

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
January 15, 2008**

A meeting of the Fayetteville City Council will be held on January 15, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. State of the City Report – Mayor Coody

A. Consent:

1. **Arkansas State Police Grant:** A resolution accepting an Arkansas State Police Drug Task Force General Improvement Grant in the amount of \$54,455.00 for the purchase of a vehicle, surveillance equipment and supplies for use by the 4th Judicial District Drug Task Force; and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 09-08.

2. **Arkansas Razorback Transit:** A resolution approving a contract in the amount of \$50,000.00 with the University of Arkansas Razorback Transit to provide public transit services.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 10-08.

3. **Bid #07-79 JWC Environmental:** A resolution awarding Bid #07-79 to JWC Environmental in the amount of \$163,436.00 for the purchase of a Channel Grinder for the Hamestring Sewer Lift Station, WSIP Subproject WL-6.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 11-08.

4. **Rules of Order and Procedure:** A resolution to amend the Rules of Order and Procedure to clarify the final denial of ordinances or resolutions that have been tabled indefinitely.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 12-08.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals: A resolution to approve the hiring of three firefighters and one police officer.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 13-08.

2. **R-PZD 07-2763 (Skate Place II):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2763, Skate Place II, located at 646 West Sycamore Street; containing approximately 1.08 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the January 3, 2008 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5102.

C. New Business:

1. **2007 Items Tabled Indefinitely – Final Actions:** A resolution to deny several items tabled indefinitely and reschedule for hearing three items that may need further City Council action.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 14-08.

2. **Martin Luther King Boulevard:** A resolution to change the name of Sixth Street to Martin Luther King Boulevard.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 15-08.

3. **Amend Chapter 163 Home Occupations:** An ordinance amending §163.09 Home Occupations of the Unified Development Code to permit limited signage in RSF-4 Zones.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5103.

4. **Amend Chapter 166 Development:** An ordinance to amend §166.06 of the UDC to allow consideration of property within the City's planning area to receive conditional approval of a PZD.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5104.

- 5. Habitat for Humanity Low Impact Development (LID) Demonstration Project:** A resolution to grant a variance from the parkland dedication requirement, in accordance with §156.03 (B) of the Unified Development Code for the Habitat for Humanity Low Impact Development (LID) Demonstration Project; and designating the three and one-half acres adjacent to the project as a city park.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 16-08.

- 6. Amend Chapter 111 Alcoholic Beverages:** An ordinance to amend §111.30 Retail of Chapter 111 Alcoholic Beverages of the Code of Fayetteville.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5105.

Announcements:

- 1. City Council Tour: None**

Adjournment: Meeting adjourned at 8:00 p.m.

Subject: Roll					
Motion To:					
Motion By:					
Seconded:					
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody	✓			

Subject: Consent					
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Gray			
Passed 09-08 to 12-08	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				

Subject: Three (3) Firemen					
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Allen			
B.I. Unfinished Business <u>Passed</u> 13-08	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				

8-0

Subject: One (1) Policeman					
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Allen			
B.I. Unfinished Business <u>Passed</u> 13-08	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				

8-0

Subject: R-PZD 07-2763 Skate Place II					
Motion To:		3rd Read	Pass		
Motion By:		Jordan			
Seconded:		Cook			
B.2. Unfinished Business passed 5102	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Gray	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Allen	✓	✓		
	Mayor Coody				
8-0 8-0					

Subject: 2007 Items Tabled Indefinitely - Final					
Motion To:		Approve			Actions.
Motion By:		Jordan			
Seconded:		Gray			
C.1. New Business passed 14-08	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				
8-0					

Subject: Martin Luther King Boulevard					
Motion To:		Approve			
Motion By:		Allen			
Seconded:		Jordan			
C.2. New Business <u>Passed</u> 15-08	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				

8-0

Subject: Amend Chapter 163 Home Occupations					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Cook	Cook		
Seconded:		Ferrell	Jordan		
C.3. New Business <u>Passed</u> 5103	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Mayor Coody				

8-0

8-0

8-0

Subject: Amend Chapter 166 Development					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Jordan		
Seconded:		Jordan	Ferrell		
C.4. New Business <u>Passed</u> 5104	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject: Habitat for Humanity Low Impact Development					
Motion To:		Approve			(LID)
Motion By:		Thiel			Demonstration
Seconded:		Jordan			Project
C.5. New Business <u>Passed</u> 16-08	Rhoads	Absent during the vote.			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Mayor Coody				
		7-0			

Subject: Amend Chapter III Alcoholic Beverages					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Rhoads		
Seconded:		Jordan	Ferrell		
C. 6. New Business <u>Passed</u> 5105	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Mayor Coody				

8-0

8-0

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Gray				
	Thiel				
	Cook				
	Allen				
	Mayor Coody				

State of the City 2008
January 15, 2008

I bring to you tonight the State of the City 2008 address. But I want to discuss with the Council and the public more than just the work that has been accomplished for 2007. After an abbreviated recounting of some of the work that has been done, and is being done, I want to talk about some issues we are facing that must become a point of focus for ourselves and the community for 2008 and beyond.

Our infrastructure work continues at a very healthy pace. Our largest project, by far, will be complete this year. After a rough start, the Wastewater System Improvement Project has been sailing smoothly thanks to the dedicated staff and excellent contractors we have in place. We will be opening valves at the new west side facility in less than five months. Since bringing the project in-house, we have worked very hard to keep the public informed on all aspects of the project, from the pace and quality of the project, to the outstanding success of the wetland mitigation area.

Our road bond issue is the next biggest project on our agenda.

This program is moving along and will be a huge improvement to our city's transportation system. This series of road projects will add capacity and convenience for automotive travel for many years to come. While we must still deal with the reality of the increased cost estimates from the Highway Department for certain projects, just as we had to deal with the same increased costs of the wastewater system, we are doing all we can to move forward to complete these important road projects.

We opened a new fire station on Highway 265 and we are completing the next one on land purchased at the Tyson Mexican original location. After decades of not expanding our fire service, we have dramatically improved our position to respond to emergencies to save lives and protect property.

With the building of the new Courts building, the police will be able to expand into the room the court now occupies. This will provide a little more space for the police to operate until a new police building can be built. This will reduce, for the time being, the need to use hallways as a place to interview crime victims, store files, or change clothes.

After our reorganization in 2002, productivity improved just as we knew it would, thanks to the new management and team of the transportation department. Street paving increased 60% while our sidewalk production grew from under 3000 linear feet per year to over 17,000 feet per year. We are building sidewalks almost 6 times faster than we were before the reorganization.

Our multi-use trails program continues to gather support in the community. While our trails bond issue passed with more than 60% of the vote, more and more people are seeing the benefits of the program. This year we will see the completion of Scull Creek Trail, the main artery of the system. When we open that alternative transportation lane, more of our citizens will really begin to understand what a well-planned trails system will do for our city.

In 2007, we added a new position to our organization. We created the first public Sustainability Coordinator position in the State and it seems to have become the hiring heard 'round the world. Cities across America are following suit after asking how we did it and how it is working.

Through John Coleman's leadership in this position and the collaborative efforts of all city employees, the City has created various programs that have saved taxpayers about \$200,000 and reduced our carbon output in a similar fashion. And when it comes to efficiency in government, I am very pleased to report that our contract with Van Scoyoc is paying off well. Under that contract, we have spent a total of \$318,078. Our return has been \$16,312,500 -- a \$51 return for every dollar spent. Other Arkansas cities are beginning to follow our lead.

These are just a few of the many examples I could point out that show how well our organization is working. There are always people who feel that governments are inherently bloated and inefficient bureaucracies which should be completely dismantled, except, of course for the part that provides all the services. But our citizen survey consistently shows that a solid majority of Fayetteville residents, 60%, understand that this is a well-run, efficient, and responsive organization.

When we look back on the progress we made in 2007 and the quality of life we have been able to build over the last several years, you can see why the citizens continue to give this government high marks. However, there are a handful of critical issues that we need to focus on in 2008 if we plan to maintain our quality of life and maintain the level of service we provide our citizens. One is the local economy. For the first time ever, our sales tax collections took a dive for the whole year. This was expected as the Rogers/Bentonville area gained enough population and per capita income to warrant its own shopping area. The need to address our financial situation and increase our revenue to prepare for this day was discussed in every State of the City address since 2002. In the early 1990's the City promised to give up our 3.8 mills of property tax if the voters approved a millage increase for the schools. Since then we have relied on sales tax alone until a modest 1.3 mills was approved for city operations in 2006. Our almost total reliance on sales tax for the last decade and a half worked fine until the inevitable happened and the shoppers from up north ended their subsidy to Fayetteville.

Our municipal property tax rate remains, by far, the lowest in the region. While this is good news on the surface, it has set the stage for serious problems. The budget that was approved for 2008 is not sustainable unless we are willing to sacrifice the very things we love about our city.

I believe that most people now understand how tight our budgets have been in previous years. If our income increases at 2%, only to be eaten alive by 2% inflation in our expenses, our problems worsen. If we continue to avoid the issue of diversifying our revenue stream, we will create enormous problems that will take a real shock to the system to resolve. I liken this to burning our winter clothing to stay warm. It may feel good right now, but is it a good plan for tomorrow?

Another critical issue that we face in 2008 is the Walton Arts Center plans for expansion. As most of you know they are casting about in an effort to find a home for a new 2500 seat hall. I understand when we are asked to wait for the study to be finished to see what the results are, but I do not like waiting. I am reminded of the saying, "all comes to those who wait, as long as they work like hell while they wait." I don't think we can afford to be passive.

We have to be proactive and let them know exactly what we are willing to do to make sure that new facility is built in Fayetteville. I have asked the University to join us in discussing the situation. Our plan for the new parking decks, hotel, and retail all connected to the Arts Center should help make the location for the new hall obvious. Improvements in way finding and streetscaping should also help. The Walton Arts Center is an important feature of our economy, a hallmark of this community, and we have to be aggressive in our efforts to keep it here.

We also have to be proactive in improving the way we handle the world of growth and development. We have great fanfare for the public's participation when we ask them to help us customize our future. When we ask our citizens to take part in an exercise to determine how our city will look, they turn out in droves on their days off and pour their hearts into the work we have asked them to do. When the process is complete the headlines read "Triumph of Participation" and we all pat ourselves on the back for the project's success. Developers will study the plan and, with the help of our nationally recognized planning staff, design a project that fits perfectly within the planning criteria that the public has designed, the staff has supported, and the Council has approved. The project goes through the Planning staff, Technical plat review, Subdivision Committee and the Planning Commission. Then, in the final step, the project comes before us.

This process, while time consuming and expensive, works reasonably well to this point. But then, once it gets to us, all bets are off. If a few individuals oppose any part of the project we will thwart the will of all the citizens who designed the plan, all the creative massaging of the Planning and Engineering staff, the citizen's subcommittees, and the Planning Commission. In being hyper responsive to the individual, we completely discount the majority.

The ripple effects are serious. The developer, who is risking millions of private dollars in the project, just had his costs go up, making the price of everything in the project increase. That is bad for the consumer. The chances for financial success of the project are diminished. This is bad for the city and the developer, and it erodes the confidence of our city staff. It teaches the developer to avoid anything that is creative or innovative. It shows the developer how much easier, cheaper, and faster it would be just to do the same old sprawl-inducing, cookie-cutter, unimaginative development the public says, the staff says, and the Plan says we do not want.

Don't get me wrong. I am not saying that we should just rubber stamp everything that comes in the door. But if we could approve the creative, innovative, new-urban design that fits our plan as quickly and easily as we approve the bad developments, it would be a vast improvement for the future of our city - and our reputation.

The last seven years has seen Fayetteville become less controversial, a place where long overdue work gets done and progressive ideas take root. Our citizens love it here. When people think of Fayetteville, Arkansas, they think of quality of life. Clearly the number one issue concerning our residents is traffic congestion. This has long been the case. Our traffic infrastructure lagged behind our growth for decades. But we have been in catch-up mode for a while now. With the road bond issue, newly-acquired federal earmarks, more thoughtful urban design, and alternative transportation opportunities, we will continue to make improvement for years to come. But here's the rub. While it will take years to complete the work we have on the boards, more people will likely move here, and they will bring their cars. This problem is a staple of any growing community. From my perspective, to have traffic congestion as a top concern is good news, indeed.

When I consider the top concerns of many other communities, crushing poverty, high murder and violent crime rates, systemic corruption, failing schools, crumbling infrastructure, dangerous pollution, absence of opportunity to name just a few, I thank God traffic congestion is our biggest immediate problem.

But here is a friendly reminder for everyone who is concerned about too much growth and too much traffic. Almost 60 million Americans live in coastal areas threatened by rising tides and stronger storms caused by climate change. Many will be forced to move. A lot of them will move here. And it's already happening. Many Katrina evacuees have relocated here permanently. Floridians are moving here because of skyrocketing insurance rates due to storms. If only one tenth of one percent of the threatened coastal dwellers move to Fayetteville, our population will double. Add to this scenario those who would move here to escape the fires out west due to unprecedented drought. Or even Texans (sound the alarms) who will move here so they could actually breathe during the summer. So if we do not address a larger issue, one day soon we may look back fondly at today's traffic congestion.

There are many compelling reasons to reduce our impact on our environment. Some are social, recognizing that those who are least able to cope, and who have not caused the problem, will bear the biggest burden. Some spiritual, in that planet Earth is a creation of God that deserves our attention and respect, or else. Some are National Security issues, but we can't talk about that. Some concern enlightened self interest, considering the hassle of finding another planet, in a good neighborhood, onto which we could move.

But I want to discuss one aspect in particular that I find especially compelling for Fayetteville. In the Presidential Climate Action Project's-State of the Union's Climate report, there are 6 points that form the argument that the next President of the United States must confront the challenges of climate change. Point number 5 is the one I want to focus on.

I quote:

"We must recognize not only the threat of climate change, but the enormous opportunities that we can capture by addressing it. The urgent worldwide demand for clean energy technologies is arguably the greatest entrepreneurial opportunity the United States has ever known. The transformation to a clean economy will open paths of possibility to all income classes, including those the old economy left behind. As the world's leading innovator, we can and should become the world's leading supplier of the technologies and products that will help all people in all nations -- including our own -- achieve dignity, financial security and a decent standard of living, while dramatically reducing effects on climate."

As you well know, Fayetteville is being recognized as a national leader for cities our size in the movement for a cleaner, more efficient, more sustainable communities. We are beginning to attract the attention of companies wanting to seize the opportunities of the new economy and the technological advances of the global sustainability movement. These businesses, from start-up entrepreneurs to well-established companies are looking nation wide for places in which to locate that have the right attributes.

Because of the recent national publicity for our perspective and our drive, they are seeing Fayetteville as an unexpected possibility. And this national recognition is now generating international interest from places such as France, Sweden, and now Japan. These green, clean-tech businesses can help us strengthen our local economy and bring real diversity to our revenue stream. We have four essential building blocks that dramatically increase Fayetteville's chances for success. The weakening of any one of them diminishes our position.

The cornerstone is Fayetteville's proximity to Wal-Mart. The power of Wal-Mart and their leadership in the private sector for sustainability is, in my opinion, the single greatest factor in the changing mindset of business in the global environmental movement.

The second building block is being the home of the University of Arkansas and the Arkansas Research and Technology Park. The Center for Applied Sustainability at the University and the focus on clean technology at the Research Park provide the intellectual capital that is so important to new businesses.

The third building block means increasing the momentum of Fayetteville's sustainability efforts. While we lead the state in our actions, the low-hanging fruit is still plentiful. We must find ways to encourage the private sector to incorporate more sustainable practices. Some good examples are exempting buildings from impact fees if they achieve a LEED Certified "Silver" designation or give cars that meet certain efficiency standards free parking. We must also find ways to help our citizens of modest means to replace old, energy-hog appliances and fixtures with new, much more efficient models.

This would help reduce the monthly bills of these families, and reduce the need to build expensive, carbon-spewing power plants. If we bring our building codes up to today's standards we will significantly reduce our energy consumption while saving consumers money on their utility bills. An aggressive public education campaign is necessary if Fayetteville is going to see significant cuts to our greenhouse gas emissions.

The fourth building block that completes the foundation is directly tied to public policy decisions made by the elected officials of the City of Fayetteville. It is crucial that we develop the political will to commit to long-term investments in quality of life amenities. Making Fayetteville an even better place for her residents to enjoy a fulfilling, well-rounded life is vital if we are going to compete with other cities that have focused on this for many years. Building roads, wastewater systems, and water lines is very important, and with an investment of \$250 million in hard infrastructure, it is clear we are willing to make those investments. But while we continue this important work, we have to recognize that there is more to a beautiful, livable city than just the hard infrastructure of pipes, concrete, and asphalt.

When we win accolades from organizations and publications from around the country, what they evaluate is our "soft" infrastructure. They see the University, our Square Gardens, our natural surroundings, our creative class, the Farmer's Market, the Walton Arts Center, our landscaping, our trails system, Dickson Street, our parks, our public safety, our economy, and our high quality of life. In all the top rankings we have received I cannot think of a single mention of our paving program, our street bond issue, or the wastewater system overhaul.

Thinking of these "soft" infrastructure quality of life requirements only as "wants" instead of "needs" fails to understand what it is that makes Fayetteville such a great place to live. It also fails to understand what is required of us if we are going to compete with the outside world. That is precisely why Rogers is pulling together a \$25 million bond issue to invest in their quality of life infrastructure. They are dramatically increasing their funding in the very area we are becoming reluctant to support.

While we are doing this work, we must advertise. We have to seek out opportunities to let the outside world know of our local actions and positioning in this new, green marketplace. All the recognition we have gotten for our sustainability efforts did not happen by accident. We must seize every opportunity to let the outside world know that we are serious about being a leader in this field.

There is no middle ground. Other cities are competing for this position with single-minded determination with no holds barred. If we do not have the political will to do what it takes, if we can only achieve half-measures, we should just give up right now and not waste our time dreaming that we will be players in the coming technological revolution.

The first test of our political fortitude will be to see if we are willing to develop an economic plan that balances our economic, social, and environmental needs as a community. This is the most pressing issue we face in 2008. We have to start articulating our plan for the economic future of this city and we have to start right now. I have approached the university to see if they will partner with the City to develop a clear plan to accomplish our common goal of securing the coming green collar, clean tech economy. This work would be tailored for Fayetteville and the university, designed to accentuate our strengths and assets and shore up our weaknesses. If the university says they will participate, I will bring to you the information you will need to approve moving forward. If we pass that first test, the second test will be sticking to the plan - because this is the only way to ensure a successful long-term future.

We have much to accomplish on this front and time is not on our side. It is crucial that the Fayetteville City Council adopt a sense of urgency and adopt this issue as an extremely important element of our city's policies and planning. This issue needs to develop a life of its own that will last beyond those of us in office today. I will be leaving office in less than one year and it will be tremendously discouraging if Fayetteville's successes and momentum in the sustainability movement leave with me.

2008 will be a watershed year for Fayetteville. We need to diversify our revenue stream and expand the tax base. We need to do whatever we can to ensure that Fayetteville is the site of the new 2,500 seat Walton Arts Center theatre. And we need to immediately begin the dialogue about how we build the sustainable economic future of this City. Our tight budget will make it tempting for us to pull back on investing in our future. Coasting downhill is always easier than striving for new heights. But that is not what we were elected to do. This year is our test.

All of us ran for election to do what we think is right for our city. The decisions we make this year will set the course for our future. We can focus only on the minutia of governing a city and spend our time debating the relatively unimportant. Or we can take a more elevated, long-term view and work out policies that set our course to achieve the highest standards possible. We only get one chance at this before our time is up. Let's make those who follow us proud to sit in those chairs.



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

To: Mayor Dan Coody and members of the City Council

From: Greg Tabor, Chief of Police *GT*

Date: January 14, 2008

Re: Replacement of Police Officer

Recommendation: City Council approves the hiring of one (1) additional police officer to replace a recent resignation.

Background: On January 4, 2008, the Fayetteville City Council approved a hiring freeze for replacement employees funded by General Fund. This hiring freeze allowed replacement of these positions with Council approval. On Monday, January 14, 2008, Officer Larry Dearing submitted his resignation to take a job with the Foley, Alabama Police department.

Discussion: The Fayetteville Police Department currently has 121 authorized slots. Two of these slots remained unfilled due to structured budget reductions. There are eight officers with military commitments. One officer is currently deployed, one has orders for deployment in February, one is expecting orders any day, one will be deployed in July, two have heard of possible deployment sometime in 2008 and two do not expect deployment in the near future. Deployments typically last from 8-18 months. With the most recent resignation, current and potential military deployments we may be down from 121 officers to 112 by the end of the year.

Budget Impact: The difference between the salary of the resigning officer and a newly hired officer is \$8,169.



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Recommendation: City Council approves the hiring of one (1) additional police officer to replace a recent resignation.

Background: On January 4, 2008, the Fayetteville City Council approved a hiring freeze for replacement employees funded by General Fund. This hiring freeze allowed replacement of these positions with Council approval. On Monday, January 14, 2008, Officer Larry Dearing submitted his resignation to take a job with the Foley, Alabama Police department.

Discussion: The Fayetteville Police Department currently has 121 authorized slots. Two of these slots remained unfilled due to structured budget reductions. There are eight officers with military commitments. One officer is currently deployed, one has orders for deployment in February, one is expecting orders any day, one will be deployed in July, two have heard of possible deployment sometime in 2008 and two do not expect deployment in the near future. Deployments typically last from 8-18 months. With the most recent resignation, current and potential military deployments we may be down from 121 officers to 112 by the end of the year.

Budget Impact: The difference between the salary of the resigning officer and a newly hired officer is \$8,169.

Handed Out at the
City Council Meeting
1-15-08.

1-15-08 Minutes
Martin Luther King Boulevard

BUSINESS OPPOSED TO RE-NAMING SIXTH STREET:

(This list contains affected businesses who have signed petitions)

1. Wal-Mart
2. Ye Olde King Pizza
3. Osburn Motor Co.
4. Halbert Vet. Supplies
5. Shelter Insurance
6. Block Buster
7. Big Reds
8. E-Z Mart
9. Charlies' Chicken
10. Ozark Mountain Air
11. Hardees
12. Waffle House
13. Locke Electric
14. Kentucky Fried Chicken
15. E-Z Mart (there are two)
16. AAF Car Lot
17. Sprint
18. Mattress King
19. Jim's Razorback Pizza
20. Jackson Hewitt Tax Service
21. Fire House Subs
22. Dollar Tree
23. Auto Zone
24. Westside Liquor
25. Signature Nail
26. Craigs Hair Care
27. Subway
28. Tobacco Super Store
29. Daddy Dave's Liquor
30. Razor Sprit Zone
31. Cricket Phones
32. J. D. China
33. Farmers Coop.
34. Alston Saloon
35. College Shoe Repair
36. Pay Day Money Store
37. The Grease Pig Lub & Tune Store
38. Castle Rentals
39. Brenda's Drive In

PAGE 2 - BUSINESSES OPPOSING RE-NAMING OF SIXTH ST. PAGE 2

40. Little Mountain Bindery
41. J C's Small Engine
42. Fastenal
43. U.S.A. Pharmacy
44. Best Buy Here Pay Here
45. Triple A Self Storage
46. Rent Shop
47. Comet Cleaners
48. Advance Floor Company
49. TACO Place
50. Metro Collision
51. Car Mart
52. Carlson Wagonlit Travel
53. Vaughn Battery
54. Kim's Tire and Auto
55. Mid South Security Systems
56. Skat Screen Printing
57. O'Reilly Auto
58. Hwy 62 Auto Salvage and Sales
59. H & R. Tire and Auto
60. Walgreens
61. Flash Market
62. Calipso Properties
63. Triple J Logistics
64. J & J Leasing Inc.
65. John Hancock Financial Network
66. Super Savers
67. Billards' Place
68. Electric Cowboy
69. Jim Burnett Attorney
70. C.A.R.E. Chiropractic
71. Chick - Fil - A Store opened January 10, 2008.

Some of the problems associated with re-naming a street are:

- 1- Much work for the post office.
- 2- All 911 address will be changed.
- 3- GPS address will be incorrect for several years.
- 4- Truck delivery problems
- 5- Each business will spend not less than \$1,000.00 in time and money. Some business will spend a lot more.

TO THE CITY OFFICIAL OF FAYETTEVILLE:

PLEASE DO NOT CHANGE THE NAME OF SIXTH STREET.

Tammy KAHK
Name

[Signature]
Name

Doyla
Name

[Signature]
Name

Carol [Signature]
Name

Name

Name

Name

Name

Name

Name

Name

Yee Olde King PIZZA
Business or Resident of Sixth Street

Wal Mart 144
Business or Resident of Sixth Street

OSBORN Motor Co
Business or Resident of Sixth Street

Osborn Motor Co
Business or Resident of Sixth Street

EZ Mart 424
Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

TO THE CITY OFFICIAL OF FAYETTEVILLE:

PLEASE DO NOT CHANGE THE NAME OF SIXTH STREET.

Name

Name

Name

Name

Name

Name

Name

Name

Name

Name

Name

Name

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

Business or Resident of Sixth Street

TO THE CITY OFFICIAL OF FAYETTEVILLE:

PLEASE DO NOT CHANGE THE NAME OF SIXTH STREET.

Kathy Smith
Name

Dawn Montgomery
Name

Mike
Name

Shannon Treglow
Name

Lang Smith
Name

Joyce Robertson
Name

Renee McDarter
Name

Shawna Price
Name

Andie White
Name

Margaret Anderson
Name

Raymond T. Murray
Name

Cooper
Name

KFC
Business or Resident of Sixth Street

E-Z Mart
Business or Resident of Sixth Street

AAF
Business or Resident of Sixth Street

Sprint
Business or Resident of Sixth Street

Sprint
Business or Resident of Sixth Street

Mattress King
Business or Resident of Sixth Street

James R. Azorback P. 224
Business or Resident of Sixth Street

Jackson Hewitt TAX Service
Business or Resident of Sixth Street

FIREHOUSE SUBS 409-0736
Business or Resident of Sixth Street

Dollar Tree
Business or Resident of Sixth Street

Auto Zone
Business or Resident of Sixth Street

Westgate Liquor
Business or Resident of Sixth Street

TO THE CITY OFFICIAL OF FAYETTEVILLE:

PLEASE DO NOT CHANGE THE NAME OF SIXTH STREET.

Tyler AD
Name

[Signature]
Name

Dana Paech
Name

Dei Petty
Name

Amanda Moore
Name

Meayf
Name

Paige Overst / Chick-fil-A
Name

Bill Harrison
Name

[Signature]
Name

Jamil G. Gwendu
Name

[Signature]
Name

[Signature]
Name

521 - 5202 SIGNATURE
NAIL
Business or Resident of Sixth Street

Craig Hair Care 443-9454
Business or Resident of Sixth Street

1241 W 6th St - SUBWAY
Business or Resident of Sixth Street

1237 W 6th St - TOBACCO
SUPER
STORE
Business or Resident of Sixth Street

1237 W 6th St
Business or Resident of Sixth Street

1237 W. 6th St
Business or Resident of Sixth Street

1369 W. 6th St.
Business or Resident of Sixth Street

1444 W. 6th St.
Business or Resident of Sixth Street

1554 W. 6th St
Business or Resident of Sixth Street

1564 W 6th St
Business or Resident of Sixth Street

1564 W. 6th St.
Business or Resident of Sixth Street

J.P. Chinn 1740 West 6th St
Business or Resident of Sixth Street

DADDY,
DAVE'S
LIQUOR

RAZOR
SPIRIT ZONE

CRICKET

TO THE CITY OFFICIALS OF FAYETTEVILLE:

PLEASE DO NOT CHANGE THE NAME OF SIXTH STREET.

