

Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Final Agenda City of Fayetteville Arkansas City Council Meeting September 21, 2010

A meeting of the Fayetteville City Council will be held on September 21, 2010 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. Nominating Committee Report. **APPROVED**

Agenda Additions:

1. **Amend Chapter 72:** An ordinance amending Chapter 72 Parking Regulations of the Fayetteville Code by repealing subsections 72.58(H)(1) through 72.58(H)(3) and enacting replacement subsections 72.58(H)(1-3) to change the time of allowable free parking in the Entertainment District Parking Zone.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5356

A. Consent:

1. **Ranger's Pantry Pet Food Bank:** A resolution approving a budget adjustment in the amount of \$340.00 to recognize revenue from citizen donations to the Ranger's Pantry Pet Food Bank Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 163-10

2. **Kim Hoadley Construction:** A resolution awarding bid and authorizing a contract with Kim Hoadley Construction in the amount of \$40,884.00 for improvements to the 1932 S. Garland CDBG Public Facility.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 164-10

3. **Parks and Tourism Outdoor Recreation Grant (Repeal Resolution 139-10):** A resolution authorizing application for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$125,000.00 for improvements to the Lake Fayetteville North Shore, the Yvonne Richardson Community Center and Walker Park, and repealing Resolution 139-10.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 165-10

4. **City Council Representative for Mandatory Settlement Conference:** A resolution to appoint City Council Member Shirley Lucas to represent the City Council during any settlement conference required by the Federal District Court or Magistrate.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 166-10

B. Unfinished Business: None

C. New Business:

1. **North Ball Avenue & West Van Asche Drive Street Name Change:** A resolution renaming a section of North Ball Avenue to Roosevelt Avenue and a section of West Van Asche Drive to Jupiter Drive.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 167-10

2. **RZN 10-3613 (Watson):** An ordinance rezoning that property described in rezoning petition RZN 10-3613, for approximately 3.0 acres, located at 5989 East Huntsville Road from Residential Single-Family, 4 units per acre, to R-A, Residential Agricultural.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5355

3. **Chambers Bank Donation:** A resolution to thank Chambers Bank for its donation of 210 acres to the City of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 168-10

Announcements:

Adjournment: 8:35 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

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As a courtesy please turn off all cell phones and pagers.

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Subject:	Roll				
Alderman Rhoads was Absent	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	absent			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Mayor Jordan	✓			

8-0

Subject:	Nominating Committee Report				
Motion To:		Approve			
Motion By:		Ferrell			
Seconded:		Gray			
<u>Approved</u>	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	absent			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Mayor Jordan				

7-0

Subject:	Discussion on Parking				
Motion To:		Add to the Agenda			
Motion By:		Ferrell			
Seconded:		Lewis			
Added to the agenda	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	absent			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Mayor Jordan				

7-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Lewis				
	Mayor Jordan				

Subject:	Consent				
Motion To:					
Motion By:		Approve			
Seconded:		Cook			
		Petty			
<u>Passed</u>	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	absent			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Mayor Jordan				

7-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Lewis				
	Mayor Jordan				

Subject:	None				
Motion To:					
Motion By:					
Seconded:					
B. 1 Unfinished Business	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Lewis				
	Mayor Jordan				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Lewis				
	Mayor Jordan				

Subject:	North Ball Avenue & West Van Asche Drive Street Name Change				
Motion To:		Approve			
Motion By:		Petty			
Seconded:		Ferrell			
C. 1 New Business <u>Passed</u>	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	absent			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Mayor Jordan				

7-0

Subject:	RZN 10-3613 (Watson)				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Thiel	Ferrell		
Seconded:		Ferrell	Lewis		
C. 2 New Business <u>Passed</u>	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	absent	absent	absent	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Lewis	✓	✓	✓	
	Mayor Jordan				

7-0

7-0

7-0

Subject:	Chambers Bank Donation				
Motion To:		Approve			
Motion By:		Petty			
Seconded:		Cook			
C. 3 New Business <u>Passed</u>	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	absent			
	Ferrell	✓			
	Lucas	✓			
	Lewis	✓			
	Mayor Jordan				

7-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Lewis				
	Mayor Jordan				

Subject:					
Parking Ordinance					
Add ordinance to the agenda 2nd Read 3rd Read 2010. Sunset clause of December 7, 2010 Pass					
Motion To:					
Motion By:					
Seconded:					
Motion to add ordinance to the agenda passed 5756	Gray	✓	✓	✓	✓
	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Rhoads	Absent	Absent	Absent	Absent
	Ferrell	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
	Lewis	✓	✓	✓	✓
	Mayor Jordan				
7-0 7-0 7-0 7-0					

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Lewis				
	Mayor Jordan				

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

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

DATE: **September 22, 2010**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of September 21, 2010**

1. **Ranger's Pantry:** A resolution approving a budget adjustment in the amount of \$340.00 to recognize revenue from citizen donations to the Ranger's Pantry Pet Food Bank Project.
2. **Kim Hoadley Construction:** A resolution awarding Bid and authorizing a contract with Kim Headley Construction in the amount of \$40,884.00 for improvements to the 1932 S. Garland CDBG Public Facility.
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6. Chambers Bank Donation: A resolution to thank Chambers Bank for its donation of 210 acres to the City of Fayetteville.

7. Amendment to Chapter 72 Parking Regulations: An ordinance amending Chapter 72 Parking Regulations of the Fayetteville Code by repealing subsections 72.58 (H)(1) through 72.58 (H)(3) and enacting replacement subsections 72.58 (H)(1-3) to change the time of allowable free parking in the Entertainment District Parking Zone.

Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



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Added at Agenda
Session 9-14-10
Agenda 9-21-10

AGENDA REQUEST

C. 3
Chambers Bank Donation
Page 1 of 22

FOR: COUNCIL MEETING OF SEPTEMBER 21, 2010

FROM:

LIONELD JORDAN, MAYOR

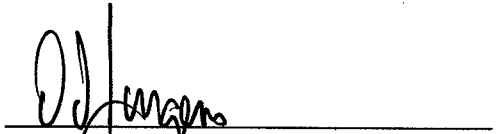
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Thank Chambers Bank For Its Donation Of 210 Acres To The City Of Fayetteville

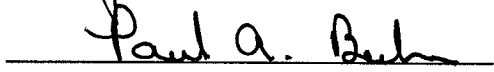
APPROVED FOR AGENDA:


City Attorney

September 14, 2010
Date


Utilities Department Director

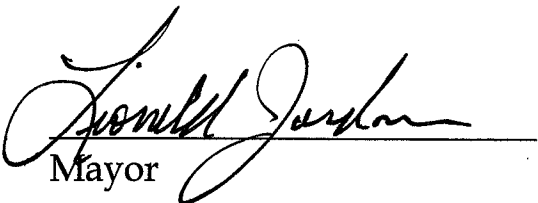
14 Sept 10
Date


Financial Director

9-14-2010
Date


Chief of Staff

9-14-10
Date


Mayor

9/14/10
Date





THE CITY OF FAYETTEVILLE, ARKANSAS

www.accessfayetteville.org

September 14, 2010

Chambers Bank
ATTN: Ed Love, Vice President
Joyce Boulevard
Fayetteville, AR 72703

RE: Acknowledgement of gift/donation of 210 acres to the
City of Fayetteville, Arkansas

Dear Chambers Bank:

This letter is to acknowledge and thank you for the gift/donation of 210 acres to the City of Fayetteville on September 13, 2010. Ten acres of your donation was of the City's water tank site which currently houses two 6 million gallon water tanks and serves as a major component of the Fayetteville water system. The other 200 acres is the area selected by the Fayetteville Parks and Recreation Advisory Board as the preferred site for a major city park.

Attached to this letter is the copy of the Warranty Deed from Chambers Bank that was delivered to the City Attorney Kit Williams who filed it for record at 4:31 P.M. in the Washington County Circuit Clerk's Office on September 13, 2010.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lioneld Jordan", written in a cursive style.

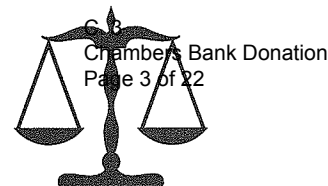
LIONELD JORDAN
Fayetteville Mayor

cc: Fayetteville City Council

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Mayor Jordan**
City Council

FROM: **Kit Williams, City Attorney**

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

DATE: **September 14, 2010**

RE: **210 acres received by City of Fayetteville**

Six years ago, the City entered into an agreement with SouthPass Development Company, LLC which was supposed to result in the City receiving 200 acres of parkland as a donation for a community park and our ten acre water tank site. This agreement became controversial and the SouthPass PZD was only approved by Mayor Coody's tie-breaking vote in 2008.

Even though Mayor Jordan opposed the PZD as an alderman, he properly saw his role as Mayor to execute and administer the legislative decision made in 2008 approving SouthPass PZD. Therefore, the City complied with our remaining contractual duties under the Agreement and then requested SouthPass Development Company, LLC to fulfill its contractual duties. SouthPass initially in July of 2009 offered the City only a quitclaim deed with numerous restrictions and no release of mortgage from the 210 acres. This was properly and promptly rejected by the City.

Despite numerous disappointing delays by SouthPass, Mayor Jordan kept his eye on the prize. Through the good offices of Alderman Robert Rhoads, representatives of Chambers Bank which held the principal mortgage on the SouthPass land (including the 210 acres promised to the City by SouthPass) began consultations with the City. Finally, Mayor Jordan was able to get SouthPass Development Company, LLC and Chambers Bank to agree to a deadline to supply the 200 acre warranty deed free of encumbrances to the City. Mayor Jordan's patient determination finally bore fruit when I was able to file a Warranty Deed from Chambers Bank for the 210 acres conveyed to the City of Fayetteville at 4:31 p.m. on September 13, 2010.

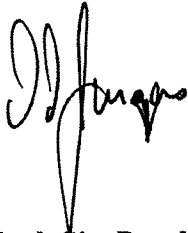


UTILITIES DEPARTMENT CORRESPONDENCE

THE CITY OF FAYETTEVILLE, ARKANSAS

www.accessfayetteville.org

To: Mayor Lionel Jordan
Don Marr, Chief of Staff
Paul Becker, Finance Director

From: David Jurgens, Utilities Director 

Date: September 12, 2010

Subject: **2011 Budget Impact of Water Tank Site Purchase**

Per paragraph 7 (page 4, highlighted in yellow) of the attached lease agreement dated 31 October 1991, the City of Fayetteville would have almost certainly paid \$100,000 in 2011 to purchase the 10 acre water tank site land associated with the South Pass development. The option to purchase did not come available prior to 2011, and I would have strongly encouraged the City to purchase the land at that time. That property contains 12 million gallons of water storage (out of 28 million gallons stored on our primary water pressure plane), and is master planned for an additional 12 million gallons on the primary plane, an elevated tank and pump station to serve the top of the hill it is on as well as the Dinsmore Trail area north of Highway 62.

RESOLUTION NO. _____

**A RESOLUTION TO THANK CHAMBERS BANK FOR ITS DONATION OF 210
ACRES TO THE CITY OF FAYETTEVILLE**

WHEREAS, Chambers Bank delivered a Warranty Deed to the City of Fayetteville conveying the ten acre city water tank site and the 200 acre proposed park site on the SouthPass property; and

WHEREAS, this Warranty Deed was filed of record on September 13, 2010, at the Washington County Circuit Clerk's Office; and

WHEREAS, the ten acre water tank site houses two 6,000,000 gallon water tanks which hold about 43% of the Fayetteville Primary Pressure Plane water storage capacity; and

WHEREAS, this donation of the water tank site saves the City at least \$100,000.00, which was the agreed option to purchase price for this site that the City could first execute in 2011; and

WHEREAS, the 200 acre donation encompasses the area selected by the Fayetteville Parks and Recreation Advisory Board as the preferred site for a regional or community wide city park; and

WHEREAS, this park land is needed now to offset the loss in 2011 of the soccer fields on Fayetteville School District land around Asbell which the School District will convert to tennis courts as well as the future loss of the soccer fields along Lewis Avenue when our lease of this property from the University of Arkansas expires; and

WHEREAS, the Unified Development Code §166.04(B)(3)(I) *Parkland dedication* establishes a money in lieu of park land dedication of \$40,000.00 per acre which if applied to this parkland donation would equal Eight Million Dollars.

**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 expresses its thanks and appreciation to Chambers Bank for its donation to the City and Citizens of Fayetteville of the ten acre water tank site and the 200 acre proposed site for a regional or community park.

PASSED and APPROVED this 21st day of September, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Doc ID: 013643090015 Type: REL
Kind: WARRANTY DEED
Recorded: 09/13/2010 at 04:31:56 PM
Fee Amt: \$85.00 Page 1 of 15
Washington County, AR
Bette Stamps Circuit Clerk

File **2010-00026595**

EXHIBIT "C"

THIS INSTRUMENT PREPARED BY:

PAGE, THRAILKILL, AND McDANIEL
ATTORNEYS AT LAW, P.A.
COURTHOUSE SQUARE WEST
311 DEQUEEN STREET
MENA, ARKANSAS 71953

Space Above This Line is For Recorder's Use Only

WARRANTY DEED

STATE OF ARKANSAS)
) KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF WASHINGTON)

That **CHAMBERS BANK**, an Arkansas chartered bank, by and through its authorized agent, for good and valuable consideration, the receipt of which is acknowledged, by this deed does hereby dedicate, donate, give, and convey unto the **City of Fayetteville, an Arkansas municipal corporation**, and its successors and assigns, the following described lands lying and being situated in the County of Washington, State of Arkansas, to-wit:

SEE PROPERTY DESCRIBED ON EXHIBIT "A"

SUBJECT to any public utility or roadway easements or city land use ordinances as may now exist.

SUBJECT to any prior reservations of oil, gas, or other minerals, if any.

together with all the improvements and appurtenances thereunto belonging.

TO HAVE AND TO HOLD the same unto by **City of Fayetteville, an Arkansas municipal corporation**, and unto the survivors of it, its heirs and assigns, or the heirs and assigns of the survivors of it, forever.

And the GRANTOR herein, does hereby covenant with the **City of Fayetteville, an Arkansas municipal corporation**, its successors and assigns, to forever warrant and defend the title to the above described property, and any part thereof, against the lawful claims of any and all persons.

And, in consideration of the premises above stated, Grantor does hereby release and relinquish unto the **City of Fayetteville, an Arkansas municipal corporation**, all its right and possibility of dower, curtesy and homestead in and to said lands.

WITNESS our hands and seals this 27th day of August, 2010.

Chambers Bank

By: Ed Love
Ed Love, Vice President

ACKNOWLEDGMENT

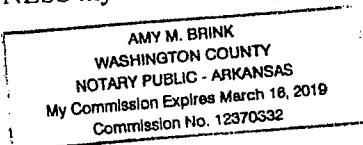
STATE OF ARKANSAS)

COUNTY OF Washington)

Be it remembered that on this day came before me, a Notary Public, duly commissioned, qualified, and acting, within and for said County and State, ED LOVE, to me personally known, who stated that he is the Vice President, of **CHAMBERS BANK**, and was duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said entity, and further stated and acknowledged that he had so signed, executed, and delivered said foregoing instrument for the consideration, uses, and purposes therein mentioned and set forth on behalf of the entity.

WITNESS my hand and official seal this 27th day of August, 2010.

(SEAL)



Amy M. Brink
NOTARY PUBLIC

EXHIBIT A (1)

ADJUSTED TRACT 9 DESCRIPTION -

A PART OF THE FRACTIONAL NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION THIRTY (30), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIN AT THE NORTHEAST CORNER OF SAID FRACTIONAL NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼), SECTION THIRTY (30); THENCE ALONG THE NORTH LINE OF SAID TRACT NORTH 87°15'10" WEST 474.17 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID NORTH LINE THE FOLLOWING COURSES:

SOUTH 02°05'17" WEST 660.00 FEET; NORTH 87°15'10" WEST 660.00 feet; NORTH 02°05'17" EAST 660.00 FEET TO SAID NORTH LINE OF SAID TRACT; THENCE ALONG SAID NORTH LINE SOUTH 87°15'10" EAST 660.00 FEET TO THE POINT OF BEGINNING, CONTAINING 10.00 ACRES, MORE OR LESS.

SUBJECT TO ANY OTHER RIGHTS-OF-WAY AND/OR EASEMENTS WHETHER OR NOT OF RECORD.

EXHIBIT A

Legal Description

ADJUSTED TRACT 2 DESCRIPTION - (SEE SHEET 2/3)

A PART OF THE EAST HALF (E ½) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION TWENTY-FIVE (25) AND A PART OF THE EAST HALF (E ½) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION THIRTY-SIX (36), ALL IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIN AT THE NORTHWEST CORNER OF SAID EAST HALF (E ½) OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION TWENTY-FIVE (25); THENCE ALONG THE NORTH LINE OF SAID EIGHTY (80) ACRE TRACT SOUTH 87°09'38" EAST 100.03 FEET; THENCE LEAVING SAID NORTH LINE THE FOLLOWING COURSES: SOUTH 01°26'44" WEST 951.98 FEET; S 35°11'50" EAST 361.43 FEET; SOUTH 08°20'51" WEST 255.18 FEET; SOUTH 29°51'29" EAST 148.57 FEET; SOUTH 00°51'59" EAST 415.39 FEET; SOUTH 23°10'05" WEST 158.00 FEET; SOUTH 32°01'04" EAST 100.91 FEET; SOUTH 01°38'21" WEST 418.36 FEET; SOUTH 02°04'05" EAST 754.60 FEET; SOUTH 10°37'43" WEST 1625.80 FEET; NORTH 86°53'02" WEST 101.00 FEET; NORTH 10°37'32" EAST 1626.87 FEET; NORTH 02°02'38" WEST 745.84 FEET; NORTH 01°38'21" EAST 393.15 FEET; NORTH 32°01'04" WEST 122.93 FEET; NORTH 23°10'05" EAST 188.97 FEET; NORTH 00°51'59" WEST 368.25 FEET; NORTH 29°51'29" WEST 157.35 FEET; NORTH 08°20'51" EAST 248.95 FEET; NORTH 35°10'51" WEST 354.98 FEET TO THE WEST LINE OF SAID EAST HALF (E ½) OF THE SOUTHEAST QUARTER (SE ¼), SECTION TWENTY-FIVE (25); THENCE ALONG SAID WEST LINE OF SAID EIGHTY (80) ACRE TRACT NORTH 01°27'39" EAST 988.07 FEET TO THE POINT OF BEGINNING, CONTAINING 11.940 ACRES, MORE OR LESS.

SUBJECT TO ANY OTHER RIGHTS-OF-WAY AND/OR EASEMENTS WHETHER OR NOT OF RECORD.

