

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL JUNE 19, 2001

A meeting of the Fayetteville City Council will be held on June 19, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from May 15, 2001 meeting.
2. **RODGERS DR. WATER TANK:** A resolution approving the construction contract with Protective Linings and Coating, Inc. for Rodgers Drive Water Tank Paint Project in the amount of \$250,600 and a project contingency of \$37,590, and the related budget adjustment in the amount of \$72,741.
3. **SKATE PARK:** A resolution authorizing the Parks and Recreation Division to apply for up to \$200,000 in grant money for the development of a skate park. *(will be removed at Council meeting)*
4. **PLAYGROUND EQUIPMENT:** A resolution approving a contract with John Barre Landscape Construction for new playground equipment and installation of equipment at the Lake Fayetteville Softball Complex.
5. **SOCCER UNIFORMS:** A resolution approving the purchase of soccer uniforms for 2001-2002 soccer session.
6. **DOUBLE SPRINGS RD. BRIDGE REPLACEMENT:** A resolution approving 20% funding for this AHTD project in the estimated amount of \$249,119.45; approval of the related budget adjustment and project contingency in the amount of \$37,367 (15%).
7. **TREE PRESERVATION WORKSHOP:** A resolution approving an Urban and Community Forestry Assistance Grant application to cover the costs incurred to present two "Tree Preservation During Construction" workshops.
8. **BID 01-34:** A resolution awarding Bid 01-34 to the lowest bidder, Phoenix Recycling, for the purchase of plastic bags to be used in the 2001 Volume Based Program in the amount of \$59,000.

9. **JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT:** A resolution accepting a grant from the Arkansas Department of Human Services.

B. OLD BUSINESS

C. NEW BUSINESS

1. **VA 01-4.00:** An ordinance approving vacation request VA 01-4.00 as submitted by Robert Brown for property located at 3430 W. Telluride Drive, lots 4A and 4B, Wedington Place Addition, Phase II. The request is to vacate a 20' wide drainage easement and a 20' wide utility easement.
2. **VA 01-5.00:** An ordinance approving vacation request VA 01-5.00 as submitted by Ed Connell, City Land Agent, for the property located at 10 N. Garland Ave. Lots 400-402, Oak Park Place Subdivision. The request is to vacate the undeveloped 40' wide right-of-way to the east and north of the above address and Lots 17-24 McIlroy's University Addition.
3. **AD 00-46.00:** An ordinance approving AD 00-46.00 to amend Chapter 151 "Definitions" of the UDO to change the definition of "Family" and to include the definition of "Single Housekeeping Unit", submitted by the Planning Division.
4. **BOYS AND GIRLS CLUB BID WAIVER:** An ordinance to waive competitive bidding for the payment to the Fayetteville Youth Center, Inc. through the end of 2001 for the provision of public recreation.
5. **BOYS AND GIRLS CLUB AGREEMENT:** A resolution approving an agreement with the Fayetteville Youth Center Inc., d/b/a the Fayetteville Boys and Girls Club, Inc., to provide public recreation for the citizens of Fayetteville.
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8. **LIFE STYLES:** A resolution approving a sub-recipient grant agreement with Life Styles, Inc.
9. **SAGE HOUSE:** A resolution approving a sub-recipient grant agreement with Sage House, Inc.

10. **DHL WORLDWIDE:** A resolution approving an agreement with DHL Worldwide Express for the lease of the old Airport Fire Station Building located at 4140 S. School Avenue.
11. **TED BELDEN:** A resolution approving a lease agreement with Ted Belden for one parking space in the Fayetteville Municipal Parking Lot 1.
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14. **HABITAT FOR HUMANITY:** A resolution to waive the building permit fee and other development fees for a home to be constructed by Habitat for Humanity.
15. **APPEAL:** An ordinance amending Chapter 155, Appeals, to allow an appeal by the three aldermen of a decision by the Planning Commission to approve or deny a conditional use.
16. **TOWN CENTER FOUNTAIN:** A resolution to express the City of Fayetteville's intent to accept a gift from Ed and Karlee Bradberry of a spherical bronze fountain created by Han Kaminsky for the Town Center Plaza.

City Council June 19, 2001

BD / LG.
Consent

	Roll				
Young	✓		✓		
Zurcher	✓		✓		
Trumbo	✓		✓		
Davis	✓		✓		
Santos	✓		✓		
Jordan	✓		✓		
Reynolds	✓		✓		
Theil	✓		✓		
Coody	✓				

VA 01-4.00	KS LG 3/12	BD KS 3/12	PASS		
Young	✓	✓	✓		
Zurcher	✓	✓	✓		
Trumbo	✓	✓	✓		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Theil	✓	✓	✓		
Coody					

City Council June 19, 2001

<u>NA 01-5.00</u>	<u>BD KS. 2ND</u>	<u>BD RR. 3RD</u>	<u>PASS</u>		
Young	✓	✓	✓		
Zurcher	✓	✓	✓		
Trumbo	✓	✓	✓		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Theil	✓	✓	✓		
Coody					

<u>AD 00-46.00</u>	<u>LD KS. 2ND</u>	<u>LD BD. 3RD</u>	<u>PASS</u>		
Young	✓	✓	✓		
Zurcher	✓	✓	✓		
Trumbo	✓	✓	✓		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Theil	✓	✓	✓		
Coody					

City Council June 19, 2001

<i>Bob Brown</i>	<i>BD 2ND KS</i>	<i>CY 3RD PR</i>	<i>PASS</i>	<i>KS LG</i> <i>enjoy class</i>	
Young	✓	✓	✓	✓	
Zurcher	✓	✓	✓	✓	
Trumbo	✓	✓	✓	✓	
Davis	✓	✓	✓	✓	
Santos	✓	✓	✓	✓	
Jordan	✓	✓	✓	✓	
Reynolds	✓	✓	✓	✓	
Theil	✓	✓	✓	✓	
Coody					

<i>Bob. agree</i>	<i>KS LG PASS</i>				
Young	✓				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Theil	✓				
Coody					

City Council June 19, 2001

<i>PK could use amount:</i>	<i>LJ KS.</i>				
Young	✓				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Theil	✓				
Coody					

<i>Jefferson</i> <i>Elmer</i>	<i>BD KS.</i>				
Young	✓				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Theil	✓				
Coody					

City Council June 19, 2001

<u>LIFE STYLES</u>	KS LJ				
Young	✓				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Theil	✓				
Coody					

<u>SALE HOUSE</u>	LJ RZ				
Young	✓				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Theil	✓				
Coody					

City Council June 19, 2001

DHK	talk to KS 22				
Young	✓				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Theil	✓				
Coody					

TED BELDON	R2 R2				
Young	✓				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	N				
Jordan	N				
Reynolds	✓				
Theil	✓				
Coody	5-3-0				

City Council June 19, 2001

Young					
Young					
Zurcher					
Trumbo					
Davis					
Santos					
Jordan					
Reynolds					
Theil					
Coody					

<u>Fee-Waiver</u>	<u>BD 2ND</u> <u>KS.</u>	<u>KS 3RD</u> <u>LA.</u>	<u>PASS</u>		
Young	✓	✓	✓		
Zurcher	✓	✓	✓		
Trumbo	✓	✓	✓		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Theil	✓	✓	✓		
Coody					

City Council June 19, 2001

HABITAT Humanity *B7 RZ.* *to copy more 1 yr.*

Young	✓				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Theil	✓				
Coody					

appeal *H 2nd BD.*

Young	✓				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Theil	✓				
Coody	3-5-00.				

left on 1st ready

City Council June 19, 2001

<i>1000 Center</i>	<i>BT</i>				
Young	✓				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Theil	✓				
Coody					

Young					
Zurcher					
Trumbo					
Davis					
Santos					
Jordan					
Reynolds					
Theil					
Coody					

Approved. 8:45

015 03

City of Fayetteville

7/09/2001

7/01/2001 - 7/31/2001 Maintenance/Inquiry

10:48:00

Exp...:

38 Matches

Cont.:

ORD

Sel - (B=Browse)

Sel Ref.

Date

Item

Action

Brief Description

(P=Print)

ORD	6/05/2001	4317		HMR/AMENDMENT/DELIS/DR-IN/CATERERS
ORD	6/05/2001	4318		HMR/PARKS/AMEND/DELI/CARRY-OUT
ORD	6/05/2001	4319		STREETS/SIDEWALK/AMENDMENT/ENTRANCE
ORD	6/05/2001	4320		BID WAIVER/ROLL-OFF EQUIPMENT
ORD	6/19/2001	4319		VA01-4.00/3430 TELLURIDE/BROWN
ORD	6/19/2001	4321		FAMILY/DEFINITION/AMENDMENT
ORD	6/19/2001	4322		BOYS & GIRLS CLUB/PUBLIC RECREATION
ORD	6/19/2001	4323		DEVELOPMENT FEE WAIVER

4324

Page 3 of 3

Cmd1-Return

Roll Keys

Cmd3-End

Press 'ENTER' to Continue

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**FINAL AGENDA
CITY COUNCIL
JUNE 19, 2001**

INSTRUCTIONS

1. Remove items A.3., DHL Worldwide, and A.4., Ted Belden, from the Consent Agenda and place under New Business.
2. Number DHL C.10, under New Business.
3. Number Ted Belden C.11, under New Business.
4. Move item C.4, under New Business to Consent and number A.3.
5. Move item C.6, under New Business to C.4, under New Business.
6. Move items C.7 thru C. 10 up one number.
7. Add information for Litter Campaign given at Agenda Session to New Business, number C. 12. This item will be removed at the City Council meeting.
8. Add information given at Agenda Session for Fee Waiver to New Business, number C.13.
9. Add attached information for Habitat for Humanity, number C.14, attached information should replace information given at Agenda Session.
10. Add attached information for Appeal, number C.15, attached information should replace information given at Agenda Session.
11. Add information given at Agenda Session for Town Center Fountain, number C.16.

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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

Date: June 15, 2001

To: The Mayor and Council

From: Hugh Earnest 
Urban Development Director

Subject: Skate Park Application

We are pulling this particular item from the agenda for two weeks. The application process that we are using is complex and contains a point rating system that is used in evaluating the grant. In checking on the requirements, we have determined that it will be of benefit to us to hold an additional public meeting in the community on this topic. The delay is not crucial to the time frame for the grant and the meeting itself will be of benefit to us when the grant is rated by the state for funding.

RECEI

STAFF REVIEW FORM

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

JUN 12 2001
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

For the Council meeting of June 19, 2001

FROM:

Gary Dumas Solid Waste Utility Services
Name Division Department

ACTION REQUESTED: Approval of bid #01-34 to the lowest bidder, Phoenix Recycling, for the purchase of plastic garbage bags to be used in the 2001 volume based program in the amount of \$59,000.

COST TO CITY:

<u>\$59,000</u> Cost of this request	<u>\$166,000</u> Category/Project Budget	<u>Sanitation Supplies</u> Category/Project NAME
<u>5500-5020-5225.00</u> Account Number	<u>0</u> Funds Used to Date	<u>Residential Collections</u> Program Name
<u> </u> Project Number	<u>\$166,000</u> Remaining balance	<u>Solid Waste</u> Fund

BUDGET REVIEW:

<u>X</u> Budgeted Item	<u> </u> Budget Adjustment Attached
<u><i>[Signature]</i></u> Budget Coordinator	<u> </u> Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

<u><i>Marsha Futhing</i></u> Accounting Manager	<u>6/10/01</u> Date	GRANT AGENCY: <u> </u>
<u><i>[Signature]</i></u> City Attorney	<u>6/11/01</u> Date	
<u><i>[Signature]</i></u> Purchasing Officer	<u>6/11/01</u> Date	
	<u><i>Nancy Smith</i></u> Internal Auditor	<u>6/8/01</u> Date

STAFF RECOMMENDATION:

<u><i>[Signature]</i></u> Division Head	<u>6-7-01</u> Date	<u>Cross Reference</u>
<u><i>[Signature]</i></u> Department Director	<u>6/11/01</u> Date	New Item: Yes No
<u><i>[Signature]</i></u> Admin. Services Director	<u>6/11/01</u> Date	Prev Ord/Res #: <u> </u>
<u><i>[Signature]</i></u> Mayor	<u>6/11/01</u> Date	Orig Contract Date: <u> </u>

Description _____ Meeting Date _____

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

Internal Auditor

ADA Coordinator

Grants Coordinator

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THRU: Dan Coody, Mayor

FROM: Gary Dumas, Utility Services Director

DATE: June 7, 2001

SUBJECT: Approval of Bid #01-34 for Plastic Garbage Bags

Staff requests the approval of bid #01-34 to the lowest qualified bidder, Phoenix Recycling, in the amount of \$59,000 for the purchase of plastic garbage bags to be used in the 2001 volume based program. Staff received two bids.

The garbage bag supply from our previous bid #00-59 in the amount of \$222,550 which was awarded in August 2000 has been depleted. We anticipate that the approval of bid #01-34 for 10,000 rolls of 33 gallon plastic garbage bags will sustain our supply until the end of year 2001. Staff will be making a decision on alternative containers for year 2002.

Staff requests approval of bid #01-34. Purchase of these garbage bags are necessary to continue our volume based program. If you should have any questions prior to this meeting, please contact me at 575-8330 at your convenience.

1994

CITY OF FAYETTEVILLE

113 West Mountain Street
Fayetteville, Arkansas 72701

Solid Waste Division
(501) 444-3498

BID #: 01-34

DATE ISSUED: May 9, 2001

DATE & TIME OF OPENING: May 25, 2001 - 2:30 P.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306, (501) 575-8289

DELIVERY DATE: ASAP

F.O.B.: Fayetteville, Arkansas

ITEM	DESCRIPTION	BAGS PER ROLL	ROLLS	UNIT PRICE	TOTAL PRICE
1.	Plastic Garbage Bags, 33 gal.	45	10,000	\$ 5.90	\$59,000.00
2.	Plastic Recycling Bags, 20 gal.	26	5,000	\$1.30	\$ 6,500.00
	Tax				\$ 00.00
	Total Bid Price:				\$65,500.00

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: Phoenix Recycling

*BUSINESS ADDRESS: 35 Capers Way

*CITY: Pawleys Island

*STATE: SC

*ZIP: 29585

*PHONE: (843) 237-1711 *FAX: (843) 237-8724
*AUTHORIZED SIGNATURE: 
*TITLE: Vice President
*FEDERAL TAX IDENTIFICATION NUMBER: 570936996

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

BIDDERS

ITEM #	DESCRIPTION	Rolls	PHOENIX RECYCLING	DYNA-PAK CORP
1	Plastic Garbage Bags, 33 gal 45/roll	10,000	\$5.90 unit \$59,000.00 tot	\$6.11 unit \$61,100.00 tot
2	Plastic Recycling Bags, 20 gal 26/roll	5,000	\$1.30 unit \$6,500.00 tot	\$1.24 unit \$6,200.00 tot

Certified by *[Signature]* P Vice Purch Mgr

[Signature] 5/25/01
Witness DATE

GENERAL SPECIFICATIONS**PLASTIC GARBAGE BAGS
FOR VOLUMETRIC WASTE COLLECTION**

General specification requirements are as follows for PLASTIC GARBAGE BAGS FOR VOLUMETRIC WASTE COLLECTION. These are MINIMUM SPECIFICATIONS ONLY and are not limited or restricted to the following.

ALL UPGRADE OR DOWNGRADE VARIATIONS/DEVIATIONS/SUBSTITUTIONS MUST BE CLEARLY ANNOTATED. IN THE ABSENCE OF SUCH STATEMENTS, THE BID SHALL BE ACCEPTED AS IN STRICT COMPLIANCE WITH ALL TERMS, CONDITIONS, AND SPECIFICATIONS AND THE SUPPLIER SHALL BE HELD LIABLE.

Alternates will be considered provided each Supplier clearly states on the face of his proposal exactly what he proposes to furnish and forwards necessary descriptive material which will clearly indicate the character of the article covered by his/her bid. All bids are subject to Staff analysis.

All Units Bid shall show deviations to line item specifications on the "Minimum Specification" attached with referral to each item. Utilizing a copy of these specifications with variations "highlighted" and specifics noted is suggested.

Fifteen (15) examples of your plastic garbage bag with examples of graphics and text shall accompany all bids.

The City of Fayetteville reserves the right to accept the best bid for the City, and is not required to accept the lowest priced bid. The City also reserves the right to reject any or all bids and will be the sole judge of what comprises the best and most advantageous unit to meet the needs of the City.

1. **GENERAL:** It is the intent and purpose of these specifications to secure for the purchaser the necessary products which will be capable of performing in a safe, practical and efficient manner consistent with accepted commercial standards.
2. **MATERIALS AND WORKMANSHIP:** All products, materials, and workmanship shall be of the highest grade in accordance with modern practices.

MINIMUM SPECIFICATIONS

PLASTIC GARBAGE BAGS

1. **SCOPE:**

- a. The scope of this section is to list the minimum acceptable features and performance specifications for plastic garbage bags for volumetric waste collection. Bidders are to have thoroughly read and understood these specifications prior to bid submission. Bidder certification of its bid document signifies that bidder meets or exceeds all specifications. If the product being bid does not meet all specifications, the bidder must submit with bid, a separate page with a complete explanation of each variance. If not identified on such list, then that bid will be disqualified.

2. **GENERAL:**

- a. **Estimated Quantity:** 33 Gallon Garbage Bags - 450,000. Delivery to be made in full truck loads with a release schedule to be supplied by the City.
- b. **Delivery:** The shipment must occur within six (6) weeks of the official notification of the Bid Award.
- c. **Substance:** Bags are to be constructed of 75% prime, virgin linear low blend resin and 25% recycled content.
- d. **Film Thickness:** The gauge of the film used to fabricate plastic bags shall be a minimum of 1.2 mils in thickness.
- e. **Film Strength:** The film shall meet the strength to failure specification of film, folds, and seals specified in testing (h) below.
- f. **Bag Dimension:** The bag must measure 33" in width and 38" in height.
- g. **Bag Weight:** The weight of 1,000 bags shall not be less than 98 pounds.
- h. **Testing:** We reserve the right to weigh and in other ways test random samples of any shipments received, and will refuse the entire shipment if the bags do not meet these minimal specifications.

Dart Impact	120
Machine Direction Tear	175
Transverse Direction Tear	475

Load Capacity	
Lifted by drawtape	50 lbs.
Lifted by body of bag	65 lbs.

- i. **Bag Color:** The plastic garbage bags shall be purple in color and non-transparent. Sample purple color to be provided by the City.

- j. **Bag Printing:** Each bag must have one complete impression of artwork (100 square inches) printed one color.
- k. **Packaging:** As specified on front page. 33 Gallon size: 10,000 rolls @ 45 bags per roll. Each roll shall be placed in a clear plastic bag with appropriate closure.
- l. **Construction:** Bags shall have a flat bottom seal. No side seams. Closure is to be of drawtape.
- m. **Samples:** Fifteen (15) samples with the above specifications must be provided with Bid. The City currently uses our purple can liners.
Samples should be on hand.
- n. **References:** Five (5) references by the bidder must be submitted of municipalities where successful bag programs are in progress using bags similar to those you are bidding. See: "Reference Appendix"

MINIMUM SPECIFICATIONS

PLASTIC RECYCLING BAGS

1. **SCOPE:**

- a. The scope of this section is to list the minimum acceptable features and performance specifications for plastic recycling bags for apartment recycling collection. Bidders are to have thoroughly read and understood these specifications prior to bid submission. Bidder certification of its bid document signifies that bidder meets or exceeds all specifications. If the product being bid does not meet all specifications, the bidder must submit with bid, a separate page with a complete explanation of each variance. If not identified on such list, then that bid will be disqualified.

2. **GENERAL:**

- a. **Estimated Quantity:** 20 Gallon Recycling Bags - 130,000. Delivery to be made in full truck loads with a release schedule to be supplied by the City.
- b. **Delivery:** The shipment must occur within six (6) weeks of the official notification of the Bid Award.
- c. **Substance:** Bags are to be constructed of 75% prime, virgin linear low blend resin and 25% recycled content.
- d. **Film Thickness:** The gauge of the film used to fabricate plastic bags shall be a minimum of 0.7 mils in thickness.
- e. **Film Strength:** The film shall meet the strength to failure specification of film, folds, and seals specified in testing (h) below.
- f. **Testing:** We reserve the right to weigh and in other ways test random samples of any shipments received, and will refuse the entire shipment if the bags do not meet these minimal specifications.

Dart Impact	120
Machine Direction Tear	175
Transverse Direction Tear	475

Load Capacity	
Lifted by drawtape	50 lbs.
Lifted by body of bag	65 lbs.

- g. **Bag Color:** The plastic recycling bags shall be blue in color and transparent. Sample blue color to be provided by the City.
- h. **Bag Printing:** Each bag must have one complete impression of artwork (100 square inches) printed one color.
- i. **Packaging:** As specified on front page. 20 Gallon size: 5,000 rolls @ 26 bags per

roll. Each roll shall be placed in a clear plastic bag with appropriate closure.

- l. **Construction:** Bags shall have a flat bottom seal. No side seams. Closure is to be of drawtape.
- m. **Samples:** Fifteen (15) samples with the above specifications must be provided with Bid. The City currently uses our purple can liners.
Samples should be on hand.
- n. **References:** Five (5) references by the bidder must be submitted of municipalities where successful bag programs are in progress using bags similar to those you are bidding. See "Reference Appendix"

CITY OF FAYETTEVILLE, ARKANSAS
BID # 01-34
SPECIAL TERMS & CONDITIONS

This 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 any costs incurred by the bidder in the preparation of this bid.

1. All bids shall be submitted on forms provided by the City with the item bid and the bid number stated on the face of the sealed envelope. Bidders **MUST** provide the City with their bids signed by an employee or officer 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.
2. Bidders shall include all applicable local, state, and federal tax in this bid. The responsibility of payment shall remain with the successful bidder. Tax amount **MUST** show as a separate item.
3. Bids received after the date and time set for receiving bids will **NOT** be considered. The City will **NOT** be responsible for misdirected bids. Vendor should call the Purchasing Office at (501) 575-8289 to insure receipt of their bid documents prior to opening date and time listed on the bid form.
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. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.
5. Time is specifically made of the essence of this contract and failure to deliver on or before the time specified in the contract may subject the contractor to the payment of damages in the amount of \$500 per calendar day.
6. All bid prices shall be FOB Solid Waste Division, 1560 South Happy Hollow Road, Fayetteville, Arkansas, 72701, and shall include all labor, materials, overhead, profit, insurance, shipping, etc., to cover the furnishing of the unit(s) bid.
7. Manufacturers Warranty shall apply to each unit as specified. A copy of the applicable warranty **MUST** accompany the bid with any exception to the warranty clearly noted on the Bid Form.
8. Any exception to the requirements of the City of Fayetteville **MUST** be noted on the Bid Form. If products other than those described on the bid document are proposed, the bidder must include complete descriptive literature and technical specifications. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
9. All items marked "**MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID**" **MUST** be completed and returned with the bid or the bid may be considered an non-

responsive and rejected on that basis.

10. The bidder shall comply with all applicable Federal and Arkansas State Laws, the Charter and Ordinances of the city of Fayetteville, as amended, and all applicable rules and regulations promulgated by all local, state and national boards, bureaus and agencies.



A Division of Phoenix Recycling, Inc.
35 Capers Way, Pawleys Island, South Carolina 29585

WARRANTY

Warranty: ENVIRO-BAG® warrants that any and all Products sold to City of Fayetteville hereunder shall be free from defects in workmanship and materials for a period of one year from the delivery of such products to City of Fayetteville, provided that City of Fayetteville shall have reasonably inspected Products received and notified ENVIRO-BAG® of any apparent defects within 90 days of receipt of shipment. Products delivered by ENVIRO-BAG® shall not be considered as defective if they are substantially in accordance with approved samples, specifications or drawings. ENVIRO-BAG® will replace, without charge any Product shown to be otherwise than as warranted. The warranty obligations hereunder shall not apply to any defects caused by normal wear and tear, neglect, misuse or other actions caused by the City of Fayetteville or any customer, agent, or representative of the City of Fayetteville. Except for its obligation to replace Products as set forth above, ENVIRO-BAG® shall have no other liability for defects in the Products under any theory, including contract, tort or equity except as expressly provide herein. ENVIRO-BAG® gives no other warranty; express or implied, in connection with products sold hereunder, including but not limited to the implied warranties of merchantability or fitness for a particular purpose.

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

Mark A. Dancy
Vice President, ENVIRO-BAG®

5/24/01

Date

Phone (843) 237-1711
FAX (843) 237-8724

ENVIRO-BAG®

A Division of Phoenix Recycling, Inc.

35 Capers Way, Pawleys Island, South Carolina 29585

Reference Appendix-

City of Binghamton
38 Holly Street
Binghamton, NY 13901

Sunset Waste Services
2471 Wilshire
Jenison, MI 49428

City of Columbia
PO Box 7236
Columbia, MO 65205

Horry County Solid Waste Authority
PO Box 1664
Conway, SC 29528

City of Moberly
2300 North Morley
Moberly, MO 65270

Phone (843) 237-1711
FAX (843) 237-8724

ORDINANCE NO. _____

AN ORDINANCE REPEALING THE CURRENT DEFINITION OF "FAMILY" IN CHAPTER 151: DEFINITIONS IN THE UNIFIED DEVELOPMENT ORDINANCE, SUBSTITUTING A REVISED DEFINITION OF "FAMILY", AND ADDING A DEFINITION OF "SINGLE HOUSEKEEPING UNIT"

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

Section 1. That the current definition of "Family" found in Chapter 151: Definitions of the Unified Development Ordinance is hereby repealed and replaced by the revised definition as shown below:

Family. (Zoning) In single family residential districts, a family is no more than three (3) persons unless all are related and occupy a dwelling as a single housekeeping unit in the RE (Residential Estate), RA (Residential Acre Lot), RL (Residential Large Lot), R-1 (Low Density Residential), and RS (Residential Small Lot) zoning districts. In all other zoning districts where residential uses are permitted, a family is no more than four (4) persons unless all are related and occupy a dwelling as a single housekeeping unit. A family is when all persons are related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship. The definition of family does not include fraternities, sororities, clubs or institutional groups.

Section 2. That a new term "Single Housekeeping Unit." shall be added to the Definitions Chapter (151) of the Unified Development Ordinance as shown below:

Single Housekeeping Unit. (Zoning) A dwelling unit with common access to and common use of all living and eating areas and all areas and facilities for the preparation, serving and storage of food within the dwelling unit.

PASSED and APPROVED this the _____ day of _____, 2001

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO WAIVE THE BUILDING PERMIT
FEE AND OTHER DEVELOPMENTAL FEES FOR A HOME
TO BE CONSTRUCTED BY HABITAT FOR HUMANITY

WHEREAS, Habitat For Humanity is a non-profit organization dedicated to assisting lower income people to build and own their own affordable homes; and

WHEREAS, it serves to the public interest and is beneficial to the City as a whole that Habitat For Humanity helps provide such affordable housing in Fayetteville.

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

Section 1. That the City Council of Fayetteville, Arkansas finds that waiving the building permit fee and all other developmental fees normally required by the Unified Development Ordinance for the Habitat for Humanity home construction project serves the public interest and is beneficial to the City as a whole.

Section 2. That the City Council of Fayetteville, Arkansas hereby waives the normal building permit fee and all other developmental fees normally required by the Unified Development Ordinance for the Habitat for Humanity home construction projects located in Fayetteville, Arkansas during the year 2001.

PASSED and **APPROVED** this the _____ day of June, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 155: APPEALS
TO ALLOW AN APPEAL BY THREE ALDERMEN OF
A DECISION BY THE PLANNING COMMISSION TO
APPROVE OR DENY A CONDITIONAL USE

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

Section 1. §155.05 A. Appeals To City Council is amended by adding
Subsection 4. Conditional Use:

"4. **Conditional Use.** Three aldermen may in unison appeal a
decision by the Planning Commission approving or denying a Conditional Use
request."

Section 2. The City Council hereby determines that the City of
Fayetteville is in immediate and continuing need of a procedure to allow review
of Planning Commission decisions on conditional uses that otherwise could
result in costly litigation or unfair actions, and hereby determines that the
immediate passage of this ordinance is necessary to allow such appeals to the
City Council of conditional use applications. Therefore, an emergency is
declared to exist and this ordinance being necessary for the public peace, welfare
and finances shall be in full force and effect from and after its passage and
approval.

PASSED and APPROVED this the ____ day of June, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF June 19, 2001

MAYOR'S APPROVAL

FROM:

Aldermen Bob Davis and Trent Trumbo

Name

Division

Department

ACTION REQUIRED: An Ordinance to amend **Chapter 155: Appeals** to allow an appeal by three aldermen of a decision by the Planning Commission to approve or deny a conditional use.

COST TO CITY:

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used to Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW:

_____ Budgeted Item

_____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

Division Head

Date

Department Director

Date

Administrative Services Director

Date

Mayor

Date

CROSS REFERENCE

New Item: Yes No

Previous Ordinance/Resolution No.: _____

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of 6-19-2001

FROM:

Sid Norbash Engineering Public Works
Name Division Department

ACTION REQUIRED: Approval of (1) the Construction contract with Protective Linings & Coatings, Inc. for **Rogers Drive Water Tank - Painting Project**, in the amount of \$250,600, (2) a project contingency amount of \$37,590 (15%), (3) The related Budget Adjustment in the amount of \$72,741.

COST TO CITY:

\$288,190.00 \$247,434 Rogers Dr. Water Tanks Painting
Cost of this Request Category/Project Budget Category/Project Name

5400-5600-5808-00 \$31,985 Capital Water
Account Number Funds Used To Date Program Name

97044-0020 \$215,449 Water & Sewer
Project Number Remaining Balance Fund

BUDGET REVIEW: ☒ Budgeted Item ☒ Budget Adjustment Attached

[Signature] [Signature]
Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

[Signature] 6/1/01 _____
Accounting Manager Date ADA Coordinator
[Signature] 6/1/01 [Signature] 6/1/01
City Attorney Date Internal Auditor Date

Purchasing Officer Date

STAFF RECOMMENDATION: Approval of the Construction Contract, the Contingency, and the budget adjustment.

[Signature] 06-04-01
Division Head Date

[Signature] 6-4-01
Department Director Date

[Signature] 6/4/01
Administrative Services Director Date

[Signature] 6/4/01
Mayor Date

Cross Reference

New Item: **Yes** ☒ **No** _____

Pre Or/Res #: _____

Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Dan coody, Mayor
Don Bunn, Assistant PWD
Jim Beavers, City Engineer *JB*

From: Sid Norbash, Staff Engineer *SN*

Date: May 31, 2001

Re: ^dRogers Drive Tank Painting Project
Approval of Construction Contract

The above referenced project is a CIP Project for this year. Bids were received for the painting of one of our 4 million gallon tank on Rogers Drive.

The results are as follows:

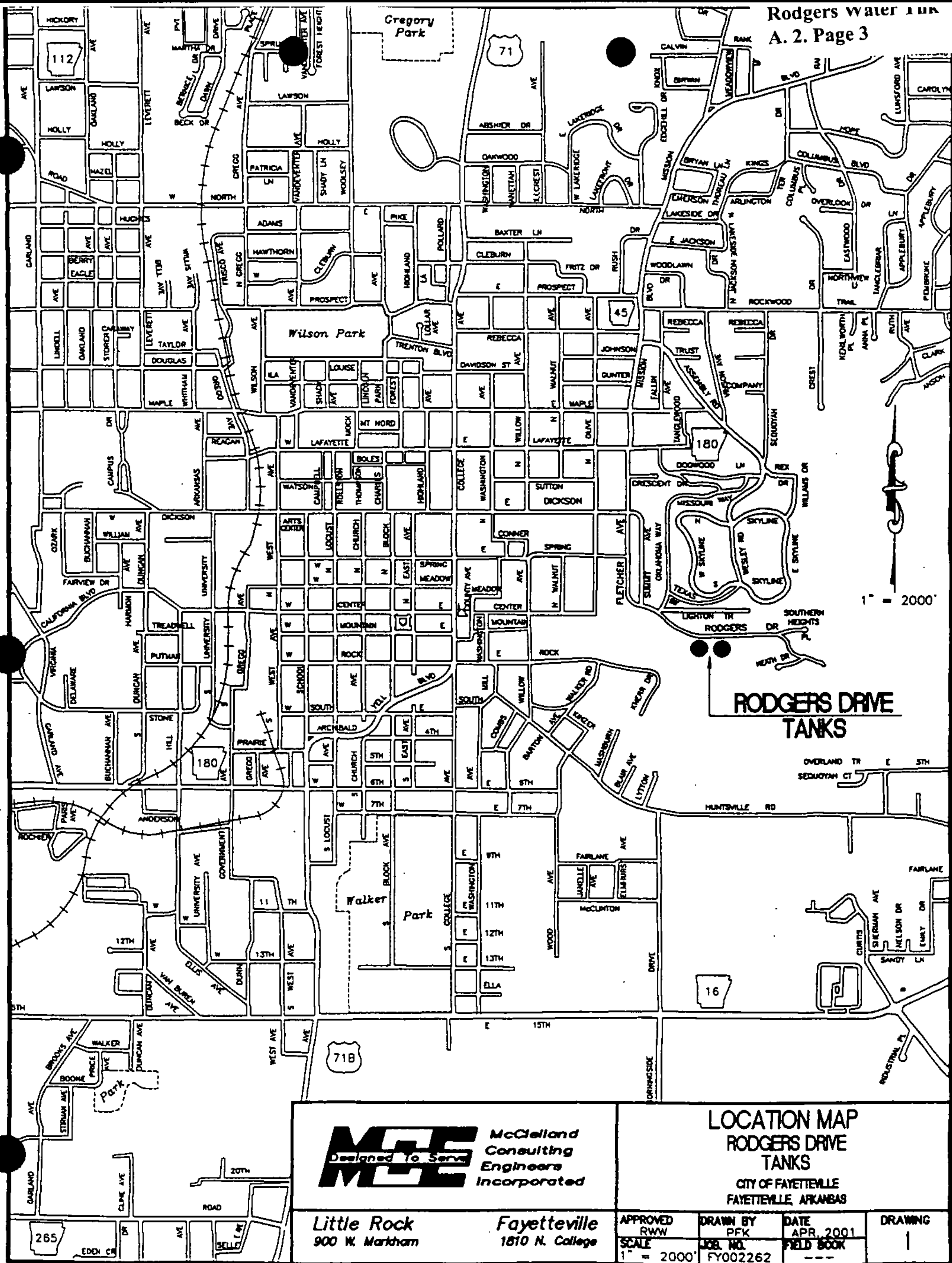
Protective Linings & Coatings, Inc.	\$250,600.00
Utility Service Company, Inc.	\$315,175.00

The bid tabulation and the award recommendation are attached. The Staff is requesting the Council's approval of:

- (1) The attached contract agreement with the low bidder, Protective Linings & Coatings, Inc., in the amount of \$250,600.00.
- (2) 15% Project Contingency in the amount of \$37,590.
- (3) The related Budget Adjustment in the amount of \$72,741.

SN/sn

attachments: vicinity map
Agreement



MCE McClelland
Designed To Serve
Consulting
Engineers
Incorporated

Little Rock
900 W. Markham

Fayetteville
1810 N. College

LOCATION MAP
RODGERS DRIVE
TANKS
CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS

APPROVED RWV	DRAWN BY PFK	DATE APR. 2001	DRAWING 1
SCALE 1" = 2000'	JOB NO. FY002262	FIELD BOOK ---	

DOCUMENT 00500

CONTRACT

THIS AGREEMENT, made and entered into on the 19th day of June,
2001, by and between Protective Linings & Coatings, Inc. herein called the
Contractor, and the City of Fayetteville, Arkansas, hereinafter called the Owner:

WITNESSETH:

That the Contractor, for the consideration hereinafter fully set out, hereby agrees with the Owner as follows:

1. That the Contractor shall furnish all the materials, and perform all of the work in manner and form as provided by the following enumerated Specifications, and Documents, which are attached hereto and made a part hereof, as if fully contained herein and are entitled Water Tank Repainting, Rodgers Drive Tank, dated April, 2001.

Advertisement for Bids
Instructions to Bidders
Bid and acceptance thereof
Performance Bond

Payment Bond
General Conditions
Supplemental Conditions
Specifications

2. That the Owner hereby agrees to pay to the Contractor for the faithful performance of this Agreement, subject to additions and deductions as provided in the Specifications or Bid, in lawful money of the United States, the amount of:

Two Hundred Fifty Thousand, Six Hundred Dollars-----.

3. The Work will be completed and ready for final payment in accordance with the General Conditions within 75 calendar days after the date when the Contract Time commences to run, as provided in the Notice to Proceed.
4. Liquidated Damages: Owner and Contractor recognize that time is of the essence of this Agreement and the Owner will suffer financial loss if the Work is not completed within the times specified in above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay Owner Five Hundred Dollars (\$500.00) for each day that expires after the time specified in Paragraph 3 for completion and readiness for final payment.

5. That within 30 days of receipt of an approved payment request, the Owner shall make partial payments to the Contractor on the basis of a duly certified and approved estimate of work performed during the preceding calendar month by the Contractor, LESS the retainage provided in the General Conditions, which is to be withheld by the Owner until all work within a particular part has been performed strictly in accordance with this Agreement and until such work has been accepted by the Owner.
6. That upon submission by the Contractor of evidence satisfactory to the Owner that all payrolls, material bills, and other costs incurred by the Contractor in connection with the construction of the work have been paid in full, final payment on account of this Agreement shall be made within 60 days after the completion by the Contractor of all work covered by this Agreement and the acceptance of such work by the Owner.
7. It is further mutually agreed between the parties hereto that if, at any time after the execution of this Agreement and the Surety Bond hereto attached for its faithful performance and payment, the Owner shall deem the Surety or Sureties upon such bond to be unsatisfactory or if, for any reason such bond ceases to be adequate to cover the performance of the work, the Contractor shall, at his expense, within 5 days after the receipt of notice from the Owner, furnish an additional bond or bonds in such form and amount and with such Surety or Sureties as shall be satisfactory to the Owner. In such event, no further payment to the Contractor shall be deemed to be due under this Agreement until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to the Owner.
8. No additional work or extras shall be done unless the same shall be duly authorized by appropriate action by the Owner in writing.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and date first above written, in three (3) counterparts, each of which shall, without proof or accounting for the other counterpart be deemed an original Contract.

SEAL:

WITNESSES:

Protective Linings & Coatings Inc.
CONTRACTOR

By [Signature]
President
Title

ATTEST:

CITY OF FAYETTEVILLE, ARKANSAS
OWNER

City Clerk

By _____
Mayor

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year 2001	Department: Public Works Division: Engineering Program: Water & Sewer Capital	Date Requested June 19, 2001	Adjustment #
---------------------	---	---------------------------------	--------------

Project or Item Requested: \$72,741 is requested in the Rogers Drive Water Tank Painting capital project.	Project or Item Deleted: \$72,741 from the Highway 45 East Pump Station & Elevated Tank capital project.
--	---

Justification of this Increase: The additional funding is to cover the cost of the construction contract.	Justification of this Decrease: Sufficient funding remains in project to meet objectives.
--	--

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number				Project Number	
Water Line Improvements	72,741	5400	5600	5808	00	97044	10

Decrease Expense (Increase Revenue)

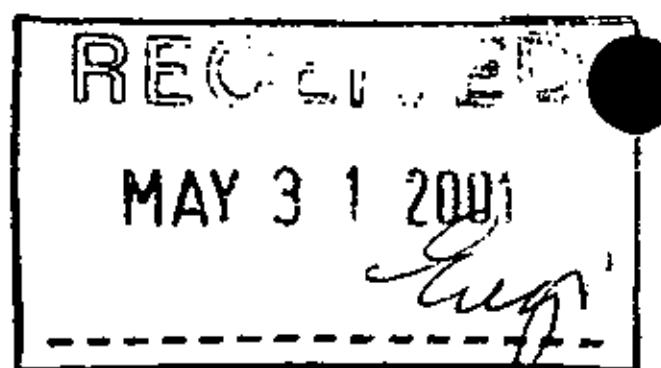
Account Name	Amount	Account Number				Project Number	
Water Line Improvements	72,741	5400	5600	5808	00	98044	10

Approval Signatures

Requested By <i>Alan Bowler</i>	Date <i>06-04-01</i>
Budget Manager <i>[Signature]</i>	Date <i>6-1-2001</i>
Department Director <i>[Signature]</i>	Date <i>6/4/01</i>
Admin. Services Director <i>[Signature]</i>	Date
Mayor	Date

Budget Office Use Only

Type:	A	B	C	D	E
Date of Approval					
Posted to General Ledger					
Posted to Project Accounting					
Entered in Category Log					



May 30, 2001

Mr. Sid Norbash
Staff Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: Bid Opening
Rodgers Drive Tank Repainting

Dear Mr. Norbash:

Bids were received on the referenced project at 10:00 AM, May 30, 2001. Two bids were received. They have been checked and tabulated and a bid tabulation is attached. Both bidders are properly licensed and submitted proper bid bonds. Both bidders are experienced in this type of tank repainting. The low bidder was Protective Linings & Coatings, Inc. of Alexander, Arkansas with a bid total of \$250,600. We had completed a preliminary engineer's estimate in the amount of \$248,000 for this painting work. However, our estimate did not include the cathodic protection system work, which was a \$9000 bid item, so the low bid price would have been under our estimate, if it had been complete.

Mr. Carey Gould, the President of Protective Linings & Coatings, Inc., attended the bid opening and indicated that he was ready to get started as soon as the project could be approved by the City of Fayetteville. Consequently, we recommended that the contract be awarded to Mr. Gould's firm. We are returning the bid documents to Mrs. Vice.

Very Truly Yours,

A handwritten signature in cursive script that reads "Robert W. White".

Robert W. White, P.E.
Vice President

Encl: Bid Tabulation

cc: Mr. David Jurgens, PE., with/encl.

Item #	Description	Qty.	Unit	Bidder 1		Bidder 2	
				Protective Linings & Coatings, Inc.	Utility Service Company, Inc.	Unit Price	Extended
1	Clean and Repaint Tank Exterior Using Top Coating Procedure	1	LS	\$47,500.00	\$47,500.00	\$66,550.00	\$66,550.00
2	Clean and Repaint Tank Interior, Disinfect Tank	1	LS	\$193,000.00	\$193,000.00	\$205,700.00	\$205,700.00
3	Remove and Replace Cathodic Protection System	1	LS	\$9,000.00	\$9,000.00	\$11,000.00	\$11,000.00
4	Tank Renovation Work, Including New Manways, Vent Screen, Ladder Work, Obstruction Light and Conduit Removal and All Other Work Required for a Complete Installation	1	LS	\$1,100.00	\$1,100.00	\$31,925.00	\$31,925.00
	TOTAL BASE BID (Items 1 - 4)			\$250,600.00			\$315,175.00

Certified by: Robert W. White Date: 5/30/01

Robert W. White, P.E.
Arkansas # 4695

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

Eric J. Schuldt

Name

Parks and Recreation

Division

Urban Development

Department

ACTION REQUIRED:

A resolution authorizing Parks and Recreation to apply for up to \$200,000 (50/50 matching funds) in grant money for the development of a skate park.

COST TO CITY:

\$400,000 Anticipated Cost of Project

\$200,000 Grant Request

\$200,000 Anticipated Net Cost to City

Cost of this Request

2250-9250-5806

1010-1501-03

Account Number

00006

Project Number

\$75,000, 2250-9250-5806

\$150,000, 1010-1505-03

Category/Project Budget

\$28,298

Funds Used To Date

\$196,704

Remaining Balance

Skate Park

Category/Project Name

Park Improvements

Program Name

Parks Development

Fund

BUDGET REVIEW:

X

Budgeted Item _____ Budget Adjustment Attached

 Budget Manager

 Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Maisha Furtkey
 Accounting Manager

5/30/01
 Date

Nancy Smith
 Internal Auditor

5/31/01
 Date

D. J. Whitel
 City Attorney

5/31/01
 Date

 ADA Coordinator

 Date

Reise
 Purchasing Officer

5/31/01
 Date

STAFF RECOMMENDATION:

Approval of Resolution

Connie Edmonston
 Division Head

5-29-01
 Date

Hugh Earnest
 Department Director

6-5-01
 Date

John Mayhew
 Administrative Services Director

5/31/01
 Date

Don Corley
 Mayor

6/5/01
 Date

Cross Reference

New Item: Yes No

Prev Ord/Pes #: _____

Orig Contract Date: _____

Orig Contract Number: _____

Purkiss Rose-RSI
801 N. Harbor Blvd.
Fullerton, CA 92832
Tel. (714) 871-3638
Fax (714) 871-1188

Job Name: Fayetteville Skatepark - 15,400 sq. ft.
Job Number: 00-180

Date: February 7, 2001

OPINION OF PROBABLE CONSTRUCTION COST

NO.	QTY.	UNIT	DESCRIPTION	UNIT COST	ITEM COST	TOTAL
1	1	L.S.	Mobilization	\$ 15,000.00	\$ 15,000.00	
2	1	L.S.	Clear / Grub	\$ 3,000.00	\$ 3,000.00	
3	30,000	S.F.	Grading	\$ 1.25	\$ 37,500.00	
4	1	L.S.	Drainage	\$ 6,000.00	\$ 6,000.00	
5	9,231	S.F.	4" Concrete Paving	\$ 7.50	\$ 69,232.50	
6	576	L.F.	6" Concrete ramps - Shotcrete	\$ 100.00	\$ 57,600.00	
7	182	L.F.	Conc. Block Retaining Walls	\$ 100.00	\$ 18,200.00	
8	405	L.F.	Benches/ledges w/steel edges	\$ 140.00	\$ 56,700.00	
9	282	L.F.	Metal edges/rails/pipes	\$ 50.00	\$ 14,100.00	
10	124	L.F.	Metal guard rail fence	\$ 60.00	\$ 7,440.00	
11	234	L.F.	Concrete steps	\$ 80.00	\$ 18,720.00	
12	1	EA.	Skatepark rule signage	\$ 400.00	\$ 400.00	
13	13,000	S.F.	Re Turf	\$ 0.50	\$ 6,500.00	
14	3,800	S.F.	Perimeter Walk	\$ 3.75	\$ 14,250.00	
15	1,175	S.F.	Entry Plaza	\$ 12.00	\$ 14,100.00	
16		L.S.		\$ -	\$ -	
			SUB-TOTAL			\$ 338,742.50
			10% CONTINGENCY			\$ 33,874.25
			TOTAL			\$ 372,616.75

Purkiss Rose-RSI has no control over the cost of labor, materials, equipment or the contractor's methods of determining costs. These opinions of probable costs represent our best judgement as design professionals familiar with the construction industry and public works contracts. Purkiss Rose-RSI cannot and does not guarantee that proposals, bids or construction costs will not vary from our opinion of probable construction costs. Opinion of Probable Cost shall not be used as a bid form or for any bidding purposes.

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Dan Coody and City Council

Thru: Hugh Earnest, Urban Development Director
Connie Edmonston, Parks and Recreation Superintendent *CE*

From: *ES* Eric J. Schuldt, Parks Development Coordinator

Date: May 29, 2001

Re: Arkansas State Parks Outdoor Recreation Grants Program

The Parks and Recreation Division requests approval to apply for a \$200,000 grant from the Arkansas State Park Outdoor Recreation Grant Program for the construction of a skatepark at Walker Park. The Outdoor Recreation Grant Program is a 50/50 reimbursable matching grant which uses money from the Land and Water Conservation Fund and the Arkansas Natural and Cultural Resources Grant Fund for the purpose providing outdoor recreation. As a requirement of the grant, a resolution is required from the Fayetteville City Council expressing support for the project and authorizing the resources for the project's cost.

The Parks and Recreation Division, citizens and skaters have been working on the skate park project for over one year. Purkiss Rose RSI, Inc, from Fullerton, California was hired to design the skatepark, utilizing a public input process involving the skaters. Three public meetings were held concerning the design of the skatepark and all were well attended. The skatepark project is currently proceeding through the City's Large Scale Development process. The estimated cost for construction of the skatepark is \$372,617 which includes a ten percent project contingency. This budget figure does not include some additional amenities such as, sidewalks, picnic tables and seating areas that will be requested in the grant application. The skatepark will be built at Walker Park, located just south of the BMX track, and has a current design of 15,400 sq. ft. which is under half an acre.

If the City of Fayetteville is awarded the Outdoor Recreation Grant a budget adjustment will be required. The grant requirements stipulate that the City must fund the entire project and request reimbursement after completion. This Outdoor Recreation Grant process has been utilized before by the Parks and Recreation Division. Most recently, an Outdoor Recreation Grant was used for the new playground at Walker Park. Currently, the Parks and Recreation Division has a budget of \$225,000 for the skatepark project, of which, \$37,885 has been allocated to Purkiss-Rose, RSI for architectural and engineering services.

Enclosed is a copy of the grant application materials for your review. Please read closely the section on obligations beginning on page six. This section discusses the City of Fayetteville's responsibilities for the grant which includes, designating the land for the project as an outdoor recreation facility in perpetuity. The Parks and Recreation Division will hire a consultant to complete the grant application.

If you have any questions, please call Connie Edmonston at 444-3473 or Eric J. Schuldt 444-3472.

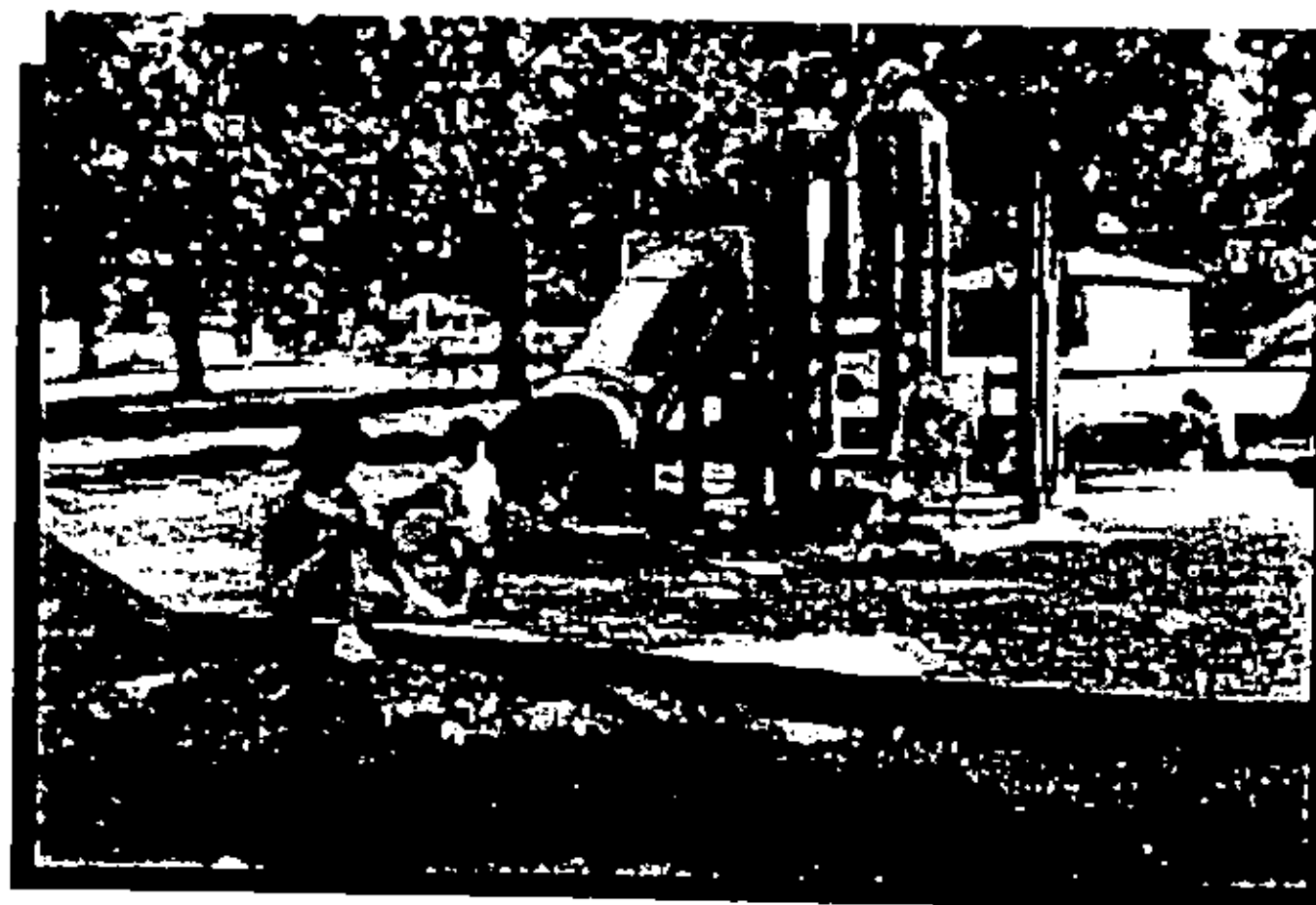
*Attachment: Conceptual Design
Grant Application Materials
Skatepark Cost Estimate*

GRANT DEADLINE: 5:00 P.M. AUGUST 31, 2001

ARKANSAS STATE PARKS

2002 Matching Grant Application Guide

OUTDOOR RECREATION GRANTS PROGRAM



ARKANSAS STATE PARKS ♦ OUTDOOR RECREATION GRANTS PROGRAM

2002 Matching Grant Application Guide

April, 2001

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Introduction

Welcome to the Department of Parks and Tourism's Matching Grant Program. This guide is designed to assist you through the application process. If you have questions please feel free to call or write us at:

Outdoor Recreation Grants Program
Department of Parks and Tourism
Number One Capitol Mall
Little Rock, Arkansas 72201
Telephone Number: (501) 682-1301
Fax Number (501) 682-1364 or (501) 682-0081

The Land and Water Conservation Fund (LWCF) is a federal program authorized by the LWCF Act of 1965 (Public Law 88-578). These funds are derived from the sale of federal surplus real property, the federal motor boat fuel tax, and Outer Continental Shelf mineral receipts.

The Arkansas Natural and Cultural Resources Grant and Trust Fund is a state program authorized by Act 729 of 1987. These funds are collected from a tax on the transfer of certain real estate in the State of Arkansas.

The purpose of the Matching Grant Program is to provide "outdoor" recreation. Enclosed facilities cannot be constructed within the area described by the park boundary map, except as support to an outdoor facility (e.g., rest rooms or concession stands). Pavilions cannot have sides on them that give the effect of a closed-in building. Please remember that facilities constructed with LWCF or NCRGTF monies cannot be enclosed at a later date.

All utility wiring must be placed underground, or routed out of the project area, including any overhead utility wiring existing at the start of the project. (In a few cases, waivers may be obtained for some existing wiring. Contact the Outdoor Rec-

reation Grants staff for details, requirements, and assistance prior to the grant award).

An acknowledgement sign showing that LWCF or NCRGTF Matching Grant Program monies were used in the acquisition and/or development of the project must be present at each site location. This sign must be placed on the site and remain there in perpetuity.

WHAT DOES "50/50" MATCHING GRANT MEAN?

A 50/50 Matching Grant does not mean that the Arkansas Department of Parks and Tourism will write the grantee a check for 50% of the project cost. The grantee must finance 100% of project costs, which can include in-kind labor, land donations, contributions and general appropriations. We will not reimburse the grantee for any more than the amount of cash they spend. Fifty percent of the eligible expenditures, up to the amount of the grant, may be reimbursed by periodic billings during the project period, or the grantee may wait until project completion to request the total reimbursement.

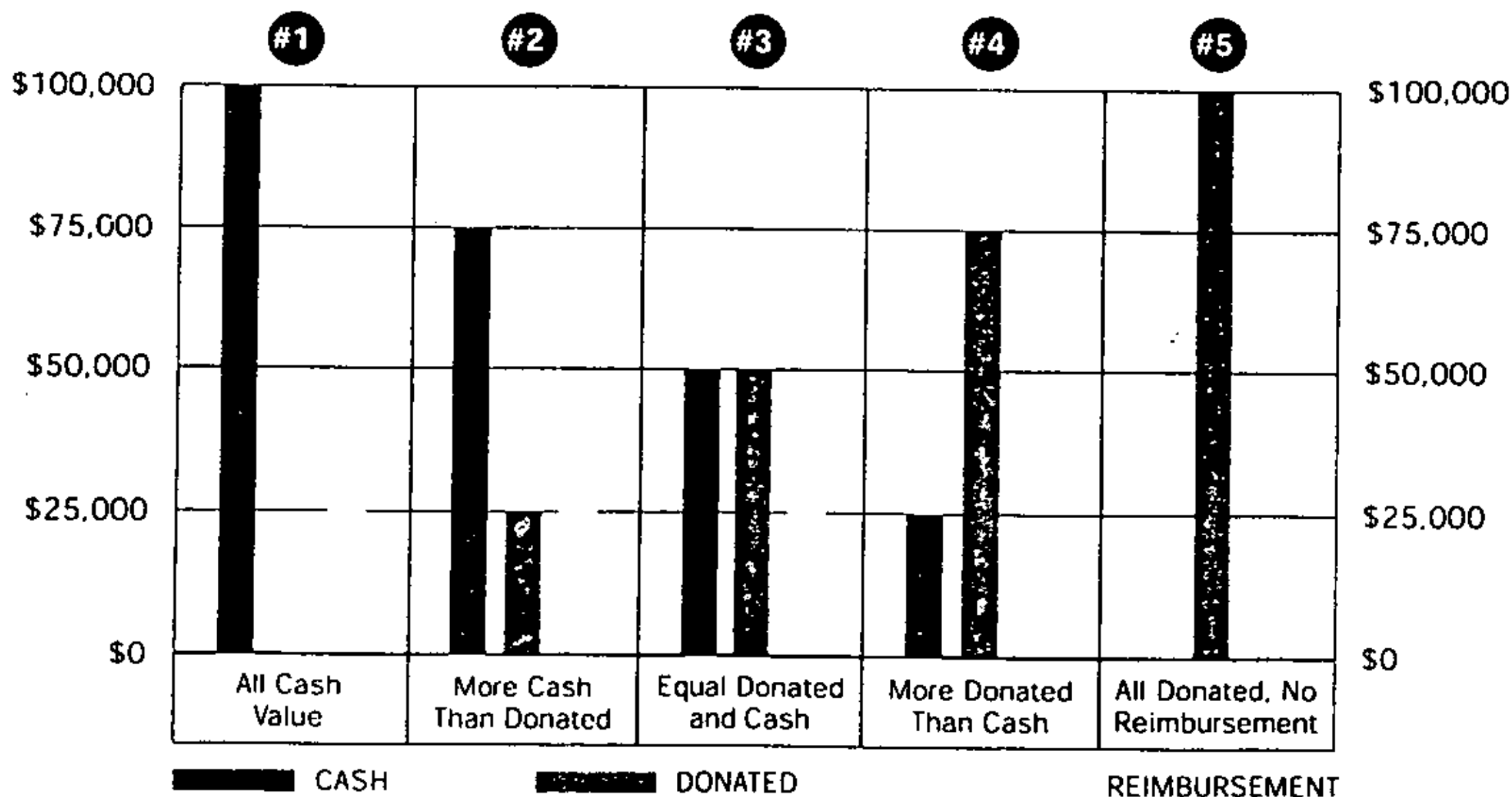
The chart shown below will help to understand how the 50/50 reimbursable matching grant works. For simplicity's sake, let's say that a project will cost a total of \$100,000. If the grantee spent \$100,000 cash, submitted canceled checks and invoices for \$100,000 and the expenditures are part of the approved project, we would mail the grantee a reimbursement check for \$50,000 (example column #1).

Now let's say the grantee spent \$75,000 cash and local citizens donated \$25,000 labor (\$75,000 cash + \$25,000 donated labor = \$100,000 project). We will reimburse the grantee \$50,000 after the grantee provides us with canceled checks, invoices, and time sheets detailing the local labor (example column #2).

Now, let's assume the grantee spent \$50,000 cash and locals donated \$50,000 labor and materials (\$50,000 + \$50,000 donated labor and materials = \$100,000 project). We would then reimburse the grantee \$50,000 after the grantee provides us with canceled checks, invoices, and time sheets detailing the local labor (example column #3).

If the grantee spent \$25,000 in cash and locals donated \$75,000 in labor and/or materials (\$25,000 cash + \$75,000 donated labor and/or materials = \$100,000 project). We would only reimburse the grantee with a \$25,000 check. The point to remember is to build a park, not make a profit (example column #4).

The last example shows that the locals donated \$100,000 in labor and materials (example column #5). Congratulations—the park would have been completed without the need of a grant!



2

An Overview of the Basics

WHO MAY APPLY?

Eligible Applicants

The only entities eligible to apply for financial assistance for the acquisition and/or development of outdoor recreation facilities are:

Incorporated Cities
Counties

- Unincorporated areas or communities must seek county sponsorship of their project
- School Districts may submit joint applications with incorporated cities or counties for development of public recreation facilities on school district property. (Grant is not intended to replace school district funding for playgrounds or athletic facilities.)

Ineligible Applicants

The following may not participate in the Outdoor Recreation Grant Program.

- Colleges and Universities
- Private non-profit corporations, foundations, clubs or organizations
- Any other private entity

HOW MUCH MAY WE APPLY FOR?

Applicants may apply for up to \$250,000 in reimbursable matching funds. The applicant must be able to match the grant amount with a like amount of cash, or a combination of cash and donations. *Donations of labor and materials alone are not sufficient to be considered as the local match.*

Because the availability of grant funds are limited, lesser amounts may be awarded. Staff recommendations for reductions of the requested amount will be made easier if the applicant provides a detailed budget that categorizes project elements and is

broken down by line items. (See sample of detailed budget on page 21).

WHAT TYPES OF PROJECTS MAY WE APPLY FOR?

There are three types of projects which can be funded through the Outdoor Recreation Grants Program's *Matching Grant Program*.

1. ACQUISITION:

Land acquisition for recreational development. Acquisition projects are discussed in Chapter 6.

2. DEVELOPMENT:

A development project is funding for construction of recreational facilities.

3. COMBINATION:

A combination project is funding for both acquisition of land not previously owned by the applicant and development for recreation use.

WHEN IS THE APPLICATION DUE?

The deadline for receipt of applications for FY 2002 is 5:00 p.m., August 31, 2001. All applications must be received in our office by that date. Applications simply postmarked by that date are not acceptable. The Application for Federal Assistance, Form 424 ONLY may be faxed to (501) 682-0081, but it must

arrive prior to the above deadline. If the Form 424 is faxed, the entire application containing original signatures must be postmarked on or before the application deadline, August 31, 2001.

WHERE TO SEND THE APPLICATION

Outdoor Recreation Grants Program
Department of Parks and Tourism
Number One Capitol Mall
Little Rock, Arkansas 72201

HOW THE APPLICATION CAN BE PREPARED

- The application can be prepared locally. The Outdoor Recreation Grant Program staff will upon request, provide applicants with a sample copy of an application. This sample provides the applicant with the correct format of all elements of the application including forms, narratives, a detailed budget, maps, resolutions, required clearances, and acquisition information.
- The application can be prepared by consultants. (Grant preparation cannot be paid for with grant funds).
- The application can be prepared by the local areawide Planning or Economic Development Districts or the Regional Planning Commissions.

WHAT ARE OUR OBLIGATIONS?

We are jointly committed! Both the Department of Parks and Tourism's Outdoor Recreation Grants Program and the project sponsor are committed to long term program compliance. After the project is completed and all grant funds have been disbursed, our commitment to the requirements of the Arkansas Matching Grant Program continues. These ongoing commitments include:

1. Property acquired or developed under the program must be retained in perpetuity for outdoor recreation use and will be subject to inspection by the State at least once every five years. In addition each project will be inspected by the State during construction and before final reimbursement is made.

2. Once a public park project boundary has been identified by the Department of Parks and Tourism and the local project sponsor, all facilities constructed within that boundary, at any future time, must be in compliance with the rules and regulations of the Outdoor Recreation Grants Program *Project Management Guide*. This also applies to those facilities constructed in whole or in part with local funds.

3. No overhead utility lines are allowed within the project boundary. All existing utility lines located within the park boundaries must be placed underground.

4. A permanent sign stating that federal LWCF or state NCRGTF moneys were used to acquire and/or develop public outdoor recreation facilities must be maintained within the park in perpetuity. Guidelines for the size, placement and design of the signs will be presented to each applicant after grant approval. Upon project completion the applicant will be required to describe the location of the sign, and state that the sign location will not change.

5. All public recreation facilities constructed within a Matching Grant Program assisted park must be accessible to the handicapped. This also applies to those facilities constructed in whole or part with local funds.

6. Property acquired or developed with assistance from the fund must be open to entry and use by all persons regardless of race, color, religion, sex, or national ori-

gin. Discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited, except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

7. Property acquired or developed with assistance from the Matching Grant Program shall be operated and maintained in perpetuity. The property shall be maintained so as to appear attractive and inviting to the public. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards. Properties shall be kept safe for public use. Fire prevention, lifeguards, and the like should be provided for proper public safety. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their functional lifetime to prevent undue deterioration and to encourage public use. Facilities that have reached an age that renders them obsolete or worn out may be removed with written permission of the Arkansas Department of Parks and Tourism's Outdoor Recreation Grants Program Director. Permission must be obtained prior to removal of the facilities.

8. The Arkansas ORGP staff will conduct periodic post completion inspections of the project area to ensure that program compliance continues after the project is completed. These inspections will be unannounced. Sponsors who fail to comply with long term commitment may jeopardize future eligibility for matching grant funds for new projects

and/or be subject to legal actions by the State or Federal government to enforce program compliance.

9. The property shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility. Property which is not operated and maintained in good condition may jeopardize the awarding of future grant funds to that jurisdiction.

10. Participants may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with Matching Grant Program assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the type of users (i.e. hunters or four-wheelers, etc.). All limitations must be in accord with the applicable grant agreement and amendments.

11. All recipients of Matching Grant Program moneys must comply with the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act, of 1990 Title II and Title III.

3

Project Planning and Public Hearing

An application for funding from the Outdoor Recreation Grants program shall be the result of input from the public. Before an application is prepared, each applicant must hold one public hearing for the expressed purpose of obtaining public input into the planning of this specific application and to establish recreation priorities. **DO NOT PREPARE THE APPLICATION AND PRESENT IT AT YOUR PUBLIC HEARING FOR APPROVAL. This will be considered circumvention of the requirements.**

Prepare the application, **AFTER** the hearing, based on the needs and desires of the community. In larger communities, every effort should be made to hold the hearing in a place convenient to those who live in the area and will benefit the most from the project. **This public hearing must be held no less than one month prior to submitting the application to our office.**

A Public Notice about the hearing **must** appear in a newspaper of greatest local circulation at least seven (7) calendar days in advance of the date of the public hearing. A proof of publication notice provided by the newspaper must be submitted with the application. The applicant may submit the tear sheet from the newspaper instead of the proof of publication. The tear sheet must be intact and contain the name of the newspaper and date of publication.

If local practice has found that posting the Notice in public places in the community results in a better turn-out for a hearing, that method may be used instead of publication. If this method is used, the applicant must post notices at least seven (7) calendar days in advance of the date of the public hearing, submit a list of where, and the dates the notices were posted, and a letter signed by the applicant's Chief Executive Officer verifying that information.

Documentation of the hearing which must be submitted with the application includes minutes of the hearing, and a registration sheet indicating the name, address and organizational affiliation of those attending. Minutes of the public hearing should include statements and suggestions from the general public expressing local needs and priorities. Statements of adjacent landowners should be included when applicable.

NOTE:

Failure to hold a public hearing one month prior to submission of the application for the expressed purpose of obtaining public input into the planning of this specific application will result in the **DISQUALIFICATION** of that project. **Additional points are awarded those applicants who hold their public hearing by June 30, 2001.**

Outdoor Recreation Grants Advisory Committee Concerns

ENVIRONMENTAL CONSIDERATIONS FOR PARK DEVELOPMENT

The Outdoor Recreation Grants Advisory Committee supports projects which demonstrate sound site selection, aesthetic appeal, and environmental awareness. Each year, the Committee reviews park projects which encompass a wide variety of development plans. It has been our experience that, in many cases, development is planned at the expense of site resources. In addition, landscaping for either functional or aesthetic purposes is rarely included in the park plans. The absence of site or aesthetic considerations has a long-ranging effect and greatly detracts from the enjoyment of a park by the users. After all, people come to a park for a pleasant experience.

The basics of good design encourage a well-planned relationship between a particular site and facilities planned for that site. It is very important to select facilities compatible with the site's existing terrain and vegetation rather than radically altering the site to accept the facilities. For example, a large space with slopes ranging from 1-5% and no trees would be well-suited for ballfield or court game development; however, it may be poorly suited for development of recreational trails and picnic facilities. In contrast, a woodland area with slopes ranging from 5-12% would be well-suited for picnic facilities and trails; however, very poorly suited for development of ballfields or court games. The Committee is aware that a suitable site for a particular facility is often difficult to find. In the forested, mountainous areas of the state, it is hard to find a good location for a ballfield without drastic alteration of the site. On the other hand, it is difficult to find a suitable location for nature trails or a picnic area in the open flatlands of East Arkansas. This illustrates that some sites are inherently better for a particular activity than others.

Significant site alterations greatly increase initial development costs and, in most cases, maintenance costs. Large scale clearing and grading, in order to locate a ballfield on a steep wooded slope, is extremely expensive. Significant alteration of the topography can also result in severe erosion which degrades the quality of the site, surrounding lands, and waterways. These bare slopes will usually consist of poor subsoils which will make it difficult to establish a vegetative cover. The slopes will also require more attention to keep erosion in check. Much of this money could perhaps be better spent by finding a more suitable site for the ballfield, while utilizing the wooded slopes for a more compatible recreational activity. It is also very good planning to make the most of existing vegetation, especially trees. It is difficult to place an aesthetic value on a tree; however, trees are extremely important to a person's feeling of well-being. In addition, trees provide shade. People at rest, when sitting at a picnic table or on a park bench, prefer shade. Some activities, such as playgrounds, are more successful if shaded rather than placed in the hot sun. If trees are eliminated in the construction process, it will be costly to provide them later. Nursery stock is very expensive and it is difficult to establish a young tree in an unprotected area without a great deal of attentive care.

The Committee encourages proper site/facility relationship planning in order to reduce environmental impact and provide a more enjoyable park setting. One method used to encourage good planning is the Priority Rating System which is part of the Open Project Selection Process. This rating system is used by the Outdoor Grants staff to help in the evaluation of the grant applications. Within the "project design" section of the Priority Rating System Form, categories relate to both the topography and natural features of the site. All applicant sites are evaluated with regard to the planned development and associated site alterations. There are three rankings within each category. As seen in the example Priority Rating Form, these rankings are self-explanatory. If development is compatible with the site and does not significantly alter these features, it receives the highest ranking. If development does require significant alteration; however, adequate measures are planned to reduce the impact of this alteration, it receives the mid-level ranking in the appropriate category. If there is significant alteration and inadequate measures for reducing impact, it receives the lowest ranking. These rankings contribute to a total point score which determines the applicant's numerical ranking in relation to other applicants.

Playground Equipment and Playground Impact Areas

Each year the Outdoor Recreation Grants Program receives numerous grant applications for playground equipment. To meet the increasing needs of the children of Arkansas and to establish standards of care, the Committee encourages all grant applicants to join with the U. S. Consumer Product Safety Commission and the Arkansas Playground Safety Task Force in promoting playground safety. More than 237,000 injuries, related to playground equipment, occurred among children under age 15 in 1990. These injuries not only involve playground equipment, but the impact area beneath and around the equipment as well.

The Outdoor Recreation Grants Advisory Committee strongly encourages all applicants of Matching Grant funds who are requesting assistance to develop playgrounds, including play equipment and landing impact areas, to adhere to the

guidelines established by the U. S. Consumer Safety Products Commission.

The U. S. Consumer Safety Products Commission has published a set of guidelines, *Handbook for Public Playground Safety*. The Commission believes that guidelines, rather than mandatory rules are appropriate. We feel that the safety features and the recommendations in this handbook will contribute to greater playground safety. The final guidelines document is available on the Architectural and Transportation Barriers Compliance Board's Internet site at <http://www.access-board.gov/play/finalrule.htm>

Committee Position on Development of Walking Facilities

The Outdoor Recreation Grants Advisory Committee reviews many applications each year for the development of facilities for walking, jogging, bicycling, roller skating, etc.. Trail related activities, such as walking, are among the most popular recreational activities in Arkansas. These activities, in addition to their popularity, provide recreational opportunities for a wider variety of age groups and ability levels than just about any other activity. The Committee encourages all communities to consider development of trail facilities in order to serve a community's broad recreational needs.

Due to the limited amount of funds available for the Matching Grant Program, the Outdoor Recreation Grants Advisory Committee discourages prospective applicants from requesting funding

for school athletic track type of facilities. The Committee does encourage applicants who are considering development of exercise and walking facilities to develop less expensive paved trails to serve a broader recreational base.

People participate in walking for a variety of reasons including relaxation and fitness. Well planned public walking trails should provide a convenient, safe and pleasurable location for this activity. A walking trail located in a natural setting, rather than a dull, hot, open area, will provide a greater opportunity for recreation by offering greater stimulation of the senses. A school track does provide a secure location for fitness walking; however, it usually does not provide an ideal environment, nor does it provide for many other types of trail based activities. An enjoyable trail should be safe and secure, and it should also provide a sequence of interesting features and experiences. If a trail is well planned in a natural setting, it will be much more enjoyable and popular with a wider range of users. It will also provide a facility which will be continually used rather than one that will become boring after repeated use.

Application Procedures

HOW TO FILL OUT THE FORMS, WRITE THE NARRATIVES AND PREPARE THE MAPS

REQUIRED FORMS Standard Form 424

Instructions for completing this form are on the back of the form. Additional assistance may be obtained from your local Planning or Economic Development District office, your Regional Planning Commissions, or the Outdoor Recreation Grants Program office.

Standard Form 424D

Read this form in its entirety before signing. In the blank provided, the Chief Executive must sign the form. The applicant's Chief Executive Officer may be the Mayor, City Manager or County Judge. (If this is a joint application between the city or county and school district, the School District Superintendent must also sign the form). In the other blanks provide the title of the Chief Executive (and School District Superintendent), the legal name of the City or County as the applicant organization, and the date the document was signed.

Civil Rights Agreements (Form DI-1350)

The applicant must complete the Civil Rights Assurance (Title VI, Civil Rights Act of 1964) and submit it as part of the application package. Read this form in its entirety before signing. In the blank provided, the Chief Executive must sign the form. (If this is a joint application between the city or county and school district, the School District Superintendent must also sign the form). In the other blanks provide the title of the Chief Executive. The applicant's Chief Executive Officer may be the Mayor, City Manager or County Judge (and School District Superintendent). The legal name of the City or County as the applicant/ organization, the date the document was signed, the applicant/organization address, and leave the box titled *Bureau or Office Extending Assistance* blank.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primarily Covered Transactions (Form DI-1953)

The applicant must complete the certification form and submit it as part of the application package. Read this form in its entirety before signing. In the space provided, type the name and title of the authorized representative. The applicant's Chief Executive Officer may be the Mayor, City Manager or County Judge. (If this is a joint application between the city or county and school district, the School District Superintendent must also sign the form). The document must be signed by the applicants and dated.

Certification Regarding Drug-free Workplace Requirements (DI-1955)

The applicant must complete the certification form and submit it as part of the application package. Read this form in its entirety before signing. The spaces below **Section B** must contain the physical street address of the project. In the space provided, type the name and title of the Chief Executive Officer. The applicant's Chief Executive Officer may be the Mayor, City Manager or County Judge. The document must be signed by the applicant's Chief Executive Officer and dated. (If this is a

joint application between the city or county and school district, the School District Superintendent must also sign the form).

Recreation Priorities Form

The applicant must submit the Recreation Priorities Form describing the recreation priorities of the applicant. Directions for completing this form are below:

1. List the name of the city or county which is submitting the application.
2. Describe the method by which the needs of the community have been identified. Such methods must include the public hearing, which is required as part of the application, and may include user-frequency surveys, questionnaires, interviews, telephone or door-to-door surveys, workshops and/or ad-hoc and advisory groups.
3. List the short range (0 to 5 years) recreation priorities of the community in priority order. Also list the long range (5-plus years) recreation priorities of the community in priority order.
4. The applicant's Chief Executive Officer must sign and date this form. The applicant's Chief Executive Officer may be the Mayor, City Manager or County Judge. If this is a joint application between the city or county and school district for development of school district-owned property, the School District Superintendent must also sign the form.

ENVIRONMENTAL ASSESSMENT

Environmental assessments are required for all project applications and for each proposed site.

The applicant is reminded that the environmental assessment will be utilized during the rating of the application. Pertinent information of sufficient scope and depth must be provided in an environmental assessment so that the NPS/ORGP can accurately ascertain the impact of the project and determine whether an Environmental Impact Study is needed. Whenever possible, an impact should be quantified (e.g., number of trees to be removed, cubic yards of fill to be required, etc.). For projects with property rights outstanding, the standard environmental information must be expanded to explain how the outstanding rights are to be dealt with and how the applicant plans to ensure that the environment will not be affected significantly. The five points to be covered in an environmental assessment are:

Need for the Proposal

This will serve as an introduction, description of the proposed action and surrounding environment, statement regarding the need for the proposed action, and a description of what the proposed action is designed to accomplish (i.e., how the proposed action will fulfill the stated needs). It should include such information as the location of the project, the scope, when the action is to take place, and, if applicable, the interrelationship with other federal, state, or local projects and proposals.

Alternatives

This will include a discussion of the alternatives to the proposed action, including "No action." Explain why each of the alternatives was rejected.

Impacts

This will include a brief and objective statement of the environmental impacts of the proposed action and a description of those elements of the environment so affected. Topics to be addressed include:

- Land use (project site and surrounding area)
- Fish and wildlife

- Vegetation
- Geology and soils
- Mineral resources
- Air and water quality
- Water resources/hydrology
- Historic/archeological resources
- Transportation/access/consumption of energy resources
- Socioeconomic effects
- Riparian zone (area next to water)

"Impacts" are defined as direct or indirect effects on the existing environment, whether good or bad, which are anticipated as a result of the proposed project or related future projects.

Elements on which impacts are unknown or only partially understood should be indicated. A complete written description of the impact is required. Environmental documentation should be free of project justification and personal bias. The project should be justified elsewhere in the grant application. Do not rely on generalities. Specific facts are essential. All statements and conclusions should be supported, and quantified where possible. Be concise, clear and to the point. Adverse impacts should be addressed as fairly as beneficial impacts.

The applicant is reminded that, while an area around water is often chosen for a recreation area, they are also sensitive areas environmentally and need to be managed with extreme care. The riparian area, or that area immediately adjacent to any river, stream, spring, pond, or lake, is one of the most important environmental areas due to the habitat they provide for various fish and wildlife species and because of their shading and filtering capacity related to water quality. If possible, most trees, shrubs, and grasses should be left near streams and other water bodies. This will insure that the project you are working on will remain in good shape, water-wise, for years to come. Information on analysis, management, and maintenance of riparian areas can be obtained from the following agencies free of charge: Arkansas Game and Fish Commission's Stream Team Program, Natural Resources Conservation Service, Arkansas Department of Environmental Quality, County Conservation District, and other natural resource agencies.

Be sure to include a discussion of positive effects of the project. To the extent that it applies, the document will discuss impacts of the project, including environmental damage, which could be caused by users upon economic, cultural, esthetic, and social conditions as well as upon the physical and biological environment. Any off-site impacts, such as increased traffic on neighborhood roads, increased noise levels to surrounding areas, or impacts from park lighting, should be described. In preparing the environmental assessment, the applicant should keep in mind the cumulative impact of the proposed project and of future related projects which are contemplated. The information submitted on cumulative impacts should describe the eventual goal and the relationship of the action proposed on each project. The environmental information must be accompanied by sufficient maps and details to aid in judging the impact of the proposed project as well as the relationship of the project to the surrounding land uses.

Agencies and Persons Consulted

This will include a list of all agencies and persons consulted in preparing the environmental assessment.

Cost Estimate

The attached Cost Estimate Form must be completed and submitted with the application. The cost estimate must be a complete listing of all work elements to be undertaken and the total estimated cost of these elements. The directions on how to complete this form are listed below.

ITEM A

If land acquisition is to be included in the proposed project, either by private donation or by purchase, the estimated appraised value of the property must be included. (Inflating the value of the property will not affect the grant amount or the matching share. The valuation of the property will be determined by an Arkansas Certified or Licensed Land Appraiser after the grant award has been made).

ITEM B

The first line of Item B will be the total of all development costs. The remaining lines will be a line item breakdown of individual project elements. Please be as detailed as possible. Refer to sample cost estimate form on page 21. Items should be listed in priority order.

ITEM C

Is the total of Items A and B.

ITEM D

Inclusion of a "contingency" line-item is suggested. This line-item can be no more than five percent (5%) of Item B.

ITEM E

Project administration is eligible for reimbursement. If the applicant plans to request reimbursement for project administration, the "Administration" line-item must be completed. This line-item can total no more than ten percent (10%) of Item B.

ITEM F

Architectural/engineering fees are also eligible for reimbursement. If the applicant

plans to request reimbursement for such fees, the "Architectural/ Engineering Fees" line-item must be completed. While the applicant may pay any amount for such fees, maximum reimbursement for A/E fees is six percent (6%) of eligible development costs (i.e., a 12% total fee).

Budgets that are not of sufficient detail or are incorrect will be returned to the applicant for correction.

FLOOD HAZARD CERTIFICATION AND FUNDS SOURCE ASSURANCE FORM ORGP FS1999

The applicant must complete the flood hazard certification form, even if the answer is "no." The certification must be signed by the applicant's Chief Executive Officer.

Provide the estimated local matching fund source(s). Complete each category, even if the amount is \$0.00. The form must be signed by the applicant's Chief Executive Officer.

PROJECT NARRATIVE

This section requires a written narrative about the project proposal. Each of the following topics must be addressed:

Need for Assistance

1. State which priorities outlined in the *1995 Statewide Comprehensive Outdoor Recreation Plan (SCORP)* this project will meet and how it will meet them (*see pages 38 through 40 for listing of SCORP priorities*).
2. Explain why this project is needed. Quantify needs as much as possible.

Benefits Expected

1. Identify the benefits to be derived from this project; for example,
 - (a) include a description of those who will use the facility,
 - (b) how the facility will be used, and
 - (c) how it will benefit the public.
 - (d) if the project provides seasonal or year around recre-

- ation opportunities
- (e) describe in detail how your project will address Section 1 of the Priority Rating System (page 50).

Agreements

1. State who will operate and maintain the land/facility.
2. List any current or proposed agreements with other agencies, individuals, or organizations, including any agreements concerning operation, use and maintenance. If there are no agreements, indicate this fact.
3. Submit copies of any written agreements. Any joint school district/city/county application for development of land must include a copy of the joint operating agreement.

Low-Moderate Income

1. Define the area to be serviced by the proposed facility.
2. If the area is smaller than the applicant's entire jurisdiction (e.g., a portion of the whole city), submit the Median Household Income figure for the area as determined in the 1990 census.
3. Submit the percentage of households in the community or area whose income is less than or equal to \$16,917.60.

Income

1. State whether or not income will be generated on the site of the proposed project.
2. If income will be generated, indicate how the income will be generated and the proposed use of such funds.

Competition

1. Describe if and how the project will be in competition with private recreational developments in the area.

Minority Involvement

Each applicant is required to involve participation in the planning of the project by all segments of the public prior to the public hearing. This includes minority populations (defined as including African Americans, American Indians and Asian Americans) the elderly, and persons with disabilities. A community that does not contain ethnic minorities (defined as African Americans, American Indians and Asian Ameri-

cans) must still solicit participation by other minorities.

1. To meet the minimum requirements the applicants must describe efforts made to involve such people in the planning of the proposed project such as copies of letters to organizations/groups representing these people; letters from such organizations/groups in support of specific parts of the proposal; or minutes of meetings with such organizations/groups at which input into project planning was obtained.
2. To score maximum points in the Priority Rating System the applicant must demonstrate and provide documentation of an extraordinary outreach effort which successfully involved minorities in a hands on way. Simply inviting participation or having minorities present at the required public hearing is not sufficient to score maximum points. Examples of extraordinary outreach include: special meetings held by the park commission/committee/mayor/county judge at local minority churches, clubs or organizations, nursing homes, schools seeking direct input and involvement in the planning process.

Parks and Recreation Commission/Department/Committee

Indicate whether or not the applicant has an established Parks Department, a Parks and Recreation Commission, or an Acting Parks Advisory Committee.

PARKS AND RECREATION DEPARTMENT

If the applicant has a Parks Department, Submit

1. Director's name, address, and telephone number.
2. The Parks Department budget.

PARKS AND RECREATION COMMISSION/COMMITTEE

If the applicant has a Commission/Committee,

1. Submit a list of Commission/Committee members and their terms of office.
2. Submit copies of the Commission/Committee meeting minutes for the past year (12 months).

If the applicant has established a Parks Commission/Committee in the past year,

1. Provide a list of the Commission/Committee members and their terms of office.
2. Submit copies of the Commission/Committee minutes for the meetings conducted during the past year.

Special Features

Describe any special features incorporated in the proposed project.

1. Include an explanation of any innovative or special facilities for persons with disabilities, vandal resistance, energy-efficiency, or litter control.
2. Describe any unusual features or extraordinary social and community involvement. All approved projects must comply with the provisions of the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973 and the Americans

with Disabilities Act, 1990. Routine vandal resistance features include locks, gates, fencing, police patrol, etc. Routine energy-efficiency measures include meeting thermal insulation standards, reducing the use of lighting, etc. Litter control measures beyond installation of litter receptacles and routine trash pickup are encouraged.

Operation and Maintenance

1. Provide a detailed plan for operation and maintenance of the facility. This must include:
 - (a) schedules for inspection and routine maintenance;
 - (b) projected costs for the first five years;
 - (c) how these costs will be met; and
 - (d) a list of persons or organizations responsible for operation and maintenance.
 - (e) If volunteer groups will assist, provide evidence of such commitments.

Overhead Utility Lines

1. Describe the location and nature of all overhead utility lines in the project area, and indicate what measures will be taken to mitigate the effect of the lines.
2. Show the locations of such lines on the site plan.
3. The cost of placing overhead utility lines underground is eligible for grant funding. List the cost as a separate item in the project budget. Include the cost of burying or rerouting the lines in the cost estimate.

Directions

1. Provide detailed written directions for traveling to the site of the proposed project from the City of Little Rock. The ORGP staff person who visits the proposed site may be unfamiliar with the area. If a road or street is not marked with a sign giving its name or number, describe it in relation to a marked road or street (*e.g., the third graveled road east of Front Street on Highway 14.*)

City Council Resolution or Quorum Court Order

A City Council Resolution or Quorum Court Order must be included to document that the local legislative body supports the project. (*See page 22 for a resolution example.*)

BOUNDARY MAPS/SITE PLAN/LOCATION MAPS

Boundary Map

NOTE:

All project boundary maps must be submitted on a single 8 1/2" x 11" sheet of paper. All copies, reduced drawings and written descriptions must be easily readable.

All applications must include a boundary map. This map will establish the boundaries of the area to be included under the provisions of Section 6(f)(3) of the LWCF Act. Everything located within the defined boundary must remain in outdoor recreation use in perpetuity! Think long and hard before making this commitment. Be sure local citizens, politicians and business leaders are willing to make this commitment before doing so.

The NPS and the ORGP requires a legally defensible description of project boundaries. If the applicant so desires, the boundary map and the site plan can be combined; however, the map must not be too cluttered with information to prevent easy readability. The applicant is not required to provide a certified boundary survey, but the boundary map must contain all of the following information:

1. Title block information including the title of the project, a north arrow, scale (if applicable), date drawn, and the words "Boundary Map." (*If the Boundary Map or Site Plan is not drawn to scale, the map MUST state "Not to Scale."*)
2. All boundaries of the project area and all facilities (such as ball fields, fences, concession stands, etc. if shown on boundary map) must show dimensions clearly. These dimensions must be marked in feet and inches.
3. The map must be of sufficient detail to be a legal identification of the land.
 - (a) You must provide a metes and bounds description with measured distances,
 - (b) Provide a compass bearing of each property side,
 - (c) You must include the point of beginning for measurement, and
 - (d) You must provide the township, range, and section information.

4. The map should include known outstanding rights and interests in the area held by others including
 - (a) The measurements and locations of known easements,
 - (b) Any deed/lease restrictions,
 - (c) Any reversionary interests,
 - (d) All power lines that cross the site,
 - (e) All rights-of-way, etc.
5. The boundary map must include all prior grant projects (LWCF/NCRGTF) within the adjacent or same project area. In no instance will the area covered by Section 6(f)(3) be less than that area acquired with LWCF/NCRGTF assistance.

Any of the following additional information that is available should also be included on the boundary map:

1. Deed references which include deed book number, page number in the deed book, and date recorded,
2. Adjoining easements of record, and
3. Adjoining water bodies or other natural landmarks.

The project area must be an area that functions as a complete recreation unit. Simply drawing the project area around an individual facility will not be considered the project area.

Site Plan

All applications for combination or development projects must include a site plan. The site plan is to give a general layout of the park or area to be developed. All site plans must be submitted on a single 8 1/2" X 11" sheet of paper. Any exceptions to this requirement due to

size of project area or project configuration must be approved by the ORGP staff prior to the Application deadline. A site plan must include the following:

1. All proposed facilities and developments included in the phase for which funds are requested,
2. All existing facilities and developments, and
3. Location of any existing power lines, or other utility lines within the site.
4. Accessibility by persons with disabilities, including parking, access routes, ramps, bridges, etc.

The site plan shall be of sufficient scale so that grant review staff can easily identify each proposed project element, and during site inspection use the plan to locate that element easily on the proposed project site. *(See example on page 23.)*

Location Maps

A city map showing the location of the proposed park site, and all other parks within the city. The parks should be designated clearly. If the applicant is a county, all parks located in the unincorporated area of the county must be designated on a county map.

PROOF OF OWNERSHIP Property Deed

Each development project application package must include documentation showing that the applicant will have sufficient control of the project site. If the applicant owns the site, a copy of the deed to the property must be submitted.

Lease Agreement

If the applicant leases or proposes to lease lands owned by an agency of the United States Government or the State of Arkansas,

1. a copy of the existing lease or the proposed lease should be submitted. This lease must be for a minimum of 25 years.

Terms and Conditions

It should be noted that no reversionary clauses may be incorporated in the deed or lease for the property. Inclusion of such clauses will disqualify the project.

NOTE:

Lands leased from other than an agency of the United States Government or the State of Arkansas are ineligible for development under the Outdoor Recreation Grants Program. *(See page 5 for requirements on property owned by school districts.)*

Floor Plans

Preliminary floor plans are required as a part of the application package for all projects proposing the development of buildings such as restrooms, concession stands, pavilions and bathhouses.

1. The plans should be of sufficient detail so the ORGP staff can determine if state and federal accessibility requirements have been met.
2. Dimensions of doors, walkways, stalls and hallways should be shown to indicate compliance with the Arkansas State Building Service's "Minimum Standards & Criteria." A copy of these standards can be obtained from the Department of Parks and Tourism.

CLEARINGHOUSE/APPROVAL LETTERS

As documentation of compliance with the State Clearinghouse process, clearance/approval letters on the proposed project must be obtained from the following agencies/officials. *(See page 43 for addresses.)*

1. State Clearinghouse
2. Areawide Clearinghouse
(Planning/Economic Development District or Regional Planning Commission in your area)
3. State Historic Preservation Officer/State Archaeologist

(Submit form 424, a letter with the project description, a statement that project will be state funded and a detailed project location map.)

4. State Highway Department
(Submit form 424 and project location map.)
5. Arkansas Game and Fish Commission (for projects located on or near water only)
(Submit form 424 and project location map.)

The prospective applicant must submit Form 424, 424D, and copies of all application forms, attachments, maps, etc., (entire application) to the State Clearinghouse and the appointed Areawide Clearinghouse to comply with the public review process outlined by Executive Order 12372.

The process takes at least thirty days. These clearance letters may not be available before the August 31, 2001 application deadline. This is not a problem. However, they must be submitted before the application will be considered for final review. It is the responsibility of the applicant to secure these letters and forward the responses to the ORGP office as soon as they are received.

Cost EstimateAPPLICANT NAME: City of SamplevilleA. Estimated appraised value of property to be acquired (if applicable) \$ 10,000B. Total development costs \$ 70,866

Development item (detailed and listed in priority order) Estimated cost of each item

Playground Equipment and Installation \$ 20,0001-Mile Walking Trail - Materials and Labor \$ 25,866Pavilion - 32' x 34' \$ 10,000Parking - 5 spaces \$ 5,000Site Preparation \$ 10,000 \$ \$ \$ \$ \$ \$ C. Total of A and B \$ 80,866D. Contingency (optional [maximum 5% of total development costs]) \$ 3,544E. Administration (optional [maximum 10% of total development costs]) \$ 7,086F. Architectural/Engineering Fees \$ 8,504
(optional [maximum 12% of total development costs])G. Total of C, D, E and F \$ 100,000

RESOLUTION No. _____

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

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

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

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

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

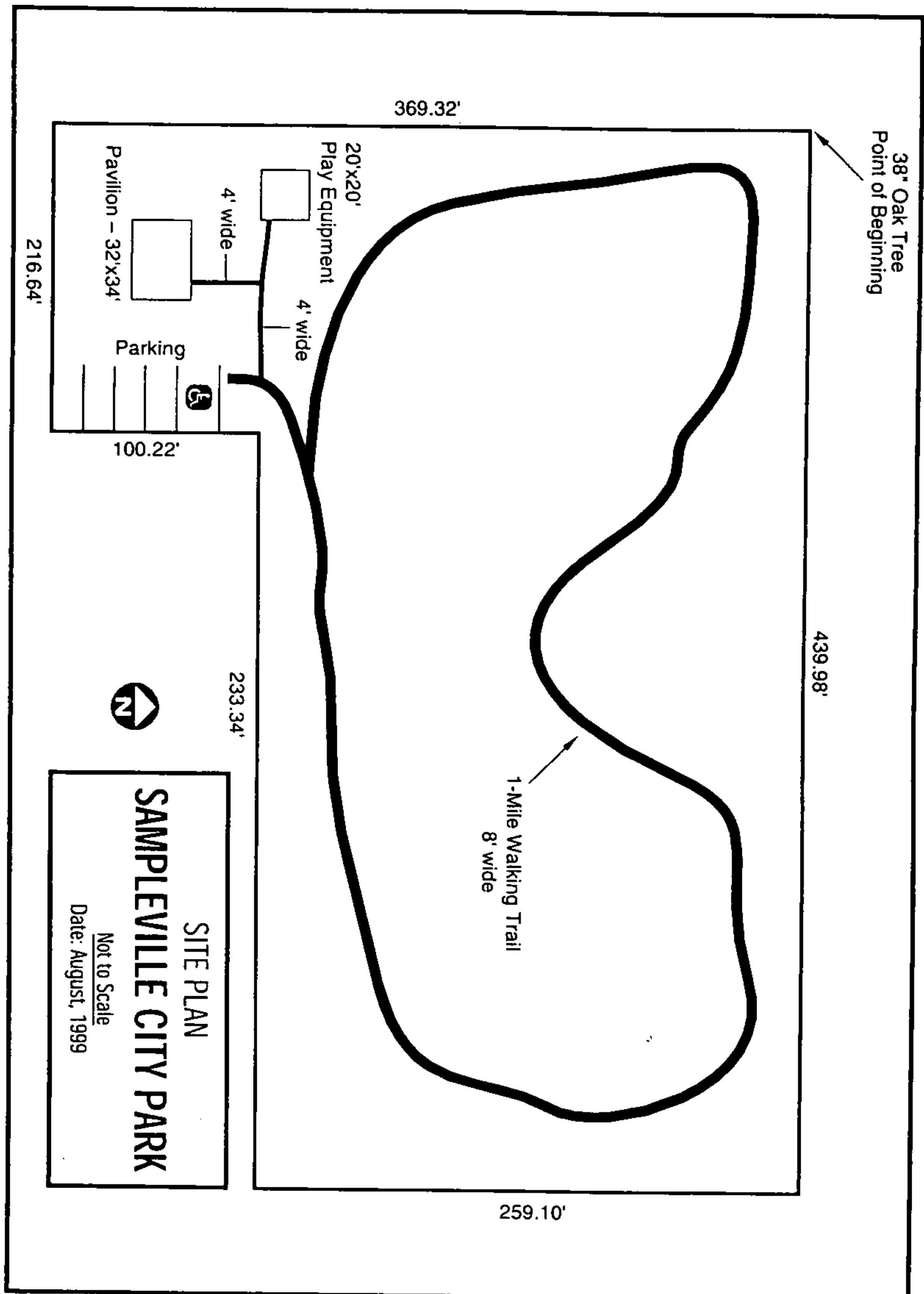
NOW, THEREFORE, BE IT RESOLVED by the City Council/Quorum Court of _____, Arkansas that the Mayor/County judge is hereby authorized to make application to the Arkansas Department of Parks and Tourism for assistance to develop recreational facilities for the City/County; therefore such application shall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

Passed this _____ day of _____, 2001.

APPROVED: _____
Mayor/County Judge

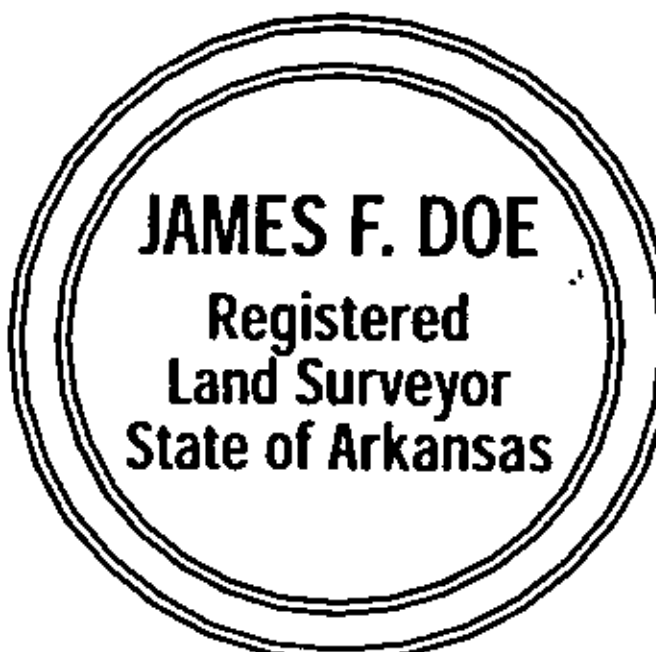
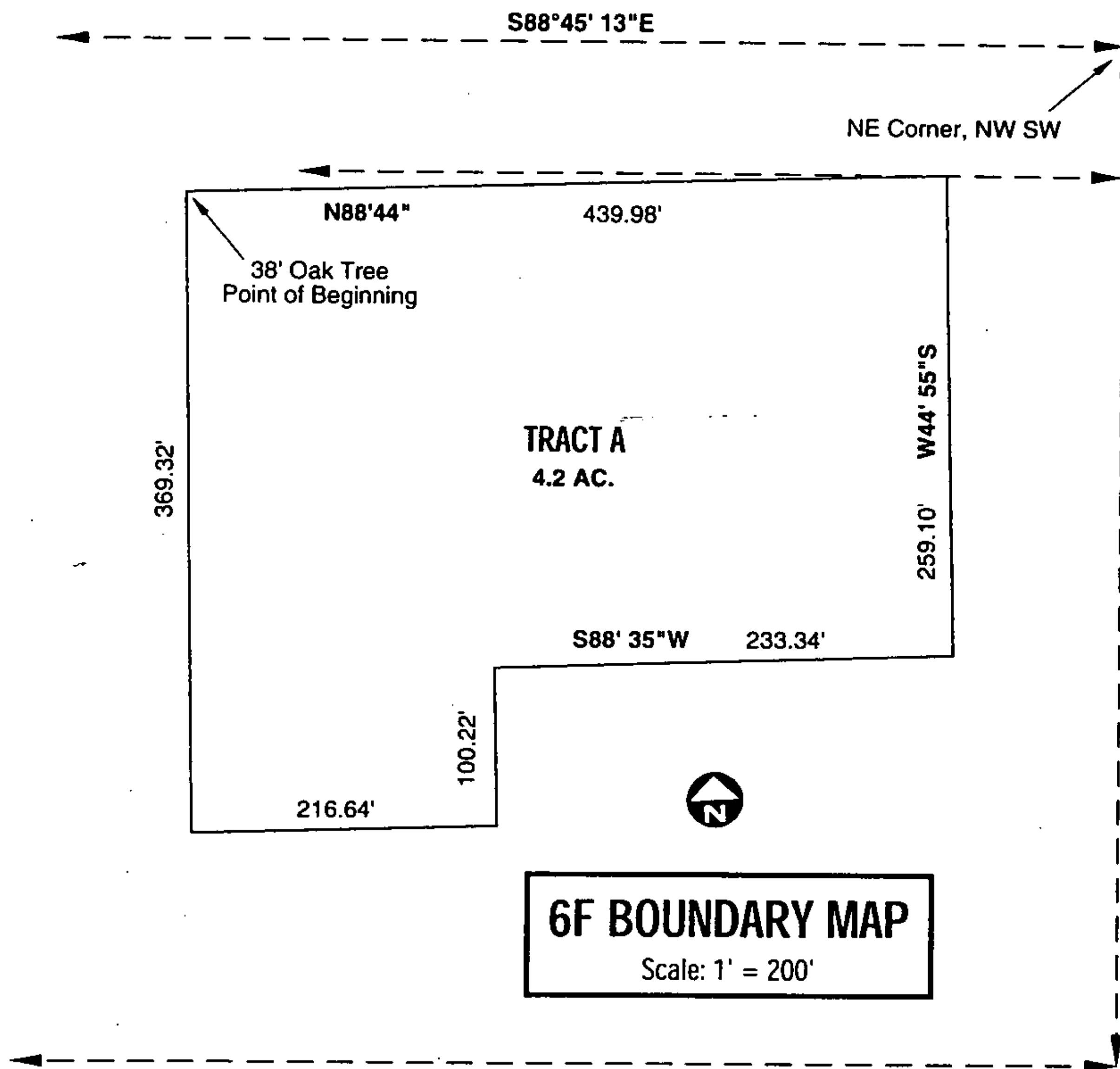
Clerk

SITE PLAN



BOUNDARY MAP

Part of the NW 1/4 of the SW 1/4 of Section 99 Township 10, Range 15, Clark County Arkansas



Date: 6-22-99
Job No.: 4543
Signature: James Doe

Surveyed for
JOHN T. JONES
by
Acme Surveyors

6

Land Acquisition Information

There are three types of acquisition:

1. Acquisition for immediate development
2. Acquisition for delayed development
3. Acquisition for preservation/protection

PROPERTY ELIGIBLE FOR ACQUISITION

Acquisition of recreation lands and waters—including new areas or additions to existing parks, forests, wildlife areas, beaches, and other such places dedicated to outdoor recreation—which may be eligible for assistance include, but are not limited to, the following:

1. Areas fronting rivers, streams, lakes, and reservoirs that will provide water-based public recreation opportunities, or the water bodies themselves.
2. Land for creating water impoundments to provide water-based public outdoor recreation opportunities.
3. Areas such as flood plains, wetlands, and areas adjacent to scenic highways that provide special recreational opportunities.
4. Natural areas and preserves AND outstanding scenic areas where the objective is to preserve the scenic or natural values, including areas of physical or biological importance and wildlife areas. These must be open to the general public for outdoor recreational use to the extent that their natural attributes will not be seriously impaired or lost.
5. Land within urban areas for day-use picnic spots, neighborhood playgrounds, and tot lots; areas adjacent to school playgrounds and competitive nonprofessional sports facilities; and more generalized park lands.

METHODS OF ACQUISITION

There are several ways of acquiring lands and/or waters for outdoor recreation purposes. In Arkansas, the most prevalent are:

1. Negotiated Purchases, resulting in fee simple titles, and donations resulting in fee simple titles.

2. Condemnation, resulting in fee simple titles.

Each of these methods is complex and may vary on any single project. Please note that the primary intent of the acquisition must be to provide and insure public outdoor recreational use in perpetuity.

RULES GOVERNING NEGOTIATED PURCHASES AND DONATION OF PROPERTY

1. To be eligible for *Matching Grant Program* assistance, donated property must be in PRIVATE OWNERSHIP—not public—at the time of acquisition.
2. To be eligible for *Matching Grant Program* assistance, purchase agreements and contracts cannot contain reversionary clauses.
3. Applications for projects which involve the purchase of property will be required to submit a Title Opinion (*see page 27 for information*). An appraisal, following the required format must be submitted after the grant approval.
4. Title to the land may not be taken until federal and state approval is given. The applicant will be notified immediately upon approval.
5. No advance payments will be made on donated property even after the

project receives formal approval.

6. Displaced persons and business or farm interests must be notified of their rights under federal and state relocation laws. Costs for relocation benefits should be included in the total project cost.
7. The appraised value of donated property may be used as a portion or all of the applicant's 50% matching share. Successful applications involving donated land will be required to submit an appraisal, after the grant approval, that follows the National Park Service guidelines (*see pages 27-30 for information*).

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 (UNIFORM ACT)

The Uniform Act provides for the uniform and equitable treatment of persons displaced from their homes, businesses or farms and establishes uniform and equitable land acquisition policies. It is the policy of the National Park Service and the Department of Parks and Tourism to deal consistently and fairly with all persons whose property is taken for public projects and all persons who are displaced from their homes, businesses or farms. The provisions of the Uniform Act apply whether or not *Matching Grant Program* moneys actually contribute to the cost of the real property acquired. Acquisition of real property is not an activity where shortcuts are possible. For more detailed information concerning your responsibilities, see the booklet, *Relocation and Acquisition Policy Guide*.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 DOCUMENTATION

Any application proposing the acquisition of property through any means must submit the following information, even if relocation assistance is not required, a response to each of the following items must be submitted:

1. An estimate of the number of individuals, families, businesses and farms being displaced.
2. Where displacement will occur, the applicant must submit
 - (a) a relocation plan,
 - (b) an advisory services program and
 - (c) an appeals procedure.
3. The applicant must provide documentation showing that the owner or his designated representative has been given an opportunity to accompany the appraiser during his/her inspection of the property.
4. The applicant must provide evidence that occupants of the property, to be acquired, were furnished at the time of initiation of negotiations adequate information explaining their eligibility to payments for relocation
5. If there are no occupants, the applicant must indicate this fact.

ACQUISITION FOR DELAYED DEVELOPMENT

Grant assistance may be available to acquire property for which the development of outdoor recreation facilities is planned at a future date. Property acquired for future development must be developed within 3 years. A detailed plan for development will be required before funding assistance will be considered. If you are planning to seek grant assistance to acquire property for future development contact the Department of Parks and Tourism's ORGP staff prior to completing the application.

In the interim, between acquisition and development, the property must be open for those public recreation purposes which the land is capable of supporting or which can be achieved with a minimum public investment. Non-recreational uses such as agriculture, occurring on the property at the time of acquisition, must cease prior to the request for reimbursement. Any application for a project proposing delayed develop-

ment must include a detailed development plan including a time frame for development.

TITLE OPINION OR TITLE INSURANCE

All applications for acquisition or combination projects must include a Title Opinion on the property to be acquired. This will be a legal opinion on the current Title to the property and will include a discussion of any liens, mortgages, easements, or any other encumbrances on the property. It will also include a statement concerning the merchantability of the Title.

OPTION TO PURCHASE/FORMAL COMMITMENT TO SELL/OWNER'S LETTER OF INTENT TO DONATE PROPERTY

Each application for projects which include the acquisition of land by purchase or combination project must include a formal Option to Purchase. The Option to Purchase must be

1. Signed by both parties and
2. Include the purchase price, or a written commitment to sell from the property owner.

Applications for projects which include the acquisition of land through private donation must include a letter from the property owner stating his/her intention to donate the property.

FORMAL APPRAISAL

Do not use multipurpose Supplemental Addendum for Federally Related Transactions forms or Land Appraisal forms.

Any project which proposes acquisition of property through private donation or which proposes the purchase of property with an anticipated value of \$25,000 or more must include a Formal Appraisal. The Formal Appraisal must cover the following:

1. Qualifications

Statement of qualifications of all appraisers and/or technicians, contributing to the report.

2. Statement of Limiting Conditions

The appraiser should provide clear concise statements of all assumptions including the following specifications:

- That the title to the property is marketable
- That the appraiser assumes no responsibility for legal matters
- That all data furnished by others are presumed correct

3. Purpose of the Appraisal

This shall include a definition of all values required and appraised.

4. Identification of the Property

Legal description of the whole tract and that to be acquired

5. City and Area Data

This data (mostly social and economic) should be kept to a minimum and include only such information as directly affects the property being appraised.

6. Property Data

SITE

Describe soil, topography, mineral deposits, easements, etc. If there is an indication that mineral deposits have more than a nominal commercial value, this fact shall be clearly stated.

IMPROVEMENTS

This shall be by narrative description, including dimensions of principal buildings and/or improvements.

EQUIPMENT

This shall be by narrative description including the condition of equipment.

CONDITION

The current physical condition and rela-

tive use and obsolescence shall be stated for each item or group appraised and, wherever applicable, the repair or replacement requirements to bring the property to usable condition.

ASSESSED VALUE AND ANNUAL TAX LOAD

Include the current assessment and dollar amount of real estate taxes. If the property is not taxed, the appraiser shall estimate the assessment in case it is placed upon the tax roll, state the rate, and give the dollar amount of the tax estimate.

ZONING

Describe the zoning for the subject and comparable properties and if rezoning is imminent, discuss under item 7.

7. Analysis of Highest and Best Use

The report shall state the highest and best market use that can be made of the property (land and improvements and where applicable, machinery and equipment) for which there is a current market. The valuation shall be based on this use. In no case shall the land be appraised for one highest and best use and the value of the improvements added when they do not contribute to the fair market value of the land under the highest and best use. Such special purpose appraisals are not allowable.

8. Land Value

The appraiser's opinion of the value of the land shall be based upon its highest and best use, regardless of any existing structures and shall be supported by con-

firmed current factual data (sales and offerings) of comparable, or nearly comparable, lands having like optimum uses. Differences shall be weighed and explained to show how they indicate the value of the land being appraised.

9. Value Estimate by Cost Approach

This section shall be in the form of computational data, arranged in sequence, beginning with reproduction or replacement cost, and shall state the source (book and page if a national service) of all figures used. The dollar amounts of physical deterioration and functional and economic obsolescence, or the omission of same, shall be explained in narrative form. This procedure may be omitted on improvements, both real and personal, for which only a salvage or scrap value is estimated.

10. Value Estimate by Income Approach

This shall include adequate factual data to support each figure and factor used and shall be arranged in detailed form to show at least

- estimated gross rent or income
- an itemized estimate of total expenses including reserves for replacements.

Capitalization of net income shall be at the rate prevailing for this type of property and location. The capitalization technique, method and rate used shall be explained in narrative form supported by a statement of sources of rates and factors.

11. Value Estimate by Comparative (Market) Approach

All comparable sales used shall be confirmed by the buyer, seller, broker, or other person having knowledge of the price, terms and conditions of sale. Each comparable sale shall be weighed and explained in relation to the subject property to indicate the reasoning behind the appraiser's final value estimate from this approach. Three (3) comparable sales are required.

12. Interpretation and Correlation of Estimates

The appraiser shall interpret the foregoing estimates and shall

state the reasons why one or more of the conclusions reached in items 9, 10, and 11 are indicative of the market value.

13. Tabulation of History of Conveyances (Property Sales and Transfers)

Include parties to the transactions, dates of purchase, and amounts of consideration for at least 10 years prior to appraisal.

14. Certification of Appraiser

- He/she has personally inspected the property.
- He/she has no present or contemplated interest in the property.
- That in his/her opinion, the market value of the taking as of _____ (Valuation date) is \$ _____.
- (Signature) _____
- (Date Report Submitted) _____

15. Exhibits and Addenda

(NOTE: All maps and plans may be bound as facing pages opposite the description, tabulation, or discussions they concern.)

LOCATION MAP

(within the city or area)

COMPARATIVE MAP DATA

(show geographic location of the appraised property and the comparative parcels analyzed)

DETAIL OF THE COMPARATIVE DATA

(narrative)

PLOT PLAN

FLOOR PLANS

(when needed to explain the value estimates)

PHOTOGRAPHS

(Pictures shall show at least the front elevation of the major improvements, plus any unusual features. When a large number of buildings are involved, including duplicates, one picture may be used for each type. Views of the best comparables should

be included whenever possible. Except for the overall view, photographs may be bound as pages facing the discussion or description to which the photographs pertain. All graphic material shall include captions.)

OTHER PERTINENT EXHIBITS

ABBREVIATED APPRAISAL REPORT

Do not use multipurpose Supplemental Addendum for Federally Related Transactions forms or Land Appraisal forms.

Any project which proposes the purchase of property with an anticipated value between \$5,000 and \$25,000 must include an Abbreviated Appraisal Report. The Abbreviated Appraisal Report must cover the following:

1. Brief Description of the Subject Property

to include physical characteristics, present use, zoning, public utilities associated with the land, deed restrictions, and any other pertinent information.

2. Legal Description

of the real property to be acquired and a plot.

3. Ten-Year History

of conveyances (sales and transfers), including parties to the transactions, dates of purchase, and amounts of consideration for at least ten (10) years prior to appraisal.

4. Analysis and Statement

of the property's highest and best use.

5. Supporting Data

including two or three comparable real property sales, a brief analysis of those sales, and a map showing their locations relative to the land acquired.

6. The Appraiser's Certification and Signature:

- He/she has personally inspected the property.
- He/she has no present or contemplated interest in the property.
- That in his/her opinion, the market value of the taking as of _____ (Valuation date) is \$ _____.
- (Signature) _____
- (Date Report Submitted) _____

7. The Date the Value Estimate Applies

8. Statement of Appraiser's Experience and Qualifications

FINDING OF VALUE

Any project which proposes the purchase of property with an anticipated value of less than \$5,000 must include a written finding of value prepared by a qualified appraiser. This finding of value can be based on the individual's knowledge of land values, but should include a statement of the appraiser's experience and qualification, including a short description of the factors considered and the means by which a conclusion was reached.

DEVELOPMENT PLAN

If the proposed project is for acquisition of land only it will be necessary to prepare a plan for the development of this property. Such a plan should include, at a minimum, the following:

1. Necessity

Discuss why the immediate acquisition of the property is necessary. Include an explanation of why the property cannot be developed at this time.

2. Long-Range Development Proposals

Include items proposed for development on this site. Be as specific as possible. Include estimated dates for such development. Also include proposed methods for funding such developments if they are known. If the source of funding is not known, please indicate this fact.

3. Interim Plans for the Site

How will the site be used until development starts? Include in this section the current use(s) of the site. How long will this interim period last? If there will be more than one use list each use and its estimated time frame.

4. Income

Will income be generated from the site during the interim period? What is the projected amount of this income? Will this income be used in the proposed development of the site and/or the operations, maintenance, and development of the applicant's park system as a whole? Have any arrangements been made to insure such a use of this income? If so, what are they?

5. Site Maps and Plans

Include at least one 8 1/2" x 11" site plan indicating the proposed use areas of the site, e.g., playground areas, picnic areas, ballfield areas. If possible, include more detailed plans of these developments.

7

Important Things to Remember

- The deadline for receipt of applications for FY 2002 is 5:00 p.m., August 31, 2001. All applications must be received in our office on that date. Applications simply postmarked by that date are not acceptable. The Application For Federal Assistance, Form 424 may be faxed to (501) 682-0081, but it must arrive on or before the above deadline. If the Form 424 is faxed, the entire application containing original signatures must be postmarked and mailed on or before the above deadline.
- Applicants who have projects on the problem project list or who have received letters listing problems with past grant projects should correct them as soon as possible. It may be necessary to call the Outdoor Recreation Grants Program staff to find out if a problem exists or what arrangement can be made to schedule corrective measures. Those applicants who have problems in this area may not be considered for funding unless corrective action is undertaken immediately!
- Property acquired or developed under this program must be retained forever for public recreation use. Everything located within the defined project boundary must remain in outdoor recreation use in perpetuity! Think long and hard before making this commitment. Be sure local citizens, politicians and business leaders are willing to make this commitment before submitting an application.
- All utility lines within the park boundaries must be placed underground. Remember to include the cost of removing or burying these lines in your project budget.
- All public recreation facilities constructed within the park must be accessible to the disabled, including those facilities constructed in whole or part with local funds.
- The applicant who intends to purchase or acquire land by donation may not take title or begin construction until a state contract authorizing the acquisition is completed. Lands acquired prior to the date of a signed contract will not be eligible for reimbursement or use as the local matching cost share.
- One public hearing is required to obtain public input into the application. This public hearing must be held at least one month prior to submission of the application, or prior to July 31, 2001. Additional points are awarded to applicants who hold their public hearing two months in advance of the August 31, 2001, deadline. Therefore, to receive additional points for this requirement, the public hearing must be held by June 30, 2001. A public notice about the hearing must appear in a newspaper of greatest local circulation at least seven (7) calendar days (June 23, 2001) in advance of the date of the public hearing. In certain cases the posting of a local notice will be sufficient (*see page 8*).
- Submit one (original) signed application.
- Only incorporated cities and counties are eligible for funding. School districts

- may submit a joint application with an incorporated city or county for funding of facilities located on property owned by the school district.
- All property acquired or developed shall be operated and maintained in good condition in perpetuity.
- A sign stating that Outdoor Recreation Grants Program funds were used to acquire and/or develop the facilities must remain in place at the park forever.
- When each application is rated by the staff according to the Priority Rating System, the applicant's score will be forwarded only to the applicant's Chief Executive Officer (mayor, county judge, city manager) prior to the meeting of the Outdoor Recreation Grants Advisory Committee.
- All correspondence regarding the application will be sent only to the applicant's Chief Executive Officer.
- Each project will be rated by the Outdoor Recreation Grant Program staff according to the criteria listed on the FY 2001 priority rating system form located on pages 46–52.
- Applicants selected for funding by the Outdoor Recreation Grants Committee will be listed and funded in priority order. If monthly tax collections which partially fund the Outdoor Recreation Grants Program fall below the predicted levels, it is possible that some applications that were selected for funding could wholly or partially go unfunded. We sincerely hope this does not happen; however, if this does occur the applicant(s) are invited to apply and compete for funding during the next grant cycle.