Angelia J. Burnett

Name

James R. Southern

Name

Melinda Steele / Alston Salon

Name

Erna M. Underhill

Name

Erica Cunningham

Name

Dustin C. Peck

Name

Dick Royle

Name

Michael May

Name

Clayton Wallis

Name

Callin Wilkins

Name

Erin Shaw

Name

Chris Lee

Name

444-7744 Burnett Law Office

Phone Number

521-4144 Farmers Coop

Phone Number

442-6216

Phone Number

Alston Salon / 442-6216

Phone Number

Alston Salon / 442-6216

Phone Number

479-521-4876 college shoe repair

Phone Number

Payday Money Store 582-6505

Phone Number

The Brakes & Lubetune 442-7799

Phone Number

castle Rental 521-8585

Phone Number

Brendas Drive Inn 790-6667

Phone Number

Brendas Drive Inn 595-9303

Phone Number

11 11

200-7442

Phone Number

TO THE CITY OFFICIAL OF FAYETTEVILLE:

PLEASE DO NOT CHANGE THE NAME OF SIXTH STREET.

Lena Shaver
Name

JOE COOK
Name

COOY DAVIS
Name

Ray Price
Name

Don Taylor
Name

Sandra Smith
Name

Paul
Name

Paul
Name

Wiley Keppert
Name

Williams
Name

Patti Purcell
Name

James H. Ball
Name

Little Mountain Bindery - 572 W. 6th
Business or Resident of Sixth Street

JC'S Small ENGINE 563 W 6th
Business or Resident of Sixth Street

FASTENAL 639 W 6th Street
Business or Resident of Sixth Street

USA Pharmacy
Business or Resident of Sixth Street

Best Buy Here Pay Here
Business or Resident of Sixth Street

AAA Self Storage
Business or Resident of Sixth Street

2712 W 6th
Business or Resident of Sixth Street

2818 W. 6th St.
Business or Resident of Sixth Street

Comet Cleaners
Business or Resident of Sixth Street

Comet Cleaners
Business or Resident of Sixth Street

Advance Floor Co.
Business or Resident of Sixth Street

Advance Floor Co.
Business or Resident of Sixth Street

TO THE CITY OFFICIAL OF FAYETTEVILLE:

PLEASE DO NOT CHANGE THE NAME OF SIXTH STREET.

Don Fredrick
Name

Marilynn Ledbetter
Name

Tammy Regra
Name

Michelle Zepko
Name

Brad Wit
Name

Denise Ortiz
Name

Michael Cylson
Name

Dorothy C
Name

Binyan
Name

Andy
Name

Jeffrey Wells
Name

Erin Shuck
Name

Metra Collision
Business or Resident of Sixth Street

Taco Place 1163 W. 6th Street
Business or Resident of Sixth Street

Resident
Business or Resident of Sixth Street

Resident
Business or Resident of Sixth Street

General Mgr. - Car-Mart
Business or Resident of Sixth Street

Office Mgr. Car-Mart
Business or Resident of Sixth Street

Lot Att CAR-Mart
Business or Resident of Sixth Street

CAR-Mart Assl. Off. Mgr.
Business or Resident of Sixth Street

car mart service man.
Business or Resident of Sixth Street

car mart mechanics
Business or Resident of Sixth Street

CarMart - Acct Rep.
Business or Resident of Sixth Street

CarMart - Acct Rep.
Business or Resident of Sixth Street

TO THE CITY OFFICIAL OF FAYETTEVILLE:

PLEASE DO NOT CHANGE THE NAME OF SIXTH STREET.

Lisa L. Johnson
Name

Patricia McDonner
Name

Andrea Moran
Name

Wes Vaughn
Name

Krystal Filbeck
Name

Chris Riggins
Name

David Hefley
Name

Debra Smith Edens
Name

Shawn O'Dell
Name

Kathy Perryman
Name

Ed Mey
Name

Lara McCool
Name

Carlson Wagonlit Travel
Business or Resident of Sixth Street

Carlson Wagonlit & Navigator
Business or Resident of Sixth Street

Carlson Wagonlit Travel
Business or Resident of Sixth Street

Vaughn Battery Co 1-14-08
Business or Resident of Sixth Street

Kims Tire & Auto 514 West 6th
Business or Resident of Sixth Street

Kims Tire & Auto 514 West 6th
Business or Resident of Sixth Street

Mid-South Security Systems 532 W. 6th
Business or Resident of Sixth Street

Mid South Security Systems 532 W 6th
Business or Resident of Sixth Street

SKAT Screenprinting 517 W. 6th
Business or Resident of Sixth Street

O'Reilly Auto & Tires
Business or Resident of Sixth Street

O'Reilly Auto
Business or Resident of Sixth Street

O'Reilly Auto
Business or Resident of Sixth Street

TO THE CITY OFFICIAL OF FAYETTEVILLE:

PLEASE DO NOT CHANGE THE NAME OF SIXTH STREET.

Matthew Miller
Name

Don Hendryx
Name

Tom Seash
Name

D. Wolk
Name

Shawn Meeks
Name

H. Dom
Name

Jel C. Lee
Name

Al C. Dz
Name

Quinn Jordan
Name

Paul Malloy
Name

Justin Thompson
Name

John B. Malloy
Name

Car-Mart Sales Ass.
Business or Resident of Sixth Street

Car-Mart Driver
Business or Resident of Sixth Street

Detail Car-Mart Fayetteville
Business or Resident of Sixth Street

Car-Mart Mgr.
Business or Resident of Sixth Street

Car-Mart of Fayetteville C.S.R.
Business or Resident of Sixth Street

Calisto Properties
Business or Resident of Sixth Street

Triple J Logistics
Business or Resident of Sixth Street

J & J Leasing, Inc
Business or Resident of Sixth Street

John Hancock Financial Network
Business or Resident of Sixth Street

John Hancock Financial Network
Business or Resident of Sixth Street

Super Savers
Business or Resident of Sixth Street

Ye Olde King Pizza
Business or Resident of Sixth Street

TO THE CITY OFFICIAL OF FAYETTEVILLE:

PLEASE DO NOT CHANGE THE NAME OF SIXTH STREET.

Pat Bale
Name

James Taylor
Name

CHRIS Sargent
Name

Wesley Dean
Name

Randy Burnett
Name

Harold Burnett
Name

Mr. Baker
Name

Meri Sato
Name

Maggie Lutz
Name

Raymond Brown
Name

Robert E. Reynolds
Name

James L. Holden
Name

Advance Floor Co.
Business or Resident of Sixth Street

Advance Floor Co.
Business or Resident of Sixth Street

Hwy 62 Auto Salvage & Sales
Business or Resident of Sixth Street

Hwy 62 Auto Salvage
Business or Resident of Sixth Street

H+R Tire & Auto
Business or Resident of Sixth Street

H+R Tire & Auto
Business or Resident of Sixth Street

H+R Tire & Auto
Business or Resident of Sixth Street

H & R Tire & Auto
Business or Resident of Sixth Street

WALGREENS
Business or Resident of Sixth Street

Flash Market
Business or Resident of Sixth Street

2571 S. Ely Rd
Business or Resident of Sixth Street

1895 W. 6th St
Business or Resident of Sixth Street

NOTICE**TO: SIXTH STREET BUSINESSES****The CITY IS GOING TO "CHANGE The NAME" of SIXTH ST.****Meeting: Tuesday, January 15th 6:00 City Hall**
(City Administration Bldg. At 113 West Mountain St. - Fayetteville)

"Unless you want Sixth Street re-named, you SHOULD be at the meeting."

Who can you call about this?

Mayor's Office - 575-8330

WARD 1

Adella Gray 442-4958
Brenda Thiel 442-3095

WARD 2

Kyle Cook 521-7632
Nancy Allen 442-5536

WARD 3

Robert Rhoads 973-5202
Robert Ferrell 442-3535

WARD 4

Shirley Lucas 442-4612
Lionel Jordan 442-5415

Jim Burnett**Attorney at Law**

1920 West Sixth Street, Suite #B
Fayetteville, AR 72701

479-444-7744**Fax 444-1991**

YOU NEED TO SHOW UP AT THE MEETING TUESDAY 6:00 PM. If you object.

**IF YOU CAN NOT ATTEND AND YOU DO NOT WANT THE CHANGE SIGN HERE, AND
FAX TO 444-1991.**

x James H. Halbert
Name

Halbert Vet Supply 527-3852
Business and Phone Number

11 of 14

NOTICE

TO: SIXTH STREET BUSINESSES

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Lioneld Jordan 442-5415

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FAX TO 444-1991.**

x

Name

Tony Catroppa

Billard Palace
Electric Co. Inc.
Business and Phone Number

479-283-6585

NOTICE

TO: SIXTH STREET BUSINESSES

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Nancy Allen 442-5536

WARD 3

Robert Rhoads 973-5202
Robert Ferrell 442-3535

WARD 4

Shirley Lucas 442-4612
Lionel Jordan 442-5415

*We have been in business
at 3500 W Sixth St for 30 yrs
& we do not want any
changes*

YOU NEED TO SHOW UP AT THE MEETING TUESDAY 6:00 PM. If you object.

**IF YOU CAN NOT ATTEND AND YOU DO NOT WANT THE CHANGE SIGN HERE, AND
FAX TO 444-1991.**

x Gerald Brunst
Name

H & R Truck Auto 442-4155
Business and Phone Number

13 of 14

NOTICE

TO: SIXTH STREET BUSINESSES

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Robert Ferrell 442-3535

WARD 4

Shirley Lucas 442-4612
Lioneld Jordan 442-5415

YOU NEED TO SHOW UP AT THE MEETING TUESDAY 6:00 PM. If you object.

**IF YOU CAN NOT ATTEND AND YOU DO NOT WANT THE CHANGE SIGN HERE, AND
FAX TO 444-1991.**

x

Name

Business and Phone Number

USA Drug - 442-5225

City Clerk - Re Martin Luther King Jr St.vs. Trail of Tears

From: "vicki norvell"
To:
Date: 1/15/2008 5:15 PM
Subject: Re Martin Luther King Jr St.vs. Trail of Tears
Attachments:

Please see attached letter re above subject.

I am too ill to attend your meeting this evening, but this issue is very near and dear to my heart.

Thank you very much.

Vicki M. Norvell

To: Fayetteville Councilmen and Women:

I wanted to make you aware of my feelings on the issue of the naming of 6th Street after Martin Luther King, Jr. I am a person of white/Cherokee ancestry. I have always been a great admirer of Martin Luther King, Jr. and his peaceful approach to change. He has been an irreplaceable leader for his people. It is only right that the black community should try to honor him every way they can. In keeping his name before the public and helping people to remember what the black community endured many years ago, it also helps to bring honor to themselves. Nearly every town has a street bearing his name, and I think that is great!

It so happens that W. 6th Street is part of the Trail of Tears." I am sure everyone is familiar with the trail, but in case someone is not, I will explain.

During the 1830,s white men in the east decided they wanted the fertile eastern states for themselves. They gathered all of the Indians in a number of fertile eastern states minus a few Indians who escaped and hid in the mountains. Their land was sold to white settlers.

The Indians were forced to move, mostly on foot, to Indian Territory, (what is now Oklahoma.) This was a long and treacherous trip which forced the old, the young, and the sick, both men and women to travel through summer heat and winter snow and ice to reach their forced destination.

The weak among them become ill and most of the ill died along the way. Some Indians decided they did not have the stamina to reach Oklahoma. They dropped off the trail wherever they happened to be and started over there on the spot. With so much illness & so many deaths plus the theft of their homeland, is it any wonder they called it "The Trail of Tears"?

The Trail of Tears is very symbolic to all of the Indian Nations that crossed it, and there were several, not just the Cherokee. The United States has signed many treaties with the Indians in the past and failed to live up to its commitments to many of them. At the present time there is House Bill #2824 pending in the House of Representatives which would strip Tribal Nation status from the Cherokee. What next?

The Black community already has many streets named after Mr. King to its credit. It has a Federal holiday in honor of Mr. King to its credit. Also, the Black community is attempting to get a memorial placed in the mall in Washington, DC in honor of Mr. King. All of these things meet with my hearty approval

However, I would prefer that the Black community choose any other street in the city of Fayetteville, which is not part of the 'Trails of Tears'. In fact, I would request that any street inside the city limits of Fayetteville be renamed "Trail of Tears", if it is part of the Trail of Tears.

I am sure the Black community can understand where I'm coming from here, especially considering the suffering that has taken place in their past ancestry and considering that many of them probably also have Indian blood in their veins

I am planning to write our U.S. congressmen to see if it would be possible to get the street name "Trail of Tears" put on every street across the nation where the trail runs. I think it would be a fitting memorial to all of the Indians who ever suffered and died along the trail unnecessarily.

For these reasons, I respectfully oppose the naming of 6th street as "Martin Luther King, Jr.," and ask that it instead be named "Trail of Tears" along with any other streets in Fayetteville that are included in the Trail of Tears.

I regret I am unable to be at this meeting in person this evening due to illness.

Sincerely,

Vicki M. Norvell

Citizen concerns regarding 6th Street name change

Date	Individual	Business	Concern
1/10/2008	Vickie Norvel	Walk-in	Opposed - Is of Native American heritage & says this street was part of Trail of Tears
1/10/2008	Walter Parkerson	e-mail	Opposed - Historical street - sees no need to change a main street name, should name a new street
1/11/2008	Bill Shackleford	phone call	Opposed - Wanted list of Aldermen phone numbers to contact
1/11/2008	Mrs. Jim Burnett	phone call	Opposed - called 5 times on 1-11-08 ; upset about name change, expense to change business cards, address, checks, etc. Suggested name Martin Luther King bypass.
1/14/2008	Patty Purcell	phone call	Opposed - her mother owns the business, they have been in business for 40 years, they are known for being on 6th street.
1/14/2008	Pat Bale	phone call	Opposed
1/14/2008	Mrs. Jim Burnett	phone call	Opposed
1/14/2008	Ray Price	phone call	Opposed
1/15/2008	Sandra Smith	phone call	Opposed - Upset about name change, the thousands of dollars to change address, stamps, stationary, etc. Why not change a portion of 540 to Milk.

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
January 15, 2008**

A meeting of the Fayetteville City Council will be held on January 15, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. State of the City Report – Mayor Coody

A. Consent:

1. **Arkansas State Police Grant:** A resolution accepting an Arkansas State Police Drug Task Force General Improvement Grant in the amount of \$54,455.00 for the purchase of a vehicle, surveillance equipment and supplies for use by the 4th Judicial District Drug Task Force; and approving a budget adjustment.
2. **Arkansas Razorback Transit:** A resolution approving a contract in the amount of \$50,000.00 with the University of Arkansas Razorback Transit to provide public transit services.
3. **Bid #07-79 JWC Environmental:** A resolution awarding Bid #07-79 to JWC Environmental in the amount of \$163,436.00 for the purchase of a Channel Grinder for the Hamestring Sewer Lift Station, WSIP Subproject WL-6.

4. **Rules of Order and Procedure:** A resolution to amend the Rules of Order and Procedure to clarify the final denial of ordinances or resolutions that have been tabled indefinitely.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals.
2. **R-PZD 07-2763 (Skate Place II):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2763, Skate Place II, located at 646 West Sycamore Street; containing approximately 1.08 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. ***This ordinance was left on the Second Reading at the January 3, 2008 City Council meeting.***

C. New Business:

1. **2007 Items Tabled Indefinitely – Final Actions:** A resolution to deny several items tabled indefinitely and reschedule for hearing three items that may need further City Council action.
2. **Martin Luther King Boulevard:** A resolution to change the name of Sixth Street to Martin Luther King Boulevard.
3. **Amend Chapter 163 Home Occupations:** An ordinance amending §163.09 Home Occupations of the Unified Development Code to permit limited signage in RSF-4 Zones.
4. **Amend Chapter 166 Development:** An ordinance to amend §166.06 of the UDC to allow consideration of property within the City's planning area to receive conditional approval of a PZD.
5. **Habitat for Humanity Low Impact Development (LID) Demonstration Project:** A resolution to grant a variance from the parkland dedication requirement, in accordance with §156.03 (B) of the Unified Development Code for the Habitat for Humanity Low Impact Development (LID) Demonstration Project; and designating the three and one-half acres adjacent to the project as a city park.
6. **Amend Chapter 111 Alcoholic Beverages:** An ordinance to amend §111.30 Retail of Chapter 111 Alcoholic Beverages of the Code of Fayetteville.

Announcements:

1. **City Council Tour:** None

Adjournment:



City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

To: The City Council

Through: Mayor Coody

From: Tony Johnson, Fire Chief *TJ*

Date: January 4, 2008

Subject: Request to Fill Vacant Firefighter Positions Pursuant to the Hiring Freeze Resolution

Recommendation

Pursuant to the Hiring Freeze Resolution 07-08, I am recommending Council approval to hire three firefighters in order to fill the vacancies in the fire operations division of the fire department. If approved, the projected hiring date will be on, or about March 10, 2008.

Background

By granting approval now, it will enable the department to immediately start the process that will take 45-60 days to complete. The hiring process includes; the Chief's interview, granting conditional offers of employment, conduct background investigations, schedule the physical examinations and receive the results, and scheduling the psychological testing and receive the results. It is necessary to initiate this process immediately in order to minimize the overtime cost to fill a vacant position.

Budget Impact

A delay in fulfilling the request will result in the department having to compensate at a rate that is two and a half (2-1/2) times the regular rate of a firefighter to fill the vacant position.

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

B. 2
R-PZD 07-2763 (Skate Place II)
Page 1 of 38

3-Jan-08

City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 07-2763: Planned Zoning District (Skate Place II, 366): Submitted by H2 Engineering, Inc. for property located at 646 West Sycamore Street containing approximately 1.08 acres. The request is for zoning, land use, development review, and approval for a Master Development Plan of a Residential Planned Zoning District for a total of 15 units.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

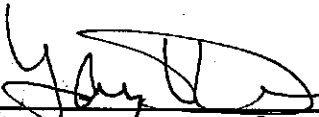
Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached


Department Director

12-11-07
Date

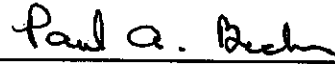
Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

12-12-07

Original Contract Number: n/a


Finance and Internal Service Director

12-12-07
Date

Received in City Clerk's Office


Mayor

12/12/07
Date

Received in Mayor's Office

ENTERED
12/12/07
P. H.

Comments:

Left on the second reading 1/3/08

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning X

Date: December 14, 2006

Subject: Residential Planned Zoning District for Skate Place II (R-PZD 07-2763)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Skate Place II, based on the development standards, plans and statement of commitments submitted. This action will establish a unique zoning district for a single-use project on approximately 1.08 acres. The proposal consists of a multi-family development consisting of 3 buildings with 5 units each for a total of 15 dwelling units and associated parking.

BACKGROUND

The subject property, zoned I-1, Heavy Commercial/Light Industrial, is located at the corner of Chestnut Street and Sycamore Street and contains a vacant commercial structure. This proposal is the second phase of Skate Place Condominiums, which was approved by City Council on January 3, 2006 and contained 34 dwelling units to the north of the subject property. The first phase has been substantially constructed and included the extension of Chestnut Street from Ash Street south to Sycamore.

DISCUSSION

The Planning Commission voted 9-0-0 in favor of this request on November 13, 2007. Recommended conditions were approved by the Planning Commission and are reflected in the attached staff report.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 07-2763, SKATE PLACE II, LOCATED AT 646 WEST SYCAMORE STREET; CONTAINING APPROXIMATELY 1.08 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From I-1, Heavy Commercial/Light Industrial to R-PZD 07-2763, Skate Place II, as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council; further, that the conditions of approval shall be filed and available for viewing in the office of the City Clerk/Treasurer of the City of Fayetteville.

Section 3: That this ordinance shall take effect and be in full force at such time as all of the requirements of the master development plan have been met.

Section 4: 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 , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

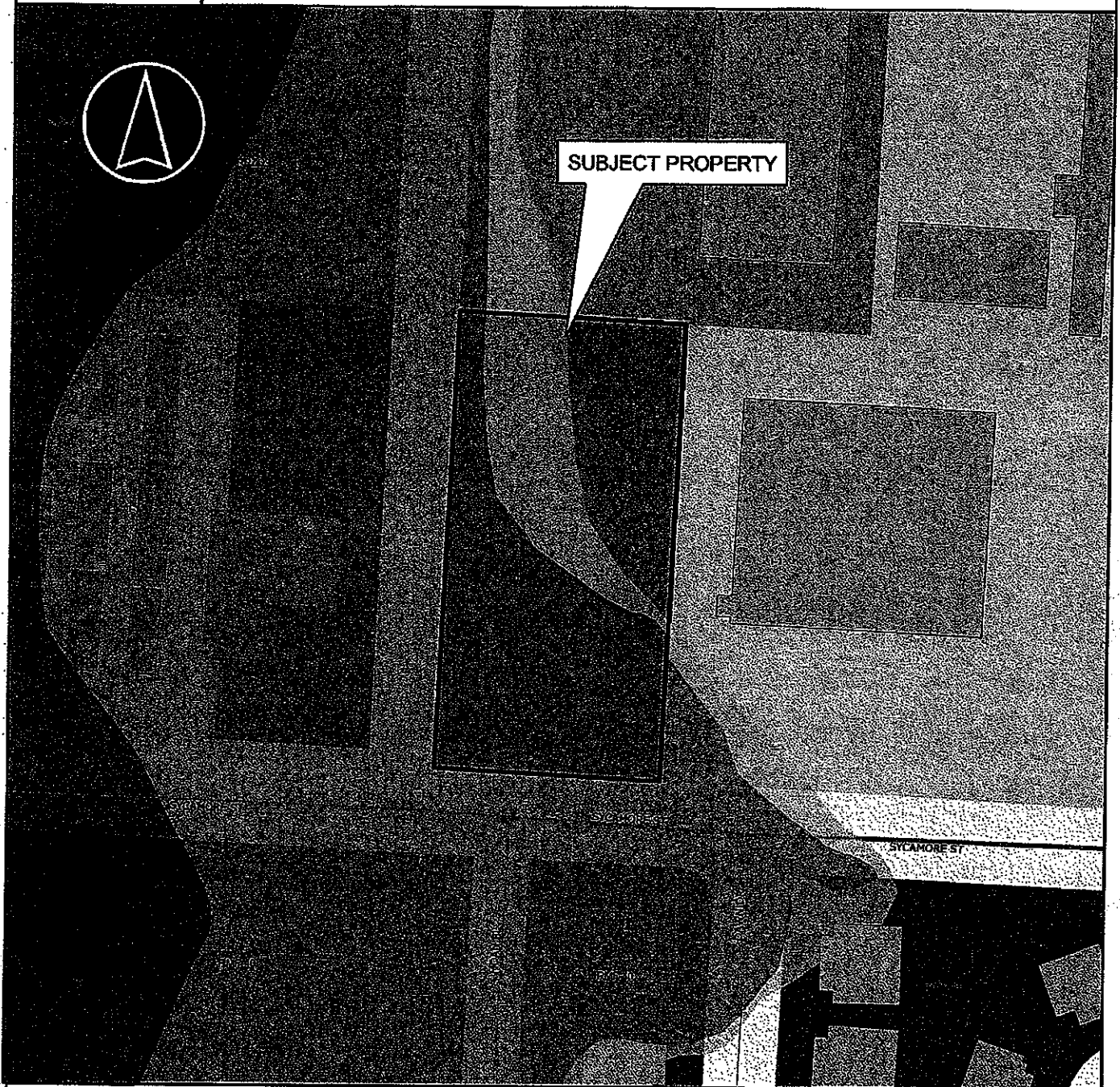
By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

RPZD07-2763

Close Up View

SKATE PLACE II



Overview

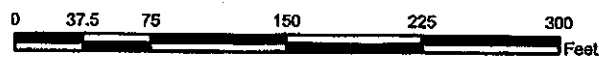


EXHIBIT "B"
R-PZD 07-2763

LOT 7 OF VALLEY VIEW ACRES AS FILED IN THE OFFICE OF THE CIRCUIT CLERK,
EX-OFFICIO, TO THE CITY OF FAYETTEVILLE, ARKANSAS.

CONDITIONS OF APPROVAL:

R-PZD 07-2763

Page 1 of 3

Conditions of Approval for R-PZD 07-2763 (Skate Place II)

1. The existing sidewalk along Sycamore Street shall be removed and rebuilt at the Master Street Plan right-of-way line with a minimum width of 5 feet, to City specifications.
2. The applicant shall complete all standard improvements and requirements for drainage prior to issuance of occupancy permits.
3. A floodplain development permit will be required prior to issuance of a building permit.
4. Parks fees are due in the amount of \$10,200.00 for 15 multi-family dwelling units prior to building permit approval.
5. No portion of any structure shall encroach into proposed building setbacks.
6. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

Landscape and Tree Preservation Conditions:

7. The applicant is proposing no preservation on the site. During the construction process, staff would like the opportunity to further evaluate the canopy once the building corners have been staked. If there is any suitable canopy for preservation, this will be saved and the mitigation amount adjusted.
8. Mitigation will be required on the site. As all canopy found on the site is low priority, 15 (2) inch caliper large species trees, \$3,750 money in lieu or a combination of both would be required. The combination of money in lieu and on-site planting must be determined before a building permit will be issued.
9. A 3-year bond, letter of credit, or check will be required before issuance of a final certificate of occupancy for the buildings. This amount will be determined by the number of trees planted on-site. Typically staff uses the value of \$250 per tree.
10. Parking visible from the right of way shall be screened with shrubs.
11. The intent is to plant the street trees within the right of way. If greenspace is not adequate or existing conditions prohibit, these trees need to be planted on private property just outside the right of way.
12. Utilities visible from the right of way must be screened. During inspection for the final certificate of occupancy, additional plantings may be required.

CONDITIONS OF APPROVAL:

R-PZD 07-2763

Page 2 of 3

13. Parking lot lights and signs will be expected to coexist with required landscape. Please take this into consideration during the design of this project.
14. Before construction document approval, the landscape plan must be stamped by a Landscape Architect licensed within the state of Arkansas.
15. An estimate of material and labor is required for 150% the cost of the required landscape. Once this estimate is approved by the Urban Forester, a letter of credit, bond or check will be held until installation.
16. Chapter 177 requires street trees to be bonded for a 3-year term before final certificate of occupancy. This amount shall be held to ensure the maintenance of the required street trees.

Fire Department Conditions:

17. New buildings shall have an approved address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property.
18. Fire lanes 20 – 26 feet wide shall be posted on both sides of the fire lane on the North entrance.

Standard Conditions of Approval:

19. All mechanical and utility equipment on the wall and/or on the ground shall be screened. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening to the structure utilizing materials compatible with the supporting building. Smaller ground-mounted equipment may be screened with tall grasses or shrubs. A note shall be added to all construction documents indicating as such.
20. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Architectural elevations for these structures shall be submitted for review prior to issuance of a building permit.
21. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. for multi-family zoning districts. Signs are not allowed to be placed in utility easements.
22. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
23. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).

CONDITIONS OF APPROVAL:

R-PZD 07-2763

Page 3 of 3

24. Provide a CD containing the proposed Large Scale Development drawings in AutoCad or similar digital format.
25. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
26. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.
27. Large scale development shall be valid for one calendar year.
28. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area and all utility easements.
 - d. Project Disk with all final revisions
 - e. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
 - f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.



PC Meeting November 1, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS
PLANNING DIVISION CORRESPONDENCE

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

TO: Planning Commission
FROM: Dara Sanders, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: November 1, 2007 November 14, 2007

R-PZD 07-2763: Planned Zoning District (SKATE PLACE II, 366): Submitted by H2 ENGINEERING, INC. for property located at 646 W. SYCAMORE STREET. The property is zoned I-1, HEAVY COMMERCIAL/LIGHT INDUST and contains approximately 1.08 acres. The request is for Zoning, Land Use and Development review of a Residential Planned Zoning District with 3 buildings with 5 units each for a total of 15 units and associated parking.