ADJUSTED TRACT 4 DESCRIPTION - (SEE SHEET 2/3)

A PART OF THE FRACTIONAL WEST HALF (W $\frac{1}{2}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) AND A PART OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION THIRTY (30) AND A PART OF THE FRACTIONAL NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION THIRTY-ONE (31), ALL IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIN AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SAID SECTION THIRTY (30); THENCE ALONG THE NORTH LINE OF SAID FORTY (40) ACRE TRACT SOUTH $87^{\circ}15'10''$ EAST 403.07 FEET; THENCE LEAVING SAID NORTH LINE SOUTH $52^{\circ}24'38''$ WEST 335.19 FEET; THENCE SOUTH $50^{\circ}09'07''$ WEST 43.00 FEET; THENCE NORTH $39^{\circ}50'53''$ WEST 172.02 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF $89^{\circ}39'01''$ AND A RADIUS OF 53.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 83.71 FEET AND A CHORD BEARING AND DISTANCE OF NORTH $84^{\circ}40'23''$ WEST 75.43 FEET; THENCE SOUTH $50^{\circ}30'07''$ WEST 112.59 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF $25^{\circ}36'17''$ AND A RADIUS OF 278.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 124.46 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH $37^{\circ}41'58''$ WEST 123.43 FEET; THENCE SOUTH $24^{\circ}53'49''$ WEST 65.24 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF $24^{\circ}53'05''$ AND A RADIUS OF 278.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 120.96 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH $12^{\circ}27'17''$ WEST 120.01 FEET; THENCE SOUTH $00^{\circ}00'44''$ WEST 115.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $67^{\circ}30'07''$ AND A RADIUS OF 96.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 113.69 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH $33^{\circ}45'48''$ WEST 107.23 FEET TO THE BEGINNING OF A NONTANGENT CURVE TO THE RIGHT, SAID CURVE CONCAVE NORTHWESTERLY AND HAVING A CENTRAL ANGLE OF $23^{\circ}08'38''$ AND A RADIUS OF 680.56 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 274.90 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH $26^{\circ}20'40''$ WEST 273.04 FEET; THENCE THE FOLLOWING COURSES: NORTH $36^{\circ}42'18''$ WEST 107.36 FEET; NORTH $61^{\circ}48'52''$ WEST 123.39 FEET; SOUTH $78^{\circ}45'57''$ WEST 107.89 FEET; SOUTH $45^{\circ}34'43''$ WEST 137.47 FEET; SOUTH $18^{\circ}26'54''$ WEST 151.34 FEET; SOUTH $69^{\circ}00'04''$ WEST 134.91 FEET; SOUTH $03^{\circ}46'38''$ WEST 43.82 FEET; SOUTH $80^{\circ}47'20''$ EAST 147.21 FEET; SOUTH $07^{\circ}01'42''$ EAST 144.43 FEET; SOUTH $25^{\circ}18'23''$ WEST 252.51 FEET; SOUTH $73^{\circ}04'21''$ WEST 91.76 FEET; SOUTH $36^{\circ}40'58''$ WEST 75.51 FEET; SOUTH $09^{\circ}09'33''$ WEST 124.23 FEET; SOUTH $04^{\circ}29'50''$ EAST 113.58 FEET;

SOUTH 30°22'45" WEST 85.53 FEET; SOUTH 51°54'24" WEST 126.32 FEET;
SOUTH 13°29'43" WEST 140.96 FEET; SOUTH 59°18'19" EAST 137.06 FEET;
SOUTH 12°14'10" EAST 147.08 FEET; SOUTH 33°10'45" WEST 101.57 FEET;
SOUTH 03°45'03" EAST 69.10 FEET; NORTH 58°27'31" EAST 353.17 FEET;
SOUTH 50°54'22" EAST 30.88 FEET; SOUTH 29°53'33" WEST 205.31 FEET;
SOUTH 04°18'51" WEST 99.36 FEET; SOUTH 52°21'44" WEST 518.96 FEET;
NORTH 09°29'53" WEST 155.53 FEET; SOUTH 82°59'00" WEST 136.94
FEET; NORTH 04°52'49" WEST 113.12 FEET; NORTH 17°48'52" EAST 178.11
FEET; NORTH 45°00'58" WEST 126.58 FEET; NORTH 37°07'18" WEST
120.86 FEET; NORTH 29°43'41" EAST 92.26 FEET; NORTH 05°50'07" WEST
152.03 FEET; NORTH 02°12'58" WEST 248.61 FEET; NORTH 28°33'12" EAST
86.25 FEET; NORTH 03°33'11" EAST 69.09 FEET; NORTH 46°49'29" WEST
159.23 FEET; NORTH 25°07'29" WEST 274.91 FEET; NORTH 04°45'59" EAST
193.96 FEET; NORTH 27°26'52" EAST 126.27 FEET; NORTH 30°16'13" EAST
254.00 FEET; NORTH 74°09'23" EAST 137.05 FEET; SOUTH 86°44'15" EAST
330.61 FEET; NORTH 58°07'31" EAST 324.29 FEET; SOUTH 87°15'10" EAST
402.56 FEET; THENCE NORTH 02°05'17" EAST 660.00 FEET TO THE
NORTH LINE OF SAID WEST HALF (W ½) OF THE SOUTHWEST QUARTER
(SW ¼) OF SECTION THIRTY (30); THENCE ALONG SAID NORTH LINE
SOUTH 87°15'10" EAST 474.17 FEET TO THE POINT OF BEGINNING,
CONTAINING 37.366 ACRES, MORE OR LESS.

SUBJECT TO ANY OTHER RIGHTS-OF-WAY AND/OR EASEMENTS
WHETHER OR NOT OF RECORD.

ADJUSTED TRACT 5 DESCRIPTION - (SEE SHEET 2/3)

A PART OF THE FRACTIONAL SOUTH HALF (S ½) OF SECTION THIRTY (30); A PART OF THE EAST HALF (E ½) OF THE NORTHWEST QUARTER (NW ¼) AND A PART OF THE WEST HALF (W ½) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION THIRTY-ONE (31), ALL IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIN AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION THIRTY (30); THENCE ALONG THE NORTH LINE OF SAID FORTY (40) ACRE TRACT SOUTH 87°15'10" EAST A DISTANCE OF 365.86 FEET; THENCE SOUTH 10°02'42" WEST A DISTANCE OF 377.72 FEET; THENCE SOUTH 54°09'30" WEST A DISTANCE OF 297.18 FEET; THENCE NORTH 81°08'46" WEST A DISTANCE OF 158.03 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 20°36'31", WITH AN ARC LENGTH OF 431.27 FEET, WITH A RADIUS OF 1199.00 FEET, WITH A CHORD BEARING OF NORTH 53°33'47" WEST, WITH A CHORD LENGTH OF 428.94 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 89°42'40", WITH AN ARC LENGTH OF 29.75 FEET, WITH A RADIUS OF 19.00 FEET, WITH A CHORD BEARING OF SOUTH 71°16'33" WEST, WITH A CHORD LENGTH OF 26.80 FEET; THENCE SOUTH 26°25'03" WEST A DISTANCE OF 50.83 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 45°39'20", WITH AN ARC LENGTH OF 922.65 FEET, WITH A RADIUS OF 1157.88 FEET, WITH A CHORD BEARING OF NORTH 85°43'06" WEST, WITH A CHORD LENGTH OF 898.43 FEET; THENCE SOUTH 10°03'19" EAST A DISTANCE OF 139.18 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A DELTA ANGLE OF 7°52'00", WITH AN ARC LENGTH OF 158.57 FEET, WITH A RADIUS OF 1154.96 FEET, WITH A CHORD BEARING OF SOUTH 66°22'10" WEST, WITH A CHORD LENGTH OF 158.45 FEET; THENCE SOUTH 25°28'32" EAST A DISTANCE OF 115.32 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 20°29'25", WITH AN ARC LENGTH OF 329.55 FEET, WITH A RADIUS OF 921.50 FEET, WITH A CHORD BEARING OF SOUTH 51°39'12" WEST, WITH A CHORD LENGTH OF 327.80 FEET; THENCE SOUTH 41°24'30" WEST A DISTANCE OF 116.92 FEET; THENCE SOUTH 38°48'53" WEST A DISTANCE OF 129.98 FEET; THENCE SOUTH 41°24'27" EAST A DISTANCE OF 37.50 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 41°24'49", WITH AN ARC LENGTH OF 287.55 FEET, WITH A RADIUS OF 397.82 FEET, WITH A CHORD BEARING OF SOUTH 26°18'34" WEST, WITH A CHORD LENGTH OF 281.33 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A DELTA ANGLE OF 7°26'21", WITH AN ARC LENGTH OF 86.73 FEET, WITH A RADIUS OF 668.00 FEET, WITH A CHORD BEARING

OF SOUTH 71°13'47" WEST, WITH A CHORD LENGTH OF 86.67 FEET; THENCE SOUTH 17°13'08" EAST A DISTANCE OF 102.56 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A DELTA ANGLE OF 17°00'11", WITH AN ARC LENGTH OF 228.65 FEET, WITH A RADIUS OF 770.50 FEET, WITH A CHORD BEARING OF SOUTH 83°09'44" WEST, WITH A CHORD LENGTH OF 227.82 FEET; THENCE NORTH 85°30'24" WEST A DISTANCE OF 142.61 FEET; THENCE SOUTH 05°00'34" WEST A DISTANCE OF 464.17 FEET; THENCE SOUTH 84°56'38" EAST A DISTANCE OF 267.06 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A DELTA ANGLE OF 4°26'16", WITH AN ARC LENGTH OF 19.36 FEET, WITH A RADIUS OF 250.00 FEET, WITH A CHORD BEARING OF SOUTH 80°22'58" EAST, WITH A CHORD LENGTH OF 19.36 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A DELTA ANGLE OF 17°53'56", WITH AN ARC LENGTH OF 78.10 FEET, WITH A RADIUS OF 250.00 FEET, WITH A CHORD BEARING OF SOUTH 69°12'52" EAST, WITH A CHORD LENGTH OF 77.78 FEET; THENCE SOUTH 60°23'16" EAST A DISTANCE OF 265.82 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 26°43'18", WITH AN ARC LENGTH OF 91.34 FEET, WITH A RADIUS OF 195.85 FEET, WITH A CHORD BEARING OF SOUTH 74°33'39" EAST, WITH A

CHORD LENGTH OF 90.51 FEET;; THENCE SOUTH 84°59'26" EAST A DISTANCE OF 1095.13 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 29°28'57", WITH AN ARC LENGTH OF 128.72 FEET, WITH A RADIUS OF 250.14 FEET, WITH A CHORD BEARING OF NORTH 80°45'28" EAST, WITH A CHORD LENGTH OF 127.30 FEET;; THENCE NORTH 66°00'45" EAST A DISTANCE OF 470.23 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 5°46'15", WITH AN ARC LENGTH OF 93.05 FEET, WITH A RADIUS OF 923.88 FEET, WITH A CHORD BEARING OF NORTH 64°34'44" EAST, WITH A CHORD LENGTH OF 93.01 FEET;; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 12°00'08", WITH AN ARC LENGTH OF 63.15 FEET, WITH A RADIUS OF 301.46 FEET, WITH A CHORD BEARING OF NORTH 52°42'04" EAST, WITH A CHORD LENGTH OF 63.03 FEET;; THENCE SOUTH 51°58'39" EAST A DISTANCE OF 587.96 FEET; THE

NCE SOUTH 38°01'21" WEST A DISTANCE OF 50.50 FEET; THENCE SOUTH 21°05'39" WEST A DISTANCE OF 293.94 FEET; THENCE NORTH 87°00'27" WEST A DISTANCE OF 55.82 FEET; THENCE SOUTH 02°57'37" WEST A DISTANCE OF 115.76 FEET; THENCE NORTH 87°14'32" WEST A DISTANCE OF 473.85 FEET; THENCE SOUTH 03°21'43" WEST A DISTANCE OF 676.13 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A DELTA ANGLE OF 18°58'29", WITH AN ARC LENGTH OF 264.94 FEET, WITH A RADIUS OF 800.00 FEET, WITH A CHORD BEARING OF SOUTH 12°50'58" WEST, WITH A CHORD LENGTH OF 263.73 FEET;; THENCE SOUTH 22°20'12" WEST A DISTANCE OF 97.52 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A DELTA ANGLE OF 41°55'54", WITH AN ARC LENGTH OF 585.48 FEET, WITH A RADIUS OF 800.00 FEET, WITH A CHORD BEARING OF SOUTH 43°18'09" WEST, WITH A CHORD LENGTH OF 572.50 FEET;; THENCE SOUTH 64°16'06" WEST A DISTANCE OF 68.84 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 18°33'59", WITH AN ARC LENGTH OF 71.29 FEET, WITH A RADIUS OF 220.00 FEET, WITH A CH

ORD BEARING OF SOUTH 54°59'06" WEST, WITH A CHORD LENGTH OF 70.98 FEET;; THENCE SOUTH 45°42'07" WEST A DISTANCE OF 332.13 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A DELTA ANGLE OF 7°26'22", WITH AN ARC LENGTH OF 28.57 FEET, WITH A RADIUS OF 220.00 FEET, WITH A CHORD BEARING OF SOUTH 49°25'17" WEST, WITH A CHORD LENGTH OF 28.55 FEET;; THENCE SOUTH 53°08'28" WEST A DISTANCE OF 141.25 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A DELTA ANGLE OF 53°40'26", WITH AN ARC LENGTH OF 262.30 FEET, WITH A RADIUS OF 280.00 FEET, WITH A CHORD BEARING OF SOUTH 79°58'41" WEST, WITH A CHORD LENGTH OF 252.81 FEET;; THENCE NORTH 73°11'06" WEST A DISTANCE OF 222.13 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 8°40'40", WITH AN ARC LENGTH OF 72.70 FEET, WITH A RADIUS OF 480.00 FEET, WITH A CHORD BEARING OF NORTH 77°31'26" WEST, WITH A CHORD LENGTH OF 72.63 FEET;; THENCE NORTH 81°51'46" WEST A DISTANCE OF 299.14 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A DELTA ANGLE OF 52°56'49

", WITH AN ARC LENGTH OF 110.89 FEET, WITH A RADIUS OF 120.00 FEET, WITH A CHORD BEARING OF NORTH 55°23'21" WEST, WITH A CHORD LENGTH OF 106.99 FEET;; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A DELTA ANGLE OF 18°43'12", WITH AN ARC LENGTH OF 39.21 FEET, WITH A RADIUS OF 120.00 FEET, WITH A CHORD BEARING OF NORTH 19°33'20" WEST, WITH A CHORD LENGTH OF 39.03 FEET;; THENCE NORTH 10°11'44" WEST A DISTANCE OF 1.43 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A DELTA ANGLE OF 45°41'49", WITH AN ARC LENGTH OF 223.32 FEET, WITH A RADIUS OF 280.00 FEET, WITH A CHORD BEARING OF NORTH 12°39'11" EAST, WITH A CHORD LENGTH OF 217.45 FEET;; THENCE NORTH 35°30'05" EAST A DISTANCE OF 58.56 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 46°37'08", WITH AN ARC LENGTH OF 455.65 FEET, WITH A RADIUS OF 560.00 FEET, WITH A CHORD BEARING OF NORTH 12°11'31" EAST, WITH A CHORD LENGTH OF 443.18 FEET;; THENCE NORTH 11°07'03" WEST A DISTANCE OF 17.62 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A

DELTA ANGLE OF 16°45'37", WITH AN ARC LENGTH OF 163.81 FEET, WITH A RADIUS OF 560.00 FEET, WITH A CHORD BEARING OF NORTH 02°44'14" WEST, WITH A CHORD LENGTH OF 163.23 FEET;; THENCE NORTH 05°38'34" EAST A DISTANCE OF 122.87 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 24°59'05", WITH AN ARC LENGTH OF 95.93 FEET, WITH A RADIUS OF 220.00 FEET, WITH A CHORD BEARING OF NORTH 06°50'59" WEST, WITH A CHORD LENGTH OF 95.18 FEET;; THENCE NORTH 19°20'31" WEST A DISTANCE OF 37.23 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A DELTA ANGLE OF 17°44'21", WITH AN ARC LENGTH OF 68.11 FEET, WITH A RADIUS OF 220.00 FEET, WITH A CHORD BEARING OF NORTH 10°28'21" WEST, WITH A CHORD LENGTH OF 67.84 FEET;; THENCE NORTH 01°36'10" WEST A DISTANCE OF 48.91 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 48°18'27", WITH AN ARC LENGTH OF 303.53 FEET, WITH A RADIUS OF 360.00 FEET, WITH A CHORD BEARING OF NORTH 25°45'24" WEST, WITH A CHORD LENGTH OF 294.61 FEET;; THENCE NORTH 49°54'38" WEST

T A DISTANCE OF 54.78 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A DELTA ANGLE OF 16°38'06", WITH AN ARC LENGTH OF 104.52 FEET, WITH A RADIUS OF 360.00 FEET, WITH A CHORD BEARING OF NORTH 41°35'35" WEST, WITH A CHORD LENGTH OF 104.15 FEET;; THENCE NORTH 33°16'32" WEST A DISTANCE OF 120.80 FEET; THENCE SOUTH 56°33'49" WEST A DISTANCE OF 100.55 FEET; THENCE WEST A DISTANCE OF 176.03 FEET; THENCE NORTH A DISTANCE OF 167.54 FEET; THENCE NORTH 56°43'28" EAST A DISTANCE OF 129.29 FEET; THENCE NORTH 33°16'32" WEST A DISTANCE OF 59.20 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 8°20'11", WITH AN ARC LENGTH OF 65.98 FEET, WITH A RADIUS OF 453.50 FEET, WITH A CHORD BEARING OF NORTH 37°26'37" WEST, WITH A CHORD LENGTH OF 65.92 FEET;; THENCE NORTH 41°36'42" WEST A DISTANCE OF 109.30 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 48°23'18", WITH AN ARC LENGTH OF 383.00 FEET, WITH A RADIUS OF 453.50 FEET, WITH A CHORD BEARING OF NORTH 65°48'21" WEST, WITH A CHORD LENGTH

H OF 371.72 FEET;; THENCE WEST A DISTANCE OF 108.05 FEET; THENCE NORTH 09°22'34" WEST A DISTANCE OF 34.59 FEET; THENCE SOUTH 89°22'34" EAST A DISTANCE OF 458.07 FEET; THENCE NORTH 74°31'17" EAST A DISTANCE OF 126.29 FEET; THENCE NORTH 03°35'25" EAST A DISTANCE OF 384.68 FEET; THENCE NORTH 52°54'08" WEST A DISTANCE OF 170.55 FEET; THENCE NORTH 78°06'41" WEST A DISTANCE OF 98.81 FEET; THENCE NORTH 00°46'50" EAST A DISTANCE OF 58.32 FEET; THENCE NORTH 59°37'54" EAST A DISTANCE OF 143.85 FEET; THENCE NORTH 04°57'24" EAST A DISTANCE OF 93.55 FEET; THENCE NORTH 43°07'14" WEST A DISTANCE OF 134.36 FEET; THENCE NORTH 11°18'36" EAST A DISTANCE OF 34.59 FEET; THENCE NORTH 66°48'05" EAST A DISTANCE OF 51.66 FEET; THENCE NORTH 11°12'21" EAST A DISTANCE OF 104.71 FEET; THENCE NORTH 31°09'22" WEST A DISTANCE OF 142.59 FEET; THENCE SOUTH 85°14'45" WEST A DISTANCE OF 117.45 FEET; THENCE NORTH 68°47'27" WEST A DISTANCE OF 19.51 FEET; THENCE NORTH 63°01'17" EAST A DISTANCE OF 259.83 FEET; THENCE WITH A CURVE TURNING TO THE

RIGHT WITH A DELTA ANGLE OF 33°58'07", WITH AN ARC LENGTH OF 229.14 FEET, WITH A RADIUS OF 386.50 FEET, WITH A CHORD BEARING OF NORTH 80°00'21" EAST, WITH A CHORD LENGTH OF 225.80 FEET;; THENCE SOUTH 79°10'41" EAST A DISTANCE OF 21.50 FEET; THENCE SOUTH 10°49'19" WEST A DISTANCE OF 332.28 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 5°48'45", WITH AN ARC LENGTH OF 50.72 FEET, WITH A RADIUS OF 500.00 FEET, WITH A CHORD BEARING OF SOUTH 07°54'57" WEST, WITH A CHORD LENGTH OF 50.70 FEET;; THENCE SOUTH 05°00'34" WEST A DISTANCE OF 194.57 FEET; THENCE SOUTH 87°32'23" EAST A DISTANCE OF 136.18 FEET; THENCE NORTH 80°59'17" EAST A DISTANCE OF 117.38 FEET; THENCE NORTH 20°30'31" EAST A DISTANCE OF 190.94 FEET; THENCE NORTH 35°22'17" EAST A DISTANCE OF 187.73 FEET; THENCE NORTH 24°55'29" EAST A

DISTANCE OF 178.86 FEET; THENCE NORTH 64°15'07" WEST A DISTANCE OF 24.24 FEET; THENCE NORTH 24°14'37" EAST A DISTANCE OF 129.06 FEET; THENCE NORTH 60°58'58" EAST A DISTANCE OF 51.63 FEET; THENCE NORTH 35°02

'40" EAST A DISTANCE OF 160.75 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 40°25'53", WITH AN ARC LENGTH OF 50.45 FEET, WITH A RADIUS OF 71.50 FEET, WITH A CHORD BEARING OF NORTH 55°15'36" EAST, WITH A CHORD LENGTH OF 49.41 FEET;; THENCE NORTH 35°02'40" EAST A DISTANCE OF 289.81 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 30°00'00", WITH AN ARC LENGTH OF 37.44 FEET, WITH A RADIUS OF 71.50 FEET, WITH A CHORD BEARING OF NORTH 20°02'40" EAST, WITH A CHORD LENGTH OF 37.01 FEET;; THENCE NORTH 05°02'40" EAST A DISTANCE OF 31.58 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A DELTA ANGLE OF 58°11'48", WITH AN ARC LENGTH OF 72.62 FEET, WITH A RADIUS OF 71.50 FEET, WITH A CHORD BEARING OF NORTH 24°03'14" WEST, WITH A CHORD LENGTH OF 69.54 FEET;; THENCE NORTH 02°12'39" EAST A DISTANCE OF 197.81 FEET; THENCE SOUTH 87°15'10" EAST A DISTANCE OF 1515.12 FEET; which is the point of beginning, HAVING AN AREA OF 133.489 ACRES

LESS AND EXCEPT:

THOSE PORTIONS OF WASHINGTON COUNTY ROAD NO. 200 (JUDGE CUMMINGS ROAD) AFFECTED BY A CITY OF FAYETTEVILLE ANNEXATION PER ORDINANCE NO. 5190 RECORDED WITH THE CITY CLERK HAVING A FIFTY (50) FOOT RIGHT-OF-WAY EXTENDING TWENTY-FIVE (25) FEET EACH SIDE OF A CENTERLINE, SAID ROAD PORTION BEING IN PART OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼) AND PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION THIRTY-ONE (31), AND PART OF THE FRACTIONAL SOUTH HALF (S ½) OF THE SOUTH HALF (S ½) OF SECTION THIRTY (30), ALL IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, SAID CENTERLINE OF SAID ROAD BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE ¼), SAID SECTION THIRTY (30); THENCE ALONG THE SOUTH LINE OF SAID SECTION NORTH 87°14'32" WEST 8.86 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 265 SOUTH (CATO SPRINGS ROAD) AS PER ARKANSAS STATE HIGHWAY COMMISSION JOB NO. 9497; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 37°59'03" WEST 9.81 FEET TO ITS INTERSECTION WITH THE CENTERLINE OF A GRAVEL ROAD KNOWN AS SAID WASHINGTON COUNTY 200 (JUDGE CUMMINGS ROAD), SAID INTERSECTION BEING THE POINT OF BEGINNING; THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES: NORTH 88°17'56" WEST 957.47 FEET; NORTH 87°05'11" WEST 323.63 FEET; SOUTH 82°07'28" WEST 44.99 FEET; NORTH 52°16'47" WEST 44.69 FEET; NORTH 85°51'11" WEST 262.89 FEET; NORTH 86°24'16" WEST 1240.07 FEET; SOUTH 84°41'18" WEST 125.64 FEET; NORTH 83°12'13" WEST 228.12 FEET; NORTH 86°28'14" WEST 616.08 FEET; NORTH 82°23'29" WEST 108.38 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 67°34'09" AND A RADIUS OF 208.61 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 246.01 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 48°36'25" WEST 232.00 FEET; THENCE NORTH 17°05'30" WEST 66.98 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 40°52'22" AND A RADIUS OF 213.20 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 152.09 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 37°31'41" WEST 148.88 FEET TO THE EASTERLY BOUNDARY OF A PROPERTY DESCRIBED IN INSTRUMENT NUMBER 2005-48123 RECORDED WITH THE CIRCUIT CLERK OF SAID COUNTY, SAID EASTERLY BOUNDARY ALSO BEING THE TERMINUS OF SAID CENTERLINE; THE SIDE LINES OF SAID ROAD TO BE SHORTENED OR LENGTHENED AT SAID TERMINUS BOUNDARY.

