

**FINAL
AGENDA**

**FAYETTEVILLE CITY COUNCIL MEETING
JANUARY 5, 1999**

A meeting of the Fayetteville City Council will be held on January 5, 1999 at 6:30 p.m. in the City Administration Building, 113 West Mountain Street, Room 219, Fayetteville, Arkansas.

The following items will be considered:

I. OATHS OF OFFICE

II. NOMINATING REPORT

III. CONSENT AGENDA

- A. **APPROVAL OF MINUTES:** Approval of minutes from December 15, 1998 meeting.
- B. **CONSTRUCTION MATERIALS:** A resolution approving bid awards for construction materials utilized in the Street Fund, In-House Pavement Improvements, In-House Sidewalk Improvements, and other divisions.
- C. **BID 98-95:** A resolution awarding Bid 98-95 for the Library Book Detection System.

IV. OLD BUSINESS

- A. **SEWER CAPACITY REPORT:** A report from staff and Murray Fleming on the City's current sewer capacity.
- B. **RZ 98-20.00:** An ordinance approving rezoning request submitted by Sharman Sturchio and Rick King for property located at 716 West Sycamore Street. The request is to rezone the property from I-1, Heavy Commercial, Light Industrial, to C-2, Thoroughfare Commercial. This request was denied by the Planning Commission and appealed to City Council 12/1/98. The ordinance was left on the second reading at the December 15, 1998 meeting.

V. NEW BUSINESS

- A. POLICE POLICIES:** A resolution approving the Fayetteville Police Department Policies, Procedures and Rules as required by Arkansas Code Annotated 14-51-302.
- B. ALCOHOLIC BEVERAGES:** An ordinance amending Chapter 111: Alcoholic Beverages, Section 111.06, Prohibited Activities/warning notice, of the Code of Fayetteville, to prohibit the sale of beer or light wine at retail full service grocery stores and convenience grocery stores.
- C. RZ 98-21:** An ordinance rezoning request RZ 98-21 for property located at 3061 Valerie Drive. The property is zoned A-1, Agricultural and contains approximately 2.83 acres. The request is to change the zoning to R-1, Low Density Residential.
- D. RULES OF ORDER:** A resolution amending the rules of order and procedure for Fayetteville Mayor/City Council Section H., Citizens Committees, Subsection 1.d., Selection of Members.
- E. RIGHT-OF-WAY ENCROACHMENT:** A resolution allowing Tom Terminella to construct a metal canopy 18 inches over the right-of-way at 24 E. Meadow Street (there will be no ground supports to the canopy).

Only items presented by the City Council or City Staff may be discussed during the meeting. If you have an item you wish to discuss, please contact your alderman to have it presented at the next City Council Agenda Session. For further assistance, please contact Heather Woodruff, City Clerk, at 575-8323.

CITY COUNCIL

1/5/99

	ROLL				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
MAYOR HANNA	✓				
	HD TT. Nominating report				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
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YOUNG	✓				
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1/5/99.

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DAVIS	✓	✓			
TRUMBO	✓	✓			
DANIEL	✓	✓			
SANTOS	✓	✓			
YOUNG	✓	✓			
RUSSELL	✓	✓			
MAYOR HANNA					
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	H BD. Police Police				
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AUSTIN	✓				
DAVIS	✓				
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DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
MAYOR HANNA					
	8-0-0				

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	alcoholic	RA. 3rd	BR	normal	
REYNOLDS	✓	✓	✓	✓	
AUSTIN	✓	✓	✓	✓	
DAVIS	✓	✓	✓	✓	
TRUMBO	✓	✓	✓	✓	
DANIEL	✓	✓	✓	✓	
SANTOS	✓	✓	✓	✓	
YOUNG	✓	✓	✓	✓	
RUSSELL	✓	✓	✓	✓	
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TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
MAYOR HANNA					
			8-0-0		
	CU KR Rules of order				
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DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
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YOUNG	✓				
RUSSELL	✓				
MAYOR HANNA					
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	<i>Rt of way</i>				
REYNOLDS	<i>Removed from agenda</i>				
AUSTIN					
DAVIS					
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
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MAYOR HANNA					
REYNOLDS					
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DANIEL					
SANTOS					
YOUNG					
RUSSELL					
MAYOR HANNA					

CITY COUNCIL MEETING

JANUARY 5, 1999

FINAL AGENDA PACKET

Attached you will find the final agenda distribution packet for the January 5, 1999 meeting. The packet contains the minutes from the December 15, 1998 Council meeting and the additional information requested at agenda session on Tuesday.

The final City Council agenda is a combination of four separate distributions:

1. **Previous agenda** -information for items carried forward from one meeting to the next (old business) should be carried forward to the new agenda.
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The main body of the agenda consists of three sections:

1. Consent agenda
2. Old business
3. New business

Each section normally has several subsections. Each page in the tentative and final agenda will be labeled with the item's name, section, and page number. Old business items should be moved forward to your new agenda. Old business information will not normally be redistributed, however additional information for an item may be distributed. Material distributed during Agenda Session should be combined with the tentative and final agenda.

FINAL
AGENDA

FAYETTEVILLE CITY COUNCIL MEETING
JANUARY 5, 1999

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I. OATHS OF OFFICE

II. NOMINATING REPORT

III. CONSENT AGENDA

A. APPROVAL OF MINUTES: Approval of minutes from December 15, 1998 meeting.

1-99 approved B. CONSTRUCTION MATERIALS: A resolution approving bid awards for construction materials utilized in the Street Fund, In-House Pavement Improvements, In-House Sidewalk Improvements, and other divisions.

2-99 C. BID 98-95: A resolution awarding Bid 98-95 for the Library Book Detection System.

IV. OLD BUSINESS

no action A. SEWER CAPACITY REPORT: A report from staff and Murray Fleming on the City's current sewer capacity.

4/131 approved B. RZ 98-20.00: An ordinance approving rezoning request submitted by Sharman - Sturchio and Rick King for property located at 716 West Sycamore Street. The request is to rezone the property from I-1, Heavy Commercial, Light Industrial, to C-2, Thoroughfare Commercial. This request was denied by the Planning Commission and appealed to City Council 12/1/98. The ordinance was left on the second reading at the December 15, 1998 meeting.

PO. 611 FR. 02.

ROZAN Oates
3061 VAREILLE DR.
03.

V. NEW BUSINESS

- 13-99 *approved* A. **POLICE POLICIES:** A resolution approving the Fayetteville Police Department Policies, Procedures and Rules as required by Arkansas Code Annotated 14-51-302.
- 4132 *approved* B. **ALCOHOLIC BEVERAGES:** An ordinance amending Chapter 111: Alcoholic Beverages, Section 111.06, Prohibited Activities/warning notice, of the Code of Fayetteville, to prohibit the sale of beer or light wine at retail full service grocery stores and convenience grocery stores.
- 4133 *approved* C. **RZ 98-21:** An ordinance rezoning request RZ 98-21 for property located at 3061 Valerie Drive. The property is zoned A-1, Agricultural and contains approximately 2.83 acres. The request is to change the zoning to R-1, Low Density Residential.
- 14-99 *approved* D. **RULES OF ORDER:** A resolution amending the rules of order and procedure for Fayetteville Mayor/City Council Section H., Citizens Committees, Subsection 1.d., Selection of Members.
- removed from agenda* E. **RIGHT-OF-WAY ENCROACHMENT:** A resolution allowing Tom Terminella to construct a metal canopy 18 inches over the right-of-way at 24 E. Meadow Street (there will be no ground supports to the canopy).

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adjourned : 8:20 pm.

Committee appointments:

CITY COUNCIL MEETING

JANUARY 1, 1999

FINAL AGENDA

ATTACHED HERE:

CONSENT:

MINUTES:

Number this III.A.1-8

OLD BUSINESS:

RZ 98-20.00:

Number this IV. B. (This information would normally be carried forward from your last agenda)

NEW BUSINESS:

POLICE POLICES:

Additional information for V.A.

RZ 98-21:

New map for V.C.

AGENDA SESSION: Items given out at Agenda Session

CONSENT:

BID 98-95:

Additional information for III.C. Number this 1-13.

NEW BUSINESS

POLICE POLICES:

Additional information for V.A.

RULES OF ORDER:

New item. Number this V.D.1

RIGHT-OF-WAY:

New item. Number this V.E.1-3.

CITY COUNCIL MEETING

JANUARY 5, 1999

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CITY COUNCIL MEETING

JANUARY 1, 1999

FINAL AGENDA

ATTACHED HERE:

CONSENT:

MINUTES:

Number this III.A. 1-8

OLD BUSINESS:

RZ 98-20.00:

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FAYETTEVILLE HOUSING AUTHORITY

#1 NORTH SCHOOL AVE.
FAYETTEVILLE, AR. 72701-5928
PH: (501) 521-3850 FAX (501) 442-6771

December 21, 1998

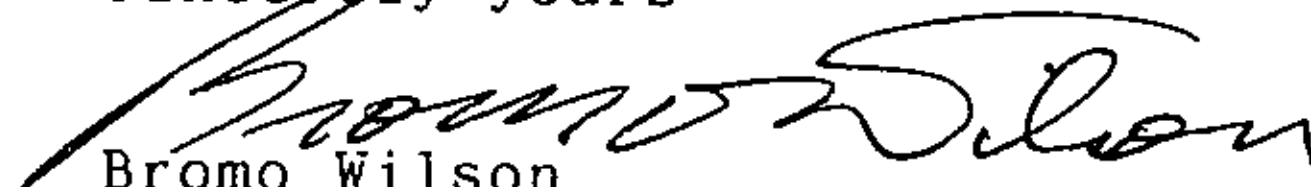
Honorable Mayor Fred Hanna
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Dear Mayor Hanna,

The Fayetteville Housing Authority Board of Commissioners met in monthly meeting December 16, 1998, and re-elected Clarence Fries to the board. His five year term will run to December 28, 2003.

We would appreciate the City Board's confirmation of this election at their next regular board meeting.

Sincerely yours


Bromo Wilson
Executive Director

RECEIVED

DEC 22 1998

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

**FAYETTEVILLE CITY COUNCIL MEETING
DECEMBER 15, 1998**

A meeting of the Fayetteville City Council was held on December 15, 1998, at 6:30 p.m. in the City Administration Building, 113 West Mountain Street, Room 219, Fayetteville, Arkansas.

PRESENT: Mayor Fred Hanna, Alderman Young, Alderman Russell, Alderman Trumbo, Alderman Pettus, Alderman Reynolds, Alderman Williams, Alderman Schaper, Alderman Daniel, City Clerk Heather Woodruff, Staff, Press, Audience

ABSENT: City Attorney Jerry Rose

NOMINATING REPORT

Alderman Daniels moved to appoint Dwain Cromwell for Cable Board; Bob Shoulders, Wade Colwell, Gail Eades, and Brenda Thiel for the Parks and Recreation Board; and Rick McKinney for the Airport Board. Alderman Young seconded the motion. Upon roll call the motion carried unanimously.

CONSENT AGENDA

MINUTES

Approval of the minutes from the December 1, 1998 meeting.

LAND PURCHASE-EASTWOOD

A resolution authorizing City to purchase 1.73 acres of land along Crossover Road; remainder of Lot #5, Block #3, Eastwood Addition, from Harry F. Locke, Jr., at a cost of \$33,400 plus closing expenses for storm water drainage purposes in connection with the improvements and widening of Highway 265.

AIRPORT FIRE STATION

A resolution approving a project contingency and budget adjustment of \$60,000 for the Aircraft Rescue and Fire Fighting Station.

Alderman Williams moved to approve the consent agenda. Alderman Schaper seconded the motion. Upon roll call the motion carried unanimously.

OLD BUSINESS

PROPERTY ACQUISITION

December 15, 1998

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Mayor Hanna introduced the purchase options for property located between Washington County Road #648 and #649, south of Highway 16 West and north of Highway 62, for the possible location of a second waste water treatment facility. Properties to be acquired from James McClelland, Jr., H.M. and Norma Lee Shipp, Broyles Farm Inc., and Calvin and Wanda Sue Hammond.

Alderman Trumbo stated he was not in favor of paying an option which did not go toward the purchase price of the property. He thought they needed to make a decision to buy the land or to stop growth. They were running out of options. He had spoken with the State Representative who gave him the history of the statute which moved the location of a sewer treatment plant back into the city limits. The possibility of having the statute repealed was very slim.

Alderman Pettus stated she would like to see the money which would go toward the option to go toward lobbying their case before the legislature. She felt they needed to challenge this legislation through legal action.

Alderman Schaper stated there was no scientifically best place to locate the plant, the only thing they would determine scientifically was where they would discharge the effluent into the receiving water. He added he was skeptical of a regional solution, because the other cities in the area did not have the same immediacy of need to enlarge their waste water systems. They were the only ones with a problem. Before they spent taxpayer money on an option, they needed to vote on purchasing the land outright, which was the recommendation of the Water and Sewer Committee.

Alderman Schaper moved to purchase the land outright. Alderman Trumbo seconded the motion.

Alderman Trumbo stated he felt the purchase price was too high, but he noted the city would not have the opportunity again to have three willing sellers, as opposed to condemning someone's property.

Alderman Schaper stated it would take four years to get the additional sewer plant and capacity on line. He did not feel the city had the time to waste.

Alderman Trumbo noted the Planning Commission had approved a large apartment complex at their last meeting in which they cautioned the developer about the sewer capacity. The city's only option if they did not construct a second sewer plant was to stop growth.

Alderman Russell asked if anyone had spoken with Springdale to see if they would be interested in cooperating with the regional solution.

Alderman Trumbo replied he had spoken with Gary George, Chairman for Springdale Sewer Commission, who informed him they had tried to do things regionally, however, it had not

December 15, 1998

Page 3

worked in the past.

Alderman Russell asked if a regional solution would include Springdale or would it be Fayetteville and the smaller communities to the south and west.

Alderman Daniel stated they did not know yet. She added she had received a call from Ms. Paula Marinoni who asked if the city could update the plant on the east while they waited for more development on the proposed plant.

Alderman Williams asked if the upgrading would increase the capacity.

Alderman Schaper explained the upgrading, which was approximately ten million dollars, on the existing plant would be for the purpose of bringing the plant up to contemporary standards. It would not increase the capacity of the system. Once the city had two plants then there would be a surplus of capacity on the east side of town which would allow them to grow in the White River Basin. He noted it would take approximately four years to split the flow between the two plants.

Alderman Williams did not believe upgrading the existing plant would be the easy way out because it would not help the existing capacity.

Alderman Schaper added the only way any of the projects would be done would be through a bond issue.

Alderman Williams stated he was not reading to purchase the property tonight because it was over three million dollars. He noted the price was above the appraised value and the city would have to purchase a house they did not want. He hoped a regional solution could be found soon. He thought it would be more appropriate to allow the new council to make the major decision to purchase the land. He agreed the only solution would be a second plant for the city. He added he did not want to spend the money on an option. He felt there were other options available.

In response to questions, Alderman Williams thought the regional solution would include surrounding towns such as Prairie Grove, Farmington, and the surrounding county. He expressed concern about combining efforts with Springdale because of the large area, which would leave raw sewage in the lines a long time.

Alderman Schaper commented there were times when it was better to have a number of smaller plants. He noted Goshen had a packaged plant which was quite economical because they avoided all the piping. The city had a tremendous investment in the collection system. If they were piping raw sewage from one place to another it created more problems. There was a limit on how regional they could be.

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Alderman Young asked if a committee had been formed and if they met to discuss a regional solution.

Alderman Pettus suggested having Mayor Hanna head the committee.

Alderman Williams added it was Fayetteville's problem along with the surrounding areas. He thought the County Judge should also be very involved in the discussions.

Alderman Young did not believe the land would be going anywhere and he did not believe they should spend the money on the options.

Alderman Schaper stated if the council did not want to purchase the land outright, then they needed to take the option to prevent the land from being sold to someone else.

Alderman Daniel stated she was committed to exploring other avenues, however, she thought they should agree to the options to give the city something to fall back on.

Alderman Trumbo stated if they decided not to purchase the land or the options, then they needed to consider a moratorium on rezoning.

In response to comments, Mr. Venable, Public Works Director, stated the city did have some capacity left. The rezoning did not affect the capacity. He added they had planned to make a presentation at the first meeting in January on the sewer system. He noted the city was nearing capacity. The city's consultant had completed their work. He thought the city would need to move fast if they were going to do anything. They were not ready to declare a moratorium.

In response to questions from Alderman Williams, Mr. Venable stated Tract 5 was the site chosen for the sewer plant. Tract 3 was the property which was contiguous to the city limits. The land was relatively flat.

Alderman Williams asked if the city could condemn land outside the city limits then bring it within the city limits to construct the sewer plant.

Mayor Hanna replied they would not be able to condemn the land and bring it within the city limits.

Ms. McCarty stated there had to be a valid public purpose for the condemnation. She added if the statute stated that a waste water treatment plant was not a valid reason then they did not have the authority to condemn the land.

Alderman Williams suggested only taking the options on certain parcels of land, which would save

December 15, 1998

Page 5

the city some of the option money.

Alderman Schaper stated they had always talked about a minimum of two hundred acres and being a good neighbor by providing a large buffer.

Mr. Miller Goff asked if they were to purchase the McClelland land only they would not have access to the lowest point for the drainage from the sewer plant to the final discharge point. He asked if the city would have the right to condemn a route for the discharge line.

Alderman Williams thought the city would have the right to condemn the land because it was the only feasible way to get to the discharge point. He thought the feasibility requirement of the statute would be made.

In response to questions from Mr. Goff, Alderman Schaper stated they needed to separate the plant from the discharge point. The technical feasibility would determine where the discharge point had to be. The discharge point that the state would allow was downstream in any case.

Mr. Goff disagreed. He asked if the law would not allow them to construct the sewer plant, why would it allow them to construct the outfall lines.

Alderman Pettus added they were not allowed to construct the lines to the sewer plant either.

Mr. Goff asked if they were to construct the sewer plant without having provisions for the discharge lines, then they would have to discharge at the site.

Alderman Pettus stated she was not willing to construct the plant, then say it was unfeasible for them to construct the lines, so they could condemn the lines. She added the law had never been challenged. She added the statute was designed to stop Fayetteville from building the plant outside the city limits where they want to construct the plant.

In response to questions from aldermen in regards to purchasing only part of the property, Mr. Venable stated the primary purpose was to purchase enough land to provide screening.

Mr. Goff stated they had never had the authority to have an outfall line to the two creeks. He did not believe this was a usable site, because they did not have the authority to construct the line between the two points.

Alderman Pettus stated the court of law would determine if something was technically feasible, because someone would sue.

Alderman Williams thought the proposed site was a ligament site and that it was required by law

December 15, 1998

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to pipe the affluent to the location that allowed them by permit to put it in. Therefore, it was the only feasible way to do it. If it was the only feasible thing to do then they had the power to condemn the property to put the pipes in.

Alderman Pettus disagreed with Alderman Williams. She added they needed to get rid of the law.

Mr. Goff stated no action had been taken for a regional solution. He stated someone needed to be officially designated to the committee.

Mr. Charles Seifert, an area resident, stated this issue should be placed in a committee. He added the city needed common sense.

Mr. Jeff Erf, an area resident, asked how much the bond issue would be for and if water bills or sales tax would go up.

Alderman Schaper stated the current citizens in Fayetteville should not be burdened with the cost of added capacity to accommodate future residents. He thought there should be an increase in the sewer tap fees, which would be for the expansion. The upgrading of the existing system should be borne by increasing the existing base because everyone would benefit.

In response to questions from Mr. Erf, Alderman Schaper explained the study did talk about various ways in which the plant might be paid for.

Mr. Bill Jowers, 452 North 46th Street, requested that the city not move so fast with this, because it would affect other people such as Oklahoma. There were people willing to participate in committees. He expressed concern about multiple plants because of the added cost of personnel. He noted the cost would be reduced if more cities were involved. He expressed concern about rushing into a purchase. He noted the proposed site had a 30" gas line through the property.

Mayor Hanna called for the vote on the purchase of the land. The motion failed by a vote of 2-6-0. Aldermen Young, Russell, Trumbo, Pettus, Williams, and Daniel voting nay.

Alderman Schaper moved to go forward with the six month option with the subsequent option which included the purchase of the house, with a total cost of \$210,210. If needed an additional \$60,140 for an additional six months. Alderman Daniel seconded the motion.

In response to questions, Mr. Ed Connell, City Land Agent, stated the property owners were expecting an answer tonight. If they did not accept the option, then they would start the process over. He reminded the council that the city had approached these property owners to sell their land. Their property had not been for sale.

December 15, 1998

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Alderman Williams stated he was not in favor of spending the money at this time for the options. He added he did not believe this was the right location for the new plant.

Alderman Pettus stated she was not in favor of the option.

Alderman Schaper stated this option was an insurance policy which gave the city a place to go, if the regional solution did not come together.

Alderman Pettus stated if we were to buy the option, then the council needed to push the mayor to work on a regional solution.

Mayor Hanna stated there was a meeting on Friday with all the mayors and the new county judge. He added if the option did go the full twelve months, then it would cost the city \$150,000 and one piece of property. The city had spent over \$600,000 on a feasibility study and this was the only location that was open to the city at the present time. He added the purchase price was too high, but they had done the best they could to negotiate.

Alderman Daniels stated they were trying to be good neighbors.

Alderman Reynolds stated they were not just talking about Fayetteville, they had a number of smaller towns which would also have to shut down their growth, if something was not done.

In response to questions from Alderman Young, Ms. McCarty explained in order to condemn land there would have to be a statute which authorized it or it had to be a valid public purpose. She added there was a specific statute which stated the city could not go outside their city limits to condemn for a sewer treatment plant.

Alderman Pettus added there were specific requirements the city had proven in order to prove it was not feasible to locate the plant within the city limits. She noted within the statute there was no authority to approve the feasibility, so the only way to challenge it would be a law suit.

Mayor Hanna called for the vote on the purchase of the options. Upon roll call the motion carried by a vote of 6-2-0. Alderman Pettus and Williams voting nay.

OFF-STREET PARKING LOT DESIGN

Mayor Hanna introduced an ordinance revising the UDO, Off-Street Parking Lot Design requirements, in reference to landscaping. The ordinance was tabled on the third reading.

Ms. Kim Hesse, Landscape Administrator, stated the Tree and Landscape Committee had reviewed the proposed changes and thought the ordinance would be more clear.

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Alderman Daniel moved to approve the amendment to the ordinance. Alderman Williams seconded the motion. Upon roll call the motion carried unanimously.

OVERLAY DISTRICT

Mayor Hanna introduced an ordinance revision the Overlay District provision of the zoning ordinance to eliminate sections contained within the Commercial Design Standards. The ordinance was left on the second reading as amended.

Alderman Williams moved to suspend the rules and go to the third and final reading. Alderman Young seconded the motion. Upon roll call the motion carried unanimously.

Ms. McCarty read the ordinance.

Alderman Williams stated the proposed revisions were to harmonize the Overlay District with the more recent Development Ordinance so the two would work better together.

There was no public comment.

Mayor Hanna called for the vote. Upon roll call the motion carried unanimously.

EMINENT DOMAIN

Mayor Hanna introduced an ordinance authorizing the City Attorney to seek possession of property owned by Jill R. Jacoway located at the southeast corner of Old Missouri Road and Zion road by the power of eminent domain, in association with the required right-of-way and easements for the old Missouri/Zion road intersection Improvement. The ordinance was left on the second reading.

Alderman Daniel moved to suspend the rules. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

In response to questions from Alderman Williams, Mr. Venable stated they had notified Ms. Jacoway of the meeting and the previous meetings. They had not received any responses from Ms. Jacoway.

Mr. Charles Seifert, an area resident, presented a list of concerns and questions to Alderman Pettus to read.

Alderman Pettus read Mr. Siefert's letter which questioned who had appraised and what would Ms. Jacoway receive for her property.

Mr. Ed Connell, Land Agent, stated Below and Associates had appraised the property and the

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price was approximate \$3,700.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously.

1999 BUDGET

Mayor Hanna introduced a resolution adopting the 1999 City of Fayetteville Annual Budget and Work Program. He stated there had been a proposed to amend the resolution include the funds for the University Transit, the Down Town Parking Enhancement District and the Community Access Television.

Alderman Williams moved to approve the amendment. Alderman Young seconded the motion. Upon roll call the motion carried unanimously.

Alderman Trumbo stated the University was very applicative of the \$20,000 to help provide transport to the citizens.

Mayor Hanna stated the Red Route carried over 40,000 passengers to the mall last year.

Alderman Schaper noted there was still \$300,000 for Steel Property street improvements which was for putting in Steel Boulevard this year. He added there was no development along this corridor presently. He suggested deleting the money from this year budget until the road was needed.

Alderman Pettus asked how many times the city had been criticized for building infrastructure and then catching up with that infrastructure. She thought this was one time they could get ahead.

Alderman William stated the Street Committee had approved this. He added there would be other roads servicing this development. He thought it would enhance the shopping center to keep it attractive and the regional shopping center. In response to comments from Alderman Schaper he added the boulevard was designed to be a primary artery to the west and intersect with Johnson Road.

Alderman Schaper moved to delete the money from the budget for the Steel Boulevard and add the money to other street projects. Alderman Russell seconded the motion.

Alderman Russell stated he understood the theory of subsidizing businesses because it was an investment for the city. He questioned if the city had a policy on which business they gave the money to. He thought if they were going to subsidize business they should be giving incentives to people willing to locate downtown and along Dickson Street rather than near the mall.

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Alderman Williams replied the city was spending 2.2 million dollars for Dickson Street improvements, 7 million dollars for the Town Center on the Square. He disagreed with Alderman Russell about it being a subsidy for those business. He added this was an asset for Fayetteville and not for the development. It was something the city needed. The developer was providing all the land with no cost to the city for the very wide boulevard that the city requested.

Alderman Russell replied there needed to be a more defined policy on when the city would pay for infrastructure within commercial development. He noted the Planning Commission minutes state that the developer was willing to pay for what ever was necessary to provide for traffic flow and access from and to the property. He noted that we had to trust the developers traffic engineer that what they were paying for was what was necessary to provide for traffic flow for their development.

Alderman Trumbo added it was currently difficult to get in and out of the mall and this four lane would make it convenient for people to use the back side of the mall rather than having them use Highway 71.

Alderman Schaper stated Subdivision developer were required to install 28' wide streets and they were arguing this developer was required to construct the same street that a small developer would be required.

Alderman Trumbo explained the property tax for the mall went to Springdale and the sales taxes went to Fayetteville. He added they needed to encourage people to shop at the mall.

Alderman Young suggested using the money to install streets in the High Tech Industrial Park.

Alderman William noted they were doing both.

Mayor Hanna called for the vote. Upon roll call the motion carried by a vote of 3-5-0. Alderman Trumbo, Pettus, Reynolds, Williams, and Daniel voting nay.

Alderman Trumbo noted they were not able to fund some of the request for additional Police and Fire. He complement both groups for the outstanding job they were doing.

Alderman Williams noted over the past six years both Fire and Police budgets had gone over 50%.

Alderman Daniel complement the Police and Fire and how nice the City Staff was.

Mr. Jeff Erf, an area resident, asked if money had been allocated to the trolley. He asked if the city had always funded the trolley.

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Mr. Crosson replied the city had allocated \$30,000 to the trolley. In the past the majority of the money had come from the A&P.

Mr. Erf questioned the contract with the Chamber for the Economical development. He expressed concern about the Chamber looking after the city. He noted the Chamber did not adopt the marketing plan for Drake Field. He asked them to reconsider their funding.

In response to questions, Mr. Steve Green, Chamber of Commerce, stated they had development the marketing plan for Drake Field, and they had endeavored to support Drake field and the marketing of the field.

Mr. Erf expressed concern about the Police Department budget and noted the crime rate had been going up the last five years. He thought they needed more policemen on the force. He suggested the Police Department stop helping citizens unlock cars to save money.

Alderman Williams thought it was a good outreach program to show the Police as helpers. He did not believe policemen would leave an emergency situation to unlock a car. He added he had seen them unlock cars and it took only a few seconds.

Alderman Pettus stated some people could not afford a lock smith and it only took a few seconds to unlock a car.

Randy Zurcher, an area resident, expressed concern about the city spending money on Steel Boulevard. He though the money should be used to fund non-profit organizations or individual that would be community projects.

Alderman Pettus moved to approve the budget. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

RZ98-19

Mayor Hanna introduced an ordinance approving rezoning request submitted by Tom Terminella for property located north of Township East extension. The request is to rezone 45.87 acres from A-1, Agricultural, to R-1, Low Density Residential. The ordinance was left on second reading.

Alderman Pettus moved to suspend the rules and go to the third and final reading.
Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously.

Ms. McCarty read the ordinance.

Alderman Williams noted the developer was only planning to develop 61 lots for the 45 acres.

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He questioned why he was requesting R-1 and not some other zoning.

Mr. Dave Jorgensen, Jorgensen and Associates, replied they had some lots which were under an acre. He stated they had only planned 60 lots.

Alderman Williams reminded the city was four to five years away from increasing capacity in the sewer plant. He thought they would have to be careful on all future rezonings.

Mayor Hanna stated the developer had offered to only construct sixty lots, however, any bill of assurance would have to be offered during the large scale development.

Ms. Little added the developer could offer a bill of assurance at the rezoning level. The planning commission then would affect compliance with the bill of assurance.

In response from questions from the Mayor, Mr. Jorgensen explained the lay of the land required that some of the lots be less than a half an acre. The majority of the lots were larger.

In response to questions, Ms. Little explained the Planning Commission had made a statement regarding the Large Scale Development, 216 units proposed for Cliffs Development with a caveat to the developer that there may not be sufficient sewer capacity and it was the developers risk. The Planning Commission had made it very clear they were concerned about the sewer capacity and that they did not have any information stating they needed to deny the project. They had discussed the possibility of a moratorium, which could be no additional rezoning or additional development or building permits.

Alderman Reynolds stated the project had gone through the property procedures and it was only fair for them to continue. If they were going to impose a moratorium they need to start at the beginning of the process.

Alderman Young expressed concern about voting for this rezoning without a report from the consultants.

Alderman Williams noted this development was near the existing sewer treatment plant and this was like an infill project because there was a lot of the city surrounding it.

Alderman Russell questioned the meaning of the statement that the developer would bear the risk.

Ms. Little replied Planning Commission felt that in the absence of instructions from the council that they should continue business as usual. They had not received instructions from council that there needed to be a moratorium or a slow down in development.

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In response to comments, Mr. Jorgensen stated this would be a show piece property. They were developing only 60 lots on 45 acres. It fit very well with the surrounding property.

Mr. Dan Coody, an area resident, expressed concern about the proposed moratorium and how it would affect existing developments.

Alderman Williams stated it would depend of the type of moratorium. He stated he would be in favor of a rezoning moratorium, before a massive investment was made by the developer.

Alderman Schaper explained there were three levels of the a moratorium. Rezoning, Large Scale or subdivisions and the most drastic would be the building permit.

Mr. Venable stated they did not anticipate a moratorium at the tap it would be at the more than likely be at the subdivision or Large Scale Development.

Mayor Hanna stated a moratorium was a good reason why more people needed to get involved because it would affect the whole city.

Mr. Coody volunteered to serve on the committee.

Mayor Hanna called for the vote. Upon roll call the motion carried by a vote of 6-2-0. Alderman Young and Russell voting nay.

RZ 98-20.00

Mayor Hanna introduced an ordinance approving rezoning request submitted by Sharman Sturchio and Rich King for property located at 716 West Sycamore Street. The property is zoned I-1, Heavy Commercial, Light Industrial, and contains approximately 6.36 acres. The request is to change the zoning to C-2, Thoroughfare Commercial. The request was denied by the Planning Commission and appealed to the City Council December 1, 1998.

Ms. McCarty read the ordinance for the first time.

Alderman Reynolds stated he would be abstaining since he voted on the rezoning at the Planning Commission level.

Alderman Pettus stated she would also be abstaining.

Alderman Williams stated he would be voting against the rezoning because he believed Fayetteville had a good entertainment district. He thought it helped the city to have dancing located within certain areas and not to have it spread throughout the town. There had also been

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some complaints from neighbors about potential light night hours.

Mayor Hanna stated they had withdrawn their request for dancing. It was only a request for a private club.

Alderman Schaper questioned what they wanted to do with the property.

Ms. Little explained the applicant could have a private club with I-1 zoning.

Mr. Charman Sturchio explained they had a person willing to lease the property with the condition that the property be rezoned from I-1 to C-2 so Mr. Clark could request a conditional use for dancing in the future. He added the C-2 zoning was allowed in a mixed use area. He added the former tenant had beer and wine sales.

In response to questions from Mr. Schaper, Mr. ?? Stated the previous renters were open to 10:00 p.m. The proposed club would be open until 2:00 a.m. on the weekends.

Alderman Russell clarified there was nothing that would prevent them from having a club there now with the current zoning.

Ms. Little added the C-2 zoning would allow them to have the Liquor by the Drink. In response from questions from Alderman Schaper, she explained a private club was not allowed in C-1. Dancing was not allowed in C-1. Restaurants serving liquor were allowed in C-1. Bars were not allowed in C-1, it would require C-2.

Alderman Schaper stated he had a number of complaints about the other clubs near this location. He would not encourage this type of activity in this neighborhood.

Mr. Sharman Sturchio replied a band had been using the building and they had not had any complaints. It was a very well insulated building. Mr. Clark was planning a much smaller use. He added the Planning Staff had recommended approval of the rezoning.

Alderman Schaper reminded rezoning was supposed to be for the good of the city and not the convenience of a property owner. He cautioned about spot zoning.

Alderman Young stated the zoning of the property needed to reflect the use of the property and the general land use plan, which recommended mixed uses.

Alderman Schaper moved to suspend the rules and go to the second reading. Alderman Trumbo seconded the motion. Upon roll call the motion carried by a vote of 5-1-2, Alderman Williams voting nay, Alderman Pettus and Reynolds abstaining.

Alderman Schaper moved to go to the third and final reading. The motion died for lack of a second.

NEW BUSINESS

DICKSON STREET ENHANCEMENT

Mayor Hanna introduced a resolution authorizing the Mayor and City Clerk to enter into an agreement with the Benham Group for planning and engineering services relative to the Dickson Street Enhancement Project. The amount of the contract is \$346,748.04 and approval of a budget adjustment.

Alderman Pettus and Reynolds stated they would be abstaining because they stood to gain from the enhancement.

Mr. Venable stated the some of the fund came from the Federal Aid Highway Act which had been past this year. One million and a half had been set up for this improvement. This was 80% of the cost. The other 20% would come from local money. Mr. Carl Collier stated the Dickson Street Improvement District would also be contributing approximately \$300,000. The project was for the enhancement of the Dickson Street area. This contract would be for the engineering. The city would be reimbursed up to the amount of Federal Aid. How ever it would take six years to get the money. This contract was strictly city money.

Alderman Schaper added there was a lot of engineering involved because of all the utilities and construction required. He thought they were on their way to a very healthy downtown because of this and the private development which was being invested in the area.

Alderman Schaper moved to approve the resolution. Alderman Daniel seconded the motion.

Mr. Dan Coody asked if this project would actually get off the ground.

Alderman Williams reassured Mr. Coody this project would get off the ground.

Mayor Hanna called for the vote. Upon roll call the motion carried by a vote of 6-0-2. Alderman Pettus and Reynolds abstaining.

COMMUNITY ACCESS TELEVISION

Mayor Hanna introduced a resolution approving a contract with the Community Access Television for public television services.

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Alderman Young moved to approve the resolution. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously.

CHILD CARE FACILITY.

Mayor Hanna introduced a resolution approving the extension of water and sewer service to a tract of land in the Fayetteville South Industrial park at a cost not to exceed \$20,000, as requested by the Chamber of Commerce for a child care facility.

Alderman Williams asked if the land was owned by the city or the Chamber of Commerce.

Mr. Jim Crider, Fayetteville Chamber of Commerce, stated the land was owned by the Fayetteville Development Foundation Inc. He explained the group had been dissolved to only a handful of banks and utility companies.

Mayor Hanna explained the Fayetteville Development Foundation was founded to borrow the money to put in the original industrial park. Two to three banks agreed to loan the money. They would be paid back the proceeds of the lots. When he came into office, they had asked the city to pay off the notes. The city declined and only bought part of the lots.

Mr. Crider added originally there had been 160 acres, the city had purchased approximately 120 acres. He had been able to sell all but 13.8 acres. The purchase money would go towards retiring the debt on the bonds which were originally used to purchase the land.

Alderman Trumbo stated he would have to abstain from this item.

Alderman William stated he had a problem subsidy for a small nonindustrial client. He stated a child care facility was a service which would be in competition with other child care facilities through town. He thought it would be unfair to other child care facilities.

Mr. Crider stated Fayetteville had a low rate of unemployment. One issue facing industry is availability of people and the high rate of turn over. This child care facility would be a means of attracting employees that would be staying at home. The idea was for the industries in the south industrial park would offer a voucher system where they would pay 40-60% of an individual's child care in order get people out to work. He added Fayetteville's child care center's were at capacity and they needed another facility.

Alderman Schaper noted the industries in this area were in competition for worker because the unemployment was so low. Anything which made the city industrial park more attractive would contribute to the health and economy of Fayetteville. They were still creating jobs where they were service or industrial. He noted they had been willing to give Panels by Micky the \$20,000.

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He was inclined to approve the resolution because of the tight employment.

In response from questions, Mr. Crider stated that although Dixie Development would be building facility they would be turning the facility over to Intercare, a professional child care management organization. The price per acre was \$23,000 per acre, which was breaking even.

Alderman Reynolds asked if they could lower the purchase price of the property.

Mr. Crider replied the \$23,000 was the bottom line to get the return payment on the debt of the bonds. They would not be making a profit, it would be for retiring the bonds.

Mr. Jeff Erf stated he was opposed to subsidizing the child care facility. He expressed concern about the children being located around vacant lots and it being in an industrial lots. He thought the day care facility might decrease the value of the surrounding vacant lots.

Alderman Daniel moved to approve the resolution. Alderman Young seconded the motion. Upon roll call the motion carried by a vote of 6-1-1. Alderman Williams voting nay. Alderman Trumbo abstaining.

Meeting adjourned 9:35 p.m.

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of: January 5, 1999

FROM:

Randy Allen
NameStreet
DivisionPublic Works
Department

ACTION REQUIRED:

Approve bid awards for construction materials utilized in the Street Fund, In-House Pavement Improvements, In-House Sidewalk Improvements and other Divisions.

COST TO CITY:

\$1,041,701

Cost of this request

\$1,313,082

Category/Project Budget

In-House Pavement Imp.
Category/Project Name4470-9470-5809.00

Account Number

\$271,381

Funds Used to Date

N/A

Program Name

97033 & 96041

Project Number

\$1,041,701

Remaining Balance

Sales Tax Capital
Fund

BUDGET REVIEW:

☒ Budgeted Item☐ Budget Adjustment Attached[Signature]
Budget Coordinator[Signature]
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]
Accounting Manager12-18-98
Date[Signature]
ADA Coordinator12/16/98
Date[Signature]
City Attorney12-16-98
Date[Signature]
Internal Auditor12/16/98
Date[Signature]
Purchasing Officer12-16-98
Date

STAFF RECOMMENDATION:

[Signature]
Division Head[Signature]
Date

Cross Reference

[Signature]
Department Director12-18-98
Date

New Item: YES NO

[Signature]
Administrative Services Director[Signature]
Date

Prev Ord/Res #: _____

[Signature]
Mayor12/18/98
Date

Orig. Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THRU: Fred Hanna, Mayor

FROM: Charles Venable, Public Works Director
Randy Allen, Street Superintendent *R.A.*

DATE: December 16, 1998

SUBJECT: Bid Awards for Construction Materials

Bids were opened for construction materials utilized by the Street Division and other divisions for the fiscal year 1999. The following is the results of those bids and staff's award recommendation.

The asphalt and aggregate bid only had one bidder and should be awarded to McClinton-Anchor.

The ready-mix concrete bid only had one bidder and should be awarded to Beaver Lake Concrete.

The curb and gutter bid only had one bidder and should be awarded to Sweetser Construction.

The red hillside gravel bid only had one bidder and should be awarded to Les Rogers, Inc.

The hot-applied thermoplastic pavement marking bid only had one bidder and should be awarded to Time Striping, Inc.

The geotextile fabric bid had two bidders and should be awarded to the low bidder, Darragh Company.

The de-icing salt bid had three bidders and should be awarded to the low bidder, Bruce Oakley, Inc.

The portland cement bid had two bidders and should be awarded to the low bidder, Blue Circle Cement.

The asphalt oil bid had three bidders and item 1 should be awarded to Lion Oil Company, item 3 should be awarded to Koch Materials Company, and item 4 should be awarded to Lion Oil Company. No bid was received on item 2 and it will not be re-bid.

The bid for topsoil had no bidders and had to be re-bid. The results of that bid opening will be available before the council meeting on January 5th, 1999.

City of Fayetteville
Agenda Attachment

Schedule of Funds Available for Ready-Mix Concrete, Asphalt and Related Materials, Limestone Products, Hillside, Thermoplastic Striping and Curb Ramps.

<u>Account #</u>	<u>Account/Project Name</u>	<u>Project #</u>	<u>Amount</u>
4470-9470-5809.00	In-House Pavement Imp.	95047	\$843,000
4470-9470-5814.00	In-House Sidewalk Imp.	96041	281,000
2100-4120-5215.00	Hot Mix, Asphalt, & Gravel	Operations	95,832
5400-4310-5216.00	Construction Materials	Operations	64,500
5400-4410-5216.00	Construction Materials	Operations	<u>28,750</u>
	Total Funds Available		\$1,313,082
	Funds Committed/Used		<u>271,381</u>
	Funds Remaining		<u><u>\$1,041,701</u></u>

Funds committed include labor and equipment for the in-house paving program of \$50,000 and \$221,381 respectively.

INVITATION TO BID

SHARP'S LOCATION

BID # 99-6	DATE ISSUED: November 23, 1998	DATE AND TIME OF OPENING: December 10, 1998 at 11:00 a.m.
BUYER: City of Fayetteville, AR		DATE REQUIRED: 30 DAYS ARO
F. O. B. Fayetteville, AR	BUYER'S PHONE # (501) 575-8289	GUARANTEED DELIVERY DATE:

ITEM #	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
1	Coarse Lime	TON	<i>NO BID</i>	
2	Abrasive-LS (Grit)	TON	<i>NO BID</i>	
3	1 1/4" Concrete Aggregate	TON	<i>NO BID</i>	
4	3/4" Concrete Aggregate	TON	<i>NO BID</i>	
5	Class 7 Base (SB-2)	TON	<i>4.90</i>	
6	Fill Material	TON	<i>1.25</i>	
7	Surge Pile (8" Minus)	TON	<i>NO BID</i>	
8	Rip Rap (Sized Rock)	TON	<i>10.00</i>	
9	Shot Rock	TON	<i>3.75</i>	
10	TY-2 HM SURF-LS	TON	<i>21.75</i>	
11	TY-3 HM SURF-LS	TON	<i>21.75</i>	
12	TY-2 HM SURF-SS	TON	<i>23.00</i>	
13	TY-3 HM SURF-SS	TON	<i>23.00</i>	
14	Premix-Coarse	TON	<i>25.00</i>	
15	HM Base (Black Base)	TON	<i>20.50</i>	
16	TY-1 HM Binder	TON	<i>21.50</i>	
17	TY-2 HM Binder	TON	<i>21.50</i>	
18	Delivery price to City of Fayetteville Corporate City Limits	TON		
		<i>HAUL</i>		
	RESTRICTIONS OR EXCEPTIONS TO THE BID MUST BE NOTED:	<i>AGGREGATE</i>	<i>2.70</i>	
		<i>RIPRAP</i>	<i>3.70</i>	
		<i>ASPHALT</i>	<i>3.00</i>	
	<i>UNIT PRICES REFLECT DISCOUNT</i>			
	<i>TAXES EXCLUDED</i>			
	<i>SUBJECT TO AVAILABILITY</i>			

EXECUTION OF BID

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

UNSIGNED BIDS WILL BE REJECTED	NAME OF FIRM: <i>APAC-ARKANSAS, INC.</i> <i>MCCUNTON-ANCHOR DIVISION</i>	PHONE: <i>521-3550</i>	TAX PERMIT: <i>58-140-1469</i>
	BUSINESS ADDRESS: <i>P.O. BOX 1367</i> <i>240 NORTH BLOCK STREET</i>	CITY AND STATE: <i>FAYETTEVILLE, AR</i>	ZIP: <i>72702</i>
	AUTHORIZED SIGNATURE: <i>James A. Cole</i>	TITLE: <i>VICE PRESIDENT</i>	DATE: <i>12/9/98</i>

INVITATION TO BID

WESTFORK LOCATION

BID # 99-6	DATE ISSUED: November 23, 1998	DATE AND TIME OF OPENING: December 10, 1998 at 11:00 a.m.
BUYER: City of Fayetteville, AR		DATE REQUIRED: 30 DAYS ARO
F. O. B. Fayetteville, AR	BUYER'S PHONE # (501) 575-8289	GUARANTEED DELIVERY DATE:

ITEM #	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
1	Coarse Lime	TON	4.90	
2	Abrasive-LS (Grit)	TON	5.40	
3	1 1/4" Concrete Aggregate	TON	6.90	
4	3/4" Concrete Aggregate	TON	7.15	
5	Class 7 Base (SB-2)	TON	5.40	
6	Fill Material	TON	0.90	
7	Surge Pile (8" Minus)	TON	5.65	
8	Rip Rap (Sized Rock)	TON	10.00	
9	Shot Rock	TON	3.65	
10	TY-2 HM SURF-LS	TON	21.75	
11	TY-3 HM SURF-LS	TON	21.75	
12	TY-2 HM SURF-SS	TON	23.00	
13	TY-3 HM SURF-SS	TON	23.00	
14	Premix-Coarse	TON	25.00	
15	HM Base (Black Base)	TON	20.50	
16	TY-1 HM Binder	TON	21.50	
17	TY-2 HM Binder	TON	21.50	
18	Delivery price to City of Fayetteville Corporate City Limits	TON		
		HAUL		
	RESTRICTIONS OR EXCEPTIONS TO THE BID MUST BE NOTED:	AGGREGATE	2.15	
		RIPRAP	3.15	
		ASPHALT	2.45	
	UNIT PRICES REFLECT DISCOUNT			
	TAXES EXCLUDED			
	SUBJECT TO AVAILABILITY			

EXECUTION OF BID

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

UNSIGNED BIDS WILL BE REJECTED	NAME OF FIRM: <i>APAC-ARKANSAS, INC.</i>	PHONE: <i>521-3550</i>	TAX PERMIT: <i>58-140-1469</i>
	<i>McCLINTON-ANCHOR DIVISION</i>		
	BUSINESS ADDRESS: <i>P.O. BOX 1367</i>	CITY AND STATE: <i>FAYETTEVILLE, AR</i>	ZIP: <i>72702</i>
	<i>240 NORTH BLOCK STREET</i>		
	AUTHORIZED SIGNATURE: <i>James A. Cole</i>	TITLE: <i>VICE PRESIDENT</i>	DATE: <i>12/9/98</i>

INVITATION TO BID

BID # 99-1	DATE ISSUED: November 23, 1998	DATE AND TIME OF OPENING: December 10, 1998 at 11:00 a.m.		
BUYER: City of Fayetteville, AR		DATE REQUIRED: 30 DAYS ARO		
F. O. B. Fayetteville, AR	BUYER'S PHONE # (501) 575-8289	GUARANTEED DELIVERY DATE:		
ITEM #	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
1	3000 PSI, 1 1/4" Max. Aggregate Size, 4" Slump - per Cubic Yard.		\$53.47	
2	3500 PSI, 1 1/4" Max. Aggregate Size, 4" Slump - per Cubic Yard.		\$55.60	
3	4000 PSI, 1 1/4" Max. Aggregate Size, 4" Slump - per Cubic Yard.		\$57.73	
4	5000 PSI, 1 1/4" Max. Aggregate Size, 4" Slump - per Cubic Yard.		\$64.13	
5	1% Calcium Chloride Admixture - c.y.		\$ 1.45	
6	2% Calcium Chloride Admixture - c.y.		\$ 2.90	
7	Air entraining Admixture - per c.y.		\$ N/C	
8	Hot Water - per c.y.		\$ 1.00	
9	3/4" Rock - per c.y.		\$ 1.10	
10	Flowable Fill - per c.y.		\$44.80	

MINIMUM BILLED AMOUNT: three (3) cubic yards

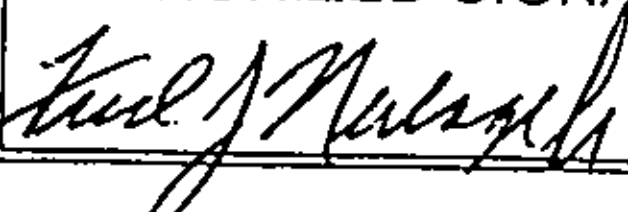
PRICE OF DELIVERY MUST BE INCLUDED IN CUBIC YARD PRICE.

RESTRICTIONS OR EXCEPTIONS

TO THE BID MUST BE NOTED: Minimum load charge is three (3) cubic yards

EXECUTION OF BID

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

UNSIGNED BIDS WILL BE REJECTED	NAME OF FIRM:	PHONE:	TAX PERMIT:	
	Beaver Lake Concrete, Inc.	501 756-1833		
	BUSINESS ADDRESS:	CITY AND STATE:	ZIP:	
	2425 Old Wire Road P.O. Box 307	Springdale, Arkansas	72765-0307	
	AUTHORIZED SIGNATURE:	TITLE:	DATE:	
		Fred Neslage Vice President	12/7/98	

INVITATION TO BID
CITY OF FAYETTEVILLE, ARKANSAS

BID # 99-2	DATE ISSUED: November 23, 1998	DATE AND TIME OF OPENING: December 10, 1998 at 11:00 a.m.
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BUYER: City of Fayetteville, AR	DATE REQUIRED: 30 DAYS ARO
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F. O. B. Fayetteville, AR	BUYER'S PHONE # (501) 575-8289	GUARANTEED DELIVERY DATE:
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ITEM #	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
1	Price per linear foot of Hand-Formed curb & gutter. (per attached specifications)	2000 LF	8.35	16700.00
2	Price per linear foot of Machine-Placed curb & gutter. (per attached specifications)	1000 LF	7.35	7350.00
3	Price per square foot of sidewalk. (per attached specifications)	100 SF	4.55	455.00
	Restrictions or exceptions to the bid must be noted:			24505.00

EXECUTION OF BID

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

UNSIGNED BIDS WILL BE REJECTED	NAME OF FIRM: JERRY D. SWEETSER, INC.	PHONE: (501) 443-3026 OFFICE (501) 442-0119 FAX	TAX PERMIT:
	BUSINESS ADDRESS: 590 WEST POPLAR FAYETTEVILLE, AR 72703	CITY AND STATE: 590 WEST POPLAR FAYETTEVILLE, AR 72703	ZIP:
	AUTHORIZED SIGNATURE: 	TITLE: PRESIDENT	DATE: 12-8-98

ARKANSAS PREFERENCE REQUESTED: ☒ YES ☐ NO**WILLIAM G. SWEETSER**

INVITATION TO BID

BID # 99-5	DATE ISSUED: November 23, 1998	DATE AND TIME OF OPENING: December 10, 1998 at 11:00 a.m.		
BUYER: City of Fayetteville, AR		DATE REQUIRED: 30 DAYS ARO		
F. O. B. Fayetteville, AR	BUYER'S PHONE # (501) 575-8289	GUARANTEED DELIVERY DATE:		
ITEM #	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
1	Red Hillside Gravel - per Cubic Yard	1	1.25	\$1.25
2	Delivery Price - per Cubic Yard	1	2.25	2.25
Please submit copy of soil analysis report for the material being bid.				
Location of material:				
If City of Fayetteville picks up, will there be equipment at the site to load our trucks?		Yes ☒ No ☐		
Is there a loading charge?		Yes ☐ No ☒	Amount:	\$3.50
RESTRICTIONS OR EXCEPTIONS TO THE BID MUST BE NOTED:				
Would like some				
notice on delivery				
if possible.				

