

Aldermen

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

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



**City of Fayetteville Arkansas
City Council Meeting Minutes
January 03, 2008**

A meeting of the Fayetteville City Council was held on January 03, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

ABSENT: Alderman Rhoads

Mayor's Announcements, Proclamations and Recognitions:

Mayor Coody thanked Hugh Brewer for his generous contribution to the Air Museum.

Presentations, Reports and Discussion Items:

Election of Vice Mayor:

Alderman Lucas moved to elect Alderman Jordan as Vice Mayor. Alderman Allen seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Alderman Jordan was elected to serve as Vice Mayor

Report on the Firemen's and Policemen's Pension and Relief Fund:

Mayor Coody gave the report on the Pension Funds. A copy of the report is attached

Housing Authority Board Appointment:

Alderman Cook moved to approve the appointment of Attorney Leon Jones, Jr. to the Fayetteville Housing Authority. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Agenda Additions: None

Consent:

Re-approval of the September 18, 2007 City Council meeting minutes.

Approved

2008 Community Development Block Grant: A resolution to approve the Community Development Block Grant program and to authorize Mayor Coody to execute the grant agreement in the estimated amount of \$655,977.00.

Resolution 01-08 as Recorded in the office of the City Clerk.

UATV Contract: A resolution approving a contract with UATV, a service of the University of Arkansas, to operate the Education Channel throughout 2008, with automatic annual one-year renewals through December 31, 2012.

Resolution 02-08 as Recorded in the office of the City Clerk.

Community Access Television Contract: A resolution approving a contract in the amount of \$93,000.00 with Community Access Television, Inc., to operate the Public Access Television Channel throughout 2008.

Resolution 03-08 as Recorded in the office of the City Clerk.

Arkansas Department of Parks and Tourism Grant: A resolution to approve and authorize the City to apply for grant funding from the Arkansas Department of Parks and Tourism for a \$35,000.00 grant for a pavilion at Gary Hampton Softball Complex and a \$90,000.00 grant for a pavilion at the Yvonne Richardson Center.

Resolution 04-08 as Recorded in the office of the City Clerk.

Arkansas Air Museum: A resolution to approve appropriating \$25,000.00 of Economic Development Funds to match a \$25,000.00 private donation to fund the \$45,000.00 lighting project for the Arkansas Air Museum.

Resolution 05-08 as Recorded in the office of the City Clerk.

Elkins Sewer Contract Amendment: A resolution approving an amendment to the sewer contract between the City of Fayetteville, and the City of Elkins.

Resolution 06-08 as Recorded in the office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. **Alderman Gray** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

Alderman Ferrell: Has Community Access Television met its contract requirements for 2007?

Susan Thomas, Public Information and Policy Advisor: They issued their quarterly report today and all of them have been met.

Unfinished Business:

Bellafont Gardens POA Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Bellafont Gardens POA. *This resolution was tabled at the December 18, 2007 City Council meeting to the January 3, 2008 City Council meeting.*

City Attorney Kit Williams: They have been able to work this out without the condemnation.

Alderman Cook moved to deny the resolution. **Alderman Gray** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

This resolution was denied.

New Business:

Fayetteville Municipal Property Owners' Improvement District No. 22 – Holcomb Heights: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 22 - Holcomb Heights, Phase 1 Subdivision Infrastructure Project.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Cook** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5097 as Recorded in the Office of the City Clerk.

Fayetteville Municipal Property Owners' Improvement District No. 23 – Woodstock: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 23 - Woodstock Subdivision Infrastructure Project.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5098 as Recorded in the Office of the City Clerk.

R-PZD 07-2763 (Skate Place II): An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2763, Skate Place II, located at 646 West Sycamore Street; containing approximately 1.08 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

something in there that is nice and that will improve their neighborhood. I want to thank Alderman Ferrell for bringing this forward.

Alderman Ferrell: I don't see this as being a draconian decision. We are not going to get this appraised and rush out and do something with it. All we are trying to do is get an appraisal on the building.

Mayor Coody: We have two appraisals.

