

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
March 17, 2015**

A meeting of the Fayetteville City Council was held on March 17, 2015 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

1. Nominating Committee Report **APPROVED**

Agenda Additions

A. Consent

1. Approval of the March 3, 2015 City Council meeting minutes. **APPROVED**
2. **Gulf Coast High Intensity Drug Trafficking Area Funding:** A resolution to authorize acceptance of funding from the Gulf Coast High Intensity Drug Trafficking Area in the amount of \$116,644.00 for the Police Department, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 63-15

3. **Fayetteville Police Department Policies:** A resolution to approve Fayetteville Police Department Policies 1.2.1 Limits of Authority; 1.3.1 Use of Force; 1.3.4 Less Lethal Weapons and Defensive Tactics; 46.1.10 Active Threats; 48.1.1 Next of Kin Notifications/Assistance Services; and 71.1.1 Detainee Transport.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 64-15

4. **Sport Court:** A resolution to authorize a contract with Sport Court in the amount of \$54,785.00 pursuant to the Tips/Taps interlocal purchasing system contract for the purchase and installation of new gymnasium flooring at the Yvonne Richardson Community Center, to approve a project contingency in the amount of \$5,089.32, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 65-15

B. Unfinished Business

1. **Enact Article III Procedure to Exercise Initiative and Referendum Rights of Chapter 36: Elections:** An ordinance to enact Article III Procedure to Exercise Initiative and Referendum Rights of Chapter 36: Elections into the Fayetteville Code to clarify the proper procedure for the citizens' right of the initiative and referendum. ***This ordinance was left on the First Reading at the January 20, 2015 City Council Meeting. This ordinance was tabled to the March 17, 2015 City Council Meeting at the February 3, 2015 City Council Meeting.***

THIS ORDINANCE WAS LEFT ON THE SECOND READING

2. **Raze and Removal Kenneth C. and Wanda L. Easterling:** A resolution to order the razing and removal of a dilapidated and unsafe structure owned by Kenneth C. and Wanda L. Easterling located at 909 W. Eagle Street in the City of Fayetteville, Arkansas, and to approve a budget adjustment. ***This resolution was tabled at the September 16, 2014 City Council Meeting to the December 2, 2014 City Council Meeting. This resolution was tabled at the December 2, 2014 City Council Meeting to the March 17, 2015 City Council Meeting.***

THIS RESOLUTION WAS DENIED

C. Public Hearing

1. **Destiny Limousines, LLC DBA Ambassador Transportation Services:** A resolution to grant a Certificate of Public Convenience and Necessity to Destiny Limousines, LLC dba Ambassador Transportation Services for the operation of two (2) to six (6) taxicabs in the City of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 66-15

2. **College Town Limo:** A resolution to grant a Certificate of Public Convenience and Necessity to College Town Limo for the operation of one (1) to three (3) limousines in the City of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 67-15

D. New Business

1. **VAC 15-4948 (3215 N North Hills Drive/WRMC Women's Clinic):** An ordinance approving VAC 15-4948 submitted by USI Consulting Engineers for property located at 3215 North Hills Drive to vacate portions of existing utility easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5757

Announcements:

City Council Agenda Session Presentations:

Agenda Session Presentation - Urban Forestry Advisory Board

Presentation led by UFAB Chair, Don Steinkraus.

City Council Tour: None

Adjournment:

Subject:	Roll				
	Gray	Present			
	Marsh	Present			
	Kinion	Present			
	Petty	Present			
	Tennant	Present			
	Schoppmeyer	Present			
	La Tour	Present			
	Long	Present			
	Mayor Jordan	Present			

9-0

Subject:	Nominating Committee Report				
Motion To:		Approve			
Motion By:		Marsh			
Seconded:		Gray			
Approved	Gray	Yes			
	Marsh	Yes			
	Kinion	Yes			
	Petty	Yes			
	Tennant	Yes			
	Schoppmeyer	Yes			
	La Tour	Yes			
	Long	Yes			
	Mayor Jordan				

8-0

Subject:	Consent				
Motion To:		Approve			
Motion By:		Long			
Seconded:		Gray			
Approved Minutes Approved 03-15 thru 05-15	Gray	Yes			
	Marsh	Yes			
	Kinion	Yes			
	Petty	Yes			
	Tennant	Yes			
	Schoppmeyer	Yes			
	La Tour	Yes			
	Long	Yes			
	Mayor Jordan				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Mayor Jordan				

Subject:	ENACT ARTICLE III PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS				
Motion To:		Second Read			
Motion By:		Gray			
Seconded:		Petty			
B. 1 Unfinished Business Left on the Second Reading	Gray	Yes			
	Marsh	Yes			
	Kinion	Yes			
	Petty	Yes			
	Tennant	Yes			
	Schoppmeyer	Yes			
	La Tour	No			
	Long	Yes			
	Mayor Jordan				

7-1

Subject:	RAZE AND REMOVAL KENNETH C. AND WANDA L. EASTERLING				
Motion To:		Deny the Resolution			
Motion By:		Marsh			
Seconded:		Gray			
B. 2 Unfinished Business This Resolution was Denied	Gray	Yes			
	Marsh	Yes			
	Kinion	Yes			
	Petty	Yes			
	Tennant	Yes			
	Schoppmeyer	Yes			
	La Tour	Yes			
	Long	Yes			
	Mayor Jordan				

8-0

Subject:	DESTINY LIMOUSINES, LLC DBA AMBASSADOR TRANSPORTATION SERVICES				
Motion To:		Approve			
Motion By:		Marsh			
Seconded:		Long			
C. 1 Public Hearing Approved 66-15	Gray	Yes			
	Marsh	Yes			
	Kinion	Yes			
	Petty	Yes			
	Tennant	Yes			
	Schoppmeyer	No			
	La Tour	Yes			
	Long	Yes			
	Mayor Jordan				

7-1

Subject:	COLLEGE TOWN LIMO				
Motion To:		Approve			
Motion By:		Petty			
Seconded:		Marsh			
C. 2 Public Hearing Approved 67-15	Gray	Yes			
	Marsh	Yes			
	Kinion	Yes			
	Petty	Yes			
	Tennant	Yes			
	Schoppmeyer	Yes			
	La Tour	Yes			
	Long	Yes			
	Mayor Jordan				

8-0

Subject:	VAC 15-4948 (3215 N NORTH HILLS DRIVE/WRMC WOMEN'S CLINIC)				
Motion To:		Second Read	Third Read	Pass	
Motion By:		Gray	Gray		
Seconded:		Marsh	Marsh		
D. 1 New Business Approved 5757	Gray	Yes	Yes	Yes	
	Marsh	Yes	Yes	Yes	
	Kinion	Yes	Yes	Yes	
	Petty	Yes	Yes	Yes	
	Tennant	Yes	Yes	Yes	
	Schoppmeyer	Yes	Yes	Yes	
	La Tour	Yes	Yes	Yes	
	Long	Yes	Yes	Yes	
	Mayor Jordan				

8-0

8-0

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Mayor Jordan				



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: March 18, 2015

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of March 17, 2015

1. A resolution to authorize acceptance of funding from the Gulf Coast High Intensity Drug Trafficking Area in the amount of \$116,644.00 for the Police Department, and to approve a budget adjustment.
2. A resolution to approve Fayetteville Police Department policies 1.2.1 Limits of Authority; 1.3.1 Use of Force; 1.3.4 Less Lethal Weapons and Defensive Tactics; 46.1.10 Active Threats; 48.1.1 Next of Kin Notifications/Assistance Services; and 71.1.1 Detainee Transport.
3. A resolution to authorize a contract with Sport Court in the amount of \$54,785.00 pursuant to the Tips/Taps Interlocal Purchasing System Contract for the purchase and installation of new gymnasium flooring at the Yvonne Richardson Community Center, to approve a project contingency in the amount of \$5,089.32, and to approve a budget adjustment.
4. A resolution to grant a Certificate of Public Convenience and Necessity to Destiny Limousines, LLC DBA Ambassador Transportation Services for the operation of two (2) to six (6) taxicabs in the City of Fayetteville.
5. A resolution to grant a Certificate of Public Convenience and Necessity to College Town Limo for the operation of one (1) to three (3) limousines in the City of Fayetteville.

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323



Meeting Agenda - Final

Tuesday, March 17, 2015

5:30 PM

City Hall Room 219

City Council

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions:****A. Consent:**

A.1 2014-0499 Approval of the March 3, 2015 City Council meeting minutes.

A.2 2015-0101

GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA FUNDING:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF FUNDING FROM THE GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA IN THE AMOUNT OF \$116,644.00 FOR THE POLICE DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[SRP - 2015 GCHIDTA](#)

[BA - FPD HIDTA FY 2015](#)

A.3 2015-0111

FAYETTEVILLE POLICE DEPARTMENT POLICIES:

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES 1.2.1 LIMITS OF AUTHORITY; 1.3.1 USE OF FORCE; 1.3.4 LESS LETHAL WEAPONS AND DEFENSIVE TACTICS; 46.1.10 ACTIVE THREATS; 48.1.1 NEXT OF KIN NOTIFICATIONS/ASSISTANCE SERVICES; AND 71.1.1 DETAINEE TRANSPORT

Attachments:

[Fayetteville Police Policies](#)

A.4 2015-0120**SPORT COURT:**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH SPORT COURT IN THE AMOUNT OF \$54,785.00 PURSUANT TO THE TIPS/TAPS INTERLOCAL PURCHASING SYSTEM CONTRACT FOR THE PURCHASE AND INSTALLATION OF NEW GYMNASIUM FLOORING AT THE YVONNE RICHARDSON COMMUNITY CENTER, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,089.32, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[YRCC Floor Packet 2015-0120](#)[BA2015_YRCC_Flooring.xlsm](#)**B. Unfinished Business:****B.1 2015-0008****ENACT ARTICLE III PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS:**

AN ORDINANCE TO ENACT ARTICLE III **PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS** INTO THE FAYETTEVILLE CODE TO CLARIFY THE PROPER PROCEDURE FOR THE CITIZENS' RIGHT OF THE INITIATIVE AND REFERENDUM

Attachments:[Agenda Packet Ord § 36.20](#)[Referendum Procedural Ordinance 020315](#)[Proposed Referendum and Initiative Language](#)

This ordinance was left on the First Reading at the January 20, 2015 City Council meeting. This ordinance was tabled to the March 17, 2015 City Council Meeting at the February 3, 2015 City Council Meeting.

B.2 2014-0382**RAZE AND REMOVAL KENNETH C. AND WANDA L. EASTERLING:**

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY KENNETH C. AND WANDA L. EASTERLING LOCATED AT 909 W. EAGLE STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[SRF \(909 Eagle\) C#19276](#)[SRM R&R Council Memo \(909 Eagle\) C#19276](#)[BA-909 W Eagle](#)[Supporting Documents \(909 Eagle\) C#19276](#)

This resolution was tabled at the September 16, 2014 City Council meeting to the December 2, 2014 City Council meeting. This resolution was tabled at the December 2, 2014 City Council meeting to the March 17, 2015 City Council meeting.

C. Public Hearing:**C.1 2015-0098****DESTINY LIMOUSINES, LLC DBA AMBASSADOR TRANSPORTATION SERVICES:**

A RESOLUTION TO GRANT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO DESTINY LIMOUSINES, LLC DBA AMBASSADOR TRANSPORTATION SERVICES FOR THE OPERATION OF TWO (2) TO SIX (6) TAXICABS IN THE CITY OF FAYETTEVILLE

Attachments:[AR - Ambassador](#)[Notice From Applicant to Taxi Owners 030915](#)[Destiny Limousines Notification Packet 030615](#)**C.2 2015-0099****COLLEGE TOWN LIMO:**

A RESOLUTION TO GRANT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO COLLEGE TOWN LIMO FOR THE OPERATION OF ONE (1) TO THREE (3) LIMOUSINES IN THE CITY OF FAYETTEVILLE

Attachments:[AR - College Town](#)[2015 College Town Limo public meeting notice packet 030915](#)[Burchell Memo](#)

D. New Business:**D.1 2015-0121**

VAC 15-4948 (3215 N NORTH HILLS DRIVE/WRMC WOMEN'S CLINIC):

AN ORDINANCE APPROVING VAC 15-4948 SUBMITTED BY USI CONSULTING ENGINEERS FOR PROPERTY LOCATED AT 3215 NORTH HILLS DRIVE TO VACATE PORTIONS OF EXISTING UTILITY EASEMENT

Attachments:

[15-4948 CC REPORTS](#)

[15-4948 ORD EXHIBITS](#)

[15-4948 CC ORD](#)

E. City Council Agenda Session Presentations:

E. 1 2015-0066 Agenda Session Presentation - Urban Forestry Advisory Board
Presentation led by UFAB Chair, Don Steinkraus.

F. City Council Tour:**G. Announcements:****H. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect.

All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

Branson, Lisa

From: Christopher Burchell <christopherburchell@icloud.com>
Sent: Thursday, March 12, 2015 1:45 AM
To: currysinc@gmail.com; Brian@Lesterfirm.com; pointoak@gmail.com; brad@ridegreencab.com; joew@nwataxi.com; Colestocking3@gmail.com
Cc: Smith, Sondra; Branson, Lisa
Subject: OFFICIAL NOTIFICATION: Certificate of Public Convenience and Necessity requested
Attachments: 2015 College Town Limo public meeting notice packet 030915.pdf

Dear fellow wheelmen of Fayetteville,

I am happy to announce my intention to offer a new limousine service to Fayetteville's residents and visitors. As required by ordinance, I have requested a Certificate of Public Convenience and Necessity from the city. The Fayetteville City Council will consider my request during their regular 5:30pm meeting this Tuesday, March 17th in Room 219 at City Hall, 113 West Mountain in Fayetteville.

The process affords an opportunity for public comment before the council votes to grant or deny my request. Please help strengthen Fayetteville's hired car sector by supporting my efforts to improve the capacity and diversity of the services we offer.

Sincerely,
Chris Burchell

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

**City of Fayetteville Arkansas
City Council Meeting
March 3, 2015**

A meeting of the Fayetteville City Council was held on March 3, 2015 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Schoppmeyer arrived at 5:38 p.m.

Pledge of Allegiance:

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Natural Heritage Association Presentation

Connie Edmonston, Parks & Recreation Director stated that a check would be presented to the Council from the Natural Heritage Association as a promise to help pay for the purchase of the Gulley Park expansion.

Bob Caulk, Natural Heritage Association, **Wade Colwell**, Cow Paddy Foundation and **Max Mahler**, Friends of Gulley Park thanked donors for their generosity and presented a check to the Council for the Gulley Park expansion.

Pete Heinzelmann stated his appreciation to Wade Colwell and Max Mahler for their efforts on the Gulley Park extension. He thanked Mayor Jordan and the City Council for saving such a special place for Fayetteville and for future generations.

Mayor Jordan thanked the Natural Heritage Association, John Coleman, Wade Colwell, Max Mahler, Bob Caulk, Pete Heinzelmann, City Council and staff. He stated it was great to preserve a natural area in Fayetteville.

Agenda Additions: None

Consent:

Approval of the February 17, 2015 City Council meeting minutes.

Approved

Hazmat Services Revenue: A resolution to approve a budget adjustment recognizing hazmat services revenue received by the Fire Department from Washington County in the amount of \$11,315.00 and increasing the related expense budget.

Resolution 46 -15 as recorded in the office of the City Clerk

Bid #15-19 Pig Trail Harley Davidson: A resolution to award Bid #15-19 to Pig Trail Harley Davidson of Rogers, Arkansas and authorize the purchase of three (3) 2015 Harley Davidson FLHTP motorcycles in the total amount of \$59,742.00 for use by the Police Department.

Resolution 47 -15 as recorded in the office of the City Clerk

Bid #15-20 Truck Centers of Arkansas: A resolution to award Bid #15-20 to Truck Centers of Arkansas and authorize the purchase of two (2) Freightliner M2-106 trucks with Kann Recycle Bodies in the total amount of \$340,852.00 for use by the Recycling and Trash Collection Division.

Resolution 48 -15 as recorded in the office of the City Clerk

Bid #15-18 Lewis Ford Sales, Inc.: A resolution to award Bid #15-18 to Lewis Ford Sales, Inc. of Fayetteville, Arkansas for the purchase of two (2) 2015 Ford F550 4x4 trucks with Reading Utility Bodies in the amount of \$91,407.52 for use by the Water and Sewer Operations Division.

Resolution 49 -15 as recorded in the office of the City Clerk

Oakland Avenue Right of Way Dedication: A resolution to approve the dedication of 22 feet of right of way from centerline for Oakland Avenue along the east side of 940 West Maple Street as recommended by the Planning Commission.

Resolution 50 -15 as recorded in the office of the City Clerk

Williams Tractor of Fayetteville: A resolution to approve the purchase of four (4) Hustler Super Z mowers from Williams Tractor of Fayetteville in the total amount of \$47,857.00 pursuant to a state procurement contract.

Resolution 51 -15 as recorded in the office of the City Clerk

Williams Tractor of Fayetteville: A resolution authorizing the purchase of one (1) New Holland T6.155 4WD cab tractor with loader in the amount of \$73,255.00 and one (1) New Holland Workmaster 55 4WD tractor in the amount of \$20,195.00 from Williams Tractor of Fayetteville, pursuant to the National Joint Powers Alliance cooperative purchasing contract.

Resolution 52 -15 as recorded in the office of the City Clerk

Countryside Farm and Lawn: A resolution to authorize the purchase of a John Deere 6115D cab tractor with H340 Farm Loader from Countryside Farm and Lawn of Springdale, Arkansas in the amount of \$68,607.76 plus any applicable tax pursuant to the National Joint Powers Alliance cooperative purchasing agreement.

Resolution 53 -15 as recorded in the office of the City Clerk

Gametime c/o Cunningham Recreation: A resolution to authorize a contract with Gametime c/o Cunningham recreation in the amount of \$21,030.45 pursuant to a state procurement contract for the purchase and installation of playground equipment for Prism Education Center.

Resolution 54 -15 as recorded in the office of the City Clerk

Arkansas Recreational Trails Program Grant: A resolution to express the willingness of the City of Fayetteville to utilize Federal-Aid recreational trails funds and authorizing application for a 20% local match grant through the Arkansas Recreational Trails program in an amount up to \$75,000.00 for construction of three sections of boardwalk on the Lake Fayetteville Nature Trail.

Resolution 55 -15 as recorded in the office of the City Clerk

Crossland Construction Company, Inc. (Regional Park): A resolution to award Bid #14-66 and authorize a contract with Crossland Construction Company, Inc. in the amount of \$11,788,362.19 for construction of Phase One of the Regional Park, to approve Change Order No. 1 to reduce the contract price by the amount of \$2,358,997.27, to approve a project contingency in the amount of \$528,000.00, and to approve a budget adjustment.

Resolution 56 -15 as recorded in the office of the City Clerk

Goodwin & Goodwin, Inc. (Regional Park): A resolution to award Bid #15-15 and authorize a contract with Goodwin & Goodwin, Inc. in the amount of \$707,007.50 for construction of a new

18 inch waterline for the Kessler Mountain/Regional Park Waterline project, and to approve a project contingency of \$70,701.00.

Resolution 57 -15 as recorded in the office of the City Clerk

Garver, LLC (Regional Park): A resolution to approve Amendment No. 1 to the contract with Garver, LLC to add construction phase services on the Kessler Mountain/Regional Park Waterline project in an amount not to exceed \$71,200.00.

Resolution 58 -15 as recorded in the office of the City Clerk

Lose and Associates, Inc. (Regional Park): A resolution to approve Amendment No. 2 to the agreement with Lose and Associates, Inc. in an amount not to exceed \$322,137.00 for construction administration services for Phase One of the Regional Park project, and to approve a budget adjustment.

Resolution 59 -15 as recorded in the office of the City Clerk

Grubbs, Hoskyn, Barton & Wyatt, Inc. (Regional Park): A resolution to authorize a contract with Grubbs, Hoskyn, Barton & Wyatt, Inc. for construction materials testing for Phase One of the Regional Park project in an amount not to exceed \$91,000.00, and to approve a budget adjustment.

Resolution 60 -15 as recorded in the office of the City Clerk

Alderman Gray moved to accept the Consent Agenda as read. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

RZN 14-4882 (East Side of Ruppel RD./Westside Village): An ordinance rezoning that property described in Rezoning Petition RZN 14-4882, for approximately 21.63 acres, located on the east side of Ruppel Road North of the Boys and Girls Club, from R-PZD, Residential Planned Zoning District R-PZD 06-1884 Westside Village, to NS, Neighborhood Services. ***This ordinance was left on the First Reading at the February 3, 2015 City Council meeting. This ordinance was left on the Second reading at the February 17, 2015 City Council meeting.***

Alderman Long moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5752 as Recorded in the office of the City Clerk

RZN 14-4938 (N.W. Cross & Maine Intersection/West End Addition): An ordinance rezoning that property described in Rezoning Petition RZN 14-4938, for approximately 2.5 acres, located at Northwest Corner of Cross & Maine Streets from an expired R-PZD, Residential Planned Zoning District Markham Hill Cottages (R-PZD 09-3237), to RSF-8, Residential Single Family, 8 units per acre. ***This ordinance was left on the First reading at the February 17, 2015 City Council meeting.***

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission disagreed with staff's RMF-24 recommendation and recommended RSF-8. Staff is in favor of either, RMF-24 or RSF-8.

A discussion followed about the zoning of the property and not about what is going to be built on the property.

Andrew Henson, Applicant: Thank you for coming to look at the property. We are asking for RMF-24 because of the terrain and the difficulty of developing.

Alderman La Tour requested for Jeremy Pate to speak about the surrounding area that had similar zoning classifications.

Jeremy Pate gave a description of the surrounding area that is zoned RMF-24.

Alderman Petty: The PZD that this was under before, how many units was it authorized for?

Jeremy Pate: It was between 17 to 18 building units per acre.

Tom Brown, 2031 West Maine spoke in opposition of the RMF-24 zoning. He is favor of the RSF-8 zoning.

Andrew Henson stated he would be willing to decrease the number from the RMF-24 zoning if it would help.

Alderman Long: This is a hidden gem in Fayetteville. It is in a wooded area and low infrastructure in the surrounding area. I think RMF-24 is too high of a density, but RSF-8 might be too low.

A discussion followed about the options of lowering the rezoning from RMF-24.

Alderman La Tour: The landowner knows what is best for his property. If they want RMF-24, we should grant them RMF-24. I would compromise down to a lower number, if they would compromise. The project has to be economically viable or nothing will happen.

City Attorney Kit Williams gave a brief description about the mass rezoning that was done in the 1970's.

Alderman Marsh: I toured the site. It makes me nervous seeing a wooded hillside go up for development. I am putting faith in our Hillside Protection ordinance, Tree Preservation ordinance and Drainage Criteria Manual and hope they are going to protect the people who live downhill from erosion and stormwater runoff. As far as proximity to goods and services, this is a good location for housing. I would support up to a RMF-24. I like the idea of having a variety of housing types.

Alderman Long: Would the RMF-12 designation accomplish your goal?

Andrew Henson: It would make it more challenging and more difficult. We would be willing to step down to RMF-18.

Alderman Gray stated she believed that RMF-18 would be a nice compromise.

Alderman Long moved to amend the zoning to RMF-18. **Alderman Petty** seconded the motion. Upon roll call the motion passed unanimously.

Alderman Tennant moved to suspend the rules and go to the third and final reading. **Alderman Gray** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5753 as Recorded in the office of the City Clerk

Gulley Park Two Single Family Lot Sell: A resolution to authorize Mayor Jordan to offer for sale approximately 1.25 acres of city owned real property on Old Wire Road near Gulley Park. *This resolution was tabled to the March 3, 2015 City Council meeting at the February 17, 2015 City Council meeting.*

Connie Edmonston, Parks & Recreation Director gave a brief description of the resolution. She requested to change the sealed bid date to May 4, 2015 to give more time to sell the property. She requested that the current zoning of RSF-4 would remain intact.

Don Marr, Chief of Staff discussed the zoning notification process.

A discussion followed about amending the resolution to change the sealed bid date to May 4, 2015.

Alderman Long: In regards to potentially rezoning this in the future, how would we give notification to people?

City Attorney Kit Williams: We would follow our normal rezoning procedures where staff would present it and they would follow all the notification procedures. They would mail the letter, publish in the newspaper and put up signs.

Jeremy Pate: Correct.

Alderman Petty moved to amend the resolution to change the sealed bid date to May 4, 2015. **Alderman Marsh** seconded the motion. Upon roll call the motion passed unanimously.

Alderman Tennant moved to approve the resolution. **Alderman Long** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 61 -15 as recorded in the office of the City Clerk

New Business:

Rezoning Petition RZN 15-4942: An ordinance rezoning that property described in Rezoning Petition RZN 15-4942, for approximately 4.84 acres, located at 3010 West Old Farmington Road from R-A, Residential-Agriculture to RSF-8, Residential Single Family, 8 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 9-0 in favor of the request. Staff is in favor of the rezoning request.

Vicky Bedford, Applicant stated she believes that RSF-8 would be an appropriate density for the acreage.

Alderman Tennant moved to suspend the rules and go to the second reading. **Alderman Marsh** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously. City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5754 as Recorded in the office of the City Clerk

Walton Arts Center Expansion: An ordinance to waive competitive bidding and approve a Memorandum of Understanding with the Walton Arts Center, CDI Contractors, LLC and Boora Architects, Inc. to spend not to exceed \$6,323,515.00 of the 2014 HMR bond proceeds to partially pay for the Walton Arts Center Expansion and Enhancement project.

City Attorney Kit Williams read the ordinance.

Paul Becker, Finance Director gave a brief description of the ordinance.

City Attorney Kit Williams: At Agenda Session, I pointed out that we had been working on a contract with the Walton Arts Center. I have a slightly amended version that has been signed by all parties, but the City of Fayetteville. The slight change was in paragraph 5 of the agreement that expanded on the explanation of how the citizens of Fayetteville's investment would be acknowledged and honored by the Walton Arts Center. I am satisfied with the agreement.

Mayor Jordan: Thank you Kit for working on that.

Tim Vogt, CFO of the Walton Arts Center: The Walton Family Foundation gave us a grant of \$5 million towards this project. It is a one to three match. We are happy to report that we have raised almost \$20 million to date. We are well on our way to our target of \$23 million to accomplish this project. Thank you to the Mayor, Don, City Council, A&P Commission and especially the citizens of Fayetteville. It was their support in November 2013 to vote these funds towards this project.

Alderman Tennant moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: The reason I put this in an ordinance, waiving competitive bidding, is that we properly selected CDI. The Memorandum of Understanding includes two other parties including the Walton Arts Center, we are doing a cost share with them, and because it is a \$6 to \$7 million contract, I like as many as backstops as I can have so that someone can't challenge it and recover taxpayers' money.

Alderman Petty: Do we need to make an amendment for your new Memorandum of Understanding?

City Attorney Kit Williams: No. It is understood that this will be the Memorandum that was approved. I don't think you need an amendment to that. This is what you will be approving and authorizing Mayor Jordan to sign.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Tennant: Thank you to City Attorney Williams for featuring the citizens of Fayetteville in the recognition wall. The citizens of Fayetteville are a huge donor.

Mayor Jordan thanked everyone involved in the project. He stated it is a wonderful moment in the City of Fayetteville.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5755 as Recorded in the office of the City Clerk

New World Systems Corporation (Software Service and Maintenance): An ordinance to waive the requirements of formal competitive bidding and approve a two (2) year contract with New World Systems Corporation for software service and maintenance in the amount of \$106,690.00 per year, plus any applicable sales taxes.

City Attorney Kit Williams read the ordinance.

Paul Becker, Finance Director gave a brief description of the ordinance.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5756 as Recorded in the office of the City Clerk

2015 Employee Compensation Adjustment: A resolution to approve a budget adjustment in the amount of \$1,375,000.00 to fund the City-Wide 2015 Employee Compensation Adjustment.

Paul Becker, Finance Director gave a brief description of the resolution.

Alderman Marsh: We will now have all our employees at market rate?

Mayor Jordan: Absolutely.

Alderman Long: Are we at market rate or above market rate? We have a city policy of being above market rate on pay.

Don Marr, Chief of Staff: We strive to be above market rate, but we are at market rate.

Alderman Marsh: The surplus that is enabling us to do this was achieved primarily through expense control. Thank you to all the city staff for your wise and prudent use of city resources that enables us to do this.

Alderman Petty moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 62-15 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: The City of Fayetteville Historic Preservation award nominations are being accepted. These are nominations to honor projects, organizations and individuals that have displayed an outstanding commitment, practice or leadership in the preservation area in Fayetteville. The deadline is Friday, March 27, 2015 at 5:00 p.m.

The Parks & Recreation Youth Softball registration runs through March 15, 2015.

The National Weather Service issued a winter storm for our area. Our Transportation Division will be going to shifts at 4:00 a.m. in the morning. This event is projected to start with freezing rain, which prohibits and limits pretreatment capabilities. We want to caution citizens to expect impaired travel tomorrow.

Alderman Marsh: Would you recommend that people go ahead and put their trash and recycling out tonight, for collection tomorrow?

Don Marr: Yes. We will get as much done before we aren't able.

City Attorney Kit Williams: Today we were supposed to be in trial over the city hospital land. Fortunately our summary judgment motion was granted and Washington Regional Medical Center

is now the fee simple owner of the land as we had attempted to do in 2011. The judge found that what the city and city hospital board did was correct in transferring this deed and now they can go forward if they want to sell the land to the Fayetteville Public Library.

City Council Agenda Session Presentations:

Agenda Session Presentation: Paul Becker: Mayors Recommended Pay Plan for 2015.

Agenda Session Presentation: Jeremy Pate: Spring Street Municipal Parking Deck.

City Council Tour:

Monday, March 2, 2015 5:00 PM - City Council will be touring RZN 14-4938 (N.W. Cross & Maine NE Intersection/West End Addition).

Adjournment: 6:45 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

NORTHWEST ARKANSAS Democrat Gazette

NORTHWEST ARKANSAS' NEWSPAPER

February 25, 2015

nwadg.com

▲ ▲

crawl space under his home and stole five of his 18 hibernating pet tarantulas, saying he was tipped off to the theft after a pet store notified him that someone had just sold five tarantulas to the business.

■ **Melany Joyce Alexander**, 30, who police in Florida say struck a child with a belt and sent her to school in a T-shirt marked with comments about her failing grades, was charged with abuse and cruelty to a child.

■ **Capt. Jay Dragon** of the Satellite Beach, Fla., Fire Department said that 19 manatees that had been stuck in a storm drain were all alive after a late-night rescue and were returned to the Indian River Lagoon System.

■ **Michael Cassano**, 38, an Oakland Gardens, N.Y., resident suspected of robbing a bank in Lodi, N.J., of \$4,000, was arrested a block away from the crime scene after he stopped for a cup of coffee, police said.

■ **Tiffany Leiseth**, 26, a former substitute teacher accused of having sex with two 18-year-old students, pleaded guilty in Pennsylvania to giving them alcohol but not to having sex with them and will spend a year on probation.

WEATHER

NORTHWEST ARKANSAS

Today Partly

cloudy.

High 43.

Tonight Partly

cloudy.

Low 20.



INDEX

Business	1D	Food	1E
Classifieds	1F	NW Arkansas	1B
Comics	6E	Sports	1C
Crossword	6E	Stocks	3D

Eureka Springs sets vote on its new anti-bias law

BILL BOWDEN
ARKANSAS DEMOCRAT-GAZETTE

Voters in Eureka Springs will decide May 12 whether they want an ordinance prohibiting discrimination against gay people.

The Eureka Springs City Council approved the election at a special meeting Tuesday. The move was a gambit to give the council more control over an election that appeared inevitable.

A petition drive has been underway in the tourist town since Friday to gather the 96 signatures necessary to force a referendum on the matter.

By calling for the election

— instead of being forced to have it by referendum petition — the council gets to control the ballot wording, said Alderman James DeVito.

"We felt like it would behoove us to control the ballot [wording] rather than let it rest in the hands of a group that might make it more confusing for the general public," DeVito said.

Mayor Robert "Butch" Berry said the move also allowed Eureka Springs to set the election date, which will save the city about \$3,000 because another election is already scheduled for May 12

in Carroll County.

The Eureka Springs election concerns Ordinance 2223, which prohibits discrimination against people based on "real or perceived" sexual orientation, gender identity, gender expression or socioeconomic background.

The council rushed the ordinance through three readings at a Feb. 9 meeting — passing it unanimously each time — so it would become law before Senate Bill 202, which prevents cities and counties from enacting or enforcing such ordinances.

