

**FINAL AGENDA
CITY COUNCIL
JULY 3, 2001**

A meeting of the Fayetteville City Council will be held on Tuesday, July 3, 2001, at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

NOMINATION COMMITTEE REPORT

A. CONSENT

1. **APPROVAL OF THE MINUTES:** June 5, 2001 and June 19, 2001 minutes.
2. **DOUBLE SPRINGS RD. BRIDGE:** A resolution approving the construction contract with Gray Construction, Inc. for Double Springs Bridge over Owl Creek sewer relocation project, in the amount of \$41,577.95, and a 15% project contingency in the amount of \$6,236.
3. **T-HANGAR DRAINAGE:** A resolution approving a grant application and a budget adjustment in the amount of \$76,340 for the drainage project for T-Hangar Units "E", "F", and "G".
4. **LIBRARY GREEN BUILDING CERTIFICATION:** A resolution approving a budget adjustment and contract amendment for additional professional services leading to LEED (Leadership in Energy and Environmental Design) Green Building certification.

B. OLD BUSINESS

1. **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. The item was tabled at the June 19, 2001 meeting.
2. **APPEAL:** An ordinance amending Chapter 155, Appeals, to allow an appeal by three aldermen of a decision by the Planning Commission to approve or deny a conditional use. The ordinance was left on the first reading at the June 19, 2001 meeting.

C. NEW BUSINESS

1. **ZONING DISTRICTS:** An ordinance amending Chapter 160, Zoning Districts, and Chapter 161, Zoning Regulations, of the Unified Development Ordinance to include additional multi-family zoning districts, RMF-6, RMF-12, and RMF-18.
2. **SKATE PARK:** A resolution authorizing the Parks and Recreation Division to apply for up to \$200,000 (50/50 matching funds) in grant money for the development of a skate park.
3. **TCA CABLE:** A resolution authorizing TCA Cable partners to continue to operate the cable communications system.

City Council July 3, 2001

	Roll				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	attent.				
Thiel	✓				
Young	✓				
Coody	✓				

Nominating committee	KS - Tree B7.	22 BD. agent. David W. Tree.			
Zurcher	✓	DL.			
Trumbo	✓	A			
Davis	✓	DL.			
Santos	✓	DL.			
Jordan	✓	DL.			
Reynolds					
Thiel	✓	M			
Young	✓	DL.			
Coody	6-80-2	5-00			

City Council July 3, 2001

<u>Consent</u>	BD KS.				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds					
Thiel	✓				
Young	✓				
Coody					

DHL	H BT				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds					
Thiel	✓				
Young	✓				
Coody	6-1-0.				

City Council July 3, 2001

<u>Appeal</u>	<u># 2nd</u> <u>BD.</u>	<u>amend</u> <u>#</u> <u>LD.</u>			
Zurcher	✓	✓			
Trumbo	✓	✓			
Davis	✓	✓			
Santos	✓	✓			
Jordan	✓	✓			
Reynolds					
Thiel	✓	✓			
Young	✓	✓			
Coody	7-0.				

<u>Zoning</u> <u>act.</u>	<u>KS 2nd</u> <u>BD</u>	<u>BD 3rd</u> <u>RZ</u>	<u>PASS</u>		
Zurcher	✓	✓	✓	*	
Trumbo	✓	✓	✓		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds					
Thiel	✓	✓	✓		
Young	✓	✓	✓		
Coody					

City Council July 3, 2001

SKATE PARK	KS BT.				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds					
Thiel	✓				
Young	✓				
Coody					

TCA CABLE	KS BD.				
Zurcher	✓				
Trumbo	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds					
Thiel	✓				
Young	✓				
Coody					

mtg adjourned 7:30

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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NOMINATION COMMITTEE REPORT *amended.*

PASS A. CONSENT

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4. LIBRARY GREEN BUILDING CERTIFICATION: A resolution approving a budget adjustment and contract amendment for additional professional services leading to LEED (Leadership in Energy and Environmental Design) Green Building certification.

B. OLD BUSINESS

- PASS.* 1. 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. The item was tabled at the June 19, 2001 meeting.
- left on 2nd as amended.* 2. ✓ APPEAL: An ordinance amending Chapter 155, Appeals, to allow an appeal by three aldermen of a decision by the Planning Commission to approve or deny a conditional use. The ordinance was left on the first reading at the June 19, 2001 meeting.

C. NEW BUSINESS

PASS
4325

1. ✓✓ **ZONING DISTRICTS:** An ordinance amending Chapter 160, Zoning Districts, and Chapter 161, Zoning Regulations, of the Unified Development Ordinance to include additional multi-family zoning districts, RMF-6, RMF-12, and RMF-18.

PASS
97-01

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

PASS
98-01

3. **TCA CABLE:** A resolution authorizing TCA Cable partners to continue to operate the cable communications system.

adjourned

~~8:30~~
8:30

**TENTATIVE AGENDA
CITY COUNCIL
JULY 3, 2001**

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- 5. T-HANGAR DRAINAGE:** A resolution approving a grant application and a budget adjustment in the amount of \$76,340 for the drainage project for T-Hangar Units "E", "F", and "G".
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**FINAL AGENDA
CITY COUNCIL
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INSTRUCTIONS:

Attached please find additional items for your final agenda:

1. Minutes for the Council Meeting of June 5 and June 19, 2001, add to Item No. 1 of the Consent Agenda.
2. Additional information for DHL Worldwide lease, add to Item No. 1 of Old Business.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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3. **SKATE PARK:** A resolution authorizing the Parks and Recreation Division to apply for up to \$200,000 (50/50 matching funds) in grant money for the development of a skate park. *5:30 WILSON PARK PAVILION - PUBLIC MTG. THURSDAY.*

REMOVE FROM CONSENT NB
REMOVE FROM 4. CONSENT NB
TCA CABLE: A resolution authorizing TCA Cable partners to continue to operate the cable communications system. *(P)*

5. **T-HANGAR DRAINAGE:** A resolution approving a grant application and a budget adjustment in the amount of \$76,340 for the drainage project for T-Hangar Units "E", "F", and "G".

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AMENDED CONTRACT.- SEE DUMAS.
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*C.C.
MONDAY- TOUR - DHL + DRAINAGE.*

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STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of July 3, 2001

FROM:

Sid Norbash Engineering Public Works
Name Division Department

ACTION REQUIRED: Approval of the construction contract with **Gray Construction, Inc.** for **Double Springs Bridge over Owl Creek - Sewer Relocation Project**, in the amount of \$41,577.95, and a 15% project contingency in the amount of \$6,236.

COST TO CITY:

\$47,813.95 \$59,596 Double Springs Rd. Bridge
Cost of this Request Category/Project Budget Category/Project Name

5400-5600-5808-00 -0- Water & Sewer Impvts.

Account Number Funds Used To Date Program Name
98043-20 \$59,596 Water & Sewer
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:

<u>[Signature]</u> Accounting Manager	<u>6/15/01</u> Date	<u>[Signature]</u> ADA Coordinator	<u> </u> Date
<u>[Signature]</u> City Attorney	<u>6-15-01</u> Date	<u>[Signature]</u> Internal Auditor	<u>6/15/01</u> Date
<u>[Signature]</u> Purchasing Officer	<u>6-15-01</u> Date		

STAFF RECOMMENDATION: Approval of the Contract and the Contingency.

<u>[Signature]</u> Division Head	<u>06-15-01</u> Date	<u> </u> Cross Reference
<u>[Signature]</u> Department Director	<u>06-18-01</u> Date	New Item: Yes ☒ No ☐
<u>[Signature]</u> Administrative Services Director	<u>6/18/01</u> Date	Prev Ord/Res #: <u> </u>
<u>[Signature]</u> Mayor	<u>6/20/01</u> Date	Orig Contract Date: <u> </u>
		Orig Contract <u> </u>

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Dan coody, Mayor
Greg Boettcher, PWD
Jim Beavers, City Engineer *Jim*

From: Sid Norbash, Staff Engineer

Date: March 27, 2001

Re: **Double Springs Rd. Bridge (AHTD Project)**
Owl Creek Sewer Relocation Project

On June 7, 2001, bids were received for the above referenced project and the results are as follows:

Red Deer Construction Co., Inc.	\$49,890.00
Fayette Tree & Trench, Inc.	\$41,852.50
Gray Construction, Inc.	\$41,577.95

The Staff is requesting that the Council approve the following:

(a) **Award of the construction contract to Gray Construction, Inc. Of Siloam Springs, Arkansas in the amount of \$41,577.95.**

(b) **A project Contingency amount of \$6,236.00**

SN/sn
attachments

SECTION 00520

CONTRACT AGREEMENT

1. THIS CONTRACT AND AGREEMENT, made and entered into this 3RD day of July, 2001, by and between the City Of Fayetteville as Party of the First Part, acting through its duly authorized representative, and Gray Construction Inc. Party of the Second Part.

WITNESSETH:

That for and in consideration of the payments to be made as hereinafter set forth, the Party of the Second Part hereby agrees to furnish all tools, labor, equipment, materials and supplies required to be furnished and to perform the work for Double Springs Bridge/ Owl Creek Sewer Relocation Proj., in exact accordance with the Plans on file at the office of said Party of the First Part and Specifications, Proposals, Stipulations and Special Provisions attached hereto and made a part hereof as fully as though copied herein, under the direct supervision and to the entire satisfaction of the Party of the First Part and in accordance with the laws of the State of Arkansas.

2. It is further agreed and understood by and between the Parties hereunto that the Party of the First Part agrees to pay and the Party of the Second Part agrees to accept as full and final compensation for all work done or materials furnished under this agreement, the lump sum amount adjusted for variation of quantities at the unit prices named in the Bid which is hereto attached, such payment to be made in lawful money of the United States, at the time and in the manner set forth in the Specifications. Contract Amount: \$41,577.95

3. The Party of the Second Part agrees for the consideration above expressed, to begin and complete the work within the time specified in the Proposal. If the Party of the Second Part shall fail to complete the work in the time specified he shall pay to the Party of the First Part, as liquidated damages, ascertained and agreed, and not in the nature of a penalty, the sums set forth in the Proposal, which shall be deducted from the final amount to be paid under this contract, provided that extensions of time with waiver of liquidated damages, may be granted as provided for in the Specifications.

4. The Party of the Second Part agrees to be responsible for repairs on any of the improvements covered herein due to faulty workmanship and/or materials for a period of one year beginning at the time of acceptance of the improvements by the City of Fayetteville. All improvements shall be made in conformance with Specifications and are subject to the approval of the City of Fayetteville.

5. The Party of the Second Part agrees, also to carry Public Liability Insurance, Property Damage Insurance and Workman's Compensation Insurance in amounts as required in these Specifications.

WITNESS OUR HANDS THIS _____ DAY OF _____, 20____.

(Owner)

By: _____

(Title)

(Address)

WITNESS:

Gray Construction, Inc.
(Contractor)

By: [Signature]

Estimator / Project Manager
(Title)

511 W Tulsa Suite 102
(Address)

Silvaco Springs, AL 36081

WITNESS:

[Signature]

Affix Corporate Seal here (if any)

END OF SECTION

Contract Agreement

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

Vendor #:	8166	Vendor Name:	Gray Construction Inc.	Requisition No.:	Date:
Address:	PO BOX 457	FOB Point:	Fayetteville, AR	P.O. Number:	Expected Delivery Date:
City:	Siloam Springs	State:	AR	Mail:	
		Zip:	72703	Taxable:	
Requester:		Ship To Code:	90	Yes XX No	
		Requester's Employee#:		Division Head Approval:	
		Extension:			

Item	Description:	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number:	Project/Subproject Number:	Inventory #	Fixed Asset #
1	Double Springs RD Bridge/ Owl Creek	1	EA	*****	\$41,577.95	5400-5600-5808.00	98043-20		
2	Sewer Relocation				\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
11					\$0.00				
	SHIPPING/HANDLING				\$0.00				

Special Instructions:	
Subtotal:	\$41,577.95
Tax:	
TOTAL:	\$41,577.95

Approvals: (purchasing office use only)

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Admin. Services Director: _____ Budget Coordinator: _____ Data Processing Mgr: _____

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

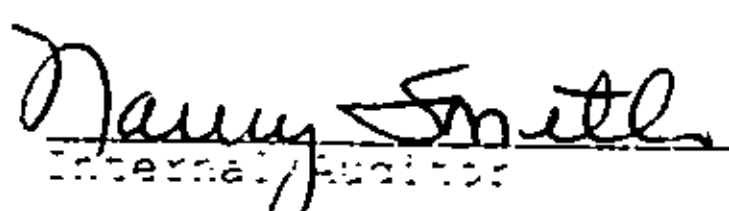
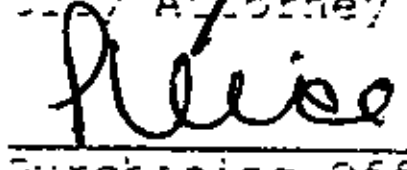
COST TO CITY:

\$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	Skate Park
Cost of this Request	Category/Project Budget	Category/Project Name
2250-9250-5806	\$28,298	Park Improvements
1010-1501-03	Funds Used To Date	Program Name
Account Number		
00006	\$196,704	Parks Development
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	5/30/01 Date	 Internal Auditor	5/31/01 Date
 City Attorney	5/31/01 Date	_____ ADA Coordinator	_____ Date
 Purchasing Officer	5/31/01 Date		

STAFF RECOMMENDATION:

Approval of Resolution

 Division Head	5-29-01 Date	Cross Reference
 Department Director	6-5-01 Date	New Item: ☒ Yes ☐ No
 Administrative Services Director	5/31/01 Date	Item Ord/Pes #: _____
 Mayor	6/5/01 Date	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.

STAFF REVIEW FORM

Description Resolution for Skate Park Grant _____ Meeting Date _____

Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Reference Comments:

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 *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.

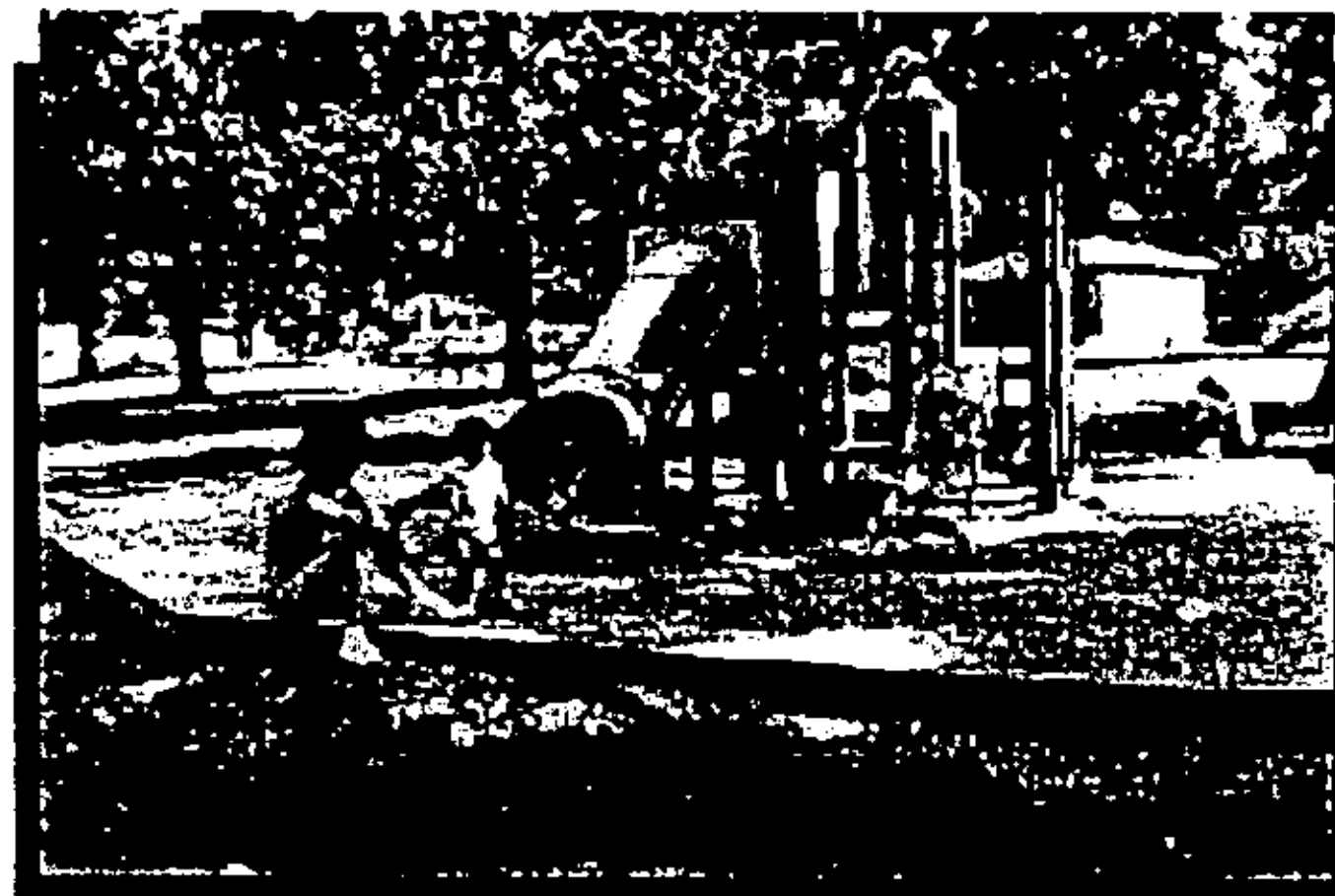
If the City of Fayetteville is awarded the Outdoor Recreation Grant a budget adjustment will be required. The grant requirements stipulate that the City must fund the entire project and request reimbursement after completion. This Outdoor Recreation Grant process has been utilized before by the Parks 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.

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.

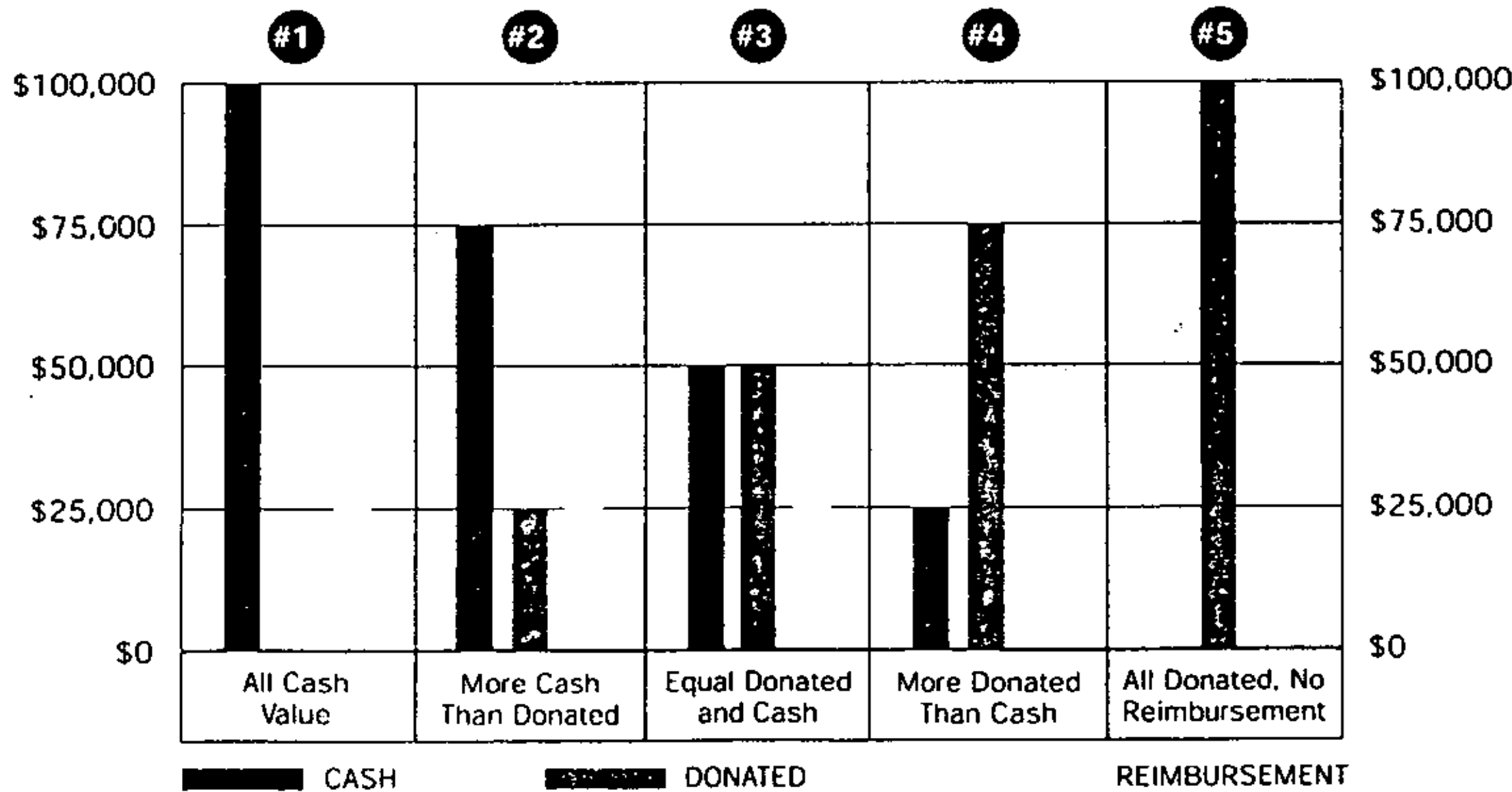
The chart shown below will help to understand how the 50/50 reimbursable matching grant works. For simplicity's sake, let's say that a project will cost a total of \$100,000. If the grantee spent \$100,000 cash, submitted canceled checks and invoices for \$100,000 and the expenditures are part of the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

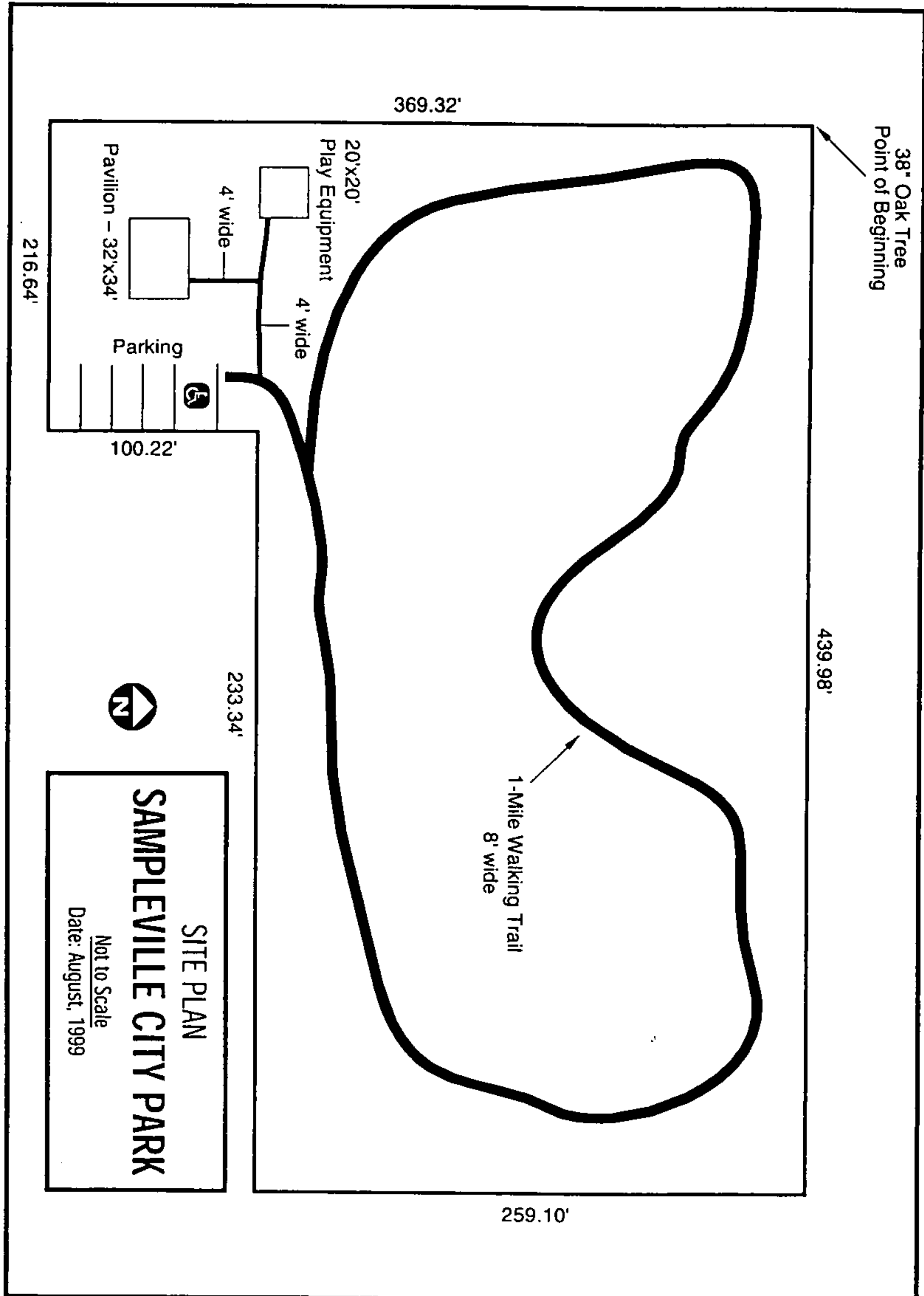
NOW, THEREFORE, BE IT RESOLVED by the City Council/Quorum Court of _____, Arkansas that the Mayor/County judge is hereby authorized to make application to the Arkansas Department of Parks and Tourism for assistance to develop recreational facilities for the City/County; therefore such application shall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

Passed this _____ day of _____, 2001.

APPROVED: _____
Mayor/County Judge

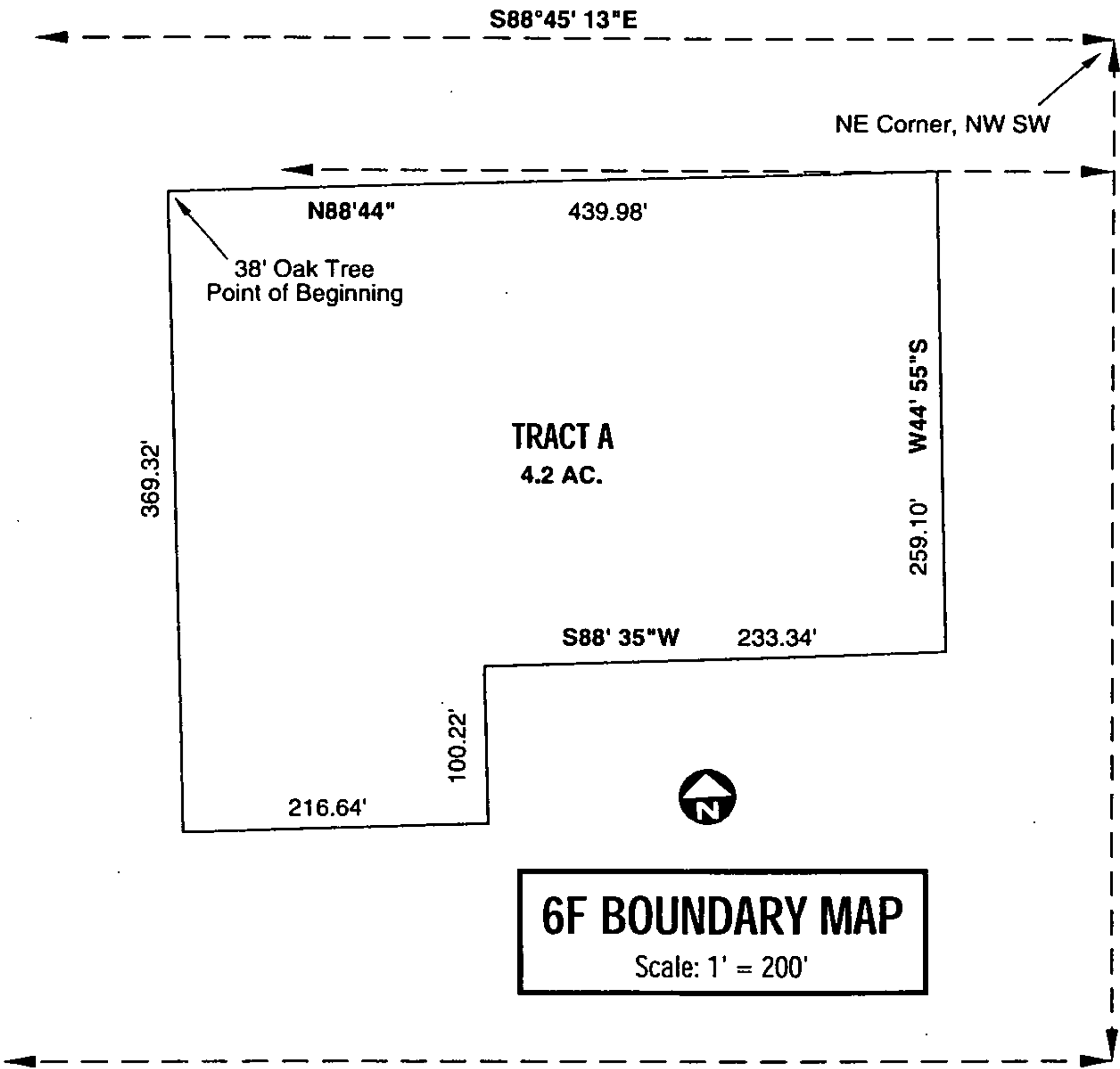
Clerk

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.

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

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.

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 SUB-
 MITTED AFTER THE GRANT APPROVAL. (SEE PAGES
 27–30 FOR APPRAISAL REQUIREMENTS)

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.

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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.).

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

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.

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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

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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 Knepshield
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.

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

TCA CABLE
A. 4. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF July 3, 2001

MAYOR'S APPROVAL

FROM:

Kit Williams
NameCity Attorney
DivisionLegal
Department

ACTION REQUIRED: A resolution authorizing TCA Cable partners to continue to operate the cable communications system.

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 AUTHORIZING TCA CABLE
PARTNERS TO CONTINUE TO OPERATE
THE CABLE COMMUNICATIONS SYSTEM

WHEREAS, the City of Fayetteville, Arkansas ("City") passed and adopted an Ordinance (hereinafter referred to as the "Franchise") granting a non-exclusive franchise; and

WHEREAS, the Franchise is currently held by TCA Cable Partners ("TCA"); and

WHEREAS, pursuant to Section 47 U.S.C. §546(a) TCA provided notification to the City of TCA's intent to seek renewal of the Franchise under 4 U.S.C. §546(a-g); and

WHEREAS, pursuant to Section 47 U.S.C. §546(a) the City properly commenced franchise renewal proceedings; and

WHEREAS, the City and TCA have agreed, pursuant to 47 U.S.C. §546(h), to conduct franchise renewal negotiations informally in an attempt to reach a mutually acceptable franchise agreement; and

WHEREAS, the City and TCA are interested in continuing informal discussions and negotiations regarding franchise renewal; and

WHEREAS, both the City and TCA desire to expressly reserve all of their respective rights under state and federal law.

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

Section 1. The City hereby authorizes TCA to continue to operate the cable television system in the City of Fayetteville, in full compliance with all of the terms and conditions of the Franchise, for a period commencing on July 1, 2001 and continuing through either the date of which TCA's Franchise is either renewed or until September 30, 2001 whichever shall first occur.

Section 2. This Resolution shall become effective upon the occurrence of both of the following conditions:

- 1) The resolution being passed and adopted by the City Council of the City of Fayetteville, and;

- 2) TCA's acceptance of this resolution and the franchise for the terms specified in paragraph (1) above, provided TCA accepts and agrees to this extension.

PASSED AND APPROVED this ____ day of July, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

ACCEPTANCE

TCA Cable Partners, hereby acknowledges the City of Fayetteville Resolution authorizing TCA Cable Partners to continue to operate the cable system July 1 through September 30, 2001 ("Resolution") attached hereto and hereby accepts each and every term, provision and recital of the Resolution and agrees to be bound by the terms and provisions of the Franchise in accordance with the Resolution.

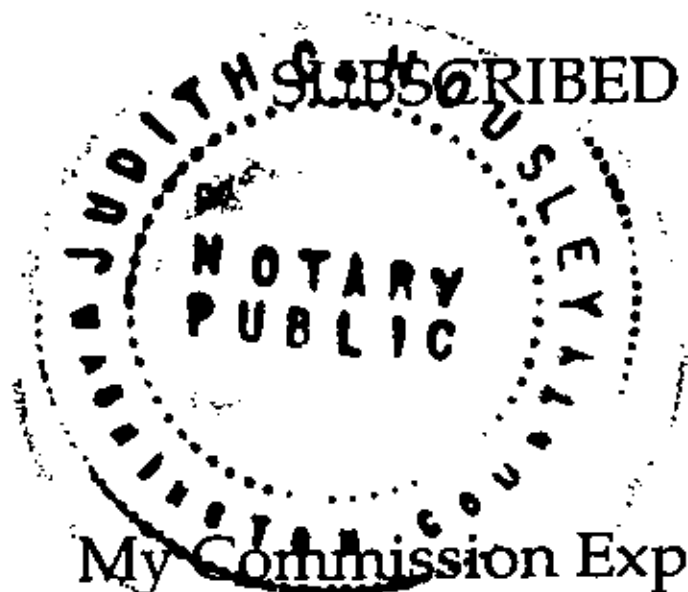
Dated: June 21, 2001

TCA CABLE PARTNERS

By: Dennis Yocum
DENNIS YOCUM

Its: System Manager

SUBSCRIBED AND SWORN to before me this 21st day of June, 2001.



Judith C. Housley
Notary Public

My Commission Expires:

May 13, 2004.

STAFF REVIEW FORM

☐ AGENDA REQUEST
☐ CONTRACT REVIEW

Arkansas Dept of Aeronautics
Grant Application - T-Hangar
Drainage

☒ GRANT REVIEW

For the Fayetteville City Council meeting of 07/03/2001

FROM:

Gary Dumas
Name

Airport
Division

Utilities Management
Department

ACTION REQUIRED: Review of grant application and approval of project budget adjustment

COST TO CITY:

\$ 76,340 (Expense)
(57,255) (Revenue)

Cost of this Request

\$ 64,014
Category/Project Budget

T-Hangar Unit
Category/Project Name

550-3960-5804-00

Account Number

98056

Project Number

\$ 5,469

Funds used to date

\$ 58,545

Remaining Balance

Airport Capital Exp

Program Name

Airport

Fund

BUDGET REVIEW:

[Signature]
Budget Manager

Date

☐ Budgeted Item

Administrative Services Dir.

Date

☒ Budget Adjustment Attached

CONTRACT/GRANT/LEASE REVIEW:

Nuska Fauthing 6/14/01
Accounting Manager Date

Nancy Smith 6/14/01
Internal Auditor Date

Arkansas Dept. of Aeronautics
GRANTING AGENCY

[Signature] 6/14/01
City Attorney Date

ADA Coordinator Date

[Signature] 6/15/01
Purchasing Officer Date

Grants Coordinator Date

STAFF RECOMMENDATION:

Council informational item in accordance with City policies and procedures.
Airport staff recommends approval of budget adjustment.

[Signature]
Division Head

6-12-01
Date

Cross Reference

[Signature]
Department Director

6/19/01
Date

New Item: Yes No

[Signature]
Administrative Services Director

6/20/01
Date

Prev. Ord/Res#: _____

[Signature]
Mayor

Orig Cont. Date: _____

Orig Cont #: _____

STAFF REVIEW FORM

Page 2

Description:

Meeting Date: July 3, 2001

T-Hangar Drainage project grant application and budget adjustment

Comments:

Budget Manager

Reference Comments:

Accounting Manager

Reference Comments:

City Attorney

Reference Comments:

Purchasing Officer

Reference Comments:

Internal Auditor

Reference Comments

ADA Coordinator

Reference Comments:

Grants Coordinator

Reference Comments:

AIRPORT MANAGEMENT
GARY DUMAS, UTILITIES DIRECTOR / AIRPORT MANAGER INTERIM

TO: Dan Coody, Mayor
Fayetteville City Council Members

FROM: Gary Dumas, Utility Services Director / Interim Airport Manager 

THRU: Staff Review Committee

DATE: June 8, 2001

SUBJECT: Arkansas Department of Aeronautics grant request, T-Hangar Drainage

Background: Relative to the drainage project for T-Hangar Units "E", "F", & "G", the Airport Board formed a committee to investigate the characteristics of the T-Hangar water intrusion problem. They determined that the problem is a result of a number of factors including decision by the board encouraging airport staff to consider measures to reduce construction costs, the physical features of the building site, and other elements. They concluded that the engineer's design was not faulty, nor was construction quality deficient. The board also agreed that drainage work of this type is added value to the project and would have been a project expense were it not excluded due to cost economies.

The Airport Board at their May 3, 2001 meeting, recommended proceeding with perimeter trench drainage as the most desirable of the alternates proposed by McClelland Consulting Engineers, Inc. to mitigate the water intrusion problem.

In the interest of promoting a cooperative, expedient solution to this problem, McClelland Consulting Engineers, Inc. has offered to provide the trench drainage design work at no charge to the city.

Purpose: The purpose of the grant request is to provide funding for the cost of addressing a drainage problem affecting T-Hangar buildings "E", "F", & "G" on the east side of the airfield. The problem came to light shortly after units "F" & "G" were constructed, however the problem affects all three structures.

Investigation of the situation was performed by the engineers on the project, the Airport Board, Airport staff, and City Engineering staff to determine responsibility, if any, on the part of the engineers or contractor to remedy the problem, as two of the buildings were recently constructed. The consensus of the parties involved assessed no fault on the part of the engineers or the contractor, however all agreed that the problem needed to be effectively addressed in a timely manner.

An application was prepared and submitted to the ADA for funding of this project under their SAAG 75/25% grant program. This grant will pay 75% of the project costs. Construction costs for the project are estimated at \$76,340. In accordance with the City's Policies and Procedures relative to grants application, this item is submitted to the City Council for review as an informational item. The Arkansas Aeronautics Commission met on Wednesday, June 13, and approved this request for grant funding.

Attached is a copy of the request for grant funding to Arkansas Department of Aeronautics.

Budget Considerations: A budget adjustment is needed to carry out this project. The attached budget adjustment includes a 10% project contingency amount.

Action Requested: A resolution approving the budget adjustment.

Staff Recommendation: Staff recommends review of the grant request and approval of the budget adjustment.

Budget Year 2001	Department: Utilities Management Division: Airport Program: Capital Improvement Prog.	Date Requested 06/08/01	Adjustment #
---------------------	---	----------------------------	--------------

Project or Item Requested: \$76,340 is requested in Building Costs account for the cost of the T-Hangar drainage capital project.	Project or Item Deleted: To recognize \$57,255 in State Grant Revenue and to use \$19,085 in the Airport Use of Fund Balance.
--	--

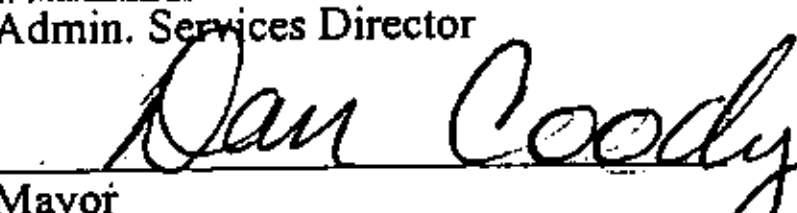
Justification of this Increase: This grant project will provide for the installation of drainage for 3 T-Hangar buildings.	Justification of this Decrease: The Arkansas Department of Aeronautics is providing 75% of the project cost as a grant. Sufficient funding remains in projects to meet 2001 objectives Sufficient funding remains to comply with City Policy
---	---

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number				Project Number	
Building Costs	\$76,340	5550	3960	5804	00	98056	1

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number				Project Number	
State Grants	\$57,255.00	5550	0955	6805	00		
Use of Fund Balance	\$19,085.00	5550	0955	4999	99		

Approval Signatures		Budget Office Use Only	
Requested By 	Date 6-14-01	Type:	A B C <u>D</u> E
Budget Manager	Date	Date of Approval	
Department Director	Date	Posted to General Ledger	
Admin. Services Director	Date	Posted to Project Accounting	
Mayor 	Date 6/20/01	Entered in Category Log	

June 1, 2001

Mr. John Knight, Director
Arkansas Department of Aeronautics
One Airport Drive, 3rd Floor
Little Rock, Arkansas 72202

RE: GRANT APPLICATION, T-HANGAR DRAINAGE PROJECT

Dear Mr. Knight;

Enclosed please find two (2) copies of a proposal for Arkansas Department of Aeronautics grant funding under the SAAG 75 - 25% grant classification. Fayetteville Municipal Airport requests funding in the amount of \$57,255, 75% of a total project cost of \$76,340, which includes a 10% project contingency amount. The project proposal is for work on three T-Hangar buildings. We plan to install building perimeter trench drainage in order to mitigate an existing water intrusion problem.

The water intrusion problem affects two newly-constructed T-Hangar buildings, "F" & "G", and one building, "E", that was constructed in early 2000.

The buildings were built on existing asphalt pavement. The pavement was constructed sixteen years ago according to the FAA standards prevailing at that time. The pavement was constructed with slight "ridges" and "valleys". The hangars are constructed on the "ridge," and the "valleys" cause the run-off to be channeled between the buildings. Variations from the designed vertical grade are within accepted reasonable tolerance, however the pavement is effectively flat, within 1% slope. Because of the age of the pavement construction, it is conceivable that some settlement may have occurred. Water sheds north from a grade break south of and perpendicular to the three hangar buildings.

There is a tendency for water to enter the buildings along the east wall under the bi-fold hangar doors. Also, roof run-off and wind-blown rain runs down the doors and seeps into the building under the door rubber gasket seal.

Due to the flatness of the pavement, and the northerly direction of flow from the south-side grade break, the entering water has a tendency remain interior, flowing north through the length of the building.

The City's administration, the Airport Board, and other interests have voiced concern over who may be financially responsible to address the water problem considering that the most affected

structures are newly-built. The Airport Board formed a committee to investigate the characteristics of the problem. They determined that the problem is a result of a number of factors including decision by the board encouraging airport staff to consider measures to reduce construction costs, the physical features of the building site, and other elements mentioned above. They concluded that the engineer's design was not faulty, nor was construction quality deficient. The board also agreed that drainage work of this type is added value to the project and would have been a project expense were it not excluded due to cost economies.

McClelland Consulting Engineers, Inc. the engineering firm which designed units "F" & "G", performed at no cost, a comprehensive study of the drainage problem which included inspections during rainy weather conditions and running water on the ramp in dry weather to determine how flow patterns interact with the structures. McClelland has offered to design the improvements for all the buildings at no cost to the airport. Their good-faith contribution to the project is part of the mutual desire of all the parties involved to address and solve the water incursion problem cooperatively, with prudence and efficiency.

Preliminary estimates of construction costs and drawings illustrating the nature of the work for this project are included with the application.

Fayetteville Municipal Airport respectfully requests your consideration and approval of this grant application. Please contact me if you desire further information, or have any question concerning this application.

Sincerely,



Alett Little

Airport Manager / Economic Development Coordinator

AL:jn

Enclosures:\2\

Grant Application, 2 copies

ARKANSAS DEPARTMENT OF AERONAUTICS
APPLICATION FOR STATE AIRPORT AID

The City/~~County~~ of Fayetteville, herein called "Sponsor", hereby makes application to the Arkansas Department of Aeronautics for State funds pursuant to Act 733 of 1977, for the purpose of aiding in financing a project for the development of a municipal airport located in the City of Fayetteville Arkansas, Washington County.

Date of Request: May 31, 2001

Name of Airport: Fayetteville Municipal Airport / Drake Field

Name and address of City/County Commission sponsoring request:

City of Fayetteville

Person to Contact about project:

113 West Mountain St.

James Nicholson, Financial Coord.

Fayetteville, AR 72701

4500 S. School St., Suite F

Phone/~~Fax~~ Number: 501-718-7643

~~Phone~~/Fax Number: 718-7646

Name and address of Engineering Firm (If Applicable):

McClelland Engineering

Contact Person: Wayne Jones

PO Box 1229

Fayetteville, AR 72702-1229

Phone/Fax Number: 501-443-2377

Describe the work to be accomplished: Construct below-ground trench drain
on the southern & western sides of T-hangar "E", the southern, western, & eastern
sides of T-hangars "F" & "G". Including other minor work related to the drainage
work. (Copy of Engineer's amendment attached).

State and Local Project Costs:
Please indicate: 50-50% Match
XX 75-25% Match
90-10% Match

Federal AIP Projects:

Total Cost of Project \$76,340
Local Share/Funds 19,085
Local Share/In-Kind
State Share 57,255

Total Cost of Project
Federal Share (90%)
Local Share (5%)
State Share

State Airport Aid Application
Page Two

Provide the information listed below as it applies to your project:

Funds:

Source of Funds _____ Local funding: Municipal Funds (Airport fund)

State: Arkansas Department of Aeronautics, Other: Engineers In-kind

Source of In-Kind Services McClelland Consulting Engineers, Inc. - contribution of
design services

Estimate starting date of project: July 1st, 2001

Estimate completion date of project: August, 2001

Project will be for: New Airport _____ Existing Airport xx

Is land to be leased or purchased? No

Description of land and cost per acre: _____

Provide the Federal AIP Grant Number (AIP Projects Only)

N/A

State Representatives for your area:

State Senator David Malone

State Representative Bill Pritchard - District 8

State Airport Aid Application
Page Three

The sponsor agrees to furnish the Arkansas Department of Aeronautics a copy of the legal instrument affecting use of the property for an airport. In application for a new landing site or expansion of existing facility, the FAA Form 7480.1, Notice of Landing Area Proposal, must be approved by FAA before review for grant can be made by the state.