Daymara Baker, Northwest Arkansas Community Creative Center spoke about the proposal they presented to the City regarding the Northwest Arkansas Community Creative Center and how it would benefit the City if it is allowed at the Tyson Complex. She voiced her concern about the lack of places to produce art in the city.

Mayor Coody: We see people to the north of us really wanting to attract all the arts away from Fayetteville to enhance their quality of life. Bentonville clearly supports the value of the arts and I hope that Fayetteville sees the value as well.

Alderman Lucas: I agree that we should support the arts. I hope you will form a committee because we need to preserve what we have in the Walton Arts Center and expand there.

Mayor Coody: We have been working closely with the consultants at the Walton Arts Center. We think they need to expand where they are. If we lose the Walton Arts Center then we lose something very valuable for this community.

Susan Hutchcroft, Northwest Arkansas Community Creative Center: The Walton Arts Center has changed its mission statement. It will not be doing visual arts any more. It is a performing arts center now. You need to take that into consideration when you form your committee.

Alderman Thiel: We are having this property appraised and the Mayor will appoint a committee to look at the uses for that property. Your group is an important part of our community and we need to look at what is happening and what we need to do to help.

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

Ordinance 5099 as Recorded in the Office of the City Clerk.

Northwest Arkansas Community Creative Center Lease Agreement: A resolution to approve a lease agreement with the Northwest Arkansas Community Creative Center for a portion of the former Tyson Complex on Huntsville Road.

City Attorney Kit Williams: I have not received a signed copy of the lease. I think it would be premature at this point in time to consider the lease due to the appraisals that will be conducted on the Tyson Complex.

building. However please keep in mind even with that space that still puts us below what we currently needed a year ago when the space needs study was done.

Chief Tabor said he did some research on property that is available for sale in Fayetteville. He stated the potential cost three or more years down the road to buy land for a Police Department, even with paying the current expenses of the property, I think you will be well below what it might cost to purchase property. He stated we are using this building currently for storage.

Alderman Gray: I support the Chief. We are going to need more room for the Police Department before very long. We all know what property sells for and that is something we need to keep in mind when we sell this property. Once it is sold it is sold and we won't ever get it back for what we have in it.

Alderman Ferrell: The city owns property all over Fayetteville. There is more than one place that the Police Department can go. I think there is more than one location that can be considered without having to go out and buy property.

Alderman Thiel: I support the appraisal of the building. I hope the Mayor appoints a committee and gives us a chance to visit with the neighborhood and get their input on what they would like to see happen there.

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Lucas moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody stated that property was a good investment and we saved money by not having to buy right of way and property for the fire station. We need to be aware that the decision we make now will have ramifications for the future of Fayetteville.

He spoke of how the building has been used in the past and can be used in the future. He said we made a commitment to move the Police Department down there.

We can wind up with a total project down there that can satisfy the greatest need for the greatest number of people. I would like to have a plan. I think we would be very short sighted to sell it especially in this market. I think we have to be very careful about this.

Alderman Lucas: I agree with you. I wish we had talked about this three years ago. That building does not help that neighborhood. I think we owe it to the neighborhood to try to get

Alderman Lucas: I am in support of going ahead with the appraisals because we have control over it if we sell it. I think that is important to get this process started. Once we get it appraised a committee can be formed to decide the uses. It is costing the City money to maintain this property.

A discussion followed on the zoning of the property and the appraisals.

Alderman Ferrell: A real estate person told me that we would probably get the maximum price for it if it was zoned C-2.

Alderman Gray: I think that is right if we don't care about the neighborhood and we don't care what goes in there. It is in my ward and I care about what goes in there.

Alderman Allen: It doesn't seem to me that having it appraised commits us to anything.

Alderman Thiel: If that was the case we could just use the appraisal we have. We had one that was done six months ago but it is based on industrial zoning.

Alderman Ferrell: A little over five acres was appraised before not the entire property.

Alderman Thiel: So you want the other five acres appraised?

Alderman Ferrell: We want to have all of it appraised and a secondary appraisal with some of it removed.

A discussion followed on what portions of the property to appraise and if the appraisal should be C-1 or C-2.