See **BIAS**, Page 2A

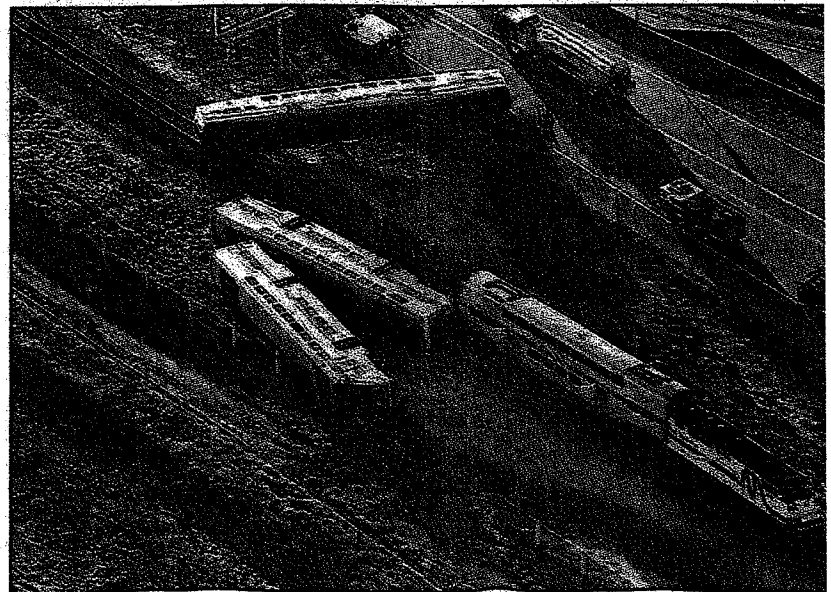
Governor to sign bill on lottery

MICHAEL R. WICKLINE
AND CLAUDIA LAUER
ARKANSAS DEMOCRAT-GAZETTE

The Arkansas House of Representatives on Tuesday sent Gov. Asa Hutchinson a bill to terminate the Arkansas Lottery Commission and require the governor to appoint the lottery director.

Senate Bill 7 by Sen. Jimmy Hickey, R-Texas, also would create the Office of Arkansas Lottery in the state Department of Finance and Administration's Management Services

Train strikes truck, derails



This image from video provided by KABC-TV in Los Angeles shows wreckage of a commuter train after it crashed into a truck and derailed early in the morning.

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Pennington, Blake

From: matt@matthewpetty.org on behalf of Matthew Petty - Fayetteville Ward 2
<citycouncil@matthewpetty.org>
Sent: Thursday, May 15, 2014 3:09 PM
To: Williams, Kit
Cc: Pennington, Blake; James Rector
Subject: Anti-Discrimination Ordinance
Attachments: Fayetteville HRO 5.15.2014.docx

Hi Kit,

Attached is a draft Anti-Discrimination Ordinance that I would like to get passed in Fayetteville. It targets discrimination in housing transactions and employment decisions.

I want to introduce it at the first meeting in July. Can you guys take a look at it and think about how it might need to be adapted for consistency with Arkansas and municipal code? I'd like to have a first meeting on it the week of the 26th (or I can do late next week).

Thanks for your help,
M



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Kit Williams, City Attorney

FROM: Blake Pennington, Assistant City Attorney 

DATE: July 17, 2014

RE: Civil Rights Ordinance

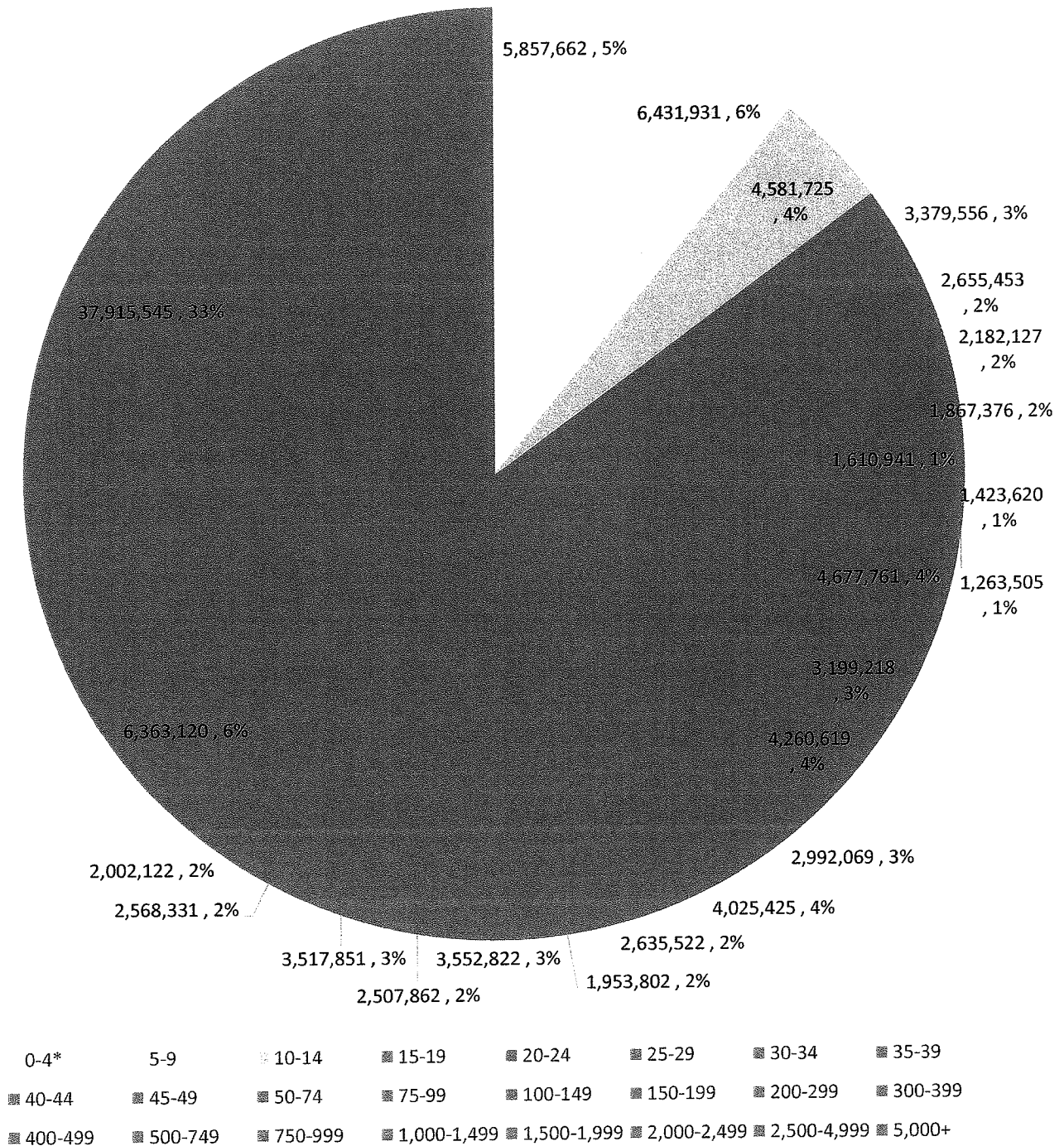
While there is no specific Arkansas statute expressly authorizing a municipality to enact an anti-discrimination ordinance, the state legislature has authorized municipalities to legislate pursuant to their police powers under a number of statutes. Generally, "a municipality is authorized to perform any function and exercise full legislative power in any and all matters of whatsoever nature pertaining to its municipal affairs" and may even legislate on issues designated as "state affairs" as long as the regulation is not in conflict with or contrary to state law. A.C.A. § 14-43-601 - 14-43-602.

More specifically, a city has "the power to make and publish bylaws and ordinances, not inconsistent with the laws of this state, which, as to them, shall seem necessary to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such corporations and the inhabitants thereof." A.C.A. § 14-55-102. Cities have the power to "prevent injury or annoyance within the limits of the municipal corporation from anything dangerous, offensive, or unhealthy []." A.C.A. § 14-54-103(1). Cities may also "prevent or regulate the carrying on of any trade, business, or vocation of a tendency dangerous to morals, health, or safety []." A.C.A. § 14-54-104(3)(C).

In fact, the Arkansas Supreme Court has held that "the mere possibility of a public harm is sufficient basis for the municipality to regulate under its police power. Phillips v. Town of Oak Grove, 333 Ark. 183 (1998). Thus, this grant of power provides the basis for the City Council to enact a civil rights ordinance for the City of Fayetteville in order to protect residents and visitors of Fayetteville from unlawful discrimination in employment, public accommodation, business transactions, housing and real estate transaction, and the use of city services.

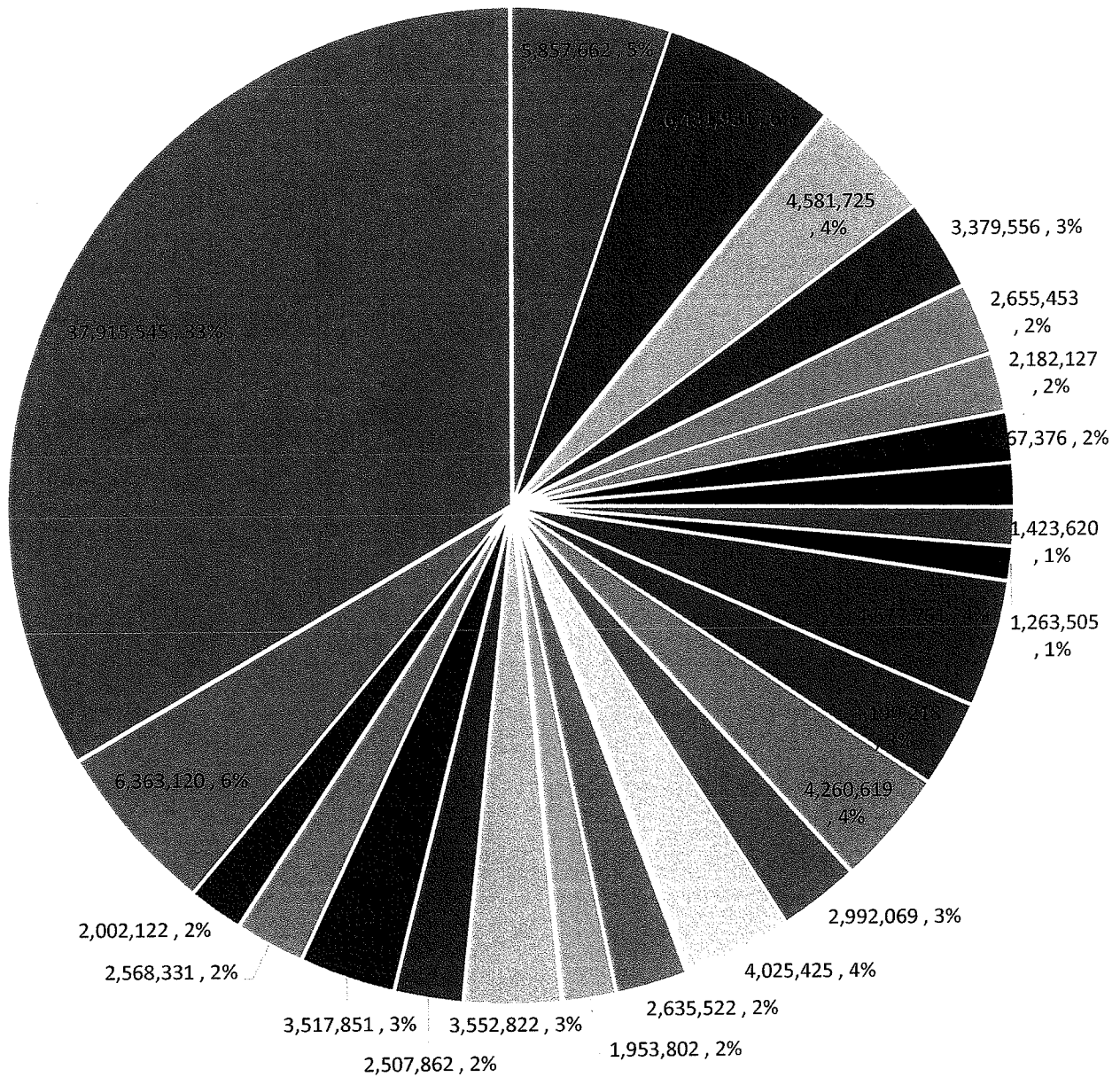
U.S. EMPLOYMENT BY FIRM SIZE

2011



U.S. EMPLOYMENT BY FIRM SIZE

2011



■ 0-4* ■ 5-9 ■ 10-14 ■ 15-19 ■ 20-24 ■ 25-29 ■ 30-34 ■ 35-39
 ■ 40-44 ■ 45-49 ■ 50-74 ■ 75-99 ■ 100-149 ■ 150-199 ■ 200-299 ■ 300-399
 ■ 400-499 ■ 500-749 ■ 750-999 ■ 1,000-1,499 ■ 1,500-1,999 ■ 2,000-2,499 ■ 2,500-4,999 ■ 5,000+

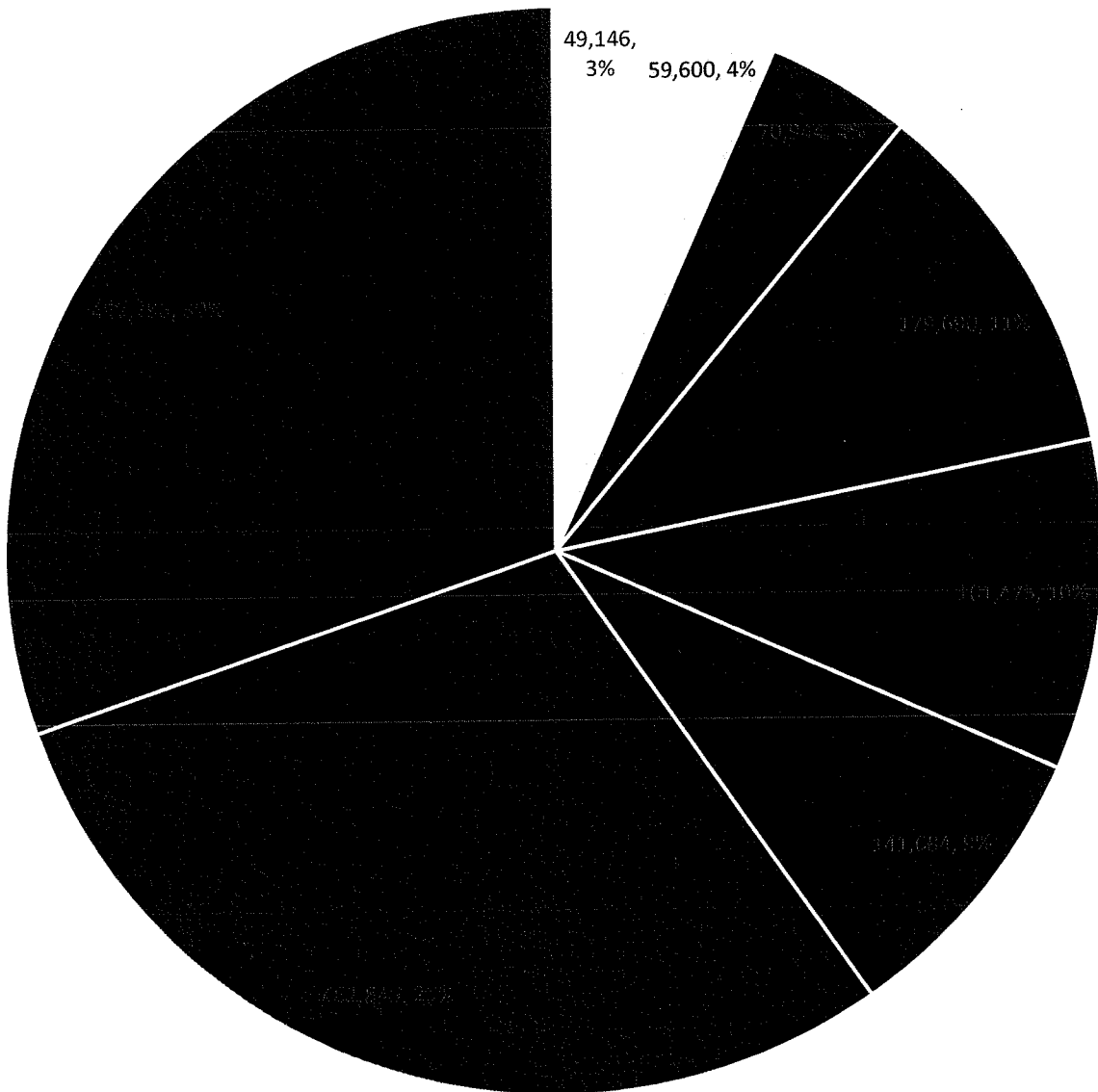
Employer Firms, Establishments, Employment, and Annual Payroll Small Firm Size Classes, 2011

Employment size of firm	Firms	Establishments	Employment	Annual Payroll (\$1,000)
Total	5,684,424	7,354,043	113,425,965	5,164,897,905
0-4*	3,532,058	3,540,155	5,857,662	230,422,086
5-9	978,993	993,101	6,431,931	218,085,669
10-14	391,469	408,962	4,581,725	161,600,950
15-19	201,494	218,019	3,379,556	122,650,664
20-24	121,765	137,714	2,655,453	98,877,041
25-29	81,321	95,402	2,182,127	82,583,198
30-34	58,592	72,068	1,867,376	71,972,695
35-39	43,724	57,011	1,610,941	62,404,067
40-44	34,003	46,326	1,423,620	55,781,969
45-49	26,979	38,671	1,263,505	50,391,425
50-74	77,777	125,879	4,677,761	189,423,191
75-99	37,335	78,553	3,199,218	134,651,465
100-149	35,212	96,126	4,260,619	181,807,611
150-199	17,372	65,118	2,992,069	127,360,567
200-299	16,637	88,449	4,025,425	176,261,650
300-399	7,641	57,917	2,635,522	117,146,704
400-499	4,381	42,587	1,953,802	87,933,021
500-749	5,854	76,452	3,552,822	163,036,081
750-999	2,907	50,805	2,507,862	117,453,909
1,000-1,499	2,881	63,017	3,517,851	173,801,612
1,500-1,999	1,487	48,823	2,568,331	127,903,632
2,000-2,499	892	37,464	2,002,122	102,558,504
2,500-4,999	1,811	124,893	6,363,120	341,259,268
5,000+	1,839	790,531	37,915,545	1,969,530,926
<20	5,104,014	5,160,237	20,250,874	732,759,369
<50	5,470,398	5,607,429	31,253,896	1,154,769,764
<100	5,585,510	5,811,861	39,130,875	1,478,844,420
<500	5,666,753	6,162,058	54,998,312	2,169,353,973

* Employment is measured in March, thus some firms (start-ups after March, closures before March, and seasonal firms) will have zero employment and some annual payroll. Excludes farms.

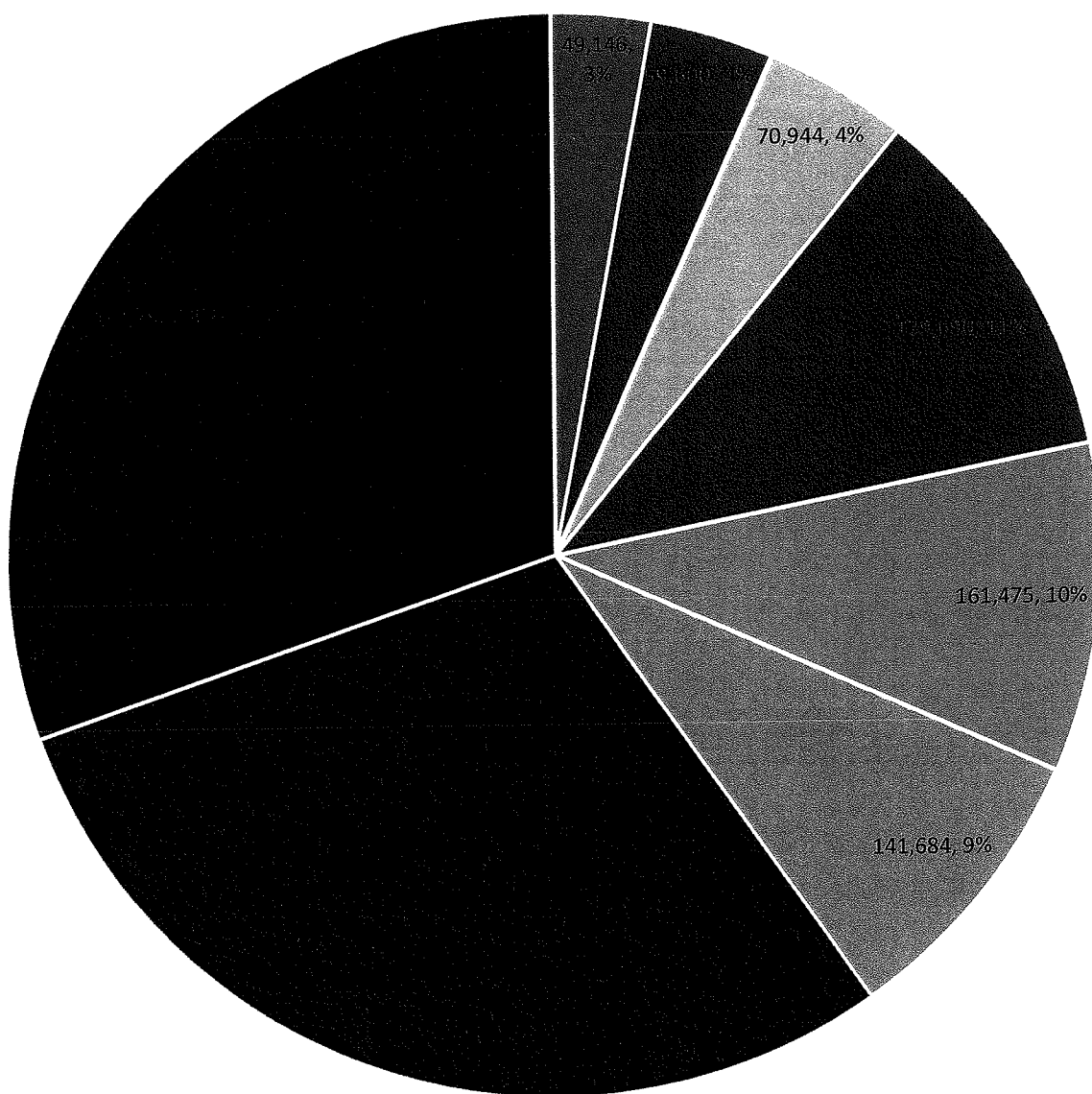
Source: U.S. Small Business Administration, Office of Advocacy, based on data provided by the U.S. Census Bureau, Statistics of U.S. Businesses.

Arkansas Employment by Firm Size, 2011



0-4* 5-9 ■ 10-19 ■ <20
 ■ 20-99 ■ 100-499 ■ <500 ■ 500+

Arkansas Employment by Firm Size, 2011



■ 0-4* ■ 5-9 ■ 10-19 ■ <20
 ■ 20-99 ■ 100-499 ■ <500 ■ 500+

Employer Firms, Establishments, Employment, and Annual Payroll by Firm Size, and State, 2011
(Annual payroll in thousands of dollars)

State		Total	Employment Size of Firm							
			0-4*	5-9	10-19	<20	20-99	100-499	<500	500+
United States	Firms	5,684,424	3,532,058	978,993	692,963	5,104,014	481,496	81,243	5,666,753	17,671
	Establishments	7,354,043	3,540,155	993,101	626,981	5,160,237	651,624	350,197	6,162,058	1,191,985
	Employment	113,425,965	5,857,662	6,431,931	7,961,281	20,250,874	18,880,001	15,867,437	54,998,312	58,427,653
	Annual payroll	5,164,897,905	230,422,086	218,085,669	284,251,614	732,759,369	746,085,051	690,509,553	2,169,353,973	2,995,543,932
Alabama	Firms	74,131	40,644	13,752	8,417	62,813	7,055	1,891	71,759	2,372
	Establishments	97,743	40,748	13,929	8,854	63,531	9,704	5,188	78,423	19,320
	Employment	1,573,138	74,986	90,173	112,156	277,315	260,273	219,887	757,475	815,663
	Annual payroll	59,241,365	2,342,593	2,666,406	3,587,891	8,596,890	9,160,066	8,193,682	25,950,638	33,290,727
Alaska	Firms	16,458	9,896	2,829	1,719	14,444	1,104	319	15,867	591
	Establishments	20,119	9,930	2,883	1,859	14,672	1,561	1,103	17,336	2,783
	Employment	254,996	14,881	18,553	22,843	56,277	38,807	39,401	134,485	120,511
	Annual payroll	13,394,017	780,407	761,641	1,066,970	2,609,018	1,797,223	1,862,655	6,268,896	7,125,121
Arizona	Firms	100,672	60,853	16,147	9,685	86,685	8,480	2,550	97,715	2,957
	Establishments	130,305	60,970	16,352	10,105	87,427	10,655	6,767	104,849	25,456
	Employment	2,108,561	95,790	106,378	128,761	330,929	309,738	287,488	928,155	1,180,406
	Annual payroll	86,533,273	3,843,641	3,413,870	4,276,083	11,533,594	10,677,154	11,193,091	33,403,839	53,129,434
Arkansas	Firms	50,426	28,636	9,115	5,364	43,115	4,414	1,205	48,734	1,692
	Establishments	64,471	28,693	9,198	5,632	43,523	6,095	3,747	53,365	11,106
	Employment	980,644	49,146	59,600	70,944	179,690	161,475	141,684	482,849	497,795
	Annual payroll	35,312,365	1,543,827	1,655,769	2,002,297	5,201,893	4,877,976	4,614,778	14,694,647	20,617,718
California	Firms	689,568	429,139	116,492	68,907	614,538	57,822	11,639	683,999	5,569
	Establishments	849,316	430,130	117,939	72,657	620,726	73,361	36,106	730,193	119,123
	Employment	12,698,427	702,508	764,413	919,375	2,386,296	2,201,332	1,744,243	6,331,871	6,366,556
	Annual payroll	663,570,657	35,472,447	28,198,202	35,746,417	99,417,066	95,194,766	86,245,991	280,857,823	382,712,834
Colorado	Firms	124,709	80,917	18,292	10,948	110,157	9,039	2,480	121,676	3,033
	Establishments	150,889	81,023	18,493	11,379	110,895	11,378	5,933	128,206	22,683
	Employment	1,972,271	121,812	119,687	145,601	387,100	324,916	250,216	962,232	1,010,039
	Annual payroll	92,655,142	4,916,682	4,221,152	5,291,724	14,429,558	12,869,781	11,505,965	38,805,304	53,849,838
Connecticut	Firms	71,605	40,623	12,671	7,815	61,109	6,608	1,755	69,472	2,133
	Establishments	88,040	40,701	12,832	8,113	61,646	8,000	4,403	74,049	13,991
	Employment	1,442,620	70,225	83,263	103,644	257,132	242,003	210,899	710,034	732,586
	Annual payroll	82,130,924	3,231,880	3,423,135	4,727,547	11,382,562	11,973,813	10,849,938	34,206,313	47,924,611
Delaware	Firms	19,472	10,855	2,908	1,940	15,703	1,785	607	18,095	1,377
	Establishments	24,132	10,947	2,941	2,040	15,928	2,223	1,164	19,315	4,817
	Employment	359,602	17,338	19,199	25,884	62,421	61,644	43,440	167,505	192,097
	Annual payroll	17,553,103	776,762	691,851	981,163	2,449,776	2,582,189	1,931,523	6,963,488	10,589,615
District of Columbia	Firms	16,968	7,946	2,629	1,898	12,473	2,193	970	15,636	1,332
	Establishments	21,545	7,955	2,648	1,966	12,569	2,448	1,493	16,510	5,035
	Employment	477,623	14,050	17,215	24,724	55,989	76,285	91,593	223,867	253,756
	Annual payroll	32,872,009	1,090,444	1,055,044	1,587,371	3,732,859	4,654,070	5,521,786	13,908,715	18,963,294

A.C.A. § 16-123-107 (2014)

16-123-107. Discrimination offenses.

(a) The right of an otherwise qualified person to be free from discrimination because of race, religion, national origin, gender, or the presence of any sensory, mental, or physical disability is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(1) The right to obtain and hold employment without discrimination;

(2) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;

(3) The right to engage in property transactions without discrimination;

(4) The right to engage in credit and other contractual transactions without discrimination; and

(5) The right to vote and participate fully in the political process.

(b) Any person who is **injured by an intentional act** of discrimination in violation of subdivisions (a)(2)-(5) of this section shall have a **civil action** in a court of competent jurisdiction to **enjoin further violations, to recover compensatory and punitive damages**, and, in the discretion of the court, to recover the cost of litigation and a **reasonable attorney's fee**.

(c) (1) (A) Any individual who is injured by **employment discrimination** by an employer in violation of subdivision (a)(1) of this section shall have a **civil action** in a court of competent jurisdiction, which may issue an order prohibiting the discriminatory practices and provide affirmative relief from the effects of the practices, and award **back pay**, interest on back pay, and, in the discretion of the court, the cost of litigation and a reasonable attorney's fee.

(B) No liability for back pay shall accrue from a date more than **two (2) years** prior to the filing of an action.

(2) (A) In addition to the remedies under subdivision (c)(1)(A) of this section, any individual who is injured by **intentional** discrimination by an employer in violation of subdivision (a)(1) of this section shall be entitled to recover **compensatory damages and punitive damages**. The **total** compensatory and punitive damages awarded under this subdivision (c)(2)(A) **shall not exceed**:

(i) The sum of **fifteen thousand dollars (\$15,000)** in the case of an employer who employs **fewer than fifteen (15) employees** in each of twenty (20) or more calendar weeks in the current or preceding calendar year;

(ii) The sum of fifty thousand dollars (**\$50,000**) in the case of an employer who employs more than fourteen (14) and fewer than one hundred one (**101**) employees in each of twenty (20) or more calendar weeks in the current or preceding calendar year;

(iii) The sum of one hundred thousand dollars (**\$100,000**) in the case of an employer who employs more than one hundred (100) and fewer than two hundred one (**201**) employees in each of twenty (20) or more calendar weeks in the current or preceding calendar year;

(iv) The sum of two hundred thousand dollars (**\$200,000**) in the case of an employer who employs more than two hundred (200) and fewer than five hundred one (**501**) employees in each of twenty (20) or more calendar weeks in the current or preceding calendar year; and

(v) The sum of three hundred thousand dollars (**\$300,000**) in the case of an employer who employs **more than five hundred (500)** employees in each of twenty (20) or more calendar weeks in the current or preceding calendar year.

(3) Any action based on employment discrimination in violation of subdivision (a)(1) of this section shall be brought within one (1) year after the alleged employment discrimination occurred, or within ninety (90) days of receipt of a "Right to Sue" letter or a notice of "Determination" from the United States Equal Employment Opportunity Commission concerning the alleged unlawful employment practice, whichever is later.

HISTORY: Acts 1993, No. 962, §§ 4, 5; 1995, No. 480, § 3.

City of Fayetteville
proposed
Ch. 119 Ordinance

State of Arkansas
A.C.A. 16-123-101 et seq.
AR Civil Rights Act of 1993

119.02(D) "Discrimination"

■ ... *real or perceived*

1. **RACE**
2. ethnicity
3. **NATIONAL ORIGIN**
4. age (if 18 or 55 or older)
5. **GENDER**
6. gender identity
7. *gender expression*
8. familial status
9. marital status
10. socioeconomic background
11. **RELIGION**

119.07(F) "non-secular positions"
But see (A), and (F)(1) & (2), (G):
"permissible bona fide religious or
denominational preference ... necessary
result of such bona fide **condition**."
119.07(I) "sanctuary or chapel"
12. sexual orientation
13. **DISABILITY**
14. veteran status

16-123-107. Discrimination offenses.

(a) The right of an otherwise qualified person to be free from discrimination because of ...

1. **RACE**
3. **NATIONAL ORIGIN**
4. **GENDER**
2. **RELIGION**

16-123-102 (8) "Religion"

means **all aspects** of religious belief,

observance, and practice.
5. the presence of any sensory, mental, or physical **DISABILITY**....

*Handed out at the 3-17-15
City Council Meeting*

CityClerk

From: Brad Audrain <baudrai@gmail.com>
Sent: Tuesday, March 17, 2015 2:28 PM
To: CityClerk
Subject: Message regarding Public Need and Necessity hearing tonight

Sondra,

I was wondering if you could send this email out to all the members of the city council regarding the hearings on Public Need and Necessity applicants tonight. It is the same email that I sent last year when Ambassador transportation was applying for a license.

Members of the City Council,

I am sending the same message that I sent last year when Ambassador transportation filed for their permit for need and necessity. Nothing has changed since their last filing other than the addition of Uber as a full time transportation option for the city of Fayetteville. Despite Uber's disregard for commercial insurance and their lack of background checks, this email is not about them. I truly believe that the city does not have the ability to stop Uber from conducting business, and I do not believe I have a chance in winning that battle. On the other hand, I have read the applications for the businesses applying for their permits tonight, and I just hope that they have to play by the same rules as the rest of us. When we applied for permit, the city required that we have a business location inside the city limits and that we be available to Fayetteville's citizens 24 hours a day and 7 days a week. If these other companies are able to come down on Friday and Saturday nights only, we will not be able to stay open 24 hours a day. I know Uber is only open when it benefits them the most, and they certainly aren't available early on weekdays. I hope you will consider my thoughts on the subject and the message from last year posted below. Thank you for your time.

Last year's email:

I'd like to start by thanking you all for the great work done by the city council in recent months. Green Cab has grown in a short period of time, and we believe the future is bright in Fayetteville. We are striving to grow in accordance with the city's goals, and we have added bike racks to go along with our fuel efficient hybrid taxi fleet.

Green Cab Company is a strong supporter of the city of Fayetteville, and we wanted to bring a few points to the council's attention regarding the hearing for issuing the certificate of public necessity and convenience later this evening. We try to maintain a professional and courteous relationship with other cab companies in Fayetteville as well as those we work with at XNA airport. While we are reluctant to speak against our competition at the public hearing, we wanted to the council know why we don't see a need for adding another cab company downtown at this time.