EXECUTION OF BID

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

UNSIGNED BIDS WILL BE REJECTED	NAME OF FIRM:	PHONE:	TAX PERMIT:
	Les Rogers FNCI	443 6130	010-8403-72-001
	BUSINESS ADDRESS:	CITY AND STATE:	ZIP:
	1555 Warehouse Dr	Fayetteville Ar	72701
	AUTHORIZED SIGNATURE:	TITLE:	DATE:
	Les Rogers	President	12-7-98
ARKANSAS PREFERENCE REQUESTED: () YES () NO			

INVITATION TO BID

BID # 99-7	DATE ISSUED: November 23, 1998	DATE AND TIME OF OPENING: December 10, 1998 at 11:00 a.m.
BUYER: City of Fayetteville, AR		DATE REQUIRED: 30 DAYS ARO
F. O. B. Fayetteville, AR	BUYER'S PHONE # (501) 575-8289	GUARANTEED DELIVERY DATE: 30 Days

ITEM #	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
1	Hot Truck Applied Thermoplastic White or Yellow (4") - per linear foot.	45,000 lf (estimate only)	.35	
2	Hot Applied Thermoplastic Arrows - Each	as needed	100.00	
3	Hot Applied Thermoplastic Words - Each.	as needed	175.00	
4	Hot Applied Thermoplastic Railroad Emblems - Each.	as needed	750.00	
5	Hot Applied Thermoplastic Handicap Emblems - Each. (Blue Background w/White Emblem)	as needed	242.50	
6	Hot 4" Hand Applied Thermoplastic for Parking Spaces - per linear foot.	as needed	1.10	
* All pavement marking material and lay down procedures must meet current AHTD specifications. RESTRICTIONS OR EXCEPTIONS TO THE BID MUST BE NOTED:				

EXECUTION OF BID

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

UNSIGNED BIDS WILL BE REJECTED	NAME OF FIRM:	PHONE:	TAX PERMIT:
	<i>Time Striping, Inc.</i>	<i>501-474-0452</i>	<i>71-0669392</i>
	BUSINESS ADDRESS:	CITY AND STATE:	ZIP:
	<i>P.O. Box 1236</i>	<i>Van Buren</i>	<i>72956</i>
	AUTHORIZED SIGNATURE:	TITLE:	DATE:
	<i>Paul Meen</i>	<i>Sec./Treas.</i>	<i>12-1-98</i>

BID: 99-3
DATE: 12/10/98
TIME: 11:00 AM
CITY OF FAYETTEVILLE

DESCRIPTION: GEOTEXTILE FABRIC

BIDDER	ITEM #1
DARRAGH COMPANY	\$0.345 sq yd
CHOCTAW INC	\$0.35 sq yd

Certified by P. Vice P Vice Purch Mgr
Witness R. Williams Date 12/10/98

Construction Materials
III.B.11

99-8
E: 12/10/98
11:00 AM
OF FAYETTEVILLE

DESCRIPTION: DE-ICING SALT

BIDDER	ITEM #1
BRUCE OAKLEY INC	\$47.25 del
INDEPENDENT SALT CO	N/B
CARGILL INC SALT DIV	\$50.00
MORTON INTL SALT DIV	\$62.95

Certified by *P Vice*
P Vice Purch Mgr

Witness *R W Williams*
Date *12/10/98*

BID: 99-9
DATE: 12/10/98
TIME: 11:00 AM
CITY OF FAYETTEVILLE

DESCRIPTION: PORTLAND CEMENT

BIDDER

ITEM #1

LONE STAR IND

\$101.63
less \$1.00 discount
if pd by 10th EOM

BLUE CIRCLE CEMENT

\$78.72 \$81.72
1/1 thru 3/31/99 4/1 thru 12/31/99

Certified by

P Vice

P Vice Purch Mgr

Witness

B Williams

Date

12/10/98

Construction Materials III.B.13

D: 99-4
VTE: 12/10/98
WE: 11:00 AM
TY OF FAYETTEVILLE

DESCRIPTION: ASPHALT OILS

BIDDER	ITEM #1	ITEM #2	ITEM #3	ITEM #4
LION OIL COMPANY	\$0.6666 del	N/B	N/B	\$0.8560 del
ERYON ASPHALT	N/B	N/B	\$0.8575	N/B
KOCH MATERIALS COMPANY	N/B	N/B	\$0.6758 del	N/B

Certified by *P. Vice* P Vice Purch Mgr
 Witness *R. Williams* Date *12/10/98*

STAFF REVIEW FORM

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of Jan 5, 1999
FROM:

Louise Schaper Library Public Works
Name Division Department

ACTION REQUIRED:

Award bid #98-95 - Library Book Detection System.

COST TO CITY:

<u>\$36,000 nte</u> Cost of this Request	<u>\$ 36,000</u> Category/Project Budget	<u>Library Book Detection System</u> Category/Project Name
<u>4470-9470-5720-00</u> Account Number	<u>\$</u> Funds Used To Date	<u>Program Name</u>
<u>99006</u> Project Number	<u>\$ 36,000</u> Remaining Balance	<u>Sales Tax Capital</u> Fund

BUDGET REVIEW: XX Budgeted Item Budget Adjustment Attached

Steph Davis (For budget only)
Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

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

STAFF RECOMMENDATION:

Staff recommends award of bid.

Joan N Schaper 12/18/98
Division Head Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: _____

Orig Contract Date: _____

C:\APP\99BUDGET\LIB_BK.AGA

Department Director
Date

Administrative Services Director
Date

Mayor
Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fred Hanna, Mayor

Thru: Charles Venable, Public Works Director

From: Louise Schaper, Library Director

Re: Award of bid for Library Book Detection System

Date: December 18, 1998

I request that the Library Book Detection System bid award be placed on the January 5, 1999 City Council agenda. The bids have been advertised and will be opened on December 24, 1998. The bid tabulation will be available for distribution to City Council at the City Council agenda session scheduled for December 29.

INVITATION TO BID

BID # 98-95	DATE ISSUED: December 8, 1998	DATE AND TIME OF OPENING: December 24, 1998, at 2:30 p.m.
BUYER: City of Fayetteville, AR		DATE REQUIRED: As scheduled by Project Manager
F. O. B. Fayetteville, AR	BUYER'S PHONE # (501) 575-8289	GUARANTEED DELIVERY DATE:

ITEM #	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
1	PER ATTACHED SPECIFICATIONS: Electronic Library Material Theft Detection System as specified. <u>SUBCONTRACTORS:</u> _____ _____ _____ 100% Performance & Payment Bond required on contracts of \$10,000 or more before notice to proceed is given. Project Manager to contact for site visit is Ms. Louise Schaper at 442-2242 5% BID BOND REQUIRED WITH BIDS SUBMITTED OVER \$20,000. CONTRACTOR'S LICENSE# Mandatory on bids \$20,000 or more. RESTRICTIONS OR EXCEPTIONS TO THE BID MUST BE NOTED:	1		

PLEASE SUBMIT
ITEMIZED PRICING FOR
EQUIPMENT INVOLVED.

EXECUTION OF BID

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

UN SIGNED BIDS WILL BE REJECTED	NAME OF FIRM:	PHONE:	FEDERAL ID#
	BUSINESS ADDRESS:	CITY AND STATE:	ZIP:
	AUTHORIZED SIGNATURE:	TITLE:	DATE:

SPECIFICATIONS

For an electronic library material theft detection system to be installed in the Fayetteville Public Library, located at 217 E. Dickson Street, Fayetteville, Arkansas.

DESCRIPTION OF WORK:

The Fayetteville Public Library circulates over 300,000 items per year and has a collection of over 130,000 items (including genealogy). In 1998 a study was completed that indicated a 6% shrinkage of library inventory had occurred from mid-1997 to mid-1998. This represents an approximately \$55,000 loss in inventory in a one-year period.

Therefore, an electronic library material theft detection system specifically designed for libraries and capable of providing the library with a durable, functional and reliable means of stopping unauthorized removal of books, periodicals and AV materials is to be procured and installed as soon as possible in early 1999.

Three single aisle 9.5Mhz radio frequency security systems are to be installed. One system will be installed at the interior north entrance to the main library. The second system will be installed at the interior south entrance to the main library. The third system will be installed at the interior entrance to the children's library. At one main library entrance system and at the children's library system, theater rope will be installed to prevent patron bypass of the system.

Louise Schaper, Director or Cathy Rew, Finance Manager at (501) 442-2242 may be contacted to answer questions or set up appointments for inspecting the areas where systems will be installed.

The project consists of installing the three single aisle systems, peripheral equipment as listed below, and training all management and staff in its use.

GENERAL REQUIREMENTS:

- Must be a 9.5Mhz radio frequency system; allow up to 5 foot aisle width; and require no more than 1 foot clearance from metal. It must be equivalent in size, style, and supplies and peripherals to Checkpoint's QS4000 XT. Equivalent system bids must meet or exceed specifications of the Checkpoint QS4000 XT system and system labels must be compatible with existing labels in the collection and those available from Baker and Taylor, Inc. The City of Fayetteville will be the sole judge of whether equivalent system bids meets specifications.
- Each bidder must provide bids for their most current models, supply information regarding the systems area of detection, size of all components and power requirements of all components.
- The detection system must not be harmful to, or interfere with the health or well-being of our staff and community of users, or any prosthetic device they may be using, e.g. hearing aids, pacemakers.
- A letter of certification guaranteeing compliance with these stipulations must be

submitted with this bid by all bidders.

- The entire system shall be designed and installed in compliance with all A.D.A. standards and requirements for the handicapped.
- The detection system shall not false alarm due to commonly carried or used items, such as three ring binders, loose leaf binders, wire-bound notebooks, backpacks, belt buckles, keys, etc.
- The detection system must detect treated items that have not been properly checked out. The system will detect these items hidden under clothing, in backpacks, briefcases, etc.
- If the bidding company uses a disclaimer (terms and condition of sale) on any brochures, literature, product or contracts, a copy of this disclaimer shall be included with this bid, accompanied with an explanation of why there is a need for such a disclaimer.

COMPONENTS

A. Sensing monitors:

1. Radio frequency technology—detection system must be compatible with existing labels in the library collection.
2. Overall dimensions: 63.5"H x 21.5"D x 3.5"W
3. Material—charcoal and white colored, ABS plastic
4. Floor mounted with two (2) ½" cement lag bolts per monitor
5. Each monitor equipped with red alarm lights to provide visual and sounder for audible alarm.
6. Aisle width expandable up to 60 in.
7. Weight – 22 lbs. per monitor.

B. Control module:

1. Housing 9"H x 5 3/8"D x 3 1/2" W
2. Weight 6 lbs.
3. Power on indicator light.
4. Primary power requires 110v. 50/60 HZ (grounded outlet)

DETECTION LABELS

Flexible, programmed tag laminated on one side with paper stock, pressure sensitive adhesive coating on reversed side with siliconized release paper. Adhesive film coating requires no moisture, heat or other preparation prior to or after application to clean dry surfaces; will not discolor or lose adhesive or cohesive strength due to age. Its design precludes loss of sensitivity due to normal causes and phenomena. Available in several standard printed formats or custom printing is available.

- The following quantities of detection devices are specified:
 - 130,000 Date Due detection devices (2"x2")
 - 20,000 Reference printed detection devices (2"x2")
 - 1000 Bar code printed detection devices (1.5"x1.6") for CDs, periodicals, equipment.
 - 3000 "Be Kind Please Rewind" detection devices (1.5" x 1.6") for videos

OTHER LABELS AND SUPPLIES

- The following quantities of other labels and supplies are specified:
 - 1000 "cover-up" labels to cover-up the detection circuit from view on CDs.
 - 700,000 Date Due mini-tabs tabs to alter transmission characteristics of previously sensitized items during circulation transactions. Upon removal during the return transaction, protected items maintain their normal state of detectability.
 - 2000 Video Check cards used for due dates and deactivation of detection label on videocassette.
 - Two printer dispensers with key pads used to print "due date" on date due tabs.
 - Three programmable voice alarms—wall-mounted, external alarm, programmable to repeat a personalized message to return to the circulation desk when the system has been alarmed by an unauthorized removal.
 - Two portable verifiers—lightweight hand-held electronic scanner used to pinpoint location of concealed RF security targets causing system to alarm. Powered by two 9 volt batteries that produce an audible tone when active RF label is within 7 inches.
 - Three micro detachers for opening the safer boxes.
 - Eight (8) cartons of CD safer boxes (total 800 plastic reusable security boxes).
 - One carton of double CD safer boxes (total 140 plastic reusable security boxes).
 - Theater cord: 1 post and one four foot section of cord

WARRANTY:

A warranty with at least one-year all-inclusive parts and labor from date of installation must be included. A maintenance/service agreement must be available following the warranty period. Installation and service will be performed by company trained employees only. Local security companies that do not have experience in installing and servicing the system that is being bid will not be accepted. Service calls will have a maximum forty-eight hour response time and an 800 number will be available if service is required.

INSTALLATION AND TRAINING:

The Fayetteville Public Library will accept only turnkey installations, therefore all traffic control items (i.e. post, railing, theater cord etc.) that are needed to insure proper traffic flow will be listed, included in the bid price and installed by the bidding company.

The Library will provide standard 110 volt AC convenience outlet (non-dedicated) for the detection equipment. The cost of any other special wiring required by the system must be included in the bid. If additional items such as transformers etc. are required for satisfactory performance of the system, the bidding company must list and include these items and installation of these items in their bid price.

Installation and training must be at the convenience of the library staff. The successful bidder must provide a written public relations program, training manual, product catalog and provide personal training for key personnel in system operation, use and procedures at the time of installation or within five working days of installation.

In addition to the above specifications, the following terms and conditions shall apply:

1. Scheduling: The project must be completed by February 15, 1998.
2. Insurance: The successful bidder shall, during the term of the installation, maintain statutory limits of workmens' compensation insurance, and public liability insurance providing coverage for personal injury, death or property damage in at least the minimum amounts of \$50,000/\$100,000/\$100,000. Contractor shall provide evidence of such coverage within 15 days of the bid award. Bids totaling \$20,000 or over require a bidder to have a contractors license. A performance bond equaling the total amount of any bid exceeding \$10,000 must be provided for any contract for the repair, alteration or erection of any public building, public structure or public improvement (pursuant to Act 351 of 1953 as amended by Act 539 of 1979).
3. Bids shall be good and firm for a period of 60 days from date of bid opening.
4. Sales tax shall be included in the bid and paid by the bidder.
5. The Library Director shall inspect the work and shall be the sole judge of whether it meets specifications and has been properly installed.
6. Progress 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.
7. All parts of the bid must be completed. Bids must be submitted on forms provided by the City. Bids must be submitted in a sealed envelope clearly marked on the outside of the envelope Bid No. #98-95.
8. All bid prices shall be FOB, 113 West Mountain Street, Fayetteville, Arkansas.
9. The City reserves the right to accept or reject any or all bids, waive informalities in the bidding and make a bid award deemed to be in the best interest of the City.
10. Bids will be received in Room 306, 3rd Floor, 113 W. Mountain, Fayetteville, AR 72701, until 2:30 p.m. December 24, 1998. Bids received after this date and time will not be accepted.

CITY OF FAYETTEVILLE, ARKANSAS
Terms and Conditions

1. All bids shall be submitted in a sealed envelope and must be submitted on forms provided by the City.
2. The item bid and the bid number shall be stated on the face of the sealed bid envelope.
3. Bidders shall include all applicable local, state, and federal sales tax in bid. The responsibility of payment shall remain with the successful bidder.
4. Bids received after the date and time set for receiving bids will not be considered.
5. 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. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.
6. The bid price shall remain good and firm until project is completed.
7. All products delivered shall comply with applicable standards of quality.
8. Any exceptions to the requirements of the City of Fayetteville must be noted on the Bid Form.
9. Prices shall include all labor, materials, overhead, profit, insurance, etc., to cover the furnishing of the items bid.
10. Each bidder shall state on the face of the bid form the anticipated number of days from the date of receipt of an order for delivery of equipment and installation to the City of Fayetteville.
11. Copy of the warranty shall accompany the bid, and any exceptions to the warranty shall be clearly noted on the bid form.
12. Bidders must provide the City with their bids signed by an employee 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.
13. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
14. 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.

15. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at (501) 575-8289 to insure receipt of their bid documents prior to opening time and date listed on the bid form.
16. If products and/or components other than those described in this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. All requests for additional information must be received within five working days following the request.
17. Bids must be hand delivered or received by mail in the Purchasing Office, Room 306, 113 W. Mountain St. Fayetteville, AR 72701, on or before the time of closing listed on the face of the bid.
- *18. Public improvement bids with a total of \$20,000 or more shall submit certificates of insurance within 10 days of notice of bid award. Certificates of insurance are to be addressed to the City of Fayetteville, showing that the contractor carries the following insurance which shall be maintained throughout the term of the bid. Any work sublet, the contractor shall require the subcontractor similarly to provide the same insurance coverage. In case any employee engaged in work on the project is not protected under Workers' Compensation, the Contractor 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.

Workers' Compensation:	Statutory Amount
Comprehensive General & Automotive Liability:	\$250,000 each person.
	\$500,000 aggregate.
Property Damage Liability:	\$100,000 aggregate.

- *19. Public improvement bids with a total of \$10,000 or more require a 5% bid bond and if awarded, a 100% performance and payment bond to be submitted before notice to proceed is given.
 - *20. Public improvement bids exceeding \$20,000 or more require a contractor's license.
 - *21. The City shall pay Contractor based on unit prices indicated in contractor's bid proposal. Progress 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.
 - *22. Contractor shall not assign his duties under the terms of this agreement. All work shall be coordinated directly with the Project Manager, or their designee.
- *Applies to construction public improvement projects only, unless otherwise noted.

Additional info
Bid 98-95

STAFF REVIEW FORM

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of Jan 5, 1999

FROM:

Louise Schaper
Name

Library
Division

Public Works
Department

ACTION REQUIRED:

Award bid #98-95 - Library Book Detection System.

COST TO CITY:

\$36,000 nte
Cost of this Request

\$ 36,000
Category/Project Budget

Library Book Detection System
Category/Project Name

4470-9470-5720-00
Account Number

\$
Funds Used To Date

Program Name

99006
Project Number

\$ 36,000
Remaining Balance

Sales Tax Capital
Fund

BUDGET REVIEW:

XX Budgeted Item Budget Adjustment Attached

Stephane (For budget only)
Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

Marilyn J. Cramer
Accounting Manager

12-28-98
Date

[Signature]
City Attorney

12-29-98
Date

P. Vise
Purchasing Officer

12-28-98
Date

GRANTING AGENCY:

Yolanda Fields
Internal Auditor

12-29-98
Date

ADA Coordinator

Date

STAFF RECOMMENDATION:

Staff recommends award of bid.

Joan N. Schaper
Division Head

12/18/98
Date

[Signature]
Department Director

12-28-98
Date

[Signature]
Administrative Services Director

2/2/99
Date

[Signature]
Mayor

12/29/98
Date

Cross Reference

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

Prev Ord/Res #: _____

Orig Contract Date: _____

C:\APP\99BUDGET\LIB_BK.AGA

To: Charles Venable, Public Works
From: Louise Schaper, Library
Subject: Book detection system bid
Date: December 28, 1998

The purpose of this letter is to explain the book detection system bid. Below I outline the main points that may need to be addressed:

- I. Technology used. In the original CIP request for a book detection system prepared by the Library, we requested a magnetic system. After the CIP request was approved we learned that a magnetic system would not work because of the metal door frames and the layout of the doors in relation to computers and other furnishings. Thus, we have had to use a system based on radio frequency. This is a good thing as the whole detection system industry is moving to radio frequency, but it cost more than the magnetic system.
- II. Sole source vendor. The vendor, Checkpoint, is the sole source of radio frequency based detection systems for libraries. The actual frequency used for libraries is 9.5 MHZ; this is different than the frequency used for retail or office building systems. Therefore, all the supplies needed by libraries to make the system function (the labels and tabs) are geared for 9.5 MHZ. The only other vendor of library detection systems is 3M and they only do magnetic systems at this time.
- III. The bid. The bid is higher than the \$36,000 approved in the CIP. The sales tax was figured incorrectly and will be redone by the vendor. Also, we will remove the voice alarms (-\$1530.00 plus \$61.74 in sales tax). That brings it down to \$37,118. We are negotiating the rest of the difference at this time.

If you have any questions, please do not hesitate to contact me.



Louise Schaper



217 E. Dickson Street Fayetteville, AR 72701 (501) 442-2242 voice (501) 442-5723 fax

INVITATION TO BID

BID # 98-95	DATE ISSUED: December 8, 1998	DATE AND TIME OF OPENING: December 24, 1998, at 2:30 p.m.
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BUYER: City of Fayetteville, AR	DATE REQUIRED: As scheduled by Project Manager
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F. O. B. Fayetteville, AR	BUYER'S PHONE # (501) 575-8289	GUARANTEED DELIVERY DATE: 4-8 Weeks ARO (see required date)
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ITEM #	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
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1	PER ATTACHED SPECIFICATIONS: Electronic Library Material Theft Detection System as specified. <u>SUBCONTRACTORS:</u> _____ _____ _____ 100% Performance & Payment Bond required on contracts of \$10,000 or more before notice to proceed is given. Project Manager to contact for site visit is Ms. Louise Schaper at 442-2242 5% BID BOND REQUIRED WITH BIDS SUBMITTED OVER \$20,000. CONTRACTOR'S LICENSE# 0048601-76-001 Mandatory on bids \$20,000 or more. RESTRICTIONS OR EXCEPTIONS TO THE BID MUST BE NOTED:	1	\$39,307.63	\$39,307.63
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**PLEASE SUBMIT
ITEMIZED PRICING FOR
EQUIPMENT INVOLVED.**

EXECUTION OF BID

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

UNSIGNED BIDS WILL BE REJECTED	NAME OF FIRM: Checkpoint Systems Inc	PHONE: 800-257-5540	FEDERAL ID# 22-1895850
	BUSINESS ADDRESS: 101 Wolf Drive	CITY AND STATE: Thorofare N.J.	
	AUTHORIZED SIGNATURE: 	TITLE: Executive Vice President	
		DATE: 12/18/98	



December 18, 1998

City of Fayetteville
Room 306 3rd Floor
113 W. Mountain
Fayetteville, AR. 72701

RE: Bid 98-95

Dear Sir:

Thank you for your interest in Checkpoint Systems Inc.

Checkpoint has been protecting libraries from book loss since 1967. Checkpoint is the leading manufacturer of radio frequency security systems in the world. We have over (125,000) installations worldwide, that includes all types of library configurations. The advantages of Checkpoint and Radio Frequency Systems are:

- Safe. No damage to wristwatches, credit cards, magnetic items (i.e. video cassettes, audio cassettes, computer disks), or any other library material.
- Compatible, No EMI (Electro-Magnetic Interference). The Checkpoint Detection System and all of its component parts are completely compatible with Automated Circulation Systems, their computer terminals or other component parts.
- Health Hazards. NONE. No interference with any medical devices such as heart pacemakers or hearing aids.
- False Alarms. No false alarms for commonly carried items such three-ring binders, wiremound notebooks, backpacks, metal-rimmed briefcases, etc.
- Reliable. Lowest down time: i.e. fewest service calls in the industry.
- Unobtrusive. By far the most compact, modern looking, easily installed system.
- Labor Saving. The labor cost to install Checkpoint targets (detection tags) is less than half the cost of installing magnetic targets. On the average, this adds 2.5 cents per target to those other than Checkpoint.

Please contact Al Hamilton at 817-589-2440 for additional information or call 800-257-5540 ext. 3687 to leave a message.

Sincerely,

Barbara Mancuso
Library Customer Service

cc: Al Hamilton





**Pricing for Fayetteville Library
Bid #98-95**

<u>EQUIPMENT</u>	<u>PRICE</u>	<u>INSTALLATION</u>	<u>FREIGHT</u>
3 QS4000XT, single aisle	\$ 16,050	\$ 1,520	\$ 265
1 post & 1-4' theater cord	155	25	10
2 Portable Verifiers	640		
3 Micro Detaches	405		
2 Date Due Printer Dispensers	1,820		
130,000 DATE DUE labels	6,890		
20,000 Reference labels	1,060		
1,000 Barcode labels	53		
3,000 Be Kind labels	159		
1,000 Cover-up labels	55		
700,000 Date Due Tabs	3,500		
2,000 Video CHECKcards	340		
8 Cartons CD Safers (800)	1,200		
1 Carton Double CD Safers (140)	285		
 Totals	 \$ 32,612.	 \$ 1,545.	 \$ 275
.04625 Sales Tax + \$ 50.00 =	\$ 1,558.		
 Grand Total	 \$ 35,990.		



CHECKPOINT SYSTEMS INC.

WARRANTY

LIMITED WARRANTY. Checkpoint warrants for a period of One (1) Year after installation that any system (s) purchased under this agreement will be free from defects in workmanship and materials, provided that installation and service on such system during such period has been performed only by Checkpoint's authorized representatives. Checkpoint's sole obligation under this limited warranty shall be to repair or replace the defective system, or parts thereof. During such period, Checkpoint will, at its own expense, service and maintain any system(s) purchased under this Agreement.

EXCLUSION OF OTHER WARRANTIES AND LIABILITIES. EXCEPT FOR PATENT MATTERS WHICH ARE COVERED IN PARAGRAPH 4, THE LIMITED WARRANTY STATED IN PARAGRAPH 1 SHALL BE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, ON ANY SYSTEM, TAGS, ACCESSORIES, AND OTHER GOODS OR SERVICES PURCHASED UNDER THIS AGREEMENT. IN NO EVENT, INCLUDING IN THE CASE OF A CLAIM FOR NEGLIGENCE, SHALL CHECKPOINT BE LIABLE FOR INCIDENTAL, SPECIAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES FROM WHATEVER CAUSE, AND INCLUDING BUT NOT LIMITED TO LOSS OF PROPERTY OR INCOME.

DEFINITION OF WARRANTY TERMS. For the purpose of Paragraphs 1 and 2, the term System(s) shall refer only to that collection of electronic equipment (antenna(s), power, supply, electronic circuitry, connecting cables and the like) which collectively performs either the function of detecting tags being carried past the antenna(s), or of detecting and deactivating tags so that they can be carried past the antenna(s) without there being detected. Accessories, such as detachers, point-of-sale detectors and the like, tags themselves, or other goods and services are not included within the term System(s) as used in Paragraphs 1 and 2.

PATENTS. Checkpoint warrants that goods purchased hereunder will, when installed, be free of any claim of infringement of a United States Patent issued prior to the commencement date of this warranty. If promptly notified in writing, and given authority, information and assistance by the Customer, Checkpoint will defend or may settle at its expense any suit against the Customer based on such claim of infringement and pay any damages awarded as a result. Checkpoint may also replace the accused goods with ones which are non-infringing, or as a last resort remove these goods. The foregoing states Checkpoint's entire obligation regarding patents. However, Checkpoint shall have no such obligation at all for any goods specified or designed by the Customer, or for any use different from that for which the goods are normally intended, or for any use in combination with other goods not furnished by Checkpoint. In such instances, the Customer assumes the patent liability and will hold Checkpoint harmless against any infringement claim.

CUSTOMER RESPONSIBILITY FOR USE. It is expressly understood and agreed that the Customer will have sole control over the manner in which the goods purchased under this warranty are used in the course of the Customer's activities. Therefore, the Customer hereby assumes full responsibility for such use and shall indemnify and hold harmless Checkpoint, its agents and representatives, from and against any and all losses, damages, claims or expenses, including legal fees and expenses, arising out of such use. Any training program or literature provided by Checkpoint concerning the use of the goods is understood to be purely advisory and does not detract from the Customer's responsibility for such use, as set forth in this paragraph. It is also expressly understood and agreed that possible false, phantom, or other unintentional alarms, or failures to remove or deactivate tags, all from whatever cause, shall be regarded as part of the use of the goods and also governed by this paragraph.

INSTALLATION. Installation of Systems purchased under this agreement shall be made only by Checkpoint's authorized representatives. Checkpoint shall have no liability for disruption to premises and existing structures resulting from installation, nor for installation made in accordance with instructions, plans or designs provided by the Customer.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fred Hanna, Mayor

Thru: Charles Venable, Public Works Director

From: Louise Schaper, Library Director

Re: Award of bid for Library Book Detection System

Date: December 18, 1998

I request that the Library Book Detection System bid award be placed on the January 5, 1999 City Council agenda. The bids have been advertised and will be opened on December 24, 1998. The bid tabulation will be available for distribution to City Council at the City Council agenda session scheduled for December 29.

SPECIFICATIONS

For an electronic library material theft detection system to be installed in the Fayetteville Public Library, located at 217 E. Dickson Street, Fayetteville, Arkansas.

DESCRIPTION OF WORK:

The Fayetteville Public Library circulates over 300,000 items per year and has a collection of over 130,000 items (including genealogy). In 1998 a study was completed that indicated a 6% shrinkage of library inventory had occurred from mid-1997 to mid-1998. This represents an approximately \$55,000 loss in inventory in a one-year period.

Therefore, an electronic library material theft detection system specifically designed for libraries and capable of providing the library with a durable, functional and reliable means of stopping unauthorized removal of books, periodicals and AV materials is to be procured and installed as soon as possible in early 1999.

Three single aisle 9.5Mhz radio frequency security systems are to be installed. One system will be installed at the interior north entrance to the main library. The second system will be installed at the interior south entrance to the main library. The third system will be installed at the interior entrance to the children's library. At one main library entrance system and at the children's library system, theater rope will be installed to prevent patron bypass of the system.

Louise Schaper, Director or Cathy Rew, Finance Manager at (501) 442-2242 may be contacted to answer questions or set up appointments for inspecting the areas where systems will be installed.

The project consists of installing the three single aisle systems, peripheral equipment as listed below, and training all management and staff in its use.

GENERAL REQUIREMENTS:

- Must be a 9.5Mhz radio frequency system; allow up to 5 foot aisle width; and require no more than 1 foot clearance from metal. It must be equivalent in size, style, and supplies and peripherals to Checkpoint's QS4000 XT. Equivalent system bids must meet or exceed specifications of the Checkpoint QS4000 XT system and system labels must be compatible with existing labels in the collection and those available from Baker and Taylor, Inc. The City of Fayetteville will be the sole judge of whether equivalent system bids meets specifications.
- Each bidder must provide bids for their most current models, supply information regarding the systems area of detection, size of all components and power requirements of all components.
- The detection system must not be harmful to, or interfere with the health or well-being of our staff and community of users, or any prosthetic device they may be using, e.g. hearing aids, pacemakers.
- A letter of certification guaranteeing compliance with these stipulations must be

submitted with this bid by all bidders.

- The entire system shall be designed and installed in compliance with all A.D.A. standards and requirements for the handicapped.
- The detection system shall not false alarm due to commonly carried or used items, such as three ring binders, loose leaf binders, wire-bound notebooks, backpacks, belt buckles, keys, etc.
- The detection system must detect treated items that have not been properly checked out. The system will detect these items hidden under clothing, in backpacks, briefcases, etc.
- If the bidding company uses a disclaimer (terms and condition of sale) on any brochures, literature, product or contracts, a copy of this disclaimer shall be included with this bid, accompanied with an explanation of why there is a need for such a disclaimer.

COMPONENTS

A. Sensing monitors:

1. Radio frequency technology—detection system must be compatible with existing labels in the library collection.
2. Overall dimensions: 63.5"H x 21.5"D x 3.5"W
3. Material—charcoal and white colored, ABS plastic
4. Floor mounted with two (2) ½" cement lag bolts per monitor
5. Each monitor equipped with red alarm lights to provide visual and sounder for audible alarm.
6. Aisle width expandable up to 60 in.
7. Weight – 22 lbs. per monitor.

B. Control module:

1. Housing 9"H x 5 3/8"D x 3 1/2" W
2. Weight 6 lbs.
3. Power on indicator light.
4. Primary power requires 110v. 50/60 HZ (grounded outlet)

DETECTION LABELS

Flexible, programmed tag laminated on one side with paper stock, pressure sensitive adhesive coating on reversed side with siliconized release paper. Adhesive film coating requires no moisture, heat or other preparation prior to or after application to clean dry surfaces; will not discolor or lose adhesive or cohesive strength due to age. Its design precludes loss of sensitivity due to normal causes and phenomena. Available in several standard printed formats or custom printing is available.

- The following quantities of detection devices are specified:
 - 130,000 Date Due detection devices (2"x2")
 - 20,000 Reference printed detection devices (2"x2")
 - 1000 Bar code printed detection devices (1.5"x1.6") for CDs, periodicals, equipment.
 - 3000 "Be Kind Please Rewind" detection devices (1.5" x 1.6") for videos

OTHER LABELS AND SUPPLIES

- The following quantities of other labels and supplies are specified:
 - 1000 "cover-up" labels to cover-up the detection circuit from view on CDs.
 - 700,000 Date Due mini-tabs tabs to alter transmission characteristics of previously sensitized items during circulation transactions. Upon removal during the return transaction, protected items maintain their normal state of detectability.
 - 2000 Video Check cards used for due dates and deactivation of detection label on videocassette.
 - Two printer dispensers with key pads used to print "due date" on date due tabs.
 - Three programmable voice alarms—wall-mounted, external alarm, programmable to repeat a personalized message to return to the circulation desk when the system has been alarmed by an unauthorized removal.
 - Two portable verifiers—lightweight hand-held electronic scanner used to pinpoint location of concealed RF security targets causing system to alarm. Powered by two 9 volt batteries that produce an audible tone when active RF label is within 7 inches.
 - Three micro detachers for opening the safer boxes.
 - Eight (8) cartons of CD safer boxes (total 800 plastic reusable security boxes).
 - One carton of double CD safer boxes (total 140 plastic reusable security boxes).
 - Theater cord: 1 post and one four foot section of cord

WARRANTY:

A warranty with at least one-year all-inclusive parts and labor from date of installation must be included. A maintenance/service agreement must be available following the warranty period. Installation and service will be performed by company trained employees only. Local security companies that do not have experience in installing and servicing the system that is being bid will not be accepted. Service calls will have a maximum forty-eight hour response time and an 800 number will be available if service is required.

INSTALLATION AND TRAINING:

The Fayetteville Public Library will accept only turnkey installations, therefore all traffic control items (i.e. post, railing, theater cord etc.) that are needed to insure proper traffic flow will be listed, included in the bid price and installed by the bidding company.

The Library will provide standard 110 volt AC convenience outlet (non-dedicated) for the detection equipment. The cost of any other special wiring required by the system must be included in the bid. If additional items such as transformers etc. are required for satisfactory performance of the system, the bidding company must list and include these items and installation of these items in their bid price.

Installation and training must be at the convenience of the library staff. The successful bidder must provide a written public relations program, training manual, product catalog and provide personal training for key personnel in system operation, use and procedures at the time of installation or within five working days of installation.

In addition to the above specifications, the following terms and conditions shall apply:

1. Scheduling: The project must be completed by February 15, 1998.
2. Insurance: The successful bidder shall, during the term of the installation, maintain statutory limits of workmens' compensation insurance, and public liability insurance providing coverage for personal injury, death or property damage in at least the minimum amounts of \$50,000/\$100,000/\$100,000. Contractor shall provide evidence of such coverage within 15 days of the bid award. Bids totaling \$20,000 or over require a bidder to have a contractors license. A performance bond equaling the total amount of any bid exceeding \$10,000 must be provided for any contract for the repair, alteration or erection of any public building, public structure or public improvement (pursuant to Act 351 of 1953 as amended by Act 539 of 1979).
3. Bids shall be good and firm for a period of 60 days from date of bid opening.
4. Sales tax shall be included in the bid and paid by the bidder.
5. The Library Director shall inspect the work and shall be the sole judge of whether it meets specifications and has been properly installed.
6. Progress 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.
7. All parts of the bid must be completed. Bids must be submitted on forms provided by the City. Bids must be submitted in a sealed envelope clearly marked on the outside of the envelope Bid No. #98-95.
8. All bid prices shall be FOB, 113 West Mountain Street, Fayetteville, Arkansas.
9. The City reserves the right to accept or reject any or all bids, waive informalities in the bidding and make a bid award deemed to be in the best interest of the City.
10. Bids will be received in Room 306, 3rd Floor, 113 W. Mountain, Fayetteville, AR 72701, until 2:30 p.m. December 24, 1998. Bids received after this date and time will not be accepted.

CITY OF FAYETTEVILLE, ARKANSAS
Terms and Conditions

1. All bids shall be submitted in a sealed envelope and must be submitted on forms provided by the City.
2. The item bid and the bid number shall be stated on the face of the sealed bid envelope.
3. Bidders shall include all applicable local, state, and federal sales tax in bid. The responsibility of payment shall remain with the successful bidder.
4. Bids received after the date and time set for receiving bids will not be considered.
5. 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. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.
6. The bid price shall remain good and firm until project is completed.
7. All products delivered shall comply with applicable standards of quality.
8. Any exceptions to the requirements of the City of Fayetteville must be noted on the Bid Form.
9. Prices shall include all labor, materials, overhead, profit, insurance, etc., to cover the furnishing of the items bid.
10. Each bidder shall state on the face of the bid form the anticipated number of days from the date of receipt of an order for delivery of equipment and installation to the City of Fayetteville.
11. Copy of the warranty shall accompany the bid, and any exceptions to the warranty shall be clearly noted on the bid form.
12. Bidders must provide the City with their bids signed by an employee 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.
13. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
14. 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.

15. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at (501) 575-8289 to insure receipt of their bid documents prior to opening time and date listed on the bid form.
 16. If products and/or components other than those described in this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. All requests for additional information must be received within five working days following the request.
 17. Bids must be hand delivered or received by mail in the Purchasing Office, Room 306, 113 W. Mountain St. Fayetteville, AR 72701, on or before the time of closing listed on the face of the bid.
 - *18. Public improvement bids with a total of \$20,000 or more shall submit certificates of insurance within 10 days of notice of bid award. Certificates of insurance are to be addressed to the City of Fayetteville, showing that the contractor carries the following insurance which shall be maintained throughout the term of the bid. Any work sublet, the contractor shall require the subcontractor similarly to provide the same insurance coverage. In case any employee engaged in work on the project is not protected under Workers' Compensation, the Contractor 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.
- | | |
|---|------------------------|
| Workers' Compensation: | Statutory Amount |
| Comprehensive General & Automotive Liability: | \$250,000 each person. |
| | \$500,000 aggregate. |
| Property Damage Liability: | \$100,000 aggregate. |
- *19. Public improvement bids with a total of \$10,000 or more require a 5% bid bond and if awarded, a 100% performance and payment bond to be submitted before notice to proceed is given.
 - *20. Public improvement bids exceeding \$20,000 or more require a contractor's license.
 - *21. The City shall pay Contractor based on unit prices indicated in contractor's bid proposal. Progress 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.
 - *22. Contractor shall not assign his duties under the terms of this agreement. All work shall be coordinated directly with the Project Manager, or their designee.
- *Applies to construction public improvement projects only, unless otherwise noted.

Plant Capacity Report

January 5, 1999

GIVEN OUT
AT COUNCIL MEETING.
1/5/99

1. Plant Description and Design Capacity

The Paul Noland Sewage Treatment Plant is an advanced tertiary treatment plant designed to biologically remove phosphorus and nitrogen. The main components of the plant consist of coarse screening, grit removal, primary clarification, aeration, secondary clarification, final filtration, disinfection, dechlorination, and oxygenation. Sludge treatment consists of aerobic digestion and land application.

We also have an influent holding basin of seventeen million gallons and a 170 million-gallon effluent holding basin designed to store off-spec effluent and to store effluent when discharge to White River or irrigation of the sludge fields is not possible.

The treatment plant is designed to meet the limitations of our NPDES Permit under the flows and loadings listed here:

<u>Flow</u>	Annual Average	11.4 mgd
	Max Month	15.7 mgd
	Peak Hourly Flow	30.0 mgd
<u>CBOD</u>	Max Month	27,500 pounds per day
<u>TSS</u>	Max Month	23,200 pounds per day
<u>P</u>	Max Month	1,100 pounds per day
<u>NH3</u>	Max Month	4,200 pounds per day

CBOD stands for Carbonaceous Biochemical Oxygen Demand and is indicative of the amount of organic material in the wastewater. It is a direct measurement of the number of pounds of oxygen required to stabilize the organic material under specified laboratory conditions. The higher the level of CBOD discharged to the stream the greater the potential for oxygen depletion in the receiving stream. Excess amounts of CBOD can, depending on conditions in the stream and the time of year, result in fish kills and the elimination of other organisms requiring oxygen for survival.

TSS stands for Total Suspended Solids and is a direct measurement of the amount of suspended material in the wastewater. Suspended solids contribute to the total organic loading of the stream and represent material that has a tendency to settle out in the stream.

P stands for phosphorus and is a direct measurement of the amount of phosphorus in the wastewater. Phosphorus is a nutrient essential for the growth of algae and other water plants. While small amounts of phosphorus generally do not affect streams to any great degree, the buildup of phosphorus in lakes and reservoirs accelerates the aging process in those lakes and reservoirs.

NH3 is the Total Ammonia Nitrogen. Nitrogen in the ammonia form is controlled because of its potential as a toxic material and because it exerts an oxygen demand in the stream.

The design annual average flow is given as 11.4 million gallons per day (mgd). However our discharge permit is based on 12.4 mgd and we have successfully treated 12.4 mgd over the years since the plant has been in operation. Because of that, we consider the plant to have an effective design flow of 12.4 mgd.

Our plant discharges in two locations which are designated as Outfall 001 and Outfall 002. Outfall 001 is located on the White River upstream from Beaver Lake. Outfall 002 is located immediately north of Highway 45 East, 500 feet east of Starr Drive and is on a tributary of Mud Creek. From that point, our effluent goes into Mud Creek, then to Clear Creek, and then into the Illinois River. The Illinois River crosses into Oklahoma and eventually reaches Lake Tenkiller.

2. The NPDES Permit

NPDES stands for National Pollutant Discharge Elimination System. The requirement to issue NPDES Permits was established by the federal government under the Clean Water Act. Our current NPDES Permit was renewed and issued to Fayetteville on June 30, 1994. The permit was modified effective August 1, 1995. The permit expired as of November 30, 1997, however, permit was automatically extended by the ADPC and E pending Fayetteville's application for a new permit based on the improvements recommended in our Facility Plan and on the new stream modeling.

The permit contains all of the conditions and restraints under which the treatment plant must operate and it applies to the sewer collection system as well. Included in the permit are restrictions on the discharge of certain pollutants and nutrients and the regulation of such things as dissolved oxygen residuals, fecal coliform bacteria, chlorine residual, overflows and bypasses, sludge disposal, and the division of discharge between the White River and Mud Creek. The next page shows a table giving some of the discharge criteria required under our permit:

TABLE 1, SELECTED PERMIT CONDITIONS

		Mass (Lbs./Day) At Each Discharge Point	Concentration (Parts per Million)
CBOD	Apr - Nov	259	5
	Dec - Mar	518	10
TSS	Apr - Nov	259	5
	Dec - Mar	776	15
NH3	Apr - Nov	103	2
	Dec - Mar	259	5
Phosphorus (No Seasonal Limits)		52	1

The limits given here are for each Outfall Point. Outfall 002 (Mud Creek Tributary) is allowed a discharge of either one-half of the total plant effluent or 6.2 mgd, whichever is less. Outfall 001 (White River) takes the balance of the plant effluent. This means that for flows over 12.4 mgd, the White River receives all but 6.2 mgd.

We commonly refer to our permit as a "5-5-2-1" permit, meaning that we are required to meet the limitation of 5 parts per million (ppm) CBOD, 5 ppm TSS, 2 ppm Ammonia Nitrogen, and 1 ppm Phosphorus. When the wastewater flows are at 6.2 mgd or less at each outfall point, the descriptive term "5-5-2-1" is sufficient to characterize the nature of our permit and the level of treatment we are required to meet.

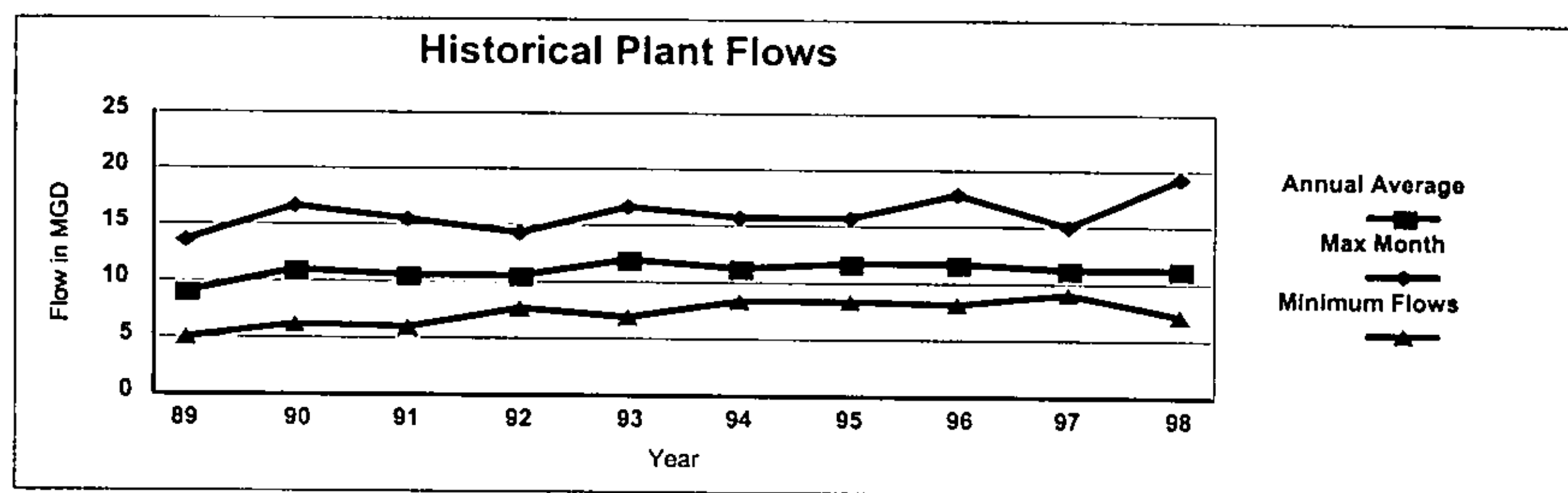
The flow of 12.4 mgd is the basis for the mass limits as stated in the NPDES Permit. When flows are in excess of 12.4 mgd total, the mass contribution becomes the limiting factor. This means that for all flows in excess of 12.4 mgd we must improve the level of treatment in terms of pollutant concentration to better than "5-5-2-1" in order to avoid exceeding the mass limits given in the permit. The table below shows an example of how treatment levels must improve for phosphorus as flows increase.

Plant Flow (mgd)			Required Level of Treatment	Mass Limit
Mud Cr.	White Riv	Total	(Parts per Million)	(Lbs per Day)
6.2	6.2	12.4	1.00 (Permit Basis)	52
6.2	9.0	15.4	0.69	52
6.2	12.0	18.4	0.52	52
6.2	14.0	20.4	0.44	52
6.2	16.0	24.4	0.40	52

As shown in the Table 1, Page 3, the allowable mass discharge for CBOD, TSS, and Nitrogen varies with the time of year. During the winter months, when flows in the receiving streams are likely to be high and water temperatures are low, the conditions for discharge are relaxed, allowing a greater mass loading of these constituents to the streams. You will note that this is not the case with phosphorus. The requirement for the discharge of phosphorus is the same all year around regardless of temperature and flow in the receiving streams.

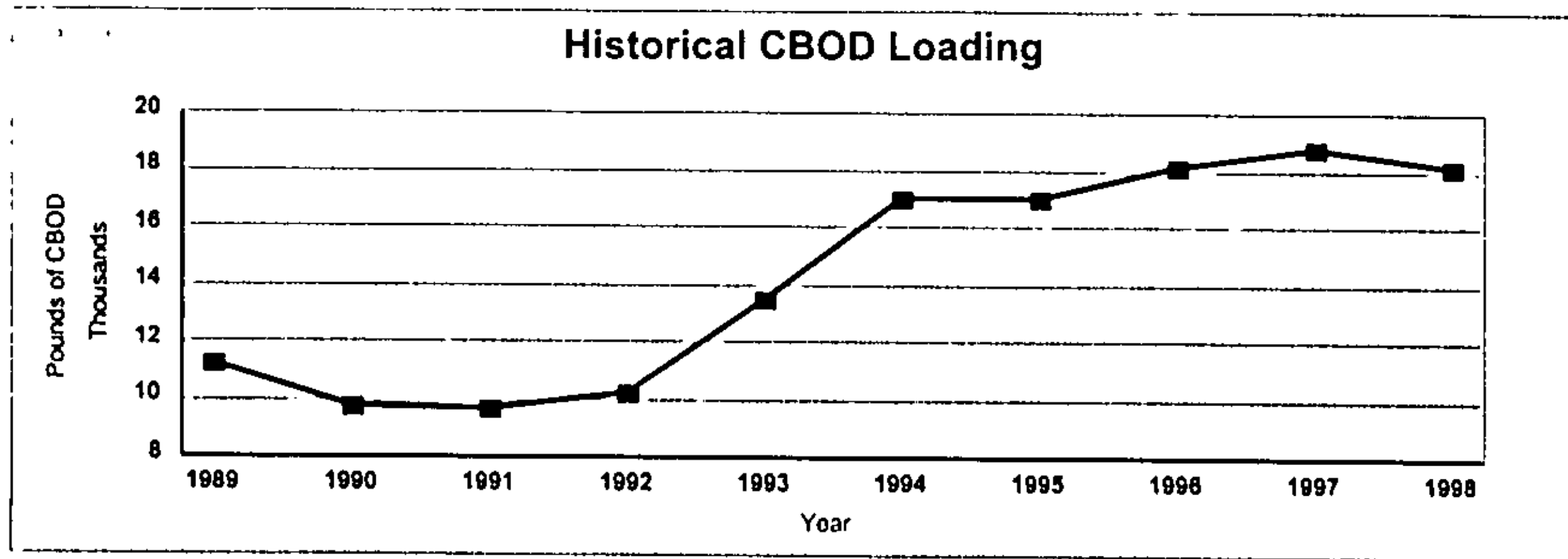
3. Historical and Existing Organic, Hydraulic and Nutrient Plant Loadings:

Hydraulic Loading - The annual average daily flow to the plant is shown on the graph below. The graph shows that the highest annual average daily flow of 12.1 million gallons occurred in 1993. Since 1993 the annual average daily flow has decreased and leveled off to an average of 11.5 mgd measured over the past five years. This leveling of average daily flow occurred in spite of increased domestic loading during that same time period. The reduction and leveling of the annual average flows are due to the City's sewer rehabilitation program.

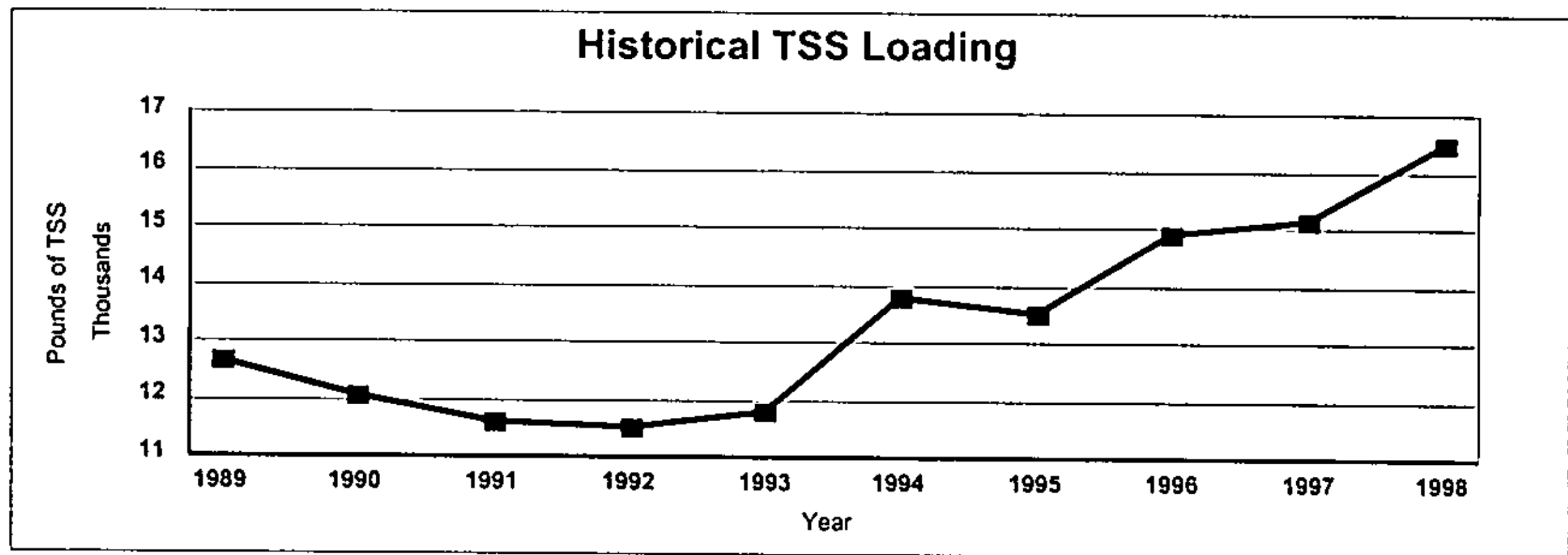


On the same graph are lines showing the peak maximum monthly average and minimum monthly average flow over the same time period. The peaks are indicative of infiltration and inflow reaching the plant. You will note that the minimum flows have increased steadily over the 10 years and that is a direct reflection of increased base flow due to the increase in the number of sewer connections.