This is only a brief description of some of the most frequently asked questions regarding our grant program. Complete regulations and requirements are contained elsewhere in the booklet. Review your application to ensure yourself that the information provided in the project application addresses the point criteria in the priority rating form.

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Important Dates to Remember

- April 2001 _____ Matching Grant Application guides available
- April 2001 _____ ORGP Staff conduct application workshops
- June 23, 2001 _____ Deadline for early public hearing advertisement for extra points
- June 30, 2001 _____ Deadline for early public hearing for applicants to score extra points (3 points)
- July 24, 2001 _____ Deadline for advertisements for mandatory public hearing.
- July 31, 2001 _____ Deadline for mandatory public hearing deadline
- August 31, 2001 _____ GRANT DEADLINE
- October 1, 2001 _____ Deadline for response to application deficiency letters
- November 7-9, 2001 _____ Outdoor Recreation Grants Advisory Committee Hearings (tentative date)
- December, 2001 _____ Announcement of new grantees
- February, 2002 _____ Project Management workshops for new grantees

What to Expect After You Submit Your Application

The process of reviewing applications requires approximately two months to complete.

After the initial review of the application, applicants are notified of any deficiencies in the application. The local Chief Executive Officer is notified of the deficiencies and asked to respond as soon as possible. When the ORGP has completed the review, all the applications are rated according to the Priority Rating System. (See page 46–52 for the Priority Rating System explanation and format).

The Priority Rating System was created as part of the Open Project Selection Process. It is used by the ORGP staff to help in the evaluation of all Matching Grant Program grant applications. The resulting score is provided to the applicant's Chief Executive Officer. All applications begin the Priority Rating System with zero points. This completes the ORGP staff review process.

A meeting of the Outdoor Recreation Grants Advisory Committee is then scheduled to hear applicant presentations and make funding recommendations. The members of the Outdoor Recreation Grants Advisory Committee are appointed by the Governor for four-year terms, concurrent with the Governor's term of office. The Committee is comprised of five members. Each congressional district is represented by one member. Two of the members represent municipal governments, two represent county governments, and one is a recreation/park professional.

The applicants are notified of their scores and are invited to make a brief presentation to the Outdoor Recreation Grants Advisory Committee. Shortly after the public hearing the Committee passes their recommendations for funding to the Executive Director of Parks and Tourism and then to the Governor for his announcement of who has been awarded a grant.

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Grant Application Checklist

Use this checklist to make sure the application being submitted contains all the necessary items.

ALL GRANT APPLICATIONS MUST INCLUDE THE FOLLOWING FORMS

- Application For Federal Assistance Federal Form 424 (See page 12)
- Assurances-Construction Programs Federal Form 424 D (See page 12)
- Civil Rights Assurance Form DI-1350 (See page 12)
- Certification Regarding Debarment, Suspension Federal Form DI-1953 (See page 12)
- Certification Regarding Drug-Free Workplace Federal Form DI-1955 (See page 12)
- Recreation Priorities Form (See page 13)
- Environmental Assessment (See pages 13 & 14)
- Cost Estimate (See pages 14 & 21)
- Flood Hazard Certification and Fund Source Assurance Form ORGPFS 1999 (See page 15)

ALL GRANT APPLICATIONS MUST INCLUDE THE FOLLOWING ITEMS

PROJECT NARRATIVE

Each item listed must be addressed. (See pages 15–17 for detailed information.)

1. Need for Assistance
2. Benefits Expected
3. Agreements
4. Low Moderate Income
5. Income
6. Competition
7. Minority Involvement
8. Parks & Recreation Commission or Department or Committee
9. Special Features

10. Operation and Maintenance
11. Overhead Utility Lines
12. Directions (*detailed*)

CITY COUNCIL RESOLUTION/QUORUM COURT ORDER

(Sample copy: see page 22)

PUBLIC HEARING DOCUMENTATION

(See page 8 for detailed information)

1. Public Notice (*Newspaper notice or flyers are required, not both*)
 - A. Newspaper Notice (*Proof of Publication or entire tear sheet from the newspaper, including name of newspaper and date of publication*)
 - B. Flyers
 1. Copy of Flyer
 2. Letter signed by Mayor/ County Judge with posting places listed and the date the flyers were posted.
2. Minutes from the Public Hearing
3. Sign-in sheet (*Names, addresses, and affiliations with special interest groups*)

MAPS AND PLANS

1. Boundary Map (See page 18—all information listed is required) (Sample on page 24)
2. Site Plan (See pages 18 & 19—all information listed is required) (Sample on page 23)
3. Location Map (See page 19—all information listed is required)

FLOOR PLANS (IF APPLICABLE)

CLEARINGHOUSE APPROVAL LETTERS

(See page 43 for addresses)

1. Areawide Clearinghouse
2. State Historic Preservation
3. State Highway Department
4. Statewide Clearinghouse
5. Arkansas Game and Fish Commission
(Streamside development)

PROOF OF OWNERSHIP FOR DEVELOPMENT PROJECTS

(See page 19 for details)

1. Warranty Deed with no reversionary clauses
2. 25-year Lease Agreement for Federally or State owned land

**ADDITIONAL INFORMATION REQUIRED FOR LAND ACQUISITION
OR COMBINATION PROJECTS (LAND ACQUISITION AND
DEVELOPMENT PROJECTS)**

(See pages 25-26 for detailed information.)

1. Documentation on Uniform Relocation & Real Property
Acquisition Policies Act
2. Title Opinion or Title Insurance
3. Option to Purchase or Formal Commitment to Sell or
Owner's Letter of Intent to Donate
4. Development Plan

AN APPRAISAL OF THE PROPOSED PROPERTY FOLLOWING THE REQUIRED FORM MUST BE SUBMITTED AFTER THE GRANT APPROVAL. (SEE PAGES 27-30 FOR APPRAISAL REQUIREMENTS.)

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Five-Year Recreation Plan Format

The purpose of a five-year recreation plan is for local government to compile in one document what facilities and programs are available in their jurisdiction. It provides an opportunity to learn if the needs of the very young, the actively athletic, those who prefer passive and less competitive experiences, and minorities are being provided for. It is an opportunity to prioritize future development. A recreation plan can provide a road map during the transition from one administration to the next. The Recreation Plan is no longer a requirement. This outline is provided for communities who would like to develop a plan.

Introduction

- State who prepared the plan.
- Describe when, why, and how plan was initiated.
- When was plan adopted by community or county?
- Describe recreational goals of community or county.

Inventory

- List of all existing public, semi-public, and private recreational facilities.
- Numbers of facilities
- Types of facilities
- Acreages
- List and describe current recreational programs of the sponsor, including summer recreation programs and programs during the school year.
- List existing handicap accessible facilities of the sponsor.
- Include city map with streets and city limits shown.
- Locate existing parks on map.
- Locate proposed parks on map.
- How do your recreational facilities and programs meet the needs of the persons in your jurisdiction, including:
 - Minorities
 - Middle age
 - Teens
 - School and pre-school children
 - Elderly
- Describe the greatest recreation problems and issues in the community.

Analysis

- Describe how existing facilities and programs serve the needs of the public.
- Describe existing recreation trends of the citizenry.
- Describe where citizenry presently goes for recreation.
- Seek public involvement in recommending recreational needs for the community.

Plan

- Describe the process of formulating the plan.
- Describe how the public was involved in the planning process.
- Describe the public recreation priorities and how they were established.
- Include public surveys, minutes of public meetings, minority involvement, etc.
- Describe land acquisition plans and priorities.
- Describe facility development plans and priorities.
- Describe recreation programming plans and priorities.
- How will the community officially adopt the recreation plan?
- Describe the methods for this plan's implementation.

Evaluation

- Evaluate how the recreation plan affects the recreational programming of the community.

1995 SCORP Priorities

The *Statewide Comprehensive Outdoor Recreation Plan (SCORP)* is prepared every five years by the staff of the Outdoor Recreation Grants Program. The purpose of the plan is to inventory the states outdoor recreation facilities and resources, and to make recommendations and prioritize areas that need attention in the future. In order for your project to be funded it must fit within one or more of these general categories.

Maintenance of Parks and Recreation

- Recreation providers should concentrate their efforts on maintaining and renovating existing recreation facilities to reduce liability created by deteriorated facilities.
- Recreation providers should implement a regular maintenance schedule and keep detailed records of inspections and repairs.
- Recreation providers should utilize volunteers for routine maintenance purposes where practical (e.g., litter pickup, grounds-keeping, etc.).
- Recreation providers must invest in facility designs that meet or exceed safety standards, including low maintenance designs as well.
- Recreation professionals must become more politically active by educating decision-making bodies concerning parks and recreation issues, specifically the need for a higher priority placed on funding for maintenance of recreation facilities

Safety and Security at Recreation Areas

- Municipalities, schools and private recreation providers should train staff and designate specific individuals for maintenance responsibilities of recreation facilities.

- Recreation providers, including school districts, should cooperate with the Arkansas Department of Health and the Arkansas Department of Parks and Tourism to develop training programs for employees to properly inspect and repair playground equipment.

- Recreation providers should construct impact areas with proper surfacing underneath all playground equipment to improve safety at parks and recreation areas.
- Recreation professionals should integrate more supervised programs and activities at parks for youth.
- Recreation providers should make law enforcement personnel more visible to deter crime at these areas.
- Local neighborhood crime watch programs should integrate parks and recreation areas to improve the safety and security of park users.
- Recreation providers should post safety information at recreation areas, particularly remote sites in rural areas (e.g., emergency numbers, persons to contact, location of nearest medical facility/hospital, etc.).

Funding of Parks and Recreation Resources

- Cities and county governments should propose local funding initiatives to assist in sustaining local parks and recreation resources in the future.
- Communities should seek corporate donations from companies that have a vested interest in their community in addition to traditional public funding sources.

Improving Outdoor Recreation Programs and Facilities

- Recreation providers should develop and implement programs to serve and meet the needs of various population groups.
- Recreation providers should develop parks that are easily accessible and meet the needs of the elderly, disabled, and minority communities.
- Recreation providers should develop a working relationship with area schools to provide recreation facilities and programs targeted for at-risk youth.
- Recreation providers should work toward achieving a balance between facility development, maintenance of facilities and recreation programming.
- All levels of recreation providers should be encouraged to develop a balance of recreation facilities that provide for a variety of active recreation opportunities

(e.g., picnic facilities, camping, wildlife observation, photography, etc.).

- Access to outdoor recreation facilities must become a budgeted priority among recreation providers at all levels of government and the private sector.
- Recreation providers should involve disabled persons in the planning of facilities.
- Recreation providers should make an effort to use the *SCORP* as a tool for management and development of resources.

Conservation of Natural and Cultural Resources for Outdoor Recreation

- Park and recreation professionals should become proactive in their local communities concerning littering and recycling efforts.
- Parks should become examples of litter-free zones in communities throughout the state.
- The state's law enforcement community should cooperate within the limits of their resources to better enforce anti-litter laws.
- Recreation providers must do a better job of planning and budgeting for the destruction of facilities due to vandalism.
- Recreation providers should institute programs that educate users concerning the damage to parks and recreation resources caused by vandalism.
- Recreation providers should invest in facilities designed to be less susceptible to vandalism.
- Communities should establish park watch programs in neighborhoods where parks are located to offset vandalism.

Trails

- All applicable trail providers should conduct a thorough and consistent inventory of backlogged maintenance work along with estimated costs to develop priorities as well as funding and personnel requirements to address maintenance of trails.
- Stronger emphasis placed on the development of urban trails and greenways by local parks and recreation departments by working with residential developers and enacting legislation to set aside property to develop trails for both recreation and transportation
- Increased trail opportunities for those users with limited access (i.e., mountain bikers, ORV, and OHV), and particularly the physically impaired and developmentally disabled.
- The development of more multiple-use trails to increase trail opportunities and reduce maintenance costs

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Federal Regulations

This *Application Guide* is not intended to serve as a compendium of all applicable State and Federal statutes. Applicants are encouraged to contact their legal representatives for further information on the State and Federal laws, rules, and regulations which apply to their proposed project. The following is a list of some of the federal statutes, regulatory requirements, and policies which may apply:

1. The National Environmental Policy Act of 1969 (42 USC 4321 et. seq.), as amended
2. The Clean Air Act (42 USC 7609) as amended
3. The Clean Water Act (33 USC Secs. 1288, 1314, 1341, 1342, 1344)
4. Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11911, May 24, 1977)
5. Executive Order 11288, concerning prevention, control and abatement of water pollution
6. The Flood Disaster Protection Act of 1973 (12 USC Sec. 24, 1701-1 Supp.) (42 USC Sec. 4001 et. seq.)
7. Executive Order 11988, Flood plain Management
8. Executive Order 11296, Evaluation of Flood Hazard in Locating Federally Owned or Financed Building, Roads, and other Facilities and in Disposing of Federal Lands and Properties
9. Federal Act for Protection and Restoration of Estuarine Areas (PL 90-454)
10. Wild and Scenic Rivers Act of 1968 (PL 90-542) (16 USC 1274 et. seq.)
11. The Rivers and Harbors Act of 1899 (33 USC 401 et. seq.)
12. Executive Order 11990, Protection of Wetlands
13. The Fish and Wildlife Coordination Act (16 USC Sec. 661, 662)
14. The Endangered Species Act of 1973 (16 USC Sec. 1531 et. seq.)
15. The Antiquities Act of 1906 (16 USC Sec. 431)
16. The Archeological and Historic Preservation Act of 1974 (16 USC Sec. 469 a-1)
17. The National Historic Preservation Act of 1966 (16 USC Sec. 470 et. seq.)
18. Executive Order 11593, Protection and Enhancement of the Cultural Environment
19. Federal-Aid Highway Act of 1973 (PL 93-87)
20. Architectural Barriers Act of 1968 (PL 90-480)

21. Americans with Disabilities Act (ADA) of 1990, Title II and Title III
22. Section 504, The Rehabilitation Act of 1973 (PL 93-112), as amended
23. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 94-646)
24. Title VI of the Civil Rights Act of 1964 (PL 42 USC Secs. 2000d to 2000d-4)
25. Executive Order 11246, Equal Employment Opportunity
26. Executive Order 12372. Provides for the evaluation, review and coordination of federal assistance programs and projects.
27. Office of Management and Budget Circular A-102. Provides uniform administrative requirements for grants-in-aid to state and local governments
28. Office of Management and Budget Circular A-87 (formerly FMC74-4). Identifies cost principles applicable to grants and contracts with state and local governments as they relate to the application, acceptance and use of federal funds
29. Power Plant and Industrial Fuel Use Act of 1978 (PL 95-620)
30. Executive Order 12185, Conservation of Petroleum and Natural Gas

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Required Clearances

- Mr. Ken Grunewald, Director
Arkansas Historic Preservation
Program
1500 Tower Building, 323 Center
Little Rock, Arkansas 72201
Telephone (501) 324-9357
- Mr. Tracy Copeland, Manager
State Clearinghouse
Post Office Box 3278
Little Rock, Arkansas 72201
Telephone (501) 682-1074
- Programs and Contracts Division
Arkansas Highway and
Transportation Department
Post Office Box 2261
Little Rock, Arkansas 72203
Telephone (501) 569-2261
- Mr. Craig Uyeda
Arkansas Game and Fish
Commission
#2 Natural Resources Drive
Little Rock, Arkansas 72205
Telephone (501) 219-4311
- Areawide Planning or Economic
Development District Clearing-
houses:
 - Central Arkansas Planning and
Development District
115 Jefferson Street
Lonoke, Arkansas 72086
Telephone (501) 676-2721
 - East Arkansas Planning and
Development District
Post Office Box 1403
Jonesboro, Arkansas 72403
Telephone (870) 932-3957
 - Northwest Arkansas Economic
Development District
Post Office Box 190
Harrison, Arkansas 72602-0190
Telephone (870) 741-5404
 - Southeast Arkansas Economic
Development District
Post Office Box 6806
Pine Bluff, Arkansas 71611
Telephone (870) 536-1971
 - Southwest Arkansas Planning
and Development District
600 Bessie Street
Magnolia, Arkansas 71753
Telephone (870) 234-4030
 - West Central Arkansas Planning
and Development District
Post Office Box 21100
Hot Springs, Arkansas 71903
Telephone (501) 525-7577
 - Western Arkansas Planning and
Development District
Post Office Box 2067
Fort Smith, Arkansas 72902
Telephone (501) 785-2651
 - White River Planning and
Development District
Post Office Box 2396
Batesville, Arkansas 72503
Telephone (870) 793-5233
 - Regional Planning Commission
- Northwest Arkansas Regional
Planning Commission
Post Office Box 745
Springdale, Arkansas 72765
Telephone (501) 751-7125
 - Southeast Arkansas Regional
Planning Commission
Post Office Box 8398
Pine Bluff, Arkansas 71611
Telephone (870) 534-4247
 - METROPLAN
501 West Markham, Suite B
Little Rock, Arkansas 72201
Telephone (501) 372-3300
 - ARK-TEX Council of
Governments
Post Office Box 5307
Texarkana, Texas 75505
Telephone (903) 832-8636

Information and Technical Assistance Resources

- Areawide Planning or Economic Development Districts
- Regional Planning Offices
- County Agent for the Arkansas Cooperative Extension Service
- District Conservationist in each county for Soil Conservation Service
- Arkansas Geological Commission
3815 West Roosevelt Road
Little Rock, Arkansas 72204
Telephone (501) 663-9714
- Mr. Michael Hedges
University of Arkansas
Cooperative Extension Service
2301 South University
Post Office Box 39
Little Rock, Arkansas 72203
Telephone (501) 671-2000
- Mr. Steve Filipek
Arkansas Game and Fish
Commission
Stream Team Program
915 East Sevier Street
Benton, Arkansas 72015
Telephone (501) 776-0218, ext. 23

OUTDOOR RECREATION GRANTS PROGRAM STAFF

All staff can be contacted by E-mail at
grants@mail.state.ar.us

- Mr. Bryan Kellar, Director
Outdoor Recreation Grants Program
Number One Capitol Mall
Little Rock, Arkansas 72201
Telephone (501) 682-1301
- Mrs. Susan Clifford, Project Officer
Outdoor Recreation Grants Program
Number One Capitol Mall
Little Rock, Arkansas 72201
Telephone (501) 682-1301
- Environmental Planner/Project Officer
Outdoor Recreation Grants Program
Number One Capitol Mall
Little Rock, Arkansas 72201
Telephone (501) 682-1301
- Mr. Ian Hope,
State Trails Coordinator/Project Officer
Outdoor Recreation Grants Program
Number One Capitol Mall
Little Rock, Arkansas 72201
Telephone (501) 682-1301

**ARKANSAS RECREATIONAL
EQUIPMENT VENDORS**

- Arkansas Playground, Inc.
Jennifer Schueck McCarty
33 Chimney Sweep
Little Rock, Arkansas 72212
(501) 224-8654
FAX (501) 224-8654
- Diversified Recreation, Inc.
Jim Edwards
5 Wingfield Circle
Little Rock, Arkansas 72205-1636
(501) 228-9191
FAX (501) 455-2656
- ABC Playgrounds
Rob Schmidt
P.O. Box 192232
Little Rock, Arkansas 72219
(501) 455-3342
FAX (501) 884-3090
- Apex Associates
Ron Bales
Post Office Box 1130
Fairfield Bay, Arkansas 72088
1-800-274-1130
- Rex Playground Equipment
Linda Spears
62212-I Jacksonville Cutoff Road
Jacksonville, Arkansas 72076
(501) 834-2239
FAX (501) 834-2152
E-mail *LMSpears@worldnet.att.net*
- Arkoma Playgrounds
Stuart Thompson
70 North College Avenue, Suite 6
Fayetteville, Arkansas 72701
(501) 443-0066
FAX (501) 443-9202
E-mail *arkoma@4funlsi.com*
- Modlin Recreation Equipment, Inc.
Arkansas and Northeast Texas
Andy Boots
Little Rock Phone (501) 219-0096
P.O. Box 50048
Denton, Texas 76206-0048
1-800-433-5347
- Hunter Kneppshield
Qualite Sports Lighting
Keith Lynch
104 Fieldcrest Drive
Searcy, Arkansas 72143
(501) 279-2912
E-mail *klynch@ipa.net*

Arkansas park and playground vendors or manufacturers who wish to be listed may do so by contacting Arkansas State Parks, Outdoor Recreation Grants Program at (501) 682-1301.

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Priority Rating System Overview

The purpose of the Priority Rating System (PRS) is to evaluate all applications for grant funding with the same fair and equitable criteria. Because the total state and federal grant dollars available for the Matching Grant program is not sufficient to fund the number of requests that are submitted each year, the PRS has been designed to give the highest priority to projects that demonstrate thorough and advanced planning, involve local users including minorities in the planning process, and provide diverse recreation opportunities for recreation users.

The Outdoor Recreation Grant Program Staff will review each application submitted by the August 31, 2001 deadline. The staff will notify the applicants of any deficiencies by mail. Applicants will be given till October 1, 2001 to address any deficiencies. A staff person will also conduct a site visit to evaluate the project site development plan, and determine if the existing facilities have been regularly maintained in a manner suitable for daily use. Outdoor Recreation Grant Program Staff will score each application and will then mail a copy of the Priority Rating System score form to the applicant.

If applicants have questions concerning their Priority Rating System score they should contact the Outdoor Recreation Grant Program Office for clarification prior to the Outdoor Recreation Grant Advisory Committee's public hearing scheduled for November 8, 2001.

The following is a brief explanation of the elements and priority assignments in each of the four Priority Rating System sections. In other words, what we are looking for in a priority project.

I. PROJECT DIVERSITY AND OPPORTUNITY

- Priority points will be given to applications that focus the majority of development funds and resources to increase the

different types of recreational activities or opportunities within the community. OR; Priority points will be given to applications that focus the majority of development funds and resources to develop parks and significantly increase the number of recreation facilities in under-served areas of the community. OR; Priority points will be given to applications that focus the majority of development funds and resources to renovate or replace obsolete facilities that have been approved by the ORGP Staff.

- Priority points will be given if major elements within the proposed project provide year-around recreational opportunities. (Examples include basketball courts, trails, play equipment, pavilion, and picnic facilities, etc.)

II. PUBLIC INVOLVEMENT AND SUPPORT

Park and recreation facilities and programs are an important part of community infrastructure. Involving volunteers, public service organizations in park and recreation facilities and programs is very helpful, however these individuals and groups may have singular purposes and may not represent all types of recreational activities. Communities that commit local resources by hiring park and recreation staff or appoint advisory groups

responsible to advise the city or county concerning the operation, maintenance, programming, and planning generally have proven to make good use of grant funds.

- Priority points will be given to applicants that have taken the initiative to hire a park and recreation director, or establish a legal park commission, or appoint an advisory committee that oversees local public parks and recreation programs, and has documented the commission or committee meets at a minimum of a quarterly basis.
- Fewer priority points will be given to applicants that have established a committee or a parks commission within the past year, and has documented they have met on a regular basis since established.
- No priority points will be given to applicants who will use volunteers, public service organizations, or a combination of these to oversee park planning, operation and maintenance, and recreational programs.

Direct public involvement is required to establish local recreation priorities and to determine what priorities will be submitted in the application for funding. A public hearing is mandatory to be eligible for grant funding. Applicants that conduct "early" public hearing(s) (between January 1 and June 30, 2001), will have plenty of time to prepare the grant application and any necessary revisions and modifications.

Minority involvement in the planning of the project is a requirement to be eligible for grant funding. The minimum requirements specify minorities be invited to and/or participate in the required public hearing. It is not unusual for many persons that we define as minorities to have never participated in the public planning process. It may be necessary to go to them or reach out and seek their input through a combination of group meetings, visits with minority leadership, visits to churches and retirement homes. Applications that do not include documentation of minority involvement will be returned to the applicant and will not be considered for funding.

- Priority points will be given to those applicants that hold a public hearing between January 1, 2001, and June 30, 2001, and have documented they invited ethnic minorities, the elderly, and the physically challenged to participate in the planning process.
- No priority points will be given to applicants that hold a public hearing after June 30, 2001, and before July 31, 2001, and have documented they invited ethnic minorities, the elderly, and the physically challenged to participate in the planning process.

Applicants, who fail to hold a public hearing prior to July 31, 2001, will be ineligible for grant funding and their application will be returned without further consideration.

- Priority points will be given to applicants who document minority community outreach prior to the public hearing with minority populations defined as including ethnic minorities (African Americans, Native Americans and Asian Americans) the elderly, and the physically challenged in the planning process. Out-reach measures include any or all of the following; special meetings in minority neighborhoods, surveys, personal contacts by public officials with local minority leaders, groups, and individuals prior to the public hearing in the project planning process.
- Applicants who do not document minority involvement prior to the public hearing, in the project planning process will be ineligible for grant funding.

III. PLANNING AND DESIGN

—Communities that are committed to park development understand that grant funds can never replace local financial commitment. Frequently, park development and facility construction must be completed in phases. Spending grant dollars efficiently and expediently funded through public tax revenues is good government. Communities that are prepared to begin land purchases and/or project construction as quickly as possible will be rewarded. Identifying project boundaries can prevent legal difficulties and potential encroachment of park properties. Applicants providing boundary surveys will receive priority points.

- Priority points will be given to those applicants who include with the application, a detailed budget, plans, specifications, and bid documents that are ready for immediate bid and construction. Applicants certifying they will use a paid, professional design consultant will receive credit.
- Priority points will be given to those applicants who have included with the application a detailed budget and will provide detailed plans and specifications, and bid documents immediately following grant award at the Project Management Workshop.
- Priority points will be given to those applicants who have met with ORGP staff seeking overall evaluation, comments for revisions, additions, or changes to the project site plan (minimum of 28 days prior to the grant deadline or no later than August 3, 2001). Revisions, additions, or changes must be completed and submitted no later than October 1, 2001. ORGP staff person has signed and dated application site plan.
- Priority points will be given to those applicants who provide a legal boundary survey with the application.
- Priority points will be given to applications with site plans that are 8.5"x11", contains a north arrow, and based on an ORGP site inspection accurately locates facilities, and is

drawn to scale, or if not to scale all boundary and facility dimensions are shown on the plan.

- Points will be deducted for site plans that are incomplete or inaccurately locate boundaries and facilities.
- Priority points will be given to projects with site plans that show all necessary details of barrier free access for project facilities, including access routes, play equipment access, walkways, ramps, lifts, and parking.
- Priority points will be deducted for projects with site plans that do not show detailed barrier free access.

IV. MATCHING RESOURCES

Applicants that have secured or budgeted local financial resources prior to submitting a grant application have historically completed projects in a timely and efficient manner. Applicants that depend primarily on volunteer labor and have very limited financial backing frequently struggle to meet contract deadlines and occasionally the quality of the facilities is not suitable for intense public use.

- Priority points will be given to applicants whose majority of the 50/50 match is a cash appropriation (application includes an approved budget), cash currently in bank (supported by a current bank statement), land donation, force account labor, sponsor owned equipment use, or any combination thereof.

- Priority points will be given if the remainder of the above match is: cash, donations of materials (by letter of commitment with approximate cash value pre-determined) or donated equipment use (by letter of commitment with approximate cash value pre-determined).
- No points will be given if the majority of the match is promises of cash, promises of volunteer labor, promises of donated equipment use, promises of donated materials, or a combination thereof.

V. PAST HISTORY OF MAINTENANCE AND COMPLIANCE OF PROGRAM REGULATIONS

When available, people use parks on a year around basis. Local governments should set flexible opening and closing times and schedule regular maintenance so users can have access to clean safe parks and recreation facilities at all reasonable times of the day and year.

- Applicants will be penalized points if at the time the ORGP staff inspected the proposed project site (or other previously funded project sites) the staff finds significant trash or litter, grass not mowed, facilities in disrepair, other preventable conditions that may impede public use.
- Applicants will be penalized points, if at the time the ORGP staff inspected the proposed project site (or other previ-

ously funded project sites), they find a lack of long term, ongoing or adequate maintenance.

VI. DOES THIS PROJECT PROVIDE DEVELOPMENT OF THE FOLLOWING

The law requires that all public facilities provide barrier free access to "all" citizens. This includes persons with disabilities. Many existing recreation facilities were built without regard to the law or prior to the Architectural Barriers Act of 1968. Barrier free access benefits everyone including the elderly, toddlers, and those with disabilities. To encourage barrier free access:

- Priority points will be given for projects that will construct barrier free access to existing facilities within the park or project boundary.
- Priority points will be given for projects that will provide safety impact areas and barrier free access to existing playground equipment or replaces obsolete equipment with new that complies with current ADA regulations and CPSC & ASTM guidelines.

PRIORITY RATING SYSTEM

Matching Grant Program Applications

ARKANSAS DEPARTMENT OF PARKS AND TOURISM • OUTDOOR RECREATION GRANTS PROGRAM

	Points	Total
I. PROJECT DIVERSITY AND OPPORTUNITY		
1. Elements within the proposed project will significantly impact the diversity of recreational facilities/opportunities within the community; OR will expand recreational facilities/opportunities into under-served areas of the community; OR will renovate existing or replace obsolete facilities that significantly impact recreational opportunities.	3	_____
2. Elements within the proposed project provide year-around recreational opportunities. (Examples include basketball courts, trails, play equipment, pavilion and picnic facilities, etc.)	3	_____
Maximum Points Section I: 6-points		_____
II. PUBLIC INVOLVEMENT AND PLANNING		
1. Applicant has a parks department with a director; OR a parks commission; OR an advisory committee, and has documented that it meets on a regularly scheduled basis.	3	_____
2. Applicant has established a park commission or advisory committee within the past year, and has documented that it meets on a regularly scheduled basis.	1	_____
3. Applicant will use volunteers, public service organizations, or a combination to oversee local park planning, operation and maintenance, and recreation programs.	0	_____
4. Applicant has conducted the required public hearing between January 1, 2001, and June 30, 2001, and has documented they invited minorities defined as; ethnic Minorities, (African Americans, Native Americans, and Asian Americans) the elderly, and the physically challenged to participate in the planning process.	3	_____
5. Applicant has conducted the required public hearing after June 30, 2001, and before July 31, 2001, and has documented they invited minorities defined as; ethnic minorities, (African Americans, Native Americans, and Asian Americans) the elderly, and the physically challenged to participate in the planning process.	0	_____
<u>Applicants conducting the public hearing after July 31, 2001, are ineligible.</u>		

- | | | |
|--|---|-------|
| 6. Applicant has documented community out-reach prior to the public hearing with minority populations defined as including ethnic minorities (African Americans, Native Americans, and Asian Americans) the elderly, and the physically challenged in the planning process and out-reach measures including any or all of the following: special meetings in minority neighborhoods; surveys; or multiple personal contacts by public officials with local minority leaders and individuals. | 2 | _____ |
|--|---|-------|

Maximum Points Section II: 8 points -----

III. PLANNING AND DESIGN

- | | | |
|---|----|-------|
| 1. Project sponsor has included with application, a detailed budget, plans, specifications, and bid documents ready for immediate bid and construction. Applicants certifying they will use a paid professional design consultant will also receive credit. | 3 | _____ |
| 2. Project sponsor has included with application, a detailed budget and will provide plans, specifications, and bid documents immediately following grant award at the Project Management Workshop. | 1 | _____ |
| 3. Applicant has met with the ORGP staff seeking overall evaluation, comments for revisions, additions, or changes to the project site plan (minimum of 28 days prior to grant deadline). Revisions, additions, or changes to this site plan must be completed and submitted no later than October 1, 2001. | 3 | _____ |
| 4. Applicant has provided a legal boundary survey with the application. | 1 | _____ |
| 5. Site plan is 8.5" x 11", contains a north arrow, and based on an ORGP site inspection accurately locates facilities, and is drawn to scale, or if not to scale then all boundary and facility dimensions are shown on the plan | 1 | _____ |
| 6. Site plan is incomplete or inaccurately locates boundaries and facilities. | -1 | _____ |
| 7. Site plan shows all necessary details of barrier free access for project facilities, including access routes, play equipment access, walkways, bridges, ramps, lifts, and parking. | 1 | _____ |
| 8. Site plan does not show detailed barrier free access. | -1 | _____ |

Maximum Points Section III: 9 points -----

IV. MATCHING RESOURCES

- 1. Majority of the match is; a cash appropriation (application includes an approved budget), cash currently in the bank (supported by a current bank statement), land donation, force account labor, sponsor owned equipment use, or any combination of the above. 3
- 2. Remainder of #1 match is; cash, donations of materials (by letter of intent to donate with approximate cash value pre-determined) or donated equipment use (by letter of intent with approximate hourly rate pre-determined). 1
- 3. Majority of match is promises of cash, promises of volunteer labor, promises of donated equipment use, promises of donated materials, or a combination of. 0

V. PAST HISTORY OF MAINTENANCE AND COMPLIANCE OF PROGRAM REGULATIONS

- 1. At the time the ORGP staff inspected the proposed project site (or other previously funded project sites) they found significant trash or litter, grass not mowed, facilities in disrepair, other preventable conditions that may impede public use. -3
- 2. Inspection of proposed (and past or other public) project sites revealed a lack of long-term ongoing or adequate maintenance. -10

Maximum Points Section IV-V: 4 points

VI. DOES THIS PROJECT PROVIDE DEVELOPMENT OF THE FOLLOWING

- 1. Project will construct barrier free access to existing facilities within the park or project boundary. 3
- 2. Project provides safety impact areas and barrier free access to existing playground equipment or replaces obsolete equipment with new equipment that complies with current ADA regulations and CPSC & ASTM guidelines. 3

Maximum Points Section VI: 6 points

Total Points Scored: (Maximum possible: 33 points)

If the Applicant currently has an active grant project and the ORGP Director has determined the grantee is not progressing in a timely manner, the Applicant is ineligible for further funding until active projects have been completed or significant progress is made.

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STAFF REVIEW FORM

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

Eric J. Schuldt	Parks and Recreation	Urban Development
_____ Name	_____ Division	_____ Department

ACTION REQUIRED:

A resolution authorizing a contract with John Barre Landscape Construction for new playground equipment and installation of equipment at the Lake Fayetteville Softball Complex.

COST TO CITY:

<u>\$44,950</u>	<u>\$250,000</u>	<u>Lake Fayetteville</u>
Cost of this Request	Category/Project Budget	<u>Softball Complex Improvements</u>
<u>2250-9250-5806-00</u>	<u>\$4,470</u>	<u>Park Improvements</u>
Account Number	Funds Used To Date	Program Name
<u>01006</u>	<u>\$245,530</u>	<u>Parks Development</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item _____ Budget Adjustment Attached

<u>[Signature]</u>	_____
Budget Manager	Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

<u>Marsha Furling</u>	<u>5/31/01</u>	<u>Garry Smither</u>	<u>5/31/01</u>
Accounting Manager	Date	Internal Auditor	Date
<u>D.P. Whitel</u>	<u>5/31/01</u>	_____	_____
City Attorney	Date	ADA Coordinator	Date
<u>[Signature]</u>	<u>6/1/01</u>		
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Approval of Contract

Division Head	Date	Cross Reference
<u>Krug Earned</u>	<u>6-2-01</u>	New Item: <u>(Yes)</u> No
Department Director	Date	Prev Ord/Res #: _____
<u>[Signature]</u>	<u>6/4/01</u>	Orig Contract Date: _____
Administrative Services Director	Date	Orig Contract Number: _____
<u>[Signature]</u>	<u>6/4/01</u>	
Mayor	Date	

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Dan Coody and City Council

Thru: Hugh Earnest, Urban Development Director
Connie Edmonston, Parks and Recreation Superintendent *C.E.*

From: *(ESS)* Eric J. Schuldt, Parks Development Coordinator

Date: May 31, 2001

Re: Lake Fayetteville Playground

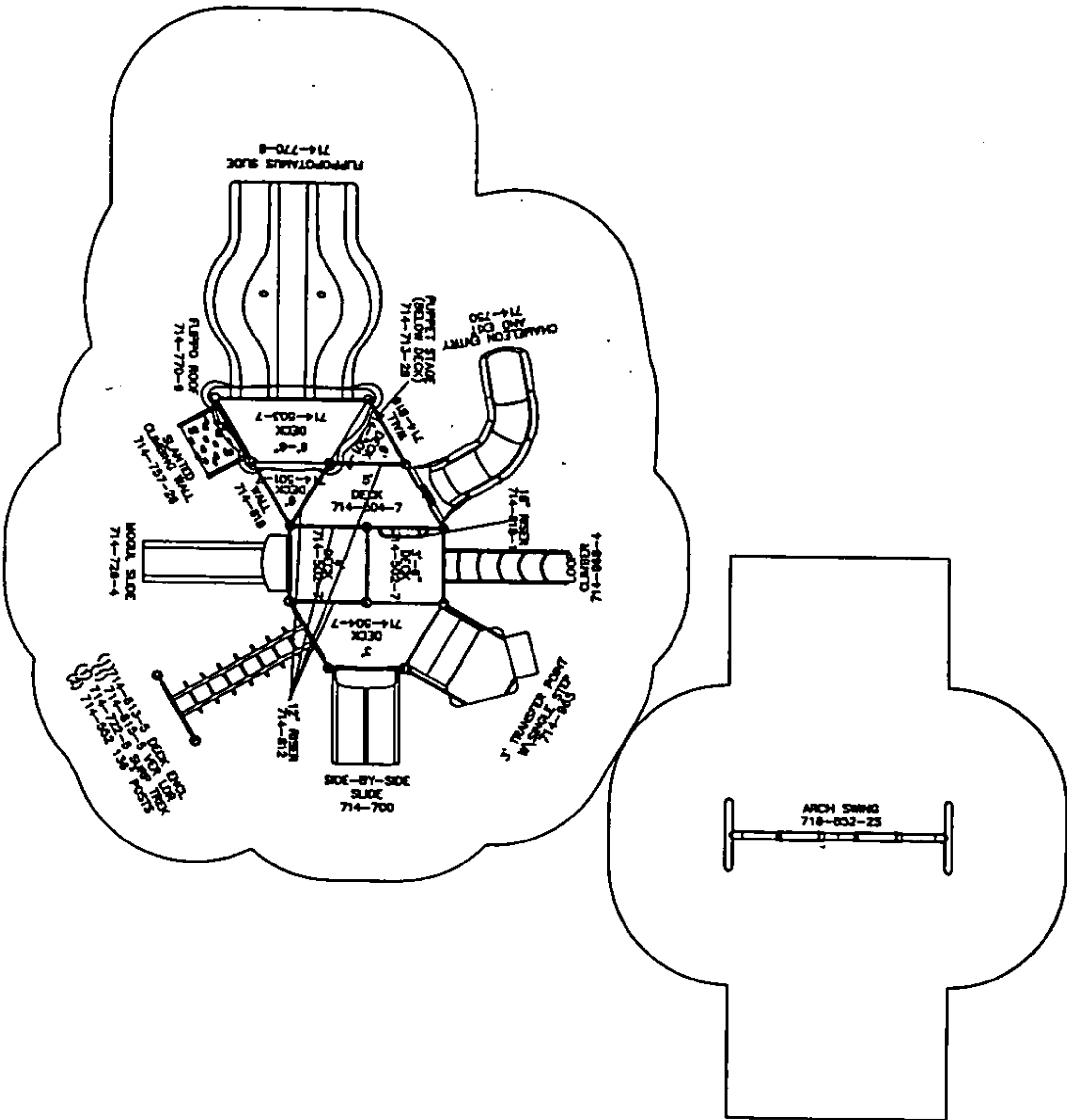
The Parks and Recreation Division and the Lake Fayetteville Playground Selection Committee requests award of RPF #01-03 for the Lake Fayetteville Softball Complex playground equipment to John Barre Landscape Construction in the amount of \$44,950.

The project was awarded according to the request for proposal procedure in which playground companies submit a design based upon specifications and a budget of \$45,000. The proposal includes all equipment, ground play surfacing and installation. Members serving on the professional services committee included Lioneld Jordan - City Council, Jan O'Connell - Citizen, Don Bunn - Engineering, Connie Edmonston - Park and Recreation, Nancy Smith - Accounting, Eric Schuldt - Parks and Recreation and Mike Stephens - Citizen. A total of five designs were submitted for the project and all were evaluated based on criteria including, aesthetics, durability, and play value. A Miracle Recreation Equipment Company playground was chosen by the committee.

We request approval of this playground equipment for the Lake Fayetteville Softball Complex. This new playground will replace old equipment which no longer meets safety standards. Attached is a layout of the proposed play apparatus. Please call Connie Edmonston at 444-3473 or Eric Schuldt at 444-3472 if you have any questions on this request.

Attachment: *Playground Layout*
Playground Design
Proposal Form

**LAKE FAYETTEVILLE
FAYETTEVILLE, AR**



THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1447.

ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS.

CD67727

GROUND: 37' X 43'
PROTECTIVE 58' X 56'

✓ COMPLIES TO CPSC

COMPLIES TO ASTM

COMPLIES TO ADA

DESIGNED FOR

5-12

**ADDITIONAL DISCLOSURE LEVEL,
ACCESSIBLE ITEMS REQUIRED
FOR ADA COMPLIANCE**

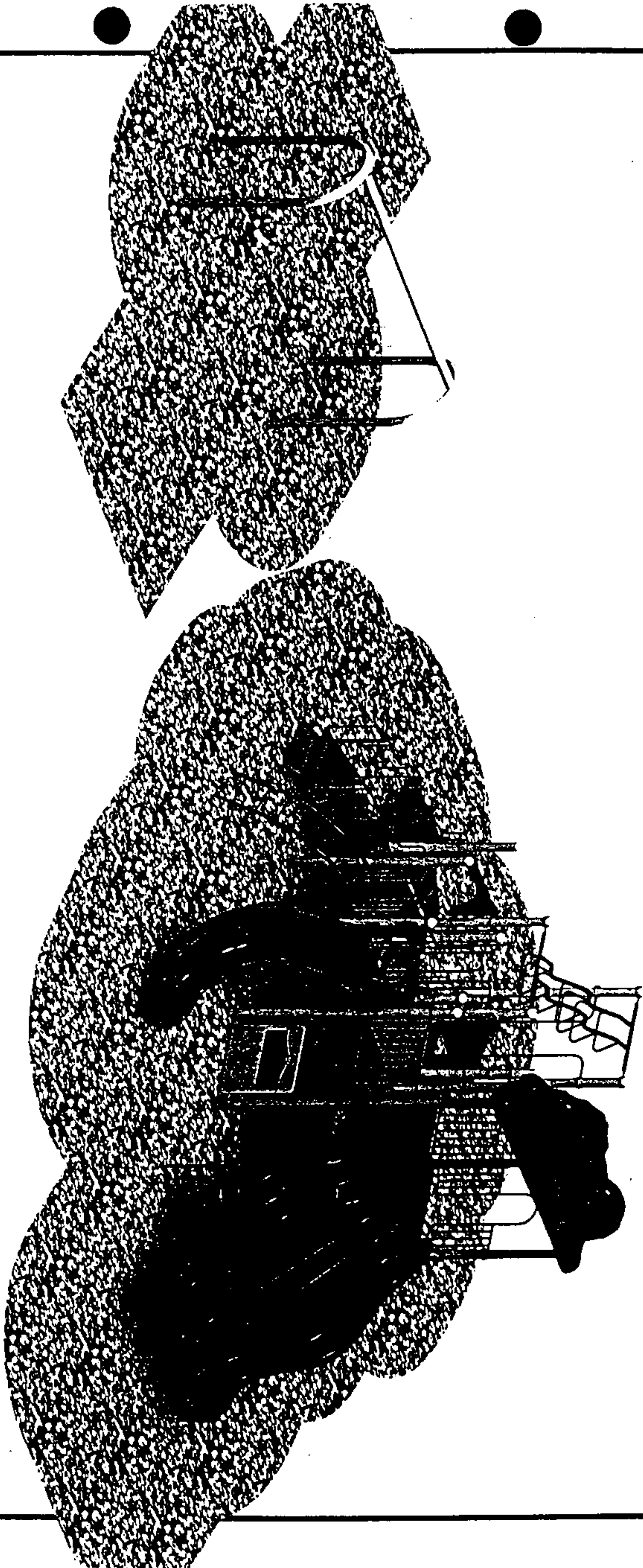
DATE:

3/26/01

SCALE:

2





MIRACLE
RECREATION EQUIPMENT COMPANY

PROPOSAL FORM

Total price for this project shall not exceed \$45,000 which includes equipment, ground preparation, installation, post construction cleanup, shipping and applicable sales tax. In addition, bid costs to include FOB to Fayetteville, AR and sales tax as regulated in Arkansas Department of Finance and Administration, GR-21 (Attached).

Total Bid

\$ 44,950.00

The Bidder understands the Owner reserves the right to reject any or all bids and to waive formalities deemed to be in the City's best interest.

Bidder agrees that this bid shall be good and may not be withdrawn for a period of thirty (30) calendar days after the schedule closing time for receiving bids.

CONTRACTORS NAME

John Barre

CONTRACTORS LICENSE #

0054620302

CONTACT PERSON

John Barre

TITLE

Owner

ADDRESS

4118 Montgomery

Little Rock, AR 72212

TELEPHONE

(501) 868-4432 FAX (501) 868-1081

PLAYGROUND VENDOR'S NAME

Miracle Recreation - Clay Carter

SIGNATURE:

John Barre

All inclusive bids must be submitted no later than May 23, 2001 at 4:00 p.m., to the City of Fayetteville, Purchasing Office, Room 306, 113 West Mountain Street, Fayetteville, Arkansas, 72701 in a sealed envelope marked "Lake Fayetteville Playground "RFP 01-03." Each bidder will be required to meet or exceed the specifications attached. Any deviation must be noted with specifications attached to bid. Questions should be directed to Eric J. Schuldts, Parks Development Coordinator, (501) 444-3472.

Price Breakdown
RFP01-03

Equipment Cost:	\$13,397.00
Equipment Installation:	\$4,050.00
Site work:	\$7,100.00
Rubber Tiles and installation:	\$18,150.00
Freight:	\$1,105.00
Tax:	\$1,148.00
 Total:	 \$44,950.00

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

Vendor

Vendor Name:

John Barre Landscape Construction

FOB Point:

Address:

4118 Montgomery

City:

State:

Zip:

Ship To Code:

Requester:

Eric J. Schuldt

*Requester's Employee#:

75

Division Head Approval:

E.J. Schuldt

Extension:

75

Item

Description:

Quantity

of issue

Unit

Cost

Extended

Account Number:

1467

472

Project/SubProject

Number:

1006-1

1006-1

Fixed

Asset #

1 Playground and installation

2 Freight

SHIPPING/HANDLING

Special Instructions:

Approvals:

Mayor:

Admin. Services Director:

(purchasing office use only)

Department Director:

Budget Coordinator:

Purchasing Manager:

Data Processing Mgr:

Subtotal:

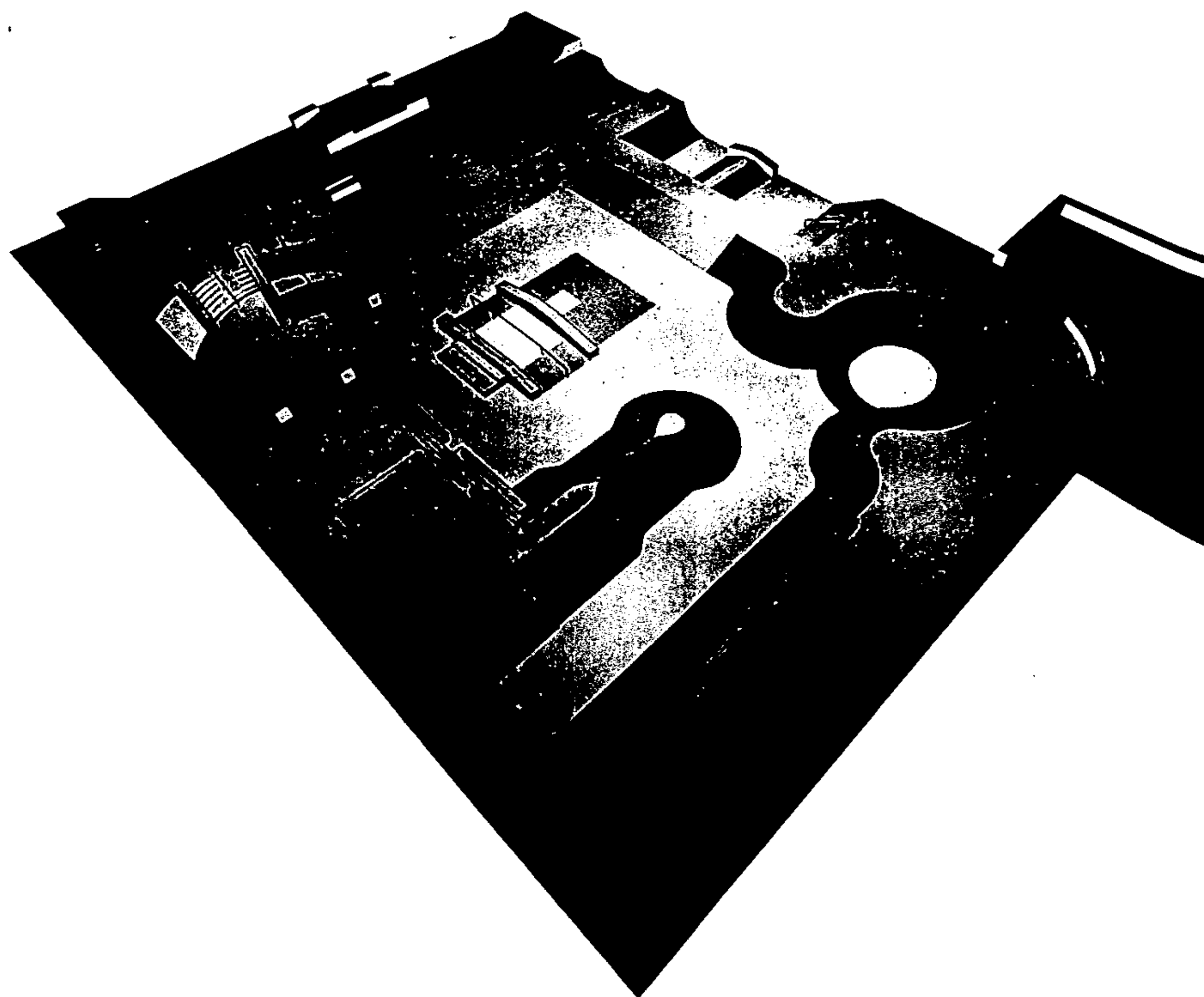
43802.00

Tax:

1,148

TOTAL:

44950.00



STAFF REVIEW FORM

Soccer Uniforms
A. 6. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

David Wright
 Name

Parks and Recreation
 Division

Urban Development
 Department

ACTION REQUIRED:

Approval of purchase of soccer uniforms for 2001/2002 soccer season.

COST TO CITY:

\$21,125

Cost of this Request

\$31,726

Category/Project Budget

Tournament Supplies/Awards

Category/Project Name

1010-5220-5200-05

Account Number

\$9,340

Funds Used To Date

Athletics/Recreation

Program Name

Project Number

\$22,386

Remaining Balance

General

Fund

BUDGET REVIEW:

☒

Budgeted Item

☐ Budget Adjustment Attached

[Signature]
 Budget Manager

 Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]
 Accounting Manager

5/30/01
 Date

[Signature]
 Internal Auditor

5/31/01
 Date

[Signature]
 City Attorney

5/31/01
 Date

 ADA Coordinator

 Date

[Signature]
 Purchasing Officer

5/31/01
 Date

STAFF RECOMMENDATION: Approval of purchase of soccer uniforms.

[Signature]
 Division Head

5-30-01
 Date

[Signature]
 Department Director

6-2-01
 Date

[Signature]
 Administrative Services Director

6/4/01
 Date

[Signature]
 Mayor

6/4/01
 Date

Cross Reference

New Item:

Yes

No

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Dan Coody and City Council

Thru: Hugh Earnest, Urban Development Director
Connie Edmonston, Parks and Recreation Superintendent *C.E.*

From: David Wright, Parks and Recreation Program Coordinator *DW*

Date: May 29, 2001

Re: Approval of purchase for Soccer Uniforms

The Parks and Recreation Division is seeking approval to purchase 1,500 soccer uniforms for the Fall/Spring Soccer Season. The total purchase will be \$21,125. This price includes shirts, shorts, socks, numbering and Parks and Recreation logo on every uniform.

The price of these soccer uniforms is covered in each participant's registration fee. For example, a child participating in the program pays between \$45 to \$75 to participate for a full year, depending on their age. The \$13.95 per participant is built into each child's fee. The soccer fees also pay for soccer equipment, soccer personnel and miscellaneous expenses required to operate the program.

In 2000, Fayetteville Parks and Recreation provided each soccer participant with a cotton T-shirt and a pair of soccer socks. It was the parent's responsibility to purchase matching team shorts. Last Fall, staff was presented with the idea to upgrade the soccer uniforms and provide each child with a matching pair of team shorts. This idea was unanimously approved by our Youth Soccer Advisory Board.

If you have any questions, please call Connie Edmonston at 444-3473, or David Wright at 444-3481.

INVITATION TO BID

BID # 01-35	DATE ISSUED: May 9, 2001	DATE AND TIME OF OPENING: May 25, 2001 at 11:30 a.m.	
BUYER: City of Fayetteville, AR		DATE REQUIRED: 30 DAYS ARO	
F. O. B. Fayetteville, AR	BUYER'S PHONE # (501) 575-8289	GUARANTEED DELIVERY DATE:	
ITEM #	DESCRIPTION	QUANTITY	UNIT PRICE
	Per Attached Specifications		
1	Soccer Uniform Shirts	1500	Youth \$ 9.23 Adult \$ 10.23
2	Soccer Uniform Shorts	1500	Youth \$ 6.90 Adult \$ 7.40
3	Soccer Socks	1500 pair	Youth \$ 2.92 Adult \$ 2.92
Please price without applicable taxes. Pricing must include delivery free on board to Fayetteville Parks and Recreation offices at 1455 Happy Hollow Road, Fayetteville, AR, 72701. Please state your delivery terms and schedule: Questions should be directed to Lindsay Waxler at 501/575-8369		21 days delivery UPS Ground 4 Day's please note included Bid Proposal for complete Uniform set	
RESTRICTIONS OR EXCEPTIONS TO THE BID MUST BE NOTED:			

Date	5-15-01	# of pages	4
From	Fayetteville	To	Score
Co.	501/575-8289	Co./Dept.	
Phone #		Phone #	
Fax #		Fax #	

EXECUTION OF BID

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

UN SIGNED BIDS WILL BE REJECTED	NAME OF FIRM:	PHONE:	FEDERAL ID#:
	SCORE American Soccer Comp.	(800) 626-7774	952984338
	BUSINESS ADDRESS:	CITY AND STATE:	ZIP:
	126 E. Anaheim Street	Wilmington, CA	90744
	AUTHORIZED SIGNATURE:	TITLE:	DATE:
	Yamone Gorgans	Sales Representative	05-17-2001



May 17TH, 2001

To City of Fayette
Purchasing Office, Room 306
113 W. Mountain St.
Fayetteville, AR 72701

Re.: Bid proposal # 01-35, Soccer Uniforms

We submit to you our following Bid proposal for Soccer Uniforms, Bid # 01-35 per requested and attached specifications.

Complete Uniforms Jerseys # 304, Shorts # 160 A and Socks # 800 including Numbering and League Logo on jerseys, shipping cost (UPS-Ground, 4 Day definite delivery).

There will be a charge of \$ 2.00 per box for individual Team boxing.

Quantity

1500

Complete Uniform

Youth \$ 13.95 ea. Adult \$ 15.45 ea.


Simone Goergens,
Sales Representative

Warranty

Soccer Uniforms
A. 6. Page 5

All American Soccer Company, Inc.* uniforms are fully guaranteed against material and manufacturing defects. We make every effort to match colors as close as possible. Sometimes in the dyeing process the shading may not be exact, therefore we cannot be responsible for mismatches.

Terms & Conditions

Conditions: All orders are subject to acceptance by American Soccer Co.* Sales and Credit Departments. All orders under \$50.00 will have a service charge of \$5.00. A deposit of 30% to 50% (depending on account status) and a written confirmation of the order by fax or mail is required.

New Accounts: Balance due C.O.D. MONEY ORDER or CASHIER'S CHECK only.

Non-Credit Accounts: Balance due C.O.D., a company, personal or cashier's check will be accepted.

Past Due Accounts: Any orders placed on a past due account will be sent out C.O.D. check/cash along with the past due balance on that account. Also the account may be changed to C.O.D. terms permanently. You will be contacted by our Credit Department. Past due accounts will be charged at the rate of 1.5% per month (18% per annum).

Returned Checks: A fee of \$10.00 is charged. If for any reason a check is not paid by your bank, your pending orders will not be shipped and thereafter your account will be treated as a new account.

Refusal of Shipment: If a shipment is refused, the customer will be charged for all freight and handling charges. A restocking charge of 10% will be applied. Any further orders will be paid only.

Prices: All prices are F.O.B. Wilmington, California. The current prices are the ones published in our most recent price list. Prices are subject to change without notice.

Returns, Damages, Exchanges and Shortages: All claims and exchanges must be made within 10 days of receipt of goods. We will not accept returns for cash. However, we will be happy to exchange your return goods or apply the credit towards a future purchase. On exchanges the customer must pay all freight charges. Garments with numbers, logos or any other modifications may not be returned. We maintain the right to inspect returned merchandise to determine whether replacement or adjustment is valid.

Be sure to inspect your merchandise. The merchandise left the factory in perfect condition. No returns will be accepted without prior authorization. Please state date of purchase, invoice number and reason. A Return Authorization Number (RAN) will be issued and must appear on all shipping labels. All returns must be shipped prepaid, no C.O.D. will be accepted. Any damaged goods may be returned, but must follow our Return Policy.

General: A complete uniform set consists of a jersey, shorts and socks. All uniforms are packaged and labeled in team sets and boxed by division. Teams can be boxed individually for an additional charge. This Complete Package is a service SCORE is known for and coaches appreciate.

As part of the Ready to Play service for our customers, SCORE uniforms may have sequential numbering from 2 to 20 (8" black or white according to our color combination chart) applied on back of jerseys at no extra cost. There is an additional charge of \$1.00 for each number over 20, colored numbers are available for uniforms which are not on special promotion. Specific numbers are \$1.00 each. Additional numbers applied to the front of jerseys or shorts are \$1.00 per item. There is an extra \$2.00 charge for long sleeves. For each additional "X" after XL there is an additional charge of \$2.00. Custom logos are available for orders over 200 uniforms, a one time setup fee will be added to your order; camera ready artwork must be supplied by mail or e-mail. (no facsimiles)

Samples: Samples of uniforms are available upon request, but are limited to stock on hand and will be billed at current individual item prices. Samples are not returnable.

Back Orders: Unless otherwise instructed, out of stock items will be automatically back ordered and shipped as soon as possible.

Discounts: Volume discounts are available. Please call our Sales Department for further information. Discounts are void on past due invoices.

The flying feet logo, PLAY ON*, SCORE* and American Soccer* are registered trademarks of American Soccer Company, Inc.*

Sizing Uniforms

Sleeve

With arms at your side, bend elbow slightly. Measure from the center of neck, (back) over the point of shoulder around elbow and down to the wrist.

Waist

Measure at the height you prefer to wear your waistband, keep the tape loose but level.

Outseam

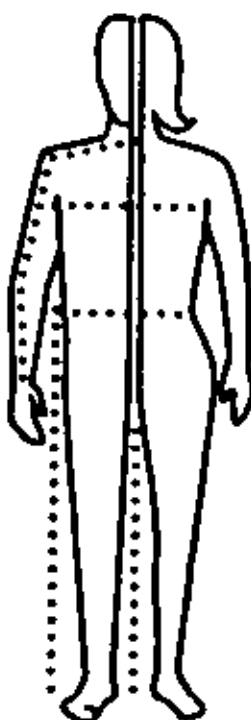
Measure from top of the waistband to the bottom of the cuff.

Chest

Measure around the widest part of the chest, just under the arms and around the shoulder blades, keep the tape firm and level.

Inseam

Measure from the crotch to the bottom of the leg. For shorts, measure from the crotch to where the shorts will end.



Sizing Uniforms (Sleeves are average length on all sizes.)

Adult Garment Sizes		AS	AM	AL	AXL
Chest		36"-38"	38"-40"	40"-42"	44"-46"
Waist		28"-30"	32"-34"	36"-38"	40"-42"
Youth Garment Sizes		YXS	YS	YM	YL
Chest		26"-28"	30"-32"	32"-34"	34"-36"
Waist		18"-20"	20"-22"	22"-24"	24"-26"

Suggested sizes by Division / Age Group

Division/Age	Uniform	Goalkeeper	Socks	Ball
Div 1/U19	9AL, 6AXL	AXL	King	#5
Div 2/U16	3AM, 8AL, 4AXL	AL	King	#5
Div 3/U14	3AS, 8AM, 4AL	AM	King	#5
Div 4/U12	3YL, 9AS, 3AM	AS	Regular	#4
Div 5/U10	3YM, 10YL, 2AS	YL	Regular	#4
Div 6/U8	5YS, 8YM, 2YL	YM	Youth	#3
Div 7/U6	12YS, 3YM	YS	Youth	#3

(YXS available for Div 7-U6)



Dear Soccer Enthusiast,

Thank you for requesting our catalogs. SCORE®, is a Factory Direct supplier, we sell directly to you, so you get the lowest possible prices, quick on-time delivery and personalized service. Our complete product line includes everything you need to be successful on the soccer field. SCORE® specializes in team packaging, which means all uniforms are packed as individually marked teams and boxed by division, complete with player number and logos. Your order is packed "Ready to Play" and ready for easy distribution.

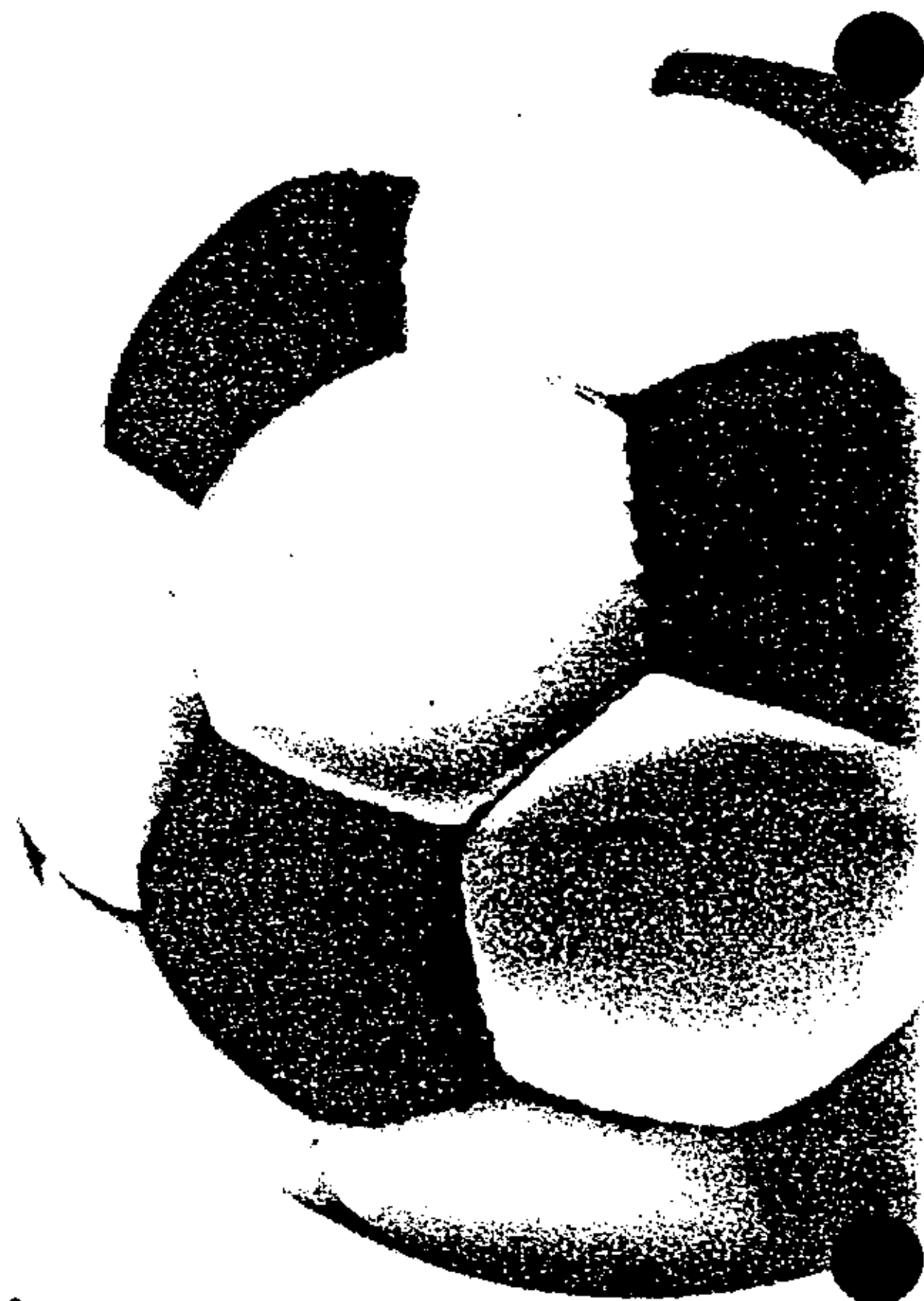
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Again, thank you for your interest.

Simon & Georges

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American Soccer Company, Inc.*

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WEB: www.scoresports.com • EMAIL: sales@scoresports.com

BID: 01-35
DATE: 5/9/01
TIME: 11:30 AM
CITY OF FAYETTEVILLE

DESCRIPTION: SOCCER UNIFORMS

BIDDER	ITEM #1 SHIRTS	ITEM #2 SHORTS	ITEM #3 SOCKS
--------	----------------	----------------	---------------

SCORE, American Soccer Company	youth	\$9.23 ea \$13,855.27 tot	\$6.90 ea \$10,362.55 tot	\$2.92 ea \$4,386.67 tot
	adult	\$10.23 ea \$15,355.27 tot	\$7.40 ea \$11,112.55 tot	\$2.92 ea \$4,386.67 tot

DTI, SOCCER COM

bld does not meet specifications

Certified by Wice
P Vice Purch Mgr

R Williams
Witness

5-25-01
Date

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

Sid Norbash Engineering Public Works
Name Division Department

ACTION REQUIRED: Double Springs Rd. Bridge Replacement Project. Approval of:
(1) 20% funding of this AHTD project in the estimated amount of \$249,119.45
(2) The related budget adjustment. (3) Project Contingency of \$37,367 (15%).

COST TO CITY:

<u>\$85,249.45</u>	<u>\$201,237</u>	<u>Double Springs Rd.</u>
Cost of this Request	Category/Project Budget	Bridge Replacement
<u>4470-9470-5817-00</u>	<u>-0-</u>	<u>Bridge and Drainage Imprvts.</u>
Account Number	Funds Used To Date	Program Name
<u>98036</u>	<u>\$201,237</u>	<u>Sales Tax</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ☒ Budgeted Item ☒ Budget Adjustment Attached

[Signature] [Signature]
Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

<u>[Signature]</u> Accounting Manager	<u>6/4/01</u> Date	_____	_____
		ADA Coordinator	Date
<u>[Signature]</u> City Attorney	<u>6/4/01</u> Date	_____	_____
		Internal Auditor	Date
<u>[Signature]</u> Purchasing Officer	<u>6/4/01</u> Date		

STAFF RECOMMENDATION: Approval of funding, budget adjustment & Contingency.

<u>[Signature]</u> Division Head	<u>06-04-01</u> Date	<u>Cross Reference</u>
<u>[Signature]</u> Department Director	<u>6-4-01</u> Date	New Item: <u>Yes</u> <u>No</u> <u>X</u>
<u>[Signature]</u> Administrative Services Director	<u>6/4/01</u> Date	Prev Ord/Res #: <u>53-01</u>
<u>[Signature]</u> Mayor	<u>6/4/01</u> Date	Orig Contract Date: <u>9-15-1992</u>
		Orig Contract#: _____

Staff Review Form

Description/ Double Springs Rd. Bridge
Project Name 20% Funding for AHTD's Project

Meeting Date 6-19-2001

Comments:

Reference Comments:

Budget Director

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Dan coody, Mayor
Don Bunn, Assistant PWD *ORB*
Jim Beavers, City Engineer *JB*

From: Sid Norbash, Staff Engineer *SN*

Date: March 27, 2001

Re: **Double Springs Rd. Bridge (AHTD Project)**
20% Cost Sharing with the Highway Department

Per attached Resolution 53-01, the above referenced project is a Highway Department Project with 80%-20% cost share with the City of Fayetteville,

This project includes a new bridge to replace the existing bridge over the Owl Creek, and some street improvements as well.

On 10-19-2000, based on interim estimates, the Highway Department estimated the City's share for 20% to be \$229,537 (see attached documents). On May 16, 2001 the Highway Department opened bids for this project, and the bid was over the Highway Department's estimate, which increases the City's share to \$277,419.45 or \$47,882 higher than the previous estimate. The City has made a deposit of \$28,300 to the Highway Department to date.

The Staff is requesting that the Council approve the following:

- (1) **funding of this project in the estimated amount of \$249,119.45**
- (2) **the related budget adjustment in the amount of \$85,249.45.**
- (3) **A project Contingency amount of \$37,367 (15%).**

Please be advised that the actual final cost to the City could vary higher or lower, depending on the actual construction costs.

SN/sn
attachments

**A RESOLUTION TO APPROVE THE 20% COST SHARING OF
THE DOUBLE SPRINGS ROAD BRIDGE OVER OWL CREEK
AND TO APPROVE A BUDGE ADJUSTMENT OF \$72,037.00**

WHEREAS, the Board of Directors of Fayetteville agreed to pay its 20% share of the cost of construction of the Double Springs Road bridge over Owl Creek and designated this as its top priority bridge project by Resolution #138-92 on September 15, 1992; and

WHEREAS, the State Highway Department is now prepared to move forward and let contracts for the bridge at an estimated cost to the City of Fayetteville of \$229,537.

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

Section 1. The City Council hereby reaffirms its agreement to pay 20% of the construction costs for the Double Springs Road bridge over Owl Creek and authorizes the Mayor to pay such cost share to the Arkansas Highway Department.

Section 2. The City Council hereby approves the Budget Adjustment in the amount of \$72,037.00 for this project. The Budget Adjustment is attached hereto as Exhibit A.



RESOLVED AND APPROVED this 12 day of April, 2001.

APPROVED:

By: Dan Coody
DAN COODY, Mayor

ATTEST:

By: Heather Woodruff
Heather Woodruff, City Clerk



RESOLUTION NO. 138-92

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF FAYETTEVILLE, ARKANSAS TO MATCH FEDERAL-AID BRIDGE REPLACEMENT AND REHABILITATION MONIES FOR THE BRIDGE ON DOUBLE SPRINGS ROAD OVER OWL CREEK.

WHEREAS, the City of Fayetteville understands Federal-Aid Bridge Replacement and Rehabilitation funds are available for replacement or rehabilitation of eligible structures; and

WHEREAS, the City has determined that the top priority bridge is on Double Springs Road over Owl Creek; and

WHEREAS, the City understands that their matching portion of this project will be 20% of the total cost, and should the escrowed City matching funds be inadequate to cover the City's obligation, the Department may cause this deficiency to be withheld from the allotment of gasoline tax returnable to the City;

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

Section 1. That the City of Fayetteville will participate in accordance with its designated responsibility in this project.

Section 2. The Mayor and City Clerk are hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this bridge improvements on city streets. A copy of the agreement is attached hereto and made a part hereof.

Section 3. The City of Fayetteville pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to construct this project.

PASSED AND APPROVED this 15th day of September, 1992.

APPROVED:

By: David A. Kirsinger
Mayor

ATTEST:

By: Sherry L. Thomas
City Clerk

Budget Year 2001	Department: Public Works Division: Engineering Program: Sales Tax Capital	Date Requested March 19, 2001	Adjustment #
---------------------	---	----------------------------------	--------------

Project or Item Requested: \$85,249 is requested in the Double Springs Road Bridge capital project.	Project or Item Deleted: \$85,249 from the Miscellaneous Drainage Improvements Project.
--	--

Justification of this Increase: The additional funding is to cover the City's 20% cost share match of the revised actual bids of the project.	Justification of this Decrease: Sufficient funding remains in project to meet objectives.
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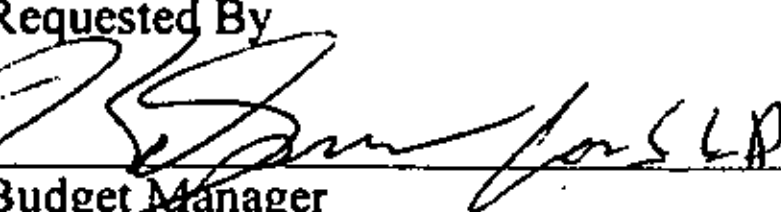
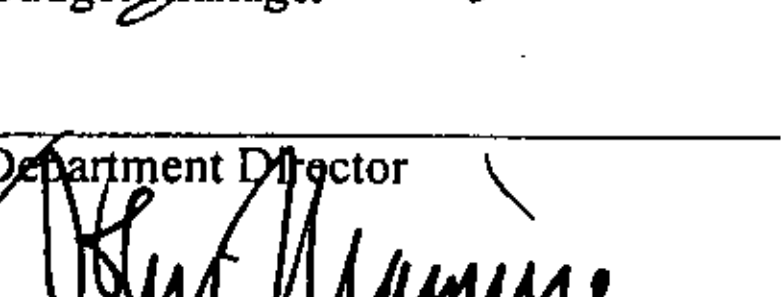
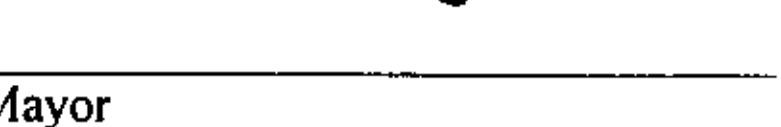
Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number				Project Number	
Bridge & Drainage Imprvs	85,249	4470	9470	5817	00	98036	20

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number				Project Number	
Bridge & Drainage Imprvs	85,249	4470	9470	5817	00	97041	40

Approval Signatures

	6-4-01
Requested By	Date
	6-4-2001
Budget Manager	Date
	6/4/01
Department Director	Date
	
Admin. Services Director	Date
	
Mayor	Date

Budget Office Use Only

Type:	A	B	C	D	E
Date of Approval					
Posted to General Ledger					
Posted to Project Accounting					
Entered in Category Log					

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

Double Spring Brdg
A. 7. Page 7
RE

MAY 29 2001

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Dan Flowers
Director
Telephone (501) 569-2000



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

May 23, 2001

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: Job 040152
F.A.P. BRN-9142(1)
Owl Creek Str. & Apprs.
(Fayetteville) (S)
Washington County

Dear Mayor Coody:

Mobley Contractors, Inc. of Morrilton, Arkansas submitted the low bid of \$1,017,174.25 for the referenced project at the Department's May 16, 2001 letting. The Arkansas State Highway Commission has tentatively accepted their proposal and will execute the contract upon receipt of the City's matching funds.

The City's estimated share of costs for this project is calculated below.

	<u>Total Cost</u>	<u>Federal Share</u>	<u>City Share</u>
Preliminary Engineering (AHTD)	\$ 116,847.06	\$ 93,478.00	\$ 23,369.06
Utilities	33,000.00	26,400.00	6,600.00
Right-of-Way	67,500.00	54,000.00	13,500.00
Construction	1,017,174.25	813,739.00	203,435.25
Construction Engineering	<u>152,576.14</u>	<u>122,061.00</u>	<u>30,515.14</u>
Totals	\$ 1,387,097.45	\$ 1,109,678.00	\$ 277,419.45
Less Deposits Received			<u>28,300.00</u>
City Share Remaining			\$ 249,119.45

The Honorable Dan Coody
May 23, 2001
Page Two

Your check for \$249,119.45 (made payable to the Arkansas State Highway and Transportation Department) should be forwarded to this office as soon as possible. **The contract will not be executed, and construction cannot begin, until your check is received.** Submittal of these funds to the Department will be considered as your concurrence in the award of this contract.

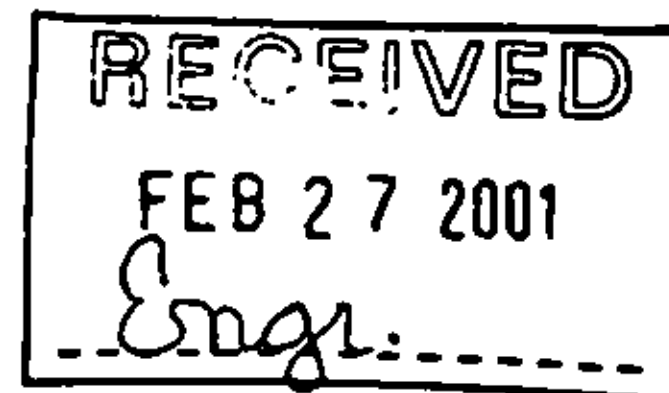
The Department will make every effort to assure the project is constructed in accordance with the plans and specifications, thereby minimizing the possibility of items being declared non-participating for federal funds. However, should any of the items be declared non-participating, the City would be responsible for 100% of their cost. Upon completion of the project, a statement will be prepared reflecting the final cost and respective matching shares. At that time, the City will be returned funds remaining over the deposit or billed for additional funds required.

We look forward to working with the City to complete the proposed improvements. Should you have any questions or comments, please advise.

Yours truly,

A handwritten signature in dark ink, appearing to read "Robert L. Walters", with a stylized, flowing script.

Robert L. Walters
Chief Engineer



Job 040152, Owl Creek Str. & Apprs. (Fayetteville) (S)

F.A.P. BRN-9142-(1)

Cost Estimate Based on Revised Interim Estimate dated 02/09/01
(Project now includes a 100' X 28' Temporary Bridge
and a 143' X 7' Retaining Wall at the City's pump station)

	<u>Total</u>	<u>Federal (80%)</u>	<u>City (20%)</u>
Actual PE charges (thru 01/06/01)	\$ 106,437	\$ 85,150	\$ 21,287
Estimated ROW	42,000	33,600	8,400
Estimated Utilities	62,000	49,600	12,400
Estimated Construction	815,000	652,000	163,000
Estimated CENG (15%)	<u>122,250</u>	<u>97,800</u>	<u>24,450</u>
	\$ 1,147,687	\$ 918,150	\$ 229,537
Less Deposits by City			<u>(28,300)</u>
Estimated Amount Due From City			<u>\$ 201,237</u>

Bridge Length: 116 ft.

Cross Section: 2 -11 ft. lanes, 8 ft. shoulders (38 ft. total width)

New bridge will be raised approximately 8' from lowest point of the existing roadway

Total length of bridge and approaches - 1,500 ft.

Jim,
Please call and let us know whether or not
to move forward with this project based on
this revised estimate.

*Thanks,
Lorie*

AHTD
Programs & Contracts
Mr. Frank Vozel
P.O. Box 2261
LR 72201-2261
TOTAL P.01

st-Box Note	7871	Date	2/27/01	# of pages	1
From	Lorie Judon				
Co.					
Phone #	569-2485				
Fax #					

STAFF REVIEW FORM

Tree Preservation
A. 8. Page 1

☐ AGENDA REQUEST
☐ CONTRACT REVIEW
☒ GRANT REVIEW

For the Fayetteville City Council meeting of: N/A

FROM:

Kim J. Hesse
 Name

Public Lands - Landscape
 Division

Urban Development
 Department

ACTION REQUIRED: Review a grant application to cover costs incurred to present two Tree Preservation During Construction" workshops.

COST TO CITY:

\$5000.00
 Cost of this request

\$140,863.00
 Category/Project Budget

Forestry Program
 Category/Project Name

4470-9470-5315-00
 Account Number

\$47,104.00
 Funds Used to Date

Other CIP
 Program Name

96084
 Project Number

\$93,759.00
 Remaining Balance

Sales Tax Capital
 Fund

BUDGET REVIEW:

☐ Budgeted Item

☐ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY Arkansas Forestry Commission

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

Grants Coordinator

Date

STAFF RECOMMENDATION:

Kim J. Hesse
 Division Head

6/8/01
 Date

Cross Reference

New Item: YES NO

Department Director

Date

Prev Ord/Res #: _____

Administrative Services Director

Date

Orig. Contract Date: _____

Mayor

Date

STAFF REVIEW FORM

Description: _____ Meeting Date: _____

Comments:

Reference Comments:

Budget Coordinator:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

Grants Coordinator

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody

FROM: Kim J. Hesse, Landscape Administrator *KJH*

DATE: June 7, 2001

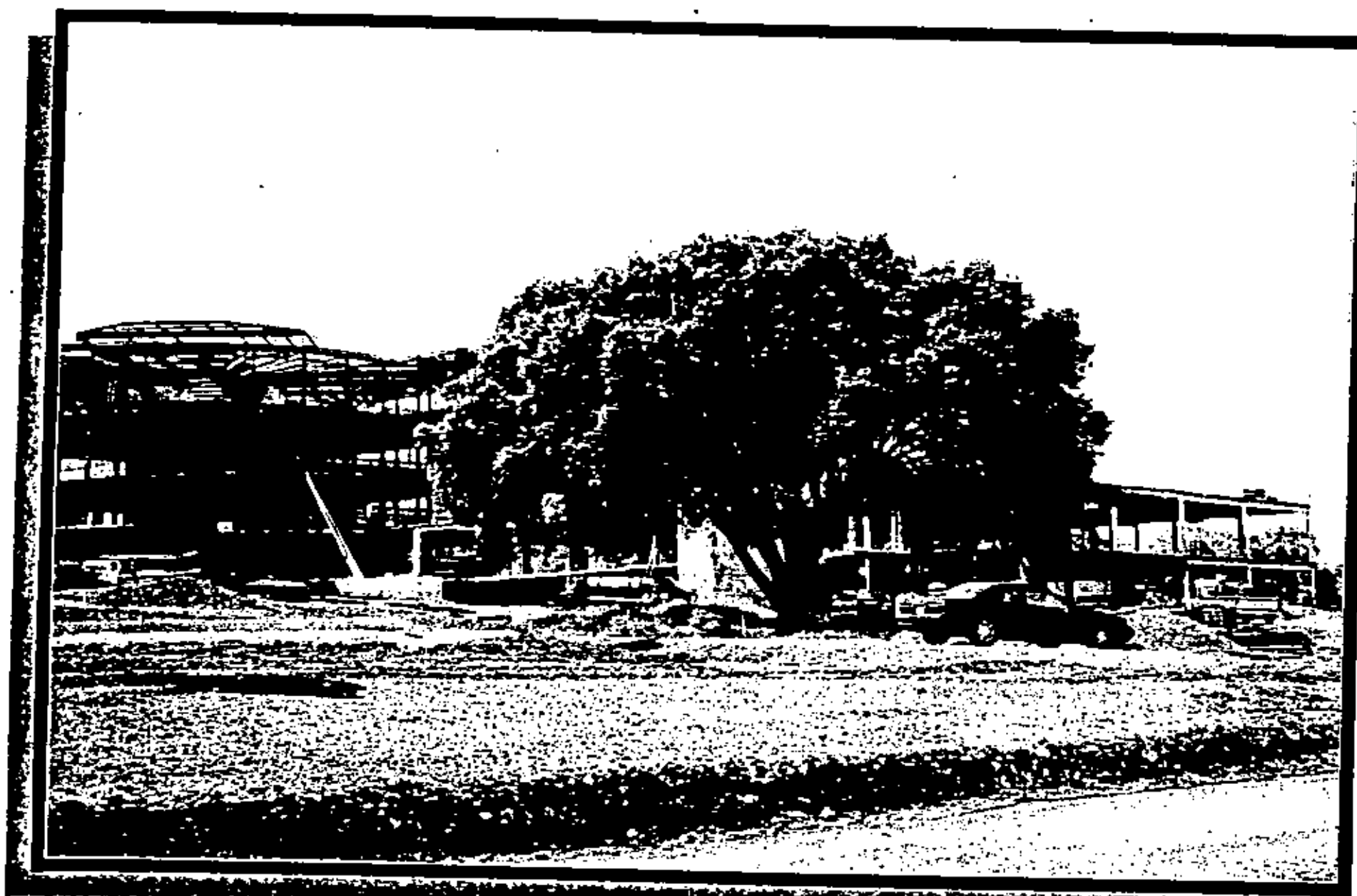
SUBJECT: Grant Review

Included is a Grant Review form and a copy of the Urban and Community Forestry Assistance Grant application that is due in Little Rock June 15th. This is a federal grant funded by the Urban and Community Forestry Assistance Program and is administered by the Arkansas Forestry Commission. This is a matching grant with a maximum award of \$10,000.00. I have prepared the grant to commission a professional that will assist me in the presentation of two "Tree Preservation During Construction" workshops. One workshop would be targeted toward builders and contractors and the other would be targeted toward engineers, architects, and developers. Both workshops would be provided by urban forestry professionals experienced in tree preservation techniques. These professionals will be asked to use local projects, utilize professionals in the area, and take advantage of current situations to aid and enhance the educational process. These two, four hour workshops will incur costs for professional fees, room rental, incidentals, and employee time.

The scope of the project is described in the application which I urge you to review. **If possible I would like to rush this through the process due to the fact that it is due in Little Rock Friday, June 15th.**

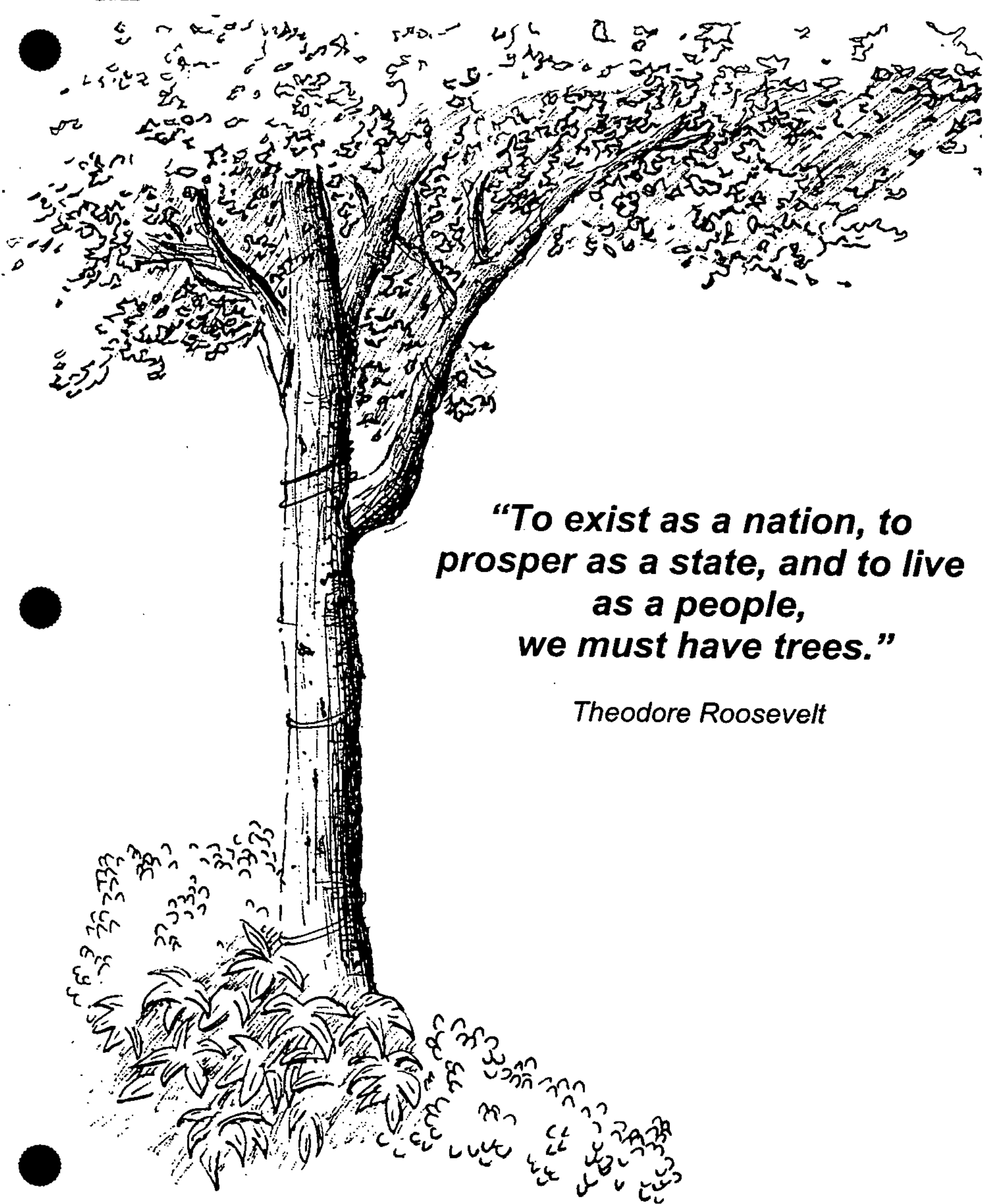
Please contact me at ext. 308 if you have questions, or need additional information.

**URBAN AND COMMUNITY FORESTRY
ASSISTANCE GRANT
APPLICATION**



for the presentation of
Tree Preservation Workshops

Submitted by:
The City of Fayetteville
June 5th, 2001



***"To exist as a nation, to
prosper as a state, and to live
as a people,
we must have trees."***

Theodore Roosevelt

June 4, 2001

Doug Akin, Urban Forester
Arkansas Forestry Commission
3821 W. Roosevelt Road
Little Rock, Arkansas 72204-6396

RE: Urban and Community Forestry Assistance Grant

Dear Mr. Akin:

Thank you for this opportunity to apply for the Urban and Community Forestry Assistance Grant. Since 1993, the City of Fayetteville has shown concern for the state of the existing urban forest through the existence of the Tree Preservation and Protection Ordinance. This year a diverse group of citizens are revising the Tree Preservation Ordinance to improve on it's clarity and credibility.

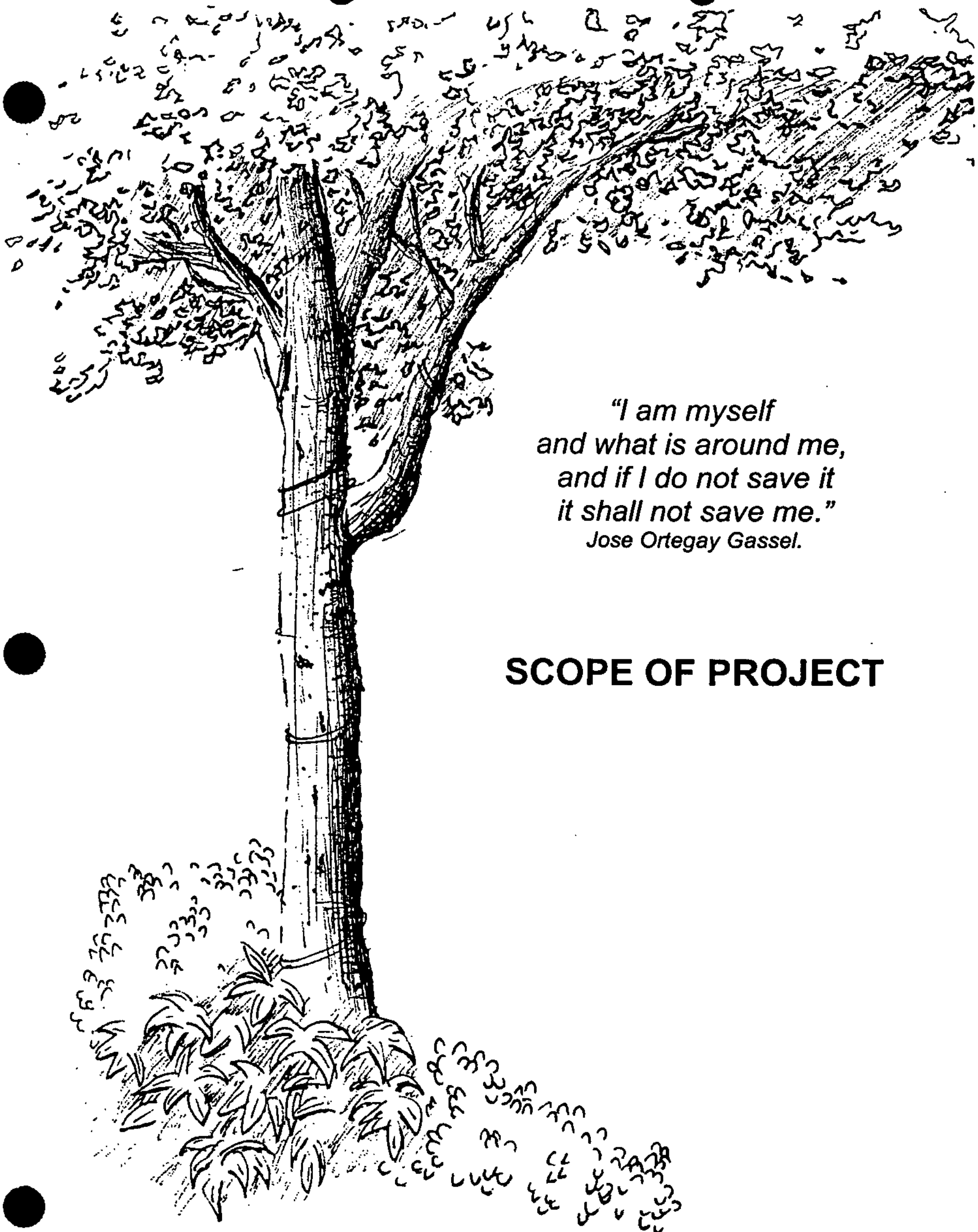
Although the current and the revised versions of the ordinance require specific methods of protection for trees during construction; implementation of tree protection is difficult among a vast group of developers, designers and contractors. Specific knowledge of tree physiology is crucial for both those designing and building infrastructure, buildings, and amenities on developments. Innovative design and construction methods are often needed as developments are designed, reviewed by the city, and built for occupancy. As the administrator and inspector of this ordinance, I see the real need for continuing the education process in relation to preserving natural resources while developing for commercial, industrial, and residential growth.

This grant is to request assistance to provide two workshops on preserving trees during construction. One workshop would be targeted toward builders and contractors and the other would be targeted toward engineers, architects, and developers. Both workshops would be provided by urban forestry professionals experienced in tree preservation techniques. These professionals will be asked to use local projects, utilize professionals in the area, and take advantage of current situations to aid and enhance the educational process. These two, four hour workshops will incur costs for professional fees, room rental, incidentals, and employee time.

Any questions may be directed to the Tree and Landscape Division of the City of Fayetteville at 501-575-8308.

Sincerely,

Kim J. Hesse, RLA
Landscape Administrator



*"I am myself
and what is around me,
and if I do not save it
it shall not save me."
Jose Ortegay Gassel.*

SCOPE OF PROJECT

Scope of Project

The preservation of trees and other natural resources has become one of the hottest local planning and environmental issues. Within our own state of Arkansas we are seeing more communities incorporating tree preservation ordinances into the development process. Whether tree preservation initiatives come from the government, the developer, or from the community, the motivation for retaining trees is varied and encompasses economic, environmental, and social considerations. By their very nature, trees provide benefits and add value to developments. The ability of trees to improve and maintain the quality of water, soil, and air, and to remove pollutants from the air is well known. Trees also provide shade and help lower temperatures during hot weather. Trees enrich people's lives and beautify landscapes. Preserving trees has positive effects on the image and attractiveness of the entire community.

Although the concept of tree preservation sounds simple, anyone involved in the process knows that combining tree preservation with the installation of roads, utilities, and buildings is complicated. Designing for tree preservation means that trees are considered an integral feature of the project from the first stage of planning. The tree's physiology must be understood, concessions must be made during site design, and innovative construction techniques must be considered. From the beginning of the process to the end, tree preservation must be taken seriously.

As the administrator and inspector for the city's tree preservation and protection ordinance, I see first hand that organization, planning, and communication are key. Many different designers and contractors are involved in the development of land and each must be aware of the preservation goals of the project. Knowing which trees to preserve and interpreting the construction plans and details for tree preservation is only a part of the process. Each professional, laborer, and inspector should have knowledge of how construction will effect a specific tree in order for preservation to be successful. As problems arise and adjustments are made in the field the aspects of tree preservation might be overlooked unless those involved in the decisions are aware of the construction and environmental impact to the trees.

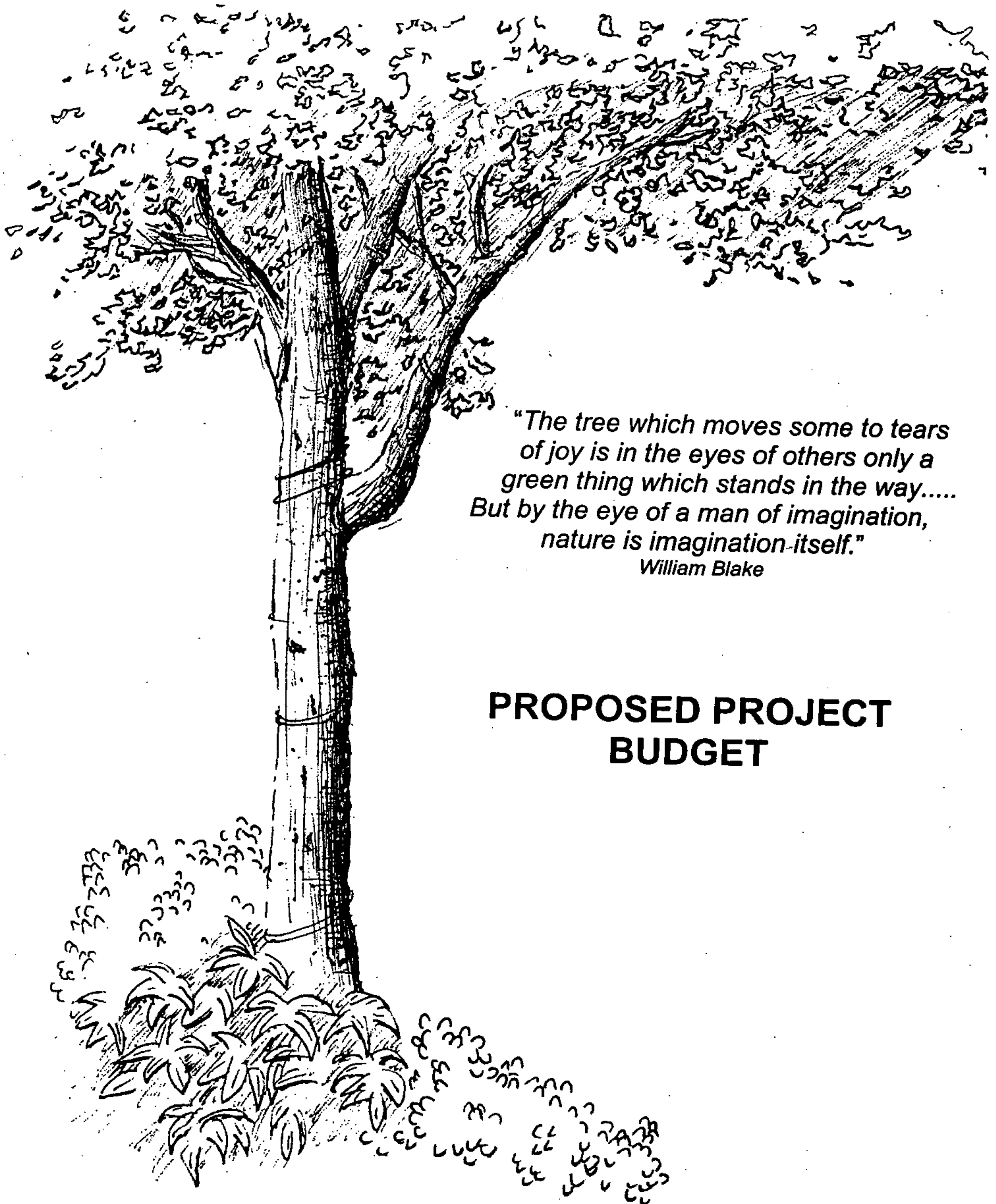
The City of Fayetteville has been on the forefront for developing and implementing tree preservation ordinances within the state. With the diverse social makeup of the community, preservation of the environment is always a concern. As the city encompasses revisions to our Tree Protection and Preservation Ordinance, knowledge of the ordinances specific requirements and general acceptance of tree preservation is the biggest hurdle in the planning process. Once a development is reviewed and accepted by the city, knowledge of how to protect trees during construction is the second hurdle. We lose as many or more trees from poor construction practices as we do from poor planning and design. It is a major goal of the city to educate the players of the development process how to be successful preserving trees. Thus a tree preservation workshop presented by the city is a major step in the right direction.

Our plan is to tailor the workshops to issues and construction constraints common to Northwest Arkansas. By incorporating local projects, utilizing professionals in the area and taking advantage of current situations, participants will be more likely to take stock in what is presented. Two workshops would be provided; one workshop targeted towards the planning and design process with engineers, architects, landscape architects, and developers as the main participants, and one workshop targeted toward constructing around trees with builders and contractors as the participants.

Although the primary focus of the workshops will be to inform local developers, design professionals, builders, and site contractors on tree preservation, key staff within the city's Public Works Division will be encouraged to attend. Public Works crews will also have the opportunity to view necessary portions of the workshop since the city will have the sessions recorded on video tape. With the city's Community Access Channel opportunities, these workshops will be suggested for general viewing on the Fayetteville government channel providing a conduit for tree preservation information to reach the general public. And based on space and cost limitations, city officials from other communities around Northwest Arkansas would be invited to attend. The workshops would be free of charge to the participants and would be scheduled in the winter months which will result in a better attendance by the development community.

I believe the Arkansas Urban Forestry Council and the Arkansas Forestry Commission will find this grant request meets many of the program objectives listed in the application. Please review the enclosed application favorably and feel free to contact me if additional information needed.

Project manager Kim J. Hesse, RLA
 Landscape Administrator
 501-575-8308

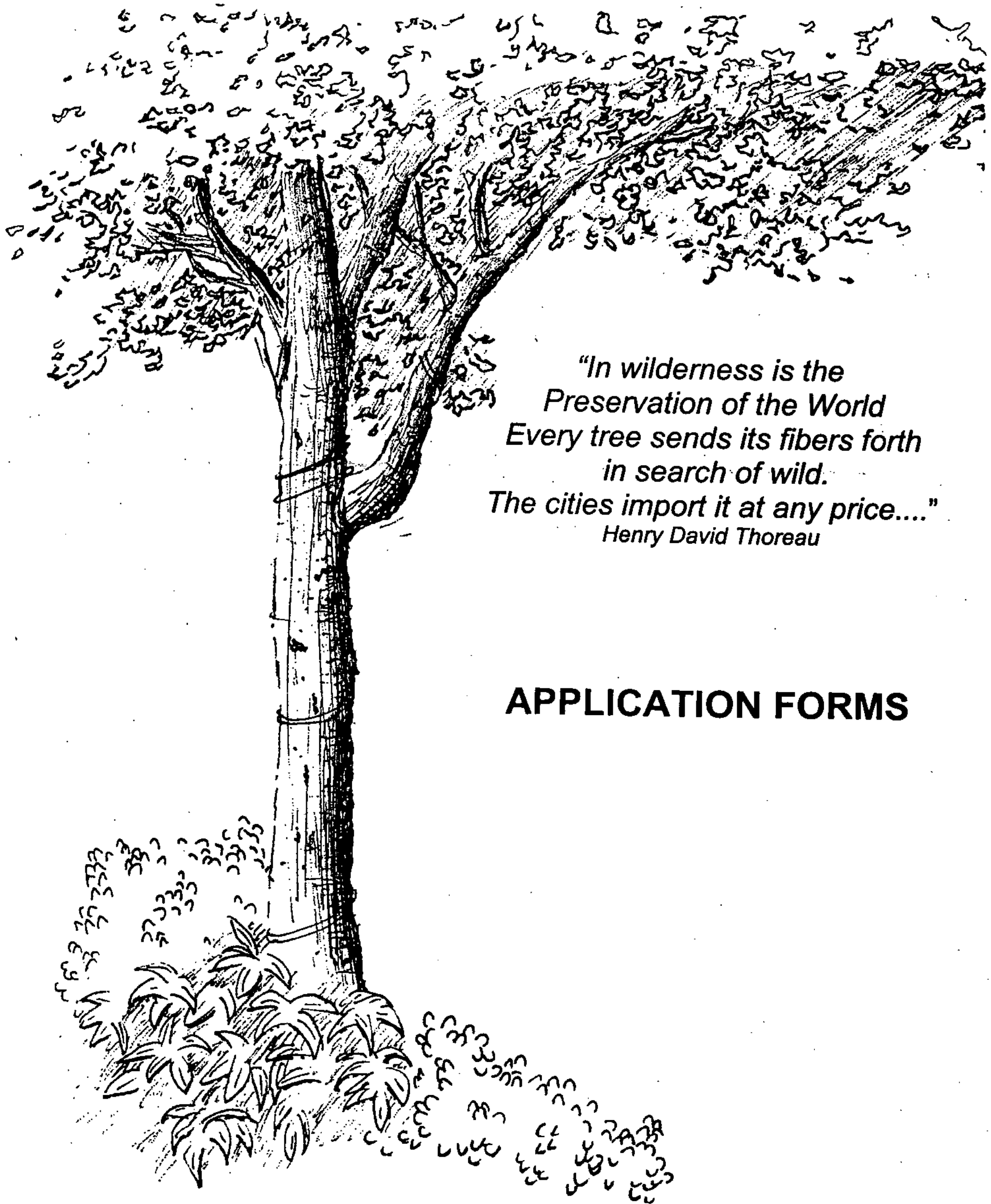


*"The tree which moves some to tears
of joy is in the eyes of others only a
green thing which stands in the way.....
But by the eye of a man of imagination,
nature is imagination-itself."
William Blake*

PROPOSED PROJECT BUDGET

Urban and Community Forestry Assistance Grant
Proposal Budget
By: The City of Fayetteville

	Requested	In-Kind	Total
Personnel			
Professional Services	4,000.00	4,000.00	8,000.00
Urban Forester			
Salaries and Wages			
Landscape Administrator		500.00	500.00
17.00/hr @ 28hours			
City Staff		100.00	100.00
9.00/hr @ 8.00 hrs			
Workshop Incidentals -	1,000.00	400.00	1,400.00
Room Rental			
Snacks and Refreshments			
Copies and booklets			
Equipment			
Total Expenditures	5,000.00	5,000.00	10,000.00



*"In wilderness is the
Preservation of the World
Every tree sends its fibers forth
in search of wild.
The cities import it at any price...."
Henry David Thoreau*

APPLICATION FORMS

APPLICATION FORM

ARKANSAS FORESTRY COMMISSION U&CFP GRANT

URBAN & COMMUNITY FORESTRY ASSISTANCE

Applicant: City of Fayetteville

Address: 113 W. Mountain Street

Fayetteville, Ar. 72701

Contact person(s): Kim J. Hesse

Phone number(s): (501) 575-8308

Federal Employer ID No. (FEIN): 71-6018462

Brief description of project: To provide two tree preservation seminars targeted toward construction and design professionals. The two seminars; one for builders and contractors and one for engineers, architects, and developers will support aspects of the city's revised tree preservation ordinance.

Project timetable: Start September 2001

End April 2002

Projected total expenditures: \$ 10,000

Federal Cost-Share requested: \$ 5,000

Non-federal share:..... \$ 5,000

*Any printed material will contain a statement to the effect that funding was made possible by a grant from the USFS and the AFC. Printed material must also contain a non-discrimination statement. A sign may be placed near grant projects for a period of 6 months.

(Signature of Authorized Contact Person)

(Date)

GOVERNOR'S BRIEFING FORM

STATE AGENCY: Arkansas Forestry Commission

Contact: Patti Erwin Phone: (501) 442-8627

APPLICANT: City of Fayetteville

Mayor: Dan Coody City/County: Fayetteville / Washington

County Judge: Jerry Hunton

Aldermen:

Elected Officials: Robert Reynolds

Other Officials: Randy Zurcher

Cyrus Young

Bob Davis

Trent Trumbo

Lioneld Jordan

Kevin Santos

Kit Williams - City Attorney

Brenda Thiel

Heather Woodruff - City Clerk

Population (City): 58,047 Population (County): _____

If not government agency identify members and/or agents of organization: _____

Legislators (State Senator and Representatives): State Senator - David Malone

State Representative - Jan Judy

Control Number: (assigned by the AFC) _____

Project Type: (assigned by the AFC) _____

Scope of Project: (i.e. population served, purpose, economic impact, etc.) The citizens of Fayetteville, population 58,047, have voiced their support for the preservation of natural resources through the enactment of the Tree Protection and Preservation Ordinance and through open forum at city council and planning commission meetings. To reinforce the desire of the community to preserve trees in our growing city, continuing education on preservation during the planning, design, and construction process of development is crucial. This grant would assist in the costs incurred to provide two "Tree Preservation During Construction" seminars. One seminar would be targeted toward design professionals and one toward builders. Urban Forestry professionals would be contacted to present the seminar in conjunction with the city.

Estimated Total: \$10,000

Local Funds: \$ 5,000

Federal Funds: \$ 5,000

Project Timetable (dates):

Start of project: August 2001

Advertisement for bids: September 2001

Project completed: April 2002

Number of jobs created or retained: N/A

Other: _____

APPLICATION FOR
FEDERAL ASSISTANCE

2. DATE SUBMITTED

6-14-01

Applicant Identifier.....

City of Fayetteville

3. DATE RECEIVED BY STATE

State Application Identifier

4. DATE RECEIVED BY FEDERAL AGENCY

Arkansas Forestry Comm.

Federal Identifier

TYPE OF SUBMISSION:

☒ Application

Preapplication

☐ Construction☐ Construction☐ Non-Construction☐ Non-Construction

APPLICANT INFORMATION

Legal Name:

City of Fayetteville

Organizational Unit:

Municipality

Address (give city, county, state, and zip code)

113 W. Mountain Street
Fayetteville, Arkansas 72701

County - Washington

Name and telephone number of the person to be contacted on
matters involving this application (give area code)Kim J. Hesse
(501) 575-8308

EMPLOYER IDENTIFICATION NUMBER (EIN):

7 1 --- 6 0 1 8 4 6 2

TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ RevisionIf Revision, enter appropriate letter(s) in box(es): ☐ ☐A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

7. TYPE OF APPLICANT: (enter appropriate letter in box)

☒ C

A. State

H. Independent School Dist.

B. County

I. State Controlled Inst. of Higher Learning

C. Municipal

J. Private University

D. Township

K. Indian Tribe

E. Interstate

L. Individual

F. Intermunicipal

M. Profit Organization

G. Special District

N. Other (Specify):

9. NAME OF FEDERAL AGENCY:

U.S. FOREST SERVICE

10. CATALOG OF FEDERAL
DOMESTIC ASSISTANCE NO.

1 0 6 6 4

TITLE:

COOPERATIVE FORESTRY

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.)

Fayetteville City Limits

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

Tree Preservation Workshops

13. PROPOSED PROJECT:

14. CONGRESSIONAL DISTRICTS OF:

Start Date

Ending Date

a. Applicant

b. Project:

9-01

4-02

Third Congressional District

Same

15. ESTIMATED FUNDING:

Federal	\$ 10,000	.00
Applicant	\$ 10,000	.00
State	\$	.00
Local	\$	.00
Other	\$	.00
Program Income	\$	.00
TOTAL	\$ 20,000	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE

STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE

b. NO.

☐

PROGRAM IS NOT COVERED BY E.O. 12372

☐

OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes

If

explanation

"Yes,"

attached

an

☒ No18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY
AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

Type Name of Authorized Representative

b. Title

c. Telephone Number

Signature of Authorized Representative

e. Date Signed

BUDGET INFORMATION -- Non-Construction Programs

Tree Preservation
A. 8. Page 16

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. II & CF	10-664	\$	\$	\$ 10,000	\$ 10,000	\$ 20,000
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

SECTION B - BUDGET CATEGORIES						
Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY					Total (5)
	(1)	(2)	(3)	(4)	(5)	
a. Personnel	\$	\$	\$	\$	\$	600
b. Fringe Benefits						
c. Travel						
d. Equipment						
e. Supplies				300		300
f. Contractual			1000	100		1100
g. Construction			4000	4000		8000
h. Other						
i. Total Direct Charges (sum of 6a-6h)						
j. Indirect Charges				5000		5000
k. TOTALS (sum of 6i and 6j)	\$	\$	\$ 5000	\$ 5000	\$	10,000
7. Program Income	\$	\$	\$	\$	\$	0

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Standard Form 424A (7-97)
Prescribed by OMB Circular A-102

Tree Preservation
A. 8. Page 17

SECTION C - NON-FEDERAL RESOURCES

	(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8	Urban & Community Forestry Assistance	\$ 5,000	\$	\$	\$ 5,000
9					
10					
11					
12	TOTALS (sum of lines 8 - 11)	\$ 5,000	\$	\$	\$ 5,000

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13	Federal	\$	\$	\$	\$
14	Non-Federal				
15	TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

	(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
		(b) First	(c) Second	(d) Third	(e) Fourth
16		\$	\$	\$	\$
17					
18					
19					
20	TOTALS (sum of lines 16 - 19)	\$	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

U.S. DEPARTMENT OF AGRICULTURE

Certification Regarding Debarment, Suspension, and Other
Responsibility Matters - Primary Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989, Federal Register (pages 4722-4733). Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the proposed covered transaction.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON NEXT PAGE)

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
 - (d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or Local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

City of Fayetteville

Organization Name

PR/Award Number of Project Name

Dan Coody, Mayor

Name and Title of Authorized Representative

Signature

Date

ASSURANCES -- NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;

(e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290-dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 961-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Health Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Tree Preservation

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e, with flood insurance purchase

Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition of \$10,000 or more.

Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TITLE

Mayor

APPLICANT ORGANIZATION

DATE SUBMITTED

City of Fayetteville

OMB APPROVAL NO. 0991 - 0002

U.S. DEPARTMENT OF AGRICULTURE

**CERTIFICATION REGARDING
DRUG-FREE WORKPLACE REQUIREMENTS (GRANTS)
ALTERNATIVE I - FOR GRANTEEES OTHER THAN INDIVIDUALS**

This certification is required by the regulations implementing Sections 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L 100 - 690, Title V, Subtitle D; 41 U.S.C. 701 et seq.), 7 CFR Part 3017.60D, Purpose. The regulations were published as Part II of the January 31, 1989 Federal Register (pages 4947 - 4952). Copies of the regulations may be obtained by contracting the Department of Agriculture agency offering the grant.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON SECOND PAGE)

Alternative 1

(A) The grantee certifies that it will provide a drug-free workplace by:

- (a) Publishing statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about--
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employees assistance programs; and
 - (4) The penalties that maybe imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statue conviction for a violation occurring in the workplace no later than five days after such conviction;
- (e) Notifying the agency within ten days after receiving notices under subparagraph (d) (2), from an employee or otherwise receiving actual notice of such convictions.

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2) from employee or otherwise receiving actual notice of such convictions;

(1) Taking appropriate personnel action against such as employee, up to and including termination; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, local health law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(B) The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with specific grant.