While we respect a free market system, we also support local businesses,

and adding another company from Bentonville slows the growth of local companies that have been striving to offer the best service possible to the people of Fayetteville. We just added a sixth vehicle to our fleet, and we were hoping to add two more by the end of 2014. Currently, all of the reserved space outside of the Walton Arts Center is occupied every weekend night, and adding another company would only create more of a problem.

The police department does a fantastic job working with us to permit drivers with a clean background that make our customers feel comfortable. I believe that adding another cab company and 10-15 more drivers would make it extremely difficult for us to permit drivers as efficiently without risking the quality time put in to each individual applicant. I am proud of the work I do with Sgt. Harter on each driver that we consider, and I would like to continue our good work going forward without long delays when new help is needed.

While the main point in question is need and necessity, two other Bentonville-based companies that work at the airport have mentioned that they would apply for this same permit if Abundant/Destiny is passed at the hearing tonight. I believe it would set a precedent for allowing other companies to come in that may not share our same goals for the city of Fayetteville.

In short, we just don't believe that another taxi service is necessary at this time, and we feel that there could be some unintended consequences of adding a new company. Thank you for your time, and we look forward to many great years working with the city of Fayetteville.

Bradley C. Audrain,
Green Cab Company, Inc.

609 W. Dickson St., Suite 112
Fayetteville, AR 72701
Office: (479) 966-4111
Mobile: (901) 490-9943

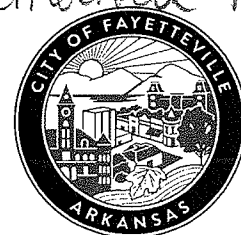
baudrai@gmail.com
www.ridegreencab.com
Twitter: @GreenCabCo
Facebook: GreenCabCo

Handed out at the 3-17-15 City Council Meeting and emailed to the Aldermen.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

FROM: **Kit Williams**, City Attorney

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

DATE: **March 17, 2015**

RE: **Referendum Language and Impact of House Bill 1687**

When I drafted the originally proposed ordinance concerning municipal ordinance Referendum language, the state statutory requirements for county ordinance Referendum language was simple and completely clear. It was also in agreement with the statutory requirements for state statute Referendums. Thus, I believed it would be very clear how a municipal ordinance referendum should be worded if we just ensure it complied with state statutory language for county ordinances. {A.C.A. § 14-14-917 (d)} and state statutes {A.C.A. § 7-9-107 (c)}. That is why I believed I could review and correct or approve such petition language within only two days.

Now, State Representative Ballinger has proposed House Bill 1687 which changes the wording for county ordinance referendums, but does not change the statutory requirements for the wording for state statute referendums. In some cases, the two statutes would be conflicting if House Bill 1687 is enacted. It has passed the House and is now being considered in the Senate.

If this bill becomes law without any changes, it would no longer be a simple and clear decision for a City Attorney to determine exactly how a municipal referendum should be worded. With such lack of clarity, I do not want to be forced to try to decide how a referendum should be worded, so I request all reference to the City Attorney be removed from what will likely be

a somewhat unclear decision. **I therefore recommend that the City Council amend the initial ordinance to the one I prepared and gave you along with my memo of February 18, 2015.**

I also ask that this ordinance be left on the second reading to see if House Bill 1687 is in fact enacted and whether it is amended in any way. If it is enacted as written and not amended, I will then have to recommend another amendment to my proposal to remove the reference to A.C.A. § 7-9-107 (c) which legislates how state statute referendums should be worded which would be contrary to the changes made to the county ordinance referendum statute by House Bill 1687. Otherwise, there would be contrary provisions about how the Referendum should be worded and my whole purpose to bring clarity and avoid lawsuits would be thwarted.

Attached is my suggested amendment previously supplied to you on February 18th.

ORDINANCE NO. _____

AN ORDINANCE TO ENACT ARTICLE III **PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS** OF CHAPTER 36: **ELECTIONS** INTO THE FAYETTEVILLE CODE TO CLARIFY THE PROPER PROCEDURE FOR THE CITIZENS' RIGHT OF THE INITIATIVE AND REFERENDUM

WHEREAS, Amendment 7 of the Arkansas Constitution (now codified as **Article 5 § 1**) states: "Municipalities may provide for the exercise of the initiative and referendum as to their local legislation;" and

WHEREAS, the State Legislature has been granted express authority to provide "for the exercise of the initiative and referendum as to counties," (**Amendment 7 of the Arkansas Constitution**) and has enacted A.C.A. § 14-14-917 **Initiative and referendum elections** to provide for the proper exercise of the initiative and referendum for county ordinances; and

WHEREAS, the lack of clarity for proper municipal referendum procedure led to litigation against Mayor Jordan, the City Council and City Clerk Sondra Smith after she certified the last referendum petition for a special election; and

WHEREAS, this litigation can be avoided in the future if the City enacts proper procedures modeled upon long established state law for state and county initiatives and referendums.

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 enacts **Article III Procedure To Exercise Initiative and Referendum Rights** of Chapter 36: **Elections** into the Fayetteville Code to clarify the proper procedure for the citizens' right of the initiative and referendum for municipal legislation as follows:

“Article III Procedure To Exercise Initiative And Referendum Rights

§ 36.20 Initiative and Referendum Petitions

Pursuant to **Article 5 § 1 of the *Arkansas Constitution***, the City establishes the following procedure for the exercise of the citizens’ right of the initiative and referendum of city legislation.

- (a) The Petitioner shall ensure the form of any initiative petition complies with A.C.A. § 7-9-104.
- (b) The Petitioner shall ensure the form of any referendum petition complies with A.C.A. § 7-9-105.
- (c) The Petitioner shall ensure that any ballot title conforms with A.C.A. §14-14-917 (d) and A.C.A. § 7-9-107(c).”

PASSED and **APPROVED** this 17th day of March, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323



Meeting Agenda - Tentative Agenda

Tuesday, March 10, 2015

4:30 PM

City Hall Room 219

City Council

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions:****A. Consent:**

A.1 2014-0499 Approval of the March 3, 2015 City Council meeting minutes.

A.2 2015-0101

**GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA
FUNDING:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF FUNDING
FROM THE GULF COAST HIGH INTENSITY DRUG TRAFFICKING
AREA IN THE AMOUNT OF \$116,644.00 FOR THE POLICE
DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[SRP - 2015 GCHIDTA](#)

[BA - FPD HIDTA FY 2015](#)

A.3 2015-0111

FAYETTEVILLE POLICE DEPARTMENT POLICIES:

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE
DEPARTMENT POLICIES 1.2.1 LIMITS OF AUTHORITY; 1.3.1 USE
OF FORCE; 1.3.4 LESS LETHAL WEAPONS AND DEFENSIVE
TACTICS; 46.1.10 ACTIVE THREATS; 48.1.1 NEXT OF KIN
NOTIFICATIONS/ASSISTANCE SERVICES; AND 71.1.1 DETAINEE
TRANSPORT

Attachments:

[Fayetteville Police Policies](#)

A.4 2015-0120**SPORT COURT:**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH SPORT COURT IN THE AMOUNT OF \$54,785.00 PURSUANT TO THE TIPS/TAPS INTERLOCAL PURCHASING SYSTEM CONTRACT FOR THE PURCHASE AND INSTALLATION OF NEW GYMNASIUM FLOORING AT THE YVONNE RICHARDSON COMMUNITY CENTER, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,089.32, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [YRCC Floor Packet 2015-0120](#)
 [BA2015_YRCC_Flooring.xlsm](#)

B. Unfinished Business:**B.1 2015-0008****ENACT ARTICLE III PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS:**

AN ORDINANCE TO ENACT ARTICLE III **PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS** INTO THE FAYETTEVILLE CODE TO CLARIFY THE PROPER PROCEDURE FOR THE CITIZENS' RIGHT OF THE INITIATIVE AND REFERENDUM

Attachments: [Agenda Packet Ord § 36.20](#)
 [Referendum Procedural Ordinance 020315](#)
 [Proposed Referendum and Initiative Language](#)

This ordinance was left on the First Reading at the January 20, 2015 City Council meeting. This ordinance was tabled to the March 17, 2015 City Council Meeting at the February 3, 2015 City Council Meeting.

B.2 2014-0382**RAZE AND REMOVAL KENNETH C. AND WANDA L. EASTERLING:**

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY KENNETH C. AND WANDA L. EASTERLING LOCATED AT 909 W. EAGLE STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[SRF \(909 Eagle\) C#19276](#)[SRM R&R Council Memo \(909 Eagle\) C#19276](#)[BA-909 W Eagle](#)[Supporting Documents \(909 Eagle\) C#19276](#)

This resolution was tabled at the September 16, 2014 City Council meeting to the December 2, 2014 City Council meeting. This resolution was tabled at the December 2, 2014 City Council meeting to the March 17, 2015 City Council meeting.

C. Public Hearing:**C.1 2015-0098****DESTINY LIMOUSINES, LLC DBA AMBASSADOR TRANSPORTATION SERVICES:**

A RESOLUTION TO GRANT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO DESTINY LIMOUSINES, LLC DBA AMBASSADOR TRANSPORTATION SERVICES FOR THE OPERATION OF TWO (2) TO SIX (6) TAXICABS IN THE CITY OF FAYETTEVILLE

Attachments:[AR - Ambassador](#)**C.2 2015-0099****COLLEGE TOWN LIMO:**

A RESOLUTION TO GRANT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO COLLEGE TOWN LIMO FOR THE OPERATION OF ONE (1) TO THREE (3) LIMOUSINES IN THE CITY OF FAYETTEVILLE

Attachments:[AR - College Town](#)**D. New Business:**

D.1 2015-0121**VAC 15-4948 (3215 N NORTH HILLS DRIVE/WRMC WOMEN'S CLINIC):**

AN ORDINANCE APPROVING VAC 15-4948 SUBMITTED BY USI CONSULTING ENGINEERS FOR PROPERTY LOCATED AT 3215 NORTH HILLS DRIVE TO VACATE PORTIONS OF EXISTING UTILITY EASEMENT

Attachments:[15-4948 CC REPORTS](#)[15-4948 ORD EXHIBITS](#)[15-4948 CC ORD](#)**E. City Council Agenda Session Presentations:**

- E. 1 2015-0066** Agenda Session Presentation - Urban Forestry Advisory Board
Presentation led by UFAB Chair, Don Steinkraus.

F. City Council Tour:**G. Announcements:****H. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect.

All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323

Text File

File Number: 2015-0101

Agenda Date: 3/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A.2

GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA FUNDING:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF FUNDING FROM THE GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA IN THE AMOUNT OF \$116,644.00 FOR THE POLICE DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of funding from the Gulf Coast High Intensity Drug Trafficking Area in the amount of \$116,644.00 for investigator activity, purchase of evidence and information, and vehicle allowances for the Police Department.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution and made a part hereof.

City of Fayetteville Staff Review Form

2015-0101

Legistar File ID

3/17/2015

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Greg Tabor

2/20/2015

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a budget adjustment to recognize federal funding from the Gulf Coast High Intensity Drug Trafficking Area (HIDTA) in the amount of \$116,644.

Budget Impact:

Various

Drug Enforcement / General

Account Number

Fund

38070-1502

WAMDT 2015

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 684,335.00

Funds Obligated \$ 94,294.22

Current Balance \$ 590,040.78

Does item have a cost? NA

Item Cost \$ 116,644.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 116,644.00

Remaining Budget \$ 590,040.78

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 17, 2015

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police 

DATE: February 20, 2015

SUBJECT: Approval of a Budget Adjustment for federal funding from the Gulf Coast High Intensity Drug Trafficking Area

RECOMMENDATION:

Staff recommends approval of the budget adjustment to recognize federal funding from the Gulf Coast High Intensity Drug Trafficking Area (HIDTA) in the amount of \$116,644. If you should have any comments or question regarding this federal funding, please contact me at extension 500.

BACKGROUND:

The Gulf Coast HIDTA provides federal funding from the Office of National Drug Control Policy to multi-jurisdictional drug enforcement initiatives throughout Arkansas, Louisiana, Mississippi, Alabama, and Tennessee. The Fayetteville Police Department has partnered with Washington County Sheriff's Office, Springdale Police Department, Prairie Grove Police Department, and the local Drug Enforcement Administration office to create the Western Arkansas Mobile Deployment Team (WAMDT) initiative with Washington County being the fiduciary agency.

DISCUSSION:

WAMDT's mission is to infiltrate and disrupt drug trafficking organizations (DTOs) at the street level. The Gulf Coast HIDTA funds overtime for investigator activity, covert buy money for the purchase of evidence/purchase of information (PEPI), and vehicle allowances. The Gulf Coast HIDTA has approved 2015 funding for the Fayetteville Police Department in the amount of \$116,644. This amount represents overtime funding for four (4) investigators at \$17,461 each including benefits, PEPI in the amount \$30,000, and two vehicle allowances at \$8,400 each annually. This funding has a two year life span and must be spent by December 31, 2016. WAMDT is currently preparing their 2016 funding request to the Gulf Coast HIDTA, however, future allocations are contingent upon congressional approval.

BUDGET/STAFF IMPACT:

Increase in budgeted revenue equal to the increase in budgeted expense for this non-matching federal funding to reimburse existing DTF Investigators overtime, covert funds, and vehicle allowances. This budget adjustment has no impact on staffing levels.

Attachments:

Budget Adjustment

2015 WAMDT Budget for Fayetteville PD

Project Maintenance Form

Overtime

Position	# Positions	Total Amount	Comments
Investigative - Law Enforcement Officer	4	\$ 69,844	4 Investigators @ \$17,461 each
Total		<u>\$ 69,844</u>	

Services

Description and Quantity

Vehicle allowance	2	\$ 16,800	4 assigned for 2 allowances @ \$700/month/allowance
Total		<u>\$ 16,800</u>	

Other

Description

PE/PI/PS		\$ 30,000.00	Covert buy funds
Total		<u>\$ 30,000.00</u>	

Grand Total		<u>\$ 116,644.00</u>	
--------------------	--	----------------------	--

Sub Project Maintenance Form

Sub Project Request: New SubProject
Project Number : 38070
Sub Project Number : 1502
Sub Project Title (40 char) : WAMDT 2014 30 Char Le
Sub Project Abbv (15 char) : WAMDT 2014 5 Char Left
Sub Project Status : Active
Sub Project Division : Police
Scheduled Start Date : 1/1/2015 <= Double Click Date Cells
Scheduled Ending Date : 12/31/2016 <= Double Click Date Cells 20161231
Actual Start Date : 1/1/2015 <= Double Click Date Cells 20150101
Actual Ending Date : 12/31/2016 <= Double Click Date Cells 20161231

GLACCOUNT#	Account Description	Need Setup	Add/Delete	Add to PCARD
2930.0993.4309.01	Federal Grant-Operational		Add	
2930.2960.5120.00	Personnel Svcs - Contra		Add	
2930.2960.5379.07	Confidential - HIDTA PEPI		Add	
2930.2960.5802.00	Vehicles and equipment		Add	
1010.0001.4309.01	Federal Grant-Operational		Add	
1010.2920.5120.00	Personnel Svcs - Contra		Add	

Description/Justification of Request

Setup subproject to track 2015 federal funding for Western Arkansas Mobile Deployment Team (WAMDT).


Requested By

Entered By

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Budget Year	Division: Police	Adjustment Number
2015	Dept.: Police	
	Requestor: W. Newman	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Establish revenue and expense budgets in Project Accounting to track federal funding from the Gulf Coast High Intensity Drug Trafficking Area (HIDTA) Initiative for Fayetteville's portion of the Western Arkansas Mobile Deployment Team (WAMDT).

RESOLUTION/ORDINANCE	COUNCIL DATE:	3/17/2015
	LEGISTAR FILE ID#:	2015-0101
	<i>Barbara Fell</i>	
	<i>2/23/2015 1:54 PM</i>	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL		116,644	116,644				v.20150102
Account Number	Increase / (Decrease)		Project.Sub#		AT	Account Name	
	Expense	Revenue	Project	Sub			
2930.0993.4309.01	-	99,183			RE	Federal Grants - Operational	
2930.2960.5120.00	52,383	-			EX	Personnel Services - Contra	
2930.2960.5379.07	30,000	-			EX	Confidential - HIDTA PEPI	
2930.2960.5802.00	16,800	-			EX	Vehicles And Equipment	
1010.0001.4309.01	-	17,461			RE	Federal Grants - Operational	
1010.2920.5120.00	17,461	-			EX	Personnel Services - Contra	
	-	-					
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	-	-					
	-	-					



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323

Text File

File Number: 2015-0111

Agenda Date: 3/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A.3

FAYETTEVILLE POLICE DEPARTMENT POLICIES:

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES 1.2.1 LIMITS OF AUTHORITY; 1.3.1 USE OF FORCE; 1.3.4 LESS LETHAL WEAPONS AND DEFENSIVE TACTICS; 46.1.10 ACTIVE THREATS; 48.1.1 NEXT OF KIN NOTIFICATIONS/ASSISTANCE SERVICES; AND 71.1.1 DETAINEE TRANSPORT

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 Fayetteville Police Department policies 1.2.1 Limits of Authority; 1.3.1 Use of Force; 1.3.4 Less Lethal Weapons and Defensive Tactics; 46.1.10 Active Threats; 48.1.1 Next of Kin Notifications/Assistance Services; and 71.1.1 Detainee Transport.

City of Fayetteville Staff Review Form

2015-0111

Legistar File ID

3/17/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Greg Tabor, Chief of Police

2/20/2015

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Council approves resolution adopting Fayetteville Police Policies 1.2.1, Limits of Authority; 1.3.1, Use of Force; 1.3.4, Less Lethal Weapons and Defensive Tactics; 46.1.10, Active Threats; 48.1.1, Next of Kin Notifications / Assistance Services; and 71.1.1, Detainee Transportation.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 17, 2015

TO: Mayor and City Council
FROM: Greg Tabor, Chief of Police
DATE: February 20, 2015
SUBJECT: Police Department Policy

RECOMMENDATION:

Council approves resolution adopting Fayetteville Police Policies 1.2.1, Limits of Authority; 1.3.1, Use of Force; 1.3.4, Less Lethal Weapons and Defensive Tactics; 46.1.10, Active Threats; 48.1.1, Next of Kin Notifications / Assistance Services; and 71.1.1, Detainee Transportation.

BACKGROUND:

The Fayetteville Police Department is currently in the process of reviewing policies and updating as necessary to conform to current practices and to comply with accreditation standards. Policies 46.1.10, Active Threats, and 48.1.1, Next of Kin Notifications / Assistance Services, are new policies. Policy 1.2.1, Limits of Authority, is an existing policy that was approved by the council on May 1, 2012. Policy 1.3.1, Use of Force, is an existing policy that was approved by the council on November 8, 2012. Policy 1.3.4, Less Lethal Weapons and Defensive Tactics, is an existing policy that was approved by the council on June 7, 2011.

DISCUSSION:

Policy 46.1.10, Active Threats, and Policy 48.1.1, Next of Kin Notifications / Assistance Services, are new policies that address new accreditation standards. The remaining three policies are existing policies that contain changes to comply with directives written during our accreditation process. Other changes to these policies were made to comply with state standards and current practices of the department. All changes are highlighted.

BUDGET/STAFF IMPACT:

These policies will not have any impact on budget or staff.

Attachments:

Fayetteville Police Policy 1.2.1, Limits of Authority
Fayetteville Police Policy 1.3.1, Use of Force
Fayetteville Police Policy 1.3.4, Less Lethal Weapons and Defensive Tactics
Fayetteville Police Policy 46.1.10, Active Threats
Fayetteville Police Policy 48.1.1, Next of Kin Notifications / Assistance Services
Fayetteville Police Policy 71.1.1, Detainee Transportation

POLICIES, PROCEDURES, AND RULES

Subject: 1.2.1 Limits of Authority	Effective Date: May 1, 2012
Reference: 41.2.7, 71.1.1	Version: 1
CALEA: 1.1.3, 1.1.4, 1.2.1, 1.2.2, 1.2.4, 1.2.5, 1.2.6, 1.2.7, 1.3.5, 11.3.1, 22.2.7	No. Pages: 9

I. Purpose

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

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

II. Definitions

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

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

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

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

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

III. Policy

A. JURISDICTION AND STATUTORY AUTHORITY

1. Officers of the Fayetteville Police Department shall have within the corporate limits of the City of Fayetteville all the powers invested in law enforcement officers as described under Arkansas Code Annotated 14-52-203 [CALEA 1.2.1, 1.2.2], [CALEA 11.3.1 a.].
2. Officers shall also have the power to serve all civil and criminal process that may be directed to them by any officer of the court and enforce the ordinances and regulations of the city as the city council may direct.
3. In addition to their authority within the corporate limits, officers shall have all the powers invested in law enforcement officers by the Arkansas Constitution, State statutes and the Rules of Criminal Procedure.
4. An officer outside his or her jurisdiction may affect an arrest without a warrant upon having both probable cause and the request or permission of the agency having jurisdiction. Upon doing so, the officer must notify the law enforcement agency having jurisdiction as soon as practicable and relinquish custody of the suspect to that agency as described under Arkansas Code Annotated 16-81-106.
5. An officer pursuing an offender outside the corporate limits or extraterritorial jurisdiction of the city shall be entitled to all privileges, immunities and benefits to which he would be entitled if acting within the city, including coverage under the worker's compensation laws.
6. Each employee of the department is accountable for the use of delegated authority invested by statute [CALEA 11.3.1 b.].

B. ARREST AUTHORITY

An officer may affect an arrest if there is probable cause to believe a person has committed an offense as it is defined in the Arkansas Criminal Code. Probable cause is the legal requirement for an arrest [CALEA 1.2.5].

1. An arrest occurs when the following conditions exist:
 - a. The officer believes that sufficient legal evidence exists that a crime is being committed, and intends to restrain the suspect;
 - b. The officer deprives the individual of his liberty; and
 - c. The suspect believes he or she is in custody of the police and cannot voluntarily leave.
2. An arrest can be initiated with or without a warrant and must be based on probable cause.
 - a. Arrest Pursuant to Warrant – An arrest warrant issued by the court determines an arrest should be made and directs the police to bring the named person before court.
 - (1) An officer having a warrant in possession may arrest the person named on or described in the warrant at any time and at any place within the jurisdiction of the City of Fayetteville.
 - (2) An officer, who has knowledge that a warrant for arrest has been issued and has not been executed, but who does not have the warrant

in his possession, may arrest the person named in the warrant according to Arkansas State Law.

- a. The officer must inform the person arrested of the existing warrant, and
- b. The officer must serve the warrant on the person as soon as possible.

b. Arrest Without a Warrant – According to Rule 4 of the Arkansas Court Rules of Criminal Proceedings, a law enforcement officer may arrest a person without a warrant if the officer has reasonable cause to believe that such person has committed [CALEA 1.2.5]:

- (1) a felony;
- (2) domestic violence; as further detailed in FPD 1.2.4, Domestic Violence
- (3) a traffic offense involving:
 - a. death or physical injury to a person; or
 - b. damage to property; or
 - c. driving a vehicle while under the influence of intoxicants or narcotics;
- (4) Any violation of law in the officer's presence.
- (5) A private person may make an arrest where he has reasonable grounds for believing the person arrested has committed a felony.
- (6) It is not necessary that an officer or citizen be able to articulate the specific offense at the time of the arrest.
- (7) A warrant-less arrest by an officer not personally possessed of information sufficient to constitute reasonable cause is valid where the arresting officer is instructed to make the arrest by a police agency, which collectively possesses knowledge sufficient to constitute reasonable cause.
- (8) In the case of a misdemeanor, probable cause as well as the officer's presence at the time of the offense is required, with the following exceptions:
 - a. The officer believes the suspect may cause physical injury to self or others, or damage to property unless immediately arrested (see ACA 16-81-113) and Domestic Abuse Act as defined by Arkansas State Law.
 - b. The suspect has committed the offense of shoplifting when the officer, merchant or merchant's employee who has observed the person accused of shoplifting shall provide a written statement which shall serve as probable cause to justify the arrest (See ACA 5-36-116).
 - c. The officer has reason to believe the suspect will not be apprehended unless immediately arrested.

3. Upon making an arrest, an officer must:

- a. Identify himself as a law enforcement officer unless his identity is otherwise apparent;
 - b. Inform the arrested person that he is under arrest; and
 - c. As promptly as is reasonable under the circumstances, inform the arrested person of the cause of the arrest, unless the cause appears to be evident.
4. An arrest is complete when:
 - a. The person submits to the control of the arresting officer who has indicated his intention to arrest, or
 - b. The arresting officer, with intent to make an arrest, takes a person into custody by the use of physical force.
5. An officer may enter private premises or vehicles to effect an arrest when:
 - a. The officer has in his possession a warrant or order for arrest of a person or is authorized to arrest a person without a warrant or order having been issued;
 - b. The officer has reasonable cause to believe the person to be arrested is present, and
 - c. The officer has given, or made reasonable effort to give notice of his authority and purpose to an occupant thereof, unless there is reasonable cause to believe the giving of such notice would present a clear danger.
6. Arrest for Serious Crime – When an officer arrests a person for a serious crime, the officer shall advise the supervisor on duty and a determination will be made if the ~~detective~~ Criminal Investigation Division shall be notified of the arrest for further interviewing and investigation.
7. Arrest of Military Deserter – Officers with probable cause that a person is a military deserter may arrest that person and arrange as soon as possible to release the person to the proper military authority.
8. Arrest of Injured Person – Upon arresting a person who has been injured, or is injured during the arrest process, the officer shall conduct an assessment of the injury based on visual and/or verbal clues of the person and/or injury. In doing so, the officer shall [CALEA 1.3.5]:
 - a. Transport the person for normal booking procedures if the injury is apparently non-debilitating and not life threatening.
 - b. Request for Emergency Medical Services to respond to the scene if the injury appears to be life threatening or debilitating.
 - c. Not transport the person to a medical facility if the injury is life threatening or debilitating unless exigent circumstances exist. Further reference may be made to FPD 71.1.1, Detainee Transportation.
9. Arrest of Unconscious or Semiconscious Person – Whenever an officer arrests an individual who is unconscious, semiconscious, or otherwise apparently suffering

from some disabling condition, and who is unable to provide information on the causes of the condition, the officer should make a reasonable effort to determine if the person arrested is wearing a bracelet or necklace containing the Medic Alert Foundation's emergency alert symbol to indicate that the person suffers from diabetes, epilepsy, cardiac condition or any other form of illness which would cause a loss of consciousness. If such a symbol is found indicating that the person being arrested suffers from one of those conditions, the officer must make a reasonable effort to have appropriate medical care provided.

10. Arrest of Foreign Nationals – Whenever a foreign national is arrested or detained in the United States, there are legal requirements contained in the Vienna Convention on Consular Relations to ensure that the foreign national's government can offer him/her appropriate consular assistance. In all cases the foreign national must be told of the right of consular notification and access. According to the Department of State, this requirement applies even if the foreign national is not in the United States legally. A list of contact information for embassies and consulates within the United States is available in the squad room and the Washington County Detention Center.

In some cases, mandatory notification must be made to the nearest consulate or embassy without delay, or within the time specified in a bilateral agreement between the United States and the foreign national's country, regardless of whether the foreign national request such notification. If the foreign national's country is on the list of mandatory notification countries, notify that country's nearest consular official, without delay, of the arrest/detention. A list of the mandatory notification countries is available in the squad room and the Washington County Detention Center.

Privacy concerns or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by his/her government may exist in some mandatory notification cases. The notification process should still be honored, but it is possible to take precautions regarding disclosure of information. The State Department should be consulted in these situations. Under no circumstances should any information indicating that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person's government.

It is the responsibility of the arresting officer, not the detaining facility, to notify the arrested person's nearest consular official. It is also the arresting officer's responsibility to inform the arrestee notification has been made. A form documenting arrest notification that can be sent via FAX is available in the squadroom and the Washington County Detention Center. A copy of this notification process should be attached to the arrest report [CALEA 1.1.4].

11. Misuse of Arrest Authority – Officers of the Fayetteville Police Department shall not misuse the arrest authority that has been delegated to them.

C. USE OF DISCRETION AND ALTERNATIVES TO ARREST

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

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

In the instances of lesser violations, the officer may weigh the seriousness of the offense and the surrounding circumstances and choose an alternative to arrest. The proper exercise of discretion does not relieve the officer of his responsibility to conduct a thorough investigation [CALEA 1.2.7].

1. Alternatives to Arrest [CALEA 1.2.6]

- a. Issuance of a citation or criminal summons (when the district judge determines the offense to be citable) which would allow the arrested person to appear in court on his/her own recognizance.
- b. Informal resolution; or
- c. Warnings.

2. At his discretion, an officer may assist, as an alternative to arrest and incarceration, an individual found intoxicated in a public place by taking the following actions [CALEA 1.2.7]:

- a. The officer may transport the intoxicated individual home;
- b. The officer may transport the intoxicated individual to the residence of another individual willing to accept him/her;
- c. The officer may transport the intoxicated individual to a public or private shelter facility if the individual is apparently in need of and unable to provide for himself food, clothing or shelter but not in need of medical care;
- d. The officer may transport the intoxicated individual to a medical facility if it is apparent the individual is in need of but unable to provide for himself immediate medical care.

3. Criminal justice and social services programs are available resources that should be considered and utilized when possible. Officers should carefully weigh the available options in any given situation; supervisory consultation may be necessary. Diversion programs available may include, but are not limited to [CALEA 1.1.3]:

- (1) Juvenile offender diversions via the Juvenile Division of the Fourth Judicial Circuit Court
- (2) Fourth Judicial District Victim's Rights Advocate
- (3) The Fayetteville Women's Shelter
- (4) Northwest Arkansas Rape Crisis Center
- (5) Salvation Army

- (6) Local churches and homeless shelters
- (7) Local mental health facilities (See FPD 41.2.7)

D. OFF-DUTY ARREST

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

1. When off-duty and within legal jurisdiction of this department, a police officer may make an arrest when:
 - a. There is an immediate need for the prevention of bodily injury or property loss/damage or apprehension of a suspect;
 - b. The arresting officer is in possession of appropriate police identification.
2. Off-duty officers shall not enforce minor traffic offenses or utilize personal vehicles to pursue or attempt the apprehension of persons.
 - a. Off-duty officers may cautiously follow suspects to obtain vehicle and suspect descriptions or destinations, but officers must realize there is no authorization under state law or departmental policy to violate traffic laws while operating a private vehicle.
 - b. If an off-duty arrest is made, the off-duty officer shall abide by all departmental policies and procedures and shall notify an on-duty supervisor of the circumstances of the arrest and complete any documentation required by procedure.
 - c. No prisoner or arrestee, under any circumstances, shall be transported in a privately owned vehicle.

E. POST ARREST PROTOCOL

The Chief of Police, state law requirements, and jail procedures will dictate what protocol will be followed post-arrest pertaining to preparing reports, fingerprinting, and photographing.

1. For probable cause arrests made by officers that do not include warrants issued by a judge, officers will complete a preliminary report as part of the booking process as well as an arrest incident report in the police department's reporting system. If the arrest also includes a criminal offense involving a victim, the officer will complete that part of the report as well as the suspect's arrest report [CALEA 1.2.5 a.].
2. Fayetteville Police Department is responsible for the fingerprinting and photographing of arrested subjects per state law requirements. Per Arkansas 12-12-1006, immediately following an arrest for an offense, a law enforcement official at the receiving criminal detention facility shall take, or cause to be taken, the fingerprints and a photograph of the arrested person if the offense is a felony or a Class A misdemeanor. When the first appearance of a defendant in court is caused by a citation or summons for an offense, a law enforcement official at the receiving facility shall take, or cause to be taken, the fingerprints and a photograph of the

arrested person when the offense is a felony or a Class A misdemeanor. While this policy does allow officers to utilize discretion as to whether or not a physical arrest is made or a citation is issued for a Class A misdemeanor, the District Court Judge may provide a list of offenses that will require a physical arrest for certain offenses. ~~Juvenile requirements are set forth in Arkansas 9-27-320, and requires when a juvenile is arrested for any offense that if committed by an adult would constitute a felony or a Class A misdemeanor in which violence or the use of a weapon was involved, the juvenile shall be photographed and fingerprinted by the law enforcement agency. These processes will commonly be completed during booking at the Washington County Detention Center [CALEA 1.2.5 b., c.].~~

3. Juvenile post arrest requirements are set forth in A.C.A. 9-27-320. For juvenile arrest procedures and protocols, see Juvenile Operations 44.1.1.

F. Personnel Identification Measures

The following will govern identification requirements of all police department personnel [CALEA 22.2.7]:

1. All personnel will be issued an identification card with their photograph that is required to be carried and accessible while the employee is on duty [CALEA 22.2.7 b.].
2. All employees shall be able to display their identification card upon a reasonable and safe request. Sworn personnel should display this in the accompaniment of their issued badge. Exceptions to this display are when necessary during the performance of police duties at an incident where the officer's status is obvious or in a required undercover capacity where doing so would jeopardize the mission of the operation or the officer's cover [CALEA 22.2.7 a.].
3. In cases where an officer is unable to show identification during an incident, that officer should make every attempt to show his credentials to the requesting party once the scene is secured [CALEA 22.2.7 a.].
4. All officers including uniformed officers should have access to their full credentials while on duty for cases where additional credential checks may be required. Exceptions to this requirement may occur in undercover assignments [CALEA 22.2.7 a.].
5. In the course of conducting official department business over the telephone, all employees should identify themselves by title, department, and name. Should the other party question the department employee's credibility, the employee should welcome the other party to verify their identity. The employee should suggest the other party may hang up and call the Fayetteville Police Department for verification through Dispatch. Employees may provide the other party with the telephone number and tell the other party they are welcome to look up the phone number independently [CALEA 22.2.7 c.].
6. The issuance of identification shall be considered a standard procedure. A record will be maintained documenting the date of issuance, the person issuing, and the person issued. Employees will be expected to maintain their identification in a professional manner. Lost or stolen identification cards shall be reported to the immediate supervisor.

