

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
July 6, 2006**

A meeting of the Fayetteville City Council was held on July 6, 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, City Mayor Dan Coody, Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

CONSENT:

Approval of the June 20, 2006 City Council meeting minutes.

Approved

Park Land Dedication for Mountain Ranch Phase One: A resolution approving the Parks and Recreation Advisory Board's recommendation to accept approximately .78 acres and trail construction services valued at approximately \$63,547.50 in lieu of the required Park Land Dedication for Mountain Ranch Development Phase One.

Resolution 116-06 as Recorded in the Office of the City Clerk.

ADM 06-2152 Wellspring Ruppel MSP Amendment: A resolution to approve ADM 06-2152 amending the Master Street Plan, realigning Ruppel Road, a Principal Arterial, along the Wellspring PZD boundary north to Mount Comfort Road as described and depicted in the attached maps.

Resolution 117-06 as Recorded in the Office of the City Clerk.

State and Tribal Assistance Grant (STAG): A resolution authorizing the Mayor to apply for and accept a State and Tribal Assistance Grant (STAG) from the U.S. Environmental Protection Agency for sanitary sewer system improvements; designating the Mayor as the City's authorized representative in all matters relating to the procurement and administration of said grant; and approving a budget adjustment recognizing \$477,900.00 in grant revenues.

Resolution 118-06 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:

Duncan Associates Water & Wastewater Impact Fee Update: A resolution accepting a proposal from Duncan Associates in the amount of \$110,000.00 to update the existing Water and Wastewater Impact Fees, to calculate fees for the collection system, and negotiate contracts with the cities of Elkins, Farmington and Greenland to pay for and provide potential Water and Wastewater Impact Fees within their corporate boundaries. *This item was Tabled at the June 20, 2006 City Council Meeting to the July 6, 2006 City Council Meeting.*

Alderman Ferrell: Our maximum exposure is \$55,000 out of the \$110,000?

Gary Dumas: That is correct.

Alderman Cook: Tim had talked about talking to the other Mayors and he was going to give us an update on what the status was of the other cities as far as the contract was concerned.

Gary Dumas: I don't know what the status with Farmington is but Elkins did call today and they are supposed to be discussing it tonight.

Alderman Thiel: It was my understanding we were going to table this for another two weeks.

Mayor Coody: Not to my knowledge.

Gary Dumas: We have a maximum exposure; if the other communities do not sign the agreement then we will not do that work. It would be appropriate to go ahead and approve it with the stipulation that if we do not get signed agreements in from Elkins, Farmington and Greenland then we will not be responsible for it.

Alderman Ferrell moved to amend the resolution to read a not to exceed amount of \$55,000. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed unanimously.

Alderman Jordan moved to approve the resolution. **Alderman Marr** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 119-06 as Recorded in the Office of the City Clerk.

PUBLIC HEARINGS:

Raze and Removal at 95 Cleburn Street: A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Beacon Flats, LLC located at 95 Cleburn Street in the City of Fayetteville, Arkansas.

Paul Mortenson, representing the owners: We would request this to be tabled to the next meeting as we will have everything resolved by next Wednesday. We have already applied for the permits but there has been some other issues with the easements and coordinating with utility department heads and that has all been resolved and it is my understanding through the owners that we should have everything set to go by next Wednesday.

Alderman Jordan moved to table the resolution to the July 18, 2006 City Council meeting. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent during the vote.

This resolution was tabled to the July 18, 2006 City Council meeting.

Raze and Removal at 107 East 7th Street: A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by James L. Ledbetter and Suzette L. Maestri located at 107 East 7th Street in the City of Fayetteville, Arkansas.

Suzette Maestri, the owner of the property: I do not disagree that it does need to come down and it is in very poor shape. What I would request is time to do that. There are some things that are of value to me and I would like to request three months to remove them.

Yolanda Fields, Community Resources and Code Compliance Director: It would be 60 days before we begin work, we would notify you before we actually went out there so if it took an extra week or so we could still work with you.

Suzette Maestri: In that time I could pull out the things that I want to pull out but I can't pull everything out and have it down in 60 days. If I can have another 30 days to actually get it down I could have it down.