**SUBJECT TO ANY OTHER RIGHTS-OF-WAY AND/OR EASEMENTS WHETHER OR NOT OF
RECORD.**

ADJUSTED TRACT 6 DESCRIPTION - (SEE SHEET 2/3)

A PART OF THE WEST HALF (W ½) OF THE SOUTHEAST QUARTER (SE ¼) AND A PART OF THE EAST HALF (E ½) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION THIRTY (30), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIN AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION THIRTY (30); THENCE ALONG THE SOUTH LINE OF SAID FORTY (40) ACRE TRACT NORTH 87°14'51" WEST 710.74 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 02°45'09" EAST 122.44 FEET TO THE POINT OF BEGINNING; THENCE THE FOLLOWING COURSES: NORTH 37°28'53" WEST 127.61 FEET; NORTH 84°46'53" WEST 201.36 FEET; SOUTH 54°53'30" WEST 160.91 FEET; THENCE SOUTH 54°58'45" WEST 236.58 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE BEING CONCAVE SOUTHWESTERLY, AND HAVING A CENTRAL ANGLE OF 80°32'28" AND A RADIUS OF 25.51 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 35.85 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 84°20'22" WEST 32.97 FEET; THENCE SOUTH 46°21'22" WEST 154.60 FEET; THENCE NORTH 84°59'26" WEST 298.30 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE BEING CONCAVE NORTHWESTERLY, AND HAVING A CENTRAL ANGLE OF 18°24'10" AND A RADIUS OF 829.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 266.43 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 50°36'35" EAST 265.28 FEET; THENCE NORTH 41°24'30" EAST 234.16 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 101°03'25" AND A RADIUS OF 545.50 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 962.14 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 88°03'48" EAST 842.19 FEET; THENCE SOUTH 50°22'01" WEST 202.82 FEET TO THE POINT OF BEGINNING, CONTAINING 6.146 ACRES, MORE OR LESS.

SUBJECT TO ANY OTHER RIGHTS-OF-WAY AND/OR EASEMENTS WHETHER OR NOT OF RECORD.

ADJUSTED TRACT 8 DESCRIPTION - (SEE SHEET 2/3)

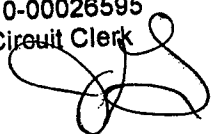
A PART OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION TWENTY-NINE (29); A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION THIRTY (30), ALL IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼), SECTION THIRTY (30); THENCE ALONG THE EAST LINE OF SAID FORTY (40) ACRE TRACT SOUTH 02°33'03" WEST 169.57 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE NORTH 38°01'21" EAST 175.91; THENCE SOUTH 45°18'05" EAST 52.57 FEET; THENCE SOUTH 41°54'01" EAST 365.49 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 29°10'05" AND A RADIUS OF 282.31 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 143.72 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 24°29'08" EAST 142.17 FEET; THENCE SOUTH 09°54'05" EAST 203.56 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 25°33'53" AND A RADIUS OF 200.00 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 89.24 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 22°41'01" EAST 88.50 FEET; THENCE SOUTH 35°27'58" EAST 241.09 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 35°35'41" AND A RADIUS OF 299.70 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 186.19 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 53°14'42" EAST 183.21 FEET; THENCE SOUTH 71°01'26" EAST 157.05 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 21°57'38" AND A RADIUS OF 100.17 FEET; THENCE ALONG SAID CURVE AN ARC LENGTH OF 38.39 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 60°01'30" EAST 38.16 FEET; THENCE SOUTH 49°02'41" EAST 63.97 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY NUMBER 265 (CATO SPRINGS ROAD) PER ARKANSAS STATE HIGHWAY COMMISSION JOB NUMBER 9497, SAID CURVE BEING CONCAVE SOUTHEASTERLY AND HAVING A CENTRAL ANGLE OF 05°23'01" AND A RADIUS OF 1185.92 FEET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG SAID CURVE AN ARC LENGTH OF 111.43 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 40°40'33" WEST 111.39 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 37°59'03" WEST 136.98 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES: NORTH 44°56'01" WEST 364.35 FEET; SOUTH 87°31'21" WEST 112.21 FEET; NORTH 66°59'40" WEST 63.12 FEET; NORTH 52°20'44" WEST 129.20 FEET; THENCE NORTH 54°44'22" WEST 122.39

**FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT,
SAID CURVE BEING CONCAVE SOUTHWESTERLY, AND HAVING A
CENTRAL ANGLE OF 10°41'19" AND A RADIUS OF 145.25 FEET; THENCE
ALONG SAID CURVE AN ARC LENGTH OF 27.10 FEET AND A CHORD
BEARING AND DISTANCE OF NORTH 47°08'50" WEST 27.06 FEET;
THENCE NORTH 51°58'40" WEST 639.51 FEET; THENCE NORTH 38°01'21"
EAST 447.90 FEET TO THE POINT OF BEGINNING, CONTAINING 12.427
ACRES, MORE OR LESS.**

**SUBJECT TO ANY OTHER RIGHTS-OF-WAY AND/OR EASEMENTS
WHETHER OR NOT OF RECORD.**

Washington County, AR
I certify this instrument was filed on
09/13/2010 04:31:56 PM
and recorded in Real Estate
File Number 2010-00026595
Bette Stamps - Circuit Clerk



Handed out at the City Council Meeting 9/21/10

Parking Discussion

PAID PARKING REVENUE OPTIONS

	Owner's Suggested Plan Paid Thursday, Friday, and Sat. night only	Begin Paid Parking at 5:00PM	Begin Paid Parking at 2:00PM
Original Paid Parking Revenue Estimate	895,884	895,884	895,884
Paid Parking Revenue Option Reduction	(437,082)	(185,621)	(86,483)
Paid Parking Revenue After Reduction	458,802	710,263	809,401
Percent (%) Paid Parking Revenue Reduction	48.8%	20.7%	9.7%

PAID PARKING EXPENSE ANALYSIS

Adjusted Paid Parking Revenue	458,802	710,272	809,401
Citation Revenue	84,431	159,413	181,526
Total Revenues	543,233	869,685	990,927
Less Expenses	(556,415)	(556,415)	(556,415)
Available for Parking Deck	(13,183)	313,270	434,512

Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Tentative Agenda City of Fayetteville Arkansas City Council Meeting September 21, 2010

A meeting of the Fayetteville City Council will be held on September 21, 2010 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

City Council Agenda Session Presentations:

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the September 7, 2010 City Council meeting minutes.
2. **Ranger's Pantry Pet Food Bank:** A resolution approving a budget adjustment in the amount of \$340.00 to recognize revenue from citizen donations to the Ranger's Pantry Pet Food Bank Project.

3. **Kim Hoadley Construction:** A resolution awarding bid and authorizing a contract with Kim Hoadley Construction in the amount of \$40,884.00 for improvements to the 1932 S. Garland CDBG Public Facility.
4. **Parks and Tourism Outdoor Recreation Grant (Repeal Resolution 139-10):** A resolution authorizing application for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$125,000.00 for improvements to the Lake Fayetteville North Shore, the Yvonne Richardson Community Center and Walker Park, and repealing Resolution 139-10.
5. **City Council Representative for Mandatory Settlement Conference:** A resolution to appoint City Council Member Shirley Lucas to represent the City Council during any settlement conference required by the Federal District Court of Magistrate.

B. Unfinished Business: None

C. New Business:

1. **North Ball Avenue & West Van Asche Drive Street Name Change:** A resolution renaming a section of North Ball Avenue to Roosevelt Avenue and a section of West Van Asche Drive to Jupiter Drive.
2. **RZN 10-3613 (Watson):** An ordinance rezoning that property described in rezoning petition RZN 10-3613, for approximately 3.0 acres, located at 5989 East Huntsville Road from Residential Single-Family, 4 units per acre, to R-A, Residential Agricultural.

Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

City of Fayetteville Staff Review Form

A. 2
 Ranger's Pantry Pet Food Bank
 Page 1 of 4

**City Council Agenda Items
 and
 Contracts, Leases or Agreements**

9/21/2010

City Council Meeting Date
 Agenda Items Only

Yolanda Fields

Submitted By

Community Services

Division

Development Services

Department

Action Required:

Approval of Budget Adjustment recognizing the Donation revenue received from citizens for the Ranger's Pantry Pet Food Bank in the amount of \$340.

_____	\$ _____	_____
Cost of this request	Category / Project Budget	Program Category / Project Name
_____	\$ _____	_____
2180.4945.5390.01	Funds Used to Date	Program / Project Category Name
Account Number		
_____	\$ _____	_____
Project Number	Remaining Balance	Community Services
		Fund Name

Budgeted Item ☐

Budget Adjustment Attached

☒

Yolanda Fields
 Department Director

09-21-2010
 Date

Previous Ordinance or Resolution # _____

Yolanda Fields
 City Attorney

9-1-10
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Beshen
 Finance and Internal Services Director

9-2-2010
 Date

Received in City Clerk's Office 08-31-10 A11:34 RCVD

Yolanda Fields
 Chief of Staff

9-2-10
 Date

Received in
 Mayor's Office

Yolanda Fields
 Mayor

9/2/10
 Date

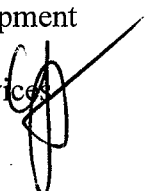


Staff recommends approval of the Budget Adjustment.

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Jeremy Pate, Dir. Community Development

From: Yolanda Fields, Dir. Community Services 

Date: August 27, 2010

Subject: Approval of a Budget Adjustment for the Community Services Division

PROPOSAL:

Community Services would like to recognize donation revenue that was received from citizens for the Ranger's Pantry Pet Food Bank.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to budget the Community Services Donation Revenue for Ranger's Pantry Pet Food Bank.

BUDGET IMPACT:

Increase the Community Outreach Projects account by \$340 for Ranger's Pantry Pet Food Bank.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE
AMOUNT OF \$340.00 TO RECOGNIZE REVENUE FROM CITIZEN
DONATIONS TO THE RANGER'S PANTRY PET FOOD BANK PROJECT

**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
budget adjustment, a copy of which is attached as Exhibit "A," in the amount of \$340.00 to
recognize revenue from citizen donations to the Ranger's Pantry Pet Food Bank Project.

PASSED and APPROVED this 21st day of September, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

A. 2

Ranger's Pantry Pet Food Bank

Page 4 of 4
Adjustment Number

Increase in revenue from citizen donations account in the amount of \$340.

A

City Council Agenda Items
and
Contracts, Leases or Agreements9/8/21/2010City Council Meeting Date
Agenda Items OnlyYolanda Fields

Submitted By

Community Services

Division

Development Services

Department

Action Required:

Approval of purchase order for rehabilitation of Public Facility Building

\$ 40,884.00

Cost of this request

\$ 136,657.00

Category / Project Budget

Program Category / Project Name

2180.4990.5390.27

Account Number

\$ 32,221.00

Funds Used to Date

Program / Project Category Name

\$ 104,436.00

Remaining Balance

Community Development

Project Number

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐William C. Pate
Department Director08.31.2010
Date

Previous Ordinance or Resolution #

Chris Kelley
City Attorney9-1-10
Date

Original Contract Date:

Original Contract Number:

Paul A. Beuhr
Finance and Internal Services Director9-2-2010
Date

Received in City Clerk's Office 08-31-10A11:34 RCVD

Don Mar
Chief of Staff9-2-10
Date

Received in Mayor's Office

Donald Jordan
Mayor9/2/10
Date

Comments:

staff recommends approval of PO.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director

From: Yolanda Fields, Community Services Division Director

Date: August 25, 2010

Subject: CDBG Public Facility Program- Approval of Purchase Order for Rehabilitation Project

PROPOSAL:

The property located at 1932 S. Garland was acquired with Community Development Block Grant (CDBG) funds. This property is a part of the CDBG Public Facility Lease Program. Properties acquired with CDBG funds are made available through an application process to non-profits that provide services to low/mod residents in the City of Fayetteville. The building is currently not leased, but will be available for lease once improvements are made.

Improvements to be made:

- Electrical
- Exterior Doors
- Utility Room Ceiling
- Handicap Ramp
- Bathroom Repairs
- Trim and Paint
- Metal Roof

RECOMMENDATION:

Staff recommends approval of Purchase Order for this project located at 1932 S. Garland

BUDGET IMPACT:

Project cost is approximately \$40,884.00

RESOLUTION NO. _____

**A RESOLUTION AWARDDING BID AND AUTHORIZING A CONTRACT
WITH KIM HOADLEY CONSTRUCTION IN THE AMOUNT OF \$40,884.00
FOR IMPROVEMENTS TO THE 1932 S. GARLAND CDBG PUBLIC
FACILITY**

**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 the bid and authorizes a contract with Kim Hoadley Construction in the amount of \$40,884.00 for improvements to the 1932 S. Garland CDBG Public Facility.

PASSED and APPROVED this 21st day of September, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:

Date:

A. 3

Kim Hoadley Construction

Page 4 of 18

8/25/2010

P.O Number:

Expected Delivery Date:

Vendor #:

19506

Vendor Name:

Kim Hoadley Construction

Mail

Yes:___

No:___

Address:

2848 N Quail Creek Dr

Fob Point:

Taxable

Yes:___

No:___

Quotes Attached

Yes: X

No:___

City:

Fayetteville

State:

AR

Zip Code:

72703

Ship to code:

Division Head Approval:

Requester:

Rachel

Requester's Employee #:

3273

Extension:

260

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	1932 Garland Improvements	1		34,191.10	\$34,191.10	2180.4990.5390.27			
2	1932 Garland Improvements - Roofing Energy Efficiency	1		6,692.90	\$6,692.90	2180.4990.5390.27	09029-0903		
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal:

\$40,884.00

Tax:

Total:

\$40,884.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

NORTHWEST ARKANSAS NEWSPAPERS_{LLC}

Northwest Arkansas Democrat Gazette
The Morning News of Springdale
The Morning News of Rogers
Northwest Arkansas Times
Benton County Daily Record

212 North East Avenue, Fayetteville Arkansas 72701/ PO Box 1607, 72702
PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Northwest Arkansas Newspapers LLC. Printed and published in Washington, Benton County, (Lowell) and Pulaski County, Arkansas and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville – CDBG- Bid GA-1932

August 1 & 8, 2010

Publication Charge : \$ 113.10

Signed: Cathy Wiles

Subscribed and sworn to before me
This 25 day of August, 2010.

Notary Public Jim Mears

My Commission Expires:

Jim Mears
Washington County
Commission Number 12374647
Notary Public - Arkansas
My Commission Expires Jan. 20, 2020

Do not pay from Affidavit, an invoice will be sent

Advertisement for Bids
City of Fayetteville
Community Development Block
Grant Program
Separate sealed bids for BID #
GA-1932 Moderate Rehab of a Public
Facility Building Bids will be received
by: City of Fayetteville, Community
Services Division, 113 W. Mountain
Street, Fayetteville, AR 72701 until
4:00 PM, Monday August 16, 2010.
The information for bidders, Form
of Bid, Form of Contract, Specifica-
tion, and General Conditions may be
picked up at the Community Services
Office, 125 W. Mountain St. Fay-
etteville, AR 72701 or by calling
479-575-8270. The City of Fay-
etteville reserves the right to reject
any and all bids and to waive formal-
ties deemed to be in the owner's best
interest. The City of Fayetteville en-
courages participation of small, mi-
nority and women-owned business
enterprises in the procurement of
goods, services, and construction, ei-
ther as a general contractor or sub-
contractor.
#62291730 August 1 & 8, 2010

COMMUNITY SERVICES DIVISION

Advertisement for Bids City of Fayetteville

Community Development Block Grant Program

Separate sealed bids for **BID # GA-1932** Moderate Rehab of a **Public Facility Building**. Bids will be received by: City of Fayetteville, Community Services Division 113 W. Mountain Street, Fayetteville, AR 72701 until **4:00PM, Monday August 16, 2010**

The information for bidders, Form of Bid, Form of Contract, Specification, and General Conditions may be picked up at the Community Services Office, 125 W. Mountain St, Fayetteville, AR 72701 or by calling 479-575-8270. The City of Fayetteville reserves the right to reject any and all bids and to waive formalities deemed to be in the owner's best interest. The City of Fayetteville encourages participation of small, minority and women owned business enterprises in the procurement of goods, services, and construction, either as a general contractor or subcontractor.

To be published in the LEGAL SECTION of the Arkansas Democrat Gazette newspaper on Sunday, August 1, 2010 and Sunday, August 8, 2010.

Please bill this to Brent Johnson P-card.

If you have any questions, please contact Brent at ph 575-8270 or fax 444-3445.

623792071
Advertisement for Bids
City of Fayetteville
Community Development Block
Grant Program
Separate sealed bids for BID #
GA-1932 Moderate Rehab of a Public
Facility Building. Bids will be received
by: City of Fayetteville, Community
Services Division 113 W. Mountain
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The information for bidders, Form
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nority and women owned business
enterprises in the procurement of
goods, services, and construction, ei-
ther as a general contractor or sub-
contractor.
#62291730 August 1 & 8, 2010
ADVERTISEMENT FOR BIDS

CONTRACTOR'S REQUESTING BID PACKETS

Owner(s) CITY OF FAYETTEVILLE

Project Location: 1932 GARLAND AVE

Project Number & Title: GA-1932

Name: SEE Bid list

Address: _____

City/State/Zip Code: _____

Name: Landscaping Construction

Address: 2700 W Bishop Rd.

City/State/Zip Code: Rogers AR 72756.

Name: _____

Address: _____

City/State/Zip Code: _____

Name: _____

Address: _____

City/State/Zip Code: _____

Name: _____

Address: _____

City/State/Zip Code: _____

Highland Home Builder, Inc.

Bruce Kerr 479-903-0966
Community Services Spec writer
brucegkerr@netzero.com
Community Services Division

Energy Efficiency Rehabilitation Project

Scope of Project: Replace exterior doors, Replace utility ceiling, Replace ramp entrance, Replace exterior lights, add a metal roof, remove all tubs

Owner's Name: City of Fayetteville (Office Building)

Project Location: 1932 S Garland, Fayetteville, AR

Project # GA-1932

Administrator: Brent Johnson **Phone:** 479-575-8270 **Fax:** 479-444-3445

Contractors Description of Work:

Minimum requirements for bidder: Proof of current Arkansas Commercial Contractor's license which is provided by the State of Arkansas Contractors Licensing Board and Certificate of Liability Insurance

GENERAL:

The contractor will be responsible for all aspects of the construction, installation, repairs, and cleanup as stated in the Scope of Work and Specifics at the project location stated above.

Each bidder will be responsible for a complete inspection of the property at the project location before submitting bid. All the distances, measurements, procedures, and listed materials should be verified before submitting your bid to complete the work. The requirements listed here, in the description of work, are general requirements and it will be the responsibility of the winning bidder to assure the City of Fayetteville that the finished project is in compliance with all applicable codes and standards and achieves the goal of raising the efficiency of the building.

The contractor's duties and responsibilities include, but are not limited to, the following:

- 1) Purchasing of all materials.
- 2) Supervision of all employees and subcontractors.
- 3) Coordination with the City of Fayetteville Housing Manager, the City of Fayetteville Code Compliance Office and owners.
- 4) Project design.
- 5) Clean up and restoration of all lawns, planters, walking and driving surfaces to their original condition.
- 6) Keep job site safe for others and practice safe working practices as required.

SPECIFICS:

A: ELECTRICAL

- A - 1 Remove all outdoor light fixtures and replace with new ones. The bulbs should be energy efficient compact fluorescent light bulbs (CFL's) They should be rated for outdoor use.

B: EXTERIOR DOORS

- B - 1 Remove all exterior doors
- B - 2 Install new exterior doors with commercial grade metal exterior doors. The doors should be double bored. They should be the same size as the doors they replaced.
- B - 3 Install new commercial door handles and deadbolt locks.
- B - 4 Install new peepholes for security
- B - 5 Repair any exterior siding that may be effected.

C : UTILITY ROOM CEILING

- C - 1 Tear out ceiling. (Some ceiling tiles are already falling down)
- C - 2 Install a new drywall ceiling.
- C - 3 Trim around the wall where the new drywall meets the wall to provide a finished look.