No land purchased with State Grant Funds may be sold or disposed of without State Commission approval. All requests for sale or disposal of property will be considered on an individual case basis.

No airport accepting State Grant funding may issue an Exclusive Rights Lease.

All applications for navigational aids (such as NDB & ILS) must have FAA site approval before a state grant can be approved.

All Grant applications involving Federal Airport Improvement Program (AIP) funding must be accompanied by the approved FAA application.

If this project is approved by the Arkansas Department of Aeronautics, and is accepted by the sponsor, it is agreed that all developments and construction shall meet standard FAA construction practices as outlined in the specifications of this agreement. Runways, Taxiways, Parking Ramps, etc. shall have a base and a thickness that will accomodate the weight of aircraft expected to operate at this airport.

All grant applicants (City and/or County) are totally responsible for compliance with all Federal, State, County and City Laws, Statutes, Ordinances, Rules, Regulations, and Executive Orders concerning contracts and purchases for which this grant is approved and issued. All grant applicants must submit with their applications a completed Contract and Grant Disclosure and Certification Form. (Form F-1 - Pages 1 & 2)

It is understood and agreed that should the sponsor fail to start this project within three (3) months of the Arkansas Department of Aeronautics' date of acceptance, that this grant is null and void.

It is also agreed that this project, except FAA funded projects, shall be completed within one year from the date of acceptance of this grant by the Arkansas Department of Aeronautics. Applications for extension will be entertained if circumstances beyond the sponsor's control occur.

Funds will be disbursed according to Department procedures and final inspection of completed project. (See Instruction page)

IN WITNESS WHEREOF, the sponsor has caused this Application for State Airport Aid to be duly executed in its name, this 31st day of May, 19 2001

City of Fayetteville, Arkansas

Name of Sponsor
Alett Little

Authorized Signature
Alett Little, Airport Manager

Title

CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM

F-2

Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that Order, shall be a material breach of the terms of this contract. Any contractor, whether an individual or entity, who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the agency.

As an additional condition of obtaining or renewing a contract with a state agency I agree as follows:

1. Prior to entering into any agreement with any subcontractor, prior or subsequent to the contract date, I will require the subcontractor to complete a CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM. Subcontractor shall mean any person or entity with whom I enter an agreement whereby I assign or otherwise delegate to the person or entity, for consideration, all, or any part, of the performance required of me under the terms of my contract with the state agency.

2. I will include the following language as a part of any agreement with a subcontractor:

Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that Order, shall be a material breach of the terms of this subcontract. The party who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the contractor.

3. No later than ten (10) days after entering into any agreement with a subcontractor, whether prior or subsequent to the contract date, I will mail a copy of the CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM completed by the subcontractor and a statement containing the dollar amount of the subcontract to the state agency.

I certify under penalty of perjury, to the best of my knowledge and belief, all of the above information is true and correct and that I agree to the subcontractor disclosure conditions stated herein.

Signature Alett Little Title Alett Little, Airport Manager Date 6/1/2001
 Entity Contact Person James Nicholson Title Financial Coordinator Phone No. 501-718-7643

AGENCY USE ONLY

Agency Number _____ Agency Name _____ Agency Contact Person _____ Contact Phone No. _____ Contract or Grant No. _____

FORMS AVAILABLE FROM OFFICE OF DISCLOSURE AND REVIEW (501) 682-5407

CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM

三

SOCIAL SECURITY NUMBER

TAXPAYER ID #: OR FEDERAL ID NUMBER
71 --- 601462

☐ Yes ☒ No

SUBCONTRACTOR NAME:

TAXPAYER ID NAME: City of Ennet...
IS THIS FOR:

YOUR LAST NAME: _____

FIRST NAME: James

Idi: I.

Government

ADDRESS: 4500 S. School St., Suite F

CITY: Fayetteville

STATE: AR ZIP CODE: 72701

COUNTRY: USA

AS A CONDITION OF RENEWING OR OBTAINING A CONTRACT, LEASE, PURCHASE AGREEMENT, OR GRANT AWARD WITH ANY ARKANSAS STATE AGENCY, THE FOLLOWING INFORMATION MUST BE DISCLOSED:

FOR INDIVIDUALS

Indicate below if: you, your spouse or the Commission Member, or State Employee:

Position Held	Mark (✓)		Name of Position of Job Held [Senator, representative, name of board/ commission, state entity, etc.]	For How Long?		What is the person(s) name and how are they related to you? (i.e., Jane Q. Public, spouse, John Q. Public, Jr., child, etc.)	Person's Name(s)	Relation
	Current	Former		From MM/YY	To MM/YY			
General Assembly	(1)	(2)						
Constitutional Officer	(3)	(4)						
State Board or Commission Member	(5)	(6)						
State Employee	(7)	(8)						
☒ (9) None of the above applies								

FOR AN ENTITY (BUSINESS) *

Indicate below if any of the following persons, current or former, hold any position of control or hold any ownership interest of 10% or greater in the entity: member of the General Assembly, Constitutional Officer, State Board or Commission Member, State Employee, or the spouse, brother, sister, parent, or child of a member of the General Assembly, Constitutional Officer, State Board or Commission Member, or State Employee. Position of control means the power to direct the purchasing policies or influence the management of the entity.			
Position Held	Mark (✓)	Name of Position of Job Held	What is the name of the entity?

Position Held	Mark (✓)		Name of Position of Job Held (secretary, representative, name of board/commission, etc. only, etc.)	For How Long?		What is the person(s) name and what is his/her % of ownership interest and/or what is his/her position of control?		
	Current	Former		From MAY	To MAY	Person's Name(s)	Ownership Interest (%)	Position of Control
General Assembly	(A)	(B)						
Constitutional Officer	(C)	(D)						
State Board or Commission Member	(E)	(F)						
State Employee	(G)	(H)						
☒ (I) None of the above applies								

*NOTE: PLEASE LIST ADDITIONAL DISCLOSURES ON SEPARATE SHEET.

***NOTE: PLEASE LIST ADDITIONAL**

**PROPOSED DRAINAGE IMPROVEMENTS
EAST SIDE T-HANGAR APRON**

Introduction

During the year 2000, three new T-Hangars ("E", "F" & "G") were constructed on the eastern side of the airport property. The hangars were built on an asphalt aircraft apron which was constructed in 1984. The apron was constructed with alternating slight "ridges" and "valleys" so that the hangars could be centered on the "ridges", allowing storm water collection and drainage to occur in the "valleys" between the hangars. Refer to the attached plan-view drawing.

Because the apron gradients are necessarily very slight (to allow manual positioning of general aviation aircraft); and because reasonable tolerances are allowed in the vertical location of constructed asphalt pavements; and because some vertical movement of the asphalt surface, however slight, may have occurred since the aprons were constructed, the surface runoff of stormwater does not follow the exact route intended.

Specifically, surface runoff is entering the hangars along the southern and western sides of T-Hangar "E", and along the eastern, southern and western sides of T-Hangars "F" and "G".

McClelland Consulting Engineers, Inc. was retained to study the problem and to propose a plan to improve this situation.

The Study

The study considered several options, ranging from simple caulking to pavement replacement, with preliminary cost estimates varying from \$750 to \$110,000. A subsequent discussion with the City's Airport Board, and the special committee appointed to consider this matter, resulted in a proposal to construct trench drains as indicated on the accompanying drawing.

Elements of the Work

The construction work scope is likely to include:

1. Controlled demolition of selected portions of asphalt pavement.
2. Excavation of base and subgrade materials.
3. Installation of the sidewalls and bottom of a trench drain (yet to be determined whether it will be prefabricated pipe, channel or cast-in-place concrete).
4. Grate installation.
5. Select backfill construction around the trench drain.
6. Apron surface placement and/or finishing.

7. Subsurface storm drain construction between trench drains and the northern edge of the existing apron.
8. Shaping an earthen drainage swale along the northern edge of the apron.
9. Required seeding and erosion control.
10. Caulking as needed to seal construction joints.

Estimated Project Costs

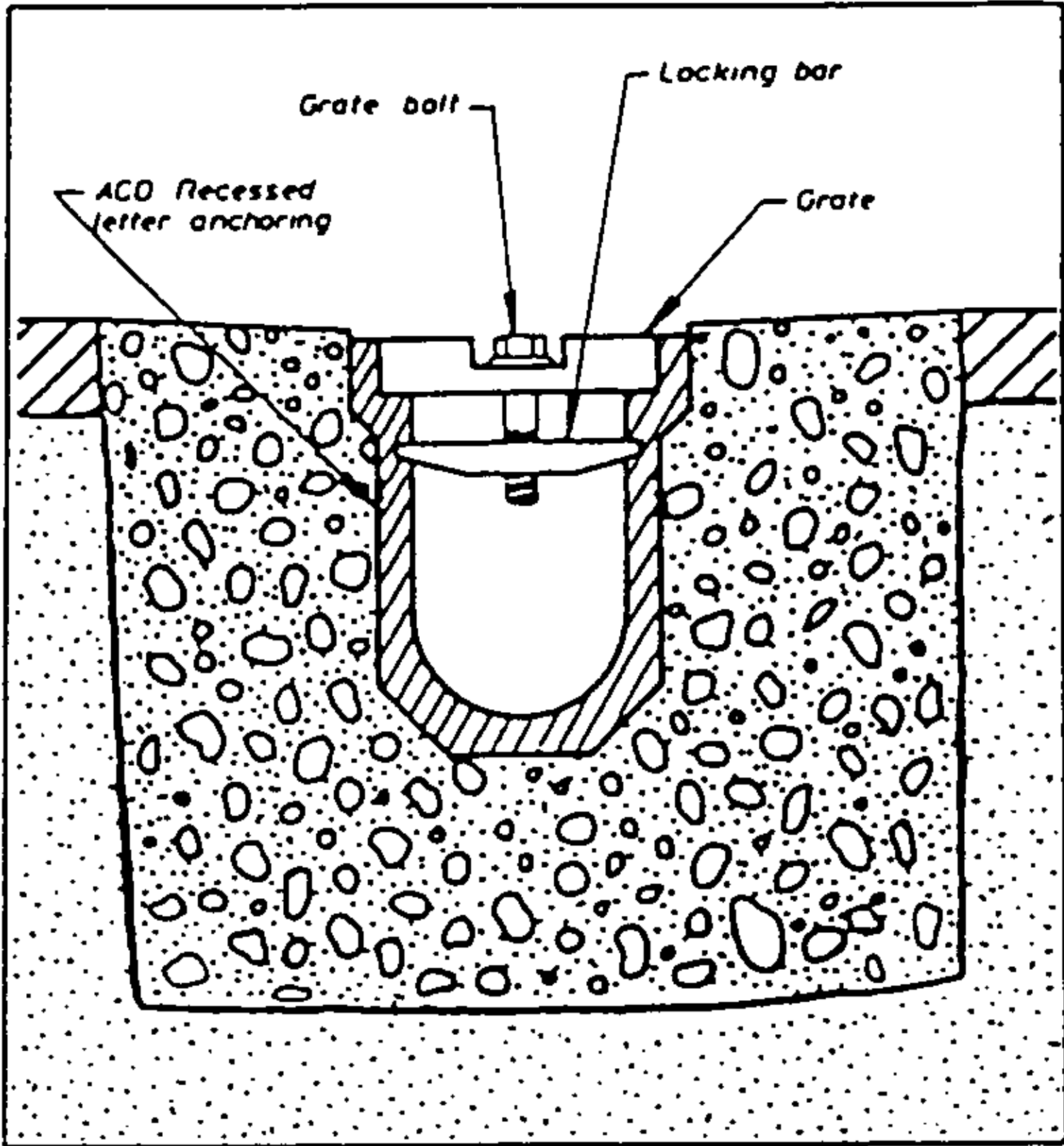
1. Pavement demolition – 950 SY @ \$12/SY	=	\$11,400
2. Excavation – 185 CY @ \$10/CY	=	\$1,850
3. Trench walls/bottom – 1,260 LF @ \$25/LF	=	\$31,500
4. Grate – 1,255 LF @ \$8/LF	=	\$10,040
5. Select backfill – 200 tons @ \$15/ton	=	\$3,000
6. Surface finish – 560 SY @ \$6/SY	=	\$3,360
7. Storm drains – 250 LF @ \$25/LF	=	\$6,250
8. Swales – 500 LF @ \$2/LF	=	\$1,000
9. Seeding, etc. – Lump Sum	=	\$500
10. Caulking – Lump Sum	=	\$500

Subtotal, Construction	=	\$69,400
------------------------	---	----------

Engineering	=	No Charge
-------------	---	-----------

Contingencies @ 10%	=	\$6,940
---------------------	---	---------

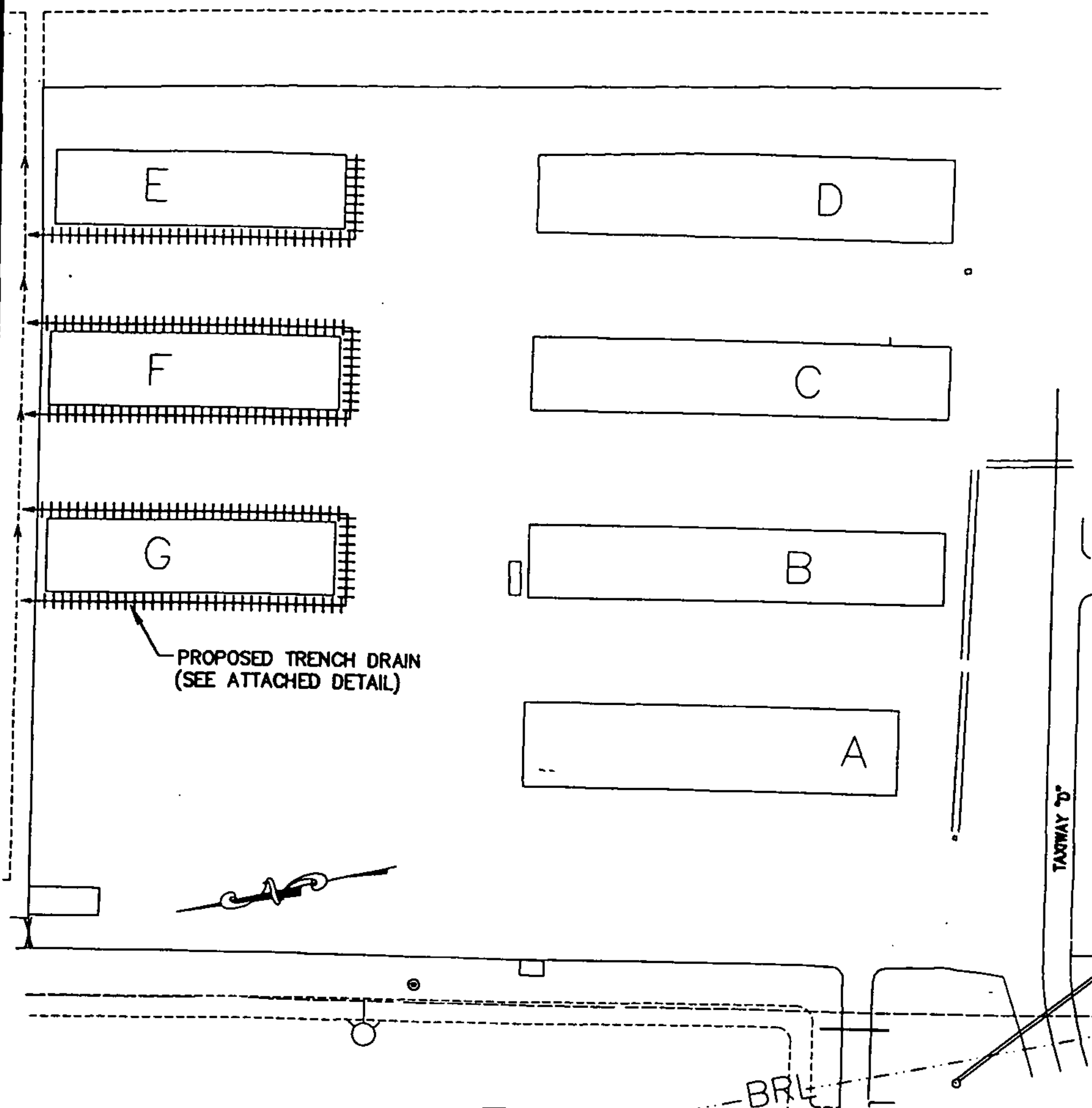
Total Preliminary Estimate	=	\$76,340
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 McClelland Consulting Engineers Incorporated		TRENCH DRAIN DETAIL EAST SIDE T-HANGAR APRON COMPLEX DRAKE FIELD FAYETTEVILLE, ARKANSAS			
Little Rock 900 W. Markham	Fayetteville 1810 N. College	APPROVED R.W.J.	DRAWN BY P.F.K.	DATE 4-03-01	FIGURE 2
		SCALE 1"=100'	JOB NO. FY002105	FIELD BOOK ---	

WINCASTER DRIVE

FUTURE PARKING



PROPOSED TRENCH DRAIN
(SEE ATTACHED DETAIL)

TAXIWAY 35

BR



McClelland
Consulting
Engineers
Incorporated

Little Rock
900 W. Markham

Fayetteville
1810 N. College

PROPOSED TRENCH DRAIN
EAST SIDE T-HANGAR
APRON COMPLEX
DRAKE FIELD
FAYETTEVILLE, ARKANSAS

APPROVED
R.W.L.
SCALE
1"=100'

DRAWN BY
P.F.J.
JOB NO.
FY002105

DATE
4-03-01
FIELD BOOK

FIGURE
1

For the Fayetteville City Council meeting of July 3, 2001

Urban Development
Department

COST TO CITY:

Administrative Services Director

Orig Contract Date:

TO: Mayor Dan Coody
City Council
Kit Williams, City Attorney
Hugh Earnest, Urban Development Director
FROM: Louise Schaper, Library Director
SUBJECT: Budget adjustment and contract amendment re: LEED Green Building certification.

The library staff, Trustees and Foundation has heard much public concern about energy efficiency and sustainability of the new library over the last 2.5 years of project planning. Throughout the pre-funding and design phases the design team has been committed to creating a sustainable and responsible work of architecture.

The Board of Trustees has recently approved a means to gain greater commitment to these goals through the US Green Building Council's Leadership in Energy and Environmental Design (LEED) Rating System. This request asks for your support and commitment to these goals.

The Green Building Council was formed in 1993 to accelerate the adoption of green building practices, technologies, policies and standards. It has more than 740 leading international organizations as its members including product manufacturers such as United Technologies/Carrier, Herman Miller, Kawneer Company, DuPont, Trane Company, Owens Corning, Armstrong World Industries; environmental leaders such as the Rocky Mountain Institute, Natural Resources Defense Council, Steel Recycling Institute, David and Lucille Packard Foundation, and the National Audubon Society; building and design professional such as the American Institute of Architects; retailers such as Gap and Target Stores; as well as financial industry leaders such as the Bank of America.

Green Building Council's LEED certification is a building rating system based on existing proven technology. It evaluates environmental performance from a whole building perspective over the building's life cycle. It is based on accepted energy and environmental principles. A project earns credits for satisfying each criteria. Different levels of green building certification are awarded based on total credits earned. You can find out more about the US Green Building Council and the LEED certification program at <http://www.usgbc.org>.

The Library Board of Trustees is asking the Council to approve a budget adjustment and contract amendment in the amount of \$26,400 for additional professional services and fees to enroll in and apply for LEED certification. They are *not* asking for additional project funds. Because the budget was set for this project in early 1999, a project contingency was established to cover unforeseen items like this. For example, the book conveyance system was not a budget line item in 1999, but will be covered by project contingency.

The LEED certification process will involve additional research, systems analysis, documentation, record keeping, and inspection in order to satisfy the application and certification requirements. The work will run concurrent with existing design documentation and would follow the balance of the project schedule. The scope of the work is as follows:

Application and certification fees	\$1,670
Research, analysis, reports (200 hours)	\$16,500
Record keeping and inspections (100 hours)	\$8,250
Total	\$26,420

The benefits of LEED certification are as follows:

- Through systems analysis, we will have a clear understanding of energy efficiency before the project is built.
- It will cause more thoughtful and deliberate decision-making.
- The rigorous certification process will drive and force building efficiency and sustainability.
- This project will be the first certified green building in Arkansas. Therefore, it will serve as a model for other public and private building projects. We will far surpass the Arkansas energy code (1989) requirements.

We thank you for your support as we work to make this a great building—aesthetically, functionally, and environmentally.


Louise Schaper,
Library Director

2000 Edition - Electronic Format

AIA Document G606 - 2000

Amendment to the Professional Services Agreement

TO: Mayor Dan Coody
(Owner's Representative)

Amendment Number: 8

In accordance with the Agreement dated: September 1st, 1999

between the Owner:

City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

and the Architect:

Meyer, Scherer & Rockcastle, Ltd.
119 North Second Street
Minneapolis, MN 55401-1420

for the Project:
(Name and address)

A new central library facility, referred to as the Fayetteville Public Library, for the City of Fayetteville, Arkansas.

AUTHENTICATION OF THIS ELECTRONICALLY
DRAFTED AIA DOCUMENT MAY BE MADE BY USING
AIA DOCUMENT D401.

Authorization is requested

- (X) to proceed with Additional Services or a Change in Services.
() to incur Additional Reimbursable Expenses.

As Follows:

Provide additional professional services including research, performance modeling, design, specification, documentation, and inspections relating to the enrollment of the project in the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED v2) certification program. Work shall include review of the LEED Green Building Rating System to establish the design criteria for the project, evaluate the environmental performance of the library project based on that criteria, and based on that evaluation recommend design strategies to enhance the overall performance of the project. The goal shall be to establish a rating for the project of "LEED Certified" based on the LEED certification point system for Version 2.0. Work shall also include: enrollment of the project with the USGBC; and preparation of the submittals and related documentation to USGBC for certification review.

Work relating to building commissioning is not part of these services. Work required to exceed the performance requirements for basic level of certification - including studies, reports, and engineering - shall be considered an additional service and is not covered in this scope of work.



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AMENDMENT TO THE PROFESSIONAL
SERVICES AGREEMENT

The American Institute of Architects
1735 New York Avenue, N.W.
Washington, D.C. 20006-5292

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Electronic Format G606 - 2000

The following adjustments shall be made to compensation and time.
(Insert provisions in accordance with the Agreement, or as otherwise agreed by the parties.)

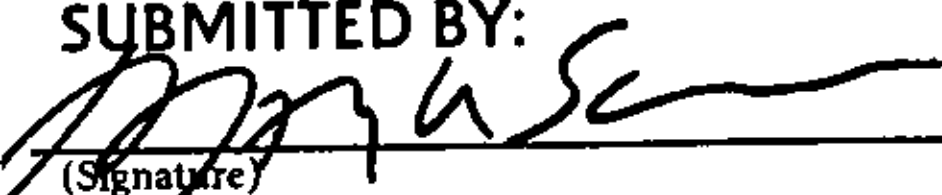
Compensation:

The cost of this work shall be a stipulated sum of twenty-six thousand four hundred forty dollars and zero cents (\$26,400.00). Of that sum, \$1,670 has been allocated for USGBC registration and review fees.

Time:

This work will be carried out in conjunction with the overall project schedule. Final submission of the documentation and submittals to the USGBC shall be made within sixty (60) days of receipt of all necessary field surveys and final testing reports.

SUBMITTED BY:



(Signature)

Jeffrey A. Scherer, FAIA - Vice-president

(Printed name and title)

31 May 2001

(Date)

AGREED TO:

(Signature)

(Printed name and title)

(Date)

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Washington, D.C. 20006-5292

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

**LIBRARY
A. 6. Page 5**

Budget Year	Department: Public Works	Date Requested	Adjustment #
2001	Division: Library	March 6, 2001	
	Program:		

Project or Item Requested: Funding is requested for a change order to the architectural services contract on the new Fayetteville Public Library.	Project or Item Deleted: None. Use of fund balance is proposed for this adjustment.
---	---

Justification of this Increase: Additional services are needed for the LEED review process.	Justification of this Decrease: Sufficient cash & investments exist to fund this adjustment.
---	--

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number				Project Number
Architectural Services	26,400	4150	9150	5314	03	99073 10

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number				Project Number
Use of Fund Balance	26,400	4150	0915	4999	99	

Approval Signatures		Budget Office Use Only					
Requested By	Date	Type:	A	B	C	D	E
Budget Manager	Date	Date of Approval _____					
Department Director	Date	Posted to General Ledger _____					
Admin. Services Director	Date	Posted to Project Accounting _____					
Fayor	Date	Entered in Category Log _____					

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."

PASSED and APPROVED this the _____ day of July, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council and Staff

From: Heather Woodruff, City Clerk

Date: June 22, 2001

Re: **Ordinance No. 4307**

This item is to amend Ordinance 4307 passed April 17, 2001. The original ordinance did not include the definitions for the new multi-family zoning districts. This is just a housekeeping ordinance procedure to establish these new districts. Thank you.

Attachment(s)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 160 ZONING DISTRICTS AND 161 ZONING REGULATIONS OF THE UNIFIED DEVELOPMENT ORDINANCE, CODE OF FAYETTEVILLE, TO INCLUDE ADDITIONAL MULTI-FAMILY ZONING DISTRICTS, RMF-6, RMF-12, RMF-18.

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

Section 1. That Ordinance 4307, passed and approved April 17, 2001, is hereby repealed.

Section 2. That Chapter 160, Zoning Districts of the Unified Development Ordinance, is hereby amended to include RMF-6, RMF-12 and RMF-18 as follows:

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

Section 3. That Chapter 161, Zoning Regulations of the Unified Development Ordinance, is hereby amended to include §161.061 DISTRICT RMF-6: LOW DENSITY MULTI-FAMILY RESIDENTIAL as follows:

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

Section 4. That Chapter 161, Zoning Regulations of the Unified Development Ordinance, shall be amended to include, §161.062 DISTRICT RMF-12: MODERATE DENSITY MULTI-FAMILY RESIDENTIAL as follows:

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

Section 5. That Chapter 161, Zoning Regulations of the Unified Development Ordinance, shall be amended to include, §161.063 DISTRICT RMF-18: MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL as follows:

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

PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

4307
4/17

Exhibit "A"

CHAPTER 160: ZONING DISTRICTS

§160.01 ESTABLISHMENT OF DISTRICTS. The following zoning districts are hereby established:

ZONING DISTRICTS

A-1	Agricultural
R-1	Low Density Residential
R- 1.5	Moderate Density Residential
RMF- 6	Low Density Multi-Family Residential
RMF- 12	Moderate Density Multi-Family Residential
RMF-18	Medium Density Multi-Family Residential
R-2	Medium Density Residential
R-3	High Density Residential
RE	Residential Estate
RA	Residential (Acre Lot)
RL	Residential Large Lot
RS	Residential Small Lot
R-O	Residential-Office
C-1	Neighborhood Commercial
C-2	Thoroughfare Commercial
C-3	Central Business Commercial
C-4	Downtown
I-1	Heavy Commercial and Light Industrial

I-2	General Industrial
P-1	Institutional
E-1	Extraction
Design Overlay District	

(Code 1991, §160.015; §160.047, and §160.048; Code 1965, App. A, Art. 5; Ord. No. 1747, 6-29-70; Ord. No. 3115, 9-3-85; Ord. No. 3128, 10-1-85; Ord. No. 3792, §1, 5-17-94)

Exhibit "B"

§161.061 DISTRICT RMF-6 LOW DENSITY MULTI-FAMILY RESIDENTIAL.

A. Purpose. The Low Density Multi-family Residential District is designed to permit and encourage the development of multifamily residences at a low density that is appropriate to the area and can serve as a transition between higher densities and single family residential areas.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings
Unit 9	Multifamily Dwellings - Medium Density

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	<u>4 to 6</u>
-------------------	---------------

D. Bulk and Area Regulations.

1. Lot Width Minimum.

Mobile Home Park	100 Feet
Lot within a Mobile Home Park	50 Feet
One Family	60 Feet
Two Family	60 Feet
Three or More	90 Feet
Professional Offices	100 Feet

2. Lot Area Minimum.

Mobile Home Park	3 Acres
Lot Within a Mobile Home Park	4,200 Sq. Ft.
Row House: Development Individual Lot	10,000 Sq. Ft. 2,500 Sq. Ft.
Single-Family	6,000 Sq. Ft.
Two-Family	7,000 Sq. Ft.
Three or More	9,000 Sq. Ft.
Fraternity or Sorority	2 Acres
Professional Offices	1 Acre

3. Land Area Per Dwelling Unit.

Mobile Home	3,000 Sq. Ft.
Apartments: Two or More Bedrooms One Bedroom No Bedroom	2,000 Sq. Ft. 1,700 Sq. Ft. 1,700 Sq. Ft.
Fraternity or Sorority	1,000 Sq. Ft. per Resident

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	25

Cross Reference: Variances Chapter 156.

F. Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, § 160.033; Code 1965, App. A, Art. 5(III); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81)

Exhibit "C"

§161.062 DISTRICT RMF-12 MODERATE DENSITY MULTI-FAMILY RESIDENTIAL.

A. Purpose. The Moderate Density Multi-family Residential District is designed to permit and encourage the development of multifamily residences at a moderate density that is appropriate to the area.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings
Unit 9	Multifamily Dwellings - Medium Density

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	<u>4 to 12</u>
-------------------	----------------

D. Bulk and Area Regulations.

1. Lot Width Minimum.

Mobile Home Park	100 Feet
Lot within a Mobile Home Park	50 Feet
One Family	60 Feet
Two Family	60 Feet
Three or More	90 Feet
Professional Offices	100 Feet

2. Lot Area Minimum.

Mobile Home Park	3 Acres
Lot Within a Mobile Home Park	4,200 Sq. Ft.
Row House: Development Individual Lot	10,000 Sq. Ft. 2,500 Sq. Ft.
Single-Family	6,000 Sq. Ft.
Two-Family	7,000 Sq. Ft.
Three or More	9,000 Sq. Ft.
Fraternity or Sorority	2 Acres
Professional Offices	1 Acre

3. Land Area Per Dwelling Unit.

Mobile Home	3,000 Sq. Ft.
Apartments: Two or More Bedrooms	2,000 Sq. Ft.
One Bedroom	1,700 Sq. Ft.
No Bedroom	1,700 Sq. Ft.
Fraternity or Sorority	1,000 Sq. Ft. per Resident

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	25

Cross Reference: Variances Chapter 156.

F. Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, § 160.033; Code 1965, App. A, Art. 5(III); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81)

Exhibit "D"

§161.063 DISTRICT RMF-18 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL.

A. Purpose. The Medium Density Multi-family Residential District is designed to permit and encourage the development of multifamily residences at a medium density that is appropriate to the area.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings
Unit 9	Multifamily Dwellings - Medium Density

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	4 to 18
-------------------	---------

D. Bulk and Area Regulations.

1. Lot Width Minimum.

Mobile Home Park	100 Feet
Lot within a Mobile Home Park	50 Feet
One Family	60 Feet
Two Family	60 Feet
Three or More	90 Feet
Professional Offices	100 Feet

2. Lot Area Minimum.

Mobile Home Park	3 Acres
Lot Within a Mobile Home Park	4,200 Sq. Ft.
Row House: Development Individual Lot	10,000 Sq. Ft. 2,500 Sq. Ft.
Single-Family	6,000 Sq. Ft.
Two-Family	7,000 Sq. Ft.
Three or More	9,000 Sq. Ft.
Fraternity or Sorority	2 Acres
Professional Offices	1 Acre

3. Land Area Per Dwelling Unit.

Mobile Home	3,000 Sq. Ft.
Apartments: Two or More Bedrooms	2,000 Sq. Ft.
One Bedroom	1,700 Sq. Ft.
No Bedroom	1,700 Sq. Ft.
Fraternity or Sorority	1,000 Sq. Ft. per Resident

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	25

Cross Reference: Variances Chapter 156.

F. Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, § 160.033; Code 1965, App. A, Art. 5(III); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81)

NOMINATING COMMITTEE REPORT

ENVIRONMENTAL CONCERNS COMMITTEE

Annee Littell, Re-appointed, One three-year term ending 06/30/04

TELECOMMUNICATIONS BOARD

Doug Wright, Re-appointed, One two-year term ending 06/30/03

Brian Richard, One two-year term ending 06/30/03

David LaRue, One two-year term ending 06/30/03

Don Elkins, One two-year term ending 06/30/03

TREE AND LANDSCAPE ADVISORY COMMITTEE

J. S. Candy Clark, One unexpired Service Organization term ending 12/31/01

Leah Karnes, One unexpired Landscape Development term ending 12/31/01

Shay Elizabeth Hopper, One full two-year Land Development term ending 12/31/03

Carl M. Thomas, Jr., One unexpired Utility term ending 12/31/01

WALTON ARTS CENTER COUNCIL, INC.

Reed Greenwood, Re-appointed, One three-year term ending 06/30/04

Bill Mandrell, Re-appointed, One three-year term ending 06/30/04

WALTON ARTS CENTER FOUNDATION, INC.

Wes Murtishaw, One three-year term ending 06/30/04

YOUTH ADVOCACY COMMITTEE

Karla Bradley, One two-year Teacher position term ending 05/31/03

Cathie Newell, One two-year Parent position term ending 05/31/03

Mathanki Kalapathy, Re-appointed, One one-year Student position term ending 05/31/02

**MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
JUNE 5, 2001**

A meeting of the Fayetteville City Council was held on June 5, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Coody called the meeting to order and asked the City Clerk to call the roll. Present upon roll were Aldermen Young, Zurcher, Trumbo, Davis, Santos, Jordan, Reynolds, Thiel and Mayor Coody. Also present were Interim City Attorney, Kit Williams; City Clerk, Heather Woodruff; and members of staff, press and audience.

Mayor Coody then asked for the Pledge of Allegiance. Tonight for our entertainment pleasure, I want to do something a little differently. I went on the square the other day, last Saturday I ran across this very weird oboe, excuse me, basoom quartet. I do know the difference and it was so good I wanted to introduce the folks here at the city hall, this little group. And these are basically four folks, some from out of state, St. Louis, Columbia, Missouri, Fort Smith and Richard. You're Richard aren't you? You teach at the university here. This is a Hung Lee, Jessie Shartz, Richard Ramey and Leah Rebae. And I've asked them to play a piece for us tonight. So please. So quartet plays. The everyone claps. The mayor says I appreciate you guys doing that for us. Adds an interesting element to local politics.

Alderman Santos says I need to help the mayor, I believe the young lady is from the Columbia SA.

The mayor says is that right? Columbia, South America? I thought that was Columbia, Missouri. Sorry. I thought that was Columbia, South America. Sorry, there's a world of difference there. Alright. I guess now we get down to business. On the consent agenda we have approval of the minutes and he continues to read the consent agenda.

CONSENT

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from April 17 and May 1, 2001.
2. **POLICE PHYSICAL FITNESS POLICY:** A resolution adopting a revision to the Police Department's Physical Fitness Policy.
3. **COPS FEDERAL GRANT:** A resolution accepting the \$225,000 COPS Universal Hiring Program Federal Grant and approval of a budget adjustment in the amount of \$37,617.00 from Use of Fund Balance.
4. **INTERLOCAL AGREEMENT:** A resolution approving an interlocal agreement between the City of Fayetteville and the City of Johnson for the installation and ownership of a traffic signal at Wilkerson and Joyce.

5. **SIDEWALKS AND TRAILS COMMITTEE:** A resolution establishing an advisory committee to be known as the Sidewalks and Trails Advisory Committee, setting forth the selection process for membership and the responsibilities of the Sidewalks and Trails Committee.
6. **SAGE HOUSE:** A resolution approving a long term lease with Economic Opportunity Agency of Washington Co. Inc. for Sage House.
7. **COX COMMUNICATION:** A resolution approving an amendment to the present franchise agreement with Cox Communication to release them from their obligation to carry a Little Rock, Arkansas, network affiliate broadcast station.
8. **PARKING DECK:** A resolution approving Amendment No. 2 in the amount of \$12,000 to the contract with Garver Engineers for additional geotechnical study regarding the proposed parking deck for the downtown area.
9. **ARKANSAS BUSINESS TECHNOLOGY PARK:** A resolution approving a grant application for assistance from the Economic Development of Arkansas Fund.

The mayor says right now I'd like to ask if we can pull No. 7 from the agreement. I got a call this afternoon from some folks who would like to address the Cox Communication issue. So if we can pull that.

Alderman Davis moves to accept all the other items on the Consent Agenda. Alderman Jordan seconds. The mayor then states we have a motion and second to approve the remaining Consent Agenda. Shall this pass? The city clerk then calls the roll and upon roll call the motion passes.

The mayor then says now for the Cox Communication. I think there's some folks here, Al Lopez and some folks wanted to address this issue. If you would like to step forward and make your presentation.

Elsa Hernandez and I'm now working for K20 Hispanic Television. And I'm also a Cox Communication customer. And even though I'm bilingual what I see is that when we have, for instance, when it comes to weather. Weather changes. Right now we have the thunderstorms season, tornadoes. And whenever we see warnings and watches on the television or we watch the news and we see everything is in english. There is nothing giving any thing warnings in spanish for the spanish speaking communities speaking community. Those that are just newcomers that speak only spanish, they don't speak the language just yet. They don't understand what's going on. They don't know what is needed to do in case of an emergency. Then what do they do. How do they handle that situation. There's no way of them knowing what is this report saying or what is-what you need to do in case of an emergency. They tell them yeah you go to the center of the room, get away from windows. But they don't understand that. And even though there's Galavision and Univision that are spanish speaking stations they don't have local weather. They don't have that. They have local news. They don't have

community service. They don't have any of that and I think that the community are asking for that. Now that K20 is the first spanish television station, I think it would be good for Cox Communication to have us as well as for the community because they will get cable in order to get Univision and Galavision and K20 included. And if you see the package that I just gave you, right now you will a point, the first point we see that we have hourly news cast, featuring myself. Elsa Hernandez reporting on news of importance to Hispanics. That includes local, national, excuse me and international news. We have reports from President to wants going on in government here in the United States because that's were we live. We also have, we're working together with Northwest Arkansas Community College in the new program they have, its Paso Paso, or step by step which is helping the Hispanics students that is just graduating to get ahead and help them in their english to make it better. Yes, sir.

The mayor says I just have a question here. I think that your premise is that you would like for Cox to instead of just blacking out Channel 4, use that for a station as-like you're talking about. Is that basically right.

Ms. Hernandez says no. We're not opposing for them to-at that new channel they are asking for on the contrary. I think it would be good but at the same time we would like for them to have a space to have us since we're local. We're promoting education, community, every thing that has to do with our local community. That's going to inform the Hispanic, Hispanic community of what's going on in the area. From local events, we had Feather Fest, we have the Cinco De Mayo festival at the Jones Center. We are informing them of this program with Northwest Arkansas Community College is working on which is Step by Step. We also had the, excuse me, I thoroughly

Alderman Trumbo says Elsa have you already been to the Telecommunications Board with this presentation? I don't think, no we haven't. We just knew about this meeting and we knew that Cox Communication was going to be here. And lot of the people that has been watching us has been calling me and sending emails of what can they do, or how can they do to be able to get K20 on cable. Because most of them like myself, we're customers of Cox Communications but at the same time we would like to be able to receive K20. Like myself, in my case, or my family, we have Cox on the living room, you know or in one of the rooms then we have an extra TV unhooked so we could get K20. That is the only way.

Al Lopez says to be brief because I know that you have a lot of things. All we're here to do is to ask from you and yes to have the vision because we know that Fayetteville always has that vision to be the first ones in allowing a spanish channel television that's local so that we can reach out to the Latino community. That is happening right now. A lot of the people out there with the rabbit ears antennas. They're hooking up because it's local and they're finding out and there's plans to teach english through television and local news is very important too. So we're just saying here to if there is anyway that the City of Fayetteville can help out to guide us through the process of being able to-you be the first ones I know that others will follow if you maybe consider this.

The mayor says I would like to ask, I guess I can ask Marvin here. What steps these folks should take

to see if they couldn't promote this idea?

Marvin Hilton says actually if we can show a need for another language station, we have a right to ask for it in the franchise. So I don't know where that is right now but we can ask for a spanish speaking station. If we show a need for it.

The city attorney interrupts to say we'd have to show a need for that. And of course, if there is a real need I think they'd be eager to fill that because they want to reach as many viewers as possible. I haven't seen any evidence or information that would be able to demonstrate a need to Cox which would justify us in our franchise negotiations to request a spanish speaking station in Fayetteville. Who knows in the future obviously there might be a need that could be proven.

Alderman Zurcher says I'd like to look at the census figure, the way the census figures we have for Fayetteville. I mean I don't know what kind of percentage would demonstrate a need but I would

Alderman Santos interrupts says I bet Mr. Lopez has a pretty good idea what the latest Latino percentage is.

Mr. Lopez says well, over all, I mean northwest Arkansas you that in the whole nation is biggest growing. The fastest growing in Latino population and I just feel that if its not here in Fayetteville its coming. And we should be prepared because I just think about, image a tornado hitting and people not knowing what to do. I mean education is the most important thing that we have to do. And I feel if Fayetteville takes that lead in saying yes before people get here, before our population grows in Fayetteville lets starting working with it. Others will follow and we could really have a good thing going. Its needed. The numbers right now are proving that its needed. We have people right now disconnecting cable and buying the rabbit ears because it's a local station. News in the morning, education and letting people know really not only their rights this community but also their obligations of how to be a part of this community. So I think its important and number wise in Fayetteville I don't know. All I know is that when I play a Chester's with the Barrio Band a lot of Hispanics show up. A lot from the area plus Anglos too, just come and join and have fun. But at the same time its very important for us to educate our Latino brothers and I think this is a great opportunity.

The mayor says the last time I looked at the census figures and I'm not sure I have these right because there's so many numbers I might have gotten it confused but I there are 2500 Hispanics residents in Fayetteville now.

Alderman Young says I think there is something else. Marvin? Am I incorrect but that it seems to be like there was something, federal regulations or something about they must carry local stations?

Marvin responds well on this subject I believe we need to check two things. We need to check when the need has been met in our for the cable operator to supply another language station and the other thing we need to check, we need check and see what we said in the needs and interest assessment that

we did before the beginning of this negotiation.

Alderman Young said no, no, that's not what I'm talking about. I'm talking about if a station starts up locally they have to be carried. I thinking about one right now and its also in Springdale and its being carried.

Marvin responds I believe it has to be full powered but I would have to check on the rules. The rules get

Alderman Young interrupts and asks Mr. Lopez are you at full power or where are you?

Mr. Lopez states it's a low power station.

Alderman Young says it's a low power station okay.

Mr. Lopez says being seen with an antenna with the rabbit ears as I said in Springdale and Rogers. I mean you can tune in. I don't know if in Fayetteville you tune in too. So I invite you to just you know may, not to cut cable, by one of those switches that you can go and switch on and kind of find out and see what's going on because I really feel that it's the next step and its needed. Right now there's two spanish radio stations in town and we reach people through that. Actually there's three now. And there's two spanish newspapers. But on a day to day basis if we could have somebody telling those news in the morning and when the weather is bad to come on the air and let people know. I think that would help immensely.

Alderman Thiel said I certainly think this is a good idea. I just don't know if it has anything to with this particular item on the agenda.

The mayor says well I know what you are saying. I'm not sure it does either. Marvin, what is the next move they should, should they talk to the Telecommunications Board.

Marvin says actually this is not really related to the issue on the agenda. It's another issue that we certainly let them

Alderman Thiel interrupts to say but should they go ahead, he's asking though if they should go ahead and go for the Telecommunications Board or can you help. I mean I think this is a good idea its just not, is not the time for it.

Marvin said we need to look at it. We need to look and see what we said in the needs and interest assessment about that subject.

Alderman Thiel interrupts to say and check out possibly what size.

Marvin continues to say and also the rules.

Alderman Thiel says right.

Marvin continues about requiring a spanish-speaking station.

Alderman Zurcher says but where would the next, I know we need to look at stuff but I mean is Kit working out the agreement with the company or is the Telecommunications Board working on that or who's actually working on franchise.

Marvin responds Kit along with our consultant is working on the negotiations for the new franchise agreement. So I guess at this point the Telecom Board could forward a recommendation to you before you have that completed.

The city attorney then says that wouldn't be a bad idea if they wanted to appear before you and then you could send me a recommendation. And we need to look at some of those other things especially about whether we can establish to the cable company that there is need actually here in Fayetteville. That would be something that would be very important in these negotiations.

Alderman Thiel says so you'll get with them and kind of find out what they need to do.

Marvin says we'll check it out.

Alderman Santos says the need may be small now but it is definitely growing. I know the university has big goals for increasing enrollment and the only segment of the population with increasing numbers of school children is the Latino segment. So we already have multi-disciplinary task force trying to the Latino population. Trying to get them interested in coming to the University of Arkansas. This could be useful for that. And it would be a very good thing to have in the community.

The mayor says so you can get with Marvin and he can get you set up with the Telecommunications Board.

Mr. Lopez says thank you very much and we apologize coming here and not really being on the agenda or talking even about what you're talking. We just saw Cox Cable and that you were going to get together today and we went a little crazy and just ran up here and talked to you. So I apologize but at the same time thank you for having the vision and doing what you are doing.

The mayor says thank you for your interest. So I entertain a motion to approve Cox Communication. Alderman Davis says so moved and Alderman Zurcher seconded. We have a motion and second. Shall it pass. The city clerk calls the roll and upon roll call the resolution passes unanimously.

B. OLD BUSINESS

TREE PROTECTION AND PRESERVATION: An ordinance amending the Tree Protection and Preservation Ordinance to allow for a variance, reduction or alteration in the requirements of the Tree Preservation Ordinance. The ordinance was left on the second reading as amended at the May 15, 2000 meeting.

Alderman Jordan makes a motion to suspend the rules and go to the third and final reading. Alderman Davis seconds.