Mayor Coody: What we would like to do if it is okay with the City Council, we might go ahead and either approve this or table it for a couple of weeks. If Yolanda is willing to work with you on this and you could expedite what you need to do to where we can take care of this problem we would appreciate it.

Alderman Reynolds: I would like to put a time table on this, no more than 90 days.

Mayor Coody: If we were to approve this raze and removal with the stipulation that you take 90 days.

Alderman Lucas: It would be down.

Yolanda Fields: That would give us the flexibility if there were an issue then we could move in immediately without having to come back to Council.

Alderman Reynolds moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

Resolution 120-06 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

Davis Business Planning: An ordinance to waive competitive bidding procedures and approve a contract with Davis Business Planning in the amount of \$60,100.00; and a budget adjustment of \$45,100.00.

Mayor Coody: I would like to visit with Mr. Davis about rewording Task Order #2 just to do it on an as needed basis. How procedurally can we move forward with this?

Kit Williams: The City Council can approve this contract. You are the sole person that has the power for the City to sign contracts so that you would be able to sign what you are in agreement with. As long as you don't exceed the authority the City Council has given you, you can sign another one as long as it is not greater than what is awarded. Other than that I don't know how we would change this ordinance because this ordinance speaks of the total amount and not the three different tasks.

Mayor Coody: Steve, you will be able to work with us on this to where we can get what we need and we can still do it on an as needed basis.

Steve Davis with Davis Business Planning: The blanket contract that authorizes the city to contract for services with me doesn't really have any money attached to it. It's the individual task orders that have the money attached to it. The task order that I am most concerned about is the one that is for the District Court software. It's the one on the shortest time frame. If that is Task Order #1 then yes I am fine with it and yes I will work with the City on Task Order #2 if it's the water and sewer rate work.

Kit Williams: What I might suggest that in the title and in the body instead of saying that you approve a contract in the amount of \$60,100.00, you place not to exceed \$60,100.00 to make it clear that it will probably be less than that.

Alderman Cook moved to amend the ordinance to read a not to exceed amount of \$60,100.00. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Lucas: It talks about travel and food, is that going to be above the \$60,100.00 and what kind of travel is involved in the court software.

Kit Williams: I can tell you it will not be above that, this is a contract not to exceed \$60,100.00 so it will not exceed that amount.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Marr 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 Marr 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 4893 as Recorded in the Office of the City Clerk.

ANX 06-2020 Hays: An ordinance annexing that property described in annexation petition ANX 06-2020 (CC2006-2) for property located east of Double Springs Road, north of Dot Tipton Road, containing approximately 7.5 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate passed out a color map and gave a brief description of the item.

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

City Attorney Kit Williams read the ordinance.

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.

Alderman Lucas: This is a piece of property these people have been working on and they worked to get this other piece so that there wouldn't be an island. It is right in line with the rest of the property and it's surrounded by the city.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Cook voting no.

Ordinance 4894 as Recorded in the Office of the City Clerk.

RZN 06-2021 Hays: An ordinance rezoning that property described in rezoning petition RZN 06-2021, for approximately 7.5 acres, located east of Double Springs Road, north of Dot Tipton Road, from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

City Attorney Kit Williams read the ordinance.

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.

Alderman Jordan 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 4895 as Recorded in the Office of the City Clerk.

ANX 06-2127 Williams: An ordinance annexing that property described in annexation petition ANX 06-2127 (CC2006-10) for property located east of Double Springs Road, north of Dot Tipton Road, containing approximately 1.0 acres.

City Attorney Kit Williams read the ordinance.

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.

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 7-1. Alderman Cook voting no.

Ordinance 4896 as Recorded in the Office of the City Clerk.

Bossler Contracting, Inc. Contract – Fire Station # 5: A resolution approving a construction contract with Bossler Contracting, Inc. in the amount of \$1,466,000.00 for construction of Fire Station # 5; and approving a project contingency in the amount of \$117,280.00.

Alderman Ferrell: We are glad to have it in Ward 3.

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

Resolution 121-06 as Recorded in the Office of the City Clerk.

LSD 06-1997 Divinity Hotel Planning Commission's Appeal: An appeal of the Planning Commission's decision regarding the denial of a large scale development for the Divinity Hotel on Dickson Street as submitted by The Barber Group.