D: HANDICAP RAMP

- D - 1 Remove old handicap ramp.
- D - 2 Install a new ramp. The new ramp should comply with the Americans with Disabilities Act. (ADA) A website with full guidelines for the construction can be found at www.ada.gov Special attention should be given to the amount of slope, railings, and size of the ramp. When obtaining a permit for the ramp, plans for it must be submitted to Building Safety for approval. Questions about ADA codes for the ramp can also be answered by Building Safety at 479-575-8233

E: BATHROOM REPAIRS

- E - 1 Remove all three tubs, and or tub/shower units and faucets
- E - 2 Cap off all drains and faucet water supplies

E - 3 Drywall all walls once the tubs and the surrounds are removed

E - 4 Add flooring to patch the floor with new commercial vinyl flooring. (The rest of the floor is to have the flooring replaced under a different set of Specs that have all ready been awarded to a bidder. Coordinate with him to have the floor match.)

F: TRIM AND PAINT

F - 1 Trim all added exterior doors. Add trim or baseboard against any areas that were drywalled that will match the trim in the room.

F - 2 Paint all exterior doors that have been added.

F - 3 Paint all newly added trim and drywalled areas.

G: METAL ROOF

G - 1 Install a new metal roof over the existing shingle roof. The metal roof should be 29 gauge or heavier. The color requested is gray.

G - 2 Add all necessary trim and ensure that all vents and pipes coming out of the roof are sufficiently sealed to prevent water leaks into the attic. Roof should drain into the existing gutters when completed.

H: CLEANUP

H - 1 All new, used, and excess construction materials that relate to the job or a change order(s) belongs to the contractor and can be removed from the property by the contractor as needed during the project and shall be removed at completion.

H - 2 All trash shall be hauled off by contractor and preferably recycled if possible.

H - 3 All affected areas shall be left broom clean.

I: OTHER

- I - 1 All work or materials which are not directly noted in the Scope of Work and Specifics, but are necessary for the proper carrying out of the obvious intentions thereof, are to be understood as implied work and will be provided for by the contractor as if specifically described or drawn.
- I - 2 All work shall be performed in a workmanlike manner according to common construction practices, according to the specifications set forth in the Community Services Program's General Specification Manual, and with adherence to city, state, and national codes.
- I - 3 Any damage to the dwelling or property caused by the contractor, his/her worker(s) or delivery person, and/or their vehicles during the project shall be repaired to like new conditions.
- I - 4 Where applicable, all plumbing work shall be performed by a Arkansas State licensed plumbing contractor with adherence to the current Arkansas Plumbing Code.
- I - 5 Where applicable, all electrical work shall be performed by a Arkansas State licensed electrical contractor with adherence to the current National Electrical Code.
- I - 6 Where applicable, all HVAC work shall be performed under the supervision of a licensed HVAC contractor with adherence to all codes.

Bid List

Name	Address	Phone	Email	CC/CDBG
Isias Concrete Works	1260 CR 763, Brookland, AR 72417			Both
Joe Perme	1874 Doral Dr, Fayetteville, AR 72701	409-1101	joepermeconstruction@cox.net	Both: email specs/bid form
Rick Pershall	PO Box 11, Prairie Grove, AR 72753	601-5215	ar64fay@yahoo.com	
Randy Evans	2700 W Bishop Dr, Rogers, AR 72756		randallevans1963@gmail.com	email specs and bid forms
Tyler Fochtman	26 W Sunbridge Dr, Fayetteville AR 72701	521-6082	tfochtman@gmail.com	Construction and rehab - email pdf
HDI Contractors	710 Hwy 62-65 S, Harrison, AR 72601	870-743-2323	hdicontractors@gmail.com	everything Attn: Ed Brewer
HDI Contractors	711 Hwy 62-65 S, Harrison, AR 72601	870-743-2324	hdijacob@gmail.com	everything
Schefers Roofing Company	13455 Puppy Creek Rd STE13, Springdale, AR 72752	479-685-6004	jeffw@schefersroofing.com	everything
Lowes	3231 w mlk, Fayetteville, AR 72704		chad.r.snodgrass@store.lowes.com	construction
Ozark Demolition	244 E Baxter Ln, Fayetteville, AR 72701			raze and removals only
Kim Hoadley			kim_hoadley@hotmail.com	
Tom Weidler - Tom's Maintenance		702-609-2040	tom61375@yahoo.com	all
Dovetail Construction	1913 K Street, Rogers, AR 72758		potchnik@cox.net	construction related that do not require lead cert.
Tom Fowler			tom.fowler@rocketmail.com	
Masterpiece Landscapes	924 S Janelle Ave 72701			mowing bid
Jim Shadox		957-1367	shadcoinc@sbcglobal.net	Everything

bid packet sent

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

RECEIPT OF BIDS

OWNER(S): City of Fayetteville _____

ADDRESS: 1932 Garland _____ PROJECT No: GA-1932 _____

PROJECT TITLE: Energy Efficiency Rehab. _____

BID CLOSING DAY/DATE/TIME: Monday, 4:00 PM, August 16, 2010 _____

CONTRACTOR: Kim Hoadley Construction BID AMOUNT: 39,551.⁰⁰ *★*

CONTRACTOR: _____ BID AMOUNT: _____

CONTRACTOR: _____ BID AMOUNT: _____

CONTRACTOR: _____ BID AMOUNT: _____

CONTRACTOR: _____ BID AMOUNT: _____

Certified by: R. R. [Signature] Date: 8/16/10

Witness: [Signature] Date: 8/16-10

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: GA-1932

DATE ISSUED: 08-02-10

DATE AND TIME OF OPENING: Monday, 4:00 pm, August 16 2010

OWNER'S NAME: City of Fayetteville

PROJECT ADDRESS: 1932 Garland Ave. Fayetteville, AR

*In blanks below please quote price for each item and the total for project at the bottom.

A) Electrical:	<u>1255</u> ⁶⁶
B) Exterior Doors:	<u>10673</u> ⁰⁰
C) Utility Room Ceiling:	<u>1004</u> ³⁴
D) Handicap Ramp:	<u>3641</u> ⁰⁰
E) Bathroom Repairs:	<u>5023</u> ⁰⁰
F) Trim and Paint:	<u>3139</u> ⁰⁰ _{ku}
G) Metal Roof:	<u>14187</u> ⁰⁰ _{ku}
H) Cleanup:	<u>628</u> ⁰⁰

MY TOTAL BID PRICE FOR THIS PROJECT IS \$ 39551 ⁰⁰

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address:

Name of Firm: Kim Hoadley Const. Co. Phone # 479-236-2800

Street address or P O Box 2848 N Quail Creek Dr

City / State / Zip Code Fayetteville, AR 72703



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

A. 3
Kim Hoadley Construction
Page 16 of 18

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Printed Name: Kim Hoadley President

Signature: [Signature] Title: _____



COMMUNITY DEVELOPMENT BLOCK GRANT

CHANGE ORDER #1 AUTHORIZATION

Owner: CITY OF FAYETTEVILLE

Property Location: 1432 GARLAND AVE.

Contractor: Kim Hoadley Construction Inc.

The following is a Change Order to the original Contract dated 8-16-10 between the Owner(s) of the property in Fayetteville, AR and the Contractor as indicated above. This Change Order is made to modify or change the work under the above-captioned Contract and this Change Order is made a part of that Contract. This Change Order supersedes any previous drawings, specifications and agreements.

CHANGES:

Original Contract Sum	<u>\$39,551.00</u>	<u>\$</u>
Contractor Sum Paid-To-Date	<u>\$0</u>	
Due on Original Contract	<u>\$39,551.00</u>	
Previous Change Order Total	<u>\$</u>	<u>\$</u>
Subtotal Due	<u>\$</u>	
Amount of This Change Order	<u>\$1,333.00</u>	<u>\$</u>
Total Contract Amount		<u>\$</u>
Total Due	<u>\$40,884.00</u>	

[Signature] President
Contractor
[Signature]
Housing Manager
[Signature]
Community Services Director

8-23-2010
Date
8-24-2010
Date
8/24/2010
Date

KIM HOADLEY CONSTRUCTION CO. INC.
2848 N. QUAIL CREEK DRIVE FAYETTEVILLE, AR 72703
Phone 479.236.2300 Fax 479.251.8852 kim_hoadley@hotmail.com

August 18, 2010

Brent Johnson
Housing Manager
113 West Mountain St.
Fayetteville, AR 72701
575-8270

Subject: Project GA-1932
Proposed price of 4th tub removal.

Remove tub and surround. Cap water lines and sewer. Patch walls with 1/2" Drywall, match texture and paint. Patch floor.

Total price \$1,333.00

Respectfully Submitted;

Kim Hoadley
236-2300

City of Fayetteville Staff Review Form

A. 4
Parks and Tourism Outdoor Recreation
Grant (Repeal Resolution 139-10)
Page 1 of 6

**City Council Agenda Items
and
Contracts, Leases or Agreements**

9/21/2010

City Council Meeting Date
Agenda Items Only

Carole Jones

Submitted By

Park Planning

Division

Parks and Recreation

Department

Action Required:

Parks and Recreation requests City Council approval of a resolution to revise Resolution 139-10 to reflect the required language authorizing the City to apply for \$125,000 from the Arkansas Parks and Tourism Outdoor Recreation Grant Program for improvements at Lake Fayetteville North Shore, the Yvonne Richardson Community Center and Walker Park.

\$ <u>-</u>	\$ <u>125,000.00</u>	<u>Lake Fayetteville Improvements</u>
Cost of this request	Category / Project Budget	Program Category / Project Name
<u>2250.9255.5806.00</u>	\$ <u>-</u>	<u>Parks Development</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>02043.1001</u>	\$ <u>125,000.00</u>	<u>Parks Development</u>
Project Number	Remaining Balance	Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Connie Edmonston
Department Director

9-2-10
Date

Previous Ordinance or Resolution #

[Signature]
City Attorney

9-2-10
Date

Original Contract Date:

Original Contract Number:

Paul A. Bahr
Finance and Internal Services Director

9-2-2010
Date

Received in City Clerk's Office 9-03-10 A08:16 RCVD

[Signature]
Chief of Staff

9/7/10
Date

Received in Mayor's Office

9/3/10
PH.

[Signature]
Mayor

9/7/10
Date

Comments: The request is only to revise the language of the resolution for the grant application. No additional funds are requested.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director *C.E.*
Alison Jumper, Park Planning Superintendent *AJ*

From: Carole Jones, Park Planner *CJ*

Date: September 3, 2010

Subject: Revision to Resolution 139-10 to apply for 2011 Arkansas Outdoor Recreation Grant
Agenda Request for September 21, 2010 Meeting

PROPOSAL:

The Land and Water Conservation Fund (LWCF) is a federal program with funds derived from the sale of federal surplus real estate property, federal motor boat fuel tax, and Outer Continental Shelf mineral receipts. The Natural and Cultural Resources Grant and Trust Fund (NCRGTF) is a state program with funds collected from a tax on the transfer of certain real estate in the State of Arkansas. LWCF and NCRGTF funds are included in the Department of Parks and Tourism's Outdoor Recreation Grants Program for funding outdoor recreation facilities. Only incorporated cities and counties may apply. This is a 50/50 reimbursable matching grant with a \$250,000 maximum request on matching funds.

The City Council approved Resolution 139-10 (see attached) on August 3, 2010 authorizing the City to apply for a \$250,000 grant from the Arkansas Department of Parks and Tourism's Outdoor Recreation Grants Program. The resolution must be revised to reflect the required language in the grant application guide.

RECOMMENDATION:

Parks and Recreation requests City Council approval of a resolution to revise Resolution 139-10 to reflect the required language authorizing the City to apply for \$125,000 from the Arkansas Parks and Tourism Outdoor Recreation Grant Program for improvements at Lake Fayetteville North Shore, the Yvonne Richardson Community Center and Walker Park.

BUDGET IMPACT:

This grant application is for \$125,000. The Arkansas Outdoor Recreation Grant is a 50/50 Matching Grant. If the full amount requested is awarded, the City is responsible for applying \$125,000 towards the project, resulting in a \$250,000 project. Currently, the Lake Fayetteville North Shore Playground Renovations project has \$125,000 budgeted for 2011.

Attachments:

Staff review
Resolution No. 139-10 approved on August 3, 2010

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING APPLICATION FOR AN ARKANSAS PARKS AND TOURISM OUTDOOR RECREATION GRANT IN THE AMOUNT OF \$125,000.00 FOR IMPROVEMENTS TO THE LAKE FAYETTEVILLE NORTH SHORE, THE YVONNE RICHARDSON COMMUNITY CENTER AND WALKER PARK, AND REPEALING RESOLUTION 139-10

WHEREAS, the City of Fayetteville, Arkansas seeks to improve the recreation facilities and wishes to seek grant funding assistance; and

WHEREAS, in order to obtain the funds necessary to develop and/or improve the site for such a recreation area, it is necessary to obtain a 50/50 Matching Grant from the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program; and

WHEREAS, the plans for such recreation areas have been prepared and the price therefore has been established; and

WHEREAS, this governing body understands the grantee and grantor will enter into a binding agreement which obligates both parties to policies and procedures contained in the *Land and Water Conservation Fund Grants Manual* including, but not limited to the following; the park area defined by the project boundary map, submitted in the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds and; all present and future overhead utility lines within the project boundary must be routed away or placed underground and; the project area must remain open and available for use by the public at all reasonable times of the day and year; facilities can be reserved for special events, league play, etc. but cannot be reserved, leased or assigned for exclusive use, and; the project area must be kept clean, maintained, and operated in a safe and healthful manner; and

WHEREAS, the City Council is well aware and apprised of the above-mentioned project, and will provide the local portion of the development cost of the entire project.

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

Section 1. The Mayor is hereby authorized to make application to the Arkansas Department of Parks and Tourism for assistance to develop recreational facilities for the City; therefore such application shall be submitted as expediently as possible.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals Resolution No. 139-10.

PASSED and APPROVED this 21st day of September, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RESOLUTION NO. _____

WHEREAS, _____, Arkansas seeks to improve the recreation facilities and wishes to seek grant funding assistance; and

WHEREAS, in order to obtain the funds necessary to develop and/or improve the site for such a recreation area, it is necessary to obtain a 50/50 Matching Grant from the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program; and

WHEREAS, the plans for such recreation areas have been prepared and the price therefore has been established; and

WHEREAS, this governing body understands the grantee and grantor will enter into a binding agreement which obligates both parties to policies and procedures contained in the *Land and Water Conservation Fund Grants Manual* including, but not limited to the following; the park area defined by the project boundary map, submitted in the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds and; all present and future overhead utility lines within the project boundary must be routed away or placed underground and; the project area must remain open and available for use by the public at all resonable times of the day and year; facilities can be reserved for special events, league play, etc. but cannot be reserved, leased or assigned for exclusive use, and; the project area must be kept clean, maintained, and operated in a safe and healthful manner.

City Council/Quorum Court is well aware and apprised of the above-mentioned project, and will provide the local portion of the development cost of the entire project..

NOW, THEREFORE, BE IT RESOLVED by the City Council/Quorum Court of _____, Arkansas that the Mayor/County judge is hereby authorized to make application to the Arkansas Department of Parks and Tourism for assistance to develop recreational facilities for the City/County; therefore such application shall be submitted as expediently as possible.

Passed this _____ day of _____, 2010.

APPROVED: _____

Mayor/County Judge

Clerk

RESOLUTION NO. 139-10

A RESOLUTION AUTHORIZING APPLICATION FOR AN ARKANSAS PARKS AND TOURISM OUTDOOR RECREATION GRANT IN THE AMOUNT OF \$125,000.00 FOR IMPROVEMENTS TO THE LAKE FAYETTEVILLE NORTH SHORE, THE YVONNE RICHARDSON COMMUNITY CENTER AND WALKER PARK

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

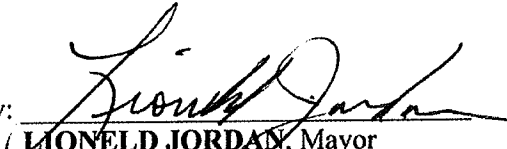
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes application for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$125,000.00 for improvements to the Lake Fayetteville North Shore, the Yvonne Richardson Community Center and Walker Park.

PASSED and APPROVED this 3rd day of August, 2010.

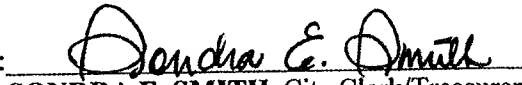
APPROVED:

ATTEST:

By:


LIONELD JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer



AGENDA REQUEST

A. 5
City Council Representative for
Mandatory Settlement Conference
Page 1 of 4

FOR: COUNCIL MEETING OF SEPTEMBER 21, 2010

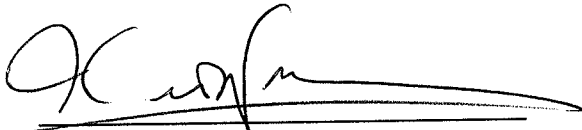
FROM:

KIT WILLIAMS, CITY ATTORNEY

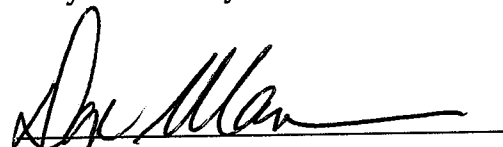
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Appoint City Council Member Shirley Lucas To Represent The City Council
During Any Settlement Conference Required By The Federal District Court Or Magistrate

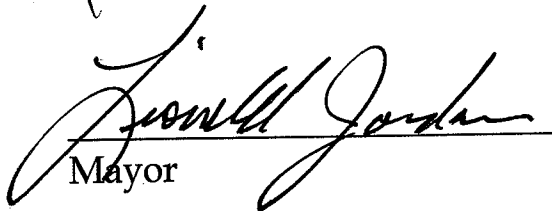
APPROVED FOR AGENDA:


City Attorney

9-8-2010
Date


Chief of Staff

9-8-10
Date


Mayor

9/8/10
Date

09-08-10P12:07 RCVD

KJ



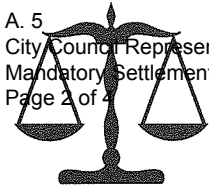
FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

A. 5
City Council Representative for
Mandatory Settlement Conference
Page 2 of 4



LEGAL DEPARTMENT

TO: **Mayor Jordan**
City Council

FROM: **Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read 'Kit Williams', followed by a horizontal line.

DATE: **September 8, 2010**

RE: **City Council Representative for mandatory Settlement Conference now
scheduled for November 17th at 9:00 a.m. in Federal Court**

Originally the Federal Magistrate Judge had ordered that the entire City Council and Mayor Jordan had to appear for a "Settlement Conference" in the *Rogers Group, Inc. v. City of Fayetteville* case. I appealed this to the Federal District Judge as provided in the Federal Rules of Civil Procedure. The Magistrate Judge then had a conference call with me and the Rogers Group, Inc.'s attorney and we agreed that the City Council would appoint a representative with whatever settlement authority (it could be none) it wished to empower the representative. I thought that City Council member Shirley Lucas would be a good representative since she and Sarah Lewis had sponsored and supported the rock quarry ordinance. I wanted to give Shirley Lucas some authority even though I doubt if the Rogers Group, Inc. would propose any settlement that the City would agree to.

Attached is the Resolution that includes the authority to delete the number on the back of a dump truck requirement. This is the only issue I felt where the City Council might have some leeway in removing without significant damage to the ordinance's goals to prevent the rock quarry from being a nuisance.

I must admit that this Settlement Conference is probably futile so anyone appointed representative will probably just waste their morning with me in Court as no settlement is remotely likely. The City would demonstrate "good faith" in not only appointing a representative, but also by giving that representative a small amount of power to compromise on the truck numbering requirement if Rogers, Group, Inc. drops all other claims against us. I cannot believe Rogers would make such an agreement so no settlement is by far the most likely outcome.

RESOLUTION NO. _____

A RESOLUTION TO APPOINT CITY COUNCIL MEMBER SHIRLEY LUCAS TO REPRESENT THE CITY COUNCIL DURING ANY SETTLEMENT CONFERENCE REQUIRED BY THE FEDERAL DISTRICT COURT OR MAGISTRATE

WHEREAS, the United States Magistrate Judge has ordered that the City of Fayetteville attend a Settlement Conference in the case of *Rogers Group, Inc. v. City of Fayetteville* concerning the Rock Quarry Licensing Ordinance; and

WHEREAS, the Magistrate Judge requires Fayetteville to have a representative of the City Council present at such Settlement Conference; and

WHEREAS, the Magistrate Judge requires that this representative be empowered with whatever settlement authority the City Council might wish to confer on such representative.

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 appoints City Council Member Shirley Lucas as the official City Council representative for any required Settlement Conference to be conducted by the Federal Magistrate Court in the case *Rogers Group, Inc. v. City of Fayetteville*.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby empowers City Council Member Shirley Lucas to agree to possible amendments up to full deletion of §113.02(C)(2), (4) and (5) and §113.02 (D)(2) regarding the numbers on the dump trucks.

PASSED and APPROVED this 21th day of September, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

City Council Agenda Items

C. 1
 North Ball Avenue & West Van
 Asche Drive Street Name Change
 Page 1 of 6

September 21st, 2010

City Council Meeting Date
 Agenda Items Only

John Goddard
 Submitted By

Information Technology
 Division

Finance
 Department

Action Required:

Approval of a resolution to re-name a segment of W Van Asche Dr and a segment of N Ball Ave (formerly S Ball St to the City of Johnson) due to a recent annexation and the Master Street Plan.

