Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – 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
August 4, 2009

A meeting of the Fayetteville City Council will be held on August 4, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. First Thursday Fayetteville – Art, Theatre, Film, and Music on the Square Thursday, August 6, 2009 - Events start at 5:00 p.m.

A. Consent:

1. Approval of the July 7, 2009 and the July 21, 2009 City Council meeting minutes. **APPROVED.**

2. **Bid # 09-46 Oil Capital Electric:** A resolution awarding Bid # 09-46 and approving a contract with Oil Capital Electric in the amount of $27,750.00 for replacement of an electrical buss at the Noland Wastewater Treatment Plant; and approving a contingency in the amount of $2,775.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 163-09

3. **Bid # 09-49 North Point Ford Lincoln Mercury:** A resolution awarding Bid # 09-49 and approving the purchase of one (1) extended cab truck from North Point Ford Lincoln Mercury of North Little Rock in the amount of $22,618.28 for use by the Fayetteville Police Department.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 164-09

4. **Mutual Aid Police Protection Agreement:** A resolution approving a Mutual Aid Police Protection Agreement between the City of Fayetteville, Arkansas and the City of Rogers, Arkansas.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 165-09

5. **Bryce Davis Park Outdoor Recreation Grant:** A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of $250,000.00 for the development of Bryce Davis Park.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 166-09

6. **Arkansas Historic Preservation Grant:** A resolution approving a grant agreement with the Arkansas Historic Preservation Program in the amount of $5,500.00 for travel and training expenses and publication of educational materials in support of the Fayetteville Historic District Commission; and approving a budget adjustment recognizing the grant revenue.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 167-09

7. **U.S. Marshal Service Reimbursement:** A resolution approving a budget adjustment for the Fayetteville Police Department in an amount not to exceed $25,000.00 to recognize reimbursement from the U.S. Marshal Service to cover detective overtime expenses.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 168-09

8. **City Employee Benefits for 2010:** A resolution approving renewal of Blue Cross/Blue Shield Health Insurance, Delta Dental Insurance, Reliance Standard City Paid Life Insurance and Reliance Standard City Paid Long Term Disability Insurance; adopting staff recommendations for apportionment of costs for the renewed products; approving the selection of a new employee paid life insurance carrier; approving adding an employee paid long term care product to employee benefits offerings; and approving the status quo continuation of all other benefits offerings and benefits administrative services.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 169-09

9. **ADM 09-3384 (812 W. Cleveland Street ROW Variance):** A resolution approving a variance of the Unified Development Code Section 164.12 (F) Nonconforming Uses and Structures, Repairs and Maintenance, and Section 166.18 Master Street Plan Setbacks, allowing the existing structure located at 812 W. Cleveland Street to remain within the Master Street Plan right-of-way and to be improved greater than the 10% replacement cost allowed by code, within the existing limits of the structure.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 170-09

B. Unfinished Business:

1. **Wastewater Collection and Treatment Services Amendment:** A resolution approving an amendment to the Wastewater Collection and Treatment Services Contract with the City of Farmington, Arkansas. ***This resolution was tabled at the July 21, 2009 City Council meeting to the August 4, 2009 City Council meeting.***

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 171-09

C. New Business:

1. **Amend Chapter 111:** An ordinance to amend §111.30 of the Code of Fayetteville related to caterers serving a large meeting or attendance facility.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5261

2. **ADM 09-3332 (Urban Residential Design Standards):** An ordinance amending the Unified Development Code of the City of Fayetteville, to amend Chapter 161: Zoning Regulations, and 166 Development, to amend certain building form and placement standards for urban residential development.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5262

3. **ADM 09-3366 (Abshier Heights Amendment No. 3):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-1883, Abshier Heights, located at the NW corner of Abshier Drive and Hillcrest Avenue, containing approximately 4.11 acres, to reflect revised lot width, lot area and internal setback requirements as described and depicted herein.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5263

4. **ADM 09-3386 (Amberwood R-PZD Amendment No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 08-2965, Amberwood, located south and east of Double Springs Road and Dot Tipton Road, containing approximately 40 acres, to reflect revised alignment of private drive number 8, revised planning area boundaries, and a modified rear building setback.
   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5264

5. **ADM 09-3390 (Amberwood R-PZD Amendment No. 2):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 08-2965, Amberwood, located south and east of Double Springs Road and Dot Tipton Road, containing approximately 40 acres, to modify condition of approval No. 1, Street Improvements.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5265

6. **Medians in Garland Avenue:** A resolution reaffirming the City Council's support for medians in Garland Avenue.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 172-09

Agenda Additions:

Announcements:

1. **City Council Tour: None**

Adjournment: Meeting adjourned at 7:40 p.m.

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July 28, 2009

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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Ward 1 Position 2 – Brenda Thiel
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Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 4, 2009

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Call to Order

Roll Call

Pledge of Allegiance

~~**Agenda Session Presentations:**~~

~~1. Recycling Study Presentation by R W Beck~~

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. First Thursday Fayetteville – Art, Theatre, Film, and Music on the Square

A. Consent:

1. Approval of the July 7, 2009 and the July 21, 2009 City Council meeting minutes.

2. **Bid # 09-46 Oil Capital Electric:** A resolution awarding Bid # 09-46 and approving a contract with Oil Capital Electric in the amount of $27,750.00 for replacement of an electrical buss at the Noland Wastewater Treatment Plant; and approving a contingency in the amount of $2,775.00.

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7. **U.S. Marshal Service Reimbursement:** A resolution approving a budget adjustment for the Fayetteville Police Department in an amount not to exceed $25,000.00 to recognize reimbursement from the U.S. Marshal Service to cover detective overtime expenses.

8. **City Employee Benefits for 2010:** Information will be provided at Agenda Session.
Add resolution description

B. Unfinished Business:

1. **Wastewater Collection and Treatment Services Amendment:** A resolution approving an amendment to the Wastewater Collection and Treatment Services Contract with the City of Farmington, Arkansas. ***This resolution was tabled at the July 21, 2009 City Council meeting to the August 4, 2009 City Council meeting.***

C. New Business:

1. **Amend Chapter 111:** An ordinance to amend §111.30 of the Code of Fayetteville related to caterers serving a large meeting or attendance facility.

2. **ADM 09-3332 (Urban Residential Design Standards):** An ordinance amending the Unified Development Code of the City of Fayetteville, to amend Chapter 161: Zoning Regulations, and 166 Development, to amend certain building form and placement standards for urban residential development.

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Consent (4.) **ADM 09-3384 (812 W. Cleveland Street ROW Variance):** A resolution approving a variance of the Unified Development Code Section 164.12 (F) Noncomforming Uses and Structures, Repairs and Maintenance, and Section 166.18 Master Street Plan Setbacks, allowing the existing structure located at 812 W. Cleveland Street to remain within the Master Street Plan right-of-way and to be improved greater than the 10% replacement cost allowed by code, within the existing limits of the structure.

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6. **ADM 09-3390 (Amberwood R-PZD Amendment No. 2):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 08-2965, Amberwood, located south and east of Double Springs Road and Dot Tipton Road, containing approximately 40 acres, to modify condition of approval No. 1, Street Improvements.

NB-Last

Agenda Additions: Reaffirming the City Council's Support for medians in Garland Avenue

Announcements:

1. **City Council Tour:** ~~August 3, 2009~~ NONE

Adjournment:

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City Council Meeting: August 4, 2009 **Adjourn:** 7:40 p.m.

Subject:	**Roll**				
Alderman Gray arrived at 6:40 p.m.	**Ferrell**	✓			
	Lucas	absent			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	absent			
Alderman Rhoads arrived at 6:55 p.m.	**Rhoads**	absent			
	Mayor Jordan	✓			

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

City Council Meeting: August 4, 2009

Subject:	**Consent**				
Motion To:		Approve			
Motion By:		Cook			
Seconded:		Thiel			
Minutes Approved	**Ferrell**	✓			
	Lucas	Absent			
	Lewis	✓			
	Gray	Absent during the vote			
	Thiel	✓			
Passed	**Cook**	✓			
	Petty	Absent			
163-09 - 170-09	**Rhoads**	Absent during the vote			
	Mayor Jordan	✓			

5-0 Mayor Jordan voted yes to pass the consent agenda

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

City Council Meeting: August 4, 2009

Subject:	**Wastewater Collection and Treatment Services Amendment:**				
Motion To:		Approve			
Motion By:		Cook			
Seconded:		Ferrell			
B. 1 Unfinished Business	**Ferrell**	✓			
	Lucas	Absent			
	Lewis	✓			
	Gray	Absent during the vote.			
	Thiel	✓			
Passed	**Cook**	✓			
	Petty	Absent			
	Rhoads	Absent during the vote			
171-09	**Mayor Jordan**	✓			

5-0 Mayor Jordan voted yes to approve the resolution.

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

City Council Meeting: August 4, 2009

Subject:	Amend Chapter 111				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Thiel	Ferrell		
Seconded:		Ferrell	Lewis		
C. 1 New Business	Ferrell	✓	✓	✓	
	Lucas	Absent	absent	absent	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
passed	Cook	✓	✓	✓	
	Petty	Absent	Absent	absent	
	Rhoads	✓	✓	✓	
5261	Mayor Jordan				
		6-0	6-0	6-0	

Subject:	ADM 09-3332 (Urban Residential Design Standards)				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:					
Seconded:					
C. 2 New Business	Ferrell	✓	✓	✓	
	Lucas	Absent	absent	absent	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
passed	Cook	✓	✓	✓	
	Petty	Absent	absent	absent	
	Rhoads	✓	✓	✓	
5262	Mayor Jordan				
		6-0	6-0	6-0	

City Council Meeting: August 4, 2009

Subject:		**ADM 09-3366 (Abshier Heights Amendment No. 3)**			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Cook		
Seconded:		Cook	Ferrell		
C. 3	**Ferrell**	✓	✓	✓	
New	**Lucas**	Absent	Absent	Absent	
Business	**Lewis**	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
passed	**Cook**	✓	✓	✓	
	Petty	Absent	Absent	Absent	
	Rhoads	Absent during the vote	Absent during the vote.	Absent during the vote.	
5263	**Mayor Jordan**	✓	✓	—	
		6-0	6-0	5-0	

Subject:		**ADM 09-3386 (Amberwood R-PZD Amendment No. 1)**			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Cook		
Seconded:		Cook	Ferrell		
C. 4	**Ferrell**	✓	✓	✓	
New	**Lucas**	Absent	absent	absent	
Business	**Lewis**	✓	✓	✓	
	Gray	✓	✓	✓	
passed	**Thiel**	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	absent	absent	absent	
	Rhoads	absent during the vote.	absent during the vote.	absent during the vote.	
5264	**Mayor Jordan**	✓	✓		
		6-0	6-0	5-0	

City Council Meeting: August 4, 2009

Subject:	**ADM 09-3390 (Amberwood R-PZD Amendment No. 2)**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Ferrell		
Seconded:		Cook	Gray		
C. 5 New Business	**Ferrell**	✓	✓	✓	
	Lucas	absent	absent	absent	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
Passed	**Cook**	✓	✓	✓	
	Petty	absent	absent	absent	
	Rhoads	✓	✓	✓	
5265	**Mayor Jordan**				
		6-0	6-0	6-0	

Subject:	**Medians in Garland Avenue**				
Motion To:		Amendment as proposed			
Motion By:		Lewis	Thiel		
Seconded:		Ferrell	Gray		
C. 6 New Business	**Ferrell**	✓	✓		
	Lucas	absent	absent		
	Lewis	✓	✓		
	Gray	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Petty	absent	absent		
	Rhoads	✓	✓		
172-09	**Mayor Jordan**				
		6-0	6-0		

City Council Meeting: August 4, 2009

Subject:	Motion to Reconsider C.1 Amend Chapter 111 and				
Motion To:		Reconsider		C.2 ADM-09-3332	
Motion By:		Ferrell		Urban Residential design	
Seconded:		Cook		standards.	
	Ferrell	✓			
	Lucas	Absent			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	Absent			
	Rhoads	✓			
	Mayor Jordan				

6-0

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

DATE: **August 5, 2009**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of August 4, 2009**

1. Bid #09-46 Oil Capital Electric: A resolution awarding Bid #09-46 and approving a contract with Oil Capital Electric in the amount of $27,750.00 for replacement of an electrical buss at the Noland Wastewater Treatment Plant; and approving a contingency in the amount of $2,775.00;

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RESOLUTION NO. _____

A RESOLUTION AWARDING BID #09-46 AND APPROVING A CONTRACT WITH OIL CAPITAL ELECTRIC IN THE AMOUNT OF $27,750.00 FOR REPLACEMENT OF AN ELECTRICAL BUSS AT THE NOLAND WASTEWATER TREATMENT PLANT; AND APPROVING A CONTINGENCY IN THE AMOUNT OF $2,775.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards Bid #09-46 and approves a contract with Oil Capital Electric in the amount of $27,750.00 for replacement of an electrical buss at the Noland Wastewater Treatment Plant. A copy of the contract, marked Exhibit "A," is attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a contingency in the amount of $2,775.00.

PASSED and **APPROVED** this 4th day of August, 2009.

APPROVED: ATTEST:

By: _____
LIONELD JORDON, Mayor

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

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

8-4-09
~~7/17/2009~~

City Council Meeting Date
Agenda Items Only

Missy Leflar, HR Dept. Manager	Human Resources	Human Resources
Submitted By	Division	Department

Action Required:

Staff reqeust approval to renew City p[aid employee benefits for 2010. All are the same except for the City's portion of the health insurance and the City Paid Life and Long Term Disability. Due to health insurance costs increasing, Staff also requests council approval on a reallocation of employer/employee portions of the health insurance as a 50/50 split between the City and the employees. Please refer to the attached memo.

Figures available by Agenda Session	Figures available by Agenda Session	Personnel Services
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ -	Citywide
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	Citywide
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — Date 7/17/09

City Attorney — Date 7/28/09

Finance and Internal Services Director — Date 7-28-09

Chief of Staff — Date 7/28/09

Mayor — Date 7/28/09

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 7-17-09 Ses

Received in Mayor's Office — ENTERED 7/28/09 PR

Comments:

Fayetteville
ARKANSAS

CITY COUNCIL AGENDA MEMO
For August 4, 2009 Council Meeting

TO: Mayor Lioneld Jordan and the City Council
THRU: Don Marr, Chief of Staff
FROM: Missy Leflar, Human Resource Department Manager
Krista Laningham, Benefits Administrator
DATE: July 17, 2009
SUBJECT: Approval of City paid employee benefits for 2010

RECOMMENDATION:

Staff recommends approval of the proposed City paid employee benefits for 2010.

Specifically, Council approval is requested for renewal of the City's Blue Cross health insurance plan, Delta Dental insurance plan, and Reliance Standard city paid life insurance, long term disability, and short term disability plan services, DataPath Flexible Spending Account/Summary Plan Description/COBRA Administration plan services. Of these proposed City paid renewals the Blue Cross health insurance, Reliance Standard City paid life insurance, and Reliance City paid long term disability insurance will be experiencing rate increases as more fully explained below.

Due to the increase of the Blue Cross health insurance rates, Council approval is requested for a concurrent change in the employer/employee contributions to the health insurance and the same employer contributions to the health savings accounts as in 2009.

Please note: The benefits that are paid by employees and completely voluntary on their part are discussed below for informational purposes only, as these do not require Council approval.

Changes in coverage: There will be one change in offered coverage for the 2010 employee benefits package. The City will likely add employee paid long term care insurance as a voluntary insurance product.

BACKGROUND:

The entire 2010 employee benefits package will consist of:

- Blue Cross Blue Shield health insurance (both traditional and high deductible).
- Delta Dental dental insurance.
- Starmount/Always Care vision insurance.
- Colonial supplemental medical insurance for cancer, critical illness, and accidents.
- Reliance insurance for City paid life and City paid long term disability.
- A new employee paid life insurance company (To Be Determined: Brokers are still taking bids)
- Reliance insurance for Short Term Disability.
- ACE-USA Accidental Death and Dismemberment.
- A likely new offering of employee paid long term care insurance (To Be Determined: Brokers are still

in discussions with long term care insurance companies).

- Flexible Spending Accounts for dependent care reimbursement and health care reimbursement.
- Delta Trust & Banking Corp. Health Savings Accounts.
- Retirement Plans.
- In addition, Sam's Club is continuing to offer City employees a discount on its memberships.
- The School District is currently partnering with the City in offering City employees (who are eligible for regular benefits) memberships to the Fayetteville Public Schools Fitness Center at a cost of $15 per month to the employee for an individual membership and $25 per month for a family membership. This is currently handled by payroll deduction for the employee's convenience.

Of the above, the City would financially contribute to: Health insurance, life insurance, long term disability insurance, accidental death & dismemberment, health savings accounts and the retirement plan. In addition, the City would continue to utilize the services of Datapath to provide its expertise at administering the legally required Section 125 Summary Plan Description and COBRA Administration services, as well as its Flexible Spending Accounts.

DISCUSSION:

Health Insurance: The City's Benefits Brokers' took competitive bids from six different health insurance companies. Three of the insurance companies (Mercy Health Plans, Aetna, and Principal) declined to bid on the City's health insurance. The other three health insurance companies (Blue Cross, Qual Choice of Arkansas, United Healthcare) issued bids for the City's health insurance. As you can see by the attached Stephens Insurance bid chart, the Blue Cross premium came in with the lowest rate of the three health insurance companies. The 2010 Blue Cross rate includes an increase of 7.5% when compared to the 2009 premiums.

Although the Blue Cross rates will go up 7.5% across the board, changing to Qual Choice would have cost the City 27.23% more for the Traditional Plan and 6.55% more for the High Deductible Plan. Changing to United Healthcare would have cost the City 21.39% more for the Traditional Plan and 45.07% more for the High Deductible Plan.

The differences between the 2009 rates and 2010 rates are itemized in the attached table. The total monthly premium went up 7.5% for all plans offered. Approximately 2% of the increase is attributed to a new federal law that was passed called the Mental Health Parity Act. This Act will require health insurance companies to pay more for mental health related medical costs. Approximately 5% of the increase is attributed to Blue Cross paying approximately half a million dollars more for employee health care bills than it took in from employee health insurance premiums.

Staff recommends that the City follow its past tradition of splitting the cost of health insurance increases 50/50 with the employees. The City's contribution to the health insurance premium will increase to $226.16 for Individual Traditional coverage and $522.30 for Family Traditional coverage. The employee portion to the health insurance premium will increase to $18.43 for Individual Traditional coverage and $93.18 for Family Traditional coverage. Staff recommends that the City's contribution to the High Deductible Health plan and employee Health Savings Account remain the same, while making a change to the employee premium. With regards to the employee premium for the High Deductible Health plan, historically the City has paid the full amount of the premium. Staff recommends that the City increase the employee portion of the premium to $10.07 for Individual coverage and $26.57 for Family coverage (the City's portion of the premium would remain the same).

Health savings accounts: Staff recommends that the City's contributions to employee health savings accounts

remain the same as in 2010. This is an integral part of the overall High Deductible health insurance plan.

Dental insurance: The City's Benefits Brokers' took competitive bids from three different dental insurance companies. They received bids from Delta Dental, Met Life and Guardian. The 2010 Delta Dental rate includes an increase of 4% when compared to the 2009 premiums. Changing to Met Life would have cost the City's employees 8.6% more for their dental insurance. The bid from Guardian also came in at an increase of 4%, the same as Delta Dental. There seems no logical reason to change to the Guardian for no advantage especially when the disruption of people's dentists not being in a new Guardian network is considered

Life insurance: The City's Benefits Brokers are working on getting the quotes from Reliance Standard Life Insurance company for increases in the costs of City paid life insurance and City paid long term disability. Those quotes are unfortunately not available at the time of submitting this agenda item to the Clerk. However, they are fully expected to be available by the time of the agenda session and will be handed out to Council as a supplemental handout.

Annual Enrollment: Pending Council approval, the proposed enrollment schedule is for employees to be sent their benefits packets in September, have the educational meetings in September, and – for those wishing to make benefits changes - have one on one meetings with the HR Benefits Administrator throughout October.

BUDGET IMPACT:

These planned items will be or are being budgeted for in the City's 2010 budget.

Staff is available to answer any questions you may have.

RESOLUTION NO. _____

A RESOLUTION APPROVING RENEWAL OF BLUE CROSS/BLUE SHIELD HEALTH INSURANCE, DELTA DENTAL INSURANCE, RELIANCE STANDARD CITY PAID LIFE INSURANCE AND RELIANCE STANDARD CITY PAID LONG TERM DISABILITY INSURANCE; ADOPTING STAFF RECOMMENDATIONS FOR APPORTIONMENT OF COSTS FOR THE RENEWED PRODUCTS; APPROVING THE SELECTION OF A NEW EMPLOYEE PAID LIFE INSURANCE CARRIER; APPROVING ADDING AN EMPLOYEE PAID LONG TERM CARE PRODUCT TO EMPLOYEE BENEFITS OFFERINGS; AND APPROVING THE STATUS QUO CONTINUATION OF ALL OTHER BENEFITS OFFERINGS AND BENEFITS ADMINISTRATIVE SERVICES.

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 renewing Blue Cross/Blue Shield health insurance, Delta Dental insurance, and Reliance Standard City paid life insurance and Reliance Standard long term disability insurance.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves staff's recommendations that in 2010 the City pay for half of the aggregate dollar increase in City health insurance costs (apportioned per the Staff agenda memo), pay for all of the increase in costs for the Reliance Standard City paid life insurance, and pay the same as in 2009 for the Reliance Standard City paid long term disability and the employee Health Savings Accounts.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a change in the employee paid life insurance carrier.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby approves the addition of an employee paid long term care insurance product to the City's benefits offerings.

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby approves a status quo continuation of all other employee benefits offerings.

Section 6. That the City Council of the City of Fayetteville, Arkansas hereby approves status quo continuation of the benefits administrative services of Delta Trust & Banking Corp. for Health Savings Account administration, and Datapath for the City's COBRA administration, Section 125 Cafeteria Plan administration, and Flexible Spending Account administration.

PASSED AND APPROVED this 4th day of August, 2009.

APPROVED: ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

2009 Monthly Health Insurance Rates

	Total	Employer Portion*	Employer HSA Contribution*	Employee Portion
Traditional				
Family	$600.45	$529.79	N/A	$70.66
Individual	$227.53	$217.63	N/A	$9.90
High Deductible				
Family	$510.92	$354.26	$156.66	$0.00
Individual	$205.04	$134.24	$70.80	$0.00

Proposed 2010 Monthly Health Insurance Rates

	Total	Employer Portion*	Employer HSA Contribution*	Employee Portion
Traditional				
Family	$645.48	$552.30	N/A	$93.18
Individual	$244.58	$226.16	N/A	$18.42
High Deductible				
Family	$537.49	$354.26	$156.66	$26.57
Individual	$215.11	$134.24	$70.80	$10.07

*** Employer Portion is the insurance company's charges**
*** The Employer HSA contribution is the amount the employer deposits into the employee's Health Savings Account (HSA) .**

Note: The Delta Dental insurance is presently bundled to the health insurance, meaning that in addition to the above, the employee (regardless of health plan selected) would also pay $72.22 for family coverage and $21.36 for individual coverage each month in 2010. This is an increase of 4% from the 2009 rates.

Comparison of annual costs to City*

Traditional	2009 (per employee)	2009 all employees	2010 (per employee)	2010 all employees
Family	$6,357.48	$2,307,765.24	$6,627.60	$2,405,818.80
Individual	$2,611.56	$430,907.40	$2,713.92	$447,796.80
High Deductible				
Family	$6,131.04	$465,959.04	$6,131.04	$465,959.04
Individual	$2,460.48	$123,024.00	$2,460.48	$123,024.00
Total	N/A	$3,327,655.68	N/A	$3,442,598.64

***Based on July, 2009 City employee health insurance enrollments and the above tables.**

Handed out at Agenda Session 7-28-09

City Council Meeting August 4th
Benefits Memo Addendum:

- The figures that go on the Staff Review Form for the 2010 employee benefits are: $3,849,781 (Cost of this Request) and, again, $3,849,781 (Category/Project Budget). These figures were not available at the time of submitting the Agenda Item on August 14th.

- Staff is asking Council to approve the continuation of employee benefits "as is" except for:
  - Adding a new employee paid product (Long Term Care) as a choice for employees;
  - Changing the company for employee paid life insurance to a company with better service and a less expensive price;
  - An increase in cost for the City paid life insurance (approximately two cents more per $1,000 in coverage);
  - Splitting the dollar increase in health insurance costs with employees 50/50, approving the allocation per the chart attached to the main memo.

Added at Agenda Session 7-28-09

AGENDA REQUEST

FOR: COUNCIL MEETING OF AUGUST 4, 2009

FROM:

Alderman Matthew Petty and Mayor Lioneld Jordan

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution Reaffirming The City Council's Support For Medians in Garland Avenue

APPROVED FOR AGENDA:

Matthew Petty Date
Alderman

Lioneld Jordan 7/28/09 Date
Mayor

Kit Williams, City Attorney 7-28-09 Date
(as to form)

RESOLUTION NO. _____

A RESOLUTION REAFFIRMING THE CITY COUNCIL'S SUPPORT FOR MEDIANS IN GARLAND AVENUE

WHEREAS, the Fayetteville City Council Street Committee has previously expressed unanimous support for specific improvements to Garland Ave, including a continuous median with turn lanes and trees, bicycle lanes, sidewalks, reconfiguration of several intersections; and

WHEREAS, a recent public hearing clearly indicated strong support among community leaders and neighborhood residents for a design that included a continuous median; and

WHEREAS, a recent survey indicates community-wide support for a design that includes a continuous median is 2-to-1; and

WHEREAS, the City of Fayetteville is contributing the majority of the cost of the improvements; and

WHEREAS, the City of Fayetteville has adopted a Master Street Plan that includes a requirement for streets like Garland to contain a median, if they are under the jurisdiction of the City; and

WHEREAS, the distribution of revenue from the transportation bond issue is under the jurisdiction of the City Council; and

WHEREAS, any plans must be approved by the Arkansas Highway and Transportation Department before being implemented.

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 supports Mayor Jordan's efforts to secure AHTD approval for a design for Garland that includes continuous medians with turn lanes.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby requests AHTD officials review the summary of the survey, attached hereto as Exhibit "A" to this resolution.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby requests AHTD officials consider this project and the funds contributed by the City as an opportunity to study the effects of urban highways on city neighborhoods and how to mitigate them.

PASSED and **APPROVED** this 4th day of August, 2009.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

EXHIBIT "A"

Garland Survey Summary

In*troduction*

As Ward 2 Alderman I called a ward meeting to clear up confusion about what was happening to Garland Avenue. At the same time, I created a survey to gauge citizens' understanding and opinion of the options.

In order to help citizens understand the issue, I also wrote an article for the Fayetteville Flyer and asked all who visited the survey to read it for background. It is viewable here: http://tr.im/aboutgarland

For reference, view the survey itself at http://tr.im/garland

What are citizens' first preference for Garland?

Of 353 respondents, 71% indicate a design with a continuous median as their first preference, and 65% of those indicate a median with four lanes as their first preference. It is my personal interpretation that a four lane solution is preferred by the community at large, while the neighbhorhood sees a larger number of property owners who prefer a median with two lanes. Only 8% chose the island proposal as their first preference. 1% chose the AHTD's recommendation as their first preference.

What are citizens' second preference for Garland?

Of the 263 citizens who indicated a continuous median as their first preference, 29% indicated the island proposal as their second preference. The other 71% indicated they wanted a median even if it meant a different number of lanes than they indicated in their first preference.

What it means:

71% of all of the respondents want a median. 50% want a median no matter what. Only 17% want the island proposal or are willing to settle for it. 3% of the respondents either want to accept AHTD's proposed configuration or are willing to settle for it.

Limitations of the survey:

Some citizens wished to choose options that were not available on the survey, such as abandoning the project or restricting improvements to bike lanes and signalization. These were not included as official options in the survey because they were not considered serious options by the author and others at City Hall. The survey was filled out and collected by volunteers. Completing it was not mandatory and the responses are not random. Specific neighborhoods and community leaders were targeted to advertise the survey. Specific information about the opinions of Garland Ave property owners is being gathered, but was not available at the time of this summary.

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – 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

City of Fayetteville Arkansas
City Council Meeting Minutes
July 7, 2009

DRAFT

A meeting of the Fayetteville City Council was held on July 7, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

John Coleman: I received an email from the Natural Resources Defense Council regarding a study they completed called the Smarter Cities Project. The City of Fayetteville was ranked number six in the small cities category. We ranked high in the areas of environmental planning. We also ranked really well in water quality and green space.

Presentations, Reports and Discussion Items:

Consent:

Approval of the June 9, 2009 Special City Council meeting minutes.

Approved

U.S. Marshal's Service: A resolution to approve a budget adjustment to recognize $25,000.00 in revenue from the U.S. Marshal's Service for police overtime costs.

Resolution 143-09 as Recorded in the office of the City Clerk.

State and Tribal Assistance Grant (STAG): A resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) in the amount of $286,400.00 from the U. S. Environmental Protection Agency for sanitary sewer system improvements; and designating the Mayor as the City of Fayetteville's authorized representative in all matters relating to the procurement and administration of said grant.

Resolution 144-09 as Recorded in the office of the City Clerk.

Drake Field Insurance Reimbursement: A resolution approving a budget adjustment recognizing the receipt of insurance reimbursement and establishing a project budget to track expenses related to the demolition, cleanup and contingency replacement of the hangar building at Drake Field that was destroyed by fire.

Resolution 145-09 as Recorded in the office of the City Clerk.

Ice Storm 2009 Disaster: A resolution approving budget adjustments totaling $377,291.00 to restore various operating budgets to funds and departments for cash expenses incurred in response to Ice Storm 2009 Disaster.

Resolution 146-09 as Recorded in the office of the City Clerk.

Garver Engineers, LLC Amendment No. 4: A resolution approving Amendment No. 4 to the contract with Garver Engineers, LLC to reduce the fee for construction phase services by $109,964.00 for Mount Comfort Road Improvements Contract 2, from Alpine Avenue to Rupple Road.

Resolution 147-09 as Recorded in the office of the City Clerk.

Arkansas Natural Resources Commission Grant: A resolution authorizing the Engineering Division to apply for a grant through the Arkansas Natural Resources Commission for the design and implementation of a stream bank restoration project along a section of the White River adjacent to the Fayetteville Executive Airport.

Resolution 148-09 as Recorded in the office of the City Clerk.

RFP # 09-07 Score American Soccer Company, Inc.: A resolution accepting a proposal in response to RFP # 09-07 and approving the purchase of youth soccer uniforms from Score American Soccer Company, Inc. in the amount of $27,097.00 for the Fall 2009 and Spring 2010 Season.

This item was removed from the Consent Agenda and placed in New Business.

DRAFT

Wedington Drive Right-of-Way: A resolution authorizing the donation of right-of-way along Wedington Drive containing .09 acres and being a part of parcel No. 765-13741-007, and authorizing the Mayor to execute deeds and all other necessary papers to transfer ownership of the property to the Arkansas State Highway Commission.

Resolution 149-09 as Recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda as read with Item # 8 - RFP # 09-07 Score American Soccer Company, Inc removed from the Consent Agenda for discussion. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

RZN 09-3271 (Sale Barn/Campus Crest LLC, 562): An ordinance rezoning that property described in rezoning petition RZN 09-3271, for approximately 8.87 acres, located at the old Washington County Sale Barn, north and east of 11th Avenue and Government Avenue from I-1, Heavy Commercial/Light Industrial, to DG, Downtown General. *This ordinance was left on the First Reading at the June 16, 2009 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Department Director: I do not have any additional information tonight.

Mayor Jordan: I want to remind you that we are discussing the rezoning. You can discuss the density of the rezoning but not any particular project.

Leonard McCandless, President of the Board of Directors of the Ozark Military Museum: Our membership voted unanimously to oppose changing the sale barn property. They think it could be better used as an addition to the national cemetery.

Sam Sansom, president of the Fayetteville Chapter of the Military Officers Association of America. We request that the rezoning not go through.

Steve Drazsnzak: I am not a veteran but I have the deepest respect and honor for those who are veterans. I oppose the rezoning of this property.

Ves Lawbaugh, State Commander Military Order of the Purple Heart: We strongly oppose the rezoning of the property.

DRAFT

Lige Pointer, Fayetteville: I am very strongly opposed to the rezoning.

Jim Buckner, Senior Vice Commander of Military Order of the Purple Heart: The worst possible neighbor to a National Cemetery would be university students. I urge you to not approve the rezoning.

Sue Madison: Ms. Madison gave a brief history of the property. She voiced her concerns about the building height in the proposed zoning.

The City made the zoning fit the use that was there. There has been some talk that the zoning that you are considering would be a down zoning. I want you to consider that it really is not a down zoning because the City has been accommodating to the Bartholomew's with this particular piece of property. I ask that you consider the many accommodations that the City has made for this property and try to respect the neighborhood and find a zoning use that would be more appropriate.

Harold J. Perry stated that he has been a resident for over forty years. He spoke about the growth in Fayetteville. He would like to see the cemetery purchase this property.

Marian Kunetka, South College Avenue: I think if the zoning was allowed to be changed it would wreck that neighborhood. Please consider them in your decision.

Allen Young: I would ask that the proposed rezoning be reconsidered for an appropriate zoning that fits the National Cemetery and the residential in that area.

Johnny Walker stated my concern is learning from our mistakes over the past years. He voiced his concerns about the vacancy rates. He stated with this rezoning we are going to be adding to that problem.

Kathy Kisida: I feel that now that the sale barn is closed the zoning is inappropriate. I also feel that Downtown General is inappropriate because neither one fits a small single family neighborhood. I looked at the land use maps for 2025 and it looks like to me that our neighborhood is to be a neighborhood. I assume that means single family homes. The proposed project doesn't fit with the National Cemetery. I believe it is our responsibility as a community to ensure that the cemetery is protected. I do not feel this would be a down zoning. Please look at our neighborhood and see if there are other options to accommodate all of us.

Alderman Petty: You said you thought a mixed use development with businesses and condos would be appropriate**?**

Kathy Kisida: I don't think that would be so bad if it was not 24 units per acre. Is there some other kind of zoning that fits that model?

Alderman Petty: No. Downtown General is specifically what that was created for. Those kinds of uses are not allowed in other zonings.

DRAFT

Kathy Kisida: Maybe I am not for that then, if it means that, I would be against the Downtown General.
Jack Wright: I moved here about ten years ago. I was pleasantly surprised to see that this town has an asset. That asset is the National Cemetery for veterans. That place is going to have to have a place to expand. I urge you to not make changes in the zoning that would prevent that from happening.

Sam, a veteran asked the Council to give the veterans a chance to raise the money for this property. He stated we need the space.

Robert Williams: I am a strong supporter of a person's property rights. I am for rezoning it for a cemetery only.

Justin Eichmann, attorney on behalf of Billy Joe Bartholomew addressed a few of the points that were made. He discussed the history of the sale barn. Mr. Eichmann explained the process that Mr. Bartholomew has gone through to try to sell the property.

I implore the Council to stay on the issues of the rezoning. This has been a process that has been going on for a number of years and over those years there has never been an offer to Mr. Bartholomew. Mr. Bartholomew's wealth is in that property. There are other properties for sale adjacent to the cemetery.

Alderman Gray: During the contacts the veterans made with Mr. Bartholomew did he let them know that he would be agreeable to selling the property?

Justin Eichmann: I think it was a long term process of talking about it. I think it was something that was talked about. Now that we are going through the rezoning process this has come up again and everyone wants him to wait two years and he can not wait two years. We are caught in the middle. We do not want this to be adversarial in any way.

Michele Raine: The last time we met we shared our concerns about how any development that would add four story apartment buildings to our neighborhood would impact the quality of life for us. Our neighborhood has single family homes some duplexes and one apartment but nothing over one story. Our neighborhood has not had time to absorb the changes that have occurred in our neighborhood. The zoning does not match what has been built in our neighborhood. I believe it would be more effective to have the zoning reflect what the neighborhood already is. The neighborhood has existed like this for nearly fifty years. I ask you to deny this zoning request.

Cynthia Christy Levin described how the neighborhood looked in the past.

We did not choose to live near high density dwellings. There were no apartment buildings. It was purely residential, owner occupied area. I don't think this is the best or most appropriate use for this property. I am asking that we hold off and find the best use for this property. This is not the project for this location.

DRAFT

Leonard Scholtee, 1235 Southwest: This proposed project is incompatible with the neighborhood.
Roseanna Fault stated we would like to see the cemetery extended. She voiced her concerns about living in a college complex.

Tina Chamberlain stated the veterans in the cemetery deserve to rest in peace.

Dustin Bartholomew: Is that area of town part of the 2025 Plan?

Mayor Jordan: Yes.

Dustin Bartholomew: Is that area according to the 2025 plan a place for density?

Jeremy Pate: That area in our 2025 Plan is designated as a City Neighborhood area which includes nonresidential uses. It is still primarily residential. Our definition of a neighborhood does not just include single family. It includes the services that also support those single family and multi family residents. A singular single family neighborhood would provide a bedroom community which is what we are not trying to provide. We are trying to provide a community that has services that are hopefully within walking distance.

Aubrey Shepherd told the Council what they were trying to do for the veterans to purchase the land. He stated zoning this Downtown General is inappropriate for the neighborhood and that this should not be zoned as proposed.

Bob Estes representing Campus Crest introduced the individuals that will be speaking on the proposed zoning.

Chris Rust, Campus Crest went over the facts with the zoning application. He discussed the uses that could occur on the property at the current zoning. He stated this is a down zoning. The proper consideration for this request is the compatibility with the surrounding zoning and the permitted uses of the adjacent area. He discussed the guiding principles when looking at this zoning process. He stated City staff finds that the City's adopted policies and objectives of the City Plan 2025 support a Downtown General zoning district on this property and your Planning Commission approved the zoning request 6-1. He also discussed the existing zoning and said they are just expanding on what is already there.

Matthew Petty asked what the vacancy rates are.

Chris Rust, stated they looked at the vacancy rates and they would not be here spending this time and money if we did not know there was an absolute need for what we can provide.

Dan Norman, Campus Crest: We do expensive market studies. We canvas competitors and the neighbors.

Matthew Petty: Would you be willing to publish a summary of your analysis?

DRAFT

Dan Norman: We can do that.

Sarah Lewis: Do you have a competitor that is already in Fayetteville?

Dan Norman: Yes.

Greg Simmons, Peters and Associates Engineers, Traffic Consultants: We did a comprehensive traffic study. He stated the projected volumes do not indicate that traffic signals will be warranted.

Dan Norman stated we have been working with Mr. Bartholomew for three years. He described their projects. We are a partnership. We have our own operating company. We would be more than willing to put a buffer between the property and the cemetery.

Alderman Rhoads: Besides the buffer zone is there anything else that you have talked to the neighborhood about?

Dan Norman: Besides the buffer we have pointed out that there is other land available that they could purchase. We are open to ideas.

Alderman Lewis: Do you have non students that live in your properties?

Dan Norman: No.

Alderman Lewis: If someone is not a student and wants to live in your properties how does that work?

Dan Norman: It is pretty expensive. It is affordable for students. We want them to be students.

Alderman Lucas asked for Mr. Norman to explain how they rent their properties?

Dan Norman: We help match roommates. About 67% of our cliental are female.

Alderman Petty: I think females are less likely to party hard and loud. What aspects of your model are in place to check intrusive behavior?

Dan Norman: Part of it is our community assistance, the folks that actually work for us and live in the community. We have staff on call 24 hours a day.

Alderman Ferrell: How many similar properties do you?

Dan Norman: We have 19 operating now and five finishing construction. We hope to start about 10 more this fall.

Alderman Ferrell: Is everything going pretty smooth with the other ones?

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Dan Norman: Yes. We have had our challenges but we have also had some cleanup efforts and partnerships with universities and our neighbors.

Alderman Lewis: The Planning Commission addressed the RMF-24 zoning. Why did it get changed to Downtown General?

Jeremy Pate: The original request was for RMF-24. Staff expressed concerns about the zoning district because it is only a single use zoning district. In addition the development pattern generally associated with our RMF-24 single use zoning district is not necessarily one that is desirable. We felt the Downtown General zoning district development pattern along with the multiple uses that can occur on a property is something that is much more desirable. In addition we looked at the surrounding land and felt RMF-24 was not necessarily appropriate in this case. We felt this was more appropriate.

Alderman Lewis: Do we have a zoning in between Downtown General and Neighborhood Conservation?

Jeremy Pate: There is not. Jeremy explained the zoning districts that were created in the Downtown Master Plan.

Alderman Lucas: I thought offices and other things could be put in Neighborhood Conservation.

Jeremy Pate: Perhaps by a conditional use permit.

Alderman Lucas: How high can they be in Downtown General?

Jeremy Pate: Four stories or 56 feet whichever is less.

Alderman Lucas: What is the general density of Downtown General?

Jeremy Pate: There is not a maximum density limitation listed in the zoning. We did that purposely. I would say most of it, that is existing, does not approach 24 units per acre.

Alderman Thiel: How does Residential Office compare with these?

Jeremy Pate: It is sort of a mixed use zone. It is used primarily for office use. Jeremy explained the Residential Office zoning.

A discussion followed on the Residential Office zoning.

Alderman Petty: I would like to leave this on this reading. It has come forward that there are additional purchase options for the veterans that can be pursued. This is on the border of the neighborhood and we need to take steps to protect that neighborhood core but at the same time we need to make sure we develop those thoroughfares and the areas that are next to those industrial and commercial areas so that we can support things that we want in the future. The

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issue for me is how to transition from those streets and those busy intersections and the commercial properties into that neighborhood and cemetery. That has to be a gradual change.

Alderman Thiel: My concern is that historically we have always tried to have a buffer of zoning between commercial and a neighborhood or a cemetery. My concern is that Downtown General is not a buffer.

Alderman Gray: I feel strongly that we should go ahead with this zoning. I like the buffer. The Bartholomew's have been there 73 years we may have been good to them but they have been good to us as well. I respect the veterans and want them to have what they need for their cemetery. I am delighted that there is more property that they can buy. I am not sure the veterans will get any earmarks for this cemetery.