Place of Performance (Street address, City, County, State, Zip Code)

City Hall, 113 W. Mountain Street, Fayetteville, Ar. 72701

Town Center, 15 W. Mountain Street, Fayetteville, Ar. 72701

City of Fayetteville

Organization Name

PR/Award Number or Project Name

Dan Coody, Mayor

Name and Title of Authorized Representative

Signature

Date

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this form, the grantee is providing the certification set out on pages 1 and 2.
2. The certification set out on pages 1 and 2 is a material representation of fact upon which reliance was placed when the agency determined to award the grant. If it is later determined that the grantee knowingly redereed a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

RECEI

JUN 12 2001

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

STAFF REVIEW FORM

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Council meeting of June 19, 2001

FROM:

Gary Dumas Solid Waste Utility Services
Name Division Department

ACTION REQUESTED: Approval of bid #01-34 to the lowest bidder, Phoenix Recycling, for the purchase of plastic garbage bags to be used in the 2001 volume based program in the amount of \$59,000.

COST TO CITY:

<u>\$59,000</u> Cost of this request	<u>\$166,000</u> Category/Project Budget	<u>Sanitation Supplies</u> Category/Project NAME
<u>5500-5020-5225.00</u> Account Number	<u>0</u> Funds Used to Date	<u>Residential Collections</u> Program Name
<u>Project Number</u>	<u>\$166,000</u> Remaining balance	<u>Solid Waste</u> Fund

BUDGET REVIEW:

X Budgeted Item _____ Budget Adjustment Attached
[Signature] _____
Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

<u>Marsha Futhing</u> Accounting Manager	<u>6/10/01</u> Date	GRANT AGENCY: _____
<u>[Signature]</u> City Attorney	<u>6/11/01</u> Date	
<u>[Signature]</u> Purchasing Officer	<u>6/11/01</u> Date	
	<u>[Signature]</u> ADA Coordinator	<u>6/8/01</u> Date
	<u>[Signature]</u> Internal Auditor	<u>6/8/01</u> Date

STAFF RECOMMENDATION:

<u>[Signature]</u> Division Head	<u>6-7-01</u> Date	<u>Cross Reference</u>
<u>[Signature]</u> Department Director	<u>6/11/01</u> Date	New Item: Yes No
<u>[Signature]</u> Admin. Services Director	<u>6/11/01</u> Date	Prev Ord/Res #: _____
<u>[Signature]</u> Mayor	<u>6/11/01</u> Date	Orig Contract Date: _____

Description _____ Meeting Date _____

ments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

Internal Auditor

ADA Coordinator

Grants Coordinator

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THRU: Dan Coody, Mayor

FROM: Gary Dumas, Utility Services Director

DATE: June 7, 2001

SUBJECT: Approval of Bid #01-34 for Plastic Garbage Bags

Staff requests the approval of bid #01-34 to the lowest qualified bidder, Phoenix Recycling, in the amount of \$59,000 for the purchase of plastic garbage bags to be used in the 2001 volume based program. Staff received two bids.

The garbage bag supply from our previous bid #00-59 in the amount of \$222,550 which was awarded in August 2000 has been depleted. We anticipate that the approval of bid #01-34 for 10,000 rolls of 33 gallon plastic garbage bags will sustain our supply until the end of year 2001. Staff will be making a decision on alternative containers for year 2002.

Staff requests approval of bid #01-34. Purchase of these garbage bags are necessary to continue our volume based program. If you should have any questions prior to this meeting, please contact me at 575-8330 at your convenience.

1994

CITY OF FAYETTEVILLE

113 West Mountain Street
Fayetteville, Arkansas 72701

Solid Waste Division
(501) 444-3498

BID #: 01-34

DATE ISSUED: May 9, 2001

DATE & TIME OF OPENING: May 25, 2001 - 2:30 P.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306, (501) 575-8289

DELIVERY DATE: ASAP

F.O.B.: Fayetteville, Arkansas

ITEM	DESCRIPTION	BAGS PER ROLL	ROLLS	UNIT PRICE	TOTAL PRICE
1.	Plastic Garbage Bags, 33 gal.	45	10,000	\$ 5.90	\$59,000.00
2.	Plastic Recycling Bags, 20 gal.	26	5,000	\$1.30	\$ 6,500.00
	Tax				\$ 00.00
	Total Bid Price:				\$65,500.00

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: Phoenix Recycling

*BUSINESS ADDRESS: 35 Capers Way

*CITY: Pawleys Island

*STATE: SC

*ZIP: 29585

*PHONE: (843) 237-1711

*FAX: (843) 237-8724

*AUTHORIZED SIGNATURE:



*TITLE: Vice President

*FEDERAL TAX IDENTIFICATION NUMBER: 570936996

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

BIDDERS

ITEM #	DESCRIPTION	Rolls	PHOENIX RECYCLING	DYNAPAK CORP
1	Plastic Garbage Bags, 33 gal 45/roll	10,000	\$5.90 unit \$59,000.00 tot	\$6.11 unit \$61,100.00 tot
2	Plastic Recycling Bags, 20 gal 26/roll	5,000	\$1.30 unit \$6,500.00 tot	\$1.24 unit \$6,200.00 tot

Certified by *F. Williams* P Vice Purch Mgr

R. Williams *5/25/01*
 Witness DATE

GENERAL SPECIFICATIONS

PLASTIC GARBAGE BAGS FOR VOLUMETRIC WASTE COLLECTION

General specification requirements are as follows for PLASTIC GARBAGE BAGS FOR VOLUMETRIC WASTE COLLECTION. These are MINIMUM SPECIFICATIONS ONLY and are not limited or restricted to the following.

ALL UPGRADE OR DOWNGRADE VARIATIONS/DEVIATIONS/SUBSTITUTIONS MUST BE CLEARLY ANNOTATED. IN THE ABSENCE OF SUCH STATEMENTS, THE BID SHALL BE ACCEPTED AS IN STRICT COMPLIANCE WITH ALL TERMS, CONDITIONS, AND SPECIFICATIONS AND THE SUPPLIER SHALL BE HELD LIABLE.

Alternates will be considered provided each Supplier clearly states on the face of his proposal exactly what he proposes to furnish and forwards necessary descriptive material which will clearly indicate the character of the article covered by his/her bid. All bids are subject to Staff analysis.

All Units Bid shall show deviations to line item specifications on the "Minimum Specification" attached with referral to each item. Utilizing a copy of these specifications with variations "highlighted" and specifics noted is suggested.

Fifteen (15) examples of your plastic garbage bag with examples of graphics and text shall accompany all bids.

The City of Fayetteville reserves the right to accept the best bid for the City, and is not required to accept the lowest priced bid. The City also reserves the right to reject any or all bids and will be the sole judge of what comprises the best and most advantageous unit to meet the needs of the City.

1. **GENERAL:** It is the intent and purpose of these specifications to secure for the purchaser the necessary products which will be capable of performing in a safe, practical and efficient manner consistent with accepted commercial standards.
2. **MATERIALS AND WORKMANSHIP:** All products, materials, and workmanship shall be of the highest grade in accordance with modern practices.

MINIMUM SPECIFICATIONS

PLASTIC GARBAGE BAGS

1. **SCOPE:**

- a. The scope of this section is to list the minimum acceptable features and performance specifications for plastic garbage bags for volumetric waste collection. Bidders are to have thoroughly read and understood these specifications prior to bid submission. Bidder certification of its bid document signifies that bidder meets or exceeds all specifications. If the product being bid does not meet all specifications, the bidder must submit with bid, a separate page with a complete explanation of each variance. If not identified on such list, then that bid will be disqualified.

2. **GENERAL:**

- a. **Estimated Quantity:** 33 Gallon Garbage Bags - 450,000. Delivery to be made in full truck loads with a release schedule to be supplied by the City.
- b. **Delivery:** The shipment must occur within six (6) weeks of the official notification of the Bid Award.
- c. **Substance:** Bags are to be constructed of 75% prime, virgin linear low blend resin and 25% recycled content.
- d. **Film Thickness:** The gauge of the film used to fabricate plastic bags shall be a minimum of 1.2 mils in thickness.
- e. **Film Strength:** The film shall meet the strength to failure specification of film, folds, and seals specified in testing (h) below.
- f. **Bag Dimension:** The bag must measure 33" in width and 38" in height.
- g. **Bag Weight:** The weight of 1,000 bags shall not be less than 98 pounds.
- h. **Testing:** We reserve the right to weigh and in other ways test random samples of any shipments received, and will refuse the entire shipment if the bags do not meet these minimal specifications.

Dart Impact	120
Machine Direction Tear	175
Transverse Direction Tear	475

Load Capacity	
Lifted by drawtape	50 lbs.
Lifted by body of bag	65 lbs.

- i. **Bag Color:** The plastic garbage bags shall be purple in color and non-transparent. Sample purple color to be provided by the City.

- j. **Bag Printing:** Each bag must have one complete impression of artwork (100 square inches) printed one color.
- k. **Packaging:** As specified on front page. 33 Gallon size: 10,000 rolls @ 45 bags per roll. Each roll shall be placed in a clear plastic bag with appropriate closure.
- l. **Construction:** Bags shall have a flat bottom seal. No side seams. Closure is to be of drawtape.
- m. **Samples:** Fifteen (15) samples with the above specifications must be provided with Bid. The City currently uses our purple can liners.
Samples should be on hand.
- n. **References:** Five (5) references by the bidder must be submitted of municipalities where successful bag programs are in progress using bags similar to those you are bidding. See: "Reference Appendix"

MINIMUM SPECIFICATIONS

PLASTIC RECYCLING BAGS

1. **SCOPE:**

- a. The scope of this section is to list the minimum acceptable features and performance specifications for plastic recycling bags for apartment recycling collection. Bidders are to have thoroughly read and understood these specifications prior to bid submission. Bidder certification of its bid document signifies that bidder meets or exceeds all specifications. If the product being bid does not meet all specifications, the bidder must submit with bid, a separate page with a complete explanation of each variance. If not identified on such list, then that bid will be disqualified.

2. **GENERAL:**

- a. **Estimated Quantity:** 20 Gallon Recycling Bags - 130,000. Delivery to be made in full truck loads with a release schedule to be supplied by the City.
- b. **Delivery:** The shipment must occur within six (6) weeks of the official notification of the Bid Award.
- c. **Substance:** Bags are to be constructed of 75% prime, virgin linear low blend resin and 25% recycled content.
- d. **Film Thickness:** The gauge of the film used to fabricate plastic bags shall be a minimum of 0.7 mils in thickness.
- e. **Film Strength:** The film shall meet the strength to failure specification of film, folds, and seals specified in testing (h) below.
- f. **Testing:** We reserve the right to weigh and in other ways test random samples of any shipments received, and will refuse the entire shipment if the bags do not meet these minimal specifications.

Dart Impact	120
Machine Direction Tear	175
Transverse Direction Tear	475

Load Capacity	
Lifted by drawtape	50 lbs.
Lifted by body of bag	65 lbs.

- g. **Bag Color:** The plastic recycling bags shall be blue in color and transparent. Sample blue color to be provided by the City.
- h. **Bag Printing:** Each bag must have one complete impression of artwork (100 square inches) printed one color.
- i. **Packaging:** As specified on front page. 20 Gallon size: 5,000 rolls @ 26 bags per

roll. Each roll shall be placed in a clear plastic bag with appropriate closure.

- l. **Construction:** Bags shall have a flat bottom seal. No side seams. Closure is to be of drawtape.
- m. **Samples:** Fifteen (15) samples with the above specifications must be provided with Bid. The City currently uses our purple can liners.
Samples should be on hand.
- n. **References:** Five (5) references by the bidder must be submitted of municipalities where successful bag programs are in progress using bags similar to those you are bidding. See "Reference Appendix"

CITY OF FAYETTEVILLE, ARKANSAS
BID # 01-34
SPECIAL TERMS & CONDITIONS

This 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 any costs incurred by the bidder in the preparation of this bid.

1. All bids shall be submitted on forms provided by the City with the item bid and the bid number stated on the face of the sealed envelope. Bidders **MUST** provide the City with their bids signed by an employee or officer 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.
2. Bidders shall include all applicable local, state, and federal tax in this bid. The responsibility of payment shall remain with the successful bidder. Tax amount **MUST** show as a separate item.
3. Bids received after the date and time set for receiving bids will **NOT** be considered. The City will **NOT** be responsible for misdirected bids. Vendor should call the Purchasing Office at (501) 575-8289 to insure receipt of their bid documents prior to opening date and time listed on the bid form.
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. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.
5. Time is specifically made of the essence of this contract and failure to deliver on or before the time specified in the contract may subject the contractor to the payment of damages in the amount of \$500 per calendar day.
6. All bid prices shall be FOB Solid Waste Division, 1560 South Happy Hollow Road, Fayetteville, Arkansas, 72701, and shall include all labor, materials, overhead, profit, insurance, shipping, etc., to cover the furnishing of the unit(s) bid.
7. Manufacturers Warranty shall apply to each unit as specified. A copy of the applicable warranty **MUST** accompany the bid with any exception to the warranty clearly noted on the Bid Form.
8. Any exception to the requirements of the City of Fayetteville **MUST** be noted on the Bid Form. If products other than those described on the bid document are proposed, the bidder must include complete descriptive literature and technical specifications. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
9. All items marked "**MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID**" **MUST** be completed and returned with the bid or the bid may be considered an non-

responsive and rejected on that basis.

10. The bidder shall comply with all applicable Federal and Arkansas State Laws, the Charter and Ordinances of the city of Fayetteville, as amended, and all applicable rules and regulations promulgated by all local, state and national boards, bureaus and agencies.

ENVIRO-BAG

A Division of Phoenix Recycling, Inc.

35 Capers Way, Pawleys Island, South Carolina 29585

WARRANTY

Warranty: ENVIRO-BAG® warrants that any and all Products sold to City of Fayetteville hereunder shall be free from defects in workmanship and materials for a period of one year from the delivery of such products to City of Fayetteville, provided that City of Fayetteville shall have reasonably inspected Products received and notified ENVIRO-BAG® of any apparent defects within 90 days of receipt of shipment. Products delivered by ENVIRO-BAG® shall not be considered as defective if they are substantially in accordance with approved samples, specifications or drawings. ENVIRO-BAG® will replace, without charge any Product shown to be otherwise than as warranted. The warranty obligations hereunder shall not apply to any defects caused by normal wear and tear, neglect, misuse or other actions caused by the City of Fayetteville or any customer, agent, or representative of the City of Fayetteville. Except for its obligation to replace Products as set forth above, ENVIRO-BAG® shall have no other liability for defects in the Products under any theory, including contract, tort or equity except as expressly provide herein. ENVIRO-BAG® gives no other warranty; express or implied, in connection with products sold hereunder, including but not limited to the implied warranties of merchantability or fitness for a particular purpose.



Mark A. Dancy
Vice President, ENVIRO-BAG®

5/24/01

Date

Phone (843) 237-1711
FAX (843) 237-8724

ENVIRO-BAG®

A Division of Phoenix Recycling, Inc.

35 Capers Way, Pawleys Island, South Carolina 29585

Reference Appendix-

City of Binghamton
38 Holly Street
Binghamton, NY 13901

Sunset Waste Services
2471 Wilshire
Jenison, MI 49428

City of Columbia
PO Box 7236
Columbia, MO 65205

Horry County Solid Waste Authority
PO Box 1664
Conway, SC 29528

City of Moberly
2300 North Morley
Moberly, MO 65270

Phone (843) 237-1711
FAX (843) 237-8724

STAFF REVIEW FORM

RECEIVED

JUN 12 2001

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of

FROM:

Richard L. Watson
Name

Police
Division

Police
Department

ACTION REQUIRED:

Accept grant from Arkansas Department of Human Services, 2000 Juvenile Accountability Incentive Block Grant Program in the amount of \$31,390.00 with a 10% match of \$3,488.00 making the total project \$34,878.00. The matching funds are included in the current budget; no additional funds will be required. This grant will be used to fund the DARE program and provide equipment for the School Resource Officers in the City of Fayetteville Public Schools.

COST TO CITY:

\$34,878.00	503,534.00	Patrol & Warrant
Cost of this Request	Category/Project Budget	Category/Project Name
Multiple see attached	239,415.00	Patrol & Warrant
Account Number	Funds Used To Date	Program Name
	264,119.00	General
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

Budgeted Item ☒ Budget Adjustment Attached

Steph Davis
Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

<i>Marsha Farthing</i> Accounting Manager	<i>6/10/01</i> Date	<i>Nancy Smute</i> Internal Auditor	<i>6/11/01</i> Date
<i>W. J. Whitel</i> City Attorney	<i>6/11/01</i> Date	ADA Coordinator	Date
<i>Police</i> Purchasing Officer	<i>6/11/01</i> Date	Grants Coordinator	Date

STAFF RECOMMENDATION:

Mayor Coody sign the Statement of Subgrant Award.

Division Head

Date

Robert - Art Chief
Department Director

6-8-01
Date

John Maguire
Administrative Services Director

6/14/01
Date

Sam Coody
Mayor

6/14/01
Date

Cross Reference

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

Prev Ord/Res #:

Orig Contract Date:

STAFF REVIEW FORM

Grant Description _____ Meeting Date _____

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

Internal Auditor

ADA Coordinator

Grants Coordinator

Arkansas Department of Human Services
Division of Youth Services
STATEMENT OF SUBGRANT AWARD

GRANTEE NAME & ADDRESS

Arkansas Department of Human Services
Division of Youth Services/JJDP Unit, Slot 450
P.O. Box 1437
Little Rock, AR 72203-1437

Original

Supplemental

Pursuant to authority of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, and in response to your subgrant application, the Arkansas Juvenile Advisory Group, has approved the subgrant described below.

1. Subgrantee Name & Address (including Zip Code):

City of Fayetteville Police Department
P.O. Box 988
Fayetteville, AR 72701

2. Subgrant Award Number: JR2023

3. Fund Year: 2000

4. Subgrant Period: 3-1-01 to 08-30-02

5. State Program Designator:

6. Standard Program Area:

7. Date Approved: 3/1/01

8. Project Director: Sgt. Shannon Gabbard

10. Project Authorized Official: Dan Coody

9. Project Title:

Juvenile Accountability Block grant
(JAIBG)

PROJECT COST CATEGORY

11. Personnel: Salary

Fringe

Travel (Staff)

12. Professional Services \$720

13. Travel (Services) \$8,091

14. Equipment \$11,835

15. Materials and Supplies

16. Other Operating Expenses 10,744

17. TOTAL APPROVED \$31,390

COMMENTS:

18. This subgrant is subject to general and special subgrant conditions and rules for the administration of subgrants. The above subgrant project is approved and subject to conditions or limitations as set forth on the SUBGRANT AWARD CONTINUATION SHEET (DHS-1343) ENCLOSED.

19. STATEMENT OF THE DIVISION OF YOUTH SERVICES AWARD: Federal funds as hereby obligated for the program described by the subgrantee in the attachments of this subgrant award

AWARDED BY:

Signature of Division Director

Russell Rigsby

Typed Name

Date

3.22.01

20. SUBGRANTEE ACCEPTANCE OF SUBGRANT:

I accept the subgrant and all modifications, general and special conditions, and the requirements contained in the attachments of this subgrant award.

ACCEPTED BY:

Signature of Authorized Official

Mayor Dan Coody

Typed Name and Title of Authorized Official

Date

2000 Juvenile Accountability Incentive Block Grant Program Application

1. Applicant City of Fayetteville Police Department
2. Mailing Address P.O. Box 1988
Fayetteville, AR 72702
3. Phone Number (501) 587-3510 FAX Number (501) 587-3522
4. Project CFDA# 16.523
5. Federal Congressional District(s) served by this project:
a. Third b. _____
c. _____ d. _____
6. Judicial District(s) served: Fourth
7. Federal Employer Identification # 71-6018462
8. Counties served by this project: Washington
9. Program Purpose Areas:

Type of Implementation Agency

A. Level of Government or Entity:

- ☐ County
- ☒ Local
- ☐ Indian tribe performing law enforcement functions
- ☐ Other: _____

17. B. Function of Implementing Agency:

- ☒ Law Enforcement
- ☐ Court
- ☐ Prosecution
- ☐ Detention
- ☐ Probation
- ☐ Social Service
- ☐ Schools
- ☐ Other: _____

18. Amount Awarded \$ 31,390.00

1. ☐ Construction of juvenile detention or correctional facilities, including training of personnel.
2. ☐ Accountability-based sanctions for juvenile offenders.
3. ☐ Hiring of juvenile judges, probation officers, and defenders and funding pretrial services for juveniles.
4. ☐ Hiring of prosecutors, so that more cases involving juveniles can be prosecuted and backlogs reduced.
5. ☐ Funding of prosecutor-led youth drug, gang, and violence programs.
6. ☐ Technology, equipment, and training programs to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders.
7. ☐ Probation programs for juvenile offenders.
8. ☐ Gun courts for the adjudication and prosecution of juvenile firearm offenders.
9. ☐ Drug courts for juvenile offenders with substance abuse problems.
10. ☐ Information sharing systems to help identify, control, supervise, and treat juveniles who repeatedly commit serious delinquent or criminal acts.
11. ☒ Accountability-based programs for law enforcement referrals or that are designed to protect students and school personnel from drug, gang, and youth violence.
12. ☐ Controlled substance testing (including interventions) for juveniles in the juvenile justice system.

0. Project Director: Sgt. Shannon Gabbard Phone #: (510) 587-3580

1. Mailing Address: P.O. Box 1988
Fayetteville, AR 72702

2. Financial Officer: Judy Cohea Phone #: (501) 587-3510

3. Project Site Fayetteville School District

4. County (ies) or City (ies) Served: City of Fayetteville

5. Project Duration: Maximum 24 months 18
Expected Start Date 04/01/01
Expected Number of Persons to benefit from Project 8,000

9. I certify to the best of my knowledge and belief, that the data in this application is true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the general and special conditions outlined in the application if approved for funding.

Dan Coody
*Signature of Authorized Official

Dan Coody
Typed name of Authorized Official

2/16/01
Date Signed

Mayor
Title of Authorized Official

**The Authorized Official must have legal authority to represent a local unit of government.*

FOR DYS USE ONLY

Actual Start Date: _____ Total Amount Approved: _____ Subgrant #: _____
Subgrant Year: ☐ First Year ☐ Second Year ☐ Third Year ☐ Other: _____ Pass Through: ☐ Yes ☐ No

ABSTRACT

City of Fayetteville Police Department

e of Organization

ergeant Shannon Gabbard

e of Project Director

P.O. Box 1988

ing Address

Fayetteville, AR 72702

Town

State

Zip Code

(501) 587-3580

(501) 587-3522

phone Number

Fax Number

8,000 students

get Population

Washington

31,390.00

nty of Service

Amount Requested

For DYS Use Only

PROGRAM DESCRIPTION *(Use no more than the space available on this page)*

The Fayetteville Police Department will use these grant funds to supplement and expand our Drug Awareness Resistance Education program and for additional equipment and supplies for our School Resource Officer program.

As student's attention becomes harder to get and keep, these additions to our program are essential. Each class or even each child has their best way of learning and if we can provide our officers with the proper equipment the success of the program will increase.

The Fayetteville Police Department and the Fayetteville Public School System is committed to providing every student the information and encouragement to resist tobacco, alcohol, marijuana and other illegal drugs. Our efforts include each high school having two school resource officers; the junior high and middle schools each have a school resource officer. These officers instruct classes on the consequences of using drugs and other laws commonly broken by this age group. They are also involved in conflict resolution both teaching and enforcing on campus. Fayetteville provides trained officers to teach the DARE curriculum in all fifth grade classes each year. This has been a priority for the last ten years. This grant will supplement and provide equipment for the program already established.

With the funds received from this grant an additional six officers will be trained in DARE Core Certification; four officers in DARE Junior High Curriculum; four officers in DARE Senior High Curriculum; four officers will attend the National DARE Conference and the Arkansas State DARE Officer's Conference will be hosted in Fayetteville. With the knowledge and the additional trained officers obtained from the above events, the DARE program will be implemented in both the junior high and high school level.

This grant also includes items for our school resource officer such as a multi-media projector, laptop computer, Digital video camera, portable breath test equipment for each school, brochures and display racks, posters and videos, and other supplies for drug prevention and safety.

JAIBG WAIVER REQUEST FORM

Washington / Fayetteville

Name of County/City/Town

Sergeant Shannon Gabbard

Name of Project Director

P.O. Box 1988

Mailing Address

Fayetteville, AR

72702

City/Town

State

Zip Code

(501) 587-3580

(501) 587-3522

Telephone Number

FAX Number

\$31,390.00

Amount of Funds Received

For DYS Use Only

WAIVER

Local units of government must provide an assurance that, other than funds set aside for administration, not less than 45 percent is allocated for program purpose areas 3-9, and not less than 35 percent is allocated for program purpose areas 1, 2 and 10. This allocation is required ***unless*** the local unit of government certifies, in the space provided below, that the interest of public safety and juvenile crime control would be better served by expending its funds in a proportion other than the 45 and 35 percent minimums. This certification/waiver should provide information concerning the availability of alternative funding sources, existing structures, and the reasons for the alternative use. ***However, with or without this waiver, all funds must be expended for programs within the 12 authorized program purpose areas. (Please use no more than the space available on this page for your explanation)***

The interest of public safety and juvenile crime control will be better served by expending 100% of the grant funding on program purpose area #11. The City of Fayetteville does not have a juvenile court or juvenile prosecutor.

Signature of Authorized Official

2/16/01
Date

***The Authorized Official must have legal authority to represent a local unit of government.**

JAIBG CASH MATCH REQUIREMENT FORM

Cash Match

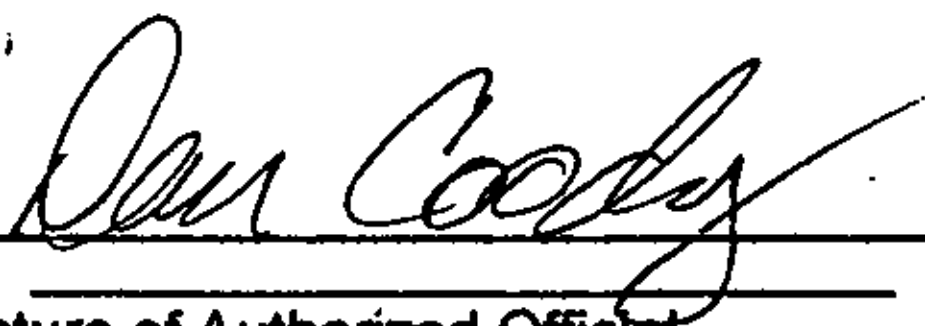
A local unit of government may allocate up to 10 percent of the total program cost for administrative costs related to the JAIBG programs. All funds used for administrative costs are subject to the Cash Match requirement. The local government recipient of the JAIBG award must contribute (in the form of a Cash Match) 10 percent of the total program cost (other than costs of construction of permanent correctional facilities, which require a 50 percent match). The total program cost is made up of the Federal award amount and the Cash Match. If only the Federal amount is known, the calculation of the match requirements is as follows:

1. Convert the Federal award amount percentage to a fraction (example, 90 percent = 9/10).
2. Invert the fraction from 9/10 to 10/9.
3. Multiply the Federal award amount by the numerator (example, 10,000 x 10 = \$100,000).
4. Divide the result by the denominator to determine the total program cost (example, \$100,000/9 = \$11,111.11).
5. Subtract the amount of the Federal award from the total program cost to determine the Cash Match (example, \$11,111.11 - \$10,000 = \$1,111).

Allowable Sources of Cash Match are:

1. City and County Appropriations
2. Housing and Community Development Act
3. Equitable Sharing Program, a Federal asset forfeiture distribution program to state and local officials
4. Appalachian Regional Development Act
5. Private Funds

By signing this form you are confirming you have read the above mentioned stipulation and have included the required Cash Match is included in your budget.



Signature of Authorized Official

2/16/01
Date

*The Authorized Official must represent a local unit of government; e.g., a mayor or county judge.

ASSURANCES AND CERTIFICATION BY APPLICANT

Assurances

Applicant assures and certifies that he/she has read and will comply with the following:

1. The **Grantee** shall provide the services under the terms of this agreement in accordance with the purposes, goals, objectives, and target groups as so stated in the application for funding and any approved addendum.
2. The **Applicant** possesses the legal authority to apply for this grant; a resolution or motion has been adopted by the applicant's governing body which authorizes the submittal of this application, including all understanding and assurances contained herein, directing and authorizing the "official representative" to act in connection with the application and to provide such additional information as may be required.
3. The **Grantee** will comply with Titles IV and VI of the Civil Rights Act of 1964 and with Section 504 of the Rehabilitation Act of 1973, in that no person shall, on the grounds of race, color, national origin or handicap, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal Financial Assistance. Equal opportunity will also be assured in all employment practices.
4. Facilities, programs, and services supported through these funds will be located as to be readily accessible, available, and responsive to the needs of the population without discrimination because of sex, creed, race, or duration of residence.
5. Safeguards will be established to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. The Arkansas Department of Human Services, Division of Youth Services, through any authorized representative or any duly authorized representative of federal government, will have access to and the right to examine all records, books, papers, or documents relating to the grant funding.

Juvenile Justice Program Assurances

8. The **Grantee** understands that failure to establish or operate the funded program in accordance with the terms of the funded application, in the opinion of the Division of Youth Services (DYS), may result in the awarded funds being withdrawn.
9. An annual audit for the fiscal period of the grant shall be conducted by a Certified Public Accountant in accordance with the generally accepted governmental audit standards. Subrecipients under this agreement should comply with the guidelines of the relevant OMB audit circular in effect at the close of the fiscal year of the subrecipient. State and local government subrecipients should follow the guidelines of OMB Circular A-128 or its successor. Non-profit organizations and educational institutions should follow the guidelines of the provisions of OMB Circular A-133. Audit reports should be submitted within 120 Days following the end of the subgrantee's fiscal year. One (1) original and two (2) copies of the audit report should be submitted to the following address: Assistant Director Office of Chief Counsel/Audit Section, Department of Human Services, Slot 900, P.O. Box 1437, Little Rock, AR 72203-1437
10. The **Grantee** shall provide such **program reports** as requested, as well as a **Final Report**, to **DYS** within 90 days of the end of the grant period or the end of the proposed activities, whichever is sooner.
11. The **Grantee** shall provide **Monthly/Quarterly Expenditure Reports** to the Division of Youth Services JJDP Unit. Failure to submit these reports will delay the processing of requests for reimbursement grant payments.
12. The **Grantee** shall provide **Monthly Activity Reports** to the Division of Youth Services/JJDP Unit, by the 15th of the following month. Any report received after the 15th will be considered delinquent (unless the 15th falls on a weekend or a holiday). The request for funds form will not be processed until both the financial and subgrant activity reports have been received and approved by the JJDP Unit.

Juvenile Justice Program Assurances

When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state:

- 1) the percentage of the total costs of the program or project which will be financed with Federal money;
- 2) the dollar amount of Federal funds for the project or program: and
- 3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

These **Assurances** are part of the project grant application. An official who is a duly authorized representative of the Applicant must certify by his/her signature that the organization will comply with the provisions of the applicable laws, regulations, and policies related to the project.

By signing in the designated area below, the applicant agrees to abide by the stipulation contained in this application. Further, by virtue of these signatures, the applicant assures that this application was presented to the applicant organization governing board and received approval.

Signature _____
(Board President if applicable)

Signature 
(Mayor, City Director, County Judge)

Typed Name _____ Typed Name Dan Coody

Date _____ Date 2/16/01

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do NOT
send to the IRS.

Name (If a joint account or you changed your name, see Specific Instructions on page 2.)

Business name, if different from above. (See Specific Instructions on page 2.)

City of Fayetteville

Check appropriate box: ☐ Individual/Sole proprietor ☒ Corporation ☐ Partnership ☐ Other

Address (number, street, and apt. or suite no.)

113 W. Mountain Street

City, state, and ZIP code

Fayetteville, AR 72701

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). However, if you are a resident alien OR a sole proprietor, see the instructions on page 2. For other entities, it is your employer identification number (EIN). If you do not have a number, see **How To Get a TIN** on page 2.

Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.

Social security number

1 2 3 4 5 6 7 8 9 0

OR

Employer identification number

7 1 6 0 1 8 4 6 2

List account number(s) here (optional)

Part II For Payees Exempt From Backup Withholding (See the instructions on page 2.)

Part III Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.

Certification Instructions.—You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must enter your correct TIN. (See the instructions on page 2.)

Sign
Here

Signature

Maisha Fathin

Date

2/16/01

Purpose of Form.—A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 to give your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are an exempt payee.

Note: If a requester gives you a form other than a W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

What Is Backup Withholding?—Persons making certain payments to you must withhold and pay to the IRS 31% of such payments under certain conditions. This is called "backup withholding." Payments that may be subject to backup withholding

include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

If you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return, payments you receive will not be subject to backup withholding. Payments you receive will be subject to backup withholding if:

- You do not furnish your TIN to the requester, or
- The IRS tells the requester that you furnished an incorrect TIN, or
- The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
- You do not certify to the requester that you are not subject to backup withholding under 3 above (for reportable interest and dividend accounts opened after 1983 only), or

5. You do not certify your TIN when required. See the Part III instructions on page 2 for details.

Certain payees and payments are exempt from backup withholding. See the Part II instructions and the separate **Instructions for the Requester of Form W-9**.

Penalties

Failure To Furnish TIN.—If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil Penalty for False Information With Respect to Withholding.—If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal Penalty for Falsifying Information.—Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs.—If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.

-Application for Federal Assistance

OMB Approval No. 0348-0043

		Date Submitted 2/19/01		Applicant Identifier	
1. Type of Submission: Application ☐ Construction ☒ Non-Construction		3. Date Received by State		State Application Identifier	
Pre-application ☐ Construction ☐ Non-Construction		4. Date Received by Federal Agency		Federal Identifier	
5. Applicant Information					
Legal Name City of Fayetteville			Organizational Unit Police Department		
Address (give city, county, State, and zip code): 113 W. Mountain Fayetteville, AR 72701			Name, telephone number, and facsimile number of the person to be contacted on matters involving this application (give area codes) Judy Cohea (501) 587-3510 (501) 587-3522		
6. Employer Identification Number (EIN): 71-6018462			7. Type of Applicant: (enter appropriate letter in box) C A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify):		
7. Type of Application: ☒ New ☐ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es): A. Increased Award D. Decrease Duration B. Decrease Award Other (Specify): C. Increase Duration			9. Name of Federal Agency: Arkansas Department of Human Services Division of Youth Services		
10. Catalog of Federal Domestic Assistance Number: 1 6 5 2 3 Title II Formula			12. Descriptive Title of Applicant's Project: Department of Justice Office of Juvenile Justice & Delinquency Prevention		
11. Areas Affected by project (cities, counties, States, etc.): Washington County					
13. Proposed Project		14. Congressional Districts of:			
Start Date 04/01/01	Ending Date 09/30/02	a. Applicant Third		b. Project Third	
15. Estimated Funding:		16. Is Application Subject to Review by State Executive Order 12372 Process?			
a. Federal	\$ 31,390.00	a. Yes This pre-application/application was made available to the State Executive Order 12372 Process for review on: Date: 02/20/01			
b. Applicant	\$.00	b. No ☐ Program is not covered by E.O. 12372			
c. State	\$.00	or ☐ Program has not been selected by State for review			
d. Local	\$ 3,488.00	17. Is the Applicant Delinquent on Any Federal Debt?			
e. Other	\$.00	☐ Yes If "Yes," explain below or attach an explanation ☒ No			
f. Program Income	\$.00				
g. Total	\$ 34,878.00				
18. To the best of my knowledge and belief, all data in this application/pre-application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.					
a. Typed Name of Authorized Representative Dan Coody		b. Title Mayor		c. Telephone Number (501) 575-8330	
d. Signature of Authorized Representative				e. Date Signed 2/16/01	

PROGRAM GOALS AND OBJECTIVES

Although only one goal statement should be addressed on each sheet, additional sheets may be used if needed to list the necessary objectives to meet a particular goal.

PROBLEM TO BE ADDRESSED: The use of tobacco, alcohol, marijuana and other illegal drugs by students in the Fayetteville School District.

GOAL STATEMENT: Eliminate the use of drugs and alcohol in the Fayetteville School System

OBJECTIVE(S)	Measurement Tool	Person Responsible	Target Completion Date	Standard for Successful Completion
Provide each student in the 5th, 7th and 9th grades the DARE curriculum.	Number of students	Sgt. Gabbard	9/30/02	# of classes completed
Train 6 officers in DARE core curriculum	# of officer trained	Sgt. Gabbard	12/31/01	# of officer successfully completing course
Train 4 officers in DARE Junior High Curriculum	Number of officer trained	Sgt. Gabbard	12/31/01	# of officers completing course
Train 4 officers in DARE High School Curriculum	Number of officer trained	Sgt. Gabbard	12/31/01	# of officers completing course
Reduce # of students stating to use illegal drugs	# of students stating the classes and or School Resource Officers helped in their decision not to take drugs.	Stg. Gabbard	9/30/02	Surveys

**Juvenile Accountability Incentive Block Grant
BUDGET SUMMARY**

Grantee: City of Fayetteville Police Department		Grant Period: 03-01-01 – 06-30-2001	
Address: P.O. Box 1988 Fayetteville, AR 72702			
Employer ID #: 71-6018462		Fiscal Year (to be completed by DYS staff)	
BUDGET CATEGORIES	JAIBG FUNDS	CASH MATCH	CATEGORY TOTALS
Planning & Administrative Cost			
Regular Salaries:	00.00	00.00	00.00
Fringe Benefits	00.00	00.00	00.00
A. Subtotal:	0.00	00.00	00.00
Maintenance and General Operation:	10,744.00	1,194.00	11,938.00
Conference Fees and Travel:	8,091.00	899.00	8,990.00
Professional Fees and Service:	720.00	80.00	8,990.00 800.00
Equipment:	11,835.00	1,315.00	13,150.00
B. Subtotal:	31,390.00	3,488.00	34,878.00
TOTAL Program COSTS (A+ B)	31,390.00	3,488.00	34,878.00
PERCENTAGE OF TOTAL COST	90%	10%	100%

*Cash Match only list the category (ies) that you will be including in you cash match

GRANTEE: City of Fayetteville Police Department

JAIBG APPLICATION
DETAILED LINE ITEM BUDGET - SUPPORTING SCHEDULE
(Use additional page if necessary.)

Describe in detail the line items listed on the Budget Summary to provide justification for the items and an explanation of how costs were computed.

See Attached

Item	Justification	Cost
<u>Maintenance and General Operations:</u>		
DARE supplies	Supplies for each student in each class in the 7th and 9th grades. These classes are being added as a result of this grant. The Fayetteville Public Schools have 780 students in 7th grade and 720 in the 9th grade. Also purchase a DARE flag for each elementary school in the Fayetteville Public School system.	3,288.00
DARE T-shirts	One t-shirt for each student and teachers. The average costs of these shirts is \$5.00. These t-shirts will be given to the new classes in the junior high and high school. The balance of this project will be requested from the City's General Fund.	3,520.00
Supplies Red Ribbon Week	These supplies include ribbons, pins, and prizes for contest run in the elementary schools.	500.00
Printed Brochures	These will be placed in all six School Resource Officers offices. This will provide information for students who are not willing to talk freely about their concerns.	1,500.00
Drug test kits	These kits will be used by SRO's to test drugs found on campus.	210.00
Rug	Special Drug Free School Zone Rug to be placed at the students entrance of the schools. Purchase 6 of these rugs.	420.00
Posters & Videos	Purchase posters and vidoe tapes to display in hallways and use in class.	400.00
Criminal Codes Book	Purchase a criminal code book for each high school, junior high school and middle school. These books are \$50.00 each X 6 schools.	300.00
Supplies to host the Arkansas State DARE Conference		
	Food	500.00
	Registration items - Hats, t-shirts, and printed information	800.00
	Transportation - hiring a shuttle to provide attendees a ride to the diffierent locations	100.00
	Awards	400.00
<i>Subtotal:</i>		<u>11,938.00</u>
<u>Conference Fees and Travel:</u>		
DARE Core Certification:		4,250.00
	Send 6 officers for the 80 hour core training course. The cost break down is : Lodging - \$2,250.00, Meals \$1,800.00 and transportation of \$200.00.	
DARE Junior High Curriculum		200.00
	Send 4 officers for the 40 hour training course in Jefferson City, Mo. The cost for this training is transportation only.	
DARE Senior High Curriculum		200.00
	Send 4 officers to Jefferson City, MO for the 40 hour training course. The cost of this training is transportation.	
National DARE Conference		4,340.00
	Send 4 officers to the National DARE Conference where they will receive 40 hours of training. This will be held in Los Angeles, CA in July. The costs associated with this trip are: registration \$600.00; lodging \$1,160.00; Meals \$920.00; transportation \$500.00; and airfare 1,160.00.	
<i>Subtotal</i>		<u>8,990.00</u>

Item	Justification	Cost
Professional Fees and Service:		
Speaker for State DARE Conference	Hire speakers to inform members of current topics to be decided in the near future.	800.00
Subtotal		800.00
Equipment:		
Fatal Vission Goggles	Two complete sets to be shared by all School Resource Officers.	1,400.00
Portable Breath Test Devices	Purchase 4 devices. These will be placed at each high school and junior high school. This will allow officers to test students who display unusual behavior.	1,240.00
Alcoblow Breath Alcohol Screen and case	This device will be used at events such as prom and school dances. This devise is held within 12 to 18 inches of the student to detect alcohol on the student's breath.	310.00
Multi-media projector	This will allow School Resource Officers to prepare lessons on software such as powerpoint for presentation. This will provide a lesson which is easier for the officer to provide information in a manner the student will easily accept.	5,700.00
Laptop Computer	This will be used in conjunction with the multi-media projector and will also be used by the Crime Prevention Sergeant to provide information to other community organizations.	
Camera	Purchase a digital camera to capture crime scenes, drugs and other information to be used in classroom presentations.	700.00
Digital Video Camera	The digital video camera could be used to record video of DARE graduation ceremonies, interviews, special presentations, and other worthy information. This video could be used in combination with the powerpoint projector to make a multimedia presentation.	800.00
Protable Free Standing Display for Drugs	A protable display with photos of drugs, a drug identification kit, television with drug video, and other assorted items of paraphernalia. This display could be taken to classes for training on drug identification and drug awareness.	3,000.00
Subtotal		13,150.00
Total		<u>\$34,878.00</u>

Youth Advocacy Committee consists of three alderman, one representative from City Prosecutor, two parents, one police officer, three teachers (one from Woodland Jr. High School, Ramey Jr. High School and one from Fayetteville High School), and two juveniles.

Aldermen:

Randy Zurcher, Chairman

Ron Austin

Vacant

City Prosecutor:

Casey Jones

Police officer (Juvenile Officer):

Julie Moorman

Juvenile Court Representative:

Lindsey Stout, Probation Officer

Three teachers:

Vacant

Vacant

Vacant

Students

Mathanki Kalapathy

Shelby Osborne

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

Budget Year	Department: Police	Date Requested	Adjustment #
2001	Division: Patrol & Warrant	06/08/2001	
	Program: Crime Prevention		

Project or Item Requested:

Accept 2000 Juvenile Accountability Grant in the amount of \$34,878.00 by providing the 10% matching funds of \$3,488.00. These matching funds are included in the current budget, no additional funding will be required.

Project or Item Deleted:

None

Justification of this Increase:

This grant will enhance both the DARE and the School Resource Officers programs within the Crime Prevention area.

Justification of this Decrease:

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number	Project Number
See Attached			

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number	Project Number
Federal Grant	(31,390.00)	1010 0001 4310 00	
Minor Equipment	3,488.00	1010 2940 5890 00	

Approval Signatures

Requested By

Date

Steph Davis

6-8-01

Budget Coordinator

Date

Paul H. Smith

6-8-01

Department Director

Date

John Maguire

6/11/01

Admin. Services Director

Date

Mayor

Date

Budget Office Use Only

Type: A B C D E

Date of Approval

Posted to General Ledger

Posted to Project Accounting

Entered in Category Log

Blue Copy: Budget & Research / Yellow Copy: Requester

Budget adjustment to accept 2000 Juvenile Accountability Incentive Block Grant

Account number Expense	Description	Amount
1010 2940 5 201 00	Crime Prevention Supplies	
	DARE Supplies	\$3,288.00
	DARE T-shirts	3,520.00
	Red Ribbon Week	500.00
	Printed Brochures	1,500.00
	Posters & Videos	400.00
	Drug Test Kits	210.00
	Drug Free School Zone Rug	420.00
	AR DARE Conf Awards	400.00
	AR DARE Conf Supplies	800.00
	AR DARE Conf Food	500.00
	Total Crime Prevention Supplies	<u>11,538.00</u>
1010 2940 5 303 00	Publications & Dues	
	Criminal Code Books	<u>300.00</u>
1010 2940 5 304 00	Travel & Training	
	DARE Core Certification (6)	4,250.00
	DARE Jr. High Curriculum (4)	200.00
	DARE Sr High Curriculum (4)	200.00
	National DARE Conf. (4)	4,340.00
	Transportation during AR DARE Conf	100.00
	Total Travel & Training	<u>9,090.00</u>
1010 2940 5 314 00	Professional Services	
	Speaker for AR DARE Conf	<u>800.00</u>
1010 2940 5 890 00	Minor Equipment	
	Fatal Vision Goggles 2 sets	1,400.00
	Portable Breath Testers (4)	1,240.00
	Alcoblow Breath Alcohol screen	310.00
	Multimedia projector	5,700.00
	Camera	700.00
	Portable Free Standing Display for Drugs	3,000.00
	Digital Video Camera	800.00
	Total Minor Equipment	<u>13,150.00</u>
Total Grant		<u><u>\$34,878.00</u></u>
Revenue		
1010 0001 4 310 00	Federal Grant	\$31,390.00
1010 2940 5 890 00	Minor Equipment	3,488.00
	Total	<u><u>\$34,878.00</u></u>

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of June 19, 2001.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for VA01-4, submitted by Robert Brown for property located at 3430 W. Telluride Drive, Lots 4A and 4B, Wedington Place Addition, Phase II. The request is to vacate a 20' wide drainage easement and a 20' wide utility easement.

COST TO CITY:

\$0

Cost of this request

Category/Project Budget

Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission unanimously voted 6-0-0 to recommend and forward the vacation to the City Council.

Division Head

6-1-01

Date

Department Director

6-8-01

Date

Administrative Services

6/4/01

Date

Director

Mayor

6/4/01

Date

Cross Reference

New Item: Yes No

Prev Ord/Res#: _____

Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING VA01-4.00 TO VACATE
AND ABANDON A PORTION OF AN EXISTING 20' DRAINAGE
EASEMENT AND A PORTION OF AN EXISTING 20' UTILITY
EASEMENT LOCATED AT 3430 W. TELLURIDE, FAYETTEVILLE,
ARKANSAS, AS SUBMITTED BY ROBERT BROWN OF
DEVELOPMENT CONSULTANTS, INC.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public
grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described utility easement is
not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of
its rights together with the rights of the public generally, in and to the following described waterline
easement:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That a copy of this Ordinance duly certified by the City Clerk shall be
filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

By _____
Dan Coody, Mayor

ATTEST:

By _____
Heather Woodruff, City Clerk

EXHIBIT "A"

Utility Easement Description

PART OF LOT 4B, WEDINGTON PLACE ADDITION, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF LOT 3R, WEDINGTON PLACE ADDITION; THENCE S89°59'26"E, ALONG THE SOUTH LINE OF SAID LOT 4B FOR A DISTANCE OF 10.12 FEET; THENCE N34°28'38"E 12.09 FEET FOR THE POINT OF BEGINNING; THENCE N89°51'22"W 13.57 FEET; THENCE N00°08'38"E 90.93 FEET; THENCE N17°13'14"E 74.41 FEET; THENCE S72°46'46"E 20.00 FEET; THENCE S17°57'27"W 68.55 FEET; THENCE S00°08'38"W 90.93 FEET; THENCE N89°51'22"W 6.43 FEET TO THE POINT OF BEGINNING, CONTAINING 0.074 ACRES (3,125 SQ. FT.) MORE OR LESS.

Drainage Easement Description

PARTS OF LOT 4A AND 4B, WEDINGTON PLACE ADDITION, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF LOT 3R, WEDINGTON PLACE ADDITION; THENCE S89°59'26"E ALONG THE SOUTH LINE OF SAID LOT 4B FOR A DISTANCE OF 10.12 FEET FOR THE POINT OF BEGINNING; THENCE N34°28'38"E 59.18 FEET; THENCE N86°39'53"E 612.86 FEET TO THE WEST RIGHT-OF-WAY LINE OF STEAMBOAT DRIVE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 124.00 FEET, AN ARC LENGTH OF 25.09 FEET AND A CHORD BEARING AND DISTANCE OF S33°40'29"W 25.05 FEET; THENCE S86°39'53"W 242.32 FEET; THENCE S34°40'49"E 18.43 FEET; THENCE N87°29'26"W 25.11 FEET; THENCE N34°40'49"W 15.44 FEET; THENCE S86°39'53"W 322.25 FEET; THENCE S34°28'38"W 35.66 FEET TO THE SOUTH LINE OF SAID LOT 4B; THENCE N89°59'26"W ALONG THE SOUTH LINE OF SAID LOT 4B FOR A DISTANCE OF 24.26 FEET TO THE POINT OF BEGINNING, CONTAINING 0.306 ACRES (13,306 SQ. FT.) MORE OR LESS.

Planning Commission
May 29, 2001
Page 3

Consent Agenda:

VA 01-4.00: Vacation (Wedington Place Phase II, Lots 4A & 4B , pp 401) was submitted by Robert Brown of Development Consultants, Inc., on behalf of Wedington Place Senior Apartments, LLLP for property located on Lots 4A & 4B of Wedington Place Phase II. The property to be vacated is zoned R-2, Medium Density Residential and contains approximately 0.74 acres. The request is to vacate one drainage easement and one utility easement.

Estes: The first item of business on the Consent Agenda is Vacation 01-4.00 for Wedington Place Phase II, Lots 4A and 4B submitted by Robert Brown of Development Consultants, Inc., on behalf of Wedington Place Senior Apartments, LLLP for property located on Lots 4A & 4B of Wedington Place Phase II. The property to be vacated is zoned R-2, Medium Density Residential and contains approximately 0.74 acres. The request is to vacate one drainage easement and one utility easement. Any member of the audience and any member of the Planning Commission may pull this item from the Consent Agenda if they desire to do so. Does anyone in the audience or any member of the Commission attending wish to pull this item from the Consent Agenda? Seeing none, will you call the roll please?

ROLL CALL:

Upon roll call VA 01-4.00 is approved by a unanimous vote of 6-0-0 and will be forwarded to City Council for consideration.

PC Meeting of 29 May 01

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

Easement Vacation
Wedington Place Senior Apartments, LLLP

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
FROM: Ron Petrie, Staff Engineer
DATE: May 23, 2001

Project: VA 01-04.00: Vacation (Wedington Place Senior Apartments, pp 401) was submitted by Robert Brown of Development Consultants, Inc. for property located at 3430 W. Telluride Drive, Lots 4A & 4B, Wedington Place Addition, Phase II. The request is to vacate a 20' wide drainage easement and a 20' wide utility easement as shown and described on the attached maps and legal descriptions.

The requested easement vacations are due to the building configuration that was approved for the Wedington Place Senior Apartments Large Scale Development. The existing utilities will be relocated to newly dedicated easements.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric - Not applicable.
Southwestern Electric Power Company - No objections.
Arkansas Western Gas - No objections.
SW Bell - No objections.
Cox Communications - No objections.

City of Fayetteville:
Water/Sewer - No objections.
Street Department - No objections.
Solid Waste - No objections.

Recommendation: Approval of the proposed easement vacations.

PLANNING COMMISSION ACTION: yes Required
_____ Approved _____ Denied

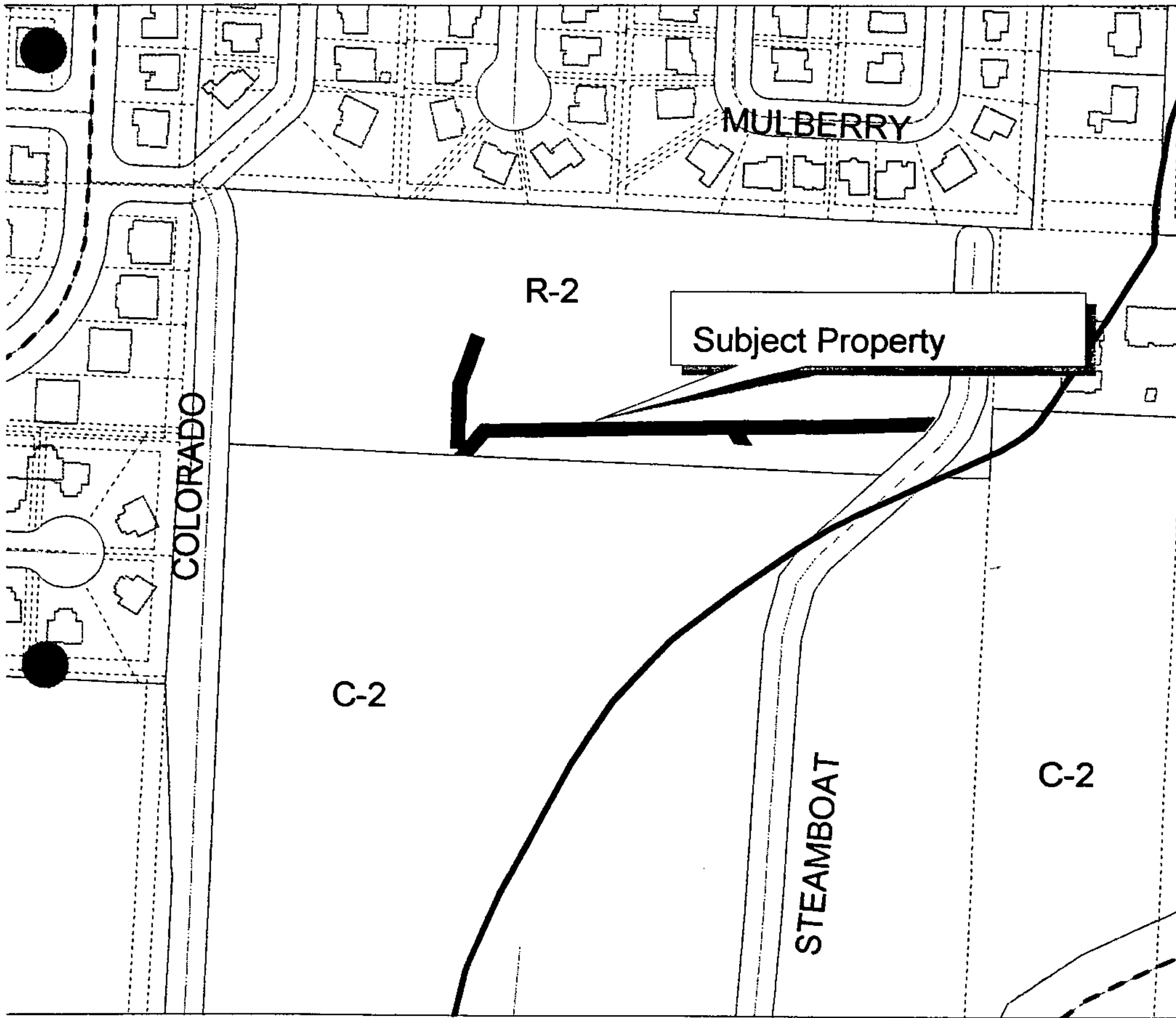
Date: ____/____/____

Comments:

CITY COUNCIL ACTION: yes Required
 Approved Denied

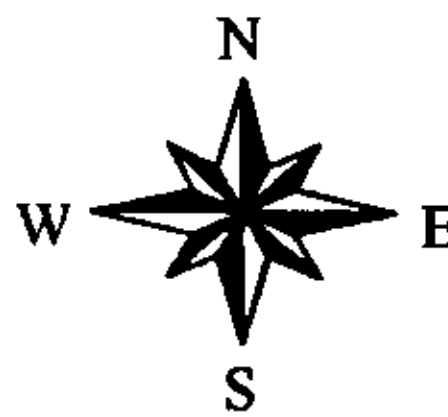
Date: / /

VA01-4 WEBINGTON PLACE CLOSURE



Master Street Plan

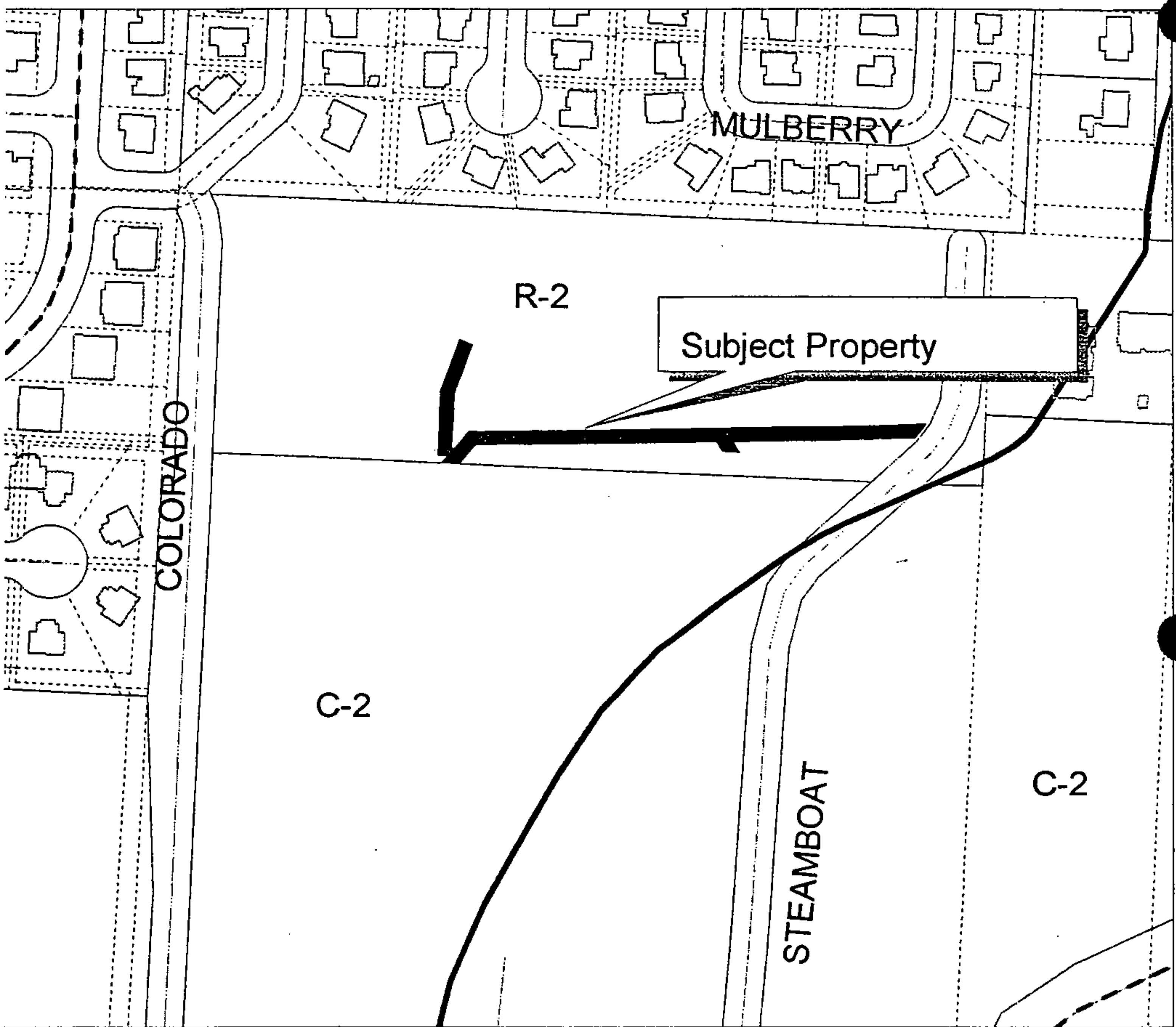
-  Freeway/Expressway
-  Principal Arterial
-  Minor Arterial
-  Collector
-  Historical Collector
-  STREETS



200 0 200 400 600 Feet

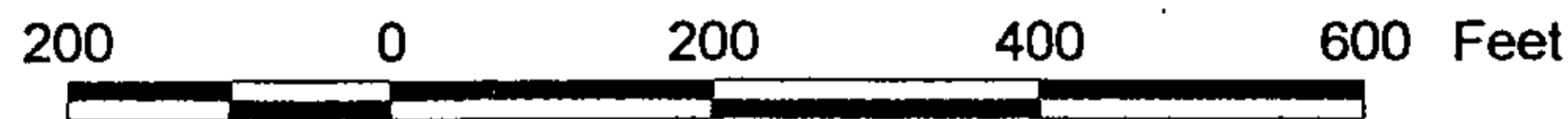
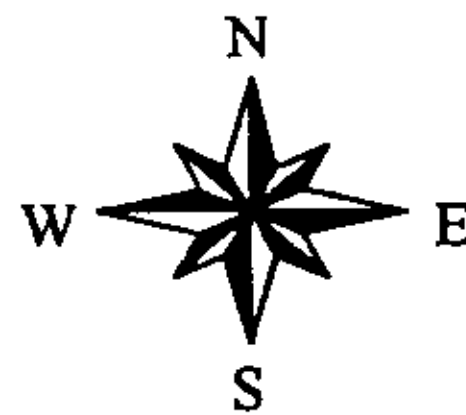


VAU1-4 WEDINGTON PLACE CLOSE UP



Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- STREETS



STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of June 19, 2001.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for VA01-5, submitted by Ed Connell, City Land Agent, for property located at 10 North Garland Avenue, Lots 400-402, Oak Park Place Subdivision. The request is to vacate the undeveloped 40' wide right-of-way to the east and north of the above address and Lots 17-24 McIlroy's University Addition.

COST TO CITY:

\$0

Cost of this request

Category/Project Budget

Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission unanimously voted 6-0-0 to recommend and forward the vacation to the City Council.

Division Head

Date

Department Director

Date

Administrative Services Director

Date

Mayor

Date

Cross Reference

New Item: Yes No

Prev Ord/Res#:

Orig Contract Date:

ORDINANCE NO. _____

AN ORDINANCE APPROVING VA01-5.00 TO VACATE
AND ABANDON AN UNDEVELOPED 40' WIDERIGHT-
OF-WAY TO THE EAST AND NORTH OF 10 NORTH
GARLAND AVENUE, LOTS 400-402, OAK PARK PLACE
SUBDIVISION, FAYETTEVILLE, ARKANSAS, AS SUBMITTED
BY ED CONNELL, CITY LAND AGENT FOR THE CITY
OF FAYETTEVILLE.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public
grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described utility easement is
not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of
its rights together with the rights of the public generally, in and to the following described waterline
easement:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That a copy of this Ordinance duly certified by the City Clerk shall be
filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

By _____
Ed Connell, Mayor

ATTEST:

By _____
Heather Woodruff, City Clerk

EXHIBIT "A"

Right-of-Way Description

AN UNIMPROVED PLATTED ROAD RIGHT-OF-WAY, BEING LOCATED IN A PART OF THE SOUTHWEST QUARTER (SW¼) OF THE NORTHWEST QUARTER (NW¼) OF SECTION SIXTEEN (16), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST AND BEING A PART OF THE J.H. McILROY'S UNIVERSITY ADDITION AND OAK PARK PLACE ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, SAID ROAD RIGHT-OF-WAY BEING VACATED AND MORE

PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS THE SOUTHEAST CORNER OF LOT NO. 17 OF J.H. McILROY'S UNIVERSITY ADDITION TO THE CITY OF FAYETTEVILLE AND RUNNING THENCE SOUTH 63°08'50" WEST 118.65 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF WEST CENTER STREET (UNDEVELOPED) TO A POINT; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE NORTH 61°45'48" WEST 161.00 FEET TO A POINT; THENCE SOUTH 73°02'27" WEST 61.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF GARLAND AVENUE; THENCE ALONG THE EAST RIGHT-OF-WAY OF GARLAND AVENUE NORTH 02°47'27" EAST 42.50 FEET; THENCE LEAVING THE EAST RIGHT-OF-WAY LINE OF GARLAND AVENUE NORTH 73°02'27" EAST 42.22 FEET; THENCE NORTH 23°30'50" WEST 90.03 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF GARLAND AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF GARLAND AVENUE NORTH 02°47'27" EAST 90.26 FEET TO A POINT; THENCE LEAVING THE EAST RIGHT-OF-WAY LINE OF GARLAND AVENUE SOUTH 23°30'50" EAST 193.35 FEET; THENCE SOUTH 60°13'21" EAST 96.36 FEET; THENCE SOUTH 86°58'17" EAST 134.53 FEET TO THE POINT OF BEGINNING AND CONTAINING 17,800 SQUARE FEET (0.409 ACRE), MORE OR LESS, BEING SUBJECT TO A TEN (10) FOOT WIDE PERMANENT WATERLINE EASEMENT, SAID EASEMENT BEING EAST OF, PARALLEL WITH AND CONTIGUOUS TO THE EAST RIGHT-OF-WAY LINE OF GARLAND AVENUE IN THE AREAS THAT ARE VACATED HEREIN. TO THE CONTRARY NOTWITHSTANDING, IT IS INTENDED THAT THE RIGHT-OF-WAY TO BE VACATED AND DESCRIBED HEREINABOVE SHALL EXTEND TO AND CORRESPOND WITH THE PROPERTY LINES OF THE ABUTTING PLATTED LOTS.

Planning Commission
May 29, 2001
Page 4

New Business:

VA 01-5.00: Vacation (University of Arkansas, pp 483) was submitted by Edward Connell of the City of Fayetteville on behalf of University of Arkansas for property located east and north of 10 N. Garland Avenue, between Lots 17-24 McIlroy's University Addition and Lots 400-402 of Oak Park Place Addition. The property is zoned R-1, Low Density Residential and contains approximately 0.409 acres. The request is to vacate undeveloped street right of way.

Estes: The next item of business to come before the Commission is also a Vacation 01-5.00 University of Arkansas submitted by Edward Connell of the City of Fayetteville on behalf of University of Arkansas for property located east and north of 10 N. Garland Avenue, between Lots 17-24 McIlroy's University Addition and Lots 400-402 of Oak Park Place Addition. The property is zoned R-1, Low Density Residential and contains approximately 0.409 acres. The request is to vacate undeveloped street right of way. Staff recommends approval of the proposed street right-of-way vacation. The University of Arkansas has recently purchased all tracts of land adjacent to this undeveloped street right-of-way. In exchange for this right-of-way vacation the University has agreed to provide "the City with a credit in the amount of \$26,700.00 to be used by the City only in any future land negotiation between the two parties...." Is the applicant present?

Petrie: Ed Connell is a Land Agent out of the Engineering Division. Mr. Connell is on vacation this week. I'll be glad to answer any questions or give a quick presentation if you like.

Estes: Commissioners do you have any questions of Mr. Petrie regarding this requested vacation?

Hoffman: Is the amount of \$26,700 in credit, is that based on a square foot appraisal of the land being vacated?

Petrie: It comes out to \$1.50 per square foot. It's my understanding that figure was determined from the recent purchases by the University of Arkansas of the adjacent property, they used that to determine that amount.

Estes: Any other questions of Mr. Petrie? Mr. Petrie, the credit in the amount of \$26,700, is that something that is anticipated to be used sometime within the next six months? My concern is, if this is a credit that will exist in perpetuity and never be used, I would like to see cash in lieu of credit. What are the plans for the use of this credit?

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- Petrie: I think six months would be very unlikely. There are some ongoing negotiations which we certainly hope will come out in our favor in trying to acquire the land that the Lewis Park is on that we are presently leasing from the University and there are also some negotiations on Garland Avenue for additional widening for a boulevard and trails to be placed on that planned project on the University of Arkansas campus. Those are the two ongoing negotiations but the six months I really doubt.
- Estes: Would it be anticipated that this credit would be used by the City within less than two years?
- Petrie: It would certainly be hard to guarantee that but it would be our hope that it would. I've discussed this with University officials today and they could give me no other guarantee themselves about when it would be used. I'm sorry I really don't have any more information.
- Estes: Any other questions from Commissioners?
- Hoffman: If we are worried about keeping track of it can we put it on the warrant deed that's filed and then have it removed after it's used?
- Petrie: I'm not too sure. Ed would be more familiar with that.
- Hoffman: I'm not real sure how the wording of warranty deeds is composed but if that could be an addendum that's put on the deed and then removed.
- Conklin: This is a recommendation to City Council and between now and City Council I'm sure we'll get with Ed and our City Attorney and see what can be placed on the deed.
- Marr: How often do we do land negotiations with the University, if you look at the last 5 years?
- Petrie: I don't have the history for the last five years.
- Marr: An estimate.
- Conklin: I can't think of any. Kit, can you think of any?
- Williams: No, I can't but in talking to Ed Connell about this, there are ongoing negotiations that our City Engineering Department, Ron Petrie has told you about. I think the

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City does anticipate doing some land negotiation with the University in a fairly near term. As Ron said, we can't guarantee it's going to be done in two years. We do think that the City will be using this credit within the next couple of years most likely. That's about as much as I know. I've talked with Mr. Connell about this but that's about as much as I know about it.

PUBLIC COMMENT:

Estes: Is there any member of the audience that would like to provide public comment or make a presentation regarding this requested vacation?

COMMISSION DISCUSSION:

Estes: Seeing none, I'll bring it back to the full Commission for motions, discussions, any further questions of staff.

MOTION:

Hoffman: I'll make a motion to approve this vacation and forward it on to City Council with the further recommendation that we develop a strategy to keep track of the credit.

Estes: There is a motion by Commissioner Hoffman, is there a second?

Marr: I'll second.

Estes: Is there any discussion?

Marr: I hesitate to second it. I want to support City staff initiatives but it concerns me that we are going to take a credit for land that nobody can remember in the last five years having any negotiations with them. Assuming we'll use this against future, I'll support it.

Williams: If you look at the map on page 2.3, you can see that this is undevelopable land if the City ever tried to do anything with it except build a street. Certainly it's best use will be to combine it with the University property and let them develop it in conjunction with other property they purchased. I think that was another reason that staff recommends that we go ahead and transfer or vacate it to the University for a credit because I don't think, in realistic terms, the City has any real use for this land.

Estes: We have a motion by Commissioner Hoffman, second by Commissioner Marr, is

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there any further discussion? Would you call the roll please?

ROLL CALL:

Upon roll call VA 01-5.00 is approved by a unanimous vote of 6-0-0 and will be forwarded to City Council for consideration.

PC Meeting of 29 May 01

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

Street Right of Way Vacation
University of Arkansas

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
FROM: Ron Petrie, Staff Engineer
DATE: May 23, 2001

Project: VA 01-05.00: Vacation (University of Arkansas, pp 483) was submitted by Ed Connell, City Land Agent, for property located at 10 North Garland Avenue, Lots 400-402, Oak Park Place Subdivision. The request is to vacate the undeveloped 40' wide right of way to the east and north of the above address and Lots 17-24 McIlroy's University Addition. See the attached maps and legal descriptions for exact dimensions for the requested right-of-way vacation.

The University of Arkansas has recently purchased all tracts of land adjacent to this undeveloped street right-of-way. In exchange for this right-of-way vacation the University has agreed to provide "the City with a credit in the amount of \$26,700.00 to be used by the City only in any future land negotiation between the two parties...."

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric - Not applicable.
Southwestern Electric Power Company - No objections.
Arkansas Western Gas - No objections.
SW Bell - No objections.
Cox Communications - No objections.

City of Fayetteville:
Water/Sewer - No objections.
Street Department - No objections.
Solid Waste - No objections.

Recommendation: Approval of the proposed street right of way vacation.

PLANNING COMMISSION ACTION: yes Required
_____ Approved _____ Denied

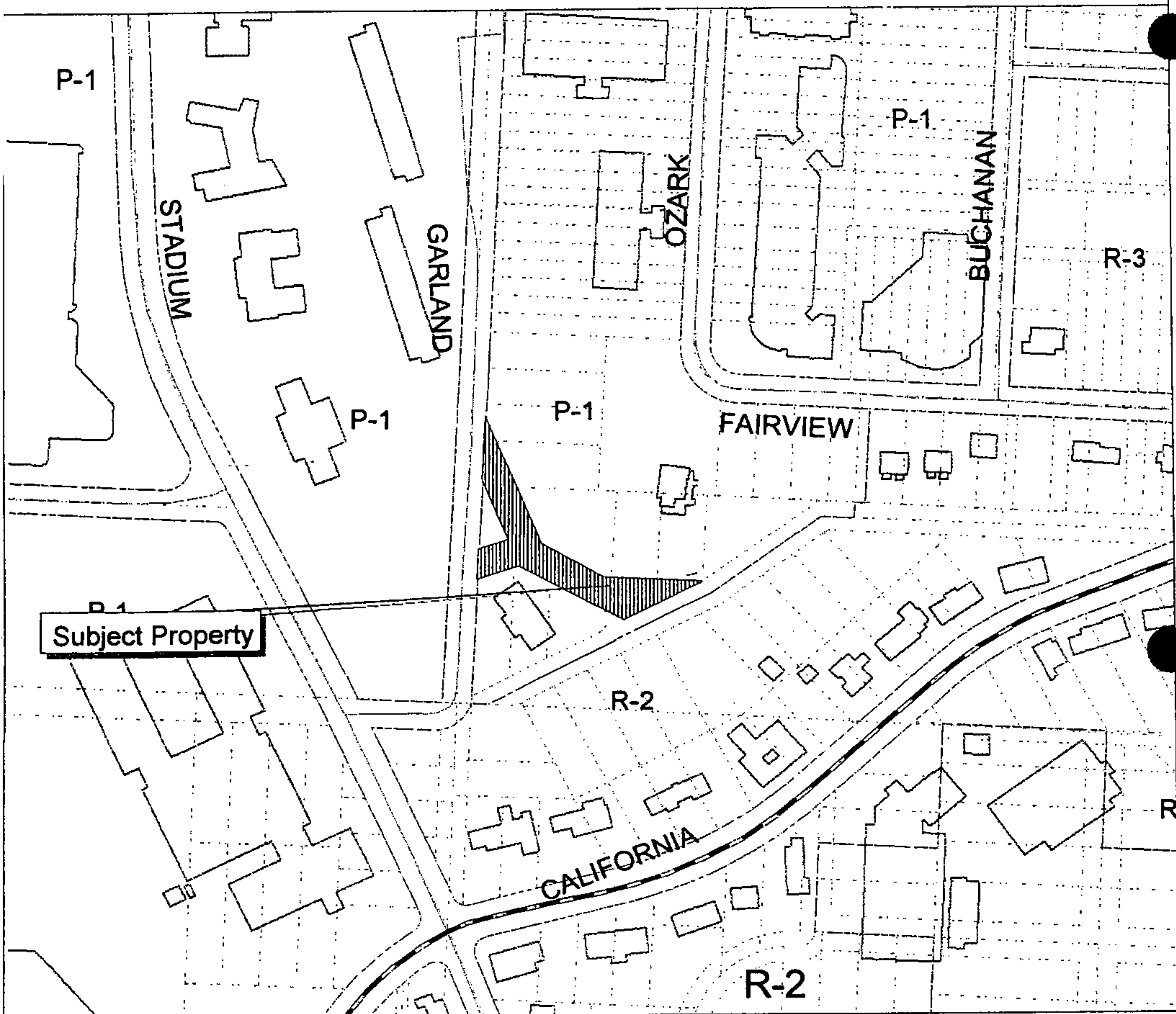
Date: ____/____/____

Comments:

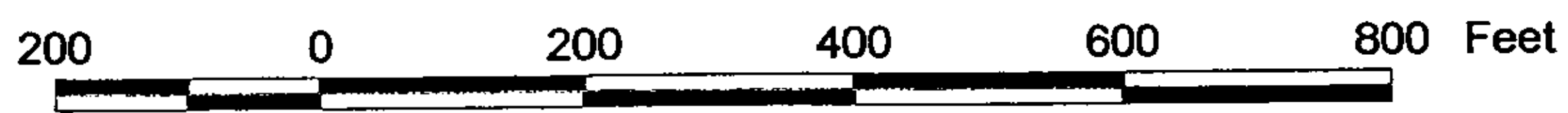
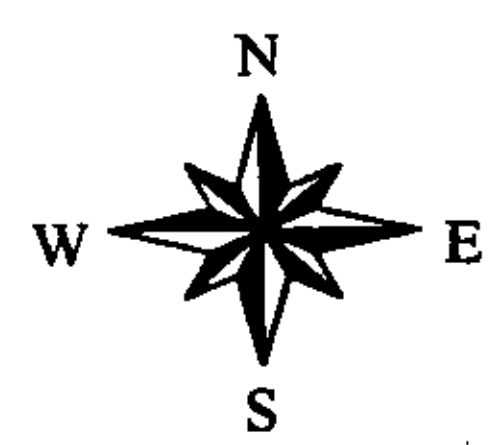
CITY COUNCIL ACTION: yes Required
 Approved Denied

Date: / /

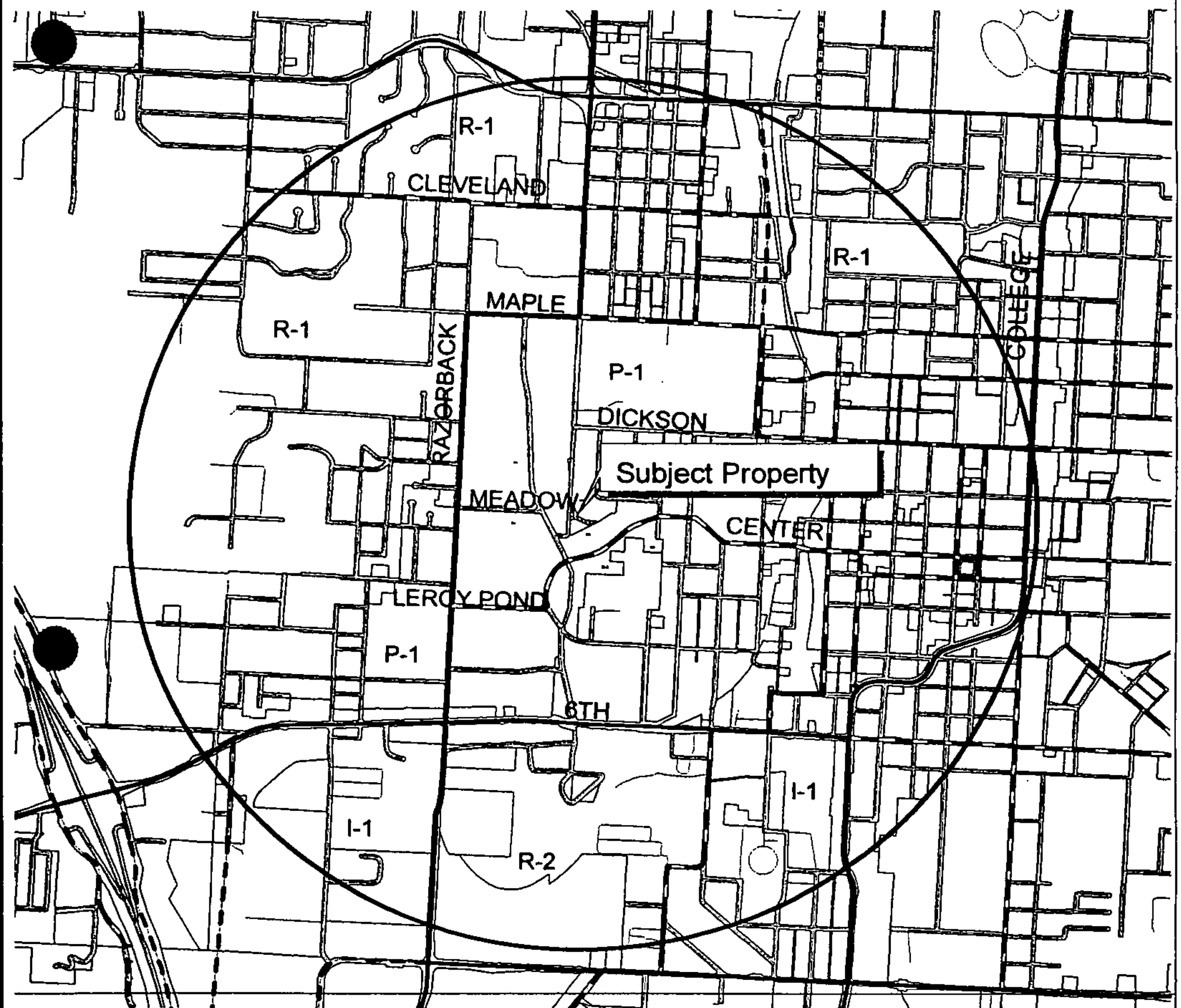
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- Master Street Plan
- Freeway/Expressway
 - Principal Arterial
 - Minor Arterial
 - Collector
 - Historical Collector
 - STREETS

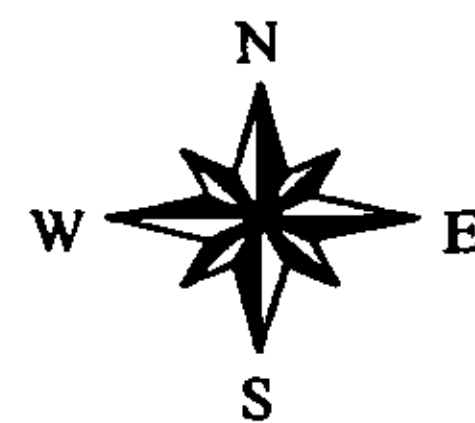


VAC01-9 U OF A ONE M



Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- STREETS



0

2 Miles



STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001.

FROM:

Tim Conklin
Name

Planning
Division

Public Works
Department

ACTION REQUIRED: To approve an ordinance approving AD 00-46.00 to amend Chapter 151 "Definitions", of the Unified Development Ordinance to change the definition of "Family" and to include the definition of "Single Housekeeping Unit", submitted by the City of Fayetteville, Planning Division.

COST TO CITY:

\$

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used To Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW:

_____ Budgeted Item

_____ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommends approval and Planning Commission voted 6-0-0 to recommend to City Council.

Division Head

Date

Cross Reference

Department Director

Date

New Item: **Yes**

Administrative Services Director

Date

Prev Ord/Res #: _____

Mayor

Date

Orig Contract Date: _____

Orig Contract Number: _____

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AD 00-46.00: Administrative Item to Amend the Definition of a Family in the UDO.

Estes: The remaining item is item number seven. This is an administrative item to amend the definition of a family contained in the Unified Development Ordinance. Mr. Conklin, what background information do you have available for us as we consider this administrative item?

Conklin: At the April 9th Planning Commission meeting, which was a very long meeting, the Commission directed staff to bring forward an ordinance that would leave the number of unrelated individuals at three in single family zoning districts and then increase the current number which was at three to four in all zoning districts that allow other than single family homes. That's what we are bringing forward to you this evening. On page 7.3 we have a proposed recommended definition and I'll read that at this time.

***Family. (Zoning)** In single family residential districts, a family is no more than three (3) persons unless all are related and occupy a dwelling as a single housekeeping unit in the RE (Residential Estate), RA (Residential Acre Lot), RL (Residential Large Lot), R-1 (Low Density Residential), and RS (Residential Small Lot) zoning districts. In all other zoning districts where residential uses are permitted, a family is no more than four (4) persons unless all are related and occupy a dwelling as a single housekeeping unit. A family is when all persons are related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship. The definition of family does not include fraternities, sororities, clubs or institutional groups.*

Staff is also recommending that we add a definition for single housekeeping unit as follows:

***Single Housekeeping Unit. (Zoning)** A dwelling unit with common access to and common use of all living and eating areas and all areas and facilities for the preparation, serving and storage of food within the dwelling unit.*

Another amendment to the definition of a family is the removal of the provision for domestic servants. Prior to this recommendation, domestic servants were not counted against the number of unrelated individuals in a family. Staff is proposing that the domestic servants provision be eliminated altogether. That is our recommendation. We started out with subcommittee meetings and went to Planning Commission on April 9th and this will be our second Planning Commission meeting on this item.

Estes: Tim, does the staff recommendation also include allowing a maximum number of three unrelated individuals in residential estate, residential acre lot, residential large lot, low density residential and residential small lot zoning districts and to

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allow a maximum number of four unrelated individuals in all other districts that allow residential uses?

Conklin: That is correct. For clarification for the public and Commission, staff is not changing the number of unrelated individuals that currently exist. The current number is three. We are expanding that to allow four in multi-family and non single-family zoning districts. We are actually increasing the number in those zoning districts where we may have apartment type complexes where you may have four bedrooms with four individuals living in one dwelling unit and that will help take care of that situation.

PUBLIC COMMENT:

Estes: Is there any member of the public who would like to comment on this administrative item 00-46.00 definition of a family?

COMMISSION DISCUSSION:

Estes: Seeing none, I will bring it back to the Commission for discussion, motions.

MOTION:

Marr: I was recalling the minutes from the last meeting and I think this recommendation is in line with what I recalled and reread through the minutes. I'll move for approval of administrative item 00-46.00 as submitted by City staff.

Hoffman: I'll second with a question for staff just for clarification. Do we have a provision or do we need a provision in this if we are creating any existing non-conforming structures that are used presently as sorority houses, as an existing non-conforming use with a certificate of occupancy, does this in any way affect their ability to continue to function or will they have to come back to the Planning Commission to get a conditional use to continue those functions?

Conklin: This ordinance is not changing the situation where you may have that type of use. We are keeping up to three unrelated individuals in the single family zoning districts and we are allowing four unrelated individuals in other zoning districts that allow duplexes, triplexes and apartments. If there is a situation that they are in violation of the ordinance, of course we would go out and investigate and request that they cease using that structure in that manner. If that doesn't work, we would send them over to the City Prosecutor.

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Hoffman: I think we've got at least four or five of those type with the domestic servants and there are sororities. Not that I'm advocating that we have a conditional use for them but I just wondered what their course of action would be.

Conklin: If there is a complaint and they are in violation of our ordinance, they'll receive a violation notice.

Hoffman: That answers my question and my second stands.

Conklin: We did receive information from Lindsey apartment communities on what their current policy is. I would like to read that since they took the effort to get that to staff today. "Occupancy is limited to no more than two persons per bedroom. Children under the age of two at the time of the lease or extension or renewal is executable not be counted toward this limit. Three adults may occupy an apartment only if related to each other by blood or marriage. Occupancy by more than three adults is not permitted." Lindsey Management already has in place similar restrictions on their rental units.

Estes: We have a motion by Commissioner Marr to approve administrative item 00-46.00 and a second by Commissioner Hoffman, is there any other discussion?

Marr: I would just like to make a comment. I think it's appropriate to thank the 100 hours of committee work, a lot of research and I appreciate the time that they put into that. The analysis from City staff that we got on town comparisons, I thought the work was excellent.

Estes: Any further discussion? Would you call the roll please?

ROLL CALL:

Upon roll call AD 00-46.00 is approved by a unanimous vote of 6-0-0 and will be forwarded to City Council for consideration.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Planning Commission
FROM: Shelli Rushing, Associate Planner
THRU: Tim Conklin, City Planner
DATE: May 17, 2001

AD-00:46.00: Administrative Item (Definition of Family) to revise the definition of "family" in the Unified Development Ordinance in a manner that best preserves the character of single-family neighborhoods.

BACKGROUND

Two situations prompted the discussion about revising the definition of family:

- (1) Staff found that the reference to domestic servants in the definition of family could be used to circumvent the limit of no more than three unrelated persons occupying a single dwelling unit.
- (2) Staff continues to receive complaints about single family residences containing more than three unrelated persons and about the perceived side effects, including overcrowded parking on streets, loud noises, and deteriorating property conditions.

February 1, 2001

A special subcommittee of the Planning Commission met to discuss changes to the definition of family with regard to domestic servants. The city attorney summarized the legal aspects of defining family. In public comment, residents expressed concern over trash, traffic, noise, and parking. This meeting was a working session and the subcommittee made no motions.

February 15, 2001

The Planning Commission subcommittee met again to discuss the number of unrelated persons that should be considered a family. The subcommittee briefly discussed the definition of congregate housing, which is currently addressed through Use Unit 4. A motion was made and passed, with one abstention, to change the definition of family to "Family is one or more persons living together in a single dwelling unit, provided that unless all such persons are related by blood, marriage or adoption, shall not contain over four persons."

April 9, 2001

Staff made a recommendation to the Planning Commission to amend the definition of family to better define what is considered "related", to identify a family as living in a single housekeeping unit, to remove the section about domestic servants, to consider increasing the maximum number of unrelated individuals from three to four (as recommended by the special subcommittee), and to add an exception statement identifying what is not considered a family.

The Planning Commission tabled the decision on the definition of family and asked that staff revise the definition to allow a maximum of three unrelated individuals in low-density single-family districts and allow a maximum of four unrelated individuals in all other districts.

RECOMMENDATION

Based on the findings presented in the initial definition of family staff report, the recommendations made to the planning commission on April 9, 2001, and the requested revision, staff recommends the following changes to the definition of family.

1. Expand the definition of related family members to include adoption, guardianship or other duly-authorized custodial relationship.
2. Add a statement requiring that all persons are living together as a single housekeeping unit.
3. Remove the portion of the definition of family that discusses domestic servants.
4. Allow a maximum number of three unrelated individuals in the RE (Residential Estate), RA (Residential Acre Lot), RL (Residential Large Lot), R-1 (Low Density Residential), and RS (Residential Small Lot) zoning districts and allow a maximum number of four unrelated individuals in all other districts that allow residential uses.
5. Add an exception statement to distinguish family from a sorority, fraternity, club or institutional group.
6. Add the definition of "single housekeeping unit" to the definitions section of the UDO.

Assuming the recommendations made above, the ordinance would state:

***Family. (Zoning)** In single family residential districts, a family is no more than three (3) persons unless all are related and occupy a dwelling as a single housekeeping unit in the RE (Residential Estate), RA (Residential Acre Lot), RL (Residential Large Lot), R-1 (Low Density Residential), and RS (Residential Small Lot) zoning districts. In all other zoning districts where residential uses are permitted, a family is no more than four (4) persons unless all are related and occupy a dwelling as a single housekeeping unit. A family is when all persons are related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship. The definition of family does not include fraternities, sororities, clubs or institutional groups.*

***Single Housekeeping Unit. (Zoning)** A dwelling unit with common access to and common use of all living and eating areas and all areas and facilities for the preparation, serving and storage of food within the dwelling unit.*

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Tim Conklin, City Planner
FROM: Shelli Rushing, Associate Planner
DATE: April 4, 2001

AD-00:46.00: Administrative Item (Definition of Family) to revise the definition of "family" in the Unified Development Ordinance in a manner that best preserves the character of single-family neighborhoods.

BACKGROUND

Two situations prompted the discussion about revising the definition of family:

- (1) Staff found that the reference to domestic servants in the definition of family could be used to circumvent the limit of no more than three unrelated persons occupying a single dwelling unit.
- (2) Staff continues to receive complaints about single family residences containing more than three unrelated persons and about the perceived side effects, including overcrowded parking on streets, loud noises, and deteriorating property conditions.

February 1, 2001

A special subcommittee of the Planning Commission met to discuss changes to the definition of family with regard to domestic servants. The city attorney summarized the legal aspects of defining family. In public comment, residents expressed concern over trash, traffic, noise, and parking. This meeting was a working session and the subcommittee made no motions.

February 15, 2001

The Planning Commission subcommittee met again to discuss the number of unrelated persons that should be considered a family. The subcommittee briefly discussed the definition of congregate housing, which is currently addressed through Use Unit 4. A motion was made and passed, with one abstention, to change the definition of family to "Family is one or more persons living together in a single dwelling unit, provided that unless all such persons are related by blood, marriage or adoption, shall not contain over four persons."

ISSUES

Revising the definition of family involves three predominant issues:

1. Determine whether or not domestic servants should be included in the definition.
2. Establish the most appropriate number of unrelated persons allowed to live in a single family dwelling unit.
3. Define what are considered "related persons".

Related issues include parking, noise and trash in rental properties with unrelated persons. A summary of cities that have started to address these concerns are discussed briefly at the end of the report.

FINDINGS

Staff gathered definitions of family from 13 cities similar in size to Fayetteville that are home to a college or university. The following summary of findings discusses the issues identified above.

1. Domestic Servants

Including domestic servants in the definition of family is relatively uncommon. Of the comparison cities, only two, Ithaca, New York and Springfield, Missouri, included a statement regarding domestic servants not being part of a "family". In early 1998, Athens-Clarke County, Georgia deleted a provision in the definition that allowed household employees to live in a residence without being counted among the unrelated people. Staff from Athens-Clarke County states that the change has eliminated the chance that the limits placed on unrelated persons living in a single family dwelling unit can be bypassed by claiming renters as domestic servants.

2. Number of Unrelated Persons

A maximum of three or four unrelated persons defined as a family appears to be the leading trend. In the comparison cities, the number of unrelated persons defined as "family" ranged from one or more unrelated persons to not more than five unrelated persons. Some ordinances apply one definition of family to all zoning districts that allow single family uses. Other ordinances define family by zoning district (*see Auburn, AL, Athens, GA, and Lawrence, KS*). In such ordinances, two to three unrelated persons are allowed in more restrictive single-family zones and four unrelated persons are allowed in all other zones that allow single family uses.

Courts have found that, in establishing a definition of family, cities must look at how unrelated individuals function together within the housekeeping unit. If in every respect but biological the unrelated individuals act as a family, they should be considered a family, also termed a "functional family." The courts have identified three factors that suggest the unrelated

individuals are acting as a functional family:

- 1) a family-like structure of household authority;
- 2) a stable and integrated housekeeping unit; and
- 3) does not threaten the preservation of the character of single family areas.

Nine of the 13 comparison cities address the second factor with a statement about the occupants living as a single housekeeping unit.

This issue also requires a brief discussion about group homes or family homes. These homes are designed to serve as a residence to help rehabilitate persons with disabilities and usually have on the premises between six and ten residents and two surrogate parents. City ordinances may not discriminate against group homes, however may limit the number of individuals to ensure the character of single family neighborhoods. (Dwight H. Merriam AICP and Robert J. Sitkowski, AICP, *The Seven-Nun Conundrum: Seeking Divine Guidance in the Definition of "Family"*, Land Use Law, June 1999, pg 3) (New York State Department of State, Legal Memorandum LU 05: *Definition of "Family" in Zoning Law and Building Codes; The Law of Planning and Zoning*). Two of the comparison cities, Ames, Iowa and Champaign, Illinois, address the issue of group homes within the definition of family. Other cities define group homes separately.

Five of the 13 comparison cities also include a statement about what is not a family, often excluding fraternity and sorority houses.

3. Definition of "Related"

Ten of the 13 comparison cities included the "related" term within the definition. These cities defined related persons as related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship.

RECOMMENDATION

Based on these findings, staff recommends the following changes to the definition of family.

1. Expand the definition of related family members to include adoption, guardianship or other duly-authorized custodial relationship.
2. Add a statement requiring that all persons are living together as a single housekeeping unit.
3. Remove the portion of the definition of family that discusses domestic servants.
4. Consider changing the maximum number of unrelated individuals from three to four, as recommended by the special subcommittee.
5. Add an exception statement to distinguish family from a sorority, fraternity, club or institutional group.

Assuming the recommendations made above, the ordinance would be amended as follows:

Family. (Zoning) Family is defined as ~~One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, or marriage, ⁽¹⁾ adoption, guardianship or other duly-authorized custodial relationship occupying a dwelling as a ⁽²⁾ single housekeeping unit, or no more than ⁽⁴⁾ four ⁽⁴⁾ unrelated persons occupying a dwelling as a single housekeeping unit. no such family shall contain over three persons; ⁽³⁾ but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family or families. ⁽⁵⁾ The definition of family does not include fraternities, sororities, clubs or institutional groups.~~

As revised, the definition of family would state:

Family. (Zoning) Family is defined as one or more persons related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship occupying a dwelling as a single housekeeping unit, or no more than four unrelated persons occupying a dwelling as a single housekeeping unit. The definition of family does not include fraternities, sororities, clubs or institutional groups.

Comparison Cities for Definition of "Family"		
City	Approx. Population	Definition of "Family"
Fayetteville, AR <i>University of Arkansas (15,000 students)</i>	58,000	One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over three persons; but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.
Unrelated persons limitation: None		
Tallahassee, FL <i>Florida State University (30,000 students)</i>	124,000	One person or a group of two or more persons living together occupying the whole or part of a dwelling as a single housekeeping unit.
Norman, OK <i>University of Oklahoma (27,000 students)</i>	80,000	A household comprised of one or more individuals.
Unrelated persons limitation: Two (2)		
Iowa City, IA <i>University of Iowa (28,000 students)</i>	61,000	One person or two (2) or more persons related by blood, marriage, adoption or placement by a governmental or social service agency, occupying a dwelling unit as a single housekeeping organization. A family may also be two, but not more than two, persons not related by blood, marriage, or adoption.
Ithaca, NY <i>Cornell University Ithaca University</i>	29,000	One or more persons occupying a dwelling unit, provided that, unless all members are related by blood, marriage, adoption or other legal relationship, no such family shall contain over two (2) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family or families.

Unrelated persons limitation: Three (3) or Two (2) with children		
Springfield, MO <i>Southwest Missouri State University</i> (16,000 students)	140,000	The following living arrangements shall constitute a family for the purposes of this Article: A. One (1) or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit; or B. Three (3) or less unrelated persons living as a single housekeeping unit; or C. Two (2) unrelated persons, plus their biological, adopted or foster children or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit. Domestic servants, employed on the premises, may be housed on the premises without being counted as part of the family. The term family shall not be construed to mean a fraternity, sorority, club or institutional group.
Ames, Iowa <i>Iowa State University</i> (25,000 students)	47,000	Family means a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities: A) Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship; B) Three unrelated people; C) Two unrelated people and any children related to either of them; D) Not more than eight people who are: i) Residents of a "Family Home" as defined in Section 414.22 of the Iowa code and this ordinance, or; ii) "Handicapped" as defined in the Fair Housing Act, 42 U.S.C. Section 3602 (h) and this ordinance. This definition does not include those persons currently illegally using or addicted to or using a "controlled substance" as defined in the Controlled Substance Act, 21 U.S.C. Section 802 (6). E) Not more than five people who are granted a Special Use Permit as a single nonprofit housekeeping unit (a "functional family") pursuant to Section 29,1 1503(4)(d) of this ordinance. i) Exceptions - the definition of a "family" does not include: a) Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization; b) Any group of individuals whose association is temporary or seasonal in nature; and c) Any group of individuals who are in a group living arrangement as a result of criminal offenses.

Unrelated persons limitation: Four (4)		
Champaign, IL <i>University of Illinois- at Urbana- Champaign</i> (34,000 students)	63,000 -	Family shall mean a person living alone, or two (2) or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel, hotel, fraternity, or sorority house, provided, however, that for the purposes of definition, "family" shall not include more than four (4) persons unrelated to each other by blood, marriage, or legal adoption. "Family" shall include members of the service dependent population living in community living facilities and recovery homes as herein defined.
College Station, TX <i>Texas A & M</i> (44,000 students)	53,000	Any number of related persons or not more than four (4) persons any of whom is unrelated to another living as a single housekeeping unit. Persons are related within the meaning of this definition if they are related by consanguinity, affinity or legal guardianship.
Grand Forks, ND <i>University of North Dakota</i> (10,000 students)	45,000	Any number of individuals related by blood, legal adoption or marriage, or a group of not more than four persons who need not be related by blood or marriage, living together on the premises as members of a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel as herein described.
Unrelated persons limitation: By Zoning District		
Auburn, AL <i>Auburn University</i> (22,000 students)	33,000	One (1) or more persons related by blood, marriage, adoption or guardianship, plus one (1) unrelated person occupying a dwelling unit and living as a single housekeeping unit in the Limited Development District, Neighborhood Conservation District and the Development District Housing; or not more than five (5) unrelated persons occupying a dwelling unit and living as a single housekeeping unit in all other zoning districts where residential uses are permitted.
Athens, GA <i>University of Georgia</i> (30,000 students)	126,000	A. For the purposes of this section the following definitions shall apply: <i>Family</i>: Two or more persons occupying a single dwelling unit where all members are related by blood, marriage, adoption or are in foster care. The term "family" does not include any organization or institutional group. <i>AR Neighborhood</i>: Property in any AR (Agricultural Residential) zoning district which are in proximity of ten or more single family dwelling units, not separated by other uses or vacant property. B. It shall be unlawful for the owner of any single dwelling unit located in any RS zoning district or any "AR neighborhood" to have more than two unrelated individuals residing therein, whether or not a family also resides therein. When a dwelling is located in any zoning district other than RS or in an "AR neighborhood" one of the following is permitted: 1. Family related by blood, marriage, adoption or foster care may have two additional unrelated individuals; or 2. Unrelated individuals not exceeding four.

Lawrence, KS <i>University of Kansas</i> (25,000 students)	78,000	(1)(a) <u>Family</u> In RS zoning districts, Family shall be defined to mean: i) a person living alone, or ii) two or more persons related by blood, marriage, legal adoption, guardianship or other legally authorized custodial relationship or iii) a group of not more than three (3) persons unrelated by blood, marriage and their children, living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a boarding house, lodging house, motel, hotel, fraternity house or sorority house. (b) Family in all other zoning districts, and for those uses governed by Use Group 7, Family shall be defined to mean: i) a person living alone or ii) two or more persons related by blood, marriage, legal adoption, guardianship or other legally authorized custodial relationship, or iii) a group of not more than four (4) persons unrelated by blood or marriage, living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a boarding house, lodging house, motel, hotel, fraternity house or sorority house.
Columbia, MO <i>University of Missouri</i>	69,000	(1) An individual or married couple and the children thereof and no more than two (2) other persons related directly to the individual or married couple by blood or marriage, occupying a single housekeeping unit with single kitchen facilities, used on a nonprofit basis. A family may include not more than one additional person, not related to the family by blood or marriage, provided that such additional person may be provided with sleeping accommodations but not with kitchen facilities; or (2) a.1. In zoning districts R-1 and PUD (when PUD development density is five (5) or less dwelling units per acre, a group of not more than three (3) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a nonprofit basis. 2. The use of a dwelling unit by four (4) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a nonprofit cost-sharing basis, prior to February 4, 1991, shall be allowed to continue in districts R-1 and R-1 PUD as a lawful nonconforming use. B. In all other applicable zoning districts, a group of not more than four (4) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a nonprofit cost-sharing basis.

RELATED ISSUES

Revising the definition of family is just one step in addressing the problems that can arise from student housing, from loud noises to parking problems to deteriorating property conditions. College towns that are facing or have faced similar issues have created approaches for addressing these problems. These approaches include rental property registration, enhanced code enforcement, and limiting space between student housing properties. A brief summary of the programs and ordinances adopted by other college towns is provided below.

Tallahassee, FL

In June 2000, Tallahassee passed a law prohibiting the construction of new dormitory style housing in single family residential neighborhoods (see article attached). In conjunction, the city established a process to grandfather existing dorm housing, but that the grandfather status could be lost if certain codes are violated. The process requires landlords to register with the city and designate an agent for the property. A Rooming House Response Team answers questions and accepts rooming house complaints.

Tallahassee's rooming house definition is as follows:

"A single family dwelling or either unit of a two-family dwelling (duplex) which is rented for a valuable consideration or wherein rooms with or without cooking facilities are rented for a valuable consideration to or occupied by four (4) or more natural persons unrelated by blood, marriage or legal adoption to the owner or operator of the house. Foster children placed in a lawful foster family home, a community residential home with six or fewer residents, a nursing home, or a residential care facilities shall not be considered a rooming house. Temporary gratuitous guests as used herein shall refer to natural persons occasionally visiting the single-family house for a short period of time not to exceed 30 days within a 90 day period."

The city also created an Enhanced Enforcement Plan with strategies to reduce noise, parties, underage drinking, and boom box violations predominantly related to rental properties. The plan included seven primary activities:

- Party Patrol* with police officers specifically designated to address complaints associated with parties.
- Loud Car Stereo Critical Enforcement* to reduce car stereo noise violations.
- Noise Enforcement* to reduce party-related noise nuisance.
- Alcohol Availability to Minors* to reduce the availability and possession of alcohol to minors.
- Community Coordination and Orientation to Education Efforts* to involve the community and other agencies, governments and jurisdictions.
- Enhanced Education* to provide information related to rental property, party-related crime, etc.
- Evaluation Process* to evaluate the effectiveness of the plan.

Lawrence, KS

In February 2001, the City of Lawrence passed an ordinance that decreased the number of unrelated persons in an RS (Single-Family Residence) district from four to three. In conjunction, the city passed an ordinance requiring non-conforming uses, those properties with more than three unrelated persons, to register with the city by June 1, 2001. (Registration form attached.)

State College, PA

In 1997, the State College Borough passed an amendment to the housing ordinance that placed restrictions on property owners wanting to convert a home to a student rental property. The restrictions are based on space separation between converted single-family homes to rental property, targeting student homes. Student homes are defined as *"three or more unrelated people living together and not owning the home."* A student home must not be within 250 feet of another student home in a residential district.

Springfield, MO

Springfield enforces rental property registration that requires a current valid registration in the city to rent property. The ordinance applies to apartments, boarding houses, lodging houses, rooming houses, fraternity and sorority houses. The registration includes designating each building for rent and identifying a local agent (no more than four) that is legally responsible for operating the rental housing. The registration fee is \$12.00 and must be renewed annually. No unit may be occupied if a registration is revoked or suspended. An occupancy permit will not be issued for any dwelling unit for a building with two or more units unless a current rental housing registration is in effect, a registered local agent is designated, and fees for registration and any other penalties are paid in full.

The city uses the following criteria to determine if an individual resides at a rental property:

- gives that location to any persons as a place where he may be reached by mail;
- pays or has money paid on his behalf, to use that location; or
- gives the phone number of that location to any person as his home telephone number.

The city also sets special provisions for two neighborhoods near the university. In those areas, the city will notify the university dean of students of any student found to be renting property that is in violation of the ordinance. The ordinance also requires that any lease or rental contract regarding rental property in R-SF or R-TH zones in the designated neighborhoods must include the following language: *"Occupancy limited to one family or three unrelated people. Each tenant must get an occupancy permit from the City Manager. A violation of these requirements may result in a fine up to \$500 and 180 days in jail."* This statement must be posted on the rental property.

Norman, OK

Norman approaches the problem of too many people in a single-family unit by letting the Code Compliance Inspectors inspect for zoning compliance. They work with the owners to reduce the occupancy within a reasonable time frame. Follow-up inspections are made and the city notes that compliance has been achieved in almost all cases. Files are charged in Municipal Court for those that

do not comply. If still unresolved, the case is forwarded to District Court. The city issues warnings, then tickets, for cars parked on unpaved surfaces.

Ann Arbor, Michigan

The Ann Arbor Central Area Plan recommended that the city establish an educational campaign to let residents know about city regulations regarding parking, trash, and other nuisances. The plan also suggested a clean up week each semester and to offer extra trash pick-up during those times when students are moving out. For serious trash problems, the residents and the property owners are notified with a letter. If they do not comply, they receive a ticket. If the problem persists, the trash is hauled away at the property owner's expense by adding it to the property tax bill.

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AD 00-46.00: Administrative Item (Definition of Family) to revise the definition of "family" in the Unified Development Ordinance in a manner that best preserves the character of single-family neighborhoods.

Estes: The next item that we have on our agenda is Administrative Item 00-46.00, Definition of Family to revise the definition of "family" in the Unified Development Ordinance in a manner that best preserves the character of single-family neighborhoods. Commissioners in your material, among other information regarding this administrative item is a letter from a concerned constituent whom I anticipate will be a presenter tonight request that anyone who owns rent property within the City of Fayetteville recuse from voting on this item. I just bring that to your attention for your consideration.

Hoffman: I just want to state that I do own rental property but I don't find it necessary to recuse.

Estes: The staff has made recommendations and those are on page 13.3 of your material. This matter was well considered by a Subcommittee of your Planning Commission, I chaired that Subcommittee, Commissioner Bunch served on that Subcommittee as did Commissioner Allen. The result of our work was that the revision that we bring forward to you this evening is found on page 13.4 of your material, as revised the definition of family would state:

Family. (Zoning) Family is defined as ~~One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, or marriage, ⁽¹⁾ adoption, guardianship or other duly-authorized custodial relationship occupying a dwelling as a ⁽²⁾ single housekeeping unit, or no more than ⁽⁴⁾ four (4) unrelated persons occupying a dwelling as a single housekeeping unit. no such family shall contain over three persons; ⁽³⁾ but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family or families. ⁽⁵⁾ The definition of family does not include fraternities, sororities, clubs or institutional groups.~~

Estes: Tim, do you have any additional information, any additional recommendations that you would like to make for us this evening?

Conklin: Yes. With regard to changing the number from three to four, initially when I brought this forward and brought it to the Subcommittee the intent was to remove the section where it talked about domestic servants and that counting towards the number in that family. I have put in the staff report the recommendation from the Subcommittee and would like to let you know that I do believe we should keep it at three and not change it to four. Changing it to four would eliminate a lot of the

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violations for the Planning Division to investigate but I don't think it's going to benefit the neighborhoods by changing that from three to four. I think it should remain at three. The rest of the changes are the result the Associate Planner, Shelli Rushing, taking a look at other ordinances across the United States and adding some language in there with regard to the term related, the single housekeeping unit, and making sure that it distinguished family from a sorority, paternity club or institutional group. Those are the changes that we recommended. The definition that you did read is correct except I would recommend that you keep it at up to three unrelated people in a single family home.

Estes: Would you make that a part of your recommendation to the Commission this evening?

Conklin: Yes, I would.

PUBLIC COMMENT:

Estes: With that said, is there any member of the audience who would like to provide comment, suggestions, edification, guidance or enlightenment regarding administrative item 00-46.00?

West: My name is Chuck West and I am president of the Sunset Woods Property Owner's Association. That is located just a few block northwest of the University campus. First of all, we are very much in favor of dropping the domestic servants loophole but we are very much against raising the maximum number from three to four. I'm glad to hear that Mr. Conklin is recommending that be dropped. I just want to reiterate that the Commission please go along with that because we feel that there has been encroachment of student population into large houses that have resulted in a loss of the community, a loss of family nature and degradation of yards, properties, noise, more traffic and so on. I don't want to belabor that too much but our experience is that many landlords, too frequently, who rent to students in our area, don't respect community standards and will allow extra traffic and noise and litter and so on. I do urge the Commission to go along with Mr. Conklin's recommendation to not increase to four. Thank you.

Mansfield: My name is Steve Mansfield. I wanted to focus a little bit on the issue because I think some of the problems that have risen have been mostly in single family or neighborhoods or duplex neighborhoods. I'm not sure if the Commissioners are all aware, there are at least three apartment complexes in town that have four bedroom apartments that specifically focus on the student market. Those, that I

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know of anyway, include Woodway, College Park and Maple Manner. If the number in the family is reduced to three rather four, in effect, all the four bedroom units, which I believe is in excess of 150 apartments in this town, would have significant loss in value. For the owners of those apartments, that could be pretty drastic. I was wondering if you could consider either exempting larger apartment complexes or in some way change the definition of a residence such that it really focuses on the problem, which is the single family neighborhoods where there is traffic congestion and trash.

Marr: Can I just get a point of clarification, this definition, does it apply only to R-1?

Conklin: No, it applies to all zoning districts, all residential uses. Just for clarification, we are not changing the number of unrelated people allowed within a dwelling unit. The current limitation is three. I understand the apartment complexes you've described. Staff has done a lot of research and this is just one part of what I intend to bring forward and we'll take a look other methods to deal with the issue of student housing and what other communities have adopted to help regulate the number of people.

Marr: Was there any look at different non-related, the number being different based off of type of zoning, like an R-2 having a different requirement than an R-1?

Conklin: There are some communities that have done that. In your information there are some zoning districts that have allowed different number of unrelated people and that's a possibility we can take a look at anything above R-1 allow up to four in order to help bring it into compliance these existing conditions.

Marr: I guess my point is, I think this warrants investigation of looking at a different limit based off of zoning level, even square footage. I can speak for myself, I actually bought a house that is 100 years old that used to be Mount Nord Club for the University and I live on Mount Nord Street. The size of a location can also dictate the difference in a facility that might be able to allow an unrelated amount higher than three. I just throw that out for discussion.

Conklin: In Shelli's research, other ordinances define family by zoning district in Auburn, Alabama, Athens, Georgia and Lawrence, Kansas, in such ordinance two to three unrelated persons are allowed in more restrictive single family zones and four unrelated persons are allowed in all other zones that allow single family uses. They created that two to three for single family, four for other multi-family zoning districts.

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Cring: I'm responsible for putting those pictures together. My name is Tim Cring, I live at 708 Fowler Avenue. I appreciate you staying here late at night. Six of my neighbors left at about 10:00 p.m. I wanted to make one point that I'll come back to. I think it's critical to remember we are at three now and the charge of the Committee was to really look at revising the definition to best preserve the characteristic of family neighborhoods and if we go to four, we have to think about how going to four preserves that neighborhood. The other point I wanted to make is we talk about students all the time and I'm a professor at the University, this really isn't an anti-student issue, this is a anti-bad neighbor issue and an overcrowding issue of a home that wasn't built for that. There are a number of neighborhoods right around campus, north, south, east and west, I won't say those street names, they are on that top part. Those are traditional student rentals over time. Really, they are not anymore because the students don't like living in those homes anymore. I imagine staff, when Tim was looking at different university towns, other universities have actually purchased them back trying to reclaim these neighborhoods that have degraded because the degraded areas around the University reflect on the University. What our focus is, in the people that are neighbors of mine, are mostly looking at areas that weren't rentals five or ten years ago but are now. Those are a little further out and a little higher priced ones, those are Washington Street, Prospect. There are still some isolated neighborhoods where they haven't gone to the rental areas but when you see the rental homes where there is multiple people, four and more that are avoiding our ordinance, you see multiple cars parked at one place. That one picture on the right, that was six cars, that was this morning. There was six cars parked on the lawn and the driveway. This other picture down on the bottom right was also this morning. That's where the students have to park on the front lawn, there is typically eight cars at that location. There just isn't room, they want to get out at different times and it really creates an obvious problem. The other issue we are looking at is not really the extreme of use of the ordinances that exist now and that's on the top of the second page. I know you've looked at that upper right one, Maple Street and Oliver. Those have been the focus of other issues and a lot of complaints. That's where the ordinance is completely ignored, there was 14 cars at that location this morning. The other issue I wanted to bring back is, when we go from three to four, we are increasing that multiple that if you buy a house and want to rent it out to students, you can actually make a much bigger house and nicer house into rentals. The bottom two photos on that page are in Waterwind Woods and right across from Waterwind Woods, these are over \$150,000 homes that are currently rented to groups of people now, more than four. That's an issue we are trying to resolve and address. I really urge you to remember the mandate and not go to four.

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Manskey: Rita Ann Manskey, 6 North Hartman, Fayetteville. I would first like to express my thanks to Mr. Conklin and the staff and to the Subcommittee for the work and the research that you did on this issue. It's very much appreciated by all of us. On my particular street, I represent the lower number of years of home ownership. I have lived at 6 North Hartman for 18 years. Others have lived there for periods of time from 20 to 45 years. We have some long term family renters who have lived there for periods of 5 and as long as 10 years. We are now experiencing a most unfortunate change in the stability and character of our neighborhood. Due to our proximity to the University, we are increasingly being targeted as an area for student housing. Single family homes are being purchased and rented to college students, not one, two or three students but as many students as possible, pseudo dorms, if you will. The one close to me even had their own so-called dorm mother but it didn't do any good. This meant and still means, four and five cars without room to park, they park in the yards, bags of trash left on the street for a week, extra noise and traffic, increased crime. Our neighborhood was designed and zoned for single family dwellings. Yards were not meant to be used as parking lots, streets were not meant to be used as trash receptacles, young men were not meant to urinate in the yard when my daughter is walking home from school. Our property is consistently being devalued by these practices. We all understand at least part of what has happened. An examination of the University's dormitories would cause any parent to look for alternatives. Young people of today are not impressed by the dorms our campus has to offer. The rental market, especially anything convenient to campus will remain strong. Our neighborhood does not owe it to the University to allow our property values to be decreased. Our neighborhood does not owe it to the University to allow our aesthetic standards to decrease. Our neighborhood does not owe it to the University to allow our general sense of welfare and safety to decrease. We cannot and will not become one big dormitory. My neighbors and I work in this community, play in this community, we contribute to the community, we support this community, we raise our children here and some of us raise our grandchildren here, we pay taxes, we vote and most of us own our own homes and do not plan to move. There are plenty of available neighborhoods in our town designed for every imaginable rental purpose. Our neighborhood need not be sacrificed to easy money. We, as citizens of Fayetteville, ask this Commission to help us protect our investment, help us protect our security and safety and help us to protect our neighborhood. There is no magic number. I strongly support the number three. We all know it only takes one person to be that really bad neighbor. Is it good business to allow any circumstance that helps anyone to allow erosion and deterioration of our established neighborhoods. There is nothing wrong with setting a standard and there is nothing wrong with choosing number three and I thank you for your very kind attention at this late hour.

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Estes: Thank you. The seminal issue seems to be whether it's three or four. We are going to vote on this definition of family. Staff has now recommended three. I don't want to limit public comment in any way. Can we just have a show of hands of how many people favor four? Show of hands of how many people favor three? Is there anyone else that would like to offer comment to us that you feel would be helpful to us and not redundant of what we've heard? Please come forward.