\$400.00

Cost of this request

\$ 51143.00.

Category / Project Budget

Materials & Supplies

Program Category / Project Name

2100 5315 5212 00

Account Number

\$ 28924.13.

Funds Used to Date

Traffic, Engineering, planning

Program / Project Category Name

\$ 26218.87.

Remaining Balance

street

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

Date

Received in City
 Clerk's Office

09-03-10A11:26 RCVD

Chief of Staff

Date

Received in
 Mayor's Office



Mayor

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council
Thru: Don Marr, Chief of Staff
From: John Goddard, GIS Coordinator, Information Technology Division
Date: August 23, 2010

Subject: Approval of a resolution to change the names of two segments of streets that were annexed into the City of Fayetteville from the City of Johnson.

RECOMMENDATION

Rename the section of N. Ball Ave, which extends from Van Asche to the Johnson City Limits, to Roosevelt Ave.

Rename the section of W Van Asche Dr that extends from Ball Ave to Mcquire St, to Jupiter Dr

Note: These names have been pre-approved by the City's E911 Services

BACKGROUND

Due to Annexation Ordinance 5317 (the recent Johnson annexation) there is now more than one Ball Ave within the City. To avoid E911 problems it is recommended the Ball Ave off of Van Asche be renamed. There is only a single address on this street (Arkholia Sand & Gravel Co).

Also:

When the new Van Asche is extended from Gregg Ave to McGuire, it will parallel the old Van Asche to the north. It is recommended that a new name be given to this old section of Van Asche while there is a single structure with an address located there (a electrical power station—Southwestern Electric Power) .

BUDGET IMPACT

Approximately \$400.00 for the installation of new street signs.

RESOLUTION NO. _____

A RESOLUTION RENAMING A SECTION OF NORTH BALL AVENUE TO
ROOSEVELT AVENUE AND A SECTION OF WEST VAN ASCHE DRIVE
TO JUPITER DRIVE

WHEREAS, the City's GIS/911 Street Naming Committee recommends that the recently annexed portion of Ball Avenue (one block) and Van Asche be renamed because Fayetteville already has a Ball Avenue and the Van Asche extension will relocate Van Asche to a major boulevard to the south.

**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 renames the one block section of North Ball Avenue from West Van Asche Drive to the Johnson City Limits to Roosevelt Avenue.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby renames the section of West Van Asche Drive that extends from North Ball Avenue to McGuire Street to Jupiter Drive so that any new businesses or addresses on this section of Van Asche will not have to change their addresses when the new Van Asche Boulevard is constructed within a few years.

PASSED and APPROVED this 21st day of September, 2010.

APPROVED:

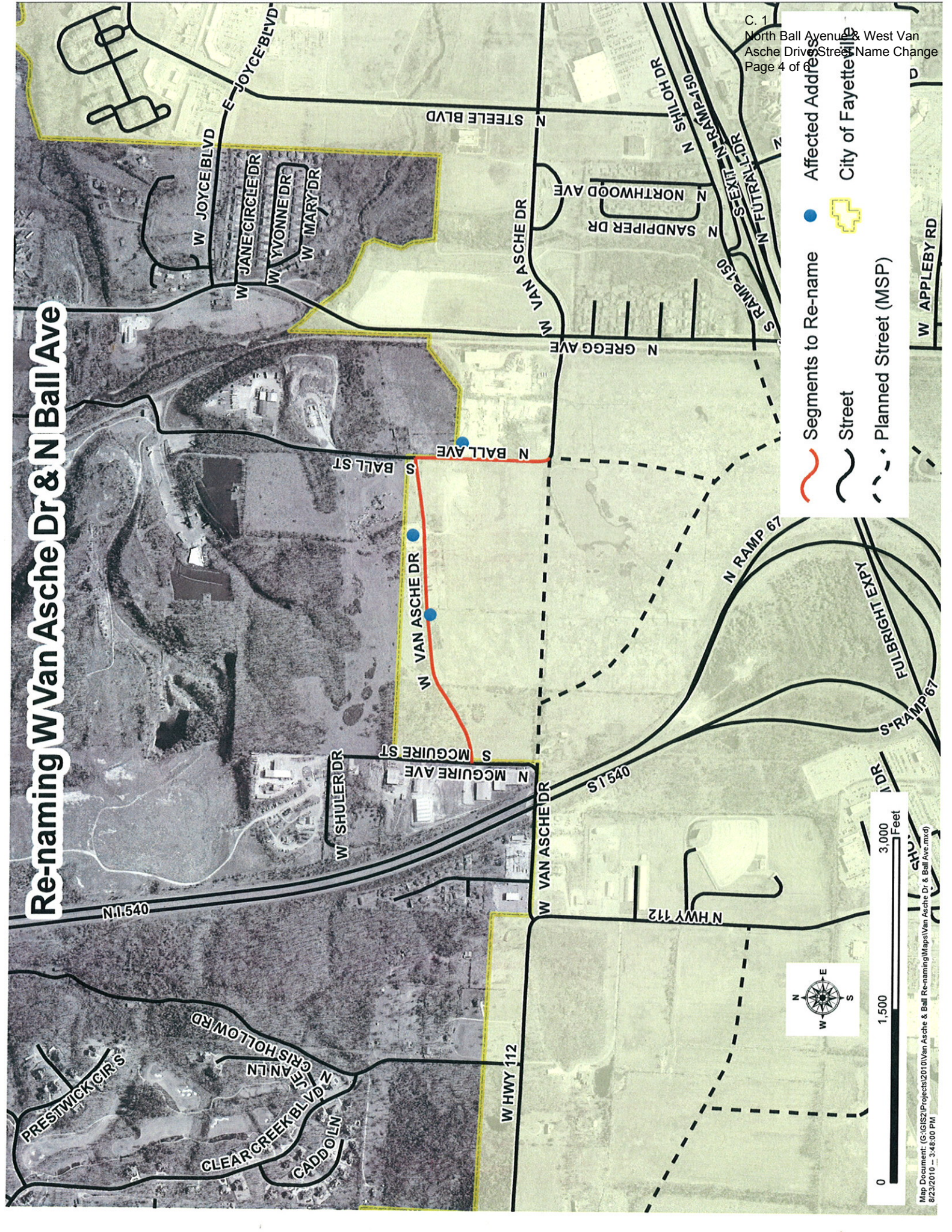
ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Re-naming W Van Asche Dr & N Ball Ave

- Segments to Re-name
- Affected Addresses
- City of Fayetteville
- Street
- Planned Street (MSP)



Re-naming W Van Asche Dr & N Ball Ave

- Segments to Re-name Street
- Affected Address
- City of Fayetteville
- Planned Street (MSP)

S BALL ST

N BALL AVE

W VAN ASCHE DR

860 Van Asche
 Electric Co. Facility

989 Van Asche
 Yard Account

7000 Ball
 Concrete Mixing

W SHULER DR

S MCGUIRE ST

N MCGUIRE AVE

ST 540

ST 540



City Council Agenda Items
and
Contracts, Leases or Agreements

9/21/2010

City Council Meeting Date
Agenda Items OnlyAndrew Garner
Submitted ByPlanning
DivisionDevelopment Services
Department

Action Required:

RZN 10-3613: (Watson, 611): Submitted by Tom and Marie Watson for property located at 5989 East Huntsville Road. The property is zoned RSF-4, Residential Single-Family, 4 units per acre, contains approximately 3.0 acres. The request is to rezone the subject property to R-A, Residential Agricultural.

_____	\$ _____	_____
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 ☐	

James C. Bate 09-02-2010 Previous Ordinance or Resolution # _____
 Department Director Date
K. K. K. 9-3-2010 Original Contract Date: _____
 City Attorney Date Original Contract Number: _____

Paul A. Bate 9-3-2010
 Finance and Internal Services Director Date

Don M. 9-3-10
 Chief of Staff Date

Donald Jordan 9/7/10
 Mayor Date

Received in City Clerk's Office 09-03-10A09:53 RCVD

K. K. K.

Received in Mayor's Office



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Jeremy Pate, Development Services Director 

From: Andrew Garner, Senior Planner

Date: August 31, 2010

Subject: RZN 10-3613 Watson

RECOMMENDATION

Staff and Planning Commission recommend approval of an ordinance to rezone the subject property from RSF-4, Residential Single Family Four Units Per Acre to R-A, Residential Agricultural (RZN 10-3613).

BACKGROUND

The subject property is located on the south side of East Huntsville Road/State Highway 16E approximately one-quarter mile east of Mally Wagnon Road. The overall site contains approximately 4.6 acres. The northern portion of the property adjacent to Huntsville Road is within the City, the southern portion of the property is within Washington County. On May 6, 2010 the applicant received approval from Washington County to operate a flea market in an existing metal building on the southern portion of the property. There is also a residence and several accessory structures on the overall site. The northern portion of the site is traversed by a large overhead electric transmission line and associated easements running east-west along Huntsville Road. The subject property is the northern approximately 3.0 acres of the applicant's property that is within the City.

The applicant proposes to rezone the approximately 3.0-acre property from RSF-4, Residential Single Family Four Units/Acre to R-A, Residential Agricultural, stating that the reason for the rezoning request is to allow for a sign for their flea market business. The City's Future Land Use Plan identifies this property as a Rural Area, which is consistent with the applicant's proposal.

DISCUSSION

On August 30, 2010 the Planning Commission forwarded this request to the City Council with a recommendation for approval with a vote of 9-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 10-3613, FOR APPROXIMATELY 3.0 ACRES, LOCATED AT 5989 EAST HUNTSVILLE ROAD FROM RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE, TO R-A, RESIDENTIAL AGRICULTURAL

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 RSF-4, Residential Single-Family, 4 units per acre to R-A, Residential Agricultural, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

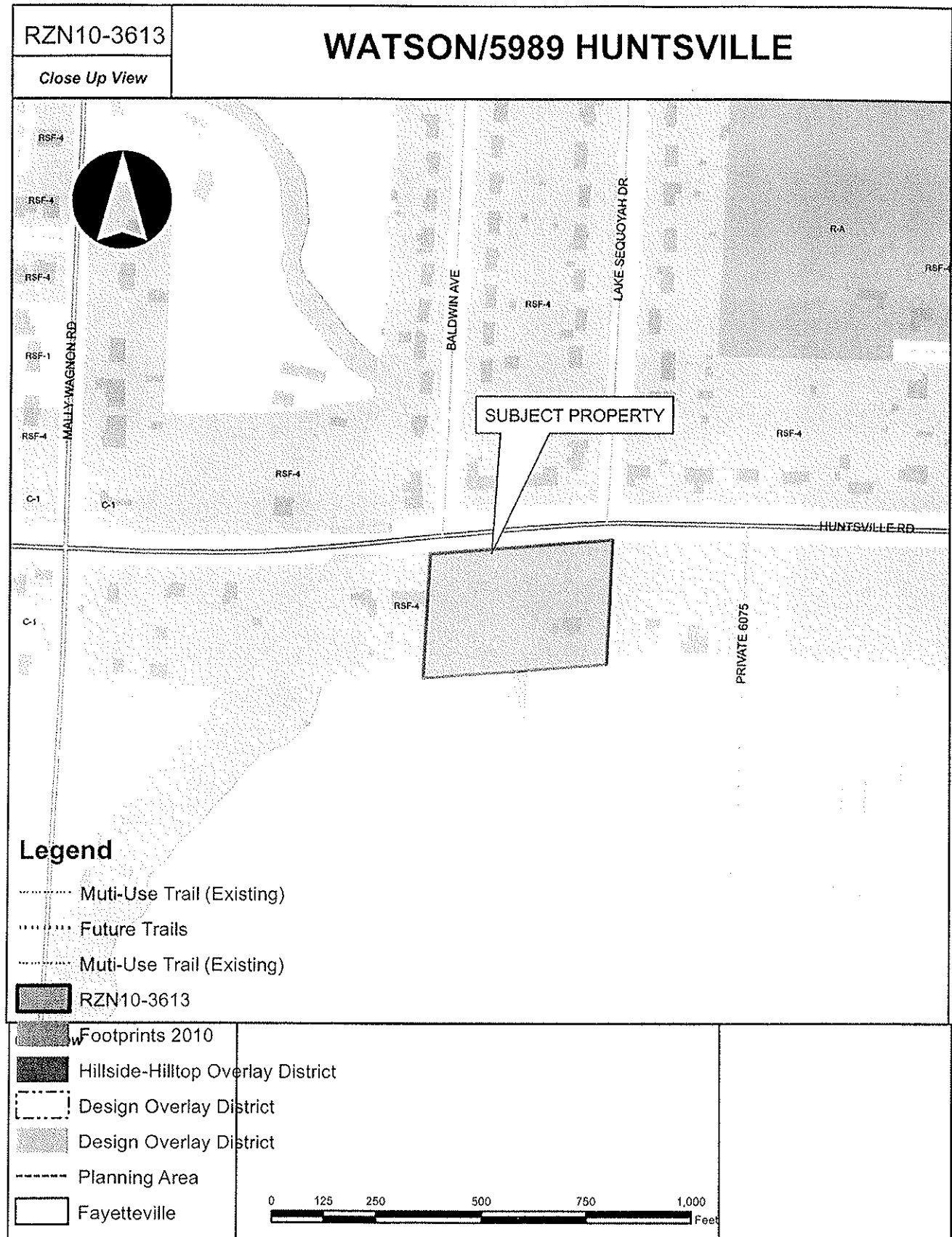


EXHIBIT "B"
RZN 10-3613

SURVEY DESCRIPTION (PARCEL 765-13150-000):

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER ALL IN SECTION 20, TOWNSHIP 16 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S86°58'24"E 878.40' FROM THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, SAID POINT BEING A SET IRON PIN, AND RUNNING THENCE N03°08'48"E 53.61' TO A FOUND IRON PIN, SAID PIN BEING ON THE SOUTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY 16 (HUNTSVILLE ROAD), THENCE N85°27'56"E 438.17' TO A FOUND IRON PIN, THENCE S02°49'04"W 300.00', THENCE S85°29'42"W 439.88', THENCE N03°08'48"E 246.39' TO THE POINT OF BEGINNING. CONTAINING 3.00 ACRES, MORE OR LESS.



PC Meeting of August 30, 2010

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Development Services Director
DATE: August 16, 2010

RZN 10-3613: Rezoning (WATSON/5989 E. HUNTSVILLE, 611): Submitted by TOM and MARIE WATSON for property located at 5989 E. HUNTSVILLE ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 3.0 acres. The request is to rezone the subject property to R-A, Residential Agricultural. Planner: Andrew Garner

BACKGROUND:

July 26, 2010 Planning Commission Meeting and Current Proposal: At the July 26, 2010 Planning Commission the applicant proposed to rezone 0.50-acre of their property to R-O, Residential Office. Planning staff recommended denial of the request. The Planning Commission tabled the applicant's request, discussing that they felt there were other options that should be explored that might be a better fit than the proposed rezoning (meeting minutes attached). The applicant has revised their rezoning request and now propose to rezone the entire approximately 3.0-acre tract located within the City to R-A, Residential Agricultural.

Property Description and History: The subject property is located on the south side of East Huntsville Road/State Highway 16E approximately one-quarter mile east of Mally Wagon Road. The overall site contains approximately 4.6 acres. The northern portion of the property adjacent to Huntsville Road is within the City, the southern portion of the property is within Washington County. On May 6, 2010 the applicant received approval from Washington County to operate a flea market on the southern portion of the property. There are also two residences and several accessory structures on the overall site. The northern portion of the site is traversed by a large overhead electric transmission line and associated easements running east-west along Huntsville Road. The subject property is the northern approximately 3.0 acres of the applicant's property that is within the City. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-family residential	RSF-4
South	Rural/Flea Market	Washington County Agricultural/Single Family Residential 1 unit per acre*
East and West	Rural residential	RSF-4

*Approved conditional use permit to operate a flea market in the existing building at 5975 East Huntsville Road
G:\ETC\Development Services Review\2010\Development Review\10-3613 RZN 5989 E Huntsville Road\03- Planning Commission\08-30-10\Comments & Redlines

Proposal: The applicant proposes to rezone the approximately 3.0-acre property from RSF-4, Residential Single Family Four Units/Acre to R-A, Residential Agricultural, stating that the reason for the rezoning request is to allow for a sign for their flea market business.

Public Comment: Staff has not received public comment on this particular request.

RECOMMENDATION:

Staff recommends approval of **RZN 10-3613 (Watson)** based on findings stated herein.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>July 26, 2010</u>	☒ Tabled	☐ Forwarded	☐ Denied		
Motion: <u>Kennedy</u>	Second: <u>Chesser</u>	Vote: <u>8-0-0</u>			
Date: <u>August 30, 2010</u>	☐ Tabled	☒ Forwarded	☐ Denied		
Motion: <u>Chesser</u>	Second: <u>Cabe</u>	Vote: <u>9-0-0</u>			
CITY COUNCIL ACTION:		Required	<u>YES</u>		
Date:		☐ Approved	☐ Denied		

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as **Rural Area**. The Rural Area land use designation consists of areas that have infrastructure and public services to support low-density, low-intensity land uses. These areas do not have adequate transportation or public services to support urban development patterns at this time. This area also encourages conservation and preservation in any development pattern. If developed, these areas encourage alternative development patterns to achieve compatibility with surrounding rural areas.*

INFRASTRUCTURE:

Streets: The site has access to Huntsville Road. Huntsville Road is a two lane state highway in this location. Street improvements will be evaluated with development submittal.

Water: Public water is available to the property. There is an 8" public main located along the north side of Huntsville Road. Public water main improvements may need to be constructed to provide domestic and fire flow for any proposed development.

Sewer: Sanitary sewer is available to the site. There is a 6" public main located along the

south side of Huntsville Road directly in front of this property. The existing sanitary sewer may need to be analyzed to ensure that it has adequate capacity to serve a future development on this lot. Public mains may need to be extended through the property to serve any proposed development.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain.

Police: Staff did not receive information from the Police Department before the publication of this staff report.

Fire: See vicinity map included in this packet indicating the emergency response route to this site from Fire Station #3.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: Staff finds that the R-A zoning district is consistent with the Future Land Use designation of Rural Area on the property, which is intended largely for low density, low-intensity land uses. The proposed 3.0-acre tract meets the minimum bulk and area requirements of the proposed zoning district. The surrounding land uses and zonings are predominantly single family and rural residential. The proposed R-A zoning would be compatible with the surrounding large parcels, agricultural and residential uses. The proposed zoning would also be compatible with the surrounding RSF-4 zoning in the City and Washington County Agricultural/Single Family Residential 1 unit per acre zoning. This rezoning is not considered to be a "spot zone¹" as it would be compatible and appropriate to have this parcel zoned R-A, based on the Future Land use Plan for the area, and the existing rural character of this area of southeast Fayetteville. The Future Land Use Plan does not anticipate a higher density or intensity of land use in this area in the foreseeable future.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The applicant has discussed that the proposed rezoning is needed to allow for a sign for the flea market that was approved by Washington County on May 6, 2010. The building being utilized for the flea market is approximately 350 feet off of Huntsville Road and in the County. The applicant desires a sign on the portion of the property in the City and zoned RSF-4 adjacent to Huntsville Road. While staff understands that a sign is desired for the marketability of the new flea market business, the zoning of the property as a whole should be evaluated, not just the potential for a sign. As discussed in Finding No. 1, the

proposed R-A zoning is an appropriate zoning district. The zoning is justified as it is a compatible zoning that meets the City's adopted Future Land Use Plan.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The proposed rezoning from RSF-4 to R-A would not increase traffic congestion as the residential density would be reduced from 4 units/acre to 0.5 unit/acre. The existing RSF-4 zoning would permit approximately 12 residential units, where the proposed R-A zoning allows only one unit. The proposed R-A zoning would allow for uses such as animal husbandry or animal boarding, however, the overall potential for traffic congestion would be reduced under the proposed R-A zoning. Staff has concerns with high speed vehicles turning into the property to access the applicant's flea market business on a gravel driveway without a turn lane. However, the flea market is located on the parcel south of the subject property and in Washington County. The flea market business is not a part of this rezoning application and development issues associated with this business are not something that can be considered with this rezoning request.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments and are included in this report. The proposed zoning change from RSF-4 to R-A should have no discernable impact on public services.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: Not applicable. Staff recommends in favor of the request.

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
-------------------------	--------

Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10)

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half
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(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09)

G:\ETC\Development Services Review\2010\Development Review\10-3613 RZN 5989 E Huntsville Road\03- Planning Commission\08-30-10\Comments & Redlines

174.10 On-Site Freestanding Signs

It shall be unlawful to erect any freestanding sign which total height is greater than 30 feet above the level of the street upon which the sign faces. For any sign located closer to street right-of-way than 40 feet, the maximum height shall be reduced one-half (1/2) foot for each foot of setback less than 40 feet. On-Site Freestanding signs shall be permitted to be erected in the city subject to the following:

(A) *R-A District.*

- (1) *Number of signs.* Only one on-site freestanding sign shall be permitted on a lot or at a business operating on two or more adjoining lots.
- (2) *Display surface area.* Display surface area shall not exceed 16 square feet.
- (3) *Illumination.* Sign may be illuminated by indirect illumination only.
- (4) *Setback from right-of-way.* Sign shall be setback 35 feet from existing street right-of-way and 25 feet from any R or R-O District.