Alderman Petty: I don't think young people are the worst thing that could happen here.

Alderman Lucas: This is a rezoning. I respect Mr. Bartholomew and what he has done but I also respect that neighborhood. The things that concern me about this rezoning are the traffic and it is not on the main thoroughfare. It does not seem that Downtown General is compatible with this neighborhood. I want us to look at this as a rezoning. We have to be careful here.

Alderman Thiel: I sympathize with the owner and the developer and all these people.

City Attorney Kit Williams: The Mayor was correct when he said no one was to talk about the project they could only talk about zoning**.** You can not consider the applicants comments about his project and concessions unless he offers a Bill of Assurance. They have not offered a Bill of Assurance. You should not make the decision on who you want to own the property. That is not for us to decide. The issue is only the zoning. You can consider what the best use for the property is and if it is compatible with the neighborhood. We can not request a Bill of Assurance. It must be voluntarily offered.

Mayor Jordan: I think we need to wait a couple of weeks.

Alderman Lewis: This is about a rezoning. It does not matter who is offering to purchase the property**.** What we have to focus on is if that zoning is compatible with the surrounding land use. I think it is really important to not get our vision blurred by who is presenting different stories. I respect the people that have come here and spoke.

This ordinance was left on the Second Reading.

Box Avenue Appeal: An ordinance rezoning that property described in rezoning petition RZN 09-3280, for approximately 1.20 acres, located at the northwest corner of Mission Boulevard and Box Avenue from R-O, Residential Office, to C-1, Neighborhood Commercial. *This ordinance was left on the First Reading at the June 16, 2009 City Council meeting.*

Jeremy Pate: The applicant has requested this item be tabled indefinitely without discussion.

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Alderman Cook moved to table the ordinance indefinitely. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent during the vote.

This item was tabled indefinitely.

New Business:

Light Rail Transit System: A resolution to support an alternatives analysis study to determine the feasibility of a light rail transit system in Northwest Arkansas.

Karen Minkel, Director of Strategic Planning and Internal Consulting gave a brief description of the resolution along with a description of the proposed study. She stated the Strategic Planning Staff is recommending approval of the resolution.

Alderman Thiel: Are we asking the NWA Regional Planning Commission to fund this and if so are they going to ask us to help fund this too?

Mayor Jordan: I am on that committee and I can ask them to fund it.

Alderman Thiel: By us advocating this are we putting ourselves in a position of being needed to help fund this study ourselves?

Karen Minkel: The local area has to provide a 20% match but that can be provided by the local municipalities or the State Department of Transportation or as a part of a State Legislative Act. There are multiple ways to fund it.

Don Marr, Chief of Staff stated we contacted the City of Dallas and asked when they began their discussions on light rail. The feedback we got was when their Metropolitan Service Area reached half a million which we have the opportunity to hit through this Census period. That is why we feel it is appropriate to begin the discussion today. He listed other reasons for requesting the analysis.

Alderman Lewis: The NWA Regional Planning Commission has applied for the same analysis three times. I think we should apply again but I also hope that we are going to be doing other things besides leading the same horse. I really am excited that Karen and Robert have worked on this.

Alderman Ferrell: It's never too soon to make the application because Dr. Goforth stated in a presentation that 25 years is the norm on a deal like this.

Alderman Cook: This is a very long and expensive process but we would be crazy not to do it.

Alderman Rhoads: There are some things that you can't do quick enough and this is one of them.

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Mayor Jordan: This will be the wave of the future because in the near future we are going to see $5.00 per gallon gas and then we will be glad for public transportation. This is not only important for the City but the region. I appreciate everyone's efforts on this because it is so vital and important to this city and region as a whole.

Alderman Lewis: I know there are other efforts to find more funding. This isn't the end of the story.

Mayor Jordan: Just stay after it.

Bob Estes, resident of 668 N. Mulligan encouraged the Council to vote for the resolution. He stated this is the first step and this needs to be done.

Alderman Ferrell moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 150-09 as Recorded in the office of the City Clerk.

ADM 09-3307 (Sustainable Yards): An ordinance to amend § 95.01 Unsightly or Unsanitary Conditions on Real Property; Order and Notice To Correct of the Fayetteville Code to encourage properly maintained and managed naturalistic landscapes.

City Attorney Kit Williams read the ordinance.

Karen Minkel gave a brief description of the ordinance. She stated this ordinance encourages cultivating of the sustainable yard and naturalistic landscapes. The Ordinance Review Committee voted for the ordinance 3-0.

Alderman Ferrell: Did you put something in there to allow for a Mayor's designee?

City Attorney Kit Williams: I think that goes without saying that the Mayor works through his various officials.

Alderman Petty thanked Karen Minkel for bringing this forward.

Alderman Thiel: This does have to show maintenance but otherwise that is going to be crux with making this work. I am glad this has finally moved forward.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: The true spirit of being sustainable is that you are using eco system services and then you save money. It benefits not only your wallet but also the eco system.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5250 as Recorded in the office of the City Clerk.

National Cemetery Neighborhood Area Study: A resolution to request that City Planning study the National Cemetery Neighborhood Area of South Fayetteville to propose a Master Plan.

Alderman Lewis: City Council Member Thiel and I brought this forward and I would like to propose an amendment. I would like to propose that it be restated as "a resolution to request that the City Planning consider the National Cemetery neighborhood area of south Fayetteville as a candidate for master planning." The reason is to give City staff a chance to consider funding and also consider other areas of town.

Alderman Petty: If this is just a friendly amendment do we have to vote on it?

City Attorney Kit Williams: I think it would be better to go ahead and vote on it.

Alderman Ferrell: Since this is amended to be considered, this is something that would be considered after the disposition of the cemetery agenda item that we are dealing with right now is that correct?

City Attorney Kit Williams: You can consider it anytime but if you have just rezoned a piece of property then that would be a statement of the City Council as to what they want to do. There is no time delay on it.

Alderman Ferrell: Does staff think a decision will be made on this before the next meeting?

Don Marr: No sir.

Alderman Lewis moved to amend the resolution to state *a resolution to request that the City Planning consider the National Cemetery neighborhood area of south Fayetteville as a candidate for master planning*. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Alderman Lewis: The intent of this came up as a result of the discussions about the rezoning of that property and it became evident that the entire area needs to be considered for long term planning.

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Alderman Thiel: I certainly support this and I would encourage staff to consider this as an early priority.

Mayor Jordan: If we pass this tonight will it have any affect on the previous rezoning on the sale barn?

City Attorney Kit Williams: I don't think it has any legal affect.

Mayor Jordan: So this is what we would call a broad brush and then this other thing would be whether we want to use it in the study or change the rezoning. Is that a fair statement?

City Attorney Kit Williams: Yes, this is simply a request for Planning to look at this area.

Don Marr: It is about a nine month process to do it from the time that you start. In 2010 we are looking at updating the 2025 Plan, the Master Street Plan and the Land Use Plan for the City. Our first budgeted new neighborhood study area was not scheduled until the 2012 budget cycle. I don't want citizens who may be in this area who know there is a very active rezoning taking place today to think it will happen in the next 90 days.

Alderman Lucas: I look at this as asking the Council to set this as a priority. This came to light with the Hill Street development that it was all zoned wrong.

Don Marr: Staff would comprehend your setting of this priority. To my knowledge it would be the only area where we have a resolution directing us to work at it.

Alderman Petty asked what are the other areas that are being considered for the 2012 process?

Karen Minkel: No other areas are under consideration until we do the City Plan 2025 update which would inform that decision as well.

Bob Estes representing Campus Crest stated the proposed resolution is not appropriate. He stated two neighborhood studies have been done in Ward 1 recently. The Planning staff has the next neighborhood study scheduled for the year 2012. The Planning Department has specific criteria to determine the appropriateness of a neighborhood study. What you are doing by this resolution is directing their attention to one specific ward. He suggested other areas of the City that should be studied first.

Alderman Thiel: I thought you just said there is not a neighborhood study target for 2012.

Don Marr stated the City wide study is targeted for the end of 2010 and 2011. Our next budgeted staff time and dollars amount in publications for charettes are scheduled out for 2012 for the Strategic Planning Division. We have not identified locations.

Alderman Lucas: I have talked about Ward 4 and the annexation and I thought this would be an excellent opportunity to plan it out. You have a lot of people that are concerned about their farms and I don't know how that would work. The reason I am in support of this for this area is

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because it is an older section that is definitely zoned wrong. I think we need to address it as soon as we can.

Melva Smith, a citizen stated I don't think it is reflective of how the people identify their community.

Kathy Kisida, a citizen spoke in favor of the resolution and stated this is a pressing issue. Please help our neighborhood.

A citizen spoke in favor of the resolution. She stated I see this as an opportunity for the City to address an oversight in not including our area in the two charettes that have already taken place. I hope this can go forward.

Cynthia Christie Levin, a citizen stated I would like you to please do this as soon as possible. She went on to speak in favor of the resolution.

Aubrey Shepherd, a citizen stated I would like to see it changed to residential one house per acre. He stated I support the Council moving forward with discussion of this.

Alderman Lewis: I would like to amend the resolution to say Town Branch Neighborhood.

Alderman Lewis moved to amend the resolution to change the name of the study to Town Branch Neighborhood. Alderman Thiel seconded the motion.

Alderman Gray: It sounds like to me that we already have in place a process for deciding where the next master plan will be and so it seems to me that this is a bit redundant.

Alderman Thiel: I have been advocating that this be studied for quite some time and feel like this is a way to get it prioritized. A portion of Fayette Junction was and is in Ward 4. This is just saying that this should be a priority next time.

Aubrey Shepherd: The Town Branch Neighborhood includes the National Cemetery and I think both should be in the name in this resolution.

Alderman Lewis confirmed with the City Attorney that the name can be adjusted later.

Upon roll call the motion passed unanimously.

Alderman Petty: I agree with almost everything that has been said but at the same time I feel that this resolution is not going to do any good. I am not sure that we need to vote on a resolution to ask staff to consider something. I don't want to assign that priority until we have seen that 2025 Plan revisited and updated and we have a catalog of all the problem areas.

Alderman Ferrell: Aubrey spoke about going to RA-1 house per acre and that wouldn't work. I don't think that is a very good idea.

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Mayor Jordan asked shall the resolution pass. Upon roll call the resolution passed 5-4. Alderman Lucas, Lewis, Thiel and Cook voting yes. Alderman Petty, Rhoads, Ferrell and Gray voting no. Mayor Jordan voted yes to pass the resolution.

Resolution 151-09 as Recorded in the office of the City Clerk.

Amend § 111.30 Retail: An ordinance to amend § 111.30 Retail of the Code of Fayetteville to comply with new State law.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams stated this is one of several proposed amendments that I will bring to you concerning our alcohol regulations which are in Chapter 111. He gave a brief description of the changes.

Alderman Ferrell: When did that state law become effective?

City Attorney Kit Williams: Actually I think it had an emergency clause so it was effective a couple of months ago.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5251 as Recorded in the office of the City Clerk.

The following item was removed from the Consent Agenda and placed under New Business:

RFP # 09-07 Score American Soccer Company, Inc.: A resolution accepting a proposal in response to RFP # 09-07 and approving the purchase of youth soccer uniforms from Score American Soccer Company, Inc. in the amount of $27,097.00 for the Fall 2009 and Spring 2010 Season.

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Alderman Petty: On a local blog there was a question about where the funding for the uniforms was coming from.

Connie Edmonston: Due to the fact that we have over 1,600 kids that play in the fall and spring that's a lot of uniforms. We receive sponsorships in which companies have their names put on the uniforms. We receive anywhere from $10,000 to $12,000. The cost of the sponsorship is $250. The uniforms are covered within the registration fee from each of the players. Registration ranges from $60 to $90 depending on if they are going to play fall and spring and what age group they are.

Alderman Petty: So your procedure then is to buy the uniforms and then you pursue sponsorships in an ongoing manner year after year.

Connie Edmonston: Yes, we certainly do.

Alderman Lewis moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 152-09 as Recorded in the office of the City Clerk.

Agenda Additions: None

The meeting adjourned at 9:15 PM

Lioneld Jordan, Mayor **Sondra E. Smith, City Clerk/Treasurer**

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Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – 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

City of Fayetteville Arkansas
City Council Meeting Minutes
July 21, 2009

A meeting of the Fayetteville City Council was held on July 21, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

ABSENT: Alderman Petty

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

Presentations, Reports and Discussion Items:

The Ambulance Authority July Report was presented to the Council. A copy of the presentation is included in the agenda for this meeting.

Consent:

Approval of the June 16, 2009 City Council meeting minutes.

Approved

Arkansas Emergency Telephone Services Board Training Expenses: A resolution approving a budget adjustment recognizing the receipt of training reimbursements in an amount not to exceed $10,000.00 as they are received from the Arkansas Emergency Telephone Services Board for dispatcher training expenses.

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Resolution 153-09 as Recorded in the office of the City Clerk.

Mutual Aid Agreement: A resolution approving a Mutual Aid Police Protection Agreement between the City of Fayetteville, Arkansas and the City of Springdale, Arkansas.

Resolution 154-09 as Recorded in the office of the City Clerk.

Animal Services Miscellaneous Donations: A resolution approving budget adjustments totaling $26,000.00 from Animal Services Miscellaneous Donations to meet increased supply and operational costs at the Fayetteville Animal Shelter.

Resolution 155-09 as Recorded in the office of the City Clerk.

McClelland Consulting Engineers Amendment No. 1: A resolution approving Amendment No. 1 to the contract with McClelland Consulting Engineers in the amount of $74,993.08 for construction phase services for the Township Street 36-inch Water Main Project; and approving a project contingency in the amount of $15,000.00.

Resolution 156-09 as Recorded in the office of the City Clerk.

Seven Valleys Construction Company, Inc.: A resolution approving a contract with Seven Valleys Construction Company, Inc. in the amount of $1,757,232.00 for the construction of a 36-inch water main along Township Street to include approximately 4,462 feet of 36-inch ductile iron water main; and approving a project contingency in the amount of $90,000.00.

Resolution 157-09 as Recorded in the office of the City Clerk.

Wastewater Collection and Treatment Services Amendment: A resolution approving an amendment to the Wastewater Collection and Treatment Services Contract with the City of Farmington, Arkansas.

This item was removed from the Consent Agenda and placed in New Business.

Natural Resources Conservation Service (NRCS): A resolution authorizing the Engineering Division to apply for and accept a grant through the Natural Resources Conservation Service (NRCS) in an amount not to exceed $27,000.00 for debris removal from streams with flooding potential due to the January 2009 ice storm; and authorizing the Mayor to execute a project agreement with the NRCS and all other documents necessary to carry out the project.

Resolution 158-09 as Recorded in the office of the City Clerk.

ADM 09-3333 (612 N. College Avenue ROW Variance): A resolution approving a variance of the Unified Development Code Section 164.12 (F) Nonconforming Uses and Structures, Repairs and Maintenance, and Section 166.18 Master Street Plan Setbacks, allowing the existing structure located at 612 N. College Avenue to remain within the Master Street Plan right-of-way

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and to be improved greater than the 10% replacement cost allowed by code, within the existing limits of the structure.

Resolution 159-09 as Recorded in the office of the City Clerk.

Arkansas Level II Trauma Center: A resolution to support the selection of Washington Regional Medical Center as an Arkansas Level II Trauma Center.

Resolution 160-09 as Recorded in the office of the City Clerk.

U.S. Marshal Service Reimbursement for Computer Equipment: A resolution approving a budget adjustment for the Fayetteville Police Department in an amount not to exceed $35,000.00 to recognize reimbursement from the U.S. Marshal Service for the purchase of computer equipment to support the U.S. Marshal's Western District Task Forces.

Resolution 161-09 as Recorded in the office of the City Clerk.

Alderman Thiel moved to remove Item #7 Wastewater Collection and Treatment Services Amendment from the Consent Agenda for discussion. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

Aldermen Lucas moved to approve the Consent Agenda as read with Item #7 Wastewater Collection and Treatment Services Amendment removed from Consent for discussion. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

<u>The following item was removed from the Consent agenda for discussion.</u>

Wastewater Collection and Treatment Services Amendment: A resolution approving an amendment to the Wastewater Collection and Treatment Services Contract with the City of Farmington, Arkansas.

David Jurgens, Utilities Director: The City of Farmington made changes to the contact. A revised contract was given to the Council to review.

Alderman Cook: It is different than what we saw at the Water and Sewer meeting?

David Jurgens: It actually includes a couple paragraphs that they added in yesterday.

Alderman Cook moved to table the resolution to the August 4, 2009 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

This resolution was tabled to the August 4, 2009 City Council meeting

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Unfinished Business:

RZN 09-3271 (Sale Barn/Campus Crest LLC, 562): An ordinance rezoning that property described in rezoning petition RZN 09-3271, for approximately 8.87 acres, located at the old Washington County Sale Barn, north and east of 11th Avenue and Government Avenue from I-1, Heavy Commercial/Light Industrial, to DG, Downtown General. *This ordinance was left on the First Reading at the June 16, 2009 City Council meeting. This ordinance was left on the Second Reading at the July 7, 2009 City Council meeting.*

Kit Williams: I understand the applicant has asked that this be tabled.

Jeremy Pate, Development Services Director. We did. We were just going to leave it on the third and final reading tonight and wait until the next meeting to address and additional comments.

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

City Attorney Kit Williams read the ordinance

Alderman Lewis: Is it appropriate to table it to a certain date so that we have a full Council?

Mayor Jordan: It should be in two weeks.

Kit Williams: Normally it is tabled to the next regular meeting unless otherwise stated.

Robert Rhoads: Isn't that what they requested?

Bob Estes, representative for Campus Crest stated the request is to postpone until the next regularly scheduled meeting and hold on the third reading.

Alderman Lucas: It's Campus Crest that's requesting this? They don't own the property yet do they?

Kit Williams: They don't actually have to own the property according to our Unified Development Code either the property owner or someone that has an interest in it can apply for the rezoning.

Justin Eichmann: I represent Billy Joe Bartholomew and he concurs with the request to table.

Alderman Thiel: Is the motion just to table it for two weeks rather than a specified date?

Mayor Jordan: Yes.

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Alderman Thiel: I would like to make sure that we have everyone on the Council is here. I would like to amend the motion to August 18th when Shirley will be back.

Alderman Cook moved to table the ordinance to the August 18, 2009 City Council meeting. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

This ordinance was tabled to the August 18, 2009 City Council meeting.

New Business:

Street Name Change: A resolution changing the names of sections of West Salem Road and West Weir Road.

John Goddard, GIS Coordinator gave a brief explanation of the resolution.

Alderman Lucas: This came about because there's development in that area and like country roads they don't always meet up.

Alderman Lewis: For clarification purposes there have been concerns and comments brought to both Shirley and me about the Howard Nickel curve area and the extension of Rupple. They are afraid that this renaming will force that section to be widened.

John Goddard stated this only addresses the street name problem.

Alderman Cook: At some point in the future the issues we have with the street names are we going to change or clean up?

John Goddard: Yes we try to tackle them as they come. At this point there are only two addresses affected.

Royce Slaughter, Salem Hills Addition POA Association spoke in opposition of the resolution. He stated they are concerned about the safety of the neighborhood, the children, and grandchildren.

Susan Slaughter, Salem Hills Estate questioned if a road can be renamed if it is not in the city limits?

Kit Williams: I assume we have the power to do that or else our GIS people wouldn't do it.

Mayor Jordan: We have gone through this before when we have brought territory into the City.

John Goddard: Most of the road that we are renaming falls within the city. There is a section of it that does not. We notified the County that we were intending to rename that section of road.

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Kit Williams: I think the County wouldn't have any objection because it's a logical thing for us to do. We need to get with them to try to resolve this entire area whether it's in the City or not.

Greg Tabor, Chief of Police stated that the Police Department is in favor of the resolution. He stated quick response times are very important and it makes it confusing for this to have the same names.

Ed Stevens expressed his concerns about the road and it going through their subdivision.

Michael Mauldin expressed his concerns about the road and the safety issue and that the Master Street Plan needed to be addressed.

Alderman Lucas: I understand the neighbors concerns about when the Master Street Plan was changed or developed that the major road came through Howard Nickel. I know at one point there was a development that came through and there was talk of changing that Master Street Plan to another road and from what I can tell that development did not come through. Even though the Street Committee voted for the change it was ever brought to the Council. Am I correct in that?

Mayor Jordan: That's correct. I was the chair of the Street Committee.

Alderman Lucas: That's an issue we need to address but that is a separate issue. I am a big safety person and I think it's important that we correct this now.

Alderman Lewis stated she respects the comments of the neighbors and she would be afraid of a four lane highway going through there too.

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

Resolution 162-09 as Recorded in the office of the City Clerk.

Amend Chapter 163 Use Conditions: An ordinance to amend §163.15 Transit System Shelters of the Unified Development Code to allow transit shelters located within the Master Street Plan right-of-way and building setback lines.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the ordinance.

Mayor Jordan stated this is something I worked with staff on. I support this.

Alderman Lewis: I think it's a good move towards getting improved public transit.

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Alderman Gray: I have had calls from constituents asking why we do not have any shelters. I know they will be happy to see this.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5252 as Recorded in the office of the City Clerk.

Amend Chapter 111 Alcoholic Beverages: An ordinance to amend §111.30 Retail of Chapter 111 Alcoholic Beverages of the Fayetteville Code to enact a new subsection (H) Restaurant Beer and Wine Permit.

City Attorney Kit Williams read the ordinance.

Kit Williams: I brought this forward at the request of the Police Department who analyzed Act 294 and suggested we do this because this is a brand new permit. I also understand from Accounting that they have checked with the State and we are ahead of the Alcoholic Beverage Control Commission. They have not had a hearing on this yet. There is no State permit that can be obtained until they have hearings and decide what they want to do. They have to have the State permit before they have our permit.

Alderman Ferrell: It says this fee begins July 1, 2010. Will the time lapse between now and then make any difference or is that when the new fee is going to be imposed?

Kit Williams: Act 294 had a provision near the end that said all the new permit fees would not take effect until July 1, 2010. This is a brand new permit. They raised a lot of other permit fees for existing permits so the July 1, 2010 date was to give people the chance to earn the money because some of the fees went up dramatically.

Alderman Ferrell: Do you see any downside to us going ahead and being ahead of the curve?

Kit Williams: No, I don't since our ordinance says you have to have the State permit.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5253 as Recorded in the office of the City Clerk.

RZN 09-3317 (Whitfield): An ordinance rezoning that property described in rezoning petition RZN 09-3317, for approximately 9.91 acres, located on the west side of Crossover Road, approximately 0.50 mile north of Highway 16E, from RSF-4, Residential Single Family Four Units/Acre, to MSC, Main Street Center.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning. He stated staff and the Planning Commission recommended in favor of this item.

Hugh Jarrett with Lindsey Company stated our only involvement is we are the real estate agent. We don't have any ownership or potential interest here but we represent the applicant.

Kit Williams thanked Hugh Jarrett and Mr. Lindsey for their work on the water tower issue.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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Alderman Cook: There was a citizen at the Planning Commission that had some comments about moving potential commercial development. Moving north from Huntsville Road, Main Street, is that a vision looking forward on the 2025 Plan? Is that something that we as a City envision moving north from that intersection? I guess staff and Planning Commission feel that Main Street Center is an appropriate zoning along Crossover between those two nodes?

Jeremy Pate: I believe so. In times past with previous policies we've always been worried about strip commercial zoning and we still are. With Main Street Center, with the mixture of uses that those form based zoning codes have, the intent is to provide a zoning district where by one could easily get to commercial services.

Alderman Cook: Is it fair to say that Downtown General is more of a residential zoning and this crosses the line to more of a commercial zoning?

Jeremy Pate: It is, if you compare the uses of Downtown General and even the narrative at the front of each one of those zoning districts. Downtown General states it's primarily residential. It allows a mixture of offices and some small retail. It's doesn't get to the level of commercial uses that will drive additional traffic and vehicle trips. Main Street Center however is still compact spaciously but it does increase that level of use. We envision two, three, and four story buildings in Main Street Center as a general rule of thumb with apartment, loft, or condominium living above shops.

Alderman Cook: We just enacted an Access Management Policy for parts of Crossover. Will that be in affect on this part of Crossover?

Jeremy Pate: Certainly, the Access Management Policy that came through the City Planning process, but not the Crossover to the north where the median is going to be located, that's a different access management policy.

Alderman Ferrell: Right across the street at the corner of Highway 16 and Crossover there's a shopping center where the Rolling Pin is and then right next to that there is a home or property for sell south of the intersection. Is that commercially zoned?

Jeremy Pate: Around that intersection is commercial zoning but it very quickly becomes residential.

Alderman Ferrell: It would be the first residence west of that shopping center on the south side of the road.

Kit Williams: There is a color map on page 18 that shows the zoning in that area including that intersection.

Jeremy Pate: A little to the west of Crossover is zoned C-2 but then it immediately turns to RSF-4 between Jerry Avenue and that property. I would anticipate that it is zoned RSF-4.

Alderman Cook: Are you talking about the house between?

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Alderman Ferrell: Yes. For some reason I was thinking that was C-2.

Alderman Cook: I think that is C-2.

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

Ordinance 5254 as Recorded in the office of the City Clerk.

RZN 09-3318 (Happy Hollow School): An ordinance rezoning that property described in rezoning petition RZN 09-3318, for approximately 32.53 acres, located on the west side of Crossover Road, approximately 0.50 mile north of Highway 16E, northeast of Happy Hollow Elementary School from RSF-4, Residential Single Family Four Units/Acre, to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning. Planning Commission voted 6-0 in favor of this recommendation and staff is also recommending approval.

Alderman Cook: Now that we have this other piece of property next to it that we just rezoned. Moving forward there won't be any connection between Crossover and this piece of property but hopefully there would be some variety because the only connection we have across there is through the Cliff's development, right? Do you think the Main Street Center is an appropriate buffer to the P-1 property?

Jeremy Pate: Directly to the north of this was a PZD that was approved that has a stub out to this property. That public street will be extended and will connect eventually to Crossover Road through various phases of development. The school through their master plan is looking to connect that when the school is developed. It will provide a much needed access point.

In terms of a transition if you look to the west there is an existing Happy Hollow School. There's a PZD that has some single families and some two family. You have the Cliff's Apartments to the north. In terms of getting more intense as you head east towards Crossover that fits that model. Schools are unique in that they are very intense types of uses at certain periods of time. The transition there will work well between the commercial and residential activities.

Alderman Cook: The reason I asked those questions is because we have a blank slate in this piece of town. As we rezone these I try to visualize what we are going to build out. I know we have our vision based on our polices that we set up but sometimes reality doesn't quite meet those visions.

Daniel Ellis with Crafton, Tull, Sparks, and Associates stated he represents the Fayetteville School district on this project. He stated they are trying to encourage the pedestrian connectivity with the school and on out to Crossover Road.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: These two projects the one that was previous and now this one. Are they working together? Can you talk a little bit about the communication going on? They seem like very compatible ideas and I'm wondering if there is a style, form, or vision that is going into those.

Jeremy Pate: I would hope so. I'm not sure what the property owners for the Main Street Center property have. The school is certainly on a faster track than that particular development. With the Main Street Center we are sure of the buildings up close to the street, parking hidden behind, and several design standards that I think will help achieve a general vision of what we see in City Plan 2025.

Alderman Lewis: Thanks.

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

Ordinance 5255 as Recorded in the office of the City Clerk.

R-PZD 09-3237 (Markham Hill Cottage Courts): An ordinance establishing a residential planned zoning district titled R-PZD 09-3237, Markham Hill Cottage Courts, located north of Maine Street and west of Cross Avenue; containing approximately 2.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated staff and the Planning Commission recommended approval of this item.

Alderman Cook: In that area there are narrow streets with ditches on either side and then we are adding this. Will this substantially alter the pattern of traffic? On Nettleship at one point

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you were having trouble getting two cars side by side through there. Was there any discussion on that?

Jeremy Pate: There was and what we looked at was essentially widening the street on one side of the project. You will get those two lanes of traffic plus a parallel parking lane.

Alderman Lucas: Main Street is rather narrow too. Will it be widened by their property?

Jeremy Pate: That is correct.

Alderman Lucas: Will there be a sidewalk?

Jeremy Pate: There will be widening and a sidewalk along the property.

Alderman Lucas: I have not heard any negatives about it. I've heard some positive about it.

Alderman Lewis: I agree that it's innovative. I don't agree with the idea of widening the road and smoothing out the turn to allow faster turns and traffic. That's what we are struggling with on that side of town in general with cut through. In regard to the five foot radius it seems like that is more in line with the traditional form. My question is why make them change that? It seems like an acceptable way to do an intersection and especially to use it as a traffic calming tool. I feel like the five foots radius slows people down and it makes you stop and look both ways more than having comfort in turning that corner more quickly.

Jeremy Pate: I would have to disagree a little bit in the downtown area. I don't know that we have a lot of five foot turning radius. The ones that are more traditional are closer to fifteen.

Chris Brown City Engineer: What's important is the parallel parking on this street. The area between the five foot radius and the twenty foot radius is dead space unusable to cars because when you turn in you have to avoid the parked cars. The three benefits to the bump outs are they provide a narrowing of the intersection which does provide the traffic calming affect. It reduces the pedestrian crossing distance and is protection for the parked cars.

Rob Sharp represents the applicant. He stated this project is not geared towards students. It's geared to owner occupants. It's not set up to be a student housing project in any way.

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

City Attorney Kit Williams read the ordinance.

Alderman Lucas: Jeremy, the concern you had that was addressed at the Planning Commission and that has been brought forward to us is that what we are voting on?

Kit Williams: The twenty foot turning radius.

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Jeremy Pate: Yes, that's what was recommended by the Planning Commission.

Alderman Lucas: That is what we are voting on?

Jeremy Pate: That's correct.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5256 as Recorded in the office of the City Clerk.

VAC 09-3181 (Elsass/619 Rockcliff Road): An ordinance approving VAC 09-3181 submitted by Kirk Elsass for property located at 619 North Rockcliff Road to vacate approximately 3,206 square feet of drainage easement on the subject property.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated staff and the Planning Commission recommended approval of this item.

Alan Reid representative for Mr. Elsass stated he is in complete agreement with any conditions that were attached to the application.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis stated she really appreciated staff working with the applicant on the natural drainage.

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

Ordinance 5257 as Recorded in the office of the City Clerk.

VAC 09-3320 (Elsass/621 Rockcliff Road): An ordinance approving VAC 09-3320 submitted by Alan Reid for property located at 621 Rockcliff Road to vacate a 12.5' utility and drainage easement and a 15' utility, drainage, and pedestrian easement containing a total of 3,794 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated Planning Commission and staff recommended approval of this item.

Alan Reid stated Mr. Elsass agrees to all conditions stated.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5258 as Recorded in the office of the City Clerk.

VAC 09-3321 (Hubbard/Trails End Lane): An ordinance approving VAC 09-3321 submitted by Tom Hubbard for property located at 4830 Trails End Lane to vacate a portion of a utility easement containing a total of 131.76 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated Planning Commission and staff recommended approval of this item.

DRAFT

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5259 as Recorded in the office of the City Clerk.

Amend Chapter 33 Departments, Boards, Commissions, and Authorities: An ordinance to amend Article XI Environmental Concerns Committee of Title III of the Code of Fayetteville to rename it Environmental Action Committee.

City Attorney Kit Williams read the ordinance.

Alderman Lewis: The Environmental Concerns Committee with a new vision for future activities and along with organizing a watershed education luncheon series voted to choose a new name that matched some of the new philosophy they would like to pursue and be more active in. They are helping to educate people about some of the concepts they have learned about over the past few years. In order to stimulate some of that philosophy and help them support that vision this ordinance has been brought forward to change the name.

Aubrey Shepherd: I like what you are doing. In this case very much, thank you.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5259 as Recorded in the office of the City Clerk.

Agenda Additions: None

Announcements: None

The meeting adjourned at 7:46 PM

Lioneld Jordan, Mayor **Sondra E. Smith, City Clerk/Treasurer**

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Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – 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
August 4, 2009

A meeting of the Fayetteville City Council will be held on August 4, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

1. Recycling Study Presentation by R W Beck

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. First Thursday Fayetteville – Art, Theatre, Film, and Music on the Square

A. Consent:

1. Approval of the July 7, 2009 and the July 21, 2009 City Council meeting minutes.

2. **Bid # 09-46 Oil Capital Electric:** A resolution awarding Bid # 09-46 and approving a contract with Oil Capital Electric in the amount of $27,750.00 for replacement of an electrical buss at the Nolan Wastewater Treatment Plant; and approving a contingency in the amount of $2,775.00.

3. **Bid # 09-49 North Point Ford Lincoln Mercury:** A resolution awarding Bid # 09-49 and approving the purchase of one (1) extended cab truck from North Point Ford Lincoln Mercury of North Little Rock in the amount of $22,618.28 for use by the Fayetteville Police Department.

4. **Mutual Aid Police Protection Agreement:** A resolution approving a Mutual Aid Police Protection Agreement between the City of Fayetteville, Arkansas and the City of Rogers, Arkansas.

5. **Bryce Davis Park Outdoor Recreation Grant:** A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of $250,000.00 for the development of Bryce Davis Park.

6. **Arkansas Historic Preservation Grant:** A resolution approving a grant agreement with the Arkansas Historic Preservation Program in the amount of $5,500.00 for travel and training expenses and publication of educational materials in support of the Fayetteville Historic District Commission; and approving a budget adjustment recognizing the grant revenue.

7. **U.S. Marshal Service Reimbursement:** A resolution approving a budget adjustment for the Fayetteville Police Department in an amount not to exceed $25,000.00 to recognize reimbursement from the U.S. Marshal Service to cover detective overtime expenses.

8. **City Employee Benefits for 2010:** Information will be provided at Agenda Session.

B. Unfinished Business:

1. **Wastewater Collection and Treatment Services Amendment:** A resolution approving an amendment to the Wastewater Collection and Treatment Services Contract with the City of Farmington, Arkansas. ***This resolution was tabled at the July 21, 2009 City Council meeting to the August 4, 2009 City Council meeting.***

C. New Business:

1. **Amend Chapter 111:** An ordinance to amend §111.30 of the Code of Fayetteville related to caterers serving a large meeting or attendance facility.

2. **ADM 09-3332 (Urban Residential Design Standards):** An ordinance amending the Unified Development Code of the City of Fayetteville, to amend Chapter 161: Zoning Regulations, and 166 Development, to amend certain building form and placement standards for urban residential development.

3. **ADM 09-3366 (Abshier Heights Amendment No. 3):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-1883, Abshier Heights, located at the NW corner of Abshier Drive and Hillcrest Avenue, containing approximately 4.11 acres, to reflect revised lot width, lot area and internal setback requirements as described and depicted herein.

4. **ADM 09-3384 (812 W. Cleveland Street ROW Variance):** A resolution approving a variance of the Unified Development Code Section 164.12 (F) Noncomforming Uses and Structures, Repairs and Maintenance, and Section 166.18 Master Street Plan Setbacks, allowing the existing structure located at 812 W. Cleveland Street to remain within the Master Street Plan right-of-way and to be improved greater than the 10% replacement cost allowed by code, within the existing limits of the structure.

5. **ADM 09-3386 (Amberwood R-PZD Amendment No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 08-2965, Amberwood, located south and east of Double Springs Road and Dot Tipton Road, containing approximately 40 acres, to reflect revised alignment of private drive number 8, revised planning area boundaries, and a modified rear building setback.

6. **ADM 09-3390 (Amberwood R-PZD Amendment No. 2):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 08-2965, Amberwood, located south and east of Double Springs Road and Dot Tipton Road, containing approximately 40 acres, to modify condition of approval No. 1, Street Improvements.

Agenda Additions:

Announcements:

1. **City Council Tour: August 3, 2009**

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.

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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

City of Fayetteville Arkansas
City Council Meeting Minutes
July 7, 2009

A meeting of the Fayetteville City Council was held on July 7, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

John Coleman: I received an email from the Natural Resources Defense Council regarding a study they completed called the Smarter Cities Project. The City of Fayetteville was ranked number six in the small cities category. We ranked high in the areas of environmental planning. We also ranked really well in water quality and green space.

Presentations, Reports and Discussion Items:

Consent:

Approval of the June 9, 2009 Special City Council meeting minutes.

Approved

U.S. Marshal's Service: A resolution to approve a budget adjustment to recognize $25,000.00 in revenue from the U.S. Marshal's Service for police overtime costs.

Resolution 143-09 as Recorded in the office of the City Clerk.

State and Tribal Assistance Grant (STAG): A resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) in the amount of $286,400.00 from the U. S. Environmental Protection Agency for sanitary sewer system improvements; and designating the Mayor as the City of Fayetteville's authorized representative in all matters relating to the procurement and administration of said grant.

Resolution 144-09 as Recorded in the office of the City Clerk.

Drake Field Insurance Reimbursement: A resolution approving a budget adjustment recognizing the receipt of insurance reimbursement and establishing a project budget to track expenses related to the demolition, cleanup and contingency replacement of the hangar building at Drake Field that was destroyed by fire.

Resolution 145-09 as Recorded in the office of the City Clerk.

Ice Storm 2009 Disaster: A resolution approving budget adjustments totaling $377,291.00 to restore various operating budgets to funds and departments for cash expenses incurred in response to Ice Storm 2009 Disaster.

Resolution 146-09 as Recorded in the office of the City Clerk.

Garver Engineers, LLC Amendment No. 4: A resolution approving Amendment No. 4 to the contract with Garver Engineers, LLC to reduce the fee for construction phase services by $109,964.00 for Mount Comfort Road Improvements Contract 2, from Alpine Avenue to Rupple Road.

Resolution 147-09 as Recorded in the office of the City Clerk.

Arkansas Natural Resources Commission Grant: A resolution authorizing the Engineering Division to apply for a grant through the Arkansas Natural Resources Commission for the design and implementation of a stream bank restoration project along a section of the White River adjacent to the Fayetteville Executive Airport.

Resolution 148-09 as Recorded in the office of the City Clerk.

RFP # 09-07 Score American Soccer Company, Inc.: A resolution accepting a proposal in response to RFP # 09-07 and approving the purchase of youth soccer uniforms from Score American Soccer Company, Inc. in the amount of $27,097.00 for the Fall 2009 and Spring 2010 Season.

This item was removed from the Consent Agenda and placed in New Business.

Wedington Drive Right-of-Way: A resolution authorizing the donation of right-of-way along Wedington Drive containing .09 acres and being a part of parcel No. 765-13741-007, and authorizing the Mayor to execute deeds and all other necessary papers to transfer ownership of the property to the Arkansas State Highway Commission.

Resolution 149-09 as Recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda as read with Item # 8 - RFP # 09-07 Score American Soccer Company, Inc removed from the Consent Agenda for discussion. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

RZN 09-3271 (Sale Barn/Campus Crest LLC, 562): An ordinance rezoning that property described in rezoning petition RZN 09-3271, for approximately 8.87 acres, located at the old Washington County Sale Barn, north and east of 11th Avenue and Government Avenue from I-1, Heavy Commercial/Light Industrial, to DG, Downtown General. *This ordinance was left on the First Reading at the June 16, 2009 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Department Director: I do not have any additional information tonight.

Mayor Jordan: I want to remind you that we are discussing the rezoning. You can discuss the density of the rezoning but not any particular project.

Leonard McCandless, President of the Board of Directors of the Ozark Military Museum: Our membership voted unanimously to oppose changing the sale barn property. They think it could be better used as an addition to the national cemetery.

Sam Sansom, president of the Fayetteville Chapter of the Military Officers Association of America. We request that the rezoning not go through.

Steve Drazsnzak: I am not a veteran but I have the deepest respect and honor for those who are veterans. I oppose the rezoning of this property.

Ves Lawbaugh, State Commander Military Order of the Purple Heart: We strongly oppose the rezoning of the property.

Lige Pointer, Fayetteville: I am very strongly opposed to the rezoning.

Jim Buckner, Senior Vice Commander of Military Order of the Purple Heart: The worst possible neighbor to a National Cemetery would be university students. I urge you to not approve the rezoning.

Sue Madison: Ms. Madison gave a brief history of the property. She voiced her concerns about the building height in the proposed zoning.

The City made the zoning fit the use that was there. There has been some talk that the zoning that you are considering would be a down zoning. I want you to consider that it really is not a down zoning because the City has been accommodating to the Bartholomew's with this particular piece of property. I ask that you consider the many accommodations that the City has made for this property and try to respect the neighborhood and find a zoning use that would be more appropriate.

Harold J. Perry stated that he has been a resident for over forty years. He spoke about the growth in Fayetteville. He would like to see the cemetery purchase this property.

Marian Kunetka, South College Avenue: I think if the zoning was allowed to be changed it would wreck that neighborhood. Please consider them in your decision.

Allen Young: I would ask that the proposed rezoning be reconsidered for an appropriate zoning that fits the National Cemetery and the residential in that area.

Johnny Walker stated my concern is learning from our mistakes over the past years. He voiced his concerns about the vacancy rates. He stated with this rezoning we are going to be adding to that problem.

Kathy Kisida: I feel that now that the sale barn is closed the zoning is inappropriate. I also feel that Downtown General is inappropriate because neither one fits a small single family neighborhood. I looked at the land use maps for 2025 and it looks like to me that our neighborhood is to be a neighborhood. I assume that means single family homes. The proposed project doesn't fit with the National Cemetery. I believe it is our responsibility as a community to ensure that the cemetery is protected. I do not feel this would be a down zoning. Please look at our neighborhood and see if there are other options to accommodate all of us.

Alderman Petty: You said you thought a mixed use development with businesses and condos would be appropriate?

Kathy Kisida: I don't think that would be so bad if it was not 24 units per acre. Is there some other kind of zoning that fits that model?

Alderman Petty: No. Downtown General is specifically what that was created for. Those kinds of uses are not allowed in other zonings.

Kathy Kisida: Maybe I am not for that then, if it means that, I would be against the Downtown General.

Jack Wright: I moved here about ten years ago. I was pleasantly surprised to see that this town has an asset. That asset is the National Cemetery for veterans. That place is going to have to have a place to expand. I urge you to not make changes in the zoning that would prevent that from happening.

Sam, a veteran asked the Council to give the veterans a chance to raise the money for this property. He stated we need the space.

