **Ability to plan and construct future city capital improvements**
- **Ability to require the same level of infrastructure improvements required for new development within these areas as required within the city**
- **Impact fees for fire, police, sewer, and parks**
- **Increased State of Arkansas street turn-back funds**

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Costs

- **Incremental costs**
- **Increased service area and response times**
- **Cost of providing General Fund Services – Police, Fire, Code Compliance (additional area and population served at this time would not require additional equipment or staffing)**
- **Potential pressure control valve to WWA to provide fire flows**
- **Continuing cost of additional traffic entering the City**
- **Cost of converting WWA water usage billing for sewer billing**

The following City services (including but not limited to) will be available to the existing and future residences after annexation:

- **Trash service**
- **Police protection**
- **Fire protection (fire department, fire flows where available)**
- **Fire Department as first responders**
- **Sewer service if available- any extensions of public or private lines to serve these areas will be the responsibility of the property owner/developer**
- **Curbside recycling and yard waste pick up**
- **Water and sewer rates inside the city that are lower than rates outside the city**

RECOMMENDATION

1. Annex all areas south of Wedington between Broyles and Double Springs to the current Farmington City Limits (See Exhibit "A.").

    - **This area contains approximately 517.21 acres**
    - **There are 74 addressed structures**
    - **The estimated population is approximately 152 people**
    - **Of the addressed structures, 69 structures are on Fayetteville water.**
    - **There are 5 miles of roads**

2. Annex all areas west of Double Springs 1320' west of Harmon Road including all of Forest Hills Subdivision and potentially south to Goose Creek (See Exhibit "B.").

    - **This area contains approximately 1472.55 acres**
    - **There are 359 addressed structures**
    - **The estimated population is approximately 793 people**
    - **Of the addressed structures, 15 structures are on Fayetteville water**
    - **There are 8 miles of roads**

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Arkansas State Code requires that the annexation of an area, which has not been submitted by petition, must be annexed through a voter referendum (See attached A.S.C. 14-40-303.). The Annexation Committee recommends that Fayetteville City Council annex these areas as soon as possible.

At the time of annexation, all property annexed is considered zoned R-A Residential Agricultural pursuant to § 161.01 of the Unified Development Ordinance.

BUDGET IMPACT

Property Tax. The current property tax millage impact of this annexation is an additional 2.1 mils. The County currently has 1 mill for the County library system and the City has 1 mil for the City Library. The impact to residences in the annexed areas would be an additional 2.1 mils. The current millage is .4 mil police pension, .4 mil fire pension, 1 mil City Library, 1.3 mils City General Fund.

- *For Example: Value – Your value is based on 20% of the market value of real estate (subject to limits of Amendment 79). If the fair market value of real estate is $100,000, it will have a value of 20% X $100,000 = $20,000. Multiply $20,000 by the additional millage and this will equal your additional tax: (Source: Washington County, AR)*
    - 1 mil is 1/10 of one cent ($.001)
    - Additional 2.1 mils on a 100,000 home ($20,000 X 0.0021 mils) = $42.00

Sales Tax. The potential sales tax revenue is limited at this time due to limited commercial activity in the proposed annexed area. The annexation study committee has recommended that future commercial nodes be identified along the Wedington Corridor to capture future sales tax revenue with the proposed annexed area.

General Fund. No additional FTE's are anticipated at this time.

Enterprise Funds (Solid Waste, Water, Sewer, Street). An additional solid waste route would be generated with the 1,472.55 acre annexation and would require the purchase of 1 Truck and an additional 1 FTE. The current population in this area would utilize approximately 20% of the capacity of this vehicle and FTE. The estimated cost for the truck is $200,000 and $28,000/year for the FTE.

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(2)

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

6/20/2006
City Council Meeting Date

Sharon Jenkins	Parking Management	Operations
Submitted By	Division	Department

Action Required:

Approval of an ordinance amending Chapter 72:11 (I) (1) of the Fayetteville Code of Ordinances to adjust rates for parking in the city parking garage located on Meadow Street.

$ -	$ -	Revenue - Rent Lot 9 Deck
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ -	Parking Management
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	Off-Street Parking
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [ ]

Department Director — Date: 5-30-06

City Attorney — Date: 5/31/06

Finance and Internal Service Director — Date: 6-1-06

Mayor — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office
ENTERED 5/31/06

Received in Mayor's Office
ENTERED 5/30/06

Comments:

CITY COUNCIL AGENDA MEMO

TO: Mayor Dan Coody

THRU: Gary Dumas, Director of Operations

FROM: Sharon Jenkins, Parking & Telecommunications Manager SJ

DATE: May 26, 2006

SUBJECT: Ordinance Amendment to Rates for Parking in Municipal Deck

---

RECOMMENDATION

Staff recommends approval of an ordinance amending Chapter 72.58 ~~.11~~ (I) (1) of the Fayetteville Code of Ordinances to adjust rates for parking in the city parking garage located on Meadow Street. The amended rates would allow a fee not to exceed $4.00 per visit on the first level of the deck, and a fee not to exceed $3.00 per visit on the third level of the deck.

BACKGROUND

The City leases the first and third levels of the Meadow Street parking garage to the Radisson Hotel Fayetteville. The Hotel offers these parking areas free of charge for hotel guests and charges a minimal day rate for all other visitors. The fee, by ordinance, is currently set at $3.00 and $2.00 per visit to the first and third levels, respectively. This ordinance change would allow the Hotel to increase these fees to $4.00 and $3.00, respectively.

DISCUSSION

By changing the ordinance to a "not to exceed" rate, the Hotel would have the ability to open the gates to provide free parking during special events, and/or charge a lesser rate during special events.

BUDGET IMPACT

The Radisson Hotel leases the property from the City and retains all parking revenues generated on these two levels. Therefore, there will be no budget impact to the City for this ordinance change.

ORDINANCE NO. _____

AN ORDINANCE AMENDING § 72.58: (I), (1), CITY PARKING GARAGE ON MEADOW STREET, TO ADJUST PER VISIT RATES.

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

Section 1. That § 72.58: (I), (1), City Parking Garage on Meadow Street, is hereby repealed, and the following is inserted in its stead:

(I) *Rates for parking in city parking garages.*
(1) City parking garage on Meadow Street:

(a) First level (covered),
$45.00 per space/per month, or not more than $4.00 per visit if entry not restricted.

(b) Second level (covered),
$45.00 per space/per month.

(c) Third level (not covered),
$30.00 per space/per month, or not more than $3.00 per visit if entry not restricted.

PASSED and APPROVED this 20th day of June, 2006.

APPROVED: ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

DRAFT

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

6/20/2006
City Council Meeting Date

Tim Conklin	Planning and Development Mgt	Operations
Submitted By	Division	Department

Action Required:

Adoption of the Road Impact Fee Study, May 2006, as prepared by Duncan Associates.

Cost of this request	$ - Category / Project Budget	Program Category / Project Name
Account Number	$ - Funds Used to Date	Program / Project Category Name
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 6-2-06 Date

City Attorney — 6-6-06 Date

Finance and Internal Service Director — 6/6/06 Date

Mayor — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office ENTERED 6/2/06

Received in Mayor's Office ENTERED 6/6/06

Comments:

City Council Meeting of June 20, 2006
Agenda Item Number

CITY COUNCIL AGENDA MEMO

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, Planning and Development Management Director
DATE: June 2, 2006
SUBJECT: Adoption of the Road Impact Fee Study, May 2006, as prepared by Duncan Associates

RECOMMENDATION

Staff recommends adoption of the road impact fee study, May 2006, as prepared by Duncan Associates.

BACKGROUND

Duncan Associates has completed the update to the road impact fee study based on the estimated street bond program costs as proposed in 2006 (please see attached). The road projects that expand capacity and are included in the proposed bond program were utilized to calculate the fees. The fees are calculated with and without right-of-way costs.

Table 1
ROAD IMPACT FEE SUMMARY

Land Use	Unit	Without ROW	With ROW
Single-Family Detached	Dwelling	$3,409	$3,722
Multi-Family	Dwelling	$2,363	$2,580
Mobile Home	Dwelling	$1,779	$1,943
Retail	1,000 sq. ft.	$4,023	$4,393
Office	1,000 sq. ft.	$2,701	$2,950
Industrial	1,000 sq. ft.	$2,353	$2,569
Potential Annual Revenue		$4,108,043	$4,485,558

Source: Maximum road fees from Table 20; potential revenues from Table 21.

RESOLUTION NO. _____

A RESOLUTION TO ACCEPT AND ADOPT THE MAY 2006
ROAD IMPACT FEE STUDY BY DUNCAN ASSOCIATES

WHEREAS, the City hired Duncan Associates to update the Road Impact Fee Study (first completed in 2004) based upon the estimates street bond program costs as proposed in 2006; and

WHEREAS, the impact fees for roads within the Study are "consumption based" which charges new development the cost of replacing the road capacity the new development consumes of the major roadway system; and

WHEREAS, the City Council must determine whether or not to include the cost of right of way acquisition within the road impact fee.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby accepts and adopts the May 2006 Road Impact Fee Study by Duncan Associates attached as Exhibit "A".

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines that if Road Impact Fees are enacted they will not include right of way acquisition costs.

PASSED and **APPROVED** this 20th day of June, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

ROAD IMPACT FEE STUDY

FAYETTEVILLE, ARKANSAS

prepared by **duncan**|associates

May 2006

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prepared by Duncan Associates
Clancy Mullen, Principal Author
13276 Research Boulevard, Suite 208, Austin, TX 78750
(512) 258-7347 x 204; clancy@duncanplan.com

EXECUTIVE SUMMARY

This study calculates maximum impact fees that could be adopted by the City of Fayetteville to help fund growth-related infrastructure improvements for major roads. The road impact fees have been calculated with and without the inclusion of right-of-way (ROW) costs. If road impact fees are adopted, the City would need to give developers credit against their impact fees for the cost of any required land dedication or capacity improvement that adds through lanes to any adjacent or internal arterial or collector roadway. However, if ROW costs are excluded from the road impact fee, credit would need to be given only for improvement costs.

This report relies heavily on the road impact fee analysis contained in the June 2004 *Impact Fee Study: Road, Fire and Police* that we previously prepared for the City. The major change was to substitute the proposed bond program projects for the historical projects used as the basis for the road impact fees.

The calculated maximum fees for selected land uses and potential annual impact fee revenues are summarized in Table 1. The maximum road impact fees and potential revenues would be 8 percent lower if ROW costs are excluded. It should be kept in mind that the City will need to give credit against the road impact fees for the value of some developer dedications or improvements, and consequently, actual road impact fee revenues received in cash will likely be less than indicated in the table below.

Table 1
ROAD IMPACT FEE SUMMARY

Land Use	Unit	Without ROW	With ROW
Single-Family Detached	Dwelling	$3,409	$3,722
Multi-Family	Dwelling	$2,363	$2,580
Mobile Home	Dwelling	$1,779	$1,943
Retail	1,000 sq. ft.	$4,023	$4,393
Office	1,000 sq. ft.	$2,701	$2,950
Industrial	1,000 sq. ft.	$2,353	$2,569
Potential Annual Revenue		$4,108,043	$4,485,558

Source: Maximum road fees from Table 20; potential revenues from Table 21.

LEGAL FRAMEWORK

Municipalities in Arkansas are authorized by state law to enact impact fee ordinances, provided that they follow the requirements of Arkansas Statutes § 14-56-102, Development Impact Fees. This section provides a brief summary of those requirements most relevant to the City of Fayetteville. The entire statute is reproduced in Appendix B.

Impact fees are a one-time fee that can only be assessed on new development. Water and wastewater impact fees can be assessed at the time of purchase of the water meter, but all other types of impact fees must be assessed at the time of issuance of the certificate of occupancy. The amount of impact fees paid for a newly-constructed building must be separately itemized on the closing statement at the time the property is sold. The City can allow the fee to be paid in installments.

Impact fees must be spent for capital improvements that provide benefit to the fee-paying development. This can include existing improvements that have excess capacity that was built to accommodate future growth. Section 14-56-102(c)(1) provides that the fees can only be used for:

> *... the planning, design and construction of new public facilities or of capital improvements to existing public facilities that expand its capacity or for the recoupment of prior capital improvements to public facilities that created capacity that is available to serve new development.*

Impact fees can be pledged to repay bonds that have been issued to fund growth-related capital improvements. However, they cannot be used to pay for:

> *the operation or maintenance of any public facility, or for the construction or improvement of public facilities, that does not create additional capacity.* (Section 14-56-102(c)(3))

In Arkansas, impact fees can only be adopted to fund certain types of public facilities. Section 14-56-102(b) limits the use of impact fees to "providing necessary public facilities," and Section 14-56-102(a)(7) defines "public facilities" to include only the following:

> *(A) Water supply, treatment, and distribution, for either domestic water or for suppression of fires;*
> *(B) Wastewater treatment and sanitary sewerage;*
> *(C) Stormwater drainage;*
> *(D) Roads, streets, sidewalks, highways and public transportation;*
> *(E) Library;*
> *(F) Parks, open space, and recreation areas;*
> *(G) Police or public safety;*
> *(H) Fire protection; and*
> *(I) Ambulance or emergency medical transportation and response.*

To assess impact fees, a city must first adopt an ordinance. The ordinance must be preceded by the development of a capital plan and level of service standards for the types of facilities for which the impact fees are to be imposed. The capital plan must include:

> *... a description of new public facilities or of new capital improvements to existing public facilities or of previous capital improvements to public facilities that continue to provide capacity available for new development that includes cost estimates, and capacity available to serve new development ...* (Section 14-56-102(1)(1)

As noted, prior to adopting a road impact fee ordinance, the City must adopt a capital plan and a level of service standard for roads, pursuant to Section 14-56-102(e)(2). The capital plan, which describes the projects that would be eligible for funding with the City's road impact fees, is shown Table 11. The level of service on which the fees calculated in this report are based is a one-to-one system-wide ratio of vehicle-miles of capacity to vehicle-miles of travel (see the discussion in the sections on "Road Impact Fee Methodology" and "Existing Deficiencies," as well as the formula in Figure 2).

Pursuant to Section 14-56-102(e)(3), the impact fee ordinance must contain the following:

> *(A) A statement of the new public facilities and capital improvements to existing public facilities that are to be financed by impact fees and the level of service standards included in the capital plan for the public facilities that are to be financed with impact fees;*
>
> *(B) The actual formula or formulas for assessing the impact fee, which shall be consistent with the level of service standards;*
>
> *(C) The procedure by which impact fees are to be assessed and collected; and*
>
> *(D) The procedure for refund of excess impact fees, in accordance with subsection (h) of this section.*

Impact fees collected must be deposited into a separate interest-bearing account and spent only for the type of improvements for which they were collected. Interest earned on these accounts shall be spent for the same purposes as the impact fees themselves. Any funds not spent within seven years must be refunded to the fee-payer.

BACKGROUND

An impact fee is a form of "exaction," through which a developer or builder is required to contribute to the costs of public improvements required to serve the development. Generally, impact fees are designed to pay for the new development's proportionate share of the cost of off-site improvements, and credit against the fees is given if the developer is required to contribute to the system of facilities for which the fees are charged through on-site dedication, construction or monetary payment. Typically the fee is levied on some easily measurable unit of activity, such as the construction of one dwelling unit or 1,000 square feet of commercial or industrial space. In Arkansas, impact fees are generally collected at the time of certificate of occupancy or water meter purchase.

The City finances most capital improvements on a pay-as-you-go basis. This is done utilizing revenues from the one-percent City sales tax renewed in 2002 (of which, by City Council resolution, 50 percent is used to fund capital projects), the one-percent Hotel, Motel, Restaurant sales tax adopted in 1996 to fund park improvements, and operating revenues from the City's enterprise funds, including water, wastewater and solid waste.

The City's last five-year capital improvements program (CIP), excluding non-recurring funding such as one-time bond proceeds, included over $66.6 million in capital funding for the five-year period. Over half of the pay-as-you-go funding is from the one-percent sales tax, as shown in Table 2.

Table 2
CAPITAL FUNDING BY SOURCE, 2004-2008

Revenue Source	Amount	Percent
Sales Tax	$36,854,000	55.4%
Water & Sewer Fund	$12,983,000	19.5%
Airport Fund	$6,755,000	10.1%
Shop Fund	$6,625,000	10.0%
Parks Development Fund	$2,391,000	3.6%
Solid Waste Fund	$854,000	1.3%
Off-Street Parking Fund	$113,000	0.2%
Total	$66,575,000	100.0%

Source: City of Fayetteville, *Capital Improvements Program, 2004-2008*, December 2003 (excludes bond proceeds).

The City's sales tax capital funding is spent on a wide variety of improvements. Foremost among these are streets and traffic signals, other transportation improvements and parks, as shown in Table 3.

Table 3
SALES TAX CAPITAL FUNDING, 2004-2008

Project Type	Amount	Percent
Streets and Signals	$12,682,000	34.4%
Other Transportation	$7,706,000	20.9%
Parks	$4,565,000	12.4%
Bridge & Drainage	$3,444,000	9.3%
Other	$3,122,000	8.5%
Fire	$2,455,000	6.7%
Police	$1,290,000	3.5%
Library	$1,590,000	4.3%
Total	$36,854,000	100.0%

Source: City of Fayetteville, *Five Year Capital Improvements Program, 2004-2008*, December 2003.

The City has about $62 million in outstanding debt, as shown in Table 4. However, none of that debt is related to road facilities. The new 2005 Sales and Use Tax bond issue will consist of $26.235 million in refunding bonds and $65 million in new debt for a total of $91.235 million.

Table 4
OUTSTANDING DEBT

Bond Issue	Original Issue	Original Amount	Outstanding*
Sales Tax, Series 1997 (Walton Arts Center)	1997	$2,610,000	$290,000
Water & Sewer, Series 1999 (Water Main/Tanks)	1999	$8,365,000	$5,840,000
Water & Sewer, Series 2002A and 2002B	2002	$9,270,000	$7,700,000
Sales Tax, Series 2002 (Wastewater Treatment/Sewerage)	2002	$25,000,000	$7,290,000
Hotel & Restaurant, Series 2003 (Town Center)	2003	$6,335,000	$6,215,000
Sales Tax, Series 2004	2004	$35,000,000	$35,000,000
Total		$86,580,000	$62,335,000

* as of December 31, 2004
Source: City of Fayetteville, *Annual Budget and Work Program, 2005*.

Impact fees are most appropriate for communities that are experiencing rapid growth. The Fayetteville-Springdale-Rogers Metropolitan Statistical Area (MSA), comprised of Washington and Benton Counties, was the sixth fastest growing MSA in the country in the 1990s.[1] Washington County, of which Fayetteville is the county seat, has been growing at a compound annual growth rate of 3.4 percent since 1990, and one-third of the population added since then has been in Fayetteville. The city itself has been growing at 3.2 percent annually, over twice as fast as the state as a whole. Fayetteville's population is estimated to be 64,190 as of July 1, 2004. It is not surprising that this pace of growth has created problems in terms of the City's ability to finance the capital improvements needed to accommodate new development.

[1]U.S. Census Bureau, *Statistical Abstract of the United States: 2000*, Table No. 34, p. 33.

Table 5
POPULATION GROWTH, 1990-2000

	1990	2000	Increase	Annual Rate
Fayetteville	42,249	58,047	15,798	3.23%
Springdale *	29,941	43,787	13,846	3.87%
Other Municipalities*	10,503	17,540	7,037	5.26%
Unincorporated	30,716	38,341	7,625	2.24%
Washington County	113,409	157,715	44,306	3.35%
State of Arkansas	2,350,624	2,673,400	322,776	1.30%

* only the Washington County portion of Springdale and Elm Springs
Source: U.S. Census Bureau; Northwest Regional Planning Commission

The City has been issuing permits for an average of almost 400 single-family homes annually since 2000, as shown in Table 6. The number of multi-family permits issued annually has increased from about 470 per year in the late 1990s to almost 700 per year in the last five years.

Table 6
RESIDENTIAL BUILDING PERMITS, 1996-2004

Year	Single-Family	Multi-Family	Total
1996	445	154	599
1997	265	281	546
1998	272	40	312
1999	357	515	872
2000	279	272	551
2001	258	440	698
2002	239	792	1,031
2003	611	1,258	1,869
2004	583	711	1,294
Avg., 1996-99	335	469	804
Avg., 2000-04	394	695	1,089

Source: City of Fayetteville, Inspection Department.

Based on building permits issued since the 2000 Census, it is estimated that Fayetteville has about 31,000 dwelling units as of April 2005, as shown in Table 7.