(B) *RSF, RT and Neighborhood Commercial Districts.* Except pursuant to §174.03 (C), (H) and (J), freestanding signs shall be prohibited and no freestanding signs shall be erected in RSF, RT and Neighborhood Commercial Districts of the City.

(C) *R-O and RMF Districts.* One freestanding sign shall be permitted on a lot or parcel zoned RMF or R-O subject to the following restrictions:

- (1) *Display surface area.* The maximum display surface area shall not exceed four (4) square feet;
- (2) *Setback from right-of-way.* The sign shall be setback a minimum of 15 feet from street right-of-way.
- (3) *Height.* The height of the sign shall not be greater than six (6) feet above the level of the street upon which the sign faces.
- (4) *Setback from R District.* The sign shall be setback a minimum of 25 feet from the boundary of any RSF District and 15 feet from all other zoning districts.
- (5) *Illumination.* The sign shall be illuminated by indirect illumination only.
- (6) In lieu of the above freestanding sign, one freestanding bulletin board of up to ten square feet may be installed in an RMF district pursuant to the above requirements and §174.03 (P).

(D) *C Districts.*

- (1) *Number of signs.* Only one on-site freestanding signs shall be permitted on a lot, at a shopping center, or at a mall; provided only one on-site freestanding sign shall be permitted for any business operating on two or more adjoining lots.
- (2) *Freestanding signs.* Freestanding signs shall be subject to the following:
 - (a) *Display surface area.* Display surface area shall not exceed 10 square feet; provided, the display surface area may be increased two (2) square feet for each one (1) foot the sign is setback from street right-of-way beyond 15 feet, provided further, the maximum display surface area for a sign which is setback from street right-of-way 40 feet or more shall be 75 square feet.

- (b) *Setback from right-of-way.* Setback shall be a minimum of 15 feet from street right-of-way.
- (c) *Setback from adjoining property.* Setback shall be a minimum of 25 feet from the boundary of any adjoining property.
- (3) *Joint identification sign.* The display surface area of joint identification signs may be increased to one square foot per 500 square feet of gross leaseable building area over 37,500 square feet located, as approved by the Planning Division, at no more than two (2) remote entrance locations. The permit applicant shall provide a recorded legal document as approved by the Planning Division indicating ownership and responsibility for maintenance of sign and subject to the following:
 - (a) *R Districts.* Prohibited.
 - (b) *R-O District.* Monument sign permitted with a maximum display surface area of 32 square feet.
 - (c) *C and I Districts.* Display surface shall not exceed 300 square feet.
 - (d) *Size limitation for freestanding sign if business displayed on joint identification sign.* If a business name or logo is placed upon a joint identification sign, that business's freestanding sign may not exceed 32 square feet.
- (E) *I Districts.*
 - (1) *Number of signs.* Only one on-site freestanding sign shall be permitted on a lot, at a shopping center, or at a mall; provided only one on-site freestanding sign shall be permitted for any business operating on two or more adjoining lots.
 - (2) *Freestanding signs.* Freestanding signs shall be subject to the following:
 - (a) *Display surface area.* Display surface area shall not exceed 10 square feet; provided, the display surface area may be increased two square feet for each one foot the sign is setback from street right-of-way beyond 15 feet; provided further, the maximum display surface area for a sign which setback from street right-of-way 40 feet or more shall be 75 square feet.
 - (b) *Setback from right-of-way.* Setback shall be a minimum of 15 feet from street right-of-way.
 - (c) *Setback from Adjoining property.* Setback shall be a minimum of 25 feet from the boundary of any adjoining property.
- (F) *P Districts.* One Freestanding sign or bulletin board may be erected.
- (G) *Area signs.*
 - (1) *Size/location.* The size and location of the fence, wall, or other structure which will contain the area identification sign must be approved by the Planning Division, who will approve such structure upon the criterion of traffic safety sight lines.
 - (a) Areas with more than one entrance may not have a sign at more than two locations.
 - (b) An area sign with display on one side located on each side of an entrance street may be substituted for a single sign with display on both sides.

(2) *Display surface area.*

(a) *A, P, R, and R-O Districts.* Display area shall not exceed 32 square feet.

(b) *C and I Districts.* Display area shall not exceed 75 square feet.

(H) *Monument signs.* A monument sign shall be set back a minimum of 10 feet from the street right-of-way, 10 feet from adjoining non-residential property and 25 feet from adjoining residential property, and may be substituted for a free standing sign permitted by §174.10, providing the display surface area meets the following:

(1) *Neighborhood conservation and RSF Districts.* Prohibited on individual lots.

(2) *Other residential districts.* The display surface shall not exceed 16 square feet.

(3) *R-A and P Districts.* The display surface area shall not exceed 32 square feet.

(4) *C and I Districts.* The display surface area shall not exceed 75 square feet.

(Code 1965, §17B-9; Ord. No. 1893, 12-19-72; Ord. No. 3008, 5-1-84; Ord. No. 3029, 8-21-84; Ord. No. 3294, 9-15-87; Code 1991, §158.47; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4226, 2-15-00; Ord. 4972, 1-16-07; Ord. 5088, 12-04-07)

Source: Davidson, Michael and Dolnick, Fay. *A Planners Dictionary*. American Planning Association. 2004.

¹ ■ **spot zoning** (See also *floating zone*)

[A] change in district boundaries, variances, and other amendments to the zoning code and use and area maps that violate sound principles of zoning and are characterized by the following: (a) Individuals seek to have property rezoned for their private use. (b) Usually the amount of land involved is small and limited to one or two ownerships. (c) The proposed rezoning would give privileges not generally extended to property similarly located in the area. (d) Applications usually show little or no evidence of, or interest in, consideration of the general welfare of the public, the effect on surrounding property (including adequate buffers), whether all uses permitted in the classification sought are appropriate in the locations proposed, or conformity to the comprehensive plan or to comprehensive planning principles (including alterations to the population density patterns and increase of load on utilities, schools, and traffic.) (*Coral Gables, Fla.*)

The zoning of a small land area for a use which differs measurably from the zoned land use surrounding this area. Land may not merely be so zoned in the interest of an individual or small group, but must be in the general public interest. Such zoning does not conform to the future land use plan and is not otherwise necessary in order to protect the health, safety, welfare, or morals of the community. (*Hot Springs, Ark.*)

A change in the zoning code or area maps that is applicable to no more than a few parcels and generally regarded as undesirable or illegal because it violates equal treatment and sound planning principles. (*Wisconsin Department of Natural Resources*)

Rezoning a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan. (*Temple, Tex.*)

An arbitrary zoning or rezoning of a small tract of land, usually surrounded by other uses or zoning categories that are of a markedly or substantially different intensity, that is not consistent with the comprehensive land use plan, and that primarily promotes the private interest of the owner rather than the general welfare. (*Norfolk, Nebr.*)

RZN 10-3613: Rezoning (WATSON/5989 E. HUNTSVILLE, 611): Submitted by MARIE WATSON for property located at 5989 E. HUNTSVILLE ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 0.50 acre. The request is to rezone the subject property to R-O, Residential Office.

Andrew Garner, Senior Planner gave the staff presentation giving the background for the flea market on the property that is located in the county, and the applicant's request to rezone the property to allow for a sign.

Tom Watson, applicant, gave the background of the property and the proposed business and the need for a sign. Re-zoning is the only option in order to have a sign. He stated he could make the re-zoning area smaller if needed.

No public comment was received.

Commissioner Lack asked about the R-A, Residential Agricultural zoning.

Garner discussed the background for the proposed R-O zoning and staff and the applicant's discussions.

Commissioner Kennedy noted that the Future Land Use Map shows this to be rural. He said that he thought the R-A zoning makes sense.

Kit Williams, City Attorney, stated that the applicant may want to table to include enough land to meet R-A requirements.

Commissioner Hoskins discussed that R-A is a down-zone and would be limiting the applicant's development rights.

Commissioner Cabe said that he would be okay with a narrow sliver of land rezoned to allow a sign.

Williams thinks that philosophically it would be a bad idea to have a small sliver rezoned for a sign. The sign ordinance is based on the zoning district.

Commissioner Earnest discussed that he could not support a spot-zone.

Commissioner Honchell asked if the sign would be located under a power line.

Tom Watson, applicant, described where the sign would be proposed.

Commissioner Bunch discussed existing signs along this area of Huntsville Road that are non-conforming.

Williams discussed the history and intent of the sign ordinance, and concerns with going down this

road of rezoning a small piece of property for a sign as it would weaken the sign ordinance.

Commissioner Kennedy discussed that he was ready to make a motion to table to give the applicant and staff an opportunity to work through all of these issues.

Commissioner Hoskins asked about the sign ordinance and setbacks.

Garner read through the regulations out of UDC Chapter 174, describing the requirements for free-standing signs in the R-O zoning district.

Commissioner Chesser asked about a height regulation in the county?

Watson discussed that they were permitted a sign on their flea market property by the county as part of the conditional use permit approval.

Motion:

Commissioner Kennedy made a motion to table. **Commissioner Chesser** seconded the motion.

Garner asked for clarification on why the item is being tabled and what direction the commission has for the applicant.

Hoskins answered that he doesn't think the R-O zoning request will go through at city council, R-A may not be in the applicant's best interest; he is suggesting an amendment to the proposed rezoning.

Earnest is concerned that this is a spot-zone and suggested that the sign ordinance be modified.

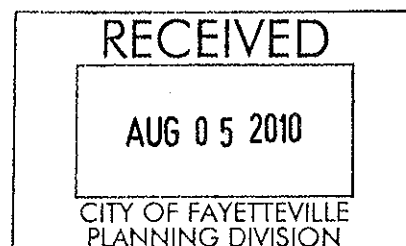
Lack discussed that several options were discussed such as rezoning a small sliver of property just for the sign, and rezoning a large piece of property to R-A.

Upon roll call the motion to table this item indefinitely was passed with a vote of 8-0-0.

To Fayetteville Planning Commission,

I have complied with the suggestions of both the planning commission, the city attorney and planning staff and now wish to rezone the entire front part of my property at 5989 East Huntsville Road that lies within the Fayetteville city limits to RA. This is one piece of property that has two parcel numbers due to the fact that it lies part in the county and part in the city.

Thomas D. Watson
479-601-2189
thosdw@cox.net



Rezoning Checklist

5) A. Current ownership information and any proposed or pending property sales.

This property is currently owned by Thomas D. and Ellen Marie Watson
And there are no sales pending or anticipated. We live on the property and plan to stay here.

B. Reason (need) for requesting the zoning change.

We operate a flea market (The Place) on the back part of the property, which is in the county(over three hundred feet from the highway) and we need a sign for our business that is close to the highway, in order for customers to find us.

C. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

We do not feel that there will be any adverse effects on the neighborhood because of the sign. We wish to put up a monument type sign that is aesthetically pleasing to the surrounding area. Many of our neighbors have stopped by and stated how pleased they are with how we have improved the property. We have no desire to do anything that will distract from the neighborhood, as we live on the property.

D. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.

We are on both Fayetteville water and sewer and have no plans to upgrade anything, with the possible exception of adding a restroom in the flea market. We currently have a restroom in the Cat Spa (in the building connected to the front of the flea market), which we allow people to use, if they ask.

E. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

There are several commercial properties on the highway to the west of our property and also to the east of our property. The properties directly adjacent to ours are residential. As we have no plans and no desire to build anything on the property, we do not feel that placing a sign on the property will have any adverse effect.

F. Whether the proposed zoning is justified and/or needed at the time of the request.

The zoning is needed at this time due to the fact that there seems to be no other way to put up a sign to bring customers to our business. We have people who drive by daily who say that they had not noticed our place. Also people coming from Fayetteville and other areas need a sign to find us. This business is critical to our financial well-being at this time as one of our sons forced us out of another business and left us with limited income. Our original plan was to put a small manufacturing business in the building where the flea market is now located.

G. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

We do not feel that the rezoning will create any more traffic or congestion. A substantial portion of our customers live in the Elkins area and drive by here daily already. There is good visibility in both directions from our driveway and cars can turn around and head out of our driveway.

H. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services, water, and sewer facilities.

Placing a sign on the property will have absolutely no impact on any of these services.

I. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

The City of Fayetteville does not allow for a sign of appropriate size in a residential classification.

765-07660-000

LEWIS
BALDWIN
S/D

765-07661-000

S BALDWIN AVE

765-13118-000

765-13142-000

765-13146-000

765-13140-000

765-13136-000

SLAKE SEQUOIA HWY 60

HUNTSVILLE RD

765-13159-000

765-13147-000

AREA TO BE REZONED

765-13150-000

765-13149-000

001-10787-000

791-000

001-10788-000

001-10787-001

001-10791-001

To Fayetteville Planning Commission.

I Thomas D. Watson and my wife Ellen Marie Watson, owners of the property at 5989 East Huntsville Road, Fayetteville, Arkansas 72701 (Parcel # 765-13150-000) Request a rezoning of this property, in order that we may construct a sign in conjunction with our flea market located behind this property at 5975 East Huntsville Road, Fayetteville, Arkansas 72701 (Parcel # 001-10791-000). The property is currently zoned RSF-4. The flea market is located outside the city limits in Washington County. We would like to place the sign on the front part of the property to allow people to find our business. Our business is located approximately 350 feet from the highway and a sign near our building would be ineffective for people to find us. The flea market is low impact and compatible with the neighborhood.

We bought this property approximately five years ago, and our original plan was to put up a building to house our manufacturing business. However, three years ago one of our sons who worked with us in the business locked us out and took over the business. This was after we had paid off all the debt of the business, from the proceeds from selling our other properties, and after we had worked for three and a half years making the business profitable. For the manufacturing business there was no need for a sign. Since we were left with a huge debt and no income, we decided to open a flea market in the building. My wife is disabled and cannot work outside of the property due to cancer surgery she had six years ago. We have invested everything we have in this project and it is crucial that we be able to put up a sign to identify our business.

We do not feel that a sign in this area would cause any adverse aesthetic problems for the neighborhood. We do not desire to make any changes to the property other than put up a sign. We live on the property and it is our desire to keep the area attractive and to be a good neighbor. Many people in the area have stopped and told us how much they appreciate how we have cleaned up the property, and improved it since we have been living here.

The area that we are requesting to be rezoned is too small to build on, as it has utility easements on both the front and back of the section to be rezoned. Therefore, there is no way that we will be able to build anything on this piece of property at a later date. We desire only to put up a sign.

Thomas D. Watson

AGENDA
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS
May 6, 2010

5:00 pm, Quorum Court Room, New Court House
Fayetteville, Arkansas

ATTENTION: At the time of this meeting, the County Courthouse parking deck will be under demolition. To accommodate parking for after-hours meetings there will be two (2) ADA parking spaces at the southwest corner of the Courthouse (as you enter the southern drive off of College Avenue). These ADA spaces are open only for evening meetings. Also, regular parking in the area near the Courthouse will be available for evening meetings. The public entrance to the Courthouse will be located on the east side of the building on the ground floor.

1. Roll Call
2. Approval of the minutes (from the March 18, April 1, and April 8, 2010, meetings)
3. Approval of the agenda
4. New Business

LAND DEVELOPMENT HEARINGS

County

a. Brazell Minor Subdivision (Private Road Development)

Preliminary and Final Plat Approval Request

Location: Section 13, Township 15 North, Range 30 West

Owner/Developer: Robert Brazell

Engineer/Surveyor: Blew and Associates, Buckley Blew

Location Address: 14158 and 14168 Wallin Mountain Road, West Fork, AR 72774

20.0 acres and 2 lots / Proposed Land Use: Residential

Coordinates: long: 94°7'5.496"W lat: 35°58'51.428"N

Project #: 2010-038 Planner: Courtney McNair, e-mail at cmcnair@co.washington.ar.us

County

b. Long Minor Subdivision This item will be tabled at the request of the applicant (2)

Preliminary and Final Plat Approval Request

Location: Section 31, Township 14 North, Range 30 West

Owner/Developer: Gerald Long

Engineer/Surveyor: Bates & Associates, Inc.

Location Address: 10196 (10230 and 10266 are also listed) Landelius Road

Total Acreage / Proposed Lots: 18.66 acres and 4 lots

Proposed Land Use: Residential

Coordinates: 94°12'52.024"W 35°51'7.797"N

Project #: 2010-002

Planner: Jessie Pettit, e-mail at jpettit@co.washington.ar.us

CONDITIONAL USE PERMIT HEARINGS

Fayetteville Planning Area

c. "The Place" (where treasures are found)

Conditional Use Permit Request

Location: Section 20, Township 16 North, Range 29 West

Owner/Developer: Thomas and Marie Watson

Engineer/Surveyor: none

Location Address: 5975 East Huntsville Road (Hwy 16), Fayetteville, AR 72701

2.2 acres and 1 unit / Proposed Land Use: Flea Market

Coordinates: long: 94°4'30.872"W lat: 36°2'43.735"N

Project #: 2010-045 Planner: Courtney McNair, e-mail at cmcnair@co.washington.ar.us

Springdale Planning Area

d. Leisurescapes, Inc. CUP

Conditional Use Permit Request

Location: Section 17, Township 17 North, Range 29 West

Owner: Arvest Bank, 415 W Emma, Springdale, AR 72764

Developer: Leisurescapes, Inc.

Location Address: 3004 Hunters Ridge Road, Springdale, AR 72763

6.94 acres and 1 lot Proposed Land Use: Landscaping and Irrigation Design Business

Project #: 2010-40 Coordinates: 94° 5'49.653"W 36° 8'31.787"N

Planner: Juliet Richey, e-mail at jrichey@co.washington.ar.us

Springdale Planning Area

e. Leisurescapes, Inc. CUP (2)

Conditional Use Permit Request

Location: Section 17, Township 17 North, Range 29 West

Owner: Community First Bank

Developer: Leisurescapes, Inc.

Location Address: 4652 Butterfield Coach Rd., Springdale, AR 72763

3.12 acres and 1 lot Proposed Land Use: Landscaping and Irrigation Design Business

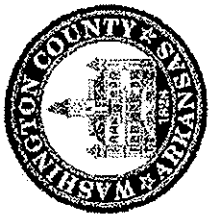
Project #: 2010-046 Coordinates: 94° 5'43.76"W 36° 8'32.778"N

Planner: Juliet Richey, e-mail at jrichey@co.washington.ar.us

5. Old Business

6. Other Business

- Discussion of March and April Wind Subcommittee Meetings. Where do we go from here?
- Short Synopsis of Current Development (information will be distributed at meeting).
- Planning Staff (Juliet Richey and Jessie Pettit) attended the National APA Conference in New Orleans. Juliet Richey attended the Arkansas Floodplain Management Spring Workshop in Jacksonville, AR.
- Any other Planning Department or Planning Board business



WASHINGTON COUNTY PLANNING OFFICE

2615 Brink Dr.
Fayetteville, AR 72701
(479) 444-1724
(479) 973-8417

Agenda Item

C

Meeting- May 6, 2010
Project- The Plaza CUP
Project Number- 2010-045
Planner-cmcnair@co.washington.ar.us

ZONING-CONDITIONAL USE PERMIT REQUEST

The determination as to whether a conditional use permit will be granted is subjective to a degree. The Zoning Board of Adjustments may act on issues discussed in the criteria checklist when making decisions in these matters.

REQUEST: Conditional Use Permit (CUP) approval for a Flea Market business.

CURRENT ZONING: Project does lie within the County Zoned area (Agriculture/Single-Family Residential 1 unit per acre)

PLANNING AREA: This project is located in the City of Fayetteville's Planning Area.

QUORUM COURT DISTRICT: District 9, JP Butch Pond

FIRE SERVICE AREA: Round Mt.

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: Water-Fayetteville Sewer-Fayetteville Electric-Ozarks Electric Natural Gas- Arkansas Western Gas Telephone- AT&T Cable- Cox

BACKGROUND/ PROJECT SYNOPSIS: The applicant/owners of this project are Tom and Marie Watson. The address for this site is 5975 East Huntsville Road (Hwy 16), Fayetteville, AR 72701. The parcel number of this site is 001-10791-000.

The applicant is asking to allow the use of a Flea Market on 2.2 acres.

The site plan includes an existing driveway, existing building, parking in front of the existing building, and possible signage.

According to the applicant's letter, the flea market will be located in an existing 9400 sq. ft. building. They will begin with 90-4'x8' booths and 20-4'x8' shelving units, and could add 60 additional booths if the demand calls for it. The applicant is proposing no additional employees other than themselves, set hours of operation Monday-Saturday from 10:00am-6:00pm and Sunday from 2:00pm-6:00pm, with approximately 30-50 cars a day (with only 6-8 at one time). They may also place a sign if the City of Fayetteville will not allow them to place a sign within the city limits. **Please see the applicant's letter for more information (page C-11).**

The existing building is located in the County, but the access drive originates in the City of Fayetteville (parcel 765-13150-000, also owned by the applicant). This project takes access from a State Highway (AR Hwy. 16 East). The applicant is pursuing a rezoning of this property with the City of Fayetteville to allow a sign to be placed closer to the road.

This project is currently operating under "temporary use" status, but must receive CUP approval in order to continue operating.

