

**MINUTES OF A MEETING
OF THE
CITY COUNCIL
June 17, 2003**

A meeting of the Fayetteville City Council was on June 17, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

ABSENT: Alderman Robert Reynolds

Presentation: DDEP status report

Sharon Hoover, president of Downtown Dickson Enhancement Project, gave a status report of where they are with their contract for services that the Council approved in January, 2003. The Council received an information binder that shows everything that they are doing in the organization. She gave a brief over view of the contract for services. She said one of the items they were required to do was to develop a sidewalk master plan through the downtown Dickson area, which was presented to Council several weeks ago. A grant was submitted February 12, 2003 for the improvements on Block Avenue. They were asked to serve on the task force for discussions of downtown zoning, for the creation of the cultural arts district, and the committee for the merging of the parking improvement districts. They have served on all these committees. They were also asked to assist in the economic vitality of the downtown district area. Ms. Hoover gave a list of all the different meetings that Bootsie Ackerman attends. She said they have a part time staff position that originally was an Events Coordinator position. The new board that came on in 2003 decided that the organization needed to strengthen internally and that they needed to get more membership and more funding. We have advertised for this position and we have gotten several applicants that are really well qualified that have a lot of experience in fund raising and non-profit organizations. We are hopeful that once we secure one of these people that we are not going to need to come back for funding and we will have a stronger organization. We have also changed the name of this part time staff person; instead of being an Events Coordinator they are going to be a Development and Communications Director. She said they appreciate the help that the Council has given them previously. A healthy downtown is the symptom of a healthy town in general. We felt we are the advocates for the Downtown Dickson area and we would like to continue to be and to continue to work with City staff in bringing good programs and keeping that vitality going.

Mayor Coody asked when the roll is transferred from Events Coordinator to the internal fund raising communications person would like to visit with DDEP about the HMR Tax in Fayetteville and its decline.

Presentation: A Beautiful City, Clean and Green

Hugh Earnest, Chief Administrative Officer, gave a presentation on a Beautiful City, Clean and Green. We have put together a working paper addressing this issue. The first step that we are doing internally as an organization is proposing actions that we will address in the budget process and through changes in our procedures. The next step will be to work whenever and wherever possible with all groups with what we all agree as a community and regional problem. Mr. Earnest passed out a detailed outline to the Council. Work release inmates are picking up litter twice a week for eight hours, district court work release inmates pick up litter once every Saturday for eight hours, and in our parking department work release inmates pick up litter on Dickson Street and public parking lots on Monday. Work release inmates are used to pick up Dickson Street and the Square after special events. In the Solid Waste Department we have several programs, one program is Curb the Clutter. We have Ward cleanups; each Ward is allowed to have four cleanups each year as well as a free day. Our Police Department currently has an illegal dumping policy in place including police investigations, we ticket those that litter, we enforce yard sales signs, and we have a public notification of illegal activities related to litter. Code Enforcement and Inspections to date this year we have received 606 service requests from January to date as compared to 165 in the last year. Building Safety inspections are on hold and a reinspection fee of \$20.00 will be charged for trashy inspection sites. If we believe that a site is not clean we defer that inspection and require a reinspection fee of \$20.00 if that site is not kept clean. Trash containers are mandatory for all construction sites. Building Safety handouts with permits to contractors concerning job site litter are handed out and they speak to contractor organizations about job site litter. The Fire Department assists with neighborhood cleanups. We propose to add a litter work crew, focused entirely on litter pickup in the City, trash containers should be placed in all City owned parking lots, and we are going to review the possibility of going to curbside bulky waste pickup as opposed to what we now do as a routine scheduled approach. We are going to review the possibility of purchasing an automated litter and leaf removal system. The Police Department will assist Code Enforcement with code violations and with training; we may help with identifying problems, researching owners, etc. and possible under cover activities. We plan to develop a postcard system for people to report littering. Letters will be sent after we receive the postcard and people will also be able to report violations on line. We are also talking about the possibility of an automated call in system where people can call in and report problems. In Code Enforcement our goal will be more immediate compliance with codes. We will be bringing to you in the very near future additional authority for Code Enforcement Officers to issue citations. We will develop a manual that outlines who to call for various code infractions and a list of responsibilities for each department so that we lessen the confusion as to how we deal with these different problems. Planning should make trash containers for public use mandatory for all large scale developments and commercial properties. Building Safety should require all construction sites to have a dumpster or container on site. He feels that we should enforce the type of container on the site. The Fire Inspection program will be improved; officers will also be working on code violations in other areas. We are planning to work more closely with Chief Bosch in using some of his man hours to help in code violations. Administration will sponsor with others a regional anti litter summit. We are beginning to work with several individuals and organizations to deal with that sometime late this summer or this fall.