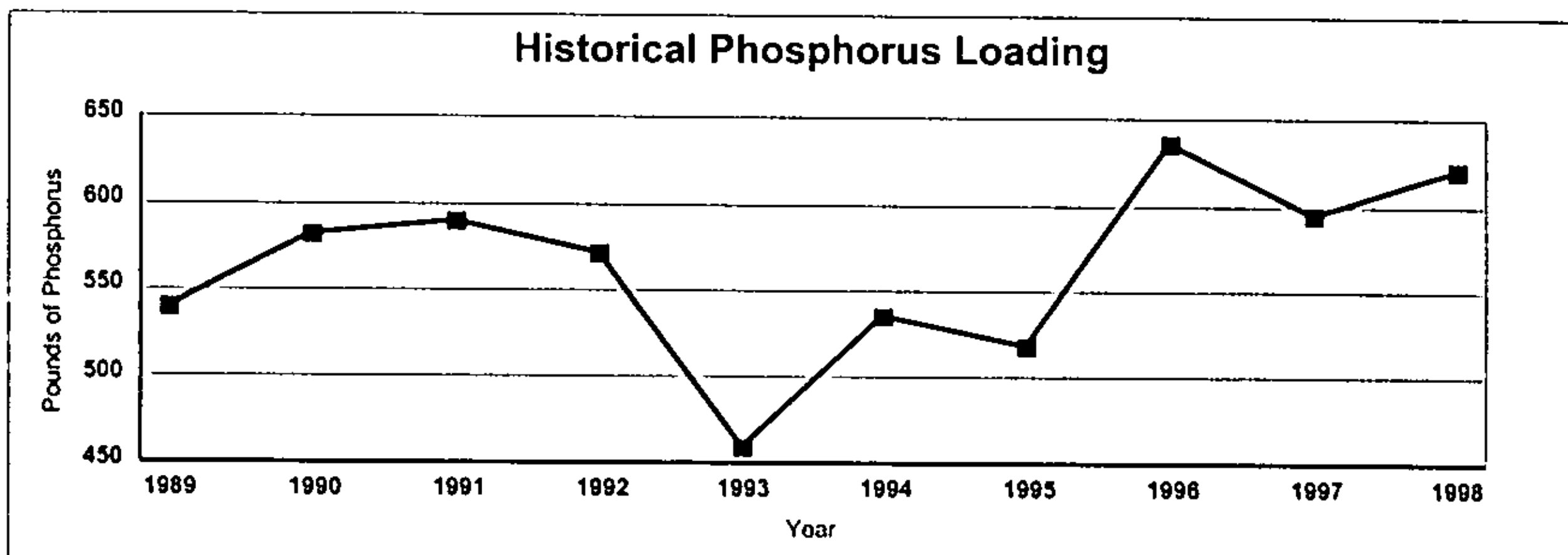
CBOD Loading - The graph at the top of Page 5 shows the annual average day loading for CBOD from 1989 through 1998. The graph shows an increase in organic loading since 1990 with a sharp increase for the years 1993 and 1994. This graph is also a direct reflection of the increase of base flow to the plant due to the growth in sewer connections.



TSS Loading - The graph below shows the annual average day loading for TSS from 1989 through 1998. The graph indicates a steady increase in annual average day TSS loading from 1993 forward.



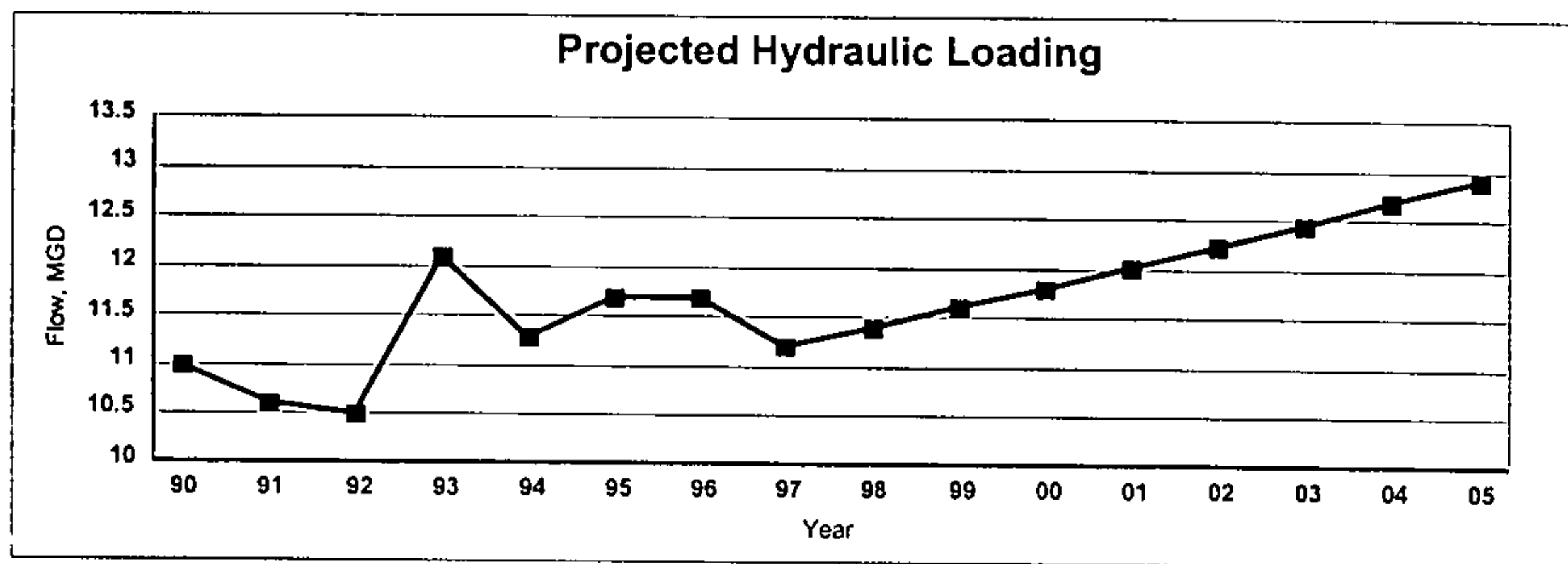
Phosphorus Loading - This graph shows the average annual phosphorus loading from 1989 through 1998. The chart shows an increase over the 10-year time period with a steady increase since 1993. The peaks and minimums show a similar trend. Again, these increases are indicative of the increase in the number of connections to the plant over the ten-year period.



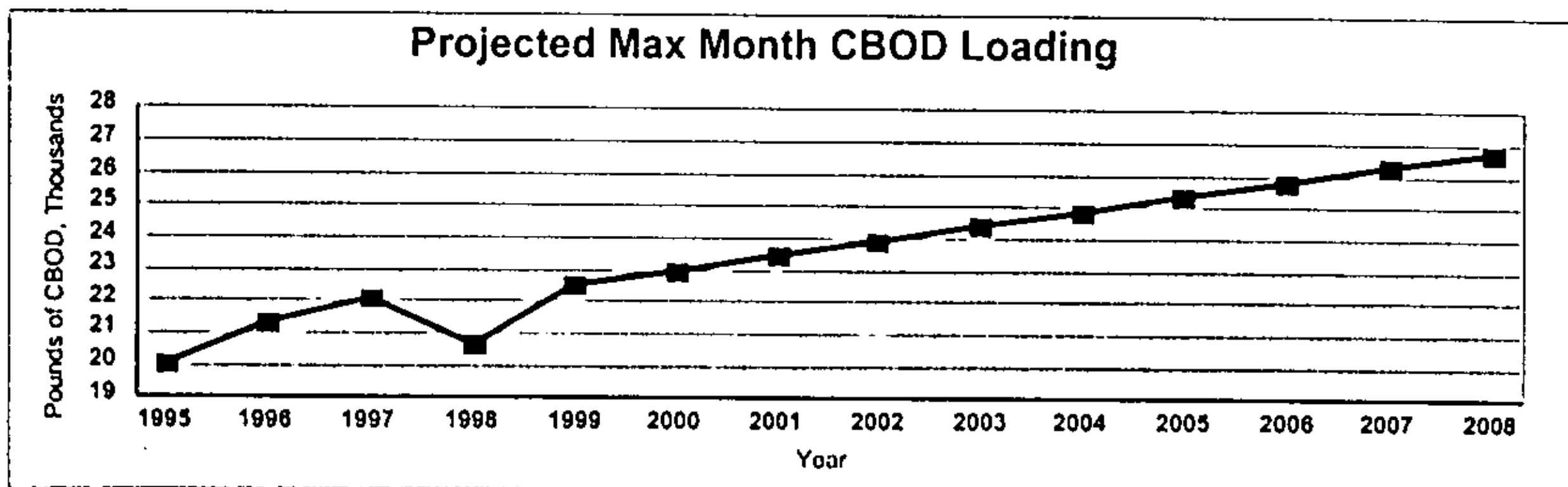
4. Projection of Hydraulic, Organic, and Nutrient Plant Loadings:

The projections of flows, TSS, CBOD, and Phosphorus are based on trends over the past four to five years. We are making the assumption that the benefits of the rehabilitation program will not be as great in the future as they have been over the last ten years. This is because we have already completed rehabilitation in the areas which offer the best return in terms of reduction of overflows and stormwater infiltration and inflow. The work we will be doing in the future will bring in fewer benefits in terms of reduced inflow and infiltration.

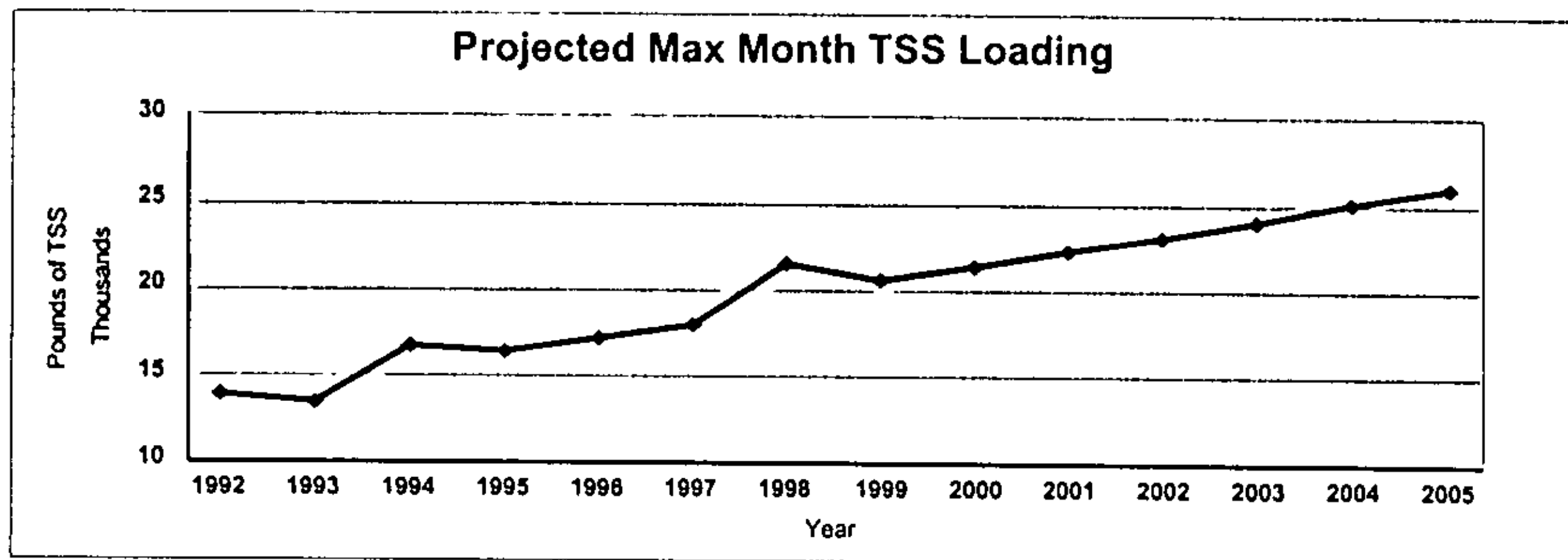
Hydraulic Projections - The graph below shows the projection for annual average daily flows through the year 2005. The projections show that the plant capacity for annual average day flow (12.4 mgd) will be reached sometime in the year 2003. At the same time the maximum monthly average flow will be approaching 17 to 20 mgd on a regular basis. The peak monthly design flow of 15.7 mgd will be exceeded at least once per year from now through the year 2003. These monthly peaks will depend mainly on the rainfall patterns and will be less affected by the rehabilitation program or, within limits, the number of additional connections.



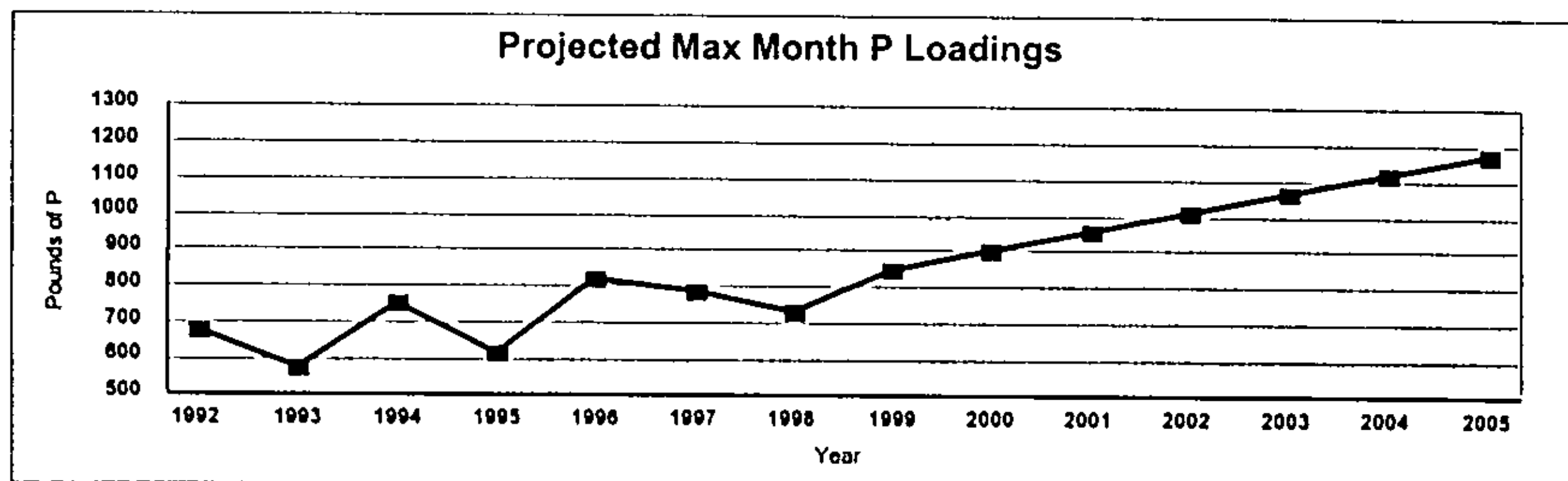
CBOD Projections - This graph shows the projections for the maximum month average CBOD loadings through the year 2008. The chart shows that the design monthly average CBOD loading of 27,500 pounds per day will not be approached until 2008.



TSS Projections - The graph below shows the projections for TSS loadings through the year 2005. According to the projection, the design monthly TSS loading of 23,200 pounds per day will be reached at the end of the year 2002.



Phosphorus Projections - This graph shows the projections for the monthly average day phosphorus loadings through the year 2005. The projection indicates that the design monthly loading for phosphorus of 1100 pounds per day will not be exceeded until the year 2004.



5. Remaining Capacity

The remaining capacity of the plant as related to each of the constituents listed above is:

Item	Present Loading	Permitted Plant Capacity	Remaining Capacity	Year Capacity Exceeded
Flow (MGD, Annual Average)	11.4	12.4	1.0	2003
CBOD (Lbs/Day, Max Month)	21,000	27,500	6,500	>2008
TSS (Lbs/Day, Max Month)	21,600	23,200	1,600	2002
P (Lbs/Day, Max Month)	733	1100	367	2004

According to our projections we have at least four years remaining capacity for each of the constituents.

After extensive consultation with OMI, contract operators of our plant, and with CH2M Hill, the Staff feels the plant can operate safely with an average daily flow of 12.4 mgd and handle the peak hydraulic and organic loadings associated with that flow. That would mean that the plant can handle normal increased flows through the year 2003 without undue risk of permit violations.

While the design limit for phosphorus has not been reached as yet, it should be pointed out that the continued increase in phosphorus loading may require the use of chemicals to achieve the removals required by our permit. Up to now we have not had to use chemicals to remove phosphorus except on rare occasions. If the use of chemicals is necessary there will be a corresponding increase in the cost to operate, including a corresponding increase in sludge disposal costs.

Generally speaking, as the plant approaches capacity there will be increased cost associated with the operation of the plant and the increased risk of a permit violation. Such violations, if they occur on an isolated basis, will probably not result in any action by the Department of Pollution Control and Ecology as long as we are proceeding with our plans for construction of a new plant. However any series of recurring violations will force either the EPA or the ADPC and E to act.

It should be pointed out that since 1990 the plant has had violations in only four separate months. One of those months had multiple violations occur which were directly attributable to metal toxicity from a metals plating plant. The other three months were single violations. We have a great deal of confidence in OMI and their ability to operate the plant at its present loading and the loadings projected over the next several years.

Our projection of the plant capacity put in terms of the number of years remaining will be based on the annual average day design flow of 12.4 mgd and the present flow of 11.4 mgd. The remaining capacity will therefore be 1.0 mgd.

6. Remaining Capacity in Years

As indicated in the above paragraph, we believe the plant has about 1,000,000 gallons per day remaining capacity based on annual average daily flow. In order to have some factor of safety in our projections and to allow for some industrial growth, 500,000 gallons per day will be used as the remaining hydraulic capacity with the remaining 500,000 gallons per day held in reserve. Therefore, for the purposes of calculating the years of remaining capacity, we will not exceed a total of 11.9 mgd on an annual average daily flow basis.

The excess capacity of the plant in terms of the number of years remaining can be computed in two different ways. The first way would be to project the annual average daily flows as we have done by means of the graph on Page 6 and to note the year during which the annual average day reaches 11.9. Secondly, we could project future flows to the plant based on past building permit data and estimated sewage flows from future connections.

A. Years Remaining Based on Projection of Flows

The Hydraulic Loading graph on Page 6 shows that we will reach 11.9 million gallons per day flow at the plant sometime by the end of the year 2000, or in approximately two years.

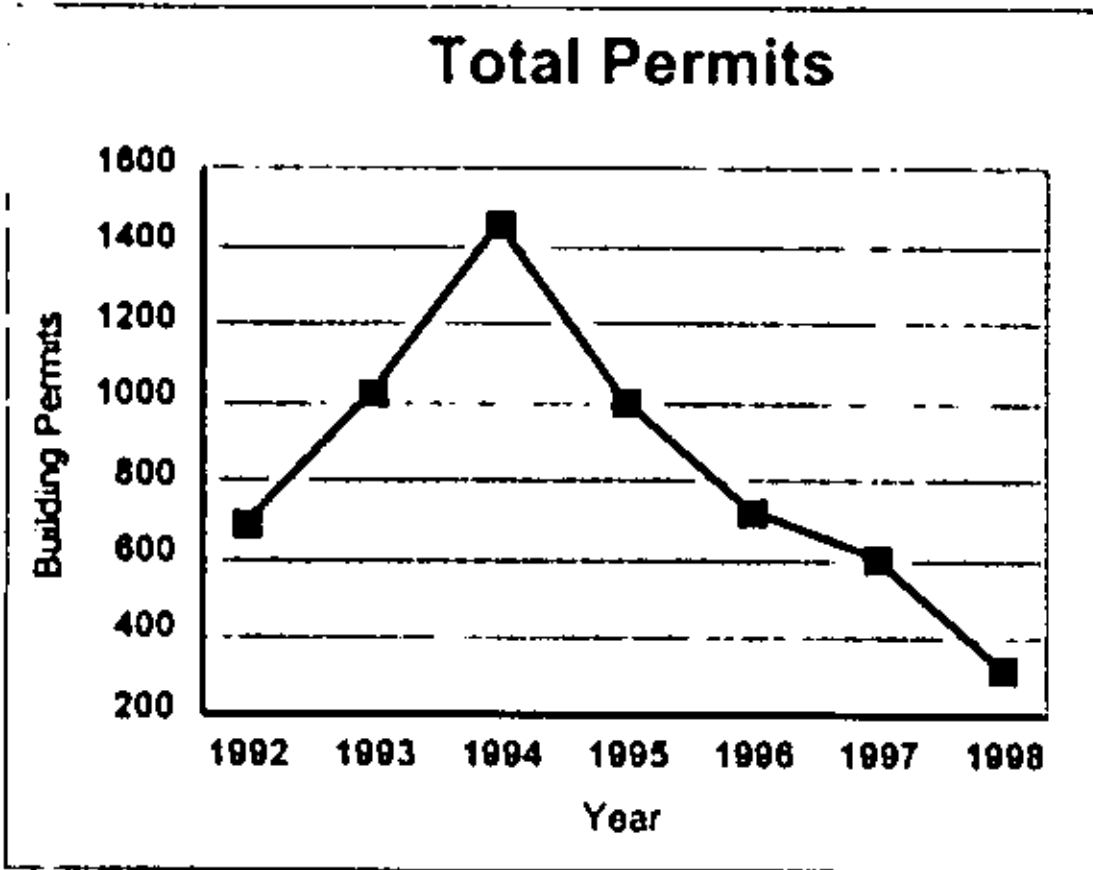
B. Years Remaining Based on Estimated Connections and Associated Flows

For this projection we will estimate the number of connections for residential and multi-family units based on the trend in building permits over the past three years and on the estimated average sewage flows per residential customer. The increased flow from commercial development will be estimated from building permit data and estimated sewage flows per 1000 square feet of commercial space.

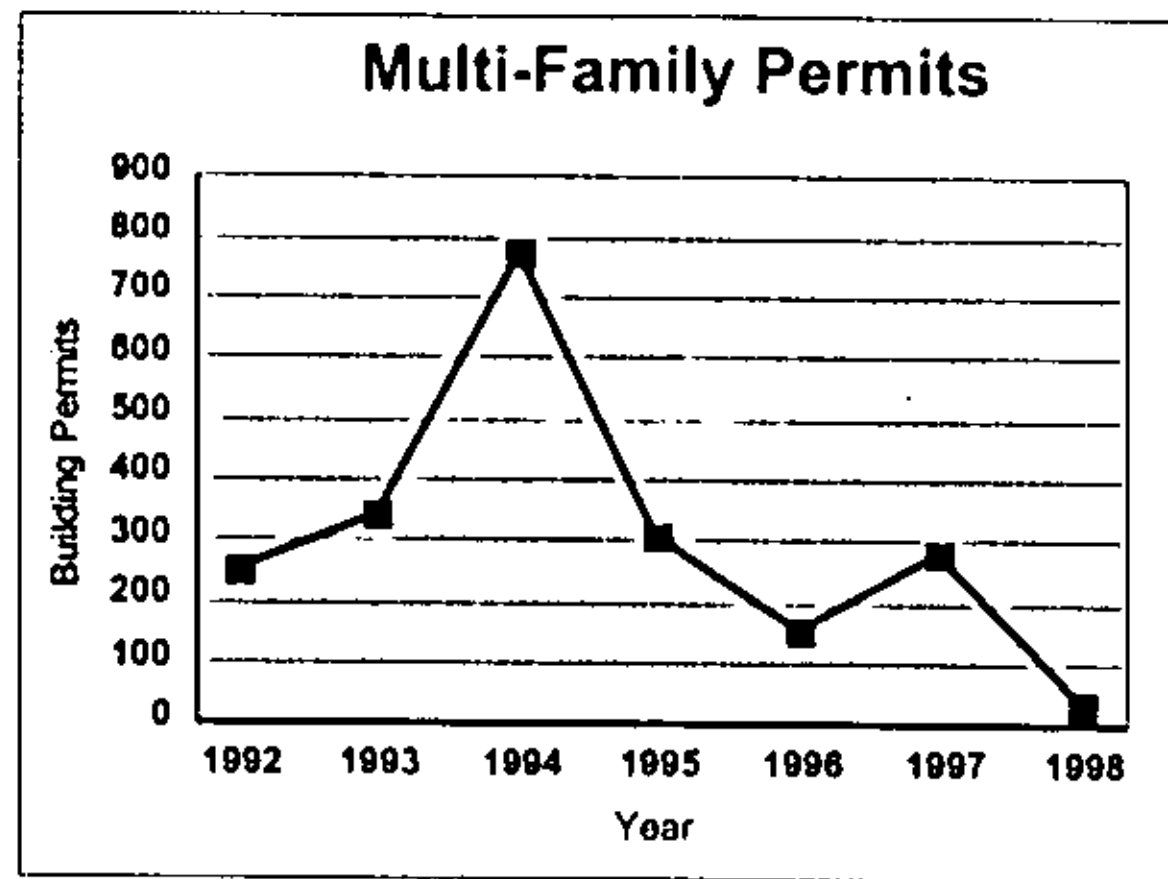
a) Number of Additional Connections: Chart No. 1 on Page 10 shows the number of building permits issued over the past seven years for single family, duplex, and multi-family housing. Also, shown is the commercial square footage permitted over the past three years. We will make the assumption that the number of building permits issued for the next several years and the square footage of new commercial development will be the same as the average over the past three years. Those numbers are:

Single Family and Duplex Units	396 Units per Year
Multi-Family Units	158 Units per Year
Commercial Development	538,000 Sq. Ft. per Year

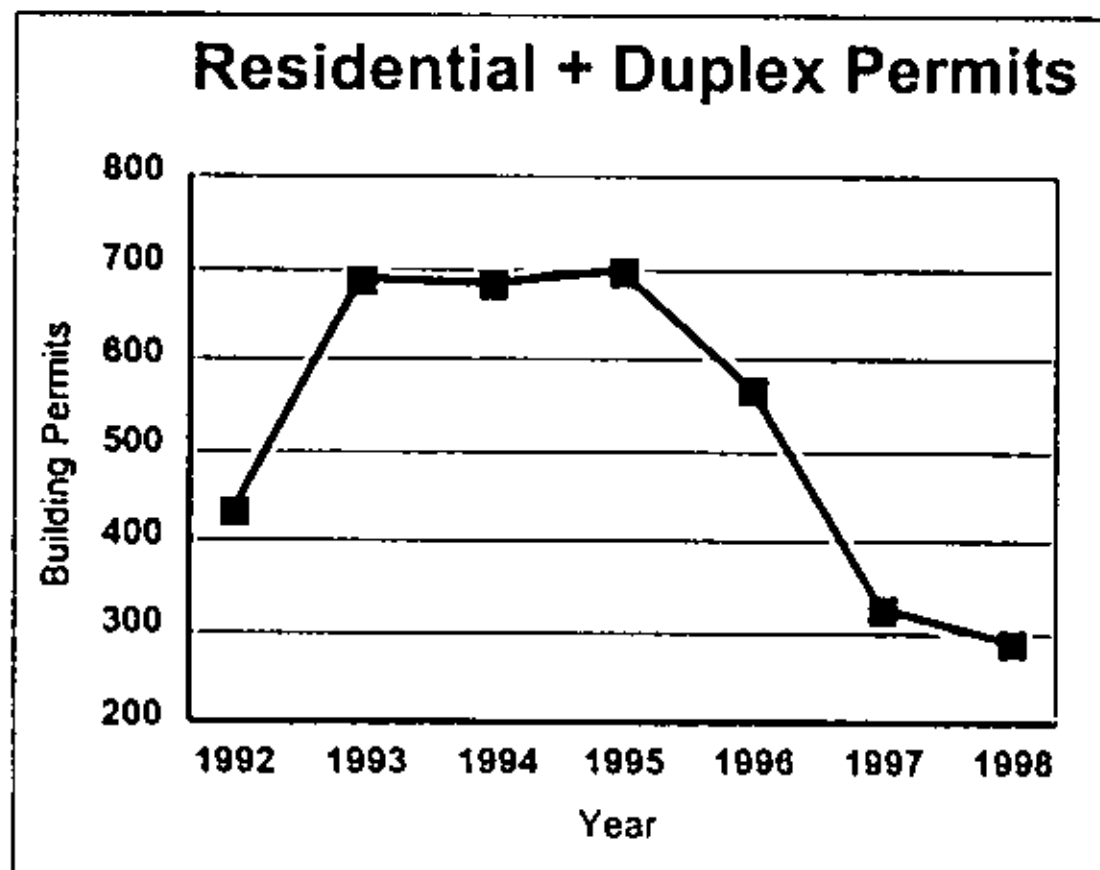
b) Average Sewage Flows: The average sewage flows from commercial and residential connections were estimated by utilizing monthly water consumption records. The assumption was made that for residential customers, the average daily sewage flows could be estimated using their water consumption for the months of December, January, and February. The basis for this assumption is that there is very little outside use of water



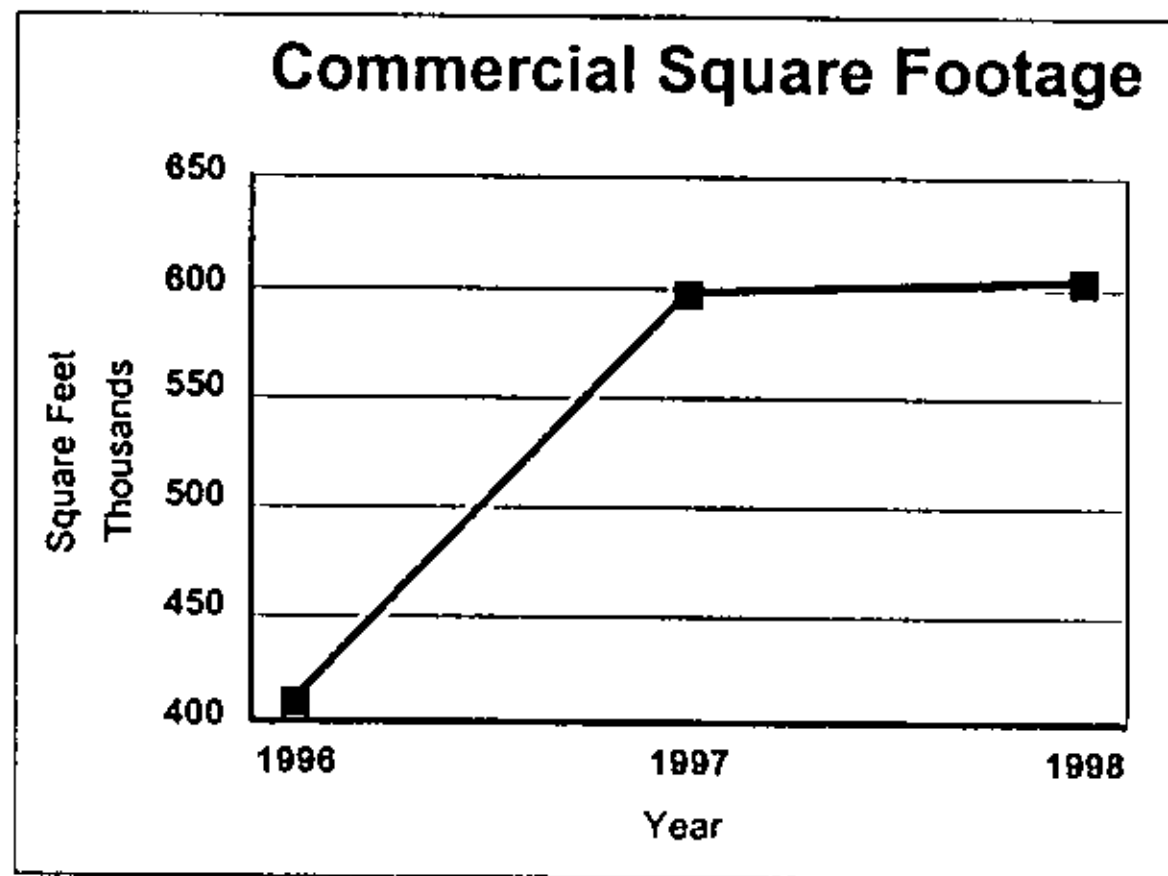
Three Year Average - 555 Units



Three Year Average - 158 Units



Three Year Average - 396 Units



Three Year Average - 538,000 Sq. Ft.

Chart No. 1
BUILDING PERMIT DATA

during those winter months and most of the water that goes through the meter is discharged to the sewer system. To estimate commercial sewage flows we used a year-round monthly average of water consumption.

For multi-family units we used water consumption data from seven apartment complexes during the years 1996-1998. The data showed that the average monthly use per unit for December, January, and February was 4,210 gallons. This amounts to 140 gallons per day per unit.

For single family and duplex residential units we used water consumption records for one meter reading book for a one year period. The book was in a residential neighborhood in the Rolling Hills area. The records indicated an average winter use of 5,665 gallons per unit per month. This amounts to 186 gallons per unit per day.

For commercial usage we utilized water consumption records of the Northwest Arkansas Mall over an entire one year period. The average day use for the entire Mall was 36,000 gallons. At an estimated 750,000 square feet of commercial area, the average use per 1000 square feet was 46 gallons.

A summary of the assumed sewer flow from new development is:

Single Family and Duplex Residential	200 Gallons/Day/Unit
Multi-Family Residential	150 Gallons/Day/Unit
Commercial Development	60 Gallons/1000 Sq. Ft.

c) Existing Subdivision Lots and Apartment Units: Planning records show that there are 662 single family and duplex lots existing at this time that have not been built upon and 263 multi-family units which have been approved but not constructed. In addition, there are 444 lots for which approval of a final plat is pending and 314 apartment units in the approval process. Therefore, the total number of existing units for which sewer service must be provided is:

Single Family and Duplex Residential	1174 Units
Multi-Family Residential	577 Units

d) Calculation of Allowable New Units:

Sewer Flows for Existing Single Family and Duplex Units

1174 Units at 200 gpd/unit = 234,800 gallons per day

Sewer Flows for Existing Multi-Family Units

577 Units at 150 gpd/unit = 86,550 gallons per day

Total Sewer Flows for Existing Development = 321,350 gallons per day, therefore the

Capacity Available for New Development = 500,000 - 321,350 = 178,650 gpd

Sewer Flow Added per Year by New Development (Using Average of Last 3 Years)

Single Family and Duplex	396 units (200 gpd/unit)	79,200 gpd
Multi-Family Units	158 units (150 gpd/unit)	23,700 gpd
<u>Commercial Development</u>	<u>538,000 sq ft (60 gpd/1000)</u>	<u>32,280 gpd</u>
Totals		135,180 gpd

Therefore, the number of years remaining capacity would be the sewer flow available for new development (178,650 gallons per day) divided by the amount of flow created by new development per year (135,180 gpd). The amount of time remaining is, therefore, $178,650 \text{ gpd} / 135,180 \text{ gpd} = \underline{\underline{1.32 \text{ years}}}$. This is the capacity remaining after all existing available lots are developed.

7. Timing on Construction of New Plant

It is our estimate that earliest that construction on a new plant could be started would be sometime in mid or late 2001. Construction would probably take more than two years to complete, making 2004 the "in service" date for the new plant. This rough schedule is the best scenario and depends on acquiring a site without further delay, hiring a consultant immediately, and proceeding with a permit application.

8. Effects of the Rehabilitation Program

The rehabilitation program was initiated in the early 90's as a result of an administrative order issued by the EPA. The goal of the rehabilitation program was to eliminate overflows within the sanitary sewer system by repairing or replacing leaking sewer lines. We have spent 20 million dollars on the program over the past eight years and have programmed between one and two million dollars per year over the next several years.

The program has been very successful in reducing the number of overflow points within the sewer system and in reducing the total volume of sewage overflows. The sewer rehabilitation planned for the next several years will further reduce overflow points and overflow quantities. However, we have already addressed portions of the sewer system where the greatest benefits of the rehabilitation program were expected and future rehabilitation will be less effective and will eliminate proportionally smaller amounts of stormwater from entering the system.

Another result of our rehabilitation program has to reduce the average daily flow to the sewage treatment plant. This can be seen by comparing the average daily flow over the past 10 years with the number of sewer connections. The average daily flow has changed very little since 1992 while the number of sewer connections has increased by almost 40 percent. That means that on an average day basis, the increase in flow to the plant due to the addition of sewer customers to the system has been largely offset by reductions in stormwater infiltration and inflow to the system.

9. Other Permit Considerations

NPDES Permits are written for 5 year periods. The City made timely application for renewal of the permit in the spring of 1997. The ADPC and E issued a draft permit in the spring of 1998 which listed the plant capacity at 11.4 mgd, a reduction of 1.0 mgd of the current permit. The Staff promptly met with the Department personnel and explained the discrepancies. Because of this issue and the pending (at that time) monitoring results the Department agreed to postpone issuance of the renewal permit until a new application could be prepared.

If we are not in a position to submit such an application within a reasonable time, the Department may decide to go ahead and issue Fayetteville a new permit on that same basis as the draft permit they issued last spring. Under the conditions of that kind of permit, the capacity of the treatment plant would be reduced seriously and there would be a significant increase in the risk of permit violations.

10. Recommendations

It is the recommendation of the staff that:

1. That we continue with the approval of new subdivisions and large scale development for a period of one year. During that time the staff will monitor the number of new connections to the system and the number and character of new development lots and apartment units. In addition to Fayetteville, we will monitor the new permits and subdivisions in Farmington, Greenland, Elkins, and Johnson.
2. That Staff conduct a comprehensive review of the capacity status prior to December of 1999 and make additional recommendations to the Council on or before January 4, 2000.
3. That Staff prepare and submit to the Arkansas Department of Pollution Control and Ecology an application for a new permit based on constructing a new plant on the west side of Fayetteville and based on the new stream modeling.

FILED IN MY OFFICE THIS

24 DAY OF November 1998
Glenn H. Wainwright City Clerk

11/24/98

Clark Davis
347 N. Willow Ave.
Fayetteville, AR 72701
(501) 521 2645

RE: Rezoning Request
Sycamore Pub

To the Fayetteville City Council:

I would like to appeal the City Planning Commission's decision on 11/23/98 to deny a rezoning request at 716 W. Sycamore Street. The request was for rezoning from I-1 (industrial) to C-2 (Commercial). I feel that the planning boards perception that the rezoning would change the character of the street is in error. Currently all but one business on the north side of Sycamore are commercial businesses. The street is a four-lane artery and not just a residential street. Also the objections raised by the current occupant and the manager of the Law Quad Apartments across the street should not have been taken into consideration. The current occupant (La Familia) is being evicted no matter what happens due to lack of rent payment, and I have a signed petition by the manager of the Law Quad's wife when I surveyed the neighbors saying there is no problem with the location of a private club to be located at 716 W. Sycamore. The rezoning request is needed to allow for the location of the Sycamore Pub, a private club, at this address with the future plan of applying for a dancehall conditional use permit. A survey of the neighborhood has shown no significant opposition to the location of this business. I feel that it would be a good idea if the city council council could plan to tour the sight during their agenda setting meeting to get a better feel of the area. Currently there is a neighbor (Soap and Suds) that has a pool hall serving beer and on the back side of the block are 2 other clubs, one being a private club with dancing.

Thank you for your consideration,

Clark Davis

Clark Davis

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone:

PLANNING DIVISION CORRESPONDENCE

501-575-8264

TO: Fayetteville Planning Commission Members
THRU: Alett S. Little, City Planner
FROM: Brent Vinson, Associate Planner
DATE: November 23, 1998

RZ 98-20.00: Rezoning (Sturchio/King, pp 366) was submitted by Sharman Sturchio and Rich King for property located at 716 West Sycamore Street. The property is zoned I-1, Heavy Commercial, Light Industrial, and contains approximately 6.36 acres. The request is to change the zoning to C-2, Thoroughfare Commercial.

RECOMMENDED MOTION:

Staff recommends approval of the requested rezoning from I-1 to C-2.

PLANNING COMMISSION ACTION: YES Required
_____ Approved _____ Denied

Date: November 23, 1998

Comments:

CITY COUNCIL ACTION: YES Required
_____ Approved _____ Denied

Date: / /

BACKGROUND :

The site is currently occupied by Tramps hair salon and La Familia Mexican Restaurant. The restaurant has a beer permit and the building owner is terminating their lease. A third suite in the building is currently unoccupied.

The property is located next to existing commercial businesses. To the east is Soap and Suds, which also serves beer and food. Further east is a warehouse that is mostly unoccupied and for sale. To the west there is a self-storage business and the Chateau apartment complex. To the south across Sycamore Street is the Law Quad apartment complex. Other apartment complexes and duplexes exist along the street. The back of the property is covered with tall grass, shrubs, and some large trees. A drainage ditch exists immediately to the east where Chestnut Avenue is proposed to cut through to Sycamore in the future. The area is designated as a mixed use area on the 2020 Future Land Use Plan.

The applicant wishes to rezone the property to allow a conditional use to be obtained for a dance hall.

Sycamore Street is a four-lane collector street. Additional traffic from the proposed business would be minimal.

PURPOSE OF I-2 ZONING

I-2 General Industrial.

(A) *Purposes.* The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environmental nuisances, which are objectionable to residential and business use.

ADJACENT LAND USE AND ZONING

North:	Undeveloped, I-1
South:	The Law Quad Apartment Complex
East:	Soap and Suds Laundry and Gameroom
West:	A-plus Self Storage

INFRASTRUCTURE:

- Streets:** Sycamore Street is a four-lane collector street and the proposed Chestnut Avenue is a local street.
- Water:** There is a 6" water main along the east side of the property. A fire hydrant exists to the east at Soap and Suds.
- Sewer:** There is a 14" sewer force main along the south side of the property and an 8" sewerline along the east side.

LAND USE PLAN:

General Plan 2020 shows this area as Mixed Use.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.
Finding: The rezoning proposed is consistent with the land use planning objectives, principles, and policies of the land use and zoning plans.
2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.
Finding: The zoning is justified and needed at this time because the owners have not been able to find a reliable tenant to lease vacant space with the present zoning restrictions.
3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.
Finding: The proposed zoning would not create or appreciably increase traffic danger and congestion.

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

Finding: The proposed zoning would not alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

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

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

Finding: N/A

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 501-575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Clark Davis

FROM: Brent Vinson, Associate Planner

DATE: November 30, 1998

SUBJECT: RZ 98.00-20.00

Dear Clark,

Here is the information you requested.

1. Regarding the allowable use of private club on an I-1 zoned property:

During the November 23, 1998 Planning Commission meeting, much discussion was given to the subject of a drinking establishment on a property zoned I-1. After thorough research, staff has found that under district I-1, Heavy Commercial and Light Industrial, the permitted use of "private club or lodge" is allowable under Unit 4-Cultural and Recreational Facilities (See attached documents). Staff has found that a private club is allowable on an I-1 zoned property as a permitted use without the consent of the Planning Commission.

2. Regarding the rezoning of property owned by Rich King and Sharman Sturchio at 716 West Sycamore Street from I-1 (Heavy Commercial and Light Industrial) to C-2 (Thoroughfare Commercial):

Rezoning was not recommended by the Planning Commission at their meeting held November 23, 1998. The rezoning from I-1 to C-2 was originally recommended by staff. It was found that the rezoning proposed was consistent with the land use planning objectives, principles, and policies of the land use and zoning plans. The Land Use Plan designates the area as mixed use.

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RZ98-20: REZONING
STURCHIO/KING, PP 366

This rezoning request was submitted by Sharman Sturchio and Rich King for property located at 716 West Sycamore Street. The property is zoned I-1, Heavy Commercial, Light Industrial, and contains approximately 6.36 acres. The request is to change the zoning to C-2, Thoroughfare Commercial.

Sharman Sturchio and Rich King were present on behalf of this request.

Conditions of Approval

None.

Staff recommended approval of the request.

Applicant Presentation

King: We have requested C-2 because we have a signed lease for a pub at this location and we will back at the next meeting for conditional use approval.

Public Comment

Patty Unseld who is employed by LaFamilia Restaurant which is located at 716 W. Sycamore spoke in opposition on the proposed use which might be allowed subsequent to the rezoning.

Odom: Tonight we are only considering the rezoning request. We will not be considering the use of the building.

Jay Scurlock who is the manager of the Law Quad apartments spoke in opposition on the proposed rezoning on the grounds of traffic, parking, and noise.

Committee Discussion

King: With the zoning that we have at this time, a tavern can go in there which may be what is going to happen due to the fact that we are not collecting on the rented space. The only thing that the rezoning would allow would be dancing within a tavern as a conditional use.

Tucker: If we are asked to change the zoning does that imply per staff recommendation that we have enough land zoned I-1 and the need for more C-2?

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Little: No.. That is not what our recommendation implies. Our recommendation follows the uses that are already in place on that site. We were requested by the applicant to consider the change from I-1 to C-2. In looking at the types of uses that are there like the hair salon and the restaurant, both of those are actually more appropriate for a C-2 than they are for I-1. I-1 carries with it the potential for other kinds of uses that would be less compatible with the neighborhood so we felt like it was a rezoning and more reflective of what the uses are there.

Odom: Is this consistent with the General Land Use Plan?

Little: The General Land Use Plan calls for this to be a mixed use area. We recognize that it is an area of transition. Looking at the maps in your packet, there is R-2 to the west, and I-1 right against R-2. Given a perfect world, your staff would not recommend I-1 next to R-2. I think mixed use probably is the correct designation.

Tucker: Do we have enough I-1 in the City?

Little: We have enough land zoned in every category. We have vacant land in every category.

Reynolds: This is going to cause a chain reaction on that street. The neighbors to the east will come in next for C-2.

Little: The neighbors to the east are the Soap and Suds. I-1 is heavy commercial and light industrial. C-2 is Thoroughfare Commercial. If the neighbors to the east ask for C-2, I would be inclined to recommend that. The Soap and Suds is not a bar but it is a laundry mat that serves beer and that's not an appropriate I-1 use. It just happened to develop that way. This is one of those areas that isn't quite right. I would have to say C-2 would be the more appropriate zoning classification.

Hoover: Did you consider C-1? Or do you have a reason why you don't think it should be C-1?

Little: We did consider C-1. The uses that are there now would fit. That was not the request of the applicant.

Hoover: You responded to his request.

Little: We basically responded to their request. Their initial request was for the rezoning and for a conditional use for a dance hall. A C-1 would not accommodate that and it does sound that they are rethinking the conditional use for the dance hall.

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Tucker: Would you care to comment on whether you feel it is more appropriate for this area to be C-1 versus C-2?

Little: C-1 is Neighborhood Commercial and by that it is meant to serve the residents surrounding it. And since this is primarily a residential neighborhood to the west, C-1 in that area would not be inappropriate. Both a restaurant and a hair salon are permitted in C-1 and I believe that a laundry is too.

Tucker: What I am most sensitive to rather than what the applicant has requested is the appropriateness of the zoning and the affect on the surrounding neighbors and the City.

Hoffman: Does the laundry need C-2 to sell liquor?

Little: I believe that is correct.

Hoffman: So the laundry anyway would need a C-2 zoning. I want to say that I find the mixed use refreshing and I think it's a good idea.

MOTION

Ms. Hoffman made a motion to approve the rezoning.

Mr. Odom seconded the motion.

Further Discussion

Forney: I've been sitting here trying to compare the use units allowed in each of those two different uses. If we allow C-2, we would provide for hotel, motel, and amusement facilities which is Unit 14, neighborhood shopping which is Unit 15, shopping goods which is Unit 16, commercial recreation large which is Units 19 and 20, and outdoor advertising which is Unit 24, and adult live club or bar which is Unit 33. This would fall under eating places. Is that correct?

Little: No. It does not fall under eating places.

Forney: The statement was that this would be allowed in any case in this existing I-1 zone.

Odom: Does it have any adult entertainment or bars in I-1 currently?

Little: Bars fall under Use Unit 14. Actually, it is classified as a nightclub or tavern.

Forney: Use Unit 14 is not allowed in I-1. A pub or tavern would not be allowed in I-1.

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The statement was made earlier that it would be allowed in any case.

Reynolds: The zoning right now does not allow for a bar.

Little: That is right. The applicant has visited several times with Brent and Tim and various scenarios were discussed. They may have been advised that but I am not finding that in the code.

Forney: They can't have a pub in I-1. There is not any C-2 in this neighborhood and if we establish C-2 in this neighborhood, I think we'll see a number of applicants requesting rezoning. I think it is an interesting questions as to whether that would be an improvement or a problem. I wonder about the introduction of outdoor advertising, adult live entertainment clubs or bars, etc. into the neighborhood. I think I will probably vote against this.

Reynolds: I would like to know from the applicant where you got your information that you could have a bar in I-1. Did it come from somebody on the planning staff or have you read the regulations?

Sturchio: I visited with the planning staff. It was verbal and it was my understanding that we could by right have a neighborhood tavern exist in I-1.

King: There are quite a few empty warehouses on that street. 716 Sycamore will probably file bankruptcy and be another empty building. We haven't had many people coming through wanting to rent this place.

Reynolds: You have a restaurant in there now. Why would it be empty?

King: They are very delinquent on rent.

Estes: The discussion of permitted uses under the I-1 zoning, I had not considered. Is a bar or pub permitted in I-1?

Vinson: No, sir.

Estes: So if we grant this rezoning request to C-2 and I think it's reasonable that we can anticipate that property owners to the east will follow. Then we are truly changing the character of the Sycamore Street neighborhood.

Odom: No. There is already a bar there.

Estes: Well, how did that bar get there? That's what I'm having trouble with. I have not

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patronized that business so I don't know what's there. Is it bar? Is it a tap room? Do they serve mixed drinks?

Little: The name of the establishment is Soap and Suds. It is a laundry. They serve beer. I don't know when they were approved.

Reynolds: They have been there for 25 years.

Estes: I don't think Sycamore Street has been cut through there for 25 years.

Reynolds: Len has been in that business for that long anyway.

Little: We can research that for you if you like.

King: There are also two other bars directly behind our property. There's Ron's Club and Bottoms Up. They're within walking distance.

Estes: That's on Poplar, is it not.

King: Right. Which is directly the street behind us.

Reynolds: Are they zoned I-1, too?

Little: Bottoms Up is I-1. I know that they do not have a liquor license.

Hoffman: I'm in support of the rezoning because I don't think the building is big enough to support a big problematic River City type dance halls should that eventually be the outcome. I am aware that C-2 allows various use units within that zoning and I would not be opposed to rezoning the adjoining property should that come forward to us with the proper application and information because I think we do need to breath some life into that street.

Ward: If these properties are all zoned C-1 and they are going to put a pub in there, would they have to come back and get a variance?

Little: If they are zoned C-1 and they are a restaurant, they can have a liquor license. They could not have a tavern in C-1. They could have a tavern in C-2. Use Unit 14 is the night club and tavern use unit. Zone I-1 and C-1 do not allow Use Unit 14. Zone C-2 does allow Use Unit 14.

Hoover: But, if you're a restaurant you can serve alcohol.

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Ward: With the residential structures and offices in the area, it just looks more like C-1, Neighborhood Commercial.

Hoover: C-2 is defined as primarily uses for highway travelers and this is definitely Neighborhood Commercial and that is C-1.

Roll Call

Upon roll call the motion failed by a vote of 3-5-0. Commissioners Estes, Forney, Hoover, Tucker, and Ward voted against the motion.

Police Police
V.A.