Moeller: Bill Moeller, 1511 Markham Road, president of the University Heights Neighborhood Association. I think you have all received the letter that I've sent to you expressing the neighborhood association's position on this issue which is, that we are for dropping the reference to domestic servants and we are against the increase in the number from three to four. I wanted to mention one thing that hasn't been mentioned here tonight, mentioned to me by a fellow that does not have the endurance that all of you folks have and that I have. R-2 actually has more protection for it's residents than R-1 because in an R-2 apartment complex, the offended residents can go to a manager and say "Hey, I'm not going to pay my rent if you don't quiet these guys up next door." Who does R-1 turn to? You folks. Thank you.

Weiss: George Weiss, 1614 Sawyer Lane. I was at both of the subcommittee meetings and one reason that was given for wanting to increase from three to four was that this was going to help senior citizens. That there might be for senior citizens, who are unrelated but because of maximizing social security finances, would want to live together. As it stands right now with the current ordinance, if such senior citizens wanted to live together, they could come before the Planning Commission and get permission to do so, if I understand it correctly. They probably would be granted that permission. In other words, they have a remedy right now. If they didn't come to the Planning Commission and they wanted to do it and they just moved into a neighborhood and didn't even realize there was an ordinance, nobody is going to complain about them and therefore, the ordinance would not be in force because it is a complaint driven ordinance. No complaint, Planning Department doesn't go out and knock on the door to find out. What I'm saying is, right now the senior citizens, and I am a senior citizen, will have remedies. Let's examine this just a little bit in more detail. First I do want to say thank you for anybody who does think of senior citizens but how real is this senior citizen problem? I would ask you Mr. Chairman to ask the staff, how many of the complaints that we've had about more than three people living in a house, how many of those have been about senior citizens?

Estes: Tim, do you keep any records?

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Conklin: With regard to senior citizens? I don't think I've received any complaints with regard to senior citizens.

Weiss: How many senior citizens wanted to occupy a house and be unrelated with four in a house, how many have requested that either through the Planning Department or to the Planning Commission?

Estes: Tim, do you have an answer for that?

Conklin: None.

Weiss: This is a non-problem and therefore, I don't see that as a valid reason for wanting to go from three to four. The problem, I think you've already heard it, is with the younger generation. I'm not anti-student either. Those are the ones that seem to cause the problems. If you do increase from three to four, not only are you not helping the senior citizens but you are in fact hurting the senior citizens because you are inviting more noise, traffic, safety, trash and problems. Therefore, I would encourage you to follow the staff's recommendation and not raise from three to four, the number of unrelated people in an household. Thank you.

L. Weiss: Lou Weiss, Fayetteville. Something just occurred to me, I don't know if it's possible or not but in defense of the students, perhaps if somebody can talk to the University and during their orientation if they could be given this information on how many unrelated people can live together, maybe more of them could be aware of this rule and follow this rule. We are always talking against the students and I feel badly doing that because they are here for a higher education and so on and I respect that. I have been scared, last night as a matter of fact, we live across from Hotz Park and there were kids yelling all over the place and it sounded like guns and sounded like they were in our driveway, we ended up calling the police. There are a lot of problems but perhaps if students were educated a little bit more to this problem, maybe they would behave themselves a little better or be aware of these rules.

Baker: I won't take but just a moment because I know you are tired and I appreciate so much you being here. I appreciate you giving me the chance to speak. I brought pictures.

Estes: Would you tell us who you are and where you live?

Baker: I'm sorry. My name is Ruth Baker and I live at 99 West Elm, Fayetteville. I brought some pictures that are worth a thousand words and hey just give credence

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to what has already been said. As you look at them, I would like you to note how many times the sidewalks are blocked. This particular neighborhood has duplexes, three and four bedroom duplexes. It's also the closest residence to the location for the new Boys and Girls Club. I know, in listening to the Planning Commission when the Boys and Girls Club was being presented, one of the things they talked about was children walking to the Boys and Girls Club and also riding their bicycles. If you'll notice, in order to get to the Boys and Girls Club, by that particular neighborhood, they would have to be riding and walking out in the streets because there are so many cars. Two of the pictures shows a particular duplex this morning that went by at 7:20 a.m. On one side there were seven cars, six on the driveway, one in the yard, on the other side of the duplex there were five cars, which gives a total of twelve cars. We have not even mentioned what happens on Friday nights and Saturday nights. The only other thing that I would like to add is, I thank you very much Mr. Conklin, for recommending three. I think that was a wise decision because we seem to have enough trouble with three and we don't want to open the barn door up wider. Also, the fact that something was mentioned about people with four bedrooms not being able to have as much income, there are families that need four bedrooms. I don't think that is going to interfere with anyone's income. Thank you very much for listening.

Benedict: I'm John Benedict and I've lived on Oliver Street over 30 years in two different houses. My mother and I chose to live on Oliver Street because it's zoned R-1. I agree that we need to define a family and limit the number of unrelated persons living in a house. It looks like that we are trying to address the problem after the fact to me. The issue might be better addressed on the front end but the problem that we are having at 527 Oliver, next door, might have been addressed in the planning stage or the permit stage. In Fayetteville a builder can build just about any structure within reason but if you see a plan calling for a long hallway with many doors, a reasonable persons would say "That's probably a dorm, it's not an R-1 structure." I'm saying that there would seem to be many indications of what a structure is going to be used for and what structure does not belong in R-1. It's helpful to limit the number of unrelated persons but builders can continue to build what amounts to dormitories in R-1 areas. The history at 527 Oliver is that the neighbors had to get together and oppose the owner building a six unit apartment complex there. Why did the neighbors keep having to band together to oppose the building of structures that shouldn't even be considered in R-1? I object to there being six students living in the house at 527 Oliver, in addition to the students living at 1520 Maple on the same property. These students have not been bad neighbors but there are too many of them living in one property. As near as I can tell there have been as many as eleven people living in the two houses on the one property, judging from the numbers of cars and the people coming and going that

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I've seen. My mother and myself feel the existence of a rooming house next door has adversely affected our quality of life and enjoyment of an R-1 private home in an R-1 zone. That's the issue to us. I guess I would urge the Planning Commission to go even further than this step that you are doing to protect R-1. Thank you.

Reynolds: My name is Ben Reynolds and I am a student at the University of Arkansas. Currently, I do live on campus but I am planning on moving off campus next semester and I have many friends that live off campus. All this talk has been about college students, I see that as a big problem. With the mention of the senior citizens not causing problems, it's kind of like saying "If I'm speeding and there is not a cop there, I'm not breaking the law." There are a lot of problems with a lot of students living close together. You have problems with noise, illegal parking and sometimes the threat of violence and illegal acts. All that is handled by other ordinances, not by this one. There are other means to take care of that. As far as other people providing services to the community and helping out the community, even as a member of the University, I do perform a great deal of service for the community. I help out routinely with the Boys and Girls Club, I helped volunteer at this rescheduled First Night and occasionally I'll go out to the animal shelter when my class schedule permits. A lot of students are more active in the community than people realize. Many are registered voters, after this last election. We do frequent many of the businesses around Fayetteville. Even though we do not pay property tax, we pay sales and HMR taxes. Not all of these problems of trash and noise are not college students. The further you get away from campus you still have a lot of these problems, the further you get away from campus the number of students decrease. I have several ideas on how to solve this problem. The only option I see tonight is increasing it four people. I don't see how changing the number will increase any problems that you already have. I am for making it more strict and getting the loophole out, I am for that. As far as letting more people live there, when you are renting out a house for \$1,000 which is an average price around Fayetteville, especially close to campus, if you are only to let three unrelated people there, the cost of living in that house is \$330. If you let four people live there that's \$250. That's a difference of \$80 and that can make a difference if someone eats or not. Also, if you increase the number and it's legal, more people will try to live closer to campus and if we live closer to campus we won't spread out and invade other areas which seems to be the problem. Also, a lot of people claim that we are bad neighbors, I think the number of good neighborly students is not known here because they don't get reported. Maybe if when students moved into a residence or house that is in an area where there is a neighborhood association, they should be encouraged to join it and then they could realize that they could actually help out and maybe they do

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cause problems at certain times. For the domestic servants, an idea to get rid of the loophole I thought of was to get an update annually or semi-annually, even quarterly on what they do and report on such things and have to be approved by the City. Also, you can discourage the owners of these properties from doing it and not focus so much on the students themselves. If the owners didn't let this happen then the students wouldn't have the opportunity to be in this position. What I thought would make an even better idea would be to make the number of residents dependant on the number that the residence can handle. You could have a number of people living in a house to be dependant on the number of bedrooms and the number of parking spaces because that's one of the biggest complaints I've heard. If you can figure out a relationship between all that, you might be able to help out because I know there are several houses and apartments that are four and five bedrooms but you are only going to let three people live there, you are wasting a lot of space and there is a lot of space going unused. Just to close, I would like to say that I know I'm not the only one that has come here to Fayetteville and started a life in town but if I'm not made to feel welcome here, I don't know if I would want to come back. Thank you.

COMMISSION DISCUSSION:

- Estes: Thank you for your comments. Are there any members of the audience which would like to comment? Seeing none I'll close the floor to public discussion and bring administrative item 00-46.00 back to the full Commission for motions, considerations, comments, discussion.
- Ward: I'm going to ask the City Attorney about if we limit to three, is that some kind of discrimination? First of all, I know if somebody wants to buy a home in a residential area and use it for a rental, which has happened many times in this college town, that's how neighborhoods start changing. I see that our Subcommittee recommended four people. Is this too discriminatory?
- Williams: Since this would be a continuation of a current ordinance, I don't think would be more of a problem than it's been in the past. I don't think we've been challenged in the past over that.
- Ward: I think the only place we need to use this would be strictly in R-1 zoning only.
- Williams: I would like to say that might make some sense. Tim, you were talking earlier about the fact that you were going to look at that also?
- Conklin: Yes.

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Williams: My only suggestion to the Commission might be that if we are going to try to change this, maybe we ought to do it all at once rather than change this a little bit now and send that up to City Council and then come back and re-change it again. It may be that we are not ready at this point in time to do the finished product.

Ward: The real problem I see with all this stuff is that if you rent a house to three boys, the next thing you know, if you are in the rental business, there is a girlfriend moves in for a few weeks or weekends and things like that. Another thing that I noticed, parking is a problem at a lot of these places, friends do come by. Up on Mount Sequoyah where I live, everybody has parties on weekends and there is 8, 10 or 15 cars. I don't think that's a thing we need to concern ourselves too much with as far as seeing a bunch of cars parked somewhere. I just think there is no real perfect solution to this problem. You can't legislate people from buying property, that's discrimination. I'm not sure that there is a really is a real solution to our problem. I understand. I live up on Mount Sequoyah and there are lots of rental properties up there and a lot of nice homes.

Shackelford: Just to expand a little on what Commissioner Ward is saying, I agree in theory with what we are trying to accomplish with this ordinance but I'm very much struggling with the fact that we have apartments and duplexes that are built four bedrooms for four unrelated occupants. I'm afraid that if we approve this as it's presented that we are going to be put in a position where we are either making a lot of conditional use acceptances to this or we'll just kind of be picking where we are applying the law and where we are ignoring the law. I don't think that's fair to anybody. As much as I hate to, I'm going to have to say that I won't support it stated as three people instead of four unless it's tied to zoning. I think that's perfect for R-1. I think other zonings to where there is specific rental properties already built that are for four unrelated people that we are going to have to address that. I don't think I've ever voted for a motion to table in my life but I'm not so sure we are exactly where we want to be with this ordinance before we send it to City Council. That's my thoughts on the issue at this time.

MOTION:

Marr: I was going to actually move to table based on the comments. I support the three particularly in an R-1 zoning. I'm not comfortable having three across the board. I agree with our City Attorney that we should address it all at one time. I know no one wants to probably deal with the thought of revisiting this again, particularly when it's 11:25 at night, at a future meeting but I think it's the most appropriate thing to do. I'll move to table administrative item 00-46.00.

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Estes: There is a motion to table by Commissioner Marr, is there a second?

Ward: Second.

Estes: Second by Commissioner Ward, is there any discussion?

Conklin: Would it be appropriate to vote on the issue of limiting to three for single family, R-1 zoning district so we can have direction of staff to bring that proposal forward? Not to send it to the City Council but, since we've discussed it this evening whether or not it's three or four, to vote on that to keep it as is or change it.

Estes: I have some questions but I think first Commissioner Hoffman has something.

Hoffman: I think that's a good idea to give direction because I'm a rental property owner but I do find the same things that Commissioner Ward had said. I think there are more responsible landlords out there than not-but the ones that are not really stand out and we know where they are and we know who they are. I would like to send a message to those people that it really does decrease property values, it really does create an eyesore for Fayetteville that can be easily avoided if we limit the number of people and get rid of these loopholes. Then we can certainly sort out, at another time, what to do with the apartment complexes that have the adequate parking, we have non-conforming duplexes that don't have adequate parking but maybe they are already in a really dense district that we can deal with that in some manner. When I first sat in on the Subcommittee, I was thinking it needs to be four but I've been considering it since then and had some discussion about it with various people and I do believe that in a single family neighborhood, and we are really talking now a lot about preserving the character and integrity of our neighborhoods, that if we keep it to three it sends a message. Maybe somebody slips four in under the door but if they act as responsible citizens then they won't have a problem as in the senior citizen example. If we could make some kind of suggestion or give a direction for staff or take a consensus before we table it. Can we table it with a show of hands or something like that?

Estes: Mr. Conklin, a couple of questions. There was a Subcommittee appointed, which of course I chaired, the seminal issue that brought this all about was the domestic servant clause in the existing definition of family, is that right?

Conklin: That is correct. That's all I ever wanted to remove was just that last sentence in the ordinance that talked about domestic servants.

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Estes: Then we got off on the discussion of three or four or six or eight and, help me out, the definition of family is seminal to our zoning code because it is in our zoning code that we talk about single family, multi-family, R-1, R-2 and we use that definition to define R-1 or to define R-2, is that a correct statement?

Conklin: I use that definition when we go out investigate a complaint to determine whether or not there are more than three unrelated people within a dwelling unit.

Estes: Is not our zoning code based upon, for example R-1 is single family, R-2 is more than single family, so we must have a definition of family for our zoning code to function, is that fair?

Conklin: That is correct.

Estes: All we are doing is that, you asked that we look at the definition of family and consider removing the domestic servant clause?

Conklin: That is correct.

Estes: We did that. Now we have a motion to table which I will oppose because I think we need to vote the ordinance up or down and send it on. There is not some grand scheme here of ordinance revision, it is just simply that we needed to take a look at the definition of family and it was suggested that we remove domestic servant. Then we got into this discussion of whether it's three or four or whatever and here we are tonight with a motion to table what I guess is about four months of work for what purpose I don't understand. Maybe it's just the late hour and I'm not capable of grasping the nuance of it all.

Marr: I asked the question during this discussion whether the definition of family was used for R-1 zoning or all residential zonings. I don't believe, nor can I support, the definition of family being three in an R-2 requirement when I know that there are multiple properties in Fayetteville that have four bedrooms, that if I am a landlord or a building owner, it is my goal from a profitability standpoint to have maximum rental out of that property. Therefore, as I said in my table motion, I support three. I think the feedback we've heard tonight is that it should be three in R-1 zoning. I guess my questions would be, instead of staying here until midnight, would have been was there a rationale that the Committee did not address definition of a family in higher zonings? Were there additional considerations to deal with properties that are out of compliance today? If we pass this, are we going to on Monday or whatever point it becomes effective, have 100 citizens in Fayetteville calling because they've got pictures, they've got

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property where more than three people are there in zoning that was built to accommodate that? That's my rationale for tabling. I would certainly be happy to vote it down or vote for R-1 only but I would not support leaving it the way it is today.

Conklin: I don't mind tabling the issue, I would just like to let the public know, who are here this evening, that the Commission acted on the issue of three or four and give staff direction. To bring back something more to address the R-2 or whatever...

MOTION:

Marr: I would like to withdraw my motion to table and I would like to move that we adopt a definition of family as presented with three unrelated individuals for R-1 zoning only.

Ward: Second.

Hoffman: I can't do that because Locust has C-4 or C-3 zoning or whatever. I just want to vote on three or four and let them work on the different zonings.

Estes: We have a statement by Commissioner Marr that he withdraws his motion to table, does the second accept that?

Ward: Yes.

Estes: Then Commissioner Marr makes the motion to approve the definition of a family as recommended by staff, "No more than three unrelated persons occupying a dwelling as a single housekeeping unit in an R-1 district." That motion has been seconded by Commissioner Ward. Is there any discussion?

Bunch: I realize that it is late and we have had various changes in the form of motions and discussions. My concern is that we are going to, in our haste to get out of here because it is late, that we are going to do ourselves a disservice. I believe that responsibly we can respond to the community and the community can know that we are addressing this issue without having to jump through hoops right now to make a vote on three or four. We have had information that has been presented to us at the last agenda session, at the request of Commissioner Allen, from our last meeting of the Subcommittee, which opens up considerable other alternatives. We can look at possibly four if it's owner occupied. We've had things

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presented tonight of ideas about other zonings. My concern here is that in our haste to solve one problem we are going to create many more. The idea of saying "Yes, we can live with three. Let's just jump up and do three and wink at all the other violations of the three", puts us in a position of selectively enforcing the law and I am just not comfortable with that. I think that if we spend a little more time on it and come up with something that is pragmatic and realistic that we will be better served rather than in a haste come up with something that we know is improper and we wind up enforcing selectively and playing favorites. I don't think that's a position that we, as a City, need to be in where we can be readily accused and hear "How come I have to move and these people over here don't have to move?" I think we are putting ourselves in a real strange position to do it that way.

Hoffman: I have a friendly amendment to this motion, can we say not more than three in a house used as a single family dwelling or zoned R-1? That takes care of all the people on Locust.

Conklin: In an effort to move forward, I think I understand the intent of Don Marr's motion and we'll bring forward an ordinance definition to the next Planning Commission that talks about up to three unrelated people in a single family zoning district and consider up to four in multi-family zoning districts. I don't know how you want to word your motion. Basically I was trying to clarify, on this issue of a single family zoning district, how many unrelated people. I would be more than happy to bring that forward to the next Commission meeting.

Marr: Are we in fact hearing to table the motion until we come back with those two?

Conklin: I just want a clarification. I was trying to clarify, for the public, a consensus of the Commission of what you felt should it change from three to four so we don't have to go through the public hearing portion again and debate whether or not it was three or four.

Marr: That was my intent.

Bunch: Seeing that Mr. Conklin has requested this, does it require a formal motion or does it require just a consensus and a request of staff to bring these things forward? The question I have is the "as presented" what is the next step as presented in our packets? Is this something that goes back to staff and then comes back to this Commission or is it as just described by Mr. Conklin that it's something that goes back to staff and is represented to

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this Commission for further consideration?

Estes: At the present we have a motion on the floor with a second. That motion will stay unless amended or withdrawn. Is there any further discussion on the motion?

Bunch: I don't feel that the motion describes what Mr. Conklin has requested and that's what our whole purpose is here, to gain some relief for the Planning Department in addressing these issues.

Hoffman: It would get a consensus and it could always be changed because it's just an administrative item. It's not into ordinance yet.

Williams: My experience has been, after you've had a six hour meeting and it's 11:30 at night, you don't do very good drafting work. I would rather see a show of hands three or four to Mr. Conklin and let him and me, in the next couple of weeks, do some drafting work when we can think.

Estes: We have a motion and a second on the floor and we need to do something dispositive with that motion.

Marr: Mr. Chair, I will remove my motion.

Ward: Reluctantly I'll agree.

Estes: Mr. Conklin has requested a sense of the Commission regarding three or four. Let's accommodate him in that request. All who would favor three?

Ward: In what zone? I'm not voting unless it's a zone.

Estes: Mr. Conklin, how do you want the sense of the Commission?

Conklin: In a single family zoning district.

Estes: R-1?

Conklin: There is more than one. Yes, single family zoning district.

Estes: What is the sense of the Commission for three unrelated persons in a single family zoning district, signify by raising your right hand.

Shackelford: I'm sorry to do this. Tim, is that the current ordinance now?

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Conklin: Yes.

Estes: Any other discussion? Signify by raising your right hand if you favor three in a single family zoning district. Those who are in favor of four or more in a single family zoning district, signify by raising your left hand or your right hand. Does that accomplish what you wanted to accomplish?

Conklin: Yes. I'll get with Mr. Kit Williams and we'll draft an ordinance.

ORDINANCE NO. _____

AN ORDINANCE REPEALING THE CURRENT DEFINITION OF "FAMILY" IN CHAPTER 151: DEFINITIONS IN THE UNIFIED DEVELOPMENT ORDINANCE, SUBSTITUTING A REVISED DEFINITION OF "FAMILY", AND ADDING A DEFINITION OF "SINGLE HOUSEKEEPING UNIT"

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

Section 1. That the current definition of "Family" found in Chapter 151: Definitions of the Unified Development Ordinance is hereby repealed and replaced by the revised definition as shown below:

Family. (Zoning) In single family residential districts, a family is no more than three (3) persons unless all are related and occupy a dwelling as a single housekeeping unit in the RE (Residential Estate), RA (Residential Acre Lot), RL (Residential Large Lot), R-1 (Low Density Residential), and RS (Residential Small Lot) zoning districts. In all other zoning districts where residential uses are permitted, a family is no more than four (4) persons unless all are related and occupy a dwelling as a single housekeeping unit. A family is when all persons are related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship. The definition of family does not include fraternities, sororities, clubs or institutional groups.

Section 2. That a new term "Single Housekeeping Unit." shall be added to the Definitions Chapter (151) of the Unified Development Ordinance as shown below:

Single Housekeeping Unit. (Zoning) A dwelling unit with common access to and common use of all living and eating areas and all areas and facilities for the preparation, serving and storage of food within the dwelling unit.

PASSED and APPROVED this the _____ day of _____, 2001

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

STAFF REVIEW FORM

Boys & Girls Club
C. 5 & 6 Page 1

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF June 19, 2001 MAYOR'S APPROVAL P.C.
FROM:

Kit Williams
Name

City Attorney
Division

Legal
Department

ACTION REQUIRED: A Resolution to approve an agreement with the Fayetteville Youth Center, Inc., d/b/a the Fayetteville Boys and Girls Club, Inc., to provide public recreation for the citizens of Fayetteville and an Ordinance to waive competitive bidding for the payment to the Fayetteville Youth Center, Inc. through the end of 2001 for the provision of public recreation.

COST TO CITY: \$108,708.81 (already budgeted)

Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used to Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached
 _____
Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager	Date
	6-6-01
City Attorney	Date
	6-8-01
Purchasing Officer	Date

	6/8/01
Internal Auditor	Date
ADA Coordinator	Date

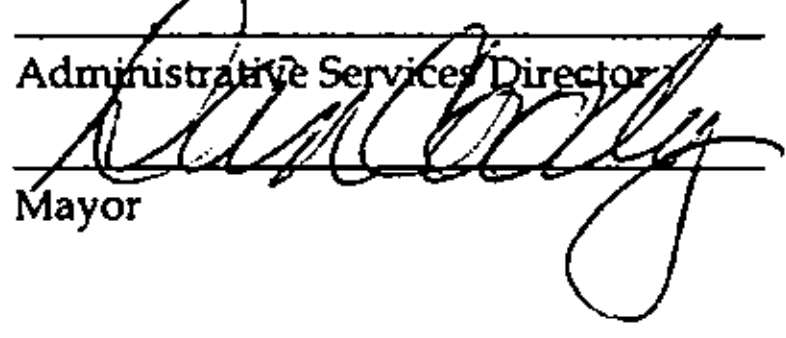
STAFF RECOMMENDATION:

CROSS REFERENCE

Division Head	Date
Department Director	Date

New Item: Yes No

Previous Ordinance/Resolution No.: _____

Administrative Services Director	Date
	6/8/01
Mayor	Date

ORDINANCE NO.

AN ORDINANCE WAIVING COMPETITIVE
BIDDING FOR THE PURCHASE OF PUBLIC
RECREATION SERVICES FOR THE CITIZENS
OF FAYETTEVILLE FROM THE FAYETTEVILLE
YOUTH CENTER, INC. D/B/A FAYETTEVILLE
BOYS AND GIRLS CLUB, INC. THROUGH THE END OF 2001

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

Section 1. The City Council hereby waives the requirement of competitive bidding for the purchase of public recreation services for the citizens of Fayetteville from the Fayetteville Youth Center, Inc. d/b/a Fayetteville Boys and Girls Club, Inc. through the end of 2001 for the reason that an exceptional situation exists making competitive bidding not feasible for the following reason:

(a) The Fayetteville Youth Center, Inc. d/b/a/ the Fayetteville Boys and Girls Club, Inc. has been operating pursuant to a Working Procedures and Responsibilities agreement with the City of Fayetteville to provide public recreation to Fayetteville youth. It would be highly disruptive to the public recreation program partially funded by the City of Fayetteville to require competitive bidding in the middle of the year when both parties are relying upon a previously approved budgeted amount for promotion, development and operation of the Fayetteville Youth Center, Inc. through the end of 2001.

Section 2. The City Council hereby determines that the City of Fayetteville is in immediate and continuing need of the public recreation program of the Fayetteville Youth Center, Inc. and hereby determines that the immediate passage of this ordinance is necessary for the purchase of such services. Therefore, an emergency is declared to exist and this ordinance being

necessary for the public welfare shall be in full force and effect from and after its passage and approval.

PASSED and APPROVED this ____ day of June, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT
BETWEEN THE CITY OF FAYETTEVILLE AND
THE FAYETTEVILLE YOUTH CENTER, INC.
D/B/A/ THE FAYETTEVILLE BOYS AND GIRLS
CLUB, INC. TO PURCHASE PUBLIC RECREATIONAL
SERVICES FOR THE YOUTH OF FAYETTEVILLE

WHEREAS, the City of Fayetteville has long been associated with and
worked with the Fayetteville Youth Center, Inc. to provide public recreation for
the citizens of Fayetteville; and

WHEREAS, the Fayetteville Youth Center, Inc. has long provided public
recreation to the youth and citizens of Fayetteville; and

WHEREAS, it remains in the best interest of the City of Fayetteville and
its citizens to provide operating, promotion and development revenues to the
Fayetteville Youth Center, Inc. in consideration for the substantial recreational
programs provided by the Fayetteville Youth Center, Inc. to the youth and
citizens of Fayetteville.

**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
approves the Contract Between The City of Fayetteville and the Fayetteville
Youth Center, Inc. and authorizes the mayor to sign said Contract (attached as
Exhibit A.).

PASSED and APPROVED this the _____ day of June, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

CONTRACT
Between The City of Fayetteville
and
Boys and Girls Club, Inc.

WHEREAS, the City of Fayetteville has long been associated with and worked with the Fayetteville Youth Center, Inc. to provide public recreation for the citizens of Fayetteville; and

WHEREAS, the Fayetteville Youth Center, Inc. has long provided public recreation to the youth and citizens of Fayetteville; and

WHEREAS, it remains in the best interest of the City of Fayetteville and its citizens to provide operating, promotion and development revenues to the Fayetteville Youth Center, Inc. in consideration for the substantial recreational programs provided by the Fayetteville Youth Center, Inc. to the youth and citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of \$15,529.83 monthly to the Fayetteville Youth Center, Inc. throughout the year of 2001 in consideration of the following duties and obligations to be performed by the Fayetteville Youth Center, Inc.:

- A. The Fayetteville Youth Center, Inc. promises to be jointly responsible with the Fayetteville School System to provide staffing, programming, maintenance, promotion and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium and the main facility of the Boys and Girls Club on California Drive. The Fayetteville Youth Center, Inc. agrees to use some of the funding from the City to pay for gymnasium supervisors and custodians at these sites.
- B. The Fayetteville Youth Center, Inc. promises to make substantial portions of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for needy youth. Although basic membership fees may be required for many Fayetteville residents, no needy youth wishing to participate at the Fayetteville Youth Center, Inc. facility shall

be denied access solely because he or she does not have sufficient funds to pay for a regular membership. The Fayetteville Youth Center, Inc. shall report on a quarterly basis the approximate number of Fayetteville citizens served by its programs and shall include the number of "scholarships" or free memberships provided to Fayetteville citizens.

- C. The Fayetteville Youth Center, Inc. shall continue to follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and The Fayetteville Youth Center which became effective on August 19, 1999, which is attached as Exhibit A.

CITY OF FAYETTEVILLE

By: _____
DAN COODY, Mayor

FAYETTEVILLE BOYS & GIRLS CLUB, INC.

By: _____

Title

ATTEST

By: _____
Heather Woodruff, City Clerk

RECREATION IN FAYETTEVILLE

WORKING PROCEDURES AND RESPONSIBILITIES FOR THE CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION AND THE FAYETTEVILLE YOUTH CENTER

WHEREAS, currently the City of Fayetteville Parks and Recreation Division (Parks and Rec) and the Fayetteville Youth Center (FYC) are both working under many verbal and assumed agreements; and,

WHEREAS, increased communications and a new set of operating procedures will assist with the working relationship and will benefit both agencies and their operations; and,

WHEREAS, Parks and Rec believes the goals of Parks and Rec and FYC would best be accomplished by defining and streamlining responsibilities and procedures; and, is therefore recommending the merging of facility and program management for all recreation offerings, thereby providing administrative accountability for all services provided to the citizens.

NOW, THEREFORE, in order to define and improve the current working relationship between Parks and Rec and FYC, the following set of detailed operating procedures and responsibilities are hereby established.

I. GOAL

The goal of Parks and Rec and FYC is to work in cooperation to enhance the recreation facilities and programs offered in the City of Fayetteville. Parks and Rec and FYC must become partners in meeting the needs of the citizens of Fayetteville.

II. FACILITIES MANAGEMENT

A. FAYETTEVILLE YOUTH CENTER. FYC will be responsible for working with the Fayetteville School System to provide the staffing, programming, maintenance, promotion and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium, and the Youth Center. FYC will assume responsibility for the hiring, evaluating and supervising of gymnasium supervisors and custodians at Holcomb, Asbell, and Vandergriff Gymnasiums.

B. FAYETTEVILLE PARKS AND RECREATION. Parks and Rec will be responsible for providing or approving the staffing, programming, maintenance, promotion and development for the city and school parks, including the following facilities which are utilized for sports programming: Asbell Soccer/Softball Complex, Babe Ruth Baseball Complex, Gary Hampton Softball Complex, Lewis St. Soccer Complex, Walker Baseball/Soccer Complex, and the Wilson Softball Field. In addition, the Parks and Recreation Division will be responsible for working

with the Fayetteville School System and PTA organizations to provide enhancements to school playgrounds.

III. PROGRAM MANAGEMENT

A. FAYETTEVILLE YOUTH CENTER. FYC will be responsible for providing or approving the management, staffing, and promotion and development of the following programs and activities. FYC will coordinate with the Fayetteville School System for use of their facilities. FYC will be responsible for the majority of sports and activities held at **indoor** recreation facilities, including but not limited to the following:

- Basketball (Youth and Adult)
- Baton
- Camps (Environmental Study, Spring Break, Christmas, Basketball, Summer)
- Cheerleading
- Dance
- Fishing Rodeo
- Flag Football (Youth)
- Football (6th/7th Grade Tackle Football)
- Gymnastics
- Karate
- Ping Pong
- School Kids Connection
- Softball (Youth Rec.- Registration, Sponsorships, Uniforms, & Coach Recruitment/Selection)
- Swim Lessons and Team (Youth Center Pool)
- Volleyball (Youth/Adult & Ozark Volleyball Club)
- Track
- Special Events

B. FAYETTEVILLE PARKS AND RECREATION DIVISION. Parks and Rec will be responsible for providing or approving the management, staffing, and promotion and development of the following programs and activities. Parks and Rec will be responsible for the majority of sports and activities held at **outdoor** recreation facilities, including but not limited to the following:

- Baseball
- Flag Football (Adult)
- Hobby Use Groups (Ozark Flyers, Ultimate Frisbee, Horseshoe, Ozark Volleyball Club, etc.)
- Sand Volleyball
- Soccer (Youth & Adult)
- Softball (Adult, Youth Competitive, Youth Fast-Pitch, & Tournaments)
- Softball (Youth Rec-League Administration, Practice/Game Schedules, Umpires & Concessions)
- Swim Lessons (Wilson Park)
- Tennis Lessons

- Special Events in Parks (Gulley Run, Summer Concert Series, etc.)
- Friends of Youth Softball Tournament

IV. ADVISORY BOARDS

A. Girls "RECREATIONAL SLOWPITCH SOFTBALL" Advisory Board.

1. The Advisory Board shall consist of the Program Committee Chairman from FYC Board of Directors; Parks and Rec Program Coordinator; and three persons selected by the Assistant Director of FYC.

2. The Assistant Director of FYC will chair the Advisory Board and will assist the Program Coordinator of Parks and Rec with the operation of the program.

3. The Advisory Board will be responsible for:

- a. establishing the philosophy, affiliation, and rules for the program
- b. establish and maintain a mechanism to measure the quality of the program and insure its goal to meet the needs of the participants and community.
- c. team/player registration
- d. coach selection/training
- e. team sponsorship and uniforms

B. Youth "COMPETITIVE/FASTPITCH" Advisory Board. The Program Coordinator of Parks and Rec will administer and organize the Youth Competitive/Fastpitch Advisory Board to oversee these softball programs in the City.

V. FINANCIAL

A. Beginning January 1, 2000, the FYC Board of Directors will be responsible for the management and operation of the annual funding allocation to FYC from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds. However, up to one-half of the funding may come from the HMR tax and shall be used only for promotion and development.

B. FYC shall submit an annual financial report to the Public Works Director on or before April of each year. Such report shall detail FYC's use of the City of Fayetteville's funding allocation.

C. FYC shall comply with the schedules and procedures established by the Budget & Research Department, of the City of Fayetteville, for annual funding requests.

D. The youth recreation softball player fee will be determined annually.

VI. MISCELLANEOUS

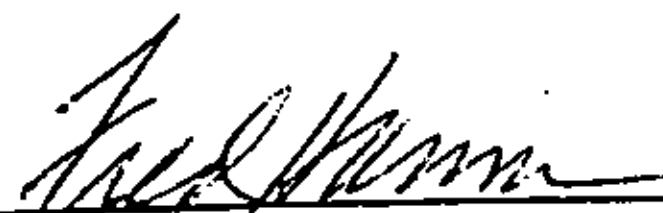
A. All facility or service agreements between Parks and Rec, Public School System, and/or FYC shall be in writing.

B. Representatives from Parks and Rec and FYC shall meet a minimum of two times per year to discuss any programming or facility issues effecting the recreational offerings to the citizens.

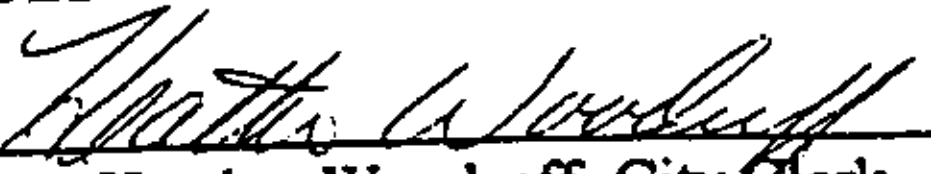
C. FYC will transfer the current youth softball equipment to Parks and Rec.

D. The working procedures and responsibilities contained herein shall become effective August 19, 1999.

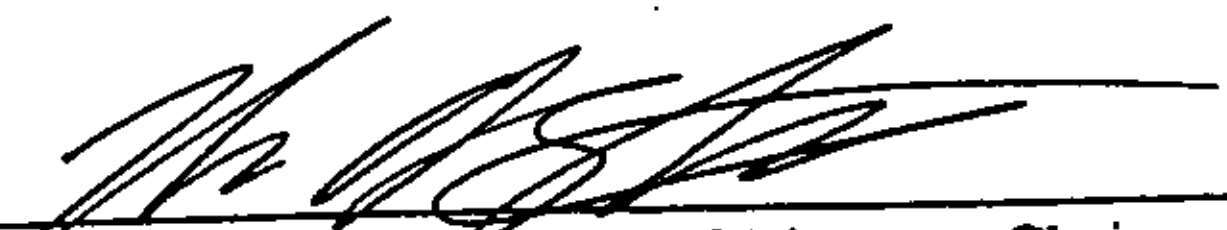
CITY OF FAYETTEVILLE

By: 
Fred Hanna, Mayor

ATTEST:

By: 
Heather Woodruff, City Clerk

FAYETTEVILLE YOUTH CENTER

By: 
Tom Stockland, Board of Directors Chairman

ATTEST:

By: 

RESOLUTION NO. 27-00

A RESOLUTION APPROVING THE PARKS AND RECREATION DIVISION AND FAYETTEVILLE YOUTH CENTER WORKING PROCEDURES AND RESPONSIBILITIES; AND APPROVAL OF A BUDGET ADJUSTMENT IN THE AMOUNT OF \$106,121 FOR THE PARKS DIVISION'S EXPENDITURES.

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

Section 1. That the City Council hereby approves the Parks and Recreation and Fayetteville Youth Center working procedures and responsibilities; and authorizes the Mayor and City Clerk to execute said procedures. A copy of the working procedures/responsibilities is attached hereto marked Exhibit "A" and made a part hereof.

Section 2. A copy of the a budget adjustment in the amount of \$106,121 by increasing Office Supplies, Acct. No. 1010 5200 5200 00, in the amount of \$1,600; Public Notification, Acct. 1010 5200 5301 00, in the amount of \$500; Travel & Training, Acct. No. 1010 5200 5304 00, in the amount of \$2,400; Chemicals, Acct. No. 1010 5260 5204 00, in the amount of \$20,575, Contract Services, Acct. No. 1010 5260 5315 00, in the amount of \$7,880; Building & Grounds, Acct. No. 1010 5260 5400 00, in the amount \$65,766; Minor Equipment, Acct. No. 1010 5260 5890 00, in the amount of \$6,800; and Travel & Training, Acct. No. 1010 5220 5304 00, in the amount of \$600 by decreasing Tournament Supplies & Awards, Acct. No. 1010 5220 5200 05, in the amount of \$10,537; Transfer of Youth/Adult, Acct. No 1010 5220 5718 00, in the amount of \$91,084 and Minor Equipment, Acct. No. 1010 5220 5890 00, in the amount of \$4,500. A copy of the budget adjustment is attached hereto marked Exhibit "B" and made a part hereof.

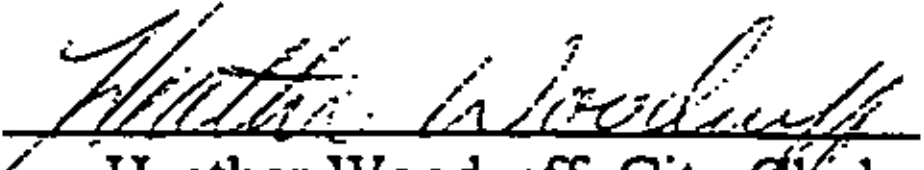
PASSED AND APPROVED this 7th day of March, 2000.

APPROVED:

By: 

Fred Hanna, Mayor

ATTEST:

By: 

Heather Woodruff, City Clerk

CONTRACT
Between The City of Fayetteville
and
Fayetteville Youth Center, Inc.

WHEREAS, the City of Fayetteville has long been associated with and worked with the Fayetteville Youth Center, Inc. to provide public recreation for the citizens of Fayetteville; and

WHEREAS, the Fayetteville Youth Center, Inc. has long provided public recreation to the youth and citizens of Fayetteville; and

WHEREAS, it remains in the best interest of the City of Fayetteville and its citizens to provide operating promotion and development revenues to the Fayetteville Youth Center, Inc. in consideration for the substantial recreational programs provided by the Fayetteville Youth Center, Inc. to the youth and citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of \$15,529.83 monthly to the Fayetteville Youth Center, Inc. throughout the year of 2001 in consideration of the following duties and obligations to be performed by the Fayetteville Youth Center, Inc.:

- A. The Fayetteville Youth Center, Inc. promises to be jointly responsible with the Fayetteville School System to provide staffing, programming, maintenance, promotion, and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium and the main facility of the Boys and Girls Club on California Drive. The Fayetteville Youth Center, Inc. agrees to use some of the funding from the City to pay for gymnasium supervisors and custodians at these sites.
- B. The Fayetteville Youth Center, Inc. promises to make substantial portions of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for needy youth. Although basic membership fees may be required for many Fayetteville residents, no needy youth wishing to participate at the Fayetteville Youth Center, Inc. facility shall

be denied access solely because he or she does not have sufficient funds to pay for a regular membership. The Fayetteville Youth Center, Inc. shall report on a quarterly basis the approximate number of Fayetteville citizens served by its programs and shall include the number of "scholarships" or free memberships provided to Fayetteville citizens.

- C. The Fayetteville Youth Center, Inc. shall continue to follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and The Fayetteville Youth Center, Inc. which became effective on August 19, 1999, which is attached as Exhibit A.

CITY OF FAYETTEVILLE

By: _____
DAN COODY, Mayor

FAYETTEVILLE YOUTH CENTER, INC.

By: _____
President of Board of Directors
Title

ATTEST:

By: _____
Heather Woodruff, City Clerk

RECREATION IN FAYETTEVILLE

WORKING PROCEDURES AND RESPONSIBILITIES FOR THE CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION AND THE FAYETTEVILLE YOUTH CENTER, INC.

This Agreement is made and entered into between the City of Fayetteville Parks and Recreation Division (Parks and Recreation) and the Fayetteville Youth Center, Inc., d/b/a Fayetteville Boys & Girls Club, (hereinafter FYC).

WHEREAS, the parties are two of the providers of recreational sports for the citizens of Fayetteville and wish to define a working agreement which may be revisited and modified each year upon mutual agreement between the Superintendent of Parks and Recreation and the Executive Director of the Fayetteville Boys and Girls Club; and,

WHEREAS, it is the goal of both parties to work in cooperation to enhance the recreation facilities and programs offered by the parties and to act together in meeting the needs of the citizens of Fayetteville; and

WHEREAS, increased communications and a new set of operating procedures will assist with the working relationship and will benefit both agencies and their operations; and,

WHEREAS, Parks and Recreation believes the goals of Parks and Recreation and FYC would best be accomplished by defining and streamlining responsibilities and procedures; and, is therefore recommending the merging of facility and program management for all recreation offerings, thereby providing administrative accountability for all services provided to the citizens.

NOW, THEREFORE, in order to define and improve the current working relationship between Parks and Recreation and FYC, the following set of detailed operating procedures and responsibilities are hereby established.

1. FYC will be responsible for working with the Fayetteville School System to provide staffing, programming, maintenance, promotion and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium, and the Youth Center. FYC will assume responsibility for the hiring, evaluating, and supervising of gymnasium supervisors and custodians at Holcomb, Asbell, and Vandergriff Gymnasiums.

2. Parks and Recreation will be responsible for providing or approving the staffing, programming, maintenance, promotion and development for the city and school parks, including the following facilities which are utilized for sports programming; Asbell Soccer/Softball Complex, Lake Fayetteville Softball Complex, Gary Hampton Softball Complex, Lewis St. Soccer Complex, Walker Baseball/Soccer Complex, White River Baseball Complex, and the Wilson Softball Field. Parks and Recreation shall be responsible for outdoor facilities owned or leased by the City of Fayetteville excluding the property leased to FYC pursuant to written agreement.

3. FYC will be responsible for providing or approving the management, staffing, and promotion and development of the following programs and activities. FYC will coordinate with the Fayetteville School System for use of their facilities. FYC will be responsible for the majority of sports and activities held at indoor recreation facilities, including but not limited to the following:

- Basketball
- Baton
- Camps (Environmental Study, Spring Break, Christmas Break, Summer)
- Cheerleading
- Dance
- Fishing Rodeo
- Flag Football (Youth)
- Golf
- Gymnastics
- Karate
- Ping Pong
- School Kids Connection
- Swim Lessons
- Volleyball
- Tackle Football
- Track
- Special Events
- FYC programs which do not compete with those listed in paragraph 4.

4. Parks and Recreation will be responsible for providing or approving the management, staffing, and promotion and development of the following programs and activities. Parks and Recreation will be responsible for the majority of sports and activities held at outdoor recreation facilities, including but not limited to the following:

- Baseball
- Fast-pitch Softball
- Flag Football (Adult)
- Hobby Use Groups
- Sand Volleyball
- Slow-pitch Softball
- Soccer
- Special Events
- Swim Lessons
- Tennis Lessons

5. The Girls Recreational Slow-pitch Softball shall be a joint effort between Parks and Recreation and FYC. FYC shall be responsible for registration, sponsorship, uniforms, team division and coach recruitment. Parks and Recreation shall be responsible for practice scheduling and management, game scheduling and management, umpires and concessions. There will be an advisory board comprised of a program professional from FYC, chairman of the program committee at FYC, program professional from Parks and Recreation, three at large members selected by the Executive Director of FYC. The advisory board will establish the philosophy and rules of the league and establish a mechanism to evaluate the program. The youth slow-pitch softball player fee will be determined annually.

6. FYC agrees not to establish a program that competes with an established program provided by Parks and Recreation. Moreover, FYC agrees to provide Parks and Recreation with information relating to any of its programs including roster of players, coaches, rules of the league and similar relevant data upon request by Parks and Recreation. It is the intent of both parties to work together for the common good of the citizens of Fayetteville by not providing public funding for multiple competing program offerings. It is understood that FYC and Parks and Recreation both currently provide swim lessons and pool programs and that both parties agree to work together for the common good of both programs.

7. In the event the FYC wishes to allow programs which fall in the general description of paragraph 4 above, which it does not believe competes with current City programs, FYC will provide advance notice of intent to start the program to the City providing the City with time to determine whether it is a competing program or not. In the event that FYC offers a program that the Parks and Recreation Division believes is a competing program within the meaning of this document, Parks and Recreation Staff shall give FYC written notice of its assessment. FYC shall either cease operating such program within 30 days of such notice or shall provide a written response to Parks and Recreation that disputes whether such program is in fact a competing program. If FYC fails to cease such program or respond to the assessment from Parks and Recreation, City may discontinue funding for FYC on the 31st day after such notice. If FYC files a dispute, the issue shall be resolved by City Council and the finding of City Council shall be final and not subject to appeal. If FYC fails to cease operation of such program within 30 days of a decision requiring such cessation by City Council, then the City may stop annual funding to FYC.

8. FYC Board of Directors and the Parks and Recreation Advisory Board shall have a joint board meeting annually. The meeting shall be held in the month of June each year on a mutually agreeable date. The FYC Executive Director and a member of FYC Board shall set a meeting with the Parks and Recreation Superintendent and a board member from PRAB in September, December and March of each year at mutually convenient times. The meetings are designed to ensure communication between the two entities.

9. It is understood and agreed that the City's annual funding will be tied to a formula relating to the population of Fayetteville as provided by the Northwest Regional Planning office and contingent on the availability of City funds. The City has informed FYC that it does not intend to increase the budget in the future for inflation or increased needs. The City specifically declines to fund the additional costs of transportation that will be necessary at the new facility.

10. The FYC Board of Directors is responsible for the management and operation of the annual funding allocation to FYC from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds. However, up to one-half of the funding may come from HMR tax and shall be used only for promotion and development.

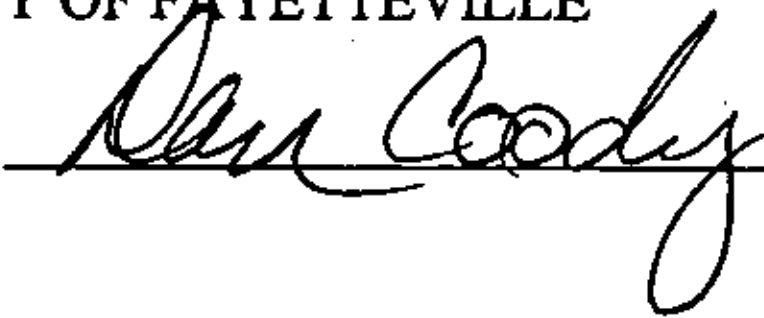
11. As part of the annual funding, FYC agrees to make its pool available to residents of the City of Fayetteville for a daily fee without the need to purchase a membership to the club. The initial fee shall be the sum of \$3.00. It is understood and agreed that the pool facility will be unavailable to the general public during pool programming, member swim times, or use by a specific group such as a birthday party. FYC shall provide the City with a schedule of times the pool will be available for nonmember citizens of Fayetteville. It is understood and agreed that if the pool reaches capacity or the staff to participant ratio reaches a maximum limit, potential pool users may be turned away or forced to wait until capacity or ratios will allow entrance.

12. FYC shall schedule a meeting and submit an annual financial report to the Public Works Director on or before April of each year. Such report shall detail FYC's use of the City of Fayetteville's funding allocation. --

13. FYC shall comply with the schedules and procedures established by the Budget & Research Department, of the City of Fayetteville, for annual funding requests.

14. The working procedures and responsibilities contained herein shall become effective April 1, 2001.

CITY OF FAYETTEVILLE

By: 

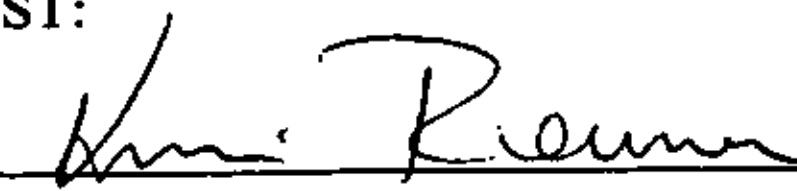
ATTEST:

By: _____

FAYETTEVILLE YOUTH CENTER, INC

By: 

ATTEST:

By: 

the Fayetteville City Council meeting of June 14, 2001

Urban Development
Department

Fund

Administrative Services Director

GRANTING AGENCY:

Date _____

Orig Contract Date: April 17, 2001

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

the Fayetteville City Council meeting of June 19, 2001

FROM:

Yolanda Fields Community Development Urban Development
Name Division Department

ACTION REQUIRED:

Approval of this sub-recipient grant agreement to Life Styles Incorporated.

COST TO CITY:

<u>\$11,077.00</u>	<u>\$11,077.00</u>	<u>Life Styles Inc.</u>
Cost of this Request	Category/Project Budget	Category/Project Name
<u>2180-4940-5390-34</u>	<u>\$-0-</u>	<u>Housing Rehab</u>
Account Number	Funds Used To Date	Program Name
	<u>\$ -0-</u>	<u>Comm. Dev.</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager _____ Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager _____	Date _____	Internal Auditor _____	Date _____
<u>D. P. Whitaker</u>	<u>6/21/01</u>	_____	_____
City Attorney _____	Date _____	ADA Coordinator _____	Date _____
Purchasing Officer _____	Date _____	Grants Coordinator _____	Date _____

STAFF RECOMMENDATION: Approval of the sub-recipient grant agreement and the release of funds.

<u>[Signature]</u>	<u>6-1-01</u>
Division Head _____	Date _____
Department Director _____	Date _____
Administrative Services Director _____	Date _____
Mayor _____	Date _____

Cross Reference

New Item: **No**

Prev Ord/Res #: **55-01**

Orig Contract Date: **April 17, 2001**

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

Yolanda Fields Community Development Urban Development
 Name Division Department

ACTION REQUIRED:

Approval of this sub-recipient grant agreement to Life Styles Incorporated.

COST TO CITY:

<u>\$11,077.00</u>	<u>\$11,077.00</u>	<u>Life Styles Inc.</u>
Cost of this Request	Category/Project Budget	Category/Project Name
<u>2180-4940-5390-34</u>	<u>\$-0-</u>	<u>Housing Rehab</u>
Account Number	Funds Used To Date	Program Name
	<u>\$11,077.00</u>	<u>Comm. Dev.</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

[Signature] [Signature]
 Budget Manager Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

<u>Masha Farthing</u>	<u>6/10/01</u>	<u>Garry Smith</u>	<u>6/8/01</u>
Accounting Manager	Date	Internal Auditor	Date
<u>D.P. Whitak</u>	<u>6/04/01</u>		
City Attorney	Date	ADA Coordinator	Date
<u>[Signature]</u>	<u>6/8/01</u>		
Purchasing Officer	Date	Grants Coordinator	Date

STAFF RECOMMENDATION: Approval of the sub-recipient grant agreement and the release of funds

<u>[Signature]</u>	<u>6-1-01</u>
Division Head	Date
<u>[Signature]</u>	<u>6-12-01</u>
Department Director	Date
<u>[Signature]</u>	<u>6-12-01</u>
Administrative Services Director	Date
<u>[Signature]</u>	<u>6/12/01</u>
Mayor	Date

Cross Reference

New Item: **No**

Prev Ord/Res #: **55-01**

Orig Contract Date: **April 17, 2001**

STAFF REVIEW FORM

Description: Approval of the sub-recipient grant agreement

Meeting Date _____

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

*To be placed on Agenda.
Resolution draft following JAW*

Purchasing Manager

Internal Auditor

ADA Coordinator

Grants Coordinator

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor

THRU: Yolanda Fields, Community Development Coordinator

FROM: Don Hancock, Housing Rehabilitation Specialist

DATE: May 31, 2001

SUBJECT: Sub-recipient Grant Agreement

Recommend approval of the Sub-recipient Grant Agreement between the City of Fayetteville and Life Styles Incorporated, for the purpose of installing an emergency alarm system, upgrading the current alarm system, and remodeling two bathrooms.

RESOLUTION NO. 55-01

A RESOLUTION TO ACCEPT THE
2001 COMMUNITY DEVELOPMENT
BLOCK GRANT IN THE AMOUNT
OF \$665,000.00

WHEREAS, The City of Fayetteville has received Community Development Block Grants as an Entitlement City since 1974; and

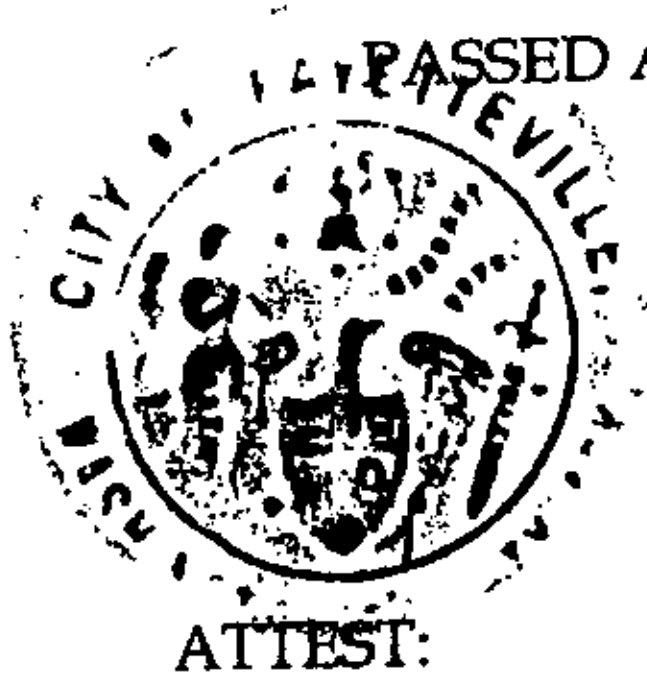
WHEREAS, The City of Fayetteville has been able to use these Community Development Block Grants for numerous beneficial community projects throughout Fayetteville; and

WHEREAS, The City of Fayetteville has been awarded \$665,000.00 in Community Development Block Grant funds for 2001.

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

Section 1. The City Council hereby approves the U.S. Department of Housing and Urban Development Funding Approval Agreement and authorizes the Mayor to sign said Agreement and to accept the \$665,000.00 Community Development Block Grant.

PASSED AND APPROVED this 17 day of April, 2001.



ATTEST:

APPROVED:

By: Dan Coody
DAN COODY, Mayor

By:

Heather Woodruff
Heather Woodruff, City Clerk



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

SUB-RECIPIENT GRANT AGREEMENT

This Agreement, is entered into on this _____ day _____, 2001, between the City of Fayetteville, Arkansas, hereinafter known as the "City", and **Life Styles, Incorporated** hereinafter known as "**Life Styles**" an Arkansas non-profit corporation.

WHEREAS the City has applied to the U.S. Department of Housing and Urban Development (HUD) for Community Development Block Grant (CDBG) funds from the CDBG Entitlement Cities program established under Title I of the Housing and Community Development Act of 1974, as amended, and the rules, regulations, policy memoranda, and other authority thereunder collectively, the "Act", and administered by the City;

WHEREAS the Act contains certain requirements regarding the use of CDBG funds to fulfill a "national objective" as defined in the Act; the national objective to be fulfilled by **Life Styles** is: **Improvements for developmental disabled individuals.**

WHEREAS the Act prohibits discrimination under any program or activity funded with CDBG monies on the basis of race, color, national origin, sex, age or handicap;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and **Life Styles** agree as follows;

1. The City hereby designates and **Life Styles** hereby agrees to serve as the sub-recipient of the City's CDBG Entitlement Grant and to administer such grant in accordance with this agreement, and the Act.
2. Life Styles certifies that the activities carried out with funds provided under this Agreement will meet the CDBG Program's National Objective.
3. Upon execution of this agreement, the City agrees to allocate **Eleven Thousand, Seventy-Seven Dollars \$11,077.00** to provide improvements at the **Life Styles Complex**. Funds shall be distributed on a monthly basis. Expenditure reports shall be submitted to the Community Development Office within ten (10) days from the end of the of quarter.
4. This Agreement shall begin on the first day written above.
5. Statement of work: **Install an emergency alarm system. Upgrade the existing alarm system. Renovate two bathrooms.**

6. Other requirements. **Life Styles staff shall write the bid specifications for each of the bathroom rehabilitation projects. These two projects shall have a minimum of three bids in writing. All contractors shall carry general liability insurance. All electrical and plumbing contractors shall be licensed by the State of Arkansas.**
7. Scope of Services, **Life Styles agrees to: Have an alarm system installed in the three duplexes that were purchased, upgrade the existing alarm system and to renovate two bathrooms making both of them more accessible.**
 - (a) Describe the project particulars: **The alarm system will allow 22 residents to call the staff if an emergency occurs. Renovating the two bathrooms will provide improved accessibility for two of the residents.**
 - (b) Describe other responsibilities directly or indirectly related to the project. **At the completion of each project, provide to the City a copy of all documents for each project. Once a contractor is selected and hired provide a copy of the contractors insurance.**
 - (c) To make available all records for review by the City, and HUD personnel as requested.
 - (d) To furnish to the City: **A summary report on each project and its particulars at the completion of each project.**
 - (e) To comply with all applicable federal, state, and local laws and regulations pertaining to the performance of the CDBG grant, including but not limited to;
 - * Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), and Implementing regulations in 24 CFR Part 1, Together with section 109 of the Act (see 560.602), prohibit discrimination in any program or activity Funded in whole or in part with funds made available under this part.
 - * 24 CFR Part 35 Requirements for Notification, Evaluation and Reduction of Lead-based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance.
 - * 24 CFR Part 570.502 Grant Administration.
 - * 24 CFR Part 570.607 Employment & Contracting Opportunities for low income persons.
 - * 24 CFR 570.611 Conflict of Interest
 - * 24 CFR 570.614 Architectural Barriers Act of 1968 (42 U.S.C. 4151-4157) & Americans With Disabilities Act (42 U.S.C. 12131; 47 U.S.C. 155, 201, 218 and 225) (ADA).
 - (f) To submit to the City any and all documents demonstrating compliance with all federal, state and local rules and regulations. Such demonstrations shall be provided at the request of the City. The city's failure to request supporting documentation, however, shall not excuse any failure on **Life Styles** part to have complied with the applicable federal, state, and local rules and regulations.

- (g) That all contracts for services and procurement for materials shall be carried out in compliance with applicable federal, state, and local rules and regulations.
- (h) That authorized city, state, and federal officials and representatives will have access to all books, accounts, records, files, and other papers, items or property pertaining to the project in order to make audits, examinations, excerpts and transcripts.

8. Records and Reports

- (a) **Life Styles** shall maintain sufficient records of beneficiary data with regard to the number of low-to-moderate income persons benefitting from the projects. Such records will include as a minimum the following information:
- * Age, gender, and race.
 - * Monthly/Annual income.
- (b) **Life Styles** agrees to provide a report at the completion of each of the three projects. The report will contain the information described in paragraph 7(a) above. The report will contain other information relevant to the type of project such as: **a description of the work that was performed at each residence.**
- (c) **Life Styles** agrees to maintain records and reports related to the project for a period of not less than five years following the term of the Agreement.
9. For the purposes of this Agreement, the Project Coordinator for the City shall be **Don [REDACTED]** **successor of his successor.** The Project Coordinator for **Life Styles** shall be **Karen Takemoto** or her successor. Communications pertaining to this agreement shall be through the respective Project Coordinators for the City and **Life Styles.**

10. Terms of Performance:

- (a) The term of performance for this agreement shall **expire December 31, 2001.** If this agreement is terminated or canceled in accordance with the terms, conditions, and procedures of this Agreement, within (30) days after termination of this agreement, **Life Styles** shall provide and turn over to the City all materials, including real property, books, accounts, records, files and other papers, or items pertaining to the project.
- (b) The City may consider an extension of the term of performance based on justifiable circumstances beyond the control of **Life Styles.** **Life Styles** shall make application and submit documentation to the City regarding such circumstances, and a proposal for the new time of constitute an amendment to the agreement.

- (c) **Life Styles** shall hold harmless, defend and indemnify the City from any and all claims, actions, suits, charges and judgements whatsoever that arise out of **Life Styles** performance or nonperformance of the services or subject matter called for in this

11. Budget.

- (a) It is expressly agreed and understood that the total amount to be paid to **Life Styles** shall not exceed **Eleven Thousand, Seventy-Seven Dollars \$11,077.00**.
- (b) **Life Styles** shall render to the City a Request for Payment at the end of each quarter.

12. CDBG Assets.

- (a) Upon expiration or termination of this agreement, all CDBG funded assets on hand at the time of expiration, and any accounts receivable attributable to the use of CDBG funds, shall revert to the City to be disposed of in accordance with applicable federal rules, laws and regulations governing the disposition of property, assets and equipment purchased with federal funds.

13. Uniform Administrative Requirements

- (a) **Life Styles** shall conform to the requirements of OMB Circular No. A-122, Cost Principals for Non-Profit Organizations.
- (b) **Life Styles** shall Conform to the requirements of OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.

14. Program Income: **Life Styles** agrees that any Program Income as defined by the Act generated by the project and pursuant to this agreement shall be administered as required by the Act and may be expended only upon prior notification and approval of the City.

15. Notices: All notices required or permitted under this agreement shall be submitted in writing to the other party to this agreement, by certified mail, return receipt requested, which notice shall be effective three (3) days after deposit therein addressed to the following:

City of Fayetteville
Community Development Division
Yolanda Fields
Community Development Coordinator
113 W. Mountain St.
Fayetteville, AR 72701

Life Styles
Carol Hart
Executive Director
2471 W. Sycamore
Fayetteville, Arkansas 72703

16. Conflict of Interest: **Life Styles** represents that none of its employees, officers, or directors presently have any interest, either direct or indirect, which would conflict in any manner with **Life Styles** performance or procurement under this Agreement, and that no person having such interest will be appointed or employed by **Life Styles**.
17. Tax Exempt Status: Attached hereto as Exhibit C by this reference and made part hereof is a copy of correspondence from the Internal Revenue Service dated **August 15, 1996**, confirming the 501(c)(3) tax exempt status of **Life Styles**.
18. Suspension and Termination
 - (a) Remedies for noncompliance. In accordance with 24 CFR 85.43 of the Act, if **Life Styles** materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:
 - * Temporarily withhold cash payments pending correction of the deficiency by **Life Styles** or more severe enforcement action by the City,
 - * Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the project, activity, or action not in compliance
 - * In whole or partly suspend or terminate the current award for **Life Styles** project,
 - * Withhold further awards for the project, or take other remedies that may be legally available.
 - (b) In taking an enforcement action, the City will provide **Life Styles** an opportunity for appeal, or other administrative proceedings to which **Life Styles** is entitled under statute or regulation applicable to the action involved.
 - (c) Costs of the **Life Style** resulting from obligations incurred by **Life Styles** during a suspension or after termination of an award are not allowable unless the City expressly authorizes them in the notice of suspension or termination or subsequently. Other **Life Styles** costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:
 - * The costs result from obligations which were properly incurred by **Life Styles** before the effective date of suspension or termination, are not in Anticipation of it, and, in the case of a termination, are noncancellable, and,
 - * The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.
 - (d) Relationship to debarment and suspension. The enforcement remedies identified in this section, including suspension and termination, do not preclude **Life Styles** from being subject to "Debarment and Suspension" under E.O. 12549 (see 24 CFR 85.35 of the Act).

- (e) The City's failure to enforce any term or condition of this Agreement shall not be construed as acceptance of **Life Styles** non-compliance pursuant to this agreement and the City reserves the right to enforce a finding of non-compliance at any later time during the term of this Agreement.
- (f) Termination for convenience. Except as provided in 24 CFR 85.43 award may be terminated in whole or in part only as follows:
- * By the City with the consent of **Life Styles** in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial termination, the portion to be terminated, or
 - * By **Life Styles** upon written notification to the City, setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, the City determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the City may terminate the award in its entirety under either paragraph 16(a) or paragraph 16(f) of this section.
19. Binding Effect: This Agreement shall be binding upon and shall ensure to the benefit of the parties hereto and their respective heirs and assigns; provided, however, that no assignment shall be effective to relieve a party of any liability under this Agreement unless the other party has consented in writing to the assignment and agreed to the release of such liability. The City and **Life Styles** hereby acknowledge receipt of a duly executed copy of this Agreement complete with all Exhibits attached hereto.

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

Life Styles Incorporated

Carol Hart, Executive Director

Attested By:

City of Fayetteville

Dan Coody, Mayor

Attested By:

**SIGN
HERE**

FROM: IRS SPB;

8-15-96 2:50PM; 2147671869 =>

5015824437;

#1/1

Alvin C. Smith H. 501.582.4437

INTERNAL REVENUE SERVICE
District Director

DEPARTMENT OF THE TREASURY
1100 Commerce St., Dallas, TX 75242

Life Style Inc
Box 1114
Fayetteville AR 72702

Person to Contact:
Todd Cole

Telephone Number:
(214) 767-6023

Refer Reply to:
Mailcode 4940 DAL

Date:
August 15, 1996

EIN:
71-0470300

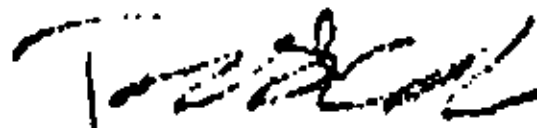
Dear Sir:

Our records show that Life Style Incorporated is exempt from Federal Income Tax under section 501(c)(3) of the Internal Revenue Code. This exemption was granted December 1976 and remains in full force and effect. Contributions to your organization are deductible in the manner and to the extent provided by section 170 of the code.

We have classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Internal Revenue Code because you are an organization described in section 509(a)(1).

If we may be of further assistance, please contact the person whose name and telephone number are shown above.

Sincerely,



Todd Cole
EO Specialist

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

the Fayetteville City Council meeting of June 19, 2001

FROM:

Rolanda Fields Community Development Urban Development
Name Division Department

ACTION REQUIRED:

Approval of this sub-recipient grant agreement with Sage House Incorporated.

COST TO CITY:

<u>\$162,500.00</u>	<u>\$162,500.00</u>	<u>Sage House Inc.</u>
Cost of this Request	Category/Project Budget	Category/Project Name
<u>2180-4990-5390-30</u>	<u>\$-0-</u>	<u>Capital Projects</u>
Account Number	Funds Used To Date	Program Name
	<u>\$ -0-</u>	<u>Comm. Dev.</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached

 Budget Manager Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

<u> </u> Accounting Manager	<u> </u> Date	<u> </u> Internal Auditor	<u> </u> Date
<u><i>P. P. Whitel</i></u> City Attorney	<u><i>6/4/01</i></u> Date	<u> </u> ADA Coordinator	<u> </u> Date
<u> </u> Purchasing Officer	<u> </u> Date	<u> </u> Grants Coordinator	<u> </u> Date

STAFF RECOMMENDATION: Approval of the sub-recipient grant agreement and the release of funds.

<u><i>[Signature]</i></u> Division Head	<u><i>6-1-01</i></u> Date
<u> </u> Department Director	<u> </u> Date
<u> </u> Administrative Services Director	<u> </u> Date
<u> </u> Mayor	<u> </u> Date

Cross Reference

New Item: **No**

Prev Ord/Res #: **55-01**

Orig Contract Date: **April 17, 2001**

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

Yolanda Fields Community Development Urban Development
 Name Division Department

ACTION REQUIRED:

Approval of this sub-recipient grant agreement with Sage House Incorporated.

COST TO CITY:

\$162,500.00	\$162,500.00	Sage House Inc.
Cost of this Request	Category/Project Budget	Category/Project Name
2180-4990-5390-30	\$-0-	Capital Projects
Account Number	Funds Used To Date	Program Name
	\$ 162,500.00	Comm. Dev.
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

_____ Budgeted Item _____ Budget Adjustment Attached

[Signature]
 Budget Manager

_____ Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]
 Accounting Manager

6/10/01
 Date

[Signature]
 Internal Auditor

6/8/01
 Date

[Signature]
 City Attorney

6/4/01
 Date

_____ ADA Coordinator

_____ Date

[Signature]
 Purchasing Officer

6/8/01
 Date

_____ Grants Coordinator

_____ Date

STAFF RECOMMENDATION: Approval of the sub-recipient grant agreement and the release of funds.

[Signature]
 Division Head

6-1-01
 Date

[Signature]
 Department Director

6-12-01
 Date

[Signature]
 Administrative Services Director

6-12-01
 Date

[Signature]
 Mayor

6/12/01
 Date

Cross Reference

New Item: **No**

Prev Ord/Res #: **55-01**

Orig Contract Date: **April 17, 2001**

STAFF REVIEW FORM

Description: Approval of the sub-recipient grant agreement

Meeting Date _____

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

*Should be on Council Agenda.
Resolution Draft forthcoming. JFW*

Purchasing Manager

Internal Auditor

ADA Coordinator

Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor

THRU: Yolanda Fields, Community Development Coordinator

FROM: Don Hancock, Housing Rehabilitation Specialist

DATE: May 31, 2001

SUBJECT: Sub-recipient Grant Agreement

SAGE HOUSE, INC
Recommend approval of the Sub-recipient Grant Agreement between the City of Fayetteville and ~~Life Styles Incorporated~~, for the purpose of Designing a 20,000 square foot Transitional Housing Unit for single parents that are low to moderate income.

RESOLUTION NO. 55-01

A RESOLUTION TO ACCEPT THE
2001 COMMUNITY DEVELOPMENT
BLOCK GRANT IN THE AMOUNT
OF \$665,000.00

WHEREAS, The City of Fayetteville has received Community Development Block Grants as an Entitlement City since 1974; and

WHEREAS, The City of Fayetteville has been able to use these Community Development Block Grants for numerous beneficial community projects throughout Fayetteville; and

WHEREAS, The City of Fayetteville has been awarded \$665,000.00 in Community Development Block Grant funds for 2001.

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

Section 1. The City Council hereby approves the U.S. Department of Housing and Urban Development Funding Approval Agreement and authorizes the Mayor to sign said Agreement and to accept the \$665,000.00 Community Development Block Grant.

PASSED AND APPROVED this 17 day of April, 2001.



APPROVED:

By: Dan Coody
DAN COODY, Mayor

By: Heather Woodruff
Heather Woodruff, City Clerk



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

SUB-RECIPIENT GRANT AGREEMENT

This Agreement, is entered into on this _____ day _____, 2001, between the City of Fayetteville, Arkansas, hereinafter known as the "City", and **Sage House Incorporated** hereinafter known as "**Sage House**" an Arkansas non-profit corporation.

WHEREAS the City has applied to the U.S. Department of Housing and Urban Development (HUD) for Community Development Block Grant (CDBG) funds from the CDBG Entitlement Cities program established under Title I of the Housing and Community Development Act of 1974, as amended, and the rules, regulations, policy memoranda, and other authority thereunder collectively, the "Act", and administered by the City;

WHEREAS the Act contains certain requirements regarding the use of CDBG funds to fulfill a "national objective" as defined in the Act; the national objective to be fulfilled by **Sage House** is: **Design and construct a Transitional Housing Unit for single parents that are low to moderate income.**

WHEREAS the Act prohibits discrimination under any program or activity funded with CDBG monies on the basis of race, color, national origin, sex, age or handicap;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and **Sage House** agrees as follows;

1. The City hereby designates and **Sage House** hereby agrees to serve as the sub-recipient of the City's CDBG Entitlement Grant and to administer such grant in accordance with this agreement, and the Act.
2. **Sage House** certifies that the activities carried out with funds provided under this Agreement will meet the CDBG Program's National Objective.
3. Upon execution of this agreement, the City agrees to allocate **Seventy-five Thousand dollars (\$75,000.00) from the year 2000 budget and Eighty-seven Thousand, Five Hundred dollars (\$87,500.0) from the year 2001 budget for a total of One Hundred Sixty-two Thousand, Five Hundred Dollars (\$162,500.00) for architectural services.**
4. This Agreement shall begin on the first day written above.
5. Statement of work: **Design, draw, and assemble a bid packet for the Transitional Housing Unit.**

6. Other requirements. **The architect shall furnish to the City and Sage House a copy of all drawings, plans, and bid packets for review and after approval and completed.**
7. Scope of Services, **Sage House agrees to: Have a transitional Housing unit designed by an architect.**
 - (a) Describe the project particulars: **The plans shall be complete and ready for bids at the completion of this agreement.**
 - (b) Describe other responsibilities directly or indirectly related to the project. **At the completion of each phase of the design and drawings the architect shall submit a bill directly to the Community Development Division**
 - (c) To make available all records for review by the City, and HUD personnel as requested.
 - (d) To furnish to the City: **A summary report on the progress of their budget and fund raisers on a quarterly basis.**
 - (e) To comply with all applicable federal, state, and local laws and regulations pertaining to the performance of the CDBG grant, including but not limited to;
 - * Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), and Implementing regulations in 24 CFR Part 1, Together with section 109 of the Act (see 560.602), prohibit discrimination in any program or activity Funded in whole or in part with funds made available under this part.
 - * 24 CFR Part 570.502 Grant Administration.
 - * 24 CFR Part 570.607 Employment & Contracting Opportunities for low income persons.
 - * 24 CFR 570.611 Conflict of Interest
 - * 24 CFR 570.614 Architectural Barriers Act of 1968 (42 U.S.C. 4151-4157) & Americans With Disabilities Act (42 U.S.C. 12131; 47 U.S.C. 155, 201, 218 and 225) (ADA).
 - (f) To submit to the City any and all documents demonstrating compliance with all federal, state and local rules and regulations. Such demonstrations shall be provided at the request of the City. The city's failure to request supporting documentation, however, shall not excuse any failure on **Sage Houses** part to have complied with the applicable federal, state, and local rules and regulations.
 - (g) That all contracts for services and procurement for materials shall be carried out in compliance with applicable federal, state, and local rules and regulations.
 - (h) That authorized city, state, and federal officials and representatives will have access to all books, accounts, records, files, and other papers, items or property pertaining to the project in order to make audits, examinations, excerpts and transcripts.

8. Records and Reports

- (a) **Sage House** shall maintain sufficient records of beneficiary data with regard to the number of low-to-moderate income persons benefitting from the project. Such records will include as a minimum the following information;
- * Age, gender, and race.
 - * Monthly/Annual income.
 - * Size of family.
- (b) **Sage House** agrees to provide a report on a quarterly basis. The report will contain the information described in paragraph 7(a) above. The report will contain other information relevant to the type of project.
- (c) **Sage House** agrees to maintain records and reports related to the project for a period of not less than five years following the term of the Agreement.
9. For the purposes of this Agreement, the Project Coordinator for the [REDACTED] or his successor. The Project Coordinator for **Sage House** shall be **Hope Bradbury** or her successor. Communications pertaining to this agreement shall be through the respective Project Coordinators for the City and **Sage House**.

10. Terms of Performance:

- (a) The term of performance for this agreement shall **expire upon completion of the project**. If this agreement is terminated or canceled in accordance with the terms, conditions, and procedures of this Agreement, within (30) days after termination of this agreement, **Sage House** shall provide and turn over to the City all materials, including real property, books, accounts, records, files and other papers, or items pertaining to the project.
- (b) The City may consider an extension of the term of performance based on justifiable circumstances beyond the control of **Sage House**. **Sage House** shall make application and submit documentation to the City regarding such circumstances, and a proposal for the new time of constitute an amendment to the agreement.
- (c) **Sage House** shall hold harmless, defend and indemnify the City from any and all claims, actions, suits, charges and judgements whatsoever that arise out of **Sage Houses** performance or nonperformance of the services or subject matter called for in this

11. Budget.

- (a) It is expressly agreed and understood that the total amount to be paid to the architect for **Sage House** shall not exceed **One Hundred Sixty Two Thousand, Five Hundred Dollars (\$162,500.00)**.

- (b) **The architect shall** render to the City a Request for Payment at the end of each phase.

12. CDBG Assets.

- (a) Upon expiration or termination of this agreement, all CDBG funded assets on hand at the time of expiration, and any accounts receivable attributable to the use of CDBG funds, shall revert to the City to be disposed of in accordance with applicable federal rules, laws and regulations governing the disposition of property, assets and equipment purchased with federal funds.

13. Uniform Administrative Requirements

- (a) **Sage House** shall conform to the requirements of OMB Circular No. A-122, Cost Principals for Non-Profit Organizations.
- (b) **Sage House** shall Conform to the requirements of OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.

14. Program Income: **Sage House** agrees that any Program Income as defined by the Act generated by the project and pursuant to this agreement shall be administered as required by the Act and may be expended only upon prior notification and approval of the City.

15. Notices: All notices required or permitted under this agreement shall be submitted in writing to the other party to this agreement, by certified mail, return receipt requested, which notice shall be effective three (3) days after deposit therein addressed to the following:

City of Fayetteville
Community Development Division
Yolanda Fields
Community Development Coordinator
113 W. Mountain St.
Fayetteville, AR 72701

Sage House
Hope Bradbury
President
614 East Emma, Suite 401
Fayetteville, Arkansas 72764

16. Conflict of Interest: **Sage House** represents that none of its employees, officers, or directors presently have any interest, either direct or indirect, which would conflict in any manner with **Sage Houses** performance or procurement under this Agreement, and that no person having such interest will be appointed or employed by **Sage House**.

17. Tax Exempt Status: Attached hereto as Exhibit C by this reference and made part hereof is a copy of correspondence from the Internal Revenue Service dated **March 18, 1999**, confirming the 501(c)(3) tax exempt status of **Sage House**.

18. Suspension and Termination

- (a) Remedies for noncompliance. In accordance with 24 CFR 85.43 of the Act, if **Sage House** materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:
- * Temporarily withhold cash payments pending correction of the deficiency by **Sage House** or more severe enforcement action by the City,
 - * Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the project, activity, or action not in compliance
 - * In whole or partly suspend or terminate the current award for **Sage Houses** project,
 - * Withhold further awards for the project, or take other remedies that may be legally available.
- (b) In taking an enforcement action, the City will provide **Sage House** an opportunity for appeal, or other administrative proceedings to which **Sage House** is entitled under statute or regulation applicable to the action involved.
- (c) Costs of the **Sage House** resulting from obligations incurred by **Sage House** during a suspension or after termination of an award are not allowable unless the City expressly authorizes them in the notice of suspension or termination or subsequently. Other **Sage Houses** costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:
- * The costs result from obligations which were properly incurred by **Sage House** before the effective date of suspension or termination, are not in Anticipation of it, and, in the case of a termination, are noncancellable, and,
 - * The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.
- (d) Relationship to debarment and suspension. The enforcement remedies identified in this section, including suspension and termination, do not preclude **Sage House** from being subject to "Debarment and Suspension" under E.O. 12549 (see 24 CFR 85.35 of the Act).
- (e) The City's failure to enforce any term or condition of this Agreement shall not be construed as acceptance of **Sage Houses** non-compliance pursuant to this agreement and the City reserves the right to enforce a finding of non-compliance at any later time during the term of this Agreement.
- (f) Termination for convenience. Except as provided in 24 CFR 85.43 award may be terminated in whole or in part only as follows:
- * By the City with the consent of **Sage House** in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial

termination, the portion to be terminated, or

- * By **Sage House** upon written notification to the City, setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, the City determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the City may terminate the award in its entirety under either paragraph 16(a) or paragraph 16(f) of this section.

19. Binding Effect: This Agreement shall be binding upon and shall ensure to the benefit of the parties hereto and their respective heirs and assigns; provided, however, that no assignment shall be effective to relieve a party of any liability under this Agreement unless the other party has consented in writing to the assignment and agreed to the release of such liability. The City and **Sage House** hereby acknowledge receipt of a duly executed copy of this Agreement complete with all Exhibits attached hereto.

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

Sage House Incorporated


Hope Bradbury, President

City of Fayetteville

Dan Coody, Mayor

ATTEST BY:


Renee Baker, Accounting Clerk

ATTEST BY:

Heather Woodruff, City Clerk

**SIGN
HERE**

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **MAR 18 1999**

SAGE HOUSE INC
C/O HOPE BRADBERRY
ONE WEST MOUNTAIN ST
FAYETTEVILLE, AR 72701

Employer Identification Number:
71-0817776
DLN:
17053055014019
Contact Person:
REBECCA S BOWDEN ID# 31183
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Foundation Status Classification:
509(a)(1)
Advance Ruling Period Begins:
June 24, 1998
Advance Ruling Period Ends:
December 31, 2002
Addendum Applies:
No

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make final determination of your foundation status.

If we publish a notice in the Internal Revenue Bulletin stating that we

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

Lease - DHL Worldwide Express

For the Fayetteville City Council meeting of 6/5/2001

FROM:

Alet Little
Name

Airport
Division

Economic Development
Department

ACTION REQUIRED: Administrative review of a draft of Lease with DHL Worldwide Express. Return to Airport with proposed changes for final draft. Request City Council approval, and signature of Mayor.

COST TO CITY:

2,100 (Revenue)
Cost of this Request

\$ 63,000
Category/Project Budget

Lease Agreement
Category/Project Name

5550-0955-4450-00

Account Number

\$(26,250)

Funds used to date

Airport Revenue

Program Name

N/A

Project Number

\$ 36,750

Remaining Balance

Airport

Fund

BUDGET REVIEW:

☒ Budgeted Item

☐ Budget Adjustment Attached

[Signature]
Budget Manager Date

Administrative Services Dir. Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Fauthing 5/10/01
Accounting Manager Date

Nancy Smith 5/10/01
Internal Auditor Date

GRANTING AGENCY

Sec. Com. [Signature] 5/10/01

[Signature] 5/11/01
City Attorney Date

ADA Coordinator Date

Purchasing Officer Date

Grants Coordinator Date

STAFF RECOMMENDATION:

Airport staff recommends review and approval by the Staff Review Committee of Lease as a final draft, and approval of the Lease Agreement by the City Council. The Airport Board recommended approval of the Lease Agreement at their meeting of May 3rd, 2001.

[Signature]
Division Head

5-10-01
Date

[Signature]
Department Director

5/14/01
Date

[Signature]
Administrative Services Director

5/15/01
Date

[Signature]
Mayor

5/15/01
Date

Cross Reference

New Item: ☒ Yes ☐ No

Prev. Ord/Res#:

Orig Cont. Date:

Orig Cont #:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

4500 School Ave., Suit A
Fayetteville, AR 72701
501.575.8301
alittle@ci.fayetteville.ar.us

ECONOMIC DEVELOPMENT DEPT
AIRPORT MANAGEMENT
ALETT S. LITTLE, DIRECTOR

TO: Fayetteville City Council

FROM: AleTT Little, Airport Manager / Economic Development Coordinator *al*

THRU: Staff Review Committee

DATE: May 2, 2001

SUBJECT: DHL Lease Agreement

Attached is a draft lease negotiated with DHL Worldwide Express. DHL is a package shipping and delivery outfit similar to UPS. DHL currently occupies an end utility unit in "B" hangar on the East side of the field. Their trucks must cross the aircraft movement area to move packages to and from their East-side business location. This lease will allow them to move their operations to the West side, to the old fire station building, thereby achieving greater safety for aircraft at the East-side hangar area.

The new lease maintains DHL's rent at \$175 / month for two years, with progressive increases toward market-rate through annual renewal options for five years.

A copy of the company's insurance is attached as City policy requires an Airport Lessee to have "insurance by an insurer licensed to do business in the State of Arkansas."

The Airport Board has approved forwarding the Lease with DHL to City Council at their meeting of May 3rd, 2001.

Airport administration requests that the Staff Review Committee review the lease prior to signature by DHL so that any minor changes can be incorporated into a final draft submitted to DHL for their signature. This will facilitate timeliness in bringing the completed document before the City Council.

Budget Considerations: Sufficient budget is available to meet City Policy.

Action Requested: Review of the draft Lease Agreement with DHL Worldwide Enterprises for the lease of the old Airport Fire Station building located at 4140 S School Ave. City Council approval and signature of the Mayor.

Staff Recommendation: Approval of the lease as negotiated.

AL/jn

LEASE

between the City of Fayetteville, Arkansas
and
DHL Worldwide Express, Inc.

This LEASE is executed this _____ day of _____, 20____, by and between the City of Fayetteville, Arkansas, 113 W. Mountain St., Fayetteville, AR, 72701, hereinafter called "Lessor" and DHL Worldwide Express, Inc., a Delaware Corporation, hereinafter called "Lessee."

1. Leased Premises. Lessor leases to Lessee, and Lessee leases from Lessor, the property at 4140 S. School Avenue, containing approximately 799.25 square feet of office space and 1,179.99 square feet of garage/storage area located on the premises of the Fayetteville Municipal Airport - Drake Field, hereinafter called "Airport", as reflected on Exhibit "A" attached hereto and made a part hereof.

2. Term of Lease. The term of this Lease shall be:

A. Initial Term. A period of two (2) years commencing on the date of this Lease, _____, 2001 and expiring at midnight on _____, 2003 unless otherwise terminated, canceled or extended as set forth herein below.

B. Option to Extend. Lessee shall have the option to extend the Lease Term for five (5) consecutive one (1) year terms, under the same terms and conditions of this Lease, provided:

(1) Lessee has complied with and performed all conditions, covenants, and terms of this Lease without any uncorrected defaults if known to Lessee, or any defaults that are not otherwise in the process of being resolved in the manner provided in this Lease.

(2) Notice of Lessee's intent to renew has been made in writing to Lessor at least thirty (30) days prior to the expiration of the term.

3. Rental Charges.

A. Initial Term. During the initial term of this lease, Lessee agrees to pay Lessor for the use of the Leased Premises the sum of \$ 175.00 per month. However, should the lease term begin on a day other than the first day of the calendar month, or should the lease end on a day other than the last day of the calendar month, such partial month lease payment shall be a prorated share of the monthly lease payment. The initial lease payment is due and payable upon execution of this lease, and all subsequent monthly lease payments shall be due and payable in advance on or before the first day of the calendar month thereafter. A delinquency charge will be imposed on all payments not received by the close of business on the tenth day after the due date except that one (1) grace period in the first year of the Lease shall be allowed. The grace period

is allowed for the purpose of establishing the payment schedule and accustoming the tenant to the payment schedule. Such delinquency charge shall be the maximum amount allowable under Arkansas law. Nonpayment of rent for a period of three (3) months shall be considered an event of default. All payments shall be delivered to: Fayetteville Municipal Airport, 4500 S. School Ave., Suite F, Fayetteville, AR 72701.

B. Extended Term. The schedule of Rental Charges for the remaining five (5) option years shall be as follows:

(1)	Year 3	\$225/month
(2)	Year 4	\$300/month
(3)	Year 5	\$425/month
(4)	Year 6	\$550/month
(5)	Year 7	\$550/month

4. **Insurance and Indemnity.** Lessee shall maintain in force during the Term, and any extended term, public liability and property damage insurance in comprehensive form as reasonably may be required by the Lessor and outlined in the Airport Minimum Standards. The Lessor shall be named as Additional Insured on the Lessee's insurance. Proof of insurance shall be provided to the Airport. Further, no material change or cancellation of the insurance shall be made without 30 days notice to the Airport.

5. **Utilities and Janitorial Services.** Lessee shall be responsible for the maintenance of all utility services to or on the Leased Premises except as otherwise stated in Section 6. F. This shall include any power, gas, telephone, electricity, heating, water, sewer, storm water and all other utility services not enumerated specifically. Lessee shall be responsible for installation, relocation and modification of all utility services to or on the Leased Premises if and only if it is required only by Lessee and related to its business. Lessee shall pay as the same become due, all utility and other charges incurred in the operation, maintenance, use, occupancy, repair and upkeep of the Leased Premises and the improvements located thereon. Lessee shall provide for and supply at its expense all janitorial service with respect to the Leased Premises.

6. **Use and Maintenance of Leased Premises.** Lessee shall have use of the Leased Premises as follows:

A. Lessee agrees to observe and obey all ordinances, rules and regulations promulgated by Lessor with respect to use of the Airport and the Leased Premises; provided, however, such ordinances, rules and regulations shall be consistent with safety and with rules, regulations and orders of the Federal Aviation Administration with respect to aircraft operations at the Airport; and provide further, such rules and regulations shall not be inconsistent with the provisions of this lease or the procedures prescribed or approved from time to time by the Federal Aviation Administration with respect to the operations of Lessee at the Airport. Lessee shall be entitled only to use the Leased Premises for lawful purposes. Lessee agrees that it is understood that Lessee is not permitted to engage in aircraft maintenance activities of any nature in said space.

B. Subject to Federal Aviation Administration, hereinafter referred to as "FAA" and Airport Security and Airport Operational Rules, Airport Minimum Standards, Regulations and Procedures, Lessee shall be entitled to use, on a nonexclusive basis, public areas of the Airport and runways, taxiways, aprons, lighting navigation aids, and other facilities necessary for the operation of aircraft and activities related to Lessee's business.

C. Lessee shall maintain Leased Premises in a clean and orderly condition and appearance, including all of the Lessor's fixtures, equipment and facilities and all Lessee's personal property. The Lessee shall not permit the accumulation of any rubbish, trash or other waste material on the Leased Premises. Lessee will arrange for their own trash dumpster for trash removal from the Leased Premises. Lessee shall be responsible for the lawn care, mowing and appearance of the outside grounds of the Leased Premises.

D. Lessee shall not install any antennas or signs without prior consent of the Lessor. All signs shall be permitted through the City of Fayetteville. Lessee shall be responsible for expenses arise from the installation and/or removal of antennas, radio signal or receiving towers, signs or related facilities, including any damage to the roof or building as the result of installation and/or removal of same.

E. Lessee shall not dispose of any Hazardous Substances in Lessor's drains; and in the event that this provision is inadvertently violated by the Lessee, Lessee shall be responsible for any fines and clean-up, and shall indemnify and hold harmless the Lessor from claims related to the event.

F. Lessee shall be responsible for the maintenance and normal operating condition of all heating, electrical and air conditioning equipment and interior plumbing on the Leased Premises up to and including a maximum cost of \$500.00 per year. Lessor shall be responsible only for major maintenance of the existing equipment. Major maintenance, as used herein, shall mean replacement of the heating and air conditioning units or compressor units when deemed necessary by the Lessor. Lessee shall be responsible for the maintenance of all doors and glass windows.

7. Reservation of Rights.

A. Lessor reserves the right to take such action as may be necessary to protect the aerial approaches of the Airport, against obstruction in accordance with the applicable standards and/or requirements.

B. Lessor also reserves for itself and its licensees, an avigation easement in, over and across the airspace above the Leased Premises and the unrestricted right to subject the Leased Premises to such Airport noise and vibration as may result from the flight of aircraft, warm up of engines, testing of motors and other aviation related activities.

C. Lessee, its representatives, agents, invitees and licensees, shall have the right of ingress and egress to and from the Leased Premises. Lessor reserves the right to close any means of ingress and egress, so long as other reasonable means of ingress and egress to the Leased Premises are available to Lessee.

D. Lessor may enter the Leased Premises at any reasonable time for any reasonable purpose necessary or incidental to the performance of its obligations hereunder. Notice of intent to enter will be given the Lessee except in emergencies. Lessor shall refrain from unreasonably interfering with Lessee's normal business operations and shall observe Lessee's security and safety rules.

8. Termination or Default.

A. Lessor or Lessee may terminate this lease at any time by giving the other party ninety (90) days written notice of termination.

B. At the expiration or termination of this Lease, Lessee agrees to surrender possession of the Leased Premises peacefully and promptly to the Lessor in as good condition as existed at the effective date of this Lease, normal wear and tear excepted. Lessee's rights to use of the Leased Premises shall cease. All fixtures, improvements, equipment, and other property installed, erected or placed by Lessee on the Leased Premises shall be deemed to be personalty and shall remain the property of Lessee. Lessee shall have the right at any time during the term of this Lease, to remove any or all of such property from the Airport, subject, however, to Lessee's obligation to repair all damages, if any, resulting from such removal. Any and all property not removed by Lessee prior to the expiration of this lease shall thereupon become the property of Lessor and title thereto shall thereupon vested in Lessor, except properties belonging to customers of the Lessee, or Lessor may require removal and restoration by Lessee.

C. Failure of the Lessee to abide by the terms of this lease shall be considered an event of default, which shall result in the termination of this Lease.

9. Indemnity. Lessee agrees to indemnify Lessor against all liability for injuries to persons or damage to property caused by Lessee's use or occupancy of the Leased Premises; provided, however, Lessee shall not be liable for any injury, damage, or loss occasioned by the negligence or willful misconduct of Lessor or its agents or employees including but not limited to hazardous substances. The Lessor shall give notice to Lessee of any such liability, loss, suit, claim or demand, and Lessee shall defend same using counsel reasonably acceptable to the Lessor. No word, sentence, paragraph or phrase shall be construed to waive that tort immunity as set forth under Arkansas Law. The provisions of this section shall survive the expiration or early termination of this Lease.

10. Assigning, Subletting and Encumbering.

A. Lessee shall not at any time sublet the Leased Premises, nor permit other persons to occupy said Leased Premises or any part thereof, nor grant any license or concession for all or any part of said Leased Premises, or assign its rights under this Lease without the written consent of Lessor except to any affiliate, successor, or other bona fide member of the Lessee's corporation. Notice of any changes in responsibilities under this Lease shall be given to the Airport. No such subletting or assignment shall release Lessee from its obligations to pay the rental set forth herein.

B. Notice as provided for herein shall be sufficient if sent by Certified Mail, postage prepaid, addressed as follows:

Notice to Lessor:

Airport Manager's Office
4500 S. School Ave., Ste. F
Fayetteville, AR 72701
501.718.7642

Notice of Lessee:

(Copy to:)

DHL Worldwide Express, Inc.

ATTN: Corporate Real Estate

50 California Street

Suite 500

San Francisco, CA 94111

415.677.6456

451.677.7274 (fax)

DHL Legal Department

50 California Street

Suite 500

San Francisco, CA 94111

415.677.6145

451.986-6203 (fax)

All covenants, conditions and provisions in this Lease shall extend to and bind the legal representatives, successors and assigns of the respective parties hereto.

11. Independent Contractor. This Lease shall not be deemed or construed to create any relationship or joint venture or partnership between the parties, to give the Lessor any interest in the business of Lessee, or to grant to Lessee any powers as an agent or representative of the City or Airport for any purpose or to bind the City or the Airport. Lessee shall be an independent contractor owning and operating its business as herein described.

12. Governmental Requirements

A. Governmental Requirements - General. Lessee shall comply with all Governmental Requirements applicable to Lessee's use and operation of the Leased Premises. Without limiting the generality of the foregoing, Lessee shall at all times use and occupy the Airport in strict accordance with all laws, rules, regulations, minimum standards, and security plans that may be imposed by the FAA, the Airport, the state, federal or city government with respect to the Airport and operations thereof, including but not limited to procuring all licenses, franchises, certificates, permits, and authorizations necessary to conduct business.

B. No Liability for Exercise of Powers. The Lessor shall not be liable to Lessee for any diminution or deprivation of its rights which may result from the proper exercise of any power reserved to the Lessor in this Lease or by reason of governmental requirements; Lessee shall not be entitled to terminate this Lease by reason thereof, unless the exercise of such power shall interfere with Lessee's rights hereunder so as to constitute a termination of this Lease by operation of law.

C. Nondiscrimination. Lessee, and its successors in interest, and assignees, as part of the consideration hereof, hereby do covenant and agree, as a covenant running with the land, that in

the event facilities are constructed, maintained or otherwise operated on property described in this Lease for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provisions of similar services or benefits, Lessee shall remain and operate such facilities and service in compliance with all other requirements imposed pursuant to Title 49 CFR Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, as said regulations may be amended.

Lessee, and its successors in interest, and assignees, as a part of the consideration hereof, do covenant and agree hereby that: (1) no person shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities on the grounds of race, color, creed, national origin, sex or disability; (2) in the construction of any improvements on, over or under such land, and the furnishings of services thereon, no person shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities on the grounds of race, color, creed, national origin, sex or disability; (3) Lessee shall be responsible for maintaining the Leased Premises and services in a manner which complies with the parties' respective obligations under 14 CFR Part 382, NONDISCRIMINATION ON THE BASIS OF HANDICAP IN AIR TRAVEL, under the Uniform Federal Accessibility Standards (UFAS), or substantially equivalent standards; under 49 CFR part 27, NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE; and under 42 U.S.C.S. §§ 12101, et seq., THE AMERICANS WITH DISABILITIES ACT of 1990, or a substantially equivalent standard; and (4) Lessee will be responsible for any alterations and/or construction made during the initial lease period or any extensions or renewal within the leased space, which may be mandated by or necessary to meet the requirements of the statutes and regulations cited above and other relevant Federal, State or local laws, statutes and regulations cited above and other relevant Federal, State or local laws, statutes and ordinances that relate to disabled accessibility standards up to and including a maximum of \$500.00 per year provided the improvement is mandated specifically due to the Lessee's use with the Lessor being responsible for maintaining the building in compliance with the Americans with Disabilities Act.

To the extent applicable, Lessee assures that it will undertake an Affirmative Action Program as required by 14 CFR Part 152, Subpart E to ensure that, on the grounds of race, color, creed, national origin or sex, no person shall be excluded from participating in any employment activities covered in 14 CFR Part 152, Subpart E. Lessee assures that it will require that its covered sub-organizations provide assurances to the Airport that they similarly will undertake Affirmative Action Programs and that they will require assurances from their sub-organizations as required by 14 CFR Part 152, Subpart E to this same effect.

13. Miscellaneous

A. Severability. In the event any provisions of this Lease shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof, unless such holding shall materially affect the rights of either party as set forth herein.

B. Entire Lease; Modification. This Lease expresses the entire understanding of the Lessor and Lessee concerning the Leased Premises. Neither the Lessor nor Lessee has made or shall be bound by any Lease or any representation to the other concerning the Leased Premises or the subject matter hereof which is not set forth expressly in this Lease. This Lease may be modified only by a written Lease of subsequent date hereto signed by the Lessor and Lessee.

C. Non-Waiver. Neither the waiver nor any forbearance of remedy by the Lessor of any breach of Lessee of any provision hereof shall operate as a waiver for any other breach by Lessee.

D. Execution of Counterparts. This Lease simultaneously may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

E. Choice of Law. This Lease shall be construed and enforced in accordance with the laws of the State of Arkansas.

F. Force Majeure. Neither the Lessor nor Lessee shall be deemed in violation of this Lease if it is prevented from performing any of the obligations hereunder by reason of embargoes, shortages of material, acts of God, acts of the public enemy, acts of superior governmental authority, weather conditions, floods, riots, rebellions, sabotage, or any other circumstances for which it is not responsible or which are not within its control, and the time for performance automatically shall be extended by the period the party is prevented from performing its obligations hereunder.

G. Binding Effect. This Lease shall be to the benefit of and shall be binding upon the Lessor, Lessee and their respective successors and assignees, if such assignment shall have been made in conformity with the provisions of this Lease.

IN WITNESS WHEREOF, the parties have executed this Lease on the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS
Lessor

By _____
Mayor

ATTEST:

By _____
City Clerk

DHL WORLDWIDE EXPRESS, INC.
Lessee

By Catherine M. Munn

Title: Director, Corporate Real Estate

ATTEST:

By Quiana

Title: Lease Portfolio Coordinator

CERTIFICATE OF INSURANCE

DATE OF ISSUE: April 13, 2001

THIS IS TO CERTIFY TO : City of Fayetteville
Economic Development
4500 S. School Avenue, Suite A
Fayetteville, AR 72701
Attn: Alett S. Little, AICP
Economic Development Director-Airport Mgr.

that Insurers, each for their own part and not one for the other, are providing the following insurance:

Named Insured : DHL Worldwide Express, Inc. and DHL Airways, Inc.
Address of Insured : 50 California Street, Suite 500
San Francisco, CA 94111

Policy Number : See Addendum No. 1

Effective Date : November 1, 2000
Expiration Date : November 1, 2001

Geographical Limits : Worldwide

Description of Coverage : Comprehensive General Liability including Premises Liability.

Limit of Liability : Combined Single Limit Bodily Injury and Property Damage Liability \$1,000,000.00 each occurrence.

Certificate No. I-082DHL

Aon Aviation

Page Two

SPECIAL PROVISIONS

1. The City of Fayetteville, its officers and employees are included as Additional Insureds, but only as respects the operations of the Named Insured.
2. This policy includes a Date Recognition Exclusion Clause and a Date Recognition Limited Coverage Clause applicable to the Year 2000 and other computer date recognition issues.

CANCELLATION NOTIFICATION:

In the event of cancellation of the policy(ies), the party to whom this Certificate is issued will be given thirty (30) days advance written notice of such cancellation, but Aon Aviation shall not be liable in any way for failure to give such notice.

The above Insurers have authorized Aon Aviation, a Division of Aon Risk Services, Inc. Southern California Insurance Services, as Insurance Brokers, to issue this certificate on their behalf. Aon Aviation has no obligation or liability of any kind in respect to the above policies nor as a result of the preparation of this document.

This certificate or verification of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policies listed herein. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate or verification of insurance may be issued or may pertain, the insurance afforded by the policies described herein is subject to all terms, exclusions and conditions of such policies. If Certificates have been issued prior to the Date of Issue of this Certificate, this Certificate cancels and supersedes each such Certificate.


Authorized Representative
AON AVIATION

Issued by:

Aon Aviation, a Division of Aon Risk Services, Inc.
707 Wilshire Blvd., Suite 6000
Los Angeles, California 90017-5563
Telephone: (213) 630-1301
Facsimile: (213) 689-3162

Certificate No. I-082DHL

Aon Aviation

ADDENDUM NO. 1
SCHEDULE OF INSURERS

DHL WORLDWIDE EXPRESS, INC. and DHL AIRWAYS, INC.
November 1, 2000 —November 1, 2001
Comprehensive General Liability

The Insurances certified hereon are subscribed to by the following Insurers:

Comprehensive General Liability including Premises Liability

Underwriters at Lloyd's, London
and Certain Companies, through
Aon Aviation Ltd., London
Policy No. AM0001491

95.0%

Brockbank Insurance Services, Inc.
On behalf of XL Specialty Insurance Co.
Policy No. PXLA 37000053-00

5.00%

100%

Aon Aviation

DHL Airways, Inc./DHL Worldwide Express, Inc.
Comprehensive Airline Liability Policy
Effective November 1, 2000 to November 1, 2001

<u>ACE One Terms</u>	<u>Paper</u>	<u>% of 100%</u>
Ace Global Markets Syn 2488	Lloyds'	8.00%
Generali France per R. Malatier	Generali France Assurances	3.75%
D.J.Marshall Syn 839 (Maylam)	Lloyds'	5.00%
AXA	AXA Global Risks UK	1.00%
Frankona	ERC Frankona	5.00%
Mutual Marine	New York Marine & General	1.35%
		<u>24.10%</u>
 <u>ACE Two Terms</u>		
Ace Global Markets Syn 2488	Lloyds'	7.00%
Brockbank Syn 588-1209	XLSpecialty Insurance Co.	5.00%
Liberty Mutual	Liberty Mutual Insurance Co.	5.00%
AIG	New Hampshire	5.00%
Amlin Avn Syn 824	Lloyds'	5.00%
D.E.Hope Syn 1009	Lloyds'	5.00%
Generali	Generali SPA	3.00%
Kiln Avn Syn 510	Lloyds'	1.60%
Generali France per R. Malatier	Generali France	3.75%
P.L.Dennis Syn 53	Lloyds'	2.50%
Allianz	Allianz	4.00%
AXA	AXA Global Risks UK	1.00%
Frankona	ERC Frankona	5.00%
AFA	AGFMAT	10.00%
		<u>62.85%</u>
 <u>International One</u>		
Zurich	Zurich Ins. Co.	5.00%
		<u>5.00%</u>
 <u>International Two</u>		
ADNIC	Abu Dhabi National	0.30%
MISR	MISR	0.25%
Mutual Marine	New York Marine & General	3.50%
		<u>4.05%</u>
 <u>International Three</u>		
Aviabel	Aviabel Com. Belge	4.00%
		<u>4.00%</u>
 Grand Total		<u><u>100.00%</u></u>

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council

From: Gary Dumas, Utilities Service Director



Date: June 19, 2001

Subject: DHL Lease

During the Council Agenda session of June 12, questions were raised concerning the magnitude of improvements that the City would be responsible for with the leasing of the old fire station to DHL.

The background on this lease is as follows:

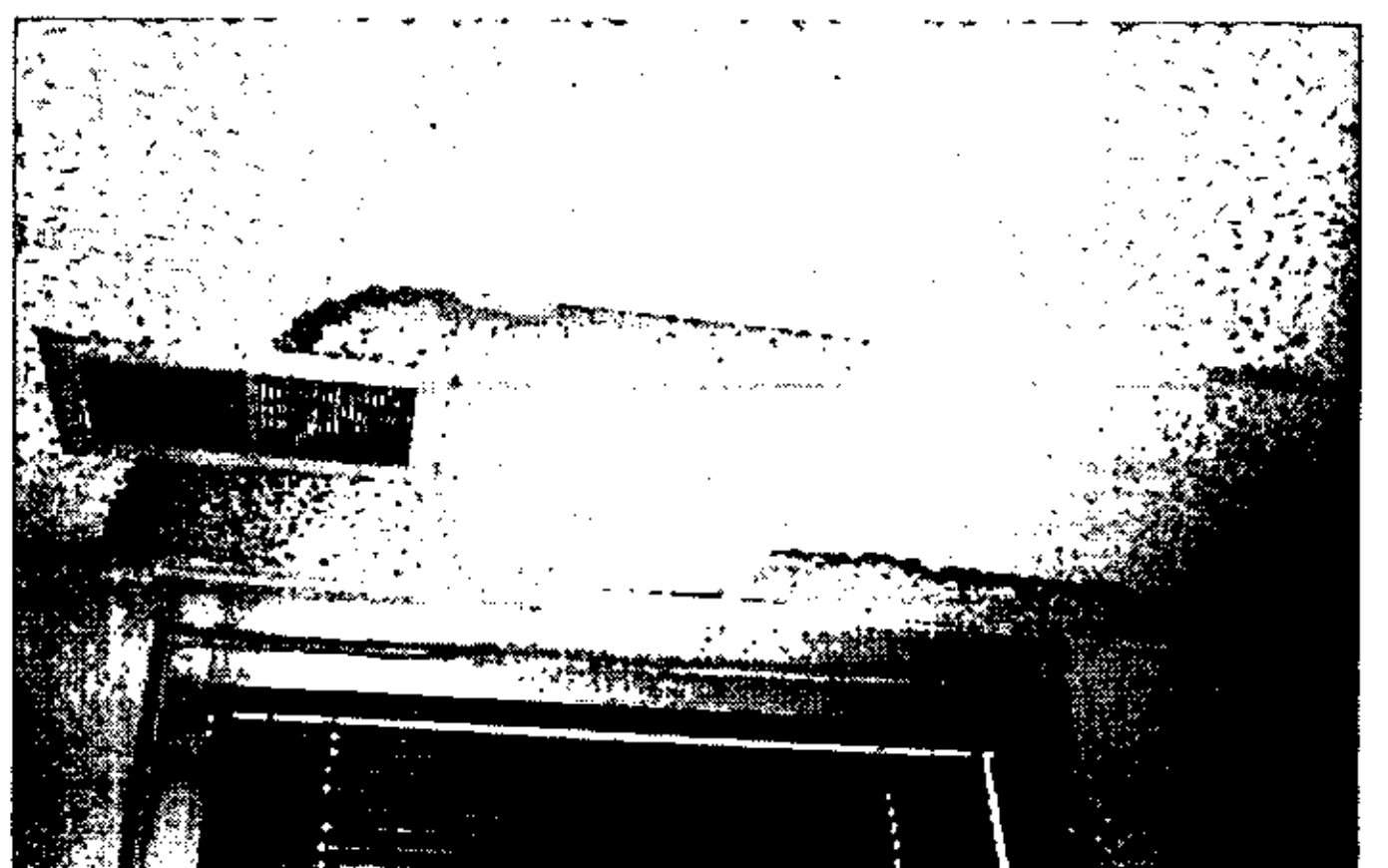
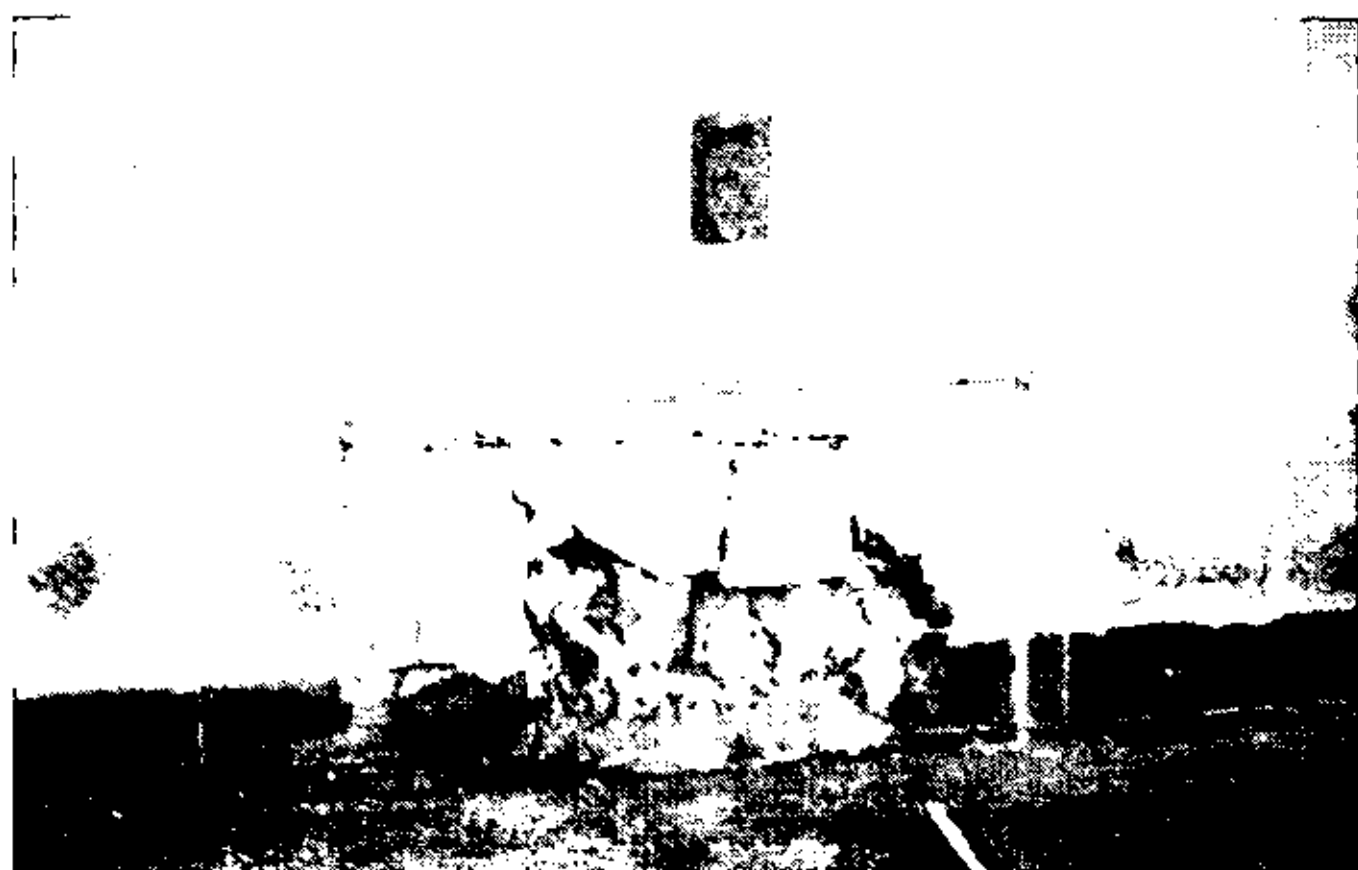
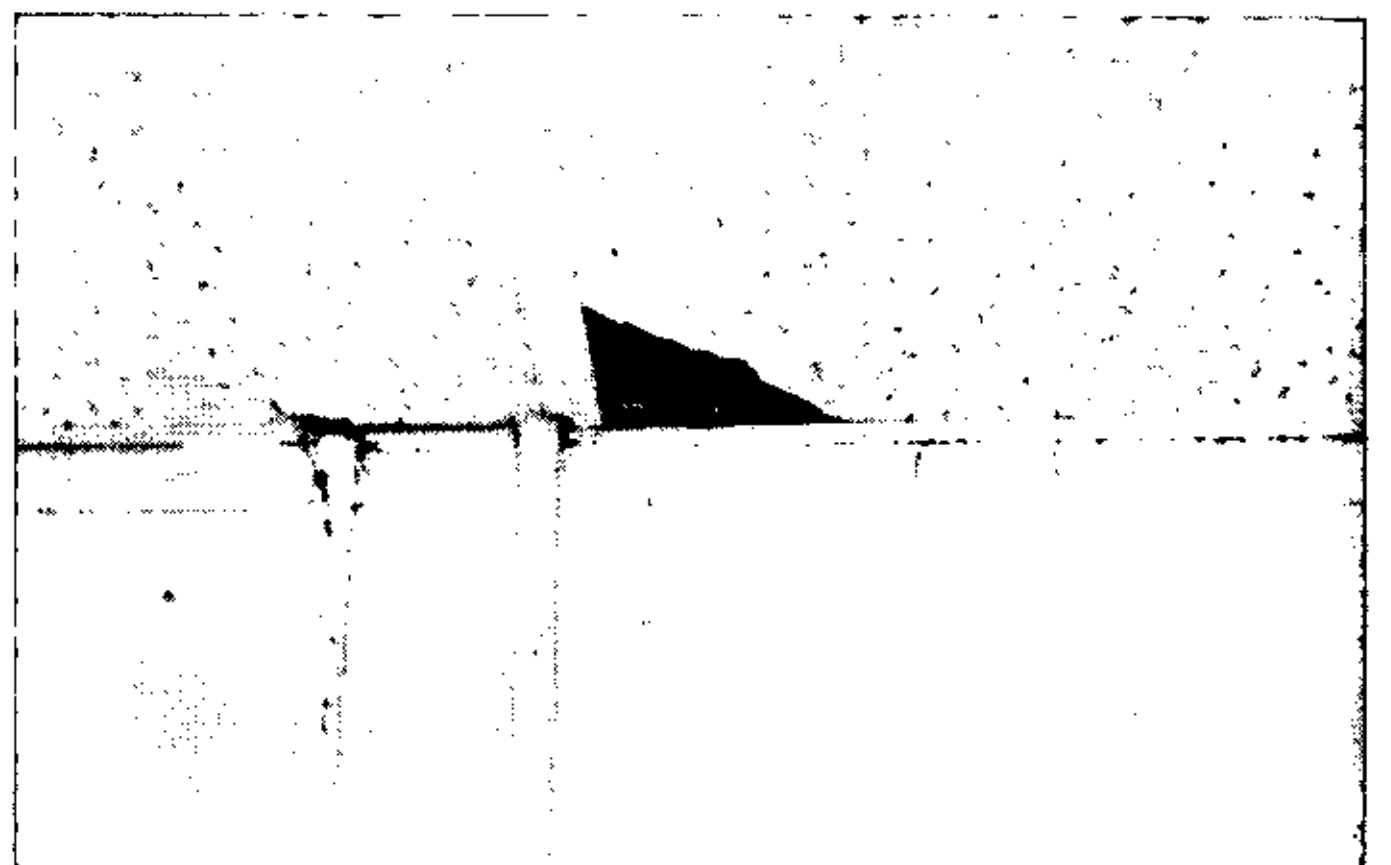
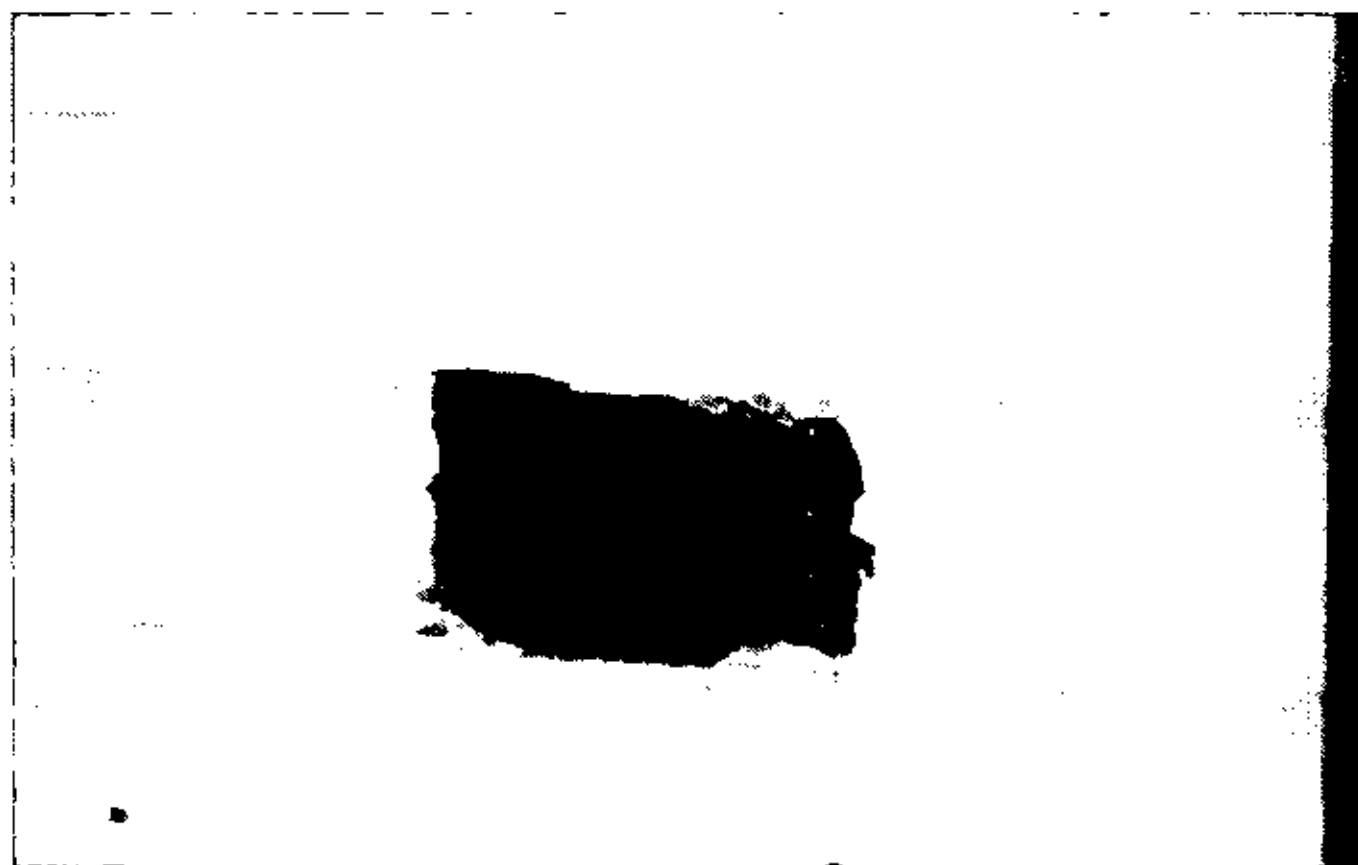
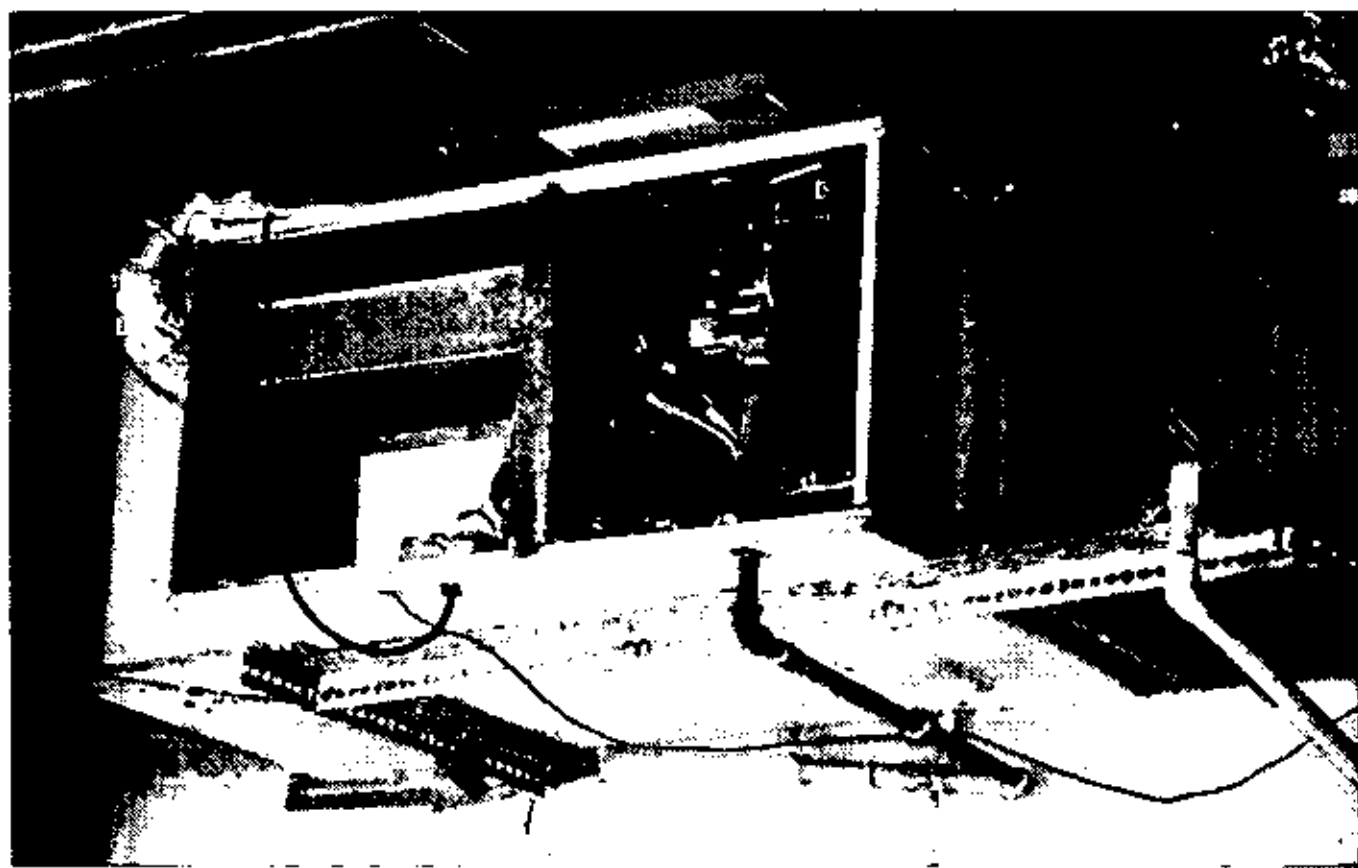
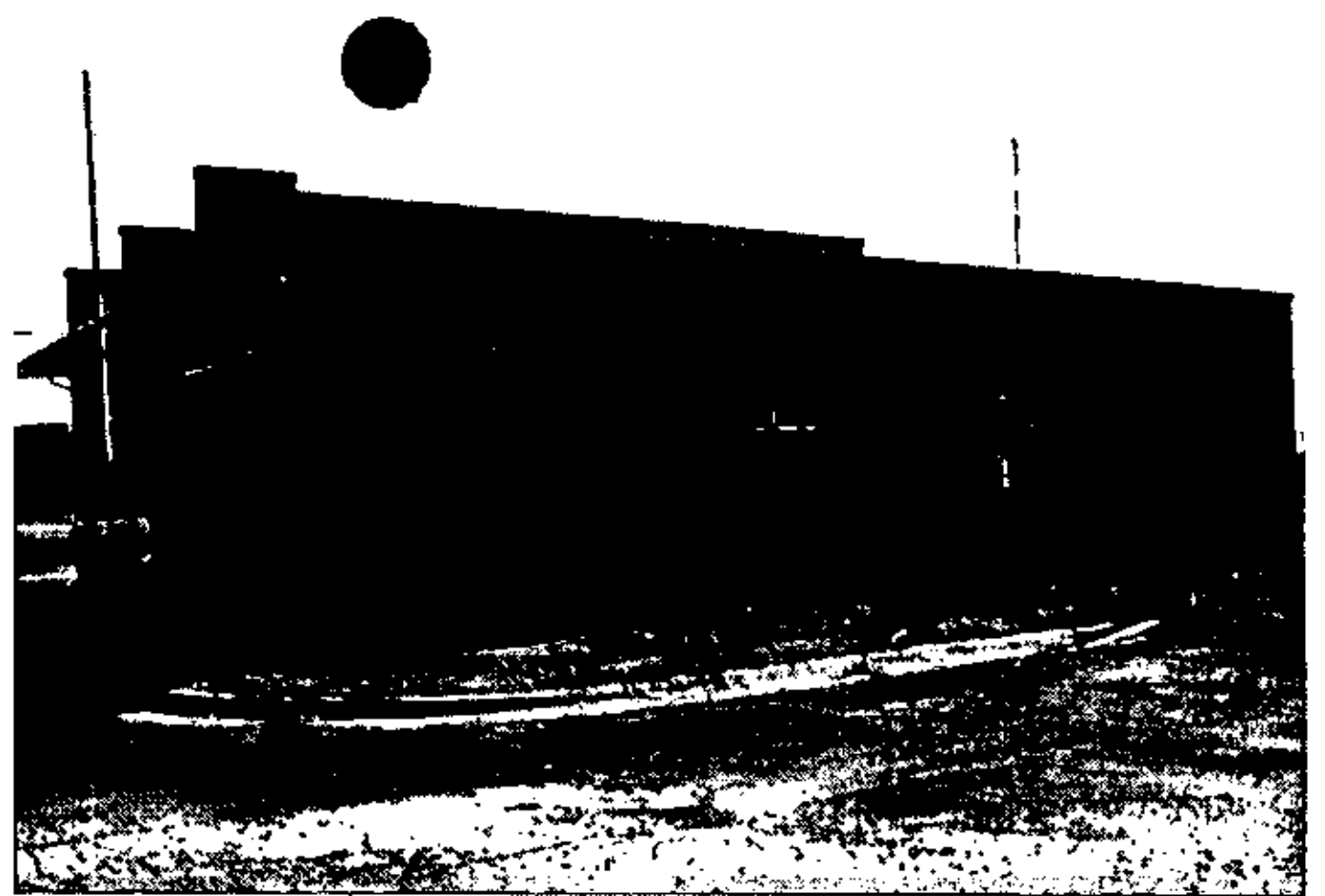
- The city requested that DHL relocate to the old fire station in order to free a hangar for lease for private plane storage and to remove the daily DHL truck access from the aircraft movement area.
- The city agreed tentatively to provide basic lease improvements to make the old fire station useable. These improvements included
 - basic cleaning of the leased space,
 - painting the interior, replacing as necessary broken, stained or missing ceiling tiles and windows, and
 - providing any necessary repairs to the heating, cooling, mechanical, plumbing and electrical systems to make the space useable for offices.