Mayor Coody said he has appointed Hugh to a committee that will look at a state wide litter movement as the Northwest Arkansas representative.

Alderman Cook thanked the citizens for picking up trash and bringing it to the dumpster that was supplied at the City today, the dumpster is full. He said if people would take an active interest in their area around them, there would not be as big of a problem.

Alderman Marr thanked Alderman Cook on behalf of the Council. Alderman Marr said he thinks that it is great that he didn't just talk about it; he got out and picked up trash for over a month. He said he appreciated Alderman Cook's leadership and that he was proud to serve with him.

CONSENT:

Approval Of The Minutes: Approval of the June 3, 2003 meeting minutes.

Storm Water Phase II Permit: A resolution authorizing the Mayor or his designee to submit the City of Fayetteville's "Individual MS4 application form for discharges of storm water associated with small municipal separate storm sewer systems authorized under 40 CFR 122.26" to the Arkansas Department of Environmental Quality.

Resolution 88-03 As Recorded In The Office Of The City Clerk.

ADM 03-12.00 Kurt Kulish Right Of Way Dedication: A resolution reducing the right of way dedication from Huntsville Road centerline to accommodate the existing structure located at 2008 E. Huntsville Road.

Resolution 89-03 As Recorded In The Office Of The City Clerk.

USI-Arkansas, Inc. Contract Upper Hamestring: A resolution awarding a contract in the amount of \$220,976.00 to USI-Arkansas, Inc. for engineering services associated with the upper Hamestring Creek Basin and the Shenandoah Trailer Park area; and approving a project contingency in the amount of \$20,000.00

Resolution 90-03 As Recorded In The Office Of The City Clerk.

Alderman Jordan moved to approve the consent as read. Alderman Marr seconded. Upon roll call the motion passed unanimously.

OLD BUSINESS:

R-PZD 03-3.00 (Alexander): An ordinance establishing a residential planned zoning district titled R-PZD 03-3.00 located at 313 E. Lafayette, 321 E. Lafayette, 346 N. Willow, 354 N. Willow, and 310 Sutton, containing approximately 2.15 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated development project as approved by the Planning Commission. *This ordinance was left on the first reading at the June 3, 2003 City Council Meeting.*

Mr. Alexander spoke on behalf of the project. He said they do not have any additional information. He said one of the ways you develop your Crown Jewels is to do appropriate infill and bring back residential units to the inner city. He said as a developer of this project he thinks it is a good project, as a citizen of the area and the city he thinks it is a good project and as one that has studied these issues for six to seven years on several boards this is exactly the type of stuff we need to be doing. I encourage the Council not only to approve this project but other projects that come before you for existing buildings in neighborhoods. We considered the most benign use for this existing space with the least impact was residential.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Davis seconded. Upon roll call the motion passed 6-1. Alderman Jordan voting nay.

Mr. Williams read the ordinance.

Claudette Hunnicutt, a resident of 520 Washington Avenue spoke in favor of the rezoning. She spoke of the apartments and the rentals that are already located in the neighborhood. She said the parking issue will not go away if this property is not converted to apartments. Many of the residents of the area are parking on the streets. I was on the Historic Committee and one of things that came up at our meetings was how important it was to get people living in the downtown area again and one of the ways we talked about was having diverse housing.

Mike Corso, a resident, spoke about the rezoning.

Susan Porter, a resident of the neighborhood, spoke against the rezoning. She asked why the City did not request an engineering study of the developer. She is concerned about the extra sewage that will be generated with the apartments.

Dennis Crawford, Chairman of the Parrish Council at St. Joseph spoke in favor of the rezoning.

Kitty Gay, a resident of Sutton Street, spoke in favor of the rezoning. She has spoken to the developers about their concerns and they were very receptive to their concerns. She said no one so far has offered a really good realistic alternative. She spoke of ways to make our City more accessible and ways the traffic issues could be addressed.

Jack Butt, a resident of Lafayette, said there are several statements that he can not find fault with. He is concerned with the change in zoning from R-1 to R-2. He feels a less amount of units would be better.

Art Hobson, a resident of the neighborhood, spoke in favor of the project. He said this is not a spot rezoning and it is not an upgrading from R-1 to R-2, this was an institution since the late 1800's. He thinks this will be a lower impact use.