Jeremy Pate: As the City Council is aware the Planning Commission denied a LSD of the Divinity Hotel and Condos on June 26th with a vote of 5-4. Subject to our Unified Development Code the applicant and property owners were allowed to appeal that decision and has done so to the City Council for consideration tonight. Staff did recommend approval of the LSD subject to the conditions as noted in the staff report.

Jeremy went on to give a description of the item. He stated in our opinion we are being consistent in our recommendation with regard to mass and requiring developers to reduce the scale and mass to be more compatible and more transitional on Dickson Street. He pointed out the six components of project denial listed within the Unified Development Code.

Mayor Coody: Jeremy, did you want to visit with us about what can be considered here as far as the economics go, I wanted to hear your opinion on that.

Jeremy Pate: As stated in the City Attorney's memo it is my opinion that the economic considerations while they can be discussed should not be a basis for a Planning Commission or City Council decision of a LSD. Our Unified Development Code does not provide criteria that states that an economic analysis should be made for each and every project.

Alderman Thiel: The City Attorney sent us a memo that I would like for him to discuss briefly about the economic vitality.

Kit Williams: As I stated in my first memo to you, Aldermen may express purposes of the commercial design and development standard section when discussing the compatibility and transition issues. However I do agree with Jeremy, the decision needs to be made primarily on is it compatible and does it provide a transition, those are the factors that you should consider. I did send a quote case to you from the Supreme Court that says that you don't have to have zoning regulations but once you have them you must follow them until you appeal them or amend them. I will point out that Jeremy is officially charged in the Unified Development Code as the administrator and interpreter of this chapter so I would defer to his interpretation that you need to stick to the issues of compatibility and transition which was the argument before the Planning Commission.

Paula Melody, a citizen, spoke about the project and did not voice whether or not she was in favor or against the project.

Jeff Williams, a citizen, spoke in favor of the project and felt that it would be good for the future of Fayetteville.

Ryan Oyoungian, a citizen, spoke on the compatibility of the project and stated that this building was important to Dickson Street and the future of Fayetteville. He stated that he was in favor of this project.

Jeff Cumming, a citizen, spoke in favor of the project and stated that there is no doubt that this hotel is compatible.

Cyrus Young a citizen spoke against the project and stated that it was not compatible with its surroundings.

Dot Neely, a citizen, stated that we are not being progressive in how we develop. She provided the City Council with a petition with 597 signatures requesting the City Council to deny approval of the project.

Allyson Twiggs, Director of the Fayetteville Convention and Visitors Bureau, stated that they needed more hotel rooms in the downtown area and she went on to speak in favor of the project.

Kinley Johnson, a citizen, stated that he supported the project 100% and he encouraged the City Council to vote in favor of the project.

Howard Hamilton, a citizen and Fayetteville School Board member, briefly discussed how important this project is to the schools. He requested that the City Council approve the project.

Cathy Foraker, Fayetteville Chamber of Commerce Board President, stated that the board's resolution in support of this project had unanimous support.

Scott Bowman, a business owner, spoke in favor of the project and stated that he supported it.

Ken Stout, a citizen, spoke against the project and stated that the project was attractive but inappropriate.

Nate Allen, a citizen, stated the Planning Commission was correct and this project is incompatible for the area for Dickson Street. I do not think it is going to benefit our city.

Jim Hatfield, a citizen, spoke in favor of the project and stated that he did not see any reason to not vote for this project.

Bill Ramsey with the Chamber of Commerce spoke in favor of the project and stated that the City Council's decision will affect the future of Fayetteville.

Lane Davis, a citizen, spoke in favor of the project and stated that this was an incredible opportunity for Fayetteville.

Dallas Breed, the owner of an audio visual rental production company in Fayetteville, voiced his support for the project.

Valerie Williams, a citizen, spoke in favor of the project and asked the City Council to vote yes to the project.

Michael Del Pozzo, a citizen, spoke in favor of the project and encouraged the City Council to vote for the project.

Sara Leshner, a business owner, stated that the project was compatible with the vision for Dickson Street and Downtown.

Joanne Koamme, a citizen, passed out information to the City Council and asked that the Barber Group keep the project in line with everything around it and to not make the project so massive and out of place.

Matthew Griffith, a citizen, spoke in favor of the project.

