

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
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 17, 2006**

A meeting of the Fayetteville City Council was held on January 17, 2006 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 Reynolds, Thiel, Cook, Marr, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

2005 State of the City Address – Mayor Coody

A copy of the State of the City Address is attached.

Housing Authority Confirmation of Appointment – Betty Turner

Alderman Marr moved to approve the appointment of Betty Turner to the Housing Authority Board. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

CONSENT:

Approval of the November 15, 2005, December 20, 2005 City Council meeting minutes and the December 27, 2005 Special City Council meeting minutes.

Approved

West Fork Animal Sheltering Services: A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of West Fork, Arkansas to provide animal sheltering services to the City of West Fork for 2006.

Resolution 10-06 as Recorded in the Office of the City Clerk.

Farmington Animal Sheltering Services: A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services to the City of Farmington for 2006.

Resolution 11-06 as Recorded in the Office of the City Clerk.

Washington County Animal Sheltering Services: A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to provide animal sheltering services to Washington County for 2006.

Resolution 12-06 as Recorded in the Office of the City Clerk.

Greenland Animal Sheltering Services: A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland for 2006.

Resolution 13-06 as Recorded in the Office of the City Clerk.

ADM 06-1899 Gypsum Road Realignment: A resolution ADM 06-1899 amending the Master Street Plan, realigning the Planned Collector Streets Gypsum Road and Raven Lane that currently traverse through Crystal Springs Subdivision Phase I to north of the current alignment within the approved Rockhaven Subdivision as indicated in the attached maps.

Resolution 14-06 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

UNFINISHED BUSINESS:

ADM 05-1657 (Mt. Sequoyah South Rezoning): An ordinance rezoning that property described in Rezoning Petition RZN 05-1657 as shown in Exhibit "A" generally located north of Huntsville Road, east of Willow Avenue, south of Rock Street and west of Lyton Avenue from RMF-24 Residential Multi-Family 24 units per acre to RSF-8 Residential Single Family 8 units per acre. *This ordinance was left on the First Reading at the December 6, 2005 City Council meeting. This ordinance was Tabled at the December 6, 2005 City Council meeting to the January 3, 2006 City Council meeting. This ordinance was left on the Second Reading at the January 3, 2006 City Council meeting.*

Kit Williams: Since there are two different rezonings one to RSF-8 and one to RSF-4 you might want to do an amendment to the ordinance prior to the third and final reading. I have prepared an amended ordinance.

Tim Conklin stated there was another change to the map after meeting with Fran Free and the neighborhood association.

Kit Williams: I would propose the following amendment at the end of the title *Single Family 8 units per acre or RSF-4 Residential Single Family 4 units per acre* as part of the title. Then in Section 1 change that exhibit to Exhibit A-1 indicating the ones that would be RSF-8. Then I would ask that the following language be included after the here of *and from RMF-24 Residential Multi Family 24 units per acre to RSF-4, Residential Single Family 4 units per acre as shown in exhibit A-2 attached here to and made a part here of*. I propose that the orange sections be exhibit A-1 and the golden sections be exhibit A-2. I can work with Planning and create the two exhibits.

Mayor Coody: So there are 2 amendments?

Kit Williams: No the amendment is to the title and to the section.

Alderman Rhoads moved to amend the Title and Section # 1 of the ordinance as suggested by City Attorney Kit Williams. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

Alderman Thiel stated she really appreciates the neighborhood and Fran Free for their effort in this rezoning.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody: Any questions or comments from the Council?

Alderman Ferrell: Tim, everyone that wanted out is out and everyone that wanted in is in?

Tim Conklin: That is Correct, and there is one more change. The map that is dated January 17, 2006 is the exhibit that needs to be used. I'll let Fran Free speak. This map is what people are voluntarily requesting.

Mayor Coody: Hello Fran how are you?

Fran Free: Hello. I just want to thank you all again this evening. Ms. Free gave a description of the area and the efforts of the neighbors regarding this rezoning. She stated you can tell by the map that they received a great response and she think it's evident that the neighborhood would like to keep it single family.

Mayor Coody: Thanks. Anyone else have a comment on this item?

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

Ordinance 4818 as Recorded in the Office of the City Clerk.

Reserve LLC - Cost-Share Agreement: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Reserve, LLC in an amount not to exceed \$798,963.44 for the widening of Ruppel Road and Persimmon Street adjacent to the Mountain Ranch Development; and approving a budget adjustment in the amount of \$577,453.00. *This ordinance was left on the First Reading at the December 20, 2005 City Council meeting. This ordinance was left on the First Reading at the January 3, 2006 City Council meeting. This ordinance was Tabled at the January 3, 2006 meeting to the January 17, 2006 meeting.*

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

City Attorney Kit Williams read the ordinance.

Mayor Coody: Is the petitioner here to address us tonight?

Tom Terminella, Developer: Good Evening. I think most of you know me. I'm here to take any comments on this. I have one item that I'd like to hand out to each one of you. If you're in my shoes and you're a developer and the misunderstanding, and the assumptions made by all. If you're a developer in my shoes and this is the rule of the city and the ordinance that's on the book, one would assume that this would be afforded to the City as well as to the developer. In the December meeting I publicly apologized and took 90% of the blame for the misunderstanding, I certainly will not take the balance of the blame. This is Fayetteville's code and ordinances, when we said we would construct the improvement we assumed as with all cities we would be afforded to us what the rule was and the tools within our tool chest. I'll make one additional comment, Mr. Jordan's brought it up in the past, if we don't take a proactive approach on how to administrate our current ordinances I don't know how the City and developers are suppose to work in tandem to achieve our ultimate game plan, ultimate goal street section. So here again, third time, I'll publicly say it, I'll take the blame for the misunderstanding in not jumping up here. When you're a developer in my shoes and you're afforded under ordinance an understanding of what's based on rational nexus what's to be paid for by all that was my assumption. We don't get far with assumptions. The only other item that I'll say we did stand here and say that we would construct the improvement, we stand ready willing and able to do it. I'm not simply wanting to work in or wanting to financially share the entire burden of it. The only other point that I make is it says 166.07 item #3 you can read it. There are seven other developers and a school district that have submitted and built subdivisions to my knowledge that never got assessed a single dime for this off site improvement. I just want to be treated fairly and equitably. I've stated I'd provide all the right-of-way, I'll provide the lion's share of the civil, I'll pay more than 50% of the improvement but I certainly don't want to burden the cost of the entire improvement. That's all I have to say. I'm certainly willing to take any questions if there's any and move on down the road.

