

**MINUTES OF A MEETING
OF THE
CITY COUNCIL
May 6, 2003**

A meeting of the Fayetteville City Council was on May 6, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

Downtown Dickson Enhancement Program (DDEP) - A Streetscape and Sidewalks Study presentation.

Sharon Hoover, Chair of the Downtown Dickson Enhancement Group gave a presentation on the contractual agreement of the sidewalk master plan for the downtown area.

Mayor Coody thanked Ms. Hoover for the presentation. He said once Dickson Street is done and we start expanding to the rest of the downtown area this is going to be an enhancement to the entire downtown.

Alderman Marr said when we were going through the budget process one of the things that we talked about was having tangible measurable activities when we gave money to an organization and one of the action items under the contract for DDEP was a study of our master sidewalks within the boundary and I definitely think they have met that requirement.

CONSENT:

Approval Of The Minutes: Approval of the April 1, 2003 meeting minutes. Approval of the April 15, 2003 meeting minutes.

Fire Department Uniforms: A resolution awarding Bid #03-09 to NAFECO, Inc. in the amount of \$32,060.14 to provide new uniforms to the existing personnel of the Fayetteville Fire Department.

Resolution 60-03 As Recorded In The Office Of The City Clerk.

Score, Inc. /Soccer Uniforms: A resolution approving the purchase of youth soccer uniforms from Score Uniforms in the amount of \$26,600.00.

Resolution 61-03 As Recorded In The Office Of The City Clerk.

Mobley Contractors, Inc. Old Missouri Road Contract: A resolution awarding a construction contract to Mobley Contractors, Inc. in the amount of \$1,644,402.38 for improvements to Old Missouri Road from Rolling Hills Drive to Mud Creek; approving a project contingency in the amount of \$164,440.00 and approving a budget adjustment in the amount of \$79,000.00 for same.

Resolution 62-03 As Recorded In The Office Of The City Clerk.

University of Arkansas 20 Year Hangar Lease: A resolution approving a lease agreement with the University of Arkansas for space at the Fayetteville Municipal Airport to construct an 80' x 120' hangar.

Resolution 63-03 As Recorded In The Office Of The City Clerk.

McClelland Consulting Engineers Hangar Contract: A resolution approving, contingent upon the execution of a lease agreement with the University of Arkansas, Task Order #1 with McClelland Consulting Engineers, Inc. for engineering services and construction observation associated with the construction of an 80' x 120' hangar at the Fayetteville Municipal Airport.

Resolution 64-03 As Recorded In The Office Of The City Clerk.

Bes-Pac Waste Equipment: A resolution awarding Bid #03-05 to Bes-Pac Waste Equipment in the amount of \$200,000.00 for the purchase of new commercial compactors and drop boxes on an as needed basis.

Resolution 65-03 As Recorded In The Office Of The City Clerk.

Hiring Maintenance Worker II's: A resolution authorizing the Transportation Division to hire five (5) additional full-time temporary employees (Maintenance Worker II).

Resolution 66-03 As Recorded In The Office Of The City Clerk.

Ozark Regional Transit: A resolution approving the transfer of funds in the amount of \$61,000 to the Ozark Regional Transit Authority for the purpose of enhancement and repair of the Public Transit Fleet; and approving a budget adjustment in that amount for same.

Resolution 67-03 As Recorded In The Office Of The City Clerk.

Alderman Jordan moved to approve the consent as read. Alderman Davis seconded. The motion carried unanimously.

OLD BUSINESS:

R-PZD 03-1.00 (Jackson Place): Planned Zoning District Jackson Place: An ordinance establishing a Residential Planned Zoning District titled Jackson Place (R-PZD 03-1.00) located south of Skillern Road and east of Crossover Road; amending the official zoning map of the City of Fayetteville. The ordinance was left on the first reading at the April 15, 2003 City Council Meeting.

Alderman Davis moved to suspend the rules and go to the second reading. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance

Tim Conklin, City Planning, said this is a residential planned zoning district it is 14 lots of single family homes. Staff and the Planning Commission recommended approval.

Alderman Marr said at agenda session when this first came up there was some discussion about the intersection and whether or not that could be studied. I am concerned about the concern on this intersection and how this might impact 265 traffic.

Mr. Conklin said staff did forward to transportation consultants that are working on the master plan a copy of this intersection for them to look at. A plan at this time is to place a stop sign where Old Wire turns back to the north and a stop sign at the new road that will line up across from Old Wire going to the north.

Alderman Davis moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance

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

Ordinance 4480 As Recorded In The Office Of The City Clerk.

NEW BUSINESS:

Wilson Springs Business Park Land Sale: A resolution to approve the real estate purchase and sale contract wherein Legacy Project LLC purchases the 289 acre I-540 Business Park site from the City of Fayetteville for 5.2 million dollars and other consideration.

Collins Haynes a developer said he has made an offer on the I-540 Business Park and that he is here to answer any questions. He said he thinks a minimum of 100 acres will be preserved.

Alderman Thiel said that in the contact it says an agreement to convey and deed 100 acres more or less of the property identified by Legacy Project to an Environmental Conversation Non-Profit

Organization acceptable to and determined by Legacy Project. There are at least 85 acres of delineated wet lands and 14-15 acres of floodway. She asked if that was part of this.

Mr. Haynes said yes it is part of it. He said we consider the described wetlands on the site to be pristine acreage and we believe that that acreage should be held in perpetuity by a group or a series of groups that can preserve it. I think more study needs to be done on the site to determine where the wet lands are.

Alderman Jordan asked how we came up with the figure of \$5.2 million.

Mayor Coody said he came up with that because he wanted to bring a number forward that he thought was high enough for the City Council and the tax payers to reap the benefit of, yet low enough to where a developer, if we could find one would find it attractive enough to purchase. It was kind of the middle ground of getting a good return on our investment yet attractive enough to the developer to want to make an offer, which he has.

Alderman Jordan said this comes to roughly \$34,000.00 per acre.

Mr. Haynes said some of that site is easement and he is paying for land that is already owned by the City and will continue to be owned in perpetuity by the City.

Alderman Jordan said he is trying to determine what an acre of land is worth out there. He has heard from \$10,000.00 up to \$50,000.00. He said he wanted clarification as to what it is worth per acre.

Mr. Haynes said the worth would have to be analyzed in several different ways. This site has a signification ground water situation on it. The ground water varies from 2 feet to 5 feet in areas on this property. He said this causes additional expense in the development process. We take those numbers and work backwards to try to find what our real costs are. If we are buying land at \$10,000.00 per acre but our actual development cost were \$40,000.00 per acre then that is something that we would have to consider before we start the project. We have looked at the soil studies that were done; we know this is going to be an expensive site to do any development work on.