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of January 5, 1999

FROM:

Richard L. Watson

Police

Police

Name

Division

Department

ACTION REQUIRED:

City Council approve the Fayetteville Police Department Policies, Procedures and Rules as required by Arkansas Code Annotated 14-51-302.

COST TO CITY:

\$ -0-
Cost of this Request

\$ N/A
Category/Project Budget

N/A
Category/Project Name

N/A
Account Number

\$ N/A
Funds Used To Date

N/A
Program Name

N/A
Project Number

\$ N/A
Remaining Balance

N/A
Fund

BUDGET REVIEW:

 Budgeted Item Budget Adjustment Attached

[Signature]
Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marilyn J. Cramer
Accounting Manager

12-21-98
Date

ADA Coordinator

Date

[Signature]
City Attorney

12-21-98
Date

[Signature]
Internal Auditor

12-21-98
Date

P. Vice
Purchasing Officer

12-23-98
Date

STAFF RECOMMENDATION:

Approve Policy, Procedure and Rules for the Fayetteville Police Department.

Division Head

Date

Cross Reference

[Signature]
Department Director

12-4-98
Date

New Item: Yes No

[Signature]
Administrative Services Director

23 DEC 98
Date

Prev Ord/Res #:

[Signature]
Mayor

12/23/98
Date

Orig Contract Date:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

To: Mayor Fred Hanna and City Council Members
From: Richard L. Watson, Chief of Police *R. Watson*
Subject: Proposed Policies
Date: December 4, 1998

Enclosed are copies of proposed revisions and additions to our department policies and procedures. We last revised our policies in July of 1990 and several areas needed to be corrected, added, or updated. These proposed policies have already been reviewed by City Attorney Jerry Rose, Prosecuting Attorney Casey Jones and other City staff members.

The proposed policies are being presented to you and the City Council for formal approval. According to Arkansas Code Annotated 14-51-302, policies must be approved by the governing body of the municipality (by resolution of the City Council). If you have any comments or questions please contact me.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

To: Mayor Hanna and City Council Members
From: Lt. Tim Helder *TH*
Subject: Proposed Policies
Date: December 29, 1998

Please refer to the following information to avoid unnecessary reading. Instead of supplying you with just the new and changed policies; I provided you with our entire policy book. In order to simplify your task the following policies were approved in July of 1990 and are not in need of change:

2.1.2	Relationships With Other Agencies
41.2.11	Use of Department Vehicles/Equipment; Authorized Passengers
41.2.13	Seatbelt Usage
41.2.17	Canines
62.1.12	Police Traffic Radar Operation
81.2.13	Bank Alarm Response Policy (Business Hours)

The following policies are new:

1.2.4	Domestic Violence
1.3.4	Non Lethal Defensive Tactics
16.2.3	Temporary Light Duty
26.1.2	Harassment in the Workplace
41.1.4	Bicycle Patrol
41.3.5	Grooming and Uniform Requirements and Specifications
61.4.3	Inventory of Towed Vehicles
72.5.5	Suicide Identification Guidelines

All other policies in this book have been in effect but required some changes.



DRAFT

POLICIES, PROCEDURES AND RULES

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FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

		Effective Date	Number 1.1.1
Subject LAW ENFORCEMENT AGENCY ROLE			
Reference		Special Instructions	
Distribution All Personnel	Reevaluation Date 1-Year		No. Pages -4-

I. PURPOSE

The purpose of this policy is to define the functional role of the Fayetteville Police Department.

II. POLICY

By defining Department role, employees will be aware of actions and attitudes expected of them, and the public will be provided with a general standard by which they can measure the department's performance.

Defining the functional role also specifies the department's intent to be responsive to and protect the constitutional rights of the community.

III. POLICY

A. Performance Measures

Written performance measures shall be formulated for each program within the department.

1. On an annual basis, program supervisors (i.e., administrative, patrol and drug enforcement programs) shall assist in preparing new or revised performance measures for the upcoming year and submit a written report to the Chief of police.

2. Performance measures shall be developed utilizing input from all personnel levels within the department. Personnel input should provide the following:

a. Improve the relevancy and coverage of the performance measures; and

b. Enable employees contribution to departmental management and operation.

3. Upon request, program supervisors shall submit to the Chief of Police a written evaluation on the progress made toward department performance measures.

4. Performance measures shall be routinely reviewed and updated to help endure direction, unity of purpose, and provide a basis for measuring progress.

B. Oath of office

Prior to assuming their official position, all officers of the Fayetteville Police Department shall take an oath of office to enforce the law and uphold the Constitutions of the United States and the State of Arkansas.

C. Code of Ethics

All officers of the Fayetteville Police Department shall abide by the following Code of Ethics:

LAW ENFORCEMENT CODE OF ETHICS

All law enforcement officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing.

The International Association of Chiefs of Police believes it is important that police officers have clear advice and counsel available to assist them in performing their duties consistent with these standards, and has adopted the following ethical mandates as guidelines to meet these ends.

PRIMARY RESPONSIBILITIES OF A POLICE OFFICER

A police officer acts as an official representative of government who is required and trusted to work within the law.

The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace; and ensuring the rights of all to liberty, equality and justice.

PERFORMANCE OF THE DUTIES OF A POLICE OFFICER

A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity.

Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

DISCRETION

A police officer will use responsibly the discretion invested in the position and exercise it within the law. The principle of reasonableness will guide the officer's determinations and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest, which may be correct in appropriate circumstance, can be a more effective means of achieving a desired end.

USE OF FORCE

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

Force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhumane treatment of any person.

CONFIDENTIALITY

Whatever a police officer sees, hears or learns of, which of a confidential nature, will be kept secret unless the performance of duty or legal provision requires otherwise.

Members of the public have a right to security and privacy, and information

obtained about them must not be improperly divulged.

INTEGRITY

A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers.

The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

COOPERATION WITH OTHER OFFICERS AND AGENCIES

Police officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assist colleagues fully and completely with respect and consideration at all times.

PERSONAL / PROFESSIONAL CAPABILITIES

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence.

Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for efficient and effective performance of duty. The acquisition of knowledge is a never ending process of personal and professional development that should be pursued constantly.

PRIVATE LIFE

Police officers will behave in a manner that does not bring discredit to their agencies or to themselves.

A police officer's character and conduct while off-duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.

Source: IACP October 17, 1989

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 1.2.1
Subject LIMITS OF AUTHORITY		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1-Year	No. Pages -6-

I. PURPOSE

The purpose of this policy is to outline the limits of law enforcement authority delegated to officers of the Fayetteville Police Department pertaining to the enforcement of laws, statutes, and ordinances within their jurisdiction.

It also defines circumstances and establishes limits involving officer discretion and provides guidelines for exercising such discretion utilizing alternatives to arrest and/or prearrest confinement.

II. DEFINITIONS

A. ARREST

Arrest is the taking of a person into custody of the law, the purpose of which is to restrain the accused until he can be held accountable for the offense at court proceedings.

B. PROBABLE CAUSE

Probable cause has been interpreted as facts and circumstances that amount to more than mere suspicion but less than proof beyond a reasonable doubt that would lead a prudent person to believe a crime has been committed or is about to be committed.

C. FELONY

A felony is a serious offense which carries a penalty of incarceration usually for one year or more. Persons convicted of felony offenses lose certain rights such as the right to vote, hold an elective office or Federal government position, or maintain certain licenses.

D. MISDEMEANOR

A misdemeanor is a less serious offense punishable by incarceration for not more than one year in a county jail or fine or similar penalty.

E. OFF-DUTY

For the purposes of this section, officers are considered to be "off-duty" when not working in furtherance of Departmental objectives during their regularly scheduled hours or other hours as required by a police supervisor or court order.

III. POLICY

A. JURISDICTION AND STATUTORY AUTHORITY

1. Officers of the Fayetteville Police Department shall have within the corporate limits of the City of Fayetteville all the powers invested in law enforcement officers as described under Arkansas Code Annotated 14-52-203.

2. Officers shall also have the power to serve all civil and criminal process that may be directed to them by any officer of the Court and may enforce the ordinances and regulations of the City as the City ~~Board of Directors~~ Council may direct.

3. In addition to their authority within the corporate limits, officers shall have all the powers invested in law enforcement officers by statute or common law within the extraterritorial jurisdiction of the corporate limits of the City of Fayetteville, and on all property owned by or leased to the City wherever located.

4. Any officer pursuing an offender outside the corporate limits or extraterritorial jurisdiction of the City shall be entitled to all privileges, immunities, and benefits to which he would be entitled if

acting within the City, including coverage under the workmen's compensation laws.

B. ARREST AUTHORITY

An officer may effect an arrest if there is probable cause to believe a person has committed an offense as it is defined in the Arkansas Criminal Code. Probable cause is the legal requirement for an arrest.

1. An arrest occurs when the following conditions exist:

a. The officer believes that sufficient legal evidence exists that a crime is being committed, and intends to restrain the suspect;

b. The officer deprives the individual of his liberty; and

c. The suspect believes he or she is in the custody of the police and cannot voluntarily leave.

2. An arrest can be initiated with or without a warrant and must be based on probable cause.

a. Arrest Pursuant to a Warrant

An arrest warrant issued by the court determines an arrest should be made and directs the police to bring the named person before the court.

(1) An officer having a warrant in possession may arrest the person named on or described in the warrant at any time and at any place within the jurisdiction of the City of Fayetteville.

(2) An officer who has knowledge that a warrant for

arrest has been issued and has not been executed, but who does not have the warrant in his possession, may arrest the person named in the warrant at any time. According to Arkansas State law.

(a) The officer must inform the person arrested of the existing warrant, and

(b) The officer must serve the warrant on the person as soon as possible.

b. Arrest Without a Warrant

According to Rule 4 of the Arkansas Court Rules "Rules of Criminal Procedures", a law enforcement officer may arrest a person without a warrant if the officer has reasonable cause to believe that such person has committed:

(1) a felony;

(2) a traffic offense involving:

(a) death or physical injury to a person; or

(b) damage to property; or

(c) driving a vehicle while under the influence of any intoxicating liquor or drug;

(d) any violation of law in the officer's presence.

(3) A private person may make an arrest where he has reasonable grounds for believing that the person arrested has committed a felony.

(4) An arrest shall not be deemed to have been made on insufficient cause hereunder solely on the ground that the

officer or private citizen is unable to determine the particular offense which may have been committed.

(5) A warrantless arrest by an officer not personally possessed of information sufficient to constitute reasonable cause is valid where the arresting officer is instructed to make the arrest by a police agency which collectively possesses knowledge sufficient to constitute reasonable cause.

(6) In the case of a misdemeanor, probable cause as well as the officer's presence at the time of the offense are required, with the following exceptions:

(a) The officer believes the suspect may cause physical injury to self or others, or damage to property unless immediately arrested (See ACA ~~9-15-103 "Act 636 of 1989"~~ 16-81-113) and Domestic Abuse Act as defined in A.R.C.R. T. Rule 4.1 (a) (IV);

(b) The suspect has committed the offense of shoplifting when the officer, merchant, or merchant's employee who has observed the person accused of committing the offense of shoplifting shall provide a written statement which shall serve as probable cause to justify the arrest (See ACA 5-36-116 (2) (c);

(c) The officer has reason to believe the suspect will not be apprehended unless immediately arrested.

3. Upon making an arrest, an officer must:

a. Identify himself as a law enforcement officer unless his identity is otherwise apparent;

b. Inform the arrested person that he is under arrest; and

c. As promptly as is reasonable under the circumstances, inform the arrested person of the cause of the arrest, unless the cause appears to be evident.

4. An arrest is complete when:

a. The person submits to the control of the arresting officer who has indicated his intention to arrest, or

b. The arresting officer, with intent to make an arrest, takes a person into custody by the use of physical force.

5. An officer may enter private premises or a vehicle to effect an arrest when:

a. The officer has in his possession a warrant or order for arrest of a person or is authorized to arrest a person without a warrant or order having been issued;

b. The officer has reasonable cause to believe the person to be arrested is present, and

c. The officer has given, or made reasonable effort to give notice of his authority and purpose to an occupant thereof, unless there is reasonable cause to believe that the giving of such notice would present a clear danger to human life.

6. Arrest for Serious Crime

When an officer arrests a person for a serious crime, the officer shall advise the supervisor on duty and a determination will be made if the detective division shall be notified of the arrest for further interviewing and investigation.

7. Arrest of Military Deserter

Officers with probable cause that a person is a military deserter may arrest that person and arrange as soon as possible to release the person to the proper military authorities.

8. Arrest of Unconscious or Semiconscious Person

Whenever an officer arrests an individual who is unconscious, semiconscious, or otherwise apparently suffering from some disabling condition, and who is unable to provide information on the causes of the condition, the officer should make a reasonable effort to determine if the person arrested is wearing a bracelet or necklace containing the Medic Alert Foundation's emergency alert symbol to indicate that the person suffers from diabetes, epilepsy, a cardiac condition, or any other form of illness which would cause a loss of consciousness. If such a symbol is found indicating that the person being arrested suffers from one of those conditions, the officer must make a reasonable effort to have appropriate medical care provided. In all such arrests, officers shall comply with Jail Standards on handling unconscious person(s).

9. Misuse of Arrest Authority

Officers of the Fayetteville Police Department shall not misuse the arrest authority that has been delegated to them.

C. USE OF DISCRETION AND ALTERNATIVES TO ARREST

The Chief of Police shall determine what measures (policies and procedures) shall be enforced to influence officer discretion at the operative level of patrol.

Officers are encouraged to be sensitive to cues as the probability of clearance, witness identification, victim prosecution, and other factors when making arrests, issuing citations, or other law enforcement activities.

In instances of lesser violations of the law, the officer may weigh the seriousness of the offense and the surrounding circumstances and choose an alternative to arrest. The proper exercise of discretion does not relieve the officer of his responsibility to conduct a thorough investigation.

1. Alternatives to Arrest

a. Issuance of a citation or criminal summons (when the municipal judge determines the offense to be citable) which would allow the arrested person to appear in court on their own recognizance in accordance with Article III, Rule 5, of the ARKANSAS RULES OF CRIMINAL PROCEDURE, instead of taking the person before a magistrate and placing them under bond;

b. Referral to a help agency, such as mental health, etc.; or

c. ~~Informal resolution, such as arranging for the person to pay the victim for damages, etc.; or~~

d. Warnings.

2. Arrest of Injured Person

Upon arresting a person who has been injured, or is injured during the arrest process, the officer shall contact his immediate supervisor. The immediate supervisor will respond and ~~examine~~ observe the injured person and based on the seriousness of the injury will make a determination as to whether or not the person should receive immediate medical attention.

3. Off-Duty Arrest

Police officers of this department have liability protection for on-duty and off-duty performance of official duties. This protection does not extend to willful acts to cause injury or damage, or to those actions that the police officer knew, or reasonably should have known, were in conflict with the established policies or customs of this department.

a. When off-duty and within the legal jurisdiction of this department, a police officer may make an arrest only when:

(1) There is an immediate need for the prevention of bodily injury or property loss/damage ~~of a crime~~ or apprehension of a suspect;

(2) The arresting officer is in possession of appropriate police identification.

~~NOTE: Off-duty officers shall not engage in vehicular pursuits while driving privately owned vehicles. The use of blue lights for traffic stop purposes in privately owned vehicles is prohibited. Officers may use privately owned blue lights (only when their vehicle is stationary) to warn approaching traffic of danger at accident or other emergency scenes.~~

b. Off-duty officers shall not enforce minor traffic offenses or utilize personal vehicles to pursue or to attempt the apprehension of persons.

1. Off-duty officers may cautiously follow suspects to obtain vehicle and suspect descriptions or destination, but officers must realize there is no authorization under state law or Department policy to violate traffic law while operating a private vehicle.

b. If an off-duty arrest is made, the off-duty officer shall abide by all departmental policies and procedures and shall notify an on-duty police supervisor of the circumstances of the arrest and complete any documentation of the incident and arrest required by the supervisor or Departmental Policies and Procedures.
~~personnel as soon as possible.~~

c. No prisoner or arrestee, under any circumstances, shall be transported in a privately owned vehicle.

4. Assistance to Person Intoxicated in Public

At his discretion, an officer may assist, as an alternative to arrest and incarceration, an

individual found intoxicated in a public place, by taking any of the following actions:

a. The officer may ~~direct or transport~~ the intoxicated individual home;

b. The officer may ~~direct or transport~~ the intoxicated individual to the residence of another individual willing to accept him;

c. The officer may ~~direct or transport~~ the intoxicated individual to a public or private shelter facility if the individual is apparently in need of and unable to provide for himself food, clothing, or shelter, but not in need of immediate medical care;

d. The officer may ~~direct or transport~~ the intoxicated individual to the Washington Regional Medical Center or other medical care facility if it is apparent the individual is in need of but unable to provide for himself immediate medical care.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

		Effective Date	Number 1.2.2
Subject ARREST PROCEDURES			
Reference		Special Instructions	
Distribution All Personnel	Reevaluation Date 1 Year		No. Pages -3-

I. PURPOSE

The purpose of this policy is to provide officers with guidelines in determining when and if an arrest is appropriate according to the law.

II. DISCUSSION

An officer can make an arrest if he has probable cause to believe a person has committed an offense as it is defined in the Arkansas Criminal Code.

Arrest is the taking of a person into custody of the law, the purpose of which is to restrain the accused until he can be held accountable for the offense at court proceedings.

The legal requirement for an arrest is probable cause.

III. POLICY

A. An arrest occurs when the following conditions exist:

1. The officer believes that sufficient legal evidence exists that a crime is being committed, and intends to restrain the suspect;

2. The officer deprives the individual of his liberty and;

3. The suspect believes that he or she is in the custody of the police and cannot voluntarily leave.

B. Arrest can be initiated with or without a warrant and must be based on probable cause.

C. An arrest warrant issued by a court determines that an arrest should be made and directs the police to bring the named person before the court.

D. An arrest can be made without a warrant only where the arresting officer is able to establish probable cause that a crime was committed and that the subject arrested is the person who committed it.

E. In the case of a felony an officer may arrest a suspect without a warrant where probable cause exists, even though the officer was not present when the offense was committed.

F. In the case of a misdemeanor, probable cause as well as the officer's presence at the time of the offense are required, for exceptions see 1.2.1 Limits of Authority, III, section B. 2, b. (6), page 3.

IV. CLASSIFICATION

A. A felony is a more serious offense which carries a penalty of incarceration in a state prison, usually, for one year or more.

B. A misdemeanor is a lesser offense punishable by incarceration for not more than one year in a county jail or fine or similar penalty.

V. ARREST

A. If an officer decides it is necessary to take a person into custody he should do so in accordance with his lawful authority to arrest.

B. An officer should be prepared to use non-deadly force when arresting an individual who is physically resisting arrest.

1. In these circumstances the officer must take caution in preventing injury to himself and the subject.

2. When a subject threatens to flee or injure the arresting officer, or others, he must be prepared to use his training in self-defense in defending

himself, or others, while taking the person into custody.

C. An Arrest Report shall be completed by each officer involved in a warrantless arrest.

VI. SEARCH OF PERSON(S)

A. Any officer may search a person after a lawful arrest for the following reasons:

1. To protect the officer, the accused or others.

2. To prevent the escape of the accused.

3. To furnish appropriate custodial care if the accused is jailed.

4. To obtain evidence of the commission of the offense for which the accused has been arrested, or to seize contraband, fruits of the crime, or other things criminally possessed or used in conjunction with the offense.

B. Strip searches will only be made after arrest and will be made at the jail if necessary before being placed in a cell and only then in a professional manner. The only exception would be in a life-threatening situation to protect human life.

C. Search of body cavities must be performed by a physician or a licensed nurse. A search of body cavities and "blood stream and subcutaneous tissues" incidental to an arrest should only be made if there is a strong probability that it will disclose things subject to seizure and related to the offense for which the

individual was arrested. The problems concerning the search of body cavities usually result when some degree of force has been used.

D. A law enforcement officer who has detained a person, if he reasonably suspects that person is armed and dangerous to the officer or others, may search the outer clothing of such person and seize any weapon or other dangerous things which may be used against the officer or others. The search shall not be more detailed than is reasonably necessary to insure safety.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

		Effective Date	Number 1.2.4
Subject DOMESTIC VIOLENCE			
Reference		Special Instructions	
Distribution All Personnel	Reevaluation Date 1 Year		No. Pages -8-

I. PURPOSE

To establish clear policy and procedural directives for officers responding to domestic violence calls.

II. POLICY

It is the policy of this department to treat all acts of domestic violence as criminal conduct. Therefore, an officer's objective(s) in responding to domestic violence calls shall be to protect victims from further violence, enforce state laws against violators, and arrest offenders where applicable.

A. Arresting Domestic Violence Offenders

An officer has the authority to make an arrest with or without a warrant for domestic abuse as provided in Rule 4.1 (a) (iv) of the Arkansas Rules of Criminal Procedures.

A.R. Cr.P. Rule 4.1 (a) (iv) states:

(a) A law enforcement officer may arrest a person without a warrant if the officer has reasonable cause to believe that such person has committed....

(iv) acts which constitute a crime under the laws of this state and which constitute domestic abuse as defined by law against a family or household member and which occurred within four (4) hours preceding the arrest.

Although officers shall exercise discretion in responding to domestic violence calls, arrest shall be the preferred action in cases involving physical violence and/or domestic battering as stated in Ark. Code Ann. 16-81-113.

III. DEFINITIONS

A. Domestic Violence

Domestic violence is generally defined as the infliction of physical harm, bodily injury or assault, or the fear of imminent physical harm, bodily injury or assault, by one family or household member on another.

B. Wife or Spouse Abuse

Wife or spouse abuse is usually defined as acts of violence or recurring assaults between sexual partners, married and unmarried, who are living together or who previously lived together.

C. The Domestic Abuse Act of 1995

The Domestic Abuse Act of 1995 amended the statutes formerly titled "Wife Battering." They are now entitled, "Domestic Battering" and they include family and household members in the class of persons protected.

D. Family or Household Member (F/HM)

The "family or household member" relationship must be proven in any Domestic Battering crime.

Ark. Code Ann. 5-26-302 defines "family or household member" as including:

- (1) spouses or former spouses
- (2) parents and children

(3) persons related by blood within the fourth degree of consanguinity

(4) persons who presently or in the past have resided or cohabited together.

E. Physical Abuse

The act of striking, threatening, harassing or interfering with the personal liberty of any family or household member by any other family or household member, but excluding reasonable discipline of a minor child by a parent or guardian of such a minor child.

IV. CRIMINAL CHARGES

There are four (4) situations where it is preferable under current Arkansas law to charge regular Battery instead of Domestic Battering.

If charged as Battery, the following four offenses will merit a felony charge, whereas they would only be misdemeanors under Domestic Battering.

It is preferable to charge regular Battery when there is physical injury....

(a) by means of a firearm

Charge under 5-13-201(a)(7)
B Felony

(b) to a pregnant woman
(causing miscarriage or stillbirth)

Charge under 5-13-201 (c)(5)(A/B)
B Felony

(d) to a person over age 60

Charge under 5-13-202(a)(4)(C)

D Felony

(e) to a person under age 12

Charge under 5-13-202(a)(4)(C)
D Felony

V. ELEMENTS OF DOMESTIC BATTERING

A. Domestic Battering - First Degree; Ark. Code Ann. 5-26-303

(1) **purposely** causes **serious physical injury** to F/HM by means of a deadly weapon

-or-

(2) **purposely** causes **serious or permanent disfigurement** of F/HM

-or-

(3) **purposely** destroys, amputates, or permanently disables a **member or organ** of a F/HM

-or-

(4) causes **serious physical injury** to a F/HM under circumstances manifesting **extreme indifference to the value of human life**.

B. Domestic Battering - Second Degree; Ark. Code Ann. 5-26-304

(1) **purposely** causes **serious physical injury** to a F/HM

-or-

(2) **purposely** causes **physical injury** to a F/HM by means of a **deadly weapon**

-or-

(3) **recklessly** causes **serious physical injury** to a F/HM by means of a deadly weapon.

C. Domestic Battering - Third Degree Ark. Code Ann. 5-26-305

(1) **Purposely** causes **physical injury** to a F/HM

-or-

(2) **Recklessly** causes **physical injury** to F/HM

-or-

(3) **Negligently** causes **physical injury** to F/HM by means of a **deadly weapon**

-or-

(4) **Purposely** causes stupor, unconsciousness, or **physical/mental impairment** or injury to F/HM by **administering a drug** or other substance to another person **without consent**.

NOTE: A first offense of Domestic Battering in the third degree is a Class A misdemeanor.

However, if the defendant has a prior conviction or has been previously found guilty of Domestic Battering or Wife Battering in any degree, the second or subsequent offense is automatically enhanced to a Class D felony.

VI. ELEMENTS OF DOMESTIC ASSAULT

The Domestic Assault statutes mirror the regular assault statutes, except they include

the additional element of the "family or household member" relationship between the parties.

A. Aggravated Assault on Family or Household Member Ark. Code Ann. 5-26-306 - 309

(1) First Degree requires **reckless** conduct which creates a **substantial risk** of **death** or **serious physical injury** to a F/HM

(2) Second Degree requires **reckless** conduct which creates a **substantial risk** of **physical injury** to a F/HM

(3) Third Degree requires **purposely** creating **apprehension** of **imminent physical injury** to F/HM.

VII. ASSOCIATED OFFENSES

Although not exclusively limited to domestic abuse situations, these four crimes are frequently associated with domestic abuse and often involve family or household members.

A. Stalking (Ark. Code Ann. 5-71-229)

1. First Degree Stalking (Class B felony)

Purposely engages in harassing course of conduct (more than two incidents at least 36 hours apart, but no more than one year apart) and makes a Terroristic Threat intended to place a person in imminent fear of death or serious bodily injury for himself or his immediate family

-AND-

(a) Does so in violation of an Order of Protection

-or-

(b) Has a prior conviction within the past 10 years in any state of:

- 2nd. Degree Stalking
- Terroristic Threatening
- Terroristic Act

-or-

(c) Is armed with a deadly weapon or represents that he is.

2. Second Degree Stalking (Class C felony)

Purposely engages in harassing course of conduct (more than two incidents at least 36 hours apart, but no more than one year apart) and makes a Terroristic Threat intended to place a person in imminent fear of death or serious bodily injury for himself or his immediate family.

B. Terroristic Threatening (Ark. Code Ann. 5-13-301)

1. First Degree (Class D Felony)

Purposely threatens **death** or **serious** physical injury or substantial property damage to another

-or-

Purposely threatens physical injury or property damage to a teacher or school employee.

2. Second Degree (Class A misdemeanor)

Purposely threatens to cause **physical** injury or property damage to another.

C. Harassment (Ark. Code Ann. 5-71-208) Class A Misdemeanor

With purpose to harass, annoy, or alarm another and without good cause:

- strikes, shoves, kicks, touches, or subjects another (or attempts or threatens to subject another) to offensive physical contact

-OR-

- uses obscene language or gestures toward another in a public place likely to provoke a violent/disorderly response

-OR-

- follows a person in a public place

-OR-

- repeatedly insults, taunts, or challenges another in a public place in a way likely to provoke a violent/disorderly response

-OR-

- engage in conduct, or repeated acts, which alarm or annoy another and serve no legitimate purpose

-OR-

- places a person under surveillance by remaining outside of places occupied by

that person for no purpose other than to harass, alarm or annoy.

D. Harassing Communications (Ark. Code Ann. 5-71-209)

With **purpose** to **harass**, **annoy**, or **alarm** another:

Communicates with another by telephone, telegraph, mail or any other written manner, anonymously or otherwise, in a way **likely to harass, annoy or cause alarm**

-OR-

Makes a **telephone call**, or **causes a phone to ring repeatedly**, with **no legitimate purpose** (with or without conversation)

-OR-

Knowingly allows a telephone **under his control** to be used for harassing communications.

VIII. PROCEDURES

1. Patrol Responsibilities

Priority will be given to domestic disputes. Officers will respond immediately and coordinate their approach with the appropriate backup. Officers should obtain all available information from the dispatcher before arriving at the scene.

2. The Decision To Arrest

Officers will effect an arrest, based on probable cause and supported by the statements of

the victim or witness, of abusers in domestic situations in the following circumstances:

(a) where a felony has been committed;

(b) where the officer is aware of a past history of assaults committed by the abuser and there is probable cause to believe another assault has occurred;

(c) where a physical assault has occurred and there is evidence of either alcohol or drug abuse;

(d) where any weapon was used to inflict the injury, or was used to intimidate or threaten the victim;

(e) where an assault has occurred and, if the officer takes no action, there is strong likelihood that further violence or injury might result;

(f) in cases where the conditions of a protective order have been violated;

(g) offenses committed in the presence of the officer; and

(h) where there are valid warrants on file.

3. Protective Orders

There are three types of court orders typically used to protect victims of domestic abuse: Orders of Protection, Mutual restraining Orders, and No Contact conditions of release.

Orders of Protection are generally issued by the court when domestic violence has occurred.

4. Enforcement of Arkansas Orders

Orders of Protection issued in any Arkansas court should be enforced by law enforcement wherever a violation occurs. An Arkansas order is valid throughout the state, regardless of which court issued the order.

B. Enforcement of Out of State Orders

Protective orders issued by courts located outside of Arkansas will be enforced in Arkansas, provided the form of the order meets the "full faith and credit" requirements; Ark. Code Ann. 9-15-302 requires the issuing court must have had valid jurisdiction, the respondent must have had reasonable notice and opportunity for a hearing, and evidence of this is found on the face of the order.

C. Violations of Protective Orders

When protective orders are violated, the enforcement procedures differ according to the type of order and the issuing court.

The following is a summary of the four primary statutes or rules which address violations of protective orders:

(1) Ark. Code Ann. 5-53-134, "Violation of a protection order," is a separate criminal offense charged when an Order

of Protection (issued by the chancery court) is violated.

Under this statute, a law enforcement officer can make a warrantless arrest if the officer has probable cause to believe a person:

(2) is the subject of an Order of Protection and

(3) has violated the terms of the order, even if the officer did not witness the violation.

NOTE: An officer exercising due care and acting in good faith in making an arrest for domestic abuse has immunity from civil liability.

(4) The elements of this offense are:

- A chancery court **has issued** a temporary or final Order of Protection against a person;

-AND-

- That person has received **actual** or **legal** notice of the order;

-AND-

- He **knowingly violates** a **condition** of the order.

(4) ACIC Requirements

The Arkansas Crime Information Center maintains a registry of all orders of protection and temporary orders of protection issued by a state court, or registered in the state.

IX. Gathering Evidence

Officers shall conduct a thorough investigation of the domestic violence incident and include the following evidence if available:

(a) incident report including documenting of injuries of the victim,

(b) evidentiary articles that substantiate the attack;

(c) physical evidence of the crime scene itself;

(d) medical reports;

(c) photographs of visible injuries on the victim;

(d) photographs and diagram of the crime scene, and;

(e) audio tape recording of the 911 call prior to arrival if available.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 1.3.1
Subject USE OF FORCE		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1-Year	No. Pages -5-

I. PURPOSE

The purpose of this directive is to state the Fayetteville Police Department policy regarding the use of force, including deadly force, non-lethal force and defensive tactics and all types of weapons.

II. DISCUSSION

The value of human life is immeasurable in our society. Police officers have been delegated the awesome responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection must at all times be secondary to the protection of life. The officer's responsibility for protecting life must include his own.

III. DEFINITION

"Deadly Force" as used in this policy is defined as that force

which is intended to cause death or grave injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.

IV. POLICY

It shall be the policy of the Fayetteville Police Department that its officers shall not use more force in any situation than is reasonably necessary under the circumstances.

A. Use of Deadly Force

1. An officer may use deadly force to protect himself or others if he has reasonable belief of immediate threat of death or serious physical injury.

a. Reasonable belief: The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to

act or think in a similar way under similar circumstances.

b. Serious physical injury: A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

2. The use of firearms should be flatly prohibited in the apprehension of misdemeanants, since the value of human life far outweighs the gravity of a misdemeanor offense.

3. Deadly force shall never be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime. An officer shall either have witnessed the crime or have sufficient information to know, as a virtual certainty, that the suspect committed an offense for which the use of deadly force is permissible.

4. Officers shall not be permitted to fire at felony suspects when the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force or when there is substantial danger to innocent bystanders. Although the requirement of using lesser force, when possible, is a legal rule, the other limitations are based on sound public policy. To risk the life of innocent persons for the purpose of apprehending a felon cannot be justified.

5. Officers shall not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-

defense or defense of another person.

6. Officers shall not fire their weapons to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at "center body mass."

7. An officer may use deadly force to effect the capture or prevent the escape if the officer reasonably believes that the suspect has committed a felony involving the use or threatened use of deadly force and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.

8. In order to protect the community's interest when officers may have exceeded the scope of their authority in the use of deadly force and to shield officers who have not exceeded the scope of their authority from possible confrontations with the community, officers whose use of force results in death shall be relieved from line-duty assignment pending administrative review.

9. The killing of an animal is justified by the following conditions:

- a. For self-defense,
- b. To prevent substantial harm to the officer or another, or
- c. When the animal is so badly injured that humanity

requires its relief from further suffering.

A seriously wounded or injured animal may be destroyed only after all attempts have been made to request assistance from the agency (humane society, animal control, game warden, etc.) responsible for the disposal of animals.

The destruction of vicious animals should be guided by the same rules set forth for self-defense and the defense and safety of others.

B. Firearms

1. Issuance of "Use of Force" Policy:

All officers of the Fayetteville Police Department shall be issued individual copies of and receive instruction on the department's policy regarding use of deadly force prior to being issued a firearm.

2. Proficiency in Use of Agency-authorized Firearms:

All officers shall demonstrate proficiency with all agency-authorized firearms and sidearms prior to being authorized to carry a firearm.

a. Officers shall qualify four times each year.

b. Officers shall qualify with a score equal to or better than the established standard set by the Chief of Police and Firearms Instructors.

(1) Failure to attain a qualifying score will result in revocation of authorization for the officer to carry a firearm.

(2) Authorization will be reinstated upon receiving remedial training and attainment of a qualifying score.

c. Officers shall attain and demonstrate a knowledge of the laws concerning the use of firearms and be familiar with recognized safe-handling procedures for the use of these weapons.

3. Except for general maintenance, storage or authorized training, officers shall not draw or exhibit their firearm unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.

4. Warning Shots:

Officers are not justified in using a firearm to fire a warning shot and shall never use warning shots for any purpose. Warning shots endanger the lives of innocent bystanders and may also prompt a suspect to return fire.

5. Off-Duty Possession of Weapons:

It shall be the policy of the Fayetteville Police Department to permit full-time sworn members of the department to possess and carry a concealed weapon while off-duty within the corporate limits of Fayetteville.

a. Officers are not required to carry a weapon while off-duty, but may do so at their option.

b. Officers exercising the option to carry a weapon while

off-duty are authorized to carry their issued weapon.

c. Authorization for officers to carry weapons while off-duty shall be subject to the following conditions:

(1) Officers will be required to have in their possession the department-issued badge and official identification card.

(2) Officers not in uniform, while on or off-duty, shall not wear a weapon in such a manner so as to attract attention or being in open view to the public.

(3) Officers who choose to carry a weapon other than one issued by the police department, shall qualify to demonstrate proficiency in the use of that weapon on an annual basis at their own expense.

6. Department-issued Weapons and Ammunition:

a. Uniformed officers will carry the department-issued weapon **only**. The use of special weapons and ammunition in certain situations will be authorized by the Chief of Police.

b. Detectives will carry only the department-issued weapon while on duty. Personal weapons must have the written approval of the Chief of Police prior to being carried as a duty weapon or as a supplemental duty weapon.

c. Ammunition will be department-issued as approved by the Chief of Police.

d. Uniformed officers and detectives of this department

will carry only department-issued shotguns.

(1) All shotgun ammunition will be department-issued as authorized by the Chief of Police.

(2) Unless authorized by the Chief of Police, no type of rifle will be carried or used by on-duty officers. The exception to this policy will be Emergency Response Team (ERT) officers.

e. Officer Responsibility for Department-issued Firearm.

(1) Officers must take reasonable and adequate care of any firearm issued to them.

(2) In the event a firearm is lost, damaged, destroyed, or stolen, the officer may be subject to financial liability and/or dismissed if a preponderance of evidence establishes repeated negligence or willful destruction or damage of the firearm by the officer.

(3) In the event of the loss of a department-issued firearm, the officer will immediately notify the shift supervisor who will in turn notify the Chief of Police. The supervisor will also notify local law enforcement authorities of the firearm loss and ensure that the loss is reported through the department's ACIC/NCIC terminal.

7. Discharge of Weapon:

If an officer, on or off duty, fires a department-issued weapon (except training purposes such as range qualifications) or in the event of an accidental discharge the

officer shall comply with the following:

a. The officer who fired the weapon shall notify the shift supervisor as soon as practicable after the firing has taken place.

b. The supervisor shall make a preliminary investigation each time an officer under his command fires a weapon.

c. The supervisor shall cause a report to be filed immediately with the Chief of Police regarding the firing of any weapon by police personnel.

d. If during the performance of duty or on any occasion an officer of the Fayetteville Police Department fires a weapon and in doing so wounds or kills a suspect or perpetrator of a crime, the following procedure is to be followed immediately:

(1) The shift supervisor is to be notified immediately.

(2) The shift supervisor will notify the Chief of Police immediately.

(3) A shooting team, the members of which will be designated by the Chief of Police, will be called to the scene immediately.

(4) This shooting team will be responsible for conducting a thorough investigation into the circumstances surrounding the shooting. The shooting team will, at the conclusion of the investigation, submit a report to the Chief of Police including the relevant facts and circumstances surrounding the incident and a conclusion as to whether the discharge

violates departmental policy or State law.

(5) This shooting team will be functioning with the full authority of the Chief of Police. This team will be in complete control of the entire investigation. All officers including shift supervisors shall give this team their full cooperation. No one shall interfere with such an investigation.

(6) If the facts of the incident support a conclusion that the shot was the result of negligence, the officer shall be required to undergo firearms certification training again.

C. Non-Lethal Weapons

1. The police baton shall be used as a defensive weapon only. ~~(See Policy 1.3.4 - Non Lethal Defensive Tactics)~~ The baton should be used properly and in accordance with training in its use. ~~The following will not be considered proper use of the baton:~~

a. ~~Strikes to the following areas: Head and face, heart areas, spine, kidneys, direct frontal blow to knee cap, and solar plexus.~~

b. ~~The only exceptions to the prohibitions listed above will be in a life or death situation.~~

2. Pepper Aerosol Restraint Spray (See General Order #18)

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 1.3.4
Subject NON LETHAL DEFENSIVE TACTICS		
Reference (See G.O. #18)		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages -3-

I. PURPOSE

The purpose of this policy is to ensure officers adhere to department guidelines established for the use of non-lethal weapons and defensive tactics.

II. POLICY

The Pressure Point Control Tactics (PPCT) Management System will be the use of force format utilized by officers.

III. PROCEDURE

LEVELS OF CONTROL

The Force Continuum contains two areas of control which will be used by an officer, and the levels of resistance which are used by the offender.

A. Levels of Control

1. Officer Presence

The professional appearance and uniform of a police officer.

2. Verbal Direction

The appropriate verbal response and commands used to attempt to direct the action of a suspect.

3. Pepper Aerosol Restraint Spray

The OC aerosol spray provides officers with additional use-of-force options for gaining compliance of resistant or aggressive individuals during arrest, while being detained in jail and other enforcement situations which occur in the line of duty. (Refer to General Order #18)

34. Empty Hand

Soft empty hand techniques consist of those techniques that have a minimal chance of injury such as hand strikes and leg strikes to specific motor nerve points located in muscle mass of the arms and legs. Pressure Point Control Tactics (PPCT) is the department

approved defensive tactics system.

45. Intermediate Weapons

An intermediate weapon is any tool used when empty hand control is not enough or would be dangerous for the officers to attempt, and deadly force is not justified.

Soft intermediate weapons include such moves as joint locks with an impact weapon while hard strikes are with an impact weapon.

The department issued intermediate weapon, or impact weapon, is the ~~PR-24 side-handle~~ expandable baton. Officers have discretion to use the ~~PR-24~~ expandable baton as a defensive tactics tool to counter resistance and assaultive resistance.

56. Deadly/lethal force

Force likely to cause death or serious physical injury.

LEVELS OF RESISTANCE

1. Psychological Intimidation

The suspect attempts to intimidate the officers psychologically. These are non-verbal cues such as suspect attitude or physical appearance or physical readiness.

2. Verbal Non-Compliance

This includes verbal threats from the suspect towards the officers. A suspect may not be resisting just by threatening the officer but may simply refuse to comply with orders,

be unwilling to comply or ignore the officer completely.

3. Passive Resistance

The suspect makes no attempt to fight the officer or even pull away. He simply forces the officer to do all the work. An example would be the protestor who causes the officer to pick him up and carry him from the scene or the drunk driver who will not step from the car but must be physically pulled out.

4. Defensive Resistance

The suspect performs actions which attempt to prevent officers from controlling him, such as pulling away when handcuffing is attempted. He may simply move away from the officer or push the officer's hands away. The suspect makes no attempt to harm the officer, just tries to defeat the arrest.

5. Active Aggression.

The suspect attempts to harm the officer by physical actions such as striking or kicking him.

6. Aggravated Aggression

The suspect is attempting to harm the officer by use of a weapon or empty handed at a deadly force level.

IV. De-escalation of Force

Officers must immediately de-escalate down to empty hands or verbal commands after gaining compliance through the use of an intermediate weapon. An intermediate weapon is any tool that is used when empty

hands are not enough and deadly force is not needed. Officers, for their own protection, should understand and comply with the force continuum.

V. Training

Officers must be certified in the use of Pepper Spray and Pressure Point Control Tactics before authorization to use such defensive tactics.

Officers are required to attend refresher training on handgun retention and PPCT Tactics as scheduled by the Training Division.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 2.1.2
Subject RELATIONSHIPS WITH OTHER AGENCIES		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages -2-

I. PURPOSE

The purpose of this policy is to formulate a procedure of working with other law enforcement and social welfare agencies.

II. POLICY

A. LIAISON

1. Other Agency Liaison

It shall be the policy of the Fayetteville Police Department to establish and maintain a working liaison with the following organization;

- a. Other law enforcement agencies (particularly in northwest Arkansas);
- b. Members of the judicial process at the federal, state, and local levels; and
- c. Representatives of the state probation and parole system.

2. Fire Department Liaison

The Fayetteville Police Department shall strive to hold annual meetings with representatives from the Fayetteville Fire Department to promote better coordination between the two departments.

3. Public and Social Service Agencies

The Fayetteville Police Department shall provide officers with a list of social services at the state and local levels and other resources available to the public.

B. INTERAGENCY COORDINATION AND PLANNING

1. Criminal Justice Coordinating Council

It shall be the policy of the Fayetteville Police Department to support local and state efforts to collectively plan criminal justice activities by providing a representative, when possible.

2. Liaison with Traffic Safety Agencies

It shall be the policy of the Fayetteville Police Department to maintain a positive ongoing relationship with local, state, and federal agencies responsible for monitoring traffic safety and public education.

3. Requests for Assistance

When another agency requests assistance, the senior supervisor on duty will receive the request and will determine if aid can, and should be rendered. The supervisor will then assign police personnel and equipment with instructions or cause the field supervisor to do so if the patrol program is involved. All Fayetteville police personnel will follow department rules, regulations and policy while on special assignments.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 12.1.1
Subject DIRECTION		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages -4-

I. PURPOSE

The purpose of this policy is to define the responsibilities and position of the Chief of Police as the Chief Executive Officer of the Fayetteville Police Department, to designate command during his absence, and to make supervisors accountable for the performance of subordinates.

II. POLICY

A. CHIEF EXECUTIVE OFFICER

The Chief of Police is the Chief Executive Officer of the Fayetteville Police Department, and as such shall be solely responsible for the management, direction, and control of the operations and administration of Department activities.

1. The Chief of Police is appointed by the ~~City Manager~~ Mayor following certification by the Civil Service Commission.

2. The Chief of Police is under the direct supervision of the ~~City Manager~~ Mayor.

3. The Chief of Police is responsible for the appointment and supervision of all subordinate employees under his command in the Department.

4. The Chief of Police is also responsible for the direction, planning, training and regulation of discipline within the Department.

B. CHAIN OF COMMAND

In order to ensure leadership is available when the Chief of Police is incapacitated, off duty, out of town, or otherwise absent from the decision making process, a supervisory contingency plan shall be in effect.

The following list of supervisors specifies the chain of command that shall be followed in the Fayetteville Police Department:

1. Assistant Chief(s) of Police by seniority.
2. Captain(s) by seniority.
3. Lieutenant(s) by seniority.
4. Sergeant(s) by seniority.

C. SUPERVISORY RESPONSIBILITY

1. Supervisory personnel shall be responsible for maintaining the Department's high level of standards and shall be held accountable for the performance of employees under their immediate supervision.

2. In order to achieve the basic goals and objectives of the Fayetteville Police Department, each supervisor must effectively direct, coordinate, and control the performance of each employee under his immediate supervision.

3. It shall be the policy of the Fayetteville Police Department to assign supervisory personnel with peripheral assignments at the order of the Chief of Police in addition to their primary responsibility of supervising subordinates so that Department goals and plans are being performed properly according to policies and procedures.

4. The following is a list of Department supervisory positions along with a brief synopsis of responsibilities within specified programs:

a. Chief of Police

The Chief of Police shall anticipate the future needs of

the Department; decide what is to be done, how it may best be accomplished, and what resources will be needed for accomplishment. The Chief of Police will determine what policies, procedures, general orders, rules, regulations, and directives are necessary for the organizational maintenance of the operations of the Department.

b. Assistant Chief of Police
The Administrative Assistant Chief of Police is authorized to act in the absence of the Chief of Police in all matters related to the Department. The Assistant Chief shall be responsible for the administrative support functions of the Department.

The Operational Assistant Chief of Police also reviews all aspects of Department operations and performance; identifies needs for change in policies, resource allocations, or methods of operation; and prepares program plans and research reports. (See Assistant Police Chief job description in Personnel Office).

c. Captain

The Captain of the Department ~~is currently responsible for building and grounds maintenance, officers' equipment (new equipment, firearms, uniforms, and property storage), parking coordination, tow history verification, and acts as relief supervisor as needed.~~ will serve as an assistant to both the Operational and Administrative Assistant Chiefs. The Captain will be directly responsible for patrol and detective operations. The

Captain will also be an active participant in the preparation of the annual budget.

(See Police Captain job description in Personnel Office).

d. Lieutenant

The Lieutenant(s) of the Department direct, supervise, and coordinate operations of a specific shift or specialized unit operation within the Department. Lieutenant assignments generally include administrative work, commanding officer of a patrol shift, criminal investigations, and other supervisory and leadership assignments. (See Police Lieutenant job description in Personnel Office).

g. Sergeant

The Sergeant(s) of the Department provide front line supervision of subordinate personnel on a particular shift or specialized unit such as Detective Division or drug investigation team. Sergeant(s) will perform various administrative functions in addition to their other duties. (See Police Sergeant job description in Personnel Office).

D. LAWFUL ORDER OF A SUPERVISOR

All employees shall promptly and to the best of their ability carry out any lawful orders directed by a supervisor. A "lawful order" is an order which officers or employees should reasonably believe to be in keeping with the performance of their duties.

1. Officers or employees shall not obey any order which they know or should know would require them to commit any illegal act.

2. Insubordination shall include conduct directed at a superior officer which is either disrespectful, mutinous, insolent, or abusive in nature.

3. Supervisory personnel shall retain a proper reserve and respect in all official relations with subordinates, being careful to abstain from violent or abusive language in giving orders or direction to subordinates.

E. CONFLICTING ORDERS

In the event an employee receives an order which is in conflict with a previous order, rule, regulation, or directive, the employee shall immediately and respectfully inform the supervisor issuing the order of the conflict.

1. If the supervisor does not alter or retract the conflicting order, the most recent order shall stand, and the responsibility for the conflict shall be placed on the supervisor. The employee shall not be held responsible for disobedience of the order.

2. The employee shall advise his immediate supervisor through departmental correspondence of the situation surrounding the conflicting order, and the supervisor shall resolve the situation.

3. The Chief of Police shall be provided a copy of all correspondence concerning the

conflicting order and
resolution.

F. STAFF MEETINGS

The Chief of police or his
designee will conduct a staff
meeting ~~at least quarterly~~ as
needed.

1. The Chief of Police will
prepare an agenda listing
specific topics for discussion.

2. Time will be set aside at
the end of the staff meeting
for discussing areas of special
interest to staff members.

4. The staff meeting will
include ~~all supervisors~~ and
those individuals whose
presence is deemed necessary.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 12.2.1
Subject POLICIES, PROCEDURES, & RULES DEVELOPMENT & REVIEW PROCEDURES		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1-Year	No. Pages -2-

I. PURPOSE

The purpose of this directive is to establish procedures for development of new or revised department policies, procedures, and rules. Departmental "General Orders" will also be covered in this policy.

II. POLICY

A. It shall be the policy of the Fayetteville Police Department that its members receive written communications in an orderly manner so that accurate information flows smoothly throughout the organization. For the purpose of clarification:

1. A "Policy, Procedure, & Rule" is a written directive concerning policies, procedures, and rules for department personnel which must be approved by the governing body of the municipality (by resolution of the City Board of

~~Directors~~Council). (Arkansas Code Annotated 14-51-302).

2. A "General Order" is a written statement defining in more specific terms the procedures for day-to-day operation of the department. General Orders are approved and issued by the Chief of Police as necessary for maintaining an efficient operation. General Orders are intended to greatly benefit an officer by giving more specific details for a particular subject but maintaining the spirit of the more formal Policies, Procedures, & Rules which require Board approval.

B. The following method will be used for review of newly proposed or revised policies, procedures and rules.

1. All personnel shall have the opportunity to review new or updated policies, procedures, and rules prior to

approval by the City ~~Board of Directors~~Council.

2. It shall be standard practice for new or revised policies, procedures, and rules to be reviewed by the following entities prior to approval by the ~~City Board of Directors~~Council:

- a. ~~City Manager~~Mayor
- b. City Legal Staff
- c. Civil Service Commissioners

C. The physical format of policies, procedures, and rules documents shall all follow a like format and general appearance. The words "POLICIES, PROCEDURES, AND RULES" shall appear at the top of each first page. The format heading will also include designated boxes for the following:

Effective date

Number

Subject

Reference

Special Instructions

Distribution

Reevaluation Date

No. Pages (Number of pages)

D. The physical format of all General Orders shall all follow a like format and general appearance. The words "GENERAL ORDER #" shall appear at the top of each first page. The format heading will also

reserve space for the following information:

Subject

Cross-Reference

Date Approved by Chief

Name and signature of the Chief of Police

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 16.2.3
Subject Temporary Light Duty		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages - 4 -

I. PURPOSE

It is the purpose of this policy to establish the authority for temporary light-duty assignments and procedures for granting temporary light duty to eligible officers and civilian personnel within this agency.

II. POLICY

Temporary light-duty assignments, when available, are for officers and other eligible personnel in this agency who, because of injury, illness or disability, are temporarily unable to perform their regular assignments but who are capable of performing alternative duty assignments. Use of temporary light duty can provide employees with an opportunity to remain productive while convalescing as well as provide a work option for employees who may otherwise risk their health and the safety of others by

remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of this agency that eligible personnel be given a reasonable opportunity to work in temporary light-duty assignments where available and consistent with this policy.

III. DEFINITIONS

Eligible Personnel: For the purposes of this policy, any full-time sworn or civilian member of this department suffering from medically certified illness, injury or disability requiring treatment of a licensed health-care provider and who, because of injury, illness or disability, is temporarily unable to perform the regular assignment but is capable of performing alternative assignments.

Family and Medical Leave Act (FMLA): Federal law providing for up to 12 weeks of unpaid

annual leave for workers. FMLA is used concurrently, not in addition to paid leave provided by this agency, - due to illness, injury or certain other family conditions/situations.

IV. PROCEDURES

A. General Provisions

1. Temporary light-duty positions are limited in number and variety. Therefore,

a. Personnel injured or otherwise disabled in the line of duty shall be given preference in initial assignment to light duty; and

b. Assignments may be changed at any time, upon the approval of the treating physician, if deemed in the best interest of the employee or the agency.

2. This policy in no way affects the privileges of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, American with Disabilities Act, or other federal or state law.