The mayor says we have a motion to suspend the rules and go to the third reading, shall it pass? The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney then reads the ordinance for the third time.

The mayor asks for any comments or questions from the board. Any questions or comments from the public? Seeing none I'll bring it back to the City Council. What's the Council's wish?

Alderman Jordan responds I make a motion to approve the ordinance as presented. Alderman Davis seconds. The mayor asks we had motion and second to approve the ordinance, shall it pass? The city clerk calls the roll and upon roll call the ordinance passes with Aldermen Young and Zurcher voting no.

The mayor says thanks and we'll move along to the HMR tax.

HMR TAX: An ordinance amending § 35.20 of the Code of Fayetteville to add delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store restaurants, caterers and similar businesses to the list of businesses collecting the city's HMR Tax. The ordinance was left on the first reading as amended at the May 15, 2001 meeting.

Alderman Jordan makes a motion to suspend the rules and go to the second reading. Alderman Santos seconds. The mayor says we have a motion and second to go the second reading. The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney then reads the ordinance for the second time.

The mayor asked for any questions or comments from the Council.

Alderman Zurcher responds I guess, you know this has seen some discussion. I would rather not decide on this at this meeting. I think that if this Council is going to pass another tax on food, I hope we don't, but if we do is should at least get three readings. So I think we should leave this on the second reading tonight.

The mayor says one question I have is how is this going to effect the concessions at the new 72,000 seat stadium and the 20,000 seat Walton Arena?

The city attorney responds by saying well argueably if the Council chooses to pass this broadening of this tax to cover concession stands as well as the restaurants like it now covers, with the Razorback football games with 70,000 and the Razorback basketball games there's 18, 19 or 20 of them. I think that that would be the largest different between the way the taxes are now and the way they will be in the future. I think that will be the biggest change in this ordinance will be the fact that I think the concession stands at the University of Arkansas Razorback games will be come underneath this tax. Mr. Maguire I don't know if you want to comment on that.

Mr. Maguire said Kit I agree with your assessment of it and I expect that that will be the biggest revenue producer from this change in the ordinance.

The mayor asks for any other questions or comments?

Alderman Zurcher said actually I just said I didn't want to take any action on this tonight. I want to try an amendment to this. And see if it floats at all. My amendment would strike delis, drive-in restaurants, carry-out restaurants, convenience stores, grocery store restaurants, and similar businesses and leave caterers and concession stands. I assume that would still leave the nonprofit, the charity stuff in there. So what this would do is add that other penny to caterers and concession stands.

Alderman Jordan says I'll second that.

The mayor states we have a motion and second to amended this ordinance. Does everybody fully understand the amendment.

Alderman Young says no. Lets make sure we know what were doing here. What are we striking?

Alderman Zurcher says basically with the definitions all remaining the same. We would strike everything except concession stands and caterers. That we are going to add this tax to concession stands and caterers.

Alderman Young asks are you striking prepared food or beverage? Any food or beverage product prepared food or beverage in a food or beverage establishment for sale.

Alderman Thiel says you really need to go over the ordinance rather than the definitions don't you. Because that's leaving in your carry-out restaurants. You're doing the definitions, explain.

Alderman Zurcher says I would leave the definitions the same.

Alderman Thiel says well why don't you just. Okay. Alright. So read it again. Proceeds received by

what?

Alderman Zurcher replies concession stands.

Alderman Thiel, okay.

Alderman Zurcher and caterers.

Alderman Santos says that doesn't get the take-out pizza and the drive-thru milkshakes.

Alderman Zurcher says what it does get is

Alderman Santos interrupts to ask why should they be exempted when the other isn't?

Alderman Zurcher responds by saying well, let's think about who this tax is going to tax. Concession stands will get the people who are going to games. They are not all tourist definitely but a lot of them are. And caterers are getting people who can afford to cater. Which is not, I don't think is not the typical middle-class or lower-class individual.

Alderman Santos says but still some pizza should be taxed and others shouldn't.

Alderman Zurcher says well if you want to go back and

Alderman Santos interrupts to say we've been doing this for a year now.

Alderman Zurcher says well I know.

Alderman Jordan says why don't we just vote on this amendment real quick.

The mayor says we have a motion and second to approve an amendment on this ordinance.

Alderman Zurcher interrupts to say can I just-basically just to clarify Kevin, yes I would say that a restaurant that has seats for six or more people would charge the tax still. And a restaurant that doesn't have or where ever you are getting food that doesn't have that many seats wouldn't charge the tax. I mean that's what the law says.

Alderman Thiel says I think you're going to have to be careful about amending this right here. Well maybe not, maybe our city attorney can. So you're leaving in restaurants, cafes, cafeterias.

Alderman Young says no. He's taking out-the motion was to take out everything except

Alderman Thiel interrupts to say I know, but you don't what

Alderman Young continues concession stands and caterers. That means he eliminated restaurants and cafes and cafeterias.

The city attorney shouts no he cannot do that. That would be illegal since we have pledge revenue to purchase projects with the current tax. The only thing that is before the City Council is not the restaurants, hotels or cafeterias.

Alderman Young says no its before us. It's in this ordinance.

Alderman Zurcher says well the stuff we're adding.

The city attorney says the only thing that it is before the Council is whether to add businesses to it. Not whether you can take restaurants off it. That's is not the issue before us. The only issue before the Council is adding other businesses.

Alderman Thiel says right.

Alderman Young asks then why did you have restaurants in there? It says were adding restaurants.

The city attorney says if you'll look at that under the whereas clause is says that we are currently taxing restaurants, cafes, cafeterias and other establishments. It doesn't says that we are going to add them. It is just saying that is what we're doing now, Cyrus. It is-this ordinance would add other food preparation establishments to that list.

Alderman Young says that's not what this ordinance is saying. This ordinance is-you've got restaurants in there and if his motion passes then you've taken out restaurants whether it's legal or not.

Alderman Zurcher says what I'm talking about is where it says add. What we're going to add which is delis, drive-in restaurants, carry-out restaurants.

Alderman Young says you're looking at the agenda. I'm looking at the ordinance.

Alderman Davis says you're basically coming into the second paragraph and here's where you're deleting items where it says Whereas the City wishes to apply the HMR tax to delis which is what he is asking to be deleted, drive-in restaurants, carry-out restaurants, concession stands which he wants to have included, that's the paragraph that he is talking about with the additions or deletions.

Alderman Young says whereas ain't where the courts start reading.
Alderman Jordan says the concessions too?

The mayor says I would think that if the motion passes to amendment this to just add caterers and concessions that Kit would bring forward another

The city attorney interrupts to say Cyrus the way I'm interrupting he's motion to amend since he can't remove the restaurants and cafeterias out of Section 1. that the restaurants, cafes, cafeterias must remain as is. They cannot remove them out.

Alderman Young said I'd much rather see a motion and know what which one of things we're striking out.

Alderman Zurcher asks is there not a way that would leave, the people who already collecting this tax, the businesses that are. Let that alone. But the ones that we are talking about adding instead of adding all these other things all we would be adding is concession stands and caterers.

Alderman Jordan says that's right.

Alderman Zurcher says that seems pretty simply to me.

Alderman Reynolds says why are we're dealing with this? Why don't we leave it like it was. Because why we're doing this is to make this thing fair across the board to everyone of the customers.

Alderman Zurcher says that's why some people say that we are doing it. But I don't believe that.

Alderman Reynold says you can't get back to like it was.

Alderman Zurcher says I don't believe that. I don't agree with that, that this is fair across the board to all customer. And to me this would be a lot more fair just to charge it to concession stands and caterers. These aren't people who are buying dinner for their families. These are people who are getting a hot dog at a football game or basketball game and people who are catering events. It's much different.

Alderman Reynolds says so if you buy a pizza from a place on the square or on Leverett Street, one pizza place pays the taxes and other one doesn't on Leverett Street.

Alderman Zurcher says right the customer's are paying the taxes though.

Alderman Reynolds says why should one pay it and other one not pay it?

Alderman Jordan says I agree with that.

Alderman Zurcher says yeah.

Alderman Jordan I think we ought to take the restaurant tax off it all together.

Alderman Zurcher says and I'm not going to disagree with you that it's not fair to tax food. Because I don't think it is fair to tax food. But they way to make it more fair isn't to tax more food.

The mayor says what I'd like to do is go ahead call in the vote for the amendment so we can go ahead and get this argument out of the way and get this going.

The city attorney interrupts to say but let's make it clear, I think Cyrus has a good point. From-for the actual motion under Section 1, you are moving to strike out following cafeterias, delis, drive-in restaurants, carry-out restaurants, convenient stores, grocery stores restaurants, and similar businesses as may be defined from time to time by ordinance. Is that what you are wishing to strike?

Alderman Young says similar businesses. Okay right so that's what we are striking out.

The city attorney says that is the motion. The way I understand it. Is that right Alderman Zurcher?

Alderman Zurcher says right.

The mayor asks Mr. Jordan is this still square with what you have seconded.

Alderman Jordan says it sounds good to me.

Alderman Young says is there any public discussion to see what the public might think about this.

The mayor asks is there is anyone who would like to speak to this issue before this amendment is voted on.

Alderman Thiel says do we have a motion to second yet?

The city attorney says yes for the motion the amendment.

The mayor says yes, Lioneld seconded it.

Ms. Johnson says I thought perhaps I could sit on the back row tonight. The A&P Commission started this process last September in looking at the fairness of the tax issue and I hope that you consider that tonight. Those people who form the majority on the commission are those people who collect the tax and their issue is simply a matter of fairness. If you buy a cake at one place it ought to be taxed the same as a cake at another place. Based on cakes. If it's a pizza at one place, it ought to be the same tax to whomever is buying as a pizza at another place. If you buy a drink at one place, it ought to be the same thing as a drink at another place. This is the fourth time that I've been before this commission or this Council. I went to the Ordinance Review Commission three times. I think all the issues have been laid out on the table and I think that the final compromises that we made regarding the issues with the city accounting department that collects the tax, including a definition of the concession stands and the delis. I think those are all positive changes. I don't think this is a positive change for the tax or for those people who are presently collecting tax nor for those who are not collecting. As Kit pointed out to you, it is clear that this tax no what you do to it will remain in perpetuity as long as we have bonds

that are issued. Because any time that this tax is pledged it cannot be repealed. So the tax continues as we have it and hopefully we can make this fair to all those entities that are involved in this taxing issues. Do you have any questions?

Alderman Zurcher says I guess my only questions is-I guess it's sort of related with the amendment but what is being done right now. I remember we passed an ordinance to help collect the A&P tax from businesses who are already collecting it from their customers and not paying it to the city? What's being done with those deadbeat businesses?

Ms. Johnson says Randy I can't answer that question because I don't collect the tax. That's an issue that needs to be addressed to the city accounting department because they collect the tax. And about the only thing that I see on that is a report once a month.

Alderman Zurcher says so you don't know what they are doing?

Ms. Johnson says I certainly don't.

Alderman Zurcher asks who is the chair of A&P Commission?

Ms. Johnson replies Joe Finnell.

Alderman Zurcher asks has the A&P Commission been working with the city in trying to get these.

Ms. Johnson says that's not our job. We hire the city to collect the tax. We pay the city about \$30,000 a year to take care of all that process. And quite frankly, any suggestions that we make are taken into account in the accounting department but we don't keep a day to day tab on the things that they do.

Alderman Zurcher says okay. So who would I ask about that.

The mayor says probably Steve Davis would be my bet but he is out of town til Thursday.

Ms. Johnson says Emma Badgely is the one who is in charge of the whole HMR, in that collect procedure so I think she would probably be the best source to have.

Alderman Thiel interrupts asking who?

Ms. Johnson continues Emma Badgely.

They mayor asks for any other questions or comments from the Council on this?

Alderman Young says well one of the reasons I was in particular worried what was being taken out and left in is so I would know. Because when he first made the motion it sounded alright but going through

here now it says grocery stores and restaurants. And so we wouldn't be taxing those but we would be taxing other restaurants. So that comes down to a fairness issue there for me. So I was going to vote for this but-for the amendment but because of that I won't.

Alderman Davis says I think we have a motion to call for a vote by Mr. Trumbo here a while ago.

The mayor says alright. Is there any other comments in the public about this? Shall the amendment pass? The city clerk calls the roll and upon roll call the amendment fails with Aldermen Zurcher and Jordan voting yes.

The mayor says so we're back talking about the HMR tax. Where were we a minute ago?
Alderman Santos says Randy had asked to leave it on the second reading.

The mayor says I'm sorry.

Alderman Davis says I'm not sure why we're going to leave it on the second reading. It's been publicize in the paper numerous times. I haven't had any phone calls who told me not to vote for this tonight or to table it. So I don't see any reason why we shouldn't go ahead and read it for the third time tonight.

The mayor asks we you making that in a form of a motion? Alderman makes the motion and Alderman Reynolds seconded the motion. The mayor states we have motion and second forward this to the third and final reading. Shall this pass? The city clerk calls the roll and upon roll call the motion passes with Aldermen Zurcher and Jordan voting no.

The city attorney then reads the ordinance for the third and final time.

Alderman Zurcher states let me just say that if this Council chooses to pass this tonight I don't believe it's an issue of fairness at all. I haven't heard any business come in and say that they've lost business because they're having to charge this tax and the other people aren't. What I believe this is, is an attempt by the A&P Commission to get more because they basically spent all the money on the Town Center and they need more. And I'm not against advertising and promoting the city. I think there's a certain amount of that we need to do. Taxing food is not the way to do it. So I will be voting against this.

Alderman Santos said I just want to say one more time, that I don't see it as taxing food. You're not taxing the groceries. You're taxing the service. You're hiring a servant to do your household chore of cooking for you and that's what you are paying the tax on. You're not forced to hire that servant to do that service for you. You can buy groceries and completely avoid this tax. It's a voluntary tax by people who want to enjoy the luxury of a servant preparing their meal.

Alderman Reynolds says the other thing is regardless of wanted that Town Center, its there. This

administration is going to fund it, we're going to have to run it and we're going to have to have the money to operate it.

Alderman Young says I've had people from both sides tell me their opinion and I weighed it back and forth for quite awhile. And down at the end here I guess I'm going to vote for this. But if Randy, there's enough people on both sides that if Randy's ordinance to refer it to the people comes up I'll vote for that one also.

The mayor asks for any other questions or comments from the Council.

Alderman Jordan says I'm not going to vote for it either but I think I've said enough about this. But I would like one more little shot here as I go down like the Titanic. We talked about this being a fairness issue but I want to talk about the fairness to the taxpayers. The low income, the middle income, and the fixed income people. People who scratch out a living everyday by the sweat of their brow. The peoples whose heating costs has tripled and their gas pumps have doubled in the last year. And the elderly person whose medication is \$300 a month while their social security check is \$800. I'm not going to vote for this tax and that's that.

Alderman Trumbo says I'll make a motion to approve the ordinance as presented. Alderman Davis seconded.

Alderman Zurcher says I have one more question if you don't mind. Kit if this does pass we can still discuss a special election even if this council has passed it. We can still put it up for a vote if we want to.

The city attorney answers in fact Randy you have asked me to prepared an ordinance that would refer these ordinances if we pass them. And so, the ordinance that I prepared for you requesting a special election was in the event that these ordinances would be passed.

Alderman Zurcher says okay.

The mayor asks is there any comments from the public? He then recognizes Mr. Garcia.

My name is David Garcia. I live at 120 N. Block here in Fayetteville. I had not intended to speak tonight but something that Randy said really struck me which was you don't make an unfair food tax fairer by taxing more food. And Councilmen Santos with all due respect I would have to disagree with you about this being an issue of servants and privilege rather than an issue of food. I know that I worked for five years as a janitor at the university. I think I have some familiarity with working class folks as oppose to middle and upper income folks and I've worked factories here in Fayetteville. And again I think know something about working people. I don't know folks that have worked in factories who get a half hour for lunch and you know just run down to the convenient store to pick up a lunch and run back cause they don't have time to much else. There was one factory where we were working

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12 and 14 hours a day so if somebody was a little too tired when they got home that night to prepare a lunch to bring the next day and had to run to the convenient store for their half hour lunch I would not accuse them excusing privilege in hiring a servant to prepare their food rather than doing it themselves. I think you're over looking from a position of privilege some the realities of what it is to be on a six, seven and eight dollar an hour wage. Whatever you say you are taxing the food that a lot of working people eat to promote the Town Center or tourism or whatever it is you want to promote with this tax. And that strikes me as grossly unfair. It's strikes me as blatant that the Council has voted 6-2 on this issue that just grieves me that there's that kind of - I don't think its anything bad. I'm not accusing people of anything bad. Its just I think more of little bit more unfamiliarity with the folks that are working this town for six, seven, eight dollars an hour and how they actually live their lives. A little more sensitivity towards that I guess.

The mayor says thank you Mr. Garcia.

Nan Lawler. You need my address?

They mayor says sure go ahead.

Ms. Lawler continues 68 S. Castrol, Fayetteville. I have one question. As of last time this was read there was an exception made for sliced meat and cheese in delis. They were not going to be subjected to that HMR tax. Is this still the case?

Alderman Davis says yes, ma'am.

Ms. Lawler continues in that case how do you justify that on the basis of fairness? Somebody prepared that meat.

Alderman Santos said I asked for that because if you buy it in an Oscar Meyer package you don't pay the tax. If you buy it sliced in the store you do pay the tax on it. Consider that to be a completely prepared food by a long shot. That's something that people-that's ingredience that people use in their kitchens to make meals with.

Ms. Lawler says okay let's go one step further. How about the prepared dinners that you buy in the freezing department? How about the cans of soup that all you need to do is heat up? What's the difference between that and the soup you might buy in the deli? I find it horrendous that a \$2.00 burrito is taxed but \$6.00 a pound meat is not going to be subject to this tax. This is outrageous. And I-if you want to be fair, be fair. Sliced meat and cheese is not basic grocery items. If want meat you go and buy a piece of meat and take home and you cook it. Otherwise you're paying someone else to be your servant and cook it and slice it. So that's what I'm saying. You keep saying that this is an issue of fairness. If you're going to be fair, be fair. And basically I did notice that last time the coffee bought in convenient stores that was originally exempt from the tax that was kind of a silly exception and that was removed right away. Evidently that was not anyone's favorite item.

Alderman Thiel said that came from me because I had constituents that really were concerned about the coffee.

Ms. Lawler says well I'm really concerned about this sliced meat and cheese. I'm very very angry about it. You know if you're-if you're saying this is fairness then be fair. And incidently in terms of the stadium how many of those concession are going to be 5013C organizations? Are any of them?

The city attorney says we're not absolutely positive on that. But I don't think that they are going to be 501 3C organizations. A lot of times nonprofit groups run them. They are paid to do that by the commercial establishment that actually owns them. The way that this ordinance is draft just run by a 501 3C just being managed or staffed by a 501 3C organization doesn't exempt them. Not if they are being run for profit which I think that they are run for profit.

Ms. Lawler said I just wondered about that. But the sliced meat and cheese is grossly unfair.

The mayor says thank you Ms. Lawler.

Hi I'm Jeff Erf. 2711 Woodcliff Road. I have a quick comment. Randy mentioned something earlier about some of this new tax revenue that will be generated from expanding the tax-may or not go to the Town Center. I just wanted to remind you of Act 1073 that was passed by the last legislative session which will-which has eliminated the turnback funds for the Town Center. And according to Town Center financing table I have from 1998 that's \$180,000,000, \$180,000 a year. So we're going to need some more-the A&P Commission going to need more money. I say don't stop here. I say add another 1% to the hotels if that's possible and try to tax as much as you can so we can pay off this thing. Thank you very much.

The mayor says thank you and asks for any other questions or comments from the public? Seeing none I'll bring it back to the Council. Any other questions or comments from the Council. We're on-we have a motion and second to approve the

The city attorney interrupts and says just shall the ordinance pass.

The mayor says okay shall the ordinance pass? The city clerk calls the roll and upon roll call the ordinance passes with Aldermen Zurcher and Jordan voting no.

The mayor says we'll move along to No. 3 the Parks HMR tax, essentially the same thing.

PARKS HMR TAX: An ordinance amending § 35.31 of the Code of Fayetteville to add delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store restaurants, caterers and similar businesses to the list of businesses collecting the city's HMR Tax. The ordinance was left on the first reading as amended at the May 15, 2001 meeting.

Alderman Jordan says I make a motion to suspend the rules and go to the second reading. Alderman Davis seconded.

The mayor says we have a motion and second to suspend the rules. Shall the motion pass? The city clerk calls the roll and upon roll call the motion passes.

The city attorney reads the ordinance for the second time.

The mayor asks for any questions or comments on the Council?

Alderman Zurcher asks so what we just passed was one penny extra? Per dollar. And this one would be another penny per dollar? On these extra items I mean. So it would be two cents instead of one cent if we passed this other one too.

The city attorney says this is related to the Parks HMR tax and the other one was to the A&P HMR tax.

Any questions or comment on this issue? Seeing none I'll bring it back to the Council.

Alderman Santos says I'll move to suspend the rules and go to the third and final reading. Alderman Reynolds seconded.

The mayor states we have a motion and second to suspend the rules. Shall the motion pass? The city clerk calls the roll and upon roll call the motion passes with Aldermen Zurcher and Jordan voting no.

The city attorney reads the ordinance for the third and final time.

Alderman Trumbo says I'll make a motion to approve the ordinance as presented. Alderman Santos seconded.

The mayor states we have motion and second to approve the ordinance. Is there any further comment from the public?

I'm Nan Lawler. I love the parks but again I say you people are so stupid not to realize that sliced meats and cheese doesn't just leap from the animal without any help. That's all.

The mayor says thank you and asks for any other comments from the City Council? Shall the ordinance pass? The city clerk calls the roll and upon roll call the ordinance passes with Aldermen Zurcher and Jordan voting no.

The mayor says thank you. Now we'll go to No. 4.

SPECIAL ELECTION: An ordinance calling and setting a date for a special election for the adoption or rejection of ordinances enlarging the definition of what type of business and what type of gross receipts or proceeds would be subject to the Hotel, Motel, and Restaurant Tax and the Parks Hotel, Motel, and Restaurant Tax. The ordinance was tabled at the May 15, 2001 meeting.

Alderman Zurcher asks do we need a motion to pull that off the table?

Alderman Davis says I make a motion that we table this indefinitely.

The city attorney says okay. Before-just one second. You don't need to vote it off the table at this point. It was postponed definitely to this meeting and therefore it is before us at this point in time.

Alderman Young asks is it ready to be read for the first time?

The city attorney says it has not been read.

Alderman Young says it's read, right?

The city attorney says pardon.

Alderman Young says it's ready to read.

The city attorney says yes it's off the table and ready to read at this point in time.

Alderman Davis then moves to table it indefinitely. Alderman Santos seconded.

The mayor states we have a motion and second to table this item indefinitely.

Alderman Zurcher says can we discuss that?

The mayor says yeah, we're going to right now.

Alderman Zurcher says I thought that was going up for immediate call. What's your reasoning on tabling this indefinitely. You're wanting just to flush it right? So we never have to talk about it.

Alderman Davis says Randy the way, I'm looking right now and the votes so far have been 6-2. Cyrus has indicated that he will go 5-3. We have enough votes and by doing this we'll find out if we need to go any further.

Alderman Zurcher asks why would hurt to talk about it and vote on it? Instead of just tabling it.

Alderman Davis says we can talk about now then we'll have to vote on tabling it.

Alderman Zurcher says why table it? Why not just pull it out here and talk about it and vote on it.

Alderman Davis says let's go ahead and talk about it now but there's been a first and second.

The city attorney says you can debate this. This motion is debatable. What this motion would do is mean that I would not have to go ahead and read this three or four page ordinance. You could still talk about it and then you could vote on his motion. If the motion fails then I will read the ordinance and if the motion passes then I will not read the motion.

Alderman Davis says well okay.

Alderman Zurcher says I guess my main point tonight would be things have changed a little bit since the first time we talked about a special election and all the talk was about oh one time \$10,000 and one time \$15,000 and one time \$20,000, how much it would cost to have a special election. Our Third District Representative, Asa Hutchinson, it looks like is going to the head of the DEA. And what that means we are going to have a special election this year. So the only cost of this election would be the ink to print it on the ballot that are going to be already printed.

The city attorney says I should call your attention to the fact that there is specific time period in which a special election has to be called after an ordinance is past calling for the special election.

Alderman Zurcher asks what would that be?

The city attorney responds I think it is thirty to ninety days. And the most recent thing that I've read in the paper is that it could be a significant period of time before Congressman Hutchinson would actually be approved and therefore when he would leave and office would be vacated, then the govern would call for a special election at that time. So that would be much further out than our window of opportunity on this.

Alderman Zurcher asks we couldn't set a specific date or we could say some time in the future it would have be within.

The city attorney says it has to be between thirty and ninety days from the date you all pass an ordinance setting a special election.

Alderman Zurcher says well that had a wrench in it.

Alderman Thiel says I'd like to say something about this. You know if there are enough citizens that are concerned about this issue, I checked on this and based on the—a citywide election referred by the citizens required signatures from 15% of people who voted in the last mayor's race. Based on 19,547

in that election a petition would required 2,932 signatures. You know the citizens of Fayetteville if they really do want a special election called on this-I would feel more comfortable if we had a petition of that many signatures. That would be signifying that this election is worthwhile and that the public really want to speak about this issue. I'm opposed to special election because they are held between the holiday's, or this one would be. And a lot of people really do object to special elections during the holiday season. If you really do want a

Alderman Zurcher interrupts and asks holiday season? You mean during the summer.

Alderman Thiel says yeah, that's whatever people generally take their holidays. You know I think if you really want a consensus or some kind of a feel about how the public feels about this. I don't think a special election is really going to get you that. Possibly, I mean a poll would be better done through flyers put in the water bills or something like that. But I'm not suggesting us do that.

Alderman Zurcher says I bet not. I don't think you would want to see what the people would think if they were polled about another tax on food.

Alderman Thiel says well I really think that if there is enough concern, if there is 2900 concerned citizens out there about this, you know, they can call for a special election. That would really tell us that you know, I feel like we're elected officials and we were elected to represent the people and that's our responsibility. And this issue was something that we're asked to vote upon.

Alderman Zurcher says I'll defer to you on this and I'm going to do it with one parting shot. And that is the very Town Center that we are financing through tax more food was voted on in a special election in the summer.

Alderman Thiel says I'm not even sure but what the HMR tax weren't-were they not special elections? The parks and the-I'm not sure about that either. That does not mean that I particular-I do not support special elections.

Alderman Zurcher says the only reason I'm bring that up is I don't believe a majority of people would have voted for it if it had been a regular election.

Alderman Thiel says that

Alderman Santos asks how long before these ordinances take effect.

The city clerk states thirty days afer they are published.

The mayor says is it thirty or ninety days?

Alderman Santos says it would be thirty?

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The city attorney says yes, at this point. Later it on it becomes-we have to wait ninety days but that is not until August. At this point in time ordinances that are passed become effective 30 days after we pass them. You pass them.

Alderman Santos says well I'd say if there's 2,000 people out there who believe this is really a tax on food and not a tax on service, let them sign a petition and keep this on the table as Bob suggested and we can bring it back then if we see if there is

The city attorney interrupts to say 3,000.

Alderman Thiel says roughly 3,000.

Alderman Santos says I'd settle for 2,000.

Alderman Zurcher says I'd settle for a poll through the water bill and just really find out what the people think.

The mayor says so we have motion and second to table this indefinitely.

The city attorney says actually it should be interpreted-should be said postponed indefinitely is what the Arkansas Municipal League says.

The mayor asks if there is any other further comment from the public. Is there any other further comment from the Council. Shall the motion pass? The city clerk calls the roll and upon roll call the motion passes with Aldermen Young, Zurcher and Jordan voting no.

The mayor says thank you and we move to New Business.

C. NEW BUSINESS

IMPACT FEES: A resolution approving a contract with Duncan and Associates to conduct Phase 2 of the Development Impact Fee Study for water, wastewater treatment and collection, roads, and parks.

Alderman Santos says I want to make this motion.

The mayor says I'm sorry.

Alderman Santos says I want to make this motion.

The mayor says so move.

Alderman Santos says I move to pass the resolution. Alderman Jordan seconded.

The mayor states we have a motion and a second to pass this resolution. Any other comments from the City Council.

Alderman Davis says well mayor the problem I have with impact fees I'll go back to what Lioneld's been talking about the poor and working class individual. By putting impact fees on these individuals whenever they get ready to buy a lot in a residential subdivision that cost is going to be past on to them. And it's person who is trying to possibly purchase their first home to where they can not finance it. Because right now what we saw on the impact fees you are looking at what approximately \$3,000 with what was presented to us last time. And I'm not sure that all these comparison that were used are in the same tax situations we are in the State of Arkansas. I'm not sure if all of them are allowed to have property taxes or sales taxes or what have you. I don't remember seeing any of that in that information that we provided to us. In fact I don't think believe it was there. And I would like for those people to tell us exactly what all the tax options on all those communities that were presented to us. What the ability for them to get fees what they are.

The mayor says so you basically what us to compare apples to apples.

Alderman Davis says absolutely.

The mayor says alright.

Alderman Zurcher and Thiel speak at the same time.

Alderman Zurcher say go ahead.

Alderman Thiel says excuse me. I think my response to that is that you know if this firm sees that we can fairly implement impact fees I think it will take a burden of cost off the citizens of Fayetteville who have already paid for example, their sewer treatment plant. They've already paid for their share. You know I think that any well planned growth in a community should basically pay for itself. I don't think it's too late. I think Fayetteville probably should have done this ten years ago and if Bentonville or Rogers, one of you refer they decided not to do this. I think they are definitely going to regret that because they are at the point now where impact fees on new construction could really offset some of the problems we've seen keeping up with our infrastructure simply because we did not have impact fees 10 years ago whenever our growth really started. So I think the idea of hiring this firm to go ahead and this does not mean that were not voting right now for impact fees. We are voting for this firm to do a study on the feasibility of the facilities that we did recommend to them. And you know, another thing, this initially was going to cost us we thought considerably more than this, about \$45-\$50,000 and its came in at less than that and I think right now would be a good time for us to go ahead and support this study.

Alderman Davis says Brenda I do have one question.

Alderman Thiel says then we can discuss the actual impact fees.

Alderman Davis says I appreciate your comments but I also have a question for you. I'm sure what your definition of a resident is. Someone who's been living in a rental dwelling for ten years. I still think they are a resident. If they decided now to go out and buy a home, if we do decide to pass impact fees, that impact fee is going to be passed on to them. Yet they've paid the sewer services and so forth for 10 years. They've also had access to streets for ten years. All the sudden when you say the word resident, they had been a resident.

Alderman Thiel says well maybe I should have made it clearer. A long term resident such as myself and a lot of other people that have lived here for 30, 50 years. We've already paid for a lot of these fees and its unjust that we-impact fees at this stage of game are not going to make up for you know how far behind we are with our infrastructure.

Alderman Davis says no they're not going to make up.

Alderman Thiel says no they're not but its going to-it can certainly help and that's what this study is going to tell us. You know I can't see why you would object to at least having the study. That's not-you know-we're not committing to anything yet.

Alderman Davis says I understand that. And I don't mind the study but I'm just kind of like Lioneld over here I wanted to let everybody know upfront that I'm totally opposed to this. Because I want the working citizen to have the opportunity to buy their first home or the long term resident that's been apartment dweller for 15-20, maybe even 35 years. I've had tenants of my own that are 45 and 50 years old finally have the opportunity to buy their first home. They've lived here all their life.

The mayor says sorry just a point of clarification. I know that the last meeting I think that someone stated that Bentonville had dropped their idea of an impact fee. From what I understand they haven't dropped it they are just waiting to see what we do.

Alderman Thiel says oh okay.

The mayor says from somebody that is deeply involved with that, that's the word I get. So other than that I don't know.

Alderman Davis says is that called tabled indefinitely.

Alderman Young says postponed.

Alderman Zurcher says what I was going to mention from what I understand and getting this study done will make it a lot clearer but from what I understand these impact fees won't-wouldn't necessarily applied to anybody trying to buy a home. Just somebody trying to home that requires new

infrastructure.

Alderman Davis says it would be passed on Randy.

Alderman Zurcher says do what?

Alderman Davis says it would be passed on.

Alderman Zurcher says right, but what I'm saying is that it won't be passed from necessarily all new developments. Just the ones that are on the edge of town that require new infrastructure.

Alderman Santos says or you can have a sliding scale. You could

Alderman Zurcher interrupts to say I would like to see something that encourages-discourages refill development on the edge of town because it cost more for all of us. And encourages more infill brown fill development and no I'm not talking about cutting down all the trees downtown. But we have quite a few expansive parking lots that probably could be developed in ways would be both beneficial to all of us cheaper and that we don't have to build more infrastructure for it and financially feasible. And you know something that would make the developer quite a bit of money right downtown.

Alderman Davis says I understand what you are saying but anytime the home sales appraisers and landowners and homeowners look to see what the value is per square foot of those homes that have sold. So the ones on the outside are going to effect the ones on the interior in a round about way. The cost for those square foot can go up and will go up if they see that other areas are receiving more dollars because they are new development and they are getting impact fee. So yes, it will have a trickle down effect.

Alderman Zurcher says well I mean I guess in that way I would just you know we can't get in there and tinker with the market.

Alderman Davis says with impact fees you are doing that.

Alderman Zurcher says well impact fees are not doing it. They're keeping us from subsidizing roads and sewers for new developments. Which is what we are doing right now which is tinkering with the market.

Alderman Davis says and you are knocking out affordable housing or any potential for it.

Alderman Zurcher says I don't agree with that. I don't agree with that.

Alderman Santos says we're going to encourage it I hope.

The mayor says let's get down to one at a time speaking please.

Alderman Zurcher says I think I'm done. We just disagree and that's fine.

Alderman Santos says let me just go a little bit of different direction here. It's real obvious with our budget crisis in spite our incredible miraculous growth, we're still having this budget crisis which means it should be obvious that this growth isn't paying for itself. And we have some kind of socialist system in place where current residents are subsidizing the new development. I think another thing you can look at is that we're having a slow down in the growth and I think that might be sign that developers are a little bit afraid that we are not able to provide the infrastructure that they need to support their developments, and they are leary of developing in Fayetteville for that reason. And that ought to be reason enough to do it aside from just making it fair. If we're adding one dollar, one percent to the value of every home in Fayetteville to the property value to every home in Fayetteville, I don't see that being such a bad thing. I don't see raising the price one percent being such a bad thing. And I think especially if we can use a sliding scale to use it as a development tool which is what we should. Use the sliding scale to have-if you just do it by square foot you've got a sliding scale. If you do it by number of bedrooms you've got a sliding scale. The smaller more affordable houses are going to pay less of an impact fee. The mansions are going to pay an exorbitant impact. Well I don't have exorbitant we really want to get, I didn't mean to say that word.

Alderman Davis says the truth came out right.

Alderman Santos says well I don't know. How big a mansion you want to build.

Alderman Zurcher says I bet you could afford if you want to build one.

Alderman Santos says but if the real impact is \$3,000 we don't even have to charge \$3,000 per home. We could charge \$1,000 per home and that would help out a lot. So it seems like the obvious thing to do and it's being done successfully all over the country. All the arguments to the contrary have all been disproved countless times over the decades and I think we need to listen to these people and learn a little bit more about it. I happen to know more about it than most of you just because it's my profession as a planner that forced me to learn a lot. But I think listening to these consultants, that very good consultants, they're the best there are. And I think we all can learn a lot and we can see room a lot of things like encouraging affordable housing and encourages infill development. Any other kind of growth goals that we have we can use the impact fees to help enforce but we need to learn more about it.

Alderman Thiel says right. I think that's-I just want to emphasize that. That we are not voting on impact fees tonight and you know the scope of services here is they'll draft an impact fee study on facilities that we requested which was the wastewater collection treatment plant facilities, roads and parks. And they will do a local review meeting. They'll be meeting with local developers and representatives and stakeholders in this. Then there will be a final impact fee study presented and then there will be public

participation. So what- I think there will be ample opportunity through this process for the public to participate and for us to really found if this is something we can live with.

Alderman Davis says I understand and that's another problem I've got is that the local review meeting does not happen until Item No. 6 out of eight. And as you just mentioned that's going to possibly be developers it does not say public participation until Item No. 8 which the very last item. So by that point in time everything has pretty well been design and set up. So I have a problem with that.

Alderman Santos says well they've got to have something to present. I mean.

Alderman Davis says right but where's the public going to be involved except for the local review which I didn't hear the word public or John or Mary Public being a part of that at that point.

Alderman Thiel says I think developer representatives-go ahead.

Tim Conklin says I think were going state just what I was going to state. And that is after they do the draft impact fee study they will have a local review meeting. During that same day they intend to develop or staff will coordinate a stakeholder's advisory committee made up of local developers and other interested citizens in the community. That will be the first opportunity for public participation. There will also be an additional two meetings for public participation but I do think you have to have something to review before you have the public participation. So they'll do the draft study. I've talked to them on the phone about this to make sure that we do have the public participation. The stakeholder's advisory committee upfront when we start this process and they assured me that that's their intention. Is that once they did the draft study they'll have a local review meeting that we go ahead and do the stakeholder's advisory committee. I would like to remind the Council that on May 1st you directed staff to bring this contract to you. You did pass a resolution directing staff to negotiate with Duncan and Associates to bring a contract to you for roads, wastewater, water and the park land dedication. Staff has done that. The originally cost for Phase II was \$68,000. The new price of this contract is \$45,000. So they have reduced the amount of their contract for Phase II. You also asked that they not prepare any ordinances until after the final impact fee study is complete and the City Council makes a decision on what direction to go. I think it is important and Aldermen and Alderwoman have stated that this evening that you are not adopting impact fees this evening. You are approving a contract to do Phase II of the study. Just look at the how impact fees could be assessed and calculated. Keep in mind you do have to make decisions every two weeks with regard to how do you pay for infrastructure. An infrastructure that's needed to allow additional growth to occur in this community. It's an issue how you pay for that. Impact fees is one mechanism. Cities, municipalities around this country have used this method to fund infrastructure improvements to allow for additional growth. You have to identify your capital facilities that increase the additional capacity and then those fees have to be used to build that capacity into the system. So you're building capacity into your infrastructure system to allow additional growth to occur and that's important that we're not just collecting money. And we don't have any idea how it's going to be used. It's going to be used to fund that infrastructure to allow the City of Fayetteville to continue to grow. I just wanted to make that

point. Thank you.

The mayor says thank you Tim. One thing that I want to bring up is something that has concerns me and this really is a tightrope walk that we're on and needs to be finely tuned. Because no matter which way we go on this there is going to be a lot of ramifications. A lot of them political. A lot of folks feel like that if we pass an impact fee that the development community is going to continue to head north and go into other areas that don't have impact fees. Also if we don't pass an impact fee a lot of people feel like they don't want to pass an additional sales tax to fund a new sewer treatment plant that they perceive as that which is needed to promote future growth. They feel that new development should pay its own way. To carry that step further, if we relied solely on impact fees to cover a new wastewater treatment plant then if you would just use a round number of 1,000 bucks per impact fee. That means we have to have about 6,000 new units per year being built to cover the cost of the sewer treatment plant. Is that - we have about 600 new, that's about \$6,000,000 a year isn't that.

Tim Conklin says it has varied. The permit activity from 400 to 1400, average about 400 to 500 units. I think the average is about 400 to 500 dwellings a year.

The mayor says okay, 400 to 500. If we're looking at three quarter percent sales tax that's going to bring roughly 6,000 bucks a year. Is that a fair round number?

John Maguire says I think it brings in about 770 a month.

The mayor says which is 9, so 2/3 of that, so between 6 and 7 million dollars a year. So for 6 or 7 million dollars a year we'd have to have 6 to 7 thousand new units per year being built. Which is - there's no way we could ever sustain something like that. It's completely unrealistic. So this is a very complex issue that there's more to it than just pro or con impact fees. No matter which way you go on this argument there it cascades other issues. So this isn't something that we're going to decide tonight. I don't mind seeing this impact fee study done just to see where we stand in the world but whatever decision we make there are going to be ramifications long term down the road. So we better think long and hard about whether we pass it or whether we don't pass it. It doesn't much matter at this point. We've gotten the discussion started so we've got to make some hard decisions. Now then where were we.

Alderman Santos says shall the ordinance pass, or shall the resolution pass.

Alderman talking at the same time.

The mayor recognizes Mr. Ferrell. I see that you would like to say something here.

Good evening mayor, aldermen, alderwoman. My name is Bobby Ferrell, 2413 Twin Oaks Court, Fayetteville, Arkansas. Fayetteville resident, registered voter. Glad to be here. I got up and said a few words about this before when we talked about it initially on the impact fees. I want to be careful the

way mention when I talk about consultants. Because I got schooled a little later after I said that later that night. I would just say I was very happy to hear Mr. Conklin a minute ago mention about the stakeholder's advisory committee because I'm just as, talked about it a moment ago, public input I think is essential in this. And we certainly want to see that from the development, from a builders community, because everybody, but I'm saying that's these people that's their livelihood. I really like to know, I'm assuming this is going to be done. To me it's the least desirable thing to do but at any rate I'd like to know what effect if we can get some historical data from these consultants, who I understand are the best in the country or some of the best, some historical and some background information about what has happened in similar communities where they have done studies about impact fees? Has it had an effect on the educational funding for that community? If you look at the communities and the educational process and the taxes that go to run that I think growth is very important. And last but not least, I would really like to know if they have ever went in and consulted and came back and recommended no they do not recommend impact fees. Thank you very much.

The mayor asks Tim can we put those questions in the contract some how. How do you go about that?

Tim responds I'm sure we'll get the answer to all those questions. I'll passed the those responses to the Council and Mr. Ferrell.

The mayor recognizes Mr. Erf and asks how you tonight.

I'll be brief. Jeff Erf, 2711 Woodcliff Road. I've got here a handout I believe you all saw or got a copy of it at the last agenda session and on page 4 of this handout, this is from Steve Davis and I think he gave a talk about the project financing situation for the city. I'm looking at a chart here, General Funds Revenue and Expenses. And in 2005 the project is that we'll have \$28,000,000 in expenses. And we'll have \$21,000,000 in revenue. I wasn't at the agenda session, is that pretty much about what he said about it. We're going to be

Alderman Thiel interrupts to say he presented different scenarios with different, whether we passed certain

Mr. Erf interrupts to say in any of those scenarios did the city have a surplus?

The mayor answers no. The best scenario is that we begin, we catch up where we need to be in and then we break even.

Mr. Erf says right now we're using up our reserves is that correct?

The mayor answers yes.

Mr. Erf says and it started out at what? \$10,000,000 and now we're just eating away at that.

The mayor answers yes.

Mr. Erf. says I guess the point I'm trying to make is-I think that this is an opportunity to generate some revenue for the city by using impact fees. I think it would be worthwhile to at least consider that and adopt it. I think you're going to be asking Fayetteville voters to support \$150,000,000 sewage treatment plant and you have to remember they all ready have sewer access. So I think set by example and I think you need to you know do your part and get some money from the developer community and just don't keep asking the residence for it and to pay for everything. Thank you very much.

The mayor says hopefully it will be \$110,000,000 plan not 150,000,000 unless your information is different from mine.

Mr. Erf says I include how much actually dollars will be spent and that includes the debt service and interest and then of course,

The mayor says if we go with the 3/4 percent money from the state we may be able to get it for about 128 I think. And those numbers are changing. We'll get more than we're anticipating.

Mr. Erf says I haven't seen a public project yet that's come in under. So I'm making some assumptions that will be a little bit high than what the engineers are saying. Thank you.

The mayor says I hope you're not right but you may be. Any questions or comments on this issue. One thing I want to say real quick, Jeff you brought up the study that Steve Davis did on projected finances, I know there's a comment in the paper about looking like things might be a wage freeze for our city employees and budget included the standard increases in salaries that we've project for them as we have for last several years. And we need to do that because our city employees are underpaid compared to everybody else in the area. And really, we're having a hard time keeping our best and brightest because they get too many opportunities to go to higher wages outside the city. So we don't want folks to think that we're anticipating a wage freeze because our numbers is calculated in for the next several years.

Alderman Trumbo says I'll make a motion to approve the resolution.

Alderman Zurcher seconded.

The mayor says we have a motion and second to approve the resolution. Any other comment from the public. The city clerk says I already had a motion and second.

Alderman Trumbo says oh we did who did that?

The city clerk replies that Kevin Santos move to approve and Lioneld Jordan seconded.

Alderman Jordan says that right we did. (end tape Side 1)

(Side 2 starts with)

The mayor saying a lot of folks at home can hear a lot of conversations going on. The mayor then goes on to the next item.

AD 01-1.00: An ordinance approving an amendment to Chapter 171 "Streets and Sidewalks", Section 171.13 "Width of Driveway Approaches" and Chapter 172 "Parking and Loading", Section 172.01 "Parking Lot Entrances" of the Unified Development Ordinance to change the width of a curb cut allowed for commercial driveways and provide for a minimum curb radius.

The city attorney then reads the ordinance for the first time.

The mayor asks for any questions or comments from the Council.

Alderman Zurcher says I guess I would just like to talk to Tim.

Tim Conklin says staff has recommended this amendment to the Planning Commission. The Planning Commission did vote 7-2 to-for this recommendation to the City Council. Approximately five years ago we did amend our driveway entrances into parking lots and did require a landscaped island anytime you had a left out and right out of the driveway so you had a three lane driveway. Since implementing that we've had many instances when cars and trucks have not been able negotiate the island that's in the driveway. I have had complaints from business owners having to replace landscaping many times destroying their irrigation systems and in result its costing business owners money having to replace the landscaping and irrigation. Staff is recommending that we remove the island and with a fifteen foot lane, inbound lane, and a twelve foot outbound lane. For one way and one way out. Twenty-seven feet total to face of curb to face of curb. For a three way drive with a left out, right out, same thing a fifteen foot inbound lane and a twelve foot bound for right and left for a total of 39 feet. Trucks are running over these islands, once again we're receiving lots of complaints. The Planning Commission is doing a tremendous job of limiting the number of curb cuts on our developments in Fayetteville and the result of that is many times we have the curb cut in the center of the project which requires many turning movements for trucks to get into the development or the trucks not being able to make a loop around the development and heads straight back out. Therefore the island are getting run over so it's a combination of things with regard to the design and limiting the curb cuts that we allow for development.