Jane Shipley, a resident of the neighborhood, said she thinks residential is the best use for the property. She feels it would be wise to reduce the number of apartments.

Cindy Arsaga, a business owner, said she is one of the founding members of Friends for Fayetteville which was formed to address these issues. She thinks this is a good plan and would like the Council to support the rezoning.

Norm Debriyn, a resident, spoke in support of the rezoning.

Dick Keating, a resident, spoke of neighborhood deterioration; he does not think this property has been marketed to its full extent. A forthcoming map and signed petition will show that the people who own property immediately around the church by in large do not support this proposal.

Alderman Jordan asked Mr. Keating about the petition that he said he would be presenting.

Mr. Keating said it will be forth coming.

Amanda Hilton Nichols, a resident of the neighborhood, spoke against the rezoning. She said she has walked the neighborhood and most of the people she spoke with were against the rezoning.

Marie Riley, member of the neighborhood association spoke in favor of the rezoning. She presented a petition that was signed by 30% of the residents in the neighborhood that are in favor of the rezoning. She said this rezoning is the best use for the property and the city. She said neighborhood association started marketing this property in 1999, and encouraged the neighborhood to get involved in the project. We did research on best practices for neighborhoods throughout the country to see how other cities dealt with similar issues, based on our research we think the proposed development by Richard Alexander is the best solution for the property, not because it is the only games in town, or the building will remain empty but because we think it is the best solution for the neighborhood and the City of Fayetteville. We did market the project. She said Mr. Alexander's proposal will improve the neighborhood. She said this project is exactly the type of project we need in Fayetteville.

Carrie Wilson, a resident, spoke about the project and the number of units; she thinks more people would support the project if there was more consideration about the engineering and the number of units. She can not support this project with the number units proposed.

Wyit Wright, a resident of Walnut Street, presented a map highlighted with people that had been surveyed if they were for or against the project. He said this is all about money for the seller and the buyer. He said the price is what dictates what happens. The neighborhood association

never took a vote on this issue. He said that neighborhoods matter and that there are way too many apartments in this project and he asked the Council to vote no on this project.

Alderman Thiel asked Mr. Wright about the survey if they asked the people they surveyed if they were tenants. There is a piece of property listed on your survey that shows it is in opposition to the project, but the owner of that property sent the Council a letter in support of the project.

Mr. Wright said a petition was presented and the people signed it.

Alderman Thiel said so you didn't ask if they were a tenant or not.

Mr. Wright said no.

Pat Chase, a physician and a resident of Willow Street, spoke of the area and how great it is. He spoke in opposition to the rezoning.

Diane Hilton Ball, spoke in opposition to the project.

Linda Wagner, a member of St. Joseph Parrish and a renter, spoke in support of the rezoning. She said just because you have renters in your neighborhood is no sign it will ruin the neighborhood.

Karen Reece, spoke in favor of the rezoning, she has a petition with 140 signatures in support of the project from residents of Washington, Sutton, Willow, Walnut and Lafayette. Her signatures come from the heart of the neighborhood. She said there is a lot of misinformation on the project out there. She was surprised at the overwhelming support of the project.

Angela Stevens, a resident of Sutton Street and a member of the neighborhood association spoke of the low participation in the neighborhood association. She spoke to residents of Sutton Street and found most of them in favor of the rezoning. She spoke in favor of the rezoning.

Paula Thiessen, resident of North Willow, Principal of St Joseph School and a member of the Parrish spoke in favor of the rezoning. She has lived in the neighborhood for over 20 years. She spoke of property she owns in Kansas that is similar to this project and that it had done a great deal for that neighborhood and feels that as a homeowner in this neighborhood this project could do a great deal for here neighborhood.

Judy Mooring, a resident spoke in favor of the rezoning.

Dick Smith a resident of Washington Avenue felt the map that was presented mistakenly gives you the impression that all of the people that live around that area are opposed to it and the only ones that are really for it live four or five blocks away and are not really affected by it. I know many people are very much for it and should be taken with a grain of salt and that it is not accurate. He is not opposed to the project. He also spoke of the traffic problem in the neighborhood; he has looked at the traffic issue and concluded that the traffic problem does not

originate from the neighborhood it is from through traffic. He said the traffic from the school was bad, but he does not feel this project will create the traffic problems that the school did.

Shannon Demuth Spoke in favor of the project.