3. Assignment to temporary light duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other employee benefits.

4. No specific position within this agency shall be established for use as a temporary light-duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary light duty.

5. Light-duty assignments are strictly temporary and normally should not exceed six months in duration. After six months, personnel on temporary light duty who are not capable of returning to their original duty assignment shall:

a. Present a request for extension of temporary light duty, with supporting documentation, to the Chief of Police or his designate; or

b. Pursue other options as provided by employment provisions of this agency or federal or state law.

6. Officers on temporary light duty are prohibited from engaging in outside employment in which they may reasonably be expected to perform law enforcement functions for which they have been determined physically or mentally unable to perform on behalf of this department and that form the basis for their temporary light-duty assignment.

7. Depending upon the nature and extent of the disability, an officer on temporary light duty may be prohibited or restricted from wearing the department uniform, carrying the service weapon or otherwise limited in employing police powers as determined by the Chief of Police so long as such limitation is consistent with the provisions of IV-B and IV-C of the policy.

8. Light-duty assignments shall not be made for disciplinary purposes.

9. Officers may not refuse temporary light-duty

assignments that are supported by and consistent with the recommendations of an attending physician or certified health-care provider.

B. Temporary Light-Duty Assignments

1. Temporary light-duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to the following:

- a. Administrative functions
- b. Clerical Functions
- c. Desk Assignments
- d. Report Taking
- e. Communications
- f. Property/Evidence

2. In addition to considerations included in IV-A-1 of this policy, decisions on temporary light-duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills and abilities; availability of light-duty assignments; and the physical limitations imposed on the officer.

4. Every effort shall be made to assign officers to positions consistent with their rank and pay classifications. However, where deemed appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification. Officers thus assigned shall:

a. Retain the privileges of their rank but shall answer to the supervisory officer of the unit to which they are assigned with regard to work responsibilities and performances; and

b. Retain the pay classification and related benefits of the position held prior to their assignment to temporary light duty.

C. Requests for and Assignment to Temporary Light Duty

1. Requests for temporary light-duty assignments shall be submitted to the officer's/employee's immediate supervisor. Requests must be accompanied by a statement of medical certification to support either by the treating physician or other licensed health-care provider. The certificate must include an assessment of the nature and probable duration of the disability and an acknowledgement by the health-care provider of familiarity with the light-duty assignment and the fact that the employee can physically assume the duties involved.

2. The request for temporary light duty and the physician's statement shall be forwarded to this department's personnel authority, who shall make a recommendation regarding the assignment to the Chief of Police or his designate.

a. This department may require the employee to submit to an independent medical examination by a health provider of the department's

choosing. In the event the opinion of this second health provider differs from the foregoing health provider, the employee may request a third opinion at the employer's expense.

b. The employee and representatives of this department shall cooperate and act in good faith in selecting any third health-care provider, and both parties shall be bound by that medical decision.

3. An employee who has not requested temporary light duty may be recommended for such assignment by submission of a request from the officer's immediate supervisor. Such a request must be accompanied by an evaluation of the employee conducted by a competent medical authority expressing the need for temporary light duty or by a request/order for a medical or psychological fitness-for-duty examination.

a. Notice shall be provided to the employee of the proposed temporary light-duty assignment together with justification for the recommendation.

4. As a condition of continued assignment to temporary light duty, officers shall be required to submit monthly physical assessments of their condition as specified by the personnel authority.

D. Pregnant Officers

1. Pregnant officers are eligible for temporary light-duty assignments as available and as appropriate to their physical capabilities and well-being.

2. Where appropriate temporary light-duty assignments are unavailable, pregnant officers may pursue other forms of medical, disability or family leave (FMLA) as provided by this agency and state or federal law.

3. On a monthly basis, pregnant officers shall submit physician's medical certificates that document:

a. The officer's physical ability to perform the present assigned duties,

b. The physician's appraisal that the type of work being performed will not injure the officer or her expected child, and

c. Any recommended duty restrictions or modifications including temporary light duty.

4. Pregnant officers shall be permitted to continue working on regular duty or temporary light-duty assignments as long as they present monthly physician certificates or until such time as a physician recommends that work be curtailed.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

		Effective Date	Number 26.1.1
Subject DISCIPLINARY MATTERS & PROCEDURES			
Reference (See 52.1.1)		Special Instructions	
Distribution All Personnel	Reevaluation Date 1-Year		No. Pages -4-

I. PURPOSE

Effective discipline is a positive process when its perceived purpose is to train or develop by instruction. Among the programs having an impact on discipline in a law enforcement agency are selection, training, direction, supervision, and accountability. These elements are inter-dependent, and a weakness in any one is damaging to effective discipline. Many standards bearing on a disciplinary system are included in other chapters relating to selection, training, and direction. Therefore, the purpose of this directive is to focus on the accountability component of a disciplinary system.

II. DISCUSSION

It shall be the policy of the Fayetteville Police Department to follow and abide by the disciplinary policies and procedures in effect and

addressed in the City's Civil Service Personnel Policy. An employee whose work becomes unsatisfactory should immediately be notified by his/her supervisor in what way the work is deficient and what must be done if work performance is to be judged satisfactory. An employee who is suspended or dismissed for unsatisfactory performance of duties should normally have received three warnings. First, an oral warning from the immediate supervisor; second, an oral warning with a follow-up letter to the employee which sets forth the points covered in their discussion; and third, a written warning from the Department Chief serving notice upon the employee that noted deficiencies must be corrected immediately in order to avoid disciplinary action up to and including dismissal. The supervisor must record the dates of the discussions with the employee, the performance

deficiencies discussed and the corrective actions required.

Nothing in this policy shall prohibit the Chief of Police from exercising all authority granted under Civil Service Commission Rules and the Arkansas Code.

A. Compliance With Department Directives

Officers are expected to set a proper example to their subordinates in the matter of due respect and regard for the policies, procedures, and rules in all matters pertaining to proper discipline.

1. In case of alleged unjust treatment in violation of these policies, procedures, and rules, any officer may prefer charges against a superior to the proper authorities, but failure to substantiate such charges shall render the accusing member liable to disciplinary action. When any member suspects a violation of these policies, procedures, and rules has occurred, they are to notify the Chief of Police for investigation, and may request results of the findings. Reporting a suspected violation confidentially is not a violation of the policies, procedures, and rules.

2. The following acts, infractions, or violations of the policies, procedures, and rules shall be deemed sufficient cause for separation from the department:

(a) Willful disobedience of lawful orders.

(b) Disrespect or insolence toward a superior officer.

(c) Being under the influence of intoxicants or drugs while on duty.

(d) Absence without leave.

Absence without leave is defined as any time a department member is scheduled for work and fails to report for duty without first notifying a supervisor prior to the start of the scheduled shift.

(e) Incompetency.

(f) Driving any machine or apparatus of the department carelessly or maliciously, in such a manner as to collide with, cause personal injury, damage a vehicle or other property, or any other wanton or malicious conduct which causes injury or damage to a citizen or property.

(g) Neglect or refusal to pay just debts.

(h) Agitating or creating dissension in the department or attempting in any manner to cause ill feeling against any member of the department including communications civilian personnel working within our facility.

(i) Making any false or unwarranted report, either publicly or otherwise, about a member of this department.

(j) Dishonesty at any time when representing this department.

(k) Lack of Candor under direct questioning, either by any department supervisor or any investigator of the Office of Professional Standards.

3. It shall be the policy of the Fayetteville Police Department that all personnel maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Personnel shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by:

(a) A lack of knowledge of the application of laws and ordinances required to be enforced.

(b) An unwillingness or inability to perform assigned tasks.

(c) The failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.

(e) Absence without proper leave.

(d) Written record of repeated infractions of policies, procedures, rules, directives, or general orders of the department.

B. Unbecoming Conduct

Officers shall be held responsible at all times for conduct unbecoming an officer of the department which tends to lower the law enforcement service in the estimation of the public. Officers should be governed by ordinary rules of good behavior observed by law abiding and self-respecting citizens.

1. Any idle, indiscreet, or disrespectful remark(s) or rudeness to citizens or any greeting(s), conversation(s), or remark(s) tending to show undue familiarity with members of the opposite sex while on duty shall subject a member to disciplinary action. (See Sexual Harassment Policy 26.2.1)

2. Officers are cautioned that the use of obscene, immoral, profane or disrespectful language, agitating and tending to create dissension in the department or attempts to cause undue or unfavorable reflection(s) upon any member of the department, will not be tolerated. Officers shall not engage in altercations between themselves under any circumstances.

3. All officers when reporting for duty shall be completely attired in the regulation uniform as prescribed by the Chief of Police. (Refer to General Order #20 for Grooming requirements) Failure to do so may subject the member to reprimand or suspension.

C. Use of Alcohol & Drugs

1. No employee of the police department shall consume alcoholic beverages while on duty. No officer of the department shall have or allow anyone else to have at any time, wine, beer, liquor or any other intoxicating drinks in or around the police station, except as directly related to a case or as evidence item(s). Officers shall not at any time while on duty be under the influence of any wine, beer, liquor, or other intoxicants of

any kind, or under sickness caused or produced by the use of such intoxicants. Any officer absenting themselves from scheduled duty because of intoxicating drink, or reporting to duty under its influence, or in any unfit condition due to intoxicants or drugs will be subject to reprimand, suspension or discharge.

D. Acceptance of Gratuities, Bribes, or Rewards

1. No officer (except when assigned desk duties inside the police facility) shall receive or collect any fine or fines for parking tickets, other traffic violations, or any other offenses whatsoever. Members shall courteously advise citizens that all fines are payable at the Fayetteville Police Department.

2. No officer shall directly or indirectly, except by permission of the Chief of Police, sell tickets, solicit any money, circulate any petitions, subscriptions, or allow the use of the department's name for any fair, exhibition, benefit, or similar project. In deciding whether to grant such permission, the Chief of Police shall not discriminate against any officer of the department. Such permission may be granted if the activity will not adversely affect the administration or management of the department, or decrease the trust or confidence of the public.

E. Abuse of Authority

1. No officer shall take, solicit, retain, receive, or

extort any fee, property, reward, gift, compensation, or thing of value or free service in any form from any person, firm, or corporation for any services rendered in the conduct or performance of the duties as a police officer.

2. It shall be the policy of the Fayetteville Police Department that its officers shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, towing firm, bail bondsman, mortician, etc.).

F. Use of Force

1. Refer to Chapter 1.3.1.

G. Proper Care & Maintenance of Equipment

1. Officers positively shall not loan any department equipment or tools, except on permission of the Chief of Police or other supervisor.

2. Officers are required to care for equipment in their possession. Any departmental equipment damaged due to either carelessness or an intentional act on the part of the employee may result in disciplinary action.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 26.1.2
Subject HARASSMENT IN THE WORKPLACE		
Reference (See 26.1.1)		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages -4-

I. PURPOSE

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination. Federal law provides for protection of classes of persons based on race, color, sex, religion, age, disability and national origin.

II. DISCUSSION

It is the policy of this department that all employees have the right to work in an environment free of harassment. This department will not tolerate, condone or allow harassment by employees, whether sworn, civilian, or other non-employees who conduct business with this agency. This department considers harassment and discrimination

of others a form of serious employee misconduct. Therefore, this department shall take direct and immediate action to remedy all reported instances of harassment and discrimination.

III. DISCUSSION

A. Prohibited Activity

1. No employee shall harass another employee.

2. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and is misconduct subject to disciplinary action by the department.

3. Sexual harassment is defined as unwelcome sexual

advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee;

c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

4. Individuals covered under this policy include department members defined as employees.

B. Management Responsibilities

1. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:

a. Monitoring the work environment on a daily basis for signs that harassment may be occurring;

b. Counseling all employees on the types of behavior prohibited, and the department's procedures for reporting and resolving complaints of harassment;

c. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved

employees are within his/her line of supervision; and

d. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment, pending investigation.

- If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant.

- Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation

e. Failure to carry out these responsibilities will be considered in any evaluation or promotional decision and may grounds for discipline.

2. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment in documenting and filing a complaint with the Chief of Police.

3. Each employee is responsible for assisting in the prevention of harassment through refraining from participation in, or encouragement of, actions that could be perceived as harassment.

C. Complaint Procedures

1. Any employee encountering harassment is encouraged to inform the person that his or her actions are unwelcome and offensive. The employee is encouraged to document all incidents of harassment in order to provide the fullest basis for investigation.

2. Any employee who believes that he or she is being harassed shall report the incident(s) as soon as possible so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor, with the appropriate Office of Professional Standards investigative authority.

a. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s) and the date(s) on which it occurred.

b. The department employee taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the Chief of Police. The Chief of Police will assign the complaint for investigation.

3. The Office of Professional Standards shall be responsible for investigating any complaint alleging harassment or discrimination.

4. There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint.

5. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

6. Complainants or employees accused of harassment may file a grievance/appeal in accordance with department policy when they disagree with the investigation or disposition of the harassment claim.

7. This policy does not preclude any employee from filing a complaint or grievance with an outside agency.

D. Retaliation

1. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint, is illegal and is prohibited by this agency and by federal statutes.

2. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.

3. Monitoring to ensure that retaliation does not occur is the responsibility of the Chief of Police, supervisors and the appropriate Office of Professional standards supervisor in charge of the Office of Professional Standards, or the Chief of Police.

a. The supervisor to whom the complaint is given shall expeditiously deliver the complaint to the Chief of Police.

3. The Office of Professional Standards shall be responsible for the investigation of any complaint alleging harassment.

4. There shall be no retaliation against any employee for filing a harassment complaint, or assisting, testifying, or participating in the investigation of the complaint.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

		Effective Date	Number 33.1.1
Subject PHYSICAL FITNESS FOR LAW ENFORCEMENT OFFICERS			
Reference		Special Instructions	
Distribution All Personnel	Reevaluation Date 1 Year		No. Pages -6-

I. PURPOSE

The purpose of this policy is to establish standards and programs to ensure the physical readiness of officers to perform the frequent and critical physically demanding essential functions of their jobs.

II. DISCUSSION

Physical fitness for law enforcement officers is job-related and fitness tests have undergone court scrutiny and have been accepted as job related.

Another concern is employee health. With the initiation of this program an effort will be made to improve employee physical fitness, employee performance and safety and to reduce the threat of illness caused by lack of physical fitness.

The goal of the Department is to improve employee performance

and safety, and to reduce the possibility of premature death, heart attack, stroke, respiratory disease or other illness related to lack of physical activity.

III. POLICY

A. All entry level and sworn uniformed personnel shall comply with the fitness standards set forth within this policy.

1. Entry level personnel are those applying for a police officer position with the City of Fayetteville.

2. Sworn uniformed personnel are those sworn employees at or below the rank of lieutenant.

3. Testing will be conducted bi-annually on dates set by the Fitness Coordinators.

B. Physical Fitness Testing Procedures For Applicants

1. When an application is completed a medical history form, along with a physical activity readiness form(PARQ), provided by the Fayetteville Police Department, shall be completed by the applicant. A copy of both forms will be forwarded to a Fitness Coordinator for review.

2. Prior to a final offer of employment, those applicants still eligible shall be subject to a standard physical fitness test as designated by this policy.

3. Failure to meet any of the established Physical Fitness Standards will result in no offer of employment to the applicant.

C. Physical Fitness Testing For Incumbent Sworn Uniformed Personnel.

1. Incumbent personnel will be assessed to determine their level of fitness. A Fitness Coordinator will review the assessment with the employee in order to determine a starter program which will assist the employee in achieving department standards.

2. Incumbent personnel will be introduced to the program in phases.

(a) Phase I (1st year) Mandatory Participation/Voluntary Compliance. The following components will be dealt with in both Phase I and Phase II:

1. Medical screening
2. Fitness testing
3. Fitness education

4. Individualized exercise prescription

(b) Phase II (After 1st year) Mandatory Participation/Mandatory Compliance.

1. Department standards must be met.

D. COMPLIANCE

1. Phase I

(a) If an officer cannot take the fitness test or participate in exercise, he/she should be placed on temporary limited/light duty until he/she can take the test and exercise. **This reflects a very basic rationale for the program - if an officer has a serious enough medical or physical problem that he/she cannot take the fitness test exercise, then he/she could not be expected to perform the essential physical tasks of the job.**

(b) Phase I should consist of the following:

- * medical screening
- * periodic fitness testing
- * fitness education
- * individualized exercise prescription
- * no compliance to a standard or to exercise is required.

2. Phase II

(a) Mandatory participation as defined in Phase I

(b) Formal medical and performance review systems from Phase I are in place.

(c) Mandatory compliance of the following Absolute Standards will be adhered to:

- 1.5 mile run (min/sec) 16:28
- 300 meter run (seconds) 71.0
- 1 RM bench press (ratio) .64
- Maximum push ups (#) 25
- 1 minute sit ups (#) 29
- Vertical jump (inches) 16.0

(d) The compliance process is defined as follows:

1. Those unable to comply will be given an opportunity to retest as soon as possible with no sanction. The retest will consist of the entire fitness testing process.
2. A remedial program will be provided for non-compliers.

(e) Failure to comply with these Absolute Standards will result in disciplinary measures being taken, up and to termination of employment. (Refer to: 26.1.1, Compliance with Department Directives)

E. PROCEDURES FOR FITNESS TESTING

1. The 1.5 mile run measures aerobic power (cardiovascular endurance)

- a. Participants should warm up and stretch thoroughly prior to the test.
 - b. The participant runs 1.5 miles as fast as possible.
 - c. Upon completion, a mandatory cool down period is enforced. The participants should walk slowly for about 5 minutes immediately after the run to prevent venous pooling (i.e. pooling of the blood in the lower extremities which reduces the return of blood to the heart and may cause cardiac arrhythmias).
2. The 300 meter run measures anaerobic strength.
 - a. Participants should warm up and stretch thoroughly prior to the test.
 - b. The participant runs 300 meters as fast as possible.
 - c. A mandatory cool down is enforced, as with the 1.5 mile run.
 3. The one repetition maximum (RM) bench press measures absolute strength which involves forcing a muscle group to exert a maximum force.
 - a. Two experienced spotters must be used, one on each end of the bar.
 - b. Starting weight for men is about 2/3 of body weight. Starting weight for women is the bar (45 lbs).

- c. With the subject in the supine position, spotters lower the bar to level of subjects chest. Subject should have a shoulder width grip on bar.
- d. Spotters then release the bar and the subject presses to full extension while exhaling.
- e. Spotters take the bar, place it on the rack and increase the poundage.
- f. Repeat steps 3, 4 and 5 until the 1RM is reached. This should take approximately 5 to 6 trials.
- g. Convert the 1RM free weight bench press score to the estimated 1RM Universal bench press score by using the following formulas:

Males: Estimated 1RM
 Universal = $(1.016$
 x free weight 1RM)
 + 18.41

Females: Estimated 1RM
 Universal = $(.848$
 x free weight 1RM)
 + 21.37

- 4. The Push-up Test measures the muscular endurance of the upper body (anterior deltoid, pectoralis major and triceps).
- a. The hands are placed about shoulder-width apart, with fingers pointing forward. The administrator places one fist on the floor below the subject's chest. If a male is testing a

female, a 3-inch sponge may be placed under the sternum to substitute for a fist.

- b. Starting from the up position (elbows extended), the subject must keep their back straight at all times and lower their body to the floor until their chest touches the administrator's fist. The subject then returned to the up position. This is one repetition.
- c. Resting is only allowed in the up position.
- d. The total number of correct push-ups performed in 1 minute is recorded as the score.
- 5. The Sit-up Test measures the abdominal muscular endurance.
- a. The subject starts by lying on their back, knees bent, heels flat on the floor, with their fingers laced and held behind their head.
- b. A partner holds their feet down firmly.
- c. The subject then performs as many correct sit-ups as possible in one minute.
- d. In the up position, the subject should touch his/her elbows to his/her knees and then return until their shoulder blades touch the floor.
- e. The score is the total number of correct sit-ups. Any resting should

be done in the up position.

- f. Breathing should be as normal as possible and making sure the subject does not hold their breath.
- g. Neck remains in the neutral position.
- 5. The Vertical Jump measures leg power.
 - a. This test is administered with shoes on.
 - b. Stand adjacent to and perpendicular to the wall with dominant hand side closest to the wall.
 - c. With heels flat and slightly apart, reach up, extend arm fully and touch the wall with fingertips.
 - d. Bend knees, crouch down, arms down by side and jump vertically with maximal effort. Touch the wall with fingertips at height of jump.
 - e. A measurement of the distance between the subject standing reach and the farthest point touched during the vertical jump will be taken. The measurement is taken to the nearest $\frac{1}{2}$ inch.
 - f. Perform 3 trials using the best score for the test.

7. DEFINITIONS

Uniformed sworn personnel

Defined as Lieutenant, Sergeants, Patrol officers, and Detectives.

Fitness coordinators

Trained and certified as a Physical Fitness Specialist to implement a fitness program based on the standard or ordinary care according to American College of Sports Medicine.

Medical History Questioner and Physical Activity Readiness Questionnaire(PAR-Q)

Screening tools used to identify individuals who should not be tested in a field setting without physician clearance.

Informed consent form

Informs the participant about the nature of the testing procedures and includes the potential benefits and risks of the testing.

Body composition

The proportion of fat, muscle, and bone that make up the body.

Blood pressure

The force that moves blood through the circulatory system.

High risk factors for Coronary Heart Disease

The factors that would increase the likelihood of a cardiovascular event. These include:

1. Personal history of cardiovascular disease
2. Cigarette smoking
3. Hypertension
 - a. Blood pressure greater than 140/90 mmHg
 - b. Anyone taking antihypertensive medicine
4. Elevated blood cholesterol level
 - a. Total cholesterol greater than 200 mg/dl
 - b. LDL greater than 130 mg/dl
 - c. HDL less than 35 mg/dl
 - d. HDL ratio greater than 5

5. Family history
6. Diabetes Mellitus
7. Sedentary lifestyle
8. Visceral Obesity
9. Serious medical conditions whereby the risk of exercise outweighs the benefits
10. Age
 - a. Age is only a risk factor when males are older than forty-five and females are older than fifty-five.

LDL Cholesterol

The lipoproteins which bind to arterial walls and create plaque.

HDL Cholesterol

The lipoproteins which assists in the removal of excess cholesterol from the blood.

Total Cholesterol

A sum of the very low density lipoprotein levels, the low density lipoprotein, and the high density lipoprotein.

Absolute standard

The same fitness standards are used to evaluate all personnel.

Absolute strength

The amount of tension a muscle can exhibit in one maximal contraction.

Dynamic Strength or Muscular endurance

The ability to contract the muscle repeatedly over a specific period of time without undue fatigue.

Three minute step test

The purpose of this test is to measure the heart rate in the recovery period after three minutes of stepping.

One and a half mile run

The purpose of this test is to measure the aerobic power or cardiovascular endurance of the participant. It tests pursuit tasks and use of force that lasts over one to two minutes.

Three hundred meter run

This test measures anaerobic power which is used during sprints or any short intense use of force.

1 RM (Repetition Maximum) bench press test

This test measures the absolute strength in the upper body. These muscles are used while lifting, carrying, or pushing heavy objects.

One minute sit up test

This test measures abdominal muscle endurance. These muscles are used while lifting, carrying, and dragging..

Maximum Push up Test

This test measures the muscular endurance of the upper body which is used while lifting, carrying, and pushing.

Sit and Reach Test

This test measures the range of motion in the muscles in the back of the legs (hamstrings), gluteus, and lower back. These muscles are used while lifting, carrying, pushing, dragging, and extracting.

Vertical Jump

This test measures explosive strength in the lower body which is used while lifting, carrying, pushing, dragging, and extracting.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

		Effective Date	Number 41.1.1
Subject PATROL			
Reference		Special Instructions	
Distribution All Personnel	Reevaluation Date 1-Year		No. Pages -4-

I. PURPOSE

The purpose of this directive is to state policies relating to the organization, administration, and operations of the patrol component of the Fayetteville Police Department.

II. POLICY

A. ORGANIZATION AND ADMINISTRATION

1. Patrol Functions

The primary functions of the patrol component include the following:

a. Preventive patrol (including inquiry and inspectional activity) oriented toward prevention of crimes and accidents, maintenance of public order, and the discovery of hazards and delinquency-causing situations;

b. Crime prevention activities;

c. Response to called-for services;

d. Investigation of crimes, offenses, incidents, and conditions, including arresting offenders;

e. Traffic direction and control;

f. Regulation of certain businesses or activities as required by law;

g. Maintenance of public order;

h. Provision of emergency services;

i. Development of relationships between citizens and the department; and

j. Reporting of information to appropriate organizational components.

2. Patrol Performance

a. The Chief of Police shall be responsible for reviewing

annual patrol performance measures.

b. These performance measures must be attainable, quantifiable, and measurable.

3. The Chief of Police will be responsible for establishing procedures to ensure positive communication between patrol and other divisions and programs within the department.

4. Patrol Response

The Fayetteville police will be available for public service and emergency calls 24 hours a day, every day of the week.

5. Officer Assignment

a. The Chief of Police will be responsible for assigning officers to a shift.

b. The assignment will be based on a uniform procedure to ensure impartiality in the decision making process.

c. Shift supervisors will be responsible for beat assignments and beat rotation schedules.

d. The shift sergeant will be responsible for field operations.

e. When determining days off for patrol officers and first line supervisors, daily workload requirements and maximum coverage take priority over personal preference.

6. Roll Call and Briefing

a. Officers shall attend roll call and briefing at the beginning of each shift until released by the shift

supervisor. Shift roll call/briefing shall include:

(1) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations;

(2) Notifying officers of potential and actual police hazards in the area;

(3) Notifying officers of changes in schedules and assignments;

(4) Notifying officers of new or revised policies, procedures, rules and general orders; and

(5) Evaluating officer readiness to assume patrol.

7. Patrol officers shall refer to their unit number in radio communications.

8. Central dispatch center will assign the number of units and beat unit to respond to certain calls such as:

a. An assault on an officer;

b. On-scene arrest for a felony or violent misdemeanor;

c. Resistance to arrest;

d. Use of force;

e. A crime in progress; or

f. A fleeing suspect.

9. The Chief of Police shall determine what calls do not require the dispatch of an officer and can be effectively

handled by receiving information on the telephone.

10. The Chief of Police shall determine what circumstances require the presence of a patrol supervisor at the scene for the purpose of assuming command.

B. OPERATIONS

1. Preliminary and Follow-up Investigations.

The Chief of Police shall determine the categories of crime and incidents that should receive preliminary investigation or followup investigations by patrol officers.

2. Field Interviews

Patrol personnel will document all field interviews to provide other officers and detectives with information concerning suspicious persons.

3. Officer Access to Radio Communications

a. When possible, all patrol officers shall be equipped with a portable radio and/or a mobile radio unit.

b. Patrol officers shall utilize the 10-code in keeping each other, supervisors, and dispatchers informed of locations, the nature or status of a call, and developments in an investigation.

- 10-1 Receiving poorly
- 10-2 Receiving well
- 10-3 Stop transmitting
- 10-4 Message received okay
- 10-5 Relay
- 10-6 Busy
- 10-7 Out of service
- 10-8 In service

- 10-9 Repeat
- 10-10 Out of service - subject to call
- 10-11 Dispatching too rapidly
- 10-12 Officials or visitors present
- 10-13 Advise road and weather conditions
- 10-14 Convoy or escort
- 10-15 We have prisoner in custody
- 10-17 Pick up papers at _____
- 10-19 Return to your station
- 10-20 What is your location
- 10-21 Call _____ by telephone
- 10-22 Disregard last information
- 10-23 Standby - interference
- 10-24 Trouble at _____ All units report to _____
- 10-25 Do you have contact with _____
- 10-27 Any answer our number _____
- 10-28 Check full registration
- 10-29 Check for wanted
- 10-30 Does not conform to rules and regulations
- 10-31 Is polygraph available
- 10-32 Need gas chromatograph test
- 10-33 Emergency traffic at this station
- 10-35 Confidential information
- 10-36 Correct time
- 10-37 Dispatcher on duty
- 10-42 Officer _____ now at his home
- 10-50 Traffic check or no traffic
- 10-51 NCIC inquiry
- 10-52 Negative NCIC return
- 10-53 Positive NCIC return
- 10-63 Net directed
- 10-64 Net free
- 10-81 Officer _____ is out at police station
- 10-88 What is the phone number
- 10-97 Arrived at scene
- 10-98 Finished last assignment
- 10-100 Bathroom

4. Uniforms

a. Officers will abide by the uniform procedures established by the Chief of Police. All members of the department shall be required to present at all times a neat, clean, well-groomed appearance. When reporting for duty, the member's shoes or boots shall have been shined, trousers shall be pressed and shirts shall look neat. (See General Order #20 for Grooming requirements)

b. They will each be furnished an annual uniform allowance in an amount approved by the City Board Council.

5. Uniformed officers shall wear a bullet resistant vest at all times unless specifically exempted by the Chief of Police.

6. Canine Units

The canine units provide a special tactical function in the detection of suspects, evidence, or contraband believed to be at or near the scene of a crime. (See Chapter 41.2.17).

7. Telephone/Current Address Information Required

All members of the police department are required to have a working telephone and to keep the department advised of the current telephone number. Likewise, all members are required to provide the department with current address information. Any changes in phone numbers or addresses shall be promptly reported to immediate supervisors who should immediately provide them with the department approved form. The completed forms will

be submitted to the office of the Chief of Police.

8. When any sworn member of the department is unable to report for duty on account of sickness or injury, such fact shall be promptly reported to the ~~Chief, Assistant Chief, Captain,~~ or any on-duty supervisor.

9. Every full-time member of the department shall devote their whole time to the business of the department and is expressly prohibited from being employed in or giving their personal attention to any other business except with the permission of the Chief of Police. The Chief shall apply the following areas when considering a request for extra outside employment:

(a) Is there a conflict of interest?

(b) Will there be a decrease in trust and confidence from the public?

(c) Will the outside employment interfere with the regular duties of the employee.

(d) Are there any liability concerns?

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

		Effective Date	Number 41.1.4
Subject BICYCLE PATROL			
Reference		Special Instructions	
Distribution All Personnel	Reevaluation Date 1-Year		No. Pages -4-

I. PURPOSE

The purpose of this directive is to state policies relating to the organization, administration and operations of the bike patrol component of the Fayetteville Police Department.

II. DISCUSSION

The Fayetteville Police Department shall implement and staff a bicycle patrol unit. This is a special method of patrol and members will provide first-line police services in the areas to which they are assigned. These areas will be dictated by the Chief of Police. The bicycle patrol unit is to serve as an effective proactive force in crime prevention, crime detection and enforcement. Bike patrol officers are governed by all policies set forth in section II, number 41.1.1 of this manual.

A. OFFICER ASSIGNMENT

Officers assigned to the bike patrol should meet the following minimum requirements:

1. The number of full-time/part-time officers assigned to the bike patrol will be determined by the Chief of Police.
2. Officers must successfully complete the departments prescribed training course for police mountain bike patrol.
3. Officers must be in good physical condition to undergo the rigors of long term bicycle riding.
4. Officers must present a professional image and be capable of interacting with the public in a positive and friendly manner.
5. Officers must be willing to ride in inclement

weather and fill shift
vacancies at the
direction of the
supervisor.

B. D U T I E S A N D RESPONSIBILITIES

Officers assigned to the bike patrol share the same duties and responsibilities as all other officers assigned to the patrol division and additionally:

1. Perform patrol duties in designated target areas as determined by the Chief of Police.
2. For officer safety reasons, it is preferred that officers patrol in two person teams.
3. Bike patrol officers will ride in all acceptable weather. In inclement weather the bike patrol or on-duty patrol supervisor will determine whether or not to terminate the bike patrol function for that period.
4. Officers will never operate a police department bike without the required safety equipment. (See maintenance and equipment section)
5. Officers will not expose the bikes to unreasonable hazards or abuse, except in situations that pose a threat to the safety of any person.
6. Officers will inspect their bikes at the beginning of each shift to ensure that the bike is functioning properly

and all safety equipment is in good working order.

7. The police mountain bike is not a legal emergency vehicle by state standards. When being ridden in an emergency situation, officers must exercise extreme caution at all times.
8. Officers will not use the bike as a weapon beyond their scope of training, unless faced with a deadly force situation. (See section 1.3.1)

C. UNIFORMS AND EQUIPMENT

Officers assigned to the Fayetteville Police Department Bike Patrol are only authorized to wear uniforms and equipment approved by the Chief of Police. These items include, but are not limited to:

1. LAPD blue coolmax long sleeve and short sleeve polo shirts.
2. LAPD blue supplex cycling shorts and pants.
3. LAPD blue ultrex cold weather cycling pants.
4. Light blue with LAPD blue ultrex New York zip sleeve cycling jacket.
5. Black bike specific shoe which must be approved by the Chief of Police.
6. White below the calf socks.
7. Black mock turtle neck shirts may be worn under the winter uniform shirt.

8. Smith Moab Sport shields are the approved eyewear.
9. Duty gear will consist of departmental issued "Uncle Mike's" black nylon web gear and the Pro 3 triple retention duty holster.
10. Only departmental approved helmets meeting ANSI, ASTM, or SNELL safety guidelines will be worn by any on-duty bike officers.
11. Officers will ensure that all equipment and tools are returned to their proper location at the end of their shift.
12. Officers are prohibited from operating a police department bike unless they are wearing departmentally approved eye wear, gloves and a properly fitted helmet.

D. MAINTENANCE

Bike patrol officers are required to take an active role in the maintenance and day to day care of the department issued bikes.

1. Officers are responsible for minor maintenance, repairs, and cleaning of their bikes. This will increase the life of the equipment and maintain a professional image. Officers should never attempt a repair which is beyond their scope of training and ability.
2. Officers are required to report all major repair needs to a bike maintenance officer as

soon as possible via the bike repair/maintenance form.

3. Officers will inspect their bikes at the beginning of each shift to ensure that the bike is functioning properly and all safety equipment is in working order.
4. The bike patrols trained maintenance officers will be responsible for maintaining repair and maintenance logs on each department bike. They will also ensure that all bikes are in good working order at all times and that a good supply of replacement parts are always on hand.
5. Bikes are an expensive piece of equipment that react poorly to abuse and neglect. Officers are required to treat the bikes accordingly and never subject them to unnecessary abuse or technical riding conditions that exceed the officers abilities.
6. At the beginning of each shift officers will check to ensure each bike is equipped with the tools necessary to make minor field repairs.
7. Under no circumstances will non-bike patrol personnel be allowed to remove department purchased tools or equipment from the maintenance area.

E. OPERATIONAL CONSIDERATIONS

Bikes are a valuable tool to police officers. Along with the benefits come some dangers and tactical considerations. The following policies will be strictly adhered to by Fayetteville Police Department bike patrol officers:

1. Under normal conditions bike officers will follow all state and local laws governing the operation of motor vehicles and bicycles on public roadways.
2. During hours of low light bikes will not be operated in traffic without the use of headlights and taillights.
3. Bike officers are required to wear helmets, gloves and eye protection during firearms training and qualifications.
4. It is strictly prohibited to discharge a weapon from a moving bike. It is extremely difficult to engage a target from a moving bike and doing so would put innocent bystanders at substantial risk.
5. Officers will not ride along side a moving suspect vehicle in an attempt to gain the drivers attention. The contact officer should make an attempt from the left rear corner of the suspects vehicle.
6. Anytime an officer is operating a bike on a sidewalk or any pedestrian specific path, the officer is required

to maintain a reasonably slow speed and yield to all pedestrian traffic.

F. TRAINING

All patrol officers assigned to the bicycle patrol unit will be required to attend a department approved police cyclist training course prior to beginning their bike patrol duties. Bike officers will be evaluated every six months on their bike handling and patrol skills. Officers failing to meet minimum requirements will be required to attend monthly in service training to improve their skills.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

		Effective Date	Number 41.2.8
Subject VEHICULAR PURSUIT			
Reference		Special Instructions	
Distribution All Personnel	Reevaluation Date 1-Year		No. Pages -4-

I. PURPOSE

The purpose of this policy is to state the guidelines to be followed during vehicular pursuit. (Note: In instances where there is no Field Supervisor on-duty, the wording "Shift Supervisor" applies throughout this policy.)

II. POLICY

Vehicular pursuit of fleeing suspects presents a danger to the lives of the public, officers and suspects involved in the pursuit. It is the policy of this department to protect all persons' lives to the extent possible when enforcing the law. In addition, it is the responsibility of the department to assist officers in the safe performance of their duties. To effect these obligations, it shall be the policy of the department to narrowly regulate the manner in

which vehicular pursuit is undertaken and performed.

III. DEFINITION

A. Vehicular Pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive tactics.

IV. PROCEDURES

A. Initiation of Pursuit

1. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

2. Any law enforcement officer in an authorized emergency vehicle may initiate

a vehicular pursuit when ALL of the following criteria are met:

a. The suspect exhibits the intention to avoid arrest by using a vehicle to flee apprehension for an alleged felony or misdemeanor that would normally require a full custody arrest;

b. The suspect operating the vehicle refused to stop at the direction of the officer; and

c. The suspect, if allowed to flee, would present a danger to human life or cause serious injury.

3. The pursuing officer shall consider the following factors in determining whether to initiate pursuit:

a. The performance capabilities of the pursuit vehicle;

b. The condition of the road surface upon which the pursuit is being conducted;

c. The amount of vehicular and pedestrian traffic in the area; and

d. Weather conditions.

B. Pursuit Officer Responsibilities

1. The pursuing officer shall immediately notify communications center personnel that a pursuit is underway. The officer shall provide communications personnel with the following information:

a. Unit identification;

b. Location, speed and direction of travel of the fleeing vehicle;

c. Description and license plate number, if known, of the fleeing vehicle;

d. Number of occupants in the fleeing vehicle, and descriptions, where possible; and

e. Reasons supporting the decision to pursue.

2. Failure to provide this information to communications personnel may result in an immediate decision by a field supervisor assigned to monitor the pursuit to order its termination.

3. The primary pursuit unit shall reduce the level of pursuit to that of support or backup unit where:

a. Another vehicle has been assigned primary pursuit responsibility.

4. Any primary or backup unit sustaining damage to, or failure of essential vehicular equipment during pursuit shall not be permitted to continue in the pursuit. The unit shall notify communications so that another unit may be assigned to the pursuit.

C. Communications Center Responsibilities

1. Upon notification that a pursuit is in progress, communications personnel shall immediately advise a field supervisor of essential information regarding the pursuit.

2. Communications personnel shall carry out the following activities and responsibilities during the pursuit:

a. Receive and record all incoming information on the pursuit and the pursued vehicle;

b. Control all radio communications and clear the radio channels of all non-emergency calls;

c. Obtain criminal record and vehicle checks of the suspects;

d. Coordinate and dispatch backup assistance under the direction of the field supervisor; and

e. Notify neighboring jurisdictions, where practical, when pursuit may extend into their locality.

D. Field Supervisor's Responsibilities During Vehicular Pursuit

1. Upon notification that a vehicular pursuit incident is in progress, the field supervisor shall assume responsibility for the monitoring and control of the pursuit as it progresses.

2. The field supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated.

3. In controlling the pursuit incident, the field supervisor shall be responsible for coordination of the pursuit as follows:

a. Directing pursuit vehicles into or out of the pursuit;

b. Redesignation of primary, support or other backup vehicle responsibilities;

c. Approval or disapproval, and coordination of pursuit tactics; and

d. Approval or disapproval to leave jurisdiction to continue pursuit.

4. The field supervisor may approve and assign additional backup vehicles to assist the primary and backup pursuit vehicles based on an analysis of:

a. The nature of the offense for which pursuit was initiated;

b. The number of suspects and any known propensity for violence;

c. The number of officers in the pursuit vehicles;

d. Any damage or injuries to the assigned primary or backup vehicles or officers;

e. The number of officers necessary to make an arrest at the conclusion of the pursuit; and

f. Any other clear and articulable facts that would warrant the increased hazards caused by numerous pursuit vehicles.

E. Traffic Regulations During Pursuit

1. Each unit authorized to engage in vehicular pursuit shall be required to activate headlights and all emergency vehicle equipment prior to beginning pursuit.

2. Officers engaged in pursuit shall at all times drive in a manner exercising reasonable care for the safety of themselves and all other persons and property within the pursuit area.

3. Officers are permitted to suspend conformance with normal traffic regulations during pursuit as long as reasonable care is used when driving in a manner not otherwise permitted, and the maneuver is reasonably necessary to gain control of the suspect.

F. Pursuit Tactics

1. Unless expressly authorized by a field supervisor, pursuit shall be limited to the assigned primary and backup vehicles. Officers are not otherwise permitted to join the pursuit team, or follow the pursuit on parallel streets.

2. Officers may not intentionally use their vehicle to bump or ram the suspect's vehicle in order to force the vehicle to a stop off the road or in a ditch.

3. Departmental policy pertaining to use of deadly force shall be adhered to during the pursuit.

G. Termination of Pursuit

1. A decision to terminate pursuit may be the most rational means of

preserving the lives and property of both the public and the officers and suspects engaged in pursuit. Pursuit may be terminated by the pursuing officer, the field supervisor or chief executive officer of the department.

2. Pursuit shall be immediately terminated in any of the following circumstances:

a. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;

b. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile; or

c. The danger posed by continued pursuit to the public, the officers, or the suspect is greater than the value of apprehending the suspect(s).

3. The pursuing officer shall relay this information to communications personnel along with any further information acquired which may assist in an arrest at a later date.

H. Interjurisdictional Pursuits

1. The pursuing officer shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction, or across the state line.

2. Pursuit into a bordering state shall conform with the department's interjurisdictional pursuit agreement, if existent, and state law.

I. The field supervisor shall prepare a comprehensive analysis of the pursuit, and forward it to the chief executive officer of the agency Assistant Chief - Operations.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 41.2.11
Subject USE OF DEPARTMENT VEHICLES/EQUIPMENT; AUTHORIZED PASSENGERS		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages -2-

I. PURPOSE

The purpose of this directive is to state policies concerning the use of department owned, leased, or operated vehicles.

II. POLICY

A. Officers and employees of this department shall not abuse or misuse departmental vehicles and equipment. No employee will alter department vehicles or equipment except in the course of repairing the vehicles or equipment.

B. TAKING VEHICLE OUTSIDE CITY LIMITS

Operators of department vehicles are prohibited from taking the vehicle outside the city limits of Fayetteville without obtaining prior permission from the shift supervisor, Chief, or Assistant Chief, or the Captain. An exception to this rule is granted when an officer is in

pursuit of a violator or on some emergency run. Under emergency circumstances there is an "implied permission" for leaving the city limits. However, as the officer is leaving the city limits, the Central Dispatch Center (CDC) is to be notified, who in turn is to immediately notify the shift supervisor. The shift supervisor is to immediately notify the officer whether permission is granted or whether the officer is to return to the city limits.

1. In all cases involving the use of department vehicles outside the city limits, the operator of the vehicle is to radio the CDC as they are leaving the city limits and radio the CDC when they return to the city limits.

2. Detective Division personnel and all officers with home-storage units shall be exempt from notifying the CDC when they are leaving or returning to the city limits.

C. RIDERS IN POLICE CARS

No person or persons shall be permitted to ride in a department vehicle with an officer without approval of one of the department's supervisory personnel. This prohibition shall not apply to officers from other departments, persons in custody, persons being assisted, persons assisting the officers, members of the judicial system or other city employees on official business.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 41.2.13
Subject SEATBELT USAGE		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages -2-

I. PURPOSE

The use of seatbelts can have a significant effect in reducing the number of deaths and the severity of injuries resulting from traffic accidents. Occupant safety restraining devices are also an important factor in assisting officers in maintaining control of their vehicles during pursuit or emergency high-speed operations. The purpose of this directive is to establish rules for use of occupant safety restraining devices in department vehicles.

II. POLICY

A. All personnel operating, or riding in, city owned, leased, or operated vehicles must use available safety belt systems while the vehicle is in motion.

1. Non-employees riding as passengers in city owned, leased, or operated vehicles must use available safety belt

systems while the vehicle is in motion.

2. It shall be the responsibility of the employee driving the city vehicle to see that all passengers utilize available safety belt systems while the vehicle is in motion.

3. Vehicles with non-operable safety belts on the driver's side shall not be driven by employees unless the purpose of driving is to deliver the vehicle for safety belt repair. Vehicles with non-operable safety belts in other seating positions shall not transport passengers in those seating positions. It is the responsibility of the driver of the vehicle to report any safety belt defect to their immediate supervisor and to complete any required vehicle repair forms.

4. Exemptions: This policy shall not apply to persons occupying a seating position not equipped with a safety belt assembly, or to any officer

possessing a written indication from a physician or the Chief of Police stating medical or physical reasons prevent the officer from using the safety belt system.

(a) In the event a violent or otherwise uncooperative prisoner is placed in a city vehicle, the officer simply directing the prisoner to wear the safety belt shall be considered compliance with this policy (even if the prisoner refuses to comply).

(b) It is recognized that other safety considerations may outweigh strict compliance concerning the use of safety belts. During the few seconds of time just before a vehicle comes to a complete stop, as during a traffic stop, or arrival at an emergency call, it is permissible for officers to unbuckle the safety belt in preparation for exiting the vehicle.

(c) Undercover officers in the furtherance of an official investigation are exempt from this policy if in their opinion such compliance could jeopardize their undercover capacity or the investigation.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 41.2.17
Subject CANINES		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages -3-

I. PURPOSE

The purpose of this directive is to establish policy concerning the use of K-9 teams. The K-9 unit of the Fayetteville Police Department provides a special striking and crime deterrent force. It assists the police officer in suppressing crime and makes available the services of trained K-9 teams to detect and search out law violations.

II. POLICY

A. TRACKING:

1. A canine can track a human scent providing conditions are suitable for tracking.

(a) At the scene of a burglary.

(b) At the scene of a robbery.

(c) For recently abandoned stolen vehicles or other vehicles where the suspected felon(s) have fled.

(d) For locating lost persons.

There are various locations where the officer needs a canine track and there are certain things the officer(s) at the scene can and should do to help the K-9 team.

1. The officer should have a good starting point and know the direction the suspect fled.

2. The officer should keep all other officers and citizens away from the area where the track begins. **THIS IS VERY IMPORTANT!**

3. Responding backup officer(s) should seal off the general area where the suspect(s) have been seen. This is the key to starting the K-9 team on a successful track and hopefully a successful apprehension.

4. A supervisor should assign an additional officer to provide assistance and cover for safety of the K-9 team

during the track. He should instruct the assisting officer to stay far enough behind the handler to prevent him from interfering with the track. The assisting officer should keep other officers informed on the K-9 team's direction of travel and their location.

B. BUILDING SEARCH:

1. Canines search a building by using their natural abilities (sense of smell and hearing). The canine will be turned loose on all building searches, therefore officers should not enter the building during the search. The assisting officers should secure all the exits to the building, if possible.

2. When an officer arrives at a building that is to be searched by the canine, the officer should:

(a) Secure the building making sure all the exits are covered.

(b) No officer(s) should enter the building until the K-9 team has finished searching and the canine has been kenneled in the police unit.

(c) Officers should be aware the longer the suspect is in the building before the search starts, the stronger the human scent will become in the building. This will make the search much easier for the canine. If the building is properly secured, there is no need to worry about the suspect inside.

C. OPEN FIELD SEARCH:

The open field search is used when a suspect is hidden in a large fenced-in area, or

has fled into a large open field. The canine is turned off the leash where he uses his sense of smell to seek out the suspect. The canine will apprehend on the find. Officers securing the area must stay out of the search area or they may receive a dog bite.

1. When there is a need for a canine to search an area, the officers at the scene should:

(a) Secure the area to be searched, making sure the suspect does not escape before the K-9 team arrives.

(b) Keep all officers and citizens out of the area to be searched until the canine is returned to the police unit or put on a leash. The K-9 officer can make a recommendation when he feels the area to be search is too contaminated to warrant initiating or continuing a search.

D. CHASE

The chase involves the releasing of the canine for the actual chase of the fleeing criminal. Any avenue of escape can be covered by the canine while attempting to arrest or capture a felony suspect. The field supervisor needs to simply place the K-9 team at the point where he feels it is needed during the arrest.

E. CROWD CONTROL

Canines can be used very effectively for the control of an unruly crowd and the breaking up of free-for-all fights. Before canines can be used in the controlling a crowd, a clearance must come from the senior supervisor on-

duty at the time the need arises. In the event the decision is made to use the canines in a crowd control situation, the supervisor shall contact the Chief, Assistant Chief, or Captain as soon as possible thereafter and inform them of the situation.

F. INJURIES CAUSED BY CANINES

Any person who is injured by the Canine will be taken to the hospital for treatment. If the person refuses treatment, this refusal will be made at the hospital. The K-9 officer will make a written report of all injuries any time the canine is responsible for injuries. This report, and a photograph of the injury (if possible), will be forwarded to the Chief of Police.

G. APPREHENSIONS BY K-9 TEAMS

After the apprehension is made by the K-9 team, the K-9 officer has been instructed to turn the prisoner over to the officer assigned to the original call. This officer will transport and book the prisoner. This allows the K-9 officer to stay in the field instead of spending time at the station and it allows for assistance to other officers, if needed. Under no circumstances will prisoners be transported in K-9 police units (with the canine present), unless specifically granted authority to do so on a case-by-case basis by a supervisor. All supervisors must be prepared to present compelling circumstances when granting such authority.

H. COMMAND TO APPREHEND

The command to apprehend or defend the handler, or others, will not be given except in life threatening situations, large crowd control, or in a situation where the K-9 officer perceives a grave injury to himself or others.

I. NARCOTICS DETECTION

1. The canines may be used in the detection of narcotics.

J. BOMB DETECTION

1. The canines may not be used in the detection of bombs or other explosive devices, unless the particular K-9 team is certified in bomb detection.

K. GENERAL PROVISION

1. In instances where the canines are being used inside the city with no supervisor on scene or in control by radio communications, assisting officer(s) should generally follow the instructions of the K-9 officer.

K. REQUEST FOR ASSISTANCE

Request for assistance from another agency will be directed to the shift supervisor before assistance is given. If the shift supervisor dispatches a canine team outside the city limits, the Chief, Assistant Chief, or the Captain needs to be notified. In cases where the canines are sent outside our jurisdiction, a supervisor will accompany the K-9 team. Canine assistance to other agencies shall generally be restricted to felony cases only but may be used in missing persons/lost children incidents, when circumstances warrant.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

		Effective Date	Number 41.3.5
Subject GROOMING AND UNIFORM REQUIREMENTS AND SPECIFICATIONS			
Reference		Special Instructions	
Distribution All Personnel	Reevaluation Date 1 Year		No. Pages -5-

I. PURPOSE

To provide grooming and uniform standard guidelines for employees of this department.

II. POLICY

Members of the Fayetteville Police Department shall be neat and clean at all times while on duty. All sworn personnel shall comply with the following grooming and uniform standards unless excluded by the Police Chief due to special assignments. No member of the department shall wear his uniform or any part of his uniform while he is under suspension. For current uniform specifications refer to the Uniform Regulations Book maintained in the shift Lieutenants office.

III. PROCEDURES

All sworn personnel of the Fayetteville Police Department are subject to uniform inspections on a daily basis by

the Chief of Police or his designee. Uniformed personnel are to keep their uniform neat, clean and free from defects. Defective items shall be replaced with annual uniform allowance unless specified as a departmental replacement item. Non-uniformed personnel are subject to the same standards and inspections as uniformed personnel. Failure to maintain appearance standards will be noted on your annual evaluation. Repeated failure to maintain proper appearance standards could lead to disciplinary action.

IV. DEFINITIONS (GROOMING)

1. Hair

The Chief of Police retains the right to approve or disapprove of any hair style which may cause an unfavorable reflection(s) upon the department.

a. Male Officers - Hair shall be neat, clean, trimmed, and shall present a groomed

appearance. Hair will not cover any part of the ears or the collar except the closely cut hair on the back of the neck. Hair in front will be groomed so that it does not fall below the band of properly worn headgear. In no case will the bulk or length of the hair interfere with the proper wear of any authorized headgear.

b. Female Officers - Hair shall be worn in a fashion not to create the risk of injury to themselves. Hair must not hang loose on the collar and must be able to wear authorized headgear properly.

2. Sideburns

If a member chooses to wear sideburns, they will be neatly trimmed and tapered in the same manner as his haircut. Sideburns will not extend below the lowest part of the ear, will be of even width (not flared), and will end with a clean shaven horizontal line.