Alderman Marr asked Mr. Haynes if this is a time sensitive transaction meaning does it need to happen within a certain time frame. If this Council does not make a decision tonight will it kill the project from your perspective.

Mr. Haynes said if we are successful with obtaining approval from the City Council to a least present a plan for your review so that we could purchase this land we would be back within 30 days at the latest. With any project that has been as controversial as this one is, in order to develop it successfully there is going to have to be compromise from our side and from the ones that want to hold this land insitu forever. Without compromise it is never going to happen.

Mayor Coody gave a brief history of the land. In 1988 the City purchased this land for \$1.3 million and over the course of the next few years we spent money putting in water and sewer lines and a lift station. Southwestern Bell has put in fiber optic cable.

Steve Davis, Finance and Internal Services Director, said the City has \$1,658,000.00 in land cost and an additional \$552,000.00 in other cost of which includes the sewer and water lines. Total cost to the City is \$2.2 million rounded.

Mayor Coody said he thought it was originally bought because Texas Instruments was interested in coming to Arkansas, but they did not come.

Jonathan Jones, a member of the Task Force, said the per acre value is about \$18,000.00 per acre for 289 acres at \$5.2 million and that is not counting the \$700,000 rebate, with that it would be more along the line of \$15,000. The appraisals came in from \$11,000 to \$67,000 on comparable sales along the I-540 corridor this is on the lower end of those. The reason it is lower is because a lot of the property has drainage and soil issues. Those same issues are what make this property ecologically valuable. Mr. Haynes seems like a very trustworthy fellow. I would prefer to see a more concrete proposal with more specific details where there was an agreement in hand between the developer and Audubon before the City Council approves the sale of the property.

Mayor Coody said that before the transaction would consummate, the PZD zoning would have to be approved.

Alderman Jordan asked what the 70 acres that the Task Force recommended for development would be worth per acre.

Mr. Jones said the economic value of any property is at best a guess until the transaction has been consummated. The 70 acres on the south if you look at the report the estimated development cost is across the board \$50,000 per acre. Development cost on the 70 acres to the south would be less. I would put the value of the 70 acres at least the medium of the appraised value that came back which would be somewhere in the mid 30's. The pay back to the City from this investment would be 6 ½ to 7 percent.

Lou Weiss she was told that we could not have the Audubon or anyone like that because this is not a park property, but there are other places in Fayetteville that we do that so why can't we do it in this place.

Kit Williams, City Attorney, said constitutionally the City is not allowed to give away resources to non-profit groups that would be doing government service things. We can enter into agreements with non-profits organizations, it doesn't always require money if they can provide enough services to the citizens of Fayetteville to justify the value of the property that we are leasing to them. The key issue is value. In order for a non-profit to be provided this land I can't see how they would be able to provide enough services to Fayetteville citizens to pay the fair market lease on land that is worth so much money.

Ms. Weiss said so would it be up to you and the Mayor and the Council people to make the decision on how valuable the organization that wants to lease the land would be to the citizens to Fayetteville.

Mr. Williams said certainly the Council and the Mayor would need to make some decisions like that but it would also have to be reasonable decisions. The Attorney General in his opinion has stated the crucial issue is whether the agreement is supported by adequate consideration. You can lease land to non-profits, but the tax payers are entitled to adequate consideration for their property.

Terry Eastin, Sharon Davison, and Al Vick spoke against the sale of the property.

Jeff Collins, the Chairman of the Task Force said the idea that there would be development on the north side of the property was considered and it was deemed that what was required was further research on the value of that property before it would be developed. When you are talking about developing the south and the north, some amount of acreage to be determined, that is within the realm of possibility.

Tom McKinney, a member of the Task Force said the sale of this property was discussed once. Nothing in the sale proposal coincides at all with any of the recommendations that the Task Force came up with. The 100 acres is not a donation, that 100 acres is protected wet lands and flood plains, the developer can not touch that anyway unless he is going to replace it somewhere else. This is a new project, if the property is sold then as far as I am concerned the delineation of the wet lands needs to be redone. Our recommendation was that we develop 70 acres of the southern portion, that approximately 80 acres of the middle portion needs to be set aside for putridity and that the northern portion of the property should be studied. The other resolution that was voted on by the City was to negotiate with Audubon to lease the 219 acres that was not included in the 73 developed.

Alderman Jordan asked what is impacted wet lands.

Mr. McKinney said as he understands there is certain criteria that must be met to have something designated as wet land. The wet lands out there meet that criteria.

Alderman Jordan said so those wet lands have always been there but they have sort of been covered over, but if they are let to go back to their natural state they will return.

Mr. McKinney said yes.

Laura Kelly spoke against the sale of the property.

Rob Leflar, Political Chair of the Ozark Headwater Group of the Sierra Club said this does not need to be an issue that divides the citizens of Fayetteville. Mayor Coody's plan is a plan that has some merits, we just disagreed that it is the best plan. The most developable commercially saleable area that is the piece that recoups the City's investment and then some, protects the tax payers interest, it should be put on the market, and it should be sold. That is not all the

developable area. The Task Force reported that after study some of the rest of that tract could prove of less ecological value. The remainder is critical wet land habitat. The Audubon could protect that. We would request that you table this proposal that is before you. He presented a petition that was signed by 200 voters in opposition to the sale.

Mayor Coody said the sale is not a \$4.2 million dollar net it is a \$5.2 million, the \$700,00 that we would reimburse for the development is in the bank but it can only be used for this site we can not use it for anything else. If we don't use it we have to send it back to Little Rock.

Andrea Radwell, Stephen Boss, Steven Nichols, Fran Alexander, Jennifer Holt, Jim Bemis, and Melissa Terry spoke against the sale of the property.

Jeff Erf asked about the \$700,000 grant money and how those funds can be used.

Mr. Williams said he has looked at this, there were two grant applications one from Mayor Hanna's administration and from Mayor Coody's administration. They are almost identical except for the name of the I-540 site. Both Mayors' in their transmittal letters asked for money to aid in construction of the water and sewer lines and streets at the park. Mr. Williams read the resolutions; they state the grants are to aid in the construction of the water and sewer lines and streets at the park. We would only be able to reimburse Mr. Haynes for the money that he would spend for street, sewer and water lines. Mr. Williams said these grants are not tied to the University, it is not tied to technology, and it must be for the infrastructure in the development of this site. Mr. Williams said he believes that this would be completely legal to use these grants in that way.