Hank Broyles, a citizen, spoke in favor of the project.

Edward Hejtmanic, a citizen, spoke against the project and asked the City Council to vote against it.

Sharon Davison, a citizen, spoke against the project.

Eric Lloy, a citizen, spoke in favor of the project.

Chaim Goodman Strauss, a citizen, spoke on the project and did not state whether or not he was in favor or against the project.

Lynn Scott, a citizen, spoke against the project and stated that she would like to see the small town height building maintained in the City of Fayetteville.

Rebecca LaTonnnette, a citizen, spoke in favor of the project and stated that there was a need for a nice hotel in that area.

Dr. Viva Pesarre, a citizen, spoke in favor of the project and stated that a hotel on Dickson Street is a great idea.

Helena Gadison, a resident of Springdale, spoke in favor of the project and she stated that she hoped there would be no negative force that would prevent change from happening in Fayetteville.

Fran Alexander, a citizen, spoke against the project and stated that we need to respect the laws that are in the books.

Jordan Garner, a citizen, spoke in favor of the project and stated that to have a successful community we need to take these kinds of risks.

Dave Westendorf, a citizen, spoke against the project being placed on Dickson Street and suggested that it be placed somewhere else in Fayetteville.

Ramsey Ball, a citizen, spoke in favor of the project and stated that Dickson Street was the perfect place for this type of project.

Victoria Sowder, a citizen, spoke in favor of the property and she encouraged the City Council to seize this opportunity and build a new landmark.

Steve Rust, a citizen, spoke in favor of the project and stated that this project is in the right place.

Jesse Barr, a Winslow resident, spoke on the project and did not state whether he was for or against the project.

Nancy Allen, a citizen, stated that she could not find a way that one can justify that the Divinity Project is transitional or compatible. She stated that it would be a detriment to the character of our city in this location however it is compatible in other areas in Fayetteville. She asked the City Council to turn the project down.

Louis Martinez, a citizen, spoke in favor of the project and stated that he wholeheartedly supported it.

Bruce Walker, a citizen, spoke in favor of the project but stated he would like to see the building shrink a little bit in size.

J. B. Hays, a citizen, spoke in favor of the project and stated we need to look at the developers rights too.

Scott Lunsford, a citizen, spoke against the project and stated that the City should buy the property back and put green space there and build a pavilion and make it a gathering place for Fayetteville.

Troy Sloan, a citizen, spoke in favor of the project and encouraged the City Council to vote in favor of it.

Marion Kunettco, a citizen, spoke against the project and stated that the hotel was much too large for the property.

Brandon Barber, Chairman and CEO of Barber Group and the Developer of the Divinity Project: I have spent several hours on Dickson Street, more than I want to admit and I still go there often because it's a rare creation of a place that combines entertainment and night life with culture and a relaxed attitude with no place to stay. I respect how sensitive and protective the citizens of Fayetteville are toward this street. We want to keep Fayetteville funky, eclectic, diverse, charming and unique. The greatest attribute of this building is the way it would enhance the value of that ownership and the way in which it will make Dickson Street more valuable to all of us.

He went on to point out the benefits of this project such as money for the schools, the creation of new jobs, and HMR tax revenue. He stated we have been asked to appeal to you tonight in the spirit of two subjective words: compatibility and transition. If an 18 story is compatible with one to two story buildings a few blocks away then how can a nine story building not be compatible? I ask that you follow the ordinance and that you heed the advice of your Zoning and Development Administrator who has confirmed and recommended that Divinity is not only compatible to it's surroundings, but it also transitions on all sides of the buildings.

He went on to describe the changes that they have made to this project at Planning's request throughout this process in order to gain staff approval. He described the layout of the hotel and what it had to offer. He stated I am hopeful that you will make the right decision not only for the future of Dickson Street but also for the future of Fayetteville.

Eddie Abyta with HES Architects: My role tonight is to give you our vision of how the Divinity project fits into Dickson Street and the context that surrounds it from transition and compatibility points of view as they relate to scale, building character and building use.