According to the Rules and Regulations of the Planning Director Regarding Zoning, "a temporary use is any use not specifically permitted as a matter of right within a zoned area. To qualify for a temporary use that is allowed in a zoned area, such cannot exist for more than 15 consecutive days and no more than four times per year unless otherwise allowed by State Law."

The applicants opened their business on Thursday, April 1st, 2010 for 14 days. They were closed (verified by staff) on Thursday, April 15th 2010. They reopened on Friday, April 16th, 2010 and were closed again (verified by staff) on Thursday, April 29th, 2010. Starting Friday April 30th is the 3rd time that this business will be operating this year. If a conditional use permit is not obtained, they may only be open one additional time this year and then must remain closed.

Please see the attached letter from the applicant (page C-11), vicinity maps (page C-34-35), and site sketch (page C-36) for further information.

This project comes before you as a CUP due to the fact that no permanent business has operated in this building previously. The applicant's letter does indicate that at one time there was an existing flea market on the property (though, not in this building). That business has not been in operation since 2005.

There is also an existing cat boarding facility on the property in a different building on this property. According to Washington County code, this facility is considered agricultural and therefore meets the current zoning

Sec. 11-195, Definitions.

(a) Agricultural means:

The care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; by way of illustration, this includes horses, greenhouses, and kennels;

No additional structures or hard surfaces are proposed with this request.

Service Areas:

The project site is located in the service areas of the following utility providers according to the application and the Planning Office's Service Area Maps:

- Electric- Ozark Electric
- Water and Fire- Fayetteville Water, Round Mt. Fire Department (deferred to the Washington County Fire Marshal's Office).
 - o Water onsite is provided by City of Fayetteville Water.
 - o Water for fire fighting purposes will be provided from a hydrant across E. Highway 16 from the property (at the intersection of Lake Sequoyah and E Hwy. 16). Fire flow at this hydrant is 1,220 GPM with static pressure of 150 psi and residual pressure of 80 psi. Laurie Roy, Acting Fire Marshal, reviewed this information and found it to be adequate. **Please see the hydrant location marked on the Vicinity Adjacent Map (page C-35).**

- Within the building, exit lights and fire extinguishers are required. The primary driveway must be able to support 75,000 pounds all weather conditions, and must not be blocked by vehicles during operation. The parking area is clearly defined with railroad ties indicating the appropriate parking spaces. All of these fire safety measures are in place and were inspected by the former Fire Marshal, John Jenkins.
- In addition, the back door handle must be replaced with a single-function knob instead of the current turn-knob. This must be completed prior to the Planning Board Meeting. Staff will update you on this condition.
- A ramp to access the building is also required, but John Jenkins allowed that this could be a condition of approval and does not need to be completed by the meeting. This must be completed within 30 days of the project receiving Quorum Court ratification.

- Sewer- Fayetteville Sewer- There is an existing connection to the City of Fayetteville sewer system.

- Telephone- ATT

- Natural Gas- Arkansas Western Gas

- Cable- Cox Communications

All utilities needed are already available onsite.

Roads:

As stated earlier, the access drive is existing. It originates in the City of Fayetteville (parcel 765-13150-000, also owned by the applicant), and takes access from a State Highway (AR Hwy. 16 East). The Washington County Road Department has no comments.

During a site visit by staff, the sight visibility was inspected. There is no concern about sight visibility from this existing entrance. Both turning directions had good sight distance.

General Information:

As discussed previously, the general site plan will consist of the following elements:

- an existing driveway,
- an existing 9400 sq. ft. building,
- a gravel parking area in front of the existing building,
- and possible signage. (If the City of Fayetteville will not allow them to place a sign within the city limits).

- Signage:

It is staff's recommendation that the applicant pursue a zoning change with the City of Fayetteville in order to place a sign closer to the road within the city limits.

However, staff does not want to limit the applicant if a zoning change cannot be obtained. The applicant was vague in the submittal letter about the type of sign desired. Staff completed an inventory of the surrounding business signs. **Please see the Surrounding Uses Vicinity map and Photos for types of signs in the area (page C-28-31, 38).** Based on this inventory and the surrounding residential nature, staff is recommending that the applicant have a monument style sign, no larger than 4' x 8' (or 32 sq. ft. in area), and not lit from within (directly). Staff is comfortable if the applicant chooses to use up-lighting or some other type of indirect lighting for the sign.

The applicant also requested a banner or sign that could be placed on the building. Staff recommends that this sign be a permanent (not a banner) sign, and that the applicant submits plans that show size and location to the Planning Office for approval prior to installation. It should be no more than 18 sq. ft. in area. This sign should also not be directly lit.

Additional information about this proposal includes:

- The applicant will begin with 90-4'x8' booths and 20-4'x8' shelving units, and could add 60 additional booths if the demand calls for it.
- There will be only two employees (the applicants) at the business during the day. Their residence is on the property adjacent to the proposed flea market property.
- The hours of operation are Monday-Saturday from 10:00am-6:00pm and Sunday from 2:00pm-6:00pm.
- There will be approximately 30-50 cars a day (with only 6-8 at one time).
- All site plan elements should generally adhere to the location and size presented on the plans.
- No new structures or hard surface areas may be placed without additional approval
- All items to be sold by booth holders should be located inside the building.
- Outdoor storage of items to be sold is not allowed.
- All outdoor lighting needs to be shielded in a manner that will not be a nuisance to neighbors or a hazard to passing motorists. **Please see attached lighting diagram (page C-22).**
- **Screening:**
After a site visit, staff does not feel that any additional screening will be necessary. The closest neighbor (Northwest corner) cannot see the parking area because of the existing building, so should not have any additional impact. The other neighbors are effectively screened with existing vegetation. The applicant should make every effort to maintain the existing vegetation and the screening effects provided by that vegetation. As no additional structures or hard surfaces are proposed, staff feels that the applicant will not be removing existing vegetation.

City of Fayetteville Comments:

As this project is located in the City of Fayetteville's Planning Area, staff asks for comments from the city when reviewing. The City of Fayetteville "finds that the proposal for a low-intensity flea market within the existing nonresidential building can be compatible with surrounding properties." **Please see the City of Fayetteville's letter for more information (page C-23-24).**

Assessment of Surrounding Existing Land Use

All properties directly adjacent to the project site are residential. **Please see attached Surrounding Uses Adjacent map (page C-37).**

Properties within approximately a 1/2-mile radius of the project site contain similar land uses (mostly residential, subdivision residential and undeveloped/agricultural), however there are also several commercial uses. Staff found seven commercial uses (three which are currently closed for business):

To the West: Baldwin Beauty Shop, Baldwin Christian Church, White River Nursery, Car Wash (closed), Baldwin Store (convenience store) and Gas Station (closed), J&J Mobile Tire Service. While the Baldwin Store and adjacent car wash are closed for business, several fruit stands, yard sales, etc... are frequently held in the parking lot, and the signs for the businesses are still in place.

To the East: Liquor Store (closed) **Please see the Surrounding Uses Vicinity map (page C-38).**

Neighbors Notified of the Project / Adjacent Neighbor Comments

Adjacent property owners within 300 feet of the project site were notified of the proposed project and the public hearing that is to take place. Staff has received no written comments in regards to this project at this time. Staff will update the Board if any comments have been received by the meeting.

Washington County Land Use Map

The Washington County Future Land Use Map has the project located in an area that is designated as "low density residential". However, staff feels that due to the low impact nature of this project and existing commercial uses with similar or more impact than this project, this proposal will be very compatible with the residential uses within the area. **Please see the Future Land Use map (page C-39).**

Compatibility Conclusion

Staff has concluded that the proposed land use can be compatible with the surrounding area with conditions listed in the staff report. Several factors have led staff to this conclusion. Those include:

- adequate sight visibility for entering and exiting the site.
- low traffic generation,
- fire safety measures including lighted exit signs at emergency exits and fire extinguishers,
- adequate turning radius for fire vehicles,
- sewer connection to the City of Fayetteville.

- water connection to the City of Fayetteville.
- all utilities necessary are already in place.
- no new structures or hard surfaces are being constructed which means the property will look visually the same as it has in the past.
- good screening due to existing vegetation.
- several commercial businesses are located in the surrounding area.
- while all properties directly adjacent to this site are residential, staff feels that this is a transitional area between commercial and residential.
- and, based on the goals stated in the Washington County Plan for Land Use and Development:

2. LIGHT COMMERCIAL

- a. *Not incompatible with adjacent residential and agricultural uses; or by conditions placed on such to mitigate its impact. Together with community facilities and compatible residential uses, this use typically serves as a buffer between general commercial and strictly residential uses.*

STAFF RECOMMENDATION: Staff recommends approval of “The Place” (where treasures are found) Conditional Use Permit with the following conditions:

1. STANDARD CONDITIONS ON CUP APPROVALS.

- a. Any other land divisions, commercial structures, or other types of uses not considered with this submittal must come through a separate CUP or review process.
- b. All CUP conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
- c. This CUP must be ratified by the Quorum Court (Meeting date May 13, 2010)

2. SIGNAGE

- a. The applicant must pursue a zoning change with the City of Fayetteville in order to place a sign closer to the road within the city limits.
- b. If unable to obtain permission from the City to place a sign within the city limits, the sign must be a monument style sign, no larger than 4' x 8' (or 32 sq.ft. in area), and not lit from within (directly). Up-lighting or some other type of indirect lighting for the sign is allowed.
- c. If a sign is placed on the building (either in addition to a monument sign, or as the only sign in the County), it must be a permanent (not a banner) sign. The applicant must submit plans that show size and location to the Planning Office for approval prior to installation. It should be no more than 18 sq. ft. in area. This sign should also not be directly lit.

3. FIRE SAFETY

- a. The following list of fire safety measures are in place and were inspected, and must remain in place while this business is in operation:
 - Within the building, exit lights and fire extinguishers are required.
 - The primary driveway must be able to support 75,000 pounds all weather conditions, and must not be blocked by vehicles during operation.
 - The parking area must be clearly defined (currently with railroad ties) indicating the appropriate parking spaces.
- b. The back door handle must be replaced with a single-function knob instead of the current turn-knob. This must be completed prior to the Planning Board Meeting. Staff will update you on this condition.
- c. A ramp to access the building is also required. This must be completed within 30 days of the project receiving Quorum Court ratification.

4. ADDITIONAL

- a. The applicant will begin with 90-4'x8' booths and 20-4'x8' shelving units, and could add 60 additional booths if the demand calls for it.
- b. There will be approximately two employees at the business during the day.
- c. The hours of operation are approximately Monday-Saturday from 10:00am-6:00pm and Sunday from 2:00pm-6:00pm.
- d. There will be approximately 30-50 cars a day (with only 6-8 at one time).
- e. All site plan elements should generally adhere to the location and size presented on the plans.
- f. No new structures or hard surface areas may be placed without additional approval.
- g. All items to be sold by booth holders shall be located inside the building.
- h. Outdoor storage of items to be sold is not allowed.
- i. All outdoor lighting needs to be shielded in a manner that will not be a nuisance to neighbors or a hazard to passing motorists.
- j. The applicant shall make every effort to maintain the existing vegetation and the screening effects provided by the existing vegetation.

5. GENERAL

- a. No stormwater permit will be required by Washington County at this time. Must comply with all ADEQ rules and regulations.

ZONING BOARD OF ADJUSTMENTS ACTION:

_____	CUP Approved
_____	Denied
_____	Tabled

To Whom it may concern,

We are opening a flea market on our property at 5975 East Huntsville Road in Fayetteville, Arkansas 72701. Initially, we will use approximately 5600 square feet of a 9400 square foot building for the flea market, with 90- 4'X8' booths and 20- 4'X 8' shelving units and may expand into the full 9400 square feet later if demand justifies it and add approximately 60 more booths. We rent the booths and shelving units to individual vendors, who display their goods in them, and we collect the money from customers and pay the vendors each month. The vendors leave their goods in the booths, but they are not present during the day. The vendors come in and check their booths once a week. My wife and I are the only employees of the business. We have no other employees. Our hours of operation are from 10:00 AM to 6:00PM Monday through Saturday and 2:00 PM to 6:00 PM on Sunday. Traffic should be 30 to 50 cars per day with 6 to 8 cars at any one time. We would also like to put up a sign of some type visible from the highway. Approximately 4' X 8' monument or pole type sign and or maybe a banner or some type of sign mounted to the front of the building.

We feel like this use is compatible with the area, as there was a commercial slaughter house operated on this property from 1960 until we moved in in 2005. There was also a flower and shrub nursery and a flea market on the property prior to our purchasing it in 2005. West of our property on Huntsville Road is White River Nursery. Next door to the nursery is a convenience store which is closed down. Across the street is a mobile tire service. East of our property is a liquor store and a welding shop. We also have a cat boarding business in the block building in the front of the flea market.

C-11
We have taken great pains to clean up the property, which was in a very run down condition when we bought it. We tore down several structures which were an eyesore and replaced them. Our parking area is gravel and we are not adding any hard surface to the property. We have been careful to comply with all applicable building codes. We have had numerous people from the surrounding area stop by and say that the property looks better than it has ever looked, and compliment us on how well we keep the property looking. Our desire is to be good neighbors and keep the property aesthetically pleasing, as we live on the property and wish to have an attractive place to live. My wife is disabled and we wish to generate enough income to stay on the property and earn a comfortable living.

Tom and Marie Watson

RECEIVED BY

APR 06 2010

WASHINGTON COUNTY
PLANNING

C-11

received letter



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

TDD (Telecommunications Device for the Deaf)
(479) 521-1316

PLANNING DIVISION CORRESPONDENCE

April 14, 2010

Ms. Juliet Richey
Washington County Planning
2615 Brink Drive
Fayetteville, AR 72701

RECEIVED BY

APR 14 2010

WASHINGTON COUNTY
PLANNING

Re: 5975 E. Huntsville Road/The Place Flea Market – Conditional Use Permit review

Dear Juliet,

Upon our review of conceptual drawings and information supplied to the City of Fayetteville for the proposed Conditional Use Permit known as The Place Flea Market, the following information is offered for your continued review of zoning and development issues related to the development of this site.

Location and Use

- The subject business is located within the City of Fayetteville Planning Area at 5975 E. Huntsville Road; however, the front of the property and access drive is located within the City of Fayetteville and subject to all City ordinances.
- The proposal is to use an existing 9,400 sq. ft. building for a flea market business.

Future Land Use Plan

- The adopted CityPlan 2025 Future Land Use Plan identifies the future use of this property as a *Rural Area*. The *Rural Area* land use designation that encompasses this property consists of areas that have infrastructure and public services to support low-density, low-intensity land uses. These areas do not have adequate transportation or public services to support urban development patterns at this time. This area also encourages conservation and preservation in any development pattern.
- The proposed use of the property is for a flea market. While the proposed use is not rural in nature, utilizing the existing nonresidential building for a low-intensity nonresidential use could be compatible with surrounding properties, with appropriate conditions.

Conditions

- The front portion of the property is zoned RSF-4, Residential single-family – four units per acre. Therefore, no aspect of the business may operate on this property. This includes, but is not limited to, commercial signs, parking for the business, or product display. Additionally, no grading, tree removal, driveway improvements, or any other type of development may occur in this area without first obtaining all necessary approvals from the City of Fayetteville. Consistent violations of City ordinance by the business operator should be grounds for the County to re-review the conditional use approval and if necessary, revoke the conditional use permit.

C-23



THE CITY OF FAYETTEVILLE, ARKANSAS

www.accessfayetteville.org

TDD: Telecommunications Device for the Deaf
(479) 521-1316

- City of Fayetteville staff would recommend, in accordance with adopted City policies for the future land use of this area, that any development pattern that is approved to be encouraged and/or required to conserve and preserve natural resources to the greatest extent possible, including minimizing land disturbance and tree canopy to only those areas necessary for development. This achieves many goals, including retaining mature tree canopy, retaining soil on the site that would otherwise be washed downstream during rainfall events, and reducing the potential for run-off and sedimentation in culverts, drainage ditches, and area creeks. In the case of the subject property, the applicants have stated that they plan to use an existing gravel area to provide access and parking, and therefore grading and tree removal should not be necessary.
- Access is by way of Huntsville Road, a Principal Arterial street on the City's Master Street Plan. This street is a highly traveled two-lane paved road. Therefore, adequate space should be provided on-site to allow customers room to turn around and exit the site in a forward motion.
- Specific hours of operation and days of use should be established.

Staff finds that the proposal for a low-intensity flea market within the existing nonresidential building can be compatible with surrounding properties. However, any change to the business type, number of employees, or parking could have an adverse impact on surrounding residential uses and therefore should require additional review.

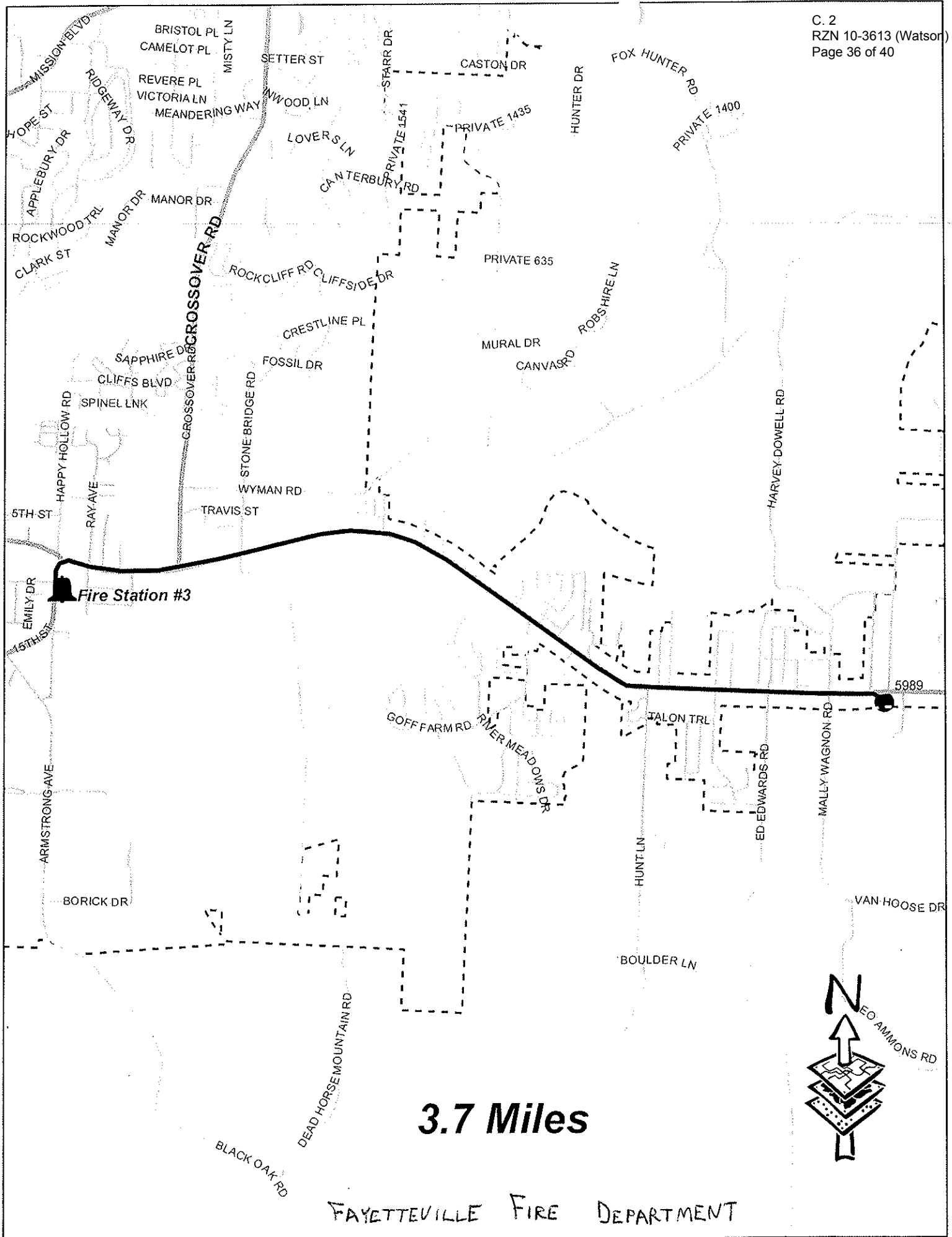
Please contact me with any questions.