Mayor Coody: Any questions for Mr. Terminella?

Alderman Ferrell: You were saying that you would consider going more than 50%?

Tom Terminella: Mr. Ferrell the deal that's offered up right now that our Street Committee has approved, our Planning Commission and our City staff has recommended. This outline of this proposal is for me to provide the 7 acres of right-of-way which I purchased which I'm willing to give to the City in favor of the City for these corridors to achieve their Master Street Plan. I'm

willing to pay some \$200 of a \$250,000.000 civil cost to design it and I'm willing to pay just shy reflected on your numbers, I'll pull them out so I don't misspeak. The Ruppel Road section is estimated at \$896,486.50 with me giving 70% of the entire right-of-way for that to happen. The cost to the City is \$307,876.00, the cost of the School District and myself is \$568,610.00 that's Ruppel. Persimmon as designed is \$1,028,954.50, I'm willing to provide the 4 acres of right-of-way, the lion's share of the civil and \$512,000.00 of that in order to achieve it. Based on my numbers and how I compute it I'm paying 70% of the entire cost of that improvement.

Alderman Ferrell: That was my question when you say you're paying the lion's share of the civil engineering.

Tom Terminella: Yes sir. Under this proposal the City has limited their responsibility I believe 20 on one estimate and 25 on the other road. That's 9% of the improvement and the improvement is some \$2.2 million. I feel like it's a terrible misunderstanding, assumptions were made; point in case was I had 4 or 5 different points of access and utility to start developing on the farm and I was asked to start in this corner. The fact of the matter is, the way they have it designed, I'm to give all the right-of-way for the intersection, all the right-of-way for the first quarter mile, the majority of it for the school and the entire right-of-way running east and west for Persimmon. Nobody gave me those 7 1/2 acres, I paid for them, mortgaged them and now I am giving them away. So I don't want to be repetitive again in standing up here and apologizing, it's a terrible misunderstanding. I'm certainly willing and able to pay the lion's share to get this stuff done but I do not want to shoulder the entire burden financially.

Alderman Ferrell: Thank you.

Tom Terminella: That's my feelings. Thank you.

Mayor Coody: Do we have any questions for Mr. Terminella? Anyone else?

Alderman Jordan: I'll have a few later.

Mayor Coody: Anyone else? Anyone from the public have any comments they want to make on this item on the agenda. I'm going to close public comment.

Alderman Jordan: Mr. Terminella in looking at the notes from August 3, 2004 there's a lot of talk about the road and your representative Mr. Estes did stand up and he basically said at the time of development Ruppel Road and Persimmon will be constructed by the developer and will be finished before any building permits are requested. Also on page 12 of 22 of the same minutes it basically says, that Mr. Estes says your applicants own the property from the bypass to Ruppel and it is bordered on the north by Persimmon. Persimmon will be improved and will be finished to the City before there is a request for a building permit. I basically said I could work with that. We got into a discussion of the size of the road and Alderman Marr asked staff what width it would be, Mr. Estes basically said it would be built according to the Master Street Plan. Alderman Marr basically said the width of Master Street Plan collector standard is what. Mr. Conklin said 36' curb to back of curb. So it was my understanding at the time we talked about that, what Mr. Estes represented that night, was that you would build that road from the intersection of Persimmon to Shiloh.

Tom Terminella: I agree 100% with you. Bob stood up here on three different occasions and said that we would construct the road. I'm not here tonight asking for a building permit Lioneld.

Others here and at my office have been asking me to provide the real estate that I paid for and provided for others to achieve their large scale development plan. If you watch the film which you did, if it was so unusual and so out of the ordinary and there was an ordinance on the books, why didn't somebody ask Mr. Estes or Mr. Terminella does this mean that you're going to pay for all the civil, provide all the right-of-way and pay for the entire improvement? I'm not here asking for a building permit. Others have asked of me to provide them with means to achieve their large scale development which I'm willing to do at my expense. But I'm not going to voluntarily or Bob's not going to voluntarily stand up here and commit me to build millions of dollars of improvements when I don't have to, when they're not afforded under ordinance. It says right here, Planning Commission shall determine whether the proposed subdivision creates a need for off site improvements the portion of the cost of any needed off site improvements which the subdivider shall be required to bare. Okay it says that, we already have the tools afforded to us under the City and the development community in order to deal with these issues. There's no need for impact fees. There was a need for somebody to access the seven other developers that came before me including the School District on what impact they were going to have on Persimmon. It wasn't my reasonability to provide all the right-of-way when the ordinance calls for one lane. It wasn't my obligation to build half of it when I was obligated to build one lane under ordinance. And I'm sorry that I chose that evening one meeting out of a hundred not to represent and speak on my behalf and since that night I think you realize I've been here on my behalf. This is in my back yard, it's on my farm and I didn't need to start in the northwest corner of the farm to facilitate the City and the School District and others. I didn't have to start there. My property joins Dinsmore, Old Farmington, Shiloh, Betty Joe, and Persimmon. Why would I voluntary sign up for the lick log and pay several million dollars more than I had to under ordinance. I'm sorry that everybody assumed and didn't ask and didn't quantify. That's not all my fault. If somebody would have said Mr. Terminella does this mean you are going to pay for all of this, you would have seen my rear end shoot out of the seat and jump up here and start speaking to the issue. Mr. Estes never said pay for Lioneld, he said construct.