John Goodwin, a home owner on West Lafayette Street and a member of St Joseph, spoke about the project and said he felt they had pursued every option available. He can not see any other alternative that is better than what is being proposed right now. He said this is a Fayetteville issue and he does want to share his neighborhood with others. He thinks it is best for the City of Fayetteville to support this issue.

Rick McKinney, a resident of North Olive, said that redeveloping this property is going to be a very practical and very good use put to this property. The longer the property sits the more deteriorate the property will become. He supports the rezoning.

Virginia Burge, a resident, spoke of growing up on College Avenue and how all those homes were torn down. She spoke of the traffic on College Avenue and how at one time it was a residential street. She said Fayetteville only has so many Historical areas and does not want the Historical areas destroyed.

Kathy Matthews, a member of the Parrish, spoke in favor of the rezoning.

Paul Warren spoke of the petition that was completed by St. Joseph, with 255 signatures of citizens of Fayetteville in support of the rezoning. The majority of the ones that spoke here tonight were in favor of the rezoning. He spoke in favor of the project.

Christine Buxton, a resident of North Willow, voiced her concern about Mr. Warren and the developer being allowed to speak again at the end of the meeting. She thinks that gives the developer an unfair advantage over the citizens. The reason we have an elected City Council is at least an attempt to put everybody on a fair footing. When the developer gets to take notes while everyone else is speaking and then speak again to further push his position, I think that is unfair and I want to publicly register a complaint about this practice. She spoke of the number of businesses and multi family units in the neighborhood at this time. She said if you vote yes to this please reduce the number.

Alderman Thiel asked Tim Conklin, Planning, about the sewer questions that were brought up and the effect. She asked if this has been studied and looked into.

Mr. Conklin said there was not a detailed study done on the system since this is an existing facility, if there are known issues from the Water and Sewer Division a detailed study is done. There were no known issues so no detail study was done.

Gary Coover, City Engineer, said they have taken a look at the numbers for the existing school and the proposed development, not a detailed study, looking at the number of gallons per day the percent is about the same. The numbers are close enough that it would not in our case warrant a

detailed study. What we have now in the number of units pretty much matches what the church was using.

Alderman Thiel told Mr. Alexander that the concept and the item of working within the historical buildings that are there is wonderful, but what we keep hearing is the density. She asked about the drawings and the size of the units. She wanted to know why you could not do larger units with more square footage.

Mr. Alexander said regardless of the price the church charges for the property, the renovation itself will be approximately \$100.00 per square foot, regardless of what the cost of the property is. The units in the new part of the church will be larger. The sizes of the apartments are really dictated by the current size of the rooms and those room sizes are dictated by the load bearing walls. Rentals of larger than 1000 square feet are harder to rent because of the cost of the rent. Purchase price, cost of renovation, and square footage all dictate the cost. You can reduce it one or two units, but I can't see that making a difference. If you demolish you can do a lot more. You would still have the cost of demolishing the structures and hauling the remains off.

Alderman Marr said he struggles with it going to another reading. Basically the issues are not changing. The things we heard tonight are the issues that we heard the first night. It bothers me when we continue to debate the same issues over and over again. I think at some point you make decisions right or wrong and you heal. I struggle as to whether to move it or whether to come back one more week and have everybody's heart still ripping apart. I ran on urban infill, reuse, and on a strong downtown core. I do not believe that every apartment complex is a bad thing. I have driven just about every part of this Ward to see what is comparable. This property was an institutional use I look at it as a P-1 use if it were zoned properly it would have been P-1 not R-1. There is a benefit to this being down zoned. One of the neighborhood meetings I went to people talked about parking. We talked about it becoming a performance center, and not using all of the buildings, but the overwhelming response was that we do not want 400, 500, 600 cars parked out here, we don't want big events, and the project got redesigned. I remember the question being asked that night how did this thing go from 29 units to 39 units, it's because there were 10 added in the building that people did not want used as a performance center. If this was done as a conditional use, which is another process, we wouldn't even be sitting here looking at this today, and that would have been the easy way to do it. The PZD process is suppose to increase harmony in the neighborhood and this has been used as an example of how this project didn't do that. I currently rent and my back door is apartments and having this experience has not been a bad thing for me. Park Street Apartments in Wilson Park, another older historic area, the number of units' average about 20 per acre, there is only about 12 parking places all the rest is off street. I don't think Wilson Park neighborhood has fallen apart as a result of having that. We have a nature tendency to have a fear of what it is going to be and we have to live with it before we really know. I think when you do a PZD you look at the developer and the management company because you have to have predictability if we are going to have citizens trust us. How many more new issues are we going to have?