We are not here to propose a building that would be changing the character and the spirit of this place. We are here to propose a building that would add to the character, eclectic qualities and pedestrian experience of this place and to add to the spirit of Dickson Street and Fayetteville as a whole. This is a remarkable site in how it interacts with such a remarkable place. It's unfortunate that it hasn't really contributed to the life of Dickson Street. Today if you look at it, it's a parking lot that abuts the sidewalk that runs along Dickson Street. We have a great opportunity to change that and bring something that's really a part of this overall character.

He went on to give a slide presentation which addressed four topics: The issue of scale in relation to Dickson and it's surrounding context, the building scale in relation to the pedestrians, the functions of the building itself and how they have organized those functions to interface with Dickson in a positive manner, and the architectural response to the design guidelines which have been formulated as part of the development code.

He stated we have tried to be very responsible from a design point of view although there is a lot of controversy about that with regards to designing within the spirit of the urban design guidelines. Yes, we have presented four elevations every time we have come in front of the Planning Commission and in front of you, the comment that we have never shown the south and east elevation is incorrect. There is a lot of interpretation of what the standards are and how you can be creative and use what they are trying to guide you to.

Tom Hennelly with H-2 Engineering stated I just want to take a second to cover some of the other concerns that the Planning Commission had with the layout. One of them was the traffic issue particularly as it pertains to Block Street and the drop off area for the hotel. We have provided a drop off zone area for 14 vehicles to stack in there. The issue was brought up about 15 feet of fall that occurs across the Dickson Street elevation and what that does to the height of the building. The actual height of the building remains the same. Less than 2% of the square footage is above 8 stories; a very small portion of this building is at the 9th story, at the highest point. I just wanted to clarify some of the other concerns that the Planning Commission had.

Alderman Ferrell: Some of my thoughts have been covered but I want to go through them. This project has been approved by the City Planning staff as meeting the Unified Development Code, Jeremy and his staff are very thorough as they always have been. The city has spent hundreds of thousands of dollars to hire consultants on planning that have said infill and go vertical. I believe citizens spoke loud and clear when they were there. This project and its developers have been very flexible and tenacious to try and reach common ground on this contract. This building will be a destination. I think people will come to this building and I think they will also go up and down Dickson Street and the square and other places.

Alderman Ferrell moved to approve the appeal and the resolution. **Alderman Reynolds** seconded the motion.

City Attorney Kit Williams read the resolution.

Kit Williams: By listing the ones that were physically approved does not mean that all the conditions of approval will be granted. The reason we had to do that is because the Planning Commission didn't approve anything and so if this body chooses to approve this we need to have all those conditions of approval stated. I should note this resolution requires five affirmative votes to pass. If it receives less than that then the appeal will not be granted so that is the issue before the City Council.

Alderman Cook: Everyone of us up here will make this decision and we will base it on what we think is right and we all have different opinions on what we think is right on this project. For anyone out there to say that to vote for or against is stupid, uninformed or wrong to me that is wrong. I think we all are well informed on this topic especially after the months of debate we've had. Frankly it's a diversity of those opinions that makes Fayetteville what it is. Downtown Dickson to me is the historic core of our city and to me I think that should be preserved. I don't have anything against this building itself. I think it could be built anywhere in town and frankly it could be built in other areas of downtown and it would be compatible with the surrounding properties. This city has supported many projects in the downtown area that aren't low slung and urban sprawl as some people have suggested as some people are promoting if we vote against it. I appreciate staff's work on this. I don't have any problems with their final recommendation in fact I am encouraged that they worked so hard with the developers to try to come up with a solution. I do think that we should weigh the decision made by the Planning Commission heavily because they certainly represent the people of this city as well as we do. Economic development is not just a hotel or condominium project, there are many aspects of economic development and just whether we approve or disapprove this project doesn't mean we are against economic development in the city.

Alderman Reynolds: Since 1966 I've been at Dickson and West Street in business one way or the other and I've watched a lot of businesses come and go in the last five years even as recent as last year. I can't wait until both of these hotels are built to get more walking traffic in the Dickson Street and downtown area to give our merchants a shot in the arm so we can see them try and make it and be successful. That is the reason I am going to support it, for the walking traffic.