Robert Williams: I am a strong supporter of a person's property rights. I am for rezoning it for a cemetery only.

Justin Eichmann, attorney on behalf of Billy Joe Bartholomew addressed a few of the points that were made. He discussed the history of the sale barn. Mr. Eichmann explained the process that Mr. Bartholomew has gone through to try to sell the property.

I implore the Council to stay on the issues of the rezoning. This has been a process that has been going on for a number of years and over those years there has never been an offer to Mr. Bartholomew. Mr. Bartholomew's wealth is in that property. There are other properties for sale adjacent to the cemetery.

Alderman Gray: During the contacts the veterans made with Mr. Bartholomew did he let them know that he would be agreeable to selling the property?

Justin Eichmann: I think it was a long term process of talking about it. I think it was something that was talked about. Now that we are going through the rezoning process this has come up again and everyone wants him to wait two years and he can not wait two years. We are caught in the middle. We do not want this to be adversarial in any way.

Michele Raine: The last time we met we shared our concerns about how any development that would add four story apartment buildings to our neighborhood would impact the quality of life for us. Our neighborhood has single family homes some duplexes and one apartment but nothing over one story. Our neighborhood has not had time to absorb the changes that have occurred in our neighborhood. The zoning does not match what has been built in our neighborhood. I believe it would be more effective to have the zoning reflect what the neighborhood already is. The neighborhood has existed like this for nearly fifty years. I ask you to deny this zoning request.

Cynthia Christy Levin described how the neighborhood looked in the past.

We did not choose to live near high density dwellings. There were no apartment buildings. It was purely residential, owner occupied area. I don't think this is the best or most appropriate use for this property. I am asking that we hold off and find the best use for this property. This is not the project for this location.

Leonard Scholtee, 1235 Southwest: This proposed project is incompatible with the neighborhood.

Roseanna Fault stated we would like to see the cemetery extended. She voiced her concerns about living in a college complex.

Tina Chamberlain stated the veterans in the cemetery deserve to rest in peace.

Dustin Bartholomew: Is that area of town part of the 2025 Plan?

Mayor Jordan: Yes.

Dustin Bartholomew: Is that area according to the 2025 plan a place for density?

Jeremy Pate: That area in our 2025 Plan is designated as a City Neighborhood area which includes nonresidential uses. It is still primarily residential. Our definition of a neighborhood does not just include single family. It includes the services that also support those single family and multi family residents. A singular single family neighborhood would provide a bedroom community which is what we are not trying to provide. We are trying to provide a community that has services that are hopefully within walking distance.

Aubrey Shepherd told the Council what they were trying to do for the veterans to purchase the land. He stated zoning this Downtown General is inappropriate for the neighborhood and that this should not be zoned as proposed.

Bob Estes representing Campus Crest introduced the individuals that will be speaking on the proposed zoning.

Chris Rust, Campus Crest went over the facts with the zoning application. He discussed the uses that could occur on the property at the current zoning. He stated this is a down zoning. The proper consideration for this request is the compatibility with the surrounding zoning and the permitted uses of the adjacent area. He discussed the guiding principles when looking at this zoning process. He stated City staff finds that the City's adopted policies and objectives of the City Plan 2025 support a Downtown General zoning district on this property and your Planning Commission approved the zoning request 6-1. He also discussed the existing zoning and said they are just expanding on what is already there.

Matthew Petty asked what the vacancy rates are.

Chris Rust, stated they looked at the vacancy rates and they would not be here spending this time and money if we did not know there was an absolute need for what we can provide.

Dan Norman, Campus Crest: We do expensive market studies. We canvas competitors and the neighbors.

Matthew Petty: Would you be willing to publish a summary of your analysis?

Dan Norman: We can do that.

Sarah Lewis: Do you have a competitor that is already in Fayetteville?

Dan Norman: Yes.

Greg Simmons, Peters and Associates Engineers, Traffic Consultants: We did a comprehensive traffic study. He stated the projected volumes do not indicate that traffic signals will be warranted.

Dan Norman stated we have been working with Mr. Bartholomew for three years. He described their projects. We are a partnership. We have our own operating company. We would be more than willing to put a buffer between the property and the cemetery.

Alderman Rhoads: Besides the buffer zone is there anything else that you have talked to the neighborhood about?

Dan Norman: Besides the buffer we have pointed out that there is other land available that they could purchase. We are open to ideas.

Alderman Lewis: Do you have non students that live in your properties?

Dan Norman: No.

Alderman Lewis: If someone is not a student and wants to live in your properties how does that work?

Dan Norman: It is pretty expensive. It is affordable for students. We want them to be students.

Alderman Lucas asked for Mr. Norman to explain how they rent their properties?

Dan Norman: We help match roommates. About 67% of our cliental are female.

Alderman Petty: I think females are less likely to party hard and loud. What aspects of your model are in place to check intrusive behavior?

Dan Norman: Part of it is our community assistance, the folks that actually work for us and live in the community. We have staff on call 24 hours a day.

Alderman Ferrell: How many similar properties do you?

Dan Norman: We have 19 operating now and five finishing construction. We hope to start about 10 more this fall.

Alderman Ferrell: Is everything going pretty smooth with the other ones?

Dan Norman: Yes. We have had our challenges but we have also had some cleanup efforts and partnerships with universities and our neighbors.

Alderman Lewis: The Planning Commission addressed the RMF-24 zoning. Why did it get changed to Downtown General?

Jeremy Pate: The original request was for RMF-24. Staff expressed concerns about the zoning district because it is only a single use zoning district. In addition the development pattern generally associated with our RMF-24 single use zoning district is not necessarily one that is desirable. We felt the Downtown General zoning district development pattern along with the multiple uses that can occur on a property is something that is much more desirable. In addition we looked at the surrounding land and felt RMF-24 was not necessarily appropriate in this case. We felt this was more appropriate.

Alderman Lewis: Do we have a zoning in between Downtown General and Neighborhood Conservation?

Jeremy Pate: There is not. Jeremy explained the zoning districts that were created in the Downtown Master Plan.

Alderman Lucas: I thought offices and other things could be put in Neighborhood Conservation.

Jeremy Pate: Perhaps by a conditional use permit.

Alderman Lucas: How high can they be in Downtown General?

Jeremy Pate: Four stories or 56 feet whichever is less.

Alderman Lucas: What is the general density of Downtown General?

Jeremy Pate: There is not a maximum density limitation listed in the zoning. We did that purposely. I would say most of it, that is existing, does not approach 24 units per acre.

Alderman Thiel: How does Residential Office compare with these?

Jeremy Pate: It is sort of a mixed use zone. It is used primarily for office use. Jeremy explained the Residential Office zoning.

A discussion followed on the Residential Office zoning.

Alderman Petty: I would like to leave this on this reading. It has come forward that there are additional purchase options for the veterans that can be pursued. This is on the border of the neighborhood and we need to take steps to protect that neighborhood core but at the same time we need to make sure we develop those thoroughfares and the areas that are next to those industrial and commercial areas so that we can support things that we want in the future. The

issue for me is how to transition from those streets and those busy intersections and the commercial properties into that neighborhood and cemetery. That has to be a gradual change.

Alderman Thiel: My concern is that historically we have always tried to have a buffer of zoning between commercial and a neighborhood or a cemetery. My concern is that Downtown General is not a buffer.

Alderman Gray: I feel strongly that we should go ahead with this zoning. I like the buffer. The Bartholomew's have been there 73 years we may have been good to them but they have been good to us as well. I respect the veterans and want them to have what they need for their cemetery. I am delighted that there is more property that they can buy. I am not sure the veterans will get any earmarks for this cemetery.

Alderman Petty: I don't think young people are the worst thing that could happen here.

Alderman Lucas: This is a rezoning. I respect Mr. Bartholomew and what he has done but I also respect that neighborhood. The things that concern me about this rezoning are the traffic and it is not on the main thoroughfare. It does not seem that Downtown General is compatible with this neighborhood. I want us to look at this as a rezoning. We have to be careful here.

Alderman Thiel: I sympathize with the owner and the developer and all these people.

City Attorney Kit Williams: The Mayor was correct when he said no one was to talk about the project they could only talk about zoning. You can not consider the applicants comments about his project and concessions unless he offers a Bill of Assurance. They have not offered a Bill of Assurance. You should not make the decision on who you want to own the property. That is not for us to decide. The issue is only the zoning. You can consider what the best use for the property is and if it is compatible with the neighborhood. We can not request a Bill of Assurance. It must be voluntarily offered.

Mayor Jordan: I think we need to wait a couple of weeks.

Alderman Lewis: This is about a rezoning. It does not matter who is offering to purchase the property. What we have to focus on is if that zoning is compatible with the surrounding land use. I think it is really important to not get our vision blurred by who is presenting different stories. I respect the people that have come here and spoke.

This ordinance was left on the Second Reading.

Box Avenue Appeal: An ordinance rezoning that property described in rezoning petition RZN 09-3280, for approximately 1.20 acres, located at the northwest corner of Mission Boulevard and Box Avenue from R-O, Residential Office, to C-1, Neighborhood Commercial. *This ordinance was left on the First Reading at the June 16, 2009 City Council meeting.*

Jeremy Pate: The applicant has requested this item be tabled indefinitely without discussion.

Alderman Cook moved to table the ordinance indefinitely. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent during the vote.

This item was tabled indefinitely.

New Business:

Light Rail Transit System: A resolution to support an alternatives analysis study to determine the feasibility of a light rail transit system in Northwest Arkansas.

Karen Minkel, Director of Strategic Planning and Internal Consulting gave a brief description of the resolution along with a description of the proposed study. She stated the Strategic Planning Staff is recommending approval of the resolution.

Alderman Thiel: Are we asking the NWA Regional Planning Commission to fund this and if so are they going to ask us to help fund this too?

Mayor Jordan: I am on that committee and I can ask them to fund it.

Alderman Thiel: By us advocating this are we putting ourselves in a position of being needed to help fund this study ourselves?

Karen Minkel: The local area has to provide a 20% match but that can be provided by the local municipalities or the State Department of Transportation or as a part of a State Legislative Act. There are multiple ways to fund it.

Don Marr, Chief of Staff stated we contacted the City of Dallas and asked when they began their discussions on light rail. The feedback we got was when their Metropolitan Service Area reached half a million which we have the opportunity to hit through this Census period. That is why we feel it is appropriate to begin the discussion today. He listed other reasons for requesting the analysis.

Alderman Lewis: The NWA Regional Planning Commission has applied for the same analysis three times. I think we should apply again but I also hope that we are going to be doing other things besides leading the same horse. I really am excited that Karen and Robert have worked on this.

Alderman Ferrell: It's never too soon to make the application because Dr. Goforth stated in a presentation that 25 years is the norm on a deal like this.

Alderman Cook: This is a very long and expensive process but we would be crazy not to do it.

Alderman Rhoads: There are some things that you can't do quick enough and this is one of them.

Mayor Jordan: This will be the wave of the future because in the near future we are going to see $5.00 per gallon gas and then we will be glad for public transportation. This is not only important for the City but the region. I appreciate everyone's efforts on this because it is so vital and important to this city and region as a whole.

Alderman Lewis: I know there are other efforts to find more funding. This isn't the end of the story.

Mayor Jordan: Just stay after it.

Bob Estes, resident of 668 N. Mulligan encouraged the Council to vote for the resolution. He stated this is the first step and this needs to be done.

Alderman Ferrell moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 150-09 as Recorded in the office of the City Clerk.

ADM 09-3307 (Sustainable Yards): An ordinance to amend § 95.01 Unsightly or Unsanitary Conditions on Real Property; Order and Notice To Correct of the Fayetteville Code to encourage properly maintained and managed naturalistic landscapes.

City Attorney Kit Williams read the ordinance.

Karen Minkel gave a brief description of the ordinance. She stated this ordinance encourages cultivating of the sustainable yard and naturalistic landscapes. The Ordinance Review Committee voted for the ordinance 3-0.

Alderman Ferrell: Did you put something in there to allow for a Mayor's designee?

City Attorney Kit Williams: I think that goes without saying that the Mayor works through his various officials.

Alderman Petty thanked Karen Minkel for bringing this forward.

Alderman Thiel: This does have to show maintenance but otherwise that is going to be crux with making this work. I am glad this has finally moved forward.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: The true spirit of being sustainable is that you are using eco system services and then you save money. It benefits not only your wallet but also the eco system.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5250 as Recorded in the office of the City Clerk.

National Cemetery Neighborhood Area Study: A resolution to request that City Planning study the National Cemetery Neighborhood Area of South Fayetteville to propose a Master Plan.

Alderman Lewis: City Council Member Thiel and I brought this forward and I would like to propose an amendment. I would like to propose that it be restated as "a resolution to request that the City Planning consider the National Cemetery neighborhood area of south Fayetteville as a candidate for master planning." The reason is to give City staff a chance to consider funding and also consider other areas of town.

Alderman Petty: If this is just a friendly amendment do we have to vote on it?

City Attorney Kit Williams: I think it would be better to go ahead and vote on it.

Alderman Ferrell: Since this is amended to be considered, this is something that would be considered after the disposition of the cemetery agenda item that we are dealing with right now is that correct?

City Attorney Kit Williams: You can consider it anytime but if you have just rezoned a piece of property then that would be a statement of the City Council as to what they want to do. There is no time delay on it.

Alderman Ferrell: Does staff think a decision will be made on this before the next meeting?

Don Marr: No sir.

Alderman Lewis moved to amend the resolution to state *a resolution to request that the City Planning consider the National Cemetery neighborhood area of south Fayetteville as a candidate for master planning.* Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Alderman Lewis: The intent of this came up as a result of the discussions about the rezoning of that property and it became evident that the entire area needs to be considered for long term planning.

Alderman Thiel: I certainly support this and I would encourage staff to consider this as an early priority.

Mayor Jordan: If we pass this tonight will it have any affect on the previous rezoning on the sale barn?

City Attorney Kit Williams: I don't think it has any legal affect.

Mayor Jordan: So this is what we would call a broad brush and then this other thing would be whether we want to use it in the study or change the rezoning. Is that a fair statement?

City Attorney Kit Williams: Yes, this is simply a request for Planning to look at this area.

Don Marr: It is about a nine month process to do it from the time that you start. In 2010 we are looking at updating the 2025 Plan, the Master Street Plan and the Land Use Plan for the City. Our first budgeted new neighborhood study area was not scheduled until the 2012 budget cycle. I don't want citizens who may be in this area who know there is a very active rezoning taking place today to think it will happen in the next 90 days.

Alderman Lucas: I look at this as asking the Council to set this as a priority. This came to light with the Hill Street development that it was all zoned wrong.

Don Marr: Staff would comprehend your setting of this priority. To my knowledge it would be the only area where we have a resolution directing us to work at it.

Alderman Petty asked what are the other areas that are being considered for the 2012 process?

Karen Minkel: No other areas are under consideration until we do the City Plan 2025 update which would inform that decision as well.

Bob Estes representing Campus Crest stated the proposed resolution is not appropriate. He stated two neighborhood studies have been done in Ward 1 recently. The Planning staff has the next neighborhood study scheduled for the year 2012. The Planning Department has specific criteria to determine the appropriateness of a neighborhood study. What you are doing by this resolution is directing their attention to one specific ward. He suggested other areas of the City that should be studied first.

Alderman Thiel: I thought you just said there is not a neighborhood study target for 2012.

Don Marr stated the City wide study is targeted for the end of 2010 and 2011. Our next budgeted staff time and dollars amount in publications for charettes are scheduled out for 2012 for the Strategic Planning Division. We have not identified locations.

Alderman Lucas: I have talked about Ward 4 and the annexation and I thought this would be an excellent opportunity to plan it out. You have a lot of people that are concerned about their farms and I don't know how that would work. The reason I am in support of this for this area is

because it is an older section that is definitely zoned wrong. I think we need to address it as soon as we can.

Melva Smith, a citizen stated I don't think it is reflective of how the people identify their community.

Kathy Kisida, a citizen spoke in favor of the resolution and stated this is a pressing issue. Please help our neighborhood.

A citizen spoke in favor of the resolution. She stated I see this as an opportunity for the City to address an oversight in not including our area in the two charettes that have already taken place. I hope this can go forward.

Cynthia Christie Levin, a citizen stated I would like you to please do this as soon as possible. She went on to speak in favor of the resolution.

Aubrey Shepherd, a citizen stated I would like to see it changed to residential one house per acre. He stated I support the Council moving forward with discussion of this.

Alderman Lewis: I would like to amend the resolution to say Town Branch Neighborhood.

Alderman Lewis moved to amend the resolution to change the name of the study to Town Branch Neighborhood. Alderman Thiel seconded the motion.

Alderman Gray: It sounds like to me that we already have in place a process for deciding where the next master plan will be and so it seems to me that this is a bit redundant.

Alderman Thiel: I have been advocating that this be studied for quite some time and feel like this is a way to get it prioritized. A portion of Fayette Junction was and is in Ward 4. This is just saying that this should be a priority next time.

Aubrey Shepherd: The Town Branch Neighborhood includes the National Cemetery and I think both should be in the name in this resolution.

Alderman Lewis confirmed with the City Attorney that the name can be adjusted later.

Upon roll call the motion passed unanimously.

Alderman Petty: I agree with almost everything that has been said but at the same time I feel that this resolution is not going to do any good. I am not sure that we need to vote on a resolution to ask staff to consider something. I don't want to assign that priority until we have seen that 2025 Plan revisited and updated and we have a catalog of all the problem areas.

Alderman Ferrell: Aubrey spoke about going to RA-1 house per acre and that wouldn't work. I don't think that is a very good idea.

Mayor Jordan asked shall the resolution pass. Upon roll call the resolution passed 5-4. Alderman Lucas, Lewis, Thiel and Cook voting yes. Alderman Petty, Rhoads, Ferrell and Gray voting no. Mayor Jordan voted yes to pass the resolution.

Resolution 151-09 as Recorded in the office of the City Clerk.

Amend § 111.30 Retail: An ordinance to amend § 111.30 Retail of the Code of Fayetteville to comply with new State law.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams stated this is one of several proposed amendments that I will bring to you concerning our alcohol regulations which are in Chapter 111. He gave a brief description of the changes.

Alderman Ferrell: When did that state law become effective?

City Attorney Kit Williams: Actually I think it had an emergency clause so it was effective a couple of months ago.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5251 as Recorded in the office of the City Clerk.

The following item was removed from the Consent Agenda and placed under New Business:

RFP # 09-07 Score American Soccer Company, Inc.: A resolution accepting a proposal in response to RFP # 09-07 and approving the purchase of youth soccer uniforms from Score American Soccer Company, Inc. in the amount of $27,097.00 for the Fall 2009 and Spring 2010 Season.

Alderman Petty: On a local blog there was a question about where the funding for the uniforms was coming from.

Connie Edmonston: Due to the fact that we have over 1,600 kids that play in the fall and spring that's a lot of uniforms. We receive sponsorships in which companies have their names put on the uniforms. We receive anywhere from $10,000 to $12,000. The cost of the sponsorship is $250. The uniforms are covered within the registration fee from each of the players. Registration ranges from $60 to $90 depending on if they are going to play fall and spring and what age group they are.

Alderman Petty: So your procedure then is to buy the uniforms and then you pursue sponsorships in an ongoing manner year after year.

Connie Edmonston: Yes, we certainly do.

Alderman Lewis moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 152-09 as Recorded in the office of the City Clerk.

Agenda Additions: None

The meeting adjourned at 9:15 PM

Lioneld Jordan, Mayor **Sondra E. Smith, City Clerk/Treasurer**

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – 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

City of Fayetteville Arkansas
City Council Meeting Minutes
July 21, 2009

A meeting of the Fayetteville City Council was held on July 21, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

ABSENT: Alderman Petty

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

Presentations, Reports and Discussion Items:

The Ambulance Authority July Report was presented to the Council. A copy of the presentation is included in the agenda for this meeting.

Consent:

Approval of the June 16, 2009 City Council meeting minutes.

Approved

Arkansas Emergency Telephone Services Board Training Expenses: A resolution approving a budget adjustment recognizing the receipt of training reimbursements in an amount not to exceed $10,000.00 as they are received from the Arkansas Emergency Telephone Services Board for dispatcher training expenses.

Resolution 153-09 as Recorded in the office of the City Clerk.

Mutual Aid Agreement: A resolution approving a Mutual Aid Police Protection Agreement between the City of Fayetteville, Arkansas and the City of Springdale, Arkansas.

Resolution 154-09 as Recorded in the office of the City Clerk.

Animal Services Miscellaneous Donations: A resolution approving budget adjustments totaling $26,000.00 from Animal Services Miscellaneous Donations to meet increased supply and operational costs at the Fayetteville Animal Shelter.

Resolution 155-09 as Recorded in the office of the City Clerk.

McClelland Consulting Engineers Amendment No. 1: A resolution approving Amendment No. 1 to the contract with McClelland Consulting Engineers in the amount of $74,993.08 for construction phase services for the Township Street 36-inch Water Main Project; and approving a project contingency in the amount of $15,000.00.

Resolution 156-09 as Recorded in the office of the City Clerk.

Seven Valleys Construction Company, Inc.: A resolution approving a contract with Seven Valleys Construction Company, Inc. in the amount of $1,757,232.00 for the construction of a 36-inch water main along Township Street to include approximately 4,462 feet of 36-inch ductile iron water main; and approving a project contingency in the amount of $90,000.00.

Resolution 157-09 as Recorded in the office of the City Clerk.

Wastewater Collection and Treatment Services Amendment: A resolution approving an amendment to the Wastewater Collection and Treatment Services Contract with the City of Farmington, Arkansas.

This item was removed from the Consent Agenda and placed in New Business.

Natural Resources Conservation Service (NRCS): A resolution authorizing the Engineering Division to apply for and accept a grant through the Natural Resources Conservation Service (NRCS) in an amount not to exceed $27,000.00 for debris removal from streams with flooding potential due to the January 2009 ice storm; and authorizing the Mayor to execute a project agreement with the NRCS and all other documents necessary to carry out the project.

Resolution 158-09 as Recorded in the office of the City Clerk.

ADM 09-3333 (612 N. College Avenue ROW Variance): A resolution approving a variance of the Unified Development Code Section 164.12 (F) Nonconforming Uses and Structures, Repairs and Maintenance, and Section 166.18 Master Street Plan Setbacks, allowing the existing structure located at 612 N. College Avenue to remain within the Master Street Plan right-of-way

and to be improved greater than the 10% replacement cost allowed by code, within the existing limits of the structure.

Resolution 159-09 as Recorded in the office of the City Clerk.

Arkansas Level II Trauma Center: A resolution to support the selection of Washington Regional Medical Center as an Arkansas Level II Trauma Center.

Resolution 160-09 as Recorded in the office of the City Clerk.

U.S. Marshal Service Reimbursement for Computer Equipment: A resolution approving a budget adjustment for the Fayetteville Police Department in an amount not to exceed $35,000.00 to recognize reimbursement from the U.S. Marshal Service for the purchase of computer equipment to support the U.S. Marshal's Western District Task Forces.

Resolution 161-09 as Recorded in the office of the City Clerk.

Alderman Thiel moved to remove Item #7 Wastewater Collection and Treatment Services Amendment from the Consent Agenda for discussion. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

Aldermen Lucas moved to approve the Consent Agenda as read with Item #7 Wastewater Collection and Treatment Services Amendment removed from Consent for discussion. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

The following item was removed from the Consent agenda for discussion.

Wastewater Collection and Treatment Services Amendment: A resolution approving an amendment to the Wastewater Collection and Treatment Services Contract with the City of Farmington, Arkansas.

David Jurgens, Utilities Director: The City of Farmington made changes to the contact. A revised contract was given to the Council to review.

Alderman Cook: It is different than what we saw at the Water and Sewer meeting?

David Jurgens: It actually includes a couple paragraphs that they added in yesterday.

Alderman Cook moved to table the resolution to the August 4, 2009 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

This resolution was tabled to the August 4, 2009 City Council meeting

Unfinished Business:

RZN 09-3271 (Sale Barn/Campus Crest LLC, 562): An ordinance rezoning that property described in rezoning petition RZN 09-3271, for approximately 8.87 acres, located at the old Washington County Sale Barn, north and east of 11th Avenue and Government Avenue from I-1, Heavy Commercial/Light Industrial, to DG, Downtown General. *This ordinance was left on the First Reading at the June 16, 2009 City Council meeting. This ordinance was left on the Second Reading at the July 7, 2009 City Council meeting.*

Kit Williams: I understand the applicant has asked that this be tabled.

Jeremy Pate, Development Services Director. We were just going to leave it on the third and final reading tonight and wait until the next meeting to address and additional comments.

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

City Attorney Kit Williams read the ordinance

Alderman Lewis: Is it appropriate to table it to a certain date so that we have a full Council?

Mayor Jordan: It should be in two weeks.

Kit Williams: Normally it is tabled to the next regular meeting unless otherwise stated.

Robert Rhoads: Isn't that what they requested?

Bob Estes, representative for Campus Crest stated the request is to postpone until the next regularly scheduled meeting and hold on the third reading.

Alderman Lucas: It's Campus Crest that's requesting this? They don't own the property yet do they?

Kit Williams: They don't actually have to own the property according to our Unified Development Code either the property owner or someone that has an interest in it can apply for the rezoning.

Justin Eichmann: I represent Billy Joe Bartholomew and he concurs with the request to table.

Alderman Thiel: Is the motion just to table it for two weeks rather than a specified date?

Mayor Jordan: Yes.

Alderman Thiel: I would like to make sure that everyone on the Council is here. I would like to amend the motion to August 18th when Shirley will be back.

Alderman Cook moved to table the ordinance to the August 18, 2009 City Council meeting. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

This ordinance was tabled to the August 18, 2009 City Council meeting.

New Business:

Street Name Change: A resolution changing the names of sections of West Salem Road and West Weir Road.

John Goddard, GIS Coordinator gave a brief explanation of the resolution.

Alderman Lucas: This came about because there's development in that area and like country roads they don't always meet up.

Alderman Lewis: For clarification purposes there have been concerns and comments brought to both Shirley and me about the Howard Nickel curve area and the extension of Rupple. They are afraid that this renaming will force that section to be widened.

John Goddard stated this only addresses the street name problem.

Alderman Cook: At some point in the future the issues we have with the street names are we going to change or clean up?

John Goddard: Yes we try to tackle them as they come. At this point there are only two addresses affected.

Royce Slaughter, Salem Hills Addition POA Association spoke in opposition of the resolution. He stated they are concerned about the safety of the neighborhood, the children, and grandchildren.

Susan Slaughter, Salem Hills Estate questioned if a road can be renamed if it is not in the city limits?

Kit Williams: I assume we have the power to do that or else our GIS people wouldn't do it.

Mayor Jordan: We have gone through this before when we have brought territory into the City.

John Goddard: Most of the road that we are renaming falls within the city. There is a section of it that does not. We notified the County that we were intending to rename that section of road.

Kit Williams: I think the County wouldn't have any objection because it's a logical thing for us to do. We need to get with them to try to resolve this entire area whether it's in the City or not.

Greg Tabor, Chief of Police stated that the Police Department is in favor of the resolution. He stated quick response times are very important and it makes it confusing for this to have the same names.

Ed Stevens expressed his concerns about the road and it going through their subdivision.

Michael Mauldin expressed his concerns about the road and the safety issue and that the Master Street Plan needed to be addressed.

Alderman Lucas: I understand the neighbors concerns about when the Master Street Plan was changed or developed that the major road came through Howard Nickel. I know at one point there was a development that came through and there was talk of changing that Master Street Plan to another road and from what I can tell that development did not come through. Even though the Street Committee voted for the change it was ever brought to the Council. Am I correct in that?

Mayor Jordan: That's correct. I was the chair of the Street Committee.

Alderman Lucas: That's an issue we need to address but that is a separate issue. I am a big safety person and I think it's important that we correct this now.

Alderman Lewis stated she respects the comments of the neighbors and she would be afraid of a four lane highway going through there too.

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

Resolution 162-09 as Recorded in the office of the City Clerk.

Amend Chapter 163 Use Conditions: An ordinance to amend §163.15 Transit System Shelters of the Unified Development Code to allow transit shelters located within the Master Street Plan right-of-way and building setback lines.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the ordinance.

Mayor Jordan stated this is something I worked with staff on. I support this.

Alderman Lewis: I think it's a good move towards getting improved public transit.

Alderman Gray: I have had calls from constituents asking why we do not have any shelters. I know they will be happy to see this.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5252 as Recorded in the office of the City Clerk.

Amend Chapter 111 Alcoholic Beverages: An ordinance to amend §111.30 Retail of Chapter 111 Alcoholic Beverages of the Fayetteville Code to enact a new subsection (H) Restaurant Beer and Wine Permit.

City Attorney Kit Williams read the ordinance.

Kit Williams: I brought this forward at the request of the Police Department who analyzed Act 294 and suggested we do this because this is a brand new permit. I also understand from Accounting that they have checked with the State and we are ahead of the Alcoholic Beverage Control Commission. They have not had a hearing on this yet. There is no State permit that can be obtained until they have hearings and decide what they want to do. They have to have the State permit before they have our permit.

Alderman Ferrell: It says this fee begins July 1, 2010. Will the time lapse between now and then make any difference or is that when the new fee is going to be imposed?

Kit Williams: Act 294 had a provision near the end that said all the new permit fees would not take effect until July 1, 2010. This is a brand new permit. They raised a lot of other permit fees for existing permits so the July 1, 2010 date was to give people the chance to earn the money because some of the fees went up dramatically.

Alderman Ferrell: Do you see any downside to us going ahead and being ahead of the curve?

Kit Williams: No, I don't since our ordinance says you have to have the State permit.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5253 as Recorded in the office of the City Clerk.

RZN 09-3317 (Whitfield): An ordinance rezoning that property described in rezoning petition RZN 09-3317, for approximately 9.91 acres, located on the west side of Crossover Road, approximately 0.50 mile north of Highway 16E, from RSF-4, Residential Single Family Four Units/Acre, to MSC, Main Street Center.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning. He stated staff and the Planning Commission recommended in favor of this item.

Hugh Jarrett with Lindsey Company stated our only involvement is we are the real estate agent. We don't have any ownership or potential interest here but we represent the applicant.

Kit Williams thanked Hugh Jarrett and Mr. Lindsey for their work on the water tower issue.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Cook: There was a citizen at the Planning Commission that had some comments about moving potential commercial development. Moving north from Huntsville Road, Main Street, is that a vision looking forward on the 2025 Plan? Is that something that we as a City envision moving north from that intersection? I guess staff and Planning Commission feel that Main Street Center is an appropriate zoning along Crossover between those two nodes?

Jeremy Pate: I believe so. In times past with previous policies we've always been worried about strip commercial zoning and we still are. With Main Street Center, with the mixture of uses that those form based zoning codes have, the intent is to provide a zoning district where by one could easily get to commercial services.

Alderman Cook: Is it fair to say that Downtown General is more of a residential zoning and this crosses the line to more of a commercial zoning?

Jeremy Pate: It is, if you compare the uses of Downtown General and even the narrative at the front of each one of those zoning districts. Downtown General states it's primarily residential. It allows a mixture of offices and some small retail. It's doesn't get to the level of commercial uses that will drive additional traffic and vehicle trips. Main Street Center however is still compact spaciously but it does increase that level of use. We envision two, three, and four story buildings in Main Street Center as a general rule of thumb with apartment, loft, or condominium living above shops.

Alderman Cook: We just enacted an Access Management Policy for parts of Crossover. Will that be in affect on this part of Crossover?

Jeremy Pate: Certainly, the Access Management Policy that came through the City Planning process, but not the Crossover to the north where the median is going to be located, that's a different access management policy.

Alderman Ferrell: Right across the street at the corner of Highway 16 and Crossover there's a shopping center where the Rolling Pin is and then right next to that there is a home or property for sell south of the intersection. Is that commercially zoned?

Jeremy Pate: Around that intersection is commercial zoning but it very quickly becomes residential.

Alderman Ferrell: It would be the first residence west of that shopping center on the south side of the road.

Kit Williams: There is a color map on page 18 that shows the zoning in that area including that intersection.

Jeremy Pate: A little to the west of Crossover is zoned C-2 but then it immediately turns to RSF-4 between Jerry Avenue and that property. I would anticipate that it is zoned RSF-4.

Alderman Cook: Are you talking about the house between?

Alderman Ferrell: Yes. For some reason I was thinking that was C-2.

Alderman Cook: I think that is C-2.

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

Ordinance 5254 as Recorded in the office of the City Clerk.

RZN 09-3318 (Happy Hollow School): An ordinance rezoning that property described in rezoning petition RZN 09-3318, for approximately 32.53 acres, located on the west side of Crossover Road, approximately 0.50 mile north of Highway 16E, northeast of Happy Hollow Elementary School from RSF-4, Residential Single Family Four Units/Acre, to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning. Planning Commission voted 6-0 in favor of this recommendation and staff is also recommending approval.

Alderman Cook: Now that we have this other piece of property next to it that we just rezoned. Moving forward there won't be any connection between Crossover and this piece of property but hopefully there would be some variety because the only connection we have across there is through the Cliff's development, right? Do you think the Main Street Center is an appropriate buffer to the P-1 property?

Jeremy Pate: Directly to the north of this was a PZD that was approved that has a stub out to this property. That public street will be extended and will connect eventually to Crossover Road through various phases of development. The school through their master plan is looking to connect that when the school is developed. It will provide a much needed access point.

In terms of a transition if you look to the west there is an existing Happy Hollow School. There's a PZD that has some single families and some two family. You have the Cliff's Apartments to the north. In terms of getting more intense as you head east towards Crossover that fits that model. Schools are unique in that they are very intense types of uses at certain periods of time. The transition there will work well between the commercial and residential activities.

Alderman Cook: The reason I asked those questions is because we have a blank slate in this piece of town. As we rezone these I try to visualize what we are going to build out. I know we have our vision based on our polices that we set up but sometimes reality doesn't quite meet those visions.

Daniel Ellis with Crafton, Tull, Sparks, and Associates stated he represents the Fayetteville School district on this project. He stated they are trying to encourage the pedestrian connectivity with the school and on out to Crossover Road.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: These two projects the one that was previous and now this one. Are they working together? Can you talk a little bit about the communication going on? They seem like very compatible ideas and I'm wondering if there is a style, form, or vision that is going into those.

Jeremy Pate: I would hope so. I'm not sure what the property owners for the Main Street Center property have. The school is certainly on a faster track than that particular development. With the Main Street Center we are sure of the buildings up close to the street, parking hidden behind, and several design standards that I think will help achieve a general vision of what we see in City Plan 2025.

Alderman Lewis: Thanks.

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

Ordinance 5255 as Recorded in the office of the City Clerk.

R-PZD 09-3237 (Markham Hill Cottage Courts): An ordinance establishing a residential planned zoning district titled R-PZD 09-3237, Markham Hill Cottage Courts, located north of Maine Street and west of Cross Avenue; containing approximately 2.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated staff and the Planning Commission recommended approval of this item.

Alderman Cook: In that area there are narrow streets with ditches on either side and then we are adding this. Will this substantially alter the pattern of traffic? On Nettleship at one point you were having trouble getting two cars side by side through there. Was there any discussion on that?

Jeremy Pate: There was and what we looked at was essentially widening the street on one side of the project. You will get those two lanes of traffic plus a parallel parking lane.

Alderman Lucas: Main Street is rather narrow too. Will it be widened by their property?

Jeremy Pate: That is correct.

Alderman Lucas: Will there be a sidewalk?

Jeremy Pate: There will be widening and a sidewalk along the property.

Alderman Lucas: I have not heard any negatives about it. I've heard some positive about it.

Alderman Lewis: I agree that it's innovative. I don't agree with the idea of widening the road and smoothing out the turn to allow faster turns and traffic. That's what we are struggling with on that side of town in general with cut through. In regard to the five foot radius it seems like that is more in line with the traditional form. My question is why make them change that? It seems like an acceptable way to do an intersection and especially to use it as a traffic calming tool. I feel like the five foots radius slows people down and it makes you stop and look both ways more than having comfort in turning that corner more quickly.

Jeremy Pate: I would have to disagree a little bit in the downtown area. I don't know that we have a lot of five foot turning radius. The ones that are more traditional are closer to fifteen.

Chris Brown City Engineer: What's important is the parallel parking on this street. The area between the five foot radius and the twenty foot radius is dead space unusable to cars because when you turn in you have to avoid the parked cars. The three benefits to the bump outs are they provide a narrowing of the intersection which does provide the traffic calming affect. It reduces the pedestrian crossing distance and is protection for the parked cars.

Rob Sharp represents the applicant. He stated this project is not geared towards students. It's geared to owner occupants. It's not set up to be a student housing project in any way.

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

City Attorney Kit Williams read the ordinance.

Alderman Lucas: Jeremy, the concern you had that was addressed at the Planning Commission and that has been brought forward to us is that what we are voting on?

Kit Williams: The twenty foot turning radius.

Jeremy Pate: Yes, that's what was recommended by the Planning Commission.

Alderman Lucas: That is what we are voting on?

Jeremy Pate: That's correct.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5256 as Recorded in the office of the City Clerk.

VAC 09-3181 (Elsass/619 Rockcliff Road): An ordinance approving VAC 09-3181 submitted by Kirk Elsass for property located at 619 North Rockcliff Road to vacate approximately 3,206 square feet of drainage easement on the subject property.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated staff and the Planning Commission recommended approval of this item.

Alan Reid representative for Mr. Elsass stated he is in complete agreement with any conditions that were attached to the application.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis stated she really appreciated staff working with the applicant on the natural drainage.

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

Ordinance 5257 as Recorded in the office of the City Clerk.

VAC 09-3320 (Elsass/621 Rockcliff Road): An ordinance approving VAC 09-3320 submitted by Alan Reid for property located at 621 Rockcliff Road to vacate a 12.5' utility and drainage easement and a 15' utility, drainage, and pedestrian easement containing a total of 3,794 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated Planning Commission and staff recommended approval of this item.

Alan Reid stated Mr. Elsass agrees to all conditions stated.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5258 as Recorded in the office of the City Clerk.

VAC 09-3321 (Hubbard/Trails End Lane): An ordinance approving VAC 09-3321 submitted by Tom Hubbard for property located at 4830 Trails End Lane to vacate a portion of a utility easement containing a total of 131.76 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated Planning Commission and staff recommended approval of this item.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5259 as Recorded in the office of the City Clerk.

Amend Chapter 33 Departments, Boards, Commissions, and Authorities: An ordinance to amend Article XI Environmental Concerns Committee of Title III of the Code of Fayetteville to rename it Environmental Action Committee.

City Attorney Kit Williams read the ordinance.

Alderman Lewis: The Environmental Concerns Committee with a new vision for future activities and along with organizing a watershed education luncheon series voted to choose a new name that matched some of the new philosophy they would like to pursue and be more active in. They are helping to educate people about some of the concepts they have learned about over the past few years. In order to stimulate some of that philosophy and help them support that vision this ordinance has been brought forward to change the name.

Aubrey Shepherd: I like what you are doing. In this case very much, thank you.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5260 as Recorded in the office of the City Clerk.

Agenda Additions: None

Announcements: None

The meeting adjourned at 7:46 PM

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

ENTERED

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

8/4/2009
City Council Meeting Date
Agenda Items Only

Shannon Jones	Water and Wastewater	Water and Wastewater
Submitted By	**Division**	**Department**

Action Required:

Approval of Bid #09-46 for a construction contract with Oil Capital Electric in the amount of $27,750 with a 10% contingency of $2775 for electrical buss replacement at Noland wastewater treatment plant

$ 30,525.00	$ 250,867.00	Wastewater Treatment
Cost of this request	Category / Project Budget	Program Category / Project Name
5400.5800.5414.00	$ 6,840.00	WWTP Plant Pumps & Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02069	$ 244,027.00	Water / Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item xx **Budget Adjustment Attached**

Department Director — 10 July 09 — Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney — 7/21/09 — Date

Finance and Internal Services Director — 7-21-2009 — Date

Chief of Staff — 7/21/09 — Date

Mayor — 7/21/09 — Date

Received in City Clerk's Office — ENTERED — Ses — 7/10/09

Received in Mayor's Office — ENTERED 7/21/09

Comments:

Fayetteville ARKANSAS

City Council Meeting of August 4, 2009

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Fayetteville Water and Sewer Committee
Don Marr, Chief of Staff
David Jurgens, Utilities Director

From: Shannon Jones, Water and Wastewater Engineer

Date: 9 July 2009

Subject: Approval of Bid #09-46 for a construction contract with Oil Capital Electric for $27,750 with a contingency of $2,775 for electrical buss replacement at Noland wastewater treatment plant

RECOMMENDATION

Staff recommends approval of Bid #09-46 for a construction contract with Oil Capital Electric for $27,750 with a contingency of $2,775 for electrical buss replacement at Noland wastewater treatment plant.

BACKGROUND

The electrical buss provides one of two power feeds to the Noland WWTP aeration basin and is an integral part of the secondary power system. In the event that the secondary power source fails, the treatment facility will be unable to treat wastewater and comply with its NPDES discharge permit. This project will replace the existing electrical buss that failed in April 2009.

DISCUSSION

The City received one bid in the amount of $27,750 from Oil Capital Electric on July 9, 2009. Oil Capital Electric has performed a great deal of work for the City and was the lead electrical contractor for the West Side WWTP and for many of the renovations at the Noland WWTP.

The Engineer's estimate was $30,000.00. The bid has been reviewed by staff, and recommends award to Oil Capital Electric.

BUDGET IMPACT

Funds are available within the WWTP - Plant Pumps and Equipment budget.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #09-46 AND APPROVING A CONTRACT WITH OIL CAPITAL ELECTRIC IN THE AMOUNT OF $27,750.00 FOR REPLACEMENT OF AN ELECTRICAL BUSS AT THE NOLAN WASTEWATER TREATMENT PLANT; AND APPROVING A CONTINGENCY IN THE AMOUNT OF $2,775.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards Bid #09-46 and approves a contract with Oil Capital Electric in the amount of $27,750.00 for replacement of an electrical buss at the Nolan Wastewater Treatment Plant. A copy of the contract, marked Exhibit "A," is attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a contingency in the amount of $2,775.00.