The mayor says thank you. Any other further questions for Tim. Comments?

Alderman Zurcher asks would this be-I'm just reading through the Planning Commission minutes and talks about smaller professional office building that don't usually need service trucks. Would this apply to that kind of development too?

Conklin states these are our guidelines for driveways into parking lots and also driveways into a single

family home. They do apply. We will work with the development community. Right now we have this ordinance that requires them to put this island in. And right now we have developments that are not working where the trucks are actually destroying the landscaping. Cars are hitting the islands. Irrigation systems are being destroyed. Staff is recommending that we remove it. It's resulting in a loss of capacity on our roadways. Cars are having to slow down to a virtual stop to be able to navigate into parking lots and it's something that for access management and capacity of your roadways you want to make sure that you can get your vehicles off your roadways in an efficient manner. And staff has also recommended that we increase the curb radius for the driveways in order for cars to turn into these developments without hitting the curbs also. But we're trying to work with the highway department, talked with them about it and it meets their guidelines for curb cuts and they're in support of this also.

Alderman Thiel says can I ask something? May we have as far as the rest-I mean we've reduced the amount of curb cuts that we allow into commercial developments and into parking lots. Don't we also have a setback, a planted section that runs along the highway, between the highway and the parking lot?

Conklin responds most of our commercial developments are located on principal arterial streets that require dedication of right of way at 55 feet from centerline. That allows for a 10 foot greenspace between the curb of the street to the 6 foot sidewalk. Then you also have the 6 foot sidewalk and then we also have a parking lot setback of approximately 15 feet so we do have a tremendous amount of landscaping that is being planned in front of our new developments. If you look at Walgreen's, that's probably one of the most recent examples of where when Nelm's was there you had pretty much asphalt almost up to College Avenue and Township. Now we do have the 10 foot greenspace, 6 foot multi-use trail sidewalk and the additional landscaping between sidewalk and parking lot.

Alderman Thiel says you know I think that-I think so many of us are use to the old way it looked and I think the Walgreen's is a really good example of how it can look and should look. You know to me I-just on looking at this first go around I don't have an objection to the wider entrance and not the island in the center. Because I think the rest of the 10 foot section that goes along right-of-way is going to be very attractive. I'd rather see something look good there and keep the curb cuts down like we were doing.

Alderman Zurcher says I guess I'd hate to lose that island. Is there a way to move it over. I'm just wondering if this is the only option we have.

Conklin responds I have looked at many developments to be honest with you I don't think probably the only you have. I think it will work most of the time amending the ordinance to allow it work this way. If you move your island far enough back into the property where the trucks can turn in you probably could leave the island but then the island is going to be far back into the property and instead of having a 27 foot curb cut or 39 foot curb cut you going to have a 48 or 50 foot curb cut out on your street with the island way back there. What's happening if you have a tracker/trailer rig and you're in that turn lane to turn right in there if you don't go out into the outer lane, it's a four lane road, you're going to run over the island if it's up close to the street. That's what's happening right now and our landscape is being destroyed.

Alderman Zurcher asks is it completely ridiculous or just unheard of to only have one lane going out to move that island over to where there would be one outgoing lane.

Conklin says we have required that in the past with regard to the bank on Joyce Boulevard. One way in and one way out. They would still be able to have a similar type access into their property-development. The Planning Commission approved it that way. I don't look at this ordinance as limiting developers who want have a boulevard type design entrance but if they do we need to make sure that trucks and cars can get in there efficiently without backing traffic up on our principal arterial streets and running over the landscaping. Its very difficult for me when I receive those phone calls and I go out there and something that the city required to see it run over with trucks and cars. The developers and business owners aren't very pleased.

The mayor asks for any other questions or comments? Any questions or comments from the public on this issue? Seeing none I bring it back to the Council.

Alderman Trumbo says I make a motion to suspend the rules and go to the second reading.

Alderman Davis second.

The mayor states we have a motion and second to suspend the rules and go to the second reading on this. Shall the motion pass? The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney then reads the ordinance for the second time.

The mayor asks for any further comment from the City Council.

Alderman Santos says I think this looks like the case where a well intentioned ordinance didn't work out and we found a solution to try to make it work better and if this doesn't work we can change it again later. So I'll move to suspend the rules and go to the third and final reading.

Alderman Jordan seconded.

Alderman Davis says I agree.

The mayor states we have motion and second to suspend the rules and go to the third reading. The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney then reads the ordinance for third and final time.

The mayor ask for any other comments from the Council? Shall the ordinance pass? The city clerk calls the roll and upon roll call the ordinance passes unanimously.

The mayor says thank you and we'll go to No. 3 Roll-off truck.

ROLL-OFF TRUCK: An ordinance approving a bid waiver for the purchase of a used diesel powered roll-off truck to be utilized by the Fayetteville Solid Waste Division.

The city attorney reads the ordinance for the first time.

Alderman Jordan says I make a motion that we accept the ordinance as read.

The city attorney says you need to suspend the rules.

Alderman Jordan replies okay well let's just suspend the rules then.

Alderman Santos seconded.

The mayor states we have a motion and second to suspend the rules. The city clerk asks who seconded. The mayor replies Alderman Santos, I believe. The city clerk then calls the roll and upon the roll call the motion passes unanimously.

The city attorney then reads the ordinance for second time.

Alderman Jordan says I make a motion that we go to the third and final reading.

Alderman Santos second.

The mayor says we have a motion and second to suspend the rules. The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney reads the ordinance for the third and final time.

The mayor then asks for any other questions or comments from the council?

Alderman Reynolds says this item was highly recommended from the Equipment Committee.

Alderman Jordan says yes.

Alderman Davis says I also see where the new Utilities Service Director, Gary Dumas has requested this. So I will vote for it.

The mayor asks for any questions or comments from the public? Seeing none I'll bring it back to the Council. Shall the ordinance pass. The city clerk calls the roll and upon roll call the ordinance passes unanimously.

The city attorney says we need a separate vote on the emergency clause.

The mayor says yes, the emergency clause. I entertain motion to accept the emergency clause.

Alderman Jordan says so moved.
Alderman Santos seconded.

The mayor states we have a motion and second to accept the emergency clause. Shall it pass? The city clerk calls the roll and upon roll call the emergency clause passes unanimously.

The mayor says we'll move along to the last item on the agenda.

HENDRICKS SEWER SERVICE: Consideration of a request to provide sewer service outside of the City Limits.

The mayor says we have, who's here. Mr. Bunn would you like to describe to us the situation?

Mr. Bunn states this is a request for-to provide sewer service outside the city limits. I think the memo and also Mr. Hendricks' letter explains the situation. It is a Council prerogative to grant taps outside the city. In this particular instance the promise of taps was made by a developer who acquired easements across Mr. Hendricks' property. The city was not a party to that agreement and we were not aware that that agreement had been made. Mr. Hendricks has to separate sewer lines across his property. One was put in some years ago. I believe in the-perhaps in the mid '70's. The other sewer was put in just recently. And Mr. Hendricks is requesting to be allowed to have two sewer taps without annexing into the city. If you have any questions I'd be glad to answer them.

The mayor says You might reiterate what the city policy is in a situation like this.

Mr. Bunn says in past the Council has been reluctant to grant sewer taps outside the city limits. They would prefer when it is possible, for the property to annex and then the sewer taps can be had by right. This property is adjacent to city limits and could be annexed by petition.

The mayor says Mr. Hendricks I presume. Would you like to address us on this issue.

Mr. Hendricks says we let the sewer lines go through our property. We thought we were trying to help the City of Fayetteville of course. Approximately 1000 feet of sewer line going through our property with this new sewer line. And I think there is six manholes going through our property. And we've tried to do everything we can to help this project to bring revenue in for the City of Fayetteville and one sewer line happens to be three feet from my house. And 60 feet approximately from my grandson's house. And we just want to tap on to it. If the City of Fayetteville decides to annex us into the city we're not going to fight it.

The mayor asks would you be interested in annexation.

Mr. Hendricks answer I'd prefer not to because my wife and I are also 70 years old and we're trying to raise our two granddaughters. We lost our daughter two years ago and we're trying to raise our two granddaughter and put them through school. And we've just got all we can handle actually. And that's why we are trying to stay out of the city limits and stay away from as many taxes as we can. My grandson might be willing to annex. He has about an acre and half and he may go into it

The mayor says enlighten me here. If Mr. Hendricks were to join the city through annexation, I know we collect 1 mil property tax. Half mil for police and half mil for fire pension. What other taxes would be involved if they were to be annexed in.

Alderman Trumbo responds you've got the one mil for the Senior Center.

They mayor says yes, that's temporary.

Alderman Thiels asks we have three mils going right now don't we?

The mayor responds that one is permanent and other two are temporary aren't they.

The city attorney says actually the police and fire are .8 mils at this point in time. Since they had to be rolled back.

The mayor says oh that's right.

The city attorney says the Senior Citizen Center is that just a single mil or is that single mil?

Aldermen talking at the same time, not sure what they are saying.

The city attorney finally says so basically the millage that the city is now charging is 2.8 mils and one of those is a millage that will go off in about year or even less.

Alderman Thiel asks what a mil is what \$20 per hundred thousand dollars worth of property. Isn't that how much a mil is? So

Alderman Jordan says \$60.

The city attorney says there might be some savings on you're insurance to because if you were inside the city you would be entitled to fire protection for free. You wouldn't have to pay any contract for that and often times that will reduce. Your insurance policy costs more than whatever the millage would be for the city.

Alderman Thiel says that's true.

Alderman Jordan says so basically Mr. Hendricks you would be getting taps for \$60 a year investment.

The mayor says and lower insurance rate.

Alderman Jordan says and lower fire insurance .

Alderman Zurcher says is there an application fee for somebody requesting an annexation?

Tim Conklin says \$325.

Alderman Jordan asks how much?

Conklin and mayor respond \$325.

The city attorney says however if you look at Mr. Bunn's memo and letter from Mr. Hendricks this fee could very well be paid by the developer if the developer promised him taps and it's required for him to be annexed, I would think that the developer would be happy to pay the annexation fee.

Alderman Young says plus the tap fee if there is one.

Mr. Hendricks says the developer promised us for the sewer line, he promised for sewer taps but not for annexations. That would be our problem if we hooked on to the sewer lines. The taps were in the agreement when the contract was put in for sewer taps for both places.

The city attorney asks so you're thinking he's already done everything he said he was going to do then is that what you're saying.

Mr. Hendricks says right. I thought was this that we were allowed all this to go through our property and quite frankly they tore property quite a bit but of course they are going to fix everything up. I understand that but we've put a sewer line property, six manholes and we're trying to do want we could to do our part for the sewer line. It would bring a lot more revenue for Fayetteville. They are going to put in like 50 or 60 more new homes there. We were just hoping that we could hook on to sewer line.

Alderman Santos says I don't know who to ask this question to. Mr. Williams is it possible that we could waive the application fees since this isn't something that is going to be take a lot of staff time or its going to require a lot of meeting. This isn't like a large annexation for a subdivision. This is just one couple. I think that we ought to be able to waive the on something that's insignificant as this.

Alderman Jordan says I'd like to make a comment here if I may. I think these people have been told something and somebody has lied to them. I mean they've been promised something and they're not

getting it and I don't think it's right. I know-well when you tell somebody something you should say what you mean. But I think we need to work with them and try to work something out for them.

Mr. Hendricks said also I like to point out that the drainage system from that complex is coming through our property also which is a 12ft pipe coming through our property. We just did everything we can to accommodate this and the City of Fayetteville and all we were just asking for is just a tap on.

Alderman Jordan said he's allowed the developers to go across his property and he didn't get any money out of the easement. Allowed the development to go in and I think the city benefitted from that development in sewer bills. So I would like to see. If you look at it realistically I don't think-the city-Farmington pay taxes here? They're hooked on to our sewer line aren't they.

Several people says they pay high fees for that.

Alderman Jordan says a high user fee.

Mr. Hendricks says we already have Fayetteville city water on our property.

Alderman Jordan says but I'm saying if Mr. Hendricks is willing to annex into the city for \$60, we ought to work on the \$325 ourselves.

Alderman Thiel says I agree. If he is willing to annex in.

Alderman Jordan says I think-he's not trying to milk anybody here or anything like that.

Mr. Hendricks said we were just trying to help the developer and in turn help the City of Fayetteville and all we were asking for was a sewer tap. We're tired of using a Johnny on the Spot.

Alderman Jordan says somewhere down the line somebody has basically made promises to him that they could not keep. I don't think its right.

The mayor recognizes Mr. Reynolds.

Alderman Reynolds says we've got people on South City Lake Road. We've got people south Morningside Drive. We've got people on Willoughby Road. We've got people on Wilson Hollow Road that don't have sewer that built their house in this city.

The mayor says and Happy Hollow Road too.

Alderman Reynolds says that built their home in the city and still don't have it. And there's two people here who don't have it, there's two of them. So if he wants to bring his property into the city I'd be glad to support the gentleman. But if not, I will not support it.

The mayor says Mr. Hendricks, I'm sorry. Alderman Jordan says I'm sorry.

Alderman Jordan says Tim can I ask you question or Don, is there any other people that have-outside the city limits that they hooked up onto the sewer line that you know of?

Mr. Bunn responds yes, I couldn't be specific but we do have people outside the city limits who are tied on. I can't really tell you how many but that's. I guess about 1985 or maybe before all those services that were granted outside the city was approved by the Council. Before that time the city engineer could approve taps outside the city. So there are some.

Alderman Young says most of those-when the city put a sewer main through there.

Mr. Bunn says most of them were situations where the city needed to have the line in place outside the city limits for instance to go to the eastside plant and the taps were either granted in exchange for easements or they were granted at a later time because the line went across their property.

Alderman Young says those are the ones I remember.

Alderman Zurcher says this to me looks like the same kind of situation.

Alderman Young says except that the developer did all this and not the city.

Alderman Davis says yeah but I'm still back to the

Alderman Young says right.

Alderman Santos says Don let's go back to, Tim while you there, I'm sure both of you know. The \$325 fee would be the same if I were to annex 100 acres or 300 acres.

Tim Conklin says yes, that's correct. It's going to cost Mr. Hendricks more than \$325, enough if we waive the fee probably. They have to develop or write a petition, an order of annexation to be file over at the county judges office. They have to do notification in the newspaper. There is a thirty day wait. Then they do a confirmation of order of annexation. Typically attorneys handle that. It's something that's done by an attorney and filed over at the county and notification is done and the county judge signs off on it and then it comes to the City of Fayetteville, planning division for processing.

Alderman Thiel says well I have a question. What if the city wants to annex a piece of property?

Tim Conklin says My understanding is there is three methods. The petition method which typically we see here at the city. They are contigious with the city limits and voluntarily petition to be annexed into us. I'm not sure on one piece property Kit whether or not the Council can do it without an election. If you do it without the petition method the city can hold an election the voters can vote on it or if its

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an island, city limits are completely surrounding the area, I believe you can do it my ordinance method and the City Council can just pass an ordinance and bring them into the city. In this situation he's not completely surrounded by the city limits. However, on Monday I did receive a development proposal for 14 more acres located along his western boundary line that will be coming forth to the City Council for annexation.

Alderman Thiel asks then he will be surrounded?

Conklin says on two sides.

Alderman Young says part of the questions though is-is part of the petition process he has to go to the county. He does need to go to the county first.

Conklin responds he does need to go to the county. It is something that I would say the average citizen doesn't do on their own. They end up hiring an attorney to do the paperwork to file it over there and put all the legalese in the petition, to get the right language in there and filed over with the county judge and do the notification.

Alderman Young asks if there's some reason why a developer can't do that for him?

Alderman Santos says with the new annexation that's coming forward. Can you just go ahead write his property into it?

Alderman Jordan says add him into it?

Conklin says the

The city attorney interrupts to say the property was specifically identified to the county judge on this new annexation. And the county judge signed off on that property which did not include this property so you can just add this one on to it.

Conklin says they are using their own professional attorneys to do that. I'm not sure, Kit, can you think of any other method that he could use to annex into the city. I can't think of any.

The city attorney says of course I haven't studied this issue and I can look at it and try to get back to you all. But at this point the only thing that I'm aware of is what Tim has said.

Alderman Young says so back to the questions is there some reason why the developer can't do all that for him.

Conklin responds if he can get the developer to do it for him. The city planning division we aren't usually concerned who's paying for what as long as we have the proper signatures and information,

we'll process it.

Alderman Reynolds says those promises he had from the developer was that in contract or verbal.

Conklin says I've not.

Mr. Hendricks responds (no mic-can't hear what is being said)

Alderman Reynolds you've got it written.

Mr. Hendricks says I've got a contract.

Alderman Zurcher asks have you approached the developer about this? Ask him.

Mr. Hendrick says I don't have a contract for both the sewer lines. I have a contract a sewer tap.

Alderman Zurcher says so he's saying he'd provide you the actual taps.

Alderman Young said yeah but some lawyer start talking about how it was implied you'd be able to hook on.

Alderman Zurcher says right.

The city attorney says there are two separate resolutions. One to approve and one to deny.

Alderman Santos says well is there any way-I mean I just hate to see Mr. Hendricks have to pay the same kind of fees and not just the city fees but lawyer fees and everything that a developer of a giant project would have to pay to be annexed into the city. And can we look at a way to help him? See if we can waive the city fees? See if maybe city attorney could help in writing a petition for him and him not have to hire an attorney. Is there any way we can help bring him into the city at less costs?

Alderman Thiel asks what do you say city attorney.

The city attorney then responds I would not be in favor trying represent an individual like that. You certainly can-I guess Tim have we waived annexation fees in the past?

Conklin responds not to my knowledge.

Alderman Young we've waived some fees that I remember.

Conklin says well, I think this issue is going to come up at one of your future meetings. We did waive fees for the aboveground fuel tank at Drake Field. A \$900 large scale development fee because all

aboveground fuel tanks were large scale. That was waived. Jerry Rose I think he past an ordinance waiving that fee last November or December. That's the most recently one where we waived the fee.

Alderman Trumbo says I think this is obviously a unique situation. I make a motion to approve the taps without having to make him petition to be annexed.

Alderman Jordan seconded.

Alderman Zurcher says I'll definitely agree with that although I didn't get the second. I would like to say I think we're in agreement that this man has been treated unfairly. It's ridiculous to have a city sewer line going across your property and not be able to have city sewer. And I'm hoping that we can pass this and have not happen.

Alderman Reynolds says I think its ridiculous for a man to live in this town all of his life and not have sewer.

Alderman Zurcher says oh I agree with that too.

The mayor say Tim if you don't mind will you please reiterate why it is that we not provide sewer service to properties outside the city limits.

Alderman Davis says we did this prior to '85.

Someone says was that your opinion Tim.

Alderman Young says that was Don Bunn's.

Conklin says he's been here longer than I have and I'll let him explain. The question is why is it a city policy that don't extend the sewer outside the city limits. That's policy.

Mr. Bunn states I think it's because we would rather have properties annexed and that's a leverage for annexation. That's one reason. And what the other reasons might be I don't know. It's-that policy has been in place-I've been a long time but it's been in place longer then I've been here. But the reason that I've heard stated is the same reason that we wouldn't allow a sewer tap outside the city limits. And that is we would like to encourage annexation to the city.

Alderman Trumbo asks Don why in the past have we had a practice of digging up someone's yard in the easement and they are not in the city limits to put our sewer line but they can't use it? Is that an old practice that we've had?

Alderman Young says those are the ones that I'm talking about.

Alderman Thiel says when didn't do that.

Alderman Trumbo says oh I know.
But I mean but its hooked up to city sewer though.

Alderman Young said those are the ones that are tapped on.

Mr. Bunn says the sewer lines that I'm aware of that are outside the city go facilities that are outside the city for instance, across Mr. Hendricks property that sewer line leads to a pump station further to the west and so I don't think its been a practice in the past placing sewer lines outside the city limits to specifically serve properties out there.

Alderman Thiel asks what about the subdivision that we just got through taking in-you know-annexing. Sewer lines ran through it out on-off of Wedington Drive.

Conklin says with regard of the annexation. That's why staff did support that annexation and recommend it, is that we do get all our urban development type of infrastructure installed when that development comes through. Parks, trees, tree preservation, storm water grading, draingage, all those ordinances do apply. So it is important that we do annex individuals and I guess one other benefit is if you do annex, you get police protection, you get to participate with our recycling program and do think that positive too.

Alderman Thiel says I just really think-I mean I sympathize with of the issues here but I feel like that Mr. & Mrs. Hendricks are going to-apparently the developer is going to provide a free sewer tap or pay for some of this so you're kind of giving them a break that way. I realize there is going to be some cost in filing for annexation. I still think this Council can look into the idea of waiving the city's portion of that annexation fee. So I-you know I really-considering the fact that there is so many areas-some areas in Fayetteville that have been in the city limits for many years that do not have sewer, they probably won't-not have sewer for many years to come I just-and for all the reasons that Tim Conklin has mentioned why we do want to annexed property where we want to run sewer, I certainly-you know-would like to see Mr. Hendricks apply for the annexation.

The mayor says you said that someone was wanting to annex to west of the Hendricks property.

Conklin answer the annexation that we recently approved here at the City Council, the developer has or will acquire additional land to the north, approximately 14 acres, its been to the Parks Board. Parks Board recommended. They're serious if the council does agree with the annexation that this annexation is directly west of Mr. Hendricks' property.

Someone is speaking but is not at a mic to pick up what they are having to say and so this transcriber is unable to transcribe the comments.

Tim says south and west.

The mayor says even if-will it adjoin the city limits this other annexation. Is it already adjoining the city limits.

Conklin responds it does adjoin the property that we recently did annex into the city. On their plat it did show Mr. Hendricks' property. I'm sure

Someone in audience interrupts but transcriber is unable to hear what is being said without a mic.

Conklin says it includes the bluff and the creek down below. This annexation would.

The mayor says Mr. Hendricks I have a question. Do you - I'm sorry go ahead.

Alderman Davis says Mr. Hendricks says out of curiosity how many acres do you have out there. I can't not tell by looking at this drawing.

Mr. Hendricks responds I have 6.2 acres. Three plus acres are on the lower level and its in a flood zone. And our top acres are about 3 acres where we are.

The mayor says my question is, if the city were to waive the \$325 fee and you were able to save money on your fire insurance by annexing into the city, if you were able to annex into the with those circumstances it would help us to be able to provide the sewer taps you are looking for and not deviate from established policy. Is there an opportunity for you to work with us into so that we can maintain policy but you can get your sewer taps by annexing into the city?

Mr. Hendricks says well we're going to have to do what we have to do whether we like it or not.

Alderman Davis says let me ask another question. Do you currently pay dues to a voluntary fire department?

Mr. Hendricks says yes I do.

Alderman Davis asks how much are those dues a year?

Mr. Hendricks says the reason I ask that, its okay if you don't know the figure off the top of your head. But the reason I ask that is where the mayor is going by you decreasing the cost of your insurance because you become a part of the city and you also don't have to pay the voluntary fire department dues anymore and with the city offering to waive the \$325 fee for annexation those help take care of that cost.

Mr. Hendricks says I don't have a clue-what's the time frame on this, is what I want to know? We've

just been waiting and waiting for months.

Alderman Davis says Tim would know more about the time table then anybody else in here probably. What's the length of time it takes to annex something of that nature?

Tim answers 2 ½-3 months.

Alderman Davis says okay.

The mayor asks is there a way we could expedite the tap in the process of getting the annexation, if we felt certain that the annexation would happen?

Alderman Davis says with a condition that you have so many months or whatever that you have it annexed. I mean what are you asking?

The mayor says I'm just seeing if there's some room, wiggle room in here where we can accomplish our goals as expeditiously as possible.

Alderman Reynolds says I think the wiggle room is the same developer that done his deal is the same developer that is fixing to the 14 acres.

The mayor says oh is that right?

Alderman Zurcher says who is that?

Alderman Young says this Council has been put in a real bind. Who is that developer we've been talking about? What is that developer's name?

Mr. Hendricks says Creekmore I think is the developing company. Bridgeport.

Alderman Young says Bridgeport. What's his name?

Tim Conklin says originally it was Richard Doyle whose deceased now. Bill Helmer and

Alderman Young asks do you what the engineering firm is that they've hired that failed to informed him of these requirements to the city?

Tim says the current engineering firm for Phase IV, V and VI is Engineering Design Associates. I'm not sure if this agreement was made. They also had two previous engineering firms on the earlier phase itself. I'm not sure what engineering firm told Mr. Hendricks about the sewer taps.

The mayor says Tim I'll tell you what if you could help me, I'd be glad to volunteer to do this if it

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would help. If it would be helpful for my office to call the principal to the engineering firm, the developers and say you've put us in a bad spot can you fix this for us and see what they have to say I'd be glad to do that tomorrow, if I get the information if that would help solve this problem.

Mr. Bunn says let me says that should Mr. Hendricks decide to annex, the sewer taps are actually in place. There is nothing else to do in terms of making the sewer available and in past

Alderman Young interrupt to ask at no cost? There's no tap fee?

Mr. Bunn answers there would not be a tap fee at all. In the past in situations like this we have allowed a person to go ahead and utilize sewer taps while the annexation process is going on. So that could happen in this case should the Council decide that.

The mayor says that would solve our problem. If Mr. Hendricks is willing to agree to that then you could hook right into the sewer system soon if you agree to the annexation process. I think what Mr. Bunn just said is that since the taps are already in existence and it has been a precedence that you could use the sewer tap in while in the process of-going through the annexation process that you would be able to tap into the sewer's right away and we would be able to maintain our policy as long as you are annexed into the city.

Mr. Hendricks says there's probably going to be a time frame here to annex in.

The mayor says well no I think that you would be able to tap into the sewer tap pretty soon, I mean right away. If you agree to the annexation. Is that pretty much right Don? Yeah. Because your taps already existent and you could tap into them right away if you agree to the annexation process.

Alderman Davis asks are we still looking at waiving the annexation. Okay. I'm just trying to make sure so everybody understands.

Alderman Jordan says just basically its going to cost Mr. Hendricks \$60 basically.

Alderman Davis says no.

Alderman Jordan says no? While when he annexes in it will be \$60.

Alderman Young says in taxes.

Alderman Jordan says taxes.

Alderman Trumbo says he still has to get an attorney to go through the process.

Alderman Davis says I make a motion that we amend the motion.

The city clerk says I do have a motion.

Alderman Thiel says we do have motion.

Alderman Trumbo says I already made a motion.

Alderman Young says I want to amend it to say we approve the sewer taps contingent upon annexation into the city and waiver of any fees associated with annexation.

The mayor asks is it acceptable to you Mr. Hendricks?

Mr. Hendricks says I'm sure I understand. We won't have to pay the city anything for annexation is that what you are saying?

Alderman Young says that's right.

The mayor says what the motion is right now we're discussing is that the City Council would approve your using the taps, that would give you what you want,

Mr. Hendricks says that means I can hook on.

The mayor says on the condition that you get annexed into the city and we would not charge you the annexation fee of \$325. We will waive that fee.

Mr. Hendricks says okay.

They mayor says so basically what you'd be doing is we'd be saying yes to you using the sewer taps if you would say yes to us that you would annex into the city. And we wouldn't charge you for the annexation fee. Is that fair?

Mr. Hendricks says okay.

The city attorney says Mr. Hendricks needs to understand that there's more fees than just the city fee.

Mr. Hendricks says I understand that. I still have to pay attorney fees and I'm not sure what that's going to involve. You know what a ball park figure of what that's going to cost.

The city attorney says I don't know what it would cost but I'm sure it will be several hundred dollars, especially if you have to publish something in the newspaper for thirty days. I know that usually around \$100 and what the attorney's fee is going there and appearing before the Planning Commission. You're talking several hundred dollars I think minimum.

The mayor says that would be offset by not having to pay your fire rating, your contract for fire service out there and your fire insurance would be lower.

Mr. Hendricks says we have a fire hydrant on our property also out of this situation.

Alderman Young says I'd personally go see Mr. Doyle and give the money.

Mr. Hendricks says I'm sorry.

Alderman Young says I'd go to that developer and say cough up the money.

Mr. Hendricks that's what I'm looking at. That's why I wanted to know how much time I had to do this.

Alderman Youngs says that's exactly what I'd do.

Alderman Trumbo says so Kit do we vote on my motion or his amendment?

The city attorney says the amendment has to be voted on first to see whether it passes to amended your motion.

Alderman Youngs says do we got a second to it?

Alderman Thiel seconds.

The mayor says we have a motion and second to approve the sewer

The city attorney interrupts and says no, amend Alderman Trumbo's

The mayor says I'm sorry. Kit make this clear for us all here. What are we voting on?

The city attorney says I think the clerk wrote down the amendment.

The city clerk says Alderman Trumbo moved to approve the request without annexation. Lioneld Jordan seconded the motion. Cyrus Young has moved to amend Trent's motion to approve the sewer hookups on the condition that they agree to annexation into the city and the city agrees to waive all its annexation fees.

The mayor says alright. So is there any other discussion on the City Council. Is there any discussion from the public. Yes sir.

Mr. Hendricks asks do I need to annex all my property or just the property my house sits on.

The mayor asks Tim what do you think about that. How would that work?

Conklin is not near a mic and this transcriber cannot hear what he is saying.

The mayor asks would that be a lot split?

Again Conklin is not near a mic and can not be heard.

The city attorney says you might have to hire a surveyor if you want to survey out a difference in your property.

Alderman Young says the north so many feet.

Alderman Thiel says yeah. If you've got a legal description that's really all has to do.

The mayor says yes Mr. Garcia.

Mr. Garcia says I'm afraid I would have to speak against Councilman Young's amendment as much as I hate to oppose my own councilman. And in favor of Councilman Trumbo's original amendment to approve the usage of the tap without the annexation. I think you're making it unnecessarily complicated. You ask your own city staff for the reason behind the policy to be annexed before you get the sewer service and they had to fumble around for it. They had to just scratch their heads and well we're not sure but maybe this is what it was. And it looks to me like you have here is some grandparents in their 70's I believe you said. Who are raising their granddaughters because their daughter died and I don't see why we as a city need to put them through any of these hoops at all. Why can't we just allow them to use the taps that are already there without going through the annexation. Now you have I think four actual citizens left here in the Council Chamber and to ordinary working people and I would suggest that you simply ask for the four citizens in this chamber and the two average working folks if they would object to grandparents raising their granddaughters getting to use city water without having to annex and run through all these hoops. Who would object to that.

Alderman Thiel says well, for one thing because of their age the property will be probably be sold in 15-20 years down the line. Then it will still be outside the city limits. You know, and frankly, you know, it sounds to me like we're really offering him more by providing him the fire protection that he is not getting now and I think it's a better situation for him and for the city.

Mr. Garcia says I know, for example my own parents are in their 70's and they live here in Fayetteville, and to make any changes in their situation at all is fairly difficult for them. My sisters do a lot of care taking. I do a little less care taking for my parents but to change my father's insurance he has to have one of the children their working with him to go through the steps because things are so complexed these days. I also remember that fairly recently there was major war going in Washington County about the folks did not want to be brought under codes and all that kind of things, and permitting processes

like we have here in the City of Fayetteville. Where if he is annexed all the sudden his property comes under city codes that they would not have been under before and who knows what additional expenses that would entail. It seems to me a simple humanitarian request and ask the citizens of Fayetteville that are here. The ones that are the most commented that stuck it out through this meeting, would you object?

The mayor says Mr. Garcia one thing I'd like to add is that I think the reason that this policy is in place is because when development happens at the edge of the city the only control we have over that development to bring them under our codes is sewer taps. If we were to provide sewer taps outside our city limits then people could, we would be circumventing a lot of our planning regulations I suspect. Am I wrong about that? Would they-is that one of the hammers we have over development is that we can say you have to meet our codes and ordinances or we won't provide sewer to you. Is that pretty much accurate?

Conklin says correct. (He makes other statement but this transcriber is unable to hear what he saying once again he is not close to a mic.)

They mayor says so if we provide this

Mr. Garcia interrupts to says if I recall the city staff saying earlier there already are existing exceptions. There already are the taps, the sewage lines running outside the city the taps are being used on outside the city. And I haven't noticed any flood of people knocking down the doors of city hall demanding that they also get sewage taps without annexation. It's not like this is going to create some massive problem that hasn't existed before. It's a simple humanitarian case. Very simple and I completely support Councilman Trumbo in this. I think he had the correct response from the heart from the very beginning. And you don't need to make it any more complicated then that.

Alderman Reynolds says so you'd be in favor of breaking our city regulations and our city ordinances that you've got to live in the city to have services.

Mr. Garcia says well I remember the City Council going to great lengths to make an exception that would apply almost exclusively to CMN Properties with the tree ordinance. And if necessary, let's have our city attorney to go to great lengths to make an exception that would apply only to this particular couple. Why would we give CMN Properties more preferential treatment than we would to individual citizens.

Alderman Reynolds responses that's got nothing to do with this case.

Mr. Garcia asks why doesn't it?

The mayor asks do you have any other comments Mr. Garcia.

Alderman Davis says mayor I called a vote.

The mayor says and vote is on the amendment? The mayor states we have a motion and second on Mr. Young's amendment. Shall the motion pass? The city clerk calls the roll. The city clerk says its 4 to 4. The mayor asks and the amendment is to allow the annexation.

Alderman Thiel says wait a minute did you count that right?

The city clerk says I have Zurcher, Trumbo, oh no I'm sorry, Zurcher, Trumbo and Jordan, no. So I'm sorry. 5/3.

The mayor asks so the amendment passes. Alright so what do we do with the first motion? Now did that say that we allow the sewer taps without having to annex?

Alderman Davis says no.

Alderman Jordan, says no we put.

The city attorney then says no, that has been amended at this point.

Alderman Jordan says now we vote on the whole shooting match.

The mayor asks what is it exactly that we will be voting on Kit?

The city attorney says that the City Council hereby approves a request to provide city service for two sewer taps on property own Don and Donna Hendricks located outside the city limits provided or on condition that they apply for annexation and that the city will waive its normal annexation fee.

Alderman Jordan asks are you agreed to that Mr. Hendricks.

Mr. Hendricks says I don't really have any other alternative.

Alderman Jordan says you can say yes or no. I mean I just want to know.

Mr. Hendricks responds (is not near a mic and I can't hear or make out exactly what he is saying.)

Alderman Zurcher says Mr. Hendricks I usually don't give too much legal advice. If I were you, I'm gonna give some now. If I were you, if you really think you've been wronged by this developer, I would start calling around to attorneys. I think there are attorneys that would take this case on contingency that you win something is the only way you have to pay that person. I don't think you should have to pay a dime to fix problem if you were promised by that person to

Mr. Hendricks makes other comments but he is not by a mic and not able to hear them.

Alderman Zurcher says but I think they implied that you were going to be able to actually use those taps and I think in a court of law

Mr. Hendricks again makes more comments but I still can't make out what he is saying. He is not by a mic.

Alderman Davis says Mr. Zurcher can I see your shingle?

Alderman Jordan says I think the situation is, Mr. Hendricks, if you're not-if you don't agree with this I'll vote no. But you're alright with it I'll vote yes. And I think that's up to you.

Mr. Hendricks again makes comments but I can't make out what he is saying. He is not by a mic.

The mayor says we have a motion and second to approve the use of the sewer taps on the property with the amendment. The city clerk calls the rolls and upon roll call the motion passes.

The mayor says I'm sorry Mr. Hendricks that we've find ourselves in this situation but we'll work with you as best we absolutely can.

Mr. Hendricks says more but I can't hear him.

The mayor says I think you can-as of now you can start using your taps. Is that pretty much.

The city attorney says he has to-certainly in the very near future apply for annexation.

Hendricks says I understand that but how many days do I have to-before I-what kind of time frame to I have.

The city attorney says as long as it is reasonable the City Council will won't have any objection. In other words if you get it going within a week or two then I don't think there will be any problem.

Hendricks says I thank you for your time.

The mayor says thank you Mr. Hendricks. Is there any other business? Any other comments?

Mr. Mayor!

The mayor says yes, sir.

I would like to remind the Council that we had talked about an informational session to deal with the

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Parks Master Plan and the date we set for that assuming that it is okay with the Council is June 26th out at the Genesis Center at 6 p.m. The Genesis Center is the new development Southwestern Bell. I've looked at the facility it's I hate to say state of the art but it is. It's a wonderful place to have that meeting. It will be an informational meeting with Council, Planning Commission and representatives and the Parks Board.

Alderman Davis says June 26 at 6 p.m.

He says we'll send you out a notice.

Alderman Davis says what night of the week is that?

He says Tuesday.

Alderman Thiels says Tuesday. So it would be after an agenda meeting?

Alderman Jordan says Tuesday at what time?

Alderman Thiels says 6 is a

Alderman Zurcher says at what time, at 7?

Alderman Davis says 6.

Alderman Zurcher says I have a ward meeting at 7.

Alderman Jordan says what day is it?

Alderman Zurcher says every 4th Tuesday I have a ward meeting.

Alderman Thiel says that's an agenda meeting night I guess.

Alderman Reynolds says if its on Tuesday its either one or the other.

Alderman Santos says its one or the other.

Alderman Jordan says the 16th is a Saturday in June.

Alderman Jordan is told the 26th.

Alderman Thiel says yeah cause the 27th.

Alderman Jordan says that's agenda session.

Alderman Thiel says we meet at 4:30 and be over at 6, except the people having ward meetings.

Alderman Davis asks can we have immediately following the agenda session?

Alderman Santos says and just have it right here?

Well the problem with right here is there is going to be other people involved. We can also move it to two other dates. There is two other dates that Lois is available and that's July 16th and 17th. So if you prefer us to go to one of those two dates we can. Its important to have as many people there as we possibly can.

Alderman Young says we need to look at the agenda over there, what's scheduled and what day it is.

The mayor says I think the problem with having it here with the City Council and the Parks Board and the Planning Commission is that it just gets to be-we don't want to be up here dictating to the other commissions. I think that's-we want to avoid the appearance of that. If there is a way we can change it out I'm sure most of us are flexible.

Alderman Thiel interrupts to say we have our agenda meeting so on the third floor and then they could be set up down here. All we would have to do is come down to this room. If we had it right after our agenda meeting.

The mayor asks if there a chance we could do it up here in the agenda

Alderman Thiel again interrupts and says we have our agenda meeting up there. Then we could come down here for the meeting.

The mayor said that's what I'm saying if we came down here somebody would probably be up here and dictating to the other commissions. It would be better if we had some-more of a round table discussion rather than.

He says we had intended to use a horseshoe development which we can use out at the Genesis Center to have everybody sitting around rather than-this room is not amiable to that type of set up as that is out there. I certainly do not want to cause a problem with the agenda meeting. Why don't you let us look at some alternate dates and then get back with you.

Alderman Davis says okay.

Alderman Reynolds says as long as its not on a Tuesday it will probably work.

Alderman Jordan says Tuesday is a bad day.

Yeah I'll make sure you don't have a meeting.

Alderman Zurcher says I have a real brief announcement. Three weeks from today which is the 26th at 7 p.m. Ward 2 ward meeting, we are moving it down to St. Joe's Cafeteria on LaFayette. So maybe a less formal environment. I'm just inviting everybody to be there. 7 o'clock.

Alderman Trumbo says next Tuesday at 6 at Vandegriff Gym Mr. Davis and I will be having our first Ward 3 meeting at 6 o'clock next Tuesday which is the 12th. So it will just be 6 o'clock. I just wanted to correct NW Times made an honest mistake and said that proclaimed I didn't like ward meetings. I didn't say that. I commended the other alderman for having them. What I did say was that Mr. Davis and I with our professions and city government and church and nonprofits and charitable work sometimes have a hard time coordinating schedules to have one. And we're lucky and fortunate that we have our first one scheduled for next Tuesday.

The mayor asks for any other questions or comments or statements or announcements.

Alderman Reynolds says Thursday night, Butterfield School.

Alderman Davis says there'll be a street meeting 4:30. Walk through Rolling Hill to Mudd Creek.

The mayor says I declare this meeting to be adjourned. Thank you all very much.

**MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
JUNE 19, 2001**

A meeting of the Fayetteville City Council was 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.

PRESENT: Mayor Coody called the meeting to order and asked the City Clerk to call the roll. Present upon roll were Aldermen Young, Zurcher, Trumbo, Davis, Santos, Jordan, Reynolds, Thiel and Mayor Coody. Also present were Interim City Attorney, Kit Williams; City Clerk, Heather Woodruff; and members of staff, press and audience.

The mayor says we're having a feedback problem with the microphones, might I ask that you turn them down just a little bit. Will you please join me in saying the Pledge of Allegiance.

The mayor states we'll start off with the consent agenda and there are nine items on it. I'll read them off.

CONSENT

APPROVAL OF THE MINUTES: Approval of the minutes from May 15, 2001 meeting.

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.

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)*

The mayor says I understand that this is going to be pulled from the agenda tonight is that right? Is this going to be pulled from the agenda tonight? I think because there's some-is it the parks department? We'll get down to that in just a second.

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.

SOCCER UNIFORMS: A resolution approving the purchase of soccer uniforms for 2001-2002 soccer season.

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%).

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.

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.

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

The mayor says with the removal of the No. 3 Skate Park. I entertain a motion to accept the Consent Agenda.

Alderman Davis says so moved. Alderman Jordan seconded.

The mayor states we have motion and second to accept the consent agenda.. The city clerk calls the roll and upon roll call the motion passes unanimously.

The mayor says we would like-a description of why we are pulling the skate park. Do you have that?

Mr. Ernest says Yes sir Mr. Mayor. When we looked at the application with the key members of the parks staff, we discovered that it would be of our benefit for the application process which is complex for us to hold an additional public meeting on the application itself. That meeting has now been schedule for June 28th. It doesn't harm us in the time frame for the grant, and the point system that is use by the rating agency for the application. It will be a benefit for us, to us, to go ahead and hold an additional meeting to discuss the skate park and other possible application, and other possible grants application processes, or needs in that particular area. So we've gone ahead and schedule a meeting for June 28th and we'll bring it back to the Council the following meeting.

The mayor says thank you very much. Now we'll go on to-we have no old business and we'll go on to new business.

NEW BUSINESS

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.

The city attorney reads the ordinance for the first time.

The mayor says we have a little bit of feedback. I think it must be on your microphone Kit. Is there a chance that you all could the microphone down for Kit. Maybe all the way if its alright but at least enough to get rid of the feedback.

The mayor asks for any comments or-thank you for catching that by the way. Any questions or comments on this item? If none, is there is any public comment on this? Alright, seeing none I'll bring it back to the City Council.

I would entertain a motion and second, this hasn't been on its second reading or anything has it?

Alderman Santos moves to suspend the rules and go to the second reading. Alderman Jordan seconds. The mayor states we have a motion and second to suspend the rules. The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney reads the ordinance for the second time.

Alderman Zurcher asks have we talked to the landowner here? Do we know why this vacation is being requested?

The mayor says Greg do you have-are you up to speed on this particular item?

Alderman Davis says someone is coming up now mayor, to make a presentation.

The mayor says oh, okay. Sorry.

Mr. Mayor and Councilmen, my name is Bruce Adams. I reside in Bentonville, Arkansas. I'm one of the two owners of the property in question. The reason we're looking for the vacation of this easement is due to a original design that was going on that property was a single building. And when the original design was submitted for approval, which was never built. The waterlines, utilities lines were designed to accommodate that building. We have since changed the design into two separate basis and two smaller buildings on that site. That's the purpose of this vacation. The existing waterline and existing easements were in place where the building is being construction.

Alderman Young says that was my questions. Tim said that you already done with the new easements.

Alderman Thiel says it might be noted here that the staff recommended this in Planning Commission and unanimously voted to recommend and forward this vacation to the City Council.

The mayor asks for any other questions or comments. Any more from the public?

Alderman Santos says I move to suspend the rules and go to the third and final reading. Alderman Davis second.

The mayor states we have a motion and second to suspend the rules and go to the third and final reading. The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney reads the ordinance for the third and final reading.

The mayor asks for any other comments or questions? Shall the ordinance pass? The city clerk calls the roll and upon roll call the ordinance passes.

The mayor says I overlooked a minute ago--I wanted to introduce a couple of folks on our Council-on our bench tonight. I failed to do this at the beginning of the meeting. Far right, my far right, Ted Webber over here is the new administrative services director who will be replacing John Maguire as he goes to half-time here at the city. And next to Swifty Reynolds over here is Greg Boettcher who is our new public works director who is replacing Charlie Venable. So welcome them to the crew. They've been a week and half roughly. And its-you've learned a lot I'm sure. It's good to have you guys. We'll go on to Item No. 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.

The city attorney reads the ordinance for the first time.

The mayor asks for any questions or comments from the Council? Mr. Connell, would you like to come address the Council on this issue?

Mr. Connell says one thing I would like to correct there Kit. This is a road right-of-way. This is not easements or for utilities.

The city attorney says okay I'll make a note on that ordinance.

Mr. Connell says technically this is a part of some road right-of-way that the city's had for 74 years which the university has acquired land on all sides. They are in the process of clearing and planning for a parking lot. Some of that has been and will be used for that purpose. The easiest way of doing that is by vacating the land.

Alderman Thiel says I noticed here in the Planning Commission meeting that the city will receive a credit in the amount of \$26,700. Is that correct?

Mr. Connell says they have agreed to this, yes.

Alderman Thiel says of course we could certainly use that towards other Lewis Park Soccer Complex possibly.

Mr. Connell says we've got a long ways to go on that particular one.

Alderman Davis asks is there anyway that we can use this credit on Garland Avenue on fixing that right of way? Close to the university.

Mr. Connell says possibly. The university has always been cooperative with the city. Most of the easements that we've acquired we have not paid for. So its good to have an opportunity to work together.

The mayor says thank you. Are there any other questions or comments for Mr. Connell.

Alderman Davis says Ed thank you for all your good work. Appreciate it.

The mayor says this has been going on for awhile now. We went to look at that months ago, didn't we?

Mr. Connell responds. (this transcriber is unable to hear comments)

The mayor asks for any questions or comments on this issue. See none I'll bring it back to the Council.

Alderman Santos says I move to suspend the rules and go to the second reading.

(There was no second.)

The mayor states we have motion and second to suspend the rules and go to the second reading. The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney says before I read the title I'm going to read Section 1 as it should be properly stated. *That the City of Fayetteville hereby vacates and abandons all of rights, together with the rights of the public generally into the following described road right-of-way.* Now the title.

The city attorney then reads the title for the second time.

Alderman Davis says I move we suspend the rules and go to the third and final reading. Alderman Santos seconds. The mayor states we have a motion and second to suspend the rules. The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney then reads the ordinance for the third and final reading.

The mayor asks for further comments or questions on this issue. Shall this ordinance pass? The city clerk calls the roll and upon roll call the ordinance passes unanimously.

They mayor says thank you and we'll move along to the Item No. 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.

The city attorney reads the ordinance for the first time.

The mayor asks for any questions or comments from the Council about this item.

Alderman Santos states the only comments I heard were that we do define the family as three unrelated members rather than four as the Planning Commission originally proposed and that is what the Planning Commission evidently decided to go with, and that's what the ordinance says. So this ordinance is doing what people have asked me to do.

Alderman Jordan says yes, basically I've had the same-pretty much the same telephone calls.

Alderman Santos says probably all of us have. Its been city-wide.

Alderman Jordan says so I think that people in our ward are definitely for it. I don't know about everybody else's.

The mayor asks is there any other questions or comments? We have the planning staff here to answer any questions. Anybody from the audience like to address this question. Seeing none I'll bring it back to the Council.

Alderman Jordan says I'd like to make a motion and suspend the rules and go to the second reading. Alderman Santos seconds.

The mayor states we have motion and second to suspend the rules. The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney then reads the ordinance for the second time.

Alderman Zurcher asks can we go through may be just a brief history of this and why we're doing it? Just so kinda people understand what we're doing here. Is there somebody here that can?

Ms. Warwick says starting back in January staff was approached with public concern with the way family was defined in the Unified Development Ordinance. Based on conversations that we had with several neighborhood organizations and individuals, we requested that the Planning Commission address the issue. They appointed a subcommittee. They had two public hearings as a subcommittee addressing the definition of a "family" in the Unified Development Ordinance. We also had one of our associate planners do extensive research which is included in your packet. And includes comparisons of 13 cities of similar size and character of Fayetteville. Most of them were also college towns. And with that material and the results or the minutes from the subcommittee meetings we presented

information to the Planning Commission at their April 9th meeting. They reviewed the research and determined that they wanted to define "family" more specifically in the Unified Development Ordinance and also to change the number of unrelated persons permitted in zoning districts that allow multiple family dwellings. Therefore we maintained the existing number of unrelated persons in single family dwellings which is three. And what this ordinance change would provide for in zoning district that allow multi-family dwellings a maximum of 4 unrelated persons per dwelling unit. Those are the basic changes that are proposed in this. We've had extensive public input on the activities and the proposals that are going on here.

Alderman Zurcher says so it was mainly people in R-1 zones worried about trash, traffic, noise, parking, too many people in one unit.

Ms. Warwick stated there's more to it than just the number of persons. There are related issues with regarding to parking, the number of vehicles, noise, trash that have to be addressed in other manners. But we did maintain the number of unrelated persons in a single family district. R-1 district is no more than three, and that seems to be what most people were interested in is maintaining the residence character of those single family neighborhoods.

The mayor asks for any further questions or comments?

Alderman Thiel says I just want to say that I think it's a positive measure. I think there was a lot of public discussion. I attended several of those meetings. I think it will certainly help some of the problems that I know the planning office has had in this regard. So I think it's a good thing to do.

The mayor says thank you and asks for any other comments or questions from the public. Seeing none I'll bring it back to the Council. I entertain a motion to suspend the rules.

Alderman Jordan says I'd like to suspend the rules and go to the third and final reading.

Alderman Santos second.

The mayor states we have a motion and second to suspend the rules and go to the third and final reading. The city clerk calls the roll and upon the roll call the motion passes unanimously.

The city attorney then reads the ordinance for the third and final time.

The mayor asks for any other questions or comments from the Council or the public. Shall the ordinance pass? The city clerk calls the roll and upon roll call the ordinance passes unanimously.

The mayor states I'm glad to be bringing these Boys and Girls Club items to the table now. No. 4

BOYS AND GIRLS CLUB BID WAIVER: An ordinance to waive competitive bidding for the

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payment to the Fayetteville Youth Center, Inc. through the end of 2001 for the provision of public recreation.

The city attorney reads the ordinance for the first time.

The city attorney says the reason I-I brought this forward, mayor, let me explain why I did this. We had been operating for many years with the Fayetteville Youth Center and helping support their programs and they've been providing public recreational opportunities for primarily the youth of Fayetteville. Because of some of my investigation and analysis of the law, I felt that it was necessary for us to have a more strict contract with the Fayetteville Youth Center. And so I have drafted that but in order to enter into that contract we would have to enter into this bid waiver since there is considerable amount of money left that we've already budgeted to pay the Fayetteville Youth Center. Therefore I thought that we needed to do a bid waiver in this case so that we could finish up this year and then next year we'll probably go through either a bidding process or do something else. We'll have more time to sit down with the members of the Fayetteville Youth Center in order to work out all the details. The exhibit to this particular contract which will be coming up later on is something that has been worked with the Parks & Recreation Advisory Board, and something that the city and the Youth Center have been working under. It's a good-it's good regulations and it's kind of a good agreement but it's not a formal agreement. That's why I thought we needed a formal agreement that both sides could sign off on to that's why I suggested that we do this.

The mayor says thank you for your work on this issue. Any questions or comments from the Council?

Alderman Zurcher comments Kit since we are going to be going by the book now, I guess. I'm just wondering the definition of public recreation. What makes it public.

The city attorney answers it has to be-the Fayetteville Youth Center, Incorporated, we do have representatives here in the audience who could probably explain that better than I can and I invite them to answer that question. But they do have certain parts of their programs which are open to the public. I think their Jefferson School Program is open to the public, if I'm not mistaken. And maybe some of the other programs. Mike Hill is here and he can probably answer that question for you.

Alderman Zurcher says okay.

My name is Mike Hill, and in answer to your question. Kit-and we visited and we've been in contact with him a lot on this issue because obviously it has to do with our ongoing operations as well as any project that we have to deal with. The thing that came about as far as public service or public recreational activities. Primarily everything we offer we consider falling in that definition. However what you do have is in the part of the attorney general's opinion was the membership issue. You know typically like you think of a country club where you're locked in and you're a member and no one else can in the doors. We have a-we feel like we have a daily fee that an individual could pay and use any of our facilities. It's a very nominal fee. It's a dollar a day. So any child or individual that walks up,

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pays a dollar, goes in and has full access of our facilities. That is fingerpainting, shooting baskets, getting in line for the swimming whenever the open swim processes are and anything else. So it's not necessarily restrictive in the membership that you have to buy one like in a country club where you have to pay upfront fee and then you get in. In this case you can actually elect to pay a daily fee, I like to call it. And as a result of that we feel like that allows all parties in community access to our facility. And basically then opens up that public recreational area.

Alderman Zurcher says I would say a dollar is pretty nominal.

Alderman Davis asks and don't you also have scholarships for those kids that can't afford it.

Mr. Hill says I'm not sure. Our systems are kind of manual. We've got a lot of things we're for data gathering to help us with a lot of issues, but I'd probably be willing to bet that a lot of children slip by with their cousins and so forth and don't pay their dollar fee. So I mean, John's here I'm not sure I want to bring that out as a operational chink we have but I'm sure that occurs.

The city attorney says one of the things that is coming up on the agenda later on tonight is the Jefferson Elementary Program that you run. Isn't that available free of charge or how do you run that?

Mr. Hill says John may have to help me with that. But we look at all our programs that basically are a free of charge routine. Our thing at Jefferson is a new thing that we just started. In conjunction with the Jefferson Elementary a Boys and Club Grant and so if I'm kind of talking out of school John you might help with this one. But basically speaking we went to the children that were there that wanted to sign up for this program and we assumed that when we went on the front end that we have an after school program from basically when schools out until approximately 6 o'clock. Five days a week during the school season. This is 9 months a year and then we entertain a half day type program in the summer that we can transport if there is not enough children there and that type of thing. We are looking at grant funds for that and basically anyone can sign up. We told the children when the first group signed up that if you are not a member it's a \$25 but you can use all of our service but its not a requirement. And believe it or not I think 90 something percent of the children paid \$15 or whatever our fee was. That is available at no cost to any child that asks as well as any other service in operation that we have. So we may not be right now the most formal scholarship application type process in the sense that you have to have one that is stamp that designates you as a scholarship recipient. I think it's one of those deals that we have procedures that they go through but no one is turned down. That's my understanding.

The mayor asks for any other questions or comments for Mr. Hill? Thank you sir. Any questions or comments to us from the public?

Alderman Davis moves to suspend the rules and go to the second reading.

The mayor states we have a motion and second to suspend the rules. The city clerk calls the roll and

upon roll call the motion passes unanimously.

The city attorney then reads the ordinance for the second time.

The mayor asks for any other questions or comments from the City Council? From the public?

Alderman Young moves to suspend the rules and go to the third and final reading. Alderman Reynolds seconds.

The mayor states that we have a motion to suspend the rules. The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney then reads the ordinance for the third and final time.

The mayor asks for any other questions or comments? Shall the ordinance pass? The city clerk then called the roll and upon roll call the ordinance passes unanimously.

The mayor says thank you and we'll move along to No. 5.

The city attorney interrupts and says excuse me mayor, we have an emergency clause on here so we need to have a separate vote on that please.

Alderman Santos moves to pass the emergency clause. Alderman Jordan seconds.

The mayor states we have a motion and second to accept the emergency clause. The city clerk calls the roll and upon roll call the motion passes unanimously.

The mayor says this might be a shorter evening then we thought. We move on to No. 5 now.

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.

Alderman Thiel asks now is this the contract or the agreement? What are we looking at here?

The city attorney responds by saying you are looking a contract there. There's a resolution there but I don't need to read a resolution.

Alderman Young asks what we are doing here is this contract right?

The city attorney then says it's a contract as well as what was just handed out to you tonight which is the Exhibit A which is the most current rules and working procedures and responsibilities between the

city and the Fayetteville Youth Center.

Alderman Thiel says well I just wanted to point out that this-whenever I was on the Parks Board, this was the one that the Parks Board approved back in November or December. Probably December not the one that was in the agenda packet.

The city attorney says well this is the update version then.

Alderman Thiel says there are some major differences that I don't know if you all had a chance to look at them. But I think its certainly more agreeable to the parks department and Parks Board.

The city attorney says and it has been signed and approved by the Fayetteville Youth Center, Inc.

The mayor asks for any other comments from City Council? Any questions or comments from the public.

Alderman Davis makes a motion to pass the resolution. Alderman Jordan seconds.

The mayor states we have a motion and second to pass the resolution. Shall the resolution pass? The city clerk calls the roll and upon roll call the resolution passes unanimously.

They mayor says thank you and we'll move on to No. 6. Another resolution.

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.

The city attorney says yes mayor, you asked me to draft this up. You said you wanted to present this.

The mayor says I would like to present this. Although since I don't have it in front me right now, flip back to it.

The city attorney says you don't have the resolution in front of you. I'm not going to read it. Obviously it's for a joint use agreement with the park land and expressing our intent to develop the land adjacent with their new facility and playing fields and parking lot, walking trails and things like that.

The mayor says I know that we've been wanting to work in tandem with the Boys and Girls Club for quite a while. I think this is the final step to finalize to formalize our agreement to where we can legal go ahead and move forward with this. I know that we have a big soiree coming up here pretty soon. I'm afraid I'll be out of town for it. Unfortunately, I'd love to come but I certainly hope you have complete and total success with your party coming here pretty soon. Any questions or comments on this from the City Council?

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Alderman Santos says would you like to announce that open house is this Saturday.

Mr. Hill says we are scheduling an event this Saturday from 4-8 o'clock and it's necessarily a bring your children type routine it's more of an educational process parents, old alumni of the facility and that type of thing and so that's going to from 4-8 this Saturday.

The mayor says alright, thank you. Well we hope that every one watching who is interested turns up. It'll be good. Any other questions or comments from the public. Do we have a motion yet?

Alderman Jordan says so moved. Alderman Santos seconds.

The mayor states we have a motion and second to approve the resolution. Shall the resolution pass? The city clerk calls the roll and upon roll call the resolution passes unanimously.

The mayor says we'll move along to No. 7.

JEFFERSON ELEMENTARY: A resolution approving a sub-recipient grant agreement to Fayetteville Boys and Girls Club, for the program at Jefferson Elementary.

The mayors asks for any questions or comments on this from the Council?

Alderman Thiel asks Is Yolanda here? The

The mayor says I do not see her. The mayor again asks for any questions or comments on this issue?

The city attorney then says we ought to tell the public that this a \$16,000 grant that is going to be used by the Fayetteville Boys and Girls Club for their program at Jefferson Elementary that was just described by Mike Hill.

The mayor says thank you. Mr. Hill do you want to further described this or that presasync.

As Mike mentioned earlier we began our presence at Jefferson Elementary School on September of last year. The \$16,700 that Kit is CDBG money to towards helping support staffing costs as that operation is ongoing this summer and fall. The same repertoire of programs helping the school work, arts and crafts sorts of things that we bring in, recreational services. Those sort of things. I'd be glad any specific questions if there are some. We have over 130 kids that have signed up since the inception of that satellite operation last September with an average daily participation of close to 70. So its quite a substantial operation for which period time and existence. And I feel like it will continue to grow. Especially as school district changes are made and kids are moved around a little bit and so forth. So we're looking forward to being able to do it even better job with the support of the city in the future.

The mayor says thank you Mr. Benberg. Any other questions for Mr. Benberg from the Council? Any

comments or questions from the public? Okay.

Alderman Davis makes a motion that the resolution pass.

The mayor states that we have a motion and second to approve the resolution. Shall the resolution pass? The city clerk calls the roll and upon roll call the resolution passes unanimously.

The mayor states that wraps up the Boys and Girls Club session for tonight's city council meeting. Let's move on to some basic housekeeping measures with No. 8.

LIFE STYLES: A resolution approving a sub-recipient grant agreement with Life Styles, Inc.

The mayor says we want to basically-do you want to describe this one Kit?

The city attorney says well this is also another grant that we have received and is going to disperse to Life Styles a little over \$11,000. As Council is aware we did receive \$600,065 in Community Block Grant money from the federal government. And this is one of the sub-grants. How were going to use some of that money for Life Styles, Inc.

The mayor asks for any questions or comments from the Council.

Alderman Thiel says well it looks like its for a good purpose. We're going to install an emergency alarm system and upgrade the current alarm system and remodel two bathrooms in their facility. So I think that's a good use of the money there.

The mayor says yes it is.

Alderman Jordan says I agree with that.

The mayor asks for any questions or comments from the public. I entertain a motion and second.

Alderman Santos says I so move. Alderman Jordan seconds.

The mayor states we have motion and second to approve the resolution. Shall the resolution pass? The city clerk calls the roll and upon roll call the resolution passes unanimously.

The mayor says thank you. We'll move along to No. 9.

SAGE HOUSE: A resolution approving a sub-recipient grant agreement with Sage House, Inc.

The mayor asks for any questions or comments on this issue?

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Alderman Thiel says since this is a larger amount, in the amount of \$162,500. Yeah, if Kit has some more information about what the Sage House does. They're building 20,000 square foot housing unit for single parents that are low or moderate income.

The city attorney responds yes, this is what you all passed a lease on, I think it was the last council meeting where we're going to lease land and this Community Block Grant money is being used to build a facility to aid-for transitional housing for these individuals. I think it will be a real boom to the people in Fayetteville who need this kind of work. And I'm happy that the federal government allowed us-gave us this kind of money to do this kind of work.

The mayor says I was just going to say I've been a little moved with this program since I've been involved with this. I really think it's a good program. We're really glad to have it here in Fayetteville and whatever we can do to help them is going to be good for the whole community.

Alderman Jordan says I think it's a good program too. I'm very much in favor of it.

Alderman Zurcher says are you saying that money is money that we could be collecting in rent?

The city attorney says the city received \$600,065 in Community Block Grant funds from the federal government. And then we are in power at that point to turn it around and use it in certain federally approved programs. The Sage House is one of those federally approved programs. We are a conduit for the money. We never really-we don't own the money. We're only a conduit from the federal government to this non-profit.

Alderman Zurcher says I'm in full agreement. I think is a great service they are doing for the community.

Alderman Thiel says I do too but I've would like to know-I mean-I certainly think its great but is it-are these individual units? Or is it-what exactly is it going to be? Do you know a little bit more about it.

The city attorney says no. You'll have to ask Yolanda Fields, who is our Community Development Coordinator.

Alderman Thiel says well I mean-yeah. I'll find out later.

Mr. Ernest says we'd be glad to get you a memo. I can't answer that question. We'll get you some additional information on what the specific purpose of this building is.

Alderman Thiel says I going to support it. I'm not questioning I just thought for the public's information as to what it was going-who it was going to serve.

The mayor says this isn't exactly-these aren't independent units. These are more like an apartment

house sort of with a common area where it a.

Alderman Thiel asks so its independent units?

The mayor answers oh yeah. I thought you meant independent housing. They are independent. Yes. From that regard yes.

Alderman Thiel says okay.

The mayor says its housed within one building.

Alderman Thiel says okay.

The mayor says I entertain a motion and second.

Alderman Jordan says so moved. Alderman Zurcher seconds.

The mayor states we have motion and second to approve the resolution. Shall the resolution pass? The city clerk calls the roll and upon roll call the resolution passes unanimously.

The mayor says thank you and moving on to No. 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.

They mayor says I know we have some information brought forward from the agenda session where folks were asking exactly what kind of improvements we're going to be doing. Mr. Dumas if you would like to bring us up to speed on that.

Mr. Dumas says sure. At the meeting last Tuesday the Council asked some questions about what we were going to be doing. You have a memo with some photos in your packet. I have a color version of that you can pass around and take a look at to see what the condition of the building is. Primarily what we are doing is getting the building in shape to occupy. Its been abandoned for quite some time. Apparently our responsibility would be to replace some broken ceiling tiles, broken or stained ceiling tiles, repair some holes in the concrete wall, clean and paint the building. Just basically make it habitable for any occupant. And then DHL would be responsible for any leasehold improvements. Such as their counter spaces or any other improvement they would like to make to the facility. Probably our cost, I don't have a good estimate of that but probably something under \$3,000.

Alderman Thiel says in other words you did talk to them about the possibility of them doing these improvements because the lease was such a value to them.

Mr. Dumas says I did talk to them about that. They said that they were happy in their existing location and we requested them to move to this other location removed them from a aircraft vehicle conflict area. Right now they have access to the areas where the airplanes are moving.

Alderman Thiel asks are we leasing what they are using now to them?

Mr. Dumas responds yes, for a \$175 a month. So they're moving to another facility for the same lease price.

Alderman Thiel asks and we're doing that because we feel like its good for us to move them?

Mr. Dumas answers we feel like it is good for us to move to get them out of a potential conflict area, and then that would open up the hangar to re-rent to another tenant, another plane rental.

Alderman Thiel asks so we're going to turn around rent the space that they are in now?

Mr. Duma says yes. They are now in a hangar. They are in a hangar now which they have turned

Alderman Thiel interrupts to say and they don't need a hangar, they need an office space.

Mr. Dumas says the only space we had available initially I suppose when they, I'm not sure when they entered into the lease initially, was a hangar space.

Alderman Thiel says I see.

The mayor says I think is the way-right now they have to drive Lancaster Boulevard, pass through the electric gate, go back through the other hangars, and by the tower and all that, I think this is will keep them out of that whole operational area back there.

Alderman Thiel says but if you re-rent that hangar, you're still going to have some tenants doing the same thing that they are doing.

The mayor says yeah but

Alderman Young says if they have a plane it's a different deal.

Alderman Thiel says okay.

Mr. Dumas says we rent hangar-we rent something like a 100 hangars. We have 100 tenants or so in our hangar space now which have access to same space. But DHL they were bring in commercial vehicles to off load onto-on to their aircraft.

Alderman Thiel says well I understand it a little bit more now. That its something that we need to do and so we're having to basically offer them this bargain because

Mr. Dumas says in looking at the lease rates we have been offering everybody a substantial bargain.

Alderman Thiel says yeah.

Mr. Dumas says I think that something we need to address in the future but it's a very delicate balance because well we may want to increase revenue. We don't want to run any of our tenants off to other places.

Alderman Thiel says well they are going to have to pay a lot more if they go anywhere else than what they are paying here.

Mr. Dumas says yes.

Alderman Thiel says so I don't know if we would be running them off necessarily as long as we kept fairly competitive. But this may not be the time to do that.

Mr. Dumas says I don't think the time is right. I do think that we do need to look at our lease rates in the near future though.

Alderman Thiel says good, good.

The mayor asks for any other questions or comments on this issue?

Alderman Jordan responds I've got one. Now on the pictures here I noticed something down here on the lower right hand corner on the ceiling tile. Everybody needs to look at that cause that usually shows that there's a roof leak right there. It's got to be a leak.

Mr. Dumas says that there are couple of tiles like that that are stained which indicate a roof leak. If there are roof leaks we would be responsible for that. That would be a major repair which we would be responsible for. As would any owner of property.

Alderman Jordan says I assume that it has gravel roof on this flat roof correct? Is it a gravel or is it that rubber stuff that they are using now?

Mr. Dumas says it's a flat roof but I haven't been up there, I don't know.

Alderman Jordan says now that would cost quite a bit of money to replace that roof if we have to do that so that's something that we need to keep in mind.

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Alderman Thiel says so we're talking a lot more.

Alderman Jordan says this may not be the end of the repairs you have to make that's what I'm trying to tell you all. This could cost you some major bucks to put a new roof on it.

Alderman Reynolds it still our responsibility.

Alderman Jordan says that is true and we may not recoup that from the amount of rent we're charging. That's the only point I want to make.

Alderman Santos says I think we should maintain the building anyway and empty buildings tend to deteriorate too. I think if somebody in there to keep a light on or two. It is a real bargain but when you through in that safety issue you know you can't really put a price on that.

The mayor asks for any other questions or comments for Mr. Dumas on this issue.

Alderman Davis says the only thing I'd like to see is right now we're showing where they are responsible for maximum cost of \$500 for any thing may occur down there on an annual basis. And I hope in the future that we increase that limit or we put some type of net-net-net clause where possibly a tenant is responsible for those costs. Because if we give them a building in good repair at the front end, we can't be in control of what they may do to it while they are in there. And I would hate for the city to have to pay for those additional costs.

Mr. Dumas says if they abuse the building they would be responsible for that. There is wording in the contract, in the lease on that. But if just general wear and tear and the air conditional failed, that would be our responsibility.

Alderman Jordan says and so would be the roof and we'd be locked into a contract. We might have to put a roof on that building.

Alderman Davis says that's why in future we might want to look at using a net-net-net type situation on these leases.

Mr. Dumas says I think this a very simple lease and I think probably most of our leases down there are that way. That is an issue we'll need to address.

Alderman Thiel asks is there any deposit made-put down on this lease for damages? They can just leave and that's it.

Mr. Dumas says there is no deposit. No.

Alderman Reynolds asks what is the lease for Gary, one year?

Mr. Dumas says it renewable-it's a one year lease renewable with I believe a five year option. Or five option years. But there is a thirty day reverter clause if we want to give them notice leave. Or they can give us notice they're leaving.

Alderman Reynolds says so we're going to have time before this year is up to revisit these leases?

Mr. Dumas says not this one.

Alderman Thiel says no this one see.

Mr. Dumas says there are renewable provisions in this lease.

Alderman Thiel says its already set out.

Alderman Davis says for seven years.

Alderman Thiel says the first year is \$175, the second year is \$175, then goes up to \$225, \$300, \$400.

Mr. Dumas says this lease we're pretty locked into.

Alderman Reynolds says if we put a roof on that we won't have our money back.

Alderman Jordan says that's what I'm trying to tell you.

Alderman Young says well we've got to put a roof on whether its rented out or not.

Alderman Davis says that's correct. We've got to maintain the property regardless.

Mr. Dumas says if we're not maintaining our assets, they're going to deteriorate and we'll just have to remove the building. So we do need to maintain the property whether it is occupied or not. This is still a good building.

Alderman Zurcher asks can't we just throw some tar up there maybe?

Mr. Dumas says I don't know if it is leaking or not. I mean it has leaked in the past I kind of suspect since it is a pretty minimal stain on that one corner that it doesn't look like it has leaked a lot. I suspect we can repair with very little effort.

Alderman Young asks do you have any idea if may have been fixed before this?

Alderman Davis says the only other thing that concerns me is the certificate of insurance from A-Ion we're asking for thirty days notice of cancellation of policy. But in here it says if A-Ion forgets to send

it to us its not their fault that they didn't get it to us. I don't like that portion of that clause. I would like to see that taken out if at all possible.

Alderman Thiel asks who drew up this lease? Is this something standard.

Mr. Dumas says I think this came from DHL.

Alderman Thiel asks did they do up the lease?

Alderman Davis says well this portion came from A-Ion on the insurance certificate on the back page.

Alderman Thiel says okay.

Alderman Davis says and you're looking at the cancellation notification. I know that people we insurance won't take it if we decide not to do or we forget to do it. It doesn't matter. You have to give three days notice and if they don't provide that then someone is still on that risk for additional thirty days till there is notice given. And this does not say that will happen. This says if we forget to do it you're kind of just -it's your problem not their's.

Mr. Dumas says I go over that cancellation with them.

The city attorney says there seems to be a lot questions about the lease. I suggest that we table this to the next meeting and allow Gary an opportunity to work on it. Maybe look at the roof and do some other research into this insurance coverage. That would be my suggestion. We're not in a rush I don't think.

Mr. Dumas says I think they like to move in an office but I think we probably have time.

The mayor says this discussion was started quite a while back wasn't it. Do you have a rough date on when this discussion started?

Mr. Dumas says I don't know when it started but I know we've been

Alderman Thiel says but it just came to us though.

The mayor says well I know but it's been going on for quite awhile.

Alderman Thiel says well maybe Kit can also look at this lease agreement for us.

Alderman Davis asks will two weeks hurt any.

The mayor says no, not as far as I'm concerned. Do you think they'd mind a two week delay?

Mr. Dumas says I don't really think it matters. If you want two weeks, we'll get two weeks.

The mayor ask so we just table this until the next meeting?

The city attorney says you need a motion to that effect.

Alderman Santos says I move to table. Alderman Jordan says second.

The city clerk calls the roll and upon roll call the motion to table is passed unanimously.

The mayor says we move along to No. 11.

TED BELDEN: A resolution approving a lease agreement with Ted Belden for one parking space in the Fayetteville Municipal Parking Lot 1.

The mayor asks for any questions or comments on this?

Alderman Davis asks have we already leased one space to Mr. Belden prior to this?

The mayor said I think-I believe we leased one to his wife Leslie. If I were went into round numbers I would say yes.

Alderman Thiel asks what was the question.

The mayor responds if we already leased one to the Belden's.

Alderman Thiel says we have?

The mayor says yes, this would be the second.

Alderman Thiel says we have done that?

The mayor says yes.

Alderman Young says I'll give my substandard speech I guess. The lack of any over all plan or policy for parking here in the downtown area, I'm not in favor of leasing right now. In other words if we have an over all policy and this lease fit in that policy why I'd probably vote for it. But since we don't have any policy downtown overall comprehensive why I'm going to vote against this.

Alderman Santos says I'll agree with Cyrus.

Alderman Davis says a concern of mine is, whenever I come downtown usually the only spaces that

are available are those that do have rental agreements, little placks up on the meters.

The mayor says well we're working on-right now we have since we're stacked up with people that have time to look at this. We're putting the parking issue over to-I know Mr. Maguire's looking at the parking deck. We're looking at engineering. What's its going to take-if we can afford to do a parking deck over there. As far as a overall parking policy.

Alderman Young says that's the question. It's not the amount of parking, it's the policy. Who do you lease to, which one's you rent out and things like that.

John Maguire says I hardly know Mr. Belden and I would not want to jump right in the middle of fierier here but if you'll turn to the last page the Beldens lease spot 35. The reason 31 and 32 is available is we moved that dumpster anyway from that transformer and right now a contractor's, etc. are parking there. And so I don't think it's going to damage us to lease one of these spaces to the Beldens. No. 32.

Alderman Thiel says can I ask you something? How much does one of these spaces-I mean is \$50 a month is that as much as we would get if it were just.

Maguire says that's all we're allowed to charge by the ordinance.

Alderman Thiel asks do you have a figure as to what we get on a parking space?

Maguire says the last time I looked at it was about \$15 bucks a month average.

Alderman Thiel says oh really.

Maguire says on meters.

Alderman Thiel says so actually this is a positive.

Maguire says we did have a dumpster here. We moved it over to space 44 because we were-we couldn't get the trucks in there in the morning.

Alderman Thiel says so we haven't gained a space?

Maguire says no.

Alderman Thiel says just moved.

Maguire says well we gained one. We used up 44 and gained 31 and 32. And I'll suspect that somebody will come back and want to rent 31 eventually. But this shaded area is what we-plan and talked about. This is want was originally commented to lease out coming south from spaces 8 and 23

to the end of the street down here, except handicap. So its, you know, not doing us a whole bunch of damage to lease this.

Alderman Thiel says 31 and 32 have been though or you've moved something?

Maguire says we lease over 300 spaces Bob, monthly scattered around downtown, including the parking deck. Over 300. Some of them for years.

Alderman Thiel says I think that since the prior city council adopted the policy of renting these spaces, I know we can always stop it any time but seems kind of unfair to just all of the sudden say well no more we just going to cut right off now. That's my only thought it that we've already set this precedent.

Alderman Young says so how do we get a policy. What about all those other people that are slighted because no policy. The council voted without my vote.

Maguire asks who was the other people you're talking about?

Alderman Young says we went through this what a year ago?

Maguire says well about that.

Alderman Young says okay all those argument-the same old thing. The same arguments. A overall policy to know when we're going to lease these out, when we're not, where.

Maguire says each lot.

Alderman Young says how are we going to keep the allocate-keep spaces open for customers?

Maguire says each lot, including the square has it's own policy. And often times set by the ordinance.

The mayor says one thing I think that we'd like to do is start talking to business owners around the square because a lot of shops have their full-time employees park right on the square in front of the door and this is creating a problem. So as we look at a policy and I think Mr. Ernest is going to be trying to get a grip on a parking policy because is something we need to look at. We want to talk to business owners to see if there is a way that maybe they can have their people who park there 8 hours a day to park some place off the square to make it more minimal to folks who want to come park on a short term basis on the square to do business or just come downtown and that can't find decent parking place.

Alderman Thiel says I would think that our meter person that goes around-officer- could easily determine if someone sit there for 8 hours or so.

The mayor says well its not hard for them to go out move every few hours. And just move to the space

right next to it.

Alderman Thiel says nonetheless, he can keep track of a license number and whether its staying there on the square for 8 hours a day. I mean there's not that many spaces right on the square. I would think that that would be really easy to determine and then find out who owns the car. Because don't we have signage up there.

The mayor says two hour parking.

Alderman Thiel says two hour parking-and tow away if they go over that. Is there something that indicates that?

Alderman Young says that would be the policy which we don't have.

The city attorney says one of the problems with that is that if someone leaves their-if someone goes to their car, drives to the post office, then they are allowed to come back and park at the square again and another two hours begins at that point in time. So if people move their cars its awful hard for enforcement officers or our prosecutors to prove that in fact they didn't go on a legitimate trip somewhere and then come back and park again on the square. So that's some of the difficulty we run into. The proof that it had been actually two hours continuous parking on the square.

Alderman Davis says its that difficult for us.

Alderman Reynolds says that's not the way it works on Dickson Street area. If you park in that lot and you see the blinking light come through, you go out and move your car to another space he comes around again and that number shows up in that computer he writes you a ticket.

The city attorney says my understanding.

Alderman Reynolds says let me finish. The merchants on Dickson Street have to buy a hang tag to go on their mirror. That meters not marked rented. But you're granted a parking place for that hang tag. Its certainly worth more than \$30 a month for a hang tag because I have to buy one for my wife to park behind our business.

Alderman Zurcher says can I make a remark here. I think this is a really good discussion we're having. And I think we're starting to work toward a policy for parking leases. I would like to suggest that maybe we have this discussion in a committee meeting maybe Ordinance Review Committee to get a policy for parking leases. And maybe table this issue until that time. I don't know, I remember about a year ago when quite a few of us were asking why isn't there a policy for this and why don't we get a policy and what was produced was not acceptable as a policy. And I would like to ask for that again that we do develop a definitive policy are we going to grant these, under what conditions. So we are not up here debating this every time.

The mayor says the one thing that's-the dynamics are about to change when the Town Center opens. I'm not sure how much it will change. We'll see after the Town Center opens and when the flux that's going to happens around there, we'll have a better look at a policy to see what the needs are. And we'll certainly talk to the business owners around the square and downtown that we could try to get the folks to find a place to park to free up spaces. I think that could be part of our policy is just trying to be proactive about trying to get folks to free up spaces. And then as we do that develop some kind of a policy to determine answer to these questions that you have raised tonight. Which are all good questions.

Alderman Reynolds says mayor I think that at this time we probably need to grant this for the Beldens. Then we need to send this to the Ordinance Review Committee to come up with answer and solutions for this. Yes, it's a motion.

Alderman Young seconds.

The mayor states we have a motion and second to

Alderman Santos ask what was the motion?

The mayor says it was motion to approve this agreement. Yes, sir. Kevin do you have something else you want to add.

Alderman Santos says no.

The mayor asks for any other questions or comments? Anyone from the audience want to make a comment about this issue? We have a motion and second to approve the resolution. Shall the resolution pass? The city clerk calls the roll and upon roll call the resolution passes with Aldermen Young, Santos and Jordan voting no.

The mayor says okay we'll move along to No. 12.

LITTER CAMPAIGN: A resolution approving a budget adjustment providing funds for an anti-litter campaign. *(will be removed at Council Meeting)*

The mayor says I've spoken to most of you and I wanted to remove this from the council agenda because not that the anti-litter campaign is flawed but because just there was some questions that none of us could answer with presentation of this particular item. So I wanted to pull this until we could take another tack on it. Saying that

Alderman Davis says do we need to have a motion to table this?

The mayor says I would just soon pull it all together. I don't need to table it. Saying that I want to read

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something about an article that was in today's paper concerning the same issue. And I'd like to read this as sort of a press release. In the interest of a well informed public, I believe we need to address an item off today's papers. We in the city administration may not have fully explained the scope of the work for the position of sustainable environmental educator. The job is much larger than what the position title outlines as the job description shows. And I've passed out the job description to the city council and to the media. If anyone would like a job description of this position its available. And this position is not a new one, it has been with the city for a while now and we're just basically-its been vacate for a few months now. Maybe a couple of months. A month and half. We're basically just restaffing that existing position and enlarging the scope of the job. Let me make a few comments upon just what is sustainable environmental educator is and what the position entails which I believe is compatible with the general desire of our citizens. To begin with Fayetteville along with the rest of the country has a trash and garbage problem as we all know. The community came together to begin to address this problem a few years ago as we begin a residential volume based trash program with necessary residential recycling. This was a start as we collectively began to respond to the growing costs and waste of resources in the current landfilling practices. Our community aware that this was only a start has been in the need to stress the need to expand this practice of waste reduction and recycling to the business side of our community. Roughly we collect I think 30% recycles we get come from residential side and we don't collect nearly as much from commercial and that's our largest waste stream. We really need to hit commercial recycling very hard. This is a very significant leap into areas that can certainly have a significant reduction in the volume of our waste stream. But it can have a positive economic impact upon the businesses that participant in this reduction. One of the primary responsibilities of this sustainable environmental educator would be to work with the business community to help find ways to reduce waste. There's a crucial education component for the success of any program and for the continued success of minimizing waste for our business community. In addition, this position will develop and implement new ways for minimization programs and continually evaluate and seek to improve existing programs. To develop and implement a community education program to keep the citizenery informed on solid waste programs, alternative disposal and recycling options and the environmental concerns of waste disposal. This position will assist in the marketing and promotion of the programs of the solid waste division making sure we get our best return for both recycled goods and will work to achieve the maximum and most cost effective reduction in solid waste stream, involve citizens as directly as possible in the decision making process when planning waste minimization programs. Some of the major challenges facing the sustainable environmental educator will be significantly reduce solid waste stream of the city. This involves the design and implementation of new programs and modification of existing programs. This will include routine monitoring, reporting of performance and effectiveness of waste reduction programs, adjustment of waste reduction operations, meeting with local businesses and industries to assist in environmental audits and establishment of waste reduction programs, coordinating and indicting activities of interested citizens groups, maintaining a high profile media image and making presentations to the city council, citizens groups and school children. This all of course leads us to some of the hot button topics of the times. Litter on our streets and debri in our streams and educate of our children. We want for our children a clean unpolluted community. Fayetteville is a wonderful city but it can be better. The programs we promote will help Fayetteville achieve a higher level of

success in waste minimization, recycling and city beautification. We believe this what Fayetteville citizens want. So I just wanted to more fully describe the position that we have filled. Did you ever hear back from the woman who said wanted the job. She did accept it but we're just waiting for confirmation.

Someone answers but is not near a mic and can not be heard clearly.

The mayor says but the woman that will be filling that position is an absolute dynamite person. We're very, very lucky to have her on board. So with that said I'd like to move to No. 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.

Alderman Davis said mayor I didn't find that in my packet. And I talked to Mr. Santos and Mr. Jordan and they didn't see it either.

The mayor says is that right.

The city attorney says the ordinance?

Alderman Thiel says are you sure its not with the Habitat Humanity. Maybe you just stuck it with that. Because that's what it was about.

The city attorney says I have an extra one here too. I'll read it if you want to look it. Let me go ahead and read the ordinance. The city attorney reads the ordinance for the first time.

Alderman Santos says okay I see what you're doing here. This goes hand in hand with the next item with the waiving of fees for Habitat.

Alderman Thiel interrupts to says well it does but it also goes back to the last council meeting whenever we waived the uh.

Alderman Davis says Don Hendricks.

Alderman Thiel says that something we probably should have had an ordinance allowing us to do.

Alderman Santos says I think it's a good idea.

The mayor says I think this is just a housekeeping measure I think that would give us the freedom to do what we've been doing for awhile apparently.

The city attorney says yes, after you've when-after you passed that resolution I went to the code and

I couldn't find any authority for that so I thought maybe you all want authority to do it.

Alderman Santos says well thank you Kit.

Alderman Thiel says thank you Kit for watching out for us.

The mayor ask for any more questions on this ordinance from the Council. Any questions or comments from the public on this issue?

Alderman Davis says I move we suspend the rules and go to the second reading. Alderman Santos second.

The mayor state we have a motion and second to suspend the rules. The city clerk then calls the roll and upon roll call the motion passes unanimously.

The city attorney then reads the ordinance for the second time.

The mayor asks for any other questions or comments on the Council? Or from the public. I entertain a motion to put it on its next reading.

Alderman Santos says so moved. Alderman Jordan seconds.

The mayor states we have a motion and second to suspend the rules. The city clerk calls roll again and upon roll call the motion passes unanimously.

The city attorney then reads the ordinance for the third and final time.

They mayor asks for any other comments or questions from the Council? Or from the public. Seeing none I'll bring it back to the Council. Shall the ordinance pass? The city clerk calls the roll and upon roll call the ordinance passes unanimously.

The mayor says thank you and we'll move along to No. 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.

The city attorney says Brenda's.

Alderman Thiel says yes, I brought this forward because in the past the Habitat for Humanity houses we always waived the developmental fees, building permit fees administratively and I think this is something we should do-that the Council should do and so we-did you change the resolution here though. Have we got the new one in here?

The city attorney responds this is the one that you recommended at the agenda session that would waive the developmental fees for Habitat for Humanity through the end of this year.

Alderman Thiel says okay. So that's what we-I don't guess I have it in front me but anyway and at this time they really do need to go ahead and get this passed because I understand that they are applying for their permits on Thursday and would like to go ahead and have this waived for the year. And that way they can come back before the Council each year and basically ask us to waive them for the next year.

Alderman Zurcher says I was my-if I'm remembering correctly we were going to put this on the consent agenda but we have to pass the ordinance first and that couldn't be done on consent.

Alderman Davis says I think it's great that they come back on yearly basis. It gives them an opportunity to get some publicity and will also make sure that the community is aware of the program.

Alderman Thiel says absolutely. So I would like to move that we pass this resolution. Alderman Zurcher seconds.

The mayor states we have a motion and second but before we-I'm sure this will pass the only thing that I'm concerned about is that I know that they are planning on building a couple of houses this year. It would be easy for Habitat to just basically put in the works in through the planning department a quick resolution to approve this each time they needed it without having to come through a lot of red tape up here at city hall. I'm concerned about passing a blanket waiver for an organization because there will be other organizations that will also want blanket waivers and I'm just concerned that if we do this then we'll be unnecessarily opening up a potential can of worms when it might be better to do it on a case by case basis. Since it's a very simple process that even-they wouldn't even have to show up for. They could just basically have it forward from the planning department to us. And we could approve it. That way we could just kind of keep a handle on it. But I certainly defer to the wishes of the City Council.

Alderman Thiel says well I think that their wishes were that they would not have to come before the Council and they would have to-they didn't want to have to go through this each and every time they built a house. I think they were going to build several more this year. We did discuss that whenever Kit was helping me work this resolution out. We discuss other ways of wording this where it could cover any non-profit organization that provide low rent housing or food to the citizens of Fayetteville. Something along that nature. Because I would not object to another organization that served that purpose but I think we decided that we did need to limit it to Habitat for Humanity. But I know that Patsy Brewer the director really felt like it would be much easier for them if they could just to this on a annual basis. So even if we do have other organizations come before us I think we will weigh those at that time. I think they'll need to follow the same-before I would support doing this they would need to follow basically the same criteria that they serve the purpose for unprivileged citizens in the City of Fayetteville. And if they qualified for that I would probably support other non-profits that serve the same purpose. So I don't object if some other groups do become before us.

The mayor says I wouldn't either but its just the blanket aspect that concerns me. Other than that I agree with you totally.

Alderman Zurcher says I would look at this as a six month trial period since this only goes to the end of the year. And if we have any problems then we can change it.

Alderman Davis says and mayor if we find out if there if other groups out there that want to do this, once again they can come before the Council and then the public is going to be aware there is more than one group, maybe two or three. The more people that are aware of that, the more opportunities they are going to have. So I think it's a plus.

Alderman Thiel says right.

The mayor says unless we grant a waiver and they don't have to come before us anymore.

Alderman Davis says but them people might not be ware the programs are there.

The mayor says alright, so we have a motion and second to approve this. Any further comments or questions from the City Council? Any questions or comments from the public about this issue? Shall the resolution pass? The city clerk calls the roll and upon roll call the resolution passes unanimously.

The mayor says we'll move on to No. 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

The city attorney reads the ordinance for the first time.

Alderman Trumbo says I brought this forward along with Alderman Davis mainly related to the Central United Methodist Church just recent denial of the conditional use that I wasn't aware of that you couldn't appeal a conditional use denial to the City Council until this came up. After to talking to the individuals and finding out that as most of you all know, it takes just a straight majority to have a conditional use approved by the Planning Commission of which there is 9 commissioners. Which means it take 55%, 5 commissioners. That night that it was presented to the commissioners, one abstained, one was absent which means they had six which meant they had to get 95% of the people there to vote for it instead of the 55%. It was a 4-2 vote so it was denied. We don't have in place the mechanicism to appeal that to the City Council. Rogers, Bentonville, Springdale, Ft. Smith, Little Rock, Russellville, Conway, all the other municipalities that I contacted and talked to the planning department they do have that in the place to appeal to the City Council if denial of a conditional use. I brought this forward not just because of the Central United Methodist Church but because of the way our ordinances are in place they only have ten days to have their elected representative and the elected governing body, the City Council, to hear this particular denial of their conditional use. Their current

zoning is R-0. They could have re-applied for rezoning to P or C3 in the use by right have the parking lot put on that parcel of land. I think having three alderman, as Mr. Davis had stated when talked earlier, allows more of a majority of city alderman to hear an appeal for denial of a conditional use in the future. Not just for this particular church but any other conditional use that might be turned down or have another instance where you have people abstain for various reasons or absence. And again you have to have 95% of the people that are actually there to get your five votes. I've always been in favor of the right to go to your elected representative. Anyway that we can create an avenue for citizens, taxpayers, to not have to engage an attorney and go through the litigation process to have a checks and balance system. As we all know we currently do have an appeal avenue for preliminary plats. Neighborhood parks can be appealed from a denial from the Planning Commission, large scale developments rezoning is an advisory recommendation that they do before the City Council. I thought it would be a level playing field to allow the same appeal process for conditional uses as we have heard in the past from many other appeals for the Planning Commission. I think the Planning Commission does a wonderful job. It's a well diverse, well informed, well educated nine group of people doing an outstanding job. In this particular case you have four people that voted for the conditional use and two that voted against it. So I think it is in the right of the citizens to have an avenue to go to their elected representative governing body without having to incur the expense to go to the court system just to have another body listen to an appeal. That's why I brought it forward. Mr. Davis did you anything to add.

Alderman Davis says well put Mr. Trumbo. No. Also I'd like for you to be aware that I approached Kit about this 3 or 4 weeks ago. We did have this discussion before this ever occurred with Central United Methodist Church. When we all ran for elected position we said we wanted to have an open door policy and let the citizens come to us and talk about their concerns and needs. And to me when we allow three alderpersons to have to bring something of this nature forward we are giving the citizens that opportunity to come to city government with open door policy to try to take care of the problems that they may save when they have a conditional use problem.

The mayor asks for any questions or comments on the Council?

Alderman Thiel says well I just want to say those are some very good points and I certainly, you know, have not made up my mind on this issue at all. I mean I'm open for a lot of input and I don't think we need to make up our minds up at all tonight. I think this is something that we really do need to take our time on. I think this is a really big decision we're making. One thing I do want to check on before the next meeting is why whenever we developed our U.D.O. we decided to go this way. This was studied at that time. At some length I understand. And I hope to try to over the minutes and see what some of the discovery was at that time. Because I think that there was a lot of thought that went into us not-to us requiring the Planning Commission to look at conditional uses and for the City Council not to have the right to appeal. So I do think that's something I'm going to do before the next meeting. But you've made some good points. And I think there is some good points on both sides of this issue.

Alderman Davis says there was an editorial this weekend in the paper, have you had a chance to look through all that and to see if what was in the paper was correct? Or if it was not?

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The city attorney says well there was a letter to the editor I think that said that we could not appeal. We simply didn't have the state power to appeal. And think that must have been a misreading of a statute where it looks like you are suppose to appeal to circuit court. You appeal to circuit court the decision of the final decision maker. Right now the final decision make is the Planning Commission maker. Unless we change our procedure that's where the only appeal is, it will have to go to the circuit court. However, as Alderman Trumbo stated many other cities in Arkansas do allow their city councils to hear the appeal for a conditional use and therefore, the city council being the final decision maker. And that would be the one that they would have to sue in court if they were not happy with the result that the city council made. I've also researched several cases from the Supreme Court and the Court of Appeals where thats exactly what happened. And of course, neither one of those courts said there was any problems with the city council reviewing the conditional use and making a decision on that. So it is quite legal for the city council to do this if you so chose. It's a policy decision for you to make whether or not you want to do it. I think Cyrus you were on, you worked a lot on the U.D.O. if I remember correctly. So you may be able to provide a historical insight to Alderman Thiel and other alderman about why the decision was made back then. And I don't know of any body else that was on the council that worked on the U.D.O. that's here right now.

Alderman Young says well what we did was we reviewed all ordinances that were recodified and put it all back together. But I do remember one meeting upstairs when that part of the ordinances came up that was the appeals. At that time it was still appealable to the courts and not to the council. We just decided to leave it that way. There wasn't a lot of discussion about it but a lot of us that were working on it had experience with it and it was just our opinion to just leave it that way. At the same time the few people that I have talked to in Fayetteville are kind of split the best I can figure on this because you know it been that way but to have a no appeal between the Planning Commission and the courts, that's a big jump to have to go and hire a lawyer and all that. At the same time there are other arguments on the other side. Trent I tell you what the argument that-the best argument against doing this is citing some of those cities, including Little Rock. And I personally do want Fayetteville to be like Little Rock.

Alderman Trumbo says I never believed to do something just because somebody else was doing it. I just called six major municipalities and talked to their planning departments of each of the cities to just ask them if it works and why they like it and why they implemented it. But Kit correct me if I'm wrong but currently the way that it is statutory set up with our ordinances in this procedure, if in fact a conditional use is denied by the Planning Commission it doesn't come before the city council there could be an avenue that a plaintiff could sue the City of Fayetteville because of that decision that never came to the city council and there could be monetary damages to the tpayers without city council review.

The city attorney says obviously that's correct. Anytime we were sued if the petitioner could prove damages and its possible. If a manufacturing unit was going to try (end of tape 1)
I doubt if the church would be suing the city for damages, I hope not, and I would certainly ask them not too and I don't think they will. But there are situations when things that we allow only as conditional use would be denied. And one thing that comes to mind that was initially denied was the

cell tower. And eventually that was reconsidered and the cell tower was then approved. There are many many cases where the cell tower company that sued the cities and counties successfully and of course, if they are-if they can't put up their system because we have denied them a cell tower location and we lose, then you know we could in fact be facing some damages on that. So real problem with allowing appeals up here is of course it provides you-very difficult questions. These are-of course, this why you get elected too but these are some of the most difficult questions you would face would be appeals of conditional uses. Cause these are very-by their very nature they are going to be controversial and difficult to decide. So this would be a burden that you all would be taking on if you believe that you should accept the appeal on conditional uses.

Alderman Trumbo says I was going to ask Mr. Ernest if his 25 plus years in planning what are your views on the appeals process for conditional uses to the City Council from the Planning Commission?

Mr. Ernest responds let me answer that several different ways. Let me find my dusty hat as a member of the Little Rock Planning Commission. And let me just tell you that as member of the commission as a vice chair, I frankly never viewed the appeals process as anything that was erroneous. I always believed that the City Council, City Board has the final authority. And quite frankly the use of the appeal process in the Little Rock environment I never thought to be overly contentious. Obviously and a word I use to use was there was obviously at times some dynamic tension. Most of the times the tension in Little Rock was because it involved manufactured housing permits in residential uses-residential areas that was allowed under CUP. And most of the appeals that occurred frankly in Little Rock were in that particular area. And also you're putting on this, or at least you're considering a requirement that's in exceedence of the Little Rock requirement in that three alderman have to bring it forward. There was simply an appeal by the applicant. I just point that out. It's a policy issue. Mr. Williams is absolutely right. He-the whole discussion is one that's difficult but if the conditional use process is used properly by a competent Planning Commission, and you have a competent commission here, most of the time I would suspect that the Council acting as the final arbitrator would agree with them. But there is going to be exceptions to that. And that's what probably you need to consider very carefully as you go through you're decision on this process.

Alderman Davis said that's exactly why we decided to have three alderman that you'd have to go through and bring this forward. That way we get to decide there's really something that we think needs to be heard. Instead of just having one alderperson or having the applicant do it then you can get in situations where it is just a favor. But this way you are not looking at ward. Trent and I can't team up with Ward 3 and decide to bring something forward. We've got find Brenda or Cyrus or Randy or somebody else up here to agree with us to even bring something forward. If you have three people who think that there may have been a question mark about a decision, if you can get three people to come forward and see we need to reconsider I think there is merit to it. If you can't find three people then you know you probably you don't have a conditional use problem and just leave prior reading as set.

Mr. Ernest, mayor may I add one more thing.
The mayor says please.

Mr. Ernest says just to the situation in Central United Methodist Church, the applicant made a conscious decision as I think most of you know the proceed, in even in the absence of three commissioners, and frankly, it was my experience that in most times when there wasn't-in our case we had eleven. If there was fewer than eight there, the applicant was always offered the opportunity to defer action and bring it back in two weeks. The applicant in this case,

Alderman Davis says two did abstain.

Mr. Ernest says right. Two did abstain so you're only talking about one person.

Alderman Davis says you're just missing one individual.

Mr. Ernest says but you're just missing one individual but that's a decision and it was unfortunate it happened that way but was another-was a risk in hind sight that the applicant took.

Alderman Young says the applicant was given that opportunity.

Mr. Ernest says sure. He was.

Alderman Young says by somebody that voted against him you know. Kit? You cited the example of cell towers but the cell tower companies are basing there lawsuits on a federal law that say you shall do this. And right off the top of my head I can't think of any other thing where some applicant would have something like that because this is a conditional use.

The city attorney says well I can think of one. It's called a candle factory that was seeking a conditional use from the Planning Commission. They didn't go forward with that immediately but they well might. There could be other industries.

Alderman Young says no. My questions was what basis would they file a lawsuit though. If they requested a conditional use then its up to the city to grant it or not grant it.

The city attorney says as long as the city does not act arbitrary and capricious that's correct. But of course occasionally the courts will find even though we're thinking we're acting very reasonable and pleasant and smart but instead we are arbitrary and capricious. I was concerned when the Planning Commission initially turned down the cell tower location in a 5-4 vote. And that was based on federal law but also on our law cause we have some rights on that but we have to be very careful to enunciate exactly what are reasons for and have good supporting documents for that. And supporting facts to support us. So I think that it is possible. I hope it never happens. But I think it is possible that there could some damages assessed against Fayetteville some time. It could be even if you all make the decision too. I mean you all are not fallible either. That's only one of the considerations. The other consideration has been enunciated by the aldermen about the fact the buck stops here. In most cases any way.

Alderman Zurcher says I'm kind of with Brenda on this. I really think there is definitely two ways of looking at this. I'm almost always going to be for citizens having a recourse that doesn't involve having to go to court. And I definitely seen several issues, I mean particular issues that at least one that I can think of off the top of my head that I didn't agree with the Planning Commission on that I wish I could have some how gotten appealed to the City Council. On the other hand there really-it does seem like there is some issues or that there is a reason we have a Planning Commission. It's not elected, it is appointed, to deal with some of these issues that shouldn't become political issues. That they're just practical issues for the city. On the other hand, you know, we were elected to deal with these things and its tough and I have to say that I completely respect you guys and what you are doing for your church there. Its-I can see how you would want to bring this up and want to get it through tonight. And I would say that having three alderman being required to bring it forward is pretty fair statement on it. I can say this, I feel right now that I'm probably going to end up voting for this ordinance to get through all three readings in one night I think is coming pretty close to shoving it down peoples throats. I don't think people have had-we had a week to even look at it and I don't know that I'd like to move it on tonight but definitely its got a lot of merit.

Alderman Santos says I came into this discussion kind of generally opposed to the City Council taking on a judiciary responsibility but after listening to the discuss tonight I pretty much changed my mind. But I did have a constituent that could be here tonight ask that we leave it on the first reading and he even gave me a written list of questions that he wanted to ask that I didn't bring with me. But I think he'll be here at the next meeting if we just leave it on the first reading.

Alderman Trumbo says so if we don't pass this tonight Hugh I guess the church could just reapply to rezone to P or C3 and go through the whole process and have the use of right under those two zonings.

Mr. Ernest says I had a brief conversation with Mrs. Warwick and that's my understanding that could be-that is a possibility.

Alderman Trumbo asks but we do forego the ten days under our current statutory process.

The city attorney says yes. The ten days will run if this is passed with an emergency clause tonight. I would suggest that it does not-if you don't suspend the rules and go to second and third readings that probably you should strike Section 2 if its going to be next week. The only true emergency that we're facing is the possibility of the appeals by the church. And therefore I would say that the emergency will have abated if it is not passed tonight.

Alderman Trumbo says I going to go ahead, after we're through hearing the public and everything go ahead and try to get the votes which I don't think I have, just for the right to have those citizens heard through this avenue. Because I don't think this is rocket science on whether or not you want to have an appeal on this issue.

Alderman Davis says the citizens' right that you're giving the people who voted for you and I don't

think there's a whole a lot to think about personally.

The mayor asks for any questions from the public and acknowledges Ms. Marinoni.

Marinoni states I have no questions. I have answers. My name is Paula Marinoni. You'll be laughing in a minute, Kit. My name is Paula Marinoni and I am the president of the Washington County Historic Preservation Association. I am the one that wrote the letter to the editor when I saw that last Wednesday morning after your agenda setting session that Alderman Trumbo and Alderman Davis were insisting that this matter, appeal of a conditional use be immediately brought before the City Council. What I'd like to point out is a conditional use usually takes place, it is an additional condition in an area of zoning where that use is not normally approved. Usually that takes place in midtown in south of town, in areas where people are less likely to have people who will jump up and say these citizens are being abused. So I'm glad that you came forward for your constituents. I'm sorry that no one has ever done that before when someone has suffered at the hands of a conditional use. In the letter to the editor I said "sorry guys you can't do that". I didn't say I don't think you can do that. I said you can't do that. It is not under local authority, it is state law that kicks in. Kit did you look up the statute?

The city attorney asks which statute are you talking about?

Ms. Marinoni responds the statute that says that you can't do this.

The city attorney says why don't you read me that section?

Ms. Marinoni says why don't you read it to me. Did you look it up?

The city attorney says why don't you just keep going.

Ms. Marinoni says what I am getting at is you were advising the Council without adequate information. You cited two cases. Now after this was in the paper on Sunday, Monday I thought the city will look this up and they will see that they can't do this and they will pull it. So Monday afternoon I called and not it had not been pulled. Tuesday afternoon I called and no it has not been pulled. Heather told me that she went down and check and she said that they looked up and they find case law. And I said what are they doing pulling case law. They should be pulling the law. That is what you need to be looking at. The background of this doesn't make any difference. Who I am doesn't make any difference. It's can you do this and no you can't. And you should know that Kit. The two case laws that were pulled, one of them that was from the City of Little Rock where someone wanted to appeal it and they took it to the Board of Commissioners in Little Rock and they heard it and they denied it and so then the person, or the group took it then to circuit court, and circuit court upheld the city. You left that part out. The other one, they took it to circuit court and they came forward with a judgment in favor of the city. You're making it sound like the case law supports doing this and does not and I have copies of it. And I'm sure you do too. Obviously you don't have a copy of the law. I called before I wrote that letter to the editor, I called and made sure it is state law and I brought it. And I would like to read it for the

record to be read into the minutes. Is that alright.

The mayor says fine.

Ms. Marinoni reads Chapter 56, Municipal Building and Zoning Regulations, Subchapter 4, §14-56-416, Zoning Ordinance. "(b) the ordinance shall provide for a board of zoning adjustment which may either be composed of at least three members, or the commission as a whole may sit as a board of zoning adjustment." So what this does is it tells the city you need to set up these boards to make these decisions for you. We have the board that does the variances. What's that called.

The mayor says the Board of Appeals and Board of Adjustments.

Ms. Marinoni says Board of Appeals and Adjustments. Okay, we have that one board and then we have the Planning Commission. "(2) the board shall have the following functions: (b)(i) hear requests for variances from the literal provisions of the zoning ordinance and instances where strict enforcement of the ordinance would cause undo hardship due to circumstances unique to the individual property under consideration and grant such variances only when it is demonstrated that such action would be in keeping with the spirit and intent of the provisions of the ordinance." The reason this goes to the Planning Commission is, instead of you all, 1) it saves you time. It sets up a board of expertise. They are the best ones to hear this because it is in keeping with everything else they're hearing. "(c) the board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property." That's what this was. "(ii) decisions of the board in respect to the above shall be subject to appeal only to a court of record having jurisdiction." You do not have jurisdiction by your own making of these commission. You do not have jurisdiction. §14-56-425, Appeals to Circuit Court. "In addition to any remedy provided by law, appeals from final action taken by the administrative and quasi judicial agencies concerned in the administration of this subchapter, may be taken to the circuit court of the appropriate county where they shall be tried de novo", meaning as new, "according to the same procedure which applies to appeals in civil actions from decisions of inferior courts, including the right of trial by jury." Now, as I talked to the administrators of Central United Methodist Church, I told them that I wanted to work with them and I told them all along what the rules were and I know the rules because I've been fighting these things for six years. Five years ago I found out what the rules were because I wanted to appeal one. And I found that I couldn't. Yes I would like for this to be changed some day. Because when a conditional use comes up somebody has two weeks from the time that little red sign goes up and if you are out of town it's just too bad. And I have had people call me when that red sign went up and I have ran and I have been there and I told them what the rules are and here's what you have to do. And if you don't do this, here's what's going to happen and saved them almost every time. In the case of this church, I told them from day one what they were looking at. I told them, I asked them to put it off for more time so that we could come up with solutions. One, I have currently asked for an attorney general's opinion on this city using the trolley. What you didn't mention in that statement, Kit, the other night, was that there are provisions where a city can get involved. That attorney general's opinion was not specifically this case and it did say that it is possible as I said in the letter, if it serves a legitimate public purpose and that it must be considered on a case by case basis. I

told the church if you are denied you cannot reapply for one year unless make major changes. And I even told them what those changes might be. I told them you have to have five votes. It doesn't matter what the percentage is. You have to have five votes to get a conditional use approved. That night they were down to six people because two recused at my request. One of them flat out told them he was not going to vote for it and gave them the opportunity to pull it and they didn't. The next one, Don Marr, said help me out here. How do you think this won't have an impact on the residential quality of the neighborhood. And they got up and they said it's a beautiful parking lot. He was trying to tell them that you know he was not solid on this. He was the fifth vote. They chose not to pull it and I'm sorry. They could still make a major change which I could easily tell them what that change would be. No. 1, bring their whole parking proposal forward. They continued to deny that they had previously approved parking. I found out about it, it was approved in '95 before I moved back here. And when I moved back in late '95 I saw that sign go up saying the future. And it was their big family life center from the side of it. And so after it was built, see that picture didn't show the north side of it. After it was built there the big columns went up. This grand facade facing the back of these houses. So I went uh huh. In '98 I came down here and I did a Freedom of Information Act request and pulled their '95 large scale development and there it was. Most of the block is already approved for parking. Throughout this process they refused to acknowledge that. Over and over and over. It is already approved for parking and I told the Planning Commission you cannot separate this over here. You have to look at the whole thing that is what you are for. The church made that decision to take that process. But what I'm telling you tonight is you do not have the legal authority to do this. You can go back and do a way with the Planning Commission and the Board of Adjustments if you want to, and you can make yourselves that final authority, or you can change the process by which a conditional-what comes under a conditional use. But you cannot go retro and undo this for them or you open a whole can of worms for one thing of everybody who's been denied a conditional use to come back at you and everything too. But I am telling you, you cannot legally do this and if you proceed, I will proceed at every avenue available to me to fight it.

The mayor says thank you. Any questions or comments for Ms. Marinoni from the Council? Or for Mr. Williams?

Alderman Santos says could you please give a copy of the statute that you talk to the clerk.

The city attorney interrupts and says I can respond right now. Ms. Marinoni's speaks with great conviction and apparent authority but she is wrong. She's confused because she read the statute talking about the Board of Adjustment. There is no appeal from the Board of Adjustment to the city council that's clear. You can't give it to yourselves. That's not what this does. From the Planning Commission though, when the Board of Adjustment gives variances, did you hear that when she read that, "variances" not conditional uses. The Planning Commission is the one that decides conditional uses. And like all these other cities that Mr. Trumbo stated, they're not all acting illegally. The supreme court in deciding the cases, they don't ignore the statutory law. If the statutory law was as Ms. Marinoni represented, the supreme court would have thrown all these people out of court. They would have said wait a minute. It should not have gone to the city council, you all are wrong. They never said that.

That's not the law. The law is not-conditional uses can be heard by the planning commission and they can be appealed to the city council if you so chose. Variances from the board of adjustment can't come to you. But when you are not a lawyer you might speak with great conviction but its dangerous to practice law if you don't have a law degree if you don't know what you are saying. Because you're dead wrong on this Ms. Marinoni.

Ms. Marinoni says and I would say that before you speak with conviction you should get the facts. And I would ask are you representing the city, are you representing the best interest of the citizens, in which case you need to do your homework. This came from Little Rock and they put conditional uses under that same heading. And so I invite you to find out before you proceed with this because this comes from a greater authority. And no I'm not an attorney but by god I can pick up a phone and call and ask which apparently you didn't.

Alderman Davis says Mr. Ernest I believe you're from Little Rock. Can you answer from what you've seen in the past.

Mr. Ernest replies Mr. Williams is correct. There's a difference between the authorities of a board of appeals or board of adjustment and the planning commission.

Alderman Davis says okay, thank you.

The mayor asks for any other questions or comments from the Council? Any more from the public?

My name is David Garcia and I live at 120 N. Block and I've given you address any number of times that I've been up here. But it's particularly relevant tonight. I live two blocks away from the church, Central United. And I myself would be opposed to the parking lot that you are talking about. I applauded Ms. Marinoni's efforts to work up something else but I do have to say that Councilman Trumbo and Councilman Davis have a point that there is some basic fairness issues involved. That there some basic access-you know opening up more lines of citizen access to have some other way of going than back to the courts which we seem to end up to in Fayetteville so many times. This seems to be a major policy issue. Myself, I would like to hear a lot more discussion on it. I would be really hesitate about it really going through all the readings tonight. But I do understand the concern they have for not losing their appeal time. So if there is way that we could not rush through all the readings without shutting out the church's right to appeal or to make an appeal under the new process then I would rather we extend it. If there's no way of doing that then in simple fairness' name as a resident whose going to be directly impacted by this, who actually doesn't like what the church wants to do there. I think it is reasonable and fair to pass this. That's all. Thank you.

The mayor says I have a quick question. Was this-Planning Commission where this was denied was it the last planning commission meeting?

The city attorney replies yes it was. Even though the votes were 4-2 in favor of it, it lost because it

requires 5 votes. It was last Monday so its been eight days ago.

The mayor says let me ask this. If-would it be plausible for the Planning Commission, one of the members for example who might not have been there, who would have voted in the majority had they been there to ask for a motion to reconsider at the next planning commission meeting.

The city attorney responds he would have had-a motion to reconsider would have to be made by one of the two members that voted against it. Because even though they were in the majority they won. One of those two or possibly even some that had recused, I mean they chose to recuse and abstain they certainly were not legally required to. That was an individual choice they made. I think that one of them was a member of the congregation and the another one had done some business with the church but it wasn't such an extreme connection that they would have been required to have abstained. But they didn't chose to vote-that would be difficult. I don't even know whether-I'd have to research the issue to see whether or not those two could actually come forward. So I think it would probably have to one of the two members that voted against it. I doubt if they are going to do that. It was a painful decision. Nobody on the Planning Commission really relished that. I think there were good points on all sides. It was a long discussion.

The mayor says if I remember and I'm probably wrong about this. If I'm disagreeing with you. It seemed like it would be a member who voted in the majority would be the one to ask for a motion to reconsider.

The city attorney says yes, the ones that won which were the two.

The mayor says oh, I see. Would it also be someone who wasn't at the meeting that couldn't vote. Isn't that generally extended to that circumstance?

Alderman Trumbo says not with the Planning Commission except for procedures.

The mayor says I see.

Alderman Trumbo says another thing we need to look sometime. There's a difference. I was talking to Kit, in the past we've always said if you abstain it went with the majority here. But with the Planning Commission they operate under different rules where it goes with the absence.

The mayor says yeah.

The city attorney says and they can legally do that. They're a body that can set their own procedural rules.

The mayor says I would like us to see us come into some kind of compliance on that. Because I hate to see us operate under two different rules and procedures. So making a motion to reconsider might

be out of the question then for them.

The city attorney says I don't think that that's probably feasible. I'm not saying its impossible but I don't think-Idon't think it's very likely.

Alderman Trumbo says I'd like to make a motion to suspend the rules and go to second reading.

Alderman Davis seconds.

The mayor states we have a motion and a second, but before we go to that is there anyone else who would like to address this issue from the audience. Seeing none I'll bring it back to the Council. Is there any further discussion on this from the Council.

Alderman Santos says just because I don't want to see this go through in three reading doesn't mean that I'm not generally as of now supportive of it. I mean I'm going to vote against suspending the rules and going to the second reading but eventually I hope to vote for this change.

The mayor says so we have a motion and second to suspend the rules. Shall the motion pass? The city clerk calls the roll and upon the roll call the motion fails with Aldermen Young, Zurcher, Santos, Jordan, Thiel voting no.

The mayor says thank you all. I know this an emotional issue for you folks and hope that

Alderman Santos says now I've got another question here because I haven't quite seen this happen before. This is still on the first reading. It will be on the second reading at the next meeting.

Alderman Davis says yes.

Alderman Young says amen.

Alderman Santos says okay.

The mayor says right. We move to No. 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.

The mayor asks for any questions or comments on this from the City Council? I would like to open it up by saying that we really appreciate the opportunity to receive such a nice gift. It's a very generous donation from the Bradberrys and I want to say thanks for the nice gift. And we appreciate all the convolutions you've been through and we're looking forward to seeing this nice piece of public art, one

of the few that we will have in town. I hope this will start a trend of more people wanting to put up more public art. And this will certainly be an addition and such an attraction to the Town Center and to downtown as whole so I hope that these folks will accept the intent to accept it.

Alderman Santos says I'd like to ask Mr. Kaminsky to come speak to us but since nobody else is here from the A&P Commission except for me and Mr. Davis, I'll just try and tell you what will happen at the last meeting. Mr. Kaminsky wants to get started with the construction of this. It's going to take him a year about. He'd like to have it ready for the 1st year anniversary of the opening next year. And once our acceptance of the gift, I think, is the idea that the Bradberrys and Mr. Kaminsky want acceptance of the gift. We haven't, what's the word, the maintenance issue hasn't quite been resolved.

Alderman Davis says it hasn't been resolved at this point in time.

Alderman Santos says this is contingent upon the maintenance issue being resolved. We are interested in accepting the gift is what we'd be saying by passing this resolution.

The city attorney says also the basic design that Mr. Kaminsky has shown. And one thing I think is also a big advantage to have a local artist of his stature is adding something to the Town Center Plaza. I'm looking forward to and I certainly appreciate the Bradberrys in selecting a local artist to do that for Fayetteville's own Town Center.

The mayor says one question I have, excuse me Hank before you start. One question has come up. We're not talking about accepting a gift

The city attorney interrupts to say no, right now-you can look at the resolution-let me read it real quickly so we know what we're talking about. The city attorney reads the resolution and says that's what is before the city.

Alderman Thiel says I certainly think this is a wonderful gift. I think it, you know, the pictures we have here of what it will look like the renderings. I think it will just be a fabulous asset to the Town Center. And I think that you know we're fortunate to have Hank Kaminsky living in our community and artist of his ability. I think that you know we certainly ought to adopt this. I'd make a motion to adopt this resolution.

Several aldermen seconds.

The mayor states we have a motion and second. I'm sure we'd like to hear from Mr. Kaminsky.

I just want to thank the City Council and the mayor for their support and really it's very gratifying to me after all this work and all these convolutions to see this thing finally come to fruition. And so to you I express my great gratitude and my thanks.

Alderman Zurcher says I also want to mention. I want to second what these people have said about what great sculpture we have and how lucky we are to be getting this. But not only is it going to be great art, it's also got a great message in it. I can't imagine any of us being against a prayer for peace right there on our town square. I just think it's a good thing.

Alderman Davis says let me ask you question. I think I know the answer but I'd like to discuss it to be aware. It is going to state that it is a peace prayer fountain and it's going to state what peace in how many different languages.

Mr. Kaminsky says right. The prayer is one that is promulgated by a group from the United Nations and the prayer is "May peace prevail on earth."

Alderman Davis says in how many different languages?

Mr. Kaminsky says is has been translated into over 150 languages. I may or not be able to use all those languages but certainly the major languages on the fountain. As to the exact design, I can't give you an answer about that. One of the most interesting thing is the predominance of the english language is that going to be an issue and so I'm working on that with-I'm trying to call in people who have an international prospective to give me an idea about what would happen it I just do it all in english or how many languages should I use. What size should they be. But these are questions that I'm going to be working on in the next year.

Alderman Davis says I'm looking forward to it.

The mayor ask for any other questions? Yes sir.

Alderman Reynolds says I'd like to thank Hank for coming up with this. And you're a great artist. We're lucky to have you and I also want to thank the Bradberrys for their participation. We're lucky to have them in the neighborhood too. And I want to thank everybody that was involved in this. A great job well done.

The mayor asks for any other questions, accolades or compliments? If not, we have a motion and a second to accept this. The city clerk calls the roll and upon roll call the resolution passes unanimously.

The mayor says alright now, Mr. Reynolds.

Alderman Reynolds says on Sunday we lost a great pioneer of Dickson Street. Patrick Martin that ran the Deluxe for lots and lots of years passed away and I would like to send from the City of Fayetteville the condolences to the family and wish all the luck in the world.

Alderman Davis says if I may add one to that it would be that Fayetteville lost a wonderful person last Thursday in Miller Dawson. And we all sent our condolences.

Alderman Zurcher says a week from tonight at 7 o'clock at the St. Joseph's Cafeteria on LaFayette Street we will be having our Ward 2 meeting for public input. Come out and speak your piece.

Alderman Reynolds and coffee?

Alderman Young says if you supply it.

Alderman Zurcher says how about this-free coffee.

Alderman Santos says mostly to the members of the council since you're also the Nominating Committee. Just to remind you that we're having a Nominating Committee meeting tomorrow afternoon at 4 o'clock. We've got 20 something people to interview for different boards, commissions and committes. So I hope to see you all at 4 in Room 111.

The mayor says yes sir.

Alderman Trumbo says First Night Board meeting tomorrow evening.

Alderman Santos says you're not going to be there. We'll be done by then.

Alderman Davis says I've got First Night also.

Alderman Santos says you're going to leave at 5:30.

Alderman Jordan says I have a Ward 4 meeting on the 25th at 7 o'clock in Room 111. Thank you.

The mayor says I have one more-one thing I'd like to add if we're pretty much finish with announcements. Everyone else finished. One thing we need to do as a board and with the press is to have working session one of these days. I'd like to see the Council go down to some place out of city hall and maybe the airport, different environment that we could-I'd like to see us take a tour of the Gensesis and take quick 30-40 minute tour to show you exactly what it is that we have here in Fayetteville. Because a lot of you might not of seen that and might not have been given the full cook's tour down there. And I'd like to follow that by having a board work session or retreat to where we can discuss a lot of things where we might be able to take a few very specific items that are going to lengthy and very involved where we can really try to chew on them and learn things. Like the sewer plant and some other issues that's going to be long and tedious but I hope we'll be able to kind of carve out some time where we can sit and talk about it. Cause these are enormous issues and we've got a lot of catch up to catch up to where we are. So I'll hope we'll be able to do that pretty soon.

Alderman Thiel asks Are you talking about doing this all at the same time? Because we could do that. We aren't taking our council tours on Monday. We could do that some Monday. In fact Kit suggested it at the last tour we went on, even if we didn't have, if we just did this regularly have these council

tours regularly. Then even if we didn't have anything on the agenda that needed to be looked at we could just look at different parts, aspect of our city and familiarize ourselves with-I mean I thought that was a very good idea.

The mayor says that's a good idea. So I'd be glad to take this as a board tour and keep that separate from a board retreat which brings up another good question. One thing that we want to do at our agenda sessions is let the City Council decide whether we'll have an upcoming board tour because sometimes it's left up to our office to try to get in touch with folks. We aren't sure if the agenda is worth getting together for because there is not a lot to see. So we'll let you guys at the agenda session decide if we'll have a board tour and we'll just defer to your judgment. That way we will all know at one time whether there will be a board tour that next Monday or not. Then we can decide if there is not much to do if we want to go see Genesis or some other situation in town. We can kind of put that on our calendars so we'll have a heads up as to what is going on.

Alderman Davis says good.

Alderman Thiel says that a good idea.

Alderman Reynolds asks where do we stand in the Street Committee with Old Missouri Road?

Alderman Davis says its gone back to the drawing board at this point in time. We, mayor, Garver Engineers, the city engineer and myself along with Greg, the new public works director, got together Friday afternoon and talked about some of the changes had expressed that they would like to see. And so Garver at this point in time is going back to the drawing board and making some changes. We see it again in a couple of months.

The mayor says one thing I'd like to bring up is the fact that if we can reduce the scope of the project of Old Missouri and hopefully solved the problems that we have down there in such a way that we can save money. And plow some money into Greg Street because we've got a lot of work to do on a short order on Greg because its already attractive nightmare out there. When that hospital opens in 14 months we're going to be in for some rude awakenings so we've already been working with the state and the hospital and the engineering staff and the traffic department about what's going to take to put up signalization and temporary signalization and temporary turn lanes to where we can just kind of just do a quick fix on Greg cause the state is going to come back in about 2-3 years completely rebuild it. But we need to do something to kind of get us over the hump before the hospital opens.

Alderman Davis says it's my understanding that the hospital has to put some funds forth signalization

The mayor interrupts to says \$25,000

Alderman Davis continues for relocations.

The mayor says it's a drop in the bucket for them. They cost about \$90,000 a piece but it's a help. It helps.

Alderman Reynolds says I know that Old Missouri Road is a problem in Ward 2 but I'm sure that Ward 3 and Ward 4 and even Ward 1, we've got some problem areas. And I'd like to see the whole council when we go on those tours, if we don't have anything of great interest, to go into the different Wards and look at the different problems in the different wards.

The mayor says alright.

Alderman Zurcher says sorry. I know we're trying to get out of here. There has been some questions I guess around city hall just about my work. And so I just wanted to clear it up under our attorney's advice. I work for the Sierra Club. That's an environmental advocacy group with over 700,000 members nationwide. That is a 501(c)(4) group. My job is funded under a grant and it's a 501 (c)(3) grant. Environmental Public Education Campaign. My campaign is commercial logging on public lands. Feel free to call me if you want to help out. My point is I'm not a lobbyist and I don't go lobby public officials. I will go meet with public officials but I don't talk about specific legislation. I do train people to lobby and that's apart of my job.

The mayor says alright, any other questions, comments, statements. Meeting adjourned.

CERTIFICATE OF INSURANCE

DATE OF ISSUE: June 25, 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.

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Page Two

SPECIAL PROVISIONS

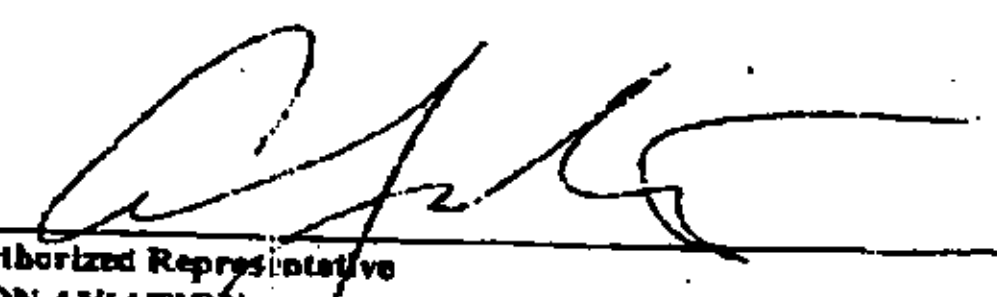
1. The City of Fayetteville, its officers and employees are included as Additional Insureds, but only as respects the operations of the Named Insured.
2. This policy includes a Date Recognition Exclusion Clause and a Date Recognition Limited Coverage Clause applicable to the Year 2000 and other computer 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.

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

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of July 3, 2001

FROM:

Sid Norbash Engineering Public Works
Name Division Department

ACTION REQUIRED: Approval of the construction contract with **Gray Construction, Inc.** for **Double Springs Bridge over Owl Creek - Sewer Relocation Project**, in the amount of \$41,577.95, and a 15% project contingency in the amount of \$6,236.

COST TO CITY:

\$47,813.95 \$59,596 Double Springs Rd. Bridge
Cost of this Request Category/Project Budget Category/Project Name

5400-5600-5808-00 -0- Water & Sewer Impvts.

Account Number Funds Used To Date Program Name
98043-70 \$59,596 Water & Sewer
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:

<u>[Signature]</u> Accounting Manager	<u>6/15/01</u> Date	<u>[Signature]</u> ADA Coordinator	<u> </u> Date
<u>[Signature]</u> City Attorney	<u>6-15-01</u> Date	<u>[Signature]</u> Internal Auditor	<u>6/15/01</u> Date
<u>[Signature]</u> Purchasing Officer	<u>6-15-01</u> Date		

STAFF RECOMMENDATION: Approval of the Contract and the Contingency.

<u>[Signature]</u> Division Head	<u>06-15-01</u> Date	<u> </u> Cross Reference
<u>[Signature]</u> Department Director	<u>06-18-01</u> Date	New Item: Yes ☒ No ☐
<u>[Signature]</u> Administrative Services Director	<u>6/18/01</u> Date	Prev Ord/Res #: <u> </u>
<u>[Signature]</u> Mayor	<u>6/20/01</u> Date	Orig Contract Date: <u> </u>
		Orig Contract <u> </u>

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Dan coody, Mayor
Greg Boettcher, PWD
Jim Beavers, City Engineer *sn*

From: Sid Norbash, Staff Engineer

Date: March 27, 2001

Re: **Double Springs Rd. Bridge (AHTD Project)**
Owl Creek Sewer Relocation Project

On June 7, 2001, bids were received for the above referenced project and the results are as follows:

Red Deer Construction Co., Inc.	\$49,890.00
Fayette Tree & Trench, Inc.	\$41,852.50
Gray Construction, Inc.	\$41,577.95

The Staff is requesting that the Council approve the following:

(a) **Award of the construction contract to Gray Construction, Inc. Of Siloam Springs, Arkansas in the amount of \$41,577.95.**

(b) **A project Contingency amount of \$6,236.00**

SN/sn
attachments

SECTION 00520

CONTRACT AGREEMENT

1. THIS CONTRACT AND AGREEMENT, made and entered into this 3RD day of July, 2001, by and between the City Of Fayetteville as Party of the First Part, acting through its duly authorized representative, and Gray Construction Inc Party of the Second Part.

WITNESSETH:

That for and in consideration of the payments to be made as hereinafter set forth, the Party of the Second Part hereby agrees to furnish all tools, labor, equipment, materials and supplies required to be furnished and to perform the work for Double Springs Bridge/ Owl Creek Sewer Relocation Proj., in exact accordance with the Plans on file at the office of said Party of the First Part and Specifications, Proposals, Stipulations and Special Provisions attached hereto and made a part hereof as fully as though copied herein, under the direct supervision and to the entire satisfaction of the Party of the First Part and in accordance with the laws of the State of Arkansas.

2. It is further agreed and understood by and between the Parties hereunto that the Party of the First Part agrees to pay and the Party of the Second Part agrees to accept as full and final compensation for all work done or materials furnished under this agreement, the lump sum amount adjusted for variation of quantities at the unit prices named in the Bid which is hereto attached, such payment to be made in lawful money of the United States, at the time and in the manner set forth in the Specifications. Contract Amount: \$41,577.95

3. The Party of the Second Part agrees for the consideration above expressed, to begin and complete the work within the time specified in the Proposal. If the Party of the Second Part shall fail to complete the work in the time specified he shall pay to the Party of the First Part, as liquidated damages, ascertained and agreed, and not in the nature of a penalty, the sums set forth in the Proposal, which shall be deducted from the final amount to be paid under this contract, provided that extensions of time with waiver of liquidated damages, may be granted as provided for in the Specifications.

4. The Party of the Second Part agrees to be responsible for repairs on any of the improvements covered herein due to faulty workmanship and/or materials for a period of one year beginning at the time of acceptance of the improvements by the City of Fayetteville. All improvements shall be made in conformance with Specifications and are subject to the approval of the City of Fayetteville.

5. The Party of the Second Part agrees, also to carry Public Liability Insurance, Property Damage Insurance and Workman's Compensation Insurance in amounts as required in these Specifications.

WITNESS OUR HANDS THIS _____ DAY OF _____, 20____.

(Owner)

By: _____

(Title)

(Address)

WITNESS:

Gray Construction, Inc.
(Contractor)

By: [Signature]

Estimator / Project Manager
(Title)

511 W Tulsa Suite 102
(Address)

Silvan Springs, AL 36276

WITNESS:

[Signature]

Affix Corporate Seal here (if any)

END OF SECTION

Contract Agreement

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

Vendor #: 8166

Vendor Name:

Gray Construction Inc.

Address:

PO BOX 457

FOB Point:

Fayetteville, AR

City:

Siloam Springs

State:

AR

Zip:

72703

Ship To Code:

90

Requester:

*Requester's Employee#:

Extension:

Requisition No.:

Date:

06/15/01

P.O. Number:

Expected Delivery Date:

Mail: Yes No XX

Taxable:

Yes XX No

Division Head Approval:

Item	Description:	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number:	Project/Subproject Number:	Inventory #	Fixed Asset #
1	Double Springs RD Bridge/ Owl Creek	1	EA	*****	\$41,577.95	5400-5600-5808.00	98043-20		
2	Sewer Relocation				\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
11					\$0.00				
	SHIPPING/HANDLING				\$0.00				

Special Instructions:

Subtotal: \$41,577.95

Tax: _____

TOTAL: \$41,577.95

Approvals: *(raising office use only)*

Mayor: _____

Department Director: _____

Purchasing Manager: _____

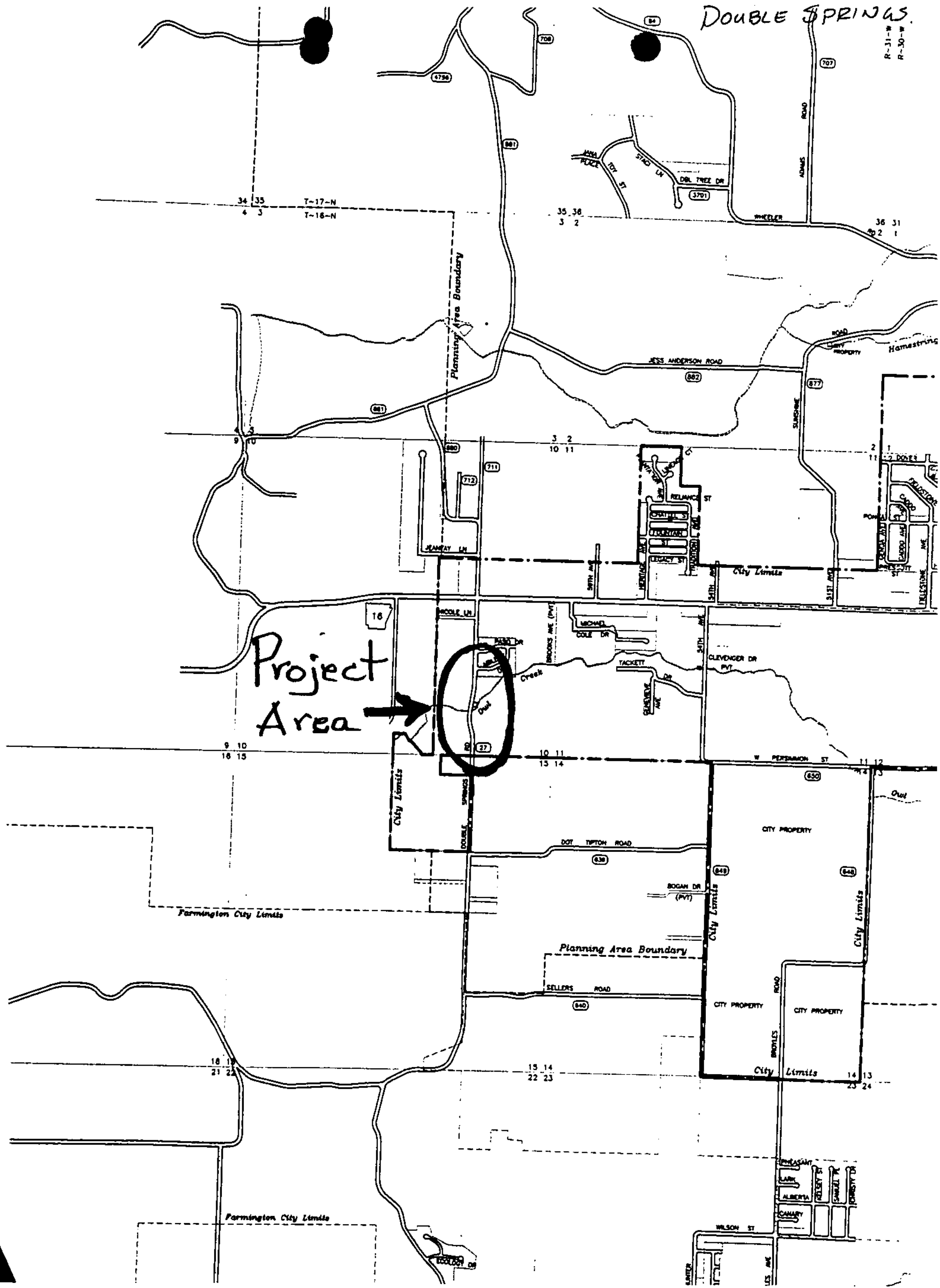
Admin. Services Director: _____

Budget Coordinator: _____

Data Processing Mgr: _____

DOUBLE SPRINGS.

R-31-W
R-30-W



STAFF REVIEW FORM

☐ AGENDA REQUEST
☐ CONTRACT REVIEW

Arkansas Dept of Aeronautics
Grant Application - T-Hangar
Drainage

☒ GRANT REVIEW

For the Fayetteville City Council meeting of 07/03/2001

FROM:

Gary Dumas
Name

Airport
Division

Utilities Management
Department

ACTION REQUIRED: Review of grant application and approval of project budget adjustment

COST TO CITY:

\$ 76,340 (Expense)

(57,255) (Revenue)

Cost of this Request

\$ 64,014
Category/Project Budget

T-Hangar Unit
Category/Project Name

5550-3960-5804-00

Account Number

98056

Project Number

\$ 5,469
Funds used to date

\$ 58,545

Remaining Balance

Airport Capital Exp

Program Name

Airport

Fund

BUDGET REVIEW:

Steph Sand

Budget Manager

Date

☐ Budgeted Item

Administrative Services Dir.

Date

☒ Budget Adjustment Attached

CONTRACT/GRANT/LEASE REVIEW:

Marsha Fauthing 6/14/01
Accounting Manager Date

Nancy Smith 6/14/01
Internal Auditor Date

Arkansas Dept. of Aeronautics
GRANTING AGENCY

K. [Signature] 6/14/01
City Attorney Date

ADA Coordinator Date

[Signature] 6/15/01
Purchasing Officer Date

Grants Coordinator Date

STAFF RECOMMENDATION:

Council informational item in accordance with City policies and procedures.
Airport staff recommends approval of budget adjustment.

[Signature]

Division Head

6-12-01

Date

Cross Reference

[Signature]

Department Director

6/19/01

Date

New Item: Yes No

[Signature]

Administrative Services Director

6/20/01

Date

Prev. Ord/Res#: _____

Orig Cont. Date: _____

Orig Cont #: _____

[Signature]

Mayor

STAFF REVIEW FORM

Page 2

Description:

Meeting Date: July 3, 2001

T-Hangar Drainage project grant application and budget adjustment

Comments:

Budget Manager

Reference Comments:

Accounting Manager

Reference Comments:

City Attorney

Reference Comments:

Purchasing Officer

Reference Comments:

Internal Auditor

Reference Comments

ADA Coordinator

Reference Comments:

Grants Coordinator

Reference Comments:

AIRPORT MANAGEMENT
GARY DUMAS, UTILITIES DIRECTOR / AIRPORT MANAGER INTERIM

TO: Dan Coody, Mayor
Fayetteville City Council Members

FROM: Gary Dumas, Utility Services Director / Interim Airport Manager

THRU: Staff Review Committee

DATE: June 8, 2001

SUBJECT: Arkansas Department of Aeronautics grant request, T-Hangar Drainage

Background: Relative to the drainage project for T-Hangar Units "E", "F", & "G", the Airport Board formed a committee to investigate the characteristics of the T-Hangar water intrusion problem. They determined that the problem is a result of a number of factors including decision by the board encouraging airport staff to consider measures to reduce construction costs, the physical features of the building site, and other elements. They concluded that the engineer's design was not faulty, nor was construction quality deficient. The board also agreed that drainage work of this type is added value to the project and would have been a project expense were it not excluded due to cost economies.

The Airport Board at their May 3, 2001 meeting, recommended proceeding with perimeter trench drainage as the most desirable of the alternates proposed by McClelland Consulting Engineers, Inc. to mitigate the water intrusion problem.

In the interest of promoting a cooperative, expedient solution to this problem, McClelland Consulting Engineers, Inc. has offered to provide the trench drainage design work at no charge to the city.

Purpose: The purpose of the grant request is to provide funding for the cost of addressing a drainage problem affecting T-Hangar buildings "E", "F", & "G" on the east side of the airfield. The problem came to light shortly after units "F" & "G" were constructed, however the problem affects all three structures.

Investigation of the situation was performed by the engineers on the project, the Airport Board, Airport staff, and City Engineering staff to determine responsibility, if any, on the part of the engineers or contractor to remedy the problem, as two of the buildings were recently constructed. The consensus of the parties involved assessed no fault on the part of the engineers or the contractor, however all agreed that the problem needed to be effectively addressed in a timely manner.

An application was prepared and submitted to the ADA for funding of this project under their SAAG 75/25% grant program. This grant will pay 75% of the project costs. Construction costs for the project are estimated at \$76,340. In accordance with the City's Policies and Procedures relative to grants application, this item is submitted to the City Council for review as an informational item. The Arkansas Aeronautics Commission met on Wednesday, June 13, and approved this request for grant funding.

Attached is a copy of the request for grant funding to Arkansas Department of Aeronautics.

Budget Considerations: A budget adjustment is needed to carry out this project. The attached budget adjustment includes a 10% project contingency amount.

Action Requested: A resolution approving the budget adjustment.

Staff Recommendation: Staff recommends review of the grant request and approval of the budget adjustment.

Budget Year 2001	Department: Utilities Management Division: Airport Program: Capital Improvement Prog.	Date Requested 06/08/01	Adjustment #
---------------------	---	----------------------------	--------------

Project or Item Requested: \$76,340 is requested in Building Costs account for the cost of the T-Hangar drainage capital project.	Project or Item Deleted: To recognize \$57,255 in State Grant Revenue and to use \$19,085 in the Airport Use of Fund Balance.
--	--

Justification of this Increase: This grant project will provide for the installation of drainage for 3 T-Hangar buildings.	Justification of this Decrease: The Arkansas Department of Aeronautics is providing 75% of the project cost as a grant. Sufficient funding remains in projects to meet 2001 objectives Sufficient funding remains to comply with City Policy
---	---

Increase Expense (Decrease Revenue)						
Account Name	Amount	Account Number			Project Number	
Building Costs	\$76,340	5550	3960	5804	00	98056 1

Decrease Expense (Increase Revenue)						
Account Name	Amount	Account Number			Project Number	
State Grants	\$57,255.00	5550	0955	6805	00	
Use of Fund Balance	\$19,085.00	5550	0955	4999	99	

Approval Signatures		Budget Office Use Only	
Requested By  Budget Manager	Date 6-14-01	Type: A B C <u>D</u> E	
Department Director	Date	Date of Approval	
Admin. Services Director	Date	Posted to General Ledger	
Mayor  6/20/01	Date	Posted to Project Accounting	
		Entered in Category Log	

June 1, 2001

Mr. John Knight, Director
Arkansas Department of Aeronautics
One Airport Drive, 3rd Floor
Little Rock, Arkansas 72202

RE: GRANT APPLICATION, T-HANGAR DRAINAGE PROJECT

Dear Mr. Knight;

Enclosed please find two (2) copies of a proposal for Arkansas Department of Aeronautics grant funding under the SAAG 75 - 25% grant classification. Fayetteville Municipal Airport requests funding in the amount of \$57,255, 75% of a total project cost of \$76,340, which includes a 10% project contingency amount. The project proposal is for work on three T-Hangar buildings. We plan to install building perimeter trench drainage in order to mitigate an existing water intrusion problem.

The water intrusion problem affects two newly-constructed T-Hangar buildings, "F" & "G", and one building, "E", that was constructed in early 2000.

The buildings were built on existing asphalt pavement. The pavement was constructed sixteen years ago according to the FAA standards prevailing at that time. The pavement was constructed with slight "ridges" and "valleys". The hangars are constructed on the "ridge," and the "valleys" cause the run-off to be channeled between the buildings. Variations from the designed vertical grade are within accepted reasonable tolerance, however the pavement is effectively flat, within 1% slope. Because of the age of the pavement construction, it is conceivable that some settlement may have occurred. Water sheds north from a grade break south of and perpendicular to the three hangar buildings.

There is a tendency for water to enter the buildings along the east wall under the bi-fold hangar doors. Also, roof run-off and wind-blown rain runs down the doors and seeps into the building under the door rubber gasket seal.

Due to the flatness of the pavement, and the northerly direction of flow from the south-side grade break, the entering water has a tendency remain interior, flowing north through the length of the building.

The City's administration, the Airport Board, and other interests have voiced concern over who may be financially responsible to address the water problem considering that the most affected

structures are newly-built. The Airport Board formed a committee to investigate the characteristics of the problem. They determined that the problem is a result of a number of factors including decision by the board encouraging airport staff to consider measures to reduce construction costs, the physical features of the building site, and other elements mentioned above. They concluded that the engineer's design was not faulty, nor was construction quality deficient. The board also agreed that drainage work of this type is added value to the project and would have been a project expense were it not excluded due to cost economies.

McClelland Consulting Engineers, Inc. the engineering firm which designed units "F" & "G", performed at no cost, a comprehensive study of the drainage problem which included inspections during rainy weather conditions and running water on the ramp in dry weather to determine how flow patterns interact with the structures. McClelland has offered to design the improvements for all the buildings at no cost to the airport. Their good-faith contribution to the project is part of the mutual desire of all the parties involved to address and solve the water incursion problem cooperatively, with prudence and efficiency.

Preliminary estimates of construction costs and drawings illustrating the nature of the work for this project are included with the application.

Fayetteville Municipal Airport respectfully requests your consideration and approval of this grant application. Please contact me if you desire further information, or have any question concerning this application.

Sincerely,



Alett Little

Airport Manager / Economic Development Coordinator

AL:jn

Enclosures:\2\

Grant Application, 2 copies

ARKANSAS DEPARTMENT OF AERONAUTICS
APPLICATION FOR STATE AIRPORT AID

The City/~~County~~ of Fayetteville, herein called "Sponsor", hereby makes application to the Arkansas Department of Aeronautics for State funds pursuant to Act 733 of 1977, for the purpose of aiding in financing a project for the development of a municipal airport located in the City of Fayetteville Arkansas, Washington County.

Date of Request: May 31, 2001

Name of Airport: Fayetteville Municipal Airport / Drake Field

Name and address of City/County Commission sponsoring request:

City of Fayetteville

113 West Mountain St.

Fayetteville, AR 72701

Person to Contact about project:

James Nicholson, Financial Coord.

4500 S. School St., Suite F

Phone/~~FAX~~ Number: 501-718-7643

~~Rhox~~/Fax Number: 718-7646

Name and address of Engineering Firm (If Applicable):

McClelland Engineering

PO Box 1229

Fayetteville, AR 72702-1229

Contact Person: Wayne Jones

Phone/Fax Number: 501-443-2377

Describe the work to be accomplished: Construct below-ground trench drain
on the southern & western sides of T-hangar "E", the southern, western, & eastern
sides of T-hangars "F" & "G". Including other minor work related to the drainage
work. (Copy of Engineer's amendment attached).

State and Local Project Costs:

Please indicate: 50-50% Match
XX 75-25% Match
90-10% Match

Federal AIP Projects:

Total Cost of Project	<u>\$76,340</u>
Local Share/Funds	<u>19,085</u>
Local Share/In-Kind	<u></u>
State Share	<u>57,255</u>

Total Cost of Project	<u></u>
Federal Share (90%)	<u></u>
Local Share (5%)	<u></u>
State Share	<u></u>

State Airport Aid Application
Page Two

Provide the information listed below as it applies to your project:

Funds:

Source of Funds _____ Local funding: Municipal Funds (Airport fund)

State: Arkansas Department of Aeronautics, Other: Engineers In-kind

Source of In-Kind Services _____ McClelland Consulting Engineers, Inc. - contribution of
design services

Estimate starting date of project: _____ July 1st, 2001

Estimate completion date of project: _____ August, 2001

Project will be for: New Airport _____ Existing Airport xx

Is land to be leased or purchased? _____ No

Description of land and cost per acre: _____

Provide the Federal AIP Grant Number (AIP Projects Only)

N/A

State Representatives for your area:

State Senator _____ David Malone

State Representative _____ Bill Pritchard - District 8

State Airport Aid Application
Page Three

T-HANGAR
A. 5. Page 9

The sponsor agrees to furnish the Arkansas Department of Aeronautics a copy of the legal instrument affecting use of the property for an airport. In application for a new landing site or expansion of existing facility, the FAA Form 7480.1, Notice of Landing Area Proposal, must be approved by FAA before review for grant can be made by the state.

No land purchased with State Grant Funds may be sold or disposed of without State Commission approval. All requests for sale or disposal of property will be considered on an individual case basis.

No airport accepting State Grant funding may issue an Exclusive Rights Lease.

All applications for navigational aids (such as NDB & ILS) must have FAA site approval before a state grant can be approved.

All Grant applications involving Federal Airport Improvement Program (AIP) funding must be accompanied by the approved FAA application.

If this project is approved by the Arkansas Department of Aeronautics, and is accepted by the sponsor, it is agreed that all developments and construction shall meet standard FAA construction practices as outlined in the specifications of this agreement. Runways, Taxiways, Parking Ramps, etc. shall have a base and a thickness that will accomodate the weight of aircraft expected to operate at this airport.

All grant applicants (City and/or County) are totally responsible for compliance with all Federal, State, County and City Laws, Statutes, Ordinances, Rules, Regulations, and Executive Orders concerning contracts and purchases for which this grant is approved and issued. All grant applicants must submit with their applications a completed Contract and Grant Disclosure and Certification Form. (Form F-1 - Pages 1 & 2)

It is understood and agreed that should the sponsor fail to start this project within three (3) months of the Arkansas Department of Aeronautics' date of acceptance, that this grant is null and void.

It is also agreed that this project, except FAA funded projects, shall be completed within one year from the date of acceptance of this grant by the Arkansas Department of Aeronautics. Applications for extension will be entertained if circumstances beyond the sponsor's control occur.

Funds will be disbursed according to Department procedures and final inspection of completed project. (See Instruction page)

IN WITNESS WHEREOF, the sponsor has caused this Application for State Airport Aid to be duly executed in its name, this 31st day of May, 1991

City of Fayetteville, Arkansas

Name of Sponsor

Authorized Signature

Alett Little, Airport Manager

Title

CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM

F-2

Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that Order, shall be a material breach of the terms of this contract. Any contractor, whether an individual or entity, who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the agency.

As an additional condition of obtaining or renewing a contract with a state agency I agree as follows:

1. Prior to entering into any agreement with any subcontractor, prior or subsequent to the contract date, I will require the subcontractor to complete a CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM. Subcontractor shall mean any person or entity with whom I enter an agreement whereby I assign or otherwise delegate to the person or entity, for consideration, all, or any part, of the performance required of me under the terms of my contract with the state agency.
2. I will include the following language as a part of any agreement with a subcontractor:

Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that Order, shall be a material breach of the terms of this subcontract. The party who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the contractor.

3. No later than ten (10) days after entering into any agreement with a subcontractor, whether prior or subsequent to the contract date, I will mail a copy of the CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM completed by the subcontractor and a statement containing the dollar amount of the subcontract to the state agency.

I certify under penalty of perjury, to the best of my knowledge and belief, all of the above information is true and correct and that I agree to the subcontractor disclosure conditions stated herein.

Signature

Title Aletha Little, Airport Manager

Date 6/1/2001

Entity Contact Person James Nicholson

Title Financial Coordinator

Phone No. 501-718-7643

AGENCY USE ONLY

Agency Number

Agency Name

Agency Contact Person

Contact

Phone No.

Contract or Grant No.

*NOTE: PLEASE LIST ADDITIONAL DISCLOSURES ON SEPARATE SHEET OF PAPER IF MORE SPACE IS NEEDED.

FORMS AVAILABLE FROM OFFICE OF DISCLOSURE AND REVIEW (501) 682-5407

CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM

F-1

Failure to complete all of the following information may result in a delay in obtaining a contract, lease, purchase agreement, or grant award with any Arkansas State Agency.

SOCIAL SECURITY NUMBER TAXPAYER ID #: OR 71 --- 601462

FEDERAL ID NUMBER SUBCONTRACTOR: SUBCONTRACTOR NAME:

TAXPAYER ID NAME: City of Fayetteville, Arkansas IS THIS FOR: ☐ Goods? ☒ Services? ☐ Both? Government

YOUR LAST NAME: Nicholson FIRST NAME: James M.L. L.

ADDRESS: 4500 S. School St., Suite F

CITY: Fayetteville STATE: AR ZIP CODE: 72701 - COUNTRY: USA

AS A CONDITION OF RENEWING OR OBTAINING A CONTRACT, LEASE, PURCHASE AGREEMENT, OR GRANT AWARD WITH ANY ARKANSAS STATE AGENCY, THE FOLLOWING INFORMATION MUST BE DISCLOSED:

I O R I N D I V I D U A L S *

Indicate below if: you, your spouse or the brother, sister, parent, or child of you or your spouse is a current or former: member of the General Assembly, Constitutional Officer, State Board or Commission Member, or State Employee:

Position Held	Mark (✓)		Name of Position of Job Held (Senator, representative, name of board/commission, date only, etc.)	For How Long?		What is the person(s) name and how are they related to you? (i.e., Jane Q. Public, spouse, John Q. Public, Jr., child, etc.)	Person's Name(s)	Ownership Interest (%)	Position of Control
	Current	Former		From	To				
General Assembly	(1)	(2)		MMYY	MMYY				
Constitutional Officer	(3)	(4)							
State Board or Commission Member	(5)	(6)							
State Employee	(7)	(8)							

☒ (9) None of the above applies

I O R A N E N T I T Y (B U S I N E S S) *

Indicate below if any of the following persons, current or former, hold any position of control or hold any ownership interest of 10% or greater in the entity: member of the General Assembly, Constitutional Officer, State Board or Commission Member, State Employee, or the spouse, brother, sister, parent, or child of a member of the General Assembly, Constitutional Officer, State Board or Commission Member, or State Employee. Position of control means the power to direct the purchasing policies or influence the management of the entity.

Position Held	Mark (✓)		Name of Position of Job Held (Senator, representative, name of board/commission, date only, etc.)	For How Long?		What is the person(s) name and what is his/her % of ownership interest and/or what is his/her position of control?	Person's Name(s)	Ownership Interest (%)	Position of Control
	Current	Former		From	To				
General Assembly	(A)	(B)		MMYY	MMYY				
Constitutional Officer	(C)	(D)							
State Board or Commission Member	(E)	(F)							
State Employee	(G)	(H)							

☒ (9) None of the above applies

*NOTE: PLEASE LIST ADDITIONAL DISCLOSURES ON SEPARATE SHEET OF PAPER IF MORE SPACE IS NEEDED

**PROPOSED DRAINAGE IMPROVEMENTS
EAST SIDE T-HANGAR APRON**

Introduction

During the year 2000, three new T-Hangars ("E", "F" & "G") were constructed on the eastern side of the airport property. The hangars were built on an asphalt aircraft apron which was constructed in 1984. The apron was constructed with alternating slight "ridges" and "valleys" so that the hangars could be centered on the "ridges", allowing storm water collection and drainage to occur in the "valleys" between the hangars. Refer to the attached plan-view drawing.

Because the apron gradients are necessarily very slight (to allow manual positioning of general aviation aircraft); and because reasonable tolerances are allowed in the vertical location of constructed asphalt pavements; and because some vertical movement of the asphalt surface, however slight, may have occurred since the aprons were constructed, the surface runoff of stormwater does not follow the exact route intended.

Specifically, surface runoff is entering the hangars along the southern and western sides of T-Hangar "E", and along the eastern, southern and western sides of T-Hangars "F" and "G".

McClelland Consulting Engineers, Inc. was retained to study the problem and to propose a plan to improve this situation.

The Study

The study considered several options, ranging from simple caulking to pavement replacement, with preliminary cost estimates varying from \$750 to \$110,000. A subsequent discussion with the City's Airport Board, and the special committee appointed to consider this matter, resulted in a proposal to construct trench drains as indicated on the accompanying drawing.

Elements of the Work

The construction work scope is likely to include:

1. Controlled demolition of selected portions of asphalt pavement.
2. Excavation of base and subgrade materials.
3. Installation of the sidewalls and bottom of a trench drain (yet to be determined whether it will be prefabricated pipe, channel or cast-in-place concrete).
4. Grate installation.
5. Select backfill construction around the trench drain.
6. Apron surface placement and/or finishing.

7. Subsurface storm drain construction between trench drains and the northern edge of the existing apron.
8. Shaping an earthen drainage swale along the northern edge of the apron.
9. Required seeding and erosion control.
10. Caulking as needed to seal construction joints.

Estimated Project Costs

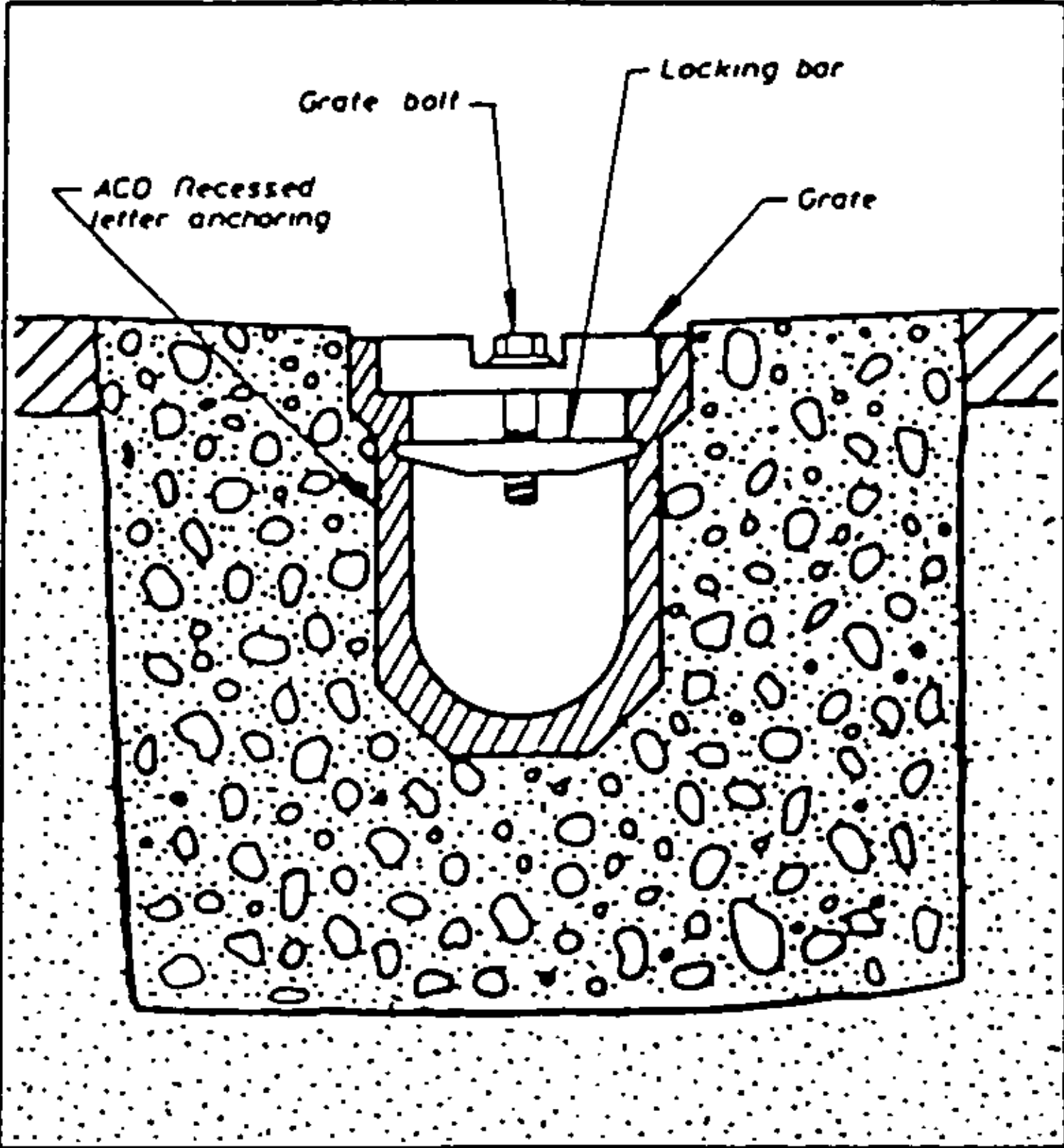
1. Pavement demolition – 950 SY @ \$12/SY	=	\$11,400
2. Excavation – 185 CY @ \$10/CY	=	\$1,850
3. Trench walls/bottom – 1,260 LF @ \$25/LF	=	\$31,500
4. Grate – 1,255 LF @ \$8/LF	=	\$10,040
5. Select backfill – 200 tons @ \$15/ton	=	\$3,000
6. Surface finish – 560 SY @ \$6/SY	=	\$3,360
7. Storm drains – 250 LF @ \$25/LF	=	\$6,250
8. Swales – 500 LF @ \$2/LF	=	\$1,000
9. Seeding, etc. – Lump Sum	=	\$500
10. Caulking – Lump Sum	=	\$500

Subtotal, Construction	=	\$69,400
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Engineering	=	No Charge
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Contingencies @ 10%	=	\$6,940
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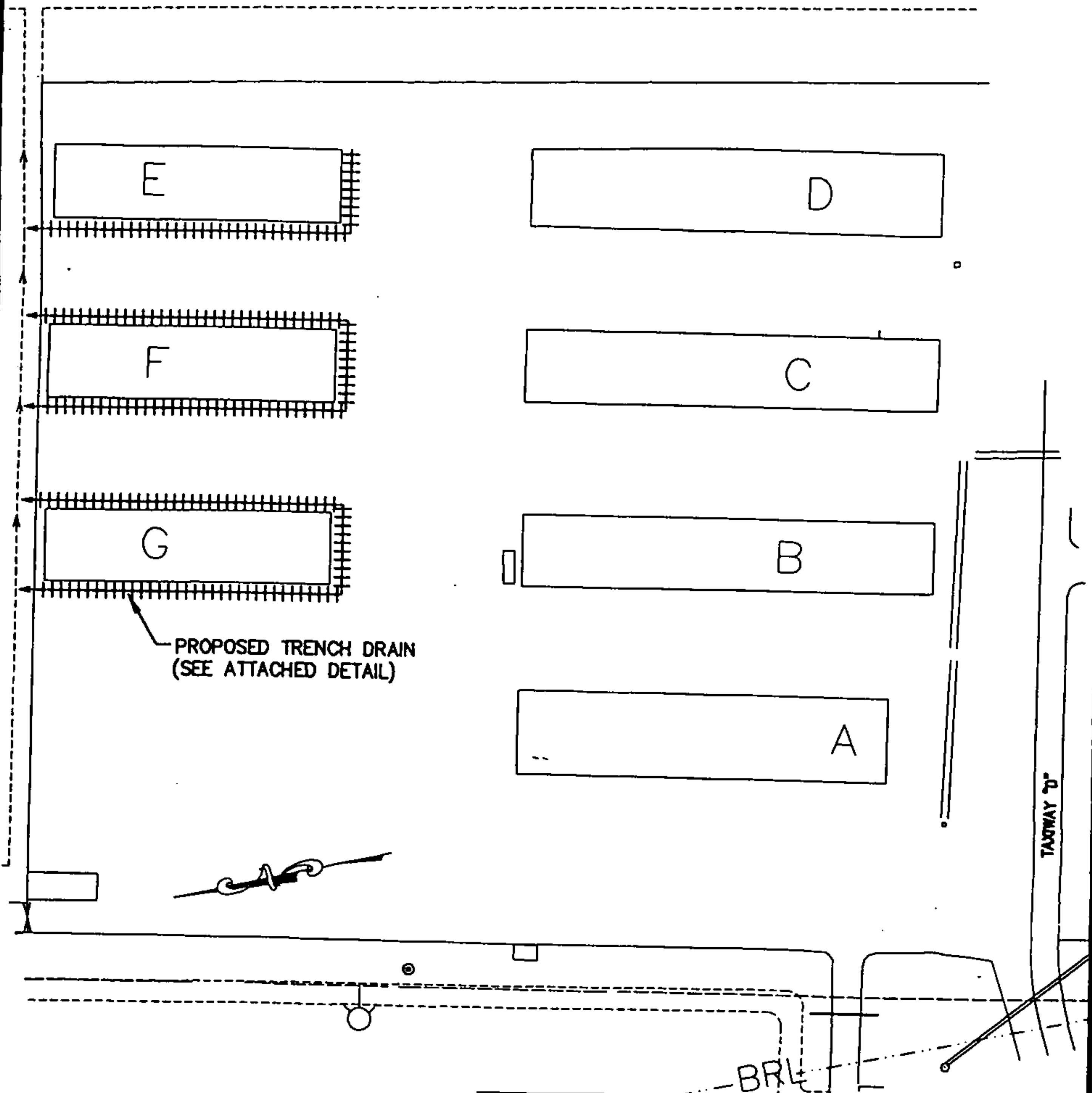
Total Preliminary Estimate	=	\$76,340
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 MEE Designed to serve McClelland Consulting Engineers Incorporated		TRENCH DRAIN DETAIL EAST SIDE T-HANGAR APRON COMPLEX DRAKE FIELD FAYETTEVILLE, ARKANSAS		
Little Rock 900 W. Markham	Fayetteville 1810 N. College	APPROVED R.W.L. SCALE 1"=100'	DRAWN BY P.J.K. JOB NO. FY002105	DATE 4-03-01 FIELD BOOK ---
				FIGURE 2

MASTER DRIVE

FUTURE PARKING



McClelland
Consulting
Engineers
Incorporated

Little Rock
900 W. Markham

Fayetteville
1810 N. College

PROPOSED TRENCH DRAIN
EAST SIDE T-HANGAR
APRON COMPLEX
DRAKE FIELD
FAYETTEVILLE, ARKANSAS

APPROVED
R.W.J.
SCALE
1"=100'

DRAWN BY
P.F.K.
JOB NO.
FY002105

DATE
4-23-01
FIELD BOOK

FIGURE
1

For the Fayetteville City Council meeting of July 3, 2001

Department

Fund


Budget Coordinator

Administrative Services Director

GRANTING AGENCY:

Marsha Farthing 6/13/01
Accounting Manager Date

Nancy Smith 6/13/01
Internal Auditor Date

City Attorney 6/13/01
Date

ADA Coordinator	Date
-----------------	------

Miss 6/13/01
Purchasing Manager Date

STAFF RECOMMENDATION: Staff recommends approval.

Annie Schaper 6/12/01
Division Head Date

Cross Reference

Mugh Everett 6-12-01
Department Director / Date

New Item: Yes No

 6/15/01
Administrative Services Director Date

Prev Ord/Res #:

Mayor Dan Coody Date 6/15/01

Orig Contract Date:

TO: Mayor Dan Coody
City Council
Kit Williams, City Attorney
Hugh Earnest, Urban Development Director
FROM: Louise Schaper, Library Director
SUBJECT: Budget adjustment and contract amendment re: LEED Green Building certification.

The library staff, Trustees and Foundation has heard much public concern about energy efficiency and sustainability of the new library over the last 2.5 years of project planning. Throughout the pre-funding and design phases the design team has been committed to creating a sustainable and responsible work of architecture.

The Board of Trustees has recently approved a means to gain greater commitment to these goals through the US Green Building Council's Leadership in Energy and Environmental Design (LEED) Rating System. This request asks for your support and commitment to these goals.

The Green Building Council was formed in 1993 to accelerate the adoption of green building practices, technologies, policies and standards. It has more than 740 leading international organizations as its members including product manufacturers such as United Technologies/Carrier, Herman Miller, Kawneer Company, DuPont, Trane Company, Owens Corning, Armstrong World Industries; environmental leaders such as the Rocky Mountain Institute, Natural Resources Defense Council, Steel Recycling Institute, David and Lucille Packard Foundation, and the National Audubon Society; building and design professional such as the American Institute of Architects; retailers such as Gap and Target Stores; as well as financial industry leaders such as the Bank of America.

Green Building Council's LEED certification is a building rating system based on existing proven technology. It evaluates environmental performance from a whole building perspective over the building's life cycle. It is based on accepted energy and environmental principles. A project earns credits for satisfying each criteria. Different levels of green building certification are awarded based on total credits earned. You can find out more about the US Green Building Council and the LEED certification program at <http://www.usgbc.org>.

The Library Board of Trustees is asking the Council to approve a budget adjustment and contract amendment in the amount of \$26,400 for additional professional services and fees to enroll in and apply for LEED certification. They are *not* asking for additional project funds. Because the budget was set for this project in early 1999, a project contingency was established to cover unforeseen items like this. For example, the book conveyance system was not a budget line item in 1999, but will be covered by project contingency.

The LEED certification process will involve additional research, systems analysis, documentation, record keeping, and inspection in order to satisfy the application and certification requirements. The work will run concurrent with existing design documentation and would follow the balance of the project schedule. The scope of the work is as follows:

Application and certification fees	\$1,670
Research, analysis, reports (200 hours)	\$16,500
Record keeping and inspections (100 hours)	\$8,250
Total	\$26,420

The benefits of LEED certification are as follows:

- Through systems analysis, we will have a clear understanding of energy efficiency before the project is built.
- It will cause more thoughtful and deliberate decision-making.
- The rigorous certification process will drive and force building efficiency and sustainability.
- This project will be the first certified green building in Arkansas. Therefore, it will serve as a model for other public and private building projects. We will far surpass the Arkansas energy code (1989) requirements.

We thank you for your support as we work to make this a great building—aesthetically, functionally, and environmentally.


Louise Schaper,
Library Director

2000 Edition - Electronic Format

AIA Document G606 - 2000

Amendment to the Professional Services Agreement

TO: Mayor Dan Coody
(Owner's Representative)

Amendment Number: 8

In accordance with the Agreement dated: September 1st, 1999

between the Owner:
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

and the Architect:
Meyer, Scherer & Rockcastle, Ltd.
119 North Second Street
Minneapolis, MN 55401-1420

the Project:
(name and address)

A new central library facility, referred to as the Fayetteville Public Library, for the City of Fayetteville, Arkansas.

AUTHENTICATION OF THIS ELECTRONICALLY
DRAFTED AIA DOCUMENT MAY BE MADE BY USING
AIA DOCUMENT D401.

Authorization is requested

- (X) to proceed with Additional Services or a Change in Services.
() to incur Additional Reimbursable Expenses.

As Follows:

Provide additional professional services including research, performance modeling, design, specification, documentation, and inspections relating to the enrollment of the project in the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED v2) certification program. Work shall include review of the LEED Green Building Rating System to establish the design criteria for the project, evaluate the environmental performance of the library project based on that criteria, and based on that evaluation recommend design strategies to enhance the overall performance of the project. The goal shall be to establish a rating for the project of "LEED Certified" based on the LEED certification point system for Version 2.0. Work shall also include: enrollment of the project with the USGBC; and preparation of the submittals and related documentation to USGBC for certification review.

Work relating to building commissioning is not part of these services. Work required to exceed the performance requirements for basic level of certification - including studies, reports, and engineering - shall be considered an additional service and is not covered in this scope of work.



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AMENDMENT TO THE PROFESSIONAL
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1735 New York Avenue, N.W.
Washington, D.C. 20006-5292

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LIBRARY

A. 6. Page 4

The following adjustments shall be made to compensation and time.
(Insert provisions in accordance with the Agreement, or as otherwise agreed by the parties.)

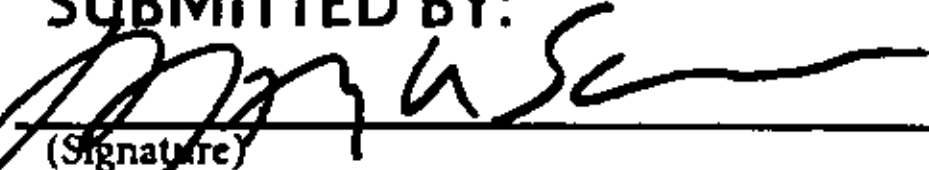
Compensation:

The cost of this work shall be a stipulated sum of twenty-six thousand four hundred forty dollars and zero cents (\$26,400.00). Of that sum, \$1,670 has been allocated for USGBC registration and review fees.

Time:

This work will be carried out in conjunction with the overall project schedule. Final submission of the documentation and submittals to the USGBC shall be made within sixty (60) days of receipt of all necessary field surveys and final testing reports.

SUBMITTED BY:


(Signature)

Jeffrey A. Scherer, FAIA - Vice-president

(Printed name and title)

31 May 2001

(Date)

AGREED TO:

(Signature)

(Printed name and title)

(Date)

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

**LIBRARY
A. 6. Page 5**

Budget Year	Department: Public Works	Date Requested	Adjustment #
2001	Division: Library	March 6, 2001	
	Program:		

Project or Item Requested: Funding is requested for a change order to the architectural services contract on the new Fayetteville Public Library.	Project or Item Deleted: None. Use of fund balance is proposed for this adjustment.
---	---

Justification of this Increase: Additional services are needed for the LEED review process.	Justification of this Decrease: Sufficient cash & investments exist to fund this adjustment.
---	--

Increase Expense (Decrease Revenue)							
Account Name	Amount	Account Number				Project Number	
Architectural Services	26,400	4150	9150	5314	03	99073	10

Decrease Expense (Increase Revenue)							
Account Name	Amount	Account Number				Project Number	
Use of Fund Balance	26,400	4150	0915	4999	99		

Approval Signatures		Budget Office Use Only				
Requested By	Date	Type:	A	B	C	D E
Budget Manager	Date	Date of Approval	_____			
Department Director	Date	Posted to General Ledger	_____			
Admin. Services Director	Date	Posted to Project Accounting	_____			
Mayor	Date	Entered in Category Log	_____			

Blue Copy: Budget & Research / Yellow Copy: Requester

H:\BUDGET\PROJECTS\LIBRARY\LEED_CO.WK4

LEED Project No.	Project Name	Project Owner	Building Type	City	State or Country	Constructed Total (sq. ft.)
1						
2	ONB Headquarters	Old National Bancorp	Commercial	Evansville	IN	291,000
3	Bethel Commercial Center	Bethel New Life	Multi-Use	Chicago	IL	22,592
4	Staten Island Ferry Terminal Restoration	NYC Dept of Transportation, NYC Economic Develop	Other	Staten Island	NY	180,000
5	The Midwest Center for Green Technology	The City of Chicago Department of the Environment	Multi-Use	Chicago	IL	28,356
6	ENCON Headquarters	625 Broadway, LLC	Government	Albany	NY	470,000
7	Seattle Public Library	City of Seattle	Educational	Seattle	WA	400,000
8	Santa Monica Office	NRDC	Commercial	Santa Monica	CA	15,000
9	Renovation of the Motherhouse	Sisters, Servants of the Immaculate Heart of Mary	Other	Monroe	MI	300,000
10	Corporate Campus Project	Sabre, Inc.	Commercial	Southlake	TX	453,000
11	Desert Vista Campus	Pima Community College	Educational	Tucson	AZ	37,413
12	Whitehead Research Building	Health Sciences	Laboratory	Atlanta	GA	325,000
13	Greenwood Elementary	Seattle Public Schools	Educational	Seattle	WA	60,840
14			Multi-Use	Diablo	WA	30,570
15	Blue Ridge Center for Environmental Stewardship	Leggett Foundation	Multi-Use	Purcellville	VA	23,253
16	Student Center	Seattle University	Educational	Seattle	WA	38,000
17	City of Seattle Justice Center	City of Seattle	Government	Seattle	WA	298,000
18	French Wing Addition to Conservation Center	Society for the Protection of New Hampshire Forests	Commercial	Concord	NH	10,000
19	Marion Courthouse	Marion County	Government	Salem	OR	153,293
20			Commercial	Madrid	Spain	359,000
21	Regional Training & Distribution Center	American Honda	Commercial	Gresham	OR	212,000
22	Herman N. Hipp Hall	Furman University	Educational	Greenville	SC	38,006
23	Unified Science Center	Mount Holyoke College	Laboratory	South Hadley	MA	116,000
24	Velocity Bikes Building	Bayview Corner, LLC	Commercial	Langley	WA	8,045
25	New Public Library	City of Eugene	Government	Eugene	OR	127,531
26	Science 2000 Phase II	Emory College	Educational	Atlanta	GA	138,000
27	Lake View Terrace Branch Library	City of Los Angeles	Commercial	Lake View Terra	CA	10,000
28	Laboratory Centers of Excellence	PA DGS	Government	Summerdale	PA	217,000
29	House A-2	Lewis & Clark College	Multi-Family Res.	Portland	OR	7,000
30	The Dalles Middle School	The Dalles School District #12	Educational	The Dalles	OR	96,000
31	Squadron Operations Facility	EFA Chesapeake	Commercial	Camp Springs	MD	42,123
32	Third Creek Elementary School	Iredell-Statesville Schools	Educational	Statesville	NC	95,000
33			Laboratory	Pittsburgh	PA	42,200
34	Park 90/5 C	City of Seattle	Government	Seattle	WA	155,049
35						
36			Commercial	New York	NY	1,887,570
37	FDA Consolidation	FDA	Government	White Oak	MD	110,000
38			Other	Allen Park	MI	217,000
39			Educational	Boston	MA	235,000
40			Multi-Use	Portland	OR	144,485
41			Multi-Use	Portland	OR	238,033
42			Multi-Use	Portland	OR	284,654
43	Seattle City Hall	City of Seattle	Government	Seattle	WA	202,000
44	Forest Hills Environmental school	Forest Hills	Educational	Grand Rapids	MI	12,000
45	Center for Community Forestry	TreePeople	Other	Beverly Hills	CA	18,650
46	Civic Center Office Building	Civic Center Office Building, Inc.	Commercial	Denver	CO	580,000
47	Technology Park Lot #2	Technology Park Partners	Commercial	S. Burlington	VT	51,921
48	Pottery Barn	Williams-Sonoma, Inc.	Commercial	San Francisco	CA	12,000
49	30 Hudson	Goldman Sachs	Multi-Use	Jersey City	NJ	1,654,033
50	Viridian Place	RTJ Partnership	Commercial	Portland	OR	15,000
51	Clearview Elementary School	Hanover Public School District	Educational	Hanover	PA	41,000
52	Municipal Complex	West Whiteland Township	Government	Exton	PA	50,000
53			Other	Kalamazoo	MI	
54	Additions to Phipps	Phipps Conservatory & Botanical Gardens	Other	Pittsburgh	PA	
55			Commercial	Chicago	IL	900,000
56			Commercial	Palo Alto	CA	149,000
57	Technology Square	Georgia Institute of Technology	Educational	Atlanta	GA	617,000
58	Expanded David L. Lawrence Convention Center	Sports & Exhibition Authority	Other	Pittsburgh	PA	1,000,000
59	Stata Center	MIT	Educational	Cambridge	MA	
60	Arizona DEQ Offices	Capital Mall LLC	Government	Phoenix	AZ	
61			Industrial	Holland	MI	100,000
62	South Gateway at Tower Oaks	Tower-Dawson LLC	Commercial	Rockville	MD	315,000
63			Multi-Family Res.	Santa Monica	CA	18,210
64	Arizona DEQ - Multi-Use & Parking	Capital Mall LLC	Commercial	Phoenix	AZ	
65	Horace Mann School	Tillinghast Addition & Renovation	Educational	Riverdale	NY	108,640
66	Site 18A, TBD	River Terrace Associates, LLC	Multi-Family Res.	New York	NY	383,000
67	Wood Building	Steelcase, Inc.	Industrial	Caledonia	MI	600,000
68			Laboratory	New Orleans	LA	60,000
69	Great Lakes Visitation, Research & Education Center	PA Department of General Services	Educational	Erie	PA	58,000
70	Truss Plant	Hayward Truss	Industrial	Santa Maria	CA	43,000
71			Government	Sophia	Bulgaria	
72			Commercial	Morrisville	NC	100,000
73	Puget Sound Environmental Learning Center	Puget Sound Environmental Learning Center	Educational	Bainbridge Island	WA	16,300
74	PFPC Worldwide Headquarters	PFPC Worldwide	Commercial	Wilmington	DE	112,000
75	EPA Lab	U.S. Environmental Protection Agency	Laboratory	Chelmsford	MA	66,233
76	Offices for Brown & Jones Architects	Green Ventures, LLC	Commercial	Raleigh	NC	2,880
77			Medical	Harris	NY	27,000
78	Utoy Creek Administration/Laboratory Building	City of Atlanta	Government	Atlanta	GA	30,000
79	Clark County Wetlands Park	Clark County	Government	Las Vegas	NV	27,500
80	Park & Recreation Building	Arlington County	Government	Arlington	VA	25,000
81			Government	Yerevan	Armenia	150,000
82			Government	Schenectady	NY	121,054

83	Terminal B Addition, Logan Int'l Airport	Massachusetts Port Authority	Airport Terminal	East Boston	MA	262,300
84	Howard M. Metzenbaum U.S. Courthouse	U.S. General Services Administration	Government	Cleveland	OH	260,000
85	Weather Forecast Office - Caribou, ME	National Weather Service	Government	Caribou	ME	8,375
86	Ecotrust Natural Capital Center	Ecotrust	Commercial	Portland	OR	60,000
87	Sunshine Office Building	Sunshine Property Management, LLC	Non-profit Office	Gig Harbor	WA	33,000
88	Hilltop Montessori School	Hilltop Montessori School	Educational	Birmingham	AL	
89	Project MAC	Granger Group of Companies	Commercial	Zeeland Township	MI	51,000
90	Capitol Area East End Complex, Block 225	State of California Department of General Services	Government	Sacramento	CA	394,000
91	CARE Building	University of Cincinnati	Laboratory	Cincinnati	OH	230,000
92	MSB Rehabilitation	University of Cincinnati	Laboratory	Cincinnati	OH	807,654
93	Cambria	PA Department of the Environment	Government	Edensburg	PA	36,165
94	Youngstown Federal Courthouse	U.S. General Services Administration	Government	Youngstown	OH	52,000
95	North Mall Office Building	State of Oregon	Government	Salem	OR	120,000
96			Government	Chincoteague	VA	19,815
97			Government	Seattle	WA	1,700
98	School of Nursing and Student Community Center	UT Health Sciences Center - Houston	Educational	Houston	TX	197,000
99			Commercial	Winona	MO	10,291
100			Educational	Pella	IA	75,820
101			Educational			278,000
102			Educational	Norfolk	VA	83,000
103	Nature Conservancy Long Island Headquarters	Nature Conservancy Inc.	Non-profit Office	Cold Spring Harbor	NY	2,000
104	U.S. Courthouse	U.S. General Services Administration	Government	Eugene	OR	236,046
105	USGS Bureau of Reclamation	U.S. General Services Administration	Government	Boise	ID	21,700
106	Child Care Facility	U.S. General Services Administration	Government	Richland	WA	10,000
107	Alfred A. Arjay Courthouse	U.S. General Services Administration	Government	Denver	CO	320,000
108			Commercial	Arlington	VA	214,000
109			Government	Austin	TX	115,000
110	Kohl House	Fisherman's Mark	Commercial	Lambertville	NJ	3,212
111	Hotel Easton	Hotel Easton Restoration, LLC	Hotel	Easton	PA	100,000
112	The Stewart's Building	The Harry and Jeanette Weinberg Foundation	Commercial	Baltimore	MD	250,000
113			Commercial	Victoria, BC	Canada	165,000
114	935 First Avenue	Mr. Peter Hausmann	Commercial	King of Prussia	PA	220,000
115	Energy & Sustainable Demonstration Facility	U.S. Navy	Government	Port Hueneme	CA	
116	Lynn Business Center	Statson University	Educational	DeLand	FL	73,000
117	Hospital Expansion Project	McKenzie Willamette Hospital	Medical	Springfield	OR	90,000
118	Schlitz Audubon Nature Center	Schlitz Audubon Nature Center	Educational	Bayside	WI	33,000
119	Northwest Campus	Pima County Community College District	Educational	Tucson	AZ	124,000
120			Laboratory	Kansas City	KS	
121	International Fund for Animal Welfare	International Fund for Animal Welfare	Commercial	Yarmouth	MA	41,000
122	Swarthmore College Science Center	Swarthmore College	Educational	Swarthmore	PA	187,000
123			Industrial	Stanwood	MI	419,000
124			Government	Renton	WA	35,000
125	CBWTP Operations Center	City of Portland	Government	Portland	OR	4,000
126	California Science Center Phase 2	California Science Center	Educational	Los Angeles	CA	152,000
127			Educational	Buckley	WA	231,930
128	Duke Library Addition/Renovation	Furman University	Educational	Greenville	SC	132,000
129	428 Westlake Building	City Investors IX L.L.C.	Commercial	Seattle	WA	87,000
130	Q Building Lab	Pharmacia	Laboratory	Skokie	IL	178,000
131			Educational	Hanover	NH	
132	Beijing Demonstration Project	ACCA21	Government	Beijing	China	116,690
133	Wrightsville Elementary School	Eastern York School District	Educational	Wrightsville	PA	79,808
134	Capitol Area East End Complex, Blocks 171-174	State of California, Dept. of General Services	Government	Sacramento	CA	1,116,827
135	Rinker Hall	University of Florida	Educational	Gainesville	FL	22,700
136	Public Service Center	Clark County, Washington	Government	Vancouver	WA	144,825
137	MOB 1	Warren Professional Building Corporation	Medical	Tulsa	OK	170,946
138	Loaves & Fishes	Joan Smith	Commercial	Portland	OR	28,000
139	Hewlett Foundation Headquarters	The William & Flora Hewlett Foundation	Non-profit Office	Menlo Park	CA	51,000
140	Premier Automotive Group North American HQ	Ford Motor Company	Commercial	Irvine	CA	253,000
141			Laboratory	Wauwatosa	WI	
142	CNT Renovation	Center for Neighborhood Technology	Non-profit Office	Chicago	IL	13,800
143	St. Stephen's School and Parish Project	St. Stephen's Episcopal Cathedral	Church Multi-Use	Harrisburg	PA	
144	Campus Life Recreation Center	University of Cincinnati	Educational	Cincinnati	OH	374,171
145	Swift Hall Renovation	University of Cincinnati	Educational	Cincinnati	OH	53,146
146	Student Life Center	University of Cincinnati	Educational	Cincinnati	OH	71,160
147	Rosewood	Rosewood	Other	Greenville	SC	9,060
148	Winship Cancer Institute	Emory University	Other	Atlanta	GA	244,195
149	Lantana	Hines	Commercial	Los Angeles	CA	61,000
150	Conservation Campus	Missouri Department of Conservation	Government	Cape Girardeau	MO	22,000
151	Tangeman University Center	University of Cincinnati	Educational	Cincinnati	OH	240,570
152	Metro Entrance Facility	Pentagon Renovation Office	Government	Arlington	VA	24,000
153	Blanchard Campus Center Addition & Renovation	Mount Holyoke College	Multi-Use	South Hadley	MA	47,000
154	alberta2161	Sundance I, LLC	Commercial	Portland	OR	4,500
155	barric5018	Barric Investments	Commercial	Portland	OR	3,580
156	Sault Sainte Marie Border Station	U.S. General Services Administration	Government	Sault Ste Marie	MI	34,125
157	Bldg. 572 Historic Rehab	Presidio Trust	Government	San Francisco	CA	5,123

* does not include parking structures

Total* 25,193,668
+ certified projects 2,000,000
Grand Total 27,193,668

LIBRARY
AGENDA SESSION

LEED (Leadership in Energy and Environmental Design)
Green Building Rating System Version 2.0 March 2000
U.S. Green Building Council

Rating Categories

Sustainable Sites

- Prerequisite: Erosion and Sedimentation Control
- Credit 1: Site Selection
- Credit 2: Urban Redevelopment
- Credit 3: Brownfield Redevelopment
- Credit 4: Alternative Transportation
- Credit 5: Reduced Site Disturbance
- Credit 6: Stormwater Management
- Credit 7: Landscape and Exterior Design to Reduce Heat Islands
- Credit 8: Light Pollution Reduction

Water Efficiency

- Credit 1: Water Efficient Landscaping
- Credit 2: Innovative Wastewater Technologies
- Credit 3: Water Use Reduction

Energy and Atmosphere

- Prerequisite 1: Fundamental Building Systems Commissioning
- Prerequisite 2: Minimum Energy Performance
- Prerequisite 3: CFC Reduction in HVAC&R Equipment
- Credit 1: Optimize Energy Performance
- Credit 2: Renewable Energy
- Credit 3: Additional Commissioning
- Credit 4: Elimination of HCFC's and Halons
- Credit 5: Measurement and Verification
- Credit 6: Green Power

Materials and Resources

- Prerequisite: Storage & Collection of Recyclables
- Credit 1: Building Reuse
- Credit 2: Construction Waste Management
- Credit 3: Resource Reuse
- Credit 4: Recycled Content
- Credit 5: Local/Regional Materials
- Credit 6: Rapidly Renewable Materials
- Credit 7: Certified Wood

Indoor Environmental Quality

- Prerequisite 1: Minimum IAQ Performance
- Prerequisite 2: Environmental Tobacco Smoke (ETS) Control
- Credit 1: Carbon Dioxide (CO2) Monitoring
- Credit 2: Increase Ventilation Effectiveness
- Credit 3: Construction IAQ Management Plan
- Credit 4: Low-Emitting Materials
- Credit 5: Indoor Chemical and Pollutant Source Control
- Credit 6: Controllability of Systems
- Credit 7: Thermal Comfort
- Credit 8: Daylight and Views
- LEED Innovation Credits
- LEED Accredited Professional

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."

PASSED and APPROVED this the _____ day of July, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council and Staff

From: Heather Woodruff, City Clerk

Date: June 22, 2001

Re: **Ordinance No. 4307**

This item is to amend Ordinance 4307 passed April 17, 2001. The original ordinance did not include the definitions for the new multi-family zoning districts. This is just a housekeeping ordinance procedure to establish these new districts. Thank you.

Attachment(s)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 160 ZONING DISTRICTS AND 161 ZONING REGULATIONS OF THE UNIFIED DEVELOPMENT ORDINANCE, CODE OF FAYETTEVILLE, TO INCLUDE ADDITIONAL MULTI-FAMILY ZONING DISTRICTS, RMF-6, RMF-12, RMF-18.

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

Section 1. That Ordinance 4307, passed and approved April 17, 2001, is hereby repealed.

Section 2. That Chapter 160, Zoning Districts of the Unified Development Ordinance, is hereby amended to include RMF-6, RMF-12 and RMF-18 as follows:

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

Section 3. That Chapter 161, Zoning Regulations of the Unified Development Ordinance, is hereby amended to include §161.061 DISTRICT RMF-6: LOW DENSITY MULTI-FAMILY RESIDENTIAL as follows:

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

Section 4. That Chapter 161, Zoning Regulations of the Unified Development Ordinance, shall be amended to include, §161.062 DISTRICT RMF-12: MODERATE DENSITY MULTI-FAMILY RESIDENTIAL as follows:

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

Section 5. That Chapter 161, Zoning Regulations of the Unified Development Ordinance, shall be amended to include, §161.063 DISTRICT RMF-18: MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL as follows:

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

PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

4307
4/17

Exhibit "A"

CHAPTER 160:
ZONING DISTRICTS

§160.01 ESTABLISHMENT OF DISTRICTS. The following zoning districts are hereby established:

ZONING DISTRICTS	
A-1	Agricultural
R-1	Low Density Residential
R- 1.5	Moderate Density Residential
RMF- 6	Low Density Multi-Family Residential
RMF- 12	Moderate Density Multi-Family Residential
RMF-18	Medium Density Multi-Family Residential
R-2	Medium Density Residential
R-3	High Density Residential
RE	Residential Estate
RA	Residential (Acre Lot)
RL	Residential Large Lot
RS	Residential Small Lot
R-O	Residential-Office
C-1	Neighborhood Commercial
C-2	Thoroughfare Commercial
C-3	Central Business Commercial
C-4	Downtown
I-1	Heavy Commercial and Light Industrial

I-2	General Industrial
P-1	Institutional
E-1	Extraction
Design Overlay District	

(Code 1991, §160.015; §160.047, and §160.048; Code 1965, App. A, Art. 5; Ord. No. 1747, 6-29-70; Ord. No. 3115, 9-3-85; Ord. No. 3128, 10-1-85; Ord. No. 3792, §1, 5-17-94)

Exhibit "B"

§161.061 DISTRICT RMF-6 LOW DENSITY MULTI-FAMILY RESIDENTIAL.

A. Purpose. The Low Density Multi-family Residential District is designed to permit and encourage the development of multifamily residences at a low density that is appropriate to the area and can serve as a transition between higher densities and single family residential areas.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings
Unit 9	Multifamily Dwellings - Medium Density

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	<u>4 to 6</u>
-------------------	---------------

D. Bulk and Area Regulations.

1. Lot Width Minimum.

Mobile Home Park	100 Feet
Lot within a Mobile Home Park	50 Feet
One Family	60 Feet
Two Family	60 Feet
Three or More	90 Feet
Professional Offices	100 Feet

2. Lot Area Minimum.

Mobile Home Park	3 Acres
Lot Within a Mobile Home Park	4,200 Sq. Ft.
Row House: Development Individual Lot	10,000 Sq. Ft. 2,500 Sq. Ft.
Single-Family	6,000 Sq. Ft.
Two-Family	7,000 Sq. Ft.
Three or More	9,000 Sq. Ft.
Fraternity or Sorority	2 Acres
Professional Offices	1 Acre

3. Land Area Per Dwelling Unit.

Mobile Home	3,000 Sq. Ft.
Apartments: Two or More Bedrooms One Bedroom No Bedroom	2,000 Sq. Ft. 1,700 Sq. Ft. 1,700 Sq. Ft.
Fraternity or Sorority	1,000 Sq. Ft. per Resident

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	25

Cross Reference: Variances Chapter 156.

F. Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, § 160.033; Code 1965, App. A, Art. 5(III); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81)

Exhibit "C"

§161.062 DISTRICT RMF-12 MODERATE DENSITY MULTI-FAMILY RESIDENTIAL.

A. Purpose. The Moderate Density Multi-family Residential District is designed to permit and encourage the development of multifamily residences at a moderate density that is appropriate to the area.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings
Unit 9	Multifamily Dwellings - Medium Density

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	<u>4 to 12</u>
-------------------	----------------

D. Bulk and Area Regulations.

1. Lot Width Minimum.

Mobile Home Park	100 Feet
Lot within a Mobile Home Park	50 Feet
One Family	60 Feet
Two Family	60 Feet
Three or More	90 Feet
Professional Offices	100 Feet

2. Lot Area Minimum.

Mobile Home Park	3 Acres
Lot Within a Mobile Home Park	4,200 Sq. Ft.
Row House: Development Individual Lot	10,000 Sq. Ft. 2,500 Sq. Ft.
Single-Family	6,000 Sq. Ft.
Two-Family	7,000 Sq. Ft.
Three or More	9,000 Sq. Ft.
Fraternity or Sorority	2 Acres
Professional Offices	1 Acre

3. Land Area Per Dwelling Unit.

Mobile Home	3,000 Sq. Ft.
Apartments: Two or More Bedrooms One Bedroom No Bedroom	2,000 Sq. Ft. 1,700 Sq. Ft. 1,700 Sq. Ft.
Fraternity or Sorority	1,000 Sq. Ft. per Resident

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	25

Cross Reference: Variances Chapter 156.

F. Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, § 160.033; Code 1965, App. A, Art. 5(III); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81)

Exhibit "D"

§161.063 DISTRICT RMF-18 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL.

A. Purpose. The Medium Density Multi-family Residential District is designed to permit and encourage the development of multifamily residences at a medium density that is appropriate to the area.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings
Unit 9	Multifamily Dwellings - Medium Density

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	<u>4 to 18</u>
-------------------	----------------

D. Bulk and Area Regulations.

1. Lot Width Minimum.

Mobile Home Park	100 Feet
Lot within a Mobile Home Park	50 Feet
One Family	60 Feet
Two Family	60 Feet
Three or More	90 Feet
Professional Offices	100 Feet

2. Lot Area Minimum.

Mobile Home Park	3 Acres
Lot Within a Mobile Home Park	4,200 Sq. Ft.
Row House: Development Individual Lot	10,000 Sq. Ft. 2,500 Sq. Ft.
Single-Family	6,000 Sq. Ft.
Two-Family	7,000 Sq. Ft.
Three or More	9,000 Sq. Ft.
Fraternity or Sorority	2 Acres
Professional Offices	1 Acre

3. Land Area Per Dwelling Unit.

Mobile Home	3,000 Sq. Ft.
Apartments: Two or More Bedrooms One Bedroom No Bedroom	2,000 Sq. Ft. 1,700 Sq. Ft. 1,700 Sq. Ft.
Fraternity or Sorority	1,000 Sq. Ft. per Resident

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	25

Cross Reference: Variances Chapter 156.

F. Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, § 160.033; Code 1965, App. A, Art. 5(III); Ord. No. 2320, 4-5-77 Ord. No. 2700, 2-2-81)

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 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:

[Signature]

Net Manager

X

Budgeted Item _____ Budget Adjustment Attached

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

Maisha Farkley
Accounting Manager

D. J. Whitel
City Attorney

Heise
Purchasing Officer

5/30/01
Date

5/31/01
Date

5/31/01
Date

GRANTING AGENCY:

Nancy Smith
Internal Auditor

ADA Coordinator

5/31/01
Date

Date

STAFF RECOMMENDATION:

Approval of Resolution

Connie Edmonston
Division Head

Hugh Earnest
Department Director

John Mayhew
Administrative Services Director

Sam Coady
Mayor

5-29-01
Date

6-5-01
Date

5/31/01
Date

6/5/01
Date

Cross Reference

New Item: ☒ Yes ☐ No

Prep 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.

STAFF REVIEW FORM

Description Resolution for Skate Park Grant _____ Meeting Date _____

Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Reference Comments:

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 *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.

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.

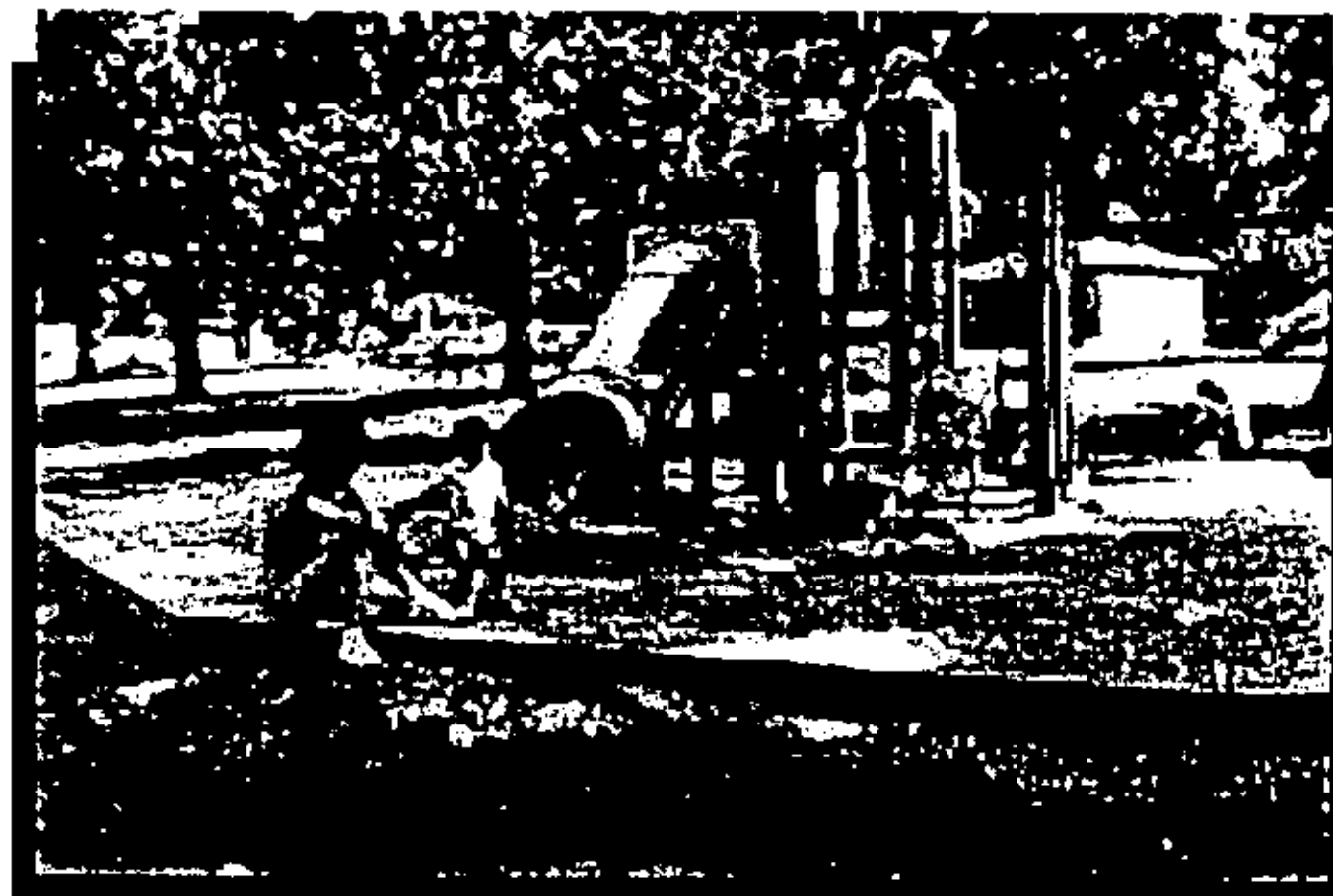
*Attachment: Conceptual Design
Grant Application Materials
Skatepark Cost Estimate*

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.

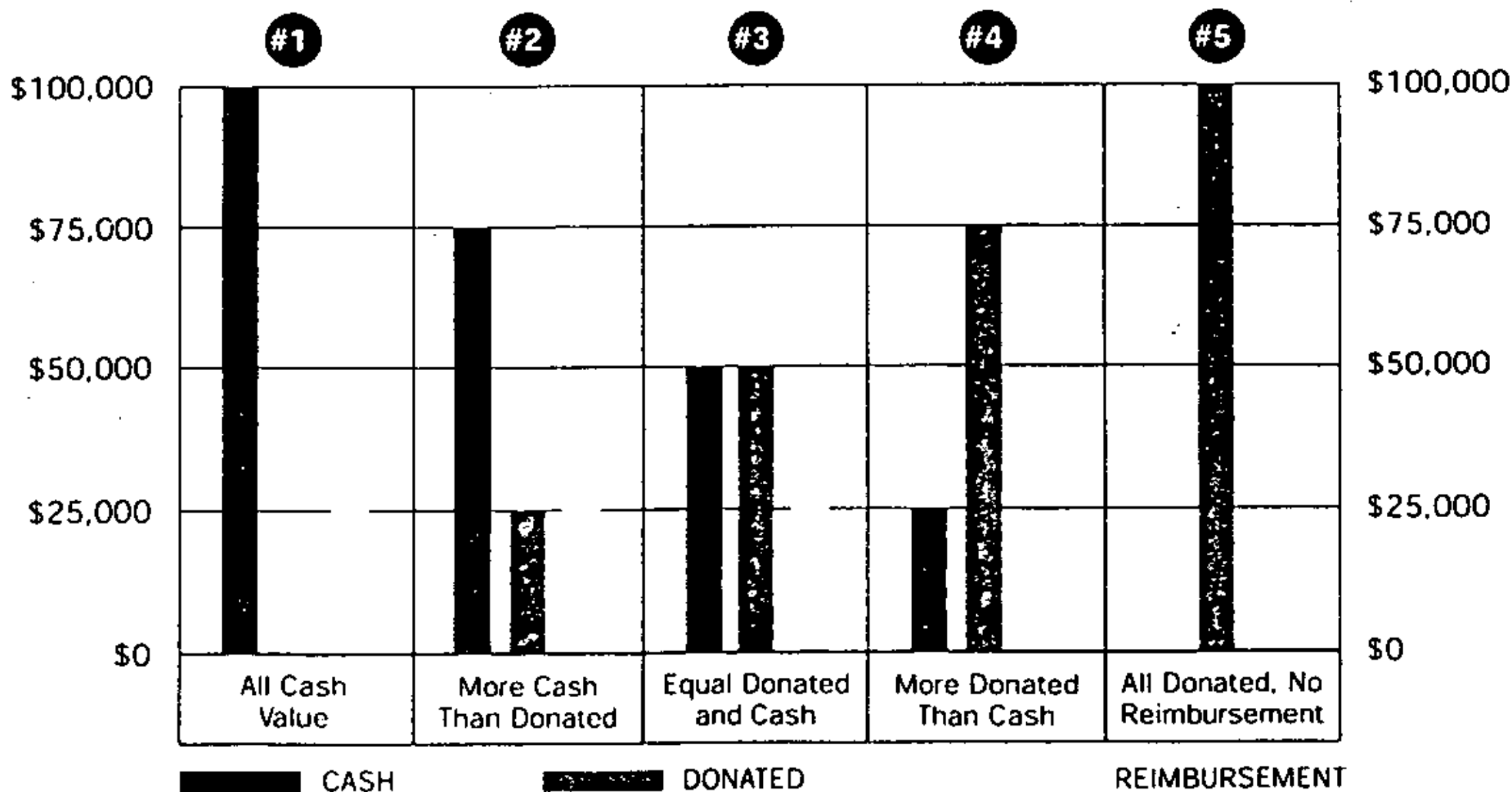
The chart shown below will help to understand how the 50/50 reimbursable matching grant works. For simplicity's sake, let's say that a project will cost a total of \$100,000. If the grantee spent \$100,000 cash, submitted canceled checks and invoices for \$100,000 and the expenditures are part of the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

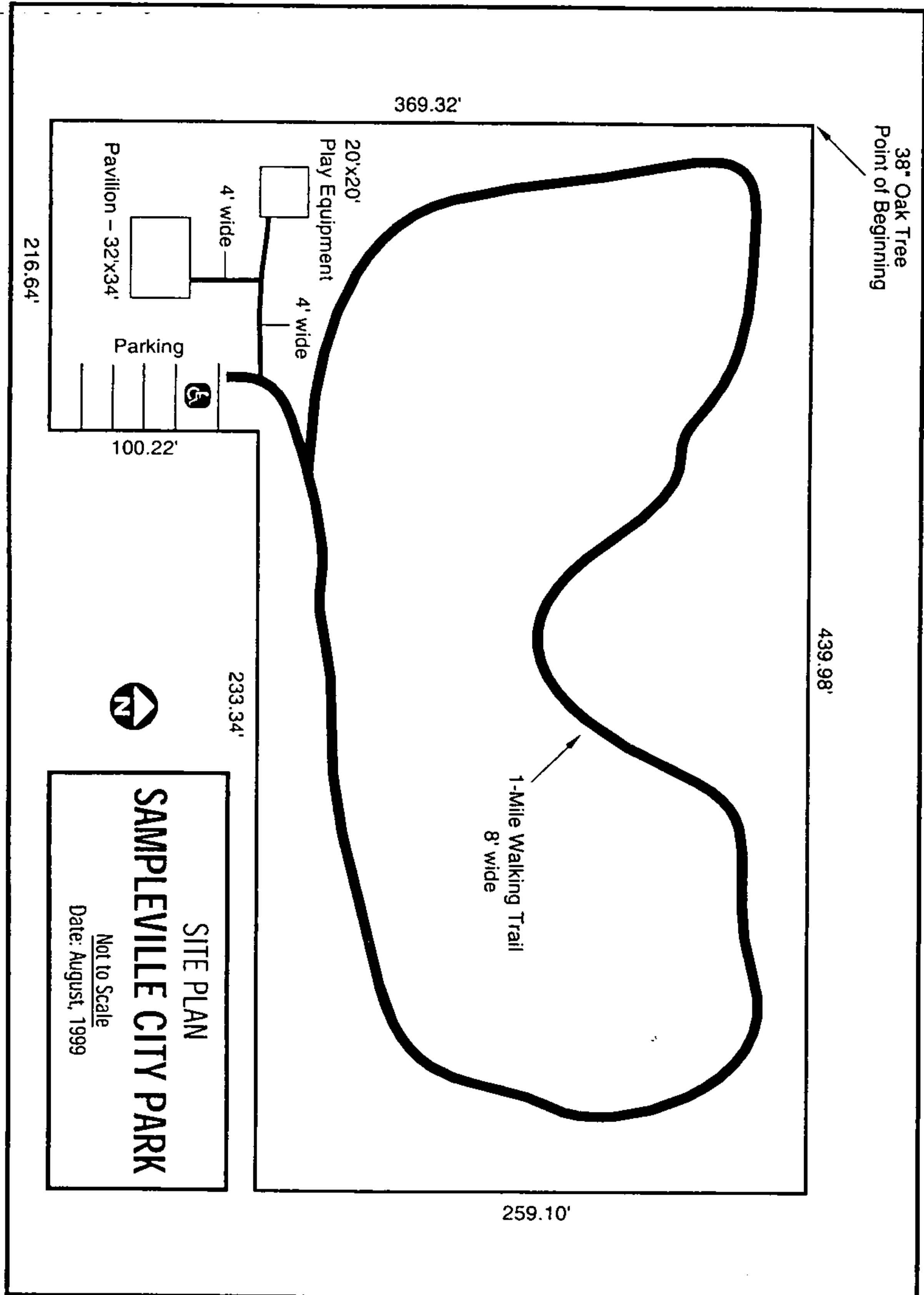
Passed this _____ day of _____, 2001.

APPROVED: _____

Mayor/County Judge

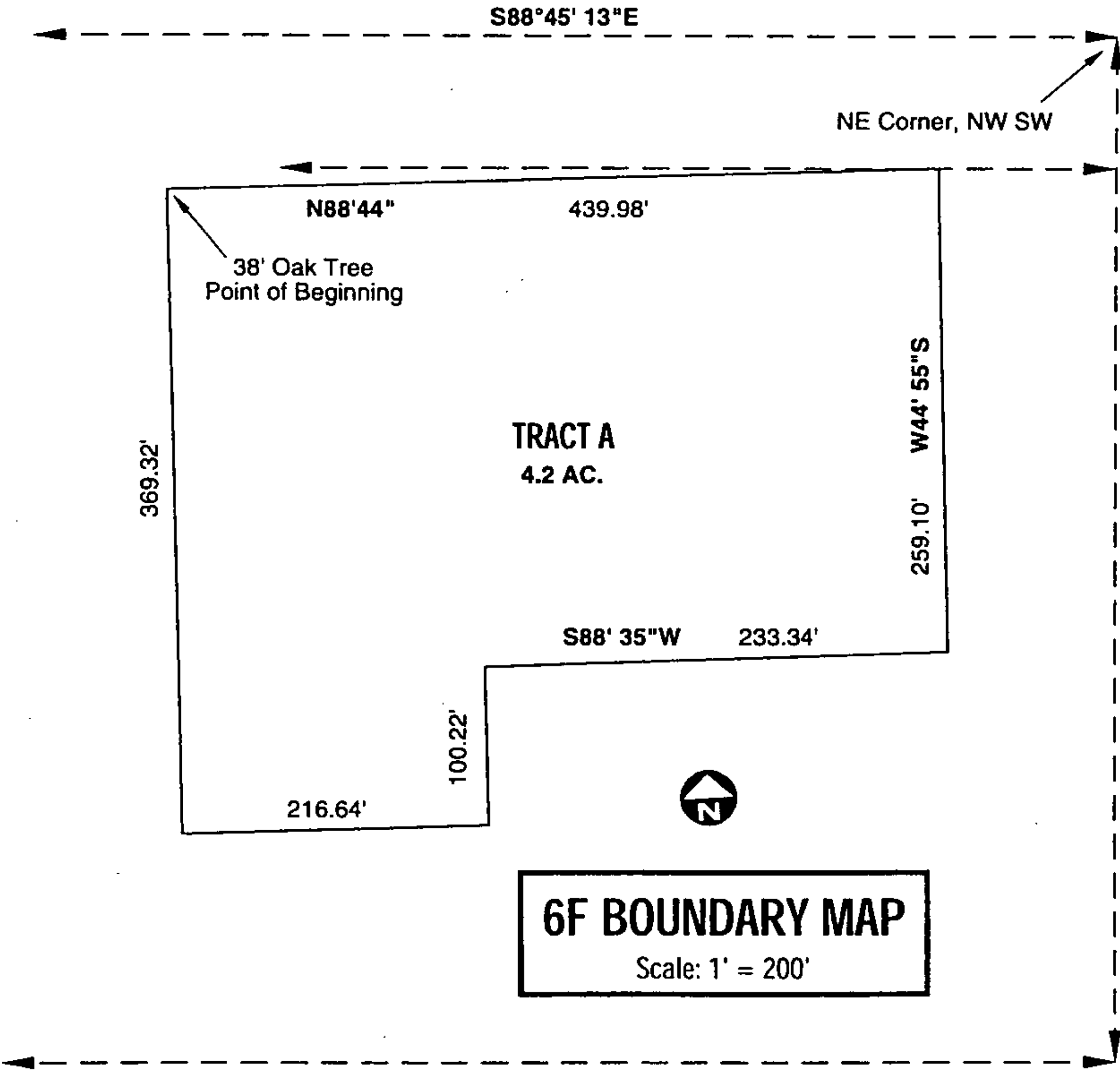
Clerk

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.

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

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.

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. PAGES 27–30 FOR APPRAISAL REQUIREMENTS.

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.

12

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.).

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

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.

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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 | 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

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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@4funksi.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 Knepshield
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.

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

TCA CABLE
A. 4. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF July 3, 2001

MAYOR'S APPROVAL

FROM:

Kit Williams

Name

City Attorney

Division

Legal

Department

ACTION REQUIRED: A resolution authorizing TCA Cable partners to continue to operate the cable communications system.

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 AUTHORIZING TCA CABLE
PARTNERS TO CONTINUE TO OPERATE
THE CABLE COMMUNICATIONS SYSTEM

WHEREAS, the City of Fayetteville, Arkansas ("City") passed and adopted an Ordinance (hereinafter referred to as the "Franchise") granting a non-exclusive franchise; and

WHEREAS, the Franchise is currently held by TCA Cable Partners ("TCA"); and

WHEREAS, pursuant to Section 47 U.S.C. §546(a) TCA provided notification to the City of TCA's intent to seek renewal of the Franchise under 4 U.S.C. §546(a-g); and

WHEREAS, pursuant to Section 47 U.S.C. §546(a) the City properly commenced franchise renewal proceedings; and

WHEREAS, the City and TCA have agreed, pursuant to 47 U.S.C. §546(h), to conduct franchise renewal negotiations informally in an attempt to reach a mutually acceptable franchise agreement; and

WHEREAS, the City and TCA are interested in continuing informal discussions and negotiations regarding franchise renewal; and

WHEREAS, both the City and TCA desire to expressly reserve all of their respective rights under state and federal law.

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

Section 1. The City hereby authorizes TCA to continue to operate the cable television system in the City of Fayetteville, in full compliance with all of the terms and conditions of the Franchise, for a period commencing on July 1, 2001 and continuing through either the date of which TCA's Franchise is either renewed or until September 30, 2001 whichever shall first occur.

Section 2. This Resolution shall become effective upon the occurrence of both of the following conditions:

- 1) The resolution being passed and adopted by the City Council of the City of Fayetteville, and;

- 2) TCA's acceptance of this resolution and the franchise for the terms specified in paragraph (1) above, provided TCA accepts and agrees to this extension.

PASSED AND APPROVED this _____ day of July, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

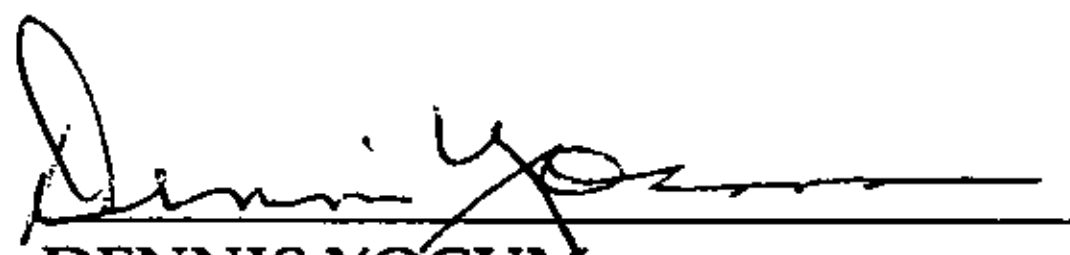
By: _____
Heather Woodruff, City Clerk

ACCEPTANCE

TCA Cable Partners, hereby acknowledges the City of Fayetteville Resolution authorizing TCA Cable Partners to continue to operate the cable system July 1 through September 30, 2001 ("Resolution") attached hereto and hereby accepts each and every term, provision and recital of the Resolution and agrees to be bound by the terms and provisions of the Franchise in accordance with the Resolution.

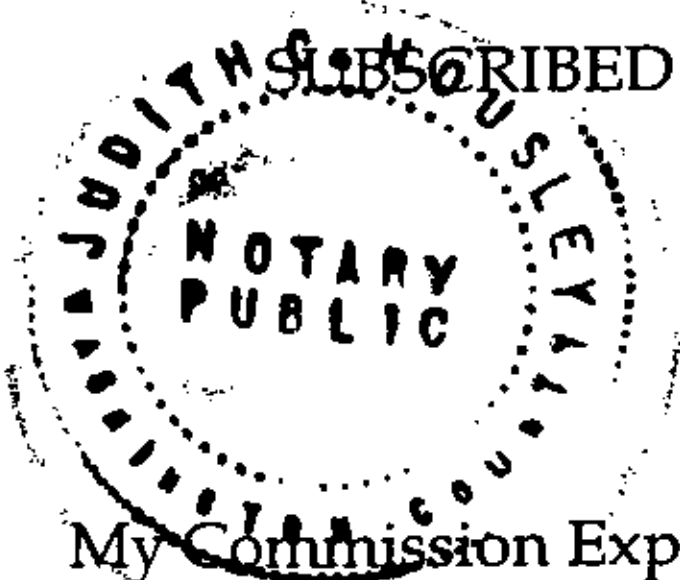
Dated: June 21, 2001

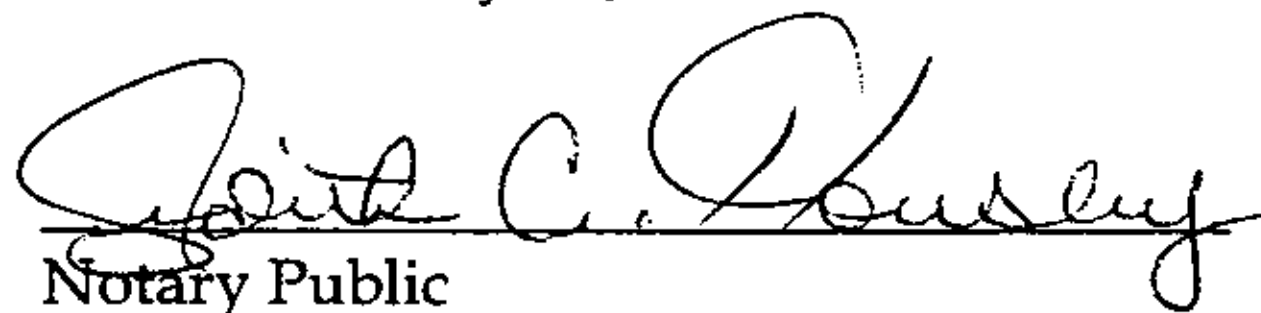
TCA CABLE PARTNERS

By: 
DENNIS YOCUM

Its: System Manager

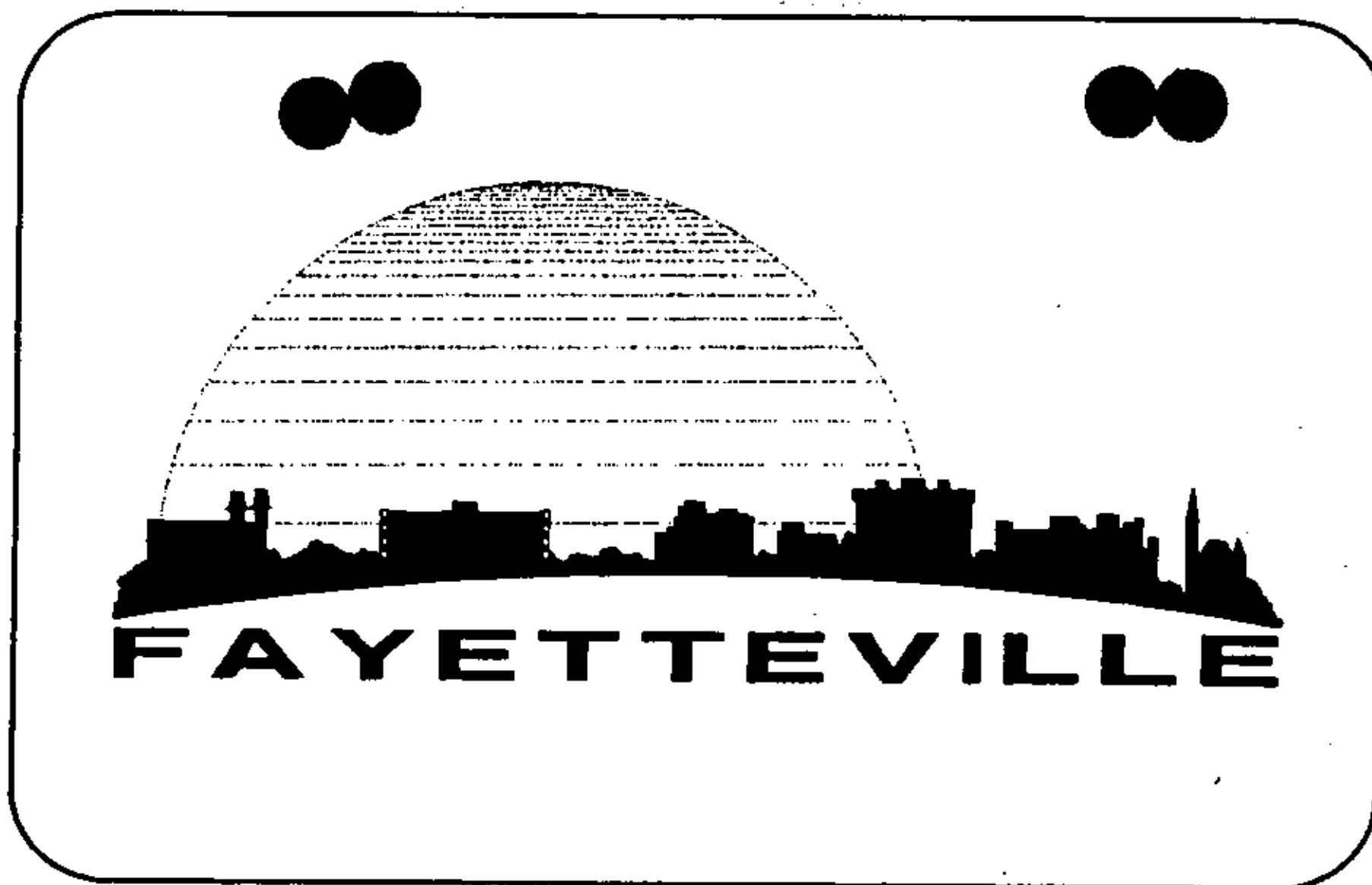
SUBSCRIBED AND SWORN to before me this 21st day of June, 2001.




Notary Public

My Commission Expires:

May 13, 2004.



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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: NWA TIMES

Fax #: 442-5477

From: JOAN BLACKARD

Date: 06-28-01

Number of Pages (including cover sheet): 3

Notes: (FAXED FINAL AGENDA FOR CITY COUNCIL)

RUN IN MONDAY'S PAPER!

* PLEASE SEND BACK PROOF !!

THANKS!

If transmission cannot be read clearly, please call back as soon as possible.

Thank you.

Everything good.
Please make the
size 2" X 8".
Thanks!
Joan

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CITY OF FAYETTEVILLE

FINAL AGENDA • JULY 3, 2001

A meeting of the Fayetteville City Council will be held on Tuesday, July 3, 2001, at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

NOMINATION COMMITTEE REPORT

A. CONSENT

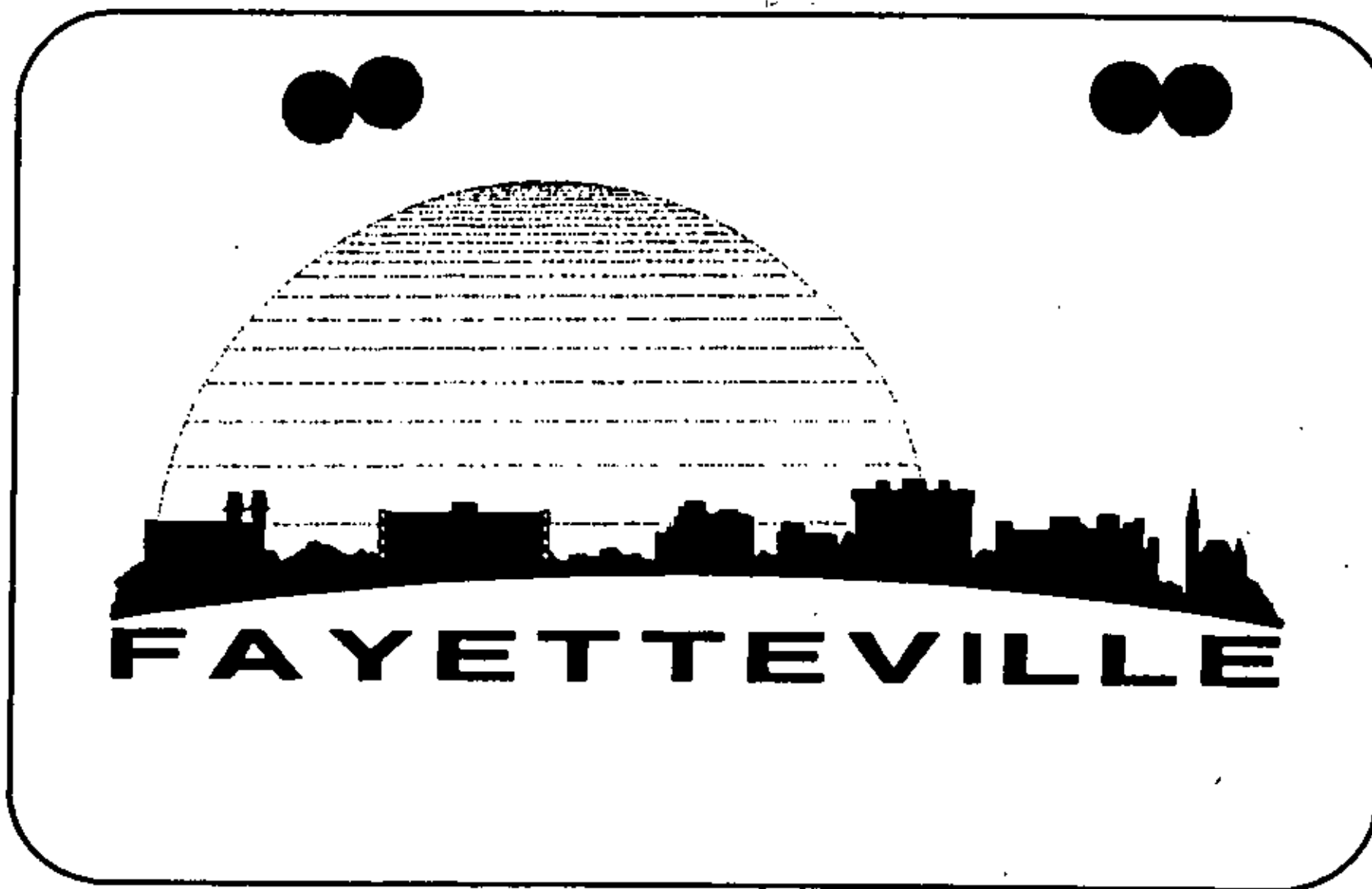
1. **APPROVAL OF THE MINUTES:** June 5, 2001 and June 19, 2001 minutes.
2. **DOUBLE SPRINGS RD. BRIDGE:** A resolution approving the construction contract with Gray Construction, Inc. for Double Springs Bridge over Owl Creek sewer relocation project, in the amount of \$41,577.95, and a 15% project contingency in the amount of \$6,236.
3. **T-HANGAR DRAINAGE:** A resolution approving a grant application and a budget adjustment in the amount of \$76,340 for the drainage project for T-Hangar Units "E", "F", and "G".
4. **LIBRARY GREEN BUILDING CERTIFICATION:** A resolution approving a budget adjustment and contract amendment for additional professional services leading to LEED (Leadership in Energy and Environmental Design) Green Building certification.

B. OLD BUSINESS

1. **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. The item was tabled at the June 19, 2001 meeting.
2. **APPEAL:** An ordinance amending Chapter 155, Appeals, to allow an appeal by three aldermen of a decision by the Planning Commission to approve or deny a conditional use. The ordinance was left on the first reading at the June 19, 2001 meeting.

C. NEW BUSINESS

1. **ZONING DISTRICTS:** An ordinance amending Chapter 160, Zoning Districts, and Chapter 161, Zoning Regulations, of the Unified Development Ordinance to include additional multi-family zoning districts, RMF-6, RMF-12, and RMF-18.
2. **SKATE PARK:** A resolution authorizing the Parks and Recreation Division to apply for up to \$200,000 (50/50 matching funds) in grant money for the development of a skate park.
3. **TCA CABLE:** A resolution authorizing TCA Cable partners to continue to operate the cable communications system.



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City of Fayetteville

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Thanks!

(*) Please change size to 2" x 8".

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