7. Upon separation of employment, the employee shall relinquish his or her identification card to police personnel.

POLICIES, PROCEDURES, AND RULES

Subject: 1.3.1 Use of Force	Effective Date: November 8, 2012
Reference: 1.3.4, 41.3.5, General Orders 13, 14, 23, 29, 32	Version: 1
CALEA: 1.3	No. Pages: 8

I. PURPOSE

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

II. DISCUSSION

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

III. DEFINITIONS

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

Physical Force – Physical force is any bodily impact, restraint, confinement or the threat thereof.

Reasonable Belief – Reasonable belief is fact or circumstances the officers knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious Physical Injury – Serious physical injury is bodily injury that creates a substantial risk of death; cause serious, permanent disfigurement; or results in a long-term loss or impairment of the functioning of any bodily member or organ.

IV. POLICY

It shall be the policy of the Fayetteville Police Department that its officers shall not use more force in any situation than is reasonably necessary under the circumstances. [CALEA 1.3.1]

Officers of the Fayetteville Police Department shall only carry firearms, less-lethal weapons, and ammunition issued to them, or approved, by the Fayetteville Police Department while on duty. While working off duty assignments that have potential for police action, officers shall only carry firearms, less-lethal weapons and ammunition issued to them, or approved, by the Fayetteville Police Department [CALEA 1.3.9].

A. Use of Deadly Force

1. An officer may use deadly force to protect him/her or others if he/she has reasonable belief of immediate threat of death or serious physical injury [CALEA 1.3.2].
2. The use of deadly force should be prohibited in the apprehension of misdemeanants, since the value of human life far outweighs the gravity of a misdemeanor offense.
3. Deadly force shall never be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime. An officer shall either have witnessed the crime or have sufficient information to know, as a virtual certainty, that the suspect committed an offense for which the use of deadly force is permissible.
4. Officers shall not be permitted to fire at felony suspects when the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force or when there is substantial danger to innocent bystanders. Although the requirement of using lesser force, when possible, is a legal rule, the other limitations are based on sound public policy. To risk the life of innocent persons for the purpose of apprehending a felon cannot be justified.
5. Officers shall not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another person.
6. Officers shall not fire their weapons to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at "center body mass."
7. An officer may use deadly force to effect the capture or prevent the escape if the officer reasonably believes that the suspect has committed a felony involving the use or threatened use of deadly force and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.
8. In order to protect the community's interest when employees may have exceeded the scope of their authority in their actions or in their use of deadly force and to shield employees who have not exceeded the scope of their authority from possible confrontations with the community, employees whose actions or use of force in an official capacity results in death or serious physical injury shall be relieved from line-duty assignment pending administrative review. This shall include all employees, is not limited to shootings, and will include incidents such as a fatal or serious physical injury motor vehicle collisions involving the employees [CALEA 1.3.8].
9. The killing of an animal is justified by the following conditions:
 - a. For self-defense, to prevent injury to an officer or another, or when the animal is so badly injured that humanity requires its relief from further suffering.

- b. ~~To prevent substantial harm to the officer or another, or~~
- c. The destruction of vicious animals should be guided by the same rules set forth for self-defense and safety of others.
- d. A Use of Force Report ~~form~~ and memorandum to the officer's direct supervisor shall be completed when an animal is killed for the self-defense of officers or safety of others.
- e. A seriously wounded or injured animal may be destroyed upon approval from a supervisor, and only a Use of Force Report is required.

B. Use of Physical Force and Less-Lethal Weapons

All police officers of the Fayetteville Police Department are directed to obtain defensive tactics training and certification to carry and use the departmental authorized less-lethal weapons. Officers will be issued copies of 1.3.1 and will be instructed in this policy [CALEA 1.3.12]. Defensive tactics and less-lethal weapons provide officers with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations that occur in the line of duty.

It shall be the policy of the Fayetteville Police Department that officers use defensive tactics and less-lethal weapons when warranted, but only in accordance with guidelines set forth in section 1.3.4.

All departmentally approved less-lethal devices are deployed as additional police tools and are not intended to replace firearms or self-defense techniques. Officers choosing to use these devices should not compromise their safety.

C. Firearms

1. Issuance of "Use of Force" policy: All officers of the Fayetteville Police Department shall be issued individual copies of and receive instruction on the department's policy regarding use of deadly force prior to being issued a firearm [CALEA 1.3.12]. Officers will receive in-service training on the department's use of force policy on an annual basis [CALEA 1.3.11].
2. Proficiency in Use of Agency-Authorized Firearms: Qualification with the issued ~~handgun service weapon~~ is an essential job function of a Fayetteville Police Officer. Failure to qualify may result in the imposition of discipline, up to and including termination of employment. Additionally, failure to qualify with any other department-approved weapon would prohibit that officer from being allowed to carry that particular weapon [CALEA 1.3.10]. An Arkansas Commission on Law Enforcement Standards and Training (CLEST) certified weapons instructor shall conduct training and qualification [CALEA 1.3.11 a].
 - a. Officers shall qualify with the issued handgun ~~service~~ four times each year, at least one of which will meet a CLEST approved ~~(ALETA)~~ Standard Qualification Course of Fire for one target [CALEA 1.3.11 b.].
 - b. On all other qualification relays, officers shall qualify with a score equal to or better than the established standard set by the Chief of Police in consultation with the Firearms Instructor.

- c. Officers certified on the department approved shotgun or rifle shall qualify annually on a CLEST approved course.
 - d. All firearms training and qualification scores, including remedial training if necessary, will be documented and maintained by the Firearms Division until an officer separates from the department [CALEA 1.3.11 b].
 - 1) An officer who fails to qualify with his/her issued handgun, shotgun, or rifle after two consecutive attempts shall be referred for immediate remedial training by a certified firearms instructor.
 - 2) The firearms instructor providing the remedial training shall notify the officer's immediate supervisor and the Chief of Police in the event the officer is still unable to qualify at the conclusion of the extra training session.
 - a) Upon notification an officer has failed to qualify with their issued handgun, the supervisor shall immediately relieve the unqualified officer of the issued handgun and patrol duty, with pay. The unqualified officer will be directed to report to the Training Division the next working day for additional remedial training. The officer's authority to carry a firearm shall remain revoked until such time as the officer qualifies or that the determination is made that the officer is not responding to further training [CALEA 1.3.11 c].
 - b) Upon notification an officer has failed to qualify with a shotgun or rifle, the officer's authority to carry the firearm shall remain revoked until such time the officer qualifies. It shall be the responsibility of the officer to schedule additional remedial training and qualifications.
 - e. Any officer who fails to qualify with their issued handgun, and receives remedial training more than once during a calendar year, shall be subject to disciplinary action. If an unqualified officer does not satisfactorily respond to remedial training and remains unqualified, the Chief of Police shall be notified in writing.
 - f. Officers shall attain and demonstrate knowledge of the laws concerning the use of firearms and be familiar with and recognize safe-handling procedures for the use of these weapons.
 - g. Any officer returning to duty after an absence exceeding three months shall report to the Training Division for remedial training and a CLEST approved qualification prior to being permitted to return to full duty.
- 3. Except for general maintenance, storage or authorized training, officers shall not draw or exhibit their firearm unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
 - 4. Warning Shots: Officers are not justified in using a firearm to fire a warning shot for any purpose. Warning shots endanger the lives of innocent bystanders and may also prompt a suspect to return fire [CALEA 1.3.3].
 - 5. Off-Duty Possession of Weapons: It shall be the policy of the Fayetteville Police Department to permit full-time sworn members of the department to possess and carry a concealed weapon while off-duty within the corporate limits of Fayetteville. Officers should also be aware that Federal Law, known as the Law Enforcement

- Officers Safety Act of 2004, provides certified law enforcement officers with the right to carry a concealed firearm in any jurisdiction of the United States.
- a. Officers are not required to carry a weapon while off-duty but may do so at their option.
 - b. Officers exercising the option to carry a weapon while off-duty are authorized to carry their issued weapon.
 - c. Authorization for officers to carry weapons while off-duty shall be subject to the following conditions:
 - 1) Officers will be required to have in their possession the department-issued badge and official identification card.
 - 2) Officers in plain clothes wearing their firearms exposed to the public view shall display their department badge near the firearm in a manner that is clearly visible to the public unless special circumstances exist.
 - 3) Officers who choose to carry a weapon other than one issued by the police department shall qualify to demonstrate proficiency in the use of that weapon on an annual basis at their own expense.
6. Department-Issued Weapons and Ammunition: Reference may be made to section 41.3.5 for specifications of department-issued weapons and ammunition.
- a. All department-issued firearms will be inspected on an annual basis by a certified armorer and must be approved by the armorer before being issued and/or carried [CALEA 1.3.9 c,d,e].
 - 1) The Firearms Division will maintain weapons inspections reports.
 - 2) Firearms determined to be unsafe or irreparable by certified weapons instructors or armorers shall immediately be removed from service with a report indicating such status [CALEA 1.3.9 d.].
 - 3) For weapons in need of repair, a certified armorer will make the decision to repair the weapon or to send the weapon to the factory's certified repair center [CALEA 1.3.9 d.].
 - 4) The Firearms Division will maintain a record on all weapons in service to include inspection date(s) and maintenance [CALEA 1.3.9 e.].
 - b. Officer Responsibility for Department-Issued Firearm:
 - 1) Officers must take reasonable and adequate care of any firearm issued to them.
 - 2) In the event a firearm is lost, damaged, destroyed or stolen, the officer may be subject to financial liability and/or dismissed if a preponderance of evidence establishes negligence or willful destruction or damage of the firearm by the officer.
 - 3) Officers shall be responsible for reporting damaged or unsafe firearms to the on-duty supervisor who will ensure unsafe firearms are removed from service and the certified armorer is notified. Officers shall complete a memorandum documenting the damaged or unsafe firearm to his immediate supervisor to be forwarded through the chain of command, as well as to the certified armorer [CALEA 1.3.9 d.].
 - 4) In the event of the loss of department-issued firearm, the officer will immediately notify the shift supervisor who will in turn notify the Chief of Police. The supervisor will also notify local law enforcement authorities

- of the firearm loss and ensure that the loss is reported through the department's ACIC/NCIC terminal.
- 5) Officers may choose to leave their issued handgun(s) in their locked lockers at the department. If officers choose to remove their issued handgun(s) from the department while off duty, it is recommended they be stored in a locked box, separate from the ammunition [CALEA 1.3.9 f].
7. Discharge of Weapon: If an officer, on or off duty, fires a department-issued weapon while acting in his official capacity (except for training purposes such as range qualifications) or in the event of an accidental discharge, the officer shall comply with the following:
- a. The officer who fired the weapon shall notify the shift supervisor as soon as practicable after the firing has taken place.
 - b. The supervisor shall make a preliminary investigation each time an officer under his command fires a weapon.
 - c. The supervisor shall cause a report to be filed immediately with the Chief of Police regarding the firing of any weapon by police personnel [CALEA 1.3.6 a.].
 - d. If during the performance of duty or on any occasion an officer fires a weapon and in doing so wounds or kills a suspect or perpetrator of a crime, the following procedure is to be followed immediately:
 - 1) Medical aid, to the extent possible, should be given to anyone injured [CALEA 1.3.5].
 - 2) The shift supervisor is to be notified immediately.
 - 3) The shift supervisor will notify the Chief of Police through the chain of command immediately.
 - 4) A shooting team, the members of which will be designated by the Chief of Police, will be called to the scene.
 - 5) The shooting team will be responsible for conducting a thorough investigation into the circumstances surrounding the shooting. The shooting team will, at the conclusion of the investigation, submit a report to the Chief of Police including relevant facts and circumstances surrounding the incident and a conclusion as to whether the discharge violates departmental policy.
 - 6) The shooting team will be functioning with the full authority of the Chief of Police. The team will be in complete control of the internal investigation. All officers, including shift supervisors, shall give the team their full cooperation. No one shall interfere with such an investigation.
 - e. If the facts of the incident support a conclusion that the shot was the result of negligence, the officer shall be required to undergo firearms certification training again.
 - h. Firearms - The Fayetteville Police Department authorizes the following weapons and will govern proficiency requirements as follows for each weapon. Only agency personnel demonstrating proficiency in the use of agency-authorized weapons shall be approved to carry such weapons [CALEA 1.3.10]:

- 1) Each officer will be assigned and issued a handgun service weapon that will be either the Glock model 35 .40 caliber semi-automatic pistol or the Glock model 23-C .40 caliber semi-automatic pistol [CALEA 1.3.9 a.]:
 - a) Officers must meet the qualification standards for their issued handgun service weapon as previously stated in this policy [CALEA 1.3.11 b.].
- 2) The rifle will be an AR 15 type short barrel rifle (SBR 11.5 inch barrel) or carbine (16 inch barrel) capable of semi-automatic fire in caliber 5.56 mm (.223 caliber) magazine fed. This rifle will be either of the A2 type with fixed carry handle with iron sights only, or the A3 flat top equipped with an Eo-Tec holographic sight and co-witness flip up iron sights [CALEA 1.3.9 a.]:
 - a) The AR15 rifle will be authorized for Emergency Response Team (ERT) members and for other selected sworn members of the department.
 - b) AR15 operators must successfully complete a patrol rifle certification course approved by CLEST. will be certified by the department minimum of 40 hours of training on the AR15 type rifle and must pass a qualification course using both types of sights annually [CALEA 1.3.11 b.].
 - c) AR15 operators must pass a will be required annually to qualify on a CLEST approved patrol rifle qualification course using both types of sights annually [CALEA 1.3.11 b.].
- 3) Shotguns will be Remington 11-87 gas operated semi-automatic 12 gauge shotguns. They will be either 14 inch barreled or 20 inch barreled. The Remington 870 12 gauge pump action shotgun used by ERT may be deployed using specialized ammunition as determined by the ERT Team Commander [CALEA 1.3.9 a.]:
 - a) Shotguns will be authorized for ERT members and for sworn officers.
 - b) Shotgun operators will have completed a shotgun certification course approved by CLEST. 16 hour training course and be certified as a shotgun operator by the department.
 - c) Shotgun operators must pass a CLEST approved shotgun qualification course annually [CALEA 1.3.11 b.].
- 4) ~~Marksman~~ Precision rifles will be either the Remington model 700 LTR bolt action .308 caliber or the AR10-style Larue PredatOR semi-automatic, gas operated, magazine fed .308 caliber rifle [CALEA 1.3.9 a.]:
 - a) ~~Marksman~~ Precision rifles will be authorized for selected ERT members.
 - b) ~~Marksman~~ Precision rifle operators must successfully complete a Sniper certification course approved by CLEST.
 - c) ~~Marksman~~ Precision rifle operators must pass a CLEST approved precision rifle qualification course annually will be

~~required annually to qualify with each type of Marksmen precision rifle on a CLEST approved qualification course of fire~~ [CALEA 1.3.11 b.].

- 5) Officers assigned to the 4th Judicial District Drug Task Force (DTF) will be authorized to carry the Glock model 27 .40 caliber semi-automatic pistol Smith and Wesson model 342 5-shot .38 special revolver [CALEA 1.3.9 a.].
 - a) DTF officers issued this weapon will qualify annually on a CLEST approved qualification course [CALEA 1.3.11 b.].
- 6) The aforementioned weapons when not in operation, other than department issued handguns, must be locked and stored in approved department arsenals or safes. While on duty, rifles and shotguns in marked patrol vehicles shall be carried in approved locking mechanisms. Officers will follow storage guidelines in this policy that apply to issued handguns [CALEA 1.3.9 f.].

D. Use of Force Reports: The purpose of this section is to establish specific guidelines that define the situation when a Use of Force Report must be completed. Not every touching by an officer requires a report; circumstances that require a report are outlined in this section [CALEA 1.3.6].

1. All officers are directed to complete a Use of Force Report when the following criteria are met and turn it in to his supervisor before the end of his shift:
2. Situations that require supervisor notification and completion of the Use of Force Report [Calea 1.3.6 b, c, d]:
 - a. An officer exercising police authority uses force which causes death or any visible or apparent physical injury, or which results in the subject saying that he or she was injured;
 - b. An officer exercising police authority uses any object including but not limited to a hand, fist, foot or intermediate weapon to strike a blow to a subject;
 - c. An officer exercising police authority bodily removes or drags a struggling subject from one place to another, or forcibly places or keeps a person in a prone position;
 - d. An officer exercising police authority uses force during or after which a subject loses consciousness;
 - e. An officer uses any intermediate weapon;
 - f. An officer discharges a firearm, regardless of duty status and regardless of whether the discharge was accidental or intentional. (Exception: range activity and other lawful and safe target practice) [CALEA 1.3.6 a.];
 - g. An officer points a firearm at anyone.
3. Officers should photograph and document any injury, or reported injury, on the Use of Force Report.
4. Use of Force Reports will be submitted by the shift supervisor to the department's administration [CALEA 1.3.7]:

- a. Each Use of Force Report will be reviewed by the division's respective captain and by the Chief's designated head of Office of Professional Standards (OPS) [CALEA 1.3.7].
- b. The designated head of OPS will conduct an annual review and analysis of all Use of Force Reports, activities, policies, and practices and submit a report to the Chief of Police [CALEA 1.3.13].

POLICIES, PROCEDURES, AND RULES

Subject: 1.3.4 Less-Lethal Weapons and Defensive Tactics	Effective Date: June 7, 2011
Reference: 1.3.1, General Orders 13, 14, 23, 29, 32	Version: 1
CALEA: 1.3.4, 1.3.5, 1.3.6, 1.3.11	No. Pages: 5

I. PURPOSE

The purpose of this directive is to establish specific guidelines for the use of authorized less-lethal weapons and defensive tactics[CALEA 1.3.4].

II. DISCUSSION

Defensive tactics and less-lethal weapons provide officers with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations that occur in the line of duty.

III. POLICY

It shall be the policy of the Fayetteville Police Department that officers use defensive tactics and less-lethal weapons when warranted, but only in accordance with the guidelines established in this policy.

A. Defensive Tactics

The *Use of Force Continuum* is included as a guide in the appropriate use of force. It is recognized that it cannot be rigidly applied in rapidly unfolding and fluid situations. Officers should generally use the level of force that can reasonably be expected to succeed in controlling the situation. Officers are not required to move in a hierarchical fashion through all the levels of control, but instead, should use that level of force that is appropriate and reasonable under existing circumstances [CALEA 1.3.1].

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

1. Levels of Control:

The department will instruct various defensive tactics techniques, which include pressure point and ground fighting techniques to officers. Officers shall only use authorized techniques they have been trained to use.

- a. Officer Presence: The professional appearance and uniform of a police officer.

- b. Verbal Direction: The appropriate verbal response and commands used to attempt to direct the action of a suspect.
- c. Empty Hand: Soft empty hand techniques are designed to control passive or defensive resistance. They are used when verbal direction/commands are not effective and there is non-compliance with lawful orders. Soft empty hand control techniques include strength techniques, joint locks, pressure points or distraction techniques, which are hand and leg strikes to specific motor nerve points.
- d. Hard Empty Hand Control techniques are designed to control active aggression, but can be used to control defensive resistance when lower forms of control have failed or when the officer believes lower forms of control will fail.
- e. Intermediate Weapons: An intermediate weapon is any tool used when empty hand control has been, or will likely be, ineffective or dangerous for the officers to attempt, and deadly force is not justified.

Usage criteria for intermediate weapons is as follows:

- (1) The use of any intermediate weapon is considered a use of force and shall be deployed in a manner consistent with this agency's use of force policy and in accordance with guidelines established in this policy.
- (2) An intermediate weapon may be used when:
 - (a) verbal dialogue has failed to bring about the subject's compliance, and
 - (b) the subject has signaled an intention to actively resist the officer's efforts to make the arrest, and
 - (c) the use of empty hand techniques has been, or will likely be, ineffective or not reasonable under the circumstances.
 - (d) when confronted with an aggressive animal.
- (3) Whenever practical and reasonable, officers should issue a verbal warning prior the use of an intermediate weapon.
- (4) An officer may use deadly force to protect himself or others from the use, or threatened use, of an intermediate weapon when the officer reasonably believes that deadly force will be used against him if he becomes incapacitated.
- (5) An intermediate weapon is not designed, nor expected, to be used in place of deadly force when deadly force is justified. The

intermediate weapon is another tool in the use of force continuum to assist in preventing injury to officers or others.

(6) Once a suspect is compliant, the use of an intermediate weapon is no longer justified.

(7) If an intermediate weapon has been deployed, officers shall seek appropriate medical aid and/or assistance if necessary. Reference may be made to general orders specific to the less lethal weapon [CALEA 1.3.5].

e. **Deadly/lethal force:** Force likely to cause death or serious physical injury. Officers are authorized to use deadly force only when it is reasonable and necessary to protect him/her or others if he/she has reasonable belief of immediate threat of death or serious physical injury.

2. Levels of Resistance:

- a. **Psychological Intimidation:** The suspect attempts to intimidate the officers psychologically. These are non-verbal cues such as suspect attitude or physical appearance or physical readiness.
- b. **Passive Resistance:** The suspect makes no attempt to fight the officer or even pull away. He simply forces the officer to do all the work. An example would be the protestor who causes the officer to pick him up and carry him from the scene or the drunk driver who will not step from the car but must be physically pulled out.
- c. **Verbal Non-Compliance:** This includes verbal threats from the suspect towards the officers. A suspect may not be resisting just by threatening the officer but may simply refuse to comply with orders, be unwilling to comply or ignore the officer completely
- d. **Defensive Resistance:** The suspect performs actions that attempt to prevent officers from controlling him, such as pulling away when handcuffing is attempted. He may simply move away from the officer or push the officer's hands away. The suspect makes no attempt to harm the officer, just tries to defeat the arrest.
- e. **Active Aggression:** The suspect attempts to harm the officer by physical actions such as striking or kicking him.
- f. **Aggravated Aggression:** The suspect is attempting to harm the officer by use of a weapon or empty handed at a deadly force level.

3. De-escalation of Force:

Officers must immediately de-escalate down to empty hands or verbal commands after gaining compliance through the use of an intermediate weapon.

Officers, for their own protection, should understand and comply with the force continuum.

4. Training:

Officers are only authorized to use to intermediate weapons, pressure points and defensive tactics after they have received training and certification. ~~must be certified in the use of intermediate weapons, pressure points and defensive tactics before authorization to use such defensive tactics.~~

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

B. Less-lethal Weapons

Less lethal weapons provide officers with additional use-of-force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations that occur in the line of duty. It is the policy of this department that officers use less lethal weapons when warranted, but only in accordance with the guidelines established in this policy. Less lethal weapons are not designed to be used in place of deadly force when deadly force is justified. Less lethal weapons are other tools in the use-of-force continuum to assist in preventing injury to officers and others. Officers of the Fayetteville Police Department shall only carry ~~firearms~~, less-lethal weapons, and ammunition issued to them, or approved, by the Fayetteville Police Department while on duty. While working off duty ~~officers working secondary extra duty employment~~ assignments that have the potential for police action, officers shall only carry ~~firearms~~, less-lethal weapons and ammunition issued to them, or approved, by the Fayetteville Police Department [CALEA 1.3.9]. The types and specifications of approved less-lethal weapons and any corresponding ammunition will be governed by the department's Approved Weapons and Ammunition List as maintained by the Administrative Lieutenant [CALEA 1.3.9 a., b.].

All less lethal weapons shall be reviewed and inspected on an annual basis by a qualified weapons instructor or armorer. All less lethal weapons must be deemed safe and operational ~~approved~~ by the qualified weapons instructor or armorer before being issued and/or carried [CALEA 1.3.9 c.]. Less lethal weapons determined to be unsafe by qualified weapons instructors or armorers shall immediately be removed from service [CALEA 1.3.9 d.].

The police department will maintain a record on all less lethal weapons in service to include inspection date(s) and maintenance [CALEA 1.3.9 e.]. The department's Duty Assignment List will document personnel responsible for maintenance and inspection of less lethal weapons.

Officers shall be responsible for reporting damaged or unsafe less lethal weapons to the on-duty supervisor who will ensure unsafe less lethal weapons are removed from service. Officers shall complete a memorandum documenting the damaged or unsafe less lethal weapon to his or her immediate supervisor. The supervisor shall forward the memorandum through the chain of command and also send a copy of the memorandum to the qualified weapons instructor or an armorer listed on the department's Duty Assignment List. Before the repaired less lethal weapon is put back into service, it ~~is notified~~ will be inspected by a ~~and the responsible~~ qualified weapons instructor or armorer and deemed safe and operational [CALEA 1.3.9 d.].

Officers shall receive in-service refresher training, to include a review of FPD 1.3.1 and 1.3.4, on an annual basis [CALEA 1.3.12]. A certified weapons or tactics instructor will conduct refresher training. The training division will maintain documentation of refresher training. Remedial training, if necessary, will be given to any officer who is unable to demonstrate knowledge and proficiency of less lethal weapons prior to resuming official duties [CALEA 1.3.11].

POLICIES, PROCEDURES, AND RULES

Subject: 46.1.10 Active Threats	Effective Date: Pending, 2014
Reference: 41.2.17, 46.1.2, 46.2.1, 47.1.3, 54.1.1	Version: 1
CALEA: 46.1.10	No. Pages: 3

I. PURPOSE

The purpose of this policy is to state the guidelines for response to active threats.

II. POLICY

Situations involving active threats are serious in nature and can occur in any environment. This may include such settings as educational campuses, malls, businesses, special events, and the general workplace. The Fayetteville Police Department is committed to responding to active threats and to eliminating them as quickly as possible. These are situations that require immediate deployment and rapid intervention of patrol personnel prior to the arrival of any secondary units.

III. DEFINITIONS

- A. Active Threat: For the purposes of this policy, an active threat is defined as any deliberate incident that poses an immediate or imminent danger to others. Although these events often involve the use of firearms by perpetrators, they may also involve the use of other types of weapons or implements with the intent to cause harm.

IV. PROCEDURES

- A. Response to threats when lives are in immediate danger [CALEA 46.1.10 c.]
 - 1. Response will be immediate to an active threat when an event is on-going and the suspect(s) are actively engaged in causing death or serious bodily injury. These situations include, but are not limited to:
 - a. An active shooter;
 - b. An attack with edged weapon(s);
 - 2. Responding officers should quickly assess and respond to the situation as follows:
 - a. Gather information as rapidly as possible utilizing dispatched information, working with other observers, and from personal observation;
 - b. The first responding officers should form a contact team and immediately move towards any known suspects and:
 - (1) Continue past victim(s) to confront any active suspect(s);
 - (2) Continue past an unexploded device(s);

- (3) Communicate progress to other responders;
 - (4) Contain, control, and arrest.
- 3. After the contact team deploys, the next arriving personnel should establish a stationary command post, if possible, in order to work with other personnel:
 - a. Begin directing information to establish public notifications and to establish containment;
 - b. Begin establishing and deploying rescue teams.

B. Public Notifications for awareness and safety [CALEA 46.1.10 a.]

- 1. During an active threat, supervisors shall determine if public notification in the form of an emergency message is required for the awareness and safety of the public:
 - a. An emergency message may be directed during an active threat by any sworn supervisor or by any dispatch supervisor;
 - b. Supervisors may initiate an emergency notification to the public in person, by utilizing the news media, or by utilizing the City of Fayetteville's emergency alert system, or any combination of these methods;
 - c. When the emergency system is deployed, dispatch protocols will be followed in order that a systematic message is generated.
 - d. Sworn officers and dispatchers will assist as necessary with making required notifications.

C. Notification of additional public safety departments and other resources [CALEA 46.1.10 b.]

- 1. During an active threat, supervisors shall determine what notifications need to be made to additional public safety departments and other resources. All information for additional notifications should be channeled through dispatch.
- 2. Dispatch will maintain emergency contact lists of a variety of additional resources.
- 3. Supervisors should make notifications to the following entities during an active threat as needed:
 - a. EMS;
 - b. Fayetteville Fire Department;
 - c. Fayetteville Police ERT;
 - d. Fayetteville Police CNT;
 - e. Fayetteville Police Department PIO;
 - f. Fayetteville Police CID;
 - g. Washington County Emergency Manager;
 - h. HAZMAT Group;
 - i. Neighboring police agencies;
 - j. And other entities as required.
- 4. Notifications will primarily be made through dispatch utilizing dispatch protocols where applicable.

D. Containment of the Incident [CALEA 46.1.10 d.]

- 1. As the incident permits, sworn supervisors will ensure containment of the incident to prevent anyone from leaving or entering the perimeter.

2. Supervisors will ensure officers are assigned positions of observation where they can control the entrance(s) and exit(s).
3. Officers positioned to maintain the perimeter should focus on the following:
 - a. Preventing suspects from leaving;
 - b. Prevention of additional suspects or bystanders from entering the perimeter;
 - c. Providing cover for incident personnel;
 - d. Diverting vehicle traffic from the perimeter;
 - e. Reporting observations that are key to terminating the active threat and for the investigation.

E. Public Sheltering [CALEA 46.1.10 d.]

1. Sheltering needs have the potential to arise during an active threat.
2. When sheltering is required, dispatch will utilize the City of Fayetteville Emergency Operations Plan:
 - a. The department will assess the needs for sheltering based on size and proximity to the event and activate the appropriate shelter as quickly as possible.
 - b. Those in need of sheltering should be given the option to seek refuge in the appointed shelter or to go to friends or families for sheltering.

F. Documented Annual Review of policy and training needs [CALEA 46.1.10 e.]

1. The patrol captain will be assigned to conduct an annual review of policy and training needs related to Active Threat Response and will file the review with the Chief of Police.

POLICIES, PROCEDURES, AND RULES

Subject: 48.1.1 Next of Kin Notifications/Assistance Services	Effective Date: Unknown, 2014
Reference: FPD G.O. 21	Version: 1
CALEA: 22.2.4, 55.2.6	No. Pages: 2

I. Purpose

The purpose of this policy is to provide officers with direction in next of kin notifications.

II. Procedure

- A. The following will govern the notification of next of kin and assistance provided to family regarding line of duty deceased, seriously injured or seriously ill members of the police department [CALEA 22.2.4]:
 1. In most cases, notification shall be made in person by a member of the department's administration with assistance of the department's chaplain. Depending on the situation, a member of the department's administration may assign or allow another sworn member of the department to make the notification or accompany during the notification (FPD G.O. 21).
 2. To the extent possible, the department shall utilize all resources available in providing assistance and support to the employee's family at the hospital, during funeral and/or criminal proceedings.
 3. The department will keep in touch with the employee's family in order to be aware of the family's needs.
 4. Counseling and assistance with applicable benefits, legal and financial matters shall be made available to employee's family members when necessary.
 5. Fayetteville Police Department Administration should review resources related to line of duty deaths periodically to ensure contact numbers and support information remains up-to-date.
 6. It will be the employees' responsibility to update their beneficiary form through the City of Fayetteville Human Resources Division in compliance with A.C.A. 21-5-708.
- B. The following will govern the notification of next-of-kin of deceased, seriously injured, or seriously ill persons [CALEA 55.2.6]:
 1. In cases where next-of-kin reside in the city limits of Fayetteville, prompt notification should be made by Fayetteville officers.
 2. Notifications should be done in person at the residence when applicable in a professional manner. Officers should conduct themselves in a manner that reflects compassion and dignity.

3. When possible, assistance may be obtained from the clergy, close friend, or department chaplain.
4. The Fayetteville Police Department will maintain a willingness to provide next-of-kin notification requests from other departments in a prompt manner.
 - a. In the event the officer is unable to locate the subject of the notification, the officer should make reasonable attempts for a later notification. Central Dispatch Center should notify the requesting agency if the notification was successful or not.
5. In an active Fayetteville Police case, where the next-of-kin is out of area, officers should contact the corresponding law enforcement agency and request the notification to be made by their department. On duty supervisors may authorize local out of jurisdiction notifications when appropriate.

POLICIES, PROCEDURES, AND RULES

Subject: 71.1.1 Detainee Transportation	Effective Date: April 7, 2010
Reference: 42.1.3	Version: 1
CALEA: 70	No. Pages: 6

I. PURPOSE

The purpose of this directive is to establish Fayetteville Police Department policy for detainee transportation ensuring safety and security for detainees, transporting officers, and the general public.

II. DISCUSSION

Transportation of detainees in custody is a constant requirement and a frequent activity. There are two general time periods involved. The first is immediately after arrest when the person is taken to the police department or a jail facility for processing and holding. The second concerns the movement of detainees from the police department to court, another to a detention facility, to medical facilities, or for other reasons.

III. POLICY

A. TRANSPORT OPERATIONS

The transporting officer is legally responsible for the safety and custody of the detainee being transported. Therefore, the detainee shall be seat belted in prior to transport by the officer unless the detainee is violent (Refer to 41.2.13 for exceptions). Transportation of persons in custody will always be performed with the safety and well being of the officer and detainee being of primary importance at all times.