I just finished a \$7 million improvement in the city which the Mayor spoke about in Rogers which the State and the City provided right-of-way and came up with rational nexus under 166.07 # 2 in this ordinance and did it there but I can't do it in my own back yard. I just did a \$3 million one mile five lane section of corridor for Grand Valley in Springdale, their CIP adjusted their budget and spent \$1.6 million over the next two years to achieve that. They didn't assume that when I said I would construct that corridor section that I was going to pay for it all, they assumed that they were going to let me operate under the normal understanding of what their ordinance was. I am sorry it wasn't quantified. I can't answer your question on why everyone else didn't get assessed their prorational share in order to build this improvement that they are going to have impact on. My 117 units in my first phase certainly don't warrant me building a \$2 million road to assure the school and seven other developers have access to the interstate. That is not fair and equitable, that's not treating everybody equal across the board. I am sorry for the misunderstanding. We are talking about \$2.2 million of road and I am talking about doing the lion's share of it, if that is unacceptable to this Council, I understand, but that doesn't change what I have to deal with in Phase 2 and Phase 3, I potentially have another mile of this road. I would like to know the game rules of engagement and how we are going to interpret and administrate our ordinances, because these are the rules I am going to operate off of and assume. My prorational share based on the rational nexus theory of my impact. When I have others sit up here and speak on my behalf and they don't articulate and they don't call for the question, I see where I am at today. When I have people from this City asking me to stay away from his meeting, send a letter because I am a lightning rod, I am not running from my issues, they are not

going to go away. I want to regain what integrity I have to regain to develop my mountain or I will sell it. I am willing to do more than my fair share. I don't know anybody in their right mind that's in business that would do anything beyond what is required of them under the rules of the City. That's not good sound business thinking. I understand what Bob said because I walked out on these steps on Mountain Street and said you just said that we were going to construct that road, he said I never said we would pay for it. I said well that's picking pepper out of fly food.

Alderman Jordan: So you are saying Mr. Estes said he never said anything about paying for it?

Tom Terminella: I asked him what his intent was. He said construct the road to the Master Street Plan knowing what was afforded to us under ordinance. I am not going to speak for Mr. Estes, I am going to speak for Mr. Terminella tonight and it doesn't change the issue or the misunderstanding and I am not going to go back and resalivate and look at that tape again. The facts are the facts. The facts are I am willing to provide all of the right-of-way, I am willing to provide somewhere around \$1 million for the improvement, I am willing to provide the Lion's share of the civil and I am willing for the School District and the City and my development to achieve the ultimate street section and the ultimate game plan which falls within your ward. Okay, I don't get it, the City is getting 30 cent dollar roads built and I am a liar and a promise breaker in my own hometown. I am done talking about it, if it's not the wishes of the Council we will step down. We have five other points of access into the farm, there is no reason I would have financially made a commitment to pay \$2 million to get 80 acres of 500 acres annexed and for nobody to ask the question that is not responsible. I will take the lion's share of it but for nobody to ask and say who is going to pay for all of this. Excuse my nature. Ruppel started as a 60 – 65 foot street section, its 110 feet today, we redesigned the road three times at the request of Planning, Council and the direction of this body. I didn't sign up to build a five lane road and give all the right-of-way a half mile through my farm. That road has been redesigned three times in a year and we've done it and paid for and incurred the expense. There has been one traffic study done on that intersection that I am providing all the dirt to build. I paid for it; nobody has reimbursed me for that. I paid for 100% of what I thought was reasonable. That's to get the process moving, to get it on the table and to achieve the Master Street Plan that you've championed. But, to tell me Mr. Sloan and Mr. Nock and Mr. Walker and Mr. Hayes and Mr. Coleman and the School District don't have a rational nexus theory of cost share on almost a mile of \$2 million road, come on, that is not fair and equitable, that is not treating me the same as you have treated the other seven to eight people beyond us. So I am at a lost.

Alderman Lucas: Were you assessed any on the other end of Persimmon or on the Ruppel Road that goes to Wedington? Were you assessed anything on that?

Tom Terminella: In order for my traffic which is currently 117 units to get to Wedington or Shiloh, the impact that my units are having, the kids that live in 117 houses across from the school are going to ride their skate boards or walk. What about the 2,000 a day trips the school has created? No I have not been assessed.

Alderman Lucas: Thank you.

Tom Terminella: I haven't been assessed a dime.

Alderman Lucas: The right-of-way you say you are providing or they have asked you to provide, are you going to need a cost share on that or a payment on that?

Tom Terminella: Ms. Lucas it is illustrated in the exhibit that has been passed by the Street Department and the Planning Commission and recommended by staff. The cost associated with building both of those corridor sections are represented in the numbers that you have in front of you. There is no delineation, no line item for right-of-way. I am giving that in addition to what I am spending.

Alderman Lucas: Okay. But you are giving that? We are not going to have to cost share on that?

Tom Terminella: It would be illustrated in the exhibit that you have in front of you.

Alderman Lucas: I am just asking yes or no.

Tom Terminella: If I was asking for it, it would be in the exhibit, I am not asking for the City to pay half of what I am donating for right-of-way. I may after this night.

Kit Williams: Let me clear this up. There are two cost shares here. One cost share is the Ruppel Road cost share and I don't think there is any disagreement whatsoever between the City Council and you and the school about that cost share. The second cost share is the Persimmon Road cost share and I think that is where the disagreement is. If you look at the minutes of the night when this land was annexed and rezoned they were only talking about Persimmon not Ruppel Road at that point in time.