Mayor Coody said the information we had tonight was the same information that we had last time and personally I suspect that if we wait two weeks we will get the same information again next time.

Alderman Cook said he thinks it is important that we maintain the downtown core, that we support it with more density, and proper infill. I think this is proper infill based on the existing buildings. This is a very specific situation as Don alluded to and I completely agree with that. I believe residential is the best use for this project and I also agree that this is a down zoning. He has talked to more people in that neighborhood that support this project than do not support it. It is a very tough decision but I do not want to see empty buildings sitting there, there are empty buildings in this town that have sat for years and they are a problem. He thinks it is a good project and in the long run people will see that as good for the property values in that neighborhood, much better than an empty building sitting there.

Alderman Jordan said he thinks sprawl is a disastrous thing to happen to a city. He believes in good infill and believes Mr. Alexander is an excellent developer and does wonderful work. He said they're the rights of the individual property owner. I try to put myself in their place. I have apartments all around him in his neighborhood and he does not have that much of a problem. It boils down to is it good infill or do we protect the rights of the neighborhood around that project that is what I struggle with.

Alderman Rhoads said he did not come to the meeting thinking that I knew how everyone else was going to vote, he had not made up his mind. He came thinking that there would be new issues brought up and that it would require another reading and two more weeks, the issues that came up I haven't seen anything that I think are very material. The Engineering Department satisfied me about the sewer issue. I believe I have an obligation to vote on this and I will be out of town the next meeting.

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

Mr. Williams read the ordinance.

Alderman Thiel said she agrees with Alderman Jordan, she always tries to consider the people that live nearest any development that is being proposed that will affect them. She said the vote that she will make tonight; she is looking at the numbers in the neighborhood, trying her best to find out the most support and looking at the City as a whole. This is a historic neighborhood and these historic buildings are going to remain, how many proposals would come to us where we would get to keep the buildings that are there and be renovated, cleaned up and look much better than they do now. The vacant building certainly won't benefit the neighborhood, and after three years I don't see any assurance that anything better will come along if we waited another two to three years. I think the advantage of the park space will benefit the neighborhood, if this was sold off into individual lots for single family homes you wouldn't approximately 1/8th acre of a park, I think that is a major benefit that you will achieve from this. This development will not add any new paving and actually will reduce some, it will add new trees. You have to remember if this was sold off and chopped up into individual lots they would not go through large scale development, being sold to one developer who has to go through this process I think all those things have to be factored in. I think we could not find a more responsible developer to come forward and want to do something with these historic buildings. She also feels this is a down

zoning from what the use has been for the last 100 years. I just wanted to explain why I will support this.

Alderman Davis spoke to Mr. Alexander about the density issue and he went through the scenario that he explained to the Council tonight. The complaints that we have had are about the number of units. He understands where Mr. Alexander is coming from and where the church is coming from also. When you look at how you are going to vote you always want to hear from what the Aldermen think in that particular Ward and I think I have gotten their vibes on what they are thinking, I have listened to the citizens in the particular area around this and the citizens at large. I am ready to vote tonight.

Alderman Marr asked Mr. Alexander if he could possibly get two less units out of this property. This PZD is currently at 39 or less, if this PZD were passed tonight at 37 or less is that four bedrooms or two bedrooms in the units that you have been looking at and would you consider out of my request to have a movement towards lesser density. Would you be agreeable to that amendment tonight?

Mr. Alexander said he did not know how many bedrooms it would be; it would either be two or three. In order to keep the historical character of the old sanctuary we think we will eliminate a unit out of that and there is a unit that would be difficult to develop in the school and we think that we will eliminate that. I think that will be our plan, whether or not you have to stipulate that.

Alderman Marr said he would like to stipulate 37 units.

Alderman Marr moved to amend the PZD motion from 39 or less units to 37. Alderman Jordan seconded.

Alderman Lucas said that when I was first elected I said I could make the tough decisions, so when this came up, everyone knows that I am catholic, I have a long association with St. Joseph, I have been considering recusing and considering voting on this, I have even been saying if I don't vote on it I am chicken because I did say I would vote on the hard issues. I told a lady today that I think this should be looked at not as a catholic issue and a developers issue but as an institution to something, like we said tonight condominiums and apartments. We have other buildings in Fayetteville that we are going to be dealing with this and I think the PZD is the best way to go. You don't look at it as if it is Baptist, Methodist or Catholic, you look at how it will affect Fayetteville, this is a Fayetteville issue. I am going to recuse.