1. Search of Detainee(s)

- a. All persons in custody shall be searched prior to being placed in a police vehicle [CALEA 70.1.1].
- b. It must be assumed the detainee(s) may have had an opportunity to obtain contraband or a weapon prior to the time he or she is accepted for transport by the officer [CALEA 70.1.1].
- c. Detainees shall be searched each time they come into the transporting officer's custody and prior to being transported [CALEA 70.1.1].
- d. Officers shall inspect their assigned vehicle at the beginning of each shift to ensure the vehicle is safe and properly equipped. Officers shall inspect the interior of the vehicle for weapons and contraband to ensure the vehicle is safe

and ready to transport a detainee. Officers shall complete a vehicle inspection form to acknowledge the vehicle inspection has been completed, and this must include completing the section on interior search of the vehicle for weapons and contraband. If weapons or contraband are located during the search, an officer shall notify the shift supervisor, complete an incident report, and submit the items to the Property and Evidence Division [CALEA 70.1.2].

- e. Each time a detainee is transported, officers shall search the transport vehicle before the transport to ensure no contraband or weapons are present. Once the detainee has been removed from the vehicle and secured, a thorough search of the transport vehicle shall be conducted to ensure the detainee did not leave anything in the vehicle [CALEA 70.1.2].

2. Location of Officer and Detainee during Transportation

- a. Vehicles used primarily for transporting detainees must have a safety barrier in order for the driver to be separated from the detainee [CALEA 70.4.1].
- b. Vehicles used primarily for transporting detainees must be equipped with modified rear compartments that prohibit the detainee stored in rear from either opening the doors or windows on both sides of the vehicle [CALEA 70.4.2].
- c. In police vehicles equipped with safety partitions the detainee should be placed in the rear seat of the vehicle.
- d. If possible, no more than three detainees will be transported in a standard police vehicle.
- e. Only one detainee can be transported in a vehicle without a safety barrier. In such circumstances, two officers must accompany the detainee. The officer not driving will be seated in the rear drivers-side position and the detainee will be handcuffed and seated in the rear passenger-side position [CALEA 70.1.3].
- f. All detainees shall be handcuffed or otherwise restrained during transport.
 - (1) When handcuffs are used, they shall be applied with detainee's hands behind back. If, however, the detainee has special needs due to a pre-existing injury, disability or has limited mobility, the officer can choose to handcuff in front or utilize a waist chain.
 - (2) Care should be exercised in applying handcuffs to avoid unnecessary injury to the detainee.
 - (3) Under no circumstances will detainees be handcuffed to any part of the vehicle.
 - (4) Leg straps shall be used, when possible, on unruly detainees who are apt to cause damage to the unit or injure themselves.
 - (5) Detainees transported due to special circumstances may require special restraints such as waist chains and/or leg chains. Detainees wearing waist chains shall be restrained with their hands placed in front [CALEA 70.2.1].
 - (6) After ~~in~~ securing and/or restraining a detainee, officers will not place the detainee in a position on his/her chest/stomach or side area that may lead to "positional asphyxia" [CALEA 70.2.1].
 - (7) Officers are ~~encouraged~~ **allowed** to reevaluate the need for restraining devices on detainees who may possibly present a lesser threat to the officer's safety (physically handicapped, senior citizen etc.). In all cases, the circumstances of the arrest, the arrestee's demeanor, as well as the public's perception of the

police activity must become part of the evaluation as to the need for extra or special restraining devices or the need for restraining devices at all.

3. Maintaining Sight of Detainee

The transporting officer shall not lose sight of, or leave unattended, a detainee until the detainee is released or under the control of other personnel. Officers shall activate the in-car mobile video recorder while transporting detainees. Reference may be made to Fayetteville Police Department Policy 83.2.3 (Digital Mobile Video Recordings).

4. Safe Delivery of Detainee

- a. The primary duty of the transporting officer is the safe delivery of the detainee in custody. General principles of tort law impose a duty of care on the transporting officer to protect the detainee from injury.
- b. A transporting officer should be aware of diversionary incidents and should not deviate from his/her primary responsibility of delivering the detainee except [CALEA 70.1.4]:
 - (1) In a life-threatening situation when the risk to a third party is clear and grave if immediate aid is not rendered; and
 - (2) The risk to the detainee is minimal.
 - (3) When a transport is interrupted, the transport officer should notify the Central Dispatch Center of the location and reason for the stop. If needed, another unit will be dispatched to handle the incident that caused the interruption.
- c. During transports over a long distance, care should be taken when stopping for fuel, meals and for allowing the detainee a reasonable opportunity to use toilet facilities.
- d. Due to security reasons, detainees will not be given the right to communicate with others, including legal representation, during the period the detainee is being transported [CALEA 70.1.5].

5. Detainee Escape

Following the escape of a detainee while being transported, the following steps shall be taken [CALEA 70.1.7]:

- a. The transporting officer shall immediately notify Central Dispatch to have the following information relayed to other officers, the supervisor and to other jurisdictions [CALEA 70.1.7 a.]:
 - (1) Area of the escape; and
 - (2) Identification and physical description of escapee;
 - (3) If escapee is high-risk (known to be armed or considered dangerous).
- b. Following an escape, detailed reports containing all circumstances surrounding the escape will be prepared by the transporting officer and the officers involved in the search [CALEA 70.1.7 b.]. These reports shall be completed and turned in to the on-duty supervisor [CALEA 70.1.7 c.].

6. Sick, Injured or Disabled Detainees [CALEA 70.3.1]

If a detainee becomes sick or is injured incidental to arrest or transport, the officer shall:

- a. Transport the detainee for normal booking procedures if the illness or injury is apparently non-debilitating and not life threatening. The officer will advise communications of any illness/injury concerns to be relayed to the holding facility.
(1) Should the holding facility not accept the detainee due to illness/injury, the officer may request Emergency Medical Services to respond to the holding facility or transport the detainee to a medical facility for treatment.
- b. Request for Emergency Medical Services to respond to the scene of the illness/injury before transporting if the illness/injury appears to be life threatening or debilitating.
- c. Not transport the detainee to a medical facility if the illness/injury is life threatening or debilitating unless exigent circumstances exist.

7. Transport of Detainee to Medical Facility

If it is necessary to transport a detainee to a medical facility for treatment or examination, the transporting officer(s) shall [CALEA 70.3.2]:

- a. Notify the shift supervisor of the circumstances and advise communications to notify the medical facility of the pending arrival.
- b. Keep the detainee in sight whenever possible.
- c. Detainees taken to a medical facility for treatment shall be restrained until medical personnel request they be removed for treatment.
- d. All felony detainees will be guarded by an officer(s) for the duration of the stay at the medical facility, unless custody has been transferred to another law enforcement agency.

8. Transport of Physically or Mentally Disabled Detainee

If it is necessary to transport a detainee who is physically or mentally disabled:

- a. The nature of the offense and the extent of the disability shall be considered when determining restraining devices and methods of transportation.
- b. Wheelchairs, crutches, canes or any items required by the detainee as a result of the disability shall be transported with them.
- c. The officer shall exercise reasonable care and good judgment to ensure officer and detainee safety while taking into consideration the comfort of the detainee.

9. Transporting Dangerous Detainees to another Agency or Court [CALEA 70.1.8]

When a detainee who is considered a security hazard must be transported to another agency or court, the agency or judge of the court shall be notified in advance. The agency or judge may allow or direct the use of restraining devices and may request the assignment of additional security officers [CALEA 70.1.8].

10. Transporting Detainees of Opposite Sex

- a. If an officer is required to transport a detainee of the opposite sex, the officer **should shall** report the following information by radio to Central Dispatch:
 - (1) Odometer reading;
 - (2) Location and destination; and
 - (3) Ending odometer reading at destination.

11. Transporting Detainees in Special Situations

The unusual circumstances surrounding special situations such as attending funerals, visiting hospitals or critically ill persons provide opportunities to a detainee for escape, unauthorized personal contact or inflicting injury upon himself or others. Discretion should be used in allowing the transportation of a detainee in such situations. Special security consideration should be given to secure the detainee at all times [CALEA 70.3.3].

B. DOCUMENTATION

1. When a detainee is being transported from another facility to the Fayetteville Police Department or is being transported from the department to another facility, the transporting officer must ensure the person to be transferred is positively identified as the person to be moved [CALEA 70.5.1].

2. Depending on the circumstances, copies of certain documentation should accompany the detainee. This documentation may include arrest sheet, warrant, personal property information, medical records, and other pertinent records. For interstate transports, the escort officer should have a properly executed governor's warrant or waiver of extradition.

3. Documentation accompanying a detainee should also include information relating to the detainee's escape **risk**, suicide potential or other personal traits of a security nature.

4. Upon arriving at the destination with the detainee, the transporting officer should adhere to the following guidelines [CALEA 70.1.6]:

- a. Secure firearms for safekeeping in accordance with policies and procedures of receiving facility [CALEA 70.1.6 a.].
- b. Restraints should not be removed until the detainee is searched and submitted to the facility's staff for booking procedures. If at all possible, the detainee will be kept in restraints until he is placed in a secure booking cell [CALEA 70.1.6 b.].
- c. All corresponding documentation will be submitted to verified facility staff [CALEA 70.1.6 c.].
- d. Officers shall verbally advise receiving staff of medical or security risks or refer them to written documentation when appropriate [CALEA 70.1.6 d.].
- e. Officers will assist the receiving facility by signing any paperwork confirming the transfer of custody. In addition, officers will log the transfer of custody with Fayetteville Police Dispatch [CALEA 70.1.6 e.].
- f. **Officers are responsible for maintaining detainee's personal property and for ensuring each property item is received by the facility's staff for safekeeping. Officers are required to review the personal property inventory completed at the facility that is signed by the detainee. At times when the detainee is combative or otherwise unable**

to sign the personal property inventory, officers are still required to review the personal property inventory prior to leaving the facility.



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323

Text File

File Number: 2015-0120

Agenda Date: 3/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A.4

SPORT COURT:

A RESOLUTION TO AUTHORIZE A CONTRACT WITH SPORT COURT IN THE AMOUNT OF \$54,785.00 PURSUANT TO THE TIPS/TAPS INTERLOCAL PURCHASING SYSTEM CONTRACT FOR THE PURCHASE AND INSTALLATION OF NEW GYMNASIUM FLOORING AT THE YVONNE RICHARDSON COMMUNITY CENTER, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,089.32, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes a contract with Sport Court in the amount of \$54,785.00 pursuant to the TIPS/TAPS interlocal purchasing system contract for the purchase and installation of new gymnasium flooring at the Yvonne Richardson Community Center, and further approves a project contingency in the amount of \$5,089.32.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution and is made a part hereof.

City of Fayetteville Staff Review Form

2015-0120

Legistar File ID

3/17/2015

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Alan Spann

2/27/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of the purchase of new gymnasium flooring for the Yvonne Richardson Community Center (YRCC) from Sport Court through the TIPS/TAPS purchasing contract, in the amount of \$54,785.00, plus a contingency of \$5,089.32 or 8.5% of the project; and approval of corresponding budget adjustment.

Budget Impact:

2250.9255.5804.00/2250.9256.5804.00

Parks Development/Park Land Dedication

Account Number

Fund

15028.1

YRCC - Floor Project

Project Number

Project Title

Budgeted Item? Yes

Current Budget

\$ -

Funds Obligated

Current Balance

\$ -

Does item have a cost? Yes

Item Cost

\$ 59,874.32

Budget Adjustment Attached? Yes

Budget Adjustment

\$ 61,849.00

Remaining Budget

\$ 1,974.68

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 17, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director

FROM: Alan Spann, Recreation Superintendent

DATE: February 27, 2015

SUBJECT: YRCC Gymnasium Floor Project

RECOMMENDATION:

Staff recommends approval of the purchase of new gymnasium flooring for the Yvonne Richardson Community Center (YRCC) from Sport Court through the TIPS/TAPS purchasing contract, in the amount of \$54,785.00, plus a contingency of \$5,089.32 or 8.5% of the project; and approval of corresponding budget adjustment.

BACKGROUND:

The existing gym floor was installed in the YRCC in 2004. Staff, along with the YRCC Advisory Board recognized the need for new flooring and have raised the necessary funds to replace the floor. The majority of the funding has been raised by the Advisory Board through donations. The TIPS/TAPS program is a purchasing cooperative which reduces the cost of goods and services by aggregating the purchasing power of public agencies nationwide. This allows the City of Fayetteville to have access to a previously bid competitive contract with national suppliers.

DISCUSSION:

Approval allows for the installation of the new floor to serve YRCC various programs and leagues.

BUDGET/STAFF IMPACT:

Donations were received by the YRCC Advisory Board account for \$40,000 of this project. A majority of those donations came from the Kappa Alpha Psi Alumni Foundation's annual golf tournament. The remaining funds are within the Parks Development and Park Land Dedication Funds (Southeast Park District).

Attachments:

Floor Bid – Sport Court
Budget Adjustment
Purchase Order



**Performance Sports Flooring
Athletic Equipment**

**AR Contractors License # 0077060411
LA Contractors License # 47797**

**Sport Court South
700 Minton Road
Benton, AR 72019
PH. (501) 316-2255
Fax (501) 316-1436**

Bid Date: Friday, February 27, 2015

**PROJECT NAME: Yvonne Richardson Community Center
PROPOSAL #: PL7670
PROJECT MANAGER: Patti LaFleur
PAYMENT TERMS: Due Upon Completion
FOR DELIVERY / COMPLETION: 3rd Quarter, 2015**

DESCRIPTION:

Sports Flooring

Furnish all labor, materials and equipment necessary to complete the installation of a *Sport Court* multipurpose flooring system (over existing underlayment), cove base and doorway transitions. Pricing includes removal but not disposal of existing floor.

Sport Court MapleSelect System	\$ 43,325
Upcharge to 7mm Rubber	\$ 8,260
Installation of Sports Floor	\$ 1,200
Basketball and VB Lines	\$ 1,400
Logos @ \$5 per square foot	\$ 600
	\$ 54,785

Includes Delivery and Installation

Does not include removal and disposal of existing floor (we will rip up if you can provide labor to carry it out of the building and dispose of it)

SPORT COURT INT. will provide all new material as specified above. All work will be performed in a substantial and timely, workmanlike manner to the manufacturer's specifications. Any changes or deviations from the above will be approved in writing.

- ANY ADDITIONAL COST INCURRED DUE TO DELAYS BY OTHERS IS THE RESPONSIBILITY OF THE CUSTOMER.
- ANY AND ALL WARRANTIES ARE NOT IN EFFECT UNTIL RECEIPT OF PAYMENT IN FULL.
- FLOORING SYSTEM CARRIES A FIFTEEN YEAR LIMITED MANUFACTURERS WARRANTY
- ALL COLORS USED IN THE FLOOR SYSTEM WILL COME FROM THE LIST OF STOCK COLORS.
- THIS PROPOSAL DOES NOT INCLUDE LOCAL OR CITY LICENSING FEES, BOND, SPECIAL INSURANCE, BLEACHER REMOVAL / INSTALLATION, REMOVAL / TRIMMING OF DOORS, REMOVAL OF EXISTING COVE BASE OR REPAIR TO THE SUBFLOOR.
- ANY DEVIATIONS FROM ITEMS OUTLINED ABOVE WILL BE DONE IN WRITING IN THE DESCRIPTION SECTION ABOVE..
- THE INSTALLATION AREA NEEDS TO BE CLEARED OF ALL DEBRIS PRIOR TO FLOORING INSTALLATION.
- PAINTED LINES ON OUR MODULAR SURFACES ARE WARRANTED FOR TWO YEARS UNDER NORMAL ATHLETIC USE.
- DISPOSING OF TRASH/CARDBOARD FROM THE INSTALLATION WILL THE CUSTOMER'S RESPONSIBILITY.

NOTE: THIS PROPOSAL CAN BE USED AS YOUR AUTHORIZATION FOR PURCHASE WHEN RETURNED WITH YOUR AUTHORIZED SIGNATURE.

ACCEPTED BY: _____ TITLE: _____ DATE: _____

City of Fayetteville - Purchase Order Request (PO) (Not a Purchase Order) All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov. Purchase shall not be made until an actual PO has been issued.							Requisition No.:		Date:	
							P.O Number:			
Vendor #: 13339			Vendor Name: Sport Court				Mail ☐ YES ☐ NO		Legistar#: 2015-0120	
Address: 700 Minton Rd					FOB Point:		Taxable ☐ YES ☐ NO			
City: Benton			State: AR		Zip Code: 72019		Ship to code:		Quotes Attached ☐ YES ☐ NO	
Requester: Alan Spann					Requester's Employee #: 3520		Extension:			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number		Project.Sub#	Inventory #	Fixed Asset #
1	Replacement of YRCC gym floor - through TIPS/TAPS Contract	1		40,162.00	\$40,162.00	2250.9255.5804.00		15028.1		
2	Replacement of YRCC gym floor - through TIPS/TAPS Contract	1		14,623.00	\$14,623.00	2250.9256.5804.00		15028.1		
3					\$0.00					
4					\$0.00					
5					\$0.00					
6					\$0.00					
7					\$0.00					
8					\$0.00					
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions: Tax included in quote							Subtotal: \$54,785.00 Tax: \$0.00 Total: \$54,785.00			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Budget Year	Division: Parks & Recreation	Adjustment Number
2015	Dept.: Parks & Recreation	
	Requestor: Connie Edmonston	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

\$61,849 in the YRCC Flooring Replacement project (15028.1) with \$14,623 coming from Greenspace SE, \$40,000 from YRCC Donations and the remaining \$7,226 from Gordon Long.

RESOLUTION/ORDINANCE	COUNCIL DATE:	3/17/2015
	LEGISTAR FILE ID#:	2015-0120
	<i>Kevin Springer</i> 2/27/2015 3:39 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	62,123	62,123					v.20150102
	<u>Increase / (Decrease)</u>		<u>Project.Sub#</u>				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
2250.9255.5804.00	47,226		15028	1	EX	Building Costs	
2250.9256.5804.00	14,623		15028	1	EX	**Building Costs	
2250.0925.4419.03		14,623	15028	1	RE	Greenspace Fees - SE	
2250.9255.5806.00	(7,226)		02013	1301	EX	Park Improvements	
2250.0925.6602.01		40,000	15028	1	RE	**Transfer from General	
1010.5280.5400.00	(32,500)		33051	1002	EX	Building & Grounds Maintenance	
1010.0001.4808.03		7,500	33051	1002	RE	Donations - YRCC	
1010.6600.7602.25	40,000		33051	1002	EX	**Trans Parks Development	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323

Text File

File Number: 2015-0008

Agenda Date: 3/17/2015

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number: B.1

ENACT ARTICLE III PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS:

AN ORDINANCE TO ENACT ARTICLE III **PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS** OF CHAPTER 36: **ELECTIONS** INTO THE FAYETTEVILLE CODE TO CLARIFY THE PROPER PROCEDURE FOR THE CITIZENS' RIGHT OF THE INITIATIVE AND REFERENDUM

WHEREAS, Amendment 7 of the Arkansas Constitution (now codified as **Article 5 § 1**) states: "Municipalities may provide for the exercise of the initiative and referendum as to their local legislation;" and

WHEREAS, the State Legislature has been granted express authority to provide "for the exercise of the initiative and referendum as to counties," (**Amendment 7 of the Arkansas Constitution**) and has enacted A.C.A. § 14-14-917 **Initiative and referendum elections** to provide for the proper exercise of the initiative and referendum for county ordinances; and

WHEREAS, the lack of clarity for proper municipal referendum procedure led to litigation against Mayor Jordan, the City Council and City Clerk Sondra Smith after she certified the last referendum petition for a special election; and

WHEREAS, this litigation can be avoided in the future if the City enacts proper procedures modeled upon long established state law for state and county initiatives and referendums.

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 enacts Article III **Procedure To Exercise Initiative and Referendum Rights** of Chapter 36: **Elections** into the Fayetteville Code to clarify the proper procedure for the citizens' right of the initiative and referendum for municipal legislation as follows:

"Article III **Procedure To Exercise Initiative And Referendum Rights**

§ 36.20 **Initiative and Referendum Petitions**

Pursuant to **Article 5 § 1 of the Arkansas Constitution**, the City establishes the following procedure for

the exercise of the citizens' right of the initiative and referendum of city legislation.

(a) Petitions Must Be Submitted To City Attorney For Certification Or Correction.

Before any initiative or referendum petition ordering a vote upon any municipal legislation shall be circulated to obtain signatures, the sponsor shall submit the original draft of the petition with the attached legislation to the City Attorney with any proposed legislative or ballot title.

(b) Review And Certification Or Correction Within Two Business Days.

(1) Within two business days, the City Attorney shall approve and certify or shall substitute and certify a more suitable and correct petition and/or ballot title.

(2) The City Attorney shall ensure the form of any initiative petition complies with A.C.A. § 7-9-104.

(3) The City Attorney shall ensure the form of any referendum petition complies with A.C.A. § 7-9-105.

(4) The City Attorney shall ensure that any ballot title conforms with A.C.A. § 14-14-917 (d) and A.C.A. § 7-9-107 (c) so as not to be misleading to voters.

(c) Appeal To Circuit Court.

If the City Attorney fails to act within two business days after receipt of the proposed initiative or referendum petition or if the sponsors feel aggrieved by the City Attorney's actions or proposal, they may immediately file suit in the Washington County Circuit Court.

(d) Extension Of Time For Petitioners May Be Granted By Circuit Court.

If the Circuit Court grants the sponsors their requested relief related to the proper form of the petition or ballot title, the time when the referendum petitions must be filed shall be extended until 31 days after the Court's decision is announced as long as **Article 5 § 1 of the Arkansas Constitution's** provision of a maximum 90 days after the passage of the legislature is not violated."

AGENDA REQUEST FORM

FOR: City Council Meeting of January 20, 2015

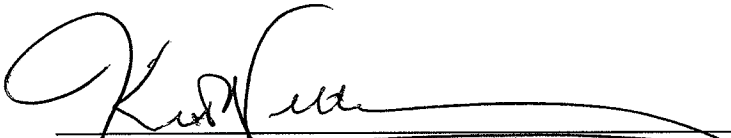
FROM:

City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO ENACT ARTICLE III PROCEDURE TO EXERCISE
INITIATIVE AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS
INTO THE FAYETTEVILLE CODE TO CLARIFY THE PROPER PROCEDURE
FOR THE CITIZENS' RIGHT OF THE INITIATIVE AND REFERENDUM

APPROVED FOR AGENDA:


City Attorney Kit Williams

January 2, 2015
Date

Paul a. Becker
Paul Becker, Finance Director

JANUARY 5, 2015
Date

Don Marr
Don Marr, Chief of Staff

1/5/2015
Date

Lionel Jordan
Mayor Lioneld Jordan

1/6/15
Date



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor
City Council

FROM: Kit Williams, City Attorney

DATE: December 23, 2014

RE: **Avoiding future litigation over ballot language for initiated or referred local legislation**

Prior to the recent referendum concerning the Civil Rights Administration ordinance, Fayetteville had not been forced into any litigation over a referendum's or initiative's proposed ballot language. Referral of the Road Impact Fee and Smoking Ordinance complied with the tests set forth for state legislation referendums and initiatives {A.C.A. § 7-9-107 (c)} and the forms set forth for county ordinances {A.C.A. § 14-14-917 (d)}. However, neither of these statutes are controlling over the referendum or initiative of city ordinance because Amendment 7, now codified as **Article 5 § 1** of the **Arkansas Constitution** places procedural power in the City Council.

"Municipalities may provide for the exercise of the initiative and referendum as to their local legislation."

This is only a general grant of procedural power to municipalities which must still follow other provisions of the **Arkansas Constitution** regarding how many signatures of local voters need to be obtained and the time period for the petition sponsors to gather such signatures. Other constitutional procedures including submission of the petitions of the City Clerk, the Clerk's examination and decision regarding the petition's

sufficiency and the granting of additional time to the sponsors must be followed and cannot be varied by local legislation.

In order to avoid future litigation, to bring our procedure in line with state and county referendums and initiatives, and to eliminate potentially misleading wording in referendums rejected by state law {A.C.A. § 7-9-107 (c)}, I have drafted a proposed new section to be enacted into **Chapter 36: Elections of the Fayetteville Code**. This proposal is attached to this memo.

This proposed ordinance is one of the rare times that I believe it is appropriate to have any legislation proposed by an elected official other than an Aldermen or the Mayor (through his staff). I believe I am empowered to present such ordinance because it concerns a legal issue for the **Fayetteville Code** and especially because it generated litigation in which Fayetteville was recently sued by opponents of a referendum in Circuit Court. That suit brought to my attention the need for local legislation as authorized by **Article 5 § 1** of the **Arkansas Constitution** to clarify proper procedure and wording of any initiative or referendum of local legislation.

As you see, I placed a difficult, but obtainable burden on myself and my successors as Fayetteville City Attorney to quickly examine, analyze and either certify or correct any proposed initiative or referendum petition within two business days. Such rapid analysis is always necessary for referendum petitions and could be necessary for initiative petitions.

Please review my proposed ordinance and let me know if you believe changes, additions or deletions would be advisable. I plan to submit this with the Tentative Agenda for the January 20th City Council meeting.

§ 7-9-104. Form of initiative petition -- Sufficiency of signatures.

(a) The petition for an ordinance, act, or amendment proposed by initiative shall be on substantially the following form:

Initiative Petition

(b) The information provided by the person on the petition may be used as evidence of the validity or invalidity of the signature. However, if a signature of a registered voter on the petition is sufficient to verify the voter's name, then it shall not be adjudged invalid for failure to sign the name or write the residence and city or town of residence exactly as it appears on voter registration records, for failure to print the name in the space provided, for failure to provide the correct date of birth, nor for failure to provide the correct date of signing the petition, all the information being an aid to verification rather than a mandatory requirement to perfect the validity of the signature.

(c) No additional sheets of voter signatures shall be attached to any petition unless the sheets contain the full language of the petition.

(d) (1) The signature section of the petition shall be formatted and shall contain the number of signature lines prescribed by the Secretary of State.

(2) Before the circulation of a statewide petition for signatures, the sponsor shall file a printed petition part with the Secretary of State in the exact form that will be used for obtaining signatures.

§ 7-9-105. Form of referendum petition -- Sufficiency of signatures.

(a) The petition and order of referendum for an ordinance or act shall be on substantially the following form:

Referendum Petition

(b) The information provided by the person on the petition may be used as evidence of the validity or invalidity of the signature. However, if a signature of a registered voter on the petition is sufficient to verify the voter's name, then it shall not be adjudged invalid for failure to sign the name or write the residence and city or town of residence exactly as it appears on voter registration records, for failure to print the name in the space provided, for failure to provide the correct date of birth, nor for failure to provide the correct date of signing the petition, all of that information being an aid to verification rather than a mandatory requirement to perfect the validity of the signature.

(c) No additional sheets of voter signatures shall be attached to any petition unless the sheets contain the full language of the petition.

(d) (1) The signature section of the petition shall be formatted and shall contain the number of signature lines as prescribed by the Secretary of State.

(2) Before the circulation of a statewide petition for signatures, the sponsor shall file a printed petition part with the Secretary of State in the exact form that will be used for obtaining signatures.

§ 7-9-107. Approval of ballot titles and popular names of petitions prior to circulation -- Publication.

(a) Before any initiative or referendum petition ordering a vote upon any amendment or act shall be circulated for obtaining signatures of petitioners, the sponsors shall submit the original draft to the Attorney General, with a proposed legislative or ballot title and popular name.

(b) Within ten (10) days, the Attorney General shall approve and certify or shall substitute and certify a more suitable and correct ballot title and popular name for each amendment or act. The ballot title so submitted or supplied by the Attorney General shall briefly and concisely state the purpose of the proposed measure.

(c) If, as a result of his or her review of the ballot title and popular name of a proposed initiated act or a proposed amendment to the Arkansas Constitution, the Attorney General determines that the ballot title, or the nature of the issue, is presented in such manner that the ballot title would be misleading or designed in such manner that a vote "FOR" the issue would be a vote against the matter or viewpoint that the voter believes himself or herself casting a vote for, or, conversely, that a vote "AGAINST" an issue would be a vote for a viewpoint that the voter is against, the Attorney General may reject the entire ballot title, popular name, and petition and state his or her reasons therefor and instruct the petitioners to redesign the proposed measure and the ballot title and popular name in a manner that would not be misleading.

(d) If the Attorney General refuses to act or if the sponsors feel aggrieved at the Attorney General's acts in such premises, the sponsors may, by petition, apply to the Supreme Court for proper relief.

§ 14-14-917. Initiative and referendum elections.

(d) **Ballot Specifications for Initiative and Referendum Measures.** Upon receipt of any initiative or referendum measure certified as sufficient by a county clerk, it shall be the duty of the members of the county board of election commissioners to take due cognizance and to certify the results of the vote cast thereon. So that

electors may vote upon the ordinance or measure, the board shall cause the ballot title to be placed on the ballot to be used in the election, stating plainly and separately the title of the ordinance or measure so initiated or referred to the electors with these words:

"FOR PROPOSED INITIATIVE (OR
REFERRED) ORDINANCE (OR
AMENDMENT)

NO. _____

AGAINST PROPOSED INITIATIVE (OR
REFERRED) ORDINANCE (OR
AMENDMENT)

NO. _____"

In arranging the ballot title on the ballot, the commissioners shall place it separate and apart from the ballot titles of the state acts, constitutional amendments, and the like. If the board of election commissioners fails or refuses to submit a proposed initiative or referendum ordinance when it is properly petitioned and certified as sufficient, the qualified electors of the county may vote for or against the ordinance or measure by writing or stamping on their ballots the proposed ballot title, followed by the word "FOR" or "AGAINST", and a majority of the votes so cast shall be sufficient to adopt or reject the proposed ordinance.

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

CHAPTER 36: ELECTIONS

**ARTICLE I
GENERAL PROVISIONS**

**36.01 Initiative Petitions; When To Be
Filed**

All municipal initiative petitions shall be filed pursuant to Amendment 7 of the Constitution of the State of Arkansas found in Article 5 §1 of the Arkansas Constitution. These initiative petitions shall be filed no later than 83 days before the general election date.

(Code 1965, §2-22.1; Ord. No. 2472, 10-3-78; Code 1991, §36.01; Ord. 5528, 9-18-12)

State law reference(s)--Form of initiative petition--sufficiency of signatures, A.C.A. §7-9-104.

36.02-36.14 Reserved

**ARTICLE II
REFERENDUMS**

36.15 When Petition To Be Filed

All referendum petitions under Amendment 7 to the Constitution of the State of Arkansas must be filed with the City Clerk within 31 days after the passage of the ordinance to which it relates.

(Code 1965, §2-19; Ord. No. 588, 12-21-25; Code 1991, §36.15)

State law reference(s)--Form of referendum petition--sufficiency of signatures, A.C.A. §7-9-105(a).

36.16 – 36.99 Reserved

ORDINANCE NO. _____

AN ORDINANCE TO ENACT ARTICLE III **PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS** OF CHAPTER 36: **ELECTIONS** INTO THE FAYETTEVILLE CODE TO CLARIFY THE PROPER PROCEDURE FOR THE CITIZENS' RIGHT OF THE INITIATIVE AND REFERENDUM

WHEREAS, *Amendment 7 of the Arkansas Constitution* (now codified as **Article 5 § 1**) states: "Municipalities may provide for the exercise of the initiative and referendum as to their local legislation;" and

WHEREAS, the State Legislature has been granted express authority to provide "for the exercise of the initiative and referendum as to counties," (*Amendment 7 of the Arkansas Constitution*) and has enacted A.C.A. § 14-14-917 **Initiative and referendum elections** to provide for the proper exercise of the initiative and referendum for county ordinances; and

WHEREAS, the lack of clarity for proper municipal referendum procedure led to litigation against Mayor Jordan, the City Council and City Clerk Sondra Smith after she certified the last referendum petition for a special election; and

WHEREAS, this litigation can be avoided in the future if the City enacts proper procedures modeled upon long established state law for state and county initiatives and referendums.

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 enacts **Article III Procedure To Exercise Initiative and Referendum Rights** of Chapter 36: **Elections** into the Fayetteville Code to clarify the proper procedure for the citizens' right of the initiative and referendum for municipal legislation as follows:

“Article III Procedure To Exercise Initiative And Referendum Rights

§ 36.20 Initiative and Referendum Petitions

Pursuant to **Article 5 § 1 of the Arkansas Constitution**, the City establishes the following procedure for the exercise of the citizens’ right of the initiative and referendum of city legislation.

(a) Petitions Must Be Submitted To City Attorney For Certification Or Correction.

Before any initiative or referendum petition ordering a vote upon any municipal legislation shall be circulated to obtain signatures, the sponsor shall submit the original draft of the petition with the attached legislation to the City Attorney with any proposed legislative or ballot title.

(b) Review And Certification Or Correction Within Two Business Days.

(1) Within two business days, the City Attorney shall approve and certify or shall substitute and certify a more suitable and correct petition and/or ballot title.

(2) The City Attorney shall ensure the form of any initiative petition complies with A.C.A. § 7-9-104.

(3) The City Attorney shall ensure the form of any referendum petition complies with A.C.A. § 7-9-105.

(4) The City Attorney shall ensure that any ballot title conforms with A.C.A. § 14-14-917 (d) and A.C.A. § 7-9-107 (c) so as not to be misleading to voters.

(c) Appeal To Circuit Court.