PASSED and **APPROVED** this 4th day of August, 2009.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDON, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Fayetteville
ARKANSAS

City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: (479) 575-8220

INVITATION TO BID

INVITATION TO BID: BID 09-46, Electrical Buss Replacement
DEADLINE: Thursday, July 9, 2009 at 2:00 PM, Central Standard Time
DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701
PURCHASING AGENT: Andrea Foren, CPPB, aforen@ci.fayetteville.ar.us, 479.575.8220
DATE OF ISSUE AND ADVERTISEMENT: June 11, 2009 & June 18, 2009

INVITATION TO BID
BID 09-46, Electrical Buss Replacement

No late bids will be accepted. Bids shall be submitted in sealed envelopes labeled "Bid 09-46, Electrical Buss Replacement" with the name and address of the bidder.

All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Manager.

Name of Firm: OIL CAPITAL ELECTRIC

Contact Person: STEVE ALLISON Title: ESTIMATOR

E-Mail: SALLISON@OILCAPITALELECTRIC.COM Phone: 361-9833

Business Address: 199 FANTINEL DRIVE

City: SPRINGDALE State: ARK Zip: 72762

Signature: [signature] Date: 7-9-09

City of Fayetteville
Bid 09-46, Electrical Buss Replacement
BID FORM (MUST BE COMPLETE SUBMITTED WITH BID)

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

Bidder Information:
*CONTRACTORS NAME: OIL CAPITAL ELECTRIC
*CONTRACTORS LICENSE NUMBER: 0154081009
*CONTACT NAME: STEVE ALLISON *TITLE: ESTIMATOR
*BUSINESS ADDRESS: 199 FANTINEL DRIVE
*CITY: SPRINGDALE *STATE: ARK *ZIP: 72762
*PHONE: 361-9833 FAX: 361-9835
*E-MAIL ADDRESS: SALLISON@OILCAPITALELECTRIC.COM

Bid Amount (in US Dollars). Refer to "Terms and Conditions" for descriptions.
A.) Total Turn-Key Bid Amount: *$ 27,750.00 *Total amount to complete project based on bidding documents provided, including plans (including all materials, labor, bonds, insurance, etc). Total number of calendar days estimated to complete project: 85

This form continues on next page and MUST be signed in order for your bid to be acceptable for consideration.

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that he/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on. *Bids must be submitted on this bid form in its entirety AND accompanied by descriptive literature on the products being bid.* If specifications of item bid differ from provided literature, deviation must be documented and certified by the manufacturer as a regular production option. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

STEVE ALLISON
*AUTHORIZED BY (PRINTED NAME)

*AUTHORIZED SIGNATURE

ESTIMATOR
*TITLE

7 , 9 , 09
*DATE

Acknowledge Addendums:

Addenda No. 1 Dated: 7-6-09

Addenda No. — Dated: —

Addenda No. — Dated: —

Printed Name: STEVE ALLISON

Signature:

Title: ESTIMATOR

Company: OIL CAPITAL ELECTRIC

Date: 7-9-09

City of Fayetteville
Bid 09-46, Noland Wastewater Treatment Electric Buss Replacement
Oil Capital Electric

This contract executed this ____ day of _____, 2009, between the City of Fayetteville, Arkansas, and Oil Capital Electric. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Oil Capital Electric at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per bid 09-46 as stated in Oil Capital Electric's bid proposal, and in accordance with plans and specifications attached hereto and made a part hereof under Bid #09-46, all included herein as if spelled out word for word.

2. The City of Fayetteville shall pay Oil Capital Electric based on their bid proposal in an amount not to exceed $27,750. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.

3. The Contract documents which comprise the contract between the City of Fayetteville and Oil Capital Electric consist of this Contract and the following documents attached hereto, and made a part hereof:

   A. Bid form identified as Invitation to Bid 09-46 with the specifications and conditions typed thereon.
   B. Oil Capital Electric bid proposal.
   C. The Notice to Prospective Bidders and the Bid Tabulation.

4. These Contract documents constitute the entire agreement between the City of Fayetteville and Oil Capital Electric and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Oil Capital Electric.

5. Oil Capital Electric shall not assign its duties under the terms of this agreement.

6. Oil Capital Electric agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from Oil Capital Electric performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.

7. Oil Capital Electric shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, Oil Capital Electric shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation	Statutory Amount
Comprehensive General & Automobile Insurance	
Bodily Injury Liability	$500,000 for each person injured. $1,000,000 for each accident.

Property Damage Liability	$1,000,000 aggregate.	

The premiums for all insurance and the bond required herein shall be paid by Oil Capital Electric.

8. Oil Capital Electric to furnish proof of licensure as required by all local and state agencies.

9. This contract may be terminated by the City of Fayetteville or Oil Capital Electric with 10 days written notice.

10. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo coping costs pursuant to the FOIA may be assessed for this compliance.

11. Changes in Scope or Price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees."

WITNESS OUR HANDS THIS_____DAY OF _____, 2009.

CITY OF FAYETTEVILLE,
FAYETTEVILLE, ARKANSAS

_____
LIONELD JORDAN, Mayor

Attest:

_____
Sondra Smith, City Clerk

_____
OIL CAPITAL ELECTRIC

BY_____

ATTEST: COMPANY SECRETARY **NAME AND TITLE**

_____

_____
BUSINESS ADDRESS

City of Fayetteville
Bid 09-46, Electrical Buss Replacement
Project Terms and Conditions

1. All bids shall be submitted in a sealed envelope, labeled "Bid 09-46, Electrical Buss Replacement" and must contain valid Arkansas Contractors License number related to company submitting the bid. All bids must be submitted on forms acquired by the vendor from the City of Fayetteville. All packaging and shipping containers must be labeled in this same manner.

2. Bids with missing pages or missing any requested attachment will be deemed incomplete.

3. Bids received after the date and time set for receiving bids will not be considered.

4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City.

5. The bid price shall remain good and firm until project is completed. Payment to the vendor by the City will be made within 30 days following delivery and acceptance in accordance with these specifications and the City's Purchase Order to the vendor. Faster payment delivery is offered through acceptance of Visa.

6. All products and services delivered shall comply with applicable standards of quality.

7. Any exceptions to the specification requirements of the City of Fayetteville must be noted on the Bid Pricing Form.

8. Total Turn Key price shall include all labor, materials, overhead, profit, insurance, etc., to cover the completion of the project being bid. This includes any federal, state, and local applicable taxes.

9. Failure to deliver on or before the time specified in the contract may subject the contractor to payment of damages or other appropriate sanctions.

10. Copy of any warranties shall accompany the bid, and any exceptions to the warranty shall be clearly noted on the bid form. Written warranties shall specify the greater of the manufacturer's standard warranty or the minimum warranty specified herein by the City.

11. Bidders must provide the City with their bids signed by a representative having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.

12. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.

13. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation of bid.

14. Bids must be received by mail or hand delivery in the ***Purchasing Office, Attention: Andrea Foren, Room 306, 113 W. Mountain St. Fayetteville, AR 72701***, on or before Friday, March 20, 2009 at 2:00 PM, Central Standard Time.

15. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at (479) 575-8220 to insure receipt of their bid documents prior to opening time and date listed on the bid form.

16. Bidder must conform to the requirements listed below and include appropriate evidence for each.

    a. Workers Compensation as required by Arkansas State Statutes
    b. A bid bond of five percent (5%) must be submitted with all bids. A cashier's check for five percent (5%) of the amount bid will also be acceptable as a replacement to a bid bond. In the event a cashiers check is submitted AND that vendor is awarded the bid, the bid bond will not be returned until the City of Fayetteville has a valid one hundred (100) percent performance and payment bond.

17. A one hundred percent (100%) performance bond is required after the project has been approved by City Council. Work shall not begin until the City of Fayetteville has a valid 100% performance and payment bond, stamped as being filed with the Washington County Clerk's Office. Bidder is responsible for filling a copy, including any cost, of the 100% performance bond with the Washington County Clerks Office and all fees associated with such filing. Such performance and payment bond shall be provided to the City within ten (10) calendar days of notice of award.

18. Plans entitled "Attachment A: Electrical Drawings" are included with these bid documents. Bidders shall follow all instructions and notes listed on plans. **Any discrepancy between the specifications and plans should be brought to the attention of the Purchasing Agent immediately.**

19. Bidders shall be licensed as required by the Arkansas Contractors License Board. Evidence of such license shall be submitted with all bids.

20. Any reference to a particular brand, manufacturer, or model is done in an effort to establish an acceptable level of quality for this purchase. Brands or manufacturers that are included in a bid that are of at least equal quality, size and specification as to what has been specified, will be acceptable for consideration.

21. Any inquiries or requests for explanation in regard to the City's requirements, bid specifications and associated plans should be made within seventy two hours prior to bid opening to Andrea Foren, City of Fayetteville Purchasing Agent via e-mail (aforen@ci.fayetteville.ar.us) or telephone (479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this invitation to bid. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms that have indicated an interest or intention to submit a bid, but the names of any firms submitting any questions, clarifications, or requests will not be disclosed until after the award of a contract.

22. Insurance requirements are listed below. Proof of appropriate insurance must be provided before work begins and is not required for bid opening. Within ten (10) days of notice of award, bidder must provide a Certificate of Insurance within the following minimal requirements and list the City of Fayetteville as an additional insured:

    a.) Worker's Compensation: Statutory Amount

    b.) Comprehensive General & Automobile Insurance:

- Bodily Injury Liability	$500,000 for each person injured $500,000 for each accident
c.) Property Damage Liability	$500,000 aggregate

23. Bid form referenced **"Total Turn-Key Bid Amount"** is hereby defined as the entire cost of complete job, including, but not limited to the following: insurance, bonds, all materials, applicable state, local and federal taxes, labor, site preparation, vegetation restoration, etc.

24. Site shall be restored to original condition prior to contractor arriving to complete project.

25. All work or materials which are not directly noted in the Scope of Work 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.

City of Fayetteville
Bid 09-46, Electrical Buss Replacement
Item Specifications – Section 16466

PART 1 GENERAL

1.1 SCOPE

A. The Contractor shall furnish and install a 2000 Amp, 480 Volt, 3-phase, 4-wire totally enclosed, non-ventilated outdoor feeder busway system including all necessary fittings, supports and accessories as specified herein, to replace the existing damaged busway system as shown on the contract drawings.

1.2 REFERENCES

A. The low-voltage busway and all components shall be designed, manufactured and tested in accordance with the latest applicable following standards of ANSI and NEMA:
   1. NEMA BU.1
   2. ANSI/UL 857
   3. CSA
   4. OSHA
   5. NFPA 70

1.3 SUBMITTALS – FOR REVIEW/APPROVAL

A. The following information shall be submitted to the Engineer.
   1. Master drawing index.
   2. Isometric drawing of each busway run.
   3. Bill of Materials
   4. Busway ratings including:
      a. Short-circuit rating
      b. Voltage
      c. Continuous current
   5. Major component ratings including:
      a. Voltage
      b. Continuous current
      c. Interrupting ratings
   6. Cable terminal sizes.
   7. Voltage drop at various power factor per 100 ft.
   8. Derating chart for high ambient temperature.
   9. Dimensions and weights.

B. Submit ten (10) copies of the above information.

1.4 SUBMITTALS – FOR INFORMATION

A. The following production information shall be submitted:
   1. Descriptive bulletins.
   2. Product sheets.

1.5 SUBMITTALS – FOR CLOSEOUT

A. The following information shall be submitted for record purposes.
   1. Final as-built drawings and information for items listed in Section 1.4.

2. Certified production test reports.
3. Installation information.
4. Seismic certification and equipment anchorage details.

B. Submit ten (10) copies of the above information.

1.6 QUALIFICATIONS

A. All components shall be of the same manufacturer as the busway.
B. For the equipment specified herein, the manufacturer shall be ISO 9000, 9001 or 9002 certified.
C. The manufacturer of this equipment shall have produced similar electrical equipment for a minimum period of ten (10) years. When requested by the Engineer, an acceptable list of installations with similar equipment shall be provided demonstrating compliance with this requirement.

1.7 DELIVERY, STORAGE AND HANDLING

A. Equipment shall be handled and stored in accordance with manufacturer's instructions. One (1) copy of these instructions shall be included with the equipment at time of shipment.

1.8 FIELD MEASUREMENTS

1.9 OPERATION AND MAINTENANCE MANUALS

A. Ten (10) copies of the equipment operation and maintenance manuals shall be provided.
B. Operation and Maintenance Manuals shall include the following information:
1. Instruction books and/or leaflets.
2. Recommend renewal parts list.
3. Drawings and information required by Section 1.5.

1.10 EXTRA PRODUCTS

A. Spare parts shall be furnished for each rating of busway, consisting of:
1. One set of joint covers for each busway.
2. One set of insulators for each busway rating.

PART 2 PRODUCTS

2.1 MANUFACTURERS

A. Cutler-Hammer
B. Unibus
C. General Electric
D. Square D

2.2 RATINGS

A. The busway shall be 3 phase, 4-wire with 100% neutral with voltage and current ratings as specified herein and indicated on the contract drawings.
B. The busway shall have a minimum of 6-cycle short-circuit rating of 150 kA RMS symmetrical ratings through 2500A.

2.3 CONSTRUCTION

A. The outdoor busway and associated fittings shall consist of copper conductors totally enclosed in a 2-piece extruded aluminum housing. Outdoor designs requiring addition of caulking or gasketing in the field are not acceptable. The busway shall be capable of being mounted flatwise, edgewise, or vertically without derating. The busway shall consist of standard 10-foot sections with special sections and fittings provided to suit the installation. Horizontal runs shall be suitable for support on 10-foot maximum centers. Vertical runs shall be suitable for mounting on 16-foot maximum centers.

B. Provide gasketed covers with removable drain plugs.

2.4 BUS

A. Bus bars shall be fabricated form high strength, 98% conductivity copper and suitably plated at all electrical contact surfaces.

B. Bus bars shall be insulated over their entire length, except at joints and contact surfaces, with a UL listed insulating material consisting of epoxy applied by fluidized bed process. Tape or heat-shrink sleeve insulation, or any other method of insulation which can allow air-gaps or insulation breakdown, shall not be acceptable.

C. The busway shall be capable of carrying rated current continuously without exceeding a temperature rise of 55 degrees C based on a 40 degrees C ambient.

2.5 BUS JOINTS

A. Each busway section shall be furnished complete with joint hardware and covers. The busway joints shall be a single-bolt, non-rotating, removable bridge design. All bridge joints shall be furnished with torque-indicating double head joint bolts and Belleville washers. The bridge joint shall utilize a captive nut retainer on the opposite side of the torque indicating bolt. The bridge joint design shall ensure proper installation without the use of a torque wrench, and provide visual indication that the joint is properly torqued. Each busway joint shall allow for a minimum length adjustment of ±0.5 inches. De-energization of busway shall not be required for safe testing of joint tightness.

2.6 HOUSING

A. The busway housing shall be a 2-piece design fabricated from extruded aluminum. The 2-piece housing shall be bolted together along the bottom flange using grade 5, 1/4 x 20 zinc-plated fasteners on 3-inch centers for maximum mechanical strength. The busway enclosure finish shall be ANSI 61 gray baked epoxy powder paint applied by an electrostatic process.

B. Outdoor feeder busway housing shall be UL listed for outdoor use. Busway shall be completely weatherized at the factory, and designed such that only protective joint covers are required for outdoor application.

PART 3 EXECUTION

3.1 FACTORY TESTING

A. Standard factory tests shall be performed on the equipment provided under this section. All tests shall be in accordance with the latest version of ANSI and NEMA standards.

B. The manufacturer shall provide three (3) certified copies of factory test reports.

3.2 INSTALLATION

A. The Contractors shall install all equipment per the manufacturer's recommendation sand the contract drawings.

END OF SECTION

Electrical Busway Replacement

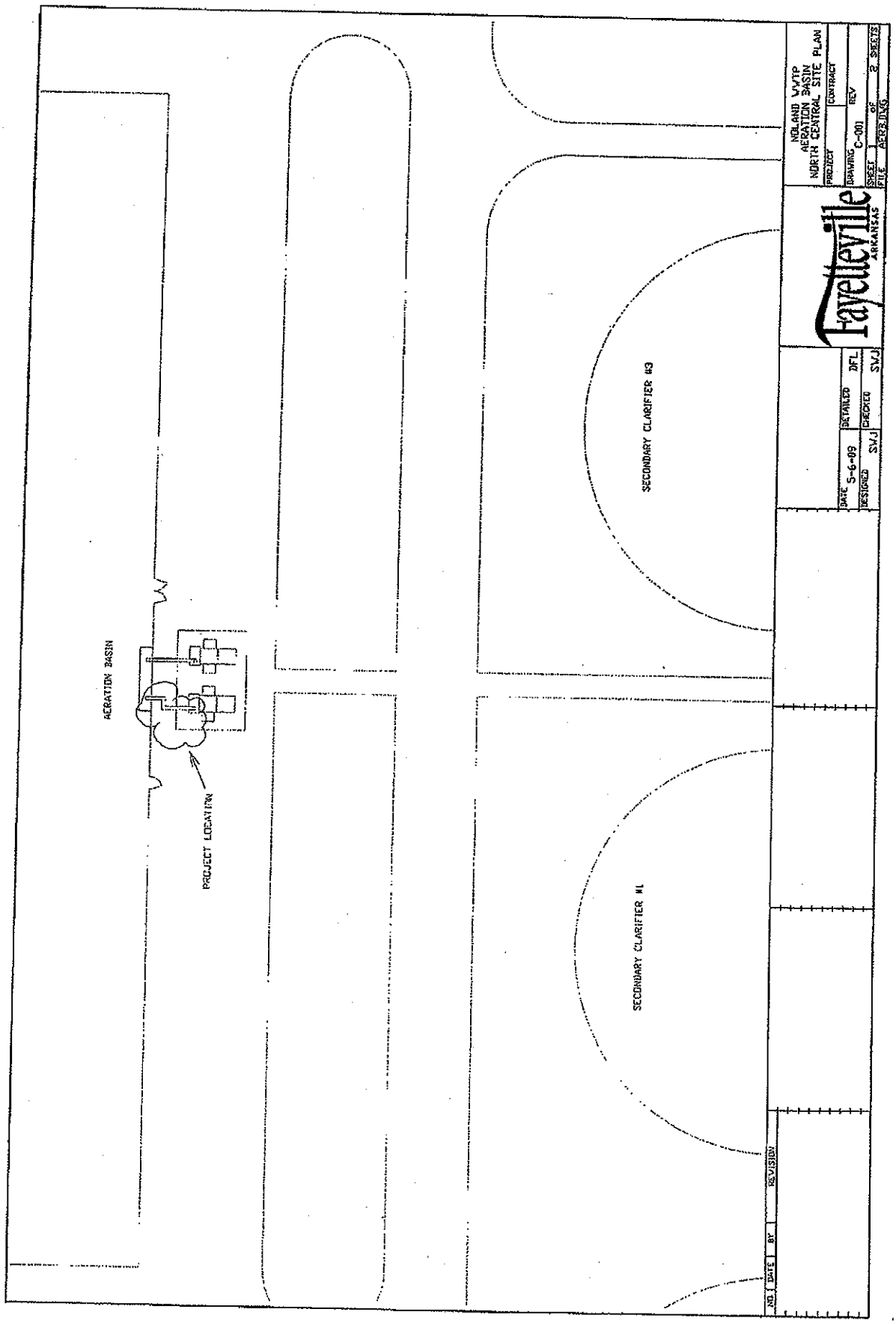
Paul R. Noland WWTF

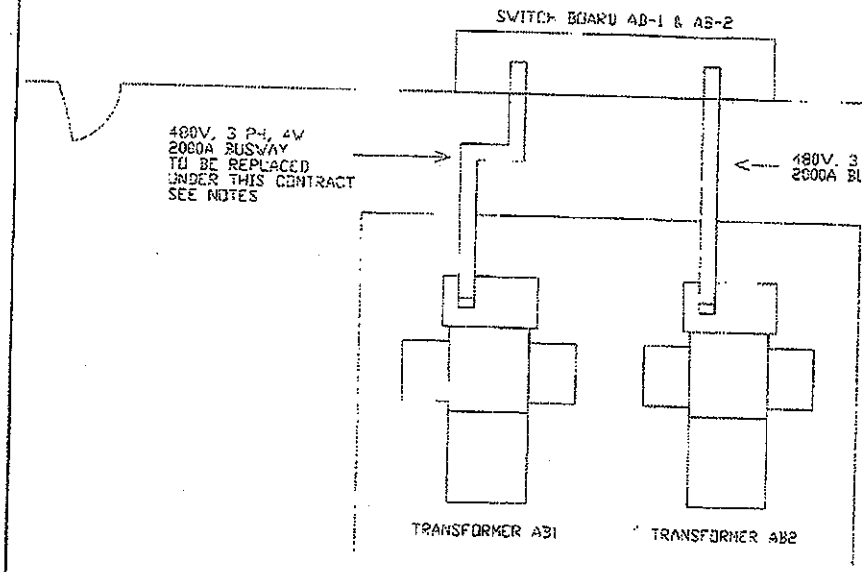
City of Fayetteville

Fayetteville
ARKANSAS

May 2009

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701


AERATION BASIN
PROJECT LOCATION
SECONDARY CLARIFIER #3
SECONDARY CLARIFIER #1
NO. | DATE | BY | REVISION
DATE 5-6-09
DESIGNED SWJ
DETAILED DFL
CHECKED SWJ
Fayetteville
ARKANSAS
NORTH CENTRAL SITE PLAN
NORLAND WWTP
AERATION BASIN
PROJECT
CONTRACT
DRAWING C-001
REV
SHEET OF 2 SHEETS
FILE AERB.DWG



NOTES:

1. CAUTION: Busway to be replaced can be energized from two sources. Coordinate LOTO with operator.
2. Coordinate any interruption in power feed from TRANSFORMER AB2 with operator prior to occurence.
3. This drawing is believed to be correct. Field verify as appropriate or necessary.

NO.	DATE	BY	REVISION

DATE 5-6-09 | DETAILED DFL
DESIGNED SWJ | CHECKED SWJ

Fayetteville ARKANSAS

NOLAND WWTP
AERATION BASIN
TRANS. AB1 SECONDARY BUS

PROJECT | CONTRACT
DRAWING E-001 | REV
SHEET 2 OF 2 SHEETS
FILE AER9.DWG

BID: 09-46
7/9/2009
2:00 PM
CITY OF FAYETTEVILLE

Bid 09-46, Electrical Buss Replacement

	BIDDER	Total Bid Amount
1	Oil Capital Electric	$27,750.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice — P. VICE, PURCH MGR

A Jones — WITNESS

7/9/09 — DATE

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: 7/9/2009	
P.O Number:		Expected Delivery Date: ASAP	
Vendor #: NEW	Vendor Name: Oil Capital Electric	Mail Yes: x No:	
Address: 199 Fantinel Dr		Fob Point: 1400 N Fox Hunter Rd, Fayetteville	Taxable Yes: x No:
City: Springdale	State: AR	Zip Code: 72762	Ship to code:
Requester: Lori Johnson		Requester's Employee #: 3118	Extension: 452

Quotes Attached Yes: No: x

Divison Head Approval:

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	**Replace Electrical Buss at Noland WWTP-Bid 09-46**	1	ea		$27,750.00	5400.5800.5414.00	02069/1		
2					$0.00				
3					$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal:	$27,750.00
Tax:	$2,566.88
Total:	$30,316.88

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

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

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 1/2/2008

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

8/4/2009
City Council Meeting Date
Agenda Items Only

Dennis Pratt / Barbara Olsen	Fleet Operations	Transportation
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 09-49 to North Point Ford Lincoln Mercury of North Little Rock in the amount of $22,618.28 for the purchase of an extended cab 2 x 4 pickup truck for use by the Police Department.

$ 22,618.00	$ 548,275.00	Light / Medium Utility Vehicles
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 346,066.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078.2009	$ 202,209.00	Shop Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Terry D. Gulley — Department Director — 2-16-09 Date

D. P. White — City Attorney — 7/21/09 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker — Finance and Internal Services Director — 7-21-2009 Date

Don Allen — Chief of Staff — 7/21/09 Date

Received in City Clerk's Office — ENTERED 7/16/09 Jes

Received in Mayor's Office — ENTERED 7/21/09

Mayor — 7/21/09 Date

Comments:

Revised January 15, 2009

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425

A
B
F ncoln Mercury

Interdepartmental Correspondence

TO: **MAYOR/CITY COUNCIL**

THRU: **TERRY GULLEY, DIRECTOR OF TRANSPORTATION**

FROM: **DENNIS PRATT, FLEET OPERATIONS SUPT.**

DATE: **July 15, 2009**

SUBJECT: **Purchase of one half ton, extended cab pickup**

RECOMMENDATION: That City Council approve the purchase of one half ton extended cab pickup for Police Division use.

BACKGROUND: Bid 09-49 was opened on July 14th, 2009 for one full size ½ ton pickup truck with extended cab. Five bid responses were received. A detailed tabulation sheet is attached.

The low bid from North Point Ford Lincoln Mercury of North Little Rock, AR meets all specifications.

I recommend acceptance of the low bid from North Point Ford in the amount of $22,618.28 for one truck for use by Police Department. This vehicle will be used for car seat installation events (baby car seats), special events, and community oriented policing functions. It will also be used to pull cargo, radar and graffiti trailers, as well as the special event equipment trailer.

This replacement truck was budgeted for and approved in the 2009 capital and operating budgets. It is a replacement for #1048, a 1999 Ford Explorer with 99,000 miles on it which is no longer dependable and repair costs are prohibitive.

The purchase of this unit as an extended cab 2x4 pickup was approved by the Equipment Committee at the April 1st meeting.

Funds are available for this purchase in project 02078.2009 – Light/Medium Trucks.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #09-49 AND APPROVING THE PURCHASE OF ONE (1) EXTENDED CAB TRUCK FROM NORTH POINT FORD LINCOLN MERCURY OF NORTH LITTLE ROCK IN THE AMOUNT OF $22,618.28 FOR USE BY THE FAYETTEVILLE POLICE DEPARTMENT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid 09-49 and approves the purchase of one (1) extended cab truck from North Point Ford Lincoln Mercury of North Little Rock in the amount of $22,618.28 for use by the Fayetteville Police Department.

PASSED and **APPROVED** this 4th day of August, 2009.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Fayetteville
ARKANSAS

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

Lewis Ford Sales Point Ford Lincoln Mercury

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Bobby Ferrell, Chairman — Adella Gray
Shirley Lucas — Matthew Petty
Kyle Cook

FROM: DENNIS PRATT, Fleet Operations Superintendent

DATE: MARCH 25, 2009

SUBJECT: PURCHASE OF ONE HALF TON PICKUP, CREW CAB

Bid 09-26 was opened on March 19th, 2009 for one full size ½ ton pickup truck with crew cab. Seven bid responses were received. A detailed tabulation sheet is attached. This truck is for use by the Police Department.

The low bid from Lewis Ford Sales of Fayetteville, AR meets all specifications.

I recommend acceptance of the low bid from Lewis Ford Sales in the amount of $21,786.

This replacement truck was budgeted for and approved in the 2009 capital and operating budgets. It will replace unit #1048, a 1999 Ford Explorer that is past due for replacement. PD requested that the unit be replaced with a pickup truck as that will better serve their needs for car seat installations, special events, and community oriented police functions.

Funds are available for this purchase in project 02078.2009 – Light/Medium Trucks.

Cc: Terry Gulley

Approved as extended cab.

BO Lee

BID: 09-49
7/14/2009
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville
ARKANSAS

Bid 09-49, Extended Cab Pickup Truck 2WD

	BIDDER	Manufacturer	Model	Total Price
1	Chevy of Fayetteville - OPT 1	Chevy	1/2 Ton Ex-Cab with No Light Bar	$19,998.00
2	Chevy of Fayetteville - OPT 2	Chevy	1/2 Ton Ex-Cab with Light Bar	$23,148.00
3	Landers Ford Lincoln Mercury	Ford	F150	$23,526.00
4	Lewis Ford Sales, Inc.	Ford	F-150 Supercab 4x2	$22,999.95
5	North Point Ford Lincoln Mercury	Ford	F-150	$22,618.28

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice
P. VICE, PURCH MGR

WITNESS

7/14/09
DATE

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: 7/15/2009
P.O Number:	Expected Delivery Date:
Vendor #: 6481	Vendor Name: North Point Ford
Address:	Fob Point:
City:	State:
Zip Code:	Ship to code: 50
Requester: Barbara Olsen	Requester's Employee #: 1940
Mail Yes:__ No:	Taxable Yes:__ No:
Quotes Attached Yes:____ No:____	Divison Head Approval:
Extension: 485	

Item	Description	Quantity	Unit of Issu	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2009 Ford F150 with light	1	ea	22,618.28	$22,618.28	9700.1920.5802.00	02078.2009		
2	bar per bid specs on bid 09-49				$0.00				
3	To be unit 2134, Fixed asset				$0.00				
4	#702134				$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:	$22,618.28
Tax:	
Total:	$22,618.28

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

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

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 1/2/2008

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

8/4/2009
City Council Meeting Date
Agenda Items Only

Greg Tabor	Police	Police
Submitted By	**Division**	**Department**

Action Required:

Council approve a mutual aid police protection agreement with the City of Rogers, Arkansas.

$0	$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — Date 7-14-09

City Attorney — Date 7/21/09

Finance and Internal Services Director — Date 7-21-2009

Chief of Staff — Date 7/21/09

Mayor — Date 7/21/09

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED Jes 7/14/09

Received in Mayor's Office — ENTERED 7/21/09 PM

Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS — POLICE DEPARTMENT

To: Mayor Lioneld Jordan and City Council

From: Greg Tabor, Chief of Police

Date: July 14, 2009

Re: Mutual Aid Agreement

Recommendation:
Staff seeks approval to enter into a Mutual Aid Police Protection agreement with the City of Rogers, Arkansas.

Background:
The Fayetteville Police Department desires to obtain formal agreements with area law enforcement agencies regarding mutual aid for police protection.

Discussion:
A mutual aid agreement with other law enforcement agencies would be for times of emergency situations or temporary manpower shortages associated with special events. The Fayetteville Police Department recently entered into a similar agreement with the City of Fort Smith.

Budget Impact:
None

FAYETTEVILLE POLICE DEPARTMENT
100-A WEST ROCK STREET
FAYETTEVILLE, AR 72701

DELIVERIES: 100-A WEST ROCK STREET 72701
PHONE: (479) 587-3555 FAX: (479) 587-3522

RESOLUTION NO. _____

A RESOLUTION APPROVING A MUTUAL AID POLICE PROTECTION AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF ROGERS, ARKANSAS.

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 Mutual Aid Police Protection Agreement between the City of Fayetteville, Arkansas and the City of Rogers, Arkansas. A copy of the Agreement is attached hereto as Exhibit "A," and made a part hereof.

PASSED and **APPROVED** this 4th day of August, 2009.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Mutual Aid Police Protection Agreement

This Agreement, by and between the City of Rogers, Arkansas, and the City of Fayetteville, Arkansas, in accordance with A.C.A. § 16-81-106 et seq., to secure and provide for each adequate police protection through the use of properly trained and equipped police officers, mutual aid in police protection, and protection of life and property. It is agreed that:

I. Introduction

A. The **City of Rogers** and the **City of Fayetteville** recognize and acknowledge that, at times, emergency situations or temporary manpower shortages associated with specific events arise that require additional manpower and resources beyond which the respective law enforcement agency for each City can provide. It is during such times that it may be prudent and necessary to request additional manpower or assistance from other law enforcement agencies.

II. Requests for the Rogers Police Department

A. During natural or man-made disasters or temporary manpower shortages associated with specific events, the **City of Rogers** will provide assistance to the **City of Fayetteville** according to the guidelines as set forth in this **Mutual Aid Police Protection Agreement.** Requests for mutual aid must be made in writing by the **Fayetteville Police Department Chief of Police,** or by his or her authorized designee. Any request for aid under this Agreement will include a statement of the amount and type of equipment and personnel requested, and will specify the location to which the equipment and personnel are to be dispatched; however, the amount of and type of equipment and number of personnel to be furnished will be determined by the officer in charge of the responding organization.

B. The **Rogers Police Department Chief of Police** will decide what resources are available to the requesting agency and will authorize the level of response to be provided, as well as the duration of aid to be provided. This response may include, but is not limited to, manpower, vehicles, equipment or other police resources. In the event that an exigent situation should arise within the jurisdiction of the **City of Rogers** that would necessitate such action, the **City of Rogers** reserves the right to refuse to respond to any request for mutual aid when, in the opinion of the City Administrator (Mayor) of Rogers or of its Chief of Police, responding to such a request would jeopardize municipal property or would endanger the lives or property of the citizens of the City of Rogers; additionally, the **City of Rogers** reserves the right to recall immediately any or all of the manpower, vehicles, equipment or other police resources on loan to another agency, if, in the opinion of the City Administrator (Mayor) of Rogers or its Chief of Police, that to do otherwise would jeopardize municipal property or would endanger the lives or property of the citizens of the **City of Rogers** .

C. ***The City of Fayetteville must sign or have previously signed a Mutual Aid Police Protection Agreement with the City of Rogers***

III. Supervision and Control of Officers on Loan to the City of Fayetteville

A. Officers from the **Rogers Police Department** that are temporarily assigned to the **Fayetteville Police Department** under mutual aid police protection provisions are subject to the same rules, regulations, and supervisory commands as **Fayetteville Police Department** officers. They will possess the same powers, rights and immunities as **Fayetteville Police Department** officers.

B. Personnel and administrative control, including compensation of Rogers officers, will be retained by the **City of Rogers** and the **Rogers Police Department**. Rogers police officers will be entitled to worker's compensation and other benefits to which they would be entitled were they functioning within the normal course and scope of the duties with the **Rogers Police Department.**

IV. Requests by the Rogers Police Department

A. During natural or man-made disasters or temporary manpower shortages associated with specific events, the **City of Fayetteville** will provide assistance to the **City of Rogers** according to the guidelines as set forth in this **Mutual Aid Police Protection Agreement.** Requests for mutual aid must be made in writing by the **Rogers Department Chief of Police,** or by his or her authorized designee. Any request for aid under this Agreement will include a statement of the amount and type of equipment and personnel requested, and will specify the location to which the equipment and personnel are to be dispatched; however, the amount of and type of equipment and number of personnel to be furnished will be determined by the officer in charge of the responding organization.

B. The **Fayetteville Police Department Chief of Police** will decide what resources are available to the requesting agency and will authorize the level of response to be provided, as well as the duration of aid to be provided. This response may include, but is not limited to, manpower, vehicles, equipment or other police resources. In the event that an exigent situation should arise within the jurisdiction of the **City of Fayetteville** that would necessitate such action, the City of **Fayetteville** reserves the right to refuse to respond to any request for mutual aid when, in the opinion of the Mayor of Fayetteville or of its Chief of Police, responding to such a request would jeopardize municipal property or would endanger the lives or property of the citizens of the City of Fayetteville; additionally, the **City of Fayetteville** reserves the right to recall immediately any or all of the manpower, vehicles, equipment or other police resources on loan to another agency, if, in the opinion of the Mayor of Fayetteville or of its Chief of Police, that to do otherwise would jeopardize municipal property or would endanger the lives or property of the citizens of the **City of Fayetteville**.

C. ***The City of Rogers must sign or have previously signed a Mutual Aid Police Protection Agreement with the City of Fayetteville.***

V. Supervision and Control of Officers on Loan to the City of Rogers

A. Officers from the **Fayetteville Police Department** that are temporarily assigned to the **Rogers Police Department** under mutual aid police protection provisions are subject to the same rules, regulations, and supervisory commands as Rogers Police Department officers. They will possess the same powers, rights and immunities as Rogers Police Department officers.

B. Personnel and administrative control, including compensation of **Fayetteville Police Department** officers, will be retained by the **City of Fayetteville** and the **Fayetteville Police Department**. Fayetteville police officers will be entitled to worker's compensation and other benefits to which they would be entitled were they functioning within the normal course and scope of the duties with the **Fayetteville Police Department.**

VI. Mutual Aid Police Protection Agreement

A. Pursuant to Act 846 of 1989, codified at A.C.A. § 16-81-106 et. seq., the **City of Rogers** and the **City of Fayetteville**, having each created police departments and having employed police officers of these respective municipalities that are sworn to enforce the laws of this state and their individual jurisdictions, do hereby enter into this **MUTUAL AID POLICE PROTECTION AGREEMENT** as allowed by Act 846 and their individual municipal policies. This Mutual Aid Police Protection Agreement shall be construed to grant to Fayetteville Police Department officers and Rogers Police Department officers the statewide arrest powers authorized by A.C.A. § 16-81-106(c)(3) while working pursuant to this Agreement within the jurisdiction of the requesting city.

B. In the event of claims for injury or other loss said to be the result of acts or omissions by an officer, or officers, providing assistance pursuant to this Mutual Aid Police Protection Agreement, the agency and municipality providing such assistance shall provide a legal defense for and shall hold harmless the receiving agency, its officer(s), and municipality from and against all such claims. Both cities assert their sovereign immunity and neither waives it as a consequence of the above language. This hold harmless agreement is subject to the limitations of Arkansas law and such agreement is not intended to inure to the benefit of any third party nor should it be interpreted as a basis for municipal liability for which the municipality is otherwise immune under Arkansas law.

C. This **MUTUAL AID POLICE PROTECTION AGREEMENT** may be reviewed annually. Should any paragraph or part of this **MUTUAL AID POLICE PROTECTION AGREEMENT** be found unconstitutional or unlawful, the remainder shall remain in full force and effect.

D. This Agreement is in effect from its date of approval by the governing bodies of each municipality, and will remain in effect until cancellation in writing by one or both parties.

E. Either party may terminate this agreement upon ten (10) days' notice in writing to the other municipality through the Chief of each respective Police Department.

Witness our hands this _____ day of _____, 2009

City of ROGERS
ROGERS, Arkansas

By: _____
Mayor

Attest: City Clerk, ROGERS

_____

City of Fayetteville
Fayetteville, Arkansas

By: _____
Mayor

Attest: City Clerk, Fayetteville

_____

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

8/4/2009
City Council Meeting Date
Agenda Items Only

Alison Jumper	Park Planning	Parks and Recreation
Submitted By	**Division**	**Department**

Action Required:

Resolution approving Parks and Recreation to submit an Outdoor Recreation Grant application to the Arkansas Department of Parks and Tourism in the amount of $250,000 for the development of Bryce Davis Park.

$ 250,000.00	$ 395,000.00	Neighborhood Park Development
Cost of this request	Category / Project Budget	Program Category / Project Name
2250.9255.5806.00	$ -	Parks Development
Account Number	Funds Used to Date	Program / Project Category Name
02013.0802	$ 395,000.00	Parks Development/ PLDO (NW)
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — 7-14-09 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

City Attorney — 7/22/09 Date

Original Contract Number: _____

Finance and Internal Services Director — 7-22-2009 Date

Received in City Clerk's Office ENTERED 7-24-09 Ses

Chief of Staff — 7-22-09 Date

Received in Mayor's Office ENTERED 7/22/09

Mayor — 7/22/09 Date

Comments:

City Council Meeting of August 4, 2009

Agenda Item Number

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.
From: Alison Jumper, Park Planner aj
Date: July 14, 2009
RE: Resolution to apply for 2010 Arkansas Outdoor Recreation Grant

RECOMMENDATION

Parks and Recreation requests City Council approval of a resolution to authorize the City to apply for $250,000 from the Arkansas Parks and Tourism Outdoor Recreation Grant Program for the development of Bryce Davis Park.

BACKGROUND

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

Last year, Arkansas Parks and Tourism awarded our City with $50,000 for the development of Doc Mashburn Park. In 2007, the City was awarded $100,000 for the renovation of Sweetbriar Park and Bryce Davis Parks. Other parks funded in part by this grant include Braden Park, Grinders Skate Park at Walker Park, Gulley Park, Veterans Memorial Park at Lake Fayetteville and the Botanical Gardens of the Ozarks at Lake Fayetteville Park. This year's grant deadline is August 28th. A resolution from the City of Fayetteville is required to apply for the grant.

Bryce Davis Park was the first park to be dedicated through the Park Land Dedication Ordinance in 1988 and orginally contained 9.2 acres. The City received an additional 16.95 acres adjacent to the west side of Bryce Davis in 2007. The park is located in the northwest quadrant north of Wedington Drive and west of Salem Road. Davis Park will now serve the northwest quadrant as a community park due to the expanded acreage.

A public meeting was held on February 26th to solicit input from the neighborhood and assess the community's needs and desires for amenities within the park. Staff also attended the Ward 4 meeting on March 30th to gain additional information. Based on the findings, staff designed a master plan to complement

the exisiting amenities on the east side of the park. Proposed amenities include the City's newest dog park, walking trail, pavilions, picnic areas, labyrinth, and fishing pier.

Current Status

A public meeting was held at Ozarks Electric Cooperative Community Room on June 25th to gather input from the public regarding recreation needs and to prioritize an eligible grant project. An outreach to groups such as ethnic minority populations, the elderly and persons with disabilities was attained through group meetings. Specific projects for the grant application were not defined at the meeting. Staff has analyzed available funds for matching and current projects and recommends applying for funds to develop the newly acquired land at Bryce Davis Park.

The grant application must include detailed budgets, plans, specifications and bid documents that are ready for immediate bid and construction and asks the application to specify how funding meets the needs of the community. The development of the additional land at Bryce Davis will provide a community park for the northwest quadrant as outlined in the Parks and Recreation Ten Year Master Plan.

This grant contains twelve (12) obligations covering items such as compliance of the Americans for Disabilities Act and requiring the property retained in perpetuity for outdoor recreation use. The Bryce Davis Park meets these all of the obligations.

Section 6(f) (3) of the LWCF Act states "No property acquired or developed with the assistance under this section shall, without the approval of the Secretary of the United States Department of the Interior, be converted to other than public outdoor recreation use." If this property must ever be used for anything other than outdoor recreation use, it is possible to covert the park boundary.

A restroom is being constructed in 2009 as part of the park expansion and master plan. Additionally, Procter and Gamble has donated $30,000 to develop a dog park within Bryce Davis Park. The project is a part of the overall master plan and is currently being designed. This is scheduled to be opened early next year.