3. Mustaches

A short and neatly trimmed mustache may be worn, but shall not extend over the top of the upper lip or beyond the corners of the mouth, and shall not protrude more than one-half inch from the skin surface of the face.

4. Beards and Goatees

The face will be clean-shaven other than the wearing of the acceptable mustache or sideburns. Beards and goatees are prohibited. Only the Chief of Police may approve the wearing of beards or goatees. If approval for wearing a beard or goatee is granted the beard will be kept trimmed

symmetrically and will be kept trimmed so that it does not protrude more than one-half inch from the skin surface of the face.

5. Wigs

Wigs or hair pieces will not be worn on duty except for cosmetic reasons to cover natural baldness or physical disfiguration. If a wig or hair piece is worn, it will conform to department grooming standards.

6. Jewelry

a. Male - Uniformed officers may wear watches and wedding bands. Medical alert bracelets may be worn with the approval of the Chief of Police. At no time while on duty will officers be permitted to wear earrings or other ornaments attached to body piercing.

b. Female - Uniformed officers may wear watches, wedding bands and post earrings which do not protrude from the ear lobe more than 1/4 inch. If the earrings are worn, the employee will wear one earring in each ear lobe.

V. DEFINITIONS (UNIFORMS)

1. Duty Belt -

Items to be worn on the duty belt consist of; holster with gun, double magazine pouch with magazines, flashlight ring and flashlight, portable radio holder with radio, handcuff case with handcuffs, keepers, pepper spray holder with pepper spray, and department supplied baton holder and baton. No sunglasses, keys, knives, or any other gadgets will be worn

on the belt unless approved by the Chief of Police.

If authorized to wear the uniform on a "second" job, the COMPLETE prescribed uniform for the time of year will be worn.

2. Web Gear

Those individuals serving in specialized functions which require the wearing of a duty belt other than the "patrol duty-belt" will wear "web-gear". The Chief of Police will determine specific guidelines for this gear and attachments.

3. Duty Hat

The hat will be the New York City Summer Police Style and will be worn as part of "full dress", i.e., funerals, or as directed by the Chief of Police.

4. Baseball Cap

The baseball cap may be worn at the firing range, manhunts or when otherwise authorized by the Chief of Police.

a. Summer Ball Cap - This hat will consist of summer mesh.

b. Winter Ball Cap - This hat will consist of cotton twill.

5. Extreme Cold Weather Cap

The black Russian style cap with fur earflaps may be worn if outside for a long period of time during extreme cold weather. At no time will this cap be considered as part of the uniform and will ONLY be worn for the period of time the officer is outside his unit.

6. Hat Badge

The hat badge will be gold with one screw type post and the wording of POLICE across the center. Ranking officers will have their respective rank across the center. All badges will be worn in the center of the cap cover in the place provided.

7. Shirts

a. Short sleeve - When wearing the short sleeve summer shirt, the top button only will be unbuttoned and no "T" shirt or undershirt will be visible. Female officers will at all times, while on duty, wear a brazier.

b. Long sleeve - The long sleeve shirt will have all buttons buttoned (no rolled or tucked under cuffs) with tie. The tie will be worn out.

8. Patches

The Fayetteville Police Department patch, as designed by the department, will be worn on the left shoulder of all shirts one inch from the shoulder seam and centered on the sleeve. Patches on coats will be one inch from the shoulder seam and centered.

No other patch, insignia, or pin will be allowed except those authorized by the Chief of Police.

9. Collar Emblems

All officers will wear the 1/2" size F.P.D. collar emblems of the Hi-Glo type with the clutch back on both sides of the collar of all shirts. On the long sleeve shirts, these emblems will be worn one inch back from the tip of the collar and centered horizontally

between the sides of the collar and neck. (SEE ILLUSTRATION)

On short sleeve shirts, the emblem will be worn horizontally between the tip of the collar and the neck opening 1/4 inch above the seam and centered. (SEE ILLUSTRATION)

All ranking officers will wear the F.P.D. emblem on the left collar in the same manner as patrol officers and the insignia of their respective rank on the right collar. The insignia will be worn one inch back from the tip of the collar and centered horizontally between the sides and the neck of the long sleeve shirt.

On the short sleeve shirt, the insignia will be worn horizontally between the tip of the collar and the neck opening, one quarter inch above the seam and centered.

10. Name Plate

The name plate will be the Hi-Glo style. It will be one inch wide and two and a half inches long. The name will be in CAPITOL LETTERS consisting of the first initial followed by a period and then the officer's last name. The plate will be worn over the right shirt pocket approximately 1/4 inch above the pocket flap and centered with the button (SEE ILLUSTRATION). The name plate will be worn at all times.

11. Chain and Whistle

The chain and whistle may be worn optionally unless otherwise directed by the Chief of Police. When worn, the chain will be connected to the button of the epaulet on the right shoulder, running

underneath the name plate and then connecting to the whistle holder on the shirt pocket (SEE ILLUSTRATION). There will be no other items (keys, sunglasses, or other gadgets) worn in connection with the whistle and chain.

12. Pen and Pencil

To coincide with other metal parts of the uniform, all officers will carry pen or pencils of which that part is exposed, will be predominately gold in color. No more than two pens or pencils will be exposed in the left pocket at one time. The pens will have black ink and the pencil be carried due to the inability of a pen to write on a damp or wet piece of paper.

13. Tie

The tie will be worn whenever the long sleeve shirt is in use. When ties are in use, they will be worn on the outside of the shirt, not tucked in.

14. Trousers

Refer to Uniform Regulations Book maintained in the shift Lieutenants office.

15. Winter Coat

Refer to Uniform Regulations Book maintained in the shift Lieutenants office.

16. Raingear

Refer to Uniform Regulations Book maintained in the shift Lieutenants office.

17. Weapons

The handgun and shotgun carried will be designated by the Chief of Police. No other weapon will be carried except when approved by a supervisor for special circumstances and ONLY for that particular situation.

18. Ammunition

Officers will carry the type of ammunition designated by the Chief of Police while on duty and ONLY the ammunition issued by the department.

19. Footwear

The Chief of Police has authorized the following footwear for patrol:

- a. A plain toe Oxford, black.
- b. A utility boot, black.
- c. An athletic/utility shoe, black.

Authorized footwear will be kept clean and shined at all times while on duty. Black or dark Blue socks are the required uniform item. You may wear white athletic socks with the Rocky boot. Footwear for specialized units such as Bike Patrol, E.R.T., and K-9 officers must be approved by the Chief of Police and will not be worn during normal patrol duties.

20. Bullet Resistant Vests

Uniformed officers shall wear a bullet resistant vest at all times unless specifically exempted by the Chief of Police. The vest will be supplied by the department and replaced periodically.

21. Utility Uniform

The Chief of Police will determine a utility uniform for the department and designate when the uniform may be worn.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

		Effective Date	Number 44.1.1
Subject JUVENILE OPERATIONS			
Reference		Special Instructions	
Distribution All Personnel	Reevaluation Date 1 Year		No. Pages -3-

I. PURPOSE

The purpose of this directive is to establish policies concerning the processing of juvenile offenders and victims.

II. POLICY

A. ORGANIZATION AND ADMINISTRATION

The Fayetteville Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency and victimization.

1. The Fayetteville Police Department shall assign at least one member to duties associated with juvenile matters. The officer assigned to juvenile duties shall report to the supervisor in charge of Crime Prevention and Training Detective Division.

2. The responsibility of juvenile operations and

delinquency prevention efforts is to be shared by all agency personnel and not just limited to the responsibility of the juvenile officer. In particular, all patrol officers should familiarize themselves in proper handling of juvenile problems, both criminal and noncriminal.

B. OPERATIONS

1. Taking Juvenile Into Custody

(a) A juvenile may be taken into custody without a warrant:

(1) Pursuant to an order of the court under Arkansas Code § 9-27-301 (Act 273 of 1989); or

(2) By a law enforcement officer without a warrant under circumstances as set forth in Arkansas Rules of Criminal Procedure 4.1 (also see Policy 1.2.1); or

(3) By a law enforcement officer or by a duly authorized

representative of the Department of Human Services if there are clear, reasonable grounds to conclude that the juvenile is in immediate danger and that removal is necessary to prevent serious harm from his surroundings or from illness or injury and if parents, guardians, or others with authority to act are unavailable or have not taken action necessary to protect the juvenile from the danger and there is not time to petition for and obtain an order of the court prior to taking the juvenile into custody.

2. Alternatives to Arrests of Juveniles for Delinquent Acts

(a) Officers making contact with a juvenile who has committed a delinquent act which does not involve a victim, (i.e.,: loitering, etc.) or an act whose victim does not wish to press charges may use alternatives to arrest.

(b) Alternatives to arrest include: verbal warning, referral to the juvenile officer, and conference with the juvenile's parent(s) or guardian.

(c) If alternatives to arrest are employed, it is not necessary to contact any officials with the juvenile court system.

3. Taking a Juvenile into Custody - With or Without a Warrant

(a) No juvenile shall be incarcerated in the Fayetteville City Jail.

(b) The officer should always attempt to make contact with

the parent(s) or legal guardian of any juvenile taken into custody and advise them of the situation.

(c) When a juvenile is taken into custody the officer should also contact the juvenile intake officer of the Washington County juvenile court to discuss terms and conditions of release.

(d) An alternative to taking a juvenile into custody is release of the juvenile through the use of a uniform traffic ticket/citation or an Arkansas Criminal Citation.

(e) Traffic Offenses

~~(1) It is unnecessary to contact the juvenile intake officer when a juvenile is taken into custody for a traffic offense or a warrant originating from a traffic offense.~~

(2) If a juvenile is taken into custody for a warrant on a traffic offense from another jurisdiction, the jurisdiction which issued the warrant should immediately be contacted to determine conditions for release. If the juvenile cannot be immediately released, the juvenile detention center should be contacted.

4. Taking a Juvenile into Custody - Protective Reasons

(a) An officer may take into custody any "Dependent-neglected juvenile". "Dependent-neglected juvenile" means any juvenile who as a result of abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness is at

substantial risk of serious harm.

(b) Any officer taking a juvenile into custody as a "Dependent-neglected juvenile" should immediately contact the Washington County Department of Human Services and the juvenile intake officer. Custody of the juvenile will then be transferred to the Washington County Department of Human Services.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 46.1.1
Subject UNUSUAL OCCURRENCES		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1-Year	No. Pages -3-

I. PURPOSE

Unusual occurrences such as natural and manmade disasters that endanger life and property will be responded to by the joint efforts of police, fire, and emergency services in the Washington County area. This is in accordance with Arkansas Emergency Services Act 511 of 1973.

The purpose of this policy is to provide the Fayetteville Police Department with a policy of program planning to respond to such emergencies.

II. POLICY

A. THE FAYETTEVILLE NOTIFICATION PLAN

1. The Fayetteville Notification Plan provides emergency notification for the following City division heads:

- a. Fire Chief;
- b. Police Chief;

- c. Public Works;
- d. Central Dispatch;
- e. Fayetteville Municipal Airport;
- f. Washington County Emergency Services;
- g. Washington County Sheriff's Department, and;
- h. All local public utilities.

2. The Chief of Police will be the Department representative in the Fayetteville Notification Plan.

3. The Chief of Police shall be responsible for contacting representatives of the public utilities.

4. The Fayetteville Police Department will support local emergency operations by maintaining law and order during disaster situations.

5. The Chief of Police shall

be responsible for planning police assistance to emergency workers, controlling crowds, and directing movement of emergency vehicles.

B. Washington County Emergency Services is the official warning agency for Washington County and will notify the Fayetteville Police Department of any disaster situations.

C. All directions on public information releases are the responsibility of the Chief of Police.

D. The Chief of Police shall meet at least annually with other City division heads and members of the Washington County Emergency Services to review and update emergency contingency plans.

E. Emergency response management planning shall be the responsibility of the Chief of Police. The Chief of Police shall report to and advise the City ~~Manager~~ Mayor of police operations during emergencies.

F. It shall be the policy of the Fayetteville Police Department to provide a contingency plan for the safe and orderly evacuation of people exposed to threat of natural or manmade disaster.

G. The Chief of Police shall be responsible for coordinating Department emergency response activities with other agencies. Together, these agencies are involved in a total evacuation plan for Washington County.

III. RULE

A. DECLARED EMERGENCY

It shall be the policy of the Fayetteville Police Department to have an automatic recall of all uniformed and non-uniformed personnel in the event of an emergency requiring extra manpower.

1. Shift supervisors on duty at the time the emergency is declared will be responsible for contacting off-duty officers.

2. Off-duty officers will report directly to the police department in uniform immediately after notification.

B. DANGEROUS WEATHER

1. It shall be the responsibility of the Chief of Police to ensure that precautions are taken to secure the safety of police department personnel and property in the event of tornados or severe storms.

2. It shall be the policy of the Fayetteville Police Department to prepare for dangerous weather by implementing a recall of off-duty officers.

3. It shall be the policy of the Fayetteville Police Department to properly maintain emergency equipment in a state of readiness.

4. During dangerous weather, shift supervisors will make necessary adjustments to patrol operations to handle emergency calls.

5. Officers will avoid dangerous situations unless acting to save citizens from threat of injury or death.

C. TOXIC SPILLS

1. In the event of a toxic spill the Chief of Police will coordinate an evacuation plan with the Fire Chief.

2. The Fire Chief will give the police direction in planning a safe route of transportation of people and traffic from the affected area.

D. DISABLED AIRCRAFT

When a disabled aircraft is attempting to land at the airport, or when an aircraft has crashed, the shift supervisor will immediately contact the Chief of Police.

1. Immediately upon notification that an aircraft has crashed, officers with beat assignments which include the airport will respond to the scene to assist emergency vehicles through traffic.

2. No vehicles other than fire or ambulance will go onto the runway without permission from the tower. Permission may be obtained from the Fire Chief.

E. CIVIL DISORDER

It shall be the policy of the Fayetteville Police Department to respond to nonviolent civil disorders and demonstrations and other activities in a non-confrontational manner.

1. The shift supervisor in charge will immediately report civil disorder incidents to the Chief of Police.

2. When possible, the shift supervisor should evaluate the feasibility of any arrests at civil disorders.

3. An officer will be placed

in charge of booking all arrests in an area near the scene of the disturbance. This officer shall be in charge of keeping all evidence and property that may arise out of the disturbance.

4. The officer in charge of booking may use a Polaroid-type camera and will attempt to photograph all arrestees and attach the photographs to the arrest report to avoid later confusion over identity of an arrestee.

5. Arrestees will be processed and held in a secure area to await transportation to the designated holding facility.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

		Effective Date	Number 46.2.1
Subject EMERGENCY RESPONSE TEAM			
Reference		Special Instructions	
Distribution All Personnel	Reevaluation Date 1 Year		No. Pages -3-

I. PURPOSE

To establish policies relating to the organization, administration and operation of the Emergency Response Team (E.R.T.). The primary responsibility of the E.R.T. will be the resolution of difficult police situations through the use of special skills and tactics.

II. POLICY

A. ORGANIZATION AND ADMINISTRATION

The number of E.R.T. members will be decided by the Chief of Police. The Chief of Police shall appoint the following:

1. A unit commander (Sergeant or Lieutenant) and;
2. A team leader;
3. All team members.

The remaining team assignments will be made within the team with the approval of the Chief

of Police. The E.R.T. will be under the supervision of the Assistant Chief of Police in charge of Operations.

B. DUTIES AND RESPONSIBILITIES

1. TEAM COMMANDER

Is directly responsible for the following areas:

- a. Direct supervision of the team members;
- b. Training (See Policy 33.6.2);
- c. Determining minimum physical fitness performance standards;
- d. Determining minimum team marksmanship standards;
- e. Maintaining an inventory of all team equipment, which includes assignment to individual team members or storage location;

f. Determining the selection criteria for officers assigned to the Emergency Response Team;

g. Maintaining training and call-out files for the team;

h. Reporting all training and equipment needs to the Assistant Chief of Operations.

B. TEAM LEADER

In the absence of the Team Commander, assumes responsibility for the Team Commander's duties.

C. TEAM MEMBERS

Are required to comply to the following:

1. Maintain minimum physical fitness conditioning requirements as established by the Chief of Police;

2. Maintain familiarity with all equipment used by the E.R.T.;

3. Maintain minimum marksmanship standards set for the team. (Currently 90 percent);

4. Must be available for call-outs by having their paging device with them at all times;

(* Exception - When members are on scheduled vacation or comp time)

5. The timely response and completion of all tasks, as well as, demonstration of high standards of performance;

6. Attend all scheduled training operations unless excused by the Team Commander or Team Leader prior to the

assigned training date; The Emergency Response Team shall train at least one day per month as set forth by the team commander and team leader.

The counter sniper/observer team shall have their own training day of at least one day per month aside from the team training day.

7. Maintain all assigned equipment in good condition;

8. Wear approved and appropriate E.R.T. attire on all call-outs and training days;

9. Use departmentally issued or authorized E.R.T. equipment;

10. Familiarization with basic first aid. (A first aid kit will be maintained and kept with the team during call-outs and training exercises)

D. CHEMICAL AGENTS/ DISTRACTION DEVICES

1. Chemical agents and distraction devices require proper training for effective use and shall be used only upon authorization of the team leader or team commander by personnel trained in their use.

E. CALL-OUT NOTIFICATION / DEPLOYMENT

1. Any Fayetteville Police Department supervisor may request assistance from the E.R.T. However, all Emergency Response Team call-outs must be authorized by a member of the Fayetteville Police Department administrative office, i.e., the Chief of Police, the

Assistant Chiefs of Police or the Administrative Lieutenant, prior to the team's activation.

2. Following authorization for a call-out, the supervisor requesting E.R.T. assistance shall notify the Team Commander or Team Leader of the situation. It is the responsibility of the Team Commander/Leader to see that all team members are contacted and advised of the call-out.

3. In the event of a situation requiring immediate activation of the E.R.T., team members can be activated by using the "all-page" function of the digital pagers. The code for activation will be, "10-19 (*) 911".

4. Emergency Response Team members are not to be used in their capacity as "Tactical Officers" except under the direct supervision of the team commander or team leader.

5. In the event a team member has consumed any alcoholic beverage or taken prescribed medication it shall be the responsibility of that member to notify either the Team Commander or the Team Leader of their incapacitation. The member will be considered incapacitated if the alcohol was consumed to a level of intoxication or any consumption occurred within close proximity of the call-out, or if prescribed medication has been taken that may inhibit the member's physical and/or mental capacity to perform efficiently.

F. PRE-RAID BRIEFING

1. Team members will assemble in a pre-determined location

for a briefing of the assignment in question. A member of Central Dispatch and the patrol shift supervisor will be included in the briefing.

2. The Team Leader will be responsible for seeing that the following topics are covered during the briefing process:

a. A pre-raid survey (drive-by) of the location in question will be made if time permits and the drive-by will not compromise the mission.

b. The Team Leader will make team assignments and determine what equipment is necessary for the situation.

c. A team member(s) will be assigned the task of completing a pre-raid form, a post-raid diagram of the target location and a post-raid report regarding the E.R.T.'s activities.

d. Emergency Medical Services (E.M.S.) will be put on stand-by in a location near the target location immediately prior to the mission.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 47.1.13
Subject BOMB THREATS AND EXPLOSIVE DEVICES		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages -2-

I. PURPOSE

The purpose of this directive is to establish the department's response procedures to locations of bomb threats and suspected explosive devices.

II. POLICY

When an officer is dispatched to the scene of a reported bomb or located explosive device, the officer will respond in such a manner so as not to create panic or attract undue attention. Upon entering the area of the reported bomb threat or where an explosive device has been found, the officer will exercise extreme caution when making transmissions on the radio to prevent causing an accidental detonation.

A. The officer should never take the authority to evacuate or close a residence, place of business or public facility in the event of a bomb threat.

This decision should be made by the owner, manager, or person in immediate charge of the residence, business, or public facility.

B. Upon request, the officer should make a cursory search of the place where the suspected bomb or explosive device is supposed to be located. In conducting such a search, the officer should have his personal safety and the safety of other persons in the immediate vicinity utmost in his mind.

C. In the event a bomb or explosive device is located, the officer should:

1. Have all persons vacate the area where the bomb or explosive device is located and move to an area which would provide protection from flying glass and debris.

2. The officer should never touch or attempt to move the bomb or explosive device.

3. The officer should contact the Central Dispatch Center (CDC) and shift supervisor who should request assistance from the Fayetteville Fire Department, ~~Fort Smith Police Department~~ Springdale Police or Arkansas State Police bomb disposal officers, and/or the Pine Bluff Arsenal, if necessary.

D. In the event a bomb or explosive device is found, the shift supervisor will be notified and should cause a supervisor to go immediately to the scene.

E. The officer should not make the decision to declare any residence, place of business, or public facility as safe to occupy. This decision shall be made by the owner, manager, or person in immediate charge of the residence, business, or facility.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

		Effective Date	Number 52.1.1
Subject OFFICE OF PROFESSIONAL STANDARDS (OPS)			
Reference		Special Instructions	
Distribution All Personnel	Reevaluation Date 1 Year		No. Pages - 4 -

I. PURPOSE

To create and maintain an environment conducive to efficient reception and resolution of citizen complaints against police department personnel or general procedures used by the department.

To establish written procedures for the administration and operation of internal investigations.

Such procedures will promote positive discipline and provide for the prompt and thorough investigation of alleged or suspected misconduct of department personnel.

II. DISCUSSION

A police department is often evaluated and judged by the conduct of individual members. While the public has a right to expect efficient, fair, and impartial law enforcement, employees must be protected

against false allegations of misconduct.

The Office of Professional Standards will be charged with the responsibility of following department operational procedures in processing, investigating, and recording citizen complaints against the department or its employees.

III. ORGANIZATION

The Office of Professional Standards will serve to assist all command personnel in regard to investigations of alleged misconduct of sworn or civilian employees.

The Chief will select all personnel of the Office of Professional Standards and designate a head of OPS.

OPS assigned personnel will report directly to the Chief of Police or a designated supervisor on OPS matters and will pursue their responsibilities under the

direction of the Chief of Police.

If investigations discover personnel who are engaging in serious acts of misconduct, or who have demonstrated they are unfit for law enforcement, information pertaining to the investigation will be reported directly to the Chief of Police by the head of the OPS.

IV. POLICIES

A. Officers selected for assignment to OPS must have demonstrated in their previous performance a high degree of investigative skills. The officer should have a personnel record clean of serious complaints. The officer should be familiar with state codes, and department policies and procedures related to internal affairs.

B. Receipt of Complaints

1. Nothing in this policy shall prohibit any citizen from exercising any additional rights or procedures outlined in Fayetteville Civil Service Commission Rules 5:09 and 5:10.

a. All complaints against the employees or department are to be initially directed to any supervisor on duty.

(1) Exceptions - Complaints will not be received and/or logged concerning summons issued or arrests made which have not been adjudicated in a court of law unless the complainant alleges misconduct or illegal activity by the officer. The simple dislike of a charge or feeling of innocence does not, by itself, justify the formal filing of a

complaint against any officer performing his duties.

2. Upon receipt of a complaint, the supervisor shall provide the complaining party a "Fayetteville Police Department OPS Complaint Form."

a. Supervisors may encourage phone complainants to come to the police station to complete the complaint form but must understand it is not mandatory for the complainant to do so.

b. In the event a complainant refuses to come to the police department, the supervisor should take the information and complete the form themselves. The supervisor should so note the complainant's refusal.

c. Supervisors are not prohibited from going to a complainant's location to complete the OPS Complaint Form.

3. Complaint forms will also be completed on anonymous complaints and forwarded to the Chief of Police.

a. Discipline shall not be taken against any officer solely on the basis of an anonymous complaint. Before any discipline occurs, a case would have to be substantiated through investigation.

4. Supervisors will explain to the complainant the process of completing the OPS Complaint Form.

a. Upon request, complainants who have completed an OPS Complaint Form are entitled to a photocopy of their completed complaint form at no charge.

5. Supervisors shall enclose completed complaint forms in a sealed envelope and clearly mark the envelope with the wording "CHIEF OF POLICE - COMPLAINT ENCLOSED". The envelope should either be delivered to the Chief of Police or to his office by 8:00AM the following weekday.

6. After review of the complaint by the Chief of Police, the complaint will be forwarded to the head of OPS for logging and assignment for investigation.

a. Investigation will be completed within 21 days, unless an extension is authorized by the head of OPS.

b. Investigations should be adjudicated within 10 days of the final disposition.

7. Supervisors will avoid exposing the content or subject of a completed complaint form to anyone until the matter is resolved or directed by the Chief of Police to discuss the matter.

8. Should a citizen not wish to file a formal complaint and the potential violation is of a non-serious nature, the supervisor shall investigate and handle the complaint to the citizen's satisfaction. These incidents shall be referred to as RESOLVED COMPLAINTS. Once the complaint has been resolved the supervisor will provide a typed summary to the head of OPS for review and filing.

C. Records Security and Storage

1. All records pertaining to an internal investigation will

be kept in confidentiality and stored in a locking file accessible only to the Chief of Police and the head of OPS.

2. OPS investigative files shall be ~~purged after three (3) years, unless ordered, prior to a purge period, by a court of competent jurisdiction to maintain particular file(s) longer than the specified three (3) years~~ maintained indefinitely unless ordered by a court of competent jurisdiction to purge a particular file(s).

D. Investigations

1. When an officer is the subject of a criminal investigation or has been charged with a criminal offense, the department may suspend any related administrative investigation until the criminal matter has been resolved.

2. Whenever related criminal and administrative investigations are being conducted simultaneously, no statements made by the officer in the administrative investigation shall be provided to those conducting the criminal investigation. No police personnel having knowledge of such statements shall participate in the criminal investigation.

3. Employees being required to submit a report or be interviewed in regard to a complaint will receive an OPS Investigation Warning Form.

a. The OPS Investigation Warning Form will advise the officer he is part of an official investigation, advise

of certain rights associated with self-incrimination, and possible departmental charges for refusing to cooperate.

4. Before a written report is required, the officer will be advised of the nature of the complaint and allowed to read the complaint form.

5. Before a taped interview is conducted, the officer will be advised of the complaint and allowed to read the complaint form. The officer may have an attorney present and/or the officer's immediate supervisor.

a. Interview sessions shall be for reasonable periods and shall allow for such personal necessities and rest periods as are reasonably required.

b. Interview sessions shall be conducted while the officer is on-duty whenever practical.

c. If an officer is required to submit to an interview during off duty time, the officer shall be compensated in accordance with normal department procedures used for compensation of extra hours.

6. Officers may be compelled to answer questions related to their duties or fitness for duty. (Garritty v. New Jersey, 385 USC 493)

a. When an officer refuses to answer questions posed in an administrative investigation on the grounds or fear of criminal self-incrimination, the officer may be ordered to answer such questions, and shall be informed none of the information provided can or will be used against him in any subsequent criminal prosecution.

b. The officer is subject to possible disciplinary action for refusal to answer questions, including immediate suspension for refusing to obey a direct order. The suspension of an officer with or without pay shall not affect the officer's obligation to cooperate in an investigation.

7. Employees are strictly prohibited from interfering with an ongoing investigation.

E. Dispositions

1. Only case dispositions which have a finding of "Sustained" shall be filed in the employee's personnel file.

2. Dispositions will be decided according to the following categories:

a. Unfounded

When the investigation clearly indicates the act complained of did not occur.

b. Exonerated

When the investigation clearly indicates the act occurred, but the act was justified, lawful, and proper.

c. Not Sustained

When the investigation discloses insufficient evidence to prove or disprove the allegation made in the complaint.

d. Sustained

When the investigation discloses the act did occur and constitutes misconduct.

3. Officers will be notified of the final disposition of any complaint within 14 days of the conclusion of an investigation.

4. Whenever an officer is dismissed, demoted or suspended according to policies and procedures, he may grieve such action through civil service provisions.

5. Complainants will be notified in writing of the disposition of a complaint within 14 days of resolution of a complaint.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 61.4.3
Subject INVENTORY OF TOWED VEHICLES		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages -3-

I. PURPOSE

It is the purpose of this policy to provide guidelines for towing and impounding motor vehicles.

II. POLICY

Officers are routinely faced with the question of whether to impound or tow motor vehicles for purposes of safekeeping property, securing evidence, protecting the public, or securing property under asset forfeiture statutes, among other reasons. This policy provides guidelines that officers should use to decide issues related to the propriety of and procedures for impounding motor vehicles.

III. DEFINITIONS:

1. Unattended: any vehicle left on public property without the consent of an authority in charge of such property or on or near a public way without

some person in possession of such vehicle.

2. Abandoned: any vehicle deemed to be unattended as defined in this section:

a. it is apparent the owner does not intend to retake possession.

3. Public way: any road, highway or street over which the public may travel, including the paved surface and any berm or shoulder thereof. (Does not include private property).

4. Removal: an officer of this department may request the next towing-storage firm on the rotation list kept in CDC to engage in non-consent towing of vehicles.

5. Investigative Hold: a temporary hold on an impounded vehicle for investigative purposes.

6. Other Hold: a temporary hold placed on an impounded vehicle for reasons other than investigative purposes.

7. Vehicle impoundment: to remove or cause to be removed a vehicle from a street, highway, shoulder, or other public way by an officer, and stored in a designated impound yard.

IV. PROCEDURES

1. When an officer orders a vehicle towed or impounded, the officer is to inventory the vehicle, including the interior, trunk/cargo area, glove box, all compartments and under seats. All closed/locked containers found during the inventory shall be opened. A "Vehicle Storage Report" form shall be completed by the officer towing the vehicle. (See General Order #20 for instructions on completing the "Vehicle Storage Report") A copy of the report will be provided to the tow company and to the owner/operator of vehicle. If the owner/operator is not available, a copy of the report will be left inside the vehicle. A third copy of the report will be kept for department files.

a. This includes vehicles impounded or towed for the following: incidental to an arrest, hit and run accident, recovered stolen, abandoned or unattended vehicles, as well as, involvement in any criminal activity.

b. This procedure does not include vehicles that are towed at the request of the owner or

operator because of malfunction or accident.

c. Damage to the vehicle other than normal wear should be described in the section for damage. Note whether the damage appears to be new or old.

2. Officer(s) shall take appropriate enforcement action if during an inventory evidence, contraband or proceeds/instruments of a crime are discovered.

3. SEIZED VEHICLES: Motor vehicles shall not be impounded for purposes other than those defined by statute or ordinance, (e.g., not as a form of punishment, nor to hold the vehicle hostage until the owner produces certain information or persons, or as a means of conducting vehicle searches when probable cause does not exist or consent to search cannot be obtained). Officers ordering vehicles seized will complete a "Vehicle Seizure Notification" form and give a copy to the owner or, in the owner's absence, the operator of the vehicle to be seized. A "Vehicle Tow Report" will be completed.

4. Criteria for vehicle impoundment - officers may impound vehicles in the following situations:

a. When a vehicle is evidence in a crime or the vehicle needs to be held for investigative purposes.

b. When a vehicle is confiscated pursuant to law.

c. When a vehicle has been abandoned. The driver has been arrested and the vehicle is left unattended in a location which would constitute a traffic hazard or is highly susceptible to damage or vandalism. This includes private property which is open to the public.

d. When the vehicle in question has been reported stolen and the owner cannot be notified or is unable to come to the scene and take possession of the recovered vehicle within a reasonable amount of time.

e. When a vehicle has been marked for tow and is parked or left standing in the same location on a city street in excess of 24 hours.

f. When the owner or operator specifically requests and authorizes the impoundment.

g. When the owner or operator has been involved in an accident or has been taken into custody and is not physically, mentally, or legally capable of driving the vehicle or of giving consent to leave it.

5. Alternatives to Vehicle Impoundment - officers may offer the owner/operator one of the following options for the disposition of the vehicle:

a. Allow a responsible person who possesses a valid operator's license to assume responsibility of the vehicle and its contents.

b. Summon a person of the owner/operator's choice to come to the scene, in a timely

manner, to take custody of the vehicle.

c. Properly park and secure the vehicle.

6. Inventory of motor vehicles:

a. If valuables are located inside the vehicle or a container therein which should be stored separately from the vehicle, it is the duty of the law enforcement officer conducting the inventory to record the nature of the valuable item, the condition of the valuable item and the location where this item is stored. A copy of the inventory should be made available to the owner/operator of the vehicle and a copy of the inventory for the wrecker/storage company.

b. Care should be taken during inventory to avoid damaging the vehicle or any of its contents.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 62.1.12	
Subject POLICE TRAFFIC RADAR OPERATION			
Reference		Special Instructions	
Distribution All Personnel	Reevaluation Date 1 Year		No. Pages -3-

I. PURPOSE

The purpose of this policy is to establish guidelines for operation of the department's speed enforcement program.

II. POLICY

A. Police traffic radar will only be used when operating personnel are qualified under the rules of the Commission on Law Enforcement Standards and Training (Specification S-17), and equipment is properly certified. While assigned to the field training program, newly certified radar operators will receive "hands-on" training with the specific radar equipment used by our department.

1. The department's radar instructor or specialist shall be notified immediately of radar summons or arrests which are appealed to Circuit Court.

2. All supervisors are instructed to cease the use of

police traffic radar at any time circumstances indicate a loss of confidence in either personnel or equipment. All requests for assistance in pinpointing or eliminating such indications are to be directed to the radar instructor forthwith. Furthermore, all cases involving loss of confidence in personnel will immediately be brought to the attention of the Chief of Police.

B. Operator Responsibilities

1. No traffic summons/arrests will be made with stationary radar unless the following conditions have been satisfied. The operator must:

(a) Establish visual contact with the target vehicle;

(b) Visually estimate the speed, range (distance) and location of the target vehicle;

(c) Observe other traffic and the environment for interference;

(d) Listen to the Doppler return audio for pitch and clarity;

(e) Obtain a stable radar reading;

(f) Manually lock the radar reading;

(g) Visually reconfirm identification of the target vehicle; and

(h) Apprehend the target vehicle (pacing to obtain additional evidence, if possible).

When any doubt exists as to the identity of a target vehicle, no enforcement action is to be taken. Good judgment and common sense must be exercised in the operation of police traffic radar.

2. Radar will not be utilized by members of this department when the main strength of the radar beam detects and displays a target on the other side of any traffic control device which requires a reduction of speed.

No radar will be used within 30 days of the initial posting of any traffic control device which requires a reduction of speed on an already established street or highway. (This provision shall not apply to spot speed studies in which no enforcement action is taken.)

(a) Radar will not be utilized on multiple (4 lanes, or more) lane streets or highways during periods of heavy traffic volume.

(b) Radar will not be utilized during periods of inclement weather (rain, snow, ice,

sleet, etc.) heavy enough to require the extended use of windshield wipers.

(c) Radar will not be operated within 100 feet of a power substation.

(d) No radar readings are to be locked in while the operator or any passenger in his vehicle is transmitting over a citizens band (CB) or mobile police radio.

(e) It is the operator's responsibility (1) to log his calibration tests, date, time, and location, (2) to familiarize himself with the operator's manual for the radar unit utilized, (3) to check the radar equipment at the start of each shift (two tuning forks - numbered, etc. and report any discrepancies to the shift supervisor), and (4) to place the radar unit in the "radar holster" at all times when the radar unit is not actually in the operator's hands.

3. Except for radar or vehicle repairs, all radar units and related equipment shall remain in the police vehicle which they have been assigned. Anytime a radar unit is removed from the police unit, such as for radar or vehicle repairs, the fact must be documented by a supervisor on the information board in the EOC room.

C. Operational Considerations

1. All police traffic radar operated by this department must (1) be of the make and model approved by the Chief of Police, (2) be identified by make, model, serial number, purchase date and ownership on the form filed with the radar

instructor, and (3) be included in the department's blanket FCC license.

2. Recertification of operators is required within every five (5) years following the last issuance of a radar certificate. Operators must satisfactorily complete an eight hour radar refresher course to be recertified.

3. All police traffic radar units utilized by this department will undergo field calibration checking in the following manner:

(a) At the beginning of each shift each radar unit will be tested with its tuning forks.

(b) At the beginning of each shift the internal circuit test will be performed.

(c) At the beginning of each shift the internal lamp test will be performed.

(Note: Should the radar set fail any of the above tests, the unit is to be taken out of service immediately.)

(d) After each speeding summons/arrests in which radar was utilized, each of the above three tests (tuning forks, internal circuit test, and lamp test) will be repeated.

(e) At least once each year, each radar unit will undergo electronic calibration checks utilizing equipment traceable to the National Bureau of Standards. Additionally, every six months each radar unit and tuning fork will be tested with a "master set" of tuning forks and a tuning fork tester.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 71.1.1
Subject PRISONER TRANSPORTATION		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1-Year	No. Pages -4-

I. PURPOSE

The purpose of this directive is to establish Fayetteville Police Department policy for prisoner transportation ensuring safety and security for prisoners, transporting officers, and the general public.

II. DISCUSSION

Transportation of prisoners in custody is a constant requirement and a frequent activity. There are two general time periods involved. The first is immediately after arrest when the person is taken to the police department for processing and holding. The second concerns the movement of prisoners from the police department to court, another detention facility, medical facility, or for other reasons.

III. POLICY

A. TRANSPORT OPERATIONS

The transporting officer is legally responsible for the safety and custody of the prisoner being transported.

Therefore, the prisoner shall be seatbelted in prior to transport by the officer unless the prisoner is violent (Refer to 41.2.13 for exceptions).

Transportation of persons in custody will always be performed with the safety and well-being of the officer and prisoner being of primary importance at all times.

1. Search of Prisoner(s)

a. All persons in custody will be searched prior to being placed in a police vehicle.

b. It must be assumed the prisoner(s) may have had an opportunity to obtain contraband or a weapon prior to the time he or she is accepted for transport by the officer.

c. Prisoners should be searched each time they come into the transporting officer's custody, including transporting

to the Washington County Jail from the Fayetteville Police Department.

d. Officers shall inspect their assigned vehicle at the beginning of each shift to ensure the vehicle is safe and properly equipped. The officer shall complete a vehicle inspection form at this time.

e. Each time a prisoner has been transported, the transport vehicle shall be examined to ensure no contraband or weapons are present.

2. Location of Officer and Prisoner During Transportation

a. In police vehicles equipped with safety partitions the prisoner should be placed in the rear seat of the vehicle.

~~b. If possible, a one-officer unit should not transport more than one prisoner.~~

cb. If possible, no more than three prisoners will be transported in a standard police vehicle.

dc. Officers are discouraged from transporting prisoners in police vehicles not equipped with safety screens.

ed. It shall be at the discretion of the transporting officer(s) as to whether misdemeanor prisoner(s) are handcuffed or otherwise restrained during transport. Felony prisoners will always be handcuffed while in transport.

(1) If handcuffs are used, they ~~shall~~ should be applied with prisoner's hands behind back, palms outward, keyholes

facing upward, and the double-lock engaged.

(2) Care should be exercised in applying handcuffs to avoid unnecessary injury to the prisoner.

(3) Under no circumstances will prisoners be handcuffed to any part of the vehicle.

(4) Leg straps shall be used on unruly prisoners who are apt to cause damage to the unit or themselves.

3. Maintaining Sight of Prisoner

The transporting officer shall not lose sight of, or leave unattended, a prisoner until the prisoner is released or under the control of other personnel.

4. Safe Delivery of Prisoner

a. The primary duty of the transporting officer is the safe delivery of the prisoner in custody. General principles of tort law impose a duty of care on the transporting officer to protect the prisoner from injury.

b. The transporting officer should not deviate from his primary responsibility of delivering the prisoner except:

(1) In a life-threatening situation when the risk to a third party is clear and grave if immediate aid is not rendered; and

(2) The risk to the prisoner is minimal.

5. Prisoner Escape

Following the escape of a prisoner while being transported, the following steps shall be taken:

a. The transporting officer shall immediately notify Central Dispatch to have the following information relayed to other officers, the supervisor and to other jurisdictions:

- (1) Area of the escape; and
- (2) Identification and physical description of escapee;
- (3) If escapee is high-risk (known to be armed or considered dangerous).

b. Following an escape, detailed reports containing all circumstances surrounding the escape will be prepared by the transporting officer and the officers involved in the search. These reports shall be prepared immediately and shall be turned in to the supervisor.

6. Prisoners Transported to Medical Facility

If it is necessary to transport a prisoner to a medical facility for treatment or examination, the transporting officer shall notify the shift supervisor of the circumstances and keep the prisoner in sight whenever possible. Additionally, the transporting officer shall cause the medical facility to be notified of their pending arrival prior to the transport.

a. All felony prisoners will be guarded by an officer(s) for the duration of the prisoners stay at the medical facility.

7. Transporting Dangerous Prisoners to Court

When a prisoner who is considered a security hazard must be transported to court, the judge of the court may be notified in advance. The judge may allow or direct the use of restraining devices in the court and may request the assignment of additional security officers to the court.

8. Transporting Female Prisoners

a. If a male officer is required to transport a female prisoner, he should report the following information by radio to Central Dispatch:

- (1) Odometer reading;
- (2) Location and destination; and
- (3) Ending odometer reading at destination.

9. Transporting Handicapped, Sick, or Injured Prisoners

a. Officer discretion must be used in transporting physically or mentally handicapped prisoners.

b. If a prisoner becomes sick or is injured, the supervisor should be notified immediately. The supervisor will decide whether the prisoner will be transported to the emergency room by an officer or by ambulance (EMS).

B. DOCUMENTATION

1. When a prisoner is being transported from another facility to the Fayetteville Police Department or is being

transported from the department to another facility, the transporting officer must ensure the person to be transferred is positively identified as the person to be moved.

2. Depending on the circumstances, copies of certain documentation should accompany the prisoner. This documentation may include arrest sheet, warrant, personal property information, medical records, and other pertinent records.

3. Documentation accompanying a prisoner should also include information relating to the prisoner's escape or suicide potential or other personal traits of a security nature.

4. Upon arriving at the destination with the prisoner, the transporting officer should adhere to the following guidelines:

a. Secure firearms for safekeeping in accordance with policies and procedures of receiving facility.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 72.1.1
Subject JAILER DUTY		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages -2-

I. PURPOSE

The purpose of this policy is to define the responsibilities and general duties of the jailer when these duties are performed by an officer. (Generally, these duties are performed by civilian jailer personnel). In all cases, the shiftjail supervisor or in their absence the shift supervisor is responsible for the operation of the holding facility.

II. POLICY

1. The jailer will arrange for prisoner meals and give them the necessary items needed each day for health and hygiene. The jailer will ensure prisoners ready for arraignments/~~trials~~ trials are taken to municipal court by the court bailiff each court day. (In cases where large numbers of prisoners or prisoners with histories of violence are being taken to court, the jailer will aid or cause another officer to

assist the bailiff in transporting the prisoners.)

2. The jailer will check supplies and equipment used in daily operation of the jail facility and notify the jail supervisor of any needed supplies or repairs. The jailer will see that the jail is always clean and will make hourly 30 minute checks of all prisoners and cells.

3. The jailer will notify and assist the shift supervisor in making arrangements for medical treatment if prisoner(s) ask for treatment or is in need of treatment. In appropriate cases, the supervisor may make immediate arrangements for the prisoner to be released so he or she may seek treatment. All injuries to prisoners should be noted on the booking sheet. A "Medical Attention" form should be completed and taken along with the prisoner to the medical facility, then returned to the jail and any medication needed should be noted and that information passed on to the

next jailer and shift supervisor.

4. A matron should be on duty when any female prisoner is incarcerated. Female Central Dispatch Center (CDC) personnel certified as matrons should only be used as a last resort and only when not in conflict with an established policy. If no police department matron is available, arrangements should be made with another agency (such as Washington County Jail) for transfer of the female prisoner if the prisoner is to be held.

5. The assigned jailer will read and follow the jail manual.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

		Effective Date	Number 72.3.1
Subject JAIL EMERGENCY PLAN			
Reference		Special Instructions	
Distribution All Personnel	Reevaluation Date 1 Year		No. Pages -2-

I. PURPOSE

The purpose of this policy is to prescribe fire prevention practices and procedures for the Fayetteville City Jail.

II. POLICY

In the event of a fire or disaster which requires evacuation of the building, the first priority will be getting all the people out of the building as quickly and as safely as possible.

A. FIRE

1. If fire is discovered in any portion of the jail, the Fayetteville Fire Department and the ~~jail~~ shift supervisor will be notified immediately.

2. If the fire cannot be extinguished with the portable extinguishers located in the building, the jailer will stand by the appropriate exterior door to aid the fire department in gaining entry once they arrive.

3. In case of small fires of bedding, clothing, etc., the smoke and fumes will be removed from the building by the Fayetteville Fire Department's portable fans.

4. In case of a large fire which requires the building evacuated, personnel in the Central Dispatch Center should be instructed to notify all available police units to come to the jail immediately to assist. The sheriff's office may be notified in case their assistance is necessary for the transport of prisoners to the county jail. If possible, all prisoners will be placed in the ~~squad room~~ holding areas with an officer at each door; otherwise, all prisoners will be placed outside the building with officers to guard them.

5. In case of fire where the main corridor is blocked and the prisoners cannot be evacuated through the main jail door, they will be removed by way of the exit door at the northwest corner of the

cellblock area. Prisoners in the barracks will be moved through the dining area around to the emergency exit if the main door is blocked.

6. In the event of injuries to prisoners, they will be transported to the Emergency Room at Washington Regional Medical Center by local ambulance, if necessary.

B. STORM, TORNADO, ETC.

1. If the building sustains severe damage from a storm, tornado, etc., the duty jailer and the jail/shift supervisor will immediately survey the condition of all prisoners and building damage in order to form a plan of action.

2. If broken electric wires or gas pipes are observed, these services should be cut-off immediately. The main gas meter switch is located on the outside wall at the southeast end of the building.

3. The duty jailer or jail/shift supervisor should request the Central Dispatch Center to notify all City police units, sheriff's office, fire department, Civil Defense, and the Arkansas State Police of the emergency situation at the facility. Mobile units will be used if the Central Dispatch Center is inoperable.

4. If it becomes necessary to evacuate the building, the same procedure will be followed as for "FIRE" (earlier in this chapter).

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 72.5.5
Subject SUICIDE IDENTIFICATION GUIDELINES		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages -2-

I. PURPOSE

The purpose of this policy is to establish specific guidelines for identifying and dealing with potential suicidal prisoners. This policy will apply to all officers and jailers, both commissioned and non-commissioned.

II. DISCUSSION

All officers and jailers are directed to take special precautions in limiting prisoners with suicidal tendencies access to certain conditions that risk the prisoner to self-inflicted injuries.

III. POLICY

A. PRISONER ASSESSMENT

Officers and jailers will consider the following in accessing a prisoner's suicidal tendencies.

1. Statements and reports of the arresting officer.

2. Nature of prisoner's behavior at the time he is taken into custody and at the time of booking.

3. Prior arrest reports and jail records.

4. Mental condition of prisoners at the time of arrest/booking.

5. Statements from family or friends.

6. Injuries from previous suicide attempts.

7. History of severe drug or alcohol abuse.

8. Statements indicating threat to attempt suicide.

9. Uncontrollable laughing, shouting, bragging, or joking of suicide.

10. Statements indicating severe depression.

B. HANDLING SUICIDE RISKS

If any of the above conditions and/or other characteristics exist, the officer and/or jailer shall:

1. Post a sign on the jail cell door indicating the prisoner is a suicide risk.

2. Post the information on the jail census board and in the jail log book.

3. All materials which could be used to inflict injury shall be removed from the prisoner and the cell prior to placing the prisoner in the cell.

4. Officers and jailers shall increase the frequency of jail checks to a minimum of once every 15 minutes.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 72.6.1
Subject MEDICAL AND DENTAL CARE FOR PRISONERS		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages -1-

I. PURPOSE

The purpose of this policy is to establish guidelines for providing medical and, dental, and mental hygiene care for prisoners in the custody of the Fayetteville Police Department.

II. POLICY

No prisoner in the custody of the Fayetteville Police Department will be denied medical, dental, or mental hygiene care. The Emergency Room at Washington Regional Medical Center will be the primary treatment facility unless other arrangements are made.

III. PROCEDURES

A. The following procedure shall be followed anytime a prisoner requests medical, dental, or mental hygiene care. They shall also be followed anytime a jailer determines a prisoner is in need of care.

1. When a prisoner requests medical, dental, or mental hygiene care the jailer will immediately notify the on duty supervisor who will assist in making the appropriate arrangements. If the situation is life threatening the jailer will first call an ambulance and then notify the supervisor.

2. The jailer will then complete a "Request for Medical Attention" form and have the prisoner sign it. A prisoner's refusal to sign the form will not be grounds to deny them medical care.

3. The "Request for Medical Attention" form shall be sent with the transporting officer. It will be the transporting officer's responsibility to see that the bottom of the form is completed by the appropriate medical personnel and that the form is returned to the jail.

4. When the form is returned to the jail, two copies will be forwarded to the jail

administrator and the third copy will be placed in the prisoner's file.

B. The above procedures shall be followed anytime a prisoner is transported for a routine scheduled visit with a doctor, dentist, or mental health care professional.

C. If a prisoner has received some form of health care while in the custody of the Fayetteville Police Department and is later transported to another detention facility, a copy of the prisoner's "Request of Medical Attention" form shall be sent with him.

D. Great caution must be taken when denying care. Only a supervisor can make the decision to deny a prisoner care. If a supervisor does deny care, he must be able to give articulable reasons why he did so.

A. ~~Medical and Dental Care~~
~~or Prisoners~~

~~If arrangements are not made by the officer, the immediate supervisor will be notified and will assist in making arrangements for medical attention for prisoners.~~

~~In the event a prisoner becomes ill or is injured and requires medical attention, the prisoner shall be taken to the emergency room of The Washington Regional Medical Center unless the prisoner requests to be treated by the doctor or dentist on call or by a doctor or dentist selected by the prisoner who agrees to come to the jail. If necessary, an ambulance shall be used to transport the prisoner to the hospital emergency room.~~

~~The names, addresses, telephone numbers, and office hours of the doctor and dentist on call to treat prisoners shall be posted in the station and each officer or member shall be advised by the shift supervisor of the location where said information is posted. If emergency dental care is needed, the jailer or shift supervisor shall arrange for such care.~~

B. ~~Emergency Medical or Dental Care~~

~~Before 9AM and after 5PM, Monday through Friday, and all day on Saturday and Sunday, all medical and dental problems shall be handled by the emergency room at Washington Regional Medical Center.~~

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 81.2.13
Subject BANK ALARM RESPONSE POLICY (BUSINESS HOURS)		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1 Year	No. Pages -2-

I. PURPOSE

The purpose of this policy shall be to establish uniform guidelines for uniformed police officers to follow when responding to banking/financial institution hold-up alarms during business hours (normally 8AM-6PM).

II. POLICY

Upon being dispatched to a banking or financial institution alarm, the assigned officer will proceed without siren to the pre-arranged primary location for the particular banking location. Officer may use blue lights enroute but should turn them off prior to arriving at the location.

1. The primary responding unit will take up the pre-arranged observation point where they cannot be seen by anyone from inside the bank. Secondary police units should assume positions along

strategic routes in the event an actual robbery has taken place and assuming that suspect information will be forthcoming.

2. The arriving primary unit will advise the Central Dispatch Center (CDC) upon arrival at the bank.

3. The Central Dispatch Center personnel will already be following established communications procedures pursuant to CDC policy and General Order #02.

4. A responsible party from the bank will contact the officer outside the bank.

5. Should the alarm be found to be false, the primary officer will notify the other secondary unit(s) to go back into regular service.

6. In the event the officer(s) determine from the responsible banking party, or by any other means, a robbery

has actually occurred, the officer(s) will:

a. Secure the bank by not allowing anyone to enter or leave except police personnel that as a part of their duty must do so (evidence technicians, investigators, etc.).

b. Secure descriptive information as to possible suspects or vehicles and cause same to be dispatched to all local units and surrounding jurisdictions.

c. Contact the shift supervisor who will in turn cause Detective Division personnel to be dispatched to the scene. In cases of Federal jurisdiction, the shift supervisor will ensure the proper Federal agencies are notified.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 84.1.1
Subject PROPERTY MANAGEMENT; ACQUIRED AND IN-CUSTODY PROPERTY		
Reference		Special Instructions
Distribution All Personnel	Reevaluation Date 1-Year	No. Pages -6-

I. PURPOSE

The purpose of this directive is to establish a property management system for property acquired by and in-custody of the Fayetteville Police Department.