If the City Attorney fails to act within two business days after receipt of the proposed initiative or referendum petition or if the sponsors feel aggrieved by the City Attorney’s actions or proposal, they may immediately file suit in the Washington County Circuit Court.

(d) Extension Of Time For Petitioners May Be Granted By Circuit Court.

If the Circuit Court grants the sponsors their requested relief related to the proper form of the petition or ballot title, the time when the referendum petitions must be filed shall be extended until 31 days after the Court’s decision is

announced as long as **Article 5 § 1 of the *Arkansas Constitution***'s provision of a maximum 90 days after the passage of the legislature is not violated."

PASSED and **APPROVED** this 20th day of January, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

DATE: January 20, 2015

RE: Need for referendum procedural ordinance

There has been some question in the press about why I would submit for your consideration an ordinance to clarify that municipal ordinance referendums should follow the same forms and procedures as county ordinance referendums and state statute referendums. It is alleged I seek to give the City government unfair control over ballot language for referendums. However, I merely think that city ordinance referendum proponents should follow the same procedures as they would to challenge a county ordinance or State Act. Is it unfair to treat city ordinances the exact same way the State Legislature has required county ordinances and State Acts be treated in a referendum?

Rather than mistreating referendum petitioners, I listened to the attorneys who represented Repeal 119. On August 23, 2014, Repeal 119's attorney, Stephanie Nichols, emailed me with questions about the referendum petition: "Do either of you know if a ballot title or popular name is required for a municipal referendum? We have not been able to get a definitive answer on that from the statutes, some of which seem to apply to municipalities and some do not." (copy of email attached).

When the City Council met on October 7, 2014 to set the special election date, Repeal 119's attorney Travis Story and I did not agree on

everything, but we did agree the law about referendums and ballot titles was "very murky."

I said: "What we agree on is that election law, especially on Municipal Referendums is really vague. There are no cases I could find where the Supreme Court has ever made any interpretation on Municipal Referendums. They make all their decisions on state actions and issues which are much better described by the statute. Maybe we could bring a little light into these referendum elections for municipal ordinances. Something needs to be done. I would ask the legislature to take another look at this and provide us some guidance like they do with counties. Counties have a very clear system about what their petitions and ballots are supposed to look like."

Then Travis Story said: "I agree with Mr. Williams that the law on this part is very murky and at this point we have agreed to disagree on the law. What we are trying to do, is do something short of throwing this into litigation. Nobody wants that."

Unfortunately, we got litigation when a citizen sued the whole City Council, Mayor Jordan and City Clerk Sondra Smith challenging the validity of Sondra's certification of the referendum petition, how the signatures were obtained and how the ballot was worded. Repeal 119 properly intervened and after motions, briefs, discovery, and depositions, Judge Lindsey conducted a trial over a two day period. I successfully defended the City Clerk's certification of the referendum petition and defeated Repeal 119's petition to force Sondra to evaluate and certify another thousand signatures which were not needed for the petitioner's certification.

I also supported the City Council's Resolution which would have worded the ballot as any county ordinance referendum would have been worded. I noted in Paragraph 40 of our Answer "that the language approved by the Election Commission does not exactly match the ballot title that was included in the certified petition," because it used a portion of the ordinance title instead of just numbers. The Judge ruled the slightly amended title proposed by the Election Commission was satisfactory.

The City might have been sued even without the “murky” nature of the law surrounding municipal ordinance referendums. However, this is the first time the City of Fayetteville has been sued over a referendum petition on ballot wording issues since I became Fayetteville City Attorney in 2001. I told you during the October 7, 2014 City Council meeting that “(s)omething needs to be done,” and, pursuant to Amendment 7, it is the City Council rather than the Legislature that has been granted the authority to “provide for the exercise of the initiative and referendum as to their local legislation.” However, I thought I should wait until the Civil Rights Ordinance issue was resolved before presenting anything to you.

Shortly after the 52/48 referendum election repealed the Civil Rights Administration Ordinance, there was some discussion about trying to amend it and reconsider that amended ordinance. I did not believe consensus could ever be achieved that way. However, I remembered Alderman Tennant’s strong statements during the November 18, 2014 City Council Meeting about not turning his back on the civil rights issue if what he termed the very flawed Civil Rights Administration ordinance was repealed. Alderman Tennant said: “I do hope that if the ordinance does not pass or if it is repealed that we will not turn away from this and we will do something that works for everyone and I intend to help with that.”

I thought that if I removed the uncertainties of new definitions and used the two decade old definitions of the Arkansas Civil Rights Act; if churches and other religious organizations were exempted even more fully than they are in the Arkansas Civil Rights Act; and if a civil enforcement measure (possible revocation of a business license) was proposed, then I could help Alderman Tennant advance his intention to “write something that is really inclusive instead of divisive.”

However, since no alderman approached me to sponsor this ordinance, my effort to find consensus has failed. I believe that Arkansas Legislature will soon remove the power of any Arkansas City to pass an ordinance to further protect its citizens from discrimination. Thus, Fayetteville will never face this civil rights issue again.

With the Civil Rights Ordinance no longer a possibility, I decided that I should still address the "very murky" law surrounding municipal ordinance referendum language. Thus, I have presented this possible code section to clarify the procedure for persons seeking to exercise their initiative or referendum rights. This code section basically says "Just follow the procedures and forms required by the State Legislature for referendums concerning state acts and county ordinances." Let's treat all referendums the same way, a level playing field, no voter surprise, no electioneering manipulation by either the government or the petitioners.

Some may think that our government treats those seeking to repeal its ordinances unfairly or tries to obstruct their referendum rights. Let me read you an email from Stephanie Nichols dated August 22, 2014 sent to City Clerk Sondra Smith and me:

"Thank you for your review. You always go above and beyond in your promptness and are one of the most easy to work with attorneys I have ever dealt with. I sincerely appreciate it and have told several Fayetteville citizens about your fairness and ease to work with. Have a great weekend! Stephanie Nichols."

The only reason I placed the responsibility to review and certify or correct a proposed referendum petition upon the City Attorney is to hopefully prevent a legally improper petition from being circulated and later being either rejected by the Court or having to be recirculated because of some mistake. As you see from Stephanie's email, Sondra and I do not try to obstruct a referendum, but instead help the applicants properly exercise their constitutional right for a referendum. We always favor democracy.

The two business day review should be a help, a boon to someone who probably has never had to prepare a referendum petition before. I am only aware of three referendum petition efforts in my fourteen years of service as City Attorney. Two were successful and one led to the repeal of an ordinance. This infrequency means that most persons, even most lawyers will have little experience. Therefore, it is fair to place this burden of review and correction on the City Attorney.

Williams, Kit

From: Williams, Kit
Sent: Monday, August 25, 2014 9:15 AM
To: Law Office of Stephanie Nichols; Smith, Sondra
Cc: Pennington, Blake
Subject: RE: Ballot Title/Popular Name?

Stephanie,

I think you have reduced the printing size of the ordinance too much and could make this a point of attack for your opponents. If the ordinance was not easily readable by every signer, the requirement of attaching the ordinance would not be achieved. I think a two sided page can contain the ordinance that would be large enough for almost anyone to read and thus, less susceptible to legal attack. It would need to be attached to each petition.

I anticipate that title of the ballot issue would tract pretty closely to the title of the ordinance. I agree that the statutes I have looked at are not nearly as clear for municipal referendums as for state referendums. I am working on other briefs that soon will be due and cannot spend too much time now researching this point.

Kit Williams

Fayetteville City Attorney
479.575.8313

From: Law Office of Stephanie Nichols [mailto:stephanie.nichols777@gmail.com]
Sent: Saturday, August 23, 2014 4:17 PM
To: Williams, Kit; Smith, Sondra
Subject: Ballot Title/Popular Name?

Kit and Sondra,

Local attorney Travis Story is working on a petition, and I am assisting him. He has revised the petition from what I sent you last night. (Thank you for the information, Sondra). Do either of you know if a ballot title and popular name is required for a municipal referendum? We have not been able to get a definitive answer on that from the statutes, some of which seem to apply to municipalities and some which do not. However, the form in the statute, which Sondra sent last night, does indicate a placement for a ballot title/popular name. Is this required, or is this something that can be left off when it is not a statewide initiative?

If it is required, does this petition drafted by Travis seem to present any problem as far as the ballot title/popular name portion? Do either of you see any other problems as well? (There are a couple of typos, but we can easily take care of that. I am just concerned with the substantive part right now). Also, is it OK to have the ordinance on one sheet behind the signature page like we have it? I can read it, but I didn't know if the smallness of the type could possibly present a problem?

Thanks,

--

Stephanie Nichols
Attorney at Law
P.O. Box 1115
Jonesboro, AR 72403
(501) 288-2927

might be the way to resolve this. Not put ourselves up as judges, but instead just do what we have done in the past, which I believe is correct. Travis believes it is not correct and another way to go. Maybe he's correct, but I don't know.

What we agree on is that election law, especially on municipal referendums is really vague. There are no cases that I could find where the Supreme Court has ever made any interpretation on municipal referendums. They make all their decisions on state actions and issues which are much better described by the statute. Maybe we could bring a little light into these referendum elections for municipal ordinances. Something needs to be done. I would ask the legislature to take another look at this and provide us some guidance like they do with counties. Counties have a very clear system about what their petitions and ballots are supposed to look like. The people that should decide are one step above us, which is the county.

Travis Story: I've spoken with the local Election Commission and members of the Election Commission for the State of Arkansas. The two things to be aware of is in November there are two referendum matters that are going to be voted on, on the Washington County ballot. Both from similar circumstances. It's people of other cities doing a petition to repeal city ordinances. There will be two petitions to repeal that have been certified now to the Election Commission for Washington County for the November General Election ballot. Both of those are laid out in a simple to repeal ordinance number, for or against repeal of that ordinance number.

I agree with Mr. Williams that the law on this part is very murky and at this point we have agreed to disagree on the law. What we are trying to do, is do something short of throwing this into litigation. Nobody wants that. We believe the residents of Fayetteville want the December 9, 2014 date. October 10, 2014 is the last day for the Election Commission to put this on the ballot. They have to have that in order to under their guidelines to be able to accomplish everything that needs to be done. We ask that what's placed in the resolution tonight would be what is on the ballot. Unfortunately for us, it's either good or bad. If someone says this is inappropriate and there is a legal challenge, then we'll have to deal with that. We ask that we don't cause the confusion which would end up having to be decided by the Election Commission and turned over to the county to deal with. We ask the only thing to be put in the resolution tonight, having anything to do with ballot language, would be exactly what we have submitted on all the petitions, that same language or something that says the language of the petition shall be the ballot language. That way we could work through the normal process. We believe it would be appropriate and allow the process to move forward smoothly at the county level so that the election could be scheduled and the will of the people to hold this election at a special election on December 9, 2014.

Alderman Adams: I understand you are a paid attorney representing this group. Are you a resident of Fayetteville?

Travis Story: I am not a resident of Fayetteville. I am a business owner in Fayetteville. This is one of those things where I wish I was a resident of Fayetteville.

Mayor Jordan: We are going to open it up for public comment. We will stay with the amendments first.

Williams, Kit

From: Law Office of Stephanie Nichols <stephanie.nichols777@gmail.com>
Sent: Friday, August 22, 2014 5:19 PM
To: Williams, Kit
Subject: Re: Final Copy of Petition

Thank you for your review. You always go above and beyond in your promptness and are one of the most easy to work with attorneys I have ever dealt with. I sincerely appreciate it and have told several Fayetteville citizens about your fairness and ease to work with.

Have a great weekend!

Stephanie Nichols

On Fri, Aug 22, 2014 at 5:12 PM, Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

I see no problems.

Kit Williams

Fayetteville City Attorney

479.575.8313

From: Law Office of Stephanie Nichols [mailto:stephanie.nichols777@gmail.com]
Sent: Friday, August 22, 2014 4:57 PM
To: Williams, Kit; Smith, Sondra
Subject: Final Copy of Petition

Kit and Sondra,

Here is my final draft of a petition re Chapter 119. Do either of you see any problems with this?

Thanks,

--



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

DATE: February 3, 2015

RE: Referendum Procedural Ordinance

I informed you during the January 20, 2015 City Council meeting and also in my memo to you of that date: "I believe that the Arkansas Legislature will soon remove the power of any Arkansas City to pass an ordinance to further protect its citizens from discrimination." Senator Hester and Representative Ballinger have begun the process to make my prediction come true by sponsoring Senate Bill 202 "to improve intrastate commerce" by prohibiting cities and counties from adopting or enforcing an ordinance that "prohibits discrimination on a basis not contained in state law."

Therefore, the proposed ordinance to align the City's referendum procedure and language with the procedure and language required by the State Legislature for county ordinance referendums can have no application to any future civil rights ordinance if Senate Bill 202 becomes law because this Bill removes the power to enact any civil rights ordinances from all Arkansas cities and counties.

I believe that Senate Bill 202 will be rapidly approved by the Arkansas Legislature and signed into law by Governor Hutchinson, but I request that the ordinance regarding referendum procedure be tabled tonight after its second reading until the March 17th meeting so that the

Legislature and Governor have plenty of time to act upon Senate Bill 202 and/or other bills designed to remove the power of city councils to protect their citizens from discrimination not already protected by the Arkansas Civil Rights Act.

Tabling is also necessary as the Ordinance Review Committee will not be able to review this proposed ordinance until its next meeting, February 18, which is the day after your second City Council meeting in February. Tabling until March 17th will give us additional time to draft any recommended changes that might be suggested by the Ordinance Review Committee and include this information in your agenda packet for that meeting.

As I informed you earlier, I do not believe there is any urgency to enact the proposed ordinance immediately. I work with the Mayor and City Council, but I work **for** our citizens so I designed this Referendum Procedure Ordinance to ensure citizens wishing to challenge any future ordinance would know how to do it. I also hoped to prevent future litigation against the City by clarifying the referendum procedure and by aligning our referendum language with County ordinance referendum language required by state statute.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

DATE: March 4, 2015

RE: Proposed Referendum and Initiative Language

The Ordinance Review Committee reviewed my proposal that the City Council enact requirements that would bring the wording of city ordinance referendums in line with the state statutory requirements for county ordinance referendums. However, no consensus or majority developed so no recommendation could be made to the City Council as a whole.

As you know I have also drafted language that would remove any reference or requirement upon the City Attorney for referendums. I had patterned the review and certification of the City Attorney after what is required of the Arkansas Attorney General who must review and either approve or reject state referendum and initiative measures. I believe the City Attorney's review, correction (if necessary to comply with the cited state statute) and certification would facilitate the referendum process for citizens wishing to challenge a city ordinance. With no such review, a referendum sponsor could lose much time and waste numerous days of signature gathering on a petition not in compliance with the law.

However, I would recommend either my original proposal or the one I submitted to you on February 18, 2015 (copy attached). Either of these would go a long way to clarify how citizens can best exercise their constitutional rights of referendum and initiative.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

DATE: February 18, 2015

RE: Initiative and Referendum Petition Language

If the City Council wishes to remove the City Attorney's mandatory review and correction of initiative and referendum petitions before they are circulated, I have drafted a much shorter proposed ordinance which simply places the obligation upon the Petitioner to conform to state law (including the specific law for county ordinance referendums). I, as Fayetteville City Attorney, will certainly continue to advise any Petitioner who requests help or advice about the correct legal wording of a Petition For Referendum or Initiative.

The benefits of this shorter version is that the City Attorney is not "under the gun" to correct or certify a Petition for Referendum or Initiative within 2 days. It would simply be the responsibility of the Petitioner to follow the law.

The drawback is that Petitioners may not properly follow the state law made expressly applicable to their Petition when drafting their Petitions and devote countless hours circulating possibly legally defective Petitions. Later they could have their Petitions not certified by the City Clerk for violating the law and/or face suit from the City or supporters of the passed ordinance for failing to comply with requirements of the cited state law now made expressly applicable by city legislation.

Because of those increased problems and litigation dangers, I suggested the up-front review, correction and certification by the City Attorney. That is more initial work for the City Attorney, but this work should pay dividends for Petitioners who would be substantially less likely to have their Petitions thrown out by later legal challenges. However, if the City Council is uncomfortable with the City Attorney's review and approval of municipal ordinance referendums (like the Arkansas Attorney General's review and approval of state legislative referendums), then simply remove the City Attorney from this Ordinance.

For your convenience, I have drafted the much condensed version with City Attorney's review removed:

"Article III Procedure To Exercise Initiative And Referendum Rights

§ 36.20 Initiative and Referendum Petitions

Pursuant to **Article 5 § 1 of the *Arkansas Constitution***, the City establishes the following procedure for the exercise of the citizens' right of the initiative and referendum of city legislation.

- (a) The Petitioner shall ensure the form of any initiative petition complies with A.C.A. § 7-9-104.
- (b) The Petitioner shall ensure the form of any referendum petition complies with A.C.A. § 7-9-105.
- (c) The Petitioner shall ensure that any ballot title conforms with A.C.A. § 14-14-917 (d) and A.C.A. § 7-9-107 (c) so as not to be misleading to voters."



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323

Text File

File Number: 2014-0382

Agenda Date: 3/17/2015

Version: 1

Status: Tabled

In Control: City Council

File Type: Resolution

Agenda Number: B.2

RAZE AND REMOVAL KENNETH C. AND WANDA L. EASTERLING:

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY KENNETH C. AND WANDA L. EASTERLING LOCATED AT 909 W. EAGLE STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, Kenneth C. and Wanda L. Easterling are the record owners of the real property located at 909 W. Eagle Street, City of Fayetteville, Washington County, Arkansas, legally described as follows:

Lot Numbered Four (4) in Block Numbered Fifteen (15) in Rose Hill Addition to the City of Fayetteville, Arkansas, as shown on the recorded plat thereof; 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, Kenneth C. and Wanda L. Easterling, having been properly served with a Violation Notice via Certified Mail, Return Receipt Requested, and given thirty (30) days to correct said violation, have 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 Section 173.09 of the Fayetteville Code of Ordinances, Kenneth C. and Wanda L. Easterling are 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 Kenneth C. and Wanda L. Easterling do 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 a budget adjustment, a copy of which is attached to this Resolution as Exhibit "A".

City of Fayetteville Staff Review Form

2014-0382

Legistar File ID

9/16/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Yolanda Fields

8/26/2014

Community Resources /
Development Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

A Resolution Ordering the Razing and Removal of a Dilapidated and Unsafe Structure owned by Kenneth & Wanda Easterling c/o Chuck Easterling, Easterling Properties, LLC. located at 909 W. Eagle Street in the City of Fayetteville, Arkansas, and approving a budget adjustment.

Budget Impact:

1010.6420.5315.04	1010 - General
Account Number	Fund
50033.1401	Raze and Removal
Project Number	Project Title
Budgeted Item? Yes	Current Budget \$ 2,300.00
	Funds Obligated \$ -
	Current Balance \$ 2,300.00
Does item have a cost? NA	Item Cost \$ -
Budget Adjustment Attached? Yes	Budget Adjustment \$ 3,000.00
	Remaining Budget \$ 5,300.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Staff recommends Approval of the Resolution and the Budget Adjustment. The \$5,300 would be needed in the event the property owner does not raze the structure by the time the resolution is in effect.

MEETING OF SEPTEMBER 16, 2014

TO: Mayor and City Council

THRU: Jeremy Pate, Development Services Department Director

FROM: Yolanda Fields, Community Resources Director

DATE: August 22, 2014

SUBJECT: Raze and Removal of Structure at 909 W. Eagle Street

RECOMMENDATION:

Staff recommends approval of the Resolution ordering the Razing and Removal of a dilapidated and unsafe structure located at 909 W. Eagle Street and to approve a budget adjustment in the amount of \$3,000 for the balance of the project.

BACKGROUND:

Service Request # 138754, Case # 19276: Code Compliance responded to a request concerning the structure located at 909 W. Eagle Street. The structure appeared to be in violation of Subsection 173.09(A), Unsafe Buildings, of the City Code of Ordinances. The Chief Building Official inspected the property and determined that the structure was in violation of Subsection 173.09(A), Unsafe Buildings, of the City Code of Ordinances. Specifically, the Chief Building Official observed: *House and Shed have extensive structural damage and shifting. Exterior walls rotten, interior physical damage extensive. Cost to repair to current codes well beyond building valuation.*

On May 22, 2014, an Unsafe Building Notice of Violation was received by the property owner. By ordinance, the property owner was given until June 23, 2014 to acquire a building permit or to raze and remove the structure.

On July 28, 2014, a Notice of Public Hearing was sent to the property owner informing him of the September 16, 2014 Public Hearing.

DISCUSSION:

This parcel contains a single story 804 square foot multi family dwelling. The structure has recently been secured but has deteriorated to a point where it is no longer safe. Staff has met on site with the property owner to discuss abatement measures. No Building Permit has been issued for this property.

BUDGET/STAFF IMPACT:

If the property owner does not comply with the Raze and Removal order, Raze and Removal costs will be expensed to current budget. A Lien will be placed on the property for the incurred costs. The current budget balance of \$2,300 is a result of another raze and removal project that was corrected by the property owners. Therefore, we are requesting a budget adjustment for \$3,000, which is the remaining balance of this raze and removal project. The winning bid amount for the project was \$5,300.

ATTACHMENTS:

Attachments include a Budget Adjustment and a packet including notifications and photos.

Budget Year	Division: Community Resources	Adjustment Number
2014	Dept.: Development Services	
	Requestor: Cherrell Lee	

Moving funds in preparation of non-compliance to the Raze and Removal request for 909 W. Eagle St. Funds from the Use of Funds Balance will cover part of the project with the other part coming from funds that were left over from a previous Raze and Removal project, 50033.1303.

RESOLUTION/ORDINANCE

[illegible]



Code Compliance Program
Unsafe Building Violation Determination

Address / Location: 909 W. Eagle St.

WC Parcel # 765-10416-000

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.


15 April

Building Official

Observations: House and shed has extreme structural damage
and shifting, extraneous to the interior physical
damage extreme. Cost to repair to current codes
well beyond bldg. valuation. R

I have determined that the structure above is not in violation of Subsection 173.09 (A) of the Fayetteville Code Of Ordinances.

Building Official



I recommend pursuing a Property Nuisance, City Code 173.09(B).

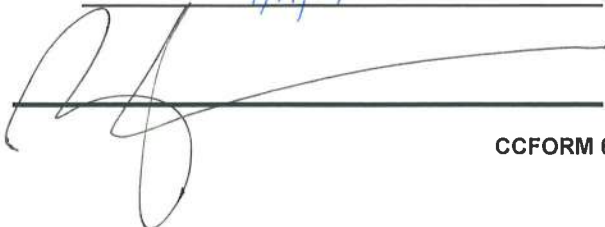
PLEASE RETURN THIS FORM TO CODE COMPLIANCE

Date Sent: April 9, 2014

SR# 138754

Date Received: 4/14/14

Case# 19276



Community Resources Division Director

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701



Office of Code Compliance
Phone 479-575-8260
Fax 479-444-3445

VIOLATION NOTICE

May 14, 2014

Owner **KENNETH C & WANDA L EASTERLING**
2920 S SCHOOL AVE

FAYETTEVILLE, AR 72701-8218

RE: Property @ 909 W EAGLE ST, Fayetteville, AR

WC Parcel # 765-10416-000

Case # 19276

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:

§173.09 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,

ADAM ROBERTS
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		A. Signature <i>[Signature]</i> ☐ Agent ☐ Addressee	
KENNETH C & WANDA L EASTERLING c/o CHARLES EASTERLING 2704 S 24TH STREET ROGERS, AR 72758		(Printed Name) <i>Charles Easterling</i> C. Date of Delivery <i>5-22-14</i> Address different from item 1? ☐ Yes or delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label)		7013 1710 0001 3350 5007	
PS Form 3811, February 2004		Domestic Return Receipt <i>AR 19276/19448</i> 102595-02-M-1540	

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 \$	<i>19276</i>
Certified Fee	<i>19448</i>
Return Receipt Fee (Endorsement Required)	Postmark Here
Restricted Delivery Fee (Endorsement Required)	<i>5/14/14</i>
Total Postage & Fees \$	
Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
PS Form 3800, August 2006 See Reverse for Instructions	

7013 1710 0001 3350 5007



July 28, 2014

Kenneth C. & Wanda L. Easterling
c/o Chuck Easterling, Easterling Properties, LLC
2704 S. 24th Street
Rogers, AR 72758

RE: Enforcement of Fayetteville Code 173.09
Arkansas Code Ann. 14-56-203

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. 14-56-203 at 173.09 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 **909 W. Eagle Street (Parcel #765-10416-000)**, 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) 575-8260.

The hearing will be part of a regular City Council meeting on **September 16, 2014** 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,

A handwritten signature in blue ink, appearing to read "Chad Ball", is written over a horizontal line.

Chad Ball
Code Compliance Administrator

Cc: file

Parcel: 765-10416-000
Prev. Parcel: 143692-000-00
As of: 8/14/2014

Washington County Report

ID: 45238

Property Owner

Name: EASTERLING, KENNETH C &
WANDA L

Mailing Address: 2920 S SCHOOL AVE
FAYETTEVILLE, AR 72701-8218

Type: (RI) - Res. Improv.

Tax Dist: (011) - FAYETTEVILLE SCH, FAY

Millage Rate: 53.75

Extended Legal:

Property Information

Physical Address: 909 W EAGLE ST

Subdivision: ROSE HILL ADD

Block / Lot: 015 / 004

S-T-R: 09-16-30

Size (in Acres): 0.000

Market and Assessed Values:

	Estimated Market Value:	Full Assessed (20% Market Value):	Taxable Value:
Land:	\$45,000	\$9,000	\$9,000
Building:	\$12,600	\$2,520	\$2,520
Total:	\$57,600	\$11,520	\$11,520

Homestead Credit: \$0.00

Note: Tax amounts are estimates only. Contact the
county/parish tax collector for exact amounts.

Land:

Land Use	Size	Units
	1.000	House Lot

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-10416-000
Prev. Parcel: 143692-000-00
As of: 8/14/2014

Washington County Report

ID: 45238

Deed Transfers:

Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
10/22/1955	569	293	Warr. Deed	0.00	\$0	EASTERLING, KENNETH C. & WANDA L		

Details for Residential Card 1:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Frame Siding Std.	804	0	804	5	1886	124	Fair	N/A

Exterior Wall: SIDING

Foundation: Closed Piers

Floor Struct: Wood with subfloor

Floor Cover: Carpet & Tile

Insulation: Ceilings

Roof Cover: Metal

Roof Type: Gable

Plumbing: Full: 1

Fireplace: N/A

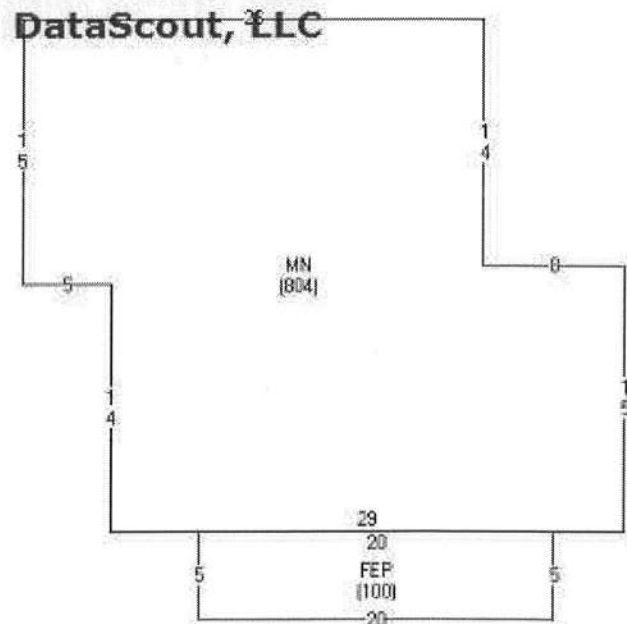
Heat / Cool: None

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	804
B	FEP	Frame enclosed porch	100

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-10416-000
Prev. Parcel: 143692-000-00
As of: 8/14/2014

Washington County Report

ID: 45238

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Garage - frame unfinished, detach		10x16	1		
Fence, chain link 4'		257			

Other Adjustments:

Code	Type	Quantity
FLOORC	L	161

Map:



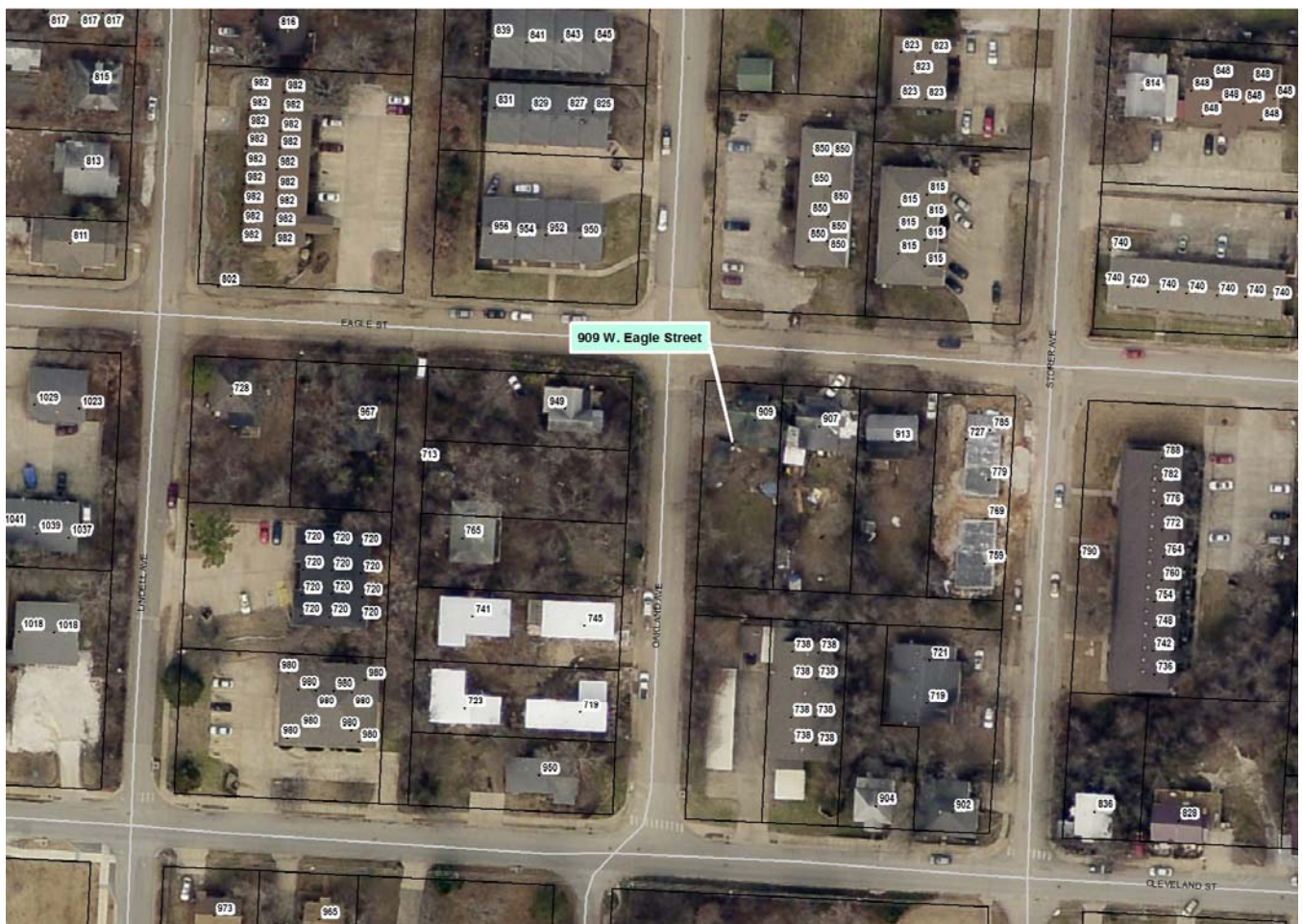
Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com









City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323

Text File

File Number: 2015-0098

Agenda Date: 3/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: C.1

DESTINY LIMOUSINES, LLC DBA AMBASSADOR TRANSPORTATION SERVICES:

A RESOLUTION TO GRANT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO DESTINY LIMOUSINES, LLC DBA AMBASSADOR TRANSPORTATION SERVICES FOR THE OPERATION OF TWO (2) TO SIX (6) TAXICABS IN THE CITY OF FAYETTEVILLE

WHEREAS, the City Council of the City of Fayetteville, Arkansas finds that further taxicab service in the City is required by the public convenience and necessity; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas, taking into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions and the character, experience, and responsibility of the applicant, finds the applicant, Destiny Limousines, LLC dba Ambassador Transportation Services is fit, willing, and able to perform such public transportation and to conform to the provisions of Article IV of Chapter 117 of the Fayetteville Code of Ordinances,

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 grants a Certificate of Public Convenience and Necessity to Destiny Limousines, LLC dba Ambassador Transportation Services for the operation of two (2) to six (6) taxicabs in the City of Fayetteville, in accordance with Article IV of Chapter 117 of the Fayetteville Code of Ordinances.

City of Fayetteville Staff Review Form

2015-0098

Legistar File ID

3/17/2015

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Greg Tabor

2/19/2015

Police /
Police Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

A public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Destiny Limousines, LLC, dba Ambassador Transportation Services for Taxi Service.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 17, 2015

TO: Mayor and City Council
FROM: Greg Tabor, Chief of Police 
DATE: February 19, 2015
SUBJECT: Request for Public Hearing on a Certificate of Public Convenience and Necessity

RECOMMENDATION:

The City Council should schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Destiny Limousines, LLC, DBA Ambassador Transportation Services for Taxi Service.