Parks and Recreation Advisory Board approved the conceptual plan of Bryce Davis Park and selected this park as the project for the 2010 Arkansas Parks and Tourism Outdoor Recreation Grant. The conceptual master plan was approved by PRAB on July 6th (see attached PRAB minutes).

BUDGET IMPACT

This grant application is for $250,000. The Arkansas Outdoor Recreation Grant is a 50/50 Matching Grant. If the full amount requested is awarded, the City is

responsible for applying $250,000 towards the project, resulting in a $500,000 project.

Currently, the Bryce Davis park project has $395,000 budgeted for 2009 and $50,000 is being requested in the 2010. The restroom construction is currently out to bid and is anticipated to cost approximately $130,000, leaving $265,000 in the project for matching funds. Staff is working with a donor to acquire two pavilions which can be used for fund matching in the grant application.

Attachments:

PRAB Meeting Minutes from July 6, 2009
Public Meeting Minutes from June 25, 2009
Conditions of Arkansas Outdoor Recreation Grant
Public Advertisement

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AN ARKANSAS PARKS AND TOURISM OUTDOOR RECREATION GRANT IN THE AMOUNT OF $250,000.00 FOR THE DEVELOPMENT OF BRYCE DAVIS PARK.

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

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

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

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

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to make application to the Arkansas Department of Parks and Tourism for assistance, in the amount of $250,000.00, for the development of Bryce Davis Park. Therefore, such application shall be submitted as expediently as possible.

PASSED and **APPROVED** this 4th day of August, 2009.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

FAYETTEVILLE PARKS AND RECREATION ADVISORY BOARD

Minutes for July 6, 2009

Opening:
The regular meeting of the Parks and Recreation Advisory Board was called to order by Chairman Wade Colwell at 5:35 p.m. on July 6, 2009 in Room 326 of the City Administration Building at 113 West Mountain in Fayetteville, Arkansas.

Present:
Parks and Recreation Advisory Board members Colwell, Biendara, Hatfield, Waite, P. Jones, Meldrum, Mauritson, and Watson were present. Meinecke was absent. Staff members Edmonston, Humphry, C. Jones, Jumper, Gipson, Thomas, and the audience were present.

5. AR Parks & Tourism Outdoor Recreation Grant Project: Alison Jumper, Park Planner
Staff Recommendation: To apply for $250,000 from AR Parks and Tourism Outdoor Recreation matching grant program for the development of Bryce Davis Park. Staff recommends approval of the conceptual plan of Bryce Davis Park.

A public meeting was held on June 24 to receive input from the public for a project for the Arkansas Parks and Tourism Outdoor Recreation Grant money. Many ideas were proposed by the public, such as tennis courts, a baseball complex, and Bryce Davis Park. Jumper presented PRAB a conceptual plan for Bryce Davis Park including a dog park, restrooms, a large pavilion, a trail, picnic areas, fishing pier, and a labyrinth.

Colwell said he would like as much of the vegetative border as possible to stay within the park to enhance the wildlife. He also asked if there were any tennis courts in the nearby subdivision.

Waite suggested a tennis court could be placed into the park.

Jumper said it might be a good place because it's a community park.

Edmonston said the citizens at the public meeting that were pushing for more tennis courts liked the idea of the courts being located in one area for tournaments and socialization.

Biendara said that it's important to keep as much greenspace as possible in Davis Park.

Parking is proposed on the north side of the original Davis Park. There is a vegetative buffer between the parking lot and the neighborhood. The conceptual plan connects the original park to the new park acreage.

Jumper and Mihalevich walked the park to lay out the trail connection into the Master Trail Plan.

Edmonston said the grant project selected needs to have funds budgeted for the grant application. She also said many people want a Regional Park.

Colwell said the Bryce Davis plan is ready to be submitted as a grant project. The grant application deadline is August 28th, in which all bid documents must be included.

> **PRAB Motion:** Mauritson motioned to follow staff recommendation to apply for $250,000 from AR Parks and Tourism Outdoor Recreation matching grant program for the development of Bryce Davis Park. Staff recommends approval of the conceptual plan of Bryce Davis Park. Colwell seconded it. Motion passed 8-0-0 by voice vote.

A public meeting was held on June 25, 2009 at Ozark Electric Community Room. There were fifteen people in attendance plus three employees. Meeting began at 5:30 pm.

Connie Edmonston opened the meeting with information about the Arkansas Parks and Tourisms Outdoor Recreation Grant Program. Edmonston described the details of the 50/50 match process and how the land must remain in outdoor recreation use forever. Edmonston told about past projects and about the large scope of the grant application.

- Citizen commented about the need for additional baseball fields at Walker Park. Suggested converting a soccer field to baseball field.
- Citizen suggested further developing parks in Clabber Creek area and the possibility of a POA assisting. Also talked about Clabber Creek trail.
- Citizen cited the need for expansion of tennis court facilities in the area. So many groups share current facilities. Suggested several groups working together to accomplish a facility with multiple courts located in same area. Alison Jumper commented this is part of the design for the Regional Park.
- Additional Citizen expressed same sentiment and asked to be noted.
- Citizen had question about west side park (Bryce Davis) and asked what the plans are. The Dog Park and trail were discussed.
- Citizen asked about facilities within town and specifically with parks to ride a bicycle.
- A question was asked about number of tennis courts available. Citizens asserted eight public courts have been removed, and fourteen university courts. He asserted the need for more courts.
- Citizen asserted need for additional swimming facilities in Fayetteville. Perhaps a 50M pool that the public could access. HPER is only current option.
- Citizen brought up the need for lights for youth soccer and also the need for additional practice facilities to accommodate the current numbers of participants. Also the need for additional parking.
- Citizen asked about funding available for maintenance of this (the grant) project.
- Citizen brought up the possibility of hosting multiple tournaments if additional baseball fields were available, and this would have a positive economic impact on parks.
- Citizen stressed the need for facility updates including lights, concession, security and parking at Walker Park.
- Citizen expressed question about the purpose of the meeting and what the end goal was.
- Citizen asked about funding for Community Park and how things would be paid for.
- Citizen suggests resurfacing and lighting courts 5 and 6 at Wilson Park.

Where to Send the Application

Outdoor Recreation Grants Program
Department of Parks and Tourism
Number One Capitol Mall
Little Rock, Arkansas 72201

Who Can Prepare the Application?

- The application can be prepared locally.
- The application can be prepared by consultants. (Grant preparation cannot be paid for with grant funds).
- The application can be prepared by the local areawide Planning or Economic Development Districts or the Regional Planning Commissions.

What are our Obligations if we Recieve a Grant?

We are jointly committed! Both the Department of Parks and Tourism's Outdoor Recreation Grants Program and the project sponsor are committed to long term program compliance. After the project is completed and all grant funds have been disbursed, our commitment to the requirements of the Arkansas Matching Grant Program continues. These ongoing commitments include:

1. Once a public park project boundary has been identified by the local project sponsor and provided to the Department of Parks and Tourism, all facilities constructed within that boundary, at any future time, must be in compliance with the rules and regulations of the Outdoor Recreation Grants Program *Project Management Guide*. This also applies to those facilities constructed in whole or in part with local funds.

2. Property acquired or developed with grant funds must be retained in perpetuity for outdoor recreation use and will be subject to inspection by the State at least once every five years. In addition each project will be inspected by the State during construction and before final reimbursement is made.

3. No overhead utility lines are allowed within the project boundary. All existing utility lines located within the park boundaries must be placed underground. This regulation applies to any overhead lines including electric lines, phone lines and public announcement system wiring. No vehicular right-of-way easements are allowed within the boundary.

4. A permanent sign stating that federal LWCF or state NCRGTF moneys were used to acquire and/or develop public outdoor recreation facilities must be maintained within the park in perpetuity. Guidelines for the size, placement and design of the signs will be presented to each applicant after grant approval. Upon project completion the applicant will be required to describe the location of the sign, and state that the sign location will not change.

5. All public recreation facilities constructed within a Matching Grant Program-assisted park must be accessible to persons with disabilities. This also applies to those facilities constructed in whole or part with local funds.

6. Property acquired or developed with assistance from the fund must be open to entry and use by all persons regardless of race, color, religion, sex, or national origin. Discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited, except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

7. Property acquired or developed with assistance from the Matching Grant Program shall be operated and maintained in perpetuity. The property shall be maintained so as to appear attractive and inviting to the public. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards. Properties shall be kept safe for public use. Fire prevention, lifeguards, and the like should be provided for proper public safety. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their functional lifetime to prevent undue deterioration and to encourage public use. Facilities that have reached an age that renders them obsolete or worn out may be removed with written permission of the Arkansas Department of Parks and Tourism's Outdoor Recreation Grants Program Director. Permission must be obtained prior to removal of the facilities.

8. The Arkansas ORGP staff will conduct periodic post completion inspections of the project area to ensure that program compliance continues after the project is completed. These inspections will be unannounced. Sponsors who fail to comply with long term commitment may jeopardize future eligibility for matching grant funds for new projects and/or be subject to legal actions by the State or Federal government to enforce program compliance.

9. The property shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility. Property which is not operated and maintained in good condition may jeopardize the awarding of future grant funds to that jurisdiction.

10. Participants may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with Matching Grant Program assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the type of users (i.e. hunters or four-wheelers, etc.). All limitations must be in accord with the applicable grant agreement and amendments.

11. All recipients of Matching Grant Program monies must comply with the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act, of 1990 Title II and Title III.

12. Properties (parks and recreation areas) acquired or developed with LWCF/NCRGTF assistance are prohibited by Section 6(f)(3) of the LWCF Act of 1965, as amended, from conversion to any use other than public outdoor recreation use.
Section 6(f)(3) of the LWCF Act states that "No property acquired or developed with assistance under this section shall, without the approval of the Secretary, U. S. Department of the Interior, be converted to other than public outdoor recreation use. The Secretary shall approve such conversion only if he/she finds it to be in accordance with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP) and only upon such conditions as he/she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location."

Arkansas Democrat Gazette
NORTHWEST ARKANSAS EDITION
Northwest Arkansas Times
Benton County Daily Record
P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville – Public Input Request

June 18, 2009

Publication Charge : $53.80

Signed: Cathy Wiles

Subscribed and sworn to before me
This 24 day of June , 2009.

Notary Public Elizabeth A. Jarvis

My Commission Expires: May 6, 2012

Do not pay from Affidavit, an invoice will be sent

ELIZABETH A. JARVIS
NOTARY PUBLIC
WASHINGTON CO., ARKANSAS
MY COMM. EXP. MAY 06, 2012

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

8/4/2009
City Council Meeting Date
Agenda Items Only

Dara Sanders	City Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

City Council approval of a budget adjustment and contract with the Arkansas Historic Preservation Program to receive a Certified Local Government grant in the amount of $5,500 to provide travel and training funds for the Historic District Commission and staff and to produce educational brochures for the public.

Cost of this request	n/a Category / Project Budget	Historic Preservation Program Category / Project Name
1010.6300.5304.00 Account Number	n/a Funds Used to Date	Travel, Training, Public Education Program / Project Category Name
06024.0901 Project Number	n/a Remaining Balance	General Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [x]

Department Director — 07.16.09 Date

City Attorney — 7/21/09 Date

Chief of Staff — 7-21-2009 Date

Mayor — 7/21/09 Date — 7/21/09 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office — ENTERED 7-16-09

Received in Mayor's Office — ENTERED 7/21/09

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Director of Development Services

From: Dara Sanders, Current Planner

Date: July 15, 2009

Subject: Approval of a budget adjustment and contract with the Arkansas Historic Preservation Program to receive a Certified Local Government grant in the amount of $5,500.

RECOMMENDATION

Planning Staff recommends approval of a budget adjustment and contract with the Arkansas Historic Preservation Program to receive a Certified Local Government grant in the amount of $5,000 to provide travel and training funds for the Historic District Commission and staff and $500 to produce educational brochures for the public, for a total of $5,500.

BACKGROUND

The City Council reinstated the Historic District Commission on May 6, 2006 by Res. No. 78-06. Planning staff has applied for and received a Certified Local Government (CLG) grant for the past three years to pay for the Historic District Commission's and Staff's travel and training related to historic preservation. The 2008-2009 grant was $7,500, and enabled a staff member to attend a quarterly CLG meeting in North Little Rock, two staff members and one commissioner to attend the National Historic Preservation Conference in Tulsa, and one staff member and three commissioners to attend the State Conference in Eureka Springs. These conferences have increased Staff's and the Commission's knowledge and skills of methods to promote and achieve historic preservation in a community.

With limited funding to distribute among an increased number of Certified Local Governments this year, the Arkansas Historic Preservation Program designated the City of Fayetteville with $5,000 for travel and training. Additionally, the City was awarded $500 to assist the Public Education and Outreach Committee of the Historic District Commission to produce brochures intended to educate the public on the City's historic sites and architecture in order to create a greater awareness of the City's assets.

BUDGET IMPACT

The City will provide in-kind services for approximately $5,862 in the form of staff time. Dara Sanders, Current Planner, will spend 15% of her time administering the grant.

RESOLUTION NO. _____

A RESOLUTION APPROVING A GRANT AGREEMENT WITH THE ARKANSAS HISTORIC PRESERVATION PROGRAM IN THE AMOUNT OF $5,500.00 FOR TRAVEL AND TRAINING EXPENSES AND PUBLICATION OF EDUCATIONAL MATERIALS IN SUPPORT OF THE FAYETTEVILLE HISTORIC DISTRICT COMMISSION; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a grant agreement with the Arkansas Historic Preservation Program in the amount of $5,500.00 for travel and training expenses and publication of educational materials in support of the Fayetteville Historic District Commission.

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

PASSED and **APPROVED** this 4th day of August, 2009.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Arkansas Historic
Preservation Program
An agency of the Department of Arkansas Heritage

CERTIFIED LOCAL GOVERNMENT (CLG) GRANT PROGRAM

Grant Agreement 09-CLG-03

This agreement is entered into between the **City of Fayetteville**, Arkansas, herein referred to as the City, and the Arkansas Historic Preservation Program, hereinafter referred to as AHPP. AHPP agrees to provide a grant in the amount of **$5,500** to the for the purpose of:

Providing training for the Fayetteville Historic District Commission and staff; and publication of educational outreach materials.

THIS GRANT IS FOR THE ACCOMPLISHMENT OF THE PURPOSE, OBJECTIVE AND SCOPE OF WORK HEREIN DEFINED.

I. SCOPE OF WORK

A. The City will send one or more representatives of its Historic District Commission to the 2010 Arkansas Preservation Conference and to quarterly training meetings to be announced by AHPP. ***$5,000** is designated for this activity.*

B. The City will develop, print, and distribute educational brochures on the city's historic sites and architecture.
***$500** is designated for this activity.*

II. TIME FRAME of AGREEMENT

This agreement will begin on July 1, 2009, and shall extend until May 31, 2010.

III. SCHEDULE OF PAYMENTS

Payment of the full grant amount shall be paid to the City upon a request for payment to AHPP.

IV. AHPP RESPONSIBILITIES

AHPP staff agrees to make periodic reviews of the project to review practices and products. AHPP reserves the right to enforce the procedures as outlined in this contract. AHPP agrees to make available advice and counsel necessary to accomplish the objectives and to render compensation upon invoice within a reasonable time frame.

V. REPORTING REQUIREMENTS

A. The City will submit quarterly reports detailing progress of work.

B. The City will submit a final project report detailing all completed projects and including 10 copies each of all publications.

C. If grant crosses Federal fiscal years, the City is required to submit progress reports (both programmatic and fiscal) including a grantee expenditure and progress report by September 30 of the year the grant is allocated.

D. If changes in agreement - e.g.: scope of work, products, budgets, etc. - are required, then the City must submit a written request detailing proposed changes and wait for written approval from the State.

VI. COMPLIANCE

A. All policies and procedures of the Department of the Interior, the National Park Service as well as Federal regulations concerning expenditures of all Federal funds must be followed by the AHPP and all subgrant recipients. All grant projects will be administered by the AHPP in accordance with the Historic Preservation Fund Grants Manual, particularly "Chapter 9: Certified Local Governments". Separate financial records for each project will be maintained by the AHPP following Office of Management and Budget Guidelines. The City must maintain efficient and effective accountability and control of all funds received and expended under a subgrant from the AHPP.

B. The City agrees to the right of the AHPP director to review and comment on art set-up, written narrative of any printed material, and audio visual material produced by the grant prior to final printing or production and distribution.

C. The City must supply the State with evidence of compliance with Federal competitive procurement requirements for professional services and subcontractors prior to reimbursement.

D. All products and projects must comply with the applicable Secretary of the Interior's Standards for Rehabilitation. The standards are:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

E. All surveys (either new or those in progress) of historic structures, sites, etc. will meet the following criteria:

1. Person(s) hired to conduct survey will train with the AHPP Survey Coordinator before starting project.

2. All survey information will be recorded on survey forms supplied by AHPP and meeting all AHPP requirements.

3. A minimum of four (4) black and white photos and four (4) color slides (one of each elevation of a structure or one from each direction-- N, S, E, or W--of a site) will be taken using 35mm film for inclusion with the survey form.

4. Monthly reviews of work in progress by AHPP Survey Coordinator.

F. The City will donate to AHPP a conservation easement on the property of any historic structure(s) being restored, rehabilitated, or repaired as a part of any project(s) utilizing ten thousand dollars ($10,000) or more of AHPP funds. On such projects involving private properties, it will be the City's responsibility to secure this easement for donation to AHPP before any grant funds are released.

VII. MANAGEMENT AND BUDGET GUIDELINES

The City must assure and certify that he will comply with the regulations, policies, guidelines and requirements as they relate to the application, acceptance and use of Federal funds for this federally-assisted project, as contained in attachment G of OMB circular A-102. Also the City assures and certifies that:

A. The City will comply with and administer the project in conformance with the Civil Rights Act of 1964 (Public Law 88-352), as amended; as well as 43 CFR 17 and Part 506 of the Department Manual issued by the Department of the Interior; and Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against the handicapped. Title VI of the Civil Rights Act of 1964 stated that no person will, on the grounds or race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received Federal financial assistance and will immediately take any measures necessary to effectuate this agreement;

B. In all hiring or employment made possible by or resulting from grant awards, the City (1) will not discriminate against any employee or applicant from employment because of race, color, religion, sex, age, or national origin, and (2) will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, or national origin. This requirement applies to, but is not limited to, the following: employment promotion, demotion, or transfer; recruitment or other recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The City its subgrantees will comply with all applicable statutes and Executive orders on equal employment opportunity and grant awards will be governed by the provisions, as implemented by, but not limited to, Department of the Interior policies, published in 43 CFR 17;

C. The City will give AHPP and the National Park Service or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant;

D. The City must comply with Federal competitive procurement requirements for professional services and subcontractors and will provide documentation of such compliance upon request.

E. The City will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of state and local governments.

F. Upon completion of the project, the Secretary of the Interior, the Comptroller General of the United States, the AHPP, and/or any of their duly authorized representatives shall have access for the purpose of financial or programmatic audit and examination any books, documents, papers and records of the City that are pertinent to the grant at all reasonable times during the period of retention provided in OMB Circular A102, attachment C, for at least three (3) years or until all claims or audit findings have been resolved.

G. Lobbying with appropriated funds. Historic Preservation Fund grants must conform to provisions of 18 USC 1913: "No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress be used directly or indirectly to pay for any personal services, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member or Congress, through the proper official channels, requests for legislation OPR appropriation which they deem necessary for the efficient conduct of the public business." Thus, costs associated with activities to influence legislation pending before the Congress, commonly referred to as "lobbying," are unallowable as charges to NPS assisted grants.

H. The City must submit acceptable Federal and non-Federal share supporting documentation prior to reimbursement.

I. In addition to the terms detailed in this grant agreement, all Federal requirements governing grants (Office of Management and Budget Circulars A-87 or A-122, A-102 or A-110, and A-128) are applicable.

VIII. PUBLICATIONS AND PUBLIC INFORMATION

An acknowledgment of National Park Service and Arkansas Historic Preservation Program support must be made in connection with the publication of any material based on, or developed under, any activity supported by Historic Preservation Fund grant funds. This acknowledgment shall be in the form of a statement as follows: *The activity which is the subject of this (type of publication) has been financed (in part/entirely) with Federal funds from the National Park Service, Department of the Interior, administered through the Arkansas Historic Preservation Program, an agency of the Department of Arkansas Heritage. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior or the Arkansas Historic Preservation Program.*

Press releases, publications, and other public dissemination of information by the City made possible by a grant shall acknowledge National Park Service, Department of the Interior and Arkansas Historic Preservation Program, Department of Arkansas Heritage grant support. A minimum of eight copies of any publication will be furnished by the Preservation Program will transmit three copies to the Department of the Interior Library, one copy to the National Park Service, Divisions of Personnel and Management, and one copy to the Office of Communications. The remainder will be placed in the Arkansas Historic Preservation Program files.

All printed material (publications, brochures, etc.) will be printed on recycled paper using soybean ink in accordance with Executive Proclamation Order #90-1.

IX. LIMITATION OF LIABILITY

The AHPP assumes no responsibility with respect to accidents, illness or claims arising out of any work performed under a subgrant supported project. The City is expected to take necessary steps to insure itself and its personnel and students and to comply with the applicable local, State, or Federal safety standards, including those issued pursuant to the National Occupational Safety and Health Act of 1970 (see 20 SFR 1910).

X. PROJECT CANCELLATION

Approved projects may be canceled for one or more of the following reasons:

A. The City requests project cancellation.

B. The City fails to initiate project work.

C. The City initiates work prior to receipt of written notification of project approval.

D. Project work is found not to be in conformance with conditions as stated in the grant agreement.

XI. AMENDMENTS

This agreement may be amended upon written request and approval by both parties

XII. APPROVAL OF AHPP

The City of **Fayetteville** is aware that this grant is contingent upon approval of the AHPP and the availability of funds; and agrees that no work will begin on the project until written approval from the AHPP is received.

SIGNATURES

Frances McSwain
Director, Arkansas Historic Preservation Program
Deputy State Historic Preservation Officer

Date

City of **Fayetteville** signature

Name (printed)

Title

Date

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Operations Division: Current Planning Program: Current Planning	Date Requested	Adjustment Number
2009		8/4/2009	

Project or Item Added/Increased:
$5,500 is being requested in the travel & training account.

Project or Item Deleted/Reduced:
$5,500 is requested in the State Grants - Operational account.

Justification of this Increase:
The City if accepting a grant from the Arkansas Historic Preservation program for the Historic Distirct Commission and for staff to produce educational brochures for the public.

Justification of this Decrease:
To recognize the revenue being received from the Arkansas Historic Preservation program.

Increase Budget

Account Name	Account Number				Amount	Project Number	
Travel & Training	1010	6300	5304	00	5,000	06024	0901
Office Supplies/Printing	1010	6300	5200	00	500	06024	0901

Decrease Budget

Account Name	Account Number				Amount	Project Number	
State Grants - Operational	1010	0001	4302	01	5,500	06024	0901

V.090403

Division Head — Date

Budget Director — 7/21/09 Date

Department Director — 07.21.09 Date

Finance Director — 7-21-2009 Date

Chief of Staff — Date

Mayor — 7/22/09 Date

Budget & Research Use Only

Type: A B C D E

Requested By

General Ledger Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

8/4/2009
City Council Meeting Date
Agenda Items Only

G Tabor	Patrol	Police
Submitted By	**Division**	**Department**

Action Required:

Approval of a second budget adjustment to accept reimbursement of detective overtime expenses from the U. S. Marshal Service for investigative operations for an additional amount not to exceed $25,000.00.

$ -	$ 25,000.00	Police - US Marshal Service
Cost of this request	Category / Project Budget	Program Category / Project Name
1010-2920-5120.00	$ 17,201.92	Reimbursement
Account Number	Funds Used to Date	Program / Project Category Name
09020-2009	$ 7,798.08	General
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [X]

Department Director — 7-15-09 Date

City Attorney — 7/21/09 Date

Finance and Internal Services Director — 7-21-2009 Date

Chief of Staff — 7/21/09 Date

Mayor — 7/21/09 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED Sea 7/15/09

Received in Mayor's Office — ENTERED 7/21/09 PK

Comments:

Fayetteville Police Department
100 A West Rock
Fayetteville, AR 72701
Telephone: (479) 587-3555
Fax: (479) 587-3563

Departmental Correspondence

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Police Chief

Date: July 15, 2009

Re: **Approval of a Budget Adjustment for Reimbursement of Expenses from the U. S. Marshal Service**

Background

In October 2007, the Fayetteville Police Department joined nine other agencies including the U.S. Marshals Service to form the Northwest Arkansas Sex Offender and Violent Crime Task Force. We assigned one full time investigator and one part time investigator to participate in task force investigations. There is another task force working with the U.S. Marshal Service Western District, the River Valley Task Force in Fort Smith. As a result of the task force's activities, U.S. Marshal Richard O'Connell has asset forfeiture funds to distribute to the local task forces and local agencies. Mr. O'Connell also has federal funds that are meant to support local agencies.

Discussion

In May 2009, the U. S. Marshal Service originally released $25,000 of these funds for the Fayetteville Police Department to seek reimbursement for Fayetteville Police Department investigators' overtime spent investigating crime. In July 2009, the U. S. Marshal Service released an additional $25,000 of these funds for the Fayetteville Police Department. The Fayetteville Police Department Criminal Investigations Division has fourteen investigators, including two sergeants, who regularly investigate major crimes. We are seeking reimbursement for their overtime on investigations.

When we seek reimbursement, our investigators complete a one page JDIS form, a statistical sheet that explains if an arrest was made or a warrant was requested. The task force compiles those statistics.

Recommendation

Staff recommends acceptance of these reimbursement funds and approval of a budget adjustment in the amount of $25,000.

Budget Impact

None. This is a reimbursement of expenses incurred.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT FOR THE FAYETTEVILLE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED $25,000.00 TO RECOGNIZE REIMBURSEMENT FROM THE U. S. MARSHAL SERVICE TO COVER DETECTIVE OVERTIME EXPENSES.

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 for the Fayetteville Police Department in an amount not to exceed $25,000.00 to recognize reimbursement from the U. S. Marshal Service to cover detective overtime expenses. A copy of the budget adjustment, marked Exhibit "A," is attached hereto and made a part hereof

PASSED and **APPROVED** this 4th day of August, 2009.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

From: Jamie Fields
To: wnewman
Date: 7/15/2009 8:00 AM
Subject: Fwd: Overtime

Lieutenant Jamie Fields
Criminal Investigation Division
Fayetteville Police Department
100-A West Rock Street
Fayetteville, AR 72701
479-587-3520 office
479-587-3522 fax
479-521-1316 (T.D.D., Telecommunication Device for the Deaf)

>>> "Allen, Dewaine (USMS)" <Dewaine.Allen@usdoj.gov> 7/14/2009 4:35 PM >>>
Lieutenant,

As per conversation, please continue billing for overtime reimbursement beyond the originally awarded $25,000. This amount has been increased to $50,000 total, so you can bill for an additional $25,000 through the end of FY 2009. If you reach the $50,000 mark, I suspect we will not be able to increase further, but next FY may offer more overtime money. I will keep you posted.

No need to let me know about further billing until you approach the $50K mark.

Thanks again.

B. Dewaine Allen, CIDUSM

US Marshals Service, W/AR

35 East Mountain Street, #516

Fayetteville, Arkansas 72701

Desk: 479-695-7015

Fax: 479-695-7002

Cell: 479-466-4992

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Police Division: Police Program: Police/Animal Projects	Date Requested	Adjustment Number
2009		8/4/2009	

Project or Item Added/Increased:
Personnel Services - Contra

Project or Item Deleted/Reduced:
Misc Revenue - Police Department

Justification of this Increase:
Investigative operations in support of the U. S. Marshal Service

Justification of this Decrease:
Reimbursement of detective overtime expenses from the U. S. Marshal Service for investigative operations.

Increase Budget

Account Name	Account Number				Amount	Project Number	
Personnel Services - Contra	1010	2920	5120	00	25,000	09020	2009

Decrease Budget

Account Name	Account Number				Amount	Project Number	
Miscellaneous Revenue - Police Departmer	1010	0001	4996	00	25,000	09020	2009

Division Head	7-15-09 Date
Budget Director	7/21/09 Date
Department Director	7-15-09 Date
Finance Director	7-21-2009 Date
Chief of Staff	7/21/09 Date

V.090403

Budget & Research Use Only

Type: A B C D E

Requested By

General Ledger Date

Posted to General Ledger — Initial — Date

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

8/4/2009
City Council Meeting Date
Agenda Items Only

David Jurgens	Water & Wastewater	Utilities
Submitted By	**Division**	**Department**

Action Required:

Approval of an amendment to the wastewater collection and treatment services contract between the Cities of Fayetteville and Farmington

$ -		
Cost of this request	Category / Project Budget	Program Category / Project Name
		Water and Wastewater
Account Number	Funds Used to Date	Program / Project Category Name
		Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [XX]

D Jurgens — 21 July 09
Department Director — Date

Previous Ordinance or Resolution # 61-07
Original Contract Date: 4/3/2007
Original Contract Number:

J. Whit — 7/22/09
City Attorney — Date

Paul A Bunn — 7-22-2009
Finance and Internal Services Director — Date

Received in City Clerk's Office — ENTERED 7-22-09

Chief of Staff — 7/22/09 — Date

Received in Mayor's Office — ENTERED 7/22/09

Mayor — 7/22/09 — Date

Comments:

Fayetteville
ARKANSAS

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan
Fayetteville City Council

Thru: Don Marr, Chief of Staff

From: David Jurgens, Utilities Director
Fayetteville Sewer Committee

Date: July 21, 2009

Subject: Supplemental memo to proposed amendment to the wastewater collection and treatment services contract between the Cities of Fayetteville and Farmington

---

The City of Farmington proposed several non-substantive changes to the proposed amendment to the wastewater collection and treatment services contract between the Cities of Fayetteville and Farmington. The final amendment simply incorporates language that was extracted word for word from the original agreement. The changes were made at the request of the Farmington City Attorney after the original agreement was staffed.

This amendment was passed by the Farmington City Council at a special meeting on 20 July, 2009. A signed copy is attached, as is the informational memo sent to them is attached.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO THE WASTEWATER COLLECTION AND TREATMENT SERVICES CONTRACT WITH THE CITY OF FARMINGTON, ARKANSAS.

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 an Amendment to the Wastewater Collection and Treatment Services Contract between the City of Fayetteville and the City of Farmington, Arkansas. A copy of the Amendment, marked Exhibit "A," is attached hereto and made a part hereof.

PASSED and **APPROVED** this 4th day of August, 2009.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

FIRST AMENDMENT to FARMINGTON-FAYETTEVILLE SEWER SERVICES CONTRACT

The Sewer Contract (hereinafter "Contract") dated April 3, 2007 between the City of Fayetteville (hereinafter "Fayetteville") and City of Farmington (hereinafter "Farmington") shall be amended and modified by this amendment (hereinafter "Amendment") as follows:

WHEREAS:

Under the Contract, Fayetteville receives wastewater from Farmington and then transports and processes the wastewater in Fayetteville's wastewater treatment facility and discharges treated wastewater effluent under Fayetteville's National Pollution Discharge Elimination System permit; and

Fayetteville must ensure that this role does not place financial burdens on Fayetteville's retail customers for which Fayetteville's retail customers receive no benefit; and

Farmington must ensure that this role does not place financial burdens on Farmington' retail customers for which Farmington' retail customers receive no benefit; and

City of Fayetteville and City of Farmington desire to amend said Contract.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, Fayetteville and Farmington do hereby agree to amend the Contract as follows:

The Contract and the terms and conditions therein shall remain unchanged except for the sections listed below:

1.9 Farmington Wastewater Collection System –

Farmington Publicly Owned Treatment Works including any device or system used in the collection, transportation, or treatment of municipal sewage or industrial wastes of a liquid nature that is owned by Farmington. This definition shall include, but is not limited to, the gravity sewer pipes, collector sewers, transmission mains, force mains, manholes, and all appurtenances within the corporate boundaries of Farmington, the Farmington Branch Interceptor, Lift Station #12 and relocated Lift Station #12; Lift Station #12 Force Main located within the corporate boundaries of Farmington and Fayetteville and all other appurtenances which are being financed and constructed. This will include appurtenances not yet constructed as of the date of this agreement. The Farmington Wastewater Collection System may connect to the Fayetteville Wastewater Collection System at multiple locations. Service laterals are generally the responsibility and ownership of the Retail Customer and are thus excluded from this definition.

3.3 Operational Capacity

Throughout the term of this contract, Farmington customers shall be granted 8.2% of the Operational Capacity of the Fayetteville West Side Wastewater Treatment Plant. Until such time as the construction of the West Side Wastewater Treatment Plant is completed, Farmington retail and industrial customers shall continue to utilize the Noland Wastewater Treatment Plant and present facilities. Throughout the term of this contract, Fayetteville customers shall be granted Operational Capacity in Farmington's Wastewater Collection System as defined in Paragraph 1.20 and further defined as 19.73% of WL-10 and WL-10A, and 28.39% of WL-11 and WL-12 and as set forth with Section 12.10 of the original contract dated April 3, 2007.

3.4 Farmington Connections to Fayetteville's Wastewater Collection System and Westside Treatment Plant.

Farmington is authorized multiple connections to Fayetteville's Wastewater System.

9.1 Fayetteville Wastewater Impact Fee

As soon as this contract is approved by both parties, the existing Fayetteville Wastewater Impact fee enacted as § 159.02 of the Unified Development Code of the City of Fayetteville shall be applicable and enforced on new connections within Fayetteville just as it is to new connections in Fayetteville.

Upon completion of any new wastewater development impact fee study and adoption by Fayetteville of any new or amended wastewater impact fee ordinance, the new or amended impact fee ordinance shall be applicable and enforced within Farmington identically to its enforcement in Fayetteville. Farmington shall immediately enact Fayetteville's impact fee ordinances (and any amendments thereto) after Fayetteville provides notice of any such impact fee ordinance to ensure that Fayetteville's wastewater impact fee shall apply to all new connections in Farmington.

9.2 Farmington Wastewater Impact Fee

Upon completion of the study referred to in Section 9, Farmington may adopt a development impact fee ordinance and shall assess and collect impact fees from new sewer connections within the corporate boundaries of Farmington. Farmington may also assess and collect impact fees from new sewer connections in areas of Fayetteville served by the Farmington Wastewater Collection System when Fayetteville's use of its guaranteed capacity exceeds the limits set forth in Paragraph 3.3 as measured by the Exhibits referenced in Paragraph 12.10. Fayetteville shall pass any necessary ordinance to ensure Farmington may legally collect this wastewater impact fee in the part of Fayetteville served by Farmington's sewer collection system.

Farmington anticipates annexing the remaining portions of Basin I-54 and I-55 located south and east of Farmington's corporate boundaries in Washington County. In the

event this or any other territory is annexed into Farmington, Farmington and Fayetteville may assess and collect impact fees from new sewer connections, as determined by a development impact fee study.

9.4 Developments and Property Owners

The parties agree to provide each other, on a quarterly basis, a report that list new developments and new connections of individual property owners which utilize operational capacity granted to the other party.

10.2 Cost of Construction

Farmington and Fayetteville agree to cost share the construction cost of the Project for serving areas identified to be served by the RJN Plan dated January 1, 2007. The construction cost estimated by RJN and based on the service area map dated January 1, 2007 is $5,586,930.00 and incorporates the annexations completed during 2006. $4,221,779.00 of this construction cost is associated to and shall be paid by Farmington and includes the cost of providing capacity to serve Basins I-54 and I-55, in the Farmington Wastewater System. Fayetteville is allocated $1,365,151.00 of the construction cost of the improvements to the Farmington Wastewater System. If Fayetteville annexes Basin I-54 and/or I-55 Fayetteville agrees to pay the cost of providing capacity to serve these two areas in the Farmington Wastewater System. The cost to provide capacity in the Farmington Wastewater System for Basins I-54 and I-55 is estimated at $745,937.00.

Both Parties agree that each party shall incur the construction, engineering and right of way costs to provide wastewater facilities for the additional areas annexed by each Party after execution of the contract.

The Parties further agreed that Farmington shall not be required to pay more than $480,000.00 in engineering fees and associated costs unless there was a change in cost of engineering due to scope of work change requested by Farmington. The parties acknowledge and agree that additional engineering fees were required due to relocation of Lift Station #12 and phasing the construction of the Farmington Gravity Sewer; however, the Parties agree that Farmington shall not be required to pay more than $550,000.00 in engineering fees and all associated engineering and survey cost as a result of relocating Life Station #12 and completing the construction of the Farmington Gravity Sewer System. Farmington also agrees to acquire the necessary right of ways and easements at an estimated cost of $432,640.00 and pay value engineering fees of $39,844.00.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the 20 day of July, 2009.

CITY OF FARMINGTON

Ernie Penn, Mayor

ATTEST:

Kelly Thomas, City Clerk

CITY OF FAYETTEVILLE

Lioneld Jordan, Mayor

ATTEST:

Sondra Smith, City Clerk

Davis Business Planning
Stephen L. Davis
P.O. Box 3381
Fayetteville, Arkansas 72702
Telephone Number: 479-935-4572
Fax Number: 479-935-4573
Web Site: Davisbusinessplanning.com
Email: SLDavis@davisbusinessplanning.com

June 24, 2009

Mayor Ernie Penn and Farmington City Council
354 West Main Street
P. O. Box 150
Farmington, AR 72730

SUBJECT: Farmington-Fayetteville Sewer Services Contract Amendment 1

Dear Mayor Penn and City Council,

The cities of Farmington and Fayetteville finalized a sewer services contract on April 3, 2007. Farmington approved the contract at a Special City Council Meeting on April 2, 2007 and Fayetteville approved the agreement at its regular meeting of April 3, 2007. The need exists to amend the agreement to codify changes that have been agreed to over the past 2 years.

The contract amendments needed include the following items:

Contract Paragraph	Proposed Change
1.9 Farmington Wastewater Collection System	Adds "appurtenances not yet constructed" to allow all of Farmington's future sewer lines to be a part of this contract without having to amend the agreement each time a new line is constructed.
3.3 Operational Capacity	Grants Fayetteville Operational Capacity in Farmington's collection System within the body of the contract rather than as an exhibit.
3.4 Farmington Connections to Fayetteville's Wastewater Collection System and Westside Treatment Plant	Changes Farmington's connections to Fayetteville's Wastewater System from a single connection to multiple connections.
9.1 Fayetteville Wastewater Impact Fee	Change "development to connection". This will allow Fayetteville's System impact fee to be assessed in Farmington as it is in Fayetteville.

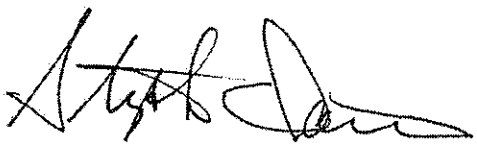
Contract Paragraph	Proposed Change
9.2 Farmington Wastewater Impact Fee	Changes "shall" to "may" to give Farmington more flexibility in financing future capacity improvements and stipulates that Fayetteville customers will only be assessed a Farmington impact fee when and if the Operational Capacity granted in 3.3 is exceeded.
9.4 Developments and Property Owners	Changes the reporting requirement from monthly to quarterly.
10.2 Cost of Construction	Recognizes increased engineering fees for Farmington made necessary by changing the location of WL 12 from east of Double Springs Road to West of Double Springs Road and the phasing of WL-10 and WL-10A. It should be noted WL-10A is costing approximately $1.0 million less because of the phased approach.

Fayetteville Water & Sewer Committee reviewed this change order at its June 23, 2009 meeting and will finalize its discussion on/about July 14. It is expected to be presented to the Fayetteville City Council on July 21 for approval.

I plan to be present at Farmington's City Council meeting to answer any questions related to Farmington's wastewater system, the improvements underway and this proposed contract amendment.

In the meantime, if you have any questions or would like any clarifications please contact Stephen Davis by telephone at 479-935-4572 or via email at sldavis@davisbusinessplanning.com.

Respectfully Submitted,



Stephen Davis, Member

AGENDA REQUEST

FOR: COUNCIL MEETING OF AUGUST 4, 2009

FROM:

SHELLY TURBERVILLE, ACCOUNTING MANAGER and KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §111.30 Of The Code Of Fayetteville Related To Caterers Serving A Large Meeting Or Attendance Facility

APPROVED FOR AGENDA:

Marsha Hertweck — 7/13/09
Marsha Hertweck Date
Accounting Director

Shelly Turberville — 7-10-09
Shelly Turberville Date
Accounting Manager

7-9-09
Kit Williams Date
City Attorney

ENTERED 7/9/09

Paul Becker — 7-13-2009
Paul Becker Date
Finance Director

ENTERED 7/13/09

Don Marr — 7-14-09
Don Marr Date
Chief of Staff

Lioneld Jordan — 7/14/09
Lioneld Jordan Date
Mayor

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor
City Council

CC: **Paul Becker**, Finance Director
Marsha Hertweck, Accounting Director

FROM: **Kit Williams**, City Attorney

DATE: **July 15, 2009**

RE: **Catering alcoholic beverages in the Town Center and other large meeting or attendance facilities**

The Fayetteville Town Center is a "large meeting and attendance facility" as defined by state law in A.C.A. §3-9-202 (attached). It has obtained an ABC permit as a "large meeting and attendance facility" so that caterers can serve alcoholic beverages at banquets and other events held in the Town Center. **State law allows only satellite caterers** (which must be hotel, motel, or restaurant on-premises permittees) **to serve alcoholic beverages in a "large meeting and attendance facility**." A.C.A. §3-9-202 (8)(B)(ii).

To clarify this distinction between satellite caterers and off-premises caterers in our ordinance, I have redrafted a couple of sections in 111.30 **Retail** of the **Alcoholic Beverages** chapter of the Fayetteville Code.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §111.30 OF THE CODE OF FAYETTEVILLE RELATED TO CATERERS SERVING A LARGE MEETING OR ATTENDANCE FACILITY

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §111.30 of the Fayetteville Code by enacting a new subsection (I) *Satellite catering permit to serve large meeting or attendance facility* as follows:

"(I) *Satellite catering permit to serve large meeting or attendance facility.* Caterers with on-premises consumption - hotel, motel and restaurant permits authorized by subsection (E) may cater alcoholic beverages in the Fayetteville Town Center and other large meeting and attendance facilities as defined in A.C.A. §3-9-202 (8).