II. POLICY

The Fayetteville Police Department will establish and maintain a property management system that will ensure continuity and consistency in the control and accountability of all found, recovered and evidentiary property, evidence, lost and found property, as well as, all items retained for safekeeping or investigations in its custody.

This policy sets forth strict measures for the handling, security, and disposition of all such property in department custody.

A. CONTROL OF PROPERTY

1. Control

The department property management system shall maintain exclusive control and accountability of all found, recovered, items kept for safekeeping and evidentiary property.

a. In no event will officers store evidence in their personal lockers or desk.

b. All officers coming in possession of found, recovered, items for safekeeping or evidentiary property shall deliver the property to the proper Property Evidence Manager evidence custodian as defined within this policy before going off duty.

2. Submission of evidence, lost and found property, items retained for safe keeping or investigations.

All evidence collected by the Fayetteville Police Department Personnel will:

- Properly package each item

- Items of similar qualities may be packaged together, i.e., cassette tapes, money..
- Properly label/identify each item on a Fayetteville Police Department Property and Evidence Submission Form.
- Allow a supervisor to inspect the items to ensure evidentiary value and proper packaging and submission form is completed.
- Enter item(s) in evidence log book which is maintained in the Patrol Lieutenants Office.
- If submission occurs at a time when the Property Evidence Manager is not present the supervisor will provide the officer with an evidence token and the evidence is to be placed in a vacant evidence locker.

2.3. Accountability

The utilization of property logs, evidence slips property and evidence submission forms, inventories and other documents, shall ensure all records provide an up-to-date and correct accountability of found, recovered, items held for investigation, safekeeping and evidentiary property. The following information should be available either placed on a Fayetteville Police Department Property and Evidence form or recorded in the system for each piece item of evidence:

- a. Location of property within the department;
- b. Date and time property was received and subsequently released;
- c. Description, type and amount of property on hand;
- d. Chain of custody from time property was received until final disposition; All items

passing through an officers hands, regardless if it has made it to the evidence/property room, must have a Fayetteville Police Department Property and Evidence Submission Form completed. For example:

◆ Items returned immediately at the scene of collection;

◆ Items sent to the State Crime Lab before it was entered as evidence;

◆ Items going to the Detective Division and returned to owner.

This form is to be submitted to the property evidence manager so all information pertaining to that particular item can be entered into the evidence tracking system. This will ensure accountability and provide an audit trail.

- e. The date and results of all inspections, inventories, and audits of record.

3.4. Custodian Property Evidence Manager for Found Property

~~The supervisor of the jailers shall develop procedures dealing with secure handling, storage and disposition of found property.~~ The Property Evidence Manager is the custodian of property, not the intake officer. Sworn personnel are the only persons permitted to receive evidence, lost & found, items for safekeeping or for investigative purposes. The Chief of Police may authorize exceptions.

4.5. Custodian Property Evidence Manager for Recovered and Evidentiary Property

The shift supervisor property evidence manager shall be designated as property custodian and held accountable for all property accepted by and stored in the department's property storage areas during their shift, with the exception of narcotics, dangerous drugs, and felony evidence confiscated by the Detective Division.

5. Custodian for Narcotics, Dangerous Drugs and Evidence Recovered by Detective Division

a. The Detective Division supervisor shall be responsible for all felony evidence confiscated and turned in to the Detective Division.

b. Narcotics and dangerous drugs will be processed and managed by the Detective Division.

These items shall be held in a secure property area with highly restricted access as specified by the Chief of Police.

6. Receipt of Package Deliveries

Sworn personnel are responsible for receiving all deliveries from the Arkansas Crime Lab. An entry should be made in the evidence log book indicating the receipt of the number of unopened packages. The packages will then be placed in an evidence locker or handed to the Property Evidence Manager

6. Right of Refusal

The property evidence manager will have the right to refuse acceptance of any item submitted improperly. The property evidence manager will notify the appropriate supervisor and make arrangements for the submitting officer to make necessary corrections.

B. APPOINTMENT OF NEW PROPERTY CUSTODIAN EVIDENCE MANAGER

In the event a new property custodian evidence manager is appointed, a joint inventory with the outgoing custodian property manager shall be held to ensure proper documentation and accountability.

1. The purpose of such an inventory shall be to guarantee the continuity of custody and ensure the system's integrity and property accountability.

2. The incoming property custodian evidence manager shall ensure all records are up-to-date and properly annotated.

3. All discrepancies shall be documented prior to the transfer of property accountability to the incoming custodian property evidence manager.

C. QUARTERLY SCHEDULED INSPECTION

The shift supervisors and the Detective Division supervisor shall conduct a quarterly. The Chief of Police shall periodically require an inspection of all recovered and evidentiary property to ensure adherence to procedure. This

inspection shall be verify the following:

1. Department orders and directives concerning property management are being followed;
2. Property is stored in such a manner as to protect it from damage and deterioration;
3. Proper accountability procedures are being maintained; and,
4. Property having no further evidentiary value is being disposed of promptly.

D. DISPOSITION OF FOUND, RECOVERED, AND EVIDENTIARY PROPERTY

1. All attempts shall be made to return found and recovered stolen property to its rightful owners.

2. Evidentiary property may be returned to the owner prior to the court case with written permission from the prosecutor, lead investigator, or judge.

3. Recovered or evidentiary property returned prior to court proceedings should be photographed when possible. This photograph should include the person receiving the item, or the item with a valid driver's license of the person receiving the item.

4. Final disposition of all found, recovered and evidentiary property shall be accomplished as soon as possible after legal requirements have been satisfied.

E. UNANNOUNCED INSPECTIONS

Unannounced inspections of the property storage areas should be held when the Chief of Police so directs.

1. The Chief of Police shall appoint an individual and a time period to conduct spot inspections.

2. Property accountability and security procedures shall receive primary attention during spot inspections.

3. The majority of the spot inspection shall consist of a random comparison of records with actual property items.

F. STORAGE OF PROPERTY, FOUND, RECOVERED, SAFEKEEPING, INVESTIGATIONS AND EVIDENTIARY PROPERTY

1. Storage

All property stored by the department shall be held in designated secure areas.

2. Access

Access to all recovered and evidentiary property storage areas will be strictly limited to authorized personnel to prevent the alteration, unauthorized removal, theft, or other compromise of property stored by the department.

~~3. Items Constituting Increased Security Risk or of Exceptional Value~~

~~Found property items containing currency, precious metals, jewelry, gemstones, weapons, and all items constituting increased value shall be stored in the shift evidence lockers or turned over to the Detective~~

~~Division if the item is of excessive size.~~

43. Narcotics

a. Storage of narcotics and dangerous drugs shall be kept only in the custody of the ~~Detective Division~~ the responsibility of the property evidence manager. All drug evidence collected by patrol officers shall be delivered to their shift supervisor for storage. The shift supervisor shall ~~cause the drug related evidence to be transferred to the Detective Division at earliest opportunity.~~ ensure that the officer enters the evidentiary item in the evidence log book. At this time the supervisor will inspect the item and determine if it has evidentiary value and to ensure it has been properly packaged. The supervisor will then give the officer an evidence token so the item can be placed in an evidence locker. Regardless of whether the property evidence manager is present or not, the item should be entered in the evidence log book.

b. Narcotic and dangerous drug evidence (capsules, pills, etc.) shall be counted and weighed by the submitting officer. ~~(The department's postage scale is useful for this purpose.)~~ Exceptions to weighing the substance are permissible when All suspected narcotics shall be field tested by the officer in the presence of a supervisor. The substance will then be sealed in a the substance is officially sealed in tamper-proof protective packaging and initialed by the officer on the seal.

c. ~~All containers of narcotics and dangerous drugs should be inspected for tampering as a safeguard against the substitution of materials having the same weight.~~ All drug evidence handled by the Fourth Judicial District Drug Task Force should have a Property and Evidence Submission Form completed prior to mailing to the state crime lab. This form must be submitted to the Property Evidence Manager for entry into the system.

54. Perishable Items

a. All perishable items of evidence, such as blood or urine specimens, should be stored in a secure refrigerator in the ~~Detective Division~~ evidence room whenever possible so their properties will be as unchanged as possible before they are examined in a laboratory or presented in court.

5. MONEY

Anytime money is inventoried or seized it should be counted in front of the person(s) from which it is being taken. If this is not possible, the "two-man" rule will apply. In other words, a minimum of two officers will count the money and sign both the receipt and submission form. The amount and denomination of the currency should be recorded on a tally sheet. The tally sheet should be completed prior to removing it from the point of seizure and then attached to a submission form.

6. VEHICLES

All vehicles seized as evidence in drug investigation or other

felony crimes should have a Property Evidence Submission Form completed and turned in to the property evidence manager. Prior to the removal (tow) of such a vehicle, a supervisor should be called to the scene in order to determine if the seizure is necessary, and if it is, where the vehicle will be stored.

LIFE CYCLE OF PROPERTY

Scene of Collection

1. Prepare property evidence submission form.

Fayetteville Police Department

1. Submit property evidence and submission form.

Property Evidence Room

1. Assign property tracking number.
2. Place property evidence submission form with evidence.
3. Place a copy of the property evidence submission form in file.

Check-out

1. Retrieve item from storage area.
2. Make entry in system.
3. Retrieve copy of property evidence submission form from file.
4. Make entry on both original and copy of property evidence form.
5. Release property with original property evidence

form, signed by the person receiving the property.

6. Return copy of original property evidence form, with new entries, to file.

Return

1. Inspect item to ensure it has returned in same condition as it left.
2. Check property evidence forms for added entries.
3. Copy form and attach the copy to the file copy and return to file.
4. Make appropriate system entry.
5. Return item to storage.

Final Disposition

1. Dispose of property according to court order.
2. Attach original property evidence form to file copy.
3. Make appropriate entry in system.

Evidence Not To Be Destroyed

Felony Evidence

1. Homicide (solved or unsolved).
2. When suspect is incarcerated and an appeal is possible.
3. When no suspect, the statute of limitations has not yet run.
4. Evidence is part of a suspected serial crime.

Misdemeanor Evidence

Property that has not yet been
held past the 30 day appeal
period after the final
disposition has been entered.

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ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 111: ALCOHOLIC BEVERAGES, SECTION 111.06, PROHIBITED ACTIVITIES/WARNING NOTICE, OF THE CODE OF FAYETTEVILLE, TO PROHIBIT THE SALE OF BEER OR LIGHT WINE AT RETAIL FULL SERVICE GROCERY STORES AND CONVENIENCE GROCERY STORES.

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

Section 1. That Chapter 111: Alcoholic Beverages, Section 111.06, Prohibited Activities/Warning Notice, of the Code of Fayetteville, is hereby amended to add the following:

§111.06 Prohibited Activities/Warning Notice.

(E). The sale of beer or light wine for off-premises consumption shall be prohibited at retail full service grocery stores and convenience grocery stores.

PASSED AND APPROVED this ____ day of _____, 1998.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone:

PLANNING DIVISION CORRESPONDENCE

501-575-8264

TO: Fayetteville Planning Commission Members
THRU: Alett S. Little, City Planner
FROM: Brent Vinson, Associate Planner
DATE: December 14, 1998

RZ 98-21.00: Rezoning (Oates, pp 138) was submitted by Rozan Oates for property located at 3061 Valerie Drive. The property is zoned A-1, Agricultural, and contains approximately 2.83 acres. The request is to change the zoning to R-1, Low Density Residential.

RECOMMENDED MOTION:

Staff recommends approval of the requested rezoning from A-1 to R-1.

PLANNING COMMISSION ACTION: YES Required
_____ Approved _____ Denied

Date: December 14, 1998

Comments:

CITY COUNCIL ACTION: YES Required
_____ Approved _____ Denied

Date: / /

BACKGROUND :

The applicant requests rezoning of the property at 3061 Valerie Drive from A-1 to R-1. The applicant desires the change in zoning to meet minimum lot sizes in order to request a lot split and plans to build a house on the lot to be created. The applicant currently owns the property and resides in the house existing on the property. The proposed lot split of this property will be the last split allowable on this property because there have been two prior splits. The current lot size (in excess of two acres) was necessary in order to meet the requirements of the A-1 zone of two acres per single family dwelling unit and because sewer had not been previously available in that area.

The applicant wishes to create a lot west of the existing residence to build a new residence. The new residence would be a single family dwelling and would be consistent with other houses in the neighborhood. The applicant plans to reside in the new residence and sell the existing one. The terrain on the property is extremely hilly and rocky with much shrubby growth. Immature trees make up most of the vegetation. Erosion is evident through the proposed lot. The land slopes to the east and the surrounding lots are single family residential.

ADJACENT LAND USE AND ZONING

North: Single family residential, zoned A-1
South: Single family residential, zoned A-1
East: Single family residential, zoned A-1
West: Single family residential, zoned R-0

INFRASTRUCTURE:

Streets: Valerie Drive is considered a local street with a 60' R.O.W.
Hillside Terrace, which runs along the west side of the property, is also a local street with a 60' R.O.W.

Water: There is a 6" AC water main along the north and a 2" PVC water main along the west side of the property. Two fire hydrants exist near the west boundary of the property.

Sewer: Sewer is available within 200' of the property's northwestern and southwestern corners.

LAND USE PLAN:

General Plan 2020 shows this area as Residential.

§161.04 DISTRICT R-1: LOW DENSITY RESIDENTIAL.

A. Purpose. The Low Density Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

RZ 98.00-21.00 FINDINGS OF THE STAFF

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

Finding: The rezoning proposed is consistent with the land use planning objectives, principles, and policies of the land use and zoning plans.

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

Finding: The zoning is justified and needed at this time to meet the goals of General Plan 2020 for infill development.

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

Finding: The proposed zoning would not create or appreciably increase traffic danger and congestion.

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

Finding: The proposed zoning would slightly alter the population density but would not undesirably increase the load on public services including schools, water, and sewer facilities.

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

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

Finding: It would be impractical to use the land for any of the uses permitted under its existing zoning classification because of the development of the surrounding properties into single family homes.

- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

ROZAN OATES
3061 VALERIE DR.
FAYETTEVILLE, AR 72703

November 20, 1998

City of Fayetteville
Planning Commission
113 W. Mountain
Fayetteville, AR 72701

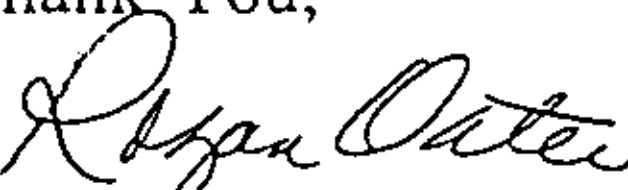
To Whom It May Concern:

I am requesting re-zoning of my property at 3061 Valerie Dr., Fayetteville from A1 to R1. I wish to change the zoning which would enable me to obtain a lot split and build a house on the lot to be created.

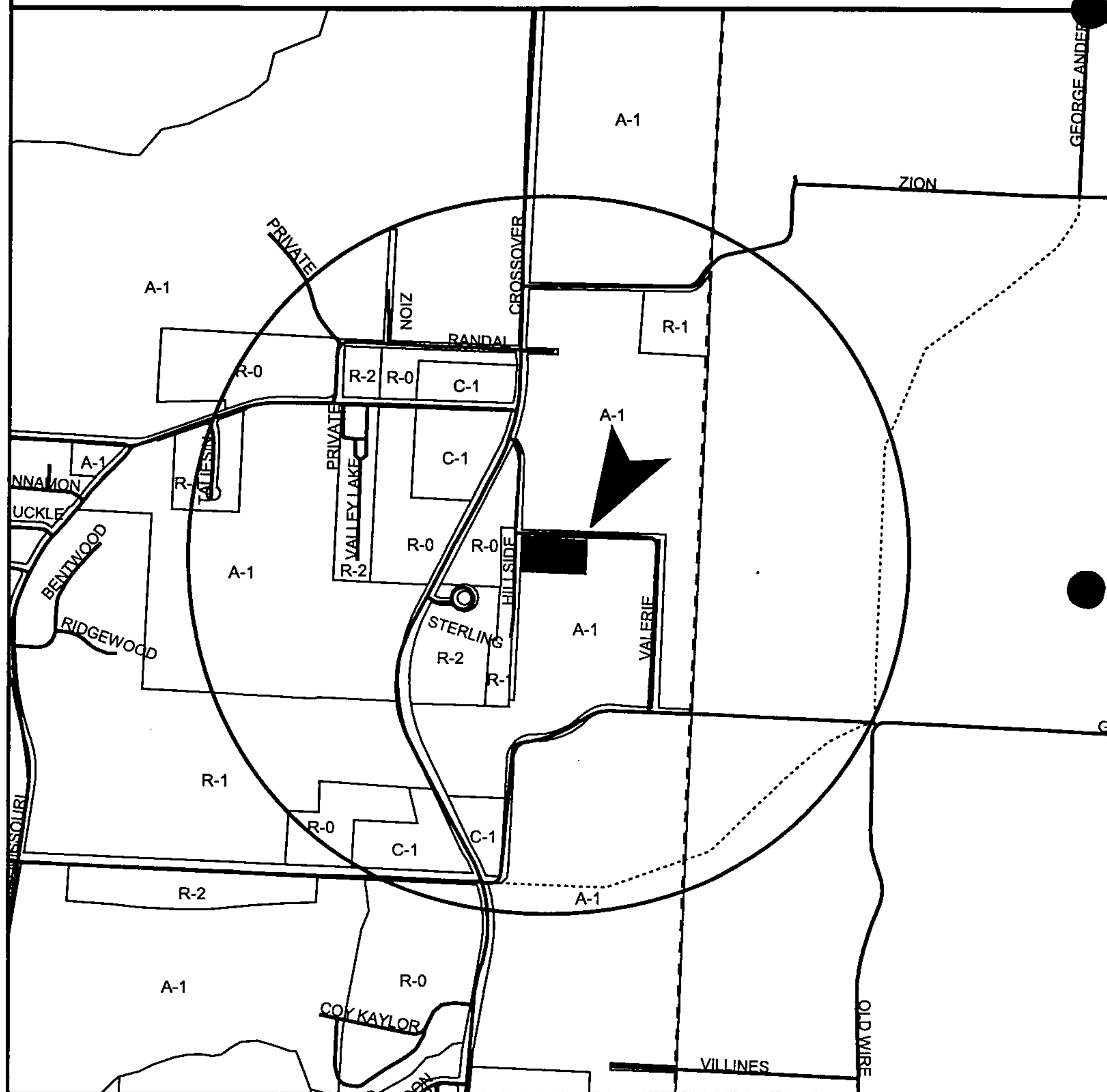
The property is owned by Rozan Oates who currently resides in the house on the said property.

I wish to build a single family dwelling on the lot to be created. There would be no increase in traffic on the adjacent roads. The appearance of the purposed house would be consistent with other houses in the neighborhood. There would be no signs posted on the property.

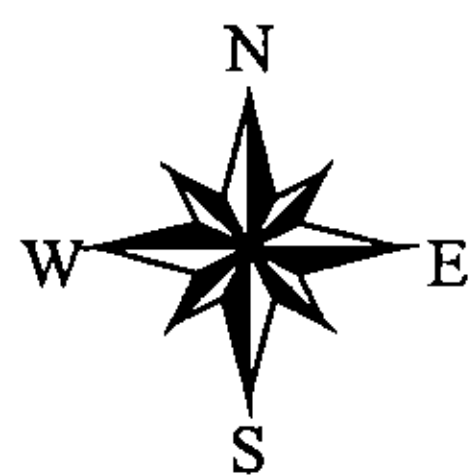
Thank You,


Rozan Oates

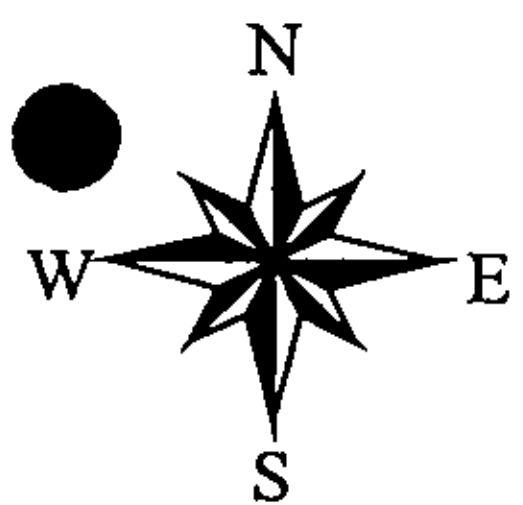
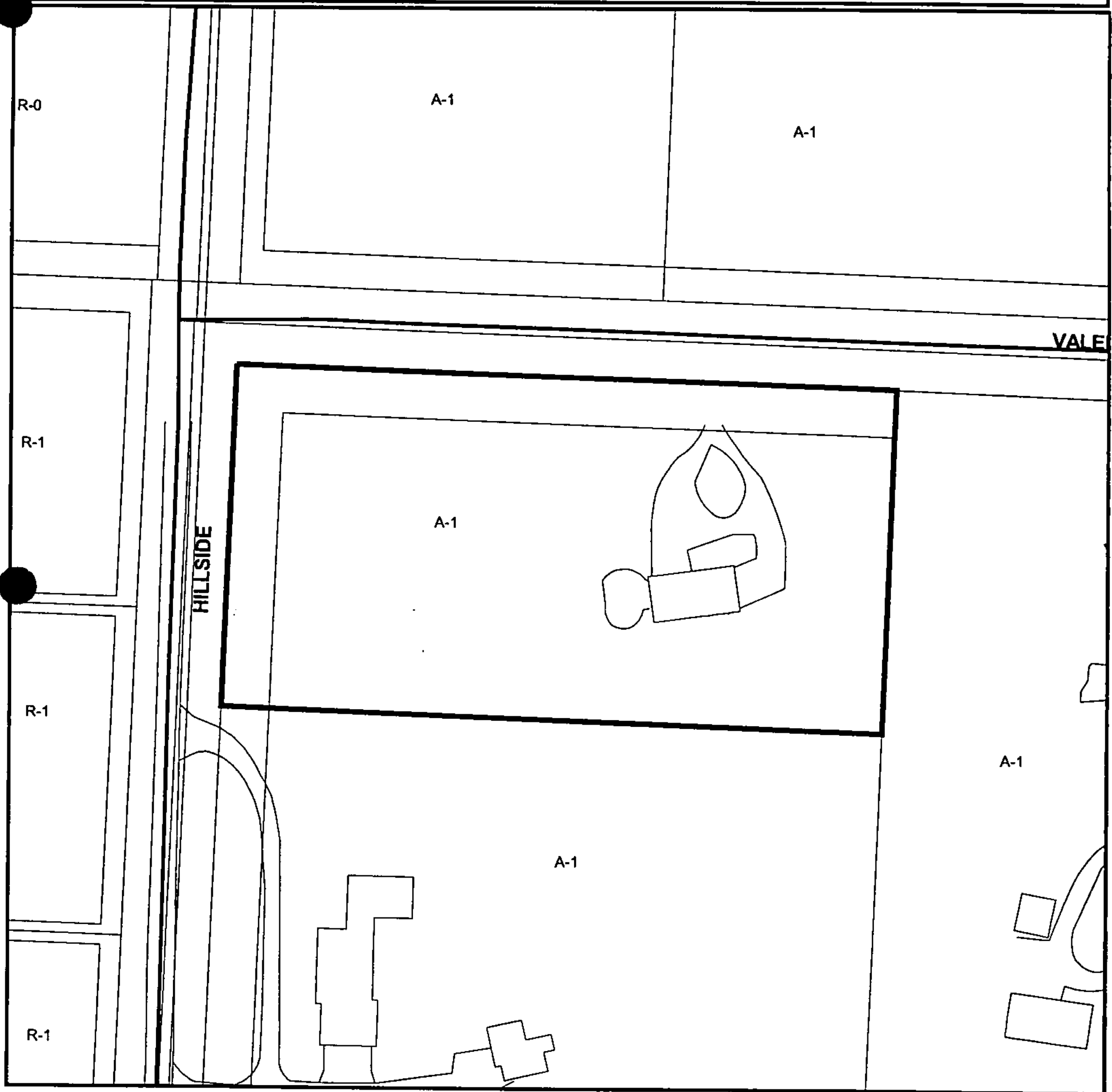
RZ98.00-21.00 - Oates - One Mile Diameter



1000 0 1000 Feet



RZ98.00-21.00 - Oates - Close up



100 0 100 Feet

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December 14, 1998
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**RZ98-21: REZONING
ROZAN OATES, PP138**

This rezoning request was submitted by Rozan Oates for property located at 3061 Valerie Drive. The property is zoned A-1, Agricultural, and contains approximately 2.83 acres. The request is to change the zoning to R-1, Low Density Residential.

The applicant was not present.

Odom: It takes five to approve the rezoning.

Little: You typically do not hear the request if the applicant is not present.

MOTION

Mr. Odom made a motion to table the project.

Mr. Estes seconded the motion.

Roll Call

Upon roll call the motion passed with a unanimous vote of 5-0-0.

Further Discussion

Little: The applicant has just arrived.

Point of Order

Mr. Odom withdrew the motion.

Mr. Estes accepted as the second.

Roll Call

Upon roll call, the motion to withdraw the request from the table was approved with a unanimous vote of 5-0-0.

Further Discussion

Odom: Let me make it clear that there are only five members present. Recommendation

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of the rezoning request to the City Council will take five affirmative votes. Since there are only five here, you must have all of us vote for your request. I will give you the opportunity to table your request until the next meeting where more Commissioners may be present. If you go forward and are denied you have the right to appeal to the City Council. Regardless, this will go to the City Council.

Oates: Let's proceed.

Public Discussion

No one was present to address the Commission.

MOTION

Mr. Odom made a motion to approve the rezoning request and forward it to the City Council.

Mr. Estes seconded the motion.

Roll Call

Upon roll call, the motion passed with a unanimous vote of 5-0-0.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZ98-21 FOR A PARCEL
CONTAINING APPROXIMATELY 2.83 ACRES LOCATED AT
3061 VALERIE DRIVE REQUESTED BY ROZAN OATES.

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

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

From A-1 Agricultural to R-1, Low Density Residential for the real property described in
Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 1998.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR RZ98-21

Part of the SE1/4, SW1/4 of Section19, T17N, R29W in Washington County, Arkansas and being described as follows: commencing at the NW corner of said SE1/4, SW1/4 thence S0°25'W 60.00 Feet, thence East 24.50 Feet to the POB thence East 482.80 Feet, thence South 256.14 Feet, thence West 482.68 Feet, thence N 0°23'E 254.90 feet to the POB, containing 2.83 acres more or less.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE RULES OF ORDER AND
PROCEDURE FOR FAYETTEVILLE MAYOR/CITY COUNCIL,
SECTION H., CITIZENS COMMITTEES, SUBSECTION 1.d.
SELECTION OF MEMBERS.

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

Section 1. That the City Council hereby amends the Rules of Order and Procedure for
Fayetteville Mayor/City Council as follows:

H. CITIZENS COMMITTEES.

1. Selection of Members.

d. Any person who has served two consecutive full terms on any City
commission or board shall not be eligible for reappointment to the same
commission or board until one full term of office has expired, unless there are
an insufficient number of qualified applicants to fill all vacancies. A full
term shall be the term established by the City Council for the
commission or board, or an appointment to a vacant position when the
person appointed participates in regularly scheduled meetings of the
commission or board for one-half or more of the term established by the
City Council.

Section 2. A copy of the amended Rules of Order and Procedure for Fayetteville
Mayor/City Council is hereby attached and made part hereof.

PASSED AND APPROVED this ____ day of January, 1999.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
City Clerk

STAFF REVIEW FORM

X Agenda Request
 _____ Contract Review
 _____ Grant Review

For the Fayetteville City Council meeting of January 5, 1999.

FROM: Alett Little Planning Public Works
 Name Division Department

ACTION REQUESTED: Tom Terminella requests to build the canopy of the building he is renovating at 24 E. Meadow St. over the right of way. The requested encroachment is 18 inches over the right of way with a metal canopy attached to the side of the building and there will be no ground supports to the canopy.

COST TO CITY:

\$0
 Cost of this request Category/Project Budget Category/Project Name
 Account Number Funds used to date Program Name
 Project Number Remaining balance Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached
 Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager Date ADA Coordinator Date
 City Attorney Date Internal Auditor Date
 Purchasing Officer Date

STAFF RECOMMENDATION: Staff recommends approval. Precedence for approval has been set by the Brew Pub Building and the old Polk Furniture Building on Dickson Street. Approval of the request is also supported by the City's support of downtown building and renovation projects.

Alett Little 12-29-98
 Division Head Date
Franklin 12-29-98
 Department Director Date
William 20 DEC 98
 Administrative Services Director Date
Fred Hamm 12/29/98
 Mayor Date

Cross Reference

New Item: Yes No

Prev Ord/Res#: _____

Orig Contract Date: _____

Marlon Blackwell / Foster·Witsell Evans & Rasco

Associated Architects

21 West Mountain, Suite 122
Post Office Box 1602
Fayetteville, Arkansas 72702-1602
501-443-9321 Fax 501-443-9520

28 December, 1998

Memorandum

To: Alett Little

cc: Tom Terminella

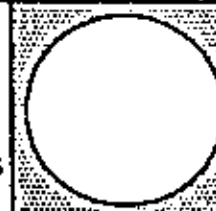
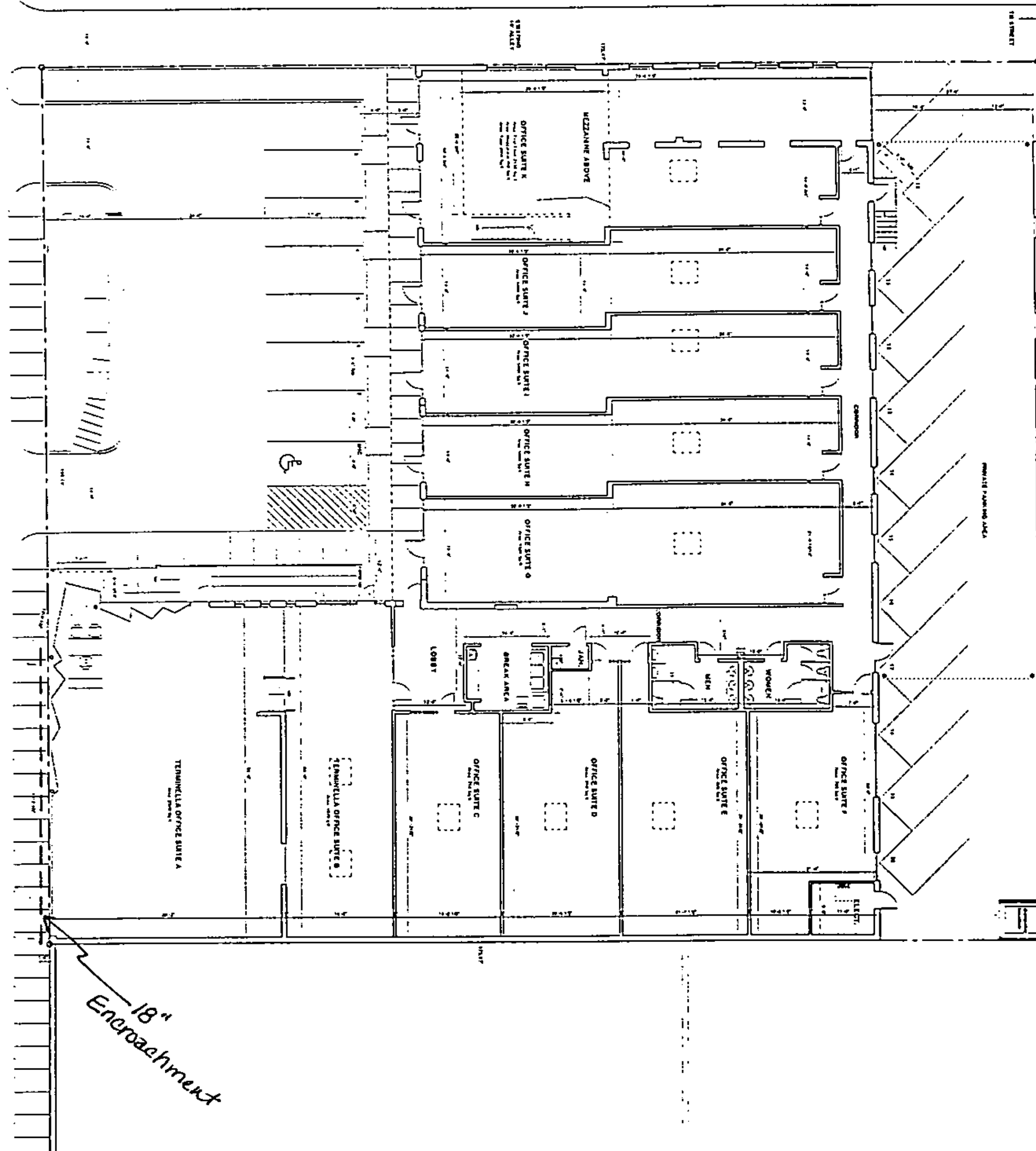
Fr: Marlon Blackwell

Re: 24 E. Meadow, Canopy in Right of Way

This renovation project proposes to reduce the extension of the existing canopy along the south face of this building into the right of way of Meadow Street from 48 inches to 18 inches. The canopy which would remain serves not only as a horizontal band to tie this facade to the remainder of the project but to incorporate down lights to provide a safer and more attractive public sidewalk.

Approval of the reconstructed canopy 8'-0" above the sidewalk, 18" into the Right of Way of Meadow Street is requested.

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**FAYETTEVILLE CITY COUNCIL MEETING
DECEMBER 15, 1998**

A meeting of the Fayetteville City Council was held on December 15, 1998, at 6:30 p.m. in the City Administration Building, 113 West Mountain Street, Room 219, Fayetteville, Arkansas.

PRESENT: Mayor Fred Hanna, Alderman Young, Alderman Russell, Alderman Trumbo, Alderman Pettus, Alderman Reynolds, Alderman Williams, Alderman Schaper, Alderman Daniel, City Clerk Heather Woodruff, Staff, Press, Audience

ABSENT: City Attorney Jerry Rose

NOMINATING REPORT

Alderman Daniels moved to appoint Dwain Cromwell for Cable Board; Bob Shoulders, Wade Colwell, Gail Eades, and Brenda Thiel for the Parks and Recreation Board; and Rick McKinney for the Airport Board. Alderman Young seconded the motion. Upon roll call the motion carried unanimously.

CONSENT AGENDA

MINUTES

Approval of the minutes from the December 1, 1998 meeting.

LAND PURCHASE-EASTWOOD

A resolution authorizing City to purchase 1.73 acres of land along Crossover Road; remainder of Lot #5, Block #3, Eastwood Addition, from Harry F. Locke, Jr., at a cost of \$33,400 plus closing expenses for storm water drainage purposes in connection with the improvements and widening of Highway 265.

AIRPORT FIRE STATION

A resolution approving a project contingency and budget adjustment of \$60,000 for the Aircraft Rescue and Fire Fighting Station.

Alderman Williams moved to approve the consent agenda. Alderman Schaper seconded the motion. Upon roll call the motion carried unanimously.

OLD BUSINESS

PROPERTY ACQUISITION

December 15, 1998

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Mayor Hanna introduced the purchase options for property located between Washington County Road #648 and #649, south of Highway 16 West and north of Highway 62, for the possible location of a second waste water treatment facility. Properties to be acquired from James McClelland, Jr., H.M. and Norma Lee Shipp, Broyles Farm Inc., and Calvin and Wanda Sue Hammond.

Alderman Trumbo stated he was not in favor of paying an option which did not go toward the purchase price of the property. He thought they needed to make a decision to buy the land or to stop growth. They were running out of options. He had spoken with the State Representative who gave him the history of the statute which moved the location of a sewer treatment plant back into the city limits. The possibility of having the statute repealed was very slim.

Alderman Pettus stated she would like to see the money which would go toward the option to go toward lobbying their case before the legislature. She felt they needed to challenge this legislation through legal action.

Alderman Schaper stated there was no scientifically best place to locate the plant, the only thing they would determine scientifically was where they would discharge the effluent into the receiving water. He added he was skeptical of a regional solution, because the other cities in the area did not have the same immediacy of need to enlarge their waste water systems. They were the only ones with a problem. Before they spent taxpayer money on an option, they needed to vote on purchasing the land outright, which was the recommendation of the Water and Sewer Committee.

Alderman Schaper moved to purchase the land outright. Alderman Trumbo seconded the motion.

Alderman Trumbo stated he felt the purchase price was too high, but he noted the city would not have the opportunity again to have three willing sellers, as opposed to condemning someone's property.

Alderman Schaper stated it would take four years to get the additional sewer plant and capacity on line. He did not feel the city had the time to waste.

Alderman Trumbo noted the Planning Commission had approved a large apartment complex at their last meeting in which they cautioned the developer about the sewer capacity. The city's only option if they did not construct a second sewer plant was to stop growth.

Alderman Russell asked if anyone had spoken with Springdale to see if they would be interested in cooperating with the regional solution.

Alderman Trumbo replied he had spoken with Gary George, Chairman for Springdale Sewer Commission, who informed him they had tried to do things regionally, however, it had not

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worked in the past.

Alderman Russell asked if a regional solution would include Springdale or would it be Fayetteville and the smaller communities to the south and west.

Alderman Daniel stated they did not know yet. She added she had received a call from Ms. Paula Marinoni who asked if the city could update the plant on the east while they waited for more development on the proposed plant.

Alderman Williams asked if the upgrading would increase the capacity.

Alderman Schaper explained the upgrading, which was approximately ten million dollars, on the existing plant would be for the purpose of bringing the plant up to contemporary standards. It would not increase the capacity of the system. Once the city had two plants then there would be a surplus of capacity on the east side of town which would allow them to grow in the White River Basin. He noted it would take approximately four years to split the flow between the two plants.

Alderman Williams did not believe upgrading the existing plant would be the easy way out because it would not help the existing capacity.

Alderman Schaper added the only way any of the projects would be done would be through a bond issue.

Alderman Williams stated he was not reading to purchase the property tonight because it was over three million dollars. He noted the price was above the appraised value and the city would have to purchase a house they did not want. He hoped a regional solution could be found soon. He thought it would be more appropriate to allow the new council to make the major decision to purchase the land. He agreed the only solution would be a second plant for the city. He added he did not want to spend the money on an option. He felt there were other options available.

In response to questions, Alderman Williams thought the regional solution would include surrounding towns such as Prairie Grove, Farmington, and the surrounding county. He expressed concern about combining efforts with Springdale because of the large area, which would leave raw sewage in the lines a long time.

Alderman Schaper commented there were times when it was better to have a number of smaller plants. He noted Goshen had a packaged plant which was quite economical because they avoided all the piping. The city had a tremendous investment in the collection system. If they were piping raw sewage from one place to another it created more problems. There was a limit on how regional they could be.

December 15, 1998

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Alderman Young asked if a committee had been formed and if they met to discuss a regional solution.

Alderman Pettus suggested having Mayor Hanna head the committee.

Alderman Williams added it was Fayetteville's problem along with the surrounding areas. He thought the County Judge should also be very involved in the discussions.

Alderman Young did not believe the land would be going anywhere and he did not believe they should spend the money on the options.

Alderman Schaper stated if the council did not want to purchase the land outright, then they needed to take the option to prevent the land from being sold to someone else.

Alderman Daniel stated she was committed to exploring other avenues, however, she thought they should agree to the options to give the city something to fall back on.

Alderman Trumbo stated if they decided not to purchase the land or the options, then they needed to consider a moratorium on rezoning.

In response to comments, Mr. Venable, Public Works Director, stated the city did have some capacity left. The rezoning did not affect the capacity. He added they had planned to make a presentation at the first meeting in January on the sewer system. He noted the city was nearing capacity. The city's consultant had completed their work. He thought the city would need to move fast if they were going to do anything. They were not ready to declare a moratorium.

In response to questions from Alderman Williams, Mr. Venable stated Tract 5 was the site chosen for the sewer plant. Tract 3 was the property which was contiguous to the city limits. The land was relatively flat.

Alderman Williams asked if the city could condemn land outside the city limits then bring it within the city limits to construct the sewer plant.

Mayor Hanna replied they would not be able to condemn the land and bring it within the city limits.

Ms. McCarty stated there had to be a valid public purpose for the condemnation. She added if the statute stated that a waste water treatment plant was not a valid reason then they did not have the authority to condemn the land.

Alderman Williams suggested only taking the options on certain parcels of land, which would save

December 15, 1998

Page 5

the city some of the option money.

Alderman Schaper stated they had always talked about a minimum of two hundred acres and being a good neighbor by providing a large buffer.

Mr. Miller Goff asked if they were to purchase the McClelland land only they would not have access to the lowest point for the drainage from the sewer plant to the final discharge point. He asked if the city would have the right to condemn a route for the discharge line.

Alderman Williams thought the city would have the right to condemn the land because it was the only feasible way to get to the discharge point. He thought the feasibility requirement of the statute would be made.

In response to questions from Mr. Goff, Alderman Schaper stated they needed to separate the plant from the discharge point. The technical feasibility would determine where the discharge point had to be. The discharge point that the state would allow was downstream in any case.

Mr. Goff disagreed. He asked if the law would not allow them to construct the sewer plant, why would it allow them to construct the outfall lines.

Alderman Pettus added they were not allowed to construct the lines to the sewer plant either.

Mr. Goff asked if they were to construct the sewer plant without having provisions for the discharge lines, then they would have to discharge at the site.

Alderman Pettus stated she was not willing to construct the plant, then say it was unfeasible for them to construct the lines, so they could condemn the lines. She added the law had never been challenged. She added the statute was designed to stop Fayetteville from building the plant outside the city limits where they want to construct the plant.

In response to questions from aldermen in regards to purchasing only part of the property, Mr. Venable stated the primary purpose was to purchase enough land to provide screening.

Mr. Goff stated they had never had the authority to have an outfall line to the two creeks. He did not believe this was a usable site, because they did not have the authority to construct the line between the two points.

Alderman Pettus stated the court of law would determine if something was technically feasible, because someone would sue.

Alderman Williams thought the proposed site was a ligament site and that it was required by law

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to pipe the affluent to the location that allowed them by permit to put it in. Therefore, it was the only feasible way to do it. If it was the only feasible thing to do then they had the power to condemn the property to put the pipes in.

Alderman Pettus disagreed with Alderman Williams. She added they needed to get rid of the law.

Mr. Goff stated no action had been taken for a regional solution. He stated someone needed to be officially designated to the committee.

Mr. Charles Seifert, an area resident, stated this issue should be placed in a committee. He added the city needed common sense.

Mr. Jeff Erf, an area resident, asked how much the bond issue would be for and if water bills or sales tax would go up.

Alderman Schaper stated the current citizens in Fayetteville should not be burdened with the cost of added capacity to accommodate future residents. He thought there should be an increase in the sewer tap fees, which would be for the expansion. The upgrading of the existing system should be borne by increasing the existing base because everyone would benefit.

In response to questions from Mr. Erf, Alderman Schaper explained the study did talk about various ways in which the plant might be paid for.

Mr. Bill Jowers, 452 North 46th Street, requested that the city not move so fast with this, because it would affect other people such as Oklahoma. There were people willing to participate in committees. He expressed concern about multiple plants because of the added cost of personnel. He noted the cost would be reduced if more cities were involved. He expressed concern about rushing into a purchase. He noted the proposed site had a 30" gas line through the property.

Mayor Hanna called for the vote on the purchase of the land. The motion failed by a vote of 2-6-0. Aldermen Young, Russell, Trumbo, Pettus, Williams, and Daniel voting nay.

Alderman Schaper moved to go forward with the six month option with the subsequent option which included the purchase of the house, with a total cost of \$210,210. If needed an additional \$60,140 for an additional six months. Alderman Daniel seconded the motion.

In response to questions, Mr. Ed Connell, City Land Agent, stated the property owners were expecting an answer tonight. If they did not accept the option, then they would start the process over. He reminded the council that the city had approached these property owners to sell their land. Their property had not been for sale.

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Alderman Williams stated he was not in favor of spending the money at this time for the options. He added he did not believe this was the right location for the new plant.

Alderman Pettus stated she was not in favor of the option.

Alderman Schaper stated this option was an insurance policy which gave the city a place to go, if the regional solution did not come together.

Alderman Pettus stated if we were to buy the option, then the council needed to push the mayor to work on a regional solution.

Mayor Hanna stated there was a meeting on Friday with all the mayors and the new county judge. He added if the option did go the full twelve months, then it would cost the city \$150,000 and one piece of property. The city had spent over \$600,000 on a feasibility study and this was the only location that was open to the city at the present time. He added the purchase price was too high, but they had done the best they could to negotiate.

Alderman Daniels stated they were trying to be good neighbors.

Alderman Reynolds stated they were not just talking about Fayetteville, they had a number of smaller towns which would also have to shut down their growth, if something was not done.

In response to questions from Alderman Young, Ms. McCarty explained in order to condemn land there would have to be a statute which authorized it or it had to be a valid public purpose. She added there was a specific statute which stated the city could not go outside their city limits to condemn for a sewer treatment plant.

Alderman Pettus added there were specific requirements the city had proven in order to prove it was not feasible to locate the plant within the city limits. She noted within the statue there was no authority to approve the feasibility, so the only way to challenge it would be a law suite.

Mayor Hanna called for the vote on the purchase of the options. Upon roll call the motion carried by a vote of 6-2-0. Alderman Pettus and Williams voting nay.

OFF-STREET PARKING LOT DESIGN

Mayor Hanna introduced an ordinance revising the UDO, Off-Street Parking Lot Design requirements, in reference to landscaping. The ordinance was tabled on the third reading.

Ms. Kim Hesse, Landscape Administrator, stated the Tree and Landscape Committee had reviewed the proposed changes and thought the ordinance would be more clear.

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Alderman Daniel moved to approve the amendment to the ordinance. Alderman Williams seconded the motion. Upon roll call the motion carried unanimously.

OVERLAY DISTRICT

Mayor Hanna introduced an ordinance revision the Overlay District provision of the zoning ordinance to eliminate sections contained within the Commercial Design Standards. The ordinance was left on the second reading as amended.

Alderman Williams moved to suspend the rules and go to the third and final reading. Alderman Young seconded the motion. Upon roll call the motion carried unanimously.

Ms. McCarty read the ordinance.

Alderman Williams stated the proposed revisions were to harmonize the Overlay District with the more recent Development Ordinance so the two would work better together.

There was no public comment.

Mayor Hanna called for the vote. Upon roll call the motion carried unanimously.

EMINENT DOMAIN

Mayor Hanna introduced an ordinance authorizing the City Attorney to seek possession of property owned by Jill R. Jacoway located at the southeast corner of Old Missouri Road and Zion road by the power of eminent domain, in association with the required right-of-way and easements for the old Missouri/Zion road intersection Improvement. The ordinance was left on the second reading.

Alderman Daniel moved to suspend the rules. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

In response to questions from Alderman Williams, Mr. Venable stated they had notified Ms. Jacoway of the meeting and the previous meetings. They had not received any responses from Ms. Jacoway.

Mr. Charles Seifert, an area resident, presented a list of concerns and questions to Alderman Pettus to read.

Alderman Pettus read Mr. Siefert's letter which questioned who had appraised and what would Ms. Jacoway receive for her property.

Mr. Ed Connell, Land Agent, stated Below and Associates had appraised the property and the

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price was approximate \$3,700.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously.

1999 BUDGET

Mayor Hanna introduced a resolution adopting the 1999 City of Fayetteville Annual Budget and Work Program. He stated there had been a proposed to amend the resolution include the funds for the University Transit, the Down Town Parking Enhancement District and the Community Access Television.

Alderman Williams moved to approve the amendment. Alderman Young seconded the motion. Upon roll call the motion carried unanimously.

Alderman Trumbo stated the University was very applicative of the \$20,000 to help provide transport to the citizens.

Mayor Hanna stated the Red Route carried over 40,000 passengers to the mall last year.

Alderman Schaper noted there was still \$300,000 for Steel Property street improvements which was for putting in Steel Boulevard this year. He added there was no development along this corridor presently. He suggested deleting the money from this year budget until the road was needed.

Alderman Pettus asked how many times the city had been criticized for building infrastructure and then catching up with that infrastructure. She thought this was one time they could get ahead.

Alderman William stated the Street Committee had approved this. He added there would be other roads servicing this development. He thought it would enhance the shopping center to keep it attractive and the regional shopping center. In response to comments from Alderman Schaper he added the boulevard was designed to be a primary artery to the west and intersect with Johnson Road.

Alderman Schaper moved to delete the money from the budget for the Steel Boulevard and add the money to other street projects. Alderman Russell seconded the motion.

Alderman Russell stated he understood the theory of subsidizing businesses because it was an investment for the city. He questioned if the city had a policy on which business they gave the money to. He thought if they were going to subsidize business they should be giving incentives to people willing to locate downtown and along Dickson Street rather than near the mall.

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Alderman Williams replied the city was spending 2.2 million dollars for Dickson Street improvements, 7 million dollars for the Town Center on the Square. He disagreed with Alderman Russell about it being a subsidy for those business. He added this was an asset for Fayetteville and not for the development. It was something the city needed. The developer was providing all the land with no cost to the city for the very wide boulevard that the city requested.

Alderman Russell replied there needed to be a more defined policy on when the city would pay for infrastructure within commercial development. He noted the Planning Commission minutes state that the developer was willing to pay for what ever was necessary to provide for traffic flow and access from and to the property. He noted that we had to trust the developers traffic engineer that what they were paying for was what was necessary to provide for traffic flow for their development.

Alderman Trumbo added it was currently difficult to get in and out of the mall and this four lane would make it convenient for people to use the back side of the mall rather than having them use Highway 71.

Alderman Schaper stated Subdivision developer were required to install 28' wide streets and they were arguing this developer was required to construct the same street that a small developer would be required.

Alderman Trumbo explained the property tax for the mall went to Springdale and the sales taxes went to Fayetteville. He added they needed to encourage people to shop at the mall.

Alderman Young suggested using the money to install streets in the High Tech Industrial Park.

Alderman William noted they were doing both.

Mayor Hanna called for the vote. Upon roll call the motion carried by a vote of 3-5-0. Alderman Trumbo, Pettus, Reynolds, Williams, and Daniel voting nay.

Alderman Trumbo noted they were not able to fund some of the request for additional Police and Fire. He complement both groups for the outstanding job they were doing.

Alderman Williams noted over the past six years both Fire and Police budgets had gone over 50%.

Alderman Daniel complement the Police and Fire and how nice the City Staff was.

Mr. Jeff Erf, an area resident, asked if money had been allocated to the trolley. He asked if the city had always funded the trolley.

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Mr. Crosson replied the city had allocated \$30,000 to the trolley. In the past the majority of the money had come from the A&P.

Mr. Erf questioned the contract with the Chamber for the Economical development. He expressed concern about the Chamber looking after the city. He noted the Chamber did not adopt the marketing plan for Drake Field. He asked them to reconsider their funding.

In response to questions, Mr. Steve Green, Chamber of Commerce, stated they had development the marketing plan for Drake Field, and they had endeavored to support Drake field and the marketing of the field.

Mr. Erf expressed concern about the Police Department budget and noted the crime rate had been going up the last five years. He thought they needed more policemen on the force. He suggested the Police Department stop helping citizens unlock cars to save money.

Alderman Williams thought it was a good outreach program to show the Police as helpers. He did not believe policemen would leave an emergency situation to unlock a car. He added he had seen them unlock cars and it took only a few seconds.

Alderman Pettus stated some people could not afford a lock smith and it only took a few seconds to unlock a car.

Randy Zurcher, an area resident, expressed concern about the city spending money on Steel Boulevard. He thought the money should be used to fund non-profit organizations or individual that would be community projects.

Alderman Pettus moved to approve the budget. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

RZ98-19

Mayor Hanna introduced an ordinance approving rezoning request submitted by Tom Terminella for property located north of Township East extension. The request is to rezone 45.87 acres from A-1, Agricultural, to R-1, Low Density Residential. The ordinance was left on second reading.

**Alderman Pettus moved to suspend the rules and go to the third and final reading.
Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously.**

Ms. McCarty read the ordinance.

Alderman Williams noted the developer was only planning to develop 61 lots for the 45 acres.

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He questioned why he was requesting R-1 and not some other zoning.

Mr. Dave Jorgensen, Jorgensen and Associates, replied they had some lots which were under an acre. He stated they had only planned 60 lots.