Alderman Lucas: Can this be split then and amended to address Persimmon and then address Ruppel?

Alderman Marr: Or explain why it is bundled together.

Ron Petrie: We have the numbers broken out but keep in mind this is an agreement and the developer would have to agree to a new agreement.

Alderman Lucas: Was anything signed on the agreement?

Ron Petrie: I am not sure if we distributed signed agreements, I know we have some signed agreements in our office that we will give to the City Clerk after it is approved. That's just how we typically do it. We would have to re-write these agreements and they would have to be acceptable to Mr. Terminella.

Alderman Lucas: Can we vote on the cost shares independently?

Ron Petrie: You are voting on an agreement, if you change that agreement you need to have his approval.

Alderman Jordan: Have we already acquired the right-of-way from Mr. Terminella on the roads?

Ron Petrie: I don't know the answer to that. I know for all the roads no.

Tom Terminella: You normally don't get conveyed right-of-way until final plat, until the property has been accepted into the City. I have stated to the School District and to the

superintendent that I would provide him two lanes to get into the school, if this didn't go as I had somewhat anticipated or planned. But that doesn't solve the problem. They need the acreage to build the intersection off of my farm; they need the lion's share of the first quarter mile of right-of-way for the Ruppel Road off of my farm. I have not provided and will not provide any right-of-way until the issue is collectively discussed and agreed upon and we have a quorum. I am not going to give \$450,000 of right-of way away.

Alderman Jordan: Mr. Terminella, I am just asking a question so I can get some clarification.

Tom Terminella: Lionel this got passed in June at the Street Committee, it was talked about in Planning the month after and I have been passively put off for the last five months. You were going to stew about it over the holidays, December 20th and here it is the middle of January of 2006. This was brought up, the misunderstanding, August of 2004, sir; I've had all of it that I want.

Alderman Jordan: Me too. Me too.

Tom Terminella: I will do something different.

Alderman Lucas: I am terribly disappointed in how this has played out. Since I have been on the Council I have seen developers, representatives of developers, lawyers representing developers come before us and we have always been able to discuss these things. Many times they would say we are going to do this or we are going to do that and I guess what this is going to do is change the way we do business. Kit suggested the last time that from now on we should have everything in writing before we vote on something. It makes me unhappy about that. The developers or their representatives would come before us and say I will build that road or I will cost share with the City. The developer's representative said they would construct the road, he didn't say they would cost share with the City. With other developers we have accepted what they have said to be true and this is different. That's what makes me terribly disappointed with this.

If we approve this cost share on Persimmon we are setting a precedence. Maybe that's what we need to do, I don't know.

Tom Terminella: All I want is to operate by a set of rules. Put yourself in my shoes for just minute.

Alderman Lucas: I understand that there are a set of rules but there are also people that come forward and say in order for me to get something passed I will do this or I will do that and they do it.

Tom Terminella: I understand what you are saying with all due respect.

Mayor Coody: All nine of us understood what was being stated that night. There are a couple of factors here that disturb me more so than just hearing one thing and finding out later well we heard something different or all this debate about you said and we approved it based on your promises and now the promises have changed therefore do we need to go forward with the approval that was done. There will always be that debate and I am glad that this is a unique occurrence. This is the first time any of us have ever had something like this to happen and I certainly am planning on this being the last.

From what I understand the cost share that we are talking about this whole thing about constructing and paying for is an additional eight feet on the north side of Persimmon.

Gary Dumas: Yes, that is what the cost share includes.

Mayor Coody: That is the eight feet that we are talking about that everyone assumed that Mr. Terminella was going to build, that status has changed and now we are being asked to pay for that is that right?

Gary Dumas: The cost share agreement is for that eight feet, I am not sure if the Council assumed eight feet or a 33 foot section.

Mayor Coody: This whole disagreement basically centers upon \$147,000 worth of work for the eight feet.

Gary Dumas: Yes.

Alderman Jordan: That's not what was said that night. In the notes it says a 36 foot road back to curb and back to curb.

Gary Dumas: The cost share is for a 22 foot cross section east of the Boys and Girls Club property, not 26 but only 22.

Alderman Jordan: In the minutes it states according to the Master Street Plan a Collector is 36 feet from back to curb to back to curb is that correct?

Tim Conklin: That's what is in the minutes and that is what I stated.

Alderman Jordan: Mr. Estes also said that would be from the intersection of Persimmon to Ruppel to Shiloh Road that is exactly what I remember.

Mayor Coody: The other complicating factor is yes, we all understood Mr. Terminella's attorney, Bob Estes and referring back to Mr. Terminella agreed that they would construct the road in its entirety. Yes they promised to do this. They were offering to do something that is above and beyond what our ordinances require. Do we want to hold them to the promise that we all understood or do we want to just take it on the chin and say we are going to do what we require, follow the ordinance, just get the job done and do the cost share. I hope this never or anything even like this happens again.

A discussion followed on the cost share. After the discussion the Council decided to change the cost share amount.

Ron Petrie: The City's portion for both roads together would be \$661,316.91.

Mayor Coody: Essentially it is the \$137,000 and the right-of-way that is on the table is that right? He dedicates the right-of-way and \$137,000 or builds the road. The \$137,000 and the eight feet are interchangeable.

Mr. Terminella to make this thing work to where we both come out ahead would you be willing to dedicate the right-of-way on the south side from the Boys and Girls Club all the way to the interstate and pay an additional \$137,000 to go toward the 22 foot or build the eight foot lane at your expense which is essentially the same thing.

Tom Terminella: I will entertain it but the fact of the matter does not change. How am I to address the Planning staff, Planning Commission and this Council on these future issues? You want me to pay another \$137,000 and we are going to turn our back to assessing all the other developers their portion under ordinance for these off site improvements. I understand your intent.