"(1) *Permit fee.* There is hereby levied an annual permit fee for a satellite catering permit of $250.00. For any new permit issued between January 1st and June 30th, the permit fee shall be half of the above amount.

"(2) *Supplemental beverage tax."* Satellite catering activities will be subject to the same supplemental beverage taxes, due dates, and penalties as on-premises consumption hotel, motel, or restaurant permittees in §111.30 (E).

"(3) *Hours of operation.* The hours of operation for any satellite catering permittee shall be the same as those allowed for on-premises consumption hotel, motel, or restaurant permittee in §111.30(E)."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby further amends §111.30 (G) of the Fayetteville Code by repealing subsection (1) and (2) of section (G) and enacting replacement subsections (1) and (2) as follows:

> "(1) *Permit fee.* A permit fee of $250.00 is levied annually beginning on July 1, 2010. For any new permit issued between January 1st and June 30th (beginning in 2011), the permit fee shall be half of the above amount.
>
> "(2) *May not cater alcoholic beverages to large attendance or meeting facility.* Off-premises caterers as authorized by this section and A.C.A. §3-4-901-905 may not cater alcoholic beverages to the Town Center or other large attendance or meeting facilities. All sales are subject to sales and HMR taxes, but not to supplemental beverage taxes."

PASSED and **APPROVED** this 4th day of August, 2009.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

any portion of the pubic area, anus, vulva, or genitals or any simulation thereof, nor suffer or permit any female to appear on the premises in such manner or attire as to expose to view any portion of her breast below the top of the areola or any simulation thereof.

(b) Any hotel-motel-restaurant mixed drink permittee or private club permittee violating this section shall be subject to the penalties prescribed in §§ 3-9-201 — 3-9-214, 3-9-221 — 3-9-225, and 3-9-232 — 3-9-237 for the violation of those sections.

(c) The Alcoholic Beverage Control Board shall promulgate such regulations as it deems necessary for the implementation of this section.

Acts of 1985, Act 965, §§ 1, 2.

***Formerly** A.S.A. 1947, §§ 48-956, 48-957.*

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Historical and Statutory Notes

Arkansas Code Revision Commission

Technical changes were made in 2008 to conform with the official Arkansas Code of 1987 as approved by the Arkansas Code Revision Commission.

Subchapter 2—Alcoholic Beverages Generally

§ 3-9-201. General Assembly findings; determinations

Cross References

General revenues; title list, see § 19-6-201.
Penalties, see § 3-9-403.
Sale on Sunday or early weekday mornings, see § 3-3-210.

§ 3-9-202. Definitions

As used in this subchapter, unless the context otherwise requires:

(1) "Board" means the Alcoholic Beverage Control Board of this state, or its successor agency;

(2) "Director" means the Director of the Alcoholic Beverage Control Division;

(3) "Alcoholic beverages" means all intoxicating liquors of any sort, other than beer and wine as described and regulated in §§ 3-5-301—3-5-307, and 3-9-301 et seq., respectively;

(4) "Initiated Act" means Initiated Act No. 1 of 1942, as amended, §§ 3-8-201—3-8-203 and 3-8-205—3-8-209, which establishes the procedure for local option elections to prohibit the manufacture or sale of intoxicating liquor;

(5) "Dry area" means any area in which the manufacture or sale of intoxicating liquor is prohibited by a local option election heretofore or hereafter held pursuant to the Initiated Act;

(6) "On-premises consumption" means the sale of alcoholic beverages by the drink or in broken or unsealed containers for consumption on the premises where sold;

(7) "City" means any city of the first class or city of the second class in this state;

(8) "Restaurant" means any public or private place:

(A)(i) Kept, used, maintained, advertised, and held out to the public or to a private or restricted membership as a place where complete meals are served and where complete meals are actually and regularly served, without sleeping accommodations, such a place being provided with adequate and sanitary kitchen and dining equipment and a seating capacity of at least fifty (50) people and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests or members.

(ii) At least one (1) meal per day shall be served, and the place shall be open a minimum of five (5) days per week, with the exception of holidays, vacations, and periods of redecorating; or

(B)(i) Which qualifies as a "large meeting or attendance facility", which is defined, without limitation, as a facility housing convention center activity, tourism activity, trade show and product display and related meeting activity, or any other similar large

meeting or attendance activity and which either itself or through one (1) or more independent contractors complies with all of the following:

(a) Actually serves full and complete meals and food on the premises;

(b) Has one (1) or more places for food service on the premises with a seating capacity for not fewer than five hundred (500) people;

(c) Employs a sufficient number and kind of employees to serve meals and food on the premises capable of handling at least five hundred (500) people; and

(d) Serves alcoholic beverages on the premises at one (1) or more places only on days that meals and food are served at one (1) or more places on the premises.

(ii)(a) Any on-premises restaurant permittee as licensed by § 3–9–202(8)(A) and any hotel or motel on-premises permittee as licensed by § 3–9–202(9) shall be allowed to serve alcoholic beverages purchased under its permit at any large meeting or attendance facility which is licensed under this subdivision (8)(B). Hotel, motel, and restaurant permittees may serve alcoholic beverages purchased under their permits only when they have first secured written permission from the permittee of the large meeting or attendance facility. Otherwise, alcoholic beverage service at the large meeting or attendance facility shall be from inventory purchased by the large meeting or attendance facility permittee.

(b) Written permission shall not be granted for more than a five-day period. The Alcoholic Beverage Control Division shall be given a copy of any such written agreement. Any violations which occur while such permission is being used shall lie against the hotel, motel, or restaurant using such permission.

(c) Any hotel, motel, or restaurant that serves its alcoholic beverages at a large meeting or attendance facility shall only do so pursuant to a satellite catering permit to be issued by the division for an annual fee of five hundred dollars ($500) per fiscal year or part thereof. The permit shall be applied for on forms as prescribed by the board.

(d) The board shall promulgate such regulations as it deems necessary to implement subdivisions (8)(B)(ii)(a)–(c) of this section;

(iii) When a large attendance facilities permit has been issued to a government-owned facility located in a county that has a population of more than one hundred fifty-five thousand (155,000) according to the 2000 Federal Decennial Census, Arkansas-licensed beer wholesalers shall be allowed to pay for advertising devices used at the government-owned facility. Such advertising devices shall include items such as inside or outside signs, scoreboards, programs, scorecards, and the like. Provided, if such advertising by the beer wholesaler results in the formation or existence of an exclusive buying arrangement by the large attendance facilities permittee and the wholesaler who furnishes such items, then such an exclusive buying arrangement will be a violation of the large attendance facilities permit and the wholesale beer permit involved even if the arrangements are caused by third parties. To the extent that § 3–5–214 or any other law could be interpreted to preclude such advertising arrangements allowed in this subdivision (8)(B)(iii), they are held inapplicable;

(iv)(a) When a large attendance facilities permit has been issued to a facility owned or operated by the owner of a professional sports team franchised by Minor League Baseball and within a county that has a population of more than one hundred fifty-five thousand (155,000) according to the 2000 Federal Decennial Census, the operator of the facility may accept sponsorship funds, advertising items, or promotional items from licensed beer wholesalers. Promotional items shall include items used by the facility to promote attendance.

(b) However, if the use of sponsorship funds, advertising items, or promotional items by the beer wholesaler results in the formation or existence of an exclusive buying arrangement by the large attendance facilities permittee and the wholesaler who furnishes the sponsorship funds, advertising items, or promotional items, then the exclusive buying arrangement will be a violation of the large attendance facilities permit and the wholesaler's wholesale beer permit even if the arrangements are caused by third parties.

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

8/4/2009
City Council Meeting Date
Agenda Items Only

Jesse Fulcher	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

ADM 09-3332: (Urban Residential Design Standards) Submitted by City Planning Staff. The request is to amend Chapters 161 Zoning Regulations and 166.23 Urban Residential Design Standards in order to clarify parking lot location standards.

Cost of this request	$ - Category / Project Budget	Program Category / Project Name
Account Number	$ - Funds Used to Date	Program / Project Category Name
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — 07.17.09 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

City Attorney — 7-20-09 Date

Original Contract Number: _____

Finance and Internal Services Director — 7-20-2009 Date

Received in City Clerk's Office — ENTERED Ses 7-17-09

Chief of Staff — 7-20-09 Date

Received in Mayor's Office — ENTERED 7/20/09 pk

Mayor — 7/21/09 Date

Comments:

City Council Meeting of August 4, 2009
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Jeremy C. Pate, Development Services Director

Date: July 15, 2009

Subject: UDC Chapter 161 Zoning Regulations and 166.23 Urban Residential Design Standards (ADM 09-3332)

RECOMMENDATION

Planning staff and the Planning Commission recommend approval of an ordinance amending Chapter 166 Development and 166.23 Urban Residential Design Standards, to clarify the permitted location of parking lots and to ensure that some of the buildings in a development front existing and new public streets. In addition, staff has included standards for individual curb-cuts and simplified the building construction and design standards (see Exhibit "A" attached).

BACKGROUND

The City of Fayetteville City Council adopted Urban Residential Design Standards on March 18, 2008. These standards were a benchmark of City Plan 2025 and were adopted so that future urban residential developments would enhance the image of the City of Fayetteville, provide safe, pedestrian-friendly neighborhoods and minimize parking impacts in order to preserve surrounding property values and scenic resources.

DISCUSSION

Urban Residential Design Standards have been applied to several projects since adoption, resulting in residential projects that meet the intent of the ordinance. However, Planning staff has realized that the parking lot and building location standards do not always result in the desired traditional town form. The current ordinance states that all buildings must be located within a building setback line of 10' and 25' from the public right-of-way, unless the building is located at least 50' from the right-of-way, and for parking lots to be located outside of the build-to zone. These standards allow the buildings to be setback 50' and for parking to be constructed between the buildings and the public street. This design style is contradictory to the intent of the design standards and the City's adopted policies by allowing for the conventional "complex" form associated with larger developments that separate the development from the neighborhood instead of integrating into the existing neighborhood fabric.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTER 161: ZONING REGULATIONS, AND 166 DEVELOPMENT, TO AMEND CERTAIN BUILDING FORM AND PLACEMENT STANDARDS FOR URBAN RESIDENTIAL DEVELOPMENT.

WHEREAS, the City of Fayetteville City Council adopted Urban Residential Design Standards on March 18, 2008 to provide safe, pedestrian-friendly neighborhoods and minimize parking impacts in order to preserve surrounding property values and scenic resources; and

WHEREAS, the City of Fayetteville recognizes that the existing ordinance does not always result in the desired traditional neighborhood form, resulting in a development form that may be contrary to the intent of the design standards; and

WHEREAS, the proposed amendments will result in an ordinance that is more consistent with the original goals and those goals of City Plan 2025.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby amends §161.10(E), §161.11(E), §162.12(E), §162.13(E), §162.14(E), and §162.15(E) Setback requirements, by replacing the 10' front setback with a 10-25' build-to zone described as follows:

"The principal façade of a building shall be built within a build-to zone that is located between 10' and a line 25' from the front property line."

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby amends §161.10, §161.11, §162.12, §162.13, §162.14, and §162.15 to add subsection "(H) *Minimum buildable street frontage.* 50% of the lot width."

Section 3. That the City Council of the City of Fayetteville, Arkansas, hereby amends §161.10, §161.11, §162.12, §162.13, §162.14, and §162.15 to add subsection "(I) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to zone facing a public right-of-way."

Section 4. That the City Council of the City of Fayetteville, Arkansas, hereby repeals and replaces §166.23, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and **APPROVED** this day of , 2009.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

EXHIBIT "A"

CHAPTER 166: DEVELOPMENT

166.23 Urban Residential Design Standards

(A) Purposes.

(1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.

(2) To create appealing street scenes so that development enhances the image of the City and provides safe, pedestrian-friendly neighborhood environments.

(3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the City's economic development.

(4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) Applicability. All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

(1) 2-F, Two-family dwellings

(2) 3-F, Three-family dwellings

(3) MF, Multi-family dwellings

(C) Site Development Standards. The following site development standards shall apply for all urban residential development.

(1) Intent. The intent of these site development standards is to create a pedestrian-friendly streetscape.

(2) Vehicular Access / Circulation / Parking.

(a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.

(i) Garage entries and carports shall not protrude forward from the principal facade. Driveways shall extend at least 18' into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.

(ii) Parking areas should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.

(iii) On-street parallel parking may be provided on at least one side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.

(4) Pedestrian Circulation.

(a) All ground floor entrances of each dwelling unit that face a public street right-of-way shall have a walkway that connects the front entrance to the public sidewalk where sidewalks exist.

(b) Urban residential projects should incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks and/or trails exist and can be extended in the future.

(5) Screening Requirements if visible from the highway/street right-of-way.

(a) Mechanical and utility equipment. All mechanical and utility equipment located on the wall and/or on the ground shall be screened, except for air conditioning window units. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting building. Mechanical and utility equipment over 30 inches in height shall meet building setbacks, unless located in a utility easement.

(b) Trash areas. Trash enclosures shall be screened with materials that are

compatible with and complementary to the principal structure. Access should not be visible from the public right-of-way.

(c) Screening. Screening shall mean a view obscuring fence, berm, vegetation, architectural treatment consistent with the residential architecture, or a combination of the four of sufficient height to prevent the view of the screened items from the public right-of-way. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.

(6) Fencing. The following types, height, and location of fences shall be prohibited:

(a) Razor and/or barbed wire. Razor and/or barbed wire fences are prohibited, unless and except barbed wire fences are used for agricultural purposes.

(b) Chain link. Chain link fence is prohibited if closer to the street than the front of the building.

(c) Height of fences in front of buildings. Fences in the front yard area shall have a maximum height of 42 inches subject to visibility requirements in Chapter 164.09 and 164.17.

(D) Architectural Design Standards.

(1) Intent. The intent of these building design standards is:

(a) To ensure that urban residential buildings add to the character and quality of the community, offer a sense of security, and make a positive contribution to the life of the street.

(b) To maximize the quality, value and longevity of urban residential neighborhoods.

(c) To make housing appealing and comfortable for its inhabitants.

(2) Construction and appearance design standards for urban residential development.

(a) Building Form and Design.

(i) In order to provide a variety in form and design, one building type may not be utilized more than three times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.

(ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.

(iii) The following architectural elements shall be required of all principal facades:

a. Variations in materials;

b. Insets or other relief in the wall plane;

c. A front façade that faces onto the public street right-of-way and at least one primary entry that is visible from the street.

d. Incorporation of two or more of the following:

1. Balconies;

2. Bays or bay windows;

3. Variations in roof forms.

4. Porches;

5. Dormers;

6. Porticoes;

7. Turrets; or

8. Consistent and complementary fenestration patterns.

(E) Planning Commission Approval. An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. 5118, 3-18-08)

166.24-166.99 Reserved

MARK-UP

CHAPTER 166: DEVELOPMENT

166.23 Urban Residential Design Standards

(A) Purposes.

(1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.

(2) To create appealing street scenes so that development enhances the image of the City and provides safe, pedestrian-friendly neighborhood environments.

(3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the City's economic development.

(4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) Applicability. All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

(1) 2-F, Two-family dwellings

(2) 3-F, Three-family dwellings

(3) MF, Multi-family dwellings

(C) Site Development Standards. The following site development standards shall apply for all urban residential development.

(1) Intent. The intent of these site development standards is to create a pedestrian-friendly streetscape.

~~(2) Building Siting and Design.~~

~~(a) All Buildings shall be designed to have a front façade that faces onto the public street right-of-way and shall be located between a building setback line of 10 feet and 25 feet from the public street right-of-way, unless the building is sited more than 50 feet from the public right-of-way.~~

~~(b) The underlying zoning district setbacks shall supersede the siting requirements for urban residential development.~~

(3) Vehicular Access / Circulation / Parking.

(a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.

(i) Garage entries and carports ~~parking lots and parking structures shall be located behind the front build-to zone and~~ shall not protrude forward from ~~the remainder of~~ the principal facade. Driveways shall extend at least 18' into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.

(ii) Parking areas ~~shall~~ should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.

(iii) On-street parallel parking may be provided on at least one side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.

(4) Pedestrian Circulation.

(a) All ground floor entrances of each dwelling unit that face a public street right-of-way shall have a walkway that connects the front entrance to the public sidewalk where sidewalks exist.

(b) Urban residential projects should incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks and/or trails exist and can be extended in the future.

(5) Screening Requirements if visible from the highway/street right-of-way.

(a) Mechanical and utility equipment. All mechanical and utility equipment located on the wall and/or on the ground shall be screened, except for air conditioning window units. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting building. Mechanical and utility equipment over 30 inches in height shall meet building setbacks, unless located in a utility easement.

(b) Trash areas. Trash enclosures shall be screened with materials that are compatible with and complementary to the principal structure. Access should not be visible from the public right-of-way.

(c) Screening. Screening shall mean a view obscuring fence, berm, vegetation, architectural treatment consistent with the residential architecture, or a combination of the four of sufficient height to prevent the view of the screened items from the public right-of-way. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.

(6) Fencing. The following types, height, and location of fences shall be prohibited:

(a) Razor and/or barbed wire. Razor and/or barbed wire fences are prohibited, unless and except barbed wire fences are used for agricultural purposes.

(b) Chain link. Chain link fence is prohibited if closer to the street than the front of the building.

(c) Height of fences in front of buildings. Fences in the front yard area shall have a maximum height of 42 inches subject to visibility requirements in Chapter 164.09 and 164.17.

(D) Architectural Design Standards.

(1) Intent. The intent of these building design standards is:

(a) To ensure that urban residential buildings add to the character and quality of the community, offer a sense of security, and make a positive contribution to the life of the street.

(b) To maximize the quality, value and longevity of urban residential neighborhoods.

(c) To make housing appealing and comfortable for its inhabitants.

(2) Construction and appearance design standards for urban residential development.

(a) Building ~~Mass,~~ Form, and Design.

(i) ~~In urban residential developments containing three (3) or more residential structures a variety of colors and building materials shall be used to differentiate one building from another. Only three of the same building type in one development shall be permitted.~~ In order to provide a variety in form and design, one building type may not be utilized more than three times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.

(ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.

(iii) The following architectural elements shall be required of all principal facades: ~~on urban residential projects:~~

a. Variations in materials;

~~b. Variations in roof forms;~~

b. Insets or other relief in the wall plane;

c. ~~A functional, architecturally emphasized entry.~~ A front façade that faces onto the public street right-of-way and at least one primary entry that is visible from the street.

~~(iv)~~ d. ~~The principal façade(s) of all urban residential buildings shall be articulated through the~~ Incorporation of two or more of the following:

~~a.~~ (1). Balconies;

~~b.~~ (2). Bays or bay windows;

~~c.~~ (3). ~~Insets or other relief in the wall place;~~ Variations in roof forms.

~~d.~~ (4). Porches;

~~e.~~ (5). Dormers;

~~f.~~ (6). Porticoes;

~~g.~~ (7). Turrets; or

~~h.~~ (8). Consistent and complementary fenestration patterns.

(E) Planning Commission Approval. An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. 5118, 3-18-08)

166.24-166.99 Reserved

Fayetteville
ARKANSAS

PC Meeting of July 13, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~July 9, 2009~~ *Updated July 16, 2009*

ADM 09-3332: (URBAN RESIDENTIAL DESIGN STANDARDS): Submitted by City Planning Staff. The request is to amend Chapters 161 Zoning Regulations and 166.23 Urban Residential Design Standards in order to clarify parking lot location standards.

Planner: Jesse Fulcher

BACKGROUND

The City of Fayetteville City Council adopted Urban Residential Design Standards on March 18, 2008. These standards were a benchmark of City Plan 2025 and were adopted so that future urban residential developments would enhance the image of the City of Fayetteville, provide safe, pedestrian-friendly neighborhoods and minimize parking impacts in order to preserve surrounding property values and scenic resources.

Urban Residential Design Standards have been applied to several projects since adoption, resulting in residential projects that meet the intent of the ordinance. However, Planning Staff has realized that the parking lot and building location standards are too flexible. The current ordinance states that all buildings must be located within a building setback line of 10' and 25' from the public right-of-way, unless the building is located at least 50' from the right-of-way, and for parking lots to be located outside of the build-to zone. These standards allow the buildings to be setback 50' and for parking to be constructed between the buildings and the public street. This design style is contradictory to the intent of the design standards and the City's adopted policies by allowing for the conventional form associated with larger developments that separates the development from the neighborhood instead of integrating into the existing neighborhood fabric.

PROPOSAL

Planning staff recommends amending Chapter 166.23, and conseqently Chapter 161, to clarify the permitted location of parking lots and to ensure that some of the buildings in a development front existing and new public streets. In addition, staff has included standards for individual curb-cuts and simplified the building construction and design standards (see Exhibit "A" attached).

To clarify the parking and building location standards for urban residential projects, staff is proposing to adopt a build-to zone and a minimum buildable street frontage percentage, as

currently applied to the downtown zoning districts. The build-to zone is proposed to 10-25', which is the same standard as the City has today. Staff is recommending a minimum building street frontage of 50% of the lot width. These new standards would be applied to all Residential Multi-family zoning districts, including RT-12, and would be inserted into Chapter 161 in each zoning district. Removing the building setback line from Chapter 166.23 will also create consistency between zoning districts, since all setbacks are currently listed in Chapter 161. As currently adopted, variances from the build-to zone in Chapter 161 are reviewed by the Board of Adjustment, and variances from the build-to line in Chapter 166 are reviewed by the Planning Commission, under different standards. This change will also prohibit parking lots within 25' of the right-of-way line and require at least 50% of the lot frontage to be developed with buildings. These changes, in staff's opinion, will provide standards for urban residential projects that enhance the image of the City of Fayetteville, provide safe, pedestrian-friendly neighborhoods and minimize parking impacts in order to preserve surrounding property values and scenic resources.

RECOMMENDATION

Planning Staff recommends forwarding **ADM 09-3332** to the City Council with a recommendation for approval.

Planning Commission Action: √ Forwarded ❒ Denied ❒ Tabled

Motion: **Winston**
Second: **Cabe**
Vote: **7-0-0**

Meeting Date: **July 13, 2009**

Comments: _____

15 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building Height Maximum	45 ft.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area.

(Ord. 4783, 10-18-05; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09)

161.10 District RT-12, Residential Two And Three Family

(A) *Purpose.* The RT-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family 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 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 or less

(D) *Bulk and area regulations.*

	Single-family	Two-family	Three-family
Lot width minimum	60 ft.	70 ft.	90 ft.
Lot area minimum	6,000 sq. ft.	7,260 sq. ft.	10,890 sq. ft.
Land area per dwelling unit	6,000 sq. ft.	3,630 sq. ft.	3,630 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
~~10'~~ The principal façade of a building shall be built within a build-to zone that is located between 10' and a line 25' from the front property line.	8 ft.	20 ft.

(F) *Height regulations.*

Building height maximum	45 ft.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(H) *Minimum buildable street frontage.* 50% of lot width.

(I) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.

(Code 1965, App. A., Art. 5(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09)

Cross reference(s)--Variance, Ch. 156.

161.11 District RMF-6, Residential Multi-Family – Six Units Per Acre

(A) *Purpose.* The RMF-6 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a low density that is appropriate to the area and can serve as a transition between higher densities and single-family residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family 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 11	Manufactured home park
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	6 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a Manufactured home park	4,200 sq. ft.
Townhouse: •Development •Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments: No bedrooms One bedroom Two or more bedrooms	 1,700 sq. ft. 1,700 sq. ft. 2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
~~10'~~ The principal façade of a building shall be built within a build-to zone that is located between 10' and a line 25' from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variances, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	60 ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of lot width.

(I) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09)

161.12 District RMF-12, Residential Multi-Family – Twelve Units Per Acre

(A) *Purpose.* The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family 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 11	Manufactured home park
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments: No bedrooms One bedroom Two or more bedrooms	 1,700 sq. ft. 1,700 sq. ft. 2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
~~10'~~ The principal façade of a building shall be built within a build-to zone that is located between 10' and a line 25' from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variances, Ch. 156

(F) *Building height regulations.*

Building Height Maximum	60 ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of lot width.

(I) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09)

161.13 District RMF-18, Residential Multi-Family – Eighteen Units Per Acre

(A) *Purpose.* The RMF-18 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a medium density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family 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 11	Manufactured home park
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	18 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.

Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured Home	3,000 sq. ft.
Apartments: No bedrooms One bedroom Two or more bedrooms	 1,700 sq. ft. 1,700 sq. ft. 2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
~~10'~~ The principal façade of a building shall be built within a build-to zone that is located between 10' and a line 25' from the front property line.	8 ft.	25 ft.

Cross reference(s) --Variances, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	60 ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of lot width.

(I) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09)

161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family 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 11	Manufactured home park
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments: No bedroom One bedroom Two bedroom	 1,700 sq. ft. 1,700 sq. ft. 2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear

~~10'~~ The principal façade of a building shall be built within a build-to zone that is located between 10' and a line 25' from the front property line.	8 ft.	25 ft.
HHOD Front	HHOD Side	HHOD Rear
~~15'~~ The principal façade of a building shall be built within a build-to zone that is located between 15' and a line 25' from the front property line.	8 ft.	15 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	60ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of lot width.

(I) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. 5224, 3-3-09)

161.15 District RMF-40, Residential Multi-Family – Forty Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	40 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home park	3,000 sq. ft.
Townhouses & Apartments No bedroom One bedroom Two or more bedrooms	 1,000 sq. ft 1,000 sq. ft. 1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
~~10'~~ The principal façade of a building shall be built within a build-to zone that is located between 10' and a line 25' from the front property line.	8 ft.	20 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	60 ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of lot width.

(I) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09)

161.16 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Offices, studios and related services
Unit 25	Professional offices

(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 11	Manufactured home park
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Bulk and area regulations.*
(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments: No bedroom One bedroom Two or more bedrooms	 1,000 sq. ft. 1,000 sq. ft. 1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(D) *Density.*

Units per acre	24 or less

(E) *Setback regulations.*

Front	**15 ft.**
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional distance of one foot for each foot of height in excess of 20 feet.

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

8/4/2009
City Council Meeting Date
Agenda Items Only

Jesse Fulcher	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

ADM 09-3366: (Abshier Heights Amendment #3) Submitted by H2 Engineering for property located at the NORTHWEST CORNER OF ABSHIER DR. AND HILLCREST AVE. The property is zoned R-PZD 06-1883 RESIDENTIAL PLANNED ZONING DISTRICT, ABSHIER HEIGHTS and contains approximately 4.11 acres. The request is to create zoning criteria to allow the condominium units to be sold as townhouses.

Cost of this request	$ - Category / Project Budget	Program Category / Project Name
Account Number	$ - Funds Used to Date	Program / Project Category Name
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — 07.17.09 Date

City Attorney — 7-20-09 Date

Finance and Internal Services Director — 7-20-2009 Date

Chief of Staff — 7-20-09 Date

Mayor — 7/21/09 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED Ses 7-17-09

Received in Mayor's Office — ENTERED 7/20/09 PM

Comments:

City Council Meeting of August 4, 2009
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Jeremy C. Pate, Development Services Director

Date: July 15, 2009

Subject: Abshier Heights PZD Modification #3 (ADM 09-3366)

RECOMMENDATION

Planning staff and the Planning Commission recommend approval of an ordinance amending the Abshier Heights Planned Zoning District to change the lot width and lot area requirements, so that the approved structures may be developed as townhouses and sold individually (see Exhibit "A" attached).

BACKGROUND

The subject property consists of approximately 4.11 acres located at the northwest corner of Abshier Heights and Hillcrest Avenue. The Fayetteville City Council approved R-PZD 06-1883 (Abshier Heights) on April 4, 2006 for zoning and development approval of a residential development with 24 dwellings in six buildings. Individual lots were not create for any of the buildings or dwelling units, since the development was proposed for condominium sales.

The applicant requests a modification to the approved zoning criteria to create bulk and area requirements, so that the condominium units may be developed into townhouses and sold individually. The request does not materially alter density, number of dwelling units, greenspace, etc.; rather, it simply would permit the dwellings to be sold as separate units on separate lots. All of the zoning criteria approved with the original PZD will remain in place including the maximum number of dwellings units.

DISCUSSION

On July 13, 2009 the Planning Commission voted 8-0-0 to forward this request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 06-1883, ABSHIER HEIGHTS, LOCATED AT THE NW CORNER OF ABSHIER DRIVE AND HILLCREST AVENUE, CONTAINING APPROXIMATELY 4.11 ACRES, TO REFLECT REVISED LOT WIDTH, LOT AREA AND INTERNAL SETBACK REQUIREMENTS AS DESCRIBED AND DEPICTED HEREIN.

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

Section 1. That R-PZD 06-1883 (Abshier Heights) as passed and approved by the City Council on April 4, 2006 with Ordinance No. 4850 is hereby amended to replace the lot area, lot width and setback criteria of the Planning Area as follows:

Minimum Lot Area = 900 sq. ft.
Minimum Lot Width = 20'
Exterior Setbacks = 25' Front, 8' Side, 15' Rear
Interior Setbacks = 0' Front, 0' Side, 0' Rear

PASSED and **APPROVED** this day of , 2009.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH,** City Clerk/Treasurer

Comparison of the Proposed Master Development Plan to the Current Zoning District Requirements

Description	Original Zoning (C-2) Requirements	Current & Proposed Zoning (R-PZD) Requirements (NO MODIFICATIONS)
Permitted Use Units Allowed	Use Unit 1 - City-wide Uses by right Use Unit 4 - Cultural and recreational facilities Use Unit 12 - Offices, studios and related services Use Unit 13 - Eating Places Use Unit 14 - Hotel, motel, and amusement facilities Use Unit 15 - Neighborhood shopping goods Use Unit 16 - Shopping goods Use Unit 17 - Trades and services Use Unit 18 - Gasoline service stations & drive-in restaurants Use Unit 19 - Commercial recreation, small sites Use Unit 20 - Commercial recreation, large sites Use Unit 33 - Adult live entertainment club or bar Use Unit 34 - Liquor store	Use Unit 1 - City-wide Uses by right Use Unit 9 - Two family dwellings Use Unit 26 - Multi-family dwellings
Conditional Uses	Use Unit 2 - City-wide uses by cond. Use permit Use Unit 3 - Public protection and utility fac. Use Unit 21 - Warehousing and wholesale Use Unit 28 - Center for collecting recyclable materials Use Unit 32 - Sexually oriented business Use Unit 35 - Outdoor music establishments Use Unit 36 - Wireless comm. facilities	Use Unit 2 - City-wide uses by cond. use permit Use Unit 24 - Home occupation

Description	Original Zoning (C-2) Requirements	Current Zoning (R-PZD) Requirements	Proposed Zoning (R-PZD) Requirements
Exterior Setback - Front	50 Ft.	50 Ft.	25 Ft.
Exterior Setback - Side	None	8 Ft.	8 Ft.
Exterior Setback - Rear	20 Ft.	15 Ft.	15 Ft.
Interior Setback - Front	50 Ft.	N/A ~~50 Ft.~~	0 Ft.
Interior Setback - Side	None	N/A ~~8 Ft.~~	0 Ft.
Interior Setback - Rear	20 Ft.	N/A ~~15 Ft.~~	0 Ft.
Maximum Height	75 Ft.	35 Ft.	35 Ft.
Density - Units per Acre	RMF-24 (24 units/ac)	5.8 (max)	5.8 (max)
Lot Area (minimum)	N/A	N/A	900 sf
Lot Width (minimum)	N/A	N/A	20 ft
Land Area per Dwelling Unit	N/A	N/A	0.13 ac

Note: Exterior setbacks are measured from the boundary of the PZD property, as originally approved. Interior setbacks are associated with the individual townhome lots (Lots 1-24), allowing common wall development.

ARKANSAS

PC Meeting of July 13, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Planning Commission Members
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~July 7, 2009~~ *Updated July 16, 2009*

ADM 09-3366: (ABSHIER HEIGHTS, 407): Submitted by **H2 ENGINEERING, INC.** for property located at THE NORTHWEST CORNER OF ABSHIER DR. AND HILLCREST AVE. The property is zoned R-PZD 06-1883 RESIDENTIAL-PLANNED ZONING DISTRICT, ABSHIER HEIGHTS and contains approximately 4.11 acres. The request is to create zoning criteria to allow the condominium units to be sold as townhouses. No additional units are proposed.

Planner: JESSE FULCHER

BACKGROUND

Property Description and Background: The subject property consists of approximately 4.11 acres located at the northwest corner of Abshier Drive and Hillcrest Avenue. The Fayetteville City Council approved R-PZD 06-1883 (Abshier Heights) on April 4, 2006 for zoning and development approval of a residential development with 24 dwelling in six buildings. Individual lots were not created for any of the buildings or dwelling units, since the development was proposed for condominium sales.

Proposal: The applicant requests a modification to the approved zoning criteria to create bulk and area requirements, so that the condominium units may be developed as townhouses and sold individually (see Table 1). The request does not materially alter density, number of dwelling units, greenspace, etc.; rather, it simply would permit the dwellings to be sold as separate units on separate lots. Approval of a concurrent plat by the Planning Commission will be required if the requested modifications are approved. All of the zoning criteria approved with the original PZD will remain in place including the maximum number of dwelling units. A copy of the revised zoning criteria and plat are included with this report.

Table 1

Existing	Requested
Minimum Lot Area = N/A	Minimum Lot Area = 900 sq. ft.
Minimum Lot Width = N/A	Minimum Lot Width = 20'
*Exterior Setbacks = 25' Front, 8' Side, 15' Rear	*Exterior Setbacks = 25' Front, 8' Side, 15' Rear
	**Interior Setbacks = 0' Front, 0' Side, 0' Rear

***Exterior setbacks are measured from the boundary of PZD property, as originally approved.**
**** Interior setbacks are for the individual townhome lots (Lots 1-24), allowing common wall development.**

RECOMMENDATION

The original zoning standards for this development were created based on a condominium arrangement, where certain bulk and area requirements weren't necessary to create. However, in order for these same dwellings to be sold as townhomes, these basic bulk and area requirements must be created and/or amended. Creating lot area and lot width requirements will allow the applicant to create lots for each of the 24-units original approved, and reducing the building setbacks to 0' will allow for common walls between the units in each building. **Approval of the modification will not permit any additional units to be created within the development as the maximum density is established to allow only 24 units.**

Staff recommends that the request be forwarded to the City Council with a recommendation for approval, finding that the requested modification will not alter the character or nature of the development subject to the following conditions:

1. **Subdivision approval by Planning Commission shall be required to be approved and recorded.**

Planning Commission Action: √ Forwarded ❒ Tabled ❒ Denied

Motion: **Cabe**
Second: **Winston**
Vote: **7-0-0**

Meeting Date: **July 13, 2009**

ENGINEERING, INC.

July 6, 2009

City of Fayetteville
Planning Division
113 West Mountain Street
Fayetteville, AR 72701

RE: ABSHIER HEIGHTS - R-PZD 06-1883
REQUEST FOR MAJOR MODIFICATION

To Whom It May Concern:

Please accept this correspondence as an official request for a major modification for the approved zoning district R-PZD 06-1883 (Abshier Heights). This proposed modification reflects individual lots for each residential property and common properties. This request is the result of limited financing options for buyers of condominium properties. This modification will not change the original use or design of any structures.

This request has no impact on tree preservation or increase in stormwater runoff. We are simply trying to associate a property boundary with each residential unit.

Thank you for your consideration in this matter.

Respectfully,

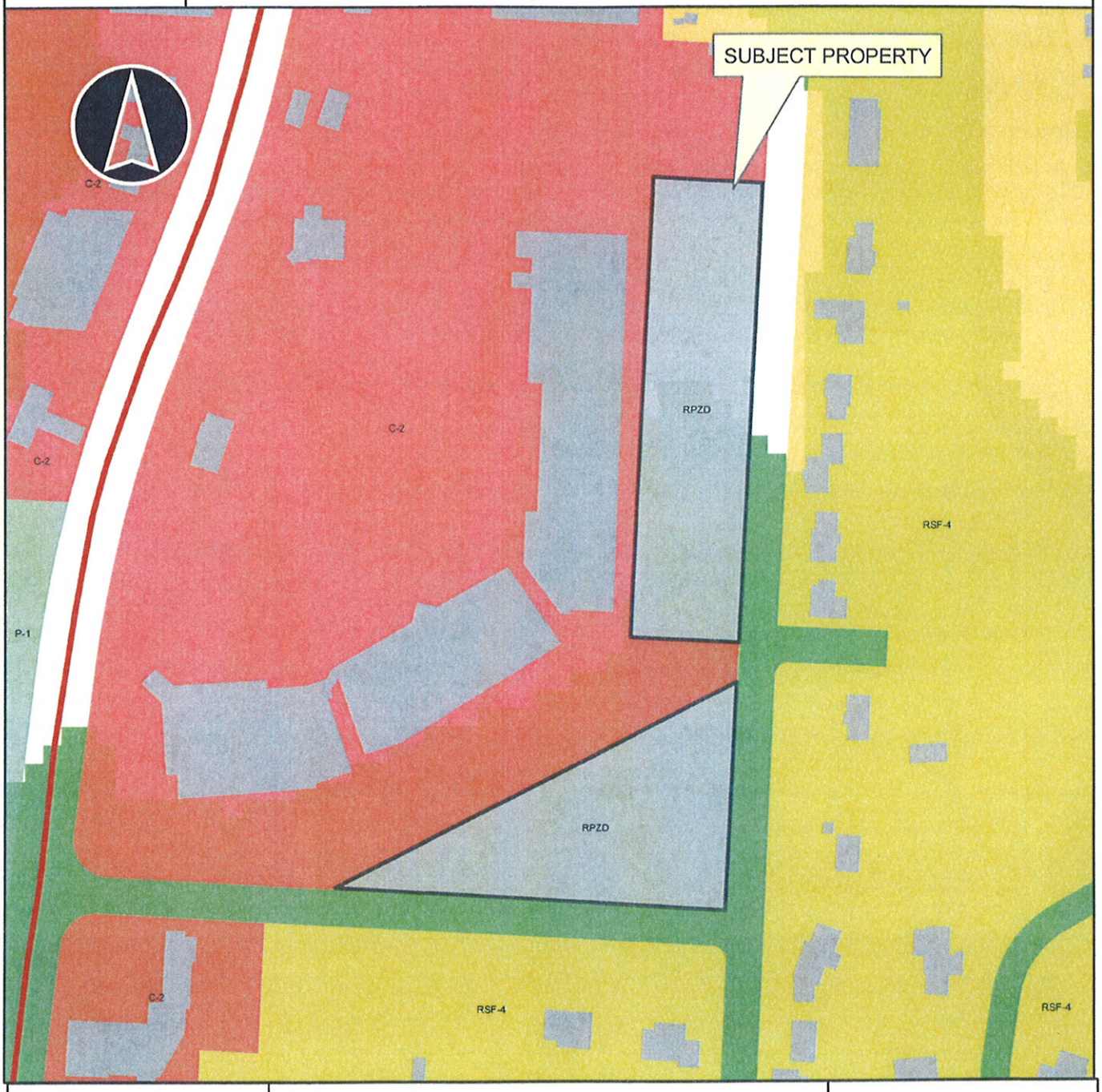
Kipp Hearne, P.E.