Planner: Dara Sanders

Findings:

Property Description: The subject property contains 1.08 acres located at the corner of Chestnut Avenue and Sycamore Street and is zoned I-1. This proposal is the second phase of R-PZD 05-1816 (Skate Place Condominiums), which was approved by City Council on January 3, 2006 and contained approximately 3.38 acres and 34 dwelling units within the I-1 zoning district. The first phase has been substantially constructed and included the extension of Chestnut Street from Ash Street south to Sycamore.

Proposal: The applicant requests rezoning, land use, and large scale development approval for a residential multi-family development within the R-PZD zoning district on the subject property. The proposed zoning would allow for a maximum density of 14 units/acre. The density is based on the requested 15 units on 1.08 acres. The project booklet and the plats provided give the zoning criteria in detail. Please reference this provided material for more information. These documents are binding to the zoning of the property.

Surrounding Land Use/Zoning:

Direction from Site	Land Use	Zoning
North	Residential	R-PZD, Residential Planned Zoning District
South	Residential	RMF-40, Residential Multiple-Family, 40 Units/Acre
East	Industrial	I-1, Heavy Commercial and Light Industrial
West	Commercial	C-2, Thoroughfare Commercial

Phasing: The applicant proposes to develop the project in one phase in accordance with the standard timeframe requirements of the Unified Development Code, which allow one year from the date of approval to obtain all building permits without a one year extension.

Water & Sewer: Water and sewer service are available to the site, though service may need to be extended through the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main may need to be studied at the time of development

Access: Access to the proposed development would be from Chestnut Avenue, which intersects Sycamore Street.

Adjacent Master Street Plan Streets: Chestnut Avenue (Local Street) and Sycamore Street (Collector)

Street Improvements: Additional street improvements are not recommended at this time, as Chestnut and Sycamore are both improved streets in this area. Chestnut Street was extended from Ash to Sycamore with the construction of Phase I of the project. Sidewalks and street lights shall be installed along both street frontages where they do not currently exist.

Tree Preservation:	Existing Canopy:	13.0%
	Preserved Canopy:	0%
	Mitigation Required:	13.0%

Recommendation: Staff recommends forwarding **R-PZD 07-2763** with a recommendation of approval to the City Council with the following conditions:

Conditions of Approval:

1. Staff recommends that the applicant coordinate with staff on the design of the proposed side façades facing the public right-of-way, as staff is not supportive as currently submitted.
2. The existing sidewalk along Sycamore Street shall be removed and rebuilt to at the Master Street Plan right-of-way line with a minimum width of 5 feet, to City specifications.
3. The applicant shall complete all standard improvements and requirements for drainage prior to issuance of occupancy permits.
4. A floodplain development permit will be required prior to issuance of a building permit.
5. Parks fees are due in the amount of \$10,200.00 for 15 multi-family dwelling units prior to building permit approval.
6. No portion of any structure shall encroach into proposed building setbacks.
7. The applicant shall identify each proposed façade included in Appendix A with cardinal directions (east/west, north/south) and revisions submitted for City Council review.
8. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

Landscape and Tree Preservation Conditions:

9. Areas for on-site storage, construction parking, cement truck washout, etc needs to be identified on this plan.
10. The applicant is proposing no preservation on the site. During the construction process, staff would like the opportunity to further evaluate the canopy once the building corners have been staked. If there is any suitable canopy for preservation, this will be saved and the mitigation amount adjusted.
11. Mitigation will be required on the site. As all canopy found on the site is low priority, 15 (2) inch caliper large species trees, \$3,750 money in lieu or a combination of both would be required. The combination of money in lieu and on-site planting must be determined before a building permit will be issued.
12. A 3-year bond, letter of credit, or check will be required before issuance of a final certificate of occupancy for the buildings. This amount will be determined by the number of trees planted on-site. Typically staff uses the value of \$250 per tree.
13. Shrubs are required to screen any parking visible from right of way. Please add a planting adjacent to Chestnut to screen these spaces. Shrubs are only needed in the area where the parking is visible. The species chosen must be 2 feet within 2 years of growth.
14. The intent is to plant the street trees within the right of way. If greenspace is not adequate or existing conditions prohibit, these trees need to be planted on private property just outside the right of way.
15. Utilities visible from the right of way must be screened. During inspection for the final certificate of occupancy, additional plantings may be required.
16. Parking lot lights and signs will be expected to coexist with required landscape. Please take this into consideration during the design of this project.
17. Before construction document approval, the landscape plan must be stamped by a Landscape Architect licensed within the state of Arkansas.
18. An estimate of material and labor is required for 150% the cost of the required landscape. Once this estimate is approved by the Urban Forester, a letter of credit, bond or check will be held until installation.
19. Chapter 177 requires street trees to be bonded for a 3-year term before final certificate of occupancy. This amount shall be held to ensure the maintenance of the required street trees.

Fire Department Conditions:

20. New buildings shall have an approved address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property.
21. Fire lanes 20 – 26 feet wide shall be posted on both sides of the fire lane on the North entrance.

Standard Conditions of Approval:

22. All mechanical and utility equipment on the wall and/or on the ground shall be screened. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening to the structure utilizing materials compatible with the supporting building. Smaller ground-mounted equipment may be screened with tall grasses or shrubs. A note shall be added to all construction documents indicating as such.
23. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Architectural elevations for these structures shall be submitted for review prior to issuance of a building permit.
24. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. for multi-family zoning districts. Signs are not allowed to be placed in utility easements.
25. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
26. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
27. Provide a CD containing the proposed Large Scale Development drawings in AutoCad or similar digital format.
28. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
29. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.
30. Large scale development shall be valid for one calendar year.
31. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area and all

- utility easements.
- d. Project Disk with all final revisions
- e. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
- f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Additional conditions:

32. _____

Subdivision Committee Action:

☐ Tabled

☐ Forwarded to City Council

Motion:

Second:

Vote:

Meeting Date: November 13, 2007

Comments: _____

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

Signature

Date

Findings associated with R-PZD 07-2680 (Arcadian Court)

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts:

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application to be in compliance with the Master Development Plan Planned Zoning District criteria established by the City Council. The City Plan 2025 designates this site as a Residential Neighborhood Area. Rezoning this property to R-PZD 07-2763 with multiple-family dwelling units at a density of 14 units per acre is consistent with the

land use plan and the surrounding land use. The development will support the goal of providing density (14 units/acre) nearby to public services, i.e. schools, recreation, retail and commercial goods, etc., while protecting the integrity of the predominantly residential neighborhood to the west and south. Further, the applicant is proposing elements of good urban design that are encouraged in the City Plan 2025, such as facing buildings to the street and shielding parking lots.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with applicable statutory provisions.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The impact of the rezoning and development would require the provision of public facilities, at the cost of the developer. Without improvements to existing infrastructure, the proposal would possibly adversely affect public facilities and services. However, as indicated in the submittal and the staff report, certain measures are to be taken to ensure additional infrastructure improvements are made by the developer to ensure the level of service does not decline due to the proposed development. Surrounding properties consist of multi-family residential and commercial uses.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The proposed development is compatible with the residential land use trend along Sycamore Street, with exception of the immediately adjacent properties to the west (see the attached zoning map of the surrounding properties). This development will yield a lower density than the surrounding zoning.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The property was originally developed with one commercial structure that has since been closed, leaving the structure vacant and the site unattended. The majority of the tree canopy is found along the edges of the property and is of poor quality.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Any additional development in the area will increase the amount of traffic on surrounding streets; however, the overall density should not create an appreciable amount of traffic above that which can be managed with the streets in the area. Improvements to Chestnut Street have been completed as a conditional of approval for Skate Place Phase I. No additional street improvements are recommended, with exception of a new sidewalk along Sycamore Street.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: The booklet and master development plans submitted provide for said unified development control.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

(B) Development standards, conditions and review guidelines

- (1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: The subject infill development is compatible with surrounding developments as multiple-family residences will be the only use permitted. Industrial use along Sycamore is no longer a desirable land use in close proximity to residential and small commercial businesses. Tree preservation is not proposed for this development, as the existing canopy is considered low priority, less desirable species; however, mitigation and money in lieu is recommended. Building location on the site is favorable, as the structures generally front the surrounding public streets and screen the parking. Landscaping has been integrated into the site plan.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: Screening is proposed along the east property line to screen the proposed residential use from the adjacent property, the zoning of which is I-1.

- (3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

- (a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
- (b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.
- (c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
- (d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.
- (e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.
- (f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: The development will include one internal parking lot with only one curb cut to provide access to 3 buildings, each containing 5 dwelling units.

- (4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: Parking is to be provided on-site, and on-street parking along Chestnut is permitted for overflow and guest parking.

- (5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: This requirement has been met.

- (6) *Sidewalks.* As required by §166.03.

FINDING: A 6' public sidewalk has been constructed along Chestnut Street as a condition of approval for Skate Place Phase I. The sidewalk along Sycamore Street is in disrepair and is to be removed and replaced with a 5' public sidewalk at the Master Street Plan right-of-way line.

- (7) *Street Lights.* As required by §166.03.

FINDING: Street lights are to be provided as indicated on the proposed site plan.

- (8) *Water.* As required by §166.03.

FINDING: Water service is available to the site, though service may need to be extended through the property at the time of development.

(9) *Sewer.* As required by §166.03.

FINDING: Sewer service is available to the site, though service may need to be extended through the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main may need to be studied at the time of development.

(10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

- (a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.
- (b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:
 - (i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.
 - (ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.
 - (iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.
 - (iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.
 - (v) The plat of the planned development shall designate each private street as a "private street."
 - (vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.
 - (vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to

maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

- (viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: Additional streets are not proposed for this development. The proposed driveway and parking lot shall conform to city standards.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: All development on the site shall be completed in one phase and shall adhere to the conditions herein. There are no nonresidential facilities proposed.

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings,

underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: The tree preservation plan indicates 0% preservation of the existing low priority canopy. Mitigation will be supplied in the form of a combination of on-site planting and money in lieu. Ultimately, the new trees will be more beneficial than the canopy that currently exists. See Tree Preservation and Protection Report.

- (13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: No commercial uses are proposed, though the applicant has submitted façade proposals for each building façade.

- (14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: Staff finds no specific scenic views to be protected on the subject property.

(E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

- (a) *Building permit.* If no building permit has been issued within the time allowed.
- (b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
- (c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

- (2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent

to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

- (3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

- (1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.
- (2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:
- (a) The homeowner's association must be legally established before building permits are granted.
 - (b) Membership and fees must be mandatory for each home buyer and successive buyer.
 - (c) The open space restrictions must be permanent, rather than for a period of years.
 - (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
 - (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

Sec. 161.25 Planned Zoning District

(A) **Purpose.** The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

- (1) **Flexibility.** Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) **Compatibility.** Providing for compatibility with the surrounding land uses.
- (3) **Harmony.** Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) **Variety.** Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) **No negative impact.** Does not have a negative effect upon the future development of the area;
- (6) **Coordination.** Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) **Open space.** Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) **Natural features.** Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) **General Plan.** Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
- (10) **Special Features.** Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: Staff finds this proposal meets the intent of many of the parameters of the City Plan 2025, as well as the above criteria, including promoting a walkable and accessible neighborhood, compatibility with surrounding land uses, and utilizing a potential infill situation to provide attainable housing. The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, offering a multiple-family housing type in an infill situation.

The following guiding policies within Residential Neighborhood Areas are applicable to this development, and help to achieve the nine primary goals of the City Plan 2025:

Residential Neighborhood Areas:

- a. *Where possible, encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.*
- b. *Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.*
- c. *Discourage design elements that prohibit complete, compact, connected neighborhoods such as cul-de-sacs, gated communities, etc.*
- d. *Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.*
- e. *Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services.*

(B) **Rezoning.** Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: The submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council an ordinance will be drafted for consideration of rezoning this property in accordance with the submittal herein.

(C) ***R – PZD, Residential Planned Zoning District.***

- (1) ***Purpose and intent.*** The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:
 - (a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's City Plan 2025 and the orderly development of the city.
 - (b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.
 - (c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.

- (d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.
- (e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: Staff is recommending approval of this application, finding the proposed R-PZD meets the intent of the PZD ordinance as noted above. The requested R-PZD provides a compatible relationship with surrounding land uses.

- (2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
- (3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

- (4) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The residential uses on this property will be 100 percent of the gross floor area within the development.

(F) *Bulk and area regulations*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:
 - (a) The densities of surrounding development;
 - (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's General Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.

FINDING: Surrounding development is mixed in density with multiple-family development consistent with the RMF-24 and RMF-40 zoning districts along with light industrial and commercial to the east of Chestnut Street. A density of 14 units per acre is appropriate given that the project is an infill development that is located near existing multiple-family

developments and commercial establishments, meets the urban development goal of the City's City Plan 2025, and will not have a detrimental impact on the site and adjoining properties.

- (2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

FINDING: Lot area minimums and setbacks for this project are similar to the requirements set by the RMF-40 zoning district. Due to the unique nature of this development, it is not possible to conform to existing standards for lot area minimums and setback requirements of the heavy commercial/light industrial zoning district.

- (3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: Building heights proposed for this project are typical of multiple-family developments in the surrounding area, and shall not exceed 45'.

- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: The Master Development Plan for this project allows a maximum of 60% buildable area permitted.

***Required Findings for Rezoning Request.**

FINDINGS OF THE STAFF

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

Finding: Staff finds the proposal is consistent with the land use planning objectives, principles and policies, as evidenced by the number of guiding policies for Residential Neighborhood Areas this proposal meets. Rezoning the property will accommodate both the future land use plan for residential uses in this area and also allow for a variety of housing types, sizes and development pattern, thus providing more choice for more citizens.

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

Finding: The rezoning is needed to allow for an infill development that is similar to the residential development pattern in the surrounding neighborhood, while also maintaining a level of compatibility and sensitivity to surrounding properties.

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

Finding: Staff finds this proposal will not create or appreciably increase traffic danger and congestion.

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: Staff does not find that an undesirable increase in load on public services would be created.

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



PC Meeting of November 13, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

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

LANDSCAPE REVIEW FORM

To: City of Fayetteville Planning Commission

From: Sarah K. Patterson, Urban Forester

Date: November 5, 2007

ITEM # 07-2763: Planned Zoning District (Skate Place II)

Applicable Requirements:

Y	Site Development & Parking Lot Standards
NA	1-540 Design Overlay
Y	Street Tree Planting Standards
NA	Stormwater Facilities

Plan Checklist:

Y= submitted by applicant
N=requested by City of Fayetteville
NA= not applicable

Preliminary Submittal	Final Submittal	
		All Landscape Plans
Y	Y	Irrigation notes either automatic or hose bib
Y	Y	Species of plant material identified
Y	Y	Size of plant material at time of installation indicated
Y	Y	Soil amendments notes include that soil is amended and sod removed
Y	Y	Mulch notes indicate organic mulching around trees and within landscape beds
N	N	Plans stamped by a licensed Landscape Architect
Y	Y	Planting details according to Fayetteville's Landscape Manual
		Site Development & Parking Lot Standards
Y	Y	Wheel stops/ curbs
N	Y	Interior landscaping Narrow tree lawn (8' min width, 17' min length/ 1 tree per 30 feet) Tree island (8' min. width/1 tree per 12 spaces)

Preliminary Submittal	Final Submittal	
N	Y	Perimeter landscaping <i>Side and rear property lines (5' landscaped)</i> <i>Shade trees as described in street tree planting standards,</i> <i>Parking lot adjacent to R.O.W.- continuous planting of shrubs-at least 8 per tree- and ground cover -50% evergreen)</i>
		Overlay District Requirements
NA		Greenspace adjacent to street R.O.W. (25' wide)
NA		Large street trees planted every 30' L.F. along R.O.W.
NA		25% of total site area left in greenspace (80% landscape)
NA		Parking lots and outdoor storage screened with landscaping
		Street Tree Planting Standards (time of P.P. or permit)
NA		Residential Subdivisions- 1 large species shade tree/ lot tree planted within R.O.W. if possible
N	Y	Nonresidential Subdivision- 1 large species shade tree/30 L.F. tree planted within 15-25' greenspace
NA		Urban Tree Wells-urban streetscape only-8 foot sidewalk
NA		Structural Soil-if urban wells are used, a note or detail of structural soil must be indicated on the landscape plan
NA		Timing of planting indicated on plans (subdivisions only)
NA		Written description of the method for tracking plantings
		Stormwater Facilities (time of P.P. or permit)
NA		1 deciduous or evergreen tree/ 3000 square feet
NA		4 large shrubs (3 gal) or small trees / 3000 square feet
NA		6 shrubs or grasses (1 gal) / 3000 square feet
NA		Ground cover unless seed or sod is specified
NA		50% of facility planted with grass or grass like plants

Conditions of Approval:

1. Shrubs are required to screen any parking visible from right of way. Please add a planting adjacent to Chestnut to screen these spaces. Shrubs are only needed in the area where the parking is visible. The species chosen must be 2 feet within 2 years of growth.
2. The intent is to plant the street trees within the right of way. If greenspace is not adequate or existing conditions prohibit, these trees need to be planted on private property just outside the right of way.
3. Utilities visible from the right of way must be screened. During inspection for the final certificate of occupancy, additional plantings may be warranted.
4. Parking lot lights and signs will be expected to coexist with required landscape. Please take this into consideration during the design of this project.
5. Before construction document approval, the landscape plan must be stamped by a Landscape Architect licensed within the state of Arkansas.

- 6. An estimate of material and labor is required for 150% the cost of the required landscape. Once this estimate is approved by the Urban Forester, a letter of credit, bond or check will be held until installation.**
- 7. Chapter 177 requires street trees to be bonded for a 3-year term before final certificate of occupancy. This amount shall be held to ensure the maintenance of the required street trees.**



PC Meeting of November 13, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

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

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Planning Commission

From: Sarah K. Patterson, Urban Forester

Date: November 5, 2007

ITEM #: R-PZD 07-2763: Planned Zoning District (Skate Place II)

Requirements Submitted:

N	Initial Review with the Urban Forester
T	Site Analysis Map Submitted
T	Site Analysis Written Report Submitted
N	Complete Tree Preservation Plan Submitted

Canopy Measurements:

Total Site Area	
acres	1.06
square feet	46,045
Existing Tree Canopy	
acres	0.14
square feet	6,031
percent of site area	13%
Existing Tree Canopy Preserved	
acres	0.14
square feet	0
percent of total site area	0%
Percent Minimum Canopy Required	13%

FINDINGS:

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

- **Currently $\frac{3}{4}$ of this site is developed with one structure and large impervious parking lot. Approximately 13% of the one acre site is**

covered with low priority less desirable species. One elm in poor condition is the only significant tree found on the site. The applicant is requesting complete removal of the tree canopy on this. Mitigation will be supplied in the form of a combination of on-site planting and money in lieu. Ultimately the new trees will be more beneficial than what is currently existing.

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

- **Environmental degradation should not occur on the site. It has been stated by the applicants engineers, that more pervious surface will be added than what currently exists.**

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

- **Adjacent properties should not be affected by this development. Screening is required along the east property line but currently this property is adjacent to industrial zoning.**

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

- N/A

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

- **The size and shape of the lot does not reduce flexibility.**

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

- **The overall health of the trees is poor condition.**

The placement of the tree or group of trees in relation to utilities, structures, and use of the property.

- **Canopy on this site was not necessarily taken into consideration during the original design.**

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **All canopy is requested to be removed with this project.**

Whether roads and utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.

- **All canopy is requested to be removed on this project.**

Construction requirements for On-Site and Off-Site Alternatives.

- N/A

The effects of proposed On-Site Mitigation or Off-Site Alternatives.

- **Mitigation will be required on this site to bring the canopy back up to the required 13%. The applicant is proposing a combination of on-site planting and money in lieu.**

The effect other chapters of the UDC, and departmental regulations have on the development design.

- **This project is a Residential Planned Zoning District.**

The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations:

- N/A

The impact a substantial modification or rejection of the application would have on the Applicant:

- **Staff is recommending forwarding the Tree Preservation and Protection plan with the following Conditions of Approval.**

Conditions of Approval:

- 1. Areas for on-site storage, construction parking, cement truck washout, etc needs to be identified on this plan.**
- 2. The applicant is proposing no preservation on the site. During the construction process, staff would like the opportunity to further evaluate the canopy once the building corners have been staked. If there is any suitable canopy for preservation, this will be saved and the mitigation amount adjusted.**
- 3. Mitigation will be required on the site. As all canopy found on the site is low priority, 15 (2) inch caliper large species trees, \$3,750 money in lieu or a combination of both would be required. The combination of money in lieu and on-site planting must be determined before a building permit will be issued.**
- 4. A 3-year bond, letter of credit, or check will be required before issuance of a final certificate of occupancy for the buildings. This amount will be determined by the number of trees planted on-site. Typically staff uses the value of \$250 per tree.**



Fayetteville Fire Department

MEMO

To: Dara Sanders
From: Captain Dale Riggins
Date: November 5, 2007
Re: Skate Place II

Dara,

I had put a comment at the Tech Plat meeting that these buildings needed to be sprinklered, but at the meeting I found out that they are only 2 stories and do not need to be sprinklered.

Only buildings that are more than 3 stories, over 1200 square feet, or meet other fire code criteria, are required to have automatic sprinkler systems installed. These building do not meet any of those requirements; therefore, do not need to be sprinklered.

Dale Riggins

Captain
Fayetteville Fire Department

RZN 00-000: Rezoning (ady, 555): Submitted by H2 Engineering for property located at 1308 N LEVERETT. The property is zoned I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL and contains approximately 0.55 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY-24 UNITS/ACRE.

Public water is located adjacent to the site. There is a 6" waterline along Leverett. Water service may need to be extended through the property at the time of development.

Sanitary sewer is available to the site. There is an 8" sewer main along Leverett. Sewer service may need to be extended through the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main may need to be studied at the time of development.

The site has access to Leverett Avenue. Leverett is currently an improved two lane paved roadway. Street improvements will be evaluated with the proposed development.

Standard improvements and requirements for drainage will be required for the development.

R-PZD 07-2763: Residential Planned Zoning District (Skate Place II, 366): Submitted by H2 ENGINEERING, INC. for property located at 646 W. SYCAMORE STREET. The property is zoned I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL and contains approximately 1.08 acres. The request is for Zoning, Land Use, and Development review of a Residential Planned Zoning District of 3 buildings with 5 units each for a total of 15 units and associated parking.

Public water is located adjacent to the site. There is a 6" waterline along Chestnut and an 8" main along Sycamore. Water service may need to be extended through the property at the time of development.

Sanitary sewer is available to the site. There is an 8" sewer main along both Sycamore and Chestnut. Sewer service may need to be extended through the property at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main may need to be studied at the time of development.

The site has access to Sycamore Street and Chestnut Avenue. Sycamore is currently an improved four lane paved roadway. Chestnut is a newly constructed two lane roadway.

Standard improvements and requirements for drainage will be required for the development.

RZN 07-2782: (SWEETSER, 566): Submitted by DAVE JORGENSEN for property located at 2220 E. HUNTSVILLE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 0.95 acres. The request is to rezone the subject property to R-O, Residential Office.

Public water is located adjacent to the site. There is a 12" waterline along Huntsville Road. Water service may need to be extended through the property at the time of development.

Sanitary sewer is available to the site. There is a 6" sewer main along Huntsville Road. Sewer service may need to be extended through the property at the time of development. Improvements

Date 11/6/2007

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

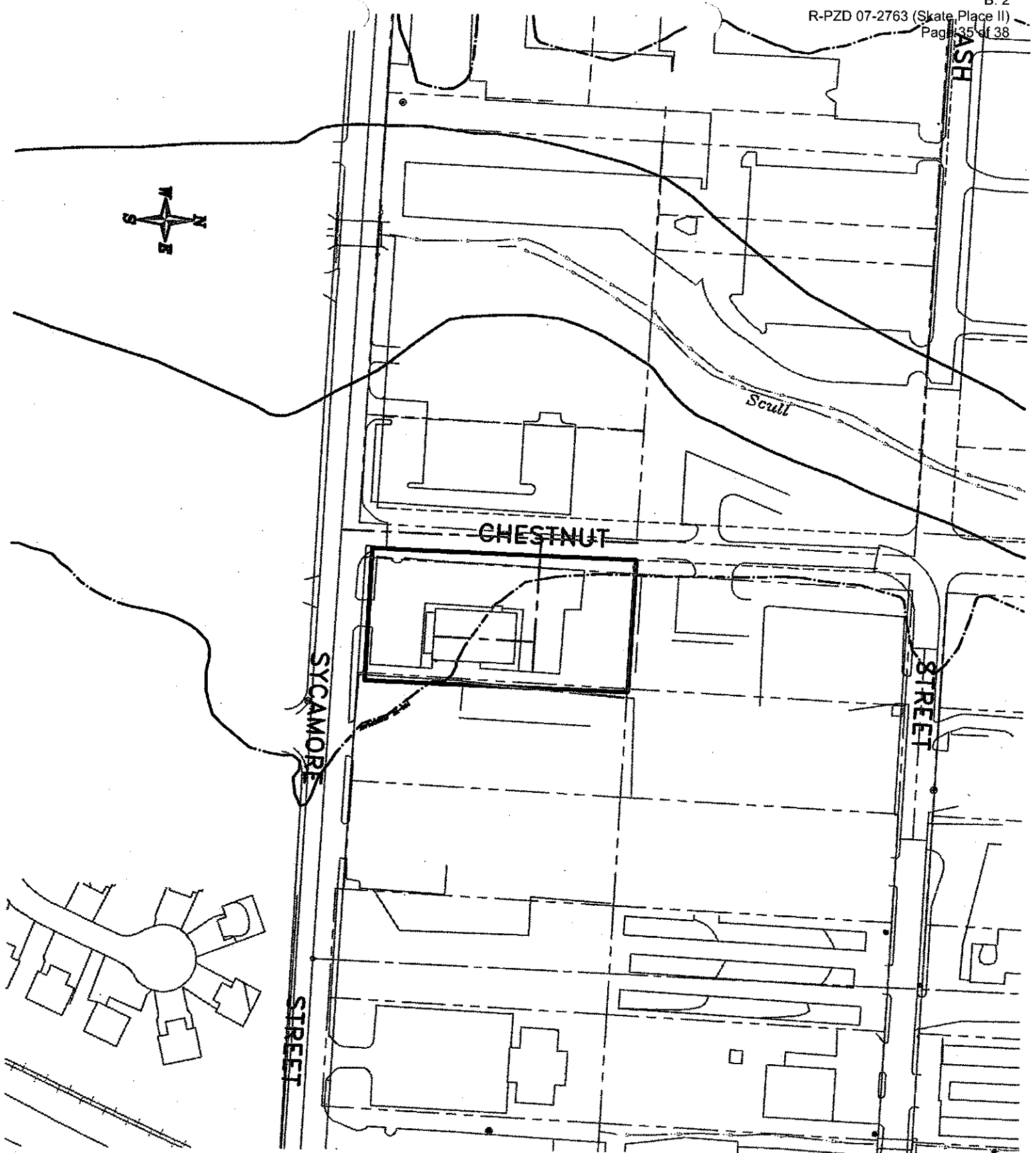
Dear Director Pate,

This document is in response to the request for a determination of whether the proposed **R-PZD 07-2763: (SKATE PLACE II, 366):** Submitted by **H2 Engineering Inc** for property located at **646 W. Sycamore Street**, would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. **The property is zoned I-1 and contains approximately 1.08 acres.** The request is for zoning, land use, and development review of a residential planned zoning district of 3 buildings with 5 units each for a total of 15 units and associated parking.