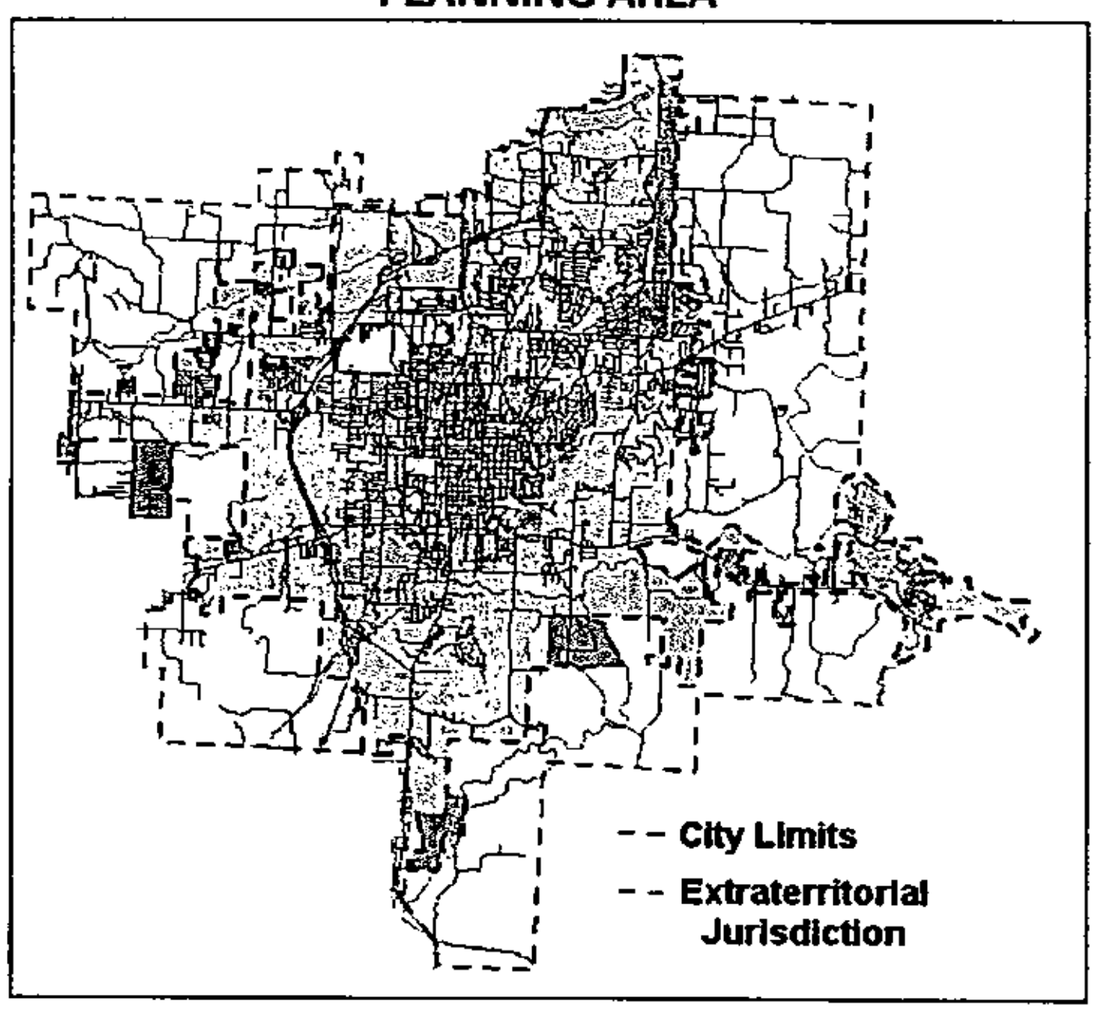
Table 7
EXISTING HOUSING UNITS BY TYPE

Housing Type	2000 Census	5 yrs. of Permits	Estimated Apr. 2005
Single-Family	12,663	1,970	14,633
Multi-Family	11,808	3,473	15,281
Mobile Home/Other	855	n/a	855
Total	25,326	5,443	30,769

Source: 2000 U.S. Census for Fayetteville, AR, SF-3 (1 in 6 sample data) permits from January 2000 through December 2004 from Table 6

In addition to development within its incorporated limits, the City is also affected by, and has some control over, development in unincorporated areas within its extraterritorial jurisdiction. Within this area, which extends up to five miles from the corporate limits or half the distance to any adjoining municipality, the City exercises joint subdivision authority with Washington County. The area covered by the City's extraterritorial jurisdiction is larger than the area within its corporate limits. The combined corporate and extraterritorial jurisdictions are referred to as the City's planning area, which covers approximately 92 square miles.

Figure 1
PLANNING AREA



DEVELOPER EXACTIONS AND CREDITS

The City does not impose a road impact fee on new development, but there are a number of developer exactions for roads in the City's Unified Development Code. A "large scale development," defined as any development larger than one acre, must dedicate sufficient right-of-way (ROW) to bring any abutting or intersecting major road to the standards of the master street plan. A lesser dedication may be recommended by the Planning Commission and approved by the City Council in cases of undue hardship or practical difficulties. Developers of large-scale developments may also be required to make off-site street and other improvements, "where the need for such improvements is created in whole or in part by the proposed large scale development."[2] When commercial, industrial or multi-family development is proposed adjacent to any street not constructed to current city standards, the developer is required to dedicate sufficient ROW and install paving, curb and gutter, and sidewalks necessary to bring the street into conformity with current standards. The regulation provides that the City Council may reduce the dedication requirement, and the cost of required improvements shall be in proportion to the needs created by the development.[3] Finally, off-site road improvements may be required where a proposed subdivision has access to paved streets only by way of substandard or unimproved streets. In such cases, the subdivider is required to contribute a proportionate share of the cost of the off-site improvements. The proportionate share is based on the acreage of the subdivision as a share of the acreage of all property benefitting from the improvement, or by an alternative method determined by the planning commission.[4]

In general, these requirements mean that development abutting an unimproved or substandard street must dedicate the required ROW and construct the adjacent half of the street improvement. The developer does have the option to do a traffic study to attempt to demonstrate that the required improvement exceeds the impact of the development. Even lot splits can trigger the requirements to improve abutting roadways.

The proposed road impact fees differ from the Fayetteville's existing water and wastewater fees, and from the proposed fire and police fees, in that a significant portion of the fees may need to be used to compensate developers who have frontage on major roadways and are required to construct or improve them. If the road impact fees calculated in this report are adopted, the City would need to give credit against the fees to developers for the value of required improvements to arterial and collector roadways. No credit would need to be given for the value of ROW dedications if ROW costs are not included in the impact fee calculations.

There are a variety of ways that credit provisions can be structured, and these issues should be addressed in the impact fee ordinance. One thing that needs to be defined in the ordinance is what constitutes a capacity-expanding improvement eligible for funding with road impact fees. The definition should exclude bringing an existing substandard two-lane arterial or collector road up to current standards.

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[2] Section 166.05: Large scale development.

[3] Section 171.03: Street improvements.

[4] Section 166.07: Required off-site improvements.

Developers are often required to make such improvements to adjacent roads, and the ordinance should make clear that this is not the type of improvement that is eligible for impact fee funding or impact fee credit. For example, the ordinance could define eligible improvements as capacity-expanding improvements to the major roadway system, including building new roads, widening existing roads by adding additional lanes, and intersection improvements that add signalization or turn lanes.

In the event that the City Council chooses to adopt road impact fees at a level that excludes the cost of ROW, the ordinance will need to address whether the impact fee revenues can be expended to acquire ROW. The consultant recommends that if developers are not going to be given credit for the value of ROW they are required to dedicate, the ordinance should prohibit the expenditure of impact fee funds for ROW acquisition. Such a prohibition may not be legally required, but it would serve as an important clarification that ROW is not any part of the road impact fee program.

Another issued to be addressed in the ordinance is whether a developer will be reimbursed directly from impact fee funds collected from all developments, or whether the impact fees paid within the developer's project will be reduced. Our recommendation is that credit be provided as a direct reimbursement to the developer that dedicated the ROW or made the improvement. One approach would be to set aside a maximum percentage of annual impact fee revenues to be used for such reimbursements. If the outstanding reimbursements owed in any given year exceed the amount available from impact fee revenues, each developer would receive a proportionate share of their outstanding reimbursement, and be eligible for more reimbursement in subsequent years. This approach would make collecting impact fees much easier, since the fees would be collected in full on all building permits, without the permit clerk having to check to see if a fee reduction due to credits is required.

The impact fee ordinance will also need to deal with other credit issues, such as the following.

- If credits are provided in the form of fee reductions, what happens when the amount of the credit exceeds the impact fees that would be due from the development project?

- To what extent should credits be given for past contributions for development projects that have not yet been completed?

SERVICE UNITS

Service units create the link between supply (roadway capacity) and demand (traffic generated by new development). An appropriate service unit basis for road impact fees is vehicle-miles of travel (VMT). Vehicle-miles is a combination of the number of vehicles traveling during a given time period and the distance (in miles) that these vehicles travel. The unit of capacity that is consumed by the demand unit represented by a VMT is a vehicle-mile of capacity (VMC). VMC is calculated as the capacity of a roadway segment multiplied by the length of the segment in miles.

The two time periods most often used in traffic analysis are the 24-hour day (average daily trips or ADT) and the single hour of the day with the highest traffic volume (peak hour trips or PHT). Available traffic

counts for area roadways are for average daily trips. Consequently, average daily VMT will be used as the service unit for Fayetteville's road impact fees.

IMPACT FEE METHODOLOGY

The major alternative methodologies for calculating road impact fees are the "improvements-driven" and "consumption-based" approaches. These are briefly described below.

The "improvements-driven" approach essentially divides the cost of growth-related improvements required over a fixed planning horizon (or to build-out) by the number new service units (e.g., vehicle trips) projected to be generated by growth over the same planning horizon in order to determine a cost per service unit. The improvements-driven approach depends on accurate planning and forecasting. For example, the fees will be accurate only if the forecasted increase in traffic actually necessitates all of the improvements identified in the transportation master plan. If many of the planned improvements will provide excess capacity that will be available to serve additional development beyond the planning horizon on which the fees are based, the fees may be too high.

The "consumption-based" approach does not depend on knowing in advance what improvements will be made or what type or density of development will occur. The consumption-based model simply charges a new development the cost of replacing the capacity that it consumes on the major roadway system. That is, for every service unit of traffic (e.g., mile of vehicle travel) generated by the development, the road impact fee charges the net cost to construct an additional service unit of capacity. The consumption-based system can be based on a transportation plan, but the total cost of the plan does not affect the amount of the fee, which is based on the unit cost of creating new capacity.

A strength of the consumption-based system is that it is very legally defensible because it generally underestimates the full cost of growth. Since travel is never evenly distributed throughout a roadway system, actual roadway systems require more than one unit of capacity for every unit of demand in order for the system to function at an acceptable level of service. Suppose, for example, that the City completes a major arterial widening project. The completed arterial is likely to have a significant amount of excess capacity for some period of time. If the entire system has just enough capacity to accommodate all of the vehicle-miles of travel, then the excess capacity on this segment must be balanced by another segment being over-capacity. Clearly, roadway systems in the real world need more total aggregate capacity than the total aggregate demand, because the traffic does not always precisely match the available capacity. Consequently, the standard consumption-based model generally underestimates the full cost of growth. The consumption-based system is a conservative, legally sound and relatively simple approach to the calculation of road impact fees. This is the recommended approach for Fayetteville. The recommended formula for the road impact fees is shown in Figure 2.

Figure 2
IMPACT FEE FORMULA

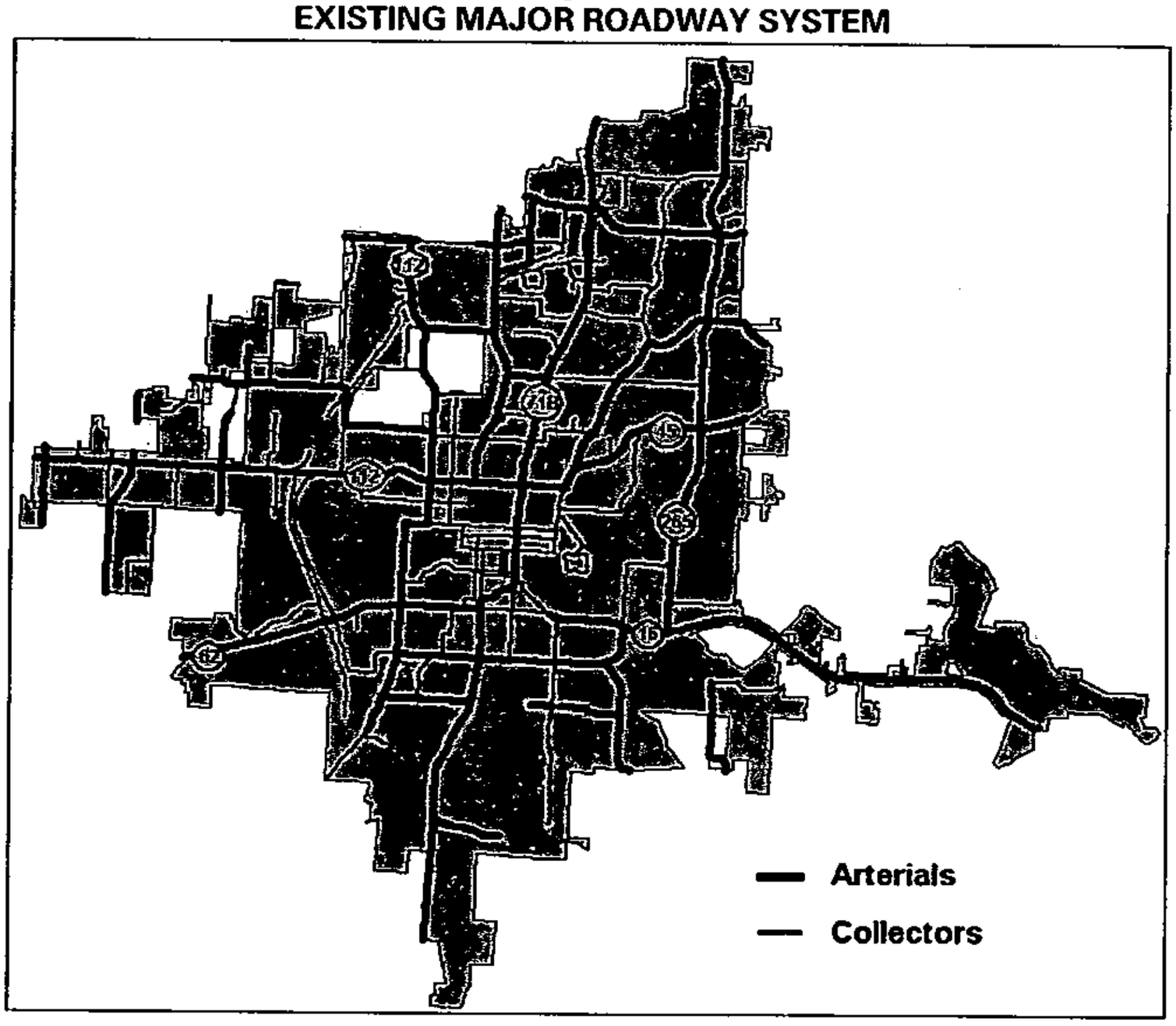
MAXIMUM FEE	=	**VMT x NET COST/VMT**
Where:		
VMT	=	TRIPS x % NEW x LENGTH ÷ 2
NET COST/VMT	=	COST/VMT • CREDIT/VMT
Where:		
TRIPS	=	Trip ends during a weekday
% NEW	=	% of trips that are primary, as opposed to passby or diverted-link trips
LENGTH	=	Average length of a trip on the major roadway system
÷ 2	=	Avoids double-counting trips for origin and destination
COST/VMT	=	Average cost per lane-mile divided by average daily capacity per lane
CREDIT/VMT	=	Revenue credit per daily VMT

MAJOR ROADWAY SYSTEM

A road impact fee system should include a clear definition of the major roadway system that is to be funded with the impact fees. The major roadway system to be funded with the proposed impact fees is comprised of arterials and collectors within the City's incorporated area, including most state roads but excluding freeways and expressways. These roadways are identified on the City's *Master Street Plan*, which is an official map that is used in conjunction with the Circulation Element of the 2020 *General Plan*. It classifies streets into a number of functional types, including freeway/expressways, principal arterials, minor arterials, collectors and local streets. The *Master Street Plan* shows the location of new roads and allows the City to preserve corridors for roadways expected to need widening or extension.

An inventory of the existing major roadway system was compiled in order to identify existing capacity deficiencies and to determine the average length of a trip on the major roadway system (see Appendix A). The roadway segment descriptions include the street name, roadway termini, number of lanes and roadway length and width. Average daily traffic volumes were estimated for most segments from state highway department counts. The existing major roadway system within Fayetteville's incorporated limits is illustrated in Figure 3.

Figure 3
EXISTING MAJOR ROADWAY SYSTEM



EXISTING DEFICIENCIES

In most rapidly growing communities, some roadways will be experiencing an unacceptable level of congestion at any given point in time. One of the principles of impact fees is that new development should not be charged, through impact fees, for a higher level-of-service than is provided to existing development. Another common way of expressing this concept, although it is somewhat less precise and subject to misinterpretation, is that impact fees should not be used to pay for remedying existing deficiencies. In the context of road impact fees, this has sometimes been interpreted to mean that impact fees should not be spent on roadways that are already over-capacity. A variant of this approach is that impact fees should only be used to fund a percentage of the project that can be attributed to providing additional capacity beyond what is needed to remedy any existing deficiency. There are a number of practical problems with these approaches. First, impact fees are restricted from being spent on roadways that are most in need of improvement, while the fact that fee-funded improvements to other roadways may also relieve the deficient segments is ignored. Second, these approaches complicate impact fee administration by requiring that the portion of the cost of each improvement that is attributable to remedying deficiencies be funded from a different source than impact fees.

The most significant objection to these approaches, however, is that they are not consistent with the conservative nature of the consumption-based road impact fee methodology. The consumption-based system does not promise that all road segments will function at a given level of service (e.g., LOS C or LOS D). All the consumption-based model does is assume that for every unit of capacity that is consumed, another will be constructed to replace it. Implicitly, the level of service used in a consumption-based impact fee is a one-to-one ratio of capacity to demand in the major roadway system as a whole. As long as the current system provides at least this capacity/demand ratio, the impact fees are not charging for a higher level of service.

To determine the capacity/demand ratio, the first step is to estimate total VMT on the major roadway system. This figure will also be used in the average trip length and revenue credit calculations. Recent daily traffic counts are available for road segments accounting for almost three-fourths of all lane-miles in the major roadway system. Adding estimated traffic from road segments for which counts were not available, on the assumption that such segments would carry about three-quarters the volume of segments with counts, yields a estimate of about 1.1 million daily vehicle-miles of travel on Fayetteville's major roadway system.

Table 8
TOTAL DAILY VEHICLE-MILES OF TRAVEL

Functional Classification	Counted VMT	Lane-Miles w/Counts	Average ADT/Lane	Total Lane-Miles	Est. Ttl. VMT
Principal Arterials	687,943	162.32	4,238	168.48	707,523
Minor Arterials	137,277	36.30	3,782	44.09	159,373
Collectors	83,653	42.20	1,982	101.96	172,486
Historic Collectors	70,292	25.69	2,736	32.15	83,548
Total	979,166	266.51		346.68	1,122,931

Source: Table 22; counted VMT is product of miles and ADT for segments with traffic counts; lane-miles with counts is product of miles and existing number of lanes for segments with counts; total lane-miles includes segments without counts; total VMT assumes segments without traffic counts carry 3/4 as many vehicles as the average of segments of the same classification with counts.

The next step is to estimate total vehicle-miles of capacity in the major roadway system. The City's recently-completed transportation plan uses a general planning-level capacity estimate of 8,000 vehicles per lane per day at LOS D. Using that capacity figure, total system capacity is about 2.8 million daily vehicle-miles, as shown in Table 9. This is considerably more than the total VMT in the system. Clearly, the one-to-one ratio of capacity to demand on which the impact fees are based is not resulting in new development being charged for a higher level of service than is being enjoyed by existing development.

Table 9
TOTAL DAILY VEHICLE-MILES OF CAPACITY

Functional Classification	Total Lane-Miles	Average Capacity/Lane	Total VMC
Principal Arterials	168.48	8,000	1,347,840
Minor Arterials	44.09	8,000	352,720
Collectors	101.96	8,000	815,680
Historic Collectors	32.15	8,000	257,200
Total	342.63	8,000	2,773,440

Source: Total lane-miles from Table 22; capacity per lane at LOS D from BWR, *Traffic and Transportation Study prepared for the City of Fayetteville, Arkansas*, October 2003; total vehicle-miles of capacity (VMC) is lane-miles times capacity per lane.

While there are a few individual road segments that appear to be over-capacity, the extent of existing segment-specific capacity deficiencies is relatively small compared to the total amount of daily travel. The bottom line, however, is that a segment-by-segment analysis of capacity deficiencies is not necessary or appropriate in the context of a consumption-based road impact fee. The system-wide ratio of capacity to demand is the appropriate level of service measure, and it is clear that the fees are based on a one-to-one ratio that is considerably lower than the existing ratio. As shown in Table 10, Fayetteville's major road system currently has significantly more capacity than existing demand. Consequently, there are no existing deficiencies on a system-wide basis.

Table 10
SYSTEMWIDE RATIO OF CAPACITY TO DEMAND

Daily Vehicle-Miles of Capacity (VMC)	2,773,440
Daily Vehicle-Miles of Travel (VMT)	1,122,931
Systemwide Capacity/Demand Ratio	2.47

Source: VMT from Table 8; VMC from Table 9.

COST PER SERVICE UNIT

Right-of-way is the most variable component of road improvement costs, as well as the most common type of developer exaction for roads. If ROW costs are excluded from the impact fee calculations, the fees will be lower, and the City will not have to give credit against the fees for ROW that is dedicated by developers. In order to give the City the option to include or exclude ROW costs, the road impact fees will be calculated both ways in this report.

The average cost to create an additional vehicle-mile of capacity can be derived by dividing the cost of a representative set of improvements by the additional capacity created by the improvements. Most of the planned capacity-expanding improvements are widening projects, and widening projects generally entail the reconstruction of the existing lanes. While this cost could be covered by impact fees under the argument that the reconstruction of the existing lanes is incidental to the primary purpose of adding capacity, the costs of lane reconstruction are excluded from the cost estimates in the following calculations. The cost of planned capacity-expanding road improvements to be undertaken by the City pursuant to the proposed road bond program, including construction, engineering and ROW costs, totals $80,550,000, as summarized in Table 11.

Table 11
PLANNED ROAD IMPROVEMENT COSTS

Street	Miles	Lanes Ex	Lanes Fut	New Ln-Mi	Construction Cost	Total Cost
Crossover (Mission to City Limits)	0.81	2	5	2.43	$7,087,000	$7,087,000
Fifteenth Street (Happy Hollow to S. College)*	1.61	2	4	3.22	$4,253,000	$4,693,000
Garland (North to Melmar)	0.70	2	5	2.10	$4,638,000	$6,338,000
Garland (Drake to Truckers)	0.53	2	5	1.59	$1,520,000	$1,630,000
Garland (I-540 to Howard Nickell)	0.57	2	5	1.71	$3,151,000	$3,371,000
Howard Nickell/Van Asche (Rupple to Garland)	2.18	2	4	4.36	$8,246,000	$9,291,000
Huntsville (Happy Hollow to Stonebridge)	0.66	2	4	1.32	$2,415,000	$2,470,000
Huntsville (Stonebridge to Falcon)	1.40	2	4	2.80	$7,046,000	$7,156,000
Mall Avenue (Joyce to Mud Creek)	0.28	2	3	0.28	$632,000	$832,000
Mount Comfort (Rupple to Alpine)	1.14	2	4	2.28	$4,663,000	$5,653,000
Rupple Road (6th to Persimmon)	1.70	0	5	8.50	$7,580,000	$8,155,000
Rupple Road (Persimmon to Wedington)	0.53	2	5	1.59	$1,438,000	$1,438,000
Rupple Road (Wedington to Mt. Comfort)	0.97	2	5	2.91	$6,941,000	$8,316,000
Rupple Road (Mt. Comfort to Howard Nickell)	1.59	3	5	3.18	$3,416,000	$3,581,000
Shiloh Drive (Cato Springs to Summerhouse)	0.66	0	3	1.98	$1,997,000	$2,237,000
Shiloh Drive (Mt. Comfort to Wedington)	0.52	0	3	1.56	$3,231,000	$3,341,000
Van Asche (Gregg to Garland)	1.63	2	5	4.89	$4,083,500	$4,961,000
Total	17.48			46.70	$72,337,500	$80,550,000

* existing lanes not reconstructed
Source: Proposed bond program information provided by City of Fayetteville, May 1, 2006; costs exclude cost to reconstruct existing lanes, estimated to cost $255,145 per lane-mile by City Engineer, July 28, 2005 memorandum.