Alderman Rhoads: I don't disagree with Kit Williams in regard to the fact that we can't talk about economics and so I will truly not consider that. Although I think that the law defies logic and will see to it that, as a matter of fact I have already signed something a few minutes ago that will get that changed if we can vote for that at our next meeting or the meeting after that. I am very appreciative of the debate and the work that staff has done and the attitude of the developers as well as the opponents. This has been a very good Fayetteville debate. We are at a stage where we need to be agents of change. Diversity is one of the keystones of Fayetteville. The fact that this building looks a little bit different and the fact that the architect is from Dallas and makes it look a little bit different is not a bad thing. I think it's a good thing and I see Fayetteville as sort of a hot bed of architecture. I know this building could be built elsewhere in Fayetteville but right now it is before us on Dickson Street and that's the opportunity that we have. We have the ability to once again enhance Dickson Street, enhance one of our crown

jewels, link the street to the square and give us the opportunity to have walkability, fewer parking lots, and I think it's a great opportunity. This is far more beneficial to the City of Fayetteville and to Dickson Street and the downtown area and I believe that there is opportunity to create specific book ends that will add to the process and more growth and progress and Dickson Street will still be funky but it will be different and better. I would encourage my fellow Council members to vote for it.

Alderman Lucas: I have been a strong supporter of Dickson Street. Its changes and improvements I was all for. I have lived here a long time and I've seen what Dickson Street was when I was a child. I like the fact that Dickson Street is thriving. I think it is very important to the City of Fayetteville. I'm not afraid of change or development but I think it needs to come in the right area. I appreciate what all of you have said. I think we have to go by the laws that we have and the ordinances that we have. I want to mention traffic. I know that the traffic study says everything is okay but we are looking at an intersection, the configuration of which is already a problem. This project will cause us to remove islands that we have on Dickson Street to slow the traffic down. We are giving curb waivers on this project which also concerns me. It seems to me this building is out of portion to the narrow streets that are on three sides. We are possibly going to create a safety hazard there with the traffic. As far as compatibility and transition to bordering neighbors I think we should consider the height, form and scale. We should not overwhelm existing city structures. We have homes off Dickson Street and they are important to Fayetteville also. I don't think we should forget that and this does not seem compatible with that area. There are separate entrances and so we are creating a gated community and we have an ordinance against gated communities. This is not consistent with the vision the citizens have. I can certainly understand the economics of this project. We can grow Fayetteville and still maintain its historic beauty and charm. This is not compatible with the area or the people's vision so I can not support it.

Alderman Jordan: This is a tough situation because I think this is a very good project and a very nice looking building. I appreciate the work the staff and Planning Commission has done on this project. I had more contacts against this project than for the project. I believe the Dover Kohl recommendation was no building over six stories high in the downtown area. I supported that ordinance and I still support that. I have concerns about the traffic issue. Our Planning Commission voted against this project and I do support the Planning Commission. I feel the downtown area is the hub of this city and I feel like Dickson Street is the hub of the downtown area. I fear if we change the character of Dickson Street that possibly we change the character of this city. I think this is a very nice project but does it fit and I don't think it does. I think it is the wrong building, at the wrong place, at the wrong time and I can not support it.

Alderman Thiel: There have been some excellent points made by the public and by members of the City Council. Everyone has given a lot of thought to this. I really respect the strong feelings the public has about this. Ward 1 residents seem to be pretty much split. Opponents of this project are concerned that it is not compatible with the neighboring structures. No building is going to be compatible in an older setting like this. The Walton Arts Center was not compatible with the way that Dickson looked when it was built. The Blair Library is not compatible and is certainly out of scale with the small cottage homes that surround it. I think we have accepted other contemporary projects. I think the architect in Fayetteville is eclectic. I am concerned about the vitality and viability of Dickson Street and the downtown area. This city and community has made a major financial investment in that area. Moving this building elsewhere would not help the walk ability that we are seeking. I had someone email me that they would

like to keep Fayetteville a small city with views of hills, trees, walking and biking trails, that all comes at a cost which will not continue if we stagnate. I think this is a good project and I regret not supporting a lot of people that I respect.