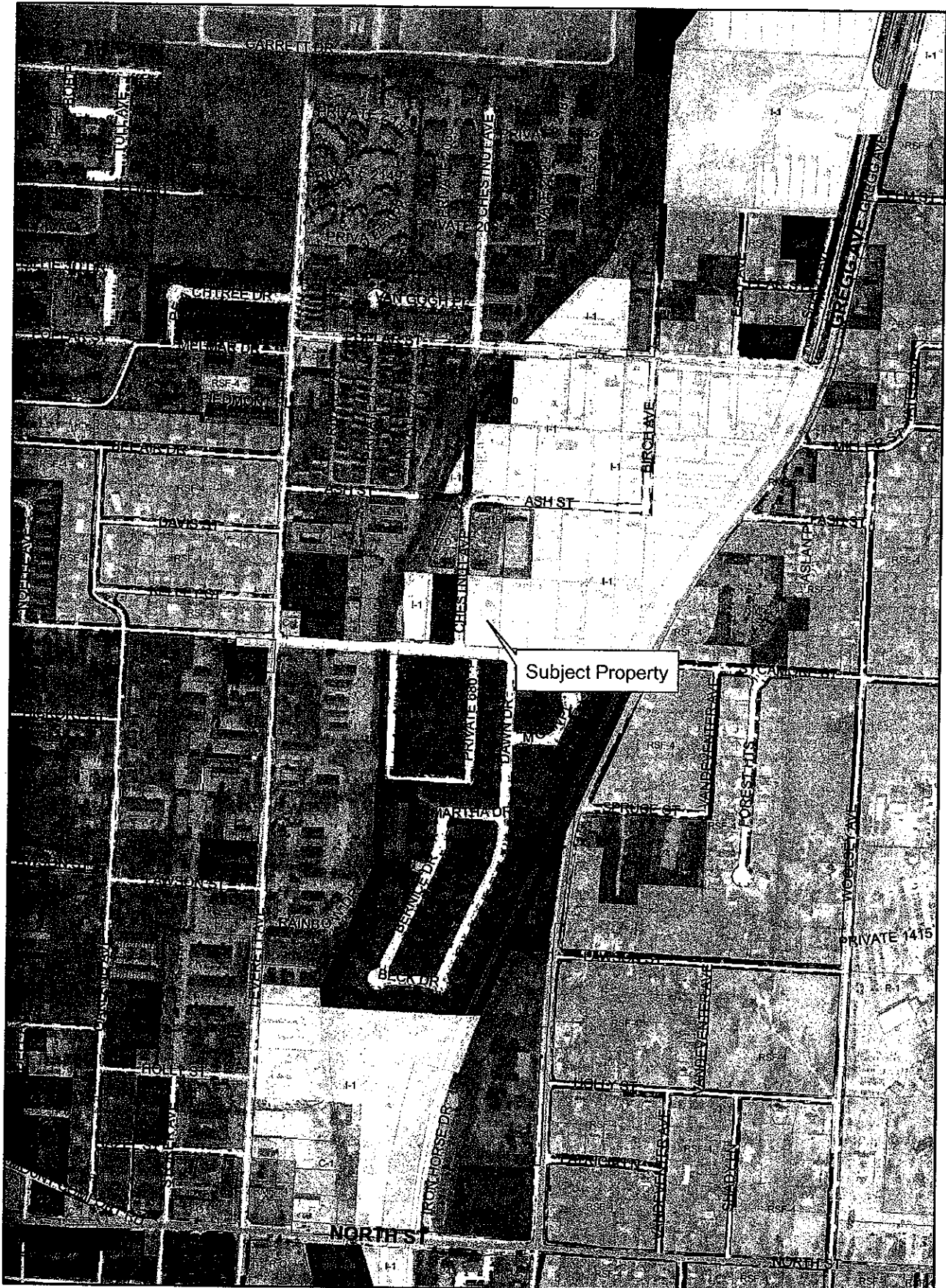
It is the opinion of the Fayetteville Police Department that this R-PZD **will not** substantially alter the population density, and **will not** create an appreciable or undesirable increase in the load on police services. This PZD **will not** create an appreciable increase in traffic danger or congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department



CH2 ENGINEERING, INC. 3708 MILLIKEN DRIVE SUITE 1 AMSTERDAM, ARIZONA 85706 PHONE (479) 583-0224 FAX (479) 583-0224		SKATE PLACE - PHASE II 300' OFFSITE CURB CUTS		SHEET NO. 35 OF 38	PROJECT NO. 07-2763 DATE: 10/22/07	DRAWN BY: J. L. H. / J. L. H. CHECKED BY: J. L. H. / J. L. H. DATE: 10/22/07 PROJECT: SKATE PLACE II LOCATION: AMSTERDAM, ARIZONA	REGISTERED PROFESSIONAL ENGINEER STATE OF ARIZONA NO. 105 H2 ENGINEERING INCORPORATED
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RPZD07-2763

Close Up View

SKATE PLACE II



SUBJECT PROPERTY

SYCAMORE ST

Overview

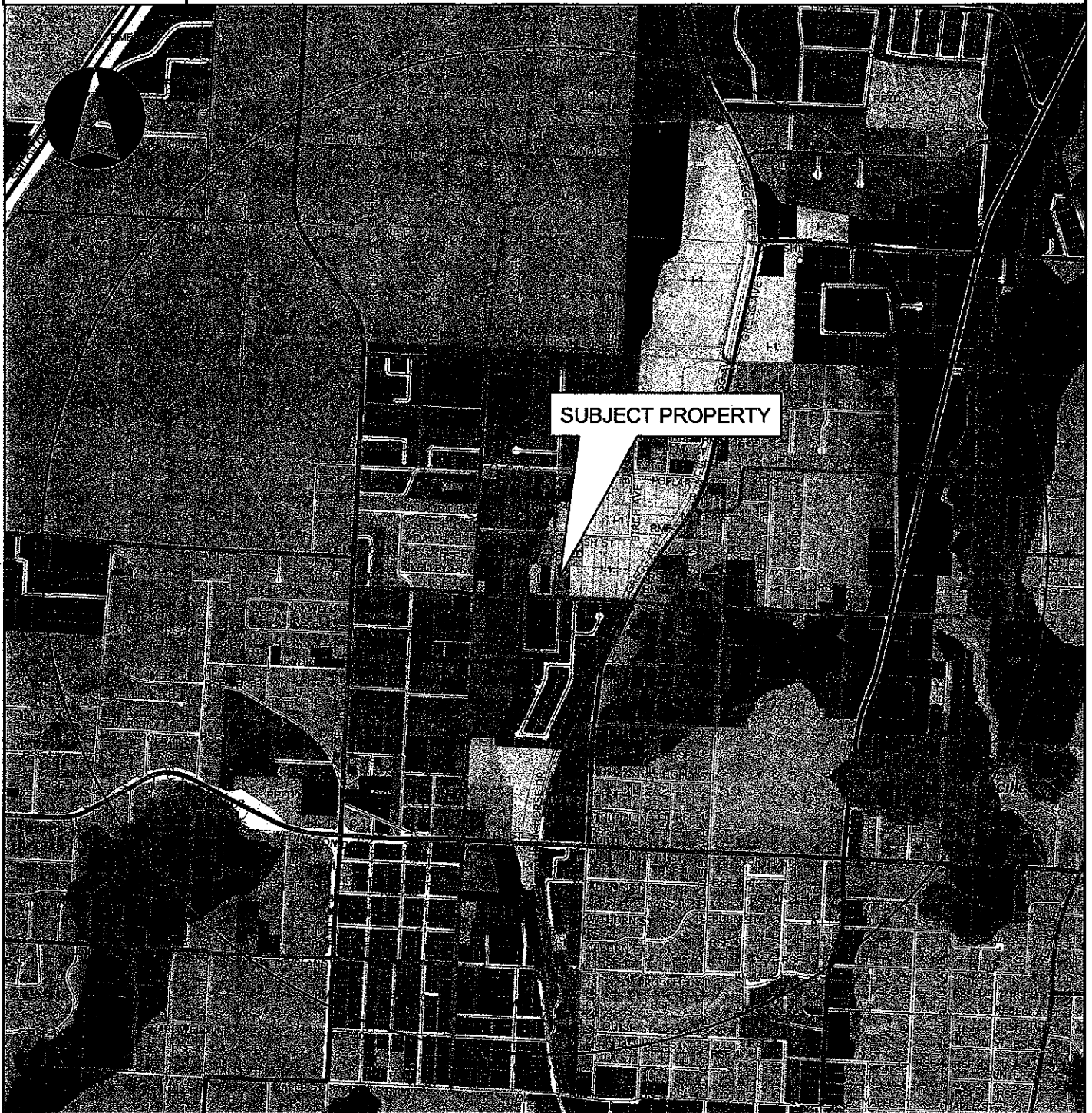


0 37.5 75 150 225 300 Feet

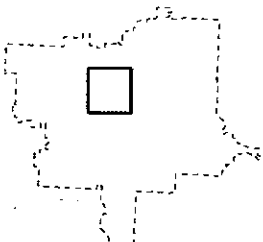
RPZD07-2763

SKATE PLACE II

One Mile View



Overview



Legend

Subject Property

RPZD07-2763

Boundary

- Planning Area
- Overlay District
- Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

RESOLUTION NO. _____

A RESOLUTION TO GRANT A VARIANCE FROM THE PARKLAND DEDICATION REQUIREMENT, IN ACCORDANCE WITH §156.03(B) OF THE UNIFIED DEVELOPMENT CODE FOR THE HABITAT FOR HUMANITY LOW IMPACT DEVELOPMENT (LID) DEMONSTRATION PROJECT; AND DESIGNATING THE THREE AND ONE-HALF ACRES ADJACENT TO THE PROJECT AS A CITY PARK.

WHEREAS, Habitat for Humanity is a non profit organization dedicated to providing affordable single-family owner-occupied housing in Fayetteville; and

WHEREAS, The City of Fayetteville has enter into a contract to sell approximately 8.8 acres to Habitat for Humanity to design this project as a LID demonstration subdivision along with approximately a three and one-half acre City park adjacent to the project; and

WHEREAS, The University of Arkansas Community Design Center will provide planning and design services through an EPA grant to restore the existing open ditch to a functioning more natural stream; and

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, determines that granting the variance to the parkland dedication requirement serves the public interest and is beneficial to the City as a whole, and hereby grants such variance in accordance with § 156.03 (B) of the Unified Development Code.

Section 2. That the City Council of the City of Fayetteville, Arkansas, designates the three and one-half acres adjacent to the project as a City Park.

PASSED and **APPROVED** this day of , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

Tentative Agenda City of Fayetteville Arkansas City Council Meeting January 15, 2008

A meeting of the Fayetteville City Council will be held on January 15, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. State of the City Report – Mayor Coody

Agenda Additions:

A. Consent:

1. Approval of the December 18, 2007, December 27, 2007 and January 3, 2008 City Council meeting minutes.
2. **Arkansas State Police Grant:** A resolution accepting an Arkansas State Police Drug Task Force General Improvement Grant in the amount of \$54,455.00 for the purchase of a vehicle, surveillance equipment and supplies for use by the 4th Judicial District Drug Task Force; and approving a budget adjustment.

3. **Arkansas Razorback Transit:** A resolution approving a contract in the amount of \$50,000.00 with the University of Arkansas Razorback Transit to provide public transit services.
4. **Bid #07-79 JWC Environmental:** A resolution awarding Bid #07-79 to JWC Environmental in the amount of \$163,436.00 for the purchase of a Channel Grinder for the Hamestring Sewer Lift Station, WSIP Subproject WL-6.
5. **Rules of Order and Procedure:** A resolution to amend the Rules of Order and Procedure to clarify the final denial of ordinances or resolutions that have been tabled indefinitely.

B. New Business:

1. **2007 Items Tabled Indefinitely – Final Actions:** A resolution to deny several items tabled indefinitely and reschedule for hearing three items that may need further City Council action.
2. **Martin Luther King Boulevard:** A resolution to change the name of Sixth Street to Martin Luther King Boulevard.
3. **Amend Chapter 163 Home Occupations:** An ordinance amending §163.09 Home Occupations of the Unified Development Code to permit limited signage in RSF-4 Zones.
4. **Amend Chapter 166 Development:** An ordinance to amend §166.06 of the UDC to allow consideration of property within the City's planning area to receive conditional approval of a PZD.
5. **Habitat for Humanity Low Impact Development (LID) Demonstration Project:** A resolution to grant a variance from the parkland dedication requirement, in accordance with §156.03 (B) of the Unified Development Code for the Habitat for Humanity Low Impact Development (LID) Demonstration Project; and designating the three and one-half acres adjacent to the project as a city park.
6. **Amend Chapter 111 Alcoholic Beverages:** An ordinance to amend §111.30 Retail of Chapter 111 Alcoholic Beverages of the Code of Fayetteville.

Announcements:

1. **City Council Tour: January 14, 2008**

Adjournment:

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

January 15, 2008
City Council Meeting Date

Willie Newman
Submitted By

Drug Task Force
Division

Police
Department

Action Required:

Approval of a grant award from the Arkansas State Police for the purchase of a vehicle, equipment, and supplies in the amount of \$54,455.00. *Approval of a Budget Adjustment of \$54,455.*

\$ 54,455.00

Cost of this request

\$ 54,455.00

Category / Project Budget

Drug Grant

Program Category / Project Name

2930-2960-5200.00/5210.00/5801.00

Account Number

\$ -

Funds Used to Date

Drug Grant

Program / Project Category Name

08047.1

Project Number

\$ 54,455.00

Remaining Balance

Drug Grant

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒


Department Director

12-28-07
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:


City Attorney

12/31/07
Date

Received in City Clerk's Office

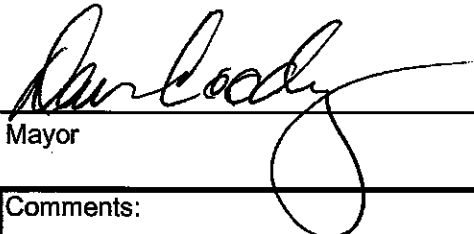
ENTERED
12/31/07

Paul A. Buehner
Finance and Internal Service Director

1-2-08
Date

Received in Mayor's Office

ENTERED
1/2/08


Mayor

1/2/08
Date

Comments:



Departmental Correspondence

TO: Dan Coody, Mayor
Fayetteville City Council

THRU: Greg Tabor, Police Chief 

FROM: Willie Newman, Financial Coordinator

DATE: December 28, 2007

SUBJECT: Drug Task Force General Improvements Grant Award

Background

With the diligent efforts of Senator Bill Pritchard, Act 1717 of the 2007 session of the Arkansas 86th General Assembly was passed which charged the Arkansas State Police with the responsibility of disbursing \$115,000 in grant funding to drug task force operations. The Arkansas State Police established the Drug Task Force General Improvement Grant Committee to award funds which best facilitate a drug task force or drug task forces operations and related programs. The 4th Judicial Drug Task Force (JDTF) submitted a grant application in which grant funding was requested in the amount of \$69,255.

Discussion

The Grant Committee awarded the 4th JDTF grant funding in the amount of \$54,455 for the purchase of a vehicle, updated surveillance equipment and purchase evidence/drug test kits. These items are essential to our drug enforcement operations and grant funding allows these purchases without reducing our limited funding and resources.

A 4x4 SUV is vital to the operation of the task force and is used during search warrants, surveillance, and undercover investigations. This vehicle must be able to withstand the rugged terrain of the rural area of Washington and Madison Counties. The 4th JDTF will begin drug interdiction on the highways to combat the influx of drugs to our area. The 4th JDTF will purchase various types of probes, fiber optic scopes, density meters, etc. to support this effort.

This equipment is necessary to find hidden compartments where drugs are stored for transportation. The evidence collection supplies and personal protective equipment which include: wide-mouth bottles, screw cap liners, pipettes, StanSlov gloves, and presumptive drug test kits are essential for the safety of our officers while collecting, sampling, and preserving evidence at methamphetamine lab sites and other drug investigations.

Recommendation

Staff recommends approval of this grant award and authorization to accept grant funding through the Drug Task Force General Improvements Grant in the amount of \$54,455.

Budget Impact

None. This is a reimbursement grant, therefore, City funds will be expended prior to the receipt of grant funds.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING AN ARKANSAS STATE POLICE DRUG TASK FORCE GENERAL IMPROVEMENT GRANT IN THE AMOUNT OF \$54,455.00 FOR THE PURCHASE OF A VEHICLE, SURVEILLANCE EQUIPMENT AND SUPPLIES FOR USE BY THE 4TH JUDICIAL DISTRICT DRUG TASK FORCE; AND APPROVING A BUDGET ADJUSTMENT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby accepts an Arkansas State Police Drug Task Force General Improvement Grant in the amount of \$54,455.00 for the purchase of a vehicle, surveillance equipment and supplies for use by the 4th Judicial District Drug Task Force.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment recognizing the grant revenue.

PASSED and APPROVED this 15th day of January, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer



Mike Beebe
Governor

State of Arkansas

A. 2
Arkansas State Police Grant
Page 5 of 8



Winford E. Phillips
Director

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"

ARKANSAS STATE POLICE COMMISSION

Daniel "Woody" Futrell
Chairman
Nashville

Warren Dupwe
Vice-Chairman
Jonesboro

Charisse Childers
Secretary
Blytheville

Dr. Lewis Shepherd
Arkadelphia

John W. Allison
Conway

Steve G. Smith
Little Rock

Jane Christenson
Harrison

Arkansas State Police Drug Task Force General Improvement Grant Award

Application Organization's Name: 4th Judicial District Drug Task Force

Grant #: 1001

Vendor #: 100089155

Drug Task Force Executive Name: Chief Greg Tabor

Address: 100-a West Rock

City, State, Zip Code: Fayetteville, AR 72701

Telephone: 479-587-7122

Fax: 479-587-7126

Award Start Date: 01/01/08

Award End Date: 12/31/2008

Award Amount: \$54,455.00

Colonel Winford E. Phillips
Director

Date

DTF Coordinator

Date

Arkansas State Police
Drug Task Force General Improvement Grant
1 State Police Plaza Drive
Little Rock, AR 72209

MEMORANDUM OF UNDERSTANDING

In accordance with Act 1717 of the 2007 session of the Arkansas 86th General Assembly the Arkansas State Police was charged with the responsibility of disbursing funds in the sum of \$115,000.00 for grants and aid for drug task force operations and related programs in the State of Arkansas.

Pursuant to the foregoing authority, the Arkansas State Police has established the Drug Task Force General Improvement Grant Committee to award funds, which in the Committee's opinion, will best facilitate a drug task force or drug task forces operations and related programs.

In accordance with the foregoing a joint agreement between the Arkansas State Police and the 4th Judicial District Drug Task Force is entered for a period of January 1, 2008 through December 31, 2008.

The recipient of the awarded funds agrees to maintain records and receipts for items purchased with the grant funds and will furnish copies of all receipts to the Arkansas State Police by the 10th day of the month following the expenditure.

Any modification or changes above the 10% to the grantee's approved budget must be authorized by the Arkansas State Police before expenditures for the changes can be made. Any awarded funds not expended during the period set out in the preceding paragraph and in accordance with grantee's budget or approved changes shall be refunded to the Arkansas State Police.

The awarded funds are subject to audit by the Arkansas State Police and/or the Department of Legislative Audit. Misuse of these funds will result in the 4th Judicial District Drug Task Force reimbursing the Arkansas State Police for the funds awarded.

The following items will NOT be considered for funding and any funds awarded should not be used for these items:

- Salaries, over time, fringe benefits related to salaries
- Contractual services, and travel related expenditures
- Electronic Immobilization Devices
- Drug Court Programs
- Real Estate
- Vessel or Aircraft
- Construction Projects

This MOU shall remain in full force and effect beginning on the date of signature and continuing for the duration of the current agreement period.

SIGNATURES

Colonel Winford E. Phillips
Director
Arkansas State Police

Date: _____

Director of 4th Judicial District Drug Task Force

Date: _____

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

A. 2
Arkansas State Police Grant
Page 8 of 8

Budget Year 2008	Department: Police Division: Police Program: Drug Enforcement	Date Requested 1/15/2008	Adjustment Number
--------------------------------	---	--	-------------------

Project or Item Added/Increased:

To request \$4,955 in the supplies account, \$30,000 in the minor equipment account and \$19,500 in the fixed assets account.

Project or Item Deleted/Reduced:

To recognize grant revenue in the amount of \$54,455.

Justification of this Increase:

Arkansas State Police awarded the 4th JDTF grant funding in the amount \$54,455.

Justification of this Decrease:

Arkansas State Police established the Drug Task Force General Improvement Grant to award grant funds to facilitate drug task force operations. The 4th JDTF was awarded \$54,455.

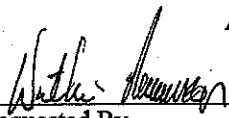
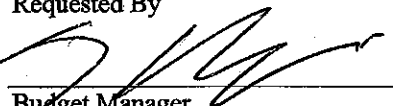
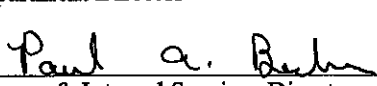
Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Office supplies/printing	2930	2960	5200	00	4,955	08047	1
Minor equipment	2930	2960	5210	00	30,000	08047	1
Fixed assets	2930	2960	5801	00	19,500	08047	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
State Grants-Operational	2930	0993	4302	01	54,455	08047	1

Approval Signatures

	<u>1-2-08</u>
Requested By	Date
	<u>1-2-17</u>
Budget Manager	Date
	<u>1-2-08</u>
Department Director	Date
	<u>1-2-08</u>
Finance & Internal Services Director	Date
Mayor	Date

Budget Office Use Only

Type: A B C D E

Posted to General Ledger

Initial	Date
---------	------

Posted to Project Accounting

Initial	Date
---------	------

Entered in Category Log

Initial	Date
---------	------

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

1/15/2008

City Council Meeting Date

Susan Thomas

Submitted By

Public Information

Division

General Government

Department

Action Required:

Resolution approving a contract between the University of Arkansas Razorback Transit and the City of Fayetteville in the amount of \$50,000 for transit services.

\$ 50,000.00

Cost of this request

\$ 50,000.00

Category / Project Budget

Miscellaneous

Program Category / Project Name

1010-6600-5728-00

Account Number

\$ -

Funds Used to Date

Transfer to Outside Agencies

Program / Project Category Name

\$ 50,000.00

Remaining Balance

General Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Previous Ordinance or Resolution #

Department Director

12/21/2007

Date

Original Contract Date:

City Attorney

12/31/07

Date

Original Contract Number:

Finance and Internal Service Director

12-31-07

Date

Received in City Clerk's Office

ENTERED

Mayor

1/2/08

Date

Received in Mayor's Office

ENTERED

Comments:



City Council Memo

TO: Mayor Coody and City Council

FROM: Susan B. Thomas, Ph.D., Public Information & Policy Advisor

DATE: December 28, 2007

SUBJECT: Annual Funding for Razorback Transit

RECOMMENDATION

Approval of the attached contract between the City of Fayetteville and the University of Arkansas Razorback Transit.

DISCUSSION

The contract and contract amount are for public transit services incorporated into the 2008 budget.

BUDGET IMPACT

The budget for this item is \$50,000.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF \$50,000.00 WITH THE UNIVERSITY OF ARKANSAS RAZORBACK TRANSIT TO PROVIDE PUBLIC TRANSIT SERVICES.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a contract in the amount of \$50,000.00 with the University of Arkansas Razorback Transit to provide public transit services. A copy of the contract, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and APPROVED this 15th day of January, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

CITY OF FAYETTEVILLE CONTRACT FOR SERVICES

This agreement is entered into on this _____ day of _____, 200__ between the City of Fayetteville, hereinafter known as the "City" and Board of Trustees of the University of Arkansas, acting for and on behalf of the University of Arkansas, Fayetteville – Razorback transit, hereinafter known as "UAF," an Arkansas governmental unit.

WHEREAS the City has determined that a public need exists for fixed route public transit services within the city limits of Fayetteville.

WHEREAS UAF has developed a fixed route public transit service within the city limits.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and UAF agree as follows:

1. This agreement will begin on the date first written above.
2. UAF agrees to develop, operate and maintain a fixed route public transit system and allow Fayetteville residents free use of the same system. UAF reserves the right to refuse service to anyone for violation of transit service rules. UAF reserves the right to determine the route structure of the transit system.
3. UAF agrees to provide written quarterly and annual reports to the City that describe the activities undertaken during the preceding period concerning its public transit system and also report on the following performance measure: estimated number of passengers by route. The quarterly reports are to be submitted to the Project Coordinator as soon as practical after the end of the quarter. The data will be reported for the current quarter, current year-to-date, and prior year-to-date.
4. UAF agrees to make available all records pertaining to public transit fixed route and paratransit service, except those restricted by federal regulations, for review by the City and City auditors as requested. UAF agrees to comply with the Arkansas Freedom of Information Act as applicable.
5. For the purpose of the Agreement, the Project Coordinator for the City will be the Mayor or his/her designee. The Project Coordinator for UAF will be UAF Transit and Parking Director or his/her designee. Communications pertaining to this agreement will be through the respective Project Coordinators for the City and UAF.
6. Terms of performance. The term of performance for this agreement will expire December 31, 2008 and may be extended for one or more one-year terms, up to an additional three years, subject to approval of a budget containing funding for the service and written agreement of both parties.

7. Budget. The City agrees to pay UAF and UAF agrees to accept as payment in full for its services \$50,000 for 2008. The amounts to be paid for services in future budget years are dependent on the amounts appropriated by City Council for each budget year. It is understood that a reduction in City Funding may require a reduction in transit service.
8. UAF shall provide and maintain in force at all times during the term of the agreement, for its own employees, coverage for worker's compensation to the extent required by law.
9. UAF shall render to the City, a Request for Payment at the end of each year and the City will pay the invoice within thirty days of receiving the invoice in the City's Accounting Division.
10. Notices. All notices required or permitted under this agreement will be submitted in writing to the other party in this agreement by personal delivery to the address below, or by certified mail, return receipt requested, in which case notice will be effective three (3) days after deposit therein addressed to the following:

Mayor	Transit and Parking Director
City of Fayetteville	University of Arkansas
113 W Mountain	155 Razorback Road ADSB 131
Fayetteville, AR 72701	Fayetteville, AR 72701
11. Neither party may assign any of its rights or obligations under this agreement without the express written consent of the other, nor shall this agreement be construed to bestow any rights or benefits upon anyone other than UAF and the City.
12. The parties agree and understand that this Agreement is exclusive of any and all other agreements, and that it in no way alters, amends or abridges any rights, obligations or duties of the parties contained in such agreements.
13. A waiver by either party of any of the terms or conditions herein shall be limited to that particular instance and shall not be construed as a general waiver of any other breaches by either party.
14. This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this agreement shall be valid unless made in writing and signed by the duly authorized agents of UAF and the City.
15. Severability. Each paragraph of this agreement is severable from all other paragraphs. If any paragraph or subparagraph is found to be invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs will remain in full force and effect.
16. Interpretation. The contract shall be interpreted according to and enforced under the laws of the State of Arkansas.

17. **Non-Appropriation.** The parties recognize that performance of the Agreement by UAF may be dependent in whole or in part upon the appropriation of state or federal funds. If a state or federal legislative body fails to appropriate the necessary funds, then by written notice to City, UAF may cancel all or the remaining portion of the Agreement without further duty or obligation. In the event that this agreement must be terminated prior to the end of the term pursuant to this clause, the amounts due to UAF by City shall be pro-rated. The parties recognize and understand the appropriation is a legislative act and is beyond the control of UAF.