Mayor Coody asked shall the amendment pass. Upon roll call the amendment passed. 6-0. Alderman Lucas recused. Alderman Reynolds was absent.

Alderman Davis told Mr. Alexander he appreciated him preserving this location. I went to kindergarten there and my father built that school in 1954.

Mayor Coody asked shall the ordinance pass. The ordinance passed 5-1. Alderman Jordan voting nay. Alderman Lucas recused. Alderman Reynolds was absent.

Ordinance 4494 As Recorded In The Office Of The City Clerk

NEW BUSINESS:

Downtown Master Plan: A resolution authorizing City Staff to issue a request for proposals to seek a consultant group to develop a Downtown Master Plan; and approving a budget adjustment in an amount not to exceed \$200,000.00 for same.

Mr. Conklin said downtown master plan includes the scope of work that was handed out in your packet, this meets your Fayetteville vision 20/20, Guiding Principles # 8 and 12, and Goals #3 and #5. Mr. Conklin gave a brief description of what all this plan would include. It will include an implementation plan as well. We are looking for a comprehensive master plan to understand what our downtown Dickson Street area is today, what our vision is, what it should look like in the future and how do we amend our regulations, ordinances and develop design standards and guidelines to implement that vision. This is something the City Council also talked about at the retreat, looking at an alternative planned type regulation or zoning, looking at what other communities have implemented across the United States. It typically has been a more detailed urban design understanding of what you are trying to achieve in your downtown area. The code would be a visual type code with design guidelines and understanding of how the different activities areas would develop in the future, what we would want to develop those areas in the future, it would look at what land uses are appropriate. A key component to this is community involvement. This will take more than what the current planning staff would be able to conduct.

Alderman Davis said he is in favor of improving Downtown Dickson Street, his concerns are how many studies have we paid for in the last 10 to 15 years to improve downtown Dickson Street, do we know.

Mr. Conklin said he was not able to obtain the cost information by this evening. There were some studies that were done in 1988 and 1989.

Alderman Davis asked if those were the most recent.

Mr. Conklin said he obtained a list from the purchasing division of all the RFP's that had been issued, but was not able to get the cost numbers. We did find some information from a consultant that these studies can range from \$80,000 to \$125,000. We are trying to do something more than just re-write the zoning regulations we want to re-write the zoning regulations to achieve an overall vision for the downtown.

Alderman Davis asked if the Council would have a chance once the bids are received to see this again along with the full contract so we will know exactly what they are doing.

Mayor Coody said we would need to approve any contract of the magnitude.

Alderman Davis said a full contract showing specifically what their job is going to be.

Mr. Conklin said yes.

Alderman Marr said he would like to make sure that we are not duplicating efforts and duplicating expense. If we pay Downtown Dickson Enhancement Project and one of their items is a master sidewalk study, that we are not paying for a master sidewalk study as a part of this plan also or if we are that we understand what the difference is and what we have to gain from that and how we might save money by providing them with what we have already done, so that the working document has more research provided and less development in the cost of the survey. I am skeptical when we have so many people working on things and we are paying them in small contracts and all of the sudden we get a large \$200,00 budget adjustment. I want to make sure we are not paying for it twice.

Mr. Conklin said he understands that and the reason some of those items are included within the scope is because Staff believes we should take a comprehensive look at everything that we are doing and how best achieve our goals that the City Council has identified. We would make sure that any work that has been done would be incorporated and not duplicated.

Alderman Thiel asked if there are any grants being sought for this.

Mr. Conklin said he has invited the Walton Arts Center representative to an initial meeting at the beginning of the year to try to understand what the Walton Arts Center was trying to complete as part of its study. What I am finding out is I believe the City needs to take a leadership role in trying to bring everybody together to understand what the needs are for the area and develop a common goal and vision and at the same time ask for assistance in funding this type of activity.

Alderman Thiel said because a non-profit has the ability to get a grant for something like this even though I understand the City wants to take the leadership role, if there were funds available, if maybe we took a secondary roll, I wouldn't want us to pass up that opportunity. We could find out if they were seeking some sort of a grant for a similar project.

Mr. Conklin said if this is approved they will contact the different organizations. We can't have different organizations going different directions. We will try to bring everyone together.