BACKGROUND:

City Ordinance 117 article IV governs the application process for taxis and limousines and requires a public hearing to determine if there exists the further need for taxicab and limousine service.

DISCUSSION:

Mr. Zimmerman is actually making reapplication from Council's denial on a very similar application the police department submitted on September 30, 2013. One distinction in the new application is the applicant does not intend to be permitted for limousines.

BUDGET/STAFF IMPACT:

The budget impact is minimal. The staff impact will result in the police department taking on additional background investigations and permitting additional taxi drivers, and the City Shop will take on additional taxi inspections.

Attachments:

Application
Financial Statement
Proof of Insurance

**Certificate of Public Convenience & Necessity
Application/Renewal**

As required to comply with Chapter 117 of the Fayetteville Code of Ordinances

<u>Dane Zimmerman</u>	<u>1116 S. Walton BLVD, Suite 122, Bentonville, AR 72712</u>	<u>479-250-1594</u>
Applicant Name	Address	Phone Number

<u>Destiny Limousines, LLC - Db. Ambassador Transportation Services</u>	<u>479-250-1594</u>
Name of Business	Phone Number

<u>1116 South Walton BLVD, Suite 122, Bentonville, AR 72712</u>
Business Location

<u>1116 South Walton BLVD, Suite 122, Bentonville, AR 72712</u>
Mailing Address

<u>LLC</u>
Type of Business (Sole Proprietor, Corporation, LLC)

Name and address of all owners, officers, and stockholders:

<u>Dane Zimmerman, 3 Earby Lane, Bella Vista, AR 72714</u>
<u> </u>
<u> </u>

Name of person to whom complaints should be directed:

<u>Dane Zimmerman</u>

Financial status of applicant (Attach financial statement or profit and loss statement)

List any unpaid judgments against any of the owners, officers, and stockholders and the nature or acts giving rise to said judgments:

None

Describe the experience of all owners, officers, and stockholders in the transportation of passengers:

Ambassador Transportation Services has offered limousine, taxi, shuttle, and car services to the Bentonville area since March 2012. Ambassador Transportation would like to expand services and meet legal requirements per the City of Fayetteville Ordinance.

Give any facts you believe tend to prove the necessity of granting a certificate:

According to City of Fayetteville Ordinance, all taxi and limousine services must obtain a permit to operate within the city of Fayetteville. Ambassador Transportation frequently receives request to deliver and pick up passengers that originated from Bentonville, Bella Vista, and Rogers. We would like to do so legally.

List the number of vehicles that will be under your operation or control: 7

Minimum and Maximum number of vehicles to be permitted:	Minimum	Maximum
Taxi	2	6
Limousine	0	0

List the location of proposed depots and terminals:

Ambassador Transportation will maintain our corporate location in Bentonville, AR. We are open and considering a depot location in the City of Fayetteville to better serve the residents of Fayetteville.

Describe the color scheme or insignia to be used to designate your vehicle:

Ambassador Transportation taxis are white with a logo on the back side windows, rear window, and
a taxi logo on the front driver and passenger doors. All logos have an "A" with a top hat.

List your days and hours of operation:

Monday-Sunday 24 hours daily

List any days you do not propose to provide taxicab service to the general public:

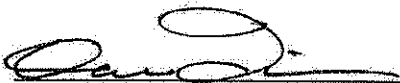
Ambassador Transportation is closed on Christmas Day and runs limited services on Thanksgiving and
Christmas eve.

List your proposed passenger rate schedule:

\$2.65/mile + \$3.50 1st passenger, \$2.00 per additional passenger

Police Department Representative

Date



1/26/15

Taxicab Company Representative

Date

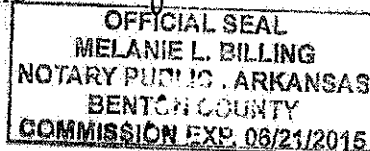


1/20/15

Date

Notary Signature

Notary Stamp:



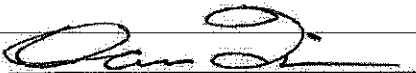
Statement of Overall Financial Status

To whom it may concern:

Ambassador Transportation Services operates a balanced budget with no outstanding debts against us. Ambassador's fleet consists of 7 vehicles (3 Sedan, 2 large passenger vans, and 2 taxicab minivans); five of the seven vehicles are paid for with titles in hand (all vehicles in operation within the city of Fayetteville).

Further questions should be addressed to the undersigned at 479-426-1310.

Thanks for your consideration.



Dane Zimmerman, CEO
Ambassador Transportation Services
1116 S. Walton BLVD, Suite 122
Bentonville, AR 72712
Dispatch: 479-250-1594
Website: www.ATS-NWA.com
Facebook: www.facebook.com/atsnwa

1/26/15
Date

**MOTOR VEHICLE LIABILITY INSURANCE
IDENTIFICATION CARD**

COMPANY NUMBER 03 COMPANY Cypress Insurance Company NAIC No. 10855

POLICY NUMBER 03 APM 002884 - 02 EFFECTIVE DATE 08/15/2014 12:01 AM EXPIRATION DATE 08/15/2015 12:01 AM

YEAR 2008 MAKE/MODEL CHEVROLET UPLANDER VEHICLE IDENTIFICATION NUMBER 1GNDV23168D126815

AGENCY/COMPANY ISSUING CARD
Berkshire Hathaway Homestate Companies
3333 Farnam Street
Omaha, NE 68131

INSURED
DESTINY LIMOUSINES, LLC DBA: AMBASSADOR TRANSPORTATION SERVICES
1116 S WALTON BLVD STE 122
BENTONVILLE, AR 72712

**THIS CARD MUST BE CARRIED
IN THE INSURED VEHICLE FOR
PRODUCTION UPON DEMAND**

Report All Accidents To:

1-800-356-5750

24 Hour Toll Free

Claims may also be reported at:
bhhcclaim@bhhc.com

M-4566a (11/1999)

SEE IMPORTANT NOTICE ON REVERSE SIDE

~~CUT ALONG THIS LINE~~

~~CUT ALONG THIS LINE~~

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POLICY NUMBER 03 APM 002884 - 02 EFFECTIVE DATE 08/15/2014 12:01 AM EXPIRATION DATE 08/15/2015 12:01 AM

Report All Accidents To:

YEAR 2006 MAKE/MODEL CHEVROLET UPLANDER VEHICLE IDENTIFICATION NUMBER 1GNDV33L06D219544

1-800-356-5750

24 Hour Toll Free

AGENCY/COMPANY ISSUING CARD
Berkshire Hathaway Homestate Companies
3333 Farnam Street
Omaha, NE 68131

Claims may also be reported at:
bhhcclaim@bhhc.com

INSURED
DESTINY LIMOUSINES, LLC DBA: AMBASSADOR TRANSPORTATION SERVICES
1116 S WALTON BLVD STE 122
BENTONVILLE, AR 72712

SEE IMPORTANT NOTICE ON REVERSE SIDE

M-4566a (11/1999)

~~CUT ALONG THIS LINE~~

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**MOTOR VEHICLE LIABILITY INSURANCE
IDENTIFICATION CARD**

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POLICY NUMBER 03 APM 002884 - 02 EFFECTIVE DATE 08/15/2014 12:01 AM EXPIRATION DATE 08/15/2015 12:01 AM

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YEAR 2006 MAKE/MODEL CHEVROLET UPLANDER VEHICLE IDENTIFICATION NUMBER 1GNDV33L06D219544

1-800-356-5750

24 Hour Toll Free

AGENCY/COMPANY ISSUING CARD
Berkshire Hathaway Homestate Companies
3333 Farnam Street
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bhhcclaim@bhhc.com

INSURED
DESTINY LIMOUSINES, LLC DBA: AMBASSADOR TRANSPORTATION SERVICES
1116 S WALTON BLVD STE 122
BENTONVILLE, AR 72712

SEE IMPORTANT NOTICE ON REVERSE SIDE

M-4566a (11/1999)

~~CUT ALONG THIS LINE~~

~~CUT ALONG THIS LINE~~

03APM002884-01

RENEWAL NUMBER

CROSS REFERENCE NUMBER

CYPRESS INSURANCE COMPANY
SAN FRANCISCO, CALIFORNIA
BUSINESS AUTO COVERAGE DECLARATIONS

☐ The Declarations
include a second part
designated "Part 2".

03 APM 002884 - 02

Producer

ITEM ONE NAMED INSURED & ADDRESS

DESTINY LIMOUSINES, LLC**DBA: AMBASSADOR TRANSPORTATION
SERVICES****1116 S WALTON BLVD STE 122
BENTONVILLE, AR 72712**

McGhee Insurance Agency, Inc.
2884 W Walnut Ave, Ste A
Rogers, AR 72756

FORM OF NAMED INSURED'S BUSINESS: LLC

NAMED INSURED'S BUSINESS: AIRPORT TRANSPORTATION

POLICY PERIOD: Policy covers FROM 08/15/2014 12:01 AM TO 08/15/2015 12:01 A.M. Standard Time at the Named Insured's Address stated above.

ITEM TWO - SCHEDULE OF COVERAGES AND COVERED AUTOS

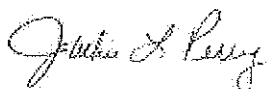
This policy provides only those coverages where a charge is shown in the premium column below. Each of these coverages will apply only to those "autos" shown as covered "autos". "Autos" are shown as covered "autos" for a particular coverage by the entry of one or more of the symbols from the COVERED AUTO Section of the Business Auto Coverage Form next to the name of the coverage.

COVERAGES	COVERED AUTOS (Entry of one or more of the symbols from the COVERED AUTOS Section of the Business Auto Coverage Form shows which autos are covered autos).	LIMIT OF INSURANCE THE MOST WE WILL PAY FOR ANY ONE ACCIDENT OR LOSS	PREMIUM
LIABILITY	7	\$ 300,000 CSL	\$ 12,605
PERSONAL INJURY PROTECTION (P.I.P.) (or equivalent No-fault coverage)		SEPARATELY STATED IN EACH P.I.P. ENDORSEMENT MINUS \$ Deductible	\$
ADDED P.I.P. (or equivalent added No-fault cov.)		SEPARATELY STATED IN EACH ADDED P.I.P. ENDORSEMENT	\$
PROPERTY PROTECTION INSURANCE (P.P.I.) (Michigan only)		SEPARATELY STATED IN THE P.P.I. ENDORSEMENT MINUS \$ Deductible FOR EACH ACCIDENT	\$
AUTO MEDICAL PAYMENTS	7	\$ 5,000	\$ 1,373
UNINSURED MOTORISTS	10	\$ 300,000 CSL (BI & PD)	\$ 783
UNDERINSURED MOTORISTS (when not included in Uninsured Motorists coverage)	10	\$ 300,000 CSL (BI Only)	\$ 783
PHYSICAL DAMAGE INSURANCE			
COMPREHENSIVE COVERAGE	7	\$ See M 3912b (08/2001)	\$ INCL
SPECIFIED CAUSES OF LOSS		\$	\$
COLLISION COVERAGE	7	\$ See M 3912b (08/2001)	\$ 5,329
TOWING AND LABOR		\$ Deductible FOR EACH COVERED AUTO	\$
FORMS AND ENDORSEMENTS CONTAINED IN THIS POLICY AT ITS INCEPTION See M4572 (12/1994)		PREMIUM FOR ENDORSEMENTS	\$ 200
		ESTIMATED TOTAL PREMIUM	\$ 21,073
ENTER SYMBOL 10 DESCRIPTION HERE: Only those autos described in Item Three of the Declarations with Liability premium shown.			
POLICY SUBJECT TO A FULLY EARNED POLICYWRITING MINIMUM PREMIUM OF \$ 0 IF CANCELLED BY THE INSURED.			
ITEM THREE - SCHEDULE OF COVERED AUTOS		AS ATTACHED	

Countersigned At _____ By _____

AUTHORIZED SIGNATURE

In Witness whereof, we have caused this policy to be executed and attested.



Secretary



President

SCHEDULE OF COVERED AUTOS

M-5171 (06/2004)

POLICY NUMBER: 03 APM 002884 - 02

EFFECTIVE DATE: 08/15/2014 12:01 AM

NAMED INSURED: DESTINY LIMOUSINES, LLC

Policy-Level Coverages			The premium charge for Uninsured and Underinsured Motorist Coverage is a policy charge; separate premium charges are not made for individual covered autos.						
Uninsured Motorist Coverage:									
Underinsured Motorist Coverage:									
Other:									
Vehicle #	Year	Make & Model	VIN	Use* (C/S/R)	Radius	Garaging Territory	Garaging City, State		GVW or Seating Cap.
	Liability Premium	Medical Payments Premium	Personal Injury Protection Premium	Additional Insured Premium			In-Tow Premium	Cargo Premium	
	Stated Limit or ACV	Specified Causes (S) or Comprehensive (C)	Specified Causes or Comprehensive Premium	Specified Causes or Comprehensive Deductible			Collision Premium	Collision Deductible	
1	1998	LINCOLN TOWN CAR	1L1FM81W3WY715460	C	100 Miles	3	BENTONVILLE, AR		6 Seats
	1,642	230							
	13,000	C	Incl	1000 Ded			642	1000 Ded	
2	2009	FORD E-350	1FDSS31L99DA04353	C	100 Miles	3	BENTONVILLE, AR		15 Seats
	1,641	161							
	20,000	C	Incl	1000 Ded			882	1000 Ded	
3	2009	FORD E-350	1FDSS31L39DA04350	C	100 Miles	3	BENTONVILLE, AR		15 Seats
	1,641	161							
	20,000	C	Incl	1000 Ded			882	1000 Ded	
4	2007	CHEVROLET TAHOE	1GNFK13007R157854	C	100 Miles	3	BENTONVILLE, AR		7 Seats
	1,490	146							
	31,000	C	Incl	1000 Ded			1,102	1000 Ded	
5	2006	CHEVROLET UPLANDER	1GNDV33L06D219544	C	100 Miles	3	BENTONVILLE, AR		7 Seats
	1,490	146							
	12,000	C	Incl	1000 Ded			580	1000 Ded	
6	2006	CADILLAC DTS	1G6KD57Y16U255038	C	100 Miles	3	BENTONVILLE, AR		6 Seats
	1,642	230							
	13,000	C	Incl	500 Ded			661	1000 Ded	
7	2008	CHEVROLET UPLANDER	1GNDV23168D126815	C	100 Miles	3	BENTONVILLE, AR		7 Seats
	1,490	146							
	12,000	C	Incl	1000 Ded			580	1000 Ded	
8	2002	CHRYSLER TOWN & COUNTRY	2C4GP74L52R707885	C	100 Miles	3	BENTONVILLE, AR		6 Seats
	1,569	153							
	*Use (C = Commercial, S = Service, R = Retail)								

06/19/2014 08:08 8DC1BF13-6CB8-422F-AA7C-927BC3C67242

M-5171 (06/2004)



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323

Text File

File Number: 2015-0099

Agenda Date: 3/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: C.2

COLLEGE TOWN LIMO:

A RESOLUTION TO GRANT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO COLLEGE TOWN LIMO FOR THE OPERATION OF ONE (1) TO THREE (3) LIMOUSINES IN THE CITY OF FAYETTEVILLE

WHEREAS, the City Council of the City of Fayetteville, Arkansas finds that further limousine service in the City is required by the public convenience and necessity; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas, taking into consideration the number of limousines already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions and the character, experience, and responsibility of the applicant, finds the applicant, College Town Limo is fit, willing, and able to perform such public transportation and to conform to the provisions of Article V of Chapter 117 of the Fayetteville Code of Ordinances,

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 grants a Certificate of Public Convenience and Necessity to College Town Limo for the operation of one (1) to three (3) limousines in the City of Fayetteville, in accordance with Article V of Chapter 117 of the Fayetteville Code of Ordinances.

City of Fayetteville Staff Review Form

2015-0099

Legistar File ID

3/17/2015

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Greg Tabor

2/19/2015

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to College Town Limo for limousine service.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 17, 2015

TO: Mayor and City Council
FROM: Greg Tabor, Chief of Police 
DATE: February 19, 2015
SUBJECT: Request for Public Hearing on a Certificate of Public Convenience and Necessity

RECOMMENDATION:

The City Council should schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to College Town Limo for limousine service.

BACKGROUND:

City Ordinance 117 article IV governs the application process for taxis and limousines and requires a public hearing to determine if there exists the further need for taxicab and limousine service.

DISCUSSION:

Mr. Burchell is making application for limousine service only. He does not intend to be permitted for taxis.

BUDGET/STAFF IMPACT:

The budget impact is minimal. The staff impact will result in the police department processing the required fees, and the City Shop will take on additional inspections.

Attachments:

Application
Financial Statement
Proof of Insurance

Certificate of Public Convenience & Necessity Application/Renewal

As required to comply with Chapter 117 of the Fayetteville Code of Ordinances

Christopher Burchell	438 E Mimosa LN, F'ville, AR, 72703	479-236-0587
Applicant Name	Address	Phone Number
College Town Limo		479-236-0587
Name of Business		Phone Number
438 E Mimosa LN, Fayetteville, AR, 72703		
Business Location		
438 E Mimosa LN, Fayetteville, AR, 72703		
Mailing Address		
sole proprietor		
Type of Business (Sole Proprietor, Corporation, LLC)		

Name and address of all owners, officers and stockholders:

Christopher Burchell, 438 E Mimosa LN, Fayetteville, AR 72703

Name of person to whom complaints should be directed:

Christopher Burchell

Type of Permit Requested: Taxicab _____ Limousine ☒

Financial status of applicant (Attach financial statement or profit and loss statement)

List any unpaid judgments against any of the owners, officers and stockholders and the nature or acts giving rise to said judgments:

There are no unpaid judgements against the owner.

Describe the experience of all owners, officers and stockholders in the transportation of passengers:

I, Mr. Burchell, have generated indispensable experience driving for a Fayetteville taxicab company. My record as a for-hire driver is without blemish. To improve my effectiveness, I have collected many useful facts about popular destinations and efficient routes to approach them. I have also borne witness to the needs and wants of residents and visitors to Fayetteville and seen places in which the present marketplace of passenger vehicles for hire fails to satisfy.

Give any facts you believe tend to prove the necessity of granting a certificate:

The demand for hired passenger car service in Fayetteville appears to exceed availability. Although limousines are commonplace on the streets of Fayetteville on weekends, I have never seen one operated by a Fayetteville-based company. I have seen vehicles from as far away as Van Buren drafted to satisfy our community's demands.

The generally insufficient supply of hired passenger car service is made dramatically clear by the long periods of time I have seen people wait for taxicabs on weekend nights.

List the number of vehicles that will be under your operation or control: One

Minimum and Maximum number of vehicles to be permitted:

<u>One</u>	<u>Three</u>
Minimum	Maximum

List the location of proposed depots and terminals:

The service will be available on call. As such, no fixed terminals or depots will be designated.

Describe the color scheme or insignia to be used to designate your vehicle:

The "College Town Limo" logo represented here will appear on both middle side windows of the vehicle.



List your days and hours of operation:

Since the equipment and amenities I offer are traditionally most popular during evenings and weekends, I anticipate most of the service will be delivered during those times.

List any days you do not propose to provide taxicab service to the general public:

The service will be available for reservations on any given day.

List your proposed passenger rate schedule:

A plain and simple hourly rate will be used. While the basic rate may be reduced by special offers and discounts, it will never be inflated during periods of high demand. I plan to launch the service with a rate of \$75 per hour.

Christopher D. Burdell
Signature of Applicant

2/17/2015
Date

State of Arkansas
County of Washington

On this the 17 day of February, 20 15 before me,
Suzanne McCoy, personally appeared Christopher D. Burdell

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument
and affirms that the statements in this document are true and complete.

In witness whereof I hereunto set my hand and official seal.

My Commission expires: November 27, 2017

Suzanne McCoy
Notary Public

SUZANNE MCCOY
WASHINGTON COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires Nov. 27, 2017
Commission # 12364129

Police Department Representative

Date



Chris Burchell

438 E Mimosa LN, Fayetteville, AR 72703
☎ (479) 236-0587

To:

Fayetteville City Council
Fayetteville Police Department

February 13, 2015

Subject: Request for a Certificate of Public Necessity for College Town Limo

Dear Sir or Madam,

I would like to request a certificate of public necessity so that I may launch a new limousine service in Fayetteville called College Town Limo.

I have made the necessary arrangements to finance the venture. Should I be fortunate enough to be granted a certificate of public necessity and convenience from this council, I will be able to immediately complete the acquisition of a clear title over the business's primary asset, the limousine itself. I have no financial delinquencies or judgements against me which would threaten my ability to sustain the service.

I have worked with a Fayetteville insurance agency to arrange a high level of commercial vehicle coverage to be underwritten by National Liability and Fire. I also plan to rely on Fayetteville businesses for the banking, clothing, and mechanical needs of College Town Limo.

At present, there is no limousine service based in Fayetteville. I am excited at the prospect of building a service which mirrors our city's values while serving its residents and visitors.

Thank you for considering my request for a certificate of public necessity and convenience.

Sincerely

A handwritten signature in dark ink, appearing to read "Chris Burchell", written in a cursive, flowing style.

Chris Burchell

EASON
INSURANCE AGENCY, INC.
Serving Northwest Arkansas Since 1888

February 10, 2015

Christopher Burchell
438 E Mimosa LN
Fayetteville, AR 72703

Re: Quote

Chris,

We have obtained the following quote for your limo business:

Auto Liability

\$1,000,000 combined single limit
\$1,000,000 uninsured/underinsured bodily injury only

1996 Lincoln, vin #1LNLM81W9TY606000 valued at \$6000 total
Deductibles: comprehensive - \$1,000; collision - \$1,000
Radius 75 miles
Clean MVR for driver

Company: National Liability & Fire
Annual Premium: \$2300

Quote is subject to:
Signed, completed applications
Acceptable MVRs and Drivers
No losses prior to binding

Quote is valid until 2/18/15





City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323

Text File

File Number: 2015-0121

Agenda Date: 3/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: D.1

VAC 15-4948 (3215 N NORTH HILLS DRIVE/WRMC WOMEN'S CLINIC):

AN ORDINANCE APPROVING VAC 15-4948 SUBMITTED BY USI CONSULTING ENGINEERS FOR PROPERTY LOCATED AT 3215 NORTH HILLS DRIVE TO VACATE PORTIONS OF EXISTING UTILITY EASEMENT

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

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

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following utility easement described in Exhibit "B" attached hereto and made a part thereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following conditions of approval:

1. Existing water and sewer lines to be relocated by the applicant as approved by the City Water and Sewer Department.
2. Any damage or relocation of existing facilities and associated new easement dedication shall be at the owner/developer's expense.

City of Fayetteville Staff Review Form

2015-0121

Legistar File ID

3/17/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate 

2/27/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 15-4948: Vacation (3215 N. NORTH HILLS DRIVE/WRMC WOMEN'S CLINIC, 250): Submitted by USI CONSULTING ENGINEERS for property located at 3251 N. NORTH HILLS DR. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.27 acres. The request is to vacate portions of existing utility easement.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 17, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, Director of Planning

DATE: February 27, 2015

SUBJECT: **VAC 15-4948: Vacation (3215 N. NORTH HILLS DRIVE/WRMC WOMEN'S CLINIC, 250):** Submitted by USI CONSULTING ENGINEERS for property located at 3251 N. NORTH HILLS DR. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.27 acres. The request is to vacate portions of existing utility easement.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to vacate portions of existing utility easement.

BACKGROUND:

This site is located in the southwest portion of the Washington Regional Medical Clinic (WRMC) campus which contains 61.45 acres and is zoned P-1, Institutional. On January 29, 2015 the Fayetteville Subdivision Committee approved a large scale development on this portion of the site for a 104,895 square foot women's medical clinic and parking garage (LSD 14-4893). There are existing easements and utilities located under the proposed building site.

The applicant requests vacation of portions of utility easements, as shown on the attached plans in order to develop the proposed women's clinic addition to the hospital. The City utility departments and applicable franchise utilities have approved the requested vacation.

DISCUSSION:

On February 23, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 7-0-0 on the consent agenda.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A
Exhibit B
Planning Commission Staff Report

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: February 23, 2015 *Updated with Planning Commission results*

SUBJECT: **VAC 15-4948: Vacation (3215 N. NORTH HILLS DRIVE/WRMC WOMEN'S CLINIC, 250):** Submitted by USI CONSULTING ENGINEERS for property located at 3251 N. NORTH HILLS DR. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.27 acres. The request is to vacate portions of existing utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 15-4948** to the City Council with a recommendation for approval.

BACKGROUND:

Property and background: This site is located in the southwest portion of the Washington Regional Medical Clinic (WRMC) campus which contains 61.45 acres and is zoned P-1, Institutional. On January 29, 2015 the Fayetteville Subdivision Committee approved a large scale development on this portion of the site for a 104,895 square foot women's medical clinic and parking garage (LSD 14-4893). There are existing easements and utilities located under the proposed building site. The surrounding zoning and land use is listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Fulbright Expressway	Not applicable
South	Single family dwellings; office	RSF-4; RT-12; R-O
West	Scull Creek Trail; WRMC parking lots on Gregg Ave.	P-1
East	Medical office	R-O

Proposal: The applicant requests vacation of portions of utility easements, as shown on the attached plans in order to develop the proposed women's clinic addition to the hospital.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with the following responses:

UTILITIES

Cox Communications

AEP/SWEPCO

Source Gas

AT&T

Ozarks Electric

RESPONSE

No objections

No objections

No objections

No objections

To be provided

CITY OF FAYETTEVILLE**RESPONSE**

Water/Sewer

Trash & Recycling

Transportation

No objections

No objections

Not applicable

Public Comment:

No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 15-4948** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. Prior to the City Council agenda request being submitted for this item the applicant shall provide the City Planning Division with the utility permission form from Ozarks Electric.
2. Existing water and sewer lines to be relocated by the applicant as approved by the City Water and Sewer Department.
3. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.

PLANNING COMMISSION ACTION☒ Forwarded ☐ Denied ☐ Tabled**Date: February 23, 2015****Motion:** Cook**Second:** Selby**Vote:** 7-0-0**Notes:***On consent agenda*

BUDGET/STAFF IMPACT:

None

Attachments:

- Request Letter
- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit
- One Mile Map
- Close Up Map

January 8, 2015

Andrew Garner
Planning Director
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701
Phone : (479) 575-8262

Ferdinand Fourie, P.E.
Project Manager
4847 Kaylee Avenue-Suite B
Springdale, Arkansas 72762
479.872.7115 Telephone
479.872.7118 Facsimile
www.usi-ce.com
ffourie@usi-ce.com

**Re: Easement Vacation Request
Washington Regional Medical Center
Women's Clinic and Parking Garage Addition**

Dear Mr. Garner:

Please find enclosed submittal items as a request to vacate existing Utility Easement on the Washington County Regional Medical Center property along North Hills Drive.

A Large Scale Development has been submitted and is being considered in the current planning review cycle. The request is for the vacationing of easement within the proposed building and overhang footprint. The waterline within the Easement Area 1 will be rerouted along the driveway and new easement recorded under a separate document. The sewer line will become private for the portion under the proposed expansion.

The waterline at Easement Area 2 is not within the current easement area. Therefore the current easement is being vacated and a new 20-foot wide easement will be recorded under a separate plat with this project.

Please let me know if you have any questions.

Sincerely,



Ferdi Fourie, P.E.
Project Manager

PETITION TO VACATE AN EASEMENT LOCATED AT 3215 NORTH HILLS DRIVE, CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in 3215 North Hills Drive, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

VARIABLE WIDTH UTILITY EASEMENT : FILE NO 0023-00000250

PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 27, AND PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 34 OF TOWNSHIP 17 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST CORNER OF SECTION 27, N79°26'51.11"W 665.73-FEET TO THE POINT OF BEGINNING, THENCE THE FOLLOWING TRACT:

S20°31'01.84"W 170.26-FEET; THENCE S71°46'13.02"E 5.79-FEET; THENCE S18°13'46.98"W 20.00-FEET; THENCE N71°46'13.02"W 6.59-FEET; THENCE S20°31'01.83"W 25.91-FEET; THENCE S7°25'37.06"W 12.08-FEET; THENCE N82°34'22.94"W 19.82-FEET; THENCE S18°13'46.89"W 32.79-FEET; THENCE S44°25'15.91"E 15.35-FEET; THENCE N71°46'29.56"W 140.03-FEET; THENCE N9°46'52.72"E 4.75-FEET; THENCE S79°29'11.66"E 107.91-FEET; THENCE N18°13'46.98"E 247.12-FEET; THENCE S78°08'27.03"E 46.28- FEET TO THE POINT OF BEGINNING, CONTAINING 11,703 SQUARE FEET OR 0.27 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

25-FEET WIDE UTILITY EASEMENT : FILE NO 0023-00000250

PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 34 OF TOWNSHIP 17 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST CORNER OF SECTION 34, S60°58'38.08"W 871.64-FEET TO THE POINT OF BEGINNING, THENCE THE FOLLOWING TRACT:

N86°29'07.13"W 199.10-FEET; THENCE N10°28'04.40"E 25.19-FEET; THENCE S86°29'07.13"E 171.05-FEET; THENCE N03°30'48.34"E 4.68-FEET; THENCE S60°45'59.44"E 27.75- FEET; THENCE S03°30'48.34"W 17.64-FEET TO THE POINT OF BEGINNING, CONTAINING 4906 SQUARE FEET OR 0.11 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

That the abutting real estate affected by said abandonment of the alley are at 3215 North Hills Drive, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 7 day of January, 2015.

Mark Bever

Printed Name

Muna Bunn

Signature

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: January 8, 2015

UTILITY COMPANY: City of Fayetteville - Water and Sewer

USI Consulting Engineers, Inc. APPLICANT NAME: USI Consulting Engineers, Inc. APPLICANT PHONE: 479-872-7115

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 3512 North Hills Drive, Fayetteville, AR 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

ANY EXISTING WATER OR SEWER LINES MUST BE
RELOCATED PRIOR TO EASEMENT VACATION.



Signature of Utility Company Representative

UTILITIES DIRECTOR- CITY OF FAYETTEVILLE

Title

UTILITY APPROVAL FORM

**FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: January 8, 2015

UTILITY COMPANY: City of Fayetteville - Solid Waste

USI Consulting Engineers, Inc. APPLICANT PHONE: 479-872-7115

APPLICANT NAME: REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 3512 North Hills Drive, Fayetteville, AR 72703

(*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above.

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Joey Smith
Signature of Utility Company Representative

Transportation Assistant Manager
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: January 8, 2015

UTILITY COMPANY: Source Gas

APPLICANT NAME: USI Consulting Engineers, Inc. APPLICANT PHONE: 479-872-7115
REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 3512 North Hills Drive, Fayetteville, AR 72703

(*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above.

No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

No objections provided the following conditions are met:

Brian A. Dapert
Signature of Utility Company Representative

Title

Supervisor - Division Operations

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: January 8, 2015

UTILITY COMPANY: Cox Communications

APPLICANT NAME: USI Consulting Engineers, Inc. APPLICANT PHONE: 479-872-7115
REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 3512 North Hills Drive, Fayetteville, AR 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☒ No objections provided the following conditions are met:

Any damage to or relocation of any existing facilities will be at the owners/developers expense.

Can take up to 90 days to relocate once relocations costs have been paid.



Signature of Utility Company Representative

CONSTRUCTION MANAGER

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: January 8, 2015

UTILITY COMPANY: AEP/SWEPCO

USI Consulting Engineers, Inc.
APPLICANT NAME: _____ APPLICANT PHONE: 479-872-7115
REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 3512 North Hills Drive, Fayetteville, AR 72703

(*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

We will need to specify new easements for the
new lines and equipment on the easement plat.

Joshua Bayn
Signature of Utility Company Representative

Distribution Engineer
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: January 17, 2015

UTILITY COMPANY: Ozark Electric

APPLICANT NAME: USI Consulting Engineers, Inc. APPLICANT PHONE: 479-872-7115

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 3512 North Hills Drive, Fayetteville, AR 72703

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Mike Phipps
Signature of Utility Company Representative

System Staking Tech
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: January 8, 2015

UTILITY COMPANY: AT&T

APPLICANT NAME: USI Consulting Engineers, Inc. APPLICANT PHONE: 479-872-7115
REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

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(State the location, dimensions, and purpose below.)