IN WITNESS WHEREOF, we have hereunto set our hands on the date first written above.

University of Arkansas

City of Fayetteville

By: _____

By: _____
Dan Coody, Mayor

Title: _____

Attested

Attested

By: _____

By: _____
Sondra Smith, City Clerk

Title: _____

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

15-Jan-08
City Council Meeting Date

David Jurgens
Submitted By

Wastewater System Improv Proj
Division

Water/Wastewater
Department

Action Required:

Approval of the purchase of a Channel Grinder from JWC Environmental for installation at the Harnestring Sewer Lift Station, WSIP Subproject WL-6, in the amount of \$163,436.00. Funds are available within the WSIP Project

\$ 163,436.00
Cost of this request

\$ 113,086,082
Category/Project Contingency

Wastewater System Imp Project
Program Category / Project Name

4520.9520.5801.00
Account Number

\$ 89,150,585
Funds Used to Date

Water and Wastewater
Program / Project Category Name

02133.0362
Project Number

\$ 23,935,497
Remaining Balance

Water/Sewer
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

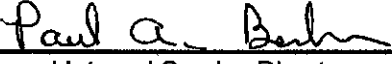

Department Director 28 Dec 07
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____


City Attorney 12/31/07
Date


Finance and Internal Service Director 12-31-07
Date

Received in City Clerk's Office
ENTERED
12/28/07


Mayor 1/2/08
Date

Received in Mayor's Office
ENTERED
12/31/07

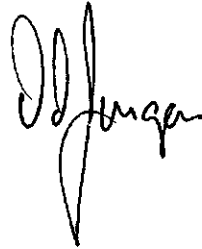
Comments:

City Council Meeting of January 15, 2008

CONTRACT REVIEW MEMO

To: Mayor Dan Coody

From: David Jurgens, Water and Wastewater Director
Fayetteville Sewer Committee



Date: December 28, 2007

Subject: Approval of the purchase of a Channel Grinder from JWC Environmental for installation at the Hamestring Sewer Lift Station, WSIP Subproject WL-6, in the amount of \$163,436.00. Funds are available within the WSIP Project

RECOMMENDATION

City Administration recommends approval of the purchase of a Channel Grinder from JWC Environmental for installation at the Hamestring Sewer Lift Station, WSIP subproject WL-6, in the amount of \$163,436.00. Funds are available within the WSIP project.

BACKGROUND

The channel grinder style screening and grinding unit is to be installed on the front end of the new Hamestring lift station. It was considered but excluded from the design several years ago to reduce costs, but is now required by Ten State Standards for all lift stations with inlet pipes 30" and larger. The Hamestring station has a 24" and a 48" inlet pipe, thus requiring a screen.

In the last four years, there have been two significant failures at the Noland WWTP due to large items entering the influent pump station. Each of these failures resulted in more than \$100,000 damages; one resulted in a substantial sewer overflow. This grinder unit will prevent this type of failure from occurring on the West Side Wastewater Treatment Plant (WWTP) and the critical Hamestring lift station that pumps over 85% of the flow to the plant.

DISCUSSION

Staff and consultants strongly recommend this screen be installed to protect both the pump station and the WWTP from large foreign objects entering the lift station. Examples of objects we have seen in our system which could be transported down the 48" sewer line include bowling balls, children's bicycles, toys, dog leashes, large sticks, oil filters, construction debris, metal pipes, etc. This grinder unit serves both as a screen and grinder, which reduces long term maintenance costs on all components of the system at and downstream from the grinder.

The City received two bids on 28 December, 2007; the bid tab is attached.

JWC Environmental	\$ 163,436.00 (low bid)
Instrument and Supply	189,700.00
Staff Estimate	\$ 180,000.00

Both units meet the specifications.

BUDGET IMPACT

Funds are available within the WSIP Project.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #07-79 TO JWC ENVIRONMENTAL IN THE AMOUNT OF \$163,436.00 FOR THE PURCHASE OF A CHANNEL GRINDER FOR THE HAMESTRING SEWER LIFT STATION, WSIP SUBPROJECT WL-6.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #07-79 to JWC Environmental in the amount of \$163,436.00 for the purchase of a Channel Grinder for the Hamestring Sewer Lift Station, WSIP Subproject WL-6.

PASSED and APPROVED this 15th day of January, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

BID: 07-79
12/28/2007
2:00 PM
CITY OF FAYETTEVILLE

Bid 07-79, Channel Grinder



BIDDER			
Manufacturer			
1	Instrument & Supply, Inc.	JWC	CDD6020-XDM 2.5
			\$189,700.00
2	JWC Environmental	JWC Environmental	CDD6020-XDM 2.5
			\$163,436.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED:

PLiea

P. VICE PURCH MGR

A. Jovan

WITNESS

12/28/07

DATE

City Of Fayetteville

(Not a Purchase Order)

Vendor Number:

Vendor Name:

JWC Environmental

Address:

290 Paularino Avenue

City:

State:

Costa Mesa

CA

Requester:

David Jurgens

Requester's Employee #:

490

Item

Description

Quantity

Unit of Issue

Unit Cost

Extended Cost

Account Numbers

Project/Subproject #

Inventory #

Fixed Asset #

1 WSIP, WL-6, Channel Grinder

1

EA

\$163,436.00

\$163,436.00

4520-9520-5801-00

02133-0362

2

-

\$0.00

3

\$0.00

4

\$0.00

5

\$0.00

6

\$0.00

7

\$0.00

8

\$0.00

9

\$0.00

10

\$0.00

Special Instructions:

Lot

\$0.00

Approvals:

Mayor:

Finance & Internal Services Director:

Dispatch Manager:

Subtotal:

Tax:

Total:

Purchasing Manager:

IT Manager:

Utilities Manager:

Other:



CITY OF FAYETTEVILLE

**113 W. Mountain St.
Fayetteville, Arkansas 72701**

INVITATION TO BID

BID # 07-79

Channel Grinder

BID #: 07-79

DATE ISSUED: Saturday, December 15, 2007

DEADLINE & BID OPENING: Friday, December 28, 2007 at 2:00 PM,
Central Standard Time

BID DELIVERY LOCATION: 113 W. Mountain, Room 306, Fayetteville, AR
72701

PURCHASING AGENT: Andrea Foren, (479) 575-8220, aforen@ci.fayetteville.ar.us

PRODUCT F.O.B. City of Fayetteville Hamestring Sewer Lift Station, 2065
North Sunshine Road, Fayetteville, Arkansas, 72704

**Bids must be submitted on this bid form *in its entirety* AND
accompanied by descriptive literature on the products being bid.**

City of Fayetteville
Bid 07-79, Channel Grinder
General Terms and Conditions

1. All bids shall be submitted in a sealed envelope and must be submitted on forms acquired by the vendor from the City of Fayetteville Purchasing website (www.accessfayetteville.org). Bids with missing pages or missing any requested attachment will be deemed incomplete.
2. The item bid and the bid number shall be stated on the face of the sealed bid envelope.
3. Bids received after the date and time set for receiving bids will not be considered.
4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City.
5. The quantities listed are based on the needs of the City and availability of funds at the time bids are posted. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds or change in needs.
6. The bid price shall remain good and firm until project is completed. Payment to the vendor by the City will be made within 30 days following delivery and acceptance in accordance with these specifications and the City's Purchase Order to the vendor.
7. All products delivered shall comply with applicable standards of quality.
8. Any exceptions to the specification 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. **Sales tax is not to be included in the bid price.** Applicable Arkansas sales tax laws will apply to this bid, but will not be considered in award of the 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. Failure to deliver on or before the time specified in the contract may subject the contractor to payment of damages or other appropriate sanctions.
11. Copy of the warranty shall accompany the bid, and any exceptions to the warranty shall be clearly noted on the bid form. Written warranties shall specify the greater of the manufacturer's standard warranty or the minimum warranty specified herein by the City.
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. 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. Each apparent low bid will be reviewed line by line to ensure compliance with specifications prior to recommendation for award.

16. Bids must be received by mail or hand delivery 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.

17. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at (479) 575-8220 to insure receipt of their bid documents prior to opening time and date listed on the bid form.
18. Items bid must be delivered FOB City of Fayetteville Hamstring Sewer Lift Station, 2065 North Sunshine Road, Fayetteville, Arkansas, 72704. Units must be fully assembled, serviced, and ready for operation as delivered unless otherwise specified. No dealer/distributor logo or other identification will be installed other than standard manufacturer name badges and specification plates.

City of Fayetteville
Bid 07-79, Channel Grinder
Bid Form

*GUARANTEED DELIVERY FROM DATE OF PO ISSUED: 16 weeks

ITEM:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE
1.	Wastewater Channel Grinder, 40 mgd peak flow	1	<u>\$163,436</u>	<u>\$163,436</u>

Please Specify for Unit(s) Bid:

*MANUFACTURER: JWC Environmental MODEL: CDD6020-XDM 2.5

TOTAL BID PRICE: \$163,436

This bid form continues on the next page and shall be complete in order for your bid to be responsive. . .

EXECUTION OF BID -

Bidders are requested to indicate by check mark or "Yes/No" on each line of the Technical Specifications the compliance of the item bid. Actual specification of any deficient item must be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation must be documented and certified by the manufacturer as a regular production option.

Upon signing this Bid, the bidder certifies that:

1. He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.
3. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.

Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: JWC Environmental
*BUSINESS ADDRESS: 290 Paulapino Ave
*CITY: Costa Mesa *STATE: CA *ZIP: 92626
*PHONE: 800-331-2277 FAX: 949-833-8858
*E-MAIL ADDRESS: jwce@jwce.com
*BY : (PRINTED NAME) Eric K. Elam
*AUTHORIZED SIGNATURE: 
*TITLE: Technical Sales

City of Fayetteville
Bid 07-79, Channel Grinder
Product Details and Specifications

PART 1 GENERAL

✓ **1.1 SUMMARY**

- ✓ A. This section describes the sewage grinder and motor controller specification. The equipment shall be shipped to the City of Fayetteville Hamstring Sewer Lift Station, 2065 North Sunshine Road, Fayetteville, Arkansas, 72704, point of contact Lynn Hyke, 479-601-1079, alternate Stan Williams, 479-530-2074.
- ✓ B. The grinder shall be supplied with a motor controller and instrumentation for local or remote operation.
- NO C. The grinder shall be capable of processing 32 MGD with a maximum headloss of 25 inches at a downstream water level of 48 inches.
- NO D. Peak flow is 40 MGD. The excess flow shall bypass the channel grinder by overflowing the unit.

✓ **1.2 REFERENCES**

- ✓ A. Grinder(s) shall, as applicable, meet the requirements of the following industry standards:
 - ✓ 1. American Society for Testing and Materials (ASTM) A36: Standard Specification for Carbon Steel Plate
 - ✓ 2. American Society for Testing and Materials (ASTM) A536-84: Standard Specification for Ferritic Ductile Iron Castings
 - ✓ 3. American Iron and Steel Institute (AISI) 303 Stainless Steel
 - ✓ 4. American Iron and Steel Institute (AISI) 304 Stainless Steel
 - ✓ 5. American Iron and Steel Institute (AISI) AR500 Abrasion Resistant Alloy Steel.
 - ✓ 6. American Iron and Steel Institute (AISI) 4140 Heat Treated Hexagon Steel
 - ✓ 7. Rockwell C
- ✓ B. Motor controllers shall, as applicable, meet the requirements of the following Regulatory Agencies.
 - ✓ 1. National Electrical Manufacturer's Association (NEMA) Standards
 - ✓ 2. National Electrical Code (NEC)
 - ✓ 3. Underwriters Laboratory (UL and cUL)

✓ 1.3 DOCUMENTS

✓ A. Shop Drawing(s)

- ✓ Supplier shall submit six (6) sets of shop drawings with his bid. Shop drawings shall include equipment descriptions, specifications, dimensional and assembly drawings, parts lists, and job specific drawings.

✓ B. Operation and Maintenance Manuals

- ✓ Supplier shall submit three (4) sets of Operation and Maintenance manuals prepared using best commercial practices. The manuals shall include equipment descriptions, operating instructions, drawings, troubleshooting techniques, a recommended maintenance schedule, and the recommended lubricants.

✓ 1.4 QUALITY ASSURANCE

- ✓ Qualified suppliers shall have a minimum 25 years experience at manufacturing, support systems, two-shafted grinding equipment and motor controls with a minimum of 5,000 installations with similar equipment. Supplier shall provide a list of names and dates of installations for verification by the Engineer or Owner's Representative.

- ✓ Supplier shall provide the services of a factory trained representative to check the installation and to start-up each grinder and controller. The factory representative shall have complete knowledge of proper installation, operation, and maintenance of equipment supplied. The representative shall inspect the final installation and supervise a start-up test of the equipment

- ✓ Each grinder and controller shall be factory tested to ensure satisfactory operation.

✓ 1.5 DELIVERY, STORAGE AND HANDLING

- ✓ A. The equipment shall be packaged in containers constructed for normal shipping, handling and storage.

- ✓ B. The containers shall provide adequate protection for the equipment in a dry indoor environment between +40°F (+4.5°C) and +100°F (+37.8°C) until time for installation.

✓ 1.6 IDENTIFICATION

- ✓ Each unit of equipment shall be identified with a corrosion resistant nameplate, securely affixed in a conspicuous place. Nameplate information shall include equipment model number, serial number, supplier's name, and location.

PART 2 PRODUCTS

✓ 2.1 MANUFACTURERS

- ✓ A. The manufacturer must certify that the unit can be returned for maintenance to the factory or a local repair facility. The certification shall include a statement that there will be no charge for repair labor.

✓ 2.2 SUPPORT SYSTEM(S)

✓ A. GENERAL

- ✓ A grinder support frame with adjustable mounting brackets shall be provided for a 55 inch wide and a 72 inch deep channel.

✓ **B. COMPONENTS**

- ✓ The support frame and additional supports shall be of welded square tube, angle, and plate construction. The construction material shall be 304 stainless steel.

✓ **2.3 GRINDER(S)**

✓ **A. GENERAL**

- ✓ 1. Each grinder shall include cutters, spacers, shafts, screen drums, bearings and seals, side rails, end housings, covers, reducer, and motor.
- ✓ 2. The grinder shall be of two-shaft design and be capable of continuous operation, processing wet or dry. Bar screens or single-shaft devices utilizing a single rotating cutter bar with stationary cutters shall not be acceptable. Systems with oscillating cutter cartridges shall not be acceptable. Grinders designed with cutter and spacer cartridges rather than individual cutters and spacers, shall not be acceptable.
- ✓ 3. Two (2)-shaft design shall consist of two (2) parallel shafts alternately stacked with individual intermeshing cutters and spacers positioned on the shaft to form a helical pattern. The two (2) shafts shall counter-rotate with the driven shaft operating at approximately two-thirds (2/3) the speed of the drive shaft. Cutter diameters on the drive and driven shaft shall be of equal diameter.
- ✓ 4. Rotating screen drums shall consist of a screen, support rings and stub shafts. The rotating drums shall direct all solids toward and into the counter-rotating dual-shaft grinder. The drums shall be driven by the grinder drive mechanism. Drums with shafts running through the center of the drum shall not be acceptable.

✓ **B. COMPONENTS**

- ✓ 1. Individual Cutters and Spacers
 - ✓ a. The cutting chamber shall be a nominal height of 66 inches.
 - ✓ b. Individual cutters and spacers shall be AR500 abrasion resistant alloy steel, surface ground for uniformity with a hardness of 50-52 HRC.
 - ✓ c. The inside configuration of both the individual cutters and the individual spacers shall be hexagonal to fit the shafts with a total clearance not to exceed 0.015 inch (0.38 mm) across the flats to assure positive drive and minimize wear on the cutters.
 - ✓ d. Cutter configuration shall consist of individual 11 tooth cam cutters on both shafts. To maintain particle size, the height of the tooth shall not exceed 1/2 inch (13 mm) above the root diameter. Cutter to cutter root diameter overlap shall be not less than 1/16 inch (1.6 mm) or greater than 1/4 inch (6 mm) to maintain the best possible cutting efficiency while incurring the least amount of frictional losses. Clearances between overlapping cutters of opposing shafts shall be no greater than 0.011 inches (0.28 mm)
 - ✓ e. The cutters shall exert a minimum force at the tooth tip of 1,095 lbs./hp (6,532 N/kW) during momentary load peaks.
- ✓ 2. Shafts

- ✓ a. Grinder drive and driven shafts shall be made of 4140 heat treated hexagon steel with a tensile strength rating of not less than 149,000 psi (1,027 kPa).
- ✓ b. Each hexagonal shaft shall measure a nominal 2-1/2 inches (64 mm) across parallel surfaces.
- ✓ 3. Intermediate Shaft Support
 - ✓ a. An intermediate shaft support shall be provided in the center of the cutter stack for all grinders. Grinders with 40 inch (1,016 mm) cutter stacks shall have two (2) intermediate shaft supports. Grinders with 50 inch (1,270 mm) cutter stacks shall have two (2) intermediate shaft supports.
→ Grinder with 60 inch (1,524 mm) cutter stacks shall have three (3) intermediate shaft supports.
- ✓ 3. Intermediate Shaft Support (Cont'd)
 - ✓ a. The intermediate shaft support shall provide additional support for heavier than normal influent grinder demand loads and protection for the seal assemblies.
 - ✓ b. The intermediate shaft support shall be made of a cast 303 stainless steel collar and two (2) bushings. The bushings shall act as bearings to allow the free rotation of the shafts.
- ✓ 4. Coil Screen Drums
 - ✓ a. The coil screen drum shall be made of coil-wound 304 stainless steel rod. The rod shall be 1/2 inch diameter with 1/2 inch spacing.
 - ✓ b. The drum support skeleton shall be constructed of 304 stainless steel. The support skeleton shall include hubs for mounting of drum stub shafts. Vertical members shall provide support for the coil. Center support ring(s) shall provide additional support to the center of the drums.
 - ✓ c. Drum stub shafts shall be made of 304 stainless steel with a tensile strength of not less than 95,000 psi (654,550 kPa). The shaft diameter shall be a minimum of 1-7/8 inch (47.6 mm).
- ✓ 5. Shaft Bearings and Seals
 - ✓ a. The radial and axial loads of the cutter shafts and coil drum stub shafts shall be borne by sealed, oversized, deep-groove ball bearings at each end.
 - ✓ b. The bearings shall be protected by a combination of a replaceable and independent tortuous path device and mechanical seals.
 - ✓ c. Face materials shall be of tungsten carbide to tungsten carbide.
 - ✓ d. O-rings shall be made of Buna-N elastomers.
 - ✓ e. Products requiring continuous or occasional lubrication or flushing shall not be accepted.
 - ✓ f. The mechanical seal shall be rated at 90 psi (620 kPa) continuous duty by the seal supplier.
 - ✓ g. The bearings shall be housed in a replaceable cartridge that supports and aligns the bearings and seals, as well as protects the shafts and end housings. The seal elements shall be independent of the stack height; therefore cutter stack tightness shall not affect seal performance. The seal elements shall

maintain their factory set preload independent of the cutter stack tightness.

- ✓ h. Seals shall meet required pressure rating regardless of cutter stack fit. The seal cartridge shall provide seal protection against axial loading on shafts and bearings during shaft deflection.
- ✓ i. Each seal element shall be positively locked to its corresponding rotating or static cartridge element. This positive lock on the seal elements is critical to long seal life in applications where grit or other abrasive materials are present.

✓ 6. Drum Side Rails

- ✓ a. The inside profile of the side rail shall be concave, with an adjustable UHMW plastic extension strip to minimize clearance at the front of the drums. This clearance shall not exceed 1/16 inch (1.6 mm) from the major diameter of the screen drums.
- ✓ b. The side rails shall be cast of A536-84 ductile iron.

✓ 7. End Housings and Covers

- ✓ a. Grinder end housings shall be of cast A536-84 ductile iron with a cast-in-place flow deflector, designed to protect the bushings while guiding particles directly into the cutting chamber.
- ✓ b. Top covers shall be A536-84 ductile iron and bottom covers shall be A36 hot rolled plates.

✓ 8. Reducer

- ✓ a. The speed reducer shall be a grease-filled planetary-type of reducer with a 500% shock load capacity. The reduction ratios shall be 29:1 for the grinder drive and 377:1 for each drum screen drive.
- ✓ b. The input shaft of the reducer shall be directly coupled to the motors using a three (3)-piece coupling, and the output shaft of the reducers shall be directly coupled with the grinder shaft or the drum screen shafts using a two (2)-piece coupling.

✓ 9. Motor

- ✓ a. The grinder motor shall be 10 hp (7.5 kW), Immersible, 1,725 rpm, 230/460 volt, 3 phase, 60 Hz.
- ✓ b. The screen drum motors shall be 1 hp (0.75 kW), Immersible, 1725 rpm, 230/460 volt, 3 phase, 60 Hz.
- ✓ c. Motor service factors shall be 1.15, the efficiency factor not less than 85% at full load and the power factor not less than 80% at full load.
- ✓ d. Required Running Torque per Horsepower (kW):
At Grinder Momentary Load Peaks: 4,106 in-lbs/hp (622 Nm/kW)

✓ 2.4 MOTOR CONTROLLER(S)

✓ A. GENERAL

- ✓ 1. The controller shall provide independent control of the grinder and screen drums.

NO 2. Controller shall be the supplier's standard UL/cUL listed Model PC2220.

- ✓ 3. The controller shall be rated for 10 hp (7.5), two 1 hp (0.75 kW), 460 volts, 3-phase, 60Hz.

✓ **B. OPERATION**

- ✓ 1. The controller shall be equipped with a GRINDER ON-OFF/RESET-REMOTE three (3) position selector switch.
- ✓ a. In the ON position the grinder will run.
 - ✓ b. In the OFF/RESET position the grinder shall not run.
 - ✓ c. In the REMOTE position the grinder shall start and stop as controlled by a remotely-located dry contact.
 - ✓ d. The grinder shall only be reset by switching the GRINDER ON-OFF/RESET-REMOTE switch to the OFF/RESET position.
- ✓ 2. The controller shall be equipped with two SCREEN DRUM ON-OFF/RESET-REMOTE three (3) position selector switch.
- ✓ a. In the ON position the screen drum will run.
 - ✓ b. In the OFF/RESET position the screen drum shall not run.
 - ✓ c. In the REMOTE position the screen drum shall start and stop as controlled by the Grinder operation.
 - ✓ c. The screen drums shall only be reset by switching the SCREEN DRUM ON-OFF/RESET-REMOTE switch to the OFF/RESET position.

✓ **C. COMPONENTS**

- ✓ 1. Control Panel
- ✓ a. The Contractor shall install all control systems, displays and instrumentation as shown on the Contract Drawings.
 - NO b. The Control Panel enclosure shall be a NEMA 12, two-door single access enclosure (two doors on front) with piano hinges. Enclosure size is designated on the Contract Drawings.
 - NO c. The construction material for the enclosures shall be 12-gauge steel. The seams shall be continuously welded and ground smooth, no hole or knockouts. The enclosure shall have lifting eyes for easy handling. The latching rods of the 3-point latching system shall have rollers for easier door closing, mounting channels shall be welded horizontally to the interior body sides at top, bottom, and center. A full-length and two side-mounted panels with mounting hardware shall be provided with the enclosure. An oil-resistant door gasket shall be attached with oil-resistant adhesive and held in place with steel retaining strips. A grounding stud shall be provided on the doors. The finish of the enclosures shall be white inside with ANSI gray outside finish over phosphatized surfaces. Internal panels, mounting channels and heavy duty panel supports shall also be white.

- ✓ d. The Control Panel enclosure shall be installed with a light fixture and on-off switch. A door switch for the light to energize/de-energize upon opening/closing of the panel door is required.
- ✓ e. Enclosure doors shall be key-lockable and shall provide proper environmental protection enclosure without the use of retaining clips.
- ✓ f. Control Panel enclosures shall be equipped with replaceable corrosion inhibitors to minimize the effect of environmental conditions. Corrosion inhibitor shall be A-HCL240R by Hoffinan, or approved equal.
- ✓ g. All wiring inside the enclosures shall be installed in plastic, open-slot wiring duct.
- ✓ h. Enclosure shall house the control devices, relays, terminal blocks and reversing motor starters.
- ✓ 2. Control Devices
 - ✓ a. Pilot devices shall be mounted on the enclosure front panel door.
 - ✓ b. The controller shall have indicator lights for GRINDER RUN, SCREEN RUN, and common FAIL. The POWER ON, GRINDER OVERLOAD, SCREEN OVERLOAD, GRINDER MOTOR OVERLOAD and SCREEN MOTOR OVERLOAD shall be displayed by the operator interface.
 - No c. Indicator lights shall be of an integral-transformer type with 6 volt lamps. Lamps and the selector switches shall be heavy duty NEMA 4X type.
 - ✓ d. Control transformer shall be protected by two (2) primary fuses and one (1) secondary fuse. The 120 volt secondary shall have one (1) leg grounded.
 - ✓ e. Relay contacts shall be included for GRINDER run and FAIL signal outputs. The contacts shall be rated 10 amp, 240 VAC, resistive load.
- ✓ 3. Motor Starter
 - ✓ a. Starter shall be a full-voltage reversing type with 120 volt operating coils.
 - ✓ b. Forward and reverse contactors on the starters shall have both mechanical and electrical interlocks.
 - ✓ c. Overload relays (OL) shall be adjustable so that the range selected includes the FLA (full load amperes) rating and service factor.

✓ D. SAFETY FEATURES

- ✓ 1. When a grinder jam condition occurs in the grinder ON or REMOTE mode the controller shall stop the grinder, and reverse grinder rotation to clear the obstruction. If the jam is cleared, the controller shall return the grinder to normal operation. Up to two (2) additional reversing cycles (3 times total) may occur within 30 seconds before the controller de-energizes the grinder motor and activates the grinder fail indicator and relay.
- ✓ 2. When a screen jam condition occurs in the screen ON or REMOTE mode the controller shall stop the screen and reverse screen rotation to clear the obstruction. If the jam is cleared, the controller shall return the screen to normal operation. One (1) additional screen reversal (2 times total) may occur within 30

seconds before the controller de-energizes the screen motor and activates the screen fail indicator and relay. The grinder and other screen drum shall continue operation during a screen fail condition.

- ✓ 3. If a power failure occurs while a grinder and screen is running, operation will resume when power is restored.
- ✓ 4. If a power failure occurs while the grinder and screen is in a fail condition the fail indicator shall reactivate when power is restored.
- ✓ 5. The controller shall provide overload protection for the motors through an overload relay mounted directly on the grinder and screen starters.
- ✓ 6. Short-circuit protection requires that a properly-sized circuit breaker or fuses be installed by others.
- ✓ 7. Controller reset shall be from the local panel controls only.

✓ E. TOOLS AND SPARE PARTS

- ✓ A. Provide special tools required for normal operation and maintenance for each pump.
- ✓ B. Spare Parts
 - ✓ 1. Provide complete set of recommended spare parts necessary for normal operation of pump systems.
 - ✓ 2. Properly bind and label for easy identification without opening packaging, and protect suitably for long-term storage.

PART 3 EXECUTIONS

NO 3.1 INSTALLATION

- NO Grinder(s) and motor controller(s) shall be installed in accordance with the supplier's installation instructions, and in compliance with all OSHA, local, state, and federal codes and regulations.

✓ 3.2 WARRANTY:

- ✓ A. The pumps shall be warranted for a period of 12 months from date the grinder is placed in service.