DHL will be responsible for any leasehold improvements.

DHL will be responsible for routine maintenance of all major equipment as part of this lease to a maximum of \$500/year, with the City responsible for any replacement and major repairs.

The cost of this lease is typical of other leases of Drake Field property. The leases for other space at Drake Field range from between \$0.09 to \$0.12 per square foot. Currently DHL is paying \$0.11 per square foot. The proposed first year lease rate is \$0.0886 per square foot. This lease rate escalates beginning in year 3 to \$0.1139 and to \$0.2785 in year 6. DHL is agreeable to these terms, as they will allow them to make leasehold improvements in the first portion of the lease and then move their payments more toward market rates.

This lease will secure a tenant at Drake Field, remove a motor vehicle/aircraft conflict, and open a hangar for other usage.



STAFF REVIEW FORM

R Ted Belden
A. 4. Page 1MAI - - -
ACCTG. DEPT.

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

for the Fayetteville City Council meeting of June 19, 2001
 FROM:

Sharon Crosson Parking Management Utilities Service Dept.
 Name Division Department

ACTION REQUIRED:

Approval of resolution authorizing the Mayor and City Clerk to execute a lease agreement with Mr. and Mrs. Ted Belden one (1) parking space in the Fayetteville Municipal Parking Lot 1

COST TO CITY:

\$.00	\$	
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	\$	
	Funds Used To Date	Program Name
Project Number	\$	
	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

<u>Maisha Farthing</u>	<u>5/29/01</u>	<u>Danny Smith</u>	<u>5/29/01</u>
Accounting Manager	Date	Internal Auditor	Date
<u>P. Whitaker</u>	<u>5/25/01</u>		
Attorney	Date	ADA Coordinator	Date
<u>Blaise</u>	<u>5/25/01</u>		
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Approval of lease agreement to authorize a lease agreement to Mr. and Mrs. Belden to lease one additional parking space (they are currently leasing one space in Lot 1).

Sharon Crosson 5-22-01
 Division Head Date

[Signature] 5-30-01
 Department Director Date

John Maguire 5/31/01
 Administrative Services Director Date

Alan Cody 5/31/01
 Mayor Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

RESOLUTION NO. _____

AN RESOLUTION AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE A LEASE AGREEMENT WITH MR. & MRS. TED BELDEN, UNIT D, CAMPBELL-BELL BUILDING, ONE (1) PARKING SPACE IN FAYETTEVILLE MUNICIPAL PARKING LOT 1, LOCATED AT 160 WEST MOUNTAIN STREET, BOUNDED BY MOUNTAIN, CHURCH AND CENTER STREETS.

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

Section 1. That the City Council hereby authorizes the Mayor and the City Clerk to execute a Lease Agreement with Mr. & Mrs. Ted Belden, Unit D, Campbell-Bell Building, one (1) parking space in Fayetteville Municipal Parking Lot 1, located at 160 West Mountain Street, bounded by Mountain, Church And Center Streets. A copy of the Lease Agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED AND APPROVED this _____ day of June, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

LEASE

This Agreement, made and entered into this _____ day of June 2001, by and between the City of Fayetteville, Arkansas, a Municipal Corporation, 113 W. Mountain, Fayetteville, Arkansas hereinafter called "Lessor" and Mr. And Mrs. Ted Belden, Unit D, Campbell-Bell Building, hereinafter called "Lessee" Witnesseth:

1. Leased Premises. For and in consideration of the rents, covenants and agreements herein entered into and agreed upon by the Lessee as obligations to the Lessor, the Lessor lets, leases and demises unto Lessee, subject to the terms and conditions contained herein, the following described property situated in Washington, County, Arkansas:

One (1) parking space, known as "Space 32," as set forth on Exhibit "A" attached hereto, located in the Fayetteville Municipal Parking Lot 1, West of the Campbell Bell Building between Mountain, Church, and Center Streets, a/k/a/ 160 West Mountain Street, Fayetteville, Arkansas.

To have and to hold said premises unto the said Lessee for and during the term herein stated, subject to the covenants, terms, conditions and liens herein contained.

2. Term. This term shall commence on _____, 2001, and shall extend for a term of one (1) year, ending at midnight on _____, 2002. The Lessee shall have the option to renew this lease for four (4) additional one (1) year terms. The option may be exercised by providing written notice to Lessor at least 30 days prior to expiration of this lease.

17. Rent. Lessee agrees to pay to Lessor as rental for the first year of this lease the sum of \$50.00 per space per month. Thereafter, the rent shall be adjusted each year at the lease anniversary date to an amount charged for comparable lease spaces in this lot. If no comparables exist, rates will be the same as the Town Center parking deck rates. Each monthly payment is due in advance and payable on or before the fifteenth of each month. A late fee shall be imposed, at the highest rate allowable by law, on all payments which are not received by Lessor within five (5) business days from the due date.

4. Use. Lessee agrees to use the lease premises only for the purpose of vehicle parking for use of Mr. And Mrs. Ted Belden. However, it is understood that the City will not provide enforcement for restrictive parking spaces identified in this lease.

5. Lessee Improvements. Lessee may make the following improvements: Install private parking notices on meter poles. Design for all improvements shall be approved by the City. Any such improvement shall be solely at the Lessee's expense. Upon termination or expiration of this lease, such improvements shall be considered affixed to the premises and shall remain unless Lessor requires removal.

6. Assignment. Lessee shall not assign this lease or sublet the leased premises without prior written consent of the Lessor. Consent for any assignment or subletting shall only be considered at the same rates as established in Paragraph 17. above. Any such assignment or subletting shall in no way relieve Lessee from liability for the obligation imposed by this lease. Lessee may only be released from liability by a specific written release executed by Lessor.

7. Holdover. Lessee hereby agrees that upon termination of this lease by expiration or by earlier termination for any reason whatsoever, Lessee will peaceably deliver possession of the leased premises to Lessor. In the event Lessee shall be permitted by Lessor to hold over after the expiration or termination of this lease, said holding over, in the absence of any written agreement to the contrary, shall be construed as a tenancy from calendar month to calendar month at a monthly rental equal to the rental for the last month paid under this lease, or as may be amended on the anniversary of the term set forth in Paragraph 2. above. A month-to-month tenancy arising by Lessee's holding over under this paragraph may be terminated by written notice from either party to the other party on or before the day on which any monthly rent is due with termination not becoming effective until the day on which the next following monthly rental would have otherwise become due. In the event it should become necessary for Lessor to institute any action at law to recover possession at the time of termination, whenever and however termination may occur, Lessee agrees that it will pay all costs and expenses of such action, including reasonable attorneys' fees.

8. Termination. Lessor hereby reserves the right to terminate this Lease at anytime during the term of this Lease if it is determined by the Fayetteville City Council that the leased premises is needed for a valid public purpose. If Lessor terminates the lease prior to expiration of the term in Paragraph 2., Lessor shall compensate Lessee on a prorated basis of the actual cost to make improvements to the premises.

9. Compliance with Laws. Lessee agrees not to violate any law, ordinance, rule or regulation of any government authority having jurisdiction of the leased premises.

10. Non-Waiver. It is agreed that the failure of Lessor to invoke any of the available remedies under this lease or under law in the event of one or more breaches or defaults by Lessee under the lease shall not be construed as a waiver of such provisions and conditions and shall not prevent Lessor from invoking such remedies in the event of any future breach or default.

11. Insurance. Lessee shall be solely responsible for maintaining insurance on any improvements made to the leased premises, as well as for general public liability insurance.

12. Succession. This lease agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

13. Severability. Each paragraph of this lease agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs will remain in full force and effect.

14. Interpretation. This lease agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

15. Entire Agreement. This lease agreement contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto. This lease agreement supersedes all prior agreements, contracts and understandings of any kind between the parties relating to the subject matter hereof. This agreement may be executed in all or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this ____ day of June, 2001.

LESSOR: City of Fayetteville, Arkansas

By: _____
Dan Coody, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

LESSEE: _____

By: _____

Title: _____

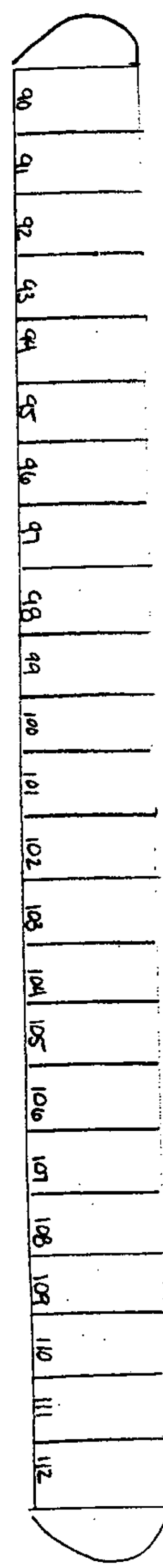
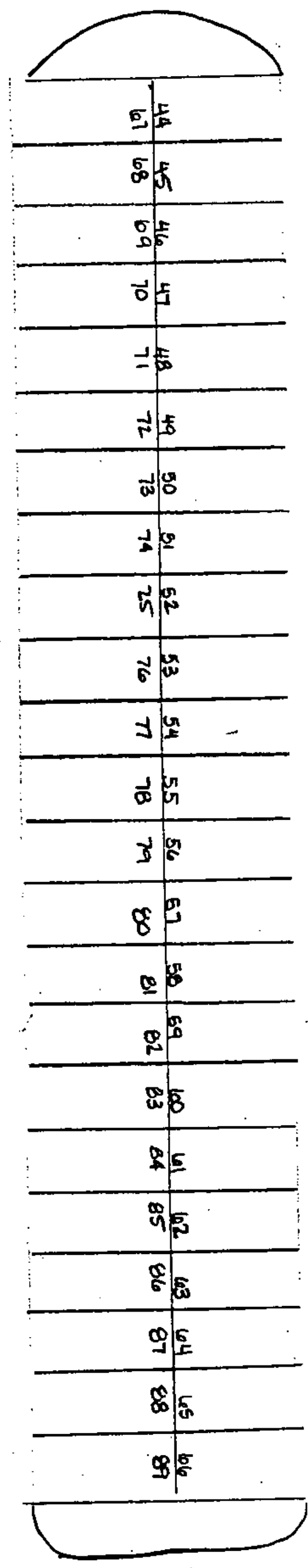
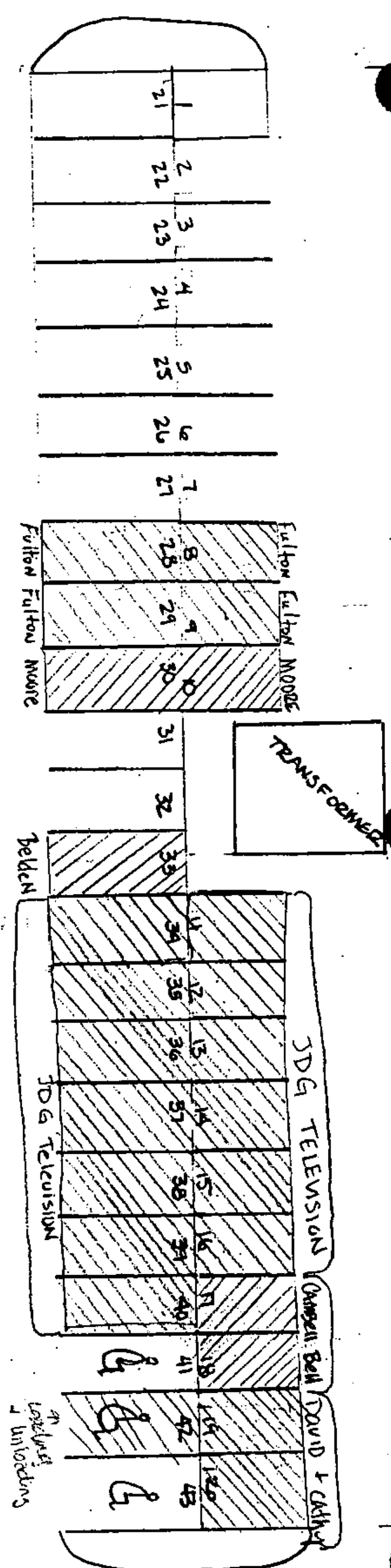
ATTEST:

By: _____

Title: _____

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CEZEN



CHURCH

MOJNTA-N

STAFF REVIEW FORM

☐ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

Tonya R. Posey

Name

Division

Public Affairs

Department

ACTION REQUIRED:

Approval of a budget adjustment providing funds for an anti litter campaign.

COST TO CITY:

\$41,527

Cost of this Request

304,144

Category/Project Budget

142,573

Funds Used To Date

161,571

Services & Charges

Category/Project Name

Recycling

Program Name

Solid Waste

Account Number

Project Number

Remaining Balance

Fund

BUDGET REVIEW:

☐ Budgeted Item

☒ Budget Adjustment Attached

[Signature]

Budget Coordinator

[Signature]

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

[Signature]

Accounting Manager

6/12/01

Date

ADA Coordinator

Date

[Signature]

City Attorney

6/12/01

Date

[Signature]

Internal Auditor

Date

[Signature]

Purchasing Officer

6/12/01

Date

Grant Officer

Date

STAFF RECOMMENDATION:

[Signature]

Division Head

Date

Cross Reference

[Signature]

Department Director

Date

New Item: Yes No

[Signature]

Admin. Svcs Director

Date

Prev Ord/Res #: _____

[Signature]

Mayor

Date

6/12/01

Date

Orig Contract Date: _____

RECEIVED

JUN 12 2001

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody & City Council
FROM: Tonya R. Posey, Public Affairs
RE: Budget Adjustment
DATE: June 12, 2001

A budget adjustment totaling \$41,527 is requested from the City Council. This budget adjustment will allow the City of Fayetteville to seek a full-service advertising/marketing firm to develop and manage the City's first anti-litter ad campaign.

The charge of this committee is to assist in the development and implementation of anti-litter educational materials, promote awareness of litter within the community, and develop strategic methods in which to promote anti-litter and deter individuals from littering.

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

Budget Year 2001	Department: Solid Waste Division: Program: Operations & Admin., Composting	Date Requested 06/12/2001	Adjustment #
----------------------------	--	-------------------------------------	--------------

Project or Item Requested:
\$41,527 is requested for the Anti-litter Campaign

Project or Item Deleted:

Justification of this Increase:
The funding is required to fund promotional activities associated with the Anti Litter Campaign

Justification of this Decrease:
Sufficient funding remains in project to meet objectives.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number				Project Number
Promotional Activities	41527	5500	5060	5301	00	

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number				Project Number
See Attachment					00	

Approval Signatures

Requested By 	Date 06/12/01
Budget Manager 	Date 6-12-01
Department Director	Date
Admin. Services Director	Date
Mayor	Date

Budget Office Use Only

Type: A B C **(D)** E

Date of Approval _____

Posted to General Ledger _____

Posted to Project Accounting _____

Entered in Category Log _____

Budget Adjustment – Increase Expense (Decrease Revenue)

<u>Account Name</u>	<u>Amount</u>	<u>Account Number</u>
Salaries & Wages	\$16,391	5500-5000-5100.00
Retirement Savings Plan	\$ 1,311	5500-5000-5109.06
Public Notification	\$ 2,375	5500-5000-5301.00
Promotional Activities	\$ 750	5500-5070-5342.00
Professional Services	\$ 700	5500-5070-5314.00
Use of Fund Balance	\$20,000	5500-0950-4999.99

STAFF REVIEW FORM

RECEIVED

JUN 08 2001

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF June 19, 2001

FROM:

Dan Coody
NameMayor
DivisionAdministration
Department

ACTION REQUIRED: A RESOLUTION TO ESTABLISH THE INTENT OF THE CITY OF
FAYETTEVILLE TO DEVELOP PARK LAND LOCATED NEXT TO THE NEW
FAYETTEVILLE BOYS AND GIRLS CLUB AND ENTER INTO A JOINT USE AGREEMENT

COST TO CITY:

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used to Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

Division Head

Date

Department Director

Date

Administrative Services Director

Date

Mayor

Date

CROSS REFERENCE

New Item: Yes No

Previous Ordinance/Resolution No.: _____

06-11-01A09:04 RCVD

RESOLUTION NO. _____

A RESOLUTION TO ESTABLISH THE INTENT
OF THE CITY OF FAYETTEVILLE TO DEVELOP
PARK LAND LOCATED NEXT TO THE NEW
FAYETTEVILLE BOYS AND GIRLS CLUB AND
ENTER INTO A JOINT USE AGREEMENT

WHEREAS, the City of Fayetteville desires to assist the Fayetteville Youth Center, Inc. d/b/a the Fayetteville Boys and Girls Club, Inc. in the development of its new proposed facility in west Fayetteville; and

WHEREAS, the City has previously expressed its intent to assist in necessary infrastructure projects such as the construction of Ruppel Road and provision of water and sewer lines for this project; and

WHEREAS, the City of Fayetteville and its Parks and Recreation Department wishes to develop its parkland adjoining the proposed facility in basic harmony with the general site plan for that facility.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas expresses its intent to develop its adjacent parkland in conjunction with the construction of the new Fayetteville Boys and Girls Club.

Section 2. That the City Council and the Fayetteville Parks and Recreation Department will work with its Parks and Recreation Advisory Board and the Fayetteville Boys and Girls Club to develop the City's park land adjoining the new Boys and Girls Club in basic harmony with the general site plan and preliminary plat. The City retains its discretion in the development of its land.

Section 3. That the City Council contemplates and anticipates construction of playing fields, a parking lot with access to Ruppel Road, trails, etc. on its park land adjoining the new Fayetteville Boys and Girls Club.

Section 4. That the City Council expresses its intent to enter into a long term joint use and operational agreement with the Fayetteville Youth Center, Inc. d/b/a/ Fayetteville Boys and Girls Club, Inc. for the use of the land and facilities.

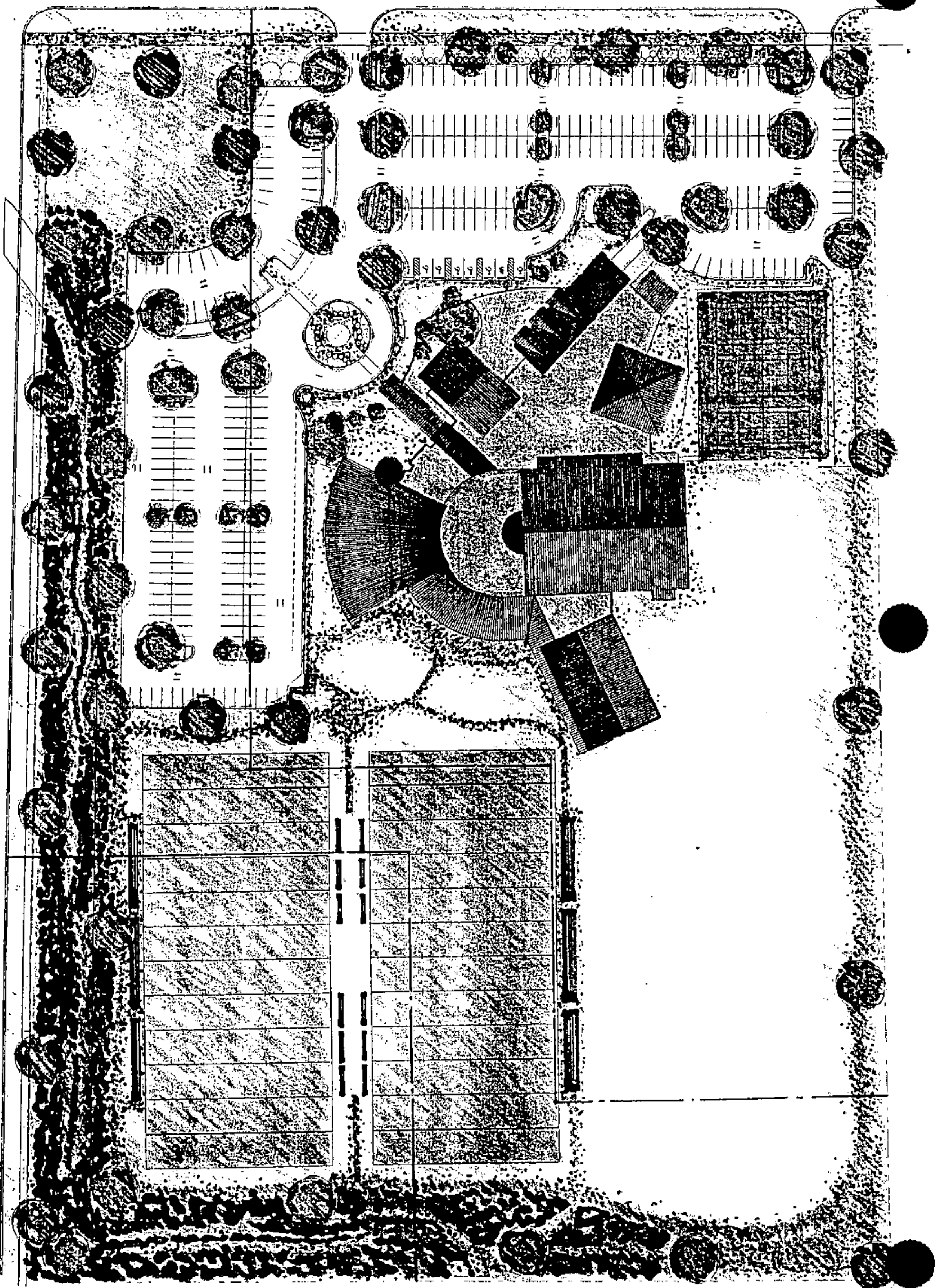
PASSED and APPROVED this the ____ day of June, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk



SITE PLAN

Donald W. Reynolds Boys and Girls Club
Fayetteville, Arkansas

LANDSCAPE
ARCHITECTS
SURVEYORS
SCIENTISTS



Farnsworth
GROUP

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF

MAYOR'S APPROVAL

FROM:

Alderman Brenda Thiel

Name

Division

Department

ACTION REQUIRED:

An ordinance amending §159.01 A. Fees by adding language to allow the City Council to reduce or waive any development permit fees required by the Unified Development Ordinance.

COST TO CITY:

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used to Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW:

☐ Budgeted Item

☐ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

CROSS REFERENCE

Division Head

Date

New Item: Yes

No

Department Director

Date

Previous Ordinance/Resolution No.:

Administrative Services Director

Date

Mayor

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING §159.01 A. FEES
BY ADDING LANGUAGE TO ALLOW THE
CITY COUNCIL TO REDUCE OR WAIVE ANY
DEVELOPMENT PERMIT FEES REQUIRED BY
THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the City Council should have the right to reduce or waive development permit fees in Chapter 159 and elsewhere within the Unified Development Ordinance when it is in the best interest of the City of Fayetteville to reduce or waive said fees.

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

Section 1. That to §159.01 A. Fees of the Unified Development Code of the City of Fayetteville, Arkansas is added the following language at the end of current section A.:

"An Alderman may present a resolution to the City Council to waive or reduce development permit fees otherwise required by this Chapter or elsewhere within the Unified Development Ordinance. If the reduction or waiver would serve the public interest, alleviate an unfair burden upon an applicant, or be beneficial to the City as a whole, the City Council may grant such reduction or waiver of permit fee."

PASSED and APPROVED this the _____ day of June, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO WAIVE THE BUILDING PERMIT
FEE AND OTHER DEVELOPMENTAL FEES FOR A HOME
TO BE CONSTRUCTED BY HABITAT FOR HUMANITY

WHEREAS, Habitat For Humanity is a non-profit organization dedicated to assisting lower income people to build and own their own affordable homes; and

WHEREAS, it serves to the public interest and is beneficial to the City as a whole that Habitat For Humanity helps provide such affordable housing in Fayetteville.

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

Section 1. That the City Council of Fayetteville, Arkansas finds that waiving the building permit fee and all other developmental fees normally required by the Unified Development Ordinance for the Habitat for Humanity home construction project serves the public interest and is beneficial to the City as a whole.

Section 2. That the City Council of Fayetteville, Arkansas hereby waives the normal building permit fee and all other developmental fees normally required by the Unified Development Ordinance for the Habitat for Humanity home construction projects located in Fayetteville, Arkansas during the year 2001.

PASSED and APPROVED this the _____ day of June, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF June 19, 2001

MAYOR'S APPROVAL

FROM:

Aldermen Bob Davis and Trent Trumbo

Name

Division

Department

ACTION REQUIRED: An Ordinance to amend Chapter 155: Appeals to allow an appeal by three aldermen of a decision by the Planning Commission to approve or deny a conditional use.

COST TO CITY:

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used to Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

CROSS REFERENCE

Division Head

Date

New Item: Yes No

Department Director

Date

Previous Ordinance/Resolution No.: _____

Administrative Services Director

Date

Mayor

Date

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF June 19, 2001 MAYOR'S APPROVAL _____

FROM:

Aldermen Bob Davis and Trent Trumbo

Name

Division

Department

ACTION REQUIRED: An Ordinance to amend Chapter 155: Appeals to allow an appeal by two aldermen of a decision by the Planning Commission to approve or deny a conditional use

COST TO CITY:

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used to Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

Division Head

Date

Department Director

Date

Administrative Services Director

Date

Mayor

Date

CROSS REFERENCE

New Item: Yes No

Previous Ordinance/Resolution No.: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 155: APPEALS
TO ALLOW AN APPEAL BY TWO ALDERMEN OF A
DECISION BY THE PLANNING COMMISSION TO
APPROVE OR DENY A CONDITIONAL USE

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

Section 1. §155.05 A. Appeals To City Council is amended by adding
Subsection 4. Conditional Use:

"4. Conditional Use. Two aldermen may jointly appeal a decision
by the Planning Commission approving or denying a Conditional Use request."

Section 2. The City Council hereby determines that the City of
Fayetteville is in immediate and continuing need of a procedure to allow review
of Planning Commission decisions on conditional uses that otherwise could
result in costly litigation or unfair actions, and hereby determines that the
immediate passage of this ordinance is necessary to allow such appeals to the
City Council of conditional use applications. Therefore, an emergency is
declared to exist and this ordinance being necessary for the public welfare and
finances shall be in full force and effect from and after its passage and approval.

PASSED and APPROVED this the _____ day of June, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

Court of Appeals of Arkansas,
Division III.

ROLLING PINES LIMITED PARTNERSHIP
v.
CITY of LITTLE ROCK.

No. CA 00-165.

March 14, 2001.

Developer appealed city board of directors' denial of conditional use permit to place manufactured homes in residential subdivision. After trial de novo, the Circuit Court, Pulaski County, John C. Ward, J., ruled in favor of city. Developer appealed. The Court of Appeals, Jennings, J., held that: (1) city zoning ordinance's eight technical requirements for granting a conditional use permit for manufactured homes did not preclude city from considering other factors when making "compatibility" determination; (2) evidence established that manufactured homes were not compatible with existing uses in the neighborhood; and (3) city's compatibility standard was not unconstitutionally vague.

Affirmed.

West Headnotes

[1] Zoning and Planning 232
414k232 Most Cited Cases

A zoning ordinance, being in derogation of common law, must be strictly construed in favor of the property owner.

[2] Zoning and Planning 231
414k231 Most Cited Cases

The court applies the same rules of statutory construction to zoning ordinances as it does to statutes.

[3] Statutes 188
361k188 Most Cited Cases

In interpreting a statute, the court will give the words in the statute their ordinary meaning and common usage.

[4] Statutes 188

361k188 Most Cited Cases

The court will avoid resorting to a subtle or forced construction for the purpose of limiting or extending the meaning of a statute.

[5] Zoning and Planning 232
414k232 Most Cited Cases

Although zoning laws must be strictly construed in favor of the property owner, that does not compel a contrived result when common sense dictates otherwise.

[6] Zoning and Planning 391
414k391 Most Cited Cases

"Proposed land use," within meaning of city zoning ordinance establishing, as general guideline for conditional use permits, that the proposed land use be compatible with other property in the area, referred to manufactured homes, and not merely to single-family living; the developer proposed the placement of manufactured homes in a residential subdivision, and manufactured homes were specifically classified in the ordinance as uses and conditional uses.

[7] Zoning and Planning 391
414k391 Most Cited Cases

City zoning ordinance's eight technical requirements for granting a conditional use permit for manufactured homes did not preclude city from considering other factors when applying ordinance's requirement, for conditional use permit, that proposed land use be compatible with other property in the area; the eight technical requirements were, by their own definition, regarded as "minimum siting standards."

[8] Zoning and Planning 391
414k391 Most Cited Cases

"Compatible," within meaning of city zoning ordinance establishing, as general guideline for conditional use permits for manufactured homes, that the proposed land use be compatible with other property in the area, referred to uses being capable of existing together without discord or disharmony.

[9] Zoning and Planning 375.1
414k375.1 Most Cited Cases

Designating a use as a conditional one does not

necessarily constitute a predetermination that the proposed use must be permitted; while classifying a use as a conditional one may result from a legislative determination that such a use may be acceptable in a given district, there is no prohibition against an ordinance requiring compliance with specific and measurable criteria.

[10] Zoning and Planning **375.1**
414k375.1 Most Cited Cases

[10] Zoning and Planning **382**
414k382 Most Cited Cases

A conditional use permit may issue when the appropriate municipal agency finds that certain conditions or requirements have been satisfied, a determination that involves the exercise of discretion and necessitates a quasi-administrative or quasi-judicial consideration.

[11] Zoning and Planning **382**
414k382 Most Cited Cases

Certain uses which are not permitted as a matter of right in particular use districts may be permitted conditionally, when the end result will not adversely affect the comprehensive plan for the area and is not incompatible with the permitted uses.

[12] Zoning and Planning **382**
414k382 Most Cited Cases

In the conditional use permit situation, the uses will be permitted if in the discretion of the appropriate municipal agency, certain conditions have been met, the most important one being that the use in question will not be incompatible with the surrounding neighborhood and will not adversely affect the plan for the area.

[13] Zoning and Planning **391**
414k391 Most Cited Cases

Evidence that all but one home in existing neighborhood were brick-and-frame structures and that homes in the neighborhood ranged in value from \$39,450 to \$51,780, and concerns as to long-term quality of manufactured homes and effect that manufactured housing would have on property values in existing neighborhood, established that placement of manufactured homes in the neighborhood would not be compatible with existing uses, as general standard under city zoning ordinance for determining

whether to grant conditional use permit.

[14] Zoning and Planning **743**
414k743 Most Cited Cases

Appellate court would not consider developer's arguments that city's compatibility standard for granting conditional use permits violated equal protection and constituted an illegal delegation of legislative power, where the trial court had made no rulings with respect to the arguments. U.S.C.A. Const.Amend. 14.

[15] Constitutional Law **48(1)**
92k48(1) Most Cited Cases

An ordinance is presumed to be constitutional, and the burden of proving otherwise is on the challenging party.

[16] Constitutional Law **251.4**
92k251.4 Most Cited Cases

A statute violates the first essential of due process of law if it either forbids or requires the doing of an act in terms so vague that persons of ordinary intelligence must necessarily guess at its meaning and differ as to its application. U.S.C.A. Const.Amend. 14.

[17] Constitutional Law **251.4**
92k251.4 Most Cited Cases

The purpose of the due process "void for vagueness" doctrine is to limit arbitrary and discretionary enforcement of the law. U.S.C.A. Const.Amend. 14.

[18] Zoning and Planning **28**
414k28 Most Cited Cases

In the area of land use, a conditional use standard must be sufficiently specific to guide both an applicant in presenting his case and the appropriate municipal agency in examining the proposed use.

[19] Constitutional Law **278.2(1)**
92k278.2(1) Most Cited Cases

In determining whether a land use ordinance is unconstitutionally vague, in violation of due process, it is permissible for a court to look not only at the face of the ordinance but also at its application to the person who has sought to comply with the ordinance and who is alleged to have failed to comply.

U.S.C.A. Const.Amend. 14.

[20] Constitutional Law 278.2(1)
92k278.2(1) Most Cited Cases

[20] Zoning and Planning 28
414k28 Most Cited Cases

City zoning ordinance establishing, as general guideline for conditional use permits for manufactured homes, that the proposed land use be compatible with other property in the area was not unconstitutionally vague and therefore did not violate due process; "compatible" had well-defined meaning, and there was no indication that developer was laboring under any misconception of what the ordinance required in order to obtain a conditional use permit. U.S.C.A. Const.Amend. 14.

[21] Appeal and Error 762
30k762 Most Cited Cases

Appellate court does not consider arguments made for the first time in an appellate reply brief.

*830 Mitchell, Blackstock, Barnes, Wagoner & Ivers, by Clayton R. Blackstock, Little Rock, for appellant.

Stephen R. Giles, Little Rock, for appellee.

Steve Owings, Little Rock, amicus curiae, for American Planing Association.

JOHN E. JENNINGS, Judge.

This is an appeal from the denial of a conditional use permit. For reversal, appellant contends that the trial court erred in its interpretation of certain city ordinances; that the trial court failed to apply recognized presumptions and standards that accompany conditional uses; and that the trial court erred in concluding that one of the ordinances was not unconstitutionally vague. We affirm.

Appellant, Rolling Pines Limited Partnership, is engaged in the development of the Rolling Pines subdivision in southwest Little Rock. The subdivision is zoned R-2, Single-Family District. Approximately twenty-six, site-built and predominantly brick homes now occupy the western part of the subdivision. In 1994, a second phase of development began on approximately *831 twenty lots located in the eastern

part of the subdivision. Appellant encountered difficulty in generating buyer interest and decided to place manufactured homes in the subdivision. However, the City's zoning ordinances do not allow manufactured homes to be placed in an R-2 district as a matter of right. The zoning code does allow them as a conditional use, provided certain criteria are met.

Under the pertinent zoning ordinances, the City Planning Commission is given the authority to approve or disapprove conditional use permits "[a]fter detailed review of [the use's] compatibility with the area...." Little Rock Code § 36-101. The code sets out both general and specific guidelines to be used by the Commission in evaluating applications for conditional use permits. Among the general guidelines is that the "proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located." Little Rock Code § 36-107(2). The code also provides under § 36-254(a) that conditional uses will be permitted "provided they do not have objectionable characteristics, and provided further that they otherwise conform to the provisions of this chapter." With regard to manufactured homes, the code sets out specific guidelines for conditional use permits as found in § 36-254(d)(5). That section designates the following eight "minimum" standards that apply to the placement of a manufactured home in an R-2 zone: (1) a pitched roof of three (3) in twelve (12) or fourteen (14) degrees or greater; (2) removal of all transport elements; (3) permanent foundation; (4) exterior wall finished so as to be compatible with the neighborhood; (5) orientation compatible with placement of adjacent structures; (6) underpinning with permanent materials; (7) all homes shall be multi-sectional; and (8) off-street parking per single-family dwelling standard.

On July 19, 1996, appellant applied to the City for a conditional use permit to place nineteen manufactured homes in the subdivision. The Planning Commission Staff recommended approval of the permit after being satisfied that appellant met the eight, specific requirements of § 36-254(d)(5). However, the Commission, after hearing opposition from subdivision owners, denied appellant's application. On October 31, 1997, appellant filed another application for a conditional use permit but reduced the number of proposed manufactured homes from nineteen to five. The Commission Staff again recommended approval, but the Commission denied the permit. In both instances of denial, the Commission determined that manufactured homes did not meet the standard of compatibility and that

appellant had failed to show that the placement of manufactured homes would not have an adverse effect on the neighborhood.

Appellant appealed the Commission's decision to the Little Rock City Board of Directors. After a hearing on February 17, 1998, the Board tabled the issue for further consideration. On March 17, 1998, when ten people were scheduled to speak in opposition to the permit, Mayor Dailey determined that there was no support on the Board to rescind the Commission's denial and therefore let it stand. Appellant then appealed to the Pulaski County Circuit Court, arguing that it was entitled to a conditional use permit, that the Commission's decision was arbitrary, and that the general review standards set forth in the zoning ordinances were so vague that they violated the constitutional right to due process and constituted an illegal delegation of legislative power.

As pursuant to Ark.Code Ann. § 14-56-425 (Repl.1998), the circuit judge conducted a de novo trial. After hearing the *832 evidence, the judge ruled in favor of the City and denied the permit. His order contained the following specific findings: (1) the eight technical requirements of § 36-254(d)(5) alone do not control the issuance of a conditional use permit but are to be considered in addition to the requirement that the use be compatible and not have an adverse effect on surrounding property; (2) appellant's application failed to meet the compatibility standard; and (3) the manufactured homes appellant proposed have a very different appearance from the site-built homes in that they have vinyl exterior and fewer options for variations in appearance. The judge also ruled that the ordinances did not violate appellant's right to due process, nor were they so vague as to allow unbridled discretion in the Commission.

[1][2][3][4][5] Under its first point, appellant argues that the trial court erred in its interpretation of the city's ordinances in three respects. In addressing this issue, we note that a zoning ordinance, being in derogation of common law, must be strictly construed in favor of the property owner. Blundell v. City of West Helena, 258 Ark. 123, 522 S.W.2d 661 (1975). However, we also apply the same rules of statutory construction to zoning ordinances as we do to statutes. Stricklin v. Hays, 332 Ark. 270, 965 S.W.2d 103 (1998). In interpreting a statute, we will give the words in the statute their ordinary meaning and common usage. Burcham v. City of Van Buren, 330 Ark. 451, 954 S.W.2d 266 (1997). In addition, we will avoid resorting to a subtle or forced

construction for the purpose of limiting or extending the meaning of a statute. Young v. Energy Transportation Systems Inc. of Arkansas, 278 Ark. 146, 644 S.W.2d 266 (1983). Although zoning laws must be strictly construed in favor of the property owner, that does not compel a contrived result when common sense dictates otherwise. Tillery v. Meadows Construction Co., 284 Ark. 241, 681 S.W.2d 330 (1984).

[6] Appellant's arguments are centered upon § 36-107(2), which provides:

The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.

Appellant first argues that the trial court erred in treating the phrase "proposed land use" as meaning the proposed structure, *i.e.*, manufactured home. Appellant contends that the phrase refers instead to single family living. We disagree. This subsection is found in that portion of the code dedicated to the Commission's review of conditional use permits, and manufactured homes are specifically classified as such a conditional use. Further, a definition section of the code specifically refers to a manufactured home as a "use." See Little Rock Code § 36-3. It is clear to us that the phrase "proposed land use" refers to the proposed conditional use, which in this case, is manufactured housing.

[7] Next, appellant contends that the compatibility requirement found in this subsection is controlled by the eight technical requirements specific to manufactured homes that are set out in § 36-254(d)(5). Appellant argues that the technical requirements inherently contain a compatibility determination, meaning that if an applicant meets the eight requirements, his proposed use is necessarily considered compatible with the surrounding property. Therefore, appellant argues that, once the trial court found that there was compliance with the eight technical requirements, the court erred in making a separate compatibility determination.

We can accept appellant's argument that the eight requirements evidence an attempt by the city lawmakers to ensure *833 that manufactured homes will be as harmonious as possible in structure and appearance with site-built homes. However, the eight requirements are by their own definition regarded as "minimum siting standards." The use of the term "minimum" necessarily implies that the Commission may consider matters over and above those eight requirements in assessing a conditional use.

[8] Third, appellant argues that the trial court misinterpreted the word "compatible" to mean "identical." We cannot agree. The word "compatible" means "capable of existing together without discord or disharmony." Webster's Third New Int'l Dictionary 463 (1976). From our review of the trial court's decision, there is no indication that the trial court interpreted it to mean anything other than its accepted definition.

As its second issue on appeal, appellant contends that the trial court erred in failing to apply certain presumptions that accompany the review of a conditional use application. According to appellant, there are three presumptions or rules that the trial court failed to consider: (1) the presumption that a conditional use is in general harmony with the neighborhood; (2) the rule that a conditional use cannot be denied based on its inherent nature; and (3) the rule that a conditional use cannot be denied if its effect on surrounding property is no greater than the permitted use. Appellant argues that, had the court applied these principles, its findings would have been different.

[9][10][11][12] As a general proposition, we have no quarrel with appellant's recitation of these principles, which are gleaned from 83 Am.Jur.2d Zoning and Planning § § 991, 992, 998, and 999 (1992). However, we do not agree that they must be applied conclusively or without regard to the requirements of an ordinance and the circumstances surrounding any particular permit application. Contrary to appellant's assertions, designating a use as a conditional one does not necessarily constitute a predetermination that the proposed use *must* be permitted. While classifying a use as a conditional one may result from a legislative determination that such a use may be acceptable in a given district, there is no prohibition against an ordinance requiring compliance with specific and measurable criteria. See Gorham v. Town of Cape Elizabeth, 625 A.2d 898 (Me.1993). To say otherwise would convert a conditional use into one that is allowed as a matter of right. As even the appellant acknowledges, the Commission is afforded some discretion in the matter:

Basically such permits [conditional use] may issue when the appropriate municipal agency finds that certain conditions or requirements have been satisfied. That determination involves the exercise of discretion and necessitates a quasi-administrative or quasi-judicial consideration. It provides flexibility in a sense that certain uses which are not permitted as a matter of right in particular use districts may be permitted

conditionally when the end result will not adversely affect the comprehensive plan for the area and is not incompatible with the permitted uses.

....

The conditional use permit device is quite valuable in providing flexibility to the decisions of boards or commissions involved in the zoning process. It is not possible in an ordinance to pinpoint with accuracy the potential impact of every type of use. The same general type of use, described in fairly broad terms, may be appropriate as a conditional use in one situation and not in another. The impact upon the surrounding area may differ appreciably.... In the conditional *834 use permit situation, the uses will be permitted if in the discretion of the Planning Commission and the Board, certain conditions have been met--the most important one being that that the use in question will not be incompatible with the surrounding neighborhood and will not adversely affect the plan for the area.

Wright, Robert, *Zoning Law in Arkansas: A Comparative Analysis*, 3 UALR Law Journal 421, 452-53 (1980).

[13] In the exercise of that discretion, it was determined that the aggregate placement of manufactured homes was not compatible with the character of the existing neighborhood, which is one that is well-established and consists of modest, well-kept homes where all but one are brick-and-frame structures. The homes in the neighborhood ranged in value from \$39,450 to \$51,780. There was concern as to the long-term quality of manufactured homes and the effect that manufactured housing would have on property values, questions that went unanswered due to appellant's failure to provide an impact study as requested. The only evidence offered to show that manufactured housing would not have an adverse effect on value was an appraisal of a manufactured home located in west Little Rock. However, the court rejected the appraisal as a valid comparison because the manufactured home was situated on a large, wooded lot, whereas the proposed manufactured homes were to be situated side by side on smaller lots. On this record, we cannot agree with appellant that the application of those general principles mandated a different result.

[14] Appellant's final argument is that the compatibility standard is unconstitutional for three reasons: (1) it violates the equal protection clause; (2) it violates the right to due process because of its vagueness; and (3) it is an unconstitutional delegation

of legislative power because of its vagueness. The trial court made no rulings with respect to appellant's equal-protection or delegation-of-power arguments. Consequently, we do not consider them. Martin v. Arthur, 339 Ark. 149, 3 S.W.3d 684 (1999).

[15][16][17][18][19] An ordinance is presumed to be constitutional, and the burden of proving otherwise is on the challenging party. Craft v. City of Fort Smith, 335 Ark. 417, 984 S.W.2d 22 (1998). A statute violates the first essential of due process of law if it either forbids or requires the doing of an act in terms so vague that persons of ordinary intelligence must necessarily guess at its meaning and differ as to its application. Anderson v. City of Issaquah, 70 Wash.App. 64, 851 P.2d 744 (1993). The purpose of the void for vagueness doctrine is to limit arbitrary and discretionary enforcement of the law. *Id.* In the area of land use, a conditional use standard must be sufficiently specific to guide both an applicant in presenting his case and the Board in examining the proposed use. See Wakelin v. Town of Yarmouth, 523 A.2d 575 (Me.1987). In determining this issue, it is permissible for a court to look not only at the face of the ordinance but also at its application to the person who has sought to comply with the ordinance and who is alleged to have failed to comply. Anderson v. City of Issaquah, *supra*.

Appellant cites Wakelin v. Town of Yarmouth, *supra*, and Anderson v. City of Issaquah, *supra*, in support of its argument that the term "compatible" is unconstitutionally vague. Neither case is particularly helpful because neither one deals directly with an ordinance that permits a planning commission to review a proposed use in light of its "compatibility." The Wakelin case involved an ordinance that included the terms "intensity of use" and "density of development." The court found that these terms lacked any quantitative standard by which an applicant or the board could gauge compliance. Anderson involved an ordinance with phrases such as "harmonious," and "interesting," as well as "compatible," and the case was marked by numerous attempts on the part of the applicant to meet the board members' subjective concepts of acceptability. Because the board had to draw upon its own subjective "feelings" due to the absence of objective guidelines, the court held that the ordinance failed to pass constitutional muster.

[20] More on point is the decision in Anderson v. Peden, 30 Or.App. 1063, 569 P.2d 633 (1977). As in the instant case, the municipal code designated mobile homes as a conditional use and included a

"compatibility with the established neighborhood" standard. The court found that the phrase was not unconstitutionally vague. Also in Life Concepts, Inc. v. Harden, 562 So.2d 726 (Fla.Ct.App.1990), the court addressed a challenge to the term "compatible" and found that it was not impermissibly vague because it has a plain and ordinary meaning that could be readily understood by reference to a dictionary. We agree that the term has a well-defined meaning and is not so vague as to leave an applicant guessing as to its import or meaning. Moreover, there is no indication that appellant was laboring under any misconception of what the ordinance required in order to obtain a permit. We conclude that appellant has not established that the ordinance is unconstitutional.

[21] Appellant also questions whether the trial court properly conducted a trial de novo, challenges the trial court's allocation of the burden of proof, and argues that the trial court's findings concerning adverse effect are clearly erroneous. Appellant did not make these arguments in its opening brief but advances them in its reply brief. We do not consider arguments made for the first time in a reply brief. Partin v. Bar of Arkansas, 320 Ark. 37, 894 S.W.2d 906 (1995).

Affirmed.



HART and CRABTREE, JJ., agree.

END OF DOCUMENT

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 155: APPEALS
TO ALLOW AN APPEAL BY THREE ALDERMEN OF
A DECISION BY THE PLANNING COMMISSION TO
APPROVE OR DENY A CONDITIONAL USE

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

Section 1. **§155.05 A. Appeals To City Council** is amended by adding
Subsection 4. Conditional Use:

"4. Conditional Use. Three aldermen may in unison appeal a
decision by the Planning Commission approving or denying a Conditional Use
request."

Section 2. The City Council hereby determines that the City of
Fayetteville is in immediate and continuing need of a procedure to allow review
of Planning Commission decisions on conditional uses that otherwise could
result in costly litigation or unfair actions, and hereby determines that the
immediate passage of this ordinance is necessary to allow such appeals to the
City Council of conditional use applications. Therefore, an emergency is
declared to exist and this ordinance being necessary for the public peace, welfare
and finances shall be in full force and effect from and after its passage and
approval.

PASSED and APPROVED this the _____ day of June, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF June 19, 2001 MAYOR'S APPROVAL _____

FROM:

Aldermen Kevin Santos and Bob Davis

Name

Division

Department

ACTION REQUIRED: A resolution to express the City of Fayetteville's intent to accept a gift from Ed and Karlee Bradberry of a spherical bronze fountain created by Hank Kaminsky for the Town Center Plaza.

COST TO CITY:

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used to Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW:

_____ Budgeted Item

_____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

Division Head

Date

Department Director

Date

Administrative Services Director

Date

Mayor

Date

CROSS REFERENCE

New Item: Yes No

Previous Ordinance/Resolution No.: _____

RESOLUTION NO. _____

A RESOLUTION TO EXPRESS THE CITY OF FAYETTEVILLE'S INTENT TO ACCEPT A GIFT FROM ED AND KARLEE BRADBERRY IN OF A SPHERICAL BRONZE FOUNTAIN CREATED BY HANK KAMINSKY FOR THE TOWN CENTER PLAZA

WHEREAS, Ed and Karlee Bradberry desire to make a generous gift to pay for the creation and installation of a spherical bronze fountain for the Town Center Plaza; and

WHEREAS, the City Council of Fayetteville, Arkansas wishes to express its gratitude and thanks to Mr. and Mrs. Bradberry for their generous gift to pay for this Hank Kaminsky work of art to grace the Town Center Plaza.

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 expresses its gratitude and intent to accept gift from Ed and Karlee Bradberry of the Hank Kaminsky spherical bronze fountain for the Town Center Plaza.

Section 2. That the City Council of the City of Fayetteville, Arkansas approves the basic design of the Kaminsky Peace Fountain.

PASSED and APPROVED this the _____ day of June, 2001.

APPROVED:

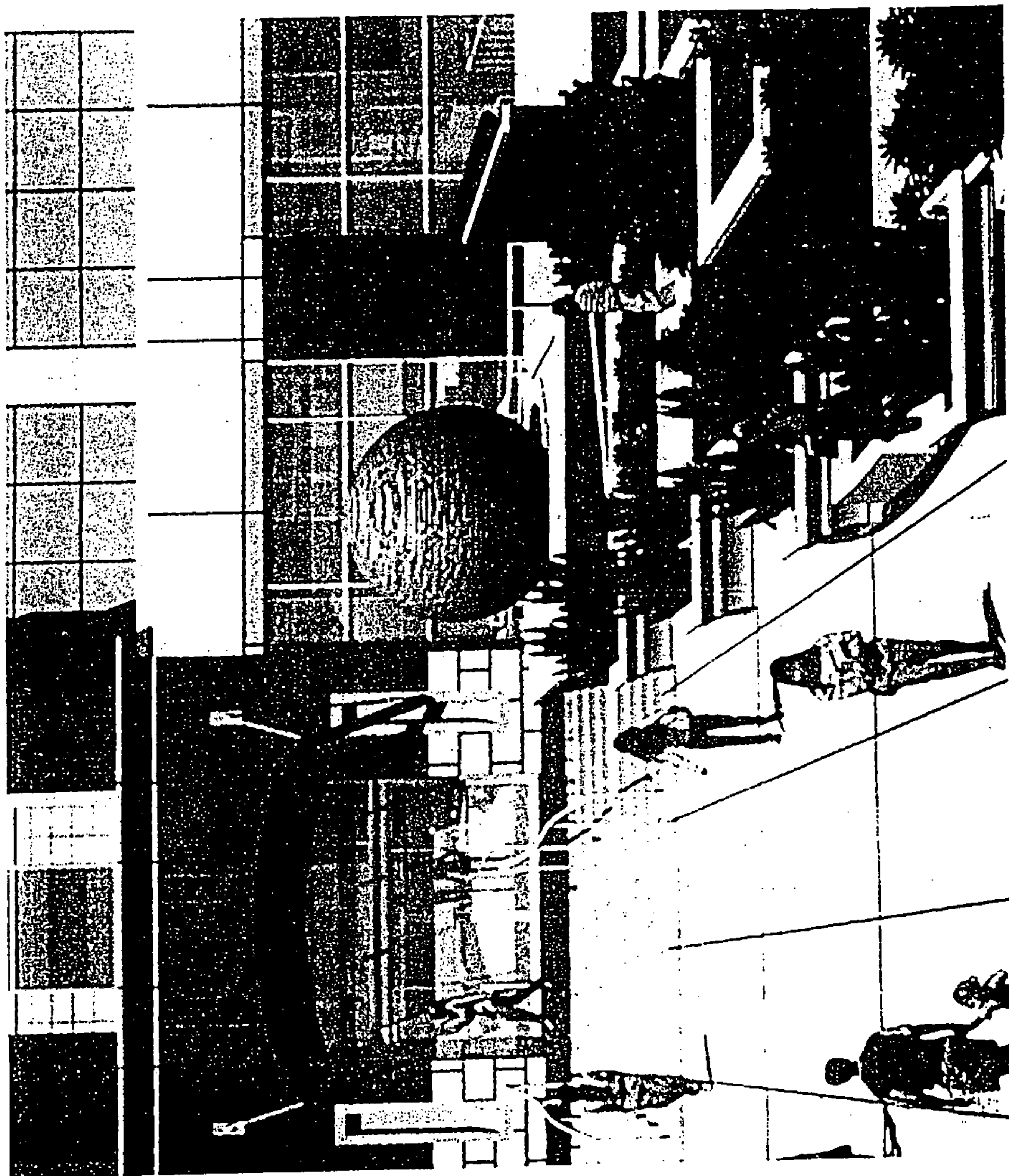
By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

A Proposal
for a Peace Prayer Fountain
for the City of Fayetteville





Fountain of prayer would grace entry to new Town Center

BY LAURA KELLAMS
ARKANSAS DEMOCRAT-GAZETTE

FAYETTEVILLE — Local sculptor Hank Kaminsky hopes to create a spherical bronze fountain for the front entrance to the Town Center, a spinnable sculpture created to offer up a prayer for peace in many languages.

His "Peace Prayer Fountain" would be in the shape of a globe, 10 feet in diameter and able to be rotated by hand. The prayer "May peace prevail on earth" would be included in as many as 160 languages across the sphere's surface. Water would flow over it continuously, Kaminsky said Tuesday.

"In a sense, I've been working on this idea for my entire career," said the 60-year-old artist, who's been using words in his sculptures for more than 15 years. "This prayer struck me as being an extraordinary idea because it cut across everybody's ideas of religion, and the idea that

an object can be a prayer is very powerful."

The Town Center, a city convention hall under construction south of the Fayetteville Square, will incorporate a plaza leading from the Fayetteville Square Gardens to the front door. Preliminary plans call for the fountain to be located just right of the entrance tower.

The landscaped plaza could become a showplace for public art, judging by the interest of art patrons so far. City officials have heard other ideas for plaza art, but Kaminsky's is the first official proposal to come before the Fayetteville Advertising and Promotion Commission.

The commission is paying for most of the \$8.3 million convention center and will operate it as a tourist attraction, but private donations would fund the art.

Kaminsky, who has lived in Fayetteville since the mid-1980s, said he hopes the city will become known for its peace fountains. Already, the city is home to the Fulbright Peace Fountain on the University of Arkansas campus. It is named for former U.S. Sen. J. William Fulbright.

The sculptor said the Town Center represents the "great potential" on the Fayetteville Square, which he

considers a sacred area. It's the perfect place for a sculpture he's had in mind for some time, he said.

"It's a very high spot, and I don't mean just physically. It represents a tremendous achievement, a cultural and spiritual center," Kaminsky said. "It's a place where many, many people are called together. It's beautiful, and it's being revitalized."

The peace prayer has been translated by the World Peace Prayer Society in New York, Kaminsky said. He plans to use as many translations as possible on the surface of the sphere, which symbolizes the earth. It will be spinnable like prayer wheels, the cylinders used by Tibetan Buddhists that are etched with mantras. In that tradition, passers-by can spin the wheels to release the prayers.

That's the idea with the peace fountain, Kaminsky said. "Every time it goes around one turn, there will be a bell that goes, 'ding.'"



Special to the Arkansas Democrat-Gazette

An artist's rendering of a proposed fountain that, if approved by city leaders, will be placed in the landscaped plaza leading from the Fayetteville Square to the Town Center now under construction on the square's south side.

The Downtown/Dickson Enhancement Project Inc., the non-profit organization planning sidewalk and landscaping improvements, plans to raise the \$200,000 to \$250,000 necessary to donate the sculpture to the city.

"It's a beautiful design, a beautiful piece of public art for the community," said Bootsie Ackerman, director of the Down-

town/Dickson project.

Ackerman said there's great interest among project organizers to provide public art downtown. One way to do that might be to include local artists in the design of amenities such as benches and information kiosks, she said.

The Kaminsky sculpture is the first, however.

Mayor Fred Hanna said he doesn't know much about Kaminsky's sculpture but that it sounds like an idea that would meet with the approval of city officials.

Kaminsky has experience building large sculptures. In 1997, he designed and installed a 10-foot bronze sculpture for the University of Arkansas for Medical Sciences.

He said the peace fountain would take about a year to create. Providing the funding comes through, he hopes to have it finished by spring of 2001.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL JUNE 19, 2001

A meeting of the Fayetteville City Council will be held on June 19, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

- 1. APPROVAL OF THE MINUTES**
- 2. RODGERS DR. WATER TANK:** A resolution approving the construction contract with Protective Linings and Coating, Inc. for Rodgers Drive Water Tank Paint Project in the amount of \$250,600 and a project contingency of \$37,590, and the related budget adjustment in the amount of \$72,741.
- 3. DHL WORLDWIDE:** A resolution approving an agreement with DHL Worldwide Express for the lease of the old Airport Fire Station Building located at 4140 S. School Avenue.
- 4. TED BELDEN:** A resolution approving a lease agreement with Ted Belden for one parking space in the Fayetteville Municipal Parking Lot 1.
- 5. PLAYGROUND EQUIPMENT:** A resolution approving a contract with John Barre Landscape Construction for new playground equipment and installation of equipment at the Lake Fayetteville Softball Complex.
- 6. SOCCER UNIFORMS:** A resolution approving the purchase of soccer uniforms for 2001-2002 soccer session.
- 7. DOUBLE SPRINGS RD. BRIDGE REPLACEMENT:** A resolution approving 20% funding for this AHTD project in the estimated amount of \$249,119.45; approval of the related budget adjustment and project contingency in the amount of \$37,367 (15%).

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28 **8. TREE PRESERVATION WORKSHOP:** A resolution approving an Urban and Community Forestry Assistance Grant application to cover the costs incurred to present two "Tree Preservation During Construction" workshops.

\ **9. BID 01-34:** A resolution awarding Bid 01-34 to the lowest bidder, Phenix Recycling, for the purchase of plastic bags to be used in the 2001 Volume Based Program in the amount of \$59,000.

B. OLD BUSINESS

C. NEW BUSINESS

8

1. **VA 01-4.00:** An ordinance approving vacation request VA 01-4 as submitted by Robert Brown for property located at 3430 W. Telluride Drive, lots 4A and 4B, Wedington Place Addition, Phase II. The request is to vacate a 20' wide drainage easement and a 20' wide utility easment.

12

2. **VA 01-5:** An ordinance approving vacation request VA 01-5 as submitted by Ed Connell, City Land Agent, for the property located at 10 N. Garland Ave. Lots 400-402, Oak Park Place Subdivision. The request is to vacate the undeveloped 40' wide right-of-way to the east and north of the above address and Lots 17-24 McIlroy's University Addition.

36

3. **AD 00-46.00:** An ordinance approving AD 00-46 to amend Chapter 151 "Definitions" of the UDO to change the definition of "Family" and to include the definition of "Single Housekeeping Unit", submitted by the Planning Division.

60

4. **SKATE PARK:** A resolution authorizing the Parks and Recreation Division to apply for up to \$200,000 in grant money for the development of a skate park.

14

5. **BOYS AND GIRLS CLUB AGREEMENT:** A resolution approving an agreement with the Fayetteville Youth Center Inc., d/b/a the Fayetteville Boys and Girls Club, Inc., to provide public recreation for the citizens of Fayetteville.

6. **BOYS AND GIRLS CLUB BID WAIVER:** An ordinance to waive competitive bidding for the payment to the Fayetteville Youth Center, Inc. through the end of 2001 for the provision of public recreation.

7. **PARK LAND DEVELOPMENT:** A resolution to establish the intent of the City of Fayetteville to develop the park land located next to the new Fayetteville Boys and Girls Club and enter into a joint use agreement.

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8. **JEFFERSON ELEMENTARY:** A resolution approving a sub-recipient grant agreement to Fayetteville Boys and Girls Club, for the program at Jefferson Elementary.

9. **LIFE STYLES:** A resolution approving a sub-recipient grant agreement with Life Styles Inc.
10. **SAGE HOUSE:** A resolution approving a sub-recipient grant agreement with Sage House Inc.

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6. **SOCCER UNIFORMS:** A resolution approving the purchase of soccer uniforms for 2001-2002 soccer session.
7. **DOUBLE SPRINGS RD. BRIDGE REPLACEMENT:** A resolution approving 20% funding for this AHTD project in the estimated amount of \$249,119.45; approval of the related budget adjustment and project contingency in the amount of \$37,367 (15%).
8. **TREE PRESERVATION WORKSHOP:** A resolution approving an Urban and Community Forestry Assistance Grant application to cover the costs incurred to present two "Tree Preservation During Construction" workshops.
9. **BID 01-34:** A resolution awarding Bid 01-34 to the lowest bidder, Phoenix Recycling, for the purchase of plastic bags to be used in the 2001 Volume Based Program in the amount of \$59,000.

B. OLD BUSINESS

C. NEW BUSINESS

1. **VA 01-4.00:** An ordinance approving vacation request VA 01-4.00 as submitted by Robert Brown for property located at 3430 W. Telluride Drive, lots 4A and 4B, Wedington Place Addition, Phase II. The request is to vacate a 20' wide drainage easement and a 20' wide utility easement.
2. **VA 01-5.00:** An ordinance approving vacation request VA 01-5.00 as submitted by Ed Connell, City Land Agent, for the property located at 10 N. Garland Ave. Lots 400-402, Oak Park Place Subdivision. The request is to vacate the undeveloped 40' wide right-of-way to the east and north of the above address and Lots 17-24 McIlroy's University Addition.
3. **AD 00-46.00:** An ordinance approving AD 00-46 to amend Chapter 151 "Definitions" of the UDO to change the definition of "Family" and to include the definition of "Single Housekeeping Unit", submitted by the Planning Division.
4. **SKATE PARK:** A resolution authorizing the Parks and Recreation Division to apply for up to \$200,000 in grant money for the development of a skate park.
5. **BOYS AND GIRLS CLUB AGREEMENT:** A resolution approving an agreement with the Fayetteville Youth Center Inc., d/b/a the Fayetteville Boys and Girls Club, Inc., to provide public recreation for the citizens of Fayetteville.
6. **BOYS AND GIRLS CLUB BID WAIVER:** An ordinance to waive competitive bidding for the payment to the Fayetteville Youth Center, Inc. through the end of 2001 for the provision of public recreation.
7. **PARK LAND DEVELOPMENT:** A resolution to establish the intent of the City of Fayetteville to develop the park land located next to the new Fayetteville Boys and Girls Club and enter into a joint use agreement.
8. **JEFFERSON ELEMENTARY:** A resolution approving a sub-recipient grant agreement to Fayetteville Boys and Girls Club, for the program at Jefferson Elementary.
9. **LIFE STYLES:** A resolution approving a sub-recipient grant agreement with Life Styles, Inc.
10. **SAGE HOUSE:** A resolution approving a sub-recipient grant agreement with Sage House, Inc.

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of 6-19-2001

FROM:

Sid Norbash Engineering Public Works
Name Division Department

ACTION REQUIRED: Approval of (1) the Construction contract with Protective Linings & Coatings, Inc. for **Rogers Drive Water Tank - Painting Project**, in the amount of \$250,600, (2) a project contingency amount of \$37,590 (15%), (3) The related Budget Adjustment in the amount of \$72,741.

COST TO CITY:

\$288,190.00 \$247,434 Rogers Dr. Water Tanks Painting
Cost of this Request Category/Project Budget Category/Project Name

5400-5600-5808-00 \$31,985 Capital Water
Account Number Funds Used To Date Program Name

97044-0020 \$215,449 Water & Sewer
Project Number Remaining Balance Fund

BUDGET REVIEW: ☒ Budgeted Item ☒ Budget Adjustment Attached

[Signature]
Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]
Accounting Manager

6/11/01
Date

ADA Coordinator Date

[Signature]
City Attorney

6/11/01
Date

[Signature] 6/11/01
Internal Auditor Date

Purchasing Officer Date

STAFF RECOMMENDATION: Approval of the Construction Contract, the Contingency, and the budget adjustment.

[Signature]
Division Head

06-04-01
Date

Cross Reference

[Signature]
Department Director

6-4-01
Date

New Item: **Yes** ☒ **No** ☐

[Signature]
Administrative Services Director

6/4/01
Date

Pre Or/Res #: _____

[Signature]
Mayor

6/4/01
Date

Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Dan coody, Mayor
Don Bunn, Assistant PWD
Jim Beavers, City Engineer *B*

From: Sid Norbash, Staff Engineer *SN*

Date: May 31, 2001

Re: ^dRogers Drive Tank Painting Project
Approval of Construction Contract

The above referenced project is a CIP Project for this year. Bids were received for the painting of one of our 4 million gallon tank on Rogers Drive.

The results are as follows:

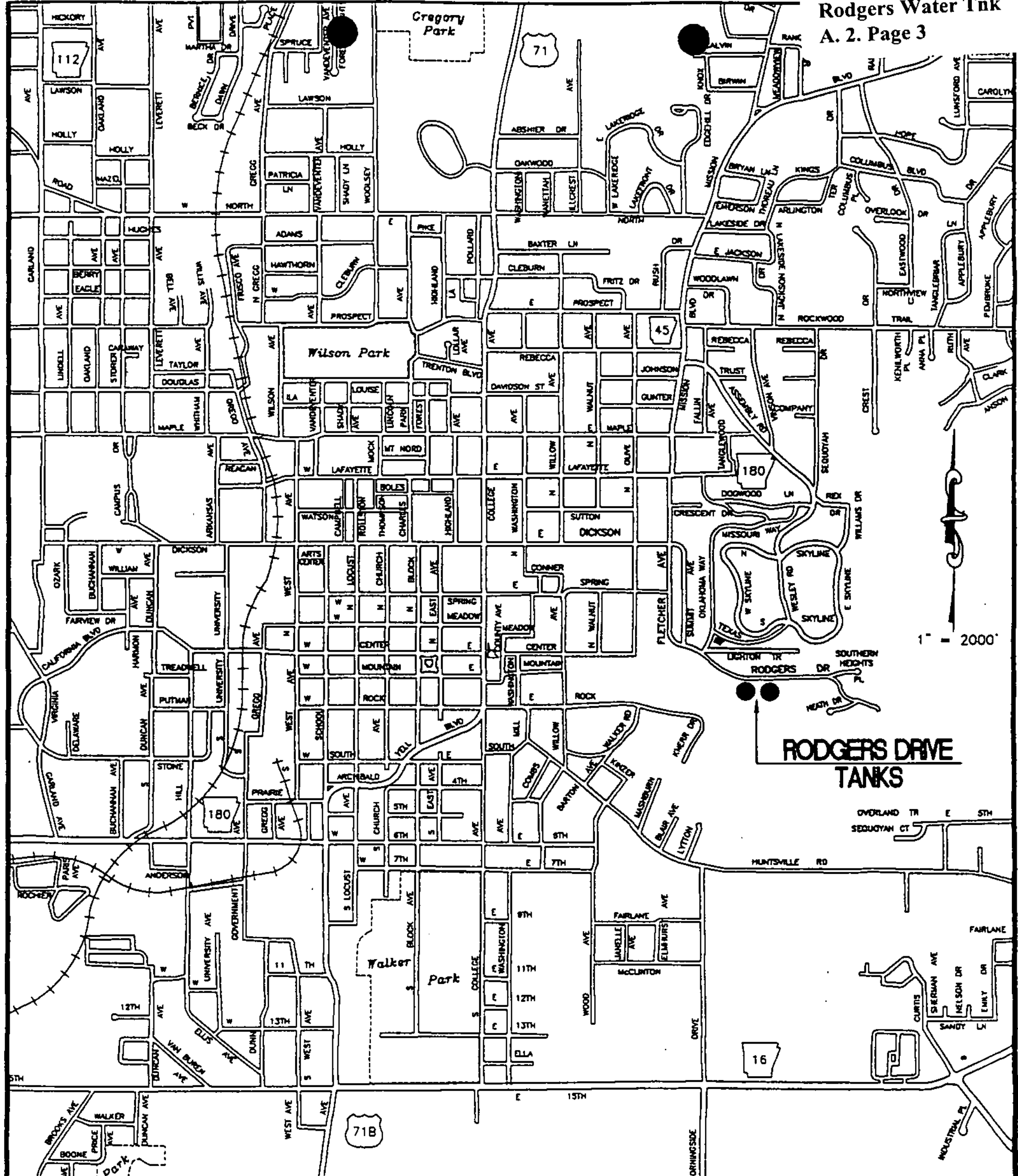
Protective Linings & Coatings, Inc.	\$250,600.00
Utility Service Company, Inc.	\$315,175.00

The bid tabulation and the award recommendation are attached.
The Staff is requesting the Council's approval of:

- (1) The attached contract agreement with the low bidder, Protective Linings & Coatings, Inc., in the amount of \$250,600.00.
- (2) 15% Project Contingency in the amount of \$37,590.
- (3) The related Budget Adjustment in the amount of \$72,741.

SN/sn

attachments: vicinity map
Agreement



**RODGERS DRIVE
TANKS**



Little Rock
900 W. Markham

Fayetteville
1810 N. College

**LOCATION MAP
RODGERS DRIVE
TANKS**
CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS

APPROVED RWW	DRAWN BY PFK	DATE APR. 2001	DRAWING 1
SCALE 1" = 2000'	JOB NO. FY002262	FIELD BOOK ---	

DOCUMENT 00500

CONTRACT

THIS AGREEMENT, made and entered into on the 19th day of June,
2001, by and between Protective Linings & Coatings, Inc. herein called the
Contractor, and the City of Fayetteville, Arkansas, hereinafter called the Owner:

WITNESSETH:

That the Contractor, for the consideration hereinafter fully set out, hereby agrees with the Owner as follows:

1. That the Contractor shall furnish all the materials, and perform all of the work in manner and form as provided by the following enumerated Specifications, and Documents, which are attached hereto and made a part hereof, as if fully contained herein and are entitled Water Tank Repainting, Rodgers Drive Tank, dated April, 2001.

Advertisement for Bids
Instructions to Bidders
Bid and acceptance thereof
Performance Bond

Payment Bond
General Conditions
Supplemental Conditions
Specifications

2. That the Owner hereby agrees to pay to the Contractor for the faithful performance of this Agreement, subject to additions and deductions as provided in the Specifications or Bid, in lawful money of the United States, the amount of:

Two Hundred Fifty Thousand, Six Hundred Dollars-----.

3. The Work will be completed and ready for final payment in accordance with the General Conditions within 75 calendar days after the date when the Contract Time commences to run, as provided in the Notice to Proceed.
4. Liquidated Damages: Owner and Contractor recognize that time is of the essence of this Agreement and the Owner will suffer financial loss if the Work is not completed within the times specified in above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay Owner **Five Hundred Dollars (\$500.00)** for each day that expires after the time specified in Paragraph 3 for completion and readiness for final payment.

5. That within 30 days of receipt of an approved payment request, the Owner shall make partial payments to the Contractor on the basis of a duly certified and approved estimate of work performed during the preceding calendar month by the Contractor, LESS the retainage provided in the General Conditions, which is to be withheld by the Owner until all work within a particular part has been performed strictly in accordance with this Agreement and until such work has been accepted by the Owner.
6. That upon submission by the Contractor of evidence satisfactory to the Owner that all payrolls, material bills, and other costs incurred by the Contractor in connection with the construction of the work have been paid in full, final payment on account of this Agreement shall be made within 60 days after the completion by the Contractor of all work covered by this Agreement and the acceptance of such work by the Owner.
7. It is further mutually agreed between the parties hereto that if, at any time after the execution of this Agreement and the Surety Bond hereto attached for its faithful performance and payment, the Owner shall deem the Surety or Sureties upon such bond to be unsatisfactory or if, for any reason such bond ceases to be adequate to cover the performance of the work, the Contractor shall, at his expense, within 5 days after the receipt of notice from the Owner, furnish an additional bond or bonds in such form and amount and with such Surety or Sureties as shall be satisfactory to the Owner. In such event, no further payment to the Contractor shall be deemed to be due under this Agreement until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to the Owner.
8. No additional work or extras shall be done unless the same shall be duly authorized by appropriate action by the Owner in writing.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and date first above written, in three (3) counterparts, each of which shall, without proof or accounting for the other counterpart be deemed an original Contract.

SEAL:

Protective Linings & Coatings Inc.
CONTRACTOR

WITNESSES:

By Ray
President
Title

ATTEST:

CITY OF FAYETTEVILLE, ARKANSAS
OWNER

City Clerk

By _____
Mayor

Budget Year 2001	Department: Public Works Division: Engineering Program: Water & Sewer Capital	Date Requested June 19, 2001	Adjustment #
---------------------	---	---------------------------------	--------------

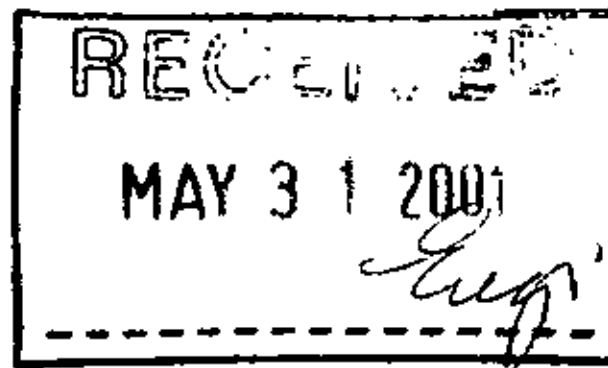
Project or Item Requested: \$72,741 is requested in the Rogers Drive Water Tank Painting capital project.	Project or Item Deleted: \$72,741 from the Highway 45 East Pump Station & Elevated Tank capital project.
---	--

Justification of this Increase: The additional funding is to cover the cost of the construction contract.	Justification of this Decrease: Sufficient funding remains in project to meet objectives.
---	---

Increase Expense (Decrease Revenue)							
Account Name	Amount	Account Number				Project Number	
Water Line Improvements	72,741	5400	5600	5808	00	97044	10

Decrease Expense (Increase Revenue)							
Account Name	Amount	Account Number				Project Number	
Water Line Improvements	72,741	5400	5600	5808	00	98044	10

Approval Signatures Requested By <u>Ann Bearden</u> Date <u>06-04-01</u> Budget Manager <u>[Signature]</u> Date <u>6-1-2001</u> Department Director <u>[Signature]</u> Date <u>6/4/01</u> Admin. Services Director <u>[Signature]</u> Date _____ Mayor _____ Date _____		Budget Office Use Only Type: A B C D E Date of Approval _____ Posted to General Ledger _____ Posted to Project Accounting _____ Entered in Category Log _____	
---	--	--	--



May 30, 2001

Mr. Sid Norbash
Staff Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: Bid Opening
Rodgers Drive Tank Repainting

Dear Mr. Norbash:

Bids were received on the referenced project at 10:00 AM, May 30, 2001. Two bids were received. They have been checked and tabulated and a bid tabulation is attached. Both bidders are properly licensed and submitted proper bid bonds. Both bidders are experienced in this type of tank repainting. The low bidder was Protective Linings & Coatings, Inc. of Alexander, Arkansas with a bid total of \$250,600. We had completed a preliminary engineer's estimate in the amount of \$248,000 for this painting work. However, our estimate did not include the cathodic protection system work, which was a \$9000 bid item, so the low bid price would have been under our estimate, if it had been complete.

Mr. Carey Gould, the President of Protective Linings & Coatings, Inc., attended the bid opening and indicated that he was ready to get started as soon as the project could be approved by the City of Fayetteville. Consequently, we recommended that the contract be awarded to Mr. Gould's firm. We are returning the bid documents to Mrs. Vice.

Very Truly Yours,

A handwritten signature in cursive script that reads "Robert W. White".

Robert W. White, P.E.
Vice President

Encl: Bid Tabulation

cc: Mr. David Jurgens, PE., with/encl.

BID TABULATION

Fayetteville Rodgers Drive Tank Repainting
MCE Project # FY002262 - Bid Date May 30, 2001

Item #	Description	Qty. Unit	Bidder 1		Bidder 2	
			Protective Linings & Coatings, Inc.		Utility Service Company, Inc.	
			Unit Price	Extended	Unit Price	Extended
1	Clean and Repaint Tank Exterior Using Top Coating Procedure	1 LS	\$47,500.00	\$47,500.00	\$66,550.00	\$66,550.00
2	Clean and Repaint Tank Interior, Disinfect Tank	1 LS	\$193,000.00	\$193,000.00	\$205,700.00	\$205,700.00
3	Remove and Replace Cathodic Protection System	1 LS	\$9,000.00	\$9,000.00	\$11,000.00	\$11,000.00
4	Tank Renovation Work, Including New Manways, Vent Screen, Ladder Work, Obstruction Light and Conduit Removal and All Other Work Required for a Complete Installation	1 LS	\$1,100.00	\$1,100.00	\$31,925.00	\$31,925.00
	TOTAL BASE BID (Items 1 - 4)			\$250,600.00		\$315,175.00

Certified by: Robert W. White Date: 5/30/01

Robert W. White, P.E.
Arkansas # 4695

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

Lease - DHL Worldwide Express

For the Fayetteville City Council meeting of 6/5/2001

FROM:

<u>Alett Little</u>	<u>Airport</u>	<u>Economic Development</u>
Name	Division	Department

ACTION REQUIRED: Administrative review of a draft of Lease with DHL Worldwide Express. Return to Airport with proposed changes for final draft. Request City Council approval, and signature of Mayor.

COST TO CITY:

<u>2,100 (Revenue)</u>	<u>\$ 63,000</u>	<u>Lease Agreement</u>
Cost of this Request	Category/Project Budget	Category/Project Name
<u>5550-0955-4450-00</u>	<u>\$(26,250)</u>	<u>Airport Revenue</u>
Account Number	Funds used to date	Program Name
<u>N/A</u>	<u>\$ 36,750</u>	<u>Airport</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

☒ Budgeted Item ☐ Budget Adjustment Attached

<u>[Signature]</u>	<u>5/10/01</u>	<u>[Signature]</u>	<u>5/10/01</u>
Budget Manager	Date	Administrative Services Dir.	Date

CONTRACT/GRANT/LEASE REVIEW:

<u>Marsha Gauthier</u>	<u>5/10/01</u>	<u>Nancy Smith</u>	<u>5/10/01</u>	GRANTING AGENCY
Accounting Manager	Date	Internal Auditor	Date	
<u>[Signature]</u>	<u>5/10/01</u>	<u>[Signature]</u>	<u>5/10/01</u>	
City Attorney	Date	ADA Coordinator	Date	
<u>[Signature]</u>	<u>5/11/01</u>	<u>[Signature]</u>	<u>5/11/01</u>	
Purchasing Officer	Date	Grants Coordinator	Date	

STAFF RECOMMENDATION:

Airport staff recommends review and approval by the Staff Review Committee of Lease as a final draft, and approval of the Lease Agreement by the City Council. The Airport Board recommended approval of the Lease Agreement at their meeting of May 3rd, 2001.

<u>[Signature]</u>	<u>5-10-01</u>
Division Head	Date
<u>[Signature]</u>	<u>5/14/01</u>
Department Director	Date
<u>[Signature]</u>	<u>5/15/01</u>
Administrative Services Director	Date
<u>[Signature]</u>	<u>5/15/01</u>
Mayor	Date

Cross Reference

New Item: ☒ Yes ☐ No
Prev. Ord/Res#: _____
Orig Cont. Date: _____
Orig Cont #: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

4500 School Ave., Suit A
Fayetteville, AR 72701
501.575.8301
alittle@ci.fayetteville.ar.us

ECONOMIC DEVELOPMENT DEPT
AIRPORT MANAGEMENT
ALETT S. LITTLE, DIRECTOR

TO: Fayetteville City Council

FROM: Alett Little, Airport Manager / Economic Development Coordinator *al*

THRU: Staff Review Committee

DATE: May 2, 2001

SUBJECT: DHL Lease Agreement

Attached is a draft lease negotiated with DHL Worldwide Express. DHL is a package shipping and delivery outfit similar to UPS. DHL currently occupies an end utility unit in "B" hangar on the East side of the field. Their trucks must cross the aircraft movement area to move packages to and from their East-side business location. This lease will allow them to move their operations to the West side, to the old fire station building, thereby achieving greater safety for aircraft at the East-side hangar area.

The new lease maintains DHL's rent at \$175 / month for two years, with progressive increases toward market-rate through annual renewal options for five years.

A copy of the company's insurance is attached as City policy requires an Airport Lessee to have "insurance by an insurer licensed to do business in the State of Arkansas."

The Airport Board has approved forwarding the Lease with DHL to City Council at their meeting of May 3rd, 2001.

Airport administration requests that the Staff Review Committee review the lease prior to signature by DHL so that any minor changes can be incorporated into a final draft submitted to DHL for their signature. This will facilitate timeliness in bringing the completed document before the City Council.

Budget Considerations: Sufficient budget is available to meet City Policy.

Action Requested: Review of the draft Lease Agreement with DHL Worldwide Enterprises for the lease of the old Airport Fire Station building located at 4140 S School Ave. City Council approval and signature of the Mayor.

Staff Recommendation: Approval of the lease as negotiated.

AL/jn

LEASE

between the City of Fayetteville, Arkansas
and
DHL Worldwide Express, Inc.

This LEASE is executed this _____ day of _____, 20____, by and between the City of Fayetteville, Arkansas, 113 W. Mountain St., Fayetteville, AR, 72701, hereinafter called "Lessor" and DHL Worldwide Express, Inc., a Delaware Corporation, hereinafter called "Lessee."

1. Leased Premises. Lessor leases to Lessee, and Lessee leases from Lessor, the property at 4140 S. School Avenue, containing approximately 799.25 square feet of office space and 1,179.99 square feet of garage/storage area, located on the premises of the Fayetteville Municipal Airport - Drake Field, hereinafter called "Airport", as reflected on Exhibit "A" attached hereto and made a part hereof.

2. Term of Lease. The term of this Lease shall be:

A. Initial Term. A period of two (2) years commencing on the date of this Lease, _____, 2001 and expiring at midnight on _____, 2003 unless otherwise terminated, canceled or extended as set forth herein below.

B. Option to Extend. Lessee shall have the option to extend the Lease Term for five (5) consecutive one (1) year terms, under the same terms and conditions of this Lease, provided:

(1) Lessee has complied with and performed all conditions, covenants, and terms of this Lease without any uncorrected defaults if known to Lessee, or any defaults that are not otherwise in the process of being resolved in the manner provided in this Lease.

(2) Notice of Lessee's intent to renew has been made in writing to Lessor at least thirty (30) days prior to the expiration of the term.

3. Rental Charges.

A. Initial Term. During the initial term of this lease, Lessee agrees to pay Lessor for the use of the Leased Premises the sum of \$ 175.00 per month. However, should the lease term begin on a day other than the first day of the calendar month, or should the lease end on a day other than the last day of the calendar month, such partial month lease payment shall be a prorated share of the monthly lease payment. The initial lease payment is due and payable upon execution of this lease, and all subsequent monthly lease payments shall be due and payable in advance on or before the first day of the calendar month thereafter. A delinquency charge will be imposed on all payments not received by the close of business on the tenth day after the due date except that one (1) grace period in the first year of the Lease shall be allowed. The grace period

is allowed for the purpose of establishing the payment schedule and accustoming the tenant to the payment schedule. Such delinquency charge shall be the maximum amount allowable under Arkansas law. Nonpayment of rent for a period of three (3) months shall be considered an event of default. All payments shall be delivered to: Fayetteville Municipal Airport, 4500 S. School Ave., Suite F, Fayetteville, AR 72701.

B. Extended Term. The schedule of Rental Charges for the remaining five (5) option years shall be as follows:

(1)	Year 3	\$225/month
(2)	Year 4	\$300/month
(3)	Year 5	\$425/month
(4)	Year 6	\$550/month
(5)	Year 7	\$550/month

4. **Insurance and Indemnity.** Lessee shall maintain in force during the Term, and any extended term, public liability and property damage insurance in comprehensive form as reasonably may be required by the Lessor and outlined in the Airport Minimum Standards. The Lessor shall be named as Additional Insured on the Lessee's insurance. Proof of insurance shall be provided to the Airport. Further, no material change or cancellation of the insurance shall be made without 30 days notice to the Airport.

5. **Utilities and Janitorial Services.** Lessee shall be responsible for the maintenance of all utility services to or on the Leased Premises except as otherwise stated in Section 6. F. This shall include any power, gas, telephone, electricity, heating, water, sewer, storm water and all other utility services not enumerated specifically. Lessee shall be responsible for installation, relocation and modification of all utility services to or on the Leased Premises if and only if it is required only by Lessee and related to its business. Lessee shall pay as the same become due, all utility and other charges incurred in the operation, maintenance, use, occupancy, repair and upkeep of the Leased Premises and the improvements located thereon. Lessee shall provide for and supply at its expense all janitorial service with respect to the Leased Premises.

6. **Use and Maintenance of Leased Premises.** Lessee shall have use of the Leased Premises as follows:

A. Lessee agrees to observe and obey all ordinances, rules and regulations promulgated by Lessor with respect to use of the Airport and the Leased Premises; provided, however, such ordinances, rules and regulations shall be consistent with safety and with rules, regulations and orders of the Federal Aviation Administration with respect to aircraft operations at the Airport; and provide further, such rules and regulations shall not be inconsistent with the provisions of this lease or the procedures prescribed or approved from time to time by the Federal Aviation Administration with respect to the operations of Lessee at the Airport. Lessee shall be entitled only to use the Leased Premises for lawful purposes. Lessee agrees that it is understood that Lessee is not permitted to engage in aircraft maintenance activities of any nature in said space.

B. Subject to Federal Aviation Administration, hereinafter referred to as "FAA" and Airport Security and Airport Operational Rules, Airport Minimum Standards, Regulations and Procedures, Lessee shall be entitled to use, on a nonexclusive basis, public areas of the Airport and runways, taxiways, aprons, lighting navigation aids, and other facilities necessary for the operation of aircraft and activities related to Lessee's business.

C. Lessee shall maintain Leased Premises in a clean and orderly condition and appearance, including all of the Lessor's fixtures, equipment and facilities and all Lessee's personal property. The Lessee shall not permit the accumulation of any rubbish, trash or other waste material on the Leased Premises. Lessee will arrange for their own trash dumpster for trash removal from the Leased Premises. Lessee shall be responsible for the lawn care, mowing and appearance of the outside grounds of the Leased Premises.

D. Lessee shall not install any antennas or signs without prior consent of the Lessor. All signs shall be permitted through the City of Fayetteville. Lessee shall be responsible for expenses arise from the installation and/or removal of antennas, radio signal or receiving towers, signs or related facilities, including any damage to the roof or building as the result of installation and/or removal of same.

E. Lessee shall not dispose of any Hazardous Substances in Lessor's drains; and in the event that this provision is inadvertently violated by the Lessee, Lessee shall be responsible for any fines and clean-up, and shall indemnify and hold harmless the Lessor from claims related to the event.

F. Lessee shall be responsible for the maintenance and normal operating condition of all heating, electrical and air conditioning equipment and interior plumbing on the Leased Premises up to and including a maximum cost of \$500.00 per year. Lessor shall be responsible only for major maintenance of the existing equipment. Major maintenance, as used herein, shall mean replacement of the heating and air conditioning units or compressor units when deemed necessary by the Lessor. Lessee shall be responsible for the maintenance of all doors and glass windows.

7. Reservation of Rights.

A. Lessor reserves the right to take such action as may be necessary to protect the aerial approaches of the Airport, against obstruction in accordance with the applicable standards and/or requirements.

B. Lessor also reserves for itself and its licensees, an avigation easement in, over and across the airspace above the Leased Premises and the unrestricted right to subject the Leased Premises to such Airport noise and vibration as may result from the flight of aircraft, warm up of engines, testing of motors and other aviation related activities.

C. Lessee, its representatives, agents, invitees and licensees, shall have the right of ingress and egress to and from the Leased Premises. Lessor reserves the right to close any means of ingress and egress, so long as other reasonable means of ingress and egress to the Leased Premises are available to Lessee.

D. Lessor may enter the Leased Premises at any reasonable time for any reasonable purpose necessary or incidental to the performance of its obligations hereunder. Notice of intent to enter will be given the Lessee except in emergencies. Lessor shall refrain from unreasonably interfering with Lessee's normal business operations and shall observe Lessee's security and safety rules.

8. Termination or Default.

A. Lessor or Lessee may terminate this lease at any time by giving the other party ninety (90) days written notice of termination.

B. At the expiration or termination of this Lease, Lessee agrees to surrender possession of the Leased Premises peacefully and promptly to the Lessor in as good condition as existed at the effective date of this Lease, normal wear and tear excepted. Lessee's rights to use of the Leased Premises shall cease. All fixtures, improvements, equipment, and other property installed, erected or placed by Lessee on the Leased Premises shall be deemed to be personalty and shall remain the property of Lessee. Lessee shall have the right at any time during the term of this Lease, to remove any or all of such property from the Airport, subject, however, to Lessee's obligation to repair all damages, if any, resulting from such removal. Any and all property not removed by Lessee prior to the expiration of this lease shall thereupon become the property of Lessor and title thereto shall thereupon vested in Lessor, except properties belonging to customers of the Lessee, or Lessor may require removal and restoration by Lessee.

C. Failure of the Lessee to abide by the terms of this lease shall be considered an event of default, which shall result in the termination of this Lease.

9. Indemnity. Lessee agrees to indemnify Lessor against all liability for injuries to persons or damage to property caused by Lessee's use or occupancy of the Leased Premises; provided, however, Lessee shall not be liable for any injury, damage, or loss occasioned by the negligence or willful misconduct of Lessor or its agents or employees including but not limited to hazardous substances. The Lessor shall give notice to Lessee of any such liability, loss, suit, claim or demand, and Lessee shall defend same using counsel reasonably acceptable to the Lessor. No word, sentence, paragraph or phrase shall be construed to waive that tort immunity as set forth under Arkansas Law. The provisions of this section shall survive the expiration or early termination of this Lease.

10. Assigning, Subletting and Encumbering.

A. Lessee shall not at any time sublet the Leased Premises, nor permit other persons to occupy said Leased Premises or any part thereof, nor grant any license or concession for all or any part of said Leased Premises, or assign its rights under this Lease without the written consent of Lessor except to any affiliate, successor, or other bona fide member of the Lessee's corporation. Notice of any changes in responsibilities under this Lease shall be given to the Airport. No such subletting or assignment shall release Lessee from its obligations to pay the rental set forth herein.

B. Notice as provided for herein shall be sufficient if sent by Certified Mail, postage prepaid, addressed as follows:

Notice to Lessor:

Airport Manager's Office
4500 S. School Ave., Ste. F
Fayetteville, AR 72701
501.718.7642

Notice of Lessee:

(Copy to:)

DHL Worldwide Express, Inc.

ATTN: Corporate Real Estate

50 California Street

Suite 500

San Francisco, CA 94111

415.677.6456

451.677.7274 (fax)

DHL Legal Department

50 California Street

Suite 500

San Francisco, CA 94111

415.677.6145

451.986-6203 (fax)

All covenants, conditions and provisions in this Lease shall extend to and bind the legal representatives, successors and assigns of the respective parties hereto.

11. Independent Contractor. This Lease shall not be deemed or construed to create any relationship or joint venture or partnership between the parties, to give the Lessor any interest in the business of Lessee, or to grant to Lessee any powers as an agent or representative of the City or Airport for any purpose or to bind the City or the Airport. Lessee shall be an independent contractor owning and operating its business as herein described.

12. Governmental Requirements

A. Governmental Requirements - General. Lessee shall comply with all Governmental Requirements applicable to Lessee's use and operation of the Leased Premises. Without limiting the generality of the foregoing, Lessee shall at all times use and occupy the Airport in strict accordance with all laws, rules, regulations, minimum standards, and security plans that may be imposed by the FAA, the Airport, the state, federal or city government with respect to the Airport and operations thereof, including but not limited to procuring all licenses, franchises, certificates, permits, and authorizations necessary to conduct business.

B. No Liability for Exercise of Powers. The Lessor shall not be liable to Lessee for any diminution or deprivation of its rights which may result from the proper exercise of any power reserved to the Lessor in this Lease or by reason of governmental requirements; Lessee shall not be entitled to terminate this Lease by reason thereof, unless the exercise of such power shall interfere with Lessee's rights hereunder so as to constitute a termination of this Lease by operation of law.

C. Nondiscrimination. Lessee, and its successors in interest, and assignees, as part of the consideration hereof, hereby do covenant and agree, as a covenant running with the land, that in

the event facilities are constructed, maintained or otherwise operated on property described in this Lease for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provisions of similar services or benefits, Lessee shall remain and operate such facilities and service in compliance with all other requirements imposed pursuant to Title 49 CFR Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, as said regulations may be amended.

Lessee, and its successors in interest, and assignees, as a part of the consideration hereof, do covenant and agree hereby that: (1) no person shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities on the grounds of race, color, creed, national origin, sex or disability; (2) in the construction of any improvements on, over or under such land, and the furnishings of services thereon, no person shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities on the grounds of race, color, creed, national origin, sex or disability; (3) Lessee shall be responsible for maintaining the Leased Premises and services in a manner which complies with the parties' respective obligations under 14 CFR Part 382, NONDISCRIMINATION ON THE BASIS OF HANDICAP IN AIR TRAVEL, under the Uniform Federal Accessibility Standards (UFAS), or substantially equivalent standards; under 49 CFR part 27, NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE; and under 42 U.S.C.S. §§ 12101, et seq., THE AMERICANS WITH DISABILITIES ACT of 1990, or a substantially equivalent standard; and (4) Lessee will be responsible for any alterations and/or construction made during the initial lease period or any extensions or renewal within the leased space, which may be mandated by or necessary to meet the requirements of the statutes and regulations cited above and other relevant Federal, State or local laws, statutes and regulations cited above and other relevant Federal, State or local laws, statutes and ordinances that relate to disabled accessibility standards up to and including a maximum of \$500.00 per year provided the improvement is mandated specifically due to the Lessee's use with the Lessor being responsible for maintaining the building in compliance with the Americans with Disabilities Act.

To the extent applicable, Lessee assures that it will undertake an Affirmative Action Program as required by 14 CFR Part 152, Subpart E to ensure that, on the grounds of race, color, creed, national origin or sex, no person shall be excluded from participating in any employment activities covered in 14 CFR Part 152, Subpart E. Lessee assures that it will require that its covered sub-organizations provide assurances to the Airport that they similarly will undertake Affirmative Action Programs and that they will require assurances from their sub-organizations as required by 14 CFR Part 152, Subpart E to this same effect.

13. Miscellaneous

A. Severability. In the event any provisions of this Lease shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof, unless such holding shall materially affect the rights of either party as set forth herein.

B. Entire Lease; Modification. This Lease expresses the entire understanding of the Lessor and Lessee concerning the Leased Premises. Neither the Lessor nor Lessee has made or shall be bound by any Lease or any representation to the other concerning the Leased Premises or the subject matter hereof which is not set forth expressly in this Lease. This Lease may be modified only by a written Lease of subsequent date hereto signed by the Lessor and Lessee.

C. Non-Waiver. Neither the waiver nor any forbearance of remedy by the Lessor of any breach of Lessee of any provision hereof shall operate as a waiver for any other breach by Lessee.

D. Execution of Counterparts. This Lease simultaneously may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

E. Choice of Law. This Lease shall be construed and enforced in accordance with the laws of the State of Arkansas.

F. Force Majeure. Neither the Lessor nor Lessee shall be deemed in violation of this Lease if it is prevented from performing any of the obligations hereunder by reason of embargoes, shortages of material, acts of God, acts of the public enemy, acts of superior governmental authority, weather conditions, floods, riots, rebellions, sabotage, or any other circumstances for which it is not responsible or which are not within its control, and the time for performance automatically shall be extended by the period the party is prevented from performing its obligations hereunder.

G. Binding Effect. This Lease shall be to the benefit of and shall be binding upon the Lessor, Lessee and their respective successors and assignees, if such assignment shall have been made in conformity with the provisions of this Lease.

IN WITNESS WHEREOF, the parties have executed this Lease on the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS
Lessor

By _____
Mayor

ATTEST:

By _____
City Clerk

DHL WORLDWIDE EXPRESS, INC.
Lessee

By Catherine M. Munn

Title: Director, Corporate Real Estate

ATTEST:

By Quana

Title: Lease Portfolio Coordinator

CERTIFICATE OF INSURANCE

DATE OF ISSUE: April 13, 2001

THIS IS TO CERTIFY TO : City of Fayetteville
Economic Development
4500 S. School Avenue, Suite A
Fayetteville, AR 72701
Attn: Alett S. Little, AICP
Economic Development Director-Airport Mgr.

that Insurers, each for their own part and not one for the other, are providing the following insurance:

Named Insured : DHL Worldwide Express, Inc. and DHL Airways, Inc.
Address of Insured : 50 California Street, Suite 500
San Francisco, CA 94111

Policy Number : See Addendum No. 1

Effective Date : November 1, 2000
Expiration Date : November 1, 2001

Geographical Limits : Worldwide

Description of Coverage : Comprehensive General Liability including Premises Liability.

Limit of Liability : Combined Single Limit Bodily Injury and Property Damage Liability \$1,000,000.00 each occurrence.

Certificate No. I-082DHL

Aon Aviation

Page Two

SPECIAL PROVISIONS

1. The City of Fayetteville, its officers and employees are included as Additional Insureds, but only as respects the operations of the Named Insured.
2. This policy includes a Date Recognition Exclusion Clause and a Date Recognition Limited Coverage Clause applicable to the Year 2000 and other computer date recognition issues.

CANCELLATION NOTIFICATION:

In the event of cancellation of the policy(ies), the party to whom this Certificate is issued will be given thirty (30) days advance written notice of such cancellation, but Aon Aviation shall not be liable in any way for failure to give such notice.

The above Insurers have authorized Aon Aviation, a Division of Aon Risk Services, Inc. Southern California Insurance Services, as Insurance Brokers, to issue this certificate on their behalf. Aon Aviation has no obligation or liability of any kind in respect to the above policies nor as a result of the preparation of this document.

This certificate or verification of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policies listed herein. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate or verification of insurance may be issued or may pertain, the insurance afforded by the policies described herein is subject to all terms, exclusions and conditions of such policies.

If Certificates have been issued prior to the Date of Issue of this Certificate, this Certificate cancels and supersedes each such Certificate.



Authorized Representative
AON AVIATION

Issued by:

Aon Aviation, a Division of Aon Risk Services, Inc.
707 Wilshire Blvd., Suite 6000
Los Angeles, California 90017-5563
Telephone: (213) 630-1301
Facsimile: (213) 689-3162

Certificate No. I-082DHL

Aon Aviation

**ADDENDUM NO. 1
SCHEDULE OF INSURERS**

DHL WORLDWIDE EXPRESS, INC. and DHL AIRWAYS, INC.
November 1, 2000 —November 1, 2001
Comprehensive General Liability

The Insurances certified hereon are subscribed to by the following Insurers:

Comprehensive General Liability including Premises Liability

Underwriters at Lloyd's, London
and Certain Companies, through
Aon Aviation Ltd., London
Policy No. AM0001491

95.0%

Brockbank Insurance Services, Inc.
On behalf of XL Specialty Insurance Co.
Policy No. PXLA 37000053-00

5.00%

100%

**DHL Airways, Inc./DHL Worldwide Express, Inc.
Comprehensive Airline Liability Policy
Effective November 1, 2000 to November 1, 2001**

<u>ACE One Terms</u>	<u>Paper</u>	<u>% of 100%</u>
Ace Global Markets Syn 2488	Lloyds'	8.00%
Generali France per R. Malatier	Generali France Assurances	3.75%
D.J.Marshall Syn 839 (Maylam)	Lloyds'	5.00%
AXA	AXA Global Risks UK	1.00%
Frankona	ERC Frankona	5.00%
Mutual Marine	New York Marine & General	1.35%
		<u>24.10%</u>
 <u>ACE Two Terms</u>		
Ace Global Markets Syn 2488	Lloyds'	7.00%
Brockbank Syn 588-1209	XL Specialty Insurance Co.	5.00%
Liberty Mutual	Liberty Mutual Insurance Co.	5.00%
AIG	New Hampshire	5.00%
Amlin Avn Syn 824	Lloyds'	5.00%
D.E.Hope Syn 1009	Lloyds'	5.00%
Generali	Generali SPA	3.00%
Kiln Avn Syn 510	Lloyds'	1.60%
Generali France per R. Malatier	Generali France	3.75%
P.L.Dennis Syn 53	Lloyds'	2.50%
Allianz	Allianz	4.00%
AXA	AXA Global Risks UK	1.00%
Frankona	ERC Frankona	5.00%
AFA	AGFMAT	10.00%
		<u>62.85%</u>
 <u>International One</u>		
Zurich	Zurich Ins. Co.	5.00%
		<u>5.00%</u>
 <u>International Two</u>		
ADNIC	Abu Dhabi National	0.30%
MISR	MISR	0.25%
Mutual Marine	New York Marine & General	3.50%
		<u>4.05%</u>
 <u>International Three</u>		
Aviabel	Aviabel Com. Belge	4.00%
		<u>4.00%</u>
 Grand Total		 <u><u>100.00%</u></u>

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

Sharon Crosson Parking Management Utilities Service Dept.
Name Division Department

ACTION REQUIRED:

Approval of resolution authorizing the Mayor and City Clerk to execute a lease agreement with Mr. and Mrs. Ted Belden one (1) parking space in the Fayetteville Municipal Parking Lot 1.

COST TO CITY:

\$.00 Cost of this Request	\$ Category/Project Budget	 Category/Project Name
 Account Number	\$ Funds Used To Date	 Program Name
 Project Number	\$ Remaining Balance	 Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached

 Budget Manager Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

<u>Maisha Farthing</u> Accounting Manager	<u>5/29/01</u> Date	<u>Danny Smith</u> Internal Auditor	<u>5/29/01</u> Date
<u>D. F. Whitaker</u> City Attorney	<u>5/25/01</u> Date	<u> </u> ADA Coordinator	<u> </u> Date
<u>Julie</u> Purchasing Officer	<u>5/25/01</u> Date		

STAFF RECOMMENDATION:

Approval of lease agreement to authorize a lease agreement to Mr. and Mrs. Belden to lease one additional parking space (they are currently leasing one space in Lot 1).

Sharon Crosson 5-22-01
Division Head Date

Cross Reference

 5-30-01
Department Director Date

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

John Maguire 5/31/01
Administrative Services Director Date

Prev Ord/Res #:

Alan Coody 5/31/01
Mayor Date

Orig Contract Date:

Orig Contract Number:

RESOLUTION NO. _____

AN RESOLUTION AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE A LEASE AGREEMENT WITH MR. & MRS. TED BELDEN, UNIT D, CAMPBELL-BELL BUILDING, ONE (1) PARKING SPACE IN FAYETTEVILLE MUNICIPAL PARKING LOT 1, LOCATED AT 160 WEST MOUNTAIN STREET, BOUNDED BY MOUNTAIN, CHURCH AND CENTER STREETS.

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

Section 1. That the City Council hereby authorizes the Mayor and the City Clerk to execute a Lease Agreement with Mr. & Mrs. Ted Belden, Unit D, Campbell-Bell Building, one (1) parking space in Fayetteville Municipal Parking Lot 1, located at 160 West Mountain Street, bounded by Mountain, Church And Center Streets. A copy of the Lease Agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED AND APPROVED this _____ day of June, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

LEASE

This Agreement, made and entered into this _____ day of June 2001, by and between the City of Fayetteville, Arkansas, a Municipal Corporation, 113 W. Mountain, Fayetteville, Arkansas hereinafter called "Lessor" and Mr. And Mrs. Ted Belden, Unit D, Campbell-Bell Building, hereinafter called "Lessee" Witnesseth:

1. Leased Premises. For and in consideration of the rents, covenants and agreements herein entered into and agreed upon by the Lessee as obligations to the Lessor, the Lessor lets, leases and demises unto Lessee, subject to the terms and conditions contained herein, the following described property situated in Washington, County, Arkansas:

One (1) parking space, known as "Space 32," as set forth on Exhibit "A" attached hereto, located in the Fayetteville Municipal Parking Lot 1, West of the Campbell Bell Building between Mountain, Church, and Center Streets, a/k/a/ 160 West Mountain Street, Fayetteville, Arkansas.

To have and to hold said premises unto the said Lessee for and during the term herein stated, subject to the covenants, terms, conditions and liens herein contained.

2. Term. This term shall commence on _____, 2001, and shall extend for a term of one (1) year, ending at midnight on _____, 2002. The Lessee shall have the option to renew this lease for four (4) additional one (1) year terms. The option may be exercised by providing written notice to Lessor at least 30 days prior to expiration of this lease.

17. Rent. Lessee agrees to pay to Lessor as rental for the first year of this lease the sum of \$50.00 per space per month. Thereafter, the rent shall be adjusted each year at the lease anniversary date to an amount charged for comparable lease spaces in this lot. If no comparables exist, rates will be the same as the Town Center parking deck rates. Each monthly payment is due in advance and payable on or before the fifteenth of each month. A late fee shall be imposed, at the highest rate allowable by law, on all payments which are not received by Lessor within five (5) business days from the due date.

4. Use. Lessee agrees to use the lease premises only for the purpose of vehicle parking for use of Mr. And Mrs. Ted Belden. However, it is understood that the City will not provide enforcement for restrictive parking spaces identified in this lease.

5. Lessee Improvements. Lessee may make the following improvements: Install private parking notices on meter poles. Design for all improvements shall be approved by the City. Any such improvement shall be solely at the Lessee's expense. Upon termination or expiration of this lease, such improvements shall be considered affixed to the premises and shall remain unless Lessor requires removal.

6. Assignment. Lessee shall not assign this lease or sublet the leased premises without prior written consent of the Lessor. Consent for any assignment or subletting shall only be considered at the same rates as established in Paragraph 17. above. Any such assignment or subletting shall in no way relieve Lessee from liability for the obligation imposed by this lease. Lessee may only be released from liability by a specific written release executed by Lessor.

7. Holdover. Lessee hereby agrees that upon termination of this lease by expiration or by earlier termination for any reason whatsoever, Lessee will peaceably deliver possession of the leased premises to Lessor. In the event Lessee shall be permitted by Lessor to hold over after the expiration or termination of this lease, said holding over, in the absence of any written agreement to the contrary, shall be construed as a tenancy from calendar month to calendar month at a monthly rental equal to the rental for the last month paid under this lease, or as may be amended on the anniversary of the term set forth in Paragraph 2. above. A month-to-month tenancy arising by Lessee's holding over under this paragraph may be terminated by written notice from either party to the other party on or before the day on which any monthly rent is due with termination not becoming effective until the day on which the next following monthly rental would have otherwise become due. In the event it should become necessary for Lessor to institute any action at law to recover possession at the time of termination, whenever and however termination may occur, Lessee agrees that it will pay all costs and expenses of such action, including reasonable attorneys' fees.