Dividing the average cost per lane-mile by the average capacity of a lane yields the average cost per vehicle-mile of capacity, as shown in Table 12.

Table 12
ROAD COST PER SERVICE UNIT

	Without ROW	Including ROW
Total Cost	$72,337,500	$80,550,000
Total Lane-Miles	46.70	46.70
Average Cost per Lane-Mile	$1,548,983	$1,724,839
Daily Vehicle Capacity per Lane	8,000	8,000
Cost per Vehicle-Mile	$193.62	$215.60

Source: Total cost and lane-miles from Table 11; daily capacity per lane from Table 9.

REVENUE CREDITS

In the calculation of impact fees, credit must be given for dedicated or intergovernmental revenues that will be generated by new development and used to pay for the same kind of facilities funded through the impact fees. In the case of road impact fees, revenue credits will be calculated for state and federal funding for City arterial and collector road improvements. No credit needs to be calculated for outstanding debt payments for road bonds, since the City has no outstanding debt for past road projects. Finally, a credit needs to be provided for sales tax revenues that will be used for capacity-expanding road improvements.

A review of the *2025 Regional Transportation Plan* indicates that all of the planned direct federal and state funding for the improvement of roads in Fayetteville is for state roads. Total federal and state funding for Fayetteville amounts to $2.6 million annually over the next 25 years, as shown in Table 13.

Table 13
FEDERAL/STATE HIGHWAY FUNDING, 2001-2025

Roadway Segment	Funding
Hwy 112, Maple St to Hwy 112 S	$1,500,000
AR 45, North St to City Limit	$7,000,000
AR 16, Happy Hollow to W.F. Bridge	$3,150,000
AR 180, Gregg to US 71B	$2,500,000
AR 265, AR 45 to N City Limits	$11,000,000
AR 180, Township to US 71	$2,800,000
AR 112, North St to I-540	$6,250,000
AR 112, 15th to Maple	$2,800,000
AR 112, Razorback to Garland	$2,500,000
AR 16, Meadowland to W City Limit	$5,500,000
US 71 Flyover, College to US 71W	$4,000,000
AR 16 Bypass, Washington to Happy Hollow	$4,000,000
AR 16E, W.F. Bridge to E City Limit	$11,750,000
Total, 2001-2025	$64,750,000
Average Annual Funding	$2,590,000

Source: Northwest Arkansas Regional Planning Commission, *2025 Regional Transportation Plan for Metropolitan Northwest Arkansas*, February 2001.

An equally significant source of funding for City thoroughfares is the one-cent sales tax. As noted in the Background section, the sales tax is the primary source of funds for the City capital improvements program, and 34 percent of sales tax-funded capital improvements in the five-year CIP are for street and traffic signal improvements. The City plans on spending about $2.5 million annually in sales tax funds on capacity-expanding road improvements over the five-year CIP period. Excluding expenditures for ROW acquisition, annual expenditures for construction are anticipated to be about $1.8 million, as shown in Table 14.

Table 14
CITY SALES TAX FUNDING, 2004-2008

Street	Segment	Construction	Total
Gregg Ave	Township to Fulbright	$0	$360,000
Mission & Maple	Intersection and Signalization	$150,000	$150,000
Shiloh, Gregg & Fulbright	Turn Lanes	$400,000	$400,000
Gregg Ave & Poplar St	Intersection and Signalization	$175,000	$175,000
School & Archibald	Intersection	$100,000	$100,000
Huntsville/Happy Hollow	Intersection	$650,000	$650,000
Millsap Rd & North College	Intersection	$100,000	$100,000
West Avenue & Maple St	Signalization	$100,000	$100,000
Township*	Gregg to North College	$1,560,000	$2,080,000
Mount Comfort Rd	Widening & Turn Lanes	$900,000	$900,000
ROW/Intersec Cost Shares	Mission to Township	$515,000	$515,000
Mount Comfort Rd.	at Shiloh Dr	$0	$1,500,000
Highway 265 ROW	Mission to City Limits	$0	$1,511,000
Morningside Dr & 15th St	Signalization	$221,000	$221,000
Zion/College to Frtg Rd	Intersection	$200,000	$200,000
Van Asche Blvd	Steele Blvd to Gregg Ave	$950,000	$950,000
Gregg Ave & North St	Turn Lanes	$650,000	$650,000
Old Wire & Old Missouri	Intersection	$324,000	$324,000
Mission & Old Wire	Intersection	$300,000	$300,000
College/Roll Hills/Appleby	Intersection	$800,000	$800,000
Traffic Signals	Various Intersections	$696,000	$696,000
Total Funding, 2004-2008		$8,791,000	$12,682,000
Annual Funding		$1,758,000	$2,536,000

* ROW assumed to be 25% of total
Source: City of Fayetteville, *2004-2008 Capital Improvements Program*, May 2004.

Over the 25-year period that is typical of the useful life of road improvements, new development will generate sales tax revenues and highway user fees that will be returned to the City in the form of State and Federal funding for capacity expanding road improvements that is equivalent to about $57 per VMT generated by the new development. Excluding funding for ROW, the revenue credit per VMT is about $48, as shown in Table 15.

Table 15
ROAD REVENUE CREDIT PER SERVICE UNIT

	Without ROW	With ROW
Annual Federal/State Funding for Capacity Road Improvements	$2,590,000	$2,590,000
Annual Sale Tax Funding for Capacity City Road Improvements	$1,758,000	$2,536,000
Total Annual Funding for Capacity City Road Improvements	$4,348,000	$5,126,000
Existing Vehicle-Miles of Travel (VMT) on Major Roadway System	1,122,931	1,122,931
Annual Funding per VMT	$3.87	$4.56
Net Present Value Factor (25 Years at 4.96% discount rate)	12.50	12.50
Revenue Credit per VMT	$48.38	$57.00

Source: Annual Federal/State funding from Table 13; annual sales tax funding from Table 14; existing VMT from Table 8; discount rate for present value factor is average interest rate on 20-year AAA municipal bonds as of May 31, 2004 according to bloomberg.com, fmsbonds.com, and bondsonline.com.

In addition to its current road funding, the City intends to seek voter approval for a Transportation Bond Program of about $145 million funded by a dedicated one percent sales and use tax. The proposed sales and use tax is split into two parts: one-fourth percent that would be levied immediately and three-fourths percent that would be directed to the Transportation Bond Program once the Wastewater System Improvements Bonds are fully paid. The City also intends to use road impact fee revenues primarily to help retire the Transportation Bonds. The sales and use tax would expire when the bonds are paid off.

Of the total cost of the proposed bond program, only $81 million is eligible for impact fee funding ($72 million if ROW costs are excluded), as shown earlier in Table 11. Revenue from road impact fees, if adopted at the maximum levels calculated in this report, over the 20-year life of the bonds could pay for the principal associated with these eligible projects. Based on the annual number of permits issued in recent years, the proposed road impact fees could generate $82 million to $90 million over 20 years, as shown in Table 21. Of course, actual revenues may be somewhat lower than these estimates, because the City will need to give credit against the fees whenever it requires new development to add capacity to the major road system by adding lanes to adjacent arterial or collector roads.

As shown above, road impact fee revenues should be adequate to retire that portion of the debt service attributable to the principal associated with growth-related, impact fee-eligible projects. The sales tax revenues could be used for paying the interest costs for the growth-related projects and for principal and interest payments on the non-growth-related projects. Under this reasonable scenario, there is no need for a credit for the sales tax payments that would be generated by new development, because these payments would be going for interest costs, which are not included in the impact fee calculations, or for non-growth-related improvements, which are not eligible for impact fees. Clearly, new development would not be paying twice for growth-related improvements. In the event that the Council decides not to charge the maximum road impact fees, it is likely that some sales tax funding would be needed to fund some of the growth-related improvement cost. Even under these circumstances, however, a credit would not be warranted, because the impact fees are not covering the full impacts of new development, and the governing body is simply allowing new development to pay for some of its attributable costs through the sales tax instead of impact fees.

Subtracting the revenue credit from the cost per service unit yields the net cost per service unit. Depending on whether ROW costs are included in the fees, the net cost per service unit ranges from $145 to $159 per daily vehicle-mile of travel.

Table 16
ROAD NET COST PER SERVICE UNIT

	Without ROW	With ROW
Average Cost per VMT	$193.62	$215.60
Revenue Credit per VMT	$48.38	$57.00
Net Cost per VMT	$145.24	$158.60

Source: Average cost per VMT from Table 12; revenue credit per VMT from Table 15.

TRAVEL DEMAND FACTORS

The travel demand generated by specific land use types is a product of three factors: 1) trip generation, 2) percent primary trips and 3) trip length. The first two factors are well documented in the professional literature, and the average trip generation characteristics identified in studies of communities around the nation should be reasonably representative of trip generation characteristics in Fayetteville. In contrast, trip lengths are much more likely to vary between communities, depending on the geographic size and shape of the community and its major roadway system.

Trip generation rates were based on information published in the most recent edition of the Institute of Transportation Engineers' (ITE) *Trip Generation* manual. Rates were established for specific land use types within the broader categories of residential, commercial, office/institutional and industrial land uses. Trip generation rates represent trip ends, or driveway crossings from the site of a land use. Thus, a one-way trip from home to work counts as one trip end for the residence and one trip end for the work place. To avoid over-counting, all trip rates have been divided by two. This places the burden of travel equally between the origin and destination of the trip and eliminates double-charging for any particular trip.

Trip rates also need to be adjusted by a "primary trip factor" to exclude pass-by and diverted trips. This adjustment is intended to reduce the possibility of over-counting by only including primary trips generated by the development. Pass-by trips are those trips that are already on a particular route for a different purpose and simply stop at a particular development on that route. For example, a stop at a convenience store on the way home from the office is a pass-by trip for the convenience store. A pass-by trip does not create an additional burden on the street system and therefore should not be counted in the assessment of impact fees. A diverted trip is similar to a pass-by trip, but a diversion is made from the regular route to make an interim stop. The reduction for pass-by and diverted trips was drawn from the ITE manual and other published information.

The average trip length is the most difficult travel demand factor to determine. In the context of a road impact fee based on a consumption-based methodology, we are interested in determining the average length of a trip on the major roadway system within Fayetteville. This can be approximated by dividing the total daily travel demand (VMT) on the major roadway system by the total number of average daily trips generated by existing development in the city.

Existing land uses in each of six general categories are multiplied by average daily trip generation rates and summed to determine a reasonable estimate of total city-wide trips. Dividing the total vehicle-miles of travel (VMT) on the major roadway system determined from the inventory (see Table 22) by the estimated trips generated by existing land uses in Fayetteville yields a reasonable estimate of the average distance traveled on the City's major roadway system per daily trip, as shown in Table 17.

Table 17
AVERAGE TRIP LENGTH

Land Use	Units of Development	2005 Units	Trip Rates	Daily Trips
Single-Family	Dwelling	14,633	4.79	70,092
Multi-Family	Dwelling	15,281	3.32	50,733
Mobile Home	Dwelling	855	2.50	2,138
Commercial	1,000 sq. ft.	7,647	9.98	76,317
Civic	1,000 sq. ft.	4,246	6.15	26,113
Industrial	1,000 sq. ft.	6,571	3.48	22,867
Total Daily Trips				248,260
Total Daily VMT on Major Roadway System				1,122,931
Average Trip Length, Miles				4.50

Source: 2005 dwelling units from Table 7; nonresidential square feet from Washington County Assessor, 2004 plus new square footage permitted in 2004 from Fayetteville Planning Department, October 7, 2005; trip rates are one-half of average daily trip ends on a weekday reported in Institute of Transportation Engineers (ITE), *Trip Generation*, Seventh Edition, 2003 for ITE land use codes 210 (Single-Family Detached), 220 (Apartment), 240 (Mobile Home Park), 820 (Shopping Center), 710 (General Office Building), and 130 (Industrial Park); existing VMT from Table 8.

The ratio of the average local trip length on Fayetteville's major roadway system to the national average trip length identified in the U.S. Department of Transportation's 2001 *National Household Travel Survey* is computed in Table 18. Fayetteville's average trip length on the major roadway system is lower than the national average because the major roadway system excludes travel on freeways/expressways, arterials and collectors outside the city limits, and local streets. Using this ratio, reasonable trip lengths were derived for specific trip purposes, including home-to-work trips, shopping, school/church and other personal trips. In addition, a residential trip length was determined, using a weighting of 40 percent work trips and 60 percent average trips.

Table 18
AVERAGE TRIP LENGTH BY TRIP PURPOSE

Trip Purpose	National Data	Local Data	Ratio	Est. Local Trip Lengths
To or from work	12.07	na	0.46	5.6
Residential	na	na	na	4.9
Doctor/Dentist	9.78	na	0.46	4.5
Average	9.71	4.50	0.46	4.5
School/Church	7.42	na	0.46	3.4
Family/Personal	7.35	na	0.46	3.4
Shopping	6.56	na	0.46	3.0

Source: Average trip lengths in miles; national data from US. Department of Transportation, *National Household Travel Survey*, 2001; local data from Table 17; ratio is average local divided by average national trip length; estimated local trip lengths are products of national data by ratio, estimated local residential trip length is weighted 40% local work trip length and 60% average trip length.

Average daily travel demand must be estimated for a broad variety of land uses in order to develop the fee schedule. The result of combining trip generation rates, new trip factors and average trip lengths is a travel demand schedule that establishes the vehicle-miles of travel (VMT) during the average weekday generated by various land use types per unit of development. The recommended travel demand schedule is presented in Table 19.

Table 19
TRAVEL DEMAND SCHEDULE

Land Use Type	ITE Code	Unit	Trip Ends	1-Way Trips	% New Trips	Length (miles)	Daily VMT
Single-Family Detached	210	Dwelling	9.57	4.79	100%	4.9	23.47
Multi-Family	220	Dwelling	6.72	3.32	100%	4.9	16.27
Mobile Home/RV Park	240	Pad	4.99	2.50	100%	4.9	12.25
Hotel/Motel	310/320	Room	6.90	3.45	80%	4.9	13.52
Retail/Commercial	820	1000 sq. ft.	42.94	21.47	43%	3.0	27.70
Office/Institutional	710	1000 sq. ft.	11.01	5.51	75%	4.5	18.60
Nursing Home	620	1000 sq. ft.	6.10	3.05	75%	4.5	10.29
Church	560	1000 sq. ft.	9.11	4.56	75%	3.4	11.63
Industrial	130	1000 sq. ft.	6.96	3.48	95%	4.9	16.20
Warehouse	150	1000 sq. ft.	4.96	2.48	95%	4.9	11.54
Mini-Warehouse	151	1000 sq. ft.	2.50	1.25	95%	3.4	4.04

Source: "Trip Ends" is average daily trips (ADT) during weekday from Institute of Transportation Engineers (ITE), *Trip Generation*, 7th ed., 2003; "1-Way Trips" = ½ Trip Ends; "ITE Code" is land use code from ITE manual used for land use category (where more than one code shown, rates were averaged); new trip percentage for retail/commercial from ITE, *Trip Generation Handbook*, October 2003; percentages for other land uses taken from Kimley-Horn and Associates, Inc., *Lee County Impact Fee Transportation Data*, 1990; average trip lengths from Table 18; average trip length reduced by 50% for convenience stores and fast food restaurants; average trip length used for office uses and residential trip length used for industrial/warehousing uses.

POTENTIAL FEES

Based on the impact fee formula and the inputs calculated in this report, the maximum road impact fees per unit of development for various land uses, with and without ROW costs, are shown in Table 20. Impact fees could be adopted at less than 100 percent of the levels shown in the net cost schedules, provided that the reduction is applied uniformly across all land use categories in order to retain the proportionality of the fees. The impact fee ordinance will contain a provision allowing the option of independent fee determination studies for those applicants who can demonstrate that their development will have less impact on the need for road facilities than indicated by the fee schedule.

Table 20
ROAD NET COST SCHEDULE

Land Use Type	Unit	Daily VMT	Net Cost/VMT w/ROW	Net Cost/VMT no ROW	Net Cost per Unit w/ROW	Net Cost per Unit no ROW
Single-Family Detached	Dwelling	23.47	$158.60	$145.24	$3,722	$3,409
Multi-Family	Dwelling	16.27	$158.60	$145.24	$2,580	$2,363
Mobile Home/RV Park	Pad	12.25	$158.60	$145.24	$1,943	$1,779
Hotel/Motel	Room	13.52	$158.60	$145.24	$2,144	$1,964
Retail/Commercial	1000 sq. ft.	27.70	$158.60	$145.24	$4,393	$4,023
Office/Institutional	1000 sq. ft.	18.60	$158.60	$145.24	$2,950	$2,701
Nursing Home	1000 sq. ft.	10.29	$158.60	$145.24	$1,632	$1,495
Church	1000 sq. ft.	11.63	$158.60	$145.24	$1,845	$1,689
Industrial	1000 sq. ft.	16.20	$158.60	$145.24	$2,569	$2,353
Warehouse	1000 sq. ft.	11.54	$158.60	$145.24	$1,830	$1,676
Mini-Warehouse	1000 sq. ft.	4.04	$158.60	$145.24	$641	$587

Source: Daily VMT per unit from Table 19; net cost per VMT from Table 12.

Based on the annual number of permits issued in recent years, annual road impact fee revenue could amount to $4.1 million to $4.5 million, as shown in Table 21. Over 20 years, the impact fees could generate $82 million to $90 million. These estimates include in-kind contributions from developers, for which they would get impact fee credit, so that cash revenues received by the City would likely be lower.

Table 21
POTENTIAL ROAD IMPACT FEE REVENUE

	Single-Family (dwelling)	Multi-Family (dwelling)	Retail/ Commercial (1000 sf)	Office/ Other (1000 sf)	Total
Potential Fee without ROW Costs	$3,409	$2,363	$4,023	$2,701	
Potential Fee with ROW Costs	$3,722	$2,580	$4,393	$2,950	
Average New Units, 2000-04	394	695	130	222	
Annual Revenue without ROW Costs	$1,343,146	$1,642,285	$522,990	$599,622	$4,108,043
Annual Revenue with ROW Costs	$1,466,468	$1,793,100	$571,090	$654,900	$4,485,558
20-Year Revenue without ROW Costs	$26,862,920	$32,845,700	$10,459,800	$11,992,440	$82,160,860
20-Year Revenue with ROW Costs	$29,329,360	$35,862,000	$11,421,800	$13,098,000	$89,711,160

Source: Potential fees from Table 20; average annual new residential units are averages for 2000-2004 from Table 6; average annual new nonresidential units are amounts permitted in 2004 from Fayetteville Planning Department, October 7, 2005.