✓ 3.3 MANUFACTURER'S FIELD SERVICES:

- ✓ A. Provide factory representative with complete knowledge of proper operation and maintenance of equipment for one day to perform the following:
 - 1. Inspection of final installation and supervision of equipment test run
 - 2. Field testing of equipment until such time as entire installation is complete and ready for testing
- ✓ B. Provide factory representative for one (1) additional day to train City of Fayetteville's personnel or contracted staff on operation and maintenance of equipment; coordinate training schedule with City.
- ✓ C. Provide factory representative for a minimum of one (1) day for and "End of Warranty" inspection and test, to be conducted approximately 11.5 months after the grinder is placed in service.

Exceptions & Comments

1.1.C – The proposed model CDD6020-XDM 2.5 Channel Monster grinder is capable of processing 32 MGD with a maximum headloss of 21" at a downstream water level of 42". Higher downstream water levels will reduce the flow capacity of the grinder and cause the channel to overflow.

1.1.D – Based on a channel depth of 72" (section 2.2.A), flow rates higher than 33 MGD will overflow the channel walls. If additional capacity above 32 MGD is desired, the channel walls must be raised by a minimum of 36" and an overflow bar screen installed on top of the grinder's mounting frame.

2.4.A.2 – Controller model number will be PC2223.

2.4.C.1.b – No drawings were supplied with the Contract Documents to determine the enclosure size. JWCE's submittal included with this bid includes a wiring schematic and a single door NEMA 4X enclosure drawing. This is our standard arrangement for this product and is supplied for reference purposes only. In order to comply with the NEMA 12 two-door enclosure requirements in sections 2.4.C.1.b through f, JWCE intends to supply a Hoffman model CTD364812 two-door enclosure per the attached catalog cut sheet. Please note that the gauge of this enclosure is 14ga.

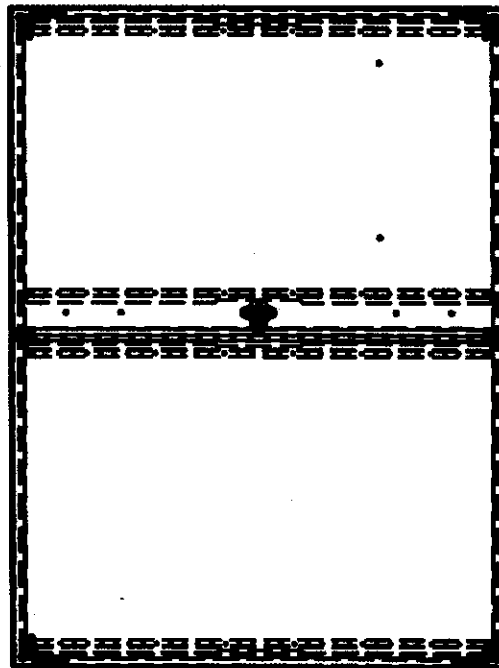
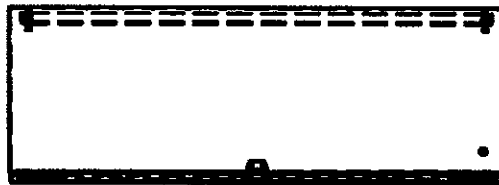
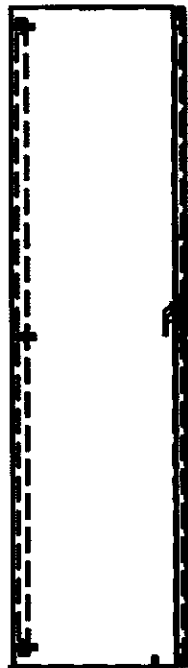
2.4.C.2.c – Indicator lights will be LED type.

3.1 – JWCE is bidding the supply of the channel grinder equipment only. Installation is to be by others.

HOFFMAN ENCLOSURES INC.
C-TD364812 C-TD364812LG

<DATA SUBJECT TO CHANGE WITHOUT NOTICE>

9007385 REV. G
ECI-100301 08/09/01



JWC ENVIRONMENTAL TERMS AND CONDITIONS OF SALE

Unless otherwise specifically agreed to in writing by the buyer ("Buyer") of the products and or related services purchased hereunder (the "Products") and JWC Environmental (the "Seller"), the sale of the Products is made only upon the following terms and conditions. Whether these terms are included in an offer or an acceptance by Seller, such offer or acceptance is conditioned on Buyer's assent to these terms. Seller rejects all additional, conditional and different terms in Buyer's form or documents.

PAYMENT TERMS

Subject to any contrary terms set forth in our price quotation, order acceptance or invoice the full net amount of each invoice is due and payable in cash within 30 days from the date of the invoice. If any payment is not received within such 30-day period, Buyer shall pay Seller the lesser of 1 1/4% per month or the maximum legal rate on all amounts not received by the due date of the invoice, from the 31st day after the date of invoice until said invoice and charges are paid in full. Unless Seller's documents provide otherwise, freight, storage, insurance and all taxes, duties or other governmental charges related to the Products shall be paid by the Buyer. If Seller is required to pay any such charges, Buyer shall immediately reimburse Seller for said charges. In all cases, regardless of partial payment, title to the Products shall remain the Seller's until payment for the Products has been made in full. All orders are subject to credit approval by Seller. All offers by Seller and/or acceptance of Buyer's order shall be nullified by any failure of Buyer to obtain credit approval. Furthermore, Buyer shall not assert any claim against Seller due to Buyer's inability to obtain credit approval. Irrevocable Letter of Credit from Buyer in form and term acceptable to Seller is required for Product orders delivered outside the United States of America.

DELIVERY

Unless otherwise provided in our price quotation, delivery of the Products shall be made F.O.B. place of manufacture. Any shipment, delivery, installation or service dates quoted by the Seller are estimated and the Seller shall be obligated only to use reasonable efforts to meet such dates. The Seller shall in no event be liable for any delays in delivery or failure to give notice of delay or for any other failure to perform hereunder due to causes beyond the reasonable control of the Seller. Such causes shall include, but not be limited to, acts of God, the elements, acts or omissions of manufacturers or suppliers of the Products or parts thereof, acts or omissions of Buyer or civil and military authorities, fires, labor disputes or any other inability to obtain the Products, parts thereof, or necessary power, labor, materials or supplies. The Seller will be entitled to refuse to make, or to delay, any shipments of the Products if Buyer shall fail to pay when due any amount owed by it to the Seller, whether under this or any other contract between the Seller and Buyer. Any claims for shortages must be made to the Company in writing within five calendar days from the delivery date and disposition of the claim is solely subject to Seller's determination.

PRICES

Prices of the Seller's Products are subject to change without notice. Quotations are conditioned upon acceptance within 30 days unless otherwise stated and are subject to correction for errors and/or omissions. Prices include charges for regular packaging but, unless expressly stated, do not include charges for special requirements of government or other purchaser. Prices are subject to adjustment should Buyer place an order past the validity period of the quotation or delay delivery of Products beyond the quoted lead time for any reason.

RETURNS

No Products may be returned for cash. No Product may be returned for credit after delivery to Buyer without Buyer first receiving written permission from the Seller. Buyer must make a request for return of Product in writing to Seller at its place of business in Costa Mesa, California. A return material authorization number must be issued by the Seller to the Buyer before a Product may be returned. Permission to return Product to Seller by Buyer is solely and exclusively the Seller's. Product must be returned to Seller at Buyer's expense, including packaging, insurance, transportation and any governmental fees. Any credit for Product returned to Seller shall be subject to the inspection of and acceptance of the Product by the Seller and is at the sole discretion of the Seller.

LIMITED WARRANTY

Subject to the terms and conditions hereof, the Seller warrants until one year after commissioning (written notification to Seller by Buyer required) of the Product or until 18 months after delivery of such Product to Buyer, whichever is earlier, that each Product will be free of defects in material and workmanship. If (a) the Seller receives written notification of such defect during the warranty period and the defective Product is discontinued promptly upon discovery of alleged defect, and (b) if the owner ("Owner") forwards the Product to the Seller's nearest service/repair facility, transportation and related insurance charges prepaid. The Seller will cause any Products whose defect is covered under this warranty to either be replaced or be repaired at no cost to the Owner. The foregoing warranty does not cover repairs required due to repair or alteration other than by the Seller's personnel, accident, neglect, misuse, transportation or causes other than ordinary use and maintenance in accordance with the Seller's instructions and specifications. In addition, the foregoing warranty does not cover any Products, or components thereof, which are not directly manufactured by the Seller. To the extent a warranty for repair or replacement of such Products or components not manufactured directly by the Seller is available to Buyer under agreements of the Seller with its vendors, the Seller will make such warranties available to Buyer. Costs of transportation of any covered defective item to and from the nearest service/repair center and related insurance will be paid or reimbursed by Buyer. Any replaced Products will become the property of the Seller. Any replacement Products will be warranted only for any remaining term of the original limited warranty period and not beyond that term.

DISCLAIMER OF WARRANTIES AND LIMITATIONS OF LIABILITIES

THE SELLER'S FOREGOING LIMITED WARRANTY IS THE EXCLUSIVE AND ONLY WARRANTY WITH RESPECT TO THE PRODUCTS AND SHALL BE IN LIEU OF ALL OTHER WARRANTIES (OTHER THAN THE WARRANTY OF TITLE), EXPRESS, STATUTORY OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE AND ANY STATEMENTS MADE BY EMPLOYEES, AGENTS OF THE SELLER OR OTHERS REGARDING THE PRODUCTS. THE OBLIGATIONS OF THE SELLER UNDER THE FOREGOING WARRANTY SHALL BE FULLY SATISFIED BY THE REPAIR OR THE REPLACEMENT OF THE DEFECTIVE PRODUCT OR PART, AS PROVIDED ABOVE. IN NO EVENT SHALL THE SELLER BE LIABLE FOR LOST PROFITS OR OTHER SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES, EVEN IF THE SELLER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE TOTAL LIABILITY OF THE SELLER TO BUYER AND OTHERS ARISING FROM ANY CAUSE WHATSOEVER IN CONNECTION WITH BUYER'S PURCHASE, USE AND DISPOSITION OF ANY PRODUCT COVERED HEREBY SHALL UNDER NO CIRCUMSTANCES EXCEED THE PURCHASE PRICE PAID FOR THE PRODUCT BY BUYER. NO ACTION, REGARDLESS OF FORM, ARISING FROM THIS AGREEMENT OR BASED UPON BUYER'S PURCHASE, USE OR DISPOSITION OF THE PRODUCTS MAY BE BROUGHT BY EITHER PARTY MORE THAN ONE YEAR AFTER THE CAUSE OF ACTION ACCRUES, EXCEPT THAT ANY CAUSE OF ACTION FOR THE NONPAYMENT OF THE PURCHASE PRICE MAY BE BROUGHT AT ANY TIME.

The remedies provided to Buyer pursuant to the limited warranty, disclaimer of warranties and limitations of liabilities, described herein are the sole and exclusive remedies.

Unless specifically agreed to in writing by the Seller, no charges may be made to the Seller by Buyer or any third party employed by Buyer for removing, installing or modifying any Product.

The Seller and its representatives may furnish, at no additional expense, data and engineering services relating to the application, installation, maintenance or use of the Products by Buyer. The Seller will not be responsible for, and does not assume any liability whatsoever for, damages of any kind sustained either directly or indirectly by any person through the adoption or use of such data or engineering services in whole or in part.

CONFIDENTIAL INFORMATION

Except with the Seller's prior written consent, Buyer shall not use, duplicate or disclose any confidential proprietary information delivered or disclosed by the Seller to Buyer for any purpose other than for operation or maintenance of the Products.

CANCELLATION AND DEFAULT

Absolutely no credit will be allowed for any change or cancellation of an order for Products by Buyer after fabrication of the Products to fill Buyer's order has been commenced. If Buyer shall default in paying for any Products purchased hereunder, Buyer shall be responsible for all reasonable costs and expenses, including (without limitation) attorney's fees incurred by the Seller in collecting any sums owed by Buyer. All rights and remedies to the Seller hereunder or under applicable laws are cumulative and none of them shall be exclusive of any other right to remedy. No failure by the Seller to enforce any right or remedy hereunder shall be deemed to be a waiver of such right or remedy, unless a written waiver is signed by an authorized management employee of the Seller and the Seller's waiver of a breach of this agreement by Buyer shall not be deemed to be a waiver of any other breach of the same or any other provision.

CHANGES IN PRODUCTS

Changes may be made in materials, designs and specifications of the Products without notice. The Seller shall not incur any obligation to furnish or install any such changes or modifications on Products previously ordered by, or sold to, Buyer.

APPLICABLE LAW, RESOLUTION OF DISPUTES AND SEVERABILITY

This agreement is entered into in Costa Mesa, California. This agreement and performance by the parties hereunder shall be construed in accordance with, and governed by, the laws of the State of California. Any claim or dispute arising from or based upon this agreement or the Products which form its subject matter shall be resolved by binding arbitration before the American Arbitration Association in Los Angeles, California, pursuant to the Commercial Arbitration Rules, excepting only that each of the parties shall be entitled to take no more than two depositions, and serve no more than 30 interrogatories, 10 requests for admissions and 20 individual requests for production of documents, such discovery to be served pursuant to the California Code of Civil Procedure. Any award made by the arbitrator may be entered as a final judgment, in any court having jurisdiction to do so. If any provision of this agreement shall be held by a court of competent jurisdiction or an arbitrator to be unenforceable to any extent, that provision shall be enforced to the full extent permitted by law and the remaining provisions shall remain in full force and effect.

ASSIGNMENT

This agreement shall be binding upon the parties and their respective successors and assigns. However, except for rights expressly provided to subsequent Owners of the Products under "Limited Warranty" above, any assignment of this agreement or any rights hereunder by Buyer shall be void without the Company's written consent first obtained. Any exercise of rights by an Owner other than Buyer shall be subject to all of the limitations on liability and other related terms and conditions set forth in this agreement.

EXCLUSIVE TERMS AND CONDITIONS

The terms and conditions of this agreement may be changed or modified only by an instrument in writing signed by an authorized management employee of the Seller. This instrument, together with any amendment or supplement hereto specifically agreed to in writing by an authorized management employee of the Seller, contains the entire and the only agreement between the parties with respect to the sale of the Products covered hereby and supersedes any alleged related representation, promise or condition not specifically incorporated herein.

SELLER'S PRODUCTS ARE OFFERED FOR SALE AND SOLD ONLY ON THE TERMS AND CONDITIONS CONTAINED HEREIN. NOTWITHSTANDING ANY DIFFERENT OR ADDITIONAL TERMS OR CONDITIONS CONTAINED IN BUYER'S SEPARATE PURCHASE ORDERS OR OTHER ORAL OR WRITTEN COMMUNICATIONS, BUYER'S ORDER IS OR SHALL BE ACCEPTED BY THE COMPANY ONLY ON THE CONDITION THAT BUYER ACCEPTS AND CONSENTS TO THE TERMS AND CONDITIONS CONTAINED HEREIN. IN THE ABSENCE OF BUYER'S ACCEPTANCE OF THE TERMS AND CONDITIONS CONTAINED HEREIN, THE SELLER'S COMMENCEMENT OF PERFORMANCE AND DELIVERY OF THE PRODUCTS, OR THE SELLER'S STATEMENT OF ACKNOWLEDGMENT OF THE RECEIPT OF BUYER'S PURCHASE ORDER, SHALL BE FOR BUYER'S CONVENIENCE ONLY AND SHALL NOT BE DEEMED OR CONSTRUED TO BE ACCEPTANCE OF BUYER'S DIFFERING TERMS OR CONDITIONS, OR ANY OF THEM. ANY DIFFERENT OR ADDITIONAL TERMS ARE HEREBY REJECTED UNLESS SPECIFICALLY AGREED UPON IN WRITING BY AN AUTHORIZED MANAGEMENT EMPLOYEE OF THE SELLER. IF A CONTRACT IS NOT EARLIER FORMED BY MUTUAL AGREEMENT IN WRITING, BUYER'S ACCEPTANCE OF ANY PRODUCTS COVERED HEREBY SHALL BE DEEMED ACCEPTANCE OF ALL OF THE TERMS AND CONDITIONS STATED HEREIN. THE SELLER'S FAILURE TO OBJECT TO PROVISIONS INCONSISTENT HEREBY CONTAINED IN ANY COMMUNICATION FROM BUYER SHALL NOT BE DEEMED A WAIVER OF THE PROVISIONS CONTAINED HEREIN.

A. 5
Rules of Order and Procedure
Page 1 of 6

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

12-Jan-08
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

Approval of a Resolution amending the City Council's Procedures and Parliamentary Rules to address items that are tabled indefinitely

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature]
Department Director

12-27-07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature]
City Attorney

12-27-07
Date

Original Contract Number: n/a

Paul A. Bush
Finance and Internal Service Director

12-28-07
Date

Received in City Clerk's Office

[Signature]
Mayor

12/28/07
Date

Received in Mayor's Office

Comments:



THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

To: Mayor Dan Coody, City Council
From: Jeremy Pate, Director of Current Planning X
Date: 20 December, 2007
Subject: Items Tabled Indefinitely at City Council

Kit Williams has drafted a resolution addressing a concern we recently discussed regarding items that are considered by the City Council in the normal course of business, but that then are tabled indefinitely. These items, which may include non-planning items as well, are sometimes returned to the Council for discussion. However, most often they are either never resolved or resolved in a manner that does not required the Council to act on that particular request.

My concern, as Planning Director, is for those items that are seemingly in limbo, for there is never a final decision made. Applicants do not have the ability to appeal a decision, if there is not one rendered. I would recommend, as Kit has prepared, a clarification for future agendas that when an item is tabled indefinitely, it will be deemed denied at the end of the calendar year. This will clarify the procedure for an applicant to proceed in due process, if he or she so chooses. Additionally, this should help various City divisions – Planning and the City Clerk, for instance – close out files at the end of the calendar year, instead of them piling up infinitely.

This particular resolution would not affect items prior to the 2008 calender year. Rather, the City Clerk's office and I have prepared a list of items currently "tabled indefinitely" for the Council to consider acting upon. These will be considered in a separate action, on the same agenda.

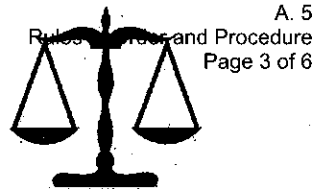
Staff recommends the City Council make a formal amendment to its Procedures and Parliamentary Rules, as the City Attorney has drafted.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

A. 5

TO: **Dan Coody**, Mayor
City Council

CC: **Jeremy Pate**, Director of Current Planning
Sondra Smith, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **December 20, 2007**

RE: **Items Tabled Indefinitely**

The general parliamentary rule is that items tabled indefinitely die when the legislative session in which they were tabled ends. However, I do not believe the Fayetteville City Council has ever designated specific sessions for itself so the legal and procedural status of items tabled indefinitely is now in limbo. This can be a problem for enforcement actions (which are often stayed if an item is before the City Council until final resolution). It also is confusing for any appellate rights of an applicant who has a limited period of time after final City Council action in order to file an appeal. It also causes problems for Planning and the City Clerk's Office as more and more tabled indefinitely items pile up, but must be maintained because the item could be removed at any time from the table by majority vote of the City Council.

City Staff recommends two actions by the City Council to resolve this problem. First, we will provide City Council with a list of all known items tabled indefinitely in the past for your review. We propose a general Resolution deeming all such items denied (except any item which is determined by the City Council to remain tabled, but not denied).

The second action is an amendment to your Rules of Order and Procedure which would set forth what would happen in 2008 and beyond to items indefinitely tabled. Basically, any item tabled indefinitely during the year could be brought off the table for consideration any time during that year by majority vote of the City

Council. However, if the item remains indefinitely tabled as of December 31st, the item would be deemed denied and rejected as of that date. The item could be considered by the City Council the next year, but only as a NEW ITEM, not as an item brought off the table.

An item tabled for a definite period of time (until a specific meeting) would NOT be affected. Those items would still be considered at the designated meeting even if the period of tabling included December 31st.

Below is the actual proposed wording of the new subsection **6. Items Tabled Indefinitely:**

"6. Items Tabled Indefinitely

"Any items tabled indefinitely may be taken from the table by majority vote of the City Council during the calendar year in which it was tabled indefinitely. All items tabled indefinitely and remaining on the table at the end of the calendar year shall be deemed denied and rejected for appellate and all other purposes on December 31st and shall not be considered by the City Council in the future unless brought forward as a new item."

RESOLUTION NO. _____

**A RESOLUTION TO AMEND THE RULES OF ORDER AND
PROCEDURE TO CLARIFY THE FINAL DENIAL OF
ORDINANCES OR RESOLUTIONS THAT HAVE BEEN
TABLED INDEFINITELY**

WHEREAS, the general parliamentary rule is that items tabled indefinitely during a legislative session die when that session ends; and

WHEREAS, the Fayetteville City Council has not designated specific sessions for its deliberations and therefore the status of items that have been tabled indefinitely is unsure; and

WHEREAS, this uncertain status for items tabled indefinitely cause problems for enforcing zoning and other matters and cause uncertainty for appeal rights of applicants; and

WHEREAS, it would be more fair and just to adopt a specific rule concerning items tabled indefinitely so that everyone would know the final status of such Resolution or Ordinance.

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

Section 1: The City Council of the City of Fayetteville, Arkansas hereby amends the **Rules of Order and Procedure of the Fayetteville Mayor/City Council D. Procedures and Parliamentary Rules** by adding new subsection **6. Items Tabled Indefinitely** as shown below:

"6. Items Tabled Indefinitely

"Any items tabled indefinitely may be taken from the table by majority vote of the City Council during the calendar year in which it was tabled indefinitely. All items tabled indefinitely and remaining on the table at the end of the calendar year shall be deemed denied and rejected for appellate and all other purposes on December 31st and shall not be considered by the City Council in the future unless brought forward as a new item."

PASSED and APPROVED this 15th day of January, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

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

15-Jan-08
City Council Meeting Date

Jeremy Pate 
Submitted By

Planning
Division

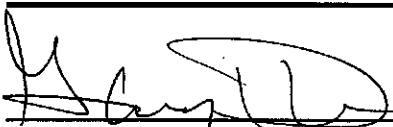
Operations
Department

Action Required:

Approval of a Resolution taking a final action on items that are currently "tabled indefinitely" by the City Council, as recommended by staff..

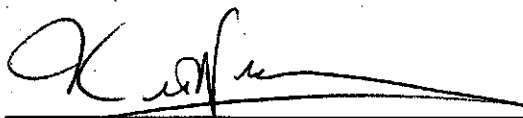
\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐


Department Director
12.27.07
Date

Previous Ordinance or Resolution # n/a

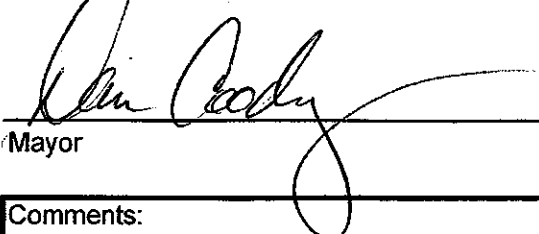
Original Contract Date: n/a


City Attorney
12-28-07
Date

Original Contract Number: n/a

Paul A. Buhn
Finance and Internal Service Director
12-28-07
Date

Received in City Clerk's Office



Mayor
12/28/07
Date

Received in Mayor's Office


Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning &

Date: 26 December, 2007

Subject: 2007 Items Tabled Indefinitely – Final Actions

RECOMMENDATION

Staff recommends approval of a resolution taking final action on 2007 City Council items currently identified by the City Clerk's office as "tabled indefinitely."

BACKGROUND

Within a calendar year, the City Council is presented with numerous items to consider as a normal course of business. Most items are either approved or denied. However, some items are tabled indefinitely, and do not return to the Council's agenda, for various reasons. This creates a problem, however, because the status of the requests is in limbo, without a decision for or against. The applicant is not able to procedurally continue, and items indefinitely remain active, in case the Council brings the issue back for discussion.

DISCUSSION

The City Attorney and I have discussed the best way to address this issue now and in the future, and subsequently have proposed two resolutions for your consideration. The action before you now would address the items that were tabled indefinitely in 2007, as the Council determines is best. Staff has created a list of these items, and all applicants or staff persons have been notified of pending action. Based upon the request of the applicant or staff person, I have formulated a detailed list and recommendation for each issue.

The second action would be to essentially create a legislative session of a calendar year, which would result in all items that are tabled indefinitely to be deemed denied as of December 31 of each year, if no action has been taken. The item could always be brought forward the next year as a new item, but it would "clean the table" for the new year, so to speak.

BUDGET IMPACT

None.

RESOLUTION NO. _____

**A RESOLUTION TO DENY SEVERAL ITEMS TABLED
INDEFINITELY AND RESCHEDULE FOR HEARING
THREE ITEMS THAT MAY NEED FURTHER CITY
COUNCIL ACTION**

WHEREAS, items tabled indefinitely usually expire at the end of any legislative session;
and

WHEREAS, the City Council of Fayetteville has not established any set legislative session so that at least eleven items remain tabled indefinitely from 2007.

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

Section 1: The City Council of the City of Fayetteville, Arkansas hereby places on the City Council agenda for February 5, 2008 the appeal of the Planning Commission's denial of RZN 07-2667 (Hobson, Inc.; For February 19, 2008, approval of R-PZD 07-2680 (Arcadian Court); and for July 1, 2008 (unless information is received earlier) for dredging cost share agreement with Boardwalk POA.

Section 2: The City Council of the City of Fayetteville, Arkansas hereby denies all other items that have been tabled indefinitely by the City Council including the list on Exhibit A attached and any other items ever tabled indefinitely by the Fayetteville City Council.

PASSED and APPROVED this 15th day of January, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

Date Received	Council Date	Received From	Division	Action Requested	Status	Recommendation
12/28/06	01/16/07	Conklin, Tim	Planning	Adoption of a resolution to set a public hearing date regarding the city of Farmington's desire to annex certain territory currently in the city limits of Fay.	Tabled Indefinitely	Deny - Per Tim Conklin, item replaced with another
01/19/07	02/06/07	Conklin, Tim	Long Range Planning	RZN 06-2399 West Side Annex P-1	Tabled Indefinitely	Deny - Per Tim Conklin
04/09/07	04/17/07	Smith, Sondra	City Clerk	Ord to establish Fayetteville Municipal Property Owners Improvement District No. 19 Oakbrooke Subdivision Infrastructure Project	Tabled Indefinitely	Deny - Per Jim McCord (applicant). Not pursuing any further
06/15/07	07/03/07	Conklin, Tim	Planning	Amend Title 15, Chapter 161 Section 161.22 Downtown General of the UDC	Tabled Indefinitely	Deny - Per Tim Conklin (Ozark Smokehouse Noise).
06/28/07	07/17/07	Pate, Jeremy	Planning	RZN 07-2592 (Bellwood S/D Ph II)	Tabled Indefinitely	Deny - No action to proceed
07/20/07	08/07/07	Petrie, Ron	Engineering	Boardwalk Subdivision Property Owners Association	Tabled Indefinitely	Table - Per Ron Petrie, to allow State to provide information
07/20/07	08/07/07	Pate, Jeremy	Planning	Approval of a waiver from the Unified Development Code Ch. 166.20 Expiration of approved plans and permits, to permit an extension for the Aspen Ridge Planned Zoning District until June 29, 2008	Tabled Indefinitely	Deny - Per Jeremy Pate, owner who submitted request no longer owns property.
07/25/07	08/21/07	Carole Jones/ Connie Edmonston	Parks & Recreation	Approval of a project by the AR Game & Fish Commission Region 1 Stream Team for Red Oak Park Streambank Improvements	Tabled Indefinitely	Deny - Per Carole Jones, revised plans submitted for review
08/31/07	09/18/07	Pate, Jeremy	Planning	R-PZD 07-2680 Arcadian Court	Tabled Indefinitely	Table to Feb. 19 2008
09/12/07	10/02/07	Jones, Carole	Parks & Recreation	Approval of a revised project design proposed by the AR Game and Fish Commission Region 1 Stream Team for Red Oak Park Streambank Improvements	Tabled Indefinitely	Deny - Per Carole Jones, new plans can be submitted as new item for consideration
09/17/07	09/18/07	Don Wilson	N/A	Planning Commission Appeal of the denial of RZN 07-2667 (Hobson Inc.)	Tabled Indefinitely	Table to Feb. 05, 2008

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

B. 1

2007 Items Tabled
Indefinitely - Final Actions
Page 5 of 6

TO: **Dan Coody, Mayor**
City Council

CC: **Jeremy Pate, Director of Current Planning**
Sondra Smith, City Clerk

FROM: **Kit Williams, City Attorney**

DATE: **December 20, 2007**

RE: **Items Tabled Indefinitely**

The general parliamentary rule is that items tabled indefinitely die when the legislative session in which they were tabled ends. However, I do not believe the Fayetteville City Council has ever designated specific sessions for itself so the legal and procedural status of items tabled indefinitely is now in limbo. This can be a problem for enforcement actions (which are often stayed if an item is before the City Council until final resolution). It also is confusing for any appellate rights of an applicant who has a limited period of time after final City Council action in order to file an appeal. It also causes problems for Planning and the City Clerk's Office as more and more tabled indefinitely items pile up, but must be maintained because the item could be removed at any time from the table by majority vote of the City Council.