Mayor Coody: if we get this one issue ironed out if we are not accessing other folks as we should be we will get that straightened out. That will be resolved. The impression I get from this Council is if you agree to the dedication of the right-of-way that is necessary and the eight feet of pavement or the \$137,000 I would bet the City Council would approve your development.

Tom Terminella: I will provide the right-of-way, if I have to self finance the other \$137,000 until the Planning body determines others proration cost for off site improvements to where I can get reimbursed for it I will do that. I don't see where I should shoulder the burden of 70% of the entire section. I understand what was said.

Mayor Coody: So the answer then is no.

Tom Terminella: The answer is I will provide the right-of-way; I want to be reimbursed for the \$137,000 out of other developers beyond this improvement.

Mayor Coody: Are we not assessing as we should other developers in the area and if so would we be assessing developers to pay for this \$137,000 in the future?

Ron Petrie: Staff does not assess anyone; Planning Commission does that, each individual subdivision we have looked at individually. The school is paying half of a standard road for Ruppel. Each one of these is unique and it is hard to compare apples to apples. I personally don't accept the fact that we have not assessed appropriately because I don't know that that is true. Staff recommended cutting it down to 22 foot because there are adjacent properties that have recently been purchased and we know we will see some development on those properties and will require them to build part of it.

Alderman Thiel: Have there been other developers that have paid more than their share and they went ahead and paid more because they wanted to do the project.

Ron Petrie: Yes. Ron described another project that has paid more than their share.

Alderman Reynolds: Is there enough property left that Mr. Terminella will be able to recoup \$137,000?

Kit Williams: I don't think that we have anything set up that would allow a recoup of cost for this unless a road improvement district was created. If nothing had been said by his attorney with him in the room when the property was being annexed then the ordinance would control and the ordinance would not have required him for this development to build that road all the way out to Shiloh. Unfortunately for Mr. Terminella statements were made at that meeting and

therefore there is a different understanding by the City Council. One might also wonder if they were only going to do what we required them to do by ordinance, why would they have offered to do anything else; it would have been a hollow offer. Most developers have to follow the ordinances. I think it is reasonable for you all to assume that something more than this ordinance was being offered that night.

Alderman Marr: I don't think that nine people would get an impression that was consistent if it didn't happen. No one will convince me that I didn't hear that we would have a road constructed. I think it was done because we were talking about a rezoning in an area of west Fayetteville where we have lots of new density and infrastructure needs. I think there are people that may not have voted for that rezoning if in fact we didn't have some assurance that we would have ingress and egress on the property long term and specifically east, west, north, south as we talked about Persimmon and Ruppel so that we don't end up with what we have in the center of town. I also think we are dealing with a developer who is smart. He talked about developing in 19 communities from Missouri to Arkansas. I think it was obvious with the questions that we asked that we were under the impression that we were getting a road not constructed, but a road constructed and paid for. As I listened to Mr. Terminella's comment about why didn't anybody ask are you going to pay for it I would say why didn't the developer say if you all have the understanding that this road is going to be paid for why didn't they say we want to make it clear that is not the case.

I probably wouldn't have voted for that rezoning that night. But it probably would have passed and if that was the case we would be sitting here with the cost share that was by ordinance not by offer and if we were here with a cost share by ordinance then we would have to decide if we would turn it down and pay for right-of-way or whether we are going to have Persimmon and Ruppel and get connectivity.

I think we are sitting here standing on a principle that we don't want developers to make promises to us and turn around and renege on it because that's how we feel. We are scared if we do it this time that the next developer that walks up to the podium and make a promise we will be stuck in the same position because we let this one get by with it. That's why our process unfortunately has to change. We have to have things in writing we have to have assurances because obviously doing business the old way isn't going to work anymore. The bottom line is we can deny this cost share, he said if I come back later you are not going to get my right-of-way because he doesn't have to offer it and then we will be paying for half of a road and trying to figure out who owns what. I want our process to change because I think we were taught a lesson unfortunately, it's a hard lesson to learn.

The message from me to the development community is don't make me promises that you are not going to keep, don't use language that you know that we are interpreting one way and you don't make it clear. You have just as much of a responsibility to make that happen. This just makes me passionate for impact fees.

Alderman Marr moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded the motion. Upon roll call the motion 7-1. Alderman Rhoads, Ferrell, Lucas, Jordan, Reynolds, Thiel and Marr voting yes. Alderman Cook voting no.

City Attorney Kit Williams read the ordinance.

Alderman Thiel moved to amend the ordinance to remove the budget adjustment language. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

Alderman Cook: I would like to table this so we will know what we are agreeing to with Mr. Terminella.

Kit Williams: I haven't seen the actual cost share agreement.

Tom Terminella: I can state what I am willing to do. Kit you have the only agreement that you put in front of me three weeks ago. That was an agreement on the off site additional right-of-way for the second quarter mile of Ruppel Road that is not in the scope of this work. I agreed to it then, I agree to it today and I will agree to it tomorrow. That is to be understood when I conveyed it.

Kit Williams: I understand that. What we don't have is the cost share agreement in writing between you and the City.

Tom Terminella: The Planning staff provided me a cost share agreement which I believe I signed and forwarded back to the Planning Department pertaining to this improvement. If it is not on record or nobody has it this evening, I believe Mr. Petrie provided it some several months ago.

Kit Williams: We just need to get it and get it to the City Council so they can look at what they are being asked to approve.

Alderman Cook moved to table the ordinance until the February 7, 2006 City Council meeting. Alderman Jordan seconded the motion.

A discussion followed on the ordinance and tabling the ordinance.

Alderman Cook withdrew his motion to table. Alderman Jordan withdrew his second.

Alderman Rhoads moved to amend the ordinance to reduce the cost share from \$798,963.44 to \$661,316.91 in the title and in Section 1 as well as in any contract that we have. Alderman Jordan seconded the motion.