APPENDIX A: MAJOR ROADWAY INVENTORY

Table 22
MAJOR ROADWAY INVENTORY

Road	From	To	Lns	Mi.	Lane-Miles Ttl.	Lane-Miles w/cts.	ADT	VMT
Archibald Yell Blvd	College Ave	School Ave	4	0.45	1.80	1.80	13,000	5,850
6th St	School Ave	City Limits	5	3.45	17.25	17.25	25,330	87,389
15th St	Happy Hollow Rd	College Ave	2	1.27	2.54	2.54	12,000	15,240
15th St	College Ave	Razorback Rd	4	1.26	5.04	5.04	10,350	13,041
Co. Rd. 649	City Limits	Persimmon St	2	1.00	2.00	0.00	n/a	0
College Ave	Archibald Yell Blvd	North St	4	1.13	4.52	4.52	25,000	28,250
College Ave	North St	Millsap Rd	5	2.72	13.60	13.60	29,000	78,880
College Ave	Millsap Rd	560' S of Joyce Blvd	4	0.97	3.88	3.88	35,000	33,950
College Ave	560' S of Joyce Blvd	980' N of Joyce Blvd	6	0.26	1.56	1.56	35,000	9,100
College Ave	980' N of Joyce Blvd	1973' S of City Limits	4	0.51	2.04	2.04	35,000	17,850
College Ave	1973' S of City Limits	City Limits	6	0.37	2.22	2.22	35,000	12,950
Crossover Rd	Old Missouri Rd	Mission Blvd	3	4.12	12.36	12.36	16,000	65,920
Crossover Rd	Mission Blvd	Huntsville Rd	5	2.39	11.95	11.95	14,250	34,058
Garland Ave	I-540	Wedington Dr	2	2.03	4.06	4.06	11,000	22,330
Garland Ave	Wedington Dr	Maple St	4	0.25	1.00	1.00	14,000	3,500
Happy Hollow Rd	Huntsville Rd	15th St	4	0.28	1.12	1.12	8,900	2,492
Highway 112	1,286' E of Cris Hollow	399' w/o D. Solomon	2	0.74	1.48	1.48	4,300	3,182
Highway 112	1-540	Van Asche Dr	2	0.81	1.62	1.62	5,300	4,293
Huntsville Rd	City Limits	Happy Hollow Rd	2	5.10	10.20	10.20	9,800	49,980
Joyce Blvd	City Limits	College Ave	5	0.76	3.80	3.80	18,000	13,680
Joyce Blvd	College Ave	Frontage Rd	6	0.09	0.54	0.54	18,000	1,620
Joyce Blvd	Frontage Rd	228' S of Front St	5	0.11	0.55	0.55	19,000	2,090
Joyce Blvd	228' S of Front St	Crossover Rd	4	1.37	5.48	5.48	8,900	12,193
Maple St	Garland Ave	Razorback Rd	2	0.25	0.50	0.50	15,000	3,750
Mission Blvd	North St	City Limits	2	2.37	4.74	4.74	9,780	23,179
North St	Garland Ave	Gregg Ave	4	0.50	2.00	2.00	16,000	8,000
North St	Gregg Ave	Mission Blvd	2	1.01	2.02	2.02	12,310	12,433
Old Missouri Rd	City Limits	Crossover Rd	3	0.22	0.66	0.66	14,000	3,080
Razorback Rd	Maple St	15th St	2	1.50	3.00	3.00	11,250	16,875
Razorback Rd	15th St	Ramp	5	0.84	4.20	4.20	6,100	5,124
Razorback Rd	Ramp	Highway 71	3	0.09	0.27	0.27	6,100	549
School Ave	Archibald Yell Blvd	3,477' S of Willoughby	5	3.33	16.65	16.65	10,700	35,631
School Ave	3,477' S of Willoughby	City Limits	4	0.65	2.60	2.60	7,800	5,070
Steele Blvd	Van Asche Dr	Joyce Blvd	4	0.50	2.00	0.00	n/a	0
Sunshine Rd	1510' S Jess Anderson	Adams Rd	2	0.33	0.66	0.00	n/a	0
Van Asche Dr	Highway 112	244' E of I-540	2	0.24	0.48	0.48	1,100	264
Van Asche Dr	1,073' W of Gregg Ave	Gregg Ave	2	0.20	0.40	0.40	1,100	220
Van Asche Dr	523' W of Steele Blvd	Steele Blvd	4	0.10	0.40	0.40	1,100	110
Wedington Dr	City Limits	709' W of 46th Ave	2	1.76	3.52	3.52	7,800	13,728

Road	From	To	Lns	Mi.	Lane-Miles Ttl.	Lane-Miles w/cts.	ADT	VMT
Wedington Dr	709' W of 46th Ave	Shiloh Dr	5	1.19	5.95	5.95	14,793	17,604
Wedington Dr	Shiloh Dr	Garland Ave	4	1.58	6.32	6.32	15,500	24,490
Willoughby Rd	3981' E of School Ave	School Ave	2	0.75	1.50	0.00	n/a	0
Subtotal, Principal Arterials					168.48	162.32		687,943
Black Oak Rd	Armstrong Rd	City Limits	2	1.79	3.58	3.58	5,000	8,950
Armstrong Rd	15th St	Black Oak Rd	2	1.08	2.16	2.16	5,000	5,400
Cato Springs Rd	School Ave	Razorback Rd	2	0.99	1.98	1.98	1,700	1,683
Dead Horse Mtn Rd	Goff Farm Rd	City Limits	2	1.14	2.28	2.28	800	912
Deane St	Garland Ave	Porter Rd	2	1.00	2.00	2.00	6,100	6,100
Double Springs Rd	City Limits	299' N of Dot Tipton Rd	2	0.90	1.80	0.00	n/a	0
Drake St	Gregg Ave	Garland Ave	2	0.78	1.56	1.56	5,200	4,056
Gregg Ave	City Limits	1103' S of City Limits	4	0.21	0.84	0.84	6,000	1,260
Gregg Ave	1103' S of City Limits	Township St	2	1.72	3.44	3.44	16,000	27,520
Gregg Ave	Township St	North St	4	1.30	5.20	5.20	19,000	24,700
Huntsville Rd	Mashburn Ave	Happy Hollow Rd	2	0.73	1.46	1.46	10,000	7,300
Mount Comfort Rd	City Limits	I-540	2	1.81	3.62	3.62	8,200	14,842
Old Wire Rd	Mission Blvd	Skillern Rd	2	2.64	5.28	5.28	8,400	22,176
Porter Rd	Deane St	Shiloh Dr	2	0.36	0.72	0.72	6,800	2,448
Pump Station Rd	567' E of City Lake Rd	Armstrong Rd	2	0.67	1.34	0.00	n/a	0
Rupple Rd	174' N of Double Tree	Mount Comfort Rd	2	0.42	0.84	0.00	n/a	0
Rupple Rd	Rupple Rd	Persimmon St	2	1.14	2.28	0.00	n/a	0
Shiloh Dr	Steele Blvd	Gregg Ave	2	0.39	0.78	0.00	n/a	0
Skillern Rd	Old Wire Rd	City Limits	2	0.65	1.30	1.30	7,830	5,090
Steele Blvd	Shiloh Dr	Van Asche Dr	3	0.25	0.75	0.00	n/a	0
Township St	Gregg Ave	College Ave	2	0.44	0.88	0.88	11,000	4,840
Subtotal, Minor Arterials					44.09	36.30		137,277
Betty Jo Dr	Persimmon St	Wedington Dr	2	0.51	1.02	0.00	n/a	0
Beechwood Ave	15th St	18th St	2	0.25	0.50	0.00	n/a	0
Austin Dr	Ash St	Poplar St	2	0.15	0.30	0.00	n/a	0
Ash St	Walnut Ave	Samantha	2	0.58	1.16	0.00	n/a	0
Appleby Rd	Gregg Ave	Plainview Ave Ext.	2	1.03	2.06	0.00	n/a	0
15th St	Beechwood Ave	Razorback Rd	2	0.22	0.44	0.00	n/a	0
18th St	Futrall Dr	Beechwood Ave	2	0.26	0.52	0.00	n/a	0
54th Ave	Persimmon St	Wedington Dr	2	0.65	1.30	0.00	n/a	0
59th Ave	Wedington Dr	1071' N of Wedington Dr	2	0.20	0.40	0.00	n/a	0
Brooks Ave	15th St	Boone St	2	0.21	0.42	0.00	n/a	0
Broyles Ave	City Limits	Persimmon	2	1.25	2.50	0.00	n/a	0
Cato Springs Rd	Highway 71	I-540	3	0.18	0.54	0.00	n/a	0
Cato Springs Rd	I-540	City Limits	2	0.58	1.16	0.00	n/a	0
Charlee Ave	Mission Blvd	Charlee Ave Ext.	2	0.23	0.46	0.00	n/a	0
City Lake Rd	Pump Station Rd	Willoughby Rd	2	1.39	2.78	2.78	1,600	2,224
Cliffs Blvd	Crossover Blvd	218' W of Crossover	4	0.04	0.16	0.00	n/a	0
Cliffs Blvd	218' W of Crossover	Happy Hollow Rd	4	0.48	1.92	0.00	n/a	0

Road	From	To	Lns	Mi.	Lane-Miles Ttl.	Lane-Miles w/cts.	ADT	VMT
Deane Solomon Rd	Mount Comfort Rd	Highway 112	2	1.76	3.52	3.52	1,100	1,936
Dinsmore Trl	6th St	City Limits	2	0.40	0.80	0.00	n/a	0
Drake St	McConnell	Garland Ave	2	0.15	0.30	0.00	n/a	0
Drake St	1,278' W of Gregg Ave	Highway 71	4	0.62	2.48	0.00	n/a	0
Ernie Jacks Blvd	Garland Ave	314' W of Garrett Dr	2	0.13	0.26	0.00	n/a	0
Front St	Millsap Rd	Joyce Blvd	2	0.62	1.24	0.00	n/a	0
Frontage Rd	Joyce Blvd	Zion Rd	2	0.49	0.98	0.98	8,000	3,920
Futrall Dr	Wedington Dr	Freeway Ramp	2	1.74	3.48	3.48	4,000	6,960
Futrall Dr	Freeway Ramp	455' S of 6th St	3	0.21	0.63	0.63	3,200	672
Futrall Dr	455' S of 6th St	18th St	2	0.54	1.08	1.08	3,200	1,728
Futrall Dr	Gregg Ave	Millsap Rd	2	0.60	1.20	0.00	n/a	0
Garland Ave	Cato Springs Rd	Brooks Ave	2	0.33	0.66	0.00	n/a	0
Garrett Dr	Ernie Jacks Blvd	1,353' E of Leverett Ave	2	0.36	0.72	0.00	n/a	0
Goff Farm Rd	Dead Horse Mtn Rd	City Limits	2	0.80	1.60	0.00	n/a	0
Gypsum Dr	Salem Rd	Raven Ln	2	0.28	0.56	0.00	n/a	0
Happy Hollow Rd	Cliffs Blvd	886' S of Cliffs Blvd	4	0.17	0.68	0.00	n/a	0
Happy Hollow Rd	886' S of Cliffs Blvd	Huntsville Rd	2	0.55	1.10	1.10	480	264
Harold St	College Ave	Stubblefield Rd	2	0.25	0.50	0.00	n/a	0
Hollywood Ave	6th St	1210' S of 6th St	2	0.23	0.46	0.00	n/a	0
Joyce St	Joyce Blvd	City Limits	2	0.45	0.90	0.00	n/a	0
Leverett Ave	North St	Garrett Dr	2	0.96	1.92	1.92	6,800	6,528
Longview St	Plainview Ave	College Ave	2	0.15	0.30	0.00	n/a	0
Mall Ave	Joyce Blvd	1,211' S of Joyce Blvd	2	0.23	0.46	0.00	n/a	0
Mall Ave	1,211' S of Joyce Blvd	Shiloh Dr	3	0.29	0.87	0.00	n/a	0
Mally Wagnon Rd	City Limits	Huntsville Rd	2	0.25	0.50	0.00	n/a	0
Mcconnell Ave	Knapp Dr	Drake St	2	0.52	1.04	0.00	n/a	0
Miller St	Yates Ave	Gregg Ave	2	0.11	0.22	0.00	n/a	0
Millsap Rd	Futrall Dr	504' E of Plainview Ave	3	0.36	1.08	0.00	n/a	0
Millsap Rd	504' E of Plainview Ave	Vantage Dr	2	0.32	0.64	0.00	n/a	0
Monte Painter Dr	Northhills Blvd	Wimberly Dr	2	0.16	0.32	0.00	n/a	0
Morningside Dr	Huntsville Rd	Pump Station Rd	2	0.96	1.92	0.00	n/a	0
New Bridge Rd	155' E of High Ave	Settlemen Ln	2	0.51	1.02	0.00	n/a	0
Northhills Blvd	Monte Painter Dr	Futrall Dr	4	0.21	0.84	0.00	n/a	0
Old Farmington Rd	6th St	Shiloh Dr	2	0.88	1.76	0.00	n/a	0
Old Missouri Rd	Old Wire Rd	Zion Rd	3	2.01	6.03	6.03	6,600	13,266
Old Wire Rd	City Limits	1,570' N of Skillern Rd	2	0.46	0.92	0.92	1,700	782
Persimmon St	46th St	54th Ave	2	0.75	1.50	0.00	n/a	0
Plainview Ave	367' S of Kenray St	Millsap Rd	2	0.34	0.68	0.00	n/a	0
Poplar St	Yates Ave	College Ave	2	0.37	0.74	0.00	n/a	0
Porter Rd	Wedington Dr	Deane St	2	0.58	1.16	1.16	2,200	1,276
Raven Ln	Mount Comfort Rd	145' N of Quail Dr	2	0.22	0.44	0.00	n/a	0
Roberts Rd	Huntsville Rd	City Limits	2	0.16	0.32	0.00	n/a	0
Rolling Hills Dr	College Ave	Old Missouri Rd	2	0.71	1.42	1.42	11,000	7,810
Rupple Rd	600' S of New Bridge	Old Mt Comfort	2	0.44	0.88	0.00	n/a	0
Salem Rd West	Deane Solomon Rd	City Limits	2	0.15	0.30	0.00	n/a	0

Road	From	To	Lns	Mi.	Lane-Miles Ttl.	Lane-Miles w/cts.	ADT	VMT
Salem Rd North	City Limits	Mount Comfort Rd	2	1.16	2.32	0.00	n/a	0
Salem Rd North	1,984' S of Mt Comfort	Wedington Dr	2	0.67	1.34	0.00	n/a	0
Samantha Ave	116' S of Ash St	Ash St	2	0.02	0.04	0.00	n/a	0
Shepherd Ln	Frontage Rd	195' E of Frontage Rd	2	0.04	0.08	0.00	n/a	0
Shiloh Dr	Joyce Blvd	1,157' S of Joyce Blvd	2	0.22	0.44	0.00	n/a	0
Shiloh Dr	Mall Ave	Steele Blvd	3	0.39	1.17	0.00	n/a	0
Shiloh Dr	Highway 112	1,925' S of Mt Comfort	2	1.73	3.46	0.00	n/a	0
Shiloh Dr	1,678' N of Wedington	433' N of 6th St	2	2.02	4.04	4.04	620	1,252
Shiloh Dr	433' N of 6th St	6th St	4	0.08	0.32	0.32	3,700	296
Shiloh Dr	6th St	345' S of 6th St	3	0.07	0.21	0.00	n/a	0
Shiloh Dr	345' S of 6th St	2,010' N of Cato Springs	2	1.09	2.18	0.00	n/a	0
Shiloh Dr	326' S of Cato Springs	End of Shiloh Dr	2	0.23	0.46	0.00	n/a	0
Starr Dr	Mission Blvd	City Limits	2	0.64	1.28	1.28	n/a	0
Stearns St	Joyce Blvd	120' E of Remington Dr	2	0.11	0.22	0.22	n/a	0
Stubblefield Rd	Harold St	Old Missouri Rd	2	0.56	1.12	1.12	n/a	0
Sunbridge Dr	Villa Blvd	College Ave	2	0.08	0.16	0.00	n/a	0
Sycamore St	Garland Ave	Leverett Ave	2	0.25	0.50	0.50	5,100	1,275
Sycamore St	Leverett Ave	Gregg Ave	4	0.32	1.28	1.28	8,200	2,624
Sycamore St	Gregg Ave	Walnut Ave	2	0.68	1.36	1.36	5,150	3,502
Township St	College Ave	Crossover Rd	2	1.75	3.50	3.50	8,400	14,700
Trucker's Dr	Gypsum Dr	Crystal Spgs subdiv	2	0.17	0.34	0.00	n/a	0
Van Asche Dr	Steele Blvd	Mall Ave	3	0.37	1.11	0.00	n/a	0
Vantage Dr	Stearns St	Zion Rd	2	0.37	0.74	0.00	n/a	0
Vantage Dr	Joyce Blvd	169' N of Joyce Rd	2	0.03	0.06	0.00	n/a	0
Walnut Ave	Sycamore St	Ash St	2	0.13	0.26	0.00	n/a	0
Willoughby Rd	City Lake Rd	135' S of City Lake	2	0.03	0.06	0.00	n/a	0
Wimberly Dr	Monte Painter Dr	Futrall Dr	2	0.23	0.46	0.00	n/a	0
Wyman Rd	City Limits	Crossover Rd	2	0.84	1.68	0.00	n/a	0
Yates Ave	Poplar St	Miller St	2	0.07	0.14	0.00	n/a	0
Zion Rd	City Limits	College Ave	2	1.78	3.56	3.56	7,100	12,638
Subtotal, Collectors					101.96	42.20		83,653
Block Ave	Dickson St	Center St	2	0.25	0.50	0.00	n/a	0
Block Ave	Center St	Mountain St	1	0.05	0.05	0.00	n/a	0
Assembly Rd	Skyline Dr	Mission Blvd	2	0.60	1.20	1.20	400	240
6th St	School Ave	Huntsville Rd	2	0.72	1.44	1.44	8,100	5,832
11th St	Duncan Ave	Hill Ave	2	0.08	0.16	0.16	1,200	96
Arkansas Ave	Dickson St	Maple St	2	0.25	0.50	0.50	8,900	2,225
California Blvd	Center St	Leroy Pond Rd	2	0.36	0.72	0.00	n/a	0
Center St	California Blvd	Block Ave	2	0.67	1.34	1.34	5,000	3,350
Center St	Block Ave	East Ave	1	0.05	0.05	0.05	5,000	250
Center St	East Ave	College Ave	2	0.10	0.20	0.20	5,000	500
Cleveland St	Sang Ave	Arkansas Ave	2	1.15	2.30	2.30	3,300	3,795
College Ave	Rock St	15th St	2	0.87	1.74	1.74	2,300	2,001
Dickson St	Fletcher Ave	College Ave	2	0.42	0.84	0.84	5,000	2,100

Road	From	To	Lns	Mi.	Lane-Miles Ttl.	Lane-Miles w/cts.	ADT	VMT
Dickson St	College Ave	Arkansas Ave	2	0.60	1.20	1.20	11,000	6,600
Duncan Ave	15th St	11th St	2	0.25	0.50	0.50	1,200	300
East Ave	Mountain St	Dickson St	1	0.30	0.30	0.30	7,000	2,100
Fletcher Ave	Dickson St	Lafayette St	2	0.15	0.30	0.00	n/a	0
Government Ave	Prairie St	6th St	2	0.09	0.18	0.18	560	50
Greenview Dr	Mission Blvd	Viewpoint Dr	2	0.13	0.26	0.00	n/a	0
Hill Ave	6th St	11th St	2	0.31	0.62	0.62	200	62
Huntsville Rd	Mill Ave	Mashburn Ave	2	0.39	0.78	0.00	n/a	0
Lafayette St	Mission Blvd	Arkansas Ave	2	1.04	2.08	2.08	7,800	8,112
Leroy Pond Dr	California Blvd	Razorback Rd	2	0.21	0.42	0.00	n/a	0
Leverett Ave	Maple St	North St	2	0.50	1.00	1.00	7,800	3,900
Maple St	Mission Blvd	Garland Ave	2	1.43	2.86	2.86	13,000	18,590
Mashburn	Huntsville Rd	6th St	2	0.03	0.06	0.00	n/a	0
Mill Ave	Rock St	Huntsville Rd	2	0.08	0.16	0.00	n/a	0
Mission Blvd	Lafayette St	North St	2	0.60	1.20	1.20	12,000	7,200
Mountain St	School Ave	Block Ave	2	0.21	0.42	0.00	n/a	0
Mountain St	Block Ave	East Ave	1	0.05	0.05	0.00	n/a	0
Mountain St	East Ave	College Ave	2	0.10	0.20	0.00	n/a	0
Pembroke Rd	Rockwood Trail	Ridgeway Dr	2	0.27	0.54	0.54	450	122
Prairie St	West Ave	Government Ave	2	0.12	0.24	0.00	n/a	0
Ridgeway Dr	Pembroke Rd	Viewpoint Dr	2	0.16	0.32	0.00	n/a	0
Rock St	College Ave	Mill Ave	2	0.10	0.20	0.20	4,400	440
Rockwood Trail	Mission Blvd	Pembroke Rd	2	0.69	1.38	1.38	400	276
Sang Ave	Cleveland St	Wedington Dr	2	0.25	0.50	0.00	n/a	0
School Ave	Dickson St	Archibald Yell Blvd	2	0.58	1.16	1.16	3,000	1,740
Skyline Dr	Assembly Rd	Assembly Rd	2	0.88	1.76	1.76	190	167
Viewpoint Dr	Ridgeway Dr	Viewpoint Dr	2	0.47	0.94	0.94	520	244
West Ave	Prairie St	Lafayette St	2	0.74	1.48	0.00	n/a	0
Subtotal, Historic Collectors					32.15	25.69		70,292
Total					346.68	266.51		979,166

Source: Segment descriptions, number of lanes and segment length in miles from City of Fayetteville Public Works Department, verified June 21, 2004; total lane-miles is product of lanes times miles; lane-miles with counts is lane-miles for segments with traffic counts; ADT is annual average daily traffic estimates from Arkansas State Highway and Transportation Department, "2002 Traffic Volumes Map of Fayetteville-Springdale, Washington and Benton Counties" or, where 2002 counts not available, 1992 estimated volumes from DeShazo, Starek & Tang, Inc., *Prioritization of Roadway Improvements in Fayetteville, Arkansas*, August 1992; VMT is product of miles times ADT.

APPENDIX B: ARKANSAS IMPACT FEE ENABLING ACT

ARKANSAS CODE, TITLE 14, CHAPTER 56, SUBCHAPTER 1

14-56-102. Development impact fees.

(a) As used in this section:

(1) "Capital plan" means a description of new public facilities or of new capital improvements to existing public facilities or of previous capital improvements to public facilities that continue to provide capacity available for new development that includes cost estimates, and capacity available to serve new development;

(2) "Development" means any residential, multi-family, commercial, or industrial improvement to lands within the municipality or within the municipal service agency's area of service;

(3) "Development impact fee" means:

(A) A fee or charge imposed by the municipality or by a municipal service agency upon or against a development in order to generate revenue for funding or for recouping expenditures of the municipality or municipal service agency that are reasonably attributable to the use and occupancy of the development; and

(B) Shall not include any ad valorem real property taxes, any special assessments for an improvement district, any utility hookup fees or access fees, or any fees for filing development plats or plans, for building permits or for construction permits assessed by a municipality or a municipal service that are approximately equal to the cost of the plat, plan, or permit review process to the municipality or the municipal service agency;

(4) "Municipality" means a city of the first class, city of the second class, or an incorporated town;

(5) "Municipal service agency" means:

(A) Any department, commission, utility or agency of a municipality, including any municipally-owned or controlled corporation;

(B) Any municipal improvement district, consolidated public or municipal utility system improvement district, or municipally-owned nonprofit corporation that owns or operates any utility service;

(C) Any municipal water department, waterworks or joint waterworks, or a consolidated waterworks system operating under the Consolidated Waterworks Authorization Act;

(D) Any municipal wastewater utility or department;

(E) Any municipal public facilities board; or

(F) Any of these municipal entities operating with another similar entity under a interlocal agreement in accordance with §§ 25-20-101 through 25-20-108 or §§ 25-20-201 through 25-20-207;

(6) "Ordinance" means an municipal impact fee ordinance of municipality or an authorizing rate resolution by a board of commissioners of a consolidated waterworks system authorized to set rates for its customers under the Consolidated Waterworks Authorization Act;

(7) "Public facilities" means publicly-owned facilities that are one (1) or more of the following systems, or a portion of those systems:

(A) Water supply, treatment, and distribution, for either domestic water or for suppression of fires;

(B) Wastewater treatment and sanitary sewerage;

(C) Stormwater drainage;

(D) Roads, streets, sidewalks, highways and public transportation;

(E) Library;

(F) Parks, open space, and recreation areas;

(G) Police or public safety;

(H) Fire protection; and

(I) Ambulance or emergency medical transportation and response.

(b) A municipality or a municipal service agency may assess, by ordinance, a development impact fee to offset costs to the municipality or to a municipal service agency that are reasonably attributable to providing necessary public facilities to new development.

(c) (1) A municipality or municipal service agency may assess, collect, and expend development impact fees only for the planning, design and construction of new public facilities or of capital improvements to existing public facilities that expand its capacity or for the recoupment of prior capital improvements to public facilities that created capacity that is available to serve new development.