Mr. Erf asked do you think it would be legal to use those grants and give them to the University of Arkansas Genesis.

Mr. Williams said no.

Steve Frankenberger, a resident, asked Mr. Williams if we were to lease this to the Audubon Society and we are trying to delineate the economic benefits to the tax payer of the City to make it legal to lease this out at something less than market value, you have to be able to defend that line of reasoning in court, am I correct?

Mr. Williams said yes, I would not say that we are leasing it for less than fair market value, I would say that we are getting services from the Audubon Society besides money.

Mr. Frankenberger said but it is not an arbitrary figure that you just pick out of the air and the City Council decides it, you have to be able to defend it in court. Mr. Frankenberger said no matter what you decide tonight, the wet lands are preserved. The ad in the paper implies that the wet lands are to be developed, that is simply not true. The issue is where do we draw the line between what will be preserved and what will be developed. In a perfect world there would be a lot more sites like this being preserved, but this is not a perfect world and because it is not a perfect world, this issue should not be examined in a vacuum. With any issue that involves money, it has to be decided in the context of the budget and that means it has to be examined as

to where it lies on a list of priorities. The value of preservation has to be compared to the value of what the City would do with that money. This is no different than taking \$5.2 million from our current budget and buying that land. The question is this, what is the best use of this resource for the people of Fayetteville, is this land more important to us than the fire protection that it would buy, is this land more important to us than the trails and sidewalks it would buy, is this land more important to us than the green space that it would buy, is this land more important to us than the traffic improvement that it would buy, is this land more important to us in the piece of mind we would have by setting the money aside and doing nothing with it. Where is this on your list of priorities, unless it is at the very top, you should vote to sell this land and fund the items that are on the top. Fully developed this property will be worth hundreds of millions of dollars that will generate millions of dollars of property taxes for our schools and the library. They will have to pay impact fees to help us with our infrastructure. You will generate a flow of millions of dollars of commerce that much of it is likely to be subject to sales tax. This is a win, win situation; I urge you to accept this offer, sell this land and use the money wisely.

Jim Huffman spoke in favor of the sale.

Robert Farrell a resident said he has never seen nor can he recall a time when the recommendation of a citizens committee became public policy. A resolution does not tie the hands of elected officials who set public policy and enact laws and ordinances. Selling the property makes sense for the City's economy. Recently 70 acres was acquired at Mount Sequoyah for green space, we must allocate resources to other things like widening street, building sidewalks and maintaining our needed repairs in the city and trying to keep up with our escalating public transit insurance. Several of us went to Little Rock several times to ask for infrastructure grants for the I-540 property. I take exception that the money was intended for Genesis, certainly we wanted it to be for the entire community. Please vote for the sale of the property.

Rebecca Garner, Bob Hill, Bill Clodfelter and Bill Moeller spoke in favor of the sale of this property.

Tommy Deweese, a resident, said he represented the City of Fayetteville back in 1998 when they took 5 of the Mayors from Northwest Arkansas and traveled to Little Rock to try to get the funds from the Arkansas Economic Development Division. The specific purpose that I was asked whenever I made the presentations by the committee was number one what will you use the money for, by response to that in the way that we came up with dollars is just as Kit Williams has said, my response was that we would use that for development of the specific property for streets and sewers out there. We were able to get in those two grants about \$700,000. We received a lot of support from the cities of Bentonville, Springdale, Rogers and all those communities, because they realized the benefit that all of Northwest Arkansas could have from the development of that property, on the interstate there so many people travel by each day. Kit, it's exactly as you say, it was presented and came back to us as a representative of the City of Fayetteville to be used for that specific property for improvements on street and sewer.

Len Schaper, a resident that worked on the project, said this land was proposed as a Research and Technology Park at that time because it would bring good jobs. In 1995 I received a memo

from a member of the Research and Technology Park Committee about the ecologically sensitive nature of some of the land out there, but at that time we thought there was about 7 acres of wet lands on that property. How did it get to be 85 acres of wet lands, a lot of wet lands is depending on vegetation. The wet lands may have been there at the time and never appeared because the land was being leased to folks for them to graze cattle, apparently that kept the water from running down the hill and forming wet lands. Regardless of how they got there they need to be preserved. In the mean time things have changed, ideas have changes, concepts have changed, why should we be building a Research and Technology Park out by the bypass when we have Genesis and Engineering South down here. I must disagree with Kit, the money was to go for Research and Technology Park and the building of infrastructure in a Research and Technology Park, if you say and the folks from the State say it's tied to the site, so be it, it's tied to the site, it will still bring in jobs, it will still bring in high quality jobs. If I had my druthers it would go with the use and have it down at Genesis to help the University put in the infrastructure that we need down there. Does it make since to have a \$5.2 million deal on this land, I think it does in some form. I am not sure if this is the perfect form, but I think it is a really good offer and I think you folks need to consider it very, very seriously. Obviously Mr. Haynes is an environmentally conscious developer, perhaps the title to the land should not all go to him, perhaps you work it out so first you figure out how much is wet lands, and that wet lands goes directly to whatever group everybody agrees on, I don't know, it is up to you to structure the best deal possible. Do you need to vote on it tonight, maybe not, but in principle I can certainly support this because it is a good use of that land. Is a nature center the best use I don't know, when I go out in nature I like to be able to hear the frogs, I am not sure I could hear the frogs above the roar of the 18 wheelers going up and down the bypass. Let's recognize that there is a lot more history to this than just the Wilson Springs Task Force, it goes way back. The final study came in 1998, so we worked on this between 1995 and 1998. The City Council accepted it at that time. A better idea comes along you go along with it. It's been 13 years that the City has owned this, it is time to recoup the investment, it is time to get the City out of that land development business and get it into the hands that can do it very well, that has demonstrated his ability to do it very well, I urge you at some point, maybe not tonight but in the near future, get this deal worked to the satisfaction of many folks and move on.

John Kelly spoke against the sale of the property.

Bob Nickle, Wayne Mays, and Paul Justus, Charlie Sloan and Dave Fulton spoke for the sale of the property.