Alderman Jordan: From the end of the Boys and Girls Club there will be a 22 foot road and then we cost share our part back to the intersection is that correct?

Mayor Coody: Yes.

Ron Petrie: Mr. Terminella has to agree to that or it is irrelevant.

Mayor Coody: Tom do you have anything you would like to add to the conversation before we vote on this?

Tom Terminella: I better hold short on responding anymore. I have some choice words but I don't think this is the forum to conduct it. I would like to respond to some comments that were made but it is not constructive. I just simply want the City to operate by their ordinances. We would not be here today if the Planning Commission and this Council administrated the current

ordinances that we have on the book. We would not be here tonight because it is unreasonable for me to stand here and shoulder the burden. I don't care what was said or what misunderstanding there was. I am ready for the administrative staff of this City to treat everybody equal and administrate our ordinances because the City would not be paying a single nickel for this offsite if everybody was assessed their share.

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

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. Alderman Rhoads, Ferrell, Lucas, Jordan, Thiel and Marr voting yes. Alderman Reynolds and Cook no.

Ordinance 4819 as Recorded in the Office of the City Clerk.

John D. Lindsey, LLC. Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by John D. Lindsey, LLC. *This resolution was tabled at the December 20, 2005 City Council meeting to the January 3, 2006 City Council meeting. This resolution was Tabled at the January 3, 2006 meeting to the January 17, 2006 meeting.*

David Jurgens, Water and Wastewater Director: The environmental consultants and I walked this line last week. He has sent a letter to the Corp of Engineers. The crux of the letter says that the actual work area of the sewer line would extend along the edge of the originally high water mark or approximately 25 feet. The manhole to construct at the location site would be below slightly below the high water mark; therefore this work is within the normal definitions of the water ways of the United States. The request that we are making to the Corp in the letter is because the specific activity was not identified in the original 404 notification of the Little Rock District, is the City authorized to proceed with the proposed activity under the existing 404 permit. It is 25 linier feet and a manhole within that we believe that the Corp will probably approve this activity to be done under the current permit. We have offered to show them the site and meet with them on site.

I would ask for this to be tabled with we ask for a Corp ruling on if this will be included in the permit. We are requesting if they want to meet with us on site to do so within two weeks. This segment of the sewer line was originally predicted to advertise in February and open bids in March. This is the shortest section of sewer by length and also by construction period. Deferring this project another two to four weeks is not going to delay the net WSIP project on the west side of town.

Alderman Rhoads moved to table the resolution until the February 7, 2006 City Council meeting. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled to the February 7, 2006 City Council meeting.

R-PZD 05-1776 Wedington Circle: An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1776, Wedington Circle, located north of Wedington Drive (Hwy 112 Spur) and west of Garland Avenue, containing approximately 6.13 acres; amending the official

zoning map of the City of Fayetteville; and adopting the associated Master Development Plan. *This ordinance was left on the Second Reading at the January 3, 2006 City Council meeting.*

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 unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Jordan: This went to the Street Committee last Thursday and we had quite a discussion over this issue. There is going to be a meeting between the developers and the neighborhood next week.

Joyce Richards a resident of Stephens Avenue said she went before the Street Committee and told them her concerns. She stated they would like to look at traffic calming and doing something with that general area in front of Harps. We have set up a neighborhood meeting for next week.

Alderman Jordan moved to table the ordinance until the February 7, 2006 City Council meeting. **Alderman Lucas** seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled to the February 7, 2006 City Council meeting.

R-PZD 05-1796 Park West: An ordinance establishing a Master Development Plan Residential Planned Zoning District titled R-PZD 05-1796, Park West, located at Highway 112 east of Deane Solomon Road, containing approximately 139.45 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the January 3, 2006 meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: Since agenda session additional materials have been given to the Council, one was the traffic study and a phasing diagram that the applicant provided at the request of the Council.

Alderman Jordan: One of the phases will be around Highway 112 and the other one around Deane Solomon Road is that correct?

Jeremy Pate: Yes sir.

Alderman Jordan: The main question is the road that runs east and west, Park West Boulevard, how do we address that? Do you have any concerns with this going in and causing any sort of traffic problems in the area without having the need for Park West Boulevard?

Jeremy Pate: Conceptually no. It is very difficult for the staff to make specific recommendations on traffic improvements.

Alderman Jordan: It may come to a point to where we have to build that road but you don't see that as a problem right now?

Jeremy Pate: No sir. I don't think the street should be constructed with the first phase at all. The applicant has indicated that construction of that collector street is part of this plan. While the phasing plan certainly helps staff, the Planning Commission and helps the Council understand what the plan is over the overall project sometimes the market doesn't always follow your phased plans. Someone may come in and purchase a different piece of property that requires additional infrastructure than the applicant even committed to in these phasing diagrams that is something we always have to keep in mind too. As these projects come before the Planning Commission and through our development review cycle we will be making the recommendations on what improvements we feel meet the rough portionally test.

Alderman Lucas: I just want to make that clear that if development does progress in different areas they can require that road to be put through before phase three.

Jeremy Pate: Yes. There has to be infrastructure that is based on the needs of that development.

Alderman Lucas: Deane Solomon Road comes out on Mount Comfort at that terrible intersection and I can't see increasing the traffic in that area.

Alderman Jordan: Also I have received an email from a citizen that is concerned about the buffer.

Jeremy Pate: The planning area that is adjacent to that property at the southwest corner is of residential nature. There is one small area along Highway 112 that is commercial and commercial uses are required by ordinance to be screened from residential uses. They have indicated buffers and the residential uses adjacent to that property I think for that very reason.

Alderman Jordan: The wetlands, what is the situation with those right now?

Jeremy Pate: As far as I know they are still there and they will remain so until some other plan is approved otherwise.