Mr. Earnest said if we can't get everyone to the table, we will fail, so one of the things that we are going to do before we bring you a final recommendation is to make sure that we have all the parties comfortable with what we are doing and if there is money available, getting their participation.

Alderman Cook said he supports this downtown Dickson plan, my problem is I usually hate plans in hiring consultants because a lot of times we do that and then we put the plan on the shelf and it collects dust. I think that the idea of this is good; I wish we could do it in house with our own Planning Department, but they just do not have the manpower to do it in-house. That's why I think it's a good idea that we should hire outside consultants to come in and do it. It would also give us a fresh look from outside the area to look at our downtown and Dickson area. I think this is something that needs to be done. We discussed this earlier this evening, the core of the city is what we want to protect here and this is a vital part of what Fayetteville is and we want it to

continue to be vital in the future. As Tim stated, we need to bring everybody to the table and come up with a plan that works for everybody and that will work for the future of Fayetteville. I wish we could do this in-house but if we would be willing to vote more money and add more Planning staff, we could do that or we could hire outside consultants. I really hope we can turn this into a training session also for the citizens that we can bring people in, they can give us their spill, we can learn and people can come in and learn from that process.

Alderman Marr asked if after the advertising of the project, selection Council approval what time frame do we think, how long will it take for this particular study to take place.

Mr. Conklin said my understanding is it does take some time, more than a year or year and a half.

Alderman Rhoads said the fact that we get another look at this I think should be comforting to all of us and we can get some of these questions answered. If you look at Principle # 8 it's in the middle and if you look at Goal # 3 it fails in the middle of two of the actions that we have asked the city to take.

Alderman Thiel said it is actually a revitalized south Fayetteville also.

Alderman Lucas said as we said we have a lot of studies, is this taxing the staff and employees with all the studies that we have going on, because you have to provide the information.

Mr. Conklin said yes the studies do involve a lot of staff's time. In this particular case we are talking about not just doing a plan but how to implement the plan through possible ordinance amendments and urban design type guidelines and standards. We would be much more comfortable in having a consultant come in and show us and educate us with regards to here is how communities handle these types of codes.

Mayor Coody said once we do these studies I know it is a lot of staff time to get to the finished point on these things, but I bet that once the studies are done it paves the way for an easier planning job because the road is laid out in front of them.

Alderman Rhoads commends everyone's compassion for the staff but if this was not a priority I would feel differently about it, but hopefully what the staff can do is if they are going to take away their time they don't take away from one of our priorities.

Alderman Thiel said we are better off than hiring someone to stay on staff. This in the long run is less expensive because you don't add another person that you have to keep indefinitely.

Cyrus Young spoke on the different studies that have been completed and what he thinks the cost of those studies were. The plans may already be there, so the question is why do you want to spend another \$200,000.00 for plans that you may already have. I read through the plan and it is a formula for failure. The proposal mentions design standards and goals. This has been tried in other parts of the city and it has always failed. The proposal mentions public input, but public

input is ignored. This proposal mentions parking management strategy. That will require you to repeal a section of the UDO.

Alderman Cook moved to approve the resolution. Alderman Marr seconded. Upon roll call the resolution passed unanimously.

Resolution 91-03 As Recorded In The Office Of The City Clerk

Wage & Benefit Consultant: An ordinance waiving the requirements of formal bidding and approving a proposal from the HayGroup in an amount not to exceed \$18,000.00 to conduct a wage survey; and approving a project contingency of \$1,500.00.

Mr. Williams read the ordinance.

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 Thiel said we have an Option 1 and Option 2; Option 1 is conducting a salary survey for the police fire and non-uniformed positions. I am really confused, is this something we are going to pay for each and every year?

Michelle Bechhold said this is just to get back on our original biannual year, we would not survey again until 2005.

Alderman Thiel said we might because we are talking about looking at different consultants they might recommend that we do one next year and get on a different schedule.

Ms. Bechhold said they could certainly recommend that, but they could also do a check of the market without doing a full survey. The purpose of the RFP is to examine our pay structure and the systems that we utilize.

Alderman Thiel said the request to do this year is just to get us on the schedule that we were on before.

Ms. Bechhold said that is part of it, we also have a historical expectation on the part of the non-uniformed employees. Last year the special pay raise was conducted and their pay ranges did not change and they anticipated in 2003 a survey would be conducted as we have since 1990 in the odd years and that they would probably hopefully see movement in their pay structure for 2004. Part of it as we said regional data for non-uniformed employees was not included in the 2002 survey. The Wage and Benefit Committee has talked to the employees and tried to educate them on the fact that a survey doesn't translate into a pay structure increase but there is a possibility that if the pay structure has not changed we at least have current market data to say that we are still competitive in the market and here is the survey data to back us up.