City Staff recommends two actions by the City Council to resolve this problem. First, we will provide City Council with a list of all known items tabled indefinitely in the past for your review. We propose a general Resolution deeming all such items denied (except any item which is determined by the City Council to remain tabled, but not denied).

The second action is an amendment to your Rules of Order and Procedure which would set forth what would happen in 2008 and beyond to items indefinitely tabled. Basically, any item tabled indefinitely during the year could be brought off the table for consideration any time during that year by majority vote of the City

Council. However, if the item remains indefinitely tabled as of December 31st, the item would be deemed denied and rejected as of that date. The item could be considered by the City Council the next year, but only as a NEW ITEM, not as an item brought off the table.

An item tabled for a definite period of time (until a specific meeting) would NOT be affected. Those items would still be considered at the designated meeting even if the period of tabling included December 31st.

Below is the actual proposed wording of the new subsection 6. **Items Tabled Indefinitely:**

"6. Items Tabled Indefinitely

"Any items tabled indefinitely may be taken from the table by majority vote of the City Council during the calendar year in which it was tabled indefinitely. All items tabled indefinitely and remaining on the table at the end of the calendar year shall be deemed denied and rejected for appellate and all other purposes on December 31st and shall not be considered by the City Council in the future unless brought forward as a new item."

AGENDA REQUEST

FOR: COUNCIL MEETING OF JANUARY 15, 2008

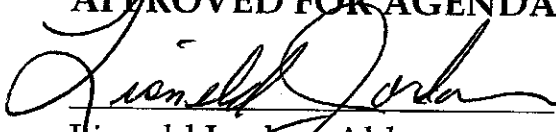
FROM:

KIT WILLIAMS, CITY ATTORNEY

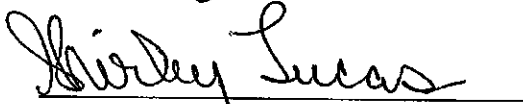
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Change The Name Of Sixth Street To Martin Luther King Boulevard

APPROVED FOR AGENDA:


Lioneld Jordan, Alderman

12/11/07
Date


Shirley Lucas, Alderman

12/11/07
Date


Nancy Allen, Alderman

12/11/07
Date


City Attorney

12-3-07
Date

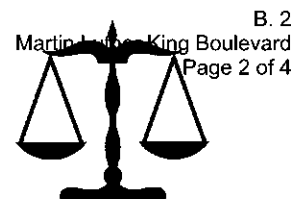
FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: **Dan Coody, Mayor**
City Council

FROM: **Kit Williams, City Attorney**

DATE: **December 13, 2007**

RE: **Martin Luther King Boulevard**

Several aldermen asked me to draft a Resolution to make 6th Street officially "Martin Luther King Boulevard." As you know, 6th Street was designated Honorary Martin Luther King Boulevard a few years back, but this change will place Martin Luther King Boulevard on the Fayetteville map, on the highway exit signs for I-540 and on one of the largest and most important traffic arteries in Fayetteville.

It seems very appropriate to rename 6th Street as Martin Luther King Boulevard as it passes Fayetteville High School which became one of the first southern schools to voluntarily and peaceably desegregate after the United States Supreme Court ruled segregation laws were unconstitutional in 1954.

It is also appropriate and just to name one of Fayetteville's major thoroughfares running from Farmington to Elkins through the southern heart of Fayetteville as Martin Luther King Boulevard in honor of the man who stood firm for nonviolent struggle to bring America into the light and who gave his life to an assassin's bullet rather than turn his face from the struggle for equality and justice.

The aldermen have smartly proposed that this renaming not take full effect until Martin Luther King Day on January 19, 2009, to give all businesses, homes, and addresses on the new Martin Luther King Boulevard a full year to change stationery or anything else necessary for a smooth transition to the street's new name.

RESOLUTION NO. _____

**A RESOLUTION TO CHANGE THE NAME OF SIXTH
STREET TO MARTIN LUTHER KING BOULEVARD**

WHEREAS, Sixth Street has been designated the Honorary Martin Luther King Boulevard for a few years; and

WHEREAS, this street runs past Fayetteville High School which became one of the first southern schools to voluntarily and peaceably desegregate after segregation was ruled unconstitutional in 1954; and

WHEREAS, Dr. Martin Luther King, Jr. was an inspirational and courageous leader who led our nation out of the gloom of racism and bigotry into the bright light of brotherhood, equality and freedom; and

WHEREAS, Dr. Martin Luther King, Jr.'s dream for America celebrates both our unity and diversity, our unique heritages and our common hope for the future; and

WHEREAS, it is appropriate and just to name one of Fayetteville's major thoroughfares running from Farmington to Elkins through the southern heart of Fayetteville as Martin Luther King Boulevard in honor of the man who stood firm for nonviolent struggle to bring America into the light and who gave his life to an assassin's bullet rather than turn his face from the struggle for equality and justice.

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

Section 1: The City Council of the City of Fayetteville, Arkansas hereby changes the name of Sixth Street to Martin Luther King Boulevard to be effective on Martin Luther King Day, January 19, 2009.

PASSED and APPROVED this 15th day of January, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

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

15-Jan-08
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

Approval of an ordinance amendment to the Unified Development Code Ch. 163.09 Home Occupations, to permit limited signage where required by other governing bodies to operate within the State of Arkansas.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature]
Department Director

12.27.07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature]
City Attorney

12/28/07

Original Contract Number: n/a

Paul a. Bush
Finance and Internal Service Director

12-28-07
Date

Received in City Clerk's Office

ENTERED
12/27/07

[Signature]
Mayor

1/2/08
Date

Received in Mayor's Office

ENTERED
12/27/07

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning X

Date: 26 December, 2007

Subject: Ch. 163.09 Home Occupations Sign Amendment

RECOMMENDATION

Staff recommends approval of an ordinance amending Ch. 163.09 Home Occupations of the Unified Development Code to permit limited wall signage in those instances where signage is required by a licensing board or other governmental entity to conduct business.

BACKGROUND

Signs are primarily regulated by Ch. 174 Signs, of the Unified Development Code. However, there are more stringent regulations imposed upon certain uses in residential zones in other area of the UDC; home occupations are one of these instances. A home occupation is a profession, occupation or avocation conducted within a dwelling unit for which compensation is received, traffic is generated, only immediate family members residing within the home are employed, and no structural evidence of a business exists. Home occupations are approved by the Planning Commission by way of a Conditional Use Permit, and are reviewed on a case by case basis.

For signage, home occupations are rather limited, and perhaps rightly so, because they are typically located within neighborhoods. A maximum three-square foot sign is permitted, permanently erected flat against a wall, door or window. However, within RSF districts, no signage is permitted, even if a home occupation is approved by the Planning Commission.

DISCUSSION

Staff proposes a minor amendment to the Home Occupation ordinance, to permit the same limited signage within RSF districts as other districts if, and only if, a licensing board or governing body requires said signage to conduct the approved business. Wall signs and freestanding signs would remain to be prohibited in Residential Single Family (RSF) districts as a use by right, with the exception of exempted signs; however, when a home occupation conditional use permit is approved by the Planning Commission, the applicant would be permitted to install a wall sign, with the same limitations of other zoning districts in the Home Occupation ordinance, if the applicant provides evidence another governing entity or licensing board requires it. This amendment would allow

certain low-intensity occupations or professions to occur – as many do within the City currently – and permit others that are required to have signs in order to conduct business.

An common example is a real estate agent/broker: Under Arkansas law, A.C.A 17-42-309 requires a principal broker to “display a permanently attached sign bearing the name under which the broker conducts his or her real estate business and the words ‘real estate,’ ‘realty,’ or other words approved by the commission which clearly indicate to the public that the broker is engaged in the real estate business.” The City’s codes clearly indicate a “real estate agent” is a permitted home occupation. However, even if the City chooses to approve the home occupation within an RSF district, a sign could not be erected; therefore the business could not legally occur. This seems to be in conflict, thus staff’s proposed amendment.

The purpose of the requested amendment is to allow for well-suited occupations, professions and avocations to continue to pursue conditional use permits for home occupational businesses, and where required, to permit small wall signs within RSF districts under the same regulations as already allowed for other zoning districts under Ch. 163.09 Home Occupations.

BUDGET IMPACT

None.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE



B. 3
Ord. Chapter 163
Home Occupations
Page 4 of 8

LEGAL DEPARTMENT

TO: **Dan Coody, Mayor**
City Council

FROM: **Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read 'Kit Williams', with a long horizontal line extending to the right.

DATE: **December 28, 2007**

RE: **Home Occupation Sign Amendment**

In order to help preserve residential neighborhood quality, our home occupation code section (163.09) does not allow even the small (three square feet) home occupation signs normally exempted from further regulation by the sign ordinance. {See §174.03 **Exemptions (D) Home Occupation signs**}

Because of this prohibition, a realtor who wished to move his office to his home was faced with a "Catch-22". State law requires "a permanently attached sign bearing ... the words 'real estate,' 'realty,' or other words approved by the commission which clearly indicate to the public that the broker is engaged in the real estate business." A.C.A. §17-42-309. Our ordinances prohibit such state mandated signs.

After discussing this with Jeremy Pate, we decided to recommend to the City Council a limited exception to the City's restriction if state law or regulations require a sign for a permitted home occupation. Jeremy drafted the proposed amendment to §163.09 of the UDC which I support to avoid a conflict between state and city laws.

ORDINANCE NO.

**AN ORDINANCE AMENDING §163.09 HOME
OCCUPATIONS OF THE UNIFIED DEVELOPMENT CODE
TO PERMIT LIMITED SIGNAGE IN RSF-4 ZONES.**

WHEREAS, certain governing bodies and licensing boards of occupations within the State of Arkansas require practitioners to display a sign indicating to the public the engagement of a respective business within; and

WHEREAS, many independent small businesses within Fayetteville occupy homes and are approved by the Planning Commission through the Home Occupation permit process; and

WHEREAS, §163.09 Home Occupations of the Unified Development Code disallows any signage whatsoever for home occupations approved within Residential Single Family districts; and

WHEREAS, the City of Fayetteville encourages small businesses within homes where appropriate, and as approved by the Planning Commission's Conditional Use Permit process;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals §163.09 (B) and replaces it as follows:

(B) *Sign/evidence of business.* No advertising, display, storage or other external evidence of business shall be permitted, except that for each dwelling unit with a permitted home occupation, one unanimated, non-illuminated home occupation sign which identifies the home occupation shall be permitted, if such sign is erected flat against a wall or door or is

displayed in a window, and does not exceed three (3) square feet in area. Provided, no wall sign shall be permitted in an RSF District, except in the case of a home occupation, where it is required by the applicable licensing board, subject to proof of said requirement and the criteria above. No freestanding signs shall be permitted for home occupations in any zone.

PASSED and APPROVED this day of , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

Marked-Up Revisions

163.09 Home Occupations

In any dwelling unit in any zoning district where home occupations are permitted by right or conditional use, said home occupations shall not occupy more than 30% of the gross floor area of one floor of said dwelling unit, nor more than 300 square feet of the gross floor area, whichever is greater. For Building Regulations purposes, any non-residential use that exceeds 30% of the gross floor area of one floor of said dwelling unit or more than 300 square feet of the gross floor area of the structure shall meet all applicable building and Unified Development Code regulations and shall not be considered a home occupation. These limitations shall not apply to foster family care, or the providing of room or board as an accessory use only. Home occupations that require a conditional use permit shall be subject to the following regulations:

- (A) *Exterior alterations.* No exterior alterations of the structure may be made which are of a nonresidential nature.
- (B) *Sign/evidence of business.* No advertising, display, storage or other external evidence of business shall be permitted, except that for each dwelling unit with a permitted home occupation, one unanimated, nonilluminated home occupation sign which identifies the home occupation shall be permitted, if such sign is erected flat against a wall or door or is displayed in a window, and does not exceed three (3) square feet in area; ~~provided no such sign shall be permitted in an RSF District. Provided, no wall sign shall be permitted in an RSF District, except in the case of a home occupation, where it is required by the applicable licensing board, subject to proof of said requirement and the criteria above. No freestanding signs shall be permitted for home occupations in any zone.~~
- (C) *Employees.* No person may be employed other than a member of the immediate family residing on the premises.
- (D) *Mechanical equipment.* No mechanical equipment may be used which creates a disturbance such as noise, dust, odor, or electrical disturbance.
- (E) *Parking.* No parking spaces other than normal residential parking spaces shall be permitted.
- (F) *Additional regulations.* Home occupations in an RSF District shall be subject to the following additional regulations:
 - (1) *Term.* No conditional use permit for a home occupation in any RSF District shall be issued for a period exceeding one year, but such a permit may be for a period shorter than one year. Upon expiration of a conditional use permit, the Zoning and Development Administrator shall have the authority to renew a conditional use permit for the same period as originally authorized, if the Zoning and Development Administrator has received no complaints or opposition from residents of the neighborhood in which the home occupation is located. The Zoning and Development Administrator may refer any proposed renewal of a conditional use permit to the Planning Commission for final decision.
 - (2) *Hours.* No home occupation shall be open to the public earlier than 7:30 a.m. or later than 5:30 p.m.; provided, the Planning Commission may vary the restrictions imposed hereby upon a determination that such a variance will not adversely affect the health, safety, peace, tranquility, or welfare of the neighborhood in which the home occupation is located.
 - (3) *Traffic.* No home occupation shall be allowed in an RSF District if the Planning Commission determines that the home occupation would generate such excessive traffic as would adversely affect the safety, peace, tranquility or welfare of the neighborhood.

(3) An application for renewal filed after September 30 of any year shall be treated as an application to renew an expired license.

(c) If any person to whom a valid license may have been issued permits the license to expire for a period not in excess of that established by the commission, the commission shall issue to the person a current license without requiring the person to submit to any examination if the person furnishes such information as the commission requires, including proof of completion of appropriate continuing education requirements, and pays such fee as the commission requires.

(d)(1) Beginning January 1, 2002, new salesperson and broker licensees shall complete post-licensure education in accordance with § 17-42-303(c).

(2) If the licensee fails to complete the post-licensure education requirements within twelve (12) months after the date the license was issued, the commission shall place the license on inactive status until the commission receives documentation that the licensee has completed the post-licensure education requirements.

17-42-308. Inactive license.

(a)(1) A licensee may place his or her license on inactive status.

(2) The holder of an inactive license shall not practice as a real estate broker or salesperson in this state without first activating the license.

(b) An inactive license which is not renewed shall be treated as an expired license pursuant to § 17-42-307.

(c) Inactive licenses may be activated upon compliance with requirements established by the commission, including payment of appropriate fees.

(d) The provisions of this chapter relating to disciplinary action against a licensee shall be applicable to an inactive or expired license.

17-42-309. Place of business.

→ (a) Every principal broker shall maintain a place of business and shall display a permanently attached sign bearing the name under which the broker conducts his or her real estate business and the words "real estate," "realty," or other words approved by the commission which clearly indicate to the public that the broker is engaged in the real estate business.

(b)(1) If a principal broker maintains a branch office, a duplicate license shall be issued upon payment by the principal broker of such initial fee and, thereafter, such renewal fee as the commission may require pursuant to § 17-42-304.

(2) Provided, however, a duplicate license shall not be issued for a branch office at which an executive broker or associate brokers or salespersons are assigned unless such branch office has its own principal broker.

17-42-310. Change of name or address - Lost license or card.

(a)(1) When a licensee changes his or her name, place of business, or address shown on the license, or loses a license or pocket card, he or she shall promptly notify the commission of such change or loss.

(2) Upon receipt of such notice and payment of the relevant fee, the commission shall reissue the license.

(b) It is the responsibility of each licensee to keep the commission notified of his or her mailing address, both home and business, at all times.

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

15-Jan-08
City Council Meeting Date

Tim Conklin
Submitted By

Long Range Planning
Division

Operations
Department

Action Required:

AN ORDINANCE TO AMEND § 166.06 OF THE UNIFIED DEVELOPMENT CODE TO ALLOW CONSIDERATION OF PROPERTY WITHIN THE CITY'S PLANNING AREA FOR A PZD, IN CONJUNCTION WITH AN ANNEXATION REQUEST, UPON PRIOR CITY COUNCIL APPROVAL

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 1-2-08
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature] 1-2-08
City Attorney Date

Original Contract Number: n/a

Paula A. Becken 1-2-08
Finance and Internal Service Director Date

Received in City Clerk's Office

[Signature] 1/2/08
Mayor Date

Received in Mayor's Office

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council
Through: Gary Dumas, Director of Operations
From: Tim Conklin, Planning and Development Management Director
Date: December 21, 2007

Subject: **AN ORDINANCE TO AMEND §166.06 OF THE UNIFIED DEVELOPMENT CODE TO ALLOW CONSIDERATION OF PROPERTY WITHIN THE CITY'S PLANNING AREA FOR A PZD, IN CONJUNCTION WITH AN ANNEXATION REQUEST, UPON PRIOR CITY COUNCIL APPROVAL**

RECOMMENDATION

Planning Staff recommends approval of an ordinance amendment to §166.06 of the Unified Development Code, to permit an applicant to submit a Planned Zoning District and annexation application together for consideration, subject to prior approval by the City Council.

BACKGROUND

§166.06 of the UDC currently states that only those properties within the city limits are eligible for Planned Zoning District consideration. The requested change would not amend this requirement for the majority of applications; however, it would provide a means by which an applicant could petition the City Council for permission to apply for a PZD and an annexation concurrently.

This petition for the simultaneous applications would not be a review by the City Council of the merits of the annexation or PZD; rather, it would only allow the applications to be submitted together.

The current ordinance amendment is drafted to specify that a PZD following this process would not be effective until the property is annexed into the City of Fayetteville.

BUDGET IMPACT

None

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND §166.06 OF THE UDC TO ALLOW
CONSIDERATION OF PROPERTY WITHIN THE CITY'S PLANNING
AREA TO RECEIVE CONDITIONAL APPROVAL OF A PZD**

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

Section 1: The City Council of the City of Fayetteville, Arkansas hereby repeals §166.06 (A)(1) Location in its entirety and enacts a replacement §166.06 (A)(1) Location in its stead as shown below:

"§166.06 (A)(1) Location. Any property located within the city limits is eligible for a planned zoning district. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a planned zoning district application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville."

PASSED and APPROVED this 15th day of January, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

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

15-Jan-08

City Council Meeting Date

Tim Conklin
Submitted By

Long Range Planning
Division

Operations
Department

Action Required:

A RESOLUTION TO GRANT A VARIANCE FROM THE PARKLAND DEDICATION REQUIREMENT, IN ACCORDANCE WITH §156.03(B) OF THE UNIFIED DEVELOPMENT CODE FOR THE HABITAT FOR HUMANITY LOW IMPACT DEVELOPMENT (LID) DEMONSTRATION PROJECT; AND DESIGNATING THE THREE AND ONE-HALF ACRES ADJACENT TO THE PROJECT AS A CITY PARK.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$ -	

Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director

12.28.07
Date

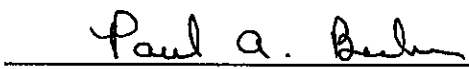
Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

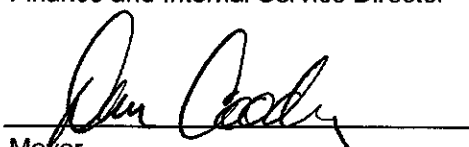
12/28/07

Original Contract Number: n/a


Finance and Internal Service Director

12-31-07
Date

Received in City Clerk's Office



Mayor

1/2/08
Date

Received in Mayor's Office


Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Through: Gary Dumas, Director of Operations

From: Tim Conklin, Planning and Development Management Director

Date: December 21, 2007

Subject: **A RESOLUTION TO GRANT A VARIANCE FROM THE PARKLAND DEDICATION REQUIREMENT, IN ACCORDANCE WITH § 156.03(B) OF THE UNIFIED DEVELOPMENT CODE FOR THE HABITAT FOR HUMANITY LOW IMPACT DEVELOPMENT (LID) DEMONSTRATION PROJECT; AND DESIGNATING THE THREE AND ONE-HALF ACRES ADJACENT TO THE PROJECT AS A CITY PARK.**

RECOMMENDATION

Planning Staff recommends approving an ordinance to grant a variance from the parkland dedication requirement, Section 166.03 (K)(1)(a) of the Unified Development Code for the Habitat for Humanity Low Impact Development (LID) subdivision demonstration project.

BACKGROUND

Section 166.03 (K)(1)(a) of the Unified Development Code requires when a proposed subdivision does not provide an area for a public park the developer shall be required to make a reasonable dedication of land for public park facilities, or to make a reasonable equivalent contribution in lieu of dedication of land.

The ordinance requires land to be dedicated at a ratio of .024 acre for each single-family dwelling unit and .017 acre for each multi-family dwelling unit or a fee of \$960.00 for each single-family unit or \$680.00 for each multi-family unit.

Habitat for Humanity has a contract with the City to purchase approximately 8.8 acres of property located south of Huntsville Road. The 8.8 acres will be requested to be rezoned and subdivided as a Planned Zoning District (PZD) by Habitat for Humanity for future Habitat for Humanity homes.

The University of Arkansas Community Design Center (UACDC) in partnership with Marty Matlock of the Ecological Engineering Group and the Department of Biological and Agricultural Engineering is currently planning and designing this subdivision as a (LID) demonstration project. They received a \$460,000 grant by the Arkansas Natural

Resources Commission (ANRC) under its FY 2007 Section 319(h) Non-point Source Management Program.

This is one of only two Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ Neighborhood Development pilot projects in the State of Arkansas, with both projects being located in Fayetteville.

RECOMMENDATION

Staff recommends a variance from the Parkland Dedication requirements for Habitat for Humanity in consideration for the design services provided through UACDC and the University of Arkansas, the dedication of approximately 0.45 acres for stream restoration, the designation of approximately 3.5 acres of land adjacent to the project as City parkland, and the creation of additional affordable housing.

BACKGROUND -- \$460,000 GRANT BY THE ARKANSAS NATURAL RESOURCES COMMISSION UNDER ITS FY 2007 SECTION 319(H)NONPOINT SOURCE MANAGEMENT PROGRAM.

By: *Stephen Luoni, Director*
Steven L. Anderson Chair in Architecture and Urban Studies

UACDC in collaboration with Marty Matlock of the Ecological Engineering Group and the Department of Biological and Agricultural Engineering has received final approval from the U.S. EPA for a \$460,000 grant by the Arkansas Natural Resources Commission under its FY 2007 Section 319(h)Nonpoint Source Management Program.

The grant will fund planning and design of a demonstration neighborhood for Habitat for Humanity in Fayetteville, using Low Impact Development (LID) technologies. LID technologies to be explored include: 1) shared streets (based on the Dutch woonerf where the street is designed as a garden), 2) integrated stormwater management system using ecological engineering approaches--rain gardens, green streets, bioswales, infiltration trenches, 3) pervious street surface systems, and 4) new configurations of high density single-family house types. The challenge of the project is to integrate ecological planning practices into urban planning templates, land-use policy, and civil infrastructure design. Should LID principles from the demonstration project eventually be adopted by Fayetteville in its codes, it will place the city along with Seattle and Portland as the nation's leading cities in sponsoring LID infrastructure as an alternative to costly civil infrastructure for stormwater management.

The grant also obliges the project team to produce an LID manual for use by planners, developers, and designers across the State of Arkansas. Neighborhood planning will begin this spring with anticipated construction start date of 2008. In addition to UACDC and the Ecological Engineering Group project team partners include McClelland Consulting Engineers for landscape architecture and civil engineering, Habitat for

Humanity of Washington County, and the City of Fayetteville. While the 319(h) grant **does not fund research or capital costs**, it does allow the University to expand its outreach services to the State of Arkansas.

<http://www.usgbc.org>

LEED for Neighborhood Development

The LEED for Neighborhood Development Rating System integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. LEED certification provides independent, third-party verification that a development's location and design meet accepted high levels of environmentally responsible, sustainable development.

Currently in its pilot period, LEED for Neighborhood Development is a collaboration among USGBC, the Congress for the New Urbanism and the Natural Resources Defense Council.

RESOLUTION NO. _____

A RESOLUTION TO GRANT A VARIANCE FROM THE PARKLAND DEDICATION REQUIREMENT, IN ACCORDANCE WITH §156.03(B) OF THE UNIFIED DEVELOPMENT CODE FOR THE HABITAT FOR HUMANITY LOW IMPACT DEVELOPMENT (LID) DEMONSTRATION PROJECT; AND DESIGNATING THE THREE AND ONE-HALF ACRES ADJACENT TO THE PROJECT AS A CITY PARK.

WHEREAS, Habitat for Humanity is a non profit organization dedicated to providing affordable single-family owner-occupied housing in Fayetteville; and

WHEREAS, The City of Fayetteville has enter into a contract to sell approximately 8.8 acres to Habitat for Humanity to design this project as a LID demonstration subdivision along with approximately a three and one-half acre City park adjacent to the project; and

WHEREAS, The University of Arkansas Community Design Center will provide planning and design services through an EPA grant to restore the existing open ditch to a functioning more natural stream; and

WHEREAS, Habitat for Humanity will dedicate approximately 0.45 acres of their property to increase the size of the restored stream corridor at the time of final plat.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, determines that granting the variance to the parkland dedication requirement serves the public interest and is beneficial to the City as a whole, and hereby grants such variance in accordance with § 156.03 (B) of the Unified Development Code.

Section 2. That the City Council of the City of Fayetteville, Arkansas, designates the three and one-half acres adjacent to the project as a City Park.

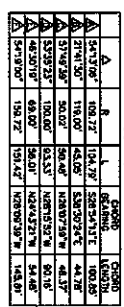
PASSED and **APPROVED** this day of , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer



AGENDA REQUEST

FOR: COUNCIL MEETING OF JANUARY 15, 2008

FROM:

MAYOR DAN COODY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §111.30 Retail Of Chapter 111 Alcoholic Beverages Of The Code Of Fayetteville

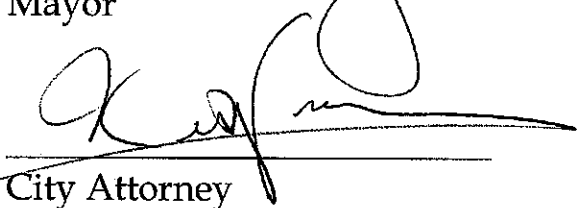
APPROVED FOR AGENDA:



Mayor

1/2/08

Date



City Attorney

1-2-08

Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE



B. 6
Ordinance Chapter 111
Alcoholic Beverages
Page 2 of 8

LEGAL DEPARTMENT

TO: City Council

FROM: Kit Williams, City Attorney

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

DATE: January 2, 2008

RE: **Permitting the opening of off-premises beer, wine and liquor sales
three hours earlier**

State law (A.C.A. § 3-3-210) allows retail sale of alcoholic beverages for off-premises consumption beginning at 7:00 A.M. (except for Sundays). Our Code of Fayetteville was more restrictive in prohibiting any such sales before 10:00 A.M. I have attached the State law as well as our current Fayetteville Code sections regulating hours of operation. Mayor Coody has proposed conforming our Fayetteville Code to the State law to allow retail sales to begin at 7:00 A.M. rather than 10:00 A.M. I have drafted such an ordinance to amend our Fayetteville Code.