Alderman Cook: What is the trigger point as far as that road being connected through?

Jeremy Pate: We will be looking at the impact on the infrastructure and evaluate what improvement is necessary and the timing for that improvement.

Alderman Cook: I don't have anything major against this project but for me the infrastructure and how it is built out is the key issue to me. That's all I need to be satisfied on initially.

Alderman Ferrell: I like this development a lot. Is the intent to build in different sequences?

Tracy Hoskins: Yes. The master street that comes across the entire property from Deane Solomon Road to Highway 112 will be building segments as it is warranted. The traffic study that we had completed relates to this development and it gives us a notion of when the infrastructure should happen.

Alderman Ferrell: Once this is complete is it possible that due to some of the retail that would cut down on some of the traffic getting out on some of the main streets?

Tracy Hoskins: Absolutely. It is designed to be a more walkable community.

Alderman Thiel: Did we discuss the improvements that would be made on Highway 112?

Tracy Hoskins: It is discussed in the packet that we gave you. There are improvements to Highway 112 including a stop light at Park West Boulevard and Highway 112. In Phase I we intend on abandoning the old Deane Solomon Road and actually correcting that problem in the very first phase.

Alderman Lucas: That is a great idea.

Tracy Hoskins: It is our intention to build a 28 foot street there with the City cost sharing an additional 12 foot lane.

Alderman Lucas: That's great.

Alderman Thiel: There will be some improvements made on Highway 112?

Tracy Hoskins: The traffic study does address those. Phase IB which is the commercial along Highway 112, yes Highway 112 gets turn lanes and a traffic signal.

Jeremy Pate: Condition number 13 itemizes those conditions. It includes widening of Deane Solomon Road and Highway 112 and signalization. Most of those recommendations are in accordance with the traffic study.

Tracy Hoskins: We are adding a considerable amount of infrastructure at our own expense.

Phyllis Johnson, attorney representing Dale and Marti Benedict handed out a brief statement from the Benedict's to the Council.

Alderman Thiel: Did you understand the concerns about the adverse affects on her wetlands based on this project.

Tom, engineer for Paradigm: I am not aware of her concerns but I can address the issue. Approximately a year and a half ago we did a very extensive wetlands delineation, brought the Corp to the site, we walked the entire site, they agreed with the determination, they understand our development. They gave us a concurrence that runs in three consecutive years. At the end of the three years they would re-concur the findings of that determination. The Benedict's are up land from the wetlands that are identified in that study. It would be very unusual that up land conditions would be affected by a down stream development. There are some springs that come from the Benedict's that perpetuate the existing wetland conditions. They were determined jurisdictional by the Corp. There were a lot of wetland conditions that were questionable by the Corp. We came up with 3.7 acres that were ranging from very low wetlands to some very high quality wetlands on the south side of the project that is preserved. The east west canal that was dug for drainage of that property and the north south unnamed tributary that the spring flows from the Benedict's, all of that is preserved and protected, no development is occurring on that.

Any development that would affect the low quality wetlands would be mitigated for, those would be mitigated in terms of enhancements of existing wetlands or improvements to the extension of detention facilities in order to accomplish several environmental things. The development is not restricting any of the existing flows.

Alderman Jordan: So in your expert opinion we are not going to have problems with their wetlands?

Tom: With whose wetlands?

Alderman Jordan: The Benedict's

Tom: I don't know that they have wetlands. I have not done a study of their property so I don't know if they have wetlands. It is my opinion that what wetlands they have are very limited to the existing surface water that you see that is in their pond and their springhouse.

Alderman Lucas: I heard you say there will be no stopping the nature flow of the water.

Tom: That is correct.

Alderman Jordan: Property values in the area will increase once this is in.

Tracy Hoskins: That's what we are hoping.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4820 as Recorded in the Office of the City Clerk.

R-PZD 05-1816 Skate Place Condominiums: An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1816, Skate Place Condominiums, located south of Ash Street on both sides of Chestnut Street, containing approximately 3.38 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the January 3, 2006 meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the project. Staff is recommending approval; they would recommend an amendment to the condition of approval number 1. Condition Number 1 would read *staff recommends the following street improvements to be paid for and constructed by the developer.* Items A and B would remain as stated. There would be an additional Item C

that a four foot sidewalk from the subject property shall be constructed by the developer along Chestnut Street to Sycamore Street. This would allow for a pedestrian connection from this property to Sycamore to the south, there is a bus stop in this area. The developer has agreed to that condition as well.

Jeremy passed out a map to the Council.

Alderman Jordan moved to amend the conditions of approval. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Alderman Thiel: At the Planning Commission meeting there were a lot of mixed feelings about putting residential in an industrial area and the complaints that might come from the residential area as a result of being adjacent to an industrial area. I would have been more comfortable with this being rental units rather than condominiums. I like the project and I like some of the amenities that are being provided. I don't feel like there is enough area adjacent to the existing I-1 area that is being used that way to be a real issue. I probably will support this.

Alderman Ferrell: I like this project too but there is a concern about the people that will be moving into there later. Is there any way for the people moving in there to have a documented realization that there is an I zoning close to them.

Jeremy Pate: Probably the best indicator is what you go through to get there.

Alderman Reynolds: If these people buy into these condos and the industrial people make excessive noise the police will have to go out and take a reading. The industrial folks were there first.

Jeremy Pate: I think you have that situation already. We have that situation in many places in town.

A discussion followed on the possible noise issues that might occur with putting this residential development close to an industrial area.

Hugh Earnest: Over time this area may change. We feel confident there will not be any significant number of complaints regarding noise in that area based on the conversations with the industrial people.

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

City Attorney Kit Williams read the ordinance.

Alderman Cook: That is probably my biggest concern the fact that this is industrial in this area. As we creep into the neighborhoods there is definitely going to be a clash. The positive of this is the connection and trail corridor.