(2) The development impact fee may be pledged to the payment of bonds issued by the municipality or municipal service agency to finance capital improvements or public facilities for which the development impact fee may be imposed.

(3) No development impact fee shall be assessed for, or expended upon, the operation or maintenance of any public facility, or for the construction or improvement of public facilities, that does not create additional capacity.

(d) (1) A municipality or a municipal service agency may assess and collect impact fees only from new development and only against a particular new development in reasonable proportion to the demand for additional capacity in public facilities that are reasonably attributable to the use and occupancy of that new development.

(2) The owner, resident, or tenant of a property that was assessed an impact fee and paid it in full shall have the right to make reasonable use of all public facilities that were financed by the impact fee.

(e) (1) A municipality or municipal service agency may assess, collect, and expend impact fees only under a development impact fee ordinance adopted and amended under this section.

(2) A development impact fee ordinance shall be adopted or amended by the governing body of a municipality or municipal service agency only after the municipality or a municipal service agency has adopted a capital plan and level of service standards for all of the public facilities that are to be so financed.

(3) The development impact fee ordinance shall contain:

(A) A statement of the new public facilities and capital improvements to existing public facilities that are to be financed by impact fees and the level of service standards included in the capital plan for the public facilities that are to be financed with impact fees;

(B) The actual formula or formulas for assessing the impact fee, which shall be consistent with the level of service standards;

(C) The procedure by which impact fees are to be assessed and collected; and

(D) The procedure for refund of excess impact fees, in accordance with subsection (h) of this section.

(f) (1) The municipality or municipal service agency shall collect the development impact fee at the time and manner and from the party as prescribed in the ordinance and shall collect the fee separate and apart from any other charges to the development.

(2) (A) A development impact fee shall be collected at either the closing on the property by the owner or the issuance of a certificate of occupancy by the municipality."

(B) However, a municipal water or wastewater department, waterworks, or joint waterworks, or a consolidated waterworks system operating under the Consolidated Waterworks

Authorization Act may collect a development impact fee in connection with and as a condition to the installation of the water meter serving the property.

(3) At closing, the development impact fee that has been paid or will be paid for the property shall be separately enumerated on the closing statement.

(4) The ordinance may include that the development impact fee may be paid in installments at a reasonable interest rate for a fixed number of years or that the municipality or municipal service agency may negotiate agreements with the owner of the property as to the time and method of paying the impact fee.

(g) (1) The funds collected under a development impact fee ordinance shall be deposited into a special interest-bearing account.

(2) The interest earned on the moneys in the separate account shall be credited to the special fund and the funds deposited into the special account and the interest earned shall be expended only in accordance with this section.

(3) No other revenues or funds shall be deposited into the special account.

(h) (1) The municipality or municipal service agency shall refund the portion of collected development impact fees, including the accrued interest, that has not been expended seven (7) years from the date the fees were paid.

(2) (A) A refund shall be paid to the present owner of the of the property that was the subject of new development and against which the fee was assessed and collected.

(B) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the present owners of the property not later than thirty (30) days after the date which the refund becomes due.

(C) The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.

(3) (A) The refund shall be made on a pro rata basis, and shall be paid in full not later than ninety (90) days after the date certain upon which the refund becomes due.

(B) If the municipality or municipal service agency does not pay a refund in full within the period set in this subsection to any person entitled to a refund, that person shall have a cause of action against the municipality for the refund or the unpaid portion in the circuit court for the county in which the property is located.

(i) (1) (A) On and after the effective date of this section, a municipality or municipal service agency shall levy and collect a development impact fee only if levied and collected under ordinances enacted in compliance with this section.

(B) Beginning January 1, 2004, a municipality or municipal service agency shall collect development impact fees under ordinances enacted before the effective date of this section or under ordinances amended after the effective date of this section only if collected in compliance with subsections (f), (g), and (h) of this section.

(2) However, except for the compliance with the collection requirements under subsections (f), (g), and (h) of this section, this section does not invalidate any development impact fee or a similar fee adopted by a municipality or municipal service agency before the effective date of this section, nor does this section apply to funds collected under any development impact fee or similar fee adopted before the effective date of this section.

(3) In addition, a municipality with a park land or green space ordinance that has been in existence for ten (10) years on the effective date of this section, and any amendments to the ordinance, which allows the option to pay a fee or to dedicate green space or park land in lieu of a fee may continue to be administered under the existing ordinance.

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

6/20/2006
City Council Meeting Date

Tim Conklin	Planning and Development Mgt	Operations
Submitted By	Division	Department

Action Required:

Approval of a resolution to accept a proposal from Duncan Associates to update the existing water and sewer impact fees, calculate fees for the collection system, and negotiate contracts with Elkins, Farmington, and Greenland to pay for and provide potential water and sewer impact fees within their corporate boundaries.

$110,000	$ 12,300.00 -	
Cost of this request	Category / Project Budget	Program Category / Project Name
5400-1840-5314-00	$ 12,300.00 -	
Account Number	Funds Used to Date	Program / Project Category Name
05054-1	$ -0- -	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 6-2-06 Date

City Attorney — 6/5/06 Date

Finance and Internal Service Director — 6/6/06 Date

Mayor — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 6/2/06

Received in Mayor's Office — ENTERED 6/5/06

Comments:

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Mayor Dan Coody
Fayetteville City Council
THROUGH: Gary Dumas, Operations Director
Steve Davis, Finance and Internal Services Director
FROM: Tim Conklin, Planning and Development Director
DATE: June 2, 2006
SUBJECT: **Approval of a resolution to accept a proposal from Duncan Associates to update the existing water and sewer impact fees, calculate fees for the collection system, and negotiate contracts with Elkins, Farmington, and Greenland to pay for and provide potential water and sewer impact fees within their corporate boundaries.**

RECOMMENDATION

Staff recommends approval of a resolution to accept a proposal from Duncan Associates to update the existing water and sewer impact fees, calculate fees for the collection system, and negotiate contracts with Elkins, Farmington, and Greenland to pay for and provide potential water and sewer impact fees within their corporate boundaries.

BACKGROUND

The City of Fayetteville approved a bid waiver ordinance on October 18, 2006 to hire Duncan Associates to complete Phase 1 of the contract in the amount of $12,300. Phase 1 included the development of the scope of work and contract to update the existing fees to include the wastewater interceptor and collection system. The current fees are based on the historical and estimated costs for the water transmission, storage, and distribution system and the estimated costs for the planned 10 million gallons per day wastewater treatment plant capacity improvements. The wastewater fee did not include the proposed collection system and associated lift stations.

Staff is recommending updating the existing 2002 calculated water and wastewater impact fees to: 1) reflect current construction costs; 2) calculate impact fees for new capacity created as part of wastewater collection system; and 3) calculate specific impact fees for outside jurisdictions served by the Fayetteville system.

Most communities update their fees on a three-to five-year cycle to reflect fluctuations in infrastructure construction costs.

BUDGET IMPACT

The update to the existing impact fees and adding in the collection system will allow new development to pay its proportionate share of infrastructure capacity costs.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A PROPOSAL FROM DUNCAN ASSOCIATES IN THE AMOUNT OF $110,000.00 TO UPDATE THE EXISTING WATER AND WASTEWATER IMPACT FEES, TO CALCULATE FEES FOR THE COLLECTION SYSTEM, AND NEGOTIATE CONTRACTS WITH THE CITIES OF ELKINS, FARMINGTON AND GREENLAND TO PAY FOR AND PROVIDE POTENTIAL WATER AND WASTEWATER IMPACT FEES WITHIN THEIR CORPORATE BOUNDARIES.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby accepts a proposal from Duncan Associates in the amount of $110,000.00 to update the existing Water and Wastewater Impact Fees, to calculate fees for the collection system, and negotiate contracts with the cities of Elkins, Farmington and Greenland to pay for and provide potential Water and Wastewater Impact Fees within their corporate boundaries. A Scope of Services for the proposal, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and **APPROVED** this 20th day of June, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH City Clerk

DRAFT

SCOPE OF SERVICES

PROJECT UNDERSTANDING AND APPROACH

Fayetteville's water and wastewater system provides service to a number of other jurisdictions. The water system is the most regional—with the exception of the City of Elkins, which owns the distribution system within its city limits, the City owns all of the facilities that serve its water customers, and bills individual customers directly. Out-of-city retail water customers include Johnson, Goshen, Farmington, Greenland and parts of unincorporated Washington County.

The wastewater system is less of an integrated regional system. Goshen does not participate in the City's wastewater system, and Farmington, Greenland and Elkins own the sewer collection systems within their city limits.

Jurisdiction	Water System Ownership	Sewer System Ownership	Billing
Fayetteville	Fayetteville	Fayetteville	Fayetteville - Individual Customers
Johnson	Fayetteville	Fayetteville	Fayetteville - Individual Customers
Washington Co. (parts)	Fayetteville	Fayetteville	Fayetteville - Individual Customers
Goshen	Fayetteville	N/A	Fayetteville - Individual Customers
Farmington	Fayetteville	Farmington	Fayetteville - Individual Customers
Greenland	Fayetteville	Greenland	Fayetteville - Individual Customers
Elkins	Elkins	Elkins	Elkins (Wholesale Customer)

This project will produce potentially four (4) impact fee reports – Fayetteville (water and wastewater), Elkins (water and wastewater), Farmington (wastewater) and Greenland (wastewater). Analyses for Farmington, Greenland and Elkins will be undertaken if the consultant is directed to proceed, before commencement of the Fayetteville analysis. Each impact fee will be calculated based on projected future demand, and the cost of planned future capital facilities attributable to that demand (an "improvements based" fee). As appropriate each fee will also include the value of current excess capacity, calculated based on acquisition cost (a "recoupment fee").

Water Impact Fees

Fayetteville

This fee will include water supply, transmission, storage and distribution facilities and parts of facilities (existing and planned future) attributable specifically to demand within Fayetteville. The fee will be assessed within Fayetteville.

Elkins

This fee will include local (in-town) transmission, storage and distribution system facilities and parts of facilities (existing and planned future) attributable specifically to demand within Elkins. This fee will be assessed within Elkins.

Wastewater

Fayetteville

This fee will include (existing and planned future) treatment plant, interceptors, lift stations, and collection system facilities, or parts of facilities, along with piping required to divert existing flows to the new plant, as is specifically attributable to demand within Fayetteville. The fee will be assessed within Fayetteville

Elkins

This fee will include local (in-town) transmission and collection system facilities and parts of facilities (existing and planned future) attributable to demand within Elkins. This fee will be assessed within Elkins.

Farmington

This fee will include local (in-town) transmission and collection system facilities and parts of facilities (existing and planned future) attributable to demand within Farmington. This fee will be assessed within Farmington.

Greenland

This fee will include local (in-town) transmission and collection system facilities and parts of facilities (existing and planned future) attributable to demand within Greenland. This fee will be assessed within Greenland.

Methodology Notes

Fees will include service area specific revenue credits (debt, grants and sales tax contributions, for example) and deficiency correction credits, as may be applicable.

For the client communities (Elkins, Farmington and Greenland), and in the interest of cost savings, the analytical process will be coordinated by Fayetteville – i.e., data acquisition, communications, distribution of work product and compilation of comments, and all other interchange with client communities will be accomplished by Fayetteville staff. In support of a cost-efficient approach, we have also not scheduled meetings with, or presentations for, client communities. Instead we welcome their attendance at meetings scheduled with Fayetteville. With respect to impact fee reports for client communities, we will produce one draft report and, based on comments, a revised final report.

The analyses will require land use inventories and projections for each of six service areas[1] (by impact fee property type) projected based on the same time frame for all service areas, and matching the capital improvement plan (CIP) time frame, which will be provided by Fayetteville.

Each of the impact fees (as above) will require information to support analysis of current

[1] Water – Fayetteville retail and Elkins service areas. Wastewater – Fayetteville retail, Elkins, Farmington, and Greenland service areas. Property types include Single Family (dwelling unit), Multi Family (dwelling unit), Hotel (rooms), Retail, Office, Industrial, and Institutional/Other (1,000 square feet)

deficiencies and debt, for impact fee credits. This information will be provided by Fayetteville. (Some or all of the information is likely to be on-hand, given the need for periodic demand planning.)

The treatment component of the wastewater fee will include the value of plant capacity (new and existing, and capacity that will be made available by implementation of the new plant) and will be calculated based on an undifferentiated average cost per service unit (same cost per demand unit throughout the service area). The City proposes that treatment capacity be defined to include both plants and "appurtenances" - i.e., the existing and new plant, and that part of existing and planned transmission facilities needed to integrate the elements of the treatment system.

The supply component of the water fee will include the value of current excess capacity and planned new capacity (as derived from the facility master plan) and will be calculated based on an undifferentiated average cost per service unit (same cost per demand unit throughout the service area).

Allocation of the beneficial use of wastewater and water facilities by service area – e.g. defining the share and quantifying the value of CIP costs uniquely attributable to each service area – will be based on analysis provided by Fayetteville.

Credits for sales tax contributions (as may be attributable to each service area) will be defined by consultant based on analysis to quantify the share of tax revenue attributable to each service area. This share analysis will be provided by Fayetteville. Likewise, analysis to quantify and value current deficiencies by service area will be provided by Fayetteville. The value of potential debt service credits will be quantified by consultant, based on debt information provided by Fayetteville.

Cost for future facilities will be based on existing facility plans, updated as may be appropriate, by staff estimates.

Design years for wastewater plant and underground are different. The plant design year is about 2020. Wastewater transmission/collection design year, after completion of projects in the current master plan, is thought to be build-out. This may require analysis to realign and match the planning periods – for example, by quantifying additional plant capacity needed between 2020 and build-out. Analysis to define and value new capacity will be provided by Fayetteville.

It is our understanding that, for the wastewater system, stranded transmission and collection system costs attributable to current service provision in Farmington will be recovered by means of separate agreement with Farmington users. Analysis of stranded costs is not included as part of this project.

Each fee will be calculated based on number of (single family equivalent) demand units, and projected land use by property type, which will be provided by Fayetteville. This will be the basis for calculation of future service demand, and the amount of each impact fee.

GIS support for production of maps, and other analysis as may be appropriate, will be provided by the City.

This project does not include revisions to the City's impact fee ordinance, which will be handled by the City Attorney. Participating client communities will be provided with a sample impact fee ordinance.

WORK TASKS AND DELIVERABLES

Phase II: Implementation

This second phase entails the preparation of the impact fee study and attendance at public meetings for review and adoption of the revised impact fee ordinance.

Task 2.1: Draft Impact Fee Study

In this task, the Consultant will prepare the initial draft of the water and wastewater impact fee studies. The report will describe the methodology and formula used to calculate the fees, document all data sources and assumptions, and include a fee schedule that represents the fees that could be charged. At least one full working draft will be delivered to City staff for review and comment prior to delivery of the draft study.

Deliverable: Draft Impact Fee Study

Task 2.2: Final Impact Fee Study

Following review and comment on the draft study by City staff and/or an advisory committee, the Consultant will make appropriate revisions and provide the final drafts.

Deliverable: Final Impact Fee Study

Task 2.3: Local Meetings and Presentations

The Consultant will make up to three person-days of travel to Fayetteville to meet with staff, the City Council and/or other review bodies. Additional participation in meetings may be provided on a time-plus expense or flat-rate basis.

Deliverables: Three (3) Person-Trips

PROJECT COST

Total fee for professional services included in the scope of services is $110,000. The City will be billed monthly for percent completion of each task. Cost includes all direct and indirect expenses incurred by Consultants in performing the services, including travel expenses. Additional services beyond those in the scope of services may be negotiated separately or billed on a time plus expenses basis. Fayetteville will be billed for analyses for Farmington, Greenland and Elkins only if the consultant is directed to proceed, before commencement of the Fayetteville analysis. The City of Fayetteville will be responsible for payment of the total amounts shown for Fayetteville and any participating client cities.

Task	Fayetteville	Elkins	Farmington	Greenland	Total
2.1: Draft Impact Fee Study	$43,105	$21,473	$12,884	$12,884	$90,346
2.2: Final Impact Fee Study	$7,095	$3,527	$2,116	$2,116	$14,854
2.3: Meetings (3 person- days)	$4,800	$0	$0	$0	$4,800
Total	**$55.000**	**$25,000**	**$15,000**	**$15,000**	**$110,000**

PROJECT SCHEDULE

The project schedule outlined in the scope of services is summarized in the following flowchart. As shown below, the second phase could be completed in six months.

Tasks	Months from Project Start					
	1	2	3	4	5	6
2.1: Draft Impact Fee Study						
2.2: Final Impact Fee Study						
2.3: Meetings	x				x	x

x = meeting/presentation

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Operations Division: Meter Operations Program: Meter Capital	Date Requested	Adjustment Number
2006		6/20/2006	

Project or Item Added/Increased:

$55,000 is requested in the Professional Services account of the Impact Fee Update - Water/Wastewater capital project.

Project or Item Deleted/Reduced:

$55,000 is proposed from the Contract Services (reimbursement) account in the Impact Fee Update - Water/Wastewater capital project.

None. The use of $55,000 from the Use of Fund Balance in the Water & Sewer Fund is proposed.

Justification of this Increase:

Funding is for a Water/Wastewater Impact Fee Update for the Cities of Fayetteville, Farmington, Elkins, and Greenland.

Justification of this Decrease:

$55,000 is the cost share portion coming from the other cities.

The remaining $55,000 is the portion to be paid by the City of Fayetteville. Sufficient funding remains to comply with City policy.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Professional services	5400	1840	5314	00	110,000	05054	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	5400	0940	4999	99	55,000		
Contract serv (reimb)	5400	0940	6490	00	55,000	05054	1

Approval Signatures

Requested By — Date

Budget Manager — Date

Department Director — Date

Finance & Internal Services Director — Date

Mayor — Date

Budget Office Use Only

Type: A B C D E

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

Entered in Category Log — Initial — Date

From: Clarice Pearman
To: Conklin, Tim
Date: 6.6.06 4:53PM
Subject: Duncan Assoc

Tim,
You 6/20/06 agenda item for water & wastewater impact fees for Duncan Associates is incomplete in that your budget adjustment is not signed by you or your department head. Please see that the city clerk's office get a signed copy.
Thanks.
Clarice

CC: Smith, Sondra

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

20-Jun-06
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

ADM 06-2093: (Springwoods Use Units, 247): Submitted by Hunter Haynes for property located at I-540 and HWY 112. The property is zoned C-PZD, Commercial Planned Zoning District. The request is amend the approved final plat of Lot 6 in the Springwoods PZD to add Use Unit 4 (Cultural and Recreational Facilities) as an approved use within Lot 6.

N/A	N/A	N/A
Cost of this request	Category/Project Budget	Program Category / Project Name
N/A	N/A	N/A
Account Number	Funds Used to Date	Program / Project Category Name
N/A	N/A	N/A
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — Date 6-2-06

City Attorney — Date 6-2-06

Finance and Internal Service Director — Date 6-2-06

Mayor — Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office ENTERED 6/2/06

Received in Mayor's Office ENTERED 6/2/06

Comments:

City Council Meeting of June 20, 2006
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: June 2, 2006

Subject: Amendment to Springwoods Planned Zoning District (ADM 06-2093)

RECOMMENDATION

Planning Staff recommends approval of an ordinance amending the Springwoods Planned Zoning District, to allow for specific uses within Use Unit 4 within Lot 6 of Springwoods C-PZD 03-08.00 (Ordinance #4523).

BACKGROUND

Project Description: The approved Commercial Planned Zoning District for Springwoods was a rezoning and preliminary plat approval for a 9-lot subdivision, containing approximately 289.26 acres. Lot 6 of Springwoods Subdivision contains approximately 18.04 acres and is approved for commercial use with Use Units 12, 13, 14, 15, 16, 17, and 25 permitted. These use units are commonly found in many of the city's commercial zoning districts.

Background: The final plat for Springwoods C-PZD was approved by the Subdivision Committee on April 1, 2004. The PZD ordinance as approved by the City Council on October 21, 2003, outlined the permitted use units for each of the 9 lots in the subdivision. Each of the respective lots shall be reviewed for Preliminary Plat and/or Large Scale Development in accordance with City Code.

Proposal: The applicant is requesting that the permitted use units for Lot 6 be amended to allow certain uses within the Unified Development Code's Unit 4, Cultural and Recreational Facilities, to include eldercare, hospital and dormitory.

DISCUSSION

This item was heard at the regular Planning Commission on May 22, 2006. The Planning Commission voted 8-0-0 in favor of forwarding this request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE APPROVED COMMERCIAL PLANNED ZONING DISTRICT TITLED C-PZD 03-08.00, SPRINGWOODS, LOCATED AT I-540 AND HWY 112, CONTAINING APPROXIMATELY 289.26 ACRES.

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

Section 1: That the permitted use units for Lot 6 Springwoods PZD shall be amended and the uses of eldercare, hospitals and dormitory, as identified within Use Unit 4 (Cultural and Recreational Facilities) are added as permitted uses within Lot 6.

Section 2: That all other requirements and conditions of approval of C-PZD 03-08.00 (Ordinance #4523) and Final Plat 04-05.00 shall remain in effect unless otherwise modified by the Planning Commission and City Council.

Section 3: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and **APPROVED** this _____ day of _____, 2006.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

Fayetteville
ARKANSAS

PC Meeting of May 22, 2006

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jeremy Pate, Director of Current Planning
DATE: May 15, 2006

ADM 06-2093: (SPRINGWOODS PZD AMENDMENT LOT 6) submitted by HUNTER HAYNES for property located at I540 & HWY 112. The request is to amend the approved final plat of Lot 6 in the Springwoods PZD to add Use Unit 4 (Cultural and recreational facilities) as an approved use within Lot 6.

Planner: JEREMY PATE

BACKGROUND

Project Description: The approved Commercial Planned Zoning District for Springwoods was a rezoning and preliminary plat approval for a 9-lot subdivision, containing approximately 289.26 acres. Lot 6 of Springwoods Subdivision contains approximately 18.04 acres and is approved for commercial use with Use Units 12, 13, 14, 15, 16, 17, and 25 permitted.

Background: The final plat for Springwoods C-PZD was approved by the Subdivision Committee on April 1, 2004. The PZD ordinance as approved by the City Council on October 21, 2003 outlined the permitted use units for each of the 9 lots in the subdivision. Each of the respective lots shall be reviewed for Preliminary Plat and/or Large Scale Development in accordance with City Code.