Alderman Jordan: I think it is a good idea to change the zoning to C-1. I want to protect neighborhoods as much as anyone else. I think we need two appraisals one with all the property and one with a portion of the property,

Alderman Thiel moved to amend the property zoning to C-1. Alderman Gray seconded the motion. Upon roll call the motion passed 6-1. Alderman Ferrell voting no. Alderman Rhoads was absent.

Alderman Cook: I think we should at least look at it and see what the value is and then we can decide if we want to sell it.

Mayor Coody: We are going to decommission the building to cut down on the expenses associated with the building.

Greg Tabor, Police Chief: Please do not forget the Police Department's space needs. Once a new Court and Prosecutors building is built we will expand into the court's portion of the

Jeremy Pate, Director of Current Planning gave a brief description of the project. He stated staff recommends approval of this project. The Planning Commission also approved the project with a vote of 9-0. All building permits will need to be obtained within one year.

Alderman Lucas: Are they going to use the present building?

Jeremy Pate: They art not.

Alderman Cook moved to suspend the rules and go to the second reading. **Alderman Jordan** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

This ordinance was left on the Second Reading.

Tyson Complex Appraisal: An ordinance to waive the requirements of § 34.27 of the Code of Fayetteville and to authorize an appraisal of the available property of the former Tyson Complex on Huntsville Road for sale.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell: When this was appraised before there was 5.1 acres of the total property that was appraised. There was two appraisals one with the buildings and one without the buildings. The property was not zoned C-2 at the time. I am hoping they will use the C-2 zoning. That is a very valuable piece of property on a major thoroughfare with that amount of property.

Alderman Ferrell also spoke about the Arts District. He suggested forming a Blue Ribbon Committee to look at the future of the Walton Arts Center and how the City and the Walton Arts Center can plan that future.

Alderman Thiel: I think we need to determine what we want to sell before we have an appraisal done. I have concerns about this property being rezoned to C-2 instead of C-1. There are several uses in C-2 that concern me because this is a neighborhood. We own this land and it is in the center of town. In the future we may need it for the Police Department or Animal Services. It will cost us a lot in the future to replace this land. I am concerned about selling the land behind the fire station. I would like to see the Arts Center at this location. I can not support this as C-2.

Alderman Lucas: If we get an appraisal on this as C-1 or C-2 when we get ready to sell it do we have any control over what goes in there?

Jeremy Pate: I think it could work in either scenario. For us the clarification would need to be what property are we actually rezoning.

City Attorney Kit Williams: We can't do a Bill of Assurance with ourselves. We have a lot of control over this property as long as we own it. We can as a condition of a sale place requirements on it or limit the uses that are allowed.

Mayor Coody: I know that they have worked long and hard on this and I think they have talked to everyone on this Council.

Alderman Ferrell: That coincided unfortunately with the time that we hit a real financial down fall. We hit a bad time. We are responsible to the citizens for the money and the way it is spent and what we can do.

Mayor Coody: If it is just about the money then if we have these other parcels of land around town would it be the same if we sold another parcel of land for the same amount of money?

Alderman Ferrell: Mayor, I told you last week that I was in favor of looking at all the property the city had and trying to sell it or taking a look at the best things to sell. I am not rushing to sell everything but I am certainly open to looking at the property that we have and consider selling it.

Susan Hutchcroft: We are sort of in a time crunch. We don't know how much longer we will be able to stay at our current location. It is important that we continue what we are doing for the public. We are going to look at other areas to see what we can come up with. We love the Tyson Complex it is perfect for what we do. We know it is a positive place for us to move to.

Alderman Gray: We talk all the time about Fayetteville being the Arts Center of Northwest Arkansas. If we table this we are just giving lip service about being the Arts Center of Northwest Arkansas. Are we really willing to do anything to help the arts?

Alderman Jordan: I don't know what else we are going to do because we don't have a time when the appraisals will be completed.

A discussion followed on the areas that will be appraised and what portion of the property could be sold.

Alderman Lucas moved to table the resolution to the February 5, 2008 City Council meeting. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

This resolution was Tabled to the February 5, 2008 City Council meeting.