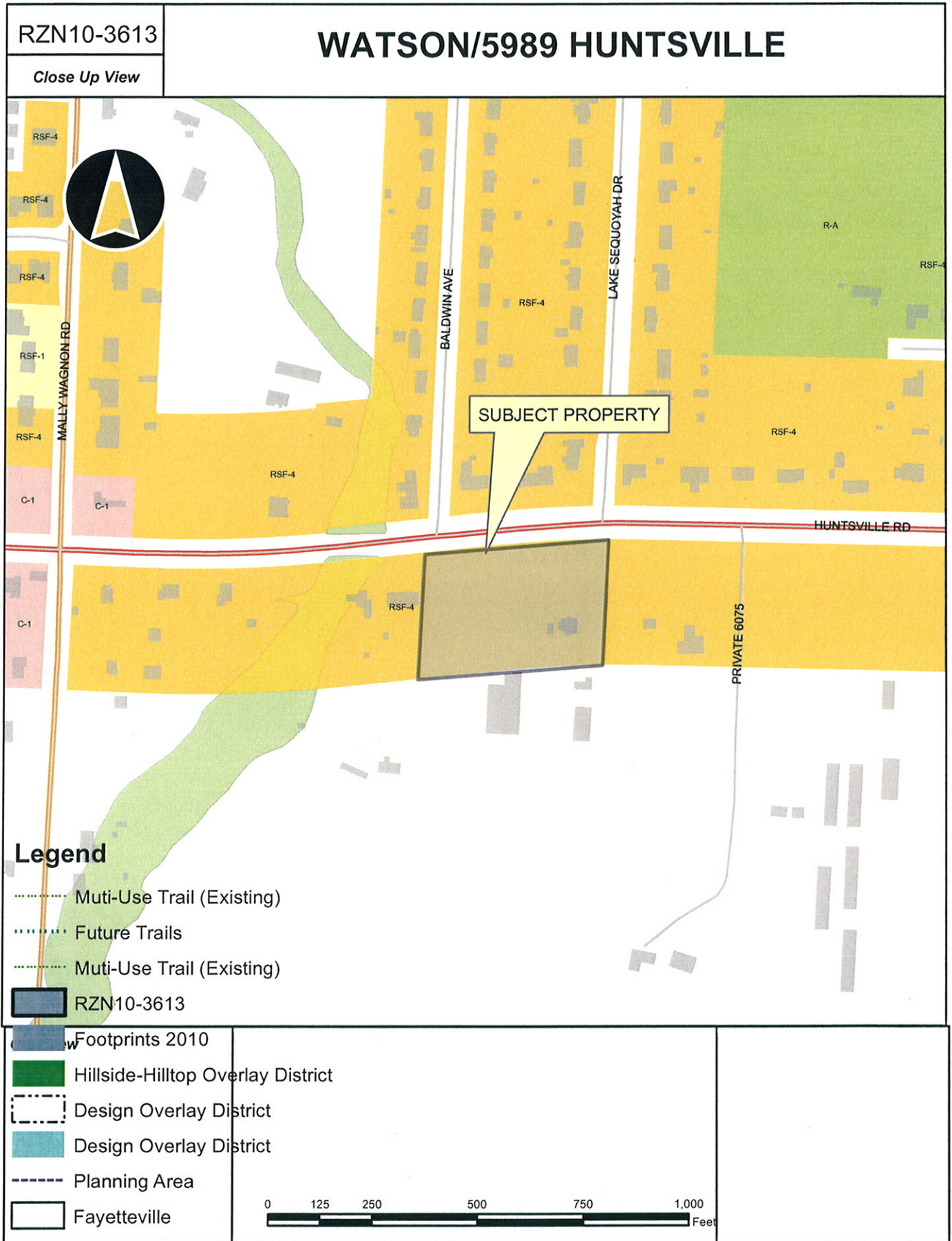
Best Regards,

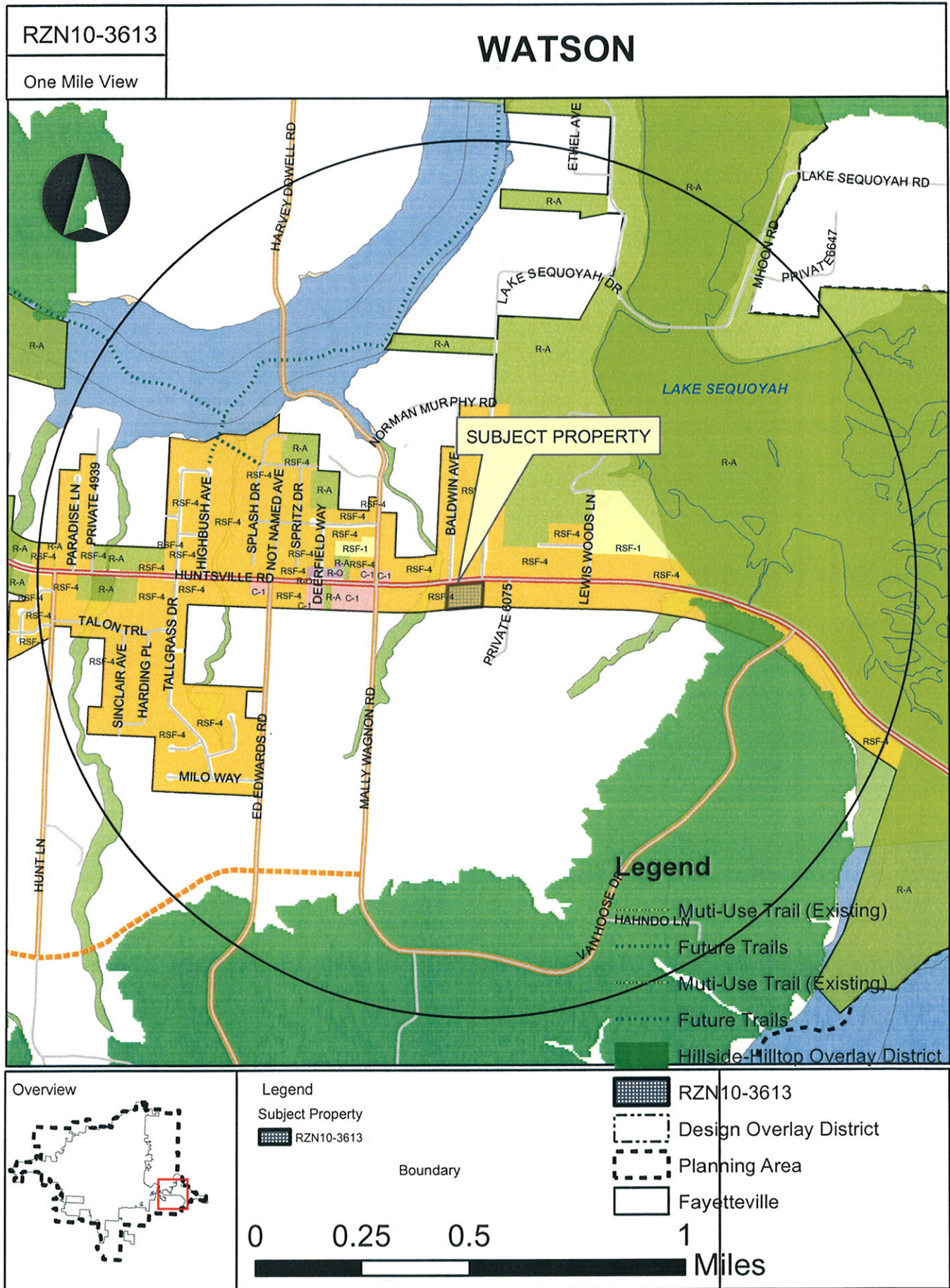
Jesse Fulcher
Current Planner
City of Fayetteville

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WASHINGTON COUNTY
PLANNING

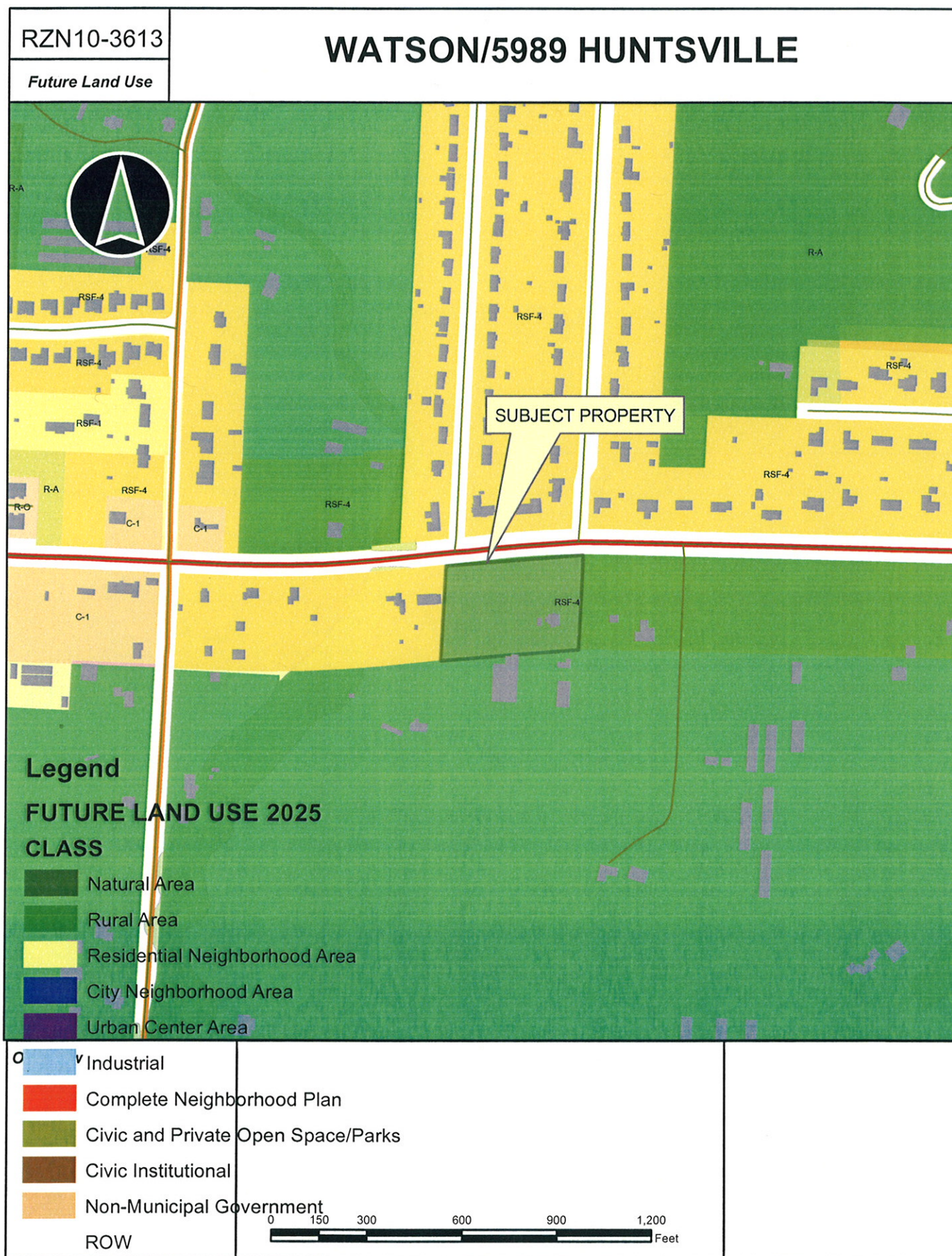
C-24











Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
September 21, 2010**

A meeting of the Fayetteville City Council will be held on September 21, 2010 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

City Council Agenda Session Presentations:

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

- ✓ 1. Approval of the September 7, 2010 City Council meeting minutes.
- ✓ 2. **Ranger's Pantry Pet Food Bank:** A resolution approving a budget adjustment in the amount of \$340.00 to recognize revenue from citizen donations to the Ranger's Pantry Pet Food Bank Project.

3. **Kim Hoadley Construction:** A resolution awarding bid and authorizing a contract with Kim Hoadley Construction in the amount of \$40,884.00 for improvements to the 1932 S. Garland CDBG Public Facility.
4. **Parks and Tourism Outdoor Recreation Grant (Repeal Resolution 139-10):** A resolution authorizing application for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$125,000.00 for improvements to the Lake Fayetteville North Shore, the Yvonne Richardson Community Center and Walker Park, and repealing Resolution 139-10.
5. **City Council Representative for Mandatory Settlement Conference:** A resolution to appoint City Council Member Shirley Lucas to represent the City Council during any settlement conference required by the Federal District Court of Magistrate.

B. Unfinished Business: None

C. New Business:

1. **North Ball Avenue & West Van Asche Drive Street Name Change:** A resolution renaming a section of North Ball Avenue to Roosevelt Avenue and a section of West Van Asche Drive to Jupiter Drive.
2. **RZN 10-3613 (Watson):** An ordinance rezoning that property described in rezoning petition RZN 10-3613, for approximately 3.0 acres, located at 5989 East Huntsville Road from Residential Single-Family, 4 units per acre, to R-A, Residential Agricultural.

Announcements:

Adjournment:

Add:

NB # 3

Chambers Bank Donation of 210 Acres

NOTICE TO MEMBERS OF THE AUDIENCE

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Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

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Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
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*Pull -
Next Agenda*

4. **Bid #10-52 Total Environmental Systems, Inc.:** A resolution awarding Bid #10-52 and authorizing a contract with Total Environmental Systems, Inc. in the amount of \$96,900.00, plus a 10% project contingency, for the purchase and installation of electrical generators for the Fayetteville Fire Department.
5. **Parks and Tourism Outdoor Recreation Grant:** *(Repeal Resolution 139-10)* A resolution authorizing application for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$125,000.00 for improvements to the Lake Fayetteville North Shore, the Yvonne Richardson Community Center and Walker Park, and repealing Resolution 139-10.
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3. **Amend Chapter 117:** *Renew* An ordinance to amend §117.32(C) and §117.36 of the Fayetteville code to clarify notice requirements and cancellation of Certificates for Public Convenience and Necessity for taxi companies.

Announcements:

Adjournment:

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City of Fayetteville, Arkansas & Fayetteville Chamber of Commerce

Contract - Economic Development Consulting Services

Appendix B - Deadline Schedule Detail for Deliverables and Performance Measures

SECTION 1: Deadline Identification Schedule

Quarter	Dates per Quarter	Deadline for Quarter	Update Deadline to Admin	Update Deadline to City Council
Qtr 1	October 2009 - December 2009	Thursday, December 31, 2009	Tuesday, December 22, 2009	Monday, January 5, 2010
Qtr 2	January 2010 - March 2010	Wednesday, March 31, 2010	Wednesday, March 24, 2010	Tuesday, April 6, 2010
Qtr 3	April 2010 - June 2010	Wednesday, June 30, 2010	Wednesday, June 23, 2010	Tuesday, July 6, 2010
Qtr 4	July 2010 - September 2010	Thursday, September 30, 2010	Wednesday, September 22, 2010	Tuesday, October 5, 2010
Qtr 5	October 2010 - December 2010	Friday, December 31, 2010	Tuesday, December 21, 2010	Tuesday, January 4, 2011
Qtr 6	January 2011 - March 2011	Thursday, March 31, 2011	Wednesday prior to 1st April Agenda Session	1st City Council meeting in April
Qtr 7	April 2011 - June 2011	Thursday, June 30, 2010	Wednesday prior to 1st July Agenda Session	2nd City Council meeting in July
Qtr 8	July 2011 - September 2011	Friday, September 30, 2011	Wednesday prior to 1st Oct Agenda Session	3rd City Council meeting in October

SECTION II: Details of Deliverables and Performance Measures

Category	Category Description	Performance Measure	Deadline (Quarter)	Notes
1	Economic Development Website	A Active website, updated content, and easy-to-find content	1st Quarter + monthly thereafter	Replace: Provide number of weekly hits on website With: Provide number of monthly unique visitors on website
		B Replace: Number of weekly hits on the website With: Number of unique visitors monthly	1-8: Quarterly	
		C Remove: Maintain and review community profile with AEDC	1-8: Quarterly	Provide monthly updates to the Mayor
2	Support Services for Existing Businesses	A Development of business community data, retention rate for existing businesses, existing employee headcount	2nd Quarter; and quarterly thereafter (2-8)	Include other data requested and coordinated with the City
		B Replace: Focus group and anecdotal evidence related to existing business satisfaction with the City of Fayetteville With: Provide support services to existing businesses to assist them to retain jobs and/or to expand	Quarter 3 Quarter 5 - 8	Quarterly FCC meeting
		C Replace: Creation of an instrument resulting in a report containing anecdotal evidence related to existing businesses With: Support "Find It in Fayetteville" campaign	Quarter 4 Quarter 5 - 8	

3	Prospective Company Recruitment	A	Replace: Number of trade shows or similar events attended With: Develop site selector visits to the City	Quarter 2 or 3 for events held in spring; Qtr 4 or 5 for events in fall Quarter 5 through 8	Local representation to be reported on as wevents occur 2 visits
		B	Number of home grown businesses locating in Fayetteville	Quarters 1 through 8	
		C	New businesses in Fayetteville	Quarters 1 through 8	
		D	Employee headcount attributed to new businesses	Quarters 2 through 8 (after implementation of Item 3G)	After implementation
		E	Assistance in the coordination and development of a regional economic development council	Quarters 2 through 8	After completion of council, FCC shall provide update on progress made by the council
		F	Listing of contacts or potential businesses obtained through serving as the lead contact	Quarters 1 through 8	
		G	Implementation of business registry	Change: Quarter 2 To: Quarter 5-8	
4	Strengthened Relationship with the AEDC and Regional Economic Development Organizations	A	Regular meetings with AEDC staff & commissioners, Green Valley Corporation staff, ARTP staff & other relevant organizations	Quarter 1: Reporting required in Quarters 2 through 8	
		B	Documented efforts and participation in regional partnership	Quarter 1: Reporting 2 through 8	
		C	Positive relationship with AEDC & appropriate communicated vision for Fayetteville	Quarter 1: Reporting 2 through 8	
		D	* AEDC understanding of firm's primary contact responsibility	Quarter 1: Reporting 2 through 8	
5	Marketing Materials Directed Toward Target Industries	A	Creation and distribution of Industry packets	Quarter 3 with updates on distribution contacts 2 through 8	
		B	Creation of additional promotional materials such as DVDs, etc.	Quarter 3 with updates on distribution contacts 2 through 8	
		C	Creation of City approved "incentive booklet" containing highlights on why companies should locate in Fayetteville	Quarter 6	
6	Market Statistics and Demographics	A	Utilize & provide updated market, trend, & demographic analyses through current studies	1st Quarter + monthly thereafter	Replace: Provide number of weekly hits on website With: Provide number of monthly hits on website

7	Economic/Business Development Activities	A	Build infrastructure such as gathering and sharing of information on sites, building contacts and creating partnerships, etc.	Quarter 1 - 8	
8	Reports and presentations to the Mayor and City Council				
	The Fayetteville Chamber of Commerce shall provide a written report and prepare a brief presentation for the Mayor and City Council on a quarterly basis. Reports and presentations should outline the tasks accomplished and include statistics for each performance measure outlined herein. Performance measures include: * Written report and presentation on a quarterly basis to Mayor and City Council *Timely updates to Mayor and City Council on potential and ongoing projects as necessary				
	The City recognizes that the overall economy will affect some of the performance measures and success will be outside the control of the Fayetteville Chamber of Commerce. The City also recognizes that some of the needed statistics are not currently collected in a systematic way. However, the City expects the Fayetteville Chamber of Commerce to show evidence of experience in conducting comparative market and trend analyses and due diligence in amassing the detailed information necessary to support the Economic Development effort.				

9-21-10 City Council Meeting

Nominating Committee Report

Meeting Date: Wednesday, September 15, 2010

Meeting Location: Rm. 326, City Hall

Members Present: Kyle Cook, Bobby Ferrell, Adela Gray, and Shirley Lucas

The committee recommends the following applicants for City Council approval:

Board of Adjustments

- Nancy Firmin – One unexpired term ending 03/31/11.

Environmental Action Committee

- Aubrey Shepherd – One unexpired term ending 12/31/12.

Tree and Landscape Advisory Committee

- Nancy Varvil – One unexpired Citizen-at-large term ending 12/31/10.

ORDINANCE NO. 5356

AN ORDINANCE AMENDING CHAPTER 72 **PARKING REGULATIONS**
OF THE FAYETTEVILLE CODE BY REPEALING SUBSECTIONS
72.58(H)(1) THROUGH 72.58(H)(3) AND ENACTING REPLACEMENT
SUBSECTIONS 72.58(H)(1-3) TO CHANGE THE TIME OF ALLOWABLE
FREE PARKING IN THE ENTERTAINMENT DISTRICT PARKING ZONE

**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 Fayetteville Code §72.58(H)(1) through §72.58(H)(3) in their entirety and enacts replacement subsection §72.58(H)(1-3) as shown below:

“(H) City parking lots and paid on-street parking spaces within the Entertainment District Parking Zone.

For Parking Lots 50, 55, 56 and 60 and all paid on-street parking spaces within the Entertainment District Parking Zone, the following parking fees are established and shall be required to be paid by the owner or operator of any vehicle parked in those spaces or lots:

(1) Monday through Friday

- (a) 2:00 p.m. until 5:00 p.m. – \$.50 per hour with a maximum charge of \$1.50.
- (b) 5:00 p.m. until 2:00 a.m. the following day – \$1.00 per hour with a maximum charge of \$5.00.
- (c) 2:00 a.m. until 2:00 p.m. – free parking.

(2) Saturday

- (a) 2:00 p.m. until 6:00 p.m. – \$.50 per hour with a maximum charge of \$2.00.
- (b) 6:00 p.m. until 2:00 a.m. the following day – \$1.00 per hour with a maximum charge of \$5.00.
- (c) 2:00 a.m. until 2:00 p.m. – free parking.

(3) Sunday

- (a) 2:00 p.m. until 6:00 p.m. – \$.50 per hour.
- (b) 6:00 p.m. until 2:00 a.m. the following day – \$1.00 per hour with a maximum charge of \$5.00.
- (c) 2:00 a.m. until 2:00 p.m. – free parking.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines that this ordinance shall be effective on October 1, 2010. The City Council further determines that this amendment shall be ineffective and repealed and the current §72.58(H) (1-3) terms as previously enacted shall be in full force and effect on December 7, 2010.

PASSED and APPROVED this 21st day of September, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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