8. Termination. Lessor hereby reserves the right to terminate this Lease at anytime during the term of this Lease if it is determined by the Fayetteville City Council that the leased premises is needed for a valid public purpose. If Lessor terminates the lease prior to expiration of the term in Paragraph 2., Lessor shall compensate Lessee on a prorated basis of the actual cost to make improvements to the premises.

9. Compliance with Laws. Lessee agrees not to violate any law, ordinance, rule or regulation of any government authority having jurisdiction of the leased premises.

10. Non-Waiver. It is agreed that the failure of Lessor to invoke any of the available remedies under this lease or under law in the event of one or more breaches or defaults by Lessee under the lease shall not be construed as a waiver of such provisions and conditions and shall not prevent Lessor from invoking such remedies in the event of any future breach or default.

11. Insurance. Lessee shall be solely responsible for maintaining insurance on any improvements made to the leased premises, as well as for general public liability insurance.

12. Succession. This lease agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

13. Severability. Each paragraph of this lease agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs will remain in full force and effect.

14. Interpretation. This lease agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

15. Entire Agreement. This lease agreement contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto. This lease agreement supersedes all prior agreements, contracts and understandings of any kind between the parties relating to the subject matter hereof. This agreement may be executed in all or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this _____ day of June, 2001.

LESSOR: **City of Fayetteville, Arkansas**

By: _____
Dan Coody, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

LESSEE: _____

By: _____

Title: _____

ATTEST:

By: _____

Title: _____

CE N T 2

1	2	3	4	5	6
21	22	23	24	25	26
27	28	29	30	31	32

Fulton	Fulton	MOORE
Fulton	Fulton	MOORE

TRANSFORMER

33	34	35	36	37	38	39	40	41	42	43
44	45	46	47	48	49	50	51	52	53	54

JDG TELEVISION
Campbell Bell David + Cathy
unloading

44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90
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90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112
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CHURCH

MOJN-TA-N

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

Eric J. Schuldt
Name

Parks and Recreation
Division

Urban Development
Department

ACTION REQUIRED:

A resolution authorizing a contract with John Barre Landscape Construction for new playground equipment and installation of equipment at the Lake Fayetteville Softball Complex.

COST TO CITY:

<u>\$44,950</u> Cost of this Request	<u>\$250,000</u> Category/Project Budget	<u>Lake Fayetteville</u> <u>Softball Complex Improvements</u> Category/Project Name
<u>2250-9250-5806-00</u> Account Number	<u>\$4,470</u> Funds Used To Date	<u>Park Improvements</u> Program Name
<u>01006</u> Project Number	<u>\$245,530</u> Remaining Balance	<u>Parks Development</u> Fund

BUDGET REVIEW: X Budgeted Item _____ Budget Adjustment Attached

[Signature]
Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Maisha Fautley
Accounting Manager

5/31/01
Date

Garry Smith
Internal Auditor

5/31/01
Date

[Signature]
City Attorney

5/31/01
Date

ADA Coordinator

Date

[Signature]
Purchasing Officer

6/1/01
Date

STAFF RECOMMENDATION:

Approval of Contract

Division Head

Date

Cross Reference

Kugh Earnest
Department Director

6-2-01
Date

New Item: Yes No

[Signature]
Administrative Services Director

6/4/01
Date

Prev Ord/Res #: _____

[Signature]
Mayor

6/4/01
Date

Orig Contract Date: _____

Orig Contract Number: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Dan Coody and City Council

Thru: Hugh Earnest, Urban Development Director
Connie Edmonston, Parks and Recreation Superintendent *C.E.*

From: *ESS* Eric J. Schuldt, Parks Development Coordinator

Date: May 31, 2001

Re: Lake Fayetteville Playground

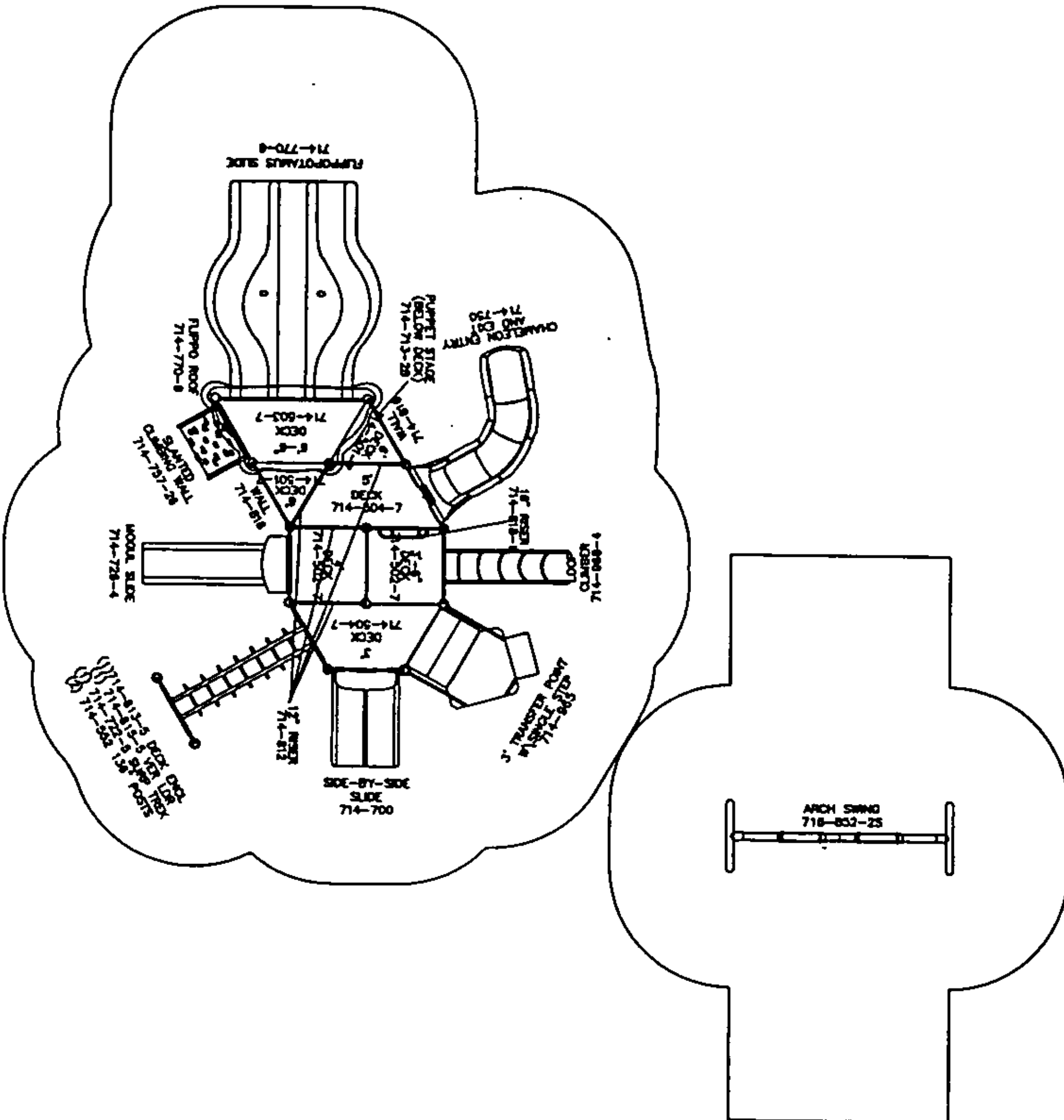
The Parks and Recreation Division and the Lake Fayetteville Playground Selection Committee requests award of RPF #01-03 for the Lake Fayetteville Softball Complex playground equipment to John Barre Landscape Construction in the amount of \$44,950.

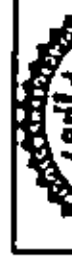
The project was awarded according to the request for proposal procedure in which playground companies submit a design based upon specifications and a budget of \$45,000. The proposal includes all equipment, ground play surfacing and installation. Members serving on the professional services committee included Lioneld Jordan - City Council, Jan O'Connell - Citizen, Don Bunn - Engineering, Connie Edmonston - Park and Recreation, Nancy Smith - Accounting, Eric Schuldt - Parks and Recreation and Mike Stephens - Citizen. A total of five designs were submitted for the project and all were evaluated based on criteria including, aesthetics, durability, and play value. A Miracle Recreation Equipment Company playground was chosen by the committee.

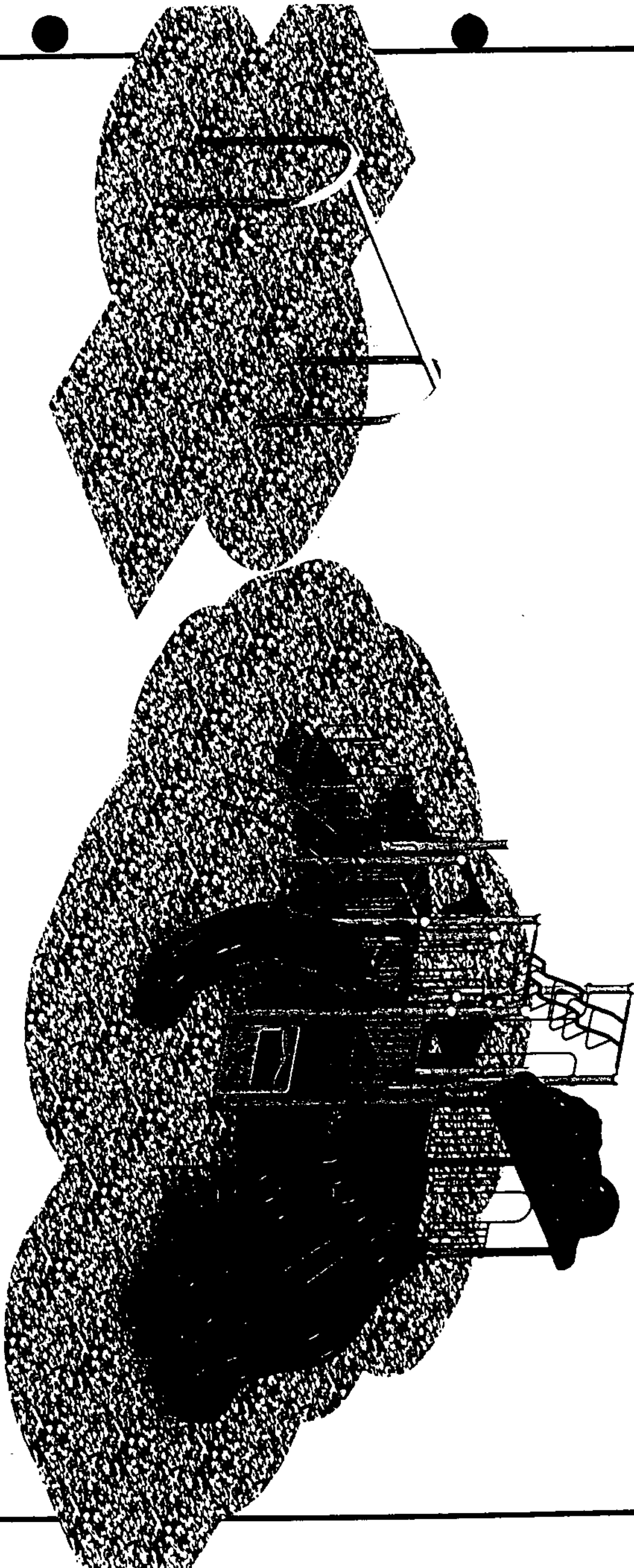
We request approval of this playground equipment for the Lake Fayetteville Softball Complex. This new playground will replace old equipment which no longer meets safety standards. Attached is a layout of the proposed play apparatus. Please call Connie Edmonston at 444-3473 or Eric Schuldt at 444-3472 if you have any questions on this request.

Attachment: *Playground Layout*
Playground Design
Proposal Form

**LAKE FAYETTEVILLE
FAYETTEVILLE, AR**



	THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEDMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.		CD67727		✓	COMPLIES TO CPSC	DESIGNED FOR AGES 5-12	DATE: 3/26/01		
	AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS.	GROUND: 37' X 43' PROTECTIVE: 58' X 56'	✓	COMPLIES TO ASTM	✓	COMPLIES TO ADA		ADDITIONAL GROUND LAYER, ACCESSIBLE ITEMS NEEDED FOR ADA COMPLIANCE 0	SCALE: 1" = 10'-0"	



MIRACLE
RECREATION EQUIPMENT COMPANY

PROPOSAL FORM

Total price for this project shall not exceed \$45,000 which includes equipment, ground preparation, installation, post construction cleanup, shipping and applicable sales tax. In addition, bid costs to include FOB to Fayetteville, AR and sales tax as regulated in Arkansas Department of Finance and Administration, GR-21 (Attached).

Total Bid

\$ 44,950.00

The Bidder understands the Owner reserves the right to reject any or all bids and to waive formalities deemed to be in the City's best interest.

Bidder agrees that this bid shall be good and may not be withdrawn for a period of thirty (30) calendar days after the schedule closing time for receiving bids.

CONTRACTORS NAME

John Barre

CONTRACTORS LICENSE #

0054620302

CONTACT PERSON

John Barre

TITLE

Owner

ADDRESS

4118 Montgomery

Little Rock, AR 72212

TELEPHONE

(501) 868-4437 FAX (501) 868-1081

PLAYGROUND VENDOR'S NAME

Miracle Recreation - Clay Carter

SIGNATURE:

John Barre

All inclusive bids must be submitted no later than May 23, 2001 at 4:00 p.m., to the City of Fayetteville, Purchasing Office, Room 306, 113 West Mountain Street, Fayetteville, Arkansas, 72701 in a sealed envelope marked "Lake Fayetteville Playground "RFP 01-03." Each bidder will be required to meet or exceed the specifications attached. Any deviation must be noted with specifications attached to bid. Questions should be directed to Eric J. Schuldt, Parks Development Coordinator, (501) 444-3472.

Price Breakdown
RFP01-03

Equipment Cost:	\$13,397.00
Equipment Installation:	\$4,050.00
Site work:	\$7,100.00
Rubber Tiles and installation:	\$18,150.00
Freight:	\$1,105.00
Tax:	\$1,148.00
Total:	\$44,950.00

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

Vendor

Vendor Name:

John Barre Landscape Construction

FOB Point:

Address:

4118 Montgomery

City:

State:

Zip:

Ship To Code:

Requester:

Eric J. Schuldt

Item

Description:

1 Playground and installation

2 Freight

Quantity

of issue

1 each

1 each

Unit

Cost

42,697

1,105

Extended

Cost

\$42,697

\$1,105

Account Number:

2250-9250-5806-00

2250-9250-5806-00

Requisition No.: _____

Date: 05/31/2001

P.O. Number: _____

Expected Delivery Date: _____

Mail:

Yes _____ No ☒ X _____

Taxable:

Yes _____ No _____

Division Head Approval:

75 *E.J. Schuldt*

Extension:

1467

472

Project/SubProject

Number:

1006-1

1006-1

Inventory

#

Fixed

Asset #

*Requester's Employee#:

SHIPPING/HANDLING

Special Instructions:

Subtotal:

43802.00

Tax:

1,148

TOTAL:

44950.00

Approvals:

Mayor: _____

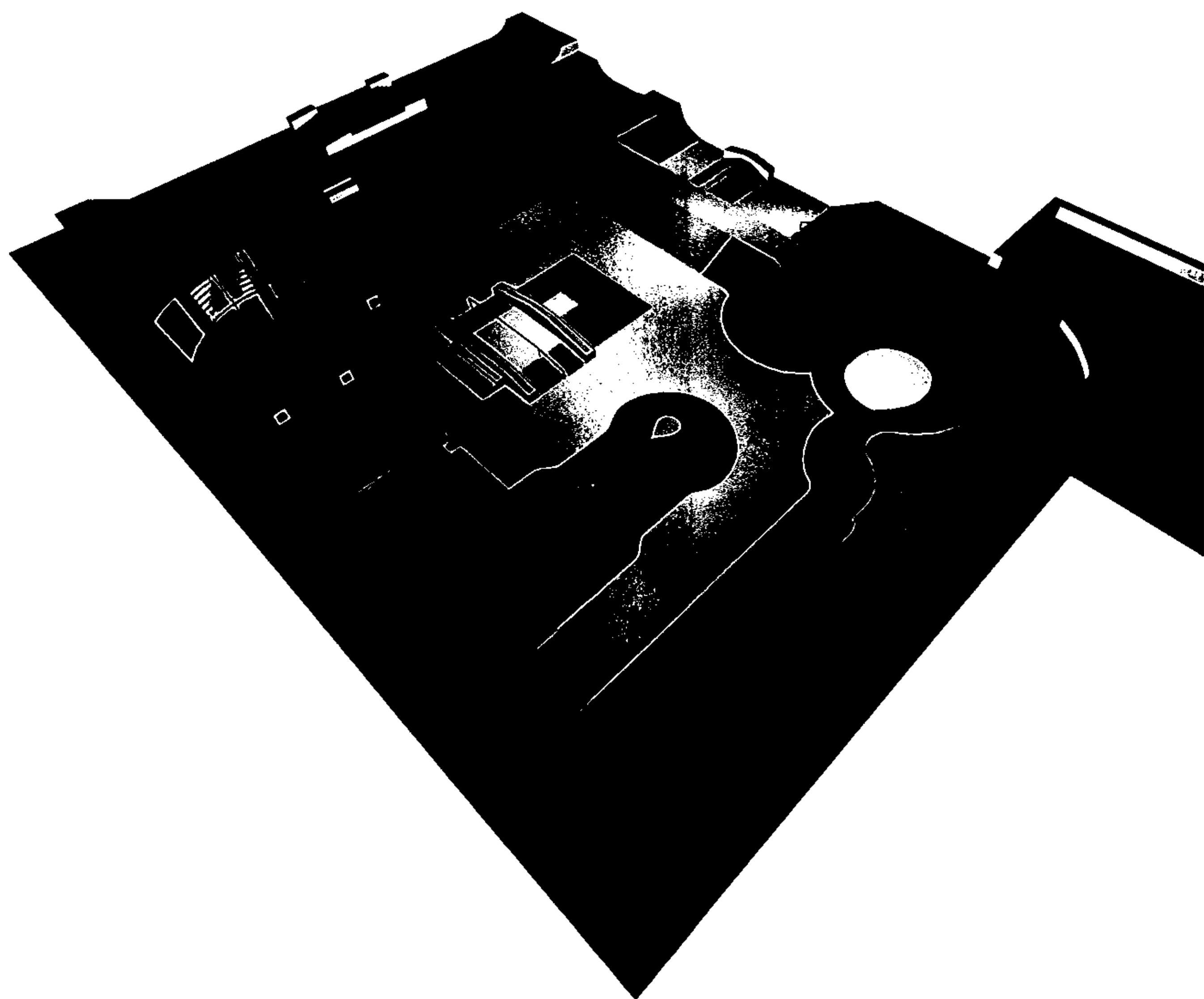
Department Director: _____

Admin. Services Director: _____

Budget Coordinator: _____

Purchasing Manager: _____

Data Processing Mgr: _____



STAFF REVIEW FORM

Soccer Uniforms
A. 6. Page 1

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

David Wright

 Name

Parks and Recreation

 Division

Urban Development

 Department

ACTION REQUIRED:

Approval of purchase of soccer uniforms for 2001/2002 soccer season.

COST TO CITY:

\$21,125

 Cost of this Request

\$ 31,726

 Category/Project Budget

Tournament Supplies/Awards

 Category/Project Name

1010-5220-5200-05

 Account Number

\$ 9,340

 Funds Used To Date

Athletics/Recreation

 Program Name

 Project Number

\$22,386

 Remaining Balance

General

 Fund

BUDGET REVIEW: X Budgeted Item
 _____ Budget Adjustment Attached

Steph Q...

 Budget Manager

 Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Marta Farkling

 Accounting Manager

5/30/01

 Date

Nancy Smith

 Internal Auditor

5/31/01

 Date

D.P. Whitel

 City Attorney

5/31/01

 Date

 ADA Coordinator

 Date

P. Cleese

 Purchasing Officer

5/31/01

 Date

STAFF RECOMMENDATION: Approval of purchase of soccer uniforms.

Connie E...

 Division Head

5-30-01

 Date

Kyle Earnest

 Department Director

6-2-01

 Date

John Manning

 Administrative Services Director

6/4/01

 Date

Dan Cooley

 Mayor

6/4/01

 Date

Cross Reference

New Item:

Yes

No

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Dan Coody and City Council

Thru: Hugh Earnest, Urban Development Director
Connie Edmonston, Parks and Recreation Superintendent *C.E.*

From: David Wright, Parks and Recreation Program Coordinator *DW*

Date: May 29, 2001

Re: Approval of purchase for Soccer Uniforms

The Parks and Recreation Division is seeking approval to purchase 1,500 soccer uniforms for the Fall/Spring Soccer Season. The total purchase will be \$21,125. This price includes shirts, shorts, socks, numbering and Parks and Recreation logo on every uniform.

The price of these soccer uniforms is covered in each participant's registration fee. For example, a child participating in the program pays between \$45 to \$75 to participate for a full year, depending on their age. The \$13.95 per participant is built into each child's fee. The soccer fees also pays for soccer equipment, soccer personnel and miscellaneous expenses required to operate the program.

In 2000, Fayetteville Parks and Recreation provided each soccer participant with a cotton T-shirt and a pair of soccer socks. It was the parent's responsibility to purchase matching team shorts. Last Fall, staff was presented with the idea to upgrade the soccer uniforms and provide each child with a matching pair of team shorts. This idea was unanimously approved by our Youth Soccer Advisory Board.

If you have any questions, please call Connie Edmonston at 444-3473, or David Wright at 444-3481.

INVITATION TO BID

BID # 01-35	DATE ISSUED: May 9, 2001	DATE AND TIME OF OPENING: May 25, 2001 at 11:30 a.m.		
BUYER: City of Fayetteville, AR		DATE REQUIRED: 30 DAYS ARO		
F. O. B. Fayetteville, AR	BUYER'S PHONE # (501) 575-8289	GUARANTEED DELIVERY DATE:		
ITEM #	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
1	Per Attached Specifications Soccer Uniform Shirts	1500	Youth \$ 4.23 Adult \$ 10.23	Youth \$ 13,855.27 Adult \$ 15,355.20
2	Soccer Uniform Shorts	1500	Youth \$ 6.90 Adult \$ 7.40	Youth \$ 10,362.55 Adult \$ 11,112.55
3	Soccer Socks	1500 pair	Youth \$ 2.92 Adult \$ 2.92	Youth \$ 4,386.67 Adult \$ 4,386.67
Please price without applicable taxes. Pricing must include delivery free on board to Fayetteville Parks and Recreation offices at 1455 Happy Hollow Road, Fayetteville, AR, 72701. Please state your delivery terms and schedule: Questions should be directed to Lindsay Waxler at 501/575-8369 RESTRICTIONS OR EXCEPTIONS TO THE BID MUST BE NOTED:		21 days delivery UPS Ground 4 Days please note included Bid Proposal for complete Uniform set		

Date: 5-15-01	From: Lindsay Waxler	To: Simon
Page: 4	Co./Dept: 501/575-8289	Co./Dept:
Post-It Fax Note	Phone #	Phone #
7671	Fax #	Fax #

EXECUTION OF BID

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

UN SIGNED BIDS WILL BE REJECTED	NAME OF FIRM: SCORE, American Soccer Comp.	PHONE: (800) 626-7774	FEDERAL ID#: 952984338
	BUSINESS ADDRESS: 126 E. Anaheim Street	CITY AND STATE: Wilmington, CA	ZIP: 90744
	AUTHORIZED SIGNATURE: Yamone Gorgens	TITLE: Sales Representative	DATE: 05-17-2001



May 17TH, 2001

To City of Fayette
Purchasing Office, Room 306
113 W. Mountain St.
Fayetteville, AR 72701

Re.: Bid proposal # 01-35, Soccer Uniforms

We submit to you our following Bid proposal for Soccer Uniforms, Bid # 01-35 per requested and attached specifications.

Complete Uniforms Jerseys # 304, Shorts # 160 A and Socks # 800 including Numbering and League Logo on jerseys, shipping cost (UPS-Ground, 4 Day definite delivery).

There will be a charge of \$ 2.00 per box for individual Team boxing.

Quantity

Complete Uniform

1500

Youth \$ 13.95 ea. Adult \$ 15.45 ea.

Simone Goergens
Simone Goergens,
Sales Representative

Warranty

All American Soccer Company, Inc.* uniforms are fully guaranteed against material and manufacturing defects. We make every effort to match colors as close as possible. Sometimes in the dyeing process the shading may not be exact, therefore we cannot be responsible for mismatches.

Terms & Conditions

Conditions: All orders are subject to acceptance by American Soccer Co.* Sales and Credit Departments. All orders under \$50.00 will have a service charge of \$5.00. A deposit of 30% to 50% (depending on account status) and a written confirmation of the order by fax or mail is required.

New Accounts: Balance due C.O.D. MONEY ORDER or CASHIER'S CHECK only.

Non-Credit Accounts: Balance due C.O.D., a company, personal or cashier's check will be accepted.

Past Due Accounts: Any orders placed on a past due account will be sent out C.O.D. check/cash along with the past due balance on that account. Also the account may be changed to C.O.D. terms permanently. You will be contacted by our Credit Department. Past due accounts will be charged at the rate of 1.5% per month (18% per annum).

Returned Checks: A fee of \$10.00 is charged. If for any reason a check is not paid by your bank, your pending orders will not be shipped and thereafter your account will be treated as a new account.

Refusal of Shipment: If a shipment is refused, the customer will be charged for all freight and handling charges. A restocking charge of 10% will be applied. Any further orders will be prepaid only.

Prices: All prices are F.O.B. Wilmington, California. The current prices are the ones published in our most recent price list. Prices are subject to change without notice.

Returns, Damages, Exchanges and Shortages: All claims and exchanges must be made within 10 days of receipt of goods. We will not accept returns for cash. However, we will be happy to exchange your return goods or apply the credit towards a future purchase. On exchanges the customer must pay all freight charges. Garments with numbers, logos or any other modifications may not be returned. We maintain the right to inspect returned merchandise to determine whether replacement or adjustment is valid.

Be sure to inspect your merchandise. The merchandise left the factory in perfect condition. No returns will be accepted without prior authorization. Please state date of purchase, invoice number and reason. A Return Authorization Number (RAN) will be issued and must appear on all shipping labels. All returns must be shipped prepaid, no C.O.D. will be accepted. Any damaged goods may be returned, but must follow our Return Policy.

General: A complete uniform set consists of a jersey, shorts and socks. All uniforms are packaged and labeled in team sets and boxed by division. Teams can be boxed individually for an additional charge. This Complete Package is a service SCORE is known for and coaches appreciate.

As part of the Ready to Play service for our customers, SCORE uniforms may have sequential numbering from 2 to 20 (8" black or white according to our color combination chart) applied on back of jerseys at no extra cost. There is an additional charge of \$1.00 for each number over 20, colored numbers are available for uniforms which are not on special promotion. Specific numbers are \$1.00 each. Additional numbers applied to the front of jerseys or shorts are \$1.00 per item. There is an extra \$2.00 charge for long sleeves. For each additional "X" after XL there is an additional charge of \$2.00. Custom logos are available for orders over 200 uniforms, a one time setup fee will be added to your order; camera ready artwork must be supplied by mail or e-mail. (no facsimiles)

Samples: Samples of uniforms are available upon request, but are limited to stock on hand and will be billed at current individual item prices. Samples are not returnable.

Back Orders: Unless otherwise instructed, out of stock items will be automatically back ordered and shipped as soon as possible.

Discounts: Volume discounts are available. Please call our Sales Department for further information. Discounts are void on past due invoices.

The flying feet logo, PLAY ON*, SCORE* and American Soccer* are registered trademarks of American Soccer Company, Inc.*

Sizing Uniforms

Sleeve

With arms at your side, bend elbow slightly. Measure from the center of neck, (back) over the point of shoulder around elbow and down to the wrist.

Waist

Measure at the height you prefer to wear your waistband, keep the tape loose but level.

Outseam

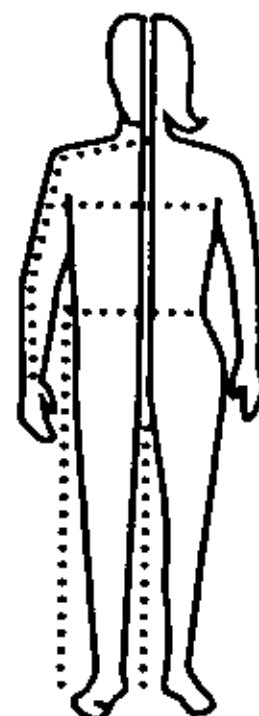
Measure from top of the waistband to the bottom of the cuff.

Chest

Measure around the widest part of the chest, just under the arms and around the shoulder blades, keep the tape firm and level.

Inseam

Measure from the crotch to the bottom of the leg. For shorts, measure from the crotch to where the shorts will end.



Sizing Uniforms (Sleeves are average length on all sizes.)

Adult Garment Sizes		AS	AM	AL	AXL
Chest		36"-38"	38"-40"	40"-42"	44"-46"
Waist		28"-30"	32"-34"	36"-38"	40"-42"
Youth Garment Sizes		YXS	YS	YM	YL
Chest		26"-28"	30"-32"	32"-34"	34"-36"
Waist		18"-20"	20"-22"	22"-24"	24"-26"

Suggested sizes by Division / Age Group

Division/Age	Uniform	Goalkeeper	Socks	Ball
Div 1/U19	9AL, 6AXL	AXL	King	#5
Div 2/U16	3AM, 8AL, 4AXL	AL	King	#5
Div 3/U14	3AS, 8AM, 4AL	AM	King	#5
Div 4/U12	3YL, 9AS, 3AM	AS	Regular	#4
Div 5/U10	3YM, 10YL, 2AS	YL	Regular	#4
Div 6/U8	5YS, 8YM, 2YL	YM	Youth	#3
Div 7/U6	12YS, 3YM	YS	Youth	#3

(YXS available for Div 7-U6)



Dear Soccer Enthusiast,

Thank you for requesting our catalogs. SCORE[®], is a Factory Direct supplier, we sell directly to you, so you get the lowest possible prices, quick on-time delivery and personalized service. Our complete product line includes everything you need to be successful on the soccer field. SCORE[®] specializes in team packaging, which means all uniforms are packed as individually marked teams and boxed by division, complete with player number and logos. Your order is packed "Ready to Play" and ready for easy distribution.

SCORE[®], American Soccer Company, Inc.[®] is dedicated to the sport of soccer. When you call the SCORE[®] factory, you are speaking directly to expertly trained, knowledgeable in-house Customer Service Representatives who are soccer lovers, just like you. So, give us a call today. Our toll free number is **1-800-626-7774**.

Again, thank you for your interest.

Simon & Georges

Customer Service Department

SCORE[®], American Soccer Company, Inc.[®]



American Soccer Company, Inc.[®]

726 East Anaheim Street, Wilmington CA 90744

(800) 626-7774 • FAX (800) 426-1222 • (310) 830-6161 • FAX (310) 835-6661

WEB: www.scoresports.com • EMAIL: sales@scoresports.com

BID: 01-35
DATE: 5/9/01
TIME: 11:30 AM
CITY OF FAYETTEVILLE

DESCRIPTION: SOCCER UNIFORMS

BIDDER	ITEM #1 SHIRTS	ITEM #2 SHORTS	ITEM #3 SOCKS
--------	----------------	----------------	---------------

SCORE, American Soccer Company	youth	\$9.23 ea \$13,855.27 tot	\$6.90 ea \$10,362.55 tot	\$2.92 ea \$4,386.67 tot
	adult	\$10.23 ea \$15,355.27 tot	\$7.40 ea \$11,112.55 tot	\$2.92 ea \$4,386.67 tot

DTI, SOCCER COM

bid does not meet specifications

Certified by Wice
P Vice Purch Mgr

R Williams
Witness

5-25-01
Date

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

Sid Norbash *SN* Engineering Public Works
Name Division Department

ACTION REQUIRED: Double Springs Rd. Bridge Replacement Project. Approval of:
(1) 20% funding of this AHTD project in the estimated amount of \$249,119.45
(2) The related budget adjustment. (3) Project Contingency of \$37,367 (15%).

COST TO CITY:

<u>\$85,249.45</u>	<u>\$201,237</u>	<u>Double Springs Rd.</u>
Cost of this Request	Category/Project Budget	Bridge Replacement
<u>4470-9470-5817-00</u>	<u>-0-</u>	<u>Bridge and Drainage Imprvts.</u>
Account Number	Funds Used To Date	Program Name
<u>98036</u>	<u>\$201,237</u>	<u>Sales Tax</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ☒ Budgeted Item ☒ Budget Adjustment Attached

[Signature]
Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]
Accounting Manager

6/4/01
Date

ADA Coordinator

Date

[Signature]
City Attorney

6/4/01
Date

Internal Auditor

Date

[Signature]
Purchasing Officer

6/4/01
Date

STAFF RECOMMENDATION: Approval of funding, budget adjustment & Contingency.

[Signature]
Division Head

06-04-01
Date

Cross Reference

[Signature]
Department Director

6-4-01
Date

New Item: **Yes** **No** ☒

[Signature]
Administrative Services Director

6/4/01
Date

Prev Ord/Res #: 53-01

[Signature]
Mayor

6/4/01
Date

Orig Contract Date: 9-15-1992

Orig Contract#

Staff Review Form

Description/ Double Springs Rd. Bridge
Project Name 20% Funding for AHTD's Project

Meeting Date 6-19-2001

Comments:

Reference Comments:

Budget Director

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Dan coody, Mayor
Don Bunn, Assistant PWD *DRB*
Jim Beavers, City Engineer *JB*

From: Sid Norbash, Staff Engineer *SN*

Date: March 27, 2001

Re: **Double Springs Rd. Bridge (AHTD Project)**
20% Cost Sharing with the Highway Department

Per attached Resolution 53-01, the above referenced project is a Highway Department Project with 80%-20% cost share with the City of Fayetteville,

This project includes a new bridge to replace the existing bridge over the Owl Creek, and some street improvements as well.

On 10-19-2000, based on interim estimates, the Highway Department estimated the City's share for 20% to be \$229,537 (see attached documents). On May 16, 2001 the Highway Department opened bids for this project, and the bid was over the Highway Department's estimate, which increases the City's share to \$277,419.45 or \$47,882 higher than the previous estimate. The City has made a deposit of \$28,300 to the Highway Department to date.

The Staff is requesting that the Council approve the following:

- (1) **funding of this project in the estimated amount of \$249,119.45**
- (2) **the related budget adjustment in the amount of \$85,249.45.**
- (3) **A project Contingency amount of \$37,367 (15%).**

Please be advised that the actual final cost to the City could vary higher or lower, depending on the actual construction costs.

SN/sn
attachments

**A RESOLUTION TO APPROVE THE 20% COST SHARING OF
THE DOUBLE SPRINGS ROAD BRIDGE OVER OWL CREEK
AND TO APPROVE A BUDGE ADJUSTMENT OF \$72,037.00**

WHEREAS, the Board of Directors of Fayetteville agreed to pay its 20% share of the cost of construction of the Double Springs Road bridge over Owl Creek and designated this as its top priority bridge project by Resolution #138-92 on September 15, 1992; and

WHEREAS, the State Highway Department is now prepared to move forward and let contracts for the bridge at an estimated cost to the City of Fayetteville of \$229,537.

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

Section 1. The City Council hereby reaffirms its agreement to pay 20% of the construction costs for the Double Springs Road bridge over Owl Creek and authorizes the Mayor to pay such cost share to the Arkansas Highway Department.

Section 2. The City Council hereby approves the Budget Adjustment in the amount of \$72,037.00 for this project. The Budget Adjustment is attached hereto as Exhibit A.



RESOLVED AND APPROVED this 12 day of April, 2001.

APPROVED:

By: Dan Coody
DAN COODY, Mayor

ATTEST:

By: Heather Woodruff
Heather Woodruff, City Clerk



RESOLUTION NO. 138-92

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF FAYETTEVILLE, ARKANSAS TO MATCH FEDERAL-AID BRIDGE REPLACEMENT AND REHABILITATION MONIES FOR THE BRIDGE ON DOUBLE SPRINGS ROAD OVER OWL CREEK.

WHEREAS, the City of Fayetteville understands Federal-Aid Bridge Replacement and Rehabilitation funds are available for replacement or rehabilitation of eligible structures; and

WHEREAS, the City has determined that the top priority bridge is on Double Springs Road over Owl Creek; and

WHEREAS, the City understands that their matching portion of this project will be 20% of the total cost, and should the escrowed City matching funds be inadequate to cover the City's obligation, the Department may cause this deficiency to be withheld from the allotment of gasoline tax returnable to the City;

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

Section 1. That the City of Fayetteville will participate in accordance with its designated responsibility in this project.

Section 2. The Mayor and City Clerk are hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this bridge improvements on city streets. A copy of the agreement is attached hereto and made a part hereof.

Section 3. The City of Fayetteville pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to construct this project.

PASSED AND APPROVED this 15th day of September, 1992.

APPROVED:

By: 
Mayor

ATTEST:

By: 
City Clerk

Budget Year 2001	Department: Public Works Division: Engineering Program: Sales Tax Capital	Date Requested March 19, 2001	Adjustment #
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Project or Item Requested: \$85,249 is requested in the Double Springs Road Bridge capital project.	Project or Item Deleted: \$85,249 from the Miscellaneous Drainage Improvements Project.
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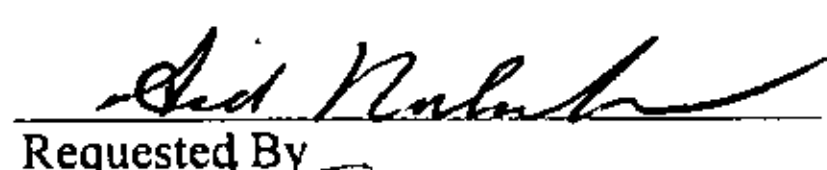
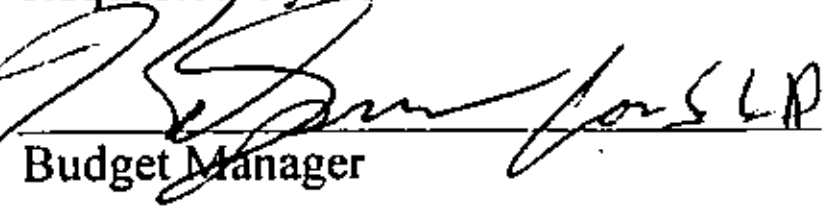
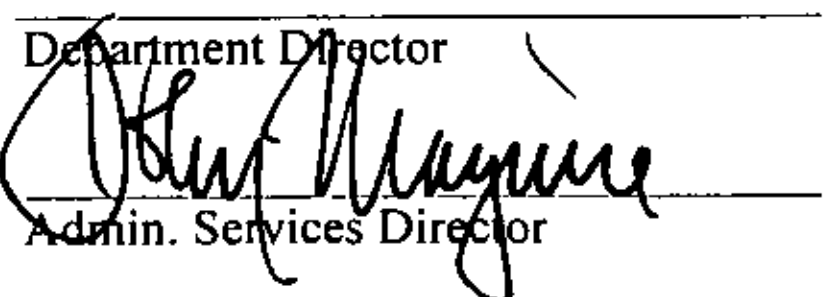
Justification of this Increase: The additional funding is to cover the City's 20% cost share match of the revised actual bids of the project.	Justification of this Decrease: Sufficient funding remains in project to meet objectives.
--	--

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Bridge & Drainage Imprvs	85,249	4470	9470	5817	00		98036	20

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Bridge & Drainage Imprvs	85,249	4470	9470	5817	00		97041	40

Approval Signatures		Budget Office Use Only					
Requested By 	Date 6-4-01	Type:	A	B	C	D	E
Budget Manager 	Date 6-4-2001	Date of Approval					
Department Director 	Date 6/4/01	Posted to General Ledger					
Admin. Services Director	Date	Posted to Project Accounting					
Mayor	Date	Entered in Category Log					

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

RE

Double Spring Brdg
A. 7. Page 7

MAY 29 2001

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Dan Flowers
Director
Telephone (501) 569-2000



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

May 23, 2001

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: Job 040152
F.A.P. BRN-9142(1)
Owl Creek Str. & Apprs.
(Fayetteville) (S)
Washington County

Dear Mayor Coody:

Mobley Contractors, Inc. of Morrilton, Arkansas submitted the low bid of \$1,017,174.25 for the referenced project at the Department's May 16, 2001 letting. The Arkansas State Highway Commission has tentatively accepted their proposal and will execute the contract upon receipt of the City's matching funds.

The City's estimated share of costs for this project is calculated below.

	<u>Total Cost</u>	<u>Federal Share</u>	<u>City Share</u>
Preliminary Engineering (AHTD)	\$ 116,847.06	\$ 93,478.00	\$ 23,369.06
Utilities	33,000.00	26,400.00	6,600.00
Right-of-Way	67,500.00	54,000.00	13,500.00
Construction	1,017,174.25	813,739.00	203,435.25
Construction Engineering	<u>152,576.14</u>	<u>122,061.00</u>	<u>30,515.14</u>
Totals	\$ 1,387,097.45	\$ 1,109,678.00	\$ 277,419.45
Less Deposits Received			<u>28,300.00</u>
City Share Remaining			\$ 249,119.45

The Honorable Dan Coody
May 23, 2001
Page Two

Your check for \$249,119.45 (made payable to the Arkansas State Highway and Transportation Department) should be forwarded to this office as soon as possible. **The contract will not be executed, and construction cannot begin, until your check is received.** Submittal of these funds to the Department will be considered as your concurrence in the award of this contract.

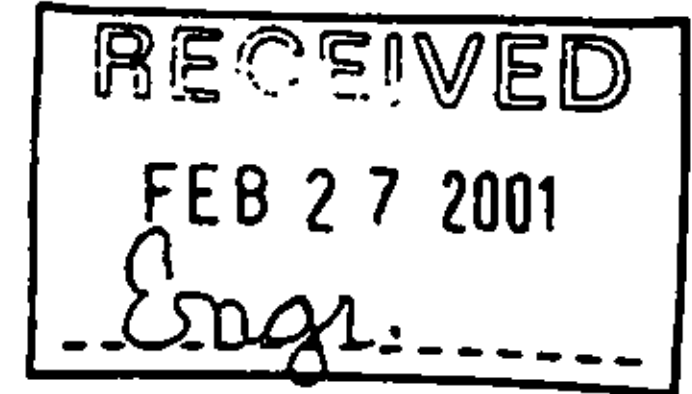
The Department will make every effort to assure the project is constructed in accordance with the plans and specifications, thereby minimizing the possibility of items being declared non-participating for federal funds. However, should any of the items be declared non-participating, the City would be responsible for 100% of their cost. Upon completion of the project, a statement will be prepared reflecting the final cost and respective matching shares. At that time, the City will be returned funds remaining over the deposit or billed for additional funds required.

We look forward to working with the City to complete the proposed improvements. Should you have any questions or comments, please advise.

Yours truly,

A handwritten signature in black ink, appearing to read "Robert L. Walters", written in a cursive style.

Robert L. Walters
Chief Engineer



Job 040152, Owl Creek Str. & Apprs. (Fayetteville) (S)
F.A.P. BRN-9142-(1)
Cost Estimate Based on Revised Interim Estimate dated 02/09/01
(Project now includes a 100' X 28' Temporary Bridge
and a 143' X 7' Retaining Wall at the City's pump station)

	<u>Total</u>	<u>Federal (80%)</u>	<u>City (20%)</u>
Actual PE charges (thru 01/06/01)	\$ 106,437	\$ 85,150	\$ 21,287
Estimated ROW	42,000	33,600	8,400
Estimated Utilities	62,000	49,600	12,400
Estimated Construction	815,000	652,000	163,000
Estimated CENG (15%)	<u>122,250</u>	<u>97,800</u>	<u>24,450</u>
	\$ 1,147,687	\$ 918,150	\$ 229,537
Less Deposits by City			<u>(28,300)</u>
Estimated Amount Due From City			<u>\$ 201,237</u>

Bridge Length: 116 ft.
Cross Section: 2-11 ft. lanes, 8 ft. shoulders (38 ft. total width)

New bridge will be raised approximately 8' from lowest point of the existing roadway

Total length of bridge and approaches - 1,500 ft.

Gin,
Please call and let us know whether or not
to move forward with this project based on
this revised estimate.

*Thanks,
Lorie*

AHTD
Programs & Contracts
Mr. Frank Vozel
P.O. Box 2261
LR 72201-2261
TOTAL P.01

st-It* Fax Note	7871	Date	2/27/01	# of Pages	1
Gin Beavers		From	Lorie Judas		
/Dept.		Co.			
Phone #		Phone #	569-2485		
Fax #					

STAFF REVIEW FORM

Tree Preservation
A. 8. Page 1

☐ AGENDA REQUEST
☐ CONTRACT REVIEW
☒ GRANT REVIEW

For the Fayetteville City Council meeting of: N/A

FROM:

Kim J. Hesse
 Name

Public Lands - Landscape
 Division

Urban Development
 Department

ACTION REQUIRED: Review a grant application to cover costs incurred to present two "Tree Preservation During Construction" workshops.

COST TO CITY:

\$5000.00
 Cost of this request

\$140,863.00
 Category/Project Budget

Forestry Program
 Category/Project Name

4470-9470-5315-00
 Account Number

\$47,104.00
 Funds Used to Date

Other CIP
 Program Name

96084
 Project Number

\$93,759.00
 Remaining Balance

Sales Tax Capital
 Fund

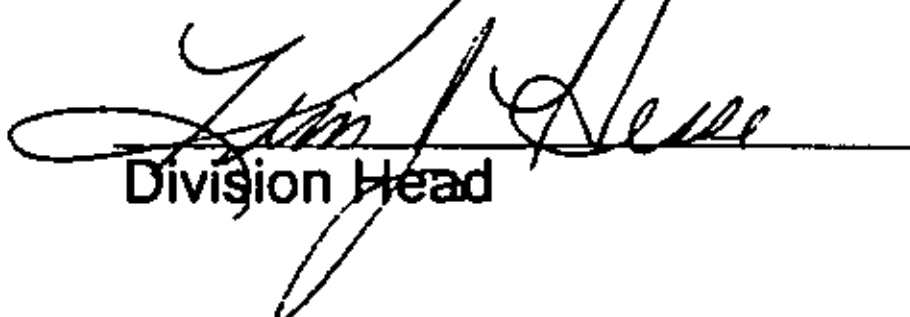
BUDGET REVIEW:

 Budgeted Item Budget Adjustment Attached
Budget Coordinator
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY Arkansas Forestry Commission
Accounting Manager
Date
ADA Coordinator
Date
City Attorney
Date
Internal Auditor
Date
Purchasing Officer
Date
Grants Coordinator
Date

STAFF RECOMMENDATION:


 Division Head

6/8/01
 Date

Cross Reference

New Item: YES NO

Department Director
DatePrev Ord/Res #:
Administrative Services Director
DateOrig. Contract Date:
Mayor
Date

STAFF REVIEW FORM

Description: _____ Meeting Date: _____

Comments:

Reference Comments:

Budget Coordinator:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

Grants Coordinator

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody

FROM: Kim J. Hesse, Landscape Administrator *KJH*

DATE: June 7, 2001

SUBJECT: Grant Review

Included is a Grant Review form and a copy of the Urban and Community Forestry Assistance Grant application that is due in Little Rock June 15th. This is a federal grant funded by the Urban and Community Forestry Assistance Program and is administered by the Arkansas Forestry Commission. This is a matching grant with a maximum award of \$10,000.00. I have prepared the grant to commission a professional that will assist me in the presentation of two "Tree Preservation During Construction" workshops. One workshop would be targeted toward builders and contractors and the other would be targeted toward engineers, architects, and developers. Both workshops would be provided by urban forestry professionals experienced in tree preservation techniques. These professionals will be asked to use local projects, utilize professionals in the area, and take advantage of current situations to aid and enhance the educational process. These two, four hour workshops will incur costs for professional fees, room rental, incidentals, and employee time.

The scope of the project is described in the application which I urge you to review. **If possible I would like to rush this through the process due to the fact that it is due in Little Rock Friday, June 15th.**

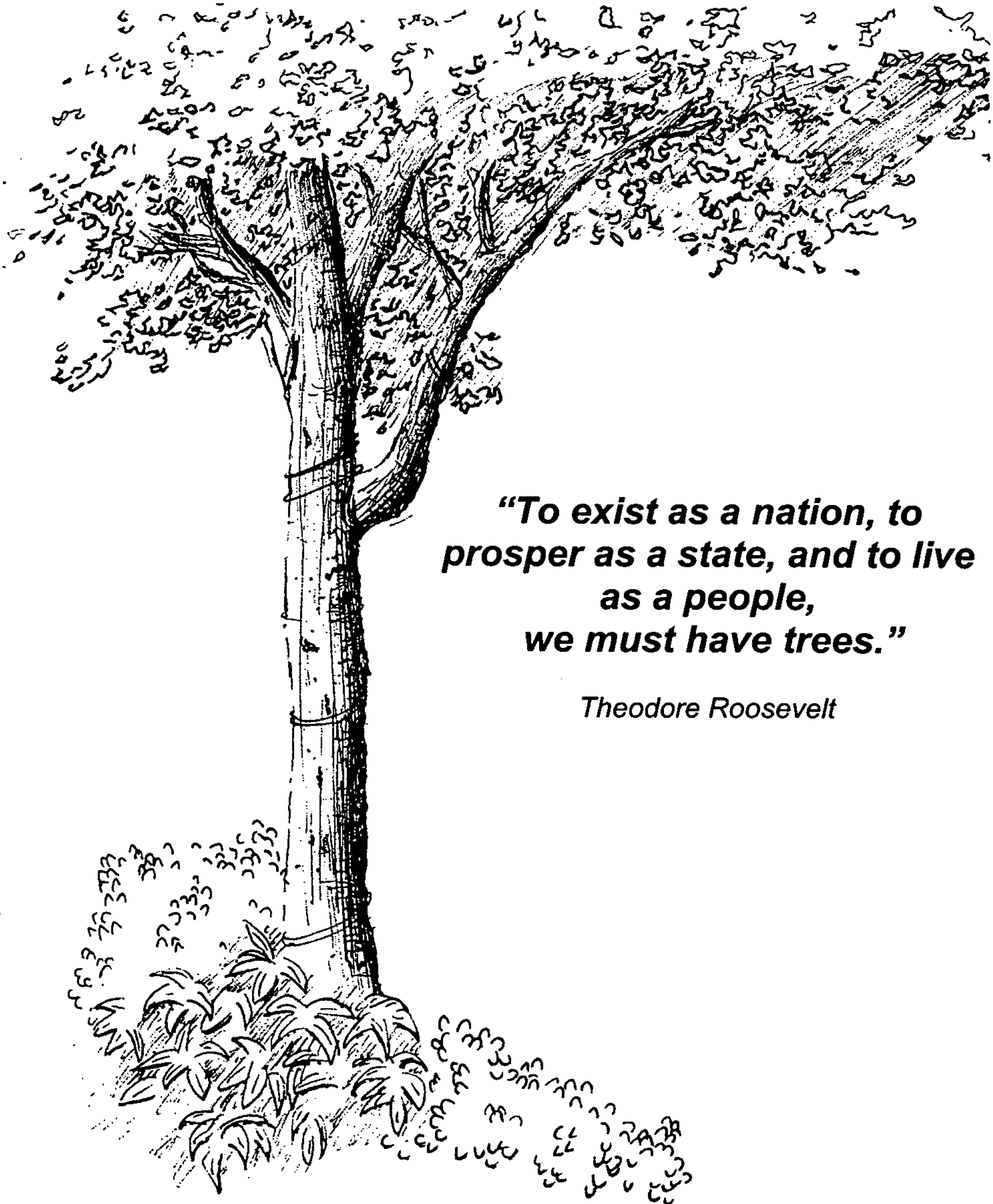
Please contact me at ext. 308 if you have questions, or need additional information.

**URBAN AND COMMUNITY FORESTRY
ASSISTANCE GRANT
APPLICATION**



for the presentation of
Tree Preservation Workshops

Submitted by:
The City of Fayetteville
June 5th, 2001



***"To exist as a nation, to
prosper as a state, and to live
as a people,
we must have trees."***

Theodore Roosevelt

June 4, 2001

Doug Akin, Urban Forester
Arkansas Forestry Commission
3821 W. Roosevelt Road
Little Rock, Arkansas 72204-6396

RE: Urban and Community Forestry Assistance Grant

Dear Mr. Akin:

Thank you for this opportunity to apply for the Urban and Community Forestry Assistance Grant. Since 1993, the City of Fayetteville has shown concern for the state of the existing urban forest through the existence of the Tree Preservation and Protection Ordinance. This year a diverse group of citizens are revising the Tree Preservation Ordinance to improve on it's clarity and credibility.

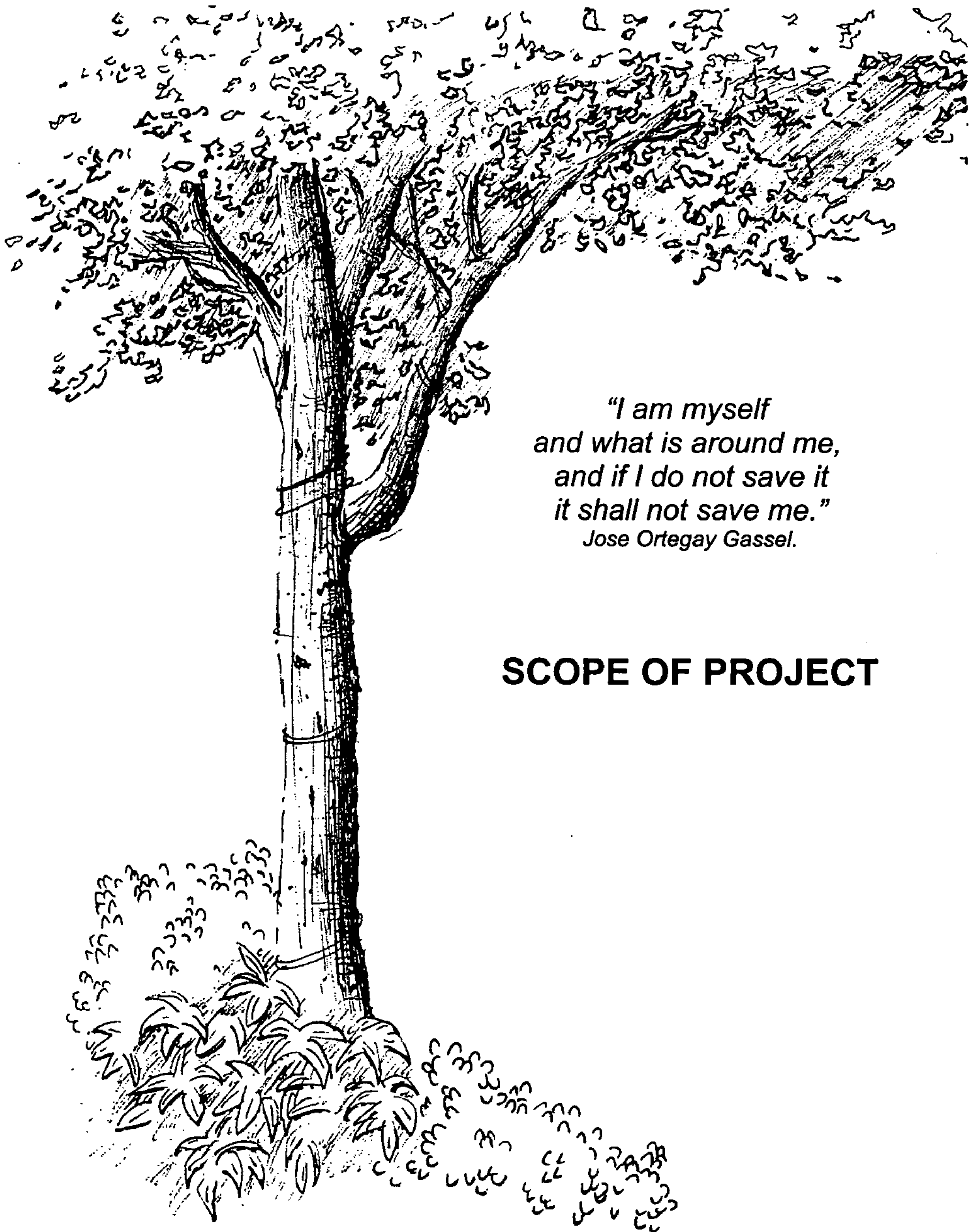
Although the current and the revised versions of the ordinance require specific methods of protection for trees during construction, implementation of tree protection is difficult among a vast group of developers, designers and contractors. Specific knowledge of tree physiology is crucial for both those designing and building infrastructure, buildings, and amenities on developments. Innovative design and construction methods are often needed as developments are designed, reviewed by the city, and built for occupancy. As the administrator and inspector of this ordinance, I see the real need for continuing the education process in relation to preserving natural resources while developing for commercial, industrial, and residential growth.

This grant is to request assistance to provide two workshops on preserving trees during construction. One workshop would be targeted toward builders and contractors and the other would be targeted toward engineers, architects, and developers. Both workshops would be provided by urban forestry professionals experienced in tree preservation techniques. These professionals will be asked to use local projects, utilize professionals in the area, and take advantage of current situations to aid and enhance the educational process. These two, four hour workshops will incur costs for professional fees, room rental, incidentals, and employee time.

Any questions may be directed to the Tree and Landscape Division of the City of Fayetteville at 501-575-8308.

Sincerely,

Kim J. Hesse, RLA
Landscape Administrator



*"I am myself
and what is around me,
and if I do not save it
it shall not save me."
Jose Ortega y Gasset.*

SCOPE OF PROJECT

Scope of Project

The preservation of trees and other natural resources has become one of the hottest local planning and environmental issues. Within our own state of Arkansas we are seeing more communities incorporating tree preservation ordinances into the development process. Whether tree preservation initiatives come from the government, the developer, or from the community, the motivation for retaining trees is varied and encompasses economic, environmental, and social considerations. By their very nature, trees provide benefits and add value to developments. The ability of trees to improve and maintain the quality of water, soil, and air, and to remove pollutants from the air is well known. Trees also provide shade and help lower temperatures during hot weather. Trees enrich people's lives and beautify landscapes. Preserving trees has positive effects on the image and attractiveness of the entire community.

Although the concept of tree preservation sounds simple, anyone involved in the process knows that combining tree preservation with the installation of roads, utilities, and buildings is complicated. Designing for tree preservation means that trees are considered an integral feature of the project from the first stage of planning. The tree's physiology must be understood, concessions must be made during site design, and innovative construction techniques must be considered. From the beginning of the process to the end, tree preservation must be taken seriously.

As the administrator and inspector for the city's tree preservation and protection ordinance, I see first hand that organization, planning, and communication are key. Many different designers and contractors are involved in the development of land and each must be aware of the preservation goals of the project. Knowing which trees to preserve and interpreting the construction plans and details for tree preservation is only a part of the process. Each professional, laborer, and inspector should have knowledge of how construction will effect a specific tree in order for preservation to be successful. As problems arise and adjustments are made in the field the aspects of tree preservation might be overlooked unless those involved in the decisions are aware of the construction and environmental impact to the trees.

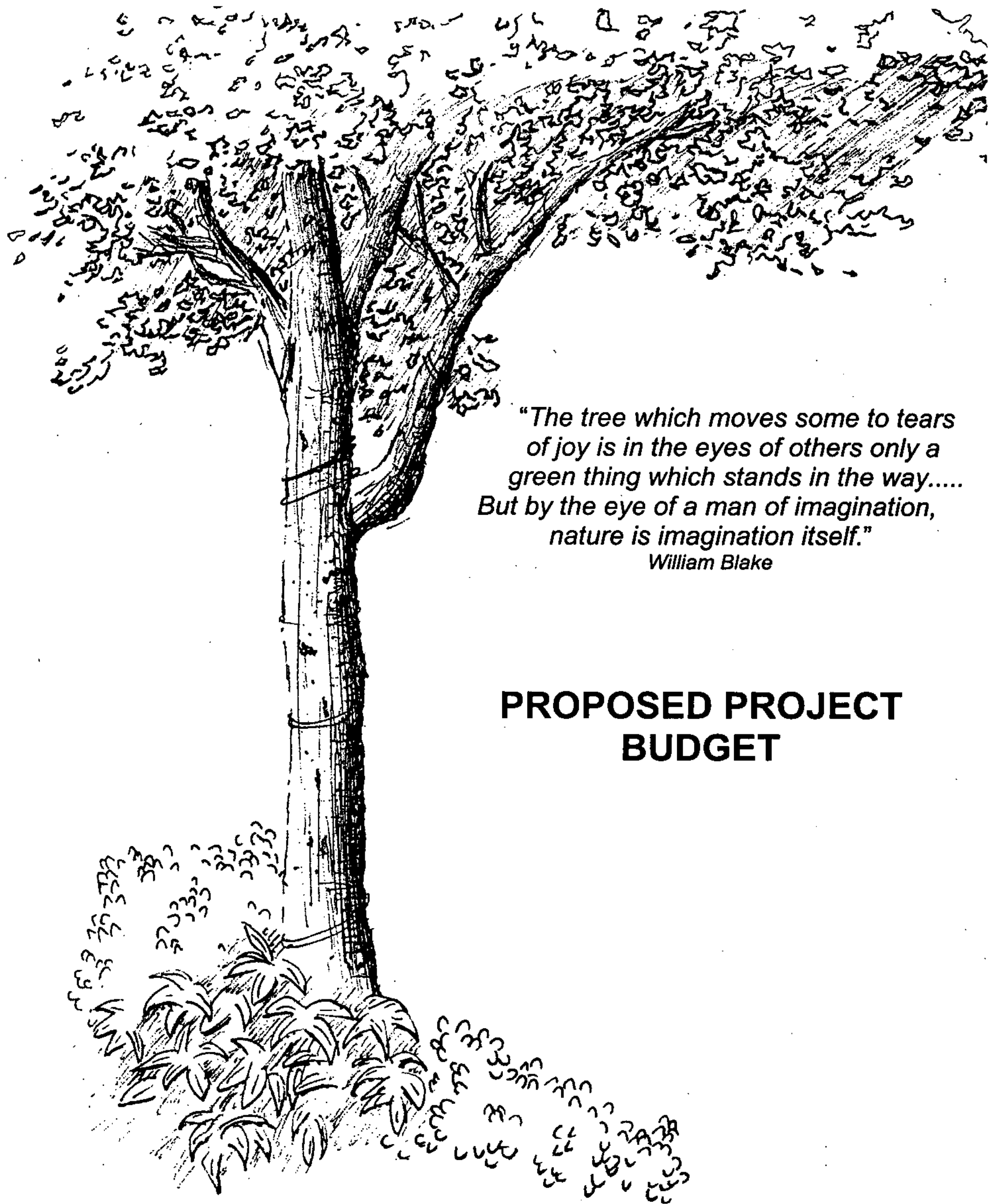
The City of Fayetteville has been on the forefront for developing and implementing tree preservation ordinances within the state. With the diverse social makeup of the community, preservation of the environment is always a concern. As the city encompasses revisions to our Tree Protection and Preservation Ordinance, knowledge of the ordinances specific requirements and general acceptance of tree preservation is the biggest hurdle in the planning process. Once a development is reviewed and accepted by the city, knowledge of how to protect trees during construction is the second hurdle. We lose as many or more trees from poor construction practices as we do from poor planning and design. It is a major goal of the city to educate the players of the development process how to be successful preserving trees. Thus a tree preservation workshop presented by the city is a major step in the right direction.

Our plan is to tailor the workshops to issues and construction constraints common to Northwest Arkansas. By incorporating local projects, utilizing professionals in the area and taking advantage of current situations, participants will be more likely to take stock in what is presented. Two workshops would be provided; one workshop targeted towards the planning and design process with engineers, architects, landscape architects, and developers as the main participants, and one workshop targeted toward constructing around trees with builders and contractors as the participants.

Although the primary focus of the workshops will be to inform local developers, design professionals, builders, and site contractors on tree preservation, key staff within the city's Public Works Division will be encouraged to attend. Public Works crews will also have the opportunity to view necessary portions of the workshop since the city will have the sessions recorded on video tape. With the city's Community Access Channel opportunities, these workshops will be suggested for general viewing on the Fayetteville government channel providing a conduit for tree preservation information to reach the general public. And based on space and cost limitations, city officials from other communities around Northwest Arkansas would be invited to attend. The workshops would be free of charge to the participants and would be scheduled in the winter months which will result in a better attendance by the development community.

I believe the Arkansas Urban Forestry Council and the Arkansas Forestry Commission will find this grant request meets many of the program objectives listed in the application. Please review the enclosed application favorably and feel free to contact me if additional information needed.

Project manager Kim J. Hesse, RLA
 Landscape Administrator
 501-575-8308

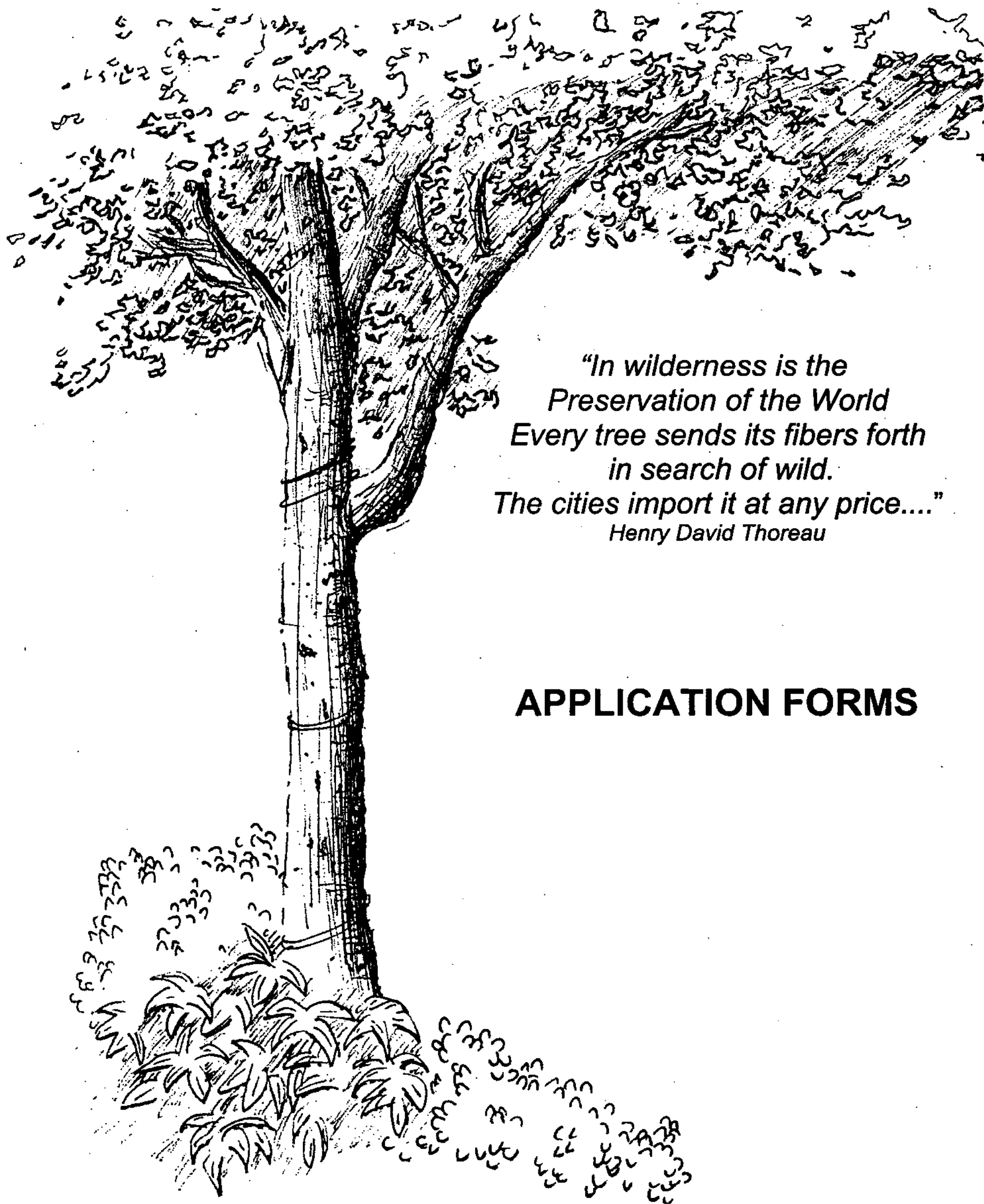


"The tree which moves some to tears
of joy is in the eyes of others only a
green thing which stands in the way.....
But by the eye of a man of imagination,
nature is imagination itself."
William Blake

PROPOSED PROJECT BUDGET

Urban and Community Forestry Assistance Grant
Proposal Budget
By: The City of Fayetteville

	Requested	In-Kind	Total
Personnel			
Professional Services	4,000.00	4,000.00	8,000.00
Urban Forester			
Salaries and Wages			
Landscape Administrator		500.00	500.00
17.00/hr @ 28hours			
City Staff			
9.00/hr @ 8.00 hrs		100.00	100.00
Workshop Incidentals -	1,000.00	400.00	1,400.00
Room Rental			
Snacks and Refreshments			
Copies and booklets			
Equipment			
Total Expenditures	5,000.00	5,000.00	10,000.00



*"In wilderness is the
Preservation of the World
Every tree sends its fibers forth
in search of wild.
The cities import it at any price...."
Henry David Thoreau*

APPLICATION FORMS

APPLICATION FORM

ARKANSAS FORESTRY COMMISSION U&CFP GRANT

URBAN & COMMUNITY FORESTRY ASSISTANCE

Applicant: City of Fayetteville

Address: 113 W. Mountain Street

Fayetteville, Ar. 72701

Contact person(s): Kim J. Hesse

Phone number(s): (501) 575-8308

Federal Employer ID No. (FEIN): 71-6018462

Brief description of project: To provide two tree preservation seminars targeted toward construction and design professionals. The two seminars; one for builders and contractors and one for engineers, architects, and developers will support aspects of the city's revised tree preservation ordinance.

Project timetable: Start September 2001

End April 2002

Projected total expenditures: \$ 10,000

Federal Cost-Share requested: \$ 5,000

Non-federal share:..... \$ 5,000

*Any printed material will contain a statement to the effect that funding was made possible by a grant from the USFS and the AFC. Printed material must also contain a non-discrimination statement. A sign may be placed near grant projects for a period of 6 months.

(Signature of Authorized Contact Person)

(Date)

GOVERNOR'S BRIEFING FORM

STATE AGENCY: Arkansas Forestry Commission

Contact: Patti Erwin Phone: (501) 442-8627

APPLICANT: City of Fayetteville

Mayor: Dan Coody City/County: Fayetteville / Washington

County Judge: Jerry Hunton

Aldermen:

Elected Officials: Robert Reynolds Other Officials: Randy Zurcher

Cyrus Young Bob Davis

Trent Trumbo Lioneld Jordan

Kevin Santos Kit Williams - City Attorney

Brenda Thiel Heather Woodruff - City Clerk

Population (City): 58,047 Population (County): _____

If not government agency identify members and/or agents of organization: _____

Legislators (State Senator and Representatives): State Senator - David Malone

State Representative - Jan Judy

Control Number: (assigned by the AFC) _____

Project Type: (assigned by the AFC) _____

Scope of Project: (i.e. population served, purpose, economic impact, etc.) The citizens of Fayetteville, population 58,047, have voiced their support for the preservation of natural resources through the enactment of the Tree Protection and Preservation Ordinance and through open forum at city council and planning commission meetings. To reinforce the desire of the community to preserve trees in our growing city, continuing education on preservation during the planning, design, and construction process of development is crucial. This grant would assist in the costs incurred to provide two "Tree Preservation During Construction" seminars. One seminar would be targeted toward design professionals and one toward builders. Urban Forestry professionals would be contacted to present the seminar in conjunction with the city.

Estimated Total: \$10,000

Local Funds: \$ 5,000

Federal Funds: \$ 5,000

Project Timetable (dates):

Start of project: August 2001

Advertisement for bids: September 2001

Project completed: April 2002

Number of jobs created or retained: N/A

Other: _____

APPLICATION FOR
FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: <i>Application</i> ☐ Construction ☐ Non-Construction		<i>Preapplication</i> ☐ Construction ☐ Non-Construction		2. DATE SUBMITTED 6-14-01	Applicant Identifier City of Fayetteville
3. DATE RECEIVED BY STATE				State Application Identifier Arkansas Forestry Comm.	
4. DATE RECEIVED BY FEDERAL AGENCY				Federal Identifier	
5. APPLICANT INFORMATION					
Legal Name: City of Fayetteville			Organizational Unit: Municipality		
Address (give city, county, state, and zip code) 113 W. Mountain Street Fayetteville, Arkansas 72701 County - Washington			Name and telephone number of the person to be contacted on matters involving this application (give area code) Kim J. Hesse (501) 575-8308		
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 7 1 -- 6 0 1 8 4 6 2			7. TYPE OF APPLICANT: (enter appropriate letter in box) ☒ C A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Inst. of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify):		
8. TYPE OF APPLICATION: ☒ New ☐ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es): ☐ ☐ A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify):			9. NAME OF FEDERAL AGENCY: U.S. FOREST SERVICE		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NO. 1 0 - 6 6 4 TITLE: COOPERATIVE FORESTRY			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Tree Preservation Workshops		
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.) Fayetteville City Limits					
13. PROPOSED PROJECT: Start Date 9-01 Ending Date 4-02		14. CONGRESSIONAL DISTRICTS OF: a. Applicant Third Congressional District b. Project: Same			
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?			
Federal \$ 10,000 .00		a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE			
Applicant \$ 10,000 .00		b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372			
State \$.00		☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW			
Local \$.00					
Other \$.00					
Program Income \$.00					
TOTAL \$ 20,000 .00					
		17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? ☐ Yes If "Yes," attached an ☒ No explanation			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.					
Typed Name of Authorized Representative			b. Title		c. Telephone Number
Signature of Authorized Representative					e. Date Signed

BUDGET INFORMATION -- Non-Construction Programs

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. II & CE	10-664	\$	\$	\$ 10,000	\$ 10,000	\$ 20,000
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

SECTION B - BUDGET CATEGORIES

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$ 600	\$ 600
b. Fringe Benefits					
c. Travel					
d. Equipment				300	300
e. Supplies					
f. Contractual			1000	100	1100
g. Construction			4000	4000	8000
h. Other					
i. Total Direct Charges (sum of 6a-6h)			5000	5000	
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	\$	\$	\$ 5000	\$ 5000	\$ 10,000
7. Program Income	\$	\$	\$	\$	\$ 0

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Standard Form 424A (7-97)
Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES

	(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8	Urban & Community Forestry Assistance	\$ 5,000	\$	\$	\$ 5,000
9					
10					
11					
12	TOTALS (sum of lines 8 - 11)	\$ 5,000	\$	\$	\$ 5,000

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13	Federal	\$	\$	\$	\$
14	Non-Federal				
15	TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

	(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
		(b) First	(c) Second	(d) Third	(e) Fourth
16		\$	\$	\$	\$
17					
18					
19					
20	TOTALS (sum of lines 16 - 19)	\$	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION
(Attach additional Sheets if Necessary)

21	Direct Charges:	22. Indirect Charges:
23	Remarks:	

U.S. DEPARTMENT OF AGRICULTURE

Certification Regarding Debarment, Suspension, and Other
Responsibility Matters - Primary Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989, Federal Register (pages 4722-4733). Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the proposed covered transaction.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON NEXT PAGE)

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
 - (d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or Local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

City of Fayetteville

Organization Name

PR/Award Number of Project Name

Dan Coody, Mayor

Name and Title of Authorized Representative

Signature

Date

ASSURANCES -- NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;

(e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290-dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 961-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Health Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Tree Preservation

A. 8. Page 20

...e, with flood insurance purchase ... 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition of \$10,000 or more.

Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE Mayor
APPLICANT ORGANIZATION City of Fayetteville	DATE SUBMITTED

OMB APPROVAL NO. 0991 - 0002

U.S. DEPARTMENT OF AGRICULTURE

**CERTIFICATION REGARDING
DRUG-FREE WORKPLACE REQUIREMENTS (GRANTS)
ALTERNATIVE I - FOR GRANTEE OTHER THAN INDIVIDUALS**

This certification is required by the regulations implementing Sections 5151-5160 of the Drug-Free Workplace Act of 1988 (Pub. L 100 - 690, Title V, Subtitle D; 41 U.S.C. 701 et seq.), 7 CFR Part 3017.60D, Purpose. The regulations were published as Part II of the January 31, 1989 Federal Register (pages 4947 - 4952). Copies of the regulations may be obtained by contracting the Department of Agriculture agency offering the grant.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON SECOND PAGE)

Alternative 1

(A) The grantee certifies that it will provide a drug-free workplace by:

- (a) Publishing statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about--
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employees assistance programs; and
 - (4) The penalties that maybe imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statue conviction for a violation occurring in the workplace no later than five days after such conviction;
- (e) Notifying the agency within ten days after receiving notices under subparagraph (d) (2), from an employee or otherwise receiving actual notice of such convictions.

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2) from employee or otherwise receiving actual notice of such convictions;

(1) Taking appropriate personnel action against such as employee, up to and including termination; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, local health law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(B) The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with specific grant.

Place of Performance (Street address, City, County, State, Zip Code)

City Hall, 113 W. Mountain Street, Fayetteville, Ar. 72701

Town Center, 15 W. Mountain Street, Fayetteville, Ar. 72701

City of Fayetteville

Organization Name

PR/Award Number or Project Name

Dan Coody, Mayor

Name and Title of Authorized Representative

Signature

Date

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this form, the grantee is providing the certification set out on pages 1 and 2.
2. The certification set out on pages 1 and 2 is a material representation of fact upon which reliance was placed when the agency determined to award the grant. If it is later determined that the grantee knowingly redereed a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

STAFF REVIEW FORM

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Council meeting of June 19, 2001

FROM:

Gary Dumas Solid Waste Utility Services
Name Division Department

ACTION REQUESTED: Approval of bid #01-34 to the lowest bidder, Phoenix Recycling, for the purchase of plastic garbage bags to be used in the 2001 volume based program in the amount of \$59,000.

COST TO CITY:

<u>\$59,000</u> Cost of this request	<u>\$166,000</u> Category/Project Budget	<u>Sanitation Supplies</u> Category/Project NAME
<u>5500-5020-5225.00</u> Account Number	<u>0</u> Funds Used to Date	<u>Residential Collections</u> Program Name
<u> </u> Project Number	<u>\$107,000</u> Remaining balance	<u>Solid Waste</u> Fund

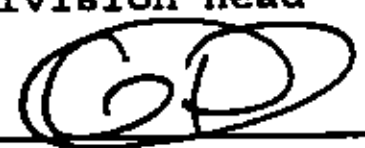
BUDGET REVIEW:

<u>X</u> Budgeted Item	<u> </u> Budget Adjustment Attached
<u> </u> Budget Coordinator	<u> </u> Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

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

STAFF RECOMMENDATION:

<u> </u> Division Head	<u> </u> Date	<u>Cross Reference</u>
<u></u> Department Director	<u>6-7-01</u> Date	New Item: Yes No
<u> </u> Admin. Services Director	<u> </u> Date	Prev Ord/Res #: <u> </u>
<u> </u> Mayor	<u> </u> Date	Orig Contract Date: <u> </u>

STAFF REVIEW FORM

X Agenda Request
 _____ Contract Review
 _____ Grant Review

For the Fayetteville City Council meeting of June 19, 2001.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for VA01-4, submitted by Robert Brown for property located at 3430 W. Telluride Drive, Lots 4A and 4B, Wedington Place Addition, Phase II. The request is to vacate a 20' wide drainage easement and a 20' wide utility easement.

COST TO CITY:

\$0

Cost of this request	Category/Project Budget	Category/Project Name
Account Number	Funds used to date	Program Name
Project Number	Remaining balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission unanimously voted 6-0-0 to recommend and forward the vacation to the City Council.

Division Head

6-1-01
Date

Cross Reference

Department Director

6-8-01
Date

New Item: Yes No

Administrative Services Director

6/4/01
Date

Prev Ord/Res#: _____

Mayor

6/4/01
Date

Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING VA01-4.00 TO VACATE
AND ABANDON A PORTION OF AN EXISTING 20' DRAINAGE
EASEMENT AND A PORTION OF AN EXISTING 20' UTILITY
EASEMENT LOCATED AT 3430 W. TELLURIDE, FAYETTEVILLE,
ARKANSAS, AS SUBMITTED BY ROBERT BROWN OF
DEVELOPMENT CONSULTANTS, INC.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public
grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described utility easement is
not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of
its rights together with the rights of the public generally, in and to the following described waterline
easement:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That a copy of this Ordinance duly certified by the City Clerk shall be
filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

By _____
Dan Coody, Mayor

ATTEST:

By _____
Heather Woodruff, City Clerk

EXHIBIT "A"

Utility Easement Description

PART OF LOT 4B, WEDINGTON PLACE ADDITION, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF LOT 3R, WEDINGTON PLACE ADDITION; THENCE S89°59'26"E, ALONG THE SOUTH LINE OF SAID LOT 4B FOR A DISTANCE OF 10.12 FEET; THENCE N34°28'38"E 12.09 FEET FOR THE POINT OF BEGINNING; THENCE N89°51'22"W 13.57 FEET; THENCE N00°08'38"E 90.93 FEET; THENCE N17°13'14"E 74.41 FEET; THENCE S72°46'46"E 20.00 FEET; THENCE S17°57'27"W 68.55 FEET; THENCE S00°08'38"W 90.93 FEET; THENCE N89°51'22"W 6.43 FEET TO THE POINT OF BEGINNING, CONTAINING 0.074 ACRES (3,125 SQ. FT.) MORE OR LESS.

Drainage Easement Description

PARTS OF LOT 4A AND 4B, WEDINGTON PLACE ADDITION, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF LOT 3R, WEDINGTON PLACE ADDITION; THENCE S89°59'26"E ALONG THE SOUTH LINE OF SAID LOT 4B FOR A DISTANCE OF 10.12 FEET FOR THE POINT OF BEGINNING; THENCE N34°28'38"E 59.18 FEET; THENCE N86°39'53"E 612.86 FEET TO THE WEST RIGHT-OF-WAY LINE OF STEAMBOAT DRIVE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 124.00 FEET, AN ARC LENGTH OF 25.09 FEET AND A CHORD BEARING AND DISTANCE OF S33°40'29"W 25.05 FEET; THENCE S86°39'53"W 242.32 FEET; THENCE S34°40'49"E 18.43 FEET; THENCE N87°29'26"W 25.11 FEET; THENCE N34°40'49"W 15.44 FEET; THENCE S86°39'53"W 322.25 FEET; THENCE S34°28'38"W 35.66 FEET TO THE SOUTH LINE OF SAID LOT 4B; THENCE N89°59'26"W ALONG THE SOUTH LINE OF SAID LOT 4B FOR A DISTANCE OF 24.26 FEET TO THE POINT OF BEGINNING, CONTAINING 0.306 ACRES (13,306 SQ. FT.) MORE OR LESS.

Planning Commission
May 29, 2001
Page 3

Consent Agenda:

VA 01-4.00: Vacation (Wedington Place Phase II, Lots 4A & 4B , pp 401) was submitted by Robert Brown of Development Consultants, Inc., on behalf of Wedington Place Senior Apartments, LLLP for property located on Lots 4A & 4B of Wedington Place Phase II. The property to be vacated is zoned R-2, Medium Density Residential and contains approximately 0.74 acres. The request is to vacate one drainage easement and one utility easement.

Estes: The first item of business on the Consent Agenda is Vacation 01-4.00 for Wedington Place Phase II, Lots 4A and 4B submitted by Robert Brown of Development Consultants, Inc., on behalf of Wedington Place Senior Apartments, LLLP for property located on Lots 4A & 4B of Wedington Place Phase II. The property to be vacated is zoned R-2, Medium Density Residential and contains approximately 0.74 acres. The request is to vacate one drainage easement and one utility easement. Any member of the audience and any member of the Planning Commission may pull this item from the Consent Agenda if they desire to do so. Does anyone in the audience or any member of the Commission attending wish to pull this item from the Consent Agenda? Seeing none, will you call the roll please?

ROLL CALL:

Upon roll call VA 01-4.00 is approved by a unanimous vote of 6-0-0 and will be forwarded to City Council for consideration.

PC Meeting of 29 May 01

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

Easement Vacation
Wedington Place Senior Apartments, LLLP

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
FROM: Ron Petrie, Staff Engineer
DATE: May 23, 2001

Project: VA 01-04.00: Vacation (Wedington Place Senior Apartments, pp 401) was submitted by Robert Brown of Development Consultants, Inc. for property located at 3430 W. Telluride Drive, Lots 4A & 4B, Wedington Place Addition, Phase II. The request is to vacate a 20' wide drainage easement and a 20' wide utility easement as shown and described on the attached maps and legal descriptions.

The requested easement vacations are due to the building configuration that was approved for the Wedington Place Senior Apartments Large Scale Development. The existing utilities will be relocated to newly dedicated easements.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric - Not applicable.
Southwestern Electric Power Company - No objections.
Arkansas Western Gas - No objections.
SW Bell - No objections.
Cox Communications - No objections.

City of Fayetteville:
Water/Sewer - No objections.
Street Department - No objections.
Solid Waste - No objections.

Recommendation: Approval of the proposed easement vacations.

PLANNING COMMISSION ACTION: yes Required
_____ Approved _____ Denied

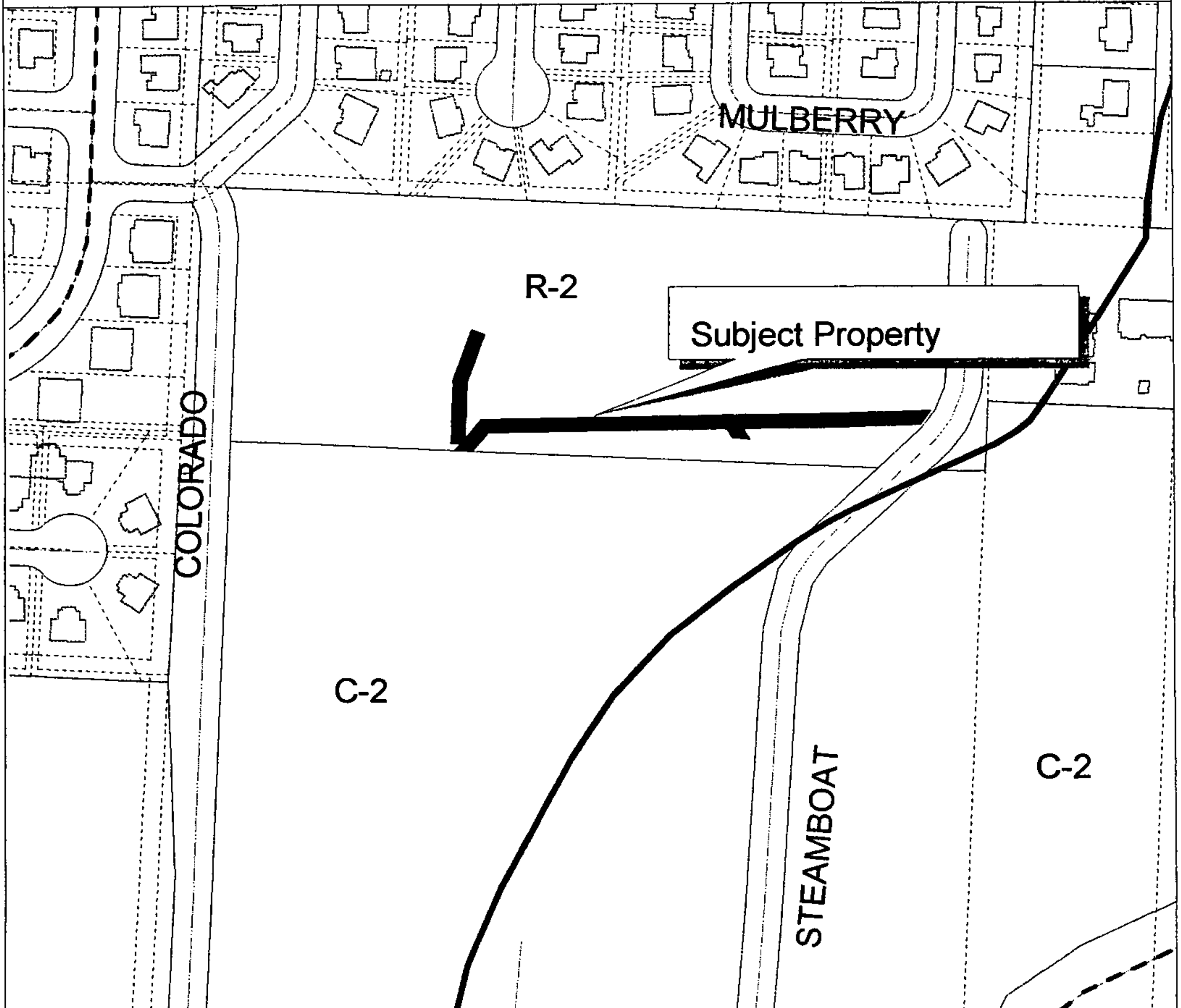
Date: ____/____/____

Comments:

CITY COUNCIL ACTION: yes Required
 Approved Denied

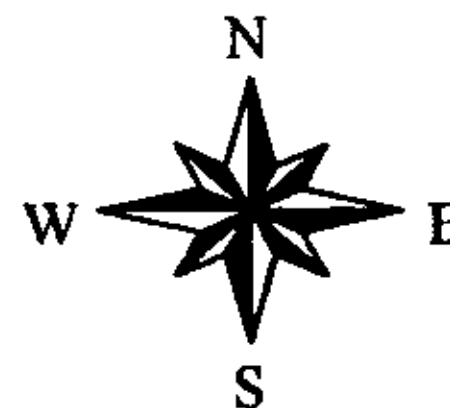
Date: / /

VA01-4 WEDDINGTON PLACE CLOSURE



Master Street Plan

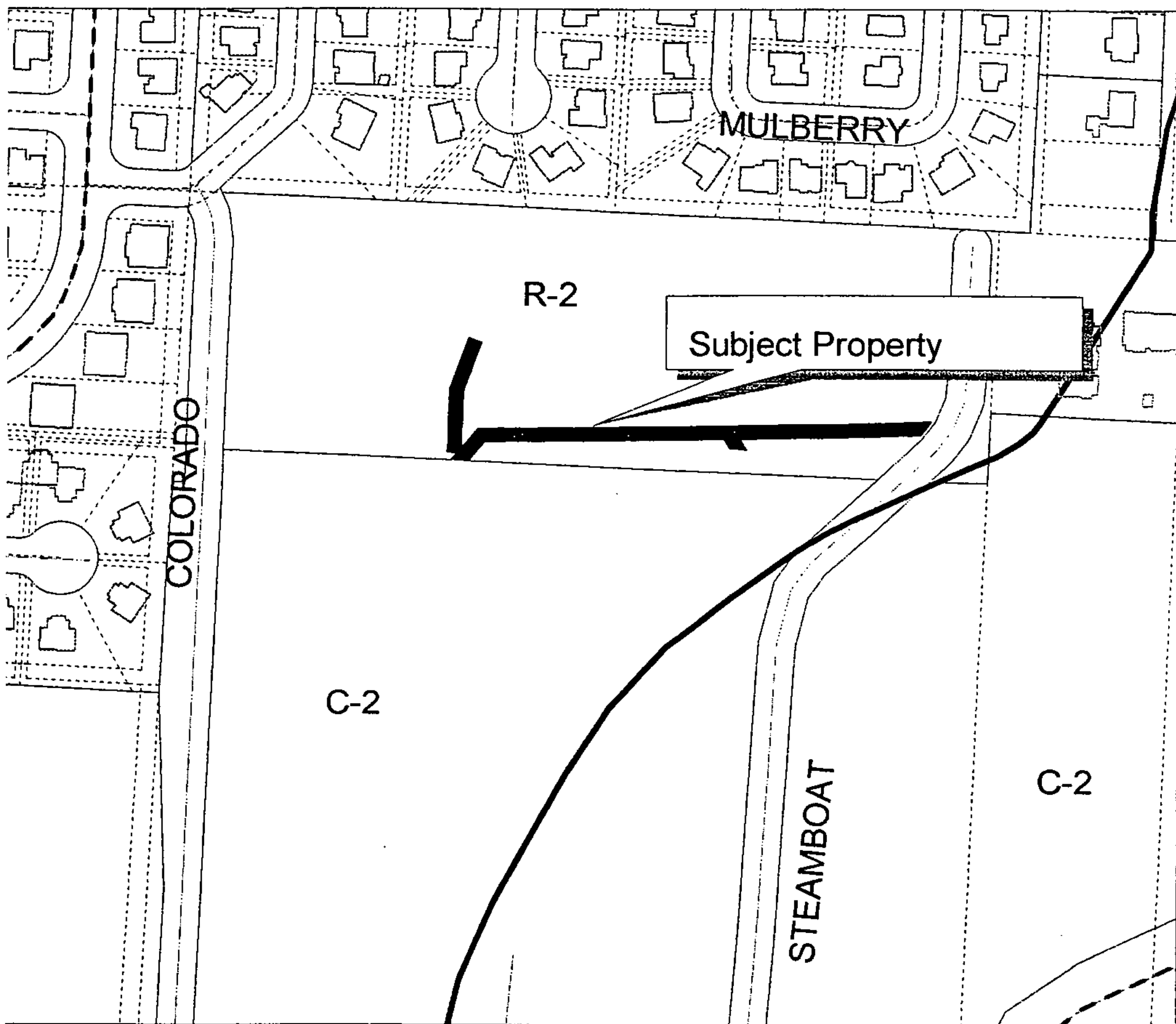
-  Freeway/Expressway
-  Principal Arterial
-  Minor Arterial
-  Collector
-  Historical Collector
-  STREETS



200 0 200 400 600 Feet

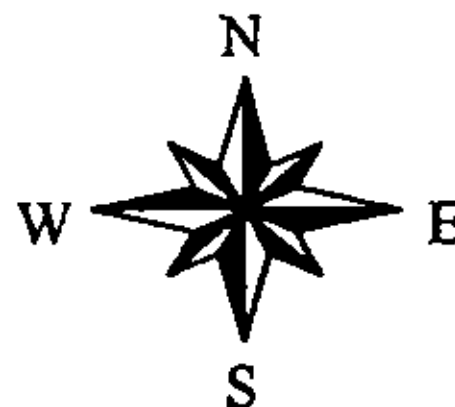


VAU1-4 WEDINGTON PLACE CLOSE UP



Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- STREETS



200 0 200 400 600 Feet

A horizontal scale bar with alternating black and white segments. The segments are labeled with the numbers 200, 0, 200, 400, and 600, followed by the word 'Feet'.

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of June 19, 2001.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for VA01-5, submitted by Ed Connell, City Land Agent, for property located at 10 North Garland Avenue, Lots 400-402, Oak Park Place Subdivision. The request is to vacate the undeveloped 40' wide right-of-way to the east and north of the above address and Lots 17-24 McIlroy's University Addition.

COST TO CITY:

\$0

Cost of this request

Category/Project Budget

Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission unanimously voted 6-0-0 to recommend and forward the vacation to the City Council.

Division Head

6-1-01

Date

Cross Reference

Department Director

6-4-01

Date

New Item: Yes No

Administrative Services Director

6/4/01

Date

Prev Ord/Res#: _____

Mayor

6/4/01

Date

Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING VA01-5.00 TO VACATE
AND ABANDON AN UNDEVELOPED 40' WIDERIGHT-
OF-WAY TO THE EAST AND NORTH OF 10 NORTH
GARLAND AVENUE, LOTS 400-402, OAK PARK PLACE
SUBDIVISION, FAYETTEVILLE, ARKANSAS, AS SUBMITTED
BY ED CONNELL, CITY LAND AGENT FOR THE CITY
OF FAYETTEVILLE.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public
grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described utility easement is
not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of
its rights together with the rights of the public generally, in and to the following described waterline
easement:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That a copy of this Ordinance duly certified by the City Clerk shall be
filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

By _____
Dana Coody, Mayor

ATTEST:

By _____
Heather Woodruff, City Clerk

EXHIBIT "A"

Right-of-Way Description

AN UNIMPROVED PLATTED ROAD RIGHT-OF-WAY, BEING LOCATED IN A PART OF THE SOUTHWEST QUARTER (SW¼) OF THE NORTHWEST QUARTER (NW¼) OF SECTION SIXTEEN (16), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST AND BEING A PART OF THE J.H. McILROY'S UNIVERSITY ADDITION AND OAK PARK PLACE ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, SAID ROAD RIGHT-OF-WAY BEING VACATED AND MORE

PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS THE SOUTHEAST CORNER OF LOT NO. 17 OF J.H. McILROY'S UNIVERSITY ADDITION TO THE CITY OF FAYETTEVILLE AND RUNNING THENCE SOUTH 63°08'50" WEST 118.65 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF WEST CENTER STREET (UNDEVELOPED) TO A POINT; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE NORTH 61°45'48" WEST 161.00 FEET TO A POINT; THENCE SOUTH 73°02'27" WEST 61.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF GARLAND AVENUE; THENCE ALONG THE EAST RIGHT-OF-WAY OF GARLAND AVENUE NORTH 02°47'27" EAST 42.50 FEET; THENCE LEAVING THE EAST RIGHT-OF-WAY LINE OF GARLAND AVENUE NORTH 73°02'27" EAST 42.22 FEET; THENCE NORTH 23°30'50" WEST 90.03 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF GARLAND AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF GARLAND AVENUE NORTH 02°47'27" EAST 90.26 FEET TO A POINT; THENCE LEAVING THE EAST RIGHT-OF-WAY LINE OF GARLAND AVENUE SOUTH 23°30'50" EAST 193.35 FEET; THENCE SOUTH 60°13'21" EAST 96.36 FEET; THENCE SOUTH 86°58'17" EAST 134.53 FEET TO THE POINT OF BEGINNING AND CONTAINING 17,800 SQUARE FEET (0.409 ACRE), MORE OR LESS, BEING SUBJECT TO A TEN (10) FOOT WIDE PERMANENT WATERLINE EASEMENT, SAID EASEMENT BEING EAST OF, PARALLEL WITH AND CONTIGUOUS TO THE EAST RIGHT-OF-WAY LINE OF GARLAND AVENUE IN THE AREAS THAT ARE VACATED HEREIN. TO THE CONTRARY NOTWITHSTANDING, IT IS INTENDED THAT THE RIGHT-OF-WAY TO BE VACATED AND DESCRIBED HEREINABOVE SHALL EXTEND TO AND CORRESPOND WITH THE PROPERTY LINES OF THE ABUTTING PLATTED LOTS.

Planning Commission
May 29, 2001
Page 4

New Business:

VA 01-5.00: Vacation (University of Arkansas, pp 483) was submitted by Edward Connell of the City of Fayetteville on behalf of University of Arkansas for property located east and north of 10 N. Garland Avenue, between Lots 17-24 McIlroy's University Addition and Lots 400-402 of Oak Park Place Addition. The property is zoned R-1, Low Density Residential and contains approximately 0.409 acres. The request is to vacate undeveloped street right of way.

Estes: The next item of business to come before the Commission is also a Vacation 01-5.00 University of Arkansas submitted by Edward Connell of the City of Fayetteville on behalf of University of Arkansas for property located east and north of 10 N. Garland Avenue, between Lots 17-24 McIlroy's University Addition and Lots 400-402 of Oak Park Place Addition. The property is zoned R-1, Low Density Residential and contains approximately 0.409 acres. The request is to vacate undeveloped street right of way. Staff recommends approval of the proposed street right-of-way vacation. The University of Arkansas has recently purchased all tracts of land adjacent to this undeveloped street right-of-way. In exchange for this right-of-way vacation the University has agreed to provide "the City with a credit in the amount of \$26,700.00 to be used by the City only in any future land negotiation between the two parties...." Is the applicant present?

Petrie: Ed Connell is a Land Agent out of the Engineering Division. Mr. Connell is on vacation this week. I'll be glad to answer any questions or give a quick presentation if you like.

Estes: Commissioners do you have any questions of Mr. Petrie regarding this requested vacation?

Hoffman: Is the amount of \$26,700 in credit, is that based on a square foot appraisal of the land being vacated?

Petrie: It comes out to \$1.50 per square foot. It's my understanding that figure was determined from the recent purchases by the University of Arkansas of the adjacent property, they used that to determine that amount.

Estes: Any other questions of Mr. Petrie? Mr. Petrie, the credit in the amount of \$26,700, is that something that is anticipated to be used sometime within the next six months? My concern is, if this is a credit that will exist in perpetuity and never be used, I would like to see cash in lieu of credit. What are the plans for the use of this credit?

Planning Commission
May 29, 2001
Page 5

- Petrie: I think six months would be very unlikely. There are some ongoing negotiations which we certainly hope will come out in our favor in trying to acquire the land that the Lewis Park is on that we are presently leasing from the University and there are also some negotiations on Garland Avenue for additional widening for a boulevard and trails to be placed on that planned project on the University of Arkansas campus. Those are the two ongoing negotiations but the six months I really doubt.
- Estes: Would it be anticipated that this credit would be used by the City within less than two years?
- Petrie: It would certainly be hard to guarantee that but it would be our hope that it would. I've discussed this with University officials today and they could give me no other guarantee themselves about when it would be used. I'm sorry I really don't have any more information.
- Estes: Any other questions from Commissioners?
- Hoffman: If we are worried about keeping track of it can we put it on the warrant deed that's filed and then have it removed after it's used?
- Petrie: I'm not too sure. Ed would be more familiar with that.
- Hoffman: I'm not real sure how the wording of warranty deeds is composed but if that could be an addendum that's put on the deed and then removed.
- Conklin: This is a recommendation to City Council and between now and City Council I'm sure we'll get with Ed and our City Attorney and see what can be placed on the deed.
- Marr: How often do we do land negotiations with the University, if you look at the last 5 years?
- Petrie: I don't have the history for the last five years.
- Marr: An estimate.
- Conklin: I can't think of any. Kit, can you think of any?
- Williams: No, I can't but in talking to Ed Connell about this, there are ongoing negotiations that our City Engineering Department, Ron Petrie has told you about. I think the

Planning Commission
May 29, 2001
Page 6

City does anticipate doing some land negotiation with the University in a fairly near term. As Ron said, we can't guarantee it's going to be done in two years. We do think that the City will be using this credit within the next couple of years most likely. That's about as much as I know. I've talked with Mr. Connell about this but that's about as much as I know about it.

PUBLIC COMMENT:

Estes: Is there any member of the audience that would like to provide public comment or make a presentation regarding this requested vacation?

COMMISSION DISCUSSION:

Estes: Seeing none, I'll bring it back to the full Commission for motions, discussions, any further questions of staff.

MOTION:

Hoffman: I'll make a motion to approve this vacation and forward it on to City Council with the further recommendation that we develop a strategy to keep track of the credit.

Estes: There is a motion by Commissioner Hoffman, is there a second?

Marr: I'll second.

Estes: Is there any discussion?

Marr: I hesitate to second it. I want to support City staff initiatives but it concerns me that we are going to take a credit for land that nobody can remember in the last five years having any negotiations with them. Assuming we'll use this against future, I'll support it.

Williams: If you look at the map on page 2.3, you can see that this is undevelopable land if the City ever tried to do anything with it except build a street. Certainly it's best use will be to combine it with the University property and let them develop it in conjunction with other property they purchased. I think that was another reason that staff recommends that we go ahead and transfer or vacate it to the University for a credit because I don't think, in realistic terms, the City has any real use for this land.

Estes: We have a motion by Commissioner Hoffman, second by Commissioner Marr, is

Planning Commission
May 29, 2001
Page 7

there any further discussion? Would you call the roll please?

ROLL CALL:

Upon roll call VA 01-5.00 is approved by a unanimous vote of 6-0-0 and will be forwarded to City Council for consideration.

PC Meeting of 29 May 01

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

Street Right of Way Vacation
University of Arkansas

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
FROM: Ron Petrie, Staff Engineer
DATE: May 23, 2001

Project: VA 01-05.00: Vacation (University of Arkansas, pp 483) was submitted by Ed Connell, City Land Agent, for property located at 10 North Garland Avenue, Lots 400-402, Oak Park Place Subdivision. The request is to vacate the undeveloped 40' wide right of way to the east and north of the above address and Lots 17-24 McIlroy's University Addition. See the attached maps and legal descriptions for exact dimensions for the requested right-of-way vacation.

The University of Arkansas has recently purchased all tracts of land adjacent to this undeveloped street right-of-way. In exchange for this right-of-way vacation the University has agreed to provide "the City with a credit in the amount of \$26,700.00 to be used by the City only in any future land negotiation between the two parties...."

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric - Not applicable.
Southwestern Electric Power Company - No objections.
Arkansas Western Gas - No objections.
SW Bell - No objections.
Cox Communications - No objections.

City of Fayetteville:
Water/Sewer - No objections.
Street Department - No objections.
Solid Waste - No objections.

Recommendation: Approval of the proposed street right of way vacation.

PLANNING COMMISSION ACTION: yes Required
_____ Approved _____ Denied

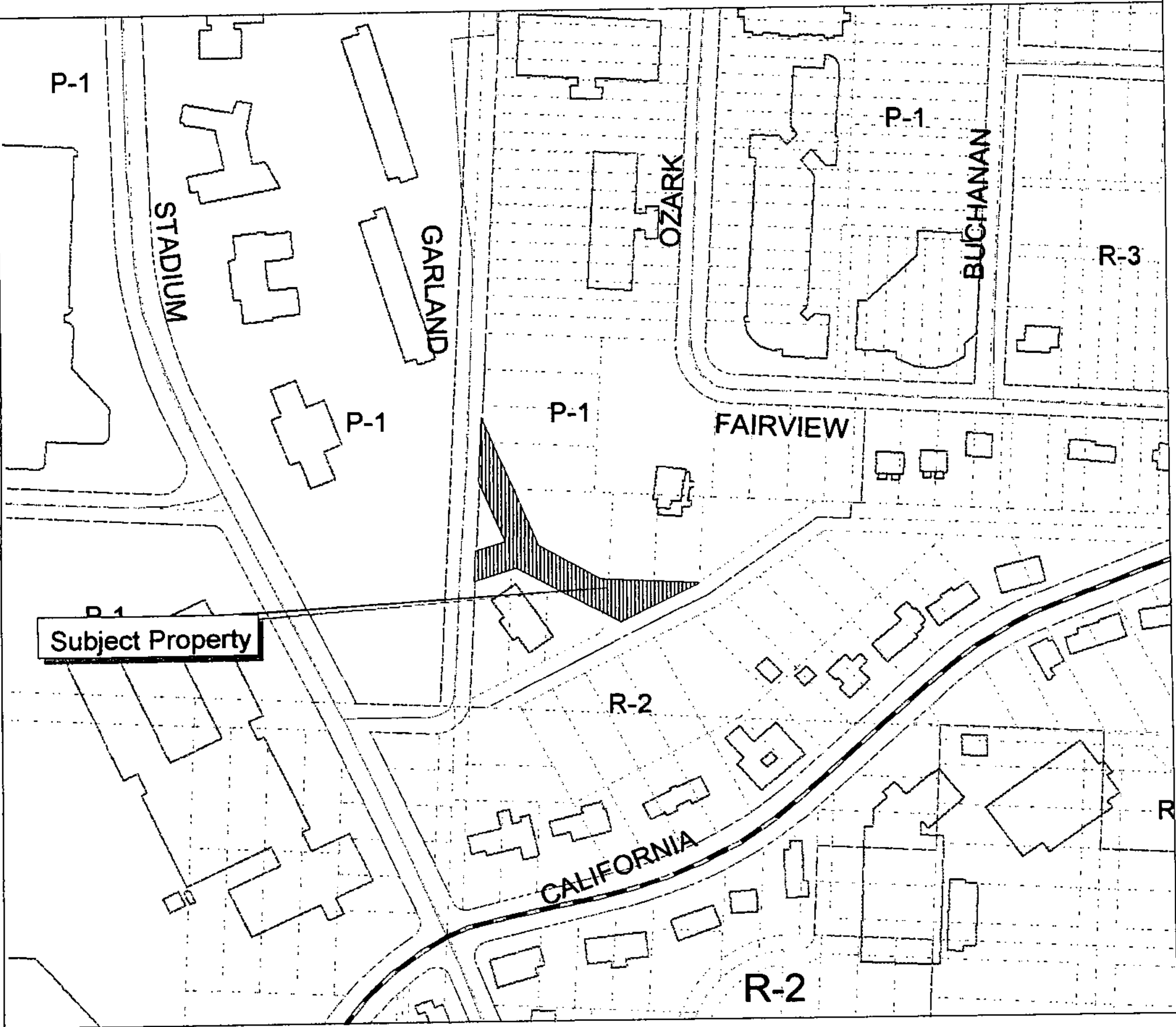
Date: ____/____/____

Comments:

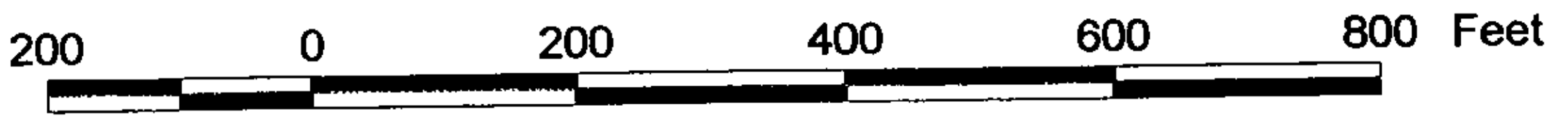
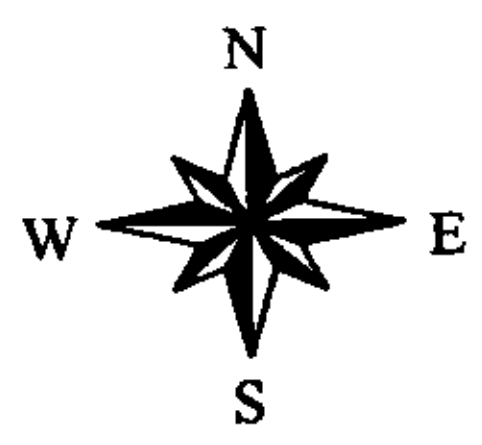
CITY COUNCIL ACTION: yes **Required**
 Approved **Denied**

Date: / /

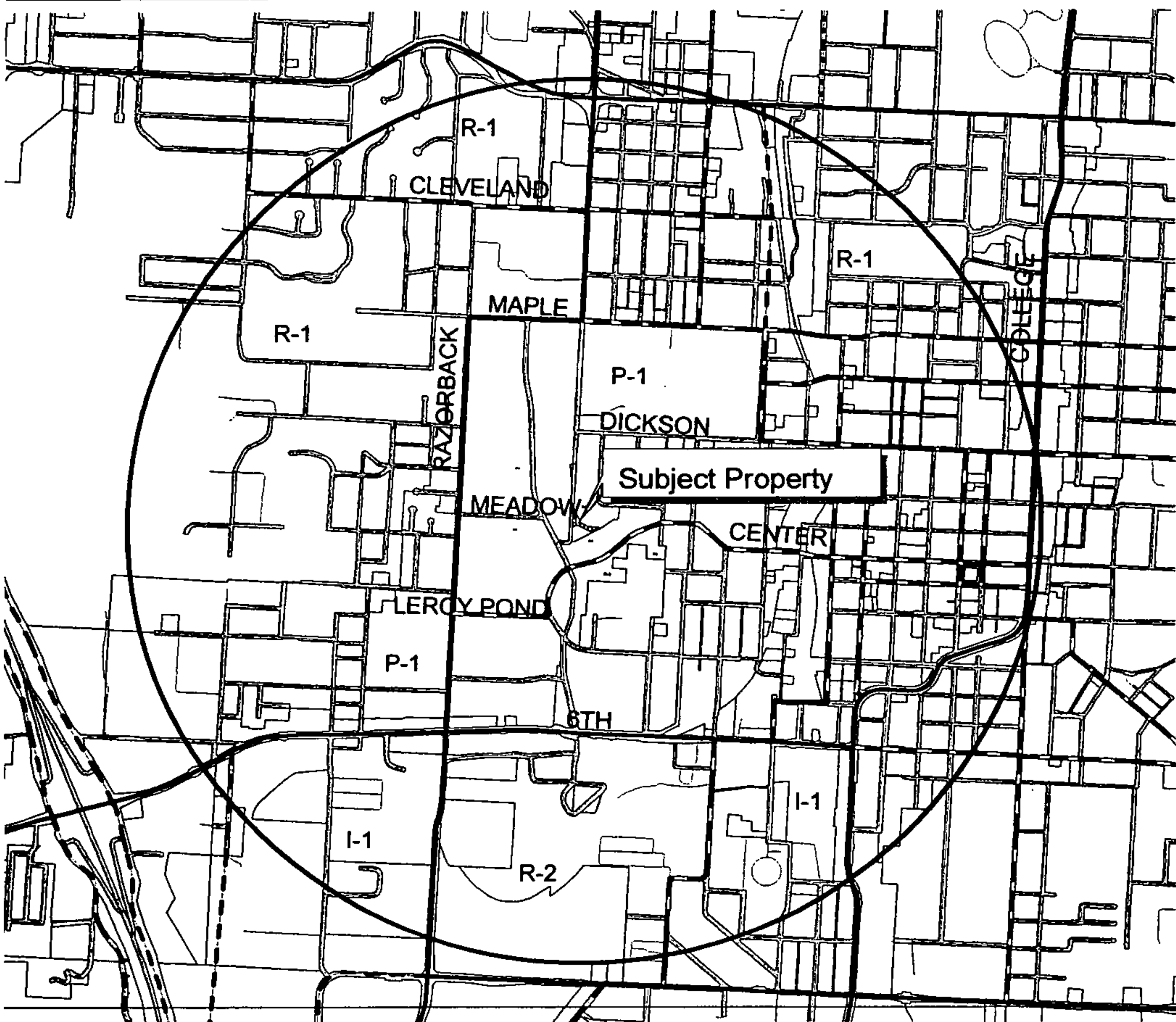
...C01-3 U OF A CLOSE UP



- Master Street Plan
- Freeway/Expressway
 - Principal Arterial
 - Minor Arterial
 - Collector
 - Historical Collector
 - STREETS

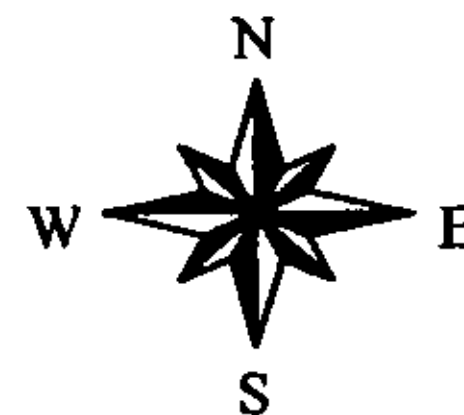


VAC01-3U OF A ONE MILE



Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- STREETS



0

2 Miles

STAFF REVIEW FORM

AD 00-46
C. 3. Page 1

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001.

FROM:

Tim Conklin
Name

Planning
Division

Public Works
Department

ACTION REQUIRED: To approve an ordinance approving AD 00-46.00 to amend Chapter 151 "Definitions", of the Unified Development Ordinance to change the definition of "Family" and to include the definition of "Single Housekeeping Unit", submitted by the City of Fayetteville, Planning Division.

COST TO CITY:

\$

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used To Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:**GRANTING AGENCY:** _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommends approval and Planning Commission voted 6-0-0 to recommend to City Council.

Division Head

Date

Cross Reference

Department Director

Date

New Item: **Yes**

Administrative Services Director

Date

Prev Ord/Res #: _____

Mayor

Date

Orig Contract Date: _____

Orig Contract Number: _____

Planning Commission
May 29, 2001
Page 26

AD 00-46.00: Administrative Item to Amend the Definition of a Family in the UDO.

Estes: The remaining item is item number seven. This is an administrative item to amend the definition of a family contained in the Unified Development Ordinance. Mr. Conklin, what background information do you have available for us as we consider this administrative item?

Conklin: At the April 9th Planning Commission meeting, which was a very long meeting, the Commission directed staff to bring forward an ordinance that would leave the number of unrelated individuals at three in single family zoning districts and then increase the current number which was at three to four in all zoning districts that allow other than single family homes. That's what we are bringing forward to you this evening. On page 7.3 we have a proposed recommended definition and I'll read that at this time.