The amendment also removes the previous ambiguous language: "give away, at retail." I am not sure what that means or why it was originally inserted in our Code. State law only prohibits the **sale** of intoxicating liquor from liquor stores during certain hours. Our broad prohibition: "It shall be unlawful for any **person** to ... give away, at retail, any controlled beverages ...," seems to reach what most citizens would consider their legal right to give their friends and relatives a taste of the bubbly for a New Year's toast. Thus, I recommend removing this possibly over-reaching language from the off-premises consumption subsections.

I do not recommend removing similar language from the on-premises subsections because of potential enforcement issues and subterfuges such as: "After 2:00 A.M., we sell a glass of cola for \$5 and give away the whiskey in it for nothing."

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND §111.30 RETAIL OF
CHAPTER 111 ALCOHOLIC BEVERAGES OF THE
CODE OF FAYETTEVILLE**

WHEREAS, retail off-premises alcoholic beverage stores should be able to open three hours earlier in the day to accommodate anglers and other individuals.

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

Section 1: The City Council of the City of Fayetteville, Arkansas hereby repeals §111.30 (A)(2) and (B)(2) *Hours of operation* of the Code of Fayetteville and enacts replacement subsections (A)(2) and (B)(2) *Hours of operation* to allow liquor stores to open three hours earlier as shown below:

"§111.30 Retail

"(A) Retail liquor off-premises permit.

"(2) Hours of operation. It shall be unlawful for any person to sell or offer to sell any controlled beverages for off-premises consumption before the hour of 7:00 a.m. or after the hour of 11:00 p.m. on weekdays, after the hour of 12:00 midnight on Friday or Saturday and at any hour on Sunday, on Christmas Day, or during any 24-hour period designated an emergency by the mayor or the City Council."

"(B) Retail beer and light wine off-premises permit.

"(2) Hours of operation. It shall be unlawful for any person to sell or offer to sell beer or light wine for off-premises consumption before the hour of 7:00 a.m. or after the hour of 11 p.m. on weekdays, after the hour of 12:00 midnight on Friday or Saturday, at any hour on Sunday, on Christmas Day, or during any 24-hour period designated an emergency by the Mayor or City Council."

PASSED and **APPROVED** this 15th day of January, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

wholesale dealer, broker or distributor of beer and light wine. (Per A.C.A. § 3-5-101, Wholesalers of beer may sell malt liquor.)

- (2) *Hours of operation.* The authorized hours of operation shall be the same as for wholesale liquor dealers in §111.20(A).
- (3) All wholesale dealers and distributors selling beer and light wine to retail dealers within the city shall provide to the city's accounting division on or before June 30th of each year a report of said distributor's total sales of beer and light wine for the previous calendar year to each retailer within the city. No wholesale beer and light wine permit will be renewed until such report has been received by the city.

(Ord. No. 4042, §1, 6-17-97; Code 1991, §111.20)

State law reference(s)--Privilege tax-Levy and collection-Exception, A.C.A. §3-5-205A, as amended by Act 1813 of 2001.

111.21-111.29 Reserved

111.30 Retail

- (A) *Retail liquor off-premises permit.* Authorizes the purchase of spirituous and vinous beverages from any person holding a valid wholesale liquor permit and the sale of such beverages at retail to consumers for consumption off the premises; any holder of a liquor off-premises permit may also purchase malt liquors containing more than five percent alcohol by weight from either persons holding a wholesale beer permit or a wholesale liquor permit, and sell such beverages to consumers for consumption off the premises described in the permit.

It shall be unlawful for any person to accept retail orders for any spirituous, vinous, or malt liquors for delivery outside of the premises of the store operated by such person.

- (1) *Permit fee.* There is hereby levied an annual permit fee of \$250.00 for each and every retail liquor dealer engaged in the business of selling or dispensing, at retail any vinous (except wine), spirituous, or malt liquors for off-premises consumption.
- (2) *Hours of operation.* It shall be unlawful for any person to sell, offer for sale, or give away, at retail, any controlled beverages for

off-premises consumption before the hour of 10:00 a.m. and after the hour of 11:00 p.m. on weekdays, after the hour of 12:00 midnight on Friday and Saturday, at any hour on Sunday, on Christmas Day, or during any 24-hour interval designated an emergency period by the mayor, City Council, or any person acting in the mayor's or the City Council's capacity.

- (B) *Retail beer and light wine off-premises permit.* Authorizes the purchase of beer, light wine, or malt liquor containing less than five percent alcohol by weight from wholesalers holding a valid permit and the sale of such controlled beverages for consumption off the premises described in the permit.

- (1) *Permit fee.* For the privilege of selling beer and light wine, at retail, for off premises consumption, there is hereby levied an annual permit fee as follows:

(a) For a retailer whose annual gross sales of beer and/or light wine do not exceed \$1,000.00, the permit fee shall be \$15.00.

(b) For a retailer whose annual gross sales of beer and/or light wine exceed \$1,000.00, the permit fee shall be \$15.00 plus one-half cent for each dollar of gross sales in excess of \$1,000.00.

(c) The permit fee for a new applicant with no sales history shall be \$40.00.

(d) For the purpose of renewing an existing permit, annual sales shall be the actual gross sales for the previous calendar year. If the permittee has not been in operation for a full year at December 31st of the previous year, annual sales shall be determined by dividing the total actual sales by the number of months of operation and multiplying the result by 12.

(e) If a new permit was issued between January 1st and June 30th, the first renewal rate (due on June 30th of the issue year) shall be \$40.00.

- (2) *Hours of operation.* It shall be unlawful for any person to serve, sell, offer for sale, or give away beer or light wine at retail for off-premises consumption before the hour of

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

10:00 a.m. and after the hour of 11:00 p.m. on weekdays, after the hour of 12:00 midnight on Friday and Saturday, at any hour on Sunday, on Christmas Day, or during any 24-hour interval designated an emergency period by the mayor, City Council, or any person acting in the mayor's or the City Council's capacity.

- (C) *Retail beer and light wine on-premises permit.* Authorizes the purchase of beer, light wine, or malt liquor containing less than five percent alcohol by weight from a wholesaler holding a valid permit and the sale of such controlled beverages for consumption on or off the premises described in the permit.

(1) *Permit fee.* There is hereby levied an annual permit fee of the same amounts and computed in the same manner as the annual fees for retail beer and light wine off-premises in §111.30(B) above.

(2) *Hours of operation.* It shall be unlawful for any person (except private clubs and holders of on-premises consumption hotel, motel or restaurant permits) to serve, sell, offer for sale, or give away for consumption on premises any beer or light wine between the hours of 1:00 a.m. and 7:00 a.m. on Monday through Saturday, on Sunday, on Christmas Day, or during any 24-hour interval designated an emergency period by the mayor, City Council, or any person acting in the mayor's or the City Council's capacity.

- (D) *Private club permit.* Authorizes the purchase of any controlled beverages from persons holding an off-premises retail liquor or beer permit who have been designated by the director of the State Alcoholic Beverage Control Board as a private club distributor, and authorizes the dispensing of such beverages for consumption on the premises of the private club to members and guests only of the private club. (Private clubs holding a retail beer on premises permit may purchase beer, light wine, or malt liquor containing not more than five percent alcohol by weight from holders of valid wholesale beer permits).

(1) *Permit fee.* For the privilege of operating a private club within the city, there is hereby levied an annual permit fee of \$250.00. For any new private club permit issued between January 1st and July 1st, the fee shall be \$125.00.

(2) *Supplemental beverage tax.* In addition to the \$250.00 per year permit fee, there is hereby imposed and levied a city supplemental tax of five percent upon the annual gross receipts which are derived by such private club from charges to the members and/or their guests for the following services:

- (a) For the preparation and serving of mixed drinks, and
- (b) For the cooling and serving of beer, light wine, and wine.

The city's supplemental beverage tax is in addition to the state supplemental tax on private clubs and shall be paid to the appropriate city official, shall be due monthly at the same time that the state supplemental tax is due, and shall be accompanied by one copy of the state supplemental tax return. If any permittee shall fail to remit the supplemental tax within the time period that the state tax is due, a penalty of 12½% of the tax due shall be due and payable in addition to the tax.

(3) *Hours of operation.* It shall be unlawful for the owner, operator, or any employee of a private club to serve or permit the consumption of any controlled beverages on the premises of said private club between the hours of 2:00 a.m. and 10:00 a.m. on any day.

- (E) *On-premises consumption--Hotel, motel or restaurant permit.* Authorizes the purchase of any controlled beverages from persons holding a valid wholesale permit and the sale of such beverages for consumption on the premises of the restaurant described in the permit or in-room hospitality units of the hotel or motel described in the permit. (Persons holding an on-premises consumption hotel, motel, or restaurant permit are not required to have a retail beer permit).

(1) *Permit fee.* For the privilege of selling controlled beverages for on-premises consumption by hotels, motels, or restaurants, in accordance with A.C.A. §3-9-201, et seq., there is hereby levied annual permit fees in the following applicable amounts:

- (a) Hotel or motel having fewer than 100 rooms, \$250.00.

§ 3-3-209. Furnishing to alcoholics or intoxicated persons

Any person who shall sell, give away, or dispose of intoxicating liquor to an habitual drunkard or an intoxicated person shall be guilty of a violation and for the first offense be punishable by a fine of not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250). For the second and subsequent offenses, he or she shall be guilty of a Class A misdemeanor. The penalties prescribed in this section shall be in addition to any other penalty prescribed by law.

*Acts of 1943, Act 218, § 1; Acts of 2005, Act 1994, § 383, eff. Aug. 12, 2005.
Formerly A.S.A. 1947, § 48-901.*

Historical and Statutory Notes

2005 Legislation
Technical changes were made to conform with the official Arkansas Code of 1987 as approved by the Arkansas Code Revision Commission. Acts of 2005, Act 1994, § 383, rewrite the section, which prior thereto read:

"Any person who shall sell, give away, or dispose of intoxicating liquor to a habitual drunkard or an intoxicated person shall be guilty of a misdemeanor and for the first offense be punishable by a fine of not less than one hundred dollars (\$100) nor

more than two hundred fifty dollars (\$250). For the second and subsequent offenses, he shall be guilty of a misdemeanor and punishable by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) or by imprisonment in the county jail for not less than six (6) months nor more than one (1) year, or both so fined and imprisoned in the discretion of the court or jury. The penalties prescribed herein shall be in addition to any other penalty prescribed by law."

Research References

ALR Library
97 ALR 3d 528, Common-Law Right of Action for Damage Sustained by Plaintiff in Consumption of Sale or Gift of Intoxicating Liquor or Habit-Forming Drug to Another.

Encyclopedia
34 Am. Jur. Trials 459, Failure to Protect the Public from an Intoxicated Driver.

43 Am. Jur. Trials 527, Liquor Provider Liable by Am. Jur. 24 Intoxicating Liquors § 517, Sale or Furnishing of Liquor.

§ 3-3-210. Sale on Sunday or early weekday mornings

(a)(1) Any person who shall sell intoxicating alcoholic liquor on Sunday, except as such sales are authorized by § 3-9-215 and § 3-9-401 et seq., or between 1:00 a.m. and 7:00 a.m. on weekdays shall be guilty of a violation and for the first offense be punished by a fine of not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250).

(2) For the second and subsequent offenses, the person shall be guilty of a Class B misdemeanor.

(b)(1)(A) As a further exception to the Sunday sales prohibition set out in subsection (a) of this section, counties and cities in the state in which the sale of alcoholic beverages is authorized by the adoption of an ordinance by the county quorum court or city board or other governing body may refer to the voters at an election the issue of whether or not to authorize the sale of alcoholic beverages on Sundays between the hours of 12:00 noon and 10:00 p.m. or within a lesser period within such hours as may be provided in the ordinance.

(B) The Sunday sale of alcoholic beverages as authorized in this subsection shall be limited to those businesses within the county or city that possess a current and valid license for the sale of alcoholic beverages issued by the Alcoholic Beverage Control Division.

(2)(A) The election shall be conducted on a citywide or countywide basis.

(B) All qualified electors within the city or county, as the case may be, shall be eligible to vote even though they may reside in a dry area thereof.

(C) The election on the Sunday sales question shall be held in accordance with the procedures established for on-premises consumption elections by § 3-9-201 et seq. and the ballot for such election shall be printed substantially as follows:

"() FOR THE SALE FOR ALCOHOLIC BEVERAGES ON SUNDAY IN (NAME OF CITY OR COUNTY), ARKANSAS, AS AUTHORIZED BY LAW.

AGAINST THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAY IN (NAME OF CITY OR COUNTY), ARKANSAS, AS AUTHORIZED BY LAW."

(3)(A) The vote of the majority of the electors in a citywide election approving Sunday sales shall authorize such sales in all permitted outlets located within the incorporated areas of such city only.

(B) The vote of the majority of the electors in a countywide election approving Sunday sales shall authorize such sales in all permitted outlets located anywhere within such county.

(4) The vote of the majority of the electors against the sale of alcoholic beverages on Sunday will have no effect on any area that had previously approved Sunday sales of mixed drinks in hotels and restaurants as authorized by § 3-9-215.

(c) Notwithstanding the authority granted to counties and cities in this section, wholesale distributors of intoxicating alcoholic liquor may not sell or deliver any alcoholic beverages to retailers on a Sunday.

*Acts of 1943, Act 218, § 1; Acts of 1959, Act 56, § 1; Acts of 1999, Act 428, § 1; Acts of 1999, Act 857, § 1, eff. July 30, 1999; Acts of 2005, Act 1994, § 387, eff. Aug. 12, 2005.
Formerly A.S.A. 1947, § 48-901.*

Historical and Statutory Notes

2005 Legislation
Technical changes were made to conform with the official Arkansas Code of 1987 as approved by the Arkansas Code Revision Commission. Acts of 2005, Act 1994, § 387, amended the section by rewriting (a), which prior thereto read:

"(a) Any person who shall sell intoxicating alcoholic liquor on Sunday, except as such sales are authorized by § 3-9-215 and § 3-9-401 et seq., or between 1:00 a.m. and 7:00 a.m. on weekdays shall be guilty of a misdemeanor and for the first offense be punished by a fine of not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250). For the second and subsequent offenses, he shall be guilty of a misdemeanor and punished by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) or by imprisonment in the county jail for not fewer than ten (10) days nor more than six (6) months or both so fined and imprisoned in the discretion of the court or jury."

§ 3-3-211. Sales on Christmas Day

(a) It shall be unlawful to sell intoxicating liquors on Christmas Day.

(b) Any person who shall sell intoxicating alcoholic liquors on Christmas Day shall be guilty of a Class B misdemeanor.

*Acts of 1949, Act 266, § 1, 2; Acts of 2005, Act 1994, § 367, eff. Aug. 12, 2005.
Formerly A.S.A. 1947, §§ 48-950, 48-951.*

Historical and Statutory Notes

2005 Legislation
Acts of 2005, Act 1994, § 367, amended the section by rewriting (b), which prior thereto read:

"(b) Any person who shall sell intoxicating alcoholic liquors on Christmas Day shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or imprisoned in the county jail for not less than thirty (30) days nor more than six (6) months, or both so fined and imprisoned within the discretion of the court or jury."

§ 3-3-214. Sale of denatured alcohol

(a) It is unlawful for any person to sell, give away, or dispose of denatured alcohol for any beverage purposes whatsoever.

(b) Any person who shall sell, give away, or dispose of denatured alcohol for any beverage purpose whatsoever shall be guilty of a violation and for the first offense be punished by a fine of not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250). For the second and subsequent offenses, he or she shall be guilty of a Class B misdemeanor.

Make Sure
Unfinished Business
is added to the
Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Agenda Meeting

1/8/08

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan



Final Agenda
PDF Copy.
Thanks!

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
January 15, 2008**

A meeting of the Fayetteville City Council will be held on January 15, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. State of the City Report – Mayor Coody

Agenda Additions:

A. Consent:

- ~~1. Approval of the December 18, 2007, December 27, 2007 and January 3, 2008 City Council meeting minutes.~~

- ~~2. Arkansas State Police Grant: A resolution accepting an Arkansas State Police Drug Task Force General Improvement Grant in the amount of \$54,455.00 for the purchase of a vehicle, surveillance equipment and supplies for use by the 4th Judicial District Drug Task Force; and approving a budget adjustment.~~

Remove
Add to
the next
Agenda

- ✓ 3. **Arkansas Razorback Transit:** A resolution approving a contract in the amount of \$50,000.00 with the University of Arkansas Razorback Transit to provide public transit services.
- ✓ 4. **Bid #07-79 JWC Environmental:** A resolution awarding Bid #07-79 to JWC Environmental in the amount of \$163,436.00 for the purchase of a Channel Grinder for the Hamstring Sewer Lift Station, WSIP Subproject WL-6.
- ✓ 5. **Rules of Order and Procedure:** A resolution to amend the Rules of Order and Procedure to clarify the final denial of ordinances or resolutions that have been tabled indefinitely.

B. New Business:

- ✓ 1. **2007 Items Tabled Indefinitely – Final Actions:** A resolution to deny several items tabled indefinitely and reschedule for hearing three items that may need further City Council action.
- ✓ 2. **Martin Luther King Boulevard:** A resolution to change the name of Sixth Street to Martin Luther King Boulevard.
- ✓ 3. **Amend Chapter 163 Home Occupations:** An ordinance amending §163.09 Home Occupations of the Unified Development Code to permit limited signage in RSF-4 Zones.
- ✓ 4. **Amend Chapter 166 Development:** An ordinance to amend §166.06 of the UDC to allow consideration of property within the City's planning area to receive conditional approval of a PZD.
- ✓ 5. **Habitat for Humanity Low Impact Development (LID) Demonstration Project:** A resolution to grant a variance from the parkland dedication requirement, in accordance with §156.03 (B) of the Unified Development Code for the Habitat for Humanity Low Impact Development (LID) Demonstration Project; and designating the three and one-half acres adjacent to the project as a city park.
- ✓ 6. **Amend Chapter 111 Alcoholic Beverages:** An ordinance to amend §111.30 Retail of Chapter 111 Alcoholic Beverages of the Code of Fayetteville.

Need new resolution from Tim on Kit

Announcements:

1. **City Council Tour:** ~~January 14, 2008~~ **NONE**

Adjournment:

Pre-Agenda Meeting 1/2/08

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
January 15, 2008**

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Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. State of the City Report – Mayor Coody

Agenda Additions:

A. Consent:

1. Approval of the December 18, 2007, December 27, 2007 and January 3, 2008 City Council meeting minutes.

2. **Martin Luther King Boulevard:** A resolution to change the name of Sixth Street to Martin Luther King Boulevard.

Should this be Jr. & has notice been given to property owners.

3. **Arkansas State Police Grant:** A resolution accepting an Arkansas State Police Drug Task Force General Improvement Grant in the amount of \$54,455.00 for the purchase of a vehicle, surveillance equipment and supplies for use by the 4th Judicial District Drug Task Force; *and Approving a budget adjustment.*
4. **Arkansas Razorback Transit:** A resolution approving a contract in the amount of \$50,000.00 with the University of Arkansas Razorback Transit to provide public transit services.
5. **Bid #07-79 JWC Environmental:** A resolution awarding Bid #07-79 to JWC Environmental in the amount of \$163,436.00 for the purchase of a Channel Grinder for the Hamestring Sewer Lift Station, WSIP Subproject WL-6.
6. **Rules of Order and Procedure:** A resolution to amend the Rules of Order and Procedure to clarify the final denial of ordinances or resolutions that have been tabled indefinitely.

B. New Business:

1. **2007 Items Tabled Indefinitely – Final Actions:** A resolution to deny several items tabled indefinitely and reschedule for hearing three items that may need further City Council action.
2. **Amend Chapter 163 Home Occupations:** An ordinance amending §163.09 Home Occupations of the Unified Development Code to permit limited signage in RSF-4 Zones.
- Per Tim Conklin remove* 3. **ADM 06-2380 Amend Chapters 166 & 172:** An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development and Chapter 172: Parking and Loading in order to adopt Urban Residential Design Standards.
4. **Amend Chapter 166 Development:** An ordinance to amend §166.06 of the UDC to allow consideration of property within the City's planning area to receive conditional approval of a PZD.
5. **Habitat for Humanity Low Impact Development (LID) Demonstration Project:** A resolution to grant a variance from the parkland dedication requirement, in accordance with §156.03 (B) of the Unified Development Code for the Habitat for Humanity Low Impact Development (LID) Demonstration Project; and designating the three and one-half acres adjacent to the project as a city park.

Announcements:

1. **City Council Tour: January 14, 2008**

Adjournment:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody, Mayor**

THRU: **Sondra Smith, City Clerk**

FROM: **Kit Williams, City Attorney**

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

DATE: **January 16, 2008**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of January 15, 2008**

1. **Arkansas State Police Grant:** A resolution accepting an Arkansas State Police Drug Task Force General Improvement Grant in the amount of \$54,455.00 for the purchase of a vehicle, surveillance equipment and supplies for use by the 4th Judicial District Drug Task Force; and approving a budget adjustment;
2. **Arkansas Razorback Transit:** A resolution approving a contract in the amount of \$50,000.00 with the University of Arkansas Razorback Transit to provide public transit services;
3. **Bid #07-79 JWC Environmental:** A resolution awarding Bid #07-79 to JWC Environmental in the amount of \$163,436.00 for the purchase of a Channel Grinder for the Hamestring Sewer Lift Station, WSIP Subproject WL-6;
4. **Rules of Order and Procedure:** A resolution to amend the Rules of Order and Procedure to clarify the final denial of ordinances or resolutions that have been tabled indefinitely;
5. **Hiring Freeze Appeals:** A resolution to approve the hiring of three firefighters and one police officer;
6. **2007 Items Tabled Indefinitely – Final Actions:** A resolution to deny several items tabled indefinitely and reschedule for hearing three items that may need further City Council action;

7. **Martin Luther King Boulevard:** A resolution to change the name of Sixth Street to Martin Luther King Boulevard;
8. **Amend Chapter 166 Development:** An ordinance to amend §166.06 of the UDC to allow consideration of property within the City's planning area to receive conditional approval of a PZD;
9. **Habitat for Humanity Low Impact Development (LID) Demonstration Project:** A resolution to grant a variance from the Parkland Dedication requirement, in accordance with §156.03(B) of the Unified Development code for the Habitat for Humanity Low Impact Development (LID) demonstration project; and designating the three and one-half acres adjacent to the project as a city park;
10. **Amend Chapter 111 Alcoholic Beverages:** An ordinance to amend §111.30 Retail of Chapter 111 Alcoholic Beverages of the Code of Fayetteville.

From: Jeremy Pate
To: Pearman, Clarice
Date: 1.16.08 9:04 AM
Subject: other CC items

Clarice,

If you don't mind, please do make a note to copy me on the email for the Rules of Order and Procedure item and the 2007 Items Tabled Indefinitely - Final Actions item. Kit drafted those resolutions, but I'd like a copy, since I submitted the actual agenda request.

thanks!
-Jeremy

Arkansas Democrat Gazette
NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record
P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

RECEIVED

JAN 16 2008

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

AFFIDAVIT OF PUBLICATION

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

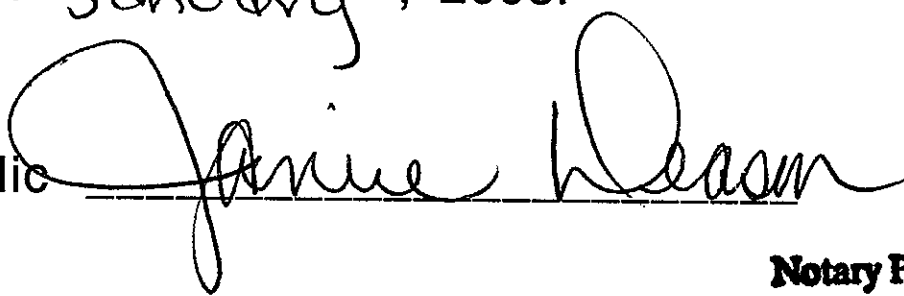
Was inserted in the Regular Editions:

January 14, 2008

Publication Charge: \$126.60

Subscribed and sworn to before me
This 16th day of January, 2008.

Notary Public



Janice Deason
Notary Public, State of Arkansas
Washington County
My Commission Expires 11/15/14

My Commission Expires: 11/15/14

Do not pay from Affidavit, an invoice will be sent

Monday, January 14, 2008

RECEIVED

JAN 16 2008

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
JANUARY 15, 2008**

Fayetteville
ARKANSAS

A meeting of the Fayetteville City Council will be held on January 15, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order
Roll Call
Pledge of Allegiance**

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. State of the City Report – Mayor Coody

A. Consent:

1. Arkansas State Police Grant: A resolution accepting an Arkansas State Police Drug Task Force General Improvement Grant in the amount of \$54,455.00 for the purchase of a vehicle, surveillance equipment and supplies for use by the 4th Judicial District Drug Task Force; and approving a budget adjustment.

2. Arkansas Razorback Transit: A resolution approving a contract in the amount of \$50,000.00 with the University of Arkansas Razorback Transit to provide public transit services.

3. Bid #07-79 JWC Environmental: A resolution awarding Bid #07-79 to JWC Environmental in the amount of \$163,436.00 for the purchase of a Channel Grinder for the Hamestring Sewer Lift Station, WSIP Subproject WL-6.

4. Rules of Order and Procedure: A resolution to amend the Rules of Order and Procedure to clarify the final denial of ordinances or resolutions that have been tabled indefinitely.

B. Unfinished Business:

1. Hiring Freeze: Hiring Freeze Appeals.

2. R-PZD 07-2763 (Skate Place II): An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2763, Skate Place II, located at 646 West Sycamore Street, containing approximately 1.08 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the January 3, 2008 City Council meeting.*

C. New Business:

1. 2007 Items Tabled Indefinitely – Final Actions: A resolution to deny several items tabled indefinitely and reschedule for hearing three items that may need further City Council action.

2. Martin Luther King Boulevard: A resolution to change the name of Sixth Street to Martin Luther King Boulevard.

3. Amend Chapter 163 Home Occupations: An ordinance amending §163.09 Home Occupations of the Unified Development Code to permit limited signage in RSF-4 Zones.

4. Amend Chapter 166 Development: An ordinance to amend §166.06 of the UDC to allow consideration of property within the City's planning area to receive conditional approval of a PZD.

5. Habitat for Humanity Low Impact Development (LID) Demonstration Project: A resolution to grant a variance from the parkland dedication requirement; in accordance with §156.03 (B) of the Unified Development Code for the Habitat for Humanity Low Impact Development (LID) Demonstration Project; and designating the three and one-half acres adjacent to the project as a city park.

6. Amend Chapter 111 Alcoholic Beverages: An ordinance to amend §111.30 Retail of Chapter 111 Alcoholic Beverages of the Code of Fayetteville.

Announcements:

1. City Council Tour: None

Adjournment: