

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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

Final Agenda City of Fayetteville Arkansas City Council Meeting November 18, 2008

A meeting of the Fayetteville City Council will be held on November 18, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Presentation of Final Check from the Fayetteville Natural Heritage Association:
Brooks Hummel \$11,500.00
Mt. Sequoyah Woods \$20,000.00
2. Quarterly Report of Financial Condition of the City – City Clerk: A verbal report

Agenda Additions:

1. Reconsider R-PZD 08-3071 Bridgedale Plaza

The following Ordinance was added to the agenda:

1. **R-PZD 08-3071 (Bridgedale Plaza):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-3071 Bridgedale Plaza, located at the southeast corner of

Highway 16 East and River Meadows Drive, containing approximately 15.95 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated Master Development Plan. *This ordinance was left on the Second Reading at the October 21, 2008 City Council meeting. This ordinance was left on the Second Reading and Failed November 6, 2008.*

THIS ITEM WAS TABLED TO THE DECEMBER 2, 2008 CITY COUNCIL MEETING.

A. Consent:

1. Approval of the October 28, 2008 Special City Council meeting minutes. **APPROVED.**
2. **Cherokee Nation:** A resolution approving a budget adjustment in the amount of \$175,000.00 to the solid waste fund and recognizing like revenue from the Cherokee Nation for reimbursement of costs associated with operation of the transfer station through the end of FY2008.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 214-08.

3. **Fayetteville Police Department Donations:** A resolution approving a budget adjustment in the amount of \$3,950.00 recognizing donation revenue to the Fayetteville Police Department from various sources.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 215-08.

4. **2007 & 2008 Gulf Coast High Intensity Drug Trafficking Area Grant:** A resolution authorizing the Fayetteville Police Department to accept the sub-recipient portion of the 2007 and 2008 Gulf Coast High Intensity Drug Trafficking Area Grants in the respective amounts of \$4,000.00 and \$10,000.00 for overtime reimbursement; and approving a budget adjustment recognizing these grant revenues.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 216-08.

B. Unfinished Business:

2. **Hiring Freeze:** Hiring Freeze Appeals: **NONE.**

C. New Business:

1. **Amend Chapter 164, ADM 08-3094 (UDC Chapter 164.04 Animals & Fowl):** An ordinance amending the Unified Development Code by repealing and replacing Chapter 164.04: Animals and Fowl, to permit a property owner to keep a maximum of four chickens (hens) within residential districts of the city, subject to the restrictions herein.

THIS ITEM WAS TABLED TO THE DECEMBER 2, 2008 CITY COUNCIL MEETING.

2. **Residential Trash Service:** An ordinance waiving the automatic annual price increase for residential trash service for fiscal year 2009.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5196.

- 3. Proposed 2009 Annual Budget & Work Program:** A resolution adopting the 2009 Annual Budget and Work Program as amended and approved.

THIS ITEM WAS TABLED TO THE DECEMBER 2, 2008 CITY COUNCIL MEETING.

- 4. Southpass Development Company, LLC:** A resolution to approve approximately \$744,880.00 as a 50/50 cost share with Southpass Development Company, LLC for the sewer installation costs for the Regional Park and Southpass PZD.

THIS ITEM WAS TABLED TO THE DECEMBER 2, 2008 CITY COUNCIL MEETING.

Announcements:

- 1. City Council Tour: None.**

Adjournment: Meeting adjourned at 7:35 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

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Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



**City of Fayetteville Arkansas
Special City Council Meeting Minutes
October 28, 2008**

A special meeting of the Fayetteville City Council was held on October 28, 2008 at 5:30 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

ABSENT: Alderman Gray

Pledge of Allegiance

Unfinished Business

2008 Millage Levy: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2008 fixing the rate thereof at 1.3 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas. *This ordinance was approved at the September 16, 2008 City Council meeting. A motion was made and passed to reconsider the ordinance at the October 7, 2008 City Council meeting. This ordinance was left on the Third Reading at the October 7, 2008 City Council meeting and tabled to the October 21, 2008 City Council meeting. This ordinance was left on the Third Reading at the October 21, 2008 City Council meeting and tabled to a Special City Council meeting on October 28, 2008.*

Mayor Coody: Our deadline is pretty quick.

Paul Becker, Finance Director: The General Fund budget is \$35.9 million. When we look at estimated revenues versus the projected expenditures we are short \$535,400 at this point in time. The administrations recommendation was to use reserves however we are going to discuss that in

the future. Right now we are talking about what the Millage amount should be. The recommendation by the administration is to keep the Millage amount at 3.1 mills which is consistent with what it was last year. We discussed this at our last budget discussion and there were some options talked about and issues relating to Millage. That is where we are, whether or not to keep the Millage as recommended, which is 3.1 for the City, or adjust that, or amend it.

Mayor Coody: Regarding the resolution the City Council presented to present a balanced budget, I appreciate that. I hate that it was perceived that I was being obstinate by not doing that but we really did go through and made cuts the last couple of years. This year we made as many cuts as we possibly could. We got to the point we could not cut without laying people off or raising taxes. Neither one of those scenarios seemed the best way to do business. When we presented this budget and we had around a \$500,000 dip into reserves it was not to be obtuse, it was because we really didn't feel like we had much of a choice. If we could have made further cuts without laying people off and cutting services or raising taxes that is exactly what we would have done. I just want folks to understand we were not trying to be hard headed or anything.

Alderman Allen: Can I ask one question about that because I was not clear when we passed that resolution, I do not know the peaking order. Who is in charge of making that decision? If we mandate you to do that then you can trump our mandate? I just didn't understand that very well.

Mayor Coody: The resolution was a request from the City Council for us to present a balanced budget and we did the best we could. We could not meet that entire request. We met that request as closely as we could. One thing that I think people do not understand is that we are two branches of government, the legislative branch, which the Council is, and the Executive Branch, which I am and the staff works for us. I am elected by all the citizens of Fayetteville, Arkansas, not by ward so essentially I answer to the entire citizenry of Fayetteville just as much as trying to work with the City Council. My job is to present the best budget that we can from our perspective for the City of Fayetteville and take it to the Council and the Council's job is to take that draft budget and manipulate it, change it, amend it, or approve it and then give it back to us. Once that budget is approved then that is the budget that we work within. The branches of government mean I work for the citizens of Fayetteville so that is who I was working on behalf of.

Alderman Cook: My proposal is to add another half mill to our current discretionary Millage. The reason why I am proposing that stems from last years budget discussion. Last year we had a shortage and a 0.9 increase was presented, there were several citizen comments that they did not feel the budget had been thinned enough and they thought there were cuts that could be made. That is what we did. I voted against the Millage because I thought we could make the cuts and balance it and I believed at that time, I thought sales tax would come back. This year sales tax has come back but based on the preliminary submittal of the budget we are looking at being \$535,000 short. I said last year that if we run into this again I will support a Millage and that is where I am at now. I am supporting a half mill increase because to make cuts now people really will see cuts in services and potential layoffs. I know we are going to make some adjustments to the budget that we talked about at the budget session but even then we are cutting into the capital expending some. That is not a good consistent way to go because I hate cutting into our capital funds. Last year I caught a lot of grief for not supporting the Millage because people thought that they would see a reduction in services. That is where I am at this year. I really think we will see that reduction. I am proposing this half mill increase to cover what we currently are showing

as a shortage. I am not tying it with any other discussion right now as far as employee compensation and any of those other items, those are future discussions. All I am asking is that we relook at this and consider a half mill increase.

Mayor Coody: To cover the \$500,000.

Alderman Cook: Yes sir.

Alderman Thiel: Paul, you gave us at a previous meeting the monthly report of the sales tax revenue and we have an increase of how much?

Paul Becker: \$504,000 over budget at this point in time. A portion of that roughly \$237,000 is going to General Fund Operations which that is what we are talking about now. The balance will be going to the sales tax capital fund.

Alderman Thiel: I guess what I am referring to is can we use that \$237,000 that is in the General Fund towards our next year's budget?

Paul Becker: The answer is yes but let me try to explain the mechanism. We go through and look at all of the revenue, remember I told you before that we would probably get less and a matter of fact we will get almost \$200,000 less in interest income. There will be some ups and downs in other areas of the revenue budget. Whatever happens that amount will go to reserves. We should have some dollars going to reserves. To do that and use it for next years budget, what we would do is take it out of reserves. If we get more revenue than expenditures, which I believe we will, that will go into our reserves.

Alderman Thiel: So that is how we get our reserves?

Paul Becker: That is correct.

Alderman Thiel: So in a way it's a way of us funding years like this whenever things are tough and we have a certain amount of the fund balance or the \$2.4 million that we can use for discretionary funding which is what we are looking at right now. Plus we really haven't finished the budget discussion, I know we haven't whittled very much but we have a little. I don't know if we can cut much more but we found a few little things.

Mayor Coody: One more thing I want to add is that the farther we go toward the end of the year it is easier to get the final numbers and a more clear picture of what the rest of the year is going to look like. The farther ahead we try to look down the road the more broad the range of possibilities are with our numbers. The closer you are to the end of your budget cycle the more clear the budget picture looks. When Paul gives us numbers they might be subject to change a little bit just because with new information coming in makes it clearer toward the end of the cycle. I just want to make that clear.

Paul Becker: They change all the time. That is our best projection now. We talked about the General Fund and the Sales Tax Capital Fund and those are the basic funds that we need to look at to balance. Almost all of the other funds are restricted. The enterprise funds have to be used on those particular services because they are financed by rates which are generated for that. We have special revenue funds which are in fact restricted to use. For example the street fund must

be used on street programs. The options that we have looked at are the options for the General Fund situation at this point in time. I will be coming forward with the entire budget in November which is our normal time table.

Alderman Allen: I have a question for Kyle. I was wondering whether or not your half mill property tax request would be going in the General Fund or cost of living.

Alderman Cook: It would be General Fund. I think any potential salary increases is another discussion once we get into the budget. I know we talked about that some at the last meeting. I am in favor of trying to help the employees out wherever we can but I think that is a discussion we will have. I look forward to that discussion but right now my only comment is half a mill increase to cover what we are currently looking at that has been submitted so far.

Alderman Allen: So this would really make it a wash as to what would have happened had we been presented a balanced budget.

Mayor Coody: The only way to have presented a balanced budget would be to recommend a half mill increase and that is what Kyle is doing. With this half mill increase that does make it a balanced budget proposal.

Alderman Allen: The way he has done it, maybe it could have been done another way.

Alderman Cook: I don't like Millage any more than anyone else does. I have to pay it too but in the long run we only have two pots to pull from. One is Millage and one is our reserves. While I don't like pulling from either one of them because that is not a sustainable way to fund the City I think we are in the position right now where we are going to need some back up. This is not going to last forever but as we continue to look at economic development I really hinge a lot on moving forward. The outlook for the City is good but right now times are tough on people too. The City offers a lot of services and the employees do an awesome job of keeping the people happy and I think right now I don't want to make any more cuts based on what we did last year.

Alderman Allen: Nor do I. I guess I was just thinking when we talk about working together with the City, University, the schools, and the whole entity that we know that a school Millage is coming up too. That is something to consider.

Alderman Thiel: I am going to have a hard time dealing with this because I did support it last year because times weren't like they are now. I hear from people that can't sell anything and they are stuck. People are retired and some are forced to sell. They are having to sell stocks at a reduced price and it is just killing them. What message are we going to send to the public, that we are willing to raise Millage, even though half a mill is not a terribly large amount? It depends on the value of your property or your house but I just don't know in these economic times whether that is a good message to send out. I recognize that we are dipping into our reserves but I think we will whittle that down some. Obviously with the revenue we have received, it looks like if the sales tax increase we are seeing goes back into the reserves, it is going to balance out next year. I would like to hear from everybody before I make a decision.

Alderman Jordan: I am going to go back to the sale of the Tyson building. We have workers that have not had a cost of living in two years and that is a concern of mine. I know the times are

tough right now but my thoughts are if the Tyson building is sold for \$2 million we could put that in reserves. Then instead of adding a cost of living raise back to the workers we could take \$600,000 of that money and do a one time stimulus check for the workers. That way they would get some money and the rest would stay in reserves. That puts the building back on the tax row of the City. On the stimulus checks workers that make less than \$70,000 per year would be given a stimulus check for this year. That is a discussion for another time. Right now we are discussing Millage. I have concerns about County collections being down 90% to 80% that is a 10% cut. That means people are probably losing their homes right now. I am just kicking ideas around about what to do. It is difficult for me to support a Millage when it's not being put into cost of living raises for the workers. So that is my position on all of that.

Alderman Ferrell: With respect to the Millage ordinance, adding a half a mill doesn't balance the budget, the City is still going to be spending \$535,000 more than what a balanced budget would have been. I did not catch any grief about voting down the Millage last year to the contrary. Citizens were very happy that taxes didn't go up and they were very vocal about it. I know that we have to support our infrastructure and we have to support our employees but besides the economy we have our schools that are going to be looking at revenue. There are a lot of things that are going to be going on that we have to take into consideration.

Mayor Coody: Actually I think that if the half mill that Kyle is introducing is approved that it would balance the budget.

Alderman Ferrell: With all do respect if the budget were \$535,000 less we would not need the half a mill.

Mayor Coody: That is exactly right.

Alderman Cook: So is that an amendment to what is on the table now?

City Attorney Kit Williams: Yes you would just move to amend the ordinance to adjust the General Fund operation Millage.

Alderman Cook moved to amend the ordinance to adjust the General Fund operation Millage. The motion died due to a lack of second.

Mayor Coody: Okay there was no second so we are going to keep the Millage as it is.

Alderman Cook: So I guess we have to pass that right?

Alderman Thiel: Yes.

City Attorney Kit Williams read the ordinance.

Alderman Cook moved to approve the current Millage. Alderman Thiel seconded the motion.

City Attorney Kit Williams: This ordinance has been read all three times previously and it was brought back as a motion to reconsider and it is now for your final decision.

Alderman Allen: I remember last year you said nobody was going to want to pass the Millage this year because it was an election year and nobody ever wants to pass a Millage. I do feel that I could speak for everybody that it has nothing to do with an election year. We couldn't have projected what was going to happen in recent months and we are going to try to come up with some ways to get a cost of living raise for the people that deeply deserve it. We are just starting this process and we are going to work hard to do that for our employees who deeply deserve it.

Mayor Coody: I think the comment was made that if we were able to raise taxes and the economy tanked, if you could've projected where we are today, you would be worth your weight in gold.

Alderman Thiel: Because you would have bought gold.

Mayor Coody: I appreciate the Council and Kyle I appreciate your position on this. It is good for you to bring this forward to discuss it.

Alderman Cook: I knew it was going to go down.

Mayor Coody: I appreciate the Council wanting to hold tight on this because there is a lot of pain out there. Brenda you are exactly right, in our lifetimes we haven't seen pain like this and people who have worked all their lives who are retired now, all the sudden they are seeing bleak circumstances. To go up on taxes right now would be a real slap in the face and we are all in this together. All of us are having this kind of pain so since we are all in this together I am glad we are all sticking on the same page.

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

Ordinance 5189 as Recorded in the office of the City Clerk

Adjournment: 6:05 PM

Dan Coody, Mayor

Sondra E. Smith, City Clerk/Treasurer

FAYETTEVILLE NATURAL HERITAGE ASSOCIATION 81-161/829
P.O. BOX 3635 70037922
FAYETTEVILLE, AR 72702-3635

1220

DATE 11/18/08

PAY TO
THE ORDER OF

City of Fayetteville

\$ 11,500.00

DOLLARS

Eleven thousand five hundred and no/100

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701
479-444-4444
MEMBER FDIC



MEMO RA. Brooks Howard

1:08 29016191:1220 70037922

City of Fayetteville
MP

SECURITY GRAY

FAYETTEVILLE NATURAL HERITAGE ASSOCIATION 81-161/829
P.O. BOX 3635 70037922
FAYETTEVILLE, AR 72702-3635

1219

DATE 11/18/08

PAY TO
THE ORDER OF

City of Fayetteville

\$ 20,000.00

DOLLARS

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701
479-444-4444
MEMBER FDIC



MEMO RA. Brooks Howard

1:08 29016191:1219 70037922

City of Fayetteville
MP

SECURITY GRAY



HAND DELIVERED

March 10, 2003

Mayor Dan Coody
City of Fayetteville
120 West Mountain Avenue
Fayetteville, AR 72701

Dear Mayor Coody,

The Fayetteville Natural Heritage Association, Inc. welcomes the opportunity to work with the City of Fayetteville to conserve the natural area known as Mount Sequoyah Woods. We will provide the private initiative of the public/private partnership to conserve this property and others in the future.

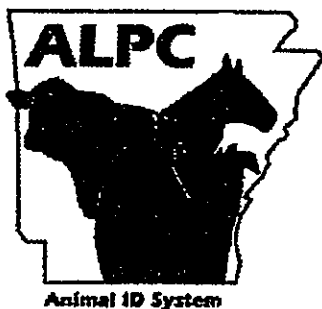
The FNHA board authorized the development of a fundraising campaign to match the \$650,000 provided by the City and to meet the \$1,300,000 purchase price. In March we will do a feasibility study as a prequalification of twenty prospective lead donors. Our public campaign will be to get pledges totaling \$300,000 that will be paid out in the next two years from residents, local organizations and businesses. In addition to that money, we will work with the Northwest Arkansas chapter of Association of Fundraising Professionals and other professionals to identify potential conservation grant sources and submit grants to raise another \$350,000.

Sincerely,

Pete Heinzelman
President

Fayetteville Natural Heritage Association, Inc. P.O. Box 3635 Fayetteville, AR 72702





Animal ID System

Ark. Livestock & Poultry Comm.

Arkansas Premises Identification

Business/Farm Account Information:

Business/Farm Name: _____

Primary Contact:

First name

Middle name

Last name

Secondary Contact:

(optional)

First name

Middle name

Last name

Business/Farm mailing Address: _____

City: _____ State: _____ Zip: _____ - _____ County: _____

Phone number: _____ - _____ - _____ ext: _____ (☐ Business ☐ Home ☐ Cell ☐ Fax ☐ Pager)

Phone number: _____ - _____ - _____ ext: _____ (☐ Business ☐ Home ☐ Cell ☐ Fax ☐ Pager)

Phone number: _____ - _____ - _____ ext: _____ (☐ Business ☐ Home ☐ Cell ☐ Fax ☐ Pager)

E-mail address: _____

Business Type: ☐ Individual ☐ Partnership ☐ Incorporated ☐ Limited Liability Corporation
(check one) ☐ Limited Liability Partnership ☐ Non-profit Organization

Operation Type: ☐ Producer Unit/Farm ☐ Clinic ☐ Exhibition ☐ Laboratory ☐ Market/collection point
(check all that apply) ☐ Non-producer Participant ☐ Rendering ☐ Slaughter plant ☐ Tagging site

Premises Information:

(Primary location where livestock resides, if more than one location and animals are managed separately, apply for multiple premises ID's)

Premises name/description: _____ (example "home place", "heifer place")

Premises Address: Must be a 911 address. Check if same as business/farm account mailing address ☐

OR (if not the same as business/farm mailing address)

911 Premises Address: _____

City: _____ State: _____ Zip: _____ - _____ County: _____

(Contact information will not be sold or given out by ALPC or NAIS without your prior written consent)

COMPLETE PREMISES INFORMATION ON BACK PAGE

Premises Type: ☐ Producer Unit/Farm ☐ Clinic ☐ Exhibition ☐ Laboratory ☐ Market/collection point
(check all that apply) ☐ Quarantine Facility ☐ Rendering ☐ Slaughter plant

Species at Premises: ☐ Beef Cattle ☐ Dairy Cattle ☐ Bison ☐ Swine ☐ Sheep ☐ Goats ☐ Equine
(check all that apply) ☐ Poultry ☐ Deer and Elk ☐ Llama ☐ Emu

Additional Secondary Premises Information (optional):

Premises name/description: _____

911 Premises Address: _____

City: _____ State: _____ Zip: _____ - _____ County: _____

Premises Type: ☐ Producer Unit/Farm ☐ Clinic ☐ Exhibition ☐ Laboratory ☐ Market/collection point
(check all that apply) ☐ Quarantine Facility ☐ Rendering ☐ Slaughter plant

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(check all that apply) ☐ Poultry ☐ Deer and Elk ☐ Llama ☐ Emu

Producer/Contact Signature: _____ Date: _____

FOR OFFICE USE ONLY

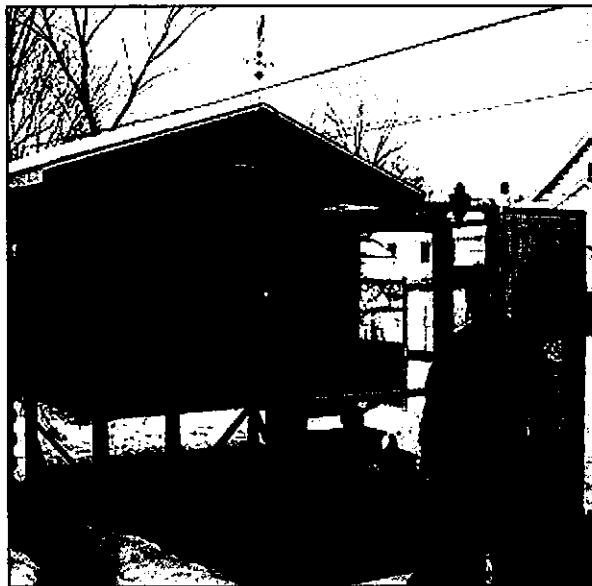
User Name: _____ (minimum of 8 characters)

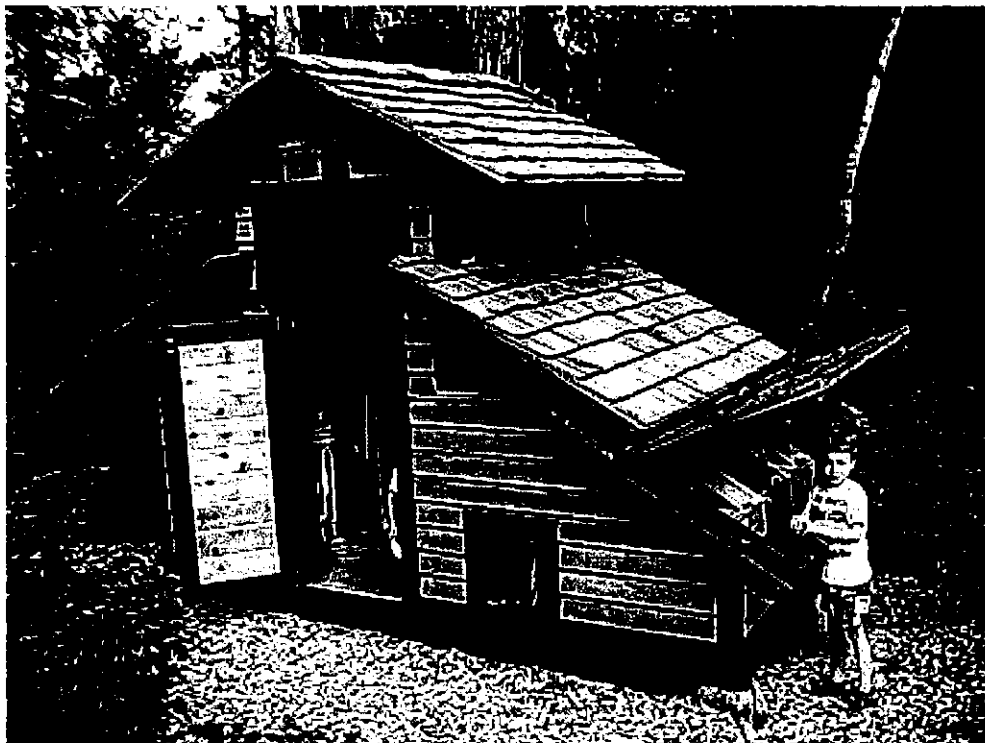
Password: _____ (minimum of 8 characters)

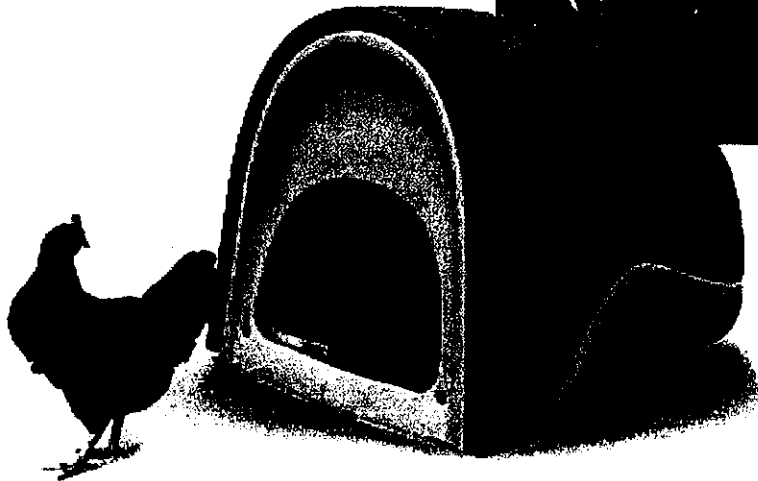
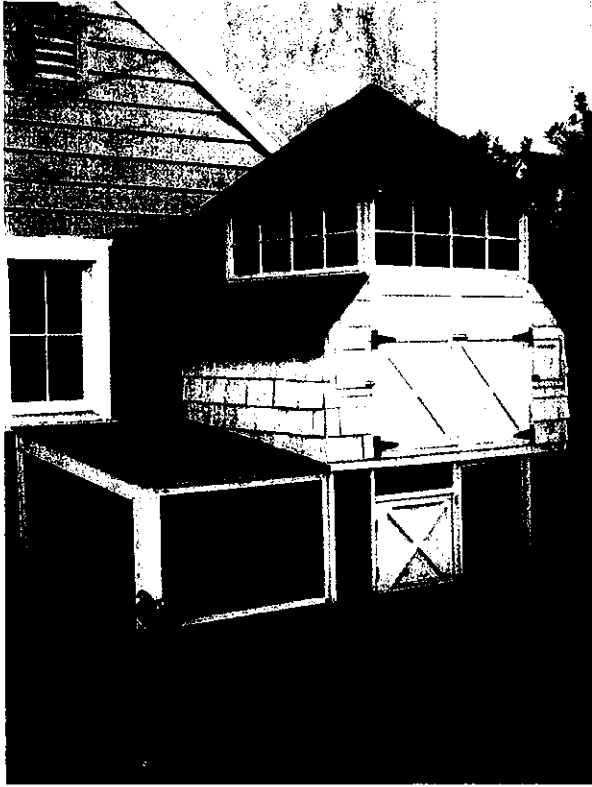
Account #: _____ Premise ID #: _____

Return forms to: AR Livestock & Poultry Commission, #1 Natural Resources Drive, P. O. Box 8505, Little Rock, AR 72215
Website: www.arlpc.org For questions, contact ALPC support: Phone: 501-907-2400 or e-mail: info@arlpc.org
Fax: 501-907-2425

If you have more than two premises (animal locations), please request additional sheets







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City of Fayetteville Arkansas
City Council Meeting
November 18, 2008**

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Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

Added at Agenda Session 11/18/08

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

11/18/2008

City Council Meeting Date

Ron Petrie

Submitted By

Engineering

Division

Operations

Department

Action Required:

A resolution to approve approximately \$744,880.00 as a 50/50 Cost Share with Southpass Development Company, LLC for the sewer installation costs for the Regional Park and Southpass PZD.

\$

Cost of this request

N/A

Category / Project Budget

N/A

Program Category / Project Name

N/A

Account Number

N/A

Funds Used to Date

N/A

Program / Project Category Name

N/A

Project Number

N/A

Remaining Balance

N/A

Fund Name

Budgeted Item

☒

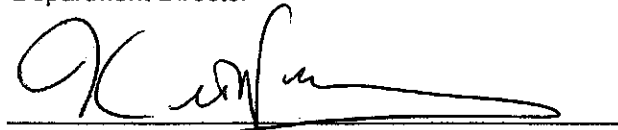
Budget Adjustment Attached

☐


Department Director

11-13-08
Date

Previous Ordinance or Resolution #


City Attorney

11-13-08
Date

Original Contract Date:

Original Contract Number:

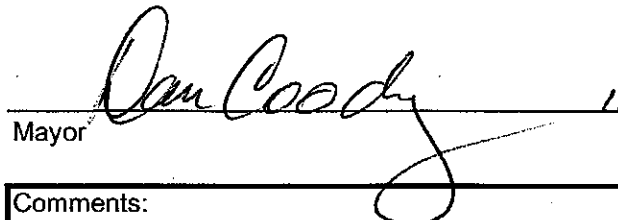
Paul A. Becker
Finance and Internal Service Director

11-13-08
Date

Received in City Clerk's Office

11-13-08

ENTERED


Mayor

11/13/08
Date

Received in Mayor's Office

ENTERED
11/13/08

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer

Date: November 13, 2008

Subject: A resolution to approve approximately \$744,880.00 as a 50/50 cost share with Southpass Development Company, LLC for the sewer installation costs for the regional park and Southpass PZD.

RECOMMENDATION:

In accordance with Resolution No. 138-04, city staff recommends approval of this resolution expressing the willingness of the City to cost share street and sewer infrastructure costs that would be utilized by both the Southpass Development and the future Regional Park.

BACKGROUND:

In an effort to obtain a 200 acre Community Park for the citizens of Fayetteville, the Parks and Recreation Advisory Board studied available sites and determined that the Cummings's property was the most desirable site for the park. Since this property, located west of Cato Springs Road and adjacent to I-540, is 800 acres in size, it became necessary to solicit proposals from developers for a public/private partnership to make the Community Park feasible. The City Selection Committee selected Southpass Development Company, LLC and a contract was subsequently approved by the City Council on September 7, 2004.

DISCUSSION:

This approved contract states that *"the City of Fayetteville and SouthPass shall cost share (50/50) all costs of extending sewer to the Community Park site and neither shall charge for the acquisition of necessary water or sewer easements across their property to serve their land within this 800 acre area."* On September 16, 2008 the City Council agreed to upgrade the sewer line contained in the Wastewater System Improvement Project's EL-3 in order to have the capability to serve the SouthPass area in the future. In addition, the developer agreed to fund 50% of this upgrade. At this point, the sewer line from EL-3 to the SouthPass/Community Park property will have to be addressed in order to provide service to both developments. City Staff has studied four (4) different routes for this sewer line (See Exhibit A) with an estimated cost range from \$1.49 million to \$4.02

million as shown on the attached cost estimates (See Exhibit B). The option with the lowest cost is recommended which would install a pump station on the property and route a force main to the north along the future extension of Shiloh Drive. An existing encasement under I-540 located to the north of the Cato Springs interchange would be utilized and the force main would discharge into an existing sewer line located on Custer Avenue. A portion of the Custer Avenue sewer line would need to be upgraded to 12" in size. This total cost has been estimated to be \$1.49 million which when split 50/50 would result in an estimated cost to the city in the amount of \$745,000. All of this sewer work would need to be installed as a part of the first Phase of construction either for the Park or SouthPass development.

BUDGET IMPACT:

Upon approval of this Council agenda item, plans will be developed by the Southpass Development Company and actual construction bids will be acquired for the sewer construction. A cost share agreement will then be prepared and brought forward for approval that will obligate the funds. It is anticipated that this work will be paid for out of the wastewater impact fee account.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE APPROXIMATELY \$744,880.00
AS A 50/50 COST SHARE WITH SOUTHPASS DEVELOPMENT
COMPANY, LLC FOR THE SEWER INSTALLATION COSTS FOR
THE REGIONAL PARK AND SOUTHPASS PZD**

WHEREAS, Resolution NO. 138-04 passed unanimously by the City Council on September 7, 2004, accepted and approved a contract with SouthPass Development Company LLC to "cost share (50/50) all costs of extending sewer to the Community Park site ...;" and

WHEREAS, the City Engineering Department has estimated that the City 50% portion of these costs will be \$744,880.00 but will be subject to competitive bidding so that the final cost may be higher or lower.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas, hereby approves approximately \$744,880.00 as the City's portion (50%) of the sewer installation costs to the edge of the SouthPass property to be able to provide sewer to the City's Regional Park.

PASSED and APPROVED this 18th day of November, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

RESOLUTION NO. 138-04

MICROFILMED

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SOUTHPASS DEVELOPMENT COMPANY TO ACCEPT 200 ACRES OF PARK LAND, A 10 ACRE WATER TANK SITE, ONE MILLION DOLLARS FOR PARK LAND DEVELOPMENT AND OTHER CONSIDERATION FOR THE CITY'S ACCEPTANCE OF OWNERSHIP OF A 33 ACRE LANDFILL.

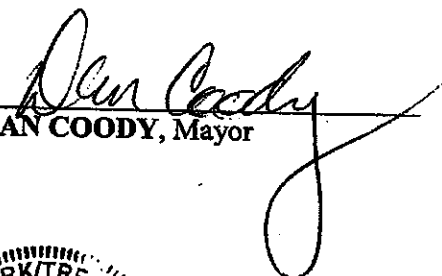
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby accepts and approves the Contract with SouthPass Development Company (attached as Exhibit "A") to accept 200 acres of park land, a 10 acre water tank site, one million dollars for park land development and other consideration for the City's acceptance of a 33 acre landfill and its agreement to spend the money currently identified in its Parks Capital Improvement Plan for the community park development.

PASSED and APPROVED this 7th day of September, 2004.

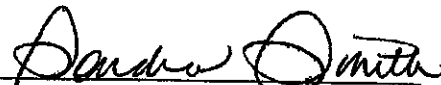
APPROVED:

By:


DAN COODY, Mayor

ATTEST:

By:


SONDRA SMITH, City Clerk



AGREEMENT TO ACQUIRE AND DEVELOP THE COMMUNITY PARK FOR FAYETTEVILLE

This contract and agreement is entered into by the City of Fayetteville and SouthPass Development Company, LLC (hereinafter "SouthPass");

Whereas, the City of Fayetteville desires to obtain a 200 acre Community Park for its citizens and tourists; and

Whereas, the Parks and Recreation Advisory Board has carefully studied available sites and determined that the Cummings' property is the most desirable site for the Community Park; and

Whereas, The City of Fayetteville does not have the current resources to both purchase the necessary acreage and develop such acreage into a functioning, attractive Community Park and so publicly requested proposals from developers for a public/private partnership to facilitate the acquisition and development of the Community Park; and

Whereas, SouthPass Development Company, LLC submitted a workable, attractive proposal which was selected by the City's selection committee as the recommended proposal.

NOW, THEREFORE, pursuant to the terms and conditions of the City's Request for Proposals and SouthPass Development Company, LLC's recommended Proposal, the City and SouthPass agree as follows:

1. Upon approval of this contract by the Fayetteville City Council and SouthPass Development Company, LLC and the accomplishment of all contingencies listed below, SouthPass shall tender to the trustee/owners of the Eight Hundred Acre (more or less) Cummings property an unconditional offer to purchase all said property for the sum of Six Million Nine Hundred Thousand Dollars (\$6,900,000.00). The obligation of SouthPass Development Company, LLC shall not become binding or enforceable until all the below contingencies have been fully accomplished:

(A) A Master Plan for the development of the approximately 800 acre site has been prepared and approved by SouthPass Development Company LLC and the City of Fayetteville;

(B) The City Council has annexed or committed itself to annex the entire 800 acre site;

(C) The zoning of the portion of the 800 acre site to be owned by SouthPass has been accomplished or the City Council has committed itself to rezone that portion in conformance with the approved Master Plan;

(D) The Greenland School District and Fayetteville School District have agreed that this entire site shall be within the Fayetteville School District;

(E) The Arkansas Department of Environmental Quality has agreed with the present owners of the Cummings landfill and assured the City of Fayetteville that the costs of the necessary corrective actions for the landfill shall not be borne by, recovered from, assessed to, or collected from the City of Fayetteville or SouthPass Development Company, LLC.

2. If this Offer is accepted by the Trustee and the Court, and all others necessary to accept the offer and legally deed the entire tract of 800 acres, more or less, SouthPass Development company, LLC shall pay the agreed price to the trustee/owners and the land shall be conveyed by warranty deed free from all encumbrances to the following parties:

(A) SouthPass Development Company, LLC shall be deeded the entire Eight Hundred (800) acre tract, more or less, except the 33 acre landfill;

(B) The City of Fayetteville shall be deeded (free and clear of any obligation to pay, repay, or otherwise fund the necessary corrective actions for the landfill: partial or full recapping of the landfill and restoration of the stream corridor) the Thirty-Three (33) acre abandoned and closed landfill located within the 800 acre property;

(C) South Pass Development Company LLC shall convey by warranty deed to the City of Fayetteville a Two Hundred (200) acre parcel for the Community Park which location shall be determined by the City;

(D) SouthPass Development Company LLC shall convey by warranty deed the Ten (10) acre City of Fayetteville water tank site to the City of Fayetteville.

3. To facilitate the preparation of the Master Plan, the City shall immediately pay for the perimeter survey of the property and the 200 acre Community Park site.

4. SouthPass shall fund up to \$10,000.00 and retain a mutually acceptable community master planning consultant for recommendations for a Master Plan for this entire 800 acre area (including the 200 acre Community Park area).

5. The City of Fayetteville shall assist in facilitating the planning, zoning and other development approval processes which are in accordance with the mutually acceptable master plan.

6. The City of Fayetteville shall recommend to the Fayetteville School Board and Greenland School Board that this property should be within the Fayetteville School District.

7. The City of Fayetteville and SouthPass shall cost share (50/50) all costs of extending sewer to the Community Park site and neither shall charge for the acquisition of necessary water or sewer easements across their property to serve their land within this 800 acre area.

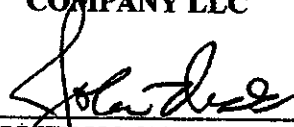
8. If all the contingencies listed in paragraph 1 have been accomplished and all the actions listed in paragraph 2 have been achieved, SouthPass Development Company LLC shall contribute One Million Dollars (\$1,000,000.00) when the City is ready to award the first construction contract utilizing the 2004 and 2005 budgeted CIP allocation as shown in Exhibits A and B*.

Signed this 31 day of August, 2004.

Signed this 7th day of September, 2004.

**SOUTHPASS DEVELOPMENT
COMPANY LLC**

By:

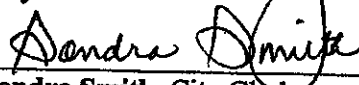

JOHN NOCK
Managing Member

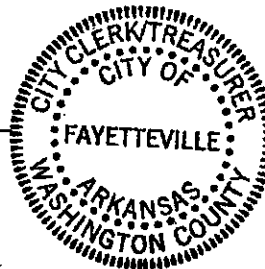
**CITY OF
FAYETTEVILLE, ARKANSAS**

By:


DAN COODY
Mayor

Attest:


Sondra Smith, City Clerk



*Attached as Exhibit A are copies of the current Capital Improvement Program adopted last December by the City Council showing 2004-2008 Parks Development Fund allocations for Community Park Development (total about \$2.4 million) and Sales Tax CIP funds allocated to Community Park Development (total about \$1.2 million).

Attached as Exhibit B is the amount of funds that have been allocated by the City Council that will be available on January 1, 2005 for development of the Community Park (about \$1.6 million).

11-18-08

14-43-506. Duties of city clerk.

(a) The city clerk in cities of the first class shall have the custody of all the laws and ordinances of the city and shall keep a regular and correct journal of the proceedings of the city council.

(b) (1) The city clerk, city clerk-treasurer, or city treasurer, as the case may be, shall be required to submit quarterly a full report and a detailed statement of the financial condition of the city. This report shall show receipts, disbursements, and balance on hand, together with all liabilities of the city.

(2) The report shall be submitted to the council in open session.

History. Acts 1875, No. 1, § 51, p. 1; C. & M. Dig., § 7694; Pope's Dig., § 9837; A.S.A. 1947, § 19-1018; Acts 2007, No. 71, § 1.

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
November 18, 2008**

A meeting of the Fayetteville City Council will be held on November 18, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

- 1. EPA Brownfields Coalition Grant – John Coleman, Sustainability Coordinator**

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

- 1. Quarterly Report of Financial Condition of the City – City Clerk**

Agenda Additions:

A. Consent:

- 1. Approval of the October 28, 2008 Special City Council meeting minutes and the November 6, 2008 City Council meeting minutes.**

2. **Cherokee Nation:** A resolution approving a budget adjustment in the amount of \$175,000.00 to the solid waste fund and recognizing like revenue from the Cherokee Nation for reimbursement of costs associated with operation of the transfer station through the end of FY2008.
3. **Fayetteville Police Department Donations:** A resolution approving a budget adjustment in the amount of \$3,950.00 recognizing donation revenue to the Fayetteville Police Department from various sources.
4. **2007 & 2008 Gulf Coast High Intensity Drug Trafficking Area Grant:** A resolution authorizing the Fayetteville Police Department to accept the sub-recipient portion of the 2007 and 2008 Gulf Coast High Intensity Drug Trafficking Area Grants in the respective amounts of \$4,000.00 and \$10,000.00 for overtime reimbursement; and approving a budget adjustment recognizing these grant revenues.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:

Any unfinished business will be added to the Final Agenda.

C. Public Hearing:

1. **Raze and Removal at 3250 Wyman Road:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Travis Getzendaner located at 3250 E. Wyman Road in the City of Fayetteville, Arkansas; and approving the use of funds from a previous budget adjustment.

D. New Business:

1. **Amend Chapter 164, ADM 08-3094 (UDC Chapter 164.04 Animals & Fowl):** An ordinance amending the Unified Development Code by repealing and replacing Chapter 164.04: Animals and Fowl, to permit a property owner to keep a maximum of four chickens (hens) within residential districts of the city, subject to the restrictions herein.
2. **Residential Trash Service:** An ordinance waiving the automatic annual price increase for residential trash service for fiscal year 2009.
3. **Proposed 2009 Annual Budget & Work Program:** A resolution adopting the 2009 Annual Budget and Work Program as amended and approved.

Announcements:

1. **City Council Tour: November 17, 2008**

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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City of Fayetteville Staff Review Form

A. 2
Cherokee Nation
Page 1 of 6

City Council Agenda Items and Contracts, Leases or Agreements

11/18/2008

City Council Meeting Date
Agenda Items Only

Ginny Gundlach
Submitted By

Solid Waste & Recycling
Division

Operations
Department

Action Required:

A resolution approving a budget adjustment in the amount of \$175,000.00 to the Solid Waste Fund and recognize like revenue from the Cherokee Nation for reimbursement of costs associated with the operation of the Transfer Station through the end of the 2008 fiscal year.

\$ 175,000.00
Cost of this request

Category / Project Budget

Solid Waste Transfer Station
Program Category / Project Name

5500.5000.xxxx.xx
Account Number

Funds Used to Date

Solid Waste Oper & Admin
Program / Project Category Name

08053
Project Number

\$ -
Remaining Balance

Solid Waste
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

 10-29-08
Department Director Date

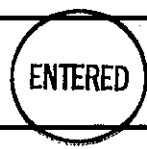
Previous Ordinance or Resolution # 84-08

Original Contract Date:

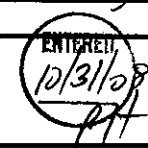
 10/31/08
City Attorney Date

Original Contract Number:

 10-31-08
Finance and Internal Service Director Date

Received in City Clerk's Office 10-29-08 

 11/4/08
Mayor Date

Received in Mayor's Office 

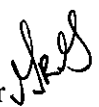
Comments:



City Council Agenda Item

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ginny Gundlach, Financial Coordinator 

Date: November 18, 2008

Subject: A resolution approving a budget adjustment in the amount of \$175,000.00 to the Solid Waste Fund and recognize like revenue from the Cherokee Nation for reimbursement of costs associated with the operation of the Transfer Station.

Recommendation: Staff recommends approving a budget adjustment in the amount of \$175,000.00 to the Solid Waste Fund and recognize like revenue from the Cherokee Nation for reimbursement of costs associated with the operation of the Transfer Station through the end of the 2008 fiscal year.

Background: City Council passed and approved Resolution 84-08 on April 15, 2008. This Resolution authorized a budget adjustment in the amount of \$500,000.00 to the Solid Waste Fund and recognized like revenue from the Cherokee Nation for reimbursement of costs associated with the operation of the Transfer Station.

Discussion: The additional expenses associated with the Transfer Station operation were originally estimated at \$50,000.00 per month. Actual expenses have exceeded the original estimate and have averaged \$56,000.00 per month. Total expenses for the 2008 fiscal year are projected to exceed the amount approved by Resolution 84-08 by \$175,000.00.

Budget Impact: Additional costs associated with the City operating the Transfer Station will be fully reimbursed by Cherokee Nation.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$175,000.00 TO THE SOLID WASTE FUND AND RECOGNIZING LIKE REVENUE FROM THE CHEROKEE NATION FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH OPERATION OF THE TRANSFER STATION THROUGH THE END OF FY2008.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$175,000.00 to the Solid Waste Fund and recognizing like revenue from the Cherokee Nation For reimbursement of costs associated with operation of the Transfer Station through the end of FY2008.

PASSED and APPROVED this 18th day of November, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

RESOLUTION NO. 84-08

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$500,000.00 TO THE SOLID WASTE FUND AND RECOGNIZING LIKE REVENUE FROM THE CHEROKEE NATION FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH OPERATION OF THE TRANSFER STATION

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment to the Solid Waste Fund and recognizing like revenue from the Cherokee Nation For reimbursement of costs associated with operation of the Transfer Station.

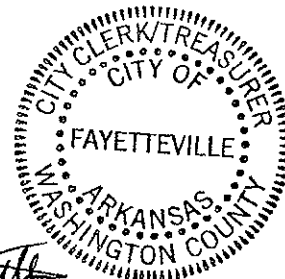
PASSED and APPROVED this 15th day of April, 2008.

APPROVED:

ATTEST:

By: *Dan Coody*
DAN COODY, Mayor

By: *Sondra E. Smith*
SONDRA E. SMITH, City Clerk/Treasurer



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

A. 2
Cherokee Nation
Page 5 of 6

Budget Year 2008	Department: Operations Division: Solid Waste & Recycling Program: Operations & Administration	Date Requested 11/18/2008	Adjustment Number
--------------------------------	---	---	-------------------

Project or Item Added/Increased: \$175,000 is requested in various accounts in the Operations & Administration program.	Project or Item Deleted/Reduced: To receive \$175,000 in reimbursement costs from Cherokee Nation.
---	--

Justification of this Increase: This increase is needed for the operation of the Transfer Station. Funds will be recovered through collection of reimbursement costs from Cherokee Nation.	Justification of this Decrease:
--	--

Increase Budget			
Account Name	Account Number	Amount	Project Number

Decrease Budget			
Account Name	Account Number	Amount	Project Number

Approval Signatures		Budget & Research Use Only	
Requested By <u><i>Ginny Sundlach</i></u> Budget Director <u><i>[Signature]</i></u> Department Director <u><i>[Signature]</i></u> Finance Director <u><i>Paul a. Beh</i></u> Mayor _____	Date <u><i>10/27/08</i></u> Date <u><i>10-31-08</i></u> Date <u><i>10-29-08</i></u> Date <u><i>10-31-08</i></u> Date _____	Type: A B C <u><i>D</i></u> E General Ledger Date _____ Approval Date _____ Posted to General Ledger _____ Posted to Project Accounting _____	 Initial _____ Date _____ Initial _____ Date _____ Initial _____ Date _____

Budget Adjustment Detail Backup

Account Name	Account Number	Increase Budget	Decrease Budget	Project#	Sub#	Project Description
Personnel Services - Contra	5500 2000 1 20 00	175,000		38533	1	
Solid Waste Disposal	5500 2000 03 16 00			38533	2	
Equipment Rental	5500 5000 03 03 00			38533	3	
Motor Pool-Contr	5500 5000 03 03 00			38533	4	
Vehicle & Machine Maint	5500 5000 03 03 00			38533	5	
Office Supplies/Printing	5500 5000 03 03 00			38533	6	
Administrative Reimbursement/Franchise Revenue	5500 5000 03 03 00			38533	7	
		175,000	175,000			

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

November 18, 2008
City Council Meeting Date

Willie Newman
Submitted By

Support Services
Division

Police
Department

Action Required:

Recognition and approval of various donations received throughout 2008 by the Fayetteville Police Department in the total amount of \$3,950.00.

\$ 3,950.00
Cost of this request

\$ 49,505.00
Category / Project Budget

Police Department Donations
Program Category / Project Name

1010-2940-5210.00/5329.00
Account Number

\$ 21,537.26
Funds Used to Date

Donations
Program / Project Category Name

03044-1, 4, 6, 8
Project Number

\$ 27,967.74
Remaining Balance

General
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

[Signature] 10-31-08
Department Director Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

[Signature] 11/3/08
City Attorney Date

Original Contract Number: _____

Paul A. Baker 11-3-08
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED 10-31-08 90

[Signature] 11/4/08
Mayor Date

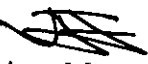
Received in Mayor's Office
ENTERED 10/31/08

Comments:



Departmental Correspondence

To: Mayor Dan Coody and Members of the City Council

Thru: Greg Tabor, Police Chief 
Judy Cohea, Support Services Manager 

From: Willie Newman, Financial Coordinator

Date: October 31, 2008

Re: **Fayetteville Police Department Donations**

Background

Periodically, businesses and/or citizens of Fayetteville will make monetary donations to the Police Department to enhance our services or to recognize our personnel.

Discussion

Thus far in 2008, the Police Department has received a total of \$3,950 in donations from the following sources and specific purposes:

Wal-mart Neighborhood Market	\$1,000	Equipment/Supplies
Target	\$ 500	Equipment/Supplies
America in Bloom	\$ 300	Graffiti Removal Supplies
Wal-mart Foundation	\$1,000	Youth Police Academy
Several Misc. Donors	\$1,150	Personnel Recognition

These funds are deposited and tracked through the City's Project Accounting System to insure that the donors intended purpose is met.

Recommendation

Staff recommends acceptance of these various donations received throughout 2008 by the Fayetteville Police Department in the total amount of \$3,950 and approval of their intended purposes. If you should have any comments or questions regarding these donations acceptance, please contact me at extension 579.

Budget Impact

None

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$3,950.00 RECOGNIZING DONATION REVENUE TO THE FAYETTEVILLE POLICE DEPARTMENT FROM VARIOUS SOURCES.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$3,950.00 recognizing donation revenue to the Fayetteville Police Department from various sources, the details of which are set forth in the Departmental Correspondence attached hereto and made a part hereof.

PASSED and APPROVED this 18th day of November, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

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

A. 3
Fayetteville Police Department Donations
Page 4 of 4

Budget Year	Department: Police	Date Requested	Adjustment Number
2008	Division: Police Program: Support Services	10/31/2008	

Project or Item Added/Increased: Wal-mart Neighborhood Market - \$1,000 for equipment or supplies; Target - \$500 for equipment or supplies; America in Bloom - \$300 for graffiti removal supplies; Wal-mart Foundation - \$1,000 for Youth Police Academy supplies; and misc private - \$1,150 for employee recognition.	Project or Item Deleted/Reduced: None
--	---

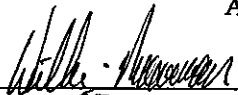
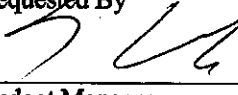
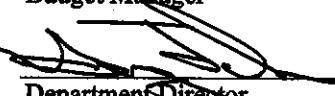
Justification of this Increase: Recognize donations made to the Fayetteville Police Department throughout 2008.	Justification of this Decrease: None
---	--

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Office supplies/printing	1010	2900	5200	00	1,300	03044	1
Employee recognition	1010	2900	5329	00	1,150	03044	6
Office supplies/printing	1010	2900	5200	00	500	03044	4
Office supplies/printing	1010	2900	5200	00	1,000	03044	8

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Donations - Police Dept	1010	0001	4808	02	1,300	03044	1
Donations - Police Dept	1010	0001	4808	02	1,150	03044	6
Donations - Police Dept	1010	0001	4808	02	500	03044	4
Donations - Police Dept	1010	0001	4808	02	1,000	03044	8

Approval Signatures	
 Requested By	31 Oct 08 Date
 Budget Manager	10/31/08 Date
 Department Director	11/3/08 Date
 Finance & Internal Services Director	11-3-08 Date
 Mayor	 Date

Budget Office Use Only	
Type: A B C <u>D</u> E	
Posted to General Ledger	Initial Date
Posted to Project Accounting	Initial Date
Entered in Category Log	Initial Date

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

11/18/2008

City Council Meeting Date

Greg Tabor
Submitted By

Police
Division

Police
Department

Action Required:

Acceptance of the subreceptant portion of the 2007 and 2008 Gulf Coast High Intensity Drug Trafficking Area grant in the amount of \$4,000 and \$10,000 for overtime reimbursement. Approval of a budget adjustment increasing federal grant revenue and overtime expense.

\$ 14,000.00

Cost of this request
1010-2940-5101.00

1010-2940-5104.00

Account Number

Project Number

\$ 7,088,513.00

Category / Project Budget

\$ 5,606,821.00

Funds Used to Date

\$ 1,481,692.00

Remaining Balance

Salaries and Wages/ HIDTA

Program Category / Project Name

Patrol/ Salaries

Program / Project Category Name

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Service Director

Date

Mayor

Date

Received in City Clerk's Office



Received in Mayor's Office



Comments:

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE POLICE DEPARTMENT TO ACCEPT THE SUB-RECIPIENT PORTION OF THE 2007 AND 2008 GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA GRANTS IN THE RESPECTIVE AMOUNTS OF \$4,000.00 AND \$10,000.00 FOR OVERTIME REIMBURSEMENT; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THESE GRANT REVENUES .

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Police Department to accept the sub-recipient portion of the 2007 and 2008 Gulf Coast High Intensity Drug Trafficking Area Grants in the respective amounts of \$4,000.00 and \$10,000.00 for overtime reimbursement.

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

PASSED and APPROVED this 18th day of November, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION Application Preapplication ☐ Construction ☐ Construction ☒ Non-construction ☐ Non-construction		2. DATE SUBMITTED 3. DATE RECEIVED BY STATE 4. DATE RECEIVED BY FEDERAL AGENCY	Applicant Identifier: State Application Identifier Federal Identifier I8PGCP616Z														
5. APPLICANT INFORMATION																	
LEGAL NAME: County of Washington		ORGANIZATIONAL UNIT:															
Organizational DUNS: 075635805																	
ADDRESS (Give city, county, State and Zip Code) County of Washington 1155 Clydesdale DR Fayetteville, AR 72707		Name and telephone number of person to be contacted on matters involving this Application (give area code) Mr. Anthony R. Soto (504) 840-1401															
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 1716003197A1		7. TYPE OF APPLICANT: (Enter appropriate letters in box) <table style="width: 100%;"> <tr> <td>A. State</td> <td>H. Independent School District</td> </tr> <tr> <td>B. County</td> <td>I. State Controlled Institution of Higher Learning</td> </tr> <tr> <td>C. Municipal</td> <td>J. Private University</td> </tr> <tr> <td>D. Township</td> <td>K. Indian Tribe</td> </tr> <tr> <td>E. Interstate</td> <td>L. Individual</td> </tr> <tr> <td>F. Intermunicipal</td> <td>M. Profit Organization</td> </tr> <tr> <td>G. Special District</td> <td>N Other</td> </tr> </table>		A. State	H. Independent School District	B. County	I. State Controlled Institution of Higher Learning	C. Municipal	J. Private University	D. Township	K. Indian Tribe	E. Interstate	L. Individual	F. Intermunicipal	M. Profit Organization	G. Special District	N Other
A. State	H. Independent School District																
B. County	I. State Controlled Institution of Higher Learning																
C. Municipal	J. Private University																
D. Township	K. Indian Tribe																
E. Interstate	L. Individual																
F. Intermunicipal	M. Profit Organization																
G. Special District	N Other																
8. TYPE OF APPLICATION ☒ New ☐ Continuation ☐ Revision If revision, enter appropriate letter(s) in box(es) ☐ ☐ (Specify) _____ A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify) _____																	
		9. NAME OF FEDERAL AGENCY: ONDCP															
10. Catalog of Federal Domestic Assistance Number: TITLE: 08.I8PGCP616Z		11. Descriptive Title of Applicant's Project Multiple Initiative(s)															
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):																	
13. PROPOSED PROJECT <table style="width: 100%;"> <tr> <td style="width: 50%;">Start Date 1/1/2008</td> <td style="width: 50%;">Ending Date 12/31/2009</td> </tr> </table>		Start Date 1/1/2008	Ending Date 12/31/2009	14. CONGRESSIONAL DISTRICTS OF <table style="width: 100%;"> <tr> <td style="width: 50%;">a. Applicant</td> <td style="width: 50%;">b. Project</td> </tr> </table>		a. Applicant	b. Project										
Start Date 1/1/2008	Ending Date 12/31/2009																
a. Applicant	b. Project																
15. ESTIMATED FUNDING: <table style="width: 100%;"> <tr> <td style="width: 20%;">a. Federal</td> <td style="width: 80%;">\$211,100.00</td> </tr> <tr> <td>b. Applicant</td> <td></td> </tr> <tr> <td>c. State</td> <td></td> </tr> <tr> <td>d. Local</td> <td></td> </tr> <tr> <td>e. Other</td> <td></td> </tr> <tr> <td>f. Program Income</td> <td></td> </tr> <tr> <td>g. TOTAL</td> <td>\$211,100.00</td> </tr> </table>		a. Federal	\$211,100.00	b. Applicant		c. State		d. Local		e. Other		f. Program Income		g. TOTAL	\$211,100.00	16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES. This preapplication/application was made available ☐ to the State Executive order 12372 process for review on: Date: _____ b. No. ☐ Program is not covered by E.O. 12372 ☐ or program has not been selected by state for review	
a. Federal	\$211,100.00																
b. Applicant																	
c. State																	
d. Local																	
e. Other																	
f. Program Income																	
g. TOTAL	\$211,100.00																
		17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? Yes If "Yes", attach an explanation ☒ No															
TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.																	
a. Type Name of Authorized Representative Tim Helder Jerry Hunton		b. Title Sheriff County Judge															
c. Telephone 479/444-1700		d. Signature of Authorized Representative 															
e. Date Signed 																	

ASSURANCES – NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

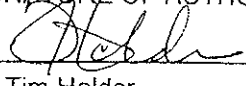
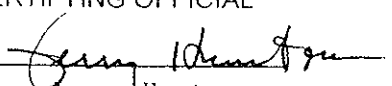
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET, SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

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

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

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project cost) to ensure proper planning, management and completion of the project describe in this application.
2. Will give the awarding agency, the Comptroller General of United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all record, books, paper, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U. U. C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C. F. R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U. S. C. 1681- 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U. S. C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U. S. C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U. S. C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U S C. 3601 et seq), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (I) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970 (P. L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assistance programs. These requirements apply to all interest in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U. S.C. 1501-1508 and 7324-7328) which limit the political activities are funded in whole or in part with Federal Funds.

1. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U. S. C. 276a to 276a - 7), the Copeland Act (40 U. S. C. 276c and 18 U. S. C. 874), and the Contract Work Hours and Safety Standards Act (40 U. S. C. 327-333), regarding labor standards for federally assisted construction sub agreements.
2. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
3. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176 (c) if the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
4. Will comply with the Wild and Scenic: Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
5. Will assist the awarding agency in assuring compliance with section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties) and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
6. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
7. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
8. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
9. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.
10. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL  Tim Helder  Jerry Hunton	TITLE Sheriff County Judge
APPLICANT ORGANIZATION County of Washington	DATE SUBMITTED

mu 7-2-08

OFFICE OF NATIONAL DRUG CONTROL POLICY

**CERTIFICATIONS REGARDING LOBBYING, DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS; DRUG-FREE WORKPLACE REQUIREMENTS; FEDERAL
DEBT STATUS, AND NONDISCRIMINATION STATUS AND IMPLEMENTING REGULATIONS**

Instructions for the certifications

General Requirements

The Office of National Drug Control Policy (ONDCP) is required to obtain from all applicants' certifications regarding federal debt status, debarment and suspension, and a drug free workplace. Applicants requesting monies greater than \$100,000 in grants funds must also certify regarding lobbying activities and may be required to submit a "Disclosure of Lobbying Activities" (Standard Form LLL). Institutional applicants are required to certify that they will comply with the nondiscrimination statutes and implementing regulations.

Applicants should refer to the regulations cited below to determine the certifications to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of the form provides for compliance with certification requirements under 21 CFR part 1405, "New Restrictions on Lobbying" and 21 CFR part 1414, Government wide Debarment and Suspension. (Non procurement), Certification Regarding Federal debt Status (OMB Circular A-129), and Certification Regarding the Nondiscrimination Statutes and Implementing Regulations. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Office of National Drug Control Policy determines to award the covered cooperative agreement

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented in 21 CFR part 1405, for persons entering into a cooperative agreement over \$100,000, as defined at 21 CFR Part 1405, the applicant certifies that:

- (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Standard Form -LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

- (c) The undersigned shall require that the language of this certification be included in the award document for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

**2. DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTER (DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension and implemented at 21 CFR Part 1404, for prospective participants in primary covered transactions

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or and a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State, or local) transaction or contract under a public transaction' violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) terminated for cause or default;and

B. Where the applicant is unable to certify to any of the statements in this certification. He or she shall attach an explanation to the application.

**2. DRUG-FREE WORKPLACE (GRANTEES
OTHER THAN INDIVIDUALS)**

As required by the Drug Free Workplace Act of 1988, and implemented at 21 CFR Part 1404 Subpart F.

A. The applicant certifies that it will or will continue to provide a drug free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
- (b) Establishing an on-going drug free awareness program to inform employees about

- (1) The dangers of drug abuse in the workplace;
 - (2) The applicant's policy of maintaining a drug free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violation occurring in the workplace;
- (d) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (e) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will
- (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction:
- (f) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such convictions. Employers of convicted employees must provide notice including position title, to: The Assistance Center, 8401 Northwest 53rd Terrace, suite 200, Miami, Florida 33166. Notice shall include the identification number of each affected grant:
- (g) Taking one of the following actions within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted-
- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal State, or local health, law enforcement, or other appropriate agency;
- (h) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The applicant may insert in the space provided below the site(s) for the performance of work done in connection with the specific cooperative agreement:

Place of Performance (street address, city, country, state, zip code)

County of Washington

Check ☐ if there are workplaces on file that are not identified here.

The regulations provide that a recipient that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for ONDCP Funding.

DRUG FREE WORKPLACE (RECIPIENTS WHO ARE INDIVIDUALS)

As required by the Drug Free Workplace Act of 1988, and implemented at 21 CFR Part 1404 Subpart F.

- A. as a condition of the cooperative agreement, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in connection with any activity with the grant; and
- B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction in writing, within 10 calendar days of the conviction, to: The Assistance Center, 8401 Northwest 53rd Terrace, Suite 208, Miami, Florida 33166.

4. CERTIFICATION REGARDING FEDERAL DEBT STATUS (OMB Circular A-129)

The Applicant certifies to the best of its knowledge and belief, that it is not delinquent in the repayment of any federal debt.

5. CERTIFICATION REGARDING THE NONDISCRIMINATION STATUTES AND IMPLEMENTING REGULATIONS

The applicant certifies that it will comply with the following nondiscrimination statutes and their implementing regulations: (a) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000D et seq.) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity for which the applicant received federal financial assistance; (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap in programs and activities receiving federal financial assistance; (c) title IX of the Education Amendments of 1972 as amended (20 U.S.C. 1981 et seq.) which prohibits discrimination on the basis of sex in education programs and activities receiving federal financial assistance; and (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.) which prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance, except that actions which reasonably take age into account as a factor necessary for the normal operation or achievement of any statutory objective of the project or activity shall not violate this statute

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Grantee Name and Address: County of Washington
1155 Clydesdale DR
Fayetteville, AR 72707

Application Number and/or Project Name: I8PGCP616Z

Multiple Initiative(s)

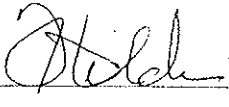
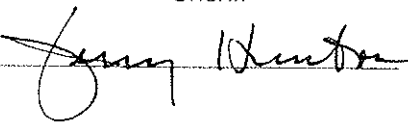
Grantee IRS/Vendor Number: 1716003197A1

Type Name and Title of Authorized Representative: Tim Helder

Jerry Hunton

Sheriff

County Judge

5. Signature:   6. Date: _____


11.2.04

GRANT CONDITIONS

A. General Provisions

1. This grant is subject to:

- OMB Circular A-87 “Cost Principles for State, Local, and Indian Tribal Governments” (or, if applicable, OMB Circular A-21 “Cost Principles for Educational Institutions”);
- OMB Circular A-102 “Grants and Cooperative Agreements with State and Local Governments” (or, if applicable, OMB Circular A-110 “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations”);
- OMB Circular A-133 “Audits of States, Local Governments and Non-Profit Institutions”;
- “Government-wide Debarment and Suspension (Non procurement),” codified at 21 CFR § 1401 et. seq.;
- “Government-wide Requirements for Drug-Free Workplace (Grants)” (codified at 21 CFR § 1401 et. seq.);
- “New Restrictions on Lobbying” (codified at 18 USC § 1903 and 31 USC § 1352).
- Nondiscrimination in Federally Assisted Programs and Equal Opportunity Plans requirements are codified at USC, Title VI (42 USC § 2000d et seq.).
- Immigration and Naturalization Service Employment Eligibility Verification Form (I-9).

2. Audits conducted pursuant to OMB Circular A-133, “Audits of State and Local Governments”, must be submitted no later than nine (9) months after the close of the grantee’s audited fiscal year. A copy of the audit report and management letter must be sent to:

EOP/ONDCP
Attention: Michael Reles
GSD/RDF (202) 395-6608
Anacostia Naval Annex
Bldg 410/Door 123
250 Murray Lane, SW
Washington, DC 20509
or:
mreles@ondcp.eop.gov

Grant EPCG P616Z

Page 3 of 4

3. The recipient agrees to submit Financial Status Reports (OMB Standard Form 269) quarterly, during the award period, and at the end of the award period. These forms shall be faxed to the ONDCP HIDTA Financial Management Office at (202) 395-5176 within 30 days after the end of each quarter. Other reporting requirements are specified in the HIDTA Program Policy and Budget Guidance.
4. The recipient gives the awarding agency or the Government Accountability Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the grant.

B. Special Conditions HIDTA Grants

The following special conditions are incorporated into each award document.

1. This grant is awarded for the initiative(s) named above. Variation from the description of activities approved by ONDCP and/or from the budget attached to this letter must comply with the reprogramming requirements as set forth in ONDCP's HIDTA Program Policy and Budget Guidance, dated April 2006.
2. This award is subject to the requirements in ONDCP's "HIDTA Program Policy and Budget Guidance."
3. No HIDTA funds shall be used to supplant state or local funds that would otherwise be made available for the same purposes.
4. The requirements of 28 CFR Part 23, which pertain to information collection and management of criminal intelligence systems, shall apply to any such systems supported by this award.
5. Special accounting and control procedures must govern the use and handling of HIDTA Program funds for confidential expenditures; i.e. the purchase of information, evidence, and services for undercover operations. Those procedures are described in Section 6-12 of the "HIDTA Program Policy and Budget Guidance."
6. The grant recipient agrees to account for and use program income in accordance with the "Common Rule" and the HIDTA Program Policy and Budget Guidance. Asset forfeiture proceeds generated by the HIDTA-funded initiatives shall not be considered as program income earned by HIDTA grantees.
7. Property acquired with these HIDTA grant funds is to be used for activities of the Gulf Coast HIDTA. If your agency acquires property with these funds and then ceases to participate in the HIDTA, you should make this equipment available to the HIDTA's Executive Board for use by other HIDTA participants.

Grant ID: POC-P0162

Page 4 of 4

8. All law enforcement entities that receive funds from this grant must report all methamphetamine laboratory seizure data to the National Clandestine Laboratory Database/National Seizure System at the El Paso Intelligence Center.

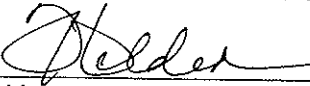
C. Payment Basis

1. A request for Advance or Reimbursement shall be made using the Department of Health and Human Services Division of Payment Management System (www.dpm.psc.gov). Copies of invoices or payroll registers must accompany the payment confirmation number to provide documentation for the reimbursement request. Requests for advances must be accompanied by details specifying the need for the advance. Documentation of how the advance was spent must be submitted within 21 days before another advance or reimbursement will be approved.
2. Payments will be made via Electronic Fund Transfer to the award recipient's bank account. The bank must be FDIC insured. The account must be interest bearing.
3. Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.) and the Indian Self-Determination Act (23 U.S.C. 450), grantees and subgrantees shall promptly, but at least quarterly, remit interest earned on advances to the Department of Health and Human Services, Division of Payment Management (HHS/DPM). When submitting your checks, please provide a detailed explanation which should include: reason for check (remittance of interest earned on HIDTA advance payments), check number, grantee name, grant number, interest period covered, and contact name and number.

Ms. Janet Fowler
Division of Payment Management
Department of Health and Human Services
11400 Rockville Pike, Suite 700
Rockville, MD 20852

4. The grantee or subgrantee may keep interest amounts up to \$100 per year for administrative purposes. (21 CFR § 1403.21(h)(2)(i) et. seq.)

RECIPIENT ACCEPTANCE OF GRANT CONDITIONS

Signature: 
Name: Tim Helder

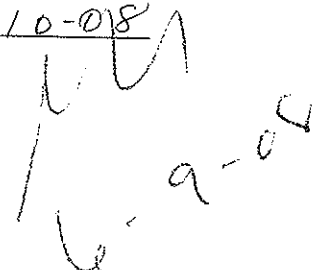
Date: 6/10/2008

Title: Sheriff

Signature: 
Name: Jerry Hunton

Date: 6-10-08

Title: County Judge



FY 2007 - Gulf Coast HIDTA

Budget Detail

Initiative - NC - Northwest Arkansas Major Investigations Team

Investigation

Award Recipient - County of Washington

Grant - I7PGCP616Z

Resource Recipient - Fayetteville Police Department

Initial Budget (Approved)	4,000
---------------------------	-------

Personnel			
Position	# Positions	Subtotal	Personnel
Total Personnel			-

Fringe Benefits			
Name/Position		Subtotal	Benefits
Total Fringe Benefits			-

Overtime			
Position	# Positions	Subtotal	Overtime
Investigative - Law Enforcement Officer	-	4,000	
Total Overtime			4,000

Travel			
Purpose	# Positions	Subtotal	Travel
Total Travel			-

Facilities			
Description	# Leases	Subtotal	Facilities
Total Facilities			-

Services			
Description and Quantity	# Services	Subtotal	Total Services
Total Services			-

Equipment			
Description	# Equipment	Subtotal	Equipment
Total Equipment			-

Supplies			
Description		Subtotal	Supplies
Total			-

Other			
Description		Subtotal	Other

FY 2008 - Gulf Coast HIDTA

Budget Detail

Initiative - Northwest Arkansas Major Investigations Team

Investigation

Award Recipient - County of Washington

Grant - ISPGCP616Z

Resource Recipient - Fayetteville Police Department

Line Budget Approved	10,000
----------------------	--------

Total	
-------	--

Total Budget	10,000
--------------	--------

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

A. 4
2007 & 2008 Gulf Coast High
Intensity Drug Trafficking Area Grant
Page 14 of 16

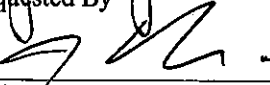
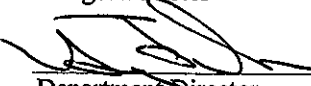
Budget Year 2008	Department: Police Division: Police Program: Patrol	Date Requested 10/31/2008	Adjustment Number
--------------------------------	---	---	-------------------

Project or Item Added/Increased: Recognize overtime reimbursement from the High Intensity Drug Trafficking Area pass through grant for 2008.	Project or Item Deleted/Reduced: None
---	--

Justification of this Increase: Fayetteville Police Department is a member of the multi-state federal grant program. We are appropriated \$10,000.00 for overtime reimbursement.	Justification of this Decrease:
---	---------------------------------

Increase Budget							
Account Name	Account Number				Amount	Project Number	
Salaries & Wages	1010	2940	5100	00	6,667	08070	2008
Overtime - Uniformed	1010	2940	5104	00	3,333	08070	2008

Decrease Budget							
Account Name	Account Number				Amount	Project Number	
Federal Grants - Operational	1010	0001	4309	01	10,000	08070	2008

Approval Signatures				Budget & Research Use Only					
Requested By		10/31/08	Date	Type:	A	B	C	<u>D</u>	E
Budget Director		11-5-08	Date	General Ledger Date	3/31/2008				
Department Director		10-31-08	Date	Approval Date	Initial	Date			
Finance Director	Paul A. Buhl	11-4-08	Date	Posted to General Ledger	Initial	Date			
Mayor			Date	Posted to Project Accounting	Initial	Date			

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

A. 4
2007 & 2008 Gulf Coast High
Intensity Drug Trafficking Area Grant
Page 15 of 16

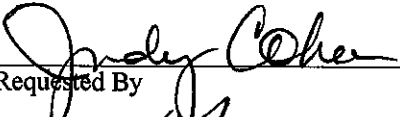
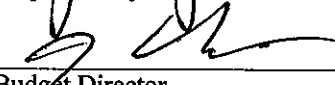
Budget Year 2008	Department: Police Division: Police Program: Patrol	Date Requested 10/31/2008	Adjustment Number
----------------------------	---	-------------------------------------	-------------------

Project or Item Added/Increased: Recognize overtime reimbursement from the High Intensity Drug Trafficking Area pass through grant for 2007	Project or Item Deleted/Reduced: None
--	--

Justification of this Increase: Fayetteville Police Department is a member of the multi-state federal grant program. We are appropriated \$4,000.00 for overtime reimbursement.	Justification of this Decrease:
--	---------------------------------

Increase Budget							
Account Name	Account Number				Amount	Project Number	
Salaries & Wages	1010	2940	5100	00	2,667	08070	2007
Overtime - Uniformed	1010	2940	5104	00	1,333	08070	2007

Decrease Budget							
Account Name	Account Number				Amount	Project Number	
Federal Grants - Operational	1010	0001	4309	01	4,000	08070	2007

Approval Signatures				Budget & Research Use Only					
Requested By		Date	10/31/08	Type:	A	B	C	☒ D	E
Budget Director		Date	11/5/08	General Ledger Date	3/31/2008				
Department Director		Date	10-31-08	Approval Date	Initial	Date			
Finance Director		Date		Posted to General Ledger	Initial	Date			
Mayor		Date		Posted to Project Accounting	Initial	Date			

City of Fayetteville Staff Review Form

C. 1
Raze and Removal at
3250 Wyman Road
Page 1 of 14

**City Council Agenda Items
and
Contracts, Leases or Agreements**

11/18/2008

City Council Meeting Date
Agenda Items Only

Yolanda Fields

Submitted By

Community Resources

Division

Operations

Department

Action Required:

Public Hearing and approval of Resolution to order the Raze and Removal of the unsafe structure located at 3250 E. Wyman Rd. (WC Parcel # 765-02236-000), and approval to utilize existing balance from previous budget adjustment.

Cost of this request

1010.6420.5315.04

Account Number

\$

Category / Project Budget

Funds Used to Date

\$

Remaining Balance

Program Category / Project Name

Raze and Removal

Program / Project Category Name

General Fund

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

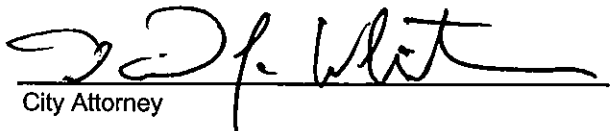
☐

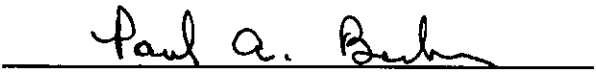
 11-3-08
Department Director Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

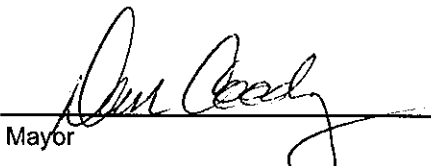

City Attorney Date

 1-3-08
Finance and Internal Service Director Date

Received in City
Clerk's Office

ENTERED

11-3-08 1103

 11/4/08
Mayor Date

Received in
Mayor's Office

ENTERED

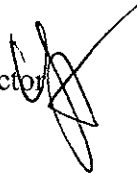
11/4/08

Comments: Staff recommends the Raze and Removal of the structure and utilization of funds from previous budget adjustment.

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Yolanda Fields, Community Resources Director 

Date: October 22, 2008

Subject: Raze & Removal of structure on 3250 E. Wyman Road

BACKGROUND

Unsafe structures pose a threat to life and property. Structures may become unsafe by reason of damage by fire, or other casualty damage, the elements, age or general deterioration. A dilapidated structure may also serve as a place of rodent infestation, thereby creating a health menace to the community. Locations that are in disrepair and not removed constitute a dangerous, unhealthy and unsightly condition. It is the purpose of this raze and removal request to provide for the safety, health, protection and general welfare of persons and property in the City of Fayetteville.

Service Request # 72338, Case #8224. Washington County Parcel 765-02236-000.

Code Compliance responded to a complaint concerning the structure located at 3250 E. Wyman Road. The structure appeared to be in violation of City Code 173.08, Unsafe Building, of the City Code of Ordinances. The Building Safety Division Director inspected the property and determined that the structure was in violation of City Code 173.08, Unsafe Buildings, of the City Code of Ordinances.

The following are observations of the condition of the structure:

- Roof and Ceiling collapsed.
- Structure unsecure with broken windows and open door.
- Floor rotten, possible mold damage.
- Hazardous to anyone entering the structure.

On July 3, 2008, an Unsafe Building Notice of Violation was sent by Certified Mail to the current property owners, Travis Getzendaner I C/O Pat Matsukis. On July 5, 2008, the Certified Mail was signed for by Pat Matsukis. By ordinance, the owner was given until August 5, 2008 to acquire a building permit or to raze and remove the structure.

DISCUSSION

This parcel contains a 900 square foot, one story wood frame single family dwelling. The structure is unsecured and has deteriorated to a point where it is unsafe. There is not a current building permit on this structure.

RECOMMENDATION

Staff recommends a resolution to order the raze and removal of the structure.

BUDGET IMPACT

Raze and removal cost for this location is approximately \$2,650. From a previous budget adjustment will be used to fund this project. The cost will be billed to the property owner. If payment is not received, the city will place a lien on the property for the amount of the raze and removal.

RESOLUTION NO. _____

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY TRAVIS GETZENDANER LOCATED AT 3250 E. WYMAN ROAD IN THE CITY OF FAYETTEVILLE, ARKANSAS; AND APPROVING THE USE OF FUNDS FROM A PREVIOUS BUDGET ADJUSTMENT

WHEREAS, Travis Getzendaner is the record owner of the real property situated at 3250 E. Wyman Road, City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

WC Parcel Number 765-02236-000; and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, Travis Getzendaner, having been properly served with a Violation Notice via Certified Mail, Return Receipt Requested, and given thirty (30) days to correct said violation, has refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1: That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Travis Getzendaner is hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2: That, if Travis Getzendaner does not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

Section 3: That the City Council of the City of Fayetteville, Arkansas, hereby approves the use of funds from a previous budget adjustment.

PASSED and APPROVED this 18th day of November, 2008.

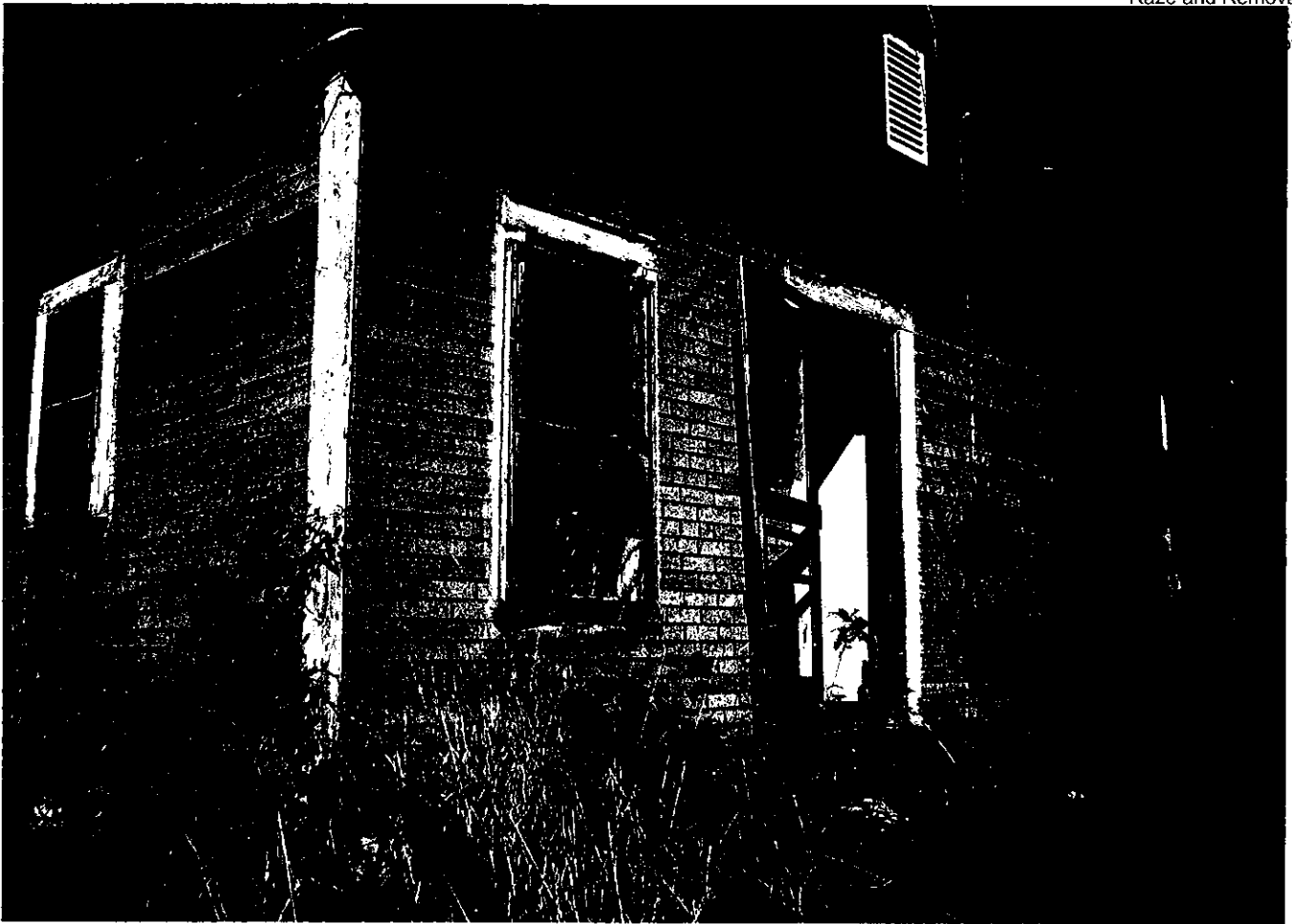
APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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







Code Compliance Program Unsafe Building Violation Determination

Address / Location: 3250 E. Wyman Road

WC Parcel # 765-02236-000

I have determined that the structure above has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.



I recommend the raze and removal of the structure.



I recommend securing the structure.

A handwritten signature in black ink, appearing to read "B. Latt", written over a horizontal line.

Building Safety Division Director

I have determined that the structure above is not in violation of Subsection 173.08 of the Fayetteville Code Of Ordinances.

Building Safety Division Director

PLEASE RETURN THIS FORM TO CODE COMPLIANCE

Date Sent: June 25, 2008

SR# 72338

Date Received: 7/2/08

Case# 8224

A large, stylized handwritten signature in black ink, written over a horizontal line.

Community Resources Division Director

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701



Office of Code Compliance
Phone 479-444-3430
Fax 479-444-3445

VIOLATION NOTICE

July 03, 2008

Owner TRAVIS I GETZENDANER
C/O PAT MATSUKIS
5 MOUNTAIN
EUREKA SPRINGS, AR 72632

RE: Property @ FORMERLY KNOWN AS 3250 WYMAN RD.

WC Parcel # 765-02236-000

Case # 8224

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. **If you need clarification of this notice or advice on how to correct the problem, please call our office at (479)575-8237.**

Suspected Violation That Needs Correction:

§173.08 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

How This Violation Can Be Voluntarily Corrected:

By making repairs as needed or razing the structure and remove all debris from the lot. A building permit may be required, based on review of the Building Safety Director.

Potential Penalties:

If this violation is not corrected within thirty (30) days from the service of this notice, you can be issued a Criminal Citation for the above violation and be summoned to appear in court. Our office can also suggest the structure be razed and removed. The costs shall be charged to the owner(s) of the property and the city shall have a lien against such property for such costs. If you disagree with our conclusion that your property contains a violation of our ordinances, you have the right to appeal to the appropriate City Board, Commission or City Council. Please see Chapter 155 of the Unified Development Code.

If the residence is owner occupied and meets certain income requirements, you may qualify for federal assistance under our Community Development Block Grant. For more information on this program, please call (479) 575-8270 or 575-8240.

Sincerely,

JOSHUA KNIGHT
Code Compliance Officer

Cc: file

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <u>X</u> <u>[Signature]</u> ☐ Agent ☐ Addressee	
1. Article Addressed to: TRAVIS GETZENDANER C/O PAT MATSUKIS 5 MOUNTAIN EUREKA SPRINGS, AR 72632		B. Received by (Printed Name)	C. Date of Delivery <u>2/5/08</u>
2. Article Number (Transfer from service label) <u>7007 1490 0005 1015 6783</u>		D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.		4. Restricted Delivery? (Extra Fee) ☐ Yes	
PS Form 3811, February 2004 Domestic Return Receipt <u>JK</u> <u>8224</u> 102595-02-M-1549			

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	7-3-08 Postmark Here <u>JK</u>
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	<u>8224</u>

Sent To

Street, Apt. No., or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions



City of Fayetteville
Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone 479-444-3430

October 2, 2008

COPY

Travis I. Getzendaner C/O Pat Matsukis
5 Mountain
Eurecka Springs, AR 72632

RE: Enforcement of Fayetteville Code 173.08
Arkansas Code Ann. 14-56-203

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. 14-56-203 at 173.08 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at 3250 E. Wyman Road (Parcel #765-02236-000), should be Razed and Removed. You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 444-3430.

The hearing will be part of a regular City Council meeting on November 4, 2008 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (479-575-8323) for information confirming the date of the public hearing.

Sincerely,

Chad Ball
Community Resources Coordinator

Cc: file

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front, if space permits.		A. Signature ☐ Agent ☐ Addressee B. Received by (Printed Name) _____ C. Date of Delivery 1/4/08	
1. Article TRAVIS I. GETZENDANER	C/O PAT MATSUKIS 5 MOUNTAIN EUREKA SPRINGS, AR 72632	rent from item 1? ☐ Yes address below: ☐ No	
2. Article Number (Transfer from service label) <u>7007 3020 0000 5840 5427</u>		☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
3. Restricted Delivery? (Extra Fee) ☐ Yes		4. Restricted Delivery? (Extra Fee) ☐ Yes	
PS Form 3811, February 2004 Domestic Return Receipt <u>8224 JG</u> 102595-02-M-1540			

7007 3020 0000 5840 5427

U.S. Postal ServiceTM

CERTIFIED MAILTM RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

10-2-08

Postmark Here

Sent To _____

Street, Apt. No., or PO Box No. _____

City, State, ZIP+4 _____

PS Form 3800, August 2006

See Reverse for Instructions

Record 1 of 1 Last Updated 10/13/08

Parcel Number: **765-02236-000** Prev. Parcel Number: **136135-000-00** Type: **RI**
 Location: **3250 E WYMAN RD**
 Owner Name: **GETZENDANER, TRAVIS IC/O PAT MATSUKIS**
 Mailing Address: **5 MOUNTAIN EUREKA SPRINGS AR 72632**
 Lot: Block: S-T-R: **13-16-30**
 Addition: **ANDERSON FARM PLAT**
 School District: **FAYETTEVILLE SCH, FAY** Tax District: **011**
 City: **FAYETTEVILLE**
 Legal: **W/2 L3 E82.5 L 4 NE SW 13-16-3 0 71/2A**
 Current Year A79 Credit Status: **V**
 Last Appraised: **2007**

	Appraised Value	Taxable Value
Land	78,750	13,478
Improvement	4,550	910
Total	83,300	14,388

Tax History										
Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	A79 Credit	A79 Status	Net Total Tax	Total Tax Paid	Payment Status
2007	13,189	\$680.55	\$0.00	\$0.00	\$0.00	\$0.00	V	\$680.55	\$680.55	PAID
2006	11,990	\$631.87	\$0.00	\$0.00	\$0.00	\$0.00	V	\$631.87	\$631.87	PAID
2005	11,952	\$629.87	\$0.00	\$0.00	\$0.00	\$0.00	V	\$629.87	\$629.87	PAID
2004	10,956	\$568.18	\$0.00	\$0.00	\$0.00	\$0.00		\$568.18	\$568.18	PAID
2003	9,960	\$527.48	\$0.00	\$0.00	\$0.00	\$0.00		\$527.48	\$527.48	PAID
2002	9,960	\$517.52	\$0.00	\$0.00	\$0.00	\$0.00		\$517.52	\$517.52	PAID
2001	9,960	\$517.52	\$0.00	\$0.00	\$0.00	\$0.00		\$517.52	\$517.52	PAID
2000	11,270	\$591.68	\$0.00	\$0.00	\$0.00	\$0.00		\$591.68	\$591.68	PAID
1999	11,270	\$577.02	\$0.00	\$0.00	\$0.00	\$0.00		\$577.02	\$577.02	PAID
1998	11,270	\$578.15	\$0.00	\$0.00	\$0.00	\$0.00		\$578.15	\$578.15	PAID
1997	11,270	\$578.15	\$0.00	\$0.00	\$0.00	\$0.00		\$578.15	\$578.15	PAID

Available Tax Payment Receipt(s)								
Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
2007	11667	04/24/2008	\$170.14	\$0.00	\$0.00	\$0.00	\$0.00	\$170.14
2007	57563	10/08/2008	\$510.41	\$0.00	\$0.00	\$0.00	\$0.00	\$510.41
2006	107285	10/4/2007	\$631.87	\$0.00	\$0.00	\$0.00	\$0.00	\$631.87
2005	87268	9/25/2006	\$629.87	\$0.00	\$0.00	\$0.00	\$0.00	\$629.87
2004	55853	7/22/2005	\$568.18	\$0.00	\$0.00	\$0.00	\$0.00	\$568.18
2003	67325	9/15/2004	\$527.48	\$0.00	\$0.00	\$0.00	\$0.00	\$527.48
2002	71914	9/15/2003	\$517.52	\$0.00	\$0.00	\$0.00	\$0.00	\$517.52
2001	56883	9/5/2002	\$517.52	\$0.00	\$0.00	\$0.00	\$0.00	\$517.52
2000	12348	9/10/2001	\$591.68	\$0.00	\$0.00	\$0.00	\$0.00	\$591.68
1999	7907	9/6/2000	\$577.02	\$0.00	\$0.00	\$0.00	\$0.00	\$577.02
1998	8470	9/15/1999	\$578.15	\$0.00	\$0.00	\$0.00	\$0.00	\$578.15
1997	10050	9/1/1998	\$578.15	\$0.00	\$0.00	\$0.00	\$0.00	\$578.15

Deed History						
Date	Deed Ref.	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
7/19/2005	2005-	GETZENDANER, TRAVIS I		WD	113,000	372.90

33451

JRK 2005-33451 WD \$372.90 REV (113M)

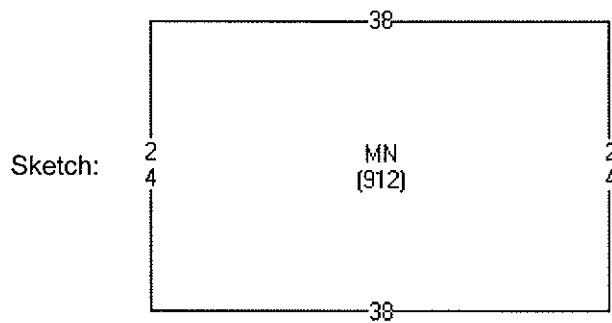
1/1/1985 82-136

JACKSON, CHARLES
EDWARD

0

0.00

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Year Constructed	Basement Area
1	SF	FS	912	912	1936	
	Grade	Condition	Exterior Wall	Fireplace	Year Remodeled	Effective Age
	7	A	COMP.SHNGL			71



[Next Item](#) | [Previous Item](#) | [Ledger Card](#) | [Prev. Ledger Card](#) | [Parcel Map](#) | [Return to Search Results](#) | [Modify Search](#) | [New Search](#)

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

C. 1
Raze and Removal at
3250 Wyman Road
Page 14 of 14

Budget Year 2008	Department: Operations Division: Community Resources Program: Code Compliance	Date Requested 10/2/2008	Adjustment Number
--------------------------------	--	--	--------------------------

Project or Item Added/Increased: \$2,650 in the Raze and Removal account	Project or Item Deleted/Reduced: \$2,650 from the General Fund Use of Fund Balance Account.
--	---

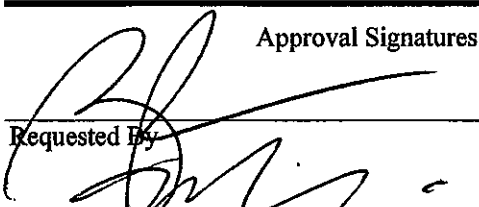
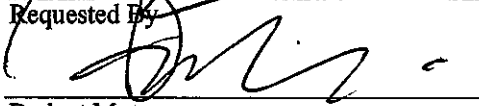
Justification of this Increase: Funding is needed for the Raze and Removal of a structure located at 3250 E. Wyman Road.	Justification of this Decrease: There is sufficient Fund Balance remaining.
--	---

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number
Raze and Removals	1010	6420	5315	04	2,650	

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number
Use of fund balance	1010	0001	4999	99	2,650	

Approval Signatures		Budget Office Use Only	
	<u>10/16/08</u> Date	Type:	A B C <u>D</u> E
	<u>10-16-08</u> Date	Posted to General Ledger	Initial Date
Department Director	Date	Posted to Project Accounting	Initial Date
<u>Paul A. Behn</u>	<u>10-17-08</u>	Entered in Category Log	Initial Date
Finance & Internal Services Director	Date		
Mayor	Date		

City of Fayetteville Staff Review Form

D. 1
Amend Chapter 164, ADM 08-3094
(UDC Chapter 164.04 Animals & Fowl)
Page 1 of 22

City Council Agenda Items and Contracts, Leases or Agreements

~~10/7/2008~~ 11-18-08
City Council Meeting Date
Agenda Items Only

Jeremy Pate 
Submitted By

Planning
Division

Operations
Department

Action Required:

ADM 08-3094 (UDC Ch. 164.04 Animals & Fowl): An ordinance amending Ch. 164.04 of the Unified Development Code to permit a property owner to keep a maximum of four chickens (hens) within residential districts of the city, subject to the restrictions of the ordinance.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

Program / Project Category Name

Project Number

\$

Remaining Balance

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

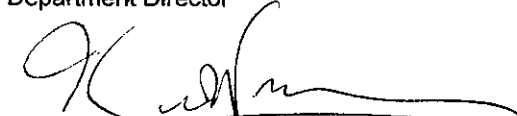

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:


City Attorney

Date

Received in City
Clerk's Office

9-19-08

ENTERED


Finance and Internal Service Director

Date

Received in
Mayor's Office

ENTERED


Mayor

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning 

Date: September 19, 2008

Subject: UDC Ch. 16.04 Animals & Fowl (ADM 08-3094)

RECOMMENDATION

Staff and the Planning Commission recommend approval of an ordinance amendment to Ch. 164 of the Unified Development Code, Animals and Fowl, to permit a property owner to keep a maximum of four chickens (hens) within residential districts of the City, subject to the restrictions listed.

BACKGROUND

The City of Fayetteville's zoning regulations do not currently permit typical barnyard, livestock or farm animals to be kept within the municipal limits, unless the property is zoned R-A, Residential Agricultural. The reason for this regulation is typically associated with nuisances that come about from often intense farming or livestock operations: odor, noise, sanitary conditions, etc. Staff has investigated numerous violations regarding various animals within the City over the years, including horses, cows, chickens, ducks, pigs, rabbits and other such animals. Staff recently discussed with a City Council member a violation of a citizen who was raising hens in her back yard. After explaining the ordinance requirement, we were asked to draft an ordinance to present to the Planning Commission and City Council to permit chickens within the city limits, subject to certain restrictions. After some research into various other municipalities across the country, it became apparent that this was an issue that has been raised in hundreds of cities in the nation, with many ordinances being re-drafted to allow the raising of chickens, which can be a low-impact, sustainable source of income or food. Presented to the Council is a draft of an ordinance that pulls information from several of these cities, and adapted to fit Fayetteville.

The proposal is to amend the current Ch. 164.04, Animals and Fowl, of the Unified Development Code, to permit up to four hens to be raised in all residential districts of the City, provided the use on the property is a single family residence. Other stipulations include:

- None allowed in 2F, 3F or MF complexes (issues of sanitary conditions, density, etc.)
- No more than four hens (cities vary from 3 to 25, or sometimes base it on lot size; staff chose to keep it at a low number, to allow both large and small lots this use)
- No roosters (to reduce noise issues)
- No slaughtering of animals outside
- All hens must be kept in a secure enclosure; when the owner is present, they may be let out of the enclosure, as long as the yard is fenced
- Must be kept in side or rear yard – no front yard use
- The enclosure must be kept 40 feet from any residential structure on adjacent lots and must meet building setbacks

- Must be kept neat and sanitary at all times
- Not applicable to R-A districts

A list of cities with similar ordinances includes:

- Portland, OR
- Spokane, WA
- Little Rock AR
- Seattle, WA
- Round Rock, TX
- Burlington, VT
- San Antonio, TX
- Anaheim, CA
- Madison, WI
- St. Louis, MO
- Louisville, KY
- Boise, ID

DISCUSSION

The Planning Commission voted 6-2-0 (Kennedy and Graves voting 'No') in favor of this request on September 22, 2008. An amendment was made to increase the distance from the enclosure and adjacent residential structures from 25 feet to 40 feet. Staff finds the permission of a maximum of four hens within the city limits in residential districts, with the provisions suggested in the ordinance, will contribute to a more sustainable and local lifestyle and will not detract from nor reduce the comfortable enjoyment of life or property by other members of the city.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE BY REPEALING AND REPLACING CHAPTER 164.04: ANIMALS AND FOWL, TO PERMIT A PROPERTY OWNER TO KEEP A MAXIMUM OF FOUR CHICKENS (HENS) WITHIN RESIDENTIAL DISTRICTS OF THE CITY, SUBJECT TO THE RESTRICTIONS HEREIN.

WHEREAS, the City of Fayetteville encourages a sustainable and local economy that may include local produce or small-scale use of certain fowl, such as chickens; and

WHEREAS, chickens are identified as agricultural or barn-yard animals and are thus currently not permitted within residential zones of the City; and

WHEREAS, the use of a home-owner's property to keep hens, along with specific restrictions regarding cleanliness, enclosures, separation from adjacent structures, noise, and a limited number permitted on each property, is a compatible and reasonable request,

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

Section 1: That the City Council of the City of Fayetteville, Arkansas, hereby repeals and replaces Unified Development Code Chapter 164.04: Animals and Fowl, as shown as "Exhibit A" attached hereto and made a part hereof.

PASSED and APPROVED this day of , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

Exhibit "A"
ADM 08-3094
Page 1 of 1

CHAPTER 164: SUPPLEMENTARY ZONING REGULATIONS

164.04 Animals And Fowl

- (A) It shall be unlawful for any person to permit or allow any domesticated animal or fowl to run at large within the corporate limits of the city.
- (B) Animals traditionally associated with the practice of livestock raising or farm animals, such as horses, goats, swine, chickens, cows and other such animals are not considered pets and are not permitted within any zoning district in the city limits, with the exception of R-A, Residential Agricultural, unless otherwise stated herein.
- (C) It shall be lawful for any person to keep, permit or allow any fowl within the corporate limits of the city in all Residential zones under the following terms and conditions:
- (1) The principal use of the property shall be a single family dwelling. No fowl shall be allowed in multi-family complexes, including two-family and three-family dwellings.
 - (2) No more than four (4) hens shall be allowed for each single-family dwelling.
 - (3) No roosters shall be allowed.
 - (4) There shall be no outside slaughtering of hens.
 - (5) All hens must be kept in a secure enclosure constructed at least two feet above the surface of the ground when the owner is not present. When the owner is present all hens must be kept in the covered enclosure or a fenced enclosure at all times. All hens shall be kept in the side or rear yard, and may not be permitted in the front yard area.
 - (6) No enclosure shall be located closer than forty (40) feet to any residential structure on an adjacent lot, and shall meet building setbacks.
 - (7) Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attraction of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city, or other persons.
 - (8) Fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of this Ordinance.
 - (9) The City may further restrict the use of fowl within residential districts if it causes a public nuisance or public health issue as defined in City Codes.
 - (10) All regulations administered by the Animal Services Division shall be enforceable by law, and this ordinance shall not supersede or replace any regulation thereof.
- (D) The above Section C is not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to fowl kept in areas of the City which are zoned R-A, Residential Agricultural.
- (E) *Separation of use.* The following uses, where permitted, shall be conducted no nearer than the following stated number of feet to the boundary of an R District, or to a dwelling on the same premises.

40 FEET

Fowl Enclosure in Residential districts (from residential dwelling on adjacent lot)

50 FEET

Animal hospital; serving household pets and similar small animals
Commercial breeding, raising
Boarding; breeding, raising, or boarding of household pets or similar small animals for commercial purposes
Kennel
Egg farm

100 FEET

Animal hospital; serving livestock and similar animals
Boarding or training of horses
Dairy farm
Poultry farm
Farm: for raising cattle, goats, horses, sheep, rabbits and poultry

200 FEET

Hog raising
Livestock: assembly, breeding, feeding, sales or shipment

(Code 1965, App. A., Art. 7 (3); Ord. No. 1747, 6-29-70;
Code 1991, §160.078; Ord. No. 4100, §2 (Ex. A.), 6-16-98)

Planning Commission
September 8, 2008
Page 12 of 18

ADM 08-3094: (UDC CHAPTER 164.04, ANIMALS & FOWL): Submitted by Planning Staff, a request to amend Chapter 164 of the UDC, Unified Development Code, Animals & Fowl. The proposed amendment would permit 4 hens to be kept within residential districts, subject to several restrictions to achieve compatibility with adjacent land uses.

Jeremy Pate, Director of Current Planning, gave the staff report. The proposed amendment for consideration was requested by a City Council member, to address a citizen's request. Currently the City's zoning regulations do not permit any type of barnyard/agricultural animals within residential districts. These determinations have occasionally been tested, and interpreted consistently. The reason for the regulation is most likely associated with nuisances that come about from intensive farm uses: odor, noise, and sanitary issues. Staff has discussed potential issues with Jill Hatfield from the Animal Services Division and also did research with other cities with regard to allowing chickens within their city limits. There are many across-the-board requirements that other cities have that we are proposing: no roosters; a maximum number of hens, which is often based on lot area; we have decided on four hens maximum. In addition most cities have requirements for enclosures, which we have decided must be above the ground, kept sanitary, and that Animal Services could inspect. Another concern was that we wanted to limit this to single-family residences, despite the zoning. This will potentially allow chickens to be kept in multi-family zoning districts, as long as it is single family home that occupies the property. Another stipulation we are proposing is that the hens must be kept in the enclosure if the owner is not present, but they may be allowed out so long as they are kept within a fenced back or side yard area. The enclosure must be kept 25 feet from any residential structure. This ordinance would not be applicable to R-A districts, where it is a use by right. Staff recommended approval of the request.

Commissioner Trumbo opened the floor to public comment.

Steve Nolan, 2154 Manor Dr., I have lived in Fayetteville since 1951. Three items I would like to consider tonight. First, everyone in Fayetteville has the potential of residing downwind or downhill from these birds. Twenty-five feet in new neighborhoods will place them directly on the property line. Second issue is health. Poultry have diseases that may be transmitted to humans. We would not be able to control these chickens like we control our dogs with vaccinations for rabies, etc. Third, due to the diversity of Fayetteville we feel that some might interpret this to mean that other domesticated animals could be raised on their property. I encourage you to vote no on this ordinance.

No additional public comment was received.

Commissioner Graves stated that one of his concerns was the selection of one species of animal and allowing that but not others. I can think of people who have pot bellied pigs as a pet kept in the house. Under this ordinance, it would not be allowed while chickens would be. Mr. Nolan is correct in the commercial farming aspect; there are a lot of commonly transmitted diseases, and nothing here that would include disease control for these types of animals within municipal limits. Why are we carving out an allowance for this one type of animal when it seems to be more appropriate as an agricultural use and left well enough alone?

Planning Commission
September 8, 2008
Page 13 of 18

Pate stated that the first reason they were raising the issue was because it was brought to their attention by a City Council member. Keeping chickens on residential property is also associated with the sustainability movement by allowing more direct access to food and resources. Many subdivision covenants would prohibit them. In my time with the city we have processed at least five or six violations for chickens, and the outcome is that they have always had to be removed. This ordinance wouldn't necessarily prohibit any other animal than we already do.

Commissioner Graves stated that although he understands why the ordinance amendment is being proposed, he doesn't understand why we would make an exception for chickens and not ducks, pigs, or rabbits, which might also contribute to sustainable agriculture.

Commissioner Trumbo stated he personally knows some current violators who use the chickens specifically for their eggs. He recognizes that it is catching on, it is grassroots, done cleanly, and there are only 3 or 4 birds at these places. He understands why people would want this passed.

Commissioner Winston asked if the chickens are penned and somebody builds a house within 25 feet of the chicken pen, would the pen or the house need to be moved?

Pate stated that the enclosure would be required to be moved.

Commissioner Anthes asked whether it was the secure enclosure, or the fenced area the chickens could be let out to that would be the area that must be 25 feet from a structure.

Pate stated it was the enclosure.

Commissioner Anthes asked if staff would be amenable to a distance greater than 25 feet.

Pate stated it was certainly up to the Commission for consideration.

Kit Williams, City Attorney, stated that we might also look at the property line as opposed to the next structure to avoid what Mr. Nolan was talking about, where you could put it on the edge of the property as long as the house was 25 feet away. It might be that you would want to look at the property line as opposed to the residential structure, as it would ensure that it would be further away, because of the setbacks also.

Commissioner Pate stated that the reason we did not go with the 25 feet from adjacent property lines is that on a 50-foot wide lot it would essentially not be permitted, because you could not be 25 feet away from each property line.

Commissioner Anthes stated she was thinking that the minimum distance from a property line should be five feet, which would keep it so you're not putting your coop directly on a property line.

Planning Commission
September 8, 2008
Page 14 of 18

Motion:

Commissioner Anthes made a motion to forward the request to City Council with a recommendation for approval, changing line 3 on pg. 2 to read "the enclosure must be kept 40 feet from any residential structure, and must be contained within the building setback line."
Commissioner Myres seconded the motion.

Commissioner Anthes stated the language needs to be placed in the chapter under #5, so in addition to altering the staff report, it would need to be rewritten in the language.

Commissioner Kennedy stated he agrees with Commissioner Graves in that he does not understand why the amendment allows only chickens and not any other barnyard animals, and that he will vote no.

Pate stated that the Planning Commission requires five votes to forward the amendment.

Upon roll call the motion to forward the request passed with a vote of 6-2-0, with Commissioners Graves and Kennedy voting no.

From: <jkreess@cox.net>
To: <webmaster@ci.fayetteville.ar.us>
Date: 9/8/2008 7:25 PM
Subject: [Form mail from AccessFayetteville] - Chicken ordinance
CC: <planning@ci.fayetteville.ar.us>

From: Kriste Rees
Email: jkreess@cox.net
To: planning@ci.fayetteville.ar.us
Subject: Chicken ordinance

Message:

I support the chicken ordinance. I see no difference in having a chicken in my backyard and having a dog in my backyard--except that dogs bark and keep my awake.
Thanks,
Kriste Rees
1644 E. Susan
Fayetteville, AR 72703

ADM 08-3094 (UDC Ch. 164.04 Animals & Fowl)

We, the undersigned, support an ordinance allowing up to four hens in a sing family dwelling in Fayetteville under certain conditions with a Conditional Use Permit.

Date	Name	Address
9/5/08	Laura Camargo	3060 Quainton Ct Quainton Ct
9/6/08	Roxanne Work	533 Prospect Fay, AR 72701
9/6/08	Chris Tedford	887 15 th St Fayetteville, AR 72701
9/6/08	Ali Carter	1962 E Peridot #1 Fayetteville 72701
9-6-08	Tom LaFleur	161 Lapis Lane #4 Fayetteville, AR
9-6-08	ALB LENDING	327 W MEADOW NO 2 FAYETTEVILLE, AR
9.6.08	Walt Eilers	2044 Archer Drive Fayetteville, AR 72701
9/6/08	Sperry Wright	11252 Rav Valley rd Prairie Grove 72753
9/6/08	W. Sed	4055 Mashburn Ave 72701
	Phillie Maccian	221 E. Lafayette Fay
	Carlos Maccian	" " "
9/6/08	Merum Jharaj	105 S WEST, FAYETTEVILLE, AR 72701
	Margot Ganster	2584 Elizabeth Ave. Fay, AR 72701
	DANIEL GANSTER	2584 ELIZABETH AVE, FAY, AR 72701
	JOHN KEARY	257 J2 FAYVILLE " " 72701
	JEFFREY NEWMAN	120 N. Block AVE. FAY AR 72701
	Shannon Wallace	215 W. Lafayette St., Fay., AR 72701
9/6/08	Michael Ward	915 N Park Ave. Fay, AR 72701
9/6/08	MATTHEW DICKHUT	855 FAIRVIEW ST. FAYETTEVILLE, AR
9/6/08	Emily W. Williams	2885 Knorr Rd Fay. 72701
9/6/08	Justin Berenguel	1644 Arrowhead St. Fay. 72701
	Nikki Holland	" " " " " "
	Erin Cohen	2215 N Winwood Fay AR 72701
	Michael Cohen	2215 Winwood Pl Fay 72703
	Daniel Hartz	637 Ray Ave 72701
9/6/08	Conthia Van Bibber	604 Vinson Avenue [cvanb]
	DREW HARRIMAN	945 LAKESIDE DR. FAY AR 72701
	NICK EARLY	4046 N. Smoother circle 72703
	Jacob Holloway	6046 N. Smoother circle Arkansas Ave. Fay, AR

We, the undersigned, support an ordinance allowing up to four hens in a single family dwelling in Fayetteville under certain conditions with a Conditional Use Permit.

Date	Name	Address
8/6/2008	Mary Dillard	3337 Archie Watkins Rd.
9/6/2008	Sarah Whippo	273 W Village Lake Dr
	Molly Staire	440 S. Locust Ave
	Terry Dushan	2003 Bridgeton Ct 72701
9/6/08	Maciezy	11252 Rav Valley Rd Prairie Grove 72753
9/6/08	Tammi Sheryl McMullen	11 E Elm Fayetteville AR 72701
9/6	Janet McMullen	916 Eva Ave, Fayetteville 72701
9/6	Sam Kincannon	601 West Adams St.
9/6	Erin C Jenkins	2287 S Camron Cir Fay 72701
9/6	Dana Collins	2287 S. Camron Cir. Fay 72701
9-6	David Buckley	201 W. Maple
9-6	Margette Camille	116 S. School Ave. Fay
9/6	Cara Corbin	8 Davidson Fay AR 72701
9/6	Beverly Walker	2873 Elizabeth Fay 72703
9/6	CHRIS Wilson	3616 TOWER CIR, FAY 72704
9/6	Corinna Drane	3172 Fayetteville, AR 72703
9/6	David Lyon	7 S University Ave Apt 8, Fay
9/6	Brenden Flack	7 S. Duncan Apt A Fay 72701
9/6	Christy D Bullington	41 S Gregg Ave Apt A, Fay 72701
9/6	Kristen R. Mueller	833 E. Bryan Lane Fay 72701
9/06	Susan Schwen	1025 E Elm St. Fayetteville. 72703
9/06	David Schwen	" " " "
9/06	Jamie Akiki	950 Cleveland St. Fayetteville
9/06	Shaunty Den Herder	1136 N. Centennial Drive
9/06	Dagon Ames	943 S. Washington Ave
9/06	Alan Drane	3172 Warwick Tr.
9/6	Patricia Dele Peters	3076 BAXTER W. FAY 72701
9/6		3520 La Salle Dr, Fayetteville, AR
9/6	A. Petrides	700 W. Pl. #4, (72701)
9/6	Marilyn Haver	22430 E W Eagle Rd.

We, the undersigned, support an ordinance allowing up to four hens in a single family dwelling in Fayetteville under certain conditions.

Date	Name	Address
9/20/08	For Ben	1621 Price Fayetteville
9/20/08	Donna Berry	" " "
9/20/08	Matthew Gerspner	131 S Hill Ave.
9/20/08	Josh Goldstein	157 S Hill Ave.
9/20/08	Pierre Poquette	159 S Hill Ave.
9/20/08	Jeremy Wylie	166 Hill Ave
9/20/08	Adam Smalls	410 S. Hill Ave
9/20/08	Matthew Forbes	410 S Hill Ave.
9/20/08	Robert S/B	320 S. Duran Ave
	John Lee	725 W. Stone Apt 4
	Tylen Duncan	4922 Tumbleweed St 72704
9-20-08	Dust	725 W. Stone Apt. C.
9/20/08	Nick Carl	1062 N. Valley View Dr. Fayetteville, AR
	Adrian Smith	534 E. Huntsville Rd. 72701
9/27/08	JOHN HERRMAN	319 HOLLY 72703
	ED. LA REIF	416 Gunter St 72701
9-27-08	Sydney Pearson	134 S Locust, Apt. 4 Fayetteville
9-27-08	Michelle Lewis	397 Dogwood Ln. Fay. AR 72701
9-27-08	ERIN LILLEN	740 W. Taylor Fay. AR 72701
9-27-08	Brianna Jank	920 N. Everett, Fayetteville, AR
9-27-08	Maggie Bailey	700 ANNA PL. #7, Fay. AR 72701
only 10-2-08	Shea Williams	129 S. Univ. Fayetteville AR 72701
10/2	Nathan	131 S. Univ
10/2	Chen Bull	115 S Univ. Fay. AR 72701
10/2	Melissa Peritz	42 S. University Fayetteville,
	Garry Holstein	32 S University Fayetteville
10/2	Joseph G. Robson	110 S. University Ave. Fayetteville, AR
10/2	Marcia K. Robson	110 S. University Av. Fay. AR. 72701
10/2	A. O'H	106 S. University Av. Fay, AR 72701

We, the undersigned, support an ordinance allowing up to four hens in a single family dwelling in Fayetteville under certain conditions.

Date	Name	Address	E
9/27/08	Virginia Brandt	532 W. Selle Dr. Fay, AR 72701	
	Christie Kuhn	1415 Crestwood Dr Fay AR 72701	
	May Ray	607 N. Walnut Ave. Fay 72701	
	Robert Bartlett	2731 Arroyo, Fay, AR 72703	
	Rose Bartlett Clark	1753 E. 2100 C24, FAYETTEVILLE, AR 72703	
9/27/08	Bayard Gain	5134 13th Ave Fay Fayetteville AR 72701	
	SHANNON WURST	1125 W. CATO SPRINGS FAY AR 72701	
	BOB KOHLER	695 N GRAY AVE FAY 72701	
	Elaine Wade	100 N. Sang Ave. Fay, AR 72701	
9/27/08	JESSICA McCAUGH	31 E. CENTER ST. #300 FAY, AR 72701	
9/27/08	Jamex McCaugh	31 E Center St. #300 FAY, AR 72701	
	Jay Gates	612 N Store Ave Fay, AR 72701	
	Evan Nielson	325 S. Washington Ave Fay AR 72701	
9/27/08	Jesse Thomas	38 W. Trenton, Fay AR 72701	
	Terry Michaels	405 S. Mash Burn Ave. Fay AR 72701	
	Matt Kennedy	307 S. Washington, Fayetteville 72701	
	Sabrina Bittner	12 E. Davidson Fayetteville 72701	
10-11	John Hurlbert	P.O Box 3373 Fay AR 72702	
10-11	Nancy Umiker	1548 Hope St, Fay. AR 72701	
10-11	Adam Jones	1314 522 Fayetteville	
10-11	James Lynn-Kunzelmann	410 W. Holly St. Fayetteville, AR 72703	
10-11-08	Don MARR	410 W Holly St Fay. AR 72703	
10-11-08	Jennifer Steinauer	1502 E Overcrest. 72703	
	Marilyn Shoffit	111 W Mt NORD Fay 72701 mainly	
10-11-08	MARION TICHENOR	1922 E. HELEN ST FAY. 72701	
	Kathleen Britain	1931 N. Wheeler Ave. Fay 72703	
	Margaret Britain	" " "	
10-11-08	Christine Taylor	280 S. Hill Ave., Apt 202, Fay 72701	
10-11-08	Jay Taylor	2493 W. Orin St Dr Fay 72701	

We, the undersigned, support an ordinance allowing up to four hens in a single, family dwelling in Fayetteville under certain conditions with a Conditional Use Permit.

Name	Address
Brandon Thrash	705 W. Putman Apt L-2 Fayetteville, AR
Binghao Ni	703 West Putman St. Apt. #L2
Ruby Courtney	705 W. Putman St. Apt. J-1 Fayetteville, AR
Rally Austin	705 W. Putman J-2 Fayetteville, AR
Ed Hamsa	99 S. Will Ave. #1 72701
Joe Horick	1881 N Pine Valley Dr. 72703
Wendy Warghure.	91 S Duncan Ave, Fayetteville, AR-72
Tom Purcell	714 Treadwell
John Vollmar	718 Treadwell # B Fayetteville
Josh Elms	718 Treadwell St. Apt. C Fayetteville
Chella Collins	728 Treadwell St. Fayetteville, AR
Rene Bailey	611 S Duncan, Fayetteville, AR 72701
Karen Bailey	611 S Duncan, Fayetteville, AR 72701
Hugh Masal	705 89 S Duncan Ave Fayetteville, AR
Sam Sam	93 S. Duncan Ave Fayetteville, AR 72701
Sam Flanders	99 S. Duncan, Fayetteville, AR 72701
Phil & Wood	92 S. Duncan Fayetteville, AR 72701
Frank Tobler	97 S. Duncan Apt 3 Fayetteville, AR 72701
Nan Blackford	632 W Putman Fayetteville, AR 72701
Jeremy Meyer	8 Davidson, Fayetteville, AR 72701
John Zander	126 5th St Fayetteville, AR 72701
Jordan Dietrich	1919 N. Radcliffe Ave Fayetteville, AR 72701
Melissa Portz	42 S. University Fayetteville, AR
Rachel McDonald	422 S. Church Fayetteville, AR
Nesta Campos	3060 Avarion Ct Fayetteville, AR
Jennifer Aubick	521 S. Church Fayetteville, AR
Hilary Hamm	807 W Elm Fayetteville, AR 72701
Mitchell Lapham	232 Rebecca St. Fayetteville, AR 72701
Alice Kennedy	232 Rebecca St 72701

9/5/08
9/4/08
9/4/08
9/6/08
9/6/08

We, the undersigned, support an ordinance allowing up to four hens in a single family dwelling in Fayetteville under certain conditions.

Date	Name	Address
10/2/08	Sara Burev	1080 S. Hill #41 72701
	Dameon Rogers	108 S. Hill #2 72701
10/2/08	Emily Reese	280 S Ambassador 72701
10/2/08	Louis B. Jones, Jr.	686 W. STONE #8
	Jason Gar	686 W Stone apt #5
10/2/08	Strigley	686 W. Stone St Apt. #1
10/2/08	Nathan Pickett	686 W. Stone St Apt #4
10/4/08	Justin Riley	525 N. Olive St
10/11/08	Kenyon Williams	609 S.E. 1st. Apt. A Bentonville, KS
10/11/08	Jesse Casana	12 E. Davidson St.
10/11/08	James Gaeck	4548 Lufay Wood 72704
10/11/08	Jane Hunt	943 S Washington Fayetteville
10-11-08	Nikki Gibbs	943 S. Washington Fayetteville
	Ellen C. Crowther	565 E. North FAY
10-11-08	William Bracey	2241 Emma St. Fay Ark 72701
10/11/08	Rachael Johnson	215 W. Lafayette Fayetteville, AR 72701
10/11/08	Clark Ogden	645 Jackson St #9 72701
10/11/08	Brad Campbell	2933 W. Dorchester Fayetteville, 72703
10/11/08	Raymond Blumson	1505 STEPHENS AVE Fayetteville
10/11/08	Richard C. Covey	68 S. KESTREL DR. FAYETTEVILLE
10-11-08	Willie Benson	309 W. Spring St. #2 Fayetteville, AR 72701
10-11-08	Kathleen Collins	3094 N. PYRTH DR. Fay AR 72701
10-11-08	Leslee Brown	5080 E. Huntsville Rd. Fay AR 72701
10/11/08	Malcolm LeVois	510 W Prairie St. Fayetteville
10/11/08	Michael Garrison	2064 N. Buckley St Fay, 72701
10/11/08	Michael Lewis	12 E. Spencere
10/11/08	Silvia Tornay	503 W. Prospect, Fayetteville, AR
10/11/08	Natalie Brown	242 S. Virginia Ave. Fayetteville, AR 72701
10/11/08	HANK KRAMINSKY	543 ASSEMBLY RD FAY AR 72701

We, the undersigned, support an ordinance allowing up to four hens in a single family dwelling in Fayetteville under certain conditions.

Date	Name	Address
10/25/08	Jay Cohen	346 N. Ralston
10/25/08	Mr. R. Smith	2957 Oak Bailey Dr, Fayetteville, AR
10/25/08	LOREOTA	"
10/25/08	Janbli Hamilton-Gamache	311 E Huntsville rd 72701
10/25/08	Abraham Shaffer	311 E Huntsville Rd. 72701
10/25/08	Tim	33 GREENBRIAR FAY 72703
10/25/08	JANA LYNN BRITTON	1000 Oak Manor Dr. Fay 72703
10/25/08	Charles R. Britton	1000 Oak Manor Dr., Fay 72703
10/25/08	Tora McKinnon	1860 Brent Lane, Fay 72703
10/25/08	Ryan Pignatello	2213 Wildcat Creek Pld 72702
10-25-08	Nabe Chalfant	1010 Rockwood Fay, 72701
10-25-08	Chuck Chalfant	1010 Rockwood Tr Fay, 72701
10-25-08	Ben Brongiatto	1000 Wood Ave, Fayetteville 72701
10/25/08	Elizabeth Hill	1580 Rockwood Tr. Fay, 72701
10-25-08	Suzanne Ray	413 W. Holly F'ville 72703
10-25-08	Christine Haller	1659 W. Maple St. F'ville 72701
10-25-08	Nguyen Karas	1446 W Halsell Rd Fay 72701
10-25-08	David Haller	1659 W. Maple Fay
10/25/08	Teresa Cox	5791 Tipton Rd Fayetteville 72704
10/25/08	Sarah Santos	1320 N. Oakland Ave #9 Fay AR 72703
10/25/08	Connie Rieper-Estes	4650 E. Gullet Rd., Fay. AR 72703
10/25/08	John Carlson	1278 CR 323 Eureka Springs AR.
10/25/08	Ted Bert	1278 Cr 323 Eureka Springs AR
10-25-08	Denise L. Stein	1530 N Garland Fay Ark 72703
10/25/08	Amy Stone	1741 N. Sioux Ct. Fay AR 72701
10/25/08	Barbara Jagusch	319 Sutton St. Fay 72701
10/25/08	TERRI Phelan	1171 N. Maxwell, FYV 03
10/25/08	Julie Nelson	2019 S Doran Dr, Fay, 72701
10/25/08	Grace Richardson	2000 N. Garland #71 F'ville AR 72703

We, the undersigned, support an ordinance allowing up to four hens in a sing family dwelling in Fayetteville under certain conditions.

Date	Name	Address
10/11/08	Adam Steenken	1219 DEANEST Fay/Air Ca
"	Na Maria Lawler	68 S. HESTREL FAY 72701
"	LESLEY EAU	316 S. Block Ave. Fay 72701
"	Jane Kimball	1525 Meyhens Ave Fay 72704
"	Pat Besom	15 N. West Ave. Fay 72701
10/11/08	Cathy Oates	3061 Valerie Dr. Fay 72703
"	STEPHAN DEEN	515 N-PARK, Fay 72701
10/25/08	Katherine Freeman	2927 Gooseberry Ln. Fay. 72704
"	Georg M. Molen	115 Mt. Arbol Fay. 72701
"	Jon Champagne	345 Prospect Fay 72701
"	Anne C. Reynolds	South Gage Fay 72701
10/25/08	Kevin Lackey	1201 E Huntsville ^{#2} AR 72701
"	Susan Harris	1064 Company Fay 01
"	Kelly Tate	911 N. Leverett
"	Justin Nolan	2817 S. College Dr. 72701
10/25/08	Joni A. Mammie	311 E. Huntville Rd, Fay. 72701
10/25/08	Sharon T. Davis	904 E. Rodgers Dr. Fay AR 72701
10/25/08	Sarah E. King	631 W. Skelton St., Fay 72701
10/25/08	Lindsay Read	1316 N. Pine Creek Dr Fay, 72704
10/25/08	Holly Collins	1125 GILES Rd, Fay, AR 72704
10/25/08	Mr. D. Jordan	244 Gumm St Springdale 72762
"	Rob Karp	1666 W. Halsey 72701
10/25/08	Christina J. J. J.	2732 N. Valencia Fay AR
10/28/09	Mr. Brenner	4040 N. Brookhaven Ct Fayetteville
"	Howard	3284 Chellern RD 72703
10/25/08	Edna Starn	320 Burton Ave Fay AR 72703
"	Eileen Nankvanz	3257 W Autumn Ct P.V. 72-
"	Christi Daniels	543 Ray Ave. Fayette AR 72703
"	Elizabeth S. Mick	101 S. Duncan Ave 72701

[illegible]

[illegible]

We, the undersigned, support an ordinance allowing up to four hens in a single family dwelling in Fayetteville under certain conditions with a Conditional Use Permit.

[illegible]

City of Fayetteville Staff Review Form

D. 2
Residential Trash Service
Page 1 of 4

City Council Agenda Items and Contracts, Leases or Agreements

11/18/2008

City Council Meeting Date
Agenda Items Only

John Nelson

Submitted By

Solid Waste & Recycling

Division

Operations

Department

Action Required:

An Ordinance waiving the automatic annual price increase for residential trash service for fiscal year 2009.

Cost of this request

Category / Project Budget

Program Category / Project Name

Account Number

Funds Used to Date

Program / Project Category Name

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

 10-29-08
Department Director Date

Previous Ordinance or Resolution # 4765

Original Contract Date:

 10/31/08
City Attorney Date

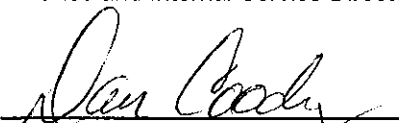
Original Contract Number:

 10-31-08
Finance and Internal Service Director Date

Received in City
Clerk's Office

10/29/08

ENTERED

 10/5/08
Mayor Date

Received in
Mayor's Office

ENTERED
10/31/08

Comments:



City Council Agenda Item

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: John Nelson, ^{JLN}Management Accounting Coordinator

Date: October 27, 2008

Subject: Deferral of the Scheduled 2009 CPI Residential Solid Waste Rate Adjustment

Recommendation: An Ordinance waiving the automatic annual price increase for residential trash service for fiscal year 2009.

Background: Ordinance 4765 amended Chapter 50: Garbage and Trash of the Code of Fayetteville to allow annually an automatic adjustment to the monthly residential trash fee equal to the consumer price index (CPI) as published by the United States Department of Labor.

Discussion: Effective cost control measures have allowed staff to recommend that the annual rate adjustment for 2009 be waived. The Solid Waste Fund has sufficient reserves and no program expansions or facility improvements are planned for 2009 which would deplete the reserve fund. Sufficient reserves are in place for programmed additional equipment necessary to accommodate new development.

The CPI-U U.S. City Average, All Items September 2008 level was 4.9 percent higher than in September 2007¹. For a resident with a 64-gallon cart the increase scheduled would have been \$0.65 per month. No adjustment will be necessary for 2009. In 2010, the automatic adjustment will again be evaluated. If an adjustment is unnecessary, a deferral will be recommended to the City Council.

Budget Impact: None

¹ U.S. Department of Labor Bureau of Labor Statistics *CPI Detailed Report Data for September 2008*

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE AUTOMATIC ANNUAL PRICE INCREASE FOR RESIDENTIAL TRASH SERVICE FOR FISCAL YEAR 2009.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby waives § 50.40 (A) (4) of the Fayetteville Code of Ordinances, and cancels the Annual Price Increase for Residential Trash Service for Fiscal Year 2009.

PASSED and APPROVED this 18th day of November, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

ORDINANCE NO. 4765

AN ORDINANCE AMENDING CHAPTER 50: GARBAGE AND TRASH, OF THE CODE OF FAYETTEVILLE, TO ALLOW FOR ANNUAL RATE ADJUSTMENTS FOR RESIDENTIAL SERVICE, BASED UPON THE CONSUMER PRICE INDEX (CPI) AS PUBLISHED BY THE U.S. DEPARTMENT OF LABOR.

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

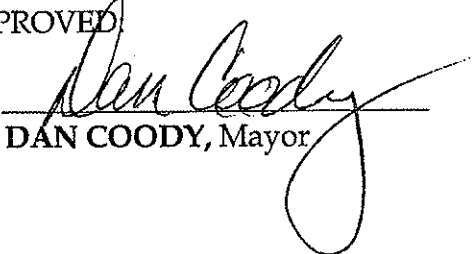
Section 1. That §50.40(A) Code of Fayetteville is hereby amended by inserting the following after subsection (3):

- (4) The Garbage/Trash User Fee shall be adjusted annually based upon the Consumer Price Index (CPI) as published by the U.S. Department of Labor .

PASSED and APPROVED this 20th day of September, 2005.

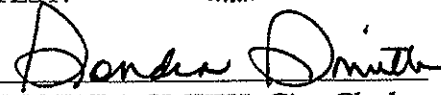


APPROVED

By: 

DAN COODY, Mayor

ATTEST:

By: 

SONDRA SMITH, City Clerk



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

11/18/2008

City Council Meeting Date

Kevin Springer *KS*
Submitted By

Budget & Research
Division

Finance
Department

Action Required:

Approve a resolution adopting the Proposed 2009 Annual Budget & Work Program.

Cost of this request

\$

-

Category / Project Budget

Program Category / Project Name

Account Number

\$

-

Funds Used to Date

Program / Project Category Name

Project Number

\$

-

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Paul A. Becher

10-31-2008

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

DD Whit

11/5/08

Date

Received in City Clerk's Office

11-11-08
ENTERED
11-11-08

Finance Director

Paul A. Becher

11-3-2008

Date

Received in Mayor's Office

11/5/08
ENTERED
11/5/08
PK

Mayor

Don Cook

11/5/08

Date

Comments:



DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

FROM: Paul A. Becker, Finance Director
Kevin Springer, Budget Director *JS*

DATE: October 30, 2008

SUBJECT: **Proposed 2009 Annual Budget & Work Program**

Recommendation:

Consider the Proposed 2009 Annual Budget & Work Program for adoption by the December 16, 2008 City Council meeting.

Discussion:

The Proposed 2009 Annual Budget & Work Program will be distributed to City Council on Thursday, November 6, 2008. Listed below is a schedule of hearing dates for the Proposed 2009 Annual Budget & Work Program.

Date	Budget Meeting/ Location
Thursday, November 6, 2008	<i>Distribution of the Proposed 2009 Budget</i>
Monday, November 10, 2008	<i>Budget Discussion Meeting, Room 326</i>
Tuesday, November 18, 2008	City Council Meeting, <i>Room 219</i>
Tuesday, November 25, 2008	City Council Agenda Session, <i>Room 326</i>
Tuesday, December 2, 2008	City Council Meeting, <i>Room 219</i>
Tuesday, December 9, 2008	City Council Agenda Session, <i>Room 326</i>
Tuesday, December 16, 2008	City Council Meeting, <i>Room 219</i>

If you have any questions concerning the Proposed 2009 Annual Budget & Work Program, please feel free to contact either Paul A. Becker at 575-8330 or Kevin Springer at 575-8226. Thank you for your attention to this matter.

RESOLUTION NO. _____

**A RESOLUTION ADOPTING THE 2009 ANNUAL BUDGET
AND WORK PROGRAM AS AMENDED AND APPROVED**

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby adopts the 2009 Annual Budget & Work Program as amended and approved. A copy of the Amended Budget, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and APPROVED this 16th day of December, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
November 18, 2008**

A meeting of the Fayetteville City Council will be held on November 18, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

1. Presentation of Final Check from the FNHA
2. EPA Brownfields Coalition Grant – John Coleman, Sustainability Coordinator

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Quarterly Report of Financial Condition of the City – City Clerk

Agenda Additions:

A. Consent:

1. Approval of the October 28, 2008 Special City Council meeting minutes and the November 6, 2008 City Council meeting minutes.

2. **Cherokee Nation:** A resolution approving a budget adjustment in the amount of \$175,000.00 to the solid waste fund and recognizing like revenue from the Cherokee Nation for reimbursement of costs associated with operation of the transfer station through the end of FY2008.
3. **Fayetteville Police Department Donations:** A resolution approving a budget adjustment in the amount of \$3,950.00 recognizing donation revenue to the Fayetteville Police Department from various sources.
4. **2007 & 2008 Gulf Coast High Intensity Drug Trafficking Area Grant:** A resolution authorizing the Fayetteville Police Department to accept the sub-recipient portion of the 2007 and 2008 Gulf Coast High Intensity Drug Trafficking Area Grants in the respective amounts of \$4,000.00 and \$10,000.00 for overtime reimbursement; and approving a budget adjustment recognizing these grant revenues.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:

Any unfinished business will be added to the Final Agenda.

C. Public Hearing:

- Removal*
1. **Raze and Removal at 3250 Wyman Road:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Travis Getzendaner located at 3250 E. Wyman Road in the City of Fayetteville, Arkansas; and approving the use of funds from a previous budget adjustment.

D. New Business:

1. **Amend Chapter 164, ADM 08-3094 (UDC Chapter 164.04 Animals & Fowl):** An ordinance amending the Unified Development Code by repealing and replacing Chapter 164.04: Animals and Fowl, to permit a property owner to keep a maximum of four chickens (hens) within residential districts of the city, subject to the restrictions herein.
2. **Residential Trash Service:** An ordinance waiving the automatic annual price increase for residential trash service for fiscal year 2009.
3. **Proposed 2009 Annual Budget & Work Program:** A resolution adopting the 2009 Annual Budget and Work Program as amended and approved.

4. *Southpass Development Company, LLC*

Announcements:

1. **City Council Tour:** ~~November 17, 2008~~ *None*

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

Pre-Agenda Meeting 11-06-08

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
November 18, 2008**

A meeting of the Fayetteville City Council will be held on November 18, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

EPA Brownfields Coalition Grant – John Coleman, Sustainability Coordinator

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Quarterly Report of Financial Condition of the City – City Clerk

Agenda Additions:

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4. **2007 & 2008 Gulf Coast High Intensity Drug Trafficking Area Grant:**

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:

Any unfinished business will be added to the Final Agenda.

*Extra
Space*

C. Public Hearing:

1. **Raze and Removal at 3250 Wyman Road:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Travis Getzendaner located at 3250 E. Wyman Road in the City of Fayetteville, Arkansas; and approving the use of funds from a previous budget adjustment.

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1. **Amend Chapter 164, ADM 08-3094 (UDC Chapter 164.04 Animals & Fowl):** An ordinance amending the Unified Development Code by repealing and replacing Chapter 164.04: Animals and Fowl, to permit a property owner to keep a maximum of four chickens (hens) within residential districts of the city, subject to the restrictions herein.
2. **Residential Trash Service:** An ordinance waiving the automatic annual price increase for residential trash service for fiscal year 2009.

- Remove
move to
12-4-08*
3. **Park West, LLC:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Park West, LLC in the amount of \$2,157,000.00 for the upgrade of the future location of Highway 112 through Phase 1 of the Park West Development from two lanes to a four-lane boulevard.

4- 2009 Proposed Annual Budget & Work Program

Announcements:

1. **City Council Tour: November 17, 2008**

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

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

DATE: **November 19, 2008**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of November 18, 2008**

1. **Cherokee Nation:** A resolution approving a budget adjustment in the amount of \$175,000.00 to the Solid Waste Fund and recognizing like revenue from the Cherokee Nation for reimbursement of costs associated with operation of the Transfer Station through the end of FY2008;
2. **Fayetteville Police Department Donations:** A resolution approving a budget adjustment in the amount of \$3,950.00 recognizing donation revenue to the Fayetteville Police Department from various sources;
3. **2007 & 2008 Gulf Coast High Intensity Drug Trafficking Area Grant:** A resolution authorizing the Fayetteville Police Department to accept the sub-recipient portion of the 2007 and 2008 Gulf Coast High Intensity Drug Trafficking area grants in the respective amounts of \$4,000.00 and \$10,000.00 for overtime reimbursement; and approving a budget adjustment recognizing these grant revenues;
4. **Residential Trash Service:** An ordinance waiving the automatic annual price increase for residential trash service for fiscal year 2009.

Lisa Branson - Fwd: Re: Agenda Item Change Request - 3250 Wyman Raze and Remove

From: Sondra Smith
To: Wood, Amber
Date: 11/5/2008 5:14 PM
Subject: Fwd: Re: Agenda Item Change Request - 3250 Wyman Raze and Remove
CC: Branson, Lisa
Attachments: Sondra Smith.vcf; Sondra Smith.vcf

Good Morning Amber

Since you will be at Agenda Session will you make sure this is removed from the agenda. It will be added at the first meeting in December. I told Chad not to worry about Yolanda attending Agenda Session that we would make sure it was removed.

Thanks!

Sondra E. Smith, CAMC, CMC
City Clerk/Treasurer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
ssmith@ci.fayetteville.ar.us

>>> Sondra Smith 11/5/2008 5:11 PM >>>
Hi Chad

We will remove it at Agenda Session. Have a great day!

Sondra E. Smith, CAMC, CMC
City Clerk/Treasurer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
ssmith@ci.fayetteville.ar.us

>>> Chad Ball 11/5/2008 4:54 PM >>>
Sondra-

In order to ensure proper notification of the Public Hearing, we are requesting that the following item be pulled from the November 18th Council Meeting Agenda:

Public Hearing and Resolution to order the Raze and Removal of the unsafe structure located at 3250 E. Wyman

Thank you for your help in this matter.

Chad Ball
Community Resources Coordinator
City of Fayetteville
Phone 479-444-3430
cball@ci.fayetteville.ar.us

From: Chad Ball
To: Smith, Sondra
CC: Branson, Lisa; Fields, Yolanda
Date: 11/5/2008 4:54 PM
Subject: Agenda Item Change Request - 3250 Wyman Raze and Remove

Sondra-

In order to ensure proper notification of the Public Hearing, we are requesting that the following item be pulled from the November 18th Council Meeting Agenda:

Public Hearing and Resolution to order the Raze and Removal of the unsafe structure located at 3250 E. Wyman

Thank you for your help in this matter.

Chad Ball
Community Resources Coordinator
City of Fayetteville
Phone 479-444-3430
cball@ci.fayetteville.ar.us

Lisa Branson - Fwd: Re: Agenda Item Change Request - 3250 Wyman Raze and Remove

From: Sondra Smith
To: Branson, Lisa
Date: 11/6/2008 12:11 PM
Subject: Fwd: Re: Agenda Item Change Request - 3250 Wyman Raze and Remove
Attachments: Sondra Smith.vcf

Sondra E. Smith, CAMC, CMC
City Clerk/Treasurer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
ssmith@ci.fayetteville.ar.us

>>> Chad Ball 11/6/2008 8:25 AM >>>

No, we will need it on the December 16th meeting. Thank you, Thank you, Thank you.

Chad Ball
Community Resources Coordinator
City of Fayetteville
Phone 479-444-3430
cball@ci.fayetteville.ar.us

>>> Sondra Smith 11/5/2008 5:16 PM >>>

Do you want it added to December 2, 2008?

>>> Chad Ball 11/5/2008 4:54 PM >>>

Sondra-

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Public Hearing and Resolution to order the Raze and Removal of the unsafe structure located at 3250 E. Wyman

Thank you for your help in this matter.

Chad Ball
Community Resources Coordinator
City of Fayetteville
Phone 479-444-3430
cball@ci.fayetteville.ar.us

From: Chad Ball
To: Smith, Sondra
CC: Branson, Lisa; Fields, Yolanda
Date: 11/5/2008 4:54 PM
Subject: Agenda Item Change Request - 3250 Wyman Raze and Remove

Sondra-

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Thank you for your help in this matter.

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NOV 21 2008

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record

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FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

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

November 17, 2008

Publication Charge : \$112.98

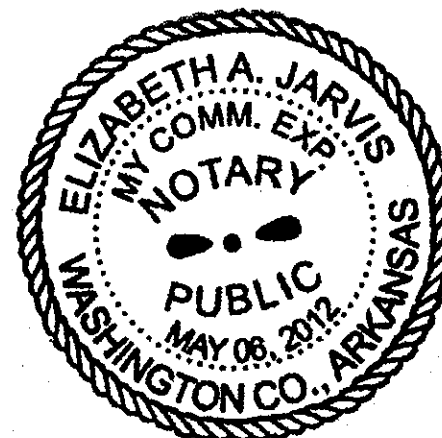
Signed: Cathy Wiles

Subscribed and sworn to before me
This 18 day of November, 2008.

Notary Public Elizabeth A. Jarvis

My Commission Expires: May 6, 2012

Do not pay from Affidavit, an invoice will be sent



RECEIVED

NOV 21 2008

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
NOVEMBER 18, 2008**

Fayetteville
ARKANSAS

A meeting of the Fayetteville City Council will be held on November 18, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Presentation of Final Check from the Fayetteville Natural Heritage Association
2. Quarterly Report of Financial Condition of the City - City Clerk

Agenda Additions:

A. Consent:

1. Approval of the October 28, 2008 Special City Council meeting minutes.
2. **Cherokee Nation:** A resolution approving a budget adjustment in the amount of \$175,000.00 to the solid waste fund and recognizing like revenue from the Cherokee Nation for reimbursement of costs associated with operation of the transfer station through the end of FY2008.
3. **Fayetteville Police Department Donations:** A resolution approving a budget adjustment in the amount of \$3,950.00 recognizing donation revenue to the Fayetteville Police Department from various sources.
4. **2007 & 2008 Gulf Coast High Intensity Drug Trafficking Area Grant:** A resolution authorizing the Fayetteville Police Department to accept the sub-recipient portion of the 2007 and 2008 Gulf Coast High Intensity Drug Trafficking Area Grants in the respective amounts of \$4,000.00 and \$10,000.00 for overtime reimbursement; and approving a budget adjustment recognizing these grant revenues.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:

C. New Business:

1. **Amend Chapter 164, ADM 08-3094 (UDC Chapter 164.04 Animals & Fowl):** An ordinance amending the Unified Development Code by repealing and replacing Chapter 164.04: Animals and Fowl, to permit a property owner to keep a maximum of four chickens (hens) within residential districts of the city, subject to the restrictions herein.
2. **Residential Trash Service:** An ordinance waiving the automatic annual price increase for residential trash service for fiscal year 2009.
3. **Proposed 2009 Annual Budget & Work Program:** A resolution adopting the 2009 Annual Budget and Work Program as amended and approved.
4. **Southpass Development Company, LLC:** A resolution to approve approximately \$744,880.00 as a 50/50 cost share with Southpass Development Company, LLC for the sewer installation costs for the Regional Park and Southpass PZD.

Announcements:

1. **City Council Tour:** None.

Adjournment:

City Council Meeting:

November
~~January~~ 18, 2008

Adjourn: 7:35 AM

Subject:	Roll				
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	Absent			
	Lucas	absent			
	Jordan	✓			
	Gray	✓			
	Mayor Coody	✓			

7-0

Subject:	Motion to reconsider Bridgedale Plaza				
Motion To:		Motion to Reconsider	Amend Conditions of approval	Table to 1st meeting in December	
Motion By:		Thiel	Thiel	Thiel	
Seconded:		Gray	Gray	Gray	
Left on Third Reading Tabled to December 2, 2008	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	Absent	absent		
	Lucas	absent	absent		
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Coody				

6-0

6-0

6-0

November

City Council Meeting:

~~January~~ 18, 2008

Subject:	Consent				
Motion To:		Approve			
Motion By:		Cook			
Seconded:		Gray			
10/28/08 Minutes Approved Passed Res. 214-08 to 216-08	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	Absent			
	Lucas	Absent			
	Jordan	✓			
	Gray	✓			
	Mayor Coody				

6-0

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

City Council Meeting:

November
~~January~~ 8, 2008

Subject:	Hiring Freeze Appeals: <i>NONE</i>				
Motion To:					
Motion By:					
Seconded:					
B. 1 Unfinished Business	Thiel				
	Cook				
	Allen				
	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Gray				
	Mayor Coody				

Subject:	Hiring Freeze Appeals: <i>NONE</i>				
Motion To:					
Motion By:					
Seconded:					
B. 1 Unfinished Business	Thiel				
	Cook				
	Allen				
	Rhoads				
	Ferrell				
	Lucas				
	Jordan				
	Gray				
	Mayor Coody				

Subject:		Amend Chapter 164, ADM 08-3094 (UDC Chapter 164.04 Animals & Fowl)			
Motion To:		Amend, Section #6 & Secure enclosure.			
Motion By:		Thiel			
Seconded:		Gray			
C. 1 New Business Left on the first Reading	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	Absent			
	Lucas	Absent			
	Jordan	✓			
	Gray	✓			
	Mayor Coody				

6-0

Subject:		Residential Trash Service			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Cook	Jordan		
Seconded:		Thiel	Cook		
C. 2 New Business Passed 5196	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	Absent	Absent	Absent	
	Lucas	Absent	Absent	Absent	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Coody				

6-0

6-0

6-0

November

~~November~~ 18, 2008

City Council Meeting:

Subject:	Proposed 2009 Annual Budget & Work Program				
Motion To:		Table to December 2, 2008			
Motion By:		Gray			
Seconded:		Jordan			
C. 3 New Business Tabled to December 2, 2008	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	Absent			
	Lucas	Absent			
	Jordan	✓			
	Gray	✓			
	Mayor Coody				

6-0

Subject:	Southpass Development Company, LLC				
Motion To:		Table to December 2, 2008			
Motion By:		Jordan			
Seconded:		Allen			
C. 4 New Business	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	Absent			
	Lucas	absent			
	Jordan	✓			
	Gray	✓			
	Mayor Coody				

6-0