2008 Hiring Freeze: A resolution to impose a hiring freeze for all employees paid with General Fund revenues.

City Attorney Kit Williams: I drafted this at the request of the Council so this is from the City Council.

Alderman Jordan: This is an issue that came up during the budget discussion. We would like to implement a hiring freeze contingent on if someone leaves we will not replace the position unless it goes through the City Council.

Alderman Thiel asked how the temporary and summer positions will be implemented.

After discussion about the temporary and summer positions Alderman Thiel proposed the following amendment.

Alderman Thiel moved to amend Section B of the ordinance to state *Seasonal, temporary employee positions (primarily in the Parks Department) may be filled when scheduled (usually in the summer) without a separate Resolution.* **Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0.**

Alderman Thiel: This pertains just to the General Fund?

City Attorney Kit Williams: Yes. If an employee is employed in part by the General Fund that employee is covered by this.

Alderman Thiel: We are not excluding the Police and Fire from this?

City Attorney Kit Williams: No.

Alderman Thiel: Does the Police and Fire Department see this as being a serious problem?

Tony Johnson, Fire Chief: I don't see it as a problem however I will forewarn you I will have a request to fill three positions at the next meeting.

Greg Tabor, Police Chief: In the 2007 budget we reduced our staff by one and in 2008 we reduced it another person. We are two people less than we were in 2006. We have two employees that are gone to military leave currently. We have two more that will be gone in the next couple of weeks and we have two more that are expecting orders any day. That is a total of eight positions out of 121 that we are not going to have available in 2008. My concern with us having to come to you every time someone leaves is scheduling. It takes a long time from the time you hire a police officer until he is out there working. We will probably have to pay over time until we get positions before you.

Alderman Thiel: So the overtime cost could offset any savings?

Greg Tabor: I can't say that for sure but that potential is there.

City Attorney Kit Williams discussed the process to get the items before the Council.

A discussion followed on what positions will be brought before the Council when there is a promotion.

Alderman Thiel asked how much the hiring freeze is going to save the City.

Paul Becker, Finance Director: It is hard to say. If we replace Police and Fire we could save up to \$200,000.

City Attorney Kit Williams: Does that take into account overtime cost that might need to be paid?

Paul Becker: No.

A discussion followed on the possible savings of implementing the hiring freeze.

Alderman Thiel: I support the idea of saving money. I am having trouble seeing how this is going to work if we are going to approve everyone they bring forward. This will just cause a lot of work for staff and could have overtime cost associated with it. It is going to be hard to determine if this is going to save us any money.

Alderman Lucas: I think we approached this with the idea that we will review this quarterly. We hope that we can be efficient too.

Alderman Jordan moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-1. Alderman Thiel voting no. Alderman Rhoads was absent.

Resolution 07-08 as Recorded in the office of the City Clerk.

Northwest Arkansas Economic Development District: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of \$55,000.00 to provide public recreation services for the senior citizens of Fayetteville for 2008.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5100 as Recorded in the Office of the City Clerk.

Fayetteville Youth Center, Inc: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Fayetteville Youth Center, Inc. in the amount of \$211,750.00 to provide public recreation services for the youth and citizens of Fayetteville for 2008.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5101 as Recorded in the Office of the City Clerk.

Susan Thomas: I have to beg your pardon. Community Access Television has three quantitative elements to the contract. Regarding the first time local producers per year they were required to have 40 and they have only achieved 33 out of the 40. I wanted to answer Alderman Ferrell's question correctly.

Alderman Ferrell: Was there any indication when this would be complete.

Susan Thomas: That is the final numbers for the year.

Alderman Ferrell: So they did not fulfill the contract regarding the new producers.

Susan Thomas: That is correct. There are some extenuating circumstances around that.

Sky Blaylock: The selection committee doubled some of our budgeted goals. We were closed the whole month of July to put in the new play back system. We have had to do some trouble shooting on that. That is one of the reasons. We are 300% over what we are required to do as far as hours of programs on the channel. That along with how many programs that were

submitted, we were suppose to have 500 and we had 510, we were supposed to have 2,080 cable cast hours and we had 6,500. Those statistics were very high.

Alderman Ferrell: I am really interested in the producers.