C-PZD: Commercial Planned Zoning District 03-08-00 (Ordinance No. 4524)

Lot No.	Land Use	Use Units	Density	Acreage
1	Commercial	12,13,14,15,16,17,25	n/a	47.73
2	Multi-Family	26	18 DU/AC	26.36
3	Single Family	8	2 DU/AC	25.53
4	Multi Family	26	4 DU/AC	10.70
5	Single Family	8	2 DU/AC	32.28
6	Commercial	12,13,14,15,16,17,25	n/a	18.04
7	Commercial	12,13,14,15,16,17,25	n/a	5.17
8	Preservation Area	1*	n/a	123.45
9	Lift Station	3**	n/a	0.02

Proposal: The applicant is requesting that the permitted use units for Lot 6 be amended to allow specific uses within Unit 4, Cultural and Recreational Facilities. *Table 1* outlines the included uses under Use Unit 4. Only the uses requested by the applicant shall be permitted within Lot 6.

Table 1

(D) *Unit 4. Cultural and recreational facilities.*

(1) *Description.* Unit 4 consists of cultural and recreational uses to serve the residents of the community.

(2) *Included uses.*

~~Auditorium, stadium~~	
~~Art gallery, museum~~	
~~Cemetery~~	
~~Child-care center, nursery school~~*	
~~Church~~	
~~College or university~~	
~~Community center~~	
~~Crematorium~~	
~~Detention home~~	
*Dormitory	
*Eldercare	
*Hospital	
~~Mausoleum~~	
~~Playfield, playground~~	
~~Private club or lodge~~	
~~School:~~	~~•Elementary~~ ~~•Junior High~~ ~~•Senior High~~
~~Swimming pool~~	
~~Tennis court~~	
~~Theater (legitimate)~~	
~~Zoo~~	

*** Uses requested by the applicant.**

RECOMMENDATION

Planning Staff recommends approval of **ADM 06-2093**, to allow Use Unit 4 within Lot 6 of Springwoods C-PZD 03-08.00 (Ordinance #4523). It is staff's finding that the intent of this project is not changed with the inclusion of uses under Unit 4 of the Unified Development Code, as the changes are minor and do little to modify the overall result of the proposed development. All other requirements and conditions of approval of C-PZD 03-08.00 and Final Plat 04-05.00 shall remain in effect unless otherwise modified by the Planning Commission and City Council.

Condition of Approval:

1. Only those uses included under Use Unit 4 as requested (dormitory, eldercare, hospital) shall be permitted by this application. All others, as noted in the above table, shall not be permitted.

2. Other than the inclusion of uses under Unit 4, all other requirements and conditions of approval of C-PZD 03-08.00 and Final Plat 04-05.00 shall remain in effect unless otherwise modified by the Planning Commission and City Council.

3. City Council approval of the requested zoning criteria modification is required.

Additional conditions:

Planning Commission Action: √ Approved ☐ Denied ☐ Tabled

Motion: **Myers**
Second: **Clark**
Vote: **8-0-0**
Meeting Date: **May 22, 2006**

Comments:

The **"Conditions of Approval"** listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature Date

Uses currently permitted within Lot 6 Springwoods PZD

Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 25	Professional offices

(L) *Unit 12. Offices, studios, and related services.*

(1) *Description.* Unit 12 consists of offices, studios, medical and dental labs and other compatible or supporting services and sales.

(2) *Included uses.*

Advertising agency	
Artist's studio	
Computing service	
Data processing service	
Drafting service	
Dental clinic	
Financial institution	
Funeral home	
Medical clinic	
Office buildings	
Social and welfare agencies	
Sale of supplies and equipment:	•Architects and artists supplies •Business machines •Dental supplies •Medical and optical supplies •Office furnishings
Scientific instruments	
Services:	•Auto parking garage •Blueprinting •Bail bonding agency •Employment agency •Photocopying •Printing •Ticket office, transportation and amusement •Travel agency •Veterinary small animal out-patient clinic

(M) *Unit 13. Eating places.*

(1) *Description.* Unit 13 is established that eating places, excluding drive-ins and those that provide dancing and entertainment, can be located as needed without necessarily introducing other commercial uses.

(2) *Included uses.*

Eating places, other than drive-ins, which do not provide dancing or entertainment
Restaurants
Café's

(N) *Unit 14. Hotel, motel, and amusement facilities.*

(1) *Description.* Unit 14 consists of hotels, motels, and certain types of amusement facilities.

(2) *Included uses.*

Hotel
Membership lodge
Motel
Motion picture theater
Night club, not providing dancing or outdoor music
Tavern, not providing dancing or outdoor music

(O) *Unit 15. Neighborhood shopping goods.*

(1) *Description.* Unit 15 includes a variety of frequently purchased commercial goods, where convenience of location is more important than comparative shopping. These uses are grouped in limited areas while prohibiting all others not necessary near the residential areas.

(2) *Included uses.*

	Retail Trade
Apparel and accessory	
Bicycle shop	
Bookstores	
Camera shop	
Cellular telephones and accessories	
Clothing	
Drugstore	
Florists	
Food:	•Bakery •Food specialty stores •Dairy products •Grocery •Supermarkets •Delicatessen •Health food store
Home furniture store	
Jewelry	
Hardware store	
Hobby shop	
Laundry-coin operated	
Leather goods and luggage	
News and magazine stand	
Optical goods	
Pet shop	
Picture framing, retail	
Radio and television store	
Record, tape, and cd shop	
Service establishment:	•Dry cleaning •Barber and beauty shop (6 or fewer chairs) •Laundry
Shoe	
Sporting goods	
Stationary store	
Tailoring	
Toy shop	
Video rental store	

(P) *Unit 16. Shopping goods.*

(1) *Description.* Unit 16 consists of stores selling retail goods which are ordinarily purchased less frequently and often have a community-wide or regional market.

(2) *Included uses.*

Retail trade establishments:	•Fur apparel •Millinery
Automotive, marine craft establishment:	•Auto accessory store •Boat and accessory store •Dry goods •Garden supply
General Merchandise:	•Department store •Mail order •Trading stamp redemption store
Home furniture:	•Appliances •China, glassware •Draperies, curtains •Floor coverings •Furniture •Music instruments
Personal services:	•Auto rental agency office •Barber and beauty shops (with more than 6 chairs) •Costume rental service •Detective service •Gunsmith •Interior decorating •Locksmith •Optician/Optometrist •Photo finishing •Photographic studio •Picture framing •Reading rooms •Sign painting •Watch and jewelry repair. •Weight loss center
Transportation service:	•Bus station •Express service •Helistop •Railway terminal •Taxicab station

(Q) *Unit 17. Trades and services.*

(1) *Description.* Unit 17 consists of establishments engaged primarily in providing household and automotive maintenance and similar services which fulfill recurrent needs of residents of nearby areas, but are generally incompatible with primary retail districts because they break the continuity of retail frontage.

(2) *Included uses.*

Retail trade establishments, general:	•Automotive sales, service and repair, including body shop * •Buses •Manufactured home sales •Motorcycle sales, including service and repair •Truck sales, including service and repair •Trailer sales, camping, hauling, travel •Used car lots •Farm supplies and equipment and repair
General merchandise establishment:	•Direct selling
Merchandise vending machine operations	
Institutional furniture and furnishings	
Marine craft, sales & service:	•Boats and accessories
Medical and orthopedic appliances	
Personal help:	•Animal hospital •Auctioneer •Bindery •Body piercing •Cabinetmaker •Frozen food locker •Drapery service •Linen supply and industrial laundry •Packing and crating •Rug cleaning •Tattoo services •Taxidermist •Tool sharpening repair service •Armature rewinding •Auto wash •Electrical repair service •Furniture repair •Motor repair •Radio and television repair •Reupholstery •Rug repair

LTD

Jeremy Pate
Director of Current Planning
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Amendment to Final Plat of C-PZD03-08 Springwoods

Dear Mr. Pate,

This letter is being presented to the City of Fayetteville to respectfully request an amendment to the referenced final plat for the Use Unit designation for Lot 6. Current Use Units for Lot 6 as approved are 12, 13, 14, 15, 16, 17 and 25. We are requesting the addition of Use Unit 4. This request is being made to assist us in developing this property in a manner that will better serve the residents of the community.

We appreciate your consideration of this request and look forward to continuing to serve the residents of the City of Fayetteville.

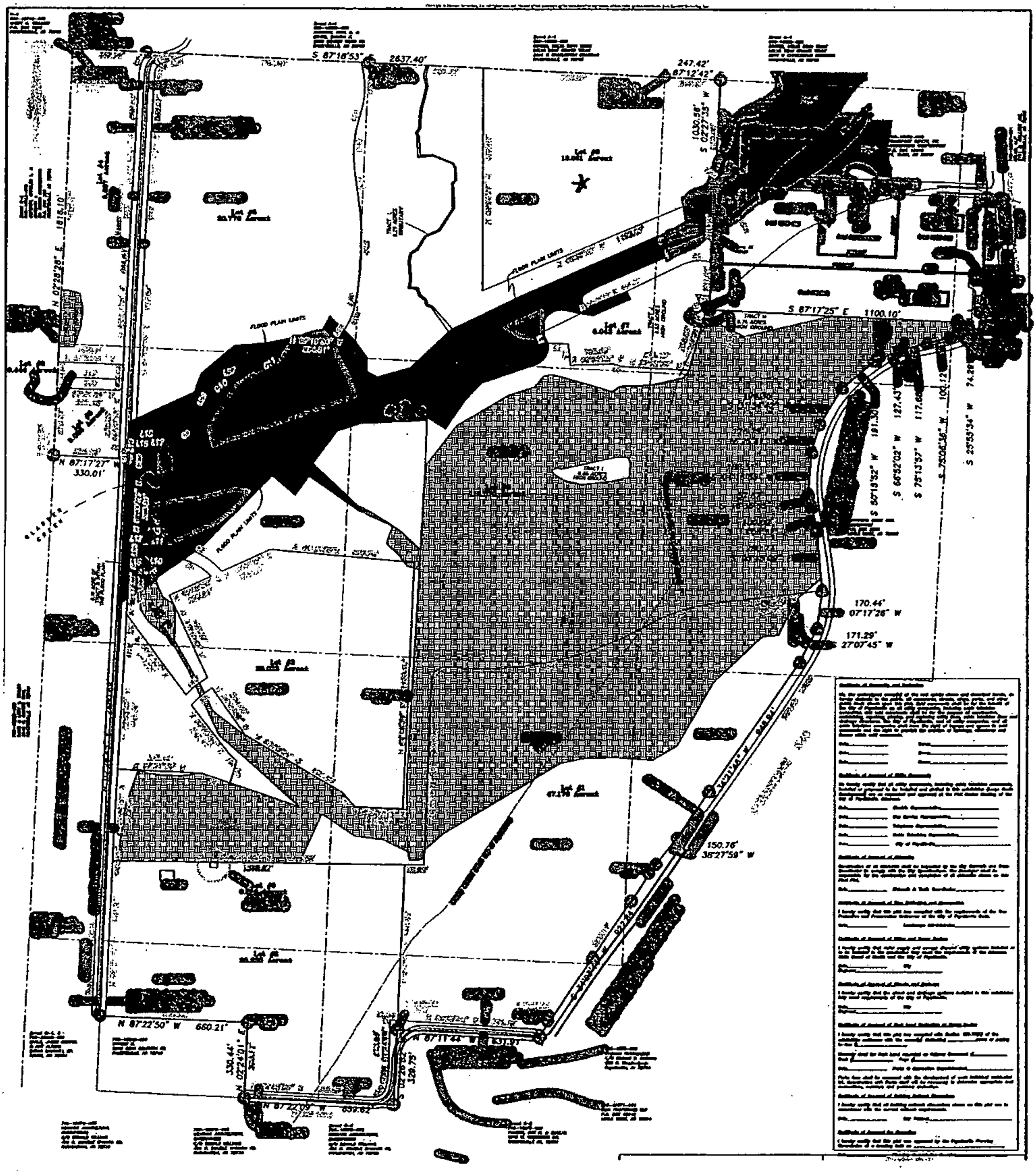
Yours truly,

Hunter Haynes

Haynes Limited

599 Horsebarn Road
Suite 100
Rogers, AR 72758
Phone: 479/464-8622
Fax: 479/464-8633

www.haynesfimited.com


S 87°16'53"
2637.40'
247.42'
87°12'42"
1030.58'
S 02°27'33" W
FLOOD PLAIN LIMITS
S 87°17'25" E
1100.10'
N 87°17'27" W
330.01'
170.44'
07°17'26" W
171.29'
27°07'45" W
150.76'
36°27'59" W
N 87°22'50" W
660.21'
N 87°11'44" W
329.75'

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

SC Meeting of April 01, 2004

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

PLANNING DIVISION CORRESPONDENCE

TO:	Subdivision Committee
FROM:	Jeremy Pate, Associate Planner
	Matt Casey, Staff Engineer
THRU:	Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE:	March 29, 2004

FPL 04-05.00: Final Plat (springwoods, pp 248) was submitted by Jim Ramsey of Ramsey Surveying, Inc. on behalf of Collins Haynes and Legacy LLC for property located southwest of I-540 at Arkansas State Hwy. 112. The property is zoned C-PZD, Commercial Planned Zoning District, and contains approximately 289.26 acres. The request is to approve the final plat of the C-PZD subdivision. Planner: Jeremy Pate

Findings:

Proposal: The applicant requests approval of a final plat of C-PZD 03-08.00 (springwoods) (Ord. #4523), a Commercial Planned Zoning District and 9-lot subdivision approved by City Council in October of 2003. The C-PZD established land use and zoning for the subject property, while the Final Plat will establish legal lots of record, as well as establish the restrictive covenants for each lot. The site is approximately 289 acres, with the following allowed uses:

C-PZD, Commercial Planned Zoning District 03-08.00 (Ordinance No. 4523)

Lot No.	Land Use	Use Units	Density	Acreage
1	Commercial	12,13,14,15,16,17,25	n/a	47.73
2	Multi-Family	26	18 DU/AC	26.36
3	Single Family	8	2 DU/AC	25.53
4	Multi Family	26	4 DU/AC	10.70
5	Single Family	8	2 DU/AC	32.28
6	Commercial	12,13,14,15,16,17,25	n/a	18.04
7	Commercial	12,13,14,15,16,17,25	n/a	5.17
8	Preservation Area	1*	n/a	123.45
9	Lift Station	3**	n/a	0.02

*Lot 8 (Audubon) Uses are further restricted as described in *Article VI. Covenants for the Preservation of Environmentally Sensitive Lands* of the submitted Restrictive Covenants, to be filed of record with the Final Plat.

**Lot 9 to be retained by the City of Fayetteville for the existing lift station. Necessary utility and

access easements are provided to this lot with the Final Plat.

The proposed nine (9) lots have been assigned Use Units and/or specific uses that are legally binding to each lot. Each of the lots will require further review in the form of a preliminary and final plat and/or large scale development review. More detailed comments regarding vehicular and pedestrian circulation, street improvements, buffers and screening, commercial design standards, and other typical development review items will be provided with the future submittals for each of these lots. A total of 167 acres of the property is proposed to be developed in residential and commercial uses, with the remaining 122 acres (42%), Lot #8, to be utilized as greenspace, natural habitat, wetland mitigation, and potentially Audubon Society activities.

Background: This item was heard by the Planning Commission on October 13, 2003 and approved by the City Council on October 21, 2003.

Surrounding Zoning: RSF-4, R-A, RT-12, C-2, I-1

Right-of-way being dedicated:

- Deane Solomon, Collector: 70 feet total, 35 feet from centerline
- Shiloh Drive, Collector: 35 feet from centerline (existing)
- Moore Lane, Local: 25 feet from centerline

Recommendation: Staff recommends approval of **FPL 04-05.00** at the Subdivision Committee level with the following conditions:

Conditions of Approval:

1. Dedication of right-of-way for Deane Solomon Road (35' from centerline) and Moore Lane (25' from centerline) shall occur with final plat approval.

2. The springwoods developer shall secure easements granting to the City of Fayetteville a 50-foot wide permanent utility easement and a minimum 50-foot wide temporary construction easement between the northeast corner of the 289 acre tract of land and the right-of-way line of Arkansas State Highway 112. All easements shall be reviewed and approved by the City of Fayetteville prior to filing of record. Once approved, the developer shall file the easement of record by separate instrument and deliver all necessary documents to the City of Fayetteville within sixty (60) calendar days from the date of the contract agreement entitled 'Interceptor Sewer Re-Alignment – springwoods Subdivision," a draft of which is attached herein. Said agreement is slated on the April 06, 2004 City Council agenda; this condition of approval does not substitute for the City Council-approved document.

3. On- and off-site street improvements shall be coordinated with lot development.

4. Each of the respective lots designated in the C-PZD shall be reviewed by Preliminary Plat and/or Large Scale Development in accordance with City Code for future development, requiring Planning Commission approval.

5. Restrictive Covenants containing a stamp of approval for recording shall be filed with the final plat creating this 9 lot subdivision.

6. Setbacks, Height, and Building Area shall be determined and approved by the Fayetteville Planning Commission at the time of large scale development and/or subdivision approval for each developed lot. These standards shall apply to all lots and development within the individual tracts as shown on this plat.

7. All requirements as stated within Chapter 166 Development of the Unified Development Code shall apply to all future large scale developments and/or subdivisions within the springwoods C-PZD zoning district.

8. Flexibility provided within the PZD guidelines shall be applied to each development tract (large scale development and/or subdivision) as determined appropriate by the Planning Commission to allow alternative methods of design where it is consistent with the objectives of the springwoods C-PZD zoning district.

Standard Conditions of Approval:

9. All utilities shall be placed underground. Any existing overhead electric lines under 12 kv shall be relocated underground at the developer's expense.

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

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

12. A note shall be added to the plat stating that future development within the springswoods subdivision is subject to review for all tree preservation, protection and landscaping requirements.

13. Parks fees shall be assessed with the development of each individual residential lot. Coordination with Parks staff will be necessary to determine appropriate trail connections, corridors, and parkland dedication.

14. Sidewalk construction in accordance with current standards shall be required with the development of each individual lot.

15. No construction will be authorized without a floodplain development permit where required.

Subdivision Committee Action: ☐ Approval ☐ Forwarded to P.C.
Meeting Date: **April 01, 2004**
Comments: _____

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature _____ Date _____

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

6/20/2006
City Council Meeting Date

Marsha Farthing, Interim Fin. Dir. Gary Dumas, Dir. of Operations		Finance and Internal Services Operations
Submitted By	Division	Department

Action Required:

Acceptance of the combined recommendation of the Street Committee and Water and Sewer Committee to adopt an Ordinance calling for a Special Election to extend the current 3/4% capital sales tax and authorizing a 1/4% capital sales tax for a total of 1%, for the purpose of issuing bonds and short-term debt to pay for additional costs of the Waste Water Improvement Program and for Phase 1 of the Street Improvement Program.

	$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — Date: 6-7-06

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

City Attorney — Date

Finance and Internal Service Director — Date: 6/7/06

Received in City Clerk's Office

Received in Mayor's Office

Mayor — Date

Comments:

Fayetteville
ARKANSAS

OPERATIONS DIRECTOR

To: City Council
From: Gary Dumas
Date: June 7, 2006

Re: Accepting the Combined Recommendation of the Street Committee and Water and Sewer Committee and Adopting an Ordinance Calling for a Special Election for September 12, 2006 to Extend the Current ¾ ¢ Capital Sales Tax, Authorize a ¼ ¢ Capital Sales Tax, for a Total Sales Tax of 1¢, Issue Bonds and Short-Term Debt to Pay for Additional Costs of the Waste Water System Improvement Program and for Phase 1 of the Transportation Improvement Program

Recommendation

Accept the Combined Recommendation of the Street Committee and Water and Sewer Committee and Adopt an Ordinance Calling for a Special Election for September 12, 2006 to Extend the Current ¾ ¢ Capital Sales Tax, Authorize a ¼ ¢ Capital Sales Tax, for a Total Sales Tax of 1¢, Issue Bonds and Short-Term Debt to Pay for Additional Costs of the Waste Water System Improvement Program and for Phase 1 of the Transportation Improvement Program.

Background

The Waste Water System Improvement Program (WSIP) was initiated in 1996. The predicted cost was $125,000,000 with an expected start of construction in 2003. The sales tax bond election occurred in 2001 with overwhelming approval. A Program Management Firm was selected in 2002. Final design engineering began in 2003. Final Design Engineering was completed and subsequent Corps of Engineers Permit Approval occurred without undo delay in 2005. Easement acquisition for the various pipeline projects began in 2004 and award of construction contracts for pipeline, lift stations, Noland Treatment Plant Improvements, and the Westside Treatment Plant occurred in 2005. The construction costs and project timeline were not updated between 2001 and 2005. The predicted costs increased along with the timeline extension. The contract date for substantial completion of the critical element of the WSIP is the completion of the West Treatment Plant and is May 2008. The total predicted cost of the WSIP, including contingencies, is approximately $178,000,000. The initial $125,000,000 of bonds have been issued and substantially programmed. The additional bond resources required for completion of the WSIP is $38,000,000 plus the bond and debt placement and surety costs.

The City Council Street Committee has for the last 18 months been discussing the need for a major street improvement program based upon the community-wide Citizen

113 West Mountain
Fayetteville, Arkansas 72701
Office phone - 479-575-8330
Fax - 479-575-8257
E-mail - gdumas@ci.fayetteville.ar.us

Surveys of 2004 and 2005. The program has evolved during this time frame into 3 phases. Phase 1 is proposed to be a 6-year $62,000,000 program, providing traffic capacity and safety improvements and economic development opportunities to those corridors with the most need. Later phases, through additional bond elections, will address additional safety, capacity, and economic development needs. The resources required for the initial phase of the Transportation Improvement Program is $62,000,000 plus the bond and debt placement and surety costs.

Discussion

Attached are the WSIP Funding Options and resulting Budget Adjustment Forms, a cash flow and debt analysis for the total bond program, financing plan for the total construction program, and the Phase 1 Transportation Improvement Program.

These items have been thoroughly discussed and evaluated by the Street Committee and the Water and Sewer Committee during the past 18 to 24 months.

These two committees jointly recommend Adopting an Ordinance Calling for a Special Election for September 12, 2006 to Extend the Current ¾ ¢ Capital Sales Tax, Authorize a ¼ ¢ Capital Sales Tax, for a Total Sales Tax of 1¢, Issue Bonds and Short-Term Debt to Pay for Additional Costs of the Waste Water System Improvement Program and for Phase 1 of the Street Improvement Program.

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City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Various Capital Projects	Date Requested	Adjustment Number
2006	Division: Program:	6/20/2006	

Project or Item Added/Increased:	Project or Item Deleted/Reduced:
$1,816,000 is requested in the WSIP capital project.	$1,816,000 from various capital projects.

Justification of this Increase:	Justification of this Decrease:
Funding is needed for the Wastewater Systems Improvements Capital Projects.	Additional funding mechanisms are being sought to replenish these projects.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Sewer improvements	4480	9480	5815	00	1,813,000	02133	1
Transfer to WWT Imp Cap	5400	5600	7602	48	200,000		
Transfer to WWT Imp Cap	4470	9470	7602	48	1,613,000		

Decrease Expense Budget (Increase Revenue Budget)

Account/Project Name	Account Number				Amount	Project Number	
Trans from Water & Sewer	4480	0948	6602	40	200,000		
Trans from Cap Improv	4480	0948	6602	47	1,613,000		
Community Park Development	4470	9470	5806	00	613,000	02002	1
Hwy 265 ROW - Mission to City Limits	4470	9470	5809	00	1,000,000	05009	1
Mt. Sequoyah W&S System Upgrade	5400	5600	5808	00	200,000	01023	1

Approval Signatures

Requested By — Date

Budget Manager — Date 6-7-06

Department Director — Date

Finance & Internal Services Director — Date 6/7/06

Mayor — Date

Budget Office Use Only

Type: A B C D E

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

Entered in Category Log — Initial — Date

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Various Capital Projects Division: Program:	Date Requested	Adjustment Number
2006		6/20/2006	

Project or Item Added/Increased:
$2,500,000 is requested in the WSIP capital project.

Project or Item Deleted/Reduced:
The use of $2,500,000 from the Use of Fund Balance in the Impact Fee fund is proposed.

Justification of this Increase:
Funding is needed for the Wastewater Systems Improvements Capital Projects.

Justification of this Decrease:
Sufficient funding remains to comply with City policy.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Sewer improvements	4480	9480	5815	00	2,500,000	02133	1
Transfer to WWT Imp Cap	2300	9300	7602	48	2,500,000		

Decrease Expense Budget (Increase Revenue Budget)

Account/Project Name	Account Number				Amount	Project Number	
Transfer from Impact Fee	4480	0948	6602	30	2,500,000		
Use of fund balance	2300	0930	4999	99	2,500,000		

Approval Signatures

Requested By	Date
[signature]	6-7-06
Budget Manager	Date
Department Director	Date
Marsha Fairhurst	6/7/06
Finance & Internal Services Director	Date
Mayor	Date

Budget Office Use Only

Type: A B C D E

	Initial	Date
Posted to General Ledger		
Posted to Project Accounting		
Entered in Category Log		

City of Fayetteville, Arkansas

WSIP Funding Options

6/5/2006

Funding Needed

Source: Water & Sewer Financing Revolving Loan Fund May 4, 2006	Total Identified Need	Identified Sources - Existing	Identified Sources - Future	Additional Debt
Page 6-1	$ 55,185,531			
Less:				
Farmington Lift Station		$ 4,725,000		
Sewer System Cash		5,100,000		
Wastewater Impact Fees - As of May 2006		2,500,000		
REALLOCATION OF EXISTING PROJECT BUDGETS				
Water & Sewer Fund				
Sewer System Rehabilitation (2007-2009)		1,590,000		
MT Sequoyah Sewer Improvement		200,000		
Sales Tax Capital Improvements Fund				
HWY 265 - 2006 Appropriation		1,000,000		
Community Park - 2006 Appropriation		613,000		
Total Existing Identified		$ 15,728,000		
Future Resources				
35 Acre Land Sale			$ 1,100,000	
Total Future Resources			$ 1,100,000	
Bond Debt				$ 38,357,531
Potential Future Resources				
Wastewater Impact Fees - 2007 to 2008			$ 2,250,000	

City of Fayetteville, Arkansas

WSIP Funding Options

6/5/2006

Sewer System Rehabilitation

Total Funding - Programmed 2007-2008	$ 4,590,000
Less: Staff Recommended Minimum	3,000,000
Amount Potentially Available for WSIP	$ 1,590,000
Amount Available for WSIP	
Water & Sewer Fund	$ 1,590,000
Mt Sequoyah Improvements	
Total Funding - Appropriated 2006	$ 1,922,350
Sewer Improvements	$ 200,000

City of Fayetteville, Arkansas

WSIP Funding Options

6/5/2006

Street Improvements - Crossover Mission to City Limits

Total Funding - Programmed 2006-2008	$ 7,500,000
Less: Staff Recommended Minimum	6,500,000
Amount Potentially Available for WSIP	$ 1,000,000
Amount Available for WSIP	
Sales Tax Capital Improvements Fund	$ 1,000,000

City of Fayetteville, Arkansas

WSIP Funding Options

6/5/2006

Community Park

Total Funding - Appropriated 2006	$ 2,302,752
Less: Required By Contract	1,623,200
Amount Potentially Available for WSIP	$ 679,552
Amount Available for WSIP	
Sales Tax Capital Improvements Fund Appropriation	$ 613,000

City of Fayetteville, Arkansas

WSIP Funding Options

6/5/2006

Justice Complex

Total Funding - Appropriated 2006	$ 400,000

Although the following are potentially available for WSIP - none are recommended.

Additional Funds Identified for the Justice Complex	Low	High
Cato Springs Land Sale	$ 1,000,000	$ 1,000,000
Wilson Springs Proceeds	2,300,000	2,300,000
Continuing Education Building Sale Proceeds	207,000	207,000
Tyson Property (Huntsville @ Happy Hollow) Excess Land	500,000	1,000,000
Total	$ 4,007,000	$ 4,507,000

Other Sources Identified for the Justice Complex	
HWY 265 Land Sale	Not Available for WSIP
Razorback Road Land Sale	Not Available for WSIP

CITY OF FAYETTEVILLE, ARKANSAS

WASTEWATER SYSTEM AND TRANSPORTATION PROJECTS
CASH FLOW AND DEBT ISSUANCE ANALYSIS

Date	Project Funding Needs		Bond Issuance
	Wastewater	Transportation	
September 2006	$22,900,000	$17,100,000	$40,000,000
March 2007	$15,400,000*	$-0-	$-0-
September 2009	$-0-	$24,600,000	$40,000,000
September 2012	$-0-	$20,300,000	$20,300,000
Total	$38,300,000	$62,000,000	$100,300,000

* If necessary, in 2007 the City will issue water and sewer system secured bond anticipation notes to be taken out with sales tax bonds in September 2009.

CITY OF FAYETTEVILLE, ARKANSAS

WASTEWATER SYSTEM AND TRANSPORTATION IMPROVEMENTS PLAN OF FINANCE

June 5, 2006

Pledged Sales Tax Rate	Estimated Sales Tax Revenue [1]	Date of Bond Issuance	Outstanding Amount / Bonds Issued	Anticipated Mandatory Redemptions	Scheduled [2] Payments	Scheduled Maturity	Anticipated Payoff
¼%	$3,925,000	September 1, 2006	$0 / $40,000,000	N/A	$2,036,667 [3]	2026	2016
¼%	$4,415,091	September 1, 2009	$33,150,000 / $40,000,000	$6,850,000	$3,594,716 [3]	2026	2017
¼%	$5,165,032	September 1, 2012	$69,175,000 / $20,300,000	$3,975,000	$4,285,000 [3]	2026	2018
1% [4]	$21,486,534	N/A	$72,650,000 / $0	$11,055,000	$ 9,934,705 [5]	N/A	N/A
			Total $100,300,000 [6]				

Assumptions

[1] 4.00% annual growth rate
[2] Assumed interest rate of 4.70%.
[3] Interest only with mandatory redemptions.
[4] Wastewater Bonds anticipated pay off October 1, 2013.
[5] Principal amortization begins on September 1, 2014.
[6] To address the Debt Service Reserve requirement, the election ordinance will request voter approval for approximately $110,000,000 in bonds.

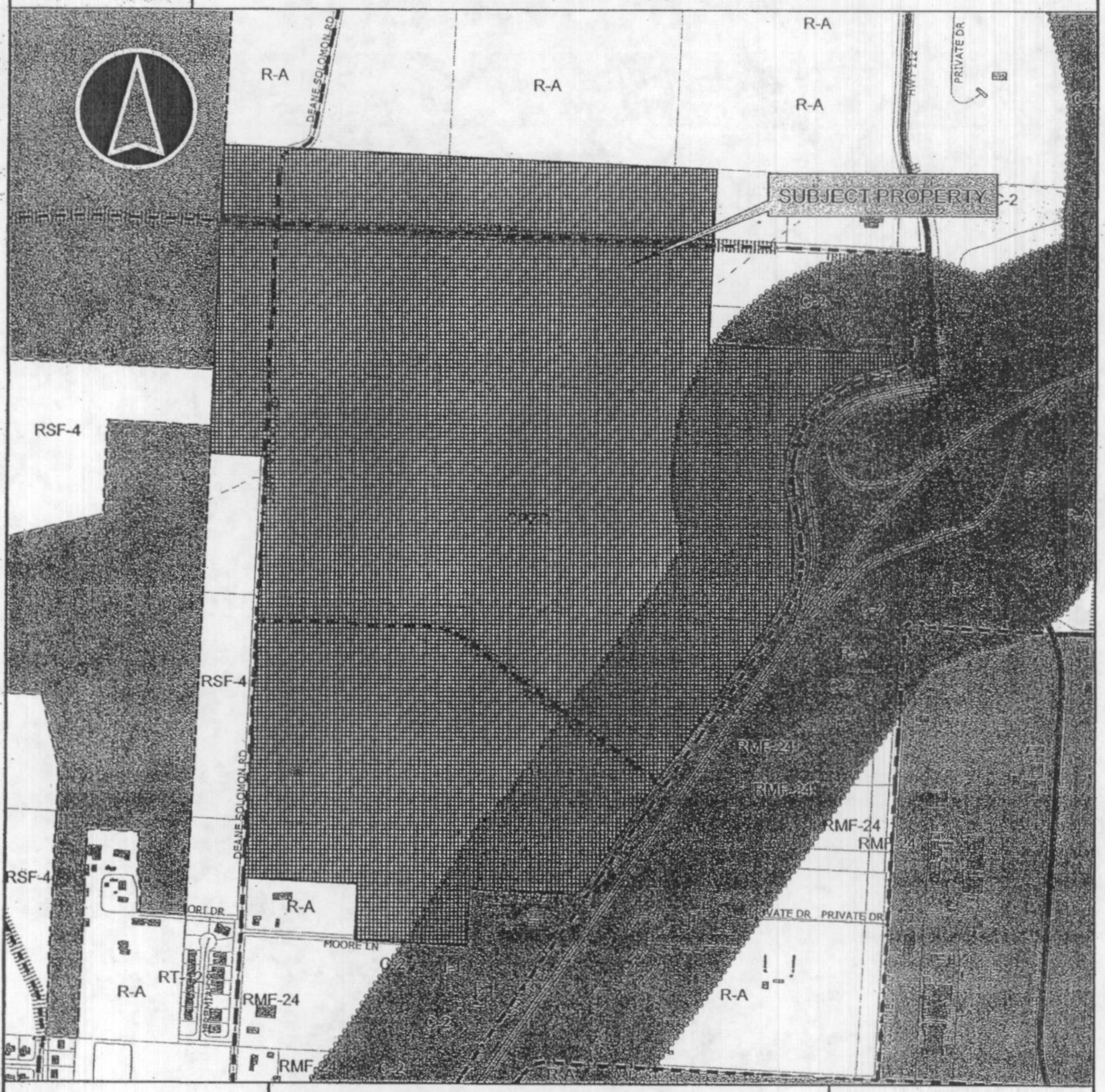
CITY OF FAYETTEVILLE
TRANSPORTATION IMPROVEMENT PLAN
PHASE I

PROJECT NO.	JOB NAME	TYPE WORK PROPOSED	ESTIMATED PROJECT COST	OTHER AVAILABLE FUNDING		ADDITIONAL FUNDING REQUIRED
				CIP	STATE/FEDERAL	
1	Wilson Park Area/Washington-Willow Area Trans. Impts.	Extension - 2 & 3 Lane Collector	$ 4,277,000.00			$ 4,277,000.00
2	Cato Springs (Tech. Corridor) (S. School to Razorback)	Widening - Collector	$ 5,067,636.00		$ 2,723,502.00	$ 2,344,134.00
3	Crossover (Mission to City Limits)	Widening - 5 Lane Principal Arterial	$ 7,700,000.00			$ 7,700,000.00
4	Fifteenth Street (Happy Hollow to S. College)	Widening - Minor Arterial	$ 5,515,000.00		$ 3,300,000.00	$ 2,215,000.00
5	Garland (North to Melmar)	Widening - 5 Lane Principal Arterial	$ 6,695,000.00		$ 1,500,000.00	$ 5,195,000.00
7	Garland (Shiloh to Howard Nickell)	Widening - 5 Lane Principal Arterial	$ 3,662,000.00	$ 168,000.00		$ 3,494,000.00
9	Huntsville (Happy Hollow to Stonebridge)	Widening - Minor Arterial	$ 2,807,000.00	$ 200,000.00	$ 1,700,000.00	$ 907,000.00
13	Mount Comfort (Rupple to Alpine)	Widening - Minor Arterial	$ 6,235,000.00	$ 850,000.00		$ 5,385,000.00
14	Mount Comfort/Shiloh/Deane Solomon	Major Intersection Realignment	$ 5,428,000.00	$ 400,000.00		$ 5,028,000.00
15	Fayetteville Expressway Economic Corridor	Access Improvements	$ 9,574,812.00		$ 7,659,850.00	$ 1,914,962.00
17	Rupple Road (6th to Persimmon)	New - Minor Arterial	$ 8,155,000.00			$ 8,155,000.00
24	Zion Road Ph. I (N. College to Vantage)	Widening - 2/3 Lane Minor Arterial	$ 2,540,000.00			$ 2,540,000.00
25	College Avenue Phase I (Rock to Maple)		$ 1,740,000.00			$ 1,740,000.00
26	Trail Improvements Phase I	Extension - Multi-Use Trails	$ 2,000,000.00			$ 2,000,000.00
	Right of Way Acquisition/Cost Sharing		$ 8,800,000.00			$ 8,800,000.00
	TOTALS FOR PHASE I		**$ 80,196,448**	**$ 1,618,000**	**$ 16,883,352**	**$ 61,695,096**

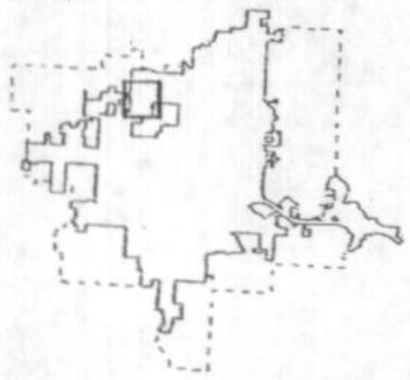
FPL04-05.00

SPRINGWOODS

Close Up View



Overview



Legend

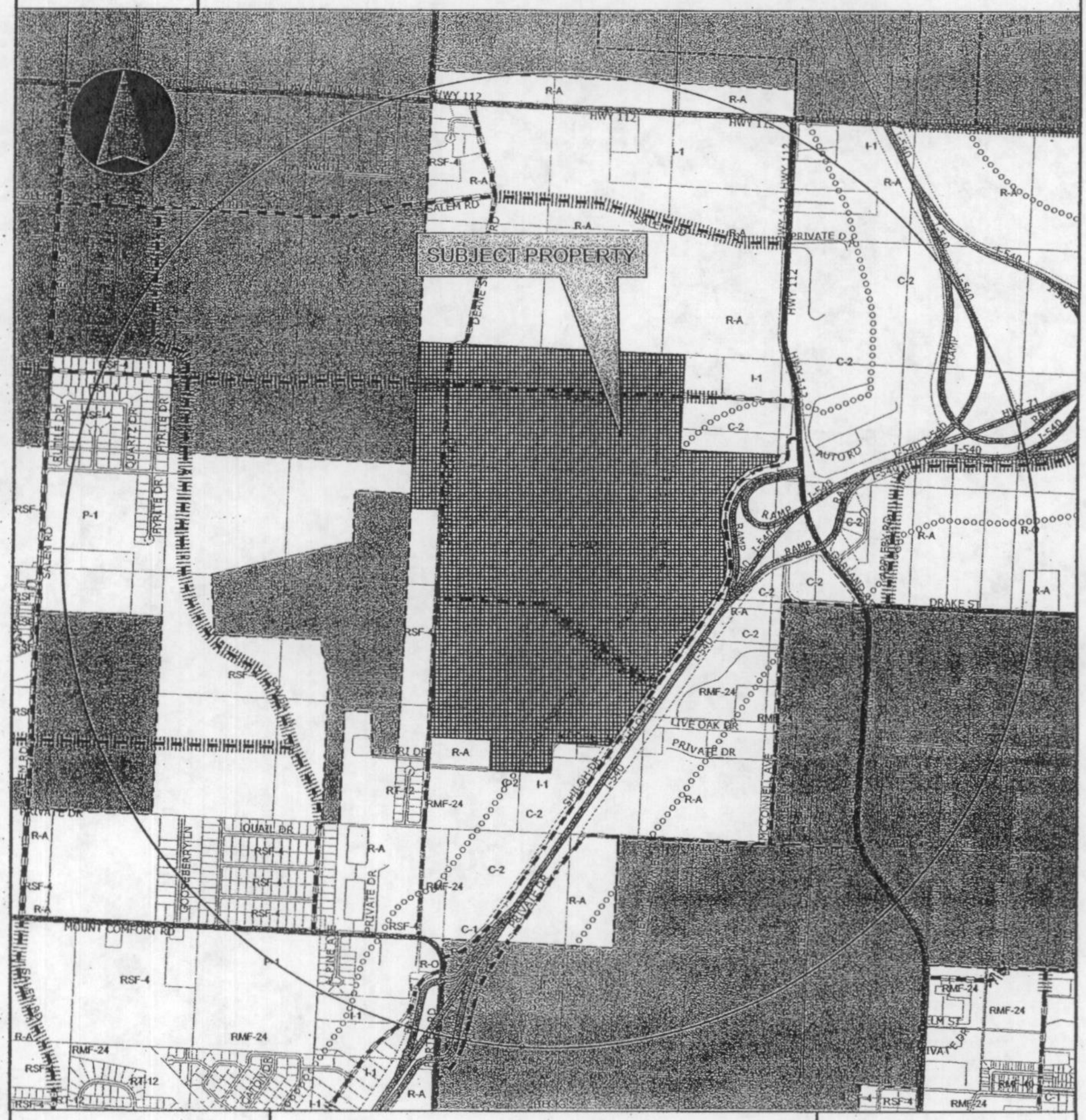
- Overlay District
- Master Street Plan
- Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector
- City Limits
- Outside City
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- BaseLine Profile
- FPL04-05.00

0 350 700 1,400 2,100 2,800 Feet

FPL04-05.00

One Mile View

SPRINGWOODS



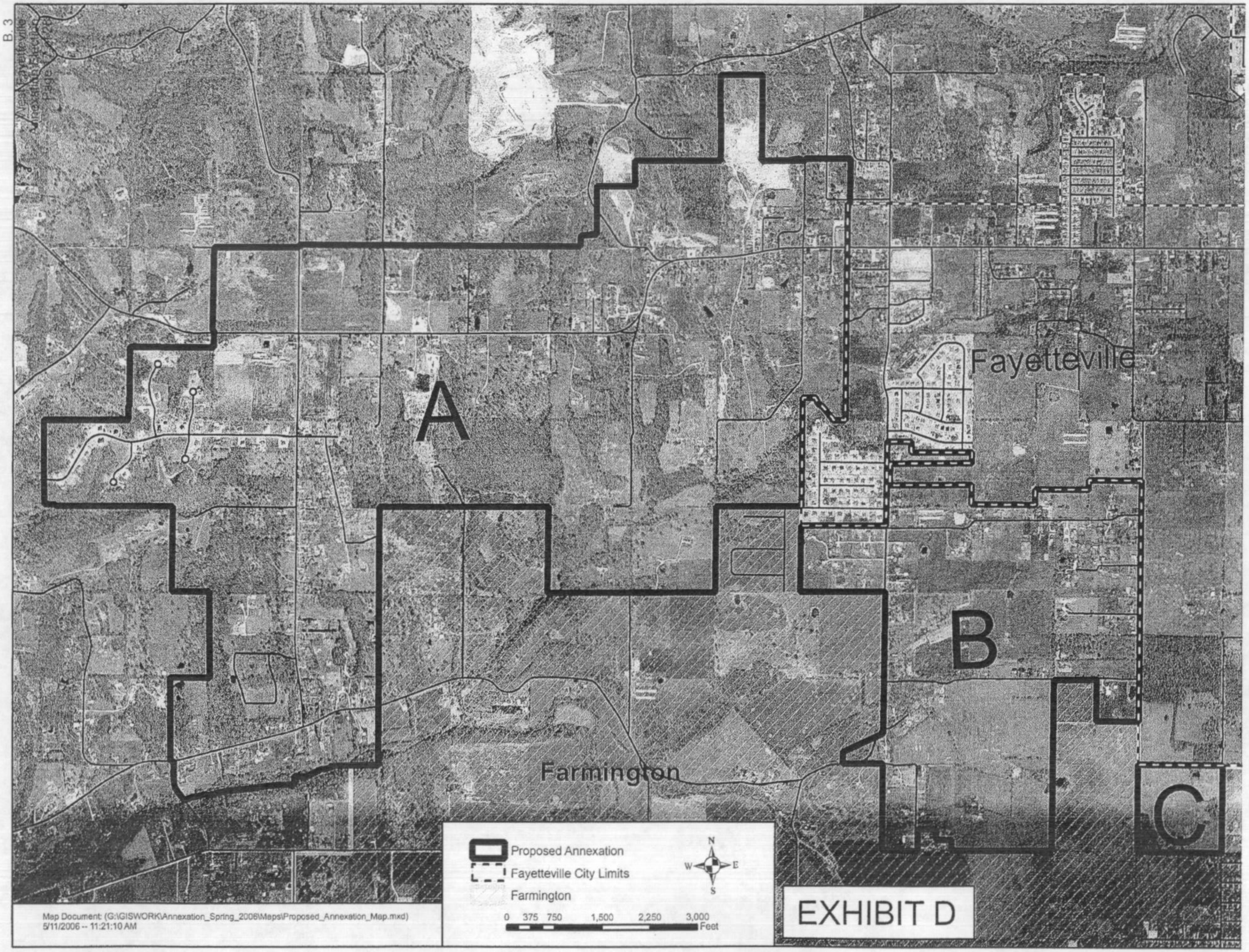

Fayetteville
A
B
C
Farmington
Proposed Annexation
Fayetteville City Limits
Farmington
N
W
E
S
0 375 750 1,500 2,250 3,000
Feet
Map Document: (G:\GISWORK\Annexation_Spring_2006\Maps\Proposed_Annexation_Map.mxd)
5/11/2006 -- 11:21:10 AM

EXHIBIT D

RESOLUTION NO. 66-06

A RESOLUTION ESTABLISHING AN ANNEXATION STUDY COMMITTEE TO PROVIDE ANALYSIS AND RECOMMENDATIONS FOR ANNEXATION OPTIONS IN WEST FAYETTEVILLE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby establishes an Annexation Study Committee to provide analysis and recommendations for annexation options in West Fayetteville within four weeks.

Section 2. That the Annexation Study Committee shall consist of the Director of Operations, the City Engineer, the Water/Wastewater Director, the Planning and Development Director and one (1) Alderman, who shall serve as the Committee Chair.

PASSED and **APPROVED** this 4th day of April, 2006.

APPROVED:

By: Dan Coody
DAN COODY, Mayor

ATTEST:

By: Sondra Smith
SONDRA SMITH, City Clerk

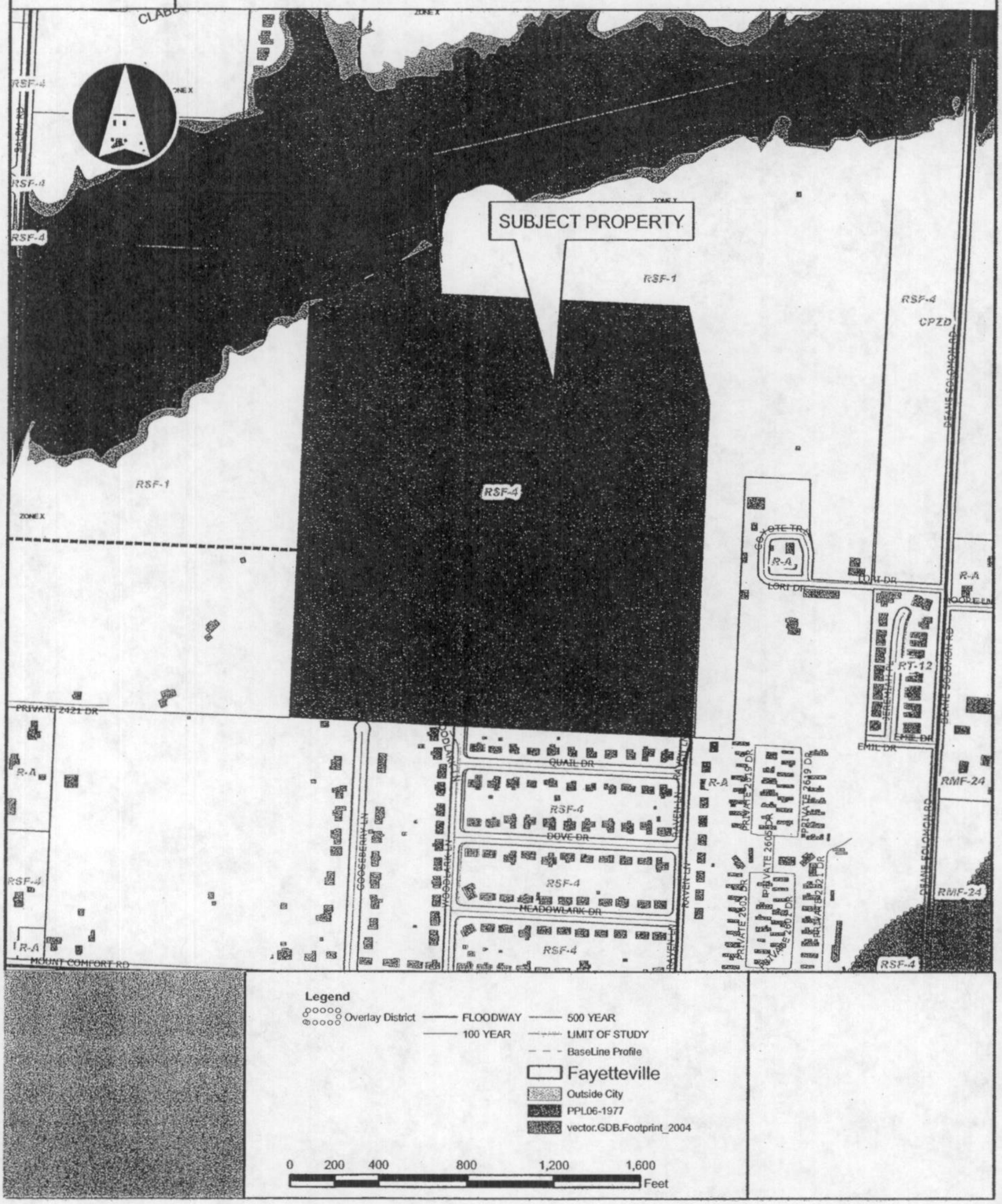
CITY CLERK/TREASURER
CITY OF
FAYETTEVILLE
ARKANSAS
WASHINGTON COUNTY

WEIR RD
GYPSUM DR
BARITE DR
GROUSE RD
CRYSTAL DR
VANIKE DR
RAVEN LN
TIGER EYE DR
TOPAZ DR
BERMUDA AVE
MARSH ST
SALEM RD
BLVD
NIGHTWATER PL
EARNHARDT DR
MCLAREN DR
EDGEWATER DR
MORNING MIST DR
CLEARWOOD DR
PRIVATE
LONOKE DR
DRAKESTONE ST
QUAIL DR
DOVE DR
MEADOWLARK DR
MOUNT COMFORT RD
SAUTER LN
MARIGOLD
FAIRFAX ST
WOODRIDGE DR
ESSEX DR
BUCKEYE ST
WILDFLOWER ST
HARVARD ST
OAKFIELD ST
SHILOH DR
SYCAMORE ST
PORTER RD

PPL06-1977

Close Up View

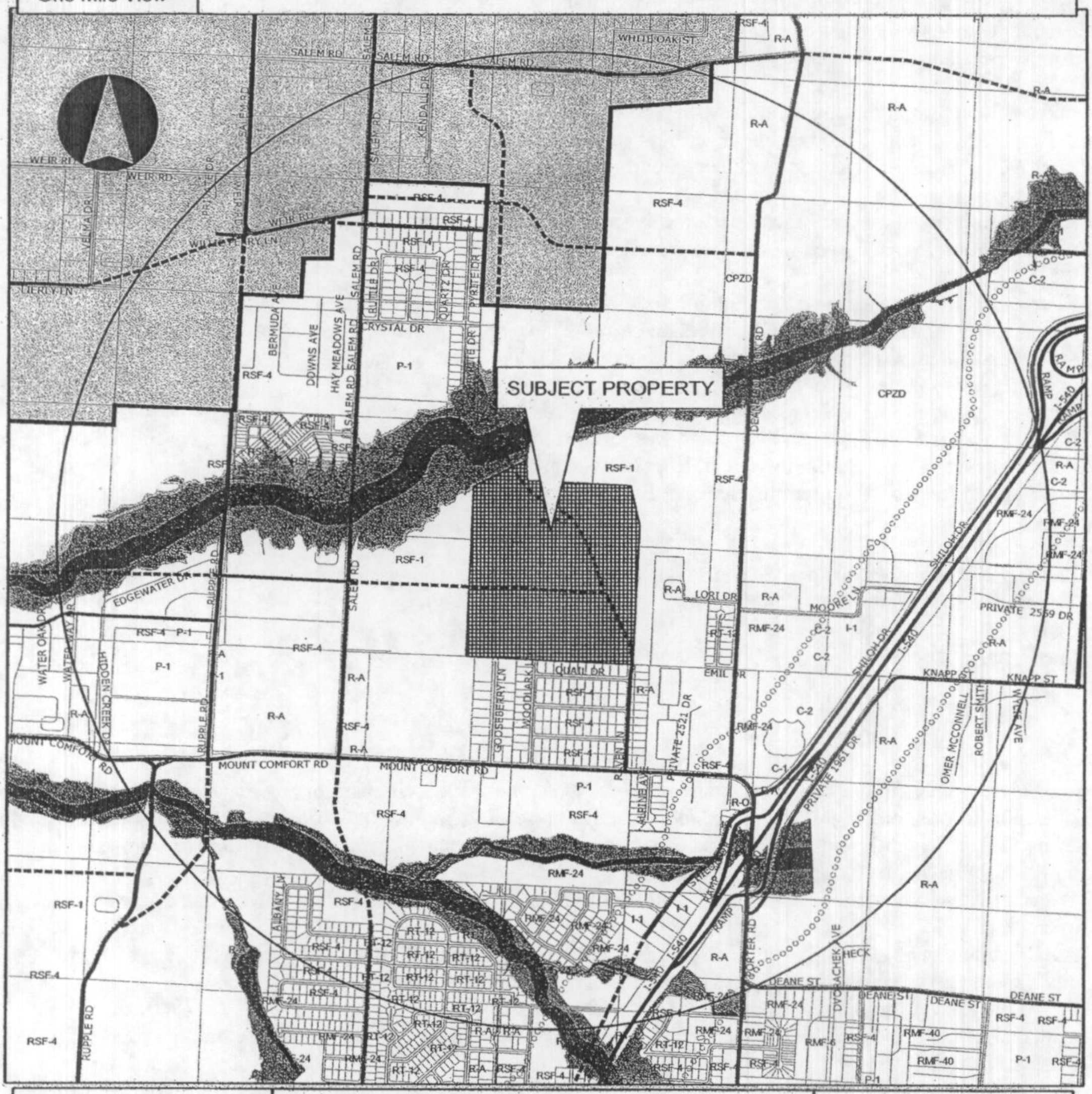
CRYSTAL SPRINGS IV



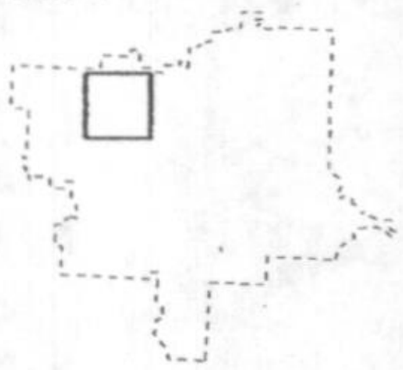
PPL06-1977

One Mile View

CRYSTAL SPRINGS IV



Overview



Legend

Subject Property

PPL06-1977

Boundary

Planning Area

Overlay District

Outside City

Legend

0 0.125 0.25 0.5 0.75 1 Miles

Crystal Springs Development Comments and Concerns

6/6/06 C

The Bird Haven and Gooseberry Lane residences requested that Mr. Jordan and Mrs. Lucas appeal the decision by planning commission which allows the Crystal Springs Subdivision to proceed. There are traffic, environmental, and safety issues that were not adequately addressed.

We had a neighborhood meeting, June 1, with council members Mr. Jordan and Mrs. Lucas, and the developer Mr. Edwards. We want you to rescind the current sub-development plan approved by the planning commission and approve the changes agreed to by the neighborhood and the developer Mr. Edwards.

These are comments and expressions I have received at and after the meeting as part of the record and for you to know what comments and concerns were expressed.

1. Have the traffic flow east and west out of this sub-division and not through the Bird Haven Addition.
2. Has an environmental impact study been done for this development and what is the result? There is a spring and wetland area in the middle of the field where this subdivision is being built.
3. Consider safety issues rather than quick development.
4. Reduce number of lots by increasing the size of lots.
5. Build bridge first. Open streets to east and west of development and do not open Raven and Woodlark Lane
6. Route traffic to Deane Solomon, Salem, Rupple Road and 112.
7. What guarantees do the current residences have that no houses will be built before bridge is built.

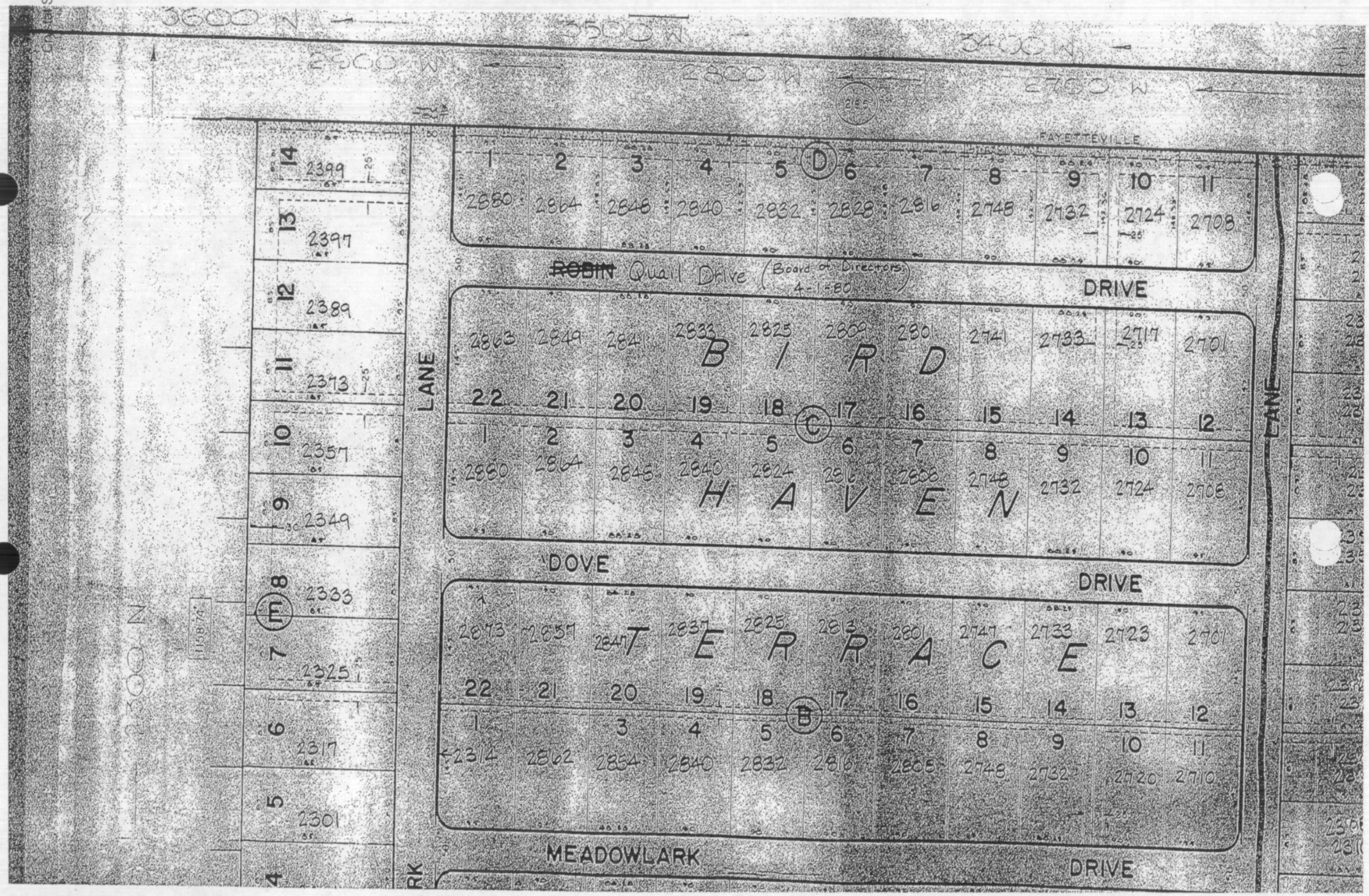
Concerns:

1. Raven and Woodlark Lane are too short and cannot support the traffic because of the volume and weight.
2. No safety for residents in neighborhood
3. Crime
4. Speed tables (a joke)

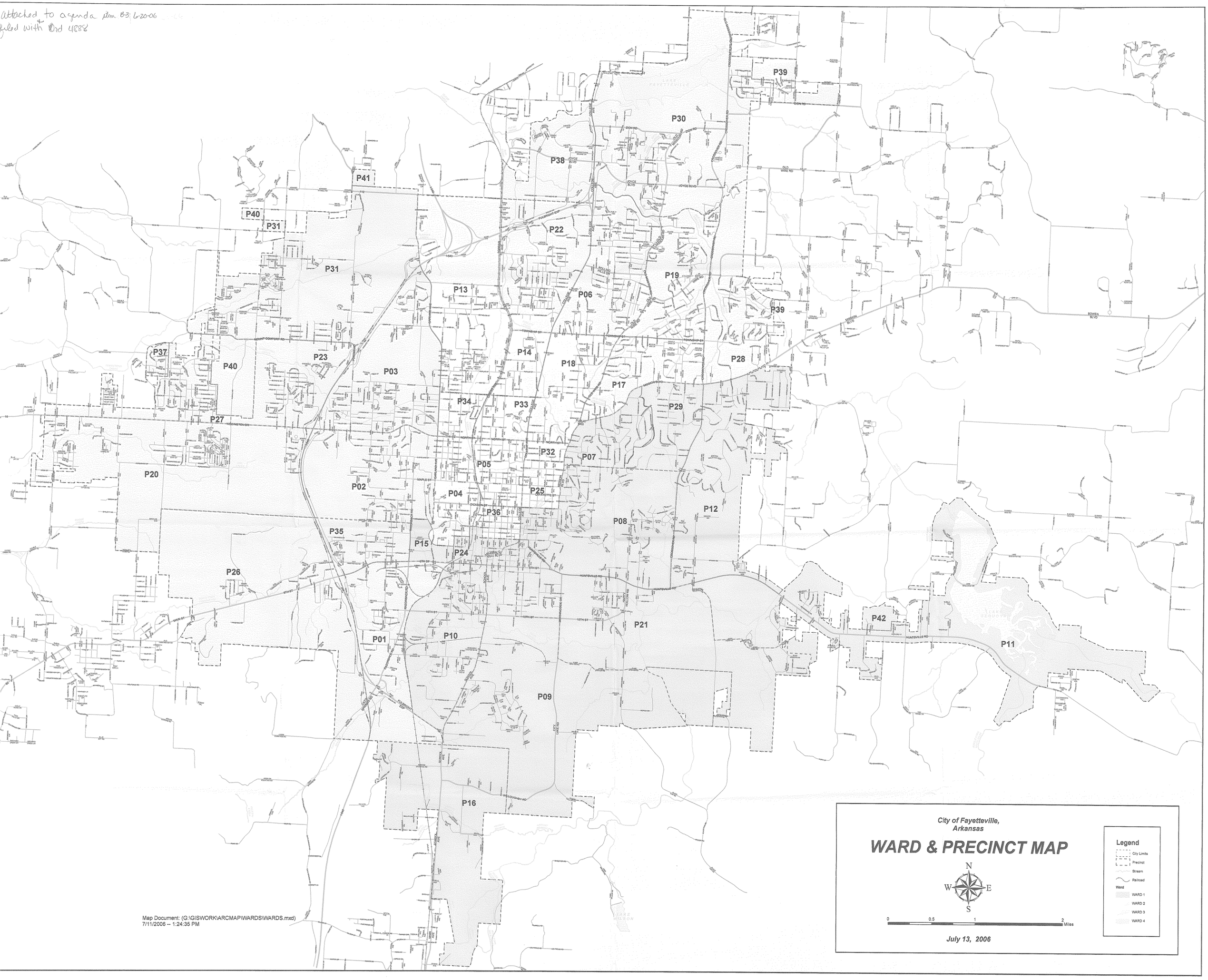
The real issues and facts are the following:

1. We have a quite neighborhood with many walkers. We do not have a city park or any bicycle trails or any sidewalks to walk on. Therefore, our residents, adults and children, must walk, ride and play in our streets.
2. Bring the traffic out through Bird Haven is a safety issue and the planning and street staffers recognized this problem somewhat and is requiring (the stupid) speed tables to be installed.
3. We want you to know the magnitude of the traffic problem. City staffers seem not to be aware of the volume of traffic.
   A. Crystal Springs Development - 273 homes – with approximately 2730 vehicles per day (this is by the city's methods of estimating traffic – 1000 vehicles per 100 residences)
   B. Bird Haven Addition has 102 residences – 1020 vehicles per day
   C. Total Vehicles (Bird Haven and Crystal Springs combined) –3750 vehicles per day coming through Bird Haven Addition.
   D. There is approximately 2500 existing residence that is currently using Mount Comfort. – 25,000 vehicles per day. You may not believe that Mount comfort has this volume of traffic. However, I took a random traffic count on Mount Comfort. Here are the results of the counts.

   Tuesday May 2, 2006 between 11:00 & 12:00 AM– 520 cars per hour – averages 6.9 seconds per car
   Tuesday May 2, 2006 between 5:30 & 6:30 PM – 1308 cars per hour – averages 2.75 seconds per car
   Wednesday May 3, 2006 between 7:00 & 8:00 AM – 1408 cars per hour – averages 2.5 seconds per car
   Friday May 5, 2006 between 9:00 & 10:00 AM – 600 cars per hour – averages 6 seconds per car


3600 N
3500 W
3400 W
2900 W
2800 W
2700 W
FAYETTEVILLE
DRIVE
~~ROBIN~~ Quail Drive (Board of Directors 4-1-80)
B I R D
H A V E N
DOVE
DRIVE
T E R R A C E
MEADOWLARK
DRIVE
LANE
LANE
RK
N 3000
1158.74
D
C
B
E

attached to agenda item B3 6-20-06
filed with Ord 4888



Map Document: (G:\GIS\WORK\ARCMAP\WARDS\WARDS.mxd)
7/11/2006 -- 1:24:35 PM

ward map
as of 7-