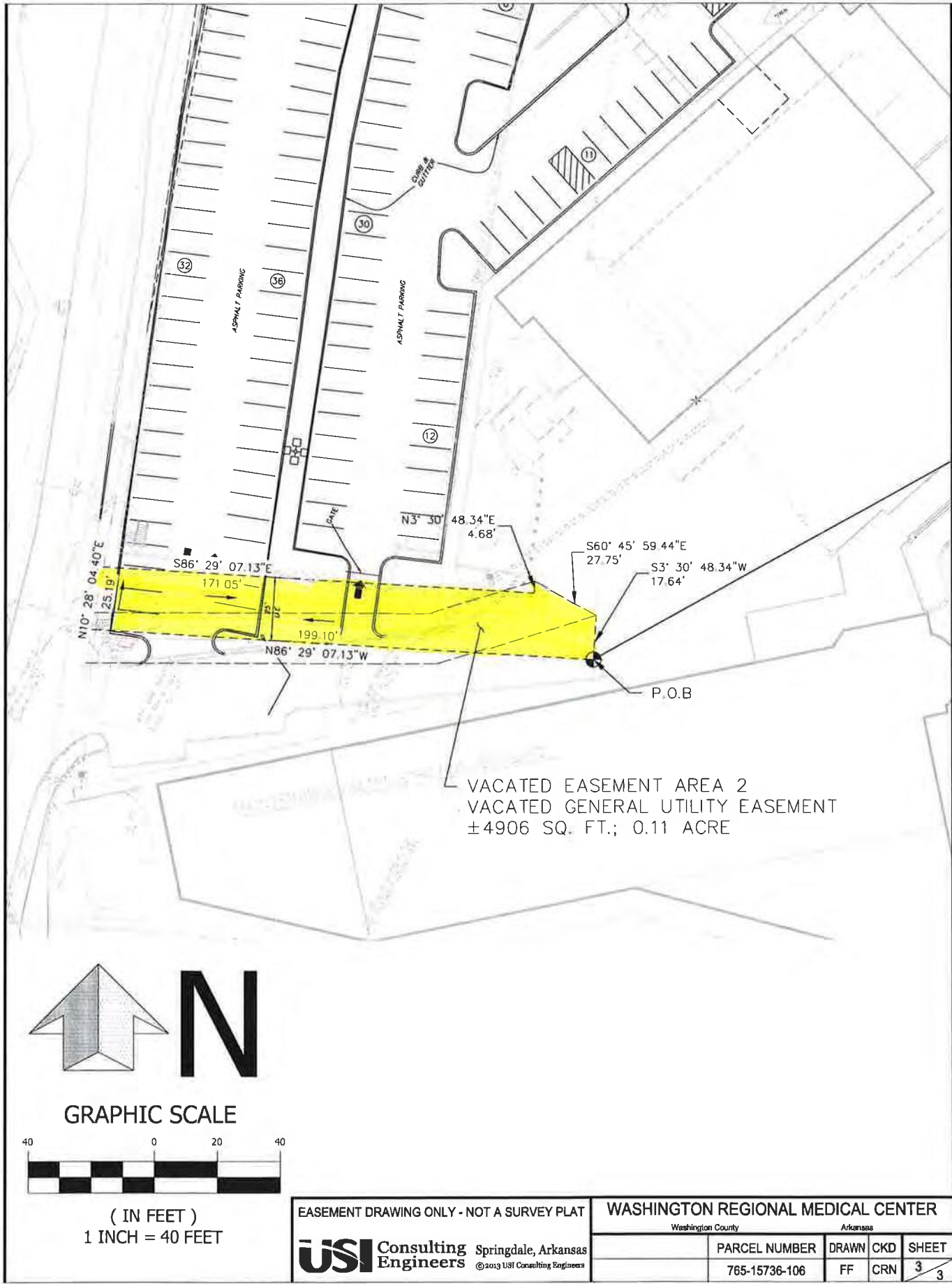
☒ No objections provided the following conditions are met:

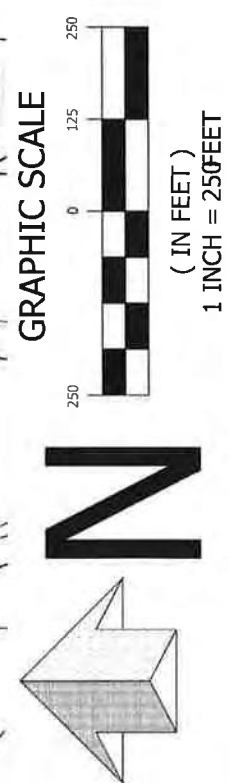
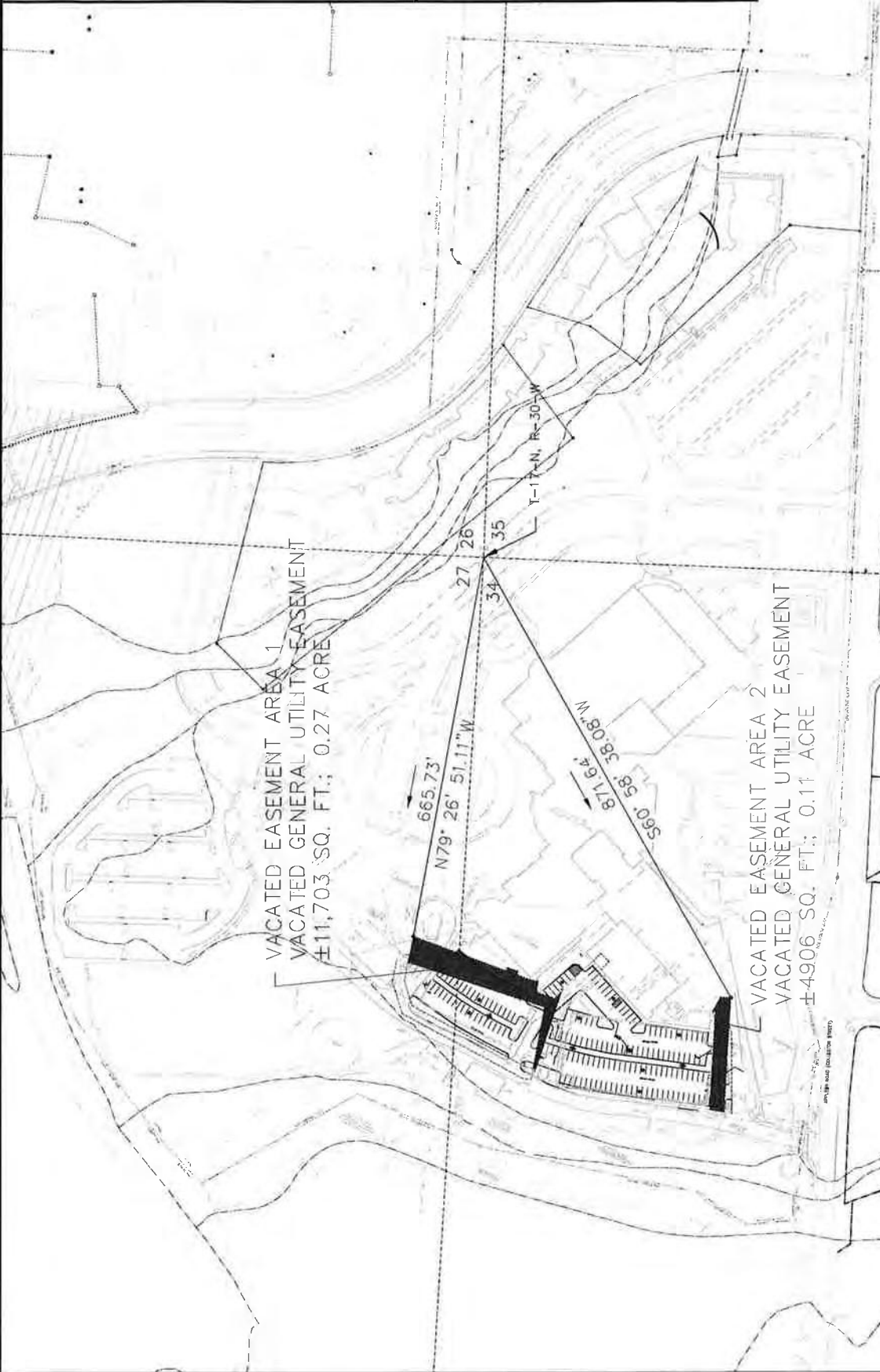
Any AT&T facilities that require relocation or are damaged will be the responsibility of the Developer.

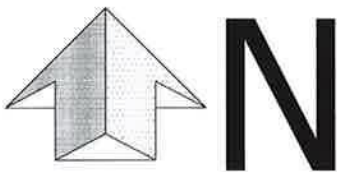
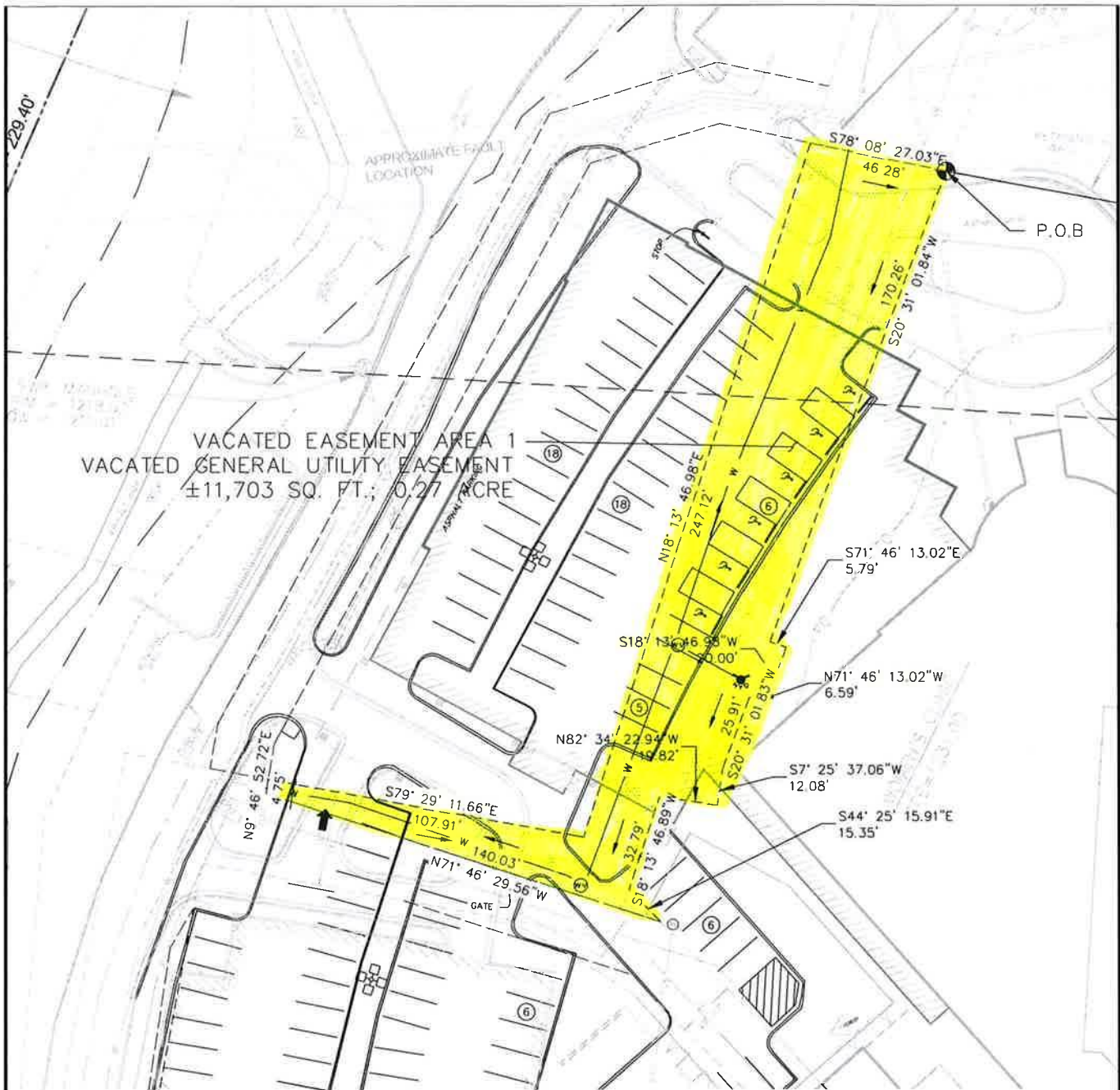

Signature of Utility Company Representative

MGR OSP PIng & Engrg Design

Title







GRAPHIC SCALE



(IN FEET)
1 INCH = 40 FEET

EASEMENT DRAWING ONLY - NOT A SURVEY PLAT

USI Consulting Engineers Springdale, Arkansas
©2013 USI Consulting Engineers

WASHINGTON REGIONAL MEDICAL CENTER

Washington County

Arkansas

PARCEL NUMBER	DRAWN	CKD	SHEET
765-15736-106	FF	CRN	2 / 3

One Mile View

Subject Property

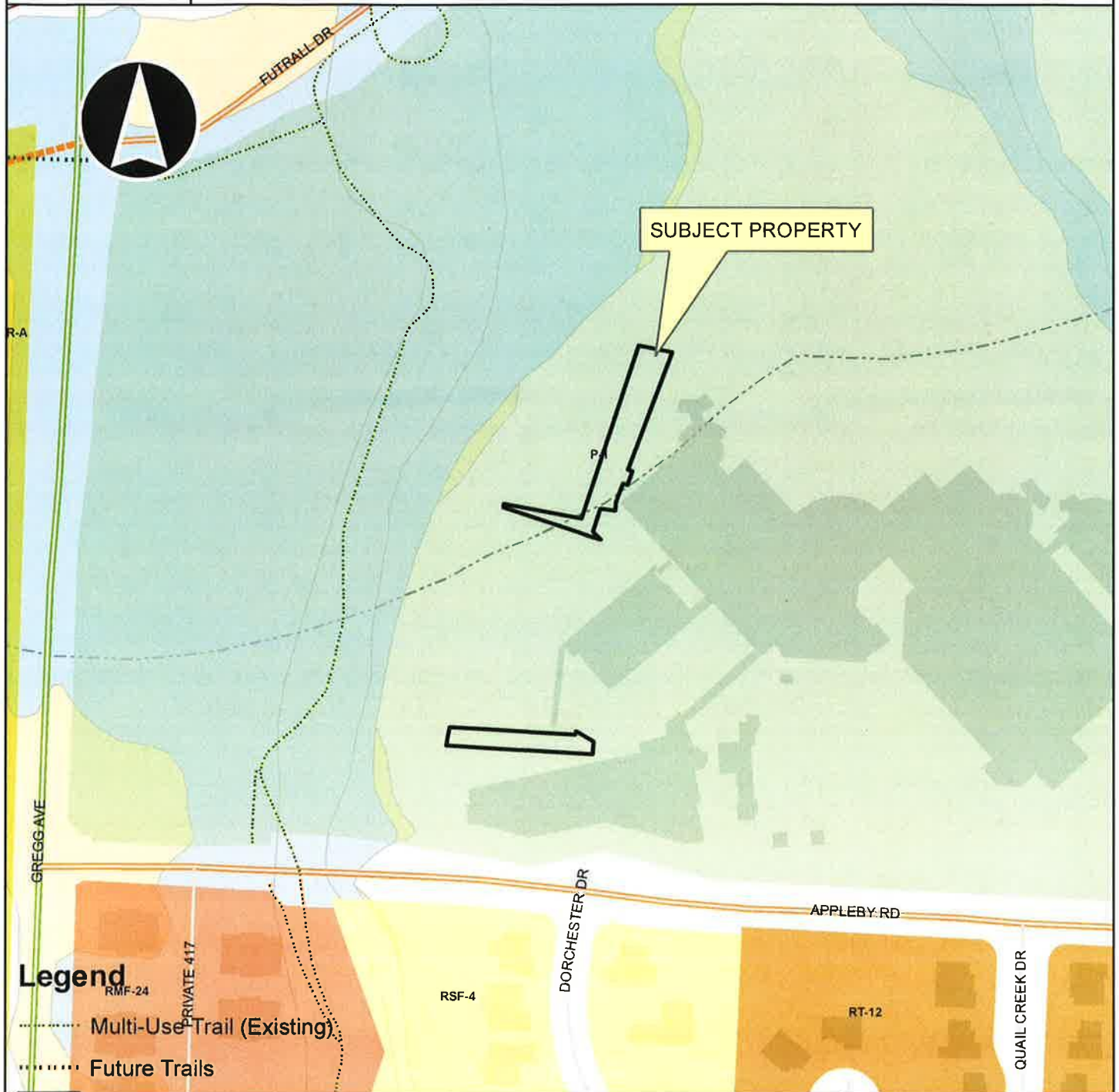
0 0.25 0.5 1 Miles

-  Hillside-Hilltop Overlay District
 Design Overlay District
 Planning Area
 Fayetteville

VAC15-4948

WRMC WOMEN'S CLINIC

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview VAC15-4948

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area

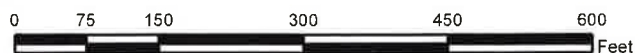
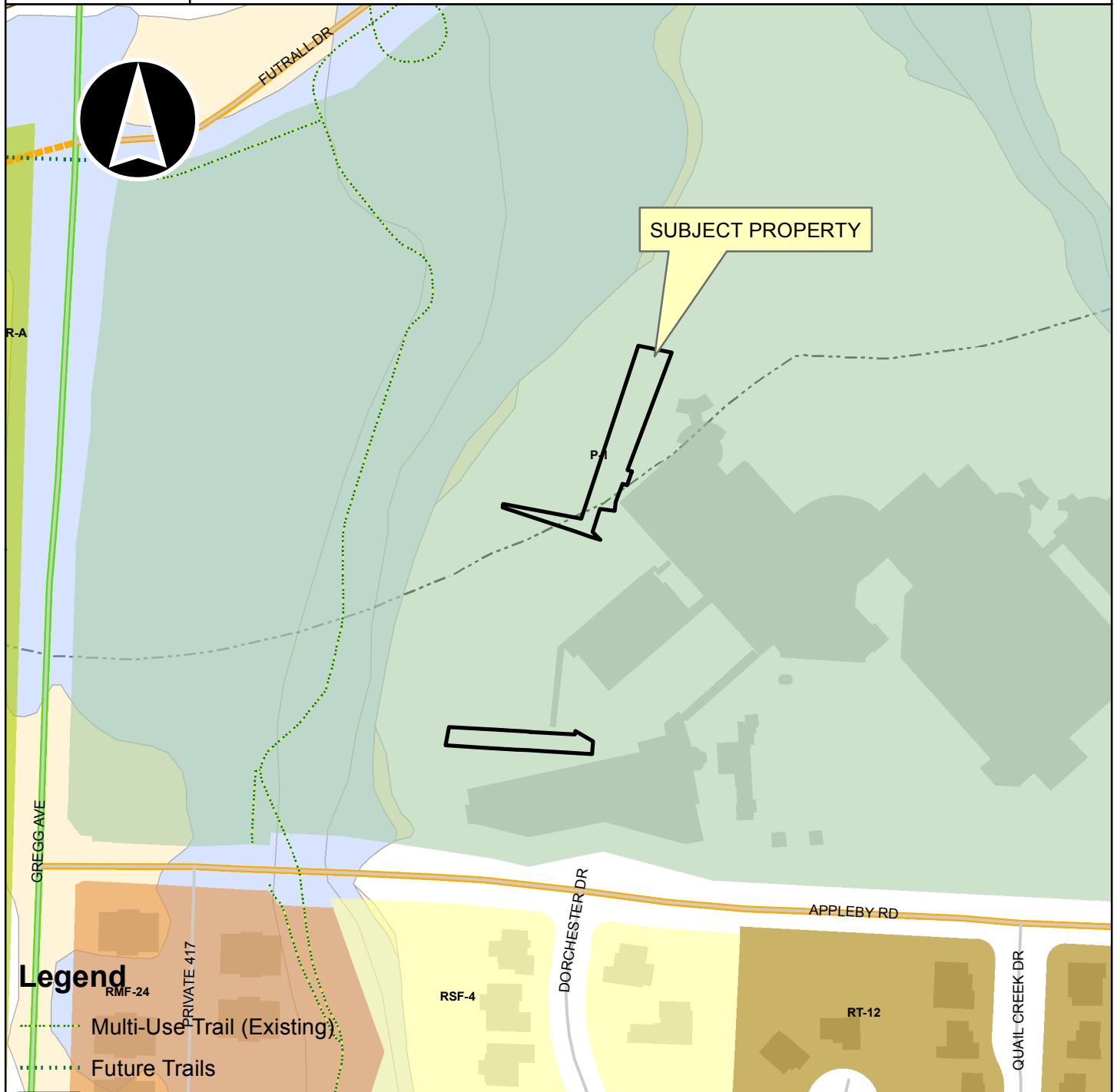


EXHIBIT 'A'
15-4948

VAC15-4948

Close Up View

WRMC WOMEN'S CLINIC



Overview	VAC15-4948
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Fayetteville City Limits

Footprints 2010

 Hillside-Hilltop Overlay District

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----- Planning Area

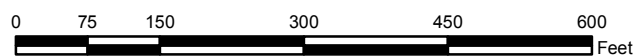


EXHIBIT 'B'
15-4948

LEGAL DESCRIPTION (VACATED EASEMENT AREA 1)

PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 27, AND PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 34 OF TOWNSHIP 17 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST CORNER OF SECTION 27, N79°26'51.11"W 665.73-FEET TO THE POINT OF BEGINNING, THENCE THE FOLLOWING TRACT:

S20°31'01.84"W 170.26-FEET; THENCE S71°46'13.02"E 5.79-FEET; THENCE S18°13'46.98"W 20.00-FEET; THENCE N71°46'13.02"W 6.59-FEET; THENCE S20°31'01.83"W 25.91-FEET; THENCE S7°25'37.06"W 12.08-FEET; THENCE N82°34'22.94"W 19.82-FEET; THENCE S18°13'46.89"W 32.79-FEET; THENCE S44°25'15.91"E 15.35-FEET; THENCE N71°46'29.56"W 140.03-FEET; THENCE N9°46'52.72"E 4.75-FEET; THENCE S79°29'11.66"E 107.91-FEET; THENCE N18°13'46.98"E 247.12-FEET; THENCE S78°08'27.03"E 46.28-FEET TO THE POINT OF BEGINNING, CONTAINING 11,703 SQUARE FEET OR 0.27 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

LEGAL DESCRIPTION (VACATED EASEMENT AREA 2)

PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 34 OF TOWNSHIP 17 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST CORNER OF SECTION 34, S60°58'38.08"W 871.64-FEET TO THE POINT OF BEGINNING, THENCE THE FOLLOWING TRACT:

N86°29'07.13"W 199.10-FEET; THENCE N10°28'04.40"E 25.19-FEET; THENCE S86°29'07.13"E 171.05-FEET; THENCE N03°30'48.34"E 4.68-FEET; THENCE S60°45'59.44"E 27.75-FEET; THENCE S03°30'48.34"W 17.64-FEET TO THE POINT OF BEGINNING, CONTAINING 4906 SQUARE FEET OR 0.11 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 15-4948 SUBMITTED
BY USI CONSULTING ENGINEERS FOR PROPERTY
LOCATED AT 3215 NORTH HILLS DRIVE TO VACATE
PORTIONS OF EXISTING UTILITY EASEMENT.

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

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

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following utility easement described in Exhibit “B” attached hereto and made a part thereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit “A” shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following conditions of approval:

1. Existing water and sewer lines to be relocated by the applicant as approved by the City Water and Sewer Department.
2. Any damage or relocation of existing facilities and associated new easement dedication shall be at the owner/developer’s expense.

PASSED and **APPROVED** this day of , 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Nominating Committee Report

Members Present – Chair Mark Kinion, Sarah Marsh, Martin Schoppmeyer and Alan Long

The Mayor recommends the following candidates for appointment:

CITY BOARD OF HEALTH

Robert Patton - One unexpired Physician term ending 12/31/16

FAYETTEVILLE PUBLIC LIBRARY BOARD OF TRUSTEES

Maylon Rice - One term ending 04/01/20

The Nominating Committee recommends the following candidates for appointment:

ANIMAL SERVICES ADVISORY BOARD

Jill Hopkins - One unexpired term ending 06/30/17

Alyson Low - One unexpired term ending 06/30/15

AUDIT COMMITTEE

No applications were received - One unexpired term ending 12/31/16

BOARD OF ADJUSTMENTS

Scott Blacksher - Three terms ending 03/31/18

Catherine Baker - Three terms ending 03/31/18

Porter Winston - Three terms ending 03/31/18

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

Porter Winston – One term ending 03/31/20

PLANNING COMMISSION

Ryan Noble - One term ending 03/31/18

Matt Hoffman - One term ending 03/31/18

Tom Brown - One term ending 03/31/18

TELECOMMUNICATIONS BOARD

Zak Tamijani - One unexpired term ending 06/30/17

TOWN AND GOWN ADVISORY COMMITTEE

No applicant was interviewed - One University of Arkansas Student term ending 09/30/15

Agenda Session 3-17-15

No Changes

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323



Meeting Agenda - Tentative Agenda

Tuesday, March 10, 2015

4:30 PM

City Hall Room 219

City Council

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

✓A.1 2014-0499 Approval of the March 3, 2015 City Council meeting minutes.

✓A.2 2015-0101

**GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA
FUNDING:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF FUNDING
FROM THE GULF COAST HIGH INTENSITY DRUG TRAFFICKING
AREA IN THE AMOUNT OF \$116,644.00 FOR THE POLICE
DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

SRP - 2015 GCHIDTA

BA - FPD HIDTA FY 2015

✓A.3 2015-0111

FAYETTEVILLE POLICE DEPARTMENT POLICIES:

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE
DEPARTMENT POLICIES 1.2.1 LIMITS OF AUTHORITY; 1.3.1 USE
OF FORCE; 1.3.4 LESS LETHAL WEAPONS AND DEFENSIVE
TACTICS; 46.1.10 ACTIVE THREATS; 48.1.1 NEXT OF KIN
NOTIFICATIONS/ASSISTANCE SERVICES; AND 71.1.1 DETAINEE
TRANSPORT

Attachments:

Fayetteville Police Policies

A4**2015-0120****SPORT COURT:**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH SPORT COURT IN THE AMOUNT OF \$54,785.00 PURSUANT TO THE TIPS/TAPS INTERLOCAL PURCHASING SYSTEM CONTRACT FOR THE PURCHASE AND INSTALLATION OF NEW GYMNASIUM FLOORING AT THE YVONNE RICHARDSON COMMUNITY CENTER, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,089.32, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:YRCC Floor Packet 2015-0120BA2015_YRCC_Flooring.xlsm**B. Unfinished Business:****B.1****2015-0008****ENACT ARTICLE III PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS:**

AN ORDINANCE TO ENACT ARTICLE III **PROCEDURE TO EXERCISE INITIATIVE AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS** INTO THE FAYETTEVILLE CODE TO CLARIFY THE PROPER PROCEDURE FOR THE CITIZENS' RIGHT OF THE INITIATIVE AND REFERENDUM

Attachments:Agenda Packet Ord § 36.20Referendum Procedural Ordinance 020315Proposed Referendum and Initiative Language

This ordinance was left on the First Reading at the January 20, 2015 City Council meeting. This ordinance was tabled to the March 17, 2015 City Council Meeting at the February 3, 2015 City Council Meeting.

~~B.2~~

2014-0382

**RAZE AND REMOVAL KENNETH C. AND WANDA L.
EASTERLING:**

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY KENNETH C. AND WANDA L. EASTERLING LOCATED AT 909 W. EAGLE STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:SRF (909 Eagle) C#19276SRM R&R Council Memo (909 Eagle) C#19276BA-909 W EagleSupporting Documents (909 Eagle) C#19276

This resolution was tabled at the September 16, 2014 City Council meeting to the December 2, 2014 City Council meeting. This resolution was tabled at the December 2, 2014 City Council meeting to the March 17, 2015 City Council meeting.

C. Public Hearing:~~C.1~~

2015-0098

**DESTINY LIMOUSINES, LLC DBA AMBASSADOR
TRANSPORTATION SERVICES:**

A RESOLUTION TO GRANT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO DESTINY LIMOUSINES, LLC DBA AMBASSADOR TRANSPORTATION SERVICES FOR THE OPERATION OF TWO (2) TO SIX (6) TAXICABS IN THE CITY OF FAYETTEVILLE

Attachments:AR - Ambassador~~C.2~~

2015-0099

COLLEGE TOWN LIMO:

A RESOLUTION TO GRANT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO COLLEGE TOWN LIMO FOR THE OPERATION OF ONE (1) TO THREE (3) LIMOUSINES IN THE CITY OF FAYETTEVILLE

Attachments:AR - College Town**D. New Business:**

~~D.1~~

2015-0121

VAC 15-4948 (3215 N NORTH HILLS DRIVE/WRMC WOMEN'S CLINIC):

AN ORDINANCE APPROVING VAC 15-4948 SUBMITTED BY USI CONSULTING ENGINEERS FOR PROPERTY LOCATED AT 3215 NORTH HILLS DRIVE TO VACATE PORTIONS OF EXISTING UTILITY EASEMENT

Attachments:

15-4948 CC REPORTS

15-4948 ORD EXHIBITS

15-4948 CC ORD

E. City Council Agenda Session Presentations:

~~E.1~~

2015-0066

Agenda Session Presentation - Urban Forestry Advisory Board
Presentation led by UFAB Chair, Don Steinkraus.

F. City Council Tour:

G. Announcements:

H. Adjournment

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Old business and new business.

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Pre Agenda Meeting 3/4/15

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323



Meeting Agenda - Tentative Agenda

Tuesday, March 17, 2015

5:30 PM

City Hall Room 219

City Council

*Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4*

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Roll Call

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Attachments:

YRCC Floor Packet 2015-0120

BA2015_YRCC_Flooring.xlsm

B. Unfinished Business:

B.1

2015-0008

ENACT ARTICLE III PROCEDURE TO EXERCISE INITIATIVE
AND REFERENDUM RIGHTS OF CHAPTER 36: ELECTIONS:

AN ORDINANCE TO ENACT ARTICLE III PROCEDURE TO
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Attachments:Agenda Packet Ord § 36.20Referendum Procedural Ordinance 020315

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C.2

2015-0098

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CONVENIENCE AND NECESSITY TO DESTINY LIMOUSINES,
LLC DBA AMBASSADOR TRANSPORTATION SERVICES FOR
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Attachments:AR - Ambassador

C.3

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Branson, Lisa

From: Linn, Derek
Sent: Monday, February 02, 2015 8:29 AM
To: Branson, Lisa
Subject: FW: Urban Forestry Advisory Board Presentation Request - March 10

Hi Lisa,

Per the forwarded note below, we are requesting to allow the Urban Forestry Advisory Board an opportunity to give a presentation at the March 10th City Council Agenda Session.

Can you let me know what you need from me/us to make this request official and reserve that spot on the agenda?

Thank you!

Derek

Derek Linn
Urban Forestry
City of Fayetteville, Arkansas
479.444.3486
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



From: Edmonston, Connie
Sent: Sunday, February 01, 2015 6:46 PM
To: Linn, Derek
Cc: Jumper, Alison; Eastin, Ken
Subject: Re: Urban Forestry Advisory Board Presentation Request - March 10

Please forward the March 10th UFAB presentation date to Lisa Branson and see if you need to prepare an agenda packet. Please let me know so I can keep Don informed since he was questioning what the procedure was to make a presentation at City Council Agenda Session. Thank you.

Sent from my iPad

On Jan 30, 2015, at 5:12 PM, "Linn, Derek" <dlinn@fayetteville-ar.gov> wrote:

Connie,
The UFAB has respectfully requested the March 10 date for the presentation. Feel free to let me or Ken know if there are any suggestions or questions.

Thank you,

Derek Linn
Urban Forestry

City of Fayetteville, Arkansas
479.444.3486
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<image003.png><image005.png>

From: Edmonston, Connie
Sent: Thursday, January 29, 2015 8:25 AM
To: Jumper, Alison; Linn, Derek; Eastin, Ken
Subject: FW: Urban Forestry Advisory Board Presentation Request

Please send me a formal email request about UFAB presentation & which date. Thank you.

From: Marr, Don
Sent: Wednesday, January 28, 2015 5:24 PM
To: Branson, Lisa
Cc: Edmonston, Connie
Subject: RE: Urban Forestry Advisory Board Presentation Request

Connie – Looks like from Lisa's email below that either February 24th or March 10th would work. We need a formal email request to get this started. Can you let me know which of those two you want.
Thanks,
Don

From: Branson, Lisa
Sent: Wednesday, January 28, 2015 8:16 AM
To: Marr, Don
Cc: Edmonston, Connie
Subject: RE: Urban Forestry Advisory Board Presentation Request

Don,

We have not had a request for the UFAB presentation. I'm happy to do it, just let me know the date you prefer. Right now the following dates are available: February 24th and March 10th. Peter has a presentation for the Willow Bend Update on March 31st.

Lisa

Office of the City Clerk Treasurer
Lisa Branson CAMC, CMC
Deputy City Clerk
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
lbranson@fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

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From: Marr, Don
Sent: Tuesday, January 27, 2015 5:40 PM
To: Branson, Lisa
Subject: FW: Urban Forestry Advisory Board Presentation Request

Lisa – Could you let me know if we have any presentations on any of the requested dates below by the Urban Forestry Advisory Board. Also, since this is a request, if you will tell me how to do the legistar request, I will be happy to “pilot” this request the new way.

Thanks, and can you let me know what dates don’t have anything yet (of the dates requested below). I am trying to have no more than 1 (2 at the max) at a single meeting.

Thanks,
Don

From: Edmonston, Connie
Sent: Tuesday, January 27, 2015 4:38 PM
To: Marr, Don
Subject: Urban Forestry Advisory Board Presentation Request

Hi Don –
The Urban Forestry Advisory Board requested to make a 15 minute presentation to the City Council at one of their agenda session on February 24th, March 10th, or March 24th. They would basically be presenting the state of the city in regards to urban forestry. Are you okay with this and if so what date would work best?

Connie Edmonston
Director of Parks and Recreation
City of Fayetteville, Arkansas 72701
T 479.444.3473 | F 479.521.7714
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

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