Sky Blaylock: The Telecommunications Board is going to talk about our goals and how they are derived and where they come from. There are a lot of the goals that we have achieved. The selection committee decided to double many of those goals rather than increase them a percentage. We are positive that we can make those goals.

Alderman Ferrell: Susan said there were extenuating circumstances so I guess I am going to consider that. But, if you are in here again and I ask a question I would like for you to answer.

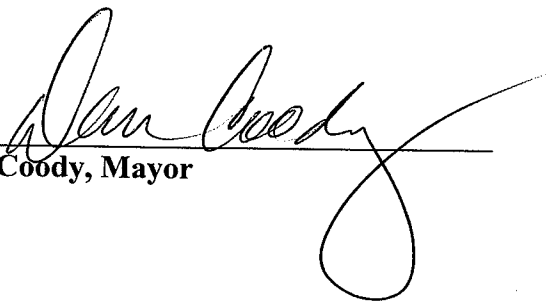
Sky Blalock: I sure will. I was very confident we could achieve our goals and we have in 90% of the areas. In most of the areas we have exceeded our goals. We have made it in a lot of the areas. We will focus better on the contract. As you know the last few years we have had some issues with the contract every time we renegotiate the contract. Some of the goals that we have had in the past have not been attainable but we have attained them anyway. We have done really well. I didn't know that we were not in compliance. I think we are in compliance.

Alderman Ferrell: Well we have a question then if we have the administrator saying no and you are saying yes.

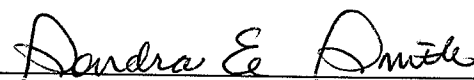
Sky Blaylock: There are extenuating circumstances because the stats were doubled last year.

Susan Thomas: The current Telecommunication Board Chairman is taking action on getting that board back together and populated with good members. He is working on issues like the contract requirements and he is gathering input about what citizens expect from the Telecommunications Board and what they would like to see happening. I think you will see better attentiveness on this contract issue as well as any others.

Meeting adjourned at 7:45 PM



Dan Coody, Mayor



Sondra E. Smith, City Clerk/Treasurer

LOCAL PENSION FUND REPORT 2007

In keeping with statutory requirements, I am presenting this report for 2007 on the local Police and Fire retirement funds for the City of Fayetteville. Both of these plans were closed, by law, in 1983. There are currently 52 police pensioners and 61 fire pensioners in the system.

During 2007 total expenditures from the fire pension fund were in excess of \$1,500,000 as compared to fund revenues of approximately \$1,200,000. Police pension fund expenditures exceeded \$1,700,000 as compared to fund revenues of approximately \$1,500,000.

Actuarial evaluations are the responsibility of the State of Arkansas Fire and Police Review Board. Since these evaluations are performed biennially, the last one was completed as of December 31, 2005. Based on those evaluations the unfunded pension obligation of police and fire were \$2,000,000 and \$3,700,000 respectively and had grown considerably from prior years. Although, the City has no obligation to fund these pension plans other than a .4 mill dedicated levy for each, plus state insurance turnback and certain dedicated fees, the status of these plans need to be carefully monitored in future years.

The next actuarial evaluation will be performed using final 2007 year end financial information during the spring of 2008. The results of this evaluation will be included in the 2007 annual Financial Report for the City of Fayetteville

FAYETTEVILLE HOUSING AUTHORITY

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December 27, 2007

Mayor Dan Coody &
Fayetteville City Council Members
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mayor Dan Coody & Fayetteville City Council Members:

This letter is to confirm that the Fayetteville Housing Authority's Board has elected a new commissioner at its December 18th, 2007, Regular Board Meeting.

The new Commissioner for the Fayetteville Housing Authority Board is Attorney Leon Jones, Jr. His term will begin December 28th, 2007 and end on December 28, 2012.

The Fayetteville Housing Authority Board requests that this newly elected commissioner (Attorney Leon Jones, Jr.) be placed on the next City Council Meeting Agenda to be formally confirmed by the municipality's governing body in accordance with the Arkansas State Statue #14-169-208.

If you have any questions, please feel free to call or e-mail.

Sincerely yours,

Fredia Sawin
Executive Director

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