Alderman Williams reminded the city was four to five years away from increasing capacity in the sewer plant. He thought they would have to be careful on all future rezonings.

Mayor Hanna stated the developer had offered to only construct sixty lots, however, any bill of assurance would have to be offered during the large scale development.

Ms. Little added the developer could offer a bill of assurance at the rezoning level. The planning commission then would affect compliance with the bill of assurance.

In response from questions from the Mayor, Mr. Jorgensen explained the lay of the land required that some of the lots be less than a half an acre. The majority of the lots were larger.

In response to questions, Ms. Little explained the Planning Commission had made a statement regarding the Large Scale Development, 216 units proposed for Cliffs Development with a caveat to the developer that there may not be sufficient sewer capacity and it was the developers risk. The Planning Commission had made it very clear they were concerned about the sewer capacity and that they did not have any information stating they needed to deny the project. They had discussed the possibility of a moratorium, which could be no additional rezoning or additional development or building permits.

Alderman Reynolds stated the project had gone through the property procedures and it was only fair for them to continue. If they were going to impose a moratorium they need to start at the beginning of the process.

Alderman Young expressed concern about voting for this rezoning without a report from the consultants.

Alderman Williams noted this development was near the existing sewer treatment plant and this was like an infill project because there was a lot of the city surrounding it.

Alderman Russell questioned the meaning of the statement that the developer would bear the risk.

Ms. Little replied Planning Commission felt that in the absence of instructions from the council that they should continue business as usual. They had not received instructions from council that there needed to be a moratorium or a slow down in development.

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In response to comments, Mr. Jorgensen stated this would be a show piece property. They were developing only 60 lots on 45 acres. It fit very well with the surrounding property.

Mr. Dan Coody, an area resident, expressed concern about the proposed moratorium and how it would affect existing developments.

Alderman Williams stated it would depend of the type of moratorium. He stated he would be in favor of a rezoning moratorium, before a massive investment was made by the developer.

Alderman Schaper explained there were three levels of the a moratorium. Rezoning, Large Scale or subdivisions and the most drastic would be the building permit.

Mr. Venable stated they did not anticipate a moratorium at the tap it would be at the more than likely be at the subdivision or Large Scale Development.

Mayor Hanna stated a moratorium was a good reason why more people needed to get involved because it would affect the whole city.

Mr. Coody volunteered to serve on the committee.

Mayor Hanna called for the vote. Upon roll call the motion carried by a vote of 6-2-0. Alderman Young and Russell voting nay.

RZ 98-20.00

Mayor Hanna introduced an ordinance approving rezoning request submitted by Sharman Sturchio and Rich King for property located at 716 West Sycamore Street. The property is zoned I-1, Heavy Commercial, Light Industrial, and contains approximately 6.36 acres. The request is to change the zoning to C-2, Thoroughfare Commercial. The request was denied by the Planning Commission and appealed to the City Council December 1, 1998.

Ms. McCarty read the ordinance for the first time.

Alderman Reynolds stated he would be abstaining since he voted on the rezoning at the Planning Commission level.

Alderman Pettus stated she would also be abstaining.

Alderman Williams stated he would be voting against the rezoning because he believed Fayetteville had a good entertainment district. He thought it helped the city to have dancing located within certain areas and not to have it spread throughout the town. There had also been

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some complaints from neighbors about potential light night hours.

Mayor Hanna stated they had withdrawn their request for dancing. It was only a request for a private club.

Alderman Schaper questioned what they wanted to do with the property.

Ms. Little explained the applicant could have a private club with I-1 zoning.

Mr. Charman Sturchio explained they had a person willing to lease the property with the condition that the property be rezoned from I-1 to C-2 so Mr. Clark could request a conditional use for dancing in the future. He added the C-2 zoning was allowed in a mixed use area. He added the former tenant had beer and wine sales.

In response to questions from Mr. Schaper, Mr. ?? Stated the previous renters were open to 10:00 p.m. The proposed club would be open until 2:00 a.m. on the weekends.

Alderman Russell clarified there was nothing that would prevent them from having a club there now with the current zoning.

Ms. Little added the C-2 zoning would allow them to have the Liquor by the Drink. In response from questions from Alderman Schaper, she explained a private club was not allowed in C-1. Dancing was not allowed in C-1. Restaurants serving liquor were allowed in C-1. Bars were not allowed in C-1, it would require C-2.

Alderman Schaper stated he had a number of complaints about the other clubs near this location. He would not encourage this type of activity in this neighborhood.

Mr. Sharman Sturchio replied a band had been using the building and they had not had any complaints. It was a very well insulated building. Mr. Clark was planning a much smaller use. He added the Planning Staff had recommended approval of the rezoning.

Alderman Schaper reminded rezoning was supposed to be for the good of the city and not the convenience of a property owner. He cautioned about spot zoning.

Alderman Young stated the zoning of the property needed to reflect the use of the property and the general land use plan, which recommended mixed uses.

Alderman Schaper moved to suspend the rules and go to the second reading. Alderman Trumbo seconded the motion. Upon roll call the motion carried by a vote of 5-1-2, Alderman Williams voting nay, Alderman Pettus and Reynolds abstaining.

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Alderman Schaper moved to go to the third and final reading. The motion died for lack of a second.

NEW BUSINESS

DICKSON STREET ENHANCEMENT

Mayor Hanna introduced a resolution authorizing the Mayor and City Clerk to enter into an agreement with the Benham Group for planning and engineering services relative to the Dickson Street Enhancement Project. The amount of the contract is \$346,748.04 and approval of a budget adjustment.

Alderman Pettus and Reynolds stated they would be abstaining because they stood to gain from the enhancement.

Mr. Venable stated the some of the fund came from the Federal Aid Highway Act which had been past this year. One million and a half had been set up for this improvement. This was 80% of the cost. The other 20% would come from local money. Mr. Carl Collier stated the Dickson Street Improvement District would also be contributing approximately \$300,000. The project was for the enhancement of the Dickson Street area. This contract would be for the engineering. The city would be reimbursed up to the amount of Federal Aid. How ever it would take six years to get the money. This contract was strictly city money.

Alderman Schaper added there was a lot of engineering involved because of all the utilities and construction required. He thought they were on their way to a very healthy downtown because of this and the private development which was being invested in the area.

Alderman Schaper moved to approve the resolution. Alderman Daniel seconded the motion.

Mr. Dan Coody asked if this project would actually get off the ground.

Alderman Williams reassured Mr. Coody this project would get off the ground.

Mayor Hanna called for the vote. Upon roll call the motion carried by a vote of 6-0-2. Alderman Pettus and Reynolds abstaining.

COMMUNITY ACCESS TELEVISION

Mayor Hanna introduced a resolution approving a contract with the Community Access Television for public television services.

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Alderman Young moved to approve the resolution. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously.

CHILD CARE FACILITY.

Mayor Hanna introduced a resolution approving the extension of water and sewer service to a tract of land in the Fayetteville South Industrial park at a cost not to exceed \$20,000, as requested by the Chamber of Commerce for a child care facility.

Alderman Williams asked if the land was owned by the city or the Chamber of Commerce.

Mr. Jim Crider, Fayetteville Chamber of Commerce, stated the land was owned by the Fayetteville Development Foundation Inc. He explained the group had been dissolved to only a handful of banks and utility companies.

Mayor Hanna explained the Fayetteville Development Foundation was founded to borrow the money to put in the original industrial park. Two to three banks agreed to loan the money. They would be paid back the proceeds of the lots. When he came into office, they had asked the city to pay off the notes. The city declined and only bought part of the lots.

Mr. Crider added originally there had been 160 acres, the city had purchased approximately 120 acres. He had been able to sell all but 13.8 acres. The purchase money would go towards retiring the debt on the bonds which were originally used to purchase the land.

Alderman Trumbo stated he would have to abstain from this item.

Alderman William stated he had a problem subsidy for a small nonindustrial client. He stated a child care facility was a service which would be in competition with other child care facilities through town. He thought it would be unfair to other child care facilities.

Mr. Crider stated Fayetteville had a low rate of unemployment. One issue facing industry is availability of people and the high rate of turn over. This child care facility would be a means of attracting employees that would be staying at home. The idea was for the industries in the south industrial park would offer a voucher system where they would pay 40-60% of an individual's child care in order get people out to work. He added Fayetteville's child care center's were at capacity and they needed another facility.

Alderman Schaper noted the industries in this area were in competition for worker because the unemployment was so low. Anything which made the city industrial park more attractive would contribute to the health and economy of Fayetteville. They were still creating jobs where they were service or industrial. He noted they had been willing to give Panels by Micky the \$20,000.

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He was inclined to approve the resolution because of the tight employment.

In response from questions, Mr. Crider stated that although Dixie Development would be building facility they would be turning the facility over to Intercare, a professional child care management organization. The price per acre was \$23,000 per acre, which was breaking even.

Alderman Reynolds asked if they could lower the purchase price of the property.

Mr. Crider replied the \$23,000 was the bottom line to get the return payment on the debt of the bonds. They would not be making a profit, it would be for retiring the bonds.

Mr. Jeff Erf stated he was opposed to subsidizing the child care facility. He expressed concern about the children being located around vacant lots and it being in an industrial lots. He thought the day care facility might decrease the value of the surrounding vacant lots.

Alderman Daniel moved to approve the resolution. Alderman Young seconded the motion. Upon roll call the motion carried by a vote of 6-1-1. Alderman Williams voting nay. Alderman Trumbo abstaining.

Meeting adjourned 9:35 p.m.

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA

FAYETTEVILLE CITY COUNCIL MEETING JANUARY 5, 1999

A meeting of the Fayetteville City Council will be held on January 5, 1999 at 6:30 p.m. in the City Administration Building, 113 West Mountain Street, Room 219, Fayetteville, Arkansas.

The following items will be considered:

I. OATHS OF OFFICE

II. NOMINATING REPORT

III. CONSENT AGENDA

- A. **APPROVAL OF MINUTES:** Approval of minutes from December 15, 1998 meeting.
- B. **CONSTRUCTION MATERIALS:** A resolution approving bid awards for construction materials utilized in the Street Fund, In-House Pavement Improvements, In-House Sidewalk Improvements, and other divisions.
- C. **BID 98-95:** A resolution awarding Bid 98-95 for the Library Book Detection System.

IV. OLD BUSINESS

- A. **SEWER CAPACITY REPORT:** A report from staff and Murray Fleming on the City's current sewer capacity.
- B. **RZ 98-20.00:** An ordinance approving rezoning request submitted by Sharman Sturchio and Rick King for property located at 716 West Sycamore Street. The request is to rezone the property from I-1, Heavy Commercial, Light Industrial, to C-2, Thoroughfare Commercial. This request was denied by the Planning Commission and appealed to City Council 12/1/98. The ordinance was left on the second reading at the December 15, 1998 meeting.

V. NEW BUSINESS

- A. POLICE POLICIES:** A resolution approving the Fayetteville Police Department Policies, Procedures and Rules as required by Arkansas Code Annotated 14-51-302.
- B. ALCOHOLIC BEVERAGES:** An ordinance amending Chapter 111: Alcoholic Beverages, Section 111.06, Prohibited Activities/warring notice, of the Code of Fayetteville, to prohibit the sale of beer or light wine at retail full service grocery stores and convenience grocery stores.
- C. RZ 98-21:** An ordinance rezoning request RZ 98-21 for property located at 3061 Valerie Drive. The property is zoned A-1, Agricultural and contains approximately 2.83 acres. The request is to change the zoning to R-1, Low Density Residential.

Only items presented by the City Council or City Staff may be discussed during the meeting. If you have an item you wish to discuss, please contact your have it presented at the next City Council Agenda Session. For further assistance, alderman to please contact Heather Woodruff, City Clerk, at 575-8323.

FAYETTEVILLE

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TENTATIVE AGENDA
FOR THE FAYETTEVILLE CITY COUNCIL MEETING
FEBRUARY 16, 1999

* **STATE OF THE CITY ADDRESS**

I. CONSENT AGENDA

- A. APPROVAL OF THE MINUTES:** Approval of the minutes from the February 2, 1999 meeting.
- B. WATER AND SEWER REFUNDING BONDS:** A resolution approving a letter agreement with Kutak Rock to perform bond counsel services in connection with the proposed issuance of water and sewer refunding bonds. The cost is not-to-exceed \$35,000, plus out-of-pocket expenses to be paid from bond proceeds. Additionally, to authorize the Budget Coordinator to execute any budget adjustments necessary to implement this refunding.
- C. ULTRAVIOLET DISINFECTION SYSTEM:** Approval of a resolution awarding bid number 99-18 to the selected bidder, who will be determined after the bid opening on February 5, 1999, for the ultraviolet disinfection system for the Paul R. Noland wastewater treatment facility.
- D. ROLL FORWARD LIST OF 1998 FUNDS:** The City Council is requested to approve a budget adjustment which will allow for the rollforward of all projects or items in progress which were appropriated in the 1998 Budget. The items which are approved will become part of the 1999 Budget.
- E. JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT:** Approve grant application for Juvenile Accountability Incentive Block Grant and the attached budget adjustment. Add one officer and the required operational expenses to the 1999 Budget.
- F. ARKANSAS AVIATION TECHNOLOGIES GRANT AGREEMENT:** Acceptance of a pass-through grant from the Arkansas Department of Economic Development to the Northwest Arkansas Aviation Technologies Center for the purpose of establishing an Aviation Maintenance Technology Program (A&P) at Drake Field; approval of an agreement with Northwest Arkansas Aviation Technologies Center; and approval of a budget adjustment recognizing the grant and related expenditure.

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II. NEW BUSINESS

- A. VA9811-VACATION:** To approve ordinance VA98-11 vacation submitted by Dave Jorgensen of Jorgensen and Associates on behalf of J.B. Hayes for property located at the north end of Emerald Avenue. The property is zoned R-O, Residential Office. The request is to vacate a 100 square feet right of way at the north end of the property.
- B. MASTER STREET PLAN:** To approve a resolution amending the Master Street Plan as recommended by the Planning Commission and Street Committee.
- C. CABLE FRANCHISE FEE:** A resolution to include the franchise fee as part of the gross revenues of the cable operator.

FAYETTEVILLE HOUSING AUTHORITY

#1 NORTH SCHOOL AVE.
FAYETTEVILLE, AR. 72701-5928
PH: (501) 521-3850 FAX (501) 442-6771

Nominating Report

I.1

cc. 1/5/99

December 21, 1998

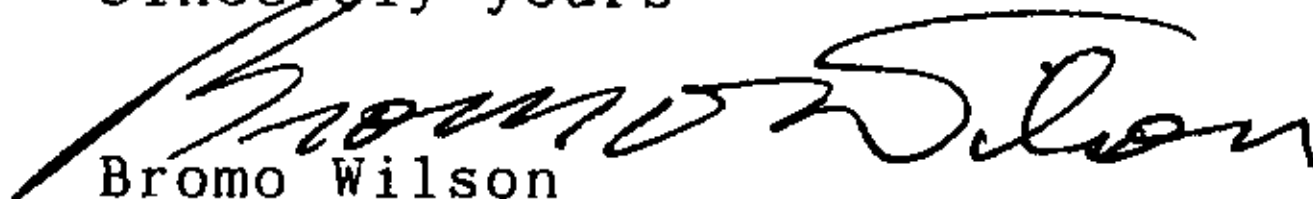
Honorable Mayor Fred Hanna
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Dear Mayor Hanna,

The Fayetteville Housing Authority Board of Commissioners met in monthly meeting December 16, 1998, and re-elected Clarence Fries to the board. His five year term will run to December 28, 2003.

We would appreciate the City Board's confirmation of this election at their next regular board meeting.

Sincerely yours


Bromo Wilson
Executive Director

RECEIVED

DEC 22 1998

**CITY OF FAYETTEVILLE
MAYOR'S OFFICE**

FILED IN MY OFFICE THIS

24 DAY OF November 1998
Glenn H. Wooten City Clerk

11/24/98

Clark Davis
347 N. Willow Ave.
Fayetteville, AR 72701
(501) 521 2645

RE: Rezoning Request
Sycamore Pub

To the Fayetteville City Council:

I would like to appeal the City Planning Commission's decision on 11/23/98 to deny a rezoning request at 716 W. Sycamore Street. The request was for rezoning from I-1 (industrial) to C-2 (Commercial). I feel that the planning boards perception that the rezoning would change the character of the street is in error. Currently all but one business on the north side of Sycamore are commercial businesses. The street is a four-lane artery and not just a residential street. Also the objections raised by the current occupant and the manager of the Law Quad Apartments across the street should not have been taken into consideration. The current occupant (La Familia) is being evicted no matter what happens due to lack of rent payment, and I have a signed petition by the manager of the Law Quad's wife when I surveyed the neighbors saying there is no problem with the location of a private club to be located at 716 W. Sycamore. The rezoning request is needed to allow for the location of the Sycamore Pub, a private club, at this address with the future plan of applying for a dancehall conditional use permit. A survey of the neighborhood has shown no significant opposition to the location of this business. I feel that it would be a good idea if the city council council could plan to tour the sight during their agenda setting meeting to get a better feel of the area. Currently there is a neighbor (Soap and Suds) that has a pool hall serving beer and on the back side of the block are 2 other clubs, one being a private club with dancing.

Thank you for your consideration,

Clark Davis



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone:

PLANNING DIVISION CORRESPONDENCE

501-575-8264

TO: Fayetteville Planning Commission Members
THRU: Alett S. Little, City Planner
FROM: Brent Vinson, Associate Planner
DATE: November 23, 1998

RZ 98-20.00: Rezoning (Sturchio/King, pp 366) was submitted by Sharman Sturchio and Rich King for property located at 716 West Sycamore Street. The property is zoned I-1, Heavy Commercial, Light Industrial, and contains approximately 6.36 acres. The request is to change the zoning to C-2, Thoroughfare Commercial.

RECOMMENDED MOTION:

Staff recommends approval of the requested rezoning from I-1 to C-2.

PLANNING COMMISSION ACTION: YES Required
_____Approved _____Denied

Date: November 23, 1998

Comments:

CITY COUNCIL ACTION: YES Required
_____Approved _____Denied

Date: / /

BACKGROUND :

The site is currently occupied by Tramps hair salon and La Familia Mexican Restaurant. The restaurant has a beer permit and the building owner is terminating their lease. A third suite in the building is currently unoccupied.

The property is located next to existing commercial businesses. To the east is Soap and Suds, which also serves beer and food. Further east is a warehouse that is mostly unoccupied and for sale. To the west there is a self-storage business and the Chateau apartment complex. To the south across Sycamore Street is the Law Quad apartment complex. Other apartment complexes and duplexes exist along the street. The back of the property is covered with tall grass, shrubs, and some large trees. A drainage ditch exists immediately to the east where Chestnut Avenue is proposed to cut through to Sycamore in the future. The area is designated as a mixed use area on the 2020 Future Land Use Plan.

The applicant wishes to rezone the property to allow a conditional use to be obtained for a dance hall.

Sycamore Street is a four-lane collector street. Additional traffic from the proposed business would be minimal.

PURPOSE OF I-2 ZONING**I-2 General Industrial.**

(A) *Purposes.* The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environmental nuisances, which are objectionable to residential and business use.

ADJACENT LAND USE AND ZONING

North:	Undeveloped, I-1
South:	The Law Quad Apartment Complex
East:	Soap and Suds Laundry and Gameroom
West:	A-plus Self Storage

INFRASTRUCTURE:

- Streets:** Sycamore Street is a four-lane collector street and the proposed Chestnut Avenue is a local street.
- Water:** There is a 6" water main along the east side of the property. A fire hydrant exists to the east at Soap and Suds.
- Sewer:** There is a 14" sewer force main along the south side of the property and an 8" sewerline along the east side.

LAND USE PLAN:

General Plan 2020 shows this area as Mixed Use.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.
Finding: The rezoning proposed is consistent with the land use planning objectives, principles, and policies of the land use and zoning plans.
2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.
Finding: The zoning is justified and needed at this time because the owners have not been able to find a reliable tenant to lease vacant space with the present zoning restrictions.
3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.
Finding: The proposed zoning would not create or appreciably increase traffic danger and congestion.

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

Finding: The proposed zoning would not alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

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

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

Finding: N/A

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 501-575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Clark Davis

FROM: Brent Vinson, Associate Planner

DATE: November 30, 1998

SUBJECT: RZ 98.00-20.00

Dear Clark,

Here is the information you requested.

1. Regarding the allowable use of private club on an I-1 zoned property:

During the November 23, 1998 Planning Commission meeting, much discussion was given to the subject of a drinking establishment on a property zoned I-1. After thorough research, staff has found that under district I-1, Heavy Commercial and Light Industrial, the permitted use of "private club or lodge" is allowable under Unit 4- Cultural and Recreational Facilities (See attached documents). Staff has found that a private club is allowable on an I-1 zoned property as a permitted use without the consent of the Planning Commission.

2. Regarding the rezoning of property owned by Rich King and Sharman Sturchio at 716 West Sycamore Street from I-1 (Heavy Commercial and Light Industrial) to C-2 (Thoroughfare Commercial):

Rezoning was not recommended by the Planning Commission at their meeting held November 23, 1998. The rezoning from I-1 to C-2 was originally recommended by staff. It was found that the rezoning proposed was consistent with the land use planning objectives, principles, and policies of the land use and zoning plans. The Land Use Plan designates the area as mixed use.

Planning Commission Meeting Minutes
November 23, 1998
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RZ98-20: REZONING
STURCHIO/KING, PP 366

This rezoning request was submitted by Sharman Sturchio and Rich King for property located at 716 West Sycamore Street. The property is zoned I-1, Heavy Commercial, Light Industrial, and contains approximately 6.36 acres. The request is to change the zoning to C-2, Thoroughfare Commercial.

Sharman Sturchio and Rich King were present on behalf of this request.

Conditions of Approval

None.

Staff recommended approval of the request.

Applicant Presentation

King: We have requested C-2 because we have a signed lease for a pub at this location and we will back at the next meeting for conditional use approval.

Public Comment

Patty Unseld who is employed by LaFamilia Restaurant which is located at 716 W. Sycamore spoke in opposition on the proposed use which might be allowed subsequent to the rezoning.

Odom: Tonight we are only considering the rezoning request. We will not be considering the use of the building.

Jay Scurlock who is the manager of the Law Quad apartments spoke in opposition on the proposed rezoning on the grounds of traffic, parking, and noise.

Committee Discussion

King: With the zoning that we have at this time, a tavern can go in there which may be what is going to happen due to the fact that we are not collecting on the rented space. The only thing that the rezoning would allow would be dancing within a tavern as a conditional use.

Tucker: If we are asked to change the zoning does that imply per staff recommendation that we have enough land zoned I-1 and the need for more C-2?

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Little: No.. That is not what our recommendation implies. Our recommendation follows the uses that are already in place on that site. We were requested by the applicant to consider the change from I-1 to C-2. In looking at the types of uses that are there like the hair salon and the restaurant, both of those are actually more appropriate for a C-2 than they are for I-1. I-1 carries with it the potential for other kinds of uses that would be less compatible with the neighborhood so we felt like it was a rezoning and more reflective of what the uses are there.

Odom: Is this consistent with the General Land Use Plan?

Little: The General Land Use Plan calls for this to be a mixed use area. We recognize that it is an area of transition. Looking at the maps in your packet, there is R-2 to the west, and I-1 right against R-2. Given a perfect world, your staff would not recommend I-1 next to R-2. I think mixed use probably is the correct designation.

Tucker: Do we have enough I-1 in the City?

Little: We have enough land zoned in every category. We have vacant land in every category.

Reynolds: This is going to cause a chain reaction on that street. The neighbors to the east will come in next for C-2.

Little: The neighbors to the east are the Soap and Suds. I-1 is heavy commercial and light industrial. C-2 is Thoroughfare Commercial. If the neighbors to the east ask for C-2, I would be inclined to recommend that. The Soap and Suds is not a bar but it is a laundry mat that serves beer and that's not an appropriate I-1 use. It just happened to develop that way. This is one of those areas that isn't quite right. I would have to say C-2 would be the more appropriate zoning classification.

Hoover: Did you consider C-1? Or do you have a reason why you don't think it should be C-1?

Little: We did consider C-1. The uses that are there now would fit. That was not the request of the applicant.

Hoover: You responded to his request.

Little: We basically responded to their request. Their initial request was for the rezoning and for a conditional use for a dance hall. A C-1 would not accommodate that and it does sound that they are rethinking the conditional use for the dance hall.

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Tucker: Would you care to comment on whether you feel it is more appropriate for this area to be C-1 versus C-2?

Little: C-1 is Neighborhood Commercial and by that it is meant to serve the residents surrounding it. And since this is primarily a residential neighborhood to the west, C-1 in that area would not be inappropriate. Both a restaurant and a hair salon are permitted in C-1 and I believe that a laundry is too.

Tucker: What I am most sensitive to rather than what the applicant has requested is the appropriateness of the zoning and the affect on the surrounding neighbors and the City.

Hoffman: Does the laundry need C-2 to sell liquor?

Little: I believe that is correct.

Hoffman: So the laundry anyway would need a C-2 zoning. I want to say that I find the mixed use refreshing and I think it's a good idea.

MOTION

Ms. Hoffman made a motion to approve the rezoning.

Mr. Odom seconded the motion.

Further Discussion

Forney: I've been sitting here trying to compare the use units allowed in each of those two different uses. If we allow C-2, we would provide for hotel, motel, and amusement facilities which is Unit 14, neighborhood shopping which is Unit 15, shopping goods which is Unit 16, commercial recreation large which is Units 19 and 20, and outdoor advertising which is Unit 24, and adult live club or bar which is Unit 33. This would fall under eating places. Is that correct?

Little: No. It does not fall under eating places.

Forney: The statement was that this would be allowed in any case in this existing I-1 zone.

Odom: Does it have any adult entertainment or bars in I-1 currently?

Little: Bars fall under Use Unit 14. Actually, it is classified as a nightclub or tavern.

Forney: Use Unit 14 is not allowed in I-1. A pub or tavern would not be allowed in I-1.

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The statement was made earlier that it would be allowed in any case.

Reynolds: The zoning right now does not allow for a bar.

Little: That is right. The applicant has visited several times with Brent and Tim and various scenarios were discussed. They may have been advised that but I am not finding that in the code.

Forney: They can't have a pub in I-1. There is not any C-2 in this neighborhood and if we establish C-2 in this neighborhood, I think we'll see a number of applicants requesting rezoning. I think it is an interesting questions as to whether that would be an improvement or a problem. I wonder about the introduction of outdoor advertising, adult live entertainment clubs or bars, etc. into the neighborhood. I think I will probably vote against this.

Reynolds: I would like to know from the applicant where you got your information that you could have a bar in I-1. Did it come from somebody on the planning staff or have you read the regulations?

Sturchio: I visited with the planning staff. It was verbal and it was my understanding that we could by right have a neighborhood tavern exist in I-1.

King: There are quite a few empty warehouses on that street. 716 Sycamore will probably file bankruptcy and be another empty building. We haven't had many people coming through wanting to rent this place.

Reynolds: You have a restaurant in there now. Why would it be empty?

King: They are very delinquent on rent.

Estes: The discussion of permitted uses under the I-1 zoning, I had not considered. Is a bar or pub permitted in I-1?

Vinson: No, sir.

Estes: So if we grant this rezoning request to C-2 and I think it's reasonable that we can anticipate that property owners to the east will follow. Then we are truly changing the character of the Sycamore Street neighborhood.

Odom: No. There is already a bar there.

Estes: Well, how did that bar get there? That's what I'm having trouble with. I have not

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patronized that business so I don't know what's there. Is it bar? Is it a tap room? Do they serve mixed drinks?

Little: The name of the establishment is Soap and Suds. It is a laundry. They serve beer. I don't know when they were approved.

Reynolds: They have been there for 25 years.

Estes: I don't think Sycamore Street has been cut through there for 25 years.

Reynolds: Len has been in that business for that long anyway.

Little: We can research that for you if you like.

King: There are also two other bars directly behind our property. There's Ron's Club and Bottoms Up. They're within walking distance.

Estes: That's on Poplar, is it not.

King: Right. Which is directly the street behind us.

Reynolds: Are they zoned I-1, too?

Little: Bottoms Up is I-1. I know that they do not have a liquor license.

Hoffman: I'm in support of the rezoning because I don't think the building is big enough to support a big problematic River City type dance halls should that eventually be the outcome. I am aware that C-2 allows various use units within that zoning and I would not be opposed to rezoning the adjoining property should that come forward to us with the proper application and information because I think we do need to breath some life into that street.

Ward: If these properties are all zoned C-1 and they are going to put a pub in there, would they have to come back and get a variance?

Little: If they are zoned C-1 and they are a restaurant, they can have a liquor license. They could not have a tavern in C-1. They could have a tavern in C-2. Use Unit 14 is the night club and tavern use unit. Zone I-1 and C-1 do not allow Use Unit 14. Zone C-2 does allow Use Unit 14.

Hoover: But, if you're a restaurant you can serve alcohol.

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Ward: With the residential structures and offices in the area, it just looks more like C-1, Neighborhood Commercial.

Hoover: C-2 is defined as primarily uses for highway travelers and this is definitely Neighborhood Commercial and that is C-1.

Roll Call

Upon roll call the motion failed by a vote of 3-5-0. Commissioners Estes, Forney, Hoover, Tucker, and Ward voted against the motion.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

To: Mayor Hanna and City Council Members
From: Lt. Tim Helder *TH*
Subject: Proposed Policies
Date: December 29, 1998

Please refer to the following information to avoid unnecessary reading. Instead of supplying you with just the new and changed policies; I provided you with our entire policy book. In order to simplify your task the following policies were approved in July of 1990 and are not in need of change:

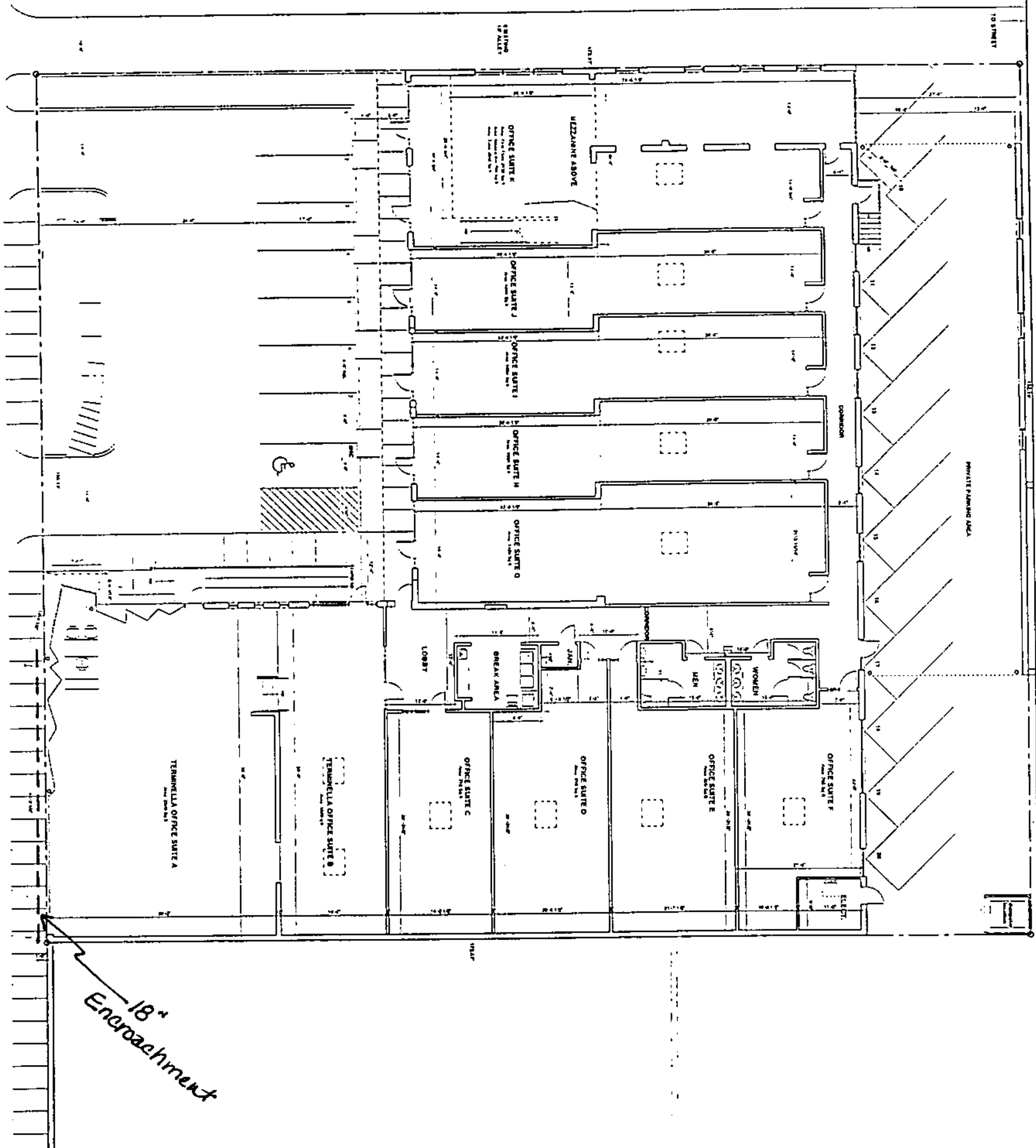
2.1.2	Relationships With Other Agencies
41.2.11	Use of Department Vehicles/Equipment; Authorized Passengers
41.2.13	Seatbelt Usage
41.2.17	Canines
62.1.12	Police Traffic Radar Operation
81.2.13	Bank Alarm Response Policy (Business Hours)

The following policies are new:

1.2.4	Domestic Violence
1.3.4	Non Lethal Defensive Tactics
16.2.3	Temporary Light Duty
26.1.2	Harassment in the Workplace
41.1.4	Bicycle Patrol
41.3.5	Grooming and Uniform Requirements and Specifications
61.4.3	Inventory of Towed Vehicles
72.5.5	Suicide Identification Guidelines

All other policies in this book have been in effect but required some changes.

1 FLOOR PLAN
SCALE: 1/8" = 1'-0"



18"
Encroachment

DATE: 12/1/12 A1	Issue Date: DEC 21, 2012 Project Location: 24 E. MEADOW ST. 24 E. MEADOW ST.	ADAPTIVE REUSE OF: 24 EAST MEADOW STREET 24 EAST MEADOW STREET, FAYETTEVILLE, ARKANSAS 72701	Marlon Blackwell Foster / Witsell Evans & Rasco ASSOCIATED ARCHITECTS P.O. BOX 1402 FAYETTEVILLE, ARKANSAS 72701 PH: 870-442-8001 FAX: 870-442-8002	
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STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of January 5, 1999.

FROM: _____
Alett Little Planning Public Works
Name Division Department

ACTION REQUESTED: To approve rezoning request RZ98-21 for property located at 3061 Valerie Drive. The property is zoned A-1, Agricultural and contains approximately 2.83 acres. The request is to change the zoning to R-1, Low Density Residential.

COST TO CITY:

\$0
Cost of this request Category/Project Budget Category/Project Name
Account Number Funds used to date Program Name
Project Number Remaining balance Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached
Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: _____
Accounting Manager Date ADA Coordinator Date
City Attorney 12-21-98 Internal Auditor Date
Purchasing Officer Date

STAFF RECOMMENDATION: Staff recommended approval and the Planning Commission approved the request with a vote of 5-0-0.

Alett Little 12-21-98 Cross Reference
Division Head Date
Charles Chua 12-21-98
Department Director Date
W. H. Brown 21 DEC 98
Administrative Services Director Date
Paul Brown 12/24/98
Mayor Date
New Item: Yes No
Prev Ord/Res#: _____
Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone:

PLANNING DIVISION CORRESPONDENCE

501-575-8264

TO: Fayetteville Planning Commission Members
THRU: Alett S. Little, City Planner
FROM: Brent Vinson, Associate Planner
DATE: December 14, 1998

RZ 98-21.00: Rezoning (Oates, pp 138) was submitted by Rozan Oates for property located at 3061 Valerie Drive. The property is zoned A-1, Agricultural, and contains approximately 2.83 acres. The request is to change the zoning to R-1, Low Density Residential.

RECOMMENDED MOTION:

Staff recommends approval of the requested rezoning from A-1 to R-1.

PLANNING COMMISSION ACTION: YES Required
_____Approved _____Denied

Date: December 14, 1998

Comments:

CITY COUNCIL ACTION: YES Required
_____Approved _____Denied

Date: / /

BACKGROUND :

The applicant requests rezoning of the property at 3061 Valerie Drive from A-1 to R-1. The applicant desires the change in zoning to meet minimum lot sizes in order to request a lot split and plans to build a house on the lot to be created. The applicant currently owns the property and resides in the house existing on the property. The proposed lot split of this property will be the last split allowable on this property because there have been two prior splits. The current lot size (in excess of two acres) was necessary in order to meet the requirements of the A-1 zone of two acres per single family dwelling unit and because sewer had no been previously available in that area.

The applicant wishes to create a lot west of the existing residence to build a new residence. The new residence would be a single family dwelling and would be consistent with other houses in the neighborhood. The applicant plans to reside in the new residence and sell the existing one. The terrain on the property is extremely hilly and rocky with much shrubby growth. Immature trees make up most of the vegetation. Erosion is evident through the proposed lot. The land slopes to the east and the surrounding lots are single family residential.

ADJACENT LAND USE AND ZONING

North:	Single family residential, zoned A-1
South:	Single family residential, zoned A-1
East:	Single family residential, zoned A-1
West:	Single family residential, zoned R-0

INFRASTRUCTURE:

Streets:	Valerie Drive is considered a local street with a 60' R.O.W. Hillside Terrace, which runs along the west side of the property, is also a local street with a 60' R.O.W.
Water:	There is a 6" AC water main along the north and a 2" PVC water main along the west side of the property. Two fire hydrants exist near the west boundary of the property.
Sewer:	Sewer is available within 200' of the property's northwestern and southwestern corners.

LAND USE PLAN:

General Plan 2020 shows this area as Residential.

§161.04 DISTRICT R-1: LOW DENSITY RESIDENTIAL.

A. Purpose. The Low Density Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

RZ 98.00-21.00 FINDINGS OF THE STAFF

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

Finding: The rezoning proposed is consistent with the land use planning objectives, principles, and policies of the land use and zoning plans.

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

Finding: The zoning is justified and needed at this time to meet the goals of General Plan 2020 for infill development.

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

Finding: The proposed zoning would not create or appreciably increase traffic danger and congestion.

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

Finding: The proposed zoning would slightly alter the population density but would not undesirably increase the load on public services including schools, water, and sewer facilities.

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

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

Finding: It would be impractical to use the land for any of the uses permitted under its existing zoning classification because of the development of the surrounding properties into single family homes.

- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

ROZAN OATES
3061 VALERIE DR.
FAYETTEVILLE, AR 72703

November 20, 1998

City of Fayetteville
Planning Commission
113 W. Mountain
Fayetteville, AR 72701

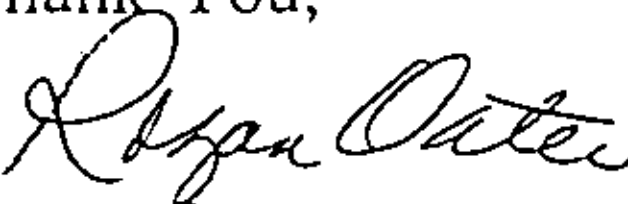
To Whom It May Concern:

I am requesting re-zoning of my property at 3061 Valerie Dr., Fayetteville from A1 to R1. I wish to change the zoning which would enable me to obtain a lot split and build a house on the lot to be created.

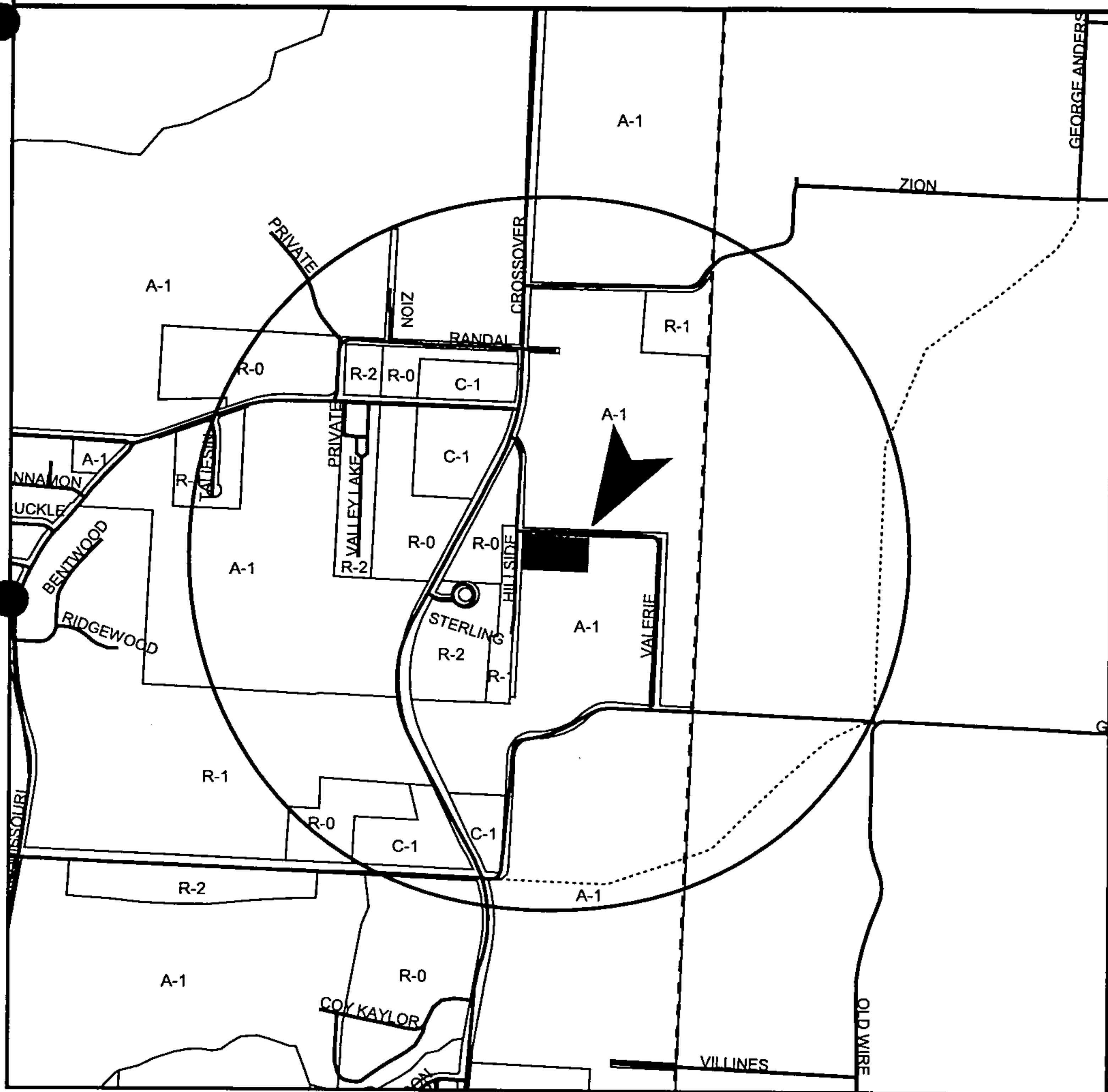
The property is owned by Rozan Oates who currently resides in the house on the said property.

I wish to build a single family dwelling on the lot to be created. There would be no increase in traffic on the adjacent roads. The appearance of the purposed house would be consistent with other houses in the neighborhood. There would be no signs posted on the property.

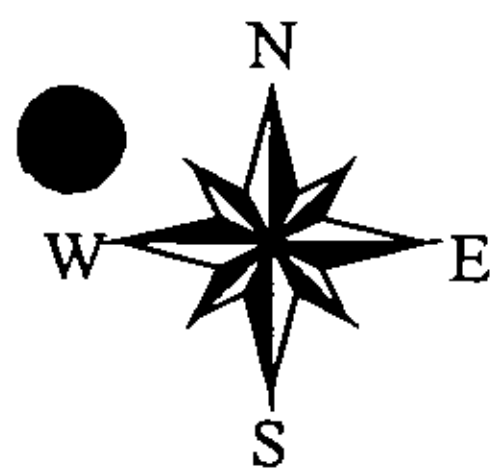
Thank You,


Rozan Oates

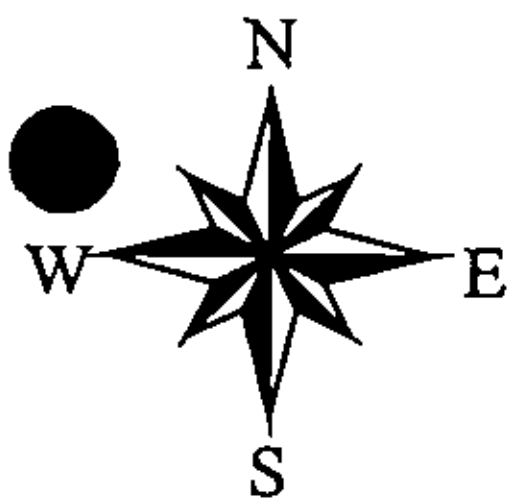
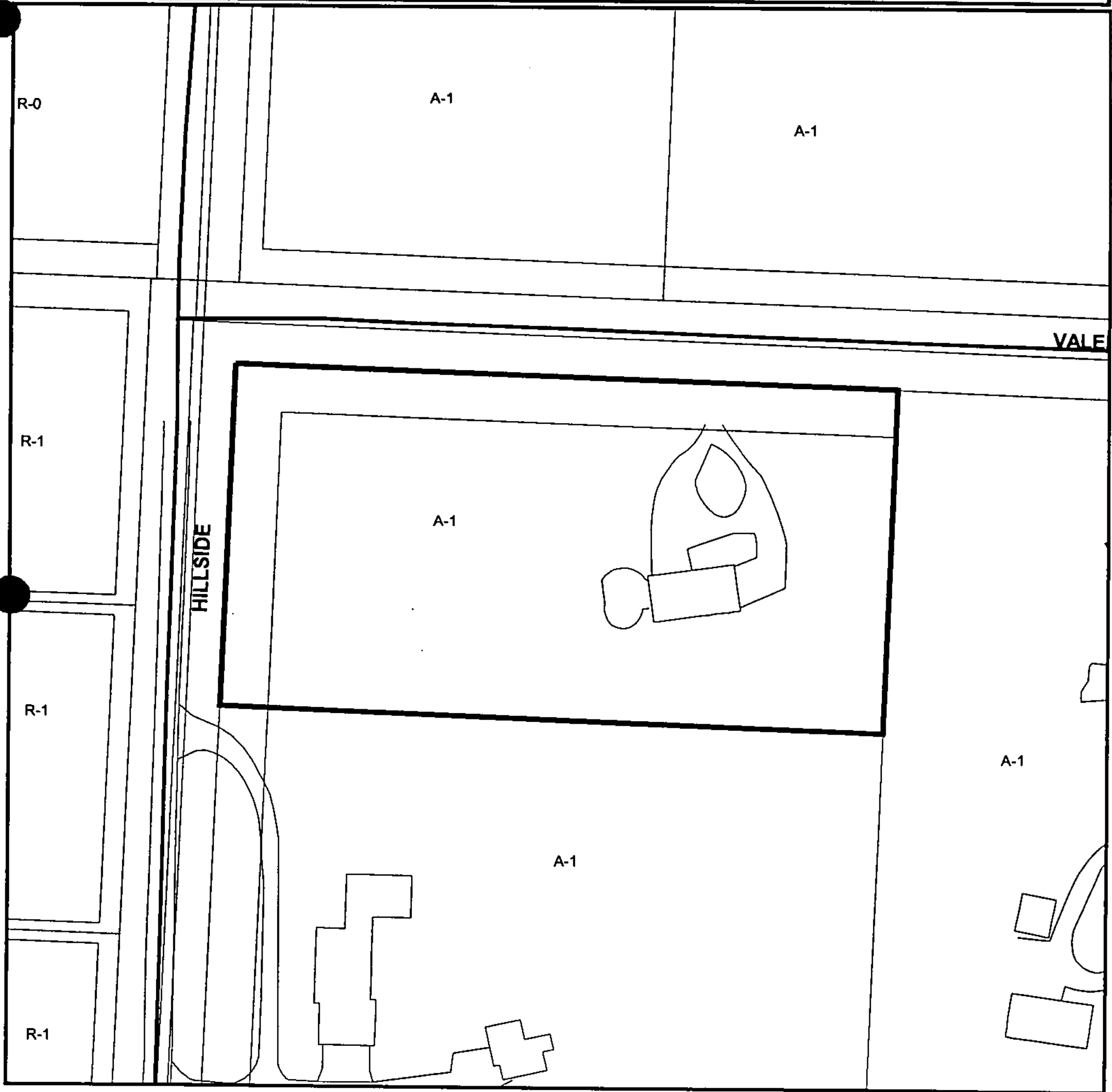
RZ98.00-21.00 - Oates - One Mile Diameter



1000 0 1000 Feet



RZ98.00-21.00 - Oates - Close up



100 0 100 Feet

Minutes of Planning Commission Meeting
December 14, 1998
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RZ98-21: REZONING
ROZAN OATES, PP138

This rezoning request was submitted by Rozan Oates for property located at 3061 Valerie Drive. The property is zoned A-1, Agricultural, and contains approximately 2.83 acres. The request is to change the zoning to R-1, Low Density Residential.

The applicant was not present.

Odom: It takes five to approve the rezoning.

Little: You typically do not hear the request if the applicant is not present.

MOTION

Mr. Odom made a motion to table the project.

Mr. Estes seconded the motion.

Roll Call

Upon roll call the motion passed with a unanimous vote of 5-0-0.

Further Discussion

Little: The applicant has just arrived.

Point of Order

Mr. Odom withdrew the motion.

Mr. Estes accepted as the second.

Roll Call

Upon roll call, the motion to withdraw the request from the table was approved with a unanimous vote of 5-0-0.

Further Discussion

Odom: Let me make it clear that there are only five members present. Recommendation

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of the rezoning request to the City Council will take five affirmative votes. Since there are only five here, you must have all of us vote for your request. I will give you the opportunity to table your request until the next meeting where more Commissioners may be present. If you go forward and are denied you have the right to appeal to the City Council. Regardless, this will go to the City Council.

Oates: Let's proceed.

Public Discussion

No one was present to address the Commission.

MOTION

Mr. Odom made a motion to approve the rezoning request and forward it to the City Council.

Mr. Estes seconded the motion.

Roll Call

Upon roll call, the motion passed with a unanimous vote of 5-0-0.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZ98-21 FOR A PARCEL
CONTAINING APPROXIMATELY 2.83 ACRES LOCATED AT
3061 VALERIE DRIVE REQUESTED BY ROZAN OATES.

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

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

From A-1 Agricultural to R-1, Low Density Residential for the real property described in
Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 1998.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR RZ98-21

Part of the SE1/4, SW1/4 of Section19, T17N, R29W in Washington County, Arkansas and being described as follows: commencing at the NW corner of said SE1/4, SW1/4 thence S0°25'W 60.00 Feet, thence East 24.50 Feet to the POB thence East 482.80 Feet, thence South 256.14 Feet, thence West 482.68 Feet, thence N 0°23'E 254.90 feet to the POB, containing 2.83 acres more or less.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE RULES OF ORDER AND
PROCEDURE FOR FAYETTEVILLE MAYOR/CITY COUNCIL,
SECTION H., CITIZENS COMMITTEES, SUBSECTION 1.d.
SELECTION OF MEMBERS.

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

Section 1. That the City Council hereby amends the Rules of Order and Procedure for
Fayetteville Mayor/City Council as follows:

H. CITIZENS COMMITTEES.

1. Selection of Members.

d. Any person who has served two consecutive full terms on any City
commission or board shall not be eligible for re-appointment to the same
commission or board until one full term of office has expired, unless there are
an insufficient number of qualified applicants to fill all vacancies. A full
term shall be the term established by the City Council for the
commission or board, or an appointment to a vacated position when the
person appointed participates in regularly scheduled meetings of the
commission or board for one and one-half years or more.

Section 2. A copy of the amended Rules of Order and Procedure for Fayetteville
Mayor/City Council is hereby attached and made part hereof.

PASSED AND APPROVED this ____ day of January, 1999.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
City Clerk