Jeff Collins said as you look at the Task Force process you have to understand that we started with a certain state of the world and we tried to do the best with that state of the world. We at the time had no one making an offer for the property, in fact much of the discussion revolved around the uncertainty about whether anyone would make an offer for the property. We were also very concerned about the ability of the City to be a developer. The Audubon had talked about doing some things, there were a number of ideas floating around, but no resolution had been passed about the Audubon, we didn't integrate it into our deliberations and we certainly didn't integrate the idea that someone would be in front of us today offering \$5.2 million for this site into our deliberation, that would have erased a great deal of uncertainty on my part. I was sort of the leader of the group that looked at the economics of the site and if you look at our

report we made some estimations about job creation, and value of the site. What I would ask you to do is go back to those estimations and put them into the context, those estimations were made under a great deal of uncertainty much of which has been removed by my way of thinking by actually having an offer on the table. There still is uncertainty on the site with regard to environmental values; I can't speak to those because that is not my area of expertise. What I can speak to is the idea of value. I don't know how many would go there, I have my doubts about how many people would actually use the Wilson Springs site. We as individuals assign value to these environmental amenities. The idea that we are trading one environmental amenity for another as if all environmental amenities had the exact same dollar value is ludicrous we make these trade offs all the time. With regard to the Task Force recommendations I think you have to understand that as time has elapsed and a great deal of time has elapsed since we began the process the world has changed. What recommendations we would come to now in this new world I can not tell you, those are merely guidelines. We did the best we could with the information that we had. We gave it to you to use to guide your decision making process.

He read two letters from two other Task Force members, Kathy Foraker and George Faucette expressing their support of the sale.

A member of the Task Force said there are many things about the Task Force process that he regrets, of all of the proposals that were entertained at many meetings in deliberating over what to do with this property I regret that one of those proposals was not Mr. Haynes proposal. It would have put everything in better context for us and would have been a better framework for the decision making. I would say that in accepting this proposal you are in many ways embodying most of the objectives of the Task Force, one we were trying to develop some plausible scheme for development in the context of the existing wet lands, the wet lands are going to be preserved, but also you are going to have a quality development out there. Everyone can attest to the fact that I have some serious concerns about the City functioning as a private developer. Turning this over to a private developer takes care of a lot of those concerns for me.

Pete Reagan spoke in favor of the sale of the property.

Bill Ramsey, CEO of the Chamber of Commerce spoke in favor of the sale of the property. In March the Chamber Board of Directors unanimously passed a resolution in support of the sale of this property.

Don Nelms, a resident representing the National Audubon Society and Audubon Arkansas, said he talked with Dan Taylor, Vice President of the National Audubon Society, today and has come in full circle in our organization, there has been some question if we are really representing the National Audubon Society, and I can assure you that I am and that Dan Taylor is. They support what I am saying. Our objective in the National Audubon Society is to connect people with nature and almost every person in this entire room grew up in an age that is very different than what our children are growing up today. I spent 90% of my time when I was at home until dark or after dark outside and I think many of you did the same thing. You went out into the fields and you discovered the way the earth works. Today children know more about nature strictly by TV than any other method and they spend an extremely small amount of time outside and we feel like that is something important that needs to change because we feel there is something

really being lost in this country. It's not just a matter of a piece of land it's part of our soul, a part of the structure that helps us come back and be reasonable people and get along and I think that is what we are trying to do in this city tonight, we are trying to get along. I want to try to get along, I am not here to read the right act to anybody, but to say I would like to be part of the solution here tonight and not part of the problem. I think the first thing that I need to explain and we have explained it before. Let me restate what an Audubon Center is and draw you a picture of what one would be like in this community. We would be talking about, if we are talking about Wilson Springs, about a 10,000 square foot building primarily devoted to education and helping people interact with nature. Where school children could come there, college students could come there and do research, where we could have all day long with students and get them out into the field and let them feel nature and find out what it's really like and get that wow factor back into what they see, that's what TV doesn't have. Kids can sit home and watch a bird do something or watch a fish do something but there is no wow to it, but when you are in nature and you are out there and you see something and you've got that where you just say wow, wow how beautiful is that, that's what we are not getting and that's something that I think is very very important and I would like to be a part of bringing that back to the children of the future. We would like to be in a position to have people come into this city and observe wildlife, have nature professional, and professional naturalist that could take people out into this area and show them things, to be able to bring displays in from all over the nation and have it to where people could go through this center. The argument that we are having tonight and the very arguments against this I am sure were the very same arguments that were made about Central Park in New York, they were the very same arguments that were made when Portland Oregon decided to sit aside probably 30% of that entire town and today anybody that has ever been to those places can look back and say man is that not incredible that somebody had the concept and the foresight to see what that would mean to this community. I believe that some kind of resolution to this away from the 100 acre resolution has the potential of doing that for this city and I hope it does. The Springfield, Missouri center attracts about approximately 250,000 people a year and I asked Dan today how many it was. I said Dan how many do you think will be attracted to this one, he said Don it would probably be in excess of 100,000, I really couldn't tell you that, that's anybody's guess. Nobody really knows the answer to that, I think it depends on who runs it and how it's run and how our city embraces it. Obviously if the city does not embrace this it's a no deal, it's just that simple, and it just isn't going to go anywhere. What do we need out there and what would it look like, I guess I would start with what would an Audubon Center out there look like, I would visualize the wet lands being wet lands and being restored back to their natural state. Remember somebody just dug a trench right through the center of this thing to drain it and that's what we have today. I would like to see that back to the meandering stream that it once was and all the tremendous things that it would bring back to that wet land and yes the wet lands will grow because the truth of the matter is the wet lands at one time were significantly larger than they are today so that would help it grow. I would like to see the tall grass prairies out there restored, I tell you, you would not believe how many people would go out there to see the flowers on those and would be involved in the bird processes and things like that. It would be necessary to restore that and it would be a central focal point for this community and something that would be a learning experience for everybody in this community. That's another thing I would like to see, I would like to see a trail system all down the creek that runs on down to the adjoining schools, there's two schools. We need controlled access to the wet lands, it doesn't need to be something that people can just go out there and tromp around in all the time, you have nesting birds, you

have all kinds of wildlife out there and you just can't have just free access to it because if you do you will destroy the very thing that we are talking about saving here. If you are talking about just letting people walk around on it, just X it because it's gone. There are times that you can, and there are observation things and there are things that can be done, but I mean just free access to it cannot, so we have to have controlled access. A generous remnant of the tall grass prairie needs to be present out there. I spent this spring traveling back and forth to prairies all over Arkansas and I am going to Hope next week to look at the tall grass prairies down there which is a black land prairie and the flowers on those and the things that you can see and the wild life and things that you take for granted you wouldn't believe, there is just holes all over those things where there are animals living down there, there are hawks over above that are going down and getting them and it's a cycle of life that's none of us really observe unless you are there and it's a chance for us to come back and have our community be able to observe what was a very broad amount of land in this area. We have hillsides all over this town and I would certainly be in favor in saving every one of them that we could, but they are not nearly as unique as this piece of property out there is and if we restore it, it would be so unique that it would just blow your mind, I guarantee you. We need a suitable building site and that would be about three acres and so really we are talking about what we need can be put on three acres. We can build a center on three acres, we can put the parking lots, hopefully Collins if he develops this, which I certainly hope that he will, then if he could share with us some parking lots we could even cut that amount. We need a center and we need it strategically located so we could have observation out of it and these things would just have to be worked out. We need access to high traffic areas and this is the reason this site so appeals to us, no different than the reason Collins wants to come here is the same reason we want to come here, because we are in the business of attracting a large number of people, if we don't attract a large number of people, we have no purpose. The nature conservancy goes out and sets aside land and just keeps people off of it and that's a wonderful thing to do, but that's not what we are really into, we're really into bringing people into nature and letting them interact with it. There is one other part that is extremely important and it hasn't really been brought out, but we need to preserve Wilson Springs. Wilson Springs is an extraordinarily unique thing that's out there that has the Arkansas Darter in it, a small beautiful fish that is pretty special and it's got to be protected and access to it has to be protected and I am not sure exactly how to do it but I think that's another worthy ambition. The next point I would do is to say, will 100 acres work, well let's not joke each other, there is 100 acres probably of wet lands out there right now, it's not buildable, it's not usable for anything, so the answer on that is obviously not, something more than that has to work and we would have to have that. My personal opinion of this is the Task Force recommendation. Many of the people that stood up here tonight and said it's time to bail out we've changed our mind, we are going to go on, I think it was thought through better than people give it credit for because over a very long period of time I have observed this, I've went out there, I've visualized building on it and I am not an architect but I tell you it is very problematic and I think that I would have a little bit of a heart tug with some of the things that are going to have to be done out there. We talk of this like this \$5.2 million is a done deal, guys read the contract it's not a done deal, this contract simply says I'm going to go out there and I'm going to work up a deal, if I can get it through and I'm happy with it I'm going to buy it if I'm not I'm gone, so you don't have a deal you've got the beginning of a deal. You have a whole lot of people that you have heard here tonight that don't want that deal, so it's not over, and the shouting is going to go on for a long time and it really is time to put this to bed, so maybe some other solution is really a better solution, a better solution

for Collins, a better solution for the National Audubon Society, a better solution for the people of this city and that is what I would like you to consider. I just tell you what I think would make some sense, sit down with this developer, look at the price that he is paying, now no one is talking about whether that's the right price, but I want to talk about it being the right price. I spent my life selling things at the right price, you can either say it's a good deal or bad deal but I have probably sold 100,000 cars in my life and if I sold the majority of those at the wrong price I wouldn't have sold them. We have a situation here where we may have the price wrong; it may need to be a little less to give this developer the flexibility necessary to take all the things into consideration that needs to be taken into consideration. I think that Collins, and I am not putting words in your mouth, because I'm frankly kind of tired of people putting words in my mouth, so I don't want to put words in your mouth, but I would be surprised if he wouldn't tell you that this thing would be a heck of a lot easier if there wasn't such a price issue on this. If this thing could be resolved at a lesser amount and just sell him the whole property and let us sit down and work with him or some other organization and it doesn't have to be us we are not the only one in the world, but let us work toward a resolution to this at a dollar amount where he could actually get us the land or work a deal with us to get the land, but he could receive the tax benefits from it and he could receive a lot of things from it, but the whole thing is at \$5.2 million, guys the economic model here is that you have just about got to do the whole thing there is just not much left and that may just be too much, so I will leave you with that, I have made Collins a commitment, I said I would come back and look at it when he gets it done. The National Audubon Society would like to have a center in Fayetteville, Arkansas no matter what anybody else says we want a center here and we are willing to commit our time and our resources to get this done, but let's get it off to a good start. I suggest to go back to the drawing boards see if you can't come up with something that's a little more compatible to everybody concerned and then see if we can't make a deal here that will live, if you make a deal tonight and he has such a problem developing this thing and so many people making it difficult for him he may say man I don't have to have this life, this isn't worth it, so let's make it worth it to him, let's make it a good deal for him.

George Weiss, a resident said every intelligent person wants to gather all the information that they can if we are making a decision, one of the things I have not heard yet discussed tonight, since the Audubon does have nature centers throughout the country, has anybody looked into what impact they have in those communities, good or bad and I think until you have that information I don't know how you can make a reasonable decision, so I would suggest until you get that information you table this.

Mayor Coody said we want Audubon here too, that has always been our position. Of course everybody in Fayetteville wants Audubon here too.

Mr. Nelms said I don't think everyone is a fair statement, I've heard you say this time and time again. It's got to be compatible to us establishing and being able achieve our mission and we are talking about a very, very long term commitment to this city that will live way past any of us in this room and it has to be a deal that works and so we looked at this seriously, thought about it and we brought experts in, these guys do this every day and I am looking to them. They feel like this is a wonderful site for us, we will find a site in Northwest Arkansas, but I am telling you we are going to stick to the dying death on this one just simply because we think the habit is so

unique here and it is something that this city would be so proud of and we would be proud of, because this land is not pristine, everybody that has been out there knows that, this thing has had more alterations, it doesn't even come close to being calling pristine, but the potential for restoration is just unbelievable and the result would be unbelievable. I didn't mean to take up your time any more but I appreciate you all hearing us and whatever you do is fine with me, I am going to be happy with it and all of you really are my friends and that includes you Dan, I know we fuss and all this but I'll tell you I have been diligent about this because I think it's worth it and it's my time and I'm not even on the job here just remember that, I mean I think this is important, if we don't have this happen we'll do something else some other time, but I have met with Collins, I like him he has a great reputation, everybody here tonight has said that, so let's not let this chance pass up to make a lot of people happy with this thing.

Mayor Coody said that what he was going to say is I think there may be some room where Audubon and Mr. Haynes can work together we have been visiting with each other and I know you have mentioned the possible purchase of a small tract of some land. I want to see Audubon work out a deal here in town and I do think that there is room for that, no one knows exactly what the magic number of acres is for the potential site out there of Wilson Springs Business Park, love to have Audubon out there, love to have Collins Haynes out there, I feel certain that you two can work out some kind of a deal to where you both can come out ahead. Matter of fact after talking with Mr. Haynes about this I feel certain that he will be able to work with you to accomplish your goal and I feel certain that you will be able to be flexible enough to work with Mr. Haynes to make something work out for Audubon, so I am putting faith in the two of you to be able to work out some kind of a compatible arrangement, I just feel certain that this will work just fine.

Mr. Haynes said there has been a lot of discussion about Audubon. There are other groups out there that are just as deserving as Audubon, I don't have anything against the Audubon Society nor Mr. Nelms, I consider him a friend, I consider him a great environmentalist, but my point is this is not trying to accommodate Audubon, all I am trying to do is put an offer to the City Council of the City of Fayetteville that says I will pay you \$5.2 million for this piece of property, I will deed out, this really is giving this land away, I mean I can own this 100 acres in putridity myself. I don't have to give this land up, this is a gift, and the notion that it is not a gift is a gross misconception. I see a very limited potential for failure, because I have gotten support of every person that I have talked to within the city government, I have gotten support of Mr. Nelms about trying to work out a solution on this property, if we don't come to a solution with the Audubon Society, there are other groups that I can work with on it and if I don't find a suitable group that 100 acres will sit insitu, I will protect it, I will let no one own this property. I mean it needs to stay pristine, whether Audubon uses it or the Sierra Club or the Nature Conservancy, whoever, it is a pristine wonderful piece of property, that being said I hope you vote for it so that I'll get a chance to show you what I think I can do with the property, should you vote against it, it's still a great piece of property and the Audubon Society and all the other environmental groups deserve to have a shoot at it. Thank you.

Mayor Coody read a letter from the Mayor in Rogers commending Mr. Haynes and his work.

Alderman Davis said you are willing to work with other non-profits including Audubon if they need more acreage you are possibility willing to give or sell or try to work out some deal is that correct.

Mr. Haynes said absolutely.

Alderman Davis said with that and Mr. Haynes track record and his willingness to work with Audubon or another non-profit organization, I don't believe the City needs to be in the development business, it is something we needed to be out of 12 or 13 years ago. We bought the land because of TI, Texas Instruments was coming into Fayetteville supposedly and it never happened, as long as the land is owned by the City I firmly believe that nothing is ever going to take place out there, because of what has happened at this point in time, because of that I am going to move that I would like for the City Council to accept Mr. Collins Haynes offer.

Alderman Davis moved to approve the resolution. Alderman Lucas seconded.

Alderman Thiel said she has supported the Audubon Nature Center. I really was not going to get into that, but I think there really is a desire of the people that I have heard from, because as it has been pointed out the Nature Conservative provides basically a passive preservation of land and the offer that we have from the National Audubon Society is to build a nature center, which is the reason I have always thought of this as a win, win is because that would provide tourism dollars, educational opportunities that I don't think the Nature Conservative preservation of land would offer the same thing, with that being said I want to go on and say what I had planned to say. I support the sale of this property to Collins Haynes, who I believe is a fairly environmentally sensitive developer, but I don't believe this particular contract is in the best interest of the citizens of Fayetteville. If the Mayor had followed the recommendations of the Council and had gone to Collins Haynes with a proposal for involving the Audubon idea which he has a resolution on, we could be looking at a high class business commercial area and a National Audubon Center contract tonight and I truly think both would bring immeasurable economic benefits to the City of Fayetteville. I agree with what Don Nelms said that the best solution would be for Mr. Haynes and an Audubon representative to work out an arrangement that is suitable to both parties and to the public and this would probably consist of a reduced price coming back to this Council for this land. It would allow Collins to economically develop the land 70 to 90 acres and donate the rest to the Audubon Society which then of course you would derive the tax credits for that. I think this Council and the public needs to remember this land was bought for economic incentive, it was never bought to sell for profit, that was not the intention of the purchase of this land, if we can sell this land, recoup our loss and make some, I think that is the win, win. I fully understand that people, all the public is very tired of this debate, I think they want something now, but I think we still have the opportunity to do the right thing, I think the citizens desire that, particularly the citizens of Ward 4 where this property is located. So I would like to see this tabled for another two weeks to give these people an opportunity to discuss this a little further.

Alderman Thiel moved to table the resolution until the next Council meeting. Alderman Jordan seconded.

Alderman Jordan said every once in a while when I make my decisions we come to a point to where we as politicians the plastic facade that we put around us from time comes off and the true character of the politician is revealed, what I mean by that is this. When you come to a vote like this who you are really comes out, what you believe, what you rely on, who you are. As I made decisions on this thing I flipped through my notes and I asked myself two questions, what have we said and what have we done, what do we have and what do we lose. As I made decisions on this thing, we passed a resolution last October, I in good faith and we passed it unanimously and we said this is what we are going to do, if I remember this correctly, we are going to preserve 180 acres we are going to develop 70, we are going to put a 600 foot buffer around that creek in the northern area and we are going to study the rest and that was never done. That concerns me. As far as the Audubon goes this is a chance to have a nationally known park in this area that can be passed down for our children and our children's children from one generation to the next and that is important to me. I do not want to sacrifice the inheritance of my children and my grandchildren for some monetary gain right now, now I fully believe that we can table this and come back with a better solution to this. We do know we can sale the seventy acres right now and if it is anywhere close to \$35,000, that is \$2.4 million and we can still have the Audubon and we can still study the land in the northern area to see what we can have, but in my opinion, I have made a decision and I am going to go with the first recommendation of that Task Force. I don't care what kind of straw vote we've got in here tonight.

Alderman Marr said he loved Mr. Molders comment that it is time to pony up to the table and make some decisions and I know that before I even ran for office in a special election this piece of land was being talked about, I remember on the Planning Commission, I remember people talking about it at our Rotary and one of my first meetings was a presentation on what the City did and this particular piece of land came up and what should be done with it. I struggle with whether it should be tabled or not because I think that most everyone who has talked to me, who has called me, I have been very clear that I absolutely 100% do not believe that the City should be a developer, there is a lot of appeal to me to get out of the business that is not our core competency, I don't think we have compensation programs around creating positions that encourage people to attract business to the city. I don't think you have proven even with the Task Force recommendation that we had people lined up to come develop or we would already have had things in front of us, I think there are a lot of weaknesses and I think we need to get out of that. I too have some questions on the contract itself, because I don't like that every out is on the side of the developer. I think Ms. Alexander's comments tonight that it's identified by Legacy Group, the time period is designated by the Legacy Group some of those things concern me. I don't want to kill a deal over that, but I'll tell you that it concerns me because I think it's a decisive issue that probably could be worked out. I also do not want to run off a developer, my very first question was is it time sensitive because I can tell you if I could pick a person that I would want to do this it would be the one that is standing here with the offer without question. What limited conservation I have had with him personally and with what my own due diligence and referencing of him as a developer in the region. So I really struggle with this motion to table because what I don't want is to be here on May 20th from 6:00 to 10:00 pm hearing the same comments again, I don't know that it will change that much and I don't know how willing we truly are to say are we willing to take a little bit less to get a little more preserve so that we get win, win. If it came down to the fact that nothing was going to change, then I don't support tabling it and if we think that we have some kind of negotiation that can take place, then I think

we should wait. So I guess I am trying to get some feel for, do we think that there is any possibility of further discussion on the contract or do you see it that way, do you see that there is a resolution on an amount and the terms.

Mr. Haynes, said we do not design by committee nor do we work deals out by committee, so I am not use to this, let me just tell you where I am coming from, I have an offer on the table to you right now for \$5.2 million. My suggestion to you is that you take that as a basis in fact per acre for that property, if during our discussions and my submittal to the City through the PZD process that Audubon can work with me on taking part of that land more that just the designated wet land area and come up with a suitable site that they can use for their development and I am going to give back another amount of acreage then you reduce my basis back down that I pay you for that land by that amount, because this could go on. I have done a lot of work on this project in trying to find suitable environmental non-profit's to utilize the property, I have called the Audubon, I have emailed the Audubon, the Audubon comes back and I quote in this email "Audubon at this present time has more projects possible than we can ever possibility take on even in a strong economy" that comes from the National Audubon Society, you have nothing in writing that indicates that Audubon is going to build there, I fully believe they will build there, I want them there, I like Ken Smith, I like Don Nelms, I think it can happen, but it's not going to happen in 6 months, it's not going to happen in a year, it's going to take a long time. I'm not going to wait, neither is any reasonable businessman, so what I am trying to point out to you is I think the solution here is to put a basis per acre cost into this contract, if I buy all 289 acres for the property I am going to give you \$5.2 million, if I work something out that your Planning Commission and your PZD group agrees is the best solution to try to get a nature center in there and I have to give up 30 more acres of my property then my price and my basis are reduced portionally that would be a suggestion.

Alderman Marr said how is that reflected in this contract.

Mr. Williams said he was negotiating this contract with Mr. Haynes attorney and we looked at this and this contract has gone through a lot of back and forth's to try to make it as fair as possible and as you are aware being on the Planning Commission often times the person that is asking for a rezoning doesn't own the property yet, they just have a right to buy it if the property is rezoned, so that is not so unusual. In this particular context Mr. Haynes doesn't actually have to fully go through with this contract and pay the \$5.2 million unless his development is approved, and when it is approved by the Planning Commission or possibly the City Council which is our out, because if he proposes a development that is not satisfactory, that does not honor the wishes and desires of the Planning Commission or the City Council, well then he is not going to be approved. You have the power just like the Planning Commission has the power on that, especially if it is a Planned Zoning District, so he has a right and I think it is very reasonable for him to have a right to say unless my project gets approved this land is not worth anything to me, that's why he has the right to back out of it. I think at that point in time, let's assume as Mr. Haynes just said that after he has done his study on the wet land, after he has talked to whatever non-profit conservation group he wants, maybe it's looked at that there is more than 100 acres that's needed to be preserved, it doesn't mean that we can't go back as part of this contract and make an amendment to the contract just as he has suggested, if as long as you all would agree and he would agree at that point in time. I don't think you will ever get to that point though,

unless you agree to this contract, because he is not going to begin all the development process to get there.

Mr. Haynes said if you want to sell me the property for \$5.2 million and I give you a minimum of 100 acres back to a non-profit that is the deal on the table, I think it's evidence by what I'm telling you and being heard and being listened to and probably quoted in the press as probably saying right now, my reputation is on the line, I do what I say I am going to do. I have just told you I want to work with Audubon or a non-profit to try to develop the piece of property so we can both co-habitat and have a great development.

Upon roll call the motion to table failed 2-6. Alderman Thiel and Jordan voting yes. Alderman Cook, Marr, Rhoads, Davis, Lucas and Reynolds voting no.

Alderman Thiel said there are some changes she would like to see in the contract, but since we didn't table this there is really no way, I don't see how we handle making amendments to a contract, I don't see how this Council can do that tonight, that's why my suggestion to table it so this could be worked out, we make suggestions for changes. they come back to us with the changes. I have a real concern about one of the sections in this, that's the one Fran eluded to. Can we make amendments to this.

Mr. Williams said I don't think you can make amendments to this particular contract, this is an offer and acceptance contract which has been signed both by the Mayor and Mr. Haynes, and so the contract is before you for acceptance or rejection at this point in time.

Mr. Haynes said that that's all it is, it's an O & A.

Alderman Thiel said she would just as soon see the consideration of this 100 acres of wet land and creek be removed from this contract.

Mr. Williams said if this contract is not acceptable to you, you will need to vote against the resolution.

Alderman Marr said how do we make sure that the proceeds go towards the things that we are talking about tonight as opposed to being in the general fund without any direction as to how it is going to be spent.

Mayor Coody said the decision is ultimately the Council's how this money is spent, but I am going to make a pitch to the Council that we spend \$3 million of this money preserving creeks, streams, multi use trails, etc. It is going to be up to the Council on how we spend the money, but I feel certain that they will fall within the parameters that we came up with at the retreat.

Alderman Rhoads said the last thing you said is the most important piece and that is what we decided our priorities were a month and half ago, we all have them, I bring them to every meeting, I look at them, I refresh my memory. I think we should maintain the flexibility to use the proceeds as our priorities dictate otherwise we are going to have the same kind of conservation that we had tonight about you promised to do this and you promised to do that. I think we need the flexibility to spend the money on the priorities.

Upon roll call the motion to approve the resolution passed. 6-2. Alderman Cook, Marr, Rhoads, Davis, Lucas and Reynolds voting yes. Alderman Thiel and Jordan voting no.

Resolution 68-03 As Recorded In The Office Of The City Clerk.

Wilson Springs Business Park Survey: A resolution approving Contract Amendment #2 with McClelland Engineers, Inc. in the amount of \$71,000.00 for engineering services relating to the sale of the Arkansas Business Technology Park (Wilson Springs Business Park).

Alderman Davis moved to approve the resolution. Alderman Reynolds seconded. Upon roll call the motion carried 7-0-1. Alderman Rhoads was absent during roll call.

Resolution 69-03 As Recorded In The Office Of The City Clerk.

WHM Land Investments, Inc. Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by WHM Land Investment, Inc. to secure the necessary land on which to construct the West Fayetteville Fire Station. The resolution was tabled at the May 6, 2003 City Council meeting.

Alderman Davis moved to table the resolution until the next meeting. Alderman Thiel seconded. Upon roll call the motion to table passed 7-0-1. Alderman Rhoads was absent during roll call.