2827 Millennium Drive Suite 2 Fayetteville, Arkansas 72703 Phone: 479.582.4234 Fax: 479.582.9254

ADM09-3366

Close Up View

ABSHIER HEIGHTS



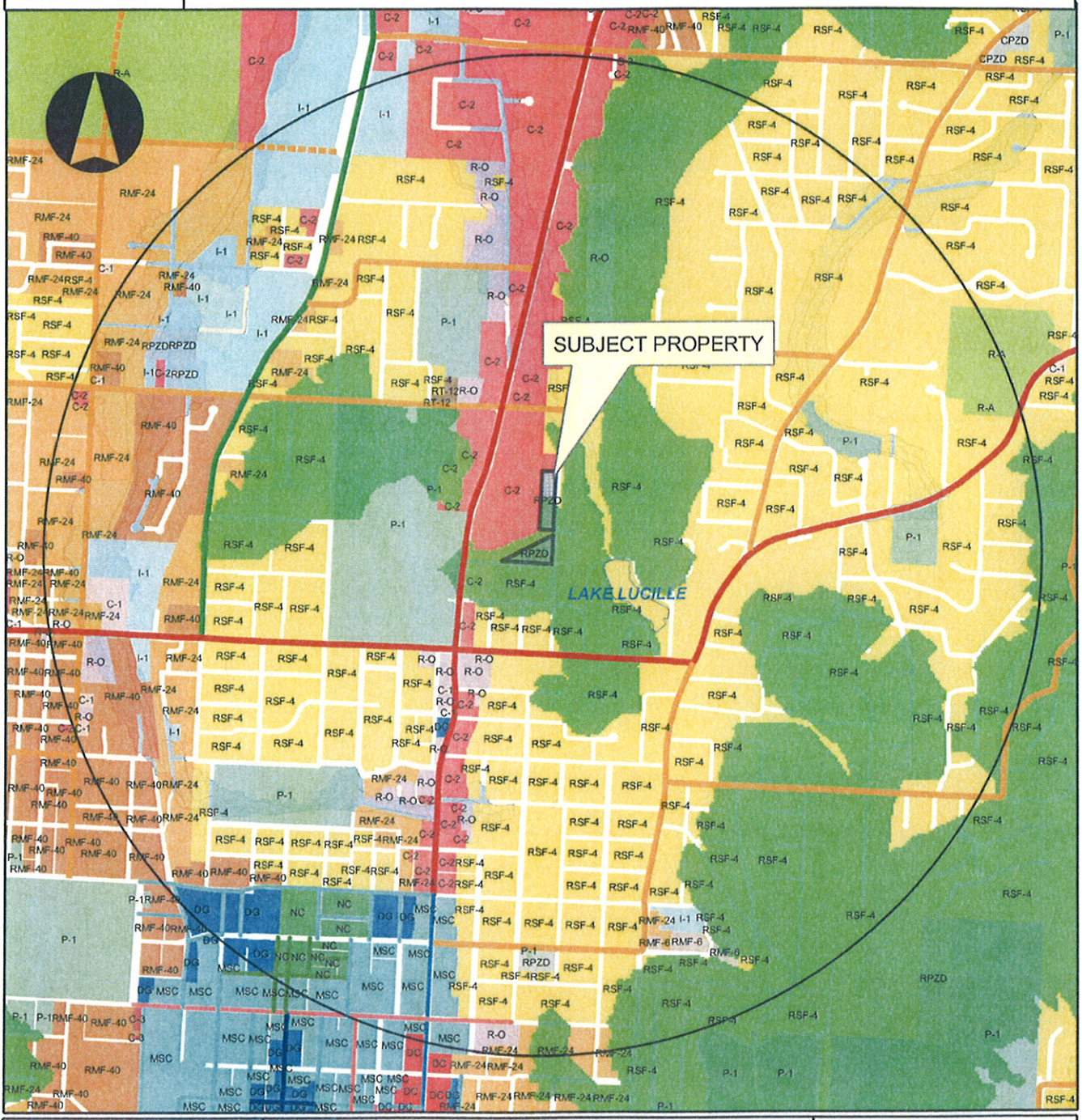
Overview

0 75 150 300 450 600 Feet

ADM09-3366

One Mile View

ABSHIER HEIGHTS



Overview

Legend

Subject Property

ADM09-3366

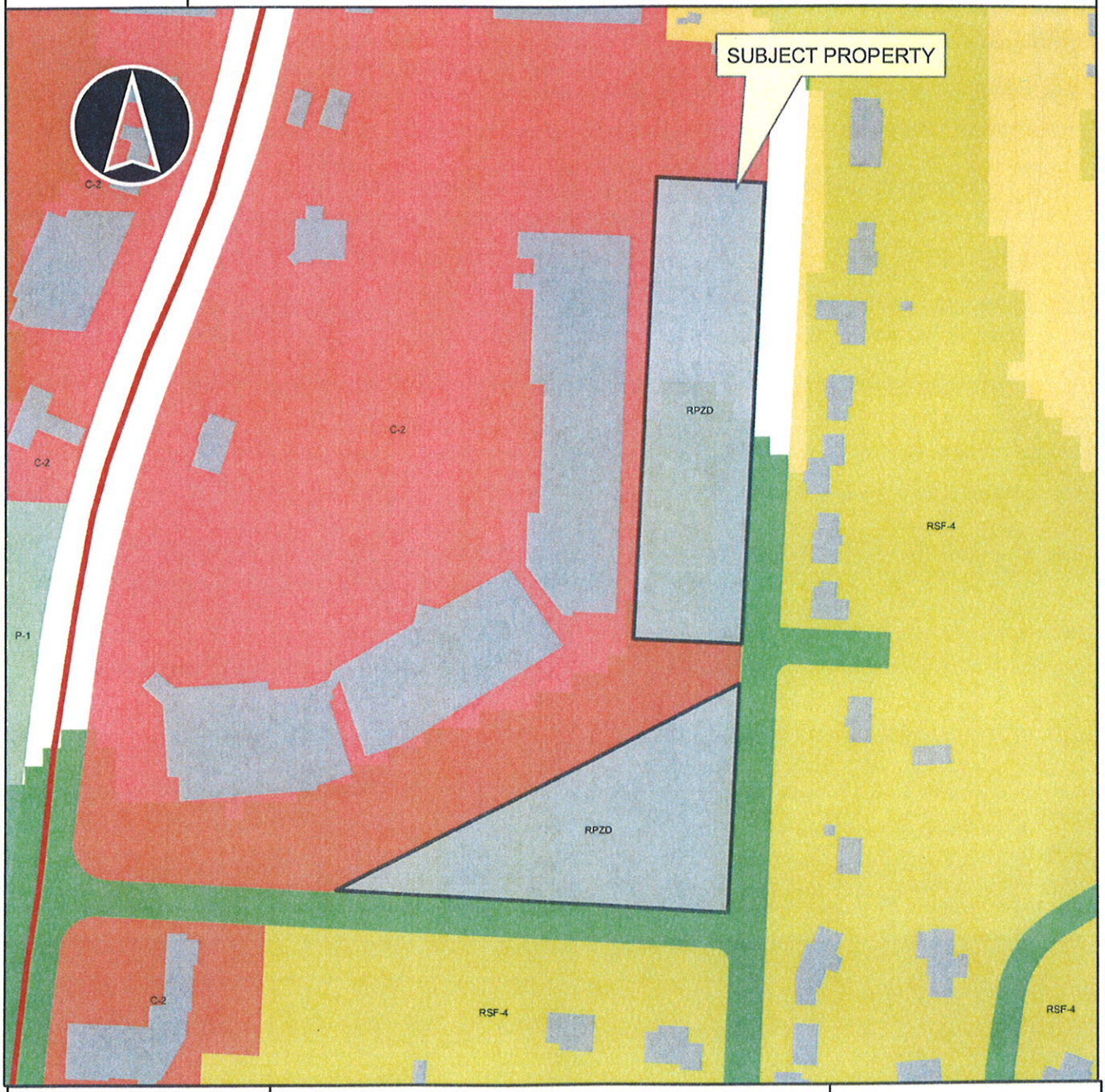
Boundary

0 0.25 0.5 1 Miles

ADM09-3366

Close Up View

ABSHIER HEIGHTS



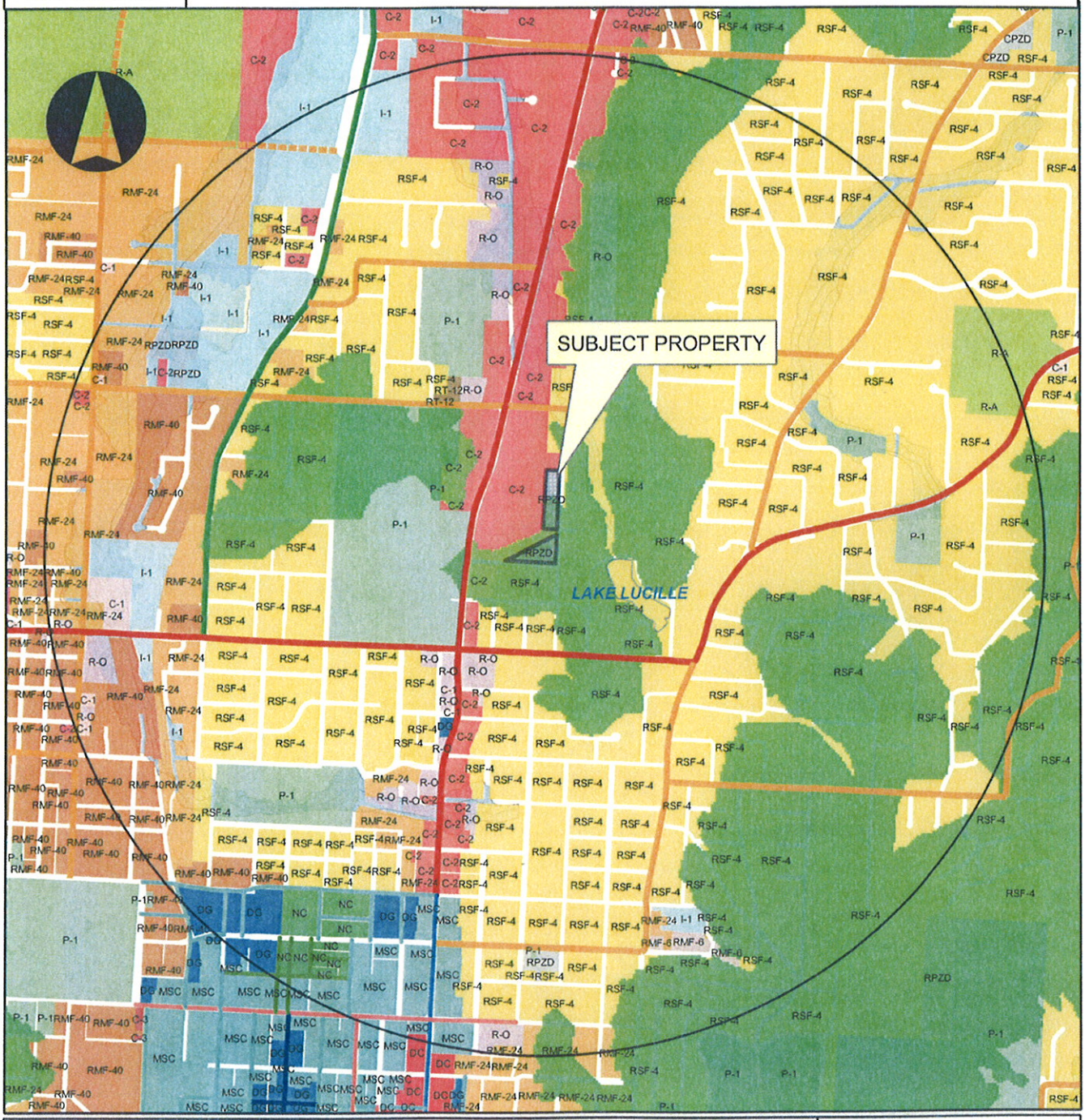
Overview

0 75 150 300 450 600 Feet

ADM09-3366

One Mile View

ABSHIER HEIGHTS



Overview

Legend

Subject Property

ADM09-3366

Boundary

0 0.25 0.5 1 Miles

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

8/4/2009
City Council Meeting Date
Agenda Items Only

Jesse Fulcher	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

ADM 09-3384: (812 W. Cleveland Street ROW Variance) Submitted by Jesse David Wall for property located at 812 W. Cleveland Street requesting a variance of the Master Street Plan setback for 812 W. Cleveland Street in the manner indicated to allow the existing building footprint to remain in its current location and be improved.

Cost of this request	$ - Category / Project Budget	Program Category / Project Name
Account Number	$ - Funds Used to Date	Program / Project Category Name
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — 07.17.09 Date

City Attorney — 7-20-09 Date

Finance and Internal Services Director — 7-20-2009 Date

Chief of Staff — 7-20-09 Date

Mayor — 7/21/09 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 7/17/09 ENTERED

Received in Mayor's Office ENTERED 7/20/09

Comments:

Revised January 15, 2009

City Council Meeting of August 4, 2009
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Jeremy C. Pate, Development Services Director

Date: July 15, 2009

Subject: Right-of-way setback variance at 812 W. Cleveland Street (ADM 09-3384)

RECOMMENDATION

Planning Staff recommends approval of a resolution allowing a variance of Unified Development Code Chapter 166.18 Master Street Plan setbacks for 812 W. Cleveland Street in the manner indicated to allow the existing building footprint that encroaches into the Master Street Plan right-of-way to remain and be improved.

BACKGROUND

The subject property is located at 812 W. Cleveland Street and is developed with a single-family home constructed in approximately 1951. The existing home extends approximately 7' into the Master Street Plan right-of-way of Cleveland Street. Cleveland St. is designated as a collector street along this property, requiring 70' of right-of-way, due to the close proximity with the intersection of Leverett Street.

The Board of Adjustment on Monday, July 6, 2009 voted to approve a proposal to bring the non-conforming building into compliance. In addition to Board of Adjustment approval, a variance of the Master Street Plan setback ordinance is required to be approved by the Fayetteville City Council in order to permit the nonconforming structure that is located within the College Avenue Master Street Plan right-of-way to be improved more than 10% of its current replacement cost. Chapter 166.18 of the Unified Development Code does not permit the establishment of new structures or improvements within the Master Street Plan right-of-way.

BUDGET IMPACT

None.

RESOLUTION NO.

A RESOLUTION APPROVING A VARIANCE OF THE UNIFIED DEVELOPMENT CODE SECTION 164.12(F) NONCONFORMING USES AND STRUCTURES, REPAIRS AND MAINTENANCE, AND SECTION 166.18 MASTER STREET PLAN SETBACKS, ALLOWING THE EXISTING STRUCTURE LOCATED AT 812 W. CLEVELAND STREET TO REMAIN WITHIN THE MASTER STREET PLAN RIGHT-OF-WAY AND TO BE IMPROVED GREATER THAN THE 10% REPLACEMENT COST ALLOWED BY CODE, WITHIN THE EXISTING LIMITS OF THE STRUCTURE.

WHEREAS, the Master Street Plan right-of-way for this portion of W. Cleveland Street, a Collector Street, requires 70 feet from centerline and consequently bisects the existing structure resulting in a building that encroaches into the Master Street Plan right-of-way setback; and

WHEREAS, Section 166.18 of the Unified Development Code does not permit improvements to buildings that lie within the Master Street Plan right-of-way setback; and

WHEREAS, Section 164.12(F) of the Unified Development Code states that existing nonconforming structures may not be improved or repaired to any extent exceeding 10% of the current replacement cost of the non-conforming structure in any period of 12 consecutive months; and

WHEREAS, the existing structure on the subject property would have to be removed or substantially altered for redevelopment if required to comply with the current Master Street Plan; and

WHEREAS, the property owner wishes to improve the dilapidated structure; and

WHEREAS, this section of Cleveland Street has been improved in the recent past by the City and the right-of-way is not currently anticipated to be needed for expansion.

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 variance of Section 164.12(F) of the Unified Development Code, permitting the structure to be

improved as needed so long as the structure does not extend further into the right-of-way than it exists today.

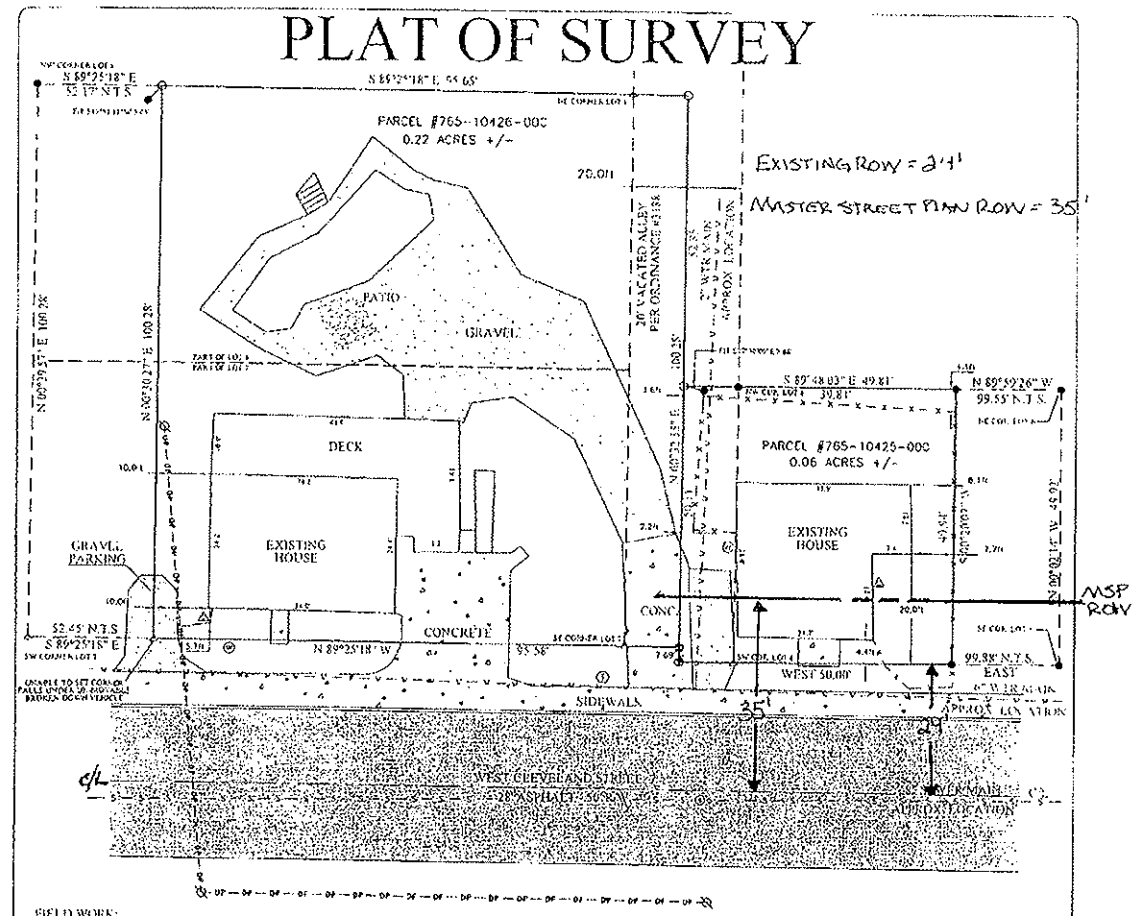
Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a variance of Section 166.18 Master Street Plan Setbacks, permitting the existing structure to remain in its current location as depicted on Exhibit "A", provided that said approval in no way prohibits the City from obtaining right-of-way pursuant to the Master Street Plan in the future for widening of adjacent streets.

PASSED and **APPROVED** this day of , 2009.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

EXHIBIT "A"



FIELD WORK:
MAY 5, 2009

BASIS OF BEARING:
SURVEY PLAT BY DOUG HEMINGWAY,
JOB NO. A-108, DATED JUNE 13, 1984

BUILDING SETBACKS:

FRONT	10ft
SIDE	8ft
REAR	20ft

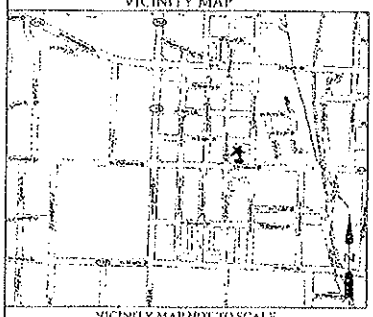
PROPERTY ZONED:
RMF-6ft

REFERENCE DOCUMENTS:
1) WARRANTY DEED FILED IN BOOK 2004 AT PAGE 15145
2) ROSE HILL ADDITION SUBDIVISION PLAT FILED IN BOOK 08 AT PAGE 07
3) SURVEY PLAT BY DOUG HEMINGWAY JOB NO. A-108, DATED JUNE 13, 1984
4) SURVEY PLAT BY FRANK BLEW JR., DATED DECEMBER 30, 1987

SURVEY DESCRIPTIONS PARCEL #765-10426-000:
THE WEST FORTY (40) FEET OF LOT SIX (6) IN BLOCK NUMBERED SIXTEEN (16) IN ROSE HILL ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS. ALSO, THE EAST HALF OF A 20' WIDE VACATED ALLEY (VACATED PER ORDINANCE #3188), ADJOINING THE WEST SIDE OF HEREIN DESCRIBED TRACT

0' 20' 40' 60'
GRAPHIC SCALE (IN FEET)
1 Inch = 20ft.

VICINITY MAP



VICINITY MAP NOT TO SCALE

PARCEL #765-10426-000:
THE EAST EIGHTY-SEVEN (87) FEET OF LOTS NUMBERED SEVEN (7) AND EIGHT (8) IN BLOCK NUMBERED SIXTEEN (16) IN ROSE HILL ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS. ALSO THE WEST HALF OF A 20' WIDE VACATED ALLEY (VACATED PER ORDINANCE #3188), ADJOINING THE EAST SIDE OF HEREIN DESCRIBED TRACT.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS.
(FIRM PANEL #05143C0210F, DATED MAY 16, 2008)

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 5TH DAY OF MAY, 2009.

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1642
SIGNATURE
DERRICK L. THOMAS

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE

FOR USE AND BENEFIT OF:
DAVID WALL

ADDRESS
824 & 812 W. CLEVELAND ST.
FAYETTEVILLE, ARKANSAS

DATE: 05/11/09 | SCALE: 1"=20'

LOCATION:
A PART OF LOT 6,7, & 8 BLOCK 16 OF ROSE HILL ADD.

SURVEYED: JR & JN | DRAFTED: TW
REVISED: 05

Bates & Associates, Inc.
Civil Engineering & Land Surveying
815 W. Oak Square Dr. - Fayetteville, Arkansas 72703 - 479.521.9320 - Fax 479.521.9330

BATES & ASSOCIATES, INC. Copyright 2009
This survey was prepared for the purpose of providing a basis for locating the boundaries of the property described hereon, and may not be used for any purpose other than the one intended by the undersigned. Any unauthorized use of this survey shall be at the user's sole risk without liability to the undersigned, and the user agrees to indemnify and hold the undersigned harmless from any and all damages, liability, and costs, including reasonable attorney's fees, arising from any such unauthorized use. Any reuse of this survey for any purpose other than that for which it was prepared or alteration of this survey without the express written consent of Bates & Associates, Inc. shall be without liability to the undersigned, and the user agrees to indemnify and hold the undersigned harmless from any and all damages, liability, and costs, including reasonable attorney's fees, arising from any such unauthorized use. Any reuse of this survey for any purpose other than that for which it was prepared or alteration of this survey without the express written consent of Bates & Associates, Inc. shall be without liability to the undersigned.

LEGEND:
- FOUND 1/2" REBAR
- SET 1/2" REBAR W/CAP
- TELEPHONE PEDESTAL
- WATER METER
- SANITARY SEWER
- POWER POLE
- GAS METER
- NAIL IN BOTTLE CAP
- BOUNDARY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- OVERHEAD POWER LINE
- SEWER LINE
- FENCE
- INGRESS & EGRESS EASEMENT
- BUILDING SETBACK
- UTILITY EASEMENT

N
W E
S

2004NO. 09-084

W EAGLE ST
N STORER AVE
W CLEVELAND ST
104'
N LEVERETT AVE
ALLEY 713
ALLEY 675

ARKANSAS

BOA Meeting of July 06, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Board of Adjustment
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~July 1, 2009~~ *Updated July 15, 2009*

BOA 09-3353 (WALL / 812 CLEVELAND STREET, 444): Submitted by JESSE DAVID WALL for property located at 812 CLEVELAND STREET. The property is zoned RMF-40, MULTI FAMILY - 40 UNITS/ACRE and contains approximately 0.06 acres. The request is for variances from lot width, lot area and setback requirements to bring an existing non-conforming lot and structure into compliance. Planner: Jesse Fulcher

BACKGROUND:

Property Description: The subject property is located at 812 W. Cleveland Street and is developed with a single-family home constructed in approximately 1951. The existing home extends approximately 7' into the Master Street Plan right-of-way of Cleveland Street. Cleveland St. is designated as a collector street along this property, requiring 70' of right-of-way, due to the close proximity with the intersection of Leverett Street.

SURROUNDING LAND USE AND ZONING

Direction from Site	Land Use	Zoning
North	Multi-Family Residential	RMF-40, Multi-Family Res., 40 units/acre
South	Multi-Family Residential	RMF-40, Multi-Family Res., 40 units/acre
East	Single-Family Residential	RMF-40, Multi-Family Res., 40 units/acre
West	Single-Family Residential	RMF-40, Multi-Family Res., 40 units/acre

Proposal: The applicant is requesting variances from the lot width, lot area, side setback and the front setback to bring the existing lot and home into compliance with current regulations.

Variance Issue	Ordinance Requirement	Applicant's Request
Front Setback (South) – House	10'	0' (a 10' variance)

RECOMMENDATION:
Staff recommends approval of the requested variances as listed herein and as shown on the attached drawing with the following conditions:

1. **A building permit shall not be granted for an expansion to the structure, or for improvements that exceed 10% of the current replacement cost of the structure unless and until the City Council approves a reduction of the Master Street Plan right-of-way for Cleveland Street.**

2. **Future alterations or additions to the existing structures shall meet required building setback regulations, unless otherwise approved by the Board of Adjustments.**

Additional Conditions/Comments:

BOARD OF ADJUSTMEMT ACTION:	**☑ Approved**	**○ Denied**
Date: July 06, 2009		

The "CONDITIONS OF APPROVAL" listed in this report are accepted in total without exception by the entity requesting approval of this variance.

Name: _____ Date: _____

CITY PLAN 2025 LAND USE DESIGNATION: City Neighborhood Area

FINDINGS:
City of Fayetteville Unified Development Code
Section 156.02 Zoning Regulations

Certain variances of the zoning regulations may be applied for as follows:

A. **General Regulations/Application**. A variance shall not be granted unless and until an application demonstrates:

1. **Special Conditions**. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.

Finding: **There are special conditions and circumstances that exist for this building and lot. The lot was plated in 1946 and the existing structure was constructed in 1951, well prior to the adoption of the City's zoning ordinance and Master Street Plan. Consequently, the lot does not meet the minimum bulk and area**

requirements and the structure is located within the required building setbacks, necessitating several variances to bring the building and lot into compliance.

2. **Deprivation of Rights**. That literal interpretation of the provisions of the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning regulations.

Finding: **Literal interpretation of zoning regulations would greatly reduce the applicant's ability to improve or expand the existing structure on the property. The existing building could be retained on the property, but without a variance future improvements would be limited by Chapter 164.12. Thus, literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same district.**

3. **Resulting Actions**. That the special conditions and circumstances do not result from the actions of the applicant.

Finding: **Special conditions or circumstances are not the result of the actions of applicant. The lot was platted in the 1940's and the location of the structure was determined when the property was developed in 1951. Both actions occurred well prior to the adoption of the City's current zoning regulations and Master Street Plan requirements.**

4. **No Special Privileges.** That granting the variance requested will not confer on the applicant any special privilege that is denied by Zoning, Chapters 160-165, to other lands, structures, or buildings in the same district.

Finding: **Granting the requested variances will not confer special privileges on the applicant. The applicant is requesting approval for improvements to the existing nonconforming structure that was built prior to adoption of the zoning regulations and Master Street Plan.**

5. **Nonconforming Uses**. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Finding: **No other nonconformities were considered as a basis of the findings stated in this staff report.**

Section 156.02 C. Consideration by the Board of Adjustment.

1. **Bulk and Area.**
Applications for variances of bulk and area requirements shall be considered by and may be approved by the Board of Adjustment.

2. **Public Hearing**. A public hearing shall be held.

Finding: **A public hearing is scheduled for Monday, July 06, 2009.**

3. **Findings.** The Board of Adjustment shall make the following findings:

a. **Minimum Variance.** That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Finding: **The requested setback variances and bulk and area variances are the minimum necessary to accommodate the existing lot and structure.**

b. **Harmony with General Purpose**. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of Zoning, Chapters 160-165, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Finding: **Granting the variance will be in harmony with the general purpose and intent of zoning regulations, and will not be injurious to the neighborhood. The house and lot have been in their current state for over 50 years, consistent with a majority of the existing single-family lots and homes in this neighborhood.**

c. **Conditions and Safeguards**. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the zoning regulations.

Finding: **Staff has recommended conditions for this request which are stated on page one of this report.**

d. **No Variance Allowed.** Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under Zoning in the district involved, or any use expressly or by implication prohibited by the terms of the zoning regulations in said district.

Finding: **The use is permitted in the zoning district.**

Planning Department
6/3/2009

Re: House at 812 W. Cleveland

My wife and I bought two houses on three lots five years ago when I retired from City College of San Francisco and came to Fayetteville to work with the Physics Department of the University of Arkansas, where I hold the honorary title of Adjunct Professor.

We believe these houses were built in 1939. When we bought them, they had been rent houses for a long time and were in pretty poor shape. Of the two, the one my wife and I moved into was actually the worst. Now, after investing most of my life savings into repair and remodel, it is in excellent condition.

I am now turning my attention to the rent house. It is occupied by Taz, a golden tenant who takes care of the property when my wife and I travel. He has held his job as a janitor at Tyson for at least two decades and is a Viet Nam veteran. He is honest as the day is long and I don't want to loose him.

Unfortunately, the roof on Taz's house has started leaking. It was further damaged in the last ice storm and now leaks badly. In addition to fixing his roof, I would like to at least replace the windows for energy conservation. Due to changes in the zoning and other ordnances, including the Master Street Plan, adopted since the house was constructed, I cannot obtain permits for minor and ordinary repairs.

The existing single story structure occupies a footprint of 785 square feet, and I do not contemplate changing the footprint, although I have thought of adding a second floor, or at least an attic, for storage and to improve energy conservation.

As far as off-street parking is concerned, I have indeed provided Taz with an off-street parking space to replace the one that may have been removed by the city when they improved Cleveland Street before I bought the property. (I understand that some off-street parking enjoyed by Taz and other residents at the time was lost to the otherwise excellent street improvements. My friend and neighbor to the west, for example, had an off-street parking space built for him by the city as part of the improvements, but that was

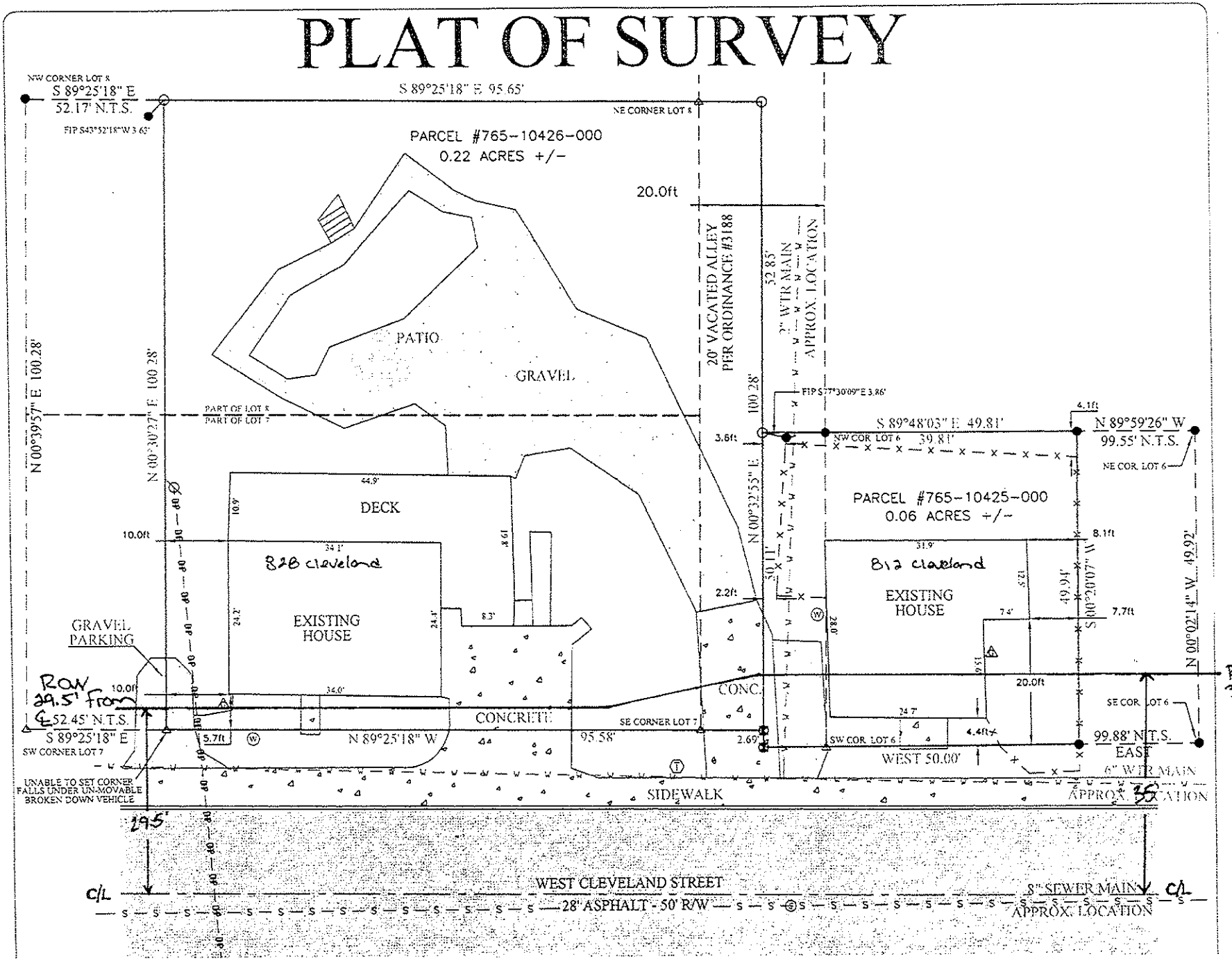
not done for Taz. I am aware of this mostly because the city put half of my neighbor's space on my property so that they could avoid cutting down a fine old nut tree. While I approve of their solution, I now must charge my neighbor a nominal rent annually for my half of his space to keep my title clear.)

I am requesting variances for lot width, lot area, and setback for the existing lot and structure so that I can repair, maintain and improve my property the same as can my neighbors, who are mostly large property owners, can repair, maintain and improve their large multi-unit apartment buildings.

The conditions and circumstances that require these variances are not in any way my fault as the house was built to conform with whatever zoning and setback requirements that existed at the time that it was constructed. Although I visited with planning staff before buying my home and this property to find out what my options were, I did not even become aware of the problems that now exist until I approached planning staff with the idea of adding to the height of Taz's house. I understand from planning staff that at least some of the conditions and circumstances confronting me are rare.

I am unaware of any special privilege that I would be granted to me by this variance that would be denied to others.

PLAT OF SURVEY

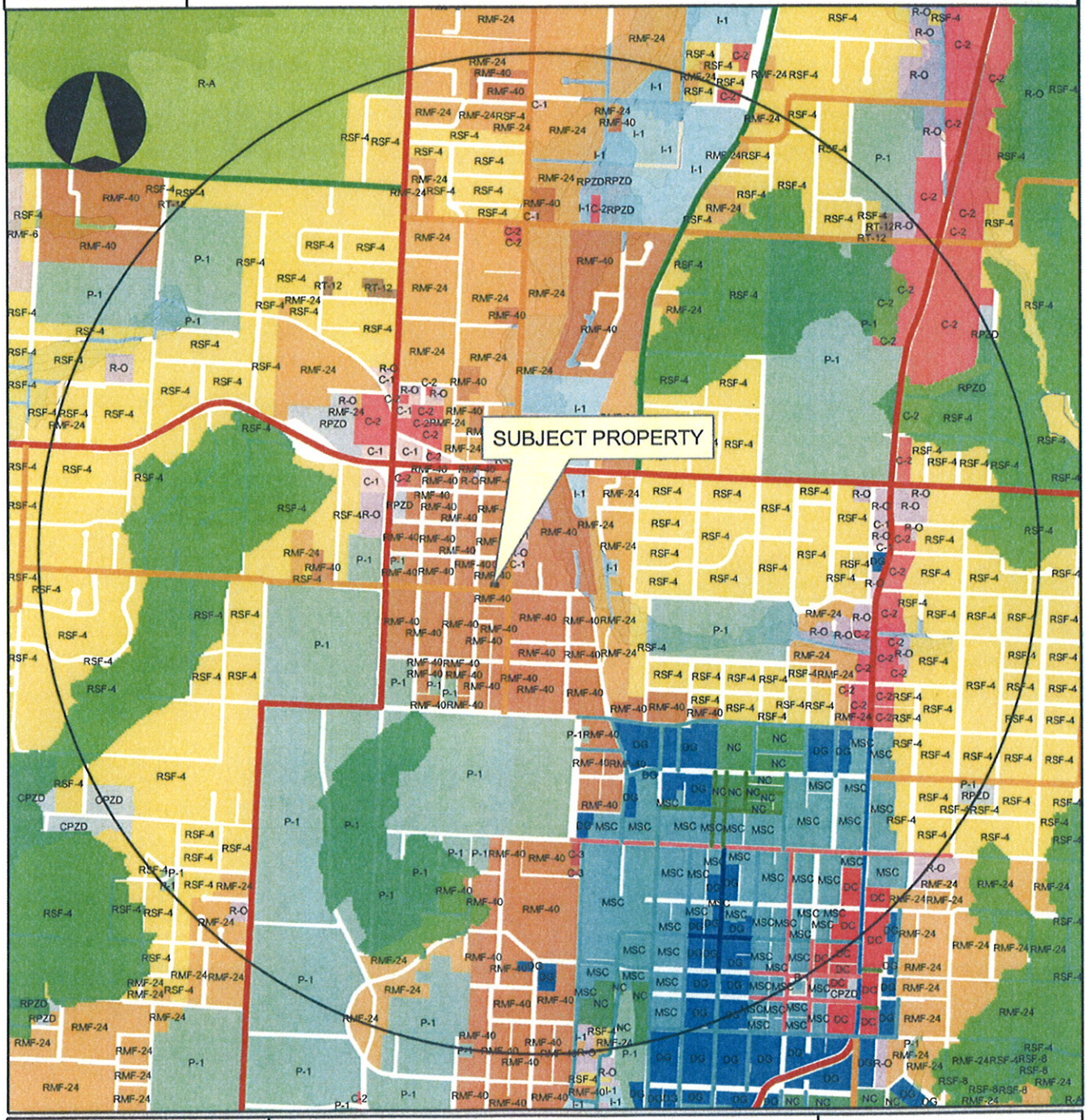


BOA09-3353
Close Up View
WALL/ 812 CLEVELAND
RMF-40
RMF-40
R-O
C-2
C-1
RMF-40
SUBJECT PROPERTY
RMF-40
RMF-40
RMF-40
RMF-40
RMF-40
Overview
0
37.5
75
150
225
300
Feet

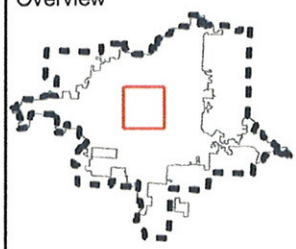
BOA09-3353

One Mile View

WALL/ 812 CLEVELAND



Overview



Legend

Subject Property

BOA09-3353

Boundary

0 0.25 0.5 1 Miles

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

8/4/2009
City Council Meeting Date
Agenda Items Only

Andrew Garner	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

ADM 09-3386: (Amberwood R-PZD Amendment No. 1) Submitted by Justin Jorgensen for property located south and east of Double Springs Road and Dot Tipton Road, containing approximately 39.98 acres, to reflect revised alignment of Private Drive Number 8, revised Planning Area Boundaries, and a modified rear building setback.

Cost of this request	$ - Category / Project Budget	Program Category / Project Name
Account Number	$ - Funds Used to Date	Program / Project Category Name
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — 07.17.09 — Date

I would OK "40 acres"

Previous Ordinance or Resolution # _____

Original Contract Date: _____

City Attorney — 7-20-09 — Date

Original Contract Number: _____

Finance and Internal Services Director — 7-20-2009 — Date

Received in City Clerk's Office 7/19/09 ENTERED

Chief of Staff — 7-20-09 — Date

Received in Mayor's Office ENTERED 7/20/09

Mayor — 7/21/09 — Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director

Date: July 16, 2009

Subject: Amberwood Residential Planned Zoning District Amendment No. 1 (ADM 09-3386)

RECOMMENDATION

Planning Staff recommends approval of an ordinance amending the Amberwood Planned Zoning District to allow for the revised alignment of Private Drive Number 8, revised Planning Area Boundaries, and a modified rear building setback.

BACKGROUND

The approved PZD for Amberwood (R-PZD 08-2965) is a residential development on 39.98 acres located southeast of the intersection of Double Springs/Dot Tipton Roads. The City Council approved this PZD on April 7, 2009 for zoning and land use approval only. The preliminary plat (PPL 09-3316) for development on the site was approved by the Planning Commission on July 13, 2009. As part of the detailed design and review of the preliminary plat the applicant modified the location of Private Drive No. 8 from the rear to the front of the lots along the northern side of Amberwood Park. This change modified the boundaries and lot lines of several of the lots in this area and shifted the Planning Area boundaries slightly, although the overall greenspace in the subdivision is still 46.25% of the site, compared to 46.65% as approved with the PZD. In addition, in reviewing the development details the applicant realized that the rear building setback originally proposed with the PZD did not take into account detached garages. Therefore the setback is proposed to be modified to allow for detached garages to be constructed with a zero-foot setback when adjacent to common greenspace and a five-foot setback when adjacent to the perimeter property line of the subdivision. The applicant proposes minor modifications to the Master Development Plan and zoning criteria to incorporate these changes. The zoning criteria change would result in the loss of one of the single family lots. The total number of residential units has been reduced from 145 to 144. Exhibits and modified zoning criteria are attached to this report depicting the proposed changes.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 08-2965, AMBERWOOD, LOCATED SOUTH AND EAST OF DOUBLE SPRINGS ROAD AND DOT TIPTON ROAD, CONTAINING APPROXIMATELY 40 ACRES, TO REFLECT REVISED ALIGNMENT OF PRIVATE DRIVE NUMBER 8, REVISED PLANNING AREA BOUNDARIES, AND A MODIFIED REAR BUILDING SETBACK.

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

Section 1. That the change in alignment of Private Drive 8 and resulting change in planning area boundaries to shift Private Drive 8 to the front of the lots on the north side of Amberwood Park, is hereby approved and reflected in the Planned Zoning District approval zoning criteria for R-PZD 08-2965 (Amberwood).

Section 2. That the change to modify the rear building setback to allow for accessory structures with a zero-foot setback adjacent to common greenspace and a five-foot setback adjacent to perimeter subdivision property lines, is hereby approved and reflected in the Planned Zoning District approval zoning criteria for R-PZD 08-2965 (Amberwood).

Section 3. That the approvals and conditions for R-PZD 08-2965 (Amberwood) as passed and approved by the City Council on April 7, 2009 with Ordinance No. 5230 shall be modified with the revisions to the Master Development Plan and project booklet as described and depicted herein.

Section 4. That this ordinance shall take effect and be in full force at such time as all of the requirements of the Planned Zoning District have been met.

Section 5. That the Planned Zoning District ordinance and 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 the ____ day of ____, 2009.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

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

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

7/15/09

Fayetteville City Council

Attn: Andrew Garner
Re: Amberwood Place PZD changes

This letter is to request a few changes to the Amberwood Place PZD packet that have come up during the Preliminary Plat procedure. The first change is in regards to Private Drive 8. In the original version approved by City Council this drive was a rear drive to allow for rear load garages and the lots would front Amberwood Park. The day before Subdivision Committee for the Preliminary Plat on June 11th we received word from the adjacent property owner to the north that they would not support the current layout and wanted Private Drive 8 moved to the south between Amberwood Park and the lots. After a two week delay and final compromise between the City of Fayetteville Planners, the adjacent property owner and the developer the change was made and needs to be approved so the booklet and Preliminary Plat match.