***Family. (Zoning)** In single family residential districts, a family is no more than three (3) persons unless all are related and occupy a dwelling as a single housekeeping unit in the RE (Residential Estate), RA (Residential Acre Lot), RL (Residential Large Lot), R-1 (Low Density Residential), and RS (Residential Small Lot) zoning districts. In all other zoning districts where residential uses are permitted, a family is no more than four (4) persons unless all are related and occupy a dwelling as a single housekeeping unit. A family is when all persons are related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship. The definition of family does not include fraternities, sororities, clubs or institutional groups.*

Staff is also recommending that we add a definition for single housekeeping unit as follows:

***Single Housekeeping Unit. (Zoning)** A dwelling unit with common access to and common use of all living and eating areas and all areas and facilities for the preparation, serving and storage of food within the dwelling unit.*

Another amendment to the definition of a family is the removal of the provision for domestic servants. Prior to this recommendation, domestic servants were not counted against the number of unrelated individuals in a family. Staff is proposing that the domestic servants provision be eliminated altogether. That is our recommendation. We started out with subcommittee meetings and went to Planning Commission on April 9th and this will be our second Planning Commission meeting on this item.

Estes: Tim, does the staff recommendation also include allowing a maximum number of three unrelated individuals in residential estate, residential acre lot, residential large lot, low density residential and residential small lot zoning districts and to

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allow a maximum number of four unrelated individuals in all other districts that allow residential uses?

Conklin: That is correct. For clarification for the public and Commission, staff is not changing the number of unrelated individuals that currently exist. The current number is three. We are expanding that to allow four in multi-family and non single-family zoning districts. We are actually increasing the number in those zoning districts where we may have apartment type complexes where you may have four bedrooms with four individuals living in one dwelling unit and that will help take care of that situation.

PUBLIC COMMENT:

Estes: Is there any member of the public who would like to comment on this administrative item 00-46.00 definition of a family?

COMMISSION DISCUSSION:

Estes: Seeing none, I will bring it back to the Commission for discussion, motions.

MOTION:

Marr: I was recalling the minutes from the last meeting and I think this recommendation is in line with what I recalled and reread through the minutes. I'll move for approval of administrative item 00-46.00 as submitted by City staff.

Hoffman: I'll second with a question for staff just for clarification. Do we have a provision or do we need a provision in this if we are creating any existing non-conforming structures that are used presently as sorority houses, as an existing non-conforming use with a certificate of occupancy, does this in any way affect their ability to continue to function or will they have to come back to the Planning Commission to get a conditional use to continue those functions?

Conklin: This ordinance is not changing the situation where you may have that type of use. We are keeping up to three unrelated individuals in the single family zoning districts and we are allowing four unrelated individuals in other zoning districts that allow duplexes, triplexes and apartments. If there is a situation that they are in violation of the ordinance, of course we would go out and investigate and request that they cease using that structure in that manner. If that doesn't work, we would send them over to the City Prosecutor.

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Hoffman: I think we've got at least four or five of those type with the domestic servants and there are sororities. Not that I'm advocating that we have a conditional use for them but I just wondered what their course of action would be.

Conklin: If there is a complaint and they are in violation of our ordinance, they'll receive a violation notice.

Hoffman: That answers my question and my second stands.

Conklin: We did receive information from Lindsey apartment communities on what their current policy is. I would like to read that since they took the effort to get that to staff today. "Occupancy is limited to no more than two persons per bedroom. Children under the age of two at the time of the lease or extension or renewal is executable not be counted toward this limit. Three adults may occupy an apartment only if related to each other by blood or marriage. Occupancy by more than three adults is not permitted." Lindsey Management already has in place similar restrictions on their rental units.

Estes: We have a motion by Commissioner Marr to approve administrative item 00-46.00 and a second by Commissioner Hoffman, is there any other discussion?

Marr: I would just like to make a comment. I think it's appropriate to thank the 100 hours of committee work, a lot of research and I appreciate the time that they put into that. The analysis from City staff that we got on town comparisons, I thought the work was excellent.

Estes: Any further discussion? Would you call the roll please?

ROLL CALL:

Upon roll call AD 00-46.00 is approved by a unanimous vote of 6-0-0 and will be forwarded to City Council for consideration.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Planning Commission
FROM: Shelli Rushing, Associate Planner
THRU: Tim Conklin, City Planner
DATE: May 17, 2001

AD-00:46.00: Administrative Item (Definition of Family) to revise the definition of "family" in the Unified Development Ordinance in a manner that best preserves the character of single-family neighborhoods.

BACKGROUND

Two situations prompted the discussion about revising the definition of family:

- (1) Staff found that the reference to domestic servants in the definition of family could be used to circumvent the limit of no more than three unrelated persons occupying a single dwelling unit.
- (2) Staff continues to receive complaints about single family residences containing more than three unrelated persons and about the perceived side effects, including overcrowded parking on streets, loud noises, and deteriorating property conditions.

February 1, 2001

A special subcommittee of the Planning Commission met to discuss changes to the definition of family with regard to domestic servants. The city attorney summarized the legal aspects of defining family. In public comment, residents expressed concern over trash, traffic, noise, and parking. This meeting was a working session and the subcommittee made no motions.

February 15, 2001

The Planning Commission subcommittee met again to discuss the number of unrelated persons that should be considered a family. The subcommittee briefly discussed the definition of congregate housing, which is currently addressed through Use Unit 4. A motion was made and passed, with one abstention, to change the definition of family to "Family is one or more persons living together in a single dwelling unit, provided that unless all such persons are related by blood, marriage or adoption, shall not contain over four persons."

April 9, 2001

Staff made a recommendation to the Planning Commission to amend the definition of family to better define what is considered "related", to identify a family as living in a single housekeeping unit, to remove the section about domestic servants, to consider increasing the maximum number of unrelated individuals from three to four (as recommended by the special subcommittee), and to add an exception statement identifying what is not considered a family.

The Planning Commission tabled the decision on the definition of family and asked that staff revise the definition to allow a maximum of three unrelated individuals in low-density single-family districts and allow a maximum of four unrelated individuals in all other districts.

RECOMMENDATION

Based on the findings presented in the initial definition of family staff report, the recommendations made to the planning commission on April 9, 2001, and the requested revision, staff recommends the following changes to the definition of family.

1. Expand the definition of related family members to include adoption, guardianship or other duly-authorized custodial relationship.
2. Add a statement requiring that all persons are living together as a single housekeeping unit.
3. Remove the portion of the definition of family that discusses domestic servants.
4. Allow a maximum number of three unrelated individuals in the RE (Residential Estate), RA (Residential Acre Lot), RL (Residential Large Lot), R-1 (Low Density Residential), and RS (Residential Small Lot) zoning districts and allow a maximum number of four unrelated individuals in all other districts that allow residential uses.
5. Add an exception statement to distinguish family from a sorority, fraternity, club or institutional group.
6. Add the definition of "single housekeeping unit" to the definitions section of the UDO.

Assuming the recommendations made above, the ordinance would state:

***Family. (Zoning)** In single family residential districts, a family is no more than three (3) persons unless all are related and occupy a dwelling as a single housekeeping unit in the RE (Residential Estate), RA (Residential Acre Lot), RL (Residential Large Lot), R-1 (Low Density Residential), and RS (Residential Small Lot) zoning districts. In all other zoning districts where residential uses are permitted, a family is no more than four (4) persons unless all are related and occupy a dwelling as a single housekeeping unit. A family is when all persons are related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship. The definition of family does not include fraternities, sororities, clubs or institutional groups.*

***Single Housekeeping Unit. (Zoning)** A dwelling unit with common access to and common use of all living and eating areas and all areas and facilities for the preparation, serving and storage of food within the dwelling unit.*

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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PLANNING DIVISION CORRESPONDENCE

TO: Tim Conklin, City Planner
FROM: Shelli Rushing, Associate Planner
DATE: April 4, 2001

AD-00:46.00: Administrative Item (Definition of Family) to revise the definition of "family" in the Unified Development Ordinance in a manner that best preserves the character of single-family neighborhoods.

BACKGROUND

Two situations prompted the discussion about revising the definition of family:

- (1) Staff found that the reference to domestic servants in the definition of family could be used to circumvent the limit of no more than three unrelated persons occupying a single dwelling unit.
- (2) Staff continues to receive complaints about single family residences containing more than three unrelated persons and about the perceived side effects, including overcrowded parking on streets, loud noises, and deteriorating property conditions.

February 1, 2001

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February 15, 2001

The Planning Commission subcommittee met again to discuss the number of unrelated persons that should be considered a family. The subcommittee briefly discussed the definition of congregate housing, which is currently addressed through Use Unit 4. A motion was made and passed, with one abstention, to change the definition of family to "Family is one or more persons living together in a single dwelling unit, provided that unless all such persons are related by blood, marriage or adoption, shall not contain over four persons."

ISSUES

Revising the definition of family involves three predominant issues:

1. Determine whether or not domestic servants should be included in the definition.
2. Establish the most appropriate number of unrelated persons allowed to live in a single family dwelling unit.
3. Define what are considered "related persons".

Related issues include parking, noise and trash in rental properties with unrelated persons. A summary of cities that have started to address these concerns are discussed briefly at the end of the report.

FINDINGS

Staff gathered definitions of family from 13 cities similar in size to Fayetteville that are home to a college or university. The following summary of findings discusses the issues identified above.

1. Domestic Servants

Including domestic servants in the definition of family is relatively uncommon. Of the comparison cities, only two, Ithaca, New York and Springfield, Missouri, included a statement regarding domestic servants not being part of a "family". In early 1998, Athens-Clarke County, Georgia deleted a provision in the definition that allowed household employees to live in a residence without being counted among the unrelated people. Staff from Athens-Clarke County states that the change has eliminated the chance that the limits placed on unrelated persons living in a single family dwelling unit can be bypassed by claiming renters as domestic servants.

2. Number of Unrelated Persons

A maximum of three or four unrelated persons defined as a family appears to be the leading trend. In the comparison cities, the number of unrelated persons defined as "family" ranged from one or more unrelated persons to not more than five unrelated persons. Some ordinances apply one definition of family to all zoning districts that allow single family uses. Other ordinances define family by zoning district (*see Auburn, AL, Athens, GA, and Lawrence, KS*). In such ordinances, two to three unrelated persons are allowed in more restrictive single-family zones and four unrelated persons are allowed in all other zones that allow single family uses.

Courts have found that, in establishing a definition of family, cities must look at how unrelated individuals function together within the housekeeping unit. If in every respect but biological the unrelated individuals act as a family, they should be considered a family, also termed a "functional family." The courts have identified three factors that suggest the unrelated

individuals are acting as a functional family:

- 1) a family-like structure of household authority;
- 2) a stable and integrated housekeeping unit; and
- 3) does not threaten the preservation of the character of single family areas.

Nine of the 13 comparison cities address the second factor with a statement about the occupants living as a single housekeeping unit.

This issue also requires a brief discussion about group homes or family homes. These homes are designed to serve as a residence to help rehabilitate persons with disabilities and usually have on the premises between six and ten residents and two surrogate parents. City ordinances may not discriminate against group homes, however may limit the number of individuals to ensure the character of single family neighborhoods. (Dwight H. Merriam AICP and Robert J. Sitkowski, AICP, *The Seven-Nun Conundrum: Seeking Divine Guidance in the Definition of "Family"*, Land Use Law, June 1999, pg 3) (New York State Department of State, Legal Memorandum LU 05: *Definition of "Family" in Zoning Law and Building Codes; The Law of Planning and Zoning*). Two of the comparison cities, Ames, Iowa and Champaign, Illinois, address the issue of group homes within the definition of family. Other cities define group homes separately.

Five of the 13 comparison cities also include a statement about what is not a family, often excluding fraternity and sorority houses.

3. Definition of "Related"

Ten of the 13 comparison cities included the "related" term within the definition. These cities defined related persons as related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship.

RECOMMENDATION

Based on these findings, staff recommends the following changes to the definition of family.

1. Expand the definition of related family members to include adoption, guardianship or other duly-authorized custodial relationship.
2. Add a statement requiring that all persons are living together as a single housekeeping unit.
3. Remove the portion of the definition of family that discusses domestic servants.
4. Consider changing the maximum number of unrelated individuals from three to four, as recommended by the special subcommittee.
5. Add an exception statement to distinguish family from a sorority, fraternity, club or institutional group.

Assuming the recommendations made above, the ordinance would be amended as follows:

Family. (Zoning) ~~Family is defined as One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, or marriage, ⁽¹⁾ adoption, guardianship or other duly-authorized custodial relationship occupying a dwelling as a ⁽²⁾ single housekeeping unit, or no more than ⁽³⁾ four ⁽⁴⁾ unrelated persons occupying a dwelling as a single housekeeping unit. no such family shall contain over three persons, ⁽⁵⁾ but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family or families. ⁽⁶⁾ The definition of family does not include fraternities, sororities, clubs or institutional groups.~~

As revised, the definition of family would state:

Family. (Zoning) Family is defined as one or more persons related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship occupying a dwelling as a single housekeeping unit, or no more than four unrelated persons occupying a dwelling as a single housekeeping unit. The definition of family does not include fraternities, sororities, clubs or institutional groups.

Comparison Cities for Definition of "Family"		
City	Approx. Population	Definition of "Family"
Fayetteville, AR <i>University of Arkansas (15,000 students)</i>	58,000	One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over three persons; but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.
Unrelated persons limitation: None		
Tallahassee, FL <i>Florida State University (30,000 students)</i>	124,000	One person or a group of two or more persons living together occupying the whole or part of a dwelling as a single housekeeping unit.
Norman, OK <i>University of Oklahoma (27,000 students)</i>	80,000	A household comprised of one or more individuals.
Unrelated persons limitation: Two (2)		
Iowa City, IA <i>University of Iowa (28,000 students)</i>	61,000	One person or two (2) or more persons related by blood, marriage, adoption or placement by a governmental or social service agency, occupying a dwelling unit as a single housekeeping organization. A family may also be two, but not more than two, persons not related by blood, marriage, or adoption.
Ithaca, NY <i>Cornell University Ithaca University</i>	29,000	One or more persons occupying a dwelling unit, provided that, unless all members are related by blood, marriage, adoption or other legal relationship, no such family shall contain over two (2) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family or families.

Unrelated persons limitation: Three (3) or Two (2) with children		
Springfield, MO <i>Southwest Missouri State University</i> (16,000 students)	140,000	The following living arrangements shall constitute a family for the purposes of this Article: A. One (1) or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit; or B. Three (3) or less unrelated persons living as a single housekeeping unit; or C. Two (2) unrelated persons, plus their biological, adopted or foster children or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit. Domestic servants, employed on the premises, may be housed on the premises without being counted as part of the family. The term family shall not be construed to mean a fraternity, sorority, club or institutional group.
Ames, Iowa <i>Iowa State University</i> (25,000 students) This definition is suggested in a commentary in Land Use Law authored by Dwight H. Merriam, AICP and Robert J. Sitkowski, AICP.	47,000	Family means a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities: A) Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship; B) Three unrelated people; C) Two unrelated people and any children related to either of them; D) Not more than eight people who are: i) Residents of a "Family Home" as defined in Section 414.22 of the Iowa code and this ordinance, or; ii) "Handicapped" as defined in the Fair Housing Act, 42 U.S.C. Section 3602 (h) and this ordinance. This definition does not include those persons currently illegally using or addicted to or using a "controlled substance" as defined in the Controlled Substance Act, 21 U.S.C. Section 802 (6). E) Not more than five people who are granted a Special Use Permit as a single nonprofit housekeeping unit (a "functional family") pursuant to Section 29,1 1503(4)(d) of this ordinance. i) Exceptions - the definition of a "family" does not include: a) Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization; b) Any group of individuals whose association is temporary or seasonal in nature; and c) Any group of individuals who are in a group living arrangement as a result of criminal offenses.

Unrelated persons limitation: Four (4)		
Champaign, IL <i>University of Illinois at Urbana-Champaign</i> (34,000 students)	63,000	Family shall mean a person living alone, or two (2) or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel, hotel, fraternity, or sorority house, provided, however, that for the purposes of definition, "family" shall not include more than four (4) persons unrelated to each other by blood, marriage, or legal adoption. "Family" shall include members of the service dependent population living in community living facilities and recovery homes as herein defined.
College Station, TX <i>Texas A & M</i> (44,000 students)	53,000	Any number of related persons or not more than four (4) persons any of whom is unrelated to another living as a single housekeeping unit. Persons are related within the meaning of this definition if they are related by consanguinity, affinity or legal guardianship.
Grand Forks, ND <i>University of North Dakota</i> (10,000 students)	45,000	Any number of individuals related by blood, legal adoption or marriage, or a group of not more than four persons who need not be related by blood or marriage, living together on the premises as members of a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel as herein described.
Unrelated persons limitation: By Zoning District		
Auburn, AL <i>Auburn University</i> (22,000 students)	33,000	One (1) or more persons related by blood, marriage, adoption or guardianship, plus one (1) unrelated person occupying a dwelling unit and living as a single housekeeping unit in the Limited Development District, Neighborhood Conservation District and the Development District Housing; or not more than five (5) unrelated persons occupying a dwelling unit and living as a single housekeeping unit in all other zoning districts where residential uses are permitted.
Athens, GA <i>University of Georgia</i> (30,000 students)	126,000	A. For the purposes of this section the following definitions shall apply: <i>Family</i>: Two or more persons occupying a single dwelling unit where all members are related by blood, marriage, adoption or are in foster care. The term "family" does not include any organization or institutional group. <i>AR Neighborhood</i>: Property in any AR (Agricultural Residential) zoning district which are in proximity of ten or more single family dwelling units, not separated by other uses or vacant property. B. It shall be unlawful for the owner of any single dwelling unit located in any RS zoning district or any "AR neighborhood" to have more than two unrelated individuals residing therein, whether or not a family also resides therein. When a dwelling is located in any zoning district other than RS or in an "AR neighborhood" one of the following is permitted: 1. Family related by blood, marriage, adoption or foster care may have two additional unrelated individuals; or 2. Unrelated individuals not exceeding four.

Lawrence, KS <i>University of Kansas</i> (25,000 students)	78,000	(1)(a) <u>Family</u> In RS zoning districts, Family shall be defined to mean: i) a person living alone, or ii) two or more persons related by blood, marriage, legal adoption, guardianship or other legally authorized custodial relationship or iii) a group of not more than three (3) persons unrelated by blood, marriage and their children, living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a boarding house, lodging house, motel, hotel, fraternity house or sorority house. (b) Family in all other zoning districts, and for those uses governed by Use Group 7, Family shall be defined to mean: i) a person living alone or ii) two or more persons related by blood, marriage, legal adoption, guardianship or other legally authorized custodial relationship, or iii) a group of not more than four (4) persons unrelated by blood or marriage, living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a boarding house, lodging house, motel, hotel, fraternity house or sorority house.
Columbia, MO <i>University of Missouri</i>	69,000	(1) An individual or married couple and the children thereof and no more than two (2) other persons related directly to the individual or married couple by blood or marriage, occupying a single housekeeping unit with single kitchen facilities, used on a nonprofit basis. A family may include not more than one additional person, not related to the family by blood or marriage, provided that such additional person may be provided with sleeping accommodations but not with kitchen facilities; or (2) a.1. In zoning districts R-1 and PUD (when PUD development density is five (5) or less dwelling units per acre, a group of not more than three (3) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a nonprofit basis. 2. The use of a dwelling unit by four (4) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a nonprofit cost-sharing basis, prior to February 4, 1991, shall be allowed to continue in districts R-1 and R-1 PUD as a lawful nonconforming use. B. In all other applicable zoning districts, a group of not more than four (4) persons not related by blood or marriage, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a nonprofit cost-sharing basis.

RELATED ISSUES

Revising the definition of family is just one step in addressing the problems that can arise from student housing, from loud noises to parking problems to deteriorating property conditions. College towns that are facing or have faced similar issues have created approaches for addressing these problems. These approaches include rental property registration, enhanced code enforcement, and limiting space between student housing properties. A brief summary of the programs and ordinances adopted by other college towns is provided below.

Tallahassee, FL

In June 2000, Tallahassee passed a law prohibiting the construction of new dormitory style housing in single family residential neighborhoods (see article attached). In conjunction, the city established a process to grandfather existing dorm housing, but that the grandfather status could be lost if certain codes are violated. The process requires landlords to register with the city and designate an agent for the property. A Rooming House Response Team answers questions and accepts rooming house complaints.

Tallahassee's rooming house definition is as follows:

"A single family dwelling or either unit of a two-family dwelling (duplex) which is rented for a valuable consideration or wherein rooms with or without cooking facilities are rented for a valuable consideration to or occupied by four (4) or more natural persons unrelated by blood, marriage or legal adoption to the owner or operator of the house. Foster children placed in a lawful foster family home, a community residential home with six or fewer residents, a nursing home, or a residential care facilities shall not be considered a rooming house. Temporary gratuitous guests as used herein shall refer to natural persons occasionally visiting the single-family house for a short period of time not to exceed 30 days within a 90 day period."

The city also created an Enhanced Enforcement Plan with strategies to reduce noise, parties, underage drinking, and boom box violations predominantly related to rental properties. The plan included seven primary activities:

Party Patrol with police officers specifically designated to address complaints associated with parties.

Loud Car Stereo Critical Enforcement to reduce car stereo noise violations.

Noise Enforcement to reduce party-related noise nuisance.

Alcohol Availability to Minors to reduce the availability and possession of alcohol to minors.

Community Coordination and Orientation to Education Efforts to involve the community and other agencies, governments and jurisdictions.

Enhanced Education to provide information related to rental property, party-related crime, etc.

Evaluation Process to evaluate the effectiveness of the plan.

Lawrence, KS

In February 2001, the City of Lawrence passed an ordinance that decreased the number of unrelated persons in an RS (Single-Family Residence) district from four to three. In conjunction, the city passed an ordinance requiring non-conforming uses, those properties with more than three unrelated persons, to register with the city by June 1, 2001. (Registration form attached.)

State College, PA

In 1997, the State College Borough passed an amendment to the housing ordinance that placed restrictions on property owners wanting to convert a home to a student rental property. The restrictions are based on space separation between converted single-family homes to rental property, targeting student homes. Student homes are defined as *"three or more unrelated people living together and not owning the home."* A student home must not be within 250 feet of another student home in a residential district.

Springfield, MO

Springfield enforces rental property registration that requires a current valid registration in the city to rent property. The ordinance applies to apartments, boarding houses, lodging houses, rooming houses, fraternity and sorority houses. The registration includes designating each building for rent and identifying a local agent (no more than four) that is legally responsible for operating the rental housing. The registration fee is \$12.00 and must be renewed annually. No unit may be occupied if a registration is revoked or suspended. An occupancy permit will not be issued for any dwelling unit for a building with two or more units unless a current rental housing registration is in effect, a registered local agent is designated, and fees for registration and any other penalties are paid in full.

The city uses the following criteria to determine if an individual resides at a rental property:

- gives that location to any persons as a place where he may be reached by mail;
- pays or has money paid on his behalf, to use that location; or
- gives the phone number of that location to any person as his home telephone number.

The city also sets special provisions for two neighborhoods near the university. In those areas, the city will notify the university dean of students of any student found to be renting property that is in violation of the ordinance. The ordinance also requires that any lease or rental contract regarding rental property in R-SF or R-TH zones in the designated neighborhoods must include the following language: *"Occupancy limited to one family or three unrelated people. Each tenant must get an occupancy permit from the City Manager. A violation of these requirements may result in a fine up to \$500 and 180 days in jail."* This statement must be posted on the rental property.

Norman, OK

Norman approaches the problem of too many people in a single-family unit by letting the Code Compliance Inspectors inspect for zoning compliance. They work with the owners to reduce the occupancy within a reasonable time frame. Follow-up inspections are made and the city notes that compliance has been achieved in almost all cases. Files are charged in Municipal Court for those that

do not comply. If still unresolved, the case is forwarded to District Court. The city issues warnings, then tickets, for cars parked on unpaved surfaces.

Ann Arbor, Michigan

The Ann Arbor Central Area Plan recommended that the city establish an educational campaign to let residents know about city regulations regarding parking, trash, and other nuisances. The plan also suggested a clean up week each semester and to offer extra trash pick-up during those times when students are moving out. For serious trash problems, the residents and the property owners are notified with a letter. If they do not comply, they receive a ticket. If the problem persists, the trash is hauled away at the property owner's expense by adding it to the property tax bill.

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AD 00-46.00: Administrative Item (Definition of Family) to revise the definition of "family" in the Unified Development Ordinance in a manner that best preserves the character of single-family neighborhoods.

Estes: The next item that we have on our agenda is Administrative Item 00-46.00, Definition of Family to revise the definition of "family" in the Unified Development Ordinance in a manner that best preserves the character of single-family neighborhoods. Commissioners in your material, among other information regarding this administrative item is a letter from a concerned constituent whom I anticipate will be a presenter tonight request that anyone who owns rent property within the City of Fayetteville recuse from voting on this item. I just bring that to your attention for your consideration.

Hoffman: I just want to state that I do own rental property but I don't find it necessary to recuse.

Estes: The staff has made recommendations and those are on page 13.3 of your material. This matter was well considered by a Subcommittee of your Planning Commission, I chaired that Subcommittee, Commissioner Bunch served on that Subcommittee as did Commissioner Allen. The result of our work was that the revision that we bring forward to you this evening is found on page 13.4 of your material, as revised the definition of family would state:

Family. (Zoning) Family is defined as One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, or marriage, ⁽¹⁾ adoption, guardianship or other duly-authorized custodial relationship occupying a dwelling as a ⁽²⁾ single housekeeping unit, or no more than ⁽⁴⁾ four (4) unrelated persons occupying a dwelling as a single housekeeping unit. no such family shall contain over three persons; ⁽³⁾ but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family or families. ⁽⁵⁾ The definition of family does not include fraternities, sororities, clubs or institutional groups.

Estes: Tim, do you have any additional information, any additional recommendations that you would like to make for us this evening?

Conklin: Yes. With regard to changing the number from three to four, initially when I brought this forward and brought it to the Subcommittee the intent was to remove the section where it talked about domestic servants and that counting towards the number in that family. I have put in the staff report the recommendation from the Subcommittee and would like to let you know that I do believe we should keep it at three and not change it to four. Changing it to four would eliminate a lot of the

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violations for the Planning Division to investigate but I don't think it's going to benefit the neighborhoods by changing that from three to four. I think it should remain at three. The rest of the changes are the result the Associate Planner, Shelli Rushing, taking a look at other ordinances across the United States and adding some language in there with regard to the term related, the single housekeeping unit, and making sure that it distinguished family from a sorority, paternity club or institutional group. Those are the changes that we recommended. The definition that you did read is correct except I would recommend that you keep it at up to three unrelated people in a single family home.

Estes: Would you make that a part of your recommendation to the Commission this evening?

Conklin: Yes, I would.

PUBLIC COMMENT:

Estes: With that said, is there any member of the audience who would like to provide comment, suggestions, edification, guidance or enlightenment regarding administrative item 00-46.00?

West: My name is Chuck West and I am president of the Sunset Woods Property Owner's Association. That is located just a few block northwest of the University campus. First of all, we are very much in favor of dropping the domestic servants loophole but we are very much against raising the maximum number from three to four. I'm glad to hear that Mr. Conklin is recommending that be dropped. I just want to reiterate that the Commission please go along with that because we feel that there has been encroachment of student population into large houses that have resulted in a loss of the community, a loss of family nature and degradation of yards, properties, noise, more traffic and so on. I don't want to belabor that too much but our experience is that many landlords, too frequently, who rent to students in our area, don't respect community standards and will allow extra traffic and noise and litter and so on. I do urge the Commission to go along with Mr. Conklin's recommendation to not increase to four. Thank you.

Mansfield: My name is Steve Mansfield. I wanted to focus a little bit on the issue because I think some of the problems that have risen have been mostly in single family or neighborhoods or duplex neighborhoods. I'm not sure if the Commissioners are all aware, there are at least three apartment complexes in town that have four bedroom apartments that specifically focus on the student market. Those, that I

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know of anyway, include Woodway, College Park and Maple Manner. If the number in the family is reduced to three rather four, in effect, all the four bedroom units, which I believe is in excess of 150 apartments in this town, would have significant loss in value. For the owners of those apartments, that could be pretty drastic. I was wondering if you could consider either exempting larger apartment complexes or in some way change the definition of a residence such that it really focuses on the problem, which is the single family neighborhoods where there is traffic congestion and trash.

Marr: Can I just get a point of clarification, this definition, does it apply only to R-1?

Conklin: No, it applies to all zoning districts, all residential uses. Just for clarification, we are not changing the number of unrelated people allowed within a dwelling unit. The current limitation is three. I understand the apartment complexes you've described. Staff has done a lot of research and this is just one part of what I intend to bring forward and we'll take a look other methods to deal with the issue of student housing and what other communities have adopted to help regulate the number of people.

Marr: Was there any look at different non-related, the number being different based off of type of zoning, like an R-2 having a different requirement than an R-1?

Conklin: There are some communities that have done that. In your information there are some zoning districts that have allowed different number of unrelated people and that's a possibility we can take a look at anything above R-1 allow up to four in order to help bring it into compliance these existing conditions.

Marr: I guess my point is, I think this warrants investigation of looking at a different limit based off of zoning level, even square footage. I can speak for myself, I actually bought a house that is 100 years old that used to be Mount Nord Club for the University and I live on Mount Nord Street. The size of a location can also dictate the difference in a facility that might be able to allow an unrelated amount higher than three. I just throw that out for discussion.

Conklin: In Shelli's research, other ordinances define family by zoning district in Auburn, Alabama, Athens, Georgia and Lawrence, Kansas, in such ordinance two to three unrelated persons are allowed in more restrictive single family zones and four unrelated persons are allowed in all other zones that allow single family uses. They created that two to three for single family, four for other multi-family zoning districts.

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Cring: I'm responsible for putting those pictures together. My name is Tim Cring, I live at 708 Fowler Avenue. I appreciate you staying here late at night. Six of my neighbors left at about 10:00 p.m. I wanted to make one point that I'll come back to. I think it's critical to remember we are at three now and the charge of the Committee was to really look at revising the definition to best preserve the characteristic of family neighborhoods and if we go to four, we have to think about how going to four preserves that neighborhood. The other point I wanted to make is we talk about students all the time and I'm a professor at the University, this really isn't an anti-student issue, this is a anti-bad neighbor issue and an overcrowding issue of a home that wasn't built for that. There are a number of neighborhoods right around campus, north, south, east and west, I won't say those street names, they are on that top part. Those are traditional student rentals over time. Really, they are not anymore because the students don't like living in those homes anymore. I imagine staff, when Tim was looking at different university towns, other universities have actually purchased them back trying to reclaim these neighborhoods that have degraded because the degraded areas around the University reflect on the University. What our focus is, in the people that are neighbors of mine, are mostly looking at areas that weren't rentals five or ten years ago but are now. Those are a little further out and a little higher priced ones, those are Washington Street, Prospect. There are still some isolated neighborhoods where they haven't gone to the rental areas but when you see the rental homes where there is multiple people, four and more that are avoiding our ordinance, you see multiple cars parked at one place. That one picture on the right, that was six cars, that was this morning. There was six cars parked on the lawn and the driveway. This other picture down on the bottom right was also this morning. That's where the students have to park on the front lawn, there is typically eight cars at that location. There just isn't room, they want to get out at different times and it really creates an obvious problem. The other issue we are looking at is not really the extreme of use of the ordinances that exist now and that's on the top of the second page. I know you've looked at that upper right one, Maple Street and Oliver. Those have been the focus of other issues and a lot of complaints. That's where the ordinance is completely ignored, there was 14 cars at that location this morning. The other issue I wanted to bring back is, when we go from three to four, we are increasing that multiple that if you buy a house and want to rent it out to students, you can actually make a much bigger house and nicer house into rentals. The bottom two photos on that page are in Waterwind Woods and right across from Waterwind Woods, these are over \$150,000 homes that are currently rented to groups of people now, more than four. That's an issue we are trying to resolve and address. I really urge you to remember the mandate and not go to four.

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Manskey: Rita Ann Manskey, 6 North Hartman, Fayetteville. I would first like to express my thanks to Mr. Conklin and the staff and to the Subcommittee for the work and the research that you did on this issue. It's very much appreciated by all of us. On my particular street, I represent the lower number of years of home ownership. I have lived at 6 North Hartman for 18 years. Others have lived there for periods of time from 20 to 45 years. We have some long term family renters who have lived there for periods of 5 and as long as 10 years. We are now experiencing a most unfortunate change in the stability and character of our neighborhood. Due to our proximity to the University, we are increasingly being targeted as an area for student housing. Single family homes are being purchased and rented to college students, not one, two or three students but as many students as possible, pseudo dorms, if you will. The one close to me even had their own so-called dorm mother but it didn't do any good. This meant and still means, four and five cars without room to park, they park in the yards, bags of trash left on the street for a week, extra noise and traffic, increased crime. Our neighborhood was designed and zoned for single family dwellings. Yards were not meant to be used as parking lots, streets were not meant to be used as trash receptacles, young men were not meant to urinate in the yard when my daughter is walking home from school. Our property is consistently being devalued by these practices. We all understand at least part of what has happened. An examination of the University's dormitories would cause any parent to look for alternatives. Young people of today are not impressed by the dorms our campus has to offer. The rental market, especially anything convenient to campus will remain strong. Our neighborhood does not owe it to the University to allow our property values to be decreased. Our neighborhood does not owe it to the University to allow our aesthetic standards to decrease. Our neighborhood does not owe it to the University to allow our general sense of welfare and safety to decrease. We cannot and will not become one big dormitory. My neighbors and I work in this community, play in this community, we contribute to the community, we support this community, we raise our children here and some of us raise our grandchildren here, we pay taxes, we vote and most of us own our own homes and do not plan to move. There are plenty of available neighborhoods in our town designed for every imaginable rental purpose. Our neighborhood need not be sacrificed to easy money. We, as citizens of Fayetteville, ask this Commission to help us protect our investment, help us protect our security and safety and help us to protect our neighborhood. There is no magic number. I strongly support the number three. We all know it only takes one person to be that really bad neighbor. Is it good business to allow any circumstance that helps anyone to allow erosion and deterioration of our established neighborhoods. There is nothing wrong with setting a standard and there is nothing wrong with choosing number three and I thank you for your very kind attention at this late hour.

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Estes: Thank you. The seminal issue seems to be whether it's three or four. We are going to vote on this definition of family. Staff has now recommended three. I don't want to limit public comment in any way. Can we just have a show of hands of how many people favor four? Show of hands of how many people favor three? Is there anyone else that would like to offer comment to us that you feel would be helpful to us and not redundant of what we've heard? Please come forward.

Moeller: Bill Moeller, 1511 Markham Road, president of the University Heights Neighborhood Association. I think you have all received the letter that I've sent to you expressing the neighborhood association's position on this issue which is, that we are for dropping the reference to domestic servants and we are against the increase in the number from three to four. I wanted to mention one thing that hasn't been mentioned here tonight, mentioned to me by a fellow that does not have the endurance that all of you folks have and that I have. R-2 actually has more protection for it's residents than R-1 because in an R-2 apartment complex, the offended residents can go to a manager and say "Hey, I'm not going to pay my rent if you don't quite these guys up next door." Who does R-1 turn to? You folks. Thank you.

Weiss: George Weiss, 1614 Sawyer Lane. I was at both of the subcommittee meetings and one reason that was given for wanting to increase from three to four was that this was going to help senior citizens. That there might be for senior citizens, who are unrelated but because of maximizing social security finances, would want to live together. As it stands right now with the current ordinance, if such senior citizens wanted to live together, they could come before the Planning Commission and get permission to do so, if I understand it correctly. They probably would be granted that permission. In other words, they have a remedy right now. If they didn't come to the Planning Commission and they wanted to do it and they just moved into a neighborhood and didn't even realize there was an ordinance, nobody is going to complain about them and therefore, the ordinance would not be in force because it is a complaint driven ordinance. No complaint, Planning Department doesn't go out and knock on the door to find out. What I'm saying is, right now the senior citizens, and I am a senior citizen, will have remedies. Let's examine this just a little bit in more detail. First I do want to say thank you for anybody who does think of senior citizens but how real is this senior citizen problem? I would ask you Mr. Chairman to ask the staff, how many of the complaints that we've had about more than three people living in a house, how many of those have been about senior citizens?

Estes: Tim, do you keep any records?

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Conklin: With regard to senior citizens? I don't think I've received any complaints with regard to senior citizens.

Weiss: How many senior citizens wanted to occupy a house and be unrelated with four in a house, how many have requested that either through the Planning Department or to the Planning Commission?

Estes: Tim, do you have an answer for that?

Conklin: None.

Weiss: This is a non-problem and therefore, I don't see that as a valid reason for wanting to go from three to four. The problem, I think you've already heard it, is with the younger generation. I'm not anti-student either. Those are the ones that seem to cause the problems. If you do increase from three to four, not only are you not helping the senior citizens but you are in fact hurting the senior citizens because you are inviting more noise, traffic, safety, trash and problems. Therefore, I would encourage you to follow the staff's recommendation and not raise from three to four, the number of unrelated people in an household. Thank you.

L.Weiss: Lou Weiss, Fayetteville. Something just occurred to me, I don't know if it's possible or not but in defense of the students, perhaps if somebody can talk to the University and during their orientation if they could be given this information on how many unrelated people can live together, maybe more of them could be aware of this rule and follow this rule. We are always talking against the students and I feel badly doing that because they are here for a higher education and so on and I respect that. I have been scared, last night as a matter of fact, we live across from Hotz Park and there were kids yelling all over the place and it sounded like guns and sounded like they were in our driveway, we ended up calling the police. There are a lot of problems but perhaps if students were educated a little bit more to this problem, maybe they would behave themselves a little better or be aware of these rules.

Baker: I won't take but just a moment because I know you are tired and I appreciate so much you being here. I appreciate you giving me the chance to speak. I brought pictures.

Estes: Would you tell us who you are and where you live?

Baker: I'm sorry. My name is Ruth Baker and I live at 99 West Elm, Fayetteville. I brought some pictures that are worth a thousand words and hey just give credence

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to what has already been said. As you look at them, I would like you to note how many times the sidewalks are blocked. This particular neighborhood has duplexes, three and four bedroom duplexes. It's also the closest residence to the location for the new Boys and Girls Club. I know, in listening to the Planning Commission when the Boys and Girls Club was being presented, one of the things they talked about was children walking to the Boys and Girls Club and also riding their bicycles. If you'll notice, in order to get to the Boys and Girls Club, by that particular neighborhood, they would have to be riding and walking out in the streets because there are so many cars. Two of the pictures shows a particular duplex this morning that went by at 7:20 a.m. On one side there were seven cars, six on the driveway, one in the yard, on the other side of the duplex there were five cars, which gives a total of twelve cars. We have not even mentioned what happens on Friday nights and Saturday nights. The only other thing that I would like to add is, I thank you very much Mr. Conklin, for recommending three. I think that was a wise decision because we seem to have enough trouble with three and we don't want to open the barn door up wider. Also, the fact that something was mentioned about people with four bedrooms not being able to have as much income, there are families that need four bedrooms. I don't think that is going to interfere with anyone's income. Thank you very much for listening.

Benedict: I'm John Benedict and I've lived on Oliver Street over 30 years in two different houses. My mother and I chose to live on Oliver Street because it's zoned R-1. I agree that we need to define a family and limit the number of unrelated persons living in a house. It looks like that we are trying to address the problem after the fact to me. The issue might be better addressed on the front end but the problem that we are having at 527 Oliver, next door, might have been addressed in the planning stage or the permit stage. In Fayetteville a builder can build just about any structure within reason but if you see a plan calling for a long hallway with many doors, a reasonable persons would say "That's probably a dorm, it's not an R-1 structure." I'm saying that there would seem to be many indications of what a structure is going to be used for and what structure does not belong in R-1. It's helpful to limit the number of unrelated persons but builders can continue to build what amounts to dormitories in R-1 areas. The history at 527 Oliver is that the neighbors had to get together and oppose the owner building a six unit apartment complex there. Why did the neighbors keep having to band together to oppose the building of structures that shouldn't even be considered in R-1? I object to there being six students living in the house at 527 Oliver, in addition to the students living at 1520 Maple on the same property. These students have not been bad neighbors but there are too many of them living in one property. As near as I can tell there have been as many as eleven people living in the two houses on the one property, judging from the numbers of cars and the people coming and going that

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I've seen. My mother and myself feel the existence of a rooming house next door has adversely affected our quality of life and enjoyment of an R-1 private home in an R-1 zone. That's the issue to us. I guess I would urge the Planning Commission to go even further than this step that you are doing to protect R-1. Thank you.

Reynolds: My name is Ben Reynolds and I am a student at the University of Arkansas. Currently, I do live on campus but I am planning on moving off campus next semester and I have many friends that live off campus. All this talk has been about college students, I see that as a big problem. With the mention of the senior citizens not causing problems, it's kind of like saying "If I'm speeding and there is not a cop there, I'm not breaking the law." There are a lot of problems with a lot of students living close together. You have problems with noise, illegal parking and sometimes the threat of violence and illegal acts. All that is handled by other ordinances, not by this one. There are other means to take care of that. As far as other people providing services to the community and helping out the community, even as a member of the University, I do perform a great deal of service for the community. I help out routinely with the Boys and Girls Club, I helped volunteer at this rescheduled First Night and occasionally I'll go out to the animal shelter when my class schedule permits. A lot of students are more active in the community than people realize. Many are registered voters, after this last election. We do frequent many of the businesses around Fayetteville. Even though we do not pay property tax, we pay sales and HMR taxes. Not all of these problems of trash and noise are not college students. The further you get away from campus you still have a lot of these problems, the further you get away from campus the number of students decrease. I have several ideas on how to solve this problem. The only option I see tonight is increasing it four people. I don't see how changing the number will increase any problems that you already have. I am for making it more strict and getting the loophole out, I am for that. As far as letting more people live there, when you are renting out a house for \$1,000 which is an average price around Fayetteville, especially close to campus, if you are only to let three unrelated people there, the cost of living in that house is \$330. If you let four people live there that's \$250. That's a difference of \$80 and that can make a difference if someone eats or not. Also, if you increase the number and it's legal, more people will try to live closer to campus and if we live closer to campus we won't spread out and invade other areas which seems to be the problem. Also, a lot of people claim that we are bad neighbors, I think the number of good neighborly students is not known here because they don't get reported. Maybe if when students moved into a residence or house that is in an area where there is a neighborhood association, they should be encouraged to join it and then they could realize that they could actually help out and maybe they do

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cause problems at certain times. For the domestic servants, an idea to get rid of the loophole I thought of was to get an update annually or semi-annually, even quarterly on what they do and report on such things and have to be approved by the City. Also, you can discourage the owners of these properties from doing it and not focus so much on the students themselves. If the owners didn't let this happen then the students wouldn't have the opportunity to be in this position. What I thought would make an even better idea would be to make the number of residents dependant on the number that the residence can handle. You could have a number of people living in a house to be dependant on the number of bedrooms and the number of parking spaces because that's one of the biggest complaints I've heard. If you can figure out a relationship between all that, you might be able to help out because I know there are several houses and apartments that are four and five bedrooms but you are only going to let three people live there, you are wasting a lot of space and there is a lot of space going unused. Just to close, I would like to say that I know I'm not the only one that has come here to Fayetteville and started a life in town but if I'm not made to feel welcome here, I don't know if I would want to come back. Thank you.

COMMISSION DISCUSSION:

Estes: Thank you for your comments. Are there any members of the audience which would like to comment? Seeing none I'll close the floor to public discussion and bring administrative item 00-46.00 back to the full Commission for motions, considerations, comments, discussion.

Ward: I'm going to ask the City Attorney about if we limit to three, is that some kind of discrimination? First of all, I know if somebody wants to buy a home in a residential area and use it for a rental, which has happened many times in this college town, that's how neighborhoods start changing. I see that our Subcommittee recommended four people. Is this too discriminatory?

Williams: Since this would be a continuation of a current ordinance, I don't think would be more of a problem than it's been in the past. I don't think we've been challenged in the past over that.

Ward: I think the only place we need to use this would be strictly in R-1 zoning only.

Williams: I would like to say that might make some sense. Tim, you were talking earlier about the fact that you were going to look at that also?

Conklin: Yes.

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- Williams: My only suggestion to the Commission might be that if we are going to try to change this, maybe we ought to do it all at once rather than change this a little bit now and send that up to City Council and then come back and re-change it again. It may be that we are not ready at this point in time to do the finished product.
- Ward: The real problem I see with all this stuff is that if you rent a house to three boys, the next thing you know, if you are in the rental business, there is a girlfriend moves in for a few weeks or weekends and things like that. Another thing that I noticed, parking is a problem at a lot of these places, friends do come by. Up on Mount Sequoyah where I live, everybody has parties on weekends and there is 8, 10 or 15 cars. I don't think that's a thing we need to concern ourselves too much with as far as seeing a bunch of cars parked somewhere. I just think there is no real perfect solution to this problem. You can't legislate people from buying property, that's discrimination. I'm not sure that there is a really is a real solution to our problem. I understand. I live up on Mount Sequoyah and there are lots of rental properties up there and a lot of nice homes.
- Shackelford: Just to expand a little on what Commissioner Ward is saying, I agree in theory with what we are trying to accomplish with this ordinance but I'm very much struggling with the fact that we have apartments and duplexes that are built four bedrooms for four unrelated occupants. I'm afraid that if we approve this as it's presented that we are going to be put in a position where we are either making a lot of conditional use acceptances to this or we'll just kind of be picking where we are applying the law and where we are ignoring the law. I don't think that's fair to anybody. As much as I hate to, I'm going to have to say that I won't support it stated as three people instead of four unless it's tied to zoning. I think that's perfect for R-1. I think other zonings to where there is specific rental properties already built that are for four unrelated people that we are going to have to address that. I don't think I've ever voted for a motion to table in my life but I'm not so sure we are exactly where we want to be with this ordinance before we send it to City Council. That's my thoughts on the issue at this time.

MOTION:

- Marr: I was going to actually move to table based on the comments. I support the three particularly in an R-1 zoning. I'm not comfortable having three across the board. I agree with our City Attorney that we should address it all at one time. I know no one wants to probably deal with the thought of revisiting this again, particularly when it's 11:25 at night, at a future meeting but I think it's the most appropriate thing to do. I'll move to table administrative item 00-46.00.

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Estes: There is a motion to table by Commissioner Marr, is there a second?

Ward: Second.

Estes: Second by Commissioner Ward, is there any discussion?

Conklin: Would it be appropriate to vote on the issue of limiting to three for single family, R-1 zoning district so we can have direction of staff to bring that proposal forward? Not to send it to the City Council but, since we've discussed it this evening whether or not it's three or four, to vote on that to keep it as is or change it.

Estes: I have some questions but I think first Commissioner Hoffman has something.

Hoffman: I think that's a good idea to give direction because I'm a rental property owner but I do find the same things that Commissioner Ward had said. I think there are more responsible landlords out there than not but the ones that are not really stand out and we know where they are and we know who they are. I would like to send a message to those people that it really does decrease property values, it really does create an eyesore for Fayetteville that can be easily avoided if we limit the number of people and get rid of these loopholes. Then we can certainly sort out, at another time, what to do with the apartment complexes that have the adequate parking, we have non-conforming duplexes that don't have adequate parking but maybe they are already in a really dense district that we can deal with that in some manner. When I first sat in on the Subcommittee, I was thinking it needs to be four but I've been considering it since then and had some discussion about it with various people and I do believe that in a single family neighborhood, and we are really talking now a lot about preserving the character and integrity of our neighborhoods, that if we keep it to three it sends a message. Maybe somebody slips four in under the door but if they act as responsible citizens then they won't have a problem as in the senior citizen example. If we could make some kind of suggestion or give a direction for staff or take a consensus before we table it. Can we table it with a show of hands or something like that?

Estes: Mr. Conklin, a couple of questions. There was a Subcommittee appointed, which of course I chaired, the seminal issue that brought this all about was the domestic servant clause in the existing definition of family, is that right?

Conklin: That is correct. That's all I ever wanted to remove was just that last sentence in the ordinance that talked about domestic servants.

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Estes: Then we got off on the discussion of three or four or six or eight and, help me out, the definition of family is seminal to our zoning code because it is in our zoning code that we talk about single family, multi-family, R-1, R-2 and we use that definition to define R-1 or to define R-2, is that a correct statement?

Conklin: I use that definition when we go out investigate a complaint to determine whether or not there are more than three unrelated people within a dwelling unit.

Estes: Is not our zoning code based upon, for example R-1 is single family, R-2 is more than single family, so we must have a definition of family for our zoning code to function, is that fair?

Conklin: That is correct.

Estes: All we are doing is that, you asked that we look at the definition of family and consider removing the domestic servant clause?

Conklin: That is correct.

Estes: We did that. Now we have a motion to table which I will oppose because I think we need to vote the ordinance up or down and send it on. There is not some grand scheme here of ordinance revision, it is just simply that we needed to take a look at the definition of family and it was suggested that we remove domestic servant. Then we got into this discussion of whether it's three or four or whatever and here we are tonight with a motion to table what I guess is about four months of work for what purpose I don't understand. Maybe it's just the late hour and I'm not capable of grasping the nuance of it all.

Marr: I asked the question during this discussion whether the definition of family was used for R-1 zoning or all residential zonings. I don't believe, nor can I support, the definition of family being three in an R-2 requirement when I know that there are multiple properties in Fayetteville that have four bedrooms, that if I am a landlord or a building owner, it is my goal from a profitability standpoint to have maximum rental out of that property. Therefore, as I said in my table motion, I support three. I think the feedback we've heard tonight is that it should be three in R-1 zoning. I guess my questions would be, instead of staying here until midnight, would have been was there a rationale that the Committee did not address definition of a family in higher zonings? Were there additional considerations to deal with properties that are out of compliance today? If we pass this, are we going to on Monday or whatever point it becomes effective, have 100 citizens in Fayetteville calling because they've got pictures, they've got

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property where more than three people are there in zoning that was built to accommodate that? That's my rationale for tabling. I would certainly be happy to vote it down or vote for R-1 only but I would not support leaving it the way it is today.

Conklin: I don't mind tabling the issue, I would just like to let the public know, who are here this evening, that the Commission acted on the issue of three or four and give staff direction. To bring back something more to address the R-2 or whatever...

MOTION:

Marr: I would like to withdraw my motion to table and I would like to move that we adopt a definition of family as presented with three unrelated individuals for R-1 zoning only.

Ward: Second.

Hoffman: I can't do that because Locust has C-4 or C-3 zoning or whatever. I just want to vote on three or four and let them work on the different zonings.

Estes: We have a statement by Commissioner Marr that he withdraws his motion to table, does the second accept that?

Ward: Yes.

Estes: Then Commissioner Marr makes the motion to approve the definition of a family as recommended by staff, "No more than three unrelated persons occupying a dwelling as a single housekeeping unit in an R-1 district." That motion has been seconded by Commissioner Ward. Is there any discussion?

Bunch: I realize that it is late and we have had various changes in the form of motions and discussions. My concern is that we are going to, in our haste to get out of here because it is late, that we are going to do ourselves a disservice. I believe that responsibly we can respond to the community and the community can know that we are addressing this issue without having to jump through hoops right now to make a vote on three or four. We have had information that has been presented to us at the last agenda session, at the request of Commissioner Allen, from our last meeting of the Subcommittee, which opens up considerable other alternatives. We can look at possibly four if it's owner occupied. We've had things

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presented tonight of ideas about other zonings. My concern here is that in our haste to solve one problem we are going to create many more. The idea of saying "Yes, we can live with three. Let's just jump up and do three and wink at all the other violations of the three", puts us in a position of selectively enforcing the law and I am just not comfortable with that. I think that if we spend a little more time on it and come up with something that is pragmatic and realistic that we will be better served rather than in a haste come up with something that we know is improper and we wind up enforcing selectively and playing favorites. I don't think that's a position that we, as a City, need to be in where we can be readily accused and hear "How come I have to move and these people over here don't have to move?" I think we are putting ourselves in a real strange position to do it that way.

Hoffman: I have a friendly amendment to this motion, can we say not more than three in a house used as a single family dwelling or zoned R-1? That takes care of all the people on Locust.

Conklin: In an effort to move forward, I think I understand the intent of Don Marr's motion and we'll bring forward an ordinance definition to the next Planning Commission that talks about up to three unrelated people in a single family zoning district and consider up to four in multi-family zoning districts. I don't know how you want to word your motion. Basically I was trying to clarify, on this issue of a single family zoning district, how many unrelated people. I would be more than happy to bring that forward to the next Commission meeting.

Marr: Are we in fact hearing to table the motion until we come back with those two?

Conklin: I just want a clarification. I was trying to clarify, for the public, a consensus of the Commission of what you felt should it change from three to four so we don't have to go through the public hearing portion again and debate whether or not it was three or four.

Marr: That was my intent.

Bunch: Seeing that Mr. Conklin has requested this, does it require a formal motion or does it require just a consensus and a request of staff to bring these things forward? The question I have is the "as presented" what is the next step as presented in our packets? Is this something that goes back to staff and then comes back to this Commission or is it as just described by Mr. Conklin that it's something that goes back to staff and is represented to

Planning Commission
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this Commission for further consideration?

Estes: At the present we have a motion on the floor with a second. That motion will stay unless amended or withdrawn. Is there any further discussion on the motion?

Bunch: I don't feel that the motion describes what Mr. Conklin has requested and that's what our whole purpose is here, to gain some relief for the Planning Department in addressing these issues.

Hoffman: It would get a consensus and it could always be changed because it's just an administrative item. It's not into ordinance yet.

Williams: My experience has been, after you've had a six hour meeting and it's 11:30 at night, you don't do very good drafting work. I would rather see a show of hands three or four to Mr. Conklin and let him and me, in the next couple of weeks, do some drafting work when we can think.

Estes: We have a motion and a second on the floor and we need to do something dispositive with that motion.

Marr: Mr. Chair, I will remove my motion.

Ward: Reluctantly I'll agree.

Estes: Mr. Conklin has requested a sense of the Commission regarding three or four. Let's accommodate him in that request. All who would favor three?

Ward: In what zone? I'm not voting unless it's a zone.

Estes: Mr. Conklin, how do you want the sense of the Commission?

Conklin: In a single family zoning district.

Estes: R-1?

Conklin: There is more than one. Yes, single family zoning district.

Estes: What is the sense of the Commission for three unrelated persons in a single family zoning district, signify by raising your right hand.

Shackelford: I'm sorry to do this. Tim, is that the current ordinance now?

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Conklin: Yes.

Estes: Any other discussion? Signify by raising your right hand if you favor three in a single family zoning district. Those who are in favor of four or more in a single family zoning district, signify by raising your left hand or your right hand. Does that accomplish what you wanted to accomplish?

Conklin: Yes. I'll get with Mr. Kit Williams and we'll draft an ordinance.

STAFF REVIEW FORM

Skate Park
C. 4. Page 1

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

Eric J. Schuldt

Parks and Recreation

Urban Development

Name

Division

Department

ACTION REQUIRED:

A resolution authorizing Parks and Recreation to apply for up to \$200,000 (50/50 matching funds) in grant money for the development of a skate park.

COST TO CITY:

\$400,000 Anticipated Cost of Project

\$200,000 Grant Request

\$75,000, 2250-9250-5806

\$200,000 Anticipated Net Cost to City

\$150,000, 1010-1505-03

Cost of this Request

Category/Project Budget

Skate Park

Category/Project Name

2250-9250-5806

\$28,298

Park Improvements

1010-1501-03

Funds Used To Date

Program Name

Account Number

\$196,704

Parks Development

00006

Remaining Balance

Fund

Project Number

BUDGET REVIEW:

X

Budgeted Item

Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Maisha Farkley
 Accounting Manager

5/30/01
 Date

Nancy Smith
 Internal Auditor

5/31/01
 Date

D. J. Whitel
 City Attorney

5/31/01
 Date

ADA Coordinator

Date

Reise
 Purchasing Officer

5/31/01
 Date

STAFF RECOMMENDATION:

Approval of Resolution

Connie Edmonston
 Division Head

5-29-01
 Date

Hugh Earnest
 Department Director

6-5-01
 Date

John Mayhew
 Administrative Services Director

5/31/01
 Date

Dan Cooley
 Mayor

6/5/01
 Date

Cross Reference

New Item: Yes No

Prev. Ord./Res. #: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

Purkiss Rose-RSI
801 N. Harbor Blvd.
Fullerton, CA 92832
Tel. (714) 871-3638
Fax (714) 871-1188

Job Name: Fayetteville Skatepark - 15,400 sq. ft.
Job Number: 00-180

Date: February 7, 2001

OPINION OF PROBABLE CONSTRUCTION COST

NO.	QTY.	UNIT	DESCRIPTION	UNIT COST	ITEM COST	TOTAL
1	1	L.S.	Mobilization	\$ 15,000.00	\$ 15,000.00	
2	1	L.S.	Clear / Grub	\$ 3,000.00	\$ 3,000.00	
3	30,000	S.F.	Grading	\$ 1.25	\$ 37,500.00	
4	1	L.S.	Drainage	\$ 6,000.00	\$ 6,000.00	
5	9,231	S.F.	4" Concrete Paving	\$ 7.50	\$ 69,232.50	
6	576	L.F.	6" Concrete ramps - Shotcrete	\$ 100.00	\$ 57,600.00	
7	182	L.F.	Conc. Block Retaining Walls	\$ 100.00	\$ 18,200.00	
8	405	L.F.	Benches/ledges w/steel edges	\$ 140.00	\$ 56,700.00	
9	282	L.F.	Metal edges/rails/pipes	\$ 50.00	\$ 14,100.00	
10	124	L.F.	Metal guard rail fence	\$ 60.00	\$ 7,440.00	
11	234	L.F.	Concrete steps	\$ 80.00	\$ 18,720.00	
12	1	EA.	Skatepark rule signage	\$ 400.00	\$ 400.00	
13	13,000	S.F.	Re Turf	\$ 0.50	\$ 6,500.00	
14	3,800	S.F.	Perimeter Walk	\$ 3.75	\$ 14,250.00	
15	1,175	S.F.	Entry Plaza	\$ 12.00	\$ 14,100.00	
16		L.S.		\$ -	\$ -	
			SUB-TOTAL			\$ 338,742.50
			10% CONTINGENCY			\$ 33,874.25
			TOTAL			\$ 372,616.75

Purkiss Rose-RSI has no control over the cost of labor, materials, equipment or the contractor's methods of determining costs. These opinions of probable costs represent our best judgement as design professionals familiar with the construction industry and public works contracts. Purkiss Rose-RSI cannot and does not guarantee that proposals, bids or construction costs will not vary from our opinion of probable construction costs. Opinion of Probable Cost shall not be used as a bid form or for any bidding purposes.

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Dan Coody and City Council

Thru: Hugh Earnest, Urban Development Director
Connie Edmonston, Parks and Recreation Superintendent *CE*

From: *ESS* Eric J. Schuldt, Parks Development Coordinator

Date: May 29, 2001

Re: Arkansas State Parks Outdoor Recreation Grants Program

The Parks and Recreation Division requests approval to apply for a \$200,000 grant from the Arkansas State Park Outdoor Recreation Grant Program for the construction of a skatepark at Walker Park. The Outdoor Recreation Grant Program is a 50/50 reimbursable matching grant which uses money from the Land and Water Conservation Fund and the Arkansas Natural and Cultural Resources Grant Fund for the purpose providing outdoor recreation. As a requirement of the grant, a resolution is required from the Fayetteville City Council expressing support for the project and authorizing the resources for the project's cost.

The Parks and Recreation Division, citizens and skaters have been working on the skate park project for over one year. Purkiss Rose RSI, Inc. from Fullerton, California was hired to design the skatepark, utilizing a public input process involving the skaters. Three public meetings were held concerning the design of the skatepark and all were well attended. The skatepark project is currently proceeding through the City's Large Scale Development process. The estimated cost for construction of the skatepark is \$372,617 which includes a ten percent project contingency. This budget figure does not include some additional amenities such as, sidewalks, picnic tables and seating areas that will be requested in the grant application. The skatepark will be built at Walker Park, located just south of the BMX track, and has a current design of 15,400 sq. ft. which is under half an acre.

If the City of Fayetteville is awarded the Outdoor Recreation Grant a budget adjustment will be required. The grant requirements stipulate that the City must fund the entire project and request reimbursement after completion. This Outdoor Recreation Grant process has been utilized before by the Parks and Recreation Division. Most recently, an Outdoor Recreation Grant was used for the new playground at Walker Park. Currently, the Parks and Recreation Division has a budget of \$225,000 for the skatepark project, of which, \$37,885 has been allocated to Purkiss-Rose, RSI for architectural and engineering services.



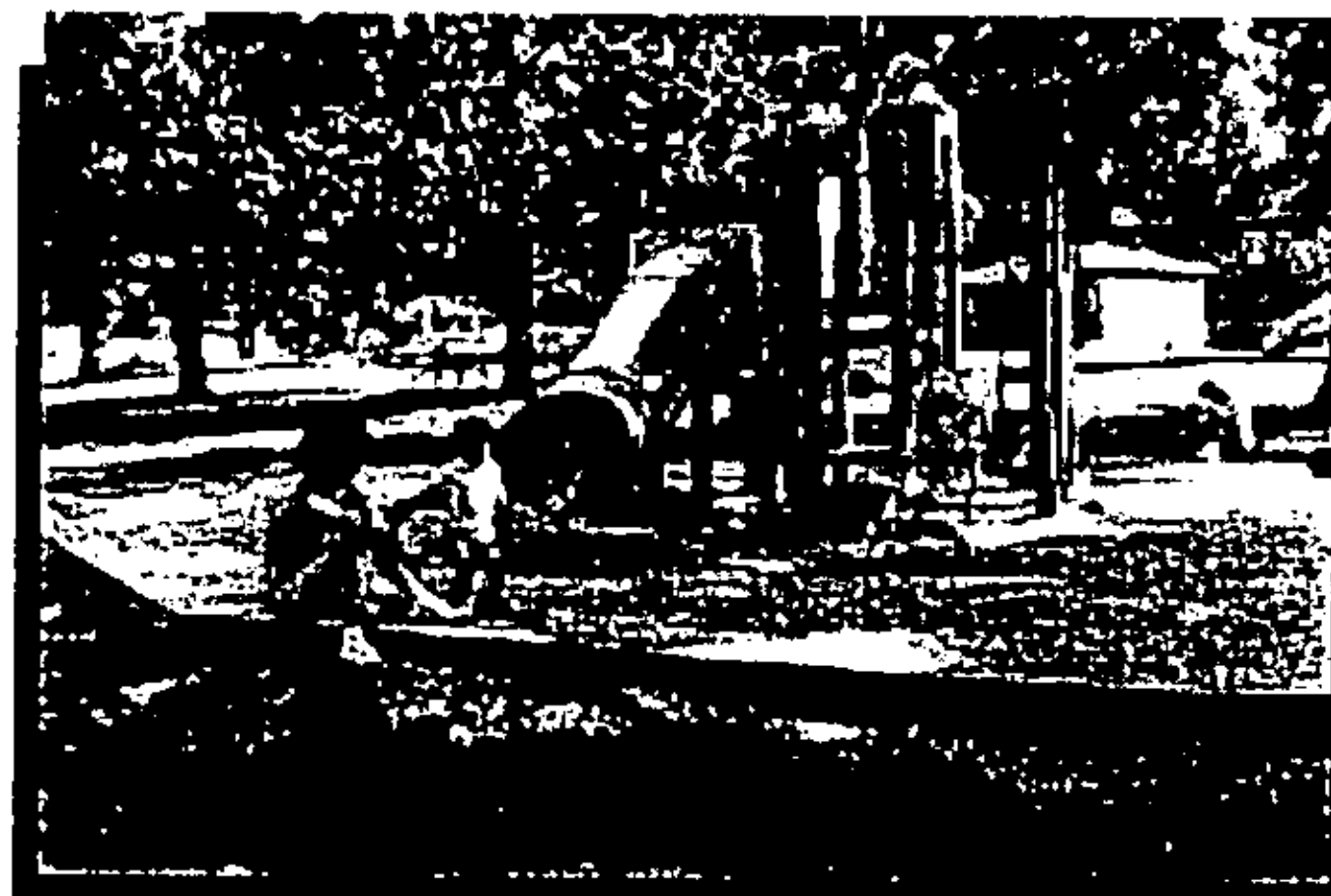
*Attachment: Conceptual Design
Grant Application Materials
Skatepark Cost Estimate*

GRANT DEADLINE: 5:00 P.M. AUGUST 31, 2001

ARKANSAS STATE PARKS

2002 Matching Grant Application Guide

OUTDOOR RECREATION GRANTS PROGRAM



ARKANSAS STATE PARKS ♦ OUTDOOR RECREATION GRANTS PROGRAM

2002 Matching Grant Application Guide

April, 2001

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Introduction

Welcome to the Department of Parks and Tourism's Matching Grant Program. This guide is designed to assist you through the application process. If you have questions please feel free to call or write us at:

Outdoor Recreation Grants Program
Department of Parks and Tourism
Number One Capitol Mall
Little Rock, Arkansas 72201
Telephone Number: (501) 682-1301
Fax Number (501) 682-1364 or (501) 682-0081

The Land and Water Conservation Fund (LWCF) is a federal program authorized by the LWCF Act of 1965 (Public Law 88-578). These funds are derived from the sale of federal surplus real property, the federal motor boat fuel tax, and Outer Continental Shelf mineral receipts.

The Arkansas Natural and Cultural Resources Grant and Trust Fund is a state program authorized by Act 729 of 1987. These funds are collected from a tax on the transfer of certain real estate in the State of Arkansas.

The purpose of the Matching Grant Program is to provide "outdoor" recreation. Enclosed facilities cannot be constructed within the area described by the park boundary map, except as support to an outdoor facility (e.g., rest rooms or concession stands). Pavilions cannot have sides on them that give the effect of a closed-in building. Please remember that facilities constructed with LWCF or NCRGTF monies cannot be enclosed at a later date.

All utility wiring must be placed underground, or routed out of the project area, including any overhead utility wiring existing at the start of the project. (In a few cases, waivers may be obtained for some existing wiring. Contact the Outdoor Rec-

reation Grants staff for details, requirements, and assistance prior to the grant award).

An acknowledgement sign showing that LWCF or NCRGTF Matching Grant Program monies were used in the acquisition and/or development of the project must be present at each site location. This sign must be placed on the site and remain there in perpetuity.

WHAT DOES "50/50" MATCHING GRANT MEAN?

A 50/50 Matching Grant does not mean that the Arkansas Department of Parks and Tourism will write the grantee a check for 50% of the project cost. The grantee must finance 100% of project costs, which can include in-kind labor, land donations, contributions and general appropriations. We will not reimburse the grantee for any more than the amount of cash they spend. Fifty percent of the eligible expenditures, up to the amount of the grant, may be reimbursed by periodic billings during the project period, or the grantee may wait until project completion to request the total reimbursement.

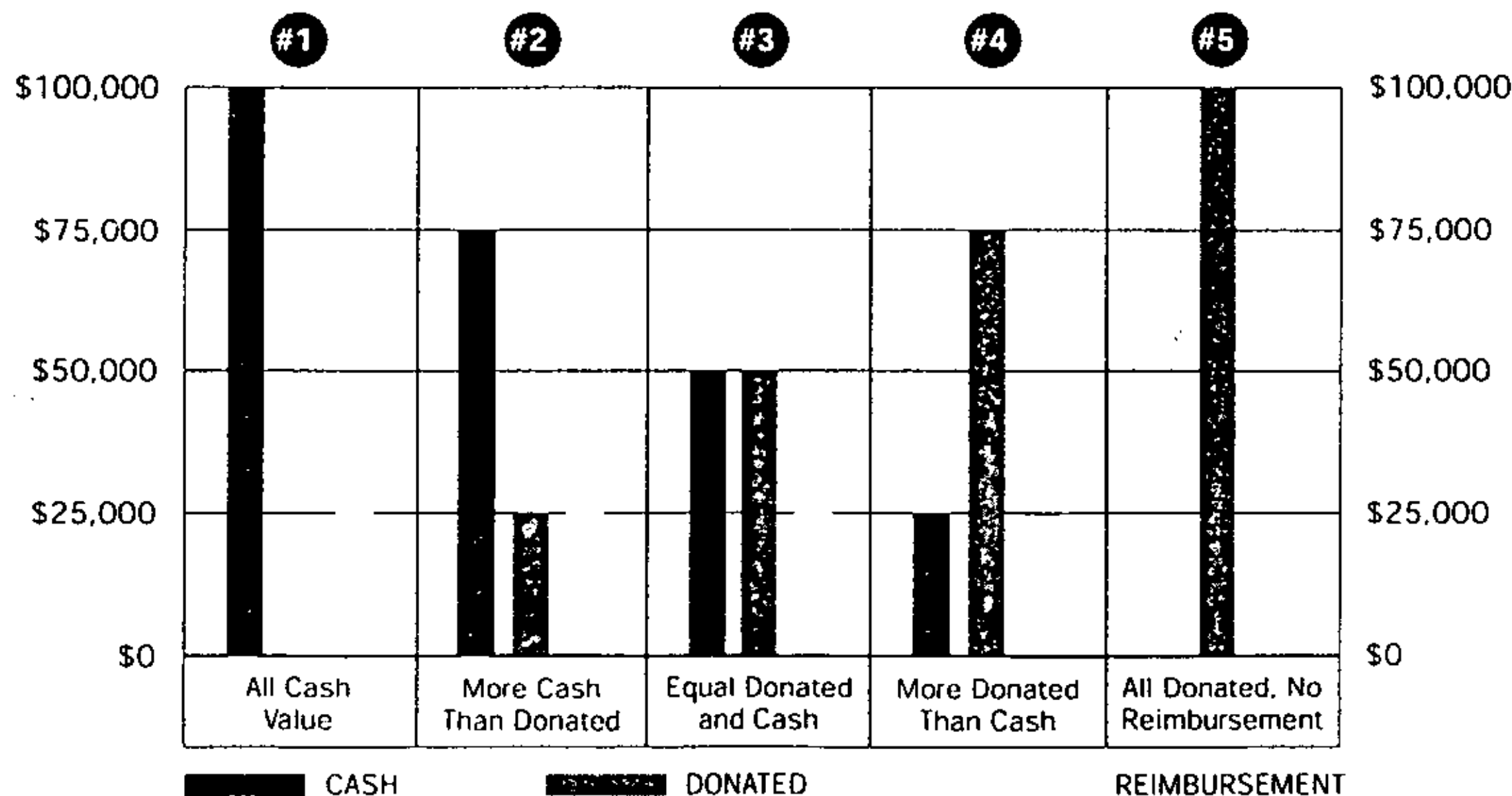
The chart shown below will help to understand how the 50/50 reimbursable matching grant works. For simplicity's sake, let's say that a project will cost a total of \$100,000. If the grantee spent \$100,000 cash, submitted canceled checks and invoices for \$100,000 and the expenditures are part of the approved project, we would mail the grantee a reimbursement check for \$50,000 (example column #1).

Now let's say the grantee spent \$75,000 cash and local citizens donated \$25,000 labor (\$75,000 cash + \$25,000 donated labor = \$100,000 project). We will reimburse the grantee \$50,000 after the grantee provides us with canceled checks, invoices, and time sheets detailing the local labor (example column #2).

Now, let's assume the grantee spent \$50,000 cash and locals donated \$50,000 labor and materials (\$50,000 + \$50,000 donated labor and materials = \$100,000 project). We would then reimburse the grantee \$50,000 after the grantee provides us with canceled checks, invoices, and time sheets detailing the local labor (example column #3).

If the grantee spent \$25,000 in cash and locals donated \$75,000 in labor and/or materials (\$25,000 cash + \$75,000 donated labor and/or materials = \$100,000 project). We would only reimburse the grantee with a \$25,000 check. The point to remember is to build a park, not make a profit (example column #4).

The last example shows that the locals donated \$100,000 in labor and materials (example column #5). Congratulations—the park would have been completed without the need of a grant!



2

An Overview of the Basics

WHO MAY APPLY?

Eligible Applicants

The only entities eligible to apply for financial assistance for the acquisition and/or development of outdoor recreation facilities are:

Incorporated Cities

Counties

- Unincorporated areas or communities must seek county sponsorship of their project
- School Districts may submit joint applications with incorporated cities or counties for development of public recreation facilities on school district property. (Grant is not intended to replace school district funding for playgrounds or athletic facilities.)

Ineligible Applicants

The following may not participate in the Outdoor Recreation Grant Program.

- Colleges and Universities
- Private non-profit corporations, foundations, clubs or organizations
- Any other private entity

HOW MUCH MAY WE APPLY FOR?

Applicants may apply for up to \$250,000 in reimbursable matching funds. The applicant must be able to match the grant amount with a like amount of cash, or a combination of cash and donations. *Donations of labor and materials alone are not sufficient to be considered as the local match.*

Because the availability of grant funds are limited, lesser amounts may be awarded. Staff recommendations for reductions of the requested amount will be made easier if the applicant provides a detailed budget that categorizes project elements and is

broken down by line items. (See sample of detailed budget on page 21).

WHAT TYPES OF PROJECTS MAY WE APPLY FOR?

There are three types of projects which can be funded through the Outdoor Recreation Grants Program's *Matching Grant Program*.

1. ACQUISITION:

Land acquisition for recreational development. Acquisition projects are discussed in Chapter 6.

2. DEVELOPMENT:

A development project is funding for construction of recreational facilities.

3. COMBINATION:

A combination project is funding for both acquisition of land not previously owned by the applicant and development for recreation use.

WHEN IS THE APPLICATION DUE?

The deadline for receipt of applications for FY 2002 is 5:00 p.m., August 31, 2001. All applications must be received in our office by that date. Applications simply postmarked by that date are not acceptable. The Application for Federal Assistance, Form 424 ONLY may be faxed to (501) 682-0081, but it must

arrive prior to the above deadline. If the Form 424 is faxed, the entire application containing original signatures must be postmarked on or before the application deadline, August 31, 2001.

WHERE TO SEND THE APPLICATION

Outdoor Recreation Grants Program
Department of Parks and Tourism
Number One Capitol Mall
Little Rock, Arkansas 72201

HOW THE APPLICATION CAN BE PREPARED

- The application can be prepared locally. The Outdoor Recreation Grant Program staff will upon request, provide applicants with a sample copy of an application. This sample provides the applicant with the correct format of all elements of the application including forms, narratives, a detailed budget, maps, resolutions, required clearances, and acquisition information.
- The application can be prepared by consultants. (Grant preparation cannot be paid for with grant funds).
- The application can be prepared by the local areawide Planning or Economic Development Districts or the Regional Planning Commissions.

WHAT ARE OUR OBLIGATIONS?

We are jointly committed! Both the Department of Parks and Tourism's Outdoor Recreation Grants Program and the project sponsor are committed to long term program compliance. After the project is completed and all grant funds have been disbursed, our commitment to the requirements of the Arkansas Matching Grant Program continues. These ongoing commitments include:

1. Property acquired or developed under the program must be retained in perpetuity for outdoor recreation use and will be subject to inspection by the State at least once every five years. In addition each project will be inspected by the State during construction and before final reimbursement is made.

2. Once a public park project boundary has been identified by the Department of Parks and Tourism and the local project sponsor, all facilities constructed within that boundary, at any future time, must be in compliance with the rules and regulations of the Outdoor Recreation Grants Program *Project Management Guide*. This also applies to those facilities constructed in whole or in part with local funds.

3. No overhead utility lines are allowed within the project boundary. All existing utility lines located within the park boundaries must be placed underground.

4. A permanent sign stating that federal LWCF or state NCRGTF moneys were used to acquire and/or develop public outdoor recreation facilities must be maintained within the park in perpetuity. Guidelines for the size, placement and design of the signs will be presented to each applicant after grant approval. Upon project completion the applicant will be required to describe the location of the sign, and state that the sign location will not change.

5. All public recreation facilities constructed within a Matching Grant Program assisted park must be accessible to the handicapped. This also applies to those facilities constructed in whole or part with local funds.

6. Property acquired or developed with assistance from the fund must be open to entry and use by all persons regardless of race, color, religion, sex, or national ori-

gin. Discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited, except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

7. Property acquired or developed with assistance from the Matching Grant Program shall be operated and maintained in perpetuity. The property shall be maintained so as to appear attractive and inviting to the public. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards. Properties shall be kept safe for public use. Fire prevention, lifeguards, and the like should be provided for proper public safety. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their functional lifetime to prevent undue deterioration and to encourage public use. Facilities that have reached an age that renders them obsolete or worn out may be removed with written permission of the Arkansas Department of Parks and Tourism's Outdoor Recreation Grants Program Director. Permission must be obtained prior to removal of the facilities.

8. The Arkansas ORGP staff will conduct periodic post completion inspections of the project area to ensure that program compliance continues after the project is completed. These inspections will be unannounced. Sponsors who fail to comply with long term commitment may jeopardize future eligibility for matching grant funds for new projects

and/or be subject to legal actions by the State or Federal government to enforce program compliance.

9. The property shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility. Property which is not operated and maintained in good condition may jeopardize the awarding of future grant funds to that jurisdiction.

10. Participants may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with Matching Grant Program assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the type of users (i.e. hunters or four-wheelers, etc.). All limitations must be in accord with the applicable grant agreement and amendments.

11. All recipients of Matching Grant Program moneys must comply with the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act, of 1990 Title II and Title III.

3

Project Planning and Public Hearing

An application for funding from the Outdoor Recreation Grants program shall be the result of input from the public. Before an application is prepared, each applicant must hold one public hearing for the expressed purpose of obtaining public input into the planning of this specific application and to establish recreation priorities. **DO NOT PREPARE THE APPLICATION AND PRESENT IT AT YOUR PUBLIC HEARING FOR APPROVAL. This will be considered circumvention of the requirements.**

Prepare the application, **AFTER** the hearing, based on the needs and desires of the community. In larger communities, every effort should be made to hold the hearing in a place convenient to those who live in the area and will benefit the most from the project. **This public hearing must be held no less than one month prior to submitting the application to our office.**

A Public Notice about the hearing **must** appear in a newspaper of greatest local circulation at least seven (7) calendar days in advance of the date of the public hearing. A proof of publication notice provided by the newspaper must be submitted with the application. The applicant may submit the tear sheet from the newspaper instead of the proof of publication. The tear sheet must be intact and contain the name of the newspaper and date of publication.

If local practice has found that posting the Notice in public places in the community results in a better turn-out for a hearing, that method may be used instead of publication. If this method is used, the applicant must post notices at least seven (7) calendar days in advance of the date of the public hearing, submit a list of where, and the dates the notices were posted, and a letter signed by the applicant's Chief Executive Officer verifying that information.

Documentation of the hearing which must be submitted with the application includes minutes of the hearing, and a registration sheet indicating the name, address and organizational affiliation of those attending. Minutes of the public hearing should include statements and suggestions from the general public expressing local needs and priorities. Statements of adjacent landowners should be included when applicable.

NOTE:

Failure to hold a public hearing one month prior to submission of the application for the expressed purpose of obtaining public input into the planning of this specific application will result in the **DISQUALIFICATION** of that project. **Additional points are awarded those applicants who hold their public hearing by June 30, 2001.**

Outdoor Recreation Grants Advisory Committee Concerns

ENVIRONMENTAL CONSIDERATIONS FOR PARK DEVELOPMENT

The Outdoor Recreation Grants Advisory Committee supports projects which demonstrate sound site selection, aesthetic appeal, and environmental awareness. Each year, the Committee reviews park projects which encompass a wide variety of development plans. It has been our experience that, in many cases, development is planned at the expense of site resources. In addition, landscaping for either functional or aesthetic purposes is rarely included in the park plans. The absence of site or aesthetic considerations has a long-ranging effect and greatly detracts from the enjoyment of a park by the users. After all, people come to a park for a pleasant experience.

The basics of good design encourage a well-planned relationship between a particular site and facilities planned for that site. It is very important to select facilities compatible with the site's existing terrain and vegetation rather than radically altering the site to accept the facilities. For example, a large space with slopes ranging from 1-5% and no trees would be well-suited for ballfield or court game development; however, it may be poorly suited for development of recreational trails and picnic facilities. In contrast, a woodland area with slopes ranging from 5-12% would be well-suited for picnic facilities and trails; however, very poorly suited for development of ballfields or court games. The Committee is aware that a suitable site for a particular facility is often difficult to find. In the forested, mountainous areas of the state, it is hard to find a good location for a ballfield without drastic alteration of the site. On the other hand, it is difficult to find a suitable location for nature trails or a picnic area in the open flatlands of East Arkansas. This illustrates that some sites are inherently better for a particular activity than others.

Significant site alterations greatly increase initial development costs and, in most cases, maintenance costs. Large scale clearing and grading, in order to locate a ballfield on a steep wooded slope, is extremely expensive. Significant alteration of the topography can also result in severe erosion which degrades the quality of the site, surrounding lands, and waterways. These bare slopes will usually consist of poor subsoils which will make it difficult to establish a vegetative cover. The slopes will also require more attention to keep erosion in check. Much of this money could perhaps be better spent by finding a more suitable site for the ballfield, while utilizing the wooded slopes for a more compatible recreational activity. It is also very good planning to make the most of existing vegetation, especially trees. It is difficult to place an aesthetic value on a tree; however, trees are extremely important to a person's feeling of well-being. In addition, trees provide shade. People at rest, when sitting at a picnic table or on a park bench, prefer shade. Some activities, such as playgrounds, are more successful if shaded rather than placed in the hot sun. If trees are eliminated in the construction process, it will be costly to provide them later. Nursery stock is very expensive and it is difficult to establish a young tree in an unprotected area without a great deal of attentive care.

The Committee encourages proper site/facility relationship planning in order to reduce environmental impact and provide a more enjoyable park setting. One method used to encourage good planning is the Priority Rating System which is part of the Open Project Selection Process. This rating system is used by the Outdoor Grants staff to help in the evaluation of the grant applications. Within the "project design" section of the Priority Rating System Form, categories relate to both the topography and natural features of the site. All applicant sites are evaluated with regard to the planned development and associated site alterations. There are three rankings within each category. As seen in the example Priority Rating Form, these rankings are self-explanatory. If development is compatible with the site and does not significantly alter these features, it receives the highest ranking. If development does require significant alteration; however, adequate measures are planned to reduce the impact of this alteration, it receives the mid-level ranking in the appropriate category. If there is significant alteration and inadequate measures for reducing impact, it receives the lowest ranking. These rankings contribute to a total point score which determines the applicant's numerical ranking in relation to other applicants.

Playground Equipment and Playground Impact Areas

Each year the Outdoor Recreation Grants Program receives numerous grant applications for playground equipment. To meet the increasing needs of the children of Arkansas and to establish standards of care, the Committee encourages all grant applicants to join with the U. S. Consumer Product Safety Commission and the Arkansas Playground Safety Task Force in promoting playground safety. More than 237,000 injuries, related to playground equipment, occurred among children under age 15 in 1990. These injuries not only involve playground equipment, but the impact area beneath and around the equipment as well.

The Outdoor Recreation Grants Advisory Committee strongly encourages all applicants of Matching Grant funds who are requesting assistance to develop playgrounds, including play equipment and landing impact areas, to adhere to the

guidelines established by the U. S. Consumer Safety Products Commission.

The U. S. Consumer Safety Products Commission has published a set of guidelines, *Handbook for Public Playground Safety*. The Commission believes that guidelines, rather than mandatory rules are appropriate. We feel that the safety features and the recommendations in this handbook will contribute to greater playground safety. The final guidelines document is available on the Architectural and Transportation Barriers Compliance Board's Internet site at <http://www.access-board.gov/play/finalrule.htm>

Committee Position on Development of Walking Facilities

The Outdoor Recreation Grants Advisory Committee reviews many applications each year for the development of facilities for walking, jogging, bicycling, roller skating, etc.. Trail related activities, such as walking, are among the most popular recreational activities in Arkansas. These activities, in addition to their popularity, provide recreational opportunities for a wider variety of age groups and ability levels than just about any other activity. The Committee encourages all communities to consider development of trail facilities in order to serve a community's broad recreational needs.

Due to the limited amount of funds available for the Matching Grant Program, the Outdoor Recreation Grants Advisory Committee discourages prospective applicants from requesting funding

for school athletic track type of facilities. The Committee does encourage applicants who are considering development of exercise and walking facilities to develop less expensive paved trails to serve a broader recreational base.

People participate in walking for a variety of reasons including relaxation and fitness. Well planned public walking trails should provide a convenient, safe and pleasurable location for this activity. A walking trail located in a natural setting, rather than a dull, hot, open area, will provide a greater opportunity for recreation by offering greater stimulation of the senses. A school track does provide a secure location for fitness walking; however, it usually does not provide an ideal environment, nor does it provide for many other types of trail based activities. An enjoyable trail should be safe and secure, and it should also provide a sequence of interesting features and experiences. If a trail is well planned in a natural setting, it will be much more enjoyable and popular with a wider range of users. It will also provide a facility which will be continually used rather than one that will become boring after repeated use.

Application Procedures

HOW TO FILL OUT THE FORMS, WRITE THE NARRATIVES AND PREPARE THE MAPS

REQUIRED FORMS Standard Form 424

Instructions for completing this form are on the back of the form. Additional assistance may be obtained from your local Planning or Economic Development District office, your Regional Planning Commissions, or the Outdoor Recreation Grants Program office.

Standard Form 424D

Read this form in its entirety before signing. In the blank provided, the Chief Executive must sign the form. The applicant's Chief Executive Officer may be the Mayor, City Manager or County Judge. (If this is a joint application between the city or county and school district, the School District Superintendent must also sign the form). In the other blanks provide the title of the Chief Executive (and School District Superintendent), the legal name of the City or County as the applicant organization, and the date the document was signed.

Civil Rights Agreements (Form DI-1350)

The applicant must complete the Civil Rights Assurance (Title VI, Civil Rights Act of 1964) and submit it as part of the application package. Read this form in its entirety before signing. In the blank provided, the Chief Executive must sign the form. (If this is a joint application between the city or county and school district, the School District Superintendent must also sign the form). In the other blanks provide the title of the Chief Executive. The applicant's Chief Executive Officer may be the Mayor, City Manager or County Judge (and School District Superintendent). The legal name of the City or County as the applicant/ organization, the date the document was signed, the applicant/organization address, and leave the box titled *Bureau or Office Extending Assistance* blank.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primarily Covered Transactions (Form DI-1953)

The applicant must complete the certification form and submit it as part of the application package. Read this form in its entirety before signing. In the space provided, type the name and title of the authorized representative. The applicant's Chief Executive Officer may be the Mayor, City Manager or County Judge. (If this is a joint application between the city or county and school district, the School District Superintendent must also sign the form). The document must be signed by the applicants and dated.

Certification Regarding Drug-free Workplace Requirements (DI-1955)

The applicant must complete the certification form and submit it as part of the application package. Read this form in its entirety before signing. The spaces below **Section B** must contain the physical street address of the project. In the space provided, type the name and title of the Chief Executive Officer. The applicant's Chief Executive Officer may be the Mayor, City Manager or County Judge. The document must be signed by the applicant's Chief Executive Officer and dated. (If this is a

joint application between the city or county and school district, the School District Superintendent must also sign the form).

Recreation Priorities Form

The applicant must submit the Recreation Priorities Form describing the recreation priorities of the applicant. Directions for completing this form are below:

1. List the name of the city or county which is submitting the application.
2. Describe the method by which the needs of the community have been identified. Such methods must include the public hearing, which is required as part of the application, and may include user-frequency surveys, questionnaires, interviews, telephone or door-to-door surveys, workshops and/or ad-hoc and advisory groups.
3. List the short range (0 to 5 years) recreation priorities of the community in priority order. Also list the long range (5-plus years) recreation priorities of the community in priority order.
4. The applicant's Chief Executive Officer must sign and date this form. The applicant's Chief Executive Officer may be the Mayor, City Manager or County Judge. If this is a joint application between the city or county and school district for development of school district-owned property, the School District Superintendent must also sign the form.

ENVIRONMENTAL ASSESSMENT

Environmental assessments are required for all project applications and for each proposed site.

The applicant is reminded that the environmental assessment will be utilized during the rating of the application. Pertinent information of sufficient scope and depth must be provided in an environmental assessment so that the NPS/ORGP can accurately ascertain the impact of the project and determine whether an Environmental Impact Study is needed. Whenever possible, an impact should be quantified (e.g., number of trees to be removed, cubic yards of fill to be required, etc.). For projects with property rights outstanding, the standard environmental information must be expanded to explain how the outstanding rights are to be dealt with and how the applicant plans to ensure that the environment will not be affected significantly. The five points to be covered in an environmental assessment are:

Need for the Proposal

This will serve as an introduction, description of the proposed action and surrounding environment, statement regarding the need for the proposed action, and a description of what the proposed action is designed to accomplish (i.e., how the proposed action will fulfill the stated needs). It should include such information as the location of the project, the scope, when the action is to take place, and, if applicable, the interrelationship with other federal, state, or local projects and proposals.

Alternatives

This will include a discussion of the alternatives to the proposed action, including "No action." Explain why each of the alternatives was rejected.

Impacts

This will include a brief and objective statement of the environmental impacts of the proposed action and a description of those elements of the environment so affected. Topics to be addressed include:

- Land use (project site and surrounding area)
- Fish and wildlife

- Vegetation
- Geology and soils
- Mineral resources
- Air and water quality
- Water resources/hydrology
- Historic/archeological resources
- Transportation/access/consumption of energy resources
- Socioeconomic effects
- Riparian zone (area next to water)

"Impacts" are defined as direct or indirect effects on the existing environment, whether good or bad, which are anticipated as a result of the proposed project or related future projects.

Elements on which impacts are unknown or only partially understood should be indicated. A complete written description of the impact is required. Environmental documentation should be free of project justification and personal bias. The project should be justified elsewhere in the grant application. Do not rely on generalities. Specific facts are essential. All statements and conclusions should be supported, and quantified where possible. Be concise, clear and to the point. Adverse impacts should be addressed as fairly as beneficial impacts.

The applicant is reminded that, while an area around water is often chosen for a recreation area, they are also sensitive areas environmentally and need to be managed with extreme care. The riparian area, or that area immediately adjacent to any river, stream, spring, pond, or lake, is one of the most important environmental areas due to the habitat they provide for various fish and wildlife species and because of their shading and filtering capacity related to water quality. If possible, most trees, shrubs, and grasses should be left near streams and other water bodies. This will insure that the project you are working on will remain in good shape, water-wise, for years to come. Information on analysis, management, and maintenance of riparian areas can be obtained from the following agencies free of charge: Arkansas Game and Fish Commission's Stream Team Program, Natural Resources Conservation Service, Arkansas Department of Environmental Quality, County Conservation District, and other natural resource agencies.

Be sure to include a discussion of positive effects of the project. To the extent that it applies, the document will discuss impacts of the project, including environmental damage, which could be caused by users upon economic, cultural, esthetic, and social conditions as well as upon the physical and biological environment. Any off-site impacts, such as increased traffic on neighborhood roads, increased noise levels to surrounding areas, or impacts from park lighting, should be described. In preparing the environmental assessment, the applicant should keep in mind the cumulative impact of the proposed project and of future related projects which are contemplated. The information submitted on cumulative impacts should describe the eventual goal and the relationship of the action proposed on each project. The environmental information must be accompanied by sufficient maps and details to aid in judging the impact of the proposed project as well as the relationship of the project to the surrounding land uses.

Agencies and Persons Consulted

This will include a list of all agencies and persons consulted in preparing the environmental assessment.

Cost Estimate

The attached Cost Estimate Form must be completed and submitted with the application. The cost estimate must be a complete listing of all work elements to be undertaken and the total estimated cost of these elements. The directions on how to complete this form are listed below.

ITEM A

If land acquisition is to be included in the proposed project, either by private donation or by purchase, the estimated appraised value of the property must be included. (Inflating the value of the property will not affect the grant amount or the matching share. The valuation of the property will be determined by an Arkansas Certified or Licensed Land Appraiser after the grant award has been made).

ITEM B

The first line of Item B will be the total of all development costs. The remaining lines will be a line item breakdown of individual project elements. Please be as detailed as possible. Refer to sample cost estimate form on page 21. Items should be listed in priority order.

ITEM C

Is the total of Items A and B.

ITEM D

Inclusion of a "contingency" line-item is suggested. This line-item can be no more than five percent (5%) of Item B.

ITEM E

Project administration is eligible for reimbursement. If the applicant plans to request reimbursement for project administration, the "Administration" line-item must be completed. This line-item can total no more than ten percent (10%) of Item B.

ITEM F

Architectural/engineering fees are also eligible for reimbursement. If the applicant

plans to request reimbursement for such fees, the "Architectural/ Engineering Fees" line-item must be completed. While the applicant may pay any amount for such fees, maximum reimbursement for A/E fees is six percent (6%) of eligible development costs (i.e., a 12% total fee).

Budgets that are not of sufficient detail or are incorrect will be returned to the applicant for correction.

FLOOD HAZARD CERTIFICATION AND FUNDS SOURCE ASSURANCE FORM ORGP FS1999

The applicant must complete the flood hazard certification form, even if the answer is "no." The certification must be signed by the applicant's Chief Executive Officer.

Provide the estimated local matching fund source(s). Complete each category, even if the amount is \$0.00. The form must be signed by the applicant's Chief Executive Officer.

PROJECT NARRATIVE

This section requires a written narrative about the project proposal. Each of the following topics must be addressed:

Need for Assistance

1. State which priorities outlined in the *1995 Statewide Comprehensive Outdoor Recreation Plan (SCORP)* this project will meet and how it will meet them (*see pages 38 through 40 for listing of SCORP priorities*).
2. Explain why this project is needed. Quantify needs as much as possible.

Benefits Expected

1. Identify the benefits to be derived from this project; for example,
 - (a) include a description of those who will use the facility,
 - (b) how the facility will be used, and
 - (c) how it will benefit the public.
 - (d) if the project provides seasonal or year around recre-

- ation opportunities
(e) describe in detail how your project will address Section 1 of the Priority Rating System (page 50).

Agreements

1. State who will operate and maintain the land/facility.
2. List any current or proposed agreements with other agencies, individuals, or organizations, including any agreements concerning operation, use and maintenance. If there are no agreements, indicate this fact.
3. Submit copies of any written agreements. Any joint school district/city/county application for development of land must include a copy of the joint operating agreement.

Low-Moderate Income

1. Define the area to be serviced by the proposed facility.
2. If the area is smaller than the applicant's entire jurisdiction (e.g., a portion of the whole city), submit the Median Household Income figure for the area as determined in the 1990 census.
3. Submit the percentage of households in the community or area whose income is less than or equal to \$16,917.60.

Income

1. State whether or not income will be generated on the site of the proposed project.
2. If income will be generated, indicate how the income will be generated and the proposed use of such funds.

Competition

1. Describe if and how the project will be in competition with private recreational developments in the area.

Minority Involvement

Each applicant is required to involve participation in the planning of the project by all segments of the public prior to the public hearing. This includes minority populations (defined as including African Americans, American Indians and Asian Americans) the elderly, and persons with disabilities. A community that does not contain ethnic minorities (defined as African Americans, American Indians and Asian Ameri-

cans) must still solicit participation by other minorities.

1. To meet the minimum requirements the applicants must describe efforts made to involve such people in the planning of the proposed project such as copies of letters to organizations/groups representing these people; letters from such organizations/groups in support of specific parts of the proposal; or minutes of meetings with such organizations/groups at which input into project planning was obtained.
2. To score maximum points in the Priority Rating System the applicant must demonstrate and provide documentation of an extraordinary outreach effort which successfully involved minorities in a hands on way. Simply inviting participation or having minorities present at the required public hearing is not sufficient to score maximum points. Examples of extraordinary outreach include: special meetings held by the park commission/committee/mayor/county judge at local minority churches, clubs or organizations, nursing homes, schools seeking direct input and involvement in the planning process.

Parks and Recreation Commission/Department/Committee

Indicate whether or not the applicant has an established Parks Department, a Parks and Recreation Commission, or an Acting Parks Advisory Committee.

PARKS AND RECREATION DEPARTMENT

If the applicant has a Parks Department, Submit

1. Director's name, address, and telephone number.
2. The Parks Department budget.

PARKS AND RECREATION COMMISSION/COMMITTEE

If the applicant has a Commission/Committee,

1. Submit a list of Commission/Committee members and their terms of office.
2. Submit copies of the Commission/Committee meeting minutes for the past year (12 months).

If the applicant has established a Parks Commission/Committee in the past year,

1. Provide a list of the Commission/Committee members and their terms of office.
2. Submit copies of the Commission/Committee minutes for the meetings conducted during the past year.

Special Features

Describe any special features incorporated in the proposed project.

1. Include an explanation of any innovative or special facilities for persons with disabilities, vandal resistance, energy-efficiency, or litter control.
2. Describe any unusual features or extraordinary social and community involvement. All approved projects must comply with the provisions of the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973 and the Americans

with Disabilities Act, 1990. Routine vandal resistance features include locks, gates, fencing, police patrol, etc. Routine energy-efficiency measures include meeting thermal insulation standards, reducing the use of lighting, etc. Litter control measures beyond installation of litter receptacles and routine trash pickup are encouraged.

Operation and Maintenance

1. Provide a detailed plan for operation and maintenance of the facility. This must include:
 - (a) schedules for inspection and routine maintenance;
 - (b) projected costs for the first five years;
 - (c) how these costs will be met; and
 - (d) a list of persons or organizations responsible for operation and maintenance.
 - (e) If volunteer groups will assist, provide evidence of such commitments.

Overhead Utility Lines

1. Describe the location and nature of all overhead utility lines in the project area, and indicate what measures will be taken to mitigate the effect of the lines.
2. Show the locations of such lines on the site plan.
3. The cost of placing overhead utility lines underground is eligible for grant funding. List the cost as a separate item in the project budget. Include the cost of burying or rerouting the lines in the cost estimate.

Directions

1. Provide detailed written directions for traveling to the site of the proposed project from the City of Little Rock. The ORGP staff person who visits the proposed site may be unfamiliar with the area. If a road or street is not marked with a sign giving its name or number, describe it in relation to a marked road or street (*e.g., the third graveled road east of Front Street on Highway 14.*)

City Council Resolution or Quorum Court Order

A City Council Resolution or Quorum Court Order must be included to document that the local legislative body supports the project. (*See page 22 for a resolution example.*)

BOUNDARY MAPS/SITE PLAN/LOCATION MAPS

Boundary Map

NOTE:

All project boundary maps must be submitted on a single 8 1/2" x 11" sheet of paper. All copies, reduced drawings and written descriptions must be easily readable.

All applications must include a boundary map. This map will establish the boundaries of the area to be included under the provisions of Section 6(f)(3) of the LWCF Act. **Everything located within the defined boundary must remain in outdoor recreation use in perpetuity! Think long and hard before making this commitment. Be sure local citizens, politicians and business leaders are willing to make this commitment before doing so.**

The NPS and the ORGP requires a legally defensible description of project boundaries. If the applicant so desires, the boundary map and the site plan can be combined; however, the map must not be too cluttered with information to prevent easy readability. The applicant is not required to provide a certified boundary survey, but the boundary map must contain all of the following information:

1. Title block information including the title of the project, a north arrow, scale (if applicable), date drawn, and the words "Boundary Map." (*If the Boundary Map or Site Plan is not drawn to scale, the map MUST state "Not to Scale."*)
2. All boundaries of the project area and all facilities (such as ball fields, fences, concession stands, etc. if shown on boundary map) must show dimensions clearly. These dimensions must be marked in feet and inches.
3. The map must be of sufficient detail to be a legal identification of the land.
 - (a) You must provide a metes and bounds description with measured distances,
 - (b) Provide a compass bearing of each property side,
 - (c) You must include the point of beginning for measurement, and
 - (d) You must provide the township, range, and section information.

4. The map should include known outstanding rights and interests in the area held by others including
 - (a) The measurements and locations of known easements,
 - (b) Any deed/lease restrictions,
 - (c) Any reversionary interests,
 - (d) All power lines that cross the site,
 - (e) All rights-of-way, etc.
5. The boundary map must include all prior grant projects (LWCF/NCRGTF) within the adjacent or same project area. In no instance will the area covered by Section 6(f)(3) be less than that area acquired with LWCF/NCRGTF assistance.

Any of the following additional information that is available should also be included on the boundary map:

1. Deed references which include deed book number, page number in the deed book, and date recorded,
2. Adjoining easements of record, and
3. Adjoining water bodies or other natural landmarks.

The project area must be an area that functions as a complete recreation unit. Simply drawing the project area around an individual facility will not be considered the project area.

Site Plan

All applications for combination or development projects must include a site plan. The site plan is to give a general layout of the park or area to be developed. All site plans must be submitted on a single 8 1/2" X 11" sheet of paper. Any exceptions to this requirement due to

size of project area or project configuration must be approved by the ORGP staff prior to the Application deadline.

A site plan must include the following:

1. All proposed facilities and developments included in the phase for which funds are requested,
2. All existing facilities and developments, and
3. Location of any existing power lines, or other utility lines within the site.
4. Accessibility by persons with disabilities, including parking, access routes, ramps, bridges, etc.

The site plan shall be of sufficient scale so that grant review staff can easily identify each proposed project element, and during site inspection use the plan to locate that element easily on the proposed project site. *(See example on page 23.)*

Location Maps

A city map showing the location of the proposed park site, and all other parks within the city. The parks should be designated clearly. If the applicant is a county, all parks located in the unincorporated area of the county must be designated on a county map.

PROOF OF OWNERSHIP Property Deed

Each development project application package must include documentation showing that the applicant will have sufficient control of the project site. If the applicant owns the site, a copy of the deed to the property must be submitted.

Lease Agreement

If the applicant leases or proposes to lease lands owned by an agency of the United States Government or the State of Arkansas,

1. a copy of the existing lease or the proposed lease should be submitted. This lease must be for a minimum of 25 years.

Terms and Conditions

It should be noted that no reversionary clauses may be incorporated in the deed or lease for the property. Inclusion of such clauses will disqualify the project.

NOTE:

Lands leased from other than an agency of the United States Government or the State of Arkansas are ineligible for development under the Outdoor Recreation Grants Program. *(See page 5 for requirements on property owned by school districts.)*

Floor Plans

Preliminary floor plans are required as a part of the application package for all projects proposing the development of buildings such as restrooms, concession stands, pavilions and bathhouses.

1. The plans should be of sufficient detail so the ORGP staff can determine if state and federal accessibility requirements have been met.
2. Dimensions of doors, walkways, stalls and hallways should be shown to indicate compliance with the Arkansas State Building Service's "Minimum Standards & Criteria." A copy of these standards can be obtained from the Department of Parks and Tourism.

CLEARINGHOUSE/APPROVAL LETTERS

As documentation of compliance with the State Clearinghouse process, clearance/approval letters on the proposed project must be obtained from the following agencies/officials. *(See page 43 for addresses.)*

1. State Clearinghouse
2. Areawide Clearinghouse
(Planning/Economic Development District or Regional Planning Commission in your area)
3. State Historic Preservation Officer/State Archaeologist

(Submit form 424, a letter with the project description, a statement that project will be state funded and a detailed project location map.)

4. State Highway Department
(Submit form 424 and project location map.)
5. Arkansas Game and Fish Commission (for projects located on or near water only)
(Submit form 424 and project location map.)

The prospective applicant must submit Form 424, 424D, and copies of all application forms, attachments, maps, etc., (entire application) to the State Clearinghouse and the appointed Areawide Clearinghouse to comply with the public review process outlined by Executive Order 12372.

The process takes at least thirty days. These clearance letters may not be available before the August 31, 2001 application deadline. This is not a problem. However, they must be submitted before the application will be considered for final review. It is the responsibility of the applicant to secure these letters and forward the responses to the ORGP office as soon as they are received.

Cost EstimateAPPLICANT NAME: City of Sampleville

A. Estimated appraised value of property to be acquired (if applicable)	\$	<u>10,000</u>
B. Total development costs	\$	<u>70,866</u>
Development item (detailed and listed in priority order)		Estimated cost of each item
<u>Playground Equipment and Installation</u>	\$	<u>20,000</u>
<u>1-Mile Walking Trail - Materials and Labor</u>	\$	<u>25,866</u>
<u>Pavilion - 32' x 34'</u>	\$	<u>10,000</u>
<u>Parking - 5 spaces</u>	\$	<u>5,000</u>
<u>Site Preparation</u>	\$	<u>10,000</u>
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
C. Total of A and B	\$	<u>80,866</u>
D. Contingency (optional [maximum 5% of total development costs])	\$	<u>3,544</u>
E. Administration (optional [maximum 10% of total development costs])	\$	<u>7,086</u>
F. Architectural/Engineering Fees (optional [maximum 12% of total development costs])	\$	<u>8,504</u>
G. Total of C, D, E and F	\$	<u>100,000</u>

RESOLUTION No. _____

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

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

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

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

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

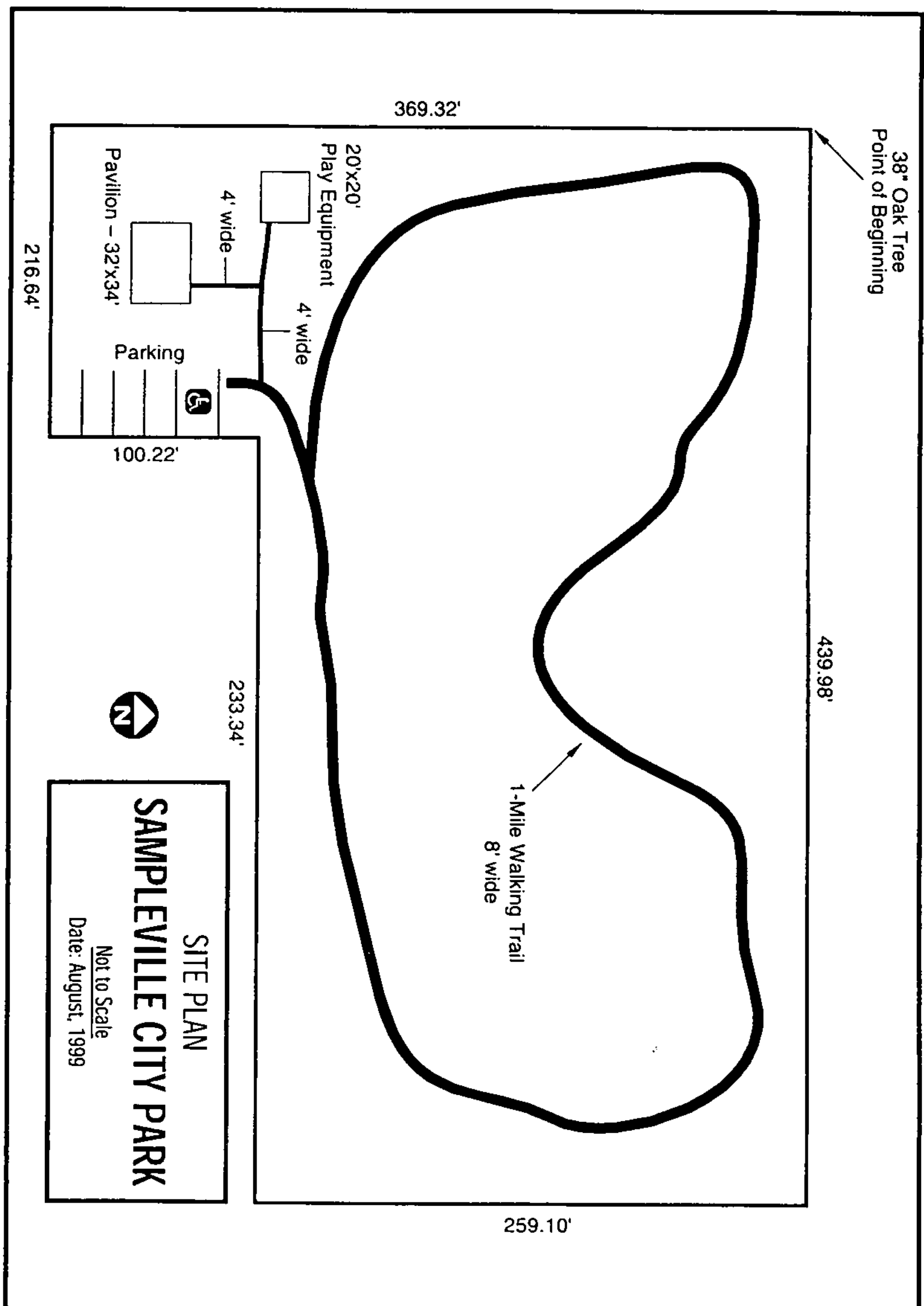
NOW, THEREFORE, BE IT RESOLVED by the City Council/Quorum Court of _____, Arkansas that the Mayor/County judge is hereby authorized to make application to the Arkansas Department of Parks and Tourism for assistance to develop recreational facilities for the City/County; therefore such application shall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

Passed this _____ day of _____, 2001.

APPROVED: _____
Mayor/County Judge

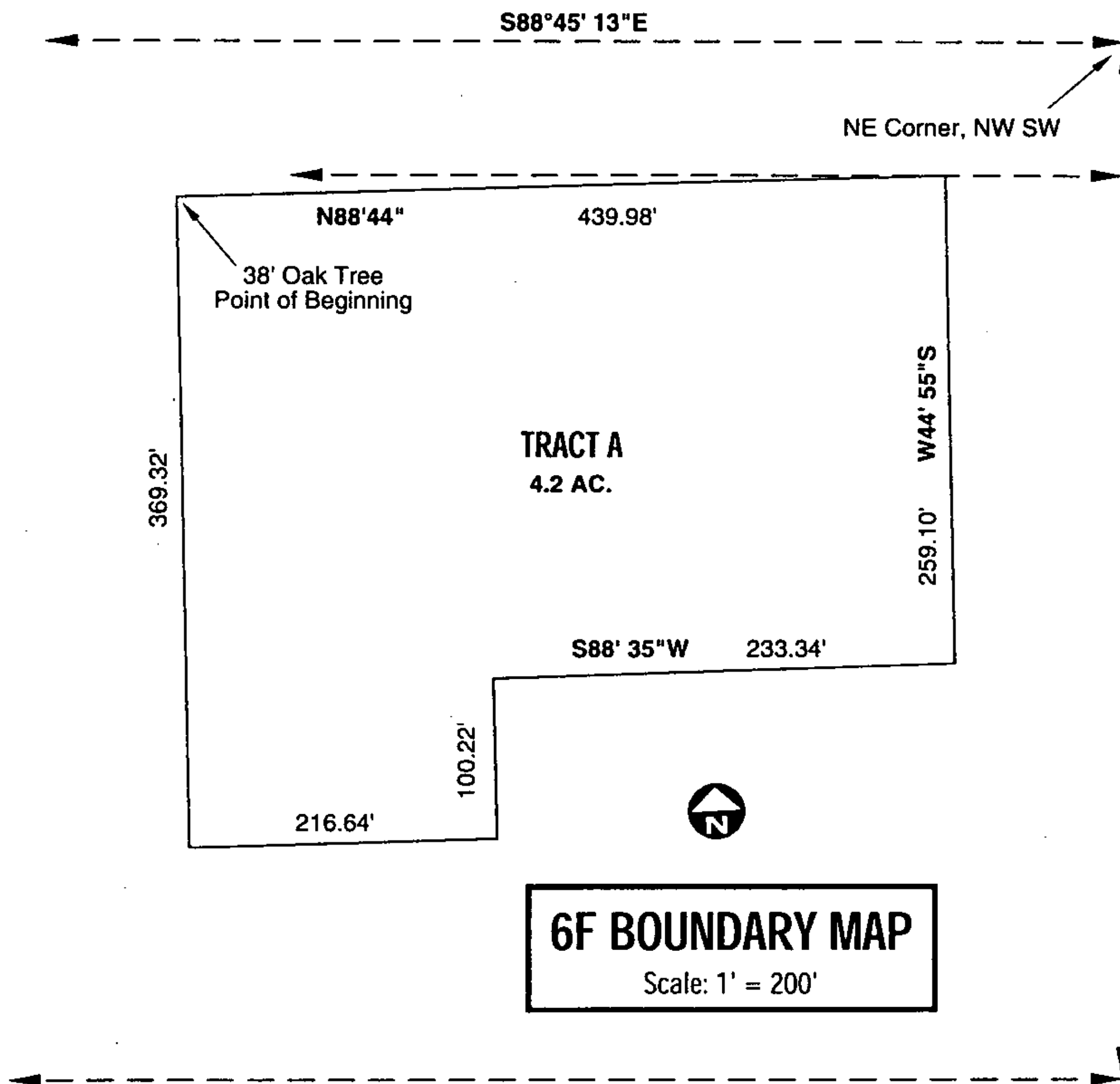
Clerk

SITE PLAN



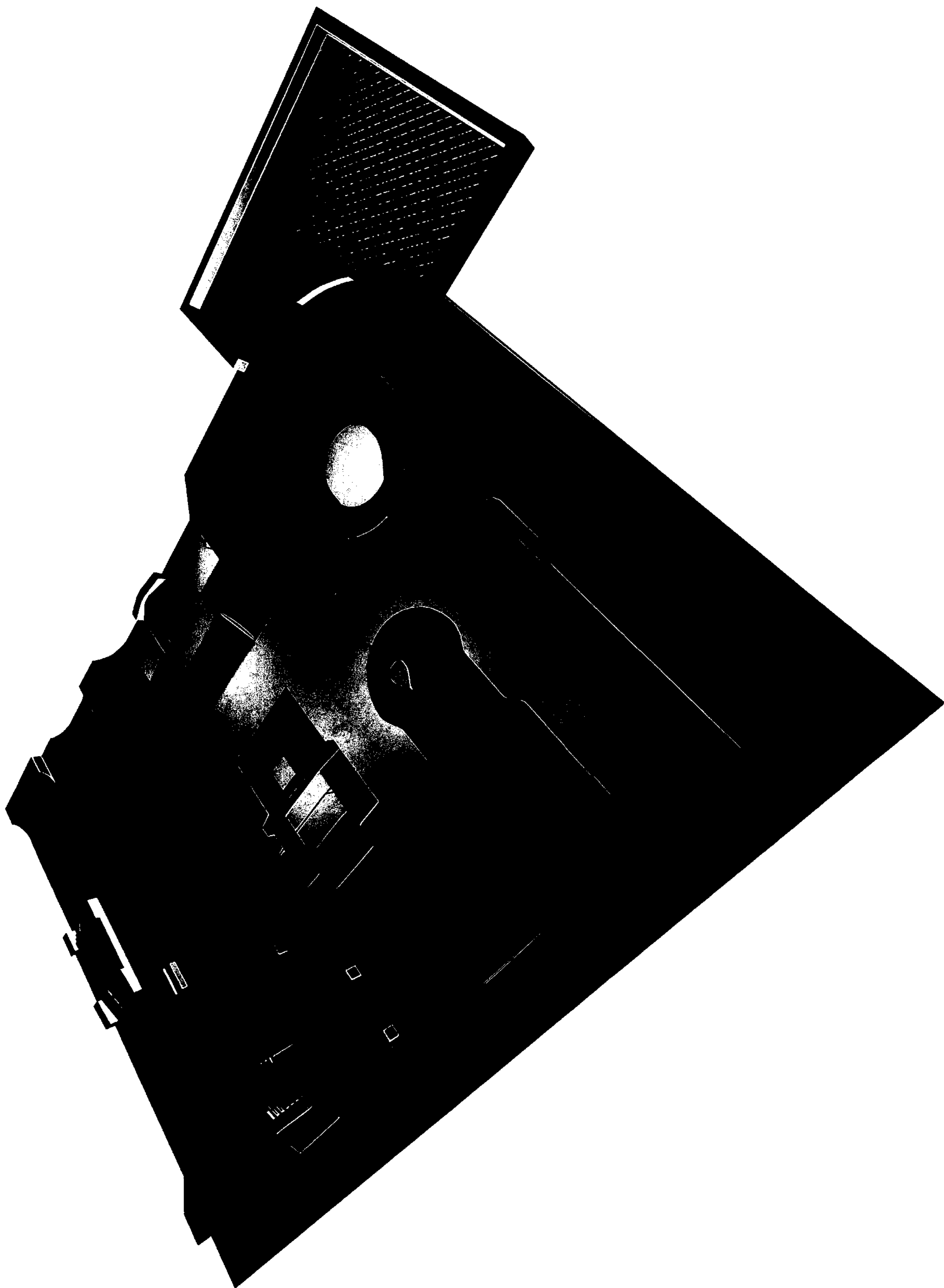
BOUNDARY MAP

Part of the NW 1/4 of the SW 1/4 of Section 99 Township 10, Range 15, Clark County Arkansas



Date: 6-22-99
Job No.: 4543
Signature: James Doe

Surveyed for
JOHN T. JONES
by
Acme Surveyors



6

Land Acquisition Information

There are three types of acquisition:

1. Acquisition for immediate development
2. Acquisition for delayed development
3. Acquisition for preservation/protection

PROPERTY ELIGIBLE FOR ACQUISITION

Acquisition of recreation lands and waters—including new areas or additions to existing parks, forests, wildlife areas, beaches, and other such places dedicated to outdoor recreation—which may be eligible for assistance include, but are not limited to, the following:

1. Areas fronting rivers, streams, lakes, and reservoirs that will provide water-based public recreation opportunities, or the water bodies themselves.
2. Land for creating water impoundments to provide water-based public outdoor recreation opportunities.
3. Areas such as flood plains, wetlands, and areas adjacent to scenic highways that provide special recreational opportunities.
4. Natural areas and preserves AND outstanding scenic areas where the objective is to preserve the scenic or natural values, including areas of physical or biological importance and wildlife areas. These must be open to the general public for outdoor recreational use to the extent that their natural attributes will not be seriously impaired or lost.
5. Land within urban areas for day-use picnic spots, neighborhood playgrounds, and tot lots; areas adjacent to school playgrounds and competitive nonprofessional sports facilities; and more generalized park lands.