Alderman Thiel said we have not received a copy of who is on the committee now. What different departments are represented on that?

Ms. Bechhold said Transportation, Police, Fire, Planning, Water & Sewer, Administration, and I serve on the committee as an advisory person.

Alderman Thiel said this would be analyzing the salary position.

Ms. Bechhold said this would be all the positions within the city.

Alderman Davis said as he recalls last year when we had all this come before us about the salary and benefits the committee asked us to do the full blown benefit study last year along with the pay raise and then they wanted us come back this year and also do another wage survey. As I recall we all agreed to do that at that point in time. That's what we told them we would do, we would do the wage portion of it, that's why when we say the benefit portion at the prior agenda session, three or four of us asked why are we also looking at benefits because that was not something we had discussed looking at. I appreciate you all going back to the table and redrawing it and bringing forth what we requested or what we promised that we would do this year.

Alderman Jordan agreed. He thinks this is a good thing, cost of living has gone up considerably during the past year. I think this is a good investment.

Alderman Marr recused himself from this issue because the survey that will be used regionally my firm is contracted on that survey, so just so there will be no perceived conflict I will not vote.

Alderman Davis asked about the third paragraph that says that the HayGroup is the only vendor capable of providing these systems.

Mr. Williams said he thinks the reason for that is that they have a copyright plan that we have been using since 1990.

Ms. Bechhold said that is right. This is part of the original ordinance and at this point in time there is also the connectivity of how the ranges are figured within the grading system. It is a complete system from grading the jobs to figuring the ranges and granting merit increases for those that are on the merit increase system.

Alderman Thiel requested that all the elected officials also get a comparison.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Davis seconded. Upon roll call the motion passed 6-0-1. Alderman Marr recused.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Marr recused. Alderman Reynolds was absent.

Ordinance 4495 As Recorded In The Office Of The City Clerk

Amend Ordinance 4447 Codified As §159.02: An ordinance to amend ordinance No. 4447 codified as §159.02 of the Unified Development code to repeal subsection **F. Refunds** and enact a new subsection **F. Refunds** to conform to new statutory requirements.

Mr. Williams read the ordinance.

Mr. Williams said we brought this forward as stated in the body we are required to conform our impact fee ordinance to the new law which is doing to take effect in July.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. The ordinance passed unanimously.

Ordinance 4496 As Recorded In The Office Of The City Clerk

Repeal §117.87 (C) (2) Horses: An ordinance to repeal §117.87 (C) (2) Horses of the Fayetteville Code and enact a new §117.87 (C) (2) Horses.

Mr. Williams read the ordinance.

Alderman Thiel said the original section of the ordinance was enacted by an accident as she understands. If the ponies are secured to a ring this will not happen. The owner of Partytime Ponies has requested this repeal because of the difficulty and expense of requiring the helmets and requiring the children to wear the helmets.

Alderman Rhoads asked if the tethering ring means all the ponies are tethered together.

Ms. Johanson, of Partytime Ponies said it is a cross ring with a pony in each section and the ponies walk in a circle. It's a pony ring. She said safety has always been their big issue and it is so much safer on the ring. The hassle of the helmets is a nightmare, you can not get one year olds, two year olds and three year olds to put a helmet on, but that is not the big issue, the big issue is the lice problem. You pass lice back and forth from helmet to helmet and a little child is not going to wear a disposal hat. It is just not feasible.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. The ordinance passed unanimously.

Ordinance 4497 As Recorded In The Office Of The City Clerk

Alderman Marr said the Nominating Committee did meet last week and interview applicants, citizens who had applied for positions. We have made a recommendation of appointments and the City Clerk's office will be getting that to your boxes and will need to be added to the next agenda. The other point that came as a result of that meeting is that we as a group need to have some continued dialog on how to get citizens interested in applying for positions. This was the first time that we did not advertise in the newspapers even though someone shared with me that even with advertising we only got a few applicants once. We had a very low applicant base outside of the Walton Arts Center Council. If on the next round that we advertise each of you will distribute to your distribution list, announce it at your Ward Meetings, send it to your Neighborhood Association Meetings we would appreciate it so we can get the word out that we have vacancies that we need to fill.

Meeting adjourned at 9:45 PM

Sondra Smith
City Clerk