The second change is to the rear setback requirement included in the PZD packet. The original rear setback requirement was 10' and did not take into account detached garages on shared drives. After further review it was decided that a note needed to be added to allow a 0' rear setback strictly for accessory structures. This is needed due to the size of the lots and the fact that almost all the lots back up to common areas or greenspace.

Attached for your review is a copy of the revised zoning criteria for the PZD booklet, along with an 11"x17" copy of the previous and revised site plan.

Thank you.

Sincerely;

Justin L. Jorgensen, P.E.

ORIGINAL ZONING CRITERIA Pg. 1 of 2

E. PROPOSED PLANNING AREAS

This project has three planning areas.

Planning Area #1 _____ 16.32 Acres (107 Lots)

Planning Area #2 _____ 5.00 Acres (38 Lots)

Planning Area #3 _____ 18.66 Acres (11 Lots)

F. PROPOSED ZONING AND DEVELOPMENT STANDARDS

Planning Area #1: Single Family Residential:

Purpose: The purpose of this PZD is to permit and encourage the development of single family dwelling units with a density similar to RSF-4. This is for 107 units on 16.32 acres, which will have a density of 6.56 units/acre.

Land Use Designation

A. *Permitted Uses:*

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

B. *Conditional Uses:*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection & utility facilities
Unit 24	Home occupations

C. *Density:*

Acreage	16.32 acres
Number of Dwelling Units	107 units
Density	6.56 units/acre

Bulk and Area Regulations

D. *Lot width minimum* = 25.0 feet

E. *Lot area minimum* = 3,500 square feet

F. *Land area per dwelling unit* = 3,500 square feet (minimum).

ORIGINAL ZONING CRITERIA pg. 2 of 2

G. *Setback Requirements*

Front	Side	Rear
10 ft	0 ft	10 ft *

*All lots with a 0 ft side setback on one side must have a 9' side setback on the other side and a 10' separation from structures (eave-to-eave) on both sides. Buildings are subject to minimum building separation, fire wall ratings, etc. in accordance with building code.

H. *Height Regulations:* Structures in this district are limited to a building height of 45 feet.

I. *Building Area:* Area occupied by all buildings shall not exceed 56% of the total lot area.

Site Planning

J. *Screening and Landscaping:* The screening and landscaping will be provided as set forth in the Unified Development Code. The subdivision covenants will require each lot to have at least two trees in addition to the trees and landscaping the developer will provide at the entrances, around the turn-a rounds and in the green spaces.

K. *Parking:* All parking shall comply with chapter 172 of the Unified Development Code.

L. *Architectural Design Standards:* Conceptual architectural renderings have been provided in Appendix A. It is the interest of the developer to obtain approval of this PZD for construction of single family detached houses. All houses will have a combination of brick and siding exterior with composite shingles and roof slopes of 7:12. The homes shall be constructed consistent with the elevations and renderings provided in Appendix A. Homes shall be designed with articulated facades facing the public street. Homes located on Amberwood Park shall be designed with an articulated facade facing the park and public street, where applicable. Front facades of homes as they face the street or the park shall be varied in color and material so that no two same facades are adjacent to

APPLICANT'S PROPOSED ZONING CRITERIA

pg. 1 of 2

E. *PROPOSED PLANNING AREAS*

This project has three planning areas.

Planning Area #1 _____ 16.44 Acres (106 Lots)

Planning Area #2 _____ 5.25 Acres (38 Lots)

Planning Area #3 _____ 18.66 Acres (11 Lots)

F. *PROPOSED ZONING AND DEVELOPMENT STANDARDS*

Planning Area #1: Single Family Residential:

Purpose: The purpose of this PZD is to permit and encourage the development of single family dwelling units with a density similar to RSF-4. This is for 106 units on 16.44 acres, which will have a density of 6.50 units/acre.

Land Use Designation

A. *Permitted Uses*:

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

B. *Conditional Uses*:

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection & utility facilities
Unit 24	Home occupations

C. *Density*:

Acreage	16.44 acres
Number of Dwelling Units	106 units
Density	6.50 units/acre

Bulk and Area Regulations

D. *Lot width minimum* = 25.0 feet

E. *Lot area minimum* = 3,500 square feet

F. *Land area per dwelling unit* = 3,500 square feet (minimum).

APPLICANT'S PROPOSED ZONING CRITERIA

G. *Setback Requirements* Pg. 2 of 2

Front	Side	Rear
10 ft	*0 ft	10 ft - Principarl Stucture 5 ft – Accessory structure adjacent to surrounding property 0 ft – Accessory structure adjacent to Planning Area 3 or greenspace

*All lots with a 0 ft side setback on one side must have a 9' side setback on the other side and a 10' separation from structures (eave-to-eave) on both sides. Buildings are subject to minimum building separation, fire wall ratings, etc. in accordance with building code.

H. *Height Regulations:* Structures in this district are limited to a building height of 45 feet.

I. *Building Area:* Area occupied by all buildings shall not exceed 56% of the total lot area.

Site Planning

J. *Screening and Landscaping:* The screening and landscaping will be provided as set forth in the Unified Development Code. The subdivision covenants will require each lot to have at least two trees in addition to the trees and landscaping the developer will provide at the entrances, around the turn-a rounds and in the green spaces.

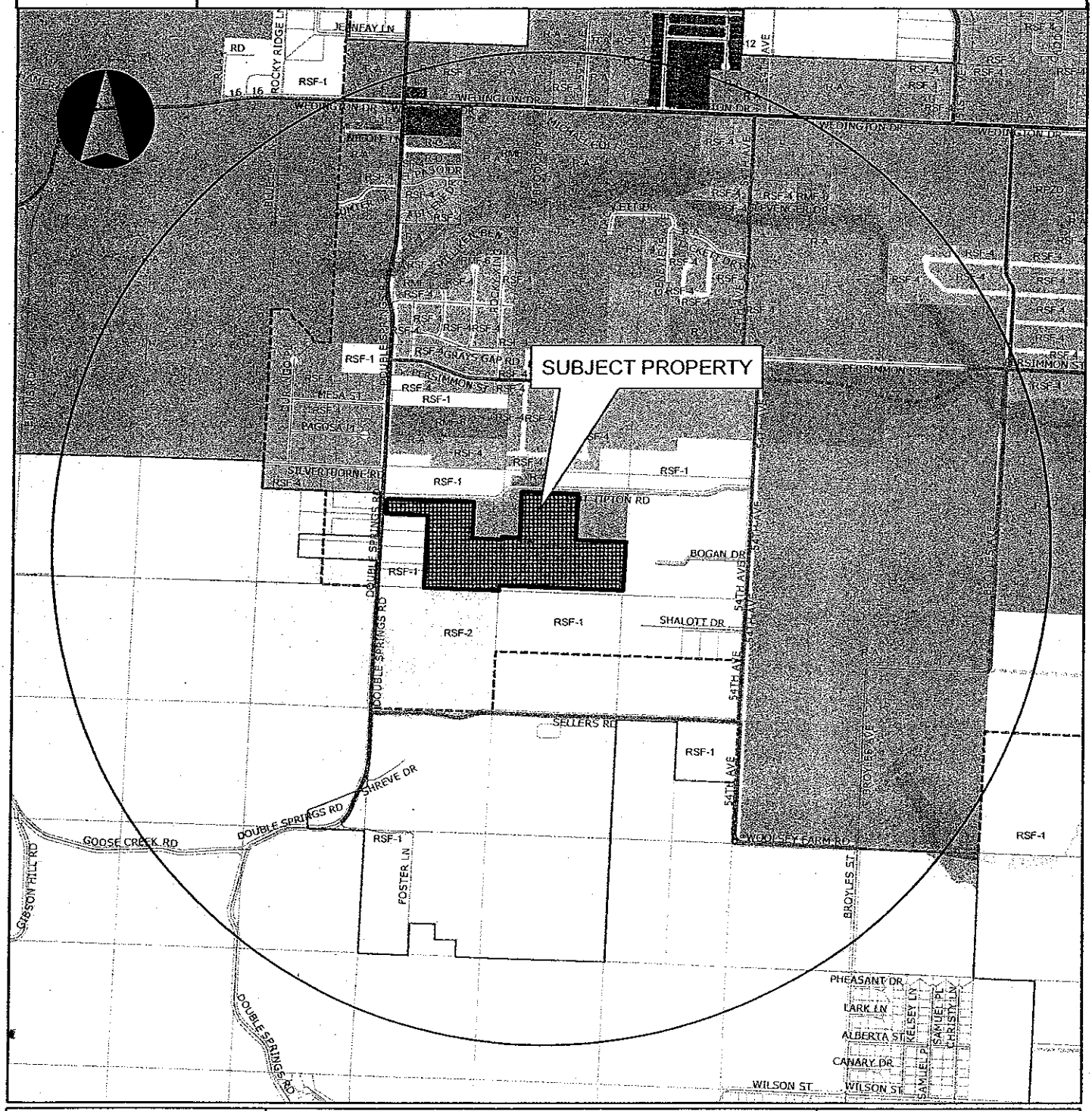
K. *Parking:* All parking shall comply with chapter 172 of the Unified Development Code.

L. *Architectural Design Standards:* Conceptual architectural renderings have been provided in Appendix A. It is the interest of the developer to obtain approval of this PZD for construction of single family detached houses. All houses will have a combination of brick and siding exterior with composite shingles and roof slopes of 7:12. The homes shall be constructed consistent with the elevations and renderings provided in Appendix A. Homes shall be designed with articulated facades facing the public street. Homes located on Amberwood Park shall be designed with an articulated

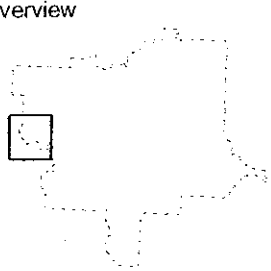
RPZD08-2965

One Mile View

AMBERWOOD PLACE



Overview



Legend

Subject Property

RPZD08-2965

Boundary

Planning Area

Overlay District

Outside City

Legend

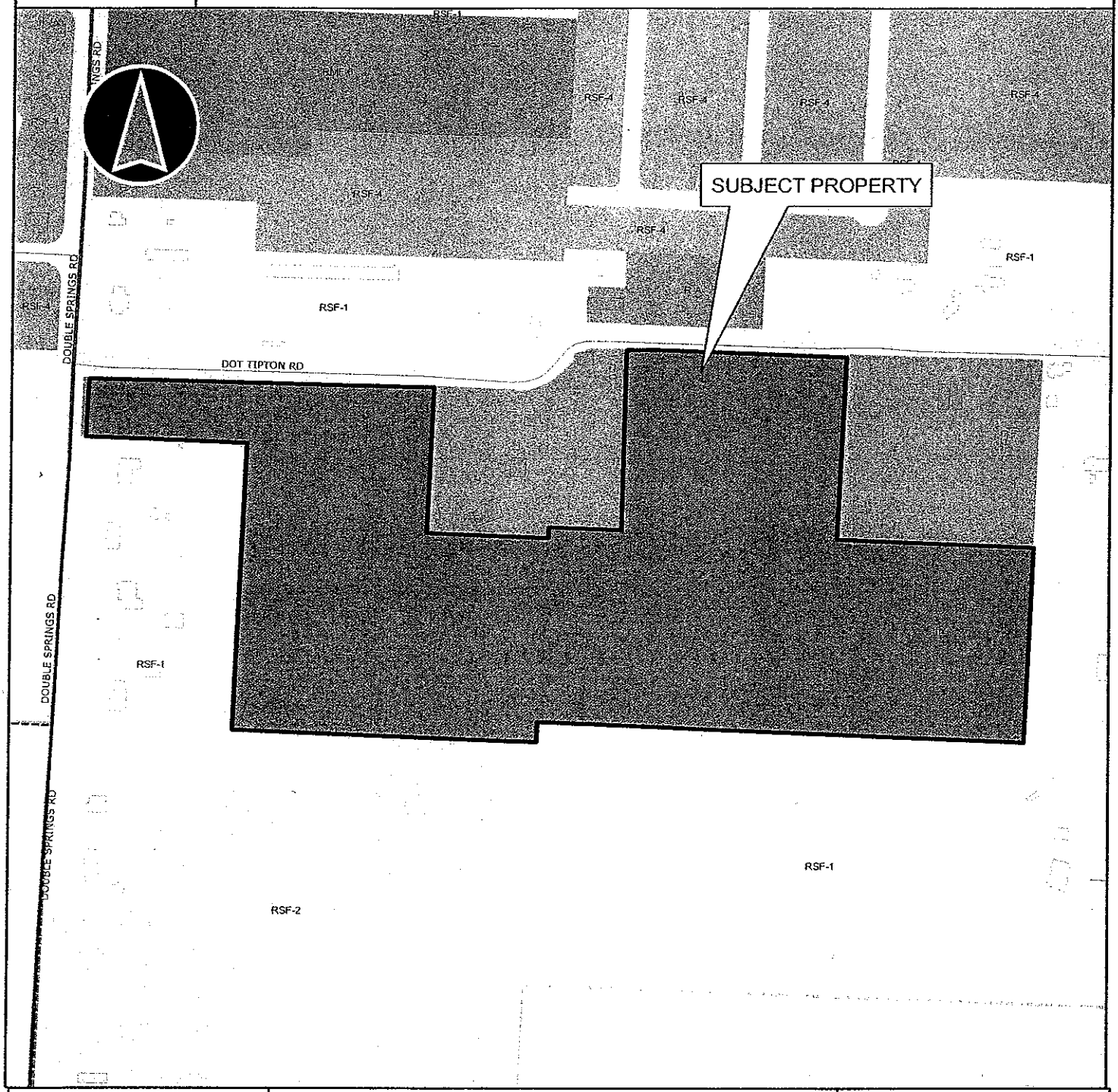
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

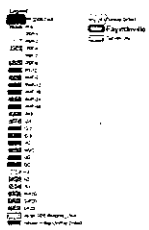
RPZD08-2965

Close Up View

AMBERWOOD PLACE



Overview



0 175 350 700 1,050 1,400 Feet

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

8/4/2009
City Council Meeting Date
Agenda Items Only

Andrew Garner	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

ADM 09-3390: (Amberwood R-PZD Amendment No. 2) Submitted by Justin Jorgensen for property located south and east of Double Springs Road and Dot Tipton Road, containing approximately 39.98 acres, to modify condition of approval No. 1, Street Improvements, for Amberwood R-PZD 08-2965.

Cost of this request	$ -	Program Category / Project Name
Account Number	$ -	Program / Project Category Name
Project Number	$ -	Fund Name
	Category / Project Budget	
	Funds Used to Date	
	Remaining Balance	

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — 07.17.09 Date

The ordinance should read: "approximately 40 acres" not "39.98 acres"

City Attorney — 7-20-09 Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Paul a. Becker — 7-20-2009 Date
Finance and Internal Services Director

Chief of Staff — 7-20-09 Date

Mayor — 7/21/09 Date

Received in City Clerk's Office — ENTERED 7-17-09 Sm

Received in Mayor's Office — ENTERED 7/20/09 pm

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director

Date: July 16, 2009

Subject: Amberwood Residential Planned Zoning District Amendment No. 2 (ADM 09-3390)

RECOMMENDATION

Planning Staff recommends approval of an ordinance modifying condition of approval No. 1, Street Improvements, for the Amberwood Planned Zoning District. This modification would allow for the City to receive $150,000.00 from the developer in exchange for the City paving Dot Tipton Road. The paving of Dot Tipton Road is a project already anticipated to be constructed by the City's Transportation Division. The modification of this condition of approval would also allow for the phasing of installation of curb, gutter, and sidewalk along their project frontage as the project develops in phases.

BACKGROUND

The approved PZD for Amberwood (R-PZD 08-2965) is a residential development on 39.98 acres located southeast of the intersection of Double Springs/Dot Tipton Roads. The City Council approved this PZD on April 7, 2009 for zoning and land use approval only. The preliminary plat (PPL 09-3316) for development on the site was approved by the Planning Commission on July 13, 2009. During the applicant's review of the conditions of approval for the preliminary plat, they determined that the required street improvements were not consistent with a recommendation made from the Street Committee approximately two years ago, in which it was recommended that the City pave Dot Tipton Road from Double Springs Road to 54th Street, in exchange for the developer paying the City $150,000.00. The condition of approval approved as part of the PZD approval and the applicant's proposed modification to this condition are attached to this memo. A site plan is also included showing Dot Tipton Road from Double Springs Road to 54th and the location of the Amberwood Subdivision.

BUDGET IMPACT

The City Transportation Department is required to pave Dot Tipton Road after receipt of $150,000.00 from the developer.

ORDINANCE NO. _____

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 08-2965, AMBERWOOD, LOCATED SOUTH AND EAST OF DOUBLE SPRINGS ROAD AND DOT TIPTON ROAD, CONTAINING APPROXIMATELY 40 ACRES, TO MODIFY CONDITION OF APPROVAL NO. 1, STREET IMPROVEMENTS.

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

Section 1. That condition of approval No. 1, Street Improvements, for R-PZD 08-2965 (Amberwood) as passed and approved by the City Council on April 7, 2009 with Ordinance No. 5230 shall be repealed and replaced as follows:

The following street improvements shall be required:

- Prior to Final Plat of Phase I, the developer shall be responsible for installation of curb and gutter, storm drainage and sidewalks on the south side of Dot Tipton Road, along the eastern section of the Amberwood Subdivision street frontage (approximately 600 feet).
- Prior to Final Plat of Phase I, the developer shall construct drainage improvements at three locations on Dot Tipton Road as determined by the City Engineer.
- Dot Tipton Road is required to be paved prior to Final Plat of Phase I. Prior to the City paving Dot Tipton Road, the developer shall contribute $150,000.00 to the City for the Transportation Department to pave Dot Tipton Road from Double Springs Road to 54th Street.
- Prior to Final Plat of Phase III, the developer shall construct pavement, curb and gutter, storm drainage and sidewalk along the project's Double Springs Road and Dot Tipton Road frontage, including the gap of project frontage in the middle of the project along Dot Tipton Road, connecting to the street improvements constructed with Phase I.

PASSED and **APPROVED** this the ____ day of ____, 2009.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

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

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

7/15/09

Fayetteville City Council

Attn: Andrew Garner
Re: Amberwood Place PZD changes

This letter is to clarify the improvements to be made to Dot Tipton Road in conjunction with the construction of Amberwood Subdivision.

1. Amend the PZD to read that the developer shall be responsible for installation of curb & gutter, drainage and sidewalk along the south side of Dot Tipton where Amberwood Subdivision faces Dot Tipton Road in Phase 1 (515'). Developer is responsible for curb & gutter, drainage and sidewalk in the future when Amberwood Subdivision Phase 3 is constructed west to Double Springs Road.

2. Developer is responsible for drainage improvements at three locations on Dot Tipton Road.

3. Developer will donate $150,000.00 to the City of Fayetteville for the Street Department to pave Dot Tipton Road from Double Springs Road to 54th Street.

Attached for your review is a plan showing Dot Tipton from Double Springs Road to 54th and the location of Amberwood Place Subdivision.

Thank you.

Sincerely;

Justin L. Jorgensen, P.E.

RECEIVED
JUL 15 2009
PLANNING DIV.

ORIGINAL CONDITION OF APPROVAL

CONDITIONS OF APPROVAL:

R-PZD 08-2965

Conditions of Approval for R-PZD 08-2965 (Amberwood Place)

1. Determination of street improvements. Street improvements at the time of development shall include those determined necessary by the Planning Commission, based upon the development proposed. Staff will recommend street improvements warranted with development of the subject property. *Based on an initial review of the conceptual development plan, staff will likely recommend, at a minimum, the following street improvements:*
   a. *Pavement, curb and gutter, storm drainage, and sidewalks to be constructed along the project frontage for Double Springs Road and Dot Tipton Road including the gap of project frontage in the middle of the project along Dot Tipton Road.*
   b. *Off-site street improvements will be required along Dot Tipton Road to pave the roadway to a minimum of 20' wide pavement plus the appropriate shoulders from the project boundary east approximately 0.34 mile to 54th Street.*
2. Determination of adequate connectivity. Two points of access are provided to the north on Dot Tipton Road. Street stub-outs are provided in the southwest corner, the south-central, and the eastern borders of the site. No street connection is currently being provided to the existing rural residential land uses to the west that border Double Springs Road. The project proposes internal pedestrian connectivity in approximately 18.66 acres of dedicated greenspace and parks with pedestrian trails to be constructed by the developer. *Staff recommends in favor of the proposed connectivity.*

3. This project is required to go through preliminary plat review and approval prior to construction.

4. The applicant shall dedicate right-of-way a minimum of 42.5' from centerline right-of-way along the project's Double Springs Road frontage and 25' from centerline along the project's Dot Tipton Road frontage. Dedication of 50' right-of-way width for interior streets and stub-outs. Pedestrian trails shall be dedicated in public access easements.

5. The project is subject to the project phasing noted below. Final plat approval is required to be obtained for the various Planning Areas in this project within the specified timeframe. Extensions may be permitted, pursuant to City ordinance.

Phase	Milestone	Deadline
1	Preliminary Plat Approval	2009
2	Preliminary Plat Approval	2012
3	Preliminary Plat Approval	2014

Construction permits shall be obtained within 1 year of preliminary plat approval, and construction shall be completed with a final plat recorded within 3 years of permit issuance, in accordance with City ordinance.

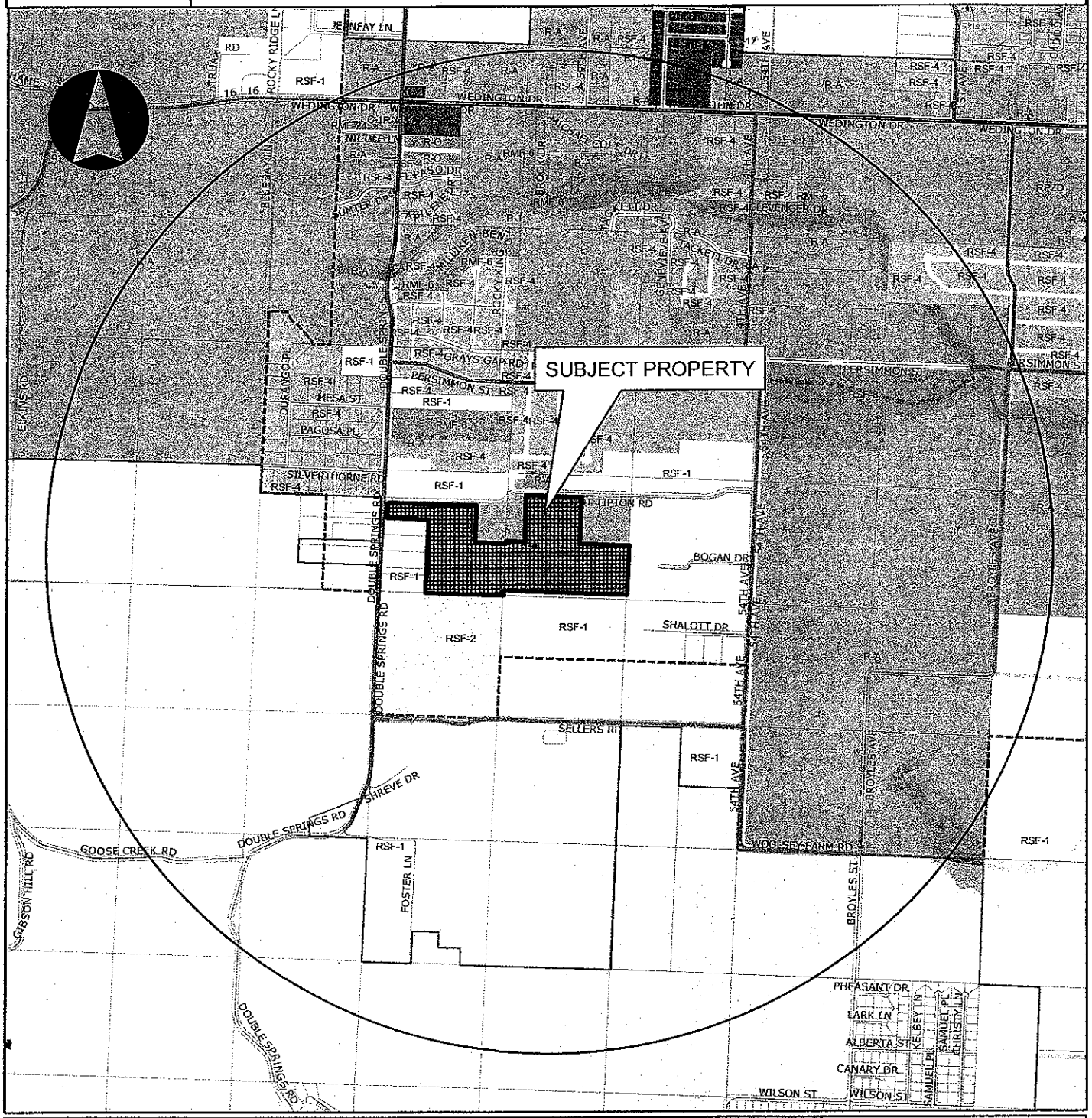
6. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.

7. Buildings shall be constructed to be consistent with the elevations and concepts and architectural standards depicted in the building elevations in the booklet as specified.

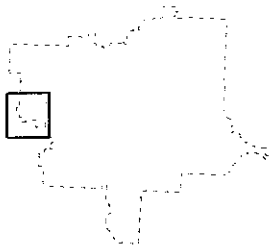
RPZD08-2965

One Mile View

AMBERWOOD PLACE



Overview



Legend

Subject Property

RPZD08-2965

Boundary

Planning Area

Overlay District

Outside City

Legend

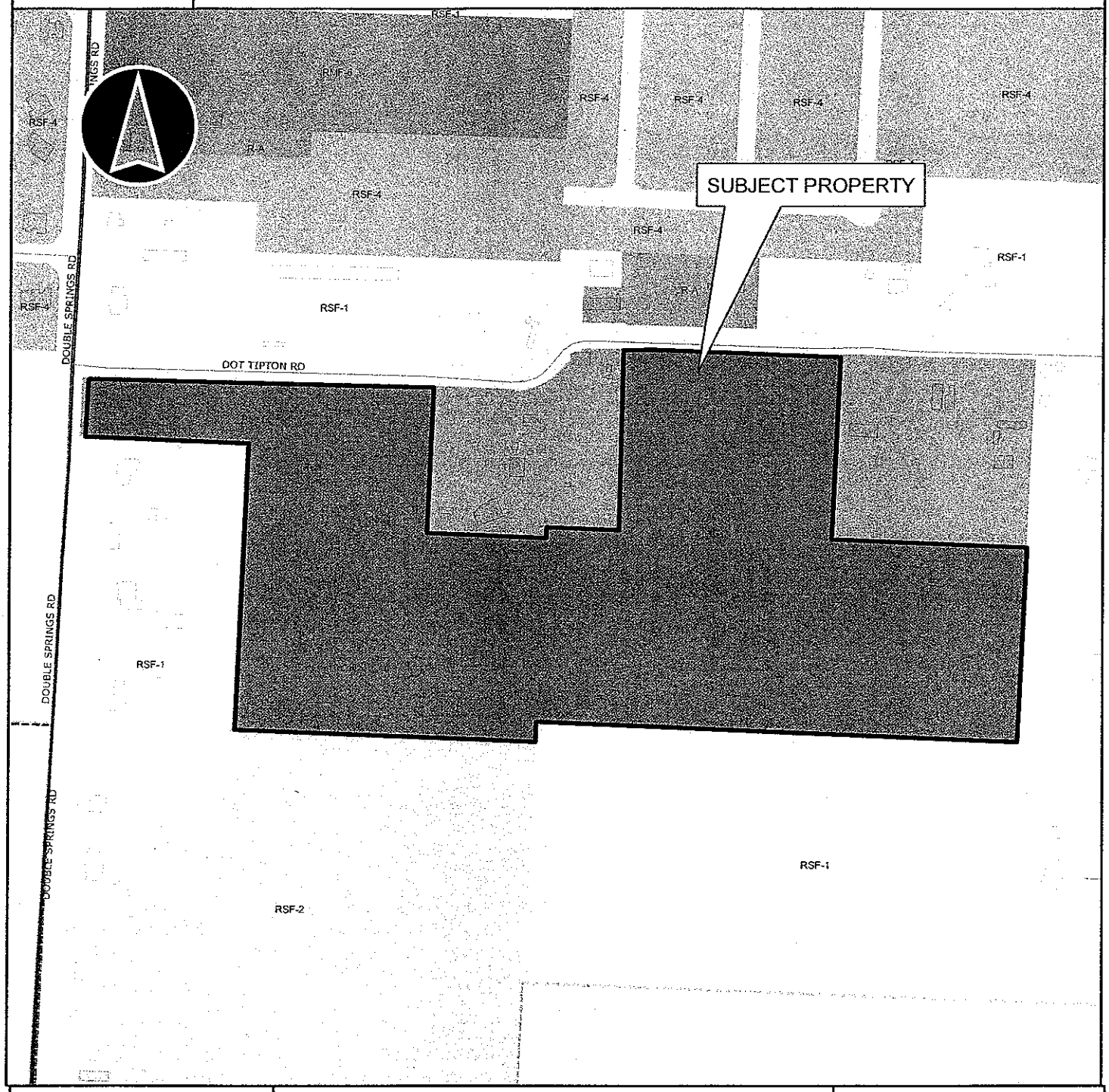
Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

RPZD08-2965

Close Up View

AMBERWOOD PLACE



Overview

0 175 350 700 1,050 1,400
Feet

July 28, 2009

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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
August 4, 2009

A meeting of the Fayetteville City Council will be held on August 4, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

~~**Agenda Session Presentations:**~~

~~1. Recycling Study Presentation by R W Beck~~

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. First Thursday Fayetteville – Art, Theatre, Film, and Music on the Square

A. Consent:

1. Approval of the July 7, 2009 and the July 21, 2009 City Council meeting minutes.

2. **Bid # 09-46 Oil Capital Electric:** A resolution awarding Bid # 09-46 and approving a contract with Oil Capital Electric in the amount of $27,750.00 for replacement of an electrical buss at the Noland Wastewater Treatment Plant; and approving a contingency in the amount of $2,775.00.

3. **Bid # 09-49 North Point Ford Lincoln Mercury:** A resolution awarding Bid # 09-49 and approving the purchase of one (1) extended cab truck from North Point Ford Lincoln Mercury of North Little Rock in the amount of $22,618.28 for use by the Fayetteville Police Department.

4. **Mutual Aid Police Protection Agreement:** A resolution approving a Mutual Aid Police Protection Agreement between the City of Fayetteville, Arkansas and the City of Rogers, Arkansas.

5. **Bryce Davis Park Outdoor Recreation Grant:** A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of $250,000.00 for the development of Bryce Davis Park.

6. **Arkansas Historic Preservation Grant:** A resolution approving a grant agreement with the Arkansas Historic Preservation Program in the amount of $5,500.00 for travel and training expenses and publication of educational materials in support of the Fayetteville Historic District Commission; and approving a budget adjustment recognizing the grant revenue.

7. **U.S. Marshal Service Reimbursement:** A resolution approving a budget adjustment for the Fayetteville Police Department in an amount not to exceed $25,000.00 to recognize reimbursement from the U.S. Marshal Service to cover detective overtime expenses.

8. **City Employee Benefits for 2010:** Information will be provided at Agenda Session.
Add resolution description

B. Unfinished Business:

1. **Wastewater Collection and Treatment Services Amendment:** A resolution approving an amendment to the Wastewater Collection and Treatment Services Contract with the City of Farmington, Arkansas. ***This resolution was tabled at the July 21, 2009 City Council meeting to the August 4, 2009 City Council meeting.***

C. New Business:

1. **Amend Chapter 111:** An ordinance to amend §111.30 of the Code of Fayetteville related to caterers serving a large meeting or attendance facility.

2. **ADM 09-3332 (Urban Residential Design Standards):** An ordinance amending the Unified Development Code of the City of Fayetteville, to amend Chapter 161: Zoning Regulations, and 166 Development, to amend certain building form and placement standards for urban residential development.

3. **ADM 09-3366 (Abshier Heights Amendment No. 3):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-1883, Abshier Heights, located at the NW corner of Abshier Drive and Hillcrest Avenue, containing approximately 4.11 acres, to reflect revised lot width, lot area and internal setback requirements as described and depicted herein.

Consent (4.) **ADM 09-3384 (812 W. Cleveland Street ROW Variance):** A resolution approving a variance of the Unified Development Code Section 164.12 (F) Noncomforming Uses and Structures, Repairs and Maintenance, and Section 166.18 Master Street Plan Setbacks, allowing the existing structure located at 812 W. Cleveland Street to remain within the Master Street Plan right-of-way and to be improved greater than the 10% replacement cost allowed by code, within the existing limits of the structure.

5. **ADM 09-3386 (Amberwood R-PZD Amendment No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 08-2965, Amberwood, located south and east of Double Springs Road and Dot Tipton Road, containing approximately 40 acres, to reflect revised alignment of private drive number 8, revised planning area boundaries, and a modified rear building setback.

6. **ADM 09-3390 (Amberwood R-PZD Amendment No. 2):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 08-2965, Amberwood, located south and east of Double Springs Road and Dot Tipton Road, containing approximately 40 acres, to modify condition of approval No. 1, Street Improvements.

NB-Last

Agenda Additions: Reaffirming the City Council's Support for medians in Garland Avenue

Announcements:

1. **City Council Tour:** ~~August 3, 2009~~ NONE

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.

Pre-Agenda Meeting 7-22-09

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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
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1. Approval of the July 7, 2009 and the July 21, 2009 City Council meeting minutes.

2. **Bid # 09-46 Oil Capital Electric:** A resolution awarding Bid # 09-46 and approving a contract with Oil Capital Electric in the amount of $27,750.00 for replacement of an electrical buss at the Nolan Wastewater Treatment Plant; and approving a contingency in the amount of $2,775.00.

3. **Bid # 09-49 North Point Ford Lincoln Mercury:** A resolution awarding Bid # 09-49 and approving the purchase of one (1) extended cab truck from North Point Ford Lincoln Mercury of North Little Rock in the amount of $22,618.28 for use by the Fayetteville Police Department.

4. **Mutual Aid Police Protection Agreement:** A resolution approving a Mutual Aid Police Protection Agreement between the City of Fayetteville, Arkansas and the City of Rogers, Arkansas.

5. **Bryce Davis Park Outdoor Recreation Grant:** A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of $250,000.00 for the development of Bryce Davis Park.

6. **Arkansas Historic Preservation Grant:** A resolution approving a grant agreement with the Arkansas Historic Preservation Program in the amount of $5,500.00 for travel and training expenses and publication of educational materials in support of the Fayetteville Historic District Commission; and approving a budget adjustment recognizing the grant revenue.

7. **U.S Marshal Service Reimbursement:** A resolution approving a budget adjustment for the Fayetteville Police Department in an amount not to exceed $25,000.00 to recognize reimbursement from the U.S. Marshal Service to cover detective overtime expenses.

Remove NB #

8. **District Court Office Furniture:** A resolution approving the purchase of furniture for the new District Court/City Prosecutor Facility from the Norman Company through U.S. Communities in the amount of $142,647.05; and approving a contingency in the amount of $7,352.95.

9. **City Employee Benefits for 2010:** — Information will be provided at Agenda Session.

B. Unfinished Business:

1. **Wastewater Collection and Treatment Services Amendment:** A resolution approving an amendment to the Wastewater Collection and Treatment Services Contract with the City of Farmington, Arkansas. ***This resolution was tabled at the July 21, 2009 City Council meeting to the August 4, 2009 City Council meeting.***

Space

C. New Business:

1. **Amend Chapter 111:** An ordinance to amend §111.30 of the Code of Fayetteville related to caterers serving a large meeting or attendance facility.

2. **ADM 09-3332 (Urban Residential Design Standards):** An ordinance amending the Unified Development Code of the City of Fayetteville, to amend Chapter 161: Zoning Regulations, and 166 Development, to amend certain building form and placement standards for urban residential development.

3. **ADM 09-3366 (Abshier Heights Amendment No. 3):** An ordinance amending a residential Planned Zoning District entitled R-PZD 06-1883, Abshier Heights, located at the NW corner of Abshier Drive and Hillcrest Avenue, containing approximately 4.11 acres, to reflect revised lot width, lot area and internal setback requirements as described and depicted herein.

4. **ADM 09-3384 (812 W. Cleveland Street ROW Variance):** A resolution approving a variance of the Unified Development Code Section 164.12 (F) Noncomforming Uses and Structures, Repairs and Maintenance, and Section 166.18 Master Street Plan Setbacks, allowing the existing structure located at 812 W. Cleveland Street to remain within the Master Street Plan right-of-way and to be improved greater than the 10% replacement cost allowed by code, within the existing limits of the structure.

5. **ADM 09-3386 (Amberwood R-PZD Amendment No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 08-2965, Amberwood, located south and east of Double Springs Road and Dot Tipton Road, containing approximately 39.98 acres, to reflect revised alignment of private drive number 8, revised planning area boundaries, and a modified rear building setback.

6. **ADM 09-3390 (Amberwood R-PZD Amendment No. 2):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 08-2965, Amberwood, located south and east of Double Springs Road and Dot Tipton Road, containing approximately 39.98 acres, to modify condition of approval No. 1, Street Improvements.

Agenda Additions:

Announcements:

1. **City Council Tour: August 3, 2009**

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.

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Mayor Lioneld Jordan and Members of the City Council
Don Marr, Chief of Staff

FROM: Paul A. Becker, Finance Director Paul A. Becker

DATE: July 21, 2009

SUBJECT: **June 2009 Revenue Sales Tax Report (May Collections)**

The following key points need to be communicated regarding sales tax collections:

FAYETTEVILLE SALES TAX ACTIVITY

1. Sales tax collections remitted for sales tax subject to the 1 cent City tax in June, 2009 were down $64,141 / -4.58% as compared to the same month prior year. These collections represent May, 2009 sales.

2. Sales tax collections remitted to the City for the City's share of County tax collections in June, 2009 were down $45,969 / -4.85% as compared to the same month prior year. These collections represent May, 2009 sales.

3. When compared to budget for the month, sales tax collections were down a total of $157,034 / -6.56% The 2009 year to date budget impact for the six months is down a total of $769,972 / -5.47%.

1% City / 1% County (Combined)	Budget	Actual	$ Difference	% Difference
December, 2008	$ 2,662,000	$ 2,592,017	$ (69,983)	(2.63%)
January, 2009	2,101,200	1,994,181	(107,019)	(5.09%)
February, 2009	2,232,200	2,100,539	(131,661)	(5.90%)
March, 2009	2,411,800	2,258,355	(153,445)	(6.36%)
April, 2009	2,285,800	2,134,969	(150,831)	(6.60%)
May, 2009	2,394,500	2,237,466	(157,034)	(6.56%)
YTD Budget to Actual	$ 14,087,500	$ 13,317,528	$ (769,972)	(5.47%)

Funding Source		Budget	Actual	$ Difference	% Difference
General Fund:	1% City (60% Split)	$ 5,078,100	$ 4,788,095	$ (290,005)	(5.71%)
	1% County	5,624,100	5,337,369	(286,731)	(5.10%)
		$ 10,702,200	$ 10,125,464	$ (576,736)	(5.39%)
ST Capital:	1% City (40% Split)	$ 3,385,300	$ 3,192,063	$ (193,237)	(5.71%)
Total General/ST Capital Funds:		$ 14,087,500	$ 13,317,528	$ (769,972)	(5.47%)

NWA REGION SALES TAX ACTIVITY - MAY 2009 COLLECTIONS

4. May, 2009 1% City Sales Tax collections as compared to the surrounding areas were as follows:

City Sales Tax Collections:		May 2008	May 2009	$ Difference	% Difference
1% City:	Fayetteville	$ 1,399,683	$ 1,335,542	$ (64,141)	(4.58%)
	Springdale	$ 916,235	$ 845,814	$ (70,421)	(7.69%)
	Bentonville	$ 764,248	$ 736,900	$ (27,348)	(3.58%)
	Rogers	$ 1,024,262	$ 964,161	$ (60,101)	(5.87%)

5. May, 2009 1% County Sales Tax collections as compared to the surrounding areas were as follows:

County Sales Tax Collections:		May 2008	May 2009	$ Difference	% Difference
Washington	Fayetteville	$ 947,892	$ 901,924	$ (45,969)	(4.85%)
Washington	Springdale	$ 715,030	$ 680,354	$ (34,676)	(4.85%)
Benton	Bentonville	$ 351,674	$ 329,367	$ (22,308)	(6.34%)
Benton	Rogers	$ 705,773	$ 661,003	$ (44,769)	(6.34%)

6. May, 2009 countywide collections for the combined Washington and Benton Counties were as follows:

County Sales Tax Collections:	May 2008	May 2009	$ Difference	% Difference
Washington County	$ 2,575,445	$ 2,450,547	$ (124,898)	(4.85%)
Benton County	2,734,388	2,560,937	(173,451)	(6.34%)
	$ 5,309,833	$ 5,011,484	$ (298,349)	(5.62%)

NWA REGION SALES TAX ACTIVITY - YEAR-TO-DATE (SIX MONTHS) COLLECTIONS

7. Year-to-Date (six months) collections as compared to the surrounding areas were as follows:

City Sales Tax Collections:		(Six Months) YTD 2008	(Six Months) YTD 2009	$ Increase (Decrease)	% Increase (Decrease)
1% City:	Fayetteville	$ 8,297,459	$ 7,980,159	$ (317,300)	(3.82%)
	Springdale	$ 5,247,346	$ 5,005,462	$ (241,884)	(4.61%)
	Bentonville	$ 4,473,943	$ 3,986,612	$ (487,331)	(10.89%)
	Rogers	$ 5,971,872	$ 5,684,633	$ (287,239)	(4.81%)

8. Year-to-Date (six months) for the combined Washington and Benton Counties, sales were down -$1,606,437 / -5.18%.

Sales Tax Collections:	(Six Months) YTD 2008	(Six Months) YTD 2009	$ Increase (Decrease)	% Increase (Decrease)
Washington County	$ 14,981,386	$ 14,501,751	$ (479,635)	(3.20%)
Benton County	16,036,254	14,909,452	(1,126,802)	(7.03%)
	$ 31,017,640	$ 29,411,203	$ (1,606,437)	(5.18%)