VAC 03-6.00 (Allen): An ordinance approving VAC03-6.00 to vacate and abandon a 43.7 sq. ft. portion of the utility easement located along the south property line of 2541 Litchfield Lane as depicted on the attached map and legal description.

Mr. Williams read the ordinance.

Alderman Davis asked what was the reason for the vacation.

Mr. Conklin stated that there is a small encroachment with ease of an existing structure, so in order to get clear title and clean that up they have to vacate just that 43.7 sq. ft.

Alderman Davis stated that this was passed by The Planning Commission 7-0.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Ordinance 4481 As Recorded In The Office Of The City Clerk.

ANX 03-2.00 (Williams): An ordinance annexing into the City of Fayetteville Arkansas, an island containing approximately 0.57 acres located at the Northeast Corner of Mt. Comfort Road and Shiloh Drive.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Reynolds seconded. Upon roll call the motion passed.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded. Upon roll call the motion passed.

Mr. Williams read the ordinance.

Alderman Davis gave an explanation of the location.

Mr. Conklin stated that the location is on Mt. Comfort where Porter Road goes under I-540 to Mt. Comfort onto Shiloh.

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

Ordinance 4482 As Recorded In The Office Of The City Clerk.

RZN 03-14.00 (Williams): An ordinance rezoning that property described in rezoning petition RZN 03-14.00 as submitted by James Williams for property located at the northeast corner of Mt. Comfort Road and Shiloh Drive, Fayetteville, Arkansas from R-2, Medium Density Residential and A-1, Agricultural to C-1, Neighborhood Commercial.

Mr. Williams read the ordinance.

The Ordinance Was Left On The First Reading.

RZN 03-15.00 (McCord): An ordinance rezoning that property described in the rezoning petition RZN 03-15.00 as submitted by James McCord on behalf of Meadows Enterprises, Inc. for property located south of Goff Farm Road and west of Dead Horse Mountain Road, Fayetteville, Arkansas containing approximately 67.47 acres from A-1, Agricultural to R-1, Low Density Residential.

Mr. Williams read the ordinance.

Mayor Coody asked Mr. Conklin if they would be using full cut off lights for the street lights.

Mr. Conklin stated that currently the type of street lights that they put in are not full cut off and are fairly low foot candle lights. You have seen them in some subdivisions and at St. Josephs Catholic School. They don't really shine up they do have a top on them but the sides are visible with light coming out. That is what we currently install with Ozark and Swepco.

Mayor Coody stated that the reason he was curious was because the mountain tops are being lighted from the valleys below and he finds that to be very wasteful of electricity.

Tim Conklin stated that looking at what some of the newer subdivisions have installed, their street lights have a very minimal type lighting 1 ½ -2' candles with light underneath.

Mr. McCord on behalf of Meadows Enterprises, Inc stated that this was approved by the Planning Commission upon the recommendation of City Planning staff. He also stated that they would comply with the subdivision regulations.

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

Mr. Williams read the ordinance.

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

Mr. Williams read ordinance.

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

Ordinance 4483 As Recorded In The Office Of The City Clerk

Unified Development Code: An ordinance repealing Title XV, Unified Development Ordinance (originally adopted by Ordinance 4100 on June 16, 1998) of the Code of Fayetteville and adopting and enacting an amended Title XV Unified Development Code.

Mr. Williams read the ordinance.

Mayor Coody requested that Mr. Conklin explain this matter.

Mr. Conklin stated that the Ordinance Review Committee was unable to meet Monday so we do need to reschedule or pick another day, but basically the City of Fayetteville has taken over the codification of our codes and the Planning Division needed to be able to get this out so we took

over this project from the City Clerks Office. We spent two months to put it together and get it forward to this point. We took all our amendments to a tree ordinance, grading, and landscaping standards and codifying it in house to allow us to get code books out to our elected officials, our Planning Commissioners, developers, and staff. Right now we are dealing with code books that have numerous amendments having to add pages in and we will now be able to maintain it in-house. That is what we are trying to do.

Mr. Williams discussed the news publication with Mr. Conklin and asked if it has been published in the paper that there are copies in the City Clerk's office.

Mr. Conklin said he would have to check on that.

The Ordinance Was Left On The First Reading.

Banc of America Leasing Agreement Amendment 65: An ordinance authorizing the execution and delivery of a master equipment lease/purchase agreement having a nominal principal amount of not to exceed \$5,000,000 for the purpose of financing the cost of acquiring certain solid waste vehicles, carts and other equipment; and prescribing other matters relating thereto.

Mr. Williams read the ordinance.

Mr. Davis stated that because of the particular amendment that we're under, a public hearing needs to be opened to take any comment. It's a formality and I suppose you all do that now.

Mayor Coody asked if any of the public would like to speak on this matter.

Mayor Coody closed the public hearing.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Davis seconded. Upon roll call the motion passed.

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

Mr. Williams asked Mayor Coody if he would like an explanation about this \$5,000,000 project.

Mayor Coody asked Mr. Davis to briefly explain.

Mr. Davis stated that this lease agreement will provide the City the opportunity to do is to lease some of our residential Solid Waste Collection Vehicles at an interest rate less than three. We can then take that cash, invest it and earn about four. So it gives us the opportunity to earn a

little bit of extra money in our Solid Waste Fund. Before we actually affect any debt with Bank of America, a separate resolution with the specific pieces of equipment will come back before City Council for specific approval.

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

Ordinance 4484 As Recorded In The Office Of The City Clerk

Dixie Development: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Dixie Development, Inc. in an amount not to exceed \$54,600.00 for the widening of approximately 1,950 linear feet of the proposed Bob Younkin Drive from 28 feet to 36 feet.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Davis seconded. Upon roll call the motion passed 7-0-1. Alderman Rhoads abstained.

Mr. Williams read the ordinance.

Alderman Davis stated that a few weeks ago we had a public hearing in the Street Committee meeting and we had no one to oppose the widening of the street. E-mails that I have received on this have all been encouraging and they wanted to see the street also widened there has been no opposition that I am aware of.

Alderman Davis moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded. Upon roll call the motion passed 7-0-1. Alderman Rhoads abstained.

Mr. Williams read the ordinance.

A representative from Dixie Development thanked the City Council Members and the Mayor.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0-1. Alderman Rhoads abstained.

Ordinance 4485 As Recorded In The Office Of The City Clerk.

Meeting Adjourned at 11:10 PM

Sondra Smith
City Clerk

- Alderman Reynolds stated that they had a Ward 1 cleanup and it was a great success. He also thanked Bob Rhoads for inviting them to the Special Olympics.