Alderman Reynolds: I would like to make sure the businesses get some type of relief from these people that are buying these condos. Until such time that changes from industrial or commercial to another mod because I would hate to see them written up for a code violation.

Hugh Earnest: We will do what ever we legitimately can to make sure we do inform people of the existing uses in that area as we move through the sale process.

Alderman Marr: I think the discussions with the tenants in the area of this development have been positive in nature. I think the benefits of getting a Skull Creek dedication and access that this property gives to Sycamore Street gives an interest without coming through the development I-1.

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

Ordinance 4821 as Recorded in the Office of the City Clerk.

RZN 05-1833 Bellafont: An ordinance rezoning that property described in rezoning petition RZN 05-1833 for approximately 25.29 acres located north of Joyce Boulevard, west of Venture Road, and south of Bellafont Gardens from R-O Residential Office and C-2, Thoroughfare Commercial to C-3, Central Commercial. *This ordinance was left on the Second Reading at the January 3, 2006 meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: The applicant did conduct a neighborhood meeting to talk about connectivity. Staff will continue our efforts to ensure whatever connectivity if any occurs with the neighborhood to the northeast does not create a cut through but does provide connectivity. There is a Bill of Assurance attached to this zoning request. A copy of the Bill of Assurance is in your packet.

Tom Hennelly, H2 Engineering: We put out flyers throughout the neighborhood inviting them to a meeting which we had last night. The neighbors that showed up to the meeting was more concerned about the extension of Stearns to Vantage than they were about the rezoning itself. In this part of town traffic is the biggest issue. We have initiated a traffic study and we understand the need to improve the traffic conditions along Joyce Street as well as Vantage.

Alderman Ferrell: I would like to thank the Barber Group and Tom for hosting that meeting last night. They were concerned about the Stearns Street coming through.

Alderman Cook: That is the main thing that concerns me is the level of traffic that will create over time. I am concerned about the traffic flow in the area.

Tom Hennelly: Having this project done at one time by one developer really lends itself to elevating that problem or making it easier, rather than piece milling it together as various developers come through. The traffic problems because of the nature of the development would adversely affect the success of it. So we have as much interest in resolving these issues as anybody does to ensure the success of the project.

Alderman Cook: Is there any assessment to this development for the bridge?

Jeremy Pate: Yes.

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

Ordinance 4822 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

RZN 06-1887 Cato Springs Road: An ordinance rezoning that property described in rezoning petition RZN 06-1887 for approximately .31 acres located at 1068 Cato Springs Road from I-1, Heavy Commercial/Light Industrial to RMF-24, Residential Multi-Family, 24 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the project. The applicant is fine with whatever residential district that would help him to reconstruct the one unit. The RT-12 or the RMF-12 would work on this property. Staff is recommending approval and the planning Commission did recommend approval of this ordinance.

Alderman Thiel: I support doing this.

Alderman Thiel moved to amend the ordinance zoning to RT-12. **Alderman Marr** seconded the motion. Upon roll call the motion passed unanimously.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4823 as Recorded in the Office of the City Clerk.

Dychem International: An ordinance to waive competitive bidding and award an extension of a contract with Dychem International through the end of 2006.

City Attorney Kit Williams read the ordinance.

Alderman Reynolds: I suggest we pass this ordinance for this system for the rest of the year until we find a system that will work.

Alderman Ferrell: Do you think it is possible to find one during this next year?

Gary Dumas: There is hope. Hopefully we will be able to find one at the right price that will clean all of the vehicles.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4824 as Recorded in the Office of the City Clerk.

Fayetteville Downtown Partners: An ordinance waiving the requirements of formal competitive bidding and approving a contract for services with Fayetteville Downtown Partners in the amount of \$90,000.00 to assist in the implementation of the Downtown Master Plan.

City Attorney Kit Williams read the ordinance.

Tim Conklin: This is the second part of a three year funding request for Downtown Partners. Their scope of work includes establishing a Downtown Improvement District, look at strengthening the infrastructure in our downtown, looking at a Cultural and Arts District within downtown Fayetteville, supporting downtown business, engaging downtown neighborhoods and marketing the downtown experience. Last year request's was \$150,000 this year's request is \$90,000, in year three it goes down to \$40,000.

Alderman Lucas: The Improvement District, will that be administered by Downtown Partners and then will we fund it through them?

Tim Conklin: The Improvement District would have to be created by the City Council that is my understanding. How Downtown Partners will interact with the Improvement District is something that would have to be worked out and established as that process continues.

Doug Walsh, Project Manager for Fayetteville Downtown Partners gave a general overview of how the Improvement District is formed and how it would function.

Alderman Ferrell: Do you all have a feeling for what percentage of the potential members in this Business Improvement District will join or what number you will have to have to make it float.

Doug Walsh: In order to get the Improvement District to pass we have to get petitions signed by at least two thirds of the assessed value.

Alderman Ferrell: If they sign the petition does that mean they are going to join?

Doug Walsh: Yes, that is their vote that they will be a part of it by signing the petition.

Alderman Ferrell: How many property owners are there in the proposed district?

Doug Walsh: Around 270 to 279.

Alderman Marr: This Downtown Partners organization provides many more resources to not only the Downtown Partners neighborhoods businesses but to this Council and those of us as Alderman representing areas. I think it is a great resource; it is non-basis third party, hopefully coming without a specific agenda bringing lots of agendas together.

Alderman Marr moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Reynolds Recused.

City Attorney Kit Williams read the ordinance.

Alderman Marr moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Reynolds Recused.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Rhoads and Reynolds Recused.

Ordinance 4825 as Recorded in the Office of the City Clerk.

Meeting Adjourned at 9:35 PM


Dan Coody, Mayor


Sondra Smith, City Clerk