METHODS OF ACQUISITION

There are several ways of acquiring lands and/or waters for outdoor recreation purposes. In Arkansas, the most prevalent are:

1. Negotiated Purchases, resulting in fee simple titles, and donations resulting in fee simple titles.

2. Condemnation, resulting in fee simple titles.

Each of these methods is complex and may vary on any single project. Please note that the primary intent of the acquisition must be to provide and insure public outdoor recreational use in perpetuity.

RULES GOVERNING NEGOTIATED PURCHASES AND DONATION OF PROPERTY

1. To be eligible for *Matching Grant Program* assistance, donated property must be in PRIVATE OWNERSHIP—not public—at the time of acquisition.
2. To be eligible for *Matching Grant Program* assistance, purchase agreements and contracts cannot contain reversionary clauses.
3. Applications for projects which involve the purchase of property will be required to submit a Title Opinion (*see page 27 for information*). An appraisal, following the required format must be submitted after the grant approval.
4. Title to the land may not be taken until federal and state approval is given. The applicant will be notified immediately upon approval.
5. No advance payments will be made on donated property even after the

project receives formal approval.

6. Displaced persons and business or farm interests must be notified of their rights under federal and state relocation laws. Costs for relocation benefits should be included in the total project cost.
7. The appraised value of donated property may be used as a portion or all of the applicant's 50% matching share. Successful applications involving donated land will be required to submit an appraisal, after the grant approval, that follows the National Park Service guidelines (*see pages 27-30 for information*).

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 (UNIFORM ACT)

The Uniform Act provides for the uniform and equitable treatment of persons displaced from their homes, businesses or farms and establishes uniform and equitable land acquisition policies. It is the policy of the National Park Service and the Department of Parks and Tourism to deal consistently and fairly with all persons whose property is taken for public projects and all persons who are displaced from their homes, businesses or farms. The provisions of the Uniform Act apply whether or not *Matching Grant Program* moneys actually contribute to the cost of the real property acquired. Acquisition of real property is not an activity where shortcuts are possible. For more detailed information concerning your responsibilities, see the booklet, *Relocation and Acquisition Policy Guide*.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 DOCUMENTATION

Any application proposing the acquisition of property through any means must submit the following information, even if relocation assistance is not required, a response to each of the following items must be submitted:

1. An estimate of the number of individuals, families, businesses and farms being displaced.
2. Where displacement will occur, the applicant must submit
 - (a) a relocation plan,
 - (b) an advisory services program and
 - (c) an appeals procedure.
3. The applicant must provide documentation showing that the owner or his designated representative has been given an opportunity to accompany the appraiser during his/her inspection of the property.
4. The applicant must provide evidence that occupants of the property, to be acquired, were furnished at the time of initiation of negotiations adequate information explaining their eligibility to payments for relocation
5. If there are no occupants, the applicant must indicate this fact.

ACQUISITION FOR DELAYED DEVELOPMENT

Grant assistance may be available to acquire property for which the development of outdoor recreation facilities is planned at a future date. Property acquired for future development must be developed within 3 years. A detailed plan for development will be required before funding assistance will be considered. If you are planning to seek grant assistance to acquire property for future development contact the Department of Parks and Tourism's ORGP staff prior to completing the application.

In the interim, between acquisition and development, the property must be open for those public recreation purposes which the land is capable of supporting or which can be achieved with a minimum public investment. Non-recreational uses such as agriculture, occurring on the property at the time of acquisition, must cease prior to the request for reimbursement. Any application for a project proposing delayed develop-

ment must include a detailed development plan including a time frame for development.

TITLE OPINION OR TITLE INSURANCE

All applications for acquisition or combination projects must include a Title Opinion on the property to be acquired. This will be a legal opinion on the current Title to the property and will include a discussion of any liens, mortgages, easements, or any other encumbrances on the property. It will also include a statement concerning the merchantability of the Title.

OPTION TO PURCHASE/FORMAL COMMITMENT TO SELL/OWNER'S LETTER OF INTENT TO DONATE PROPERTY

Each application for projects which include the acquisition of land by purchase or combination project must include a formal Option to Purchase. The Option to Purchase must be

1. Signed by both parties and
2. Include the purchase price, or a written commitment to sell from the property owner.

Applications for projects which include the acquisition of land through private donation must include a letter from the property owner stating his/her intention to donate the property.

FORMAL APPRAISAL

Do not use multipurpose Supplemental Addendum for Federally Related Transactions forms or Land Appraisal forms.

Any project which proposes acquisition of property through private donation or which proposes the purchase of property with an anticipated value of \$25,000 or more must include a Formal Appraisal. The Formal Appraisal must cover the following:

1. Qualifications

Statement of qualifications of all appraisers and/or technicians, contributing to the report.

2. Statement of Limiting Conditions

The appraiser should provide clear concise statements of all assumptions including the following specifications:

- That the title to the property is marketable
- That the appraiser assumes no responsibility for legal matters
- That all data furnished by others are presumed correct

3. Purpose of the Appraisal

This shall include a definition of all values required and appraised.

4. Identification of the Property

Legal description of the whole tract and that to be acquired

5. City and Area Data

This data (mostly social and economic) should be kept to a minimum and include only such information as directly affects the property being appraised.

6. Property Data

SITE

Describe soil, topography, mineral deposits, easements, etc. If there is an indication that mineral deposits have more than a nominal commercial value, this fact shall be clearly stated.

IMPROVEMENTS

This shall be by narrative description, including dimensions of principal buildings and/or improvements.

EQUIPMENT

This shall be by narrative description including the condition of equipment.

CONDITION

The current physical condition and rela-

tive use and obsolescence shall be stated for each item or group appraised and, wherever applicable, the repair or replacement requirements to bring the property to usable condition.

ASSESSED VALUE AND ANNUAL TAX LOAD

Include the current assessment and dollar amount of real estate taxes. If the property is not taxed, the appraiser shall estimate the assessment in case it is placed upon the tax roll, state the rate, and give the dollar amount of the tax estimate.

ZONING

Describe the zoning for the subject and comparable properties and if rezoning is imminent, discuss under item 7.

7. Analysis of Highest and Best Use

The report shall state the highest and best market use that can be made of the property (land and improvements and where applicable, machinery and equipment) for which there is a current market. The valuation shall be based on this use. In no case shall the land be appraised for one highest and best use and the value of the improvements added when they do not contribute to the fair market value of the land under the highest and best use. Such special purpose appraisals are not allowable.

8. Land Value

The appraiser's opinion of the value of the land shall be based upon its highest and best use, regardless of any existing structures and shall be supported by con-

firmed current factual data (sales and offerings) of comparable, or nearly comparable, lands having like optimum uses. Differences shall be weighed and explained to show how they indicate the value of the land being appraised.

9. Value Estimate by Cost Approach

This section shall be in the form of computational data, arranged in sequence, beginning with reproduction or replacement cost, and shall state the source (book and page if a national service) of all figures used. The dollar amounts of physical deterioration and functional and economic obsolescence, or the omission of same, shall be explained in narrative form. This procedure may be omitted on improvements, both real and personal, for which only a salvage or scrap value is estimated.

10. Value Estimate by Income Approach

This shall include adequate factual data to support each figure and factor used and shall be arranged in detailed form to show at least

- estimated gross rent or income
- an itemized estimate of total expenses including reserves for replacements.

Capitalization of net income shall be at the rate prevailing for this type of property and location. The capitalization technique, method and rate used shall be explained in narrative form supported by a statement of sources of rates and factors.

11. Value Estimate by Comparative (Market) Approach

All comparable sales used shall be confirmed by the buyer, seller, broker, or other person having knowledge of the price, terms and conditions of sale. Each comparable sale shall be weighed and explained in relation to the subject property to indicate the reasoning behind the appraiser's final value estimate from this approach. Three (3) comparable sales are required.

12. Interpretation and Correlation of Estimates

The appraiser shall interpret the foregoing estimates and shall

state the reasons why one or more of the conclusions reached in items 9, 10, and 11 are indicative of the market value.

13. Tabulation of History of Conveyances (Property Sales and Transfers)

Include parties to the transactions, dates of purchase, and amounts of consideration for at least 10 years prior to appraisal.

14. Certification of Appraiser

- He/she has personally inspected the property.
- He/she has no present or contemplated interest in the property.
- That in his/her opinion, the market value of the taking as of _____ (Valuation date) is \$_____.
- (Signature) _____
- (Date Report Submitted) _____

15. Exhibits and Addenda

(NOTE: All maps and plans may be bound as facing pages opposite the description, tabulation, or discussions they concern.)

LOCATION MAP

(within the city or area)

COMPARATIVE MAP DATA

(show geographic location of the appraised property and the comparative parcels analyzed)

DETAIL OF THE COMPARATIVE DATA

(narrative)

PLOT PLAN

FLOOR PLANS

(when needed to explain the value estimates)

PHOTOGRAPHS

(Pictures shall show at least the front elevation of the major improvements, plus any unusual features. When a large number of buildings are involved, including duplicates, one picture may be used for each type. Views of the best comparables should

be included whenever possible. Except for the overall view, photographs may be bound as pages facing the discussion or description to which the photographs pertain. All graphic material shall include captions.)

OTHER PERTINENT EXHIBITS

ABBREVIATED APPRAISAL REPORT

Do not use multipurpose Supplemental Addendum for Federally Related Transactions forms or Land Appraisal forms.

Any project which proposes the purchase of property with an anticipated value between \$5,000 and \$25,000 must include an Abbreviated Appraisal Report. The Abbreviated Appraisal Report must cover the following:

1. Brief Description of the Subject Property

to include physical characteristics, present use, zoning, public utilities associated with the land, deed restrictions, and any other pertinent information.

2. Legal Description

of the real property to be acquired and a plot.

3. Ten-Year History

of conveyances (sales and transfers), including parties to the transactions, dates of purchase, and amounts of consideration for at least ten (10) years prior to appraisal.

4. Analysis and Statement

of the property's highest and best use.

5. Supporting Data

including two or three comparable real property sales, a brief analysis of those sales, and a map showing their locations relative to the land acquired.

6. The Appraiser's Certification and Signature:

- He/she has personally inspected the property.
- He/she has no present or contemplated interest in the property.
- That in his/her opinion, the market value of the taking as of _____ (Valuation date) is \$ _____.
- (Signature) _____
- (Date Report Submitted) _____

7. The Date the Value Estimate Applies

8. Statement of Appraiser's Experience and Qualifications

FINDING OF VALUE

Any project which proposes the purchase of property with an anticipated value of less than \$5,000 must include a written finding of value prepared by a qualified appraiser. This finding of value can be based on the individual's knowledge of land values, but should include a statement of the appraiser's experience and qualification, including a short description of the factors considered and the means by which a conclusion was reached.

DEVELOPMENT PLAN

If the proposed project is for acquisition of land only it will be necessary to prepare a plan for the development of this property. Such a plan should include, at a minimum, the following:

1. Necessity

Discuss why the immediate acquisition of the property is necessary. Include an explanation of why the property cannot be developed at this time.

2. Long-Range Development Proposals

Include items proposed for development on this site. Be as specific as possible. Include estimated dates for such development. Also include proposed methods for funding such developments if they are known. If the source of funding is not known, please indicate this fact.

3. Interim Plans for the Site

How will the site be used until development starts? Include in this section the current use(s) of the site. How long will this interim period last? If there will be more than one use list each use and its estimated time frame.

4. Income

Will income be generated from the site during the interim period? What is the projected amount of this income? Will this income be used in the proposed development of the site and/or the operations, maintenance, and development of the applicant's park system as a whole? Have any arrangements been made to insure such a use of this income? If so, what are they?

5. Site Maps and Plans

Include at least one 8 1/2" x 11" site plan indicating the proposed use areas of the site, e.g., playground areas, picnic areas, ballfield areas. If possible, include more detailed plans of these developments.

7

Important Things to Remember

- The deadline for receipt of applications for FY 2002 is 5:00 p.m., August 31, 2001. All applications must be received in our office on that date. Applications simply postmarked by that date are not acceptable. The Application For Federal Assistance, Form 424 may be faxed to (501) 682-0081, but it must arrive on or before the above deadline. If the Form 424 is faxed, the entire application containing original signatures must be postmarked and mailed on or before the above deadline.
- Applicants who have projects on the problem project list or who have received letters listing problems with past grant projects should correct them as soon as possible. It may be necessary to call the Outdoor Recreation Grants Program staff to find out if a problem exists or what arrangement can be made to schedule corrective measures. Those applicants who have problems in this area may not be considered for funding unless corrective action is undertaken immediately!
- Property acquired or developed under this program must be retained forever for public recreation use. Everything located within the defined project boundary must remain in outdoor recreation use in perpetuity! Think long and hard before making this commitment. Be sure local citizens, politicians and business leaders are willing to make this commitment before submitting an application.
- All utility lines within the park boundaries must be placed underground. Remember to include the cost of removing or burying these lines in your project budget.
- All public recreation facilities constructed within the park must be accessible to the disabled, including those facilities constructed in whole or part with local funds.
- The applicant who intends to purchase or acquire land by donation may not take title or begin construction until a state contract authorizing the acquisition is completed. Lands acquired prior to the date of a signed contract will not be eligible for reimbursement or use as the local matching cost share.
- One public hearing is required to obtain public input into the application. This public hearing must be held at least one month prior to submission of the application, or prior to July 31, 2001. Additional points are awarded to applicants who hold their public hearing two months in advance of the August 31, 2001, deadline. Therefore, to receive additional points for this requirement, the public hearing must be held by June 30, 2001. A public notice about the hearing must appear in a newspaper of greatest local circulation at least seven (7) calendar days (June 23, 2001) in advance of the date of the public hearing. In certain cases the posting of a local notice will be sufficient (*see page 8*).
- Submit one (original) signed application.
- Only incorporated cities and counties are eligible for funding. School districts

may submit a joint application with an incorporated city or county for funding of facilities located on property owned by the school district.

- All property acquired or developed shall be operated and maintained in good condition in perpetuity.
- A sign stating that Outdoor Recreation Grants Program funds were used to acquire and/or develop the facilities must remain in place at the park forever.
- When each application is rated by the staff according to the Priority Rating System, the applicant's score will be forwarded only to the applicant's Chief Executive Officer (mayor, county judge, city manager) prior to the meeting of the Outdoor Recreation Grants Advisory Committee.
- All correspondence regarding the application will be sent only to the applicant's Chief Executive Officer.
- Each project will be rated by the Outdoor Recreation Grant Program staff according to the criteria listed on the FY 2001 priority rating system form located on pages 46-52.
- Applicants selected for funding by the Outdoor Recreation Grants Committee will be listed and funded in priority order. If monthly tax collections which partially fund the Outdoor Recreation Grants Program fall below the predicted levels, it is possible that some applications that were selected for funding could wholly or partially go unfunded. We sincerely hope this does not happen; however, if this does occur the applicant(s) are invited to apply and compete for funding during the next grant cycle.

This is only a brief description of some of the most frequently asked questions regarding our grant program. Complete regulations and requirements are contained elsewhere in the booklet. Review your application to ensure yourself that the information provided in the project application addresses the point criteria in the priority rating form.

8

Important Dates to Remember

April 2001 _____ Matching Grant Application guides available

April 2001 _____ ORGP Staff conduct application workshops

June 23, 2001 _____ Deadline for early public hearing advertisement for extra points

June 30, 2001 _____ Deadline for early public hearing for applicants to score extra points (3 points)

July 24, 2001 _____ Deadline for advertisements for mandatory public hearing

July 31, 2001 _____ Deadline for mandatory public hearing deadline

August 31, 2001 _____ GRANT DEADLINE

October 1, 2001 _____ Deadline for response to application deficiency letters

November 7-9, 2001 _____ Outdoor Recreation Grants Advisory Committee Hearings (tentative date)

December, 2001 _____ Announcement of new grantees

February, 2002 _____ Project Management workshops for new grantees

9

What to Expect After You Submit Your Application

The process of reviewing applications requires approximately two months to complete.

After the initial review of the application, applicants are notified of any deficiencies in the application. The local Chief Executive Officer is notified of the deficiencies and asked to respond as soon as possible. When the ORGP has completed the review, all the applications are rated according to the Priority Rating System. (See page 46–52 for the Priority Rating System explanation and format).

The Priority Rating System was created as part of the Open Project Selection Process. It is used by the ORGP staff to help in the evaluation of all Matching Grant Program grant applications. The resulting score is provided to the applicant's Chief Executive Officer. All applications begin the Priority Rating System with zero points. This completes the ORGP staff review process.

A meeting of the Outdoor Recreation Grants Advisory Committee is then scheduled to hear applicant presentations and make funding recommendations. The members of the Outdoor Recreation Grants Advisory Committee are appointed by the Governor for four-year terms, concurrent with the Governor's term of office. The Committee is comprised of five members. Each congressional district is represented by one member. Two of the members represent municipal governments, two represent county governments, and one is a recreation/park professional.

The applicants are notified of their scores and are invited to make a brief presentation to the Outdoor Recreation Grants Advisory Committee. Shortly after the public hearing the Committee passes their recommendations for funding to the Executive Director of Parks and Tourism and then to the Governor for his announcement of who has been awarded a grant.

10

Grant Application Checklist

Use this checklist to make sure the application being submitted contains all the necessary items.

ALL GRANT APPLICATIONS MUST INCLUDE THE FOLLOWING FORMS

- Application For Federal Assistance Federal Form 424 (See page 12)
- Assurances-Construction Programs Federal Form 424 D (See page 12)
- Civil Rights Assurance Form DI-1350 (See page 12)
- Certification Regarding Debarment, Suspension Federal Form DI-1953 (See page 12)
- Certification Regarding Drug-Free Workplace Federal Form DI-1955 (See page 12)
- Recreation Priorities Form (See page 13)
- Environmental Assessment (See pages 13 & 14)
- Cost Estimate (See pages 14 & 21)
- Flood Hazard Certification and Fund Source Assurance Form ORGPFS 1999 (See page 15)

ALL GRANT APPLICATIONS MUST INCLUDE THE FOLLOWING ITEMS

PROJECT NARRATIVE

Each item listed must be addressed. (See pages 15–17 for detailed information.)

1. Need for Assistance
2. Benefits Expected
3. Agreements
4. Low Moderate Income
5. Income
6. Competition
7. Minority Involvement
8. Parks & Recreation Commission or Department or Committee
9. Special Features

10. Operation and Maintenance
11. Overhead Utility Lines
12. Directions (*detailed*)

CITY COUNCIL RESOLUTION/QUORUM COURT ORDER

(Sample copy: see page 22)

PUBLIC HEARING DOCUMENTATION

(See page 8 for detailed information)

1. Public Notice (*Newspaper notice or flyers are required, not both*)
 - A. Newspaper Notice (*Proof of Publication or entire tear sheet from the newspaper, including name of newspaper and date of publication*)
 - B. Flyers
 1. Copy of Flyer
 2. Letter signed by Mayor/ County Judge with posting places listed and the date the flyers were posted.
2. Minutes from the Public Hearing
3. Sign-in sheet (*Names, addresses, and affiliations with special interest groups*)

MAPS AND PLANS

1. Boundary Map (See page 18—all information listed is required) (Sample on page 24)
2. Site Plan (See pages 18&19—all information listed is required) (Sample on page 23)
3. Location Map (See page 19—all information listed is required)

FLOOR PLANS (IF APPLICABLE)

CLEARINGHOUSE APPROVAL LETTERS

(See page 43 for addresses)

1. Areawide Clearinghouse
2. State Historic Preservation
3. State Highway Department
4. Statewide Clearinghouse
5. Arkansas Game and Fish Commission
(Streamside development)

PROOF OF OWNERSHIP FOR DEVELOPMENT PROJECTS

(See page 19 for details)

1. Warranty Deed with no reversionary clauses
2. 25-year Lease Agreement for Federally or State owned land

**ADDITIONAL INFORMATION REQUIRED FOR LAND ACQUISITION
OR COMBINATION PROJECTS (LAND ACQUISITION AND
DEVELOPMENT PROJECTS)**

(See pages 25–26 for detailed information.)

1. Documentation on Uniform Relocation & Real Property
Acquisition Policies Act
2. Title Opinion or Title Insurance
3. Option to Purchase or Formal Commitment to Sell or
Owner's Letter of Intent to Donate
4. Development Plan

AN APPRAISAL OF THE PROPOSED PROPERTY FOLLOWING THE REQUIRED FORMAT MUST BE SUBMITTED AFTER THE GRANT APPROVAL. *(SEE PAGES 27–30 FOR APPRAISAL REQUIREMENTS.)*

11

Five-Year Recreation Plan Format

The purpose of a five-year recreation plan is for local government to compile in one document what facilities and programs are available in their jurisdiction. It provides an opportunity to learn if the needs of the very young, the actively athletic, those who prefer passive and less competitive experiences, and minorities are being provided for. It is an opportunity to prioritize future development. A recreation plan can provide a road map during the transition from one administration to the next. The Recreation Plan is no longer a requirement. This outline is provided for communities who would like to develop a plan.

Introduction

- State who prepared the plan.
- Describe when, why, and how plan was initiated.
- When was plan adopted by community or county?
- Describe recreational goals of community or county.

Inventory

- List of all existing public, semi-public, and private recreational facilities.
- Numbers of facilities
- Types of facilities
- Acreages
- List and describe current recreational programs of the sponsor, including summer recreation programs and programs during the school year.
- List existing handicap accessible facilities of the sponsor.
- Include city map with streets and city limits shown.
- Locate existing parks on map.
- Locate proposed parks on map.
- How do your recreational facilities and programs meet the needs of the persons in your jurisdiction, including:
 - Minorities
 - Middle age
 - Teens
 - School and pre-school children
 - Elderly
- Describe the greatest recreation problems and issues in the community.

Analysis

- Describe how existing facilities and programs serve the needs of the public.
- Describe existing recreation trends of the citizenry.
- Describe where citizenry presently goes for recreation.
- Seek public involvement in recommending recreational needs for the community.

Plan

- Describe the process of formulating the plan.
- Describe how the public was involved in the planning process.
- Describe the public recreation priorities and how they were established.
- Include public surveys, minutes of public meetings, minority involvement, etc.
- Describe land acquisition plans and priorities.
- Describe facility development plans and priorities.
- Describe recreation programming plans and priorities.
- How will the community officially adopt the recreation plan?
- Describe the methods for this plan's implementation.

Evaluation

- Evaluate how the recreation plan affects the recreational programming of the community.

1995 SCORP Priorities

The *Statewide Comprehensive Outdoor Recreation Plan (SCORP)* is prepared every five years by the staff of the Outdoor Recreation Grants Program. The purpose of the plan is to inventory the states outdoor recreation facilities and resources, and to make recommendations and prioritize areas that need attention in the future. In order for your project to be funded it must fit within one or more of these general categories.

Maintenance of Parks and Recreation

- Recreation providers should concentrate their efforts on maintaining and renovating existing recreation facilities to reduce liability created by deteriorated facilities.
- Recreation providers should implement a regular maintenance schedule and keep detailed records of inspections and repairs.
- Recreation providers should utilize volunteers for routine maintenance purposes where practical (e.g., litter pickup, grounds-keeping, etc.).
- Recreation providers must invest in facility designs that meet or exceed safety standards, including low maintenance designs as well.
- Recreation professionals must become more politically active by educating decision-making bodies concerning parks and recreation issues, specifically the need for a higher priority placed on funding for maintenance of recreation facilities

Safety and Security at Recreation Areas

- Municipalities, schools and private recreation providers should train staff and designate specific individuals for maintenance responsibilities of recreation facilities.

- Recreation providers, including school districts, should cooperate with the Arkansas Department of Health and the Arkansas Department of Parks and Tourism to develop training programs for employees to properly inspect and repair playground equipment.
- Recreation providers should construct impact areas with proper surfacing underneath all playground equipment to improve safety at parks and recreation areas.
- Recreation professionals should integrate more supervised programs and activities at parks for youth.
- Recreation providers should make law enforcement personnel more visible to deter crime at these areas.
- Local neighborhood crime watch programs should integrate parks and recreation areas to improve the safety and security of park users.
- Recreation providers should post safety information at recreation areas, particularly remote sites in rural areas (e.g., emergency numbers, persons to contact, location of nearest medical facility/hospital, etc.).

Funding of Parks and Recreation Resources

- Cities and county governments should propose local funding initiatives to assist in sustaining local parks and recreation resources in the future.
- Communities should seek corporate donations from companies that have a vested interest in their community in addition to traditional public funding sources.

Improving Outdoor Recreation Programs and Facilities

- Recreation providers should develop and implement programs to serve and meet the needs of various population groups.
- Recreation providers should develop parks that are easily accessible and meet the needs of the elderly, disabled, and minority communities.
- Recreation providers should develop a working relationship with area schools to provide recreation facilities and programs targeted for at-risk youth.
- Recreation providers should work toward achieving a balance between facility development, maintenance of facilities and recreation programming.
- All levels of recreation providers should be encouraged to develop a balance of recreation facilities that provide for a variety of active recreation opportunities

(e.g., picnic facilities, camping, wildlife observation, photography, etc.).

- Access to outdoor recreation facilities must become a budgeted priority among recreation providers at all levels of government and the private sector.
- Recreation providers should involve disabled persons in the planning of facilities.
- Recreation providers should make an effort to use the *SCORP* as a tool for management and development of resources.

Conservation of Natural and Cultural Resources for Outdoor Recreation

- Park and recreation professionals should become proactive in their local communities concerning littering and recycling efforts.
- Parks should become examples of litter-free zones in communities throughout the state.
- The state's law enforcement community should cooperate within the limits of their resources to better enforce anti-litter laws.
- Recreation providers must do a better job of planning and budgeting for the destruction of facilities due to vandalism.
- Recreation providers should institute programs that educate users concerning the damage to parks and recreation resources caused by vandalism.
- Recreation providers should invest in facilities designed to be less susceptible to vandalism.
- Communities should establish park watch programs in neighborhoods where parks are located to offset vandalism.

Trails

- All applicable trail providers should conduct a thorough and consistent inventory of backlogged maintenance work along with estimated costs to develop priorities as well as funding and personnel requirements to address maintenance of trails.
- Stronger emphasis placed on the development of urban trails and greenways by local parks and recreation departments by working with residential developers and enacting legislation to set aside property to develop trails for both recreation and transportation
- Increased trail opportunities for those users with limited access (i.e., mountain bikers, ORV, and OHV), and particularly the physically impaired and developmentally disabled.
- The development of more multiple-use trails to increase trail opportunities and reduce maintenance costs

13

Federal Regulations

This *Application Guide* is not intended to serve as a compendium of all applicable State and Federal statutes. Applicants are encouraged to contact their legal representatives for further information on the State and Federal laws, rules, and regulations which apply to their proposed project. The following is a list of some of the federal statutes, regulatory requirements, and policies which may apply:

1. The National Environmental Policy Act of 1969 (42 USC 4321 et. seq.), as amended
2. The Clean Air Act (42 USC 7609) as amended
3. The Clean Water Act (33 USC Secs. 1288, 1314, 1341, 1342, 1344)
4. Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11911, May 24, 1977)
5. Executive Order 11288, concerning prevention, control and abatement of water pollution
6. The Flood Disaster Protection Act of 1973 (12 USC Sec. 24, 1701-1 Supp.) (42 USC Sec. 4001 et. seq.)
7. Executive Order 11988, Flood plain Management
8. Executive Order 11296, Evaluation of Flood Hazard in Locating Federally Owned or Financed Building, Roads, and other Facilities and in Disposing of Federal Lands and Properties
9. Federal Act for Protection and Restoration of Estuarine Areas (PL 90-454)
10. Wild and Scenic Rivers Act of 1968 (PL 90-542) (16 USC 1274 et. seq.)
11. The Rivers and Harbors Act of 1899 (33 USC 401 et. seq.)
12. Executive Order 11990, Protection of Wetlands
13. The Fish and Wildlife Coordination Act (16 USC Sec. 661, 662)
14. The Endangered Species Act of 1973 (16 USC Sec. 1531 et. seq.)
15. The Antiquities Act of 1906 (16 USC Sec. 431)
16. The Archeological and Historic Preservation Act of 1974 (16 USC Sec. 469 a-1)
17. The National Historic Preservation Act of 1966 (16 USC Sec. 470 et. seq.)
18. Executive Order 11593, Protection and Enhancement of the Cultural Environment
19. Federal-Aid Highway Act of 1973 (PL 93-87)
20. Architectural Barriers Act of 1968 (PL 90-480)

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|--|---|
| 21. Americans with Disabilities Act (ADA) of 1990, Title II and Title III | 27. Office of Management and Budget Circular A-102. Provides uniform administrative requirements for grants-in-aid to state and local governments |
| 22. Section 504, The Rehabilitation Act of 1973 (PL 93-112), as amended | |
| 23. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 94-646) | 28. Office of Management and Budget Circular A-87 (formerly FMC74-4). Identifies cost principles applicable to grants and contracts with state and local governments as they relate to the application, acceptance and use of federal funds |
| 24. Title VI of the Civil Rights Act of 1964 (PL 42 USC Secs. 2000d to 2000d-4) | |
| 25. Executive Order 11246, Equal Employment Opportunity | |
| 26. Executive Order 12372. Provides for the evaluation, review and coordination of federal assistance programs and projects. | 29. Power Plant and Industrial Fuel Use Act of 1978 (PL 95-620) |
| | 30. Executive Order 12185, Conservation of Petroleum and Natural Gas |

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Required Clearances

- Mr. Ken Grunewald, Director
Arkansas Historic Preservation
Program
1500 Tower Building, 323 Center
Little Rock, Arkansas 72201
Telephone (501) 324-9357
- Mr. Tracy Copeland, Manager
State Clearinghouse
Post Office Box 3278
Little Rock, Arkansas 72201
Telephone (501) 682-1074
- Programs and Contracts Division
Arkansas Highway and
Transportation Department
Post Office Box 2261
Little Rock, Arkansas 72203
Telephone (501) 569-2261
- Mr. Craig Uyeda
Arkansas Game and Fish
Commission
#2 Natural Resources Drive
Little Rock, Arkansas 72205
Telephone (501) 219-4311
- Areawide Planning or Economic
Development District Clearing-
houses:
 - Central Arkansas Planning and
Development District
115 Jefferson Street
Lonoke, Arkansas 72086
Telephone (501) 676-2721
 - East Arkansas Planning and
Development District
Post Office Box 1403
Jonesboro, Arkansas 72403
Telephone (870) 932-3957
 - Northwest Arkansas Economic
Development District
Post Office Box 190
Harrison, Arkansas 72602-0190
Telephone (870) 741-5404
 - Southeast Arkansas Economic
Development District
Post Office Box 6806
Pine Bluff, Arkansas 71611
Telephone (870) 536-1971
 - Southwest Arkansas Planning
and Development District
600 Bessie Street
Magnolia, Arkansas 71753
Telephone (870) 234-4030
 - West Central Arkansas Planning
and Development District
Post Office Box 21100
Hot Springs, Arkansas 71903
Telephone (501) 525-7577
 - Western Arkansas Planning and
Development District
Post Office Box 2067
Fort Smith, Arkansas 72902
Telephone (501) 785-2651
 - White River Planning and
Development District
Post Office Box 2396
Batesville, Arkansas 72503
Telephone (870) 793-5233
 - Regional Planning Commission
 - Northwest Arkansas Regional
Planning Commission
Post Office Box 745
Springdale, Arkansas 72765
Telephone (501) 751-7125
 - Southeast Arkansas Regional
Planning Commission
Post Office Box 8398
Pine Bluff, Arkansas 71611
Telephone (870) 534-4247
 - METROPLAN
501 West Markham, Suite B
Little Rock, Arkansas 72201
Telephone (501) 372-3300
 - ARK-TEX Council of
Governments
Post Office Box 5307
Texarkana, Texas 75505
Telephone (903) 832-8636

Information and Technical Assistance Resources

- Areawide Planning or Economic Development Districts

- Regional Planning Offices

- County Agent for the Arkansas Cooperative Extension Service

- District Conservationist in each county for Soil Conservation Service

- Arkansas Geological Commission
3815 West Roosevelt Road
Little Rock, Arkansas 72204
Telephone (501) 663-9714

- Mr. Michael Hedges
University of Arkansas
Cooperative Extension Service
2301 South University
Post Office Box 39
Little Rock, Arkansas 72203
Telephone (501) 671-2000

- Mr. Steve Filipek
Arkansas Game and Fish
Commission
Stream Team Program
915 East Sevier Street
Benton, Arkansas 72015
Telephone (501) 776-0218, ext. 23

OUTDOOR RECREATION GRANTS PROGRAM STAFF

All staff can be contacted by E-mail at
grants@mail.state.ar.us

- Mr. Bryan Kellar, Director
Outdoor Recreation Grants Program
Number One Capitol Mall
Little Rock, Arkansas 72201
Telephone (501) 682-1301
- Mrs. Susan Clifford, Project Officer
Outdoor Recreation Grants Program
Number One Capitol Mall
Little Rock, Arkansas 72201
Telephone (501) 682-1301
- Environmental Planner/Project Officer
Outdoor Recreation Grants Program
Number One Capitol Mall
Little Rock, Arkansas 72201
Telephone (501) 682-1301
- Mr. Ian Hope,
State Trails Coordinator/Project Officer
Outdoor Recreation Grants Program
Number One Capitol Mall
Little Rock, Arkansas 72201
Telephone (501) 682-1301

**ARKANSAS RECREATIONAL
EQUIPMENT VENDORS**

- Arkansas Playground, Inc.
Jennifer Schueck McCarty
33 Chimney Sweep
Little Rock, Arkansas 72212
(501) 224-8654
FAX (501) 224-8654
- Diversified Recreation, Inc.
Jim Edwards
5 Wingfield Circle
Little Rock, Arkansas 72205-1636
(501) 228-9191
FAX (501) 455-2656
- ABC Playgrounds
Rob Schmidt
P.O. Box 192232
Little Rock, Arkansas 72219
(501) 455-3342
FAX (501) 884-3090
- Apex Associates
Ron Bales
Post Office Box 1130
Fairfield Bay, Arkansas 72088
1-800-274-1130
- Rex Playground Equipment
Linda Spears
62212-I Jacksonville Cutoff Road
Jacksonville, Arkansas 72076
(501) 834-2239
FAX (501) 834-2152
E-mail LMSpears@worldnet.att.net

- Arkoma Playgrounds
Stuart Thompson
70 North College Avenue, Suite 6
Fayetteville, Arkansas 72701
(501) 443-0066
FAX (501) 443-9202
E-mail arkoma@4funlsi.com
- Modlin Recreation Equipment, Inc.
Arkansas and Northeast Texas
Andy Boots
Little Rock Phone (501) 219-0096
P.O. Box 50048
Denton, Texas 76206-0048
1-800-433-5347
- Hunter Kneppshield
Qualite Sports Lighting
Keith Lynch
104 Fieldcrest Drive
Searcy, Arkansas 72143
(501) 279-2912
E-mail klynch@ipa.net

Arkansas park and playground vendors or manufacturers who wish to be listed may do so by contacting Arkansas State Parks, Outdoor Recreation Grants Program at (501) 682-1301.

16

Priority Rating System Overview

The purpose of the Priority Rating System (PRS) is to evaluate all applications for grant funding with the same fair and equitable criteria. Because the total state and federal grant dollars available for the Matching Grant program is not sufficient to fund the number of requests that are submitted each year, the PRS has been designed to give the highest priority to projects that demonstrate thorough and advanced planning, involve local users including minorities in the planning process, and provide diverse recreation opportunities for recreation users.

The Outdoor Recreation Grant Program Staff will review each application submitted by the August 31, 2001 deadline. The staff will notify the applicants of any deficiencies by mail. Applicants will be given till October 1, 2001 to address any deficiencies. A staff person will also conduct a site visit to evaluate the project site development plan, and determine if the existing facilities have been regularly maintained in a manner suitable for daily use. Outdoor Recreation Grant Program Staff will score each application and will then mail a copy of the Priority Rating System score form to the applicant.

If applicants have questions concerning their Priority Rating System score they should contact the Outdoor Recreation Grant Program Office for clarification prior to the Outdoor Recreation Grant Advisory Committee's public hearing scheduled for November 8, 2001.

The following is a brief explanation of the elements and priority assignments in each of the four Priority Rating System sections. In other words, what we are looking for in a priority project.

I. PROJECT DIVERSITY AND OPPORTUNITY

- Priority points will be given to applications that focus the majority of development funds and resources to increase the

different types of recreational activities or opportunities within the community. OR; Priority points will be given to applications that focus the majority of development funds and resources to develop parks and significantly increase the number of recreation facilities in under-served areas of the community. OR; Priority points will be given to applications that focus the majority of development funds and resources to renovate or replace obsolete facilities that have been approved by the ORGP Staff.

- Priority points will be given if major elements within the proposed project provide year-around recreational opportunities. (Examples include basketball courts, trails, play equipment, pavilion, and picnic facilities, etc.)

II. PUBLIC INVOLVEMENT AND SUPPORT

Park and recreation facilities and programs are an important part of community infrastructure. Involving volunteers, public service organizations in park and recreation facilities and programs is very helpful, however these individuals and groups may have singular purposes and may not represent all types of recreational activities. Communities that commit local resources by hiring park and recreation staff or appoint advisory groups

responsible to advise the city or county concerning the operation, maintenance, programming, and planning generally have proven to make good use of grant funds.

- Priority points will be given to applicants that have taken the initiative to hire a park and recreation director, or establish a legal park commission, or appoint an advisory committee that oversees local public parks and recreation programs, and has documented the commission or committee meets at a minimum of a quarterly basis.
- Fewer priority points will be given to applicants that have established a committee or a parks commission within the past year, and has documented they have met on a regular basis since established.
- No priority points will be given to applicants who will use volunteers, public service organizations, or a combination of these to oversee park planning, operation and maintenance, and recreational programs.

Direct public involvement is required to establish local recreation priorities and to determine what priorities will be submitted in the application for funding. A public hearing is mandatory to be eligible for grant funding. Applicants that conduct "early" public hearing(s) (between January 1 and June 30, 2001), will have plenty of time to prepare the grant application and any necessary revisions and modifications.

Minority involvement in the planning of the project is a requirement to be eligible for grant funding. The minimum requirements specify minorities be invited to and/or participate in the required public hearing. It is not unusual for many persons that we define as minorities to have never participated in the public planning process. It may be necessary to go to them or reach out and seek their input through a combination of group meetings, visits with minority leadership, visits to churches and retirement homes. Applications that do not include documentation of minority involvement will be returned to the applicant and will not be considered for funding.

- Priority points will be given to those applicants that hold a public hearing between January 1, 2001, and June 30, 2001, and have documented they invited ethnic minorities, the elderly, and the physically challenged to participate in the planning process.
- No priority points will be given to applicants that hold a public hearing after June 30, 2001, and before July 31, 2001, and have documented they invited ethnic minorities, the elderly, and the physically challenged to participate in the planning process.

Applicants, who fail to hold a public hearing prior to July 31, 2001, will be ineligible for grant funding and their application will be returned without further consideration.

- Priority points will be given to applicants who document minority community outreach prior to the public hearing with minority populations defined as including ethnic minorities (African Americans, Native Americans and Asian Americans) the elderly, and the physically challenged in the planning process. Out-reach measures include any or all of the following; special meetings in minority neighborhoods, surveys, personal contacts by public officials with local minority leaders, groups, and individuals prior to the public hearing in the project planning process.
- Applicants who do not document minority involvement prior to the public hearing, in the project planning process will be ineligible for grant funding.

III. PLANNING AND DESIGN

Communities that are committed to park development understand that grant funds can never replace local financial commitment. Frequently, park development and facility construction must be completed in phases. Spending grant dollars efficiently and expediently funded through public tax revenues is good government. Communities that are prepared to begin land purchases and/or project construction as quickly as possible will be rewarded. Identifying project boundaries can prevent legal difficulties and potential encroachment of park properties. Applicants providing boundary surveys will receive priority points.

- Priority points will be given to those applicants who include with the application, a detailed budget, plans, specifications, and bid documents that are ready for immediate bid and construction. Applicants certifying they will use a paid, professional design consultant will receive credit.
- Priority points will be given to those applicants who have included with the application a detailed budget and will provide detailed plans and specifications, and bid documents immediately following grant award at the Project Management Workshop.
- Priority points will be given to those applicants who have met with ORGP staff seeking overall evaluation, comments for revisions, additions, or changes to the project site plan (minimum of 28 days prior to the grant deadline or no later than August 3, 2001). Revisions, additions, or changes must be completed and submitted no later than October 1, 2001. ORGP staff person has signed and dated application site plan.
- Priority points will be given to those applicants who provide a legal boundary survey with the application.
- Priority points will be given to applications with site plans that are 8.5"x11", contains a north arrow, and based on an ORGP site inspection accurately locates facilities, and is

drawn to scale, or if not to scale all boundary and facility dimensions are shown on the plan.

- Points will be deducted for site plans that are incomplete or inaccurately locate boundaries and facilities.
- Priority points will be given to projects with site plans that show all necessary details of barrier free access for project facilities, including access routes, play equipment access, walkways, ramps, lifts, and parking.
- Priority points will be deducted for projects with site plans that do not show detailed barrier free access.

IV. MATCHING RESOURCES

Applicants that have secured or budgeted local financial resources prior to submitting a grant application have historically completed projects in a timely and efficient manner. Applicants that depend primarily on volunteer labor and have very limited financial backing frequently struggle to meet contract deadlines and occasionally the quality of the facilities is not suitable for intense public use.

- Priority points will be given to applicants whose majority of the 50/50 match is a cash appropriation (application includes an approved budget), cash currently in bank (supported by a current bank statement), land donation, force account labor, sponsor owned equipment use, or any combination thereof.

- Priority points will be given if the remainder of the above match is: cash, donations of materials (by letter of commitment with approximate cash value pre-determined) or donated equipment use (by letter of commitment with approximate cash value pre-determined).
- No points will be given if the majority of the match is promises of cash, promises of volunteer labor, promises of donated equipment use, promises of donated materials, or a combination thereof.

V. PAST HISTORY OF MAINTENANCE AND COMPLIANCE OF PROGRAM REGULATIONS

When available, people use parks on a year around basis. Local governments should set flexible opening and closing times and schedule regular maintenance so users can have access to clean safe parks and recreation facilities at all reasonable times of the day and year.

- Applicants will be penalized points if at the time the ORGP staff inspected the proposed project site (or other previously funded project sites) the staff finds significant trash or litter, grass not mowed, facilities in disrepair, other preventable conditions that may impede public use.
- Applicants will be penalized points, if at the time the ORGP staff inspected the proposed project site (or other previ-

ously funded project sites), they find a lack of long term, ongoing or adequate maintenance.

VI. DOES THIS PROJECT PROVIDE DEVELOPMENT OF THE FOLLOWING

The law requires that all public facilities provide barrier free access to "all" citizens. This includes persons with disabilities. Many existing recreation facilities were built without regard to the law or prior to the Architectural Barriers Act of 1968. Barrier free access benefits everyone including the elderly, toddlers, and those with disabilities. To encourage barrier free access:

- Priority points will be given for projects that will construct barrier free access to existing facilities within the park or project boundary.
- Priority points will be given for projects that will provide safety impact areas and barrier free access to existing playground equipment or replaces obsolete equipment with new that complies with current ADA regulations and CPSC & ASTM guidelines.

PRIORITY RATING SYSTEM

Matching Grant Program Applications

ARKANSAS DEPARTMENT OF PARKS AND TOURISM • OUTDOOR RECREATION GRANTS PROGRAM

	Points	Total
I. PROJECT DIVERSITY AND OPPORTUNITY		
1. Elements within the proposed project will significantly impact the diversity of recreational facilities/opportunities within the community; OR will expand recreational facilities/opportunities into under-served areas of the community; OR will renovate existing or replace obsolete facilities that significantly impact recreational opportunities.	3	_____
2. Elements within the proposed project provide year-around recreational opportunities. (Examples include basketball courts, trails, play equipment, pavilion and picnic facilities, etc.)	3	_____
Maximum Points Section I: 6 points		_____
II. PUBLIC INVOLVEMENT AND PLANNING		
1. Applicant has a parks department with a director; OR a parks commission; OR an advisory committee, and has documented that it meets on a regularly scheduled basis.	3	_____
2. Applicant has established a park commission or advisory committee within the past year, and has documented that it meets on a regularly scheduled basis.	1	_____
3. Applicant will use volunteers, public service organizations, or a combination to oversee local park planning, operation and maintenance, and recreation programs.	0	_____
4. Applicant has conducted the required public hearing between January 1, 2001, and June 30, 2001, and has documented they invited minorities defined as; ethnic Minorities, (African Americans, Native Americans, and Asian Americans) the elderly, and the physically challenged to participate in the planning process.	3	_____
5. Applicant has conducted the required public hearing after June 30, 2001, and before July 31, 2001, and has documented they invited minorities defined as; ethnic minorities, (African Americans, Native Americans, and Asian Americans) the elderly, and the physically challenged to participate in the planning process.	0	_____
<u>Applicants conducting the public hearing after July 31, 2001, are ineligible.</u>		

6. Applicant has documented community out-reach prior to the public hearing with minority populations defined as including ethnic minorities (African Americans, Native Americans, and Asian Americans) the elderly, and the physically challenged in the planning process and out-reach measures including any or all of the following; special meetings in minority neighborhoods; surveys; or multiple personal contacts by public officials with local minority leaders and individuals. 2 _____

Maximum Points Section II: 8 points -----

III. PLANNING AND DESIGN

1. Project sponsor has included with application, a detailed budget, plans, specifications, and bid documents ready for immediate bid and construction. Applicants certifying they will use a paid professional design consultant will also receive credit. 3 _____
2. Project sponsor has included with application, a detailed budget and will provide plans, specifications, and bid documents immediately following grant award at the Project Management Workshop. 1 _____
3. Applicant has met with the ORGP staff seeking overall evaluation, comments for revisions, additions, or changes to the project site plan (minimum of 28 days prior to grant deadline). Revisions, additions, or changes to this site plan must be completed and submitted no later than October 1, 2001. 3 _____
4. Applicant has provided a legal boundary survey with the application. 1 _____
5. Site plan is 8.5" x 11", contains a north arrow, and based on an ORGP site inspection accurately locates facilities, and is drawn to scale, or if not to scale then all boundary and facility dimensions are shown on the plan 1 _____
6. Site plan is incomplete or inaccurately locates boundaries and facilities. -1 _____
7. Site plan shows all necessary details of barrier free access for project facilities, including access routes, play equipment access, walkways, bridges, ramps, lifts, and parking. 1 _____
8. Site plan does not show detailed barrier free access. -1 _____

Maximum Points Section III: 9 points -----

IV. MATCHING RESOURCES

- | | | |
|--|---|-------|
| 1. Majority of the match is; a cash appropriation (application includes an approved budget), cash currently in the bank (supported by a current bank statement), land donation, force account labor, sponsor owned equipment use, or any combination of the above. | 3 | _____ |
| 2. Remainder of #1 match is; cash, donations of materials (by letter of intent to donate with approximate cash value pre-determined) or donated equipment use (by letter of intent with approximate hourly rate pre-determined). | 1 | _____ |
| 3. Majority of match is promises of cash, promises of volunteer labor, promises of donated equipment use, promises of donated materials, or a combination of. | 0 | _____ |

V. PAST HISTORY OF MAINTENANCE AND COMPLIANCE OF PROGRAM REGULATIONS

- | | | |
|---|-----|-------|
| 1. At the time the ORGP staff inspected the proposed project site (or other previously funded project sites) they found significant trash or litter, grass not mowed, facilities in disrepair, other preventable conditions that may impede public use. | -3 | _____ |
| 2. Inspection of proposed (and past or other public) project sites revealed a lack of long-term ongoing or adequate maintenance. | -10 | _____ |

Maximum Points Section IV-V: 4 points _____

VI. DOES THIS PROJECT PROVIDE DEVELOPMENT OF THE FOLLOWING

- | | | |
|---|---|-------|
| 1. Project will construct barrier free access to existing facilities within the park or project boundary. | 3 | _____ |
| 2. Project provides safety impact areas and barrier free access to existing playground equipment or replaces obsolete equipment with new equipment that complies with current ADA regulations and CPSC & ASTM guidelines. | 3 | _____ |

Maximum Points Section VI: 6 points _____

Total Points Scored: (Maximum possible: 33 points) _____

If the Applicant currently has an active grant project and the ORGP Director has determined the grantee is not progressing in a timely manner, the Applicant is ineligible for further funding until active projects have been completed or significant progress is made.

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STAFF REVIEW FORM

Boys & Girls Club
C. 5 & 6 Page 1

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF June 19, 2001 MAYOR'S APPROVAL P.C.

FROM:

Kit Williams
NameCity Attorney
DivisionLegal
Department

ACTION REQUIRED: A Resolution to approve an agreement with the Fayetteville Youth Center, Inc., d/b/a the Fayetteville Boys and Girls Club, Inc., to provide public recreation for the citizens of Fayetteville and an Ordinance to waive competitive bidding for the payment to the Fayetteville Youth Center, Inc. through the end of 2001 for the provision of public recreation.

COST TO CITY: \$108,708.81 (already budgeted)

Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used to Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

6-6-01

City Attorney

Date

6-8-01

Purchasing Officer

Date

Internal Auditor

Date

ADA Coordinator

Date

STAFF RECOMMENDATION:

Division Head

Date

Department Director

Date

Administrative Services Director

Date

Mayor

Date

6/8/01

CROSS REFERENCE

New Item: Yes No

Previous Ordinance/Resolution No.: _____

ORDINANCE NO. _____

AN ORDINANCE WAIVING COMPETITIVE
BIDDING FOR THE PURCHASE OF PUBLIC
RECREATION SERVICES FOR THE CITIZENS
OF FAYETTEVILLE FROM THE FAYETTEVILLE
YOUTH CENTER, INC. D/B/A FAYETTEVILLE
BOYS AND GIRLS CLUB, INC. THROUGH THE END OF 2001

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

Section 1. The City Council hereby waives the requirement of competitive bidding for the purchase of public recreation services for the citizens of Fayetteville from the Fayetteville Youth Center, Inc. d/b/a Fayetteville Boys and Girls Club, Inc. through the end of 2001 for the reason that an exceptional situation exists making competitive bidding not feasible for the following reason:

(a) The Fayetteville Youth Center, Inc. d/b/a/ the Fayetteville Boys and Girls Club, Inc. has been operating pursuant to a Working Procedures and Responsibilities agreement with the City of Fayetteville to provide public recreation to Fayetteville youth. It would be highly disruptive to the public recreation program partially funded by the City of Fayetteville to require competitive bidding in the middle of the year when both parties are relying upon a previously approved budgeted amount for promotion, development and operation of the Fayetteville Youth Center, Inc. through the end of 2001.

Section 2. The City Council hereby determines that the City of Fayetteville is in immediate and continuing need of the public recreation program of the Fayetteville Youth Center, Inc. and hereby determines that the immediate passage of this ordinance is necessary for the purchase of such services. Therefore, an emergency is declared to exist and this ordinance being

necessary for the public welfare shall be in full force and effect from and after its passage and approval.

PASSED and APPROVED this ____ day of June, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT
BETWEEN THE CITY OF FAYETTEVILLE AND
THE FAYETTEVILLE YOUTH CENTER, INC.
D/B/A/ THE FAYETTEVILLE BOYS AND GIRLS
CLUB, INC. TO PURCHASE PUBLIC RECREATIONAL
SERVICES FOR THE YOUTH OF FAYETTEVILLE

WHEREAS, the City of Fayetteville has long been associated with and
worked with the Fayetteville Youth Center, Inc. to provide public recreation for
the citizens of Fayetteville; and

WHEREAS, the Fayetteville Youth Center, Inc. has long provided public
recreation to the youth and citizens of Fayetteville; and

WHEREAS, it remains in the best interest of the City of Fayetteville and
its citizens to provide operating, promotion and development revenues to the
Fayetteville Youth Center, Inc. in consideration for the substantial recreational
programs provided by the Fayetteville Youth Center, Inc. to the youth and
citizens of Fayetteville.

**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
approves the Contract Between The City of Fayetteville and the Fayetteville
Youth Center, Inc. and authorizes the mayor to sign said Contract (attached as
Exhibit A.).

PASSED and APPROVED this the _____ day of June, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

CONTRACT
Between The City of Fayetteville
and
Boys and Girls Club, Inc.

WHEREAS, the City of Fayetteville has long been associated with and worked with the Fayetteville Youth Center, Inc. to provide public recreation for the citizens of Fayetteville; and

WHEREAS, the Fayetteville Youth Center, Inc. has long provided public recreation to the youth and citizens of Fayetteville; and

WHEREAS, it remains in the best interest of the City of Fayetteville and its citizens to provide operating, promotion and development revenues to the Fayetteville Youth Center, Inc. in consideration for the substantial recreational programs provided by the Fayetteville Youth Center, Inc. to the youth and citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of \$15,529.83 monthly to the Fayetteville Youth Center, Inc. throughout the year of 2001 in consideration of the following duties and obligations to be performed by the Fayetteville Youth Center, Inc.:

- A. The Fayetteville Youth Center, Inc. promises to be jointly responsible with the Fayetteville School System to provide staffing, programming, maintenance, promotion and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium and the main facility of the Boys and Girls Club on California Drive. The Fayetteville Youth Center, Inc. agrees to use some of the funding from the City to pay for gymnasium supervisors and custodians at these sites.
- B. The Fayetteville Youth Center, Inc. promises to make substantial portions of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for needy youth. Although basic membership fees may be required for many Fayetteville residents, no needy youth wishing to participate at the Fayetteville Youth Center, Inc. facility shall

be denied access solely because he or she does not have sufficient funds to pay for a regular membership. The Fayetteville Youth Center, Inc. shall report on a quarterly basis the approximate number of Fayetteville citizens served by its programs and shall include the number of "scholarships" or free memberships provided to Fayetteville citizens.

- C. The Fayetteville Youth Center, Inc. shall continue to follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and The Fayetteville Youth Center which became effective on August 19, 1999, which is attached as Exhibit A.

CITY OF FAYETTEVILLE

By: _____
DAN COODY, Mayor

FAYETTEVILLE BOYS & GIRLS CLUB, INC.

By: _____

Title

ATTEST:

By: _____
Heather Woodruff, City Clerk

RECREATION IN FAYETTEVILLE

WORKING PROCEDURES AND RESPONSIBILITIES FOR THE CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION AND THE FAYETTEVILLE YOUTH CENTER

WHEREAS, currently the City of Fayetteville Parks and Recreation Division (Parks and Rec) and the Fayetteville Youth Center (FYC) are both working under many verbal and assumed agreements; and,

WHEREAS, increased communications and a new set of operating procedures will assist with the working relationship and will benefit both agencies and their operations; and,

WHEREAS, Parks and Rec believes the goals of Parks and Rec and FYC would best be accomplished by defining and streamlining responsibilities and procedures; and, is therefore recommending the merging of facility and program management for all recreation offerings, thereby providing administrative accountability for all services provided to the citizens.

NOW, THEREFORE, in order to define and improve the current working relationship between Parks and Rec and FYC, the following set of detailed operating procedures and responsibilities are hereby established.

I. GOAL

The goal of Parks and Rec and FYC is to work in cooperation to enhance the recreation facilities and programs offered in the City of Fayetteville. Parks and Rec and FYC must become partners in meeting the needs of the citizens of Fayetteville.

II. FACILITIES MANAGEMENT

A. FAYETTEVILLE YOUTH CENTER. FYC will be responsible for working with the Fayetteville School System to provide the staffing, programming, maintenance, promotion and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium, and the Youth Center. FYC will assume responsibility for the hiring, evaluating and supervising of gymnasium supervisors and custodians at Holcomb, Asbell, and Vandergriff Gymnasiums.

B. FAYETTEVILLE PARKS AND RECREATION. Parks and Rec will be responsible for providing or approving the staffing, programming, maintenance, promotion and development for the city and school parks, including the following facilities which are utilized for sports programming: Asbell Soccer/Softball Complex, Babe Ruth Baseball Complex, Gary Hampton Softball Complex, Lewis St. Soccer Complex, Walker Baseball/Soccer Complex, and the Wilson Softball Field. In addition, the Parks and Recreation Division will be responsible for working

with the Fayetteville School System and PTA organizations to provide enhancements to school playgrounds.

III. PROGRAM MANAGEMENT

A. FAYETTEVILLE YOUTH CENTER. FYC will be responsible for providing or approving the management, staffing, and promotion and development of the following programs and activities. FYC will coordinate with the Fayetteville School System for use of their facilities. FYC will be responsible for the majority of sports and activities held at **indoor** recreation facilities, including but not limited to the following:

- Basketball (Youth and Adult)
- Baton
- Camps (Environmental Study, Spring Break, Christmas, Basketball, Summer)
- Cheerleading
- Dance
- Fishing Rodeo
- Flag Football (Youth)
- Football (6th/7th Grade Tackle Football)
- Gymnastics
- Karate
- Ping Pong
- School Kids Connection
- Softball (Youth Rec.- Registration, Sponsorships, Uniforms, & Coach Recruitment/Selection)
- Swim Lessons and Team (Youth Center Pool)
- Volleyball (Youth/Adult & Ozark Volleyball Club)
- Track
- Special Events

B. FAYETTEVILLE PARKS AND RECREATION DIVISION. Parks and Rec will be responsible for providing or approving the management, staffing, and promotion and development of the following programs and activities. Parks and Rec will be responsible for the majority of sports and activities held at **outdoor** recreation facilities, including but not limited to the following:

- Baseball
- Flag Football (Adult)
- Hobby Use Groups (Ozark Flyers, Ultimate Frisbee, Horseshoe, Ozark Volleyball Club, etc.)
- Sand Volleyball
- Soccer (Youth & Adult)
- Softball (Adult, Youth Competitive, Youth Fast-Pitch, & Tournaments)
- Softball (Youth Rec-League Administration, Practice/Game Schedules, Umpires & Concessions)
- Swim Lessons (Wilson Park)
- Tennis Lessons

- Special Events in Parks (Gulley Run, Summer Concert Series, etc.)
- Friends of Youth Softball Tournament

IV. ADVISORY BOARDS

A. Girls "RECREATIONAL SLOWPITCH SOFTBALL" Advisory Board.

1. The Advisory Board shall consist of the Program Committee Chairman from FYC Board of Directors; Parks and Rec Program Coordinator; and three persons selected by the Assistant Director of FYC.

2. The Assistant Director of FYC will chair the Advisory Board and will assist the Program Coordinator of Parks and Rec with the operation of the program.

3. The Advisory Board will be responsible for:

- a. establishing the philosophy, affiliation, and rules for the program
- b. establish and maintain a mechanism to measure the quality of the program and insure its goal to meet the needs of the participants and community.
- c. team/player registration
- d. coach selection/training
- e. team sponsorship and uniforms

B. Youth "COMPETITIVE/FASTPITCH" Advisory Board. The Program Coordinator of Parks and Rec will administer and organize the Youth Competitive/Fastpitch Advisory Board to oversee these softball programs in the City.

V. FINANCIAL

A. Beginning January 1, 2000, the FYC Board of Directors will be responsible for the management and operation of the annual funding allocation to FYC from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds. However, up to one-half of the funding may come from the HMR tax and shall be used only for promotion and development.

B. FYC shall submit an annual financial report to the Public Works Director on or before April of each year. Such report shall detail FYC's use of the City of Fayetteville's funding allocation.

C. FYC shall comply with the schedules and procedures established by the Budget & Research Department, of the City of Fayetteville, for annual funding requests.

D. The youth recreation softball player fee will be determined annually.

VI. MISCELLANEOUS

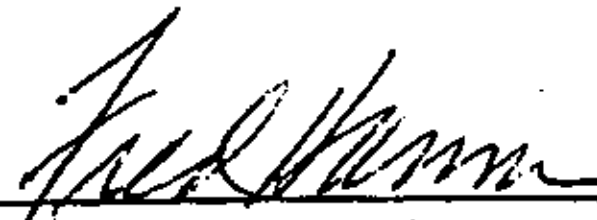
A. All facility or service agreements between Parks and Rec, Public School System, and/or FYC shall be in writing.

B. Representatives from Parks and Rec and FYC shall meet a minimum of two times per year to discuss any programming or facility issues effecting the recreational offerings to the citizens.

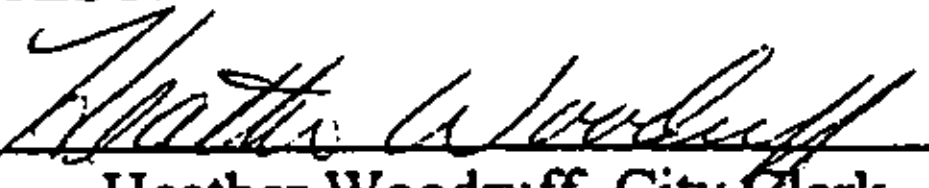
C. FYC will transfer the current youth softball equipment to Parks and Rec.

D. The working procedures and responsibilities contained herein shall become effective August 19, 1999.

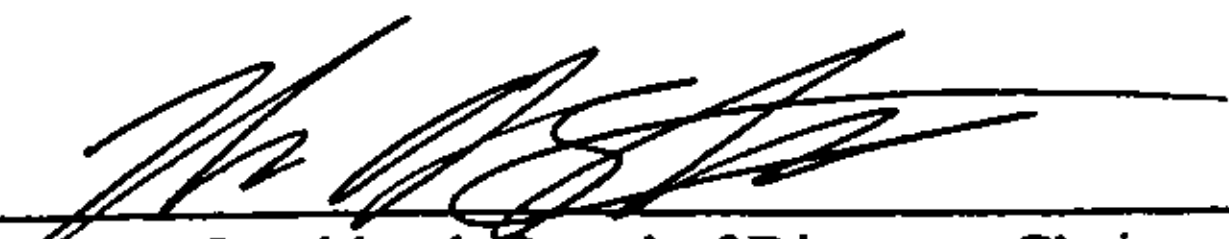
CITY OF FAYETTEVILLE

By: 
Fred Hanna, Mayor

ATTEST:

By: 
Heather Woodruff, City Clerk

FAYETTEVILLE YOUTH CENTER

By: 
Tom Stockland, Board of Directors Chairman

ATTEST:

By: 

RESOLUTION NO. 27-00

A RESOLUTION APPROVING THE PARKS AND RECREATION DIVISION AND FAYETTEVILLE YOUTH CENTER WORKING PROCEDURES AND RESPONSIBILITIES; AND APPROVAL OF A BUDGET ADJUSTMENT IN THE AMOUNT OF \$106,121 FOR THE PARKS DIVISION'S EXPENDITURES.

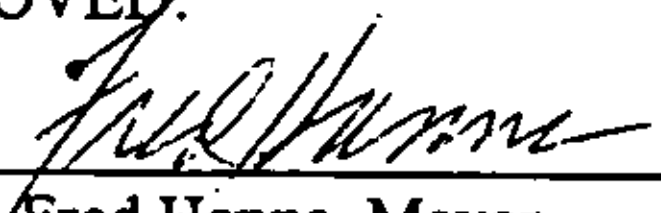
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council hereby approves the Parks and Recreation and Fayetteville Youth Center working procedures and responsibilities; and authorizes the Mayor and City Clerk to execute said procedures. A copy of the working procedures/responsibilities is attached hereto marked Exhibit "A" and made a part hereof.

Section 2. A copy of the a budget adjustment in the amount of \$106,121 by increasing Office Supplies, Acct. No. 1010 5200 5200 00, in the amount of \$1,600; Public Notification, Acct. 1010 5200 5301 00, in the amount of \$500; Travel & Training, Acct. No. 1010 5200 5304 00, in the amount of \$2,400; Chemicals, Acct. No. 1010 5260 5204 00, in the amount of \$20,575, Contract Services, Acct. No. 1010 5260 5315 00, in the amount of \$7,880; Building & Grounds, Acct. No. 1010 5260 5400 00, in the amount \$65,766; Minor Equipment, Acct. No. 1010 5260 5890 00, in the amount of \$6,800; and Travel & Training, Acct. No. 1010 5220 5304 00, in the amount of \$600 by decreasing Tournament Supplies & Awards, Acct. No. 1010 5220 5200 05, in the amount of \$10,537; Transfer of Youth/Adult, Acct. No 1010 5220 5718 00, in the amount of \$91,084 and Minor Equipment, Acct. No. 1010 5220 5890 00, in the amount of \$4,500. A copy of the budget adjustment is attached hereto marked Exhibit "B" and made a part hereof.

PASSED AND APPROVED this 7th day of March, 2000.

APPROVED:

By: 

Fred Hanna, Mayor

ATTEST:

By: 

Heather Woodruff, City Clerk

CONTRACT

Between The City of Fayetteville and Fayetteville Youth Center, Inc.

WHEREAS, the City of Fayetteville has long been associated with and worked with the Fayetteville Youth Center, Inc. to provide public recreation for the citizens of Fayetteville; and

WHEREAS, the Fayetteville Youth Center, Inc. has long provided public recreation to the youth and citizens of Fayetteville; and

WHEREAS, it remains in the best interest of the City of Fayetteville and its citizens to provide operating promotion and development revenues to the Fayetteville Youth Center, Inc. in consideration for the substantial recreational programs provided by the Fayetteville Youth Center, Inc. to the youth and citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of \$15,529.83 monthly to the Fayetteville Youth Center, Inc. throughout the year of 2001 in consideration of the following duties and obligations to be performed by the Fayetteville Youth Center, Inc.:

- A. The Fayetteville Youth Center, Inc. promises to be jointly responsible with the Fayetteville School System to provide staffing, programming, maintenance, promotion, and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium and the main facility of the Boys and Girls Club on California Drive. The Fayetteville Youth Center, Inc. agrees to use some of the funding from the City to pay for gymnasium supervisors and custodians at these sites.
- B. The Fayetteville Youth Center, Inc. promises to make substantial portions of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for needy youth. Although basic membership fees may be required for many Fayetteville residents, no needy youth wishing to participate at the Fayetteville Youth Center, Inc. facility shall

be denied access solely because he or she does not have sufficient funds to pay for a regular membership. The Fayetteville Youth Center, Inc. shall report on a quarterly basis the approximate number of Fayetteville citizens served by its programs and shall include the number of "scholarships" or free memberships provided to Fayetteville citizens.

- C. The Fayetteville Youth Center, Inc. shall continue to follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and The Fayetteville Youth Center, Inc. which became effective on August 19, 1999, which is attached as Exhibit A.

CITY OF FAYETTEVILLE

By: _____
DAN COODY, Mayor

FAYETTEVILLE YOUTH CENTER, INC.

By: _____
President of Board of Directors
Title

ATTEST:

By: _____
Heather Woodruff, City Clerk

STAFF REVIEW FORM

XX AGENDA REQUEST
XX CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

<u>Yolanda Fields</u>	<u>Community Development</u>	<u>Urban Development</u>
Name	Division	Department

ACTION REQUIRED:

Approval of this sub-recipient grant agreement to Fayetteville Boys & Girls Club, for programs at Jefferson Elementary.

COST TO CITY:

<u>\$16,640.00</u>	<u>\$16,640.00</u>	<u>FBGC</u>
Cost of this Request	Category/Project	Category/Project Name
<u>2180-4970-5390-04</u>	<u>-0-</u>	<u>Public Facilities</u>
Account Number	Funds Used To Date	Program Name
	<u>-0-</u>	<u>Community Dev.</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached

<u>Budget Manager</u>	<u>Administrative Services Director</u>
-----------------------	---

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

<u>Accounting Manager</u>	<u> </u> Date	<u>Internal Auditor</u>	<u> </u> Date
<u>D. J. White</u>	<u>6/4/01</u>		
<u>City Attorney</u>	<u> </u> Date	<u>ADA Coordinator</u>	<u> </u> Date
<u>Purchasing Officer</u>	<u> </u> Date	<u>Grants Coordinator</u>	<u> </u> Date

STAFF RECOMMENDATION: Approval of the sub-recipient grant agreement and the release of funds.

<u>[Signature]</u>	<u>6-1-01</u>
Division Head	Date
<u> </u>	<u> </u>
Department Director	Date
<u> </u>	<u> </u>
Administrative Services Director	Date
<u> </u>	<u> </u>
Mayor	Date

Cross Reference

New Item: No

Prev Ord/Res #: 55-01

Orig Contract Date: April 17, 2001

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

Yolanda Fields Community Development Urban Development
Name Division Department

ACTION REQUIRED:

Approval of this sub-recipient grant agreement to Life Styles Incorporated.

COST TO CITY:

\$11,077.00	\$11,077.00	Life Styles Inc.
Cost of this Request	Category/Project Budget	Category/Project Name
2180-4940-5390-34	\$-0-	Housing Rehab
Account Number	Funds Used To Date	Program Name
	\$ -0-	Comm. Dev.
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager _____ Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager	Date	Internal Auditor	Date
<u>D. P. Whitaker</u>	<u>6/24/01</u>		
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date	Grants Coordinator	Date

STAFF RECOMMENDATION: Approval of the sub-recipient grant agreement and the release of funds

<u>[Signature]</u>	<u>6-1-01</u>
Division Head	Date
Department Director	Date
Administrative Services Director	Date
Mayor	Date

Cross Reference

New Item: **No**

Prev Ord/Res #: **55-01**

Orig Contract Date: **April 17, 2001**

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of June 19, 2001

FROM:

Rolanda Fields
NameCommunity Development
DivisionUrban Development
Department

ACTION REQUIRED:

Approval of this sub-recipient grant agreement with Sage House Incorporated.

COST TO CITY:

\$162,500.00	\$162,500.00	Sage House Inc.
Cost of this Request	Category/Project Budget	Category/Project Name
2180-4990-5390-30	\$-0-	Capital Projects
Account Number	Funds Used To Date	Program Name
	\$ -0-	Comm. Dev.
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

Grants Coordinator

Date

STAFF RECOMMENDATION: Approval of the sub-recipient grant agreement and the release of funds.

Division Head

Date

Cross Reference

Department Director

Date

New Item: No

Administrative Services Director

Date

Prev Ord/Res #: 55-01

Mayor

Date

Orig Contract Date: April 17, 2001

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL JUNE 19, 2001

A meeting of the Fayetteville City Council will be held on June 19, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. ✓ **APPROVAL OF THE MINUTES**
2. ✓ **RODGERS DR. WATER TANK:** A resolution approving the construction contract with Protective Linings and Coating, Inc. for Rodgers Drive Water Tank Paint Project in the amount of \$250,600 and a project contingency of \$37,590, and the related budget adjustment in the amount of \$72,741.
3. ✓ **DHL WORLDWIDE:** A resolution approving an agreement with DHL Worldwide Express for the lease of the old Airport Fire Station Building located at 4140 S. School Avenue.
4. ✓ **TED BELDEN:** A resolution approving a lease agreement with Ted Belden for one parking space in the Fayetteville Municipal Parking Lot 1.
5. ✓ **PLAYGROUND EQUIPMENT:** A resolution approving a contract with John Barre Landscape Construction for new playground equipment and installation of equipment at the Lake Fayetteville Softball Complex.
6. ✓ **SOCCER UNIFORMS:** A resolution approving the purchase of soccer uniforms for 2001-2002 soccer session.
7. ✓ **DOUBLE SPRINGS RD. BRIDGE REPLACEMENT:** A resolution approving 20% funding for this AHTD project in the estimated amount of \$249,119.45; approval of the related budget adjustment and project contingency in the amount of \$37,367 (15%).
8. ✓ **TREE PRESERVATION WORKSHOP:** A resolution approving an Urban and Community Forestry Assistance Grant application to cover the costs incurred to present two "Tree Preservation During Construction" workshops.
9. ✓ **BID 01-34:** A resolution awarding Bid 01-34 to the lowest bidder, Phoenix Recycling, for the purchase of plastic bags to be used in the 2001 Volume Based Program in the amount of \$59,000.

NEED BACK UP NEED BACK UP.

B. OLD BUSINESS

C. NEW BUSINESS

1. **VA 01-4.00:** An ordinance approving vacation request VA 01-4.00 as submitted by Robert Brown for property located at 3430 W. Telluride Drive, Lots 4A and 4B, Wedington Place Addition, Phase II. The request is to vacate a 20' wide drainage easement and a 20' wide utility easement.
2. **VA 01-5.00:** An ordinance approving vacation request VA 01-5.00 as submitted by Ed Connell, City Land Agent, for the property located at 10 N. Garland Ave. Lots 400-402, Oak Park Place Subdivision. The request is to vacate the undeveloped 40' wide right-of-way to the east and north of the above address and Lots 17-24 McIlroy's University Addition.
3. **AD 00-46.00:** An ordinance approving AD 00-46 to amend Chapter 151 "Definitions" of the UDO to change the definition of "Family" and to include the definition of "Single Housekeeping Unit", submitted by the Planning Division. *NEED COPY OF ORD.*
4. *Consent* **SKATE PARK:** A resolution authorizing the Parks and Recreation Division to apply for up to \$200,000 in grant money for the development of a skate park. *(NEED MEMO FROM HUGG)*
5. *[scribble]* **BOYS AND GIRLS CLUB AGREEMENT:** A resolution approving an agreement with the Fayetteville Youth Center Inc., d/b/a the Fayetteville Boys and Girls Club, Inc., to provide public recreation for the citizens of Fayetteville. *(need attorney general opinion) see kit.*
6. **BOYS AND GIRLS CLUB BID WAIVER:** An ordinance to waive competitive bidding for the payment to the Fayetteville Youth Center, Inc. through the end of 2001 for the provision of public recreation.
7. **PARK LAND DEVELOPMENT:** A resolution to establish the intent of the City of Fayetteville to develop the park land located next to the new Fayetteville Boys and Girls Club and enter into a joint use agreement.
8. **JEFFERSON ELEMENTARY:** A resolution approving a sub-recipient grant agreement to Fayetteville Boys and Girls Club, for the program at Jefferson Elementary.
9. *[scribble]* **LIFE STYLES:** A resolution approving a sub-recipient grant agreement with Life Styles, Inc.
10. **SAGE HOUSE:** A resolution approving a sub-recipient grant agreement with Sage House, Inc.

11. letter

12. fee waiver

13. Habitat Humanity

**FINAL AGENDA
CITY COUNCIL
JUNE 19, 2001**

INSTRUCTIONS

1. Remove items A.3., DHL Worldwide, and A.4., Ted Belden, from the Consent Agenda and place under New Business.
2. Number DHL C.10, under New Business.
3. Number Ted Belden C.11, under New Business.
4. Move item C.4, under New Business to Consent and number A.3.
5. Move item C.6, under New Business to C.4, under New Business.
6. Move items C.7 thru C. 10 up one number.
7. Add information for Litter Campaign given at Agenda Session to New Business, number C. 12. This item will be removed at the City Council meeting.
8. Add information given at Agenda Session for Fee Waiver to New Business, number C.13.
9. Add attached information for Habitat for Humanity, number C.14, attached information should replace information given at Agenda Session.
10. Add attached information for Appeal, number C.15, attached information should replace information given at Agenda Session.
11. Add information given at Agenda Session for Town Center Fountain, number C.16.

June 12, 2001

**AGENDA SESSION
CITY COUNCIL
JUNE 19, 2001**

NEW ITEMS

- Consent*
- NB*
- NB*
- NB*
1. **JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT:** A resolution accepting a grant from the Arkansas Department of Human Services.
 2. **LITTER CAMPAIGN:** A resolution approving a budget adjustment providing funds for an anti-litter campaign. *(need more info.)*
 3. **HABITAT FOR HUMANITY:** A resolution to waive the building permit fee and other developmental fees for a home to be constructed by Habitat for Humanity. *for yr 2001. / will have to come back each year.*
 4. **FEE WAIVER:** An ordinance amending Section 159.01 adding language to allow the City Council to reduce or waive any development permit fees required by the UDO. *emergency clause.*
 5. **APPEAL:** An ordinance to Chapter 155 to allow an appeal by two aldermen of a decision by the Planning Commission to approve or deny a conditional use.
 6. **TOWN CENTER FOUNTAIN:** A resolution to express the City of Fayetteville's intent to accept a gift from Ed and Karlee Bradberry of a spherical bronze fountain created by Han Kaminsky for the Town Center Plaza.

ADDITIONAL INFORMATION

1. **PARK LAND DEVELOPMENT:** Additional information for C. 7.
2. **JEFFERSON ELEMENTARY:** Additional information for C. 8.
3. **LIFE STYLES:** Additional information for C. 9.
4. **SAGE HOUSE:** Additional information for C. 10.

**DRAFT TENTATIVE AGENDA
CITY COUNCIL
JUNE 19, 2001**

*June 26
Park Master plan
PRAB &
C.C.*

A meeting of the Fayetteville City Council will be held on June 19, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES**
2. **RODGERS DR. WATER TANK:** A resolution approving Amendment No. 1 to the Engineering Contract with McClelland Consulting Engineers for Rodgers Drive Water Tank Paint Project in the amount of \$20,158.07, and a project contingency amount of \$2,015. *Remove*
3. **RODGERS DR. WATER TANK:** A resolution approving the construction contract with Protective Linings and Coating, Inc. for Rodgers Drive Water Tank Paint Project in the amount of \$250,600 and a project contingency of \$37,590, and the related budget adjustment in the amount of \$72,741.
4. **DHL WORLDWIDE:** Review of a draft lease with DHL Worldwide Express.
5. **TED BELDEN:** A resolution approving a lease agreement with Ted Belden for one parking space in the Fayetteville Municipal Parking Lot 1.
6. **PLAYGROUND EQUIPMENT:** A resolution approving a contract with John Barre Landscape Construction for new playground equipment and installation of equipment at the Lake Fayetteville Softball Complex. *#*
7. **SOCCER UNIFORMS:** A resolution approving the purchase of soccer uniforms for 2001-2002 soccer session. *#*
8. **SKATE PARK:** A resolution authorizing the Parks and Recreation Division to apply for up to \$200,000 in grant money for the development of a skate park. *HOLD SEE HOUSE.*

B. OLD BUSINESS

*Bndg. adj - owl creek - see Don Barn.
\$50,000.*

C. NEW BUSINESS

1. **VA 01-4.00:** An ordinance approving vacation request VA 01-4 as submitted by Robert Brown for property located at 3430 W. Telluride Drive, lots 4A and 4B, Wedington Place Addition, Phase II. The request is to vacate a 20' wide drainage easement and a 20' wide utility easment.
2. **VA 01-5:** An ordinance approving vacation request VA 01-5 as submitted by Ed Connell, City Land Agent, for the property located at 10 N. Garland Ave. Lots 400-402, Oak Park Place Subdivision. The request is to vacate the undeveloped 40' wide right-of-way to the east and north of the above address and Lots 17-24 McIlroy's University Addition.
3. **AD 00-46.00:** An ordinance approving AD 00-46 to amend Chapter 151 "Definitions" of the UDO to change the definition of "Family" and to include the definition of "Single Housekeeping Unit", submitted by the Planning Division.

X / Saye home
X / Life Styles
X / Boys & girls
after school.

MS.
CS

Jerry

CITY OF FAYETTEVILLE

FINAL AGENDA

JUNE 19, 2001

Tuesday, June 19, 2001 - 6:30 p.m.

A meeting of the Fayetteville City Council will be held on June 19, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. APPROVAL OF THE MINUTES: Approval of the minutes from May 15, 2001 meeting.
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3. SKATE PARK: A resolution authorizing the Parks and Recreation Division to apply for up to \$200,000 in grant money for the development of a skate park (will be removed at Council meeting).
4. PLAYGROUND EQUIPMENT: A resolution approving a contract with John Barre Landscape Construction for new playground equipment and installation of equipment at the Lake Fayetteville Softball Complex.
5. SOCCER UNIFORMS: A resolution approving the purchase of soccer uniforms for 2001-2002 soccer season.
6. DOUBLE SPRINGS RD. BRIDGE REPLACEMENT: A resolution approving 20% funding for this AHTD project in the estimated amount of \$249,119.45; approval of the related budget adjustment and project contingency in the amount of \$37,367 (15%).
7. TREE PRESERVATION WORKSHOP: A resolution approving an Urban and Community Forestry Assistance Grant application to cover the costs incurred to present two "Tree Preservation During Construction" workshops.
8. BID 01-34: A resolution awarding Bid 01-34 to the lowest bidder, Phoenix Recycling, for the purchase of plastic bags to be used in the 2001 Volume Based Program in the amount of \$59,000.
9. JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT: A resolution accepting a grant from the Arkansas Department of Human Services.

B. OLD BUSINESS

C. NEW BUSINESS

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5. BOYS AND GIRLS CLUB AGREEMENT: A resolution approving an agreement with the Fayetteville Youth Center Inc., d/b/a the Fayetteville Boys and Girls Club, Inc., to provide public recreation for the citizens of Fayetteville.
6. PARK LAND DEVELOPMENT: A resolution to establish the intent of the City of Fayetteville to develop the park land located next to the new Fayetteville Boys and Girls Club and enter into a joint use agreement.
7. JEFFERSON ELEMENTARY: A resolution approving a sub-recipient grant agreement to Fayetteville Boys and Girls Club and enter into a joint use agreement.
8. LIFE STYLES: A resolution approving a sub-recipient grant agreement with Life Styles, Inc.
9. SAGE HOUSE: A resolution approving a sub-recipient grant agreement with Sage House, Inc.
10. DHL WORLDWIDE: A resolution approving an agreement with DHL Worldwide Express for the lease of the old Airport Fire Station Building located at 4140 S. School Avenue.
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14. HABITAT FOR HUMANITY: A resolution to waive the building permit fee and other development fees for a home to be constructed by Habitat for Humanity.
15. APPEALS: An ordinance amending Chapter 155, Appeals, to allow an appeal by the three members of a decision by the Planning Commission to approve or deny a conditional use.
16. TOWN CENTER FOUNTAIN: A resolution to express the City of Fayetteville's intent to accept a gift from Ed and Kylene Bradberry of a spherical bronze fountain created by Alan Kaminsky for the Town Center Plaza.

Northwest Arkansas Times

Monday

June 18, 2001

A2

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**CITY OF FAYETTEVILLE
FINAL AGENDA
JUNE 19, 2001****Tuesday, June 19, 2001 - 6:30 p.m.**

A meeting of the Fayetteville City Council will be held on June 19, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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1. **APPROVAL OF THE MINUTES:** Approval of the minutes from May 15, 2001 meeting.
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**TOTAL P.02
P.02**

C. NEW BUSINESS

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3. AD 00-46.00: An ordinance approving AD 00-46.00 to amend Chapter 151 "Definitions" of the UDO to change the definition of "Family" and to include the definition of "Single Housekeeping Unit," submitted by the Planning Division.
4. BOYS AND GIRLS CLUB BID WAIVER: An ordinance to waive competitive bidding for the payment to the Fayetteville Youth Center, Inc. through the end of 2001 for the provision of public recreation.
5. BOYS AND GIRLS CLUB AGREEMENT: A resolution approving an agreement with the Fayetteville Youth Center Inc., d/b/a the Fayetteville Boys and Girls Club, Inc., to provide public recreation for the citizens of Fayetteville.
6. PARK LAND DEVELOPMENT: A resolution to establish the intent of the City of Fayetteville to develop the park land located next to the new Fayetteville Boys and Girls Club and enter into a joint use agreement.
7. JEFFERSON ELEMENTARY: A resolution approving a sub-recipient grant agreement to Fayetteville Boys and Girls Club and enter into a joint use agreement.
8. LIFE STYLES: A resolution approving a sub-recipient grant agreement with Life Styles, Inc.
9. SAGE HOUSE: A resolution approving a sub-recipient grant agreement with Sage House, Inc.
10. DHL WORLDWIDE: A resolution approving an agreement with DHL Worldwide Express for the lease of the old Airport Fire Station Building located at 4140 S. School Avenue.
11. TED BELDEN: A resolution approving a lease agreement with Ted Belden for one parking space in the Fayetteville Municipal Parking Lot 1.
12. LITTER CAMPAIGN: A resolution approving a budget adjustment providing funds for an anti-litter campaign. (will be removed at Council Meeting).
13. FEE WAIVER: An ordinance amending Section 159.01 adding language to allow the City Council to reduce or waive any development permit fees required by the UDO.
14. HABITAT FOR HUMANITY: A resolution to waive the building permit fee and other development fees for a home to be constructed by Habitat for Humanity.
15. APPEAL: An ordinance amending Chapter 155, Appeals, to allow an appeal by the three aldermen of a decision by the Planning Commission to approve or deny a conditional use.
16. TOWN CENTER FOUNTAIN: A resolution to express the City of Fayetteville's intent to accept a gift from Ed and Karlee Bradberry of a spherical bronze fountain created by Hans Kaminsky for the Town Center Plaza.



PLEASE FAX A BETTER
COPY WE CAN'T READ THIS
VERY WELL & THERE ARE
ERRORS!

HEATHER WOODRUFF

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CITY OF FAYETTEVILLE

FINAL AGENDA

JUNE 5, 2001

Tuesday, June 5, 2001 - 6:30 p.m.
City Administration Building, Room 219
113 West Mountain Fayetteville, Arkansas

A. CONSENT

1. APPROVAL OF THE MINUTES: Approval of the minutes from May 15, 2001 meeting.
2. RODGERS DR. WATER TANK: A resolution approving the construction contract with Protective Linings and Coating, Inc. for Rodgers Drive Water Tank Paint Project in the amount of \$250,600 and a project contingency of \$37,590 and the related budget adjustment in the amount of \$250,600 and a project contingency of \$37,590 and the related budget adjustment in the amount of \$72m741.
3. SKATE PARK: A resolution authorizing the Parks and Recreation Division to apply for up to \$200,000 in grant money for the development of a skate park (will be removed at Council meeting).
4. PLAYGROUND EQUIPMENT: A resolution approving a contract with John Barre Landscape Construction for new playground equipment and installation of equipment at the Lake Fayetteville Softball Complex.
5. SOCCER UNIFORMS: A resolution approving the purchase of soccer uniforms for 2001-2002 soccer season.
6. DOUBLE SPRINGS RD. BRIDGE REPLACEMENT: A resolution approving 20% funding for this AHTD project in the estimated amount of \$249,119.45; approval of the related budget adjustment and project contingency in the amount of \$37,367 (15%).
7. TREE PRESERVATION WORKSHOP: A resolution approving an Urban and Community Forestry Assistance Grant application to cover the costs incurred to present two "Tree Preservation During Construction" workshops.
8. BID 01-34: A resolution awarding Bid 01-34 to the lowest bidder, Phoenix Recycling, for the purchase of plastic bags to be used in the 2001 Volume Based Program in the amount of \$59,000.
9. JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT: A resolution accepting a grant from the Arkansas Department of Human Services.

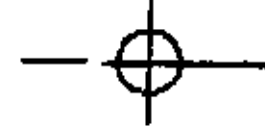
B. OLD BUSINESS

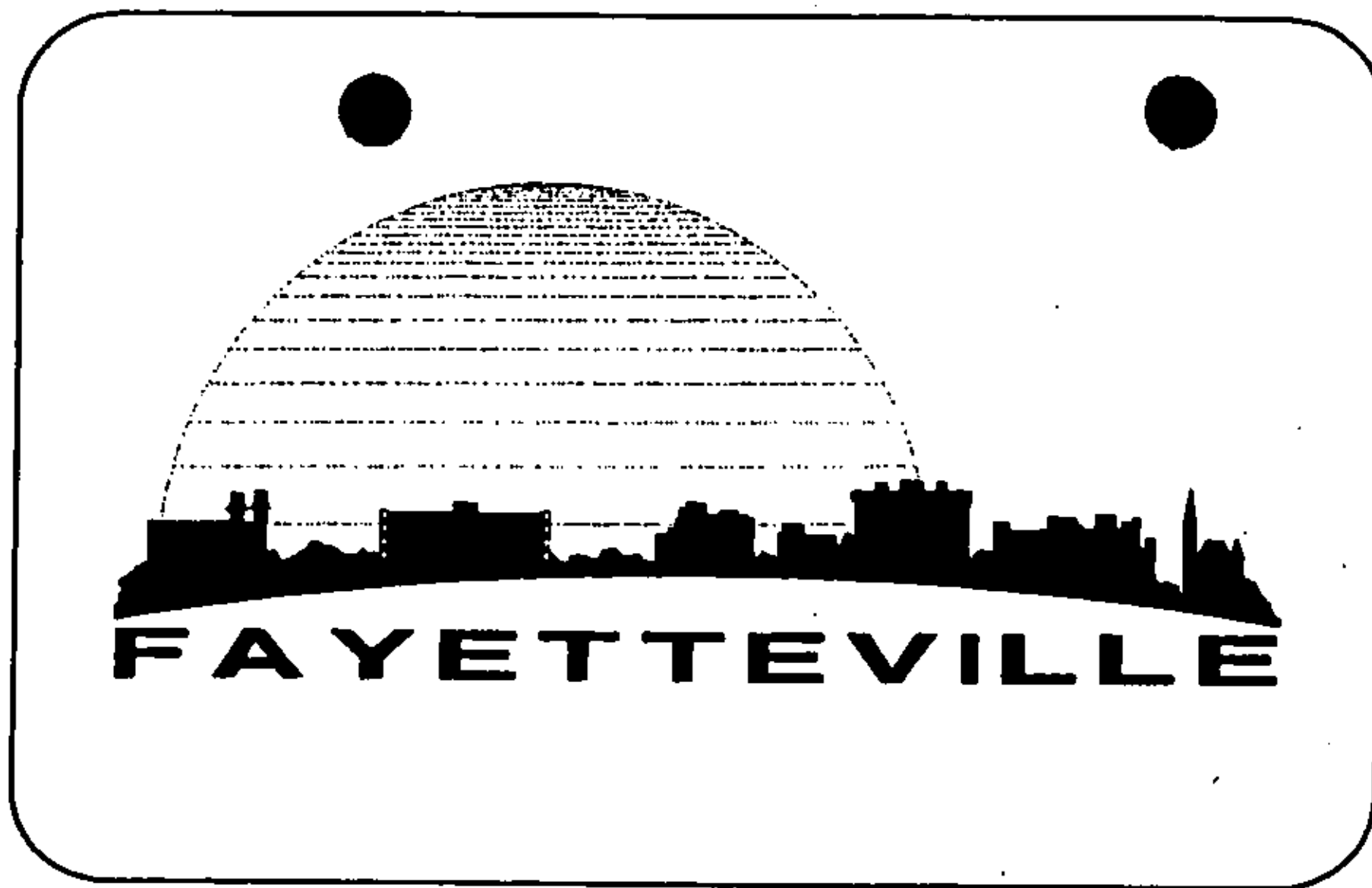
C. NEW BUSINESS

1. VA 01-4.00: An ordinance approving vacation request VA 01-4.00 as submitted by Ed Cornell, City Land Agent, for the property located at 3430 W. Telluride Drive, lots 4B and 4B, Wellington Place Addition, Phase II. The request is to vacate a 20' wide drainage easement and a 20' wide utility easement.
2. VA 01-5.00: An ordinance approving vacation request VA 01-5.00 submitted by Ed Cornell, City Land Agent, for the property located at 10 N. Garland Ave. Lots 400-402, Oak Park Place Subdivision. The request is to vacate the undeveloped 40' wide right-of-way to the east and north of the above address and Lots 17-24 McIlroy's University Addition.
3. AD 00-46.00: An ordinance approving AD 00-46.00 to amend Chapter 151 "Definitions" of the UDO to change the definition of "Family" and to include the definition of "Single Housekeeping Unit," submitted by the Planning Division.
4. BOYS AND GIRLS CLUB BID WAIVER: An ordinance to waive competitive bidding for the payment to the Fayetteville Youth Center, Inc. through the end of 2001 for the provision of public recreation.
5. BOYS AND GIRLS CLUB AGREEMENT: A resolution to establish the intent of the City of Fayetteville to develop the next level of agreement.

- Inc., to provide public recreation for the citizens of Fayetteville.
6. PARK LAND DEVELOPMENT: A resolution to establish the [redacted] of the City of Fayetteville to develop the park land located next to the new Fayetteville Boys and Girls Club and enter into a joint use agreement.
 7. JEFFERSON ELEMENTARY: A resolution approving a sub-recipient grant agreement to Fayetteville Boys and Girls Club and enter into a joint use agreement.
 8. LIFE STYLES: A resolution approving a sub-recipient grant agreement with Life Styles, Inc.
 9. SAGE HOUSE: A resolution approving a sub-recipient grant agreement with Sage House, Inc.
 10. DILL WORLDWIDE: A resolution approving an agreement with DILL Worldwide Express for the lease of the old Airport Fire Station Building located at 4140 S. School Avenue.
 11. TED BELDEN: A resolution approving a lease agreement with Ted Belden for one parking space in the Fayetteville Municipal Parking Lot 1.
 12. LITTER CAMPAIGN: A resolution approving a budget adjustment providing funds for an anti-litter campaign. (will be removed at Council Meeting).
 13. FEE WAIVER: An ordinance amending Section 159.01 adding language to allow the City Council to reduce or waive any development permit fees required by the UDO.
 14. HABITAT FOR HUMANITY: A resolution to waive the building permit fee and other development fees for a home to be constructed by Habitat for Humanity.
 15. APPEAL: An ordinance amending Chapter 155, Appeals, to allow an appeal by the three aldermen of a decision by the Planning Commission to approve or deny a conditional use.
 16. TOWN CENTER FOUNTAIN: A resolution to express the City of Fayetteville's intent to accept a gift from Ed and Karlee Bradberry of a spherical bronze fountain created by Han Kaminsky for the Town Center Plaza.

Justify





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City of Fayetteville

CITY CLERK'S OFFICE

113 W. Mountain St.
Phone: (501) 575-8323

Fayetteville, AR 72701
Fax #: (501) 718-7695

Fax Cover Sheet

To: Doug WALLACE, Display Ads

Company: NWATimes

Fax #: 442-5477

From: HEATHER WOODRUFF

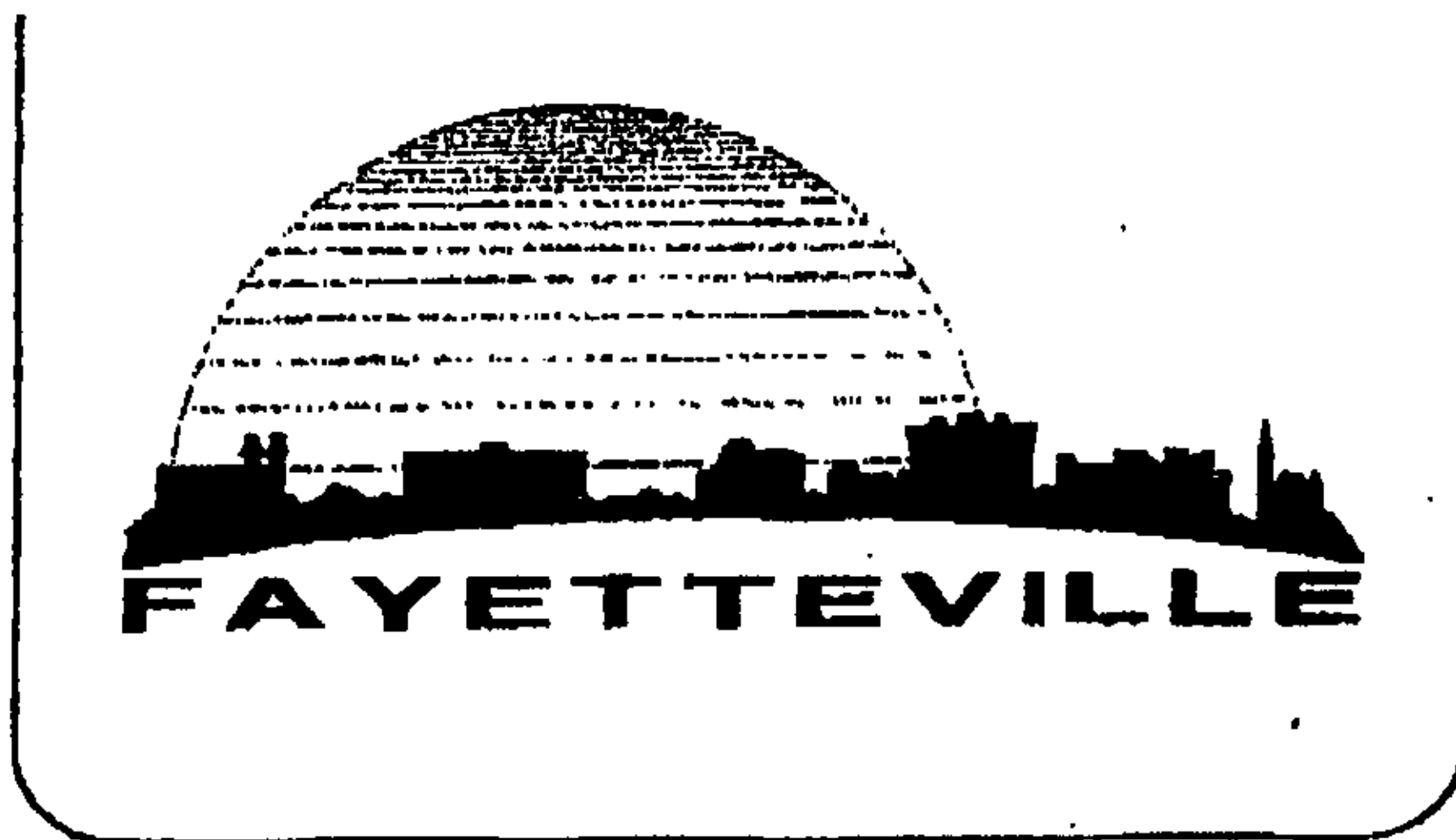
Date: 06-15-01

Number of Pages (including cover sheet): 3

Notes: _____

If transmission cannot be read clearly, please call back as soon as possible.

Thank you.



Official City of Fayetteville

City of Fayetteville

CITY CLERK'S OFFICE

113 W. Mountain St.
Phone: (501) 575-8323

Fayetteville, AR 72701
Fax #: (501) 718-7695

Fax Cover Sheet

To: Doug Wallace, Display Ad Sales

Company: The NWA Times

Fax #: 442-5477

From: Leather Woodruff

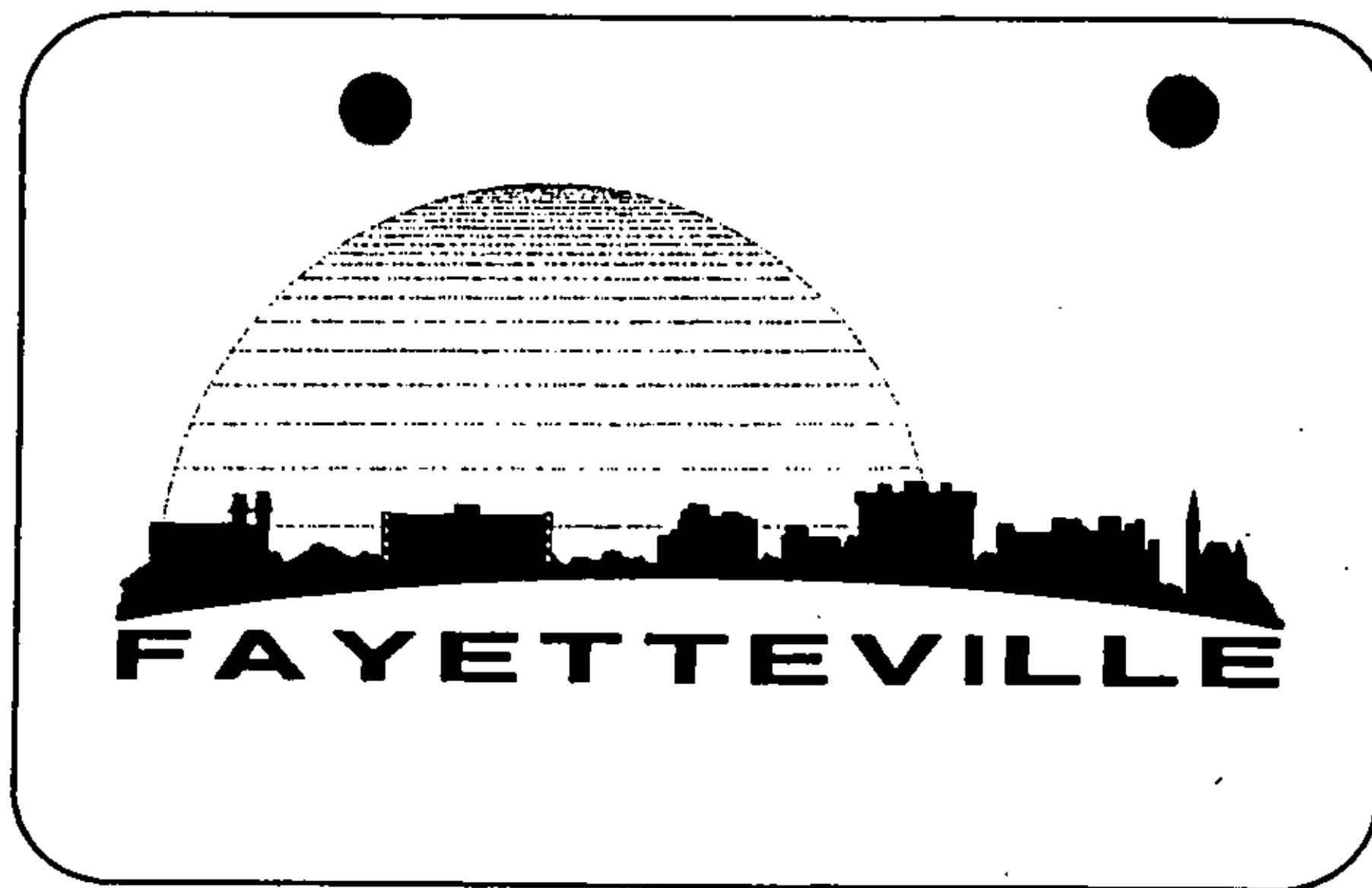
Date: 06-15-01

Number of Pages (including cover sheet): 4

Notes: Run Monday (6-18) in the Times
Section.

Pls. Fax back Proof.

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Thank you.



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City of Fayetteville

CITY CLERK'S OFFICE

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Fayetteville, AR 72701
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Fax Cover Sheet

To: Doug Wallace, Display Ads

Company: The NWA Times

Fax #: 442-5477

From: Deborah Woodruff

Date: 06-15-01

Number of Pages (including cover sheet): 4

Notes: Run Monday (6-18) in the Times
Section. (Final Agenda)

Pls. Fax back Proof.

If transmission cannot be read clearly, please call back as soon as possible.

Thank you.

TOTAL P.01
P.01

501 442 5477

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**CITY OF FAYETTEVILLE
FINAL AGENDA
JUNE 19, 2001**

Tuesday, June 19, 2001 - 6:30 p.m.

A meeting of the Fayetteville City Council will be held on June 19, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from May 15, 2001 meeting.
2. **RODGERS DR. WATER TANK:** A resolution approving the construction contract with Protective Linings and Coating, Inc. for Rodgers Drive Water Tank Paint Project in the amount of \$250,600 and a project contingency of \$37,590 and the related budget adjustment in the amount of \$250,600 and a project contingency of \$37,590 and the related budget adjustment in the amount of \$72,741.
3. **SKATE PARK:** A resolution authorizing the Parks and Recreation Division to apply for up to \$200,000 in grant money for the development of a skate park (will be removed at Council meeting).
4. **PLAYGROUND EQUIPMENT:** A resolution approving a contract with John Barre Landscape Construction for new playground equipment and installation of equipment at the Lake Fayetteville Softball Complex.

6. **DOUBLE SPRINGS RD. BRIDGE REPLACEMENT:** A resolution approving 2079 funding for this AHTD project in the estimated amount of \$249,119.43; approval of the related budget adjustment and project contingency in the amount of \$37,367 (15%).
7. **TREE PRESERVATION WORKSHOP:** A resolution approving an Urban and Community Forestry Assistance Grant application to cover the costs incurred to present two "Tree Preservation During Construction" workshops.
8. **BID 01-34:** A resolution awarding Bid 01-34 to the lowest bidder, Phoenix Recycling, for the purchase of plastic bags to be used in the 2001 Volume Based Program in the amount of \$59,000.
9. **JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT:** A resolution accepting a grant from the Arkansas Department of Human Services.

B. OLD BUSINESS

C. NEW BUSINESS

1. **VA 01-4.00:** An ordinance approving vacation request VA 01-4.00 as submitted by Ed Connell, City Land Agent, for the property located at 3430 W. Telluride Drive, lots 4B and 4B, Wedington Place Addition, Phase II. The request is to vacate a 20' wide drainage easement and a 20' wide utility easement.
2. **VA 01-5.00:** An ordinance approving vacation request VA 01-5.00 submitted by Ed Connell, City Land Agent, for the property located at 10 N. Garland Ave. Lots 400-402, Oak Park Place Subdivision. The request is to vacate the undeveloped 40' wide right-of-way to the east and north of the above address and Lots 17-24 Mellroy's University Addition.
3. **AD 00-46.00:** An ordinance approving AD 00-46.00 to amend Chapter 151 "Definitions" of the UDO to change the definition of "Family" and to include the definition of "Single Housekeeping Unit," submitted by the Planning Division.
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5. **BOYS AND GIRLS CLUB AGREEMENT:** A resolution approving an agreement with the Fayetteville Youth Center Inc., d/b/a the Fayetteville Boys and Girls Club, Inc., to provide public recreation for the citizens of Fayetteville.
6. **PARK LAND DEVELOPMENT:** A resolution to establish the intent of the City of Fayetteville to develop the park land located next to the new Fayetteville Boys and Girls Club and enter into a joint use agreement.
7. **JEFFERSON ELEMENTARY:** A resolution approving a sub-recipient grant agreement to Fayetteville Boys and Girls Club and enter into a joint use agreement.
8. **LIFE STYLES:** A resolution approving a sub-recipient grant agreement with Life Styles, Inc.
9. **SAGE HOUSE:** A resolution approving a sub-recipient grant agreement with Sage House, Inc.
10. **DHL WORLDWIDE:** A resolution approving an agreement with DHL Worldwide Express for the lease of the old Airport Fire Station Building located at 4140 S. School Avenue.
11. **TED BELDEN:** A resolution approving a lease agreement with Ted Belden for one parking space in the Fayetteville Municipal Parking Lot 1.
12. **LITTER CAMPAIGN:** A resolution approving a budget adjustment providing funds for an anti-litter campaign. (will be removed at Council Meeting).
13. **FEE WAIVER:** An ordinance amending Section 159.01 adding language to allow the City Council to reduce or waive any development permit fees required by the UDO.
14. **HABITAT FOR HUMANITY:** A resolution to waive the building permit fee and other development fees for a home to be constructed by Habitat for Humanity.
15. **APPEAL:** An ordinance amending Chapter 155, Appeals, to allow an appeal by the three aldermen of a decision by the Planning Commission to approve or deny a conditional use.
16. **TOWN CENTER FOUNTAIN:** A resolution to express the City of Fayetteville's intent to accept a gift from Ed and Karlee Bradberry of a spherical bronze fountain created by Ian Kuminisky for the Town Center Plaza.

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**CITY OF FAYETTEVILLE
FINAL AGENDA
JUNE 19, 2001**

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3. **SKATE PARK:** A resolution authorizing the Parks and Recreation Division to apply for up to \$200,000 in grant money for the development of a skate park (will be removed at Council meeting).
4. **PLAYGROUND EQUIPMENT:** A resolution approving a contract with John Barre Landscapes Construction for new playground equipment and installation of equipment at the Lake Fayetteville Softball Complex.
5. **SOCCER UNIFORMS:** A resolution approving the purchase of soccer uniforms for 2001-2002 soccer season.
6. **DOUBLE STRINGS RD. BRIDGE REPLACEMENT:** A resolution approving 20% funding for this AHTD project in the estimated amount of \$249,119.45; approval of the related budget adjustment and project contingency in the amount of \$37,367 (15%).
7. **TREE PRESERVATION WORKSHOP:** A resolution approving an Urban and Community Forestry Assistance Grant application to cover the costs incurred to present two "Tree Preservation During Construction" workshops.
8. **BID 01-34:** A resolution awarding Bid 01-34 to the lowest bidder, Phoenix Recycling, for the purchase of plastic bags to be used in the 2001 Volume Based Program in the amount of \$59,000.
9. **JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT:** A resolution accepting a grant from the Arkansas Department of Human Services.

B. OLD BUSINESS

C. NEW BUSINESS

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2. **VA 01-5.00:** An ordinance approving vacation request VA 01-5.00 submitted by Ed Connell, City Land Agent, for the property located at 10 N. Garland Ave. Lots 400-402, Oak Park Place Subdivision. The request is to vacate the undeveloped 40' wide right-of-way to the east and north of the above address and Lots 17-24 McIlroy's University Addition.
3. **AD 00-46.00:** An ordinance approving AD 00-46.00 to amend Chapter 151 "Definitions" of the UDO to change the definition of "Family" and to include the definition of "Single Housekeeping Unit," submitted by the Planning Division.
4. **BOYS AND GIRLS CLUB BID WAIVER:** An ordinance to waive competitive bidding for the renovation to the Fayetteville Youth Center, Inc. through the end of 2001 for the provision of

- public recreation for the citizens of Fayetteville.
6. **PARK LAND DEVELOPMENT:** A resolution to establish the intent of the City of Fayetteville to develop the park land located next to the new Fayetteville Boys and Girls Club and enter into a joint use agreement.
 7. **JEFFERSON ELEMENTARY:** A resolution approving a sub-recipient grant agreement to Fayetteville Boys and Girls Club and enter into a joint use agreement.
 8. **LIFE STYLES:** A resolution approving a sub-recipient grant agreement with Life Styles, Inc.
 9. **SAGE HOUSE:** A resolution approving a sub-recipient grant agreement with Sage House, Inc.
 10. **DHL WORLDWIDE:** A resolution approving an agreement with DHL Worldwide Express for the lease of the old Airport Fire Station Building located at 4140 S. School Avenue.
 11. **TED BELDEN:** A resolution approving a lease agreement with Ted Belden for one parking space in the Fayetteville Municipal Parking Lot 1.
 12. **LITTER CAMPAIGN:** A resolution approving a budget adjustment providing funds for an anti-litter campaign. (will be removed at Council Meeting).
 13. **FEE WAIVER:** An ordinance amending Section 159.01 adding language to allow the City Council to reduce or waive any development permit fees required by the UDO.
 14. **HABITAT FOR HUMANITY:** A resolution to waive the building permit fee and other development fees for a home to be constructed by Habitat for Humanity.
 15. **APPEAL:** An ordinance amending Chapter 155, Appeals, to allow an appeal by the three aldermen of a decision by the Planning Commission to approve or deny a conditional use.
 16. **TOWN CENTER FOUNTAIN:** A resolution to express the City of Fayetteville's intent to accept a gift from Ed and Karlee Bradberry of a spherical bronze fountain created by Han Kaminsky for the Town Center Plaza.



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL JUNE 19, 2001

A meeting of the Fayetteville City Council will be held on June 19, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

- Pass*
1. **APPROVAL OF THE MINUTES:** Approval of the minutes from May 15, 2001 meeting.
 - 78-01 *✓* 2. **RODGERS DR. WATER TANK:** A resolution approving the construction contract with Protective Linings and Coating, Inc. for Rodgers Drive Water Tank Paint Project in the amount of \$250,600 and a project contingency of \$37,590, and the related budget adjustment in the amount of \$72,741.
 - Removed* 3. **SKATE PARK:** A resolution authorizing the Parks and Recreation Division to apply for up to \$200,000 in grant money for the development of a skate park. *(will be removed at Council meeting) 6-28-01 mtg public hearing.*
 - 79-01 *✓* 4. **PLAYGROUND EQUIPMENT:** A resolution approving a contract with John Barre Landscape Construction for new playground equipment and installation of equipment at the Lake Fayetteville Softball Complex.
 - 80-01 *✓* 5. **SOCCER UNIFORMS:** A resolution approving the purchase of soccer uniforms for 2001-2002 soccer session.
 - 81-01 *✓* 6. **DOUBLE SPRINGS RD. BRIDGE REPLACEMENT:** A resolution approving 20% funding for this AHTD project in the estimated amount of \$249,119.45; approval of the related budget adjustment and project contingency in the amount of \$37,367 (15%).
 - 82-01 *✓* 7. **TREE PRESERVATION WORKSHOP:** A resolution approving an Urban and Community Forestry Assistance Grant application to cover the costs incurred to present two "Tree Preservation During Construction" workshops.
 - 83-01 *✓* 8. **BID 01-34:** A resolution awarding Bid 01-34 to the lowest bidder, Phoenix Recycling, for the purchase of plastic bags to be used in the 2001 Volume Based Program in the amount of \$59,000.

84-01

9. ✓ **JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT:** A resolution accepting a grant from the Arkansas Department of Human Services.

B. OLD BUSINESS

C. NEW BUSINESS

there was already this # in 6-5-01 (see attached)

- Pass*
4319
4324
1. ✓✓✓ **VA 01-4.00:** An ordinance approving vacation request VA 01-4.00 as submitted by Robert Brown for property located at 3430 W. Telluride Drive, lots 4A and 4B, Wedington Place Addition, Phase II. The request is to vacate a 20' wide drainage easement and a 20' wide utility easement.

- Pass*
4320
2. ✓✓✓ **VA 01-5.00:** An ordinance approving vacation request VA 01-5.00 as submitted by Ed Connell, City Land Agent, for the property located at 10 N. Garland Ave. Lots 400-402, Oak Park Place Subdivision. The request is to vacate the undeveloped 40' wide right-of-way to the east and north of the above address and Lots 17-24 McIlroy's University Addition. *ROAD RIGHT OF WAY.*

- Pass*
4321
3. ✓✓✓ **AD 00-46.00:** An ordinance approving AD 00-46.00 to amend Chapter 151 "Definitions" of the UDO to change the definition of "Family" and to include the definition of "Single Housekeeping Unit", submitted by the Planning Division.

- Pass*
4322
4. ✓✓✓ **BOYS AND GIRLS CLUB BID WAIVER:** An ordinance to waive competitive bidding for the payment to the Fayetteville Youth Center, Inc. through the end of 2001 for the provision of public recreation. *Emergency clause. pass.*

- Pass*
85-01
5. ✓ **BOYS AND GIRLS CLUB AGREEMENT:** A resolution approving an agreement with the Fayetteville Youth Center Inc., d/b/a the Fayetteville Boys and Girls Club, Inc., to provide public recreation for the citizens of Fayetteville. *A*

- Pass*
86-01
6. ✓ **PARK LAND DEVELOPMENT:** A resolution to establish the intent of the City of Fayetteville to develop the park land located next to the new Fayetteville Boys and Girls Club and enter into a joint use agreement.

- Pass*
87-01
7. ✓ **JEFFERSON ELEMENTARY:** A resolution approving a sub-recipient grant agreement to Fayetteville Boys and Girls Club, for the program at Jefferson Elementary.

- Pass*
88-01
8. ✓ **LIFE STYLES:** A resolution approving a sub-recipient grant agreement with Life Styles, Inc.

- Pass*
89-01
9. ✓ **SAGE HOUSE:** A resolution approving a sub-recipient grant agreement with Sage House, Inc.

table to next mtg.
10. **DHL WORLDWIDE:** A resolution approving an agreement with DHL Worldwide Express for the lease of the old Airport Fire Station Building located at 4140 S. School Avenue.

PASS 90-01 ✓
11. **TED BELDEN:** A resolution approving a lease agreement with Ted Belden for one parking space in the Fayetteville Municipal Parking Lot 1.

Removed from agenda
12. **LITTER CAMPAIGN:** A resolution approving a budget adjustment providing funds for an anti-litter campaign. (*will be removed at Council Meeting*)

PASS 91-01 ✓
13. **FEE WAIVER:** An ordinance amending Section 159.01 adding language to allow the City Council to reduce or waive any development permit fees required by the UDO.

PASS 91-01 ✓
14. **HABITAT FOR HUMANITY:** A resolution to waive the building permit fee and other development fees for a home to be constructed by Habitat for Humanity.

Left on 1st reading
15. **APPEAL:** An ordinance amending Chapter 155, Appeals, to allow an appeal by the three aldermen of a decision by the Planning Commission to approve or deny a conditional use.

PASS 92-01 ✓
16. **TOWN CENTER FOUNTAIN:** A resolution to express the City of Fayetteville's intent to accept a gift from Ed and Karlee Bradberry of a spherical bronze fountain created by Han Kaminsky for the Town Center Plaza.

adjourned. 8:45