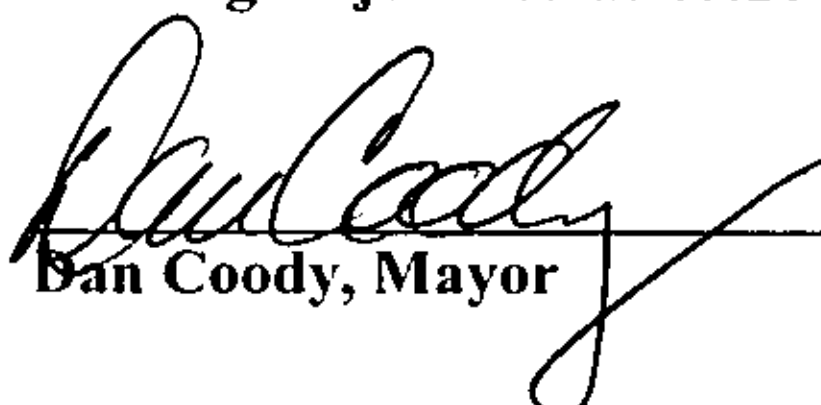
Alderman Marr: This is probably the most difficult decision that I have had put in front of me. It is not difficult for me personally, it is difficult when I listen to really good friends and when I see people I work with in the business community speaking and people that I know absolutely love our town. There are things that make me not want to support something, I am not a person that responds well to everything is going north. I want to be unique and the people that I talk to in my Ward that do not want this project worry about losing the diverse Fayetteville. Every time that we talk about development in this kind of scale in this area I think people worry about are we going to become any town USA. I was on the Planning Commission when the Three Sisters Building was approved and people speaking against that building and the height of that building and yet today it is used as kind of the size that we like. I also remember the fight about the Walton Arts Center and that it was going to destroy Fayetteville. I don't think it has done that. I went to a lot of Downtown Master Plan meetings and I struggle with how you say that you do not want urban sprawl and how do you not want to do those things and not put things down here that drive that density. I think a lot of people in my Ward will die if I vote for this, most of the time we are all on the same side. I don't think that the viability of Dickson Street is dependent on one building, if it is we have a big problem. I do not think this is incompatible. There are some things I think are okay to change and I don't think they are going to destroy the town. I hear your arguments, I think what is so tough is that I am so close to people on this Council that have spoken against this project. I can not get in my head that I am going to go to citizens and ask them to vote for trails, roads and sewer and I am going to turn down a \$70 million investment in our city. I also can not reconcile that the town is going to fall a part with this development. We have to create an environment that welcomes everybody. I feel like this is going to be okay. My biggest fear if we decide to support an item like this is the next person that stands in front of me pointing to the precedence of you did this. How I would deal with that is what are we doing to make sure we do not have an entire street of this, I think the ordinance of height is one, I think our market is not going to allow every six story building to be built, I think there are things we can do with inclusionary housing in downtown, I think there are things that can be done to make sure that we have what we want. That is why I am leaning to support this.

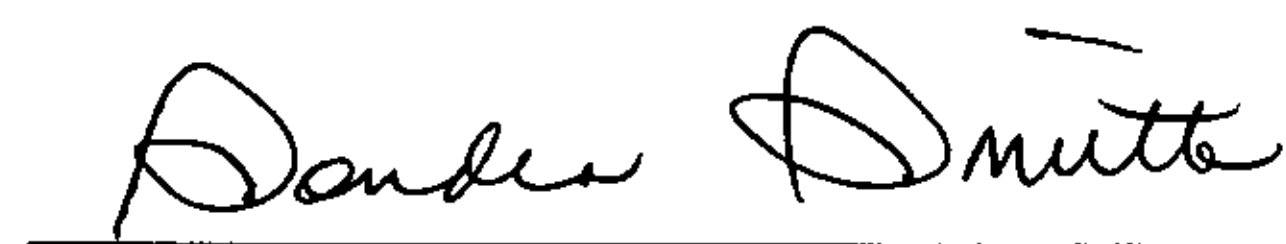
Mayor Coody: The fabric of this community is very strong, stronger than any one building. I appreciate everyone's involvement and I appreciate the City Council's time and effort on this and the staff as well.

Upon roll call the motion passed 5-3. Alderman Rhoads, Ferrell, Reynolds, Thiel and Marr voting yes. Alderman Lucas, Jordan and Cook voting no.

Resolution 122-06 as Recorded in the Office of the City Clerk

Meeting Adjourned at 10:20 PM


Dan Coody, Mayor


Sondra Smith, City Clerk/Treasurer